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HOUSE OF REPRESENTATIVES—*Tuesday, November 6, 1973*

The House met at 12 o'clock noon.

Rev. Joseph R. Weber, pastor, First Baptist Church, Fountain Inn, S.C., offered the following prayer:

Almighty God, Thou that hearest prayer, to whom can we come, but unto Thee? Thou hast said, "Call upon Me and I will hear thee." Now, Lord, we come.

Grant that we all may put all our trust and confidence in Thee forever. Help us not to have fears or misgivings, but at all times help us to rest contented with Thy will. Keep us from fainthearted and sinful doubting, and in all seasons of our lives may we have perfect peace because our minds are upon Thee.

May we not slight Thee with vague respect but rather consider Thee, and Thy will, day and night, so that the people and Nation might be the best and do the best for Christ's sake. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On October 30, 1973:

H.R. 9590. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1974, and for other purposes.

On November 1, 1973:

H.R. 6691. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes.

On November 3, 1973:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 373. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 9286.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9286) entitled "An act to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and the military training student loads, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1070. An act to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;

S. 1432. An act to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 20 or more years of such employment; and

S. 2651. An act to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, the Chair will recognize the gentleman from South Carolina (Mr. MANN) prior to the calling of the Private Calendar, and the Chair will ask that the Clerk then call the Private Calendar immediately thereafter.

There was no objection.

THE REVEREND JOSEPH R. WEBER

Mr. MANN. Mr. Speaker, we have just shared the experience of prayer with the Reverend Joseph R. Weber, pastor of the First Baptist Church of Fountain Inn, S.C. Fountain Inn is one of those delightful, perhaps idyllic, communities that combines the best qualities of urban and rural life. I am proud to represent it in the House of Representatives and pleased to be able to present to you today one of its religious leaders. As in many small towns and communities the church leaders are also the civic leaders, and Rev. Joseph Weber is no exception, participating actively in the affairs of the Fountain Inn area. He is a leader, in every sense of the word.

Reverend Weber was born in Charleston, S.C., on September 2, 1927. He is a graduate of the University of Louisville and the Southern Baptist Theological Seminary. He was ordained at the Citadel Square Baptist Church in 1954, and since that time has served as pastor of the Forest Park Baptist Church in Anderson, S.C.; an instructor at the Baptist Extension Center, Walterboro, S.C.; trustee, Baptist College of Charleston; was recently elected vice-moderator of the Greenville Baptist Association; and, for the past 3 years, has served as pastor of the First Baptist Church at Fountain Inn.

Reverend Weber served his country during World War II and the Korean war. He and Mrs. Weber are celebrating their 25th wedding anniversary. One feature of that is this trip to Washington, and Mrs. Weber and Jolen Weber, the youngest of their three daughters, are in the House Gallery today.

I am pleased to have the privilege of welcoming them to Washington and the House of Representatives, and I know that I express on behalf of my colleagues here in the House appreciation for Reverend Weber's devotion to God's work and for the thoughts that he has brought us today.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2535) for the relief of Mrs. Rose Thomas.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

COL. JOHN H. SHERMAN

The Clerk called the bill (H.R. 2633) for the relief of Col. John H. Sherman.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ESTATE OF THE LATE RICHARD BURTON, SFC, U.S. ARMY (RETIRED)

The Clerk called the bill (H.R. 3533) for the relief of the estate of the late Richard Burton, SFC, U.S. Army, retired.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 2508) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MURRAY SWARTZ

The Clerk called the bill (H.R. 6411) for the relief of Murray Swartz.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ALVIN V. BURT, JR., EILEEN WALLACE KENNEDY POPE, AND DAVID DOUGLAS KENNEDY, A MINOR

The Clerk called the bill (H.R. 6624) for the relief of Alvin V. Burt, Jr., and the estate of Douglas E. Kennedy, deceased.

There being no objection, the Clerk read the bill as follows:

H.R. 6624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $45,482 to Alvin V. Burt, Junior, and the sum of $73,500 to the estate of Douglas E. Kennedy, deceased, in accordance with the opinion in Congressional Reference Case Numbered 2–68, Alvin V. Burt, Junior, and Eileen Wallace Kennedy, executrix of the estate of Douglas E. Kennedy, deceased, against The United States, filed November 16, 1972, and in full and final settlement of the claims of the said Alvin V. Burt and of the estate for injuries and related disabilities and damages suffered by the said Alvin V. Burt and the late Douglas E. Kennedy on or about May 6, 1965, and thereafter as the result of wounds caused by gunfire from an United States checkpoint in Santo Domingo, Dominican Republic, manned by United States Marines.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, lines 6 and 7, strike "$73,500 to the estate of Douglas E. Kennedy, deceased, in accordance with" and insert "$36,750 to Eileen Wallace Kennedy Pope, widow of Douglas E. Kennedy, deceased, and the sum of $36,750 to the legal guardian of David Douglas Kennedy, a minor, son of Douglas E. Kennedy, deceased, for the use and benefit of the said David Douglas Kennedy, as provided in".

Page 1, line 11, after "1972," insert "as a gratuity".

Page 2, line 1, strike "estate" and insert "said Eileen Wallace Kennedy Pope and the said David Douglas Kennedy".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Alvin V. Burt, Junior, Eileen Wallace Kennedy Pope, and David Douglas Kennedy, a minor."

A motion to reconsider was laid on the table.

ESTELLE M. FASS

The Clerk called the resolution (H. Res. 362) to refer the bill (H.R. 7209) for the relief of Estelle M. Fass to the Chief Commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RITA SWANN

The Clerk called the bill (H.R. 1342) for the relief of Rita Swann.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LUIGI SANTANIELLO

The Clerk called the bill (H.R. 1466) for the relief of Luigi Santaniello.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LEONARD ALFRED BROWNRIGG

The Clerk called the bill (H.R. 2629) for the relief of Leonard Alfred Brownrigg.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BOULOS STEPHAN

The Clerk called the bill (H.R. 4438) for the relief of Boulos Stephan.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FAUSTINO MURGIA-MELENDREZ

The Clerk called the bill (H.R. 7535) for the relief of Faustino Murgia-Melendrez.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

JOSE RAMON SANTA MARIA

The Clerk called the bill (H.R. 2542) for the relief of Jose Ramon Santa Maria.

There being no objection, the Clerk read the bill as follows:

H.R. 2542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Jose Ramon Santa Maria shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GLORIA GO

The Clerk called the bill (H.R. 6116) for the relief of Gloria Go.

There being no objection, the Clerk read the bill as follows:

H.R. 6116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Gloria Go shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RITO E. JUDILLA

The Clerk called the bill (H.R. 7363) for the relief of Rito E. Judilla.

There being no objection, the Clerk read the bill as follows:

H.R. 7363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Rito E. Judilla may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Adoracion J. Gonzaga and Robert S. Gonzaga, citizens of the United States, pursuant to section 204 of this Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VIRNA J. PASICARAN

The Clerk called the bill (H.R. 7364) for the relief of Virna J. Pasicaran.

There being no objection, the Clerk read the bill as follows:

H.R. 7364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Virna J. Pasicaran may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Adoracion J. Gonzaga and Robert S. Gonzaga, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NICOLA LOMUSCIO

The Clerk called the bill (H.R. 7684) for the relief of Nicola Lomuscio.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ROMEO LANCIN

The Clerk called the bill (H.R. 4172) for the relief of Romeo Lancin.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DIANA L. ORTIZ

The Clerk called the bill (H.R. 4445) for the relief of Diana L. Ortiz.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MORENA STOLSMARK

The Clerk called the bill (H.R. 5759) for the relief of Morena Stolsmark.

There being no objection, the Clerk read the bill as follows:

H.R. 5759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Morena Stolsmark shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraph (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, Morena Stolsmark may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf of Mr. and Mrs. Richard Henry Stolsmark, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KEVIN PATRICK SAUNDERS

The Clerk called the bill (H.R. 2634) for the relief of Kevin Patrick Saunders.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LUCILLE DE SAINT ANDRE

The Clerk called the bill (H.R. 6477) for the relief of Lucille de Saint Andre.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. That concludes the call of the Private Calendar.

LEGISLATIVE PROGRAM FOR WEDNESDAY

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I wish to make the following announcement concerning the program for Wednesday.

Immediately upon the opening of the House, following the prayer and Journal, before the Speaker recognizes members for 1-minute speeches, we will have the matter of voting to override the veto on the war powers bill.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I was just coming up the aisle and I did not hear the first part of the gentleman's explanation.

Mr. O'NEILL. There will be no 1-minute speeches tomorrow before we take up the matter of overriding the veto on the war powers bill. It will precede any 1-minute speeches.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, will there be time for debate when the matter is brought to the floor?

The SPEAKER. It will be taken up under the 1-hour rule.

Mr. GERALD R. FORD. And the time will be divided?

Mr. O'NEILL. That is correct.

Mr. GERALD R. FORD. I thank the gentleman very much.

THE ALASKA PIPELINE BILL

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, there are bonuses for the public interest contained in the Alaskan pipeline bill which can be safely locked in the bill when the House votes on the final bill which includes broadening authority for the Federal Trade Commission and limiting some of the Office of Management and Budget's heavy-handed authority over independent regulatory agencies.

The Senate-passed version of the bill contained both provisions which have caused OBM Director Roy Ash and some big business interests to lean heavily on the House conferees and House leadership to scuttle these public interest features of the bill. Belated is the word for their efforts; indeed, OMB Director Roy Ash showed up in my office to voice his objection only after the conference had completed its work. Somehow during the 6 weeks of conference committee meetings he had not been moved to communicate his objections.

The bill with the features despite Mr. Ash's objection is stronger legislation than it was when it passed the House.

We have maintained the House's position on the provisions concerning general rights-of-way on public lands for oil and gas pipelines and have maintained the House position on the trans-Alaskan pipeline.

I believe that all the Members of the House can and should vote for the bill in good conscience as providing sound legislation to bring Alaskan crude oil down to the contiguous 48 States and also to provide needed authority for the Federal Trade Commission and a more workable arrangement for independent regulatory agencies on their questionnaires to carry out their functions as outlined by law.

If one or more of the provisions are objected to in a motion to recommit, it will mean a new conference procedure between the House and the Senate before final passage of the long-awaited bill can be accomplished. The delay would stretch into winter—too long, too long, and unnecessary.

A vote of approval by the House is warranted on the bill as it is, so that it can reach the President's desk this week.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

October 31, 1973.

Hon. Carl Albert,
The Speaker,
House of Representatives,
Washington, D.C.

Dear Mr. Speaker: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and unanimously approved the following work plans for watershed projects:

PROJECT AND EXECUTIVE COMMUNICATION

Lost Creek, Missouri, 1368, 93rd Congress.

Nutwood, Illinois, 1476, 93rd Congress.

Prickett Creek, West Virginia, 1368, 93rd Congress.

T or C Williamsburg Arroyos, New Mexico, 759, 93rd Congress.

Attached are Committee resolutions with respect to these projects.

With every good wish, I am,
Yours sincerely,
W. R. Poage,
Chairman.

CALL OF THE HOUSE

Mr. RONCALIO of Wyoming. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 557]

Addabbo
Badillo
Barrett
Bell
Biester
Blatnik
Burke, Calif.
Camp
Chisholm
Clark
Clay
Conyers
Crane
Davis, Ga.
Davis, Wis.
Dellums
Dent
Diggs
Dulski
Eilberg
Foley
Fuqua
Gettys
Giaimo
Gray
Green, Pa.
Gubser
Hanley
Hanna
Harsha
Hawkins
Hébert
Hudnut
Jones, Tenn.
Keating
Kemp
Ketchum
Lent
McEwen
Mailliard
Maraziti
Mazzoli
Mills, Ark.
Mitchell, N.Y.
Mizell
Mollohan
Morgan
Murphy, Ill.
Nix
Parris
Patman
Podell
Powell, Ohio
Reid
Rhodes
Rodino
Roncallo, N.Y.
Rooney, Pa.
Sandman
Stanton, James V.
Steiger, Wis.
Stephens
Stokes
Stratton
Symington
Towell, Nev.
Walsh
Widnall
Wilson, Charles H., Calif.
Wydler

The SPEAKER. On this rollcall 363 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SPECIAL WATERGATE PROSECUTOR

(Mr. CULVER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. CULVER. Mr. Speaker, today I am reintroducing, with the cosponsorship of Mr. Wright, the joint resolution for judicial appointment of a special Watergate prosecutor. I would like to note that Mr. Wright should have been listed as a cosponsor last week, but his name was inadvertently omitted from the copy of the bill given to the Clerk of the House.

MR. WHITE COSPONSOR OF RESOLUTION

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, when this resolution was introduced, directing the Judiciary Committee to begin an investigation to determine if grounds exist for the impeachment of the President, the name of Mr. White of Texas was inadvertently left off as a cosponsor. Therefore, I am today reintroducing this legislation to include Mr. White among its list of supporters.

PERMITTING TWO IRANIAN CITIZENS TO ATTEND U.S. NAVAL ACADEMY

Mr. FISHER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 735) authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran.

The Clerk read as follows:

H.J. Res. 735

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to permit within eighteen months after the date of enactment of this joint resolution, two persons, citizens and subjects of the Empire of Iran, to receive instruction at the United States Naval Academy, but the United States shall not be subject to any expense on account of such instruction.

Sec. 2. Except as may be otherwise determined by the Secretary of the Navy, the said persons shall, as a condition to receiving instruction under the provisions of this joint resolution, agree to be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the United States Naval Academy appointed from the United States, but they shall not be entitled to appointment to any office or position in the Armed Forces of the United States by reason of their graduation from the United States Naval Academy, or subject to an oath of allegiance to the United States of America.

The SPEAKER. Is a second demanded?

Mr. DICKINSON. Mr. Speaker, I demand a second.

Mr. STARK. Mr. Speaker, I wish to inquire as to whether the gentleman from Alabama (Mr. Dickinson) is opposed to the joint resolution?

The SPEAKER. Is the gentleman from Alabama opposed to the joint resolution?

Mr. DICKINSON. Mr. Speaker, I am not opposed to the joint resolution.

Mr. STARK. Mr. Speaker, I am opposed to the joint resolution, and I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. Fisher) will be recognized for 20 minutes, and the gentleman from California (Mr. Stark) will be recognized for 20 minutes.

Mr. FISHER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this resolution would do the same for Iran that we have done for any number of other friendly countries—that is, allow two Iranians to attend our Naval Academy. All their expenses are to be paid by the Government of Iran, and the admissions would not in any wise affect the usual nominations by Members of Congress.

Aside from precedents—of which there are many—we have every reason to extend a gesture of friendship to one of our most valued and dependable allies in the Middle East. Iran is the only one of the big oil and gas producers in that part of the world which refused to join the reduction and embargo of oil and gas imposed by Arab States.

As of today Iran is our chief source of oil and gas from the Middle East. As we grapple with our severe fuel shortage we are increasingly aware of the fact that Iran is expected to increase its daily oil output to 8 or 9 million barrels a day, and we have good reason to believe our imports will share in that increase. Only 6 weeks ago a 22-year contract was signed which commits Iran to provide our east coast with 500 million cubic feet of liquefied gas a day.

In addition, Iran is one of our best cash customers in terms of trade—the volume of purchasers running into the billions of dollars—and increasing.

Surely this is no time to slight one of America's most valued and dependable allies and friends. This measure deserves to be approved unanimously.

Mr. DU PONT. Mr. Speaker, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Delaware.

Mr. DU PONT. Mr. Speaker, I would like to ask the gentleman from Texas (Mr. FISHER) as one Member of the Congress who has at least two young women who desire to and have been trying to get into the Naval Academy, why we should be admitting males from Iran before we admit women from America to the Naval Academy?

Mr. FISHER. The gentleman's answer to that is as good as mine. As the matter now stands, there are no facilities in the Academy to accommodate women. If the gentleman from Delaware would like to pursue that point, and if the gentleman would appear before our committee if and when the issue is before us, we would be pleased to hear the gentleman's views.

Mr. DU PONT. Mr. Speaker, if the gentleman will yield further, I will say that I have a bill in to permit women to attend the service academies, and I would rather hope that the gentleman from Texas in his presentation would be willing to indicate support for that legislation.

Mr. FISHER. That would not be relevant to the legislation now pending before the House.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I should like to ask my colleagues in the House today to oppose House Joint Resolution 735 on several bases. First of all, President Nixon has pledged withdrawal from involvement in military affairs of other nations, and I can think of no surer way to support this pledge than not to be training the armies and navies of any nation, friendly or obviously in opposition to us.

We are also, as has been ably pointed out this morning, continuing to discriminate in our military academies, particularly against women and to a great extent against blacks, browns, and other minorities. There is a form letter which the academies use in rejecting women applicants. It has nothing to do with the nonavailability of facilities to women. It says:

> The acceptance of a female nominee for appointment to the Military Academy would be contrary to the national interest.

I submit that as long as that is the state of the national interest, we might start to think about changing. Also it is important to understand that Iran is a military dictatorship where the Shah governs by fear, military forces, and currently holds some 25,000 political prisoners in Iranian jails. I ask if that is the kind of government we wish to support and whose friendship we wish to seek.

There are two bases on which the proponents of the bill would ask the Members to support it. One is by reason of the fact that they want us to receive oil from Iran. We could extend that logic to the same kind of logic that says, we will be blackmailed for some oil or for some natural gas, because it is that logic that led us to bomb Cambodia at the supposed request of Sihanouk. I wonder if we are going to capitulate to demands when we can with a little conservation in this country solve our own energy crisis.

Mr. MITCHELL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I thank the gentleman for yielding. I certainly wish to associate myself with his remarks. I should like to propound one or two questions to the gentleman. Would the gentleman agree with me that there is a notable absence of black citizens in the officer corps of our various military services, including the Navy?

Mr. STARK. I would say that there is an outstandingly disproportionate low officer corps.

Mr. MITCHELL of Maryland. If the gentleman would yield further, would the gentleman agree with me that there is a disproportionate concentration of black citizens at the lowest echelons of enlisted services in our various services?

Mr. STARK. I would agree wholeheartedly.

Mr. MITCHELL of Maryland. Therefore, if the gentleman agrees with me, I certainly will reemphasize my association with his remarks. It is nonsensical to be talking about Iranian students when we should be attacking the problem of assuring mass participation of blacks in the officer corps of our country. I thank the gentleman for yielding.

Mr. STARK. I thank the gentleman for his remarks.

It is further stated in support of our bill, and I submit erroneously, that the admission of citizens from friendly foreign nations will expose the citizens to good will and friendship, and create deep and abiding relationships, and that their exposure to American ideals and principles could prove to be of great advantage during these troubled times.

I should like to set forth some of these ideals and principles that we would expose our foreign friends to, the kinds of ideals and principles that created the coverup in Mylai, and the kinds of ideals and principles that created the lie about the Cambodian bombing, the kinds of principles that led General Van Fleet to call Korea a blessing, and that led General Custer to call the Army the Indians' best friend, and the current military academies official version of Vietnam that says:

> The war ended in August, 1968, when sorely battered Communist troops were unable to engage the allied war machine.

I submit with historians like that, we do not need generals or admirals any more.

Mr. Speaker, I urge the Members to vote in opposition to this resolution. If they vote for it, first of all, they are voting against Mr. Nixon and his program. Secondly, if they vote for it, they are voting against equality for women, and they are voting for continued discrimination against minorities in our services. They are voting in support of a military dictatorship and, indeed, they are voting for approval of suppression of freedom and liberty, two of the basic tenets of this country.

Mr. Speaker, I urge the Members to join with me in opposing this bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I rise in support of House Joint Resolution 735.

The purpose of the proposed legislation is to permit within 18 months after the date of enactment of this joint resolution, two persons, citizens and subjects of the Empire of Iran, to receive instruction at the U.S. Naval Academy, but the United States shall not be subject to any expense on account of such instruction.

Section 6957 of title 10, United States Code, authorizes the instruction at the Naval Academy of four persons from the Republic of the Philippines and not more than 20 persons at any one time from Canada and the American Republics—other than the United States. Except for these special provisions students from other friendly nations may attend the service academies only under special legislation. The act of November 9, 1966, Public Law 89–802 (80 Stat. 1518), authorized the admission of up to four students from foreign countries to each of the service academies, provided that the student's country was at the time of his admission assisting the United States in its efforts in Vietnam by the provision of manpower or bases. This act specified that no person might be admitted to an academy under the provisions of the act after October 1, 1970.

The Iranian Government has decided to expand the Imperial Iranian Navy and the commander in chief of the Imperial Iranian Navy, recognizing that the ultimate success of this expansion program is dependent upon a firm foundation of professional knowledge, has requested schooling for Imperial Iranian Navy officers and prospective officers in the United States. Specifically, the United States has been requested to permit two Iranian students to attend the U.S. Naval Academy for the class of 1978. For the past several years, the U.S. Government has authorized the training of Imperial Iranian Navy midshipmen at various NROTC colleges and universities and State maritime academies at Iranian expense.

The joint resolution provides that the United States shall not bear the expense of instructing the two Iranian citizens. The beneficiaries of this resolution must be mentally and physically qualified and agree to be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduaation, as midshipmen, appointed from the United States. They shall not be entitled to appointment to any office or position or be required to serve in the U.S. Navy by reason of their graduation from the Academy.

The admission of citizens of friendly foreign nations to the service academies is a very sound measure to pursue in the national interests of the United States. The good will and the fellowship created is deep and abiding. The military expertise instilled in foreign midshipmen, coupled with their exposure to American ideals and principles, provides a much-needed asset.

Mr. Speaker, this is not unique in the experience of this country. We have foreign students attending many of our universities and many of our military institutions, whether it be the Air War College or the Army War College, the academies, or whatever. It has been the experience of this Government that by doing this we create bonds of friendship that last for many years to come. It is a real plus and an asset for us to make friends worldwide. I think it is in the best interest of the United States to admit these two students on a one-time basis.

Mr. Speaker, I urge support of this joint resolution.

Mr. FISHER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, let us consider the bill on its merits. Let us forget about the smoke screen and stop trying to defeat this bill with a lot of things that have nothing whatever to do with the bill.

I am amazed that this bill has drawn opposition. One of the best investments we can make is the training of promising young foreign students in our own country. Since military leaders figure prominently in the government of most countries, it is doubly important that we train promising young foreign military students in America. There are many examples of the way this results in good relations in subsequent years. For instance, there is Indonesia. This country was on the verge of a Communist takeover. The situation was reversed and a new government installed. The principal members of the new government were trained in the United States as young officers and the Government is now friendly toward us and strongly anti-Communist. Indonesia is one of the important nations in the Far East.

No one has to tell the House of the importance of the Middle East to the interests of the free world and particulary the United States. Surely the House realizes that our policy of supporting Israel has left us with but few friends in the Middle East. Iran is probably the staunchest of these friends. Iran is the only Middle East country that does not restrict its shipments of gas and oil to the United States. Iran is one of our best customers and the sad state of the balance of trade shows how much we need business. Iran is a responsible member of the community of nations and has agreed to accept the unpleasant task of serving on the peacekeeping team in Indochina. Iran is a leader in the Middle East. The progress made by this country in improving a lot of its own people within a few short years is probably unsurpassed anywhere in the world.

I strongly support the resolution which takes nothing away from American citizens and simply adds Iran to a list of about 20 countries who have had students admitted to the Academy.

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. Seiberling).

Mr. SEIBERLING. Mr. Speaker, I think this particular bill presents some very serious diplomatic problems and if we vote it down it will undoubtedly be viewed by the people of Iran as a diplomatic slight set-back for Iran.

In view of the friendly diplomatic relations we have with Iran and the current crisis over oil, it would be a real mistake, in my opinion, to vote against this bill.

Nevertheless, I wish to record myself in opposition to the principle of continuing this kind of legislation in the future, which it seems to me amounts to a kind of intervention in the internal affairs of another country by creating an "old school tie" relationship between the career military in this country and those of other countries.

While I do not support the move of the gentleman from California to defeat this bill, I do believe he has raised a point that ought to be considered by the Committee on Armed Services in the future.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Derwinski).

Mr. DERWINSKI. Mr. Speaker, I appreciate the gentleman from California yielding to me, since I disagree with his position. As a matter of fact, when I looked at the schedule and saw this bill on the calendar, I assumed that it would pass unanimously. Then, yesterday I received a dear colleague letter from the gentleman from California which prompted me to send out one of my own in support of the bill.

Mr. Speaker, let me address myself to two points which the gentleman has raised. Let me say that I do not agree with the gentleman when he describes Iran as a military dictatorship. For example the Shah has, out of their oil income, expanded education in very effective fashion wiping out illiteracy in the country. Iran has a fine functioning parliament, and a viable economy with a good base of free enterprise.

In the 15 years I have served in this body, some of my proudest moments have come when I have witnessed the young men I have appointed to West Point, Annapolis, or the Air Force Academy, graduate and go on to serve their country. These are fine young men, outstanding young men. They are from the best of grassroots America. I think they can do a better job of selling America to foreign students than some people in public life.

Mr. Speaker, I think this bill is a very practical diplomatic measure. I am surprised that it has generated any heat at all. I urge its adoption.

Mr. Speaker, I commend the members of the Armed Services Committee for bringing it along expeditiously, and I urge an overwhelming vote from my colleagues here on the floor this afternoon.

Present law authorizes the instruction at the Naval Academy of four persons from the Republic of the Philippines and not more than 20 personnel at any one time from Canada and the other American Republics. Except for these special provisions, students from other friendly nations may attend the service academies only under special legislation. The Iranian Government has decided to expand the Imperial Iranian Navy and its commander in chief has requested schooling for two prospective Iranian Officers at the U.S. Naval Academy. House Joint Resolution 735 provides that the United States would not bear the expense of instructing the two Iranian students.

The admission of citizens of friendly foreign nations to the service academies is a very sound measure to pursue in the national interest of the United States. The good will and fellowship created is deep and abiding, and their exposure to American ideals and principles could prove to be of great advantage during these troubled times.

The admission of these two Iranian students at the Naval Academy would in no way reduce the number of openings for American boys, and, in my judgment, is a very practical development for both the United States and Iran.

Mr. Speaker, may I digress somewhat from the specific purpose of the bill before us to emphasize that, in my opinion, the various agreements under which young foreign nationals are trained at our service academies is a very practical and mutually beneficial undertaking for both the United States and any nation with which we work out such a program. It is really a high-level diplomatic program as well as a military program. I wish to reemphasize my strong belief that the understanding of our Nation which these outstanding young men receive is put to good use throughout their careers in which they serve their countries. International cooperation, understanding and a mutual desire to keep the peace is enhanced.

As a Member, I am very proud that I have been privileged to appoint some of our own outstanding young men to our service academics and I would, therefore, like to emphasize to the Members that this resolution that I urge them to adpot this afternoon would not reduce the number of openings for the young men who receive our congressional appointments. I reemphasize this point since our colleagues have circulated a letter stating that foreign nationals fill slots that would otherwise go to Americans, and this is totally inaccurate.

Mr. Speaker and Members of the House, this resolution certainly deserves our support.

Mr. FISHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Mrs. Green).

Mrs. GREEN of Oregon. Mr. Speaker, I take this 1 minute to direct a question to the distinguished gentleman from Texas.

This country is spending several billion dollars a year in the various colleges and universities in the United States. Would the gentleman inform me if it is a matter of national policy that we are not willing to accept any students from Iran or any of the other countries with whom we may agree or disagree? That we will not accept those students at any university such as the University of Oregon, the University of Texas, Yale, Princeton or Harvard, Radcliffe or the other schools and colleges of the country?

Mr. FISHER. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Texas.

Mr. FISHER. Mr. Speaker, in response to the gentlewoman's question, I would say, to be consistent, that if I were opposed to admitting them to one of the service academies, I would certainly be consistent and oppose allowing them in any of our colleges or universities in this country.

Mrs. GREEN of Oregon. Mr. Speaker, is the gentleman aware of any national effort or practice to try to prevent such schools and universities from admitting them?

Mr. FISHER. Mr. Speaker, until today, this is the first time I have ever heard anyone in the Congress oppose admitting students from friendly countries to the service academies when the entire cost of it is charged to the governments of those countries.

Mrs. GREEN of Oregon. I thank the gentleman and think it is as desirable to have foreign students from Iran and from other countries at the service academies as it is to have them at other universities.

Mr. Speaker, I thank the gentleman.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. Mr. Speaker, I rise in support of House Joint Resolution 735. Mr. Speaker, on October 15 of this year, your Committee on Armed Services brought to the floor House Joint Resolution 735 authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran. We had asked the Speaker to place this legislation on the Consent Calendar, because it was an extremely simple measure which would authorize two Iranian students to attend the Naval Academy with the class of 1978 with all costs to be borne by the Government of Iran.

Frankly, I was amazed when I heard Representative FORTNEY H. STARK object to the resolution. But, of course, he has every right to do so under the rules of the House, and he merely exercised his prerogative. He opposes this legislation; as he felt that "citizens of a military dictatorship, which arbitrarily oppresses and imprisons its people, should not be allowed to further their military prowess in a U.S. institution."

In my opinion, he is rendering a great disservice to the United States and its very important ally, the Empire of Iran. Let us look briefly at Iran and see what it has accomplished under the leadership of the present Shah.

In the short space of 10 years Iran, an old country with modern aspirations, has moved from a semifeudal state into the 20th century and is one of the most rapidly developing countries in Asia. What Iran has accomplished in this decade has an "epic quality," to use the words of George Ball, formerly Under Secretary of State. No nation except Japan has achieved such a sustained rate of growth, and there seems to be no reason why the Shah's ambition to transform his country into a strong and modern nation and to achieve what he calls "The Great Civilization" should not be realized in his lifetime.

A few statistics: Irans GNP at constant—1969—prices is now increasing about 13 percent annually. Per capita GNP in current prices is rising by almost 16 percent. Per capita income has risen from $176 in 1962, at the start of the Shah's White Revolution, to about $560 today, and $850 is the target by the end of the fifth plan period—March 1978. Iran's goal is to have by that date a standard of living second in Asia only to Japan's and equal to that of a number of European countries.

Iran's first four plans—1950–72—gave the country a solid modern industrial and commercial foundation for its economy and a communications infrastructure to bind together this vast country of rugged mountains, interior desert and long Persian Gulf coastline. Iran is the size of the United States east of the Mississippi. The fifth plan, launched this year, calls for a massive $36 billion investment and huge gains in GNP and per capita income. Its goals are: First, maintenance of a high—11.4 percent—rate of real economic growth; second, more equitable distribution of income; third, a balanced sectoral and regional development with greater emphasis on agriculture and rural services; and fourth, an enhanced Iranian presence in the world economic and political system.

These achievements are the results of prudent leadership and the sound use of the nation's resources. The Shah is a ruler in a hurry who 10 years ago inaugurated the White Revolution and launched Iran on its exciting success story which has brought it a political stability not enjoyed for centuries. There is no visible threat to the regime and the constitutional monarchy provides a framework for democratic institutions to grow. Of the country's considerable natural resources, the most important is of course oil. Today Iran exports nearly 5 million barrels per day of crude oil and is expected to increase to about 9 million barrels per day by 1976. Government revenues from this and other resources finance the Shah's guns and butter policy.

The Government is committed to spend 80 percent of its oil revenues on development and is now reaching this goal. Iran received more than $2.4 billion oil income in 1972. This income is expected to increase to nearly $13 billion by 1980. These abundant funds would, however, be useless or at best largely wasted in a society and economy unable to plan and change. The Shah early realized that changes in planning the economy required the same kind of central direction that he has assumed in the political and social development of Iran. Thus land reform, which was the basic element of his White Revolution, was intended not only to improve the agricultural sector, but to make way for progress in the health, education and community life of the majority of Iran's people who live by the soil. Land reform in Iran remains one of the largely unreported achievements of social and economic engineering on a national scale.

Iran has been a reliable source of oil for the West and Japan. It is as much interested in a secure, stable outlet for its oil to finance its development as the West and Japan are in a secure source of energy to fuel their industries. Iran wishes to play a stabilizing, constructive role in this relationship and to keep political blackmail out of the oil business. In 1967, Iran refused to join the Arabs in the oil embargo, and Iran has been a force for moderation and practicality in OPEC.

Iran is also excellent business for the United States. The high sustained rate of economic growth, combined with a strong foreign exchange position and a government committed to rapid industrialization and social welfare, make Iran the most attractive market in the Middle East for a wide range of American products. During 1972 Iran's imports totaled an estimated $3 billion, a 15-percent increase over the previous year. It is anticipated that the Iranian market for foreign goods will top $4 billion in the current Iranian year.

The U.S. share of this business is holding steady at about 21 percent even though the American firms are challenged in every sector by third country competition. In 1972 for the first time the United States moved in front of West Germany as Iran's largest trading partner with sales of over $550 million, and this is expected to increase substantially in the next several years.

The investment and business climate in Iran is basically good, and more than 1600 American firms are actively in the Iranian market. United States nonoil investment is presently about $130 million and this figure could easily be quadrupled in the coming year. Joint ventures with American concerns presently involve such well known U.S. companies as B. F. Goodrich, General Tire & Rubber Co., Amoco, Reynolds, General Motors, Cabot Corp., FMC, and Mack Truck; and important multimillion dollar projects with J. F. Pritchard of Kansas City, and Phelps Dodge are now being contemplated. American know-how makes a major contribution to both Iranian industry and agriculture and our commercial presence here is expected to contribute more than a billion dollars to our balance-of-payments position in 1973.

The Shah's butter policy is supplemented by efforts to modernize and expand Iran's armed forces. During the last Iranian fiscal year—March 1972–73—the defense budget was 22 percent of the total budget and 9 percent of the GNP.

Much of the equipment and advice needed for this program are being purchased from the United States.

Iran is a country which should gladden the heart of the American taxpayer and the Congress because, if there ever were a country that has received our aid and put it to good use, Iran is that country. Our military and economic assistance programs, which over the years totaled $1.4 billion, came to an end in 1968 and since that time Iran has stood on its own feet and paid its own way in all respects. The funds we invested in this country have come back to the United States many times over and in the process Iran has achieved a rare degree of political stability and economic prosperity. Further, it is a country that does not hesitate to thank us for aid in days gone by and for the cooperation characterizing our present relationship.

This relationship today is excellent. It is based on a solid mutuality of interests and of respect for one another, and is probably healthier and of longer standing than any other in all of Asia. The Shah, who is one of the most experienced chiefs of state, having assumed the throne in 1941, has greatly valued his close official and personal relationships with American Presidents over the years and most particularly with President Nixon, whom he has known for the last 20.

Finally, Iran is a country determined to stand on its own feet and to offer its friendship to one and all while maintaining a special relationship of cooperation with the United States. It is also a country that seeks to play a responsible role in this part of the world and especially in the Gulf to insure peace and stability in this strategic area and to shoulder some of the burdens and responsibilities assumed by others in the past.

Mr. Speaker, for us to reject this very simple measure would, in my opinion, be extremely detrimental to our national interest and would be a slap in the face to one of our staunchest allies. I urge the support of every Member of this body.

Mr. STARK. Mr. Speaker, I have no further requests for time.

However, I would just like to summarize my opposition to the bill by saying that I believe some of the proponents have given us the best argument here this afternoon by saying that some of these nations, such as the military dictatorship of Greece and the military government of Chile, now have in their ranks those who are graduates of our academies. We should vote to stop this, since Congress voted to stop it in 1970.

Mr. Speaker, I urge the Members to vote down this resolution.

Mr. FISHER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. Dan Daniel).

Mr. DAN DANIEL. Mr. Speaker, I will say initially that I favor the admission of women to our Naval Academy.

Mr. Speaker, it is the judgment of this Member that if we are involved in another war, it will be fought over fuel, food, and fiber, rather than over any ideology. If we follow the suggestion of the gentleman from California and withdraw from the world and become isolationists, it is the further judgment of this Member that wars will surely follow us home.

For some time now the Government of Iran has shared our own concern about the security of the oil-rich Persian Gulf region, and their concern has intensified since the withdrawal of British forces east of Suez in late 1971. This has not been idle concern, however; Iran not only recognized the potential problem, but set about taking positive actions designed to avoid a worsening of the problem. That nation is expanding its naval forces from 11,000 to 24,000 men, and at the same time has begun a program to modernize and expand its other military services. As a result, there have been large equipment sales from U.S. sources over the past 3 years. But equipment alone will not suffice. They need trained personnel—their own people—to use the equipment.

And training alone is not enough. Even more important, indeed fundamental, in forming a solid naval establishment, is education. For many years their navy midshipmen have been educated at British, French, German, and Italian naval academies, and this has resulted in a confusing variety of naval standards. Iran has no coherent educational foundation on which to build an effective and cohesive naval officer corps.

One solution, of course, would be to build and develop their own naval academy. This is impractical, since at this time they require only 40 midshipmen a year. Aside from the cost, such an undertaking would require more time than is available to acquire and to train teachers, build facilities, and assure quality output.

The better solution—and House Joint Resolution 735 is its logical outgrowth—is to seek billets in a friendly nation with a common language and a unified naval tradition. For the past 8 years Iranians have attended the Universities of Utah and Idaho under those schools' NROTC programs. Today there are 90 Iranian midshipmen in attendance at such schools, and approximately 100 in our State maritime academies. They are doing quite well. This request to permit two midshipmen to attend the U.S. Naval Academy, at no cost to our Government and in addition to, not instead of, our own young men who wish to go there, is a logical and reasonable next step.

On a personal note, I have been to Iran, as I am sure many Members of this body have been. I have had an opportunity to meet with the Shah, the Foreign Minister, and many members of their legislative chamber. I have talked with them about matters concerning United States-Iranian friendship, and about development of their country. And I can frankly say that in my travels not only as a Member of Congress, but as a former national commander of the American Legion, I have never seen a country making such rapid strides in its economy—and a government so willing to share the benefits of growth with its people.

Set aside what Iran has done for its own people, though. Given the proper circumstances any nation can do that. And for the moment, set aside as well the advantage which will accrue to Iran from such an arrangement.

Consider briefly only one point: Iran, just now, is one of the few friends we have left in the world on which we can rely for oil, and to which we can look for stability in that part of the world. How much longer shall we continue our present course of opening our hands—and our pocketbooks—to hostile governments while pushing away our friends, and denying them even modest assistance?

Like Charlie Brown of the comic strips, "We need all the friends we can get."

I urge each of you to support this resolution, lest we find ourselves totally friendless in a dark, cold world.

Mr. TREEN. Mr. Speaker, will the gentleman yield?

Mr. DAN DANIEL. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Virginia. I agree with him wholeheartedly.

I believe this would be the worst possible time for this House to vote down a resolution of this type.

Mr. Speaker, I appreciate the opportunity for speaking, and I thank the gentleman for yielding.

Mr. FISHER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. Randall).

Mr. RANDALL. Mr. Speaker, I rise in support of House Joint Resolution 735 which would permit two Iranians to attend the U.S. Naval Academy at Annapolis.

Mr. Speaker, one's friends in this world fall into different categories, just as one's personal friends are divided into several classes.

Some of our friends in this world are fair weather friends. They are with us when the going is good but let there be the slightest adversity and we find that they are not on our side. A second class of friends that the United States has discovered in the past are those who remain friends as long as we give them something. To be plain and frank about it, as long as we give them economic aid or military assistance of some kind. But once that foreign aid stops they have forgotten all of the past favors. It is like the story of the late Alben Barkley who had extended repeated favors to a constituent. When Mr. Barkley asked for a small favor in return the reply was "What have you done for me lately?"

But, Mr. Speaker, there is a third class of friends. They are those true friends who are with us year in and year out. They never seem to let us down. Most of all they never ask for anything. Iran falls into this third category of friends.

Moreover, Iran is not only our good friend but our best cash customer in the Middle East. Just like friends there are three classes of customers. There are those who want favored treatment and expect long-term credit. Iran, on the other hand, is a cash customer. As I mentioned once she is our very best cash customer in all of the Middle East. Oh, we have some new found friends who say they want to be our customers. What they mean is they will be our customers as long as we give them credits which may never be paid.

It is amazing why there should be any opposition to the admission of these two young Iranians to our Naval Academy. Surely those who oppose this resolution today have read of King Faisal turning off the valves of the oil pipelines that would give needed fuel not only to this country but to Western Europe this winter.

The admission of these young men to our Naval Academy is such a small thing. There are only two of them. We should remember there are now over 190 Iranian ROTC students in this country. Why should we risk even the slightest breach of friendship with our good and loyal ally as the Iranians?

Any arguments over quotas of minorities attending the Academy or admission of women to the Academy to satisfy the "women libbers" of this country are spurious arguments. They are pure surplusage to the issue before us today. Let us make room for more minority admissions. Let us make room some time in the future for young women to attend the Academy, if the Congress works its will on these issues, but these are not the issues before us today.

The true issue today is whether we should admit these two young men that come from a country that is our last remaining true friend in the Middle East. We should not refuse her this small request. Let us not slap her in the face.

Mr. FISHER. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of House Joint Resolution 735 and urge its passage. I am somewhat surprised at the charges of some that Iran is a military dictatorship. The Shah does not remain in office because of the armed forces. He is the hereditary monarch of a constitutional monarchy and, according to the best information I have, is well accepted by the vast majority of his people.

During his reign, the present Shah has moved Iran from a semifeudal state into the 20th century. He has brought significant political, economic, and social reforms to his country.

His constitutional monarchy provides a framework in which democratic institutions may grow. Iran, for example, has a fully developed cabinet, responsive to a parliament elected by direct popular vote.

Iran has undertaken a successful and progressive land reform program, intended not only to improve the agricultural sector, but also to improve the quality of life for Iran's rural population. When I speak of quality of life I refer to health, education, and community life.

Iran has built a solid industrial and commercial foundation for its economy and is now in the midst of plans to build on the economic progress of the past and to achieve a fairer distribution of income and balanced sectoral and regional development.

This Persian Gulf country has committed itself to spending 80 percent of its oil revenues on development and is now reaching that goal.

Mr. Speaker, Iran provides a vivid example of a country which has used American aid to benefit its people. Furthermore, it is a country willing and able to assume a responsible role to insure peace and stability in the Persian Gulf area and to shoulder its fair share of the burdens and responsibilities toward this end.

I, therefore, urge the suspension of the rules and a favorable vote on House Joint Resolution 735.

Mr. FISHER. Mr. Speaker, I yield myself 2 minutes to conclude this discussion.

Mr. Speaker, I would like to point out for your information that for a number of years the United States, being very much aware of our close ties with the country of Iran, has been providing training in our NROTC institutions and in our State maritime academies for a substantial number of their naval students. Right now there are 190 of those Iranian students receiving this training.

I emphasize, Mr. Speaker, that when the Arab countries reduced or completely cut off the export of oil and other fuels to this country and to other countries Iran, one of the rich oil-producing countries in the Middle East, refused to go along with that. They stayed on our side, and today they are providing a vast amount of fuel to this country. We can expect them to continue in the future in an increasing amount.

Right now, of all times, who in this House would want to slap a valuable and dependable friend in the face by refusing to do for Iran what we are doing for 29 other countries? Any person who has any concern about our fuel shortage, the imminent prospects for an increase in gasoline and other fuel costs, and the liklihood we will soon face rationing, will surely not want to insult our trusted friend which is one of our chief mainstays for future supplies.

We have heard talk here about depriving minorities and girls of slots in the academy. That is utter nonsense. Every Member of Congress may appoint any qualified person to the academy. There are over 300 blacks in the Military Academy now, and at least 200 in the Naval Academy. If Members appoint them, they go. If Members do not appoint them, they do not go. The enactment of this bill can have no remote connection with appointment privileges of Members of Congress.

Mr. Speaker, this bill deserves to be approved unanimously.

The SPEAKER. The question is on the motion of the gentleman from Texas (Mr. FISHER) that the House suspend the rules and pass the joint resolution, House Joint Resolution 735.

The question was taken.

Mr. STARK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 343, nays 28, not voting 62, as follows:

[Roll No. 558]

YEAS—343

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Bauman
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Gross
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Minshall, Ohio
Moakley
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Brien
O'Hara
O'Neill
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel

Rarick
Rees
Regula
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rose
Rosenthal
Rostenkowski
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Ariz.
Stubblefield
Stuckey
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—28

Burton
Clay
Denholm
Drinan
du Pont
Edwards, Calif.
Evins, Tenn.
Fraser
Gaydos
Harrington
Hechler, W. Va.
Holtzman
Hungate
Kastenmeier
Long, Md.
Mink
Mitchell, Md.
Obey
Owens
Reuss
Riegle
Roush
Roybal
Ryan
Schroeder
Stark
Studds
Young, Ga.

NOT VOTING—62

Addabbo
Badillo
Barrett
Bell
Blatnik
Boland
Burke, Calif.
Camp
Cederberg
Chisholm
Clark
Conyers
Crane
Davis, Ga.
Davis, Wis.
Dellums
Dent
Diggs
Eilberg
Gettys
Giaimo
Green, Pa.
Griffiths
Gubser
Hanley
Hanna
Hawkins
Hébert
Hudnut
Jones, Tenn.
Keating
Ketchum
Lent
McEwen
Mailliard
Maraziti
Mazzoli
Mills, Ark.
Mitchell, N.Y.
Mizell
Mollohan
Morgan
Murphy, Ill.
Nix
Patman
Powell, Ohio
Reid
Rhodes
Roncallo, N.Y.
Rooney, Pa.
Sandman
Stanton, James V.
Steiger, Wis.
Stephens
Stokes
Stratton
Symington
Teague, Tex.
Towell, Nev.
Walsh
Widnall
Wydler

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Blatnik for, with Mr. Badillo against.

Until further notice:

Mr. Addabbo with Mr. Bell.

Mr. Davis of Georgia with Mr. Cederberg.

Mr. Gettys with Mr. Davis of Wisconsin.

Mr. Jones of Tennessee with Mr. Gubser.

Mr. Mollohan with Mr. Keating.

Mr. Murphy of Illinois with Mr. Mailliard.

Mr. Patman with Mr. Mizell.

Mr. James V. Stanton with Mr. Powell of Ohio.

Mr. Symington with Mr. Sandman.

Mr. Teague of Texas with Mr. Rhodes.

Mr. Barrett with Mr. Towell of Nevada.

Mr. Clark with Mr. Widnall.

Mr. Boland with Mr. Wydler.

Mr. Eilberg with Mr. Camp.

Mr. Giaimo with Mr. Crane.

Mrs. Griffiths with Mr. Hudnut.

Mr. Hanna with Mr. Ketchum.

Mr. Mazzoli with Mr. Lent.

Mr. Mills of Arkansas with Mr. Maraziti.

Mr. Dent with Mr. McEwen.

Mr. Handley with Mr. Roncallo of New York.

Mr. Morgan with Mr. Steiger of Wisconsin.

Mr. Reid with Mr. Walsh.

Mr. Rooney of Pennsylvania with Mr. Dellums.

Mr. Stratton with Mr. Mitchell of New York.

Mr. Stephens with Mr. Nix.

Mr. Green of Pennsylvania with Mr. Stokes.

Mrs. Burke of California with Mr. Diggs.

Mrs. Chisholm with Mr. Conyers.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT BY SECRETARY OF INTERIOR RECOMMENDING DISCONTINUANCE OF NEGOTIATIONS FOR A FEDERAL-INTERSTATE COMPACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-176)

The SPEAKER laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs and ordered to be printed:

To the Congress of the United States:

In accordance with section 3 of Public Law 89-605, as amended by Public Law 91-242, I am transmitting a report by the Secretary of the Interior. This report recommends discontinuance of negotiations for a Federal-Interstate Compact and suggests repeal by Congress of Public Law 89-605 as amended by Public Law 91-242, the Hudson River Basin Compact Act.

The report includes a letter of agreement signed by the Secretary of the Interior and the Governors of New Jersey and New York. This letter documents the agreement reached and explains the facts leading to the agreement.

I concur in the recommendations of the Secretary of the Interior. A draft bill repealing Public Law 89-605 as amended by Public Law 91-242 is enclosed for your consideration.

RICHARD NIXON.

THE WHITE HOUSE.

AUTHORIZING THE DISPOSITION OF OFFICE EQUIPMENT AND FURNISHINGS

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9075) to authorize the disposition of office equipment and furnishings, as amended.

The Clerk read as follows:

H.R. 9075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, a Member may purchase, upon leaving office or otherwise ceasing to be a Member (except by expulsion), any item or items of office equipment or office furnishings provided by the General Services Administration and then currently located and in use in the office space of such Member in the district then represented by such Member.

(b) Each purchase of equipment or furnishings under subsection (a) of this section shall be—

(1) in accordance with regulations which shall be prescribed by the Committee on House Administration, after consultation with the General Services Administration; and

(2) at a price equal to the acquisition cost to the Federal Government of the equipment or furnishings so purchased, less allowance for depreciation determined under such regulations.

(c) Amounts received by the Federal Government from the sale of items of office equipment or office furnishings under this section shall be remitted to the General Services Administration and credited to the appropriate account or accounts.

(d) For the purposes of this section—

(1) "Member" means a Member of, Delegate to, or Resident Commissioner in, the House of Representatives; and

(2) "district" means a congressional district, the District of Columbia (with respect to any office of the Delegate from the District of Columbia situated at any place in the District other than at the United States Capitol), the Virgin Islands, Guam, Puerto Rico, and, in the case of a Representative at Large, a State.

SEC. 2. (a) Notwithstanding any other provision of law, a United States Senator may purchase, upon leaving office or otherwise ceasing to be a Senator (except by expulsion), any item or items of office equipment or office furnishings provided by the General Services Administration and then currently located and in use in the office space of such Senator in the State then represented by such Senator.

(b) At the request of any United States Senator, the Sergeant-at-Arms of the Senate shall arrange for and make the purchase of equipment and furnishings under subsection (a) of this section on behalf of such Senator. Each such purchase shall be—

(1) in accordance with regulations which shall be prescribed by the Committee on Rules and Administration of the Senate, after consultation with the General Services Administration; and

(2) at a price equal to the acquisition cost to the Federal Government of the equipment or furnishings so purchased, less allowance for depreciation determined under such regulations.

(c) Amounts received by the Federal Government from the sale of items of office equipment or office furnishings under this section shall be remitted to the General Services Administration and credited to the appropriate account or accounts.

The SPEAKER. Is a second demanded?

Mr. DICKINSON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this is a bipartisan bill introduced by the distinguished gentleman from Alabama (Mr. DICKINSON) supported unanimously in the Subcommittee on Accounts and by the Committee on House Administration.

The purpose of this bill is simple. It allows Members who leave Congress, except for expulsion, to purchase the furnishings provided by the GSA for their offices at their depreciated value. In the usual course of events when one leaves and has GSA provided furniture, that furniture is sent for by GSA, tossed into the nearest GSA warehouse and made available to the public on a bid basis in the same manner in which the Members would be able to purchase the furnishings under this bill.

Mr. GROSS. Mr. Speaker, would the gentleman yield for one question?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Is this bill limited strictly and entirely to the equipment in the Member's district office or offices?

Mr. THOMPSON of New Jersey. Yes, it is, I will say to my colleague from Iowa. It does not relate at all to the furnishings in the three House buildings, in our Washington offices. It is limited entirely to furnishings in one's district office or offices.

Mr. GROSS. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I think there is a very real need for this legislation. I was surprised to learn that upon retirement a Member of Congress is not allowed to buy at the actual value the furnishings in the district office.

I do not intend to use this privilege at any time, but some Members do.

This simply permits a Member if he elects to do so to purchase from GSA the furnishings and equipment in his district office back home at its depreciated value.

It is better than putting it back in the GSA warehouse. I do not know where it goes from there.

I think it is reasonable. I think it is a service to the Members and I urge its passage.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey, that the House suspend the rules and pass the bill H.R. 9075, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the disposition of certain office equipment and furnishings, and for other purposes.".

A motion to reconsider was laid on the table.

TO PROVIDE SALARY INCREASES FOR MEMBERS OF POLICE FORCE OF THE LIBRARY OF CONGRESS

Mr. NEDZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10840) to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress.

The Clerk read as follows:

H.R. 10840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of August 4, 1950 (64 Stat. 411; 2 U.S.C. 167), is amended to read as follows:

"That (a) The Librarian of Congress may designate employees of the Library of Congress as special policemen for duty in connection with policing of the Library of Congress buildings and grounds and adjacent streets and shall fix their rates of basic pay as follows:

"(1) Private GS-7—step one through five;

"(2) Sergeant GS-8—step one through five;

"(3) Lieutenant GS-9—step one through five;

"(4) Senior Lieutenant GS-10—step one through five; and

"(5) Captain GS-11—step one through seven.

"(b) The Librarian of Congress may apply the provisions of subchapter V of chapter 55 of title 5, United States Code, to members of the special police force of the Library of Congress."

SEC. 2. The amendment made by this Act shall take effect on the first day of the first pay period which begins on or after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. DICKINSON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. NEDZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 10840 is to increase the pay scale of Library of Congress Police officers to a level competitive with those of other Federal police forces in this area.

Prior to 1968, Library Police were covered by the Classification Act of 1949, which kept their salaries constant with that of police at the General Services Administration. However, pursuant to Public Law 90-610, approved in that year, the Library force was removed from the Classification Act and were assigned pay grades with step 5 ceilings in each. There are normally 10 steps in each grade.

Given the pay scales of other forces in the metropolitan area, the Library is left in a poor competitive position to recruit and retain first-rate individuals. As a result, the Library for the past 3 years has found it necessary to pay new privates, sergeants, and junior lieutenants at the maximum levels. Under present law, these individuals would be denied further pay increases unless promoted.

The committee has conducted a study of Library Police statutory responsibilities and actual functioning. They have concluded that while valuable Library collections, staff, and public visitors require an experienced and reliable police force, the force's actual duties are more custodial than law enforcement in nature. There is virtually no crime problem at Library facilities; instead, Library officers deal with building safety, public complaints, and the prevention of unauthorized removal of Library materials. In short, the duties of Library Police are not comparable to those of the Capitol Police. However, the work of the Library force is similar to that of other Federal police in the area.

The bill would raise the grade levels of Library privates, sergeants, junior lieutenants, senior lieutenants, and captain from the equivalents of, respectively, grades 5, 6, 7, 9, and 10 of the civil service classification schedule to the equivalents of, respectively, grades 7, 8, 9, 10, and 11. The step 5 ceiling within each grade would be retained, except that the captain of the Library force would be permitted a step 7 ceiling. These increases would place the Library scale in a somewhat superior position to that of the General Services Administration, and would virtually equate Library compensation with that of the National Zoological Park force. Library Police salaries would continue to trail substantially those of the Capitol Police.

Last summer, the Senate approved a bill containing the same grade increases as in H.R. 10840, but which also removed all Step ceilings within grades. In your committee's view, the Senate bill's removal of the step ceilings is unwarranted. Accordingly, the Committee on House Administration unanimously endorsed this alternate measure.

It is my belief that the pay adjustments in H.R. 10840 are appropriate in view of the duties of the Library force; at the same time, the bill provides an equitable increase to insure that the Library of Congress can continue to attract and retain qualified officers. I urge approval of this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. I appreciate the gentleman's explanation, but I still am not clear as to why, in the matter of pay, this bill should give to the police of the Library of Congress superior pay status to those in the General Services Administration and the National Zoological Park Service.

Mr. NEDZI. Mr. Speaker, it was felt by the people in the Library of Congress that they will not be able to attract people at the GSA pay schedule. It does provide for compensation which is equal to that of the zoological park system. I might say to the gentleman from Iowa that people working for the Library of Congress have somewhat different duties than most GSA guards who do not handle crowds and this type of thing.

The GSA pay scale covers custodial employees who do not have quite the contact with the public that these others have.

Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. NEDZI) that the House suspend the rules and pass the bill H.R. 10840.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TO REMOVE THE RESTRICTION ON CHANGE OF SALARY OF FULL-TIME REFEREES

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3490) to amend section 40b of the Bankruptcy Act—11 U.S.C. 68(b)—to remove the restriction on change of salary of full-time referees.

The Clerk read as follows:

H.R. 3490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision b of section 40 of the Bankruptcy Act (11 U.S.C. 68(b)) is amended to read as follows:

"b. The conference, in the light of the recommendations of the councils, made after advising with the district judges or decrease any salary, within the limits prescribed in subdivision a of this section, if there has been a material increase or decrease in the volume of business or other change in the factors which may be considered material in fixing salaries: *Provided, however,* That during the tenure of any full-time referee his salary shall not be reduced below that at which he was originally appointed under this amendatory Act, and during any term of any such referee his salary shall not be reduced below the salary fixed for him at the beginning of that term."

The SPEAKER. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 3490, to amend section 40b of the Bankruptcy Act (11 U.S.C. 68(b)) to remove the restriction on change of salary of full-time referees.

The purpose of this bill is to eliminate the 2-year restriction on changes of salary for full-time referees in bankruptcy.

Full-time referees in bankruptcy alone among all legislative, executive and judicial offices subject to the Postal Revenue and Federal Salary Act may be barred from receiving salary increases as and when they are recommended by the Commission on Executive, Legislative, and Judicial Salaries and approved by Congress.

In 1946, section 40 of the Bankruptcy Act was enacted in substantially its present form by the Referee's Salary Act. This section, along with section 37 of the act, is the heart of the legislation which removed referees from the fee-collecting system of compensation and placed them on a salary basis.

Within the past 4-year period, the Judicial Conference of the United States has taken certain actions which have had the practical effect of changing this system. Upon recommendation of its Bankruptcy Committee, the Judicial Conference adopted a statement of policy that all full-time referees should be paid at the same rate within the limit upon such salaries established by the Presidential Salary Commission.

The Conference later, in 1971, adopted a policy that referees' salaries should be set at from 75 to 80 percent of the salaries of U.S. district judges. The last increase received by referees was effective November 1, 1972, when the Judicial Conference approved a recommendation by the Director of the Administrative Office of the U.S. Court of 5.5 percent, which was the equivalent of the increase given to graded Government employees under the economic stabilization amendments—in other words, a cost of living increase.

Under section 40(b), as it is presently stated, the next increase that can be considered for referees would be in November of 1974. The "2-year rule" is obsolete. It singles out referees in bankruptcy to suffer a lag in cost of living increases and other compensation adjustments. The circumstances which prevailed when the "2-year rule" was enacted are far different today. This restriction should be removed so that referees' salaries will simply be adjusted or not adjusted along with salaries of other personnel in the court system.

The repeal of this 2-year proviso has been urged by the Judicial Conference of the United States and was proposed and is supported by the Administrative Office of the U.S. Courts.

We are unaware of any opposition to the repeal proposed in this legislation.

Mr. Speaker, I urge favorable consideration on this resolution.

Mr. WIGGINS. Mr. Speaker, I rise in support of H.R. 3490, a bill to delete that portion of Section 40(b) of the Bankruptcy Act (11 U.S.C. 68[b]) which limits the authority of the Judicial Conference of the United States to adjust the salaries of Federal referees in bankruptcy more often than once in any 2-year period and in an amount of less than $250.

The salaries of referees are fixed by the Judicial Conference pursuant to section 40 of the Bankruptcy Act. That statute provides that a referee can receive a maximum of $36,000 per year. Section 40 further provides that the conference, in fixing a salary, shall consider a referee's workload, the asset size of his cases, and certain other factors. (11 U.S.C. 68[a]). However, currently all of the 190 full time referees are paid the maximum salary authorized by the Judicial Conference, $31,625, because of their uniformly heavy caseloads.

The notion that the application of statutory criteria would cause referees salaries to frequently gyrate up and down has been obselete for many years. The Judicial Conference testified that a salary adjustment of less than $250 is not a realistic possibility.

The restriction in section 40(b) of the act which this bill will eliminate now works an unfair hardship on all full time referees that Congress never intended. The Judicial Conference approved a "cost of living" adjustment in the rate of pay of referees effective November 1, 1972. Their salaries were raised from $30,000 per year to $31,625 per year. However, the referees are now in a unique position among all other government employees of being ineligible for a pay increase until November 1, 1974.

If H.R. 3490 is passed, it will not change the salaries of referees in bankruptcy. However, if the Judicial Conference decides to raise their salaries, within the existing maximum rate, whether to pass along a "cost of living" increase, or for any other reason, it should not be encumbered by this outdated restriction.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, did I understand the gentleman to say that this bill does not put referees in bankruptcy with other Federal employees on the pay escalator which operates in accordance with cost-of-living increases?

Mr. WIGGINS. No, sir, it does not. Pay increases amounting to a cost-of-living increase are not automatic as to referees. They must be approved by the Judicial conference.

Mr. GROSS. They must be approved by the Judicial Council?

Mr. WIGGINS. Yes, sir.

Mr. GROSS. And henceforth they can be approved every 6 or 12 months and not necessarily every 2 or 3 years?

Mr. WIGGINS. That is correct. It is contemplated they will be just like other employees and when other employees are given a cost-of-living increase, then it is contemplated that referees may be treated accordingly.

Mr. GROSS. I thank the gentleman. I have no further questions.

The SPEAKER. The question is on the motion of the gentleman from California (Mr. EDWARDS) that the House suspend the rules and pass the bill H.R. 3490.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TRANS-ALASKA PIPELINE LEGISLATION

(Mr. MELCHER asked and was given permission to address the House for 1 minute.)

Mr. MELCHER. Mr. Speaker, the conference committee report on S. 1081, the Alaska pipeline bill, was signed last week. It is the intention of myself and the chairman of the conference committee, Chairman HALEY of the Interior and Insular Affairs Committee, to call that conference report up for consideration of the House tomorrow.

FEDERAL FINANCING BANK ACT OF 1973

Mr. ULLMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5874) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Financing Bank Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress finds that demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies. The purpose of this Act is to assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Federal agency" means an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress which is owned in whole or in part by the United States.

(2) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership interest in the issuing Federal agency.

(3) The term "guarantee" means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any obligation, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions, or any guarantee or pledge arising out of a statutory obligation to insure such deposits, shares, or other withdrawable accounts.

(4) The term "Bank" means the Federal Financing Bank established by section 4 of this Act.

CREATION OF BANK

SEC. 4. There is hereby created a body corporation to be known as the Federal Financing Bank, which shall have succession until dissolved by an Act of Congress. The Bank shall be subject to the general supervision and direction of the Secretary of the Treasury. The Bank shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

BOARD OF DIRECTORS

SEC. 5. (a) The Bank shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Bank or of any Federal agency. The Chairman and each other member of the Board may designate some other officer or employee of the Government to serve in his place.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Bank. The Chairman of the Board shall select and effect the appointment of qualified persons to fill such offices as may be provided for in the bylaws, and such persons shall be the executive officers of the Bank and shall discharge such executive functions, powers, and duties as may be provided for in the bylaws or by the Board of Directors. The members of the Board and their designees shall not receive compensation for their services on the Board.

FUNCTIONS

SEC. 6. (a) The Bank is authorized to make commitments to purchase and sell, and to purchase and sell on terms and conditions determined by the Bank, any obligation which is issued, sold, or guaranteed by a Federal agency. Any Federal agency which is authorized to issue, sell, or guarantee any obligation is authorized to issue or sell such obligations directly to the Bank.

(b) Any purchase by the Bank shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration (1) the current average yield on outstanding marketable obligations of the United States of comparable maturity, or (2) whenever the Bank's own obligations outstanding are sufficient, the current average yield on outstanding obligations of the Bank of comparable maturity.

(c) The Bank is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves.

TREASURY APPROVAL

SEC. 7. (a) To insure the orderly and coordinated marketing of Treasury and Federal agency obligations and appropriate financing planning with respect thereto, and to facilitate the effective financing of programs authorized by law subject to the applicable provisions of such law, the prior approval of the Secretary of the Treasury shall be required with respect to—

(1) the method of financing,

(2) the source of financing,

(3) the timing of financing in relation to market conditions and financing by other Federal agencies, and

(4) the financing terms and conditions, including rates of interest and maturities, of obligations issued or sold by any Federal agency; except that the approval of the Secretary of the Treasury shall not be required with respect to obligations issued or sold pursuant to an Act of Congress which expressly prohibits any guarantee of such obligations by the United States.

(b) Upon receipt of a request from a Federal agency for his approval under subsection (a) of this section, the Secretary of the Treasury shall act promptly either to grant his approval or to advise the agency of the reasons for withholding his approval. In no case shall the Secretary of the Treasury withhold such approval for a period longer than one hundred and twenty days unless, prior to the end of such period, he submits to the Congress a detailed explanation of his reasons for so doing. Expedited treatment shall be accorded in any case in which the Federal agency advises the Secretary of the Treasury that unusual circumstances require such treatment.

(c) Federal agencies subject to this section shall submit financing plans to the Secretary of the Treasury at such times and in such forms as he shall prescribe.

INITIAL CAPITAL

SEC. 8. The Secretary of the Treasury is authorized to advance the funds necessary to provide initial capital to the Bank. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE BANK

SEC. 9. (a) The Bank is authorized, with the approval of the Secretary of the Treasury, to issue publicly and have outstanding at any one time not in excess of $15,000,000,000 or such additional amounts as may be authorized in appropriations Acts, of obligations having such maturities and bearing such rate or rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. So far as is feasible, the debt structure of the Bank shall be commensurate with its asset structure.

(b) The Bank is also authorized to issue its obligations to the Secretary of the Treasury and the Secretary of the Treasury may in his discretion purchase or agree to purchase any such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into condition the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(c) The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Bank in excess of such amount.

(b) Obligations of the Bank issued pursuant to this section shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or any agency or instrumentality of any of the foregoing, or any officer or offices thereof.

GENERAL POWERS

SEC. 10. The Bank shall have power—

(1) to sue and be sued, complain and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed or any interest therein wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium therof;

(9) to enter into contracts, to execute instruments to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business;

(10) to act through any corporate or other agency or instrumentality of the United

States, and to utilize the service thereof on a reimbursable basis, and any such agency or instrumentality is authorized to provide services as requested by the Bank; and

(11) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

EXEMPTIONS

SEC. 11. (a) The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any obligation issued by the Bank shall be subject to Federal taxation to the same extent as obligations of private corporations are taxed.

(b) All obligations issued by the Bank pursuant to this Act shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)), of section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), and of section 304(a)(4) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)).

(c) Nothing herein shall affect the budget status of the Federal agencies selling obligations to the Bank under section 6(a) of this Act, or the method of budget accounting for their transactions. The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Bank may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and other material, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Federal Financing Bank" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S C. 841 et seq.) shall be applicable to the Federal Financing Bank in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act (31 U.S.C. 846).

PAYMENTS ON BEHALF OF PUBLIC BODIES

SEC. 16. (a) Notwithstanding any other provision of this Act, purchase by the Bank of the obligations of any local public body or agency within the United States shall be made upon such terms and conditions as may be necessary to avoid an increase in borrowing costs to such local public body or agency as a result of the purchase by the Bank of its obligations. The head of the Federal agency guaranteeing such obligations, in consultation with the Secretary of the Treasury, shall estimate the borrowing costs that would be incurred by the local public body or agency if its obligations were not sold to the Bank.

(b) The Federal agency guaranteeing obligations purchased by the Bank may contract to make periodic payments to the Bank which shall be sufficient to offset the costs to the Bank of purchasing obligations of local public bodies or agencies upon terms and conditions as prescribed in this section rather than as prescribed by section 6. Such contracts may be made in advance of appropriations therefor, and appropriations for making payments under such contracts are hereby authorized.

NO IMPAIRMENT

SEC. 17. Nothing in this Act shall be construed as impairing any authority or responsibility of the President or the Secretary of the Treasury under any other provision of law, nor shall anything in this Act affect in any manner any provision of law concerning the right of any Federal agency to sell obligations to the Secretary of the Treasury or the authority or responsibility of the Secretary of the Treasury to purchase such obligations.

PROGRAM LIMITATION

SEC. 18. Nothing in this Act shall be construed as authorizing an increase in the amounts of obligations issued, sold, or guaranteed by any Federal agency which issues, sells, or guarantees obligations purchased by the Bank.

SEPARABILITY

SEC. 19. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected.

EFFECTIVE DATE

SEC. 20. This Act becomes effective upon the date of its enactment, except that section 7 becomes effective upon the expiration of thirty days after such date.

The SPEAKER. Is a second demanded?

Mr. CONABLE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ULLMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 5874, establishes a Federal Financing Bank for centralizing the marketing of Federal and federally assisted borrowing activities. Additionally, the bill requires most Federal agencies to submit to the Secretary of the Treasury for his advance approval their financing plans for securities they will sell or issue.

Mr. Speaker, this bill is necessary because of the substantial increase in Federal credit programs in recent years. With this increase in Federal borrowings, many Federal agencies have had to finance their own programs through the securities markets. This has required these agencies to deal with debt management problems, which has taken away in some respects from their program functions. The increase of Federal agency issues also has raised borrowing costs to the Federal Government because of the competition among Federal security issues, the specialized nature of many Federal securities, and the consequent limited markets in which they are sold. Many of these issues are not coordinated with Treasury financial management advisers, and this lack of coordination has made these financing problems worse.

Mr. Speaker, the Federal Financing Bank created by this bill would work to correct these problems. The bank would be able to purchase securities issued, sold, or guaranteed by all Federal agencies, and in turn could sell its own obligations on the securities market. In this way, the bank could centralize the financing of Federal agency obligations. It could decrease the cost of Federal borrowings, by providing expertise and flexibility in the securities market and by issuing a single widely accepted security backed by the Federal Government. The Federal Financing Bank would be an instrumentality of the U.S. Government, subject to the general direction and control of the Secretary of the Treasury.

In addition to establishing the Federal Financing Bank, this bill would require most Federal agencies to submit their financing plans to the Secretary of the Treasury for his advance approval. In this way, the Secretary would be able to coordinate the securities issued and sold by the Federal agencies. However, the bill does not include the TVA in this advance approval requirement, to maintain the independence of the TVA.

The bill does not give the Secretary of the Treasury any new authority to review obligations guaranteed by the Federal Government, such as guaranteed local public housing bonds or guaranteed merchant marine bonds. However, the bill does provide that guaranteed obligations may be sold to the Federal Financing Bank on a voluntary basis. Advance approval by the Secretary of the Treasury was not extended to guaranteed issues at this time because of questions raised about the possible impact of this review on some securities issues. This decision can be reconsidered at a later time when we have more experience with the Federal Financing Bank.

Mr. Speaker, the bill provides that obligations of the Federal Financing Bank are subject only to Federal taxation, and not taxation by State and local governments. This conforms to the existing tax treatment of Federal obligations.

Finally, the bill makes it clear that no additional authority is provided for the Federal Government to borrow or guarantee borrowings.

Mr. Speaker, this bill has been reported unanimously by the Ways and Means Committee and the Treasury Department recommends its enactment. I urge that the bill be adopted.

Mr. CONABLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 5874, as reported by the Ways and Means Committee. This measure would establish a Federal Financing Bank to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public. It would do so by shifting the debt management problems from program agencies to a Federal Financing Bank, by insuring the coordination of the financial management of agency programs which place or guarantee debt issues in the market and by providing that Federal and federally assisted borrowings are financed in a way least disruptive to private financial markets and institutions.

During the last Congress, the Senate passed legislation similar to the bill presently before us. The Ways and Means Committee considered and reported with certain amendments the Senate-passed bill but due to the lateness of the session, it was not brought to the House for consideration. H.R. 5874 with one clarifying technical amendment is identical to the bill approved by our committee last year. In June, the Senate passed similar legislation.

The establishment of a Federal Financing Bank is a priority item for the administration and H.R. 5874 has the support of the Treasury Department. Basically, it provides for a Federal Financing Bank which would be a focal point for the marketing of Federal and federally assisted borrowing activities. In addition, the bill calls for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of financing of Federal obligations. It is anticipated that as a result of the coordination in Federal borrowing programs, which this bill should insure, significant economies will be effected.

Under Secretary of the Treasury for Monetary Affairs, Paul A. Volcker, in testimony before the Ways and Means Committee in support of H.R. 5874, highlighted the need for this legislation by noting the growing tendency to finance credit programs directly in the securities markets rather than through lending institutions. In addition, he pointed out that the borrowing costs of the various Federal agency financing methods normally exceed Treasury borrowing costs, because of the proliferation of competing issues, the cumbersome nature of many of the securities, problems of timing and size of issues, limited markets in which they are sold and underwriting costs.

Under the bill, these debt management problems could be shifted from the program agencies to the Federal Financing Bank. The Bank would be able to buy the obligations of the Federal agencies and those guaranteed by Federal agencies and, in turn, issue its own securities. Financing of these programs through the Bank would relieve the various Federal agencies of the debt management problems, minimize the cost of such management and assure greater flexibility and a broader market for the securities.

The committee, however, did not believe that the advance approval should be required for obligations issued under an act of Congress which expressly prohibits any U.S. guarantee of these obligations. As a result, the bill excludes obligations of this type from the provisions in the bill requiring advance Treasury approval. The Tennessee Valley Authority's obligations would be excluded by this amendment.

In summary, this measure should provide for more effective management of the Federal borrowing programs which presently operate independent of one another. The coordination which will be effected by the Federal Financing Bank should produce savings to the Government overall and make it easier for the various agencies involved in the borrowing programs to finance their programs. As a result, this bill should be approved.

Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I have not heard thus far a good reason for the establishment of this Federal Financing Bank. I note that on page 6 of the report it states:

> Federal agencies issuing or selling obligations would be required to submit financing plans to the Secretary.

And so on; but on page 5 I note this language:

> Thus, the bill does not cover the Federal Reserve System or the five federally sponsored but wholly privately owned agencies, including the Federal land banks . . .

And so on.

If Congress is now going to create a Federal Financing Bank, why these exceptions and exemptions from its purview? And why have a Federal Financing Bank to cost in its inception $100 million?

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Oregon.

Mr. ULLMAN. I will say to the gentleman that the Government is already, as the gentleman knows, in the credit business in a very widespread way. Many, many agencies of Government do issue their own paper, as the gentleman knows. This does not in any way expand that authority or infringe upon any other jurisdiction. All this does is provide a Federal bank that would coordinate these sales of securities by the Federal agencies.

When we have private agencies in an uncoordinated way issuing their securities willy-nilly, it results in not only inefficiencies, but extra cost to the Government. The Department of the Treasury keeps a good eye on the market, and by coordinating these sales that would go into the market anyway, by coordinating them in an orderly way, we think that we can save the Government money by getting lower interest rates, and we can also bring the market impact of these offerings to a minimum basis.

Mr. GROSS. Let me ask the gentleman why, if the Department of the Treasury is interested in this kind of legislation, there is no statement in the report to indicate that is the case? There are no departmental reports, no Bureau of the Budget report, no departmental report of any kind accompanying this bill.

Mr. ULLMAN. I would say to the gentleman that this bill is the result of an urgent recommendation by the Department of the Treasury, fully endorsed by this administration. We bring it to the Members at this time because of a special pleading on the part of the Secretary of the Treasury and the administration that we should move forward in this area so that they can begin coordinating the activities of the sales of securities. The Committee on Ways and Means had a public hearing on the proposal in March of this year.

Mr. GROSS. What is the urgency? We have gotten along pretty well without the creation of still another bank and another bureaucracy in the Federal Government, and this apparently will be an expensive one. Consider the fact that the bill asks for $100 million apparently for administrative costs, in other words, to get it off the ground.

Mr. ULLMAN. I would say to the gentleman from Iowa, if he will yield further, that it is our feeling that this bank will save the Government far more money through the coordinating of the issuance of securities than it woud cost for administrative purposes.

The SPEAKER. The time of the gentleman has expired.

Mr. CONABLE. Mr. Speaker, I yield 2 additional minutes to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman.

Mr. ULLMAN. Will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Oregon.

Mr. ULLMAN. The gentleman is as concerned as I am about the increasing proliferation of the issuance of credit and other types of securities on the part of Government agencies.

All of this proliferation of paper which does not come under the national debt and is issued by these agencies is a matter of concern. I think it is high time that we started to coordinate this whole area of financing activity on the part of the Government agencies.

Mr. GROSS. Turning to page 8 of the bill, beginning on line 6, it says:

> (c) The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time.

Is this the $5 billion provision that we have been extending periodically to provide a so-called cushion for the Treasury in financing the Government, and which the late Senator Taft called "the printing press money provision"?

Mr. ULLMAN. Will the gentleman give me the reference again to the point in the bill?

Mr. GROSS. It is on page 8, beginning on line 6. Is that the $5 billion provision that has been periodically extended?

Mr. ULLMAN. It says:

> The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b)—

That is the basic authority—

> in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time.

That is a limitation on the amount of these securities that the Bank can acquire and can hold at any one time.

Mr. GROSS. Evidently that provision is being taken from existing law and put into this bill and is the same as that about which I raised the question.

Mr. ULLMAN. It is merely a limiting factor on the activities of the Bank, I would say.

Mr. GROSS. What does the $15 billion refer to?

The SPEAKER. The time of the gentleman has expired.

Mr. CONABLE. I yield the gentleman from Iowa 1 minute.

Mr. ULLMAN. Mr. Speaker, if the gentleman will yield further, the $15 billion is another limitation on the extent to which the Bank can issue and have outstanding at any one time its obligations.

Mr. GROSS. Mr. Speaker, I regret very much that this bill is brought to the House floor under suspension of the rules. This is a bill involving the handling of a tremendous amount of money. It provides for the creation of a brand-new setup in the Federal Government, in the form of a Federal Financing Bank. It deserves much more attention from the House of Representatives than can be obtained under this seriously limited debate and procedure by which amendments are precluded. I regret very much that this bill has not been brought up under a rule, and I must vote against it.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Mr. Speaker, I would like to direct some questions to the gentleman from Oregon.

Is it not true that most of the functions described in this bill are presently performed by the Treasury Department?

Mr. ULLMAN. With respect to the handing of obligations?

Mr. ROUSSELOT. The handling of obligations and so forth.

Mr. ULLMAN. Yes, as to Treasury obligations.

Mr. ROUSSELOT. Have they been doing such a bad job up until now? Is another agency handling it?

Mr. ULLMAN. But they cannot do it with respect to other agency obligations. For example on page 49 of the hearings, you will see a list of a number of different agencies, involved in the securities market including the Export-Import Bank, HEW-guaranteed medical facility loans, public housing bonds, Rural Telephone Bank, Small Business Investment Corporation, and the Student Loan Marketing Association, and so on.

Mr. ROUSSELOT. I am aware that the Federal Government is in the money market too much. We certainly agree with that. My point is that is it not true that the Secretary of the Treasury presently has supervisory authority and control of much that is accomplished? Why do we need the addtional bureaucracy? Do we not have adequate machinery now to take care of it?

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman.

Mr. ULLMAN. The only reason we have this bill is because the Treasury does not now have that coordinating authority under the law. All this would do would be to give the Treasury the coordinating authority which the gentleman refers to over these obligations that are issued by the various agencies outside the Treasury that are covered under the bill.

Mr. ROUSSELOT. Would not the gentleman agree that one of the best things that Congress could do to come to grips with this basic problem and what caused it is to stop going so far into debt, constantly creating more debt, to support the bill, offered by the gentleman and others, that came out of the Joint Committee on Budget Control, to begin to control the expenditure situation here, so we do not go so far into debt and require the Treasury Department to be constantly in the money market?

Mr. ULLMAN. I could not agree with the gentleman more, but under the existing circumstances this is at least a step in the right direction where we reach out and try to coordinate some of these proliferating issues on the part of the agencies.

Mr. ROUSSELOT. Is the gentleman convinced that this legislation will put some kind of control on this, rather than encouraging the Federal Government to go into debt?

Mr. ULLMAN. Although we are not in any way attempting to impinge on the jurisdiction of any other committee or any other Department, we feel that by coordinating these various issues it is a step in the right direction for putting them all together on a meaningful basis.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I will be glad to yield to the gentleman from New York.

Mr. CONABLE. This is not an increase in the authority to borrow. It does, however, give the Treasury the power to coordinate the circumstances of an issue in order to save the Government money. It does not enlarge the borrowing capacity of the Government in any way. The borrowing authority is dependent on the individual programs that will be seeking financing.

I would like to add also that the $100 million seed money is simply an authorization provided here and is still subject to appropriation. The intention that is simply to provide an opportunity to get the program moving and enable the Federal Financing Bank to buy the proffered bonds by these agencies.

The SPEAKER. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield further?

Mr. ULLMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman yielding.

What are these underwriting costs now? Will this new bank save costs in underwriting? If so, how much?

Mr. ULLMAN. Mr. Speaker, will the gentleman let me give an example of the higher costs of agency borrowing?

On November 5, 1973, HUD issued some new community debentures, $18 million in amount, with a 20-year maturity. The effective rate was 7.97. Now, the comparable Treasury rate at the same time during this period was 7.35. There was 0.62 percent difference, or $111,600 in interest per year for 20 years.

Let me give the gentleman a second example of the Export-Import Bank issuance of August 14, 1973. This amounted to $300 million. It was a 5-year maturity and the effective rate there was 8.39. The comparable Treasury rate during this period was 7.80. The difference was 0.59 per cent, or $1,770,000 per year for 5 years.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the fact that the gentleman is trying to make the point that there is a need to better coordinate the kind of interest rates that are allowed. I appreciate that.

The point that I was making was with regard to the statement made in the report that underwriting costs are often significant initial costs. Will this bill assure that the underwriting costs will be reduced or eliminated, and if so, how?

Mr. ULLMAN. Mr. Speaker, I think I can give the gentleman every assurance that the underwriting costs will be greatly reduced, because the Treasury does its own underwriting and therefore to the extent that the Treasury issues the securities, there will be no underwriting costs.

Mr. ROUSSELOT. In other words, they will not go to private institutions?

Mr. ULLMAN. That is correct.

Mr. ROUSSELOT. And those underwriting costs will be eliminated?

Mr. ULLMAN. That is correct.

Mr. ROUSSELOT. What kind of underwriting costs totally do we have? Do we have any estimate in the hearings concerning any figures as to what the savings might be?

Mr. ULLMAN. Mr. Speaker, at present one problem is that we do not know and have no evidence of just exactly what the underwriting costs are within the various agencies now. Certainly, we should be able to balance it up, but we have not been able to. This would eliminate them.

Mr. ROUSSELOT. Mr. Speaker, I hope the committee will do tremendous surveillance on this issue to make sure that we do find that there actually is a reduction in cost and that they do not turn around and find that this bank is going out again and turning it over to underwriters and we actually have an increase in cost.

Mr. ULLMAN. Mr. Speaker, I want to assure the gentleman that the Ways and Means Committee will exercise a very stringent oversight over this operation. This is a trial operation, I would say. I think it is a good experiment in the right direction. If there are any problems developing, then I want to assure the gentleman that we will come back to the Congress in the future.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentlemen from Oregon and New York for yielding to me. I still share the concern of my colleague from Iowa that I am sorry this bill was not brought up under the normal procedure. I realize the gentleman may be anxious to move it, but I really believe it should have been more extensively discussed and open for the Members.

Mr. Speaker, I thank the gentleman.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, today's legislation to establish a Federal Financing Bank is a timid but welcome step in the direction of fiscal responsibility. The Bank establishes a framework to coordinate all Federal and federally assisted borrowing from the public. The present patchwork of public debt management practices is confusing, costly, and often irrationally inflationary. The Bank, in having the authority to purchase obligations of the various Federal agencies and to issue its own obligations in turn, will undoubtedly become the focal point for future Federal financing activities.

The major shortcoming of this legislation is that it lacks teeth. Although the Bank is given the authority to pool Federal borrowing, nowhere is there language in this bill to force the agencies to funnel their debt management activities through the Bank. Under section 7(a) of the bill every Federal agency issuing obligations must submit a financing plan to the Secretary of the Treasury. However, there is no requirement that these obligations be issued through the Bank. I can foresee the situation in which an agency, impatient with the progress of the Bank, would continue to seek financing directly in the private market. In short, there is no guarantee that all debt management problems will be shifted from the program agencies to the Bank.

A more glaring weakness of this legislation is the failure to define more clearly the nature of the Federal budget and the true dimensions of the national debt. Presently, an enormous amount of the Government's financing activities occurs outside the purview of the budget and the debt ceiling.

For example, in 1971 Congress passed legislation to remove the receipts and disbursements of the Export-Import Bank from the total of the budget of the United States. At present, the Eximbank has $20 billion borrowing authority. They are requesting an additional $10 billion. The Eximbank is given complete autonomy over this borrowing authority. Elmer Staats, Comptroller General, opposed this legislation stating at that time:

> In our view, excluding the Export-Import Bank's disbursements and receipts from the budget totals would establish a highly undesirable precedent since the exclusion could with equal logic and justification be applied to other loan programs—In my opinion it is impossible to differentiate between this program and other loan programs in the budget. It would open the door to excluding other programs, a weakening of the budgetary process, and reduce the ability of Congress to establish budgetary priorities.

From data provided to me by the Treasury, it appears that the contingent liabilities of the Federal Government now approach $1 trillion. It, obviously, would be a mistake to include this total contingent liability as part of the public debt. But is it reasonable to assume that 5 percent of this liability—is likely to become debt through the failure of Federal programs. Yet the Congress has little control or say over the growth of this contingent liability/potential debt.

In view of the enormous impact of the Government's financing activities on the economy, it is vital that Congress exercise some control over the extent and condition of Federal borrowing, loans, guarantees, and insurance. The primary tool for the control of the Government's impact on the economy has historically been the budget. However, H.R. 5874 timidly sidesteps the matter of including Government borrowing activities in the budget: If a program is now financed outside the budget, that treatment would continue; if a program is now financed in the budget, that treatment would continue.

Mr. Speaker, it is clear that in the fight against inflation, a ceiling on Federal expenditures will be largely meaningless unless we harness Federal borrowing and restrain Federal guarantee of debt. As an example of this burgeoning liability of the Federal Government, I include the following table which details the alarming growth in recent years of Federal direct and guaranteed loans.

FEDERAL DIRECT AND GUARANTEED LOANS

[In billions of dollars]

Fiscal year	Amounts outstanding at end of fiscal year	
	Direct loans	Guaranteed loans
1968	[1] 45.2	108.1
1969	46.9	117.7
1970	51.1	124.1
1971	53.2	140.1
1972	50.1	158.9
1973 (estimated)	50.1	179.0
1974 (estimated)	51.0	196.6

[1] For consistency with current budget treatment, excludes loans of the banks for cooperatives, the Federal intermediate credit banks and the Federal National Mortgage Association.

Source: Special analysis E of the budget of the U.S. Government.

We will not be able to control effectively our Government's borrowing until we can understand more clearly the exact nature of our financing activities.

For this reason, if the parliamentary situation would permit, I would offer an amendment to clarify the extent to which Federal borrowing occurs outside the budget and which would provide regular information on the size of the contingent liabilities of the Federal Government. Specifically, I would request that the Bank, in filing its annual report, accomplish three important tasks:

First, list all obligations issued, sold, or guaranteed by all Federal agencies from whom a financing program is required under section 7(a);

Second, a statement of the receipts and disbursements of these agencies and a breakdown as to whether these receipts and disbursements are included in the computation of the budget; and

Third, recommendations for drawing more clearly the lines of the budget with regard to the borrowing activities of the Government and recommendations relating to supervising the lending, guaranteeing and insuring activities of the Government to prevent an excessive contingent liability and to insure maximum coordination in Federal fiscal policies.

The first step in reasserting congressional control over the autonomous financing activities of many Federal agencies is accurate information. We need to know exactly what borrowing occurs and where it is being listed. This is exactly what I am requesting in the first two requirements I have suggested be included in each annual report. As a next step, we need to establish the exact boundaries of the budget. If the budget is to be a meaningful fiscal tool, and if the concept of the public debt is to have any integrity whatsoever, we must make clear what Federal borrowing is included in the debt and what is not. To assist Congress in this task, I would request the Bank Directors to recommend a realinement of the budget with regard to Federal borrowing and to Federal guarantees and insurances.

The framework of the Federal Financing Bank could provide an instrument to exercise congressional control over virtually all Federal and federally assisted borrowing from and lending and guaranteeing to the public. By forcing the program agencies to finance borrowing through the Bank and by placing an effective ceiling on the obligations the Bank can issue, Congress can begin to regulate the full impact of all Federal borrowing on the Nation's economy. Today's legislation stops disappointingly short of accomplishing this important task.

Following is a draft copy of the type of amendment I would seek to offer if the parliamentary situation permitted:

AMENDMENT OFFERED BY MR. VANIK TO H.R. 5874, THE FEDERAL FINANCING BANK ACT

On page 12, line 4, change "Section 13" to "Section 13(a)";

On page 12, after line 6, add the following new subsection:

"(b) The annual report shall include the following information:

"(1) a listing of all obligations issued, sold, or guaranteed by any Federal agency subject to the provisions of Section 7(a) of this Act;

"(2) a statement of the receipts and disbursements for each such Federal agency and a determination of which of these receipts and disbursements are included in the Budget of the United States; and

"(3) recommendations from the Board of Directors of the Bank as to whether the receipts and disbursements of each such Federal agency shall be included in the Budget of the United States or otherwise regulated;

"(4) recommendations from the Board of Directors of the Bank as to ways and means to regulate the level of direct and indirect loans issued and guaranteed by Federal agencies, and ways and means to regulate and control the level of Federal guarantees, insurances and other actions which constitute the contingent liability of the United States."

Mr. ULLMAN. Mr. Speaker, I yield myself 2 minutes.

I wish to commend the gentleman from Ohio (Mr. VANIK) for his long interest in this problem. It is an extracurricular problem concerning financial matters, not coming under the debt ceiling, and it is something we ought to bring under control.

In the budget control bill that the Joint Committee has offered we have made provision for this by taking an overall look at all of these Government obligations which have proliferated through the years.

Certainly I fully agree with the gentleman that we must bring all of these matters within the immediate purview of the Congress.

The SPEAKER. The question is on the motion offered by the gentleman from Oregon (Mr. ULLMAN) that the House suspend the rules and pass the bill H.R. 5874, as amended.

The question was taken.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 349, nays 25, not voting 59, as follows:

[Roll No. 559]

YEAS—349

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Bafalis
Baker
Beard
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Huber
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCollister
McCormack
McDade
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—25

Ashbrook
Bauman
Biaggi
Bray
Burgener
Burke, Fla.
Collins, Tex.
Crane
Gaydos
Gross
Hammerschmidt
Holt
Landgrebe
McCloskey
McKinney
Rarick
Rousselot
Satterfield
Snyder
Steiger, Ariz.
Symms
Taylor, Mo.
Wampler
Young, Alaska
Young, Fla.

NOT VOTING—59

Addabbo
Arends
Armstrong
Badillo
Barrett
Bell
Blatnik
Breaux
Brotzman
Burke, Calif.
Camp
Carter
Chappell
Chisholm
Clark
Conlan
Conyers
Davis, Ga.
Davis, Wis.
Dent
Diggs
Eilberg
Giaimo
Green, Pa.
Hanley
Hanna
Hawkins
Hébert
Hudnut
Jones, Tenn.
Keating
Ketchum
Lent
McEwen
Mailliard
Maraziti
Mazzoli
Mills, Ark.
Mitchell, N.Y.
Mizell
Mollohan
Morgan
Murphy, Ill.
Nix
Patman
Powell, Ohio
Reid
Rhodes
Roncallo, N.Y.
Rooney, Pa.
Sandman
Skubitz
Stanton, James V.
Stark
Stokes
Teague, Tex.
Towell, Nev.
Walsh
Wydler

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Arends.
Mr. Clark with Mr. Rhodes.
Mr. Hanna with Mr. Sandman.
Mr. Patman with Mr. Wydler.
Mr. Eilberg with Mr. Mizell.
Mr. Blatnik with Mr. McEwen.
Mr. Barrett with Mr. Carter.
Mr. Mills of Arkansas with Mr. Lent.
Mr. Teague of Texas with Mr. Camp.
Mr. Rooney of Pennsylvania with Mr. Brotzman.
Mr. Morgan with Mr. Powell of Ohio.
Mr. Mollohan with Mr. Skubitz.
Mr. Hébert with Mr. Hudnut.
Mr. Jones of Tennessee with Mr. Keating.
Mr. Mazzoli with Mr. Towell of Nevada.
Mr. Chappell with Mr. Conlan.
Mrs. Burke of California with Mr. Ketchum.
Mr. Addabbo with Mr. Davis of Wisconsin.
Mr. Davis of Georgia with Mr. Maraziti.
Mr. Green of Pennsylvania with Mr. Mailliard.
Mr. Giaimo with Mr. Walsh.
Mr. Murphy of Illinois with Mr. Roncallo of New York.
Mr. Badillo with Mr. Bell.
Mr. Breaux with Mr. Armstrong.
Mr. Hanley with Mr. Hawkins.
Mr. Stark with Mr. Diggs.
Mrs. Chisholm with Mr. Conyers.
Mr. Nix with Mr. Mitchell of New York.
Mr. Stokes with Mr. Reid.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENDING CERTAIN PRIVILEGES AND IMMUNITIES TO THE ORGANIZATION OF AFRICAN UNITY

Mr. ULLMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8219) to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity.

The Clerk read as follows:

H.R. 8219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Organizations Immunities Act (22 U.S.C. 288–288f) is amended by adding at the end thereof the following new section:

"SEC. 12. The provisions of this title may be extended to the Organization of African Unity in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation."

The SPEAKER. Is a second demanded?

Mr. SCHNEEBELI. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ULLMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the pending bill, as reported to the House by the Committee on Ways and Means, is to provide the President with authority to extend to the Organization of

African Unity and its office, officials, and employees in the United States those privileges and immunities specified in the International Organizations Immunities Act.

Under the bill, at the discretion of the President the Organization of African Unity—OAU—may be designated by the President as an international organization for purposes of the International Organizations Immunities Act. Upon such a designation the organization, to the extent so provided by the President, will be exempt from customs duties on property imported for the activities in which it engages, from income taxes, from withholding taxes on wages, and from excise taxes on services and facilities. In addition, the employees of the international organization, to the extent not nationals of the United States, may not be subject to U.S. income tax on the income they receive from OAU. OAU is an organization composed of 41 member states, representing all the independent African nations—except the Republic of South Africa—and acts to further the goals of political and economic development of Africa. It presently has a mission in New York.

For purposes of the International Organizations Immunities Act, under which international organizations may enjoy the exterritorial privileges generally granted to foreign governments, an international organization is one in which the United States participates and which has been designated by the President, through an appropriate Executive order, as being entitled to the privileges and immunities in question. The United States is not a member of the OAU, and therefore the organization presently cannot qualify under the act. H.R. 8219 which would provide the President with authority to extend to the OAU privileges and immunities under the act.

In transmitting this legislation to the Congress, the State Department stated that its enactment "would be consistent with important foreign policy interests of the U.S. Government." The bill was reported unanimously by the Committee on Ways and Means, and I urge its favorable consideration by the House.

Mr. SCHNEEBELI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8219, which amends the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity.

As the Members will recall, on October 2, 1973, the acting chairman of the Ways and Means Committee asked unanimous consent that this legislation be considered by the House. At that time, an objection was lodged against that request and now the bill is being considered under suspension of the rules.

As I said on October 2, this measure, which was requested by the administration, would allow the President to grant to the Organization of African Unity Mission in New York, its officers, and employees, the same privileges, exemptions, and immunities extended to most other international organizations and their officers and employees located in the United States.

Among the privileges and immunities included are the capacity to contract, acquire, and dispose of real and personal property; the immunity from suit and other judicial process for themselves, their property and assets equivalent to that enjoyed by foreign governments and the duty-free importation of baggage and effects for alien officers and employees upon their arrival. In addition, the International Organization Immunities Act extends an exemption from Federal income tax to income of international organizations such as the Organization of African Unity as well as the salaries of their alien employees and the employees of foreign governments represented in the organization. It should be noted that all of the employees of the Organization of African Unity are nationals of African countries.

The Committee on Ways and Means was informed by the Department of State that this legislation is a result of the administration's desire to develop a closer working relationship with the Organization of African Unity and to be responsive to the Organization of African Unity's request for some form of official acknowledgment of the status of its New York mission. This mission serves as the secretariat to the African group at the United Nations and acts as a liaison with the U.N. on issues relating to Africa.

Although the United States is not a member of the Organization of African Unity, the administration feels that the enactment of the proposed bill is consistent with important foreign policy interests of the United States.

The committee is convinced that this legislation will be helpful to the President in the exercise of his foreign policy responsibilities and unanimously voted to report it to the House. I urge its approval.

Mr. ULLMAN. Mr. Speaker, this involves only a handful of people in the mission in New York. The costs are listed as negligible.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield 5 minutes to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Speaker, I thank the gentleman for yielding.

I take this time to ask several questions of the gentleman. As I understand this legislation it would create a special exemption only in this one instance to the existing law under the International Organizations Immunities Act.

Mr. ULLMAN. This would merely add one organization to the list of those organizations that get these special privileges under the International Organizations Immunities Act. This would add the OAU to that list. It would only be eligible to receive the same privileges that the other international organizations get under the act.

Mr. RARICK. But this is an exception to the existing law. Since the OAU is not qualified, because the United States is not a member of the Organization of African Unity.

Mr. ULLMAN. As I have indicated, normally under the definition of international organizations as specified in the International Organizations Immunities Act, the United States must be a member of that organization in order for the organization to receive the benefits. In this instance, of course, the United States, not being a member of this organization, to that extent it is an exception.

Mr. RARICK. Do not all of the 41-member nations in the Organization of African Unity, presently have delegations to the United Nations Organization?

Mr. ULLMAN. That is true. The OAU does have a mission in New York that is active in the affairs of the organization there, but it is not officially, of course, a member of the United Nations.

Mr. RARICK. I am referring to the 41 individual member nations has having a delegation to the United Nations Organization.

Mr. ULLMAN. Each individual country is a member of the United Nations, that is correct.

Mr. RARICK. And as far as we know, except perhaps for Egypt and Libya, all the OAU member nations also have an embassy in or diplomatic status with our Government.

Mr. ULLMAN. Very probably they do, yes.

Mr. RARICK. Since we are talking about an exception to the existing law, can the gentleman tell me what benefit the American people would realize by enacting this legislation?

Mr. ULLMAN. Well, the objectives are set out quite clearly in the report. I think the report is worthy of the attention of all the members.

The pertinent report language is as follows. This quote is from the Department of State's transmittal letter to the Congress of March 28, 1973:

> This bill results from the Administration's desire to develop a closer working relationship with the OAU and to be responsive to repeated resolutions at annual OAU conferences requesting some form of official acknowledgement of the status of its Mission in New York, as well as to specific discussions with OAU representatives in New York concerning their desires for certain privileges and immunities. The bill would serve three principal United States objectives: it would improve the ability of the U.S. to obtain the cooperation and support of the OAU and its 41 members at the U.N., enhance our bilateral relations with OAU members, and demonstrate concretely the Administration's expressed concern about the problems of African countries.

Mr. RARICK. I notice also in the report it says that the OAU exists "to further the goals of political and economic development of Africa."

It is true, is it not, that the African countries of South Africa, Rhodesia, Spanish Sahara, the Portuguese States of Mozambique, Guinea, and Angola are not members of the OAU.

Mr. ULLMAN. The only independent African nation of which I am aware that is not a member is the Republic of South Africa.

Mr. RARICK. Is it not correct that Egypt, Libya, Algeria, Tunisia, Somalia, Sudan, and other Arab States are members of this OAU?

Mr. ULLMAN. I believe that is true.

Mr. RARICK. Can the gentleman tell me what the OAU's political and economic goals for Africa consist of?

Do these goals include political activity in the United States, to repeal the Byrd amendment in an effort to prohibit purchases of chrome ore from Rhodesia and substituting the U.S. importation of Soviet chrome ore.

Mr. ULLMAN. I have no knowledge of such activities. Perhaps the gentleman knows something that I do not.

Mr. RARICK. Well, will the gentleman tell me the purpose of this legislation. Is not its effect, by giving tax exempt status, that of encouraging our tax exempt organizations in the United States to contribute financial support to terrorists and guerrillas of the so-called liberation movements against non-Communist governments in Africa who are not members of the OAU.

Mr. ULLMAN. I would just say to the gentleman that I think it is very important that the United States do develop a good working relationship with these 41 principal nations of Africa. All this would do at a negligible cost would be to extend certain very minimal benefits to the OAU mission in New York, which today comprises only six people.

Mr. RARICK. I thank the gentleman.

The SPEAKER. The question is on the motion of the gentleman from Oregon (Mr. ULLMAN) that the House suspend the rules and pass the bill H.R. 8219.

The question was taken.

Mr. RARICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 340, nays 39, not voting 54, as follows:

[Roll No. 560]

YEAS—340

Abdnor
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holtzman
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sarasin
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—39

Alexander
Archer
Ashbrook
Bauman
Beard
Bennett
Cochran
Collins, Tex.
Conlan
Crane
Daniel, Dan
Duncan
Flynt
Gilman
Ginn
Goldwater
Gross
Holt
Huber
Ichord
Landgrebe
Lott
McSpadden
Mathis, Ga.
Montgomery
Poage
Price, Tex.
Quillen
Rarick
Rousselot
Satterfield
Scherle
Snyder
Symms
Taylor, Mo.
Whitten
Wolff
Young, Alaska
Young, Fla.

NOT VOTING—54

Addabbo
Badillo
Barrett
Bell
Blatnik
Burke, Calif.
Camp
Chappell
Chisholm
Clark
Conyers
Davis, Wis.
Diggs
Eilberg
Ford, Gerald R.
Giaimo
Green, Pa.
Hanley
Hanna
Hawkins
Hébert
Holifield
Hudnut
Jones, Tenn.
Keating
Ketchum
Lent
McEwen
Mailliard
Maraziti
Mazzoli
Mills, Ark.
Mitchell, N.Y.
Mizell
Mollohan
Murphy, Ill.
Nix
Patman
Powell, Ohio
Reid
Rhodes
Roncallo, N.Y.
Rooney, Pa.
Rose
St Germain
Sandman
Stanton, James V.
Stark
Stokes
Sullivan
Teague, Tex.
Towell, Nev.
Walsh
Wydler

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Mills of Arkansas with Mr. Gerald R. Ford.

Mr. Jones of Tennessee with Mr. Mailliard.

Mr. Hébert with Mr. Camp.

Mr. Eilberg with Mr. Rhodes.

Mr. Blatnik with Mr. Ketchum.

Mrs. Sullivan with Mr. Sandman.

Mr. St Germain with Mr. Wydler.

Mr. Patman with Mr. Powell of Ohio.

Mr. Chappell with Mr. Hudnut.

Mr. Rose with Mr. Bell.

Mr. Hanna with Mr. Davis of Wisconsin.

Mr. Addabbo with Mr. Mizell.

Mr. Green of Pennsylvania with Mr. McEwen.

Mr. Mazzoli with Mr. Roncallo of New York.

Mr. Teague of Texas with Mr. Walsh.

Mr. James V. Stanton with Mr. Mitchell of New York.

Mr. Holifield with Mr. Keating.

Mr. Barrett with Mr. Towell of Nevada.

Mr. Giaimo with Mr. Nix.

Mr. Badillo with Mrs. Burke of California.

Mr. Clark with Mr. Lent.

Mr. Reid with Mr. Stokes.

Mrs. Chisholm with Mr. Stark.

Mr. Conyers with Mr. Mollohan.

Mr. Hanley with Mr. Maraziti.

Mr. Murphy of Illinois with Mr. Hawkins.

Mr. Diggs with Mr. Rooney of Pennsylvania.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENSION OF WATERGATE GRAND JURY

Mr. HUNGATE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10937) to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia, as amended.

The Clerk read as follows:

H.R. 10937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding rule 6(g) of the Federal Rules of Criminal Procedure, or any other law, rule, or regulation, the term of the grand jury of the United States District Court for the District of Columbia which was impaneled on June 5, 1972, is extended to June 4, 1974. If the United States District Court for the District of Columbia determines that the business of the grand jury will not be completed by that date, that court is authorized to extend its term for an additional six months.

(b) If the United States District Court for the District of Columbia fails to extend the term of the grand jury beyond the statutory extension period ending June 4, 1974, the

Chief Judge of the United States Court of Appeals for the District of Columbia Circuit may extend its term for an additional six months on application by the grand jury upon the affirmative vote of a majority of its members that it has not completed its business. Upon the making of such an application by the grand jury, its term shall continue until the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit enters an appropriate order. In no event shall the term of the grand jury extend beyond December 4, 1974.

The SPEAKER. Is a second demanded?

Mr. SMITH of New York. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Missouri (Mr. HUNGATE) and the gentleman from New York (Mr. SMITH) will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge passage of H.R. 10937, as amended, a bill to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia.

As you may know, that grand jury is hearing testimony and receiving evidence relating to the Watergate break-in and coverup and is commonly known as the "Watergate grand jury." Pursuant to the provisions of rule 6(g) of the Rules of Criminal Procedure for the U.S. district courts, the grand jury's term will end on December 4, 1973, unless this legislation is enacted.

H.R. 10937, as amended, legislatively extends the term of the grand jury to June 4, 1974. At the conclusion of that extension, the U.S. District Court for the District of Columbia is empowered to extend the term of the grand jury for 6 additional months. The bill further provides that if the district court fails to extend the term, the grand jury may apply for the extension to the chief judge of the U.S. Court of Appeals for the District of Columbia Circuit. The grand jury is empowered to make this application upon the affirmative vote of a majority of its members that it has not completed its business. Finally, H.R. 10937, as amended, provides that in no event shall the term of the grand jury extend beyond December 4, 1974.

The arguments supporting this bill are very compelling. The representatives of the Department of Justice, who testified in support of this legislation, indicated that the Watergate grand jury will not complete its work by December 4, 1973, the end of its term. If we do not extend the term of this grand jury, it will then be necessary to impanel a new grand jury. That new grand jury will then have to receive all of the evidence and testimony presented to the June 5, 1972, grand jury. This would require the recalling of the witnesses before the new grand jury or the reading or extensive summarizing of their previous testimony. Either procedure will unnecessarily duplicate work already done and result in needless additional expense.

As you may know, the Watergate grand jury has been sitting for over 16 months and has heard numerous witnesses whose testimony fills many volumes of transcript. The grand jury has seen the witnesses, observed their demeanor, and been able to assess their credibility. It has, in short, developed a considerable expertise that will be invaluable when the time comes to decide whether to return indictments.

If the grand jury's term is permitted to expire, all of this expertise will be lost. This would, indeed, be regrettable, for it would result in prejudice to the prosecutors, to potential defendants, and to the general public. If we extend the term of the grand jury, we insure that all new evidence will be presented to a grand jury with the expertise to assess it and put it in the proper context.

My colleagues, this legislation is necessary to help bring the Watergate matter to a just and speedy conclusion and to promote the efficient administration of justice. I call upon you to act favorably on this bill.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of our committee, the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. I thank the gentleman for yielding.

Mr. Speaker, I merely would like to advise the House that this legislation was introduced by me at the request of the former Attorney General Elliot Richardson. The need for this legislation has been amply demonstrated. The subcommittee reported this legislation unanimously, and the full committee, without objection. I believe that under the circumstances in which we find ourselves today there is ample justification for the need to extend the life of this grand jury. I hope that the Members will so agree.

Mr. SMITH of New York. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, the bill, as the chairman of the subcommittee has pointed out, will extend the life of the so-called Watergate grand jury for 6 months and thereafter provide the means by which the grand jury may be extended for an additional 6 months if necessary either by the district court, or if the district court should refuse, then by the chief judge of the Federal Court of Appeals for the District of Columbia on the grand jury's own motion. The bill provides that in no event shall the grand jury be extended beyond December 4, 1974.

Mr. Speaker, I urge that this bill be passed and the life of this grand jury be extended.

Mr. HUNGATE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I rise in support of H.R. 10937, to extend the life of the June 5, 1972, grand jury, which has come to be known as the Watergate grand jury.

It is clear that, due to the complexity of the matters which this grand jury has been investigating, as well as the long refusal of the administration to provide the grand jury with necessary and relevant materials, the work of the grand jury will be far from completion when its life expires on December 4, 1973. Although the grand jury has made great progress in its investigation, much remains to be done.

The American public demands that this investigation be continued until all the facts in this case are brought out, so that those accused of wrongdoings can be charged and tried in a court of law. Equally important, the cloud of suspicion and doubt should be removed from those who, in fact, have not been involved in any of the illegal acts associated with the break-in at the Democratic National Committee Headquarters on June 17, 1972 and related matters. It is in the public interest that this investigation be completed thoroughly and as soon as possible.

I urge the passage of this important legislation.

Mr. SMITH of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I am pleased to give my support to H.R. 10937—a bill to extend the life of the Watergate grand jury for a period of 6 months, with the possibility of a similar extension by the district judge providing the grand jury's investigation has not been completed by next June 4, 1974.

Mr. Speaker, I want to make it perfectly clear that any and all violations of the law which have been perpetrated in connection with the Watergate break-in or related activities should be fully and fairly investigated and the perpetrators brought to justice.

Mr. Speaker, in connection with the Organized Crime Control Act of 1970, I supported and helped secure enactment of legislation which permits special grand juries in cases of organized crime to serve for as long as 36 months. This extended period of time seemed requisite when we considered the ramifications and complexities of some organized crime activities. In connection with the Watergate affair, the ramifications and complexities are also present—and it would be a reflection on this Congress—indeed, on all in public life—if the opportunities for a full investigation were to be hampered by the dismissal of the grand jury when its current term expires in just a few weeks—December 4, 1973.

Mr. Speaker, I hope that this legislation will not be used by the district judge as a basis for any undue delays—or that any persons for political or other reasons would be persuaded to drag out the Watergate affair for a single day beyond that which is necessary.

Mr. Speaker, no course of misconduct by persons in positions of political and governmental influence has ever received the attention or extensive involvement as in the case of the Watergate affair. In order to restore public confidence, it is of course necessary to avoid any appearance of a whitewash or cover-up. Indeed, with the thorough and intensive attention which the Watergate affair has received, any such suggestions are unthinkable.

Mr. Speaker, let us today extend the

authority for the Watergate grand jury to continue and to complete its work. Let us hope thereafter that all of those charged with wrongdong will be brought to prompt justice and that the entire disaster which bears the label of "Watergate" may be relegated to the past, that we may profit from the stupidity and the misdeeds which created this dreadful national problem—and that this Nation may go forward in the hands of honorable men and women whose courses of conduct will reflect the highest in human honesty and integrity, and with a deep and abiding respect for both the laws of this land and for the underlying principle of the rule of law upon which our great Republic is founded.

Mr. Speaker, I urge an overwhelming favorable vote in support of the Watergate grand jury extension bill.

Mr. HUNGATE. Mr. Speaker, I have no further requests for time.

Mr. SMITH of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I rise in support of this legislation which simply extends the Watergate grand jury for a 6-month period, provides that the district court may extend it for another 6-month period, and provides further that if the district court does not make that second extension, that if the grand jury feels that the second extension should be made, they may petition the chief judge of the circuit court of appeals for that second extension.

I think it is a good bill and needed under the circumstances. I urge its support.

Mr. SMITH of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, I supported this extension of the term of the Watergate grand jury in the Criminal Justice Subcommittee and in the full Committee on the Judiciary and I am happy to do so again today.

The U.S. District Court of the District of Columbia appoints a new grand jury approximately every 2 months to hear evidence and draw up necessary indictments in local criminal cases. On June 5, 1972, the court summoned a new grand jury to sit during the months of June and July. On June 17, 1972, five men were apprehended with electronic "bugging" equipment inside the Democratic National Committee headquarters at the Watergate complex in Washington. The June 5 grand jury investigated the break-in and handed down an indictment against seven Watergate defendants on September 15, 1973.

Since those initial proceedings, the June 5 grand jury has continued to investigate several other matters directly related to the Watergate break-in, although a second grand jury was also impaneled on August 13, 1973, at the request of the Watergate special prosecution force specifically to review Watergate-related matters.

Under the Federal Rules of Criminal Procedure, a grand jury serves for a maximum period of 18 months. Although the Organized Crime Control Act of 1970 provides that special grand juries may serve as long as 36 months or even longer under certain circumstances, the June 5 grand jury was not named as a special grand jury and its term will therefore expire when the 18 months run out, on December 4, 1973.

The Department of Justice has requested that the term of the June 5 grand jury be extended, because of its special nature and because it has not yet completed its investigations. If this panel were allowed to expire on December 4, all the evidence heard in the last 16 months would have to be presented again to a new grand jury. As the Justice Department witnesses testified in our subcommittee hearings on this matter, such a procedure might result in delay and possible prejudice to the Government, to witnesses, and to the public interest in obtaining an early resolution of the Watergate affair and related matters. Enactment of the proposed extension, similar to the procedures employed for continuing special grand juries, may result in considerable savings by avoiding the repetition of testimony to a new grand jury.

The bill extends the term of the June 5, 1972, grand jury to June 4, 1974. The district court may further extend the grand jury's term for an additional 6 months if the court determines that the panel will not complete its business by that date. If the court fails to extend the term beyond the June 4, 1974, deadline, the chief judge of the U.S. Court of Appeals may extend the term for 6 months upon application by a majority of the members of the panel. Under no circumstances is the term of the grand jury to extend beyond December 4, 1974.

It would be a tremendous waste of the experience of this particular grand jury and its familiarity with the facts regarding the Watergate matter were this grand jury to be allowed to go out of existence on December 4 without first having completed its important task. It is essential for the restoration of confidence in our institutions and system of justice that the work of this grand jury go forward unimpeded in order to investigate fully the entire Watergate matter and hand down whatever further indictments as it finds the facts justify. This is an absolutely indispensable first step toward bringing to trial, to conviction and to punishment all those guilty of the commission of crimes in connection with the sordid Watergate affair.

Mr. Speaker, I urge all Members to support passage of this bill.

Mr. HOGAN. Mr. Speaker, the shocking events that have unfolded in connection with Watergate have shaken all of us. Due to the distress and concern of the American people, it is vitally important that this investigation go forward unfettered so that we can restore confidence in our Government.

We have before us today, the bill H.R. 10937, which would extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia. This grand jury, the so-called Watergate grand jury, is hearing evidence concerning the break-in at the Democratic National Committee Headquarters on June 17, 1972, and related matters. On September 15, 1973, the grand jury handed down an indictment against seven Watergate defendants.

The present law does not permit judicial extension of the life of a general grand jury and statutory extensions have been discouraged in the past. This, however, is a unique case because of the character of the crimes, the potential defendants, and the questions of public confidence that may arise. Under the Federal Rules of Criminal Procedure, a grand jury serves for a maximum period of 18 months. The June 5, 1972, grand jury's term will expire on December 4, 1973. The Organized Crime Control Act of 1970 provides that special grand juries may, under certain circumstances, serve as long as 36 months and in some cases even longer. Although the June 5 grand jury is not a "special grand jury," the Department of Justice has requested that the panel be extended because of the special nature of the Watergate affair.

The bill would extend this grand jury for 6 months and create the possibility of another 6 months' extension although we have been assured that the grand jury is expected to complete its work during the next 6 months.

At no time in the history of this country has a grand jury of this type served more than 18 months. However, due to nature of this particular grand jury and the need to restore the public's confidence in the Government, I strongly recommend that the Members of this body pass the bill and allow the grand jury to continue its investigation of the Watergate affair.

Mr. DONOHUE. Mr. Speaker, as a member of the House Judiciary Committee that expeditiously considered and favorably reported it, I earnestly urge and hope the House will speedily approve H.R. 10937 that is designed, as amended, to extend the term of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia.

The substantive purpose of the bill is to provide for two 6-month extensions of the term of the grand jury, with the first extension being mandatory rather than discretionary. I would emphasize that none of the normal powers and duties of the grand jury are affected by this bill. The bill's provisions are confined to simply extending the length of the grand jury term.

I would like to point out that such an extension will tend to result in a Federal savings instead of any increased cost because if the present jury is not extended a new grand jury would have to be empaneled by the court and any new jury would have to be given the time to receive testimony that already has been presented to the present grand jury.

It should be further emphasized that there was unchallenged testimony presented to our Judiciary Committee by the Department of Justice prosecutors, associated with the Watergate investigations and other related matters, that the business of the grand jury will not be completed by December 4, 1973, and that the then Attorney General, Elliot Richardson, urged prompt enactment of this legislation because of the character of the crimes, potential defendants and the questions of public confidence that were obviously raised by the matters under consideration by the grand jury.

Mr. Speaker, under any and all standards of judgment that might be applied to this historic legislative pro-

The estimate is well under the 161,000 peak school attendance of a couple of years ago. In one of the fastest-growing counties in the Nation, private and church schools are gaining, public schools are losing students, and families are moving out of Prince Georges County to avoid busing.

Fifth. Disciplinary problems are manifold as evidenced by the request of the Prince Georges County schools for "alternative educational programs for disruptive students." The increased cost is indicated as $296,000 annually. The security staff of the schools has required an addition of 13 positions.

Sixth. A 4-year-old youngster being bused for racial balance from Palmer Park to New Carrollton has been killed in a bus accident. It was a tragic commentary on Judge Kaufman's order that the child was a member of a minority group, so young, and that the accident was so unnecessary.

Seventh. The outlook is for substantial readjustments of schoolbusing for racial balance this next semester because any kind of a plan drawn will be outbalanced when families move or put their children in private schools to avoid busing. As predicted, minority growth in various schools has resulted in the need to reschedule busing plans and pupil assignment under Judge Kaufman's formula twice a year.

The refusal of the Supreme Court to review the Prince Georges County case ends the judicial phase. What about the congressional or legislative prospects?

I have introduced House Joint Resolution 85, a constitutional amendment which would preclude the Court from ordering busing for racial balance, which states:

> SECTION 1. No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.
>
> SEC. 2. Congress shall have the power to enforce this article by appropriate legislation.

In the Congress approximately 50 antibusing bills have been introduced in seven different categories. Because of the proliferation of legislation and the differing provisions, the Busing Strategy Committee was formed, which I mentioned earlier.

I am hopeful that a single legislative proposed can be agreed upon which will receive favorable action by the Congress. Too long the courts have experimented with our schools with artificial color quotas and extravagant busing. I think it is time to return our schools to our communities. I think it is time the neighborhood schools again become the acceptable concept.

WAR POWERS LEGISLATION OVERDUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 10 minutes.

Mr. FISH. Mr. Speaker, I rise to urge my colleagues to override the President's veto of the war powers resolution (H.J. Res. 542).

This legislation requires that the President report to the Congress within 48 hours after a commitment of U.S. troops to combat abroad. It also would require that such troops be withdrawn within 60 days, unless the Congress specifically approved the action. It encourages, rather than discourages, consultation between the two branches on vital matters of war and peace.

Some opponents charge that, through this bill, the Congress is giving up some of its power by statute to the President. It is said the President has a 60-day mandate to commit troops to hostilities. I find this reasoning difficult to fathom. The fact is that under the provisions of House Joint Resolution 542, the Congress can halt military action anytime prior to the 60-day period by the passage of a concurrent resolution. The bill provides a definite procedure for preventing future "Vietnams." I can only interpret this as a reassertion of congressional prerogative, rather than a relinquishment.

Ironically, other critics argue that the bill goes too far. Mr. Speaker, there is nothing in this bill which inhibits quick fulfillment of the constitutional obligations of the Commander in Chief. There is nothing in the bill that would prevent the President from taking prompt action in response to a crisis anywhere in the world as recently he has done brilliantly in the Mideast. There is nothing that would impair our treaty obligations with other nations. To say otherwise assumes an irresponsible Congress. There is nothing that would reflect, either favorably or unfavorably, on our deterrent posture.

What this legislation signifies is a long overdue attempt by the Congress to share responsibility for warmaking—its clear constitutional role. What is implicit is a confidence in the collective judgment of the Congress.

Mr. Speaker, we are legislating pursuant to a power and a responsibility granted to the Congress in article I of the Constitution. The people expect no less of us.

THE IRS IS NOT A POLITICAL TOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, almost 5 months ago I rose in this Chamber to voice my concern that the present administration had entered into activities designed to use the Internal Revenue Service as a political tool. Such an accomplishment would be a flagrant invasion of the right of privacy of millions of Americans. It would constitute an inexcusable breach of faith with the millions of law-abiding citizens who have honestly filed their income tax reports in the belief that the confidential information contained therein would be used only for the purpose of computing their tax liability.

My suspicions have been heightened by the revelations last week of a memorandum dated October 17, 1969, from Jeb Magruder to H. R. Haldeman, both former members of the highest echelons of this administration. The memorandum was titled "The Shotgun Versus the Rifle" and discussed methods which might be employed by the administration to put a dangerous damper on the freedom of the press.

I would like to quote two portions of this memo. The first describes the task, as Magruder saw it:

> The real problem that faces the Administration is to get to this unfair coverage in such a way that we make major impact on a basis which the networks-newspapers and Congress will react to and begin to look at things somewhat differently. It is my opinion that we should begin concentrated efforts in a number of major areas that will have more impact on the media and other anti-Administration spokesmen and will do more good in the long run . . .

There followed this comment some suggested ways of accomplishing the goal as Magruder saw it. Among these was the following:

> Utilizing the Internal Revenue Service as a method to look into the various organizations that we are more concerned about. Just a threat of an IRS investigation will probably turn their approach. . . .

A more blatant proposal for subverting our laws I have never seen nor heard proposed by an official in a position to influence policy decisions. It is evident from the date on this memorandum that seeds of things to come had already been planted in the minds of some members of the administration even before its first year in office ended.

It was this spring that I first suspected that a link might exist between the attempts by the White House to politicize the IRS and a couple of Executive orders issued early this year by President Nixon. My feeling developed as the Subcommittee on Foreign Operations and Government Information, of which I am a member, held hearings, at my request, on Executive Orders Nos. 11697 and 11709. These orders are designed to give the Agriculture Department authority to study income tax returns of our Nation's three million farmers.

The stated purpose for these orders was to allow the USDA to improve its statistical surveys.

On October 18, 1973, the subcommittee issued its report on its study of those Executive orders. The report is titled "Information from Farmer's Income Tax Returns and Invasion of Privacy." It contains three recommendations. They are:

> 1. For the purpose of statistical mail surveys, that the Internal Revenue Service provide to the Department of Agriculture only names, addresses, and taxpayer identification numbers. No personal financial data from farmers income tax returns should be provided unless an individual citizen gives his voluntary informed consent in writing. Ideally, the farmer could provide this information directly to the Department of Agriculture.
>
> 2. That the Department of Agriculture, utilizing lists of persons having farm operations provided by the Internal Revenue Service, seek the voluntary informed consent of farmers in obtaining private financial information needed to design statistical mail surveys.
>
> 3. That the appropriate Congressional Committees consider legislation amending

> section 6103 of the Internal Revenue Code to make tax returns explicitly confidential, except as otherwise limited for tax administration, enforcement and other purposes approved by Congress.

My suspicions about a link between an Administration attempt to use IRS as a political tool and the Executive orders favoring USDA were triggered by the admission by the Department of Justice to the Subcommittee on Foreign Operations and Government Information that those orders had been designed to serve as a prototype for future tax return inspection orders. This feeling was strengthened by testimony before the Senate Select Committee on Presidential Campaign Activities—the "Watergate Committee"—that certain White House aides had sought to use the IRS as a political weapon against the administration's "enemies."

There were a number of other factors which influenced my thinking:

The testimony of John Wesley Dean III before the Senate Select Committee showed clearly there was a determined and active effort to politicize the Internal Revenue Service and much consternation over the resistance of top officials in the IRS to be a party to any such effort;

The revelation that J. Gordon Liddy and John Caulfield were employed by the Department of the Treasury at the time the Executive orders were formulated;

Dean's production of documents showing that Caulfield had advised him on matters pertaining to political enemies and the IRS; and

The Dean documents which included a reference to a way in which the IRS could "target" individuals by requesting an IRS audit "of a group of individuals having the same occupation."

To me this struck a resounding chord. Executive Orders 11697 and 11709 are aimed at "a group of individuals having the same occupation"—namely, farmers.

The appearance of the Magruder memorandum last week is additional evidence that the state of mind of the administration during the time the tax return release order was being formulated was to compromise the IRS and other agencies for political purposes.

Another portion of the Magruder memorandum's suggestions for putting the screws on the news media seems relevant here. Its final suggestion was—

> Utilize Republican National Committee for major letter writing efforts of both a class nature and a quantity nature. We have set up a situation at the National Committee that will allow us to do this, and I think by effective letter writing and telegrams we will accomplish our objective rather than again just the shot-gun approach to one specific Senator or one specific news broadcaster because of various comments. . . .

Could it be that they wanted the names and addresses of the Nation's 3 million farmers so they could pick out those who earned a high income and recruit them for political letterwriting campaigns "of a class nature"?

In "Past and Present," Thomas Carlyle wrote:

> In the long run every Government is the exact symbol of its people, with their wisdom and unwisdom. . . .

In the nearly 2 centuries since our Nation was founded the wisdom and courage of our people have given us the strength and determination to protect our precious rights and freedoms. Among the most important of these are freedom from illegal coercion and the right of privacy. Failure to protect these rights for even one citizen could well be the key to tyranny for us all.

These coincidents which I have cited are too obvious to ignore. It may be that the Congress will want to act along the lines suggested by Donald C. Alexander, Commissioner of Internal Revenue during his testimony before the Subcommittee on Foreign Operations and Government Information.

Commissioner Alexander said in part:

> . . . As I see it, today we should consider the basic problem of balancing two competing interests: The right of the taxpayer to privacy against the need of the requesting person or agency to information necessary to the fulfillment of its function. In striking this balance, the Congress might wish to impose a heavy burden upon the entity seeking tax information. . . . * * * Congress might consider modifications in the rules permitting access to tax information of those having a direct or beneficial interest in the particular tax return. . . .

I agree with the Commissioner. I am convinced that present tax law, which has the effect of treating an individual's tax return as a public document, within too loose limits, may well need to be changed. I believe that Congress should carefully consider modifying the law to make income tax returns private documents except under certain carefully prescribed circumstances.

In the future I expect to urge the appropriate congressional committees to give full consideration to this need.

IT WAS THE BEST OF TIMES, IT WAS THE WORST OF TIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, Charles Dickens opened his classic "A Tale of Two Cities" with the following words—

> It was the best of times, it was the worst of times. . . .

Today it, indeed, is "the best of times" for the oil industry, and for the American consumer, on the other hand, it is "the worst of times." While the public is warned about energy shortages and rationing and is forced to pay higher prices for fuel, the oil oligopoly, despite the energy crisis and the greater demands by the oil-rich Middle East governments, is doing better than ever.

The third quarter profits are now being reported and they show some of the biggest profit increases in the history of the oil industry. Exxon Corp., the Nation's largest oil company, earned $638 million in the July–September quarter, an 80-percent hike over the $353 million reported in the third quarter of 1972. Profits for the first 9 months of this for Exxon were $1.66 billion, some 59.4 percent higher than profits in the same period of 1972. The Gulf Oil Corp. raked in record 9-month earnings of $570 million, a 60-percent gain over the first 9 months of 1972. Gulf's 1973 third quarter advanced 91 percent to $210 million. Standard Oil of Indiana's third quarter net surged by 37 percent to $147.3 million. Continental Oil Co. said its third quarter earnings rose 38 percent to $54.2 million. Cities Service Co. reported its third quarter earnings climbed nearly 61 percent to $28.6 million.

Ashland Oil had a 17-percent earnings gain to $24.4 million for the July–September period. Standard Oil Co. of Ohio announced its third quarter net rose 14 percent to $18 million. Getty Oil's third quarter net income of $33.7 million was a 71-percent jump over last year's third quarter figures. Phillips Petroleum earnings for the third quarter rose to $53.8 million, a 43-percent gain over a year ago. Atlantic Richfield's profits rose 16 percent in the third quarter and 37 percent in the 9-month period. Texaco's net income followed the trend of sharp gains as it advanced 48 percent above the 1972 third quarter. Union Oil saw its third quarter earnings rise 61 percent to $50.7 million, and Mobil Oil came in with a 64.1-percent boost in its third quarter profits, reaching $231.2 million. Standard Oil Co. of California turned in record profits for the third quarter with a 51-percent gain over the similar 3 months last year.

Mr. Speaker, the oil oligopoly has found a way to use the energy crunch to its advantage and to make more money than ever before. Furthermore, as we all know, the oil industry is the beneficiary of many Government policies, and we, in the Congress, find ourselves even unable to pass any reform of the minimum income tax provisions because we are told that the oil giants, who object to paying their fair share of taxes, have gotten to our brethren. So, as we enter "the winter of despair," the oil companies will have everything before them, and the American consumers, who are forced to pay more for fuel products in order to provide the greater profits for the oil barons, will have nothing before them.

CPA AT THE FED, CONTINUED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, on October 18, as part of my continuing effort to determine the scope of Consumer Protection Agency authority under the pending CPA bills, I entered into the RECORD responses to my questionnaire from four banking agencies.

One of the critical questions asked of each agency in my survey of the most affected Federal agencies concerned how many of their 1972 final decisions were appealable to the courts by anyone. Under two of the three CPA bills now before a subcommittee on which I serve, the CPA would be able to appeal the final decisions of another agency if anyone else could appeal them. This grant of power is the major difference among the three bills. Only H.R. 564, the bipartisan bill introduced by Congressman BROWN of Ohio and myself, would not grant such posal, there can be no doubt whatsoever that it is in entire accord with the public interest and concern of the people of this country and I therefore urge its prompt and resounding adoption by the House.

Mr. HARRINGTON. Mr. Speaker, I support H.R. 10937, which would extend the life of the Watergate grand jury beyond its present expiration date of December 4, 1973, for a minimum of 6 months, but not more than 1 year. It seems to me that the extension of the Watergate grand jury is essential to the prosecution of those responsible for the Watergate break-in and related crimes. If the grand jury expires, it will mean that, no matter what the various special prosecutors discover in the course of their investigations, those suspected of crimes will not be brought to justice.

The question before us is whether we will be a government of laws, with equal protection for all Americans, or a government which excuses the rich and powerful from prosecution and punishment. I opt for the former, and am sure that my colleagues will do the same. For this reason, I support extending the life of the Sirica grand jury, and urge each of my colleagues to vote for the legislation under consideration.

GENERAL LEAVE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 10937, extension of the Watergate grand jury.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SMITH of New York. Mr. Speaker, I have no further request for time.

Mr. HUNGATE. Mr. Speaker, I have no further request for time.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. HUNGATE) that the House suspend the rules and pass the bill H.R. 10937, as amended.

The question was taken.

Mr. SYMMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 378, nays 1, not voting 54, as follows:

[Roll No. 561]

YEAS—378

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Bauman
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—1

Landgrebe

NOT VOTING—54

Addabbo
Badillo
Barrett
Bell
Blatnik
Burke, Calif.
Camp
Carney, Ohio
Chappell
Chisholm
Clark
Clausen, Don H.
Conyers
Davis, Wis.
Diggs
Eilberg
Ford, Gerald R.
Giaimo
Green, Pa.
Hanley
Hanna
Hawkins
Hébert
Hudnut
Jones, Tenn.
Keating
Ketchum
Lent
McEwen
Mailliard
Maraziti
Mazzoli
Mills, Ark.
Mitchell, N.Y.
Mizell
Mollohan
Murphy, Ill.
Nix
Patman
Powell, Ohio
Reid
Rhodes
Roncallo, N.Y.
Rooney, Pa.
Rose
Sandman
Stanton, James V.
Stark
Stokes
Teague, Tex.
Towell, Nev.
Walsh
Widnall
Wydler

So (two-thirds having voted in favor therof), the rules were suspended, and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.

Mr. Addabbo with Mr. Rhodes.

Mr. Rose with Mr. Lent.

Mr. Badillo with Mr. Camp.

Mr. Blatnik with Mr. Davis of Wisconsin.

Mr. Eilberg with Mr. Mizell.

Mr. Mazzoli with Mr. Widnall.

Mr. Mollohan with Mr. Ketchum.

Mr. Patman with Mr. Mailliard.

Mr. Reid with Mr. Sandman.

Mr. Teague of Texas with Mr. McEwen.

Mr. Hanna with Mr. Towell of Nevada.

Mr. Clark with Mr. Wydler.

Mr. Carney of Ohio with Mr. Powell of Ohio.

Mr. Giaimo with Mr. Mitchell of New York.

Mr. Mills of Arkansas with Mr. Hudnut.

Mr. Barrett with Mr. Walsh.

Mr. Chappell with Mr. Maraziti.

Mr. James V. Stanton with Mr. Keating.

Mr. Jones of Tennessee with Mr. Don H. Clausen.

Mr. Hanley with Mr. Bell.

Mr. Rooney of Pennsylvania with Mr. Roncallo of New York.

Mr. Murphy of Illinois with Mr. Stokes.

Mr. Green of Pennsylvania with Mrs. Burke of California.

Mr. Stark with Mr. Hawkins.

Mrs. Chisholm with Mr. Diggs.

Mr. Conyers with Mr. Nix.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER CHANGE IN LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I take this time to announce a further change in the legislative program for tomorrow.

We are adding the debt limit bill to the schedule. So the program for tomorrow will be as follows:

The consideration of House Joint Resolution 542, the war powers resolution, a vote to override the President's veto, which will be the first item of business tomorrow; a vote on the conference report on S. 1081, the trans-Alaska pipeline bill; and a vote on H.R. 11104, the increase in the public debt limit, under an open rule, with 2 hours of debate.

UNITED NATIONS AND HYPOCRISY

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter).

Mr. KOCH. Mr. Speaker, the United Nations is located in my congressional district and so I take special interest in its activities. But regretfully, I must admit that over the years I have viewed its actions—or better said its lack of action—with sadness and oftentimes contempt when its initiatives have been hypocritical. What distresses me today, Mr. Speaker, is that that august body, including both the General Assembly and the Security Council, has been silent in the face of the extraordinary savagery committed by Syrians on Israeli prisoners. We read reports that Israeli soldiers captured by the Syrians at the outbreak of the recent hostilities have been chained, blindfolded and shot—all in gross violation of the Geneva Convention and the most basic tenets of human decency. Yet, the United Nations remains silent, it does nothing to condemn or stop this barbarism.

We witness this callous disregard for human life with outrage and sadness. Yet in the context of the United Nations' short history, it no longer comes as a surprise to us to see this body turn its back on the most moral of issues. Let us consider for a moment just a few other instances in which it has ignored human suffering and failed to undertake its moral responsibility.

The tragedy that befell the Indian subcontinent a short time ago was never faced forthright by the United Nations. Pakistan was permitted to subjugate what is now Bangladesh, causing death and misery to millions and creating a refugee problem for India of incredible proportions. But because of great power politics and regional rivalries, the United Nations was helpless, until force resolved an intolerable situation.

When Biafra sought to break away from Nigeria, whatever the merits of the case, the United Nations again did nothing and incredible suffering resulted.

When General Amin of Uganda, pointing with praise at the example of Hitler, expelled the Indian minority in that Nation, under conditions as degrading as any in recent history, the United Nations did nothing.

When tribal warfare erupted in Burundi and Rwanda, and reports of genocide were well authenticated, the United Nations did nothing and the concept of respect for a nation's so-called "internal affairs" was permitted to cover up these atrocities.

When it is well documented that the Soviet Union persecutes minorities and violates in the most elemental ways the United Nations Declaration of the Rights of Man, the United Nations does nothing.

When the world body was presented with the important problem of airplane highjacking and terrorism, a topic the U.N. was well-equipped to handle, the Arab bloc was able to prevent any effective action.

Mr. Speaker, our Nation has just gone through the agony of having our own soldiers held captive by a nation that failed to honor the Geneva Convention's accords on the treatment of prisoners of war. We know better than any other Nation the anguish, indeed the agony now being suffered by the parents of the young Israeli soldiers being held captive or missing. It is incumbent upon every decent nation to act against Arab barbarism, and the United States should be in the forefront of the protest.

THE FAMILY, POVERTY, AND WELFARE PROGRAMS: FACTORS INFLUENCING FAMILY STABILITY

Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, I wish to bring to my colleagues' attention a study reelased November 4 by the Subcommittee on Fiscal Policy of the Joint Economic Committee. This volume, entitled "The Family, Poverty, and Welfare Programs: Factors Influencing Family Stability," is paper No. 12, part 1, in the series "Studies in Public Welfare" issued by the subcommittee of which I am chairman.

This volume of studies indicates that welfare payments have contributed to the increase in the proportion of American families headed by the mother only. Five outstanding social scientists have analyzed the relationship between the American family and Government welfare programs, providing insight into what is happening to the low-income American family, as well as demonstrating how complex the issues are. These trends and their relation to Government policies and programs must be thoroughly examined if we are to formulate effective welfare reform measures.

The study reveals somewhat startling conclusions which I would like to share with my colleagues:

First, that "high" welfare payments independently and directly stimulate formation of single-parent families, those generally headed by the mother only. That is, there is now evidence that welfare does help break up families.

Second, that increases in income, including higher welfare payments, have allowed a rising proportion of already-broken families to set up their own households, rather than live in the household of parents or other adult relatives. This helps to explain the dramatic increase in families headed by women.

Third, that the number of persons receiving aid to families with dependent children—AFDC—doubled from 1967–70—even though the number eligible rose only 24 percent—because of a sharp rise in the utilization of welfare by eligible people.

Fourth, that the jump in AFDC caseloads may be over, since nearly all eligible families now collect benefits—an estimated 91 percent in 1970.

Fifth, that increases in illegitimacy may have resulted partly from improved living standards rather than from a deteriorating economic position of low-income groups; improved health conditions have hastened fertility, reduced sterility, and hence increased the chances for illegimate births.

In the last decade, the share of poor children living in one-parent families jumped from 27 percent to 51 percent. While half of the poor two-parent families lifted themselves from poverty with the help of economic growth, the number of poor one-parent families rose slightly, as these families benefited little from economic growth.

Along with the rise in fatherless families has come an alarming growth in illegitimacy. Between 1960 and 1968 illegitimate births as a share of all births doubled from 5 percent to 10 percent. Among the poor, the share of out-of-wedlock births has run as high as 30 to 35 percent in recent years.

This volume is available from the subcommittee office or from the Government Printing Office.

SUMMARY OF THE VOLUME

WELFARE PAYMENTS, DESERTION, AND FEMALE FAMILY HEADS

Earlier subcommittee staff studies showed that financial incentives are built into the welfare system for poor fathers to desert their families, or to at least feign desertion. Federal welfare cash is denied to intact families of fathers with a full-time job, no matter how poor the family, although such families are eligible for food stamps. The subcommittee has illustrated the desertion incentives with actual cases in which husband-wife families received far less Government help than a mother-headed family of the same size, and with the same earnings.

Now the subcommittee has released a study by Marjorie Honig of the National Insurance Institute in Israel, which provides statistical evidence that high welfare payments cause an increase in the share of families headed by women. Using a procedure that isolated the impact of high welfare payment levels from other factors, Dr. Honig found that a 10 percent higher welfare payment in a metropolitan area in 1960 seemed to induce a 3 to 4 percent higher share of families headed by women.

These results go well beyond the abundant anecdotal evidence that welfare causes family breakup. We must recognize that Government encouragement of family splitting is more than just a theoretical possibility.

LIVING STANDARDS, ILLEGITIMACY, AND FAMILY STABILITY

One surprising finding reported by the subcommittee in paper No. 12, part 1, is that improved living standards apparently caused some of the increase in illegitimacy. Dr. Phillips Cutright, an Indiana University sociologist, maintains that improved health standards were a primary cause of the large increase in illegitimacy. He attributes primarily to health-related factors almost 90 percent of increased illegitimacy among nonwhites and 20 percent of the increase among whites. Dr. Cutright says better nutrition and more adequate health care increased fertility among younger girls and reduced miscarriages and involuntary sterility.

As far as solutions are concerned, Government policies to increase the use of birth control pills and IUD's will have only limited success in reducing illegitimacy according to Dr. Cutright. Since most illegitimate births are first births among young, poor, unmarried women whose sexual experience generally is infrequent and periodic, many of these women will either not participate in the programs or encounter high failure rates. Dr. Cutright argues that providing abortion services will cause a much greater reduction in illegitimacy than will encouraging the use of contraceptives.

Rising income also probably caused some of the increased numbers of mother-headed families, according to Robert Lerman of the subcommittee staff. Many people have pointed out that insufficient income can cause marital disruption which, in turn, forces women to head their own families. But mothers must have some income to establish and maintain separate households. In earlier years, incomes were so low—including that from public sources like AFDC—that such mothers had to share the households of relatives or friends. Hence, they were not counted then by the Census Bureau as separate mother-headed families. The growth in income and the rise in AFDC payment levels have allowed many mothers of broken families to set up independent households. Dr. Lerman reports that almost 90 percent of mothers without husbands headed their own households in 1970, compared with only 67 percent in 1950. Paradoxically, growing numbers of mother-headed families are partly a sign of higher living standards rather than simply the result of marital breakdown.

RECENT INCREASES IN WELFARE CASELOADS

Barbara Boland, of the Urban Institute, sheds light on why the monthly AFDC caseload doubled from about 1.3 million families in 1967 to 2.5 million in 1970.

Apparently an increasing share of eligible families actually claiming benefits caused the bulk of the growth in AFDC numbers. In 1967, 63 percent of eligible families headed by women received benefits; by 1970 participation had climbed to 91 percent. Now that nearly all eligible families received benefits, caseloads have begun to level off and should continue to do so.

Mrs. Boland reports that the number of families eligible for AFDC rose 24 percent during the 3-year period, chiefly because of higher benefit levels which expanded eligibility to higher income levels.

WHAT CAN BE DONE?

Mr. Speaker, the huge number of broken families creates difficult problems for Government antipoverty policies. On the one hand, families with only one parent present—almost always the mother—have the greatest difficulty in making ends meet. Those mothers fortunate enough to get a job often must work at low wages and bear heavy day care costs. After taxes and expenses, work may pay less to these women than welfare. Thus, providing the greatest help to these families might seem wise. Unfortunately, this policy can prove disastrous in the long run. There is now solid evidence that such current policies have encouraged family breakups. The present AFDC program is weak on many counts. Benefits are dispensed in such a way as to provide incentives for fathers to desert and disincentives for the deserted mother to work and try to raise her family's income. And, in many areas, benefit levels are too low to help any families attain decent living standards.

In my judgment, we need reforms in the welfare system so that families do not have to break up in order to receive income supplements. Family disruption is simply too high a price to extract. The breakdown of the family is already a widespread and growing tendency in our society with effects which range far beyond an impact on the welfare budget. The Government should be part of the solution, not part of the problem.

WEAKNESSES OF PENSION AND RETIREMENT SYSTEM

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, over the last few years, extensive research efforts in this body and elsewhere have uncovered some startling facts about the inequities and the weaknesses of the pension and retirement system. The need to insure a better life for those millions of workers dependent upon pension benefits for their retirement years is an obvious one. Indeed, far too many individuals who participate throughout their working years in private or public pension plans find at retirement time that their plan ends up in only a hollow promise, great disillusionment, and often little or no cash to pay the bills.

May I say that I fully support the intent of pending legislation which seeks to correct this scandalous situation. At the same time, we must take care that our efforts not be so overdrawn as to lose sight of the real benefits and the contributions conveyed through some programs—lest we find that through our zeal the chance of receiving benefits for some might be impaired.

May I share two items recently brought to my attention. First, a guest editorial which appeared in the Oregon Journal entitled, "Private Pension System Requires Breathing Room To Be Effective." Written by Gerald Toy, a Portland consulting actuary, this editorial puts the task of pension fund reform in a thought provoking way.

The second item is an excerpt of a letter to the Oregon congressional delegation from James L. McGoffin, for the State of Oregon. Mr. McGoffin highlights some of the benefits conveyed through the State system and warns of the difficulties which may arise as a result of pending legislation.

PRIVATE PENSION SYSTEM REQUIRES BREATHING ROOM TO BE EFFECTIVE

(By Gerald G. Toy)

The private pension system is one which provides retirement benefits and security for employes who have finished their working careers. Pension plans are paid for by employers (and in some cases employes also contribute toward costs). Plans are designed to supplement the Social Security System.

Recently, the private pension system has come under study and frequently criticized by Ralph Nader and others. A recent editorial in this newspaper entitled "Private Pension Reform Urgent" touches on several points which imply great weaknesses in the system.

First, let's look at some of the strengths of the system:

1—There are over 6 million people drawing benefits of over $10 billion a year in regular retirement checks. These checks, when added to Social Security, keep thousands of people off the welfare rolls and help them to enjoy financial security.

2—Over 35 million currently employed individuals are covered by private plans.

3—Current contributions to pay for future pensions are in excess of $17 billion a year.

4—Average benefits per year have increased from $1,020 to $1,730 in recent years, and they are still rising rapidly.

5—Funding (advance payment for future benefits) is soundly provided in a great many of these plans.

Some weaknesses of the system:

1—Only about 50 per cent of workers in the United States are covered by private pension plans.

2—In some cases, "vesting" takes too long ("Vesting" is the guarantee that the plan will provide benefits whether or not the employe stays at his job. Usually, an employe is vested after certain age or service requirements are met.)

3—Under some plans, "eligibility" is too restrictive. ("Eligibility" means the conditions required before an employe can become a covered participant under a plan and start to earn pension benefits.)

4—There have been cases of dishonesty in handling of funds. Though these situations have been extremely rare, some pension plans have been hurt.

Our private pension system is relatively young. In almost every conceivable way, it has been expanding and improving every year.

Government, both at state and federal level, is moving in with additional laws and regulations. It may be that over-regulation will slow down or even stop growth of a system that has benefited many people and promises to benefit many more.

Since "vesting" is frequently cited as an area of weakness, let us take a close look at what it will mean if a law is passed requiring greatly liberalized vesting.

The cry often is heard that a pension is "lost" whenever a person leaves a job after a few years and before he becomes vested. Statistics are quoted that "only 10 per cent of the people ever get a pension." Such statictics can be misleading.

Suppose that a man works in 10 different jobs out of his 40-year working career from age 25 to age 65. The first nine jobs last one year each before he finally finds a job that he likes and stays with for the rest of his working life. He then retires and gets a pension. Is it logical to say that only 10 per cent of his jobs produced a pension? Or could you more properly conclude that he was 100 per cent successful in getting a pension?

Look at it from the employer's point of view: He wants to encourage good employes to stay with him and help him earn a profit. He wants to reward good and faithful service with good pension benefits, for which he puts away certain sums of money periodically. With a moderate vesting requirement such as 15 years of service, he will be able to reward not only his people who stay 20, 30, or 40 years to retirement age (usually 65), but also those who quit after 15 years but before reaching retirement age.

If a new law is passed requiring five-year vesting, a large amount of money will go to the short-term employes who leave. The result is that long-term employes will get less. Alternatively the employer will have to put in more money—or face a combination of these two possibilities.

Another alternative is that he may decide that it's just not worth it and terminate his plan. Or an employer thinking of setting up a new plan may decide that he doesn't want to be exposed to the risk of greater and greater governmental restrictions on how his money should be spent.

Herein Oregon, a new law governing pension plans was passed by the 1973 Legislature. The federal government already regulates the private pension system through the Treasury Department (Internal Revenue Service) and through the Labor Department.

One has to live with these laws and regulations and fill out the multitude of required forms to really appreciate the required amount of paperwork. It is my honest opinion that our new Oregon law does little, if anything, to strengthen the private pension system. Indeed, it may even weaken it by adding still another layer of red tape and expense to the operation of pension plans.

The tragedy of the tussock moth damage to our forests should be a constant reminder of what government regulation can do when it is contrary to common sense.

We all have a legitimate concern in this matter and both sides of the coin should be examined before hasty "reform" laws are imposed on the health, growing private pension system.

Public Employees
Retirement System,
Portland, Oreg.

". . . We, as most other public retirement systems, now have adequate provisions covering the areas of vestment, funding and proper audit, which are far in excess of the requirements in H.R. 4200. The net effect of this bill would create extremely expensive, redundant and uncalled for additional reporting, describing and disclosing, only increasing our administrative expenses without providing one single iota of additional benefit or protection to the member over what he presently enjoys . . . We must have an extension of time beyond 1975 and a much clearer definition of all terms . . . Otherwise, only chaos will result in the actuarial funding of ours, as well as all other public retirement systems across the nation . . ."

The status of benefits for the Oregon Retirement System, its over 80,000 active employees and 20,000 retirees, has been enhanced and substantially increased, offering greater service and protection to the member, even in the past three bienniums. We now have total vesting with only five years of service; a complete and total return of all employee contributions coupled with total accumulated interest, upon separation from service; a 1% pension formula that generates approximately 50% of salary at 30 years of service; and early optional retirement benefits. This, coupled with disability and life and medical benefits funded over a 26 year statutory period with reserves in excess of 600 million dollars and a cash flow in excess of our obligations of over five million dollars a month, hardly requires, at this time, inclusion in such priority private-pension-legislation as H.R. 4200.

Yours very sincerely,
James L. McGoffin,
Director.

AN INTERVIEW OF SENATOR HENRY M. JACKSON BY CONGRESSMAN JOHN BRADEMAS

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr BRADEMAS. Mr. Speaker, I insert in the Record the transcript of a televised interview which I have conducted with the distinguished junior Senator from Washington, the Honorable Henry M. Jackson.

The interview, another in a "Washington Insight" series I conduct for showing on WSJV–TV, the ABC affiliate in South Bend-Elkhart, Ind., will be viewed on Wednesday evening, November 7, 1973.

The transcript follows:

An Interview of Senator Henry M. Jackson, by Congressman John Brademas, WSJV–TV, South Bend-Elkhart, Ind., November 7, 1973

Mr. Brademas. War in the Middle East, continued confrontation with the Soviet Union, threats made good by the Arab States to cut off their oil exports, and the possibility of serious energy shortages—these are among the most critical problems facing our country today. And they are all areas where Americans are looking for leadership to their elected National officials.

Here to discuss these and other issues with me today is one of the nation's top leaders, Senator Henry M. Jackson of the State of Washington.

Senator Jackson first came to Washington, D.C. as a Member of the House of Representatives, where he served for twelve years. In 1952, he was elected to the United States Senate, where he has served ever since.

Senator Jackson is chairman of the Senate Interior and Insular Affairs Committee, chairs the permanent Subcommittee on Investigations, and has headed a Congressional subcommittee to monitor the strategic arms limitation talks for the Senate Armed Services Committee. He is widely regarded as a potential candidate for the Democratic nomination for President in 1976.

Senator, I'm glad to have you with me.

Senator Jackson. Well, John, let me say I am honored to be with you and to be in your Congressional District tonight. It's a real pleasure. I am real proud of your great leadership, not only in the Education and Labor Committee, but in the House Leadership as Chief Deputy Whip. It's a very important assignment.

Mr. Brademas. Thank you, sir. I want to ask you some questions about the problem that I know has been troubling Americans all over the country. We all watched anxiously for the past month as the Middle East war developed into a possible confrontation between the United States and the Soviet Union. I wonder what your reaction is to the action of President Nixon in putting our forces on alert and giving us the feeling that we faced a crisis of the magnitude of the Cuban missile crisis?

UNITED STATES DELAYED REACTION TO SOVIET MOVES

Senator Jackson. Well, I think the Presiden was justified in putting our forces on alert. I had a chance to see the summary of the Russian note. As I described it at the time, the note was brutal. However, I do want to emphasize, and I want to be emphatic about it, that some of this could have been avoided if we started our aid, reinforcement and resupply to Israel, at the outset.

I think we sent the wrong signals, John, to the Soviets. We waited a whole week. It wasn't until some of us came out very strongly, forcefully, in a public way, as well as representations made privately, that they decided to move, about nine days after the fact. I think that delay encouraged the Russians to make commitments to the Arabs that they would not have made otherwise.

Mr. Brademas. You will recall that there have been a number of questions here about the President's putting the Armed Forces on alert, and some have even suggested that may have been motivated by his Watergate troubles.

BUT ALERT WAS JUSTIFIED

Senator Jackson. Yes, I know that statement was made, but that is not a fair appraisal, frankly, of the situation. You look at the Russian note, and then you look for independent corroboration. The Soviets had put on alert six airborne divisions; they had infantry divisions ready to go; they had the equipment there ready to move; they stopped the airlift of supplies to the Arab countries, and that airlift obviously would then be available to move those troops.

In addition, they had the largest concentration of ships in the Mediterranean in history. They had over 90 ships, and we, by the way, had 60.

But the most dangerous part of it all was not those ships, because we have a superior surface force, but it was the deployment of their submarines. And when you take this along with all of the other military moves that they were making, then I think we had no alternative but to blow the whistle on them and to make clear our determination that we were not going to permit the Soviet Union to achieve one of their cherished dreams, which goes back to Catherine the Great, of getting a real foothold with a military presence in the Middle East.

Mr. Brademas. You've spoken of the Soviet military presence in the Middle East, and we're all aware that you have been a strong voice for a strong defense posture in the United States. What is your estimate of the prospect of the Soviets' tipping the military balance of power in their favor? And could you also in that connection comment on whether you think we can be reducing our defense budget in the post-Vietnam era?

SEES RUSSIANS TAKING RISKS

Senator Jackson. Well, what the Soviets have been doing over the past many years is to build up this enormous defensive capability. And concurrent with that, they have built up a very large conventional force. The combination of the two makes it possible for them now to take risks that I think are extremely dangerous.

John, I just want to mention that when they didn't even have an atomic bomb, in 1948, they took Czechoslovakia. They kept pushing and pushing and we didn't respond. Then in 1962, in the Cuban Missile crisis, when we had a seven to one advantage, and we had total superiority in local forces, they nevertheless tried to put missiles into Cuba.

Now the problem that we face, not just now, but looking down the road a bit, and this affects the conduct of foreign policy, is that the Soviet Union will have an ever increasing advantage, unless we do something about it, in strategic arms and local arms. For example, in strategic arms, they now have with the SALT I agreement, a total of 1,618 land-based missiles to our 1,054, and in nuclear subs, they will have 62 to our 41.

And then you add what they've done in the way of surface sea forces and their huge advantage in ground forces, which makes it possible for them to take greater risks.

So I put it this way: when they had a totally inferior force, in strategic terms, they tried Cuba; they were successful in Czechoslovakia. It doesn't take much imagination to see that the level of their risk-taking is going up. This is what I'm trying to say.

People get to thinking in terms that are mechanistic in strategic arms, that is in terms of a nuclear exchange. I don't think that is the scenario. I don't think we are going to have a nuclear war. I think that what we have to face up to is what kind of conduct will we see here flowing from the Soviet Union with its ever increasing force? So what I have advocated is not arms control, but disarmament.

UNITED STATES SHOULD NOT UNDERWRITE SOVIET ARMS BUILDUP

If the Russians want all this economic help, six percent loans, by the way—and I know that some of you people out in Indiana find it difficult to get six percent loans, long term-credits—I'm willing to help—I want to help them economically—but why should we subsidize this huge military buildup? I believe in the reordering of Soviet priorities. I believe we should cut our level of strategic arms with the Soviets doing the same to get down to a level of parity. Let's say that both sides only have 900 land-based missiles. Why not both sides have 30–35 subs?

Mr. Brademas. If we move in that direction, do you think there is some prospect that we could see a reduction of military spending in the foreseeable future?

ARMS PARITY WOULD SAVE BILLIONS

Senator Jackson. Yes, we could see it in our own country and over there. We would save billions. What burns me is that they are asking for all this economic help from us, so we are in effect subsidizing their military buildup, because they can't do both and not have real internal trouble in the Soviet Union.

Mr. Brademas. Let me ask you a question . . .

Senator Jackson. May I just interject here, this all goes to the question of détente.

Mr. Brademas. That's what I was going to ask about.

RUSSIAN ACTIONS INDICATE DISREGARD FOR DÉTENTE

Senator Jackson. I want détente. But I want a human détente. I want one that is credible, that I really believe that some change is taking place in the Soviet Union. But when you look at the balance sheet here, what is it that they have done that makes things better for the world?

I was reading—I get the daily report of Tass and Pravda announcing that they were encouraging the Arabs to cut off oil to the United States. Now, I mean we're facing within days drastic developments in our own style of life here at home, John, and this to me is a very dangerous indicator of the real true attitude of the Soviets towards us when they are encouraging Arab countries, not only what they did in helping to get other Arab countries involved against Israel, but telling the Arab countries, cut off oil to the United States. Is that détente?

Mr. Brademas. I happen to be, as you know, a cosponsor of the Jackson Amendment.

Senator Jackson. You have not only been a cosponsor, but you have been most effective as an advocate.

Mr. Brademas. Thank you. Could you explain what the Jackson amendment to the Trade Bill is and then comment on the White House's apparent withdrawal of pressure for action on the trade bill right now.

IMPLEMENT U.N. DECLARATION OF HUMAN RIGHTS

Senator Jackson. The amendment would simply provide that if the Soviets are going to get economic subsidies from the United States—that's in the area of credits and Most Favored Nation treatment—then all we say is look, 25 years ago, by vote of 88 to 0, the United Nations adopted a resolution known as the Universal Declaration of Human Rights. That declaration provides in article 13 that an individual in a given country shall have the right to leave that country and return to that country. All we're asking, twenty-five years later, is implement that right.

It applies, not just to Jews, it applies to a long list of minority groups in the Soviet Union. After all, the Great Russian is the minority in the totality of the population of the Soviet Union; but there are Germans who want to leave, there are Latvians, Lithuanians, Estonians, Ukranians, the list is long. They should have the right to leave, that's all we're saying. And if they are willing to do that, we'll help them.

Mr. Brademas. I think I told you a few weeks ago I had the very moving experience of being at Schönau, the castle near Vienna which has served as a way station for Jews coming out of the Soviet Union on their way to Israel. Another member of Congress, Congressman William Lehman of Florida, and I arrived within a few minutes after the arrival of some 70 Jews from Warsaw and Brest-Litovsk, and, as I say, it was a very moving experience to see them. I know that the Austrian government has now decided that they are going to have to shut down that particular transit point, but I have been thinking about the problem of emigration of Jews which was affected by your amendment.

Senator Jackson. May I say at that point, too, John, that one reson I think all of us can take great encouragement in the move we're making is that Dr. Andrei Sakharov, the father of the hydrogen bomb, their most distinguished scientist, brilliant nuclear physicist, wrote an open letter to Congress and said, look, support the amendment. Otherwise, my people here, my professional colleagues, are going to be seriously hurt.

Dr. Alexander Solzhenitsyn, who is at the summit of his discipline, he is a man of letters, said the same thing. And it is interesting to note that some who oppose this over here see it as interferring in their affairs, and here the two top intellectuals of the Soviet Union, with great courage and with the danger of what might happen to them, are speaking out in behalf of this humanitarian proposal.

Mr. Brademas. Let me ask you a question about a remark in Time magazine not long ago saying that "Senator Jackson is Israel's best friend in Congress." You sponsored, I think, in 1969 an amendment that made it possible for President Nixon to send arms to Israel in this latest crisis, and I wonder, in view of the bipartisan commitment we've had in this country to Israel, if you could tell us, in the present circumstances, how far you think we should go to protect that commitment?

ISRAEL'S SURVIVAL CRUCIAL TO BALANCED MIDDLE EAST

Senator Jackson. First, let me explain that my interest in Israel dates back to the time I was prosecutor at the age of 26 and I saw what certain hate groups in the United States were doing to the Jews—I'm referring to the Silver Shirts—and then after I got out of the Army and went back to my seat in the House during World War II, I saw Buchenwald right after it was taken by Patton's forces, and what I saw there caused me to make a commitment to never permit a thing like that to happen again.

And I have felt right along that our policy should be to make it possible for the Israelis to survive. And at no time, and this is the great thing about the Israelis, have they ever asked for a commitment of American troops or forces. They are one ally who says, "Give us the credits so that we can buy the equipment we'll defend ourselves," and that's precisely the extent of our commitment.

Now, when the Soviets come in and obviously seek not to just aid the Arabs, that's not their objective—it's an imperial objective that goes back centuries—to obtain a domination over this area, then I think all of the interests of the Western world are at stake.

Their immediate objective, John, is to reopen the Suez Canal. They want the Egyptians on both sides of the Canal. Reopen it and it will become a Russian waterway because we can't move our fleet through that Canal. It's not deep enough. It'll take eight, nine years to convert it for our ships. But they can move theirs and it'll cut the distance in two to reach the Persian Gulf.

Secondly, we can't move our tankers through there. These are the huge tankers that draw ninety to one hundred feet of water. Now that is their immediate objective, and not only the United States, but the whole Western world has a stake in that.

In the meantime, our commitment is not to bring American forces. I don't want American forces in there. The Israelis don't want American forces in there. The Russians want their forces in there. That's what that note was on and that's what I said was brutal because in 1788 Catherine the Great tried to do the same thing—to upset the Ottoman Empire in Egypt.

Mr. Brademas. Do you think there's any danger that President Nixon and Secretary of State Kissinger will put presure on the Israelis to make an accommodation that would be prejudicial to the survival of Israel?

ISRAEL MUST HAVE DEFENSIBLE BORDERS

Senator Jackson. I'm really worried about two possibilities. One, that there will be a settlement which will make it almost impossible for the Israelis to defend themselves. I say that because I have little confidence until I see what is being proposed—and we're not being kept informed on any aspect of this—that it might be a proposal or settlement in which they would not have defensible borders with modern weapons. That really disturbs me.

Secondly, intertwined with all this is, and we haven't discussed this, the Persian Gulf. In the Persian Gulf we have, John, about 70 percent of the oil reserves of the world. This is the jugular of the Western World. This is what the Soviets are after: Saudia Arabia, Kuwait, Iraq, Iran and the sheikdoms.

FEARS VIOLATION OF U.S. INTERESTS IN FACADE OF DÉTENTE

So I am concerned to really find out what's going on. I am concerned that the Administration, in an effort to put the pieces of détente back together again so at least they will have the facade of détente, will do something that will in my judgment violate both interests.

Mr. Brademas. Let me turn to ask you more about the implications of the oil situation for the United States. I guess we import about 11 percent of our refined and crude oil from the Arab states, something in that order of magnitude. Now the Arabs are cutting off oil to this country. What are the implications for our energy supplies in this country, and secondly, the implications of the situation for our allies in Western Europe and Japan?

MUST TAKE EMERGENCY ENERGY MEASURES TO OFFSET ARAB BLACKMAIL

Senator Jackson. Well, I'll do the last first. It's absolutely disastrous for Japan. They get 90 percent of their oil from the Middle East; in the case of Europe, about 80 percent. You hit it right about on the nose at 11 percent. Actually, we're consuming—it's up about a million barrels a day from last month—we're consuming 18 million barrels a day, we're importing six, and of the six we get about 1.6 million barrels a day from that area. We can completely, John, offset that, and I have emergency legislation pending that will give us 3.3 million barrels. That will involve conservation and alternative sources on an emergency basis, including utilizing coal where it will not impair the health of our people from the standpoint of air quality.

I think the key thing we need to do now is to tighten our belt and just tell the Arab world and tell the Russians we're not going to be blackmailed.

Now the Europeans did submit to blackmail. They just took a hands-off policy in the Middle East and they proved that old, old adage that once you allow yourself to be blackmailed, you've had it. It continues. And so here they are getting cut off even though they didn't participate in the Middle East conflict!

Mr. Brademas. What about the fact that the House and Senate have now passed mandatory fuel allocation bills to lessen the impact of shortages? Could you comment on that legislation and do so in the light of what the Administration is proposing to do to deal with the problem?

ADMINISTRATION FUEL POLICY TOTALLY INADEQUATE

Senator Jackson. The Administration's proposal has been voluntary up to now. They have in effect a limited mandatory allocation program which is totally inadequate.

The Congressional program sets down the mandatory moves they must make in terms of priority, whereas the Administration program does not.

The effect of the Congressional program, I think, will be to take care of hardship situations much better, to take care of our schools, our hospitals, our utilities, the basic things that we need on a high priority basis, and I believe that the mandatory program will be the most effective.

Mr. Brademas. Let me turn to another general area that is obviously of very great concern to the country right now, and that's Watergate, the confirmation of Gerald Ford, the possible impeachment proceedings of the President. Do you think the White House announcement last week that two of the Watergate tapes do not exist will intensify the pressure in Congress for a special prosecutor who is not subject to White House control?

WATERGATE TAPES ISSUE SHOCKS THE NATION

Senator Jackson. I don't think there's any doubt about it, John. I must say that I was shocked and I am sure the nation was shocked after all the controversy over the tapes to announce that the two critical tapes never existed. Why didn't the White House say, "Well, look, gentlemen, you're arguing over something that doesn't exist." Now to come in at the last minute and to have the White House advise Judge Sirica that these tapes have never been in existence, I think just escalates the credibility question.

Mr. Brademas. You travel all over the United States, Senator, speaking and are very much in demand in every part of the country. What are you finding is the reaction that people give you to Watergate and what do think the meaning of Watergate is for this country?

WATERGATE DAMAGED AMERICAN PRIDE AS NEVER BEFORE

Senator Jackson. Well, John, that's a tough one. The American people are a proud people. And if I were to summarize the whole situation, I would put it this way—that Watergate has hurt the pride of the American people as never before in our history. This applies to Democrats, to Independents and to Republicans. Some have become cynical of all politicians and they feel that somehow we must do better. And it's not a fallout in favor of any political party as such. They feel very deeply that they want to see this whole mess cleaned up and cleaned up as fast as possible.

That's the way I would summarize it.

Mr. Brademas. Let me ask you another question. If you were to rattle off the three or four major problems facing the country, aside from the foreign policy issue in the Middle East and defense, which we've been discussing, and Watergate, to which we have just alluded, what would you say they are?

OVERRIDING ISSUE IS ECONOMY

Senator Jackson. The overriding issue facing this nation is the proper management and direction of our economy. No doubt about it. Inflation has been devastating. We've had a continuous recession. Ask any housewife, ask the senior citizens who watch their savings recede, their earnings recede, their standard of living recede. This is the overiding issue.

Coupled with it is the whole energy problem, because, John, our energy problems are not going to be over this year. We've got there rough years ahead, minimum, and then we've got the long-term problem of making this country self-sufficient in energy.

But the heart of it is how we manage and direct our economy. By proper direction of our economy, proper growth with good environment, we can provide the revenue and the resources to do the things we must do in America to make it a better America.

Mr. Brademas. Let me then turn, in view of your having said that, to recall, Senator, that Joseph Kraft, who, as you know, is a very widely respected columnist here in Washington and acrosss the country, said recently that Seantor Jackson of Washington has now emerged as "the top Democrat in the nation," and some are even suggesting that you might be a candidate for the Presidency of the United States. Are you running for President, Senator Jackson?

Senator Jackson. Well, John, that's a tough question. Of course it's never been raised before. No, I must say, that all one needs to do is just observe what's happened the last three months—things are changing so fast—to look that far ahead is definitely an impossibility. Let's just summarize that one by saying I'm keeping my options open.

Mr. Brademas. Thank you very much, Senator Jackson.

You've been listening to a conversation with Senator Henry M. Jackson of Washintgon about some of the problems facing the people of the United States today.

PRESIDENT SIGNS PUBLIC LAW 93–135, THE AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATION BILL FOR FISCAL YEAR 1974

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House, the gentleman from Mississippi (Mr. Whitten) is recognized for 10 minutes.

Mr. WHITTEN. Mr. Speaker, as chairman of the Appropriations Subcommittee for Agriculture-Environmental and Consumer Protection and this year's chairman of the conference between the House of Representatives and the Senate, I was very pleased to note that on October 24 the President signed into law—Public Law 93–135—the agriculture-environmental and consumer protection appropriation bill for fiscal year 1974.

Mr. Speaker, this is a very good bill. The bill was carefully drafted by our subcommittee after many months of hearings. A number of changes were made to the bill when we brought it to the floor. Likewise, many changes were made to the bill by the Senate.

We had a very good conference and the final bill as it passed both the House and the Senate drew wide support from both sides of the aisle. The conference report passed the House by 348 to 24 and it passed the Senate by voice vote.

Because of the importance of this bill to the Nation, there are several items I would like to again call to the attention of the House. There are a number of important items in the bill and the reports.

AGRICULTURAL AND RURAL DEVELOPMENT PROGRAMS

With regard to those sections of the bill which relate to activities of the Department of Agriculture, I would like to point out that funding for programs under the Rural Development Act is provided for the first time. There is $163 million in grants and $720 million in loan authority. When the Department finally develops effective plans for new and innovative programs under this authority instead of substituting them for programs which have been effective for many years, additional funds will be provided.

The bill provides $175 million for the Agricultural Conservation Program. In this connection the conference report stipulates that ASCS county committees shall retain authority to select and approve cost sharing practices, including the application of minerals or other materials where such committees find such practices essential to land development or preservation.

ENVIRONMENTAL PROGRAMS

The committee directed the Council on Environmental Quality to include in their procedures the requirement that Federal agencies prepare and publish their comments on impact statements within a specified time limit. The committee will expect this directive to be implemented by the Council expediously. The delay of Federal projects because of excessive amounts of time spent on the preparation and review of impact statements cannot be permitted to continue.

In the case of the Environmental Protection Agency, the commitee's hearing record this year showed strong evidence that actions by the Environmental Protection Agency in carrying out the various environmental laws have contributed to the energy crisis, have increased the damage from floods because of the delay of flood and soil conservation projects, have increased the cost of production of food thereby contributing to higher consumer prices, and have greatly increased the danger to human health by banning DDT, which according to testimony has never injured a human being. In addition, actions by the Agency have placed American industry and American agriculture at a competitive disadvantage both at home and abroad.

The committee was convinced that the Environmental Protection Agency and its policies had contributed greatly to causing the energy crisis. The approval by the Agency of overly restrictive State plans, which called for the meeting of primary and secondary ambient air standards at the same time, resulted in the need for industry to convert from coal to low-sulfur fuels. This increased requirement for oil and gas has been a major contributor to our current fuel problems which have now bene further aggravated by the Mideast situation.

In addition, the automobile emission control standards imposed by the Agency have greatly increased the requirements for gasoline, which is also in short supply and will probably require rationing.

The energy crisis has major implications with regard to our country's national security, foreign policy and balance of trade. These implications were not considered by the Agency in setting the standards and approving the plans that led to the problem. The potential impact on the economic and social well-being of this Nation of actions by the Agency is so great that it is absolutely essential that the Agency be required to consider the impact of their actions.

Therefore, since our committee is the only committee that reviews all of the Agency's programs, we provided a number of directives in order to help restore a sense of balance to our environmental efforts.

The bill includes $5,000,000 for a complete and thorough review of the programs of EPA by the National Academy of Sciences. This study will provide the information Congress needs to better assess whether or not the cost of our environmental efforts are equal to the benefits. EPA must submit periodic reports to the committee on the progress of the studies called for in the House report and copies of the final report must be provided to the appropriate executive departments and agencies and to the Congress.

The bill includes $5,000,000 and 50 positions for the testing of substitute chemicals by EPA. These funds should help the Agency to avoid taking actions based on insufficient knowledge as they have done in the past. The Agency was also directed to initiate a complete and thorough review, based on scientific evidence of the decision banning the use of DDT. This review of DDT must take into consideration all of the costs and benefits and the importance of protecting the Nation's supply of food and fiber and provide a comparison with the inadequacy and dangers of approved substitutions.

The bill includes $250,000 and 14 positions for the formation of an environmental impact statement review group within EPA. The major delays associated with impact statements frequently are not in the preparation time, but in the lengthy review process. Four of these positions will be located in Washington and one each will be located in each of EPA's 10 regional offices. These specialists will work with other Government agencies so that the views of EPA can be considered during the project development stage. These individuals will have sufficient authority to comment in behalf of the Agency.

In addition, the report directs that in those cases where an environmental impact statement is required in connection with a project that is already under construction, the cost/benefit ratio should be based on the cost to complete the project versus the total benefits of the project. Furthermore, the review of impact statements prepared for ongoing projects should in no event exceed 10 working days.

The bill also provides that EPA must prepare environmental impact statements as required by section 102(2)(C) of the National Environmental Policy Act on all proposed actions by the Agency, except where prohibited by law. To help the Agency in carrying out this directive of the Congress, the bill provides $5,000,000 and 50 positions.

On September 18, 1973, Russell E. Train, the Administrator of the Environmental Protection Agency wrote to me as chairman of the subcommittee. The purpose of his letter was to advise the committee of EPA's position on the items in disagreement between the two versions of the bill as passed by the House and Senate. With regard to environmental impact statements, Administrator Train's letter stated:

> The House bill includes language that would require EPA to prepare "Environmental Impact Statements as required by section 102(2)(c) of the National Environmental Policy Act on all proposed actions" such as proposed standards, regulations and guidelines. The Senate bill includes language that would require EPA to prepare "environmental explanations" to accompany all proposed actions.

The House conferees did not agree that "environmental explanations" on actions "such as proposed standards, regulations and guidelines" would suffice and insisted on the House language. Some Senate conferees strongly supported the Senate language, but because of the record, and overwhelming congressional support, receded. Therefore, EPA must prepare environmental impact statements on all proposed actions, including standards, regulations and guidelines as was recognized by Administrator Train in his letter of September 18, 1973.

The committee takes note of the colloquy that was inserted in the Record in the Senate on pages 33540 through 33542 in connection with the adoption of the conference report on the bill. This colloquy, between the chairman of the subcommittee, Mr. McGee, and the Senator from Maine, Mr. Muskie, and the colloquy between the ranking minority member of the subcommittee, Mr. Fong, and the Senator from Tennessee, Mr. Baker, relates their views of the intentions of the House in including the language on impact statements in the bill. Their views did not prevail and the statement by the managers on the part of the House are controlling as to the intent. While the colloquy perhaps presents the opinions of some individual Senators, it in no way alters the directives of the Congress as expressed in the bill nor the conference report or statement on the part of the managers. During the colloquy it was stated that "an appropriation bill cannot alter the text of existing law." Even on this there are exceptions. However, appropriations bills do spell out the purposes for which funds are provided and the conference reports do constitute directives for the executive departments, which are binding. Certainly, the colloquy led by those whose views were not accepted in the conference can in no way constitute a controlling legislative history.

The language on impact statements in the bill states:

> For an amount to provide for the preparation of Environmental Impact Statements as required by section 102(2)(c) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law, $5,000,000.

This language is now in the law and must be complied with by the Agency.

CONSUMER PROTECTION PROGRAMS

The conference also agreed to two important provisions in the consumer protection area. The Food and Drug Administration is to conduct a study of the pros and cons of continuing the Delaney clause in its present form. Urgent questions have arisen in regard to the Delaney clause, and because of the importance of this study, the Congress has called for an initial report by January 1, 1974.

The conference also agreed to provide $1,000,000 to the Federal Trade Commission for a study of the energy industry. This study will be modeled on the recently completed study of the petroleum industry. Recent international events have made this study even more urgent, and the Federal Trade Commission should give high priority to initiation of this study.

The bill also provides a total of $2.5 billion for the food stamp program, and $97,123,000 for the special milk program.

PERSONNEL CEILINGS

The conferees were concerned that personnel ceilings might be established by the Office of Management and Budget that might negate the personnel increases provided by the Congress. To prevent this, the conferees directed that the additional personnel provided for fiscal year 1974 shall not be restricted by any personnel or monetary ceiling heretofore or hereafter applied, levied or charged against the Department or Agency and shall be considered an incremental increase in personnel ceiling to be accounted for separately. Also, additional personnel provided for laboratory staffing must be accounted for by laboratory. The conferees also directed that personnel engaged in the preparation of environmental impact statements shall be considered an addition to any personnel ceiling and shall be accounted for separately, including their cost.

CONCLUSION

Mr. Speaker, these provisions I have previously discussed all present an expression of congressional intent. The committee expects to follow closely Agency compliance during the coming year.

AN INDEPENDENT SPECIAL PROSECUTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Robison) is recognized for 15 minutes.

Mr. ROBISON of New York. Mr. Speaker, in the aftermath of the series of events which included the dismissal of special prosecutor Archibald Cox, the resignations of Attorney General Richardson and his deputy, William Ruckelshaus, and President Nixon's decision to give up the tapes, I called immediately for a new independent special prosecutor who would not be answerable to the executive branch.

It seemed to me then, as it still does, that essential to the credibility and integrity of the "Watergate" investigation is the ability of the special prosecutor to follow the evidence wherever it may lead and to have available to him the documents and materials he needs in order to pursue this objective without any interference or threat of dismissal.

While, for instance, I can understand President Nixon's reluctance, on the basis of executive privilege, to turn over certain documents to any special prosecutor, it is my own belief that the necessity for an open and complete airing of all of the potential "Watergate" evidence as well as a speedy conclusion of the investigation is of paramount importance and should take precedence over the claims to executive privilege.

An appointment by the President to the post of special prosecutor under the same conditions that Mr. Cox assumed the post is no longer credible, nor would it serve the purpose of restoring confidence in the ability of our system of government to swiftly and fairly pursue justice. President Nixon's nomination of Senator WILLIAM SAXBE to be Attorney General and the naming of Leon Jaworski to be the new special prosecutor do not, in my opinion, reduce the need for this legislation. While I have no doubts about the integrity or ability of either individual, it remains imperative that the special prosecutor be guaranteed the independence he needs by an authority other than the executive branch, for without this sort of guarantee, I do not believe the American people will have the degree of confidence in this investigation that is essential to restoring its credibility. This fact, as much as I regret it, cannot be overlooked.

What has become evident since I first called for an independent special prosecutor, however, is the grave constitutional hurdle which apparently precludes the appointment of a new prosecutor by the Congress or the courts. We cannot afford a lengthy fight over the constitutionality of such a move, as attractive and useful as it might be.

As a result I have been searcing, along with many of my colleagues, for a proposal which, while avoiding any constitutional problems, would guarantee the needed independence of the special prosecutor.

While I did so with some misgivings, last week I cosponsored a resolution authored by Congressman BILL COHEN which called for the appointment of a new special prosecutor by a newly appointed Attorney General. A pledge for complete independence for the prosecutor would be a condition for confirmation of the Attorney General nominee and the special prosecutor would have been subject to Senate confirmation.

I cosponsored the bill to indicate my support for the reestablishment of the post of special prosecutor as well as my support for a stance for the position which I perceived to be stronger than existed previously. Frankly, the bill was deficient in that, in my opinion, sufficient independence was not guaranteed.

In an attempt to find a proposal that sufficiently guaranteed the independence of the special prosecutor, I learned of the proposal made last week by Senator CHARLES PERCY.

After reviewing it, I find that it more closely parallels my position than does the Cohen proposal and for that reason I am introducing it today.

In essence, Senator PERCY proposes that Congress, by statute, establish the Office of Spcial Prosecutor and Deputy Special Prosecutor. The President retains the right to nominate the individuals for those positions subject, however, to the advice and consent of the Senate. Furthermore, and most importantly, the bill specifies that removal from those positions can be accomplished only if Congress concurs and on the basis of three specified conditions—malfeasance in office, neglect of duty, or violation of the act creating the office.

Clearly, the adoption of this proposal gives the necessary strength to the special prosecutor, enabling him to pursue the "Watergate" investigation without the threat of interference or dismissal because of any effort he might undertake to obtain all evidence and documents needed for his inquiry—regardless of their source, Presidential or not.

By his action last week it is clear the President recognizes the need for a new special prosecutor. I regret that at this moment it appears he does not recognize the need for giving that individual the autonomy undeniably needed to assure the confidence of the American people in the integrity and credibility of his work.

It is with considerable pain and sorrow that I have been forced to conclude that the informal assurances given by the President—that is, achieving a consensus of support from congressional leaders before dismissing the newly appointed special prosecutor—will not suffice in this instance. Stronger action is called for and needed.

This Nation cannot afford any lengthy period of uncertainty as to the ability of our system of government to assure that justice, speedily achieved, will be done in this instance. The "Watergate" case has lingered on the domestic political scene far too long alreday. While it never will be put "behind us," for it is indelibly stamped in our history books, let us insure that those same history books are not forced to record a story of an inability to swiftly bring to justice those responsible for this sordid affair.

Let it be demonstrated that in this crisis we as a nation moved in a timely but decisive manner to remove the sores on the body politic—acted responsibly to restore the integrity of government—and moved swiftly to bring justice.

CITIZENS DENIED DUE PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, on April 20, 1973, attorneys for Citizens for Community Schools, a countywide organization in Prince Georges County, Md., supported by voluntary donations, filed a petition with the U.S. Supreme Court seeking review of the forced busing decree imposed upon the children in the Prince Georges County school system. The essence of the appeal was that the citizens of Prince Georges County had been denied due process of law in that a trial had not been held on the question of whether segregation existed in the county's school system. Further, Judge Frank Kaufman's order in the U.S. District Court of Maryland, in my opinion, exceeded constitutional limits set by the U.S. Supreme Court in other cases. Shortly afterward, a petition for review was also filed by the attorney for the school board.

The Supreme Court today refused to review the case, and thus ends the courtroom battle to reverse what I believe to be a gross miscarriage of justice.

Although I have applauded the orderly manner in which the Prince Georges County citizens obeyed the busing order and sought to overturn it through the legal process, I have from the outset recognized that legislative action in this area is needed.

I am still of this opinion and have been working with my colleagues in Congress toward this objective. I am on the executive committee of the bipartisan Busing Strategy Committee of House Members seeking a solution to forced busing through legislative action in Congress.

It has now been 9 months since Judge Kaufman's order was implemented on virtually 30-days' notice. One could ask what has been accomplished in that period.

Concrete information is not readily available. Some data may not have been compiled; other data may be subject to analysis after the election of the school board tomorrow. But what is available does not appear optimistic for tohse who favor racial balancing through busing as contrasted with the neighborhood school.

At least it does appear that there have been some obvious and concrete results of the busing order of Judge Kaufman.

First. School hours now start as early as 7:30 a.m. and conclude as late as 4:30 p.m. This means that with busing, mothers may be required to have their children at the bus stops shortly after 6:30 a.m., and they may return home as late as 5:30 p.m. Mothers with children at several levels need much patience in meeting the new and varied bus times.

Second. At least 12,000 additional students were bused for the first time. The order added approximately 60 buses, so that the Prince Georges County schoolbus fleet now totals over 800. This is about six times the number of total public buses operating in Prince Georges County.

Third. Gasoline consumption for the additional buses certainly does not help the energy crisis. Gasoline consumption has increased probably 20 to 40 percent. Schoolbuses, because of start/stop operations, get only 5 to 5½ miles per gallon of gas.

Fourth. School attendance for the fall session is down 2,300 below the estimate.

an extraordinary power to the nonregulatory CPA.

The Federal Reserve Board originally did not answer this question concerning appeals, before I included their response in the RECORD. Subsequently, the Federal Reserve Board, with its usual high degree of responsiveness to congressional inquiries, filed with me an answer to this question which I shall share with the Members because of the great importance of this agency to our economy.

Counting the decisions referred to by the Fed as being listed in its 1972 Annual Report, there were 2,430 actual decisions of the Federal Reserve Board last year which could have been appealed by the CPA under all bills except the Fuqua-Brown bill. I say "actual" decisions, because failure to act—inaction—is also an appealable matter by the CPA under all bills except the Fuqua-Brown bill.

Mr. Speaker, to complete the response of the Fed, I now include in the RECORD that agency's answer to my question on the appeal rights of the CPA:

FEDERAL RESERVE SYSTEM,
Washington, D.C., October 24, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: I am writing in further response to your letter of September 7 regarding agency functions which would be affected by the three bills—H.R. 14, 21 and 564—to establish a consumer protection agency.

I regret that, as you noted in the Congressional Record of October 18, we failed to respond to question #7 of your letter. The failure was inadvertent, and we would have been happy to comply if we subsequently had been requested to do so. Question #7 and our reply follow.

7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer. The Board of Governors follows the Administrative Procedure Act in its rulemaking proceedings. This Act provides that persons with legal standing may seek judicial review of an agency's final actions. Therefore, the final rulemaking actions described on pp. 67–96 of the Board's Annual Report for 1972 (previously furnished) would be subject to such review. In addition, the 23 actions on bank mergers described on pp. 210–11 of the Annual Report would also be subject to judicial review. Page 211 also contains a table listing the number of applications acted on by the Federal Reserve with regard to bank holding companies, and a reference to the fact that 36 determinations were made by the Board in accordance with sec. 4(a) (2) of the Bank Holding Company Act. All of these actions would be subject to court review.

The Board in 1972 approved 80 applications by member banks for permission to establish branches in foreign countries and overseas areas of the United States (Annual Report p. 213). Also in 1972, the Board issued final permits to 10 corporations to engage in international or foreign banking or other international or foreign financial operations. Finally, actions described on p. 214 of the Annual Report were taken under delegated authority in 1972.

All of the above-mentioned actions would be subject to judicial review on appeal of plaintiffs with legal standing.

I hope the foregoing information will prove helpful to you. Please let me know if I can be of further assistance.

Sincerely yours,
ROBERT L. CARDON,
Assistant to the Board.

CONSTITUTIONAL AMENDMENT ON EXECUTIVE INVESTIGATION AND PROSECUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, to date some 44 separate measures, including my own bill, have been introduced in the House of Representatives calling for the creation of an independent special Watergate prosecutor. However, the whole question of Congress providing for the appointment of a new special prosecutor is fraught with constitutional difficulties and ambiguities. It was just such constitutional considerations that Archibald Cox, ousted special Watergate prosecutor, voiced recently on a television interview. On NBC's "Meet the Press," Cox stated:

> But I have to say in honesty that there is room for argument on the other side (of the constitutionality of the judicially-appointed prosecutor) and the Congress will have to consider whether it is worth running the risk because if it is unconstitutional there would be further risk that indictments would be thrown out and justice would never be done.

Cox has since modified his concern over the constitutionality of proposals requiring the chief judge of the U.S. district court here to appoint a successor to the post Cox formerly held; however, he still admits that such action by Congress may be infringing on some constitutional prerogatives of the Executive. Acting Attorney General Robert H. Bork also told a Senate committee recently he believes there are constitutional problems surrounding a court appointed independent prosecutor.

For example, the Constitution expressly provides that the prosecution of criminal offenses is an executive function. Since all Executive powers are vested in the President, it is unclear whether Congress has the authority to authorize the appointment of a new special prosecutor.

If Congress does provide for the appointment of a new special prosecutor, this could result in a serious constitutional crisis between the President and the Congress.

According to James Madison, the President is impeachable only if he fails to properly superintend these executive functions. However, this is a difficult matter to prove since all investigations are, in effect, controlled by the President. This is a little like delegating the fox to investigate a theft in the chickenhouse, and is an open invitation for a whitewash or coverup, rather than a serious investigation of the facts.

In an effort to eliminate such constitutional problems and in the interest of creating a clearly defined process by which Congress and the judiciary can independently investigate serious allegations of Executive malfeasance, I have introduced an amendment to the U.S. Constitution entitled "The Executive Investigation and Prosecution Amendment." This amendment authorizes Congress "to appoint or provide for the appointment of a civil officer of the United States who shall have all executive powers necessary to undertake criminal prosecutions against the President, Vice President, and all other civil officers of the United States."

Mr. Speaker, I believe that the approach that I am offering today is a reasonable and responsible approach to a problem of grave national concern. I have no illusions regarding the fact that the passage of a constitutional amendment is a lengthy and arduous process. While it is doubtful that this amendment could be passed and ratified in time to be applicable today, it is clear that such a constitutional change is necessary in order to preserve the integrity of our whole legal system in this country in the future.

POSITION REGARDING IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 5 minutes.

Mr. RUNNELS. Mr. Speaker, on the morning of Tuesday, October 23, I returned to Washington after having spent the weekend in my New Mexico district and was questioned by a colleague about a story in the Monday, October 22, Washington Post to the effect that I was one of 25 Members of Congress who had indicated support of a move to impeach the President following the firing of the special Watergate prosecutor and resignations of the Attorney General and the Deputy Attorney General of the United States.

Mr. Speaker, I was very concerned over this report, because I had not made any such statements either in New Mexico or in Washington. At my instruction, my press aide determined that report was based on an Associated Press story carried by the wire service on October 21 and 22 and written by Michael Putzel of the Washington, D.C., bureau.

My press aide contacted Mr. Putzel to determine the source of his report since I have never been interviewed by, or for that matter had any conversation with Mr. Putzel. He was told that the story was based on a report filed by the New Mexico Bureau of Associated Press. Because I knew that I had not made any statement calling for the President's impeachment, I asked for a copy of the report filed by the New Mexico Bureau and immediately contacted the Albuquerque Bureau of the Associated Press.

Since I had been in New Mexico to attend the annual convention of the New Mexico Press Association and I knew that no such statement had been carried by the New Mexico news media, I was not surprised when the New Mexico Associated Press staff denied writing any story indicating support on my part of impeachment of the President.

On October 21, the New Mexico Associated Press quoted me as stating that

I was "completely baffled" by the incident and that—

> Congress will have to re-evaluate the situation and determine what is really going on in the executive branch.

On October 22, the New Mexico Associated Press wire reported:

> Runnels, like the others (of the New Mexico delegation), declined to make a firm commitment in favor of impeachment, saying he would return to Washington and study the reaction further before joining an impeachment move.

United Press International's New Mexico Bureau on October 22 also quoted me as stating that I wanted to return to Washington to study the matter further before making any decision on my position.

On October 24, Mr. Putzel advised my press aide that he was unable to find any information in his files to support the story carried on the Associated Press wires.

Mr. Putzel, at my request has written a letter admitting that his news report was inaccurate and I submit the letter for the Record:

THE ASSOCIATED PRESS,
Washington, D.C., October 24, 1973.

Hon. Harold L. Runnels,
House of Representatives,
Washington, D.C.

Dear Congressman Runnels: Your aide, Larry Morgan, informed me of your concern after reading your name on a list of House members who had indicated support for initiation of proceedings leading to impeachment of the President.

I compiled the list from numerous statements collected by our bureaus around the country and inadvertently added your name. The operative portion of your statement as sent to us from New Mexico said: "I think that with this condition (the firing of Cox and resignation of Richardson), Congress will have to re-evaluate the situation and determine what is really going on in the executive branch."

Whether I misinterpreted that statement or accidently placed it in the wrong stack of messages when making up the list, I simply don't remember. But I regret the inaccuracy.

Sincerely,

Michael Putzel.

THE HONORABLE RAY J. MADDEN

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I take this time to pay tribute to one of the outstanding Members of the House of Representatives, a man who has been elected to Congress 16 consecutive terms and who now occupies the significant and powerful position of chairman of the Committee on Rules of the House.

I refer, of course, to our beloved colleague, the distinguished Representative from the First Indiana District, the Honorable Ray J. Madden.

I should add, also, that, with his 16 terms of service, Mr. Madden is the dean of the Indiana delegation in the Congress of the United States.

I take this particular time, Mr. Speaker, to pay tribute to Ray Madden, because only a few days ago occurred an event which, I know, meant a great deal to Ray and to all of us from Indiana who take pride in his achievements, the official unveiling of his portrait, which will now hang in the chambers of the Rules Committee.

Evidence of the high regard Ray Madden has earned by his service in the House was the presence on this occasion of both the distinguished former Speaker of the House, the Honorable John McCormack of Massachusetts, and the distinguished present Speaker of the House, the Honorable Carl Albert, who said of Ray Madden:

> You are one of the great Congressmen of your generation and one of the great Americans of all times.

Mr. Speaker, I insert at this point in the Record the text of three articles concerning the unveiling of Mr. Madden's portrait.

The articles were published in the Indianapolis Star, the Gary Post-Tribune, and the Gary Herald.

The articles follow:

[From the Indianapolis Star, Oct. 26, 1973]

"MEANER GAVEL, PRETTIER SMILE"—MADDEN IN ELEGANT "HANGING"

(By Ben Cole)

Washington.—They had an elegant hanging for Representative Ray J. Madden (D-Ind.) last night.

It all happened in the Carl Vinson room of the Rayburn House Office Building.

And it was the congressman's portrait, not himself, that got hung.

The portrait was painted by William Joseph Sabol, a soft-spoken and gentle-mannered artist from Hammond, Ind., who financed his education working as a machinst in a steel mill.

The unveiling of the picture, which will hang in the House Rules Committee chamber where Madden presides as chairman, was the occasion for sentimental speeches and praise for the 81-year-old dean of Indiana's congressional delegation.

Representative Richard Bolling (D-Mo.) presided over the ceremony and Madden's longtime friend, the Rev. Joseph B. Collins, S.S., of the Catholic University of America, pronounced the invocation.

Peter Calacci, president of the Lake and Porter County Central Labor Mission (AFL–CIO), made the presentation. The unions paid for the commissioning of the portrait.

Madden's grand nephew, a Georgetown University law student, unveiled the picture.

Speaker Carl Albert (D-Okla.) declared he owed Madden a "debt of undying gratitude" for the co-operation given him in "my infant days as speaker of the House." He called Madden "one of the great congressmen of this generation and one of the great Americans of all time.

Madden declared, "I haven't had so many verbal bouquets thrown at me since I missed getting married."

Former Speaker John M. McCormack (D-Mass.) described Madden as "a man of wisdom and prudence." He said Madden was marked for a place on the powerful rules committee he now leads "from the day he came to the House."

Representative John Young (D-Tex.), who vowed Madden had already served in Congress longer than he had lived some 30 years ago, took a careful look at the Sabol portrait. His conclusion was that above all, it caught Madden's youthful looks and his beneficent smile.

"Nobody has ever swung a meaner gavel with a prettier smile," Young declared.

Representative David Martin (R-Neb.), the ranking GOP member of Madden's committee, said it was the years Madden spent at Omaha, Neb., that have produced his vigor and assured his success.

For his part, Madden viewed his career in Congress as an experience that could come only in America. He recalled that he had served on the old Naval Affairs Committee with a lanky Texan named Lyndon Johnson, and later was a member of the Education and Labor Committee with John F. Kennedy and Lyndon B. Johnson—both future presidents.

"I frequently make speeches to high school students," Madden said, recommending speeches to future voters as an excellent thing for his young colleagues. "Recently I spoke at Hammond High School and one of the students asked me why—if I had a way of serving with future presidents—that Hubert Humphrey and George McGovern didn't have the foresight to serve on a committee with me."

Madden's colleagues from both sides of the aisle crowded into the spacious Carl Vinson room for the unveiling ceremony. Among those attending were a number of former members who returned for the occasion.

Also proudly observing the proceedings was Madden's older sister, Sister Daniel, a Roman Catholic nun now living in a retirement home of her order in Minnesota. She was accompanied by two cousins, Sister Agnes Clair and Sister Columbine.

Madden said his sister, who received a standing ovation, had bossed him since childhood and only recently had admonished him when he visited her and spoke to her order, "Now, don't talk too long."

[From the Post-Tribune, Oct. 26, 1973]

GALA HAILS MADDEN

(By Ed Zuckerman)

Washington.—In a ritual reserved for special occasions, Rep. Ray J. Madden of Gary was formally ordained Thursday as a full member in the highest circle of congressional power.

The investiture ceremony was during the official unveiling of Madden's portrait, which will hang forever in the chambers of the House Rules Committee where the Indiana Democrat this year became chairman.

With a stenographer recording every word for a permanent record, organized labor and two speakers of the House paid unrestrained tribute to the 81-year-old congressman, who was born in Waseca, Minn., and has been elected to 16 House terms from Northwest Indiana.

"You are one of the great congressmen of your generation and one of the great Americans of all times," declared House Speaker Carl Albert, D-Okla.

"His philosophy of government was the same as mine and when we were in disagreement, there was no disagreeableness. I always found him fighting on the side of progressive legislation," eulogized the venerable former House Speaker John McCormack, D-Mass.

"I haven't had so many verbal bouquets thrown at me since I missed getting married a few years ago," mused the veteran bachelor from Gary in grateful response. "This is an event that happens once in a lifetime to very few people in this nation."

Partisan politics were absent from the walnut-paneled Carl Vinson Room in the Rayburn Office Building. Coming at a time when presidential impeachment and Watergate-related scandals are the leading conversational topics, the hour of flowery rhetoric-avoided President Nixon's name.

The President's name was brought up only when Madden, in telling the greatness of American political tradition, recalled the day in 1948 when two freshmen congressmen—John F. Kennedy and Richard Nixon—both took their seats on the House Education and Labor Committee where Madden was already a member.

Marking the significance of the occasion, House Minority Leader and vice president-designate Gerald R. Ford, R-Mich., circulated among the crowd of Madden supporters at a post-ceremony reception shaking hands and having his photograph taken with several of the Gary Democrat's friends—despite Madden's repeated calls in recent days for President Nixon's impeachment and for delaying Ford's vice presidential confirmation.

Joining in the tributes to Madden were AFL–CIO President George Meany and United Steelworkers of America President I. W. Abel. Although the two labor leaders were unable to attend, both sent personal envoys to read their statements into the record.

In his message, Meany credited Madden for his "long and illustrious congressional career . . . he has been helpful in promoting and perfecting the rights of American working men."

Added Abel's spokesman: "USW members hold Ray Madden in very high esteem."

Both McCormack and Albert stressed the important and unique role the House Rules Committee fills in the scheme of Congress.

"It is said," McCormack emphasized, "that the Rules Committee is the political arm of the speaker."

The retired Massachusetts Democrat said members of the panel are carefully screened by the speaker and "from the day Ray Madden came to the House, he was marked by the leadership for a committee appointment of responsibility . . . he was marked for the Rules Committee when the first opportunity came."

Albert called the Rules panel, which sets the debating ground rules for every important piece of legislation and has the power to kill legislation by refusing to grant a rule, "an institution within the House which is almost a concentrated image of the House itself . . . it deals with the entire legislative business of the House and this group must have an unimpaired national feeling."

Albert added that membership of the important panel "must be reserved for very strong and fearless House members." While Congress is filled with outstanding people, the committee "must be made up of more than ordinary outstanding members," he said.

The Oklahoma Democrat, who is second in line to the presidency until a vice presidential nomination wins congressional approval, noted that "during the depression, many of my relatives left Oklahoma and went to the industrial Northwest Indiana in search of employment."

"I've been to the district and it warmed the cockles of my heart to mingle among his constituents and learn how much they love and respect this man."

[From the Herald, Oct. 31, 1973]

Top Tribute to Madden

(By Teddie Razzini)

Washington, D.C.—During a congressional ceremony, reserved only for special occasions, Rep. Ray J. Madden, D–Ind., was formally inducted into the highest circle of congressional power.

The occasion was the official unveiling of Madden's portrait, which will now hang in the chambers of the House of Representatives Rules Committee.

A Speaker of the House, a former Speaker, leaders of organized labor, and the county chairman of his home district paid high tribute to Madden, who—this year—became chairman of what is considered the most powerful committee of the House. Born in Waseca, Minnesota and educated in Omaha, Nebraska, Madden has been elected to 16 terms in the House by his constituents in Northwest Indiana.

Speaker of the House Rep. Carl Albert, D–Okla., addressing the 81-year-old First District Congressman directly, said: "You have been and are one of the greatest Americans of all time."

Personal remarks were also directed to the honoree by former House Speaker John McCormack, D–Mass., when he said that ". . . he (Madden) was always concerned with the needs of people." Commenting upon their association, "McCormack continued: "His philosophy of government was the same as mine; when we were in disagreement, we were never disagreeable . . . I always found him fighting on the side of progressive legislation. . . ."

Referring to the Rules Committee, Speaker Albert said: "It is an institution within the House, which is a concentrated image of the House itself." Commending Madden as a man worthy of such responsibility, Albert added that ". . . membership of the important panel—reserved for very strong and fearless house members—must be made up of more than outstanding members."

In his comments made during the presentation of the portrait, Lake and Porter Counties AFL/CIO President and United Steelworkers Sub district 2 director Peter Calacci stated: "Congressman Madden has been helpful in promoting and perfecting the rights of American working men . . . organized labor holds Ray Madden in very high esteem . . . he has distinguished himself as a legislator with true compassion for the rights of individuals."

Lake County Democratic Chairman, East Chicago Mayor Robert A. Pastrick paid tribute to Madden as ". . . a man of great concern, with a commitment to his constituents—and to his country. . . . He has always been a credit to the district he represents. . . . Although he is a popular individual, I think it is more important that he is obviously a person in whom people can place their faith and trust. . . . and, during his sixteen terms in congress, he has never betrayed that trust."

The bachelor congressman from Gary thanked all of those present, ". . . and all the people from my district who have seen fit to send me to Washington for sixteen terms. . . . This is an event that happens only once in a life time, and to very few people. . . . I only hope that I can live up to the wonderfully kind things which have been said about me here today."

Partisan politics were removed from the significance of the occasion. House Minority Leader and vice-presidential designate Gerald R. Ford, R-Mich., mingled with Democrats and Republicans, alike, taking particular care to single out many of Madden's supporters and friends.

Speaker Albert—second in line to the presidency until a vice-presidential nomination wins congressional approval—spoke warmly of Madden as ". . . a close and trusted friend . . .," commenting that he has visited industrial Northwest Indiana, he said: "I've been to the district, and I've met many of the citizens there. . . . They are warm people. . . . It was a wonderful thing for me to meet with his (Madden's) constituents and to learn how much they love and respect this man."

CARL BALDWIN, DISTINGUISHED JOURNALIST, RETIRES

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on October 1, 1973, Carl R. Baldwin of Belleville, Ill., retired. He thus ended a distinguished journalism career after nearly 50 years of news writing and investigative reporting for the East St. Louis Journal and St. Louis Post-Dispatch.

The citizens of East St. Louis and the entire St. Louis metropolitan area can be grateful for Carl's past courageous and conscientious reporting of local crime and corruption in public office. We had a true guardian at his typewriter.

In addition to his reporting, Carl has been a leader in local journalistic societies. He served as president of the St. Louis Press Club from 1969 to 1970 and is currently chairman of the Journalism Foundation of Metropolitan St. Louis.

Carl has taught journalism classes at Southern Illinois University, Washington University in St. Louis, and the University of Missouri. Throughout his career, he has fostered high standards of reporting and writing in younger newspapermen. Our sadness at the end of Carl's career is mitigated by the knowledge that he left something of himself in these young reporters. The valuable influence of Carl Baldwin will be felt for many years in the future.

Carl will now undertake to write a history of the city of East St. Louis. I can think of no one better fitted to that task than the man who covered that city as a reporer for so long and with such dedication.

Mr. Speaker, Carl Baldwin should be an inspiration not only to his colleagues in journalism but to all of us. Carl's devotion to the public good, his unselfish leadership and his true courage are qualities everyone would do well to emulate. Our gratitude and best wishes go with him as he closes a most distinguished career.

At this point, I include an October 21 article which appeared in the St. Louis Post-Dispatch highlighting Carl Baldwin's remarkable career:

Carl R. Baldwin Ends Long Career on Paper

Carl R. Baldwin has just ended a career of 42 years on the Post-Dispatch news staff. It was a career highlighted by war without end on two fronts—against racketeering and corruption in public office, and on crimes against the English language.

He retired Oct. 1, when publication had been suspended because of a strike.

On the first front, he achieved his greatest accomplishment with a long series of stories he started developing in 1951, in which he dug out facts about wholesale shakedowns by labor leaders in the construction industry. As a result, 41 men went to prison.

On the second front, he scored his greatest gains as director of the Post-Dispatch training, beginning in 1966. In that work, he was a teacher in the handling of news and feature stories, primarily for younger newcomers to the staff.

When he stepped out of harness to lead the quiet life with his wife, Rose, in Belleville, their home for many years, he had been a journalist for 48 of his 65 years. He started as a sports writer on space rates for the East St. Louis Journal in his last two years in high school. But he switched to general news a few months after graduation in 1927.

Four years later, he joined the Post-Dispatch. But he was left on the East Side for the next 17 years—"interred," he called it—and so his career as a reporter, writer, editor and teacher of journalism was relatively late in coming to full flower.

He might have considered himself bogged down on the East Side. But life on that side of the river was extremely full in those days, and he was always in the midst of it. He was a police reporter, and violence was his daily diet. Baldwin was not afraid of gangsters, but he lived in fear of his city editor.

"I had to deliver for him," he says of his first city editor, Ben Reese. "I was a very timid kid. Even after I was out of my teens, it was difficult for me to ask a girl for a date. So it was tough when Reese told me to ask a young woman if she was pregnant when she shot her boyfriend to death in a theater. She said she was, but it turned out that she was not."

Baldwin got one of his best stories in August 1932, when he was covering a violent strike of boilermakers against a pipeline company. The company had brought in about 400 strikebreakers, and Baldwin heard that the union business agent, Oliver Alden Moore, was going to be killed by gangsters.

Baldwin went to great pains to arrange an interview with Moore. As they were talking in an automobile, with the labor leader's bodyguards standing by, Moore dropped to the floor of the car, saying he had seen some men who were out to get him.

Baldwin finished the interview. Forty-five minutes later, Moore was mowed down by machine-gun fire from the rear of a passing truck. Baldwin filled two pages of the next day's Post-Dispatch, and Reese gave him a $5 bonus—a day's pay.

Baldwin was still an East Side reporter when he was drafted into the Navy in 1943. For the next two years, he was a Seabee in the Pacific.

One of his duties on Guam was to read the nightly news on the radio, and that job helped him in his writing. For the first time, he had to write words to be spoken. This tended to make him write more smoothly.

In the training program, he could call the tune. And he never tired of trying to teach the young men and women the advantages of organizing information into sentences that would be easy on the ear if spoken—and easy also on the eyes and mind.

It was late in his career that he made direct use of the spoken word by extending his fields of interest. He developed an easy presence in front of a microphone, which helped him as president of the St. Louis chapter of Sigma Delta Chi, professional journalistic society (1964–66), as president of the Press Club (1969–70), and as chairman of the Journalism Foundation of Metropolitan St. Louis, a job he has agreed to keep until a successor can be found.

In a tape recording made recently for this article, Baldwin looked back over his nearly half-century of newspapering and ventured a few conclusions.

"Newspapermen run into so much corruption, occasionally in their own field, that they can become awfully embittered," he said. "They have to take the attitude that poor man just isn't far enough away from the ape. That's the only way to retain sanity.

"We can't become too personally involved. We have to stand off a bit and have a certain amount of compassion. One thing I've always tried to tell my students. They should be incensed at wrongdoing and go after the crooks. I tell them they'll find that they can't change the world very much, but they can make it uncomfortable for some people who deserve that uncomfortable feeling.

"I've contributed to sending 41 men to prison, getting a lawyer (a state's attorney) suspended, forcing a United States Attorney to quit because he failed to pay income tax or questionable income, getting a United States marshal fired, and helping a grand jury get indictments against two mayors, an ex-sheriff, the state's attorney and high-ranking policemen on the East Side. I have no regrets for any of this, because I think the bastards had it coming to them."

Baldwin has taught journalism classes at Southern Illinois University at Carbondale and at Washington University. He now teaches at the University of Missouri at St. Louis, where he will continue until December. Then he will devote full time to further work on a history of East St. Louis.

Speaking of his university students, as well as those of his classes in his own "Baldwin U." at the Post Dispatch, he said he had been "happy to share my experience with these young people—to give them some short cuts that I had to learn on my own.

"When one of them does something good, I can see something of myself in it, and that is a great satisfaction. In a way, I suppose it gives a measure of immortality, to be a little boastful about it. I just hope I can go on helping young people develop. I always tell them the worst part of the newspaper business and try to persuade those who are not cut out for it to get out before it breaks their heart."

Baldwin likes young persons. He understands their language but makes one requirement above all—that they be able to write his, which is English.

CONSTITUTIONAL AMENDMENT FOR A SPECIAL PRESIDENTIAL ELECTION

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, the country finds itself confronted with a situation which no one ever believed could occur; a dual vacancy in both the Office of President and the Office of the Vice President. With more than 3 years remaining in the current Presidential term if President Nixon should resign, under present law the Office of the President would be filled by a person not elected to that position by the people, and the Office of the Vice President likewise. The prescribed order of succession is adequate for short periods of time or provided the President is elected by the people, such as was the case which Truman and Johnson became President as they were both elected as Vice Presidents.

I find in discussing the matter of impeachment of President Nixon that one of the difficult questions to be considered is the prospect of Congress bringing about the nonelected succession to the Presidency, because in this instance the elected Vice President has already resigned in disgrace. Under these circumstances, the only proper course is to not have Congress be required to make a choice between unacceptable alternatives but to let the people make a determination on who shall be President.

I believe under these unusual circumstances we should call for a special election of a new President and Vice President. By doing this we will be furthering the democratic system rather than superimposing our will on the electorate. Rather than creating more disunity, an election will tend to unify the people after this traumatic experience.

If we accept the proposition that a special election is the best solution to the current dilemma, the next issue involves the procedures for conducting one. My analysis indicates that the best way to hold a special election would be to amend our Constitution for that purpose.

Presently, the Constitution in article II, section 1, provides that—

> The Congress may by law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Thus, it is possible for Congress to pass—with the President's signature or by overriding a veto—a statute prescribing a special election in the current situation. Because of another constitutional provision, however, there is substantial reason to believe that any such election must be for a full 4 years. Article I, section 1 of the Constitution specifically states of the President:

> He shall hold his Office during the Term of four years . . .

Because of this requirement, if a special Presidential election were held in 1975, subsequent Presidential elections would be held in 1979, 1983, 1987, and so on.

Clearly, to provide for a special election by mere statutory law instead of a constitutional amendment would cause a basic disruption in our historic election process. Instead of running with candidates for the House and Senate, the Presidential candidates might have to run separately in an odd-numbered year. Only by passing a constitutional amendment limiting the term of a President elected in any special election to the remaining years of the term then current, could we guarantee that such disruption would be prevented.

There is, of course, the objection that a constitutional amendment is difficult to obtain and would require too much time to resolve the existing crisis. I believe, however, that a proper amendment could be passed by the Congress this year and then ratified by the required number of States early next year. Wide public and political support exists for an alternative to decreeing a nonelected President for as long as 3 years. Wide public and political support exists for letting the people decide who will be their President and Vice President. An amendment could be enacted swiftly in the States, perhaps in less than a month.

Most State legislatures will convene in January, 1974. Only five States definitely are not scheduled to meet next year, Alabama, Nevada, New Hampshire, North Dakota, and Oregon, and the unique need for action on a constitutional amendment might prompt special sessions even in those States. Thirty-five States will hold annual sessions. In five of these States, Colorado, Connecticut, New Mexico, Utah, and Wyoming, the even-year sessions are limited to budget and fiscal matters, but here again, given the extraordinary circumstances, the possibility exists that legislators then meeting could find a way to take up an amendment. Six States, Arkansas, Minnesota, North Carolina, Ohio, Tennessee, and Vermont, which meet only in odd years may split the session so they can meet in 1974 as well. Ohio is required by law to hold the second session and the five others will probably meet in 1974, although the Arkansas legislature may meet only in order to adjourn sine die. Maine, which meets only in odd years, appropriated only enough funds for 1 year but will reconvene in 1974 and the legislature can determine the subjects which will be dealt with. Texas is voting this week on a constitutional amendment to provide for annual sessions and if the amendment passes its legislature may convene in 1974. Washington probably will meet, at the call of the Governor. Since action by only 38 States is required to ratify an amendment to the Constitution, I believe there is reasonable assurance that this number can be obtained early in 1974 if Congress acts quickly on this amendment.

In order to provide a means for Congress to take up the special election alternative, I am today introducing legislation to amend the constitution. This amendment would provide for a special election if a vacancy exists in both the Presidency and Vice-Presidency, and a year or more remains in the term. Under the amendment, States would provide for the qualification of Presidential and Vice-Presidential nominees within 30 days of the creation of the Presidential vacancy, with the special election being held within an additional 30 days thereafter.

Following this nomination and campaign period, totaling 60 days, the electoral college would meet within 5 days to certify results. The President and Vice President would be inaugurated within 10 days thereafter. Within 75 days we could have a newly elected President and Vice President which is what I believe the people want.

In the interim between the Presidential vacancy and the inauguration of a new President for the remainder of the term, the House Speaker would serve as acting President. If a vacancy existed in the Speakership, which is unlikely, the officer next in order of succession under existing law would act as President. Upon inauguration of a new President, the officer would resume his former position.

My amendment would make as little change in the existing Presidential election system as possible. It confers authority on Congress to carry out the provisions by legislation, as is the case in existing law. An accompanying bill would set forth a special election system similar to the existing system for holding regular Presidential elections, only confined to the 60-day time frame.

My amendment and bill envision the two national political parties adopting procedures to select a nominee. It could be by the delegates to the previous national convention or by the national committee. States would be authorized to permit third/fourth party names to be placed on the Presidential and Vice-Presidential ballot in accordance with their own law and within the constitutional time frame.

I believe this legislation is the most desirable and feasible method of restoring public confidence in the Presidency, should a dual vacancy occur. It is based on the people choosing the President rather than having a President in office for as long as 3 years under a nonelective process. It avoids the constitutional pitfalls of the statutory approach.

It seems to me that this legislation should be taken up by the Congress on an expeditious basis regardless of each of our views on impeachment so that the American people will be assured of an election whenever feasible for the Office of President should a vacancy occur in that Office at the same time that there exists a vacancy in the Office of the Vice President. To enable my colleagues to examine the proposal in specific detail, I have attached the text of the constitutional amendment and accompanying bill at the conclusion of my remarks.

H.J. Res. 811

Joint resolution proposing an amendment to the Constitution of the United States to provide for an election for the office of President and the office of Vice President in the case of a vacancy both in the office of President and the office of Vice President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"Article —

"Section 1. In case of removal, death, resignation, or inability, both of the President and Vice President, the Speaker of the House of Representatives or, in the case of a vacancy in the office of Speaker, such other officer as the Congress may declare, shall act as President until the disability be removed, or a President shall be elected.

"Section 2. In case there is one year of more remaining in the then current Presidential term, each State shall appoint, in such manner as the legislature thereof may direct, a number of electors for President and Vice President equal to the number of Senators and Representatives to which the State is entitled in the Congress. The electors shall meet in their respective States and perform such duties as provided by the twelfth article of amendment.

"Section 3. The Congress may determine the time of choosing the electors and the day on which they shall give their votes. The time of choosing the electors shall be the same throughout the United States and shall be not later than sixty days after the Speaker of the House of Representatives or such other officer as the Congress declares assumes the powers and duties of the office of President, or no later than sixty days after the ratification of this article in case an officer of the United States is acting as President at the time of such ratification because of the removal, death, resignation, or inability, both of the President and Vice President. Each State shall provide that a person who seeks to be elected President or Vice President as provided by this article shall qualify, in such manner as the legislature of the State may direct, no later than thirty days before the close of the sixty-day period which applies as provided by this section.

"Section 4. A person elected President or Vice President as provided by this article shall hold his office until the expiration of the then current Presidential term. If the then current Presidential term is less than two years, a person elected President as provided by this article may be elected President two other times; otherwise he may be so elected one other time.

"Section 5. If the President pro tempore of the Senate or the Speaker of the House of Representatives acts as President in case of removal, death, resignation, or inability, both of the President and Vice President, then the President pro tempore of the Senate or the Speaker of the House of Representatives, as the case may be, may resume the powers and duties of his office after the election of a President as provided by this article.

"Section 6. The Congress shall have power to enforce this article by appropriate legislation."

H.R. 11284

A bill to amend section 19 of title 3, United States Code, to provide for an election for the office of President and the office of Vice President in the case of vacancies in both the office of President and the office of Vice President

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of title 3, United States Code, is amended by adding at the end thereof the following new subsections:

"(g) If, in any case in which there is neither a President nor Vice President to discharge the powers and duties of the office of the President, there is one year or more remaining in the then current Presidential term, then electors of the President and Vice President shall be appointed or chosen in the several States on the sixtieth day after the beginning of the period during which any individual acts as President under this section, or in any other manner directed by the Constitution.

"(h) The electors of the President and Vice President appointed or chosen under subsection (g) shall meet and give their votes on the tenth day after they are appointed or chosen.

"(i) The term for which a President or Vice President is elected under this section shall be for the unexpired portion of the then current Presidential term and shall commence on the tenth day after the electors of the President and Vice President meet and give their votes under subsection (h)."

Sec. 2. Section 19(c) and section 19(d)(2) of title 3, United States Code, are amended by striking out "the expiration of the then current Presidential term" and inserting in lieu thereof "a President shall be elected".

Sec. 3. The item relating to section 19 in the table of sections for chapter 1 of title 3, United States Code, and the caption of section 19 of title 3, United States Code, are amended by inserting immediately after "act" the following: "; special election".

Sec. 4. Sections 1, 7, and 101 of title 3, United States Code, are amended by striking out "The" and inserting in lieu thereof "Except as provided by section 19, the".

CONGRESS OPPORTUNITY TO CORRECT TWO GRAVE MISTAKES

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, in voting to override the veto of House Joint Resolution 542, Congress will have an opportunity to correct two grave mistakes—the mistake of having allowed our constitutional responsibilities in the area of war powers to be eroded, and the mistake the President made in his bases for the veto.

On the first point, there is almost unanimous agreement that it is past time for Congress to reassume the powers granted in article I, section 8, of the Constitution; and to limit the President to those set forth in article II, section 2. House Joint Resolution 542 clarifies those powers, without lessening the authority of either branch of our Government.

Our Nation has spent too many years and too many lives in recent times in undeclared wars conducted by the executive branch and unchecked by the legislative branch. This legislation is not aimed maliciously at the present occupant of the White House; it is intended to draw upon the experience of past years to prevent future Congresses' shirking warmaking and peacekeeping duties, and to insure that future Chief Executives do not exceed constitutional limits of authority.

It is ironic that opponents of the legislation include liberals arguing that too much power is given to the Executive, and conservatives fearful that the President would be unable to act in emergency situations. In fact, neither charge is justified.

The veto message alleges that the President would have been unable to respond as he did during the Mideast crisis last month. That simply is not true. Had House Joint Resolution 542 been law, the President could have taken exactly the same steps he took in ordering the alert and deploying the ships. What he could not have done under the resolution—and did not do without it, in this case—was to have ordered our troops into combat for more than 60 days without Congress' consent. If there had been danger of troop safety involved in the 60-day withdrawal, he would have had an additional 30 days to complete the pullback.

The question arises: Should he be able to ignore Congress and catapult us into another Vietnam by Executive order, or should Congress assert its constitutional responsibility for declaring war?

Enactment of House Joint Resolution 542 will assure Congress part in such serious decisions, by requiring the President to report to Congress within 48 hours, and to withdraw the troops from hostilities within 60 days in the absence of a congressional directive to the contrary.

The veto message has interpreted this as Congress being able to force the President into troop withdrawal merely by taking no action. That interpretation is not only misleading, it is false.

There are provisions whereby any resolution of approval or disapproval of the President's action must be acted upon within clearly defined time limits, and an "up and down" vote taken. Consequently, if one Member of the House or Senate introduced a resolution to permit the President to extend the troop commitment beyond the 60-day period, that resolution would have to receive priority consideration by both House and Senate.

Is the current President afraid that he would be unable to persuade even 1 of 535 Members of Congress to introduce a resolution of approval? If not one Member agreed with his position, what does that say about his position? Such a situation is extremely unlikely, however.

Or is the fear that, once brought to the floor, he could not get a simple majority of both Houses to agree with him? If more than half the American people's elected representatives are opposed to keeping our men in combat, should the President be alowed to do so—again?

The veto message claims that this legislation would take away constitutional authorities that the President has exercised for 200 years. It would not take away any authorities granted by the Constitution to either branch. It would establish an orderly procedure for both branches, with the President able to react swiftly in emergencies, with the Congress advised of the emergency conditions, but with Congress the properly assigned decisionmaker on a state of war. What it does take away is the bold assumption of powers of past administrations to carry on secret bombings and open battles with no congressional curbs.

It is true that Congress can refuse to appropriate money, but we have been notoriously reluctant to do so. And, we have seen attempts at restraint vetoed, then sustained by barely over a third of the membership of one House.

Which brings us to another of the veto message objections: The use of the nonvetoable concurrent resolution to require the President to disengage troops. The President, naturally, wants to veto attempts to stop what he has started, and then to rely on the fact that he would stand a good chance of holding the one-third-plus-one membership on his side—this is, by the way, a contradiction to the earlier premise that he could not obtain support for introduction of a resolution—or is it that he thinks he could win a third of the membership to his view, but not a majority?

The veto protests are groundless again. Far from being "an action which does not normally have the force of law" there is sound precedent for use of the concurrent resolution to end an authorization, as legal and constitutional experts have testified. In recent years, concurrent resolutions were provided to bring to an end the Lend-Lease Act, First War Powers Act, Emergency Price Control Act, Stabilization Act of 1942, War Labor Disputes Act, Middle East resolution, and Gulf of Tonkin resolution.

The entire veto message is riddled with such specious statements. I refer my colleagues to the point-by-point reply to the message prepared by the Committee on Foreign Affairs and sent to each of us last week. A close reading of the document indicates either that the administration's credibility gap is open again, or that the President had some bad information about the legislation.

The American people are calling for Congress to assert itself and to assume responsibility. That is what this bill is all about. It is not about a President with personal problems, or about a vindictive Congress, or about granting new powers or taking away old ones. It is, purely and solely, a recognition of a long-standing need to redefine limits and establish clarity in a very murky area. It is not a hastily drawn piece of legislation. It is the result of years of research, study, and revision.

Mr. Speaker, it is a good measure. I urge an override of the veto of House Joint Resolution 542, and a return by the Congress to constitutional responsibility.

INTRODUCTION OF THE JOHN W. McCORMACK SENIOR CITIZEN INTERNSHIP PROGRAM

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation creating a senior citizen internship program in honor of the former Speaker of the House, John W. McCormack.

At the age of 82, Speaker McCormack is clearly one of America's outstanding senior citizens. He served his country in the House of Representatives for a total of 42 years. For more than 30 of those years he was one of its leaders. At the age of 71 he was elected Speaker and served with distinction in the capacity for 8 years. This was a longer period of continuous service than any other Speaker. Only Speaker McCormack's great friend and predecessor, "Mr. Sam" Rayburn, served as Speaker for a longer period in toto.

What could be more appropriate than to name a program to involve senior citizens in the work of the House after this great American?

The program I propose will provide for the employment in each congressional office of two John W. McCormack senior citizen interns for a 1-week period or one such intern for a 2-week period each year. In addition to introducing the intricate workings of our legislative system to senior citizens in a way never before tried, internship will provide each Member of the House with a new line of communication to a growing and unfortunately all too often neglected segment of the community.

When I first introduced the National Senior Community Service Corps bill in the 89th Congress, I envisioned a program similar to that embodied in the resolution introduced today. In each Congress thereafter I introduced the legislation, and though long delayed, I welcomed its enactment as part of the comprehensive Social Security Amendments of 1973. The community employment concept had been carried on for several years without explicit statutory authorization, and has met with great success providing senior citizens useful and constructive employment serving the community and themselves. There is no reason why a congressional senior citizen internship program should not be equally successful.

It is easy for government to forget its senior citizens, even after they have raised families and worked long hours to provide the best possible future for their children and their Nation. This legislation gives Congress an opportunity to repay our elderly in a small way for their lifelong contribution to our society. The same type of program that enables college students to work in congressional offices can also be used to open up a new line of communication with our aged. We will certainly learn as much from our senior citizen interns as they will from us.

I invite my colleagues to join with me in sponsoring a program that will be a fine tribute not only to a great American but to our senior citizens as well. The text of the resolution follows:

Resolved, That (a) until otherwise provided by law and notwithstanding any other provision of law, each Member of the House of Representatives and the Resident Commissioner from Puerto Rico and the Delegates from the District of Columbia, Guam, and the Virgin Islands are authorized to hire either one additional employee for two weeks in any year, or two additional employees for one week, to be known as John W. McCormack congressional interns in honor of the former Speaker of the House of Representatives. Each such intern shall serve either within the District of Columbia or within the district which the employing Member or Commissioner or Delegate represents. Each Member, Delegate, or Resident Commissioner shall have available annually for payment of compensation to such interns a gross allowance of $200, to be payable to each such intern at a rate not to exceed $100 per week, out of the contingent fund of the House.

(b) No person shall be paid compensation as a John McCormack congressional intern who does not have on file with the Clerk of the House of Representatives, at all times during the period of employment as such intern, an appropriate certificate that such intern is sixty years of age or older and a resident of the district which the employing Member or Commissioner or Delegate represents.

(c) The compensation paid to each such intern shall not affect any other benefits allowed under any other law.

SEC. 2. The Committee on House Administration of the House of Representatives shall make such regulations as may be necessary to carry out this resolution.

SEC. 3. The provisions of this resolution shall become effective on July 1, 1974.

WORDS OF COMMENDATION FOR THE LOCKHEED C-5A

(Mr. DAVIS of Georgia asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DAVIS of Georgia. Mr. Speaker, I rise today to offer a word of commendation for one of this Nation's hardest working, ablest, and yet generally most underrated citizens, the Lockheed C-5A.

We all remember, Mr. Speaker, when this Chamber was a forum for blistering attacks on the C-5A, including everything from charges of large cost growth to claims that the mammoth cargo plane was a technological disaster, to still more charges that it was unable to adequately perform its job.

Since that time, Mr. Speaker, we have seen that cost growth is by no means confined to the C-5A, that at least three other major weapons systems have experienced a higher percentage of cost growth than the C-5A, and that many, many civilian programs, which did not involve developing technology as did the C-5A program, had greater cost growth than did the Lockheed giant.

Since that time, Mr. Speaker, the C-5A's unique technical advances have been proven time after time to be solid contributions to aviation, from its drive through capability to its highly sophisticated multimode radar with terrain avoidance and terrain following capacity.

Since that time, Mr. Speaker, the C-5A has demonstrated its ability to perform the job it was designed to do—in natural disasters, in emergencies of all types, in peacetime and in the heat of battle.

Many of those in this Chamber will recall having read of the C-5A's remarkable cargo achievements during the Vietnam war, including the transportation of tanks and helicopters—21 light observation choppers in one load—too large to be carried by any other airplane. Many of you will also recall newspaper accounts of a C-5A ferrying a 74-ton turbine generator from England to Taiwan, of C-5's responding to the terrible Nicaraguan earthquake by flying in outsized water purification units and bulky communications equipment, and of a C-5A which transported large diameter pipe and heavy pumps to Iceland to help stem the destructive lava flow from an active volcano.

The C-5A was in the headlines again last week, Mr. Speaker, as the leading light of the American airlift to beleagured Israel. It is only right that we should be proud of its performance—in sheer tonnage figures alone it stands head and shoulders above any other aircraft involved in either the American or the Russian airlift.

But the performance of the C-5A meant something else beyond simply being able to resupply tiny Israel with material vital to her survival. During the Mideast war, a belligerent Soviet Union threatened to further entrench itself in this most sensitive area, largely at the expense of American interests of cooperation with both Arabs and Israelis. The United States, in the face of a brutal oil shortage this winter and Arab threats of holding their oil hostage for a new American posture in the Mideast, was faced with an imminent decision concerning long and short term goals in the Mideast. This Nation made the determination that we and our NATO allies could not afford to see overt hostile Soviet intervention in what is essentially a regional conflict.

Once that decision was made we responded to the challenge of unilateral Soviet action by offering a realistic deterrent, predicated in large part upon our superior air mobility and capacity. It is important to remember that, at this point in time, the Soviets had already began a massive airlift in an effort to resupply the faltering Arab armies, and it is said that they had up to 50,000 troops prepared to enter the conflict.

It was in this hostile context that the Lockheed C-5A demonstrated conclusively to the Soviet Union that this country has the greatest air mobility of any nation on the face of the earth. Over a period of little more than 2 weeks, 300 round-the-clock sorties of C-5A and C-141 aircraft, averaging 20 missions a day, delivered over 24 million pounds of vital supplies, equipment, tanks and aircraft to tiny Israel. Included in the cargo were F-4 and A-4 fighter aircraft, carried virtually intact in the giant C-5A, air-to-air and air-to-ground missiles, conventional munitions and, of course, heavy tanks.

During a 3-week period the Russians airlifted almost 30 million pounds to the Arab nations. But of key importance is the fact that it took the Russians three times as many sorties—900 in all—to deliver their 15,000 tons of supplies, as it took our C-141's and C-5's to deliver their 12,000-ton load.

Additionally, we must remember that our aircraft involved in this mission were prohibited by most of our European allies from utilizing their landing strips, thus forcing our planes to stop for refueling in the Azores. On the second leg of their trip to the Middle East, American planes had to carry an oversized load of fuel and a smaller amount of cargo than would otherwise have been able to be transported.

With particular reference to the C-5A, it should be noted that the Lockheed giant can carry over four times the load of the other workhorse of the Mideast mission, the C-141, with the C-5A's capacity running at about 130 tons. The closest the Soviet Union can come to this is its AN-22 Cock which can carry between 40 and 60 tons. The other Soviet aircraft which flew Mideast resupply missions, the AN-12 Cub, holds only one-tenth the capacity of the C-5A, or 12 tons.

According to official Pentagon statistics, if we had not had the C-5A during our recent airlift, our C-141's would have had to fly four times as many trips and they still would not have been able to carry some of the oversized cargo which only the C-5A can transport. Falling into this category is the M-60 tank, which weighs in at 105,000 pounds, and jet fighters which must be drastically disassembled before being loaded into a C-141. The C-5A can carry two M-60 tanks at a time and can carry fighter aircraft with a minimum of disassemblage.

Mr. Speaker, the reason why the Russians did not inject their troops into the Mideast is not because we changed their desire to attain the fruits which further entrenchment would have brought them. Nor is it because we changed their moral attitude about interfering in sensitive internal matters of other nations.

It is because the Soviet Union was made fully aware that this country would stand up for her interests in that region, and that this country has the capability to back up that commitment. As we now know, this posture was made possible in large part because of the superior air mobility which the United States had the foresight to create, despite strong pressures to abandon or curtail that plan.

Many are quick to criticize defense systems when things go wrong, but all too often seem to overlook the successful performances of these vital tools. No one could argue that we set high standards for the C-5A, and no one can now deny that this aircraft has met that challenge and succeeded. In view of the fact that this radically new plane, embodying technology on the cutting edge of man's knowledge, has long been under the searching scrutiny of the public limelight and has endured at times frenetic criticism from the press and from this House. I believe it only fair for us publicly to recognize the crucial role this same plane played during the most severe confrontation of United States and Soviet power since the Cuban missile crisis.

Yesterday, it was a crisis in the Middle East. Today it might be in Europe, in South America or anywhere else in the world. Tomorrow it could even be on our own shores. But as long as we have machines of the C-5A's caliber, Mr. Speaker, we can be assured that the United States will not blink when it stands eye to eye with an opponent and that it will not turn tail and run when its interests are threatened. That is one lesson the world has learned, I believe, from the events of the last week, and for a change, it is a lesson which should give us comfort in the uncertain times ahead.

TIME TO CHANGE THE FISCAL YEAR

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am cosponsoring a bill with Representative MICHEL and others to change the fiscal year in Government to parallel the calendar year. The logic behind such a change is clear and I think persuasive. It has been many years since the work of Congress on authorizations and appropriations has been completed at the beginning of the fiscal year which is now established as July 1. Some bills affecting both authorization and appropriation for the fiscal year do not receive final approval until just before the adjournment of Congress. An adjournment seldom is accomplished until late December.

The result is uncertainty and confusion in the various departments of Government. Most of them now operate after July 1 on the basis of continuing resolutions but with little in the way of clear guidelines to determine their spending levels. Meaningful planning and spending is virtually impossible under these conditions.

As long as it is the end of the year before Congress is able to complete its budget work, the departments will be required to work for half the fiscal year on the confusion which accompanies continuing resolutions. If the fiscal year is changed to begin on January 1, the Congress will have a full year of work ahead in which to complete its budget consideration. This would remove the intolerable situation in which both Congress and the departments now are placed.

There is another aspect. Under the present law, Congress is expected to complete the appropriations processes by June 30. When we take into account that we are appropriating the taxpayers' money in amounts in excess of $200 billion each year, a scant 6 months is barely sufficient for the task.

Departments, on the other hand, also should be able to plan for their needs and the needs of those they serve. In such important areas as housing and defense as well as health care and other vitally important aspects of Federal spending, 6 months in limbo followed by 6 months in fiscal clover is hardly acceptable.

Mr. Speaker, I urge my colleagues to adopt this proposal to change the fiscal year to coincide with the calendar year. Such a change will serve the best interests of the taxpayers of the United States, the various Government departments and those they are charged to serve, and the Congress whose job it is to make certain only needed expenditures are funded. This proposed change will give us time to do our jobs, a circumstance which does not now exist.

SLAVERY STILL EXISTS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is shocking to realize that slavery still exists in this modern and supposedly enlightened age. Slavery is an ugly memory of a period many years ago when human beings were chattels to be bought and sold and whose lives were subject to the will of their owners. Yet the custom of slavery is known to have continued to persist and the Christian Science Monitor recently spelled out specific acts of slavery stating that tens of millions of people are held in some form of servitude in at least 40 countries of the world. Three specific examples were listed, and I include them in this statement:

> The services of a child reportedly can be bought at £15 (about $37) for 10 years in many Eastern lands from Lebanon to Indonesia.
>
> Fifty schoolgirls from Ghana were officially conceded earlier this year to have been sold to buyers in Lebanon.
>
> Four 16-year-old Asian girls of Persian descent have endured three years of forced marriage to members of the revolutionary council in the East African island of Zanzibar.

Slavery is outlawed in every nation of the world and the United Nations is on record against slavery. In 1956, 85 nations in the U.N. ratified a resolution abolishing slavery. Yet there has been no international policing of the practice of slavery. The only world organization of official stature is the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities. Five representatives of the Subcommission now propose to meet 3 days a year to receive evidence of slavery. However, privately financed and organized antislavery groups, which are active against slavery, are very skeptical that anything will come of these meetings or that the U.N. will take any action against slavery. It has been urged, without avail, that a permanent adviser of world stature be designated by the U.N. to probe slavery full time.

The forms of slavery which still exist include debt bondage, which is reported to be widespread in India and Burma; serfdom, where people are bound to the land, is said to be practiced in Afghanistan and on some large South American estates; exploitation of children is reported in Latin America, the Middle East, West Africa, and Southeast Asia, including Hong Kong; servile forms of marriage in which forced and bought marriages are said to persist in some 30 Islamic and part-Islamic countries.

WHATEVER HAPPENED TO ARBOR DAY?

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, Dr. Joseph E. Howland has written an excellent guest editorial on Arbor Day. It was published in the magazine American Forests in its October 1973 issue. I submit it for reprinting in the RECORD:

WHATEVER HAPPENED TO ARBOR DAY?

(By Dr. Joseph E. Howland)

> When we were a boy, Arbor Day, the annual tree planting day, was a big event on our school calendar. It had status because, like Thanksgiving Day, it was proclaimed by the Governor. Pupils and teachers cooperated on equal terms. It gave us a sense of importance. And best of all it took us out of doors.
>
> Each year we dug the holes and did the actual planting, watering and staking of one or more trees. In eight years of grammar school this naturally gave us kids a tremendous sense of personal identification with the school's landscaping. The planting was "ours" and so vandalism was unthinkable.
>
> Today the trees we planted when we were young have grown up and are shading new generations. But how many youngsters planted something this past spring? In some communities Arbor Day is still of real significance. But where it is being neglected we are all losers.
>
> Agitation for a more beautiful America has gained tremendous impetus these past few years and conversation has become big news. But it would be a mistake to think of it only in national terms. While we are trying to save the redwoods for the children of America to enjoy "tomorrow" we shouldn't overlook the local park, the parking lot and the schoolyard that they see every day. Arbor Day gives them the chance—*in an organized way*—to discover at firsthand the joy of planting something and watching it grow. For many youngsters, even in suburbia it may be the only time they will plant anything themselves.
>
> We have heard the excuse, more than once, that the school budget did not provide for trees. As far as new buildings go that may be deplorably true. But as far as Arbor Day is concerned it is nonsense. The cost of material is trivial. Parents would be happy to contribute. And it would be a poor sort of garden club or fraternal society that wouldn't jump at a chance to help out.
>
> Why bring it up now when Arbor Day is in April? Because when planting time comes round again it is usually too late to make arrangements. If Arbor Day is being overlooked in your community the time to bring it up at PTA is as soon after Labor Day as possible.

SENATOR McGEE ADDRESSES NATIONAL POSTAL FORUM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the distinguished chairman of the Post Office and Civil Service Committee of the Senate on October 2 addressed the National Postal Forum in an able address dealing with the Post Office Department and the effects of the Postal Reorganization Act. From his knowledgable position, Senator GALE McGEE gives a very valuable dissertation upon the whole problem of the quality of our postal service and the manner in which is should be operated. Since Senator McGEE is an old friend of mine I take particular pleasure in asking that his outstanding address be included in the body of the RECORD immediately following my remarks:

REMARKS BY SENATOR GALE MCGEE

General Klassen, distinguished guests, I appreciate very much this opportunity to join with representatives of the business community and with the managers of the Postal Service in your discussions leading to cooperative effort. I applaud the spirit of this Forum, a meeting where problems can be explored and solutions sought.

Mr. John Gardner, who has just concluded his remarks, has written that "The society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water".

His observation is apt for this occasion. You will recall that the Kappel Commission Report on Postal Reorganization, the report which recommended postal reorganization, was entitled "Toward Postal Excellence."

One of the reasons why the Postal Reorganization Act moved through Congress as rapidly as it did was that it had broad popular support, not only from private enterprise, but from the average citizen who uses the mail chiefly to pay his bills and to write his relatives. You are aware, I'm sure, that the people of this country feel very strongly about not passable, not good, but excellent postal service. They really care about postal excellence, and they expressed their views very vocally to the Congress during those hectic months in 1970 when the Reorganization Act was being hammered out in both Houses. I think that the American people watch the Postal Service as closely as they do because it is something universal; it touches the life of everyone, and it affects the way we feel in general about the efficiency and progressiveness of our society. It has something to do with the way people feel about how things are going and whether they are working right.

Thus, postal excellence is not just the movement of billions of pieces of printed materials through the pipelines we call the delivery system. Indeed no, it is the value we assign to the written word. Without that method of contact, the community is diminished; and if the community is diminished, our theories of brotherhood and of full-scale participatory democracy do not hold water. I'm glad to say that it is my hope that we are now on the way toward providing that kind of service for all mailers, large and small.

What about the plumbing that Mr. Gardner spoke of? In this case, the Postal Service as a system. Do the pipes hold water? I take the name of this gathering quite literally; it is a forum in the particular sense of the word, and it is not advertised as being a mutual admiration society. And so I am confident that it will be appropriate for me to speak plainly about what has happened during the three years which have elapsed since the enactment of the Postal Reorganization Act. No one man can supply the answers to all the problems which have arisen during those three years, but I think we can agree that certain facts have become clearly apparent and that, in order to do anything about them, we must recognize them and reason together on what they mean to the future of the Postal Service in this country.

CHALLENGE FACED BY THE POSTAL SERVICE

As one of the authors of the Act, I can only wish success for the Postmaster General, his staff, the small army of postal employees, and the Postal Service itself. As an American and as a United States Senator charged with certain specific postal responsibilities, I share with the average citizen a strong concern about the liveliness of the postal establishment. The past few years have demonstrated that the Reorganization Act provided no magic formula. True, it marked a milestone in our thinking about how the Postal Service ought to fit into the matrix of our complex society. Nevertheless, some of the problems which plagued us in the late 60's still exist. The hard economic facts controlling the destiny of the Postal Service just won't go away, no matter what the Congress in its wisdom decides about postal reorganization.

Let's consider some of the facts. In 1968 there were some 700,000 postal employees who, under the leadership of a member of the President's Cabinet, were doing a pretty good job of delivering the mail. Today, almost the same number of postal employees, under the leadership of a very able officer who heads an independent government agency, are still doing a pretty good job of delivering the mail. But there is a dramatic difference. Today, those employees are being paid approximately 40% more than they were receiving five years ago. Now, a 40% increase in personnel costs in a labor-intensive industry is bad enough; but let us also realize that all of the Postmaster General's other costs have increased as well—machinery, buildings, vehicles, transportation rates, and fuel.

As businessmen, you know about those costs, Each of you can calculate in his own head how much his own cost of doing business has skyrocketed in the past five years.

Now, these are problems which the Postmaster General faces, and I think we should all recognize them before we cry out in dismay and alarm at the rate increases which he last week recommended to the Postal Rate Commission.

In my view, Ted Klassen has done a very fine job under extreme difficulties. He has altered organization structures, re-emphasized the criterion of service when it was being forgotten in a mad rush to balance the books, and he has dealt with old problems he himself did not create. He has acted forthrightly and with executive dispatch to bring his costs in line and at the same time to try to preserve service standards which Americans expect and deserve. He has made headway in an effort to obtain committed space on airlines so that first-class mail can move by air on dependable schedules. He is making an effective effort to recapture lost parcel post business, and he is looking to the future by acquiring very promising high-speed letter-sorting machines. And I ask you to remember that he is acting under a mandate to bring his enterprise to the break-even point by 1984, and to move the mail within the confines of that mandate. I think he understands as well as you and I that the announcement of an across-the-board postal rate increase is greeted with something less than a warm welcome by the general public and by the business community.

THE CHALLENGES FACED BY THE BUSINESS COMMUNITY

The past three years have also revealed some changes in the views of the business community with regard to postal reorganization. I can remember how avidly businessmen in general endorsed the idea of postal reorganization in 1969 and 1970. They reflected a view fairly common at that time that a hard-headed business-oriented management team, goaded by the profit motive, would bring such new efficiency to postal operations that rates would be stabilized. But the controlling economic facts which I cited earlier have apparently changed those views. For example, I have just left an Executive Session of the Post Office and Civil Service Committee at which the Committee's Members were considering a bill strongly advocated by the business community to spread out the time during which some business mailers would be required to pay full postage rates. Essentially, these mailers are asking that the Government continue its subsidy to them for longer than the Postal Reorganization Act stipulates.

I do not consider this request unreasonable. The costs of all major mailers, including postal rates, have risen dramatically during the past few years, and these postal customers seek relief because they believe that their mail matter is of intrinsic benefit to all of the American people and is worthy of subsidy. I cannot say how the Committee, the Senate, or the Congress as a whole will respond to this petition for relief; and I cite this bill simply to show that a substantial segment of the business community now believes that there is a definite place for a government subsidy in our postal planning.

Three years ago the opposite view prevailed. It was strongly maintained that the Congress should get out of the postal rate-making business entirely, that subsidies should in ten years at most be ended for good, and that there was no reason whatever why the Postal Service, like any other big business, should not be able to provide its customers with reasonable rates and at the same time balance revenues with expenditures.

And so, this is one of the problems faced by the business community. I know that the Postmaster General's recently announced increases that he has recommended are substantial—25% for first-class, 38% for second-class, and 22% for third-class. I can only suggest, without endorsing them, that these rates represent the economic facts of life. The Postal Service faces a deficit of some $1.3 billion this fiscal year.

THE CHALLENGE FACED BY THE CONGRESS

I have mentioned the problems faced by the Postmaster General, and I think that I have been able to isolate some of the problems with which you, as large mailers, must in the future come to grips. The Congress, too, shares a large measure of responsibility for how well the Postal Service operates and how effectively it serves your needs. Thus, the Congress has its own problems in connection with this issue. A major question is one typified by the legislation which I just described. What is the responsibility of the Congress when it is asked to subsidize postage?

In an economic crunch such as the kind we face today, it is only natural for business mailers to petition Congress for the kind of aid it used to receive prior to the Reorganization Act. At the same time, I see in the Congress a reluctance on the part of Members to go back to the old days of random rate-making. There is no inclination to turn back the clock. The general Congressional view, as I see it, is that the Postal Rate Commission has shown itself able to assume the rate-making role and that the Commission will continue to serve in the future as the forum in which rate questions will be answered. As for the bill I have described, I see it as a unique case—almost an emergency measure. The need is there and it is urgent. How Congress will respond I do not know.

Nothing, of course, is final. The Congressional view as I have represented it may change as it has in the past. Perhaps in the years ahead, Congress will conclude that, in the public interest, a continuing subsidy should be authorized; that the break-even ideal, so avidly advocated three years ago, must be abandoned. I hope not. As an author of postal reorganization, I believed in the underlying precepts of the Reorganization Act. I still do, and I want the present system to work.

The problems that I have outlined represent formidable challenges for all of us. The Reorganization Act has succeeded extremely well in some areas but, for all the good intentions of its proponents, it has not yet been able to prevail against the economic realities of these inflationary times.

And so I think that our best efforts will be required in the years ahead to work together—the Postal Service, the business community which constitutes the largest single segment of mailers, and the Congress—each aware of the other's problems and each willing to proceed with a great deal of patience, understanding, good faith, and good will, until the postal excellence envisioned in the Kappel Commission Report is totally realized.

In the end, however, no matter how we categorize these problems, it is the rank and file citizens who will judge whether we have met the challenge. Whether, in fact, our theories hold water.

ACCOUNTING FOR 1,300 MIA'S

Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I call to the attention of my colleagues a memorial adopted by the Florida State Legislature in regular session 1973. This memorial to the Congress of the United States, urges Congress to take immediate steps to account for the more than 1,300 Americans still missing in action in Southeast Asia and to secure the immediate release from captivity of those still alive.

I concur with the views expressed in this memorial that it is imperative we determine whether these men are still alive and do everything in our power to secure their immediate release.

The memorial follows:

House Memorial No. 1307

A memorial to the Congress of the United States, urging Congress to take immediate steps to account for the more than thirteen hundred Americans still missing in action in Southeast Asia.

Whereas, American involvement in the Southeast Asian conflict has begun to draw to a close with the signing of a truce agreement calling for return of all American prisoners of war, and

Whereas, almost all American military forces in the Republic of Vietnam have been withdrawn pursuant to that truce agreement, and

Whereas, although almost five hundred Americans missing in action and held as prisoners of war have been accounted for and released from captivity, there remain at least thirteen hundred of their fellow Americans yet unaccounted for in Southeast Asia, and

Whereas, it is the responsibility of the people of this nation to do everything in their power to determine whether these men are still alive and, if so, to secure their immediate release from captivity, now, therefore,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is urged and requested to take every possible step and to make every possible effort to account for the more than thirteen hundred American servicemen still missing in Southeast Asia and to secure the immediate release from captivity of those still alive.

Be it further resolved that copies of this memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

CRISIS IN CONFIDENCE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in last Sunday's issue of the Miami Herald there appeared an article by me dealing with what many call the crisis in confidence in public officials generally in this country. In this article I pointed out that from a long association with national, State, and local officeholders it was my conclusion that those in public office were percentagewise less guilty of dishonesty or unethical conduct than the general population, yet pointing out some of the problems and temptations which those holding public office had to face.

I concluded with the hope that the misconduct of many public officials in the country, although a conspicuous minority of the whole, would lead the people to a new demand for the highest standard of conduct by those entrusted with the opportunity and the responsibility to hold public office, and express the hope that that demand would be "the punctillo of honor"—the highest standard of conduct once described by Justice Benjamin Cardoza.

I insert my article in the November 4, 1973, issue of the Miami Herald entitled "Politicians Tempted on All Sides" in the body of the Record following my remarks:

Politicians Tempted on All Sides

(Note.—Claude Pepper, with more than 40 years in public office, has served in both the U.S. Senate and the House of Representatives.)

(By Claude Pepper)

Unmistakably there is a crisis of confidence in public officials in general.

And there is good reason for the people's concern about their officials when they see such revelations as the Watergate hearings have disclosed; the plea of guilty to income-tax violations by the vice president of the United States while he was governor of his state; former Cabinet officers indicted; top members of President Nixon's staff indicted or under investigation; members of Congress sentenced to prison for bribery, income tax evasion or requiring kickbacks from employes; a high-level judge convicted for income-tax evasion and bribery while governor of his state; many state, county and municipal officials throughout the country convicted or under indictment; and even the President under investigation for possible wrongdoing.

Such corruption and lack of integrity must be punished fairly and impartially. An honest and vigorous investigation must be made wherever there is a breach of public trust. Laws must be tightened and strengthened where necessary.

The President unhappily has not encouraged public confidence in public officials by discharging a special prosecutor who was recognized as an able, honorable and fearless prosecutor and investigator—Prof. Archibald Cox. It is difficult to see how anyone else in the Department of Justice can take up Cox's role in light of the President's prohibition to Cox of full independence in his investigation and prosecution of wrongdoing in this administration.

But, after all, the number of public officials who have been indicted or convicted or are under deep suspicion and investigation is a small part of the total number of public officials in the country.

It may shock many to have me say that after more than 40 years of close contact with public officials at the national, state and local levels and after 25 years in the U.S. Senate and House of Representatives, public officials—politicians—are above the average of the population in honesty, integrity and ethical considerations.

The reason obviously is that public officials have been through a screening process. They have been elected by the people or appointed by public authority and, by the large, they have a deep sense of pride in their office and a sincere feeling of duty to serve creditably. They want to be liked by the people and they seek to make a record that will be both satisfying to their ego and meaningful to the people they serve.

Furthermore, the offenses committed by most public officials are related to money—taking a bribe, failing to pay due income taxes, taking kickbacks from employes and the like, and this is an area where public officials are not different from their fellow citizens.

For bankers, lawyers, doctors, businessmen, writers, even ministers of the gospel share the same covetous instincts. But I believe percentage wise the rate of such offense is lower among politicians than among the general population, even when allowance is made for a certain possible favoritism on the part of public officials toward one another.

It's not the system that's bad; it's the individuals within the system whose greed leads them to corruption. Some—too many—politicians do yield to the desire to live beyond their means, have money along with power and take advantage of the many opportunities they have to get money illegally either through taking a bribe for the exercise of power or pocketing for personal use campaign contributions without paying income tax thereon or otherwise.

But the overwhelming majority of the public officeholders, like the overwhelming majority of the members of other honorable groups in the country, don't do that. The ones who do are the conspicuous exceptions.

I don't know of a vice president since Colfax in the Grant Administration who has been charged with crime. In more than 100 years no national administration has had scandals and corruption at the top since the Grant Administration in the 1860's, except for the Harding Administration in the early 20s and now the Nixon Administration.

Among the thousands of members of Congress whom I've known, I don't recall more than a dozen at the outside who have been indicted. Of the thousands of judges in our country only a few have been false to their trust. The same is true of the officers at the state and local legislative and executive levels generally. In spite of the bad reputation of politicians and officeholders generally, we ordinarily have confidence in the ones we personally know—those who represent us or whose performance we constantly observe.

The man in public office, especially elective office, has many temptations and many problems. He has to have money to get elected. In many campaigns, especially state and national campaigns, he has to have a lot of money. In a race for governor or U.S. senator even in a state the size of Florida, he must have several hundred thousand or a million or more dollars.

For representatives in Congress the law now provides that he may spend up to $75,000 and he generally is required to have from $50,000 to $75,000 to get elected. That is a lot of money for one who is not rich, and even one who is wealthy can spend only $25,000 of his own money under present federal law in a race for Congress. Raising this money is one of the greatest problems a candidate has—to get the money without selling out the public interest or compromising his freedom of judgment or his integrity as a public official when elected.

I have had only one brazen proposal made to me in respect to campaign contributions. After I left the Senate and before I returned to the House, I was considering running again for the Senate and went to see a wealthy man who had been my friend and contributor to my campaign in the past—a man who had never tied a condition to his contribution. I was seated on the foot of a bed in a hotel-room and he towered over me standing right in front of me. He said: "I don't want you to run for the Senate. I want you to run for governor and if you will run for the governor I will underwrite $75,000 for your campaign cost, but on the condition that you will let me run the State Road Department."

My first impulse was to kick the man in the groin. Then I felt saddened because this man had been my friend, and I his, and he never had made an improper suggestion to me before. I knew this was going to estrange us. Without getting up I quietly said: "I don't want to be governor and I never intend to be, but if I am governor, I will run the State Road Department through my appointee. My relations with you would be the same as they were when I was in the Senate. You could come to me and talk to me about anything but you knew it would be I who would make the decision, not you." I got up and left and that man and I did not have another conversation for many years and we never have regained our old friendship.

Yet what does a candidate do who doesn't have the money himself to conduct the kind of a campaign he needs to conduct and who sees his opponent, as mine did in 1950, come up with 10 times as much money as he has? This then is the area of a politician's greatest temptation.

With increasing costs of using the various means of campaigning for almost any elective office, the candidate has to have a considerable sum of money. The candidate simply has to screen his contributions as closely as possible, checking not only for illegality but for contributions that would be an embarrassment to him during the campaign or after being elected. The statutes, federal and state, have been greatly strengthened in respect to campaign contributions but they must be tightened up a great deal more.

For example, a cash campaign contribution in excess of $10 should be forbidden. All contributions should be required to be by check so they can be traced. And each individual should be limited in the amount he or she can contribute directly or indirectly to a candidate or to all candidates.

Public contributions of public financing for elective campaigns should be further studied. Tax deductions should be encouraged for small contributions, especially for presidential campaigns, and a definite limit on presidential expenditures should be imposed.

Another great temptation for an office holder is to accept excessive favors, including social favors, from those who have an important interest upon which the office holder has to vote or act.

I know a man in the U.S. Senate who so constantly used the facilities of an airline and who was so close to that airline that he constantly spoke and worked for that line as if he were an officer or employe.

I never have been offered a bribe and I think most public officeholders will say the same thing. I suspect it's like the fact that most ladies who conduct themselves properly are not disrespectfully approached. Most elected officials draw the line between small favors and courtesies to those who befriend them and doing things that are against their judgment or conscience. We all know that no real friend will ask you to do something you think is contrary to the public interest or wrong.

I recall one time in the Senate that a man who headed a Florida sugar company threatened me if I tried to get more quota for other sugar companies in Florida. When he made his threat, I walked down the hall and testified before a Senate committee just as I told him I would. But this man was the exception.

Most contributors and friends respect the officeholder who respects himself and never will ask him to do anything he doesn't think is right. In my first Senate race in 1934, and thereafter, I was supported strongly by many road contractors of Florida. But I proudly recall that, not only did that group of men never ask me to do anything wrong, they would have severely rebuked and reproached me if they had found me doing anything wrong.

Public officials should observe a higher standard of honor and ethics than others, for they have been chosen for their tasks because they were trusted and they should have a keener-than-usual sense of responsibility and integrity. To hold public office is a great honor and a challenging opportunity for notable public service. Every officeholder, therefore, should be particularly sensitive to the trust reposed in him and to the obligation he bears.

Let us hope that the shock of criminal or unethical conduct that we see in so many places all over America today, shocking and lamentable as it is, will arouse the people of the country to a new demand for the highest standards of integrity in all aspects of public office—not only honesty in respect to money but to the highest sense of honor in the performance of all the duties and responsibilities with which the official is charged—"the punctillo of an honor" as the highest standard of conduct once was described by the great Justice Benjamin Cardozo.

WE MUST HAVE AN INDEPENDENT SPECIAL PROSECUTOR

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, today a dark shadow is cast across our Nation. The Watergate scandal and other allegations of presidential wrongdoing have been greeted with shock and dismay by the American people. Most Americans, nevertheless, had prior to October 20 suspended their final verdict regarding the President's complicity or lack of complicity pending the outcome of the investigation being conducted by special prosecutor Archibald Cox.

However, President Nixon's precipitous firing of Mr. Cox, which provoked massive public outrage, has left many vital questions unanswered. As a consequence, the presidency has been crippled by the pall of accusation and suspicion that today hangs over the White House. Until the truth is conclusively determined, it will be impossible for us to get on with the other business before this Nation.

The Middle East crisis, the energy crisis, the environmental crisis, inflation, unemployment, and a raft of other problems face this Nation today and cry out for strong and decisive leadership. Thus, we must put Watergate and the other sordid political crimes behind us as soon as possible. This requires that we get to the bottom of this affair as soon as possible.

The President's intemperate action of the weekend of October 20 leaves no alternative for Congress but to take the initiative, and in so doing demonstrate that no man—not even the President of the United States—is above the law. On May 1, the President stated publicly his commitment to "uncover the whole truth," however, recent events have called into question his commitment.

I make these remarks because I have recently introduced a resolution which would reestablish an office of the special prosecutor, this time under the aegis of the Congress. My measure provides for a prosecutor completely independent in both financing and authority from the executive branch of Government, as is noted in section 3 of our resolution. Although it provides that the chief judge of the U.S. District Court for the District of Columbia be empowered to appoint the new prosecutor, he will be subject to both confirmation and removal by the Congress.

In conclusion, what is needed at this critical moment in this Nation's history is a frank, forthright, and open investigation of all the allegations of executive malfeasance of office. I am convinced that a majority of the Members of Congress, as well as a large majority of the American people desire a fully independent prosecutor to carry forward the investigation. Congress, by acting decisively, will not only write a new chapter in executive accountability, but will assure that the whole truth is uncovered.

We must restore the trust of the American people in their Government. In 1968, President Nixon said that "men are accountable for what they do," and that "guilty men must pay the penalty for their crimes." I could not agree more with the President: and it is to this end that I have introduced this legislation.

ATHLETIC INJURIES AND SAFETY: DIMENSIONS OF THE AMERICAN ATHLETIC CRISIS

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, this spring Sports for People, a public interest organization in Chapel Hill, N.C., published an extremely informative and important study of the dimensions of the athletic safety crisis.

With the rising concern over this issue, I would like to now inert this study into the RECORD for the use by my colleagues:

ATHLETIC INJURIES AND SAFETY: DIMENSIONS OF THE AMERICAN ATHLETIC CRISIS

(A Report on the results of a national opinion survey)

PREFACE

About "Sports for People"

Sports For People is a community-oriented group of friends and neighbors in Chapel Hill, North Carolina, which is providing opportunities for people to express themselves in new ways through sports. We conceive of ourselves as a growing circle of life, dedicated to exposing people to a variety of recreation opportunities through which they can build physical self-confidence and develop positive attitudes toward other people. We conceive of sports as a vehicle by which all people can come together on common ground, to share the rhythm of movement and the joy of physical exertion. We believe that sports based on this approach to human interaction and development can promote a healthy community, and that attitudes of caring and self-confidence can be transferred to other activities in community life, both personal and professional. Hence, Sports For People is seeking to build a healthy community which cares about its people through positive, attitude-changing, spontaneous, life-giving sports.

Historically, Sports For People is the successor to the Committee of Concerned Athletes which was reconstituted January 31, 1973. Having achieved its objectives of promoting athletic safety on the University of North Carolina campus at Chapel Hill, and having brought athletic safety to the attention of Congress, it seemed appropriate for the Committee to reconstitute itself as Sports For People with a new set of objectives.

Sports For People retains the fundamental notion that life is an objective we need to work toward in contemporary sports. It is significant that the Committee, founded in September, 1971 after the death of UNC football player Bill Arnold, is continuing with its emphasis on life-giving sports. Respecting this tragic death and understanding its causes. and dynamics, Sports For People is now developing means of promoting life-giving sports.

About the survey

In November, 1971, the Committee (referred to hereafter in its new title Sports For People, SFP) approached Congressman Ronald Dellums about the feasibility of national legislation on athletic safety. Through its experience at Chapel Hill and exposure to statistics about injuries across the country, SFP learned that Arnold's death was not a unique circumstance; that thousands and thousands of injuries occur each year in a number of major and minor sports at all levels of play. It was felt by both Representative Dellums and SFP that athletic safety should be a national public policy and Congressional concern. On August 17, 1972, Rep. Dellums introduced the "Athletic Safety Act," into Congress, as an amendment to the Occupational Safety and Health Act of 1970. The Act received an initial hearing on September 13, 1972.

SFP had felt for a long time that the concerns of many coaches, players, sports writers, and researchers around the country on the issues of athletic safety needed a national focus. Assisting Rep. Dellums with the Act provided an opportunity to develop this focus, hence this survey and report. With the generous assistance of Rep. Dellums, his staff, Jack Scott of the Oberlin Athletic Department, and Dr. Benjamin Lowe of Temple University, Sports For People conducted a national athletic safety opinion survey during November, 1972–February, 1973. The following summary report represents both a qualitative and quantitative analysis of the responses.

The format of this report is designed to present a summary of the responses of 110 individuals' attitudes concerning a wide range of safety-related issues. The people who responded represent a highly sophisticated and knowledgeable group of individuals directly involved in athletics as players, coaches, writers, researchers, parents or spectators. Familiar with a broad range of issues, these people have provided the public with a rare insight into what sports-related professionals think about the current state of American athletics, particularly in relation to safety and injuries.

Through a combination of ranking scales and open-ended questions, the survey was designed to examine opinions about athletic safety from a perspective broader than just its medical aspects. A copy of the questionnaire is attached as Appendix A. SFP believes from its experience that injuries and safety in athletics have educational, sociological, and psychological parameters as well as health concerns. This report attempts to illuminate the opinions of sports experts on these parameters in the hopes of providing us all with a clearer perspective on ways through which we can actively seek and promote athletic safety.

American athletics is in a state of crisis. Perhaps the single, clearest conclusion of this survey is that contemporary sports are facing a profound and sustained series of challenges to its basic and traditional assumptions and operations, not only from former players reacting to negative experiences, or from researchers, sports writers, coaches or fans, but more seriously from within its own basic structures, values and means of operation. We hope to provide some clarity to these challenges and concerns, from the perspective of players, writers, researchers and coaches in terms of the structural and value problems which are reflected through American sports.

The wide variety of people from all over the country who responded to the survey have demonstrated in their opinions that the crisis in American sports, as reflected in injury statistics and other abuses, is a multifaceted, complex and interconnected problem of values and procedures, institutions, attitudes and human needs. There is no single individual, institution or sport responsible for the incredible high rate of injuries, though this survey suggests several major contact sports as being primarily responsible.* That their high number and often severe nature occur throughout all sports at all levels suggests to us that there is a much larger and complex issue than just sports alone. Similarly, attempts by institutions or individuals to excuse specific accidents as isolated incidents or medical problems, is not warranted either by the national statistics, or by the responses to this survey. What we face as a society engulfed in sports of all kinds at all levels of play is a crisis of major proportions in terms of our priorities and values—specifically whether we want athletics to be for athletes, to be safe and for fun, or whether we wish to perpetuate a system which is characterized by high pressure, commercialism, over-professionalization, high injury rates, competitive abuses, and a philosophy of winning at any cost.

A second major finding of the survey is that injuries are not felt to be the primary problem in contemporary athletics. Injuries are merely symptomatic of a much larger concern, an index of the extent to which we have allowed primarily the major sports to become more concerned with winning than the health, welfare and needs of each individual player. The areas of greatest interest and concern to those responding emphasized that the values and priorities existent within our society—winning in particular—are magnified in the sports arena through a high pressure system, resulting in an increasing number of abuses and injuries. As a former U.S. Olympic athlete stated in the survey, "The near neurotic frenzy to win is permeating virtually every stratum of athletics now, including the little leagues." This comment was reinforced by a university physical education professor concerned with the sociology of sport and coaching when he said, "The pressure to win is certainly the most crippling of all the pressures that confront sport." As another university P.E. professor very succinctly summarized the basic problem of the athletic crisis—

"The root cause of the problem is to be found in those values that comprise the dominant value structure in American society. When we begin to deal with Society's obsessive concern for material well-being, conformity, and competition-winning, then we can begin to address ourselves to the problems of drug-taking, recruiting, coaching procedures, pressures." . . .

The concern over the value of winning at any cost was coupled with a major concern about the pressures which have come to characterize athletics where large amounts of money and prestige are involved. Experts responding to the survey linked pressure and winning in a number of situations such as recruitment, the use of drugs to achieve better performance or merely to stay even competitively, psychological and physical pressure to obtain better playing, and so on. As a judge put it:

"I have played various sports since childhood. I am very concerned about the overemphasis on winning and lack of concern for individuals, especially on high school and college levels. Coaches are putting too much pressure on athletes in order to compile good records for themselves. Such emphasis on winning records has altered the purpose of athletic competition. Double standards exist, especially on the college level, where athletes are being torn between coaches who want to advance themselves, pro offers, possibility of serious injury, etc. The athletes must be confused and someone has to speak out and try to stop these practices."

The coach, we found, is at the apex of the pressure system which places winning above all other priorities. As a college physical education coach said:

"I see the problem as one of society's emphasis on winning at all costs, the coach's success being based upon win-loss records more than the joy he inculcates into the activity as a major problem. Legislation can be a stop-gap, but sports will become humanistic only when our society undergoes some basic changes in values."

The basic value of winning and its attendant pressures on coaches and athletes alike, the professionalization of scholastic sports, monopoly control and profits, and insufficient medical and athletic training and coaching procedures, all were felt to be the central, interrelated parameters of the sports crisis. Whether sports is to be for the health and development of each individual athlete, to be legislatively protected if necessary, is the immediate challenge we face today. The long-term challenge is whether there can be sufficient procedural, institutional and attitude change to eliminate injuries altogether and to promote the safety and health of every athlete without federal legislation, and whether sports can once again be fun and for the athlete. Thus, the solution to the American sports crisis as reflected in injury rates and other abuses lies in the reordering of our priorities toward a philosophy and practice of sports based on individual physical development, health and welfare.

Such a reordering of priorities is the responsibility of every spectator, parent, athlete, coach, sports writer and commercial interest. The responsibility and stimulus for initiating such a reordering of priorities, however, seems to lie in the hands of Congress. The Athletic Safety Act is the first step, the catalyst for this broad national effort to articulate the problems and parameters of athletic safety, and to provide constructive approaches and alternatives to remedying some of the more basic problems. Those responding have generally endorsed the Athletic Safety Act as a necessary first step in a long journey toward achieving a sense of balance in the athletic crisis.

Who responded to the survey?

Close to 400 questionnaires were distributed to selected individuals around the country, of whom 110 (102 men and 8 women) or 27.5% responded. Twenty-nine states were represented with the largest responses coming from the largest states: California (21), New York (19), and Pennsylvania (12). A variety of professions as well were represented with university and college physical education, sociology and psychology professors being predominant. All levels of schools except junior college and junior high school were represented. A large number of medical doctors (9) and sports writers or editors (13) were represented as were pro, amateur, college and high school athletes, coaches, a lawyer, a judge, sports associations and community groups. While academics and sports writers predominated, their wide familiarity with all sports at all levels and the basic concepts underpinning athletics suggests a high level of knowledge and competent judgment.

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* The Food and Drug Administration has access to national injury statistics and to the National Electronic Injury survey which is a selective sample of injuries across the nation. The Library of Congress is also a repository for a wide variety of papers and reports on injuries.

The information on the positions of these people can be supplemented by their expressed concerns and interests, rounding out a picture of who it was who responded. Concerns about athletics ranged across a wide spectrum of issues centering on sports sociology, psychology and philosophy (18). Coaching, sports administration, human rights, women's sports, training, sports medicine, and legislation were also noted as concerns. Other areas of interest included values, competition, drugs, injuries, education vs. sports, financial aspects of sports, equipment, racism, professionalization, and a host of specific interests in individual sports such as track, wrestling, soccer, gymnastics, rugby, distance running, football, tennis and basketball. In sum, the 110 people who responded represent a broad geographical and professional spectrum with equally diverse concerns in contemporary athletics.

What were the major issues?

As the sample questionnaire demonstrates, 12 major issues with suggestive questions were listed, asking for an indication of concern and leaving room for comments. We will be primarily concerned with the top five issues, and briefly comment on the others below.

I. Drugs: Drugs and drug abuse was clearly the primary concern, with 75% of those responding selecting it as a major concern of theirs. The two problems repeatedly pointed to in the survey as being critical were:

a. The use of drugs such as anabolic steroids and amphetamines to improve performance or to be competitive.

b. The use of pain killers to get players back into games.

As the sports editor of a major national magazine pointed out, the lack of controls on drug use contributes to their abuse—

"While a sport like horse racing draws clear lines between permissible pain killers and ones that endanger animals, human athletes are treated in a vague and loosely regulated fashion—a major challenge to leaders of almost all sports."

Other opinions ranged from a high school football coach saying that coaches use drugs to increase physical size, to a sociology professor noting the tacit acceptance of drug use by many in the sports world, to a college football player deploring the use of amphetamines and steroids.

II. Education vs. Athletics: The second major parameter of the American sports crises was felt by 68% to be the contradictory pressures and demands of athletics in the educational system. As a university P.E. professor so well summarized the dilemma—

"There is no question that for the most part, athletes mean little more personally to coaches than automobiles do to workers on the assembly line. And this suggests to me that athletics presently has relatively little educational value. We must give sport back to the players if it is to remain in the educational domain. Otherwise, take it out of education and let it survive on its own merits."

Overprofessionalization of college athletics, the pressures on coaches to win to retain their jobs, the treatment of players as entertainment or as means to an end rather than as individuals, the career patterns existing from high school through to the pros in major sports, and the vested financial interests in the sports industry have made our respondents question the compatibility of contemporary athletics in the educational system.

While some felt that perhaps athletics should be removed from schools because of the abuses, others felt that athletics and education compliment each other and that sports should be subordinate to education. As a professor of sport sociology suggested, "If sport is to have any chance of realizing its educational potential, it must be supported as an educational expense. . . ." Some schools have withdrawn from intercollegiate competition and offer an alternative approach to either no sports or commercial sports. As one university P.E. professor said:

"Our emphasis is on physical activity classes, intramurals, and recreation, and lastly student sport clubs. Faculty, staff and students intermingle. Enjoyment, fun and conditioning (are) stressed. The real test of a well-trained, coached and educated athletic team is for its coach to sit in the stands or the press box until the contest is concluded."

This range of opinions about the role and prospects for scholastic athletics reflects a crisis in priorities, an overwhelming feeling that winning, profit and status have taken over athletics as an academic enterprise. Our schools seem to reflect the question of priorities of athletics for athletes vs. for profit, a question at all levels of sport in our society.

III. Coaching Procedures: 65% of the people responding to the survey found the milieu of the coach to be a major concern. Comments on coaching procedures illuminate further the societal crisis caused by a need to win at any cost. The coach is the middleman. His job is on the line on the basis of a win-loss record. To win he implements an authoritarian system of discipline (usually) which he feels comfortable with, passing the pressure he feels to perform on to the players in the form of depersonalized and often brutal treatment, physically and psychologically.

As the sports editor of a national magazine commented:

"Too many coaches are encouraged to place the priority on winning above even the safety of competitors. Regulation is one answer, but a reevaluation of these priorities should go deeper than that."

The authoritarianism of coaches came under strong attack by a number of people, which when coupled with a concern about their lack of training suggests a major need for better trained coaches and perhaps a licensing procedure. A college PE professor noted—

"The area of my concern has been through the ethical values of the men who teach and administer the game. Generally these people have failed probably because of the pressure put on them, but more because of the lack of understanding of the real purpose of sport."

Using injured players, "ego trips," inflexibility, inability to treat athletes as humans and individuals, were all complaints registered in the survey. These complaints, however, need to be placed in the context of the "winner-take-all" value predominant in our society, which places the coach at the very apex of the pressure system. Demands by alumni and trustees, athletes, financiers, pro and college recruiters, sportscasters and writers—all make demands on the coach. With more training, some standardized licensing or degree requirements, and academic appointments for coaches, it was felt we could move immediately toward more humane and individualized treatment of athletes.

IV. Pressure: Of those responding, 60% felt that pressure in athletics was a major issue. Many responses noted that there was too much pressure too early in an athlete's life, that parents pressuring their children in little league to win is unnecessary. And yet the pressure system seems to reflect society's priorities. As the sports editor of a national magazine put it—

"What is important is the degree of emphasis on winning over everything, whether it is practices on some sandlot where intense fathers drive kids to throw curve balls at age 12 or execute perfect crackback blocks on 12-year-old knees, or at a big time football college where coaches make their own jobs easier by simply driving off the allegedly unfit at whatever costs."

The pressure is of several kinds and comes from several directions resulting in multiple impacts. Certainly fathers pushing their children toward athletic perfection are not the only source of pressure. Coaches, alumni, politicians, sports writers, spectators and athletes all receive and exert pressure to win. The concept of a pressure system suggests no one single source, although the value of winning above everything else seems to be the engine for this system.

Pressure may be internal or external. As one sports magazine editor said, "Self-imposed pressure is the worst kind." Playing for perfection, to retain scholarships, or for a variety of psychological reasons all contribute to the pressure system. The results are most clearly shown in the injury statistics. Two people, both college football players, felt that pressure increases the number of injuries. More games, longer seasons, poor equipment, "running-off" techniques of eliminating unwanted players, all seem to suggest that an increase in pressure to win at any cost will result in a concomitant raise in injuries.

V. Equipment: The fifth priority concern in the survey for 57% was athletic equipment, in particular artificial surfaces, protective equipment and their relationship to athletic safety. The most critical concern for people was the existence and expanding use of astroturf and other artificial surfaces to save money for the institutions at the expense of the players. As a high school football coach said about astroturf—

"Almost no players like the stuff after having played some games on it, yet more and more schools use it for the benefit of spectators watching the game and (for) status effect."

The usual justification for using astroturf is that it is necessary for schools to remain competitive with other schools who have it. To reverse this inertia requires a school to take a position which may not be beneficial to their ability to win. Knee injuries were pointed out as a major problem with artificial surfaces, and more information on their effects was felt needed. In any case, as one sports editor said, there is "a crying need for athlete representation in decision-making" on such issues.

For women, the artificial surface question is not even the issue—any surfaces at all seem to be more relevant concerns. As one college P.E. teacher pointed out, "women play on worse fields, (with) pot holes and no grass in some cases." In at least three major universities and colleges, it was discovered as well that vast discrepancies exist between budget allotments to women's sports and those to men's—$7,000 and $450,000 in two instances.

At the high school and college levels, the paucity or nonexistence of protective equipment standards is directly reflected in the injury statistics. One newspaper sports writer who did a high school survey of football injuries concluded that "equipment is outdated or inadequate." A college athletic director was even skeptical of existing protective equipment, since it may "eventually be used as weapons. Note the use of the helmet in speartackling and forearm protections as weapons."

In sum, no standards, the need for enforcement, the need for evaluation and reduction or elimination of the use of artificial surfaces, and parity budget allocations for women's athletics were the highlights of the survey results on equipment. That substandard equipment is directly related to a high injury rate appears to be the fact, but poor equipment is only part of a winning-oriented, athletic pressure system which places winning above the health and safety of individual players.

Highlights of other major issues

1. Training Procedures: 56% felt this to be a major concern. Certification of trainers was felt to be a major need, as was the

presence of trainers at every practice session. As the head athletic trainer at one university commented:

"Additional state legislation requiring the licensure of certified athletic trainers, coupled with a law of some kind requiring the school . . . to employ an athletic trainer certainly is a necessary step."

2. Financial Aspects: 56% noted this issue as a concern. The role of monopoly institutions, the athletic programs' dependence on gate receipts for their survival, and some suggested graft were noted as parameters of athletic finances. As a member of the 1968 U.S. Olympic Team said:

"The institutionalized, big money athletic concerns need to be carefully scrutinized by the legislative branch—graft, monopoly questions, potential abuse of individuals for the sake of more dollars."

The dependence of scholastic athletic programs on alumni contributions, gate receipts, and winning seasons all add to the pressure put on coaches and players.

3. Recruiting Procedures: 53%. Many felt there was too much pressure in recruitment efforts, particularly at the high school level, and a considerable amount of dishonesty or "under the table" offers. It was felt by one national magazine sports writer that recruitment is a "price example of hypocrisy in sports." Scholars are not recruited into college, which caused one person to suggest that recruiting is educationally unjustifiable. In addition, a college teacher of women's sports said "women must be more highly qualified academically than men and (receive) no money." Thus recruitment problems continue to reflect the basic issues of this survey—too much pressure, winning at any cost, disparities between men's and women's sports, and questions about the athletics-education relationship.

4. Injury Rates: 52%. As noted throughout this analysis, injury rates are merely an index, a symptom of the larger problem, and a reflection of disoriented priorities in contemporary sports. While the coach is at the apex of the pressure system, the players are at the apex of the pressure system's results. As a college P.E. coach asked—

"Athletics are presumably supposed to build healthy bodies—all too often athletes end up with a myriad of elbow, shoulder, and other joint problems for years after their glory-filled careers. What's happened here?"

In addition to an increased national importance given to sports, a sports journalist and former editor of a national sports magazine says—

"One reason often overlooked, is increased schedules by teams on all levels—high school, college and pros. This is best exemplified by colleges, who played 7 games in the 1930's and up to 13 games in 1972 (football). Pro schedules, too, have been expanded—from a dozen games in the 1940's to 25 now if you count post-season, pre-season and All-Star games. High School kids in Texas are playing up to 13–14 games. Double the number of games and double injuries."

Practices as well account for a large portion of injuries, such as "running-off" techniques described by Gary Shaw in *Meat on the Hoof*, St. Martins Press, 1972. Concussions, brain damage, paralysis, death, broken arms, legs, backs and necks in all sports at all levels can only tell us that high pressure, poor education of coaches and trainers, inadequate medical care, and substandard equipment all require immediate attention.

5. Medical Care: 52%. Attitude on whether doctors provide adequate care range from judgments of their incompetence to a greater reliance on their role. A recent survey of high school football injuries concluded that "doctors aren't there when you need them or can't diagnose medical injuries." That qualified doctors be present at all practice sessions and games in all sports seems to be required. Adequate medical screening also seems necessary.

6. Game Practices: 50%. More adequate medical facilities and personnel are a major concern.

7. Enforcement of Rules: 47%. Opinions on whether rule enforcement was too strict or too lax were predominantly saying it was too lax, although some felt it was not a problem. Who makes what rules was felt by a high school coach to be an issue. Selective enforcement was seen as a problem by another person. In any case, a review of rules and enforcement procedures seems necessary.

What sports are felt to be the most dangerous?

Although a difficult section to tabulate, we were trying to determine what people *felt* were the most dangerous sports. Listed below are the top five sports, ranked as most dangerous by the number of times each was ranked in the top five out of twelve sports.

TABLE I

Sport	Number responding	Percent
Football	79	97
Hockey	56	69
Boxing	50	62
Rugby	42	52
Auto racing	40	50

Note: Total responding was 81.

A number of people did not feel auto racing was a sport, although the spectator nature of it, its recreational intent, and its incidence of accidents, death and injury, as well as its violence seemed to justify its inclusion. Of the five levels of sports play considered, the levels mentioned most often as one of the three most dangerous are presented in the following table.

TABLE II

Level of play	Number responding	Percent
College	59	91
High School	55	85
Professional	52	80

Note: Total responding was 65.

What corrective actions were recommended?

The extensive comments on corrective measures requires that we analyze responses in four major categories: regulation and the role of government, survey issues, other specific measures, and further suggested research.

Regulation and the Role of Government: Opinions on the role of the government in promoting athletic safety vary across the spectrum from no involvement to total control. The predominant feeling of persons responding was that while voluntary efforts are preferable, existing voluntary organizations have been ineffective, thus making national legislation necessary. A number of people, however, felt that legislation makes no difference in terms of attitude change needed to have safe athletics. As a university psychologist of sports summarized it—

"Though I strongly support the (Athletic) Safety Act, it does not get at the real causes of high injury rates in sports, but it probably is all the progress we can make at the moment."

Opinions about the extent and types of regulation ranged from restrictions on levels of competition, requirements for minimum safety procedures and medical facilities, to standards for equipment and facilities.

Survey Issue Recommendations: Under the issues noted above, a number of recommendations were already made. The following are an effort to summarize the wide range and diversity of corrective recommendations made.

1. Drugs: Although considered the first major athletic safety problem, there were few corrective actions suggested beyond more education and research, regulation of all drugs to athletes, and even their complete elimination from athletics.

2. Education vs. Athletics: The second major problem area cited above received a moderate (14) number of suggestions. A central focus was on removing commercialism from scholastic sports by eliminating athletic scholarships, financing athletics out of the general educational fund, and eliminating preferential entry requirements.

3. Coaching: By far the most volatile issue, coaching procedures received 24 recommendations for change. Most felt that they need to be certified through a qualification procedure which would include psychological testing. A number felt that coaches should be held personally responsible for injuries on their teams, and finally that they should be judged on their teaching rather than their winning abilities.

4. Equipment: 18 responses were fielded with a major recommendation being more research on artificial surfaces. Equipment standards for equipment and fields was also a major suggestion.

5. Trainers: Similar to the coaches, the major recommendation was for establishing a certification requirement at all schools.

6. Finances: A few people alarmed by financial abuses felt profits should be eliminated from athletics, or that athletics be made publicly accountable through open stocks and lower gate fees.

7. Recruiting: Only a few people made recommendations here, but most wanted some clarification of ethical standards and closer scrutiny of the operations.

8. Injuries: A wide variety (15) of responses were generated here ranging from a desire for more national injury data, to guidelines for playing conditions, and to knee injury protection.

9. Medical Care: While considered a tenth major issue, it was second in recommended corrective actions, with 21 responses. Most felt doctors needed more training and should be required at all sporting events. Independence of team doctors from coach controls was also felt needed to preserve their integrity and objectivity in their work.

10. Rule Enforcement: Most of the 11 responses recommended stricter enforcement from an agency outside the sports world, such as an independent regulatory agency with regional and/or local offices.

Other Specific Measures: A number of individuals recommended some form of national agency to coordinate or control local safety programs. Such an organization would concern itself with research on injuries, infractions of the law, sports sociology, psychology and medicine, and would have authority over existing independent institutions such as the NCAA or AAU.

A second measure suggested was the establishment of statewide insurance programs to cover individual athletes or compulsory liability insurance which would make institutions responsible for injuries incurred within their jurisdictions.

A third and significant recommendation made by 11 people concerned giving more decision-making control to the athletes and to promote a concept of sports which respects the dignity of each athlete over the necessity of winning.

A fourth minor recommendation was for the establishment of a code of ethics for the conduct of athletics.

Finally, a wide range (14) of specific controls was suggested, from the elimination of red-shirting to crowd control at games, to local or regional officers to insure athletic safety.

Further Research: A considerable amount of information is needed by athletes, coaches, parents, and the public about the dangers and safety in specific sports. In addition the following research issues were noted:

1. Pro sport franchises and gambling in pro sports.
2. The finances of the US Olympic Committee and other institutions governing sports.
3. The coaching system and the coach's social role.
4 Recruiting procedures and abuses.
5. Injuries and equipment.
6. Intercollegiate athletics.
7. Abuses which result from a "win at any cost" philosophy.

CONCLUSION

The purpose of this analysis has been to summarize and describe the elements and issues which comprise the crisis in American athletics. We began the survey from an observation that the extent and character of athletic injuries require a diagnosis beyond their medical context. We found from the survey results that this was true, and that athletic injuries per se were not felt to be the primary issue. Rather, the value of winning as a primary athletic priority, and its attendant high pressure system were felt to be primary causes for abuses of all kinds in a variety of sports activities, from drugs, coaching or recruiting, to medical practices in scholastic athletics. While injuries cannot be analyzed in isolation from a high pressure system, poor equipment or training, or inadequate medical care, determining the precise causes for injuries remains a highly complex issue requiring further research.

In terms of corrective actions the survey clearly indicates a need for more education, research and initial legislative action. The Athletic Safety Act is certainly an important first step toward guaranteeing the safety and health of athletes, although more affirmative action toward basic attitude-value change is necessary. In particular, the training and licensing of coaches and trainers was felt to be a major need. Financial controls and limits on commercial athletics in the educational system, more research on artificial surfaces, and the training of physicians and their required presence at all sporting events was also suggested. Finally, a liability insurance program and national organization to stimulate and monitor sports activities were recommended as measures needing immediate attention.

This survey hopefully points concerned individuals in a number of different directions where concerted action might be taken to alleviate pressure and promote athletic safety and health. Sports for People wishes to thank all those who participated in this effort for their insights and concerns.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. Jones of Tennessee (at the request of Mr. O'Neill), for today and balance of week, on account of death of a staff member.

Mr. Blatnik (at the request of Mr. Jones of Oklahoma), for November 6 and 7, 1973, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Whitten, for 10 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Symms) to revise and extend their remarks and include extraneous matter:)

Mr. Schneebeli, for 1 hour, on November 12.

Mr. Robison of New York, for 15 minutes, today.

Mr. Hogan, for 10 minutes, today.

Mr. Fish, for 5 minutes, today.

(The following Members (at the request of Mr. Breckinridge) and to revise and extend their remarks and include extraneous matter:)

Mr. Davis of Georgia, for 30 minutes, today.

Mr. Alexander for 30 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Kastenmeier, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Randall, for 15 minutes, today.

Mr. Runnels, for 5 minutes, today.

Mr. Udall, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dellums and to include extraneous matter notwithstanding the fact it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $731.50.

Mr. Thompson of New Jersey in five instances.

Mr. Rarick, to revise and extend his remarks on H.R. 8219 today.

(The following Members (at the request of Mr. Symms) and to include extraneous matter:)

Mr. Rhodes in five instances.
Mr. Keating.
Mr. Kemp.
Mr. Esch.
Mr. Archer.
Mr. Derwinski in two instances.
Mr. Burgener.
Mr. Gubser.
Mr. Gilman in two instances.
Mr. Baker.
Mr. Scherle.
Mr. Shoup.
Mr. Zwach.
Mr. Frenzel in two instances.
Mr. Conlan in three instances.
Mr. McClory in two instances.
Mr. Hogan in two instances.
Mr. McCloskey.
Mr. Snyder in two instances.
Mr. Smith of New York.
Mr. Wylie.
Mr. Young of Florida in five instances.
Mr. Steiger of Wisconsin.
Mr. Sebelius in two instances.
Mr. Cleveland.
Mr. Taylor of Missouri in two instances.
Mr. Hunt.
Mr. Ashbrook in four instances.
Mr. Bray in two instances.
Mr. Del Clawson.
Mr. Wyman in two instances.
Mr. du Pont.

(The following Members (at the request of Mr. Breckinridge) and to include extraneous matter:)

Mr. Waldie in two instances.
Mr. Litton.
Mr. Murphy of New York.
Mr. Aspin in 10 instances.
Mr. Harrington in five instances.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Brown of California in 10 instances.
Mr. Fraser in five instances.
Mr. Fisher in four instances.
Mr. Brademas in six instances.
Mr. de la Garza in 10 instances.
Mr. Ullman in five instances.
Mr. Fauntroy in five instances.
Mr. Annunzio in 10 instances.
Mr. Milford.
Mr. Leggett.
Mrs. Grasso in 10 instances.
Mr. Karth.
Mr. O'Hara.
Mr. de Lugo.
Mr. Randall.
Mr. Dent.
Mr. Mahon.
Mr. Udall in 10 instances.
Mr. Gaydos in 10 instances.
Mr. Riegle in two instances.
Mr. Kyros.
Mr. Stubblefield.
Mr. Hungate in 10 instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1070. An act to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969; to the Committee on Merchant Marine and Fisheries.

S. 1432. An act to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 20 or more years of such employment; to the Committee on Interstate and Foreign Commerce.

S. 2651. An act to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9286. An act to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and the military training student loads, and for other purposes.

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 7, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1518. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the legislative branch (H. Doc. No. 93–177); to the Committee on Appropriations and ordered to be printed.

1519. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the Department of Transportation, the Department of the Treasury, the General Services Administration, and the Postal Service (H. Doc. No. 93–178); to the Committee on Appropriations and ordered to be printed.

1520. A communication from the President of the United States, transmitting a request for an appropriation to pay claims and judgments rendered against the United States (H. Doc. No. 93–179); to the Committee on Appropriations and ordered to be printed.

1521. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the Department of the Interior (H. Doc. No. 93–180); to the Committee on Appropriations and ordered to be printed.

1522. A letter from the Director, Central Intelligence Agency, transmitting a draft of proposed legislation to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes; to the Committee on Armed Services.

1523. A letter from the Chairman, Cost Accounting Standards Board, transmitting a proposed cost accounting standards establishing criteria to be used by contractors in selecting time periods to be used as cost accounting periods, pursuant to section 719(h) (3) of the Defense Production Act of 1950, as amended by Public Law 91–379; to the Committee on Banking and Currency.

1524. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 57, *Saginaw Chippewa Indian Tribe of Michigan, et al.*, Plaintiffs, v. *The United States of America*, Defendant, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1525. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 35 of the United States Code to provide a remedy for postal interruptions in patent and trademark cases; to the Committee on the Judiciary.

1526. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 29, 1972, submitting a report on Charlotte Harbor (Port Charlotte), Fla.; to the Committee on Public Works.

1527. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 30, 1972, submitting a report on Alapaha River and tributaries, Ga.; to the Committee on Public Works.

1528. A letter from the Administrator of General Services, transmitting a prospectus proposing construction of a Federal Office Building at Carbondale, Ill., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4864. A bill to amend the Wild and Scenic Rivers Act; with amendment (Rept. No. 93–621). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 687. Resolution providing for the consideration of H.R. 11104. A bill to provide for a temporary increase of $13 billion in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974. (Rept. No. 93–622). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 688. Resolution providing for the consideration of H.R. 9142. A bill to restore, support, and maintain modern, efficient rail service in the northeast region of the United States, to designate a system of essential rail lines in the northeast region, to provide financial assistance to rail carriers in the northeast region, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes. (Rept. No. 93–623). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11255. A bill to amend the Small Business Act, as amended, to provide financial assistance to small business concerns in converting to the metric system of weight and measures; to the Committee on Banking and Currency.

By Mr. ARMSTRONG (for himself, Mr. Johnson of Colorado, and Mr. Evans of Colorado):

H.R. 11256. A bill to authorize the disposal of molybdenum from the national stockpile; to the Committee on Armed Services.

By Mr. ASPIN:

H.R. 11257. A bill to create the position of ombudsman, and for other purposes; to the Committee on House Administration.

H.R. 11258. A bill to require the U.S. Postal Service to provide postal lock boxes for certain persons who reside in rural areas; to the Committee on Post Office and Civil Service.

By Mr. BAKER:

H.R. 11259. A bill to establish improved programs for the benefit of producers and consumers of peanuts and rice; to the Committee on Agriculture.

By Mr. DON H. CLAUSEN (for himself, Mr. Andrews of North Dakota, Mr. Aspin, Mr. Bafalis, Mr. Baker, Mr. Danielson, Mr. Davis of South Carolina, Mr. Duncan, Mr. Frey, Mr. Froehlich, Mr. Gilman, Mrs. Hansen of Washington, Mr. Huber, Mr. Leggett, Mr. Mathias of California, Mr. Mazzoli, Mr. Milford, Mr. Miller, Mr. Mitchell of New York, Mr. Moss, Mr. O'Brien, Mr. Parris, Mr. Podell, Mr. Railsback, and Mr. Rangel):

H.R. 11260. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for other purposes; to the Committee on House Administration.

By Mr. DON H. CLAUSEN (for himself, Mr. Roncallo of New York, Mr. Rose, Mr. Seiberling, Mr. Shoup, Mr. Stark, Mr. Steiger of Wisconsin, Mr. Stephens, Mr. Walsh, Mr. Ware, Mr. Charles Wilson of Texas, Mr. Won Pat, Mr. Wright, Mr. Young of Alaska, and Mr. Zwach):

H.R. 11261. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for other purposes; to the Committee on House Administration.

By Mr. DON H. CLAUSEN:

H.R. 11262. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DENNIS (for himself, Mr. Smith of New York, Mr. Mayne, Mr. Butler, and Mr. Hutchinson):

H.R. 11263. A bill to define the powers and duties and to place restrictions upon the grounds for removal of the Special Prosecutor appointed by the Acting Attorney General of the United States on November 5, 1973, and for other purposes; to the Committee on the Judiciary.

By Mr. DENNIS (for himself and Mr. Smith of New York):

H.R. 11264. A bill to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. DENT (for himself, Mr. Gaydos, Mr. Yatron, Mrs. Chisholm, Mr. Podell, Mr. Helstoski, Mr. Brasco, Mr. Eilberg, Mr. Mollohan, Mr. Holifield, Mr. Won Pat, Mr. Carney of Ohio, Mr. Long of Louisiana, and Mr. White):

H.R. 11265. A bill to amend the Securities Exchange Act of 1934 to restrict persons who are not citizens of the United States from acquiring more than 35 percent of the nonvoting securities or more than 5 percent of the voting securities of any issuer whose securities are registered under such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. Grover, Mr. Biaggi, Mr. Mailliard, Mr. Anderson of California, Mr. Goodling, Mr. Studds, Mr. McCloskey, Mr. Steele, Mr. Forsythe, Mr. Treen, and Mr. Pritchard):

H.R. 11266. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory and depredating animals; to establish a program of research concerning the control and conservation of predatory and depredating animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. du PONT (for himself, Mr. Anderson of Illinois, Mr. Bell, Ms. Burke of California, Ms. Chisholm, Mr. Don H. Clausen, Mr. Corman, Mr. Coughlin, Mr. Dellums, Mr. Edwards of California, Mr. Eilberg, Mr. Fascell, Mrs. Hansen of Washington, Mr. Hogan, Ms. Holtzman, Ms. Jordan, Mr. Keating, Mr. Lent, Mr. Moss, Mr. Pepper, Mr. Rangel, Mr. Roy, Mr. Sarbanes, Ms. Schroeder, and Mr. Seiberling):

H.R. 11267. A bill to insure that each admission to the service academies shall be made without regard to a candidate's sex, race, color, or religious beliefs; to the Committee on Armed Services.

By Mr. du PONT (for himself, Mr. Stark, Mr. Stratton, Mr. Thone, Mr. Ware, and Mr. Won Pat):

H.R. 11268. A bill to insure that each admission to the service academies shall be made without regard to a candidate's sex, race, color, or religious beliefs; to the Committee on Armed Services.

By Mr. EVANS of Colorado:

H.R. 11269. A bill to designate the Weminuche Wilderness, Rio Grande, and San Juan National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. EVANS of Colorado (for himself, Mr. Bergland, Mrs. Chisholm, Mrs. Collins of Illinois, Mr. Conyers, Mr. Culver, Mr. Eckhardt, Mr. Edwards of California, Mr. William D. Ford, Mr. Harrington, Mr. Hastings, Mr. Lehman, Mr. Mitchell of Maryland, Mr. Perkins, Mr. Riegle, Mr. Rooney of Pennsylvania, Mr. Tiernan, Mr. Towell of Nevada, Mr. Won Pat, Mr. Young of Alaska, Mr. Young of Georgia, and Mr. Zwach):

H.R. 11270. A bill to provide housing for persons in rural areas of the United States on an emergency basis; to the Committee on Banking and Currency.

By Mr. FORSYTHE:

H.R. 11271. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE (for himself and Mr. Kemp):

H.R. 11272. A bill to amend the Elementary and Secondary Education Act, and for other purposes; to the Committee on Education and Labor.

By Mr. FREY:

H.R. 11273. A bill to provide for the regulation of the movement in foreign commerce of noxious weeds and potential carriers thereof; to the Committee on Agriculture.

H.R. 11274. A bill to amend section 511 of the Career Compensation Act of 1949, as amended, to equalize the retired pay of certain officers of the uniformed services retired prior to October 1, 1949, under the same law and with the same service, as those retired after September 30, 1949 but prior to June 1, 1958; to the Committee on Armed Services.

By Mr. GOLDWATER (for himself, Mr. Charles Wilson of Texas, Mr. Bafalis, Mr. O'Hara, Mr. Gunter, Mr. Davis of Georgia, Mr. Dellums, Mr. Lujan, Mr. Moss, Mr. Stark, Mr. Dickinson, Mr. Archer, and Mr. Huber):

H.R. 11275. A bill to provide standards of fair personal information practices; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself, Mr. Charles Wilson of Texas, Mr. Bafalis, Mr. O'Hara, Mr. Gunter, Mr. Davis of Georgia, Mr. Conte, Mr. Dellums, Mr. Lujan, Mr. Gonzalez, Mr. Don H. Clausen, Mr. Moss, Mr. Rousselot, Mr. Dickinson, Mr. Zion, Mr. Archer, and Mr. Shoup):

H.R. 11276. A bill to amend the Social Security Act to prohibit the disclosure of an individual's social security number or related records for any purpose without his consent unless specifically required by law, and to provide that (unless so required) no individual may be compelled to disclose or furnish his social security number for any purpose not directly related to the operation of the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. HANRAHAN (for himself, Mr. Long of Maryland, Mr. Won Pat, Mr. Martin of North Carolina, Mr. de Lugo, Mrs. Heckler of Massachusetts, Mr. Conyers, Mr. Heinz, Mr. Eilberg, and Mr. Cleveland):

H.R. 11277. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD:

H.R. 11278. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE:

H.R. 11279. A bill to amend the Economic Stabilization Act of 1970 to provide for the application of price controls to certain export sales; to the Committee on Banking and Currency.

H.R. 11280. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP:

H.R. 11281. A bill to prohibit the export of agricultural grain to any country which reduces the quantity of oil normally exported by such country to the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. MADIGAN:

H.R. 11282. A bill to amend 5 U.S.C. 5343 (c) (1) to expand the data base for Federal wage surveys in certain areas of the United States wherein there is insufficient private industry to determine comparable wages or where State and local governments exert a major influence on wage rates; to the Committee on Post Office and Civil Service.

By Mr. MATHIS of Georgia (for himself, Mr. Blackburn, Mr. Davis of South Carolina, Mr. Eilberg, Mr. Ginn, Mrs. Green of Oregon, Mr. Hogan, Mr. Mazzoli, Mr. Pepper, Mr. Rose, Mr. Symms, and Mr. Stephens):

H.R. 11283. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for security device expenses; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Mr. Badillo, Mr. Mitchell of Maryland, Mr. Rangel, Mr. Reuss, Mr. Rosenthal, and Mr. Won Pat):

H.R. 11284. A bill to amend section 19 of title 3, United States Code to provide for an election for the Office of President and the Office of Vice President in the case of vacancies in both the Office of President and the Office of Vice President; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Badillo, Mr. Clay, Mr. Lehman, and Mr. Meeds):

H.R. 11285. A bill to limit the expenditure of public funds for the construction of improvements for the physical safety and security of the President to only one private residence; to the Committee on Public Works.

By Mr. MOAKLEY (for himself and Mr. Rangel):

H.R. 11286. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. Ashley, Mr. Leggett, Mr. Badillo, Mr. Rees, Mr. Reuss, Mr. Mitchell of Maryland, and Mr. Won Pat):

H.R. 11287. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 11288. A bill to authorize the Secretary of Transportation to provide mass transportation assistance essential for the movement of basic commodities and energy resources to and from production areas and major distribution and processing centers ;to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK (for himself and Mr. Thone):

H.R. 11289. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 11290. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.R. 11291. A bill to establish an Independent Special Prosecution Office, as an independent agency of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 11292. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHERLE:

H.R. 11293. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHNEEBELI (for himself, Mr. Green of Pennsylvania, Mrs. Griffiths, Mr. Conable, Mr. Chamberlain, and Mr. Carey of New York):

H.R. 11294. A bill to exempt State lotteries from certain Federal prohibitions, and for other purposes; to the Committee on Ways and Means.

By Mrs. SULLIVAN (for himself, Mr. Grover, Mr. Dingell, Mr. Mailliard, Mr. Pritchard, Mr. Jones of North Carolina, Mr. Goodling, Mr. Biaggi, Mr. Steele, Mr. Anderson of California, Mr. Forsythe, Mr. Kyros, Mr. Cohen, Mr. Studds, Mr. Treen, and Mr. Bowen):

H.R. 11295. A bill to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. THONE:

H.R. 11296. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. WINN:

H.R. 11297. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CLEVELAND:

H.R. 11298. A bill to amend the Walsh-Healey Act and the Contract Work Hours and Safety Standards Act to change the workday for employees who are employed under contracts subject to those acts from 8 to 10 hours per day; to the Committee on the Judiciary.

By Mr. CLEVELAND (for himself, Mr. Howard, and Mr. Snyder):

H.R. 11299. A bill to insure that certain buildings financed with Federal funds utilize the best practicable technology for the conservation and use of energy; to the Committee on Public Works.

By Mr. BENNETT:

H.J. Res. 807. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. CONLAN:

H.J. Res. 808. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. CULVER (for himself and Mr. Wright):

H.J. Res. 809. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.J. Res. 810. Joint resolution, a national education policy; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. Badillo, Mr. Mitchell of Maryland, Mr. Rangel, Mr. Reuss, Mr. Rosenthal, and Mr. Won Pat):

H.J. Res. 811. Joint resolution proposing an amendment to the Constitution of the United States to provide for an election for the Office of President and the Office of Vice President in the case of a vacancy both in the Office of President and Office of Vice President; to the Committee on the Judiciary.

By Mr. RANDALL:

H.J. Res. 812. Joint resolution proposing an amendment to the Constitution of the United States to provide for the appointment of a civil officer to undertake criminal prosecutions against the President, Vice President, and other civil officers of the United States; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H. Con. Res. 375. Concurrent resolution providing for the printing as a House document the booklet entitled "the Supreme Court of the United States"; to the Committee on House Administration.

By Mr. BINGHAM:

H. Res. 681. Resolution to establish as part of the congressional internship program an internship program for senior citizens in honor of John McCormack, and for other purposes; to the Committee on House Administration.

By Mr. BROTZMAN:

H. Res. 682. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. GUDE:

H. Res. 683. Resolution creating a select committee to study the impact and ramifications of the Supreme Court decisions on abortion; to the Committee on Rules.

By Mr. RANGEL:

H. Res. 684. Resolution to request the resignation of the President of the United States; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey (for himself and Mr. WHITE):

H. Res. 685. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. WALDIE (for himself and Mrs. BURKE of California):

H. Res. 686. Resolution for the impeachment of the President of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of Georgia:

H.R. 11300. A bill for the relief of Mrs. L. O. Crawford; to the Committee on the Judiciary.

By Mr. ECKHARDT:

H.R. 11301. A bill for the relief of George V. Vincin; to the Committee on the Judiciary.

By Ms. JORDAN:

H.R. 11302. A bill for the relief of Dr. Lawrence C. B. Chan; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 11303. A bill for the relief of Choon Kyu Oh; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

BUDGET SCOREKEEPING REPORT NO. 8—1974

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. MAHON. Mr. Speaker, I am inserting for the information of Members, their staffs, and others, excerpts from the "Budget Scorekeeping Report No. 8, as of October 26," prepared by the staff of the Joint Committee on Reduction of Federal Expenditures. The report itself has been sent to all Members.

This report shows that the impact of congressional actions completed to October 26 would be to increase budgeted 1974 outlays by about $2.9 billion. This, together with certain revenue actions, would have the effect of raising the estimated deficit for fiscal year 1974 by more than $3.4 billion.

The excerpts from the report which I am inserting here include the highlights of completed legislative action, and point up the major areas of pending action which may materially affect the final impact of congressional action in this session. These excerpts follow:

EXCERPTS FROM 1974 BUDGET SCOREKEEPING REPORT NO. 8, AS OF OCTOBER 26, 1973

PART I—BUDGET OUTLAYS (EXPENDITURES)

The 1974 budget revisions of October 18: Budget revisions for fiscal 1974 were officially transmitted on October 18 in connection with hearings before the House Ways and Means Committee on pending debt ceiling legislation. Outlays were estimated at $270 billion and revenue at $270 billion.

The revisions reflected substantial reestimates in budget outlays and revenue largely due to economic factors—including specifically "higher than anticipated price increases". The revisions also reflect estimates of congressional actions increasing outlays by $2.4 billion and revenue by $0.1 billion.

Subsequent to the October 18 revisions, and not reflected therein, the Administration transmitted a budget amendment requesting additional funds for military assistance to Israel and Cambodia. This amendment increases 1974 budget authority by $2.4 billion and outlays by $600 million.

The 1974 unified budget totals as revised October 18 and subsequently amended are shown below, as compared to the original January budget estimates and the June 1 revised estimates:

[In billions]

	Fiscal year 1974			
	Jan. 29 estimate	June 1 revision	October revisions	Change from Jan. 29 estimate
Unified budget:				
Receipts	$256.0	$266.0	$270.0	$14.0
Outlays	268.7	268.7	270.6	1.9
Deficit	−12.7	−2.7	−.6	12.1

1974 scorekeeping outlay highlights: The impact of congressional action through October 26 on the President's fiscal year 1974 budget outlay requests as shown in this report, may be summarized as follows:

[In millions]

	House	Senate	Enacted
1974 budget outlay (expenditure) estimate as revised and amended to date	$270,624	$270,624	$270,624
Deduct: portion of congressional action included in revised estimates	−2,443	−2,443	−2,443
1974 budget outlay estimate exclusive of congressional action	268,181	268,181	268,181
Congressional changes to date (committee action included):			
Appropriation bills:			
Completed action	+609	+964	+799
Pending action	+450	+567	
Legislative bills:			
Completed action	+1,381	+2,456	+2,071
Pending action	+1,069	+2,440	
Total changes:			
Completed action	+1,990	+3,420	+2,870
Pending action	+1,519	+3,007	
Total	+3,509	+6,427	+2,870
1974 budget outlays as adjusted by Congressional changes to date	271,690	274,608	271,051

While this reports reflects enacted congressional increases in budgeted outlays of about $2.9 billion, many significant actions are as yet incomplete which may materially affect the final impact of congressional action or inaction on budgeted 1974 outlays.

Completed actions

A summary of major individual actions composing the $2.9 billion total outlay impact of completed congressional action to date on 1974 budgeted outlays follows:

Completed action on budgeted outlays (expenditures)

[In thousands]

Bills (including committee action):	*Congressional changes in 1974 outlays*
Appropriation bills:	
Regular 1974 bills:	
Agriculture	+$250,000
Interior	+75,000
Public Works	+20,000
District of Columbia	−14,500
Legislative	−15,800
Transportation	−30,000
Treasury-Postal Service	−42,000
1973 supplemental bills (1974 outlay impact)	+556,600
Subtotal, appropriation bills	+799,300
Legislative bills—backdoor and mandatory:	
Food stamp amendments (P.L. 93–86)	+724,000
Repeal of "bread tax" (P.L. 93–86)	+400,000
Federal employee pay raise, Oct. 1, 1973 (S. Res. 171)	+357,900
Welfare—medicaid amendments (P.L. 93–66)	+122,000
Unemployment benefits extension (P.L. 93–53)	+115,700
Veterans national cemeteries (P.L. 93–43)	+110,000
Social Security—liberalized income exemption (P.L. 93–66)	+100,000
School lunch amendments (H.R. 9639)	+100,000
Winema forest expansion (P.L. 93–102)	+70,000
Veterans dependents' health care (P.L. 93–82)	+64,915
Civil Service retirement (P.L. 93–39 and 93–136)	+$37,400
Airport development (P.L. 93–44)	+15,000
REA—removed from budget (P.L. 93–32)	−146,000
Subtotal legislative bills	+2,070,915
Total, 1974 outlay impact of completed congressional action	+2,870,215

Pending action

The major incomplete legislative actions affecting budget outlays which have passed or are pending in one or both Houses of Congress are shown in detail on tables 1, and are summarized below:

Appropriation bills: Incomplete action

on two regular 1974 appropriation bills is reflected in this report, with the major impact on budgeted outlays as follows:

	House (in millions)	Senate (in millions)
Labor-HEW	+$490	+$587
State-Justice	−40	−20

Legislative bills—backdoor and mandatory: Twenty-one legislative measures authorizing backdoor or mandatory outlays have passed or are pending in one or both Houses of Congress.

House action on 10 such measures would increase fiscal 1974 budget outlays by about $1.1 billion. Senate action on 13 such measures would increase budgeted 1974 outlays at least $2.4 billion, including about $1.4 billion for social security increases. The undetermined outlay effect of increased contract authority is excluded.

The scored backdoor or mandatory impact of these pending legislative bills includes the following major amounts in excess of the budgeted outlays:

	House (in millions)	Senate (in millions)
Civil Service minimum retirement (including social security increase)	+$172	+$1,600
Mass transit operating subsidies		+400
Trade reform—readjustment costs	+300	
Federal employee health insurance	+234	
Veterans pensions	+208	+172
Veterans drug treatment		+144

Revenue legislation

The October 18 budget revisions estimate revenue for fiscal 1974 at $270 billion. This is an increase of $14 billion over the original January estimate of $256 billion, and $4 billion over the June 1 estimate.

The new 1974 revenue estimate reflects upward revision due to a higher than anticipated rate of inflation, and it also includes a small reduction due to the impact of certain congressional action and inaction on revenue proposals.

Completed legislative action to date, has the effect of reducing 1974 revenue estimates by $492 million, as follows:

Railroad Retirement: decrease of $612 million due to failure to provide additional trust fund receipts requested.

Social security wage taxes: increase of $120 million in trust fund revenue due to a wage base increase.

Deficit position

The 1974 deficit position is summarized below in terms of the original budget estimate, subsequent revisions and impact of congressional action to date:

	Billions
Original fiscal 1974 deficit estimate	$12.7
Budget revisions of June 1: Increase in revenue estimate	10.0
Budget deficit as revised June 1	2.7
Budget revisions of October 18:	
Increase in revenue estimate	4.0
Increase in outlay estimate	1.3
Budget deficit as revised October 18	0
Budget amendment: Proposed increase in outlays for military assistance to Israel and Cambodia	0.6
Budget deficit, as revised and amended to date	0.6
Deduct: Portion of congressional action included in revisions of October 18:	
Revenue increase (net action and inaction)	0.1
Outlay increase	2.4
Budget surplus (excluding congressional action)	1.7
Congressional action through October 26, as shown in this report:	
Decrease in revenue	0.5
Increase in outlays	2.8
Budget deficit as revised, amended and reflecting congressional action to date	1.6

PART II—BUDGET AUTHORITY (APPROPRIATIONS AND OTHER OBLIGATIONAL AUTHORITY)

Although the October 18 revisions did not reflect a revised total for fiscal 1974 budget authority, adjustments commensurate with the outlay revisions supplied indicate that the revised and amended 1974 budget authority total is approximately $293.7 billion.

The impact of congressional action through October 26 on 1974 budget authority, as shown in this report, may be summarized as follows:

[In millions]

	House	Senate	Enacted
Congressional changes to date in requested 1974 budget authority (committee action included):			
Appropriation bills:			
Completed action	−$204	+$592	+$225
Pending action	+1,182	+1,783	
Legislative bills:			
Completed action	+2,144	+2,885	+2,213
Pending action	+1,094	+3,035	
Shifts between fiscal years 1973 and 1974 (net) due to timing of action on budget requests	+3,890	+3,890	+3,890
Total changes:			
Completed action	+5,830	+7,367	+6,329
Pending action	+2,276	+4,818	
Total	+8,106	+12,185	+6,329
Total changes, excluding shifts between fiscal years due to timing	+4,216	+8,295	+2.439

It should be noted that many significant actions are as yet incomplete. Further actions, through to the end of the current session, may materially affect the final impact of congressional action on the 1974 budget requests for appropriations and other obligating authority.

Completed Actions

The following is a summary of the major individual actions composing the $2.4 billion total impact of completed congressional action to date on the 1974 budget requests for appropriations and other obligational authority:

Completed action on budget authority requests

[In thousands]

	Congressional changes in 1974 budget authority
Bills (including committee action):	
Appropriation bills:	
HUD-Space-Science-Veterans	+$439,047
Agriculture	+108,116
Interior	+72,770
Public Works	−8,066
District of Columbia	−15,281
Par value of gold supplemental	−47,000
Legislative	−71,961
Transportation	−112,286
Treasury-Postal Service	−140,156
Subtotal, appropriation bills	+225,183
Legislative bills:	
Federal-aid highways (contract authority) (P.L. 93-87)	+1,307,220
Food stamp amendments (P.L. 93-86)	+724,000
Federal employee pay raise, Oct. 1, 1973 (S. Res. 171)	+357,900
Traffic safety (contract authority) (P.L. 93-87)	+281,000
School lunch amendments (H.R. 9639)	+210,000
Welfare-medicaid amendments (P.L. 93-66)	+122,000
Social security—liberalized income exemption (P.L. 93-66)	+120,000
Veterans national cemeteries (P.L. 93-43)	+110,000
Railroad retirement—failure to provide trust fund revenue requested (P.L. 93-69)	−612,000
REA loans—removed from budget (P.L. 93-32)	−579,000
Other	+172,315
Subtotal, legislative bills	+2,213,435
Total	+2,438,618

Pending action

The major incomplete legislative actions which have passed or are pending in one or both Houses of Congress are shown in detail on table 1, and are summarized below:

Appropriation bills: Pending action on 2 regular 1974 appropriation bills is reflected in this report, with the major impact on budget authority as follows:

	House (in millions)	Senate (in millions)
Labor-HEW	+$1,264	+$1,846
State-Justice	−82	−63

Legislative bills: Twenty-three legislative bills carrying backdoor or mandatory authorizations have passed or are pending in one or both Houses of Congress.

House action pertaining to 11 such measures would increase budget authority by $1.1 billion, and Senate action on 15 measures would increase budget authority by $3 billion.

The scored backdoor or mandatory impact of these pending legislative bills includes the following major amounts in excess of the budget:

Freight car loan guarantee: additional backdoor borrowing authority of $2 billion in the Senate.

Mass transit operating subsidies: additional backdoor contract authority of $400 million in the Senate.

Trade reform: mandatory expansion of statutory readjustment benefits of $300 million as pending in the House.

Federal employee health insurance: mandatory increase in federal contribution of $234 million as passed by the House.

Veterans pensions: mandatory benefits of $208 million in the House and $172 million in the Senate.

Civil service retirement: mandatory increase in minimum retirement costs of about $170 million as passed by the Senate and $172 million as pending in the House.

Veterans drug treatment: mandatory benefits of $144 million in the Senate.

Authorizing legislation

In its actions during the current session to date, the Congress has made increases in various legislative authorizing measures reflected in the budget for continuation of ongoing programs (see table 8 for detail). While these actions in themselves do not mandate additional spending, and are not scored for purposes of this report, they do provide for higher discretionary funding levels.

Further, on its own initiative, the Congress has authorized nonmandatory spending programs which were not proposed by the administration. Such legislation may also create additional discretionary funding requirements—now or in the future. For example, in the case of legislation enacted to extend the unbudgeted Economic Development Administration, supplemental funding was subsequently requested by the President involving increased outlays of $25 million.

Some of the major legislation of this type is listed below:

Major discretionary (nonmandatory) authorization increases

Congressional action increasing authorizations contemplated in the 1974 budget requests [in thousands]

Authorization of budget on-going programs:	
Enacted:	
Housing programs (P.L. 93-117)	+$777,000
Health programs (P.L. 93-45)	+401,505
Clean air program, EPA (P.L. 93-15)	+469,000
Vocational rehabilitation (P.L. 93-112)	+260,904
Older Americans Act (P.L. 93-29)	+117,600
Law enforcement assistance (P.L. 93-83)	+108,876
Solid waste disposal (P.L. 93-14)	+93,000
National Science Foundation (P.L. 93-96)	+53,000
AMTRAK grants (S. 2016)	+56,200
NASA (P.L. 93-74)	+48,500
Corporation for Public Broadcasting (P.L. 93-84)	+35,000
Pending in one or both Houses:	
Manpower program (job training) (H.R. 7950, S. 1559)	
New authorizations not included in 1974 budget:	
Enacted:	
Economic Development Administration (P.L. 93-46)	[1] +430 000
Lead based paint poisoning prevention (S. 607)	+63,000

[1] Funding requested by budget amendment: $205 million in budget authority and additional $25 million in outlays

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CONSUMER PRODUCT SAFETY COMMISSION TO HELP MONITOR MARKETPLACE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HARRINGTON. Mr. Speaker, the Consumer Product Safety Commission has recently begun a consumer deputy program. The program is aimed at recruiting citizen volunteers to canvass stores to make sure that toys on the Commission's banned products list are not being sold.

I intend to write to consumer organizations in Massachusetts to urge that they participate in this effort. To provide further information on the concept, I offer the following explanatory statement from the Commission:

CPSC CONSUMER DEPUTY PROGRAM TO HELP MONITOR MARKETPLACE

The Consumer Product Safety Commission today announced a Consumer Deputy Program to enlist the assistance of consumers to police the marketplace for banned products.

The program is underway in 14 cities where the Commission's regional offices are located: Atlanta, Boston, Chicago, Cleveland, Dallas, Denver, Kansas City, Los Angeles, Minneapolis, New Orleans, New York, Philadelphia, San Francisco, and Seattle.

Consumer organizations and individual consumers who volunteer to serve as Consumer Deputies will be trained by Commission staff to canvass stores to insure that products which appear on the CPSC Banned Products List are not being sold.

Initially, the Consumer Deputies will focus on banned toys as part of the Commission's holiday season Toy Safety Campaign. Approximately 1,500 extremely dangerous toys have been banned under the authority of the Federal Hazardous Substances Act as amended by the Child Protection and Toy Safety Act of 1969.

Store surveillance is a normal activity of CPSC field inspectors, but the addition of volunteers, especially during the holiday season, provides a boost to Commission efforts to protect children from toy-related injuries.

After the holidays, the Consumer Deputies will check compliance with other safety regulations in force for products covered by the Flammable Fabrics Act, the Poison Prevention Packaging Act, and the Refrigerator Door Safety Act.

A Consumer Deputy is not an official employee of the Commission. If the Deputy sees a toy or other product for sale which is believed to have been banned, the Deputy will inform the shopkeeper and will ask the retailers to remove the product from sale and to check his supplier to ascertain whether, in fact, the product has been banned. Commission field staff will pick up the case at that point.

In instances where the retailer is uncooperative, the store will be visited by Commission inspectors. If a banned product is still being offered for sale, the retailer could be liable for criminal penalties.

A pilot Consumer Deputy Program was undertaken last year by the Food and Drug Administration. Some 134 volunteers participated in programs in six cities—Atlanta, Chicago, Philadelphia, Minneapolis, San Francisco, and Seattle.

Consumers who would like to volunteer as Consumer Deputies should contact their nearest CPSC area office for further information.

CONSUMER PRODUCT SAFETY COMMISSION: AREA OFFICES

Atlanta—1430 West Peachtree Street, N.W., Atlanta, Georgia 30309, (404) 526-2259.

Boston—408 Atlantic Avenue, Boston, Massachusetts 02110, (617) 223-5576.

Chicago—433 West Van Buren Street, Room 1222, Chicago, Illinois 60607, c/o Food and Drug Administration, (312) 353-8260.

Dallas—P.O. Box 15035, Dallas, Texas 75201, (214) 749-3951.

Denver—513 U.S. Customhouse, Denver, Colorado 80202, (303) 837-4917, c/o Food and Drug Administration.

Kansas City—911 Walnut Street, Room 1905, Kansas City, Missouri 64106, c/o Food and Drug Administration, (816) 374-2034.

Los Angeles—1521 West Pico Boulevard, Los Angeles, California 90015, (213) 688-7225.

Minneapolis—Fort Snelling Federal Building, Room 650, Twin Cities, Minnesota 55111, (612) 725-3424.

New Orleans—Room 323, Gateway Building, 124 Camp Street, New Orleans, Louisiana 70130, (504) 527-2101.

New York—850 Third Avenue, Seventh Floor, Brooklyn, New York 11232, c/o Food and Drug Administration, (212) 788-1456.

Philadelphia—Room 502, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-9105.

San Francisco—50 Fulton Street, Room 518, San Francisco, California 94102, c/o Food and Drug Administration, (415) 556-1819.

Seattle—1131 Federal Office Building, 909 First Avenue, Seattle, Washington 98104, (effective 10/15/73—no phone number available).

Cleveland—5225 Warrensville Center Road, Maple Heights, Ohio 44137, (216) 522-3131, Ext. 6023.

ON PRESIDENTIAL SUCCESSION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, I recently received a letter from Mayor Kevin H. White, of Boston, in which he proposes an amendment to the 1947 Presidential Succession Act which would provide for a special election in the event the offices of President and Vice President are simultaneously vacated. Mayor White leaves no question about what he has in mind, and that is the circumvention of the procedures specified in the 25th amendment to the Constitution providing for the appointment of a Vice President, subject to congressional confirmation, should that office be vacated.

As I make clear in my response to Mayor White, I consider this proposal a most cynical and partisan proposal under the present circumstances, and feel it would only compound the trauma and disruption which would attend the impeachment and removal of a President. I think the succession process which presently applies under the 1947 act and the 25th amendment is far preferable from the standpoint of national unity and stability. And furthermore, I think this Congress has a clear obligation to honor the spirit and intent of the 25th amendment in proceeding with the expeditious consideration of the nomination of Congressman GERALD R. FORD as Vice President. This is no time to be considering a major alteration in the Presidential succession structure for what is obviously blatantly narrow political purposes.

At this point in the RECORD, Mr. Speaker, I include the exchange of correspondence between Mayor White and myself:

BOSTON, MASS.,
October 29, 1973.

Hon. JOHN B. ANDERSON,
House of Representatives,
Washington, D.C.

MY DEAR MR. ANDERSON: I am enclosing a proposal which should be of great intrest to you because it is, I believe, of potentially great importance to our country.

In the present political and constitutional crisis, we are seemingly confronted with two unattractive alternatives. The first is to acquiesce to the disregard and abuse of constitutional powers by our current elected leadership, and to continuing controversy about the legitimacy of that leadership to govern the nation.

The second is to take steps to bring about the resignation, or impeachment and conviction, of the President. This is an unfamiliar process which will divide the country. It will result in succession to the Presidency of one of two honest and competent Congressmen, neither of whom has previously been thought of in connection with the Presidency, and each of whom, if he did succeed to that Office, would have the liability of being the first leader in our history lacking a national electoral mandate.

There is, however, a third way. Last week I proposed that through simple legislation, Congress could call for a Special Election in 1974, if both the Office of President and Vice President are simultaneously vacant. This was, indeed, precisely what the framers of the Constitution expected to happen, and it was the law of the land for almost a century.

I believe a return to the intentions of the framers furnishes a possible way out of our current dilemma.

The legislation to accomplish this, which could be a simple Amendment to the Presidential Succession Act of 1947, ought to be promptly passed before the contingency which it is designed to meet should arise. This would help to resolve the confusions and uncertainties which now surround the possible consequences of the Presidency's becoming vacant.

I hope you will join with me in expressing your views to Congressman Rodino and Senator Eastland in urging their Committees to give prompt and favorable consideration to this timely legislation.

Sincerely,

KEVIN H. WHITE,
Mayor.

CONGRESS OF THE UNITED STATES,
Washington, D.C., October 31, 1973.

Hon. KEVIN H. WHITE,
Mayor, City of Boston, City Hall, Boston, Mass.

DEAR MR. MAYOR: Thank you for your letter of Oct. 29 and the attached paper outlining your proposal for an amendment to the 1947 Presidential Succession Act which would provide for a special election in the event that the offices of President and Vice President are vacant simultaneously.

While I can understand your criticism of the present succession procedure which does make possible the elevation of persons to the presidency who have not been popularly elected nationally, I nevertheless feel that the procedures specified by the 25th amendment are preferable for several reasons.

I at least admire your candor in admitting that your proposal is aimed specifically at our present situation, and that what you have in mind is ignoring the requirements of the 25th amendment with respect to the confirmation of Mr. Ford and proceeding with the removal of President Nixon to thus force a special election. I am curious to know if you would be advancing the same proposal if a Democratic Administration were now in the same situation as the Republican Administration is, or, more to the point, whether you advanced this same proposal as an alternative at the time the 25th was under consideration in 1965. And keep in mind that the 25th Amendment was drafted and adopted by a Democratic Congress.

The main defect in your proposal as I see it is that it would have a tremendous disruptive and traumatic impact on our government and the nation, particularly between the time a President is removed and a new one is inaugurated, the interim elevation of the Speaker as Chief Executive notwithstanding. An impeachment proceeding in itself is fraught with enough trauma, but I think the additional requirements of your proposal would only compound that trauma. In addition, I am especially puzzled by your proposal that the new government be permitted to serve a full four-year term. Again, this seems to be more politically motivated than anything else.

I am at least pleased that the Democratic leadership in Congress is in agreement that we must abide by the intent and spirit of the 25th Amendment in expeditiously moving on the Ford nomination and not hold it political hostage pending the outcome of impeachment proceedings. To do otherwise, in my opinion, would be a most cynical and narrow political ploy at odds with the national interest.

With all due respect to the work and thought you have put into this proposal, in the final analysis I think it runs contrary to the expeditious and orderly succession process which I feel is essential in the wake of a traumatic impeachment-conviction-removal upheaval. To prolong this agony by a protracted national election campaign which is bound to be bitter and divisive, especially when the Congress and White House are controlled by opposing parties, could do irreparable harm to our body politic. The 25th Amendment, on the other hand, despite its flaws and shortcomings, at least provides for some semblance of order, continuity and unity at a time when it would be most needed.

With all best wishes, I am,

Very truly yours,

JOHN B. ANDERSON,
Member of Congress.

AMERICAN HUMANIST ASSOCIATION AND THE UNITED NATIONS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. KOCH. Mr. Speaker, elsewhere in the RECORD today I have commented on the shortcomings of the United Nations. I have been asked by Jesse Gordon, author of an article in support of the United Nations, to place his comments in the RECORD. The article follows:

[From Free Mind, September 1973]

AHA AND THE UNITED NATIONS

(By Jesse Gordon)

When delegates from 50 nations met at San Francisco in the spring of 1945, World War II was not yet over, but a determination to establish an international organization to keep the peace was paramount in the minds of the delegates. After two months of intense negotiations, the language of the Charter of the United Nations was agreed upon.

Twenty-eight years have passed since the nations of the world pledged themselves "to save succeeding generations from the scourge of war."

In judging the political performance of the UN and in making the organization the scapegoat for the difficulties of its members, a number of important considerations are often conveniently forgotten. The first of these is the origin of the UN. The UN was *not* set up by small or medium powers. It was set up by the great powers themselves under the shock and experience of two devastating world wars. Kurt Waldheim, the secretary-general of the UN, states: "The UN was set up by the great powers to avoid in the future the mistakes, weaknesses and misunderstandings which, twice in less than 30 years, had led them into total war. We ignore this historical fact at our peril."

The American Humanist Association is active among the hundreds of non-governmental organizations sponsoring the UN.

The A.H.A. realizes there is an urgent need for greater understanding and support of the United Nations by the millions of citizens who are the constituents of non-governmental organizations. The A.H.A. is represented in the NGO group by Mrs. Henrietta Rogoff with Mr. Jesse Gordon, alternate.

In 1945, the UN came into existence accompanied by the usual flowery speeches. It was seen as "the great hope of humanity," "the hope of the world," and "the last, great hope for peace."

Has the UN fulfilled the "hope" that so many people placed in it as "The last great hope of humanity?" Or, is it just a useless debating society?

First of all, the UN has contended with a world of many revolutions—peaceful and otherwise. The original memberships of the UN was 51; it now numbers 135, with the two Germanys recently joining. The UN has many achievements to its credit. It can count among its successes, in the political area, the negotiated settlement of disputes affecting Indonesia, Kashmir, and West New Guinea, among others. The Middle East "question" has, of course, been before the UN almost continuously since 1947. It can be shown that UN presence in the area has prevented many incidents from developing into a wider war.

One might ask the question: What might have happened in the Congo and neighboring states in 1960 if it had not been for the UN peacekeeping force there? Critics point to Soviet intervention in Hungary and Czechoslovakia and the impotence of the UN to act in those situations.

It all comes down to big power politics and political objectives. The U.S. role in Indochina could similarly be examined for violations of the U.N. charter.

What are the principles of the charter?

The charter is based on seven main principles:

(1) The equality and sovereignty of all member states.

(2) Fulfillment "in good faith" by all members of obligations assumed under the charter.

(3) Peaceful settlements of disputes.

(4) Renunciation of the threat or use of force.

(5) Cooperation with the UN in any action it takes.

(6) Encouragement of non-member states to abide by its principles.

(7) Non-intervention by the UN in the internal affairs of any state.

The Charter also calls for freedom of religion. Many faiths, each with a different conception of God, are represented at the UN. A moment of silence opens and closes each General Assembly session, and there is a Meditation Room at UN headquarters which is open at all times. There is no mention of God in the Charter just as there is none in the U.S. Constitution.

The UN Charter pledges all members to cooperate for the promotion of human rights. Although the authority of the United Nations is limited to debate, study, publicity, and recommendation, it has exerted immeasurable influence on behalf of human rights.

In 1948 the General Assembly adopted the Universal Declaration of Human Rights. Its clauses on the civil, political, economic, and social rights of human beings have influenced the written constitutions of a number of new nations. Its provisions have been incorporated in several important peace treaties.

The General Assembly has also produced draft conventions—treaties—in the human rights field. Some forbid particular offenses such as genocide, forced labor, and slavery. Others set standards in particular areas such as political rights of women. Such conventions must be ratified by the individual UN members in accordance with their constitutional processes. In addition, the Assembly has produced two comprehensive human rights covenants, one on civil and political rights and one on economic and social rights, both ratified by more than 30 governments.

For many years UN experts have offered advisory services to governments on human rights questions. Various UN-sponsored international seminars on human rights have been held. The UN has also served as a central point to which aggrieved groups may complain of specific human rights violations. But there is disagreement as to how the UN should handle such complaints. One proposal would establish a UN office, that of High Commissioner for Human Rights, to receive inquiries and complaints from both governments and private parties and to advise and conciliate at their request. The High Commissioner would have no power to overrule a government, but his views would carry moral authority.

IN MEMORY OF ROBERT KENNAN, JR.

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FAUNTROY. Mr. Speaker, the residents of the District of Columbia have lost a very fine friend in the person of Robert Kennan, Jr., the late general counsel to the National Wildlife Federation. It is with a heavy heart that I share this loss with you.

At 35, Bob established himself as one of the leading conservationists in the country. He joined the Wildlife Federation in January 1971 after serving with the law firm of Purcell and Nelson for 6 years. He was a formidable opponent for those who attempted to infect the Nation's environment with unneeded and dangerous undertakings.

Many times, Bob stood up and fought against environmentally harmful and unneeded roads and highways. As general counsel to the federation, he led efforts to keep Federal interstate highways out of the Big Cypress Swamp in Florida and the Sandia Crest Mountains of New Mexico. His sincerity and determination was frequently rewarded as his success in these areas illustrates.

Bob Kennan's position did not keep him away from controversial issues. He was involved in one litigation to open the procedures of the Federal Highway Administration to public view and comment in an effort to bring them into compliance with the National Environmental Policy Act. Efforts like this illustrates the purpose behind the life of Robert Kennan. Using the authority of the courts, he attempted, and succeeded to bring the Nation's environment under this protection.

Robert Kennan's last major case is a prime example of the cause he furthered on behalf of the National Wildlife Federation. In a suit he brought against the Department of Transportation and the Federal Highway Administration, 1,000 highway projects around the country were forced to meet environmental standards set forth by the Environmental Policy Act which Bob maintained as being fair and equitable to everyone it affected.

Locally, this dear friend of mine was a member of the Committee of 100 on the Federal City. He participated in the fight against urban freeways and was personally involved in halting construction of the Three Sisters Bridge, the Potomac Freeway and Interstate 66 by using his personal time and talent in assisting to resolve the legal complexities which were involved in these issues.

Robert Kennan's personal life was, of course, as honorable and distinguished as his public image suggests. Born in Kohala, Hawaii, he studied at Pomona College, Calif., under a George R. Baker scholarship, and at Oxford University, England, under a Marshall scholarship. He was also a graduate of the University of Washington School of Law, where he was editor of the Washington Law Review.

Robert Kennan was a man of impeccable character; dedicated to his family, job, and friends. I extend my deepest sympathy to his wife Elizabeth and his son, Alexander. I am sure that they, along with all of us who knew him, will be forever impressed by the memory of such great a man.

ENTERPRISE STILL PAYS OFF

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. GAYDOS. Mr. Speaker, I am happy to report that the spirit of high adventure and success still prevails in U.S. business and that experiences in my busy western Pennsylvania district underscore the fact.

The district is the home of many small but markedly progressive carbide producing and fabricating firms, each a spin-off from the old Firth Sterling Co. which pioneered in carbide production in this country.

Most of the firms were started by and some still are in the hands of, machinists and toolmakers who first plied their trades at Firth Sterling and then took out on their own. They now make a wide variety of carbide dies and instruments. A few have been sold to large corporations.

Carbide, I point out, is not the only basis of industrial development back where I live. Just the other day, Precise Metals & Plastics, Inc., having outgrown its facilities in the McKeesport area, began construction of a new plant on a 20-acre site in nearby North Versailles Township.

The company today employs 280 workers and this figure is expected to rise when the new $1.3 million plant is opened. Sales are up to the $9 million annual mark and their steady pace of increase shows no signs of abating.

Of special interest to me, and to others who have followed the firm's advancement, is that Precise Metals & Plastics is the result of what once were the dreams of two Westinghouse Airbrake Co. toolmakers, Robert S. Mason and William O. Shaver. They pooled funds and skills and entered what to them seemed to be the promising plastics business. In 1964, they founded their company. Along the way they enlisted Arthur W. Roethlisberger as an associate and acquired other firms related to their operation. Later on they sold out to KDI Corp. of Cincinnati, Ohio, a diversified manufacturer, but retained a free hand for themselves in running the company they created.

According to William H. Wylie, business editor of the Pittsburgh Press, Mr. Mason and Mr. Shaver "had a good idea and perseverance to carry it out." In his story on the ground breaking for the new Precise plant, Mr. Wylies also reminded his readers that "a good idea is the stuff of which jobs are made."

More than this, the Mason and Shaver idea has demonstrated again, and at a time when the forces of deadening socialism seem to be getting stronger elsewhere, that enterprise and ingenuity, plus good hard work, still are paying off in America. My district is grateful to be the location of Precise Metals & Plastics and the other companies born since World War II by the efforts of ambitious workmen who saw a chance to make good as industrialists and did so.

PATROLMAN GEORGE R. MEADE—ANOTHER GALLANT POLICEMAN IS CUT DOWN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BIAGGI. Mr. Speaker, it is with a profound sense of sorrow and outrage that I relate to my colleagues still another violent and untimely death of a policeman, Patrolman George R. Meade of the 42d Precinct in the Bronx, N.Y.

At 1:15 a.m. on October 10, Patrolman Meade, off duty, was sitting in an establishment in the Bronx. Suddenly three men entered and announced a robbery. Meade identified himself as a policeman, and attempted to apprehend the criminals. A gunbattle ensued, and when it was over two of the criminals, as well as Meade, lay dead of gunshot wounds. The third man escaped into the night.

Millions of New Yorkers awoke the next morning to read the account of this tragedy. Yet what they could read would not tell them of the extraordinary man and the fine human being who was killed.

George R. Meade was born in the Bronx on January 8, 1939. He served with distinction in the Navy between 1956 and 1959. He joined the New York City Police Department on March 28, 1963. He had an illustrious police career, highlighted by his being awarded two meritorious awards for outstanding police work. Ironically, his last award was earlier this year for successfully preventing another holdup.

Yet despite these significant accomplishments, the death of George Meade signified more than the loss of another great policeman. George Meade was a dedicated family man as well. He is survived by his wife Rosalie, and four children; Yvette, Yvonne, Andrea, and Antony, as well as his parents and countless other relatives and friends, all of whom mourn his death as a particularly tragic loss.

George Meade had a desire for excellence in everything he pursued in life. At the time of his death, he was attending Hostos Community College where he was an A student. As a tribute to this outstanding man, Hostos College has set up a scholarship fund in his honor.

Yet as decent and well-intentioned as memorials and testimonials are, they do not diminish the agony and suffering which must be endured by the families and loved ones of men like George Meade.

As a former 23-year veteran of the New York City police force, I felt a sense of personal as well as comradely loss over George Meade's death. As I sat at the funeral, I saw the anguish and pain which Mrs. Meade and family felt, and thought about the hundreds of other wives and families of policemen who have been forced to endure similar losses of their husbands and fathers.

It is a sorry time in this Nation when even one policeman is killed in the line of duty. Yet so far in 1973 alone, 107 policemen have been cut down in the line of duty by depraved criminals. Yet what will we as a society do? Do we express shock and outrage, and then wait for another one to be killed, or do we act? Inherent to a stable democracy is a strong and efficient law enforcement system. We must demand that the policemen of this Nation are better protected. Not only must we strengthen our system of justice and reduce crime, but we must provide for the widows and children of the men who die in the line of duty. Legislation to that effect is now long pending in the Judiciary Committee.

Mr. Speaker, it has been my profound honor to pay tribute to this fine man George Meade, and I know I speak for thousands of New Yorkers when I express my sincerest condolences to his widow and family. And to my colleagues I say, let us not wait for another policeman to be murdered before we act.

DULUTH—15 YEARS OF PORT PROGRESS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FRENZEL. Mr. Speaker, the people of my State, and indeed of the whole north-central region, are proud of the progress of the Port of Duluth—Superior. In the 14 years since the St. Lawrence Seaway opened, the Port of Duluth has handled 50 million tons of international cargo.

Import-export cargo movements have increased annually since the seaway was opened. Commerce through the Port of Duluth provides jobs not only in that city and in the State of Minnesota, but throughout the whole north-central region of this country. The $40 million annually that is contributed to the Duluth community because of the port activity is a tiny fraction of the economic value that this one port gives to our area.

Minnesota has traditionally been heavily involved in international trade. Our cargoes, agricultural and manufactured, have found their ways to international markets through ports of the east, gulf, and west coasts for years. We are particularly proud of our newest port outlet in Duluth, and we congratulate the Seaway Port Authority of Duluth on another important milestone in its growth, its 50 millionth ton of international cargo.

The following article was prepared by the Seaway Port Authority of Duluth and is inserted in the Record for the information of all Members:

FIFTEEN YEARS OF PORT PROGRESS

The 1973 navigation season is being heralded as a golden anniversary of sort for the Port of Duluth-Superior—a year in which the 50 millionth ton of international cargo moved through harbor terminals. The phrase "of sorts" deserves a bit of qualification since the port has been in existence for more than a century and, handling approximately 40 million tons of domestic cargoes annually, has continually been a major center of Great Lakes commerce.

It was in 1959 that the St. Lawrence Seaway opened to extend North America's Fourth Seacoast 2,300 miles inland to the head of Lake Superior. And, Duluth-Superior's reputation as a leading bulk port was further enhanced by it becoming an all-service port, a world port. Joining the familiar Great Lakes bulk carriers whose lengths had stretched to 700 feet and more were oceangoing vessels flying the flags of most maritime nations throughout the world. To accommodate these ships, more than $25 million was invested in new grain and general cargo terminals and in modernizing existing facilities.

Duluth-Superior became the principal port for importers and exporters in 10 midwestern states and two Canadian provinces, a hinterland that encompasses highly industrialized big cities, bustling mining communities and vast midwestern plains that produce much of the world's food supply. Since 1959, grain has been shipped to Europe, Russia and the Far East. Powdered milk, flour and other agricultural products have been exported to developing nations at all compass points. Steel, automobiles, table wine, even billiard balls and greenhouse parts, are imported from Europe. From Malaysia comes foodstuffs and crude rubber. In short, the port handles all products made by people for people.

Import-export cargo movements started with a modest 1.9 million tons being handled in 1959 and grew to a record 5.2 million tons in 1972. This business provides employment for more than 2,000 persons along Duluth-Superior's waterfront and has contributed more than $40 million a year directly into the economy of the community. In the State of Minnesota alone, 43,000 persons owe their jobs to international trade at an economic benefit to the state of $140 million a year.

TRIBUTE TO MISS RUTH MORGAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ANDERSON of California. Mr. Speaker, the French philosopher, Jean Jacques Rousseau, once said, "What wisdom can you find that is greater than kindness?"

By this definition, Miss Ruth Morgan, who recently retired as the chief deputy city clerk of Gardena, Calif., is certainly one of the wisest persons in the land.

First coming to Los Angeles during World War II, Miss Morgan settled in Gardena in 1956 and was sworn is as deputy city clerk in 1958.

In this capacity, her pleasant personality and her skill in solving people's problems were rewarded by a promotion to chief deputy clerk in 1964, where her assets could be more effectively utilized.

A devoted public servant, Miss Morgan was always available to offer an empathetic ear and to commit her talents and energies to helping people deal with the city.

She became intimately involved in the administration of Gardena and was instrumental in establishing the orderly, professional procedures which are a hallmark of the Gardena city government.

After over 17 years of dedicated service to the people of Gardena, Miss Morgan has decided to take a well-earned rest from her duties with the city. However, retirement in her case is not synonymous with idleness.

Rather, this period in her life will give her even more time to devote to the civic and charitable activities with which she has become deeply involved.

A member of the American Legion Auxiliary for 25 years, Ruth Morgan served as the president of Auxiliary Post 187 from 1962 through 1963.

In addition, she plans to continue her years of volunteer work with the American Red Cross, in which she served as the safety services chairman for Gardena, a member of the Gardena branch board of directors, an organizer of Red Cross first aid classes in the area, and as a member of the Southern District Board.

Miss Morgan has also been active in the Junior Association for the Blind, the YMCA, YWCA, the Sister City Committee, Friends of the Library, and the Soroptomist.

Her love of people has been coupled with a love of animals, as evidenced by her membership in the National Wildlife Federation and the National Audubon Society.

Mr. Speaker, Ruth Morgan's greatest attribute is that she cares—she cares about people; their problems and concerns, and she has devoted her life to serve her fellow man. She is the type of person that has made our community and our Nation great and her services in City Hall will be missed.

SOVIETS NEED WESTERN TECHNOLOGY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ASHBROOK. Mr. Speaker, the following letter by Edward A. Stern, professor of physics at the University of Washington, appeared in the October 7 edition of the Washington Post. Mr. Stern had the opportunity of recently visiting with Soviet Physicist Andrei Sakharov. As Mr. Stern writes—and as I have stated on numerous occasions—the Soviet Union has a desperate need for Western technology, investments, and organization to avert serious economic problems. The West should not extend these needed benefits to the Soviets without obtaining meaningful changes in Soviet society. At this point I include in the Record the text of Professor Stern's letter.

CAN THE WEST IGNORE SAKHAROV'S MESSAGE?

I had the honor of visiting the famous Soviet physicist Andrei D. Sakharov for four hours on the evening of Aug. 23 during my recent trip to the Soviet Union to attend a scientific conference. Being a physicist myself and knowing some of the Soviet Jewish scientists who have been refused permission to emigrate to Israel, I was able to arrange through these contacts the visit with Sakharov.

At the time of our conversation Sakharov was aware of the impending attack against him by the authorities (which subsequently became public) and detailed to me several instances of pressure exerted against him in a covert fashion through loved ones who are made to suffer so as to hurt him and blackmail him into silence. In spite of all of these covert pressures and in spite of the recent covert pressures Sakharov courageously speaks out because his concern for his country and the world transcends his concern for his personal safety. Can the West afford to ignore Sakharov's message and permit the Soviets to crush such a man, as they surely will do without a strong outcry and use of the leverage made available by the impending detente?

The first priority of the Soviet authorities is to maintain themselves in power. Because they have fallen behind technologically and their economic base is becoming obsolete they desperately need Western technology, investments and organization to avert serious economic and military problems. Otherwise, the present Soviet leaders cannot hope to remain in power.

At the same time the Soviet authorities don't have enough confidence in their control over their society to expose it to Western ideas and influence, to maintain isolation in the face of the inevitable increase Western trade requires intimidating the average Soviet citizen to stay away from these foreigners. The latest publicized dissident trial of Yakir and Krasin and the simultaneous attacks on Solzhenitsyn and Sakharov prominently proclaim the crime of "clandestine meeting with foreigners."

The Soviets want to have detente on their terms where they can receive Western technology, investments and management and still maintain their isolation. As Sakharov points out, the West has a unique opportunity to use the leverage of aid, which the Soviets desperately need, to open Soviet society somewhat and move the Soviet Union toward a lasting world order. The Jackson-Mills-Vanik legislation is the bare minimum.

EDWARD A. STERN,
Professor of Physics,
University of Washington.

SEATTLE.

HENRY ROBIN, OF SAN ANTONIO LIGHT, NAMED TEXAS CARRIER OF THE YEAR

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FISHER. Mr. Speaker, Henry Robin, a carrier for the San Antonio Light, was recently named Texas Newspaper Carrier of the Year. Contesting with 30,000 carriers, this young man was given this recognition by the Texas Circulation Managers Association and the Texas Daily Newspaper Association.

I extend my own congratulations to this worthy young man. It is an achievement of which he can be justly proud. It bespeaks a quality which is truly outstanding. Equipped as Henry is with character, ambition, and ability, we can be sure his future endeavors will be equally as rewarding.

Under leave to extend my remarks, I include details of the award and its significance:

HENRY ROBIN, CARRIER OF THE YEAR

Henry Robin, a carrier for the San Antonio Light, has been named Texas Carrier of the Year by the Texas Circulation Managers Association and the Texas Daily Newspaper Association.

He was entered in the statewide competition after being named Carrier of the Year for The Light.

In addition to a $2,500 scholarship, which Henry plans to use to study computer technology at Texas A & M University, awards to the state's top newspaper carrier include a trip to the TCMA convention in Houston where he will be introduced to the assembled circulation managers and presented a savings bond, and a trip to Austin where he will be a special luncheon guest of Governor Dolph Briscoe.

The son of Mr. and Mrs. Harry D. Robin of San Antonio, 17-year-old Henry is a senior at Churchill High School, where he has won many honors for both scholarship and extracurricular activities.

Nominees for Texas Carrier of the Year were judged on the basis of scholastic achievement, personal achievement, community service and newspaper route activity.

A Light carrier for two years, Henry has doubled the number of subscribers on his route, changing his route from the smallest in his circulation district to the largest. He has qualified for the Light carriers' Merit Club eight times in a row, been named District Leader five times and has won a trip to LBJ Ranch.

In addition to his Light route, Henry has held a part-time job at which he worked seven days a week for a year. At the same time, he maintained a high B average in school, participated in a number of extracurricular activities and placed well up in University Interscholastic League tournaments in number sense, math analysis and slide rule.

A member of Temple Beth-El, Henry is second vice-president of the Federation of Temple Youth. He was nominated for honors in the field of religion by the Optimists Clubs during Youth Appreciation Week last year.

Henry has been a member of the Churchill ROTC for three years, advancing to first sergeant, and last year was named outstanding first sergeant of the school.

He is also active in bowling leagues and plays chess, golf and bridge. He is a Life Scout, earning 23 merit badges during his four years in Boy Scouts.

A highlight of the past year for Henry was being chosen one of only 33 high school juniors and seniors in the country to attend an eight-week Summer Institute of Mathematics and Computer Programming at the University of Oklahoma. He paid his own expenses from his earnings.

With the money he has saved from his Light route and his job, Henry has bought much of his own wardrobe, books and his senior ring and paid for his school lunches. He also paid for carpeting the upstairs of his family home.

THE 17TH ANNIVERSARY OF THE 1956 HUNGARIAN REVOLUTION

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. SCHERLE. Mr. Speaker, on the 17th anniversary of the Hungarian Revolution of 1956, I had the privilege of addressing a group of participants in that tragic and heroic grasp for freedom. Dr. Andras H. Pogany, president of the World Federation of Hungarian Freedom Fighters, delivered the following remarks at the anniversary celebration and I commend them to your attention. The parallels he draws between the world situation 17 years ago and today cannot be ignored. As Dr. Pogany points out, we should not sweep the hard facts of continued Soviet oppression under the rug simply because we are making an effort toward détente.

The remarks follow:

THE 17TH ANNIVERSARY OF THE 1956 HUNGARIAN REVOLUTION

On the 17th anniversary of the 1956 Hungarian Revolution, we, the officers, members, friends and supporters of the World Federation of Hungarian Freedom Fighters, on three continents, rededicate ourselves to the principles and demands of that historic event in Hungary.

We are speaking and rededicating ourselves on behalf of the oppressed Hungarian people, whose last free voice was heard 17 years ago. This voice demanded freedom for Hungary and freedom for all and everywhere.

In 1956 the Free World was worried about Suez and, consequently, the freedom in Hungary had been let to die. Seventeen years passed by and there is still no peace around Suez; more so, now the freedom of the world is endangered much more than ever before. It is impossible not to remember the old saying: how little wisdom governs the world indeed!

Are we, Hungarian freedom fighter perhaps out-dated today? Should we change or reconsider our goals in the seventies?

We do not believe so, Ladies and Gentlemen. We cannot change, because the Communist totalitarianism did not change at all, as we could realize it quite easily in the events of this new, raging war, fully supplied for and encouraged again by the Soviet Union, supposedly pursuing a policy of happy "detente" toward us. We cannot and we are not willing to recognize a so-called status-quo, because no status-quo is possible with oppression, neo-colonialism and terror. There cannot be a status-quo, if the other side is doing its best to bury us, threatening our very life and existence. Unfortunately, the American public today is being systematically misled and lives in an utopistic state of daydreaming. Many of us sincerely believe that a safe and peaceful world is just around the corner. Unfortunately, as it is, that such world cannot be called into existence by dramatic announcements, happy handshakings, engaging smiles and by sweeping hard, but unpleasant facts under the rug in the name of a "détente," which simply does not exist. If the Vietnam war did not teach us anything about the Soviet's idea of detente and co-existence, let's hope, that the new Middle East War will, if, hopefully, there is still a spark of reality left in the minds of our modern American apostles of detente.

So far, however, the voices of reality came rather of Moscow than of Washington, D.C. The voices of Sakharov and Solzhenitsyn joined with the unbroken voice of the great living Hungarians, Jozsef Cardinal Mindszenty and all of them told the same: beware . . . May God help us to understand these solemn warnings better, than we did it in the time of the Hungarian Revolution of 1956.

In such circumstances we, Hungarian freedom fighters are not willing to compromise. We repeat, with unswerving faith and loyalty the last message of our revolution: if freedom, human dignity and constitutional rights are oppressed by naked military force anywhere, the freedom of the world is in mortal danger and we have to face the challenge without double talk, made-up excuses or hesitation.

This year, a year of many disappointments and self-delusion for America; in a year when we had the opportunity to watch the Soviet red flag; with its hammer and sickle, unfurl in front of the White House, we turned our attention to our last hope: to the youth of America. You will remember, that since 1960—when then Vice-President Nixon received this Award—through the late Senator Dirksen, Ambassador Portuendo, up to Mr. David Lawrence in 1972, just to mention a few, many important and influential personalities received our Federation's Freedom Award: politicians, diplomats, newsmen, and television personalities, outstanding benefactors, both Americans and foreigners who, in a given year, made the most significant contribution to our uneven efforts for restoration of freedom and human dignity in Hungary.

This year we unanimously selected one of those outstanding groups of Americans whose activities were not shadowed by the present detente-hysteria. We selected the Editorial Board and Staff of a youthful Washington paper, the Rising Tide. I can say, without undue exaggeration, that there was and there is no American publication in presenting the case of the Hungarian people to the American public and reporting the activities of the Hungarian Freedom Fighters Federation, U.S.A. as the Rising Tide did and still doing it. The Rising Tide cannot yet claim a very large circulation, but this distinguished group of young women and men represent for us the unblemished and unspoiled real spirit of America. Their dedication, intellectual honesty as well as their professional skill are impressive indeed. True, these young people and their Rising Tide do not master the American present yet, but we pray, that it may show us an American future based on principles, tradition and on the love of freedom, like the Rising Tide of our days.

For this reason, even in this sorrowful year, we are sincerely glad and even honored to bestow our Freedom Award of 1973 on the Editors and Staff of the Rising Tide and through them to the unblemished faith, reputation and good-will of the youth of America.

BARRY L. BANKS, DELAWARE STUDENT INTERN PROGRAM

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. DU PONT. Mr. Speaker, this week I have 11 high school juniors visiting me from Delaware to participate in my student congressional intern program. The students will be meeting Congressmen and Senators, viewing both Houses in action, attending committee meetings, and participating in various other activities in order to gain a greater understanding of the workings of Congress.

I have been impressed with the enthusiasm and interest displayed by the high school students throughout the SCIP program. I would like to take this opportunity to congratulate Barry L. Banks, one of the high school students visiting this week, on his 16th birthday and wish him many happy returns of the day. I hope that Barry, and all the students who participate in this program, will continue their interest in government.

NOT SO SIMPLE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. UDALL. Mr. Speaker, in many respects the civil rights revolution of the 1960's was a striking success. But in the area of education we have largely had a psychological victory and a practical failure. Many of our southern friends told us that things were not all so simple, and that there would be different reactions when the tough school integration problem came north. We know now how much of what they said was right.

Now we are faced with a nation bitterly divided over the question of busing and the vital, central issue of quality education for all children has been forgotten. If we are to prevent this country from further coming apart, it is necessary that our leaders be willing to lead, that hard truths be faced, that old preconceptions be challenged by all of us.

The plain fact is that a fair share of that desperately needed moral leadership burden has not been assumed by the White House, or by the Congress. Instead, both branches have unloaded on the courts the problem of coping with complex, emotional, and deadly serious social problems.

In this country we tend to overload institutions which work well, sometimes to the point where our returns diminish. Our schools are responsible for much of our success as a nation; and because they have worked so well, we continue to dump on them everything from sex education to driver instruction and, if some had their way, religious training. Because our courts have served us so faithfully in resolving disputes, we are inclined to load them down with such social problems as alcoholism, the failures of marriage and the family, the burden of automobile accidents, and all the rest.

The time has passed for Congress to be second-guessing the courts and harassing them from the sidelines; the time has come to us to provide some sensible guidelines and responsible leadership in the field of education and racial relations

To this end, the distinguished gentleman from North Carolina (Mr. PREYER) and I have introduced the Equal Educational Opportunities Act (H.R. 10991). We believe that Congress rather than the courts should establish a national educational policy, one that addreses itself to the busing controversy without retreating from the great gains already achieved in racial integration. We also believe such a policy should provide a framework for dealing with the allied problems of new methods of school financing and substandard schools. To date Congress has approached these problems piecemeal—through far-reaching, drastic constitutional amendments or blunderbuss "antibusing" amendments to educational legislation. These are largely efforts to modify, restrain, or reverse court action; they do not offer a comprehensive alternative to court ordered educational plans. In effect they say "no busing." They do not go on to say, "Here is a better way than busing to achieve the goals of a desegregated school system."

Our bill, however, offers such an alternative. The heart of the bill is a federally sanctioned State plan, to achieve the objectives of improving and equalizing educational results and alleviating racial isolation.

The bill does not set out any final plan. What it says is "No one knows precisely the best way to achieve equal educational opportunities for minorities. But human ingenuity should be set free to explore innovative educational techniques to this end and not be locked into the sole solution of maximum racial balance." If Congress does not offer some alternative approach, the courts will almost be compelled to order the approach of maximum racial balance—which means massive busing.

John F. Kennedy once said that—

> While we did not all come over on the same ship—we are all in the same boat.

Indeed we are. America's white majority simply cannot and must not turn its back on 25 million fellow citizens. But at the same time, we cannot rely on the courts to provide definitive, publicly acceptable solutions to the problem of busing. It is high time for the Congress to assume its fair share of moral leadership on the subject.

This legislation will not please those who want to go back to 1954, or those who do not understand the deep emotions and fears which many parents rightfully or wrongfully feel. But no single proposal I have heard holds more promise for a workable, permanent accommodation. I am proud to be a cosponsor.

THE NEW CAR REGULATIONS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HUNGATE. Mr. Speaker, the following editorial is from one of the many fine papers of Missouri's Ninth Congressional District, the Mexico Ledger. The editorial points out the many hazards to our right of privacy from the Department of Transportation's seat belt interlock system:

THE NEW CAR REGULATIONS

The New cars are better than ever.

Except for what the do-gooders did to them.

Take the seat belts, for example.

Every 1974 car under Federal Regulation now, will not start until the seat belt is fastened. What's more the seat belt is a shoulder strap and seat belt all in one piece. And that's not all, there is a buzzer.

It is no ordinary bumble-bee kind of buzzer.

This buzzer is a sub-human torture instrument no doubt designed by North Vietnam POW camp guards to break the morale, spirit and will of prisoners.

In 1974 cars—in all of them—the buzzer attacks you the minute you insert the key. It buzzes if the door is not closed; it buzzes if the seat belt is not fastened; it buzzes if you put your hand on the front seat; it buzzes if you put a package, dog or cat on the front seat and don't fasten the seat belt around it. . . .

. . . But that isn't all.

Don't think by merely stopping the car you can escape the buzzer.

It is poised, crouching, waiting to rip into your peace of mind.

If you stop the car and open the door as you unfasten your seat belt . . . zap—the buzzer. You have to turn the key off first before you unbuckle the belt, before you open the door.

Obviously, the 1974 car buzzer is the bureaucrats' guarantee to end the pursuit of happiness.

It now ranks with scratching finger nails on school room blackboards, with knuckle popping, with the ear-splitting roar of a revved-up two-wheeled chopper.

However, we don't think the American public will resign to the buzzer. We believe they'll fight it from the bridge in Lexington to Iwo Jima.

As one lady told us recently about the buzzer and the seat belt "If I want to get thrown through the windshield that is my American right".

We're for her.

CITIZEN OF THE YEAR AWARD

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BURGENER. Mr. Speaker, every year the Chamber of Commerce of El Cajon selects one individual whose contribution to his community has been so outstanding as to justify the title "citizen of the year." The citizen of the year for 1972 is a man well known to those of us who have had the pleasure of living and working in San Diego County.

C. Rupert Linley has practiced law in El Cajon for 27 years. These have been eventful years for the city. They have been good years partially because "Rupe" has given of his time, his talents, and his heart in many ways and at many times.

Among the recipients of his efforts have been the Boys' Club and Kiwanis Club of El Cajon, the Downtown Optimists Club, and Goodwill Industries. But, in truth, we all have benefited from his service to his fellow man.

The city of El Cajon is the home of the annual Mother Goose Parade and Ball. This event has attracted national attention, bringing credit on the community while delighting thousands of youngsters every year. C. Rupert Linley has served as president of the Mother Goose Parade Association and was the recipient of the 25th anniversary award of that association.

As a member of the Chamber of Commerce Community Development Committee, Rupe was instrumental in the development and adoption of the El Cajon general plan. In addition, he served as a member of the joint powers authority which constructed the police facility.

Rupe has served the needs of the citizens of his community as a member of the citizens committee for planning and formation of the Grossmont Hospital District and as a member of the Lakeside School District Board of Trustees.

Our community is a better community because C. Rupert Linley has lived and worked here. I am also convinced that our Nation is a better Nation because C. Rupert Linley has given of his time to make one of our communities better.

MR. NIXON SAVES THE CONSTITUTION

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. LEGGETT. Mr. Speaker, like most Americans I have frequently felt amazement and a certain degree of awe as I have listened to the logical processes by which President Nixon has justified his various positions.

With the deftness that characterizes much of his writings, Columnist Arthur Hoppe has hypothesized a response Mr. Nixon might give to the news that the House is taking up impeachment in a serious manner. In this hypothetical television address to the American people, Mr. Nixon says,

> Now, it would be very easy for me to go along with these impeachment proceedings. But I had to think first of the good of every American. Therefore, under the powers granted me by the Constitution to summon an emergency session of Congress, I have tonight declared an emergency adjournment of Congress.
>
> And to safeguard our Constitution, I have ordered Federal troops to seal off Capitol Hill where that Constitution is kept.

There is just one thing that bothers me about Mr. Hoppe's column: I hope he wrote it. I hope it was not a leak from the White House reserve speech file.

I insert the column, "Mr. Nixon Saves the Constitution," from the San Francisco Chronicle of October 23, 1973, into the Record:

Mr. Nixon Saves the Constitution

(By Arthur Hoppe)

Good evening, my fellow Americans. In this hour of grave Constitutional crisis, I want to talk to you tonight about the steps I have taken to meet that crisis. The decisions have not been easy. But it is my sworn duty, as your President, to uphold that Constitution.

As you know, I have done everything humanly possible to avoid this Constitutional crisis. When former Special Prosecutor Archibald Cox sought to subpoena my private and confidential tape recordings, I, like any other citizen, pleaded my case in court.

When Judge Sirica saw fit to rule against me, I, like any other citizen, took my case to the Court of Appeals. When that court also ruled against me, I saw at once that a Constitutional crisis was in the making.

Now it would have been very easy for me to comply with the rulings of those courts. But you did not elect me to take the easy way out.

To uphold the Constitution, which is my sworn duty, I therefore determined to risk contempt proceedings and withhold these tape recordings—which, by the way, prove me totally innocent of any wrongdoing whatsoever.

Being innocent, I also ordered Mr. Cox to stop investigating me. When he stubbornly refused, I had no choice but to order the Attorney General to fire him. And while I had to keep firing Attorneys General until I found one who would fire Mr. Cox, let me point out to you that my perseverance in upholding the Constitution was finally justified.

Now then, let me turn to the impeachment proceedings pending before the Congress. First, let me say, that, rightly or wrongly, I do not for one moment question Congress' right to institute impeachment proceedings. That right is guaranteed by the Constitution. And I have sworn to safeguard that Constitution.

But let me say this about that. As you know, impeachment proceedings—no matter how innocent, I, your President may be—are a long and drawn out process. They could last for months or even years. And during that time, my capacity to govern as your President would be severely impaired.

We face many problems today at home and abroad. While we have achieved unparalleled prosperity, we must still fight inflation. While we have achieved peace with honor in Vietnam, we must still face difficult and delicate negotiations to achieve a lasting peace in the Middle East.

So I was forced to ask myself, "Can I, your President, continue to resolve these problems and safeguard the Constitution with my capacity to govern impaired?" I think every decent American would agree tonight that I could not.

Now it would be very easy for me to go along with these impeachment proceedings. But I had to think first of the good of every American. Therefore, under the powers granted me by the Constitution to summon an emergency session of Congress, I have tonight declared an emergency adjournment of Congress.

And to safeguard our Constitution, I have ordered Federal troops to seal off Capitol Hill where that Constitution is kept.

I realize that some critics will say I have fired Congress. This is not the case. Once Congress demonstrates its willingness to work with me in building a better America, I am sure it will be able to resume its duties.

At the same time, I am announcing my resignation as your President. Of course, someone must continue to safeguard our Constitution. I have therefore delegated that responsibility to Crown Prince David Eisenhower, who has pledged to safeguard it night and day.

Long live Princess Julie! Long live Princess Trish! Long live Queen Pat! Long live me!

INVESTIGATION MANIA THREATENS FREE GOVERNMENT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ZWACH. Mr. Speaker, for almost 200 years, the United States has been a republic deriving its just powers from the consent of the governed.

Today, there is a question whether that phrase still is valid. Today, rather than being a government of the people, by the people, and for the people, some believe we are becoming a government of the investigating committee.

This question was developed in a recent editorial appearing in the Sherburne County Star News of Elk River, in our Minnesota Sixth Congressional District, which I would like to share with my colleagues by inserting it in the Congressional Record.

Investigation Mania Threatens Free Government

Congressional investigations have long been a part of the U.S. political scene. But what columnist William S. White calls the

"Investigation mania," which now besieges the country, poses a threat to self-government. Mr. White holds no brief for the wrongdoing of any politician from Richard Nixon downward, but he warns against the attitude of assuming crime and evil are automatically everywhere in politics. He says, "We are raising a question as to whether government is to be allowed to govern. We are chewing up our public men without waiting for the facts . . ." The world looks on in puzzlement.

As things are going, the question may seriously be asked whether any President, no matter how competent, can serve out a tenure of office and remain clear of the traps implicit in an atmosphere in which all await expectantly for scandal to rear its ugly head. The fact that the nation's last two Presidents—one a Democrat and the other a Republican—have all but been pushed out of office by the emotionalism of raw democracy is far from reassuring.

SOVIET UNION AND POISON GAS

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HUBER. Mr. Speaker, in recent days the role of the Soviet Union as a troublemaker in the Middle East has again been nakedly revealed. The United States was hard pressed to match the enormous amount of weaponry that the Soviet Union was pouring into Arab states. By now the lack of scruples of the Soviet Union in this regard should be evident to all.

In this connection, an article appeared in the Detroit News on September 4 to the effect that the Soviets have supplied poison gas to Iraq for possible use against Iraq's Kurdish minority. This would be tragic, but it would not be unprecedented. It can be recalled that in 1967, the Soviet Union furnished poison gas to Egypt to use against the Yemeni Royalists. The case was documented by the International Committee of the Red Cross. Therefore, I think this item that follows deserves the closest attention of my colleagues.

IRAQ KURDS FEAR POISON GAS ATTACK

WASHINGTON.—Representatives of the Kurdish minority in Iraq charged yesterday that the Baghdad government had obtained poison gas from the Soviet Union in preparation for an extermination attempt against the Kurds.

Sources said the Baath regime in Baghdad had obtained 50,000 gas masks from the Soviet Union for Iraqi soldiers. The Soviets also have sent eight poison gas experts to train Baghdad's soldiers, said the sources.

The Kurds, who number about 100,000 in Iraq, are a non-Arab tribal people who occupy the mountains of Iraq and have been seeking an autonomous state of their own.

They have fought several civil wars in the past century with various Iraqi governments, the last ending in 1970.

Under terms reached at that time, Baghdad promised the Kurds a semiautonomous region to be established by March 1974, Kurdish representatives now say Iraq is reneging on that agreement and has started military attacks on Kurdish outposts.

The latest such attacks, Kurdish officials here say, took place in mid-August in the Sinjar region of Iraq. The fighting ended with 30 Iraqi soldiers killed and several Kurdish officials wounded.

The sources claim Iraq used artillery and MIG aircraft in the fighting. They said they had hoped the repulse of the Iraqi attack would have ended the Baghdad government's attempts to violate the 1970 agreement.

However, they now say the supply of gas from the Soviet Union indicates Baghdad is attempting a "final solution" similar to Hitler's extermination of Jews.

According to Kurdish spokesmen, the gas is stored at the Taji army camp west of Baghdad and at the headquarters of the 2nd Araqi Division at Kirkuk and the 4th Division headquarters Mosul.

The spokesman said only world opinion could head off the use of poison gas against the Kurds and called upon the public to urge the Soviet Union to withdraw the gas and its advisers.

THE NOT-SO-UGLY AMERICAN

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. SMITH of New York. Mr. Speaker, on June 27, 1973, I inserted in the CONGRESSIONAL RECORD an editorial entitled "Americans," written by Gordon Sinclair, a Canadian. The editorial was aired on June 5, 1973, on Mr. Sinclair's "Let's Be Personal" show over radio station CFRB in Toronto, Ontario.

Since that time, the editorial has been reprinted in newspapers across the country and I have received many letters on the matter, not only from my own district, but from North Carolina, California, Texas, and Illinois.

Apparently, the American people too often have been exposed to the "ugly American" image held by some of our "friends" abroad. They occasionally like to hear that Uncle Sam's efforts and their tax dollars are appreciated. As one of my correspondents said:

> I think this is the kind of thing people need to hear about our wonderful country—just now.

For the benefit of those who might have missed the editorial, I would like to insert it in the RECORD for a second time:

AMERICANS

(By Gordon Sinclair)

The United States' dollar took another pounding on German, French and British exchanges this morning, hitting the lowest point ever known in West Germany.

It has declined there by 41 per cent since 1971 and this Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least appreciated people in all the earth.

As long as sixty years ago, when I first started to read newspapers, I read of floods on the Yellow River and the Yangtze, Who rushed in with men and money to help? The Americans did.

They have helped control floods on the Nile, the Amazon, the Ganges and the Niger.

Today the rich bottomland of the Mississippi is under water and no foreign land has sent a dollar to help.

Germany, Japan, and to a lesser extent Britain and Italy, were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts.

None of those countries is today paying even the interest on its remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up and their reward was to be insulted and swindled on the streets of Paris.

I was there. I saw it.

When distant cities are hit by earthquake it is the United States that hurries in to help . . . Managua, Nicaragua, is one of the American communities have been flattened most recent examples. So far this Spring, 59 by tornadoes. Nobody has helped.

The Marshall Plan, the Truman Policy all pumped billions upon billions of dollars into discouraged countries. Now newspapers in those countries are writing about the decadent war-mongering Americans.

I'd like to see just one of those countries that is goating over the erosion of the United States dollar build its own airplanes.

Come on, let's hear it.

Does any other country in the world have a plane to equal the Boeing Jumbo Jet, the Lockheed Tristar or the Douglas 10?

If so, why don't they fly them? Why do all international lines except Russia fly American planes?

Why does no other land on earth even consider putting a man or woman on the moon?

You talk about Japanese technocracy and you get radios. You talk about German technocracy and you get automobiles.

You talk about American technocracy and you find men on the moon, not once but several times . . . and safely home again.

You talk about scandals and the Americans put theirs right in the store window for everybody to look at.

Even their draft dodgers are not pursued and hounded. They are here on our streets, most of them . . . unless they are breaking Canadian laws, are getting American dollars from Ma and Pa at home to spend here.

When the Americans get out of this bind . . . as they will . . . who could blame them if they said the Hell with the rest of the world. Let someone *else* buy the Israel bonds. Let someone else build or repair foreign dams or design foreign buildings that won't shake apart in earthquakes.

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are *still* broke.

I can name to you 5,000 times when the Americans raced to the help of other people in trouble.

Can you name me even *one time* when someone else raced to the Americans in trouble?

I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone and I'm one Canadian who is damned tired of hearing them kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.

I hope Canada is not one of these.

But there are many smug, self-righteous Canadians.

And finally the American Red Cross was told at its 48th annual meeting in New Orleans this morning that it was broke.

This year's disasters . . . with the year less than half over . . . has taken it all and nobody . . . but nobody has helped.

INLAND WATER TRANSPORTATION'S IMPORTANCE IN THE ENERGY CRISIS

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. STUBBLEFIELD. Mr. Speaker, the energy crisis is upon us and this Nation is finally beginning to feel the pinch. The program of petroleum allocation, announced by the administration several weeks ago, became effective yesterday. Briefly, this program will limit supplies to customers based on their consumption for the calendar year 1972. Certainly this type of program is necessary, for the Nation is faced with a growing shortage. However, I feel it is essential that those administering this program recognize certain vital and absolutely essential needs within our economy. These needs must be given some form of priority within the system. In the forefront of these needs, I place agriculture and essential transportation.

In this spirit, I wish to have inserted at the conclusion of these remarks, a very pertinent letter written by Mr. Gresham Houghland, of Paducah, Ky., president of the Crounse Corp., an inland water carrier. Mr. Houghland's letter dramatically portrays the fuel shortage plight of the inland water transport industry within the country. This industry, which utilizes the all-important inland waterway system, is extremely vital to the production of the Nation's energy. Over 60 percent of all movements on the inland waterway system are directly involved in the production of energy. If inland water carriers, such as the Crounse Corp., cannot obtain adequate fuel supplies to move the raw materials which produce energy, such as coal and oil, this Nation will be truly faced with a crisis of ever-increasing proportions.

The text of Mr. Houghland's letter follows:

CROUNSE CORP.,
Paducah, Ky., October 29, 1793.

Mr. DON HAMMONS,
Regional Director, Office of Oil and Gas, Region IV, Atlanta, Ga.

DEAR MR. HAMMONS: An immediate effect of the fuel oil allocation order will be a drastic reduction in coal deliveries to electric generating plants served by our company. Another effect a short time later will be an equally drastic reduction in the production of electricity by these plants. We are confident that these effects were not anticipated or desired by the government; but they will occur unless we immediately receive an additional allocation of 250,000 gallons of No. 2 diesel fuel a month.

This company is engaged exclusively in the transportation of coal by barge on the Ohio, Kanawha, Green, Cumberland and Tennessee Rivers. Practically all the coal goes to electric power plants. Some are TVA plants, some are owned by public utility companies and two are owned by Big Rivers R.E.C.C. A number of these plants are solely dependent on us for coal transportation. Substitute barge transportation is not available. Substitute rail or truck transportation is not practical because of the location of the coal sources in relation to the plants. Several of the plants have no rail or truck facilities. Even if rail or truck service were practical, it takes more fuel per ton mile for rail or truck transportation than for barge transportation.

We own 350 barges of 1500 tons capacity and 18 diesel towboats and charter seven towboats. The owners of the chartered boats have their own fuel allocations. We do not yet have the details of those allocations, and this letter deals only with the allocation to us for our own boats.

Our own boats are now moving about 1,000,000 tons of coal a month in our own barges to plants in Kentucky, Indiana, Tennessee and Alabama. Our own boats are also towing about 450,000 tons of coal a month on the Green River in barges belonging to other carriers. These carriers then deliver the coal to plants in Florida, Ohio, Iowa, Wisconsin and Minnesota. No alternate source of towing is available on the Green.

We need 675,000 gallons a month to keep the 18 boats running, and this is only slightly more than we used last year. The problem is that Ashland Oil and Refining Company supplied over 95% of our fuel last year. We have been notified that we will get only 70% of our November, 1972, purchases, and that the allocation is 410,885 gallons. Another 250,000 gallons will bring us up to 660,000, and we hope to pick up the balance from the other sources from which we made small purchases.

It is impossible to save fuel on a towboat except by not running it. If we do not get the 250,000 gallons requested by this letter, at least six of our 18 boats will be tied up. Even if the seven chartered towboats can keep running, the coal delivered in our barges and towed on the Green will drop at least 500,000 tons a month.

The 500,000 tons of coal a month will generate approximately 1.1 billion KWH of electricity a month. On a national average basis, this is enough to supply the total electrical requirements of a population of 1,700,000 people.

The 500,000 tons of coal will produce about 320 times as much energy as the 250,000 gallons of diesel fuel we would burn to move it. To prevent such a gain in available energy is not a way to solve the energy crisis.

If we are to maintain deliveries we must have the additional allocation no later than November 8. We have no fuel except in the tanks on the boats and that averages only about a week's supply.

To be of use to us, the fuel must be available for direct loading into the boats' tanks and all or most of it must be from a facility or facilities on the Ohio between the Mouth of the Green and Paducah. The facilities available in this area are:

Mouth of Green River: Ashland.

Mount Vernon, Indiana: Texaco, Indiana Farm Bureau.

Paducah: Standard of Kentucky, Gulf, Shell, Texaco, Ashland.

We could use 35,000 gallons a month from Standard of Kentucky at Louisville with the balance available at one or more of the locations listed in the preceding paragraph.

Very truly yours,
GRESHAM HOUGLAND,
President.

COMMENTS BY MR. NORTON SIMON

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. WALDIE. Mr. Speaker, there are few in this House who would disagree with the fact that we are still a long way from making our railroads a meaningful and productive part of the transportation system.

Recently, I have been privileged to receive some comments on the alternatives for the railroad industry from Mr. Norton Simon, a distinguished Californian, and one of the most astute observers of contemporary American problems.

Mr. Simon quite properly notes that short term steps are expected from the Congress to meet the needs of individual rail carriers who are essential to our full national system. However, his warnings that such actions should not remain on a limited scale are central to the argument over the eventual future direction and viability of rail service in America.

At this point, Mr. Speaker, I would like to share with my colleagues a portion of recent correspondence forwarded to me by Mr. Simon in relation to corporate diversity of railroads:

COMMENTS BY MR. NORTON SIMON

At present, railroad companies are involved in myriad conglomerations of industrial land development, downtown properties, service businesses, utility, natural resource and manufacturing activities. Not only does this divert management's attention away from the railroad, where it is obviously needed, but it also raises serious ethical problems of possible direct or indirect violations of existing laws, such as the Elkins Act, S.E.C. regulations and other laws or regulations involving conflicts of interests through interlocking boards of directors. The cash flow and projected profits generated to the railroad companies by these non-railroad activities often tends to mislead the investing public as well as the company's own management and board members and further obscures the actual financial state of affairs until a collapse is imminent. Penn Central has now become our classic example of this. There is little motivation for management to invest money in proper rail maintenance or in capital rolling stock, for example, when they can improve their near term reported earnings to a greater degree by investing in a realty venture to show a quick profit, real or not. As a consequence, the physical plant of American railroads has deteriorated and is continuing to deteriorate. Lack of full usage of road bed, poor service to the public and costly accidents are the end result. Further, these companies do serious disservice to the nation by the grossly inadequate manner in which they become involved in the business of developing other activities they own, control or deal in.

As an example of what I mean, nearly every major railroad has an "Industrial Development Department" which buys, develops and sells or leases real properties to rail customers. They will claim that they always get the full price for these properties in each transaction and, indeed, their books will show that they usually make more profit on this activity than a comparable real estate company would. The facts, of course, are that they appear to improve their results by failing to apply full overhead costs or to account for the significant diversion of top and middle management talent to these real estate activities. In a very real economic sense these sale or lease terms often constitute a form of rebate to the shipper for the rail business. The idea of a railroad company essentially subsidizing shippers at the same time they are claiming to the public that rates are inadequate is absurd. The requests of railroads asking for subsidies under these circumstances are without credibility. The problem has slowly grown out of hand because it has been perpetuated over the years by railroad boards of directors largely made up of shippers, bankers, investment firms and others who have prospered at the expense of the shareholders and general public. The Federal bureaucracy, and by that I mean the ICC and others in both Republican and Democratic administrations, has consistently ignored this credibility gap in the administration and operations of the so-called railroad business. We have recently seen attempts at closing the credibility gap in politics and government administration. It is certainly time to look at such gaps in some elements of business and with the terrific problems of the railroads, they appear to be likely candidates. Number one on the agenda should be: Railroads should run railroads—period!

REMARKS OF THE HONORABLE JERRY LITTON INTRODUCING A NEWSPAPER ARTICLE HONORING THE SERVICES OF JUDGE RICHARD M. DUNCAN OF THE U.S. DISTRICT COURT

HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. LITTON. Mr. Speaker, I would call to the attention of the House an article appearing recently in the St. Joseph, Mo. News-Press honoring 75 years of public service on the part of our distinguished former colleague Judge Richard M. Duncan of the U.S. District Court.

As a Member of the House of Representatives in the New Deal years, from 1933 to 1943, Judge Duncan had much to do with construction of the social security system, and as a member of the Ways and Means Committee exerted influence of considerable importance on many other measures. He was truly regarded as a full-fledged leader of the House.

Upon his appointment to the Federal bench, Judge Duncan brought to his judicial labors the insights of a legislator at the national level, and in so doing became again a man of extraordinary power and authority respected by all.

The article on Judge Duncan appears below:

[From the St. Joseph News-Press,
Oct. 31, 1973]

Timely Observations—A 75-Year Record of Public Service by Judge Duncan

Black-robed Federal Judge Richard M. Duncan presided once again last week in the quiet dignity of his courtroom here—a most remarkable man who will reach his 84th birthday Nov. 10 and who has no intention of quitting. His is a record of public service stretching back 75 years. That's right, 75 years.

It started when he was nine years old and was appointed a page in the Missouri State Legislature by the representative of his native county of Platte—Walter Farley. Young Duncan gained a reputation there as the quickest and most courteous page in the General Assembly. He was a "venerable" 11-year old when he completed page duty for a second term there, and a few years later, although not a Catholic, he was enrolled in old Christian Brothers College here. He wound up as the first Protestant to be elected president of its alumni association.

Out of that institution of learning that specialized in discipline, Duncan was appointed a deputy circuit clerk by the late Ross C. Cox. He studied law on his own during those courthouse years and—without benefit of attending law school or college—won admission to the bar. He was practicing law in 1926 when Mayor Louis Stigall tapped him to become city counselor of St. Joseph, a post in which he achieved an outstanding record.

His next step was to Congress. He was elected to that body in 1932, the same year he was a delegate to the Democratic National Convention that nominated Franklin D. Roosevelt for a first term as President. He served there for five terms, ten years, was one of the architects of the Social Security Act, and won membership to the powerful Ways and Means Committee of the House. The same year he left the House he was named a federal judge by FDR.

One of the big changes that appointment meant in his life was his divorce from politics. Since boyhood he had been a thundering orator for the Democratic party. He had spoken at hundreds of rallies and often had been sent down into the well of the House in Washington by the majority to orate the views of the administration. But for a federal jurist, political speech making is verboten.

Technically, Richard M. Duncan retired as a federal judge June 30, 1965, but since then has remained as busy trying cases, listening to court arguments, accepting pleas, etc., as any federal judge in the land. Frequently he has been assigned to jurisdictions outside of Missouri in court matters. In California, he presided at the Irvine Trust trial that involved the disposition of $600 million. For the 7th consecutive year, he recently was assigned to Florida duty and will be trying cases in that state from January through April.

In recent years leg trouble has plagued him, but his mind has stayed sharp. He has no intention of quitting the bench as long as he is mentally alert, "even if I have to show up in a wheelchair." His comments in court are sharp and thoughtful and he can be caustic when the situation warrants. Many a young defendant has been given a lecture by Judge Duncan, a lecture which if delivered earlier would have kept him out of trouble and out of court. He has been a strict judge, but a merciful one, particularly for those who didn't have the benefit of early advantages of life.

Along with honesty and integrity, Judge Duncan rates discipline and hard work as the most necessary attributes. He offers a living example himself, and may he long stay with us. We need men like him.

THE SMALL WORLD OF FOOD

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FRENZEL. Mr. Speaker, last week I inserted into the Record an article from the Minneapolis Tribune of October 29 which chronicled some of the factors of the world's food situation. Today, I am inserting the second article of this four-part series by Staff Writer Al McConagha. It covers some of the observations which Secretary of Agriculture Earl Butz has made regarding food supplies, fertilizer shortages, and rising prices. The article, as thought-provoking as the first one, follows:

The Small World of Food: Butz' Opinions on Food Prices Not Comforting

(By Al McConagha)

(Note.—Food shortages, surpluses, costs and boycotts are in the headlines nearly every day. To find out why food has become a major concern, Staff Correspondent Al McConagha has investigated the relationships of food problems around the world. This is the second of four articles.)

Washington, D.C.—There goes the Secretary of agriculture, winging all over the country, telling housewives that it is good for the nation to pay higher food prices than it has in the past.

That takes courage and at another time one might joke that Earl L. Butz has the guts of a burglar—or even a plumber. Under the circumstances, however, this might be misunderstood.

So it is enough to report that Butz seems immune to normal fears and goes right on carrying his fell tidings to homemakers whose outrage rises with the price of pot roast.

If the present farm boom appears to have come as quickly as a summer storm, the housewife thinks she is up to her neck in a flash flood of rising costs at the checkout counter.

This is partly a result of bad crops overseas, burgeoning domestic and foreign demand and the U.S. decision to reduce its grain stocks and get into the world market in a big way.

Butz particularly stresses the impact on food prices of general inflation—or the rising cost of everything, including tractor oil, packaging materials and butchers' wages.

To the degree that the price hikes are the result of a changing relationship between demand and supply, they underscore the planet's interdependence for its food.

The world has become so intricately linked that prices in Minneapolis markets can reflect the failure of grain crops in nations thousands of miles away.

At the same time the ability of a Blue Earth County farmer to sell his corn in such distant markets has a bearing on the price paid for gasoline by shoppers in north Minneapolis.

It is widespread lack of recognition of such buy-sell relationships that leads the touring Butz to complain of the "low level of economic intelligence" he finds in the complaints of price-dazed consumers.

"If it has not been for this (export of American farm products) our gasoline would probably cost us 10 or 15 or 20 percent more now if we could get it at all," Butz says.

So he valiantly sallies forth again and again contending "you can't get more for less" and "if there's no profit in agriculture, there won't be any farmers and therefore no food."

BUTZ'S THEME IS UNREGULATED MARKET

But Butz also brings good news. He reports to the farmers that their net income this year will approach $24 billion. This is almost twice the average annual figure for the decade prior to 1969.

Good news or bad, the secretary's prevailing theme is his belief in the unregulated and foreign markets with "some" farm profit.

"You can't convince me a Minnesota livestock dealer walks around a muddy feed lot on a March morning because he likes to associate with the steers. I think he wants a little money out of it."

"Our goal has been for our farmers to get their income in the marketplace and not from the government," the former Purdue University administrator-eductaor added in a recent interview.

He stressed that in the past taxpayers paid nearly $4 billion annually in direct subsidies to farmers and $200 million more each year to store the once seemingly inevitable surplus.

All of that government-stored surplus is now gone—largely because of overseas demand—and Butz predicts that all direct farm subsidies next year will be reduced to $500 million.

Next year, for the first time in 40 years, American farmers will not be paid for not producing a major crop. Some 341 million acres, all the nation's economically productive soil, will be planted.

"This is the first time in 25 years that the government is not in the commodity business," Butz observed, "I don't think it belongs in the commodity business and I want to keep it out."

But adherence to a free market for agricultural production (the new farm law, of course, provides a farm income floor) means rejecting consumer pleas for measures to roll back prices.

"Controls on food were a disaster," Butz tells audiences seeking price ceilings. To those wishing trade embargoes to reduce domestic prices, he adds, "Controls on exports were a disaster."

In response to consumer demand, a 60-day food price freeze was imposed on July 19. July 27 embargo on foreign sales of soybeans has gradually been lifted with the approach of the harvest.

To Butz (and to many others) America's highly efficient agriculture is its trading strength—the key to the dollar's international value and the means to continue importing.

"The United States used to be a good place to buy steel," Butz said, "It isn't any more. It used to be a good place to buy automobiles. It isn't any more. To buy textiles. It isn't any more.

"It is still a good place to buy farm products. This (export of agricultural commodities) is our best major source of foreign exchange. It should be encouraged, not curtailed.

"The American public has opted to purchase a large number of things abroad. A large share of our small automobiles are made abroad. A large share of our shoes are made abroad.

"We import from a third to a fourth of our total energy and that is going to have to grow. How do we pay for it? Well, last year (Fiscal 1973) we had a net surplus in agricultural balance of trade of $5.5 billion."

FERTILIZER SHORTAGE IS CURRENT CONCERN

The department unofficially predicts farm exports up to $20 billion next year. It thinks good crops overseas will reduce demand the following year but that exports will build back to $18 billion in about three years.

Butz also is quick to observe that exports help the domestic economy, too. The department says up to 5,000 jobs are created to handle each $100 million of grain exports.

Domestically, Butz believes the big food price increase (up 17.6 percent from January through August, according to the consumer price index) is over and he predicts a slight decline for the rest of the year.

"There may be modest increases in prices at retail in 1974 chiefly because distributors will pass through non-food costs that have been going up," the secretary added.

The department's most recent 1973 forecast predicts record harvests of wheat, corn and soybeans. Wheat will be up 12 percent over last year, the second highest harvest in history.

The department foresees material increases in these harvests next year. This is a mathematical projection, however, and assumes adequate supplies despite current concern over a fertilizer shortage.

High food prices are hard on the poor. And critics of Butz and his assault on overseas markets insist that those prices are hardest on the destitute millions of the poorest nations.

Officials in private relief organizations contend that the administration has cut back its humanitarian food programs in an overzealous attempt to reduce the federal budget.

Butz answered, "Some of these people in the relief organizations have gotten to the point where relief becomes the end in itself, where their organization becomes the end in itself.

"We are continuing our humanitarian programs with food. I'm squeezing the water out of it. We are taking a hard look . . . but if they're legitimate (food requests), they're being met.

"It is a question of relative priorities. India, for example, is buying food with her precious foreign exchange reserves. This becomes top priority if you need it. They use it less wastefully and make it go further."

BUTZ: IN LONG RUN, MALTHUS WAS RIGHT

The usual counterargument is that developing countries need capitalization so desperately that using their relatively small cash accumulations for food perpetuates oppressive poverty.

In any case, Butz favors technological foreign aid: "This is one place where the United States can make a contribution; one of the great untapped production reserves is tropical agriculture."

Uncontrolled, profitable, market-oriented agriculture will adequately feed the world for the rest of the century: "We can do it through research," he said. "We can do it through capital."

But the department's well known optimism about food supply, founded largely on having survived many "crises" and years of wrestling with surpluses, is far from open-ended.

"After the year 2,000, population simply must be brought under control," Butz went on. "We can't continue to increase the world population as we are.

"In the long run Malthus was right. There can be no question about it. I think we are approaching the time when many of us are dusting off our copy of Malthus and reviewing what he said."

The Rev. Thomas R. Malthus is the pioneer English economist who predicted that growth of population would some day exceed the supply of food. In 1798, he said:

"Famine seems to the last, the most dreadful resource of nature.

"The power of population is so superior to the power in earth to produce subsistence for man that premature death must in some shape or other visit the human race."

REMARKS ON CURRENT ENERGY CRISIS

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. SHOUP. Mr. Speaker, I am deeply disturbed by recent events in Washington and their clouding of other vital issues that face our country. I agree that we must encourage thorough investigation of political wrongdoing and let the chips fall where they may. We cannot, however, afford to become so obsessed with these matters that we lose sight of priorities.

We are faced with very serious oil shortages that have been compounded by our position in the Mideast conflict. We can no longer hide our heads in the sand. We must look at this problem and begin now to provide long-term solutions.

The daily consumption of petroleum in the United States is 17,000,000 barrels. This is projected to increase by 7 to 10 percent per year. Oil and gas provide power for 75 percent of our economy and virtually all of our transportation.

I will not quarrel with our actions in the Mideast crisis but must point out the "rewards" we have accrued. Exports to the United States from Saudi Arabia have been cut by 650,000 barrels per day, Libyan oil by 200,000 barrels, Algerian by 165,000 barrels and oil from Abu Dhubi by 40,000 barrels. This totals 1,055,000 barrels daily or 6 percent of our daily consumption.

Repercussions are already being felt. Major airlines have begun to drop flights to save fuel. The administration is reviewing plans for rationing gasoline to motorists. Legislation has been proposed to impose 50 miles per hour speed limits on our hiwhways. Efforts are being made to convert oil and gas burning power-plants to coal. These do not speak well for our petroleum resource situation.

Our increasing dependence on petroleum coupled with decreasing supplies is moving us into an untenable position. Domestic sources now provide us with 75 percent of our petroleum. By 1975 demand will have moved up to 21 million barrels daily nearly half of which we will be importing. There is, of course, no guarantee that foreign suppliers will make this available.

What then are we to do? The Alaska pipeline apparently will become reality. Most optimistic timetables call for a 3-year construction period. At least 600,000 barrels per day will come through that pipeline that first year, about 3 percent of our daily needs and 1,200,000 barrels per day will be pumped for the next 4 years working up to capacity of 2 million barrels after 5 years.

All this is tied to our energy problem and while there are ways in which we can conserve fuels, this is not the answer. We can do a better job of insulating our homes, carpooling, using mass transit and smaller cars but we must also move to alternate sources of energy.

Short term considerations dictate that we move quickly to develop our domestic supplies of natural gas, petroleum and coal. These fossil fuels are in tight supply but we have only touched our offshore potential and are only now dipping into our rich western coal reserves.

When I say short term I do mean exactly that. Oil and gas are very limited and we do have other uses for coal. Coal gasification is getting a good deal of attention and again is probably necessary as a short term measure. There are objections; valid ones. The process converts one type of fuel into another type of fuel at the expense of the ultimate consumer.

More important is the need to conserve gas and coal for the petrochemical industry. Many of the products of this $20 billion a year industry are of vital importance to us. Nitrogen fertilizers are a product of the industry and are already in short supply. We simply cannot afford to expend our fossil fuel reserves on the production of energy alone.

Our energy problems will not solve themselves and there is no magic panacea for these ills. I am convinced, however, that ultimately we must harness both geothermal energy and solar energy or be relegated to second-class status economically and industrially in the community of nations.

Current estimates of geothermal energy percentage of total national electrical power capacity by the year 2000 range from a low of 1 percent to a high of better than 20 percent. The low estimate is predicated on existing technology; that generation equipment now in use in the production of electricity from the heat of the Earth. The high estimates depend on development of closed systems and effective heat exchangers for hot dry rock geothermal areas.

Solar energy can serve to supplement our electrical needs. Dr. Alfred Eggers, assistant director of the National Science Foundation's RANN—Research Applied to National Needs—program appeared before the Interior Committee in June of this year. He told the committee that work with solar energy space heating systems indicates that they can be less costly than electric heating and competitive with gas and oil in many locations. Goals for the turn of the century are 35 percent of heating and cooling, the energy equivalent of 30 percent of the Nation's gas fuel, 10 percent of the nation's liquid fuel and 20 percent of the nation's electric energy.

All this was predicted in the face of a paltry budget. What could be done with a "put a man on the Moon" budget? Consider that 25 percent of our energy usage goes into the heating and cooling of buildings. Is this not of such significance that we should now be putting forth maximum efforts to harness solar energy for this purpose?

We certainly must pursue the goals of harnessing geothermal and solar energy. Perhaps this Mideast crisis will bring on such an energy crunch that we will all be shaken out of our lethargy and will finally come to the conclusion that there is indeed an energy crisis.

We will only survive as a world leader with adequate energy. The options are now before us. Do we move to utilize clean, infinite energy sources or begin a long trip downhill by sticking with traditional supplies? They have served us well but it is surely time to move in a new direction.

WITH THIS ATTITUDE, WHY A TRIAL?

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HUNT. Mr. Speaker, the recent report by the National Advisory Commission on Criminal Justice Standards and Goals is an absolute travesty. Early in the year President Nixon laid down some hard ground rules for the direction we should be proceeding in our courts. He vigorously criticized "soft-headed" judges who show their concern for the rights of the convicted rather than those of the victim.

We do not need to travel very far to see leniency on the bench in action. Last week, right in Fairfax County, Va., young Natasha Semler was found murdered. Natasha Semler would probably be alive today if her murderer had not received a clean bill of mental health by psychiatrists, who for the most part are more wrong than right half the time, and an OK by an equally "soft headed" judge. The murderer had already been arrested in the attempted murder of another 14-year-old girl just a couple of years ago, at the same place, the Madeira School in Fairfax County, Va.

I am sick, tired, and outraged every time I have to pick up the paper and read these horror stories. The degree of incompetence shown by the doctors and the judge is truly nonprofessional, in fact, it is repulsive.

If we cannot get these people to abide in a way that is beneficial to the majority of our society, then perhaps we should lay down laws which would incriminate, and hold them responsible for further crimes committed by those whom they have previously sentenced. There is no longer any excuse for any of us to feel remorse for the criminal. He should be locked up and kept locked up, if he has murdered, we can get the death penalty restored.

There is no need any longer to kid ourselves that millions and millions of dollars for rehabilitation programs are going to rid our society of wrongdoers. It is perhaps more appropriate to build more prisons, to accommodate those who are society's misfits.

Mr. Speaker, while our interest and revulsion is still running high over Natasha's violent death, I want to bring the following article, from the Columbus Evening Dispatch to the attention of my colleagues, and pray that each and every one sees it for what it really is. We do not need more tombstones with the names of young persons on them, we need more cell doors, with numbers on them, locked permanently.

The article follows:

EDITORIAL HITS COMMISSION REPORT

It must be startingly shocking for a crime victim to read of the concern expressed for felons by a National Advisory Commission on Criminal Justice Standards and Goals and then to learn he has been ignored by the $1.75 million report.

The report clashes head-on with recent declaration of President Nixon who is urging a tougher federal criminal code.

Mr. Nixon exclaimed: "The time has come for soft-headed judges and probation officers to show as much concern for the rights of innocent victims of crime as they do for the rights of convicted criminals."

Most criminals should be treated as leniently as possible, asserted the commissioners who apparently never have been victims of a robbery, mugging or theft of valuables.

Prisons, they added, should be reserved for only hard core criminals and many offenders should go free with not more punishment than arrest and trial. We might question: With this attitude, why trial?

If a person works hard, he merits the rewards of his endeavor. Likewise, if he violates the laws governing man, he then merits the punishment demanded by justice.

The permissiveness advocated by the report not only is shocking but dangerous. One of the main reasons for incarceration is to protect society—those who live by the law—from those who respect neither the spirit nor the letter of the law.

We urge the president, the police and judges to continue the pursuit of justice based on the all-important merits. Protection of the potential victims of crime should be tantamount. Criminal reform should not be an unbridled, irresponsible permissiveness.

TRIBUTE TO ABE KOFMAN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. STARK. Mr. Speaker, on November 8, 1973, I will have the opportunity to pay tribute to one of the most outstanding citizens of California's Eighth Congressional District, Abe Kofman. On that night many of his friends will gather to recognize this man and his good works. Mr. Kofman, a newspaper publisher and loyal Democrat, began his career at age 16 as a publisher's representative in Brockton, Mass. He learned the newspaper business well and in 1939 moved to Alameda, Calif., where he purchased the Times-Star, the newspaper he operates today.

Mr. Kofman has compiled a personal history of accomplishments which command the respect of all who know him. The list is long: California State highway commissioner; past chancellor commander, Knights of Pythias; past president of Oakland Lodge B'nai B'rith; past president, Alameda-Contra Costa Counties, Jewish Welfare Federation; honorary member, Junior Chamber of Commerce of Alameda and San Leandro; recipient of Eagles, National John Peter Zenger Freedom of the Press Award; member of American Bicentennial Commission; recipient of resolution of commendation from the State Assembly for his distinguished public service; member of Elks and Masons.

Winner of distinguished service awards from Japanese-American Citizens League, March of Dimes, Lions Club, Boy Scouts, Girl Scouts, PTA, U.S. Navy, Marines, Coast Guard, United Crusade, U.S. Post Office, Jewish Welfare Federation, Veterans of Foreign Wars, Red Cross, Alameda Boys Club, and Alameda Chamber of Commerce.

He also found time for active participation in citizen politics, and was named alternate delegate to the 1960 Democratic National Convention.

Mr. Kofman and his wife, Sara, have three sons, Morton, Stephen, and Kenneth, and eight grandchildren. Ken and Mort have joined their father in operating the newspaper and Stephen is a successful businessman.

Mr. Kofman takes an active hand in the operation of the Times-Star and has become locally famous for his regular page 1 column, "From My Notebook."

In summary, the description that immediately comes to mind when I think of Abe Kofman is a man of shrewd political wisdom, a tough competitor, a sincere and fair human being. I am proud to call Abe Kofman my friend. I know my colleagues in the House will want to join me in honoring him.

JEAN ERB NAMED WOMAN OF THE YEAR

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. DE LUGO. Mr. Speaker, in recognition of her exceptional contributions to the St. John's community, Mrs. Jean Erb has been named as Woman of the Year by the Business and Professional Women's Club of St. John, Virgin Islands.

I am pleased to place in the RECORD an article from the Daily News describing some of Mrs. Erb's many activities which won her this honor. In these times of domestic stress, it is reassuring to learn of the selfless devotion on the part of our citizens such as Mrs. Erb who are contributing so much to our social well-being.

The article follows:

JEAN ERB, ST. JOHN WOMAN OF THE YEAR

The Business & Professional Womens Club of St. John has chosen Mrs. Jean Erb as "Woman Of The Year." Mrs. Erb was selected for this honor in recognition of her personal, voluntary services to the needy, sick, shut-ins, senior citizens and physically-handicapped of the community.

Mrs. Erb was born in Allentown, Pa., and received an education in the field of Social Services, which apparently accounts for her avid interest in social welfare work.

She has been residing at Caneel Bay, St. John, for over seven years, and has been active in making home visits, helping in personal or family crises, helping persons on St. John to get the services offered (Federal & Local) which they need, and to which they are entitled.

She also cooperated with volunteer and other organizations on St. John and government agencies to make their projects successful—such as Glaucoma Drive, Talking Books-Braille, and furnishing transportation to and from the Clinic, etc.

She is associated with the following organizations: Helping Hands, which she organized 3½ years ago; and which has been very helpful to those in need; The League of Women Voters introduced to St. John through her initiative; and the V.I. Conservative Society.

"She has shown interest in all community problems, is always willing to work toward assisting to solve them, and has proven to be very civic-minded.

"In naming Mrs. Erb as "Woman of the Year", the club is expressing to her the community's appreciation for the dedicated public service," a spokesman for the club said.

The club will hold buffet dinner at The Mill at Caneel Bay, on Sunday evening, to honor the "Woman of the Year," and "Woman of Achievement," Mrs. Dolores Williams.

ON THE ARAB OIL BOYCOTT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BINGHAM. Mr. Speaker, as the editorial below eloquently argues, the message of the Arab oil boycott is clear. First it represents a challenge to the United States not to capitulate to blackmail in its support for a beleaguered Israel. Second, and perhaps more telling, the boycott demonstrates the need for this country to become energy independent.

The editorial, which appeared in today's edition of the Wall Street Journal, follows:

TO WHAT END?

The Arab oil boycott is proving to have more immediate impact than many of us expected, as Ray Vicker reports on this page today. The production cutback will mean inconvenience for the United States and quite possibly real suffering for Europe and Japan. Whether it will gain anything for the Arabs, though, is quite another matter.

The Arab world, for all its oil, is a collection of poor and backward states. The United States remains the strongest nation on earth, dependent on the Middle East for just a small fraction of its lush energy consumption. Do the Arabs really believe they can dictate American foreign policy? Do they believe there is any sort of boycott that would force the United States to stand aside as Israel is thrown into the sea, with all the memories of Auschwitz and Buchenwald that would evoke? And if not this, precisely what is the boycott supposed to accomplish?

The good offices of the United States have all along been available, after all, for a compromise settlement to the Arab-Israeli dispute. No doubt the oil weapon gives the Arabs more diplomatic leverage in shaping any compromise, but this works only so far. When Arabs terrorize airliners and shoot up the Olympics it can be dismissed as an act of an irrational fringe, but it is not so easy for the world to excuse the heads of government who gather to decide to punish the citizens of Europe and Japan in the hope of winning concessions from the United States. Unless the Arabs are going to mortgage their souls to the Soviet Union, they need a certain amount of help, cooperation and goodwill from Europe and Japan.

If this showdown had to come, as we said previously, it is just as well it comes now, before the United States is heavily dependent on Middle Eastern oil. We still fail to see any reason the United States cannot weather the crisis, though it has to find the cohesion for planning and the will to suffer inconveniences. But it is worth inconvenience to maintain the ability to resist unreasonable demands in foreign policy.

Perhaps Secretary of State Kissinger will be able to work his negotiator's magic on his current Middle Eastern trip, and the crisis can somehow be resolved. The Arabs are smart enough to recognize the limits to their current policy. We suspect that many of the oil producers would like to return to business as normal, though of course with higher prices. As the latest round of emotionalism subsides, their economic interests will prevail.

But for the longer term, the message of the boycott is clear enough. The United States has to get started with fuel conservation and further energy development, which of necessity will concentrate on the development of its vast coal reserves. If we wish to remain an independent power in the world, dependence on Arab oil is a luxury we cannot afford.

THE LANSCO CORP.

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. MURPHY of New York. Mr. Speaker, one of the major problems facing New York City and other large urban centers in our Nation today is the battle to retain large businesses and leading corporations in those communities.

Indeed, the survival of the cities is dependent in large measure on those corporations staying in those cities. They are the root of the cities' economy; they mean jobs; they mean tax revenues; and they mean stabilization.

In light of this situation, one commercial leasing company, the Lansco Corp., has been making innovative moves to keep corporations in the cities, by striving for harmony between building owners and their corporate tenants.

The Lansco Corp., a New York-based firm, has taken surveys among both owners and tenants to determine exactly the special needs of each group. In negotiating leases, they have used this information to conclude leases that are satisfactory to both.

With the premise in mind that neither owner nor tenant can live happily in the cities without the other, Lansco has pressed in their negotiations to make both sides happy. They have pointed out to their tenant clients that owners are faced with rising expenses that must be taken into consideration by the firms moving into their buildings.

Likewise, they have spelled out to owners that tenants have rights that must be respected and that tenant demands for proper elevator service, air conditioning, and good building maintenance are not exaggerated requests.

They have called upon suburban leaders to recognize that the future of their own communities are dependent on the future of the large cities—that if the cities fail, then so will the economy of the suburbs surrounding those cities.

They have striven in their negotiations to persuade a tenant's attorney and broker to work together, rather than against each other which, too often, has been the case in the past.

They have produced in New York City a give-and-take atmosphere in working to reach agreement in leases.

The leases—both long and short term—that they have negotiated show that their system of compromise has worked. By letting both owners and tenants know there are two sides to every story and every coin, they have made an important contribution to the effort to keep corporations based in New York under happy circumstances—happy to both the building owner and to the corporate tenant who have signed the lease. I think the Lansco Corp. should be commended for its spirit of seeking equity in their business to all parties concerned in their transactions.

MRS. FRANK W. BOYD

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. SEBELIUS. Mr. Speaker, last week my good friend and colleague, the Honorable GARNER E. SHRIVER, placed in the RECORD a tribute to Mrs. Mamie Alexander Boyd. Congressman SHRIVER correctly and eloquently described Mrs. Boyd as the "patron saint" or perhaps the "matriarch" of Kansas and commended to the attention of my colleagues three editorial tributes to her memory.

I should like to join my colleague in paying tribute to "Mamie" with an article written by her son, McDill "Huck" Boyd. Mr. Boyd writes about the life of his mother in a manner that I feel has meaning for all of us. The following article is a modest account of the life of the most widely known and loved woman in Kansas during the past century:

[From the Jewell County Record and the Phillipsburg County Review, October 18, 1973]

MRS. FRANK W. BOYD

After 96 years on this earth, a bright spirit flickered out early Monday morning, Oct. 15, when Mrs. Frank W. "Mamie" Boyd died quietly in her sleep.

She had entered St. Joseph's hospital in Concordia three weeks earlier following a congestive heart attack, and while her strength had gradually ebbed away, she had remained alert. Sunday, she enjoyed visiting family and friends, and sat up in a chair in her hospital room for a brief period Sunday night. As I said good night long after visiting hours, a soft smile crossed her face. Three hours later she slipped away.

Mamie Alexander Boyd, daughter of Joseph and Hester Alexander, was born on a farm near Humboldt, Kan., Dec. 13, 1876. Most of her girlhood was spent on a farm near Welda, and she worked for her board and room to go to school in Garnett. She soon earned a teacher's certificate; then sold her heifer calf for $17.50, found a job at Manhattan and enrolled at Kansas State Agricultural College.

There she met Frank W. Boyd, who was also working his way through college in the printing office, and they started "keeping company." In caring for a roommate, who died of consumption, Mamie contracted the disease herself, and following graduation in 1902, went to Colorado to recuperate. Mr. Boyd finally convinced her she could get well just as fast in Phillipsburg, where he had entered the newspaper business in 1904, and they were married Aug. 15, 1905.

To this union, two sons were born: McDill and F. W. Boyd, Jr. As they matured in newspaper surroundings, both entered the family partnership, one which has been continued throughout the intervening years. It was first broken in 1947 when F. W. Boyd, Sr., passed away; and again July 15, 1972, upon the death of F. W. Boyd, Jr.

And Mamie Boyd was an active partner. When her first-born was old enough to trundle around in a baby buggy, she was "gathering news"—and throughout her long and active life, "made her rounds", wrote her columns, and won wide acclaim as one of the best-known newspaperwomen of her generation.

Her awards are legion. Her activities are legendary, but I will remember her best for her sincere interest in people and her pride in her family.

Before I was old enough to go to school, she was teaching girls how to cook and to sew in a volunteer class that met in her home after school. She simply felt that every girl should have some homemaking skills, and no such courses were offered in high school at that time. "Wayward girls" on parole, found a "half-way house" in the Boyd home.

As the family grew, the front yard was cluttered with jumping standards and pits. Neighborhood boys were welcome. When the weather was inclement, our front room carpet was available to marble players; and the big couch in the corner was pressed into service for fledgling football players learning to block. The fringe on the carpet and the frame of the couch paid a fearful penalty, but kids had a warm welcome.

When it was basketball tournament time, Mamie "kept" a team, putting pallets on the floor. When it was game time for the Sunday School basketball team, the big old 7-passenger Paige would accommodate them all.

When World War I came along, Mamie organized a Red Cross knitting class, and for many years afterwards, her nimble fingers were seldom still—making garments to give away. When one of the ladies of the community who "took in" washing for a living became ill, I was pressed into service to pump water from the cistern. Mother did the washing for her so she wouldn't lose her customers.

She really cared about people.

She organized one of the first study clubs in Phillipsburg; was president of the first BPW club when it sponsored the first city library and was a member of the Library Board for many years. She was a member of the first State Crippled Children's commission; and a charter member of the first Tuberculosis Association in Kansas.

She did things for people.

In 1927, when I was in college, two Phillipsburg banks "went broke" within a single week. I hitchhiked home to see how much damage had been done to the family fortuntes. Dad said "don't worry about it. We'll get along"; and Mother said: "We want you to stay in school." Pressed for a more definite answer, she admitted that between the two of them, they had $6.30—so I stayed home.

Everything had gone down the drain. It was necessary to let the printers go. There was no money to pay wages. Dad set the ads, I set the type, Mother got the news, and between us, we got the paper out, with an assist from brother Bus, who was still in high school.

Throughout all of this distressing financial period, there was never a word of complaint, of discontent. Mother was just happy to be working and to have the family together. When Bus and I were married, we were fortunate to choose girls who fit into this mold, and they became capable newspaper people in their own right.

In 1939, the newspaper operation expanded and F. W. Boyd, Jr., became editor of the Jewell County Record at Mankato. When he joined the Navy, Mr. and Mrs. Frank Boyd assumed management and Mrs. Boyd was associate editor from 1947 until her death and wrote a widely quoted column, "Mainstreet." She was active in chamber of commerce work, a member of the Modern Minerva club and an honorary member of the junior Clio club, V.F.W. Auxiliary, American Legion Auxiliary, D.A.R. and Daughters of the War of 1812.

Mother's most difficult period of adjustment came following the death of her lifelong companion. "Work and travel were my only salvation" she wrote in her autobiography, published in book form when she was 95. But her philosophy was strengthened and she was able to survive the heartbreak of the death of her younger son 15 months ago with surprising inner strength.

Since that time, Mrs. F. W. Boyd, Jr., has edited the Record. Bob Boyd and Jim Logback edit the Hill City Times, Dick Boyd edits the Norton Daily Telegram.

Mother continued to drive her little car, "Pepper" until February of this year, when concern for her safety was voiced by the highway patrol. She was called upon to take a driver's license examination. Her eyesight was failing, and the examiner, with reluctance, decided that it was time for her to surrender her license. She shrunk back: "That will be the end of me," she said, and he relented: "I'll let you keep your license, but you must have a qualified driver in the seat by you at all times."

She was content. She still had her license. But she was smart, too, and never again sat behind the wheel of her little car. She continued her work at the Jewell County Record office, answering the phone, writing copy, taking subscriptions, up until the final day before her hospitalization when she attended the K-State football game at Manhattan.

An avid, sports fan, she had held an honorary chair in "football surveillance" in the President's box at the K-State stadium for 20 years, and a special seat on the floor of the fieldhouse for basketball games. She had been an inadvertent TV star during sports broadcasts time and time again, as the "little lady" caught the roving eye of a camera.

As awards and recognition came her way, she retained a basic humility. She had walked with the mighty; she had worked with the poor, and "had learned as much from one as from the other." She had always regarded herself an "ugly duckling", a throwback to the days when she was known among schoolmates as "Alexander, the mule skinner." When people heaped praise upon her for accomplishments, she would respond: "I've just lived longer than most."

Along the way, she was president of the Women's Kansas Day Club; president of the Native Daughters of Kansas; president of the Kansas Authors' Club; organizer and first president of the Kansas Press Women; first woman president of the Kansas State Alumni Association; and editor of the "Kansas Presswoman" and "National Presswoman."

She was chosen "Kansan of the Year" in 1959; Boyd Hall, a women's dormitory at K-State was named in her honor in 1960. She was presented the distinguished service award in journalism at K-State in 1957; and won the William Allen White Award for Journalistic Merit in 1967. In 1966, she was the first recipient of the Emma C. McKinney award, given annually to the most outstanding woman journalist among non-metropolitan newspapers by the National Newspaper Association. In 1968, she was named "Woman of Achievement" by the National Presswomen's Association. She was named "Kansas Mother of the Year" in 1965.

At 92, she won first place in column writing (Division 3) in the Kansas Better Newspaper contest; and at 95 she published her book: "Rode A Heifer Calf Through College," an achievement given special recognition with a bronze plaque at the annaual meeting of the Kansas Authors' Club held a week before her death.

She was a member of state advisory boards and commissions under five state administrations—Kansas State Park Board; State Textbook Commission; State Advisory Commission on Institutional Management; and Committee on Status of Women.

She was a member of the Phillipsburg Presbyterian church, Cultus, Domestic Science and B.P.W. clubs, organizer and first president of chapter BE of P.E.O.; past president Sixth District Kansas Federation of Women's Clubs; past president of the Northwest Kansas Association of University Women; and one of three winners of gold medallions for 50 years of newspaper service, presented by Theta Sigma Phi, honorary journalism society for women.

The list is virtually endless, carrying out the theme of her life, as best described in the creed of the White Horse Knight, which hangs on the wall of her office:

"I shall pass this way but once. Therefore any good deed that I can do, or any kindness that I can show to any human being, let me do it now, and not defer it for I shall not pass this way again."

Let that be her epitaph. The world was just a little bit better because she was here.

She is survived by her son, McDill and his wife, Marie of Phillipsburg; their two daughters, Mrs. Patricia Hiss of Albuquerque, N. Mex., and Mrs. Marcia Krauss of Grand Junction, Colo., and their families; her daughter-in-law, Mrs. F. W. Boyd, Jr., of Mankato and her family: Robert A. Boyd, Hill City; Richard D. Boyd, Norton; Mrs. Frances Logback, Hill City, and their families and Betty Boyd, Silver Spring, Md., and 12 great grandchildren; two sisters, Mrs. Winifred Smies, Courtland; and Mrs. Howard George, McCune, Kans.

Memorial services will be conducted at the Methodist church in Mankato at 10:30 Thursday morning and at the Presbyterian church in Phillipsburg at 2:30 Thursday afternoon. Interment will be at Fairview Cemetery in the family plot.

THE TALK OF IMPEACHMENT IS UNFORTUNATE

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. WYLIE. Mr. Speaker, the impression is widespread that all segments of the news media are calling for the resignation or impeachment of the President. On October 23, the radio station with the largest listening audience in my district—WTVN—aired an editorial which I commend to my colleagues.

The Talk of Impeachment Is Unfortunate

President Nixon's weekend decisions on Archibald Cox and William Ruckelshaus came as another surprise chapter in the endless story begun with the now-infamous Watergate breakin.

Now, talk of impeaching President Nixon has sprung up in Congress, mostly from its liberal members. All of this talk is unfortunate.

Impeachment is considered when Congress suspects the President, as the Constitution puts it, "of high crimes and misdemeanors." We believe at this time that a move toward impeachment proceedings against President Nixon would be a grave mistake. Whether or not you agree with what the President did this past weekend, he had every right to do it.

It is now up to Congress and the courts to proceed with their duties in the Watergate affair in an intelligent manner and with foresight to their responsibilities.

FINAL RESULTS OF THE 1973 BAKER OPINION POLL

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BAKER. Mr. Speaker, with the help of many volunteers, my staff and I have been able to complete the tabulation of the opinion poll mailed to my constituents earlier this year. I respectfully direct the attention of my colleagues to the position of the residents of the Third District of Tennessee have taken on a wide-ranging selection of major issues including food stamps for strikers, mandatory wage and price controls, aid to North Vietnam, amnesty, the death penalty, impoundment of funds, right to work, increase in taxes, and other issues.

I think that they will find it significant, as I have, that there are overwhelming majorities against food stamps for strikers, aid to North Vietnam, amnesty for draft evaders, and a tax increase to keep Federal programs alive.

Third District voters are just as strong in their views for selectively reinstating the death penalty, for protecting the legal right to work, and for asking newsmen to reveal their sources under certain circumstances.

On the question of return to mandatory wage and price controls, the vote was 56 percent in favor and 44 percent opposed. On whether the Watergate issue is a reflection on the integrity of the President, 55 percent voted "yes" with 45 percent registering "no." The votes were evenly divided on whether a disaster fund should be established by placing a surcharge on casualty insurance premiums—49 percent voted "yes"; 51 percent "no." The vote on the question of fairness in the news media shows that only 33 percent feel that newspapers and TV fairly represent all sides on most news issues.

Mr. Speaker, I am grateful for the response to my 1973 opinion poll questionnaire. These expressions of opinion are not only helpful to me in my consideration of these issues, but they are also helpful to those whose business it is to check the barometers of public opinion. I insert the final results of this poll at this point in the RECORD. The questions and the yes-and-no percentages on each of them follow:

FINAL RESULTS OF LAMAR BAKER OPINION POLL QUESTIONNAIRE FOR 1973

[All in percent]

1. Should strikers be eligible to receive food stamps?

Yes	20
No	80

2. Should we return to mandatory wage and price controls on all goods and services?

Yes	56
No	44

3. Would you favor U.S. assistance in rebuilding North Vietnam?

Yes	10
No	90

4. Would you support establishing some conditions whereby amnesty could be extended to draft evaders?

Yes	18
No	82

5. Should the death penalty be selectively reinstated?

Yes	86
No	14

6. Do you consider the Watergate incident a reflection on the President's integrity?

Yes	55
No	45

7. Would you favor establishing a disaster fund financed by a surcharge on casualty insurance premiums plus a federal contribution?

Yes	49
No	51

8. Should a newsman be required to reveal the sources of his published statements where slander is involved?

Yes	65
No	35

9. Do you consider newspapers and TV as fairly representing all sides of most news issues?

Yes	33
No	67

10. Should a non-union worker have a legal right to work on a job even though a majority of the workers have voted for a closed shop?

Yes	67
No	33

11. President Nixon has withheld funds which might terminate a number of federal social service programs. Do you approve of this action?

Yes	71
No	29

12. Would you be willing to pay more taxes to keep all our federal programs intact without increasing the federal deficit?

Yes	13
No	87

FRANK MENSEL DISCUSSES "PERSONNEL—THE AWAKENING CAMPUS PRIORITY"

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. O'HARA. Mr. Speaker, a well-known spokesman for higher education, R. Frank Mensel, recently has taken on a new challenge. Many of us in Congress came to know him in the 5 years that he ably headed Federal liaison for the 2-year colleges, in his capacity as vice president for governmental affairs of the American Association of Community & Junior Colleges, and in his equally vital role as president of the Committee for Full Funding.

Mr. Mensel now is the executive director of the College & University Personnel Association—CUPA. In a recent address to the annual meeting of CUPA in Knoxville, Tenn., he explained that he has taken on this challenge out of his conviction that personnel decisions and personnel standards will be increasingly vital to the progress of higher education. He voices the concern that personnel development could well be a key to some of the difficulties confronting higher education today. Faculty alone is not the answer to the colleges' leadership needs. By greater emphasis on personnel and management functions, on manpower planning and staff development, the colleges can improve their capacity to deal with new and changing needs. I insert Mr. Mensel's remarks in the RECORD:

A NEWCOMER HOOKS AT CUPA

(By R. Frank Mensel, Executive Director, CUPA)

At this point, barely three months into the job, I am still more an outsider than an insider to CUPA. This convention has been my first opportunity to meet a broad cross-section of the constituency—outside the Board itself. The plunge is proving delightful and enlightening indeed!

I want to get my early impressions on the record for several reasons: for review and comparison later on—after I've gotten much deeper into what I hope will be a long and productive affiliation. A sort of taking of stock—of things as I see them at the point of just having landed in the middle.

I have seen educational enterprise from many sides. From a university public relations unit that was then based right in the President's suite. From a working seat among the performing arts. From Capitol Hill, and most recently, from the lobbyist's role with a great association of colleges.

One of my lasting impressions of the enterprise is that we as educators—like the insiders of most large and rather in-bred vested interests—have a hard time viewing ourselves as outsiders see us. So I want to make a conscious effort to keep a larger perspective, and hopefully to see our work as the grassroots and the public might see us.

Hopefully, these early impressions will also give us some targets. Things we can all be shooting at. And please feel free to take some shots at me. I very much need your help in directing and redirecting our efforts.

I took this job early out of the desire to contribute to a cause I think has massive potential for higher education.

I took this job because I believe the personnel function looms increasingly large to the future and the progress of higher education. And, I am tempted to say—to its survival.

I see two great dimensions to the expansion of your role. The one probably giving you the most pressure right now centers on federal standards. Right? The individual safeguards that were bound one day to flow from constitutional roots.

As you sweat these standards through in your own shops, I hope you can see and grasp the added measure of stature they give your function. Suddenly you emerge—or should emerge—as the resident expert on affirmative action, equal pay, labor relations, human rights, safety and health standards.

The second dimension I see as still larger

. . . the function of adviser and broker (I use the word advisedly) of human resources.

In all the progress, technology and complexity that the campus has helped to generate, the operation itself grows more and more complicated. The college must search harder for identity and mission. It must start with a complete rundown of its own resources. Above all else, that means the human resources. I don't mean faculty alone. And I don't mean faculty first, and staff second.

I wish I had time to tell you how much I think higher education has hurt itself historically by such a double standard, or internal caste system. I only think that you—at least some of you—have hurt yourselves by accepting that system. The human resource managers, the personnel leadership, should be the last to accept it. And any who accept it now are, I feel, a party to further institutional crisis and possible decline.

I hope each of us can take a more global view of our work, and develop an understanding of just how much our campus and the community need our human resources leadership.

These are the most troubled days higher education has faced in a long time.

Many of its problems—perhaps nearly all—trace in whole or in part to staffing needs, or management gaps. Some of the problems could be less acute, others might never have arisen, if the institutions had given more attention to staff selection and development, and to organization and management. Challenges and crises crowding our schools today that might have been blunted by better manpower planning and staffing include, to name a few—

Community relations and student tension (image or credibility gaps).

Budget squeezes (the support gaps).

Faculty unrest and unionization.

Compliance pressures on federal standards, including affirmative action, equal pay, safety and health.

My list is hardly inclusive. Each of you could add a score of your own problems. Each of you ought to have such a list, and you ought to ponder very carefully the personnel needed to handle each problem.

It is my conviction that, solicited or unsolicited, you should be running personnel projections on some of these obvious needs for your administration. Perhaps it's the purist instincts of the profession, but I think educators often think they should wait to be asked to do a job that obviously belongs in their hands.

If the personnel administrators would fly in the face of some of the campus drift they see around them, they would win peer rank in the system, and achieve the recognition long overdue for our function, far faster than we ever will by turning out scholarly publications.

One of the ironies I bump into all too often in higher education is that tendency, when thinking of development, to think first of outside resources. Of federal grants. Or contracts with industry. Or alumni gifts. Or foundations.

The first and foremost resource of any college—always has been and always will be—is its own people. The human resources! And I mean the total manpower—staff, faculty, and administration. When the institution builds a development plan, or thinks of new projects, that is the first ingredient it should catalog.

And you, the personnel administrator, should be front and center with that contribution.

A related tendency that often hurts higher education is that of waiting to reshape programs, or offer new services, until new resources are first in hand. You can spot it when someone says, "we could do that, *if* we just had a grant." On most campuses there is not enough concerted effort to spell out and map out the service mission of the institution, then fix goals, priorities, and deadlines.

We wait on outside gifts to start something important. If the priority is high, then we ought to drop lesser priorities, and restructure resources in-house to make it go. Staff development might be such a priority.

Surely you can help build the priority-making and decision-making processes in your institution. As I've already stressed, we can't afford to have our institutions take us for granted. More important, *they* can't afford it.

Please understand I am not unaware of some of the booby-traps in these ideas. There will be those who will resent our filling vacuums—though they would never raise a hand to fill them. And we may bump heads in a few places, or step on a corn now and then.

We can help each other. That's why we're here.

It bothers me that CUPA's membership is as small as it is. Not because I shrink at the building job ahead. But because again it may be symptomatic of self-image—of attitudes.

If only every other institution and its personnel staff belong to the primary national network in the campus personnel field, then at least some personnel leaders must still be asking themselves, "Does the personnel function have—do I have—a place in national affairs?" My answer, and yours, is an emphatic yes.

One target then is more converts. Membership growth, and service growth, can only go hand in hand. A couple of yardsticks come quickly to mind.

With some 1,200 two-year colleges flourishing in the land, why do only 105 belong to CUPA? If there ever was and is an institution where the staffing development, the human resources . . . the personnel function . . . is the very soul of the operation, it is the community college.

If a service like the College Entrance Examination Board, whose leadership and program I incidentally very much admire, yet whose work focuses essentially on student standards and testing functions, can enroll some 1,800 institutional members, then surely the personnel leadership can do at least as well.

My personal goal for 1975–76 is 1,500 members. We're pushing 900 right now as against 833 last year. As we move to 1,500 and on to 2,000, we'll more than double our present staff. Triple it in fact. And we'll then have our own in-house faculty on some of the pressures that pinch us most—labor relations; federal standards; new legislation, etc.

A tiny crew of four in the Washington office can't make the push alone. I think every State ought to have a CUPA chapter. I don't say this idly. To help, I would like to get every State in the span of the next two years. In other words, I will try to respond to every invitation that offers a gathering of your personnel leadership—whether it be the annual meeting of a chapter, a meeting to form a chapter, or simply some annual social, luncheon or dinner that draws our clan together.

I believe it is as much in the interest of your own communications, and professional development, as in the interest of CUPA growth, that you promote such gatherings.

Some of our friends in the Pacific Northwest are pushing the idea of a new CUPA region there, and we will give them all the help we can.

Not only do we want to gear this annual International Conference more heavily to issues, work, and expert people, I want to encourage the same thrust in the regional meetings. I think we can be a resource to you in these programs. Certainly that is one of our functions as a Washington base. We'll track the best talent available, if you simply ask us to help.

I can't tell you entirely where or how far we'll go with our seminar series. I just don't think a tiny staff can quite carry all the pieces (faculty, materials, promotion, etc.) of 24 seminars in one season—but that's the camel we're riding right now. Of course, in some, the registration may not prove sufficient to do them at all. But I'll tell you this—we'll go just as far as your needs demand.

Your board is taking a strong interest in some new directions. We'd like to be more flexible in our seminar programming, and try perhaps some variations like these:

The present three-day format for the intensive, in-depth seminars compressed into two days. Maybe start Sunday night, informally, as we do now, then go hard Monday and Tuesday rather than stretch through Monday, Tuesday and Wednesday.

Intensive, single-issue, one-day seminars, at a much lower fee. Drive-in seminars, so to speak—likely geared chiefly to state or metropolitan groups. Of course, this kind of treatment might also be adaptable to the regional meetings.

I see these largely as custom workshops that in effect *you* design. You call us and tell us what's worrying your group—and we bring you the best experts in the land on that problem.

Incidentally, your responses to our recent membership needs survey clearly show that the one-day shot, the drive-in workshop is something a lot of you would like us to try.

There's another workshop we want to try this year. And your Board has given us the green-light. It will be a national workshop, hopefully next spring—on federal standards and national trends.

It would be a two-day, or two-and-a-half day affair. The panels would run in depth, and would be repeated, so that you as audience can rotate to cover your key concerns. The panels would give you a direct crack at the highest authorities in the land in these critical areas—equal pay, affirmative action, safety and health, unemployment compensation, manpower planning, impending legislation.

We can do it for a modest registration, perhaps $50. And that would include two luncheons. We can do it because we would expect a substantial turnout, and also because many of our experts are right there in the federal agencies. You could bring along some of your top administrators who badly need schooling on these issues.

There are other development possibilities the Board, and the Long-Range Planning Committee, want to look at.

We hope foundation help can be found to help CUPA build a personnel development institute, to tackle the broad staff development challenges we've talked about.

Such an institute potentially could evolve into several centers. One perhaps in Washington, D.C. focusing on the national goals and the national standards impacting institutions. Another geared to the special staffing problems and training needs of senior colleges. Another keyed to the needs of community colleges. They could build intensive one- and two-week courses for renewal and improvement of personnel officers and other professional staff.

The Board likes, too, the idea of a CUPA National Advisory Council, to help the Association develop projects of this kind, and to help bring the management strength of industry and the community to bear on campus problems.

We need to explore thoroughly the Intergovernmental Personnel Act. Campus leaders hardly begin to participate as broadly as they should in the kinds of personnel exchanges that offer management experience in another setting. This great Act is intended to foster just such professional growth.

These are just a few of the prospects and the challenges we want to close ranks with you in pursuing. We can't let personnel play a back-seat role—and still meet the tests that now confront higher education. The possibilities ahead are great. That goes for all of us. Give us your ideas. I think you can see that I am excited at the prospects, and happy to be on board.

AN EDUCATOR'S VIEW OF FEDERAL EDUCATIONAL ASSISTANCE

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HUBER. Mr. Speaker, recently in the mail, I received a pamphlet from the National Advisory Council on Supplementary Centers and Services entitled "Innovative Education Practices." This booklet lists a number of projects that have been developed under the auspices of title III of the Elementary and Secondary Education Act of 1965. Since the House Education and Labor Committee, on which I serve, is presently marking up the bill to extend this program, I thought it would be worthwhile to bring to the attention of my colleagues some of the activities that are being supported by the Federal tax dollar.

After one has seen what some of these projects are, one is inclined to wonder what will be gained by the further Federal financing of elementary and secondary education. Senator George McGovern recently sent me a critique on Federal educational assistance prepared by T. C. Tollefson, director of secondary education, Sioux Falls Independent School District, Sioux Falls, S. Dak. Although Mr. Tollefson believes in Federal funding on a much larger scale—a point with which I disagree—he also believes, as do I, that the thrust of Federal funding must be drastically altered to be effective. Mr. Tollefson, in his study, asks, "Who has benefited from Federal funding; that is, of education—during the past 14 years?" His answers are worth noting. As Mr. Tollefson puts it, those who have gained the most are those who were added to the payrolls of HEW, universities, colleges, and school systems to write, review, and evaluate proposals; teachers who received subsidized education; those who were added to the payrolls of school districts as aides, extra teachers, clerks; those who worked on summer projects generated by Federal funds; science and language laboratory furniture companies and many others who are enumerated in the article that follows.

Mr. Tollefson then presents his ideas on the best solution to ESEA funding. Since the first part of his report, however, raises some excellent points about what has already transpired with Federal funding, I would like to insert it in the Record for the serious consideration of my colleagues. This, together with the listing of some various ESEA title III programs certainly must give one pause as to the benefits of extending this legislation:

A Critique of 14 Years of Federal Funding for Elementary and Secondary Schools and a Proposal for an Improved Method of Funding

The title of this piece and what follows should not be interpreted as a diatribe against Federal funding. I believe in Federal funding at a much larger scale than is now, or has been, practiced; but I also believe the thrust of Federal funding needs to be altered drastically to be effective.

I wish in no way to detract from the many fine Federally funded projects that have been executed, but it is important to remember that the results of these projects have not entered the educational mainstream.

Since 1959 the Federal government has helped fund elementary and secondary education.

A. Because of certain historic events, legislation was enacted to improve the teaching of science, mathematics, and modern foreign languages.

B. Later legislation was enacted to provide funds for teaching "disadvantaged" children, both those in school and those not yet of traditional school age.

C. Funds were made available to improve libraries and classroom materials and equipment in certain academic areas.

D. More funding was made available for "innovative" projects and to help State Departments of Education hire additional staff to provide more "services" and to help decide which "innovative" proposals to fund.

E. More recently, the Congress has provided funds for such diverse areas as:

1. Guidance.
2. Handicapped.
3. Career education.
4. "Drug" education.
5. Humanities.
6. Etc., etc.

WHAT HAVE THESE FUNDINGS ACCOMPLISHED?

Do research data exist that demonstrate on a large scale:

A. Improved teaching?

B. Improved learning?

C. A more intelligent, humane, and informed citizenry?

D. More interest and higher achievement in science, mathematics, or foreign languages?

E. More "innovative" approaches to teaching and learning throughout the U.S.?

F. More attention to individual differences, especially to very talented, highly motivated and extremely intelligent young people?

G. A shift in teacher orientation from a "teaching" role toward a "management" and/or "facilitator" role.

What improvements have been generated by fourteen years of accelerated Federal funding? What changes are evident? If 1,000 randomly selected teachers in 1959 had been carefully observed for a period of one week and then observed again in 1973, is anyone willing to argue that the 1973 reports would show significant improvements of the 1959 reports?

There have been changes during the past fourteen years that are observable, measureable, and widespread:

A. There is an increase of audio-visual materials and equipment.

B. There are more books in libraries.

C. There are more and updated maps and globes.

D. There is more science equipment and furniture.

E. There are more language laboratories and accompanying soft ware.

F. There are many schools with fewer walls and more carpet.

G. More teachers have Masters degrees and Masters plus 30, especially in science, mathematics, and foreign languages.

H. More university and college professors receive a portion of their salaries from Federal funds, especially those in science, mathematics, and foreign languages.

I. Many new jobs have been generated:

1. In HEW.
2. In regional offices.
3. In State Departments of Education.
4. In universities and colleges.
5. In school districts.

These new jobs usually cluster around three major thrusts:

1. Writing proposals.
2. Reading proposals.
3. Evaluating proposals.

J. There are more paraprofessionals (aides).

K. There are more guidance counselors.

WHO HAS BENEFITTED FROM FEDERAL FUNDING DURING THE PAST 14 YEARS?

A. Science and language laboratory furniture companies.

B. Science equipment compainies.

C. Audio-Visual companies, in both hard and soft ware.

D. Map and globe companies.

E. Book publishers.

F. Teachers who received subsidized education.

G. Those who were added to the payrolls of H.E.W., universities and colleges, and school systems to write, review, and evaluate proposals.

H. Those who were added to payrolls of school districts as aides, extra teachers, clerks, and those who worked on summer projects generated by Federal funds.

I. Even though schools are in existence for one purpose—to educate young people to the limit of their potentials, one is hard pressed (some say it is impossible) to demonstrate any *lasting* benefits to students because of Federal funding of elementary and secondary education.

WHERE DID WE GO WRONG?

A. Nothing has been done to radically change the curriculum! The same basic content is taught in 1973 that was taught in 1959 (or perhaps 1949, or even 1939).

B. The "teaching" process is basically unchanged from 1959?

C. Pre-service teacher education, for the most part, still operates in the isolation of departments of education.

D. A secondary school student still chooses from a "menu" of from between 60–400 courses, depending on the size of his school. His education is fragmented.

E. For the most part the student is forced into a "book" oriented process and an atmosphere of "middle class" values.

F. Foreign language enrollments are dropping.

G. Fewer students choose science electives than in 1959.

I submit we went wrong when the assumption was made that more books, more hardware, more soft ware, and more semester hours for teachers would improve education.

"Innovative Education Practices"—A Guide to ESEA Title III Programs

DEVELOPING CURRICULA FOR EDUCATION OF YOUTH IN MEETING MODERN PROBLEMS—THE CONSTRUCTIVE CONTROL OF AGGRESSIVE BEHAVIOR

The basic objective of the project was to prepare curricular materials that would assist students to develop a process for determining social and human values and to develop attitudes involved in the constructive control of aggressive behavior. Meaningful attitudinal and behavioral objectives were developed at each level and the project staff was to prepare a sequence of learning experiences designed to achieve these objectives. The curriculum dealt with the nature of frustrations, procedures for constructively resolving them, and the process of making decisions in terms of effects of various courses of action on human development. As the curriculum was developed, it was tried in the classroom, tested for effectiveness and revised on the basis of the results of the testing. Grade level: 1–12. John R. Rowe, Coordinator; 16600 Hilliard Road, Lakewood, Ohio 44107; (216 579–4267). No. 102

DECISION MAKING THROUGH INQUIRY

This project placed emphasis on teaching students to utilize skills of inquiry in the social studies. Teaching units prepared by the project staff provided vehicles such as role-playing; simulation games; pictorial, site, and artifact analysis; and data gathering for implementing inquiry skills. Pilot centers for the evaluation of social studies instruction were organized and workshop sessions were conducted to improve effectiveness in the use of procedures and resources. The interest and enthusiasm of outside resource personnel were encouraged to further supplement and enrich the program. Director; Carrcroft Elementary School, Grade level: 1–6. Lucille K. Sherman, Project Mount Pleasant School District, Wilmington, Delaware 19803; (302 762–6110x217). No. 85

A COUNTY TRAINING PROGRAM IN BEHAVIOR MODIFICATION

This project offers training in behavior modification techniques to teachers, other professional staff members, paraprofessionals, and parents. The approach is based on the assumption that behavior is learned as a function of its consequences. If these consequences are restructured, students will change self-defeating behaviors and learn productive ones. Training is carried out through inservice workshops which combine lectures, task group activities, role-playing, and videotape demonstrations. Trainees learn basic reinforcement principles, specific applications, criteria for devising and evaluating interventions, and tools for analyzing their own behavior as well as that of their students. Grade level: K–12, Barbara Pentre and Hilde Weisert, Project Directors; Palisades Park Schools, 249 Leonia Avenue, Bogota, New Jersey 07603; (201 487–2707). No. 5

PARENT-PARTNERS TRAINEESHIP—PPT

Parent-Partners Traineeship (PPT) is an experimental investigation of the premise that parental involvement is a motivating influence on a child's school success. Through a traineeship which includes seminars, a practicum, and an open-education laboratory, parents are included in meaningful participation in classroom programs. Staff configuration focuses on the parent-partner, a volunteer member of the school staff, who is regularly scheduled in the school for one day a week. The parent receives a stipend, which serves both as an incentive and as an indication that such services are valued. The educational climate of the project evolved as a natural spin-off, with the presence of the parent-partner felt in subtle ways. An atmosphere of acceptance and mutual trust is evident in the classrooms. Phyllis Hobson, Project Director; Maude Aiton Elementary School, 533 48th Place, N.E., Washington, D.C. 20019; (202 396–4316/629–6971). No. 14

SOLVE

Project SOLVE was conceived out of a need to investigate how architecturally open facilities could better meet individualization of instruction and to organize varying approaches to staff development utilizing conceptual models of cooperative teaching. Five schools from different districts consolidated and served as a base of investigation for this effort. Based on a mathematics program that was skills-oriented and behavioralized, a systems approach to curriculum development was designed as a document for use by the staff in planning a total school program. An evaluation indicated that the project's innovativeness had a various range of effects on students. Removal of undesirable behavior patterns greatly reduced disciplinary measures. Eliminating the causes of frustration created an atmosphere of relaxation and spread enthusiasm for learning. Grade level: K–12. Glendon C. Belden, Project Director; 37 Pleasant Street, Concord, New Hampshire 03301; (603 224–9461). No. 19

ESEA TITLE III PARENT-CHILD MOBILE CLASSROOMS

The classrooms on wheels are van-type housemobiles which make two stops daily. During the first hour of the morning, 20 three-year-olds and their parents come for instruction. After their departure, 20 four-year-olds and their parents arrive for a one-hour weekly class session. After the lunch hour, the staff drives the bus to another stop within the community where the pattern is repeated. This schedule operates four days a week, with the fifth day reserved for inservice training of all staff members. Each unit has a teacher who serves as leader of the three-member team and works for one hour with each group of children. A classroom aide acquaints the adults with the materials and concepts introduced to the children, as well as the games, puzzles, toys, and construction projects which they are to share with their children during the week. The third member of the team is a community worker who serves as the liaison between the home and the school. She enrolls children and parents, interpreting the program to them; contacts persons who serve as resource speakers at the regular monthly parent meetings; arranges for children's attendance at immunization clinics; and assists parents in making contact with various social service agencies. For each child the basic goal is to acquire those concepts, perceptions, meanings, and feelings which will prepare him for learning how to learn, explore, understand, and manage himself and his environment. For each parent the most important objective is to acquire new understandings, deeper knowledge, and a commitment for guiding the growth of the child. Age level: 3–4. Carrie B. Dawson, Project Director; School City of Gary, 620 East 10th Place, Gary, Indiana 46402; (219 886–3111). No. 64

PARENT READINESS EDUCATION PROJECT

The Parent Readiness Education Project is an effort to ameliorate the deficiencies of high-risk preschool children by training parents to become change agents and enrich their home environments and interactions with their children. The first objective of the program is to identify children with potential learning problems and develop a plan of intervention. All children are tested during the year prior to kindergarten entrance, and preference for admission in selection was give to children with younger siblings. Forty-eight children attend class once a week while their mothers attend a separate class. Classroom activities and prescriptive home activities are selected in Expressive Language, Visual Skills, Auditory Skills, Small Muscle Coordination, Large Muscle Coordination, Enhancing the Self-Concept, and the World Around Us. A second goal is to teach parents how to develop in their children the skills necessary for future academic achievement through specific activities and an enriched environment. Mothers attend classes one morning each week and help with daily home assignments, and both parents attend a series of evening parent group meetings with a social worker. Parents are encouraged to help develop positive self-concepts and a "can do" attitude. The third project goal is to train high school students for their future roles as parents through practical experiences in working with preschool children. Diane K. Bert, Project Director; Redford Union School District, 18499 Beech Daly Road, Detroit, Michigan 48240; (313 535–2000 x 201). No. 67

TRIBUTE TO FRANCIS HOWELL MARCHING VIKINGS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HUNGATE. Mr. Speaker, I wish to call to the attention of my colleagues the Francis Howell Marching Vikings of Weldon Springs, in St. Charles County, Mo., which has brought home three first place and four second place trophies within a 3-week period.

The Francis Howell Marching Vikings took first place at the first annual Greater St. Louis Marching Band Festival, which is held in conjunction with the Washington University, University of which is held in conjunction with the Missouri, and the Veiled Prophet Parade in St. Louis. They took second place in the field competition, finishing four points behind the Poplar Bluff High School from Poplar Bluff, Mo.

In the Washington, Mo. marching band competition a week later, the Howell Marching Vikings came away with first place trophy in parade marching and second place in field competition.

For the second consecutive year, the Lead Banner Carriers and their Pom-Pom Corps received the "Outstanding Band Front" trophy at Central Methodist College in Fayette, Mo. The band took second place honors in overall competition.

We Missourians are proud of the good sportsmanship that was displayed and the outstanding pride these young men and women have in their music and presentation.

ELIMINATE BUZZER SYSTEMS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. COLLINS of Texas. Mr. Speaker, more and more I am hearing from the folks at home who do not want the auto buzzer. Why should we demand that each driver be forced to wear equipment which in certain accidents will be fatal to him. In America we founded our country on freedom of the individual, and not on the idea that the bureaucrats in Washington know how you should live from sunup to sundow.

I want to add another followup on my previous reports on the interlock seat belt harness buzzer system.

A Canadian study shows seat belts and shoulder harnesses could be dangerous. The preceding sentence is the headline in the excellent article which was news release No. 23, by the National Motor Vehicle Safety Foundation, Inc., of Lee, N.H. You will be interested in reading some sections of this factual report:

AUTO BUZZER

Legislation requiring automobile drivers to wear seat belts and shoulder harnesses would be a "waste of time and could be dangerous," says a professor at the University of Toronto in Canada. Patrick Foley, industrial engineering professor, commented on proposed laws now under discussion for adoption requiring that car users "buckle-up" or pay a fine.

Commenting on Professor Foley's stand on the "seat-belt" matter, A. J. White, director of Motor Vehicle Research of New Hampshire said, "It is indeed refreshing to see data backed by actual real-life research in this era of time when so-called consumer advocates and misguided agencies are claiming that the world can be saved if certain unproven actions are made mandatory by law."

White further stated, "Car buyers are besieged with claims that they can save their lives by buying and using "safety devices" which are, in fact, dangerous. It is time that advocators be held strictly accountable when such devices are used and the persons who use them suffer injuries or death.

Professor Foley initiated a study of seatbelts and shoulder harness for "wear-ability" using a team of fourth year students who used 3 imported cars and seven North American built cars of various sizes.

The results of this study indicated that many drivers, especially small people, could not easily reach important car controls while wearing shoulder harnesses. The team concluded that some women would not be able to start their cars. The group tested two women, one representing the 5 percent of the female population and the other, the average female. They used a male subject representing the tallest 5 percent of the male population.

The subjects were instructed to manipulate the controls of each car while strapped into standard seat belts in various models.

The investigating group discovered that the problem of reaching controls can be acute for smaller members of the driving population. Unless there are changes in the designs of restraining devices and if the importance of these devices is further emphasized and made mandatory by law to be used, certain people should avoid using them.

Such primary controls as steering wheels, gas and brake pedals, parking brakes, ignition systems and shifting levers were investigated. Also, secondary control systems were studied, which included horns and turn signals. Visibility controls were also studied which included windshield wipers and washers, headlights, high beam switches and rearview mirrors. Controls for heat, air conditioning, window and air vents were investigated.

This study points up that restraint systems might have to be custom tailored for individuals and particular model cars; a task that could be classed as an insurmountable one. One can imagine the confusion that will result if the ignition interlock system becomes mandatory on all vehicles starting with the 1974 models.

The inclusion of the inertia reel system in the 1973 system was brought about in an effort to reduce the problems of "choking" a small motorist whose shoulder strap lays dangerously close to his throat. Rotation of the upper torso of a woman during a crash deceleration could result in radical breast," which is medically referred to as breast removal. Submarining action, during a crash, of a wearer's body could cause serious stress loading of the throat area, resulting in death, as reported in the text book, Passenger Car Safety Dynamics" by Motor Vehicle Research of New Hampshire, after tests of restraint systems using actual vehicles and athropometric & antropomorphic dummies in full scale crashes in Connecticut and New Hampshire, over a several year period of time.

Will car buyers be spending this money to be annoyed by the system, or will he defeat the system? These questions are not totally answered and the future of DOT could be jeopardized if they have made a mistake. The future in time and billions of dollars will supply the answers.

As quoted by A. J. White, director of Motor Vehicle Research of New Hampshire, "The high accident record indicates that highway safety will not yield readily to wholesale solution and may have to be solved by each individual himself," could be sound.

WHAT IS SO SPECIAL ABOUT SPECIAL PROSECUTOR?

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. SNYDER. Mr. Speaker, much has been said and written about who should be the special prosecutor in the Watergate case. Everyone seems to take for granted that the regular local district court prosecutor should not pursue the case. I really do not understand the reasoning.

Many cases of notoriety have occurred in recent days and years and so far as I know, the regular prosecutor performed well.

In this regard, I ask my colleagues to read an article from the Cincinnati Enquirer written by Bob Brumfield.

WHO NEEDS A SPECIAL PROSECUTOR?

(By Bob Brumfield)

With all due respect to the executive, legislative and judicial branches of government (which is precious little, in my opinion), I wish they would drop this special prosecutor nonsense and get down to the business they are being overpaid to do—running the damned country.

There is no need for any special prosecutors. We've got all the prosecutors we need. If an alleged offense needs prosecuting, there is a qualified, elected prosecutor in whatever county, city or municipality it might have occurred.

If we are to strip the President of all executive privilege and treat him like any other citizen, then he should be prosecuted like any other citizen.

Congress doesn't have the power to appoint a prosecutor under existing law. So some of its members are talking about passing a new law to give them this power. That's the craziest thing I ever heard of. Hell, if they want to nail the President, why not just pass a law making it a criminal offense to be named Nixon, or to have a daughter named Julie? Why not pass a law making it a felony to criticize the news media? They'd have a prima facie case either way that even a boot assistant prosecutor from Boondocksville could get a conviction on.

And what yo-yo dreamed up the cuckoo idea of having a judge appoint a special prosecutor? Can you imagine where that would put a defense attorney in the case?

"Your honor, I object!"

"Shut up, you! The prosecutor I appointed has made a valid point—a point which I warn the jury it had better pay special attention to, incidentally, in reaching its guilty verdict."

No thanks, man. I think I'll just take my chances shooting it out with the police.

It's just as ridiculous to expect President Nixon to appoint a prosecutor he thinks has a good chance of nailing him on something. Would you do it? Not me, brother. I'm clean as far as I know, but if I had to hire somebody for the specific task of digging up something on me, I think I'd choose a real lazy dude.

I don't know if President Nixon was involved in any financial hanky panky or not. If he was, the local authorities can handle it. We trusted them with Charles Manson and that little creepo who wasted Bobby Kennedy. They did a tune on Richard Speck, James Earl Ray, Arthur Bremer and other assorted baddies. They know their business.

If Congress really feels that it really has to get into the judicial functions of our government, maybe they should appoint a special prosecutor to prosecute themselves. I don't know if any money was piddled away at San Clemente or not, but there's plenty of evidence the Treasury Department lost a lot of loot when Congress killed the Boeing SST. It's a documented fact that it cost several million dollars more to cancel the SST contracts than it would have cost to build two flying prototypes. And that's not to mention the big rip-off—a loss of up to $6.5 billion in foreign sales of the SST during the next 10 years.

Make me a special prosecutor, and I'll haul old Sanctimonious Sam Ervin into court and ask him to explain every campaign donation he ever received. Maybe he'd come up with a satisfactory explanation for every dime, but who would ever remember that when it was all over? All they'd ever remember were the news accounts that Sam Ervin was being investigated for alleged irregularities in campaign funding. It's the old "where there's smoke there's fire" syndrome.

No, we don't need any more prosecutors. Matter of fact, we don't need any more lawyers riding the Watergate gravy train on both sides of the fence. I'm up to here with lawyers. Everywhere you look there's another lawyer. Lawyers, reporters, commentators and news analysts. There are just too many of us, and most of us don't know what the hell we're talking about half the time. Sheesh, don't kids study engineering anymore in school?

SCANLON POSTMASTER OF YEAR FOR 1973

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. KEATING. Mr. Speaker, the postmaster of Cincinnati, Joseph J. Scanlon has been named the Postmaster-of-the-Year by the Direct Mail Advertising Association in nationwide competition.

Mr. Scanlon has worked hard in the Cincinnati community for many years and greatly deserves this honor. I would like to include in the RECORD at this time a newspaper article outlining Postmaster Scanlon's achievements:

SCANLON POSTMASTER OF YEAR FOR 1973

CINCINNATI.—Postmaster Joseph J. Scanlon, 690 Cedar Crest Ln., has been named 1973 Postmaster-of-the-Year in an annual contest sponsored by the Direct Mail Advertising Assn. (DMAA). Presentation of the award was made Sept. 17 at the Annual Convention of the National Assn. of Postmasters of the U.S. held in Kemesha Lake, N.Y.

The Postmaster-of-the-Year Award is presented annually by the DMAA to the Nation's outstanding Postmaster. The selection from numerous entries was made by a panel of judges on the basis of four guidelines: 1) His accomplishments as Postmaster; 2) his cooperation with business mailers and customers; 3) the Postmaster's standing as a citizen in his community; and 4) his participation in local affairs.

Postmaster Scanlon was nominated for the DMAA Award by Calvin Ingram, president, American Advertising Service, Cincinnati. In his capacity as Postmaster and District Manager responsible for 177 Post Offices, Scanlon has been commended by postal officials and business mailers for the efficient mail handling systems of the Cincinnati Post Office. His accomplishments in the area of public service has also brought him high praise and numerous awards.

The Direct Mail Advertising Assn., the Association of Direct Marketing, is dedicated to the more effective use of the $3.4 billion direct mail advertising medium, the country's third largest. DMAA's 1600 member firms—users, creators, producers and suppliers of direct mail—are located in 47 states and 30 foreign countries. DMAA is headquartered at 230 Park Ave., New York, N.Y., and maintains a Washington Office at 968 National Press Building.

OIL COMPANY PROFITS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ARCHER. Mr. Speaker, a lack of understanding of the basic facts of economics may be a root cause of many of our national problems. I am convinced that it is one of the sources of today's energy supply problems. The conditions that caused these energy shortages were not corrected in time because of a pervading fear that the public would not understand the necessity for actions that might add to the costs of fuel. As a result of these delays and procrastinations, the public may have to pay a much higher price for energy in the years ahead than would have been necessary if effective solutions had been adopted in time.

In this same connection, the Wall Street Journal of October 26, 1973, had a most instructive editorial on the subject of oil company profits. I insert this editoral in the RECORD because of the light it sheds on this badly misunderstood subject of profits and earnings.

If our energy supply problems are to be solved, the points about profits and investment requirements spelled out in this editorial should be made clear to the consuming public.

The editorial follows:

THOSE OIL COMPANY PROFITS

Our heart goes out to the oil industry, now choking with embarrassment over third-quarter profits. At the very moment the Arabs have us in an oil squeeze and the nation is being asked to turn down the thermostats to save fuel, the oil bigs are forced to admit a tidal wave of earnings.

The Exxon Corp., the biggest of all, turned a $638 million profit in the third quarter on revenues of $7.32 billion, a spectacular earnings surge of 80% over the same period of 1972. Mobil's profits are up 64% to $231 million. Gulf Oil jumped 91% to $210 million. Shell is less shamefaced with an earnings jump of only 23%.

The only relief in sight for this embarrassment of riches is the possibility that the Middle East oil squeeze will force the industry to cut back on its capacity, especially in Eastern Hemisphere operations where the greatest surge in profits has come this year. And profit *margins* are bound to be adversely affected by the steep increases in tax and royalty payments dictated by the producing countries. But as long as they can get the crude, the major oil companies can hardly escape tidy profits for quite a while.

What seems quite remarkable to us is the defensive posture that majors have struck in trying to apologize for or explain away as anomalous the profits they are now reaping. Of course, some of the increases reflect a rebound from the diminished profits of 1972. Yes, accounting practices on treatment of inventories when coupled with the inflation of 1973 have produced some temporary profit illusions. And it's true that much of the steep earnings curve can be attributed to foreign, not domestic earnings, which have climbed more nearly in parallel with volume.

Put all these apologies aside, though, and it remains that the oil industry is doing very well indeed, and for a nation beset with energy shortages that is very good news. How else can the United States pull itself out of the energy hole if not through an industry that finds itself able to generate the capital that task will require? Early this year, Chase Manhattan Bank estimated that the world oil industry would require capital investment of $565 billion between 1970 and 1985, and another $35 billion of geological, geophysical and leasing expenses. The industry certainly could not hope to attract that kind of capital if it were stumbling along on the average profits of, say, the railroads.

The reason profits have soared is that the industry has been operating flat out in the production, refining and marketing of oil products. There is no excess capacity in the system and efficiencies are at a peak. The reason there is no excess capacity is that it was not built when it should have been, because the government was both limiting the importation of oil and holding down earnings with price controls.

With corporate coffers now finally filling with cash, the industry is getting in a position where it can afford to add to refinery capacity, to develop synthetic fuels, to explore for and develop new sources of petroleum. In fact, specialists at Chase Manhattan estimate that the industry's income growth, which now averages 8.1% a year over the past decade, has to go to an annual increase of 16% if the industry is to meet the stupendous capital requirements it faces. There's no need for corporate spokesmen to apologize for the third quarter. As long as they don't squander their earnings, the nation will be well served if they do even better in the quarters ahead.

LITTLE BROTHER OF THE WOLF

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ANDERSON of California. Mr. Speaker, all too often wild animals are portrayed to the public as either Disney-like characters with human characteristics or as savage beasts that kill only for fun. Neither of these views, however, is accurate and, as a result, misconceptions regarding wildlife abound.

The noted naturalist and conservationist Cleveland Amory, in an article entitled "Little Brother of the Wolf," has attempted to set the record straight and present an accurate, realistic picture of the coyote. His article, short and simple, describes the everyday turmoil of the coyote and gives evidence to destroy many of the myths relating to this mysterious, yet clever cousin of the dog.

Most importantly, Mr. Amory presents articulate and persuasive arguments to dispel the notion held by some that coyotes should be eradicated from the face of the Earth. Specifically, he details reasons for the passage of legislation such as H.R. 4759 which would prohibit the use of nonselective poisons, such as Compound 1080. In addition, Mr. Amory makes a compelling argument for the enactment of proposals such as H.R. 8065, a measure I introduced to ban the use of cruel steel leg-hold traps.

For the benefit of my colleagues, I insert this fine article in the CONGRESSIONAL RECORD at this point.

[From the American Way, October 1973]

LITTLE BROTHER OF THE WOLF

(By Cleveland Amory)

Pronounce him "ki-oat" or "ki-o-tee." Either is correct, and he won't care. But mark him well, and do not allow the mystery and marvel of him to be lost in familiarity.

All right, he *is* familiar. He has been located in virtually every state in the Union and he even appears regularly, usually along with the late-late show, in Los Angeles' backyard. And if he is present only in the Western Hemisphere, he is familiar the world over as perhaps the most American of all wild animals. Indeed, many countries regard him as the symbol of the American West.

Highly photogenic, with an eerie, never-to-be forgotten howl—one with which he sings to the sun, to the moon and in heart-breaking relays to his own kind—he is the little brother of the wolf, yet a close cousin of the dog. If, on one hand he is incredibly quick, sharp-witted, cunning and resourceful—no other animal has all *three* senses, sight, smell and hearing, as keen as his—on the other he is loyal, playful, humorous and even philosophical.

Basically monogamous, coyotes mate for long periods, if not for life. And if two unmated males are fighting for the same unmated female, after it is all over, she is likely to choose not the one who won, but the one who lost.

When the pups come, they are taught to hunt at the age of two months, not by the mother but by the father. And discipline is severe. It is not unusual to see a father coyote returning to his den and his pups rushing out to meet him, but no matter how far away the father is, at a certain invisible line—obviously the greatest distance they are allowed to go from the den—the pups will stop short.

"Next to God," goes the Mexican saying, "the coyote is the smartest person on earth." Even if this is exaggerated, the fact remains that the coyote, if not the most intelligent of all animals, is certainly the cleverest. He woud have to be.

Man has made his very name suspect. The second definition for the word "coyote" in the new *American Heritage Dictionary* is "contemptible sneak." For two hundred years, the coyote has faced a steadily increasing campaign to eradicate him from the face of the earth. Many animals have faced such campaigns, but against no other animal has the campaign reached such heights of cruelty.

In the old days, the coyote was hunted for his pelt. When pelts dropped in price, he was hunted because he was supposed to be a cattle killer. When it was proven he wasn't a cattle killer—he lives almost exclusively on mice, moles, rabbits, insects, snakes and even eats fruit for dessert—he was hunted because he was supposed to be a sheep killer. Finally, when it was proven he wasn't a sheep killer, he was hunted because—well, he was supposed to hunt what man wanted to hunt. The coyote is classed, simply, as a "varmint."

As such, there is no season for hunting coyote. For him, it is always open season. He is hunted by land and by air. He has learned that the air can be dangerous; when he hears or sees a plane he takes cover, and, like a trained guerilla fighter, camouflages himself. The coyote is regularly jack-hunted by light at night, something forbidden by law for most animals. "Most hunters," says one hunting magazine, "clamp a powerful light directly to their guns and keep it on at all times."

In the winter, snowmobiles hunt the coyote down, with the hunters signaling to each other by walkie-talkies. In the summer, trained hunting dogs run him down in relays. Often, the coyote is chased by dogs riding in automobiles. When he begins to tire, the automobiles are stopped and the dogs are released.

In such situations, the coyote's only hope lies in his cleverness. And stories of coyotes outwitting hunters are legion. Coyotes will work in teams, alternately resting and running to escape dogs set upon them. They have even been known to jump on automobiles and flat cars to escape dogs. And they have also successfully resisted bombing. Lewis Nordyke reports that once when a favorite coyote haunt in Texas became a practice range for bombing, the coyotes left—temporarily. Soon they were back to investigate and found that the bombing kept people out. They decided to stay. Meanwhile, they learned the bombing schedule and avoided the bombs.

Many a coyote has gotten along with its lower jaw shot off. Joe Van Wormer reports a coyote in Idaho whose mouth had been cruelly wired shut. It was able to open it only half an inch, but nonetheless had been able to survive. A coyote in Montana also had her jaw wired shut—she was used by a hunter to "train" his dogs. And a female coyote killed in Tule Lake in northern California was found to have four healthy pups in her den. She had managed to fend for them although she herself had been shot in both eyes with a shotgun and was totally blind.

From some hunts, of course, there is no escape. John Farrar, in his *Autobiography of a Hunter*, writes of an all too typical hunt in the sandhill region of Nebraska. It was, he writes, "a well-planned military maneuver," with a plane overhead to spot the coyotes and, below, hundreds of hunters. "They came in pickups," he says, "armed with shortwave radios, powerful engines, clinging snow tires . . . each nervously fingering a high-powered rifle with telescopic sight."

"At the next section line 12 men awaited [the coyote's] approach. At 100 yards head-on, it began. His faltering speed spared him as bullets churned the snow ahead. As he reached the ditch he sank shoulder deep and floundered desperately. Astonished, ashamed or angry, no one fired. As he struggled across the road and into the next section, he seemed to crawl. As if he were shielded, 30 or more rounds left him untouched. In a weedy draw he could run no further. In cover no more than 12 inches high, he disappeared.

"The plane circled and then the men closed in afoot. Talk of letting this one go passed idly. Twenty-five armed men closed in on one terrified, exhausted animal. The enclosed area dwindled to the size of a football field and less. Still no coyote.

"Then he appeared, staggering, worn, mouth agape. He weaved pitifully up the hill among the hunters, as if defying death, or seeking it.

"Then man, the rational animal, the pinnacle of evolution, the great humanitarian, gunned him down.

"There was little laughing or joking, little back slapping. Just a sickening, nauseating silence. The day ended. With it ended my coyote hunting."

When the coyote is not hunted, he is trapped. For the coyote, there are especially horrible traps—to match his ingenuity. So-called "passion bait" is soaked in a piece of wool and put under a pan. When the coyote investigates, the slightest pressure releases the deadly steel leghold.

Once the coyote is caught, he has been known to chew off his own leg rather than remain in the trap. Literally thousands of coyotes have existed for life on three legs. Also, amazingly, there are thousands of two-legged coyotes. One female coyote in Michigan had only stubs for front legs—she ran like a kangaroo—and yet, when killed, was bearing five unborn pups. A coyote in Colorado existed for more than a year missing two feet—the left front and right hind. In New Mexico, a coyote got along somehow with both feet missing from his right side, and still managed to raise a family. Trapper Art Cooper once caught a coyote in two traps at once. One trap caught him by a front foot, one by a hind. The two-trap set was fastened to an iron drag, and when Cooper and a companion came upon the coyote he was trying to cross a plowed field. Seeing the man, the coyote grabbed the drag in his mouth and took off.

Marguerite Smelser tells an even more remarkable coyote trapping story. Two government trappers spent weeks tracking down and trying to kill a whole coyote family. First the nursing mother was trapped, then released after the trappers had fastened a collar and tire chain to her. By the trail of the dragging chain, the trappers expected to follow her to her den where they could wipe out the pups.

But for two weeks the mother coyote did not betray her family. Her mate brought food to her at night and kept the pups fed. And so, after days of frustration, convinced the mother would never endanger her young, the trappers tracked her down and killed her.

Later, however, they did get a chance at the pups. The trappers came upon them playing at the far side of the dam. At this juncture, however, the father coyote suddenly appeared and, acting as a decoy, managed to divert the trappers' attention until he was shot. His young had safely disappeared into the brush.

I have on my desk something called a "Humane Coyote-Getter," which is advertised as the "Marvel of the 20th Century." Humane? It is literally a whole trap gun. A bait is soaked in urine and covered with a jacket, then placed over a bullet cartridge, the whole being set in the ground. When the coyote ininvestigates, the bullet is set off by a spring and shoots the coyote in the mouth with sodium cyanide. This in turn, on contact with the moisture in the coyote's mouth. or eyes, or wherever it hits him, releases gas and the coyote gases himself to death.

This Coyote-Getter is, by coyote-getting standards, actually humane—at least compared to the more general way of killing coyotes. That is, plainly and simply, by poisoning them. One state, for example, put out in one year 300,000 strychnine tablets—tablets which are slipped into an inch-square of suet made out of sheep fat. But even strychnine is as nothing compared to the dread Compound 1080 or sodium fluoroacetate. This is a poison so lethal that there is no known antidote. It is chain-reacting. Thus, when a meadow mouse eats it and is in turn eaten by a larger animal, who is in turn eaten by a coyote, who is in turn eaten by a mountain lion, 1080 will have poisoned them all.

Perhaps the most horrible thing about Compound 1080 is that it is administered in small doses. Not because it is expensive—unfortunately it isn't, it is cheap. But it is administered in small doses so that the coyote will get as far away from the bait as possible before he dies and thus his body will not be able to warn other possible victims. Coyotes have been known to travel over twenty miles to die—in agony.

The United States government has poisoned more than a million coyotes. The real irony, though, is not that poisoning is done by the government, it is that it is done on public land. After the findings of the Leopold Report, the government's "Predator and Rodent Control Board" had to change its name to "Wildlife Services." But still, the sheep men graze their sheep on public land, which they do for a nominal fee, and then have the government poison coyotes merely on the suspicion that they kill their sheep. And this despite the Leopold Report's warning, "For every person whose sheep may be molested by a coyote, there are perhaps a thousand others who would thrill to hear a coyote chorus in the night."

Texas rancher Arthur Lytton, who for forty years has run a 20,000-acre spread, said, "I would never allow a predator to be killed on my land. They are necessary for the balance of nature. Kill them and you're in for nothing but trouble from rabbits and rodents and everything."

In 1971, the coyote poisoning program cost the public over $8 million. And, of course, the program didn't just poison coyotes. In a typical year, the wildlife "body count" was as follows: 89,653 coyotes, 24,273 foxes, 20,780 bobcats, 19,052 skunks, 10,078 raccoons, 7,615 opossums, 6,941 badgers, 6,685 porcupines, 2,771 red wolves, 1,170 beavers and 842 bears.

Finally, after years of effort by the Defenders of Wildlife, Audubon, the Fund for Animals and other societies, President Nixon issued his now-historic Executive Order 11643, in February, 1972, banning the use of most predator poisons on public lands. The order continues to be opposed by the National Wool Growers Association and others. Coyote hunters, meanwhile, seemed to be redoubling their efforts. One hunt in particular, out of Karval, Colorado, which boasted nine pickup trucks with specially bred "coyote dogs" (mixes of greyhounds with Irish and Russian wolfhounds) penned in quick-release cages in the back, was billed as "The Biggest Coyote Hunt in Colorado History." Scores of hunters and dozens of dogs hunted all day. Their total kill—five coyotes.

Such hunts—this latter hunt even included an official "observer" from the Department of the Interior—have outraged coyote friends. The Fund for Animals announced a reward of $500 for prior information which led to the stopping of any such hunt, and also announced that it would back any group engaged in breaking up such hunts by any means short of actual violence. One such group, The Defenders of the Coyote, already includes more than a hundred college and high school students as well as businessmen and housewives.

In the long run, some coyote friends believe the only answer is to make a pet out of him—and there has been signal success in this regard, the coyote's charm and loyalty overcoming all difficulties. Others believe that the answer is to meet the coyote literally halfway. Have him, in other words, as he is, half pet and half wild. One who believes this is Los Angeles' Gerald Coward, a man who, on a lonely walk up a canyon a few years ago, managed to make a lasting friend of a coyote. Coward, a photographer and writer, gave up his job and from that day on, every day for two and a half years, he walked up his canyon. And every day, for two and a half years, his coyote faithfully met him. All day they played, romped and explored together, learning about each other—and then, at the end of each day, they said goodbye. When the coyote mated, he even brought his companion to Coward at the same rendezvous. It was a remarkable idyll that existed until the terrible Los Angeles fire—when Mr. Coward saw his coyote no more. "The coyote," he said, "is the greatest animal there is."

"OUR TOWN" POLL BACKS IMPEACHMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. RANGEL. Mr. Speaker, Our Town, a community newspaper in New York City, has just conducted a poll on the question of impeachment. Some of the 632 Manhattan residents polled live on the Upper East Side in my congressional district.

The results of the poll are eloquent testimony of the sentiment of Americans who feel that the time has come for impeachment; 92.4 percent of those asked oppose the President's handling of the Watergate tapes; 78.8 percent support impeachment:

NIXON WATERGATE POLL

1. What do you think of President Nixon's actions regarding the Watergate Tapes?

	Number and percentage	
Support	48	7.60
Against	584	92.40
Total	632	100.00

2. Do you believe he should be impeached?

	Number and percentage	
Yes	498	78.80
No	134	21.20
Total	632	100.00

NEW HAMPSHIRE GENERAL COURT PUSHES VOLUNTARY PRAYER IN PUBLIC SCHOOLS

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. CLEVELAND. Mr. Speaker, I have long believed that the framers of the Constitution had absolutely no intent to prohibit voluntary prayer in the public schools of the Nation. Indeed, the first amendment says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

Which appears expressly intended to safeguard this right. In this language I find the basis for clear distinction between officially prescribed—and hence impermissible—prayer and voluntary prayer reflecting individual conviction.

Accordingly, in the last session I supported a constitutional amendment to restore this right, which had been wrongly struck down by the Supreme Court. Unfortunately, it did not receive the two-thirds vote necessary, although a majority did vote for it. In this session I am cosponsoring House Joint Resolution 760 with the same objective.

My position has been strengthened by the knowledge that it enjoys widespread support among the American people and the people of New Hampshire. This support has been reflected in Concurrent Resolution No. 6 of the New Hampshire General Court, adopted May 24, 1973.

The resolution, accompanied by authenticating certification by the secretary of state of New Hampshire, follows:

STATE OF NEW HAMPSHIRE, OFFICE OF SECRETARY OF STATE

I, Robert L. Stark, Secretary of State of the State of New Hampshire, do hereby certify that the following and hereto attached is a true copy of House Concurrent Resolution No. 6 to petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools (Adopted May 24, 1973) as on file in this office and held in my custody as Secretary of State.

In testimony whereof, I hereto set my hand and cause to be affixed the Seal of the State, at Concord, this 28th day of May A.D. 1973.

ROBERT L. STARK,
Secretary of State.

STATE OF NEW HAMPSHIRE HOUSE CONCURRENT RESOLUTION NO. 6

To petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools

Memorial to the Honorable Senate and House of Representatives of the United States Congress Together Assembled,

We, your memorialists, the Senate and House of Representatives of the State of New Hampshire in General Court Assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, Article 1 of the Amendments to the Constitution of the United States which provides "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances," has been construed by the United States Supreme Court to not permit organized prayer in public schools; and

Whereas, the Legislature of the State of New Hampshire believes that voluntary prayer in public schools should be permitted as being consistent with the guarantees the founding fathers of the United States of America intended; and

Whereas, the Legislature of the State of New Hampshire believes that Article 5, Part First, of the Constitution of New Hampshire has recognized every individual's natural and inalienable right to freedom of worship in accordance to the dictates of their own conscience, and this the Legislature of the State of New Hampshire believes to encompass the right of individual students in public schools to voluntarily say prayers of their own choosing on appropriate occasions in accordance with the dictates of their own conscience;

Now therefore be it resolved, by the House of Representatives, the Senate concurring:

I. That the Legislature of the State of New Hampshire, hereby, and pursuant to Article V of the Constitution of the United States, make application to the Congress of the United States, to call a convention for the purpose of proposing an amendment to the Constitution of the United States to the effect that: "Voluntary Prayers Shall Be Permitted in Public Schools at Appropriate Times, Daily."

II. That attested copies of this concurrent resolution be sent to the presiding officers of each House of the Congress and to each member of the New Hampshire delegation in Congress, and that printed copies thereof, showing that said concurrent resolution was adopted by the Legislature of New Hampshire, be sent to each House of each legislature of each state of the United States;

III. That this application hereby made by the legislature of the State of New Hampshire shall constitute a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several States shall have made similar applications pursuant to Article V.

IV. That since this is an exercise by a state of the United States of a power granted to it under the Constitution, the request is hereby made that the official journals and records of both Houses of Congress shall include the resolution or a notice of its receipt by the Congress, together with similar applications from other states, so that the Congress and the various states shall be apprised of the time when the necessary number of states shall have so exercised their power under Article V of the Constitution;

V. That since this method of proposing amendments to the Constitituon has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part, the Legislature of the State of New Hampshire interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary with the text thereof nor would it have power to propose other amendments on the same or different propositions;

VI. That the Legislature of the State of New Hampshire does not, by this exercise of its power under Article V, authorize the Congress to call a convention for any purpose other than the proposing of the specific amendment which is a part hereof, nor does it authorize any representative of the State of New Hampshire who may participate in such convention to consider or to agree to the proposing of any amendment other than the one made a part hereof;

VII. That by its actions in these premises, the Legislature of the State of New Hampshire does not in any way limit in any other proceeding its right to exercise its power to the full extent;

VIII. That the Congress, in exercising its power of decision as to the method of ratification of the proposed article by the legislatures or by conventions, is hereby requested to require that the ratification be by the legislatures.

JAMES E. O'NEIL,
Speaker of the House of Representatives.
DAVID L. NIXON,
President of the Senate.

Adopted May 24, 1973.

SOME STANDARDS FOR OUR PERPLEXING TIMES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. KEMP. Mr. Speaker, Randal Cornell Teague received an honorary degree of doctor of laws from Allen University in Columbia, S.C., in August of this year. Allen University is a predominantly black college, fully accredited, principally supported by the African Methodist Episcopal Church, the largest black denomination in America.

Mr. Teague's address at the university's convocation stands in contradistinction to those stylized, stereotypical addresses to which our Nation's college graduates are often subjected each spring and summer. As a succinct exposition of fundamental libertarian principles, it is superb. Mr. Teague received a standing ovation upon the completion of his remarks from the graduates of this predominantly black university. To those concerned about the applicability and currency of libertarian principles to the lives of people in the 1970's, Mr. Teague's address and the response thereto are most gratifying.

Excerpts from this commencement address follow:

COMMENCEMENT ADDRESS OF RANDAL CORNELL TEAGUE

It is customary for a commencement speaker to dwell at what often appears to be interminable lengths upon the obvious:

That today is a beginning, not an end.

That it is harder to survive "out there" than it ever was in a classroom.

* * * * *

You are already part of a society and a world turned topsy-turvy by the rhetoric of an age in which the maximum degree of a man's or a nation's focus is often upon a minimum of genuinely important concerns. While on the one hand we have seen in our short life time accomplishments which rank easily among the most notable of man's achievements, we have on the other hand seen the apparent degeneration of the spirit and soul which hold men's mind intact and civilizations together. Of what do I speak?

In the name of "peace," men wage war.

In the name of "love," men foment hatred and violence.

In the name of "liberation," one half of the world's people has been subjugated.

In the name of "the quality of life," our courts sanction the destruction of human fetuses.

Why do I bring these points to your attention? Because I hope to show how you must proceed through this course of life now before you. In the jargon of today, we say, "you've gotta keep your eye on the ball," and that really is what it is all about, this terrible responsibility of meaningful human existence thrust upon each of us by conception. Merely to survive in this world, one need only hang on amongst the vast majority. To live meaningfully is to be one of those who really knows what is going on around us. You must train your mind and be ever vigil upon the substance of our times. It is substance—not rhetoric, not procedure—upon which your mind's eye must be focused. It is not an easy task.

And from what perspective and according to what benchmarks are we to view the substance of life? In this permissive time, to merely mention the existence of standards, much less adherence to them, is to be heretical. In no place is this more true than in academia. But I stand before you today not as this era's stereotype commencement speaker. I am not a relativist, nor a collectivist, nor a limousine liberal, nor even a democrat. I am a proponent of the values of institutions, an individualist, a traditionalist, and a republican. While this may make me something of an oddity, it does mean I have to hold no punches with this world in which we live and about which you and I, perhaps from the same perspective but most probably from different ones, are, nonetheless, dismayed.

What then are those guideposts? They are few, but they are strong.

Truth. We "do not deny the existence of undiscovered truths," but we make a critical assumption: That "those truths that have already been apprehended are more important to cultivate than those yet undiscovered ones," seemingly always close to the grasp but never within hand. We make "the tacit acknowledgement that all that is finally important" to the spirit and soul of man "is behind us; that the crucial explorations have been undertaken, and that it is given to man to know what are the great truths that emerged from them. Whatever is to come cannot outweigh the importance to man of what has gone before."

Obedience. We mean to live our lives as obedient men, but obedient to God, "subservient to the wisdom of our ancestors; never to the authority of political truths arrived at yesterday at the voting booth."

War. "War is the second worst activity of mankind, the worst being acquiescence in slavery."

Individualism. "You cannot paint the Mona Lisa by assigning one dab each to a thousand painters."

Peace. "All civilized men want peace . . . [But] all truly civilized men must despise pacifism. Pacifism is a Christian heresy that springs from crucial misunderstandings. Peace on earth is a plea for those conditions on earth—love, charity, temperance—which make peace thinkable. Peace is unthinkable in a community in which plunderers have hold of the city at night. . . . In praying for peace, we pray that grace will settle in the hearts and minds of those bellicose people in the world who are critically situated, and cause them to exercise that restraint which makes peace possible. If peace were the first goal of man, you would not have to pray for it: you would have it."

Economic Freedom. Political freedom "cannot long exist without economic freedom. . . . When government interferes with the work of the market economy, it tends to reduce the moral and physical strength of the nation." When government "takes from one man to bestow on another, it diminishes the incentive of the first, the integrity of the second, and the moral autonomy of both."

Purposes of Government. The purposes of government are to protect our political and economic freedoms "through the preservation of internal order, the provision of national defense, and the administration of justice." "When government ventures beyond these rightful functions, it accumulates power which tends to diminish order and liberty."

Responsibility. That in these times of moral and political crises, it is the responsibility of young people to reaffirm these eternal truths.

These truths come together into a set of inextricably intertwined responsibilities. To meet foursquarely these responsibilities is to nobly achieve a mission in this life. To abandon them, or even to meet them without sureness of thought or action, is to fail in this life.

To what, then, does this add up? This: Call no thing in this life truly your own but your own moral conscience. Call no thing in the next truly your own but your soul. And rest eternally assured of this: That the status of the second derives from the essence of the first.

THE CASE FOR HOUSING ALLOWANCES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. RANGEL. Mr. Speaker, Samuel C. Jackson, the able former Assistant Secretary of the Department of Housing and Urban Development, has written an article for the October 1973 issue of Focus, the monthly magazine of the Joint Center for Political Studies, which deserves the attention of the Members of the House.

In this article, entitled "The Case for Housing Allowances," Mr. Jackson reviews the experience of European nations with housing allowance programs and reports on the experiments with housing allowance programs tried by Model Cities agencies in Wilmington, Del., and Kansas City, Mo.

Mr. Jackson, writing for local minority elected officials, which the Joint Center for Political Studies serves, makes a case for at least the continued study of housing allowance programs, but more significantly, he defines criteria which we all should use in judging the worth of this or any other approach to our Nation's housing crisis: what will be its effect upon the overall supply of housing and the ability of the poor to afford available housing?

THE CASE FOR HOUSING ALLOWANCES

(By Samuel C. Jackson)

The moratorium on the construction of new and rehabilitated low income housing is now into its tenth month. It was imposed to permit a search for better ways to administer subsidy programs. As we seek new ways to deliver on the national commitment of a decent home in a suitable living environment for all American citizens, income support programs assume increasing relevance.

One of the most important of these is the housing allowance program. As defined for the purpose of this article, a housing allowance is a series of regular periodic payments made to an individual or family currently unable to afford decent housing in a suitable living environment. Family need in relation to the cost of standard housing units in moderate housing cost neighborhoods determines the amount of the allowance. The individual or family involved must use the allowance to make rental or home ownership payments.

Housing allowances have been used as an instrument of national economic and housing policy in many European nations, which offer a variety of models.

In Sweden, every family which has filed a tax return indicating the presence of a child in the house receives an application for a housing allowance. Because this is the only requirement for eligibility, the administrative costs are low.

Housing allowances were recently introduced in England initially as a component of a policy of disengagement by the national government in the housing market.

In England, unlike Sweden, allowances are only available to individuals who are renting units. British government officials reasoned that homeowners would receive a double allowance if they were allowed to participate, as they were already allowed to deduct real estate taxes and mortgage interest payments for income tax purposes.

The cost of a housing allowance system, in both England and Sweden, is borne by several layers of government. In Sweden, the national government provides matching funds to municipalities on a one-to-one basis in certain clearly delineated situations. On the other hand, in the United Kingdom, the national government shares up to 90 per cent of costs accruing to local housing authorities as a result of required rebates.

The concept of a housing allowance has not been limited to European shores. Forms of housing allowances were discussed in Congress as early as 1949, although no action was taken until 1969 and 1970, when the Department of Housing and Urban Development supported research designed to determine how much a national program would cost and what effect it would have on the rental market.

In late 1970, Model Cities agencies in Kansas City, Missouri, and Wilmington, Delaware, began programs designed to test the feasibility of housing allowances as a means of providing decent housing for low and moderate income families.

Because the design and operations of the Kansas City and Wilmington programs were nearly identical, I shall limit my discussion to the Kansas City program which was administered by the Kansas City Model City's Housing Development Corporation.

While 180 families were participating in this project as of September, 1972, during its peak 222 were enrolled. The project was funded to provide $250,000 a year for allowances over a five-year period and $36,000 a year for administrative costs over the same period. Recipients of allowances were allowed to participate in the program for a period of three years.

Allowances were offered to families or elderly individuals living in the Kansas City Model Neighborhood who would have qualified for participation in the federal rent supplement program (one of the low-income housing subsidies suspended last January). First priority was given to households living in public housing and substandard housing. The large majority of households served by this program were low-income black families. Recipients of assistance were allowed to participate in the program for a three-year period and received approximately $100 a month.

Evaluation of the Kansas City experiment is continuing, but here are some of the preliminary findings:

1. A housing allowance program enables a large number of families to move from substandard to standard housing within a short period of time.
2. Households with extremely low socio-economic characteristics may be served by a housing allowance program.
3. The housing allowance program may increase the quality of housing which is available for eligible households.
4. Participants in such a program exercise sound judgment in selecting rental housing.
5. A housing allowance program may serve to encourage resegregation of minority groups.

On January 8, 1973, the United States Department of Housing and Urban Development launched an even more extensive evaluation of existing housing programs and their alternatives. Basic questions are being asked about the housing allowance program including:

(1) How will families use their allowances?

(2) How will the housing market respond to allowances—will rental prices rise?

(3) How should an allowance system be administered?

Answers are being sought to these questions in three types of experiments at nine sites throughout the country. Under this program, between 15,000 and 20,000 families will receive allowances.

The first of these is the "demand experiment," which will analyze the use of housing allowances by up to 1,000 families in each of at least two metropolitan areas with populations greater than 500,000. The second study is the "supply experiment" which will analyze any effects on the housing supply that result from offering housing allowances to between 4,000 and 8,000 families in two metropolitan areas with populations of around 250,000.

The third and final experiment is the "administrative agency experiment," designed to determine how to most effectively administer the program. Among the agencies participating in the third experiment are two local housing authorities, two metropolitan area county government agencies, two state community development agencies and two welfare agencies.

Given both the European experience and current experiments in this country, the case for making a housing allowance program an important component of our national housing strategy is quite persuasive. Such a program could reduce both poverty and the number of low-quality dwellings. In addition, it would lower the administrative costs involved in providing our disadvantaged citizens with decent housing. The experience in Sweden cited above is the clearest example of the beneficial effects of such a program.

One major advantage of a housing allowance program is that it can increase a family's ability to select housing in an area which it regards as desirable. Because payments are made to a family and not to housing operators, they will follow a family from one section of a metropolitan area to another, so long as its income is sufficiently low as to require the assistance. This increased mobility can well foster the free movement of black and Spanish-speaking families in the housing market.

On the other hand, such families may choose to live in areas with which they are familiar, choosing to remain near friends and build a viable political base. In both Kansas City and Wilmington, low income participants tended to follow the movement patterns of their racial ethnic groups and showed a proclivity for staying in the Model Neighborhood. Wilmington households which stayed in the Model Neighborhood, however, obtained larger housing at a lower cost while retaining the ability to enjoy Model Neighborhood services, the security of a familiar environment and the support of family and friends.

A second advantage of the housing allowance program is its ability to respond to a broader segment of the families eligible for subsidy because they are less costly per unit. The Office of Management and Budget argues that only a small number of families eligible to participate in the subsidized programs have an opportunity to purchase or rent housing under the Section 235–236 programs each year (these were the programs suspended last January). The housing allowance thus becomes a form of family income maintenance.

Finally, administrative costs should be lower than they are in a production subsidy program because fewer people will be needed to administer the subsidy. Appraisers, mortgage credit specialists, architects, loan officers and management specialists will be unnecessary in a housing allowance program. The role of the federal government would, like social security, be largely limited to determining eligibility and writing checks.

Several arguments have been raised in opposition to a housing allowance program. The most significant of these, from the point of view of black elected officials, is that such a system necessarily relies upon a supply of older existing housing being available for low income families while more costly new construction would be largely limited to families who can afford it without a direct subsidy. Thus, it is argued, low income families might well be limited to older housing requiring high maintenance costs.

Several factors which are ongoing in most communities should serve to avoid this result. Among them are:

1. The upgrading of local building codes,
2. Increased use of programs for housing rehabilitation,
3. Implementation of fair housing laws at all levels of government, and
4. Increasing family incomes for black families which should assure an expanding housing supply.

Thus, a viable housing allowance program would have an administrative requirement that before a family can use an allowance to rent or purchase housing, the owner would be required to produce a certificate that the housing meets local building code requirements for the basic housing systems, e.g., foundation, roof, plumbing, heating and electrical.

Local black elected officials must examine new components in our national housing strategy with a critical eye. Acceptance or rejection of such a housing allowance must be based upon a critical analysis of their effects upon the overall supply of housing available to the minority community and to an adequate family income to afford the units.

What we must not do is allow the richest of all nations to renege on its promise of a decent home for every citizen.

INVESTIGATION CALLS FOR CAMPAIGN REFORM LEGISLATION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ESCH. Mr. Speaker, one result of recent investigations of the 1972 election has been a call for campaign reform legislation which would correct the deficiencies in the present law. I believe this call is a necessary and urgent one. If we are to maintain a system of government that is representative of the people then the election process—that vital function that selects those who will represent—must be inherently credible.

While literally hundreds of bills have been introduced by Congressmen and Senators to this end, many with meritorious provisions, there are, I believe, several special "pressure points" that have not as yet been adequately addressed. I have recently introduced legislation that, while patterned after the recently passed Senate bill, makes several strong additions which I hope the House will consider.

FEDERAL ELECTIONS COMMISSION WITH INVESTIGATORY AND ENFORCEMENT PROCEDURES

Like the legislation that has passed the Senate, my bill sets up an independent policing commission that has the power to investigate candidates' records and take violators to court. Additionally, my legislation provides that the procedures and manpower of the Internal Revenue Service will be utilized by the Commission.

LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES

Again, like the Senate bill, I would place strict limitations on both contributions and expenditures. However, if we are to truly do away with vested interests in campaigns, it is necessary not only to limit the amount individuals can give, but to prohibit all giving by associations and groups. Further, I think it is essential that there is only one campaign committee through which all money is funneled. As Common Cause has continually stressed, accountability is of paramount importance. My provision would eliminate the proliferation of committees we have witnessed in past campaigns, and would make accountability a simple routine rather than the difficult and time-consuming practice it is today.

Along this line, the Elections Commission will be empowered to pay special attention to contributions other than those in dollars—that is, individuals in unions, corporations, and associations who work on campaigns on that group's time.

FOCUSING RESPONSIBILITY ON THE CANDIDATE

In the past each candidate has set up a number of political committees with the chairman or the treasurer of each committee responsible under the law for any violations. I believe that the candidate himself should be held responsible for any violations. Moreover, my bill would provide that the House and Senate must review and take action on any officeholder or their respective bodies who violate the law. This would insure that a candidate for Federal office would devote more attention to the financial details of his campaign, and would be unable to hide behind a facade of ignorance.

EQUALIZING THE GAP BETWEEN THE INCUMBENT AND CHALLENGER

This is one of the most important tasks we face if we are to really reform campaign practices. It is also one which has been sorely neglected by the many pieces of legislation now before us. The incumbent has a number of very important tools that give him or her a built-in edge over the challenger. One of these is the franking privilege. I believe strongly that if we are to have effective government there must be frequent and open communication between a Representative and those he represents, and the frank is an important means of achieving that goal. However, that privilege should not be available to the incumbent 60 days prior to the election. Furthermore, my bill provides both the incumbent and the challenger with the use of one franked mailing as a means of informing the voters of his stand on issues and inviting the voters' financial support.

TAX CREDIT

I believe a necessary goal is to encourage widespread financial participation on the part of the electorate, rather than limited special interest giving. My bill provides for a tax credit of up to $50 for an individual who wishes to contribute either to a party or to an individual candidate.

AFFECTING STATE AND LOCAL ELECTIONS

While Federal legislation will only directly affect campaigns for the House, Senate, and the Presidency, an important feature of my bill provides that the Election Commission shall work with State and local election commissions formed to regulate State and local races. Matching funds are providing for the establishment of such commissions and the services of the Internal Revenue Service is authorized to be made available to State commissions for investigative purposes.

ENERGY CRISIS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ASPIN. Mr. Speaker, I am publicly releasing today a recent General Accounting Office report critical of efforts by the General Services Administration to conserve energy in the operation of Federal office buildings.

GAO's criticism is centered on the unwillingness of some GSA personnel to enforce existing regulations requiring energy conservation.

In its report, GAO said:

> Building managers were not always adhering to GSA guidelines for energy conservation.

The GAO said:

> The conclusion reached as a result of our survey and limited review is that substantial improvement can be made in implementing energy conservation practices.

According to the GAO, one of the worst problems is the operation of electrical, hearing, and cooling systems 24 hours a day even though office workers occupy the buildings only 8 hours a day.

GAO said:

> Some buildings were found to be operating on a 24 hour basis even though less than 5% of the building occupants were present during the night time hours . . . yet entire buildings or large building segments were found to be fully illuminated and ventilated and in some cases, air conditioned.

Mr. Speaker, it is clear that a comprehensive energy conservation program can save energy and cut the Federal Government's overall spending for energy.

In August, as my colleagues may know, President Nixon announced that the Federal Government will attempt to cut its energy consumption by 7 percent.

I am hopeful that the General Accounting Office will eventually determine how successful the administration has been in cutting energy consumption. Since the Federal Government is the largest single energy consumer in the Nation, it is crucial that the goal of 7 percent reduction in consumption be achieved.

RODINO'S CHALLENGE

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. DEL CLAWSON. Mr. Speaker, during a trying period in our Nation's history it falls to a House committee and its able chairman to execute responsibility of a particularly taxing nature. The Washington Star-News of November 4 contains an editorial comment on this assignment which I hereby commend to the attention of my colleagues in the House. The editorial follows:

RODINO'S CHALLENGE

> Upon no other member of Congress—even the redoubtable Sam Ervin—has fallen the weight of responsibility now carried by Representative Peter W. Rodino of New Jersey. Suddenly the House Judiciary Committee which Rodino heads must deal—like it or not—with some of the most controversial and momentous matters ever to arise: resolutions to impeach the President, which no longer can be counted as trivial, and bills calling for a special Watergate prosecutor outside the Nixon administration, to name the hotter ones. It must process legislation to extend the life of the Watergate grand jury. And amid all this, it must hold hearings on Representative Gerald Ford's nomination to be vice president.
>
> The latter is the most urgently pressing task, because the country will rest easier once the vice presidential vacancy is filled. If it is filled without undue delay by a person of the party that won the last presidential election, at least some of the public suspicion about political designs in this city will be relieved. A normal succession to the presidency, in any case, simply has to be provided. Fortunately, there seems little inclination in Congress to hold Ford's nomination hostage, and Rodino's "full steam ahead" assurance on committee action is encouraging. But time is getting away, and we hope he will set the dates this week for early hearings into Ford's qualifications. The Senate, after all, is a good deal ahead of the House on this.
>
> But the Senate, of course, is not having to explore the deadly serious question of impeachment, which House Judiciary moved into last Tuesday with results far from encouraging. An acrimonious committee battle over authority to issue subpoenas (finally vested altogether in Rodino) seemed to presage a bitter polarization along party lines. We hope this will be avoided, for the House's iron power in such an inquiry—which equals its responsibility to find the truth—could spark a debilitating battle. Much will depend on Rodino's judiciousness in wielding power, and the quality of the staff leadership he assembles for this awesome undertaking. Only the best of talent and rectitude will suffice.

LAW OF THE SEA NEGOTIATIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FRASER. Mr. Speaker, three of our colleagues, Mrs. SULLIVAN, Mr. DOWNING, Mr. PRITCHARD, and I recently circulated a letter to all Members of the House reporting on the Geneva meeting this summer of the U.N. Seabeds Committee which we attended as advisers on the U.S. delegation.

The letter gives the current status of the preparatory work for the Law of the Sea Conference which is scheduled to hold its organizational session in New York next month, and then reconvene next spring in Caracas, Venezuela, for substantive negotiations.

The Law of the Sea Conference will be perhaps the most important international lawmaking meeting ever held, and the most important conference held under United Nations auspices. Its task is to conclude a treaty to govern the uses of the oceans and their subsoil for the nations of the world. International law embodied in the treaty can therefore affect every American citizen.

I insert the letter signed by Mrs. SULLIVAN, Mr. DOWNING, Mr. PRITCHARD, and myself in the RECORD:

> WASHINGTON, D.C., *October 19, 1973.*
>
> DEAR COLLEAGUE: During the August recess we attended the meeting of the United Nations Seabeds Committee in Geneva as Congressional advisors on the U.S. delegation. We are taking this opportunity to report to you the current status of the work of the Committee in preparation for the Law of the Sea Conference which is scheduled to hold its opening session in New York later this year.
>
> The main task of the Seabeds Committee is to arrange alternative treaty texts in workable form for the Law of the Sea Conference, reducing the large number of draft articles so that the Conference can address itself to resolution of the major differences among a few relatively well-defined positions. This, we have learned is not easy to accomplish in a forum of 91 nations representing a wide range of interests. But a broad multilateral conference is the only means by which agreement can be reached on universal law for use of the ocean and its resources.
>
> There is widespread support among the members of the Seabeds Committee for a comprehensive agreement including a twelve-mile territorial sea, broad coastal state jurisdiction beyond the territorial sea over living and mineral resouces, and an internatonal regime for deep seabed exploitation beyond coastal state jurisdiction. The Geneva meeting succeeding in completing al-

ternative treaty texts on principles, machinery and structure of the international seabed regime and important aspects of marine environment standards. Resolution of major substantive issues involved in breadth of the territorial sea, transit through international straits, fisheries, economic resource jursdiction and scientific research would be facilitated if means were found to reduce and clarify the main alternatives before substantive negotiations begin. The American delegation has been effective in having the essential points in U.S. policy included among the alternative texts adopted by the Committee and we are hopeful that the Law of the Sea Conference will be successful from the standpoint of our national interests.

We believe the policy of the United States in the law of the sea negotiations is a constructive one which realistically balances national and international interests. Both the House and Senate passed resolution this year supporting the general objectives being pursued. Notable points of contention in the Seabeds Committee, as they presently relate to U.S. policy, are as follows:

1. The international seabed regime—for managing exploitation of deep seabed minerals as "the common heritage of mankind," the U.S. proposal for a regime governed by a strong Council consisting of a limited number of nations which would license private industry to exploit minerals has met opposition from those favoring a regime with its own operating capacity governed by an Assembly of many nations.

2. Economic resource jurisdiction—the U.S. advocates international criteria, and compulsory settlement of disputes, as a check on unlimited coastal state control over resources in the area beyond the territorial sea while others propose virtually unlimited coastal state jurisdiction for 200-miles or more.

3. Marine environment—as in the case of economic resource jurisdiction, the U.S. position for international standards is opposed by countries favoring strong coastal state jurisdiction and discretion.

4. International straits—the position of the U.S. for unhindered "free transit" (including overflight and submerged passage) is opposed by those states bordering straits who prefer the more limited "innocent passage" concept in straits overlapped by territorial waters.

5. Fisheries—the U.S. proposals for coastal state management of coastal and anadromous species (such as salmon) has considerable support, but there is formidable opposition to international management of highly migratory species (such as tuna).

In the event of a substantial delay in the Law of the Sea negotiations as a result of either further postponement of the Conference or polarization of positions, the four of us are not in complete agreement as to appropriate Congressional action. However, some of us would be prepared to give serious consideration to interim national legislation to prevent erosion of national interests and natural resources. All of us look with favor on the U.S. proposal for provisional application of certain treaty articles as soon as possible after the treaty is signed provided Congress has given its approval.

We believe issues on law of the sea are important to all Americans and hope that this information will be useful to you. We would welcome the opportunity to discuss the issues in more detail with you personally.

Sincerely,

Leonor K. Sullivan,
Thomas N. Downing,
Donald M. Fraser,
Joel Pritchard.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 41

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HARRINGTON. Mr. Speaker, 1 month ago Sam Koenig was shot by five youngsters, one of whom is only 15 years old.

The tensions in our society which encourage 15-year-olds to participate in murders are many and will take decades to decrease. But such murders could be reduced tomorrow if Congress would only pass simple gun control legislation.

At this time, I include the article by Arthur Noble and William McFadden from the October 6 New York Daily News. The article follows:

[From The Daily News (N.Y) Oct. 16, 1973]

NAB THREE IN MURDER OF HARLEM STORE OWNER

(By Arthur Noble and William McFadden)

Three Harlem teenagers were arrested yesterday as suspects in the execution-style slaying of 125th St. toy storeowner Sam Koenig.

The arrest came a day after Koenig was surprised by five youths in his store at 24 W. 125th St., handcuffed behind his back and shot dead by a single bullet behind his right ear.

All three youths were taken to the E. 119th St. station house. They were placed in a lineup and, police said, seven witnesses identified them as the killers.

ONE NAME WITHHELD

They are Anthony Cooper, 18, of 2496 Eighth Ave., George Borrow, 19, of 2236 Seventh Ave., and a 15-year-old boy whose name was withheld.

Police credited the arrests to "marvelous cooperation from the community," especially to learning from businessmen that the youths had called each other by nicknames during the stickup.

Armed with that, Capt. Timothy Dowd—a former deputy inspector who had been reduced in rank last Wednesday under Police Commissioner Donald Cawley's controversial reevaluation program—put 20 detectives on the case working around the clock.

At 4 p.m. a team of detectives under Detective Richard Marcus closed in on the three youths at a housing development on Eighth Ave. at 140th St.

During the attack on Koenig, the youths stole two minibikes. But neither of those vehicles, nor the murder gun, has been recovered. A spent shell was recovered in Koenig's store, however.

FUNERAL IS HELD

Dowd said the hunt for the two remaining suspects will continue.

The three suspects were captured as private funeral services were being held for Koenig, 52, in the Robert Schoem memorial chapel in Paramus, N.J. Operator of the Harlem store for 30 years, Koenig lived in Fort Lee, N.J.

His murder—the second in six days within a two-block area and the third of a Harlem merchant within five weeks—had stunned the Harlem business community.

In response, police yesterday assigned a force of 31 additional cops to duty along 125th St.

Inspector Hamilton Robinson, commander of the W. 123d St. station, announced that 20 police officers, in radio cars and on foot, five cops on horseback and six plainclothesmen have been assigned exclusively to the street, from Seventh to Lexington Aves.

Theodore Chatoff, 55, owner of the Chatoff Brothers' Store, at 131 E. 125th St., with his brother, Irving, 57, said yesterday:

"In our more than 40 years here on this street, we have never seen crime this bad. It's terrible. We don't know what to do. Our life is in this store and we can't sell and move out."

Irving Chatoff said: "Nearly everybody on the street carries a knife. It's not just the criminals, it's everybody. Decent citizens carry knives because they are afraid."

THREE ROBBERIES IN 6 WEEKS

A few doors away, at Brown's Bargain Store, 121 E. 125th St., store manager Sidney Kaufman said:

"We have been robbed three times within the last six weeks. Nowadays they (the criminal justice system) let young punks get away with everything. There is no respect any more."

Kenneth N. Sherwood, 43, president of the Kenwood Corp., at 148 W. 125th St., and a member of the State Athletic Commission, who owns several businesses in the area, announced that he and a group of other Harlem businessmen will meet Wednesday with Commissioner Cawley over the new crime wave.

"Not since the death of the late Dr. Martin Luther King have I been so filled with anger and bitterness," he said. "These people are not 'brothers,' they are just plain criminals who need to be apprehended and treated accordingly."

Ronnie Holly, 34, owner of Ronnie's Casuals, at 268 W. 125th St., conceded that "crime is bad here," but he added: "It's not all confined to the Harlem area. There is crime in the white suburbs, but they keep it hidden under the rug."

Holly said that the criminals "represent only a small percentage, like one-half per cent, of the community," and that one of the solutions is to employ more black police officers and fewer white ones.

PROPOSED AMENDMENT

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. REUSS. Mr. Speaker, H.R. 11104, the debt ceiling bill, comes to the floor tomorrow under a rule reported out today, House Resolution 687. There will be an attempt to substitute for House Resolution 687, the following language:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11104) to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, without the intervention of any point of order, one amendment to the bill H.R. 11104 consisting of the texts of the bills H.R. 11155 and H.R. 11158. At the conclusion of the consideration of the bill H.R. 11104 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

FIFTY-FIFTH ANNIVERSARY OF POLISH INDEPENDENCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ANNUNZIO. Mr. Speaker, 55 years ago the proud and courageous people of Poland, determined to obtain and preserve a free and united Poland, announced their independence. November 11, 1918, will continue to be appropriately honored by Poles and their descendants as "Polish Independence Day."

Prior to 1918, however, the people of Poland were faced with both triumph and disappointment. A successful attempt to establish a constitutional government in the late 1700's demonstrated the Polish desire to become a self-governing nation, and its capability of self-determination. Unfortunately, however, the powerful Russian Army destroyed this form of government following only 1 year of existence, and soon divided this small country with Prussia.

Poland, a nation that took great and justifiable pride in its long and glorious history, disappeared from the map of Europe in the latter part of the 18th century when three partitions by Austria, Prussia, and Russia eventually robbed it of all its territory. It was not to become free again for almost a century and a quarter.

Germany and Austria-Hungary fought against Russia during World War I, which meant that Poles fought on both sides, brother against brother. The collapse of Russia in March 1917, and the final defeat of the central powers a year and a half later gave Polish patriots, who had been busy behind the scenes, their opportunity to reestablish the nation whose people had suffered so much from their oppressors.

Poland declared its independence on November 11, 1918, a declaration that was recognized the following summer by the treaty of Versailles. No longer were Poles to be referred to as Austrian Poles, German Poles, and Russian Poles. They were now Poles, no more and no less, citizens of a free country.

Poland enjoyed the blessings of independence for only 20 years. In 1939 the Nazis and the Communists divided its territory, the fourth partition of Poland. Nazism was destined to be defeated after 5½ years of bitter fighting, but communism remains firmly entrenched today and unhappy Poland is one of the many colonies that make up the farflung Soviet Empire.

Mr. Speaker, although the years of renewed liberation and self-government were short-lived for these courageous people, their struggle to be free continues. It is, therefore, particularly appropriate that we, in the United States, acknowledge this great accomplishment. I proudly join Americans of Polish descent in my own 11th Congressional District of Illinois, which I am proud to represent, the city of Chicago, and all over the Nation as they pay special tribute to "Polish Independence Day."

JOHN RYBAK RETIRES WITH HONORS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. DULSKI. Mr. Speaker, on November 30 a testimonial dinner will be given in Buffalo for a most remarkable and admirable man, John Peter Rybak, the retiring vocational principal and athletic director at St. Mary's School for the Deaf.

I have known John since our school days, and no one is more deserving of the honors being showered on him. John was a great athlete with even greater promise of achievement and fame when he elected to join the staff at St. Mary's 38 years ago. Although he did not have a career in the national or international sports field, he surely must look back on one of the most fulfilling careers a man could have.

Touching tributes were paid to John Rybak last week, when students and faculty held a surprise party for him. I would like to insert an article written by a distinguished columnist, Bob Curran, and to join the throngs of friends and well-wishers in saying, "Congratulations on a job well done, John." The article follows:

[From the Buffalo Evening News, Nov. 1 1973]

JOHN RYBAK KNOWS "THANK YOUS" COME UNSPOKEN FROM THE HEART

(By Bob Curran)

As I was walking across the parking lot at St. Mary's School for the Deaf Wednesday morning I ran into a character who did a double-take and then said, "What are you doing out so early? Is your brother-in-law back in town?"

My answer was that I was on my way to a surprise retirement party for John Rybak and that I would make such a party no matter what time of day or night it was staged.

John Peter Rybak, vocational principal and athletic director at St. Mary's, will be honored at a large testimonial dinner Nov. 30 that is being thrown by the battalions of people who know what he has done in the 38 years he has been at the school.

Of course I'll be there and I'll be surprised if some time during the night I don't hear someone say, "I wonder why a guy who had so much going for him would do what he did? What does he have to show for it?"

The person or persons who ask that question on Nov. 30 would have had part of the answer if they had been in the school auditorium Wednesday morning when the good sisters, civilian workers and students had their surprise party for John.

I know that if they were there they would never forget, as I won't, the sight of the children from 5 to 18 giving John their best wishes in sign language and with their faces.

The home-made cards that were presented didn't surprise a man who had been exposed to these lovable youngsters a few times before. One said, "Dear John Rybak: John worked here for 38 years. We are sad. We will honor him today." On the front of the card was a loving cup with a star in the middle.

Another showed a U.S.A. athlete standing on the winner's Olympic stand while athletes from two other countries were in the Nos. 2 and 3 places. The message read. "Thank you for helping St. Mary's for the Deaf Athletics." As many of you know, John brought some of the school's athletes to the Deaf Olympics in 1961.

Another carried a message that many of the friends of St. Mary's would re-echo, "I wish you would stay here for the year."

From other sources I had learned after our first meeting 5 years ago that John Rybak was one of the greatest athletes Canisius College ever saw. And so when we sat in his office late Wednesday morning I asked what had brought him to St. Mary's 38 years ago.

"Athletics had a hand in it," he answered, but in a strange way. Sister Rose Gertrude, our retired superintendent, asked Father Francis Dougherty of Canisius to recommend a young graduate who could work with some deaf boys on a farm in Ellicottville. And I was picked.

"But when I went to see Sister Gertrude she told me that the farm project had been abandoned and she apologized because she had no job to offer. I said that I was sorry to hear that and added that I wasn't all that letdown because I had several other prospects.

"She called me the next week and said that she had the feeling that I was interested in helping the youngers at her school and that I should join the staff and 'make my own job.' But se added a warning—and that was that no civilian from the hearing world had ever worked out in their program.

"She was right about my interest and that's where the athletic part came into the picture. As an athlete, I had learned to love challenges and I thought it would be a real challenge to coach these youngsters from the silent world."

What happened after that is a story that can't be done justice to in this space. For 4 years John lived at the school, woke up the boys in the morning, coached the varsity squads and developed an intra-mural program. With the help of the boys and a deaf teacher named Russell Martina, he learned the language of the youngsters he counseled and coached. There are those who were there in the first year who say that there never was a communication gap between John and the boys from the day he started at the school.

In 1940 he helped Msgr. William Martin and Father John Fornes start the Catholic League that among other things gave his boys the chance to play against teams from the hearing world.

From that league came many trophies that could be seen and many victories that were unsung. Those came when men from the hearing world who had played against St. Mary's hired the deaf boys John sent to them and whom they knew as reliable, resourceful performers.

There were so many other quiet victories along the way with his wife Dorothy helping in the background. On Nov. 30 some very articulate people will stand up at John's dinner and talk about them. Some of the men from the silent world who could add so much won't be putting their stories into words.

But none of the speakers on Nov. 30 will say any words that John will remember more than the words that were on the sign on the stage of the auditorium Wednesday morning—words that some day will be appreciated by the tykes who on Wednesday didn't know what the hubbub was all about.

Those words, put on the sign by the older youngsters who know the man who was leaving them, were:

"Thanks, God, for Mr. Rybak."

VETERANS OUTREACH PROGRAM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ROYBAL. Mr. Speaker, I would like to bring to the attention of my colleagues the valuable work that the Los Angeles Veterans Outreach Program has done since 1970. This program, which has successfully operated in my district since its inception, has acquainted veterans with educational and job possibility and assisted them in obtaining review of discharges and other veteran related problems.

I. OVERVIEW OF THE VETERANS OUTREACH PROGRAM: PAST AND PRESENT

In 1970, after studying the tremendous influx of Vietnam veterans back into disadvantaged communities, the county of Los Angeles and the U.S. Department of Labor initiated a program in an attempt to bridge the gap between the needs of the young veteran and existing service agencies, particularly those dealing with educational development. Since its beginnings, the Veterans Outreach Program has succeeded in making an impact on a sizeable segment of the veteran population in terms of education, job development, assistance in review of discharges and other veteran-related problems. This success, however, was not easily attained in view of the administrative difficulties which were encountered on the way.

Although the U.S. Department of Labor had funded the program through the county of Los Angeles in 1970, the initial phase of the program was subcontracted to the California Department of Human Resources Development. Such negotiations caused delays in the implementation of proposed activities and in the hiring of staff. A total of 6 months passed before the program could be staffed with its full complement of one supervisor, five student-workers, and one clerk-typist. However, such difficulties did not prevent the program from achieving a high degree of competence and success among the veteran community of East Los Angeles. This was also a time of developing recognition and credibility among the educational and employment institutions of the Los Angeles area who were responding to the needs of the Vietnam veteran.

During the initial phase of the program, the staff and responsibilities were limited, in that the target area was exclusively the East Los Angeles community. In November of 1971, the program received full funding from the U.S. Department of Labor though the county of Los Angeles intended to extend the program's target area to the entire county. In addition to the existing East Los Angeles office, one in the San Fernando-Pacoima area and one in the Venice-Watts area were established. This expansion allowed the concepts and services of the program to benefit the veterans of other communities and to increase the available resources by establishing contact with more agencies and institutions.

At this time, the National League of Cities/U.S. Conference of Mayors, in conjunction with the Greater Los Angeles Urban Coalition, initiated a veterans program in the Los Angeles area. Being aware that the county already had established a successful outreach program, Urban Coalition assigned six part-time workers to the program in order to assist in the outreach effort. These workers and Urban Coalition have been most cooperative with the county program and have contributed to its effectiveness.

The present organization of the veterans outreach program is very different from what it was 2 years ago. Its effectiveness, however, has increased, principally because the program has remained flexible and has resisted those bureaucratic trends which could hinder its development and effectiveness. Recent recognition of the program's impact is represented by the reception of the annual achievement award from the National Association of Counties for a new and creative program involving a county and the Federal Government.

II. PROMINENT PROGRAM ACTIVITIES AND ACCOMPLISHMENTS

During the past year of operation, the program's principal objective has remained the educational development of Vietnam-era veterans. This development has been on all levels of education, from the adult school level on through the college and university level. The staff of the program has worked closely with existing educational projects, such as UCLA's special educational program and the Los Angeles city schools' GED preparation program, and has succeeded in establishing a good working relationship with administrators of these and other institutions. In short, the program has created for itself, with the veteran community it serves and with the educational establishment, a reputation for expertise in the area of educational development.

In addition to working with existing programs, the staff of the veterans outreach program has assisted other agencies and groups in initiating veteran programs, not only in the Los Angeles area, but also in other parts of the country. These agencies became aware of the successes of this program through workshops, conferences, and other personal contacts and approached the program staff for assistance in proposal writing and project planning. We felt that, since the program was a pioneer in the field of veteran outreach, the staff should take the leadership in the development of this expanding area of concern.

In recent months the program has become increasingly involved in employment, particularly through the Emergency Employment Act. In reality, the program has become the veteran recruitment arm of the county's public employment program and that of the county's contract cities and other cities and agencies involved in EEA. Through our recruitment effort, hundreds of veterans in the Los Angeles County area have been employed either on a full-time or part-time basis. Of particular benefit have been the latter which have afforded veterans, enrolled in school, the opportunity to continue their education with a full-time schedule. These jobs have ranged from student-workers in county offices to teacher assistants for the Los Angeles City School District. This type of employment has been the most important, in our view, since it coincides with the educational goals set by the program plan.

The program was also involved in implementing EEA by attempting to solve its many administrative problems, such as the excessive time needed to process a veteran applicant. Through our recruitment and screening efforts, the processing time was reduced in order to assure that no unnecessary economic hardship would be borne by the veteran.

Another area of activity, which was not originally planned, has been the assisting of veterans seeking a review of discharge. Since March of 1972, over 40 review cases have been prepared by two counselors who have specialized in this area. This activity was initiated upon President Nixon's amnesty order for veterans involved in drugs. However, these counselors have worked on all types of discharges, not necessarily drug-related ones. The review procedures and preparations, if they are to be efficacious, had to be done very carefully and with a great deal of research and documentation. As a consequence, each case was extremely time-consuming and for all practical purposes restricted these two counselors to this activity. To date three discharges have been changed to honorable; although this may not appear significant, it reflects the current percentage of reversals. And for these three veterans the effect on their lives is incalculable.

In the future we can expect an increase in these cases because of the changing attitudes concerning these matters. We feel that this activity complements our other services very well and that, since very few other agencies concern themselves with less than honorable discharges, we are obliged to assist the veteran in this regard. During the early part of this year, auditors from the GAO investigated our files and procedures as part of a study recommending changes in the discharge procedures. This study will be presented to Congress for consideration shortly. We have also been contacted by the National Council of Churches which is considering funding a project to train counselors in the area of less-than-honorable discharges.

MILITARY PROCUREMENT: A LOOK AT THE A-10

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BYRON. Mr. Speaker, Fairchild Industries of Hagerstown, has been a longtime major employer in the Sixth Congressional District of Maryland, providing our Nation with some of its finest military hardware. It is with this in mind, as well as my interest in our country's national security, that I wish to share the following letter with my colleagues in the House. The letter is from Edward Uhl, president and chief executive officer of Fairchild Industries, and discusses a specific and vital phase of our military procurement program:

Fairchild Industries,
Germantown, Md., October 31, 1973.
Hon. Goodloe E. Byron,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Byron: With the outbreak of the Arab-Israeli War, October 6, 1973, a number of new Soviet weapons were introduced into the precarious Middle East military balance. These new weapons affect not only the Israelis, but must be of concern to those who have responsibility for the defense of the United States.

It is apparent that this latest Middle East War was a proving ground for the latest in Soviet military hardware. In the early hours of the conflict, the Israel Air Force suffered heavy losses to Soviet-built air defense systems, especially to the new Soviet SAM-6 surface-to-air-missile. Israeli Major General Mordechai Hod said: "These are the latest and best missiles the Russians have."

Already evident are several lessons which must concern Capitol Hill and the Department of Defense. Present day United States inventory jet aircraft flown by the Israelis have been ineffective in destroying enemy armor. They have not demonstrated a capability to do the job and survive. Instead, they have been shown vulnerable to the newest Soviet surface-to-air-missiles and 23 mm anti-aircraft guns, and further have shown an inability to provide close air support to troops on the ground.

By foresight the United States has developed an aircraft to meet this latest requirement. The aircraft—A-10—has already been flown more than 400 hours and will give this and other nations the following capabilities:

Ability to destroy the latest enemy armor, achieved by an internal 30 mm cannon and sufficient ammunition to allow ten passes.

Ability to take direct hits from 23 mm anti-aircraft fire. The pilot is protected by a "bathtub" of titanium armor. The aircraft has twin engine survivability.

Ability to outmaneuver existing jet fighters and work in closer to the ground armies than any attack aircraft in existence.

Agility to avoid hits from SAM-type threats such as the SA-6 and SA-7 missiles. The A-10 is very agile even with large bomb loads.

Ability to fly substantial combat loads from 1,000-foot long austere air strips.

Ability to be maintained for 9.2 maintenance man hours per flight hours, thus allowing maximum utilization in a conflict.

Ability to loiter over the battlefield for extremely long periods of up to three hours with substantial armament loads.

It is important to note that the lessons learned in the Middle East over the past few weeks also apply to Central Europe where NATO forces face the heaviest concentration of modern weapons. The tank battles experienced in the desert are very similar to those which may be experienced in Central Europe. The Warsaw Pact forces are estimated to have 18,000 tanks facing NATO.

Unfortunately, the A-10 Program, which was conceived to counter this serious threat and which has been progressing remarkably well, was set back on October 11, 1973, by House and Senate conferees' action on the FY 1974 authorization bill for weapons systems procurement. The conferees agreed to $107.4 million for R&D ($5 million less than requested), a reduction from ten to six test aircraft; but, more serious, they eliminated $30 million requested by the Department of Defense for advance procurement funds. These funds were to procure long lead items to enable efficient, economical and orderly production at that point when production go-ahead would be approved in November, 1975.

There is no doubt that unless this nation moves out immediately relative to having at least one aircraft in its inventory that can serve in the attack role in support of the Army, we may find ourselves unable to utilize aircraft in the middle to high intensity combat zone. The Middle East conflict has proven without a doubt that the moment of truth is here. To ignore the fact that 100 fighters with their priceless occupants have been blown out of the sky in a period of days borders on negligence. One of the most difficult things in life is to be flexible enough to understand the problem and react in a timely fashion. The lessons of recent air combat are ample justification for approving the $30 million procurement funds for the A-10 now, without further delay.

Sincerely,

Edward G. Uhl,
President and Chief Executive Officer.

CAN THE WHALES BE SAVED?

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. KYROS. Mr. Speaker, in yesterday's Washington Post an important editorial appeared which I commend to the attention of my colleagues in both the House and the Senate. Entitled "Can the Whales Be Saved?" This editorial aptly expresses the frustration and alarm shared by many of us, both in and out of Congress, when we hear that Japan and the Soviet Union are refusing to adhere to a hard-won moratorium on the killing of whales, a moratorium which is being respected by 12 other nations. Mr. Speaker, I want to commend and express my own support for our Department of Commerce, and particularly NOAA Administrator Robert M. White, in vigorously protesting this defiance of an international agreement which was years in the making and must not be allowed to collapse.

The editorial follows:

Can the Whales Be Saved?

Few of the some 900 species of endangered or threatened animals have received as much international attention as a whole. It is among the most majestic and intelligent creatures of the sea, and the blue whale is said to be the largest animal that has ever lived. For decades, however, destruction of whales has been systematic and large; as a result, five of eight species of great whales are currently in danger of extinction.

Although a long time was needed for this message to get across, a number of whaling nations finally agreed to put away the harpoons and end the slaughter. The problem is that not all nations are willing to stop. Japan and the Soviet Union still go to the high seas to kill whales. Their defiance of a moratorium—to which 12 other nations adhere—is such that the U.S. Department of Commerce is now strongly protesting. In continuing to ignore the moratorium on fin whales, for example, Japanese companies cite a demand for whale meat in Japan. But Dr. Robert M. White, administrator of the Commerce Department's National Oceanic and Atmospheric Administration, said that the protein yield from fin whales amounts to an insignificant contribution to the meat requirements of Japan.

In going its own way, Japan and the Soviet Union are flouting the authority of the International Whaling Commission. The commission—which met last June in London—recommended a worldwide ban on killing blue, gray, bowhead, humpback and right whales, and urged strict quotas on several other species. A coalition of conservation and wildlife groups—who correctly see that by eliminating these leviathans the fragile balance of oceanic life may be irrevocably damaged—are now so alarmed that they are calling for a boycott of Japanese products in the U.S. marketplace. The membership of such groups hopes to exert the kind of economic pressure that international political pressure has not yet done.

Killing whales might be understandable if the dead beasts had any serious social uses. But they do not. Such frivolous purposes as dog, cat and mink food, automobile lubricants, cosmetics and food additives all have easily available substitutes. It is exactly the opposite for whales; once they vanish, they will not be back.

THE AEGIS AIR DEFENSE SYSTEM

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. GUBSER. Mr. Speaker, on October 31 I engaged in a colloquy with the chairman of the Armed Services Committee, the Honorable F. Edward Hébert, in which we both agreed that the Aegis air defense missile system was of utmost importance to the fleet. It was agreed by Chairman Hébert that a reprograming request to fund Aegis would receive prompt and sympathetic consideration.

Mr. Speaker, this system is vital to the defense of our fleet. Because of its importance, I submit herewith an article from the Government Executive describing the Aegis system and its importance. The article follows:

[From Government Executive, October 1973]

Aegis Weapon System Sea Trials Next

(By Charles D. LaFond)

Aegis, the Navy's future fleet defense weapon system, is now undergoing final shore testing in New Jersey before sea tests begin from the West Coast later this year. Employing the first fully electronic steerable phased-array antenna designed for shipboard use, the system is expected to provide hemispheric radar coverage and missile control against all forms of air- and surface-to-surface missile attack.

Although the technology required for Aegis has been in research and development for roughly a decade, the development program itself was not initiated until late in 1969 with award of the prime contract by the Naval Ordnance Systems Command to RCA's Missile and Surface Radar Division, Moorestown, N.J.

The overall program for the Aegis Weapon System Mark 7 currently is a $450-million effort, of which RCA's portion will be at least $280 million. RCA's manufacturing responsibility, in addition to overseeing integration of all elements of the weapon system, lies with the design and fabrication of all components in the highly sophisticated phased-array radar, the AN/SPY-1; the Command and Control System, MK 130; the Operational Readiness Test System, MK 545; plus all the common computer programs involved in the system.

Assistance with the latter was provided by Computer Sciences Corporation. Another major subcontractor has been Raytheon, which provided the SPY-1 S-band radar transmitter, both equipment and computer programming for the MK 12 Weapon Direction System and the MK 99 Fire Control System.

Other elements of the Aegis provided directly to the Navy are the MK 26 Missile Launching System by Northern Ordnance and the SM-2 Guided Missile by General Dynamics. The basic computer system around which Aegis was designed is the Navy's third-generation AN/UYK-7, developed and produced by Sperry Rand's Univac Division.

In a recent first demonstration of the system at its Land Based Test Site (LBTS) at Moorestown for invited members of the press, Division Vice President William V. Goodwin emphasized that the Navy's approach to the development of Aegis was based on the requirement to achieve a "fully integrated weapon system providing defense in depth."

The overall design of the system is intended to give the Navy assured tactical control of the sea in the face of the ever growing Soviet naval strength. Goodwin declared that through Aegis, the Navy believes it can provide impunity of its carrier strike capability, maintain its seaborne logistics and, when needed, rapidly establish localized defense.

The threat to the Navy's defensive capability certainly exists. Soviet naval forces, Goodwin pointed out, have shown a strong capability of command and control, for real-time, all-weather air operations and for a thorough grasp of effective electronic countermeasures.

In addition to the observed Soviet strength in manned aircraft and air-to-surface missiles, it reportedly has been steadily strengthening its surface and undersea fleets. Moreover, Aegis will be required to counter the newest naval threat posed by the USSR through its multicapability guided missile cruisers.

For example, the *Nikolayev*, lead ship of the *Kara* class missile cruisers, has a displacement of 9,100 tons and a modern sophisticated armament system designed for all forms of defense and attack—air, surface and undersea. It also is provided with an effective electronic warfare capability.

Therefore, Aegis had to be designed to meet all the known defensive needs of the late 1970s, providing fast reaction time, the ability to survive an attack and still return with killing firepower, environmental (man-made and natural) immunity, long-term availability at sea and assurance of a viable area defense coverage.

The Aegis system, which may be installed modularly, could be deployed on a variety of ships. For example, employed on a nuclear carrier it could provide considerable improvement as a radar system for air traffic control; used on USS *Virginia* class nuclear frigates (DLGN), it would serve to exploit fully the available firepower.

However, the Navy has recently decreed that principal use of the Aegis system will be aboard 6,000-ton fleet escorts to make them essentially anti-air-warfare vessels.

If the massive central data processing system is its brain, then the eyes of Aegis are its computer-controlled, phased-array radars. The complete system requires four separate installations of planar arrays, two paired forward and two aft. In the developmental system, each antenna face measures approximately 12×12 feet and a single array weighs 17,000 lbs. The operational arrays are expected to be reduced in weight to about 15,000 lbs.

With 4,480 radiating elements on each face that shape and direct the transmitted energy, a scanning capability greater than ±60° is provided from the broadside antenna position; elevation coverage is 90°.

The computer provides beam stabilization for the three axes of motion to obviate the ship's motion—within the limits of up to 30° roll and 10° pitch. Moreover, during periods of operation in heavy roll, a target high in the zenith would continue to be tracked by means of repeated handover automatically between the paired phased arrays.

In operation, the SPY-1 can perform long-range search from horizon to horizon. Once a target is detected and acquired it is transitioned into radar track and the information goes into the command and control system for evaluation.

If a target is determined to be a threat, the weapon director system is ordered to develop the fire control solution and missiles are selected and loaded on an appropriate launcher. Meanwhile, the SPY-1 furnishes target-track data to the fire control system and the latter designates the launcher firing position through the weapon direction system. Coincident with the monopluse tracking of the hostile target, long range search continues and new targets may be determined to require tracking for subsequent missile engagement.

Missile firing is initiated by a fire control officer. Following launch, the SPY-1 radar guides the missile through midcourse.

Meanwhile, the Mark 99 fire control system radar, which is slaved to the phased array for its direction, illuminates the target with a separate beam. The reflections of these radar signals from the target provide the terminal homing guidance to a radar receiver in the missile. This provides final control of the aerodynamic fins in the missile up to the point of intercept.

With arrays of this complexity and the amount of power employed (a 125,000-watt output from each of the 32 crossed-field amplifiers that alternatively feed each array face), it is obvious that the saturation level for the system must be very high. As might be expected, this figure along with range and the repetition rates of the radar are highly classified. Nevertheless, one Navy program official did indicate that the system will readily accommodate a minimum of 250 separate targets with the radars operating at only nominal repetition rates. In any event, missile engagement is handled on a priority basis by the computer.

He also noted, to give some degree of comparison, that the SPY-1 represents an order-of-magnitude improvement in performance over the first-generation electronic array employed on the missile cruiser *USS Long Beach*.

ORTS FINDS MALFUNCTIONS

To avoid problems previously experienced by the Navy with the shipboard cooling of electronics, Aegis management and design engineers went to sea to study existing systems under actual operating conditions. Subsequently, they isolated the most frequent maladies; poor component performance, lack of redundancy and piping design that disallows on-line maintenance.

As a result, RCA believes that these traditional problems now have been solved and a cooling system has been integrated within the overall Aegis design to provide "100% availability." For example, to obtain a "never-down" capability, a decision was made to provide a dedicated demineralizer-water-cooler and airconditioning system integral to the SPY-1 radar and the Mark 99 Fire Control System. Although supported by the ship, it is otherwise independent and the cooling system has no demand on it other than the Aegis requirements.

Considerable redundancy has been employed throughout and separate supply and return lines are cross-connected for additional redundancy between those two major Aegis subsystems. This parallelism allows the isolation of either system if one becomes inoperable.

A final element of Aegis but none less critical, is the Mark 545 Operational Readiness Test System. Operating on a real-time basis, ORTS helps assure the continuous availability of each Aegis subsystem by monitoring all aspects of their operation.

Through the more than 10,000 test points in a complete Aegis facility, ORTS is able to detect, isolate and report malfunctions and potential malfunctions (by following apparent performance degradation). ORTS also can provide data for operational reconfiguration to bypass an identified failure if prompt repair must be deferred for operation reasons.

Computer controlled, it offers an additional feature with a capability to provide operator training.

In actual operation, ORTS accumulates test data from the addressable system test points and it can extract performance oriented data by running on-line simulated targets through the system. For the SPY-1 radar alone, 39 simulation tests can be run on-line in just a few minutes.

RCA officials disclosed that all of the computer programs required for ORTS control have been written and successfully tested.

Because of the capability of ORTS, Navy officials believe the level of technical and diagnostic skill of technicians can be significantly reduced as compared with that needed with current shipboard weapons systems. In addition to a lower skill level required, fewer maintenance personnel are needed.

TEST RESULTS SHOW

RCA's Aegis program is milestone oriented. In October 1970, the first was passed with the acceptance of the preliminary Aegis design. Milestone B, a critical design review, was passed in February 1972.

Performance testing of the SPY-1 phased-array antenna pattern was completed in December 1972. Under computer control, according to RCA, more than two million data points were recorded and analyzed for over 11,000 beam positions. Test results showed total tracking error of the array was well within the target tracking requirement by the Navy of 0.04 beamwidth.

AEGIS SUBSYSTEMS

In April of this year, Milestone C (Demonstration No. 1) was completed successfully and additional demonstrations to complete this level of requirements are now under way at the Moorestown Land Based Test Site. The full-scale mockup with its instrumented deckhouse at the LBTS looks into the congested air traffic of the New York terminal area and outward to the Atlantic Ocean. Consoles employed at the site display a 256-mile range.

Upcoming tests will see aircraft from the Naval Air Facility at Warminster, Penna., making high-altitude and low-altitude attack runs within the Aegis control area. Testing will include employment of the full capability of Navy electronic warfare aircraft for jamming and countermeasures.

When these tests are completed, probably in late October, Aegis subsystems will be airlifted aboard a Lockheed C-5A to Long Beach, Calif., and reinstalled aboard the test ship. At-sea trials aboard the USS *Norton Sound* are scheduled to be carried out during the next 12 months.

Shipboard demonstrations will be required to prove out Aegis reaction time, launcher integration, guided-missile coverage and inherent firepower, and environmental immunity. An ongoing portion of the at-sea trials will be a final demonstration of full system availability.

The Aegis program is being managed by the Navy's Ordnance Systems Command. Project Manager is Capt. Paul L. Anderson. Anderson reports to Capt. Wayne Meyer, Surface Missile Systems Project Manager, who is also a former manager of the Aegis program. Meyer reports to Rear Adm. Roger E. Spreen, Commander of the Naval Ordnance Systems Command, part of the Naval Material Command. Aegis is from the Greek, meaning "shield" or "buckler" and is billed hopefully by the Navy as "The Shield of the Fleet."

Although production of this weapon system is still several years away, RCA officials believe a realistic estimate of a complete Aegis ship installation will be of the order of $45 million.

TARGET PRIORITIES RELATE DIRECTLY TO SATURATION OF SYSTEM ELEMENTS

Aegis, as with any computer/radar-directed weapon system, is subject to some finite saturation level. In other words, a point can be reached where the number of targets exceeds the handling capacity of at least one major subsystem. RCA developers and the Navy, however, believe Aegis has been designed to meet expected peak attack levels, even under adverse environmental conditions that degrade radar signals.

Dr. Walter Weinstock, former Technical Director of the RCA Aegis contractor team and currently involved in the computer control aspects of the Aegis phased-array radar, describes some of the basic principles faced by program designers:

The radar system represents a resource which must be allocated on a priority basis. The resource can be described in many ways. One is to consider the radar power and dwell time associated with the radar hardware, and the processing time and computer memory associated with the radar controller.

The radar resource of time becomes more tied up with long-range targets, while power becomes more tied up with tactical functions. Localized interference may require an increase in power to maintain track data quality. In summary, long range targets in a difficult environmental situation are most demanding of radar resource.

The data processing limitations arise on an entirely different basis. The amount of processing time per target dwell will, in general, be independent of its range. The amount of computer memory needed to support a target is also independent of target range and signal-to-noise ratio. Thus, the way to approach the saturation limit of the computer is to input many data points/units time. This ties up the processor and the memory of the controller.

Yet, this limiting condition may not necessarily tax the radar. For example, if we had to track a large number of short-range (large-signal-return) targets, this would imply modest power and minimal radar time. This represents a relatively undemanding problem for the radar.

From the viewpoint of the computer, it represents a saturation situation—especially if the large number of returns are associated with many targets. Thus, radar system saturation can come about in many ways. It is extremely important that system performance stay at maximum level when saturation occurs—both in the radar and in its controller. This implies some form of priority system which is self-protective.

CONCEPTUALLY DIFFICULT

The reason for our concern about saturation is that one can only design reasonably for likely peak conditions and, when they occur, for averaging out the impact of the extreme demand. In general, this will be done by deferring tasks which are not as time critical.

The problem of memory is basically tied to the number of targets that can be handled. For a given system, a ceiling exists on target capacity, based on a given memory resource.

The problem of processing time management is, conceptually, more difficult. In a real-time system, we must be sure that the highest priority jobs can be accomplished on a timely basis. In general, an extreme peak occurs when a number of high priority targets enter the system in a short period of time. The entry of a number of targets into high-data-rate tracking in short interval, for example, can produce this situation. Likewise, the detection of a number of new targets, which demand time-critical transition-to-track, can produce this peak situation.

The processing concept must allow the various processes to progress in the machine in parallel and, when peak conditions arise, the less critical processes are held in abeyance until the critical ones are done. Thus, if the processing alternates between search-and-detect and track maintenance during a period of moderate load, the machine may switch over to tracking only if a priority loading arises.

Processing must be capable of responding to these transient peak loads in a timely manner, without throwing away the results of partially-completed lower-priority jobs. Furthermore, it must be capable of handling these problems efficiently relative to the amount of processing effected per unit of time. For the case of the saturating load, operation on low priority tasks can be suspended until the peak load has tapered.

To put numbers into a comparison of cases, the requirement to handle a large number of short-range track points can drive processor utilization to 100%, while requiring that search operations be reduced. Yet only 66% of available radar execution time may be needed. In general, this type of situation does not stress the radar unduly on a time or a power basis—since we are dealing with a multiplicity of short-range tracks.

The companion case, involving long-range targets, may force radar utilization to occur at the 96% level, while the processor operate at the 76% point. This case is demanding of radar time and power, while not stressing the processor unduly.

Thus, the mechanism of saturation is sensitive to the target-mix problem imposed on the system.

FEDERAL SPENDING: GIVE WITH ONE HAND, TAKE AWAY WITH THE OTHER

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. MILLER. Mr. Speaker, nothing is easier for a bureaucracy than to spend money. But beyond some point, everything that the Government gives out with one hand, it must take back with the other. The budget is only a proposal of the President's choice of priorities among alternative expenditures. As such, it is subject to alternation to reflect the collective judgment of both the President and the Congress. Although I do not agree with all the administration's proposals, I endorse setting a firm spending ceiling and staying with it. It is necessary to examine the hundreds of Federal programs which have become entrenched sacred cows and determine if their continued existence is justified in light of their performance and other priority considerations.

Congress can either contribute to a fiscally sound budget for fiscal year 1974, or it can bear the economic albatross of inflation.

Mr. Speaker, with this in mind, I would like to bring to the attention of my colleagues in the Congress a thought-provoking editorial appearing in the October 24, 1973, Lancaster, Ohio, Eagle-Gazette. I commend the editors of the Eagle-Gazette for spelling out the dangers of over-zealous Federal spending and for suggesting how we can put our financial house in order.

The editorial follows:

[From the Lancaster Eagle-Gazette, Oct. 24, 1973]

WHAT CONGRESS MUST DO

Congress must tighten controls more on federal spending before the national government is left with only the options of a tax increase or a sizable and crippling economic crisis.

Citizens and taxpayers should make more direct contact with their congressmen and senators to galvanize effective action on this situation at the earliest time possible.

The latest non-profit Tax Foundation, Inc., research study points up the fact that 75 per cent of the current $268.7 billion federal budget was "really uncontrollable" and continuation of programs mandated in prior years in removing the authority of Congress to act independently on budget questions.

We concur with the Tax Foundation's position that the time has now come for Congress to impose and abide by tighter spending ceilings, match spending to income and give the Appropriations Committee full authority to curb "mandatory spending," if there is to be any curb of deficit federal spending.

Concern is widespread that unless some effective mechanisms are developed to control the upward trends in federal spending, this nation will face the need of either new federal tax increases or the prospect of renewed inflation.

The Tax Foundation said "the federal government has already committed taxpayers to financing specified levels of revenue sharing, postal operations, military retirement payments, agricultural price supports, social security interest on the public debt, veterans benefits, welfare and government operations."

Again, Congress must be urged to take the necessary steps that would stem the tide of federal spending, much of it considered wasteful, in order to prevent economic reversals or slumps and additional tax boosts the nation might have to experience.

GILMAN CALLS FOR SPECIAL PROSECUTOR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. GILMAN. Mr. Speaker, tomorrow I will be introducing a resolution providing for the appointment of a special prosecutor empowered to investigate and prosecute any offense against the United States arising out of unauthorized entry into Democratic National Committee Headquarters at the Watergate and any campaign with respect to the election in 1972 for the office of President.

With so many critical issues confronting our Nation, it is paramount that we restore the faith of the American people in our system of Government by pursuing as thorough and independent an investigation of the Watergate affair as possible, bringing it to a speedy and just resolution.

For this reason, I am introducing this resolution calling for the selection of three nominees for the office of special prosecutor to be submitted to the President by a committee comprised of the Chief Justice of the Supreme Court, the president of the American Bar Association, and the Attorney General of the United States.

In order to encourage a broad participation in the selection process, this resolution calls for reaching out to our Nation's leading bar associations in providing the three-man committee with nominees for the position of special prosecutor.

It is important to note that this bill insulates against the possibility of any arbitrary dismissal of the special prosecutor by limiting removal from office to "gross impropriety, gross misconduct, gross dereliction of duty, or for violation of this act."

The American people demand and deserve the continuation of a vigorous and independent investigation of the Watergate affair. Shaken faith in our coequal system of government, precipitated by the events of the past few weeks, mandate congressional action providing for an exhaustive, unfettered investigation of any illegal activity, bringing to justice all of the guilty.

In the interests of the Nation's welfare, it is incumbent upon Congress to respond to those we represent, seeking the means for bringing about a just resolution to this corrosive affair which has plagued our country for too many months.

Accordingly, I urge my colleagues to support this resolution providing the legislative authority for the office of special prosecutor.

Mr. Speaker, I respectfully request that the text of the resolution follow my remarks in this portion of the CONGRESSIONAL RECORD:

H.J. RES. ——

To provide for the appointment of a special prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the office of President

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President shall, with the advice and consent of the Senate, appoint a special prosecutor of the United States (hereinafter in this Act referred to as the "special prosecutor") from a list of not more than three individuals nominated for such appointment by a committee comprised of the Chief Justice of the United States Supreme Court, the President of the American Bar Association, and the Attorney General of the United States of America.

(b) The American Bar Associaion, the American Trial Lawyers Association, the Association of American Law Schools, the National District Attorneys Association and the National Bar Association shall submit a list of not more than three nominees to the committee not later than 15 days after the date of the enactment of this Act.

(c) This committee, upon receiving the lists from those organizations specified in Section 1, subsection (b) of this Act, will select and nominate three individuals for the position of special prosecutor and submit their nominations to the President within twenty-five days following the enactment of this Act.

SEC. 2. (a) The special prosecutor shall have primary authority to prosecute any offense against the United States: (1) arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate; (2) arising out of any campaign with respect to the election in 1972 for the office of President.

(b) Upon request of the special prosecutor, the head of any Federal agency shall: (1) detail, on a reimbursable basis, any of the personnel of such agency; and (2) provide any relevant information or materials, to the special prosecutor to assist him in carrying out his duties under this Act.

SEC. 3. All materials, tapes, documents, files, work in process, information and all other property of whatever kind and description relevant to the duties enumerated in Section 2 hereof, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney General (28 C.F.R O. 37, rescinded October 24, 1973), shall be delivered into possession of the Special Prosecutor appointed under this Act.

SEC. 4. (a) The special prosecutor shall be compensated at the rate provided for level 11 of the Executive Schedule under Section 5313 of Title 5, United States Code.

(b) the special prosecutor may appoint and fix the salaries of such staff as he deems necessary to assist him in performing his duties under this Act.

SEC. 6. The special prosecutor may be removed from office by the Attorney General of the United States for gross impropriety, gross misconduct, gross dereliction of duty, or for violation of this Act, but for no other cause, or by the Congress pursuant to Article 11, section 4 of the Constitution. The Attorney General shall give 30 days notice in writing to the Congress of his intention to remove the special prosecutor, setting forth in detail the grounds for such removal. Upon giving of such notice the Attorney General may suspend the special prosecutor and dismissal shall be finally effective 30 days thereafter.

LEHMAN COLLEGE: A CULTURAL AND CIVIC CREDIT TO THE COMMUNITY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BINGHAM. Mr. Speaker, Herbert H. Lehman College in my district is one of the fine institutions that make up the City University of New York—CUNY. Lehman College has embarked on a program to bring lectures, special events, and concerts to the campus for the benefit of the student population and the general public. A special aspect of the Lehman cultural arts program is its involvement of the public with the school's intellectual community-faculty and students.

This program is described in the following article appearing in the Cuny Courier on November 1:

LEHMAN'S CULTURAL PROGRAMS REACH OUT TO COMMUNITY

Take it from Mrs. Fanny Kaplan of the Bronx, there's an intellectual Olympics going on at Herbert H. Lehman College in the form of lectures, special events, and concerts for the benefit of the public as well as registered students.

Mrs. Kaplan, a retired schoolteacher, is one of several hundred citizens from the Lehman environs who stroll onto the campus several days a week to attend what are generally called Lehman's cultural events. They are an enthusiastic and appreciative crowd.

"Let's face it," says Mrs. Kaplan, "We're a little like the GI's who returned to school after World War II—we're highly motivated."

NO CONDESCENSION

The Lehman program, in terms of content, may not be much different from those provided the community by other CUNY units. But it is unique in one important respect: it casually brings neighborhood people, many of the retired, onto the campus to participate with undergraduates and faculty at regularly scheduled intellectual events. In short, this is one community cultural affairs program free of any taint of condescension.

And what are these cultural events? One day it may be an all-Beethoven concert by the Gramercy String Quartet, the college's resident ensemble composed of members of the New York Philharmonic. The next day it may be a talk by scientist-author Rene Dubos, or a discourse on acting by Vivec Lindfors, or a meeting with any one of the scores of visiting lecturers brought onto the campus throughout the academic year by the college's departments.

The program started modestly five years ago, shortly after Lehman separated from Hunter, when the Department of Classical and Oriental Languages introduced its "Classics of the Western World" series featuring noted visiting scholars.

VISITORS LIMITED

The series, offering discussions of the classics of antiquity by such academic all-stars as Bernard M. W. Knox of Harvard, George Luck of Johns Hopkins, and Robert T. Fortna of Vassar, initially permitted a limited number of visitors from neighboring schools and colleges to audit the lectures.

Three years ago, The New York Times sent a reporter to the college to scout the series. The result was a feature story of the "Gosh-Gee-Whiz-Culture-Is-Alive-in-the-Bronx (of all places!) type."

That was the starting whistle for a leisure-citizen stampede of the campus. Calls and letters came from all over the metropolitan area—Junior Leaguers from Greenwich, Conn., grey-haired men and women from the Amalgamated Union's Housing Co-op, Riverdalians, promenaders from the Grand Concourse, and residents of Washington Heights. There was even an elderly Wall Streeter, for a time, who commuted to the college by chauffered limousine.

PATRONS INFORMED

The public's clamor for an opportunity to participate in Lehman's intellectual life led to the compilation of a cultural-events mailing list of nearly 1,000 individuals and organizations who are periodically informed of upcoming campus events.

The popularity and success of the classics series led to a sequel, "From the Renaissance On," with lecturers from Lehman's Departments of English, Germanic and Slavic Languages, and Romance Languages. It, too, is a hit with regular campus visitors. In fact, recently when Dr. Leonard Lief, president of the college and a professor of English, delivered the lecture on Shakespeare's "Henry IV," he spoke to a packed hall of 70 students and almost as many people from the neighborhood. Latecomers were forced to sit in the aisles—and they did.

NOT PASSIVE OR UNCRITICAL

The audiences are not passive. One elderly gentleman predictably pops up at the end of every string quartet concert and shouts, "Bravo." They're not uncritical, either. One woman at the end of each academic year writes a thank-you letter that includes marks for the speaker—"fair," "good," "excellent," and "superb." Another visitor asked that one speaker not get another invitation because "he dragged in too much sex."

But, in general, these members of the audience appreciate what they are getting for free. And no wonder. In the past year they've had a chance to hear novelist Katherine Anne Porter read from her own works, Eubie Blake give his ragtime lecture-concert, Anthony Burgess talk about how Americans are killing English (the language, that is), Barbara Ward discuss the plight of the underdeveloped nations, Israeli poet T. Carmi discuss modern Hebrew literature. Others who were heard were lexicographer Clarence L. Barnhart, Spanish novelist Juan Goytisolo, pianist Beveridge Webster, not to mention dozens of other topical or cultural presentations.

GENERATION GAP NARROWED

The relationship between the community visitors and regular Lehman undergraduates can best be described as respectful. Most of the visitors come to the college dressed in tailored suits. Most Lehman students do not. Yet, when speakers call for questions or comments from the floor, students listen attentively to the viewpoints of their elders—and vice versa. When a black Vietnam veteran spoke of his war experiences at a session with CUNY Distinguished Professors Eric Wolf and Hans J. Morgenthau, he was applauded by the senior citizens.

If anything, the members of the community seem to have gained new respect for the students. For instance, one woman discovered she had forgotten her purse in a lecture hall. When she went to the college's lost and found, she was amazed to discover that a student had turned it in—cash, credit cards, and cosmetics intact. Not only did she write of her delight at this proof that today's students are honest, but she donated $100 to the college's scholarship fund.

OFFSETS BAD IMPRESSIONS

But, from the college's point of view, the best dividend has been the goodwill that has been built up in the community. These people appreciate what Lehman College is offering them—and its students. And their praise goes a long way to offset the rumors about today's colleges, students, and standards.

As one woman, a member of the Hunter College class of 1939, put it: "When I went to college there was nothing as stimulating as this going on."

She may be right. But, then again back in '39 she may have been too young to appreciate it.

SUPREME COURT'S ABORTION DECISION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HOGAN. Mr. Speaker, I agree with Msgr. McHugh, director of the Family Life Division of the U.S. Catholic Conference, who recently said that a number of recent events have "magnified the tragic error" of the Supreme Court's abortion decision last January.

Urging enactment of a constitutional amendment to reverse the Supreme Court's decision, Msgr. James T. McHugh said:

> The tragic decisions of life and death that are being made by medical technocrats are attributable to and permissable under the absurd reasonings of the Supreme Court of the United States.
>
> It is imperative that the American people understand that the Court's opinions rival in destructiveness our storehouse of weapons and that the philosophic concept of many physicians is a far greater danger than Watergate.

For the information of our colleagues, the following is the text of his statement:

STATEMENT

"Events of recent weeks have magnified the tragic error of the Supreme Court's abortion opinions of January 22, 1973.

"In California, an obstetrician is charged with solicitation to commit murder because he ordered that oxygen be withheld from an infant that survived abortion. The infant is alive today because the nurse refused to obey the doctor's order. In the court, the doctor's lawyer argued that the doctor is not guilty because he complied with the California abortion law which allows abortions up till 22 weeks. However, the child was 32 or 33 weeks along—eight months—when the abortion was performed. The doctor also defends himself by pleading that no one told him the child was born normal.

"The reasons that a doctor can claim legal innocence for destroying a living child can be found in Justice Blackmun's abortion opinion (*Doe v. Bolton*): 'the medical judgment may be exercised in the light of all factors . . . relevant to the well-being of the patient. All these factors may relate to health. This allows the attending physician the room he needs to make his best medical judgment. And it is room that operates for the benefit, not the disadvantage, of the pregnant woman.' Presumably the disadvantage to the child—death—is not a compelling factor for Mr. Blackmun.

"In Buffalo, New York, a physician has been sentenced for the death of a woman on whom he performed an abortion. The doctor's lawyer claims that the abortion was legal, and the death is the result of 'an error in medical judgment.' Yet, in the Supreme Court abortion opinion Mr. Blackmun argues against legal restrictions so that the doctor 'may range farther afield whenever his medical judgment . . . dictates and directs him.'

"In the Yale-New Haven Medical Center, 43 children born with some type of birth defects died because they were deprived of medical treatment. One doctor justified this on the grounds that the children faced lives devoid of 'meaningful humanhood.' This resembles Mr. Blackmun's statement that the state has a legitimate interest in protecting the life of the unborn child only when the child 'has the capability of meaningful life outside the mother's womb.' There are no criteria for 'meaningful humanhood' or 'meaningful life' and thus we certainly ought not to allow the Supreme Court or the medical profession to decide who is to live and who is to die.

"The tragic decisions of life and death that are being made by medical technocrats are attributable to and permissible under the absurd reasonings of the Supreme Court of the United States.

"It is imperative that the American people understand that the Court's opinions rival in destructiveness our storehouse of weapons, and that the philosophic concept of many physicians is a far greater danger than Watergate.

"The passage of a constitutional amendment to reverse the absurd judgments of the Supreme Court and to provide some base for legal protection for children—born and unborn—is an urgent and compelling responsibility facing the American people. Political planning and electoral projections should be strongly influenced by these considerations."

QUESTIONNAIRE SHOWS HOW FUEL SHORTAGE HAS AFFECTED WISCONSIN'S INDEPENDENT DEALERS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ASPIN. Mr. Speaker, I recently conducted a survey of independent oil jobbers and distributors in the State of Wisconsin.

A total of 452 of the 800 independent dealers of petroleum products returned a questionnaire from my office. The purpose of the questionnaire was to determine how recent shortages have affected Wisconsin's independent dealers and ultimately consumers.

Ninety-seven percent of Wisconsin's independent petroleum dealers and distributors have been forced to accept allocations of fuel oil, gasoline, and propane from major oil companies.

The fact that 97 percent of the dealers who responded to the questionnaire have been forced to accept allocations demonstrates the seriousness of the current crunch. Allocations below 100 percent result in the reduction of the total amount of petroleum products that a dealer can supply to his customers.

In addition to the high percentage of dealers who have been forced to accept allocations nearly 49 percent have been forced to accept the reduction in supply of 20 percent or more and 84 percent of the dealers answering the questionnaire said they had had "some difficulty" or a "great deal of difficulty" in obtaining gasoline in the past year. Similarly, 91 percent had trouble obtaining fuel oil and 81 percent encountered varying degrees of difficulty in finding propane supplies.

Seventy-six percent of the dealers who answered the inquiry claimed that they needed at least an extra 50,000 gallons of product to satisfy their customers' demand. A total of 25 percent of the dealers said they could have used 100,000 or more gallons of additional product.

The results of the survey demonstrate that the current shortage threatens the existence of independent dealers and distributors. By putting the squeeze on independent dealers through allocations, the major companies are able to expand their share of the market and eventually drive some independents out of business.

PESTICIDE FIGHTER HONORED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. PICKLE. Mr. Speaker, an old and very dear friend of mine, Mr. David Wintermann, is among 21 Americans receiving this year's Conservation Awards of the American Motors Corp.

On his farm in Eagle Lake, Tex., David Wintermann learned 30 years ago that man can live in harmony with nature without sacrificing his productivity. Today he grows rice and cattle without utilizing pesticides that can linger for years, sometimes destroying an area's delicate ecological balance.

His conservation efforts have helped create a refuge for the many ducks, geese and other migratory birds that spend their winters in the mild climate of the Texas coast.

David and his lovely wife Eula, have been a source of advice and inspiration to me over the years, and I am personally very proud to see him receive this well-deserved reward. I am inserting a Houston Post article on David Wintermann in today's Record, and I commend it to my colleagues. It is a clear example of how men and their environment can live together in a peaceful, rewarding symbiosis. The article follows:

[From the Houston Post, Sept. 27, 1973]

Pesticide Fighter Honored

(By Harold Scarlett)

Eagle Lake.—David Wintermann, who has been growing rice and cattle around Eagle Lake for most of his 62 years, accepts the marvels of modern technology.

The cars and trucks of the Wintermann enterprises—he also runs an irrigation company and an agricultural supply business—are equipped with two-way radios.

Wintermann plants and sells the new fast-maturing strains of seed rice.

He even has a flashy four-seater helicopter for patroling his domain by air. The copter is used for spotting leaks in irrigation dikes and uneven water distribution, for detecting developing problems that would go unnoticed from the ground.

But on one widely accepted modern development, Wintermann is implacably old-fashioned:

He happens to believe that he can grow good rice and good beef without drenching the countryside with powerful pesticides.

Twenty years or so ago, Wintermann and a partner sprayed a rice field with a new pesticide called Dieldrin that had just come on the market.

Dieldrin, like its chemical relative DDT, is potent and long-lasting.

"It killed everything in that field—fish, turtles, snakes, everything," Wintermann recalls. "So, I decided it couldn't do anything good, and I never used it again.

"Moreover, an adjoining field that wasn't sprayed at all produced just as much rice as the field sprayed with Dieldrin."

Wintermann believes pesticides are useful in some circumstances, but he has long banned the use of so-called hard pesticides on his extensive land holdings around Eagle Lake, on the coastal prairies about 60 miles west of Houston.

For this and other contributions to conservation, Wintermann was one of 21 Americans recently chosen to receive the annual Conservation Awards of the American Motors Corp.

A second Texas winner, also from the Houston area, was Glynn A. Riley of Liberty, a Federal wildlife agent and a champion of the vanishing red wolf.

Of Wintermann, the awards judges said: "The sound conservation programs Mr. Wintermann conducts on his ranch serve as examples for crop producers throughout the Southwest."

Wintermann was particularly cited for his aid to the World Wildlife Fund and the Nature Conservancy in creating a preserve near Eagle Lake for the rare and endangered Attwater prairie chicken.

The citation says Wintermann provided 800 acres of his land for the 3,500-acre refuge "on credit and at a fraction of its real value."

Wintermann modestly maintains that he merely sold the land for what was a "reasonable price" at the time.

Eagle Lake proudly bills itself as the "goose-hunting capital of the world," and Wintermann and his wife, Eula, live in a gracious, spacious lakeshore home that is a year-round hospitality house for wildlife.

On a summer afternoon, a dozen or so squirrels scamper around the oak-canopied lawn sloping down to the lake. Cardinals, chickadees and titmice come in for a snack at the bird feeders.

Every year, 700 or 800 teal ducks take up winter residence on the lake by the house. Wintermann feeds them rice meal, and they return year after year.

On down the lake, Wintermann lands are a haven for the state's largest inland colony of wading birds—hundreds of egrets and herons, along with some scarce wood ibises and roseate spoonbills. Since the only access is through a Wintermann plant, the birds are protected.

On his agricultural lands, Wintermann has built and maintains six sanctuary ponds for migratory waterfowl.

Wintermann is a keen fisherman and hunter himself, but hunting on his lands is limited to occasional guests.

"We have enough land so that we can relieve the pressure on the ducks and geese, let them rest and feed in peace and keep them from being shot out," Wintermann says.

He says his interest in conservation stemmed from the hunting and fishing—and from the strong support of his wife.

The Wintermanns have been members of the National Audubon Society for almost 40 years, and he is a regional vice-president of Ducks Unlimited.

Mrs. Wintermann first read Rachel Carson's "Silent Spring," a monumental early indictment of DDT and other pesticides, when it first appeared in serial form in the New Yorker magazine.

She was "terribly disturbed" by it and called it to her husband's attention.

Wintermann believes in the judicious use of pesticides, but not if they damage wildlife, or if natural controls are available.

He believes cattle egrets, the white African import often seen around grazing cattle, are a far better grasshopper control than any chemical.

Wintermann sells seed rice to fellow farmers, but he refuses to sell seeds coated with Aldrin for use in the Eagle Lake area.

He knows the pesticide coating repels scavenging blackbirds. But he also knows it kills waterfowl.

"I don't preach to others what to do," Wintermann says. "What they do on their own property is up to them."

But it pleases Wintermann when a friend realizes there are few useless creatures in nature's scheme of things.

One rice farmer told him of spotting blackbirds apparently breaking down his crop and eating it. But when the farmer got closer, he could see the birds were eating insects.

"Of course, blackbirds eat rice too," Wintermann says. "But they aren't all bad."

The grounds of Wintermann's home are guarded by stout chain-link fences. The fences are to keep neighborhood alligators from eating Wintermann's hunting dogs.

One nine-foot gator has a den in a pond a scant 50 feet from the Wintermann's swimming pool. But he is not molested.

Wintermann obviously feels that since the alligators were there first, they have as much right to be there as he does.

His concern for wildlife may be one reason Eagle Lake can call itself the "goose-hunting capital of the world."

TOM QUINLAN HONORED BY WEST POINTERS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Ms. GRASSO. Mr. Speaker, my dear friend Tom Quinlan has spent a lifetime in service to his community, working his way into the hearts of countless citizens in Bristol, Conn., and its environs.

Over the years Tom's untiring efforts in behalf of his fellow Bristol area residents have brought him many, well deserved awards. One of his latest treasures was bestowed on him by this year's graduating class at West Point.

For the benefit of my colleagues, I insert the following story from the October 18, 1973, edition of the Bristol Press, telling of Tom's latest achievement in a long and distinguished career:

[From the Bristol Press (Conn.),
Oct. 18, 1973]

Tom Quinlan Honored by West Pointers

Bookends in the form of West Point cadets were recently awarded to Tom Quinlan, of Anderson Avenue in Forestville, by this year's graduating class at the military academy. The gift was in appreciation to Tom for 19 years of faithful service in caring for and beautifying the grounds around the veteran's memorial in Forestville. Tom's dedicated activities were made known to the cadets by Lt. Col. Frederick Manross, a former teacher at West Point and a native of this area.

The bookends were an addition to many gifts and honors extended to Quinlan. The Boy Scouts of America awarded him the Silver Beaver and also Order of the Arrow, its highest honor, as tokens of appreciation for some 30 years service as Cub and Boy Scout leader. He holds the two highest Catholic awards made in scouting and has been cited for his work with the St. Edmundites of Selma, Alabama, in arranging retreats for the boys.

He has been a member of the Explorer's Club, an honorary navy recruiter, named Forestville First Man of the Year and an honorary adult leader of Don Bosco Boys' Club. On several occasions, the well-known Forestvillite was given the title of "Honorary Mayor of Forestville."

SECRET WRITING PLEASES MANY

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. MILFORD. Mr. Speaker, often we talk about individual responsibility and the power of what one man can do. Recently, Floyce Korsak, a reporter for the Dallas Times-Herald, painted a verbal portrait of what one man is doing, anonymously.

Despite the newspaper account, the Dallas suburban businessman remains anonymous as he pursues his hobby to lighten the lives of people who strike his fancy. I would like to share this account of the man known as Hardy with my colleagues:

Secret Writing Pleases Many

(By Floyce Korsak)

The reincarnationist might tell you that Hardy once was a monk—a scribe in a monastery along about the 15th Century transcribing on parchment passages of Scriptures and the doings of saints.

Hardy, himself, is puzzled about his lettering talent since he has never studied the ancient art that flows so rapidly from his hands. He uses his talent freely for the pleasure of others.

Both the famous and the obscure have received anonymous gifts of hand-lettered messages from the will-o'-the-wisp Hardy, messages that are carefully selected to be meaningful to the recipient who is always chosen for a special reason.

"To surprise deserving people is a thrill for me," he smiles. "And it's always a challenge to devise ways to get the gift to them so that they never know who sent it."

The exact style of lettering he uses is impossible to describe. It's his own. A native of Germany, he says his lettering would be considered similar to Gothic in that country.

"Over here," he says, "you call it Old English. But it's really not that either."

The frames are his own also. Sometimes wood, sometimes metal, but always rich in gold, bright or burnished.

Among well known people who have received messages from Hardy are Erik Jonsson, former mayor of Dallas, President Richard Nixon, Elizabeth Taylor, Bob Hope, Sammy Davis and Conrad Hilton. There are many others.

Senator John Tower presented Hardy's plaque to President Nixon. It was a Winston Churchill: quote: "Courage is the first of human qualities because it is the quality which guarantees all the others."

Hardy made an exception in the case of Mr. Nixon. He let his identity be known. He got a letter of thanks from the President and on his birthday a card came from Mr. Nixon.

"I don't know how in the world he found out my birthday," Hardy says. "I'd like to know."

To a young Arlington matron, Ruth Proulx, a native of China, Hardy lettered an axiom from Confucius, "Freedom and dignity come after you are warm and fed."

Mrs. Proulx's father, a former general in Chiang Kai-shek's air force, has been a Communist prisoner for 22 years. Hardy read the story of her father and sent her the gift.

A local TV weatherman got this message, "One of the most annoying things about the weather forecasts is that they're not wrong all the time either."

And to his own mother-in-law in Germany, upon the death of her husband. Hardy sent a poem by German poet Theodor Storm: "The sadness comes, the happiness is gone. The happiness comes, the sadness will go. The days will never be the same."

There is a poignant story about the way Hardy got started on his hobby. He arrived in this country a number of years ago to take a job that failed to materialize. He decided to stay anyway.

For some reason he does not fathom, he decided to try his hand at lettering, even though he had studied neither calligraphy nor art. His first attempt was The Lord's Prayer. He made four tries, each time misspelling the word "evil." It kept coming out "evel."

"I've always hated the word "evil," he smiles. "I guess I got a mental block and it just wouldn't come out right."

He answered a Times Herald ad for a newspaper layout artist, showing his work with the misspelled word and got the job on the spot. He worked at his newspaper job five years. Today he is a businessman. He and his wife, also a German native, live in an area suburban town. They have one son, age 7.

"I can't tell you how much my hobby means to me," he says. "But I have to be in the mood to sit down and work at it. I cannot force it at all. I have to be inspired by a story or a saying or by somebody."

Hardy was given a scroll himself about two years ago. In recognition of his civic activities, he was made an honorary citizen of Dallas.

"It's my proudest possession," he declares.

THE TIME FOR IMPEACHMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FRASER. Mr. Speaker, the evening daily newspaper in Minneapolis has called for the impeachment of the President. The editorial, published October 22, 1973, in the Minneapolis Star follows:

The Time for Impeachment

President Nixon has left Congress no choice but to move toward his impeachment.

Since the beginning of the Watergate scandal, and the revelations of White House involvement in the affair, The Star has been reluctant to support impeachment proceedings, largely on the grounds they would be divisive and traumatic. We continue to be hesitant, for reasons we will enumerate, but the shattering events that began Friday night have in themselves been so divisive and traumatic that we believe Congress must now begin the impeachment process.

Those weekend events began with the President rejecting the ruling of the U.S. Court of Appeals, which upheld a lower court order that he turn over the disputed Watergate tapes to the court. At the same time, the President decided he would not appeal the appellate court ruling to the U.S. Supreme Court. This is defiance of the courts and brings into sharp focus the appeals court opinion which said, ". . . the President . . . does not embody the nation's sovereignty. He is not above the law's demands."

When Nixon ordered Archibald Cox, the special Watergate prosecutor, to give up his fight to get the tapes as evidence in the Watergate grand jury investigation, Cox refused and was fired. Deputy Atty. Gen. William Ruckelshaus, who refused to carry out Nixon's order to fire Cox, was himself fired. And finally Atty. Gen. Elliot Richardson, who had given his pledge at his confirmation hearing that Cox would have complete independence in the Watergate investigation, had no recourse but to resign in the face of Nixon's order.

Thus three highly respected public servants, who were in the process of restoring credibility to the Justice Department and refused to blindly follow the orders of the President because they felt those orders were wrong, have been forced out of office.

We find it highly ironic that the President said he acted "in the spirit of accommodation that has marked American constitutional history." Equally ironic was his reasoning in rejecting the appeals court ruling: to avoid "the possibility of a constitutional confrontation." He has clearly not acted in the spirit of accommodation, and he has precipitated the worst constitutional crisis that has arisen since the Watergate affair.

Our hesitancy over recommending impeachment stems from the critical problems facing the country. There is, first, no vice-president in office to fill a vacancy should Nixon be impeached. Rep. Gerald Ford, the President's designate for the office, faces a difficult time in being confirmed by Congress, and there are growing doubts about his leadership abilities. There is also the continuing problem in the Middle East, even with the cease-fire, and there are such critical domestic problems as inflation and the oil shortage.

Still, we feel the President has gone too far toward assuming a sovereignty that is above the law. We urge Congress to use the tool that is within the law—impeachment proceedings—to restore the presidency to its rightful place in the American political system.

THAT PRESS CONFERENCE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. KARTH. Mr. Speaker, one of the more astute commentators on public affairs in this country is the editor of the St. Paul Dispatch-Pioneer Press, William Sumner. I am sure many of our colleagues remember him well from his service in the Ridder Publication's Washington Bureau. While he has moved to St. Paul, I can assure our colleagues that his perspective has increased his ability to focus on the essential issues of complex problems.

In the past I have been tempted to bring Mr. Sumner's commentary to the attention of our colleagues. I have resisted that temptation fairly consistently since Mr. Sumner treats public officeholders in the same nondiscriminatory manner as Vince Lombardi treated his football players. The fact of the matter is that I run the risk of being accused of attempting to flatter the press by bringing Mr. Sumner's commentary to the attention of the House.

The importance, however, of Mr. Sumner's remarks on the President's recent press conference cause me to bring his thoughts to our colleagues' attention. At this time I place in the Record William Sumner's column as published in the October 30, 1973, edition of the St. Paul Dispatch, a thought provoking analysis of the President's press conference:

That Press Conference: Angry? He Just Doesn't Have Respect

(By William Sumner)

After watching the President's press conference on Friday it seemed necessary to wait a few days before offering comment. It was that distressing.

I am not qualified to make judgments on anybody's health or nervous condition, but it was pathetic when the man told those assembled, and the nation, that he had been forced to learn to be cool while under fire.

Here was a cornered man, giving us a couple of flashes of an ominous trick-or-treat Halloween smile, who was sweating, clearly troubled and intemperate, moving about physically like an awkward middleweight.

". . . I have never heard or seen such outrageous, vicious, distorted reporting in public life. I am not blaming anybody for that . . ."

Aaaaak!

This assumes that the media, particularly the TV folks, were responsible for the Watergate scandal, for the Ellsberg scandal, for the nation having no Attorney General at the moment, for a former Vice President being "former," having had his wrist slapped, and for the rest of the human wreckage.

He was low enough to be self-serving in distorting the truth on one occasion and in offering a disputed version of history on the other to justify his firing of Special Prosecutor Archibald Cox.

Nixon said Richardson went along with the so-called "Stennis Proposal" and refused to fire Cox only because of his personal commitment to Cox before the Senate.

Let us see what Richardson said, in part:

"I regarded the proposal to rely on Senator Stennis for a verified record for the sake of brevity . . . as reasonable, but I do not think it should be tied to the foreclosure of the right of the Special Prosecutor to invoke judicial process in future situations."

And,

". . . I, given my role in guaranteeing the independence of the Special Prosecutor, as well as my beliefs in the public interest embodied in that role, felt . . . clear that I could not discharge him, so I resigned.

"At stake in the final analysis is the very integrity of the governmental processes I came to the Department of Justice to help restore. My own single most important commitment to this objective was my commitment to the independence of the special prosecutor."

Nixon's disputed version of history concerns Thomas Jefferson who, he said, prepared a "compromise" summary of subpoenaed material for Chief Justice John Marshall.

There is one obvious difference. The potential defendant then was Aaron Burr. The potential defendant now is Richard Nixon. In any case, Nixon's version of history collides with that which holds that President Jefferson did indeed turn over the subpoenaed material itself, not a summary.

Other than that, it was standard Nixon fare of being persecuted, but not blaming anyone for it, but then it got embarrassing or scary, depending on how one viewed this coiling, sweating, grinning man.

You only get angry with those you respect. An embarrassment. Sort of like "sticks and stones . . ." and so forth. Or, the same you four times over. All of this now in third person . . . "The President" rather than "I."

Asked about the effect Watergate may have had on the thinking of Soviet officials during the Mideast mini-confrontation, he said, "I think Mr. Brezhnev probably can't quite understand how the President of the United States wouldn't be able to handle the Watergate problems. He'd be able to handle it all right, if he had them."

This seemed to get the only genuine laugh, not of derision, but I thought at the time that it was misplaced laughter.

There was nothing funny about the remark. It may have displayed a longing.

On Sunday we find the glib Mr. Patrick Buchanan, on TV, advocating legislation to break up the "excessive power" of broadcast networks.

It would be awful if this group had a docile majority at this point in time. It doesn't, for which we may give thanks.

QUESTIONS RAISED BY INCIDENT AT NATIONAL PRESS CLUB

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FISHER. Mr. Speaker, a letter written by Mr. O. R. Strackbein and sent to Mr. Donald R. Larrabee, president of the National Press Club, should be of some interest to Members of Congress and to others. The letter, which is self-explanatory, follows:

Oscar Robert Strackbein,
October 27, 1973.

Mr. Donald R. Larrabee,
President, the National Press Club,
Washington, D.C.

Dear Mr. Larrabee: The purpose of this letter is to acquaint you with an incident that occurred last evening at the National Press Club. I shall relate the facts as best I remember them. Several witnesses were present but they may not have been within range to hear all the words that passed.

To begin with I was with a small party, five in all, including myself. We were guests of a member, and sat in the small waiting lounge having cocktails, awaiting the President's speeech, when we went into the main lounge where the televised speech came on.

While we were in the smaller lounge I heard in a conversation within our group about some posters that represented the President and the former Vice President in prisoners' garb, with the usual stripes, and a series of concentric circles after the manner of a rifleman's target surrounding the heads of these officials. Since there is sometimes cross-conversation in such situations I did not receive all the details, and thought no more of it.

After the President's speech was finished someone suggested that we look at the main hall that had been decorated for Halloween. We went in and only a short distance to the right in what seemed to be a stall or cove, my attention was called to some posters on the wall. It was then that I recalled the earlier conservation. As I went forward to inspect the posters I was appalled at seeing the President's likeness as previously described and also that of the former Vice President.

What I had not fully visualized before struck me now with the force of a shock when I saw the President's head encircled by a series of concentric circles centering on his forehead, approximately between his eyes. The image so greatly disturbed me, reflecting, as I did, that here was a virtual invitation to shoot the President.

The Halloween party was to be attended by youngsters and I thought of the lesson in citizenship they would receive from such a debasing and suggestive representation of the President.

Without further ado I tore down the posters and threw them on the floor. Immediately I was approached by a man, quite large of size, who told me that what I had done was a violation of the rules of the club and that he would have to ask me to leave. I said "Go ahead, ask me" or some similar response.

He asked me if I were a member. I said "no". He repeated that he must ask me to leave. I asked him who he was. He replied that he was the chairman of the Club's Board. I said I had been a member of the Club for some twenty years and was now here as a guest. He asked whose guest I was. I said I did not wish to involve him. He repeated that I must leave.

I responded that I would not leave and that if he wanted me out he would have to call a guard. By this time our host who had been some ten to fifteen feet away, as I judge it, came forward and said I was *his* guest. I then left the two and joined my group. In a matter of moments we were rejoined by our host who then took us into the dining room where we had dinner.

After the dinner was over our host, a former president of the Club, went back into the big hall and said that the posters had been put back on the wall. We shortly left the Club and did not attend the Halloween party. Therefore I do not know what actual use was made of the posters later. One member of our party said a hand type of gun was lying on the table, presumably a dart gun to be fired at the President's head. I have not verified this as a fact. The stall was indeed in the form of a shooting gallery.

It is, of course, not a question of whether the posters were to be used for this or some other purpose. It is also not merely a question of taste. My outrage, which was not premeditated, was instantaneous.

We have had several most unfortunate assassinations in this country in recent years. I am sure that these assassinations are a blot on our society, to be profoundly regretted. Yet if we insist on propagating hatred on a partisan plane against the heads of our government, those who do so may be regarded, not as reducing the likelihood of repetitions of unregenerate acts of violence, but as the sowers of seeds that can beget the most deplorable consequences.

I bring this complaint not as a former member of the National Press Club, but as a citizen who was so deeply shocked that he gave himself in his outrage to an act of a kind that is in no sense characteristic of him.

Any action that you may wish to take is, of course, in your discretion. I did believe that you should be apprised of the incident, its cause and the degree of provocation. I feel that the roots of anarchistic violence or the violence of persons mentally or emotionally deranged will be found in incitations of the kind that the posters represented, and embodied as a most reprehensible example.

You will appreciate that I greatly regret being the bearer of such an unpleasant message; but I see no alternative.

Sincerely,

O. R. Strackbein.

DEDICATION OF THE NEW RESEARCH AND EDUCATION BUILDING

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. TAYLOR of Missouri. Mr. Speaker, on November 2 of this year, the Honorable Donald E. Johnson, Administrator of Veterans' Affairs, was the guest of honor at the dedication of the new research and education building of the Veterans' Administration hospital in Kansas City, Mo.

All too often, the accomplishments of the Veterans' Administration are taken for granted and do not receive the space in the news media that they deserve.

So that my colleagues may share in the enlightening remarks delivered by Mr. Johnson, I offer them now for their perusal:

Remarks by Donald E. Johnson

It is always a privilege and a pleasure for me to participate in the dedication of an addition to the Veterans Administration's hospital system—the Nation's finest as well as largest hospital system, I am proud to say.

But I especially appreciate this morning's ceremony because it focuses needed and deserved attention on VA medical research and VA medical training which, with patient care, give us VA health care's three-fold mission of care, research, and education.

Mr. Webster tells us that "dedication" means devotion to some work or cause.

No work is more important, and no cause more unselfish than quality health care—including medical research and education which contribute so importantly to such care, for ill and disabled and aging veterans.

It is to this work and this cause that we dedicate not only this magnificent addition to our Kansas City VA Hospital but also ourselves today.

In doing so, we are accepting the challenge to be worthy of the trust which the American people have placed in the Veterans Administration.

Our fellow citizens have said to us, to you and me, to the 165,000 skilled, dedicated men and women who are the VA's Department of Medicine and Surgery, indeed, to all who share our responsibility and privilege of serving those who served:

"We want our veterans to have the best care in the world . . . and we are confident that VA medicine can provide such care."

This confidence is justified—never more so than today.

Do not misunderstand.

There has never been—and never will be—a time when the most visible of all VA benefits and services, our hospital and medical care program, could not be improved. But I think that the following facts—comparisons, if you will—evidence the growth and progress and accomplishments of VA medicine during the past four years. They also warrant my very strong personal conviction that VA medicine will know an even more dynamic, rewarding, and exciting future.

I cite the past four years because of my official responsibility for, as well as my personal familiarity with the state of VA medicine during this period.

1. This year the VA health care system will provide inpatient care for a record 1.1 million veterans, compared with 776,000 four years ago. More than 9,000 of these patients will be cared for here at our Kansas City Hospital.

2. This year VA will handle 12 million outpatient visits—an all-time high—compared with 7.1 million four years ago.

More than 84,000 of these visits will be here at this hospital.

3. This year VA will spend a record $78 million for medical and prosthetics research (compared with $58 million four years ago), including more than $1.5 million at our Kansas City Hospital.

4. This year VA will train 67,000 doctors, dentists, nurses, and other health care personnel in VA's hospitals—over 700 of these at our Kansas City Hospital—compared with 49,000 four years ago.

5. This year VA will spend 12 times the amount budgeted for hospital constructions four years ago.

6. This year VA's Department of Medicine and Surgery will be staffed by 25,000 more full-time employees than were on duty four years ago.

7. And this year VA will have a record high budget of $2.7 billion for its health care system to accomplish the above essential goals, compared with $1.4 billion four years ago.

This very day some form of VA patient care or support will be provided to upwards of 167,000 veterans.

We can agree, I think, that VA health care today is in the mainstream of modern medicine. More importantly we can be confident that VA health care will keep abreast of future medical progress, and the changing needs of the millions of veteran patients in the years ahead. Indeed the VA will help lead this medical progress through its research and education programs.

I would direct your attentioh to the $5.2 million addition to our Kansas City VA Hospital which we are dedicating this morning, and suggest that its existence emphasizes far more effectively than any words of mine a fact which we should always keep in mind.

The VA hospital and medical care program is structured on the foundation of *research* and *education* as well as *patient care*. Patient care has always been, and will always be, the primary purpose—priority mission, if you will—of VA medicine.

But a moment ago I noted that VA will spend more than $78 million this year for medical and prosthetics research. This translates into the involvement of VA medical investigators in nearly 6,000 research projects.

You are familiar with many of VA's medical research accomplishments and shared triumphs such as the virtual elimination of tuberculosis as a killer disease; the perfection of kidney transplants; development of the laser cane for the blind; portable hemodialysis units for home use; motorized wheelchairs for quadraplegics operated through nudge control or voice control or even breath control; and the heart pacemaker—the implanting of the first atomic powered pacemakers in the Western Hemisphere; and clinical proof that the early treatment of hypertension will lessen the incidence of death or crippling strokes from vascular disease.

And you know that the results of VA medical research are quickly made available to all of our citizens.

The point I want to emphasize is VA's unique capability for conducting wide-scale cooperative research projects in clinical settings; our ability to conduct simultaneously the same research effort in many hospitals.

I submit that this research technique proves that the VA hospital system offers great potential for reducing the time required to test new medical treatments or theories.

Further, my VA associates and I believe that we can apply the same approach successfully in establishing, and demonstrating, new models or patterns of health care delivery—particularly with the appropriate utilization of allied medical personnel, such as the Physician's Assistant and the Clinical Nurse Practitioner.

To illustrate the national importance of VA's medical education and training, which cover some 60 professional and technical categories and which will be given ever greater emphasis and more effective support with this addition to our Kansas City Hospital, permit me to point out the following facts:

Nearly one-third of all physicians now practicing in the United States, and approximately one-half of those entering practice each year, have received a portion of their medical training in VA hospitals.

In addition, VA contributes directly to the education each year of over 1,000 dental students, over 20,000 basic nursing students, nearly one-fourth of all social work graduates, one-third of all dietetic interns, one-fifth of all Ph. D. candidates in clinical psychology, and one-fourth of all pharmacy interns and residents.

In light of these facts, I think it can be fairly said that the VA health care system has greatly assisted in increasing America's vital medical resources. It will continue to do so.

Now, let's take a close look at this Research and Education building addition to our Kansas City VA hospital.

This look should reveal two important truths.

First, this addition is not a separate entity that exists—and will operate independent of the hospital. On the contrary, it is a vital, integral part of the hospital.

Second, our Kansas City Veterans Administration Hospital, including the new Research-Education addition, is more than a single hospital, and more than just one of 170 hospitals in our total hospital system.

It is part—a vital part, to be sure—of the VA's nationwide health care system.

And when I say "system", I mean exactly that.

In addition to its hospitals, the VA health care system consists of domiciliary homes, restoration centers, nursing care units, and outpatient clinics operated directly by VA.

Furthermore, the VA health care system utilizes—and will continue to do so—non-VA facilities, such as other Federal, state and private hospitals, community and state nursing homes, state domiciliaries for veterans, and a variety of other extended care arrangements.

And, as many members of the Show Me State's medical community know from personal experience, VA's health care system also relies heavily on "home town"—or fee-basis physicians and dentists.

But to return to the Research and Education addition, each of you is cordially invited to take a studied, personal look at this facility. I sincerely hope that you will be able to make this tour so that you can see for yourselves how the VA carries out your wish—a nationwide wish—that veterans receive the fullest and finest VA health care possible, including medical research and education.

By way of a preliminary tour guide, let me mention some of the specialized programs and equipment that may not be apparent.

Our Kansas City VA Hospital is headquarters for the National Cooperative Urology Research group which is studying carcinoma of the prostate. This program, which involves 26 other participating VA hospitals, has made substantial progress in evaluating and comparing treatment of cancer of the prostate.

Our Kansas City Hospital—and by now I am sure you realize that I consider the hospital and this new addition one and indistinguishable—has also been named the headquarters hospital and center laboratory site for the National VA Cooperative Study on Aspirin Therapy and Unstable Angina. This program will test whether aspirin can prevent serious complications in heart attacks.

Researchers at this hospital will have some of the most modern, sophisticated equipment for studies in cell processes and cell biochemistry.

In terms of specialized equipment, I would cite three examples:

To aid in this hospital's Clinical Pharmacology program, there is a highly sophisticated instrument that can identify even complex chemical compounds which will soon be purchased and installed.

In the hospital's Calcium Research Laboratory, the role of peptides from the parathyroid gland is being studied with regard to body calcium controls. Unique items of equipment permit researchers to build such biologically active peptides. Since loss of bone substance affects everyone over the age of forty, with no known way to reverse the process, great importance is attached to this type of investigation.

In another area, the use of computers will permit data equivalent to a full day's work to be collected and analyzed in a few thousandths of one second.

I am sure that you will leave here today properly impressed by the design and construction of this Research and Education addition, and by its furnishings and equipment.

But I know that you will also leave here fully aware of the fact that this facility and our Kansas City Veterans Administration Hospital, above all, means people. *It means:*

The 9,000 patients who will be cared for at this hospital this year—and, of course, their families.

The tens of thousands of veterans who will be the beneficiaries of 84,000 outpatient examinations and treatments this year.

The 1,000 skilled and dedicated men and women who staff this hospital, including its new research and education addition.

The hundreds of unselfish volunteers who are so concerned enough about the welfare of our patients that they give thousands of hours each year to provide the companionship, comfort and care which no amount of money can buy.

The officers, faculty and students of the Kansas University Medical Center and the University of Missouri Dental School with which our VA hospital is privileged and proud to be affiliated

And, of course, the officials and you good citizens of Kansas City whom my VA associates here are fortunate enough to be able to look to for friendship, neighborliness, professional, business and commercial services, fire and police protection, and other necessities and comforts of community life.

In just three more years, this Kansas City Veterans Administration Hospital will celebrate its Silver Anniversary. That observance, coinciding as it will with our Nation's bicentennial, will be a memorable one I am sure.

But I would also point out that this hospital's 25th Anniversary observance will also find World War I to be 58 years in the past, the average World War II veteran to have been out of uniform 30 years, and Korean Conflict veterans to have been back in civilian life nearly a quarter-of-a-century.

The few remaining Spanish-American War veterans will have celebrated, or getting ready to celebrate, their centennial birthdays; while the youngest of our Vietnam war veterans will be in their early or mid-twenties.

But all of these veterans will have one thing in common.

A present or future need for VA hospital and medical care.

I can assure you today that the Veterans Administration health care system, including its Medical Research and Education programs, will be around, ready and able to provide that care.

Thank you again for joining my VA associates and me in this dedication ceremony.

SECRETARY OF THE ARMY CALLAWAY SPEAKS BEFORE ASSOCIATION OF THE U.S. ARMY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. CARTER. Mr. Speaker, in 1965 and 1966, I served in the House of Representatives with the Honorable Howard H. Callaway, of Georgia. "Bo" is a West Point graduate and a lawyer. He is a man of unquestioned honor and unusual ability. The United States of America is indeed fortunate to have a man of his training and devotion to duty as Secretary of the Army. I submit for the record his speech of October 15, 1973, before the Association of the U.S. Army:

Keynote Address by the Honorable Howard H. Callaway, Secretary of the Army, Before the Association of the U.S. Army

Ladies and Gentlemen, distinguished guests:

I'm delighted to have this opportunity to be with you this afternoon. We in the Army are aware of your long-standing support for a strong National defense and we feel that the Nation owes you a debt of gratitude.

It is an exciting time for me to be Secretary of the Army. We are entering a historic time, a time of basic change, as we try to do what has never been done before. The Army has set out to provide security for this great country, to keep our global commitments, to stand ready to face an aggressor on a moment's notice—and to do all this with an Army of volunteers. No nation in history has tried to meet such massive and complex commitments without compelling people to serve, through one form of conscription or another. It is a challenge—a great challenge, one which I assure you we are doing our utmost to meet. Today I want to address this question with you—this question of meeting the need for an Army with a volunteer force.

Unfortunately, discussions of the volunteer Army are usually accompanied by emotional considerations about the value of the draft or of Universal Military Training. There are many, both in the military and out, who genuinely feel that the maintenance of a draft is important to our country, and so the debate continues. But the debate is on the wrong subject.

Those who continue to hold out the false hope that the Army can or ought to simply dodge the problems of the volunteer environment by quick return to the draft are not facing up to today's realities. The country doesn't want a draft today. The Congress doesn't want a draft today. The alternative then is a successful volunteer Army or failure for the Army. The US Army has never failed this country. It has always turned the hard challenges of history into success. So today, the challenge for all of us who support the Army is clear. We must set our minds to making the volunteer Army work.

And the volunteer Army is working! It is working because there are still young men and women in America who want to serve their country—this is "an idea whose time remains" for all Americans, young and old, of every race, color, and creed. And it is working because the Army offers to young men and women a satisfying life and solid benefits in conjunction with their service. There are those who feel we are trying to buy an Army. This is not the case. We are giving young men and women who serve in the Army a standard of living that is roughly comparable to the standard of living they might get in the civilian community for doing a similar job. This means higher pay; paid annual leave; complete, superb medical and dental care; life in much improved barracks, and more.

All of these measures are necessary. I support them wholeheartedly. But let me emphasize that we are not trying to buy an Army! We will get the Army that the Nation needs only by appeal to sacrifice and service.

And this brings me to the second most important way that we are making the volunteer Army work, by insuring that service to the country is a meaningful part of the young man or woman's life. We are making Army service a step forward in their lives, not an interruption. And to do this we are putting a great emphasis on education and training, and on insuring that our soldiers' jobs are important and useful.

We are doing this by making each soldier's job relate to the Army's mission, because this makes Army service mean something. Our young people want value from their lives. They want a job that matters and we've got that job. We are also working to eliminate unnecessary irritants. We think this will make the Army more attractive, and our surveys have borne this out.

We have developed a very attractive package of education and training. To the high school dropout who has the ability and motivation, we offer work toward a high school diploma, as an adjunct to training. To the high school graduate, an opportunity for college training, part of which may be as an adjunct to training. To junior college and college students, the possibility of further training, and even this may be as an adjunct to training. And to all of them, the Army offers vocational training that will be useful when the soldier returns to civilian life.

With a meaningful job, a decent standard of living, and real opportunities for continued education and training, young men and women can look upon a period of service to the country as a genuine step forward in their lives. And when they leave the Service, they will realize other very important advantages. For one thing, under the GI Bill, they are entitled to more education, provided by the government to its veterans. And they're more mature. The Army has trained them, given them each a mission, and then held them responsible for professional results. This responsibility develops maturity. Thus, both the education and experience of military service prepare them for better jobs when they leave the Army for civilian careers.

All of these benefits are pointed toward the first term volunteer. For those who choose to reenlist for the volunteer Army, however, more opportunities for education, maturity, and service accrue.

We have, today, the finest noncommissioned officer leadership training we have ever had, with progressive career steps going from the recruit right on through our top command sergeant major. Our men and women enjoy the benefits of our new Noncommissioned Officer Education System, a system which offers to the noncommissioned officer a progressive, professional military education roughly comparable to the superb system of schooling we have always offered to our officers. The system trains, educates, and motivates our NCO leaders for the progressive challenges of an Army career.

Some of our strongest supporters don't fully understand today's Army. They think the Army lost something important when we initiated, for example, the idea of hiring civilian help—KPs—to work in the kitchens and dining rooms. They think that eliminating such irritants as KP has made the Army soft. But the Army's mission is not to peel potatoes; its mission is to fight. Peeling potatoes does not improve discipline or combat efficiency. So changes to some things held traditional in the past are in the wind, but if you look at them, you will see that each turns harder than ever on mission. We are not retreating from the Army's real business. The volunteer Army is ready to fight.

We do not have and we shall not have a permissive Army. We have and we shall have a disciplined Army, responsive to authority, and able to perform its mission in the service of the country. You expect it; the country deserves it; and I'm going to do my level best to see that it happens!

In brief, that's the program we have undertaken to attract young people, to encourage them to enter the Army. And once they're in, I know that many of them will choose to stay beyond their initial commitment, because they will see that the Army has a very fine career progression system.

I believe Americans will agree, then, that we have a package that is appealing to today's young people, appealing not only in terms of benefits, but in the opportunity for service to country. And the beauty of this is that it appeals to everyone in America. Service to country appeals equally to rich and poor, Northerner and Southerner, educated and uneducated. Pride in America and willingness to sacrifice for her is an ideal which knows no cultural or economic boundaries. In this fact lies the very strength of the Nation. I count on this appeal to give us an Army which mirrors America. It's not going to be a mercenary Army, it's going to be an all-American Army.

This then is our plan. It is not only our plan for the future, it is also a description of today's Army. For practical purposes, the draft ended for us on December 29, 1972, when the last draftee entered the Army. (Although a few deferred draftees entered later.) So we have had about 10 months' experience now in a volunteer environment, and I think it is appropriate that we review some of the results.

Because each month we openly discuss our goals and quotas, many have a distorted picture of our progress. They feel we are hopelessly short of recruiting goals, trying to make up the gap by lowering quality, and as a consequence, ending up with nothing worthwhile whatever. It is true that we have missed our goals during the past 10 months. But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

What are the facts? During these past months, we have recruited into the volunteer Army some 124,000 young men and women; further, over 34,000 men and women have reenlisted during this period. In fact we have been running about 84 percent of our recruiting objective ever since December 29, 1972, when we abandoned the draft. And those who have come into the Army are of high quality. We have had a higher percentage of high school graduates entering the Army since the draft ended—about 10 percent higher—than we had in the 6 months before the end of the draft. As a result, we now have an Active Army of over 794,000 and this is 97 percent of our programed strength. Total accessions, then, have fallen somewhat short of our goals, but we are still filled far above any level of concern, and quality is high.

And we have many encouraging signs. Last year we decided to reactivate the 9th Infantry Division at Fort Lewis, Washington, but the manpower was not at hand. So we told the commander, General Fulton, that if he wanted a division, to take his cadre, the Division colors, and go out and recruit a division. General Fulton and his recruiters did just that. They began a vigorous recruiting campaign and today that Division stands at 102 percent strength, essentially filled with enlisted volunteer soldiers. Now, this is a real success story, a living example which illustrates concretely that the volunteer Army program is not an impossible dream, but a workable idea, and it is typical of many other units with similar successes.

We do not minimize our recruiting problems; we spend our time and energy working on them. We are trying many new approaches to recruiting, which stress quality together with quantity—such as increasing the number of recruiters, expanding our unit-of-choice and station-of-choice options, screening out poor soldiers in our reenlistments, administering new entrance tests, and even weeding out misfits in basic training. These efforts will continue.

Some also have expressed concern that the volunteer Army was doomed to failure because it would bring a decline in discipline. That has not been the case. If we compare discipline trends for FY 72 with FY 73, a period which includes both draft and volunteer Army experience, we find that rates for AWOL, desertion, crimes of violence, crimes against property, courts-martial, and separations under less than honorable conditions, are down.

Virtually every major indicator of discipline except drug offenses has, in fact, remained or turned positive in the volunteer Army. Whatever factors contribute to this picture, it is clear that today's volunteer soldier is not causing an increase in disciplinary problems.

Many also had expected the volunteer Army to herald the demise of our National Guard and Army Reserve as viable outfits. No such demise is in sight, although we do face problems here. We have seen modest reductions in the strengths of both our Reserve Components from the December 1972 levels, a trend in fact dating from mid-1971. But current indications give us some encouragement that we may be able to restrain this decline. We have in the past several months, for example, been successful in recruiting trained, experienced, prior-service personnel into our Reserve Components to offset some of our shortfall. As you know, Reserve Component strength remains critically important, so we are very much concerned that it continue to receive close attention. Under the total force policy any future emergency buildup will have to rely upon the National Guard and Reserve rather than a draft for initial and primary augumentation of our Active forces. I expect the improving image of the volunteer Army to have the positive effect on the health of our Reserve Component recruitment that is needed.

Finally, combat readiness, which is the heart of our business, has shown significant improvement. When the draft ended, we had 13 divisions on the books, but only 10 fully formed. Of the 13 divisions, only 4 met the Army's stringent readiness standards and were considered ready for combat. By contrast, we now have 13 divisions fully operational and 10 ready for combat. Thus, our divisions today, judged by the stringent standards reported to the Joint Chiefs of Staff, much more nearly meet their goals in terms of authorized strength, personnel job qualification, unit training, equipment on hand, and equipment serviceability than they did at the end of the draft. Six months to a year from now, I believe our readiness posture will be even better.

These simple facts and figures point to one conclusion—The Army is better today than it was at the end of the draft. But the figures are not nearly so meaningful as the subjective feel of those in the Army. I certainly don't pretent to be an expert on this, but by the end of this month I will have visited all 13 of the Army's active divisions, as well as many other posts and stations. During every visit I have talked with new soldiers, with senior noncommissioned officers, with junior officers, with senior officers and commanders. I can tell you that without any question, today's Army is a far better Army, far more prepared for combat than it was at the end of the draft. I can just feel it everywhere I go. It's in the air. Discipline is better, morale is better, training is better, and equipment is better. The Army's future is indeed now.

And, what is more important, all of our vital trends, with the possible exception of drug abuse (and we are working hard and effectively on that one), are in the right direction today. Let me emphasize—your Army is good now, ready to fight, and getting better with the passage of time. I foresee no doom ahead. Six months from today we will be better, and after that, better still.

This picture that I give you of today's Army is enthusiastic and optimistic, and purposely so. I am extremely proud of today's Army and what has been done to make it work in the volunteer atmosphere. But I recognize our challenges. Benjamin Franklin once said, "the man who expects nothing . . . shall never be disappointed." I believe he would share my belief that men who do expect something worthwhile and are willing to work hard for it, are apt to achieve it, even if the task is difficult and unfamiliar.

We are daily working on new, innovative, and exciting ideas to insure that we get the right number of qualified men and women to man our Army. It will not be easy. It will perhaps be the toughest job that the U.S. Army has ever been called upon to do, but I am certain that today's Army will be equal to the challenge.

We in the Army have always needed the active support of the American people. Today, we need it even more than ever before. Even our strongest critics have recognized that the one vital element necessary for the success of the volunteer Army lies beyond the Army itself. I'm talking about public support. We need your help as we plow new ground, as we steer an uncharted course to give the country the best Army it has ever had. Without your help, we cannot succeed; with it, we cannot fail. Together, we can meet the challenges and prove worthy of the Nation's trust.

Thank you.

A LEGAL COUP D'ETAT?

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. YOUNG of Florida. Mr. Speaker, the Congress continues to be inundated with communications and suggestions concerning the future of this great Nation, and the actions that we, as Members, should be taking. It is especially important that we should retain our perspective, and our long-range vision of what we feel will be good for the Nation as a whole. In aid of this balance, I want to offer for my colleagues' information an editorial from the Sarasota (Fla.) Herald-Tribune:

[From the Sarasota Herald-Tribune, Oct. 23, 1973]

A LEGAL COUP D'ETAT?

The orchestration and choreography have been impeccable. The greedy motivation, disguised by skillful media manipulation, could not be faulted by Machiavelli. The stakes are the highest—nothing less than control of the Government of the United States.

"Across the nation calls for impeachment mingled with cries of amazement in an emotional outpouring reaction from America." So read the AP's lead story on Monday afternoon after an extraordinary weekend during which, on the home front, President Nixon forced out of his administration three high-ranking members of the Justice Department, while, on the world diplomatic front, he and his Secretary of State negotiated with Russia an end to the Middle East war and a consequent withdrawal of humanity from the nuclear brink.

Impeach the man who ended the disastrous Vietnam war—the fourth war in this century initiated under the leadership of the Democratic Party? Impeach the man who has achieved the impossible in bringing the real hope of peace between the Arabs and the Jews? The very idea will be viewed by history as grotesque!

But it has now become clear that nothing less than capturing control of our government is and has been the objective of those who cynically have exploited the scandal called "Watergate" to arouse the American people and in this process, incidentally, have shaken the confidence of our foreign allies in the American system, contributed to devaluing the dollar in world trade and endangering the detente achieved by President Nixon with the two Communist superpowers.

A coup d'etat has never been carried out in American history. But skillful manipulation of the constitutional process has now brought us perilously close to a coup—not through violence and military overthrow but through devious political manipulation of the unhappy events of the last year.

The resignation of Vice President Agnew has set House Speaker Carl Albert, a Democrat, in line for succession if President Nixon should die, be assassinated or removed by impeachment. His elevation to the Presidency would not mean merely a change in the man holding that office, but a complete change of the party in control, and of the Cabinet, and of all the apparatus of the Executive Department.

Senator Ted Kennedy's call for holding up senatorial consent to the appointment of Representative Gerald Ford as Vice President was the keynote speech in the campaign to obtain for the left wing Democrats what was denied them by the overwhelming vote of the people in the 1972 election.

Regardless of the rights or wrongs of the Watergate scandals, regardless of the legalistic question of whether or not privacy of presidential papers extends to presidential tapes, regardless of the multitude of petty controversies that befog the scene, the hard fact remains that the American people are entitled to a Vice President appointed and confirmed promptly under the provisions of the 25th Amendment of the Constitution.

Many sincere Democrats and Republicans have been stampeded into losing sight of what it would mean in division of our nation, turmoil in our government, temptations to rashness by our enemies, and peril to the foundations of our 200-year-old Republic should the President be hounded out of office. But the Ted Kennedys, the Tip O'Neils, the George Meanys and the Bella Abzugs who lead the pack baying for Nixon's blood know exactly what they are doing.

The basic tenet of this newspaper has always been that the American people, given all the facts and time to analyze them, will ultimately come to the right decision. We have not lost that faith. We believe that unless fate or events move so rapidly that discussion and analysis are stifled, the judgment of the American people will be to reject and condemn the insidious campaign to steal the presidency from the man and the philosophy on whom it was bestowed one year ago by the majesty of the elective process.

BALTIMORE CITY HOSPITALS' BICENTENNIAL

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. SARBANES. Mr. Speaker, for the Government and the people of the United States, these are troubled times. As we Americans approach the Bicentennial of our Nation, we have an opportunity and obligation to look back upon the struggles and accomplishments of our forefathers, and upon the spirit of determination which guided their actions. Looking back in time we can find sources of a renewal of determination, faith in our future and accord among our citizens that we so desperately need.

This month marks the 200th anniversary of a venerable medical institution, Baltimore City Hospitals. The occasion reminds us that we have always been a society that helps those who cannot help themselves. We have come to the aid of the victims of misfortune through our churches, through philanthropy large and small, and through the donation of our time as volunteers. But we have also done so through our institutions of government.

In November 1773, the Maryland Legislature appropriated funds to purchase land for the purpose of establishing an alms house in Baltimore. That was very much an act of charity by the body politic, for in those days, before the modern era of medicine, hospitals were chiefly for the poor and destitute.

The Alms House quickly outgrew its original role as a shelter for the infirm and aged and soon was playing an important part in the development of medical services and education in Baltimore. Medical students began clinical instruction at the Alms House as early as 1812. In 1840, under the direction of the distinguished Baltimore physician, Dr. William Power, the institution began the modern scientific practice of keeping accurate medical histories and progress reports. The system of medical instruction and consultation was greatly expanded toward the end of the last century in cooperation with the existing Baltimore medical schools, helping to develop the brilliant medical tradition that has so distiguished Baltimore.

Today Baltimore City Hospitals, descendant of the old Alms House, carries on that fine tradition and has greatly expanded its capacity to serve the Baltimore community. It has grown to a modern complex of medical facilities on a 240-acre site overlooking Chesapeake Bay. It provides every kind of health treatment, with services ranging from dentistry to psychiatry, surgery to chronic care. Last year Baltimore City Hospitals cared for nearly 55,000 emergency cases, delivered more than 3,000 babies and treated more than 90,000 outpatients.

This 200-year tradition of service and innovation are clearly evident in City Hospitals' present-day treatment programs, many of which are unique in Maryland and the object of national interest and acclaim. The Highlandtown Kiwanis Burn Unit provides specialized intensive care to burn victims, employing the most advanced techniques to ensure physical and psychological recovery. The Coronary Care Center, recognizing that the majority of deaths from heart attack occur before the victim reaches the hospital, has developed with fire department cooperation a program for radioing cardiograms to the hospital from rescue ambulances. Rapid, accurate diagnosis enables trained ambulance crews to begin treatment while the patient is still en route to the emergency room.

Baltimore City Hospitals also play a central role in Maryland's statewide effort to care for critically ill infants. Newborn babies are brought in by State police helicopters for treatment of lung disease, respiratory tract deformities, and heart defects. Once at the hospital the child is assured of treatment by a specially trained expert staff utilizing the most modern facilities.

In addition to medical care and instruction, nationally important research programs are an integral and essential part of the activities carried on at Baltimore City Hospitals. Specialists there are engaged in a challenging approach to the treatment of cancer through the use of chemotherapy. The U.S. Gernotology Research Center was established at Baltimore City Hospitals in 1940 by the National Institute of Health. It carries on enormously significant studies in the physiological, biological, psychological, and social factors of aging and recently opened a new $11 million facility.

As it embarks upon its third century of service, Baltimore City Hospitals continues to expand and improve its programs for the community. Not only are its door open to the critically ill in need of specialized personnel and facilities, but it has undertaken to establish and maintain special care and treatment centers in adjacent neighborhoods. These Affiliated Community Health Centers will offer outpatient and preventive medicine programs, often to persons who now have little access to quality medical care.

This newest effort, reflecting an important trend in our thinking on the goals and means of health care delivery, is yet further testimony to Baltimore City Hospitals' tradition of community service and medical achievement. It is also proof of what the cooperation of a skilled and dedicated staff, concerned government officials, and private groups and individuals can achieve. On the occasion of its bicentennial I am pleased to join in this tribute to one of the Nation's outstanding medical institutions. Baltimore City Hospitals can be proud of its continuing tradition of community service, and Baltimore's citizens can be proud of the great medical institution their support has helped to build.

A BETTER ARMY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, the heart of the volunteer Army program has been an effort to strengthen the Army as an institution—to make it a better Army. Increased professionalism has been seen as the best way to strengthen the Army. And reducing the sources of dissatisfaction was recognized as key to the goal of improving Army life.

Much has been done toward furthering these goals in this transitional period to a volunteer Army. Efforts have been made to improve recruiting, barracks life, family living, post care, military pay, and health care for the soldier and his or her dependents.

An article in the August issue of Soldier magazine discussed what has been and is being done to make the Army a better institution. The first half of that article follows:

A BETTER ARMY

July 1973 has passed.

How did the Army tackle its problems? What progress has it made toward becoming an all-volunteer force? How's it working so far?

For starters, planners had to ask certain basic questions:

What type of Army was wanted?

What type of volunteer should it actively seek?

What changes would the Army have to make to attract and retain enough volunteers?

How could a changed public image of an all-volunteer force be projected?

Drawing on the resources of research agencies, special boards and experts eminent in behavioral science, sociology and psychology the Army began to get answers. Patterns and profiles emerged.

The All-Volunteer Army would have to be a better Army with strengthened professionalism providing positive incentives to military service—with Army life improved by eliminating or reducing most of the sources of dissatisfaction.

To reach the prototype volunteer—an 18-year-old high school graduate or holder of the GED Equivalency Certificate who could meet the quality mental, physical and moral standards for military service—a modernized recruiting and entrance system would have to be established.

As a first step toward these goals, the Modern Volunteer Army (MVA) Program was born in January 1971 with Project VOLAR.

VOLAR served as a test-bed for experimenting, evaluating and refining a number of new approaches under conditions of limited application before they were adopted Army-wide. Initially it was conducted at four stateside installations—Fort Ord, CA, Fort Benning, GA, Fort Carson, CO, and Fort Bragg, NC—and at two U.S. Army Europe installations.

By the time VOLAR ended in June 1972 it had been expanded to nine additional CONUS installations, Alaska and Hawaii, at an approximate cost of $10 million.

Reaching the Recruit. As changes were

made within the Army to attract qualified volunteers the recruiting force was changing, too.

Project VOLAR worked on the image from within. The recruiting force carried the message to the prospective volunteer on the outside.

The heart of the MVA/Project VOLAR Program was an effort to strengthen the Army as an institution—to make it a better Army.

Professionalism was seen as the best way to strengthen the Army while reducing the sources of dissatisfaction would improve Army life.

Emphasis was placed on improving professional competence plus building a strong sense of accomplishment and achievement among Army men and women of all ranks. This meant:

Getting back to the basics of soldiering.

Where possible, the soldier is freed from non-military chores such as KP, guard duty, grass-cutting and other housekeeping chores. This concept recognizes that what soldiers do on their military jobs is the critical element. Within VOLAR's budgetary limitations, civilians were hired to perform KP and other housekeeping chores. Additional labor-saving devices such as power mowers and other equipment were purchased to increase efficiency in those tasks.

Providing exciting, meaningful training. Under decentralized training procedures the unit commander is made responsible for planning, managing and executing training programs which challenge the individual soldier to demonstrate his ability against high standards and measure his accomplishments by testing actual performance. "Hands-On" training gets the soldier working on his weapon or equipment early. Adventure training offers an added attraction. The soldier is placed in an environment requiring him to employ initiative in accomplishing given tasks. Men in small units develop self-reliance moral and physical courage and mutual confidence by participating in mountain climbing, boating, survival and endurance feats and exploring.

Encouraging educational development. Under MVA/VOLAR vocational and general education opportunities were expanded through accredited civilian contract schools. The program is aimed at standardization of curriculum offerings, admission and residency requirements through a worldwide association of civilian contract schools.

Another significant goal of the program provides careerists with the opportunity to advance their skills training and general education level during normal duty hours. Each Soldier who has not graduated from high school can receive on-duty professional instruction while earning a high school diploma. Soldiers who completed high school can pursue vocational training and baccalaureate education during normal duty hours. The program permits a logical educational progression during the soldier's entire career.

Fostering professional leadership. This program is designed to develop outstanding leaders, officers and NCO's, and allow them to properly exercise that leadership. Action was taken on several levels: Establishment of an NCO Educational System (NCOES); stabilized tours for commanders; and an improved Officer Personnel Management System (OP MS) and an Enlisted Qualitative Management Program (QMP).

The NCO Education System (*NCOES*) involves a three-level program of professional training and educational development for career NCOs. Careerists return to school periodically for training in individual career fields. The program consists of three progressive levels: Basic, Advanced and Senior. In Basic level courses selected E–4s and E–5s are prepared for duty and increased responsibilities as E–6s and E–7s. Advanced level courses prepare selected E–6s and E–7s for duties as E–8s and E–9s. Senior level courses for selected E–8s are offered at the Sergeants Major Academy at Fort Bliss, Tex.

Stabilized Tours for Commanders—an impossibility during the Vietnam war—would be established. Under the MVA/VOLAR concept brigade and battalion command tours were established at 18 months minimum and company command tours at 12 months minimum.

Setting Up a New Officer Professional Management System provides officers with proper skills to meet basic Army requirements. The program's four basic objectives are: improve professionalism; put the most qualified commanders in command of troops; increase specialization; and improve officer motivation and career satisfaction. Under OPMS the promotion system was revised and officers are now required to develop dual skills.

The Enlisted Qualitative Management Program (*QMP*) was initiated in February 1971. Under QMP, reenlistment is denied to persons who are not promoted or recommended for promotion within designated periods of time. Through qualitative screening reenlistment is also denied to persons who are considered to have low potential for advancement to higher grades.

Improving Army life means removing, where possible, the irritants and inadequacies which detract from the environment in which the military man and his family live. This means improving the soldier's total environment: barracks life, family housing, post services and pay.

Barracks Life. Lack of privacy was found to be one of the most widely voiced complaints. Some progress had been made prior to the Vietnam build-up but the twin pressures of wide-ranging commitments and budgetary limitations made the going slow. Progress increased noticeably under MVA/VOLAR.

MVA funds were made available in late 1971 to determine what effect barracks privacy would have on service attractiveness. Large platoon bays were partitioned into two- and four-man living spaces, each furnished with a rug, desk, chair and lamp. Soldiers were permitted to individualize their quarters. Congress appropriated $55.5 million to expand the barracks privacy program in Fiscal Year 1972, with funds going mostly for modernization of permanent barracks. The Fiscal Year 1973 budget contained $238 million for construction of new barracks including some $16,000 new spaces, plus modernization of $53,000 existing barracks spaces.

To further upgrade the soldier's environment contracts totaling $63 million were recently awarded for construction of newly designed barracks at Fort Hood, TX, Fort Carson, CO, and Fort Sill, OK. The new buildings will offer increased privacy in three-man living areas.

Improving Family Living has generally meant building more units and extending family housing eligibility to all married personnel except trainees.

Improving Post Services includes construction and modernization of chapels, schools, commissaries and recreational facilities. Commissary and Post Exchange operating hours can be extended and a larger selection of merchandise provided for the soldier and his family.

Central In-Out processing centers are being established at all posts, with special emphasis given to providing friendly, courteous service.

The long-established policy of providing sponsors for families on Permanent Change of Station to overseas commands has been extended stateside, with the gaining units required to appoint a sponsor for the soldier and his family on CONUS PCS.

Health Care for the Soldier and his Dependents is also being improved. Quality of service is being upgraded with clinical operations expanded to provide a full range of services during hours convenient to the patients.

Improving the Soldier's Pay has long been goal of Army planners. The gains made during the 1960s benefited career soldiers but were of litlte assistance to the first-term soldier.

MVA/VOLAR studies showed that if the Army was to become all-volunteer and still meet its overall manpower requirements, it would have to achieve and maintain a rate of pay comparable to civilians of equivalent ages, skills and education.

Recognizing that the first term soldier suffered the most severe pay inadequacies the military pay boost approved by the Congress effective November 1971 provided for roughly doubling the pay of a private. An E–2 received a base pay of $85.80 in 1964. By mid-1973 his base pay totalled $342.30.

Smaller increases went to those in higher grades and with longer time in service. An increase in basic quarters allowance was enacted.

Recruiting Retooled. As these people-oriented changes came in rapid succession, the U.S. Army Recruiting Command began getting the word out to the public.

"We had to learn to communicate with today's youth in a manner they understand," said Major General John Q. Henion, Commander of the Recruiting Command.

"We could no longer sit in the recruiting stations and wait for the volunteer to come to us. But at the same time we had to remember that with the reduction in the size of the Army it would become increasingly important that the volunteer we enlisted would meet the high standards that had been established.

"For example, judges and probation officers used to offer young offenders an alternative—join the Army or go to jail or on probation. We have spent a lot of time and energy getting this policy quashed across the country. Recruiters know this is strictly forbidden and judges are getting the message.

"We have also found that men and women who score poorly on the Armed Forces Qualification Test are less likely to succeed. We have a ceiling on the number who can be accepted in that category (IV). You can always find exceptions but the percentages are against them.

"From the numbers standpoint, you measure a recruiter's performance by how well he meets his assigned objective. But this isn't always the whole thing. We know he has to make himself known and respected in the community in which he works. This requires that a considerable amount of time be spent on public and community relations projects. He has to make and keep a variety of contacts because today's contacts mean tomorrow's enlistments. He has a full-time job and it certainly isn't an easy one.

"Once we began to get the quality volunteer's attention with our advertising we had to offer something he was interested in. Enlistment is just the first step in building an All-Volunteer Army. We had to look beyond basic training and AIT and offer the new soldier a meaningful, worthwhile job in his unit.

"Our enlistment options were expanded to include train and travel, unit of choice enlistments, station of choice and guaranteed school options.

"A Delayed Entry Program which permitted young men to enlist in the reserves and come on active duty up to 6 months later was established and proved quite successful. This enabled the young man to complete high school or tie up any loose ends prior to his entry on active duty. We later extended the program to Women's Army Corps enlistees."

To reach the quality volunteer, an additional $10.6 million was funded for advertising in FY 1971. "Today's Army Wants to Join You" was the theme of a 3-month test on radio and TV. Commercials were keyed to the people-oriented changes. Young men and women were invited to call a toll-free number indicating which enlistment option they were interested in and a recruiter would be in touch within 24 hours.

How successful was the paid advertising? Recruiting Command officials considered it highly successful. In the Los Angeles recruiting main station alone, an average of 50 additional calls were received each day during the test period.

By the end of Fiscal Year 1972 the number of true volunteers (those not motivated by the draft) increased by 41 percent over FY 71—from 76,000 to 107,000. Draft calls decreased from 152,000 to 25,000 during that period.

WETIP PROGRAM SERVING COMMUNITIES WITHOUT CHARGE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BROWN of California. Mr. Speaker, on October 3, I sent the following letter, along with a copy of H.R. 10602, to Mr. Thomas M. Jones, president of radio station KBON in San Bernardino, Calif.:

Dear Tom: Congressman John Conyers (whose district includes much of the area served by your former Detroit sister station) and a handful of other Members of Congress, including myself, have just introduced a bill which might interest you. Entitled the "Community Anticrime Assistance Act of 1973," this legislation would benefit such programs as the WETIP program you have promoted so extensively.

Keep in mind that legislation such as this generally takes quite a while to pass, if it passes at all; I wouldn't want you to get your hopes up too high. But I thought you would want to know that I am thinking of you.

Best regards,

George E. Brown, Jr.,
Member of Congress.

On October 17, I received a reply from Mr. Jones, thanking me for my letter and adding that the bill "certainly has many merits" and hoping that it will be passed by the Congress. Then Mr. Jones continued:

The WETIP program, however, is a "grass roots organization" (pardon the pun) that is strictly volunteer except for several paid members. Under no circumstances does WETIP want any grants or aides (sic) from government whether they be local, state or federal. Our experiences find that any time government gets involved, we have problems.

And 12 days later I received the following letter from Mr. Bill Brownell, the State director of the WETIP program:

Dear Congressman Brown: This date I received a copy of your letter to Tom Jones of Radio Station KBON, and his reply to you which I also would like the liberty of answering, because of the reference to We T.I.P. Inc.

The drug and resulting crime problem is a matter which gravely concerns every thinking american, and must be combatted on a wide front.

We T.I.P. Inc. is composed of service and fraternal organizations which wish to fill an obvious gap between law enforcement agencies, and rehabilitation programs.

The bill which you introduced has obvious merit, but the spirit found among We T.I.P. Inc. volunteers is now, and has always been quite firm in a policy of "GRASS ROOTS EFFORTS" upon which we were founded.

This program has spread statewide on a very simple premise of citizen involvement or doing work for a common good on a free enterprise system. Thanks to such organizations as the Kiwanis, Rotary, Lions, Elks, Optimists, Jr. Womans clubs and Womans clubs the spirit of service to man kind is alive and well.

We T.I.P. is willing and able to serve the State of California in the battle against the drug menace *without one cent cost to the tax payer* and we have hopes of spreading nation-wide.

Should We T.I.P. be called upon by congress to reveal the success pattern now established, and operating in California we shall do so with pride, but we must also respectfully decline federal and state funding as in the past.

I shall be delighted to receive word on any bills intended to reduce crime in the streets, keep up the fight.

Very sincerely yours,

Bill Brownell.

Mr. Speaker, it certainly is a rare and pleasant surprise to have people engaged in such work tell us that they not only are not seeking Government financial assistance, but actually would decline such assistance if it were offered. I am sure that our colleagues will also be interested in such a remarkable program, and I will, therefore, insert in the Record at this point an article on the subject which appeared in the September 1973 issue of Reader's Digest:

Join the War Against Crime and Drug Pushers

(By Trevor Armbrister)

Community-action programs that encourage citizens to help police have proved remarkably successful. Here's how they work, and how *you* can get involved

A husky young man was watching television at the Randavco Lounge in Amarillo, Texas, on October 26, 1971. Suddenly, he grabbed a leaded pool cue and crashed it over the head of waitress Dora Ward. Then, pulling out a gun, he fired a warning shot, scooped up the money in the cash register and fled into the street.

Waitress Ward told police that she had never seen her assailant before, and no one else had been in the lounge at the time. Fingerprints were too smudged to be of use. The case seemed headed for the list of unsolved crimes.

However, Jim Pratt, news director of Amarillo's television station KVII, remembered having read an article about a Detroit *News* feature called "Secret Witness," * which offered rewards for information leading to arrests and convictions in cases that baffled police. In four years, Secret Witness had helped to solve 17 murders and numerous other crimes in the Detroit area. Maybe, Pratt thought, KVII–TV could follow suit.

Amarillo police officials responded enthusiastically, and listed eight unsolved cases for Pratt to feature, one per evening, in a 90-second spot on the 10 p.m. news. Kicking off his Secret Witness program on January 18, 1972, Pratt described the Randavoo robbery, offered a $500 reward, and asked potential informants to call a special number. That very evening, he received a call naming Joe Walter Neves as the culprit. Neves' photograph was slipped into a collection and shown to waitress Ward. She identified Neves as her assailant, and he was soon tried and sentenced to a five-year prison term. (An appeal is pending.)

For the past several years, radio station WEBR in Buffalo, N.Y., has maintained a special "Crime Line" to solicit information about criminals. Early in 1972, station president Bill McKibben heard about a Tampa, Fla., program called "TIP" (Turn-In-a-Pusher),** which encouraged residents to identify anyone they suspected of selling drugs. The effort had been quite successful, and on May 3 WEBR instituted its on TIP line.

Less than two weeks later, an anonymous informant told WEBR *that* Paul J. Smith was peddling narcotics from his home on Buffalo's Grant Street. The information was relayed to the Erie County sheriff's office, and on May 22 an undercover agent purchased 427 grams of heroin from Smith, who was arrested and convicted for sale and possession of drugs.

The number of such community-action programs is rising dramatically. At least a dozen newspapers and radio or TV stations have now initiated a Secret Witness feature, and TIP is functioning in 79 communities. Says John E. Ingersoll, former director of the Federal Bureau of Narcotics and Dangerous Drugs, "People are just itching to take action against criminals and pushers in the streets." The efforts vary in sponsorship, scope and success. Some are the creation of newspapers, chambers of commerce or local service organizations such as Lions, Kiwanis and Elks. Some restrict their focus to hard drugs, while others encompass marijuana and miscellaneous crimes, even purse-snatching. Most guarantee the anonymity of the informant and pay rewards, usually after a conviction has been obtained.

No one claims, of course, that such supplements to traditional police activity will or can stop crime completely or put drug pushers out of business. Yet they have contributed to hundreds of arrests, and resulted in a significant number of convictions. Even more important they have proved that there *is* something citizens can do to help combat the nation's skyrocketing crime rate—up 187 percent in the last decade.

As Philadelphia *Daily News* managing editor David Lawrence, Jr., says of that paper's Secret Witness. "The cases that we get are the toughest ones, those the police can't solve." He tells of March 20, 1971, when six Philadelphia youths set out to visit friends in another part of the city. En route, one of them attempted to steal a car in a gas station. When station operator William Pastrana, armed with a tire iron, tried to thwart the theft, he was fatally shot by one of the youths.

Police had no clues. The case seemed tailor-made for Secret Witness, and the *Daily News* offered a $4000 reward for information. In February 1972, a Secret Witness tip led to the arrest of 19-year-old Robert Lee Jones, who subsequently confessed to the shooting.

On December 26, 1970, two men held up a sporting-goods store in Long Beach, Calif., stole $1000 and approximately 20 guns, then executed the father-son proprietors, Cyril and James Ball. Robbery Detectives Don Murray and Y. D. Carter interviewed scores of area residents and spent between 700 and 1000 hours searching for leads. "We didn't have a thing to go on," Carter recalls. In desperation, police appealed for help to the Long Beach *Independent Press-Telegram* Secret Witness feature, and last October 27 an anonymous caller identified two ex-convicts who were back in a Louisiana state prison for armed robbery. They have since been arraigned and charged with the murders.

Secret Witness programs are achieving equally encouraging results elsewhere. Since its inception in July 1970, the Houston *Post* "Public Protector" series has helped police solve eight homicides and three armed robberies. Thus far, the newspaper has paid rewards totaling $22,500. In the past 18 months, the Sacramento *Bee's* Secret Witness feature has contributed to the solution of 93 crimes. In Pontiac, Mich., the North Oakland Chamber of Commerce "Silent Observer" program has led police to four murderers and has helped to prevent a planned assassination.

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*See "'Secret Witness'—New Weapon Against Crime," The Reader's Digest, November, '71.

**See "TIP" Is Turning In Pushers," The Reader's Digest, October '72.

TIP programs are proving equally effective. In Ontario, Calif., for example, 39-year-old Bill Brownell, a former deputy sheriff of Los Angeles County, discovered that drugs were being sold at his son's junior high school. "They were backing up station wagons in front of the local junior high schools and selling the stuff openly," he says. When Brownell read about Tampa's TIP success, he sought and got help from local service clubs—Lions, Kiwanis, Elks, Junior Women's Club—and on January 5, 1972, incorporated We TIP as a nonprofit organization. He designed a long form to screen out crank calls, hired a TIP operator and worked with the local postmaster to set up a "drop" location system for the payment of rewards.

In its first year of operation, We TIP received 1859 calls—leading to 117 arrests and 21 convictions to date. Among them: a 12-man heroin ring in Pomona; a LaHabra couple with a pound of heroin, 8000 phenobarbital pills and 4500 amphetamines in their possession; a high-school student peddling amphetamines to his classmates; and a San Diego man smuggling in cocaine from Mexico. We TIP has grown into a statewide network; one toll-free call can now relay information to local authorities in 65 California communities.

"In the past," Brownell explains, "a citizen might call police and say that 'Joe Jones' was selling heroin. He'd have to go to court to testify. Joe would receive a light sentence, and the citizen would live in fear of reprisal."

Now, before beginning operations in a new city, Brownell promotes "we tip Week." The script is always the same. The mayor issues a proclamation, and we tip bumper stickers appear on police cars. Next day, service-club members place posters on each merchant's door. Other service-club members address high-school students and teachers alike, and the media carry announcements. "By the end of that week," Brownell says, "the city knows the program. Its citizens act as one, and there's no recrimination. The pusher can't intimidate everyone."

The New York *Daily News* launched "Program Pusher" last February, offering no rewards but stressing that the anonymity of informants would be maintained. In the first four months of operation, more than 3900 tips poured in, enabling police to make 102 drug arrests.

These programs offer a solution to the growing need for more citizen involvement in the fight against crime. In the belief that more and more Americans will want to take part in them, The Reader's Digest has produced a special booklet entitled "How You Can Join the War Against Crime and Drug Pushers." It cites instances where Secret Witness and tip have helped police nab criminals, then lists specific instructions as to how to set up similar programs in your community. *Individual copies are available free to any reader*. Chambers of commerce, service clubs, civic groups and law-enforcement officials who wish to distribute the booklet may obtain large quantities if they will describe their specific needs. Address requests to Reprint Editor, The Reader's Digest, Pleasantville, N.Y. 10570.

Mr. Speaker, I want to express my appreciation to Bill Brownell, Tom Jones, and the many other public-spirited citizens who are working so hard to do something about one of America's most critical and difficult problems. There are many things that the Federal, State and local governments can do—and should be doing—to reduce crime, but in the long run we must all fail without the help of concerned, committed private citizens who are willing to do more than their share for the benefit of us all.

OIL COMPANIES PROSPER DURING THE "OIL SHORTAGE"

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HARRINGTON. Mr. Speaker, the third quarter figures for net income by the major oil companies were published by U.S. Oil Week in its issue of October 29, 1973. As the publication expressed it, "Predictions of a leveling off in the oil companies' profits went out the window" as initial earnings reports came in. Every company made significant gains, and, among the majors, Gulf, Exxon, and Mobil reported gains of 91 percent, 80 percent, and 64.1 percent respectively.

We have listened for years to the complaints and warnings of the major oil companies that profits must go higher or the industry would not have enough incentive and capital to explore for and develop new reserves. Recently, the "oil shortage" has been invoked by the major oil companies as the rationale for a massive advertising campaign extolling their civic virtue, urging the deregulation of natural gas, contending that environmental safeguards have made the development of additional energy reserves unworkably expensive, and otherwise painting a picture of inadequate profitability for the industry. These income figures, however, tell a different story.

What is to be done? The Nation faces a national energy crisis, one which threatens the quality of life at home and the integrity of our policies overseas. Price controls have been imposed, but they are notably lenient for the oil industry, containing as they do "production incentives" for the major companies. It is an appalling situation; a crisis is at hand, but oil companies are making record profits, under price controls.

The truth is that the major oil companies have amassed so much power and influence that they can prosper at the expense of the American public and the American economy. While the small independents in the petroleum field have been going out of business, the majors have been growing fat. They have a virtual monopoly on the most vital energy resources of the country and, like the trusts of the late 19th century, they will continue to hold their monopoly until they are required to surrender it.

It seems to me that in this critical area, where social, political, and economic factors come uniquely together, it is essential that there be a greater degree of public accountability. It may be time for Congress to consider the creation of a U.S. Fuels Corporation, similar to the Tennessee Valley Authority, to develop our domestic energy resources.

It is certainly time, in my view, to break up the major oil companies through antitrust action into smaller, more competitive units. Besides reducing pressure on prices by bringing profits within reasonable limits, this antitrust action would reduce the concentrated power now in the major oil companies' hands. Free market conditions could be restored to the industry, with benefit to the entire country.

The profits of the major oil companies for the first 9 months of 1973 are as follows:

OIL PROFITS STAY SKY HIGH

Predictions of a leveling off in oil company profits during the third quarter of 1973 went out the window last week as initial earnings reports came in. Every company reported significant gains, topped by Occidental's 7,153% increase over 1972. Among the majors, Gulf, Exxon and Mobil reported gains of 91%, 80% and 64.1% respectively during the third quarter. Ten major oil companies showed average per-company earnings up 52.1%. Major-company market experts who blew the third quarter predictions are crying doom again, now saying uncertainties in the Middle East will result in lower earnings during the fourth quarter.

	Net income 3d quarter (in millions)	Percent gain	Net ncome first 9 months (in millions)	Percent gain
Amerada Petrofina	$9.200		$20.222	58.0
Ashland [1]	24.400	17.0	85.200	25.0
Citgo	28.600	61.0	104.800	24.8
Clark	9.154	284.0	22.413	349.6
Commonwealth	9.200	3,965.0		
Continental	54.200	38.0	153.400	24.1
Exxon	638.000	80.0	1,660.000	59.0
Getty	33.700	57.5	90.100	22.9
Gulf	210.000	91.0	570.000	60.0
Imperial			111.000	39.6
Marathon	30.700	36.0	82.500	49.0
Mobil	231.200	64.1	571.200	38.4
Occidental			55.400	7,153.0
Phillips	53.850	43.0	143.700	30.0
Shell	83.600	23.0	253.300	41.0
Skelly			27.200	9.5
Sohio	18.000	14.0	62.500	55.0
Standard of Ind	147.300	37.0	389.800	32.0
Tenneco	53.300	20.0	149.300	12.9
Union	50.700	61.0	129.100	44.0

[1] 4th fiscal quarter.

IMPEACHMENT MAIL

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. RIEGLE. Mr. Speaker, I have received over 1,200 telegrams and letters from both constituents and individuals throughout the country calling for either the resignation or impeachment of the President. I would like to insert a sampling of some of the letters I have received for the interest of those who read the RECORD:

MT. MORRIS, MICH., *October 24, 1973.*

DEAR MR. RIEGLE: Please add our voices to those that are demanding that President Nixon be impeached.

We feel he has gone too far, too often in ignoring the laws of our land. If the President himself sets such a shameful example, who then can the American people look to?

Sincerely yours,

MARY LOU EARNS,
STANLEY A. EARNS.

FLINT, MICH., *October 23, 1973.*

DEAR REPRESENTATIVE RIEGLE: As your constituent, I want to register my request for you to take every action you can to secure the impeachment and removal from office of President Richard M. Nixon.

Over a number of months my concern has grown as to whether he really believed in the U.S. Constitution or whether he was fit to hold the office of President. He has surrounded himself with people like Ehrlichman, Haldeman, Mitchell, Stans, Dean, Colson, Krogh, Agnew, Chotiner, Rebozo and Abplanalp and others who, though not all convicted criminals, have lent the suspicion of corruption to this administration.

His recent actions have indicated increasing isolation from the American people and from democratic principles.

His decision to abolish the office of Special Prosecutor, held by Archibald Cox, seems to me to represent a certain step toward totalitarian rule, and I believe that no time can be lost in removing Pres. Nixon from office before we have absolute dictatorship.

Although tonight's radio news reports that he has agreed to make the "White House Tapes" available, I feel that this no longer resolves America's concerns about a possibly paranoid and dictatorial ruler who ignores solemn oaths, commitments and responsibilities to the legislative and judicial branches of our government and to the American people.

I therefore ask you to accept this as my request that you work for immediate impeachment and removal from office of President Richard M. Nixon.

Thank you.

Sincerely,

William D. Chase.

Flint, Mich., *October 22, 1973.*

Representative Donald Riegle,
Cannon House Office Building,
Washington, D.C.

Dear Representative Riegle: "Prudence, indeed, will dictate that governments long-established, should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security."

How poignant recent events have made Thomas Jefferson's eloquent words, for it is doubtful if our nation's founders ever conceived that the American people would again someday have their rights and liberties endangered by their own government. Fortunately, though, they did consider the improbable and embodied in the Constitution a means of removing a tyrant from office short of revolution. Richard M. Nixon has shown himself to be in contempt not only of the courts, but of the American people. He has demonstrated his bad faith by doing everything in his power to obstruct justice in regard to Watergate. How grievous it is to say, but the only recourse of the American people, through their representatives, is impeachment. Hopefully you too have had the courage to admit this.

Yours truly,

Lois Livesay.

Bay City, Mich., *October 25, 1973.*

Dear Congressman Riegle: I hope you are still one Congressman with the interest of our country in mind. The chain of events that has taken place since the firing of Mr. Cox is staggering. I shouldn't say just since the firing of Mr. Cox, because any half-wit who reads the paper; listens to the news; or reads any news magazine, could have seen this tragic misconduct of handling our government and its policies. I truly believe Mr. Nixon to be man trying to cover all his misdeeds and mistakes, but who can run that fast?

Please back any proposal that will have the firing of Cox investigated, and what leads he had uncovered before he was fired. Nixon cannot judge himself, any more than I would be allowed to if I were thought guilty of a crime.

I surely hope you are aware some of us do not think it would be better to let the President continue in office even if some of these allegations are true. We cannot tell our children how to be good citizens; loyal Americans; and honest, when the President can do anything, and not be held accountable for it. Man I wouldn't get to first base if I were to try breaking the law in so many ways.

Sincerely,

Mrs. Pauline Rivard.

Ortonville, Mich., *October 22, 1973.*

Representative Donald W. Riegle, Jr.,
House of Representatives,
Washington, D.C.

Dear Representative Riegle: I'm writing out of my concern for the unfortunate and incredible circumstances of the Watergate investigations. Although I've never been a supporter of the President's, up until the past few weeks I've wanted to believe he wasn't involved in the Watergate scandal. But now, that position cannot withstand the President's recent actions: refusal to release the White House tapes; dismissal of special prosecutor Archibald Cox and dissolvement of that office; the subsequent resignation of Attorney General Richardson; and the dismissal of Deputy Attorney General Ruckelshaus.

When the most powerful public office in this country is held by an individual who by all indications believes himself to be above the law, then I think impeachment proceedings should be initiated. I fear that the longer we let the present scandal-ridden Administration govern, the greater the irreparable damage that will be done to the faith we Americans have in our public servants and perhaps more tragically, in this country itself.

I have confidence that Congress will meet this challenge by taking action in the form of impeachment proceedings and that you will support such a measure in an effort to restore government to the people.

Sincerely,

Georgia Grovesteen.

SENATE—*Wednesday, November 7, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. Eastland).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of this day and of all history, be with us in this place that we fail Thee not. Impart to us the humble spirit which is taught by Thee. Give us discerning minds to know Thy will and obedient hearts to do it. Work with us and through us for this Nation and the world. In times of turbulence, fraught with anxiety and surprises without end, grant us here the strength and courage of those whose minds are stayed on Thee. When men are unsure about so much, keep us sure of Thee and of Thy purposes. Guide this Nation through the perils and perplexities of this era to a new age of goodness and grace in the fulfillment of a divine destiny. When our work is done grant us Thy peace.

Through Him who is the way, the truth, and the life. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on November 3, 1973, the President had approved and signed the act (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

DISCONTINUANCE OF NEGOTIATIONS FOR A FEDERAL-INTERSTATE COMPACT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interior and Insular Affairs. The message is as follows:

To the Congress of the United States:

In accordance with section 3 of Public Law 89–605, as amended by Public Law 91–242, I am transmitting a report by the Secretary of the Interior. This report recommends discontinuance of negotiations for a Federal-Interstate Compact and suggests repeal by Congress of Public Law 89–605 as amended by Public Law 91–242, the Hudson River Basin Compact Act.

The report includes a letter of agreement signed by the Secretary of the Interior and the Governors of New Jersey and New York. This letter documents the agreement reached and explains the facts leading to the agreement.

I concur in the recommendations of the Secretary of the Interior. A draft bill repealing Public Law 89–605 as amended by Public Law 91–242 is enclosed for your consideration.

Richard Nixon.

The White House, *November 6, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of Joseph S. Farland, of West Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, to Western Samoa, and to the Kingdom of Tonga, which nominating messages were referred to the Committee on Commerce.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills and joint resolution in which it requests the concurrence of the Senate:

H.R. 2542. An act for the relief of Jose Ramon Santa Maria;

H.R. 3490. An act to amend section 4b of the Bankruptcy Act (11 U.S.C. 68 (b)) to remove the restriction on change of salary of full-time referees;

H.R. 5759. An act for the relief of Morena Stolsmark;

H.R. 6116. An act for the relief of Gloria Go;

H.R. 6624. An act for the relief of Alvin V. Burt, Jr., Eileen Wallace Kennedy Pope, and David Douglas Kennedy, a minor;

H.R. 7363. An act for the relief of Rito E. Judilla;

H.R. 7364. An act for the relief of Virna J. Pasicaran;

H.R. 10937. An act to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia;

H.R. 5874. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes;

H.R. 8219. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity;

H.R. 9075. An act to authorize the disposition of certain office equipment and furnishings, and for other purposes;

H.R. 9295. An act to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University;

H.R. 10366. An act to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution;

H.R. 10367. An act to amend section 269 (d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes;

H.R. 10369. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port;

H.R. 10840. An act to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress; and

H.J. Res. 735. A joint resolution authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and the military training student loads, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following House bills and joint resolution were severally read twice by their titles and referred as indicated:

H.R. 2542. An act for the relief of Jose Ramon Santa Maria;

HR. 3490. An act to amend section 4b of the Bankruptcy Act (11 U.S.C. 6(b)) to remove the restriction on change of salary of full-time referees;

H.R. 5759. An act for the relief of Morena Stolsmark;

H.R. 6116. An act for the relief of Gloria Go;

H.R. 6624. An act for the relief of Alvin V. Burt, Jr., Eileen Wallace Kennedy Pope, and David Douglas Kennedy, a minor;

H.R. 7363. An act for the relief of Rito E. Judilla;

H.R. 7364. An act for the relief of Virna J. Pasicaran; and

H.R. 10937. An act to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia; to the Committee on the Judiciary.

H.R. 8219 An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; to the Committee on Foreign Relations.

H.R. 9075. An act to authorize the disposition of certain office equipment and furnishings, and for other purposes; to the Committee on Government Operations.

H.R. 10366. An act to amend title 10, United States Code, to remove the 4-year-limitation on additional active duty that a non-Regular officer of the Army or Air Force may be required to perform on completion of training at an educational institution;

H.R. 10367. An act to amend section 269 (d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes; and

H.R. 10369. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port; to the Committee on Armed Services.

H.J. Res. 735. A joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy two citizens and subjects of the Empire of Iran; to the Committee on Armed Services.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 5, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO HAVE UNTIL NOVEMBER 30, 1973, TO FILE A REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare have until November 30, 1973, to file its report on S. 2373, a bill to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 459, 460, 461, and 462.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZING ACTION FOR THE PRINTING OF THE REPORT OF THE PROCEEDINGS OF THE 46TH BIENNIAL MEETING OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF AS A SENATE DOCUMENT

The concurrent resolution (S. Con. Res. 55), authorizing the printing of the report of the proceedings of the 46th biennial meeting of the Convention of the American Instructors of the Deaf as a Senate document, was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the forty-sixth biennial meeting of the Convention of American Instructors of the Deaf, held in Indianapolis, Indiana, from June 24, 1973, through June 29, 1973, be printed with illustrations as a Senate document. Five thousand five hundred additional copies of such document shall be printed for the use of the Joint Committee on Printing.

EXPENDITURE OF CERTAIN EXISTING FUNDS OF THE COMMITTEE ON RULES AND ADMINISTRATION FOR AN INQUIRY AND INVESTIGATION RELATING TO THE NOMINATION OF GERALD R. FORD AS VICE PRESIDENT

The resolution (S. Res. 195), authorizing the expenditure of certain existing funds of the Committee on Rules and Administration for an inquiry and investigation relating to the nomination of Gerald R. Ford as Vice President, was considered and agreed to, as follows:

Resolved, That S. Res. 53, Ninety-third Congress, agreed to February 1, 1973, is amended as follows:

(1) Sections 5 and 6 are redesignated as sections 6 and 7, respectively.

(2) Insert after section 4 the following new section:

"SEC. 5. From October 13, 1973, through February 28, 1974, the amounts made available under sections 3 and 4 of this resolution shall also be available for a study or investigation, including the procurement of individual consultants or organizations thereof, relating to the nomination of Gerald R. Ford, of Michigan, to be Vice President of the United States.".

MARY H. BRICK

The resolution (S. Res. 196), to pay a gratuity to Mary H. Brick, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary H. Brick, widow of John Brick, an employee of the Senate at the time of his death, a sum equal to nine and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

RAYMOND H. MILLER

The resolution (S. Res. 197), to pay a gratuity to Raymond H. Miller, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Raymond H. Miller, widower of Anne C. Miller, an employee of the Senate at the time of her death, a sum equal to six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

ORDER OF BUSINESS

Mr. STAFFORD. Mr. President, I ask unanimous consent that the time for the special order assigned to the distinguished Senator from Michigan (Mr. GRIFFIN) be assigned instead to the distinguished Senator from Vermont (Mr. AIKEN).

The PRESIDENT pro tempore. Without objection, it is so ordered.

WATERGATE AND THE PRESIDENCY

Mr. AIKEN. Mr. President, ever since last March when the series of events, real and imagined, wrapped up in the word "Watergate" began to dominate our public life, I have issued no prepared statements on this subject.

I have not spoken out because, in company with millions of others, I have not discovered an easy way of escaping our present predicament.

I do not want to contribute in any way to the destruction of the third Presidency in a row.

At the same time, the White House has handled its domestic troubles with such relentless incompetence that those of us who would like to help have been like swimmers searching for a way out of the water only to run into one smooth and slippery rock after another.

Under our Constitution, the duties and responsibilities of each of the three branches of our Government are set forth.

Congress tasks are to legislate and to hold the President and the executive branch accountable for administering the laws.

These are highly technical tasks, demanding above all else cool heads and a strict adherence to established procedures.

Submission to the politics of righteous indignation makes it impossible for Congress to do its job.

It tends to make us look foolish and incompetent.

I am speaking out now because the developing hue and cry for the President's resignation suggests to me a veritable epidemic of emotionalism.

It suggests that many prominent Americans, who ought to know better, find the task of holding the President accountable as just too difficult.

It suggests that the procedures laid down in the Constitution are just too complicated.

It suggests that most of the American people cannot be trusted to keep their cool because some of them cannot keep theirs.

Those who call for the President's resignation on the ground that he has lost their confidence risk poisoning the wells of politics for years to come.

Within less than 10 years we have seen one Presidency destroyed by an assassin's bullet; another by a bitter and devisive war.

To destroy the third in a row through the politics of righteous indignation cannot possibly restore confidence either at home or abroad.

It can only sow the seeds of suspicion and cynicism in our land in our relations with other lands, inviting a harvest of whirlwinds such as mankind has never seen.

The men who wrote our Constitution were fully aware how waves of emotionalism, if given an easy electoral outlet, could reduce any political system to anarchy.

That is why in a nation governed by its laws they provided that Presidents should rule for 4 years.

They laid down that that period of rule could be interrupted only after Congress had framed a charge of high crimes and misdemeanors and had conducted a trial itself based on those charges.

To ask the President now to resign and thus relieve the Congress of its clear congressional duty amounts to a declaration of incompetence on the part of the Congress.

If I read correctly the signals sent out by the judicial branch of Government, they are also saying that Congress is the place where this crisis must be resolved.

The President hoped to get from the Supreme Court a "definitive" ruling on executive privilege, but the judicial system is telling us that much time and evidence must pass before any such ruling will be forthcoming.

That is how I read the decision of the court of appeals over the question of taped evidence.

The court clearly directed all parties to seek compromise before coming back.

It follows as night does day that the Supreme Court was and is not ready to accept this case now.

I wish Archibald Cox had enlightened us a little on this situation in his press conference.

He gave us a masterful lecture on the rules of evidence and on how, if he could not get the evidence he seeks, persons who had violated the law might not get a just punishment.

But above and beyond the punishment of individuals lies the question of the President's fitness to serve.

Only the Congress can judge that—the Congress and the voters at duly scheduled elections.

The desperate search for a special prosecutor, with the virtues of Caesar's wife and the unfettered authority of her husband, only represents another effort to escape responsibility.

It makes no sense to me to ask the President to prosecute himself, yet any special prosecutor in the Justice Department will find himself in that ridiculous position.

I was not at all surprised that Archibald Cox was fired; I was more surprised that such an intelligent and experienced man did not quit first, or turn down the job in the first place.

Nor does it make sense to me for the Congress to ask the judicial branch to create a special prosecutor.

Aside from the fact that it will take a lot of time and litigation to establish the constitutionality of such an act, the result is not likely to change matters one whit.

So long as the judicial branch does not want to render a "definitive" decision on executive privilege, ways will be found to avoid such a decision.

And the longer the process, the more obvious it will become that it is the Congress and only the Congress that has the duty to act.

Of course, if the President resigns, we will be relieved of our duty.

But I fail to see any great act of patriotism in such a drama.

On the contrary it is the President's duty to his country not to resign.

That which the American voter has done, let no man undo except through due process.

That should be the President's guiding commandment.

It has been suggested that the President appear as a witness before the Senate select committee or, perhaps, some other.

This would appear to be another desperate search for a means of evading congressional responsibility.

The President's public explanations of the Watergate mess have been astonishingly inept.

But this is not of itself an impeachable offense, nor does it suggest that the President be scolded, publicly, in the presence of a congressional committee.

If Harry Truman were alive today, I know what he would say to the Congress.

He would say the buck stops right here, on Capitol Hill.

It is the clear duty of the House,

through whatever procedures it chooses, to frame a charge of impeachment and to set itself a deadline for the task.

If no agreement can be reached by that deadline, the leaders of the House should tell the American people that no agreed charge could be found.

That is the way to begin to restore confidence.

If a charge is framed and voted, the Senate's clear duty is to proceed to a trial with all deliberate speed.

Since I would be a juror in such a trial, I intend to say nothing in advance about any possible indictment or any possible verdict.

I am not going to call for the President's resignation.

Quite the contrary, I urge the President to do his duty, and that is inconsistent with resigning.

Nor am I going to try to fool my constituents into believing that any special prosecutor outside of Congress itself can determine the President's ability or worthiness to govern.

Only the Congress can do that now.

I was reminded recently of the short story Mark Twain wrote called "The Man Who Corrupted Hadleyburg."

Mark Twain hated self-righteousness, and in this story he told of how a very self-righteous New England town was brought to grief by a clever outsider who set the town's leading citizens to exposing the frailties and venalities of one another.

Politicians I have known are no greater or lesser sinners than the average person listed in the telephone book.

Nor do I have any reason to believe that the level of sin in our public life is higher than elsewhere.

What bothers me much more are those who now would have us believe that President Nixon and his associates alone are the ones who corrupted America.

It is a truly subversive idea, for what would happen if a clever outsider did to us what Mark Twain's hero did to Hadleyburg?

Again I come back to the vital importance of following prescribed procedures.

If the politics of righteous indignation succeeds in persuading the President to resign and relieving the Congress of its clear duty, how long will it be before our politics is corrupted by competitive self-righteousness?

Will it become the accepted fashion to run for public office on the skeletons in your opponent's closet?

Will we after all be corrupted not by real crimes, but by our own incompetence when faced with large issues of justice and morality?

And what will the rest of the world do if we get ourselves in such a state?

Will the word of the U.S. Government be trusted still?

Or will all other powers try to get something at our expense in every forum they can?

I have spoken before of the grave dangers of moral aggression in foreign policy.

That danger is clear and present now that the feuding families of the Middle East are at war again.

It is a great tragedy, because both sides have a legitimate cause.

Israel is fighting for its existence, accepting the sacrifice of another generation of soldiers, against the day when her neighbors will have enough confidence to accept her claim to nationhood.

The Arabs are fighting for that most elemental of all contemporary social needs, the confidence to see themselves as nations, rather than a primitive babble of tribes.

Only a fool would preach the politics of righteous indignation in the face of this grave tragedy.

And that kind of fool is perhaps the greatest threat to the peace of the Middle East today.

Painfully, delicately, against great odds, the community of nations, led by the United States and, hopefully still, the Soviet Union, are trying to establish procedures that will keep those feuding families from engulfing us all in a third world war.

There being no solution, there only being a hope for a progressive chain of settlements, the procedures become literally a matter of life and death.

Congress task in following the impeachment procedures set down in the Constitution should be far easier.

The procedures exist.

They do not have to be invented.

But moral aggression here at home is hardly less dangerous than moral aggression in the Middle East.

It threatens to make an epidemic out of the incompetence that the word "Watergate" has come to stand for.

I hope the leaders of the House of Representatives will rise to their duty.

I hope they will set a deadline, of weeks or months, in which to come up with an impeachment charge.

If the deadline passes without an agreed charge, voted by a simple majority of the House, I expect that the leaders will then tell the American people that no agreed impeachment charge can be found.

If a charge is framed and passed, it is the clear duty of the Senate to initiate a trial with all deliberate speed.

If the President is convicted, so be it.

If not, there will be no legitimate reason for calling for the President's resignation or questioning his right to serve out his term.

As a potential juror in such a trial, I will not have anything to say about guilt or innocence.

None of us was elected to be a megaphone for the loudest voices in our constituencies.

We were elected to legislate and to hold the President and his administration accountable for their actions.

We cannot afford at this critical time to practice the politics of outraged emotions in carrying out these vital tasks. Confidence will never be restored that way. It will only be restored by a determination on our part to follow procedures laid down in the Constitution.

May I now pass on to this Congress advice which I received recently from a fellow Vermonter—

Either impeach him or get off his back.

Mr. President, I ask unanimous consent to have printed in the Record an editorial on resignation which appeared in the Wall Street Journal this morning.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

On Resignation

We note that demanding President Nixon's resignation is the latest sport among our newspaper colleagues and even a few responsible politicians. Without denying that Mr. Nixon has maneuvered the Republic into quite a fix, the demands for resignation strike us as hasty and indeed a bit unserious.

Whether or not a President ought to resign, and under what conditions, is something that needs to be thought through carefully. Mr. Nixon is only our 37th President, after all. A single precedent would be no trifling matter for the future development of our political institutions. It is foolish to assume that if Mr. Nixon resigned his replacement could pick up the presidency as if nothing had happened. Before demanding such a step, serious men ought to stop to speculate about its future institutional consequences.

Yet we find little or nothing of this in the typical demand for resignation. Among the grounds for its demand, The New York Times included the bombing of Laos, the impoundment of funds, and the President living "beyond his means by borrowing heavily from two millionaire friends." But the Times managed to ignore the question of whether Mr. Nixon's resignation should await the confirmation of his vice-presidential choice, surely a matter of no small moment and indeed of no small bearing on the advisability of resignation itself.

Even when the resignation demand is couched in terms that recognize its gravity, as in Time magazine's craftsmanlike editorial, the grounds turn out to be amorphous and ambiguous. The President hired a lot of people who are under indictment. He probably knew of the cover-up, Time concludes, but the fact of the matter is immaterial because those perpetrating it were his appointees. He authorized and then rescinded a plan including illegal acts in the name of national security. He fired Archibald Cox. The effect of all this was "to subvert the constitutional system itself."

A President who subverted the Constitution, we should think, ought to be impeached. We would be quite surprised, though, if the editors of Time believe that plausible grounds for impeachment currently exist, or that the President's knowledge of the cover-up would be immaterial to such a step. For our part, we still very much want to learn what is on the Oval Office tapes; even with the two of them suspiciously absent there ought to be plenty to test the key point of John Dean's credibility. If Mr. Dean is credible the President is guilty; if he is not credible the President has no accuser.

We would need to know such facts to remove a President by impeachment. Is a public fervor culminating in his resignation a less grave and serious step? The resignation demands arise because impeachment would be a long and wearing process. A major reason it would be a long and wearing process is that it requires evidence and due process. The appeal of resignation is precisely that it requires no charge, no evidence, no investigation, no due process, no specific grounds. Is that the kind of constitutional precedent we want to set?

Now, we would not say there are no circumstances under which a President ought to consider resignation. We would hope that a President faced with solid grounds for impeachment would not insist on formalities. We can even envision arguments to the effect that resignation might help protect the presidency. As we suggested in the editorial to which readers respond today, Mr. Nixon is without legal or political defenses against a fishing expedition through his whole administration, itself a sorry precedent for the presidency. If he concluded that this attack would eventually make it impossible to serve out his term, he might want to use the opportunity of the vice presidential vacancy to name a successor chosen to defend the prerogatives of the office.

We suppose, too, that there comes a point at which a President is so discredited he cannot function. But we see no evidence that any such point has been reached. Mr. Nixon has dealt with the Middle East crisis. His vetoes are being sustained in Congress. No doubt some will say he is only trying to distract the nation from Watergate if he goes on television to plead for energy conservation. But such a plea is so clearly appropriate the public would probably respond to the substance of his message.

Thus, we are mostly suspicious of the demand that the President resign because he has lost the confidence of the people. The very words smell of the French Fourth Republic rather than the American Constitution. Especially since we are moving ever deeper into a world where rapid change and instant communication are likely to afflict any national leader with crisis after crisis, we doubt that our institutions ought to evolve toward changing Presidents with every change in the public mood.

The House of Representatives ought to proceed with its impeachment investigation, and indeed make it a more serious investigation than it currently promises to be. If grounds for impeachment are found, so be it. But we are suspicious indeed of having a President forced from office in some extra-legal, extra-constitutional manner. The important thing is not whether Mr. Nixon stays in office or leaves. The important thing is that whatever is done is done in a grave and responsible way.

THE PRESIDENCY

Mr. MANSFIELD. Mr. President, I have, as always, listened with attention to what the distinguished Senator from Vermont (Mr. AIKEN) has had to say this morning.

Insofar as the question of impeachment is concerned, that is a matter for the House only to decide in the first instance.

Insofar as the question of the President's resignation is concerned, that is a question on which the President, and the President only, can arrive at a decision.

I note that during the course of the distinguished Senator's speech he stated:

> The President hoped to get from the Supreme Court a "definitive" ruling on Executive Privilege, but the Judicial system is telling us that much time and evidence must pass before any such ruling will be forthcoming.

That, I think, is a matter of opinion open to question because, based on the issue of the tapes and the rulings handed down by Judge Sirica in the district court, and by five to seven judges sitting on the Court of Appeals for the District of Columbia, it appeared to me that the courts were deciding the question of executive privilege, even though the tapes may have had an indirect bearing on it.

Furthermore, I would disagree with the President of the United States when he said that in his opinion he felt that his position would have been upheld by the Supreme Court. I think that, too, is merely an opinion and that the Supreme Court could have gone either way.

The distinguished Senator also refers to Mr. Archibald Cox, a man he has known for years and in whom he has a great deal of confidence, as do I. The Senator states:

> I was not at all surprised that Archibald Cox was fired; I was more surprised that such an intelligent and experienced man did not quit first, or turn down the job in the first place.

May I say that I was pleasantly surprised when Mr. Cox took on the job of special prosecutor, under certain conditions laid down before the Committee on the Judiciary in connection with the nomination of Mr. Elliot Richardson to be Attorney General. I was disappointed, terribly disappointed, and still am, that Mr. Cox was fired summarily from a job which he was undertaking on the basis of obligations, commitments, and policies made to the Committee on the Judiciary, which represented the Senate as a whole; and I think that this man of such great dedication, quiet dignity, and great patriotism was done a great disservice.

However, I think that he, Mr. Richardson, and Mr. Ruckelshaus, because of their decency, integrity, and their honor, are bigger men now than they were before they were discharged or resigned.

As far as the question of the President appearing as a witness before the Senate Select Committee is concerned, I would concur with the remarks of the distinguished Senator from Vermont. I do not think that any President should be subjected to such a procedure.

The distinguished Senator stated:

> If Harry Truman were alive today, I know what he'd say to the Congress.
>
> He'd say the buck stops right here, on Capitol Hill.

Well, some of the buck stops here as far as various constitutional procedures are concerned, but not all. I recall to my distinguished friend that when Harry Truman was President of the United States he had on his desk in the oval room in the White House a placard which proclaimed, "The buck stops here." So it not only stops here, but also it stops down at the White House.

As far as a special prosecutor is concerned, I frankly feel that a special independent prosecutor not beholden to either the executive or the legislative branches should be chosen. I think he should be a man of complete independence, not a man who can be fired by a President of the United States, and not a man whom we have to take on the basis of promises made, either implied or express, because this man must not be fired. This man must have independence, and this man must represent, as an appointee of the court, the people of the United States.

After all, it is the people of the United States who happen to be the Government of the United States. I hope we will never lose sight of that fact. The President is a transient just passing through, but the institution of the Presidency is something permanent and all enduring. We Senators are just transients passing through, but the institution of the Senate and the Congress is all-enduring. When you get right down to it, it is not a matter of personalities, it is not a matter of legislative branch, the executive branch, or the judicial branch; it is a matter of the people and their concerns.

Like the distinguished Senator from Vermont, I want to see the people given the attention which they deserve because they are the ones who are most concerned, they are the ones who will make the decisions eventually, and that is as it should be and that is as it must be. "The people" is not an empty term. "The people" means something in this country; and "the people" will make the decision on the basis of the evidence laid before them by the so-called Ervin Select Committee of the Senate and by the findings of the grand juries and by the actions of the special prosecutor, and that will be done in due time, because regardless of the travail, the malaise, the difficulties which confront this country today, this Republic is going to survive, and out of the purgatory which this Nation and its people are undergoing today will come a better, cleaner, and more upright Nation. So while we are going through this period let us keep in mind that we are paying a price for mistakes which can be attributed to all of us, that in paying that price, in undergoing this confession, in going through this purgatory, we will in the end reach the promised land.

Several Senators addressed the Chair.

Mr. MANSFIELD. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I would like to add to what the majority leader has said that what is going on today comprises a powerful argument for the constitutional amendment which he and I have been proposing for some years and which has received very little, if any, consideration either by Congress or the public up to this time.

That amendment would provide for a single 6-year term for the President.

In view of the fact that the President carries a bigger load every year, I am not sure but what a single 5-year term, such as is in vogue in a great many of the other leading countries of the world, would be more appropriate. If we had a single 5-year term for the President at this time, I very much doubt that a good deal of the emotionalism which we are going through today would be existing. There would be emotionalism, because folks have to have something to be emotional about at all times, but it would probably apply to a different subject, particularly as to what would happen to the next President. In closing, let me say I do not envy the next President, whoever he may be.

Mr. MANSFIELD. Mr. President, if the Senator will yield, let me say that, once again, I am in wholehearted accord with what the Senator has just said. I do not envy the President because whoever occupies the Office of the Presidency, the burdens and the pressures are too great for any one man to undertake for any lengthy period of time. I would be most delighted to join the distinguished senior Senator from Vermont in the introduction of a modified constitutional amendment which would make the term for a President 5 years instead of 6. That is long enough.

Mr. AIKEN. I do not think any President could stand that job successfully for more than 5 years. I have never known a perfect President. I have never known one who was what we might call without sin. But I have never known anyone to merit that characterization or appellation.

Mr. MANSFIELD. As the Senator implies, we all have motes in our eyes.

Mr. AIKEN. We all have, as far as I know. I understand they have been trying to organize a Stone Casters Association in this country for some time. So far they have not been able to find one to qualify to serve as the president of this group.

Mr. MANSFIELD. If they do, I hope our glass houses will not be all broken up.

Mr. HUMPHREY. Mr. President, I wanted to say publicly what I have said privately many times—that in this body we are fortunate to have voices of reason, voices of commonsense, and also men and women who are gifted with a sense of justice.

Today the message of the Senator from Vermont and the remarks of the distinguished Senator from Montana, the majority leader, I would classify as voices of reason and voices of justice and expressions of decency and commonsense.

I want to commend my majority leader for the message he has given. I listened intently to his remarks, and I would suggest that every Member of this body, and indeed the entire American public, would be well advised to study most carefully what he has had to say.

You know, Mr. President, when we get in trouble in this country, we tend to forget that we need to return to basic truths. As I listened to the majority leader speak with great feeling about the people, and as he underscored "the people" as being not just a phrase but a fact, I could not help but be reminded of the renewed interest we are finding amongst many of our young people today in our schools in the Constitution of the United States. I was told by the secretary in my office in the Federal Courts Building in Minneapolis that we have had requests for literally thousands of copies of the Constitution of the United States from schoolchildren throughout our State. I understand that this is happening throughout the Nation.

But I would take this moment just to implement or underscore what the majority leader has said. The opening words of the Constitution have been forgotten all too often.

Those opening words are not "We the Senate" or "We the courts" or "We the Executive Office." The first three words of the Constitution are the very basis of this Government—"We the people." This has been forgotten. It seems too simplistic.

Those who like to discuss government, philosophize about ideology, forget that the premise of American Government is the concept of popular sovereignty—we the people—and the 10th amendment to the Constitution, which establishes the great Federal system of our governmental system, points out that all power herein not granted in this Constitution in the Federal Government remains with the States and the people thereof—the concept of popular sovereignty, government by the consent of the governed. The Preamble of our Constitution states the entire case and purpose of this society.

Sometimes I feel that, as we search for more learning and more information, we forget the very basic principles that are so obvious and are so readily at hand. Those words in the Preamble are simple and direct and tell us exactly what we are all about:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

And it is all there, Mr. President—the struggle for a more perfect union, recognizing our fallibility, recognizing our inadequacies, but stating the constant challenge of a free people, the commitment to assure domestic tranquility, peace at home, peace in our communities, peace and justice and harmony in our society. The phrase which embodies the commitment to establish justice, which means that no man is above the law, was taken from the experience of the American people in those early days when kings thought they were above the law, and so stated, and were not subject to the law. That doctrine has been erased from the principles of law in the American society.

And to provide for the common defense and to promote the general welfare are two of the great objectives of this Congress as an institution and of the Government of the United States.

Now, Mr. President, what the Constitution says is important, but what it does not say is also important. Or should I put it this way? What the Constitution does not permit is important, just as what it does permit. And there is not one phrase in the Constitution designed to protect the Government from the people. There is not one single word in the Constitution to protect the Government from the people, but there is section after section and sentence after sentence designed to protect the people from the abuse of power of government or from those who would abuse the powers of government. And when we speak of those who would abuse the powers of government, we are not merely referring to the executive branch; we are referring to all branches.

So, Mr. President, I rise in the moments I have here today to commend the majority leader. I happen to be one who believes that, as we insist that the President of the United States abide by the law, those of us who are in the political scene do not get into such a frenzy or passion that we go out on a political lynching party.

I am not one that wants to have written in my biography that we were out to get somebody. What I am out to do is to seek justice. And I know that there are procedures of law and the Constitution that must be pursued no matter how long it takes and no matter what difficulties are encountered.

Just as we have been critical of those who have abused power, I want to say that we need to be critical of those who will abuse rhetoric. There is a way to get at the truth, and that way has been outlined by the distinguished majority leader—the investigative processes of a duly established committee of Congress, a grand jury, and the independent office of a prosecutor. And as was stated here, the Senate of the United States does not initiate proceedings of impeachment. Those proceedings must be initiated in the House of Representatives. As a Senator I will sit as judge and a juror. And I do not believe that it is right for me as a judge and juror to have already a preconceived position as to guilt or nonguilt.

One must wait for the process to work its will. Pursuant to the words of the Constitution, "due process of law," we have the same vital duty in the situation we find ourselves in as they do in any court of law in a suit involving any individual or company.

So, Mr. President, I want to again salute the majority leader and the distinguished senior Senator from Vermont. Thank God for men of such character. They do honor to this body as they do honor to themselves.

Mr. McGOVERN. Mr. President, I had not intended to say anything today about the matter now under discussion. I had asked for time for another purpose. However, in view of the statements that have been made on the floor this afternoon, I would like to make a couple of observations.

I quite agree with the distinguished Senator from Vermont that all of us have to be careful in practicing politics of self-righteousness. However, we also ought to be willing to call a spade a spade.

Two things, I think, need to be said on this first anniversary of the election of 1972 which was held on November 7 exactly 1 year ago.

The first observation I would like to make is that the revelations that have come out more clearly since the election with reference to the misbehavior of the administration is unprecedented in American politics. It would be a great disservice to the American people and to their faith in our political system if we were to leave the implication that what is now being revealed about the misbehavior of the present administration is typical of the politics of this country.

That simply is not true. It is not typical of the conduct of the Republican Party, and it is not typical of the conduct of the Democratic Party. If even half of what seems to have been the misbehavior of this administration is verified, then this is indeed an unprecedented series of political scandals in the history of this country.

No other administration, Republican or Democrat, can approach the record of wrongdoing that has been revealed so far on the part of the present administration.

Mr. President, I say that not out of any particular vindictiveness, but simply because I do not want the people of this country, young or old, to assume that what we are now witnessing is the manner in which American politics is traditionally conducted. If I thought that were true, I would leave politics this afternoon. It is not true. It is not the way in which our politics are conducted. And we ought to understand that.

Mr. President, I think that we ought to understand that politics has been conducted in recent months on a higher level.

I want to say to the some 30 million people who supported the Democratic candidate in 1972 that we have now come through a year of painstaking investigation by numerous agencies in an effort to try to find some evidence of wrongdoing in our campaign.

Obviously, Mr. President, we made mistakes. We made blunders. We did things that subjected us to legitimate criticism. But as I look back on that effort, I would also like to say that it was a campaign that was conducted honorably. We did not break any laws. We respected the Constitution. We respected the fairness and the decency of the American people.

Our books have been audited time after time after time in a determined effort to find some evidence that we mishandled the millions of dollars contributed to that campaign or that we violated some Federal statute in some way.

Mr. President, I think it ought to be a cause for great pride to those who went down in defeat in 1972 that no evidence of wrongdoing has been uncovered.

There is a fundamental difference in doing some things wrong and in committing deliberate wrongdoing and deliberately violating the law and then covering it up.

We can get some consolation from defeat by knowing that we conducted ourselves in honor and essential decency.

I would hope that all the people in America who may have been disappointed about the results a year ago on this past anniversary will experience whatever consolation and pride comes from that knowledge.

Mr. ERVIN. Mr. President, if the distinguished Senator from South Dakota would yield, I would like to say that I have been much involved, as the Senator knows, in the investigation of the tragic events that have come to be known as the Watergate case. Like the Senator from South Dakota, I have taken the position that any persons guilty of any involvement in those unfortunate affairs have betrayed the Republican Party as well as the Democratic Party, and all Americans in effect.

I would like to say that the testimony we took on yesterday showed that on one occasion it was proposed by some person interested in the campaign of the Senator from South Dakota in 1972 that an infiltration into the opposing political party be conducted. And the witness testified by deposition that that proposal was not carried out because the distinguished Senator from South Dakota said that he would not approve of any such action as that.

Mr. President, there has been no testimony before any committee that would show that the Senator from South Dakota had countenanced anything during the course of his campaign which was not entirely honorable. I think that fairness to the Senator from South Dakota truth requires me to so state.

Mr. President, I would also say that so far as the committee has been able to determine by its investigation, the same thing is true of all of those candidates who were seeking the Democratic nomination for President in 1972.

Mr. McGOVERN. Mr. President, I treasure those words by the Senator from North Carolina. When we consider the high regard in which he is held, not only because of the way he has conducted this difficult investigation, but because of the kind of man he is and the integrity that he represents, it is a matter of great pride to me that he has said what he has on the Senate floor today about our campaign.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from South Dakota (Mr. McGOVERN) is recognized for not to exceed 15 minutes.

THE NATIONAL CATHOLIC RURAL LIFE CONFERENCE: ITS FIRST 50 YEARS

Mr. McGOVERN. Mr. President, it is my pleasure today to salute an organization which has performed half a century of outstanding service to the people of this land.

I speak of the National Catholic Rural Life Conference, which observed its golden jubilee last night with a banquet at Des Moines, Iowa.

Throughout rural America, the members, officers, and diocesan directors of NCRLC have demonstrated how the Judeo-Christian ethic may be applied to our economic and social life. They have stood for stewardship of the land and all its resources.

It has been the teaching of Catholic Rural Life that men and women must shepherd the land and the water as well as values and institutions, and must pass them on, hopefully in a better state than they were received, to succeeding generations.

When he testified before the Senate Committee on Agriculture and Forestry on March 13th on behalf of extension of the farm program, the Most Rev. Ignatius J. Strecker, chairman of Catholic Rural Life, said:

> . . . I remind myself that there are more important values in life than market price and efficiency of production. There is a sacred relationship between the life-giving productivity of the land and with man. The land is man's most precious resource. . . . Of all the obligations man bears to protect our God-given natural resources, none is more serious than his obligation to protect the land and its capacity to produce the food needed for life.

Archbishop Strecker's statement is stirring both because it is different from the daily concerns of earning an adequate living, and because it is so profoundly simple, so obviously basic.

It behooves us all to think of values beyond the economic when we set public policy. We would do well to listen to the voice of Catholic Rural Life.

One of the values most firmly held and most articulately taught by Catholic Rural Life is family ownership and operation of America's farms and ranches.

In their writings and publications, Catholic Rural Life spokesmen make a compelling case for the widest possible distribution of land ownership. Their belief proceeds from a principle all of us hold dear: that the right to own property is a basic human right, one which should be made available to the largest possible number of people.

In another point in his testimony before our committee, Archbishop Strecker said:

> Until recent years, our national farm programs have been built on a policy of widely dispersed ownership of land. The family farm has been the cornerstone of our farm production system. More than that, it has been the cornerstone of life in rural America. In itself, the family farm is a valuable socio-economic institution, affecting the welfare of the family, society, and the agricultural economy. Family farming nurtures wholesome family life. Working together strengthens the bonds among members of the family. The children learn diligence and responsibility by performing tasks in keeping with their age and ability.
>
> A combination of family farms and independent businessmen results in a stable community life. In such a community there are few class distinctions. The economic and social stratification resulting from employer-employee relationships is avoided. Families who operate their own farms have a stake in the community and usually show an interest in churches, schools, medical facilities, farmer cooperatives and other community institutions.
>
> In recent years, however, we have observed movement away from a family farm-based agriculture. The growth in farm size, the decline in number of farms, the intrusion into agriculture of nonfarm conglomerates all are indications that this is a rapid and continuing trend. The most commonly heard explanation for this trend is the development of new agricultural technologies which add to the economies of large-scale farming. We do not question this fact, but we do question that technological advancement must necessarily result in the displacement of thousands of farm families from the land.

It has been my pleasure since I came to the Congress in 1957 to have been associated in many ventures with Catholic Rural Life. For all those years, I have admired many of their leaders—Msgr. Luigi Ligutti, their representative at the Vatican; Bishop Edward O'Rourke, for many years their executive director, Msgr. John George Weber, their present codirector; Father James L. Vizzard, S.J., for several years their Washington representative; and the late Msgr. Louis J. Miller of South Dakota, whose vision and understanding were for so many years a beacon to countless rural people of my State.

Many organizations effectively represent economic and political viewpoints. Many others bring talent and ability to represent religious values. Few organizations so admirably bring together a religious tradition and the contemporary world as does Catholic Rural Life.

So it is with a great deal of appreciation that I take this opportunity to congratulate the National Catholic Rural Life Conference on its 50th anniversary, and to extend my best wishes for another half century of service to mankind.

Mr. President, I ask unanimous consent that the text of a special message by the Catholic Bishops of the United States, entitled, "Where Shall the People Live?" be printed in the Record at this point.

There being no objection, the message was ordered to be printed in the Record, as follows:

[From the Bishop's Bulletin, October 1973]

Where Shall the People Live?

The problems which today confront rural America are in many ways inseparably linked to those of urban America. Either the problems of America's rural areas and America's cities will be solved together or they will not be solved at all.

This statement is amply documented by the fact of contemporary rural and urban life. Rural poverty and urban poverty are closely related. Poverty experienced in farm communities drives many people into cities, where their presence notably contributes to urban ills. Today over 70 percent of the people in America live on less than two percent of the land. The result: air and water pollution, transportation congestion, increasing urban crime, housing shortages. Yet at the same time the movement of people from the countryside is continuing, often under the pressure of forces which make neither social nor economic sense.

Each census finds fewer farmers and weaker communities. Nearly two-thirds of all the ill-housed in our nation are in rural America. Education, health benefits, and other services in rural America lag behind those available in urban America. Many communities in the country are dying due to declining population; the people left behind find it increasingly difficult to sustain already inadequate standards of living. At the same time agricultural conglomerates are expanding, raising the possibility of their taking over virtually all farming in the United States. Few Americans seem aware of this development, and fewer still are concerned with the fundamental question of its desirability.

In 1973 the National Catholic Rural Life Conference, which in 1968 became part of the United States Catholic Conference as its Division of Rural Life, marks its 50th anniversary. As a result of the vision of its founder, Archbishop Edwin O'Hara, and the hard work of leaders such as Monsignor Luigi Ligutti, it has played an important role in the history of the Catholic Church in the United States. However, many of the problems which brought this agency into existence not only continue to exist today, but if anything, are more acute than they were 50 years ago. The United States faces pressing challenges concerning population distribution, economic opportunity, and the conservation of natural resources. These are issues with significant moral and spiritual implications, which demand the serious attention of all Americans and, in particular, the nation's churches. In view of this, we wish on this 50th anniversary of the National Catholic Rural Life Conference to address ourselves to some of the central questions which today confront rural America—and all America—in the belief that the future of our nation's cities and suburbs, as well as its rural communities, will be determined in large measure by the answers which Americans give to them.

THE PROBLEM

Rooted in the pioneering efforts of rural leadership of the Church, the work of the National Catholic Rural Life Conference throughout its 50-year history has been directed to spiritual, social and economic betterment of rural people. This commitment has been founded not only on the belief that rural Americans are entitled to the same material and cultural advantages as other Americans, but also on the conviction that the best interests of the entire nation are served when the needs and aspirations of rural America are met.

Today, however, the issue is not simply the well-being of farm people, but their very existence as a people. In recent years hundreds of thousands of farm families have been forced off the land by low prices, soaring costs and high taxes. There are fewer than three million farms in the United States today—a decrease of more than 25 percent in a decade. It has been predicted that, if present trends continue, within 15 years about half of America's farmers, efficient though small, will quit the land leaving production largely in the bands of big farms and corporations.

Some claim that the alleged efficiency of the large farm conglomerates—an efficiency which has never been proven—permits them to drive farm people from the land to the cities. In honesty those who advance such claims should include in their cost accounting the vastly increased expenditures required to meet the needs of these new urban poor. They should include social and human costs resulting from the needless shift of population from vacated farm homes to overcrowded cities and suburbs. They should include the ecological damage to soil, water and food produced by attitudes and practises that treat agriculture as an industrial venture rather than a biological enterprise.

Such trends in American agriculture, and the huge social costs that accompany them, should not be written off simply as inevitable consequences of technological progress. Technology is a factor in the situation, but it need not have these results. At its heart this is a question of social policy to be weighed and decided by the American people. Agricultural technology could be used to produce more socially beneficial developments than those we have witnessed to date. It could, for example, be employed to strengthen the commercial family farm of moderate size which, up to now, has provided Americans with an abundance of food and fiber at very low cost without disruption of the God-given ecological balance in nature. It could provide farm families with a host of sorely needed social advantages without driving them off the land, it could foster the growth of rural industry and rural area development. It could bring increased cultural opportunities and expanded health facilities to the countryside.

The general failure of these benefits to materialize in rural America up to now is not the result of technological or social necessity, but of mistaken policy and practice. Laissez-faire and adaptive approaches to farm problems must now be repudiated and rejected. The laissez-faire approach allows harsh forces of uncontrolled competition to drive less prosperous farmers out of agriculture. The adaptive approach goes so far as to employ that powerful influence of government and educational institutions, including land grant universities, to accelerate the migration of farm families from the land. This should not be permitted to happen.

THE SOLUTION

In the face of such powerful influences and interests, the individual farmer is helpless. His "solitary voice" as Pope John XXIII said, "speaks to the winds." (Mater et Magistra, 146). It is essential for farmers to unite and cooperate, as the Pope emphasized in his great encyclical. In the light of this there is critical need for the great farm organizations—the Farm Bureau, the Farmers' Union, the National Farmers Organization, the Grange, as well as commodity groups and farm workers, to set aside their differences and join in an effective united effort based on the positive contribution that each can make to rural America. Without such unity the efforts of farmers to secure fair prices and beneficial farm legislation are likely not to succeed in time to check the movement of people from the countryside to crowded cities. Unless they stand together, their voices will go unheard in the halls of government where decisions affecting their future are made.

Other forms of cooperation among farmers are also needed. "It is necessary that farmers form among themselves mutual aid societies; that they establish professional associations." (Mater et Magistra, 143). Many such organizations, of which cooperatives are a notable example, now exist. But they should exhibit a stronger Christian commitment to support the smaller producer and businessman. This is the view of Pope John, and has been the view of the National Catholic Rural Life Conference for five decades.

There is need, too, for farmers to join hands with other members of the rural community to work for common goals. Farm workers, for so long the forgotten laboring men in America, are now seeking allies in their efforts to achieve decent standards of living for themselves and their families. Rural small businessmen are dependent on the maintenance of a rural population base for their livelihood. All these, the people of rural America, must acknowledge their interdependence and join in efforts on behalf of the common good.

In recent years government has shown increased sensitivity to the needs of rural people, and greater willingness to address those needs. In particular, Congress deserves commendation for the recent steps it has taken in this regard. At the same time, however, legislators and government officials must continue to examine the social and economic trends in rural America and evaluate their consequences for the nation. Our laws still embody many injustices which discriminate against family farmers, farm workers and the rural poor. For example, our tax laws still permit "write-off" advantages for those who invest in farming merely to offset profits from other sources and our labor relations and labor standards laws still exclude or extend only limited protections to farm workers. These, and all such injustices, should be remedied as soon as possible.

Prompt legislative action is required to assist family farmers and inhibit the further expansion of giant farm corporations. This should include prohibiting laws, effective limits; limits on federal payments for land retirement and crop reduction, and even graduated land taxes. Although such legislation may be regarded as controversial by some, it is surely preferable to inaction, whose consequence would be to create in the United States the situation which today exists in some countries, where ownership of the land has fallen into the hands of a few, leading to discontent among the landless and to angry demands for land reform. The current trend in land ownership is a serious issue that demands the urgent attention of all Americans.

Appropriate legislative action to keep the land in the hands of those who work it will, however, be only a first step, albeit an essential one. It must be accompanied by continuing efforts on the part of public and private agencies and rural people themselves to ensure an adequate economic base for rural communities. Lacking such a base, the socially important objectives of widely diffused ownership of the land will not be realized. We feel that the wide ownership of land is vital to the future of America. In the words of Pope John: "Today more than ever the wider distribution of private ownership ought to be forcefully championed." (Mater et Magistra, 115)

Equitable prices for agricultural products are of first importance in creating and maintaining this base. Also needed are efforts to foster rural industry and develop common services in rural communities for preserving, processing and transporting farm products. The rural economy could be further strengthened by other small industries, tourism, and the development of recreational facilities. Accomplishing these objectives will require the creation of closer, cooperative relationships among the rural communities.

Today, fortunately, more and more Americans are coming to realize that our nation, blessed with an abundance of land, must yet make better use of its green space so that migration from countryside to city will be greatly reduced, for the sake of both. The further congestion of urban areas can only complicate their problems while the problems of the countryside grow simultaneously more acute. The needs of rural Americans must be met—and met in rural America—by providing them with more opportunity for the management of their own economic affairs. Such opportunity can be guaranteed through increased ownership of property and through mutual self-help organizations such as cooperatives.

The Church can play a unique leadership role in promoting these changes in rural America. In spite of the decreasing population base, it must maintain and strengthen its ministry to farm and rural people and articulate the redeeming message of Christ in terms of spiritual values inherent in their way of life. Through pastoral training in our seminaries and through programs of continuing education, it must educate priests to the socio-economic realities of rural America, and prepare them to exercise a role of rural community leadership.

For half a century the national Catholic Rural Life Conference has sought to make its policies operative through diverse programs. It has long been an educator in rural values through workshops, lectures and literature. It has fostered the development of liturgy oriented to rural concerns. It has advocated government programs and policies which better meet the needs of rural people. Through diocesan rural life directors, it has sponsored many local-level programs and observances. In the South and Southwest, in Appalachia and overseas, it has cooperated in countless projects to encourage self-help efforts among the poor.

As the National Catholic Rural Life Conference marks its 50th anniversary we extend our congratulations and thanks to its Board, staff and members for their efforts over the years. Problems of urbanization, farm production, and rural poverty continue to oppress people in our nation and abroad, and we shall continue to look to the Rural Life Conference for leadership in carrying out the mission of the Church in these areas. The ministry of the Church is a shared one, and it is through agencies such as the National Catholic Rural Life Conference that the People of God can most effectively participate in this shared responsibility.

As we unite our intentions with those of the Rural Life Conference on this anniversary we invite all people of good will to join with us in efforts to ensure that renewed commitment today will lead to a better, more just, more Christian World tomorrow.

Mr. McGOVERN. Mr. President, I ask unanimous consent that remarks on the subject of the National Catholic Rural Life anniversary by the Senator from Wisconsin (Mr. Nelson), the Senator from Nebraska (Mr. Curtis), and the Senator from Minnesota (Mr. Mondale) be printed in the Record at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR NELSON

Anyone who has been a Governor knows the impressive work of the National Catholic Rural Life Conference. It has five offices in Wisconsin broadly concerned about the welfare of our State's rural residents. As chairman of the Subcommittee on Employment, Poverty, and Migratory Labor, I am particularly well acquainted with some special work of the conference. This fine organization should be recognized for its exceptional effort at the national level giving thoughtful, compassionate and effective representation to a much neglected minority, the migrant farm laborers of America. Without a doubt, it was the effort of the National Catholic Rural Life Conference that made possible the end of the infamous "Bracero" program by the Congress in 1964.

Today the National Catholic Rural Life Conference continues its significant work in behalf of the migrant workers in the United States.

It is a pleasure to join my colleagues in saluting this great and selfless organization on the occasion of its 50th anniversary.

STATEMENT BY SENATOR CURTIS

I am delighted to join my colleague from South Dakota today in saluting the golden anniversary of the National Catholic Rural Life Conference.

The growth and endurance of the Conference is an indication of the viability of cooperation between the Catholic Church, the government, and the agrarian sector of our economy.

And I think it's time the entire country comes to terms with the ideals embodied in the National Catholic Rural Life movement. The land is man's most precious natural resource. The five percent of the nation's population who live on the farms and provide food for the other 95 percent are inseparably related to the lives of the millions of Americans who populate our teeming cities.

Agriculture is the No. 1 industry in America. Without it, nothing else could move or function.

The story of food in America is truly a miracle—of growing something from the soil, or transforming it from a raw product and delivering it to millions of dinner tables. The story of agriculture is a story of many farmers and ranchers and truck drivers and factory workers, all pulling together to do a tremendous job.

Since World War II, we have made American agriculture the envy of all the rest of the world. In more than a quarter of a century since the war ended we have increased our yield per acre by well over 100 percent.

Besides meeting our own nation's needs for food and clothing, we devote one third or more of our production acreage to exports. If every American industry did as well, our country would not have a balance-of-payments problem. We would have a dollar surplus instead of a dollar drain. We would not only have full employment, but we would have a labor shortage.

On the golden anniversary of the National Catholic Rural Life Conference, let's recommit ourselves to the continued revitalization of rural America, to the ideals and goals of the family farm, to the preservation of a healthful environment, and to the conviction that the best interests of the entire nation are served when the needs and aspirations of rural America are met.

STATEMENT BY SENATOR MONDALE

I am proud to join with Senator McGovern and others in expressing my congratulations upon the golden anniversary of the National Catholic Rural Life Conference.

Since it was founded on November 11, 1923, the N.C.R.L.C. has brought national recognition to the spiritual and social strengths of rural communities, has helped us to appreciate the fundamental dignity of rural life and has assisted in developing solutions to many of the most pressing problems of the countryside.

Communicating the rural life philosophy has been a prime focus of the N.C.R.L.C. from its inception. The people of Minnesota are proud that the first Rural Life School established by the Conference was located at St. John's University in Collegeville, Minnesota in 1939.

I believe a good part of the success of the Conference can be attributed to the great foresight this organization has shown. Long before the problems of poverty, overcrowding, urban blight, and centralization of farming operations had captured the attention of public officials, the N.C.R.L.C. was working to encourage family farming, to secure protection for the rural environment, and to establish decent minimum wage rates and social security for farm workers.

For example, a resolution adopted by the N.C.R.L.C. at its 26th annual convention in La Crosse, Wisconsin in 1948 called for the creation of a National Land Policy, declaring:

"Preservation and development of the family-type farm should be a prime objective of such a policy. It must aim to protect the family-type farm and to make it productive of the greatest possible spiritual and temporal good for the family, the community and the world."

Twenty-five years later the goal of preserving family farms is equally as pressing. Effective action is also desperately needed to combat rural poverty, to provide needed jobs and to preserve the quality of the rural environment.

Our ability to address these problems successfully in turn depends upon the hard work of groups like the N.C.R.L.C.

Upon this occasion I should like to express my deep personal gratitude to the leaders and members of the National Catholic Rural Life Conference for their enormous achievements in increasing our awareness of the importance of spiritual values, of close family relationships, of nearness to the soil and of strong rural communities. The success of this effort is crucial to our ability to meet the complex problems we face as we enter the final quarter of the twentieth century.

Mr. YOUNG. Mr. President, I am pleased to join with my colleagues in expressing tributes to the National Catholic Rural Life Conference on the occasion of its 50th anniversary.

It has been my privilege to work closely with leaders of the conference on a number of problems and issues over the years. On a more personal note, I was a very close and good friend of the late Rev. Joseph Hylden, past first vice president and board member of the conference, who passed away just last spring. Father Hylden was a dynamic, effective, and very personable man, and one who had a unique way of getting other people to help get things done. In addition to all his duties and responsibilities as a priest, including many years at the Edgeley, N. Dak., parish, in my home county, he devoted much time and work to this fine organization we are saluting today.

Mr. President, the National Catholic Rural Life Conference is one organization that has always been a champion of and a friend to agriculture. Its leaders have been on what I consider to be the "right" side of most of the major issues confronting agriculture for the past several decades. I extend my most sincere congratulations to this organization and wish it many more years of effective accomplishment on behalf of agriculture.

Mr. **BURDICK**. Mr. President, I wish to join with my Senate colleagues in observance of the 50th anniversary of the establishment of the National Catholic Rural Life Conference.

The accomplishments of the dedicated priests, sisters, and laymen during the past half century of working with and for rural people through the conference are many and meritorious. The conference has strengthened the family farms and rural communities of this country, bringing religious and moral strengths to the changing agricultural scene. The conference has long supported and worked for legislation for the betterment of farm families. Rural Life Sunday services for years have emphasized the relationship of mankind to the good Earth, bringing a greater understanding of the basic role of agricultural producers in building the good life.

I particularly want to mention my good friend, the Reverend Father Joseph Hylden, a distinguished leader of the National Catholic Rural Life Conference and former diocesan director of Fargo, N. Dak. Father Hylden's untimely death last year was a deep loss to North Dakotans, Catholic and Protestant alike, who had the great privilege of knowing and working with him. His zeal and faith can serve as a model for those who came after him in the service of the National Catholic Rural Life Conference.

Mr. **ABOUREZK**. Mr. President, I would like to associate myself with the remarks of the senior Senator from South Dakota (Mr. McGovern) and to thank him for arranging this colloquy marking the golden anniversary of the National Catholic Rural Life Conference.

Throughout its 50-year history, the work of the NCRLC has been directed to the betterment of the spiritual, social, and economic condition of rural America. During this time, NCRLC has been far-sightd in identifying the problems of rural areas and in offering constructive solutions to these problems.

For example, 25 years ago at their annual convention, the board of directors adopted a resolution on land policy which urged the establishment of a national land policy which would assure Christian charity and justice in the matter of access to natural resources. It now appears that Congress is on the verge of passing a National Land Use Planning Act.

I might add that that same resolution of 25 years ago stated that "preservation and development of the family-type farm should be a prime objective of such policy." I fully concur.

The National Catholic Rural Life Conference has been a major voice in warning of the threat posed to rural America by the growth of large farm conglomerates. The NCRLC has pointed out that agricultural technology could be used to produce more socially beneficial results than have occurred to date. They also suggest that such trends as the growth of conglomerates and the huge social costs that accompany them need not be written off as the inevitable consequences of technological progress.

Again, I concur. The National Catholic Rural Life Conference has been making a good deal of sense for 50 years. It is a voice well worth listening to and I hope that NCRLC will be around for a good many years, to provide their help in meeting the needs of rural America.

I might add one thing, Mr. President: My colleague from South Dakota has made some remarks, along with the Senator from North Carolina, the Senator from Vermont, and the Senator from Minnesota, concerning Watergate and all of its ramifications. But one thing that has been left out of the colloquy on that subject is the attitudes of the senior Senator from South Dakota (Mr. McGovern), who was the Democratic Presidential candidate last year, and who, along with the American people, was victimized, and probably he was victimized to a greater extent than anyone else by what took place last year.

I just want to point out, as the junior Senator from South Dakota and as a close personal friend of Senator McGovern, that I have not heard nor seen him show one bit of evidence of any rancor or vindictiveness with regard to the Presidential election of last year. To the contrary, he has spoken to America and to the people of my State of South Dakota only in the most objective and positive terms, and I think all of us ought to recognize, and I believe his colleagues here in the Senate do recognize, that it is that kind of attitude that keeps this country going in spite of all the adversity we face today.

So I just think we ought to pay some kind of tribute to Senator McGovern for the splendid attitude he has taken throughout this whole affair.

THE NATIONAL CATHOLIC RURAL LIFE CONFERENCE: CONCERN AND ACTION FOR BETTER RURAL LIFE

Mr. **DOLE**. Mr. President, it is with pleasure that I join with several of my colleagues today to mark the 50th anniversary of the National Catholic Rural Life Conference.

CONFERENCE RELEVANT TO RURAL LIFE

In light of the growing importance of U.S. agriculture to the world, there is a similarly growing need for us to focus our attention on the problems and requirements of our farmers and of rural people in general. From its inception the National Catholic Rural Life Conference has helped to meet that need.

Through the years it has consistently addressed itself to problems that were relevant to the business of providing adequate food and fiber for citizens of this country and others. It has concerned itself with the protection and development of the family farm and the future of rural America.

INTERNATIONAL EFFORTS

In its international efforts, it has helped to bring men and women with rural interests and rural backgrounds together to discuss common problems and shared concerns.

And the conference has sought to share with the people of less fortunate nations the agricultural breakthroughs and productivity miracles that farm science and research have made possible. Whether this involves the actual delivery of hybrid seed grains to post-war Europe 25 years ago or the more recent introduction of new strains of rice to war ravaged Southeast Asia, the concern—and the determination to act on these concerns—has been an enduring trait of the conference.

CHANGES TO MEET PRESENT AND FUTURE NEEDS

Here at home, the conference has recognized the fact that the future rests on the cooperation of individuals and communities striving together to deal effectively with the changing aspects of agriculture. While recognizing these new aspects, the conference has taken the rational view that industry is an essential addition to rural communities, not a threat to it.

The conference has kept up with new challenges and changing times by reorganizing and modifying its own structure and the structure of its educational instruments. Education of new recruits and leaders in the rural life philosophy is now being accomplished on a larger than ever scale through workshops, seminars, and rural-life days. It has always been rural people themselves with a concern for the comprehensive education of themselves and their young people, who have designed and influenced these programs. This, of course, remains one of the conference's greatest strengths.

STRESS SPIRITUAL ASPECTS OF SOCIETY

I heartily support the conference in its efforts to stress the spiritual aspects of the economic, social, and political values of our society, especially as they relate to rural issues.

As the American Bishops noted in their recognition of this 50th anniversary celebration, "Many of the problems which brought this agency into existence not only continue to exist today but if anything are more acute than they were 50 years ago." With this in mind, we must all join together in our efforts toward a better understanding of rural life and continue in the problem-solving effort in which this conference has always played so vital a role.

Mr. **HUMPHREY**. Mr. President, I take this opportunity to join with the Senator from South Dakota and others in extending warm congratulations to the National Catholic Rural Life Conference on the occasions of its golden jubilee celebration. It has been my privilege to have known and worked with the distinguished and beloved Monsignor Ligutti, who headed the Catholic Rural Life Conference and gave such remarkable leadership to this program. I have also had the opportunity of working with Father Vizzard of the National Catholic Rural Life Conference. These are distinguished spiritual leaders who are held in great admiration and respect by all those who have had the opportunity and privilege to know them.

The National Catholic Rural Life Conference has particular significance for Minnesota. Its first permanent, independent, national office was established in

1934 in St. Paul, under the direction of Father James Byrnes. And two presidents of the conference—the Most Reverend P. W. Bartholome and the Most Reverend George H. Speltz—came from the Diocese of St. Cloud. The 1968 convention of the conference, held in St. Cloud, looked to the future of rural America, where a structure of new, interrelated rural communities was projected, and dedicated to the development of new attitudes, jobs, income, education, and community services.

This mention of the theme of the 1968 convention is only one example of the outstanding capability of the National Catholic Rural Life Conference to provide our Nation with the invaluable counsel that comes from a determination to advance to the cutting edge of national and international issues of major significance. Such a focus on the crucial importance of farms and rural areas is to be particularly commended when it is recognized that Catholicism in America has been highly urban.

Only now has Congress begun to focus on legislation on land use policies. But in 1948, the board of directors of the National Catholic Rural Life Conference adopted a resolution calling for the development of a national land policy, guided by agricultural science, social advancement, and Christian charity, toward assuring the access of all our people to natural resources.

One year later, in 1949, the conference grappled with the concrete demands of social justice for our rural population, speaking to the need for parity income for farmers, and help for displaced persons in agriculture—an early recognition of the implications of the migration from the farm to the city, which has become one of the largest movements of people in history, having a direct relationship with the critical problems of our cities. And far in advance of governmental action, the 1949 convention called for minimum wage rates for agricultural workers, and social security for farmworkers.

Two other examples of advanced thinking directed toward the future requirements of a self-sustained rural America, deserve mention. A 1960 NCRLC policy statement called for the development of rural industry as an essential addition to agriculture. And in 1964, speakers at the 40th anniversary convention urged a federation of existing farm organizations, cooperatives, and credit associations.

However, the conference has not limited its concern to problems of rural America. It has been a dynamic force in calling attention to world food needs, guided by the counsel of Pope Paul VI in 1964 to act on behalf of "suffering people who lack what is considered necessary for survival," and the commendation of Pope Pius XII 17 years earlier for the generous response of the conference "to the call of Christian charity to provide resettlement possibilities for multitudes of uprooted displaced persons and destitute refugees." This agenda of international concern is also reflected in the NCLRC's reorganization in 1968 as the division for rural life of the department of social development and world peace.

Simultaneously with the enactment of the food-for-peace program by Congress in 1954, and which I regard as one of the most important accomplishments in my career of public service, the directors of the conference called for a new perspective on food production in America, where the priority national policy would now be an effective program of distribution to serve the needs of hungry people throughout the world. Reflecting the constant, firm support given by the Roman Catholic Church to the United Nations, the NCLRC director, Monsignor Ligutti, served for many years as official observer, appointed by the Holy See, to the Food and Agriculture Organization. And the 1966 conference convention theme, "Bread for the Tables of the World," addressed the alarming increase in world hunger and malnutrition with a call for the intensive application of technology for the efficient use of human and natural resources in meeting the production requirements of developing nations.

The conference has sponsored six international congresses on rural affairs, problems, and relations, which have included a focus upon the requirements for land reform in Latin America and of food production in Southeast Asia. It has maintained programs of rural development and agricultural assistance throughout the world, which have most recently been directly linked with mission programs through the establishment of a new agency called "Agrimissio."

The conference has continued its important programs of education of rural youth and of various publications over the years. In addition to its national office in Des Moines, Iowa, it has operated a Washington office on a permanent basis since 1957 to maintain liaison and rapport with Congress and Federal agencies.

Under its motto, "Christ to the Country—the Country to Christ," the National Catholic Rural Life Conference has been a decisive force for good in our Nation and the world. I applaud its accomplishments and urge the conference to sustain its efforts and programs in this time of urgent problems in rural America and of national debate on essential new directions to be taken to assure adequate food supplies at home and abroad.

Mr. President, we are all of us in Congress indeed fortunate to have had the opportunity of being associated either directly or indirectly with the National Catholic Rural Life Conference. In my State of Minnesota, where I am privileged to live, this is one of the great moving forces for rural development for the good of the communities in the rural areas. I applaud its accomplishments.

Mr. CLARK. Mr. President, as chairman of the Rural Development Committee in the U.S. Senate, it is a pleasure to be able to take this opportunity to pay tribute to the oustanding contribution the National Catholic Rural Life Conference has made toward creating a better life for the people of rural America. Iowa has the good fortune to serve as the headquarters for this energetic group, which has been an active force not only in our State, but across the Nation. In their first 50 years, which they celebrated yesterday, they have established a proud record.

At this moment in history, I can think of no more fitting mission than the mission of the conference—to bring back into the mainstream of society one element that has been isolated by neglect and indifference—the American countryside.

In my travels across Iowa and in Washington, D.C., I constantly hear of the growing desire to eliminate the artificial gap between Americans, between city and countryside. To strengthen faith and confidence and establish unity in a common purpose, people want what John Gardner has called a "shared vision." He maintains, "that is what gives a nation its tone, its fiber, its integrity, its moral style, its capacity to endure."

Where do we look to recapture a shared vision for America?

We can look back to the rural and agrarian roots that have lent the strongest measure of stability to our society in its formative years. We can look back to the individual American farmer who has worked hard to make his land productive and to increase the efficiency of agriculture to feed and clothe a growing population. The indispensible ingredient of the farm family's efficiency is not technical knowledge. It is a deep and abiding love for the land—and a respect for it. Today, farmers continue to work at a way of life which fosters the most enduring of American values.

No one understands the significance of the farmer more than the National Catholic Rural Life Conference.

But the flight from the American countryside to the city has been costly. The lure of the urban job markets has drawn millions of bright, energetic young people off the farms. There can be no doubt much of the discontent we see today in America stems from the rootlessness of so many people. People need to belong—to belong to a time and a place. In order to restore the sense of community that we all seek, we must first halt the exodus from the countryside.

It can be done.

And, it will take the kind of people that belong to the conference—people who understand the relationship between a man and his land as well as that between man and his fellow man, people who have the capacity to lead and to stimulate the community sentiment so that opportunity can be created where opportunity is needed.

Years ago, Thomas Paine paraphrased the counsel of the Old Testament:

> I believe in one God and no more, and I hope for happiness beyond this life. I believe in the equality of man, and I believe that religious duties consist in doing justice, loving mercy, and endeavoring to make our fellow creatures happy.

The National Catholic Rural Conference is dedicated to fulfilling these duties, and it is doing the job well.

Mr. PEARSON. Mr. President, I welcome the opportunity to join with my colleagues in recognizing the 50th anniversary of the National Catholic Rural Life Conference. This organization has worked effectively to strengthen the spiritual life of rural American and this is extremely important. But the conference has also done a great deal to remind us all of the precious nature of our land resources and the wisdom of careful stewardship.

Also the National Catholic Rural Life Conference has been one of the most effective and eloquent spokesmen on behalf of the family farm. Catholic rural life spokesmen have always recognized that the family farm is not simply an economic unit but an extremely valuable social institution. With this conviction they are effective in articulating why the national interest is well served by policies aimed at strengthening and preserving the family farm structure of American agriculture.

Therefore, Mr. President, I congratulate the National Catholic Rural Life Conference for its work over past 50 years, a record which I know the conference will equal and surpass during the next 50 years.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes.

FIREWOOD AND THE FUEL SHORTAGE

Mr. HUMPHREY. Mr. President, I noticed in this morning's Washington Post an article which attracted my attention, entitled "Fuel Shortage Threat Creates Shortage of Firewood, Stoves."

Mr. President, may I suggest to those who live in the District of Columbia and nearby areas that if there seems to be a shortage of wood for fireplaces or stoves, there is plenty of firewood lying on the ground in Rock Creek Park and other wooded areas and should be picked up. All that is required is for someone to go out there and pick it up, saw it, and cut it into pieces suitable for fireplaces or stoves.

Quite frankly, the park needs a good cleaning now, anyway. If the Park Service would but open it for the purpose of picking up the deadwood, it would serve two useful purposes: first, to clean up the park and, second, to provide much needed fuel.

This is how things are done out in the Midwest. When people need wood for their fireplaces or stoves, they go out and get it. There is no need to put an article in the newspaper waiting for someone to go out and get it. I have the feeling that the same procedure would work very well in the urbanized East, particularly in our Nation's Capital. All that is needed is a little sensible cooperation between the Government and the people—just a little get up and go.

However, that seems to be an almost insurmountable obstacle in these days of rules and regulations and bureaucracy, combined with the apparent unwillingness of many of our people to do something for themselves.

Mr. President, I ask unanimous consent that the article written by Mr. Paul Hodge be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Fuel Shortage Threat Creates Shortage of Firewood, Stoves

(By Paul Hodge)

Many Washington-area residents are meeting the threat of a winter oil and gas shortages by turning to one of man's more ancient heating methods, the wood fire.

Homeowners with fireplaces have been stockpiling so much firewood, especially in the past two weeks, that many local wood dealers report they are running out of seasoned firewood.

"It's like the bomb scare when people built bomb shelters and the recent so-called meat shortage when people stocked up on meat," said Mrs. Charles Beaty, whose family owns B & W Tree Experts of Fairfax County. "There's no real shortage of firewood, but people are fighting for it, hoarding it, and now they're creating a shortage." B & W already has sold out most of the 1,000 cords of seasoned firewood it had set aside for this winter.

Some firewood dealers already are sold out, such as the F. L. Watkins Co. of Seat Pleasant, Md., which has been handling firewood here for almost 60 years. "We were sold out weeks ago and now I can't get any," said owner Fred Watkins.

"There's no real shortage . . . but everybody's been scared to death by stories about a fuel shortage . . . in fact they've not only bought up all my wood but bought every stove in the store and almost all the bags of coal," Watkins said.

One of the area's largest stove dealers, Acme Stove Co., said yesterday it has sold virtually every wood stove it has, "Franklin stoves, pot-bellied stoves, wood stoves, wood heaters, you name it" and that the foundries that make them are now three months to more than year oversold.

Many of the stove sales came before threats of a fuel crisis, Acme says, and are due largely to the increase in rural second homes where primitive cast iron fireplaces and stoves are in demand.

The impact here of a winter shortage of home heating oil and gas expected nationwide is unclear and will depend largely upon the weather, according to oil companies and the Washington Gas Light Co.

Most Washington-area homes are heated by gas, the rest by oil and electricity. Local appliance stores and department stores such as Hecht's said yesterday there has been a noticeable increase in sales of small electric space and baseboard heaters in the past month, but no stores reported shortages.

Most of the two dozen firewood companies listed in the yellow pages of the telephone book said they are turning down orders for wood, are simply out of it, or have wood but predict delays of several weeks in deliveries. White Oak Tree Service of Silver Spring tells callers it cannot make deliveries until January.

Most wood dealers say the problem is that it takes several months to a year to season—dry out—wood so that it will burn well, and dealers did not anticipate a run on firewood this fall.

While there is an apparent shortage of seasoned firewood, there is still green wood available at many wood dealers.

Many firms are now recommending mixing green and seasoned wood, partly perhaps because stocks of seasoned wood are running low.

Under both Virginia and Maryland law (but not in the District), firewood must be sold by the cord or an exact portion of a cord, and use of woods like "face cord" is illegal. A cord is a stack of two-foot logs four feet high and 16 feet long, totaling 128 cubic feet of wood.

LET US CLEAN UP THE STREETS OF THE DISTRICT OF COLUMBIA

Mr. HUMPHREY. Mr. President, may I suggest that the District of Columbia get busy and clean up its streets around here. The Nation's Capital looks like a garbage heap. It is time someone did something about it. This is a great Nation's Capital. As a former mayor of a great city I know that the streets can be kept clean and that we do not have to leave trash piled up in the streets.

It is about time that someone spoke up in the Senate about this matter. We appropriate the money for the District of Columbia here in Congress. I am a taxpayer. All the people of America are taxpayers for the District of Columbia. It is about time that this city was made to look like it should; namely, a shining example of modern urban America. Instead, it is being permitted to deteriorate.

Mr. President, I am going to keep talking about this subject until someone gets on the ball. There is no reason whatsoever to have the streets of this city look like a garbage dump for the entire eastern coastline.

It is time to get busy, go to work, and get the job done.

If the District of Columbia does not have the funds to do it, then they should come up here to us and ask for it and see if we can give them some help.

When I go down M Street, or South Capitol or North Capitol Streets and see the littered streets, it tells me that someone is not doing his job.

I hope that someone in the District of Columbia will read what I have said today. I am sending them a letter, anyway. As a matter of fact, I write to them quite often but I am not sure they get the mail. But I shall continue to write and I shall continue to speak out, because when people come to this great city they should see something else besides expensive Government buildings. They should be looking at a community which is proud of itself.

I shall ask the press to do what they do elsewhere, to get the people of a community to do something to make their city the beautiful city it should be.

SENATE RESOLUTION 194, RELATING TO SENATE RESOLUTION 60—CERTAIN SUITS INSTITUTED BY THE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. ERVIN. Mr. President, with the consent of the majority leadership, and without objection on the part of the minority leadership. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 454, Senate Resolution 194, and that it be called up for immediate consideration.

The PRESIDING OFFICER (Mr. McGovern). The resolution will be stated by title.

The legislative clerk read as follows:

S. Res. 194, relating to S. Res. 60.

The PRESIDING OFFICER. Is there

objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ERVIN. Mr. President, this is a simple Senate resolution which, in effect, states that the Senate Select Committee on Presidential Campaign Activities in the issuance of subpenas for certain documents was acting within the scope of the provisions as authorized by Senate Resolution 60 and ratified the action given in issuing the subpenas and also in bringing suit in district court for the enforcement of subpenas.

Mr. President, the resolution before the Senate is intended to aid in resolving certain questions that have been raised concerning the select committee's actions.

It states that it is the sense of the Senate that the committee, under Senate Resolution 60, had and has authority to subpena the President, who is an "officer" of the United States amenable to subpena under section 3(a) (5) of Senate Resolution 60, to obtain certain information relating to possible improper, illegal, or unethical conduct in connection with his candidacy for the Presidency in 1972. It further states that the Senate approves and ratifies the committee's action in regard to its subpenas.

It states it is the sense of the Senate that the committee and its members were and are fully empowered by applicable custom and law, including Senate Resolution 262, 70th Congress, first session (1928), to sue to enforce the committee's subpenas and that the Senate approves and ratifies the initiation and prosecution of this litigation.

Finally, it states that it is the sense of the Senate that the committee and its members, in subpenaing and bring a civil action to enforce its subpenas, were and are acting in furtherance of valid legislative purposes—a determination of the need for and scope of corrective legislation relating to Presidential campaigns and, in that regard, the revelation to the public of the extent of corruption in the 1972 Presidential campaign and election. It also states that it is the sense of the Senate that the information sought is vital to the performance of the committee's functions.

The members of the committee are fully confident that they have complete authority to pursue the activities referred to in this resolution, and are acting in this request with valid legislative purposes. The resolution, however, removes all doubts.

The resolution was agreed to, as follows:

S. Res. 194

Resolution relating to S. Res. 60

Resolved, That—

Section 1. By S. Res. 60, Ninety-third Congress, first session (1973), section 3(a) (5), the Select Committee on Presidential Campaign Activities was and is empowered to issue subpenas for documents, tapes and other materials to any officer of the executive branch of the United States Government. In view of the fact that the President of the United States is, as recognized by S. Res. 60, an officer of the United States, and was a candidate for the office of President in 1972 and is therefore a person whose activities the select committee is authorized by S. Res. 60 to investigate, it is the sense of the Senate that the select committee's issuance on July 23, 1973, of two subpenas duces tecum to the President for the production of tapes and other materials was and is fully authorized by S. Res. 60. Moreover, the Senate hereby approves and ratifies the committee's issuance of these subpenas.

Sec. 2. On August 9, 1973, the select committee and its members instituted suit against the President of the United States in the United States District Court for the District of Columbia to achieve compliance with the two subpenas referenced in section 1 above, and since that time, in both the district court and the United States Court of Appeals for the District of Columbia Circuit, have actively pursued this litigation. It is the sense of the Senate that the initiation and pursuit of this litigation by the select committee and its members was and is fully authorized by applicable custom and law, including the provisions of S. Res. 262, Seventieth Congress, first session (1928). In view of the entirely discretionary provisions of section 3(a) (6) of S. Res. 60, it is further the sense of the Senate that the initiation of this lawsuit did not require the prior approval of the Senate. Moreover, the Senate hereby approves and ratifies the actions of the select committee in instituting and pursuing the aforesaid litigation.

Sec. 3. The select committee and its members, by issuing subpenas to the President and instituting and pursuing litigation to achieve compliance with those subpenas, were and are acting to determine the extent of possible illegal, improper, or unethical conduct in connection with the Presidential campaign and election of 1972 by officers or employees of the executive branch of the United States Government or other persons. It is the sense of the Senate that, in so doing, the select committee and its members were and are engaged in the furtherance of valid legislative purposes, to wit, a determination of the need for and scope of corrective legislation to safeguard the processes by which the President of the United States is elected and, in that connection, the informing of the public of the extent of illegal, improper, or unethical activities that occurred in connection with the Presidential campaign and election of 1972 and the involvement of officers or employees of the executive branch or others therein. It is further the sense of the Senate that the materials sought by the committee's subpenas are of vital importance in determining the extent of such involvement and in determining the need for and scope of corrective legislation.

Mr. ERVIN. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I want to thank the majority and minority leaderships for permitting me to bring up this resolution at this time.

The PRESIDING OFFICER (Mr. McGovern). What is the pleasure of the Senate?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE VIRGINIA THEOLOGICAL SEMINARY

Mr. HARRY F. BYRD, JR. Mr. President, today I invite the attention of the Senate of the United States to an important event which took place in Alexandria, Va., the evening of Thursday, November 1, 1973.

The occasion was the 150th anniversary of the Virginia Theological Seminary. Legally known as the Protestant Episcopal Theological Seminary in Virginia, the seminary was founded and opened its doors in Alexandria in October of 1823.

But at that time it was not Alexandria, Va.; it was Alexandria, District of Columbia.

Alexandria lay within a portion of the State of Virginia, which from 1796 to 1846, was allocated to the Federal Government for the Capital of the Nation.

The first class at the Virginia Seminary consisted of one student, George A. Smith, but by 1826 the student body had increased twentyfold.

Today the Virginia Seminary is the largest of the Episcopal seminaries.

Indeed, it is now educating 20 percent of all the young people studying for the Episcopal ministry throughout the country. It has a student body of approximately 200 persons, from 50 dioceses. More than two-thirds are married; more than half have seen military service. Ten percent are women.

I met and talked with many of them. They impressed me well.

On the evening of November 1, 1973, All Saints Day, a commemorative ceremony was held at the Virginia Seminary—a service and communion and then a dinner.

Present were many Members of the Congress.

Presiding at the dinner was the Honorable Armistead Boothe, of Alexandria. Mr. Boothe has had a distinguished career as a lawyer and as a member of the Virginia Legislature. He is now devoting his time and talents to the development of the Virginia Seminary.

The sermon at the Congress night service, held in the Virginia Seminary chapel was delivered by the Right Reverend Robert F. Gibson, Jr., of Virginia.

Bishop Gibson pointed out that Seminary Hill and the Capitol of the United States across the river, long have lived in each other's shadow. He mentioned, too, that the parish had as its members both George Washington and Robert E. Lee.

The senior Senator from Virginia had the privilege of being present last week at the commemorative service and the dinner which followed.

I was much impressed with Bishop Gibson's sermon. I feel it should be shared with my colleagues in the Congress.

I ask unanimous consent that this sermon by Bishop Gibson, delivered on the historic occasion of the 150th anniversary of the Virginia Seminary, be printed at this point in the Record.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

ALL SAINTS DAY—SEMINARY SESQUI-CENTENNIAL

It is my privilege to welcome and recognize, with respect and gladness, our distinguished guests from the Congress present for this special occasion.

And I cannot refrain from mentioning one in particular, the Vice President-designate, Gerald Ford. For this place of worship is also the parish church to which he belongs. So our ties are close.

I might also add that this geographical parish had as its members both George Washington and Robert E. Lee. Indeed, in the communion of the saints, we might say still has them as members, which is an interesting juxtaposition of past, present and future.

This Holy Hill, as we call it, and the Capitol across the river, have long lived in each other's shadow, and the relations of Seminary and Congress have often been close. With full respect for the proper separation of Church and State, I would pray that our goals be mutual and that our ties be strengthened in common purpose in the days ahead.

Long ago, when the Virginia Seminary opened its doors of learning in 1823, James Monroe was President, John Adams and Thomas Jefferson were still alive, and, it seems worth noting, had reached peace and friendship after years of philosophical differences and political enmity.

The Seminary from its founding had a vision and purpose of mission. Its graduates went out to all parts of this country, and also to the uttermost parts of the world. Since long before Congress had the dreadful responsibility of governing a world power, it has been true that the sun has never set on the work of the Virginia Seminary.

All this seems worth recalling when we are gathered together on All Saints Day as a fitting part of the Sesqui-Centennial of the Seminary. We celebrate 150 years of service to our Church and country and world.

All Saints Day, I think, is especially appropriate, not because of its date, but because of its message, a double-edged word of significance in these days of crisis at home and abroad. All Saints Day always bids us to look backward into history in grateful remembrance so that we may be strengthened to look forward to our purpose and goal as Christians—and, indeed, as Americans, if we are faithful to our heritage.

Listen to the Church's message (Proper Preface): "We give thanks to thee, O Lord . . . who, in the multitude of thy Saints, has compassed us about with so great a cloud of witnesses that we, rejoicing in their fellowship, may run with patience the race that is set before us."

This is to say, remember your forefathers—certainly including the faithful, the saints, of this Seminary and of the United States Congress—remember them, that in their fellowship, their witness, we may be strengthened and guided to go forward today.

Or, again, in that apocalyptic vision just read to us as the Epistle: "After this I beheld . . . a great multitude, which no man could number, of all nations, and kindreds, and people, and tongues. . . . What are these . . . and whence came they? . . . These are they which came out of great tribulation, and have washed their robes and made them white in the blood of the Lamb. . . . They shall hunger no more, neither thirst any more. . . . For the Lamb which is in the midst of the throne shall feed them, and shall lead them to living fountains of waters: and God shall wipe away all tears from their eyes."

Remember and hope and, by the grace of the Lord, serve your day. That is the All Saints Day message.

We need it. We need it precisely because neither history nor apocalyptic are popular among us today. And without them service can be, and often is, misguided, empty and unfulfilled. Remember and hope in order to serve.

We need it because the lack of observance of such a day as this is itself a commentary on our inadequate use of history and scripture as faithful Christians. This country knew that yesterday was Halloween, a day which somewhat symbolizes our confusion and the presence of wild spirits among us.

But how many of us gave a second thought to All Saints Day and its symbol? I doubt that many of us, laity or clergy, would be attending church services tonight except for this special occasion and invitation. Somehow in our supposedly "relevant" lives our "holidays" are no longer "holy days" of faithful remembrance and hope.

Perhaps we cannot, or even should not, restore the "holy days" which developed in a more consciously Christian culture, and in a time less pressed by the perplexities and dangers of our life. But all days are holy days to those who know and would serve the Lord. And in serving we need, perhaps today more than ever, the guidance and the power which comes from Him. We need remembrance and we need hope to lead us through a day of confusion and uncertainty.

It is trite even to remind ourselves that what happens in Washington is witnessed and heard today in the uttermost part of the earth, or that what happens in the Middle East gravely affects our lives and that of our children's children. But we need to be reminded that this has always been the Christian message, for mankind is one and his hope is one, or there is no hope at all. The apocalyptic vision was for "All nations, and kindreds, and peoples, and tongues."

We here tonight—thank God—share a common faith and hope. Despite our human perplexities and differences, let us remember that. No one of us, be he priest, prophet or politician can have all of the right answers. But every Christian can make his decisions in remembrance and hope in Jesus Christ.

When we serve that hope, however apocalyptic or distant, we shall serve a suffering and endangered world. And some thirst and some hunger and tears can be wiped away by God through us.

I shall close by reading a prayer composed and used by George Washington. We need not bow our heads or kneel, but rather listen. Surely he prays across the years to us as well as to the Lord.

"Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection, that Thou wilt incline the hearts of the citizens to cultivate obedience to government; to entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility and pacific temper of mind which were the characteristics of the divine author of our blessed religion, and without an humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ, our Lord. Amen."

DÉTENTE: WORDS OR DEEDS?

Mr. HARRY F. BYRD, JR. Mr. President, the Northern Virginia Daily, published at Strasburg, Va., published an editorial this morning captioned "Détente: Words or Deeds?" The editor of the Northern Virginia Daily is James J. Crawford. He is an excellent editorial writer, one of the best in the State.

The editorial discusses the question of détente. One paragraph reads as follows:

> This brings up the question, what happened to the détente? The answer, we think, is that in substance a détente such as the United States had hoped for never really existed.

Another paragraph reads:

> The rapid sequence of events in the Mideast, in which the Soviets made no pretense of letting the détente stand in the way of what they considered their national interest, has shown once again that strength—not cocktail diplomacy—is the only effective means for U.S. negotiations with the Soviet Union.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DÉTENTE: WORDS OR DEEDS?

Though Soviet Russia stopped short of forcing a military confrontation in the Mideast and, after a show of U.S. force, agreed to the U.N. Security Council's resolution for a peacekeeping force sans U.S.-Soviet troops, there are many Americans who are reappraising what the U.S.-Soviet détente means.

Or, perhaps it would be more accurate to say they are looking at what détente apparently doesn't mean. The dangerous situation which developed when the U.S. rejected the Russian proposal that a joint U.S.-Soviet force take over policing the war zone, and the Kremlin threatened to send in Soviet troops unilaterally, made one thing perfectly clear.

The new atmosphere of détente would not have stopped the Soviets. What did stop them was President Nixon's decisive, resolute reply which saw an immediate worldwide alert of American military forces.

This brings up the question—what happened to the détente? The answer, we think, is that in substance a détente such as the U.S. had hoped for never really existed. The relaxation of tensions which Secretary of State Kissinger had envisioned in relations between Moscow and Washington was totally nonexistent.

The rapid sequence of events in the Mideast, in which the Soviets made no pretense of letting the détente stand in the way of what they considered their national interest, has shown once again that strength—not cocktail party diplomacy—is the only effective means for U.S. negotiations with the Soviet Union.

While the Mideast crisis may be temporarily resolved, the Administration and Congress are faced with some hard decisions imposed by the apparent frailty of the accord.

The Administration is stuck with a series of Kissinger-negotiated deals with the Soviets, agreements and contracts based on the mistaken belief that détente meant the same thing in Moscow as it meant in Washington.

For instance, the Administration has already given permission to several U.S. companies to build the world's largest truck producing facility in the Soviet Union. This permission was granted on the assumption that the trucks would be used for "peaceful purposes." Now it is found that they may be used for aggression in the Mideast and elsewhere in the world.

The recent wheat deal, on which we are still making deliveries and which the American taxpayers subsidized, is another example of U.S. naivete in assuming that the Soviets think like we do. Still another is the "détente"-inspired disarmament pact with the Kremlin which has us frozen into a position of quantitative inferiority in the deployment of strategic weapons.

But, perhaps most embarrassing of all to the Administration, now that the Soviet Union has demonstrated how it regards détente, is the Administration's insistence that Congress approve a "most favored nation" trade status for the Soviet Union.

To put it bluntly, in view of the Soviet's conduct in recent weeks in the Mideast, congressional approval of a "most favored nation" status for the Soviets would be preposterous. Consideration of their proposal should, by all means, be postponed indefinitely, at least until we can be certain that the agreements to which this country has already been committed have not jeopardized our national security and interest.

THE PRESIDENT — THE IMPORTANCE OF PROCEEDING BY ORDERLY PROCESSES

Mr. BELLMON. Mr. President, my office, like the offices of other Senators, is currently being deluged with communications from concerned citizens regarding whether or not President Nixon should continue in office. Some express the view that Congress should impeach the President; others take the position that the President should resign and thus spare the country the trauma of a lengthy impeachment procedure; still others feel that the President should remain in office and continue to discharge the duties he was overwhelmingly chosen to perform in the elections of last November.

Clearly there is some justification for each of these points of view. Final judgment should be reserved until all the facts are in. However, in light of what we now know, I take the following position:

First. The impeachment language in section 4, article 2, of the Constitution provides:

> The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

To me this says that Congress has the responsibility of deciding when high officials of the Government should be removed from office.

Second. To date none of the critics of the President have succeeded in presenting evidence which conclusively proves his implication in or guilt of any of the crimes mentioned in the Constitution.

Third. Should facts which would indicate an impeachable offense be brought forth, the President, in my opinion, should remain in office until and unless he is impeached by the House and removed from office by the Senate.

Fourth. Should the President be forced from office by shifting public opinion instead of by the impeachment process, I believe the question would quickly arise as to whether or not his successor could govern effectively over the next 3 years.

Fifth. There is great danger that if this President should resign he would in effect be allowing himself to be driven from office by public outcry. This would set a precedent for future resignations under pressure. Succeeding Presidents could expect immense pressures to resign when a vocal group disagreed with administration policy or conduct. The resulting destabilizing effect would critically and perhaps irreparably weaken this Government and this Nation for the indefinite future.

Mr. President, our officials are chosen through popular elections. Ours is not a parliamentary system. The Constitution provides a workable and lawful means for removal of officials in case two-thirds of the Members of Congress vote for impeachment. Should we allow a vocal minority or even a vocal majority to overturn the outcome of our elections by preempting the responsibility of Congress, we will have set the stage for a long series of governmental disorders. Our situation would then be similar to that which has plagued weaker nations of the world but from which our own country has thankfully been spared.

Much of the economic and social progress we have made as well as our position as a world leader can be traced directly to the stability of our Government. As a Member of the Senate, I shall refuse to participate in and resist efforts to cast away the legal and proven processes of the past in the face of demands of a currently inflamed citizenry. I have written President Nixon urging him to resist the temptation to yield to present pressures and to continue to do the job he was chosen to perform until and unless he is lawfully removed from office by the Congress.

QUORUM CALL

Mr. BELLMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Final Determination of Claim of Saginaw Chippewa Indian Tribe of Michigan

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, a report of its final determination of the claim of the Saginaw Chippewa Indian Tribe of Michigan, et al. *v.* the United States of America (with accompanying papers). Referred to the Committee on Appropriations.

Report of the Defense Civil Preparedness Agency

A letter from the Director of the Defense Civil Preparedness Agency transmitting, pursuant to law, the report of Federal Contributions Program Equipment and Facilities for the quarter ending September 30, 1973 (with accompanying report). Referred to the Committee on Armed Services.

Proposed Legislation by the Central Intelligence Agency

A letter from the Director of the Central Intelligence Agency transmitting a draft of proposed legislation to amend the Central Intelligence Agency Retirement Act of 1964, for certain employees, as amended (with accompanying papers). Referred to the Committee on Armed Services.

Report of the Secretary of Transportation

A letter from the Secretary of Transportation transmitting, pursuant to law, a report on the reliability of automobile odometers (with an accompanying report). Referred to the Committee on Commerce.

Report of the Secretary of Transportation

A letter from the Secretary of Transportation transmitting, pursuant to law, a report of activities pursuant to the Emergency Rail Facilities Restoration Act (with an accompanying report). Referred to the Committee on Commerce.

Assistance-Related Funds Obligated for Cambodia

A letter from the Assistant Secretary of State for Congressional Relations transmitting, pursuant to law, a report showing the assistance-related funds obligated for Cambodia during the first quarter of fiscal year 1974 (with an accompanying report). Referred to the Committee on Foreign Relations.

Proposed U.S. Information Agency Appropriations Authorizations Act of 1973

A letter from the Director of the United States Information Agency transmitting a draft of proposed legislation to authorize appropriations for the United States Information Agency (with accompanying papers). Referred to the Committee on Foreign Relations.

Proposed Legislation of the Foreign Claims Settlement Commission

A letter from the Chairman of the Foreign Claims Settlement Commission transmitting a draft of proposed legislation to provide for the timely determination of certain claims by American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes (with accompanying papers). Referred to the Committee on Foreign Relations.

International Agreements Other Than Treaties

A letter from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, copies of international agreements other than treaties entered into by the United States within the past 60 days (with accompanying papers). Referred to the Committee on Foreign Relations.

Report of the Comptroller General

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Consumer Protection Would Be Increased by Improving the Administration of Intrastate Meat Plant Inspection Programs" (with an accompanying report). Referred to the Committee on Government Operations.

Orders of the Immigration and Naturalization Service

A letter from the Acting Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders entered in the cases of certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

Orders of the Immigration and Naturalization Service

A letter from the Acting Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders entered in the cases of certain aliens who have been found admissible to the United States (with accompanying papers). Referred to the Committee on the Judiciary.

Building Project Survey by the General Services Administration

A letter from the Administrator of the General Services Administration transmitting, pursuant to law, a report of building projects survey for Palmer, Alaska (with an accompanying report). Referred to the Committee on Public Works.

Proposed Legislation by the Atomic Energy Commission

A letter from the Chairman of the Atomic Energy Commission transmitting a draft of proposed legislation to increase the authorization for appropriations for Operating Expenses and Plant and Capital Equipment (with accompanying papers). Referred to the Joint Committee on Atomic Energy.

REPORT ENTITLED "CHINA REPORT"

Mr. MAGNUSON. Mr. President, in July of this year I was fortunate to lead a delegation of distinguished Members of the Senate and House on an official visit to the People's Republic of China. We are now prepared to report on that journey. Therefore, on behalf of the distinguished chairman of the House Foreign Affairs Committee, Representative Morgan, and other members of our delegation, I ask unanimous consent that our report be printed as a Senate document and that it be entitled "China Report."

The PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 2645. A bill to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1950, as amended, and for other purposes (Rept. No. 93-487).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Russell W. Peterson, of Delaware, to be a member of the Council on Environmental Quality.

The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. MAGNUSON, from the Committee on Commerce:

Less R. West, of Oklahoma, to be a member of the Civil Aeronautics Board; and

Richard Joseph O'Melia, of Maryland, to be a member of the Civil Aeronautics Board.

The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. FULBRIGHT (by request):

S. 2662. A bill to authorize appropriations for United States participation in the International Ocean Exposition '75. Referred to the Committee on Foreign Relations.

By Mr. BUCKLEY:

S. 2663. A bill to create a special committee to supervise the activities of certain Federal prosecutors. Referred to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 2664. A bill to designate the Miners' Hospital in Raton, N. Mex., a Public Health Service Hospital to be known as the "Miners' Rehabilitation and Medical Hospital." Referred to the Commitee on Labor and Public Welfare.

By Mr. FULBRIGHT (by request):

S. 2665. A bill to provide for increased participation by the United States in the International Development Association; and

S. 2666. A bill to provide for increased United States contributions to the Special Funds of the Asian Development Bank. Referred to the Committee on Foreign Relations.

By Mr. BEALL:

S. 2667. A bill for the relief of Miss Lisa Maria Potter (also known as Lisa Maria Verest, Mary Alice Verest, and Mary Alice Epiphanio. Referred to the Committee on the Judiciary.

By Mr. HELMS:

S. 2668. A bill to modify the project for the Falls Dam and Reservoir, Neuse River, N.C. Referred to the Committee on Public Works.

By Mr. TUNNEY:

S. 2669. A bill to authorize the Secretary of the Navy to conduct programs of exploration for oil and gas on Naval Petroleum Reserve Numbered 4, in the State of Alaska, and Naval Petroleum Reserve Numbered 1 (Elk Hill, Calif.). Referred to the Committee on Armed Services.

By Mr. MONDALE:

S. 2670. A bill for the relief of Ulrich Berner. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 2671. A bill to require that nontrust fund expenditures not exceed nontrust fund revenues for any fiscal year, and to establish a procedure for the Senate Committee on Appropriations to fix ceilings on the total amount of new budget authority to be provided for each fiscal year in bills reported by it, and to establish the calendar year as the fiscal year. Referred to the Committee on Government Operations.

By Mr. CHILES:

S. 2672. A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from outer Continental Shelf lands; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. AIKEN:

S.J. Res. 168. A joint resolution to authorize the period from February 10, 1974, through February 16, 1974, as "National Nurse Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FULBRIGHT (by request):

S. 2662. A bill to authorize appropriations for U.S. participation in the International Ocean Exposition '75. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for U.S. participation in the International Ocean Exposition '75.

The bill has been requested by the Director of the U.S. Information Agency and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Director of USIA to the President Pro Tempore of the Senate dated October 12, 1973, the letter from the Secretary of State in support of the bill, and the section-by-section analysis.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Ocean Exposition Appropriations Authorization Act of 1973."

Sec. 2. There is authorized to be appropriated for the United States Information Agency for "Special International Exhibitions", for United States participation in the International Ocean Exposition to be held in Okinawa, Japan, in 1975, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 *et seq.*), $5,600,000, to remain available until expended: *Provided,* That not less than $2,500,000 of the amount authorized to be appropriated herein shall be paid in Japanese yen accrued under the Settlement on Post War Economic Assistance between the United States and Japan, dated January 9, 1962: *Provided further,* That the amount authorized to be appropriated herein shall be available without regard to 5 U.S.C. 3108.

U.S. Information Agency,
Washington, D.C., October 12, 1973.

Hon. James O. Eastland,
President Pro Tempore of the Senate.

Dear Mr. President: I have the honor to transmit to the Senate for its consideration copies of a proposed bill "to authorize appropriations for United States participation in the International Ocean Exposition", and an explanation therefor.

Congressional authorization is required for United States participation in the International Ocean Exposition as well as for appropriation of money for the project. The budget necessary to carry out this plan is estimated at $5.6 million, $2.5 million of which has been identified as costs which could be paid from GARIOA funds (Japanese yen accrued under the Settlement on Post War Economic Assistance).

On April 9, 1973, Secretary of State Rogers asked the United States Information Agency to take the lead role in surveying, programming and executing this project. He stated that, "given the extent of our military and political interests in Japan and specifically in Okinawa, my colleagues and I believe that a signficant American presence at Expo '75 would contribute to the achievement of major policy goals." Secretary Kissinger has reiterated the importance of official participation in his letter accompanying the attached report. I share the Secretary's belief that major United States national interests will be served by meaningful representation at the exposition. Those interests are amplified in the report which also includes the background of the U.S. Information Agency's operational plan for the project.

The U.S. Information Agency and the Department of State join in urging that official United States participation in the International Ocean Exposition be authorized and the funds necessary to carry out the project be appropriated at the earliest possible date. The Office of Management and Budget advises that enactment of the proposed legislation would be in accord with the President's program.

Sincerely,

James Keogh,
Director.

THE SECRETARY OF STATE,
Washington, D.C., October 7, 1973.
Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: I am writing to voice my strong support for the bill introduced by USIA to authorize participation by the United States in the International Ocean Exposition to be held on Okinawa from March to August of 1975. For a variety of reasons, I believe that important national interests require that we be well represented at this event.

In the broader sense, our participation should be regarded in terms of its contribution to our major policy goal of strengthening ties with Japan on a basis of reciprocity and partnership. The Japanese Government is deeply committed to this project, both in terms of prestige and financial outlays, and feels that participation by the United States will make a positive contribution to our mutual policy goals and materially enhance the chances for success of the Exposition itself. The Japanese people, highly sensitive to foreign reactions to their efforts to achieve international recognition, will interpret the extent of participation in this Exposition by other major nations as a measure of the esteem in which they and their country are held abroad. I believe that the Japanese Government's desire for our participation merits a favorable response and that the contribution our participation could make toward preserving the predominantly favorable public attitude in Japan toward the United States would be well worth the outlay involved.

Our failure to participate would stand in contrast to the large exhibitions to be mounted by governments who hold a critical view of our relationship with Japan, resulting in profound disappointment and embarrassment to our friends in Japan.

The site chosen for EXPO 75 and its underlying purpose are also of particular relevance to our participation. You will recall that the basic premise for the reversion of Okinawa to Japan, which the Foreign Relations Committee and the Senate as a whole so forthrightly approved two years ago, was that the maintenance of sound relations with Japan, particularly our security relationship, was more important to our long range interests than the temporary advantages we might derive from continuing our administration of Okinawa. The Japanese Government intends EXPO 75 to be both a commemoration of the reversion of Okinawa to Japan and a tangible demonstration of its commitment to economic development of the area. The Japanese Government also regards this effort as important to its goal of enhancing Okinawan support for its national policies, including the maintenance of the Security Treaty and the presence of U.S. forces on the island. While we are developing plans with the Japanese Government to consolidate and reduce the scale of our military presence on Okinawa as rapidly as possible, our installations there are substantial and their ability to function effectively requires the cooperation of the local population. If we fail to participate in EXPO 75, it will appear to many Japanese in Okinawa and the main islands as well that our interests in Okinawa are narrowly military in nature. This would have obviously adverse effects on public attitudes toward our presence and be an unfortunate distortion of the aims of our policy toward Japan.

There are, of course, other reasons of more direct benefit to the United States for a meaningful exhibition at EXPO 75. Not the least of these is the opportunity to present our point of view on problems relating to oceanography to a significant Japanese and international audience, and a chance for private interests to demonstrate American technology in the first major international exposition to be devoted to a field which holds great promise for us in the future.

Favorable action by the Congress on this proposal would be greatly appreciated. An early decision is essential to enable us to obtain a favorable site and to design, assemble and construct our exhibit. The Japanese hope that an announcement soon of our intention to participate will encourage other friendly governments to do likewise, and that our participation will make the international aspects of this Exposition a success. I believe they are urging us to do something which is very much in line with our own interests.

Sincerely yours,
HENRY A. KISSINGER.

SECTION-BY-SECTION ANALYSIS

Section 1.—Provides that the Act may be cited as the "International Ocean Exposition Appropriations Authorization Act of 1973."

Section 2—Authorizes appropriations to be made for United States participation in the International Ocean Exposition, to be held in Okinawa, Japan in 1975. Of the total requested amount of $5,600,000, to remain available until expended, at least $2,500,000 would be paid in Japanese yen accrued under the settlement on Post War Economic Assistance between the United States and Japan, dated January 9, 1962. Guard services would be authorized.

By Mr. BUCKLEY:

S. 2663. A bill to create a special committee to supervise the activities of certain Federal prosecutors. Referred to the Committee on the Judiciary.

INVESTIGATION SUPERVISORY COMMITTEE ACT

Mr. BUCKLEY. Mr. President, the momentous events of recent days have brought this Nation and its institutions of Government to the point where the term "constitutional crisis" has acquired the status of a cliche. This crisis is rightly characterized as involving a head-on confrontation between the respective branches of Government of such gravity as almost to preclude a just and reasonable solution. Talk of possible Presidential impeachment or resignation is everywhere in the air; public confidence in Government is badly shaken and threatens to reach an all-time low.

But unless I am mistaken, it is not only the stewardship of Richard Nixon that is now on trial in the court of public opinion, and it is not only the misfeasance or malfeasance of certain officers relating to Watergate that is being questioned by the people. We in Congress will also be held accountable, no less than the President, for our actions in this hour of crisis. As bad as things may now appear, they can be made worse—indeed, will be made worse unless the counsel of moderation prevails over the temptation to hasty action, unless we in Congress make a special effort to recognize the existence of legitimate executive interests, and unless we fully understand the constitutional implications of the actions we prepare to take.

This will require self-restraint, prudence, a willingness to compromise, and the ability to recognize that the preservation of our constitutional system, and particularly of the delicate balance of powers among the various branches, is of paramount importance, it will, in short, require statesmanship of the highest order, both in Congress and in the White House.

As far as Congress is concerned, I believe that the great danger at present is that they may be tempted to take advantage of the weakened condition of President Nixon and inflict a mortal wound upon the institution of the Presidency itself. The temptation is great at the moment to embrace a hasty solution, one that rides the wave of public indignation, that at first glance seems to satisfy all relevant concerns, but that upon reflection may create a problem worse than the one it attempts to solve. The question is not one of good intentions, but of likely consequences and long-run impact.

As to one matter there is now a clear consensus. The Watergate investigation must be conducted by a special prosecutor and that prosecutor must be given the necessary independence to investigate and prosecute to the full satisfaction of the public. The President and Congress appear to be on a collision course, however, on the questions of who should appoint the special prosecutor, and to whom he will be immediately responsible. On the one hand, a majority of the Senate has now endorsed the proposal that Judge Sirica be directed to appoint a successor to Archibald Cox who would be responsible directly to the court.

On the other hand, pursuant to the President's directive, the Acting Attorney General has appointed a special prosecutor who, as an executive officer, will be ultimately responsible to the President. From a constitutional standpoint, this is perfectly appropriate, and under normal circumstances would be politically acceptable as well. The Acting Attorney General, Mr. Bork—a gentleman of unquestioned integrity and great courage—testified on Monday before the House Judiciary Committee that the new special prosecutor will have the power to use judicial process to obtain evidence from the White House if that should prove necessary. Mr. Bork also testified that the President would not exercise his constitutional power to discharge the special prosecutor without first consulting the joint leadership of both Houses of Congress.

I believe that the White House has, so to speak, learned a hard lesson, and I believe that the President is sincere in making this proposal. The American people in great numbers however, remain skeptical, and it is that skepticism which gives great strength to the Bayh-Hart proposal for a court-appointed prosecutor. Congress and the people must be satisfied that the prosecutor will be truly independent, that he will have the power required to conduct an effective and responsible investigation, and that he will not be engaged in a whitewash. But by the same token, the integrity of the Presidential office required that any investigation conducted by a special prosecutor will remain within its mandate, and that any problems involving executive privilege will be resolved fairly with a full understanding of the constitutional implications.

However highly one regards Judge Sirica, the fact is that the proposal introduced by Senator BAYH and cosigned by 55 Senators suffers from the disability that in these most sensitive areas, the judge would be required to rule on the actions and decisions of a man he himself appointed; and the prosecutor would find himself in the position of determining whether or not to contest rulings issued by a court to whom he is directly responsible for the manner in which he conducts the investigation.

I have discussed these matters with distinguished members of the bar and with members of my staff. These discussions have produced a proposal that, I believe, can meet the test of constitutional principle while accommodating the conflicting, though legitimate, interests to which I have alluded. My bill would create a special committee of distinguished jurists charged with the duty of overseeing the activities of the special prosecutor appointed to continue the investigation of the Watergate matter and with resolving the claims of Executive privilege which the President may feel it necessary to assert for the protection of the Presidency itself. The committee would be appointed by the Chief Justice of the United States and would consist of three presently retired judges of the Federal Circuit Courts of Appeal, who during their active service served as chief judges of their respective circuits. They would serve for the duration of the investigation by the special prosecutor or until such time as they reach the age of 75, whichever first occurs. They would be empowered to resolve various questions relating to the nature and scope of the prosecutor's authority and to pass on the delicate questions of confidentiality and privilege which will necessarily arise during the course of the investigation.

The creation of such a supervisory committee, to whom the special prosecutor would be responsible irrespective of by whom he is appointed, would accomplish the following important objectives:

First. It would provide assurance that the special prosecutor operated within his mandate. This would allay fears of "fishing expeditions" by overzealous staff members.

Second. It would provide the executive with assurance that any move to secure evidence in the nature of Presidential papers will represent the consensus of more than one man both as to need, propriety, and relevance to alleged criminal activities. It would also provide an assurance that reasonable accomodations satisfying the needs of justice while recognizing the principle of confidentiality can in fact be negotiated.

Third. It would provide the Congress and the public with full assurance that the investigation of the Watergate matter and any resulting prosecutions will in fact be pursued with the fullest vigor, by a truly independent prosecutor.

Fourth. It would insulate the courts against the possible adverse consequences which might arise from having to resolve constitutional issues that are essentially political in character.

There are a number of details in my proposal that are still being ironed out, but I did want to put the idea forward in general terms at this time for consideration by the Judiciary Committee. Mr. President, I send my proposal to the desk and ask unanimous consent that it be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section (1) A Federal Prosecutor or duly authorized officer of a Federal Court who undertakes an investigation into violations of law in the Presidential Campaign of 1972, or violations of law either during or after said campaign, including investigations into the conduct of the President or members of his staff, shall notify the Chief Justice of the United States. The Chief Justice shall promptly appoint a committee to supervise the activities of such officer or members of his staff.

Sec. (2) The Committee shall consist of three United States Circuit Judges who during their active service served as Chief Judges of the United States Court of Appeals but have since retired from active service. Each member shall serve until termination of the investigation or until he reaches the age of 75 years whichever sooner occurs. The Chief Justice shall fill any vacancy arising in said Committee from whatever cause. The members of the Committee shall retain their offices as, but during their service on the Committee shall not exercises judicial functions as, Circuit Judges. They shall not receive by reason of their service on the Committee any compensation over and above their compensation as Circuit Judges.

Sec. (3) The Committee shall supervise the investigation into the violations of law described in Section (1), including the conduct of the President or of members of his staff, and any steps to obtain evidence from the President or from members of his staff which may be the subject of the claim of executive privilege. The officer in charge of the investigation shall report regularly to the Committee and shall take no action in respect of his investigation or of his efforts to obtain such evidence without the approval of the Committee. The decision of the majority of the members of the Committee shall be final In the event that the Prosecutor or other officer of a Federal Court should take action in disregard of the Committee's decision, the Committee shall so report to the President.

By Mr. DOMENICI:

S. 2664. A bill to designate the Miners' Hospital in Raton, N. Mex., a Public Health Service hospital to be known as the "Miners' Rehabilitation and Medical Hospital." Referred to the Committee on Labor and Public Welfare.

Mr. DOMENICI. Mr. President, today, I introduced a bill, S. 2664, to designate the Miners' Hospital in Raton, N. Mex., as a Public Health Service hospital for all miners in the country. I wish to comment on this legislation to clarify the intent of the bill and to clarify my position in that regard.

In the late 1800's and the early 1900's, the Federal Government gave in trust 100,000 acres of land located throughout the State of New Mexico for the purpose of supporting the operation of a miners' hospital. In fact, this land was given for that expressed purpose as a condition of statehood. At that same time, a private corporation, the Maxwell Land Grant Co., gave the State 10 acres upon which the actual hospital could be built. This property was located in the picturesque town of Raton in the northeast corner of the State. A miners' hospital was built and used for several years on that site. These events were certainly desirable for the State's miners as they benefited enormously from having this special facility relatively close to their homes, a place to receive the necessary treatment for diseases, and other disabilities incurred as a result of their hazardous profession.

During the past few years, however, the hospital has lost its accreditation due to alleged actions by the State and/or the hospital which seem to indicate a "breech of trust" to many parties. This hospital is now only a nursing home for miners rather than supplying the services originally specified in the early part of this century. I do not believe this present situation lives up to the original intent of those contracts.

With the introduction of this bill I do not want to take advantage of troubled waters. I do not know the possible outcome of several lawsuits now pending against the State. I only introduce this measure as a possible alternative in the event an alternative is desirable or feasible.

This bill clearly states that its provision would not go into effect until the State of New Mexico agrees that this is a solution to their problems—and agrees that this proposal would truly make possible the original intent of the land gifts. I, and the cosponsors of this measure, want to be part of a plan to restore this institution to what it was originally intended expanding those services to all miners.

A fact which should not be overlooked in this matter is the lost health services to miners, miners in New Mexico as well as throughout the country. The AFL–CIO group in our State has not lost sight of that fact. Nick Halamandaras has not lost sight of that fact. Nick Halamandaras, president of the State United Mine Workers, has personally requested that this legislation be introduced, and I would like to say at this time I am pleased to have his support.

There are many diseases contracted by miners in the course of their work, but I have been informed by medical personnel working with miners that accidents are primarily responsible for mining disabilities and death. At the same time, there is not now a facility to which miners can be referred for specialized treatment, for vocational rehabilition. I believe the provisions of this bill would help alleviate that situation.

The hospital in Raton, should this measure pass, would be called the Miners' Rehabilitation and Medical Hospital. Research in back ailments and treatment alternatives would be conducted at the hospital as well as treatment for other disabilities and diseases. Miners and former miners would be admitted from throughout the country on a first-priority basis. Travel costs would also be covered at no expense to the miners. I understand that treatment for most disabilities, such as the loss of an arm or leg usually takes only a few weeks or months. Surely miners, faced with the prospects of little or no rehabilitation opportunities in their communities would be willing to spend those few weeks at a facility specifically designed to treat them. Surely, miners would prefer to receive expert treatment rather than limited or no treatment at all.

I have been assured by medical doctors that the climate in Raton is most desirable for those miners convalescing from injuries or diseases. The air is clean, free from pollution, and it is dry. The town of Raton is small and friendly.

The mining industry shows a great growth potential in the face of the energy crisis our Nation faces. This occupation has been traditionally hazardous. During the next few years Congress will address itself more directly to mine safety. At the same time I feel we must address ourselves to sufficient medical treatment.

I believe the miners of New Mexico and, indeed, the entire country would benefit if this hospital facility were available for these comprehensive services. It seems that this plan would compliment the original trust to which the land and facilities were designated in the first place and I would hope the bill, with any necessary changes, will be supported by all my colleagues in this body.

By Mr. FULBRIGHT (by request):

S. 2665. A bill to provide for increased participation by the United States in the International Development Association; and

S. 2666. A bill to provide for increased United States contributions to the special funds of the Asian Development Bank. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference two bills: First, to provide for increased participation by the United States in the International Development Association; and second, to provide for increased U.S. contributions to the special funds of the Asian Development Bank.

The bills have been requested by the Secretary of the Treasury and I am introducing them in order that there may be specific bills to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose these bills, as well as any suggested amendments to them, when they are considered by the Committee on Foreign Relations.

I ask unanimous consent that the bills be printed in the Record at this point, together with the letters from the Secretary of the Treasury to the President pro tempore of the Senate dated October 17 and October 31, 1973, respectively.

Tentatively, arrangements have been made for a public hearing with Secretary Schulz on these two bills and on S. 2193 also related to the Asian Development Bank, for Monday, November 19, at 10 a.m.

There being no objection, the bills and letters were ordered to be printed in the Record, as follows:

S. 2665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Development Association Act (22 U.S.C. 284 *et seq.*) is amended by adding at the end thereof the following new section:

"Sec. 14. (a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association $1.5 billion as the United States contribution to the Fourth Replenishment of the Resources of the Association.

(b) In order to pay for the United States contribution, there is hereby authorized to be appropriated without fiscal year limitation $1.5 billion for payment by the Secretary of the Treasury."

S. 2666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Asian Development Bank Act, as amended (22 U.S.C. 285–285p), is further amended by adding at the end thereof the following new section:

"Sec. 21. (a) The United States Governor of the Bank is hereby authorized to agree to contribute on behalf of the United States $50 million to the Special Funds of the Bank. This contribution shall be made available to the Bank pursuant to the provisions of Article 19 of the Articles of Agreement of the Bank.

(b) In order to pay for the United States contribution to the Special Funds, there is hereby authorized to be appropriated without fiscal year limitation $50 million for payment by the Secretary of the Treasury."

Hon. James O. Eastland,
President Pro Tempore,
U.S. Senate, Washington, D.C.

The Secretary of the Treasury,
Washington, D.C., October 17, 1930.

Dear Sir: In accordance with President Nixon's mesage on United States participation in increases in resources of the International Development Association, transmitted to the Congress today, I am enclosing a draft bill, "To provide for increased participation by the United States in the International Development Association." A Special Report of the National Advisory Council on International Monetary and Financial Policies on the Fourth Replenishment of the Association will be sent separately to you and to the Speaker of the House of Representatives.

I would appreciate it if you would lay the proposed bill before the Senate. A similar bill has been transmitted to the Speaker of the House of Representatives.

Sincerely yours,

George P. Shultz.

By Mr. HELMS:

S. 2668. A bill to modify the project for the Falls Dam and Reservoir, Neuse River, N.C. Referred to the Committee on Public Works.

FALLS OF THE NEUSE PROJECT

Mr. HELMS. Mr. President, I send to the desk for appropriate reference a bill to modify the project for the Falls Dam and Reservoir on the Neuse River in North Carolina, a project authorized by the Flood Control Act of 1965.

The purpose of this bill, Mr. President, is spelled out in a letter I have today written to my distinguished colleague from Alaska (Mr. Gravel), chairman of the Water Resources Subcommittee of the Senate Committee on Public Works.

I ask unanimous consent, Mr. President, that my letter to Senator Gravel be printed in the Record at the conclusion of my remarks. I also ask unanimous consent that a letter from Secretary of the Army Callaway, bearing date of October 31, 1973, be printed in the Record; and that the text of the bill which I am introducing be likewise printed in the Record at the conclusion of my remarks.

There being no objection the two letters and the text of the bill were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., November 7, 1973.

Hon. Mike Gravel,
Chairman, Water Resources Subcommittee, Senate Committee on Public Works, Washington, D.C.

Dear Senator: I am today introducing a bill to modify the project for the Falls Dam and Reservoir on the Neuse River in North Carolina, a project authorized by the Flood Control Act of 1965 (79 Stat. 1073).

The purpose of this bill is straightforward: It would remove from the project the so-called "separable recreational lands," that is, the lands used solely for recreational development, as distinguished from joint-purpose lands which are used for water supply, flood control, and so forth. The U.S. Army Corps of Engineers estimates that this would diminish the size of the land requirements by approximately 4,450 acres.

In this period of fiscal crisis, I feel that I must apply the same standards of economy to projects which principally affect my state as I do to those which affect the nation as a whole. Although recreation is permitted in the calculation of benefits, I do not feel that areas solely dedicated to recreation can have the same priority in today's circumstances as may have been given to them in 1965 when the project was authorized. Moreover, it is my understanding that the Office of Management and Budget looks more favorably on funding projects which do not have such a high recreation quotient. Since one of the most urgent concerns involved in the project is the provision of an adequate water supply for Raleigh, it is my judgment that the removal of lower priority factors from the project will speed up the funding for the project, as well as lowering the over-all cost.

In taking this initiative to reduce the burdens on the taxpayers, I am hoping that the Corps of Engineers will also review their policy of acquiring lands according to the land acquisition policies in effect when the project was authorized. It is my understanding that these policies were changed in 1971 under guidelines which require taking much less land in fee simple. Adopting the 1971 land acquisition policies for the Falls Project would save millions of dollars additionally, and would require no legislative change.

The bill which I am introducing was drafted in consultation with the Secretary of the Army and the Corps of Engineers, as indicated in the attached letter from the Secretary. I am sure that they will be glad to furnish their official views if the Committee requires, and I hope that the bill will be given early and favorable consideration.

Sincerely,

Jesse Helms.

Secretary of the Army,
Washington, D.C., October 31, 1973.

Hon. Jesse A. Helms,
U.S. Senate,
Washington, D.C.

Dear Senator Helms: Based on recent discussions with you pertaining to possibilities for reducing lands required for the Falls Dam and Reservoir project and in accordance with your views expressed at those times, I am advising the Corps to proceed with land acquisition and other work at the project with a view towards acquiring, as a first order of priority, the lands on the Beaverdam Creek arm. These lands would be utilized by the City of Raleigh to construct a temporary water supply facility to meet their urgent short term water supply needs.

You also indicated your intent to introduce legislation which would preclude acquisition of those lands exclusively set aside for recreation and fish and wildlife enhancement. In accordance with that proposal, no lands will be acquired in areas devoted exclusively for those purposes until after this matter has been considered by the Congress in connection with the proposed Omnibus legislation for 1973. In accordance with your request, there is inclosed a draft of legislation which would effect the reduction you seek. Specifically, the draft would modify the Corps of Engineers project for the Falls Dam and Reservoir, Neuse River, North Carolina, to restrict the Corps from acquiring any interest in land to be devoted exclusively to recreational development and fish and wildlife enhancement, and to minimize the effect that enactment of this restriction might otherwise have on orderly planning and construction of this project.

Please understand that the draft of legislation which is inclosed is furnished as a drafting service only, and does not represent the official position of this Department. Under established policies, views of the Department of the Army on proposed legislation are furnished only in response to a request from the Committee to which the legislation has been referred for consideration and after coordination with the Office of Management and Budget.

Sincerely,

HOWARD H. CALLAWAY.

S. 2668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That the project for the Falls Dam and Reservoir, Neuse River, North Carolina, authorized by the Flood Control Act of 1965 (79 Stat. 1073), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, shall not acquire any Federal interest in land to be devoted exclusively to recreational development and fish and wildlife enhancement at the project: *Provided,* That nothing contained herein shall preclude the Secretary from acquiring interests in land determined by the Chief of Engineers to be necessary for the Falls Reservoir project and to be used jointly for authorized project purposes, including recreational development and fish and wildlife enhancement and from acquiring necessary lands for access to the recreational development.

(b) The Secretary is authorized to renegotiate and amend or modify any existing agreements between non-Federal interests and the United States concerning cost sharing and other items of cooperation for recreational development, municipal and industrial water supply storage, and other authorized purposes of the Falls Reservoir project to accomplish any changes in such agreements which are necessitated by the provisions of this Act. Advanced engineering and design, land acquisition, and construction may be implemented concurrently with the renegotiations authorized in this subsection.

(c) The discount rate used or to be used in the computation of benefits and costs for the Falls Reservoir project under existing law and policy and applicable to the project prior to the enactment of this Act, shall not be affected by the enactment of this Act or changed as a result of the enactment of this Act.

By Mr. TUNNEY:

S. 2669. A bill to authorize the Secretary of the Navy to conduct programs of exploration for oil and gas on Naval Petroleum Reserve No. 4, in the State of Alaska, and Naval Petroleum Reserve No. 1 (Elk Hill, Calif.). Referred to the Committee on Armed Services.

Mr. TUNNEY. Mr. President, today, in an effort to rseolve some of the short- and long-term elements of the energy crisis, I am introducing legislation to authorize the Secretary of the Navy to conduct a program of exploration for oil and gas on Naval Petroleum Reserve No. 4, in the State of Alaska, and Naval Petroleum Reserve No. 1, in Elk Hills, Calif.

Comprehensive exploration programs such as these are of vital importance in developing a national energy policy. We must know what, where and how much we have in order to define a substantial foundation toward a policy of self-sufficiency. Estimated reserves in petroleum reserve No. 4 range from 10 to 33 billion barrels of sweet crude. Based on recent discoveries at Prudhoe Bay, the latter estimate probably reflects more accurately its true potential, which would be three times greater than North Slope reserve. The projected potential for Elk Hills exceeds the 2 billion barrel mark making it the largest reserve in California.

The bill I am introducing today would authorize expenditures of $150 million for a period of not more than 10 years for petroleum reserve No. 4 and $25 million for a period of not more than 5 years for Elk Hills. An exploration program of this nature involves geophysical and geological testing and exploratory drilling.

Included in this bill is a measure requiring the Secretary of the Navy to submit to Congress annual reports regarding progress, results, and findings, of the exploration programs authorized by this act. The Secretary of the Navy would be required to include in these reports, his views and recommendations with respect to the best means of transporting such oil and gas consistent with environmental protection.

Urgently needed is feasibility study to determine the practicality of constructing supplementary and/or parallel pipeline to the proposed trans-Alaskan pipeline. This study would be conducted in direct cooperation with the appropriate executive agencies: the environmental protection agency, for example.

For instance running a pipeline in the same corridor as the trans-Alaskan pipeline would eliminate any chance of increased environmental damage. Costs could be substantially reduced by running two lines within the same corridor at the same time.

Development must be preceded by extensive and comprehensive exploration. Hopefully, these measures will be the groundwork for both our short and long term goals.

Mr. President, I ask unanimous consent that the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Navy is authorized and directed, during the ten year period following the date of the enactment of this Act, to conduct a program of exploration for oil and gas on Naval Petroleum Reserve Numbered 4, in the State of Alaska, in order to determine the oil and gas resources therein which might be producible to assist in meeting the energy needs of the United States, including the development of additional geophysical and geological data, and the drilling of deep test wells.

(b) The Secretary of the Navy is authorized and directed, during the five year period following the date of the enactment of this Act, to conduct a program of exploration for oil and gas on Naval Petroleum Reserve Numbered 1 (Elk Hill, California), in order to determine the oil and gas resources therein which might be producible to assist in meeting the energy needs of the United States, including the development of additional geophysical and geological data, and the drilling of deep test wells.

(c) Prior to any final selection of testing sites under any such program, the Secretary of the Navy shall study and evaluate fully the potential effect of such program on the total environment. In establishing such programs, the Secretary of the Navy shall establish procedures sufficient to assure that, if environmentally unacceptable conditions develop during any stage of the exploratory project, operations under such program shall be immediately halted and shall not thereafter again commence unless the Secretary of the Navy has first determined that adequate corrective measures have been taken.

(d)(1) The Secretary of the Navy shall make annual reports to the Congress regarding the progress, results, and findings of the exploration programs authorized by this Act, including any recommendations with respect thereto.

(2) On or before the expiration of the ten year period following the date of the enactment of this Act, the Secretary of the Navy shall submit a comprehensive final report to the Congress containing the findings and results of the exploration program carried out pursuant to subsection (a) of this section. With respect to the program carried out pursuant to subsection (b) of this section, the Secretary of the Navy, on or before the expiration of the five-year period following such date of enactment, shall submit a comprehensive final report to the Congress containing the findings and results of the exploration program carried out thereunder. Such reports shall contain the recommendations of the Secretary of the Navy, including his views and recommendations with respect to the best means of transporting such oil and gas consistent with the protection of the environment.

SEC. 2. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized to furnish the Secretary of the Navy such data, reports, information, and other resources as he may deem necessary to carry out his functions under this Act.

SEC. 3. The Secretary of the Navy is authorized to enter into such contracts or other agreements as he may determine necessary to carry out his functions under this Act.

SEC. 4. For the purpose of carrying out the provisions of subsection (a) of the first section of this Act, there are authorized to be appropriated such sums, not to exceed $150,000,000, as may be necessary. For the purpose of carrying out the provisions of subsection (b) of the first section of this Act, there are authorized to be appropriated such sums, not to exceed $25,000,000, as may be necessary.

By Mr. HOLLINGS:

S. 2671. A bill to require that non-trust fund expenditures not exceed non-trust fund revenues for any fiscal year, and to establish a procedure for the Senate Committee on Appropriations to fix ceilings on the total amount of new budget authority to be provided for each fiscal year in bills reported by it, and to establish the calendar year as the fiscal year. Referred to the Committee on Government Operations.

FISCAL RESPONSIBILITY ACT OF 1973

Mr. HOLLINGS. Mr. President, I am today introducing for the consideration of the Senate the Fiscal Responsibility Act of 1973. The importance of this measure is that it goes to the heart of our present economic difficulties.

The simple and inescapable fact is that unbalanced Federal spending is the biggest contributor to the inflation which infects our economy like a cancer. The hundreds of billions of dollars which flow so freely from the Nation's capital inevitably have a direct and immediate effect on the price stability of the Nation. The Federal budget approaches 25 percent of the Nation's Gross National Product. In a trillion dollar-plus economy, that level of spending is nothing short of staggering.

What it adds up to is a share of the national debt for every man, woman, and child in the United States of nearly $2,600. And to service that debt, the American taxpayer is paying out in excess of $20 billion a year in interest alone.

With this kind of irresponsibility, is it any wonder that the Consumer Price Index soars higher and higher? Is it any wonder that in the past 5 years, that index has shot up from a base of 100 to over 125? Is it any wonder, in short, that the American consumer is trapped in a vicious spiral of rising prices?

Yet we continue right on down the same road. In the past 4 years alone, we have increased the national debt by over $100 billion. In doing so, we have further stoked the fires of inflation. More importantly, we have further burdened the American people in an unconscionable manner.

Mr. President, it is time for us to take some strong medicine. It is time for some self-discipline—some prudent judgment—some good old-fashioned commonsense.

It is time to balance the Federal budget. Not as a matter of temporary policy—but of permanent law. Not as a means of getting us out of one rough spot—but as a means of avoiding such financial debacles in the future.

It is therefore the intent of the legislation I am introducing today to require the President to submit—and the Congress to enact—a budget in which non-trust-fund expenditures do not exceed non-trust-fund receipts.

The only exception to this legislatively-imposed discipline would be the outbreak of war or the occurring of a grave national emergency requiring an immediate and massive response for the sake of the country's survival. In such a contingency, the limitations imposed by this measure would be suspended until such time as the emergency had passed.

My bill would also affect the way this Chamber goes about the process of appropriating Federal moneys.

It would alter the rules of the Senate in such a way that coordination would replace chaos. The various committees would know at the outset the general level of that part of the budget with which they are concerned. They would have a picture of how their work fitted into the larger scheme of things, and they would know the limitations and discipline under which they would have to operate. They would be able, in short, to plan rationally and intelligently for the expenditure of the public moneys.

My plan would work as follows: As soon as possible after the President transmits the budget to the Congress, the chairman of each subcommittee of the Senate Committee on Appropriations would—after the appropriate processes of consultation within his subcommittee—report to the chairman of the full committee the total amount of new budget authority which he anticipates will be provided in the regular appropriation bill to be reported by his subcommittee for that fiscal year.

After receiving the reports of each of the subcommittee chairmen, the chairman of the full committee would inform the Senate of the amount of new budget authority reported to him by the subcommittee chairmen. This would be the total figure and it would represent the committee ceiling. If the amount of any new budget authority provided in any appropriation bill reported to the Senate exceeds the subcommittee ceiling for such bill, the chairman of the Appropriations Committee would convene a meeting of the chairmen of the subcommittees. At that meeting, the ceiling for appropriations bill not yet reported to the Senate would be reduced by such amount as may be necessary so that appropriations do not exceed the committee ceiling.

The last segment of the measure would provide a reform which we have spent too much time talking about. It is time to act so that the fiscal year begins in January, just as the calendar year does. This would provide the Congress with crucial extra time in which to go about the business of appropriations.

It would effectively end the spectacle of haste and hurry that we observe each year once the budget is presented in spring and we are given only a few short months to carry through the entire financial business of the country.

Mr. President, no business is more important than the business of the budget. Unless we equip ourselves with the best and most up-to-date tools to work with, we are cheating the country and defrauding the taxpayer. The way the Congress in past years has dealt with the situation leaves much to be desired. The reforms we have practiced this year demonstrate how much more effectively things can be made to work, and now is the time to legislate these and other reforms so that they become the established way of doing business.

We must face the facts and realize the impact of the mammoth Federal budget. Those $285 billion hit the economy like a cannonball. They send shock waves into the homes and pocketbooks of every American. They decide the value of the consumer dollar. They decide the burden of each year's taxes. They affect every facet of our national and international life, from a family's budget to the Nation's balance of payments. Indeed, they affect the very confidence of the people, their sense of hope for the future, their sense of being able to master their own destiny.

We do not need any esoteric or obscure theory to get us past the hurdles. We are not forced to await the writings of some new economic savior. What we require is a return to the principles of prudence and thrift which originally took America to its greatness. I am talking about self-discipline—the willingness to live within our means. If we fail, we condemn ourselves, and certainly our children, to a world of economic chaos that will make anything else in our history look pale by comparison.

Mr. President, I introduce this legislation with the hope that Congress will see the need for prompt enactment. This is no time for delay. We cannot proceed much further down this road of economic irresponsibility without visiting untold harm upon our Nation. In this spirit, I respectfully request my colleagues to study the matter and to take resolute action by passing the Fiscal Responsibility Act of 1973.

By Mr. CHILES:

S. 2672. A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from outer Continental Shelf lands; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

MARINE RESOURCES CONSERVATION AND DEVELOPMENT ACT

Mr. CHILES. Mr. President, I am introducing today the Marine Resources Conservation and Development Act.

All of our States share responsibility for the energy crisis. All of our States share responsibility to help alleviate it by energy conservation and the orderly development of new energy sources.

However, the demands caused by the present energy crisis are a particular burden on coastal States in the Atlantic and Pacific Oceans and the Gulf of Mexico. These States are now faced with tremendous pressure from many diverse directions to begin rapidly oil exploration in our two oceans and the gulf.

Aside from pressures to extract oil from under our waters to help alleviate any shortage and to ease our dependence on foreign imports, there are others being brought to bear. One of the strongest of these pressures is the fact that the Federal Government, through the Office of Management and Budget, stands to realize billions of dollars in bonuses, royalties, rents and other receipts from sale of drilling tracts to oil companies.

In fact, I call these revenues "free money" because no new tax increase is required to get them, because no present programs have to be cut to get them. It is simply "free money" to be put in the miscellaneous receipt column at OMB.

This legislation recognizes the need to develop a crash program of research and technological development to replace our dependence on fossil fuels. Our times demand that we go after the development of this technology with the same intensity and drive as in our program to put a man on the Moon, and this bill would channel a major portion of the bonus money into this use.

I know in the State of Florida there is real concern about the over-consumption and the dwindling supply of energy sources. However, there is another equally important concern—the disproportionate environmental risks Florida and other coastal States take when there are proposed lease sales for offshore oil drilling.

Our coastal States would have to chance the danger of severe, and perhaps permanent, damage to our States' waters, coastlines, beaches and marine life in the event of oil spills, tanker and pipeline spillage and other environmental problems caused by the new refining capacity.

Because the economy of Florida is greatly dependent on tourism and because our greatest assets are our beautiful beaches and coastal waters, there is naturally great concern on the part of Floridians on the dangers we face from offshore oil drilling and resultant operations.

In the panhandle of my State there is great concern that the proposed oil leases will conflict with the defense missions of four major installations which are the largest payroll in west Florida.

These pressures—the need for energy versus adequate protection of the environment and economy—should be weighed in an unbiased tribunal free from any prejudice or predilection in an attempt to make the fairest decision. Today that is not true.

So in this legislation, I attempt to remove the joker from the deck and allow the Government to weigh all factors involved in offshore drilling without the temptation to push for unwise drilling without proper safeguards or study because of the lure of "free money."

These concerns have led me to introduce the Marine Resources Conservation and Development Act. The purpose of this legislation is twofold.

First, if we are going to take our energy sources from our marine environment, the financial rewards to the Government should be directed toward marine resources conservation and toward the search for new sources of energy.

These programs should include freshwater and saltwater aquaculture; prevention of beach and shoreline erosion; protection from hurricane, flood, and other natural disaster damages; aid to sea-grant colleges; freshwater and saltwater fisheries development; development and maintenance of waterfront recreation facilities; and oceanographic research and development.

The fund established under this legislation would mandate the Secretary of Interior to carry out these objectives. I am proposing that 70 percent of the oil revenues due the Government be paid into this fund.

Second, this legislation will permit the adjoining coastal States, who bear such disproportionate risks, to share in revenues generated by the drilling. Equally important, these affected States would be mandated to use the revenues for conservation purposes, including the prevention and abatement of marine and freshwater pollution in coastal areas.

At the same time, my bill protects existing revenue guarantees now present for the land and water conservation fund.

Considering the possible environmental hazards, I strongly feel that not only should the proceeds from drilling be shared with the coastal States, but that the money should be channeled into marine conservation and into an all-out effort to find alternative energy sources.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 522

At the request of Mr. Moss, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 522, to provide protection for the fish resources of the United States including the freshwater and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, and for other purposes.

S. 796

At the request of Mr. Pell, the Senator from Pennsylvania (Mr. Hugh Scott) was added as a cosponsor of S. 796, a bill to improve museum services.

S. 1260

At the request of Mr. Pell, the Senator from Wisconsin (Mr. Nelson) was added as a cosponsor of S. 1260, to provide that daylight saving time shall be observed on a year-round basis.

S. 1688

At the request of Mr. Ervin, the Senator from Massachusetts (Mr. Kennedy) was added as cosponsor of S. 1688, a bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

S. 2052

At the request of Mr. Church, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 2052, a bill to amend the Public Health Service Act to provide for training programs which will train nurse practitioners to serve as physicians' assistants in extended care facilities.

S. 2327

At the request of Mr. Church, the Senator from Utah (Mr. Bennett), the Senator from Nevada (Mr. Bible), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Maryland (Mr. Mathias), the Senator from Minnesota (Mr. Mondale), the Senator from Ohio (Mr. Taft), and the Senator from North Dakota (Mr. Young) were added as cosponsors of S. 2327, a bill to impose a Federal penalty for the robbery or attempted robbery of narcotics from a pharmacy.

S. 2505

At the request of Mr. Metcalf, the Senator from Minnesota (Mr. Humphrey) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 2505, a bill to provide for additional Federal financial participation in expenses incurred in providing benefits to Indians, Aleuts, native Hawaiians and other aboriginal persons, under certain State public assistance programs established pursuant to the Social Security Act.

S. 2528

At the request of Mr. Mondale, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 2528, the Social Services Amendments of 1973.

S. 2578

At the request of Mr. McGovern, the Senator from New Hampshire (Mr. McIntyre) and the Senator from South Dakota (Mr. Abourezk) were added as cosponsors of S. 2578, a bill to strengthen the regulation of commodity exchanges.

S. 2581

At the request of Mr. Randolph, the Senator from Wyoming (Mr. Hansen), the Senator from New Mexico (Mr. Domenici), the Senator from New Hampshire (Mr. McIntyre), the Senator from Wisconsin (Mr. Nelson), the Sentor from Montana (Mr. Metcalf), and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of S. 2581, a bill to amend the Randolph-Sheppard Act for the Blind to provide for a strengthening of the program authorized thereunder, and for other purposes.

S. 2589

At the request of Mr. Jackson, the Senator from Arkansas (Mr. McClellan), the Senator from Illinois (Mr. Stevenson), the Senator from Nevada (Mr. Cannon), the Senator from Utah (Mr. Moss), the Senator from Minnesota (Mr. Humphrey), and the Senator from Florida (Mr. Gurney) were added as cosponsors of S. 2589, the National Emergency Petroleum Act.

S. 2599

At the request of Mr. Hatfield, the Senator from Colorado (Mr. Dominick) was added as a cosponsor of S. 2599, to repeal the Economic Stabilization Act.

S. 2617

At the request of Mr. Hatfield, the Senator from Montana (Mr. Mansfield) and the Senator from South Dakota (Mr. Abourezk) were added as cosponsors of S. 2617, a bill to prohibit United States combat forces in the Middle East.

S. 2641

At the request of Mr. Ervin, the Senator from Utah (Mr. Moss), the Senator from Texas (Mr. Bentsen), the Senator from Alabama (Mr. Sparkman), the Senator from New Jersey (Mr. Williams), and the Senator from Indiana (Mr. Hartke) were added as cosponsors of S. 2641, a bill to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes.

SENATE JOINT RESOLUTION 166

At the request of Mr. Stafford (for Mr. Griffin), the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of Senate Joint Resolution 166, proposing an amendment to the Constitution of the United States relating to the selection of the Vice President of the United States.

SENATE CONCURRENT RESOLUTION 57—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO HOUSING ASSISTANCE AND COMMUNITY DEVELOPMENT PROGRAMS

(Referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. BROOKE (for himself, Mr. Brock, Mr. McIntyre, Mr. Packwood, Mr. Stevenson, Mr. Weicker, Mr. Case, Mr. Gravel, Mr. Percy, Mr. Kennedy, Mr. Stevens, Mr. Young, Mr. Montoya, and Mr. Mathias) submitted the following concurrent resolution:

S. Con. Res. 57

Whereas the Congress has found and declared that the general welfare and security of the nation require the realization as soon as feasible of the goal of a decent home and suitable living environment for every American family;

Whereas the Congress has authorized and appropriated funds for housing, housing assistance, and community development programs to promote the attainment of the national goal;

Whereas proposals for new and experimental housing and community development programs have been submitted to the Congress by the President and others, and the Congress is at the present time reviewing these proposals;

Whereas the need to continue housing, housing assistance, and community development programs authorized by the Congress will not abate during consideration of new legislative proposals; and

Whereas the Congress has not suspended or terminated any of the housing, housing assistance, or community development programs which were authorized as of December 31, 1972: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that funds authorized and appropriated for the purpose of carrying out the housing, housing assistance, and community development programs administered by the Secretary of Housing and Urban Development and the housing and housing assistance programs administered by the Secretary of Agriculture should be obligated or expended (to the extent current appropriations or other obligational authority permit) at rates which are not less than the rates at which funds were obligated or expended for such programs during calendar year 1972, until such time as these programs are terminated by the Congress or new housing and community development programs are enacted by the Congress.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of Housing and Urban Development and a copy to the Secretary of Agriculture.

Mr. BROOKE. Mr. President, for the past 10 months our housing and community development programs have been in limbo. New commitments for housing assistance to low- and moderate-income families were suspended in January, and in September it was announced that processing would be resumed on a limited basis only. New grants to cities and towns for urban renewal, water and sewer, and other community development activities have also been suspended.

From March to September the Department of Housing and Urban Development conducted a comprehensive review of our housing programs, and in early October the President sent us a bill containing his housing proposals. The President proposed some new, experimental housing programs. I believe some of his proposals have merit; others need further explanation, and the Housing Subcommittee staff is reviewing these points with the Department of Housing and Urban Development.

The Committee on Banking, Housing and Urban Affairs has been working hard to prepare a housing bill. However, there is a possibility that a bill will not be reported to the floor during this session of Congress. Also, we are informed that the House is not likely to act on housing legislation before next spring.

Meanwhile, the need for housing and community development is growing. Housing starts in September fell to an annual rate of 1.7 million, a 3-year low. Many cities are faced with the necessity of laying off their community development staffs for lack of funds.

While Congress has appropriated funds to continue housing, housing assistance, and community development programs, spending on these programs has been cut back at a time when this scarcely can be afforded. Even before these cuts, we were moving too slowly toward our 24-year old goal of a decent home and suitable living environment for every American family.

The Congress cannot administer housing and community development programs; that is left to the President and the agency heads. We can, however, make clear to the President and the country that it is the intent of Congress that these programs continue until they are terminated or replaced by the Congress.

Therefore, I am introducing for myself and 13 other Senators a concurrent resolution expressing the sense of the Congress that housing, housing assistance and community development programs be carried out at levels at least equal to the levels prevailing in calendar year 1972 until such time as funds appropriated for these programs are exhausted or Congress enacts legislation terminating or replacing them.

SENATE RESOLUTION 198—SUBMISSION OF A RESOLUTION RELATING TO THE U.S. SENATE YOUTH PROGRAM

SUPPORTIVE SERVICES FOR THE U.S. SENATE YOUTH PROGRAM

(Referred to the Committee on Armed Services.)

Mr. HUMPHREY. Mr. President, I am introducing today a Senate resolution calling upon the Secretary of Defense to continue to provide certain supportive services to the U.S. Senate youth program, without additional expense to the Federal Government, during a 1 week period in the annual operation of this program in Washington, D.C.

Mr. President, the substance of this resolution was originally introduced as an amendment to the military procurement authorization bill, H.R. 9286, and it was accepted by the members of the Senate Committee on Armed Services managing the bill on the Senate floor—specifically, Senator Tower and Senator Thurmond—and was agreed to by the Senate. Regretfully, the amendment was not retained in the Conference Report on this bill.

Therefore, because of the importance of this matter in assuring the effective operation of the U.S. Senate youth program in Washington, D.C., in February 1974 and thereafter, I am requesting that the Senate take action on this resolution at the earliest possible convenience.

The Senate youth program, operated under the auspices of the William Randolph Hearst Foundation over the past 11 years, will provide an outstanding week-long educational experience for 102 high school delegates, from every State in the Nation, early next year, as well as a $1,000 college scholarship to each participant. These delegates are selected by the chief State school officer from nominations of youth holding student body elective office, which are submitted by the offices of high school principals across each State.

Throughout the operation of this program, the Department of Defense has traditionally been requested to designate personnel as escort officers for these young people, and to provide for a departmental briefing as well as separate meetings with departmental officials. In addition, the Department has been asked to arrange for program presentations by the several musical organizations of the armed services, and for ceremonies for the presentation and retirement of the colors.

The Department, through the Office of the Assistant Secretary of Defense for Public Affairs, has cooperated fully in meeting these requests, recognizing the status of this program as approved and supported by the Senate, as well as the importance of enabling youth to gain further insights into our national security policies.

However, increasing demands have been made on the Department of Defense in recent years in meeting requests by other groups for similar services. Such requests are entirely appropriate, but it is now necessary and advisable to provide the Department with explicit authorization to meet such requests for the U.S. Senate youth program.

I believe the continued provision of these services is of great importance in maintaining the high standards of the Senate youth program for the safety and conduct of high school delegates and in enabling young people to have a deep appreciation for our national traditions.

Mr. President, I ask unanimous consent that the text of the Senate resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 198

Resolved, That in accordance with the provisions of Senate Resolution 324 (87th Congress, 2nd Session), expressing the willingness of the Senate to cooperate in a nationwide competitive high school Senate youth program and directing the Senate Committee on Rules and Administration to make the necessary arrangements to establish the program, the Senate hereby calls upon the Secretary of Defense to continue to provide such escort, briefing, musical organization and color guard, and other supportive services and courtesies as may be requested and appropriate, and without additional expense to the Federal Government, during a one week period in the annual operation of this program in Washington, D.C.

FOREST AND RANGELAND ENVIRONMENTAL MANAGEMENT ACT OF 1973—AMENDMENT

AMENDMENT NO. 641

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

Mr. HUMPHREY (for himself, Mr. AIKEN, Mr. ALLEN, Mr. ABOUREZK, Mr. CLARK, Mr. DOMENICI, Mr. EASTLAND, Mr. GRAVEL, Mr. HATFIELD, Mr. HOLLINGS, Mr. JACKSON, Mr. HUDDLESTON, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PACKWOOD, Mr. STENNIS, Mr. STEVENSON, and Mr. TALMADGE) submitted an amendment intended to be proposed by them jointly to the bill (S. 2296) to provide for the protection, development, and enhancement of the National Forest System, its lands, and resources; and for other purposes.

Mr. HUMPHREY. Mr. President, I am submitting an amendment in the nature of a substitute to S. 2296, a bill to provide for the protection and enhancement of the National Forest System, its lands and resources; and for other purposes.

When I first introduced this legislation on July 31, 1973, I indicated that I did not consider the original draft proposal as an end-all for providing our forest, rangeland, and renewable resource needs. At that time, I asked all of those who are concerned with these matters to counsel with me and my staff to seek the best possible bill.

We have moved forward to a point where that goal has been, I believe, substantially accomplished. The language in this substitute, which I offer today, is the result of a considerable amount of constructive work by representatives of conservation organizations, industry, county governments, and the staff of the Senate Committee on Agriculture and Forestry to reconcile differences and develop the kind of legislation that we must have to provide for balanced and orderly management of our forest lands.

I cannot tell you, Mr. President, how gratifying it was to me to see these busy people with divergent interests sitting around a table working out these problems together in a spirit of cooperation. In many respects the substitute which I offer today is a tribute to their efforts.

The need for this legislation has become increasingly obvious, as the April 1973 Report of the President's Advisory Panel on Timber and the Environment, and the Forest Service report on the outlook for timber in the United States have made evident. They typify the polarization that produces a dangerous shoot first—aim later approach.

Both of these documents have proved to be highly controversial. It would be a serious error if we were to dismiss either of these reports out of hand or to endorse them in their entirety.

At this point, I ask unanimous consent that the major recommendations of the President's Advisory Panel on Timber and the Enivronment be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PART 1(A): MAJOR RECOMMENDATIONS[1]

The Advisory Panel on Timber and the Environment recommends to the President that:

1. The President issue a statement or proclamation to the Nation, emphasizing the unique renewability of the timber resource, and the opportunities to improve substantially the productivity and the value of the Nation's forest resources to meet the multiple demands now being made and likely to be made in the future on these forests; and emphasizing that forest resources are to be cherished, nurtured, and used.

2. The President require the Federal agencies concerned with forests to prepare a comprehensive nationwide program of forest development and timber supply covering the periods 1973–85, 1986–2000, and 2001–20, which will convert into specific programmatic terms the general proposals of this report. Such comprehensive programs should include: Expansion of recreation and wilderness areas where appropriate; protection of water supplies; protection of fragile soils and erodable steep slopes by their withdrawal from timber harvest; protection of wildlife including rare and endangered species of plants, animals, and birds; improved utilization of wood fiber for all its varied uses; assistance to owners of private forest lands in the management of their forests for increased output; and harvesting of timber from the national forests on a schedule commensurate with their productive capacity and sufficient to make their proportionate contribution to national timber needs. This comprehensive program should be carefully monitored by the Forest Policy Board, proposed later.

3. The Federal land-administering agencies and the Congress accelerate their efforts to complete the National Wilderness Preservation System as rapidly as possible. The Federal land-managing agencies and the Congress should develop a system of quasi-wilderness areas in the Eastern United States, in which low-intensity outdoor recreation will be possible under natural forest conditions.

4. The commercial forest lands not withdrawn for wilderness or other specific uses should be designated for commercial timber production and other compatible uses and be managed in accordance with appropriate national policies.

5. The Federal agencies continue to reserve from timber cutting all lands under their jurisdictions where sites cannot now be logged without causing unacceptable environmental damage; such reservation to continue unles the means of timber management and harvest have improved so that such lands can be safely harvested.

6. The Forest Service, the Bureau of Land Management, and all other pertinent Federal agencies, improve the environment on forest lands under their jurisdictions by establishing road building standards and logging practices that minimize site disturbances, while at the same time retaining all proven and efficient methods of timber harvest, including clearcutting, under appropriate conditions. These agencies should skillfully apply the best silvicultural and conservation measures in forest management, particularly in timber harvest and forest regeneration. The need to economically and intensively manage the new forest crop as well as manage the existing timber crop, shall receive due consideration.

7. In order to help dampen short-term fluctuations in softwood lumber and plywood supply, interested public agencies and private industry representatives should make periodic (perhaps monthly) reviews or analyses of the prospective demand and supply situation for the various wood products in order to discover possible imbalances and warn against them. Such reviews would be similar to those now made in the Department of Agriculture, for agricultural commodities, but should involve both suppliers and users of wood products to a major degree for the knowledge such groups can contribute and also as a means of making the projections more widely known and more effectively used.

8. The annual harvest on lands available for commercial timber production on western national forests can be increased substantially. Analyses based upon nationwide forest inventory data indicate possibilities for increasing the old growth cutting rate in the range of 50 to 100 percent. The Panel's consultant believes that on four forests analyzed in his report, the annual harvest rate should average 39 percent more, than is now proposed in recently prepared Forest Service plans. The Panel recommends that the Forest Service promptly review and revise policies for allowable cut determinations including rotation period determination, stocking objectives, and old growth management policies for the western national forests. The precise revised level of harvest must be worked out for appropriate geographical areas and must consider, for each area, condition of existing timber stands, road accessibility, market demands impact on non-Federal forests, and future timber supplies and do so within the limits of sustained yield. The Panel recognizes that an accelerated harvest of old growth timber in national forest should be undertaken only provided that adequate provision is made for financing whatever intensified timber management is needed to support the new level of harvest. If harvest on national forests during the 1970's is accelerated, it will tend to reduce pressure for harvest of timber from private forests, thereby tending to increase their growth of timber in this and later decades.

9. The Forest Service carry out an accelerated program of timber growing, stressing immediate regeneration, on national forests, in accordance with the foregoing recommendations and with the funds proposed in later recommendations. The objective of this accelerated program is to increase the growth of wood on national forests for harvest in later decades.

10. The Federal Government maintain incentive programs to encourage private landowners to follow forest management programs which protect the environment and to increase future timber supplies from their forests. Such programs should maintain Federal income tax incentives; should include advice and services to forest owners and their associations; and should include cost-sharing for intensive forest management practices, including provision of seedlings. New programs should be developed on a trial basis by providing financial assistance to lessees of land whose forests are combined by lessors of appropriate types into efficient forest management units.

11. Government and industry should conduct and support research to promote technological innovation in forest management and in wood utilization and help develop less destructive logging equipment. Particular attention should be given to methods of timber harvest on fragile sites and to commercial thinnings.

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[1] Fuller statements of these recommendations and of reasons for them are found throughout the Panel report, as are other recommendations on a number of pertinent subjects.

12. The President require all the Federal agencies having responsibility for management of wilderness areas to develop, in cooperation with wilderness users, democratic and equitable systems of managing use of wilderness areas within their carrying capacities, considering the nature of the wilderness experience as well as the wilderness ecosystem.

13. The President require Federal land managing agencies, especially the Forest Service, to undertake management practices to direct and control all nontimber uses made of the lands; to recognize that the day of unlimited public use of Federal recreation areas is over, and that recreation and other nontimber uses will have to be controlled and managed just as management has been applied over many years to timber growing and harvest and to grazing use.

14. The President require the Federal agencies concerned with the administration of outdoor recreation on Federal lands to devise and apply systems of charges or fees for recreation activity which are administratively feasible, equitable to users, reflect the value of the recreation opportunity, and reflect the costs of providing the recreation area and its facilities.

15. The United States continue to import and export forest products of all kinds when it is in the best long-term interests of the Nation to do so; but that, until some of the recommendations herein for increasing timber supplies can be implemented, the executive branch negotiate with Japan to reduce the disruptive log buying activities in the Northwest.

16. The President consider, as one solution, the creation of a permanent national board or council on forest policy to report to the President or other appropriate offices in the White House, with a small group of citizen (no Federal employee) members appointed by the President. The council should examine all aspects of forest policy, on lands of all ownerships, and annually or more frequently recommend action to the President, the Congress and the Nation, as appropriate.

17. A better method of more adequate and more timely financing of forest management programs of all Federal forest lands is essential. Such a method must recognize the long-term nature of forestry and be based upon sound economic concepts of intensive forest management; programed expenditures and investments must be related to anticipated returns. It is recommended that the President direct the Office of Management and Budget, with solicited help of the General Accounting Office and independent consultants, to devise a management and financial plan that will best meet the special needs of good resource management and at the same time conform to the established requirements of good government.

18. An amendment to the fiscal year 1974 budget be processed to provide sufficient funds for the offering of the full allowable cut on every national forest where there is that volume of market demand.

19. The President propose an increased annual Federal expenditure for forest development of the general order of $200 million. This is desirable and necessary inasmuch as implementation of the preceding recommendations will, at best, take some time and the forestry programs, especially the accelerated harvest of mature timber from national forests, proposed by the Panel merit such critical support. The President should make it clear that this is an investment, not merely an outlay, which should return to the Treasury more than it costs; and he should find ways of establishing an investment account for public forestry programs.

20. Finally, the President provide a suitable forum or means of enlisting review and discussion of this report, especially the policy recommendations, by responsible and informed persons inside and outside of government. The Panel members are prepared to participate.

Mr. HUMPHREY. Mr. President, I do not subscribe to all of the recommendations set forth in this report, but the legislation which I introduce today is consistent with recommendation No. 2 which calls for a comprehensive nationwide program of forest development and timber supply.

This bill is much broader because all resources and uses are considered—not one—not a few, but all.

It is highly supportive of recommendation No. 9 which calls for an accelerated program of timber growing. Again this bill treats all resources—not one.

The Congress has seized upon the leadership provided by the Senator from Mississippi (Mr. STENNIS) and has enacted into law this year, a forestry incentives measure similar to recommendation No. 10.

And finally, this bill would accomplish in full the intention of recommendation No. 17, which calls for a better method of more adequate and more timely financing of forest management programs on all of our forest lands. This bill provides a vehicle, not just an exhortation.

At the same time, public use of our forests for recreation is increasing at a tremendous rate, and demands for still more wilderness are increasing.

Mr. President, the sap is coming to a boil on our forest lands. We are finding that our national needs for timber are exceeding what can be reasonably cut, and as a result, lumber prices are higher than they need to be. But the timber resource and wood use is not the sole problem.

Water quality, wildlife habitat—you name them, Mr. President—these are problems that need to be addressed and are in this legislation.

There are 187 million of acres in our national forests, and I believe that we can better meet all of the requirements demanded of them. In very large measure the controversies which have arisen in recent years over the use of the forests are the result of the fact that neither the Congress nor the Executive has provided the Forest Service with the resources to do the job that must be done.

In a way it is like the farmer who told his county agent that he would not go to a meeting on better agricultural practices, because, as the farmer said, "I ain't farming half as good as I know right now."

We have 5 million acres of our forests that must be reforested. There are another 13 million acres that need stand improvement. There is not a forester in this country who does not know that timber yields could be increased substantially on our National Forests through better management, and if this were done I believe that we could increase recreational and wilderness uses, while still increasing the amount of timber that can be harvested.

As an example I cite the general observations in the recently issued Forest Service "Outlook for Timber in the United States" and ask unanimous consent that the "highlights" of the report be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS

This study relates primarily to the long-run outlook for timber supplies and demands in the United States under changing economic and environmental conditions. Timber availability will have a direct bearing on the economic development of the Nation as well as availability of forest lands for nontimber and environmental purposes.

1. Demands for industrial timber products in the United States have been increasing steadily, with a 65-percent rise in use of these products during the past three decades.

Consumption of industrial wood products—such as lumber, woodpulp, plywood, etc. increased 65 percent between 1942 and 1972 to an annual total of 125 million tons. In this period consumption of industrial roundwood (that is, all roundwood products except fuelwood) required to produce these wood products increased about 56 percent to 13.7 billion cubic feet in 1972. The difference in these trends for roundwood and industrial wood products consumption reflected more complete use of the timber harvested, with a resulting reduction of unused wood residues.

In the 1942–72 period, lumber consumption rose 27 percent. Use of round pulpwood climbed 157 percent, and consumption of veneer and plywood over 438 percent. On the other hand, use of fuelwood and minor products such as poles and posts declined.

2. Further substantial increases in future demands for timber are expected.

Projections of potential future demands for timber vary widely with such factors as economic growth and relative prices of timber products. A "medium" production of possible future demand was based on the assumptions: (1) that the population of the United States will increase nearly 40 percent between 1970 and 2000 to 281 million people; (2) that real gross national product will grow at an average of 4.0 percent annually, or about 240 percent by 2000; and (3) that recent trends in technology and institutional factors will continue.

With prices of timber products relative to other materials at 1970 levels, this medium projection of U.S. demand for roundwood rises from a 1970 level of 12.7 billion cubic feet to nearly 23 billion cubic feet by the year 2000. Potential demand for softwoods rises from 9.7 billion cubic feet in 1970 to 15.8 billion cubic feet by 2000. Demand for hardwoods is projected to rise from 3.0 billion cubic feet in 1970 to 7.0 billion cubic feet in 2000.

With higher relative prices of timber products in the future which timber demand-supply comparisons indicate can be expected—projected demands for roundwood are correspondingly lower. Thus, with rising relative prices of 1.5 percent per year above the 1970 trend level of lumber and somewhat smaller price increases for plywood, woodpulp, and other items, projected total timber demand by the year 2000 approximates 19 billion cubic feet. This latter projection includes increases in demand of 5 percent for saw logs between 1970 and 2000, 58 percent for veneer logs, and 130 percent for round pulpwood.

In terms of softwood sawtimber—of primary importance for lumber and plywood used in housing and many other markets—projected demand at 1970 prices rises from 47.6 billion board feet in 1970 to 73 billion board feet by 2000. With the specified rising prices, however, projected demand reached 55 billion board feet in 2000—a rise of 16 percent.

Projected demand for hardwood sawtimber

with rising prices increases from 12.3 billion board feet in 1970 to 19 billion board feet in 2000—a rise of 55 percent.

3. Timber growth in the United States has been increasing as a result of recent forestry programs.

The condition of timberlands in the United States has improved materially in recent decades, primarily because of expanding fire protection and some increase in tree planting and other forestry activities. As a result, net growth of both softwoods and hardwoods increased about one-third between 1952 and 1970 to a total of 10.7 billion cubic feet of softwoods and 7.9 billion cubic feet of hardwoods.

Roughly 60 percent of this total net growth of softwoods in 1970, or about 40 billion board feet, consisted of softwood sawtimber suitable for lumber and plywood. Hardwood sawtimber growth totaled 20 billion board feet in 1970.

Removals of softwood sawtimber as a result of timber harvesting and other factors exceeded net growth in 1970 by 18 percent. In the East removals were less than net growth but this was more than offset by an excess of removals over net growth in the West. Removals of hardwood sawtimber in 1970, on the other hand, were 24 percent less than net growth.

4. Projected supplies of softwood sawtimber products potentially available from U.S. forests show limited increases with 1970 levels of management.

Potential supplies of softwood timber from the Nation's forests—assuming 1970 levels of management, timber cutting practices and policies similar to those in recent years and only minor reductions in areas of commercial timberland—are estimated to increase about 31 percent by 2000, from 8.8 billion cubic feet in 1970 to about 11.5 billion cubic feet. This is a technical potential which may not be fully realized, however, because of factors of operability and owners' willingness to sell timber.

Thus in the case of softwood sawtimber—of particular importance for lumber, plywood and various other products—projections of economically available future supplies show limited changes from the 1970 level of output. Assuming relative prices of timber products remained at 1970 levels, for example, estimates of economically available supplies of softwood sawtimber are only slightly above the actual harvest of about 46.9 billion board feet in 1970. With increased prices of softwood lumber and plywood averaging 50 percent above 1970, projected supplies increase to over 53 billion board feet over the next decade, but then decline below the 1970 level.

5. Supplies of hardwood timber are increasing although industrial use is limited by problems of quality and availability.

The outlook for hardwoods is somewhat mixed in spite of the fact that removals of all sizes and species of hardwood timber in 1970 was some 25 percent less than total net growth.

Projections of available supplies of hardwood sawtimber over the next few decades—assuming 1970 levels of forest management and specified cutting rates—increase 66-percent, from an actual harvest of 12.3 billion board feet by 2000. This approximates the projection of demand associated with 1970 prices.

Projected supplies of hardwood products, in cubic feet, under these same assumptions materially exceed potential demands at 1970 prices.

While these projections imply little or no increase in hardwood prices, there are practical limitations on amounts of timber available for sale and industrial use at any given time. To many owners of hardwood timberland use of the forest for recreation or other nontimber objectives is of primary importance. Problems of quality also are of special significance. Much of the growth and available supply of hardwoods are in small tree sizes or species for which markets are limited; whereas the larger sizes of preferred species are in short supply in most areas. Other factors that could produce a tighter supply situation and higher prices include possible substitution of hardwoods for softwoods in production of woodpulp and certain other timber items.

6. The outlook for timber supplies differs widely by ownerships and by regions.

Nationwide, private holdings account for the major part of the commercial timberlands, including 14 percent in forest industry and 59 percent in farm and miscellaneous private holdings. National Forests include about 18 percent of the total commercial timberlands and other public holdings 9 percent.

Timber harvests in 1970 reflected this pattern of ownership, with 48 percent of the 12.2 billion cubic feet of total roundwood harvested from U.S. forests coming from farm and miscellaneous private holdings. Forests industry lands supplied 28 percent of the total, National Forests 17 percent, and other public lands 7 percent. In the projections of supply the major changes in these proportions include a drop for forest industries and a corresponding increase for farm and miscellaneous private owners.

Southern forests provided about 45 percent of the Nation's timber harvests in 1970, compared with 32 percent for the Pacific Coast, and 23 percent for other sections of the United States.

In the South progress in fire control and other forestry activities has improved the timber situation to the point where it appears that with 1970 levels of management, softwood timber harvests could be increased gradually on both National Forests and other lands by roughly 50 percent over the next few decades.

On the Pacific Coast, on the other hand, a marked decline in softwood sawtimber supplies of about 18 percent is projected in the 1970–2000 period as a result of reduced availability of timber from forest industry lands.

Sustained harvests of timber from western National Forests and other public lands at levels close to 1970 estimates of allowable harvests appear possible for some decades, although only with timber prices significantly in excess of 1970 levels. Also, allowable harvests on National Forests can be expected to drop shortly after the projection period, if not before, unless forest management and utilization of timber on these lands is intensified.

7. Substantial increases in softwood timber prices appear necessary to balance potential timber demands with available timber supplies.

With forest management continuing at 1970 levels, projected supplies of softwood sawtimber might balance the medium projection of timber demand with relative prices of softwood lumber and plywood in 1980 possibly 20 to 25 percent above the 1970 level, and possibly 50 to 60 percent higher in the year 2000. Related equilibrium prices for paper and board by 2000 are estimated to average roughly 15 to 20 percent above 1970.

Stumpage prices associated with these increases in prices of timber products, according to historical relationships, by 2000 could be expected to average more than double the level of prices in 1970.

Such prospective increases in prices for softwood lumber would be consistent with an average rise of 1.7 percent annually in lumber prices relative to the general price level over the past century. Relative prices of lumber leveled off in the period 1950–67—years marked by rapid improvements in productivity in logging and processing and by development of new sources of timber in western National Forests and in British Columbia.

Relative prices of softwood plywood declined dramatically during this recent period with adoption of new technology and equipment. Relative prices of pulp, paper, and board were quite stable. Nevertheless, the timber supply outlook with 1970 levels of management and utilization indicates new supply problems and shifts to higher price levels for all timber products.

8. Supply and price problems appear most critical for softwood lumber and plywood, but all forest industries will be affected.

Comparisons of projected timber demands and supplies indicate that problems of timber availability are likely to be most critical for softwood sawtimber used for lumber and plywood in housing, other construction, and various other markets.

The outlook for the pulp and paper industry is better than for lumber and plywood, largely because of the wide variety of species and qualities of timber that can be used for pulpwood. However, the tightening supply-demand situation for softwoods, and new developments such as installation of chipping headrigs, are leading to increased competition for available wood supplies and higher wood costs for all industries.

Producers of hardwood lumber and plywood who depend on the higher qualities and sizes of preferred species, such as white oak, walnut, maple, birch, and gum, also face serious supply problems and prospective increases in timber prices. On the other hand, substantial supplies of timber are prospectively available for industries producing hardwood products such as pallets, construction timber, railroad ties, or hardwood pulps.

9. Demands for nontimber products and services and for environmental protection are of growing importance in the timber situation.

Use of forest land for timber production is being increasingly affected by public desires for recreation and other nontimber uses. Sizable areas of public forest lands have been withdrawn from timber use for wilderness and scenic areas, although many of these are of relatively low site productivity for timber. Extensive areas of both private and public forest lands have been shifted to nontimber uses such as reservoirs, highways, airports, urban expansion, and recreational developments. Still other areas, particularly fertile bottomlands capable of producing quality hardwoods, have been cleared for crops and pasture.

Until recently, reversion of abandoned agricultural lands to forests more than offset such losses. Between 1962 and 1970, however, areas classified as commercial timberland declined about 8.5 million acres to a total of 500 million acres. Some continuing net losses of commercial timberland, averaging possibly 5 million acres per decade, have been assumed in this analysis.

Lands remaining in the commercial timberland category also are increasingly called on to supply nontimber goods and services as well as timber harvests. These demands, as well as new concern over protection of the natural environment, are leading to numerous modifications in timber harvesting and other forestry practices, particularly on public lands. It seems clear that management of forests for combinations of products and uses, especially those in public ownership, will be increasingly essential.

Such constraints on land use and management on public lands and to some extent on private forests, together with unforeseen transfers of forest lands to nontimber uses, could reduce timber harvests below the projections developed in this report. Impacts on timber prices and supplies of wood products would be correspondingly intensified.

It is also possible that raw material shortages could in time seriously constrain growth of the Nation's economy or interfere with the achievement of social goals such as improvement of housing. In such case forest recreation and other nontimber uses could also suffer as a result of efforts to alleviate materials shortages. Thus, success in supplying nontimber values and products may be influenced deeply by the effectiveness with which industrial raw material needs can be met. For such reasons, essentially all users of forest land have an interest in the timber outlook.

10. *A partial alternative in meeting prospective timber supply problems is to increase timber imports from Canada and other wood surplus countries. Rising exports of timber products, however, have been offsetting a substantial part of the increase in timber imports.*

About half a century ago the United States ceased to be self-sufficient in timber products and since then has depended increasingly on net imports from other countries. Imports of timber products reached a total of 2.9 billion cubic feet, roundwood equivalent, in 1972. This represented 19 percent of the total U.S. domestic and export demand for timber products.

Timber imports obtained largely from Canada made up about 19 percent of total U.S. supplies of lumber and 25 percent of total U.S. pulp and paper supplies in 1972. More than 60 percent of the hardwood plywood and veneer consumed in the United States was obtained from Southeast Asia and other tropical areas.

With rising prices of timber, imports from Canada and from tropical areas have been assumed to increase substantially over the next three decades, mainly in the form of softwood lumber, pulp and paper, and hardwood veneer and plywood. In time, however, rising world demands for timber and a general tightening of the world timber supply situation seem likely to limit such import potentials.

Exports of forest products also have increased substantially in recent years, in large part as a result of large Japanese purchases of logs and pulp chips, expanding world markets for kraft pulp and liner board, and continued exports of lumber. In 1972, about 9 percent of the total U.S. supply of timber products, or 1.3 billion cubic feet round-wood equivalent, was exported to various parts of the world. Along with prospective increases in timber imports in future years, some further increases in exports from the United States have been assumed.

Net imports in 1972 of 1.6 billion cubic feet made up nearly 11 percent of the total consumption of timber products in the United States. Net imports have been estimated to increase to around 2.8 billion cubic feet, roundwood equivalent, by 2000, with prices of lumber, for example, rising 1.5 percent per year. But such dependence on other countries, while important, appears to offer only a partial means of meeting the growing demands for timber products in the United States.

11. Greater use of nonwood materials is a possible alternative, although this appears to have undesirable environmental and economic impacts.

The relative importance of timber products in the U.S. economy has changed greatly over time as other raw materials such as steel, concrete, and aluminum have replaced or supplemented wood in various uses. With increased prices and insufficient supplies of timber, such continuing substitution can be expected.

While there are no immediate threats of shortages of wood substitutes, continued geometric growth in materials use, such as experienced in the past and in prospect in coming decades, will require enormous quantities of materials and entail serious environmental problems. Most competing products such as steel, aluminum, and plastics are derived from depletable resources—in contrast to timber which is renewable. Thus it is possible that the historical stability in relative prices of competing materials may be replaced by rising real costs of these materials.

Timber products can be produced with relatively low energy requirements for processing and low pollution impacts compared with most alternatives. Energy requirements for processing steel for framing exterior walls of houses, for example, amount to more than three times the energy required for processing lumber for the same use.

Production of competitive materials also ordinarily results in more serious air, water, or land pollution problems than in the case of wood products—both directly and indirectly through the generation of energy required for processing different materials. Wood products that are not recycled also have an important characteristic of being biodegradable.

If prices of timber products rise relative to prices of substitute materials, substitutes will, of course, be used. But in view of accelerating world use of raw materials, increased need for foreign exchange to finance imports of such materials, and higher energy requirements and pollution impacts than with use of timber products, greater dependence on substitutes for timber may not be a desirable alternative.

For such reasons long-run demands for wood, and related justifications of forestry programs, could increase considerably more than indicated by projections in this study.

12. Better utilization of available supplies is a partial answer to problems of timber supply.

Major progress has been made in recent years in the use of slabs, edgings, veneer cores, and other similar material from lumber and plywood operations for pulp, particleboard, and other products. In 1970, nearly three-fourths of all such material produced at sawmills and other primary processing plants, plus some additional material from secondary manufacturing plants, was utilized in this way. Such byproducts comprised 35 percent of the 72 million cords of pulpwood used by U.S. pulpmills in 1972.

Despite the progress made, unused plant residues still represent a sizable resource. In 1970, unused chippable material at primary manufacturing plants amounted to 0.4 billion cubic feet and all residues about 1 billion cubic feet (12.4 million cords). With prospective trends in timber prices and utilization practices, it has been assumed that most chippable residues and much of the fines will be utilized for pulp or particleboard within the next decade or so.

Large additional quantities of wood fiber, largely suitable for pulping, also are left in the woods each year as logging residues because of high costs of recovery and problems such as bark removal on limbs and fragmented material. In 1970, these residues included some 1.6 billion cubic feet of material from sound trees, plus at least this much material from other sources such as limbs, rough and rotten trees, and dead trees (a total of roughly 40 million cords). Environmental requirements and rising timber values can be expected to lead to better clean up and utilization of timber on harvested areas. But accelerated efforts to improve utilization on logging areas—along with expanded efforts to grow more timber—appear essential if rising pulpwood demands in future decades are to be met.

More of the timber killed by insects, fire, and other destructive agents, although widely scattered for the most part, also might be salvaged with higher prices and improved forest access. Such losses in 1970 included 11 billion board feet of softwood sawtimber.

Improving efficiency of wood utilization in manufacturing plants also would help extend timber supplies. It has been assumed on the basis of past trends that modernization of sawmills, for example, through better production methods and installation of newly available equipment such as high-strain, thin-kerf saws will result in increased lumber recovery from available logs of possibly 2 to 4 percent per decade. But much larger increases in recovery rates should be possible with rising timber values and faster application of improved technology.

Better sorting of logs to help insure use for the most valuable end product—lumber, plywood, or pulp—similarly could stretch available supplies of sawtimber for lumber and plywood.

Development and use of improved structural particleboards and some substitution of hardwoods for softwoods could further extend softwood sawtimber supplies. Wood products could also be used more efficiently in construction by better design and construction methods.

13. Intensified forest management offers an important means of increasing timber supplies in the long run, while maintaining an acceptable forest environment.

Sizable increases in timber growth and future harvests could be achieved in U.S. forests by increased investments to expand tree planting, stand improvement, protection, and other forestry practices. Most forest areas are not fully stocked with desirable timber and are growing at a much lower rate than is possible under intensified management. Fire insects, and other destructive agents also cause losses that in effect nullify about one-fifth of total timber growth.

Opportunities for increasing future timber supplies by intensified management exist in all sections of the country and all classes of ownership. In the South, for example, timber growth currently averages about 45 cubic feet per acre annually, including only 104 board feet of sawtimber sized material. Large areas of plantations are yielding more than double this amount of growth. And there are millions of other acres where conversion from poor hardwood stands to pine stands, especially with use of genetically improved planting stock, would in time greatly increase available supplies of timber.

Similarly on the West Coast and other parts of the country there are large additional areas in Federal, State, industrial, and other private ownerships where timber supplies could be greatly increased by reforestation and by other practices such as precommercial thinnings and intermediate cutting in older age classes.

On nonindustrial private ownerships held by farmers and a wide variety of miscellaneous owners, timber growing efforts other than fire protection have been limited. Yet several million of these owners hold 59 percent of the timberlands in the United States that are considered suitable and available for timber production. Most of these owners are unwilling to invest in timber growing and many are reluctant to sell timber because of conflicts with other purposes.

Capturing a larger part of the very large potential for timber growing on these numerous holdings is technically sound and economically feasible, but will require substantial investments. On many ownerships public cost sharing and technical assistance appear necessary to achieve the increased growth that is estimated to be economically feasible to produce.

An initial analysis to illustrate management opportunities on National Forests and farm and miscellaneous private holdings indicated that increased investments of about $69 million annually could increase annual harvests of softwood sawtimber about 1.6 billion board feet by 1980 and as much as 13 billion board feet by 2020. This analysis used as a criterion a minimum rate of return of 5 percent on additional investments, with prices of lumber and plywood assumed to average 30 percent above 1970 levels.

Additional promising opportunities for increased timber production also undoubtedly exist on other public and industrial ownerships, and in the use of genetically improved planting stock, fertilization, or other new technology.

Environmental management to assure balanced production of nontimber uses and protection of the environment as well as timber crops will be essential, particularly on public forest lands and to an increasing degree on private lands as well.

14. A combination of efforts could help supply growing demands for timber products while simultaneously providing for nontimber uses and protection of the environment.

In summary, if increased supplies of timber for a growing Nation are desired, a number of things could be done to increase and extend timber supplies, including:

More complete utilization of logging residues, plant residues, and trees lost by mortality, and greater use of recycled fibers.

Greater use of available equipment and manufacturing processes to increase output of lumber and other products from available log supplies.

Better allocation of available timber to assure use for optimum end products.

Some increase in dependence on imports of timber products.

More intensive management of all classes of forestlands suitable for timber management, by road construction, commercial thinning and salvage, reforestation with genetically improved planting stock, timber stand improvement, use of fertilizers, and better protection against fire, insects and other destructive agents—while simultaneously managing lands to assure a balance with other uses and environmental protection.

Continued development and application of new technology in timber growing, in processing of timber products, and in consumer use of wood products.

Substantial public and private investments will be necessary for such measures to increase timber supplies significantly and to improve utilization of available timber supplies. Such measures are both technically and economically feasible. They can be carried out while maintaining a balance with environmental uses of the forest.

Mr. HUMPHREY. I would point out that in terms of timber production the timber industry lands—14 percent of the 500-million acres of "commercial" forest land, have a net annual growth potential of 83 cubic feet of wood per acre per year and an actual growth of 52 cubic feet per acres per year. They rank first in potential and in performance, but the gap is wide. Other private lands, mainly in the hands of small owners account for the major acreage—59 percent of our commercial forest land. They could grow 72 cubic foot of wood per acre per year but actually are growing only 36 cubic foot per acre per year. Their unplanned and uncoordinated effort leaves them a poor No. 2 in performance. The national forests account for 18 percent of the commercial forest land and they have the potential to grow 73 cubic foot per year. They rank a poor third with growth at only 30 cubic foot per acre per year.

Currently, as well as historically, the cut on industrial lands has exceeded growth. It is now on the order of net annual softwood growth of 2.6 million cubic foot per year and the cut at 3.1 million cubic foot per year. On the other private land the softwood growth actually exceeds the cut; 5.1 million cubic foot per year versus 3.7 million cubic foot per year. The national forest commercial acreage is 18 percent of the Nation's total. Its growing stock situation shows a cut at about 2.0 million cubic foot per year and growth at about 2.1 million cubic foot per year. Nationwide there is scant comfort available in the overall figure that softwood removals are 9.6 million cubic foot per year and growth is 10.7 million cubic foot per year. For within these overall figures are many hidden factors that support the view in the timber outlook that the long term picture presents a difficult national challenge. There are some who point to the fact that the national forests contain 51 percent of our standing softwood sawtimber, on a board foot basis, or 46 percent of our softwoods, on a cubic foot basis, and proceed from there to say the quick answer is to increase the allowable cut on the national forests. The quick response is to agree. However, on a little reflection one wonders about the poor condition of the 59 percent of privately owned forest that is poorly stocked and lightly managed, about the heavier cutting on industry lands that so far exceeds the growth rate, and the low level of management on the national forests that ranks them last in achieving growth at potential levels.

Even more our national situation is compounded by the fact that we do not have a national assessment of renewable resources for multiple use and sustained yield management of our national forests, let alone the basic correlated information for water, range, wildlife, recreation, and other vital and important resources and activities.

Each effort has looked at a long-term problem through a short-focus lens. We are compounding the adverse long-time effects of delay and past actions when we should be charting goals for today that improve tomorrow.

We see short-term budget balancing overriding long-term resource balancing, time after time, in administration after administration. This bill is designed to stimulate better individual decisions, by starting us out with the same set of facts—a national assessment of the lands and their renewable resources. It is designed to improve the Federal effort in two ways—as a catalyst for setting national goals and as a program operator through its responsibility in cooperative programs, research and leadership in the management of the national forest system.

This bill seeks to equip us to work with the natural forces—the air, water, soil, plants, and animals that comprise the total ecological resource base. This bill seeks to help man apply his intelligence and reason to accommodating the diverse and often conflicting demands he has to use of these lands and resources. This bill seeks to reform the processes of Government in this area in which the Forest Service is a principal agent of and for all of our people.

This bill seeks to assure that the Congress will be the arbiter and provide the forum where national goals will be publicly set.

It is my hope that hearings on this measure can be held this month, and that we can shortly thereafter get it on the Senate Calendar. It is my understanding that similar legislation is being introduced today in the House, and I see no reason why this bill cannot be adopted by the Congress in an expeditious manner.

Although the language of this substitute reflects a number of organizational changes from the bill as originally introduced, the purpose of the bill remains essentially the same as it was when I first introduced it. Most of the alterations are minor in substance. As a result, a major explanation of the differences between the two proposals would only complicate understanding. The current section-by-section analysis sets forth the purposes clearly.

For those who are concerned about the specific differences in the two bills, I recommend that they return to the RECORD of July 31, for a copy of the original bill, and to the RECORD of August 1, for a section-by-section analysis of that bill.

Mr. President, I ask unanimous consent that a section-by-section analysis of this amendment to S. 2296 in the form of a substitute be included in the RECORD at this point.

This bill is one designed to reform the way decisions are made. It will help to get good public input. It will enable the public to have the facts. It will set long-range goals—goals set by Congress that will have continuity. It will provide for budgets for the future not temporizing short-term policies. It will provide targets and goals that will enable the future to be met and the present to be assisting in that goal. It is a multiple use—sustained yield action bill linking short term and long term objectives.

Mr. President, this proposal represents a constructive program of the reorganization of our forest services and will provide us with a long-term, comprehensive program of management of our great forests and our grassland resources.

I ask unanimous consent to have a section-by-section analysis of the amendment printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

FOREST AND RANGELAND ENVIRONMENTAL MANAGEMENT ACT OF 1973—SECTION-BY-SECTION ANALYSIS

AMENDMENT TO S. 2296 IN THE FORM OF A SUBSTITUTE

SEC. 1. Titles the Act, "The Forest and Rangeland Environmental Management Act of 1973.

SEC. 2. Findings.

Thirteen findings are made which demonstrate the need to enact the legislation. The air, soil, water, plants and animals are finite, renewable resources and the minerals are nonrenewable resources. An ecologically healthy, economically functioning conservation of the environment is needed. The National Forests are a vital national asset. Forest and forage covered land and other associated lands are capable of producing multiple renewable resources. Maintenance and wise management of these lands and resources are vital. The Forest Service provides vital programs of research aid to private and state forest land owners and programs of National Forest System management on defined lands which must be maintained on integrated basis. Comprehensive inventories and planning are vitally needed to secure the greatest net public benefit from Forest Service programs. Proper levels of funding are essential to achieving optimum potential resource benefits. The Forest Service is national in scope, operating major resource programs, thus it must be a cohesive integrated agency. The variation in the diversity of the lands in the National Forest System and the differing relations of these lands in various national regions must be recognized. The National Forest System is established and maintained to insure the goals outlined in the 1960 Multiple Use and Sustained Yield Act. An essential element of organization is service built from the ground up, articulated to meet local, regional and national goals. The modernization of the law relating to the National Forests will aid in attaining national goals.

In the face of growing demands upon the National Forests to supply resources and services to a growing, more mobile and more urban population, the level of funding and employment on the National Forest System has been declining. On a constant dollar basis the funds available have declined. Employment levels have dropped by about ⅛ in the past four years, yet all measures of demand have risen. Long range resource plans developed in the Eisenhower Administration and updated in two subsequent administrations have not been kept up. The National Environmental Policy Act has placed new and substantial requirements on resources managers. Public interest and concern, manifested in many ways, from litigation to confrontation, have added to the complexity of resource management. National Land Use Planning legislation is receiving serious concern. All of these, and other factors, make it desirable to provide the Forest Service with the full kit of authorities needed to meet these legitimate and burgeoning demands.

SEC. 3. Renewable Resource Situation Assessment.

Subsection (a) recognizes the vital importance of the forest, range, and other associated lands to the Nation's social and economic well-being and the need for a long term perspective in planning and implementing renewable resource programs. To meet this need, an Assessment is called for by 1975, which shall then be updated not less than 5 years or more than 10 years thereafter. The basic content of the Assessment is outlined citing examples which must include at least a discussion of uses, demand and supply, a trends analysis, a general inventory, recitation of how to improve the yield of tangible and intangible goods and services, a description of Forest Service programs and relationships to each other and those of others, and a discussion of policy and related issues.

Resource Planning and Program has suffered from lack of a National Assessment that is coordinated, comprehensive and kept current. In 1934 there was a National Forestry Plan and in 1936 a study entitled the "Western Range". There have been other planning efforts, the most recent being the 1959 "Program for the National Forests" which dwelt heavily on "forestry", little on research, not at all on State and private cooperation, and did not persent a total national renewable resource approach. The resource surveys have usually been for one major resource with others viewed as "related" rather than on a multiple resource basis.

The "Assessment" called for in this legislation will for the first time pull together in one place in government an opportunity to assess certain natural resources on a comprehensive and integrated basis. The nation contains the following broad land categories:

	Million
Total acres in United States	2,310
Inland water acreage	50
Land acreage (which consists of the following land)	2,260
Native natural grasslands	650
Native natural forest	750
Agricultural cropland	320
Other land, such as swamp, tundra, and so forth	410
Improved pasture	100
Urban, transportation, and so forth	30

This legislation is concerned with 3 categories of land; native, natural tree bearing land (forest), and native, natural land covered with grasses, grasslike plants, and forbs (range) and other lands such as swamp, muskeg, tundra and barren sandy or rocky land intermingled with or associated with the first two categories. In addition, some of the land is a mixture of the first two cover types and is known as a "forest-range" type.

The Assessment called for will embrace approximately 1,400,000,000 "forest" and "range" acres plus *some* of the 410,000,000 acres of "other" land when associated with the two main cover types. The "Assessment" will be designed to cover the natural renewable resources such as trees, grassy plants, natural animals and livestock, fish and insects, soil, water and air associated with these lands. It will cover their condition, their supply, their demand, their use, present and projected, appropriated inventories and opportunities for the tangible and intangible goods and services they can yield.

Subsection (b) is a technical amendment to the McSweeny-McNary Act (16 U.S.C., 581h) which directs that such a comprehensive survey be made and provides authority for such sums as may be needed to carry out this section.

SEC. 4. Renewable Resource Program.

This provides that, based on the Assessment there shall be prepared a total Forest Service Program, national in scope, embracing the administration of the National Forest System research and cooperative State and private programs. It is to be kept current and in appropriate detail for each of the next 5 decades. It shall be in accordance with applicable legislation and shall embrace at least (1) an inventory of the full range of specific needs and opportunities, differentiating between capital and operating activities, and (2) a discussion of priorities. The concept of the program is that it will be in good detail for the decade ahead so that it will be an action document upon which budgets can be formulated and accomplishments measured. As to future decades it will be more general, indicating the trends and directions that activities will take and the relation to the longer term goals so that there will be a clear understanding of the opportunities to meet future needs and the penalties that may be incurred if they are compromised. Because this will be a total "Forest Service" program, embracing all major lines of agency activities, it will afford a significant opportunity for other land managers, private and public, to appreciate their opportunities and obligations to help meet future needs. Since the program will be subject to regular revision, at least each decade, there will be ample opportunity to correct as new targets and goals are formulated. A major purpose of this section is to turn policy and budget toward the future so that the emphasis is placed on where the Nation is heading, not where it has been, in the stewardship of its renewable natural resources. The programs of the Forest Service will also be displayed in relation to their role and lead to more informed and rational decision making and less exigency action on budget and program either planned or underway.

SEC. 5. The National Forest System Resource Inventories.

This section would require the maintenance on a continuing basis of an inventory of all National Forest System lands, and their tangible and intangible resources. While the Forest Service has maintained inventories these have not always been current and they have not always been comprehensive enough to meet the growing and changing needs. This would be to assure that the highest level of knowledge would be available to Federal policy makers so that National Forest System programs would meet their stated goals.

SEC. 6. National Forest System Resource Planning.

Subsection (a) requires the use of "public" participation to develop, maintain and revise land use plans and sets forth that coordination must be observed in the process. Subsection (b) requires a systematic interdisciplinary approach.

Sec. 7. Cooperation in Resource Planning.

This section authorizes cooperation with others to assist them in their planning efforts by making widely available factual information which will aid this process.

SEC. 8. National Participation.

An important element of the legislation is the bringing in of the "publics" on an orderly basis when facts are being gathered, plans and programs are being developed and other significant national actions are being formulated.

Subsection (a) requires the Secretary to set forth, as he deems appropriate and has provided for by regulation, the public participation systems that he will utilize for the development of the Assessment, program, resource inventories and planning provided for in the Act. In this manner the public will know exactly when and how it can make its contributions to each phase and thus each activity will benefit by an orderly public input.

Subsection (b) requires that commencing in 1975 and at not less than 10-year intervals thereafter, the President shall transmit to the Congress the Assessment and the program called for in section 4 along with his recommendations for each of the 5 decades ahead.

Subsection (c) requires that the Congress hold public hearings on the Assessment and Program and within one year shall, by resolution, establish a statement of policy which shall be a guide to framing budgets for the Forest Service and related agencies in the decade ahead.

Subsection (d) provides the means in each Congress for reviewing the statement of policy to determine if any changes are needed and to make such modifications as are desirable.

Subsection (e) defines the budgetary procedure. Commencing with the budget for the fiscal year ending 1976, the President in his budget submission shall set forth the relation between the budget request and the goals and policies established under subsections (b) and (c). If the President does not request funds sufficient to meet the established goals and policies, he is required to set forth the reasons for requesting the Congress to approve a lesser sum. Finally, the President's power to impound funds is circumscribed. So long as the Congress stays within the prescribed level as previously established, the President may impound funds only if a condition subsequent shows conclusively that the expenditure would fail to achieve a lawful program goal. For example, at the time the budget is prepared the goal for reforestation might be at a certain level for the forthcoming year. A combination of bad weather conditions might render the planting of tree seedlings impossible because the plantings would suffer a high mortality. The impoundment of these funds would be clearly desirable to avoid wasting both money and young seedlings that could readily be left in the nursery another year. The language is designed to encourage fiscal responsibility by making it clear that appropriations beyond the approved program are subject to appropriate controls.

Subsections (f) thru (i) are designed to produce greater accountability for expenditures and activities by requiring timely annual reports which reach the Congress no later than the date on which the budget for the next year is presented. These progress reports would be related to the Assessment and described activities in qualitative and quantitative ways. Appropriate measurement of pertinent costs and benefits will be required. The instruction requires that a broad context be used to consider benefits along with an assessment of the balance between economic factors and environmental quality. The report shall also indicate needed improvements and corrective actions.

Sec. 9. National Forest System Program.

The 187,000,000 acres that embrace the Federal estate are a vital national asset. There has been a wide ranging debate as to whether these lands are managed as effectively as possible, and, if not, how to achieve improved management. This legislation is more concerned with providing the machinery for improved operations then seeking to cast into detailed legislative language precise operating instructions. This section deals with the broad guides that are to be used on these lands.

Subsection (a) requires the Secretary to determine an optimum level of management for each authorized use of the national forest. He is also required to determine the annual or periodic harvest or use levels for each projected harvest or use levels for each of the next 5 years and for periods into the future consistent with conditions pertinent to each resource. This will provide soundly based current projections into the more readily forseeable future with more general estimates into the less ascertainable future. In a use such as timber production the normal detailed planning period now used is the decade. The general planning period used is a rotation period which is in the neighborhood of a century and even longer when viewed against longer term requirements needed to secure a distribution of age classes in managed stands which enhance the regular uninterrupted flow of forest products to market at optimum levels. For timber production purposes the rotation period represents a time period more closely related to economic maturity than to biological maturity for the timber stand. In any event, the longer term planning period for each authorized use will be that indicated for it and also will be integrated with the need to have it consistent with environmental requirements and multiple use, sustained yield constraints.

Subsection (b) deals with the problem created by the substantial backlog of needed work on the National Forests to correct for past failures to secure the highest levels of management. There are a number of resoures that are well below their optimum condition and this situation inhibits the Nation from realizing the full potential benefit from its National Forest System. Reforestation and timber stand improvement, watershed improvement, recreational facility installation and wildlife habitat treatment are but a few of the major categories where significant backlogs are known to exist. The bill sets the year 2000 as the target year all of the renewable resources of the System shall be in an operating posture where backlogs of needed treatment are reduced to a current basis.

The year 2000 was selected as the target year with the realization that some activities might require an earlier date and for other activities a later date might be more realistic. The year 2000 affords an opportunity for initial expression as to whether it is a good starting goal year. Actually if a somewhat higher level activity is started than is ultimately required, it will be possible under the flexible provisions in the bill, which permit goals to be revised, to make appropriate adjustments later. The bill requires that the budget for each year contain requests for an orderly program to eliminate such backlogs. Three criteria are established which permit the level of work to be reduced. In some situations the technology makes it doubtful that an area will truly benefit from treatment—in other words, all the areas that presently are viewed as likely to benefit have been treated. These remaining areas need not be treated. A second type of area is one where the technology is adequate but the cost of treatment exceeds the economic and environmental benefits that will be secured. Such areas can be "Banked" and excluded from the backlog inventory of lands presently eligible for treatment. However, wherever there are overriding considerations of resource protection, the Secretary would have the authority to treat them. The third situation that would reduce the need for treatment is a finding that the total supplies of the renewable resource of the United States is adequate to meet the future needs of the American people. This makes it clear that there is no intent to create a significant surplus of a resource.

The language also provides that the National Forest System shall be in an operating posture whereby the major portion of planned intensive management procedures shall be installed and operating on an environmentally sound basis by the year 2000. There is substantial evidence that measurable benefits can be secured from the National Forest System through intensive management. This language sets as a floor the goal that the major portion of these management systems will be installed by the year 2000.

The floor set here is actually very modest and the concept has been noted here in order to add emphasis to the need to proceed soundly and expeditiously to install intensive management procedures.

Subsection (c) declares that the installation of a proper transportation system in time to meet anticipated needs on an economically and environmentally sound basis will aid in the proper attainment of goals. This system covers all roads and trails in the National Forest System. There has been considerable public concern over a wide number of issues advance planning for the road system, road location, road standards, road design and road use. A well understood long term plan will be of measurable help in advancing authorized programs, and in abating fears that roads will be built where they should not be to standards different than are really required.

The second part of the declaration points out that the choice of the method of financing construction and maintenance of the transportation system can enhance local, regional and national benefits. There are two methods whereby the construction and maintenance of roads can be secured. Funds are appropriated and the roads built under competitive contracts by firms engaged in the building of roads, or the appraised price of timber is reduced by the estimated cost of the needed road and the timber purchaser constructs, or arranges to construct there the needed road. When the "appropriated" fund method is used not only is there a clearly separate competitively let contract, but also the road is completed well in advance of the timber sale offering thus affording the prospective purchaser instant access and greater economic flexibility during the life of the contract. Also, the purchaser does not need to advance large sums before conversion of the timber to finance the construction of the road. In addition, under the economics of timber pricing, the asking price for the timber is higher and thus the payments to the counties are based on the price exclusive of the cost of the road.

When the timber price reduction method is used the Federal budgetary impact is not visible. Since the timber is payed for as cut, the purchaser must not only advance the cost to construct the road before harvesting the timber but the income impact is felt in future years. There is no "budgetary control" thus the agency has a substantial amount of freedom on the extent to which it reduces revenue to secure road construction and maintenance. This in turn not only affects Federal revenues but also, since the counties share in 25% of the revenue, each dollar of timber income lost takes 25 cents away from the payments to the county affected.

In connection with Fiscal year 1974, the Administration's budget request for Roads and Trails was reduced by approximately $70 million and the Forest Service was instructed to increase the use of the "revenue reduction" device to secure needed roads. The fiscal savings were thus non-existent and totally illusory. This subsection would require that the full authorization for appropriated fund road construction be requested in the budget. A penalty provision is included that would restrict the back door financing of roads via revenue reductions when the budget request is less than the authorized level, or the apportionment of budgeted funds or contract authority is subsequently reduced. In recent years when the authorization under the Highway Act stood at $170 million the Forest Service appropriated fund structure provided for using less substantially than the total authorization. Currently there is almost $300 million dollars in unused authorization. In 1972 the Road construction-reconstruction effort by the Forest Service secured 713 miles at a cost of $123 million. The "timber revenue reduction" method secured 6,500 miles of road from a $100 million reduction in revenues. In FY 1974 it was estimated that the appropriated funds for construction-reconstruction would drop to $75 million while the bite into timber revenue for purchaser road construction would climb to over $142 million. The adoption of this proviso would not limit the reduction of timber revenue to secure needed road construction so long as the full authorization was utilized. However, if an administration sought to reduce the use of appropriated funds as was done here under the theory that money was being saved then this provision would enforce a program of real savings rather than one of cancelling bookkeeping entries.

The second proviso would correct another inequity that severely disrupts payments to counties. Not only do National Forest timber values vary widely, but also the cost of extraction and roads varies significantly. On the average the impact of timber purchaser road construction reduced the payments for timber by about $10.00 per thousand board feet, and thus payment to counties by $2.50 per thousand board feet of timber. A number of factors cause the total revenue from timber and other resources to fluctuate and thus the payments to counties to vary. In particular counties there may be wide fluctuations accentuated by the extent to which the revenue reduction method of securing timber access roads is applied instead of appropriated fund construction. This proviso requires avoiding actions which concentrate timber purchaser construction in certain areas which adversely affect payments to counties.

Sec. 10. Organization.

This provides that field offices, such as District Rangers and Forest Supervisors, and Regional offices shall be so situated as to provide the optimum level of convenient, useful service to the public, with first priority to the maintenance and location of facilities in rural areas and towns within the adjacent to the National Forests being supervised. The standards of Sec. 901(b) of the Act of November 30, 1970 (84 Stat. 1383) as mended are set as the guide. This will permit the Forest Service to make orderly adjustments in the assignment of lands to a particular management unit such as a Ranger District and to adjust local field offices when these improve the service. It also would set a standard that would have to be observed in possible realignments of Regional Offices.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the Record the text of my amendment.

There being no objection the amendment was ordered to be printed in the Record, as follows:

Amendment No. 641

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Forest and Rangeland Environmental Management Act of 1973."

Sec. 2. Findings.—The Congress hereby finds and declares that—

(a) the air, soil, water, plants, and animals are resources that are finite and renewable,

(b) the minerals are not a renewable resource,

(c) the conservation of the environment is essential to achieving an ecologically healthy and economically functioning resource base,

(d) the United States is richly endowed with land bearing, or capable of bearing, forest trees as its principal vegetal cover, land bearing, or capable of bearing forage as its principal vegetal cover and other associated lands, some of which contain both types of cover, which by their very nature produce, or are capable of producing multiple renewable resources and uses,

(e) maintenance and wise management of these lands and their renewable resources are vital to the Nation's vigor,

(f) the Forest Service, in the Department of Agriculture, is responsible for essential programs and services which must be maintained on an integrated basis, including programs to aid private and State forest land managers through cooperative efforts to achieve resource management goals, programs of research which produce knowledge that can be disseminated to improve achievements, and through the management of the National Forest System which is comprised of national forest lands, national grasslands, and other lands administered by the Forest Service under title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 525), as amended, and other lands administered by the Forest Service,

(g) comprehensive inventories and planning are needed to secure the greatest net public benefit from Forest Service cooperative programs, research, and National Forest System management,

(h) proper levels of funding for investment in management the various activities and programs of the Forest Service is essential to achieving optimum potential resource benefits on a balanced and timely basis,

(i) the Forest Service, Department of Agriculture, is national in scope, operating major resource programs that require a high degree of coordination and which, to be effectively delivered to the American people, require a cohesive and integrated agency,

(j) the National Forest System is made up of diverse lands, in different geographic regions, with many ecological associations which vary in their relation to the lands and people in each region,

(k) the National Forest System is established and maintained for the purpose of insuring a continuing yield of benefits and resources for the enjoyment and well-being of the citizens of the United States; that the citizens of the United States expect, and are entitled to receive, the full yield of benefits and resources as set forth in the Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. 528–531); and that there will be a continuing demand for the benefits and resources available from the National Forest System.

(l) it is essential that the organization of service to be provided to the people of the United States by the Forest Service, Department of Agriculture, from the ground up shall be designed and maintained to meet local, regional, and national needs,

(m) the Forest Service, Department of Agriculture, plays a central role both in the management of the lands assigned to its jurisdiction and in conducting research and cooperative programs designed to enhance the values of forest lands, rangelands, and other associated lands and the renewable resources and uses these lands naturally produce.

Sec. 3. Reviewable Resource Situation Assessment.—(a) In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well-being, and of the necessity for a long term perspective in planning and undertaking national renewable resource programs, the Secretary of Agriculture, through the Forest Service, shall prepare a National Renewable Resource Situation Assessment (hereinafter called the "Assessment"). The Assessment shall be updated by the Secretary of Agriculture not less than five years or more than every ten years thereafter and shall include but not be limited to—

(1) a detailed discussion of present and anticipated uses, demand for, and supply of these renewable resources, with consideration of the international resource situation, and an analysis of pertinent supply and demand trends;

(2) a general inventory of these present and potential renewable resources and opportunities for improving the yield of tangible and intangible goods and services;

(3) a description of Forest Service programs and responsibilities in research, cooperative programs, and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities; and

(4) a discussion of important policy considerations, laws, regulations, and other factors expected to significantly influence and affect the use and management of these lands.

(b) To assure the availability of adequate data and scientific information needed for development of the Assessment, section 9 of the McSweeney-McNary Act of May 22, 1928 (45 Stat. 702, as amended, 16 U.S.C. 581h), is hereby amended to read as follows:

"The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the renewable resources of the United States, its territories and possessions, and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may determine to be fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and either through them or directly with private or other agencies. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.".

Sec. 4. Renewable Resource Program.—In order to provide for consideration and periodic review of programs for management and administration of the National Forest System, for research, for cooperative State and private programs, and for conduct of other Forest Service activities in relation to the findings of the Assessment, the Secretary of Agriculture shall prepare and keep current a program set forth in appropriate detail, for each of the next five decades, for protection, management, and development of the National Forest System, including forest development roads and trails, for cooperative programs on non-Federal lands, and for research. The program shall be developed in accordance with principles set forth in the Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528–31), the National Environmental Policy Act of 1969 (86 Stat. 852; 42 U.S.C. 4321–47), and other applicable legislation. The program shall include, but not be limited to—

(1) an inventory of a full range of specific needs and opportunities for program investments. The inventory shall differentiate between activities which are of a capital nature and those which are of an operational nature.

(2) a discussion of priorities for accomplishment of inventoried program needs.

Sec. 5. National Forests System Resource Inventories.—As a part of the Assessment the Secretary of Agriculture shall develop and maintain on a continuing basis a comprehensive and detailed inventory of all National Forest System lands and renewable resources. This inventory shall be kept current so as to reflect changes in conditions and identify new and emerging resources and values.

Sec. 6. National Forest System Resource Planning.—(a) As a part of the program provided for by section 4, the Secretary shall develop, maintain, and, as appropriate, revise land and resource use plans for units of the National Forest System, coordinated with the land use planning processes of State and local governments and other Federal agencies.

(b) In the development and maintenance of land use plans, the Secretary shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, and social sciences.

Sec. 7. Cooperation in Resource Planning.—The Secretary shall utilize the Assessment, resource surveys, and programs prepared pursuant to this Act to assist States and other organizations in planning the protection, use, and management of renewable resources on non-Federal land.

Sec. 8. National Participation.—(a) In order that the optimum benefits will be better assured to each generation of citizens the Secretary of Agriculture shall utilize such participation, including public hearings, meetings, and advisory groups, as he deems appropriate and has provided for by regulation for the development of the Assessment, program, resource inventories, and planning provided for in this Act.

(b) On the date Congress first convenes in 1975 and thereafter at not less than ten-year intervals the President shall transmit to the Congress, when it convenes, the Assessment as set forth in section 3 of this Act and the program set forth in section 4 of this Act with recommendations for each of the five decades ahead.

(c) The Congress shall hold public hearings on said assessment and program, and, within one year after submission to the Congress, the Congress shall by resolution establish a statement of policy which shall be a guide to the President in framing fiscal budgets for Forest Service and related agencies' activities for the decade ahead.

(d) Within ninety days after convening, each Congress shall publicly review the statement of policy developed pursuant to subsection (c) and determine whether changes in that policy are advisable for the biennium, in which event it shall make such modifications as are deemed desirable.

(e) Commencing with the fiscal budget for the year ending June 30, 1976, requests presented by the President to the Congress covering Forest Service and related agencies' activities shall express in qualitative and quantitative terms the extent to which the programs and policies projected under that budget meet the goals and policies established by the Congress in accordance with subsections (c) and (d) of this section. In any case in which such budget so presented recommends a course which fails to meet the goals or policies so established, the President shall specifically set forth the reason or reasons for so recommending and shall state his reason or reasons for requesting the Congress to approve the lesser programs or policies presented: *Provided*, That any amount appropriated by the Congress and signed into law by the President up to the amount projected by the estimate of the Congress of the funds needed to achieve lawfully created program goals shall be expended for such programs and may only be impounded when the President finds a condition subsequent which shows conclusively that such expenditure would fail to assist in achieving such a lawful program goal.

(f) For the purpose of providing information that will aid Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary shall present to the Congress an annual report on the evaluation of the programs authorized under this Act. This report shall be furnished to the Congress at the time of submission of the annual fiscal budget commencing with the second fiscal year after the enactment of this Act.

(g) These annual evaluation reports shall set forth progress in implementing the programs authorized by this legislation together with accomplishments of these programs as they relate to the objectives of the Assessment. Objectives should be set forth in qualitative and quantitative terms and accomplishments should be reported accordingly. The reports shall contain appropriate measurements of pertinent costs and benefits. Program benefits shall be considered in a broad context and shall include, but not be limited to, environmental quality factors such as esthetics, recreational use, public access, and wildlife habitat, and economic factors such as the value of foregone benefits and the rate of return on renewable resources. The evaluation shall assess the balance between economic factors and environmental quality.

(h) The reports shall indicate plans for implementing corrective action and recommendations for new legislation where warranted.

(i) The reports shall be structured for Congress in concise summary form with necessary detailed data in appendices.

SEC. 9. NATIONAL FOREST SYSTEM PROGRAM.—(a) The Secretary shall determine an optimum management level for fish and wildlife, grazing, recreation, soil, timber, water, and other authorized uses of each national forest management unit and shall determine annual or periodic projected harvest or use levels for each of the next five years and for periods into the future consistent with conditions pertinent to each resource.

(b) The Congress hereby sets the year 2000 as the target year when the renewable resources of the National Forest System shall be in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis and the major portion of planned intensive management procedures shall be installed and operating on an environmentally sound basis. The annual budget shall contain requests for funds for an orderly program to eliminate such backlogs: *Provided*, That when the Secretary finds that (1) the backlog of areas that will benefit by such treatment has been eliminated, (2) the cost of treating the remainder of such area exceeds the economic and environmental benefits to be secured from their treatment, or (3) the total supplies of the renewable resource of the United States is adequate to meet the future needs of the American people, the budget request for these elements of restoration may be adjusted accordingly.

(c) The Congress declares that the installation of a proper system of transportation to service the National Forest System in time to meet anticipated needs on an economical and environmentally sound basis will aid the proper attainment of goals, and, further, the choice of methods of financing the construction and maintenance of the transportation system can enhance local, regional, and national benefits. The annual budget of the Forest Service shall contain a request for the amount available under the fourteenth paragraph under the heading "Forest Service" of the Act of March 4, 1913 (16 U.S.C. 501), and the amount authorized for the fiscal year under section 205 of title 23, United States Code, and such additional sums as the Secretary deems necessary to accomplish (A) the construction or reconstruction of roads, trails, and bridges to provide a forest development road and trail system, (B) the regular annual maintenance of the system of roads and trails, and (C) cooperative financing with other public agencies and private agencies or persons to obtain construction or reconstruction of roads and trails which promote development of an environmentally sound transportation system. *Provided*, That if in any budget year the request is for less than the sum of the two laws listed above or the appropriation enacted is apportioned or scheduled for apportionment in any lesser amount than is appropriated, the Secretary shall also reduce by an equivalent sum the utilization of the authority granted to secure the construction of roads in whole or in part by timber purchasers in return for a reduction of the appraised price of timber sold by the estimated cost of roads as provided in the Act of October 13, 1964 (16 U.S.C. 535): *Provided further*, That in applying the authority granted by the Act of October 13, 1964 (16 U.S.C. 532–538), the Secretary shall give due consideration to avoiding actions which may unduly impair revenues received and thus affect adversely payments to counties within the National Forest System made under the sixth paragraph under the heading "Forest Service" of the Act of March 4, 1913 (16 U.S.C. 500), or under section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

SEC. 10. ORGANIZATION.—The on-the-ground field offices, district rangers and forest supervisors, and the field supervisory offices, regional offices, shall be so situated as to provide the optimum level of convenient, useful services to the public, giving first priority to the maintenance and location of facilities in rural areas and towns within and adjacent to the national forest and Forest Service programs being supervised in accordance with the standards in section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), as amended.

Amend the title so as to read: "A bill to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources; and for other purposes."

COAL CONVERSION ACT OF 1973—AMENDMENT

AMENDMENT NO. 642

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. RANDOLPH. Mr. President, today I am submitting an amendment to S. 2652, the Coal Conversion Act of 1973.

It was my privilege to join the able Senator from Washington (Mr. JACKSON) as a cosponsor of S. 2652, which would require the use of coal, insofar as possible, in all powerplants and by other high volume industrial users of oil and gas and to require the development of a capability in such plants to burn all major fossil fuels. During our work on this measure, it was evident that there would be substantial costs which would be attributed to the conversion of powerplants and industrial facilities for the burning of coal and, at my suggestion, a provision is included in S. 2652 which would provide for automatic increases in allowable prices of coal to offset increases in the cost of producing coal due to the requirements of this bill.

However, there exists another very critical problem in the implementation of a coal conversion program in that both the coal industry and the users of coal who must convert their plants are currently confronting extreme difficulties in securing needed materials and equipment to continue their operations. If a coal conversion program is enacted into law and vigorously pursued, it must include added authority for the President to insure that the producers of coal, and the plants which utilize this product, have the necessary materials, including energy supplies, and equipment to move forward with the conversion program.

The amendment I introduced, today, would give the President this authority and would be added to his authority in S. 2652 to require powerplants and industrial users to convert to coal.

I am gratified that the Senator from Washington (Mr. JACKSON) is joining me as a cosponsor of this amendment. Mr. President, I ask unanimous consent that S. 2652 and my amendment be printed in the RECORD.

There being no objection, the bill and amendment were ordered to be printed in the RECORD, as follows:

S. 2652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FINDINGS AND PURPOSES

SEC. 101. FINDINGS.—The Congress finds that—

(1) the demand in the United States for petroleum has continued to exceed domestic production, making necessary imports which in 1972 accounted for approximately one-third of our petroleum consumption;

(2) increasing reliance on imported petroleum is not inevitable, but is rather subject to significant reduction by wise choices in policy;

(3) United States consumption of natural gas has greatly exceeded additions to domestic reserves in recent years, so that currently available supplies are less than demand;

(4) both petroleum and natural gas can be considered premium fuels with unique advantages for particular end uses other than as boiler fuel;

(5) domestic coal reserves are enormous, yet their relative contribution to United States energy supplies has declined;

(6) wise use of premium fuels can be maximized by converting electric powerplants and other stationary, high-volume industrial facilities which burn petroleum and natural gas to environmentally responsible use of domestic coal.

SEC. 102. PURPOSES.—The purposes of this Act are to preserve national security and to protect public health, safety, and welfare by—

(a) conserving scarce petroleum and natural gas resources;

(b) reducing reliance on insecure foreign imports of petroleum and natural gas;

(c) stimulating and requiring the substitution of domestic coal for these fuels, or the capability for such substitution in electric power generating plants and other industrial facilities;

(d) preserving national primary ambient air quality standards and emission standards established to achieve such;

(e) authorizing the President to require the conversion of such facilities to burn domestic coal, and to grant temporary and limited variances to air quality emissions standards, if necessary, to permit such conversion.

TITLE II—CONVERSION OF FACILITIES TO THE USE OF DOMESTIC COAL

SEC. 201. IMMEDIATE CONVERSION OF EXISTING PLANTS.—(a) The President is authorized to require that existing baseload powerplants and industrial facilities which burn petroleum or natural gas as a boiler fuel, and which are determined by the Federal Power Commission to have the capability to burn coal, shall convert to the use of domestic coal as their primary fuel. Industrial facilities subject to this Act are those having boilers with a capacity of one hundred million British thermal units per hours or more, and which burn fossil fuel as boiler fuel for the generation of process steam, to heat industrial furnaces, smelters, and so forth.

(b) Such conversions shall be carried out within one year of the date of enactment of this Act, contingent upon the availability of suitable coal, and the maintenance of reliability of service in a given service area.

SEC. 202. CONVERSION OF PLANTS IN THE PLANNING OR CONSTRUCTION STAGE.—The President is further authorized to require that plants subject to this Act in the planning process or in the construction stage on the date of enactment of this Act—

(a) shall be designed and constructed so as to have the capability of rapid conversion to burn all three major fossil fuels (coal, oil, and gas) as boiler fuel; and

(b) maximize the use of domestic coal as their primary fuel;

(c) shall comply with new source performance standards promulgated under the Clean Air Act, as amended.

SEC. 203. FUTURE CAPABILITY FOR FUEL CONVERSION.—The President is authorized to require that, within five years, all plants subject to this Act develop a capability to burn all three major fossil fuels and use, insofar as possible, domestic coal as their primary fuel: *Provided*, That plants which have a projected remaining useful life of ten years or less after the date of enactment of this Act shall not be required to convert their facilities.

SEC. 204. VARIANCES FROM ESTABLISHED AIR QUALITY EMISSIONS STANDARDS.—(a) For the purposes of this Act, at the direction of the President, the Administrator of the Environmental Protection Agency (EPA) is hereby authorized to permit, for existing stationary sources, on an individual plant basis, temporary variances from applicable emissions standards for air pollutants established pursuant to Federal or State statutes. Such variances shall be granted only for those existing facilities where the only available coal supplies, when burned, will result in emissions in excess of applicable emissions standards: *Provided*, That no such variance may be granted when the Administrator finds that granting the variance would result in violation of any national primary ambient air quality standard.

(b) To obtain a variance pursuant to this section, the owner or operator of such a plant must submit to the Administrator of EPA an application for a variance pursuant to this Act explaining why the variance is needed, accompanied by a detailed plan and schedule for the installation of appropriate air pollution control systems that will achieve compliance with applicable emissions standards, and by evidence, including supplementary control systems, to assure that applicable national primary ambient air quality standards will not be violated. The progress of such installations shall be reviewed by the Administrator every ninety days. If he determines there is significant deviation that is within the control of the owner or operator from the proposed plan and schedule filed with the application for the variance, which deviation will result in delaying compliance with applicable emissions standards, he shall revoke such variance.

(c) In granting or revoking variances pursuant to this section, the Administrator of EPA shall give appropriate notice of his action to the Governor of the State in which the affected plant is located.

(d) Within ninety days of enactment of this Act, the Administrator of EPA shall promulgate regulations to carry out the purposes of this section.

TITLE III—ADMINISTRATION

SEC. 301. REPORTS.—(a) The Administrator of EPA shall maintain a publicly available list of the variances granted, and shall report annually to the President and the Congress on the impact on air quality of implementing this Act. Such report shall also include the number of variances in effect and the progress being made to install air pollution control systems in converted plants.

(b) The Federal Power Commission shall maintain a publicly available list of converted powerplants, and shall submit to the President and the Congress an annual report on the effect of these conversions and of the implementation of this Act, on power generation and reliability and on the cost of electric power.

(c) The Secretary of Commerce shall submit to the President and the Congress an annual report on the impacts of the implementation of this Act on the affected industries and on commerce in the areas where conversion to coal has taken place pursuant to this Act. The report shall also include recommendations for changes in legislation or administrative action to facilitate implementation of this Act.

(d) One year after the date of enactment of this Act, the Interstate Commerce Commission and the Department of Transportation shall submit to the President and the Congress, a report on the adequacy of existing transport facilities and regulations to carry out the purposes of this Act. The report shall also include recommendations for changes in existing legislation or regulations to facilitate implementation of this Act.

SEC. 302. AUTOMATIC INCREASES IN ALLOWABLE PRICE OF COAL.—Notwithstanding any provision of the Economic Stabilization Act of 1970, as amended, the Cost of Living Council or other appropriate delegate of the President shall grant automatic increases in the allowable price of coal which may be charged to users of coal, which shall reflect on a dollar for dollar basis any increases in the cost of producing coal due in whole or in part to the requirements of this Act.

SEC. 303. AUTHORIZATION.—There are hereby authorized to be appropriated such amounts as are necessary to carry out the purposes of this Act.

SEC. 304. SEPARABILITY.—If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

AMENDMENT No. 642

On page 7, line 10 after the word "Coal", insert the following: "and Assurance of Adequate Materials and Equipment.—(a)", and after line 26, insert the following: "(b) For the purposes of this Act, the President is authorized to take such action as may be necessary to assure adequate supplies of materials, including energy supplies, and equipment necessary to maintain and increase the production of coal and to allow the conversion of power plants and industrial facilities to the burning of coal."

OIL AND GAS REGULATORY REFORM ACT OF 1973—AMENDMENT

AMENDMENT NO. 643

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. STEVENSON (for himself, Mr. ABOUREZK, Mr. HART, Mr. KENNEDY, Mr. McGOVERN, Mr. McINTYRE, Mr. METCALF, Mr. MONDALE, and Mr. MOSS) submitted an amendment intended to be proposed by them jointly to the bill (S. 2506) to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes.

FEDERAL OIL AND GAS CORPORATION

Mr. STEVENSON. Mr. President, I introduce for appropriate reference legislation to create a Federal Oil and Gas Corporation. The primary task of this Corporation is to explore for, develop, and produce the large deposits of oil and natural gas on lands owned by the Federal Government.

The condition of our prospective supplies of energy is ominous. Even with an average winter and flowing supplies from the Mideast, the Nation would face a 3-percent energy supply shortfall this winter.

The embargo on oil imports to the United States from the oil-producing Arab States has worsened the shortage. The Arab embargo now applies to exports to the United States, and also to exports to our suppliers in Europe, the Caribbean, and Canada. European countries faced with their own shortages will embargo exports of refined products. Canada last week announced an increased tax on its exports—from 40 cents per barrel to $1.90 per barrel, effective December 1, a move which could also affect our imports.

About 18 million barrels of oil a day is consumed in the United States under ordinary circumstances. Under the present circumstances, that consumption might have to be reduced by as much as 15 percent. Adverse weather in Europe or the United States could further aggravate the shortage.

Natural gas curtailments this winter

could be substantially higher than last year, or about 629 billion cubic feet. In the past those under curtailment could turn to fuel oil or propane; this year such substitutions will almost certainly be precluded.

The Nation must begin to act, thoughtfully and forcefully, to master its fate. Adequate supplies of energy are essential to the welfare of every home, every public service, every farm, and industry in the Nation.

We must develop a coordinated and far-sighted national energy policy, and that policy must be concerned with the short-term, the near-term, and the long-term.

Energy must be conserved. For this winter this is about all we can do. Supplies cannot be significantly increased. Demand must be decreased. To that end, I have introduced S. 2602, which would place the Nation on daylight saving time this winter. That one action could serve as a centerpiece for personal energy conservation efforts on a national scale.

For the long term, the Nation must acquire a new energy ethic and end its extravagant consumption. Alternative sources of energy—coal, solar, and nuclear fusion principally—must be developed. But coal gasification and liquefaction and such other energy substitutes as solar energy and nuclear fusion will not have their greatest effect until the 1980's and beyond. Today oil and natural gas account for nearly 80 percent of the energy we use, and whether we like it or not that consumption pattern will be with us for at least the next 10 to 12 years.

For some time, the increased demand for oil in the United States has not been met with increased domestic production. Imported oil, primarily from the Middle East, Canada, and Venezuela, has taken up the slack.

While the demand for natural gas has skyrocketed, in the last 5 years the ratio of proven natural gas reserves to production has been declining.

The causes of this state of affairs have been widely debated—the delay in constructing the Alaskan pipeline, the regulatory structure of the Federal Power Commission, and the anticompetitive nature of the large private major oil companies, to name a few.

But one matter is not at issue—that there remains in the United States adequate domestic resources of oil and natural gas to meet our intermediate term needs, and furthermore, that the people of the United States own most of this oil and natural gas.

The U.S. Geological Survey has estimated that there are almost 500 billion barrels of oil in proven, indicated additional and undiscovered reserves, and almost 2,400 trillion cubic feet of proven and undiscovered natural gas reserves yet to be found both onshore and offshore in the United States. To put this into perspective it must be remembered that we presently consume about 6.5 billion barrels of oil and 22 trillion cubic feet of natural gas per year. Estimates of how much of these resources are under Federal lands range from 50 to 75 percent.

In other words, the bulk of our vast domestic oil and gas resources are public resources. They are owned by the people. They should be developed for the people.

Yet, only about 2 percent of the Federal lands under which oil and gas may be found have been leased for exploratory and developmental purposes to private oil and gas companies. Moreover, recent testimony before a Senate subcommittee indicates that wells on over 10 percent of the leased acreage—838,000 acres—have been classified by the U.S. Geological Survey as "producing shut-in." In other words, these are wells capable of commercial production but temporarily "shut-in" and held back from production.

Vital public resources are simply not being developed.

The Federal Oil and Gas Corporation Act would assure that the public which owns these enormous resources benefits from them—and as soon as possible.

There are four essential purposes to be achieved by the establishment of a Federal Oil and Gas Corporation:

First, the Corporation would develop publicly owned oil and gas resources on Federal lands in order to satisfy national energy needs rather than to maximize private sector profits.

Second, the Corporation would stimulate competition in the petroleum business.

Third, the Corporation would provide the public with knowledge of the actual cost of producing oil and gas so that public policy can be geared to the Nation's interest. It would give the Nation a "yardstick" against which to judge the performance of the private oil companies.

Fourth, the Corporation would contribute additional fuel supplies which the Federal Government could effectively allocate to essential public needs, including national defense.

The Corporation would have access to publicly owned gas and oil rights on Federal lands, as well as the power to acquire similar rights on private lands. It could enter into the full range of activities necessary for the exploration, development, refining, transportation and marketing of the petroleum and gas products. However, it would be able to enter into activities outside exploration, development and production only if it were unable to sell its crude oil and natural gas to companies which would promote competition in the industry.

The Corporation would have the authority to issue bonds to cover its indebtedness, and Federal appropriations in the amount of $50 million per year would be authorized for the first 10 years.

The Corporation would be required to make public disclosure of its proprietary information to assure data on actual production costs in the petroleum industry. It would also make available to the public its patents and inventions, and its corporate profits would inure to the Federal Treasury for the benefit of all citizens.

In the past—in times of energy surpluses when the production of oil and natural gas came primarily from private lands—the need for such a Corporation was not evident. But now that need is evident.

The development of public resources by a public corporation is not new. Here in the United States the record of the Tennessee Valley Authority speaks for itself.

Other nations have long recognized that the assured production of oil and natural gas at reasonable cost is essential to the public interest. Countries with national oil companies today are more nearly the rule than the exception. In 1914 the British Government, at the urging of First Lord of the Admirality Winston Churchill, bought controlling interest in British Petroleum—BP. Churchill argued that the British Navy needed a secure source of oil under British control, that if the Navy had its own supply of oil it would no longer have to rely on a world market dominated by gigantic corporations, and that long-term energy requirements in war and in peace would be assured at reasonable prices. Churchill's arguments might well be made in another time and place—today in the United States.

The British Gas Council, a governmental agency, has authority to develop gas on offshore public lands, primarily in the North Sea. Its existence has increased natural gas production and reduced natural gas prices.

There are numerous other examples—the Compagnie Fancaise des Petroles—CFP in France, the Ente Nazionale Idrocarburi—ENI—in Italy; Pemex in Mexico; Petrobras in Brazil, and YPF in Argentina; Oil India; and many others. These companies may vary in structure and in degree of governmental control, but in each the idea—the development of vital resources in the public interest—is the same.

One recent entry into the national energy company field is the Norwegian State Oil Co. A recent study of national oil companies by the Canadian Government notes that:

> With the discovery of oil in the Norwegian sector of the North Sea the Norwegian Government took aggressive action to ensure that oil developments would be under terms and conditions which maximized the benefits to the nation.

The purpose of the Federal Oil and Gas Corporation I propose would be to take aggressive action to insure that oil and natural gas deposits—primarily under public lands—are developed and on terms and conditions which maximize the benefits to the Nation.

It is not the purpose of this legislation to provide a forerunner for nationalizing the American petroleum industry. The purpose is to develop public resources—and preserve the free enterprise system in the petroleum industry. But private oil companies need a spur, a yardstick, an incentive and competition. This Corporation would provide that yardstick. It would also develop vast public resources for the benefit of the public. And it could do so quickly—as compared with the development of other sources of energy.

Mr. President, I ask unanimous consent that the text of the amendment be inserted in the RECORD at this point.

There beng no objection, the amendment was ordered to be printed in the RECORD:

AMENDMENT NO. 643

On page 33, line 11, and after amendments to S. 2506 insert the following new title:

TITLE VI—FEDERATION OIL AND GAS CORPORATION

SEC. 601. This title may be cited as the "Federal Oil and Gas Corporation Act".

SEC. 602. The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by this Act, is amended by adding at the end thereof the following new section:

"SEC. 34. (a) The Congress finds and declares that—

"(1) the Federal Government must become directly involved in securing and developing sources of natural gas and oil to assure adequate supplies of these fuels to American consumers at reasonable and competitive prices;

"(2) the Nation's need for energy supplies is so great that there is an urgent need to stimulate new competition in the production and sale in commerce of natural gas and oil and products refined and derived therefrom;

"(3) the people of the United States through the Federal Government own substantial lands which could be developed for the production of natural gas and oil;

"(4) American consumers would benefit if the forces of competition operated to a greater extent than at present in the world oil and gas market;

"(5) publicly available data on the cost of natural gas and oil production and reserves is needed to assure competition and fair regulation in the public interest; and

"(6) a corporation owned by the Federal Government, engaged in the development and sale of natural gas and oil, could provide competition in the energy industry and, through research and development, assure adequate supplies of these fuels without harm to the environment.

"(b) The Commission is directed to establish, in accordance with the provisions of this section, a corporation to be known as the Federal Oil and Gas Corporation (hereinafter referred to as the 'Corporation').

"(c)(1) The Corporation shall be administered by a Board of Directors (hereinafter referred to as the 'Board'). The individuals appointed as members of the first Board shall be deemed the incorporators of the Corporation. The date of incorporation shall be held to be the date of the first meeting of the first Board at which a quorum is present.

"(2) The Board shall consist of five qualified individuals who shall be selected by the President, by and with the advice and consent of the Senate. The President shall designate the Chairman. All members of the Board shall be individuals who believe and profess a belief in the feasibility and wisdom of this Act, and who believe and profess a demonstrable belief in environmental protection and the purposes of the antitrust and consumer protection laws of the United States. Appropriate weight in the selection of Board members shall be given to such factors as race, age, and sex.

"(3) The terms of office of the members of the Board first taking office shall expire as designated by the President at the time of selection, one at the end of the first year, one at the end of the second year, one at the end of the third year, one at the end of the fourth year, and one at the end of the fifth year following the date of incorporation. A successor to a member of the Board shall be appointed in the same manner as the original members and shall have a term of office expiring five years from the date of expiration of the term for which his predecessor was appointed. Any member of the Board appointed to fill a vacancy in the Board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(4) Three members of the Board shall constitute a quorum for the purpose of conducting the business of the Corporation.

"(5) The Chairman of the Board shall be compensated at the rate provided for level II of the Executive Schedule pay rates (5 U.S.C. 5313); the other members of the Board shall be compensated at the rate provided for level IV of the Executive Schedule pay rates (5 U.S.C. 5315), to be paid by the Corporation as current expenses. Members of the Board shall be reimbursed by the Corporation for actual expenses incurred by them in the performance of the duties vested in the Board by this section.

"(6) No member of the Board shall, during his term in office, be engaged in any other business, nor may he have any financial interest in any business entity which is engaged in the exploration, development, production, transportation, or sale of natural gas or oil.

"(7) All members of the Board shall avoid all contacts with any person which may tend to create an actual or apparent conflict of interest with the Board member's duties and responsibilities under this Act. Each Board member shall refrain from any action which may actually or apparently impugn his stated belief in the purposes of this Act. To further assure the independence of Board members, their compensation shall be continued for a period of one year at a level equal to three-quarters of their compensation at the end of their term.

"(8) Any member of the Board may be removed from office at any time by a concurrent resolution of the Senate or the House of Representatives.

"(d)(1) The Board shall, without regard to the provisions of civil service laws applicable to officers and employees of the United States, appoint such officers, managers, employees, attorneys, and other personnel as are necessary for the transaction of its business (including personnel to perform temporary and intermittent services), fix their compensation, define their duties, require bonds of such of them as the Board may designate, and provide a system of organization to fix responsibility and promote efficiency. Any appointee of the Board may be removed at the discretion of the Board.

"(2) All contracts to which the Corporation is a party and which require the employment of laborers and mechanics in the construction, alteration, maintenance, or repair of facilities authorized under this title shall contain a provision that not less than the prevailing rate of wages for work of a similar nature in the vicinity shall be paid to such laborers or mechanics as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a). In the determination of such prevailing rate or rates due regard shall be given to those rates which have been secured through collective agreement by representatives of employers and employees. The Board shall not enter into any such contract without first obtaining assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) shall be applicable to all construction work performed under such contracts. Where such work as described in this paragraph is done directly by the Corporation the prevailing rate or rates of wages shall be paid in the same manner as though such work had been let by contract.

"(c) Except as otherwise specifically provided in this section, the Corporation—

"(1) shall have succession in its corporate name;

"(2) may sue and be sued in its corporate name;

"(3) may adopt and use a corporate seal, which shall be judicially noticed;

"(4) may make contracts, as herein authorized;

"(5) may adopt, amend, and repeal bylaws;

"(6) may purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal or real property held by it;

"(7) shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation;

"(8) shall have the power to explore for natural gas and oil on Federal, State, foreign, or private lands: *Provided*, That exploration on State lands shall be in accord with leasing or other State land disposition or utilization programs.

"(9) shall have the power to develop and sell natural gas or oil discovered by exploration, or otherwise obtained by sale, lease, purchase, exchange, or contract, and to build and operate all those facilities necessary for the development or sales of such resources, as herein authorized;

"(10) shall have the power to explore, develop, acquire, or sell natural gas and oil alone or on a joint or cooperative basis with any private or other public entity or entities: *Provided*, That no joint or cooperative basis is authorized if there is any likelihood that exploration, development, acquisition, or sale jointly or cooperatively with another entity or entities may adversely affect competition, restrain trade, further monopolization, or violate the spirit or content of any Federal statute respecting trade or commerce.

"(11) shall have the power to engage in research directed toward the development or utilization of abundant and nonpolluting supplies of energy, from whatever source, and may build, own and operate research, testing or demonstration facilities, alone or on a joint or cooperative basis with private or other public entities; and

"(12) shall have the power to build, lease, purchase, or otherwise obtain and operate facilities necessary for the sale, purchase, transportation or delivery of natural gas or oil: *Provided*, That no facility may be constructed or operated unless such facility meets and complies with all of the requirements of any Federal statute relating to environmental quality, or any regulation issued under such statute. As used herein, 'environmental quality' means those aspects of life and those objectives which are delineated in section 101(b) of the National Environmental Policy Act of 1969 (42 U.S.C. 4331(b)) and which it is the purpose of such Act to protect.

"(f)(1) The Corporation is empowered to incur debt for capital purposes. Such debt may be incurred in the form of bonds, debentures, equipment trust certificates, conditional sale agreements, or any other form of securities, agreements, or obligations (hereinafter collectively referred to as 'obligations').

"(2) Payment of principal and interest on obligations issued by the Corporation under this subsection is guaranteed by the United States. Such guarantee shall be expressed on the face of the obligation. The corporation may also incur debt not guaranteed by the United States. Proceeds realized by tht Corporation from issuance of its obligations and the expenditure of such proceeds shall not be subject to apportionment under the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665).

"(3) Obligations issued by the Corporation under this subsection may be redeemable at the option of the Corporation before maturity in such manner as may be stipulated therein and shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as shall be determined by the Board.

"(4) At least thirty days before selling any issue of obligations other than obligations having a maturity of less than one year, the Board shall so advise the Secretary of the Treasury in the greatest possible detail, including the amount, proposed date of sale, maturities, terms and conditions of and the expected rate of interest on such issue. If the Secretary of the Treasury so requests, representatives of the Corporation shall consult with him or his designee with respect to the proposed issue: *Provided*, That the issuance and sale of obligations of the Corporation is not subject to approval by the Secretary of the Treasury. If the Corporation determines that a proposed issue of obligations cannot be sold on reasonable terms, it may issue interim obligations to the Secretary of the Treasury, which such Secretary is authorized to purchase. Such interim obligations of the Corporation issued to the Secretary of the Treasury shall mature on or before one year from the date of issuance. Such obligations shall bear interest at a rate or yield no less than the current average yield on outstanding marketable securities or obligations of the United States of comparable maturity, as determined by the Secretary of the Treasury. For the purpose of any purchase of obligations of the Corporation, and to enable him to carry out the responsibility relating to guarantees of obligations made pursuant to this subsection, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Corporation under this section. The Secretary of the Treasury may at any time sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations of the Corporation acquired by him. All redemptions, purchases, and sales by the Secretary of the Treasury of the obligations of the Corporation shall be treated as public debt transactions of the United States.

"(5) The Board may—

"(A) sell its obligations by negotiation or on the basis of competitive bids, subject to the right, if reserved, to reject all bids;

"(B) designate trustees, registrars, and paying agents in connection with obligations of the Corporation and the issuance thereof;

"(C) arrange for audits of its accounts and for reports concerning its financial condition and operations by certified public accounting firms in addition to audits and reports required by the Government Corporation Control Act;

"(D) invest, subject to any covenants contained in any obligation contract, the proceeds of any obligations and other funds under its control in any securities approved for investment of national bank funds and deposit said proceeds and other funds, subject to withdrawal by check or otherwise, in any Federal Reserve bank or bank having membership in the Federal Reserve System; and

"(E) perform such other acts not prohibited by law as it deems necessary or desirable to accomplish the purposes of this section.

"(6) Obligations of the Corporation issued under this subsection shall contain a recital to that effect which shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this title and valid. Obligations of the Corporation issued under this subsection shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States and shall be exempt securities within the meaning of laws administered by the Securities and Exchange Commission. The limitations and restrictions as to a National or State band dealing in, underwriting, or purchasing investment securities for its own account, as provided in section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), and section 5(c) of the Act of June 16, 1933 (12 U.S.C. 335), shall not apply to obligations guaranteed under this subsection.

"(7) There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to pay the principal and interest on notes or obligations issued by him as a consequence of any guarantee under this subsection.

"(8) In the event of any default on any guaranteed obligation, and payment in accordance with a guarantee by the United States, the Attorney General shall take appropriate action to recover the amount of such payments, with interest, from the Corporation or other persons liable therefor.

"(g) (1) The Corporation may request the right to develop natural gas or oil which is or may be located on any Federal lands, including offshore rights, to the extent necessary to carry out its authorized activities: *Provided*, That the Corporation shall not request nor be granted more than 20 per centum of such rights as are offered at that time for sale or lease to other qualified persons.

"(2) Except as provided in paragraph (3) of this subsection, any Federal agency or department having authority to lease, sell, or otherwise dispose of Federal lands or rights to natural gas or oil which is or may be located on Federal lands, including offshore rights, shall, upon the receipt of a request of the Corporation under paragraph (1) of this subsection, grant the Corporation such right to develop without payment within 90 days after the receipt of such request. Rights to develop under this paragraph shall not be subject to any other Federal statute or regulation governing the lease, sale, or other disposition of any such lands or rights by any Federal agency or department.

"(3) Notwithstanding the provisions of section 644 of title 10, United States Code, the Secretary of Defense, acting for the Secretary of the Navy, shall transfer possession of certain properties inside the naval petroleum and oil shale reserves, which are subject to such Secretary's jurisdiction and control, to the Corporation in accordance with this paragraph. Within one year after the date of incorporation of the Corporation, the Secretary of Defense shall prepare and submit to the President a report which specifies the petroleum and oil shale reserves which he finds are necessary for retention to accomplish the purposes of such section 644. Within six months after receiving such report, the President shall designate those petroleum and oil shale reserves which are necessary for retention under such section. Such properties may not be transferred to the Corporation, except on such terms and conditions as may be set by the President.

"(4) The provisions of this subsection shall not apply to any Federal lands or rights within any national park, wilderness, seashore, or wildlife refuge area, or to any lands held by the United States in trust for any Indian or Indian tribe.

"(5) All rights granted and properties transferred to the Corporation shall be explored, developed, and produced in the most rapid manner practicable without excessive risk of losses in recovery in accordance with the purposes of this title and subject to the authorized powers and limitations of the Corporation under subsection (c) of this section.

"(h) (1) The Corporation shall build, lease, or purchase refining facilities for the crude oil it produces or otherwise obtains only if it is unable to make sales of such oil in a manner which will promote competition among suppliers of crude oil.

"(2) The Corporation shall build, lease, or purchase transportation facilities for the natural gas or oil it produces or otherwise obtains only if it is unable to arrange for delivery of such natural gas or oil in a manner which will promote competition among suppliers of natural gas or oil.

"(i) (1) Sales of natural gas or oil by the Corporation shall be made at fair and reasonable prices designed to promote competition among suppliers of these energy resources.

"(2) Sales and transportation of natural gas or oil by the Corporation shall be subject to the jurisdiction of the Commission to the same extent and subject to the same requirements as sales and transportation of these energy resources by other supplies.

"(3) In selling natural gas or oil, the Corporation shall give price, supply or delivery preference to States, political subdivisions of States, cooperatives, and independent refiners.

"(j) Whenever the Corporation owns land, facilities, equipment, or other items, which would normally be subject to taxation by a State or political subdivision thereof, the Corporation shall pay an amount to such entity in lieu of such taxes on the same basis and in like amount as would be paid in the form of taxes by a private owner.

"(k) (1) The Corporation shall make available, by license or otherwise, on a nonexclusive basis, upon payment of a reasonable royalty, and without territorial limitation, the use of any patent, trade secret, and copyrighted or other information obtained or developed by the Corporation in the performance of any of its activities under this section. In appropriate cases, where the purposes of this title would be served, the Band may waive the payment of royalties.

(2) Copies of any written or oral communication, document, intelligence, report, or other information received, prepared, or sent by the Corporation or any of its personnel and, in the case of oral communications, reduced to writing in whole or in summary, shall be made available to any interested person upon receipt of a specific and identifiable request in writing and payment of costs including the approximate compensation value of personnel time expended in responding to such request, except that nothing in this paragraph shall be deemed to require the release of any information required by law to be kept secret in the interest of the national defense or foreign policy; personnel and medical files and similar files the disclosure of which would constitute an unwarranted invasion of personal privacy; or information pertinent to a pending negotiation or transaction until the completion thereof.

"(l) Except for compliance with Federal statutes which may be administered by the States, the Corporation shall be exempt from State and local statutes or controls which would impede affect its ability to perform the activities authorized by this title: *Provided*, That the Corporation shall submit a prior report, together with reasons therefor, to the Commission and the Congress with respect to each incident of noncompliance with any State or local statute or control.

"(m) The Corporation shall transmit to the President and the Congress, annually, commencing one year from the date of incorporation, and thereafter on February 1st of each year, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this section, including a statement of receipts and expenditures for the previous year. Copies of such reports shall be sent to the chairmen of the Senate and House Committees on Appropriations and Commerce, and the reports also shall—

"(1) contain the Corporation's statement of specific and detailed objectives and relate these objectives to those in this title;

"(2) include statements of the Board's conclusions as to the effectiveness of the Corporation in meeting the stated objectives, measured through the end of the preceding fiscal year;

"(3) make recommendations with respect to any changes or additional legislative action deemed necessary or desirable;

"(4) contain a listing identifying the principal analyses and studies supporting the major conclusions and recommendations; and

"(5) contain the Corporation's annual evaluation plan or plans for its activity through the next fiscal year and the following five years.

At the time of such annual report, the Corporation shall submit a statement of the amount of financial assistance needed, if any, for its operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived. The Corporation shall make this annual report readily available to the public.

"(n) Each department, agency, and instrumentality of the executive branch of the Federal Government, including independent agencies, is authorized and directed to furnish to the Corporation, upon its request, any information or other data which the Corporation deems necessary to carry out its duties under this section.

"(o) There are hereby authorized to be appropriated to the Corporation for the fiscal year ending June 30, 1974, and for each of the next ten succeeding fiscal years $50,000,000 for the Corporation to carry out its activities under this section. All funds appropriated pursuant to this section shall remain available until expended.

"(p) When the annual revenues of the Corporation exceed the amounts necessary to satisfy, in accordance with customary business practices, the obligations and expenses incurred by the Corporation and to maintain the financial reserves necessary for Corporation activities, the Corporation shall pay its remaining funds to the United States."

Sec. 603. Section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by (a) striking out "and" in the last clause thereof; and (b) striking out "." at the end thereof and inserting in lieu thereof the following new clause: "and Federal Oil and Gas Corporation."

SOCIAL SECURITY AMENDMENTS OF 1973—AMENDMENTS

AMENDMENT NO. 644

(Ordered to be printed and referred to the Committee on Finance.)

Mr. CRANSTON (for himself, Mr. Gurney, Mr. Hathaway, Mr. Hart, Mr. Hollings, Mr. Hughes, Mr. McGee, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Pell, Mr. Randolph, and Mr. Stevenson) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes.

AMENDMENT NO. 645

(Ordered to be printed and referred to the Committee on Finance.)

Mr. CRANSTON (for himself and Mr. Hathaway) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 3153), supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 575

At the request of Mr. Montoya, the Senator from Utah (Mr. Moss) was added as a cosponsor of amendment No. 575, intended to be proposed to S. 1029, a bill to provide in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths.

NOTICE OF HEARING ON FORESTS FOR THE FUTURE

Mr. EASTLAND. Mr. President, as the chairman of the Subcommittee on Environment, Soil Conservation and Forestry of the Committee on Agriculture and Forestry, I am announcing a hearing today on S. 2296, as amended November 7, 1973, by Senator Humphrey and many others, to provide for the protection and enhancement of the national forest system, its lands and resources, and for other purposes.

The hearing will be held at 9:30 a.m. November 20 in room 324 of the Russell Senate Office Building.

In addition to departmental witnesses, we are inviting the public to testify. Oral testimony of public witnesses will be limited to 10 minutes, but witnesses may submit such supporting testimony as they deem necessary, and it will become part of the official record.

NOTICE OF HEARINGS ON THE NATIONAL SECURITIES MARKET SYSTEM ACT OF 1973

Mr. WILLIAMS. Mr. President, I should like to announce that the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs will hold 3 days of hearings on S. 2519, the National Securities Market System Act of 1973. This bill, which I introduced with Senators Biden and Brooke, amends the Securities Exchange Act of 1934 to facilitate the development of a national market system, to provide for regulation of securities information processors, to remove unnecessary burdens on competition, to strengthen and improve the Securities and Exchange Commission's oversight of self-regulatory organizations, and for other purposes.

The hearings will be held November 12, 13, and 14 at 2 p.m. in room 5302, Dirksen Office Building.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Charles H. Anderson, of Tennessee, to be U.S. attorney for the middle district of Tennessee for the term of 4 years, reappointment.

Rex K. Bumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years, reappointment.

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee for the term of 4 years, reappointment.

R. Jackson B. Smith, Jr., of Georgia, to be U.S. attorney for the southern district of Georgia for the term of 4 years, reappointment.

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the eastern district of Tennessee for the term of 4 years, reappointment.

George R. Tallent, of Tennessee, to be U.S. marshal for the western district of Tennessee for the term of 4 years, reappointment.

James E. Williams, of South Carolina, to be U.S. marshal for the district of South Carolina for the term of 4 years, reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on on before Wednesday, November 14, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

INADEQUATE SENTENCING

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Criminal Laws and Procedures, I have long taken a keen interest in the inadequate sentencing often given to professional criminals—particularly those who are well-known figures in organized crimes.[1]

Criminal penalties provided by statutes are designed to serve as a deterrent and to provide just punishment for the injury inflicted upon society and the victim. But such penalties cannot deter unless a just sentence is meted out which is appropriate to the magnitude and seriousness of the crime committed.

Mr. President, I ask unanimous consent to have printed in the Record, at the conclusion of these remarks, an article from the New York Times of November 2, 1973, reporting an outrageous case disclosed by the New York State Committee on Crime in which eight defendants free on 5 years' probation for conviction of possession of $100,000 in stolen property continued, with the knowledge of the sentencing judge, criminal careers in theft, burglary, and bribery involving some 17 arrests; also an editorial from the New York Daily News of November 3, 1973.

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[1] See Congressional Record, vol. 115, pt. 17, p. 23434; Congressional Record, vol. 115, pt. 25, p. 34390; and Hearings, Reform of the Federal Criminal Laws, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate, part V, 93d Cong., 1st sess. (1973), pp. 5261–63.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, this committee's study further disclosed that over 99 percent of those arrested for possession of stolen property in New York State are turned loose without any prison sentence. With such practices by the courts in the administration of justice, it is no wonder that we had, for example, estimated losses in the United States through cargo theft alone in 1970 amounting to over $1.5 billion.

The New York study, I believe, strongly reinforces persistent argument for some sort of appellate review of sentences which would include provisions for permitting the Government to petition an appellate court to review and increase inadequate sentences.

Mr. President, I might also note that the Criminal Laws Subcommittee has processed and the Senate has passed on several occasions (S. 13, now pending in the House) a measure to provide civil remedies in the way of treble damages to victims of racketeering activity and theft. Perhaps if we cannot deter the criminal, we can at least provide some measure of compensation to the victims of crime.

Exhibit 1

Sentences Scored in Hijacking Case

(By David Burnham)

A case study in which a State Supreme Court justice in Queen was found to have permitted eight defendants to continue their criminal careers while serving five years probation for the possession of $100,000 worth of stolen women's clothing was disclosed yesterday by the State Committee on Crime.

The case study of the eight defendants was part of a broader committee investigation that found that fewer than one-half of 1 per cent of the people arrested for criminal possession of stolen property in New York State receive jail sentences.

"This committee is becoming increasingly frustrated over the ability of organized crime to escape any penalty," said State Senator Ralph J. Marino, chairman of the committee, in a statement.

HIJACKINGS DECLINE

Noting earlier studies by the committee of the sentences received by organized-crime figures involved in narcotics, gambling and extortion. Mr. Marino said the investigation of hijacking cases "again reveals a pattern of especially meaningless dispositions."

The committee also heard testimony that though more than $50-million worth of merchandise was stolen while in transit in the New York area during the last three years, actual truck hijackings had declined.

According to Martin Butler, a detective with the Safe, Loft and Truck Squad of the New York Police Department, the number of hijackings here had dropped to 189 in 1972 from 378 in 1971, with 105 so far in 1973. The decline was attributed to better police and industry efforts to combat hijackings.

But the committee said that according to the latest available statewide statistics for hijacking crimes, at least "99.5 per cent of arrests result in dismissed charges, fines or probation." During 1970, there were 6,400 arrests for criminal possession of stolen property, 904 indictments, 225 convictions and 30 state-prison convictions, according to the committee.

SENTENCES ARE NOTET

In the case study selected for special examination by the committee, the eight defendants were arrested in November, 1968, for criminal possession of more than $100,000 worth of stolen women's clothing. One year later, in November, 1969, State Supreme Court Justice Albert H. Bosch put each defendant on probation and fined him $2,500.

During the next five years, the committee investigators found, the eight men were arrested 17 additional times on a variety of charges, including hijacking, auto theft, possession of weapons, bribery and burglary.

"Not one of these fellows, however, was taken off probation and sentenced to state prison," said Mr. Marino, adding that the ultimate authority for this decision rested with Justice Bosch and that the probation records indicated he had been informed of the subsequent arrests.

The committee chairman indicated that Justice Bosch and high probation officials in Queens would be permitted to offer their explanations for the handling of the case. Justice Bosch could not be reached late yesterday afternoon for comment.

The eight defendants were subpoenaed to testify before the committee yesterday, but because none of them had lawyers, they were excused with the understanding that they would be recalled at a later hearing.

The defendants were Vincent Alberti, 1622 East 91st Street: Anthony Cusamano, 1466 East 51st Street; Joseph Cusamano, 1006 Autumn Avenue; Vincent Minore, 5532 Avenue D; Daniel Rizzo, 147 Louisiana Avenue and Anthony Suppa, 436 Jamaica Avenue, all in Brooklyn, Phillip Tinneny, 133–12 Cross Bay Boulevard, and John Collins, 3316 Francis Lewis Boulevard, both of Queens.

It Pays To Steal

The State Committee on Crime has revealed that Queens Supreme Court Justice Albert H. Bosch let loose eight men convicted of possessing $100,000 worth of stolen clothing. The wrist-slap sentence was a $2,500 fine and five year's probation.

Since sentencing, all eight have been arrested 17 times for hijacking, car stealing, carrying weapons, bribery and burglary.

The committee found that 99.5% of those arrested for criminal possession of stolen property serve no time. More than $50 million worth of goods was stolen in transit in New York City during the last three years.

With bleeding-heart judges and inept parole officials turning crooks loose, organized crime thrives.

SOLVING THE GAS SHORTAGE

Mr. HANSEN. Mr. President, the greatest service that Congress could do for the American people today is to act immediately to help relieve the dangerous energy shortage. I say "dangerous" because our entire industrial output, national defense, and national economic well-being virtually depend upon an adequate and secure source of energy. Without it we are lost, and it is ridiculous to pretend otherwise.

Yet, incredible as it is, some of our Senate leaders are wasting precious time with a proposal that would actually cause a greater shortage than already exists. Instead of adding to our supply of clean-burning natural gas, the gap would widen.

According to Dr. Paul W. MacAvoy, a leading economist and member of the faculty of Massachusetts Institute of Technology, a bill proposed by Senator STEVENSON, of Illinois, would "result in substantial increases in demand along with far less than substantial increases in supply—of natural gas."

Testifying recently before the Senate Commerce Committee, Professor MacAvoy told acting committee Chairman STEVENSON and other members of the committee that rationing would result from the STEVENSON proposal, and most of the effects of rationing "will be felt in the upper Midwest" which happens to be in Senator STEVENSON's own backyard.

Professor MacAvoy was referred to S. 2506; authored by Senator STEVENSON, which calls for radical extension of Federal regulation of natural gas prices at the wellhead and for creation of a national oil and gas producing company.

Not only Professor MacAvoy, but impartial experts in many fields have said time and time again that Federal regulation of the gas exploration and producing industry is responsible for killing the incentive to look for new supplies. And, of course, with gas being used up faster than it is found, such regulation is a principal contributing factor to the energy shortage.

Through the use of computers and with the support of the National Science Foundation, Professor MacAvoy and a group of economists at MIT have constructed an econometric model for evaluating policy alternatives in gas price regulations—so as to reach more scientific conclusions about the energy shortage.

The MIT studies show that "the solution to the natural gas shortage does not appear to be in the reach of the Federal Power Commission."

Under the Stevenson proposal for greater FPC controls, the MIT study forecasts that by 1980, the production supply would amount to 28-trillion-cubic-feet per year, but the production demand would amount to nearly 37-trillion cubic feet.

Professor MacAvoy testified that under the present degree of Federal regulation, the shortage will increase to 5.3 trillion cubic feet out of 35.5 trillion cubic feet of demand by 1980.

Professor MacAvoy, who is a senior fellow at Brookings Institute and also was a member of Senator McGOVERN's Council of Economic Advisers, went on to say—

> These results indicate that, no matter how serious the FPC is about solving the natural gas shortage, they cannot do so with the continuation of present policies.

The MIT team of economists also analyzed the administration's proposal (S. 2048), which calls for deregulation of newly discovered gas, and which he pointed out "is motivated by the view that price increases will induce additional supplies while curtailing demands."

He said:

> One way to ameliorate the natural gas shortage, is through limited deregulation of new contract prices.
>
> The Administration proposal by 1980 results in a forecast of—32 trillion cubic feet of additional production supply. At the same time demands are held within bounds to a level of 32 trillion cubic feet per year so that excess demand by 1980 has been eliminated.

Professor MacAvoy also testified that there is no evidence of artificial withholding of reserves in the supply behavior of the 1960's.

The model's equations track a quite plausible price-quantity relationship—Supply has tended to decline as the relative profit incentives of gas versus oil drilling abroad have drawn resources out of domestic U.S.

Under stringent regulation, not only would rationing be likely, but there would be strong feedbacks to other markets for fuels and energy, Professor MacAvoy pointed out.

The markets most affected would be in the north and in the Midwest, since this is where the shortages will occur . . .

Professor MacAvoy continued:

The gas shortage would likely have an effect of shifting approximately 9 trillion cubic feet of excess demand in 1980 to fuel oil as the best alternative choice, where this fuel oil sells for approximately twice as much.

DEATH OF CAPITOL POLICE SGT. ARTHUR W. HUSTED

Mr. EASTLAND. Mr. President, all of us in the Senate were certainly saddened by the death of an outstanding officer in the U.S. Capitol Police, Sgt. Arthur W. Husted.

Sergeant Husted was striken while on duty at a hearing before the Judiciary Committee on October 29, 1973.

I request unanimous consent to print in the Record an article from the Washington Star-News together with the remarks that I made before the Senate Judiciary Committee.

There being no objection, the article and remarks were ordered to be printed in the Record, as follows:

Hill Drama Ends in Officer's Death

(By Michael Kiernan)

Efforts inside a Senate hearing room to save the life of a U.S. Capitol policeman stricken with a heart attack failed yesterday after doctors labored for an hour to keep the man's heart beating.

A young heart specialist from Scotland, visiting the Capitol for the day, was among the eleven rescue workers who were able briefly to revive Sgt. Arthur W. Husted, of 6613 Holford Lane, Springfield, Va.

But the guard died a short time later at Rogers Memorial Hospital.

Sgt. Husted, 43, was stricken in the second-floor hallway of the new Senate Office Building at 9:55 a.m. shortly before the Senate Judiciary Committee was scheduled to begin its investigation into the firing of Special Watergate prosecutor Archibald Cox.

Police immediately cleared the hearing room of newsmen and then placed Husted on a press table where rescuers attempted to keep him alive with mouth-to-mouth resuscitation and electric shocks to the heart.

The Senate committee postponed Cox's appearance until the afternoon.

Two doctors and a nurse from the Capitol physician's office as well as seven D.C. Fire and Rescue personnel responded to calls for help after Husted was stricken.

But it was Dr. William E. Walker, 29, a heart specialist from Scotland now doing research at Johns Hopkins Hospital in Baltimore, who helped direct the emergency treatment, police said.

"If I ever get a heart attack, I'd want Dr. Walker there. He was fantastic," said Husted's supervisor, Capt. James O. Blackston, who saw Husted collapse and immediately sought medical help among spectators waiting to attend the hearing.

"I've seen these rescue efforts before," Blackston said, "and Sgt. Husted couldn't have been in better hands."

Later Dr. Walker said he had considerable experience managing people in cardiac surgery. "The rescue people all knew what they were doing. I was glad to be of some help. We all worked together," he said.

Dr. Walker said Sgt. Husted was still alive "but in very poor condition" when he was taken from the hearing room to the hospital.

Dr. Walker was attending the hearings with his wife, the former Mary Cooley, who is the daughter of the well-known heart transplant surgeon, Dr. Denton a. Cooley of Houston, Tex. Mrs. Walker also is the goddaughter of Senator Charles McC. Mathias, R-Md., a member of the Judiciary Committee.

Sgt. Husted, an Army veteran who retired as a Sergeant Major in May 1968, had served on the U.S. Capitol Police Force the last five years.

Until mid-summer a regular guard at the Senate Watergate hearings, he was stricken with his first heart attack in July and for three months was on leave of absence.

Two weeks ago he returned to the force. "He was the kind of guy who loved his job too much," Blackston said.

Blackston said Husted had been scheduled for a checkup with his private physician yesterday afternoon.

Sgt. Husted leaves his wife, Ann, and his son, Floyd, 20.

Statement by Senator Eastland

The fatal illness which struck our friend—Sergeant A. W. Husted—in this room today, serves as a sad reminder to all of us that we owe a great debt of gratitude to our police personnel here—and to law enforcement officers across America.

Too often, the presence of these dedicated officers is taken for granted—and the contributions they make—everyday—to the operation of the Congress—and to the orderly functioning of government at every level—from the rural section to the urban center—are made as expected parts of our lives.

I hope that each of us will reflect on the direct relationship between the performance of the policeman—and the security of our society.

The men and women who protect our loved ones—and our system of government—have earned and deserve our consideration and our support.

I know that everyone present joins this committee in extending our deepest sympathy to Sergeant Husted's family.

PEACE CORPS VOLUNTEER

Mr. AIKEN. Mr. President, Ellwyn Miller has long been a farmer-neighbor of mine in Vermont and I am very pleased and proud to have a report from ACTION News on his successes as a member of our Peace Corps forces in Africa.

I ask unanimous consent to have this report printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

At Age 63: Peace Corps Volunteer From Vermont Manages Vast AG Complex in Botswana

SEBELE, BOTSWANA.—For thirty years, Ellwyn E. Miller owned and operated dairy farms in Vernon and Putney, Vt. and Northfield, Mass. Later, he managed the state of Vermont's institutional farms and served as an agricultural marketing inspector.

Now, at the age of 63, Miller is putting his years of farming experience and know-how to use as a Peace Corps volunteer in this developing southern African republic.

Miller has been serving for the past year as a volunteer farm manager in Botswana, a Texas-sized nation of 630,000 persons which celebrated its seventh anniversary of independence this September.

Until June, Miller was the farm manager for the research division of the Content Farm, a large government agriculture complex about eight miles from the capital, Gaborone, near the village of Sebele. Then, in June, Botswana agricultural officials indicated what they thought of Miller's work and effectiveness by promoting him to manager of the entire 4,000-acre complex.

Run by the ministry of agriculture, the complex which Miller manages is made up of three major divisions. One is the research division, which conducts dry land farming experiments and seed tests. The others are the Botswana Agricultural College and a rural training center for farmers.

In his new volunteer assignment as manager of the entire complex, Miller is responsible for the farmlands, livestock and crop production of all three divisions as well as the maintenance of all roads, buildings and equipment.

"My job is to consolidate this whole thing under one management," said Miller. Assisting him are local maintenance, crop and livestock supervisors as well as a local university graduate whom Miller is training in farm management.

Farming is a difficult occupation in Botswana. Deserts and swamps cover vast areas of the country, leaving only limited areas suitable for grazing and crop production. Although livestock is an important industry in Botswana, inadequate rainfall, sandy soil and antiquated farming methods generally restrict crop production to subsistence level.

The Botswana government hopes to increase farm productivity through agricultural research, extension services, and the training of skilled farm practitioners through its agricultural college and rural training centers. By managing Content Farm, the hub of these activities, Miller is playing a vital role in the country's agricultural development.

Miller's first year of volunteer service as farm manager for the research division involved "anything I saw that I thought ought to be done," he said. Besides setting up trial projects and raising crops, he took on a variety of jobs from cleaning wells to maintenance of farm equipment.

"I just irritated people so they would do things," he joked. "It's taken a full year to get things organized."

Miller lives at the complex in a modern-style house provided by the ministry of agriculture. His wife, Beverley, and their youngest son, Mark, 16, a former student at Brattleboro High School, came to Botswana this summer to join him for a year.

The Millers' five older children, all Vermont residents, are Mrs. Martha Strickland, of Brattleboro; Richard, of Westminister; Reed, of Putney; David, of Vernon, and John, a freshman at the University of Vermont. Miller's mother, Mrs. Ethel Maynard Miller, resides in Vernon.

A native of West Brattleboro, Miller graduated in 1930 from the Mount Hermon School in Mount Hermon, Mass. He studied agriculture at the University of Vermont in Burlington, where he was president of the Aggie Club. He received his bachelor's degree in 1934.

After graduation, Miller worked as an extension agent for the Vermont Extension Service until 1940, when he bought his own farm in Vernon. Miller farmed in Vernon, in Northfield, and, from 1955 on, in Putney. After he sold his Putney farm in 1971, Miller worked as coordinator of state institutional farms for the Vermont agriculture department for a year. Immediately before joining the Peace Corps he was a marketing and quality control inspector for the state agriculture department.

Long active in civil and farm organizations, Miller represented Putney in the Vermont Legislature, where he was vice chairman of the agriculture committee. In 1967 the legislature named him to a six-year term as a trustee of the University of Vermont.

Miller also has been county president and state director of the Vermont Farm Bureau, county and state president of the Dairy Herd Improvement Assn., and planning board chairman and school director for the town of Putney. He is a member of the Grange and the Holstein Friesian Assn.

Miller is one of about 85 Peace Corps volunteers serving in Botswana in a wide variety of agriculture, education, technical training, public health, economic planning and other programs. Around the world, about 7,600 Americans are serving as Peace Corps volunteers in 61 developing nations.

The Peace Corps is part of ACTION, the voluntary service agency established by President Nixon on July 1, 1971 to administer federal volunteer programs at home and overseas. Mike Balzano is the director of ACTION.

ACTION's domestic programs are Volunteers in Service to America (VISTA), Foster Grandparent Program, Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), Retired Senior Volunteer Program (RSVP) and University Year for ACTION.

BAPTIST COMMITTEE EMPHASIZES RELEVANCE OF RELIGIOUS PRINCIPLES TO PUBLIC AFFAIRS

Mr. ERVIN. Mr. President, I was pleased to receive a copy of "A Statement of Concern" recently adopted by the Baptist Joint Committee on Public Affairs expressing the concern of this committee about moral and ethical principles in public life. The statement correctly points out that the great constitutional principle of separation of church and state does not divorce "religion's basic moral and ethical principles from the conduct of public affairs."

Mr. President, I ask unanimous consent that this statement and an explanatory letter from Mr. James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, be printed in the RECORD.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

BAPTIST JOINT COMMITTEE
ON PUBLIC AFFAIRS,
Washington, D.C., October 15, 1973.

Hon. SAM J. ERVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: You will be interested to know the concern of Baptist leaders about moral and ethical principles in public life and the abuse of political power in American life.

"A Statement of Concern," which is enclosed, was unanimously adopted by the Baptist Joint Committee on Public Affairs in its semiannual meeting on October 3, 1973. This "Statement" is being given wide distribution in the nation's religious press and is available to the churches for their study.

The Baptist Joint Committee on Public Affairs is a denominational agency in the nation's capital maintained by eight national Baptist bodies in the United States. The names of these denominations are listed at the top of this letterhead.

Baptists believe in the fundamental principles of democracy and we are alarmed when we become aware of the misuse of power and the erosion of public morality in government. We are confident that you share with us that same concern.

Yours truly,

JAMES E. WOOD, Jr.

A STATEMENT OF CONCERN

Believing that separation of church and state does not mean separation of religion from government or politics, nor should it imply the divorce of religion's basic moral and ethical principles from the conduct of public affairs, we voice our concern over some recent developments in public life and reaffirm our commitment to the fundamental principles of democracy.

At a time when there is widespread distrust of government resulting from the abuse of political power, we need to be reminded of the premises upon which our government was constituted. We are gratified that there is today a widespread reaction against this abuse. Indeed, we view this reaction as evidence of the intrinsic strength of our American tradition.

The times call for an affirmation of trust in the basic principles of the American system of democracy. These include: (1) government's powers are derived from the consent of the governed; (2) the harmful potential in any concentration of governmental power makes necessary the distribution of powers among those who make, execute, and interpret law; (3) government is to protect the rights and liberties, and to promote the well-being of all people; and (4) all public officials must be subject to law in both public and private conduct.

In affirming these principles, we express our faith in the ultimate triumph of the right and of the truth in a nation whose citizens are dedicated to justice and righteousness in every aspect of life. In this confidence, we urge our people to exemplify and to require character and integrity in both public and private life, and to discharge responsibly their duties as citizens. Moreover, we encourage our Christian young people to seek for themselves a vocation through which they may make their contribution to government and to society in general.

STRIKES AT MEDICAL HOSPITALS AND NURSING HOMES IN NEW YORK CITY

Mr. TAFT. Mr. President, I read an article on the front page of yesterday's New York Times with some degree of concern. The article entitled "Strike Curtails Medical Services at Hospitals Here—Outpatient Clinics Closed, Surgical Cases Limited, and Admissions Cut," outlines the situation at 48 struck voluntary hospitals and nursing homes in the New York City metropolitan area. The effect of the strike by 30,000 members of Local 1199 of the Drug and Hospital Workers Union, in defiance of a court order, has forced struck medical institutions to close outpatient clinics, reduce admissions, limit surgery, and redeploy professional staffs to housekeeping and practical nursing duties. Picket lines were established and at a number of hospitals union drivers refused to make deliveries of milk, bread, and other perishables. At the Lenox Hill Hospital, the story quotes a nursing supervisor as saying it will be extremely difficult to clean and sterilize operating rooms due to the shortage of personnel—she states:

> There will be no way to keep those rooms going on schedule.

At the struck nursing homes for the aged the situation seemed to be equally, if not more acute, as elderly sick patients cannot be released. Mr. Mitchell Waife, director of the Jewish Home and Hospital for the Aged in New York City, stated the patients at the home seemed bewildered by the chanting picketing outside and suffered most from a lack of practical nursing care. Mr. Waife states:

> Bedridden old people develop bed sores unless they are moved from their beds, and that's going to be a problem.

The reason I bring this situation to the attention of the Senate is that many of the activities outlined in the article have been the subject of discussion recently in hearings before the Senate Labor Subcommittee to extend the National Labor Relations Act to nonprofit hospitals. Officials of labor organizations representing hospital employees, including Local 1199, have testified this year before the subcommittee that Federal statutory guidelines are not necessary to insure safety of patient care and only a straight extension of the NLRA is necessary. In testimony before the Labor Subcommittee on S. 2292 and S. 794—CRANSTON—August 1, 1937, Mr. Elliott Godoff, executive vice president of Local 1199, Drug and Hospital Workers Union stated:

> People are talking about strikes and we know from our own experience that hospital workers are dedicated to patients. The way they are being talked about is "that they are enemies of the people. They are never 'strike happy', and they are very reluctant to strike."

I questioned this premise at the time and cited a number of examples of unfortunate incidents that have occurred as a result of labor disputes at health care institutions. The experience of this dispute further reinforces my concern for the effects of such disputes.

Further, it should be emphasized that the dispute referred to in the article is an economic dispute and not a recognition strike. This point is important, because one of the principal arguments advanced by proponents of a straight extension of the NLRA to nonprofit hospitals is that recognition disputes are really the only type of disputes existent in the health care field and such disputes will be curtailed, if not stopped altogether, by availability of the election machinery under the act. This dispute, and others that have been cited in the hearings would seem to place this argument in question.

I do think, however, the Congress should enact legislation to extend the NLRA to nonprofit hospitals as the election machinery and safeguards provided by the act can be quite helpful to prevent and solve labor relations problems that currently arise between nonprofit hospitals and labor organizations. The question remains, however, how to protect patients and provide for continued health care to the public when a dispute cannot be quickly resolved under the current provisions of the act. In an attempt to resolve this question I introduced legislation earlier this year, S. 2292, to extend the NLRA to nonprofit hospitals and provide protections for patient care. My proposal, which has the backing of every major hospital association in the country and has been introduced in the House by Congressmen ERLENBORN and YOUNG, provides an impasse procedure whereby 90 days of bargaining would be required in economic bargaining impasse situations with a 10-day notification period required before an impasse strike could commence. Other provisions include:

> A prohibition on strikes other than impasse strikes with loss of bargaining status—the penalty for any labor organization that failed to adhere to the restrictions;
>
> Expedited relief for health care institutions by permitting temporary injunctive relief to be obtained in Federal court pending final board determination of a dispute; and,
>
> Civil remedies for individuals, health care institutions, or labor organizations for any damage arising out of a strike or lock-out.

This legislation may not be the ultimate answer or solution to this issue, but it can provide a basis to begin a responsible discussion of the direction in which the Congress should proceed—especially in view of the situation in New York. It should be reported without delay by the Labor and Public Welfare Committee.

I ask unanimous consent that the articles I mentioned previously from the New York Times, dated November 6 and 7, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 6, 1973]

(By Michael T. Kaufman)

STRIKE CURTAILS MEDICAL SERVICES AT HOSPITALS HERE; OUTPATIENT CLINICS CLOSED, SURGICAL CASES LIMITED, AND ADMISSIONS CUT; FEDERAL ACTION URGED; WORKERS VOTE TO STAY OUT TILL PAY PANEL APPROVES 7.5 PERCENT WAGE INCREASE

The most extensive hospital strike in the city's history began yesterday, forcing the curtailment of medical and custodial care at 48 voluntary hospitals and nursing homes in the metropolitan area.

With 30,000 members of Local 1199 of the Drug and Hospital Workers off the job in defiance of a court order, the struck medical institutions responded by closing outpatient clinics, reducing admissions, limiting surgery and redeploying professional staffs to housekeeping and practical-nursing duties.

And while pickets chanted and patients made do with meals of frozen food and with paper towels instead of linen, both strikers and employers looked to the Cost of Living Council in Washington for approval of a 7.5 per cent pay increase awarded the union by a state arbitrator last July.

COUNCIL HOLDS KEY

The council—not the union or employers—appeared to hold the key to a settlement. The union yesterday voted to continue the strike until approval of the arbitration award came from Washington.

The employer group, the League of Voluntary Hospitals, appealed in telegrams to the council for an immediate meeting with its director and union representatives. But no meetings were scheduled.

Last night, the league reported that Donald Irwin, the council's administrator for pay matters, had called to say that no decision should be expected until after a 12-member special advisory group met to discuss the question on Nov. 30.

STRIKE'S IMPACT INCREASING

In Federal Court here, meantime, Judge Robert L. Carter extended last week's temporary restraining order against the strike and said he regarded the violation of the order as "very serious." But he deferred until Thursday any action on the league's request that the union be held in contempt.

With no quick action in prospect by either the court or the Cost of Living Council, it appeared that the strike would continue, its impact increasing with each passing hour.

"There is no question that our people will be back on the picket lines tomorrow morning," said Moe Foner, spokesman for the union.

Speaking of the general citywide effects of the strike, Dr. Andrew Portelli, president of the league, said that while all 48 hospitals had curtailed services, all were "under control."

"But as the strike lengthens, matters will become more critical," he added. At a number of hospitals, union drivers refused to make deliveries of milk, bread and other perishables, he said, adding that most of the institutions had stockpiled such items in anticipation of the strike.

"So far, we're doing amazingly well," said Dr. S. David Primrose of Mount Sinai Medical Center, where 2,500 of the hospital's 5,000 employees were on strike.

"There's an enormous sense of morale and everybody's pitching in," said the director, who had delivered 50 trays to patients at breakfast.

"We have supplies adequate for the next two or three days," Dr. Pomrinse said, "and I'm concerned about how long we can keep it up before we poop out."

STRIKE'S IMPACT VARIES

Dr. Portelli said he believed that if the strike continued for three more days, the hospitals would have to discharge half their patients in order to keep going.

The struck hospitals and homes contain a total of 23,000 beds, or slightly more than half of all hospital beds available in the area. Since each of the 48 institutions has different proportions of unionized help, the degree of impact has varied.

But most, like St. Luke's, which closed down its 58 clinics, curbed their out-patient services to concentrate on the care of the bedridden.

Some, such as St. John's Hospital in Elmhurst, Queens, lost their ambulance service. And nearly all canceled admissions for non-emergency surgery.

At Lenox Hill Hospital, a nursing supervisor said that perhaps the most critical effect of the strike was the shortage of personnel to clean and sterilize operating rooms between operations. "There will be no way to keep those rooms going on schedule," she declared.

At the Jewish Home and Hospital for the Aged on West 106th Street, the director, Mitchell M. Waife, said the homes were in an even more precarious position than the hospitals. "At least in the hospitals they can discharge patients if things get worse," he declared, and then asked "What can we do?"

Mr. Waife said that the patients at the home, many of whom seemed bewildered by the chanting pickets outside, suffered most from a lick of practical nursing care.

"Bedridden old people develop bed sores unless they are moved from their beds, and that's going to be a problem," he declared.

On the picket line, the morale of the strikers seemed as good as that of the professionals whose duties and work hours had been expanded.

"No money, no work," chanted the cordon of pickets, most of them black, marching with placards that said, "President Nixon, we can't live on promises, we need our money."

Many of the strikers at the home, like those who massed at the other hospitals, indicated sympathy for the patients.

"The last thing we want to do is hurt the people we take care of," said Mrs. Linda Harper, a practical nurse.

"But things have gotten ridiculous," she added. "We haven't seen our money since July."

PICKETS ARE ORDERLY

The settlement under review by the pay board calls for a raise of 7.5 per cent, or $12 a week, whichever is greater. The minimum pay for the workers, who include service, maintenance, social work and laboratory personnel, is $142 a week.

Most of the picket lines were loud and boisterous, but orderly. There were reports, however, of tires being slashed at New York Hospital, cars being pounded on at Mount Sinai and a bomb threat phoned in to St. Luke's.

Mr. Foner, the union's spokesman, said that, while the wage panel was the main obstacle to a settlement, he felt that the league, by not mounting sufficient pressure on the Washington group and its advisory panel, had been acting in bad faith.

But, the league, through its executive director, William J. Abelow, insisted it had recommended approval of the wage terms to the council.

"This is a strike against the Cost of Living Council in which our patients are being held hostage by the union," Mr. Abelow said.

During the court appearance yesterday, Leonard Boudin, one of the union's lawyers, challenged the constitutionality of the Economic Stabilization Law, declaring that prior review of wage settlements for the small and low-paying health industry was invidious discrimination. Judge Carter said he would hear further arguments on this point on Thursday.

A spokesman for the large municipal hospitals that were not struck said that as of yesterday there had been no sudden increase in cases. "But," he added, "if this thing goes on much longer, I'm sure we'll be getting transfers and overflow."

ORDERLIES' JOBS ASSUMED BY HOSPITALS' EXECUTIVES

(By Paul L. Montgomery)

While the pickets marched and chanted outside on 77th Street yesterday, Edward Erskine slipped into a rumpled set of orderly's fatigues on the operating floor of Lenox Hill Hospital and began a day-long struggle with autoclaves and sterile pads.

Mr. Erskine, the controller of the hospital, had never worked in an operating room before. Down the hall, surgery was going on in two of the rooms very much as usual, since the medical people were not striking. The controller and a band of colleagues had been mobilized to do the work of the absent orderlies and laborers.

Mr. Erskine had volunteered for mopping floors between operations, but that job was given to John Radigan, the hospital's budget director. "I guess they don't trust me yet," the controller said.

SUPERVISING NURSE WATCHES

He was assigned to folding pads and gowns in the supply room and then to the autoclave, a big oven-like implement used for sterilizing. Anita Edwards, the nurse supervising the supply room, watched nervously as Mr. Erskine completed his first batch and opened the autoclave door.

"Now let's see if the big dummy can do this without hurting himself," the controller said as he slipped a tray of hot implements onto a cart. The operation was a success.

"The volunteers are doing just a splendid job," Miss Edwards said. "Everybody's being very neat and cooperative. Even the doctors have stopped making unreasonable demands."

At the sprawling Mount Sinai Hospital complex at 98th Street and Fifth Avenue, a wide variety of administrative personnel researchers, supervisors and volunteers filled in for the 2,500 striking workers.

Dr. S. David Pomrinse, the director of the hospital, started work at 5 A.M. and spent part of the time carrying breakfast trays to some of the hospital's 1,027 patients. He was too tired to remember how many. "Who counts?" he said.

Stuart Wilks, ordinarily an audiologist, wheeled patients to the operating room. Barbara Carter, a secretary, acted as a courier from the blood bank. Goldie Kleiner, one of the hospital's fund raisers, ran an elevator. "I'm enjoying it," she said. "You meet all the public."

While there were crowds in the lobbies and long lines in the cafeteria, the floors with patients were quiet and apparently much as usual. On the second floor of the Klingenstein Clinical Center, the patients in semiprivate rooms cheerfully ate lunch, assisted by relatives, volunteers and those of their fellow patients who were ambulatory.

A group of volunteers collected the trays—Mrs. Sophie Levy, a secretary at the hospital, and two women from the community, Mrs. Diane Soroka, a housewife, and Miss Rita Godfleisch, a retired librarian.

Their strong right arm in the stacking operation was George Mohre, who is 74 years old. He was visiting his wife, a patient, and agreed to pitch in. "As long as it's helping people, I don't mind," he said.

Gerald Apollon, a biology student at Long Island University, who also works in Mount Sinai's microbiology laboratory, filled in as doorman, pushing wheel chairs, carrying bags and helping discharged patients find taxis.

"I want to be a doctor, so when it's needed I guess it's good to know a little bit about everything in the hospital," he said. "But I wouldn't want to be a doorman as a profession."

[From the New York Times, Nov. 7, 1973]

Violence Erupts and Garbage Piles Up in Second Day of Hospital Strike; 11 Seized as Harassment Is Reported—Lindsay Assails Cost Council

(By Michael T. Kaufman)

Incidents of violence flared yesterday at struck hospitals in the metropolitan area, where growing heaps of uncollected contaminated refuse added to the problems caused by the two-day-old strike of 30,000 nonmedical employes.

There were at least 11 arrests and numerous reports of intimidation, harassment and vandalism by pickets striking in defiance of a Federal restraining order.

And while hospital administrators told of generally deteriorating conditions, Mayor Lindsay scolded the Federal Cost of Living Council for what he called its callous insensitivity in delaying consideration of the issues that led to the walkout by members of Local 1199, Drug and Hospital Union.

RETRENCHMENT CITED

However, in Washington, a spokesman for the council said there were no meetings planned by his agency to review a 7.5 per cent arbitrated wage increase for the union. It was the delay of this raise, due since July, that led to the strike by service, maintenance and laboratory workers at 48 voluntary hospitals and nursing homes in the area. The institutions have a total of 23,000 beds.

"All of our members have stopped all but emergency admissions," said Thomas Helfrich, associate director of the League of Voluntary Hospitals and Homes, which represents management. He added:

"We are now drying up as a source of medical care. We cannot maintain our regular burden of responsibilities. We are retrenching."

ATTACKS REPORTED

Because of the understaffing and supply shortages that have resulted from truckers' refusing to cross picket lines, many of the hospitals have drastically stepped up discharges.

At Mount Sinai, teams of physicians spent the day going through the rooms and wards on what was described as "triage duty." Triage is a military term for the process by which battlefield doctors determine which casualties have first priority for treatment.

As a result of these efforts, 300 patients, many of them convalescing after surgery, were scheduled to be released today. A spokesman at the hospital said that on a normal day there are fewer than 100 discharges.

Similar procedures were followed at other hospitals in the hope of concentrating resources on the core of patients considered to be in greatest need.

Nearly all the affected hospitals and homes have ceased all outpatient services, and some, such as St. John's Hospital in Queens, have closed even their emergency rooms.

According to the hospital and home administrators, many pickets became overtly hostile yesterday.

"There have been attacks and drunkenness and knives," said William Abelow, the director of the league. "We can probably operate the hospitals for the rest of the day, but I can't make any predictions for tomorrow."

Among the disruptions reported by the hospitals and confirmed by the police was an attempt by 200 pickets to block traffic near Mount Sinai, at Madison Avenue and 98th Street. Four people were arrested in a melee there and charged with resisting arrest and inciting to riot.

Four more people were arrested for allegdly attacking policemen outside the New York University Medical Center. In Edgemere, Queens, a supervisor at Peninsula Hospital Center was reportedly followed by two carloads of strikers and beaten. In another incident there four pickets were arrested after bottles were thrown and windows smashed.

At the Jewish Hospital and Medical Center of Brooklyn, strikers refused to clear the way for an undertaker who had come to claim the body of a patient who had died, according to the hosptial administrator, Philip Abrams.

And practically every hospital administrator complained that vital deliveries were being stopped by the pickets. "We have developed serious food, linen and medication shortages," a spokesman for Lenox Hill Hospital said.

At Knickerbocker Hospital, Jesus Pena, an administrator, said, "We will be out of fresh meats, fresh vegetables and bread by tomorrow morning."

The administrators said that accumulation of refuse, including used bandages, syringes and operating-room waste posed a problem as serious as the mounting shortages.

CITY TRUCKS USED

An emergency panel of sanitary inspectors established by the city's Health Services Administration toured the struck hospitals yesterday seeking to effect the removal of the refuse by Sanitation Department trucks.

In some cases the trucks, escorted by policemen, were able to make the pickups. In others, such as Beth Israel and St. John's, the truck drivers were either turned away or decided on their own not to cross picket lines.

Moe Foner, a spokesman for the 61,000-member striking union, said he knew of no instances where strikers prevented garbage removal. As to the other incidents, he said, "It is not union policy to prevent deliveries of such vital material as oxygen, plasma and baby formula." On other materials, he said that was a matter for the consciences of individual drivers.

Asked about movement in resolving the strike, Mr. Foner said he was aware of none.

However, there appeared to be increasing pressure being brought on the Cost of Living Council to act speedily on a state-arbitrated 7.5 per cent increase awarded to the union. The strikers voted on Monday to remain away from their jobs until the council approved that increase.

Yesterday morning Mayor Lindsay spoke by phone with Donald Irwin, the deputy administrator of the Cost of Living Council, and, in the words of his aides, he "talked tough and angrily."

"It is callous and inexcusable that the Federal Government would permit the lives of thousands of innocent people to be endangered because of bureaucratic foot dragging, yet that is precisely what is happening," declared the Mayor.

He urged that the President, Attorney General and the wage board immediately schedule a session to deal with the issues of the strike and send representatives to New York to monitor the situation.

Late yesterday Senator Jacob K. Javits sent a telegram to Dr. John T. Dunlop, the council director, calling on him to immediately approve the wage package that resulted from arbitration under state law.

"The danger to the life and health of thousands of Americans in the New York area requires immediate action by the Cost of Living Council," Senator Javits wrote.

At the same time, the Senator sent a telegram to Leon J. Davis, the president of the striking union, appealing to him to end the strike, "pending the promise of a quick decision by the council."

NO MEETINGS PLANNED

In Washington, Erick Kanter, a spokesman for the Cost of Living Council, said that no meetings of an advisory panel now considering the package were planned for the next few days.

For a while yesterday hopes of some kind of settlement were heightened when Federal Judge Robert L. Carter called lawyers for both the union and the league to his chambers.

However, it turned out that the judge, who last week signed a temporary restraining order against a strike by the union, merely wanted to inform both sides that he had once been a member of a law firm that represented a number of the hospitals being struck.

He asked whether there were any objections to his continuing in the case. There were none.

During this meeting lawyers for the league asked the judge to move up scheduled hearings on a permanent injunction now set for tomorrow. The judge refused to do so.

At Two Emergency Rooms In Bronx, Surprising Tranquillity Reigns

(By Judith Cummings)

At two strike-burdened hospitals in the central Bronx, the emergency rooms, normally among the most frenetic areas of a hospital, were running smoothly yesterday as fewer patients than usual turned up.

Montefiore Hospital, in the Norwood section, and Bronx-Lebanon Hospital Center's Concourse facility, in Morris Heights, both served neighborhoods that include a large number of lower-income residents. These residents must look to their local hospitals for the routine medical services that private practitioners provide in more affluent areas.

Yet, despite the shutdown or curtailment of regular outpatient services, professional and supervisory staff manning the emergency rooms of these hospitals noted a drop in the number of patients. The relative calm, according to one hospital official, may itself be cause for concern.

GOING UNTREATED

"Say a child has what looks like the sniffles, and his mother doesn't bring him in because she's heard about the strike problems," Abraham Freedman, assistant vice president for industrial relations of Bronx-Lebanon's Concourse division, at Grand Concourse and East Mount Eden Avenue, was in fact occupied mostly by mothers and small children at midday, and there were fewer of them than usual.

"The people are staying away, I think because they know about the strike and mostly because they don't want to cross the picket lines," said Peter Spiegel, an administrative assistant in the outpatient department.

One person who did not stay away was Sharon McNeill, who decided to come in for X-rays of her arm which she hurt last week.

"I didn't really know about the strike," she said while waiting for the doctor's verdict. "My arm started bothering me, so I just came in."

QUICK ATTENTION

Mr. Freedman said the hospital had kept its outpatient clinics open until shortly before noon, when a decision was made to consolidate the available staff into the emergency room. Most of the other struck hospitals closed their clinics Monday, when the strike began.

That was true at Montefiore Hospital, where the emergency room was treating some people who normally would have been clinic patients.

"If they had a clinic appointment such as to have sutures removed, we tell them to come in here because that's something that can't be put off," Eileen Rafferty, head nurse in the emergency room, said.

But instead of being too busy, "we're underloaded," she said. The service treated only 35 patients from midnight to noon compared to a normal 50, the nurse said.

The reason for the drop, she believed, is that people know about the strike and that city ambulances are passing up Montefiore, which is on East 210 Street near Bainbridge Avenue, in favor of other hospitals that are not affected.

PATIENT CALLED BACK

Esther Shaw, waiting while her 71-year-old mother was looked after for a possible arm fracture, said she was surprised to discover that Montefiore was one of the struck hospitals. An emergency room doctor who treated her mother last Friday had taken the time to call her back in for a reexamination, she noted.

"They don't seem rushed at all," Mrs. Shaw commented. "It's really very quiet here."

It was this same kind of quietness that had Mr. Freedman, the Bronx-Lebanon official, worried.

Walkout Affects Two Long Island Hospitals; Facilities Limit Services in New Hyde Park—Pickets Try To Block Deliveries

(By George Vecsey)

New Hyde Park, L.I., November 6.—"Better bring somebody out with you."

"She's an R.N.—she's O.K."

"Don't let him in; make him walk."

These were the varied verdicts of the picketing members of Local 1199 today as they tried to block cars from approaching the only two institutions in Nassau and Suffolk Counties affected by the two-day-old hospital strike—the Jewish Institute for Geriatric Care and Long Island Jewish-Hillside Medical Center.

As with most of the voluntary hospitals in New York City, services were reduced further today as supplies dwindled, while visitors found it harder to get inside the buildings and pickets became a little more daring about stopping deliveries.

"Let's face it, the second day is tougher," a young woman said after a visit to a relative at Jewish-Hillside. "Somebody is making the meals; somebody is cleaning things up. But the patients' mood is definitely down."

This was the feeling at both the Jewish Institute and Jewish-Hillside, which share common grounds on the border between Queens and Nassau, connected by a tunnel but not under the same corporation.

The institute, which provides care for elderly patients but is not a long-range nursing home, was trying to send patients elsewhere. And Jewish-Hillside, which was admitting only emergency patients, canceled all non-emergency operations as of tomorrow.

NO CRUSH OF ADMITTANCES

The largest hospitals near here reported no crush of admittances as a result of the strike in New York City. North Shore Hospital in Manhasset accepted a few of the geriatrics patients from the Jewish Institute, but reported there was not likely to be room for more.

Normally, the Jewish Medical Center fills almost all its 458 beds along with the capacity of 203 psychiatric patients at Hillside and 223 at its South Shore Division in the Rockaways. But according to Henry Light, the deputy director, the figures were down to around 300 for Jewish and 180 for Hillside and around 200 at South Shore.

Although there are usually around 45 operations each day at Jewish-Hillside, the figure was 29 yesterday and 22 today and none was scheduled tomorrow, according to Mr. Light.

Mr. Light said his supply of medicine was adequate and garbage was being controlled for the time being. But he said the supply food and linen might last only a few more days. He said his staff was still able to meet emergencies, but added:

"After two or three days, people might be falling off their feet. We've got staff members exercising parts of our body they haven't exercised in years."

POLICEMAN SON HELPS

Nevertheless, work was going on. One woman, waiting to become a grandmother, said her daughter had never hesitated about coming to Jewish-Hillside when her time came.

"Her doctor is here—she was going to get in here one way or another. My son is a policeman. He got us through the picket lines."

The picket lines formed at the entrance at Lakeville Road, guarded by the Lake Success Village police and backed up by county policemen, and at the 76th Avenue entrance, guarded by policemen of the 111th precinct of New York City. No arrests were recorded this afternoon. The pickets blocked the entrances, but allowed picket leaders to interview the driver of each arriving car.

Doctors, nurses and other familiar staff personnel were allowed to drive into the parking lots. One doctor said his car had been scratched. Others were urged by pickets: "Don't work too hard, take a lot of breaks."

Visitors and volunteers were not allowed in. Some said they had been cursed or jeered as they walked past the line. But anybody picking up a patient was allowed to drive up to the hospital.

"Yeah, I knew your mother—better let me see her when you leave," one striker warned a woman driving up the institute.

All supply trucks were turned back except those containing blood, oxygen and baby food.

At the sparkling young institute, staff members worked on the telephone all day seeking spaces with families or other institutions. More than 80 of its 527 patients left yesterday and more were waiting for relatives to claim them.

SALARY INCREASE FOR OFFICERS AND EMPLOYEES OF THE U.S. SENATE

Mr. EASTLAND. Mr. President, on October 3, 1973, the President of the United States issued Executive Order 11739 pursuant to provisions contained in the Federal Pay Comparability Act of 1970 which authorized a 4.77-percent salary increase for the Federal pay systems under his jurisdiction.

In discharging my responsibility as President pro tempore of the Senate under authority vested in me by section 4 of the Federal Pay Comparability Act of 1970, I issued an order on October 4, 1973, authorizing the same 4.77-percent salary increase for officers and employees of the U.S. Senate. I ask unanimous consent that this order be printed in the Record.

There being no objection, the order was ordered to be printed in the Record, as follows:

Order—U.S. Senate—Office of the President Pro Tempore

By virtue of the authority vested in me by section of the Federal Pay Comparability Act of 1970, it is hereby—

CONVERSION TO NEW MULTIPLE

Section 1. (a) Except as otherwise specified in this Order or unless an annual rate of compensation of an employee whose compensation is disbursed by the Secretary of the Senate is adjusted in accordance with the provisions of this Order, the annual rate of compensation of each employee whose compensation is disbursed by the Secretary of the Senate is adjusted to the lowest multiple of $285 which is not lower than the rate such employee was receiving immediately prior to October 1, 1973.

(b) For purposes of this Order—

(1) "employee" includes an officer other than a Senator; and

(2) "annual rate of compensation" shall not include longevity compensation authorized by section 106 of the Legislative Branch Appropriation Act, 1963, as amended.

RATE INCREASES FOR SPECIFIED POSITIONS

Sec. 2 (a) The annual rates of compensation of the Secretary of the Senate, the Sergeant at Arms, and the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) the annual rate of basic pay, which is now or may hereafter be in effect, for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, or (2) an annual rate of pay which is $1,000 less than the annual rate of pay, which is now or may hereafter be in effect, for Members of Congress.

(b) The annual rates of compensation of the Secretary for the Majority (other than the present incumbent), the Secretary for the Minority, and the four Senior Counsel in the Office of the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) the annual rate of basic pay, which is now or may hereafter be in effect, for positions in such level V, except that until the annual rate for such level V is increased to $42,000 or more, any such individual shall not be paid at an annual rate exceeding $40,755, or (2) an annual rate of pay which is that multiple of $285 which is nearest to, but not less than, $1,140 less than the annual rate of pay, which is now or may hereafter be in effect, for Members of Congress.

(c) The maximum annual rates of compensation of the Secretary for the Majority (as long as that position is occupied by the present incumbent, the Assistant Secretary of the Senate, the Parliamentarian, the Financial Clerk, and the Chief Reporter of Debates (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285. Notwithstanding the provisions of this subsection, an individual occupying a position whose compensation is determined under this subsection shall not have his compensation fixed at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) the annual rate of basic pay, which is now or may hereafter be in effect, for positions in such level V, except that until the annual rate for such level V is increased to $42,000 or more, the annual rate of compensation of any such individual shall not be fixed at an annual rate exceeding $40,755, or (2) an annual rate of pay which is that multiple of $285 which is nearest to, but less than $1,140 less than the annual rate of pay, which is now or may hereafter be in effect, for Members of Congress.

(d) (1) The maximum annual rates of compensation of the Administrative Assistant in the Office of the Majority Leader, the Administrative Assistant in the Office of the Majority Whip, the Administrative Assistant in the Office of the Minority Leader, the Administrative Assistant in the Office of the Minority Whip, the seven Reporters of Debates in the Office of the Secretary, the Assistant Secretary for the Majority, the Assistant Secretary for the Minority, the Assistant to the Majority and the Assistant to the Minority in the Office of the Secretary, the Legislative Assistant in the Office of the Majority Leader, the Legislative Assistant in the Office of the Minority Leader, the Assistant Parliamentarian, the Legislative Clerk, the Journal Clerk, the Assistant Legislative Clerk, the Administrative Assistant to the Sergeant at Arms, and the Deputy Sergeant at Arms (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, as long as the annual rate of basic pay for positions in such level V is less than $39,000, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not have his compensation fixed at any time, by reason of the promulgation of this Order, at an annual rate in excess of $35,910, except that (A) any individual occupying the position of Administrative Assistant in the Office of the Majority Whip or Minority Whip shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $34,770, (B) any individual occupying the position of Assistant to the Majority or Assistant to the Minority in the Office of the Secretary, Legislative Assistant in the Office of the Majority Leader, or Legislative Assistant in the Office of the Minority Leader, shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $34,485, (C) any individual occupying the position of Assistant Parliamentarian, Legislative Clerk, or Journal Clerk shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $33,915, and (D) any individual occupying the position of Assistant Legislative Clerk, Administrative Assistant to the Sergeant at Arms, or the Deputy Sergeant at Arms shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $32,775.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, if the annual rate for such level V is increased to $39,000 or more but less than $42,000, an individual occupying the position of (A) Administrative Assistant in the Office of the Majority Leader, Administrative Assistant in the Office of the Minority Leader, a Reporter of Debates, Assistant Secretary for the Majority, or Assistant Secretary for the Minority shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $38,760, (B) Administrative Assistant in the Office of the Majority Whip or the Administrative Assistant in the Office of the Minority Whip shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $37,620, and (C) Assistant to the Majority in the Office of the Secretary, Assistant to the Minority in the Office of the Secretary, Legislative Assistant in the Office of the Majority Leader, or Legislative Assistant in the Office of the Minority Leader, shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $36,480, until the rate for such level V is increased to $42,000 or more.

CHAPLAIN'S OFFICE

SEC. 3. The annual rate of compensation of the Chaplain and the maximum annual rate of compensation for the position of secretary to the Chaplain (as in effect immediately prior to October 1, 1973) are increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285.

OFFICES OF THE SENATE

SEC. 4. (a) Any specific rate of compensation established by law, as such rate has been increased by or pursuant to law, for any position under the jurisdiction of the Sergeant at Arms shall be considered as the maximum annual rate of compensation for that position. Each such maximum annual rate is increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285.

(b) The maximum annual rates of compensation for positions or classes of positions (other than those positions referred to in section 2 (c) and (d) of this Order) under the jurisdiction of the Majority and Minority Leaders, the Majority and Minority Whips, the Secretary of the Senate, the Secretary for the Majority, and the Secretary for the Minority are increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285.

(c) The following individuals are authorized to increase the annual rates of compensation of the employees specified by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285:

(1) the Vice President, for any employee under his jurisdiction;

(2) the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip, for any employee under the jurisdiction of that Leader or Whip (subject to the provisions of section 2(d) of this Order);

(3) the Majority Leader, for the Secretary for the Majority so long as the position is occupied by the present incumbent (subject to the provisions of section 2(c) of this Order);

(4) the Secretary of the Senate, for any employee under his jurisdiction (subject to the provisions of section 2 (c) and (d) of this Order);

(5) the Sergeant at Arms, for any employee under his jurisdiction (subject to the provisions of section 2(d) of this Order);

(6) the Chaplain, for his secretary;

(7) the Legislative Counsel, subject to the approval of the President pro tempore, for any employee in that Office (other than the four Senior Counsel);

(8) the Secretary for the Majority and the Secretary for the Minority, for any employee under the jurisdiction of that Secretary (subject to the provisions of section 2(d) of this Order); and

(9) the Capitol Guide Board, for the Chief Guide, the Assistant Chief Guide, and the Guides of the Capitol Guide Service.

(d) The figure "$816", appearing in the first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1963, as amended (as provided in section 4(d) of the Order of the President pro tempore of December 16, 1972), shall be deemed to refer to the figure "$855".

(e) The limitation on the rate per hour per person provided by applicable law immediately prior to October 1, 1973, with respect to the folding of speeches and pamphlets for the Senate, is increased by 4.77 percent. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

COMMITTEE STAFFS

SEC. 5. (a) Subject to the provision of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, the chairman of any standing, special, or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), and the chairman of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate are each authorized to increase the annual rate of compensation of any employee of the committee, or subcommittee thereof, of which he is chairman, by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285.

(b) (1) The figures "$8,160", "$16,048", "$14,144", "$18,496", "$23,664", and "$20,400" appearing in section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 5(b) (1) of the Order of the President pro tempore of December 16, 1972), shall be deemed to refer to the figures "$8,265", "$16,815", "$14,250", "$18,525", "$24,795", and "$18,240", respectively.

(2) The maximum annual rates of "$38,352", "$39,984", and "$41,616" appearing in such section 105(e) (as provided in section 5(b) (2) of such Order of December 16, 1972) are each further increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285, and shall be deemed to refer to the figures "$40,185", "$41,895", and "$43,890", respectively. Notwithstanding the provisions of this paragraph, any individual occupying a position to which any such rate applies (A) shall not have his compensation fixed at a rate exceeding $33,060, $34,770, or $35,910 per annum, respectively, as long as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is less than $39,000, and (B) if the annual rate for such level V is increased to $39,000 or more but less than $42,000, shall not have his

compensation fixed at an annual rate exceeding the lesser of (i) a rate that is a multiple of $285 which is nearest to, but less than, the annual rate for such level V or (ii) $36,765, $38,475, or $40,185, respectively. If the annual rate for such level V is increased to $42,000 or more, an individual occupying a position for which either of the rates "$41,895" or "$43,890" applies, shall not have his compensation fixed at an annual rate that exceeds a multiple of $285 which is nearest to but less than the annual rate for such level V, and, until such time as pay for Members of Congress is increased to $45,000 or more, shall not have his compensation fixed at an annual rate in excess of $40,755 or $41,325, respectively.

SENATORS' OFFICES

SEC. 6. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, each Senator is authorized to increase the annual rate of compensation of any employee in his office by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285.

(b) The table contained in section 105 (d) (1) of such Act shall be deemed to read as follows:

"$369,075 if the population of his State is less than 2,000,000;

"$380,190 if such population is 2,000,000 but less than 3,000,000;

"$406,980 if such population is 3,000,000 but less than 4,000,000;

"$441,465 if such population is 4,000,000 but less than 5,000,000;

"$469,680 if such population is 5,000,000 but less than 7,000,000;

"$499,320 if such population is 7,000,000 but less than 9,000,000;

"$531,525 if such population is 9,000,000 but less than 10,000,000;

"$556,320 if such population is 10,000,000 but less than 11,000,000;

"$588,810 if such population is 11,000,000 but less than 12,000,000;

"$613,605 if such population is 12,000,000 but less than 13,000,000;

"$645,240 if such population is 13,000,000 but less than 15,000,000;

"$676,875 if such population is 15,000,000 but less than 17,000,000;

"$708,510 if such population is 17,000,000 or more."

(c) (1) The second sentence of section 105 (d) (2) of such Act is modified to read as follows: "The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,140 per annum or in excess of $22,800 per annum except that (i) the salaries of five employees may be fixed at rates of not more than $39,045 per annum, and (ii) the salary of one employee may be fixed at $40,755 per annum."

(2) Notwithstanding the modification made by paragraph (1) of this subsection, any individual occupying a position to which a rate referred to in clause (i) or (ii) of such modification applies shall not have his compensation fixed at an annual rate exceeding $34,770 or $35,910, respectively, as long as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is less than $39,000. If the annual rate for such level V is increased to $39,000 or more but less than $42,000, an individual occupying a position to which the rates referred to in such clauses (i) and (ii) apply shall not have compensation fixed, until the annual rate for such level V is increased to $42,000 or more, at an annual rate exceeding (A) in the case of an individual to whom the rate under such clause (i) applies, $37,620, and (B) in the case of an individual to whom the rate under clause (ii) applies, the lesser of a rate that is a multiple of $285 which is nearest to, but less than, the annual rate for such level V or $39,330.

GENERAL LIMITATION

SEC. 7. (a) The figure "$1,088" appearing in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 7(a) of the Order of the President pro tempore of December 16, 1972) shall be deemed to refer to the figure "$1,140".

(b) The maximum annual rate of compensation of $41,616 appearing in such section (as provided in section 7(b) of such Order of December 16, 1972) is further increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285. and shall be deemed to refer to the figure $43,890." Notwithstanding the provisions of this subsection, any individual occupying a position to which such rate applies (1) shall not have his compensation fixed at a rate exceeding $35,910 per annum as long as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is less than $39,000, and (2) if the annual rate for such level V is increased to $39,000 or more but less than $42,000, shall not have his compensation fixed at an annual rate exceeding the lesser of (A) a rate that is a multiple of $285 which is nearest to, but less than, the annual rate for such level V or (B) $40,185. If the annual rate for such level V is increased to $42,000 or more, an individual occupying a position to which such rate applies shall not have his compensation fixed at an annual rate that exceeds a multiple of $285 which is nearest to, but less than, the annual rate for such level V, and until such time as pay for Members of Congress are increased to $45,000 or more, shall not have his compensation fixed at an annual rate in excess of $41,325.

NOTIFYING DISBURSING OFFICE OF INCREASES

SEC. 8. In order for an employee to be paid an increase in the annual rate of his compensation as the result of an increase in the maximum annual rate of compensation for his position authorized under this Order, the individual designated by section 4, 5, or 6 to authorize an increased rate of compensation for that employee shall notify the disbursing office of the Senate in writing that he authorizes an increase in such rate for that employee and the date on which that increase is to be effective.

EFFECTIVE DATE

SEC. 9. Sections 1–8 of this Order are effective October 1, 1973.

JAMES O. EASTLAND,
President pro tempore.

OCTOBER 4, 1973.

AGRICULTURAL EXPORTS

Mr. PACKWOOD. Mr. President, of late we have been told on a number of occasions that one of the sure-fire ways to remedy our domestic inflationary problems is to institute selective controls on the export of various agricultural commodities.

We are being told at the same time that we must be ever more vigorous in the marketing of our agricultural products overseas if we are ever to overcome once and for all our recently disastrous balance-of-trade problems.

I am increasingly concerned that we are not perceiving the inherent illogic in this economic doubletalk. We simply cannot encourage others to buy our goods on a regular basis if, at the same time, we continue to talk as some have about the need to institute export controls from time-to-time in order to overcome momentary domestic difficulties. In short, we must face reality and accept the fact that we are not going to able to have it both ways.

Either we continue as we have to encourage the export of agricultural products as one way to right our balance of trade. Or, alternatively, we must face the facts and tell the world that we are going to treat them in a haphazard manner, at best, and supply them only when it suits our national economic fancy.

I, for one, do not intend to stand idly by while the markets for our agricultural products are whittled away at by those who seem panicked by the crises of the moment. Our position as the leading agricultural producer of the world is one of which we are rightly proud as a nation, and it is one which we should zealously promote not take lightly. Our international position bestows upon us a responsibility to act in a consistent, rational, and responsible manner.

During the months ahead, each of us will be faced with the need to decide between these two conflicting needs. It is a decision which will certainly require a good understanding of the consequences of our choice.

To aid in developing this understanding, I commend for the consideration of my colleagues an article recently published in Nation's Business. The author of "Dilemmas of Export Control," Dr. Stanley Nehmer, pointedly describes the tradeoffs involved in the problem I have discussed briefly as we have witnessed its development over the last several months.

I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Nation's Business, November 1973]

DILEMMAS OF EXPORT CONTROL

(By Dr. Stanley Nehmer)

A little used authority—export controls on commodities in short supply—has surfaced as a policy instrument in the Nixon Administration's economic stabilization efforts.

In the space of eight days, from June 27 to July 5, 41 agricultural products and 10 types of ferrous scrap were placed under export control by the Secretary of Commerce under authority of the Export Administration Act of 1969. Four days later, 10 types of raw cotton were made subject to a reporting requirement on export orders, the step that preceded placing export controls on the other commodities.

The importance of export controls as a tool in the Administration's economic stabilization efforts was underlined by President Nixon in his June 13 address announcing a price freeze. He pointed out that one major reason for the rise in food prices was the unprecedented demand abroad for American agricultural products. He announced a basic policy decision: "In allocating the products of America's farms between markets abroad and those in the United States, we must put the American consumer first."

Export controls on soybeans were established when it was determined that soybean and soybean meal prices in mid-June were more than 200 per cent and 300 percent, respectively, higher than a year earlier. Exports during the 1973–74 marketing year were anticipated to be 350 per cent higher than the previous year for soybeans and 100 per cent higher for soybean meal. When controls were instituted on ferrous scrap, data showed that 1973 exports were anticipated to be two-thirds higher than last year.

The export control actions in June and July were taken pursuant to legislation which requires that before such actions are taken there exists a domestic short supply of a particular commodity, and that it is caused by abnormal foreign demand, with resulting inflationary pressures.

In the case of agricultural commodities, there is the additional requirement that the Secretary of Agriculture must approve the action, and that he shall not give his approval if he determines the total supply is in excess of domestic requirements (unless the export controls a needed for foreign policy or national security reasons).

The use of export controls as a tool to slow down price increases and assure an adequate supply of goods for domestic consumption has presented several dilemmas to the Administration.

It has been suggested that these controls are inconsistent with the national effort to expand exports to offset the trade deficit, which reached an all-time high of $6.3 billion in 1972. Agricultural exports have been in surplus for some time as a result of a conscious effort by farm groups and the government to cultivate export markets.

Estimates place the loss in export earnings from controls on agricultural exports in 1973 at $300 million to $500 million. There is concern over the long-range effects on American agricultural exports since importing countries will probably seek other suppliers.

Concern has also been expressed that the export controls will make it more difficult for the U.S. to achieve its objectives at the forthcoming multilateral trade negotiations.

The U.S. has been endeavoring for some time to persuade Japan to phase out its import quotas on agricultural commodities, and the European Community to modify its common agricultural policy—a policy which has had the effect of restricting agricultural imports from this country. Before export controls were imposed on agricultural products, various economists were estimating that elimination of barriers on American agricultural exports in Western Europe and Japan could lead to an expansion of $3 billion to $5 billion annually in these exports.

It has also been pointed out that the export controls will hamper the efforts of the U.S. to nurture good relations abroad.

Henry Kissinger, in his historic speech last April on the Year of Europe, spoke of a new Atlantic Charter establishing a new relationship of harmony and cooperation between the U.S., Canada, Western Europe and Japan.

France's reaction to the controls on soybean exports, according to press reports, has been to call the action "American aggression."

In fairness to the Administration, however, it should be noted that many countries have used export controls as a traditional policy instrument to assure adequate domestic supplies. The European Community does not permit ferrous scrap exports. Canada has placed controls on petroleum exports to the U.S. to guarantee adequate supplies for Canadian consumers. Argentina's export controls on cattle hides, which have caused substantial price increases in the U.S., are part of that country's program of assistance to its developing shoe industry.

The Nixon Administration views its use of export controls as "temporary" and acknowledges that they are "undesirable." But with inflation as a major domestic crisis, there is little question that export controls will continue to be used as often as may be deemed necessary, as one of the few tools available to help solve this national problem.

AN OVERLOOKED LESSON OF WATERGATE

Mr. MOSS. Mr. President, Robert H. Hinckley is one of the best known and most respected citizens of my State of Utah. He is also well known on the national scene. Besides his service in my home State, he also has served as Chairman of the Civil Aeronautics Authority, Assistant Secretary of Commerce for Air, and Director of the Office of Contract Settlement in the Roosevelt administration. He was one of the organizers and served for many years as vice president of the American Broadcasting Co.

In the Washington Post of Thursday, November 1, there appears a letter written by Robert Hinckley concerning the overlooked lesson of Watergate. What he says is of such importance that I think it should be made part of the record, and I therefore ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

An Overlooked Lesson of Watergate

(By Robert Hinckley)

The recent pause in the Watergate hearings provided some time for reflection. In spite of the many thousands of words of spoken and written commentary, there is one major point that has not come to my attention which deserves to be made. Hence this comment.

Whatever else Watergate reveals about the shortcomings of our national character and political system, it discloses the woeful failure of our system of education, and particularly higher education, to teach our young people the necessity for the ethical conduct of politics in a democratic system of government.

We have witnessed the deplorable and pathetic testimony of the loyal, the expeditious, the well-dressed and well-fed, coming from respectable families, and from some of our best colleges and universities. We have heard their weak rationalizations of why they did what they did.

Politicians are already in bad repute. And Watergate will hardly raise their stature in the eyes of the public.

Where our educational institutions, and particularly our institutions of higher learning, have failed, is to teach: First, the place of politics in our system of self-government; second, some rules of ethics in practical politics; and third, the need for every citizen at some stage in his or her life to participate in some form of the political process. This is equally important whether it is ringing doorbells for a candidate, serving part-time on an elective or appointive body, such as a board of education, or working for some unit of the federal, state, or local government.

This is every citizen's responsibility. If we as citizens are unwilling to assume such a responsibility, if we merely sit it out on the sidelines apathetically, then we have no right to criticize what happens in government. The end result will be that we'll get what we deserve.

It should also be noted that in other democracies, Great Britain for one, politics is considered a necessary and honorable profession. Calling someone a "politician" is, in England, not a term of contempt as it is so often here. British politicians are not the whipping boys for what's wrong with society. There they are recognized as worthy of esteem as highly essential harmonizers of conflicting viewpoints. Without politicians, no system of self-government can function adequately.

But here our colleges and universities in both undergraduate and graduate courses devote much time and effort to training our young people for the professions: Law, medicine, engineering, and others; but with a few exceptions, they completely fail in educating the young on the necessity of their participating in practical politics.

That is where we are in default. That is certainly one of the lessons, and a very important one, of Watergate. There is an urgent need to take action so that the successors to the "loyal but unethical," the "teamplayers," will have a better realization of the need for participation in politics and government on a higher moral and ethical plane.

CAPTIVES OF OUR OWN OPINIONS

Mr. DOMENICI. Mr. President, we have heard a great deal, in recent weeks and months, about how our Government is in chaos; of how various individuals are panicked, frantic, or hysterical; of how we are no longer able to govern or administer the law of the land. I have long felt that there has been too much overreacting to events by too many people. I do not, for 1 minute, believe any of those things. But I do believe that the entire Nation could benefit by a little calming down, by a little sober reflection on the entire situation, and by a little more trust in our system and institutions to bear up and perform their assigned functions.

Thus I was delighted to read, a week or so ago, an editorial that appeared in the Portales, N. Mex., News-Tribune entitled "Captives of Our Own Opinions." It was written by Gordon Greaves, one of New Mexico's most distinguished journalists for nearly four decades. Gordon has won, to the best of my knowledge, virtually every journalism award in New Mexico.

My pleasure was derived, however, not because its author was such a distinguished journalist, although he is; and not because of its literary excellence, although it is excellent; and not because it conforms with my own beliefs, although it does. What pleased me was its tone, its quiet, calm, analytical approach and its unhysterical, unpanicked, unfrantic conclusions. It is neither a defense of the President nor an apology for what has happened. It is simply a stern refusal to take leave of one's senses.

Mr. President, I commend this editorial to all of my colleagues in this distinguished body and I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Portales (N. Mex.) News-Tribune, Oct. 28, 1973]

Captives of Our Own Opinion

President Nixon has again gone to the American people to make his position clear.

This time, before assembled members of the news media, he characterized as "frantic, hysterical reporting" much of what has been written or said about him during the past several tumultuous months.

The reaction is now coming in, and some dent used.

What has happened to our highly-touted ability to listen and to discuss public issues?

No one could be expected to remain patient and unruffled under what President

Nixon has endured the past year. But we wonder if he too isn't afflicted with the common human tendency to take a strong position at the outset, then receive through a polarized filter all information that comes, accepting only that which supports that strong position.

Certainly much of the reporting and commentary about Watergate has been neither "frantic" nor "hysterical."

Let us say once again that we are on the President's side still. We concur with him that he has remained an effective national leader during a world crisis in which a miscalculation could have plunged us all into a cataclysm of war. We are not out from under this danger yet but we are breathing easier because of a cease-fire, however touchy it may be. The President is entitled to credit for laying the ground for that cease-fire through the long and painstaking building of bridges of communication to Russia and China.

Whatever the President's limitations and faults, the United States stands today as a mighty bulwark for peace and freedom in face of formidable danger. We have at last recognized that we cannot alone enforce their peace or freedom, but must have a certain understanding, with Russia, who could easily destroy both peace and freedom.

But the President is no superman, and he can be expected to react sometimes out of what must be a mountain of frustrations in his effort to get across to the American people the tedious and complicated choices that he must make.

"The tougher it gets, the cooler I get" is an apt interpretation of the President's responsibility. He must not cave in before pressure and criticism, and must not be steamrollered into a resignation before the threat of impeachment.

And his scathing words to the news media in his press conference seemed to us to be justified, in several instances, after his dismissal of Archibald Cox.

It is apparent now that the Department of Justice as well as the President were "locked in" by their previous statements, and that their freedom to judge and modify their inclinations was impaired.

The President had pledged the full support of the Executive branch to the Watergate investigation, and had pledged not to retreat behind "executive privilege." Similarly, Elliot Richardson had made a solemn commitment to Congress at the time he was being questioned before confirmation, to not let any influence from the White House distract him from his duty.

Archibald Cox, a highly respected law professor, was bound by neither loyalty nor precedent in attacking the task of special prosecutor as avidly as a newly-elected district attorney.

Certainly the President had the right to fire Cox when Cox alone refused to concur in the compromise worked out between the President and the chief Senate Watergate committee members and the Attorney General about the use of the presidential tapes. Although there is a widespread public reaction that in firing Cox, the President is "trying to cover up" and is backtracking on his pledge of full Executive Department cooperation with the prosecution, the President's point is well made that he has the responsibility to maintain executive confidentiality, even to the point of resisting a court order. Far from setting himself up as "beyond the law," the President is well within his responsibilities, even though he may have miscalculated or have misjudged the weight of two mutually antagonistic duties. It is to his credit that he has now agreed to let Judge Sirica hear the tapes.

The President mentioned the outcry about the amount of money spent on his Western White House home at San Clemente. He is correct in declaring that the news media failed to report with equal vigor the fact that the full investigation by an independent agency found there had been no misuse of campaign funds, and that public funds spent on the Western White House were expended under the careful eye of those federal agencies responsible for the President's safety. The Wall Street Journal had pointed out this omission on the part of major news media several weeks ago.

The President made what seemed to us a plausible explanation of the $100,000 cash contribution by that shadowy figure Howard Hughes, to the President's close friend Bebe Rebozo. Although it is strange that Rebozo kept the $100,000 in a safe deposit box for three years, before returning it to Hughes, the President's explanation is credible. Certainly any presidential candidate is going to have some offers of contributions from sources which may be embarrassing.

The tone of President Nixon's press conference was confident. There was reassurance to the world that the Presidency of the United States is not coming apart at the seams because of the Watergate scandal.

We have said before that we find it difficult to understand how so many scandalous acts could have been committed by the Committee to Re-elect the President without the President knowing about it.

The President's explanation—whether accepted or not—is that he withdrew himself from fund raising and other campaign activities, and instructed his supporters that he was not to be told of these matters until after the election. The President felt that this was his best safeguard against being liable to accusations of political favors. It is possible that a President, in a campaign for re-election, cannot escape these accusations, and even actualities.

We acknowledge that the President has yet to explain the more recent charge that the huge national milk cooperatives contributed heavily to his campaign after urging and receiving raises in the support price of milk, and favorable import restrictions.

We make no defense of the sleasy and dishonest acts performed in behalf of President Nixon during the election campaign. These are deplorable, and their exposure by the news media was badly needed. These acts cannot be excused by the most often repeated "every campaign is like this" or that "all politicians are dishonest." Out of these exposures has come a recognition of an urgent need for better election methods. Voter apathy, and disinterest in the sometimes complicated and difficult decisions are a part of the reason for the "frantic, hysterical" reporting.

The effort to make everything simple, when the facts are far from simple, is a part of the national syndrome of our "becoming captives of our own notions." We need to understand that our hastily reached conclusions about politics are often faulty, and that we must become more patient with involved and difficult explanations, and not expect everything to be made clear during the evening 15-minute news broadcast.

For that matter, even at his persuasive best the President rarely can make everything "perfectly clear."

PRODUCTION OF PULPWOOD AND LUMBER BY ALABAMA AND OTHER SOUTHERN STATES

Mr. SPARKMAN. Mr. President, I should like to call attention to the part that Alabama and other southern States play in the production of pulpwood and lumber production generally. A very brief article dealing with this recently was printed in the Birmingham News. I ask unanimous consent that it be printed as a part of my remarks in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

South Produced More Than $1 Billion Worth of Pulpwood

(By Irving Beiman)

For the third consecutive year, the South's forests produced more than $1 billion worth of pulpwood.

The Southern Forest Institute reported the value of pulpwood harvested and brought to the South's 112 pulp and paper mills in 1972 was $1,106,987,000. This represented 44,279,500 cords of pulpwood, which was an increase of six percent over 1971 production, and represented 67 percent of the nation's total pulpwood supply.

During the same year, Southern forests yielded 30 percent of America's plywood output, and 34 percent of its finished lumber production.

It is estimated that by the year 2000, the South's forests will be producing 55 percent of the nation's annual wood needs.

For the 25th straight year, Georgia led the other 11 Southern states in value of pulpwood harvested during 1972—$189,127,500. Alabama was second with $174,795,000, and Mississippi was third with $114,610,000.

A HEARING RECORD ON OIL AND GAS TAX INCENTIVES

Mr. HANSEN. Mr. President, generations of Americans have fallen into the habit of taking ample energy supplies as much for granted as the rising of the morning sun. No matter how high or how rapidly energy demand levels might rise, Americans have always expected the supply to be there. Fuel in lavish quantities for every need has come to be considered a part of our national heritage.

Yet recently we are hearing reports of an impending energy crisis—a shortfall of domestic oil and gas supplies in relation to consumer demand. Thus far the reaction to these reports appears to be a mixture of confusion and apathy. We have a national energy problem. I think everyone agrees on that. But we cannot solve this or any other problem unless we understand it. And there is much about our energy supply difficulties that is not fully understood. In fact, one of the most serious aspects of this problem is the amount of misinformation circulating about it.

That is why I was so much impressed by the quantity of factual data on the energy supply problem, its causes, and its solution, brought out at tax policy hearings held by the Ways and Means Committee on March 19 and 20 and at the committee's hearings on trade policy and the taxation of foreign source income on June 11. This information is particularly pertinent in the light of recent Mideast events.

Mr. President, it is appropriate that the Members of the Senate be aware of this testimony because of the possibility that we may soon be asked to vote on legislative proposals affecting the tax treatment of energy resources. I refer to a variety of tax amendments that may be offered to the debt ceiling legislation. We have not had Senate hearings on these various tax proposals. Hence, this summary of the Ways and Means Committee hearings is offered for the consideration of my colleagues.

Some might tend to discount much of this testimony on the grounds that it must be biased. It is true that the majority of the witnesses were members of the petroleum industry. But I think it would make more sense, under present conditions, to heed the testimony of men who are working experts on energy supply and energy problems. We need not agree with everything they say. Still, we would be foolish, indeed, not to be keenly interested in their observations and opinions. For if we are to get safely out of the present energy predicament, we will have to rely on experts like these to help lead the way.

To encourage a close study of this authoritative testimony, I have put together a selection of excerpts from both the oral and the filed statements. Much important information had to be omitted to keep the size of this digest within bounds, but at least I have tried to select what I consider to be the highlights of these presentations. Greater detail regarding these presentations before the Committee on Ways and Means can be found in the hearing records of testimony before that committee on the subjects of tax revision and trade reform.

For example, claims are made about the Nation's future petroleum outlook being serious—even grim. But what are the facts about this situation? Let me quote the words of Bob R. Dorsey, chairman of the board of directors, Gulf Oil Corp., when he testified before the Ways and Means Committee on March 19:

> Domestic energy production is now growing at a rate of less than two percent per year. As a result, today we are importing petroleum at a rate of six million barrels daily. Unless extensive domestic energy programs are promptly initiated, by 1985 we could be importing 19 million barrels a day of oil—a volume comparable to the entire crude oil production in the Middle East in 1972. Imports at such levels would result in critical balance-of-payments problems. . . .
>
> Equally serious would be the security implications of depending on a limited number of foreign sources for such a high proportion of our energy needs.

Mr. Dorsey touched on the bargaining power of the major foreign producing countries in these thought-provoking and prophetic words:

> And since 1969 it has become apparent that the members of OPEC (Organization of Petroleum Exporting Countries) are prepared to forego immediate oil revenues to enforce long-range economic demands. Only careful negotiations have avoided a serious supply disruption over this issue. Since the currency reserve levels of these countries cover ordinary import expenditure levels ranging from five to fifty or more months, the countries could readily accommodate extensive disruption of oil export revenues.

One question that troubles many who are earnestly trying to understand this problem is: Are we—or are we not—actually running out of domestic oil and gas? Because if we are running out of domestic reserves, then we have no choice but to depend on foreign sources regardless of all the risks and insecurity this entails.

An answer to that question was provided in the oral testimony of H. A. True, Jr., an independent operator of Casper, Wyo., who told the Ways and Means Committee on March 19:

> Geologists estimate that the potential reserves of oil and gas still to be found in this country exceed those that have been discovered to date. But we have skimmed the cream off our petroleum resources. From now on the search will be costlier, the size of discoveries in familiar areas will be smaller, and the hunt will have to press on into hostile environments—like Alaska and the Continental Shelf.

Then, it might be asked, what is the problem? If there is so much oil and gas around, why is it not being searched for, discovered, and put into the pipelines? Mr. True gave the explanation in these words:

> Exploratory drilling is the most critical step in the search for oil and gas. It is subject to considerable risk. Data reported by the American Association of Petroleum Geologists show that only one out of every sixty new-field wildcats finds a significant field (one million barrels or more). Furthermore, even a significant discovery can be a financial loss or only marginally profitable, due to high exploration and development costs.
>
> In the short run, exploratory activity may not come to a stop because of inadequate incentives, but it will definitely decline. Moreover, adequate incentives are required in the long run to attract capital to the exploration activity. In the last sixteen years new-field wildcat drilling fell by 42 percent—from 8,742 wells in the record year 1956 to 5,086 in 1972. Development drilling (measured in terms of wells completed) has fallen by 52 percent since 1956.

Mr. True went on to make this point in his oral presentation:

> In ventures as risky as oil exploration, investors should have a higher rate of return than is expected from most business ventures. Yet, oil and gas fields discovered in recent years appear to promise very low rates of return. A study has been made of recent petroleum exploration ventures in three major producing areas—the Gulf of Mexico, onshore South Louisiana, and the remainder of the continental United States. Estimated discounted cash flow returns on these ventures range from a low of 3.2 percent to a high of 6.6 percent. In all cases, these returns are submarginal.

Congressman BILL ARCHER of Texas asked Mr. True how he had been able to survive as an independent producer in the face of the rising costs and reduced profits described in his testimony. Mr. True replied:

> Basically, to be in the oil business you have to be an optimist, and I am indeed an optimist. I believe as the energy message gets through to the people and as committees such as this hold hearings and deliberations, the lot of the independent producer will be better.
>
> Also, I have been in business long enough to have been living off of and paying my bills with production that I found years ago when costs were lower. I suppose, too, I would have to confess that I have been luckier than most independents. I like to think that I worked harder than most.
>
> But possibly the important question here is not why am I still in business, but could I or a counterpart of mine start today from scratch as I did 25 years ago and do what I have done and remain in business for 25 years?
>
> Under present costs and prices and the present incentive pattern, I would have to say to you, Mr. Archer, "*no*, he could not or I could not."

It is self-evident that nobody invests money in a commercial venture without adequate incentive—the hope of a satisfying return. Some critics of present tax policies seem to feel that tax incentives for petroleum ventures are overgenerous. But if this is true, why has drilling declined? Why do we have a shortage of petroleum? Let me quote another independent oil producer on this subject—Tom B. Medders, Jr., who testified on March 19 in his capacity as president of the Independent Petroleum Association of America. Mr. Medders called for:

> An increase in percentage depletion for domestic oil and gas production to more nearly reflect the market value of recoverable reserves in the ground. The present maximum depletion rate of 22 percent, if applied to the average crude oil price of $3.40 per barrel, provides only 75 cents per barrel to replace reserves being produced. This provision of 75 cents per barrel is approximately half of today's market value of crude oil reserves in the ground. To fully reflect market value, therefore, the depletion rate would have to be doubled. This demonstrates the gross inadequacy of the current rate and the need for a meaningful increase.

On March 20, Ronald S. Tucker, an attorney from Newport Beach, Calif., told the Ways and Means Committee:

> In other words, the success of any oil venture can only be measured by the reserves discovered and, by the nature of the industry, there is no way to predict the results to be realized, based upon the investment made. Therefore, there is no similarity between the investment process involved with the oil industry and other non-extractive businesses. The manufacturer of shoes, for a given cost, can build a plant of predictable size and capacity, and with good planning he can create an economic value for his business which has a close relationship to his investment, but not in the oil industry.
>
> To believe that the oil business is not a high risk business is to fail to understand what risk is, and to think and express the opinion that the expected return for an investment in oil or gas should not be greater than more secure investments is naive and clearly indicates such a person has never been an investor.

The history of the Federal income tax shows that Congress was alert from the beginning to the distinctive problems of petroleum and other mineral producers. Robert G. Dunlop, chairman of the board of directors of Sun Oil Co., gave this historical background when he testified before the Ways and Means Committee on March 19:

> Since the inception of the Federal income tax in 1913, the law has contained provisions to encourage the discovery and development of petroleum supplies. Until 1926, depletion was based on the value of the mineral at the time of discovery. This method proved difficult to administer because of disagreements about values of minerals in the ground, and in 1926 percentage depletion was adopted as a substitute to simplify the administrative problems. The depletion rate for oil and gas was set at 27½ percent of the value of the oil and gas at the time of production. This rate was designed to yield deductions comparable to, but somewhat lower than, deductions under the discovery value provisions. The rate for oil and gas remained unchanged until it was reduced to 22 percent by the Tax Reform Act of 1969.
>
> A rate of 22 percent is inadequate to recover and maintain the stock of national capital represented by discovered and developed petroleum deposits as those deposits are produced. Further . . . the industry's effect depletion rate, after the 1969 Act, is

> not 22 percent but approximately 18 percent.

Mr. Dunlop explained that this deeper cut in the effective rate of percentage depletion, down to approximately 18 percent, came about primarily because this tax provision was one of the items made subject to the tax on tax preferences. He said that the 1969 tax legislation increased petroleum industry taxes "by about $500 million per year by reducing percentage depletion to 22 percent and subjecting it to the preference tax."

This witness also stressed the importance of preserving the right to expense intangible drilling costs—IDC—in its present form as a means of encouraging the search for oil and gas. He gave a detailed analysis of the basic fallacy of proposals to require that producers "earn" depletion deductions by plowing back the funds into new projects. Anyone who thinks the "plowback" proposal could make a positive contribution to alleviating the energy supply problem should read the section on this topic in the statement that Mr. Dunlop presented. He gave clear and cogent reasons why a plowback rule would hinder, rather than help, in attaining the required level of petroleum investment. In this connection, he pointed out that the petroleum industry already spends annually on oil and gas exploration and development an amount equal to twice its total percentage depletion deduction.

The full text of this part of Mr. Dunlop's statement must be read for an understanding of the defects in the plowback plan. However, these two sentences from his oral testimony sum up the effect of such a requirement from the investor's viewpoint:

> Plowing back should have nothing to do with earning the present statutory percentage depletion deduction. In effect, a plowback proposal applied to existing properties would be a repeal of percentage depletion, coupled with the prospect of getting some or all of the deduction back if the investor is willing to enter into new projects.

This approach is hardly consistent with the national need to make petroleum exploration and development more attractive to investors. Here is what Mr. Dunlop had to say about that need:

> Tremendous amounts of capital—more than $100 billion during the 1970's—will be required to find and develop the new petroleum reserves required to halt this country's slide toward dangerously heavy dependence on foreign oil. And the present depletion rate of 22 percent—which existing limitations reduce to an effective rate of about 18 percent—is simply too low to play its essential role in helping to make that capital available.

His testimony concluded with this recommendation:

> What set of tax rules will best contribute to giving the country the secure energy supplies it needs? Certainly, tax incentives alone will not do the job, for an effective national energy policy encompasses many elements. But I am convinced that supportive tax policies are not of the essential elements. The energy job cannot be done without new capital investment on an unprecedented scale. And proven incentives such as percentage depletion and the IDC deduction have demonstrated their ability to attract capital and spur the desired activity without resulting in above-average profits for the oil industry.
>
> It is not too late to turn aside from the action taken in 1969. Restoration of percentage depletion to 27½ percent and removing it from the list of items singled out for the 10 percent preference tax would be a clear signal to the public that the Congress is determined to do its part in meeting the country's energy needs.

Testifying on March 19, William I. Spencer, president of the First National City Bank, New York, discussed the financial situation of the petroleum industry as it relates to the energy supply problem. Mr. Spencer commented:

> Analyzing the financial results of a large group of United States oil companies, we find that their reliance on external funds rose from 14 percent of their capital outlays at the beginning of the Sixties to 23 percent at the beginning of the Seventies. The energy industries cannot, however, continue indefinitely to increase their reliance on external funds. In order to lessen equity dilution, most of the companies have been borrowing heavily, both through long-term debt issues and through bank financing. Particularly in the tight money markets of recent years, this is proving an expensive expedient. Moreover, bond buyers and equity underwriters begin to look askance at a company that makes too many trips to the public fountain. Their disapproval is most marked where the outlays are especially large and the risks especially high.
>
> In the long run, internal financing must bear a large share of the expansion needs of the petroleum industry. But this will be feasible only if there is an improvement in total earnings and rates of return. We find that experience of the Sixties gives little ground for rejoicing in the Seventies.

Newspaper readers and television viewers frequently hear about the alleged fantastic profits of the petroleum industry. But Mr. Spencer, a banker concerned with facts and not with captivating an audience, discussed this same subject at the hearing in these words:

> It is true that Citibank's analysis of approximately 100 oil companies saw their rate of return go up from 10.2 percent in 1960 to almost 13 percent in the later Sixties. But the rate has since declined to an estimated 10.9 percent last year. The rate earned by electric and gas utilities appears to have settled at 11 percent. It can be seen that, in 9 of the last 13 years, petroleum company earnings lagged behind business as a whole.
>
> Last year's performance was particularly disappointing. At a time when the energy shortage was causing threats and occasional cut-offs in essential fuel supplies, petroleum profitability declined by 0.3 percentage points, in contrast with an increase of 1.3 percentage points in the profitability of manufacturing as a whole.

One of the most disturbing aspects of the energy supply situation is the potential it holds for aggravating the balance-of-payments problem. I have already quoted a reference to this matter by Mr. Dorsey. Mr. Spencer gave his view of the outlook in these words:

> In its starkest form, the balance-of-payments problem can be summed up by the statement that, unless we do something decisive about it, our delivered oil import bill will increase to perhaps $20 billion by 1980. A $12 billion increase from 1973 to 1980 would equal our total 1972 deficit (on current account and long-term capital).
>
> I submit that this represents such a sharp change in our trading position that it will necessitate a drastic reappraisal of our entire international payments prospect, as well as of our energy production outlook."

Right at this point, it is important to get our bearings. There are indications by a belief in some quarters that an easy way to encourage domestic petroleum development would be the adoption of policies deliberately designed to discourage investment in foreign oil production. This is a mistake. Let me quote from the March 19 testimony of Emilio G. Collado, a director and executive vice president of the Exxon Corp.:

> Making foreign operations by U.S. companies more difficult would not, itself, mean that the companies would increase domestic exploration. Domestic exploration rises when—and only when—domestic economic incentives improve. That improvement cannot be achieved by raising taxes on foreign exploration.

Mr. Collado gave this explanation, which suggests some of the complexities that must be taken into account in dealing with the energy problem:

> U.S. taxation of foreign-source income of American petroleum companies must be evaluated in the light of the importance of their activities to the national interest of the United States. As has been indicated in earlier testimony, the United States will require large volumes of petroleum imports during the next 10 to 15 years and thereafter, even if efforts to increase domestic production of oil and gas are substantially successful. In addition to domestic economic requirements, foreign-source oil is of significant strategic importance.

This witness then brought out the following points that deserve recognition in any consideration of energy policies for the United States:

> The participation of U.S. companies in the world oil industry has decided positive implications for the U.S. balance of payments. In 1971, income remitted from U.S. petroleum investments abroad was almost half of total remittance by all United States foreign investors. Remitted earnings exceeded new outlays by about $1.5 billion. In addition, U.S. foreign petroleum investments result in receipts of fees and royalties and in substantial U.S. exports for use in U.S.-owned facilities abroad.
>
> U.S. taxation of foreign-source petroleum income must not be amended to leave U.S.-owned companies at a competitive disadvantage relative to foreign-owned petroleum companies. Companies owned by producing country governments have an obvious advantage in access to supplies, while companies owned by the governments or private citizens of the principal consuming countries of Europe and Japan generally receive special tax and non-tax incentives for foreign oil exploration ventures. The combined incentives provided by other major countries are generally at least as valuable as the tax treatment provided by the United States. Many foreign competitors of U.S. oil companies have unique advantages, e.g., direct or indirect government financing in whole or part by France, Italy, Japan, the United Kingdom, and West Germany. U.S. tax policy should not impose competitive constraints on American companies by adversely changing U.S. tax treatment of foreign petroleum operations.
>
> The primary tax requirement for continued competitiveness of U.S. oil operations abroad is that the United States continue its traditional policy of avoiding double taxation of foreign-source income by allowing a credit for foreign income taxes paid.

Mr. Collado elaborated on this subject when he testified at the hearing on trade policy and taxation of foreign-source income on June 11. On that occasion he said:

> Putting our growing energy import requirements in perspective, my company has forecast that the U.S. energy import bill (virtually all petroleum) by 1976 will be more than triple last year's $5 billion level. By 1980, we expect annual U.S. energy imports to be roughly in the $25 billion range. Of course, I should caution that the underlying price and volume projections are highly tentative, reflecting, among other things, the uncertain extent to which U.S. demands can be met from domestic energy sources. In addition, there will be some related balance-of-payments offsets to these imports, in the form of U.S. oil company profit remittances, energy exports (primarily coal), shipping earnings, and the like. However, the bulk of energy imports will need to be paid for by other means—such as greater exports of U.S. goods and services, increased income from U.S. investments abroad, and increased foreign investment inflows into the United States. We have made projections of such sources of balance-of-payments receipts with respect to the OPEC oil-producing countries only (although we recognize that OPEC expenditures in third countries will, to some extent, indirectly result in greater U.S. exports and increased investment inflows). That is, based on reasonable assumptions with respect to oil revenues, the size of government economic development budgets, import propensities, and investment preferences of the OPEC governments, we have made rough calculations of future U.S. exports of goods and services to the OPEC countries and their long-term investments in the United States. Of course, we emphasize that such projections are highly conjectural. They are based on historical trade and investment patterns which, on the trade side at least, should be altered in our favor as a result of recent international currency realignments. I should note also that, within the general projections, there are vast differences among the OPEC countries with respect to their ability to absorb investment capital into economic development plans and in the amount of surplus capital funds which would be available for long-term investments abroad.
>
> My company's rough calculations suggest that, after taking into account the projected trade and investment flows with the OPEC countries only, we will have a net "energy deficit" in our balance of payments in the $5–8 billion range by 1980. This compares to a small net surplus of $0.5 billion last year. The prospect of this potential source of balance-of-payments pressure underscores the need for the United States to improve its economic performance vis-a-vis Western Europe and Japan in the areas of prices and productivity. In this way, our overall international trade performance (apart from energy) could be expected to improve, particularly if barriers to our exports are reduced. However, these substantial energy import costs also suggest the need to encourage other major sources of receipts in our balance of payments—such as income from foreign direct investments.
>
> After U.S. merchandise exports, the income remitted from U.S. direct investments abroad is the largest single item in U.S. current receipts in our Nation's balance of payments.

Testifying at this same June 11 hearing, John E. Swearingen, chairman of the board of directors, Standard Oil Co., (Indiana), made this observation on the global outlook:

> While any such forecasts are admittedly hazardous, the best estimates of the National Petroleum Council indicate that the new reserves that may be discovered throughout the non-Communist world between 1972 and 1985 could total another 450 billion barrels. This could be an optimistic estimate. To maintain such a discovery rate would mean the discovery of new oil reserves roughly equal to the present total reserve inventory in the entire United States during each year through 1985.
>
> Even if such a discovery rate could be maintained, we would still arrive at 1985 with a sharply reduced reserve inventory in relation to consumption. The non-Communist world ratio of reserves to annual production in 1972 was 36, meaning that we had a 36 year proved supply at 1972 demand levels. Yet, by 1985, even if the 450 billion barrels of new reserves are indeed found, the ratio of reserves to production in 1985 would drop to only 17, and many observers think that 17 is unrealistically high. With demand continuing to rise, such a margin would be inadequate in any case.
>
> This is not a very rosy forecast, and it emphasizes the critical importance of increasing the investment incentives necessary to bring forth new oil reserves on the scale needed. It is particularly important that no actions are taken which will impair the ability of U.S. companies to compete on equal terms overseas in the race to gain a share of the new foreign reserves needed to meet demand here at home.

In his March 19 testimony, Mr. Collado cleared up a point that has been the source of much misunderstanding, namely, the difference between the foreign income tax and royalty payments of oil companies operating overseas. The witness said:

> A foreign government deals with the oil industry in two capacities: (1) as the owner of natural resources in place; and (2) as a sovereign taxing power. The foreign government collects a royalty as the owner of the natural resources; and it levies an income tax on the profits in its capacity as the taxing sovereign. A U.S. tax deduction is allowed for the royalty; and a U.S. tax credit is allowed for the income tax. A tax credit is *not* allowed for oil royalties paid to foreign governments.
>
> This system of payments parallels payments to the U.S. government on its own oil lands. It collects a royalty as the landowner and levies an income tax on the profits as the taxing sovereign. There is no reason to treat payments to foreign governments differently.

In his June 11 testimony, Mr. Callado brought out these further points about the foreign tax credit:

> Proposals which would drastically change U.S. tax policy by eliminating the foreign tax credit altogether would quickly shut off the flow of American investment abroad. By only allowing foreign income taxes to be deducted from foreign-source income subject to U.S. taxes (instead of providing for a credit against U.S. tax liability), foreign income would effectively bear the burden of two taxes, the U.S. and the foreign tax. This would not only make potential new investments unattractive, but also the burden of two taxes on existing investments would be too great for U.S. companies to remain viable competitors with foreign companies. Thus, they would be forced to withdraw from foreign operations, and foreign companies would take their places.

The criticism of tax incentives applicable to oil and gas discoveries receives much of its impetus from claims that the petroleum industry does not pay its fair share of taxes. Here again the facts are at great variance with the accusation. Let me quote from Mr. True's oral testimony:

> It's a fact that the petroleum industry's Federal income tax bill is, proportionately, below the average. But a tax dollar is a tax dollar wherever it is paid. And when the total domestic tax bill is considered—Federal, State, and local, the petroleum industry actually bears a greater burden—in relation to gross revenue—than the average for all business corporations even if excise taxes on petroleum products are not included.

Mr. Tucker's testimony contained this statement on the same subject—I quote:

> The critics of the petroleum industry, by excluding all taxes, as if they did not exist, have the Federal income tax, claim that the oil industry is not paying its fair share of taxes. The state severance, production, and property taxes, and excise taxes are discarded as of no consequence, because they, the critics, are establishing their own rules for playing the game, and laying their own groundwork to manipulate the truth of their statement.

Mr. Swearingen also had some observations about the extreme positions taken by the petroleum industry's opponents and critics when he testified on June 11. He said:

> Over five years after the discovery of huge oil and gas reserves on the Alaskan North Slope, approval of a pipeline to bring these badly needed supplies to market has still not been given, but we are sharply increasing our imports of oil from overseas. Regulated gas prices, set artificially low to keep consumer prices down, have succeeded in discouraging the search for new gas as well as the development of more expensive synthetic substitutes. Simultaneously, proposals to import liquefied natural gas from overseas at prices up to four or five times that of domestic gas have been given Federal blessing.
>
> Many citizens and their political representatives continue to demand low cost energy, while steadfastly opposing offshore drilling, deepwater tanker ports, or new refining facilities in their area. The multiple impacts of environmental concerns on energy supply and demand have already been noted. Delays in opening Federal acreage to petroleum exploration through accelerated lease sales to private bidders willing to pay the government tremendous sums for exploratory rights are accompanied by Congressional proposals to set up a rival government-run and tax-financed oil and gas TVA. With our trade balances already in serious deficit, attempts are still being made to enact restrictive legislation hampering the freedom of U.S. firms to compete abroad.
>
> This list does not begin to cover all the contradictions inherent in the dangerously haphazard approach we have taken to the energy situation. It is enough, however, to suggest that there is an urgent need to bring some order out of all this chaos, and there are encouraging signs that the government is finally about to come to grips with the problem.

Besides bringing out facts and policy questions that are essential to an understanding of today's energy supply problems and the future outlook, the testimony at these hearings included a number of positive recommendations. I was particularly impressed with, and would like to wind up by quoting, the following points from the conclusion of Mr. Dorsey's statement on March 19:

> The Nation *can* still largely control its own destiny. Whether we do depends in substantial measure on the decisions you make.

If we continue on a path of indecisiveness, with ever-changing tax and regulatory practices, it is almost certain that our imports will rise to unacceptable levels and we will be forced to allocate energy supplies. But, if the government takes positive steps to create a consistent and constructive energy policy, then we can hope to increase our available indigenous energy supply, diversify our overseas resources, and remain strong and secure.

These steps include:

1. Provide a stable tax regime, including the incentives necessary to develop each aspect of the 1985 domestic energy supply;
2. Continue those tax provisions which support the exploration for and production of foreign petroleum resources, so that availability of imports from diverse areas is insured;
3. Establish the economic climate needed to attract the huge investments required. This will involve free market prices for all basic fuels, including orderly deregulation of current gas prices;
4. Develop leasing policies which will make the attractive Federal lands available for exploration and for development of energy resources;
5. Adopt procedures for promptly resolving questions relating to the siting of energy facilities;
6. Expand the energy research effort; and
7. Provide programs to encourage more efficient energy use.

Mr. President, clearly the thoughtful testimony to which I have referred in these brief remarks requires the careful consideration of every Government official who has responsibility for dealing with our Nation's energy problems.

WEATHER SATELLITES

Mr. MOSS. Mr. President, in recent days, disturbing information has come to my attention from what the press might call "usually reliable sources outside the government." This information relates to matters of such critical long-term national importance that I feel it should be brought to the attention of the Senate and the public.

In bringing these matters to the attention of my colleagues, I should say that I would normally hesitate to voice my concerns on general information rather than confirmed facts. But as every Senator knows, we are in the midst of that annual ceremony known to Washingtonians as "budget season," when the executive branch agencies are working through their proposed budgets for the coming fiscal year with the Office of Management and Budget. Congress is excluded from these deliberations by design, and, therefore, everyone in Washington knows what Congress is going to be called upon to do except the Congress. Thus, congressional inquiries about future agency plans during the fall of each year are met with blank stares or noncommittal grunts in most instances.

I am told that there is under serious consideration for possibly early decision in the executive branch a proposal that all U.S. weather satellites be operated by the Department of Defense. At first blush, this might not seem to be so significant a decision, but I believe that serious reflection will show that three major policies are at stake in such a decision:

First. The policy, carefully laid down 15 years ago and painstakingly followed since, that the peaceful activities in space be conducted by civilian agencies of the U.S. Government. This policy is the touchstone of the National Aeronautics and Space Act of 1958.

Second. The policy, long espoused and now bearing real fruit, that international cooperation in space science and applications be fostered to the maximum extent feasible. On such a policy depend such international endeavors as the Global Atmospheric Research Program and activities of the World Meteorological Organization.

Third. The policy, especially crucial today, that our necessarily large defense budget and limited defense manpower not be burdened with operations principally serving civil needs.

And lest some think that only one limited family of satellites is involved in such a decision, I would add that all Earth observation programs are potentially of interest to, and could conceivably become the province of, the Department of Defense.

Weather satellites were the first tangible and direct benefit of our space program. Data from these satellites have now become a routine and critical part of weather prediction and storm warnings in this country. These satellites are operated by the National Oceanic and Atmospheric Administration—NOAA—an agency of the Department of Commerce. NOAA buys the satellites and launch services from the National Aeronautics and Space Administration. NASA and NOAA conduct cooperative research programs on improved weather satellites. These highly productive activities have led to a rapid succession of new generations of weather satellites and to such features as automatic picture transmission, making cloud cover photography available throughout the world at minimum cost.

Some time ago, the Department of Defense determined that a need existed for defense meteorological satellites and an appropriate system for those purposes was put into place.

Certainly if there is any unnecessary duplication or overlap between the civilian and military systems, it should be promptly eliminated, and certainly no one would object to careful reviews by the executive branch and by the appropriate congressional committees to determine if there is room for savings.

If such reviews should show that only one system is indeed necessary, then I believe a careful and considered policy position should be arrived at as to whether that system should be primarily civilian or primarily military in character and operation. Congress should have a voice in the formulation of that policy beforehand, not after the fact. At the very minimum, the chairmen and ranking minority members of the concerned committees should be consulted.

I hope that as "budget season" progresses, precipitious decisions of the kind that I understand may be in the offing for weather satellites, will not be made.

THE OIL WEAPON

Mr. FANNIN. Mr. President, there are many of us in the Senate who for a long time have opposed the Government's price control policies on crude oil supplies, and advocate instead prices based on a free market mechanism. For the sake of conservation and the encouragement of exploration and production, petroleum prices must be allowed to rise as the costs of exploration and production have already done. I think the following article from the Wall Street Journal of October 19, 1973, is a very good commentary on the present oil situation with particular respect for the Arab embargoes. I insert these comments for the interest of my colleagues, hoping we shall soon see a wiser oil policy implemented by the Federal Government. At this point, Mr. President, I ask unanimous consent that the article entitled "The Oil Weapon" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE OIL WEAPON

The "oil weapon" trotted out of the Arab petroleum ministers' conference at Kuwait isn't exactly the most devastating threat in the history of economic warfare. The squeeze will take place in monthly installments, each step cutting back production or exports—it isn't yet clear which—by about 5 percent. This not only will give the West time to adjust but will give the Arabs time to reflect on whether the whole exercise is worth the trouble.

Arab lands supply only 10 percent of U.S. oil consumption, by maximum estimates including both direct and indirect shipments. A Cabinet study of oil imports in 1970 calculated that through "tolerable" gasoline rationing alone we could absorb a cutback of 10 percent of consumption without serious economic disruption. The tentative nature of the Arab cutbacks, of course, means they will fall far short of totally cutting off this oil. One White House aide estimates the initial impact will amount to one-half of a percent of consumption, in itself a scarcely noticeable amount.

That does not mean there will be no shortages of oil products this winter, because the government's price control policies have already created more in the way of American shortages than any Arab conclave could dream of. By holding down domestic prices in the face of the rising world price of crude oil, the Cost of Living Council has not only encouraged uneconomic consumption but kept wholesale buyers of foreign products from competing effectively. Thus, as winter approaches, fuel terminal operators on the East Coast have their storage tanks only two-fifths full, before the least impact from an Arab boycott. The chief result of the Kuwait meeting will be to give Washington a scapegoat for shortages it has created itself.

The cautious approach taken in the Arab cutbacks suggests that they have more doubts about the usefulness of the oil weapons than many worriers in the West have allowed. Since they supply so small a percentage of U.S. needs, they cannot design a boycott that would hurt the U.S. without also hurting Europe and Japan, who have already made diplomatic adjustments toward the Arab line on Israel. The far greater dependence of the Europeans and Japanese on Arab oil means that they will be hurt worse than the U.S. If the cutbacks do mount month after month. This will be splendid testimony to the gains to be made by capitulating to the Arab foreign-policy demands.

A selective embargo against the U.S. will be very hard to make stick, especially considering the small quantities involved. Attempts to single out the United States will inevitably be frustrated as long as oil exports are moved in a free market by middle men. The market cushions selective embargoes by switching customers and suppliers, and it rations overall shortages by the price mechanism.

If supplies are scarce, prices rise, but the highest bidder still gets what he wants. The U.S., which has consistently paid well over world prices for domestic oil, could easily dominate this market if it set out to and the Cost of Living Council allowed the prices to be passed on to consumers. A deliberate policy of trying to outbid the world would be ill-advised, of course, but the U.S. will not suffer any disaster if markets are allowed to take their normal course.

Whether or not the oil weapon has a large impact, it clearly is time to take fuel conservation measures both in the short run and the long run. For this winter, coal-burning utilities that have switched to oil because of clean-air rules could be allowed to switch back to coal. For the longer run, perhaps national policies can do something to promote more efficient transportation, better insulation and the like, though it's hard to do such things through edicts from Washington.

The way Washington can promote such efficiencies, and the most important conservation measure of all, is to let prices of petroleum products find their own levels. You will be amazed at the increase in insulation sales if the price of fuel oil doubles. Higher prices, too, will encourage production and allow importers to compete in world markets in ways that will undermine a selective boycott.

The best defense against the oil weapon, and the cure for the even more serious shortages caused in Washington rather than Kuwait, is to stop daydreaming about holding down prices without suffering shortages, and turn the oil problem over to the efficiencies of a free market.

PRIVACY THREAT—COMPUTER LAWS ARE NEEDED

Mr. ERVIN. Mr. President, on Friday, October 5, an editorial appeared in the Charlotte Observer regarding the threat of computerized technology on individual freedom. The editorial stresses the need for laws to protect the individual's right to privacy, referring in particular, to the NCIC—National Crime Information Center—a computerized information system operated by the Department of Justice. The purpose of the NCIC is to collect criminal history information and to disseminate the information to participating State systems. Though the idea behind the NCIC is a good one, it is not infallible and is open to misuse. To my mind statutory safeguards are a necessity in order to insure the effectiveness of such a system. The State of Massachusetts has refused to join the NCIC because of its lack of safeguards to protect the rights of the individual. I believe other States should examine closely the system and its possible effects on its citizens. At this time, I ask unanimous consent to have this editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Privacy Threat—Computer Laws Are Needed

(Note.—The great danger is that we could become 'information-bound' because each step in the development of an information tyranny appeared to be constructive and useful . . . 1984 could come to pass unnoted as we plot our technological achievements.—Jerome Wiesner, President, Massachusetts Institute of Technology.)

Nothing illustrates Dr. Wiesner's concern about burgeoning technology and its threat to the rights of individuals better than the virtually unregulated growth of the National Crime Information Center.

The NCIC idea is a good one—to make law enforcement more proficient by enabling states to quickly share information about crime and criminals through a computerized network. But it can do great harm unless there are adequate safeguards to keep the names of innocent people out of the system, to insure that information in it is correct and to see that it is used properly.

In most states—including North Carolina—these adequate statutory safeguards are lacking. Since the NCIC is primarily a clearinghouse, few safeguards exist at the national level.

Now Massachusetts has refused to join the NCIC network because of this lack of protection; its governor, Francis W. Sargent, has filed suit to force the NCIC to set up safeguards at least as strong as those enacted by the Massachusetts Legislature.

When Massachusetts set up its statewide criminal data bank, its legislature insured the rights and privacy of the citizens by writing three safeguards into a law that could be a model for other states.

First, it restricted what goes into the computer; the only names reported are those of persons convicted of major crimes. Persons merely arrested, or those convicted of minor crimes, are not reported.

Second, it restricted use of the information to law enforcement organizations and other agencies specifically authorized by Congress or the state legislature.

Third, it guaranteed each citizen the opportunity to protect himself against incorrect information by permitting him to examine his file and have incorrect information removed or misleading information clarified.

After establishing those safeguards, Massachusetts balked at joining a network that provided less protection. "We don't allow credit agencies to use our system," said an aide to Gov. Sargent. "Apparently other states do. We have means of insuring that our information is current and correct, but we have no assurance that other states will keep it that way. We want to retain control over our information and protect our citizens."

Two federal agencies reacted with chagrin and applied pressure. The Small Business Administration, which had been checking police files on applicants for loans, threatened to hold up $30 million in loans. The Defense Information Service had been using the files to check applicants for civilian government jobs; it froze 2,400 applications in Massachusetts. Both agencies filed suit to compel Massachusetts to open its files to them. Gov. Sargent refused.

This week the Justice Department abandoned the suit. Massachusetts had won. In an earlier response, Attorney General Elliot Richardson assured Gov. Sargent that the Justice Department would ask Congress to enact safeguards similar to those of Massachusetts. That is a welcome assurance, and we hope Congress will listen.

When most states were plugging into the system without regard to the consequences, Gov. Sargent wisely held back. While the other states were rushing toward 1984, Massachusetts stood up for 1776.

IN PLACE OF EUPHORIA

Mr. BROCK. Mr. President, it has become very evident to most observers that the Soviet Union considers détente as a one-way street. They simply work détente to their own advantage, leaving nothing to truth and humanity. Recently, Harry Schwartz, a member of the editorial board of the New York Times, took Soviet-American relations a step further, to the economic arena. His point is simple; at some point we have to draw a line, even on business, on what type of trade is mutually advantageous, and what is again the Soviet favorite one-way street. I ask unanimous consent that Mr. Schwartz' article be printed in the Record, and certainly his point must be pondered.

There being no objection, the article was ordered to be printed in the Record, as follows:

In Place of Euphoria

(By Harry Schwartz)

San Francisco.—A useful by-product of the recent sharp deterioration in Soviet-American relations would be another hard look at the developing pattern of Moscow-Washington economic relations. The high costs of last year's massive grain sale to the Soviet Union are felt daily by every housewife who goes shopping. There could be even higher costs in the long run from today's lemming-like anxiety of some American businessmen to make massive transfers of United States technology and capital to the Soviet Union.

Many Americans, for example, must have felt uneasy when they learned of the recent agreement between Control Data Corporation and the Soviet Government. That accord calls for cooperation in the joint development of advanced computer technology. If its implementation is to mean anything at all, this agreement will transfer to the Soviet Union a knowledge of computer techniques that it does not now possess. But will that be in this country's interest?

One reason for disquiet is the technical virtuosity of some of the Soviet weapons which have been in the spotlight the past few weeks. The SAM–6 surface to air missile, for example, changed Western preconceptions about how the struggle in the Middle East would go by its extraordinary effectiveness—an effectiveness which for a time denied Israel air supremacy in the Suez Canal zone. This country has no comparable weapon, nor does the United States Air Force now have any reliable means to counter this missile should American planes have to fight in a war with a country having SAM–6 mobile missile launchers. Impressive too is the new Soviet antitank missile, a weapon directed by infrared rays, and the three-ton Frog 7, the Soviet missile that sent 1,100-pound warheads crashing down on villages in the central Galilee.

The impression is inevitable that the Soviet Union has concentrated its substantial resources of scientific and technological talent overwhelmingly on military needs—including the military-related space program—while neglecting civilian technology. What Moscow seems to be asking now is that the United States play a major role in repairing the backwardness caused by this concentration, particularly, but not exclusively, in the computor field.

The Middle East war has shown what severe limitations there are on the Soviet concept of détente. It was not until Israel had changed the whole military perspective of the struggle by moving substantial forces across the Suez Canal that Moscow suddenly became interested in a cease-fire. It seems a fair guess that if Egypt and Syria had continued to enjoy the military upperhand which their surprise initial attack gave them, Moscow would still be uninterested in any cease-fire proposals.

In these circumstances, is it not wise to take another hard look at how much and what kind of technological assistance this country is ready to give the Soviet Union? And in taking that second look, account ought to be taken too of the recent dismaying reports about the "spectacular" rise in Soviet tank strength in Central Europe as well as the 50 per cent increase reported in Soviet tactical air power in that area.

Similar consideration is due the gigantic Siberian natural gas deals that Moscow is seeking to conclude with some American companies. The energy crisis is real enough, but is dependence upon Soviet oil or gas the way out of the nation's problems?

A negative answer seems indicated. This is particularly true at this time when the Arab nations have put an oil and natural gas embargo on the United States. That move ought to teach the United States that political use of economic levers is likely to be a major and increasing feature of the world scene from now on. The Arabs want to punish this country for its support of Israel. The motives for a possible future Soviet cut-off of energy shipments to this country could arise from any of the numerous areas of potential confrontation between Washington and Moscow. More than ever, therefore, the question now arises why the United States should put this potential energy weapon in Moscow's hands, and pay billions of dollars in capital investments for the privilege of doing so. President Nixon's recent suggestion that this country become self-sufficient in energy seems to point toward a much wiser geographic focus of future American energy investment.

The Nixon Administration must shoulder much of the responsibility for encouraging excessive euphoria in the business community about the political and economic prospects for Soviet-American trade. The Middle East crisis and then the frightening Soviet-American confrontation last Thursday should help put sober calculation in place of euphoria. By all means let us trade with the Soviet Union, but American Government and business executives must study the question of what trade is really mutually advantageous as carefully as that issue is studied by their sophisticated negotiating partners in Moscow.

THE TUSSOCK MOTH

Mr. CHURCH. Mr. President, the Tussock moth, which has caused severe damage to the timberlands in Oregon and Washington, has also invaded more than 125,000 acres of timber in northern Idaho. Thus far, the only proven, effective control of this insect is DDT. The general use of DDT was banned by the Environmental Protection Agency in December 1972. Earlier this year the EPA denied applications by the U.S. Department of Agriculture and the States of Oregon and Washington to use DDT on Douglas firs in the Blue Mountains of the two States.

Part of the reason for the EPA denial was because the past history of the Tussock moth indicated that a major buildup and outbreak of the insect occurs over a period of years, the outbreak usually lasting 3 years, then collapsing. The third year of the current outbreak in Washington and Oregon was 1973, the year in which normally the infestation would collapse. However, the EPA has now admitted that the collapse did not occur. It appears that the naturally occurring virus which, in the past, has been a major cause for killing off the moths did not materialize in sufficient proportions to cause a major elimination of the insect. Furthermore, the infestation in Idaho has not yet reached its third year. Judging from past history of the insect, Idaho forests may be plagued by the Tussock moth for several more years unless a control agent is used.

We are also told that no alternative controls are ready for registration or wide-spread use against the Tussock moth in 1974. The Forest Service intends to further test the effectiveness of various control agents, but nothing except DDT presently exists to control the moth. A letter from the EPA confirms this point and I ask unanimous consent that the letter be printed at the end of my comments.

An editorial by Alice Moore in the Lewiston Tribune calls for the use of effective methods of control before it is too late. I have expressed that same sentiment in various communications with Russell Train, Administrator of the EPA. The Lewiston Tribune is a staunch supporter of conservation measures which will preserve the beauty of our State and protect its wildlife. The Tribune's timely comments calling for the use of DDT in controlling the Tussock moth should be considered by everyone who must weigh the difficult alternatives of containing the use of a long-lasting insecticide versus saving thousands of acres of Idaho timber. I ask unanimous consent that the Lewiston Tribune editorial appear at this point in the RECORD.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., November 5, 1973.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: This is in response to your telegram of October 5, 1973, regarding the tussock moth infestation in the Northwest.

Since you are familiar with the reasons we did not feel use of DDT was appropriate for control in 1973, I will not reiterate these points at this time. However, as you will remember, our decision to deny all requests for DDT use was partly based on the fact that the Forest Service believed that the incidence of a naturally occurring virus would bring about a population collapse by the end of the summer. Because the virus did not take the toll expected, we are evaluating the situation as it now stands and the implications regarding the necessity of future control measures. As you know, we sent representatives from our Office of Pesticide Programs in Washington and our Regional Office in Seattle to meet in Portland, Oregon, the week of September 17 with representatives of the U.S. Forest Service and the States of Oregon and Washington to receive all the latest information on the infestation. From this information, we intend to evaluate the amount and severity of defoliation, the effectiveness of various control measures, new egg mass count data, and other population trends which may indicate the necessity for and means of controlling the tussock moth in 1974.

Our primary findings thus far are:

1. The Forest Service indicates that there are approximately 560,000 acres in Oregon and Washington and 125,000 acres in Idaho which are primarily affected by the tussock moth at this time.

2. Most of the accessible timber killed during 1972 has been salvage logged on both private and Federal lands. It is estimated that 505 million board feet of accessible timber lost to the tussock moth in 1973 will be salvaged.

3. Four chemical alternatives to DDT were tested during 1973: Zectran, Dylox, Sevin-4-Oil, and Bioethanomethrin.

All these chemicals killed considerable numbers of larvae, but did not reduce the population sufficiently to prevent severe defoliation and tree mortality. Promising tests were conducted in Idaho with Sevin-4-Oil where the moth population is not as dense as experienced in Washington and Oregon.

While all four chemicals are sufficiently promising to warrant further field and laboratory testing to explore their full potential, we do not anticipate that any will be ready for registration or operational use in 1974.

4. Two microbial agents were also tested in 1973, a nuclear polyhedrosis virus and the bacterium *Bacillus thuringiensis*. Both demonstrated good potential control; foliage loss was greatly reduced in sprayed plots. Further testing is necessary before operational use can be made of these agents. Of pragmatic concern is the development of means to produce these agents in large quantities and to achieve a formulation which can be used through conventional spray systems.

5. The U.S. Forest Service has indicated that it will not be in a position to request specific control measures until detailed biological evaluations of the moth population are made this fall and winter. If the egg mass survey indicates a need for chemical control, specifically for DDT control, an application would probably be made to this Agency around mid-December.

I may add that we are planning to sponsor a technical seminar in Seattle on November 16 to gain further information on the tussock moth situation which may help guide us in future decisions. The seminar will begin at 8:30 a.m. in the Washington Plaza Hotel, and will be open to the public. A copy of our press release which provides further details is enclosed.

I hope this information will be of value to you. Please be assured that we will continue to collect information on the tussock moth infestation as it becomes available, and will work closely with the Forest Service and the States involved in reaching a determination regarding necessary control measures in 1974.

Sincerely yours,
CHARLES J. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

SAVING THE FORESTS

It was a beautiful weekend in the Wallowas. The aspens were a brilliant yellow, and an arrogant deer or two defied the threat of hunting season to graze on the high meadows. The only thing marring the perfection of the autumnal picture was the deathly brown of the fir trees that have been infested by the tussock moth. And the spread of the brown is frightening.

For nearly a year now Idahoans have quietly stood by and watched the people of Washington and Oregon fight for the weapon with which to effectively battle the moth: DDT. It was not Idaho's fight, because the infestations were in the Umatilla and Wallow-Whitman national forests and not in Idaho. Hence a petition asking the Environmental Protection Agency to allow the use of DDT in moth-eaten areas attracted little attention at the Nez Perce County fair. And even Clarkston, although it is in Washington, has experienced little stir over the problem because of its physical removal from the deadly brown.

But the days for apathy are over. The moth is moving, and our way. Moscow Mountain is infected, and foresters see nothing but gloom for much of the rest of northern Idaho. There is little hope that the virus which is the natural control for the moth is going to be of much help in this epidemic; even though the three-year cycle of infection is nearly completed in some areas of Washington, and the virus is gaining on the moths, the cycle is just beginning on Moscow Mountain, and thousands more acres of timber will be devastated before the virus comes into play there. And in the meantime the moth larvae will be scattered yet farther.

DDT is now the only way out, and that's unfortunate, because we can be fairly certain that, although the spray will save the fir trees, it will damage the wildlife populations—the birds in particular. But the uncontrolled moth will also end up harming the wildlife, because when the prime fir trees are gone the moths will start chewing on the other plant life, including the underbush. Thus the birds still lose, since there's neither much food nor cover in a dead forest; and even less if the decimated area is hit by a forest fire.

The time to use DDT is now, before the moth spreads any more so that an even larger area has to be sprayed. But if the EPA grants usage of the stuff it should be on a one-time basis, with the understanding that researchers are to go on looking for another control for the moth, either a natural one or a chemical with less persistent and less severe side effects. The EPA has proclaimed DDT a thing of the past, and rightfully so. In another decade when the tussock moth strikes again, the foresters will have to be ready to keep this year's debacle from happening again—and the weapon will have to be newer and better than the old cure-all.—A.S.M.

COX INVITED FIRING

Mr. THURMOND. Mr. President, on October 23, the Columbia Record, one of South Carolina's most prestigious and influential newspapers, published an editorial dealing with President Nixon's recent dismissal of Mr. Archibald Cox as special prosecutor. In my opinion, this editorial epitomizes the thinking of a vast majority of South Carolinians and other citizens throughout our country.

Accordingly, Mr. President, I ask unanimous consent that it be published in the Record, and I urge all of my colleagues to pay it particular heed.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Cox Invited Firing

Let no one contend, henceforth, that Richard Milhous Nixon is not a strong, decisive Chief Executive—firmly determined to protect the rights and powers of the Presidency regardless of his own personal welfare. He proved his mettle by discharging special prosecutor Archibald Cox and accepting the resignation of Attorney General Elliot Richardson.

He discharged Cox because the prosecutor willfully and openly disobeyed a direct order of the President. Moreover, Cox thumbed his nose at the President and said he would go before Federal Judge John J. Sirica and seek an order holding Mr. Nixon in contempt of court.

Why has Mr. Nixon acted with such vigor and dispatch? Because he has been adamant about not surrendering rights and privileges of the Presidency to confidential communications between and among upper echelon members of the White House staff.

Recall, laying passion aside, that both Cox and Senator Ervin's special committee tried to obtain the White House tapes relating to Watergate through the judicial process. Ervin was turned down cold. Cox was told, only, that Judge Sirica could listen to the tapes to determine their usefulness.

An appeals court, sustaining Sirica's very limited access, said that a compromise should be sought.

Rather than appeal to the Supreme Court, this President decided to compromise. He agreed to turn over abstracts and transcripts of Watergate tapes to the Ervin Committee, and Judge Sirica, with Senator John Stennis serving as an uninhibited auditor of the tapes and their pertinent content.

No one, not even the Supreme Court, could have forced this President (or any President) to release the tapes. Certainly, the President could have created a constitutional crisis by defying a definitive Supreme Court order.

Instead, Mr. Nixon tried the compromise route, which was unacceptable to Cox, a Nixon appointee. The President had a right to fire Cox and he exercised that right because of what he considered to be Cox's "extraordinary impropriety."

The President said, "Clearly the government of the United States cannot function if employees of the executive branch are free to ignore in this fashion the instructions of the President."

Clearly, also, there can be only one supreme adjudicator in this land: the Supreme Court. Contesting the assertion of "executive privilege" was guaranteed Cox before Congress. However, the White House tapes hadn't even surfaced at that time and the test of Executive right to confidentiality of conversation was not an issue.

Responsible leaders of two branches of our government, the Congress and the Presidency, had agreed to a compromise on the tapes controversy. Prosecutor Cox should have weighed the historic consequences of his decision to seek a contempt citation before he rejected the sensible, reasonable idea.

Cox invited firing. He got it.

U.S. MILITARY INVOLVEMENT IN THE MIDDLE EAST

Mr. FULBRIGHT. Mr. President, my office was recently visited by a group of active-duty military personnel and civilians who are very strongly opposed to any U.S. military involvement in the Middle East.

I received petitions from this group bearing more than 3,000 signatures and I understand that a number of additional persons have signed such petitions. Most of the military personnel who signed the petitions are stationed in the areas of Norfolk, Va., Charleston, S.C., and Fayetteville, N.C. A number of hospital workers in the Baltimore area also signed petitions.

The petitions, which are addressed to me, read as follows:

> We the undersigned citizens, soldiers, sailors and marines urge you to immediately introduce legislation forbidding the introduction of U.S. forces into the current Mid-East hostilities. We do not want this to become another senseless Vietnam.

In addition to these petitions I have received a large volume of mail from persons expressing similar views.

I remain steadfastly opposed to any U.S. military involvement in the Middle East and I hope that will continue to be the administration's policy.

STATEMENT BY SENATOR HUGH SCOTT BEFORE REPUBLICAN PARTY OF THE COMMONWEALTH OF PENNSYLVANIA

Mr. TOWER. Mr. President, recently Senator Hugh Scott, the distinguished minority leader of the Senate, was honored by the Republican Party of his State. He was recognized as the "Distinguished Republican of Pennsylvania." I feel that it is an honor he most richly deserved.

At that time, Senator Hugh Scott recited his version of the famous series of visits with the President that culminated in the nomination of Representative Gerald R. Ford for the Vice Presidency. He also gave an excellent summary of the often overlooked outstanding accomplishments of the Nixon administration.

Mr. President, I ask unanimous consent that the text of Senator Hugh Scott's remarks be printed in the Record so that they may be available to the Members of the Senate.

There being no objection, the text was ordered to be printed in the Record, as follows:

A Report by U.S. Senator Hugh Scott

I hope that all three newspapers will please copy for the morgue which I hope they won't have to use for quite awhile. I'm glad that Marian's here. She's a part of everything I have done. She is the most important part of my life. I'm glad she had a chance to hear Jerry Ford. I said to him on the plane coming up when I learned of some of the things that he was going to say, that I know that none of our mutual colleagues will believe a word of it. I'm down for six minutes. That's what Drew Lewis, Bill Cashel and the rest really think of me.

In those six minutes, I want to tell you my version of those famous visits with the President. I was there at 10:30 that morning. Jerry was slated to go in at 11. The President told both of us substantially the same thing and that was that he couldn't spare me in the Senate and he couldn't spare Jerry in the House. When I came out and before Jerry went in, I said, 'Let's have some fun with the Press. Let me march by the Press, looking as if I've got it. Then you come out and march by the Press, looking as if you've got it. And we'll each have a half hour of glory!'

But as Jerry testified, and by the way, his testimony earned him even greater respect and appreciation, his testimony is finished. His character witnesses are appearing today and Wednesday. The hearings will be over in a day or two and he will be confirmed in the very near future by the Senate and after that, by the House.

But the truth is, that I wanted Jerry for Vice President and Jerry, as he testified on Monday, told the President that he wanted me, and Jerry lost!

I have my own version of what happened because as you recall, Jerry told you that he went home and had a swim in his pool. Well, I don't have a pool and it's obvious that the President chose the cleaner man!

I deeply appreciate what Jerry has said. It is something to have to sit quietly through these kind words but I am most grateful. I am particularly grateful that you are here and that it's a paid audience and that you're all helping the Republican Party. Jerry and I made full disclosure today in the Rules Committee that we'd be here and neither he nor I were engaged in a campaign which would directly benefit from what you're doing. We thought we'd better do that for fear tomorrow's papers would report that we had sneaked surreptitiously out of the Rules Committee room to appear at a gathering of unrespectable people.

We're glad to be here. Someone said to me tonight, "What is the Republican **Party** doing?" That's the question you get on the phone.

Well, let me just say some of the things the Republican Party is doing. For one thing, we have sustained eight consecutive vetoes of the President of the United States after we were told he lost his power in the Congress. No other Presidential network could make that statement.

We have the strongest economy in peacetime that this nation has ever enjoyed, warts and all.

We have the lowest unemployment rate in peacetime in 18 years and the lowest rate in four years currently. We've had no draft for the first time in 25 years and no war for the first time in a decade. We have an economy which is unparalleled anywhere in the world, with the highest percentage of people working than in any country in the world. It isn't a slave state. So we're strong economically. We live in a safer world. We have a stronger nation and I think we ought to ask ourselves, doesn't the man who made this possible under his Administration, deserve better treatment than he's getting?

When Harry Truman's Commissioner of Internal Revenue was indicted and went to jail, when his Personal Secretary was indicted and went to jail, when his Postmaster General was indicted, do you think the papers or the people were talking like they are now? When Lyndon Johnson wouldn't let me have the Bobby Baker papers or the FBI records or the Internal Revenue records, were the papers talking as they are now?!

Let me finish just with these plain, simple, incontestable statements: At this time that I speak, the President of the United States has complied with the edict of every court. He has broken no law. He has committed no impeachable offense. He is being tried without a trial and convicted without evidence. Let us at least ask, for the President of the United States, the same treatment that the least of all Americans would require of himself and that we would demand of him as his civil right, the right to be presumed innocent unless and until proven otherwise!

Neither Jerry Ford nor I hesitate to differ or to be critical when we think it's necessary. Even within our own Party. But I'm not running under fire and neither are you!

REVERSING THE RUSH TO 1984

Mr. ERVIN. Mr. President, on Thursday, October 11 an article written by Ms. Geri Joseph appeared in the Washington Post which should be of interest to all citizens. The article concerns the threat to individual privacy which is posed by the computer, when used both by the Government and by private industry. Ms. Joseph's article brings to mind a fact of life—that information pertaining to millions of Americans is collected and stored everyday without their knowledge. This is simply another aspect of the case of the individual versus the Government, a case in which we are all involved, presenting a problem which we must confront and deal with responsibly.

Ms. Joseph describes an incident in which an election judge, in checking a voter's registration records, requested that voter's social security number as well as his telephone number. These private numbers, once collected, can be computerized and used by various organizations to suit their own special purposes without the knowledge or consent of the individual who is subject of the information. Many of the records are inaccurate. But the citizen is unaware of their collection, and, if not unaware, he is still unable to gain access to the records. The Treasury Department can obtain our bank records, due to the Bank Secrecy Act of 1970, and make these records available to other Government agencies. The FBI holds computerized lists of demonstrators and the Civil Service has at least a million suspects of subversive activities.

Ms. Joseph mentions, quite appropriately, the work of John Shattuck, ACLU national counsel and authority on such matters. Mr. Shattuck has turned the tables on the Government agencies and private industries which are collecting data on the individual and is keeping check on the records they are collecting. Mr. Shattuck is creating an offensive weapon to be used by the individual subject in this game of data collection, and in doing so is helping to reverse the rush to Orwell's 1984. Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reversing the Rush to 1984

(By Geri Joseph)

Privacy—yours and mine—is in jeopardy. On all sides, we are numbered, registered, recorded and collected. Information on millions of Americans is stored in data banks in government and private agencies, usually without their knowledge.

Our defenses against this assault on the right to be left alone are uncomfortably few. Complain a lot, maybe, to whoever will listen. And worry that George Orwell's 1984 world is arriving a little early.

People did complain a lot about one recent instance. In a polling place in Minneapolis, an election judge checked a voter's registration record. That was routine. Then he requested the voter's Social Security number. That was new. Why? the voter inquired with some hostility. The election judge did not know.

A call to a city official revealed that a 1973 state law asks voters for both Social Security and telephone numbers. It is not mandatory to provide the information, although the election judge did not say so.

What use will be made of those personal numbers? The Social Security data is expected to be computerized, making it easier to keep track of registered voters and prevent fraud. The list will be available for a fee. State law limits the list's use to purposes of elections, politics and law enforcement. But enforcing that law is not the easiest task, and the penalties for violation are inconsequential. As for the telephone numbers, they will be made available to political parties.

Is there any harm in this? Maybe not. But in such ways—and often to suit someone else's convenience—privacy diminishes. A bit here, a bit there, until, as so many things we take for granted, it is unexpectedly gone.

In a disturbing article, John Shattuck, national staff counsel for the American Civil Liberties Union (ACLU), talks about the threats of our "dossier society." We are besieged on all sides, he claims, with governmental and private activity to counter perceived threats of crime and subversion. Keeping records on people has become a "growth industry."

There are, for example, about 2,500 credit bureaus with records on more than 131 million persons. Those records are regularly sold and widely disseminated. The Fair Credit Protection Act of 1970 gives an individual the right to know he is being investigated, but no right to see the reports or know who provided the information.

Bank records, which most of us assume are private, are available to the Secretary of the Treasury under the oddly named Bank Secrecy Act of 1970. The secretary can ask for records of all checking transactions, and he, in turn, can make them available to other government agencies.

In the area of political surveillance (and yes, it does happen here), the Defense Department and the FBI have a computerized index of more than 25 million names of participants in civil rights or antiwar activities between 1968 and 1972. The federal Civil Service Commission has files on more than a million persons suspected of "subversive activities" and therefore blacklisted for employment.

Shattuck, an authority on government secrecy and surveillance litigation, tells of one ACLU client, a former post office employee, who was forced to resign while under investigation for mailing obscene letters. He was cleared of the charge, but the post office would not rehire him. It agreed, however, to note in his Civil Service file that he was exonerated. Several years later, the man was disqualified for state employment because a routine file check turned up evidence of prior "immoral conduct." Apparently his clearance never had been computerized with the rest of his record.

His case, unfortunately, is not unique. There are thousands of men and women caught in a "record prison" from which they are unable to escape. Of more than 7.5 million arrests each year, 3.5 million do not end in convictions. But they continue to be duly filed and widely circulated for a variety of purposes, including employment screening.

So concerned has the ACLU become with all the record-gathering that it has begun a surveillance project of its own. In Washington, the ACLU staff is assigned to bird-dog federal agencies that keep records on individuals. It has to be a more than eight-hour-a-day job.

Shattuck's list of what needs to be done is a long one. It includes a flat prohibition against gathering and storing information about an individual's lawful political activity. Legislation outlawing the storage and sharing of hearsay or anonymous defamatory information also is required. In addition, there should be procedures that permit a person to get a "discharge" from his tabulated past. And finally, every person should have the right to see information compiled about him and to check its accuracy and propriety.

Is it too late to reverse the rush to 1984? Not yet. But if we value our privacy, many more of us must be prepared to make a concerted outcry that will be heard in political offices all the way to the White House.

IMPEACHMENT HYSTERIA

Mr. FANNIN. Mr. President, hysteria is not conducive to rational action whether an individual or a nation is involved.

We have had enough impeachment hysteria in recent days. Now we should give some thought to restoring an atmosphere where we can conduct national affairs rationally.

A reasonable assessment of the current situation will reveal these two points:

First, President Nixon has not done anything which would justify the harsh action of impeachment.

Second, the consequences of impeachment would be catastrophic to the Nation and perhaps to the world.

Some people disagree strongly with actions taken by the President, but everyone should consider the effects that impeachment or resignation under fire would bring.

Mr. President, I also would point out that most Americans realize this, although they have not been getting the headlines and the television coverage. I have here a telegram from the Pima County Republican Women's Organization which I would like to read for the benefit of my colleagues in the Congress:

> Honored Members of the Senate: By resolution adopted at a general meeting of Arizona's Pima County Republican Women's organization, I urge you, on behalf of 336 members, to use your influence to prevent the passage of any motions of impeachment against the president of the United States.
>
> As Republicans, our great and overriding concern is the stability of the Nation and the welfare of its people. In a world rife with crises, and with future crises looming at home and abroad, the traumatic divisiveness of a drawn-out Presidential impeachment proceeding might well destroy the country we all wish desperately to preserve and undermine the good America has accomplished domestically and internationally. Under America's aegis, and President Nixon's brilliant and determined efforts, tremendous gains have been made toward peaceful solutions of complex problems previously thought to have been insoluble. We cannot allow internal problems, serious as they appear at the moment, nor the petty hatreds of self-servers, to obscure the horrifying potential for disaster which lies ahead, if the collision course toward impeachment is pursued. Gentlemen, the price is too high.
>
> Elsa P. Mulhern,
> *President, Pima County Republican Women.*

MAYOR TEPASKE RETIRES

Mr. CLARK. Mr. President, it is a pleasure for me today to pay tribute to Mayor Maurice TePaske of Sioux Center, Iowa, a man well-known not only to Sioux County residents but to nearly everyone in northwest Iowa.

Maurie has made a name for himself. When he was elected to office 34 years ago, he was the youngest mayor in Iowa. Now he is leaving that office after serving in it longer than any other mayor in Iowa history.

The people of Sioux Center, true to their heritage, are known for their hard work and dedication, and Maurie TePaske is the perfect representative of those ideals. His dedication, his belief in his city, and his perseverance have brought great rewards to this town of 3,500.

Anyone who has ever been to Sioux Center cannot help but be impressed by its appearance, by the large number of businesses and industries that have located there, and the efficiency and completeness of the municipal services. Anyone who has ever visited Sioux Center knows why the residents find it such a pleasant place to live.

So much of what is Sioux Center is also Maurie TePaske.

When he first ran for mayor in 1940, he said he wanted to make Sioux Center "the best possible place to live." Throughout these 34 years, he has provided the leadership and the spark, the Sioux Center residents have provided the backbone, and Maurie just may have achieved his dream.

We know Maurie's retirement won't mean that he is leaving public life entirely. We hope he will continue to lend his energy and his leadership whenever possible.

But we know that no matter what he does, Maurie TePaske will have left a legacy for Sioux Center and northwest Iowa. That legacy will be evident for many, many years to come and it will serve as a model for future generations.

I want to join in wishing Maurie well in his future endeavors and in expressing a public thank you for his great and selfless contributions.

SOVIET IDEOLOGICAL COEXISTENCE IMPOSSIBLE

Mr. BROCK. Mr. President, the following article by Mr. Theodore Shabad in the New York Times is worthy of note, particularly when "détente" seems such a romantic and appealing addition to our political lexicon. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Soviet Lecturers Push Party Line—100,000 Propagandists Told To Battle Western Ideas

(By Theodore Shabad)

Moscow, September 30.—Moscow's small army of party propagandists, 100,000 strong, fanned out through the Soviet capital today to wage "aggressive, uncompromising" battle against Western ideas at a time of international détente.

As the city's political indoctrination courses open their 1973–74 school year tomorrow, lecturers were given detailed guidelines to be on the lookout for three interrelated subversive trends among the Soviet populace.

A party directive described these trends as a tendency to take a "general human" rather than a narrowly Communist view of world events, a technocratic approach that threatened to erase East-West differences in this era of rapid scientific progress, and apparent confusion about the differences between the cold war, now supposedly ended, and the continuing war of ideas, which is more alive than ever.

INDOCTRINATION COURSES

The instructions, addressed to political lecturers who spread the party line in a wide system of indoctrination courses, were contained in the Moscow city party newspaper, Moskovskaya Pravda. The author was Vladimir N. Yagodkin, city party secretary for ideology and propaganda. He was reported earlier this year to have defended the Kremlin's new policy toward the West on the ground that there was nothing wrong about signing a pact with the devil "if you are certain you can cheat the devil."

The party's political and economic lectures are offered after working hours at places of employment, in workers clubs and community centers, and in the so-called "red corners," or social rooms, of housing projects.

Mr. Yagodkin said 3.3 million Muscovites, or 45 per cent of the city's population, took such courses during the year. Similar, indoctrination lectures are offered throughout the Soviet Union.

The particular stress at this year, aimed at combating political misconceptions, appears to be the domestic counterpart of a Soviet propaganda effort directed at the West. The Government-controlled information media have made it plain that the Soviet Union will not give in to Western pressure to allow a freer flow of information and ideas. Western ideas are viewed as designed to undermine the Soviet system.

AN IDEOLOGICAL CONFUSION

Mr. Yagodkin's instructions to political lecturers seemed to focus on a certain ideological confusion that many have arisen among ordinary citizens as the Kremlin avows a desire for an easing of tension in the military spheres while remaining adamant in the realm of ideas.

The Moscow ideologist indicated that more and more Soviet citizens might be taking the view that everyone on earth was part of one world and there was no longer any need for an ideological confrontation.

"We are increasingly confronted with active attempts by bourgeois propaganda to suggest that the class-oriented [Communist] approach to social phenomena is one-sided and should be supplemented or replaced by an abstract 'general human' approach," Mr. Yagodkin said.

He rebutted this notion by quoting Lenin as having said that anyone who advocated such an outlandish nonpolitical approach deserved to be "put in a cage and to be exhibited as if he were some sort of Australian kangaroo."

The indoctrination guidelines also pointed up the political perils of growing scientific and technical progress, as machine-oriented engineers and technicians, playing an increasingly important role in society, lose sight of ideological aspects.

SCIENCE VERSUS POLITICS

"In this connection," Mr. Yagodkin said, "attention needs to be given to the threat of a technocratic approach to the solution of socio-economic problems."

He said the scientific and technical revolution required greater stress on the natural sciences and engineering and therefore posed the danger of detracting from political considerations.

The thorniest problem for political lecturers appeared to be a tendency among Soviet citizens to become ideologically lax now that the cold war was supposedly over.

"Propaganda workers must demonstrate, through reasoned argument, that there is no basis for equating ideological warfare with the cold war," Mr. Yagodkin said.

He said that the continuing ideological war was a "struggle of ideas between opposing social systems" while the cold war, which he said had been started by the West, sought to extend the war of ideas to relations between governments and to the areas of politics, economics and military affairs.

Mr. Yagodkin did not explain why the contest of ideas ruled out a confrontation between Western ideas and Communist ideas within the Soviet Union. Party ideologists in the past have conceded that it would be an unever struggle and that the influx of Western ideas would in effect "disarm" the Soviet Union ideologically.

ENERGY R. & D. ADVISORY COUNCIL MEETS NOVEMBER 14

Mr. METCALF. Mr. President, I call attention to the second meeting of the Energy Research and Development Advisory Council, to be held Wednesday, November 14, in room 540 of the National Science Foundation, 1800 G Street NW.

This is the advisory committee which held its first meeting on 1 day's notice, made it difficult for members of the public to attend, then excluded the public from the committee's discussion of the

President's proposed long-range, $10 billion energy R. & D. program. On October 18—Congressional Record, page 34626—I discussed the irregular procedures of this advisory committee, the dominance of fossil fuel and uranium interests among its members, and the interest of some of its members in weakening antitrust and patent law and enforcement.

I ask unanimous consent to insert at this point in the Record the notice of the forthcoming meeting of this advisory committee.

Mr. President, I also ask unanimous consent to print in the Record the editorial in the November 7 Washington Post, "Advice in the Open," which deals with this energy research and development advisory council and other aspects of the Federal Advisory Committee Act.

There being no objection, the material was ordered to be printed in the Record, as follows:

Energy Research and Development Advisory Council

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), the Energy Policy Office announces the following public advisory committee meeting.

The Energy Research and Development Advisory Council will hold its second meeting on November 14, 1973 at the Headquarters of the National Science Foundation, Room 540, 1800 G Street NW., Washington, D.C. The meeting will commence at 9 a.m. local time and last until 4:30 p.m., except for a one-hour break for lunch at 12:30 p.m.

The portion of the meeting from 9 a.m. to 10 a.m. will not be open to the public under authority of section 10(d) of Public Law 92-463. The information to be discussed falls within exemption (1) of 5 U.S.C. 552 (b).

The portion of the meeting from 10:00 a.m. to 12:30 p.m. will consist of several meetings of subgroups of the Council and will address the following subjects:

(1) Nuclear Fission R&D Strategy.

(2) Role of Industry in Energy R&D.

(3) Problems Related to Technical Manpower & Research Training.

(4) Laser Fusion R&D.

(5) Environmental Control and the Effects of Pollutants.

(6) Coal R&D Strategy.

(7) Conservation R&D.

The portion of the meeting from 1:30 p.m. until 4:30 p.m. will be primarily devoted to discussing the status and the preliminary results of the AEC study concerning the President's proposed 5-year, $10 billion energy R&D program.

Practical considerations may dictate alterations in the above agenda or schedule.

The Council meeting will be for the purpose of discussing matters related to energy research and development policy and programs. A detailed agenda will be available the day of the meeting.

The Advisory Council was established by the President on June 29, 1973 and announced in his Energy Statement of the same date. The objective of the Council is to help ensure the development of comprehensive technological programs to meet the Nation's energy needs. It would do this by providing independent advice to the Energy Policy Office on matters relating to energy R&D.

Members of the public will be admitted on a first-come, first-serve basis up to the limits of the capacity of the meeting room. Members of the public who plan to attend the meeting are requested to so inform Dr. William T. McCormick, Executive Secretary of the Advisory Council no later than 5:00 p.m., November 13, 1973. Dr. McCormick can be contacted in Room 472, Old Executive Office Building, Washington, D.C. or on (202) 456-6575.

Persons wishing to submit written statements on those agenda items may do so by mailing 20 copies thereof, postmarked no later than November 10, to the Executive Secretary of the Energy Research and Development Advisory Council.

William T. McCormick, Jr.,
Executive Secretary, Energy Research and Development Advisory Council.

October 31, 1973.

[FR Doc. 73-23468 Filed 11-2-73; 8:45 a.m.]

Advice in the Open

The Federal Advisory Committee Act was a year old last month. The law, a useful part of the effort to shed more light on the processes of government, requires, among other things, that almost all of the meetings of federal advisory panels must be public. Many committees have opened their doors quite willingly, with substantial gains in public understanding of whatever work they do. But some have resisted reforms, forcing the advocates of openness to engage in a series of skirmishes with those who keep trying to function in the old secretive style.

Various panels have tried several moves to sabotage the law. One favorite trick is to publish the notice of the meeting in the Federal Register at the last minute, rather than 10 days ahead as the law requires. Another gambit is to hold the meeting in an obscure or inaccessible place. A third technique is to proclaim that the meeting may be closed, under the law, because it deals with "inter-agency" or "intra-agency" matters which, if written down, would be exempt from disclosure under the Freedom of Information Act.

As one example, there is the new Energy Research and Development Advisory Council, a group which Sen. Lee Metcalf (D-Mont.) described as dominated by "the fossil fuel-uranium complex." The council held its first meeting on Oct. 11, with one-day public notice, in the Old Executive Office Building, which is virtually inaccessible to the public. Two Senate staff men representing Senator Metcalf were admitted to part of the session only after strenuous arguments. And then there is the National Advisory Committee on Oceans and Atmosphere, which finally held an open meeting last month—but only after Rep. David R. Obey (D-Wis.) and representatives of the publication Science Trends had protested the secrecy of earlier sessions of the group.

Then there is DACOWITS (Defense Advisory Committee on Women in the Services). The closed-door policy of DACOWITS was challenged in the first court test of the advisory committee law, a suit brought by the Institute for Public Interest Representation. On Oct. 10 the public won when U.S. District Judge Aubrey E. Robinson Jr. issued a preliminary injunction ordering DACOWITS to open its doors. In reaching this decision, Judge Robinson rejected the argument that the Freedom of Information Act may be used to keep advisory committees' operations under wraps. Such committees, he found, are outside bodies and not parts of agencies at all, so the shield for "inter-agency" and "intra-agency" communications is "inapplicable." In general, the judge continued, private meetings of such panels are also "irreconcilable" with the basic purpose of the advisory committee law. "Congress established openness to public scrutiny as the key stone" of its reforms, Judge Robinson wrote, and "the public interest will be best served by requiring strict compliance with the letter and spirit" of the law.

This ruling, although preliminary, is a sound and solid affirmation of the principle that the public business ought to be conducted in the public's view. Unfortunately, the performance of the energy advisory group suggests that more hammering may be required to make all such panels open their doors. But the penchant for privacy should be overcome. It only serves to discredit the groups involved and make the public wonder what they have to hide.

PRISONERS OF WAR IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, the present, tenuous cease-fire in the Middle East is said to provide the best opportunity for a lasting peace in that region since the birth of Israel some 25 years ago. The public statements of both Arab and Israeli leaders seem to indicate that both sides appreciate the devastating toll taken by their latest conflict and know that the world must not endure a continuation of hostilities in that region. The present flurry of diplomatic activity appears to relate to a comprehensive effort by both sides to begin substantive negotiations for a just peace.

But any optimism for a Middle East settlement must be tempered, not only by the realities of hatred and mistrust which have divided Arab and Jew, but also by the present inability of the combatants to come to terms over an exchange of prisoners of war.

The attitude and posture of the Israeli Government with respect to this question has thus far been commendable. Not only has Israel permitted life-sustaining supplies to be shipped through their lines to beleaguered Egyptian forces, Israeli plasma is being used to treat the Arab wounded on the Sinai front. Moreover, Israeli officials have permitted representatives of the International Red Cross to visit Arab prisoners, and the Israelis appear ready to effect an immediate release of detained Arab personnel.

That prisoner release, and indeed the long range prospects for peace could founder because of Arab recalcitrance in permitting the release of captured Israelis, in permitting Red Cross representatives to visit Israeli prisoners, or even in supplying Israel with a complete list of her soldiers now in Arab hands.

We Americans know all too well how the explosive issue of prisoners-of-war can hinder efforts to bring about a negotiated peace. An opportunity for peace in the Middle East cannot and must not be lost because this first, elementary step in building the peace—a prisoner exchange—was not taken. All possible diplomatic influence must now be brought to bear upon Egypt and Syria to effect a prisoner exchange at once. Such an action is fundamental to any framework of mutual trust between the parties, and such a framework to any genuine peace in the area.

U.S. ENFORCEMENT OF SANCTIONS AGAINST RHODESIA

Mr. HUMPHREY. Mr. President, according to the November 2 Wall Street Journal, a Federal grand jury has indicted a subsidiary of Reynolds Metals Co. on a charge of violating sanctions against Rhodesia.

This action demonstrates the seriousness of the U.S. commitment to this international effort to bring about a peaceful settlement of the Rhodesian problem.

Yet this commitment is tarnished and our ability to make the sanctions program truly effective is undermined by our violation of sanctions in importing chrome, ferrochrome and nickel from Rhodesia.

The efforts of the Department of State to assure full U.S. compliance with sanctions are indeed commendable. The State Department has cooperated with the British Government in tracking down all reports of the import of Rhodesian goods into the United States. As a result, the United States had—until legislation was passed requiring violation of the sanctions one of the most effective sanctions programs in the world.

We have wanted to make sanctions effective because it is in our national interest to do so. The United States has long supported the guarantee of basic human rights to all the people of the world. We have supported the replacement of colonial rule with self-determination. And we have supported racial equality.

We have a vested interest in the peaceful resolution of conflicts through international cooperation. And we have an equally strong interest in the rule of law in international relations and in the credibility of international treaties.

These commitments and these interests require that the United States make every effort to make the first international sanctions ever imposed by the United Nations as effective as possible.

Yet in passing a law requiring that sanctions be violated, Congress has seriously undermined the effectiveness of our still strong commitment to sanctions.

Other nations cannot very easily persuade their business communities to comply with sanctions so long as the United States is openly violating them. And the United States cannot credibly argue that other governments should be more rigorous in their enforcement of sanctions while we join South Africa and Portugal in formal violation of them.

The Department of State and the Department of Justice are to be commended for their conscientious enforcement of sanctions even after Congress has opened a big hole in the sanctions program. I again urge that Congress pass S. 1868, restoring full U.S. support for this international policy and giving State Department the credibility it needs to convince other nations that this is a realistic alternative to the growing violence in Rhodesia.

Mr. President, I ask unanimous consent that the November 2 Wall Street Journal article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reynolds Metals Unit Indicted as Violator of Rhodesia Sanctions

Washington.—A federal grand jury indicted a Reynolds Metals Co. subsidiary on a charge of violating government import sanctions against Rhodesia.

The indictment, returned in federal district court in New Orleans, charges that Reynolds International Inc. last July 16 imported from South Africa 197 tons of petalite ore that originated in Rhodesia.

The ore, which is used in making aluminum, was falsely described on customs documents as feldspar of South African origin, the indictment charges.

If convicted of the charge, the company would be subjected to a fine of up to $10,000, according to the Justice Department. Also, the ore, which is valued at $18,000 and which has been seized by the Customs Bureau, could be forfeited, officials said.

The government sanctions stem from executive orders issued by former President Johnson. The orders, which have the force of law, were issued to support sanctions voted by the United Nations in 1966 and 1969 after Rhodesia's white-ruled government unilaterally declared its independence from Britain without giving its 95% black majority an important role in government.

In Richmond, Va., a Reynolds spokesman said, "We deeply regret that this constitutes a violation of the law, and have taken steps to prevent such mistakes in the future."

He said the material imported was "a sample quantity of petalite ore for research purposes." He added, "it has always been the company's policy to support government policy and we intend to respect the government sanctions against trading with Rhodesia."

PRISON REFORM AND JUSTICE

Mr. BROCK. Mr. President, recently, an editorial in the Wall Street Journal brought home a very important matter to me, one that has been sidestepped, but one that needs immediate attention. That is the plight of our prisons. Are they dungeons or centers for rehabilitation? I ask unanimous consent that this editorial be printed in the Record so that we might not forget that prison reform is still one of the major problems with which we have to deal.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Prison Reform and Justice

Uprisings at Attica and elsewhere helped call attention to prison conditions in the U.S., and the picture that was revealed wasn't very pretty. Nonviolent offenders are thrown in with psychpaths and murderers, rehabilitaitation programs are inadequate and incarceration seems sometimes to be motivated by vengeance rather than justice. No wonder discussions about reforming the criminal justice system now revolve as much around prison reform as around modernizing courts, upgrading law enforcement agencies, and improving social conditions that sometimes spawn crime.

The National Advisory Commission on Criminal Justice Standards and Goals recently recommended releasing many criminals from prison and developing alternatives to incarceration for others. "These changes must not be made out of sympathy for the criminal or disregard of the threat of crime to society," the commission report noted. "They must be made precisely because that threat is too serious to be countered by ineffective methods."

That would seem to be a point well worth making, in our view, since other discussions of prisons and sentencing sometimes give the impression of having the prisoners' comfort uppermost in mind. For example, one widely publicized new book suggests that prisons be abolished entirely, without any apparent regard for society's right to be safe from violent individuals. The National Advisory Commission knows better, but several of its recommendations, as well as other recent suggestions in this area, raise questions that deserve wider discussion.

The first has to do with the criminal himself. There may be people walking around free who should be in prison, as critics of the present system never failed to point out, but few inmates in state and federal penitentiaries are mere misfits or victims of circumstance. In most cases they are there because of a history of criminal acts. Prison was not their first stop, but merely the culmination of repeated efforts by judges and probation officers to get them to obey the law. This also helps explain why recidivism rates are so high—not so much because prisons have failed prisoners, but because many prisoners are uninterested in reform or rehabilitation.

We are not suggesting the existence of a "criminal mind." Such a belief may relieve any responsibility for worrying about the treatment of prisoners, but it lacks any real evidence. However, some individuals do have a propensity for crime and violence. And if prison does not reform or rehabilitate them at least it isolates them—and in the case of violent criminals, that is not an unimportant consideration.

Violent criminals are said to represent only a small portion of the prison population, and that is why we incline towards the suggestion of Whitney North Seymour, former president of the American Bar Association. In a recent book he recommends wider use of systems where some prisons provide a custodial service for hard core convicts, while other prisons undertake to rehabilitate those who can be taught to function properly in society.

There is probably no such thing as perfect justice, and it may well be that our criminal justice system will always lag behind the times. After all, it isn't all that strange that prison reform would have a rather low priority among the electorate. Nevertheless, it's well to keep in mind the national commission's observation that reform is important not so much for the sake of the criminal, but for the sake of society itself.

MONTHLY LIST OF GAO REPORTS

Mr. METCALF. Mr. President, one of the provisions of the Legislative Reorganization Act of 1970 requires the General Accounting Office to periodically furnish the Congress a list of all reports made by the Comptroller General to the Congress, its committees and Members, and to the Federal agencies. The list began as a typewritten form and has evolved into an easily read offset print giving not only the title, but a short description of the contents of each report.

The reports are available to everyone. Accordingly, I request that the October list of reports be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Monthly List of GAO Reports

AGRICULTURE AND RURAL DEVELOPMENT

Improvements Needed in the Department of Agriculture's Commodity Distribution Program. (To the Secretary of Agriculture.) B-114824 of September 18.

GAO wanted to know if 2.5 billion pounds of commodities donated by Agriculture to State and local agencies in 1971 were distributed in the most economical manner.

The Department, the report shows, had not taken full advantage of savings in transportation costs and other benefits available by shipping larger volumes because State distributing agency representatives made key decisions on time and place of delivery.

The State representatives were not provided adequate guidelines, did not know transportation costs involved, and sometimes were faced with conflicting interests.

Preliminary Report on the Special Supplemental Food Program. Department of Agriculture, Food and Nutrition Service. B-176994 of September 28.

Public Law 92-433 amended the Child Nutrition Act of 1966 by establishing a program of cash grants to the States, to be carried out during fiscal years 1973 and 1974, to provide supplemental foods through State and local agencies to pregnant or lactating women and to infants and children up to 4 years of age determined to be nutritional risks because of inadequate nutrition and income.

The law states that the Secretary of Agriculture shall use $20 million in each of fiscal years 1973 and 1974 to carry out the program.

GAO (1) reviewed the program's authorizing legislation, legislative history, and pertinent agency records (2) held discussions with Food and Nutrition Service officials responsible for planning the program's operation and evaluation, and (3) discussed FNS's plans with FNS's medical consultants, with physicians and others.

COMMERCE AND TRANSPORTATION

Need for Improvements in Management Activities of the Immigration and Naturalization Service. Department of Justice. B-125051 of August 14, released September 19 by the Chairman, Subcommittee on Legal and Monetary Affairs, House Committee on Government Operations.

This is the second report in response to the Chairman's request that GAO examine certain aspects of operations of the Immigration and Naturalization Service. Its first report to the Congress stated that more needs to be done to reduce the number and adverse impact of illegal aliens in the United States (B-125051, July 31, 1973).

This report discusses the need for improvements in the—

Record system for identifying nonimmigrants who overstay their permitted time,

Controls over Mexican border crossing cards,

Procedures and practices for obtaining fingerprint searches on illegal aliens,

Procedures for requesting Mexican aliens to pay their own transportation costs within the INS Southwest Region and,

Procedures used in the alien address report program.

The Service has taken actions to correct some of these problems.

COMMUNITY DEVELOPMENT AND HOUSING

Reviews of the Office of Economic Opportunity's Use of Experts and Consultants, B-130515 of September 6.

At the request of Senator James Abourezk, GAO reviewed the manner in which OEO used its 84 experts and consultants.

OEO appeared to have used some of these improperly because they were in regular full-time positions. There seemed to be a question also concerning payments to some involved in activities which might be considered in violation of a Federal court order.

Administration of the Rehabilitation Loan and Grant Programs in Atlanta, Georgia. Department of Housing and Urban Development. B-171500 of July 25, released September 21 by Representative Ben B. Blackburn.

Congressman Blackburn asked GAO to review the administration of HUD's rehabilitation loan and grant programs in Atlanta, Georgia.

GAO did not find evidence of collusion between Atlanta Housing Authority personnel and contractors or evidence of favoritism shown to certain contractors by the Atlanta Housing Authority Model Cities. However, contracts were let in such a manner that they were awarded to a limited number of contractors.

Various weaknesses were found in the contracting procedures and practices of the two project offices.

In some cases Atlanta Housing Authority inspectors overlooked work deficiencies during their inspections; in others, they certified work as complete without making the required final inspections.

GENERAL GOVERNMENT

Examination of Financial Statements of the National Credit Union Administration for the Periods Ended June 30, 1971 and 1972 Limited by Restriction of Access to Credit Union Examination Records. B-164031(4) of September 18.

In GAO's opinion, the statements of the operating fund present fairly the financial position of the National Credit Union Administration's operating fund at June 30, 1971 and 1972.

However, GAO was unable to fully audit the share insurance fund because the Administration restricted access to examination reports and related data on the credit unions it insures.

Therefore, in GAO's opinion, the statements do not present fairly the financial position of the share insurance fund at June 30, 1971 and 1972.

Status, Progress, and Problems in Federal Agency Accounting During 18 Months Ended June 30, 1973. B-115398 of September 19.

This is GAO's fourth report summarizing progress made by Federal agencies in developing and improving their accounting systems.

GAO approved principles and standards covering 171 systems and 19 system designs during the 18 months ended June 30, 1973.

As of June, principles and standards had been approved for 292, or 93 percent, of the 315 accounting systems subject to approval. Designs had been approved for 113, or 36 percent, of the systems.

During this period, principles and standards were approved and promulgated for the entire Army, Navy, and Air Force. The Joint Uniform Military Pay System (JUMPS) is an example of a significant design effort nearing completion. It is expected to provide timely and more accurate payment of military personnel.

Progress of Executive Branch Action on Recommendations of the Commission on Government Procurement. B-160725 of September 19.

This second GAO quarterly report—

Updates the executive branch plan for acting on Commission recommendations,

Shows the new management structure for Government-wide procurement policy,

Describes congressional activity on the recommendations,

Identifies matters needing agency or congressional consideration.

HEALTH

Supervision over Investigational Use of Selected Drugs. *Food and Drug Administration, Department of Health, Education, and Welfare. B-164031(2) of July 23, released September 19 by the Chairman, Subcommittee on Reorganization, Research and International Organizations, Senate Committee on Government Operations.*

GAO was asked to examine the Food and Drug Administration's supervision over use of drugs in tests on human beings.

In 10 of 13 cases reviewed, FDA raised questions concerning the safety of testing drugs in humans because of indications that there were possibilities of major drug-related adverse effects in humans or preclinical or early clinical tests were inadequate.

The report contains recommendations by GAO for correcting these and related matters in which HEW concurred and comments from the sponsors of drugs discussed.

Slow Progress Likely in Development of Standards for Toxic Substances and Harmful Physical Agents Found in Workplaces. *Department of Health, Education, and Welfare; Department of Labor. B-163375 of September 28.*

This is the second of a series of GAO reports reviewing activities carried out under the Occupational Safety and Health Act of 1970 by the Occupational Safety and Health Administration, Labor; and the National Institute for Occupational Safety and Health, HEW.

This report concerns the problems and progress of the Institute in developing health and safety standards for toxic substances and harmful physical agents in occupational environments.

Because of the Institute's slow progress, GAO recommended that the Secretary of HEW consider the adequacy of the Institute's resources to effectively carry out its responsibilities.

It also recommended that the Senate Committee on Labor and Public Welfare consider asking the Congress to amend the act to allow the Secretary of Labor more than the six months now specified in the act to promulgate a permanent standard after issuing an emergency temporary standard.

INTERNATIONAL AFFAIRS AND FINANCE

U.S. Grant Support of International Planned Parenthood Federation Needs Better Oversight. *Agency for International Development. B-173240 of September 14.*

GAO reviewed the system of management controls surrounding the grant of about $10 million annually by AID out of $19 million used for family planning activities carried out by the Federation.

AID evaluates the Federation's performance on the basis of its annual reports, audits at the Federation's central office, and other internal information.

To help improve evaluation of the Federation's use of AID funds, GAO recommended that AID assist the Federation in working out a specific, phased plan for more effective and timely implementation of management controls.

NATIONAL DEFENSE

Ways for the Department of Defense to Reduce its Administrative Costs of Awarding Negotiated Contracts. *B-168450 of September 17.*

DoD can reduce the administrative costs of its negotiated procurements without sacrificing adequate competition, reasonable prices, or goals of the Congress, GAO found.

Millions of dollars in administrative costs could be saved annually. DoD can make some needed improvements, but others will require congressional action. DoD spent $35 *billion* under negotiated contracts in fiscal year 1972 for millions of different goods and services.

GAO inquired also into how business firms bought parts and components similar to those DoD bought.

NATURAL RESOURCES AND ENVIRONMENT

Federal and State Efforts to Control Water Pollution Caused by Acid Drainage from Mines. *B-177011 of August 14, released September 9 by the Chairman, Subcommittee on Conservation and Natural Resources, House Committee on Government Operations.*

The Federal Water Pollution Control Act Amendments of 1972 established, as a national goal, the elimination of the discharge of pollutants into navigable waters by 1985.

Interior's 1969 annual report on the cost to clean up water pollution stated that it would cost about $6.6 *billion* to reduce acid drainage from mines by 95 percent.

Until significantly more Federal and State funds are made available for the development of additional technology and for an action program to identify and control acid drainage from abandoned mines systematically, only limited progress can be made toward reducing pollution caused by discharges of acid into the Nation's streams, rivers, lakes, and ponds.

Circumstances Surrounding the Transfer of the Division of Ecological Research from Research Triangle Park, North Carolina, to Corvallis, Oregon. *Environmental Protection Agency B-177222 of January 5, released September 26 by Representative Nick Galifianakis.*

As this title suggests, GAO—at the request of Representative Galifianakis—reviewed such aspects of this matter as—

Justifying and planning the transfer;

Program improvement;

Program disruptions; and

Costs associated with the transfer.

As requested by Rep. Galifianakis' office, GAO did not obtain the formal comments of EPA on the matters discussed in this report. Those matters, however, were discussed with EPA officials during GAO's review.

LETTER REPORTS

To the Chairman, Legal and Monetary Affairs Subcommittee, House Committee on Government Operations, discussing comments by the Department of Justice on GAO's report on the nationwide criminal data exchange system. *B–171019 of September 6, released September 28.*

To Senator Stuart Symington, on the extent of actual and potential cost increases on Army contract awarded for construction of Safeguard facilities at Grand Forks, North Dakota. *B–164025 of September 7, released September 10.*

To Senator Birch Bayh, concerning military and educational problems at the Air Force Academy. B–159219 of September 10, released September 17.

To the Chairman, House Committee on Appropriations, comparing two cost studies of the F–15 aircraft program. B–168664 of September 14, released September 21.

To Representative Bill Chappell, on the Navy's bombing practices at the Pinecastle Electronic Warfare Range, Ocala National Forest, Florida. B–178547 of August 30, released September 5.

To Senator Harry F. Byrd, Jr., concerning the accuracy of the balance of payments offset related to U.S. participation in NATO for fiscal years 1972 and 1973. B–156489 of August 8, released September 6.

To Representative John M. Murphy, on the purpose and cost of Postal Service promotional and advertising programs. B–114874 of June 12, released September 10.

To the Chairman, House Committee on Banking and Currency, reviewing the Model Cities program in Newark, New Jersey. B–171500 of May 7, released September 12.

To the Secretary of Defense, concerning procedures of the military services for issuing common handtools to civilian and military personnel. B–146856 of September 12.

To the Administrator, General Services Administration, discussing the effectiveness of energy conservation practices in Federal buildings. B–178205 of September 12.

To the Administrator, Veterans Administration, on the use of closed circuit television systems in VA hospitals to assist in patient care. B–164497(3) of September 14.

To the Secretary of Defense, concerning the adequacy of the cost accounting system of the Ladish Corporation, Cudahy, Wisconsin, for developing cost of pricing data. B–178821 of September 17.

To the Secretary of Defense, on problems of small contractors related to payments for independent research and development costs. B–167034 of September 17.

To the Board of Directors, Export-Import Bank of the United States, on GAO's examination of the financial statements of the Ex-Im Bank. B–114823 of August 31.

OFFICE OF FEDERAL ELECTIONS REPORT

Three apparent violations of the Federal Election Campaign Act and one of 18 U.S.C. 610 by the Shirley Chisholm for President Committee were referred to the Attorney General by the Comptroller General on September 7.

LEGISLATIVE RECOMMENDATIONS—FISCAL YEAR 1974

GAO recommends that the Congress consider the following:

Joint funding legislation to permit State employment security agencies to obligate administrative expenses against a single allocation of funds. B–115349 of July 23.

H.R. 982 to prohibit the employment of illegal aliens. B–125051 of July 31.

Whether it is appropriate for the Government to continue funding the cost of transportation procured specifically for armed forces exchange goods. B–169972 of August 6.

Legislation providing for approval by the Congress of long-term leasing of such assets as shops. B–174839 of August 15.

Clarifying the Webb-Pomerene Export Trade Act of 1918 so that it will be more effective in inducing companies to form associations to compete in foreign markets. B–172255 of August 22.

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Copies of Office of Federal Elections reports are available from the U.S. General Accounting Office, Room 6510, 441 G Street, NW., Washington, D.C. 20548. Phone (202) 386–6411. Copies are free, except as noted.

NEED FOR IMPROVED TEACHING SKILLS IN AREA OF READING

Mr. DOMENICI. Mr. President, I wish to speak again today regarding a matter of great importance to me—and to many Americans. I have mentioned before statistics clearly indicating the need for improved teaching skills in the area of reading as today over 18 million adults are considered functional illiterates. This figure is compounded by another startling fact that 7 million elementary and secondary schoolchildren are in the need of special reading assistance.

A few months go I became a cosponsor of S. 1318, the Elementary School Reading Emphasis Act of 1973, a measure sponsored by Senator BEALL and Senator DOMINICK. I applaud the efforts of my two colleagues to open the doors for our many schoolchildren who will face a life with less meaning and certainly fewer privileges because they are unable to read.

As we know, to become proficient in almost any occupation in this country, an individual must know how to read. Filling job applicant forms, passing driving tests, and reading for enjoyment requires a certain base level of reading competence which all too many individuals do not have, but would be able to master if proper techniques are used by a skilled teaching staff in the early years of school instruction.

This fact is all the more relevant in my own State of New Mexico where, as I have mentioned before in this Chamber, 59 percent of all 8th graders are reading below grade level. This particular figure is most alarming when further study reveals that 78 percent of the Spanish children read below grade level, 92 percent of the Indian children, and 83 percent of the black children. It is obvious to me that proper teaching techniques including bilingual and cultural instruction must be incorporated in our elementary schools before this appalling situation is corrected.

The Senate Subcommittee on Education recently held hearings on S. 1318 and other reading measures pending Senate action. I submitted testimony before the subcommittee and, if there is no objection, I would like to print those comments in the RECORD following these remarks. I urged the subcommittee to act quickly in view of the present problem which I believe will not go away without national dedication and concern. I also requested that the provisions of S. 1318 be the basis of the final bill reported out of the subcommittee inasmuch as the moneys expended would be directed to assist schoolchildren in their most formative years. The bill also would provide for additional skilled teachers through more comprehensive teacher training courses at our Nation's universities.

At the time I cosponsored S. 1318 I asked many principals in New Mexico to comment on the provisions of S. 1318. I wanted to know if the contents of the bill seemed appropropriate to attack the problem which we all knew would need new approaches. More than 100 educators responded to my inquiry; many wrote of their own concerns over specific areas of elementary education related to reading. The primary problem mentioned in letter after letter was the lack of funds for resource personnel and enough adequately trained instructors. I feel that the passage of S. 1318 would make available those necessary moneys for the additional skilled instructors. In fact, that is the primary concern of the bill.

An appropriate reading readiness bill is absolute necessary and I again urge my colleagues' immedate attention and action to this matter.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

Mr. DOMENICI. Mr. Chairman, thank you for this opportunity to give my views and experiences concerning this most important legislative issue. I would like to give my formal statement after relaying to the Committee a few thoughts from fellow New Mexicans on this matter.

On September 14, I sent a letter to every school principal in the State of New Mexico asking their opinion with regard to the provisions of S. 1318, the only reading measure offered at that time. In my letter, I outlined the bill's primary thrusts designed to help alleviate reading failures in our schools.

The response received in my office was extremely supportive of this legislation. In the October 18th Congressional Record I inserted only a few responses from these fine, conscientious people.

Many principals and teachers wrote to express their concern over the reading difficulties they observed in young students—difficulties which could be overcome with sufficient funds and additional trained teachers. Test results from last year showed that the main weakness in the schools in New Mexico was in vocabulary skills—the key to the mastering of reading proficiency. This skill is the basis of a person's success in school and in subsequent adult life.

These concerned educators mentioned again and again the obvious need for action as well as their own helplesness in the face of inadequate funds for additional resource teachers for individualized instruction. However, these same professionals did not give this, or any other, reading measure a blanket acceptance. Many commented on the need for periodic analysis of the programs to spot weaknesses. In other words, these people are not willing to just spend Federal money. They want results. So do I.

Because of my genuine concern for the basics of education and with the facts that I have just described. I could not let the Committee begin to consider its final disposition without hearing from me.

Mr. Domenici. I would like to speak today in support of S. 1318, the Elementary School Reading Emphasis Act of 1973. I am a cosponsor of this bill which was introduced by Senator Beall and Senator Dominick in March of last year. I cannot emphasize enough how important I think it is. In the field of education it seems to me there is no greater priority than teaching our children to read. In order to teach them, it is essential to train people as reading specialists, to insure that elementary schools begin to see reading as a top priority, and to conduct research into the best, most effective means of reading instruction. S. 1318 will go a long way toward accomplishing these goals.

When one considers the statistics it is clear that our schools are not doing an adequate job teaching reading. To begin with, it appears that there are at least 7 million elementary and secondary school children in need of special reading assistance. In our urban areas, 40 to 50% of our children are reading below grade level; in the poorest of these schools, these figures go as high as 70 to 80%. Such reading deficiencies among children do not bode well for the future of our country.

Given the realities of our age, it is close to impossible to survive in this country without being able to read. I'm not talking now about being able to read complicated works of literature. Certainly this is not a requirement for all people. But it is necessary for every citizen to be able to read and comprehend such things as government forms, like social security and medicare applications. It is essential to be able to read and understand the questions and instructions on the exam for a driver's license and to be able to properly fill out the forms to open a bank account. In 1970 Louis Harris and Associates conducted a Nationwide survey to determine the extent of "functional illiteracy" in this country. They found that as many as 18.5 million Americans 16 years and older lack the reading ability they need to survive in our society, in other words these people cannot read or comprehend even the most basic forms or applications.

From my point of view, figures of this sort are devastating. The immediacy of the need is all too clear. The bill we have proposed, while not a panacea for all our reading problems, will concentrate tremendous efforts to overcome reading deficiency at what I consider to be the most important age. Programs funded under this bill will be directed to the remediation of elementary school reading problems. It is our intent to get to the problems either before they have begun, or when they are still new enough to be completely eliminated.

S. 1318 would appropriate $176 million over a three year period for a variety of programs directed at the elementary school child. First, it would provide that children in the first and second grades receive 40 minutes daily of reading instruction by specialists. For children in the third grade and above who are having reading difficulties, it would provide further special instruction. It provides for intensive reading programs during the summer for children who have fallen behind in reading. S. 1318 would also establish a "reading corps" program which would both train reading specialists and encourage them to teach in schools where there is a high concentration of children with reading problems.

Instructional television programs are also included. These would be developed for use with teachers, to train them to become specialists in the field of reading. S. 1318 would also make available grants to develop programs that would improve the professional competency of teachers of reading and principals. By including school principals, this bill insures that reading programs will gain the acceptance of the entire school. If the school leader supports the program and is knowledgable about it, it is far more likely to be successful than if it were just a small isolated program restricted to a few teachers. Finally our bill would create a Center for Reading Improvement, and provide for a Presidential award for reading achievement.

It is my purpose to speak today in support of the bill I have cosponsored, but I would like to take a few minutes to talk about S. 2069, a bill introduced in June of this last year by Senator Eagleton which is entitled the "National Reading Improvement Act of 1973". While I am not completely in favor of all the proposals of this bill, I think it is important and that Senator Eagleton has made an important contribution to the effort to improve reading.

My biggest problem with this bill is the suspicion that its proposals are spread too thin. It not only intends to reach elementary and secondary school children, but it proposes to confront the problems of the adult illiterate. I am of course in favor of such a comprehensive attack on the reading problems that plague all levels of our society. At the same time I am pragmatic enough to know that the kind of money that is necessary to do such a job will never be appropriated. At least not any time in the near future. We have witnessed cutbacks in Federal spending for education and a number of presidential vetoes of education appropriations which were "inflationary." I simply don't think a measure which is as vast and as ambitious as S. 2069 stands a chance, given the realities of a realistic national budget.

So I have opted to support a bill that I think stands a good chance of passage and ultimately a good chance of achieving success. It would concentrate on the reading difficulties of elementary school children, helping to overcome deficiencies before they become too acute. We must begin somewhere. And it seems to me that our greatest chances of success at this time are with younger children. Perhaps in later years, as the program has proven successful, and as there are many more qualified reading specialists available, we can expand into the high schools. For now, let's work toward genuine improvement with our younger children.

PROCESS FOR RESOLVING OUR CONSTITUTIONAL CRISIS

Mr. HART. Mr. President, the events of recent days have focused sharply for most Americans the constitutional crisis that faces us: Whether the President can retain the confidence of the American people and the ability to govern, or whether he has violated his trust of office and must be removed.

My distinguished colleague from Maine, Senator Edmund S. Muskie, recently delivered a speech containing a thorough and thoughtful analysis of this question. Senator Muskie concluded that the President's recent actions—including not only his failure at that time to have obeyed a final court order, but his dismissal of Special Prosecutor Cox—have thrust upon the American people a constitutional crisis which demands resolution. And impeachment, Senator Muskie explained, is the only process in the Constitution for resolving this crisis.

The escalating crisis in world affairs, and the developments in the Watergate case since Senator Muskie spoke, have not resolved the fundamental questions raised in Senator Muskie's speech or restored the credibility of the President. The continuing importance of those questions, and the gravity of the constitutional crisis that faces us, have been described in several thoughtful recent comments—editorials of the Washington Post and the New York Times, and a column by James Reston.

I commend Senator Muskie's speech to my colleagues and ask unanimous consent that it be printed in the Record, together with the editorials and column to which I have referred.

There being no objection, the material was ordered to be printed in the Record, as follows:

Speech by Senator Edmund S. Muskie, University of Toledo, October 23, 1973

Last Saturday night I made the following statement: I believe that these events are of such gravity and consequence to our form of government that the House of Representatives should consider holding hearings on the impeachment of the President. What the President has done threatens to destroy our system of laws. Unless Congress responds in the only way provided in the Constitution for resisting such a usurpation of authority, we endanger our country's future.

I want to expand today upon that statement.

The events of last week force us to consider seriously a course of action from which we instinctively shrink. As an officer elected by all the people to govern, the President commands a respect and carries a responsibility with which no one would lightly or maliciously interfere.

But, as the executor of the laws that cement our society, the President remains ultimately subject to the law and to the procedures for its enforcement. As the Court of Appeals observed ten days ago, "Though the President is elected by nationwide ballot, and is often said to represent all the people, he does not embody the nation's sovereignty. He is not above the law's commands."

A crisis the President himself has set in motion now requires us to determine what those commands are and whether or not the President has set himself above the law. To make that determination about the President's behavior in the conduct of the Watergate investigation, I believe we must now begin the hearings in the House of Representatives which are the first step toward the presentation of formal impeachment charges.

It is possible that before that process ever culminates in a Senate trial, we might find other means of resolving our crisis. But while we search for those avenues of accommodation, we should use the instruments the Constitution provides to set limits on the conduct of the President.

I

When ordinary standards of behavior governing the relationship of citizen to citizen or of citizens to the state are violated, the offenses are investigated and, if proved, are punished. So when action by the President seems to offend our basic Constitutional standards, the other representatives of the people are obligated to examine that action, to weigh official conduct in a given case against accepted rules of conduct, and to pronounce a final judgment.

I view impeachment, then, as a means, not an end, and I speak today of the process, not of any foreordained outcome. We cannot, obviously, be commited to a verdict before knowing the charges. But we have come to a moment, in my judgment, when the mechanism of impeachment is the surest way in which we can examine the charges and determine their resolution.

The Constitution gives us but one process to enforce on a President the principle that the law is supreme. When the Executive ignores the commands of the courts and abuses the trust of the people, the impeachment process offers us the surest remedy.

By beginning that process now, the House of Representatives will have the opportunity to determine directly and openly whether there should be a trial on removing the President from office for violating the order of the courts, for dismissing the special prosecutor, or for other actions which James Madison defined as "contradiction of justice." If the House determines that a trial should be held, the Senate, with the Chief Justice of the United States presiding, undertakes to pass final judgment on the President's case.

II

In his study of the Presidency, Clinton Rossiter speaks of the political limits on the office. "The President," he wrote, "draws immense authority from the support of the American people, but only if he uses it in ways that they understand and approve, which generally means ways that are fair, dignified, traditional and familiar. . . . If he knows anything of history or politics or administration, he knows that he can do great things only within 'the common range of expectation,' that is to say, in ways that honor or at least do not outrage the accepted dictates of Constitutionalism, democracy, personal liberty and . . . morality."

In the dismissal of Archibald Cox as Special Watergate Prosecutor and the threatened abandonment of the independent investigation of the Watergate scandals, the President betrayed the expectations of many Americans and outraged those standards.

Those expectations were bolstered by the President's promise early in May that he would not claim executive privilege to prohibit testimony by White House officials concerning possible criminal conduct in the Watergate affair and the alleged cover-up. They were increased by his statement calling for a full resolution of the issues of wrongdoing *in the courts*, the corollary to his attack on the Senate Watergate hearings. And those expectations finally centered on the hope that the independent special prosecutor the President appointed, at the insistence of the Senate, would be free to pursue justice to final judgments of guilt or innocence and would, through that pursuit, allow us all to make a judgment on the President's conduct.

Now—in removing the special prosecutor—the President has undercut those hopes and the achievement of that objective.

III

No one denies the Chief Authority to fire any insubordinate official in the Executive Branch. But the role Mr. Cox filled was an exceptional one. By eliminating that role—not just the man who undertook it—the President has broken his word and his contract to Mr. Cox, to the Congress and to the country.

The office of special prosecutor represented concrete proof of a proposition that had been and is now again in doubt—the ability of the Executive Branch to investigate itself and punish its own officials. Ever since former White House officials were charged with the burglary of the Democratic Party headquarters, the country has wondered how those charges—and all the others that have grown from them—could be fully and fairly prosecuted by close personal and political associates of the suspects themselves.

The old maxim that no man can be a judge in his own case required some outside, independent investigation and prosecution of the multiplying suspicions that the highest officers in the government had engaged in the lowest political practices. Finally, this spring, when Elliot Richardson was nominated Attorney General, the Senate made the confirmation of a new Attorney General conditional on the appointment of a special prosecutor with independent authority.

In the charter creating that office Elliot Richardson, the President's nominee for Attorney General, committed himself and the President to give Mr. Cox complete freedom of action. "In particular," the order of the Attorney General declared, "the special prosecutor shall have full authority . . . for . . . determining whether or not to contest the assertion of 'executive privilege' or any other testimonial privilege. . . . the Attorney General will not countermand or interfere with the special prosecutor's decisions or actions. . . . the special prosecutor will not be removed from his duties except for extraordinary improprieties on his part." And the President himself promised, on May 9th, that "the special prosecutor . . . will have the total cooperation of the executive branch of this government."

Last Friday, the President, in effect, revoked that charter which gave the special prosecutor *independent* status, and undertook to direct him, as an ordinary employee of the executive branch, "to make *no further attempts by judicial process* to obtain tapes, notes, or memoranda of presidential conversations."

The special prosecutor rejected that direction, and the President's substitute of a personal summary of the tapes, to be reviewed by Senator Stennis, for the following reasons:

"The instructions are in violation of the promises . . . made to the Senate . . . and my pledge to invoke *judicial* process to challenge exaggerated claims of executive privilege."

"Acceptance . . . would defeat the fair administration of justice."

"It would deprive prosecutors of admissible evidence in prosecuting wrongdoers who abused high governmental office."

"It would also enable defendants to go free, by withholding material a judge ruled necessary to a fair trial."

IV

By changing the rules in the middle of the contest, the President revoked his pledge to the Senate. And he thus cancelled the commitment he had made to the whole country that the Watergate investigation would be conducted without any further political interference.

By that act he has raised the basic issue of presidential power to restrict an investigation of paramount importance to the public. Let me just remind you what the public interest in this inquiry is.

We are not confronted by questions of petty criminality.

We are faced, instead, with charges—many of them already substantiated in convincing part—of an unparalleled conspiracy to defraud the people of their right to an honest election and of a further conspiracy to defraud the courts of their power to administer justice.

Charges that spies and saboteurs were paid to disrupt a political campaign.

Charges that officially authorized burglaries were committed against a private doctor's office and a political party's headquarters.

Charges that suspects and key witnesses were offered bribes to keep them silent or promises to encourage them to lie.

Charges that journalists and government officials illegally lost their privacy to official wiretappers, acting without court warrant.

Charges that independent government agencies were pressured to abandon their impartial responsibilities in order to harass and intimidate critics of the Administration and to show favoritism to friends.

Charges that the head of the F.B.I. was ordered to destroy evidence.

Charges that top officials of the C.I.A. were ordered to violate their agency's charter against interference in internal affairs.

Charges that a Federal judge was offered promotion while presiding over a crucial and controversial case.

And charges that a secret police agency was established in the White House *with authority to break the law* in order, supposedly, to protect national security.

Some of these acts allegedly involved the direct participation and decisions of the President. Most of them involved men in the White House acting with what they took to be presidential authority and approval. Much of their behavior appears grossly improper and some of it, in the preliminary judgment of grand juries, was illegal.

V

But the overriding concern about all these actual and suspected breaches of law is the degree to which they were proper or improper exercises of presidential authority. A clearly important if not crucial means of deciding that question depended on the impartial examination of evidence in the President's custody.

VI

The President now says he will not make all of that evidence available to outside scrutiny and those portions of it which he will release will appear only in a statement prepared by him personally and authenticated by Senator Stennis. In making that decision he relies on his claim to *absolute discretion* over what information in his possession will be disclosed to the Congress, the courts and the people. That claimed discretion—only since 1958 has it been called executive privilege—is the heart of the political question we face.

For the present, the October 13 ruling of the U.S. Court of Appeals on that claim is the binding legal standard. Based on that standard, the judges ordered the delivery of the tapes to Judge Sirica and said: "The President's privilege cannot . . . be deemed absolute. . . . [A]pplication of executive privilege depends upon a weighing of the public interest protected by the privilege against the public interests that would be served by disclosure in a particular case."

The central question of the limits of presidential discretion—including executive privilege—has become acute. And the impeachment process, as I suggested, appears now the best forum in which to seek an answer to that fundamental question.

VII

The primary concern of the men who wrote our Constitution was their fear of tyranny—by a monarch or by a mob. That fear explains the unique safeguards they built against abuse of power.

Their fundamental invention was the division of power among three separate branches of government under the rule of law. That structure gave each branch enough authority to carry out its own responsibilities, but it also denied any single branch the concentrated power to evade the control of the other two or, ultimately, the control of the people.

In practice, that ingenious and delicate balance has withstood severe tests. It has given us a government responsive both to the ordinary demands of overseeing the welfare of a continental nation and to the extraordinary demands of domestic and international crisis.

But as Justice Brandeis once observed, "The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of governmental power among three departments, to save the people from autocracy."

VIII

In the Watergate affair, the President has laid claim to uncontrolled power. Some may challenge the claim from fear that it is made to block an inquiry that might deeply embarrass the President. But, more importantly, we must challenge the power behind the claim, because such authority—uncontested—could undo the whole balance of power that has made the American experiment with democracy uniquely successful.

Centralized power, the Framers knew, was ultimately irresponsible. Power over information—over the knowledge which is synonymous with power—is the ultimate authority. For, as President Nixon himself said in 1972, "[W]hen information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and—eventually—incapable of determining their own destinies."

More than twenty-five years ago, when President Truman refused to give Congress information it sought about alleged Communist subversion in his Administration, a California Congressman named Richard Nixon said this on the floor of the House Representatives:

"The point has been made that the President of the United States has issued an order that none of this information can be released to the Congress and that therefore the Congress has no right to question the judgment of the President in making that decision.

"I say that proposition cannot stand from a constitutional standpoint or on the basis of the merits for this very good reason; that would mean that the President could have arbitrarily issued an executive order in . . . the Teapot Dome case, or any other case denying the Congress of the United States information it needed to conduct an investigation of the executive department, and the Congress would have no right to question his decision."

I would use that judgment of Congressman Nixon to judge last Friday's actions by President Nixon.

IX

That process of judgment was going forward in the courts. Indeed, the courts may still find that the President is not in compliance with their orders. Such a finding would constitute a formal determination that the President is in contempt of court.

But that is a legal issue. Its outcome will weigh heavily on any action Congress might take as it proceeds to explore the grounds for impeachment. Congress, however, is charged with the political judgment of whether or not the President has acted in contempt of the Constitution and the people's will.

X

There are intermediate steps toward making that determination. For instance, Congress could by statute create another independent special prosecutor, an arm of the legislative branch, and not a subordinate of the President. And such a prosecutor could carry the argument Mr. Cox was forced to drop part way through another round of judicial contest.

Such a procedure would help preserve the integrity of the ongoing criminal investigation of those involved in Watergate and associated wrongdoing. But I have little confidence that such a course can advance a final resolution of the conflict between the President and the rule of law. So while I would favor all efforts to accommodate the dispute, I think we must prepare for a final judgment in the President's case. Impeachment is just that—no more and no less than a process for measuring his claims of authority against the limits our laws and our tradition impose on the conduct of the President.

The law, ultimately, is what the courts pronounce. The Congress, in an impeachment proceeding, is a court, and for questions of the President's fitness for office, it is the final court.

Since his actions in the Watergate affair have raised those questions of fitness to the highest level of public concern, those questions must now be resolved. I do not welcome the coming conflict. I would prefer to see it avoided by the President's voluntary reversal of his recent decision.

But with little expectation of that development, I urge now that we set in motion the Constitutional process for putting the Presidency under law.

It is not, ultimately, the men in office whom the people trust. It is the institutions of our democracy—the restraints of the law on those whom we put in authority—that inspire public confidence. To restore that confidence, we must now revive those institutions, which have become rusty through disuse.

The prospect of impeachment is awesome. But the prospect of government lawlessness is worse.

When only one sure remedy remains against intolerable abuse of the people's liberty, we must use that remedy or renounce our claim to the history of freedom and the legal order that protected it and us.

The process of impeachment offers us such a remedy. We must now initiate the process and, through its workings, seek a resolution of our crisis.

[From the New York Times, Oct. 24, 1973]

MR. NIXON'S DECEPTIVE COMPROMISE

(By James Reston)

The one thing you have to say for Richard Nixon is that he knows when he is licked. Almost everything he always said he would never do—compromise with Moscow, recognize Peking, accept deficit financing, or be unfaithful to his promises—he has done. And he has done it again by releasing the Watergate tapes, which he said he would never release.

It was a clever move. He has retreated from one mess to another, but he has gained time. It will take weeks to get the tapes down on paper and to get a new team to take over the prosecution at the Justice Department, but meanwhile, he has got rid of Archibald Cox, the "independent" prosecutor, which was probably his objective, and he has postponed—though he has not avoided—a critical battle with both the courts and the Congress.

The President was in terrible trouble before he switched and agreed to let the tapes go to the courts. He judged Archibald Cox well enough. He gave Mr. Cox a dishonorable order he knew Cox wouldn't accept, and he was right. So Mr. Cox, for the moment, is going home.

But the President misjudged Attorney General Richardson and Deputy Attorney General Ruckelshaus. He appealed to Mr. Richardson to concentrate on the Middle East crisis and stay on even if Mr. Cox disappeared. He even had Richardson's old friend Henry Kissinger appeal to Richardson to stress the foreign crisis and avoid a resignation, but Mr. Richardson didn't agree.

The White House didn't even give Mr. Richardson time to respond to the President's order to fire Special Prosecutor Cox. Gen. Alexander Haig called Richardson at 7 o'clock last Saturday night and told him the President was sending him a message, which seemed to call for an answer from Richardson, but while the Attorney General was trying to draft a reply, the White House put out its announcement that Mr. Cox was fired.

Then the White House turned to Mr. Ruckelshaus to fire Mr. Cox, and General Haig not only told him this was an order from "the Commander in Chief" but appealed to him on patriotic grounds to carry out the order. Mr. Ruckelshaus, according to his associates, replied that patriotism was not the same as obedience, that in his mind it was sometimes the opposite, and that he would not comply. So he was fired.

Meanwhile, Mr. Richardson appealed to the President's aides and lawyers to consider what the reaction would be in Congress and in the country if they fired Mr. Cox for carrying out the independent prosecution he was promised by the President and the Attorney General; but his appeal was rejected, even after he implied that he would have to resign if they insisted.

It is interesting and significant that during those critical five days when Mr. Richardson was negotiating with the White House staff, and warning them not to fire Mr. Cox or force his own resignation, the President never discussed the problem personally with his own Attorney General, until the very end when it was clear that the President was determined to get rid of Mr. Cox. Only then, when Richardson said he would resign if Cox was fired, did the President agree to see him, and even then, he let him go and later ordered him to dismiss Mr. Cox.

It was a typical bold and desperate Nixon play, but this time it didn't work. Public reaction went against the President. Messrs. Cox, Richardson and Ruckelshaus went on television and stated their arguments; all of them, and particularly Mr. Richardson, with devastating effect.

Accordingly, the President was confronted with precisely the power struggle he had sought to avoid. The Congress was proceeding toward impeachment proceedings in the House. The unions were demanding his dismissal from the Presidency. More important, the old Republican Establishment, led by the leaders of the bar, were denouncing the dismissal of Mr. Cox and the resignation of Mr. Richardson, and indications were that Judge Sirica was going to hold the President in contempt of court.

Facing all this, and the prospect that the controversy would go back into the streets if he defied the courts and the Congress, the President agreed to hand over the tapes. This will avoid the clash for a time but not for long.

For once he has admitted the tapes into evidence in the courts, it will be hard for him to exclude other relevant documents, or to argue against another special prosecutor. He has got rid of Mr. Cox for the moment, but not of prosecution. He has saved his skin but not his honor.

Ironically, he chose to challenge in this latest of his political crises three men—Cox, Richardson and Ruckelshaus—who had become the most attractive and articulate symbols of objectivity and probity in his Administration. And in the process, he lost all three.

This has shocked Washington more than anything since the Watergate burglary, and while he now has time to try to sort things out, he has affronted his own most loyal supporters and even his own Cabinet, and raised the most serious questions about his moral authority to govern over the next three years.

[From the New York Times, Oct. 24, 1973]

Mr. Nixon Retreats

President Nixon has capitulated to the explosion of public and Congressional outrage over his effort to evade Federal court orders to turn over to United States District Judge John J. Sirica the subpoenaed taped conversations touching on the Watergate affair. In announcing the dramatic reversal, Presidential lawyer Charles Alan Wright left no room for doubt that Mr. Nixon's move was in response to the refusal of the American people to allow the President to continue to place himself above and beyond the rule of law.

Mr. Nixon's aborted game plan seems clear. After floating the "compromise" proposal to make available an "authenticated" version of the tapes, the President issued orders to Special Prosecutor Archibald Cox to desist both from all future attempts to obtain the tapes themselves and from any further pursuit of other White House documents.

The President could have hardly expected Mr. Cox to obey such an order. The special prosecutor's inevitable defiance provided Mr. Nixon with the pretext to fire Mr. Cox and abolish his office. Had the maneuver succeeded, it would have given Mr. Nixon the double victory of an end-run around the courts and of getting rid of the special prosecutor. Regrettably, he has already managed to achieve half that goal; it is now up to Congress to repair the damage by re-establishing the post formerly held by Mr. Cox.

Referring to the President's effort to end, the constitutional crisis, Mr. Wright conceded yesterday that "events over the weekend made it apparent it did not." The game plan failed because, as honorable men, former Attorney General Richardson and his deputy, William D. Ruckelshaus, chose to resign rather than to lend legitimacy to the White House coup. Their courageous rejection of the White House effort to destroy the independence of Mr. Cox did much to persuade the American people and Congress that the President had so far overstepped the bounds of his lawful powers that he now would have to be stopped by any constitutional means necessary.

With his cool and correct presentation at yesterday's news conference, entirely within the framework of loyalty to the Administration he had served so long, Mr. Richardson torpedoed efforts of the White House entourage—what is left of it—to discredit Mr. Cox as a partisan agent intent on "getting" the President. In unequivocal terms, Mr. Richardson said that had he been in Mr. Cox's position, "I would have done what he has done." Even more crucial to the future course of the investigation, Mr. Richardson made it clear that, while he had supported the compromise on the tapes, he had never accepted the White House proviso that Mr. Cox be barred from pursuing with court action other tapes and documents if they were to become essential to the case.

Mr. Nixon's retreat came amid ominous signs that he had embarked on a disastrous course. The House of Representatives had taken steps to determine whether the President's action warranted impeachment proceedings. The bar was in open revolt. Judge Sirica had told the two Watergate grand juries to continue their work and that he was prepared to appoint a special counsel to carry on the prosecutor's task.

The pending investigations, necessarily suspended by Mr. Cox's departure, should certainly be continued by a new and independent prosecutor, aided by Mr. Cox's former staff. It is clear that independence—and assurance that the job will be completed even in the face of Presidential displeasure—is unattainable so long as the prosecutor remains under the jurisdiction of the executive branch.

The first order of business is creation of a new special prosecutor through Congressional action, to function under the authority either of Congress or the grand jury. Now that the will of an aroused people has compelled Mr. Nixon to withdraw from his defiant position on the narrow matter of the tapes, the democratic process that has been set in motion must resume the long-term task of investigating Watergate in all its aspects, including the degree of responsibility—if any—of the President of the United States. What is at stake is nothing less than a return to government under law.

[From the Washington Post, Oct. 24, 1973]

The Tapes: What Has—And Has Not—Been Resolved

Well, the President of the United States has finally let it be known that in one particular matter affecting an inquiry into allegations of criminal behavior in his government, he is prepared to respect a command of the federal courts. But look at what it took to bring about the President's compliance in this instance: the resignations, in protest, of the two top officials of the Department of Justice; the firing of the Watergate Special Prosecutor and the abolition of his office; the breaking of a solemn compact with the United States Senate; a call for the President's removal from office on the part of his erstwhile supporters in organized labor, including leaders of AFL–CIO unions representing 13.6 million workers; a virtual breakdown of the machinery of Western Union under the weight of an avalanche of telegrams to Congress calling for presidential impeachment; the formal beginnings of an impeachment process in the House; an outpouring of critical editorial opinion from around the country; and a raw warning from his own party's congressional leaders that they could not save him unless he changed course. When you add to all this upheaval the anguish, controversy, uncertainty and general demoralization and debilitation of both the government and the country over the last three months, you have to temper somewhat your applause for the ultimate and obvious rightness of yesterday's decision.

This is all the more so when you consider the relative importance of the tapes in the crisis of government that has grown out of the Watergate, and the criminal prosecutions themselves. For just as the public furor had its evident impact on Mr. Nixon's final decision, so the President's own prolonged intransigence concerning the release of the tapes, and the fierce attention he focused on the tapes alone, have given the public a distorted impression of their importance. The distortion is twofold. First, the contents of this relative handful of recordings have come to be seen as decisive in determining the President's own role in Watergate events, one way or the other. But the President himself has said that the tapes "would not finally settle the central issues" of the Watergate investigations, and Mr. Cox made no larger claims for their significance.

In addition to the probable inconclusiveness of these nine tapes by themselves, it should be remembered that they are only a fragment of a large body of potential evidence which Mr. Cox was seeking to obtain and related to only a single episode—the Watergate cover-up—in the great catalogue of crimes and improprieties which go under the name of Watergate. It is thus nonsense to claim, as the President did in his statement on Friday night, that their release would resolve "any lingering thought that the President himself might have been involved in a Watergate cover-up," and still more so to suppose that their release can, in any sense, close the larger Watergate case.

This leads us to a second distortion, which has to do not with the contents of the tapes but with the President's willingness or unwillingness to make them available pursuant to a court order. Indeed, the whole question of Mr. Nixon's suitability to continue in office had come to rest a short time ago on whether he would or would not defy the federal courts. Defiance or nondefiance of the courts had become, in other words, for many people the exclusive test of the President's conduct of his office so far as the whole morass of Watergate and related matters is concerned. But to think this way is to fall into the same trap as to conclude that a President who is not found guilty of a criminal offense has thereby demonstrated his fitness for office, or to argue that the President was justified in his performance last weekend by reason of his technical authority to fire Archibald Cox.

In fact, the long, tawdry history of the White House tapes issue makes it clear that these other tests offer only minimal and inadequate standards by which to judge a President's fitness and capacity to govern. Surely, the people require more of their President than the knowledge that under the most severe political duress he is prepared to obey a federal court order.

Surely we are obliged to examine the history of the President's handling of the tapes issue and to count the costs incurred along the way. That history isn't all that ancient, either. As recently as Friday night, judging from Elliot Richardson's account of his own role in the so-called bargaining with Mr. Cox, the President was grossly misleading the American people as to the sponsorship of and support for the arrangements he attempted to force upon the Special Prosecutor. He was suggesting that partisan exploitation of Watergate in general, and the tapes issue in particular, was—would you believe?—somehow responsible for the aggressive Soviet mood of the moment in the Mideast. And he was still wreaking an enormous amount of needless damage, wantonly inflicted in the name of a principle on which, within three days, he was to yield.

We have no doubt that as a consequence of so yielding Mr. Nixon will have managed to diminish the intensity of the highly emotional drive to oust him from office that was getting under way. And should he go further and take such vital steps as reconstituting the office of Special Prosecutor and reinvigorating and cooperating with the investigations themselves, he would certainly lower the temperature even further. That is just as well. For the events of the past many months that have been and remain so profoundly troubling can not be appraised and dealt with in the kind of turmoil that Mr. Nixon's most recent actions had created. That they remain to be dealt with is, in our view, not open to question. The President said last Friday night that he wished to "bring the issue of Watergate tapes to an end to assure our full attention to more pressing business affecting the very security of the nation." We share that aim. But we think there is no more "pressing business affecting the security of the United States" than the business of deciding whether Richard Nixon, by his performance across the whole range of Watergate-related matters, has not proved himself incapable of governing. And that issue, we would argue, has scarcely begun to be resolved by yesterday's decision to surrender the Watergate tapes to the court.

SOLAR HEATING AND COOLING DEMONSTRATION ACT OF 1973

Mr. WEICKER. Mr. President, at a time when America is anguishing over a threatened shortage of conventional energy production, this Nation must take advantage of the vast potential of our space program to contribute to alternative energy resource development.

One important alternative energy resource that is attracting increasing attention from scientists and policymakers alike is solar power, the harnessing of man's true source of life, the sun. It has been asserted that solar energy can be not only environmentally safe but also economically competitive with other power sources.

Along with Senator Moss, the distinguished chairman of the Senate Committee on Aeronautical and Space Sciences, I have introduced S. 2658, the Solar Heating and Cooling Demonstration Act of 1973. This legislation focuses the in-house capabilities, expertise, and experience of NASA on the development of long range answers to the impending energy crisis.

The measure will authorize the commercial demonstration of solar heating and cooling technologies under practical conditions. Up to 2,000 solar heating units and 2,000 heating and cooling units would be mass produced and installed in public and private facilities for onsite testing and evaluation. NASA will direct this program, working with various Federal departments and agencies to develop appropriate technologies and demonstration criteria.

The Moss-Weicker bill is similar to H.R. 10952, introduced in the House by Congressman McCormack. With the prospect of emergency energy controls looming in our immediate future, it is imperative that both Houses of Congress afford these farsighted bills expedited consideration. Solar energy is no longer in the realm of science fiction, rather it is an irrepressible and important science fact that must not be ignored.

EDWARD J. GALLAGHER—LACONIA'S COMPLETE CITIZEN

Mr. McINTYRE. Mr. President, the November issue of New Hampshire Profiles features an article by Kathleen McCarthy about a leading citizen of New Hampshire, a venerable journalist, and a very good friend of mine—all one and the same man, Edward J. Gallagher of Laconia.

The first paragraph of the article reads:

> A New Hampshire newspaper editor for more than 60 years, Edward J. Gallagher of Laconia has left his mark on central New Hampshire: as a newsman, an author, a banker, and as the demon Democrat in a Republican town.

Now there may be those who would link my friendship with Ed Gallagher to the last phrase of that description, because the truth is that Laconia is my home town and for a long, long time there were not many Democrats in that town besides Ed Gallagher and me.

But anyone who reads the article will learn that Ed Gallagher left his partisan pen behind when he moved to Laconia and started publishing the Laconia Evening Citizen. From that day on he checked his politics at the door to the newspaper and concentrated on serving the community instead of partisan interests.

Indeed, as the article points out, Ed said he selected the name "Citizen" for his newspaper "because it implied public rather than political interest."

As a long-time, and continuing, reader of the Laconia Evening Citizen I can attest that Ed Gallagher has honored that commitment. But I would not want anyone to get the mistaken impression that the departure from partisan journalism implied any blandness in the Gallagher character.

Anyone reading this account of a man who started his professional writing career at 15, sold an article to Harper's Weekly when he was 18, bought his first newspaper at 19, competed vigorously in the days of the partisan press, and went on to make his mark as publisher, banker, adviser to Governors, and biographer of subjects as diverse as Stilson Hutchins, the founder of the Washington Post, and Mark Shinburn, Robber Baron, simply could not be bland.

Indeed, Ed Gallagher wrote the biography of bank robber Shinburn while he was the president of the Laconia Federal Savings & Loan Association.

Asked why the president of a bank should go to the trouble of making a bank burglar the central character in a book, Ed replied:

> In this instance I wear only the reporter's hat.

Mr. President, I would like to share Kathleen McCarthy's fascinating account of Ed Gallagher's career and at the same time express my appreciation for his character and his friendship by asking unanimous consent to have the text of the New Hampshire Profile's article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Edward J. Gallagher—Laconia's Complete Citizen

(By Kathleen McCarthy)

A New Hampshire newspaper editor for more than sixty years, Edward J. Gallagher of Laconia has left his mark on central New Hampshire: as a newsman, an author, a banker, and as the demon Democrat in a Republican town.

At the age of 82, Ed Gallagher is still working and writing, as the Editor-Publisher of the *Laconia Evening Citizen*, that city's only daily newspaper. With characteristic energy he maintains a full round of civic and business activities.

Over the years his contributions to his city and state have been fully recognized. He has been awarded three honorary college degrees, named Man of the Year by the Laconia Hospital Association, served as the Mayor of Laconia, selected as a delegate at large to the Democratic National Convention, elected to two Constitutional Conventions.

Gallagher personally chose to call his Laconia newspaper the *Citizen* and has set an example of the active citizen that is rarely matched.

Gallagher's writing career began in 1905, at the age of 15. Following a long childhood illness he composed a brief article which his nurse forwarded to the *Pictorial Review*. His pleasure at seeing it printed was only equaled by the Doctor's, who thought a typewriter would do him more good than further bed rest.

His political career began only three years later when he became the publicity man for the New Hampshire Taft Association in the 1908 campaign. His success was measured by the occasional barb sent out by the opposition.

Believing himself ready to take an editor's job on a newspaper, Gallagher approached the *Concord Patriot* in April 1909. His enthusiasm must have exceeded his credentials for he was turned down for a staff opening. He was told, "Come back when you have a reputation." In August of that year, the 18-year old Gallagher published an article on New Hampshire Prohibition in prestigious *Harper's Weekly*. The story was praised by the *Patriot* and other N.H. newspapers and soon after, the youthful writer was offered the job he had applied for some months earlier.

Gallagher enjoyed his early days as a newsman. Concord supported two papers, the Democratic *Patriot* and a Republican rival. The politics were bitterly partisan and each paper attacked the other with relish. In 1910, the *Patriot* was offered for sale and 19-year-old Gallagher bought it.

During the 1912 political campaign Gallagher was old enough to vote and that year he was elected as the youngest member of the Constitutional Convention, representing Ward 9 of Concord. Following the lead of Raymond B. Stevens, "leader of the Valiant minority," Gallagher voted with Stevens on everything. "The only time I was on the winning side was when there was a motion to adjourn at the end of three weeks."

The politics of Gallagher's youth preserve a period flavor. His article for *Harper's Weekly* was on prohibition in the Granite State, a hot issue for the next two decades. Following a 1912 vote for woman suffrage in the Constitutional Convention Gallagher was approached by a Superior Court judge. "The judge entered my office, pointed a stern finger at me and said, 'Young man, anyone who votes for woman suffrage insults his mother if living, and sullies her memory if dead.' "

For the next decade, Gallagher edited and managed the *Concord Patriot* maintaining its staunch Democratic stand. The paper had been founded in 1809 and some families had been subscribers for more than five generations. "They would have been disappointed if we didn't have bitter editorials."

During these years, he also became part owner of the weekly *Newport Champion*. One of the other partners in the paper was Francis Murphy, later to be Governor of New Hampshire. The relationship was to prove helpful years later during the Depression when Gallagher was Mayor of Laconia. Governor Murphy was always ready to help when the Mayor needed state participation for a local WPA project. Murphy later appointed him to the New Hampshire Planning and Development Commission (now DRED) where he served until 1951 when Governor Sherman Adams appointed him chairman of a commission to study the state's public utility laws.

On April 20, 1920, Gallagher bought the White's Opera House in which the *Patriot* was a tenant. Seven months later, the five-story building was destroyed in a fire. Undeterred by the disaster, Gallagher constructed a new *Patriot* building on the site in 1921, leasing the upper two floors for state offices. Eventually, in 1923, he was forced to sell out to John G. Winant to pay off his financial obligations.

Rather than seek a new career, Gallagher began canvassing the state for a likely city to start another newspaper. Berlin, with its booming lumbering industry and 23,000 population was investigated but rentable space was scarce.

Driving back to Concord, he stopped at the Laconia Chamber of Commerce, to see what it might have to offer. Gallagher was greeted with totally unexpected warmth, and asked if he would pose for a photograph. His royal welcome was not due to his fame (which had not yet reached Laconia), but instead the Chamber of Commerce needed a photograph immediately to illustrate a magazine article. Afterwards, they helped him locate rentable space in the Salvation Army Building on Hanover Street, and on Oct. 12, 1925, Gallagher was back in the newspaper business.

Beginning a small paper in Laconia marked a major change in Gallagher's career. At the *Patriot*, vehement partisan politics were not only acceptable, but almost required. To support a newspaper in Laconia required a considerably different attitude. The city was not large enough to support two separate, partisan papers.

"When I started as (*Patriot*) publisher in 1910, I was carrying on a one-hundred-year-old tradition. We were *the* Democratic paper. Editorially we held, that if he was a Democrat, he was wonderful; if he was a Republican, he was someone you could detest."

Now freed from a century old tradition, Gallagher determined his own editorial policy for his paper. "We selected the name 'Citizen' because it implied public rather than political interest." The *Citizen* and Gallagher carried out that policy, as a backer of the Laconia Hospital, a supporter of industrial development in the city, as an advisor to the White Mountain National Forest, and as a firm supporter of the Belknap Recreation Area. For many years Gallagher was a trustee of the Gale Library, and director and past president of the New Hampshire Tuberculosis Association.

The *Citizen* was enlarged in 1933, when it absorbed the *Laconia Weekly Democrat*, but the policy of the paper remained unchanged. In the last decade, the *Citizen* moved during Urban Renewal of the downtown, to a brand new facility on Fair Street. There in his large paneled office, Gallagher produces his editorials for the paper. The *Citizen* has become a family project, with the management of the paper handled by his daughter Alma and her husband, Laurence J. Smith. The virulent politics of his youth have given way to a more pragmatic attitude in his long maturity. "The *Citizen* tries to avoid getting into a field of great misunderstanding, as a champion or as an antagonist. That isn't my nature. Other newspapers cry out disaster every day, but it's a mistake to have a paper that keeps a town all riled up."

Although the *Citizen* avoids politics, Gallagher himself has had a busy political life. Recently he was cited by the New Hampshire State Senate for his more than sixty years as an active and respected participant in the political progress. Over the years, he has served several New Hampshire governors as a member of various commissions, boards and study committees.

Gallagher's publishing history is so extensive that a telephone caller told him she had found a letter in the 1909 *New York Sun*, by a man named Edward J. Gallagher. She wondered if the striking similarity of name indicated it might have been from his grandfather. In fact, the letter had been written by Gallagher himself as a boy of 19.

Luther Roby, Robber Baron and *Stilson Hutchins, Founder of the Washington Post*, are subjects of biographies Gallagher wrote recalling figures that influenced his early years. *Luther Roby* is a tribute to the father of his childhood guardian. Roby was an early printer in Concord, and his two daughters cared for Gallagher following the death of his own parents. During his years at the *Patriot*, Gallagher heard countless stories of Stilson Hutchins, a native of Whitefield, N.H., the most dashing of newsmen who had left a mark even on the *Patriot*.

Fascinated by the stories, they eventually became the stimulus for a biography of a man he had never met. Gallagher stirred a minor controversy when, while president of the Laconia Federal Savings & Loan Association, he wrote *Mark Shinburn, Robber Baron*. The New Hampshire escapades of the infamous bank robber were told, with little apology. "I have been asked why I, the president of a bank should go to the trouble of making a bank burglar the central character in a book . . . in this instance I wear only the reporter's hat."

The Shinburn book was the result of his hearing stories of the thief's escape from the Concord state prison in 1866. One of Gallagher's guardians had been on the way to church when she saw the escape take place—and it remained a favorite story. During his freedom Shinburn had purchased a castle and the title of Count in Europe. As a young reporter, Gallagher met the aging crook in 1908 while he was being interviewed by George Vernon Hill, on release from state prison at Concord.

Two of the biographies were printed on Gallagher's own presses. "I felt I had more freedom if I published them myself. I was able to tell more about local events and people than would have suited another publisher."

Active as an editor, publisher, banker, and community leader, Ed Gallagher's reputation has stemmed from his wide participation in state and local affairs. Some projects have remained particular favorites. The *Evening Citizen* Authors' Tea was one such favorite bringing the great and near great to Laconia. For many years he was a motivating force in a Model Homes project to encourage city development. He is a trustee of the New Hampton School, a former member of the Board of Governors of the University of New Hampshire student newspaper, a state political figure and served as permanent chairman of the Democratic State Convention when it was held at The Weirs.

Ed Gallagher's ideas on citizenship don't include resting on past laurels. He is still actively producing editorials for the *Citizen*, serving as Chairman of the Board of the Laconia Federal Savings & Loan Association, and supporting community activities. He is busy being a citizen.

NASA BUDGET

Mr. MOSS. Mr. President, there is a tiny village in India isolated by the lack of an all weather road and held in the grip of ignorance by a poor school system and the lack of funds necessary for better education. Within a few years this tiny village hopes to have the finest teachers available anywhere. As a result, it will raise itself from the cycle of poverty and ignorance. India expects this to happen not only to one but, in fact, to many thousands of similar villages. Where are all these teachers going to come from? India plans in 1975 to begin tests of the use of the ATS–F satellite developed by NASA research to beam educational programs into television sets located in the schools.

Mineral shortages in the years ahead will be less severe as a direct result of both the Earth Resources Satellite and the Skylab programs. Food production will be greater, and pollution will be reduced as a direct result of current NASA programs. Weather prediction resulting from NASA-developed technology will avoid damage, save lives, aid transportation, and provide many other direct benefits.

The programs I have cited are but a few examples of NASA contributions to national and international economic well being. Their economic benefits, both direct and indirect, far exceed their costs. Few people would condemn these programs now. However, when the research and technology programs that led to these benefits were started we could only guess where they would lead. Proof of results was impossible. Discovery and inventions funded years ago provided achievements far beyond our expectations.

These examples and many others were provided to the Aeronautical and Space Sciences Committee on September 26 and 27 during hearings on the state of the aerospace industry and its continued ability to support the objectives of the National Aeronautics and Space Science Act of 1958.

The eight witnesses who appeared before the committee were leaders in the aerospace industry. All expressed dismay at the broad retreat from NASA aerospace technology which provided this country with such great economic benefits. This retreat from NASA aerospace technology has been caused by a declining budget.

Mr. Thomas G. Pownall, president, Martin Marietta Aerospace, expressed the sentiment of other witnesses when he said:

> It seems paradoxical to me that NASA and its continuing and growing efforts to expand and apply technology should have been restricted in its efforts just at the moment of its greatest successes to date.

The testimony of the witnesses brought into perspective the fact that American technological progress, of which NASA has been such a major element, has been the source of much economic wealth which we are bringing to bear on our social deficiencies. Dr. Wernher von Braun, vice president, Engineering and Development, Fairchild Industries, cited NASA programs as examples of wealth producing programs which help support our badly needed social programs. He pointed out:

> World leadership and technological leadership are inseparable. A third rate technological nation is a third rate power politically, economically and social.

It is clear that technological progress enables our capital and labor to accomplish more while consuming less of our resources.

The degree to which our country can satisfy the future needs of our citizens is dependent on our ability to pay the bill. It is through technological progress that the productivity of our labor and capital can be increased. I repeat—technology is a means of producing more while consuming less of our resources.

The current national policy toward aerospace technological leadership and the efficient use of human technological resources does not show up as a written statement but instead as approved items in the yearly budget. The NASA fiscal year 1974 budget submitted to Congress by the Administration may be viewed as a temporary departure from sound national policy, or it may represent a continuing permanent trend toward discarding national opportunities and wasting human technological resources.

Mr. Sanford McDonnell submitted data during his testimony showing that NASA has expended an average of $3.8 billion per year over the past 10 years. His data shows that this expenditure directly employed 251,222 Americans. He further indicated that, applying the aerospace family expenditure patterns to the space payroll, an initial space expenditure of $3.8 billion, has a secondary effect of $15.4 billion on the national economy and creates 1.2 million jobs. The Government tax netted directly and indirectly from the $3.8 billion was $4.4 billion.

Mr. McDonnell further pointed out that the current budget level to which NASA is held discourages viable long-range planning. In response to a question on the level that the NASA budget should be he said:

> Three and a half to four billion is about the span that we feel it should be held to if we are going to have stability and balance and continued growth and expansion in this field, which has such a tremendous potential for a fantastic payoff in the future that it is just very disappointing to see the way we have fallen back to this lower level of effort.

Mr. Karl G. Harr, president of the Aerospace Industries Association, indicated the need for a 3½ billion dollar level—another half billion dollars—in the NASA budget to allow more efficient utilization of our NASA technological asset. He said:

> We as a nation have over the past two decades or so, at great expenditure of fiscal and human resources, created a national asset that has been the principal support of our ability to remain prosperous, secure and possessed of independence of choice. That asset, of which the aerospace industry is a central part, is our national overall technological superiority as compared to the rest of the world. If we lose or seriously erode that superiority we will be faced with a very different situation from the ones we have enjoyed since World War II.
>
> We will have lost our principal trading advantages in the international marketplace.
>
> We will have lost the principal source of our domestic productivity.
>
> We will have lost to a commensurate degree our independence of choice as to how we address the whole range of our other national needs.

Mr. William B. Bergen, president, North American Aerospace Group, observed the decline in our technological, wealth-producing capability brought about by the declining budget. He commented on the discouragement this gives our youth. Mr. Bergen said:

> It takes time to create effective groups. Once disbanded, the capability tends to disappear from the industry as individuals seek other pursuits. On an overall basis, attrition of this nature has been increasing over the past few years. Moreover, college enrollment in technical disciplines has been on the decline. If our nation's technological base shrinks appreciably further, the talent necessary to meet unforeseen emergencies could be unavailable.
>
> It appears wise that we should maintain the NASA activity at a level that helps to stabilize this resource and optimizes its capabilities. And we need to recapture the interest of our youth in scientific and engineering careers.

Thus, Mr. President, the witnesses provided this message vital to the future of our country.

First. The technology development programs of NASA have produced national and international wealth which is now accruing to a broad spectrum of the population.

Second. Wealth-producing technology programs such as those of NASA should receive increased priority to assure national capability to pay for needed social programs in the future.

Third. The current level of NASA funding results in a squandering of human technological wealth-producing capability.

Fourth. An increase in NASA's budget of about a half billion dollars would stop the erosion of our hard-won areospace technlogical capability.

SENATOR RANDOLPH CONTINUES EFFORT TO INSURE AVAILABILITY OF TRANSPORTATION FOR THE HANDICAPPED

Mr. RANDOLPH. Mr. President, as chairman of the Senate Subcommittee on the Handicapped, I have often stated my personal commitment and that of our subcommittee to the right of handicapped citizens to live as other citizens live, in the "real world." The recent trends in and goals of special education, vocational rehabilitation, plus the various programs and services for the handicapped are designed to bring into the mainstream this segment of our population, rather than segregate them from the rest of our society. We are working today to remove barriers, whether they be mental—such as uninformed attitudes—or physical—such as architectural or transportation barriers.

Twice in the past few months I have made statements in the Senate to urge that our Federal agencies and the nation's air lines develop uniform and comprehensive standards for the carriage of the handicapped on commercial flights. Due to inadequacies in the present criteria, many injustices have occurred: for instance, an individual may be carried by one airline, but refused transportation by another because of his disability. As Judge Nathaniel Sorkin of the civil court of New York City pointed out:

> Discrimination against any group on an irrational and unjust basis is an affront to any civilized people.

It was gratifying, then, when the Federal Aviation Administration announced hearings across the country which are intended to produce possible amendments to present FAA regulations on the air transportation of handicapped persons. Unfortunately, I was unable to attend the hearing here in Washington on October 18 because of my commitment as a member of the United States Delegation to the North Atlantic Assembly in Ankara, Turkey. However, I did submit a statement, and I ask unanimous consent that my remarks, along with the statements of the Paralyzed Veterans of America and the National Association of the Physically Handicapped, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RANDOLPH ON AIR TRANSPORTATION OF HANDICAPPED PERSONS

Mr. Chairman, it is a privilege to testify on a subject that has long been of great concern to me—the mobility of handicapped citizens. These hearings on air transportaton of physically disabled persons are one more sign of a progressively enlightened attitude toward the handicapped, and I hope they signify improved leadership by the Federal Government in this vital area.

As Chairman of the Senate Subcommittee on the Handicapped, I have labored to encourage improved facilities for the disabled in our air transportation system. In June and September of this year I made speeches on the floor of the Senate on this subject and I request that they be made a part of today's record.

At the outset, I express my gratification that this issue is being met head on and that a resolution of the problem is forthcoming. I have genuine admiration for the Federal Aviation Administration, and I fully appreciate the actions the Administrator has and is undertaking to insure the right of handicapped citizens to travel while at the same time maintaining air transportation safety standards.

THE RIGHT OF HANDICAPPED CITIZENS TO AIR TRANSPORTATION

President Kennedy once observed that a nation may be judged by the way in which it treats its weakest citizens. I agree with that statement. Many Americans are becoming more enlightened in their attitudes toward handicapped persons, as well as more knowledgeable and sensitive in their response to special problems resulting from physical and mental disabilities, whether the problems are those of education, rehabilitation, employment or mobility.

The late Senator Bob Bartlett of Alaska said: "The physically handicapped of this country are citizens of this country—just as others of us are; they pay taxes and contribute to the economy of the country—just as others of us do; and they deserve access to their public buildings on an equal basis with the rest of us. . . ." Senator Bartlett was speaking on the Architectural Barriers Act of 1968, a law which requires that public buildings financed in part or wholly with Federal funds be designed, constructed and remodeled so they are accessible to the physically handicapped. It was my privilege to cosponsor this measure, which applies to Federally assisted airport facilities; and it would be ironic, to say the least, to make airports barrer free and then prevent handicapped travelers from flying because of their physical disabilities.

I strongly believe that any transportation system which by its design, construction or practices bars the handicapped from its use discriminates against a population which has an equal right to all services offered all other citizens. Law, common sense, and the Federal Aviation Act demand that we afford these individuals the right to travel the freedom to travel, and the barrier-free means of traveling.

I have been involved in aviation programs for many years, including twelve years as an airlines official. Presently, it is my responsibility to chair the United States Senate's Subcommittee on the Handicapped. With this experience, I believe I know the problems in serving this population. These problems are, however, easily surmountable if we have the desire—and they are very, very minor when compared to the benefits which will accrue to a deserving segment of our society.

PROBLEMS IN THE TRANSPORTATION OF THE HANDICAPPED

As we all know, passenger air travel has increased tremendously during the past twenty-five years. The high rate of growth is due to several factors: air transportation is fast, safe, comfortable and convenient. Moreover, the airlines have worked constantly to give travelers as much comfort and service as possible. They have succeeded, for many Americans have flown at one time or another in their lives. However, there is still that vast reservoir of passengers who might take advantage of common carrier transportation, fill empty seats and increase carrier revenues if not discouraged or prevented by discriminatory policies and regulations.

In May of 1961 Aerospace Medicine (which is the official publication of the Aerospace Medical Association) published an article entitled "Medical Criteria for Passenger Flying" in which the Committee on Medical Criteria tried to establish and clarify medical standards for air travel. The article was oriented more toward the passenger who might suffer from serious cardiovascular or bronchopulmonary disease than toward the paraplegic, deaf or blind passenger.

Over a year later, Dr. Ludwig Lederer, Chairman of the U.S. Scheduled Airlines Medical Committee, reported the adoption of standardized criteria for the carriage of the physically handicapped based upon the medical criteria for passenger flying. The hope at that time was that, although "there can never be any hard, fast and inflexible rule where medical matters are concerned," the airlines could minimize confusion, conflict and personal embarrassment.

Unfortunately, this hope was not translated into affirmative action. Some airlines still refused to allow a person confined to a wheelchair to enplane unless accompanied by an attendant, in spite of the fact that the individual might be fully able to travel by himself. Rules which stated that "Persons who have malodorous conditions, gross disfiguration, or other unpleasant characteristics so unusual as to offend fellow passengers should not be transported by any Member" often led to conflict and embarrassment. A guideline which read "Persons who have contagious diseases shall not be carried by any Member" was not completely enforceable; it was also difficult to decide which passengers were "Passengers whose behavior might be hazardous to other passengers . . ." In short, the standardized criteria for carrying the physically handicapped just has not worked.

It is true that there are problems presented by air travel of handicapped individuals; after all, there may easily be problems involving any passenger who is not in excellent mental or physical health. It seems to me that these problems of travel by disabled individuals involve:

Special fares (reduced fares for handicapped individuals and for attendants who might be required to travel with a disabled person);

Special services (attendants or lifts to enplane and deplane a person confined to a wheelchair);

The distinction between the handicapped person able to travel independently and a person unable to do so;

The number of disabled passengers who should travel on any given flight;

An individual's ability to move about the plane unassisted, especially on a long flight;

Emergency evacuation procedures and the time required for aircraft evacuation;

The most appropriate portion of the aircraft for seating disabled passengers;

Special equipment which might be used in the event of an emergency; and

The issue of whether or not identification cards are needed to describe a person's condition (or perhaps stamping the handicapped person's ticket to signify deaf, blind, etc.).

It is gratifying to note that the Federal Aviation Administration's questions in its Notice of Public Hearing include many of these issues. There was one, however, which was not mentioned—special fares—and I would like to address this problem now. It does not have a direct bearing on the problem of air safety standards for transportation of the disabled, but it is important if an attendant should be required to accompany some travelers.

This past spring it was my privilege to testify before the Subcommittee on Aviation of the Senate Commerce Committee on S. 1705, a bill which would authorize—not require—air carriers to establish reduced rates for passengers who are handicapped. In my statement I also urged reduced fares for attendants who must accompany handicapped individuals. It must be frankly stated that handicapped individuals are not generally associated with higher brackets of income; some eke out only a marginal living. It is my hope that the airlines would file such reduced fare tariffs with the Civil Aeronautics Board immediately if S. 1705 is enacted. This would be meaningful for our handicapped population and would encourage increased utilization of air travel. I further urge that if assistance is needed for a handicapped person to enplane and deplane, that assistance should be provided free of charge by the airline.

RESPONSE TO FAA QUESTIONS

The Federal Aviation Administration's questions are thorough, but I believe they are based in part upon an erroneous assumption, i.e. that handicapped persons will cause most, if not all, of the difficulties in an emergency evacuation of an airliner. This is not necessarily the case. Passengers without identifiable disabilities may be killed, injured, suffer heart attacks, or experience severe panic—all of which would cause serious problems in an evacuation procedure. In addition, small children could conceivably cause congestion problems. What I am saying is that disabling conditions in an emergency are not limited to those passengers who happen to be motor-impaired, blind or deaf.

Further, while I understand, sympathize and agree with the desires of the Federal Aviation Administration to maintain a high level of safety in air carrier and air taxi operations, I think we must frankly admit to the possibility of accident or even death every time we board an aircraft. Our airlines have a superb safety record and make every possible effort to preserve that record. However, just as I freely and knowingly assume a possible risk when on an airplane, so does a handicapped person. Nor do I consider myself negligent when I take this risk: it is one which is shared by everyone aboard that aircraft, and the degree of risk rests on such variables as pilot competence, air controller competence, weather and mechanical function as well as on my physicial condition and alertness.

With regard to the specific questions, I should like to respond as follows:

(1) What types of physicial/functional disabilities or limitations should be allowed consistent with present evacuation criteria?

There should be a standarized evacuation procedure which includes the three present evacuation criteria (30% must be female, 5% must be over 60, 5 to 10% must be children under 12), but which adds one more category: from 5 to 10% should be people with some type of handicapping condition.

I doubt that an aircraft having some mobility-impaired or blind persons as passengers could be evacuated within the 90-second time limit which was suggested by one air carrier. In its July 16, 1973, statement on this subject, the Air Line Pilots Association testified that the rules for a 90-second evacuation specifically provide that all passengers for a demonstration be in good health. It further states that "when everyone knows that there is no real danger, when fear and panic are not present, realism is minimal at least." I agree. Again, I emphasize the fact that when injury, panic, death, and illness are thrown into an emergency situation, a passenger with a previously identifiable disability is not the only factor which would make a 90-second evacuation limit unrealistic.

(2) What types of handicapped persons or physical disabilities should be allowed if a special attendant or assistance is provided to accomplish an emergency evacuation from an aircraft?

Generally, the majority of handicapped travelers do not need assistance except to board and deplane. A young paralyzed veteran may function more independently in an emergency than a non-paralyzed person or young child without obvious disability.

This question also assumes that a special attendant (should one be needed) will not be killed, injured, sick or frightened. With any of these conditions present, the handicapped traveler may still require other assistance if he is to be evacuated.

(3) Should a regulation be adopted which would permit (or limit) the carriage of a number and type of handicapped persons without the accommodation of the number and type in the criteria established for emergency evacuation demonstrations?

It might be feasible to limit the number of handicapped persons to two per emergency exit.

(4) How many unassisted handicapped persons may be accepted as passengers on an aircraft without requiring the use of a special attendant or ablebodied helper? Should this limit be a fixed number or should it be a number which is a percentage of the full passenger seating capacity?

Again, perhaps the number of unassisted handicapped persons should be limited to two per emergency exit, and thus be based on the configuration of the aircraft.

(5) For large groups of handicapped passengers, what means of emergency evacuation might be employed to provide acceptable levels of safety?

The same criteria which is used for a chartered flight for any disabled group should be used.

(6) Should the length of the planned flight be a consideration in determining the number and/or type of handicapped person to be accepted as a passenger?

I do not believe so, because the length of the flight relates more directly to the comfort of the passenger than to his safety. While a problem may arise on a long flight with regard to personal needs, I doubt that a disabled traveler would attempt a long flight if there were a probability of social embarrassment.

(7) Would an identification card which certified the ability of a handicapped person to perform certain physical tasks be useful in eliminating uncertainties regarding his acceptance as an unnaccompanied passenger? If so, who should issue the card?

Many passengers will have health problems which are not obvious to airline personnel; therefore, such a requirement might be controversial. However, if the airlines prefer an identification card, the Paralyzed Veterans of America have suggested that a license to operate a motor vehicle might constitute prima facie evidence as to the independence of a disabled person. Other possibilities might be a doctor's certificate or a medical identification card such as those issued by a group like Medic-Alert.

The Federal Aviation Administration set forth additional questions in its Notice of Public Hearing, most of which I have already answered in this statement. However, additional suggestions I have relating to these questions are:

(1) Ticket agents and stewardesses should be trained to render appropriate services to handicapped persons so that if they are alerted in advance, they can accommodate these passengers;

(2) Handicapped persons should be seated in the rows just ahead of the emergency exits. Thus, they will not be trampled if they cannot move swiftly, but will still be able to evacuate with a minimum of assistance;

(3) Special boots designed to cover leg braces and casts might be carried on each aircraft to minimize the danger caused by these appliances coming into contact with emergency chutes.

Mr. Chairman, at this point I would like to emphasize my strong support of the recommendations which have been made by the Paralyzed Veterans of America, particularly that there should be a committee of doctors and handicapped persons to improve evacuation methods. It would be beneficial to all travelers if the Federal Aviation Administration and organizations serving and representing the handicapped can work closely to make both airports and aircraft easily accessible to all citizens.

CONCLUSION

Because of circumstances of birth, accident, illness or war, approximately 12 to 15 percent of our total population is handicapped. These people are the most discriminated against minority in this nation. Those who are physically disabled are de facto barred from many, if not all, mass transportation systems and public buildings. To exclude any member of this group from air travel because of his disability is unjust, indeed unconstitutional.

Judge Nathaniel Sorkin of the civil court of New York City has said: "Our Constitution guarantees that neither the Nation nor the States shall discriminate against any group . . . Equal access is important, not because the law may require it, but because fairness and logic, the touchstones of the law, compel it."

It has been a privilege to speak today on behalf of equal access to air transportation for the handicapped. I have, as I said, worked long and hard to eliminate all kinds of barriers which we have unwittingly raised between the non-handicapped and the handicapped. It is gratifying to see one more of these barriers being lowered so that the physically disabled may enjoy air transportation—with dignity.

I thank you.

Statement of Peter Arballo, Administrative Assistant of the Paralyzed Veterans of America, to the Designated Representatives of the Administration From the Department of Transportation, Federal Aviation Administration Presented on October 18, 1973

Gentlemen,

It gives me great pleasure to appear before you to submit comments and recommendations from the Paralyzed Veterans of America. To be added to the statement in which we answered all questions asked by FAA, which I presented to Mr. Crawford on September 19, 1973.

At this time, I would like to thank the Administrator and this Committee for giving us, the Paralyzed Veterans of America, a chance to give our views, and as you put it in your Notice of Public Hearing (as published in the Federal Register [38 F.R. 23352] on August 29, 1973) "Comments and recommendations of the public in regard to possible amendments to the FAReg to permit, to the maximum extent possible, air transportation of physically handicapped person while maintaining an acceptable level of safety in an air carrier and air taxi operations.

First let me remind the Committee that the PVA can only speak for its members, and similar disabilities involving traumatic injury or disease to the spinal cord.

It has come to my attention that Mr. Swinney from the Airlines Pilots Association has submitted comments and recommendations that would make the average person think he was back in the dark ages.

The following comments were said at the FAA hearing in Rochester, Minnesota, October 2, 1973.

1. All people of limited mobility are handicapped. They must be accompanied by a qualified attendant or companion.

2. Only one handicapped may be boarded for each fifty available seats.

3. Every flight carrying a handicapped person must be met by rescue, fire and ambulance equipment on the runway as standby in the event of emergency.

4. A Red Cross should be painted on the side of the plane at the place where the handicapped are to be evacuated.

It seems that the pilots do not want to be responsible for any handicapped person while on their flights, but yet they (the pilots) are willing to let someone else be responsible for that handicapped person. That someone else can only be an attendant whose fare is paid by the disabled person.

I do not know if the ALPA knows how many elderly and handicapped persons there are in the United States. But in the July 1973 issue of Executive Summary, U.S. Department of Transportation Urban Transit Advisory Council titled "The Handicapped and Elderly Market for Urban Mass Transit," on page 8, it gives the breakdown of the handicapped classification. Total handicapped is 13,390,000. The breakdown is as follows:

Handicap class	Elderly	Non-elderly	Total
Visually impaired	1,430,000	540,000	1,970,000
Hearing impaired	160,000	190,000	350,000
Uses wheelchair	230,000	200,000	430,000
Uses walkers	350,000	60,000	410,000
Uses other special aids	2,280,000	3,210,000	5,490,000
Other mobility limitations	1,510,000	1,800,000	3,310,000
Acute conditions	100,000	370,000	470,000
Institutionalized	930,000	30,000	960,000
Total	6,990,000	6,400,000	13,390,000

If we were to say that about 10% of all handicapped persons used air transportation, and each spent about an average of $200 for a fare, we are talking about $27 million. Now if FAA would cooperate with the ALPA in their recommendations then I would venture to say that at least ¾ of that $27 million the airlines would not receive from the handicapped.

I wonder if the Airlines Pilots Association received the "Department of Transportation News?" If not, I would like to read the June 5, 1973 issue: A statement by the FAA Administrator, Alexander P. Butterfield, "The physically handicapped are one of our most neglected minorities, as the victims of a great deal of indifferences, as well as a certain amount of prejudice, their special needs have been ignored far too long by society as a whole. I think all of us have a responsibility to do everything in our power to correct this situation."

Rep. Benjamin S. Rosenthal (D–NY) is trying to help. He introduced a bill in the House on July 1, 1973, to amend the Federal Aviation Act and other laws to permit easier and cheaper travel for the elderly and handicapped, titled the "Elderly and Handicapped Americans Transportation Services Act." The stewards' and stewardess' union local 550, with its headquarters in Chicago is doing their best to cope with the situation since FAA has not come up with regulations, procedures, and equipment for emergency evacuation for the physically handicapped. In fact there has not been a change since June 7, 1965.

Now let me demonstrate, with these pictures, which were taken in the simulator aircraft in Oklahoma City, the different ways a handicapped person can evacuate in case of an emergency.

1. When a severely disabled person cannot transfer, he/she is put on a blanket and pulled to the exit. This was done at the evacuation demonstration in Oklahoma City. A handicapped person weighing 185 lbs. was pulled by an ablebodied person who was 53 years old and weighs 163 lbs. and 5'6'' tall. No time was taken. American Airlines personnel are trained to get the handicapped person on the floor, then grab their feet and pull them out of the aircraft.

2. When a handicapped person can use his arms, the steward/stewardess can pull all seats back, in the first row, forward. FAA rules says that all seatbacks must break to the forward position, thus making a flat aisle for handicapped persons to either pull himself or crawl over seatbacks. (At this stage exercises were clocked. From aisle seat to exit, 4.25 seconds, also titled 8x8x8, 6 seconds, and from 8 rows from exit, 31 seconds backward pull and 26 seconds crawling frontward.)

3. When a handicapped person can stand, he/she can use the armrest or seatbacks for support.

Mr. J. D. Garner, Protection and Survival Lab with Flight Standards Technical Division, conducted the testing. His comments were "the testing was helpful, quite favorable and we are now more aware of the situation." His report will be submitted to flight standards in Washington, D.C., the last week of October.

Gentlemen, PVA suggests the following be adopted for future procedures by FAA:

1. Create a committee with doctors and handicapped persons, to improve ways to evacuate, headed by Doctors Dilly and Snow from Civil Acromedical Institute.

2. FAA should have a list of all handicapped organizations and work closely with PVA, in order to have a list of handicapped volunteers to be available for evacuation demonstrations.

3. Have all airlines go through an emergency evacuation demonstration with appropriate handicapped persons.

4. If aircraft is a simulator, then all simulator planes must be designed the same as the actual aircraft in operation.

5. Have all equipment the same, such as, armrest (removable), table trays, seatbelts.

6. If there is going to be special seating for the handicapped then there should be special seatbelts, that is, shoulder straps.

7. FAA should look into other ways to improve the slide evacuation system.

In closing, in our modern era we, and I mean all of us who believe in the Constitution that all men are created equal, should not stop at any point until all types of transportation is accessible to the most minority group of all, the physically disabled.

Statement of the National Association of the Physically Handicapped

Thank you for the opportunity to present additional physically handicapped's views and apprehension at this Hearing. I am Barney F. Stanton, Jr., National Legislative Chairman of two self-help physically handicapped organizations, the National Association of the Physically Handicapped, Inc. (NAPH) and the National Congress of Organizations of the Physically Handicapped (COPH). NAPH is composed of individual members; COPH is made up of both national organizations and local one-unit clubs of the physically handicapped, uniting in common causes, while maintaining their separate identities. All are self-help organizations of the physically handicapped, NOT service groups *for* the disabled. These two self-help organizations speak for a large segment of the physically handicapped population.

I must state that, it is the feeling of many handicapped persons, that the purpose of the 16 questions (Reference Notice 73-16, FAA Docket No. 12881) is not just concern about safety and evacuation factors as it is to justify denying the handicapped passage on the airlines. Many of us answered the Civil Aeronautics Board's questions in 1971 which we thought were designed to help the airlines provide us with better service. We understand that those answers were turned over to the Federal Aviation Administration some time ago.

In answering the CAB's questions, we pointed out that physically handicapped persons should *not* be confused with ill or injured individuals, that while we have a mobility problem, we are not "sick." We know that the FAA has incorporated our answers to the CAB with the FAA Docket on Air Transportation of Handicapped Passengers, No. 12881.

We recently heard from physically handicapped persons who presented testimony at these hearings around the country. They expressed the feeling that, rather than make the transportation of physically handicapped persons uniform from airline to airline—to our benefit—that, if *some* of the views and suggestions presented by the airline personnel were adopted, fewer of us who have been traveling for many years and traveling alone would be permitted on planes.

The relatively inexpensive bus and train as a means of transportation has almost disappeared in parts of this country and the airlines seemingly helped contribute to their demise. As a "common carrier" the commercial airlines are to provide service to the public. The disabled are tax paying consumers and we have a right to fly, too. Flying is the best and most convenient and comfortable method of traveling any extended distance for the physically handicapped and the physically handicapped are as entitled to this mode of public transportation as any other person.

In yesterday's (October 17, 1973) Washington Post there was an article on airlines—saying that many of them now fly at 50% load capacity—so there *is* room for us on the planes.

We feel there should be no limit to the number of handicapped passengers on any plane. (If a great number of handicapped passengers are flying the same plane, it is probably chartered for a handicapped tour, with attendants, etc. We feel there should be no quota, because it would be unusual for a great number of disabled passengers to fly the same plane, unless they were going to a national convention of the handicapped, or to the President's Committee on Employment of the Handicapped's Annual Meeting, etc.) Any physically handicapped person who is able to care for himself or has an attendant should be permitted to fly.

We feel the lay criteria approved by the Civil Aeronautics Board in 1962 to bar carriage—in particular circumstances—of several classes of physically handicapped persons has lead and might further lead to complete discrimination against some disabled based on subjective judgements, which vary from person to person, in the airline industry. We feel the term "gross disfigurement" is particularly subject to various interpretations, and what might be considered "offensive" allows room for a wide variance of opinion. To some people, anything *they* are not familiar with, anything that is new or different or unusual, is unacceptable.

We feel this has nothing to do with safety and/or evacuation factors. We know there are many paraplegics and quadriplegics who need only to be helped *into* their seats who will require no further attention from the flight attendants, until they deplane.

The Civil Aeronautics Board, the Federal Aviation Administration, Congress and the general public have all heard and/or read of some handicapped persons being refused passage by one particular airline, even though they have flown for many years on other airlines. We don't think an identification card which certifies the ability of a handicapped person to fly, unaccompanied, is necessary—but, if one is issued—based on a doctor's examination—it should be accepted by *all* airlines. We should not have to get one for each and every airline we wish to fly. Even then it should not be mandatory!

Many handicapped passengers do not require the use of the restroom (for their personal needs) because they limit their liquid intake to carry them through the flight. It might help if that narrow "transport seat," the armless one with straps, were left on all aircraft for emergencies; or a small wheeled chair. However, larger restrooms, wider aisles, more leg room would make flying more comfortable to the general public as well as the handicapped individual. We know there is concern as to which handicapped individuals should be required to travel with an attendant, and who this attendant should be, and how much he should do for the passenger.

In case of a crash (provided the plane was not at a 90 degree angle), many handicapped persons could crawl or "scoot" along the floor to evacuation. The handicapped are used to being the last ones off the plane as a matter of course. The airlines already carry blankets which could be wrapped around the handicapped person so as to keep his legs and arms from being injured. This same precaution would keep leg braces from damaging the fiber emergency evacuation chute.

It has been suggested (by Fran Halbeisen Lowder, see letter in Docket No. 12881) that stewardesses' training for practice evacuation include handicapped persons, or that some large agency for the handicapped such as the Easter Seal Society, the President's Committee on Employment of the Handicapped, the United Cerebral Palsy Association, the National Rehabilitation Association, have a demonstration with a mock-up exit and chute (with an aisle and some debris in it) at one of their national conventions—using the handicapped in one of the workshops. Many handicapped persons have asked to be seated near the exit with them evacuating either 1-first, 2-in order, or 3-last.

We understand that the practice evacuation demonstration can *not* be accomplished in the stated 90 seconds, and that in a recent commercial "real" evacuation it took the passengers all of six (6) minutes to evacuate the plane which had landed intact,—right side up with no fire.

We are more concerned with our right to fly and have cited in our letter of December 20, 1971 to the CAB the various laws which pertain to this right of the handicapped to public transportation. We do not wish to take time here today to repeat the points in our letter again although some of the other witnesses here may bring them up.

Again we would like to stress the fact that the vast majority of the physically handicapped do not need or want an attendant, and with or without an attendant, are entitled to "fly the friendly and fast skies." Thank you.

(Postscript: There was time permitted for rebuttal at this last FAA Public Hearing, the airline personnel lead off with comments to the effect that if the handicapped got the seating consideration they were requesting, then the airlines would "have to provide facilities for the elderly, nurseries for infants, stretchers for the injuried, small chairs for midgets . . . etc." The handicapped to a man had comments and questions and suggestions in answer to the foregoing, both publicly and privately. The FAA Hearing Officers were very helpful and agreed with us privately that there should be some way to transport batteries for motorized wheelchairs. Buzzard's Point Building was completely accessible to the handicapped witnesses: entrance, elevators, cafeteria, restrooms, auditorium. We appreciate FAA's consideration.)

COSPONSORSHIP OF AMENDMENT TO FREEZE PART A MEDICARE DEDUCTIBLE AT $72 FOR 1974

Mr. CHURCH. Mr. President, it is with a sense of urgency that I cosponsored the Muskie amendment to freeze the medicare part A deductible for hospital insurance at $72 for 1974.

Under present law, the deductible for hospitalization is scheduled to rise from $72 to $84, representing a 17-percent jump at a time when millions of older Americans are scrimping on limited, fixed incomes. If this increase should go unchecked, this means that the part A deductible will have more than doubled in nearly 5 years. In December 1968 the deductible was pegged at a $40 level. Since then, it will have risen by a staggering 110 percent.

This inordinate increase—coupled with the runaway inflation during the past year—can have the effect of financially crippling many of our senior citizens.

To my way of thinking, the elderly have already been victimized to a far greater degree by the colossal mismanagement of our economy than any other age group in our society.

The 20-percent rise in food prices during the past year has forced many older Americans to cut back on their food consumption. And in some cases, they have found it necessary to switch to dog or cat food.

If the $84 deductible is allowed, I fear that large numbers of aged persons will simply delay seeking necessary hospitalization—or perhaps will wait until treatment is no longer effective.

We must also remember that an $84 deductible would have ripple effects—resulting in increased coinsurance charges for nursing home care and lengthy stays in the hospital. For example, the coinsurance charge for qualifying skilled nursing care would be boosted from $9 to $10.50 per day for patients who are in long-term care facilities from 21 to 100 days. Aged individuals who are hospitalized from 61 to 90 days would also have their daily coinsurance charge raised from $18 to $21. And patients who must draw upon their 60-day lifetime reserve would have their coinsurance charge boosted from $36 to $42 per day.

Approximately 5.5 million aged and disabled medicare beneficiaries are expected to be hospitalized during 1974. These individuals would, of course, bear a major portion of the added costs because of the scheduled increase in the deductible and other coinsurance charges under part A.

Older Americans now account for about 27 percent of all medical expenditures, although they represent only 10 percent of our entire population. In fact, average health care costs for persons 65 or older amounted to $981 in fiscal year 1972, almost seven times the amount for individuals under 19 and nearly three times as great for Americans in the 19 to 65 age category.

The harsh reality is that the elderly now pay more in out-of-pocket payments for medical care than the year before medicare became law. In fiscal 1972 their per capita direct payments amounted to $276, or $42 more than in fiscal 1966. These out-of-pocket payments, moreover, do not include the part B premium, which now amounts to $75.60 per year for an individual.

Quite clearly, true security in retirement can never be a reality until our Nation overcomes the mounting health care costs which still pose a serious threat to the economic well-being of the elderly.

For these reasons, I strongly urge the adoption of this amendment to freeze the part A deductible at $72 for 1974.

REFORMING CIVIL SERVICE LEAVE

Mr. MOSS. Mr. President, this morning the Senate Post Office and Civil Service Committee unanimously reported out H.R. 1284, a bill that would be an important step in reforming the leave system for our Federal employees. It makes no changes in the manner by which Federal employees accrue annual leave but it does make several important changes in the administration and application of the leave system.

In the past we have, in effect, penalized persons who lost annual leave through clerical error. There have also been occasions when employees have taken annual leave in excess of their allotted amounts and the Federal Government has had no recourse. This bill provides a mechanism by which both inequities would be corrected.

Another problem that would be alleviated by this bill is the occurrence of illness during a scheduled annual leave. Surely employees should not be penalized when illness occurs during their leave, but should have that leave available for use at a later date. Another section of this bill would provide that civilian employees or their survivors who are missing or held captive would still be able to receive remuneration for leave which they, quite obviously, are unable to utilize. Certainly we can find it within ourselves to award remuneration to these people who have suffered both mentally and physically in the course of their duties as employees of the Federal Government.

In my view, one of the most significant provisions of this bill is one that would apply to a large number of NASA employees. As chairman of the Aeronautical and Space Sciences Committee, it has come to my attention that, in these days of extended space flights, many employees are unable to take leave because they simply cannot be spared. Under present provisions of law, annual leave is lost if the employees is unable to take it because of the press of business. So we are faced then with a situation wherein we penalize our employees for their dedication and success in the establishment of America as the preeminent nation in space. It is time that this situation be amended. This bill provides for the solution—the leave which cannot be taken because of the exigencies of business would not be canceled.

The Federal Government should be the most progressive employer in the Nation, and should set an example for the private sector of our economy. It behooves for us to correct the inequities in our present civil service leave system through the passage of this bill. I hope that the Senate will act promptly on H.R. 1284, and that it will be signed into law before the end of this session.

WILKES COLLEGE HONORS SENATOR SAM J. ERVIN, JR.

Mr. ROBERT C. BYRD. Mr. President, at its commencement in June 1973, Wilkes College of Wilkes-Barre, Pa., honored our colleague, Senator SAM J. ERVIN, JR., of North Carolina, by conferring upon him the honorary degree of doctor of humane letters. The citation accompanying the award of the degree read as follows:

> In recognition of his years of distinguished service as a lawyer, judge, and United States Senator, of the years of quiet dedication to difficult assignments that made him an eminent authority on the Constitution of the United States, and of his steadfast support of that Constitution, and of his unhearalded service that gained him the unprecedented bipartisan respect of his colleagues.

APPOINTMENT OF A SPECIAL PROSECUTOR

Mr. MONDALE. Mr. President, much discussion has taken place in the past several days as to the power of the Congress to vest the appointment of a special prosecutor in a Federal court. The discussion has arisen as a result of the discharge of Archibald Cox as Special Prosecutor on October 20, 1973, and the introduction of several bills which would establish a new Special Prosecutor to be appointed by the judiciary.

I have received a memorandum prepared by Prof. Lee C. Bollinger, Jr., of the University of Michigan Law School. Professor Bollinger is a constitutional scholar and a former Supreme Court law clerk. I believe that my colleagues will find Professor Bollinger's views on the power of the Congress most informative.

I ask unanimous consent that Professor Bollinger's memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CAN CONGRESS VEST THE APPOINTMENT OF A SPECIAL PROSECUTOR IN A FEDERAL COURT?

OCTOBER 29, 1973.

In the wake of President Nixon's decision to order the Attorney General to discharge Mr. Cox as the Watergate Special Prosecutor, many individuals and groups have called for legislation creating a new independent prosecutor who would be immune from presidential removal. Early last week, for example, the deans of 17 law schools signed a petition urging Congress to vest the power to appoint a special prosecutor in a federal court. The deans, along with many others of like mind, asserted that Congress was empowered to enact such a law by virtue of Article II, Section 2, of the Constitution. That Section reads in relevant part:

"[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: *but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Court of Law, or in the Heads of Departments.*" (emphasis added.)

The purpose of this short memorandum is to discuss whether the language, history and judicial interpretation of Article II, Section 2, support the position that Congress can, if it chooses to do so, vest the power to appoint a special prosecutor in a federal court.

I

Looking first at the language of Article II, Section 2, one is immediately struck by its clarity. Unlike the rather general phrasing found throughout much of the Constitution, this clause speaks with precision, without qualification or caveat. It says in plain terms that the Congress may, "as they think proper," vest the appointment of "Inferior Officers" in "the President alone, in the Courts of Law, or in the Heads of Departments." By all appearances the individuals who penned this language intended to leave the delegation of the appointment power of lesser federal officials to the unfettered discretion of the legislative branch. If there be any limitation on this discretion, it must be implied, for it surely is not explicit.

We all recognize, of course, that language is an imperfect medium. What may appear clear on the surface, often becomes murky upon further study. Any inquiry into meaning, therefore, must wherever possible go beyond the literal text to an examination of the circumstances under which the words were written or spoken. In instances like this, that means looking at the available records of the Constitutional debates.

When the relevent debates are examined, one finds nothing to suggest that the framers intended to say anything different than they did. The clause was proposed without discussion by Governor Morris. James Madison raised the only recorded objection. His criticism, however, was not that the clause would vest too much power in Congress, but that it did "not go far enough if it be necessary at all." Documents of the Formation of the Union of the American States, House Doc. No. 398, 69th Cong., 1st Sess., (1927). Madison thought that "Superior officers below Heads of Departments ought in some cases to have the appointment of the lesser offices." Id. Governor Morris responded: "There is no necessity. Blank commissions can be sent." Id. After this brief exchange, the amendment was agreed to on the second vote.

When we next turn to the judicial decisions interpreting the pertinent clause in Article II, Section 2, we again find nothing to make us doubt Congress' authority to empower a federal court to appoint a special prosecutor. On the contrary, the one relevent Supreme Court decision strongly supports such an interpretation of congressional power. See *Ex parte Siebold,* 100 U.S. 371 (1879). At issue in *Siebold* was a congressional statute authorizing the judges of federal Circuit Courts to appoint supervisors of congressional elections and marshalls to assist those supervisors. Writing for the Court, Justice Bradley rejected the argument that "no power can be conferred upon the courts of the United States to appoint officers whose duties are not connected with the judicial department of the government." Id. at 397. Citing Article II, Section 2, the Court held that the "selection of the appointment power, as between the functionaries named, is a matter resting in the discretion of Congress."

Id. at 397–98. This result seemed to make eminent good sense to the Court:

"And, looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise." Id. at 398.

The Court in *Siebold* was also unpersuaded by another line of constitutional argument: that the statute was inconsistent with Article III in that it delegated powers to the courts that were nonjudicial in nature. This is not a case, the Court said, where Congress had sought to impose duties on the judicial branch that were not authorized by the Constitution; on the contrary, here "the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts" by virtue of Article II, Section 2. Id. at 398.

The *Siebold* decision is not the only precedent on Article II, Section 2, though it certainly is the most authoritative. For example, Congress long ago enacted a provision now contained in 28 U.S.C. § 546, which provides:

"The district court for a district in which the office of United States attorney is vacant, may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court."

This statute was upheld as constitutional in *United States v. Solomon,* 216 F. Supp. 835 (S.D.N.Y. 1963). The district court there relied on Article II, Section 2, in rejecting an argument that the provision violated the Doctrine of Separation of Powers.

Similarly, a three judge court relied on Article II, Section 2, in upholding a congressional statute under which judges of the United States District Court for the District of Columbia were authorized to appoint members of the District of Columbia Board of Education. See *Hobson v. Hansen,* 265 F. Supp. 902, 911–16 (D.C. 1967).

II

The foregoing review of the relevant legal authorities would seem to indicate that there is strong support for the proposition that Congress could under Article II, Section 2, place the power of appointment of a special prosecutor in the federal courts. Before accepting that conclusion as sound, however, we must consider the one major argument which can be anticipated in rebuttal: that it would be an impermissible usurpation of executive powers for Congress to delegate the appointment of executive officials to the judicial branch. Surely, it might be argued, the last clause of Article II, Section 2, should not be interpreted to mean that Congress may authorize a federal court to appoint the Under Secretary of State. Such a construction would give rise to a serious breach in the wall of separation of powers. And, if that is so, then a line must be drawn somewhere between "excutive inferior officers" and other inferior officers. A special prosecutor, the argument would conclude, falls into the formed category; his role would be to see that the laws are enforced, historically an executive function.

While this line of argument cannot be lightly dismissed, it contains several flaws which make it ultimately unpersuasive. First, insofar as the argument suggests that Congress may never vest courts with the power to appoint any official who will perform a nonjudicial, or an "executive," function, it is squarely refuted by the Supreme Court's decision in *Siebold*, as well as by the other lower federal court decisions mentioned previously. Congress itself, moreover, has rejected the suggestion; as we have seen, 28 U.S.C. § 546 provides for the interim appointment of United States attorneys by federal district courts. Second, even if it is conceded that a court could not appoint an inferior officer whose duties would be *exclusively* executive in nature, that concession would not necessarily preclude judicial appointment of a special prosecutor. It has long been recognized that a prosecutor is intimately involved in the judicial, as well as executive, functions of the government. As an officer of the court, subject to the supervisory power of the federal courts, the U.S. attorney performs a dual function within the overall scheme of government. He is, in short, markedly different for these purposes than the Under Secretary of State.

In order to sustain the power of Congress to provide for judicial appointment of a new Watergate special prosecutor, however, one need not go so far as to assert that judicial appointment of all United States attorneys would be proper. For the situation now facing the country is unique and clearly calls for extraordinary solutions. The highest officials in the executive branch are the subjects of criminal investigations. That hard fact means that if the executive branch is to control the investigation of alleged wrongdoing by its own members, the very integrity of the government will be called into question. It would seem entirely unreasonable in this instance, therefore, to give a crabbed interpretation of Congress' constitutional powers, especially when the constitutional language is so explicit and the judicial decisions so favorable to a broad reading of congressional authority.

I therefore conclude that it would be constitutionally permissible for Congress to designate a court of law to appoint a special prosecutor, having limited powers of investigation and prosecution and holding office only for a limited period of time.

Lee C. Bollinger, Jr.,
Assistant Professor of Law, University of Michigan Law School.

GRAVITY ASSISTS SPACE EFFORT

Mr. MOSS. Mr. President, the mysteries of the universe that are locked in the neighboring planets of our solar system have long puzzled mankind. Investigation of these secrets has been restricted by the expense involved in exploration and the limited operating parameters of present-day rockets.

Fortunately, research at NASA's Jet Propulsion Laboratory has provided a method for overcoming these restrictions and limitations.

The idea is to use the gravitational field of one planet to change the flight path of a spacecraft so that it may journey to another planet—without any additional use of rocket power. Thus, by applying this "gravity assist," it is possible for a single rocket to fly by several planets.

Application of this concept is one of the goals of Mariner 10, which is presently streaking toward Venus. After investigating that planet, the craft will change trajectory by "gravity assist" and hurtle toward Mercury for an additional assignment.

The promises held for future space exploration by utilization of this technique are limitless. NASA, and those responsible for development of the "gravity assist" concept, are to be commended for their efforts.

I call to the attention of the Senate, an article in the November 4 edition of the New York Times, which describes in detail the development and operation of this system and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Craft Speeds Toward Mercury on the Wings of Student's Idea

(By John Noble Wilford)

Cape Canaveral, Fla., November 3.—Spacecraft used to get where they were going by brute rocket force alone. Now, a spacecraft, Mariner 10, is speeding toward Venus and eventually Mercury to demonstrate that the gravity of one planet can provide a free ride to a more distant planet.

It is an idea that should greatly expand man's thrust out into the solar system without any appreciable advance in rocket power. It is an idea, once practiced and proved, that should enable another Mariner, embarking in 1977, to bounce off the gravitational field of Jupiter and reach out for the first reconnaissance of Saturn.

If budget cuts had not intervened, it would have been the basis for a "grand tour" of all the outer planets, from Jupiter out to Pluto, starting in the late nineteen-seventies and extending for more than a decade.

The idea is to use the gravitational field of one planet—Venus, in the case of Mariner 10—to change the speed and flight path of a spacecraft so that it can, without any additional major use of rocket power, reach a more distant planet—Mercury, in this case. In this way, it is possible to fly by several planets in the solar system on the strength of present-day rockets.

MISSION IS DESCRIBED

Some call the concept a "gravity-assist" trajectory and describe it as a "bank shot" in interplanetary billiards.

The first trial got under way here early today with the successful launching of Mariner 10, an unmanned camera-bearing spacecraft. Its mission is to return scientific data and the first television pictures of Venus and Mercury.

Flight controllers reported some difficulty late today in attempting to switch on heaters for the spacecraft's television cameras. A mission spokesman said that the problem was not viewed as serious at this time. All other systems on the 1,100-pound spacecraft appeared to be functioning normally.

Mariner 10 is scheduled to fly within 3,300 miles of Venus in February and within 621 miles of Mercury in late March, traveling closer toward the sun than any previous man-made object.

The evolution of gravity-assist spaceflight as a practical concept began in 1961 when a graduate student at the University of California at Los Angeles took a summer job at the Jet Propulsion Laboratory at Pasadena, Calif.

The student, Michael A. Minovitch, was 24 years old at the time, an intense and imaginative young mathematician. He had already taken all the graduate mathematics and physics courses U.C.L.A. offered. But he couldn't bring himself to complete his Ph.D. requirements and leave school. He was, as his associates recall, "a professional student."

A SUMMER TASK

At the Jet Propulsion Laboratory, which directs most planetary explorations for the National Aeronautics and Space Administration, Mr. Minovitch was handed the summer task of developing multiplanet trajectories for spacecraft. Theoreticians had earlier suggested such missions but had not done the detailed mathematics.

And in all their theories, the theoreticians had "consistently overlooked" the gravity-assist possibilities, according to a study of the evolution of the concept prepared by Dr. Norris S. Hetherington of the University of Kansas, for the NASA historical office.

Victor C. Clarke, Jr., a trajectory analyst at the laboratory and Mr. Minovitch's supervisor, recalled in an interview:

"Mike plunged into the assignment with the idea he was going to invent something, and he did."

First, Mr. Minovitch decided that it was essential to develop better formulas for computing trajectories. At the time, it was not possible to determine the velocities of orbiting bodies with any great precision.

In an interview recently, Mr. Minovitch said:

"My new method was a neat formulation for describing velocity vectors of one body in orbit with respect to another body. With this we were able to calculate trajectories with a precision necessary for gravity-thrust trajectories. Then we began proposing missions and defining trajectories."

BORROWED COMPUTER TIME

Mr. Minovitch continued the work during the Christmas vacation, checking and rechecking his formulas. He borrowed time on the U.C.L.A. computer at night and shuttled the stacks of print-outs between the campus and Pasadena.

Thousands of proposed trajectories involving flight combinations to all the planets were analyzed. Occasionally Mr. Minovitch let his imagination take wing.

In a report on his work in 1963, he suggested the feasibility of constructing a huge spaceship several miles wide and placing it on a sort of "perpetual motion" trajectory around the solar system.

"Each time it flew close to a planet," Mr. Minovitch said, "vehicles like taxicabs could shuttle to and from the big vehicle to transport passengers and supplies."

On a more modest scale, Mr. Minovitch studied thousands of trajectories from earth to Venus and from Venus to Mercury until he found the one that is the basis for the Mariner 10 mission

A MAZE OF MATHEMATICS

The following emerges from the maze of mathematics as the essential procedures for the first multiplanet mission.

An Atlas-Centaur rocket launched Mariner 10 at 12:45 A.M. today. Lift-off was set by determining the optimum time for arrival at Venus and Mercury and calculating backward. After coasting in earth orbit about 25 minutes, moving from night to day, Mariner 10 was given its final rocket boost toward Venus, escaping the earth's gravity at an initial speed of 7.3 miles a second.

The spacecraft left the vicinity of earth in a direction opposite the motion of the earth around the sun. In effect, the spacecraft fell away from the earth orbit and is falling in toward the sun now, gathering speed from the pull of solar gravity.

To go to the outer planets, the spacecraft would have to be launched out of earth orbit in the direction of the earth's movement. Earth's own orbital velocity of 66,000 miles an hour would thus impart a directional velocity for the spacecraft, which would be struggling to climb away from the sun.

As planned, Mariner 10 is on a course that should take it through a selected point above Venus at a precise time and a precise velocity on Feb. 5. Two midcourse maneuvers, using the spacecraft's small thruster jets, are planned to fine-tune the trajectory.

The idea is to approach Venus at a speed of 22.9 miles a second (relative to the sun). If the aim is good, this would take the spacecraft past Venus at an altitude of 3,300 miles, bend Mariner's trajectory 34 degrees and slow it down to an initial post-Venus velocity of 20 miles a second.

THE HONORABLE WILLIAM O. DOUGLAS

Mr. CHURCH. Mr. President, the Honorable William O. Douglas, Justice of the U.S. Supreme Court, paid Idaho a tribute several weeks back by visiting in Boise and speaking out on several issues of great importance to the people of my State. Anyone who has followed the distinguished career of this man, as I have, knows of his tremendous affection for the outdoors. He expressed his love of nature in his Boise address.

On October 30, Mr. Justice Douglas surpassed all his predecessors in length of service as a justice of the Supreme Court. Having already served 34 years, 197 days as a member of the U.S. Supreme Court, I wish Mr. Justice Douglas continued good health and many more years of brilliant service as a Justice of the Supreme Court.

The Idaho Statesman commented upon the very fine remarks made by the Justice during his Idaho visit. I ask unanimous consent that the text of that article appear at this point in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Idaho Statesman, Sept. 29, 1973]

Justice Douglas

"Put your arms around this beautiful land of yours. Keep it and protect it as an inheritance for your grandchildren."—Justice William O. Douglas, of the U.S. Supreme Court, speaking in Boise.

Justice Douglas is one of the nation's foremost defenders of the natural environment. On the Supreme Court he has also been a great defender of individual liberty.

Those themes came through in his Idaho appearance Thursday night. Save the rivers, save the land. Save the individual from the government. Let the people control the government, rather than big corporations.

Justice Douglas said Idaho appears to be near a crossroads in its decisions on its land and rivers.

He's right. Right now timber and mining interests are mounting a big campaign to open the Idaho and Salmon River Breaks Primitive Areas to the bulldozers. This magnificent area has been managed as wilderness under Primitive Area classification for 40 years. Now a massive campaign is underway to take away that protection—and subject the finest salmon and steelhead spawning waters in the West to damage and siltation from timber roads and timber cutting.

This is an issue that pits people in Idaho who want to protect a quality environment against big corporate interests. The people can win, but the corporate interests have plenty of money and power to throw into the battle.

Douglas is a man who loves rivers, who feels pain when they are channelized into sterile chutes, who hurts when the life-giving estuaries of the sea are dredged so a subdivider can make a few bucks.

He is concerned about radioactive wastes from nuclear power plants. A debate is growing among scientists over the relative safety of nuclear plants. Whether the worst fears are correct or not, it is a question that needs more public attention.

On constitutional issues, Justice Douglas believes that the first 10 amendments were designed to keep government off the backs of the people. Since the constitution says the press will be free, he sees no reason to grant exceptions.

Justice Douglas said that the late Idaho Sen. William E. Borah tipped the scales on his appointment to the court (in 1939). Borah assured President Franklin Roosevelt that Douglas would be acceptable in the West.

Douglas at 74 remains an inspiring figure. Physically he looks his age, but his mind is sharp. He says a lot in a few words. He spoke Thursday to a large and receptive audience. At a time when the natural environment needs friends, and the individual at times seems helpless in the face of the power arrayed against him, it's good to have a man like Douglas on the Supreme Court.

SPECIAL MILK PROGRAM RESTORED TO FULL FUNDING

Mr. BIDEN. Mr. President, the U.S. Department of Agriculture has just announced its updated regulations concerning the special milk program. Included is the full $97 million as passed by the Senate and retained in conference with the House of Representatives. Earlier this year the administration attempted to cut this widely accepted program by almost three-quarters, trying to deny it to any school which provided a "regular" food service, even to the extent of considering vending machines sufficient to exclude participation. I commend my colleagues for restoring the needed funding for this worthwhile program, permitting the same level of spending as last year. I ask unanimous consent that this article printed in the New York Times citing these new regulations be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Nov. 1, 1973]

United States To Restore Funding of Milk Snack

Washington, October 31.—The Agriculture Department announced today that it would restore full funding of the special milk program to provide snack time milk for school children.

The department also said that a new Federal regulation that went into effect last August allowed school cafeterias to serve nonfat dry milk if the product was reconstituted into liquid form at dairy processing plants.

Funding for the special milk program will be restored to the full level provided in the department's appropriations legislation for fiscal year 1973–74.

Last July, the department said it would hold special milk spending this school year to $25-million. But Congress insisted that $97.1-million be used to provide children milk at snack periods in addition to servings at regular meals.

Administration officials had wanted to limit special milk servings to schools not having regular meal service.

EARLY RATES RESTORED

In bowing to Congress, the department said it would reimburse schools participating in the National School Lunch Program at a rate of four cents per one-half pint of special milk served.

"For other schools and for child care institutions which sell milk to children at a separate charge, the maximum rate of reimbursement is set at three cents per half pint," the department said.

Those are the reimbursement rates that applied previously before the Agriculture Department announced last summer the cutback in special milk spending, officials said.

The practice of serving reconstituted nonfat dry milk is not believed to be widespread at this time, a spokesman for the Food and Nutrition Service said, and savings to schools that use dry milk as a food source will be limited.

Milk rules affecting school lunches and other child nutrition programs were changed

Aug. 13 to permit the use of low fat, skim milk and cultured buttermilk in addition to regular whole milk.

The spokesman said the rule had also been interpreted to allow the use of reconstituted powdered milk as long as the practice complied with state and local laws.

That means that schools and other institutions can collect Federal reimbursement for serving the alternate milk products.

In the case of school lunch programs, the Federal Government reimburses schools at the rate of eight cents per half pint served.

A new bill that revamps Federal child nutrition assistance provides a 10 cent reimbursement. The bill is awaiting approval by President Nixon.

Officials said the requirement that schools must have nonfat dry milk reconstituted by dairy plants was stipulated for sanitary reasons since most cafeterias are not equipped to do the job within health requirements.

GUNS KILL FRIENDS

Mr. HART. Mr. President, a study carried out by officials of the coroner's office of Cuyahoga County, Ohio, reached this conclusion:

> A gun purchased to protect a family against an intruder is six times more likely to be used to kill a family member or a friend.

The results of the study were reported in Monday's edition of the New York Times. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Nov. 5, 1973]

Gun Mishap Toll Up for Civilians

(By Nancy Hicks)

San Francisco, November 4.—A gun purchased to protect a family against an intruder is six times more likely to be used to kill a family member or a friend, according to a study disclosed here today.

The study, the latest part of a continuing examination of the effect of civilian-owned guns in the Cleveland area, showed that the death rates from accidents involving guns had increased fivefold for urban populations and had doubled for suburban populations during the 14 years since the study began in 1958.

Of a total of 131 accidental deaths from firearms in Cleveland and its suburbs during this period, 110 resulted from "mishaps with guns," the report said. Only 17 intruders were killed by armed civilians during the same period.

Three-quarters of the fatalities occurred in the home, with almost an equal number caused by someone handling or playing with a gun, the report said.

HEALTH GROUP MEETING

These figures on accidental deaths from civilian ownership of guns were reported at the 101st annual meeting of the American Public Health Association, which opened today. The figures were compiled by Dr. Charles S. Hirsh and Dr. Lester Adelson, both of the Cuyahoga County coroner's office, and by Dr. Norman Rushforth, chairman of the department of biology at Case Western Reserve University, and Dr. Amasa B. Ford of the department of community medicine at the university's medical school. The group is looking at 13 other cities, including New York and Boston, for their experience.

"Firearm deaths are smaller than those for vehicular, industrial, home and other accidents," the researchers wrote. "However, deaths from firearms have increased more than those from any other type of accident, climbing threefold, while deaths from vehicular accidents increased 50 per cent over the 15-year period and other accidental deaths rose only slightly."

Last year, the group reported a similar rise in the number of homicides caused by hand guns in Cleveland. The group's study used homicide as an index of social stress in people's lives, Dr. Ford said in an interview.

"The possession of firearms by civilians appears to be a dangerous and ineffective means of self-protection," the group wrote. Only a Federal statute, not the current state-by-state approach to control, will solve the problem, Dr. Ford said.

FUTURE DIRECTIONS FOR THE SOCIAL SECURITY ADMINISTRATION

Mr. CHURCH. Mr. President, low income in retirement continues to be the No. 1 problem facing older Americans.

As inflationary pressures gain new momentum, the retirement income crisis now experienced by millions of elderly has intensified.

Consequently, the need for increased social security is a matter of utmost urgency. In fact, it is the priority concern for the Nation's aged.

But, we must also look beyond the present crisis and consider other crucial action to insure the orderly growth and improvement of the social security program. It is absolutely essential that our Nation not become complacent because of the advances made in recent years, including:

Cost-of-living adjustments to help protect older Americans from the impact of inflation;

Increased benefits for nearly 3 million elderly widows;

Liberalization of the retirement test; and

Creation of a new Supplemental Security Income program which will, for the first time in our history, establish a Federal floor under the incomes of older Americans.

Instead, we must continue to build upon these solid achievements. This is a major reason that the Senate Committee on Aging, of which I am chairman, has launched a comprehensive inquiry into "Future Directions in Social Security."

All Americans have a vital stake in insuring that the integrity of the social security system is maintained. Today social security—in one form or another—touches the lives of almost every American family. In fact, social security is practically a universal system. Approximately 91 percent of the elderly now receive or are eligible to receive payments when they or their spouses stop working. More than 9 out of every 10 persons in paid employment and self-employment are covered or are eligible for coverage. Nearly 4 out of 5 persons aged 21 to 64 have disability protection. And 95 percent of the children under 18 and their mothers are covered if the wage earner should die.

Throughout its history the social security system has been a model of excellence—in large part because it has been nonpolitical, superbly administered, and free of scandals. These qualities, which have helped to make the social security system such an enormous success, must be given permanence through further organization safeguards.

At the Committee on Aging's recent hearings on "Future Directions in Social Security," one proposal urged with repeated frequency was the establishment of an independent, nonpolitical board to administer the social security program. It was also suggested that elected officials should be prohibited from announcing benefit increases by enclosing notices with social security checks.

Leading witnesses gave many compelling reasons for the creation of some type of independent authority, including:

An independent board would provide continuity of policy and operation.

It would provide further protection against subverting the social security system for narrow, partisan advantage.

It could provide a means for removing the social security trust funds expenditures from the consolidated budget. As a result social security expenditures could be assessed on their own merits, rather than in terms of their immediate impact upon the overall Federal budget.

The National Retired Teachers Association and the American Association of Retired Persons—in testimony delivered by Cyril Brickfield—gave this assessment:

> The social security field is certainly large, important, and distinct enough to justify separate organizational status. Even more so would this be true if other, closely related income maintenance programs, such as unemployment compensation and railroad retirement be added to it. However, we believe that a Board could operate effectively within a larger organization if necessary just as it did within the Federal Security Agency and as some other boards and commissions do at the present time.

Mr. Nelson Cruikshank, president of the National Council of Senior Citizens, had this to say:

> An independent, non-political agency could assure continuity in both the review of the system's effectiveness and in its day-to-day administration—a continuity that cannot possibly be achieved under the present system when the administering officials are subject to change every few years and the program is reviewed only intermittently by an advisory council or by the Congress.

Former Secretary of HEW Wilbur Cohen—and now the dean of the school of education at the University of Michigan—called for the establishment of a three-member board appointed by the President with the consent of the Senate. He said:

> Social Security is so complex and I have been so concerned with the possibility of political involvement of the executive branch that I have been thinking more and more that the Congress ought to reestablish an independent board to administer the whole program so as to be sure that no political involvement becomes a factor in the social security system.

To my way of thinking, the proposed independent social security authority is worthy of very close and special attention. And, I wish to announce today that this recommendation will receive intensive scrutiny at future hearings conducted by the committee, as well as in staff studies and inquiries.

Mr. President, the written commentary presented on this subject by NRTA–AARP, National Council of Senior Citizens, and the honorable Wilbur Cohen—it seems to me—would be very informative for the Members of the Senate.

For this reason, I ask unanimous consent that appropriate excerpts from these presentations be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF
SENIOR CITIZENS, INC.,
Washington, D.C., August 21, 1973.
Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: Thank you for giving me an opportunity to comment on proposals—made at your recent hearings on New Directions in Social Security—for establishing an independent, non-political board to administer the Social Security system.

At this time, I am expressing my personal views, rather than the official position of the National Council of Senior Citizens. Bill Hutton and I consider this matter so important and timely that we are placing it on the agenda of our September Board meeting. Since I am sure that you too will wish to explore the whole subject most thoroughly, there will undoubtedly be future opportunity for presenting the NCSC's official positions.

Every man, woman and child in this country has a vital stake in the social security programs of OASDI, HI, SMT, and SSI, and has a right to be assured that the trust fund will be administered with integrity and objectivity, and that there is continuous review of the system's effectiveness and fiscal soundness. Accordingly, I wholeheartedly favor the principle of administering these programs through an independent, non-political agency, be it called a "Board," a "Commission," an "Authority," or whatever.

Such an independent agency would underscore in the public mind the essential difference between these social insurance programs and other operations of the government. It would also provide greater visibility and prestige as well as optimum responsiveness to the constituents—and again I point out that the constituency encompasses all our people, regardless of age.

An important specific charge to this agency should be to develop and carry out an aggressive informational program. Our observation of social insurance programs in other countries indicates that this informational responsibility is an important part of the right to know on the part of beneficiaries, and of the effective administration of the program.

An independent, non-political agency could assure continuity in both the review of the system's effectiveness and in its day-to-day administration—a continuity that cannot possibly be achieved under the present system when the administering officials are subject to change every few years and the program is reviewed only intermittently by an advisory council or by the Congress.

Another advantage is that it would be made clear that the agency has its own source of funding through the trust funds it administers. Indeed, our Social Security system now has, but this is a fact not commonly recognized by the general public who are surprised to learn that their Social Security system owns its own buildings and equipment and finances its own operations.

An important essential would, of course, be removal of the Social Security Trust Fund expenditures from the consolidated budget. Thus, Social Security expenditures could be assessed on their own merits and in relation to sound actuarial principles rather than primarily through their immediate impact on the annual Federal budget. Furthermore, the other programs now under DHEW would be relieved of the need to absorb more than their reasonable share of Department-wide budget cuts when they are imposed—cuts that are heavily weighted by the sheer size of the Social Security program and its irreducible obligations.

One question you will wish to explore is the possibility that the agency could be truly independent with respect to both policy and operations but—for purposes of conforming to so-called "sound principles of public administration"—would be placed under the umbrella of DHEW, in somewhat the same manner as such federally-aided corporations as Howard University and Gallaudet College.

I would suggest that the Committee also study the Tennessee Valley Authority as a possible model.

You may be interested in my initial thoughts as to some of the specific provisions to be included in any legislative proposal. The "Board of Directors" should be small since these directors will be serving full-time; five might be a reasonable number to assure continuity through staggered terms as well as representation of both parties. Employees should continue to be under Civil Service. There will be need for writing in certain controls on the agency, such as the requirement that the major legislative proposals would be cleared through the President and that the appropriation process be much the same as now. The Board of Trustees (the Secretaries of the Treasury, Labor, and HEW) would continue as managers of the funds, with the Chairman of the agency's board of directors acting as secretary.

The statutory Social Security Advisory Council, the Health Insurance Benefits Advisory Council, and other special-purpose advisory councils would still be needed, but their membership would be appointed by the board of directors rather than by the Secretary of HEW—thereby enhancing the non-political character of the system.

Again thank you for giving me an opportunity to comment. As your committee pursues this important improvement in Social Security, NCSC stands ready to help you in any way.

Sincerely and respectfully yours,
NELSON H. CRUIKSHANK, *President.*

PREPARED STATEMENT OF THE NATIONAL RETIRED TEACHERS ASSOCIATION AND THE NATIONAL ASSOCIATION OF RETIRED PERSONS ON "FUTURE DIRECTIONS IN SOCIAL SECURITY": SUBMITTED TO THE SENATE SPECIAL COMMITTEE ON AGING, JULY 26, 1973

BIPARTISAN SOCIAL SECURITY BOARD

The elderly have a special interest in the quality and economic and social soundness of the OASDHI system and in the integrity and objectivity of its administration. The system has grown rapidly and the dependence that millions of the elderly have placed upon it for their financial security and health protection has increased proportionately. The Associations believe that the time has arrived to take steps to assure the continuity of the type of supervision, direction and development of the system which the country has enjoyed in the past. We think that one important step in the furtherance of this objective would be to return to the three-member bi-partisan board type of administration which, in our judgment, contributed so importantly to the success of our program in the United States and to the confidence which the public has in its administration.

The scope and technical character of our testimony is only one evidence of the diversity and of the social economic significance of the programs which make up the American social security system. Social Security legislation has been expanded and improved in the risks covered, in its coverage and the protection provided many times since its original enactment in 1935. Even since 1946 when the present Social Security Administration succeeded the bi-partisan Social Security Board the scope of responsibilities has been extended to include social insurance protection against the costs of hospitalization and medical care for the elderly as well as for the newly federalized public assistance program of Supplementary Security Income.

These programs when added to the earlier ones which provided social insurance income protection for the aged, for the survivors of workers who die and for the permanently disabled, present as formidable and as challenging a responsibility as exists in government.

These programs touch, very personally and intimately, the lives of practically every individual in the United States. They contribute in direct and important ways currently to the security, well-being and happiness of many millions of people of all ages and to the elderly in particular.

In view of considerations such as these and in the interest of providing the type of organization which could best assure integrity, competence and impartiality in the administration and development of the original Social Security Act of 1935, the Congress and the President agreed upon the three-member bi-partisan Board as the most likely organizational device for accomplishing these objectives. Moreover, as a further protection against undue political intervention and to foster a career service for competent personnel, a staff was required to qualify under Civil Service.

From the enactment of the original social security legislation in August 1935 until 1939 the Social Security Board functioned as an independent agency reporting directly to the President. In 1942 the Board together with the Public Health Service and the Office of Education (Reorganization Plan No. 1 of 1939) were placed within the Administrative jurisdiction of the Federal Security Agency. The Board, however, on essentially policy matters, was directed by the President to report directly to him. In 1946 the Board was abolished (Reorganization Plan 2 of 1946) and was succeeded by a single-headed "Administration" without change in function except that the Children's Bureau was transferred to it from the Department of Labor. There was no break in the continuity of policy or direction since Arthur J. Altmeyer, the Chairman of the abolished Board became the Commissioner of the Social Security Administration.

To complete the sequence of organizational changes the Social Security Administration in 1962 was divested of its responsibility for the Federal-State program of public assistance but carried on with what was formerly the Bureau of Old Age and Survivors Insurance to which hospitalization and medicare has been added.

Convincing evidence of the success of the Board in the development of sound policy, in the creation of an efficient organizational structure, in the recruitment of an extraordinarily capable, well-trained and dedicated staff and in establishing a reputation for integrity and competence, is so generally accepted that success is no longer debatable.

There is little question but that these early beginnings laid the general ground work for the reputation which the Social Security Administration still enjoys.

It should be added that the circumstances which resulted in the abolition of the Board-type of administration, according to those on the scene at the time, had nothing whatever to do with the internal operations, policy, or management of the Board. Rather the change was the result of an attempt to rationalize the organization of government as a whole and to reduce the number of agencies reporting to the President.

This is not the occasion to go into detail regarding a Board and its functioning other than to stress the desirability of capitalizing on the successful experience of the past. We recommend a three-member bi-partisan Board, two of the three being of the majority party, and all to be named by the President with the advice and consent of the Senate. The President would select the Chairman and all members would serve at his pleasure. The Board would be concerned primarily with policy formulation but would operate through an Executive Director. The Executive Director would have to qualify under Civil Service rules but would serve at the pleasure of the Board.

The Associations are aware of other and broader organizational questions incident to the formulation of a Board such as, whether it would become an "independent" agency reporting directly to the President or would take its place as a constituent of an existing executive department.

The social security field is certainly large, important, and distinctive enough to justify separate organizational status. Even more so would this be true if other, closely related income maintenance programs, such as unemployment compensation and railroad retirement be added to it. However, we believe that a Board could operate effectively within a larger organization if necessary just as it did within the Federal Security Agency and as some other boards and commissions do at the present time. In this case it would be well to spell out, in the law, the full scope of the Board's authority.

The Board should be constituted as to enable it to provide continuity of policy and operations, to protect it against purely partisan political intervention and to make it promptly responsive to the interests of its constituency. Being bi-partisan and thus largely non-partisan the Board's objectivity might be less a matter of concern to some members of Congress than is the case with a single appointive Commissioner.

The Associations are aware of the importance of this recommendation and realize that it will need considerable study. We will be happy to render any assistance in this respect that we can.

Testimony by Hon. Wilbur J. Cohen

Mr. Cohen. The key aspect af the social security and Medicare system has been its incremental improvement which has permitted the changes to be successfully inaugurated with careful planning, widespread acceptance by individuals affected, participatory involvement of groups with special concerns, and gradual adaptation of costs by the economy.

If consideration is to be given to any administrative changes in the program, by either the executive branch or the legislative branch or any review, then I would like to suggest that one possibility would be to reestablish something like the original Social Security Board to administer the program.

This board would consist of three persons, that is illustrative of what the original board was, three persons nominated by the President with the advice and consent of the Senate for 6 years, staggered terms, with no more than two members from any one political party.

Social Security is getting so big and so involved and so complex and I have been so concerned with the possibility of political involvement of the executive branch that I have been thinking more and more that the Congress ought to reestablish an independent board to administer the whole program so as to be sure that no political involvement becomes a factor in the Social Security system.

I am not implying that any such politics have been undertaken so far.

Senator Church. I think that in the last aspect, perhaps, now in the actual administration of the program, but in one aspect, certainly political advantage has been taken. That has been the custom of sending out notices of increases in Social Security that bear the signature of the President. This has happened not only under the present incumbent, Mr. Nixon, but under previous Presidents. It was all the more glaring this time because the 20 percent increase the Congress passed was strenuously opposed by Mr. Nixon, whereas previous Presidents who took the credit had recommended the increase and at least to that extent were entitled.

This has led me to introduce a bill in the Congress that would prohibit any President or any other elected officer from giving notice in such form as to secure an obvious political benefit from it.

Mr. Cohen. I support that legislation wholeheartedly, Senator. I believe it is definitely unwise to do that. I have consistently, when I was in office, opposed that, I would support your bill.

There are other such illustrations that have come to my attention and I think the one way to do that would be to insulate the whole Social Security system by some kind of nonpolitical board that would not be completely beholden to whatever administration was in power.

Senator Church. Yes, a board of that kind could send out the notices so people would understand why there has been an adjustment in their benefit. That would take the political flavor out of it.

Mr. Cohen. If one traces the history of the Social Security Board with regard to political problems that took place between 1935 and 1949, one will see the courage and independence of the Social Security Board in handling very complex political situations.

Senator Church. Why was the board abandoned?

Mr. Cohen. The board was abandoned because the public administration experts decided that it didn't look nice on an organization chart to have a board responsible to the Federal Security Administrator. It didn't follow what you learn in public administration course 607 in the university about a board not being responsible to a single administrator.

I can reconcile that in my mind if one wanted to follow that by saying that the board would still be with HEW and the Secretary would merely have the right to approve or disapprove regulations, so that there would still be some overall control. But individual decisions would be made by the board.

But at that particular moment it just didn't appeal to the chartmakers so it was abolished, and I think that was a very, very wrong decision.

SENATE PUBLIC WORKS COMMITTEE HEARINGS FOCUS ON AUTOMOTIVE POLLUTION AND ENERGY PROBLEMS

Mr. RANDOLPH. Mr. President, the Committee on Public Works yesterday concluded 2 days of hearings on the implementation of automobile emission standards established by the Clean Air Act of 1970 and their relationship to the critical fuel shortage.

These hearings were scheduled as a forum for the detailed discussion of the issues relating to the next step in meeting the statutorily established emission standards. The committee heard from witnesses representing a wide variety of interests. On the first day we discussed these important questions with top executives of the three largest American automobile manufacturers and with representatives of Mobil Research and Development Corp. Yesterday the witnesses included spokesmen for Esso Research and Engineering Co., the National Resources Defense Council, Sierra Club, and Public Interest Research Group as well as Environmental Protection Agency Administrator Russell E. Train.

The principal question is whether we should proceed to require achievement of 1975 emission standards as scheduled or whether existing standards should be maintained.

Any action taken by the committee must come soon because of the time required to incorporate new technology in 1975 model automobiles. At this time the committee does not have all of the information relating to the various pollution control technologies and the impact of their use or nonuse.

Under these circumstances, the committee will make its judgments on the information presently available to it. Extensive hearings were held last May on implementation of the Clean Air Act. We have studied reports of the Environmental Protection Agency; there have been extensive staff investigations; and there have been a number of meetings with concerned Government agencies and industrial representatives. This concerted effort culminated in the hearings conducted this week.

During our hearings this week, 13 of the 14 committee members were in attendance. This morning the committee met in executive session to discuss the hearings and the issues they raised. Today's meeting, Mr. President, was attended by 13 members of the committee. The seriousness with which members of this committee view the emissions question is indicated by their attendance and their participation in our hearings and meetings this week.

The decisions we must face are difficult. They involve more than simply the reduction of air pollution from motor vehicles. They are intimately related to our response to the severe energy shortage in this country. The committee will meet again on this issue on November 15. Following that meeting we expect to report positive recommendations to the Senate.

Mr. President, I discussed the questions at issue in my opening statement at Monday's hearing. I ask unanimous consent that that statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Severe Fuel Shortage Is Factor in Pollution Control Programs

Three years ago the Clean Air Act became law, establishing ambitious, but attainable, goals for the reduction of air pollution. The Act provides for controls over all pollutants from all sources which increasingly contaminate the air we breathe.

In developing this far-reaching statute, the Congress took heed of the substantial contribution of automobile emissions to the pollution problem. With motor vehicles providing the largest single source of air pollution, it was essential that they receive major attention if the total effort held any hope of success.

It was then, and still is, obvious that we cannot have clean air so long as more than 101 million cars continue to pour pollutants into the atmosphere.

It is unnecessary to discuss in detail the provisions of the Clean Air Act relating to vehicle emission reductions. Suffice it to say that this part of the law has attracted wide public attention and extended debate since the day it was enacted. The requirements are stringent because the situation is serious. As in other areas, pollution from the internal combustion engine was ignored for so long that a massive effort was needed to bring it under control.

The way in which the automobile emissions question is resolved could set the tone for the entire air pollution abatement program. Timidity or vacillation on this central issue could undermine public confidence in our collective determination to bring order to a changing environmental situation. At the same time, the impossible must not be sought.

Considerable experience has been gained since 1970 as various provisions of the Clean Air Act implemented. In any new program with the scope of this one there are bound to be uncertainties, confusion and differences of opinion about its execution. In general, though, I am pleased with the results produced under the provisions of this Act. There is evidence that we are making a good start at reducing the levels of air pollution that for years threatened the health of our citizens.

The Act established maximum limits for various automobile pollutants together with a schedule for phased compliance. The Administrator of the Environmental Protection Agency was given limited authority to modify this schedule. He exercised this authority by postponing compliance with the statutory emissions standards for 1975. Instead, he promulgated interim standards leading toward full compliance in later model years.

The hearings we begin today are intended to review progress in meeting the automobile emission standards mandated in the 1970 Act. The Members of the Committee are aware of concern in the automotive industry and elsewhere about the technology required to meet the 1975 interim standards. Over the past several months there have been extensive discussions among representatives of the automotive industry, other concerned groups, the Members of this Committee and staff. It is our intention, in the next three days, to bring together the various points of view on this issue for a full and thorough public discussion.

There are *not* hearings on any proposal to delay or otherwise alter the present schedule for achieving automobile emission standards or to revise the standards themselves.

A number of developments since 1970 contribute to the atmosphere in which these hearings are held. Foremost among these is the realization that the United States faces a severe fuel shortage. I repeat: A severe fuel shortage. We are now using 115 billion gallons of motor fuels every year. This consumption has grown at a steady rate, making conservation measures essential in the face of inadequate supplies. In any evaluation of emission controls, the effect of the technology on fuel consumption must be kept in mind.

Another factor is the evidence from some quarters that catalytic converters themselves may produce harmful pollutants in concentrated quantities. In addition, we must remember that other provisions of the Clean Air Act may require sharp restrictions on the movement of traffic in some urban areas.

So what was a complex situation in 1970 is more complex today. The Members of this Committee approach these hearings with no preconceived ideas. We are aware that the effort required to meet the standards of the Act will be substantial. This effort could cause hardship or inconvenience in some segments of our economy. It is already forcing a revision of assumptions that in the past were considered almost immutable.

I call attention to the seriousness with which Members of the Committee view the present situation. When it became apparent last summer that there were serious questions concerning efforts to reduce motor vehicle pollution, we decided to seek detailed information from scientific authorities. Two contracts with the National Academy of Sciences have been executed. This body is working to update our knowledge of the health effects of automotive pollutants and is analyzing the monetary costs and benefits of achieving established emission standards. These studies will require some months to complete but are essential to our full understanding of the problem.

Last Wednesday the Committee received from the Academy a preliminary report on the health effects study. This report is based on the symposium in early October and was provided in compliance with the contract which called for a 90-day review of existing data on pollution health effects. The summary of the symposium contains no unexpected findings or recommendations. The Academy believes that, based on the information submitted at the symposium, additional study will be required to provide more definitive findings on the health effects of pollutants. The summary contains the statement that on the basis of present knowledge there is "no compelling basis" to either raise or lower existing air quality standards.

This first report of the Academy's work is an important beginning to meeting responsibilities faced by the Committee. This week we must make further progress in understanding the dimensions of the automotive emissions problem and the alternatives to its solution.

U.S. AIRLIFT CAPABILITY

Mr. TALMADGE. Mr. President, in less than 18 months, the world has witnessed convincing demonstrations in two different parts of the world of the necessity and the effectiveness of a quick-reacting U.S. airlift capability.

In both of these real-life demonstrations, initiated to provide large quantities of military support to nations threatened by Communist forces, the U.S. Air Force C–5 Galaxy performed well under pressure. A product of the Lockheed-Georgia Co. whose officers and employees were compelled in recent years to defend the airplane against much undue and unwarranted criticism, the C–5 and the C–5 alone was able to fly the M–60 main battle tank, which weighs more than 100,000 pounds, and other heavy tracked vehicles from the continental United States to overseas destinations almost adjacent to fighting zones.

The most recent example of why we need a strong fleet of airlifters came in late October, when Soviet-supplied antitank missiles inflicted heavy losses on Israeli armor. Press reports indicate that rocket grenades and Russian missiles destroyed or disabled hundreds of Israeli tanks. It became readily apparent that unless replacement armor and ammunition could be delivered to the defenders in a short time, Israel very probably would find itself in an intenable military position. As history will show, however, America acted swiftly.

Low-priority materiel began to move out of our Atlantic ports. But surface transportation would have been too slow for the items of most urgent need. I am pleased with the manner in which our military airlift command responded to the decision to fly critical materiel directly to Tel Aviv. I am pleased with the reports I hear and read of the performance of the C–5 and the smaller C–141 StarLifter, which were largely responsible for reducing delivery times to a matter of hours and obviating the necessity of surface transport that perhaps would have been too late. And I am pleased that the technical skills of fellow Georgians contributed to development and production of these airplanes.

Operating very nearly around the clock, the military airlift command completed about 20 flights a day into Israel. I understand that by October 31 the C–5 and the C–141 had carried many millions of pounds of armor, munitions, clothing, and medical supplies to that embattled nation. Although the American airlift trailed by 4 days a similar resupply mission by Russia, the capacity and reliability of our aircraft were such that, despite the 4-day disadvantage, we were able to about match total tonnage flown, and over a much longer distance.

I think it may be pertinent here to repeat a summation of what the airlift meant to international politics as Newsweek magazine suggested in its November 5, 1973, issue. Under the heading, "Airlift Capability Is Critical," Newsweek said:

> As Pentagon officials saw it, the West Europeans had little cause for alarm. Not only was the U.S. prepared to send as much sophisticated weaponry to NATO as necessary but, in the Pentagon view, the massive American airlift to Israel proved that the U.S. was both willing and able to live up to its defense commitments. Indeed, some officials even contended that the airlift—centered around the controversial C–5A transport—should convince Europeans that a mutual reduction of U.S. and Soviet manpower on the Continent would not be dangerous.

I would only add, after considering the way our C–5 fleet performed in behalf of Israel, and in 1972 in speeding to Southeast Asia M–60 and M–41 tanks that are credited with helping blunt the Communist spring offensive, the successful advocates of reduced C–5 procurement may wish to reassess, their earlier judgments. Further, I can foresee additional circumstances in which we all may wish we had more of these responsive, productive aircraft.

SOCIAL SECURITY HIKE NEEDED NOW

Mr. McINTYRE. Mr. President, many senior citizens in New Hampshire have written to me of their concern about living on fixed incomes during this period of spiraling inflation. With the coming winter months, these people fear they will not be able to afford heating oil, warm clothing, medicine, nourishing food, and other living necessities. Because of my deep concern and commitments to New Hampshire's senior citizens, Mr. President, I cosponsored Senator CHURCH's bill to increase social security benefits by 7 percent in January 1974. The senior citizens across the country need this increase now—not in July.

I was gratified to read that the Senate Finance Committee has adopted the thrust of the Church bill. It is my hope this legislation will receive speedy enactment and that the President will see fit to sign it into law.

I want to share with you some excerpts of letters I received from New Hampshire senior citizens. A gentleman from Lisbon, N.H., wrote:

> I am writing you about the problems of the people on Social Security. The way prices have gone up in the stores and rents to say nothing about oil, we are not getting enough money to go around. I don't believe I could get on to Welfare if I wanted to, but if I can get work I had rather have it.

A lady living in Portsmouth, N.H., wrote:

> I am a widow, over seventy and relying almost entirely on my Social Security income. With the recent frightening increase in the cost of food and other necessities, I believe the Congress should help meet this crisis by moving forward the date of the next Social Security increase from July, 1974 to January 1974. Time is running out on us, and so are our funds.

From Claremont, N.H., a lady wrote

> I am a widow. I draw on my husband's social security and don't get enough to get by with as the high cost of living today. I hope you can see into this. And I need a hearing aid very bad. This one I got is too old so it is no good any more. And I can't afford one and I would like to get a raise in my security so I could get things once in a while besides eating. Please help us get a raise in January.

A gentleman from Concord wrote:

> Why not January and not July for raise on R.R. and S.S. pension? One-third of us will be dead before July.

This is just a sampling of how people from all over my State are thinking. I made a pledge that everyone over 65 should have three square meals a day, a decent place to live, medical care, and a little pin money. If they cannot afford it, we owe it to them. It is as simple as that. I want our senior citizens to live lives of dignity and to have freedom from economic dependency.

I urge my colleagues to vote for the 7-percent cost-of-living increase in social security benefits when it comes up on the Senate floor.

NASA PROGRAM BENEFITS EMPLOYEES

Mr. MOSS. Mr. President, I believe my colleagues will be interested in a program instituted by NASA and the Council for Scientific and Industrial Research in South Africa. This program is designed to improve the living conditions and opportunities of black employees at the South Africa tracking station.

I ask unanimous consent that a brief report on this program be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF PROGRAM INSTITUTED BY NASA AND THE COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH—CSIR—FOR IMPROVING THE WORKING AND LIVING CONDITIONS AND OPPORTUNITIES FOR BLACK SOUTH AFRICAN EMPLOYEES AT THE NASA STATION NEAR JOHANNESBURG

BACKGROUND

In early 1972, NASA and the Council for Scientific and Industrial Research (CSIR), the South Africa government agency responsible for manning, operation, and maintenance of the station, agreed upon a program to improve the working and living conditions, and opportunities for black employees at the NASA station, within the authority available to both NASA and CSIR.

At that time, the improvement program was structured on NASA's continued operation of both the Deep Space Network (DSN) and the Spaceflight Tracking and Data Network (STDN) facilities at that location; that is the planned improvements were sized to benefit approximately 60 black employees and their families.

Early in June of this year, it became apparent from a review of the planetary workload for FY 1975 and beyond that support from the DSN facilities at Johannesburg would not be required, and accordingly NASA announced plans to close the DSN portion in June 1974. Further, the announcement noted that it appeared possible also to close the STDN facilities in the fall of 1975; however, further study of the future workload of earth orbital missions was required before a final decision on closure of the station could be made. It is expected that this decision will be made in early 1974.

In the event all the NASA facilities at Johannesburg are closed, the CSIR will continue operations at the site at a reduced level in support of radio science investigations. This totally funded and sponsored CSIR activity would employ some 20 black employees.

Based on the foregoing, NASA and CSIR have agreed to complete the improvement program (which is well underway) as well as to provide some additional benefits to the black employees displaced by the NASA station closure. No substantive changes are planned for the original improvements, however, the scope has been reduced in concert with the projected personnel reduction.

The current status of the implementation of the improvement program is summarized below:

1. *Provision of Improved Housing for Black South African Employees.* In an effort to provide improved housing for the black employees and their families who live at the station, construction was begun in July, 1972, on additional units of new housing. The houses, which are of all brick construction, are furnished by CSIR rent free to the black employees.

Four of the new units are now complete and occupied, and a minimum of four more will be constructed. Construction of additional units are contingent upon the decision to close the STDN facility. However, the eight new units, together with ten existing homes, will provide sufficient housing for CSIR's preliminary estimate of the post-NASA black African staff requirements.

2. *Improvement of Facilities for Primary Education by Construction of Schooling Facilities On-Site.* Construction has begun on the school building and it is scheduled for completion in early 1974, in time for the start of the new school term. Basically, the school will consist of four classrooms, library, and cafeteria. The cafeteria is designed for use by both students and the black employees, and the classroom areas can be easily converted to larger areas for evening use by the black employees for community affairs.

3. *Provision of On-Site Medical Services.* An existing building at the station has been renovated and converted into a medical facility to provide services which do not require hospital or specialist medical attention. The latter types of care are provided at the Provincial Hospital, some 20 miles away, to which transportation is available at all times.

The on-site facility is staffed by a visiting nurse who is on duty three days a week and a doctor who is in attendance one day a week. In addition to providing medical attention for the employees, the facility is also available to and being used by the black South African families resident at the station.

4. *Assistance for Advanced Schooling.* In order to provide the maximum opportunity for children of the black South African station staff to obtain secondary schooling and thereby prepare themselves as fully as possible for advanced employment opportunities, NASA and CSIR have instituted a plan for payment of board and transportation for secondary schooling for children of the black South African station staff; tuition and books are free. Two students are presently taking advantage of this educational opportunity. In the event that the review of the future workload, noted earlier, does not warrant continued NASA operation, arrangements have been made for the completion of studies for any students enrolled at the time of the STDN station closure.

5. *Improvement of Salaries of Black Employees.* CSIR has taken measures to increase the salary structure for black employees. A special pay revision resulting in a 20% average increase in wages for the black employees at the station went into effect on June 1, 1972. An additional increase of 17% was effective on April 1, 1973, making a total increase of some 37%. During the same time period, cost of living increases received by the white employees have amounted to 15%.

6. *Other Employee Related Benefits.* Severance benefits will be paid to the black employees whose employment will be terminated as a result of the reduced level of operations. CSIR is currently investigating the feasibility of purchasing annuity policies for the employees with these funds in lieu of a lump sum payment.

CSIR has agreed that the black employees whose jobs will be terminated may continue to occupy the houses on-site and receive their salaries until they can secure other employment. Also in this regard, CSIR is considering establishing an outplacement program and re-employment counseling for the affected black employees

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SPEECH BY SENATOR CARL CURTIS, NOVEMBER 3, 1973, BEFORE NORTH CAROLINA REPUBLICAN STATE CONVENTION

Mr. THURMOND. Mr. President, my attention has been called to an excellent speech given by my good friend and distinguished colleague from Nebraska, Senator CARL CURTIS. Reading his thoughtful and provocative words was like breathing a breath of fresh air and I would urge those inundated with the foul air around Washington today to read it for themselves and clear out their lungs.

His remarks deal with President Nixon and the Republican Party. It is a strong endorsement of the Nixon administration accomplishments. It is a reasoned defense of President Nixon and, from my standpoint, his views are shared by a majority of the American people.

President Nixon, the Republican Party

and the country are indeed fortunate to have a courageous and effective leader in the person of Senator Curtis.

Accordingly, Mr. President, I ask unanimous consent that Senator Curtis' speech to the North Carolina Republican Party, Raleigh, N.C., November 3, 1973, be printed in the Record at the conclusion of my remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech of Senator Carl T. Curtis

Mr. Chairman, distinguished Republican officials, my fellow Republicans and friends all.

It is always a delight to make a speech at a Republican convention. Today I have a very special honor bestowed upon me. It is my opportunity to speak to the Republicans of North Carolina and I regard North Carolina as the foremost Republican state in our union. I say this fully aware that there are many offices that you do not control, but I say it on the basis that the Republican Party has made greater strides here in a shorter time than any place else. After all, it is growth that counts. We cannot dwell on what has been.

The whole country has taken note of the fact that here in North Carolina, you have a Republican Governor, a Republican United States Senator for the first time in this century and four Republican Congressmen. There is something else that the whole country is taking note of and that is all of these men are capable, dedicated, effective and honest public officials who are establishing records with which all of us can be proud.

It has been my privilege to become better acquainted with your United States Senator Jesse Helms than I have with these other distinguished men. I am so glad that North Carolina sent Jesse Helms to the Senate of of the United States. The Senate is a better body because he is there. I serve with him on the Committee on Agriculture and Forestry; I visit with him on the floor of the Senate and he and I attend another meeting that meets once a week. I have heard him speak in the Senate and I have watched the way he votes. I wish we had more like him. He is a patriot; he is courageous and he is one of the finest Christian gentlemen that I know. Mildred and I are delighted that we can count Dorothy and Jesse Helms as our friends.

The distinguished Governor, the Honorable James E. Holshouser, is a man of distinction and ability. A Republican administration in your State House is a very wholesome thing from the standpoint of good government. There has been a great deal of talk about a two-party system. You Republicans of North Carolina have made it a reality. I congratulate you upon having elected the Honorable James Holshouser as your Governor, and thus advanced the cause of good government.

Your four Republican Congressmen are a credit to your state. They are entitled to all the praise that time would permit me to utter. You know in Nebraska, football isn't just a sport or a sideline, it is a way of life. We take it very seriously out there. Consequently, this has caused us to be interested in all branches of athletics. Your Congressman Earl B. Ruth is well known as an educator and especially as a coach. I hope you can keep him in Congress a long time but if he wants to go back to coaching, I want him to come out to Nebraska and look the situation over. He is an able man and served with distinction in the Navy and in local government.

Your Congressman Vinegar Bend Mizell, the great baseball pitcher Mr. Strike Out King, is just as good a Congressman as he was a baseball pitcher and he was tops in that. Because of his spectacular career, he has added influence in the Congress. He is a distinguished soldier and a distinguished citizen.

Your Congressman James G. Martin is one of the youngest men in the United States House of Representatives. He is a wise and capable legislator. He comes to the Congress well prepared. He is well grounded in local government. His service on the County Board of Commissioners was such that he was made President of your State Association.

Congressman James Broyhill is another distinguished solid Congressman who serves his state and nation well. He, too, has a spendid background. Many honors have been bestowed upon him including the title of "Young Man of the Year." He comes from a distinguished family. We are proud of all of these Republican officials from North Carolina.

I want to say something about the men and women who have made this Republican Party of North Carolina a real vital force. I salute all who have given of their time and talents to make the Republican Party in North Carolina a success. I have always believed that the Republican Party has a mission to perform for our great Republic which is essential to its survival and a mission which cannot be performed by any other party. I still believe it to be true.

We are living in rough times. Powerful forces have been mounted against the Republican Party and particularly against our Republican Administration in Washington. I am convinced that the time is coming for all Republicans to stand up and fight—if we do not there is danger that our party will disappear from the political scene in America. I voted for President Richard M. Nixon and I would vote for him again and I am not going to desert my President because a massive conspiracy to destroy him has been in operation for the last ten or eleven months.

In these days of charges and accusations, of innuendos or hearsay which are blended with falsehoods, it is not only the time for us to keep cool and think clearly but it is time for us to think and talk about the good things that President Nixon has brought about since he has become President. Let us "think on these things."

At a time when military spending and activities are being reduced the nation is enjoying its highest prosperity. More men and women are employed at good wages than at any time in our history and we have adequate farm prices for the first time in many decades.

One of the great tragedies of this year of turmoil in Washington is that the Congress has sidetracked so many of the things that we should be doing in response to the real concerns of the American people.

I am aware, of course, of your hopes to restore to education its single most important purpose and goal—the goal of achieving maximum quality and efficiency in educating your children. But you still suffer the frustration of the compulsory busing of your children across cities and counties in order simply to achieve a so-called "racial balance" to satisfy some bureaucrat in Washington, or some Federal judge.

Well, let me remind you that you have a President committed to the proposition that school children should *not* be needlessly hauled to and fro, miles from their home, past a school in their own neighborhoods, to attend distant schools assigned to them under the gun of Federal controls.

I know of Richard Nixon's position on this question. He emphasized it to your Senator Jesse Helms one night several weeks ago when a group of us met with the President at the White House. And I trust you are aware that Senator Helms now has pending in the Senate a bill which would effectively put an end to unwarranted and endless Federal jurisdiction over your schools. But the Helms bill, like so many other pieces of badly-needed and worthy legislation, is languishing in committee because the Senate has been obsessed with investigations and politics which are holding up things that need to be done.

Regardless of what anyone thinks about Watergate, or any of the other disputes which threaten to paralyze the Republic, the American people need to be reminded that they have a President who wants to get on with the business of strengthening the country. He wants to put an end to forced busing of your children. He wants to restore financial sanity to the Federal Government. He wants to curb inflation. And these things, I submit, are vital to the very survival of our nation. We will fail to do them at our peril.

The people of the entire free world look upon President Nixon as their leader. They do so with good cause. President Nixon is the world's foremost and most successful peacemaker.

I cannot forget that when Mr. Nixon was sworn in as President our casualties in Vietnam were running as high as 300 a week. They were gradually reduced and finally brought to zero. Our combat troops have been removed from Vietnam, prisoners of war have been brought home, and young men are no longer drafted into the Army.

Neither can I forget the cruel criticism, the unfounded charges, the shameful accusations that were heaped on President Nixon throughout the months that he was doing so much for our country to end the war which he didn't start. There were marches upon Washington and his critics missed no opportunity to hinder and thwart his actions.

The situation in the Middle East changes often. It appears, however, that under the leadership of President Nixon and those he has appointed, and who he directs, that a settlement is being worked out. American troops are not committed to the Middle East, an agreement has been obtained that keeps all of the nuclear powers out of the Middle East thus avoiding an accidential triggering of a holocaust. Progress appears to be made in reference to getting both sides to the negotiating table, not merely for a cease fire but for a settlement.

I want to read to you what one of the nation's leading journalists has had to say about this. I refer to a recent column written by W. R. Hearst in which Mr. Hearst said:

"They (the Soviets) proposed that they and we should send troops into the war zone to insure the cease-fire. But that proposal was promptly-and correctly-rejected by Kissinger and President Nixon.

"At the same time, Washington began noticing strange military activities in the Soviet Union, indicating that the Russians might be planning to send troops in unilaterally to save the Egyptians.

"That is when President Nixon declared a worldwide military alert of American forces. Given the perilous situation, there can be no doubt that our President made the right move and it disgusted me that some overly cynical newsmen and politicians suggested that it was all a smoke screen to cover up the furor over the Watergate tapes.

"I realize that a lot of people have lost confidence in the President as a result of recent homefront scandals. But he has done a tremendous job in foreign affairs and is not about to fabricate a military confrontation with the Soviets simply to deflect domestic political fire.

"On Friday night millions of us watched President Nixon answer questions about the Middle East and the Watergate affair in one of the most wild and wooly press conferences of recent memory.

"Although the President let his feelings show through on occasion and had some sarcastic remarks about radio and television, I thought he did a good job of keeping his cool and of replying directly and candidly to all questions. He performed well under fire."

There were times in discharging his duties in reference to Vietnam and the Middle East that President Nixon had to exercise the utmost courage. He, and he alone, had to make vital decisions. He rose to the occasion and all of us are the beneficiaries of his wise decisions and actions. It seems to me that time and again I see the evidence of a Quaker heart in our President. I am convinced that when he talks of striving for a "generation of peace" that he means just that, that his works are backed up by a lifetime of study and total dedication to bring peace to the world. In this important task he understands the importance of military strength and how to use the armed might of our country to prevent war.

I have served in Congress throughout World War II, the Korean War, and the Vietnam War, and I am not going to turn my back on Richard Nixon, the peacemaker.

It is entirely possible that President Nixon's all-absorbing interest in ending a war and preventing other wars and in conducting America's affairs in the world has been so time-consuming that it has been physically impossible for him to devote personal attention to many things on our domestic front which ordinarily he would be well able to handle.

Few people can appreciate the burdens on the President of the United States. Every Congressman and every Senator must delegate matters to his staff that he would like to do himself. Our responsibilities and the size of our constituencies are such a small fraction of those of the President. There are always tremendous burdens falling on the President in reference to domestic matters.

1972 was a momentous year in President Nixon's accomplishments in world affairs. The Vietnam War was being wound down, leading to its total halt. This called for courageous and soul-searching decisions as to bombing and other actions. The President's visits to Mainland China and to the Soviet Union were handled by him with great expertise.

His last campaign had to be managed by others. I am convinced that President Nixon not only was not involved but never condoned any wrongdoing and that the real facts were withheld from him far too long.

A few weeks ago I appeared with a panel on the public radio network. The subject of discussion was the Watergate scandals. I asserted that there had been no evidence whatever involving the President of the the United States with these wrongdoings. I would like to quote to you what was said by Mr. Edmisten, the assistant counsel to the Ervin committee. Incidentally, Mr. Edmisten has been employed by Senator Ervin for 10 years. He is in a position to know. Here is what Mr. Edmisten said:

"I agree with Senator Curtis entirely that there's not been any evidence whatsoever to link the President with any of these doings. It's not credible evidence, and, as a lawyer, I agree, too, that no court in the land would admit an iota of it."

Let us think a little about inflation, or the high cost of living. Not everything has been done that ought to have been done in combatting inflation but let us not downgrade our country unjustly. Of all the industrial nations in the world the United States is second in holding down inflation. In most of the countries of the world inflation has been greater than it has been in the United States.

One of the important causes of inflation is excessive spending by our Federal Government. Federal deficits and the increasing of the national debt are strong forces in lessening the value of the dollar. In the battle to hold down government spending President Nixon hasn't had much help from a Democratic-controlled Congress. Nevertheless, he has tackled the job in a courageous way. He has been highly criticized. His critics charge that he unlawfully impounds funds and cuts off expenditures that the Congress has voted. Quite frankly, there may not be anything wrong with the idea that a President doesn't have to spend all the money that Congress appropriates. President Nixon has done a magnificent job in slowing down spending. He has ordered less spending, has placed some funds in reserve, or as the critics say, he has impounded funds. All of these efforts have slowed up spending this last year by at least twelve billion dollars. This is no small accomplishment. How much is twelve billion dollars? It equals the total cost of running the Federal Government under Franklin D. Roosevelt for any year prior to the starting of World War II.

In the 93rd Congress alone the President has vetoed ten bills which have been passed on by the Congress. The more laws and the more programs we have, the more money is spent. Four of these vetoes involved bills that have a very decided budget impact. The immediate savings of these four vetoes runs about $600,000,000. But the savings over the years that lie ahead run at billions and billions of dollars. When the Congress inaugurates a new program the first few years' costs are usually small. These government programs grow and grow. I have in mind a proposal adopted by the Senate Committee on Finance which was supposed to cost a few hundred million dollars. Two or three years later the costs were running close to three billion with an expected expenditure of five billion dollars. I know of another program enacted by Congress where the experts said that the cost would be something like 300 million dollars and today the program calls for nearly 10 billion dollars. When President Nixon vetoed these bills he was striking a blow for manageable government for all the years that lie ahead. I am grateful for President Nixon's efforts to cut back on excessive spending. I believe that the "Nixon haters" who are today filling the air and the columns with charges, innuendos, hearsay and rumor impugning the integrity of the President of the United States have as one of their purposes the removing from the public mind the good things that the Nixon administration has accomplished. Let us talk about the Watergate investigation a little. First, let me say that I am not here to defend any law violator. I hope that everyone who is guilty in connection with the Watergate burglary and all those who have violated other laws are punished. I want all individuals on the President's staff and all individuals on the Committee to Re-Elect the President who are proven to be guilty of illegal acts to be punished to the limit. My regret is that they cannot be punished for what they failed to do. They failed to stay on top of things and prevent wrongdoing from taking place, and they failed to protect the President and the Republican Party from actions that have embarrassed and damaged them. I do not contend for one moment that wrong and unlawful things were not done nor do I defend the guilty parties. I am convinced, however, that the President of the United States had no part in these wrongdoings. I think he is the victim of the actions and not the perpetrator.

In the efforts to "get Nixon", various people have departed from orderly procedures and the rules of law. I have been critical of the Senate's Special Committee to investigate the Watergate scandal from the very beginning. In my opinion, some of the Committee's Members are guilty of several bad practices. I would include:

1. They have allowed the Committee to be used for the spreading of hearsay and unproven charges over nationwide television.

2. They have failed to follow the rules of evidence and have done so before the nationwide television audience.

3. They have permitted innuendos and speculations to be disseminated as facts before a nationwide audience.

4. They have misused the immunity statute which was enacted as a weapon to be used against organized crime. The Committee, by their actions, appeared to have said to witnesses who were guilty of violating the law, "we will let you go scot-free if you will involve somebody else," particularly the President of the United States.

5. The Committee, by its announced decisions, appears to have put a higher priority on its television shows than on cooperating with the courts of the land.

6. The real purpose of a Congressional investigation is to secure information for the purpose of legislating. In this, the Committee has failed. Since the Committee was created, the Senate has passed an Election Reform Bill and the Watergate Committee neither made any recommendations in regard to that legislation nor did it make a request that the legislation be held up until the Committee could make some recommendations. Apparently, some of the Committee Members have been so involved with their political objectives that they haven't thought much about legislation.

I am just old fashioned enough to believe in the words that are inscribed on the Nebraska State Flag. These words are, "Equality Before the Law". I think that the law should be applied to Republicans and Democrats alike. I want to give you a little story. I served as the ranking Member on the Committee that investigated the case of Bobby Baker. Bobby Baker came to the Senate as a page boy. He advanced in his position and ended up as the right hand to the Democratic leader of the Senate. He was quite an operator. The first financial statement that he filed placed his net worth as $11,000, which included the equity in his home. In his last financial statement, he claimed a net worth of over a million dollars. He accumulated great sums operating under the dome of the Capitol. The Bobby Baker story involves a long list of irregularities and self-enrichment. I could make a long speech about it.

In connection with the transactions of Bobby Baker, the name of a White House staffer under President Johnson frequently came up. His name was Walter Jenkins. The Committee needed the testimony of Walter Jenkins. Do you think we ever got it? We battled for months and never did get the testimony of Walter Jenkins. There were six Democrats and three Republicans on the Committee. Time and again our efforts to get the testimony of Walter Jenkins were thwarted by a straight party vote of 6 to 3.

On a couple of occasions, I took our fight to the Senate floor. I offered proposals whereby the Senate as a whole would instruct the Committee to honor the request of the minority to call witnesses. We never got that authority. On one occasion, I offered an amendment whereby the Senate would require the Committee to subpoena a witness if three Senators made such a request. It was voted down. Who do you suppose opposed this effort? Who do you suppose was aligned with the coverup and concealing of evidence?

Who do you suppose took the position that a Senate Committee couldn't even question one White House employee if he was a Democrat? Well, there were a lot of people opposing our efforts but included in that group were the guiding lights on the Democratic side of the present Senate Committee investigating the Watergate scandal. My, how times have changed.

Walter Jenkins, the White House staffer under Johnson that I mentioned, was arrested by the Metropolitan police in Washington. Do you know what the Democrats did to cover that up? They did a lot. Among other things, Mr. Clark Clifford, a well-known Democrat fixer who at one time served as Bobby Baker's lawyer, and Mr. Abe Fortas, another Democrat fixer who later went to the Supreme Court and who also at one time was Bobby Baker's lawyer, went to the Washington Post, the Washington Star and the Washington News and pressured them to suppress the story of Walter Jenkins. The story was suppressed for a time until the Republicans forced it out. Incidentally, the book at the police station containing the record of the arrest of Walter Jenkins had disappeared. But I will let you in on a secret, some of the men with whom I was working took a photograph of that particular police blotter before the book disappeared.

The situation has been much different with the Nixon Administration. A long list of the witnesses from the White House have given their testimony.

There has been no effort among the Republicans to block and prevent the taking of testimony. The Watergate Committee, the press, and Archibald Cox's crew have gone far to the other extreme. Not satisfied with cooperation, they have demanded material which competent authorities contend should not be turned over to them. Where were these purists of the TV networks when Clark Clifford and Abe Fortas were conducting a cover up? Why were they so silent then?

Suppose the President were to proceed to investigate the Congress and that he undertook to subpoena the Member's staff, interoffice memos, telephone records, dictaphone tapes, and background material on speeches that were never delivered. We would then hear plenty about the separation of power, and confidential and privileged communications.

Investigating committees, special prosecutors, broadcasters and newspapermen and women have a responsibility in pursuing their jobs to do justice. They have no obligation or right to malign and spread rumors and unproven charges. They do have a responsibility to be just. The Prophet Micah said it so well—"O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?"

I believe that Mr. Cox made a serious error in not going along with the arrangement for Senator John Stennis of Mississippi to listen to the tapes. This arrangement called for Senator Stennis to have access to the total tapes—not summaries nor excerpts. Senator Stennis, the chairman of the Senate Committee on Standards and Conduct, stands as the foremost man of integrity in public life today.

Mr. Cox received an executive appointment. Legally his status was that of an assistant to a cabinet officer. The right of the President to remove him raises no legal or constitutional problem. Impeachment talk may be, in the minds of some, good smear talk, but there are no legal grounds for impeachment.

It seems to me that Mr. Cox ought to have respected the agreement entered into by Senator Sam Ervin, Senator Howard Baker, and President Nixon and made an attempt to see what would develop following Senator John Stennis' report.

I think I am quite charitable when I point out that Archibald Cox is no superman, neither is he noted for being a nonpartisan and objective participant in these matters. Let us look at a few of the facts.

When Mr. Cox was given his assignment, according to Assistant Attorney General Petersen, the Watergate case had been 90 percent broken. The seven principals had already been sentenced.

The record is very clear that Cox desired not to have the tapes delivered to Judge Sirica but Mr. Cox wanted the tapes himself.

Mr. Cox was given his assignment on May 18. Since that time, three individuals have pled guilty, each to one count of an indictment, as have three corporations in reference to their campaigning contributions and there has been one indictment of another individual. This is not a very impressive record for the Cox bureau of 81 lawyers for whom the Senate voted a recent appropriation of $2.8 million.

Neither Mr. Cox nor his staff had any part in the handling of the case against Maurice Stans and John Mitchell.

It is regrettable that Mr. Cox didn't cooperate because everyone has such great confidence in Senator Stennis. In retrospect, it appears clear that the appointment of Archibald Cox as special prosecutor was a mistake. During the 1960 Presidential campaign, Mr. Cox was described as the "informal dean of the Kennedy Brain Trust." in 1973 he proceeded to assemble a prosecutor's staff without any political balance whatever. His Deputy was Henry S. Ruth, who served under Robert Kennedy when he was Attorney General. One of his assistants, James Vorenberg, served on the McGovern staff when McGovern was running for President. He was a frequent critic of President Nixon's law and order pronouncements and had served under Attorney General Robert Kennedy.

Philip B. Heymann, who was on Cox's staff, was an assistant to the solicitor general during the Kennedy and Johnson Administrations. James Neal, another Cox associate, was special assistant to Bobby Kennedy in the Justice Department, as was Thomas F. McBride. William H. Merrill was Chairman of the Michigan Citizens for Robert Kennedy in 1968. He was on Cox's staff. Another member of Cox's staff was George T. Frampton, Jr., a researcher and speech writer for the Kennedy in-law, Sargent Shriver, McGovern's running mate. Another member of Cox's staff was Roger M. Witten who worked for Robert Kennedy in the Oregon primary campaign. Time will not permit me to discuss some of the others.

Many people might well feel that Archibald Cox is not interested in the enforcement of the law as they understand it. Back a few years ago, there was a riot at Columbia University by student revolutionaries during which no classes or final examinations were held the last seven weeks. The Chicago Daily Tribune on October 13, 1968, had this to say about the incident at Columbia University:

"The acting president expressed his 'indebtedness' to a five-man panel of "liberal' professors and lawyers who reported a week ago that no one was particularly at fault except for the university administration and trustees, whose' attitude of authoritarianism . . . invited mistrust.' The chief author of this singular statement was the commission's chairman, Archibald Cox, a Harvard law professor and solicitor general of the United States during the administration of John F. Kennedy."

Mr. Cox has admitted turning privileged grand jury material over to Senators Kennedy and Hart and to their staffs.

Many thoughtful people in al parts of the United States are alarmed at the treatment that has been accorded the President of the United States. Abuses have been heaped upon him. This is not only unfair to a man who has served with distinction and honor as a Congressman, Senator, Vice President and President but it is unfair to our country. It is tearing our country apart. It is damaging the relations of the United States with the rest of the world. It is creating confusion in the business world and it is diverting attention away from many pressing problems. It is preventing the United States from taking major leadership in world affairs that can mean so much to the peace of the world in the decades ahead.

We are a government of law and all citizens are entitled to equality before the law. The common criminal is accorded a presumption of innocence. Should this be denied to individuals in the public service?

It is time to call a halt. It is time to turn to our established court system to deal with the offenders. It is time to bring an end to the assassination of high public officials by hearsay, innuendo, unproven charges and trial by the press. Lynching hasn't stopped in the United States, it is just that different people are doing it.

There is a task upon the Republican Party which falls heavily upon every party official, every state chairman, the national chairman, the members or the national committee, every county chairman and every precinct worker. The task at hand is to prevent this drive by irresponsible forces from destroying our country. This great mission of the Republican Party is to preserve our country. I am confident that the Republicans of North Carolina wil rise to the occasion and do their part.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, there are those who maintain that the ratification of the Genocide Convention will be of little use; that this treaty does not significantly help men in their struggle for liberty and freedom.

I do not argue that the ratification of this convention will lead to instant justice. But neither do I think that the convention is meaningless. Indeed, it is the nature of man to set his goals high and then struggle to attain them.

The best example of this would be our own Declaration of Independence and Constiution. I think that most reasonable men would have to admit that we have not yet achieved the goals envisioned in these documents for all of our citizens. There is much that remains to be done. However, these documents have provided the guideposts for all of our actions and have prodded us never to become complacent in our efforts to achieve dignity for all.

It is my belief that the Genocide Convention will serve this catalytic function. It will further the development of international law in this crucial area. Mr. President, it is time for us to join with our allies in ratifying this important human rights treaty.

NATIONAL EMERGENCY PETROLEUM ACT OF 1973, COMMITTEE PRINT NO. 1

Mr. JACKSON. Mr. President, today we are facing unprecedented shortages in energy supply. Even before the outbreak of hostilities in the Middle East, the Department of the Interior was projecting shortages of distillates for this winter of 100,000 to 270,000 barrels a day, including a shortfall of 50,000 to 100,000 barrels per day of home heating oil. This assumed no supply interruptions.

Now, supply losses from the Mideast alone are expected to cut off more than 2 million barrels per day of crude and products.

Anticipated shortages of crude oil resulting directly and indirectly from Mideast cutoffs are, conservatively, expected to be about 1.5 million barrels per day. This is more than one-third of our crude imports, and about 12 percent of total consumption. Because domestic production cannot be increased rapidly enough to compensate for the shortfall of imports, refineries will be run at less than full capacity. Already, Sun Oil has run out of crude for some of its refineries. Guam Oil, totally dependent on Arabian crude, is experiencing a total cutoff of supplies. Thus, we can expect, at the least, gasoline, heating oil, and residual fuel oil shortages for the next year, and perhaps longer.

In addition, imports of products to fill these gaps are also falling off. We have lost all our product imports from the Mideast. Other countries, such as Spain and Italy, have cut off product exports to the United States in order to care for their own needs first in the face of a tight world supply. It is likely that Canada also may soon be forced to limit exports to the United States if Mideast exports to Canada are curtailed.

Product shortages expected because of recent events are now estimated to be of serious proportions. A shortfall of more than 300,000 barrels per day of distillates, including home heating oil, is predicted for this winter, assuming normal temperatures. This is about one-half of our distillate imports—about 7 percent of total consumption. However, if, as the National Oceanic and Atmospheric Administration has just predicted, we have an exceptionally cold winter, the gap between requirements and supply will be much greater and could be as high as 450,000 barrels per day.

Gasoline, jet fuel, and motor fuel supplies are expected to fall short through next spring—before the peak summer season for gasoline begins—by some 375,000 barrels per day. A shortfall of some 15 million gallons of gasoline per day could result. In addition, we have had communications from the New England Power Exchange System, Consolidated Edison in New York, Southern California Edison, and a number of other utilities, stating that they cannot obtain adequate residual fuel oil for power generation.

In New England, about 70 percent of electric power is generated in oil-fired units. Even before the Mid-east crisis, utilities had commitments for only about half of their requirements of No. 2 oil for the winter, and expected a shortfall of 5 percent for residual fuel oil. In addition, they have been notified that some supply contracts, many of which expire in January, will not be renewed. And since then, further supply reductions of 10 percent have been announced.

Consolidated Edison in New York faces the loss of 35 percent of its fuel supply as a result of the Mideast cutoff. Unless variances from air pollution control regulations are granted, severe blackouts can be expected.

Public Service Electric & Gas in New Jersey converted from a coal system in 1967 to oil. They now have been forced to revert to coal in most plants, since the bulk of their oil was low-sulfur Mideast oil.

Also, the Defense Department, which depends on imported oil for about 37 percent of its requirements, is already experiencing shortages of about 10 percent of daily fuel needs for ships and planes. In a time of international tension, such shortages add an unacceptable risk to our defense capability.

In the face of such shortages, there has been much talk of possible rationing and other emergency measures. Oregon has already announced schools will be closed for 1 month this winter for lack of heating oil. We hear many comparisons between such present conditions and the supply problems of World War II, but, in fact, our energy supply situation today is far more critical than in the 1940's. At that time we were an exporter of energy. We produced in excess of our own requirements and rationing permitted us to supply our Allies with fuel. Today, we are net importers and consume more fuel than we produce. With 6 percent of the world's population, we consume one-third of the world's energy.

It has been all too easy to satisfy our burgeoning demand for energy by a growing dependence on foreign sources of oil. The dangers of such dependence were not always clear, as long as these imports were relatively inexpensive and relatively assured. However, the drawbacks of such a dependence have been emphasized by recent events.

Clearly, we face an emergency situation. Serious shortages in oil and in electric power will occur, and could have dire consequences, unles we act now to preclude them. We must insure the continuation of vital public services throughout such emergency shortages.

On October 18, I introduced S. 2589 the National Emergency Petroleum Act of 1973, as an emergency measure to deal with impending fuel shortages. Since then, the Senate Committees on Interior, Commerce, and Public Works have been working together with members of the administration, to improve and expedite the bill.

We are in complete agreement as to our goals. We do differ at this time on certain aspects of the mechanism to be employed to achieve these goals.

We have amended S. 2589 as introduced to reflect the concerns of the parties involved in the bipartisan effort. Mr. President, I ask unanimous consent that this amended version of the bill, committee print No. 1, be printed in the Record, to share with the Senate the progress we have made. we will be holding hearings on the bill tomorrow, and have scheduled a joint markup session of the three committees on Friday. We hope that by next week we can bring a bill to the Senate floor for action.

There being no objection, the committee print was ordered to be printed in the Record, as follows:

S. 2589

A bill to declare by congressional action a national energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to initiate the development of local, State, National, and international contingency plans; to assure the continuation of vital public services; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Emergency Petroleum Act of 1973".

TITLE I—STATEMENT OF FINDINGS AND PURPOSES

Sec. 101. Findings.—The Congress hereby determines that—

(a) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist;

(b) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods;

(c) such shortages and dislocations jeopardize the normal flow of commerce and constitute a national energy emergency which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the executive branch of Government;

(d) disruptions in the availability of imported energy supplies, particularly crude oil and petroleum products, pose a serious risk to national security, economic well-being, and the health and welfare of the American people;

(e) interruptions of energy supplies, both in the near term and in the future, will require emergency measures to reduce energy consumption, increase domestic production of energy resources, and provide for equitable distribution of available supplies to all Americans;

(f) the development of a comprehensive energy policy to serve all of the people of the United States necessitates the regulation of intrastate delivery and use of energy resources in order to insure the effective regulation of interstate and foreign commerce in energy;

(g) because of the diversity of conditions, climate, and available fuel mix in different areas of the Nation, a primary governmental responsibility for developing and enforcing emergency fuel shortage contingency plans lies with the States and with the local governments of major metropolitan areas acting in accord with the provisions of this Act.

Sec. 102. Purposes.—The purpose of this Act is to—

(a) declare by Act of Congress an energy emergency;

(b) grant to the President of the United States, and direct him to exercise, specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products, and other fuels, or dislocations in their national distribution system;

(c) provide a national program to conserve scarce energy resources, through mandatory and voluntary rationing and conservation measures, implemented by Federal, State, and local governments;

(d) protect the public health, safety, and welfare and the national security, and to assure the continuation of vital public services and maximum employment in the face of critical energy shortages;

(e) minimize the adverse effects of such shortages or dislocations on the economy and industrial capacity of the Nation;

(f) direct the President and State and local governments to develop contingency plans which shall have the practical capability for reducing energy consumption by no less than 10 per centum within ten days and by no less than 25 per centum within four weeks of any interruption of normal supply.

TITLE II—EMERGENCY FUEL SHORTAGE CONTINGENCY PROGRAMS

Sec. 201. Declaration of Emergency.—The Congress hereby declares that current and imminent fuel shortages have created an energy emergency.

Sec. 202. Presidential Authorization.—(a) The President is hereby authorized to implement emergency fuel shortage contingency programs as provided for in this title.

(b) For the duration of the energy emergency, the President is further authorized to enter into appropriate understandings, arrangements, or agreements with concerned domestic interests, foreign states, or foreign nationals, or international organizations, to adjust and allocate imports of fossil fuels, or take such other action as he deems necessary, with respect to trade in fossil fuels, in order to achieve the purposes of this Act.

(c) The declared emergency fuel shortage and the authority granted by this Act shall terminate one year after the date of enactment of this Act.

Sec. 203. Emergency Fuel Shortage Contingency Plans.—(a) Not later than fifteen days after the date of enactment of this Act, the President shall promulgate and implement a national emergency energy rationing and conservation program. Such program shall assure that all vital services will be maintained and that unnecessary energy consumption will be curtailed.

(b) The rationing and conservation program provided for in subsection (a) shall include the following:

(1) an established priority system and a plan for rationing of scarce fuels quantitatively and qualitatively among distributors and consumers during periods of critical shortages, and

(2) measures capable of reducing energy consumption in the affected area by no less than 10 per centum within ten days, and by no less than 25 per centum within four weeks after implementation. Such measures shall include, but are not limited to: transportation control plans; restrictions against the use of fuel or energy for nonessential uses such as outdoor advertising and recreational activities; a ban on all advertising encouraging increased energy consumption; limitations on operating hours of commercial establishments and public services, such as schools; temperature restrictions in office and public buildings, including wholesale and retail business establishments; and reductions in speed limits.

(c) Within two weeks of the date of enactment of this Act, the President shall also promulgate requirements for emergency energy conservation and contingency programs to be developed by each State and major metropolitan government, to implement the Federal program described in subsection (a) above. Such programs, which must be developed and implemented within eight weeks after the date of enactment of this Act, shall include at a minimum the provisions set forth in subsection (b) above.

(d) In the event that a State or major metropolitan area fails to design and implement a contingency program as provided for in subsection (c), the Federal program implemented pursuant to subsection (a) above, shall remain in effect for such State or metropolitan area.

Sec. 204. Mandatory Federal Action for Fuel Conservation.—Notwithstanding any action taken on the part of State or local governments pursuant to section 203, the President shall—

(a) require that existing electric generating plants which now burn petroleum or natural gas and which have the ready capability and necessary plant equipment to burn coal shall convert to burning coal as their primary energy source.

(b) authorize the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission for the duration of the energy emergency, in addition to their existing powers, on their own motion or by motion of any interested party, to review and adjust a carrier's operating authority in order to conserve fuel while providing for the public convenience and necessity. This authority includes but is not limited to adjusting the level of operations, altering points served, shortening distance traveled, and reviewing or adjusting rate schedules accordingly. Actions taken pursuant to this paragraph may be taken, notwithstanding any other provision of law, after hearings in accordance with section 553 of title 5 of the United States Code. Any person adversely affected by an action shall be entitled to a judicial review of such action in accordance with chapter 7 of title 5 of the United States Code except that such action shall only be sustained if supported by a preponderance of the evidence. Consistent with the purposes of this Act, the Interstate Commerce Commission may enlarge, modify, or remove the various categories of exempt carriage under the Interstate Commerce Act.

(c) develop and implement federally sponsored incentives for the use of public transportation, including priority rationing of fuel for mass transit systems, and Federal subsidies for reduced fares and additional expenses incurred because of increased service, for the duration of the energy emergency. For the purposes of this section, paragraph (3) of subsection (e) of section 142 of title 23, United States Code, is amended as follows: strike the period at the end of the paragraph and add the following: "except that, with respect to the purchase of buses and rolling stock for fixed rail, the Federal share shall be 80 per centum."

Sec. 205. Air Quality Requirements.—(a) For the purposes of section 204(a) at the direction of the President. the Administrator of the Environmental Protection Agency (EPA) is hereby authorized to waive specific requirements of State implementation plans to grant, for existing stationary sources, on an individual plant basis, temporary variances from applicable emissions standards for air pollutants established pursuant to Federal or State statutes. Such variances shall be granted only for those existing facilities whose allocated or only available fuel supplies, when burned, will result in emissions in excess of applicable emissions standards: *Provided*, That no such variance may be granted if the Administrator finds that granting the variance would result in violation of any national primary ambient air quality standard or would have any adverse impact on public health, safety, or wellbeing.

(b) To obtain a variance pursuant to this section, the owner or operator of such a plant must submit to the Administrator of EPA an application for a variance pursuant to this Act explaining why the variance is needed, and actions he has taken to secure adequate supplies of fuels which comply with the State implementation plan, and shall be accompanied by a detailed plan and schedule for the installation of appropriate air pollution control systems that will achieve compliance with applicable emissions standards and by evidence that supplementary control systems will be employed to assure that national primary ambient air quality standards are not violated.

(c) In granting variances pursuant to this section, the Administrator of EPA is authorized to reduce to ten days the time limits required for hearing procedures. In all instances, he shall give appropriate notice of his action to the Governor of the State in which the affected plant is located.

Sec. 206. Environmental Impact Statements.—No major action taken under this Act which action will be in effect for less than six months shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856). However, prior to taking any such major action that has a significant impact on the environment, if practicable, or in any event within sixty days of taking such action, an environmental evaluation, with analysis equivalent to that required under section 102(2)(C) of the National Environmental Policy Act shall be prepared and circulated to appropriate Federal, State, and local government agencies and to the public for a thirty-day comment period after which a public hearing shall be held upon request to review outstanding environmental issues. Such an evaluation shall not be required where the action in question has been preceded by compliance with the National Environmental Policy Act by the appropriate Federal agency. Any action taken under this Act which will be in effect for more than a six-month period, or any action to extend an action taken under this Act to a total period of more than six months shall be subject to the full provisions of the National Environmental Policy Act notwithstanding any other provision of this Act.

Sec. 207. Mandatory Federal Actions To Increase Available Domestic Petroleum Supplies.—The President shall also initiate the following measures to supplement domestic energy supplies for the duration of the emergency:

(a) Require production of certain designated existing domestic oilfields at rates in excess of their currently assigned maximum efficient rates (MER). Fields to be so designated, by the appropriate State governments or by the Department of the Interior, shall be those where the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned sustainable MER for periods of ninety days or more without excessive risk of losses in recovery.

(b) Require the adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the priorities established in accordance with section 203.

(c)(1) Require production of oil and gas from the currently developed resources of the naval petroleum reserves whenever the availability of petroleum products to the Armed Forces of the United States necessitates that the Department of Defense be accorded special priority for the purchase of petroleum products from United States suppliers under the terms of the Defense Production Act of 1950.

(2) Expedite the full exploration and development of the naval petroleum reserves.

TITLE III—ADMINISTRATION AND AUTHORIZATIONS

Sec. 301. Congressional Approval.—Within two weeks after the date of enactment of this Act, the President shall submit to Congress his proposals for the emergency fuel shortage contingency programs provided for in title II of this Act, and proposals for implementing such programs. These proposals will be approved by Congress unless, within fifteen days of such submission, seven of which must have been in legislative session, the Congress by majority vote specifically disapproves of all or part of the requirements and proposals, and concurrently offers specific alternative provisions for those items disapproved.

Sec. 302. Economic Incentives.—The Secretary of the Treasury is hereby authorized and directed to study and recommend to the Congress specific incentives to increase energy supply, reduce demand, and to encourage private industry and individual persons to subscribe to the goals of this Act and to comply with the requirements of programs developed and implemented pursuant to this Act.

Sec. 303. State Laws.—No State law or program in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any program issued pursuant thereto except insofar as such State law or program is inconsistent with the provisions of this Act.

Sec. 304. Sanctions.—Any person who—

(a) Willfully violates any order or regulation issued pursuant to this Act shall be fined not more than $5,000 for each violation.

(b) Violates any order or regulation issued pursuant to this Act shall be subject to a civil penalty of not more than $2,500 for each day he is in violation of this Act, for each violation.

Sec. 305. Grants to States.—The President is hereby authorized to make grants to any State or major metropolitan government, for the purpose of assisting such State or local government in developing, administering, and enforcing emergency fuel shortage contingency plans under this Act.

Sec. 306. Authorizations.—There are hereby authorized to be appropriated such funds as are necessary for the purposes of this Act.

Sec. 307. Separability.—If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

INFORMATIONAL EXCHANGE OF ENERGY AND ENERGY-RELATED TECHNOLOGIES BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES

Mr. TUNNEY. Mr. President, yesterday I sent to the Senate Committee on Interior and Insular Affairs an amendment to S. 1283 which would provide for an informational exchange of energy and energy-related technologies between the United States and foreign countries.

Developments have already taken place in the international community whereby different nations may profit from the technological research which other energy-conscious nations have conducted.

One noteworthy achievement was the resolution adopted in 1970 by members of the NATO alliance to encourage cooperation by all nations in preventing oil spills at sea. This encouraged talks now underway in London to find controls for oil spills through the Intergovernmental Maritime Consultation Organization, a United Nations agency specializing in shipping.

Other joint studies have lead to suggestions for lessening other environmental hazards which are commonly shared by many nations. I think these efforts are of vital importance, and the increased activities of organizations such as NATO and the United Nations are a welcome sign of a new partnership for environmental progress among nations.

In an article in the New York Times on October 28, Paul Kemezis explored this issue and I ask unanimous consent that it be printed in its entirety in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

NATO Advancing on Environment—United States Asks Studies of Solar and Geothermal Energy

(By Paul Kemezis)

Brussels, Oct. 27.—The North Atlantic Treaty Organization moved this week to expand its efforts to protect the environment by agreeing to study the practical applications of solar and geothermal energy.

The proposals for the studies were made by the United States at a two-day meeting. Russell E. Train, administrator of the Environmental Protection Agency, who presented the plans, said that the United States would offer further projects on energy conservation and on the clean use of coal next year.

NATO's efforts in environmental problems began in 1969 with the formation, at the suggestion of President Nixon, of the Committee on the Challenges of Modern Society, which was given projects such as the studies of air and water pollution.

SEEN AS PUBLICITY GIMMICK

Critics viewed it as a public relations gimmick to put the military alliance on the environmental bandwagon, and some United States Government officials questioned whether NATO was the right international forum for tackling pollution problems.

But the program has gained increasing support from alliance members, including the often reluctant French. And France has one of the most active participants, along with the United States, Britain, West Germany and Canada.

A notable early achievement was a resolution adopted in 1970 to intensify each nation's attempts to prevent oil spills at sea. This contributed strongly to talks now under way in London to control oil spills through the Intergovernmental Maritime Consultation Organization, a United Nation's agency specializing in shipping.

OTHER ACCORDS REACHED

Extensive joint studies on air pollution have produced a NATO accord on the degree of carbon monoxide and other substances in the air posing a health hazard.

As with the resolution on oil spills, this accord is not legally binding, but is expected to serve as a basis for future national laws.

The NATO environmental effort has also proved its worth as a means of exchange of information, filling in the gaps in national research programs. The country with the most advanced program usually runs pilot projects, and the others cooperate in varying degrees, according to their interest.

In the solar-energy studies, for example, the United States has started a $5.6-million program aimed mainly at using the heat of the sun to cool houses in the summer, thereby cutting down the use of airconditioners.

EUROPEAN HEAT TECHNOLOGY

The Europeans, especially in the Mediterranean, are expected to develop technology for heating houses in winter, which is their greatest need.

In some areas, such as the disposal of chemical wastes, where West Germany has done the most work, and geothermal energy, where Italy and Iceland have the most commercial experience, the United States will gain more knowledge than it offers.

According to American officials, the geothermal project will study the use of steam from the earth to generate electricity and will also examine methods of "mine" energy from hot rock beds close to the surface of the earth.

EMPHASIS ON THE PRACTICAL

Nimet Ozdaz, a Turkish physicist who now heads the NATO environmental program, concedes that such exchanges of information could take place through normal academic channels. But the committee, he said, "improves the quality and specificity of the information by focusing it on practical problems."

Mr. Train, who says he was skeptical when he first heard of the idea setting up the Committee on the Challenges of Modern Society believes it has worked because it has sought to "catalyze practical actions among governments."

He says it is unusual among international organizations since it shuns doing its own research or building a large bureaucracy and avoids projects that an abstract or will not bring quick results. A project on the motivation of factory workers, for example, became too academic and was shifted to the Paris-based Organization for Economic Cooperation and Development.

According to Mr. Train, "other international organizations have learned to respect us because we can move ahead and get national decisions quickly."

He thinks the main constraint on the program, which so far has taken on 13 projects, is the resources of the members. The United States has the ability to get into a lot of areas, he says, "but many others don't have enough people to spare."

PEACE

Mr. MONTOYA. Mr. President, my colleagues may wish to note a valuable clarification made before a recent meeting of the council of the Organization of American States by our Ambassador to that body, the Honorable Joseph John Jova. Ambassador Jova points out in his remarks that the word "peace" is gradually being substituted by the phrase, "peaceful coexistence."

Ambassador Jova points out that there is an important difference in the two phrases and that between the two, simple, unadorned peace is the superior. Certainly, it is what we should all be working for. I think this clarification is very useful at this time of international trouble.

I ask unanimous consent that a copy of Ambassador Jova's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Ambassador Joseph John Jova

The Representative of the United States (Ambassador Joseph John Jova): Thank you, Mr. Chairman. I, too, feel the need to be able to see, visually, the presentation made by my dear friend, Ambassador Llosa, because, as in many cases, the depth of his thinking, his philosophic approach, the various shadings and *matices* that he has given us does require a careful study, and in my case because perhaps I am a little *subdesarrollado*, I need a visual study as well as an oral one.

But I wish to raise only one little, prior, danger signal or red flag that worries me in the presentation. In Lima, I made a defense of the ideal, mind you, not of the requirement, but at least an ideal of the concept of representative democracy that seemed to find an echo. Now, I see another word, perhaps too poetic, perhaps old-fashioned, also being discarded on the rubbish heap of history, and replaced by something that to me is much less poetic, much less significant and much less meaningful, and I refer to what seems to me—and I haven't seen it in writing yet—is the discarding of that noble word "peace" and its substitution with something called "peaceful co-existence."

I think the "peaceful co-existence," particularly as described by Ambassador Llosa is something very worthwhile, and is certainly something that increasingly one is coming to accept as a concept—although I'm not sure, with the shades of meaning with which he has attempted to invest it—but I don't think that "peaceful co-existence" and plain "peace" are mutually exclusive.

And I had hoped that the word "peace" which has been a comfort to mankind through many, many generations won't be suddenly, thrown away and discarded. I think that we must maintain a little bit of the poetry, not only in our daily life, but in our Charter also. I think of the attempts that have been made to reform the church, the various translations and polishings of the Old Testament, of the New Testament, of the Epistles and of the Gospels, that little by little they have given us something so anodyne, so sanitized that I wonder if it makes mankind tremble with and vibrate with the emotion that for 1973 years—or, much longer if we go back to the origins of the Old Testament—have been the motivating force of mankind.

How dull it would have been if Our Savior had said, "Peaceful co-existence I give you; peaceful co-existence I leave you. Look not upon my sins, but upon the faith of the church." I think it would have been very, very clumsy, very lacking. Or, if it had been said originally, it might have set the stage quite differently; but certainly, now, the attempt to substitute "peaceful co-existence" for "peace," per se, I think would be something that I, in any case, would attempt to object to, and would attempt to reinforce. As I said earlier, the two concepts are not mutually exclusive. Perhaps both words could be included in any of the changes proposed.

I think also that we have to keep in mind that words and phrases and terminologies frequently reflect states of mind, and while. perhaps to Ambassador Llosa a "peaceful co-existence" as he has defined it may mean something, I know that to the ordinary reader of the Charter, and certainly to the American public, it would not mean that. "Peaceful co-existence" to us, to the ordinary American man-on-the street—and even to somebody else relatively educated, as myself—"peaceful co-existence" is something much more grudging than peace, because I don't accept the fact that peace is merely the absence of warfare or the absence of conflict, I think peace, inner peace, also is a peace that is something much deeper and more significant than that. Therefore, while "peaceful co-existence," in our opinion, is in fact a somewhat grudging acceptance of living side by side in disparity and without the convergence of interests that I would hope that, as a result of these meetings, we would be able to strengthen while recognizing the diversity and individuality of each of the members that forms this body.

As I say, I have not had the possibility of reading the presentation that Ambassador Llosa has given us, but I merely wish to raise this one little flag, because I consider peace as something dear to myself, and just as I defend and represent a democracy, I am prepared to defend peace.

A FITTING TRIBUTE TO SENATOR MAGNUSON

Mr. CRANSTON. Mr. President, the Senate should be very proud that for the first time, one of its Members has been recognized for his substantial contributions to creating an environment that will encourage the growth and vitality of the Nation's health resources.

This recognition has justifiably gone to our distinguished colleague from Washington (Mr. MAGNUSON). He has been chosen as the recipient of the Albert Lasker Public Service Award in Health—an award which traditionally has gone only to those at the highest level of achievement in biomedical science. Among previous recipients are 24 Nobel Prize winners. WARREN MAGNUSON fits in very well with these most distinguished previous recipients in view of the scope of his contribution to building our Nation's medical strength.

WARREN MAGNUSON has been a leader, and a spokesman for the interests of the people, in the field of health since he came to Congress as a Member of Congress in 1937, and I can think of no one who deserves this award more than he. The Nation's international leadership in the field of biomedical research can be attributed to the actions of WARREN MAGNUSON when as a young Congressman he was the author of legislation creating a National Cancer Institute. This Institute was the model for subsequent institutes which together now form the National Institutes of Health. His guidance was strongly felt in the development of these subsequent institutes and NIH itself.

He has also long been a fighter for getting the results of biomedical research to the people. He has authored legislation which improves methods of providing care to those outside the mainstream of care, for instance, through the National Health Service Corps, an imaginative concept resulting from legislation he introduced in 1970. This is but one of a long series of his legislative initiatives resulting in improved health care for the Nation.

As chairman of the Appropriations Subcommittee having jurisdiction over the HEW budget, he has been a wise, compassionate, and forceful leader in guaranteeing that our Federal funds are wisely allocated to those programs of greatest priority and potential, while maintaining a balanced approach in view of the need for fiscal responsibility.

Prior to Senator MAGNUSON's chairmanship of this Appropriations Subcommittee, he was chairman of the subcommittee considering appropriations for the Veterans' Administration. In that position, he was one of the first to recognize the potential of the Veterans' Administration hospital system to conduct basic and clinical medical research on a major scale. He sought out the advice of experts in the field, became convinced of the validity of the approach, and fought hard to make biomedical research a major part of the VA hospital program. The beginning of the expansion of the medical research program grew from his initiatives—to the great benefit of patient care in the VA hospitals.

Mr. President, it is certainly fitting that WARREN MAGNUSON was chosen for this honor. More than any other man in Congress, he has shaped the future of health care in the United States and in the world. We in the Senate are fortunate to have him as a colleague and the Nation is fortunate to have him as a leader.

I am delighted that Senator MAGNUSON has been given this prestigious recognition by the Albert Lasker Foundation.

THE MIDDLE EAST CRISIS AND THE ATLANTIC RELATIONSHIP

Mr. BROOKE. Mr. President, I am deeply concerned that one of the many negative effects of the Middle East crisis will be a further erosion of trust in the Atlantic relationship arising out of the divergent interests of the allies in the situation. In this regard, I wish to call the attention of my colleagues to a sober analysis of the effect of the crisis on the United States-European relationship entitled "The Day of the Ostriches," published in the Economist, the prestigious British weekly on world affairs.

This article points out several important facts that are unclear to many people in the United States and elsewhere. First, it was impossible for the United States to consult closely with its European allies before instituting the grade three military alert in reply to a possible deployment of Soviet troops in the Middle East. As the Economist points out, given the time constraints:

> There was plainly no time for the United States to ask its friends for their comments before it acted . . .

The article goes on to state that:

> The only legitimate complaint [on the European side] is that it should have been possible to shave an hour or two off the time it took to get out the formal notification of the alert.

The article also points out that contrary to some speculation, some form of clear and unambiguous action was necessary by the Americans.

> The facts seem to be that some American action was necessary to persuade the Russians not to move into Egypt, because that really would have produced a confrontation; that the action taken, which was no more than vigorous fingerwagging, worked; and that it never involved much real danger, because it was remarkably unlikely that the Russians would risk a nuclear war with the United States for the sake of the fairly small benefits they might have won from sending their soldiers to Egypt.

Finally, the article criticizes the Europeans for being unwilling to help "the United States to do for someone else what they want it to do for them." It is clear that Western Europe has no other alternative counterweight to the Soviet Union than the United States. Moreover, Eastern Europe "cannot hope for any alleviation from the weight of Soviet dominance" unless the United States continues to serve as a source of pressure for moderation on Moscow. Thus, as the article states:

> From the moment the superpowers began their rival airlifts, it became a question of the comparative dependability of Russia and America. And that matters very much to Europe.

This is a fact that both the Europeans and Americans must keep in mind.

Mr. President, I ask unanimous consent that the entire article in the Economist be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DAY OF THE OSTRICHES

For a moment last week Europe went neutral. It has often been a matter for speculation what sort of place western Europe would be if it tried to slide out of the unending argument between Russia and the United States, between the centres of communist and non-communist power: if it cut the connection with America, and denied that there was any such thing as an Atlantic community. The Europeans gave a demonstration of how such a neutral Europe would behave, or a great many of them did, when the Russians and the Americans had their brief and never very dangerous battle of nerves over the Middle East war. The demonstration showed Europe trying to shut its eyes to what was at issue, and then running round in frightened circles because the problem would not go away. It managed to combine the behaviour of the ostrich and the hen.

There are two separate parts to the story, and between them they explain why by the end of last week the men in the State Department who had to deal with the Arab-Israeli war were no longer referring to the European members of Nato as "the allies", which is their usual way of putting it, but just "the Europeans". Mr. Kissinger, who generally keeps his cool, shared his colleagues' feelings on this occasion, as he showed when he met a group of European members of parliament on Monday. The first of the two episodes was the American decision, a third of the way through the war, to fly a fresh supply of weapons into Israel, and the European reaction to that decision.

THE ONES WHO WASHED THEIR HANDS

By October 14th, a week into the 18-day war, the Americans had come to the conclusion that Israel was running dangerously short of certain kinds of military equipment. They knew what it possessed at the start of the fighting, and they had made their count of what they reckoned it had lost; it is possible that the Israelis exaggerated some of their losses in their reports to Washington, but the Americans had allowed for that, and they nevertheless believed that if nothing was done Israel might be defeated because it would just run out of the means of fighting. The obvious losses were those of aircraft and tanks, destroyed by the Sam anti-aircraft missiles and the Sagger and Snapper anti-tank missiles which the Soviet Union had supplied to Egypt and Syria. But the Israelis seemed to have an even bigger problem in their shortage of various kinds of ammunition, ranging from the missiles their aircraft fire to humdrum artillery shells. The Arab armies had lost a lot too, but they had started with more: Israel was lower down the ladder, and the bottom of the ladder was in sight. By the second week of the war it was becoming a distinct possibility that, if Israel were disarmed into defeat, the Egyptians and Syrians would not stop when they reached the old 1967 frontiers. The sort of peace settlement outlined below (see page 15) would then have become entirely academic.

So the Americans took their decision to fly new supplies into Israel, and began to ask their European allies if they would help. The answer was yes from the Portuguese, who let the American transport planes land in the Azores, and a sort of yes from the Germans, who for 10 days turned a blind eye on American aircraft flying large amounts of American equipment out of air bases in Germany, until an Israeli ship loading supplies and flying a tactless Israeli flag at Bremerhaven made them think they had better put in a protest on October 25th; but by then the ceasefire had taken hold on the battlefronts anyway. Most of the other European governments, however, including Britain's, made it clear that they were unwilling to help in any way. The Americans say that Britain actually asked them to promise not to land transport aircraft at airfields in Britain. The British deny this, but they agree that they sent a message to Washington asking the Americans whether they intended to use air bases in Britain, and in fact this amounted to the same thing: the British embargo on arms supplies to the combatants, which had hit Israel harder than it hit the Arabs, had already showed what Britain intended that message to mean.

The result was that the American judgment that Israel had to be helped, if it was not to be beaten, found no support from most of western Europe's governments. This European attitude might have been justified if the Europeans had done their own sums about Israel's need for arms and ammunition, and concluded the Americans were wrong about it, or if they had decided that an Israeli defeat caused by lack of weapons could still lead on to the sort of peace settlement the Europeans would consider fair and reasonable. But in fact they seem to have done neither of these things.

There is no evidence that any European government had made any real calculations about the seriousness of Israel's losses; certainly the Foreign Office knows of no such attempt in Britain. So the European optersout were apparently left clinging to the hope that the possible Israeli defeat they were unwilling to prevent would be all right, because it would remain a limited defeat. But by then even that proposition was in doubt. President Assad of Syria had made a speech on October 15th which seemed to say that a reoccupation of the Golan Heights was only the preliminary to a "war of total liberation". President Sadat of Egypt was emphasizing that a settlement for the Palestinians was as much a part of his war aims as a return to the 1967 frontiers; he thereby raised the prospect, if the Israelis had not got those extra arms, that an armed and successful Egypt and Syria might soon be facing a partly-disarmed Israel in a negotiation about the whole basis of Israel's existence since 1948. For the Europeans to have acted as they did amounted, in these circumstances, to a washing of hands about the Middle East.

THEY DIDN'T BELIEVE IT

The Americans did get their arms through to Israel in the end, because Portugal helped and Germany did not hinder much, and the Israelis used them well enough to turn a possible defeat into a half-victory. But the unhelpfulness of the other Europeans was then followed by the other episode in the story of a paralysed alliance, the affair of the mildly pugnacious grade-three American alert on Thursday, October 25th.

The evening before, Mr. Dobrynin, the Soviet ambassador in Washington, had brought Mr. Kissinger a message from Moscow. Whether this message included a Soviet threat to destroy Israel, as one report says it did, is not clear. What it certainly included was the statement that if the United States would not agree to put a joint Russian-American force into the Suez canal area the Russians would send one of their own there anyway. This, together with reports that Soviet airborne forces were getting ready to move, produced a meeting of the National Security Council at midnight Washington time, and the American alert was in full operation by about 3 am. That was breakfast time in Europe; the Ministry of Defence in London got news of the alert at once, and the formal notice to all the NATO governments was going out by Europe's lunch time.

It is necessary to get these times clear, because of the complaints that Europe was neither consulted nor informed. There was plainly no time for the United States to ask its friends for their comments before it acted, as Mr. Kennedy asked Mr. Macmillan for his advice during the slower-moving Cuba crisis of 1962. The only legitimate complaint is that it should have been possible to shave an hour or two off the time it took to get out the formal notification of the alert. Nevertheless, although Sir Alec Douglas-Home knew why the Americans had acted when he spoke to the House of Commons on the Thursday afternoon, he gave some of his listeners the impression that he was not convinced the alert was necessary. Some of the European representatives at NATO headquarters said plainly that they thought it was not.

This helped to produce a flurry of newspaper articles and cartoons suggesting that Mr. Nixon had either lost his head or cooked the whole thing up for his own Watergate purposes. That is a terrible comment on what Watergate has done to him (see page 16), but it happens not to be true. The facts seem to be that some American action was necessary to persuade the Russians not to move into Egypt, because that really would have produced a confrontation; that the action taken, which was no more than vigorous finger-waving, worked; and that it never involved much real danger, because it was remarkably unlikely that the Russians would risk a nuclear war with the United States for the sake of the fairly small benefits they might have won from sending their soldiers to Egypt. They tried the idea on, and withdrew it again when it didn't work. There was no need for all that clucking around Europe.

THE PRINCIPLE AT ISSUE

It is true that there is nothing in the NATO treaty which requires the European members to work in concert with the United States about the Middle East. And the reason why most of them refused to do so this time is obvious enough. It had little to do with the rights and wrongs of the Middle East: they were frightened for their oil. But, although Mr. Heath sounds optimistic, they may not gain very much on the oil front by their flinchings and contortions of the past month (see page 87). If that is indeed how it turns out, the Europeans might have reflected that something much more important for them has been at stake in this war than the slender margin of difference their behaviour will have made in the effect the oil weapon has on them.

The fourth Arab-Israeli war became more than a Middle Eastern issue when its outcome seemed to depend on which side's protector would make sure it had the means to stay in the field. From the moment the super-powers began their rival airlifts, it became a question of the comparative dependability of Russia and America. And that matters very much to Europe. The west Europeans cannot hope to protect themselves against the Soviet Union, and the east Europeans cannot hope for any alleviation from the weight of Soviet dominance, unless the United States is prepared to go on providing the counterweight Europe needs against Soviet power. And yet the majority of west Europeans could not see the connection between that and what was happening across the Mediterranean. They were unwilling to lift a finger to make that same counterweight available to Israel. They would not help the United States to do for someone else what they want it to do for them. It is Europe's ability to see where its own interest lies, as much as anything else, that failed last week.

VOCATIONAL REHABILITATION FUNDING: A LEGALLY ENFORCEABLE ENTITLEMENT

Mr. CRANSTON. Mr. President, on September 26, 1973, the President signed into law, as Public Law 93–112, the Rehabilitation Act of 1973, which I was privileged to manage through committee, Senate floor, and conference committee consideration. The provisions in that act—in section 110—for funding the basic vocational rehabilitation State grant programs are essentially the same as those in section 2 of the Vocational Rehabilitation Act, which the new law superseded.

Mr. President, in the course of the meeting of the conferees on this legislation during September of this year, there was considerable discussion with respect to the legal effect of the statutory language to govern the allotment of funds to each State under the basic program, both in terms of the language in the applicable provisions in the House-passed version and in compromise language proposed as a substitute for that language by Senate conferees.

In order to attempt to resolve these questions, the conferees directed that committee staff submit to the Congressional Research Service of the Library of Congress the following two questions:

First. What is the extent of the entitlement vested in the states to an allotment of funds for vocational rehabilitation services, both under existing law and under proposed amendments to the law?

Second. To what extent would the states be entitled to funding under the law, either if the Secretary of Labor refused to execute the program to the full extent authorized by Congress, or if Congress failed to appropriate for expenditure the full amount authorized to be allotted?

Mr. President, these questions were addressed in a very interesting and thorough manner by the American Law Division of Congressional Research Service in a September 21, 1973, memorandum prepared in response to our request. That memo concluded on page 3 as follows:

> These provisions indicate that the Vocational Rehabilitation Act contemplates a two-stage appropriations process: first, allotment, on which states base their program plans; and second, approval of plans, giving rise to an obligation on the part of the United States to pay the federal share.

The memorandum goes on, Mr. President, to state on page 9:

> Summarizing, with respect to the allotment provisions, it may be stated that the existing Vocational Rehabilitation Act demonstrates the clear intent of Congress that the full amount authorized be allotted among the states. Based upon the still incomplete line of "impoundment" cases, the language of the Act has adequately translated that intent into a binding legal mandate that the funds be allotted. The proposed compromise amendment, although raising several questions, would also appear to provide for the full allotment if a court construing it can determine a clear congressional intent to that effect. It should be pointed out that the proposed compromise was eventually rejected in favor of single, precise authorization figures agreeable to both the House and Senate, so that the bill finally enacted closely resembled the provisions in the existing Act. If signed into law, the new Rehabilitation Act of 1973 also appears to provide for a legal mandate for full allocation.

And on pages 12 and 13, the memorandum further states:

> The statutory scheme established by the Vocational Rehabilitation Act, and subsequent amendmeents, provides for approval of plans submitted by states, which approval is apparently intended to give rise to an obligation on the part of the United States. If it does, then litigation would arguably be authorized to require the United States to meet that obligation.
>
> The crucial questions, then, are whether approval of state plans under the Vocational Rehabilitation Act actually does give rise to a contractual obligation on the part of the United States, and whether the Secretary is granted "complete and unrestricted" authority to enter such a contract.
>
> Regarding the first question, it is suggested that pursuant to 31 U.S.C. sec. 200(a)(5) (see *supra*), approval of a state plan under the Vocational Rehabilitation Act gives rise to a contractual obligation on the part of the Government.
>
> It may then be argued that the Secretary not only has complete and unrestricted authority to enter a contractual obligation on the part of the United States, he is virtually mandated to do so by the terms of the Vocational Rehabilitation Act. He *shall* approve eligible state plans, and he *shall* pay. Therefore, it would follow that a state, having received approval for its submitted plans, would gain an enforceable right to funding under the Vocational Rehabilitation Act even if Congress declined to appropriate the full amount allotted or authorized.

Mr. President, I should note that the substance of this memorandum was communicated to the conference committee on September 10, 1973, in connection with our deliberations on this legislation and our resolution of the major question of the provisions regarding allotment of funds, by Legislative Attorney Stuart E. Glass of the American Law Division. Thus, the conferees were very well aware of the interpretation set forth in Mr. Glass' memorandum.

Mr. President, I want to thank Mr. Glass and the American Law Division for their care and thoroughness in preparing this memorandum, and I ask unanimous consent that the full text of the September 21, 1973, memorandum, be set forth in the Record at this point.

There being no objection, the text was ordered to be printed in the Record, as follows:

The Library of Congress,
Congressional Research Service,
Washington, D.C., September 21, 1973.

To: Honorable Alan M. Cranston.
Attention: Mr. Jon Steinberg.
From: American Law Division.
Subject: Legal Effect of Entitlement Provisions Regarding Allotment of Vocational Rehabilitation Funds to States.

On September 10, 1973, pursuant to your request of September 7, I appeared before the House and Senate Conference Committee on H.R. 8070, the Rehabilitation Act of 1973, to discuss the legal effect of certain provisions of that bill, and in the existing law, the Vocational Rehabilitation Act, codified at 29 U.S.C. secs. 31–42b (1970). The questions presented were, basically, two: first: what is the extent of the entitlement vested in the states to an allotment of funds for vocational rehabilitation services, both under existing law and under proposed amendments to the law?; and second, to what extent would the states be entitled to funding under the law, either if the Secretary of H.E.W. refused to execute the program to the full extent authorized by Congress, or if Congress failed to appropriate for expenditure the full amount authorized to be allotted?

To answer either question requires a background understanding of the appropriations process envisioned by the Vocational Rehabilitation Act. The process is a relatively new one, designed to limit the appropriations prerogatives of Congress by authorizing an administrative official to enter the United States into financial obligations, which Congress is pressed to cover by appropriating funds. Briefly stated, the appropriations scheme operates as follows: Funds are authorized to be allotted among the states, according to a statutorily specified formula. The allotment to each state constitutes a figure on which that state bases its plans for the statutory program, be it vocational rehabilitation, federal-aid highways, or water pollution control. Final approval of these plans by the executive official authorized by statute to administer the program is meant to signify that the states may begin effectuating their plans, and to bind the United States contractually for its proportional share of the costs. Only after these costs come due does any necessity arise for Congress to appropriate funds to make payment, but by this time, the moral obligation to appropriate exerts the highest pressure.

In recent court decisions on the so-called "impoundment" issue, regarding whether an administrative officer is required by statute to allot or expend congressionally appropriated funds, courts have acknowledged that where a two-stage appropriations process is found to exist, allotment itself does not give rise to an obligation on the part of the United States to spend money. (See, e.g., *City of New York* v. *Ruckelshaus, infra.*)

The existing Vocational Rehabilitation Act, Sec. 2(a) [29 U.S.C. sec. 32(a) (1970)], provides that, "for each fiscal year each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated. . . ." Sec. 2(b) of the Act further provides that "For each fiscal year the Secretary [of H.E.W.] *shall pay* to each State an amount equal to the Federal share . . . of the cost of vocational rehabilitation services under the plan of such State approved under section 5. . . ." [29 U.S.C. sec. 32(b) (1970)] [Emphasis added]. Criteria for approval of state plans are contained in Sec. 5(a) of the Act [29 U.S.C. sec. 35(a) (1970)], and Sec. 5(b) [29 U.S.C. sec. 35(b) (1970)], provides that, "The Secretary *shall approve* any plan which the Secretary finds fulfills the conditions specified in subsection (a) of this section." [Emphasis added.] The amount authorized to be appropriated, upon which the allotments to the states are based, appears in Sec. 1(b)(1) [29 U.S.C. sec. 31(b)(1) (1970)].

These provisions indicate that the Vocational Rehabilitation Act contemplates a two-stage appropriations process; first, allotment, on which states base their program plans; and second, approval of plans, giving rise to an obligation on the part of the United States to pay the federal share.

Several cases in the United States District Courts have dealt with the issue of whether such a two-stage appropriations process imposes a statutory requirement upon the administrative official designated to execute the program to allocate the full amount of the authorized allotment. These cases concern the allocation provisions of the Water Pollution Control Act Amendments of 1972 [86 Stat. 816], sec. 207, which authorizes the appropriation of sums "not to exceed" $5 billion in fiscal year 1973, $6 billion in fiscal 1974, and $7 billion in fiscal 1975, to be made available to the states for obligation for sewage treatment works construction approved by the Administrator of the Environmental Protection Agency. In the case of *City of New York* v. *Ruckelshaus* [C.A. No. 2466–72 (D.D.C., May 8, 1973)], it was held that the language of the Act, providing that "Sums authorized to be appropriated . . . *shall be allotted* by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized . . ." mandated the allotment of the full amount authorized to be appropriated because of the use of the word "shall" instead of "may." [Emphasis added.]

The Administrator argued that the words "not to exceed" permitted him to decrease, upon the construction of the President, the amount of the allotment by $6 billion for fiscal years 1973 and 1974 [37 Fed. Reg. 26282, sec. 35.910–1(2) (1972)]. Judge Gasch ruled, however, that whatever discretion the Administrator had to refuse to spend water pollution control funds came at the obligation stage, rather than the allotment stage, of the appropriations process. Although the legislative history of the Act reveals that the words "not to exceed" were added by amendment, and another amendment deleted the word "all" from the phrase "Sums authorized to be appropriated . . . ," the court instead relied upon colloquy on the floor of the House between the manager of the bill, Rep. William Harsha [R-Ohio] and others, as demonstrating that the express purpose of the amendments was to grant the Administrator discretion only in obligating and expending funds.

The holding in this case was echoed in *Minnesota* v. *Fri*, [No. 4–73 Civ. 133 (D. Minn., June 26, 1973)]; and *Martin-Trigona*

v. *Ruckelshaus*, [No. 18–73–R (E.D. Va., June 5, 1973)].

Judge Merhige, in *Campaign Clean Water, Inc.* v. *Ruckelshaus*, [No. 18–73–R (E.D. Va., June 5, 1973)], regarding the same Act, could not agree with Judge Gasch's interpretation. He found Judge Gasch, the plaintiff, and the defendant in agreement that the legislative history was ". . . in the main, unclear, politically charged, and in the Court's view, to some degree based upon suspect constitutional interpretation of the powers of the President." Consequently he concluded that ". . . Congress did intend for the executive branch to exercise some discretion with respect to allotments . . ." but agreed with the plaintiff's contention that ". . . the Congress could not have intended to give the Administrator the discretion to gut the Act." Judge Merhige thus declared that the announced policy of the Administrator to refuse to allot $6 billion of the designated $11 billion under sec. 205 of the Federal Water Pollution Control Act Amendments of 1972 constituted an abuse of discretion under the authority and powers conferred by the Act, and accordingly, were null and void. It is not clear whether Judge Merhige would have reached the same conclusion had the President withheld part of the funds, but substantially less than $6 billion.

These holdings indicate a sentiment in favor of allotment when the act specifies that ". . . the Secretary shall allot . . .," because such language shows an apparent congressional intent that the statutory program be fully executed. The Vocational Rehabilitation Act might be said to reveal an even stronger congressional intent in favor of full allotment, because it creates an entitlement: ". . . each state shall be entitled to an allotment . . .," instead of authorizing or directing an executive officer to allot. It might be argued that the Secretary of H.E.W. has discretion to withhold allotment, because, whereas the Act directs him to approve state plans meeting statutory criteria, it nowhere directs him to allot. On the other hand, it can be argued equally strongly that the Secretary has no such discretion: because the Act creates an entitlement, the allotment process self-executes when the Act goes into effect, and no executive officer has either the responsibility or the discretion to allot. This precise language has not been litigated in any of the numerous United States District Court decisions regarding the presidential policy of impounding congressional appropriated funds.

Questions have been raised concerning the effect upon the allotment provisions of the Act, which might be brought about by a proposed compromise between the House and Senate versions of the Rehabilitation Act of 1973, amending and superseding parts of the Rehabilitation Act of 1973, amending and superseding parts of the Vocational Rehabilitation Act. Before the proposed compromise, both the House version [H.R. 8070, Title I—Vocational Rehabilitation Services] and the Senate Amendments thereto, retained language to the effect that ". . . each state shall be entitled to an allotment. . . ." But there the similarities end, in numerous important respects. The House version, in pertinent part, [sec. 110(a)] bases the allotment formula upon the amount *authorized to be appropriated,* and further authorizes the appropriation, [sec. 100(b)(1)], for fiscal 1974 and 1975, respectively of $660 million and $690 million. The Senate amendments thereto relate the allotment formula to the amount *appropriated,* and authorize the appropriation of $610 million and $640 million for fiscal 1974 and 1975, respectively, ". . . and there is further authorized to be appropriated for each such year such additional sums as the Congress may determine to be necessary."

In an effort to retain the House allotment formula based upon the amount authorized to be appropriated, and also retain the language and lower dollar figures in the Senate version for the authorization, the proposed compromise added a new subsection (d) to section 110, wherein it was specified that for the purposes of allotment, the term "amount authorized to be appropriated" would mean $660 million and $690 million for fiscal years 1974 and 1975, respectively, " . . . or such higher amount as the Congress may appropriate for that year.

The authorization language in the Senate version originally created an open-ended authorization on which to base the allotment formula. Acknowledging that it would be meaningless to base allotment upon an open-ended figure, the Senate designed the compromise not only to establish a specified minimum figure upon which to base allotments, but also retain a figure which the House would accept. In addition, the compromise would, for the purpose of authorizing appropriation, establish a lower figure more to the Senate's liking.

It might be possible to question the use of two definitions for "amount authorized to be appropriated" in a single statute, but it is reasonably clear from the language of the compromise that one definition is to be used exclusively for the purposes of allotment under the Act. A court would have no alternative but to give effect to the express terms of the Act in this instance.

A more serious question concerns whether the amount authorized to be appropriated for the purpose of allotment does not still create an open-ended figure on which it is meaningless to try to base an allotment ratio. Under the compromise, for the purpose of appropriation the authorization will be a precise figure, ". . . and there is further authorized to be appropriated for each such year such additional sums as the Congress may determine to be necessary." For the purpose of allotment, there will be a precise figure, ". . . or such higher amount as the Congress may appropriate for that year." It could be argued that although the terms are different in each, both actually create open-ended authorizations. Nevertheless, the compromise expressly establishes a minimum amount on which to base the allotment formula, to be raised only if Congress appropriates more. Courts will look at the intent of Congress to resolve apparent ambiguities, if such intent can be ascertained. [See, e.g., *State Highway Comm. of Missouri* v. *Volpe*, No. 72–1512 (8th Cir., April 2, 1972); *City of New York* v. *Ruckelshaus, supra; Commonwealth of Pennsylvania* v. *Lynn*, No. 990–73 (D.D.C., July 23, 1973)]. The intent of Senators Stafford and Cranston, who offered the compromise, is adequately expressed in their explanation accompanying the proposed compromise:

In order for the Senate to accept the House allotment basis and retain the dollar-amount-plus-such-sums authorization formula (which in effect is an open-ended authorization), it is necessary to fix for FY 1974 and FY 1975 a dollar figure on the basis of which to allot, because the House bill reference to "the amount authorized to be appropriated" has no meaning for those years in the event of such an open-ended ("such sums") authorization.

The compromise would have exactly the same State-by-State allotment effect as the House bill, as long as the authorization amounts permit an appropriation up to $660 million for FY 1974 and $690 million for FY 1975, as *both* the House bill and the Senate amendment presently do.

The net effect of the proposal would be a blend on the two points—with more funds authorized to be appropriated, in fact and law, than under the House bill. [Emphasis in original].

Summarizing, with respect to the allotment provisions, it may be stated that the existing Vocational Rehabilitation Act demonstrates the clear intent of Congress that the full amount authorized be allotted among the states. Based upon the still incomplete line of "impoundment" cases, the language of the Act has adequately translated that intent into a binding legal mandate that the funds be allotted. The proposed compromise amendment, although raising several questions, would also appear to provide for the full allotment if a court construing it can determine a clear congressional intent to that effect. It should be pointed out that the proposed compromise was eventually rejected in favor of single, precise authorization figures agreeable to both the House and Senate, so that the bill finally enacted closely resembled the provisions in the existing Act. If signed into law, the new Rehabilitation Act of 1973 also appears to provide for a legal mandate for full allocation.

Assuming full allotment under whatever provisions finally become law, the questions arise whether the Vocational Rehabilitation Act funds would have to be spent if either the Secretary declined to obligate the full amount authorized, or Congress failed to appropriate the full amount allotted to the states.

Regarding the first question, the preponderant weight of authority in the still unsettled "impoundment" issue holds that congressional enactments establishing grant programs impose a statutory duty upon the executive branch to execute the programs fully, including accepting and processing grant applications, and paying authorized funds to applicants meeting statutory criteria. [See, e.g., *Berends* v. *Butz*, 357 F. Supp. 143 (D. Minn. 1973); *Local 2677, A.F.G.E.* v. *Phillips*, 358 F. Supp. 60 (D.D.C. 1973); *Commonwealth of Pennsylvania* v. *Lynn, supra;* but see, *Local 2816, A.F.G.E.* v. *Phillips*, No. 73–C–500 (N.E. Ill., May 21, 1973)]. Following the trend in the above-cited cases, the language in the Vocational Rehabilitation Act: "The Secretary shall approve any plan which the Secretary finds fulfills the conditions specified . . ." [29 U.S.C. sec. 35(b) (1970)]; "For each fiscal year the Secretary shall pay to each State an amount equal to the Federal share . . . under the plan for such State approved . . ." [29 U.S.C. sec. 32(b) (1970)], and the language in H.R. 8070: "The Commissioner shall approve any plan which he finds fulfills the conditions specified . . . , and he shall disapprove any plan which does not fulfill such conditions . . ." [Sec. 101(b)]; "From each State's allotment under this part for any fiscal year . . . , the Commissioner shall pay to each State an amount equal to the Federal share . . . under the plan for such State approved . . ." [Sec. 111(a)], is of a sufficiently mandatory nature as to require the designated officer to carry forward with the program and pay grants to eligible applicants.

Where an applicant has fulfilled every statutory criterion for eligibility under a federal grant program, it has been held that the designated office may not prevent payment by withholding final approval for reasons not contained within the statute. [*State Highway Comm. of Missouri* v. *Volpe*, 479 F. 2d 1099 (8th Cir. 1973)]. In that case, the Missouri State Highway Commission had met every criterion for receipt of highway construction funds under the Federal-Aid Highway Act [23 U.S.C. secs. 101 et seq. (1970)], and had received tentative approval from the Secretary of Transportation on several occasions. However, the Secretary withheld final approval for reasons based, not upon the statutory requirements, but upon status of the national economy and the need to control inflation. The court found that he had no statutory authority to do so, and ordered him to release the funds.

Under the existing Vocational Rehabilitation Act, the Secretary has the discretion to withhold funding for certain specified reasons, largely dealing with adherence of state plans to statutory criteria. Moreover, the Secretary may cease payments for approved plans if he finds, after the due hearing, that:

> (1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or
>
> (2) in the administration of the plan there is a failure to comply substantially with any such provisions; [29 U.S.C. sec. 35(c) (1970)]

These provisions give the Secretary adequate discretion to control the rate of spending for reasons pertaining to the efficient management of the vocational rehabilitation program, and present judicial authority would limit the Secretary to the amount of discretion expressly in the statute.

One major distinction between the situation surrounding the Federal-Aid Highway Act and the Vocational Rehabilitation Act is that when final approval comes due for state vocational rehabilitation plans, funds may not yet have been appropriated, whereas funds for approved state highway plans come from the fulsome Highway Trust Fund established by that Act. Where the United States is obligated to spend unappropriated funds, serious questions arise, and there is scant litigation to shed light on a possible solution.

One major provision in the United States Code would seem to permit the obligation of funds, even before appropriation:

> No amount shall be recorded as an obligation of the Government of the United States unless it is supported by documentary evidence of—
>
> (5) a grant or subsidy payable (i) from appropriations made for payment of or contributions toward, sums required to be paid in specific amounts fixed by law, or (ii) pursuant to agreement authorized by, or plans approved in accord with and authorized by, law: or
>
> (6) a liability which may result from pending litigation brought under authority of law; . . . [31 U.S.C. sec. 200 (1970)].

The statutory scheme established by the Vocational Rehabilitation Act, and subsequent amendments, provides for approval of plans submitted by states, which approval is apparently intended to give rise to an obligation on the part of the United States. If it does, then litigation would arguably be authorized to require the United States to meet that obligation.

Moreover, federal law provides that "No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, . . ." [41 U.S.C. sec. 11 (1970)]. It has been held that this act is applied in the alternative so that where authority to make contracts is complete and unrestricted, a liability arising thereunder is not avoided by omission of Congress to provide the money to discharge it. But where an alleged liability rests wholly upon authority of an appropriation, they must stand or fall together [*Shipman* v. *United States*, 18 Ct. Clms. 138, cf. 19 Op. Atty. Gen. 650; 37 Comp. Gen. 199, 201].

The crucial questions, then, are whether approval of state plans under the Vocational Rehabilitation Act actually does give rise to a contractual obligation on the part of the United States, and whether the Secretary is granted "complete and unrestricted" authority to enter such a contract.

Regarding the first question, it is suggested that pursuant to 31 U.S.C. sec 200(a) (5) (See *supra*), approval of a state plan under the Vocational Rehabilitation Act gives rise to a contractual obligation on the part of the Government.

It may then be argued that the Secretary not only has complete and unrestricted authority to enter a contractual obligation on the part of the United States, he is virtually mandated to do so by the terms of the Vocational Rehabilitation Act. He *shall* approve eligible state plans, and he *shall* pay. Therefore, it would follow that a state, having received approval for its submitted plans, would gain an enforceable right to funding under the Vocational Rehabilitation Act even if Congress declined to appropriate the full amount allotted or authorized.

STUART E. GLASS,
Legislative Attorney.

TIME TO FREEZE COSTS FOR ELDERLY

Mr. CLARK. Mr. President, recently the administration announced that copayments and the deductible under medicare hospital insurance would have to be increased by 17 percent in 1974 due to rising costs in hospital care. In order to prevent this substantial increase in the cost of health care for older Americans, Senator MUSKIE has offered an amendment to freeze medicare copayments and the deductible at current levels. I want to add my strong support for this important measure and commend Senator MUSKIE for his leadership in introducing it.

If this measure is not enacted, the deductible—the amount a hospital patient must pay before medicare takes over—would increase from $72 to $84 in 1974. Also, the coinsurance charges—the portion of costs that patients must pay for hospital stays longer than 60 days and for nursing home care after 20 days—would likewise be increased by 17 percent in 1974.

What this means is that medicare beneficiaries will have to pay $21 a day instead of the present $18 a day for the 61st through the 90th day in the hospital. For a post-hospital stay in a nursing home of more than 20 days, the coinsurance would be $10.50 a day compared to the current cost of $9 per day, as this table indicates:

IMPACT OF MUSKIE AMENDMENT ON MEDICARE COSTS

	Levels for 1974	Proposed levels under Muskie amendment
1st day of hospital deductible	$84.00	$72.00
61st to 90th day hospital copayment	21.00	18.00
Nursing home copayment after 20 days	10.50	9.00

Almost one out of every four aged and disabled medicare beneficiaries is expected to be hospitalized next year, a total of over 5½ million people. We can be sure that the scheduled increase would fall hardest upon the aged and infirm—those individuals who already have been the hardest pressed to bear the burden of inflation. Moreover, these are the same people who are paying more money for their medicare supplementary medical insurance program. The premium increased from $5.80 to $6.30 per month earlier this year.

Because of inflation, many elderly people are being forced to eliminate even those items essential to a minimum standard of living. If we allow the medicare deductible and copayments to rise, we will increase their suffering.

To avoid that prospect, we must act favorably and expeditiously on this vitally important measure.

This legislation will not cost the taxpayer more money. Neither the wage base nor the payroll tax under social security would have to be increased. The unusually large assets of the hospital trust fund could cover the estimated cost of $103 million for 1974 without impairing the long-term soundness of the program.

It also should be pointed out that the deductibles and coinsurance costs under medicare have risen tremendously over the last 5 years. At the end of 1968, for example, the hospital deductible was $40. Currently it is $72, an increase of 80 percent. If we allow the cost to go up to $84 in 1974, the rate will have risen well over 100 percent.

Especially now, this would be intolerable for all too many of our older citizens. I urge the approval of this amendment.

SENATOR RANDOLPH ASSURED LOWER SPEED LIMIT WILL REDUCE AUTOMOBILE FUEL CONSUMPTION BY 45 MILLION BARRELS ANNUALLY

Mr. RANDOLPH. Mr. President, it is widely accepted that slower driving is an effective mechanism for conserving gasoline. Last summer I proposed and the Senate adopted a resolution urging the reduction of speed limits as a fuel conservation measure. I believe this to be an economy move that can be quickly instituted with immediate results.

On Monday and Tuesday of this week the Senate Committee on Public Works conducted hearings on progress in achieving automobile emission standards required by the Clean Air Act of 1970. During those hearings I discussed with witnesses the advantages of lowering speed limits. I requested of Edward N. Cole, president of General Motors Corp., information developed by his firm on this subject.

Mr. President, that information was provided to me late today and it shows conclusively that substantial savings in fuel can be ours if we act to slow the speed at which vehicles are driven on our highways. The General Motors study shows that by the reduction of all speed limits to 50 miles per hour we can reduce our fuel consumption by 45 million barrels annually.

Because of the urgent necessity to save as much fuel as possible, I ask unanimous consent that the text of Mr. Cole's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL MOTORS CORP.,
Detroit, Mich., November 7, 1973.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: In response to our discussion at the Senate Air and Water Pollution Subcommittee hearing Monday, we have reviewed the data on possible fuel savings related to lower speed limits.

On the basis of this review, we estimate total national automobile fuel savings of approximately 3%, or about 45 million barrels annually, if a national speed limit of 50 miles per hour is imposed. I will detail how we arrived at this conclusion.

You will recall that I said in response to your question about reducing speed limits that we estimate there would be about a 20% savings in fuel when speed is reduced from 70 mph to 50 mph. A fuel savings of this order would apply only if all cars were operating at 70 mph and then all cars dropped down to 50 mph.

However, most cars already operate at less than 50 mph because of local speed limits and traffic conditions within city and suburban limits. This includes approximately 58% of the vehicle miles driven, based on data from the Department of Transportation and the Department of Commerce. Approximately 42% of the total vehicle miles, on the basis of this data, are driven above 50 mph. About one-half of the miles are between 50 and 60 mph and the other half between 60 and 70 mph.

As illustrated in the attached chart and data sheet, the car miles driven between 50 and 60 mph result in a fuel loss of 2.5%, while those between 60 and 70 mph have a fuel loss of about 12%. Thus, the average loss in fuel economy at vehicle speeds above 50 mph is 7.25%.

This indicates that a 7.25% gain in fuel economy could be obtained by slowing passenger cars to 50 mph during the vehicle miles driven at speeds up to 70 mph. However, this fuel economy improvement would apply to only 52% of the vehicle miles driven nationally. Thus, the total fuel savings that could be obtained by reducing the national speed limit to 50 mph would be approximately 3%. This represents approximately 45 million barrels of gasoline, based on annual consumption data.

The above conclusions were based on data from DOT and Commerce, as well as fuel economy data General Motors has obtained from its own test programs. Also, we assumed in the calculations that there is reasonable compliance with existing posted speed limits, and there would be a comparable order of compliance with a 50 mph limit.

I trust that this information is responsive to your inquiry. If you have any further question on this subject, I will be pleased to respond.

Sincerely,

E. N. COLE.

ENERGY CONSERVATION PROGRAMS—LOWER SPEED LIMITS TO SAVE GASOLINE

Suggestion: Lower national speed limit to 50 MPH on roads with posted speed of 50 to 70 MPH.

POSSIBLE FUEL SAVINGS

Approximately 42% of total vehicle miles are driven above 50 MPH with about ½ between 50–60, and ½ between 60–70 MPH.

50–60 MPH=Approximately 2.5% Loss.
60–70 MPH=Approximately 12% Loss.
Average Loss=7.25%.

	Percent
Fuel economy gained by slowing passenger cars to 50 MPH	7. 25
Miles driven above 50 MPH	X 42
Total fuel savings by reducing national speed limit to 50 MPH approximately	3

ANOTHER ADVISORY COMMITTEE FLOUTS LAW—TWICE

Mr. METCALF. Mr. President, I call attention again to violations of the Federal Advisory Committee Act by responsible officials of the executive branch.

Last week I called to the attention of Governor Love and Assistant Secretary of Interior Wakefield the illegal composition of the Emergency Petroleum Supply Committee. That committee, which met on short notice in Washington last week regarding the Mideast oil crisis, is composed exclusively of representatives of large oil companies, along with two officials of the Department of Interior. The governing statute regarding broad membership on this advisory committee is the Defense Production Act of 1950. Here is the pertinent section (50 U.S.C. section 215(b)), which I ask unanimous consent to have printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

(b) Information; advisory committees; exemptions; administration.

In order to carry out this policy—

(i) the President shall provide small-business enterprises with full information concerning the provisions of this Act [sections 2061, 2062, 2071, to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this appendix] relating to, or of benefit to, such enterprises and concerning the activities of the various departments and agencies under this Act [said sections];

(ii) such business advisory committees shall be appointed as shall be appropriate for purposes of consultation in the formulation of rules, regulations, or orders, or amendments thereof issued under authority of this Act [said sections], and in their formation there shall be fair representation for independent small, for medium, and for large business enterprises, for different geographical areas, for trade association members and nonmembers, and for different segments of the industry;

(iii) in administering this Act [said sections], such exemptions shall be provided for small-business enterprises as may be feasible without impeding the accomplishment of the objectives of this Act [said sections]; and

(iv) in administering this Act [said sections], special provision shall be made for the expeditious handling of all requests, applications, or appeals from small-business enterprises.

Mr. METCALF. Mr. President, Mr. Wakefield promised to broaden the membership of the committee, now. I am hopeful that he has acted by now to comply with the statute.

However, today's Federal Register raises another issue regarding the same committee. The notice says that it will hold another meeting—tomorrow. That is hardly sufficient notice, although possibly an exception to the notice provisions of the Federal Advisory Committee Act (Public Law 92–463) and its guidelines could be justified, because of the fuel situation. However, tomorrow's meeting is scheduled to be closed, and for reasons that definitely are not covered by the Freedom of Information Act exceptions provided in Public Law 92–463.

There is no case for closing a discussion of organization and plans for developing and analyzing data. Since the committee is still—unless changes have been made overnight—composed exclusively of representatives of large oil companies, there is all the more reason for these meetings to be open to observation of those companies with holdings so great that their decisions will greatly affect the public interest and public policy. Nor is there lawful reason for the EPSC subcommittee, scheduled to meet on Thursday, to close out the public from its proceedings. The agenda for the subcommittee meeting, according to the Federal Register notice, will include "discussions of administrative arrangements, establishment of a task force and procedural ground rules." Even before Judge Robinson's decision—October 16, 1973, CONGRESSIONAL RECORD, page 34444—on openness of advisory committee meetings, such an agenda would not have been grounds for excluding the public.

Mr. President, Congress has by statute required that certain committees be broadly representative. Congress has by statute set ground rules for notice and openness of meetings. Those statutes are being disregarded.

The Secretary of the Interior and the Director of the Office of Management and Budget must comply with the statutes. If they do not, they will be required to do so, and their time and attention diverted from other pressing duties.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the notice in today's Federal Register regarding tomorrow's meeting of the Emergency Petroleum Supply Committee, the membership of the committee and subcommittee, as printed in the President's first annual report on Federal Advisory Committees and articles in the October 30 and 31 issues of the Wall Street Journal concerning the Emergency Petroleum Supply Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF OIL AND GAS—EMERGENCY PETROLEUM SUPPLY COMMITTEE AND THE SUPPLY AND DISTRIBUTION COMMITTEE

NOTICE OF MEETINGS

Pursuant to Pub. L. 92–463, notice is hereby given of the following meetings:

The Emergency Petroleum Supply Committee will meet at 10:30 a.m. on November 8, 1973, in Room 5160 at the Department of the Interior in Washington, D.C. The agenda will include discussions of organization and plans for developing and analyzing data. The Supply and Distribution Subcommittee of the EPSC will meet at 2:00 p.m. on November 8, 1973, in Room 5160 at the Department of the Interior in Washington, D.C. The agenda will include discussions of administrative arrangements, establishment of a task force and procedural ground rules.

The purpose of the Emergency Petroleum Supply Committee is to assist the U.S. Government in coping with problems resulting from disruptions of foreign petroleum supply.

These meetings will not be open to the public because the discussions will deal with matters listed in section 552(b) of title 5, United States Code. Specifically, these matters are related to matters that are specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy. The short notice is due to emergency developments.

Dated: November 5, 1973.

DUKE R. LIGON,
Director.

[U.S. Department of the Interior]

ANNUAL REPORT OF AGENCY ADVISORY COMMITTEE

Report Period (Calendar Year): 1972.

A. Exact name of advisory committee: Emergency Petroleum Supply Committee.

B. Committee type: Ad Hoc.

C. Establishment date or date of continuation: Established: June 30, 1967.

D. Specific establishment authority: 50 U.S.C. Appendix, Section 2061 et seq. (Defense Production Act of 1950, as amd).

E. Establishment authority code: C.

F. Termination or report date: December 31, 1974.

G. Brief statement of function: The functions of the Emergency Petroleum Supply Committee are specified in an emergency "Plan of Action Under Voluntary Agreement Relating to Foreign Petroleum Supply," approved by the Department of the Interior, the Department of Justice and the Office of Emergency Preparedness on June 27, 1967. It is an *ad hoc* industry committee which was established by the 1967 emergency Plan of Action to assist the U.S. Government in coping with oil supply problems generated by the 1967 Middle East oil crisis. It is maintained in an inactive status to be available in accordance with the terms of the Plan of Action described above.

H. Title(s) and date(s) of report(s) submitted, if any: None.

I. Actual dates of all meetings: None.

Total number of times met: None.

J. Names, occupation, and addresses of current members: (Attached separately).

K. Estimated total annual cost to the U.S. to fund, service, supply and maintain the committee: $1,000.00.

L. Estimated annual man-years of staff support for the committee: 0.06.

M. Name, address, and telephone number of the agency representative to provide additional information: Ben Tafoya, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240. Phone: 202-343-4164.

EMERGENCY PETROLEUM SUPPLY COMMITTEE

MEMBERSHIP LIST

Company member, representative, and alternate

American Independent, 50 Rockefeller Plaza, New York, New York 10020, (212) 586-1515, J. B. Sunderland, and Howard L. Clark.

Arabian American Oil Co., 1345 Avenue of the Americas, New York, New York 10019, (212) 765-6650, J. J. Johnston, and Samuel C. Harper.

Atlantic Richfield Company, 515 South Flower St., Los Angeles, California 90071, (213) 486-3511, B. E. Milner, and Norton M. Smirlock.

Caltex Oil Products Company, 380 Madison Avenue, New York, New York 10017, (212) OX 7-2000, J. M. Voss, and W. E. Tucker.

Cities Service Company, Inc., 60 Wall Tower, New York, New York 10005, (212) HA 2-1600, M. F. Wirges, and R. H. Chitwood, Cities Serv. Oil Co., Box 300, Tulsa, OK. 74102, (918) 560-3030.

Continental Oil Company, 30 Rockefeller Plaza, New York, New York 10020, (212) JU 6-2510, John L. Kelly, Continental Oil Co., Western Hemisphere Pet., Box 2197, Houston, Texas 77001, and J. B. Cecil, Eastern Hem. Pet. Div., Continental Oil Co., 1290 Sixth Avenue, New York, N.Y. 10019.

Exxon Corporation, 1251 Avenue of the Americas, New York, New York 10020, (212) 874-3000, D. M. Cox, and James F. Dean.

Getty Oil Company, 3810 Wilshire Boulevard, Los Angeles, Calif. 90010, (213) 381-7151, B. E. Williams, and W. C. Godfrey.

Gulf Oil Corporation, Gulf Building, Pittsburgh, Pa. 15230, (412) 391-2400, Zane Q. Johnson, and Richard A. Anderson.

Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840, (419) 422-2121, N. G. Dumbros, and R. M. Churchwell.

Mobil Oil Corporation, 150 East 42nd Street, New York, N.Y. 10017, (212) 883-4242, Herman J. Schmidt, (212) 883-2618, and Walter A. Bork, (212) 833-3595.

Murphy Oil Corporation, 200 Jefferson Avenue, El Dorado, Arkansas 71730, (501) UN 2-6411, Charles E. Cowger, and Paul C. Bilger.

Phillips Petroleum Company, 344 Phillips Bldg. Annex, Bartlesville, Oklahoma 74004, (918) 336-6600, John E. Harris, Jr., and C. M. McCormick.

Signal Oil & Gas Co., Golden Gate Center I, 2800 North Loop West, Houston, Texas 77018, (713) 686-9261, Frank D. Lortscher, and William B. Townsend, The Signal Co.'s Inc., Suite 401—Chanin Bldg., 815 Conn. Ave. N.W., Wash., D.C. 20006, (202) 298-7730.

Standard Oil Co. of Calif., 225 Bush Street, San Francisco, Calif. 94120, (415) 894-7700, George T. Ballou, (415) 894-3232, and W. Jones McQuinn.

Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Illinois 60680, (312) 856-5111, George V. Myers, (312) 856-6320, and W. A. Kirkpatrick, (312) 856-6580.

Standard Oil Company (Ohio), Midland Building, Cleveland, Ohio 44115, (216) 575-4141, Frank E. Mosier, and S. S. Myer.

Sun Oil Company, 1608 Walnut Street, Philadelphia, Pa. 19103, (215) 985-1600, Warren E. Burch, and J. Van Dyck Fear.

Texaco Inc., 135 East 42nd Street, New York, N.Y. 10017, (212) 953-6000, J. W. Kinnear, and L. W. Folmar.

Union Oil Co. of Calif., Union Oil Center, Los Angeles, Calif. 90017, (213) HU 2-7600, M. S. Thomson, and Howard K. Said.

Total Participating Companies—20.

Observer company, representative, and alternate

Asiatic Petroleum Corp., One Rockefeller Plaza, New York, New York 10020, (212) 262-2244, J. D. Ritchie, (President), (212) 262-7962, and M. J. Paulli, One Rockefeller Plaza, New York, N.Y. 10020, (212) 262-7800.

BP North America, Inc., 620 Fifth Avenue, New York, N.Y. 10020, (212) 541-8700, P. G. Cazalet, and P. J. Gillam.

Industry Counsel, Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036, (202) 223-2121, Fowler Hamilton, John K. Mallory, Jr., Michael Duncan, William Fenwick (N.Y.).

Government Chairman—Vacant, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240.

Secretary—Ben Tafoya, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-4164.

[U.S. Department of the Interior]

ANNUAL REPORT OF AGENCY ADVISORY COMMITTEE

Report Period (Calendar Year): 1971.

A. Exact name of advisory committee: Petroleum Security Subcommittee of the Foreign Petroleum Supply Committee.

B. Committee type: Continuing.

C. Establishment date or date of continuation: Established: February 19, 1962.

D. Specific establishment authority: 50 U.S.C. Appendix, Section 2061 et seq. (Defense Production Act of 1950, as amd).

E. Establishment authority code: A.

F. Termination of report date: December 31, 1974.

G. Brief statement of function: The Petroleum Security Subcommittee of the Foreign Petroleum Supply Committee is a special subcommittee established in 1962 to assist the Department of the Interior in meeting the continuing need of U.S. Defense agencies (the Department of Defense and the Offices of Emergency Preparedness) for information on petroleum supply and requirement potentials of specific national security programs of the U.S. and for technical assistance in evaluating the petroleum resources available to support such plans and programs in possible future emergencies. It is composed of technical experts selected on the basis of individual competence from the staffs of member companies of the Foreign Petroleum Supply Committee.

H. Title(s) and date(s) of report(s) submitted, if any: None.

I. Actual dates of all meetings: None.

Total number of times met: None.

J. Names, occupations, and addresses of current members: (Attached separately).

K. Estimated total annual cost to the U.S. to fund, service, supply and maintain the committee: $2,000.00.

L. Estimated annual man-years of staff support for the committee: 0.12.

M. Name, address, and telephone number of the agency representative to provide additional information: Ben Tafoya, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240. Phone: 202-343-4164.

PETROLEUM SECURITY SUBCOMMITTEE OF THE FOREIGN PETROLEUM SUPPLY COMMITTEE

MEMBERSHIP LIST

Industry Member

Ballou, George T., Standard Oil Co. of California, 225 Bush Street, San Francisco, CA 94120, (415) 894-3232.

Baugh E. G., Exxon Corporation, 1251 Avenue of the Americas, New York, New York 10020, (212) 974-3000.

* Brill, F., Mobil Oil Corporation, 150 East 42nd Street, New York 10017, (212) 883-4242.

Chase, Robert R., Texaco Inc., 135 East 42nd Street, New York, New York 10017, (212) 953-6000.

Churchwell, Robert M., Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840, (419) 422-2121.

Dillsaver, Robert D., Cities Service Company, 60 Wall Tower, New York, New York 10005, (212) HA 2-1600.

Dominey, Frederick R., Cities Service Oil Co., P.O. Box 300, Tulsa, Oklahoma 74102, (918) LU 2-1531, Ext. 430.

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Eisenhardt, William, Mobil Oil Corporation, 150 East 42nd Street, New York, N.Y. 10017, (212) 883-4242.

Ernst, E. D., Amoco International Oil Co., 500 N. Michigan Avenue, Chicago, Illinois 60611, (312) 856-4825.

* Falkingham, D. H., Amoco International Oil Co., P.O. Box 8368, Chicago, Illinois 60680, (312) 856-4675.

Gibbs, O. J., Gulf Oil Corporation, Gulf Building, Pittsburgh, Pa. 15230, (412) EX 1-2400.

Harriger, C. M., Caltex Oil Products Co., 380 Madison Avenue, New York New York 10017, (212) OX 1-2000.

Hawkins, J. W., Sun Oil Company, Five Penn Center Plaza, Philadelphia, Pa. 19105, (215) 985-1600, Ext. 2378.

Heaney, C. R., Gulf Refining Company, P.O. Box 2100, Houston, Texas 77001.

Heydinger, E. R., Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840 (419) 422-2121.

Howe, Robert E., Atlantic Richfield Co., 600 Fifth Avenue, New York, New York 10020, (212) 246-3600, Ext. 677.

Johnson, Eugene R., Arabian American Oil Company, 1345 Avenue of the Americas, New York, New York 10019, (212) 765-6650.

Lortscher, Frank D., Signal Oil & Gas Company, Golden Center I, 2800 North Loop West, Houston, Texas 77018, (713) 686-9261.

Macht, Paul E., Sun Oil Company, 1608 Walnut Street, Philadelphia, Pa. 19103, (215) 985-1600.

Malott, J. P., Continuental Oil Company, Walnut Street, Philadelphia, Pa. 19103, (215) CA 5-1511.

Manning, K. S., Gulf Oil Corporation, P.O. Box 1166, Pittsburgh, Pa. 15230, (412) 391-2400.

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* In Process.

McNeil, E. W., Jr., Exxon Company U.S.A., P.O. Box 2180, Houston, Texas 77001, (713) 221-4535.

*Nelson, Ener H., Mobil Oil Corporation, 150 East 42nd Street, New York, New York 10017, (212) 883-4242.

O'Neill, Haylett, Jr., Exxon Company U.S.A., P.O. Box 2812, Houston, Texas 77001, (713) 221-4933.

Palmer, R. B., Texaco Inc., 135 East 42nd Street, New York, New York 10017, (212) OX 7-8000.

Peake, Thomas A., Standard Oil Co. of California, 225 Bush Street, San Francisco, Calif. 94120, (415) 894-5161.

Quinn, D. T., Mobil Oil Corporation, 150 East 42nd Street, New York, New York 10017, (212) 883-4242.

Reiter, T. A., Exxon Corporation, 1251 Avenue of the Americas, New York, New York 10020, (212) 974-2000.

Sears, Robert N., Phillips Petroleum Company, Suite 3700, 80 Broadway, New York, New York 10005, (212) DI 4-3480.

Slovenko, S. R., American Oil Company, 910 South Michigan Avenue, Chicago, Illinois 60680, (312) 856-5988.

Todd, William F., Arabian American Oil Co., 1345 Avenue of the Americas, New York, New York 10019, (212) 765-6650.

Total Industry Members—32.

Government member

Chairman: ——— ———, Director, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240.

Secretary: Ben Tafoya, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-4164.

Robert L. Presley, Chairman—Program Group, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-3353.

Douglas H. Harnish, Jr., Chairman—Production Group, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-4722.

Eugene L. Peer, Chairman—Refining Group, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-4165.

Earl G. Ellerbrake, Chairman—Supply & Transportation Group, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-5064.

Vacant, Chairman—Manpower Group, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240.

Vacant, Chairman—Materials Group, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240.

Industry members, 32.

Government members, 4.

Subcommittee membership, 36.

[From the Wall Street Journal, October 30, 1973]

INTERIOR UNIT SLATES INDUSTRY TALKS TODAY ON ARAB OIL BLOCKADE

WASHINGTON.—After delaying for some 10 days, the Nixon administration is taking its first step toward mobilizing the U.S. oil industry to deal with the Arab oil blockade.

In a terse announcement, the Interior Department said its Office of Oil and Gas called the Foreign Petroleum Supply Committee to a 2 p.m. meeting in Washington today. Members of the committee are executives representing 21 American oil companies engaged in foreign petroleum operations and its chairman is Duke Ligon, director of the oil and gas office.

The Interior announcement merely stated that the committee "will examine problems created by the current oil supply situation." But one administration source amplified this by saying the committee "will focus on" joint government-industry actions that might be taken to remedy oil supply disruptions that have occurred since the start of Middle East hostilities.

Since the beginning of the current Arab oil embargo to the U.S., Interior Department officials believed that it posed a supply threat to this country serious enough to warrant immediate convocation of the Foreign Petroleum Supply Committee. However, the White House Energy Policy Office, at the request of the State Department, put off such a move on the ground that "delicate" negotiations with the oil states—presumably including Saudi Arabia, this country's biggest source of Middle Eastern crude—were in progress and that a strong U.S. crisis reaction might appear antagonistic to the Arabs.

It's understood that the State Department would have preferred that the supply committee meet in secret. But since public notice is required by law, the Interior Department was told to play down the meeting to the maximum extent possible.

[From the Wall Street Journal, Oct. 31, 1973]

OIL FIRMS' PANEL SAYS ARAB BOYCOTT WARRANTS SOME EMERGENCY MOVES

WASHINGTON.—Members of an industry advisory committee gave the Interior Department varying estimates on the petroleum shortage that will result from the Arab embargo on oil shipments to the U.S., but all agreed the shortage will hurt.

The Foreign Petroleum Supply Committee, representing 21 U.S. companies with foreign oil interests, was unanimous in its belief that the situation is serious enough to warrant emergency action. Specifically, the panel said the Interior Department should activate another industry-manned body, known as the Emergency Petroleum Supply Committee, to act as a clearing house for oil companies seeking to coordinate tanker movements and swap supplies of foreign oil.

Actually, the Interior Department has been urging the activation of the emergency committee for some two weeks. Whether its suggestion is adopted depends on approval by the State Department, which has vetoed emergency oil moves in the past. The State Department has argued that it's involved in "delicate" discussions with Arab nations and it doesn't want the U.S. to appear antagonistic.

Before the emergency committee could operate, the Justice Department also would have to exempt its activities from antitrust laws.

Although the petroleum company representatives on the foreign oil advisory panel didn't agree on precise shortages of home-heating oil and other products this winter, they generally confirmed the government's estimate of a petroleum shortfall totaling some two million barrels daily. That would compare with overall petroleum consumption currently running more than 17 million barrels daily.

Members of the advisory committee have been requested by the Office of Oil and Gas to analyze the outlook from the perspective of their individual companies and prepare a more complete appraisal of the supply situation.

RECESS UNTIL 2 P.M.

Mr. STAFFORD. Mr. President, I move that the Senate stand in recess until 2 p.m. today.

The motion was agreed to; and at 1:20 p.m. the Senate took a recess until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BARTLETT).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BARTLETT). The time for routine morning business has now expired.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceed to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF VOTE TO OCCUR ON VETO OF WAR POWERS RESOLUTION

Mr. MANSFIELD. Mr. President, for the information of the Senate, I wish to announce that a vote will occur on the veto by the President of House Joint Resolution 542, a joint resolution concerning the war powers of Congress and the President.

Debate on it, if it meets with the approval of the distinguished acting minority leader, will begin at 3 p.m. and the vote will occur at 4 p.m.

The PRESIDING OFFICER. The Chair would ask, is that on this day?

Mr. MANSFIELD. Today.

Mr. STAFFORD. Mr. President, will the majority leader object if I suggested the absence of a quorum for a minute?

Mr. MANSFIELD. Not at all.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I make the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, under this request, debate on the veto message will start at 3 p.m. The time will be equally divided between the minority and the majority leaders or whomever they may designate. The vote will occur at the hour of 4 o'clock. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is not necessary at this time to ask unanimous consent that there be a rollcall vote because the yeas and nays are mandatory under the Constitution.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER ON CONSIDERATION OF VETO MESSAGE ON WAR POWERS RESOLUTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the veto message, when received, be considered as having been read and that it be printed in full in the Record and spread in full upon the Journal and that the Senate proceed to its immediate consideration at the hour of 3 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, may we know what the unanimous-consent request is?

Mr. MANSFIELD. Just to have the veto message printed in the Journal nad Record. We already have agreed to start debate at 3 o'clock and that the time be equally divided between the two leaders or whomever they may desginate, with the vote to occur at 4 o'clock.

Mr. JAVITS. This is on the war powers resolution?

Mr. MANSFIELD. Yes, sir.

Mr. JAVITS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it will be my intention to yield the time allocated to the majority leader to the distinguished Senator from Mississippi (Mr. Stennis).

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that Peter Lakeland and Charles Warren of my office may have the privilege of the floor during the debate on the war powers measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BILLS TO BE HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the following bills be held at the desk:

H.R. 5874. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes;

H.R. 9295. An act to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University; and

H.R. 10840. An act to amend the Act of August 4, 1950 (64 Stat. 411) to provide salary increases for members of the police force of the Library of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:55 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 2:55 p.m. today.

The motion was agreed to; and at 2:18 p.m. the Senate took a recess until 2:55 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Bartlett).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that, on reconsideration, the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President, returned by the President of the United States with his objections to the House of Representatives, in which it originated, was passed, two-thirds of the House of Representatives agreeing to pass same.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bartlett). Without objection, it is so ordered.

WAR POWERS OF CONGRESS AND THE PRESIDENT—VETO

The PRESIDING OFFICER (Mr. Bartlett), pursuant to the previous order, laid before the Senate a message from the House of Representatives, which was read, as follows:

House of Representatives,
November 7, 1973.

The House of Representatives having proceeded to reconsider the joint resolution (H.J. Res. 542) entitled "Joint resolution concerning the war powers of Congress and the President", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, that the said joint resolution pass, two-thirds of the House of Representatives agreeing to pass the same.

W. Pat Jennings, *Clerk*.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States to the House of Representatives, which reads as follows:

To the House of Representatives:

I hereby return without my approval House Joint Resolution 542—the War Powers Resolution. While I am in accord with the desire of the Congress to assert its proper role in the conduct of our foreign affairs, the restrictions which this resolution would impose upon the authority of the President are both unconstitutional and dangerous to the best interests of our Nation.

The proper roles of the Congress and the Executive in the conduct of foreign affairs have been debated since the founding of our country. Only recently, however, has there been a serious challenge to the wisdom of the Founding Fathers in choosing not to draw a precise and detailed line of demarcation between the foreign policy powers of the two branches.

The Founding Fathers understood the impossibility of foreseeing every contingency that might arise in this complex area. They acknowledged the need for flexibility in responding to changing circumstances. They recognized that foreign policy decisions must be made through close cooperation between the two branches and not through rigidly codified procedures.

These principles remain as valid today as they were when our Constitution was written. Yet House Joint Resolution 542 would violate those principles by defining the President's powers in ways which would strictly limit his constitutional authority.

CLEARLY UNCONSTITUTIONAL

House Joint Resolution 542 would attempt to take away, by a mere legislative act, authorities which the President has properly exercised under the Constitution for almost 200 years. One of its provisions would automatically cut off certain authorities after sixty days unless the Congress extended them. Another would allow the Congress to eliminate certain authorities merely by the passage of a concurrent resolution—an action which does not normally have the force of law, since it denies the President his constitutional role in approving legislation.

I believe that both these provisions are unconstitutional. The only way in which the constitutional powers of a branch of the Government can be altered is by amending the Constitution—and any attempt to make such alterations by legislation alone is clearly without force.

UNDERMINING OUR FOREIGN POLICY

While I firmly believe that a veto of House Joint Resolution 542 is warranted solely on constitutional grounds. I am also deeply disturbed by the practical consequences of this resolution. For it would seriously undermine this Nation's ability to act decisively and convincingly in times of international crisis. As a result, the confidence of our allies in our ability to assist them could be diminished and the respect of our adversaries for our deterrent posture could decline. A permanent and substantial element of unpredictability would be injected into the world's assessment of American behavior, further increasing the likelihood of miscalculation and war.

If this resolution had been in operation, America's effective response to a variety of challenges in recent years would have been vastly complicated or even made impossible. We may well have been unable to respond in the way we did during the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation in 1964, and the Jordanian crisis of 1970—to mention just a few examples. In addition, our recent actions to bring about a peaceful settlement of the hostilities in the Middle East would have been seriously impaired if this resolution had been in force.

While all the specific consequences of House Joint Resolution 542 cannot yet be predicted, it is clear that it would undercut the ability of the United States to act as an effective influence for peace. For example, the provision automatically cutting off certain authorities after 60 days unless they are extended by the Congress could work to prolong or intensify a crisis. Until the Congress suspended the deadline, there would be at least a chance of United States withdrawal and an adversary would be tempted therefore to postpone serious negotiations until the 60 days were up. Only after the Congress acted would there be a strong incentive for an adversary to negotiate. In addition, the very existence of a deadline could lead to an escalation of hostilities in order to achieve certain objectives before the 60 days expired.

The measure would jeopardize our role as a force for peace in other ways as well. It would, for example, strike from the President's hand a wide range of important peace-keeping tools by eliminating his ability to exercise quiet diplomacy backed by subtle shifts in our military deployments. It would also cast into doubt authorities which Presidents have used to undertake certain humanitarian relief missions in conflict areas, to protect fishing boats from seizure, to deal with ship or aircraft hijackings, and to respond to threats of attack. Not the least of the adverse consequences of this resolution would be the prohibition contained in section 8 against fulfilling our obligations under the NATO treaty as ratified by the Senate. Finally, since the bill is somewhat vague as to when the 60-day rule would apply, it could lead to extreme confusion and dangerous disagreements concerning the prerogatives of the two branches, seriously damaging our ability to respond to international crises.

FAILURE TO REQUIRE POSITIVE CONGRESSIONAL ACTION

I am particularly disturbed by the fact that certain of the President's constitutional powers as Commander in Chief of the Armed Forces would terminate automatically under this resolution 60 days after they were invoked. No overt Congressional action would be required to cut off these powers—they would disappear automatically unless the Congress extended them. In effect, the Congress is here attempting to increase its policy-making role through a provision which requires it to take absolutely no action at all.

In my view, the proper way for the Congress to make known its will on such foreign policy questions is through a positive action, with full debate on the merits of the issue and with each member taking the responsibility of casting a yes or no vote after considering those merits. The authorization and appropriations process represents one of the ways in which such influence can be exercised. I do not, however, believe that the Congress can responsibly contribute its considered, collective judgment on such grave questions without full debate and without a yes or no vote. Yet this is precisely what the joint resolution would allow. It would give every future Congress the ability to handcuff every future President merely by doing nothing and sitting still. In my view, one cannot become a responsible partner unless one is prepared to take responsible action.

STRENGTHENING COOPERATION BETWEEN THE CONGRESS AND THE EXECUTIVE BRANCHES

The responsible and effective exercise of the war powers requires the fullest cooperation between the Congress and the Executive and the prudent fulfillment by each branch of its constitutional responsibilities. House Joint Resolution 542 includes certain constructive measures which would foster this process by enhancing the flow of information from the executive branch to the Congress. Section 3, for example, calls for consultations with the Congress before and during the involvement of the United States forces in hostilities abroad. This provision is consistent with the desire of this Administration for regularized consultations with the Congress in an even wider range of circumstances.

I believe that full and cooperative participation in foreign policy matters by both the executive and the legislative branches could be enhanced by a careful and dispassionate study of their constitutional roles. Helpful proposals for such a study have already been made in the Congress. I would welcome the establishment of a non-partisan commission on the constitutional roles of the Congress and the President in the conduct of foreign affairs. This commission could make a thorough review of the principal constitutional issues in Executive-Congressional relations, including the war powers, the international agreement powers, and the question of Executive privilege, and then submit its recommendations to the President and the Congress. The members of such a commission could be drawn from both parties—and could represent many perspectives including those of the Congress, the executive branch, the legal profession, and the academic community.

This Administration is dedicated to strengthening cooperation between the Congress and the President in the conduct of foreign affairs and to preserving the constitutional prerogatives of both branches of our Government. I know that the Congress shares that goal. A commission on the constitutional roles of the Congress and the President would provide a useful opportunity for both branches to work together toward that common objective.

RICHARD NIXON.

THE WHITE HOUSE, *October 24, 1973.*

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to reconsider the joint resolution. The question is, Shall the joint resolution pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. STENNIS. Mr. President, will the Senator from Texas yield to me?

Mr. TOWER. I do not have the floor.

The PRESIDING OFFICER. The Senator from Mississippi is in charge of the time on the majority leader's side, and the minority leader or his designee on the minority side.

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time consumed being charged to either side.

Mr. ROBERT C. BYRD. Mr. President, would the Senator suggest the absence of a quorum and let the time be charged equally to both sides because we have a vote at 4 o'clock in any event.

Mr. TOWER. That is under the unanimous-consent agreement?

Mr. ROBERT C. BYRD. Yes, sir.

Mr. TOWER. And the time to vote is fixed at 4 o'clock?

Mr. ROBERT C. BYRD. Yes.

Mr. TOWER. Mr. President, I accede to the request of the Senator from West Virginia (Mr. ROBERT C. BYRD) and ask unanimous consent that I may suggest the absence of a quorum with the time being charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the override of the President's veto occur at 5:15 p.m. today, with the time to be equally divided between Mr. STENNIS and Mr. TOWER.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, I yield such time as he may require to the Senator from Missouri.

Mr. EAGLETON. I thank the Senator from Texas for yielding.

Mr. President, I rise to speak in support of the President's veto of the so-called war powers bill, and therefore in opposition to the attempt to override it.

The term "war powers" is a generic term dealing with the authority of the

President and Congress to commit American Armed Forces into hostilities or into a theater of the world where there is the imminent threat of hostilities. The proposed legislation has had a long and tortuous and, at times, intriguing road. It was 3 years ago or more when the first war powers bills were introduced, initially by Senator JAVITS, then one by me, and then one by the distinguished Senator from Mississippi (Mr. STENNIS).

The Senate Committee on Foreign Relations held extensive hearings, and a bill was fashioned that defined the parameters of responsibility of the President and Congress.

In essence, the Senate bill said the following: The decision to go to war, under our Constitution, is a decision for Congress to make. That is what Hamilton and Madison, who worked on that section of the Constitution, intended. Fresh from the control of King George, they no longer wanted one man, however decent, however benign, to make the troublesome and difficult decision to commit the United States to war.

They wanted this to be a collective judgment, made by the Congress of the United States, and therefore they reposed in Congress the authority to declare war.

The Senate bill is premised on that sound constitutional precept. And no valid bill can be premised on any other precept and be constitutional. The Senate bill then went on, as it properly had to because of court decisions, and historical precedent to delineate three emergency situations that would permit the President to act on his own without prior authority.

The general premise is that Congress is to declare war, Congress is to decide. But there are three exceptions to that premise recognized in law, and those exceptions were ratified in the Senate bill.

First, an attack on the continental limits of the United States. If we are attacked, the President can respond—obviously so.

Second, an attack on U.S. forces legally deployed abroad—for example, NATO. In the case of an attack on our forces in Germany, the President could respond to maintain their self-defense.

Third, the most obscure one, but one that is blessed by previous court decisions—the right to rescue American citizens. The President would have the authority to rescue American nationals abroad in time of danger, but only under carefully circumscribed conditions.

Those were the three limited exceptions in which the President could act under the Senate bill; and even with those limited exceptions, he could act for only a brief period of time—30 days. If Congress did not ratify the action beyond that time, it would terminate within 30 days. This parameter recognized that the act of repelling attacks is finite and that the defensive action is transformed to an offensive action requiring congressional sanction.

That was the basic thrust of the Senate bill. That was the form it was in when it went to that mysterious conclave called the conference committee. The Senate bill disappeared in conference. What came out is a total, complete distortion of the war powers concept, because what came out has nothing to do with emergency authority of the President. It has nothing to do with the central point of contention over war powers.

There are some precatory words about emergency authority in the conference version, but it is just that, meaningless. It is pious, nonoperative, nonbinding, nonenforceable language. What the conference bill now says is this, and the country had better know it. The country does not know it yet, because the media coverage of the bill still says that this limits the President's war powers. It does not. The bill gives the President of the United States unilateral authority to commit American troops anywhere in the world, under any conditons he decides, for 60 to 90 days. He gets a free 60 days and a self-executing option for an additional 30 days, making 90.

Mr. President, the express train already has left to make this bill law. We had to beg another hour to debate the most important question a free society can face—war. And we are going to debate it for 2 hours. If we are going to debate a pay raise for Senators we debate it for a week, but just 2 hours on war.

What this bill says is that the President can send us to war wherever and whenever he wants to. Troops could be deployed tomorrow to the Mideast under this bill without our prior authority. All the President has to do is to make a telephone call to Senator MANSFIELD and Senator SCOTT and say, "The boys are on the way. I think you should know." Consultation. There they are; 60 to 90 days. Once those troops are committed the history of this country is replete with examples; that once committed they remain.

How sharp can memories be? My God, we just got out of a nightmare that lasted 9 years in Southeast Asia in what at the outset was going to be a sort of mop-up action. At the time of the Gulf of Tonkin incident most thought that in 60 to 90 days we would have that one resolved. Once those troops were committed in August 1964, at the time of the Gulf of Tonkin incident, they remained for 9 years. They left 9 years later, 50,000 dead later, over 350,000 wounded later, and with the expenditure of so many billions of dollars I cannot add it up; lots of blood, lots of sweat, and lots of tears. Yet we attempt to engrain in this bill the unilateral presidential decisionmaking authority to commit more troops anywhere in the world. The Mideast is the most obvious example in current affairs.

Under this bill the President can commit troops without any ratification by Congress; he can send American troops into Egypt, Syria, Israel, or anywhere else. All he has to do is make the telephone call to Senator MANSFIELD and to Senator SCOTT.

He could commit troops to Chile. Suppose a few weeks ago, at the time of the assassination of President Allende, he had decided that there were vital American interests involved in Chile, and he thinks it is in our interest to have a military presence in Chile. Under this bill the troops could be sent there with no declaration of war by Congress.

This bill attempts by legislation to leave out of the Constitution that provision that says Congress shall declare war. One does not have to be a Harvard lawyer, one does not have to be a Philadelphia lawyer, or a law school graduate; all one needs is to have basic commonsense to know that by legislation the Constitution of the United States cannot be amended, but that is what this bill attempts to do.

There is no doubt about what I am saying. It will be refuted by the Senator from New York or some other Senators. The Senator from New York and the Senator from Maine (Mr. MUSKIE) sent around a "Dear Colleague" letter. On page 3 they state:

> Nothing in the war powers resolution could have hampered the Preisdent in his handling of the recent Middle East crisis. The bill would have allowed the President to put our armed forces on alert, to order movements of our fleets and to resupply the Israelis with military equipment. The bill would have required the President only to report to the Congress within 48 hours with respect to the deployment of U.S. Armed Forces in foreign territory, airspace and waters.

Hear that again:

> The bill would have required the President only to report to the Congress within 48 hours in writing with respect to the deployment of U.S. Armed Forces in foreign territory, airspace, and waters.

That is what this bill is all about. It is not mysterious; it is very clear. Despite what has been written and said about it, it does not limit the power of the President of the United States to wage war by himself.

Quite to the contrary. It attempts to emblazon into law, that unilateral decisionmaking process.

I am dumbfounded, because for 5 years I sat here during the whole evolution of McGovern-Hatfield resolutions, Goodell resolutions, Church-Case resolutions, and Cooper-Church resolutions; through hundreds of hours of debate, in which Senator after Senator decried the fact that a President had got us involved in a nightmare, and that we should not get involved in such a nightmare again; and that no one man could ever get us involved in a nightmare again; and was not it awful? We debated that question during the 5 years that I have been here—and the war lasted a total of nine.

With that memory so fresh, how can it be that we would now turn around and sanction the very thing that we castigated for all those years of debate since the original Gulf of Tonkin resolution in August 1964? Were this debate to take place 10 years from now, perhaps I might understand. Memories do grow dim with time. We all get a bit forgetful as the rush of events fades from our memory. But how can we forget so quickly? We just cannot forget in the same calendar year in which American troops were withdrawn from Southeast Asia; now, in the same year, within a matter of weeks, how can we give unbridled, unlimited total authority to the President to commit us to war?

In one of the early days after I had come to the Senate, I was seated, having lunch, in the little dining room where Senators sometimes dine. I was so new that I sat at the head of the table by mistake. I sat in the chair that, by custom, was traditionally reserved for the late Senator Richard Russell, of Georgia. No one told me to the contrary. Senator Russell came in to eat. He took another chair, he being the very fine gentleman that he was. Finally, somebody winked at me and told me I was in the wrong place. So I traded chairs, but I sat next to Senator Russell.

Somewhere in the conversation, the discussion turned to war, how we get into it, and how hard it is to get out of it. It perhaps is not very well known, but Senator Russell had personal misgivings in the sense of why we were there and what national security interests were being served by our massive presence there.

But he said:

> Whatever misgivings I had about that war—and I counseled with President Eisenhower about it in the early days; I counseled with President Kennedy about it; and I counseled with President Johnson about it—whatever misgivings I had, whatever doubts I had, so long as our flag is committed and our troops have been sent, I have got to support those troops and I have to support the flag when the decision is made.

That was what Senator Russell told me. He was a very wise man, one of the wisest ever to serve in this body. Those words of his are better than any that I could summon. Once the commitment has been sent, the die is cast.

And the die may be cast for 60 days, 90 days, 60 months, 90 months, or 9 years. And if the troops are sent by the President to Egypt, they are there, and more troops will follow, Mr. President, and more planes, and more bombs. If the troops are sent to Chile, more troops will follow. Or if they are sent wherever the President wants them to be sent, because that is what this bill permits him to do, to send them wherever he wants, for whatever reason.

I think this is the most dangerous piece of legislation that I have seen in my brief 5 years in the Senate. The bill has the name "war powers." It has a nice title. It was nobly conceived, I think, in its inception, but it has been horribly bastardized to the point of being a menace. But we will go ahead, in about an hour and 45 minutes, and we will override the President's veto.

Some of my colleagues will celebrate. The President has beaten us 8 to 0 so far in the veto league, so some of us are eager for our first victory. And so there will be some handshakes and some jubilation. But what a mistake we are about to make.

If we want to defeat Richard Nixon by overriding this veto, we are going to give him more authority, and legalize it, than perhaps he ever dreamed he had. Not only President Nixon, but every President of the United States, will have at least the color of legal authority, the advance blessing of Congress, given on an open, blank check basis, to take us to war. It is a horrible mistake, Mr. President.

Mistakes are made by mortal men. We all in this body are that, and we have no divine attributes; but most of the mistakes that we make; first, we can live with or; second, can be rectified at a later date. But this kind of mistake will haunt us the rest of our lives.

It will haunt us every time in the future that an American boy dies somewhere in the world in a Presidentially initiated war. The blood of those young men will be ours because we are giving away the authority that sends them to die, and we are giving up the greatest responsibility that the Constitution gives to the Congress—the power to declare war.

Former Under Secretary of State Katzenbach, at the time of his testimony before the Foreign Relations Committee, indicated that that provision of the Constitution was outmoded in this atomic, nuclear, space age; that these subtle niceties about Congress' declaring war were a little antiquated. That may well be. I do not think so, but Mr. Katzenbach did; and if they are, there is a way to change that. Amend the Constitution if we want to say that—if we want to say that in this day and age, only the President has the omniscience to know when and why we go to war. So be it. I would oppose such a method, but that is the way to accomplish it. But this bill is not the method, Mr. President.

Nevertheless, we shall go ahead. But I hope every Member of the Senate who votes on this measure realizes what he is doing. I hope that he is not voting to override simply because this is a way of making the score 8 to 1.

I hope Senators are not voting to override because they really think they have captured some of the decisionmaking process insofar as war-making is concerned.

If they think they are doing that, Mr. President, they are very, very wrong. I am sure those who vote to override will do it sincerely and with a full and decent heart. Mistakes, as I say, can be made by decent men. Mistakes can be made by men of good will, but still the same, it is a mistake, and that is what this bill in its present form is—a mistake, a serious mistake, a nightmarish mistake.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, as I understand, the Senator from Mississippi has been designated as the one to control the time.

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. I thank the Chair.

Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. STENNIS. Mr. President, going back many, many months—years now—since the bills on this subject were first introduced—and I was one of those who introduced one of the early ones, after the bill by the Senator from New York—many times since then I have said on this floor that out of the chaos and confusion of the present law, the conflict in decisions of the courts, after almost 200 years since our Constitution was written, I think we ought to have some language on the books that recognized the fact that it was still the responsibility of the Congress to declare war.

That was the conviction on my part. I have been here now when two wars were started that proved to be what I call major wars, and Congress did not take a vote on either one of them. I blame myself more than anyone else. So I am certainly not trying to lay blame at someone else's door.

This measure in its present form is not as strong a bill, as I see it, as the one that we approved here not many weeks ago, but it had to go to conference. Reconciliations in language and viewpoints had to be made. I am here today not to speak at length but to reiterate my faith in the judgment of this body, to reiterate my profound belief and knowledge of a need that there be some new expression put on the books—within the Constitution, of course—which freshly recognizes the congressional responsibility in making war. I think any President, any man who is President, will oppose a bill of this nature. It would be in the nature of things for him to do so. He is espousing the cause of the executive branch. Such Presidents act in good faith. So we will never reach the time, I do not think, when a President would be in favor of a matter that might restrict his power. I do not know that I want a President who would want to be distributing his power in this field. I am as concerned about it as anyone else, and all of us have an equal concern about the protection of this country.

I do not want to restrict him or to restrain him. This language is big enough and broad enough to give him the power to protect this Nation, our citizens, our soldiers, our Army, our Armed Forces wherever they may be.

This language recognizes a need for the constructive judgment of both the President and the Congress. And we are not going to go into a war without the President taking a leading position with reference to advocating that Congress meet its responsibility also by a declaration of war.

So we are not taking any chances in that field. And I would be quite hesitant to vote for a declaration of war in which the President of the United States was not willing to take a position and say that war ought to be declared.

So, when this measure is passed—and I believe that it will be passed—it will be a moderate declaration of the responsibilities of the Congress.

The PRESIDING OFFICER (Mr. BARTLETT). Who yields time?

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, this is a bill designed to proscribe the powers of the President in the area of the formulation and implementation of foreign policy. What should be understood is that the power to wage war is simply an extension of the power of the President to conduct diplomacy. The use of the Armed Forces is a tool of diplomacy, and the President of the United States must be allowed maximum flexibility in this age of fast changes to use that tool as he sees fit.

There are already proscriptions on the war making powers of the President.

There has been a great deal of complaint about the fact that the President has waged a war in Vietnam without a declaration of war. Troops have been deployed in various situations. They have been deployed in Lebanon and in the Dominican Republic and in other situations without the consent of Congress. But the Congress acquiesced by virtue of its failure or refusal to proscribe the President in these actions through denying him appropriations to allow him to do so.

We already have adequate restraint. What we do in the war powers bill is to say to the President: "We are going to place you at a calculated disadvantage in your negotiations with the other great superpower of this world." Mr. Brezhnev does not have to seek the consent of the presidium of the Supreme Soviet Union or anyone else if he wants to deploy troops and commit them to combat.

What we are saying is that we have only to force the President of the United States to enter into negotiations not from a position of strength, but we are also going to say to him that he cannot have the flexibility he needs but must rely on the consent of the Congress to make any kind of move of a short period of time that is calculated to assert the will and determination of the United States.

This is unprecedented. We have griped around here for a long time about reasserting ourselves and reestablishing the constitutional powers of the legislative branch with those of the executive branch.

We have only ourselves to blame. We should be saying "Mea culpa." We are guilty of having delegated away our power and responsibility and authority to the President of the United States and to the executive branch over which he presides.

However, this has been largely in the domestic field over which the Congress should establish policy.

We have got arrogant bureaucrats downtown who take congressional legislation and act under its purported authority to make rules and regulations and impose their will on the general citizenry and harass business and labor and commerce. We do not do anything about that.

However, when we get to the historic field where everyone who is a scholar of the American system of Government realizes that the constitutional processes and recognizes custom and usage and recognizes that this is a field in which the executive branch should be preeminent.

It is this field in which we choose to proscribe the President of the United States at a very harrowing time in the history of this world in which the President should have maximum flexibility in dealing with the various contingencies that arise without notice in the international field.

This is manifest foolishness at this particular time when we are in the process of trying to work within the context of détente to arrive in concert with the Soviets at some sort of an arrangement by which we may negotiate a peace in the Middle East, God help us. God help Israel, if the President had been powerless to act at a time when, in her hour of travail, Israel was confronted by the fact that the Soviets were rearming the Arabs, and were alerting their troops in readiness to monitor a cease-fire on a unilateral basis.

So the context of the times should dictate to us that this is no time to proscribe the power of the President.

Now, repairing to historical and constitutional tradition, let us examine carefully the words of Justice Sutherland in the case of the *Curtiss-Wright Export Corp.* v. *the United States* (299 U.S. 304), a 1936 case. Justice Sutherland said:

> "It will contribute to the elucidation of the question if we first consider the differences between the powers of the federal government in respect of foreign or external affairs and those in respect of domestic or internal affairs. That there was differences between them, and that these differences are fundamental, may not be doubted.
>
> "The two classes of powers are different, both in respect of their origin and their nature. The broad statement that the federal government can exercise no powers except those specifically enumerated in the Constitution, and such implied powers as are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect of our internal affairs. . . . The powers to declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the federal government as necessary concomitants of nationality. Neither the Constitution nor the laws passed in pursuance of it have any force in foreign territory unless in respect of our own citizens (see American Banana Co. v. United Fruit Co., 213 U.S. 347, 356); and operations of the nation in such territory must be governed by treaties, international understandings and compacts, and the principles of international law. . . .
>
> "Not only, as we have shown, is the federal power over external affairs in original and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He *makes* treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it. As Marshall said in his great argument of March 7, 1800, in the House of Representatives, 'The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.' Annals, 6th Cong., col. 613. . . . It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved.

Mr. President, we have all grown weary of war. We have been taken into every war we have participated in in this century, actually in matter of fact been taken into it, without prior consent of Congress initially. We have entered each one of these wars reluctant and ill-prepared, but because some external force dictated that we must go into them.

Mr. President, at this time, I would say specifically at a time of détente, it is even more essential that our President have flexibility to operate as he sees fit, and to use military force or the threat of military force as a precision instrument of diplomacy.

I realize this is a time when everyone can with impunity kick the President, because he is at a low ebb in popularity now, and many people are calling for impeachment or resignation. But let us think in terms of what we are doing. We are saddling future Presidents with this kind of proscription. I hope that we are not so caught up in the hysteria of Watergate and a desire to punish what we consider to be wrongdoings of this President that we make the power of the President to effectively formulate and implement foreign policy a victim of our emotions on Watergate.

This is a sorry time in which to be legislating on this important matter. I hope the Senate will view this matter with all of the objectivity that it can muster, and will sustain the President on this critical issue. This is the most dangerous piece of legislation that, in this perilous time, we could accede to, and I plead and pray to the Senate that they will sustain the veto so wisely imposed on this measure by the President of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement and article on this subject by the distinguished Senator from Arizona (Mr. GOLDWATER).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR GOLDWATER

I am concerned that Congress and the American people, not unlike the awakening that occurred in the early 1940's, will regret the decision which is about to be made today by a Congress bent upon tearing away at the powers and responsibilities of the Office of the President. We entered the calamity of World War II unprepared and we are about to lay the makings for our unpreparedness in some future crisis where certainty about the nation's credible strength and will is required.

In my opinion, the war powers resolution is one of the most dangerous pieces of legislation in our nation's history. It will undermine the nation's defense posture at a time when we must be able to demonstrate that we can and are prepared to defend ourselves and uphold our commitments.

My concern arises out of the fundamental objection that Congress should not be legislating hard and fast rules in this field. The great weight of scholarly writings supports the postion that the Founding Fathers never intended to defined the war powers when they were drafting the Constitution and they most certainly never meant for Congress to do what they themselves did not feel wise enough to do.

Though the war powers resolution does give an apparent reach to the President's authorities within the first 60 or 90 days of any crisis, I am gravely concerned that it also provides for an automatic cut-off on his actions after that time unless Congress specifically passes new authorizing legislation. I am convinced the Constitution never gave Congress the power to restrict the President to a particular time period of defense of the nation's freedom, as this resolution proposes.

The resolution also allows that Congress may halt any action the President has started one day after he begins, if Congress should pass a concurrent resolution to that effect. Concurrent resolutions are a vehicle for policy statements or in-house matters of Congress and no more. It is clearly unconstitutional to use a concurrent resolution, which by nature is not signed by the President and is not subject to veto, as a device to govern the activities of another coequal branch of the Government.

I think it is long past the time when it should be understood that this country is engaged in a worldwide struggle to determine whether freedom will prevail any place on earth or whether the advocates of slavery by the varying hues of communism will prevail. Whether we like it or not, the only way in this tough world to preserve peace and freedom is by keeping America strong and being able and ready to defend it. I believe the war powers resolution would destroy America's credible strength by which we assure our friends and deter our enemies and I ask my colleagues to sustain the President's veto of war powers limitations. If the Senate should choose to join the House of Representatives in overriding the President's veto of this resolution, I urge the President to explore every possible means for testing its unconstitutionality in the courts.

Mr. President, I add to my remarks the text of a law review article which I published recently on the subject of the President's constitutional primacy in matters of foreign relations and national defense

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THE PRESIDENT'S CONSTITUTIONAL PRIMACY IN FOREIGN RELATIONS AND NATIONAL DEFENSE

(By BARRY M. GOLDWATER*)

The Office of the Presidency has come under the most vigorous attack of any period during its history. Many in Congress, prodded by self-proclaimed experts in the news media, have undertaken a monumental effort to restore powers of responsibility which they feel are held by Congress and have been usurped by the Chief Executive. To them, he acts more as an elected Monarch than he does the elected leader of a democratic Republic.

Nowhere has the issue been pressed more vocally and persistently than in the field of national security matters involving the relations of the United States with the outside world. I have written elsewhere of the legislative struggles which opened the 1970's on a note of challenge by Congress against every military action taken by President Nixon in the Indochina theater.[1] In particular, I have focused on the attempt by some Members of Congress to gather all the fundamental war powers in the Legislative Branch so that the Executive cannot engage in military hostilities outside the nation without a specific mandate from Congress to do so.

My previous paper attempts to explain why this legislation, referred to as the War Powers Act,[2] would, if adhered to by the President, prevent the United States from undertaking even emergency actions in most situations and would, in any event, unconstitutionally interfere with the President's plenary power to use military force whenever he believes this is necessary to the defense of the United States and its 210 million citizens.[3]

The present article will discuss areas not treated in my earlier paper, but which are directly related to the overall arrangement of national security powers under the Constitution, such as the Executive authority to enter into international agreements other than by the treaty process; the Presidential power to initiate major foreign policy changes through personal advisers around him rather than by reliance upon the Department of State; the use of Executive privilege in refusing to expose certain top staff aides and information to the probings of Congress; and the right of the Executive to classify information in the military and foreign policy fields the exposure of which could become dangerous to the United States or our allies.

These specialized questions are part of the larger issue of whether the President has too much power in the foreign affairs realm. This basic question will be considered from the standpoint of political history. It is in this area where I believe the most intemperate attacks have been made against the Presidency and where the distrust of Executive authority appears to be particularly lacking in any sound historical basis.

I. CURRENT ATTACKS ON PRESIDENTIAL PREROGATIVES

Indicative of the current, incessant attacks on Presidential prerogatives in the conduct of foreign affairs are the statements by critics of the President which I compiled over the last year and released in a Vietnam White Paper three days after the January 23 announcement of a Vietnam ceasefire agreement.[4] The achievement of this agreement[5] by the President after being under the systematic harassment, day and night, by influential television commentators, news writers and Congressmen stands as one of the greatest vindications possible of the concept of Executive guidance over foreign affairs. Through a barrage of pessimistic newspaper and television reports, often accompanied by hundreds of feet of enemy photographs and film, the Office of the President was able to steer the most delicate of negotiations. This skill and steadfastness of purpose succeeded in attaining the American goal of peace with honor and without surrender.

Lest the character of the thrust against the Presidency be forgotten with the lapse of time, I believe it is in order to cite a minimal sampling of the opinions which daily criticized the President of the United States. For example, the *Washington Post* in an editorial published on January 7, only 16 days before the announcement of the peace, stated:

"He has conducted a bombing policy . . . so ruthless and so difficult to fathom politically as to cause millions of Americans to cringe in shame and to wonder at their President's very sanity.[6]

On May 15, 1972, *Newsweek* magazine informed its readers "a blockade of Haiphong . . . would almost certainly bring an immediate cancellation of the Nixon visit (to Russia)."[7] History will record that President Nixon was politely received in the Soviet Union a few days thereafter.

Two more responses to Presidential decisions during the American involvement in Indochina include Congressional criticism of the President's decision to mine the major harbors of North Vietnam. The 1968 candidate of the Democratic Party, Senator Hubert H. Humphrey, concluded, "It is fraught with danger and will not contribute to the settlement of the War."[8] The 1972 Democratic candidate, Senator George McGovern, flatly predicted, "If we continue under the Nixon policy, we're not going to see our POW's again."[9]

Without belaboring recent history, it is striking that in nearly every situation the President made the right decisions while receiving the harshest judgment from the media and political pundits. In these circumstances, the successful conclusion of the Vietnam War with the return of American POW's and the movement toward enormous policy changes during the Nixon Administration increase a growing feeling I have about the Founding Father's concept of the foreign affairs discretion of the President.

II. HISTORICAL OVERVIEW OF PRESIDENTIAL POWER

A. Founding Fathers

The Framers of the Constitution invested the Chief Executive with the foreign policy-making powers because of a realization that a single individual with these powers would not be disturbed by politics of the moment. He would look to the long course of history and use his powers more wisely than a Congress which is constantly looking toward the political results. It is my thought that the Founding Fathers understood that a Congress divided amongst different minority interests might in some crucial moment of history be loath to give proper direction to a single necessary American course. Thus they found it proper to place the power of external affairs in a single person where the probability of minority weight would be much less likely to have this effect.

The emphasis of the Framers upon planning a government which would be guided by a leader who would act on behalf of a single people with a single purpose appears both in the writings of the Federalist Papers[10] and the debates of the first Congress. For example, in the course of deliberations by the House of Representatives on June 17, 1789, on legislation creating the Department of Foreign Affairs, James Madison referred to the great principle of unity and responsibility in the executive department.[11]

Though the debate centered on the Executive power to remove officers who would be appointed with the consent of the Senate, the concept which prevailed in the debates and votes that day[12] is the same concept which supports the unrestricted authority of the Executive to take the initial role in setting America's course in world matters. A little remembered fact, which was quite apparent then, is that the Senate at that time was considered the chamber of representatives of the state legislatures and very unequal even in that representation. On the other hand, members of the first Congress conceived of the President as "the representative of the entire people . . . guardian of his country."[13] As Representative Scott pointed out, the President "is elected by the voice of the people of the whole Union; the Senate are the Representatives of the State sovereignties. . . ."[14]

Readings from these formative days of our Constitution would be educational, I believe, for many Members of the Senate who today suggest that the Senate or the Congress should take over from the Executive the decision making power of handling world security matters. If these critics, who believe that the President of the United States cannot handle the powers entrusted to him by the Constitution and that the cumbersome procedures of Congressional decision making are to be preferred, wish to confront the issue squarely, then their only legal alternative is to start the machinery for changing the Constitution.

B. Military actions

Moreover, I agree with those who assert that the great shift in power between Congress and the Presidency in foreign policy is a myth.[15] For example, as is documented in a study done at my request, there have been at least 199 foreign military actions in which this country participated without a declaration of war, many of which involved extended campaigns and most of which took place outside the Western Hemisphere.[16] The pattern of constitutional usage in the exercise of this war power did not change from the first Administration of President Washington to the 37th Administration of Richard Nixon.

Even President Buchanan, widely quoted[17] as believing that the President had to ask for Congressional authority to employ land and naval forces, acted without any authority from Congress when he ordered a naval force into Cuban waters with directions "to protect all vessels of the United States on

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Footnotes at end of article.

the high seas from search or detention by the vessels of war of any other nation."[18] A conflict with Great Britain was avoided only by its abandonment of its claim to the right to visit and search in time of peace.[19]

III. EXECUTIVE AGREEMENTS

A. Ninety-nine percent have congressional collaboration

The pattern of making international executive agreements follows the same historic course. During the first fifty years of government under the Constitution, the President is believed to have entered into at least 27 international agreements without obtaining the consent of the Senate under the treaty process. The figure increased to 238 executive agreements in the second half century after the Constitution came into force.[20] During the third fifty year period, 917 executive agreements were concluded[21] and more recently in the period from 1946 to April of 1972, 5,589 international agreements other than treaties were made by the President.[22] More executive agreements have been made than treaties in every period of our history except the first fifty years.[23]

It is significant that the first known use of executive agreement occurred as early as the second Congress. It recognized the existence of international agreements other than the treaty by legislating that the Postmaster General may make agreements with the Postmasters in any foreign country for the development of international communication through the postal service.[24]

This early agreement is typical of the vast bulk of non-treaty agreements which have been reached in recent years. Contrary to the emotional rhetoric of Presidential critics, 99 percent of executive agreements in force for the United States as of April, 1972, were either previously or subsequently authorized by statute.[25] Over 1,000 of the present executive agreements deal with the subject or surplus agricultural commodities, pursuant to Federal statute.[26] The Department of Agriculture has also participated in several agreements with foreign countries for the control and eradication of foot-and-mouth disease of animals and for the sale of certain foods for use in school lunch programs of other countries.[27]

The Federal Communications Commission, acting pursuant to a 1964 law which I authored,[28] has participated in the conclusion of 45 executive agreements between the United States and other countries. These relate to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their ham radio stations in the other country.[29] Another group of at least 38 executive agreements were concluded for the establishment of satellite tracking and data stations in foreign countries under authority resting in the National Aeronautics and Space Act of 1958.[30]

The list of executive agreements also includes customs conventions,[31] agreements for the avoidance of double-taxation,[32] private investment guarantee agreements,[33] and cooperative weather programs,[34] among a great many normal subjects of daily contact between modern day peoples and nations.[35]

Even the overwhelming percentage of agreements participated in by the much maligned Department of Defense involve programs expressly authorized by Congress. Pursuant to the Foreign Assistance Act of 1961[36] and the Foreign Military Sales Act,[37] bilateral executive agreements have been entered into with over 40 countries setting forth in general terms the conditions under which military assistance will be provided.[38] In the implementation of these basic agreements, thousands of individual executive agreements have been concluded pursuant to the same general grants of authority by the Congress. Foreign military sales contracts alone total some 3,300 annually.[39]

According to Fred Buzhardt, General Counsel of the Department of Defense, at least 60 percent of the executive agreements of interest to his department are in implementation of foreign aid legislation.[40] The next largest categories are those concerning United Sttaes rights to construct, operate and maintain military facilities and installations overseas. These, in the main part, may properly be considered to have been specifically provided for in the annual Military Construction Authorization and Appropriation Acts.[41]

There is no justification for the cries of horror from Congress about the alleged arrogance of a President run wild with the powers allotted to the Senate or Congress. Of the 5,590 executive agreements in effect on April 1, 1972, only 64, a minute fraction can be classified as having been concluded by the President on the basis of his constitutional authority alone.[42] Congress has put its legislative stamp of approval on 5,526 of these agreements, the Senate itself having thereby concurred in the principle that a two-thirds vote by the Senate is not required to enter into entanglements with foreign countries.

B. Troop deployments and political commitments

In reality, the current challenge from the legislature does not stem out of a basic constitutional difference with the Executive for Congress has conceded this issue through its own legislative delegations of authority. The concern is rather about the policy of a Chief Executive who appears to be moving American military men and material around the globe in ways that run the risk of an attack on our troops stationed in another country or that convey a commitment to a foreign country that the United States will come to its defense if it is attacked.[43]

Here, the Department of State protests vigorously that no such executive agreements exist.[44] The very small number of mutual defense agreements with foreign nations that are in a form other than a treaty include language that takes away from the bindingness of any obligation.[45] These three agreements, which involve Turkey, Iran, and Pakistan, state that the United States, in accordance with the Constitution, will take such action "as may be mutually agreed upon."[46] This is construed by our Government to mean that the undertaking is merely to consult the other government when requested to do so on appropriate action which the United States might be prepared to take in accordance with the Constitution. This in turn is construed by our Government to allow at the time consideration of what we are going to do. It does not promise to come to the defense of another country.[47]

The Department of State apparently concedes the constitutional principle that "agreements which involve a basic political commitment, such as an undertaking to come to the defense of another country if it is attacked, should be cast in the form of a treaty in the constitutional sense.[48] John R. Stevenson, Legal Adviser to the Department of State, admitted as much before Senator Ervin's Subcommittee on Separation of Powers in May of 1972. He added:

"Such agreements establish basic foreign policy commitments to which our overall defense and security strategies are keyed, and I believe that the framers of the Constitution clearly intended that such fundamental agreements should be subject to the special safeguards of the treaty clause."[49]

The basic disagreements between the Department of State and some Members of Congress occurs over the question of whether or not the mere deployment abroad of United States forces is a major foreign policy action which affects the country's destiny and thereby is the kind of a commitment which involves the treaty powers of the Senate. There is a growing feeling in Congress, reflected by the advocates of war powers legislation as well as critics of executive agreements, that the deployment of forces itself, particularly in areas of actual or potential hostilities, should be carried out only through the treaty process.[50]

The Department of State responds by arguing that there are no agreements with foreign governments that do necessarily create commitments by the United States.[51] Agreements permitting the United States to use facilities abroad are considered in this view to secure for the United States an "option" to use the facilities.[52]

My own position on the constitutional issue is in disagreement with both viewpoints. I disagree with those in Congress who contend a treaty is required in order to station United States troops on foreign soil, but I also believe the Executive spokesmen have conceded too much in their attempts to draw a narrow technical line between formal commitments and "options." When American forces are sent into waters or lands where they cannot avoid coming under attack should the host country be invaded or attacked, our forces have little option left but to protect themselves whatever our policy may be toward the country suffering the attack. It is my view that we go into these situations with our eyes open and that Presidents possess full authority to do what they have been doing so long as a President believes the action is required for the national defense and he has the consent of the foreign country involved.[53]

For example, on August 7, 1946, the Soviet Government demanded that Turkey allow it to participate in the defense of the Straits, which meant the occupation of Turkey. On August 15, President Truman obtained counsel from Secretary of State Acheson, Secretary of Navy Forrestal, Under Secretary of War Royall, and the Chiefs of Staff. When a recommendation was laid before the President urging that a powerful naval force, including the newly commissioned supercarrier *Franklin D. Roosevelt*, be sent to Istanbul, General Eisenhower, then Chief of Staff of the Army, asked whether it was sufficiently clear that the course recommended could lead to war. Secretary Acheson reports that at this moment the President took from the drawer of his desk a large map of the Middle East and Eastern Mediterranean and asked the group to gather around behind him. The President then gave a brief lecture on the strategic importance of the area and the extent to which the United States must be prepared to risk to keep it free from Soviet domination. When he finished, writes Mr. Acheson, none doubted the President understood fully all the implications of the recommendations for the defense of the Straits.[54]

In his brief manuscript which he dictated in the fall of 1967 on the basis of personal diaries and recollections, Robert Kennedy related the top level deliberations of the Kennedy Administration in those thirteen days of October, 1962, when the decisionmaking of President John Kennedy "brought the world to the abyss of nuclear destruction and the end of mankind."[55] With missiles being placed in Cuba having an atomic warhead potential of one-half the ICBM capacity of the Soviet Union and with indications that these missiles were being directed at American cities where 80 million Americans would be dead within a few minutes of their being fired upon, President Kennedy felt compelled to take defensive action without consulting Congress.[56] Before the President met with any Members of Congress and informed them for the first time of the crisis, he had made his decision in favor of the blockade of waters around Cuba; and, without any specific legislative action or consultation, he put six Army divisions on alert, deployed 180 ships into the Caribbean, and disbursed the Stra-

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tegic Air Command to civilian landing fields around the country in order to lessen its vulnerability in case of attack. At the same time the B–52 bomber force was ordered into the air fully loaded with atomic weapons.[57]

The result of such decisive action was the October 27, 1962 agreement by the Soviet Chairman, Mr. Khrushchev, to dismantle and withdraw the missiles from Cuba.[58] The United States apparently closed the book on the Cuban crisis about December 6 of that year, by which date the United States had counted at least 42 medium-range missiles and verified as well that 42 Soviet jet bomb- being removed from Cuba on Soviet ships ers were being transported home from Cuba.[59]

C. The President's constitutional independence

These are the kinds of situations in which I believe the Founding Fathers have empowered the President to mobilize, deploy, and even direct into action, the military forces which Congress has provided for this country by its various authorization and appropriation statutes. In other words, I believe the survival of this nation is a concern of the Executive which he can pursue by using whatever forces Congress has supplied, in whatever ways, outside the territory of the United States, that he believes is necessary in the defense of America and its freedoms.

His power to do this is vested in him as Commander-in-Chief, as the Executive power of a sovereign nation, as the executor of the laws, treaties, and Constitution of the United States, and as the organ of this nation in its foreign affairs. The many authorities which support my view of Presidential power are cited elsewhere by me and I shall incorporate these by reference for purposes of this article.[60]

In my opinion, the Constitution grants Congress considerable powers of influence over the course of foreign relations,[61] but it does not allow Congress to legislate in advance, even by general appropriation riders, policy directives which would restrict the President from entering into agreements by his own authority for the location of American troops outside the country.[62] Congress can reduce the size of the armed forces and, after reviewing the world situation, can appropriate a reduced defense budget in line with its own view of what the risks to America are and what our commitments should be. If the American public supports the movement of foreign policy towards a new direction, I have a faith that our political system will function effectively and enable such a change in direction to occur.

To me, Vietnam stands as a visible example of how the Constitutional arrangement of powers worked to bring about an end to the cycle of escalation in the deployment of more and more manpower to Indochina and even to achieve the complete termination of the American fighting role there. When Congress and the majority of the American people stopped backing the conduct of a major land war in Southeast Asia, with its tight rules against air activities, it was ended.

My own position, as a layman, is similar to the generalized *dicta* expressed by Justice Stewart, joined by Justice White, concurring in the "Pentagon Papers Case":

"In the governmental structure created by our Constitution, the Executive is endowed with enormous power in the two related areas of national defense and international relations. . . . For better or for worse, the simple fact is that a President of the United States possesses vastly greater constitutional independence in these two vital areas of power than does, say, a prime minister of a country with a parliamentary form of government."[63]

D. The Bricker amendment revisited

If my position today appears to conflict with my vote[64] in favor of the Bricker Amendment of the 1950's,[65] I would merely state that Senator Bricker's proposal was in the form of a Constitutional Amendment and that it involved certain crucial State's rights questions absent from the contemporary debate. The Bricker Amendment fully recognized the need for changing the Constitution in order to touch this matter and it in no way supports the position of present day Members of Congress who wish to alter foreign affairs powers through simple legislation.

It should also be remembered that the Bricker Amendment contained an important provision which would have provided that no executive agreement or *treaty* should be made "respecting the rights and freedoms of citizens of the United States recognized in this Constitution, the character and form of government prescribed by the Constitution and laws of the United States, matters which involve no substantial mutuality of interest as between the United States and other sovereign states, or any other matters essentially within the domestic jurisdiction of the United States."[66]

These grave questions of local, domestic affairs which were a focal-point of the Bricker Amendment debates have been removed from consideration today by virtue of a Supreme Court decision which was later handed down. It is now firmly established by the High Court that specific rights and guarantees secured by other provisions of the Constitution cannot be altered under the guise of the treaty power.[67]

IV. PRESIDENTIAL RELIANCE ON NATIONAL SECURITY ADVISORS

The principle of responsibility in a single officer of the Government for the conduct of foreign affairs, which is necessary to the effective safeguarding of the national security, is also a basis of Presidential authority to choose and rely upon top staff advisors around him. This principle is buttressed by the separation of powers, which is natural from the arrangement of government into distinct branches. Unless it is believed Congress can redefine powers alloted by the Constitution, the President, as head of an independent department of Government, must be able to act in the external realm with the advice and participation of whomever he believes is compatible with his own temperament and can best provide the help he wants.

Again, in this area, there is a sensitivity in Congress, almost the expression of an inferiority complex, that the practice of assistance from special Presidential advisers on foreign affairs excludes Congress from the policy-making process. Many tears are shed about the alleged decline and prestige of the Secretary and Department of State, but the main objection is to a whole new super-bureau allegedly separate from and superior to the regular Cabinet departments and shielded from Congress and the people behind a barricade of executive privilege.[68]

What this reflects is not merely the wish of Congress to play a role in the eventual course of foreign affairs but a longing for control over the formulation of policy at its inception. The challengers in Congress are not simply asking to be consulted before any foreign policy moves are made; they want to have a veto over the trends of foreign affairs in its smallest details. This plainly was not the design of the Founding Fathers when they divided the powers of Government among three distinct departments. There is no Supreme Court decision saying that Congress has the dominant role in the making and conduct of foreign affairs, but there are 186 years of experience under the Constitution,[69] and earlier traditions known to the framers of the kinds of powers usually vested in the heads-of-states,[70] which support Presidential discretion in this field.[71]

The truth is that neither the Constitution, nor any law which Congress may pass, can bind the President "to monogamous cohabitation with the Secretary and Department of State in the conduct of foreign affairs."[72] President Wilson relied on his unofficial ambassador-at-large, Colonel Edward M. House, in the management of foreign affairs, and President Franklin D. Roosevelt controlled his foreign policy with the help of Harry Hopkins at his side.[73] Reliance on the relatively new organization of the National Security Council[74] has its origins in the role of the Council and its Operations Coordinating Board under President Eisenhower. The influence exercised by the Council's Chairman can be traced to the successive appointments of McGeorge Bundy, Walt Rostow and Henry Kissinger as the Special Assistants for National Security Affairs to the three most current Presidents. The system came into being long before President Nixon.[75]

It is true Mr. Kissinger has a staff of some 54 substantive officers,[76] but there is nothing sinister or improper in this. There have been enormous policy changes in movement during the Nixon Administration and the need has grown more than ever for a President to have competent top advisors on whom he can count for aid in implementing these basic changes. I believe a small group of people, working closely with the President, is a necessity in helping any Administration develop and implement such new departures as have occurred in this one. The transformation of United States relations with its allies to one in which our country will carry less of the burden, the openings to Communist China and the shift to a less barren relationship with the Soviet Union have all come about with such a system.

In my opinion the Constitution allows the President to put the advisory function wherever he wants and believes it would be carried out most faithfully, loyally, and effectively. If his close advisors will not jump on a string and appear before every Congressional Committee which seeks to probe the inner-most workings and discussions of the President's councils, so be it.

The President will come before the people every four years and if in their judgment, he has misguided the nation, he can be replaced. In the meantime, he must get along well enough with Congress at least to obtain the money he needs to administer the programs, domestic and foreign, which he advocates. If he attempts to take any really disastrous course, he can be impeached.[77]

The principle of responsibility in the Chief Executive for the officers appointed under him was resolved in favor of the President by the first Congress in two votes taken during the debates on creation of the Department of Foreign Affairs, which upheld the President's power of removal as an inference of the Constitution.[78] The thrust of the winning side in the debate was that the Constitution has separated the powers of government and it would be improper for Congress to combine and mingle them together by allowing Congress to continue in office an individual in the high ranks of the Executive Department who was not wanted by the President.[79]

The basic concept of independent responsibility in the President was later upheld by the Supreme Court. In *Myers v. United States,*[80] the High Court held that the President has the exclusive power of removing executive officers of the United States whom he has appointed by and with the advice and consent of the Senate and that Congress may not condition the President's removal power on the concurrence of the Senate. I believe this same independence in relation to his important officers extends to a total discretion of the President in choosing which officer he shall have as his primary foreign policy advisor.

V. ASSERTION OF EXECUTIVE PRIVILEGE

Senatorial rhetoric notwithstanding, the Executive generally operates in a spirit of

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cooperation with Congress whereby most documents and testimony sought are forthcoming from the President. Even a leading critic of executive privilege, Professor Raoul Berger, who has written an exhaustive two-part study of the subject, admits that "over the years the vast bulk of Congressional requests for information have met with compliance. . . ."[81]

Akin to the executive agreement experience, when the inquiry into the use of executive privilege is limited to instances of asserted Executive authority, it turns out that there are not many examples to show. For example, a recent Library of Congress study reveals that between 1961 and 1972, President Kennedy invoked the executive privilege 13 times and President Johnson 3 times, while President Nixon, the alleged all-time usurper, invoked it on only 11 occasions.[82] Actually President Nixon has invoked executive privilege but three times in response to a Congressional request for information, as distinguished from requests for Congressional appearances by officers of the Executive Branch and members of his personal staff.[83]

One example when the privilege was invoked in writting was the effort by the Senate Foreign Relations Committee to obtain access to the five year spending plan for military assistance. In a memorandum dated August 30, 1971, President Nixon invoked executive privilege not to make available the basic planning data and various internal staff papers requested by the Committee on the ground that this "would impair the orderly function of the Executive Branch of the Government."[84] The President explained that these papers, insofar as they deal with future years, do not reflect any approved program of his Administration but reflect only tentative intermediate staff level thinking. He expressed his concern "that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted."[85] Surely there is wisdom in what the President writes, and surely under our Constitution he may exercise the privilege of protecting this type of internal working data.[86]

An example of the informal use of the privilege is when Secretary Rogers and Presidential Assistant Kissinger declined to appear before the Senate Foreign Relations Committee on January 2, 1973, to discuss Indochina events.[87] These officials did not appear because it would have been disruptive to the Administration's delicate, ongoing negotiations with the North Vietnamese to end the war, and, in light of recent history, it appears they were fully justified in using this reasoning. The claims to the contrary by some in Congress made absolutely no sense whatsoever unless these people assumed that the President and Dr. Kissinger were deliberately seeking a prolongation of the war. These criticisms likely served no other result than to interfere with this country's chances of arranging a settlement sooner by encouraging the enemy to think he might receive from Congress on a silver platter what he could not win at the negotiating table.

What is more important in the long course of history, the successful conclusion of an important foreign policy goal of all the people or the technical submission of an Executive Department official to the formal questioning of a small group of Members of Congress? This is not to say that officers of the Executive Branch should never appear before Congress because there were four times in 1972 when Secretary of State Rogers went before the Senate Committee;[88] and it is not to say that Mr. Kissinger never meets with Senate Committee Members because he has met several times with them in private homes or offices.

Dr. Kissinger meets with the Chairman of the Senate Foreign Relations and the full Committee on an average of every other month when Congress is in session. He has met with them in Senator Fulbright's home and in Senator Fulbright's Senate office as well. He will answer any questions on a classified basis. Though no transcript may be kept of these meetings, Senators are allowed to take notes. In addition, Dr. Kissinger has met individually with every Member of the Senate Committee and he keeps open a standing offer inviting every Member of the Senate to be briefed fully on a classified basis. This would appear to more than meet the suggestion of critics, such as Professor Berger, who concede that the underlying purpose of access, which is to obtain information, would be satisfied by transmitting information of great gravity to a select few designated by the legislature.[89]

Notwithstanding the very limited usage of executive privilege, the Senate Democratic Policy Committee voted almost unanimously on January 18, 1973, to resolve that all proposed Executive Branch witnesses must appear before Senate Committees and must answer all questions propounded by the Committees. Even when the President pleads in writing that he has requested the witness to refuse to answer specific questions dealing with a specific matter, the Senate Democrats resolved that it shall be a question for the Committee to decide as to whether or not the plea of executive privilege is well taken. If the Committee rejects the President's reasons, it can cite the witness for contempt.[90]

In other actions against the use of executive privilege, bills have been introduced in the Senate to limit the assertion of the privilege.[91] It is said the precedent for this legislation dates back to the Treasury Act of 1789,[92] which is argued to be a practical construction of the legislative power by the first Congress.[93] This statute included a provision stating that it shall be the duty of the Secretary of the Treasury to "give information to either branch of the legislature in person or in writing (as he may be required). . . ."[94]

The debate on this measure, however, makes it quite clear the provision was not hoisted on the Executive by Congress but rather was drafted by Alexander Hamilton himself who hoped that he could thereby provide advice almost at will to Congress.[95] The debates therefore centered over the objections of many in Congress that this provision might allow the Secretary to "have an undue influence in the House."[96] The bill was certainly not conceived as imposing a requirement of Congress on the Secretary, but rather as one which might make it a matter of right for the Secretary to intrude his advice on Congress. It would certainly be a false reading of history to cite a provision, which was considered at the time as an interference of an Executive officer in the business of legislation, as a precedent for limiting the Executive.[97]

It is my belief that the Executive has a constitutional right to withhold information from the public and even from Members of Congress in certain hard-core situations, including instances where he believes the national security is at stake, where the confidentiality of internal deliberative processes must be preserved, where the enforcement of the criminal laws is involved, or where an individual's privacy must be protected against the release of confidential security files.[98] Executive privilege has no place, however, in cases where the personal wrongdoing on the part of an executive official or staffer is the subject, and I am for the full and open disclosure of all pertinent facts in these situations, allowing only for protection of sensitive national defense type information which has nothing to do with the charge of wrongdoing.

President Nixon issued a special statement on executive privilege on March 12, 1973, in which he declared that without the protection of this doctrine "our military security, our relations with other countries, our law enforcement procedures and many other aspects of the national interest could be significantly damaged and the decisionmaking process of the executive branch could be impaired."[99] While reasserting his general policy of providing information to the Congress to the fullest extent possible, President Nixon asked Congress to recognize that requests for executive branch testimony by members of his staff present a different situation and raise different considerations. What is at stake here is "the integrity of the decision-making process at the very highest levels of our Government."[100]

One point that any honest observer will admit is that the question of whether or not the President or any person delegated by him may withhold information from Congress has not been squarely adjudicated by the Supreme Court.[101] A very few cases may exist concerning the production of evidence to private parties in judicial proceedings to which the Government is a party, but in this kind of litigation the Government is never absolutely required to make disclosure. It can avoid that result by dropping the prosecution or suit or settling the plaintiff's claim. These were the conclusions of the Library of Congress in a legal memorandum prepared for a recent Senate hearing on executive privilege and I believe they are widely shared by commenators in the field.[102]

Accordingly, I believe Congress lacks any authoritative decision supporting the position of the Democratic Policy Committee in its threat to compel by the contempt power the production of documents or testimony on the part of officials of the Executive Branch, and, in my opinion, such a threat is a reckless action, the nature of which could freeze the government's operations by creating a divisive Constitutional confrontation between the President and Congress. On the basis of what I believe to be logical interpretations of the Constitution, and relying on historical precedents,[103] I am persuaded that the exercise of executive privilege in matters of national security and foreign policy, confidential conversations and papers by persons who are in direct relationship with the President, personal security files, and court litigation preparation are firmy rooted on sound constitutional ground.[104]

VI. PRESIDENTIAL CLASSIFICATION OF INFORMATION

The field of executive privilege is a logical introduction to the closely related field of the President's authority to keep secret information which in his judgment is necessary to protect the national defense or to advance foreign policy. I firmly believe and always have that there are areas within the operations of government, particularly in the sphere of foreign and military policy, that must be classified so that the information does not become public at times that would be dangerous to the United States. At the same time I believe that these items should be declassified as rapidly as possible, perhaps using a system of automatic declassification in a period as short as 12 years. Furthermore, I disagree on the ability of almost anyone in the State Department, the White House or the Pentagon to stamp top secret. This should be decided by someone close to the Joint Chief of Staff or to the President himself.

President Nixon moved in this direction in 1972 when he signed an Executive Order[105] cutting the number of persons with authority to classify national security information by 63 percent.[106] In signing the order, which became effective June 1, 1972, the President said, "We have reversed the burden of proof. For the first time, we are placing that burden—and even the threat of administrative sanction—upon those who wish to preserve

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the secrecy of documents rather than upon those who wish to declassify them after a reasonable time." [107]

Under the new order, "top secret" papers can become public after ten years and generally will within 30 years. The only exception at ten years will be information furnished in confidence by a foreign government on the understanding it would be kept in confidence, information covered by law, such as codes and intelligence operations, information on a matter "the continuing protection of which is essential to the national security," and information whose disclosure would place a person in immediate jeopardy.[108] But anyone may, after a document is ten years old, ask for a review of the reasons why it is still kept a secret.[109]

All information shall become automatically declassified after thirty years except for a matter which is specifically identified by the head of the Department involved and determined by him personally to require continued protection on the ground it "is essential to the national security" or its "disclosure would place a person in immediate jeopardy." [110]

The new order also created the Interagency Classification Review Committee, which is the first White House level group with overall responsibility for the government's security classification program. According to the initial report of this group, the new order slashed the number of government workers who have the power to place a "top secret" classification to 1,056 officials against 3,634 before the order took effect. In all, 17,883 personnel will be authorized to put a top secret, secret or confidential label on government information compared to 48,814 before.[111]

The President's order also eliminated classification authority for several Federal agencies, reducing the number of agencies who can classify papers from 37 to 25.[112] Also, a complete list has been compiled for the first time of the names of all persons with classification authority. In this way, the President said, "Each official is to be held personally responsible for the propriety of the classification attributed to him." [113]

In a related development, the National Security Council issued directives implementing President Nixon's order by telling each agency to begin reporting by July 1, 1973 all major classified documents on file after December 31, 1972, their subject headings, and when they should become available to the public. This information will be fed into a computerized Data Index System which is expected to give an updated accounting on all new secrecy items stamped after December 31, 1972.[114]

Having expressed my own policy and discussed the latest reforms of the Executive Branch, I turn to the basic constitutional question of the Presidential authority to classify any information at all. As regards the Executive's right to restrict information which he determines must be kept secret from the public to protect the national defense or advance foreign policy, the Supreme Court announced early in 1973 that Congress had by law decreed total Executive discretion over such classification.[115] This case, which did not involve any question of a Congressional demand for information, presented no constitutional claims either in respect to the relationship of the President with Congress or with regard to the First Amendment rights of a free press.[116]

On the latter point, the Pentagon Papers case [117] appeared to leave open the possibility that the publication of information may in some situations be enjoined [118] and hinted broadly that the Government can succeed by criminal prosecution where it cannot by injunction.[119] Congress has provided many penal sanctions, the object of which is the communication or retention of documents or information relating to the national defense.[120] Ironically, the granting of a mistrial and dismissal of the government's charges against Ellsberg and Russo because of the extraordinary and stupid conduct on the part of certain government agencies which threatened the defendants' opportunity for a fair trial, prevented these laws from being directly tested in a modern setting.[121]

As to the need for secrecy from Congress itself in the categories of foreign relations and military affairs, I believe the Constitution admits of a Presidential discretion in the withholding from Congress of a narrow range of information which the President determines is necessary to conduct successfully the nation's foreign relations and national defense.[122] While there is not a Supreme Court decision clearly on point to my knowledge, I believe if it were put to the test, a majority of the present Court would so apply the principle laid down by Justice Stewart and Justice White in the Pentagon Papers case, where they conclude "it is the constitutional duty of the Executive—as a matter of sovereign prerogative and not as a matter of law as the courts know law—through the promulgation and enforcement of executive regulations, to protect the confidentiality necessary to carry out its responsibilities in the fields of international relations and national defense." [123] The rationale of the Justices was that "it is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy." [124]

VII. SUMMARY

Given the precedent of *Myers v. United States, supra,* I am strongly convinced that those members of Congress who contend that Congress is empowered under the "necessary and proper clause" to define the President's powers over the conduct of military hostilities, [125] the conclusion of international agreements, [126] and the use of executive privilege [127] are dead wrong. It is significant that although the Court was dealing in *Myers* with an express authorization under the Constitution for Congress to establish offices of the United States, it nevertheless held that Congress could not restrict what was an independent power of the President. In the words of Chief Justice Taft, writing for the Court, "the plan of government desired by the framers of the Constitution . . . could never have been intended to leave to Congress unlimited discretion to vary fundamentally the operation of the great independent executive branch of government and thus most seriously to weaken it. It would be a delegation by the Convention to Congress of the function of defining the primary boundaries of another of the three great divisions of government." [128]

The argument that the Congress can act under the "necessary and proper clause" to restrict the President in his discretion over foreign affairs clearly begs the question of where the framers have deposited these functions. Congress can aid the President in the exercise of his functions, but it cannot interfere with or limit his discretion in carrying out his separate powers.[129]

That there does and must exist some ultimate area of unshared, independent power of the President in the conduct of foreign affairs and preservation of our national security is the cornerstone on which the survival of our nation rests. I realize there does exist a "virus of disbelief in danger and recoil from meeting it" [130] which seems to lead some intelligent people into a wishful belief that our country can safely cripple its military arm and unilaterally induce a world peace into being. Oddly, it takes a citizen from a totalitarian society to expose the fruits of this kind of policy. Alexander Solzhenitsyn, the Soviet writer who was awarded the 1970 Nobel Prize for literature, included the following remarks in his acceptance speech which was published in the Nobel Foundation's yearbook of 1972:

"The spirit of Munich has by no means retreated into the past: It was not merely a brief episode. I even venture to say that the spirit of Munich prevails in the 20th Century. The timid civilized world has found nothing with which to oppose the onslaught of a sudden revival of barefaced barbarity, other than concessions and smiles. The spirit of Munich is a sickness of the will of successful people; it is the daily condition of those who have given themselves up to the thirst after prosperity at any price, to material well-being as the chief goal of earthly existence. Such people—and there are many in today's world—elect passivity and retreat, just so as their accustomed life might drag on a bit longer, just so as not to step over the threshold of hardship today—and tomorrow you'll see it, it will be all right. (But it will never be all right. The price of cowardice will only be evil. . . .)" [131]

In place of "the spirit of Munich," referred to by Solzhenitsyn, we might substitute "the death wish of dreamers" who think we have no problems in this world and no need for a commitment to our national security. Such an attitude, if it should ever prevail in this nation, could only bring about the degradation of our traditional reputation and contempt abroad, followed by a disaster such as we encountered with the outbreak of World War II.

I can think of no more fitting words with which to conclude this article than the reflections made by John Quincy Adams in 1836 when he described the duty of a President to strive for peace but always to remember the nature of mankind:

"If there be a duty, binding in chains more adamantine than all the rest the conscience of a Chief Magistrate of this Union, it is that of preserving peace with all mankind—peace with the other nations of the earth—peace among the several States of this Union—peace in the hearts and temper of our own people. Yet must a President of the the United States never cease to feel that his charge is to maintain the rights, the interests and the honor no less than the peace of his country—nor will he be permitted to forget that peace must be the offspring of two concurring wills. That to seek peace is not always to ensure it . . . the peace of every nation must depend not alone upon its own will, but upon that concurrently with the will of all others." [132]

FOOTNOTES

* United States Senator from Arizona.

[1] Goldwater, *The President's Ability to Protect America's Freedoms—the Warmaking Power*, 1971 LAW AND THE SOCIAL ORDER 423–425, 429–433. In the period from 1969 through 1972, Congress took 95 recorded votes on measures designed to curtail U.S. activities in the Indochina War and at least 45 additional non-record votes on similar proposals. 31 CONG. Q. WEEKLY REP. 119–120 (1973).

[2] S. 731, S. 2956, S.J. Res. 18, S.J. Res. 59, 92d Cong., 1st Sess. (1971); reintroduced as S. 440, 93d Cong., 1st Sess. (1973).

[3] For a discussion of the Constitutional points, see Goldwater, *supra* note 1, at 433–443. For a treatment of the practical issues, see *id.* at notes 79, 165; and my testimony in *Hearings on S. 731, S.J. Res. 18 and S.J. Res. 59, Before the Senate Comm. on Foreign Relations, 92d Cong., 1st Sess.; War Powers Legislation*, at 347–400 (1971).

[4] See text of President Nixon's announcement of the Vietnam peace agreement, 31 CONG. Q. WEEKLY REP. 121 (1973).

[5] See text of Vietnam Ceasefire Agreement and Protocols, as made available January 24, 1973, by the White House, 31 CONG. Q. WEEKLY REP. 151–164 (1973).

[6] The Wash. Post, Jan. 7, 1973, at B6, col. 1.

[7] NEWSWEEK, May 15, 1972, at 22.

[8] 30 CONG. Q. WEEKLY REP. 1057 (1972).

[9] Buffalo Evening News, June 14, 1972, at § 3, p. 34, col. 1. Contrast this prediction with the concise history headlined by the Star-News of March 29, 1973: "Last 67 POWs Free,

Troops Go." The Evening Star-News, Mar. 29, 1973, at 1, cols. 1–8.

[10] The Federalist no. 73, at 409 (rev. ed. 1901) (with special introduction by Goldwin Smith).

[11] 1 Annals of Congress 499 (1789–1790).

[12] See generally, *id.* at 456–585.

[13] See remarks of Mr. Hartley, *id.* at 581.

[14] *Id.* at 533.

[15] Remarks of Eugene V. Rostow, Yale Law Report, Fall and Winter of 1971–1972, reprinted at 118 Congressional Record, vol. 118, pt. 9, p. 11129.

[16] See generally Emerson, *War Powers Legislation,* 74 W. Va. L. Rev. 53 (1972), Appendix A, as reprinted with supplementary data in *War Powers Hearings Before th Subcommittee on National Security Policy and Scientific Development of the House Comm. on Foreign Affairs* 93d Cong., 1st Sess. at 328 (1973). There have only been five declared wars, the War of 1812, the War with Mexico the Spanish-American War, and World Wars I and II.

[17] *E.g.,* Appendix A to statement of Leon Friedman, special counsel, A.C.L.U., *War Powers Legislation, supra* note 3, at 806–807.

[18] C. Berdahl, War Powers of the Executive in the United States 51 (1921).

[19] *Id.*

[20] W. McClure, International Executive Agreements 4 (1941).

[21] *Id.*

[22] Compilation of numbers of treaties and international agreements other than treaties concluded by the United States during the period Jan. 1, 1946, to April 1, 1972, by U.S. Dept. of State, in *Hearing on S. 3475 Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary,* 92d Cong., 2d Sess. at 416 (1972), (hereinafter *Hearing on S. 3475*).

[23] *Id.;* McClure, *supra* note 20, at 4.

[24] 1 Stat. 232, 239 (Act of Feb. 20, 1792).

[25] U.S. Dept. of State compilation, *Hearings on S. 3475, supra* note 22, at 416.

[26] Testimony of John R. Stevenson, Legal Adviser, U.S. Dept. of State, *Hearing on S. 3475, id.* at 249.

[27] "List of executive agreements with foreign states, since World War II, in which the Department of Agriculture has participated," *id.* at 555.

[28] Communications Act of 1934, §§ 303(1), 310(a); 47 U.S.C. §§ 303(1), 310(a) (1934).

[29] Part (b) of list of communications agreements entered into between the United States and other countries, *Hearing on S. 3475, supra* note 22, at 573–575.

[30] List of Intergovernmental Executive Agreements in which NASA has participated, *id.* at 594, 595.

[31] List of executive agreements in which the U.S. Dept. of Treasury has participated in since World War II, Customs, *id.,* at 617.

[32] *Id.,* Tax, at 620–622.

[33] Chronological list of investment guaranty agreements and Amendments, 1948 to 1972, Overseas Private Investment Corp., *id.,* at 601–604.

[34] List of executive agreements in which the National Oceanic and Atmospheric Administration, U.S. Dept. of Commerce, has participated since World War II, part "B. Cooperative Weather Programs," *id.,* at 565, 566.

[35] *See generally* replies of U.S. Government Agencies to letter of Senator Sam Ervin, Jr., Chairman, Subcommittee on Separation of Powers, soliciting information on the number of executive agreements entered into, *id.,* at 552–627.

[36] 22 U.S.C. §§ 2151 et seq. (1961).

[37] 22 U.S.C. §§ 2751 et seq. (1968).

[38] Testimony of J. Fred Buzhardt, General Counsel, U.S. Dept. of Defense, *Hearings on S. 3475, supra* note 22, at 331.

[39] *Id.*

[40] *Id.* at 332.

[41] *Id.*

[42] U.S. Dept. of State compilation, *Hearing on S. 3475, supra* note 22, at 416.

[43] *E.g.,* testimony of Senator J. W. Fulbright, *Hearing on S. 3475, supra* note 22, at 54; testimony of Senator Clifford P. Case, *id.,* at 109.

[44] Colloquy between John R. Stevenson, Legal Adviser, U.S. Dept. of State, and Professor Philip B. Kurland, Chief Consultant, Senate Subcommittee on Separation of Powers, *Hearing on S. 3475, supra* note 22, at 280, 281.

[45] *Id.,* at 280.

[46] *Id.*

[47] *Id.*

[48] Stevenson, *Hearing on S. 3475, supra* note 22, at 256.

[49] *Id.*

[50] *E.g.,* remarks by Senator Ervin relative to stationing U.S. troops in other countries, *Hearing on S. 3475, supra* note 22, at 267.

[51] The State Department Legal Adviser asserts that "even where agreements are involved, they do not necessarily create commitments by the United States." Stevenson, *Hearing on S. 3475, supra* note 22, at 257.

[52] "Agreements permitting the United States to use facilities abroad do not in any sense require deployment of U.S. forces. . . . The agreements simply constitute action by the President to secure for the United States an 'option' to use facilities." Stevenson, *id.*

This interpretation is also accepted by the Department of Defense, whose General Counsel testified that agreements concerning our rights to construct, operate and maintain military facilities and installations overseas "provide only an option to the U.S. Government, and the exercise of the option is dependent upon both authorizations and appropriations from the Congress." Buzhardt, *id.,* at 333.

[53] The legal arguments in support of the President's power to make executive agreements in every consequential respect equivalent to a treaty are set forth in a general constitutional discussion by Assistant Attorney General Erickson, *Hearing on S. 3475, supra* note 22, at 307–313, and in a voluminous study by Professor Myres McDougal and Asher Lans, written twenty-eight years ago but still eminently useful. McDougal-Lans, *Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy (pts. 1–2),* 54 Yale L.J. 181, 534 (1945). A recent article which concludes the Constitution provides ample authority for the executive agreement is Hopson, *The Executive Agreement in United States Practice,* 12 Air Force JAGL. Rev. 252 (1970).

Professor McDougal retains his earlier position. He writes:

> It seems to me that our usage during the past twenty-five years strongly confirms that the President's independent powers over foreign affairs include a competence to make important agreements of substantial duration. Certainly, our experience as a nation in an increasingly dangerous world indicates that it is indispensable that he have such a competence.

Letter from Myers McDougal to Barry Goldwater, Jan. 12, 1973 (unpublished letter in author's personal files).

An early treatise by John Bassett Moore setting forth numerous examples of purely executive agreements, on a wide range of topics, having far-reaching importance, is of continued significance. This paper was cited approvingly by the Supreme Court as portraying "the historic conception of the powers and responsibilities of the President in the conduct of foreign affairs." Moore, *Treaties and Executive Agreements,* 20 Pol. Sci. A. 385 (1905); cited in United States v. Pink, 315 U.S. 203 (1942), at 230.

[54] D. Acheson, Present at the Creation 195, 196 (1969).

[55] R. Kennedy, Thirteen Days 23 (1969).

[56] *Id.,* at 35, 36.

[57] *Id.,* at 52. President Kennedy did meet with Congressional leaders, but only after he had taken these actions and decided upon the naval blockade. Many in Congress advised more forceful action than he was prepared to take. *Id.,* at 53, 54.

[58] *Id.,* at 110.

[59] Library of Congress, Legislative Reference Service, *A Selected Chronology on Cuba, October 23, 1962–January 1, 1963,* at 1–13.

[60] Goldwater, *supra* note 1, at 435–443, also see Emerson, *War Powers: An Invasion of Presidential Prerogative,* 58 A.B.A.J. 809 (August 1972).

[61] Goldwater, *id.,* at 445–447.

[62] On March 15, 1973, the Senate Democratic Policy Committee voted without dissent that U.S. troops stationed overseas be reduced by two-thirds. 119 Cong. Rec. p. 8080 (daily ed. March 15, 1973), p. 8351 (daily ed. March 19, 1973).

This is exactly the kind of policy directives which I believe Congress cannot legislate. Acting as Commander-in-Chief, which confers upon him supreme command and direction over the Armed Forces, the President possesses full constitutional authority to direct the movement of the forces. He can send them anywhere, with the consent of the host countries, necessary to U.S. foreign policy objectives and U.S. defense. J. Pomeroy, An Introduction to the Constitutional Law of the United States 472 (1879).

Moreover, the Framers never meant for Congress to have authority to lay down automatic restrictions governing the Executive's troop deployment decisions in advance of the actual setting in which the President might feel compelled to act. This is not the way they planned the Constitution to function. As Hamilton wrote in the Federalist No. 23, "The circumstances that endanger the safety of nations are infinite; and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed."

[63] New York Times Co. v. United States, 403 U.S. 713, 727, 728 (1971).

[64] 100 Cong. Rec. 2374 (February 26, 1954).

[65] S.J. Res. 1, 83d Cong., 1st Sess. (1953).

[66] *Id.,* § 3.

[67] Reid v. Covert, 854 U.S. 1 (1957).

[68] *E.q.,* testimony of Senator J. William Fulbright *Hearing on S. 1125 before the Subcommittee on Separation of Powers of the Senate Comm. on the Judiciary,* 92d Cong., 1st Sess., *Executive Privilege: The Withholding of Information by the Executive,* at 21 (1971).

[69] As to the use of the Armed Forces in the national defense, I have mentioned above that the United States has engaged in at least 204 foreign military hostilities in its history and only five have been declared wars. See text accompanying note 16 to note 19, *supra.*

I have also cited above the prevalence of executive agreements over treaties in every period of our history but the first fifty years. See text accompanying note 20 to note 23, *supra.*

The historical precedents of executive privilege have been well summarized and analyzed by William H. Rehnquist, then Assistant Attorney General, in his appearance before the Senate Subcommittee on Separation of Powers on August 4, 1971. *Hearings on S. 1125, supra* note 68, at 420–438. An exhaustive study covering a concentrated period of time is made in Kramer and Marcuse, *Executive Privilege—A Study of the Period 1953–1960* (pts. 1–2), 29 Geo. Wash. L. Rev. 623, 827 (1961).

The principle of usage has been recognized by the Supreme Court as a determining factor in constitutional interpretation. In United States v. Midwest Oil Co., 236 U.S. 459 (1915), the Court approved the validity of a long continued practice of the President to withdraw public land from private acquisition even though this conflicted with a statute by Congress which made such lands free and open to occupation and purchase. Using practice to fix the construction, the Court explained, "is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or the existence of a power, weight shall be given to the usage itself—even when the validity of the practice is the subject of investigation." *Id.*, 473.

A decade later the Court again looked to usage as a ground in rejecting Congressional control of a Presidential action. In holding that Congress could not shift gears after 73 years of practice and suddenly legislate conditions on the removal by the President of executive officers, even though such practice had often been the subject of bitter controversy, the Court argued:

> Nor can we concur . . . that when Congress, after full consideration and with the aquiescence and long practice of all the branches of the Government, has established the construction of the Constitution, it may by its mere subsequent legislation reverse such construction. It is not given power by itself thus to amend the Constitution. Myers v. United States, 272 U.S. 52, 152 (1926).

[70] In centralizing the national defense powers in the President, the Framers were influenced by precedents in the practice of European nations, in former plans of union for the colonies, and in the then recently established State constitutions. Berdahl, *supra* note 18, at 115; McClure, *supra* note 20, at 251–258.

The members of the Constitutional Convention were equally familiar with the writings of Locke, Montesquieu, and Blackstone, all of whom saw the making of defensive war and the conduct of foreign relations as being properly the function of the Executive. Locke. Two TREATISES ON CIVIL GOVERNMENT (Gough, ed.) Bk. II, §§ 145–148, 159, 160 (1966); Montesquieu, SPIRIT OF THE LAWS, Bk. XI, Ch. 6 (1805); Blackstone, 1 COMMENTARIES, 253–54.

[71] The Constitutional "primacy" of the President in the field of foreign affairs is apparently recognized by at least six Justices of the present Supreme Court. Justice Stewart, joined by Justice White, has implicitly stated that the Constitution endows the President with "a large degree of unshared power in the conduct of foreign affairs and the maintenance of our national defense. . . ." New York Times Co. v. United States, *supra* note 63, at 729.

Justice Blackmun has written:

> Article II of the great document vests in the Executive Branch primary power over the conduct of foreign affairs and places in that branch the responsibility for the Nation's safety. *Id.*, at 761.

Justice Marshall has added that "it is beyond cavil that the President has broad powers by virtue of his primary responsibility for the conduct of our foreign affairs and his position as Commander-in-Chief." *Id.*, at 741.

Chief Justice Burger, joining Justice Harlan and Justice Blackmun, has openly described the scope of executive power as one of "Constitutional primacy in the field of foreign affairs. . . ." *Id.*, at 756.

Justice Rehnquist joined by the Chief Justice and Justice White, grounded their opinion in a recent "act of state doctrine" case on the underlying basis of "The primacy of the Executive in the conduct of foreign relations" and "the lead role of the Executive in foreign policy." First National City Bank v. Banco Nacional De Cuba, 406 U.S. 759, 767 (1972).

[72] Acheson, *The Eclipse of the State Department*, 49 FOREIGN AFFAIRS 593, 595 (July 1971).

[73] *Id.*, at 598, 601.

[74] The Council was established by the National Security Act of 1947, approved July 26, 1947, 50 U.S.C. § 402.

[75] Concise, authoritative descriptions of the history and role of the National Security Council are in *Hearings Before the Subcomm. on National Policy Machinery of the Senate Comm. on Government Operations*, 86th Cong., 2d Sess. (1960) and S. FALK—T. BAUER, NATIONAL SECURITY MANAGEMENT—THE NATIONAL SECURITY STRUCTURE. Chapter III (revised ed. 1972). The former was prepared by two top members of the NSC staff and the latter is a volume furnished for instructional purposes at the Industrial College of the Armed Forces.

[76] Fulbright, *supra* note 68, at 21.

[77] During debates in the first Congress, James Madison contended that wanton acts of "mal-administration" would subject the President to impeachment and removal. 1 ANNALS OF CONGRESS 498 (1789–1790). Madison even avowed, "I am not afraid to place my confidence in him (the President), especially when I know he is . . . liable to be displaced if his conduct shall have given umbrage during the time he has been in office." *Id.*, at 462.

[78] 1 ANNALS OF CONGRESS 585, (1789–1790).

[79] *E.g.*, see remarks by James Madison, 1 ANNALS OF CONGRESS 463, 498, (1789–1790).

[80] Myers v. United States, 272 U.S. 52, 176 (1926).

[81] Berger, *Executive Privilege v. Congressional Inquiry* (pts. 1–2), 12 UCLA L. REV. 1044, 1288, 1320 (1965).

[82] CONGRESSIONAL RECORD, vol. 118, pt. 17, pp. 21514, 21515. 31 CONG. Q. WEEKLY REP. 294 (1973).

[83] See text of President Nixon's March 12, 1973, policy statement on executive privilege. 31 CONG. Q. WEEKLY REP. 608 (1973).

[84] Memorandum of Richard Nixon (August 30, 1971), *Hearing on S. 1125, supra* note 68, at 45, 46.

[85] *Id.*, at 46.

[86] The legal bases in support of the Executive's position are set out by Assistant Attorney General Rehnquist, *id.*, at 420–442; Kramer and Marcuse, *supra* note 69, at 898–909.

[87] 31 CONG. Q. WEEKLY REP. 294, 295 (1973).

[88] *Id.*, at 295. From 1969 to 1973, Secretary of Defense Laird made 86 appearances before Congressional Committees, encompassing over 327 hours of testimony. See White House Executive Privilege Text, *supra* note 83.

[89] Berger, *supra* note 81, at 1323.

[90] See text of Resolution of Senate Democratic Policy Committee—Re: Executive Privilege, 119 CONG. REC. (daily ed. Jan 18, 1973), at p. 1322.

[91] S. 1125, Am. No. 343, 92d Cong., 1st Sess. (1971); S. 858, 93d Cong., 1st Sess. (1973).

[92] 1 Stat. 65, approved Jun 25, 1789.

[93] *E.g.*, Berger *supra* note 81, at 1060; Fulbright, *supra* note 68, at 24.

[94] 1 Stat. 66.

[95] 1 ANNALS OF CONGRESS 592–615 (1789–1790).

[96] 1 ANNALS OF CONGRESS (1789–1790).

[97] Professor Berger, who himself has suggested that the Treasury Act might be an early precedent, nevertheless testified before the Senate Hearing on Executive privilege that:

> "Hamilton really wanted to be in a position to intrude, to offer his advice. He wanted to have a pipeline into the Congress, so he could come in and advise the Congress about financial matters. . . . With the Treasury Department, they (the first Congress) were more concerned with warding off Hamilton's officiousness. The provision for a call for information was merely designed to bar Hamilton's unsought intrusions," Berger, *Hearings on S. 1125, supra* note 68, at 296, 297.

To which, I might add that Hamilton is quoted by Jefferson as construing the Act creating the Treasury Department as not making him "subject as to be obliged to produce all papers [Congress] might call for." P. Ford, I THE WRITINGS OF THOMAS JEFFERSON 190 (1892).

Under a well-settled rule of legislative interpretation, Federal courts are compelled to resort to the legislative history of a statute to determine whether, in light of the articulated purposes of the legislation, Congress intended that the statute apply to the particular cases in question. Allen v. Board of Elections, 393 U.S. 544, 570 (1969). From the mass of the legislative history articulating the purposes of the Treasury Act of 1789, as so well explained by Professor Berger himself, it is clear the Members of the first Congress gave no thought to the statute as being applicable to information which the Executive might determine could not be safely communicated, but had in mind only information of a kind which the Executive would furnish voluntarily or indeed might thrust upon them.

Similarly, a 1928 Act of Congress pertaining to the furnishing by Executive Departments of any information requested by the Senate and House Committees on Government Operations (45 Stat. 996) was intended by Congress to include only information of types which the Executive had previously furnished to Congress voluntarily. Wolkinson, *Demands of Congressional Committees for Executive Papers*, 10 FED. B. J. 103, 322, 323 (1949).

Should Congress pass a statute plainly requiring the Executive to provide all kinds of information without any room for Executive discretion, I believe the statute would be unconstitutional to the extent it invades the President's independent prerogative to withhold information in the areas of foreign relations, national defense, pending law enforcement matters, internal discussions, or confidential investigative reports. See text at notes 98 to 104.

[98] Senator Ervin, who chaired Senate hearings on executive privilege, appears to agree on these limited areas of independent Presidential power. Ervin, *id.* at 252, 253.

[99] White House Executive Privilege Text, *supra* note 83.

[100] *Id.*, at 609.

His announcement does not indicate that President Nixon has thrown a blanket immunity over his private staff. The President declared, both at his press conference of January 31, 1973, and in his formal paper of March 12, 1973, that "the question of whether circumstances warrant the exercise of executive privilege should be determined on a case-by-case basis." *Id.*, at 609.

Applying this rule to the merits of the Watergate affair, where wrongdoing has been charged, the President announced that all members of the White House staff will appear voluntarily, when requested, before the Senate select committee (known as the Ervin committee) which is investigating this case. The President said any of his staff so invited will tesify under oath and will answer fully all proper questions. Executive privilege is expressly reserved only as to specific questions which may develop in the course of the sessions. Text of President Nixon's announcement concerning the Watergate matter, The Wash. Post, April 18, 1973, at A 24, cols. 1–3.

White House staff members also were directed to testify before a Federal grand jury investigating Watergate if called. The Wash. Post, Mar. 31, 1973, at A 1, col. 7, A 11, col. 1.

[101] "No case has authoritatively determined the extent to which Congress may compel the production of testimony or documents from the executive branch of government. . . ." Borman, *Policy the Executive Privilege*, 5 U. OF MICH. J. OF LAW REFORM 568 (Spring 1972), at 569.

[102] *E.g.*, Am. Law Div., Lib. of Cong., Memorandum of June 7, 1971, *Hearings on S. 1125, supra* note 68, at 543–551.

[103] *See* note 69, *supra.*

[104] The Supreme Court has remarked that the scope of the Congressional power of inquiry "is not without limitations." More specifically, the Court said Congress "cannot inquire into matters which are within the exclusive province of one of the other branches of the Government. . . . Neither can it supplant the Executive in what exclusively belongs to the Executive." Barenblatt v. United States, 360 U.S. 109, 111, 112 (1959).

[105] Ex. Order 11652 of March 8, 1972, Weekly Comp. of Pres. Doc., March 13, 1972, at 545.

[106] Federal Times, Aug. 23, 1972, at 4.

[107] N.Y. Times, March 9, 1972, at 12, col. 4.

[108] Ex. Order 11652, supra note 105, § 5(B).

[109] *Id.*, § 5(C).

[110] *Id.*,§ 5(E).

[111] Federal Times, Aug. 23, 1972, at 4. *See also,* Interagency Classification Review Comm., Progress Report (Mar. 31, 1973).

[112] N.Y. Times, *supra* note 107; Ex. Order 11652, *supra* note 105, § 2.

[113] N.Y. Times, *id.* at col. 5.

[114] 37 Fed. Reg. 10053 (May 19, 1972); Wash. Post, Dec. 14, 1972, at H 4, cols. 4–5.

[115] Environmental Protection Agency v. Mink, 409 U.S. 73 (1973), interpreting the Freedom of Information Act of 1966.

[116] *Id.*, concurring opinion of Stewart, J., at 736.

[117] N.Y. Times Co. v. United States, *supra* note 63.

[118] *See* concurring opinions respectively of Stewart, White, and Marshall, J. J., and dissenting opinions of Chief Justice Burger, Harlan, J., and Blackmun, J., *Id.*

[119] *See* concurring opinions of White, J., *id.*, at 733; Marshall, J., *id.*, at 745; dissenting opinion of Burger, C. J., *id.*, at 752.

[120] 18 U.S.C. 793, which prohibits the "communication" of national defense information to a person not entitled to it; 18 U.S.C. 794 (b), (1948) which prohibits the "communication" or "publication" of the disposition of the armed forces in time of war; 18 U.S.C. 797, (1948) which prohibits the transfer or "publication" of photos of defense installations, and 18 U.S.C. 798, (1948), which prohibits the transfer of "publication" of cryptography or communication of intelligence information.

Other limited provisions are found in other titles of the U.S. Code, *e.g.*, 50 U.S.C. 783(b) (1950). See generally the concurring opinion of White, J., in New York Times v. United States, *id.*, at 736–739.

[121] *See* the Government's charges against Daniel Ellsberg and Anthony J. Russo, Jr., accused of espionage, conspiracy, and unauthorized use of government information for releasing the Pentagon Papers. United States v. Anthony Joseph Russo, Jr. and Daniel Ellsberg, no. 9373-Cd-WMB, (C.D. Cal.); see the courts granting of defendant's motion for dismissal, Wash. Post, May 12, 1973, at A-14, cols. 4–6.

[122] *See* Barenblatt v. United States, *supra*, note 104.

[123] New York Times v. United States, *supra* note 63, at 729, 730.

[124] *Id.*, at 728.

[125] *E.g.*, see declaration of purpose set forth in text of S. 440, 92d Cong., 1st Sess. (1973), § 2.

[126] *E.g.*, see, the 1973 report of the Senate Subcommittee on Separation of Powers which boldly lays claim to "congressional supremacy" in this and all other areas of public policy on the basis of the "necessary and proper clause." *Report of Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary,* 93d Cong., 1st Sess., *Congressional Oversight of Executive Agreements,* at 5, 6, 9 (1973).

[127] *E.g.*, see question of Senator Ervin, *Hearing on S. 1125, supra* note 68, at 211, 212; declaration of Congressional authority expressed in Amendment no. 343, by Senator Fulbright, to S. 1125, 92d Con., 1st Sess. (1971), § 307(a).

[128] Myers v. United States, *supra* note 80, at 127.

[129] Pomeroy, *supra* note 62, at 289; Stevenson, *Hearing on S. 3475, supra* note 22, at 267, 268; J. Moore, letter of May 15, 1972, *id.*, at 629–632; Mathews, *The Constitutional Power of the President to Conclude International Agreements,* 64 Yale L.J. 345 (1955), at 387, 388.

[130] D. Acheson, Fragments of My Fleece 196 (1971).

[131] Solzhenitsyn, *The Truth of Art,* reprinted in the Wash. Post, Outlook Bl., at B4, cols. 2, 3 (Aug. 27, 1972).

[132] J. Q. Adams, *An Eulogy on the Life and Character of James Madison, September 27, 1836,* 72, 73 (1836).

Mr. STENNIS. Mr. President, I yield the Senator from New York such time as he may require.

Mr. JAVITS. Mr. President, I would like to be notified when I have consumed 10 minutes.

The PRESIDING OFFICER. The Senator from New York will be notified after 10 minutes.

Mr. JAVITS. Mr. President, I thank my colleague from Mississippi for the time. I also thank him for his unparalleled patriotism which induced him, as the chairman of the Senate Armed Services Committee, to espouse this measure. I know of no single influence which has had more to do with convincing the Senate and the House of the rightness of this course than his espousal of it. There is nothing in the world that is more conclusive to a lawyer than what the lawyers call admissions "against interest", and in a sense that is exactly what has happened in the case of Senator Stennis, for the Armed Services Committee is looked upon as a citadel of "hawkishness", although all of us in the Senate know the irreproachable judiciousness of Senator Stennis is his capacity as Armed Services Chairman, as in his other capacities.

Mr. President, I have heard with the deepest feeling the views of my colleague from Missouri, and of my colleague from Texas. I assure them, as allegedly the basic author of this measure, that there will be no shallow sense of jubilation tonight. There will be no handshaking, there will be no congratulations, there will be no champagne as in a partisan or common occurrence political victory. This is not that kind of an occasion. This is the most somber and historic business before the American people, and with the war powers resolution's passage, after 200 years, at least something will have been done about codifying the implementation of the most awesome power in the possession of any sovereignty and giving the broad representation of the people in the Congress a voice in it. This is critically important, for we have just learned the hard lesson that wars cannot be successfully fought except with the consent of the people and with their support. That is the essence of our society.

The Vietnam war literally brought this country to its knees because, without going into the technicalities of what Congress might or might not have done to assert its authority, the fact is that on the record it was essentially a Presidential war—as was so viewed around the world. The United States was saved miraculously from disgrace and defeat because the people and the Congress, even though they thoroughly disapproved, still exercised the patience to see it liquidated without terribly undue damage. We still do not know what that damage was or may prove to be in history.

All of us who advocated this measure before the Senate, and it has had 3 years of consideration, with a most tremendous volume of expert testimony given by constitutional authorities and experts of all sorts, extended debate on two occasions in the Senate and then again on the conference report, on all of the very arguments which we hear now made, and which were made then and yet the Senate voted to affirm the conference report 75 to 20. The Senate acted then 75 to 20 in the teeth of the President's threat to veto.

That is what he then told the minority leader of the House of Representatives. Notwithstanding this, the House of Representatives passed it by a vote of almost 2 to 1 and the Senate passed it by a margin of over 3 to 1.

Now why, Mr. President? Why?

Congress passed it because its Members considered it, as I believe we must consider it today, in the light of its terms.

We have had a lot of conversation today, which is interesting and highly rhetorical, but does not go to the terms of the bill. At long last, Congress is determined to recapture for ourselves, the representatives of the people at the State level in the Senate and as the House did on the local level, the awesome power to make war.

The first point I should like to make is, let us not confuse this with foreign policy.

Foreign policy does not mean war and war does not mean foreign policy, unless there is a breakdown or failure of foreign policy.

No one is impairing the President's authority to carry on the foreign policy of the country. But we are affecting materially his authority, in the name of foreign policy, to take the Nation into war. When we judge, by this measure, that an incident would become a war, then we, and we alone, have the right to decide that it shall go on into war or that it shall stop. For, the Constitution lays upon the Congress, unmistakably, the resonsibility of deciding whether or not the state of our Nation should be changed from peace to war.

We accomplish that in this bill by depriving the President of authority to make that decision himself at the given time when, according to the dictates of experience and history, an incident becomes a war.

The President cannot under the Constitution control us as to war, by his power of veto. In that case, Congress would not have any real say, because he would only need one-third plus one of either House to exercise his will against the majority of Congress and the people it represents.

In this bill, we have embodied a methodology—the very word I have used, and the very word that Senator EAGLETON, Senator STENNIS, Senator TAFT, and many other Senators have used—a methodology by which Congress could, if it wished, insert upon its concurrence in the awesome decision of war.

If we analyze the arguments against this measure, they are, that to assure the President the flexibility to carry on the foreign policy of the country, according to the arguments of those who are in Senator TOWER's school, we must also give him the power to make war on his own.

We say "No."

That is what this is all about.

We say "No."

We say there is a world of difference, a chasm, between carrying on the foreign policy and plunging the Nation into war.

If Mr. Brezhnev has the authority to do that, we disapprove of it. We disapprove of the system under which Mr. Brezhnev operates. Indeed, if that system can have anything said about it, that is exactly what is threatening the world and what is threatening the détente.

We reject that. The House has rejected it and we should reject it.

That is what is at stake here.

Senator EAGLETON's arguments confound me and sadden me. They sadden me because he had a big hand in this bill and was really one of its most eloquent advocates.

Specifically, those significant provisions remaining in this bill are essentially his contribution.

The imperfection which is seen in the bill by him and, as I say it saddens me and confounds me, is that we give the President powers he does not have.

On the contrary, we have made crystal clear in section 8(d) that we do not alter the constitutional authority of the Congress or the President. We say it in just so many words.

Beyond that, Mr. President, I must say that the President, after all, is the fellow whose ox is being gored. He is the one who is seeking to protect what he considers to be his prerogatives in respect of the war power.

With respect to this bill, the President of the United States says in his veto message:

> . . . it would seriously undermine this Nation's ability to act decisively and convincingly in times of international crisis.

By this he means his power is very reduced, and drastically so.

So, the man whose ox is gored and whose power is being affected sees the situation exactly 180 degrees opposite from the way my colleague from Missouri does. It seems to me that that is the best evidence as to whether we are granted additional authority to him.

The President is left with his true, preexisting constitutional authority as Commander in Chief to deploy the forces of the United States, assuming he can get the Congress to raise the forces and to finance them. We do impose a reporting requirement in the case of significant peacetime deployments. It is not just a little piece of paper that we require. It requires that the President shall submit to the Speaker of the House and the President pro tempore of the Senate a report in writing, within 48 hours of any unusual, significant, peacetime deployment, spelling out the circumstances.

The PRESIDING OFFICER (Mr. BARTLETT). The 10 minutes of the Senator from New York have expired.

Mr. JAVITS. Mr. President, may I be notified when I have used 5 more minutes?

The PRESIDING OFFICER. Certainly.

Mr. JAVITS. Mr. President, he is required to state "the constitutional and legislative authority under which such introduction took place."

That leaves him all the necessary flexibility.

Mr. President, this brings me to the part of our letter—Senator MUSKIE's and mine—to which Senator EAGLETON referred. He did not read far enough.

We said that nothing in the war powers resolution could have hampered the President in his handling of the recent Middle East crisis. He placed our forces on alert as he thought desirable and advisable. But, Mr. President, if we read on in that paragraph it says as follows:

> It is important to note that during the recent crisis at no point were United States Armed Forces engaged in hostilities or in situations where imminent involvement in hostilities was clearly indicated by the circumstances. The actions taken by the President related solely to the state of readiness of U.S. Armed Forces and did not involve the provisions of this bill.

Of course, Mr. President, if he had introduced our forces further than he did, in terms of the imminent danger of hostilities or in terms of the actual involvement in hostilities, the bill would have and should have become operative. That is exactly the purpose and intention of the bill and exactly the way it reads.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. EAGLETON. I thank the Senator for yielding.

I have reread the paragraph mentioned. May I ask a question of the Senator from New York?

Once this bill becomes law—perhaps within an hour—would the President tonight have authority to deploy American military personnel to either Egypt, Syria, or Israel for 60 days?

Mr. JAVITS. In the event that the situation remains as is in Egypt, Syria, and Israel, I would say that he would then be putting them into imminent danger of hostilities or into hostilities and that the bill would apply. If he had some different interpretation, it would be up to us to decide whether we agreed with him or not, because the time, the 60-day limitation, begins to run when he introduces the forces, not when he says they are in imminent danger of hostilities. Short of that—that is, to do what he did, which is to move around the 6th Fleet or whatever else in the way of alert—that would not come within the 60-day provision of the bill.

One other point, so long as we are dealing with the factual situation. The 60 days can be curtailed by concurrent resolution of the House and the Senate. That, in my judgment, will stand up constitutionally, for this reason: It is an element of the grant of authority which this bill gives. I believe that the scheme of the bill, the methodology of the bill, hangs together expertly on that score.

Mr. EAGLETON. Let me more narrowly pose my question.

I am not talking about the alert or the movement of the 6th Fleet in the Mediterranean or the enhancement of the 6th Fleet by additional aircraft carriers. Under this bill, the way it is presently written, the President would have the predated authority to commit American ground forces and air forces to the territory of Egypt, Syria, or Israel, or all three, for up to 60 days, with a requirement that he send written notification thereof within 48 hours.

Mr. JAVITS. The answer to that is "No," and I will tell the Senator why I say the answer to that is "No."

Whatever may be the President's constitutional authority, he has it, whatever it may be. We give him no new grant of constitutional authority. Hence, in terms of the constitutional authority to put our forces into war, I adhere to the construction of the Constitution which says he may only do that where our territory or our forces are in danger.

As a matter of fact, the writers of the Constitution said in the event of "sudden attack." That is quite a separate question, in my judgment, and it has nothing to do with this bill, which neither makes nor unmakes that situation. That is the important point about reading the bill. In my judgment, before the President put forces into those areas, he should come to Congress for its authority, by resolution.

Mr. EAGLETON. Where does it say that in the bill?

Mr. JAVITS. It does not have to. It says so by virtue of the fact that the constitutional authority of the President and of Congress remain completely unimpaired. And also by virtue of the fact that that has been the historical practice during times when the President worked closely and successfully with the Congress in this area.

We have taken the precaution of reciting in section 2(c), which was hotly debated in conference, what we consider to be a declaration. We could not go the distance that the Senate bill went. If we had tried to do that, we would not be here today; we probably would have no bill. It is far more important in terms of the future of our Nation than to be sticklers on that point.

In section 2(c) we have declared what we understand to be the constitutional authority of the Commander in Chief, and it means in this respect putting our forces in imminent danger of hostilities or in the hostilities, only exercised pursuant, to a declaration of war, specific statutory authorization, or a national emergency created by attack upon the United States, its territories, its possessions, or its Armed Forces.

One of the closely considered questions before the conference was over the omission of the rescue of individual American citizens. Our decision was that we felt that the recital of it was undesirable and unnecessary, in that it was so much a question of degree as to when an incident such as that could be converted into a conflagration that we would rather not state it. If a President felt, under given circumstances, that that was his constitutional authority under the terms of this bill, we could contest it or not in the particular circumstance. Other than that, we did declare our finding. It is not as strong in this respect as the Senate bill, which actually specified those as the President's emergency powers and no more.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. JAVITS. Mr. President, will the Senator from Mississippi yield me 2 additional minutes?

Mr. STENNIS. I yield the Senator 5 additional minutes.

Mr. JAVITS. It seemed to us in the conference—not just to me, but to all the Senate conferees—that that was not giving away the essence of the Senate bill. Therefore we compromised with the House on this question. I think that our judgment now has been vindicated.

Mr. EAGLETON. Mr. President, will the Senator yield? If necessary, I will ask the Senator from Texas to yield me some time.

Mr. JAVITS. We have 5 minutes.

Mr. EAGLETON. The Senator from New York referred to section 2(c), and he quoted from it, and he quoted accurately. That section is called "Purpose and Policy." In legislation, the interpretation of the purpose and policy section is nonoperative. These are the so-called precatory words. Not only do we have to rely on the general precept of legislative interpretation, but also, in the managers' report on the bill, I point out to the Senator from New York that they went to great pains to point out that the language of section 2(c) was non-binding. It is merely pious chit-chat. On page 8 of the managers' report, they say:

> Subsequent sections of the joint resolution are not dependent upon the language of this subsection, as was the case with a similar provision of the Senate bill.

I pointedly ask the Senator from New York if that is not the most telling sentence in this whole legislative history.

The Senate bill set up those three exceptions to the normal rule that Congress declares war: attack on the United States, attack on forces legally deployed abroad and rescue. In the conference report, they departed from that procedure, gave open-ended authority to the President, and made the section 2(c) language non-binding on the rest of the bill. Is that not the case?

Mr. JAVITS. I do not quite agree with the Senator that that is the case, because section 2(c) is not a whereas clause. It is the essential element of the bill, that particular recital and that finding of fact.

But I will say this to the Senator: We certainly did not get the provisions of the Senate bill on this subject. I differ deeply, decidedly, and as profoundly as any human being can with the Senator from Missouri that this historic recapture by Congress of its powers is worth running down the drain simply because we have been unable to get that particular statutory definition which the Senator, in my judgment, has permitted to completely obscure what should be our judgment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. One more minute.

In this total matter, so much is being accomplished that to run this bill down the drain because of that definition would have been, it seems to me, a colossal historic mistake, one which the House in its vote today did not make, notwithstanding all predictions to the contrary, and which I hope the Senate will not make.

Mr. EAGLETON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TOWER. I yield 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. EAGLETON. May I have 2 minutes? It will take 1 minute to propound the question.

Mr. TOWER. I yield.

Mr. EAGLETON. I wish to say parenthetically that I do not view this as a historic recapture; on the contrary I view it as a historic surrender.

I ask the Senator from New York this question. I address the Senator's attention to page 3 of his "Dear Colleague" letter, signed by Senators JAVITS and MUSKIE, in the middle of page 3, referring to the Middle East situation:

> The bill would have required the President only to report to the Congress within 48 hours in writing with respect to the deployment of U.S. Armed Forces in foreign territory, air space and waters.

Now, I am an average reader of the English language, and I take that to mean that under this bill the President would have 48 hours to notify Congress in writing when he deployed Armed Forces to Egypt, Syria, and Israel. Is that correct?

Mr. JAVITS. The Senator is 100 percent wrong.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. I yield 2 additional minutes.

Mr. JAVITS. I make this statement to the Senate as one of the reasons for overriding the President. The Senator is 100 percent wrong for this reason. In section 4(a)(3) the bill provides:

> In the absence of a declaration of war, in any case in which the United States Armed Forces are introduced—
>
> * * * * *
>
> (3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;
>
> the President shall submit within 48 hours in writing.

That is all we said in our letter that he was required to do.

But if that deployment becomes a deployment under section 4(a)(1), to wit: "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances" according to the finding of Congress, then the 60-day prohibition, or shorter period, applies. What the Senator interprets it to mean is wrong.

Mr. EAGLETON. Mr. President, will the Senator yield further?

Mr. TOWER. I yield.

Mr. EAGLETON. I have read the sentence, which I think is a clear sentence. I commend the Senator for his clarity in this joint letter.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. EAGLETON. Mr. President, will the Senator yield to me for 2 minutes?

Mr. TOWER. I yield.

Mr. EAGLETON. I will try to propound the question this way. When this bill becomes law, and assume that there is some aggressive action with respect to the Egyptian Third Army on the east side of the canal in which they try to break out of their encirclement, and there is resistance to that maneuver by the Israelis, and the Israelis say they would very much like to have American ground forces to assist them, what would the President have to do before he could send American ground forces?

Mr. JAVITS. In my opinion he is obliged to come to Congress for a specific resolution.

Mr. EAGLETON. But what does this law require him to do?

Mr. JAVITS. As far as this law is concerned, the President will make his calculations and take his chances that the 60-day period applies. We have the finding as to whether the terms of this bill are being met, and that is as it should be.

Mr. EAGLETON. The Senator said that the President has to take his chances. Does the Senator think this is a game with the President?

Mr. JAVITS. I think no such thing. But the Senator from Missouri does, and I will tell him why. Right now, if the Senate fails to override this veto, we will leave him the very illimitably claimed power we are trying to curb. So, by the idealism the Senator thinks he is obeying, he is running the one chance down the drain by which we do something to negate that claim to imperial power.

Mr. EAGLETON. If this becomes law we have given a predated declaration of war to the President and any other President of the United States, courtesy of the U.S. Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EAGLETON. Mr. President, will the Senator from Texas yield to me for 5 minutes?

Mr. TOWER. I yield 3 minutes to the Senator. We have other speakers and I am running out of time.

Mr. EAGLETON. I thank the Senator.

Mr. President, this is not a question of the President taking his chances. The chances he will be taking are our chances, our country's chances, chances with life and death.

What the President should do, in the mind of the Senator from New York, is to come to Congress. What does the bill provide? I served at one time in the Missouri Legislature. We had a member of the house there at one time get up and say, "I see what the bill say, but what do it do?" What does this bill do?

Section 2(c) is nonoperative and nonenforceable, not only by its policy section but by the very interpretation in the managers' report which was signed by the chief sponsors of the legislation, the Senator from Maine (Mr. MUSKIE) and the Senator from New York (Mr. JAVITS). They said in that report very clearly what section 2(c) did not do. It is here on page 8 of the manager's report.

The chance the Senator from New York is willing to have the President take is the chance to deploy our forces to a hostile area. And the President, under this measure, could deploy those troops in Israel, Syria, Egypt, Chile, Bangladesh, or wherever he wanted, tomorrow. There is a 60-day period but the troops are there. They are deployed, being shot at, dying, and the flag is committed—ex post facto.

That is not what the Constitution of the United States envisaged when we were given the authority to declare war. We were to decide ab initio, at the outset, and not post facto.

That is the key difference in the Senate bill as it went to conference. It would not have permitted Richard Nixon to deploy troops at his whim. The measure that came out of committee does permit it.

This is no historic moment of circumscribing the President of the United States insofar as warmaking is concerned. This is an historic tragedy. It gives to the President and all of his successors in futuro, a predated 60-day unilateral warmaking authority. All the words spoken here today, circuitous or not, cannot change what this law does, and what it does is wrong.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, will the Senator yield to me for 5 minutes?

Mr. TOWER. I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the veto of the President of the United States of House Joint Resolution 542.

First, I would like to say that in my opinion this resolution is unconstitutional. It would automatically cut off the constitutional authority of the President after 60 days unless Congress extended it. For 200 years the President has properly exercised these authorities under the Constitution.

In the second place, it eliminates certain authorities merely by the passage of a concurrent resolution. Now, what is a concurrent resolution? A concurrent resolution is one that merely takes the sense of the bodies. How can a concurrent resolution have the force and effect of law? How could the President of the United States be denied the right to veto a resolution that would carry such tremendous power as this concurrent resolution would apparently do?

A joint resolution does have the force and effect of law, and the President has the chance to veto it, but for the Congress, through a concurrent resolution, to act in a matter on such a vast scale as this, affecting the Constitution of the United States, there is no parallel in history for such a procedure. There is no precedent in the history of this Government for such a procedure.

Mr. President, furthermore, from a practical standpoint, I do not think this is a wise resolution. It disturbs me. Would it not seriously undermine this Nation's ability to act decisively and convincingly in times of international crisis? The President is going to feel handicapped at every turn as to what he can do and what he cannot do, whether he can respond or cannot respond.

We are now living in an age of intercontinental ballistic missiles which can be sent to the nations that are the chief adversaries in the world, to the Soviet Union, in 30 minutes, and they can send them here in the same time. We are now living in an age of supersonic planes that fly several times the speed of sound.

The President of the United States today needs flexibility. When he needs to act, he needs to act, and he must act quickly, or this Nation may not survive.

Mr. President, I just want to say that if this resolution had been in effect, many actions in the past that have been very worthwhile would have been hampered or hindered altogether. The Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation of 1964, the Jordanian crisis of 1970 are a few of those; and there are others that could be mentioned.

Would not this resolution undercut the ability of the United States to act as an effective influence for peace? We know that our country is the only country in the world today that really is standing for world peace and has the ability to maintain it.

The very existence of a deadline can lead to an escalation of hostilities in order to achieve certain objectives before the 60 days expire. Suppose, for instance, Guam, a territory of the United States, were attacked and the President sent forces there, and the forces were fighting to defend that area. And suppose he asked for 30 days more and got them and he was about to wind up the hostilities, but needed 3 days more. Under this resolution he would have to stop, and stop cold, when those 30 days were up.

He might have gotten the 30-day extension, but if he did, he would have to stop cold without the vote of a single Member of the Congress. That is a weakness in the bill. Why is the Congress not required to take a stand? The President has to take a stand. If they say the President has to act in 60 days or 90 days, then why does this resolution not require Congress to take a position?

The most serious action a President can take is to commit troops. The Congress says it desires to share that responsibility and yet Congress, under this measure, is not willing to and does not require its Members to take a public stand. Many might do it, but they are not required to do it under the bill; the whole matter expires after a certain time. Could one Member of Congress, for instance, force a vote before the 60 days are up? If not, could the leadership?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TOWER. Mr. President, I yield the Senator 2 minutes.

Mr. THURMOND. If not, could a handful of people—the leadership—decide whether Congress would be recorded? Why was Congress not required to take this positive stand? In my judgment, this is a serious defect in the bill.

I think the bill is unconstitutional; I think it is impractical; I think, furthermore, it is bad psychologically at this time in history, because right now we are taking a series of steps in the Middle East that could affect the entire world. Is Congress at this time going to put a limitation on the President of the United States that might be construed by the nations of the world as handicapping him, not showing faith in him, and not having confidence in him, so as to weaken his hand in carrying out his constitutional duties in foreign affairs?

Mr. HUMPHREY. Mr. President, will the distinguished Senator from Mississippi yield time to me?

Mr. STENNIS. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I simply wish to say a word about the final comments of the distinguished Senator from South Carolina (Mr. THURMOND). One of the reasons why I support the War Powers Act, one of the reasons why I shall vote to override the President's veto, is not that I think the bill will cripple the President in his role as Commander in Chief and in his role as chief spokesman of the Nation in matters of foreign policy, but because I believe that the act will send a signal to the Soviet Union and to anyone else that we in the Congress of the United States are prepared, as the duly elected representatives of the American people from the sovereign States of the Union, to share in the responsibility for national security decisions.

It is my intention to introduce later in the Senate a resolution that will indicate unmistakably that we are prepared to cooperate with the President of the United States in matters of national security in times of domestic crises such as we face now. I spoke up on that subject in the Democratic Caucus.

I am not partisan as to national security. I have never been and never will be. But this particular piece of legislation simply says that we are prepared to share our part of the burden. Have we not learned something throughout the years? This bill is not directed at President Nixon. I will say for President Nixon that he got us out of the war; he has not put us into one. The bill is directed at what I consider to be a long-term formulation and a long-term increase of Presidential warmaking powers that has come upon us, almost step by step, without our even knowing it was happening.

Yet there is within this War Powers Act some of the very sensible logic of Dwight Eisenhower. I remind Senators that I was a Member of this body when President Eisenhower sent a message or a resolution to Congress. He said.

> I may have to commit troops to the Middle East, and I want Congress to share in the responsibility.

There was a President before Dwight Eisenhower by the name of Harry Truman, whom I loved. He committed troops, and 6 months later his popularity, believe it or not, was lower than that of the present occupant of the White House is now.

This piece of legislation is a signal to the world that Congress and the President will work together to insure our national security. It is not designed to tie the President's hands. It is designed, if you please, to strengthen the national security and resolve of the Nation.

There are, of course, some limitations we have put in the bill simply to make the burden of sharing real. There is in the legislaton the power, if Congress wishes to, to terminate hostilities. We have always, in a sense, had that power if we wanted to use the appropriations process; but that was slow and uncertain. I am not an expert in constiutional law, but I served on the National Security Council. No other Member of this body has. I took that assignment seriously. There is not a man who ever served as President who, when the chips were down, did not need Congress.

Let me tell the Senate that the world needs to know that the duly elected representatives of the American people are capable of making tough decisions and will not leave it up to one man.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 1 additional minute to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 additional minute.

Mr. HUMPHREY. Mr. President, I am prepared to work with the President on matters relating to the security of this Nation and on other matters. However, I am also prepared to say that this is not an empire. This is not a kingdom. We do not have an imperial domain. We have a republic. And the way to preserve a republic is to make it possible for the representatives of this republic to act responsibly. And the way to do that is to put the responsibility right here.

Let us shape up like men and women when the chips are down and not say that we are going to leave it to the President.

When the President does something we do not like, we say that he is acting without our consent or that he did not tell us the truth.

This resolution informs the Congress, informs the country, and informs the world that the Congress and the President will share the responsibility.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, to be fair, I think that I should yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. TOWER. Mr. President, I would simply say in response to my friend, the distinguished Senator from Minnesota, that this is a very novel idea he has of serving notice to the Soviets that Congress is sending them a signal that we intend to share in the responsibility of the President.

I am sure that the people of the Soviet Union must be rejoicing in the streets of Moscow if they feel that Congress is going to insist on sharing the responsibility with the President for the formulation and implementation of foreign policy.

Such action can only result in ultimate paralysis, inflexibility, and a complete disadvantage vis-a-vis the Soviets in terms of the conduct of diplomacy.

I would suggest that that is hardly a firm signal to the Soviets, because they understand the history of our past few months and years in terms of our participation in the formulation and implementation of foreign policy very well indeed.

Mr. President, on my own time, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I thank the Senator from Texas for yielding.

Mr. President, I share with every Member of this body a deep concern over a proper definition of the circumstances under which a President of the United States may commit American forces to hostilities or to situations which might give rise to hostilities. I do not believe that the war process resolution is the answer nor, I hasten to add, do I have an alternative proposal to make.

My own study of our own historical experience, and discussions with historians, suggests that it may be impossible to legislate a net formulation that can anticipate all the situations that could rise in the future when the legitimate security interests of the American people may require a show of strength. Furthermore, I fear that any legislation to delineate the President's power to deploy our military forces that is less than perfect may, in some future crisis, prove dangerously inhibiting.

Any President will be most reluctant to commit U.S. forces to combat without knowing that his actions will have the support of a substantial majority of the Congress and of the American people. If a President were to act without such support, he would be subject to immediate congressional reprisals that could take the form either of impeachment or of a termination of funding to support the operations. These are weapons that have always been at the disposal of the Congress. These congressional powers have not been invoked before this year because past Presidents have in fact had the support of the country when they have involved our forces in hostilities without a formal declaration of war. This year the Congress did close down or direct military involvement in Indochina by shutting down the flow of funds that would conduct these operations.

It should be noted that the existence of war powers legislation would not have precluded our involvement in Vietnam. The Tonkin joint resolution in fact sanctioned that involvement. Moreover, although the war ultimately proved highly controversial and unpopular, during the first few years it had the overwhelming support of both Houses of Congress and of a great majority of the American public. On the other hand, the very existence of the kind of legislation the President has vetoed could encourage Presidential adventurism by seeming to sanctify any Presidential commitment of forces during the 60-day period before congressional action is required to sanction their continued deployment. Thus the resolution's practical effect could be to destroy the political institutions that in the past has been our greatest guarantee of the prudent use of Presidential powers.

Finally, I am persuaded by the carefully documented arguments made in earlier debate by the Senator from Arizona (Mr. GOLDWATER) that the President has inherent constitutional authority as Commander in Chief that is far broader than that described in the War Powers Resolution. Section 2(c) of the resolution states that the President may:

> Introduce United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances . . . . only pursuant to (1) a declaration of war, (2) specific statutory authorization, or, (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces."

This incredibly narrow definition belies commonsense and more than 180 years of experience under our Constitution. Its literal application would have precluded any number of deployments of forces which in the past have helped prevent a crisis from being escalated into broad scale hostilities. We could not have reacted to the invasion of South Korea as we did, nor mobilized our 6th Fleet in the eastern Mediterranean at the time of the 6-day war in 1967, nor landed our troops in Lebanon in the early 1960's, nor taken any of a number of other actions that had the effect of securing American lives, property, and interest in areas far beyond our territorial waters and possessions.

The fact that the war powers resolution finds it necessary to fill this alleged constitutional shortcoming by legislating standby authority to involve American forces in hostilities anywhere in the globe merely accentuates the error of construction on which the resolution is based; and in the process, it has made it possible for future Presidents to act less responsibly than they have in the past when committing Americans to battle or to conditions where they might become engaged in battle.

The effect of the resolution is to insulate the President from the kind of political restraints and concerns and to say that no American soldier, sailor, or airman will become committed under conditions that may become provocative.

Mr. President, under the circumstances I urge my colleagues to join me in voting to sustain the President's veto.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 4 minutes.

Mr. McGEE. Mr. President, I want to announce at this time, with very severe reservations and reluctance, that I am going to support the override of the President's veto. When I say reluctance, I mean I have reservations that run more deeply than 4 minutes will permit me to explain.

I simply think that with this resolution as we have debated and debated the question of what our decisionmaking structure really ought to be in a time of crisis, we have still ducked the gut issue. And the gut issue is what do we have to do with our Constitution to update it to now, 1973, to meet the real crisis of tomorrow, not yesterday.

Let us face the facts. Our Founding Fathers confronted a simple world at a time when nations could risk a war as an instrument of national policy.

I would think we would be best advised if we were to select, as I am proposing, a high level, prestigious committee, commission, or whatever you want to call it, that would start with the Constitution—that is sacrosanct, I know, in the minds of many, but this is where the trouble began in the war declaration process. The Founding Fathers did not envisage a day when you would fight wars without declaring them, and probably would have to, because of the potential for a nuclear holocaust that would confront a nation making such a decision.

Likewise, we have to be mindful of the structure of this body. It is cumbersome. It was not geared for split-second decisionmaking, for crisis decisionmaking, for coping with a world of monolithic governments, or with our own democratic processes that slow us down and encumber the clarity of the decisionmaking process at all times.

I do not know what the answer to that is going to be, but I have come through these 2½ years of debate on this issue convinced that we are still trying to prevent another war in Vietnam, just as we spent all of my early days in the Thirties trying to prevent another war with Bill and Kaiser back in 1917. We always try to correct a system that somehow we blame for what we did, instead of looking ahead and trying to avoid the pitfalls that we may have to face in the future.

So, Mr. President, I shall cast my vote in support of overturning the veto decision of the President, but I do that with the utmost of reluctance, because I believe we are still ducking the real question here. I am confident, however, with the decision made on the House side and with the overwhelming decision in this body, it is still better that we move a little bit in the right direction, and I think that the resolution of the Senator from New York does honestly strive to move in that direction. I am just afraid we are going to let slip away from us the shock value of our present situation in the world, which ought to require us to take a far more decisive step, and make a far more fundamental decision in our constitutional structure. I think we ought to restructure the amending process to bring us up to the world of 1973, 1983, and 1993, instead of waiting for another debacle to remind us that we have not caught up. And I hasten to add, I think that process is going to somehow have to include increasing areas of responsibility in the executive branch. I do not see any reasonable alternatives to that hard fact of life.

But, knowing what we know now, we surely have enough wisdom to insure and surround that increasing power in the executive branch, to protect the popular input of the legislative responsibility, in that process.

I wish I had a ready answer. I do not know. But surely we have the capacity to find out what those answers may be and what they ought to include. So this, to me, is a stopgap effort here today—purely stopgap. I hope we have the wisdom to proceed from here, to act in a far more enduring way than I am afraid this legislation in itself will achieve.

As I say, Mr. President, although I will vote to support the override of the President's veto of the War Powers Act, I do so reluctantly.

Although, as I have noted in the past, I believe this proposal comes closer to anything else we have done in the Foreign Relations Committee to come to grips with one facet of governmental decisionmaking realistically and constructively, it still does not go far enough.

In sounding this warning again, I want to emphasize that I will be introducing legislation which would call upon the President and the Congress to commission a high-level panel comprised of our best minds of diverse background and philosophy to undertake an intensive and in-depth study of the decisionmaking processes of our Government as they relate to the formulation of foreign policy, national commitments, and the war powers.

My proposal would not limit the scope of the proposed Commission's study to just the war-powers issue. The study would also encompass the decisionmaking processes involved in the formulation of our foreign policy and national commitments. This is what I feel we should really be addressing ourselves to right now—the updating of all our mechanisms for responsible policymaking in our system of representative government. We should do this armed with all of the wisest judgments this country can command.

During the debate on this bill, much was said regarding the intent of our Founding Fathers as they sat down to draft the Constitution in Philadelphia in 1787—their intent in framing a workable relationship between the executive and legislative branches of Government in the area of war powers.

However, the world our Founding Fathers confronted as they drafted the Constitution was not the world that Members of this body are compelled to face in 1973 and succeeding years.

The Founding Fathers provided a specific mechanism for declaring war—article 1, section 8—leaving the initiatives of the events which preceded war clearly to the President. They provided that only the Congress finally could declare war. This procedure was framed in a period when nations dared to, and could afford to, consider declared wars as an instrument of national policy. Yet today, many students of government feel that we have long since passed the time when we can afford to declare war without running the risk of nuclear holocaust. Therefore, one of the issues raised centers around the phenomena of undeclared wars and the question regarding the role of the executive and legislative branches of Government in this critical area of policy responsibility. I do not believe we have yet found a solution to that problem, although we are heading in that direction with the War Powers Act.

Hopefully, with the legislation I intend to introduce, we can arrive at the answer to the question of what a nation like the United States, with all its responsibilities, should have in its mechanisms for policymaking that would be realistic in the world as it is today, and as it will be in the future.

Rather than attempting to patch up our current procedures, we really should be inquiring into what the Constitution should say in 1973. Our present attempt at remedying a constitutional structure put together nearly 200 years ago is not enough. Indeed, it could be costly by delaying a long-overdue reexamination of our policymaking mechanisms.

We have put off far too long the process of updating our Constitution and updating the mechanisms of a representative republic in the field of foreign policy. I am not saying that I have the answers to these questions. I do not. Yet, it may well be that a commission would conclude that the present mechanisms are satisfactory and do not need to be changed or altered in any way. I would be the first to accept that conclusion. On the other hand, if there is even the slightest possibility that we need to refine or change our decisionmaking processes in order to enable us to function more effectively in the world as it is today, we owe it to ourselves and the Nation to pursue an in-depth study utilizing the best minds we have in the country for such an endeavor.

My proposal would provide that a high-level panel be commissioned to make the kind of searching inquiry, hopefully, as to what a great nation conceived in 1973—not 1787—should do with the awesome power and responsibility it has in the world today, and what kind of mechanism may be written into a theoretical constitution for that kind of new republic. It would require a difficult undertaking, for what I am suggesting is that this panel operate in nearly a total vacuum, completely ignoring what we did 200 years ago and the evolution of our traditions throughout the course of our history as a nation.

Once a conclusion was reached by the panel, it would then be up to Congress to accept or reject its findings, or to implement or supplement them. If the findings were accepted, and if they recommend constitutional changes, then it would be up to the Congress to measure the recommendations and determine how they could best be fitted into our Constitution and our tradition.

I am sure my proposal will promulgate cries of outrage that somehow I am being un-American for even suggesting such a process. However, I believe the Founding

Fathers would be the last to say what they did in Philadelphia nearly 200 years ago was sacrosanct. Times have changed the relevance of that event. We have not yet honestly assessed if the times have changed to the degree that we might also need to amend, in relevant ways, our Constitution. There is really no way of answering that question. However, no one is really measuring the role of the various branches of Government and sorting out the respective roles in light of the new events and new responsibilities that we did not seek, but nevertheless have, in trying to make it possible for our system to survive the impact of change and demands of the modern world.

We have continually put this modernizing process off again and again, apparently in the hope that we will come to grips with it once more when we have another crisis. But our experience with this indulgence should compel us to take positive action in establishing a mechanism that would prevent future crises, or at least confront them in a more effective manner, rather than addressing ourselves to crises of the past.

I believe these questions have to be answered. I will support the override of the veto, but I warn that much more has to be done if we are ever to come to grips with this issue effectively.

Mr. HUMPHREY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CURTIS). The Senator's time has expired.

Mr. McGEE. My time has expired, so I do not have any time to yield.

Mr. STENNIS. I yield the Senator 1 more minute.

Mr. McGEE. I yield that to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I just want to say to the Senator from Wyoming that indeed what he has said poses the whole problem in all its dimensions. If this legislation does nothing else than put a stop, look, and listen sign up for the kind of wise counsel the Senator is suggesting, then it will have served its useful purpose.

But I do not think it is fair to say that it strips the President and limits him. I do not think it is fair to say that, because we are also talking about treaties, which are the supreme law of the land, and the treaty power includes this great assembly known as the U.S. Senate.

May I say quickly to my friend from Texas that when he said he thought there would be rejoicing in the streets of Moscow, I am not sure whether there will be any rejoicing in the streets of Moscow, but soon there will be a better sense of security and there will be a sense of relief in the homes of America; and I am a whole lot more interested in how the American people feel than how they rejoice in the streets of Moscow. They have not had anything to rejoice about over there for a long time, anyway.

The most important thing is how we feel here at home, because the security of this country, Mr. President, is not merely in the cutting edge of our military. It is not merely in the dictates of the President. It is in the confidence and the trust of the people of this country in their Government, and that is where our security is being eroded today.

There is no security unless the people and their Government understand each other and respect each other. We are the elected representatives of the American people in the House of Representatives and the Senate, and they have a right to look to us for the ability to make decisions. If we cannot make decisions, we ought to get out of here and save the taxpayers some money.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, first I should like once again to extend the gratitude of this body and of this Senator to the distinguished chairman of our Armed Services Committee (Mr. STENNIS) and the distinguished senior Senator from New York (Mr. JAVITS), who have provided, in a bipartisan, nonideological sense, tremendous leadership in the authorship of this amendment with which so many of us in the Senate have been very proud to associate ourselves as cosponsors.

Second, I would like to indicate my feeling that we have had a test, now, through a pro forma emergency condition in the Mideast—an area vital to the security of this country—where, if the bill had been law, had been on the books, there would not have been one string attached to the executive branch of the Government in carrying forth the alert, in carrying forth their negotiations, and in carrying forth every step they are taking to bring peace and stability to that area.

In no sense would any Member of this body wish to take away the prerogative of the Commander in Chief from the standpoint of protecting the best interests of this country. But certainly the provisions have been thought through carefully and well, and we can conceive of no emergency that could not be dealt with by the executive branch and Congress under the provisions of this law, that we have been able to perceive.

Third, there is going to be, obviously, a question in the minds of the American people. Is this vote today just a reflection of the attitude of Congress on Watergate? Is the President losing his clout with Congress because of that?

I think it would demean this bill and the work that has been done for months for any such implications to be made. After all, the President has had his vetoes sustained throughout Watergate on many different issues. But when the House of Representatives today took their forthright stand, and when we, at 5:15 p.m. today stand up and declare that we feel the prerogatives of the warmaking powers of this country should be left and reserved to Congress, as was intended, let there be no implication that any Member of the House or the Senate was motivated in his vote through some reaction to Watergate. There is no single issue I know of that more Members of Congress feel more deeply about than this. After all, this is the whole question of war and peace. This is the whole question of, are we going to make another tragic mistake such as we made in Vietnam, are we going to stumble into something, to be sucked into a situation where unilaterally, one man, whether Democrat or Republican, can take this Nation into war without the advice and consent of Congress and, thereby, the American people?

So that I feel there is no question that every Member of Congress is prompted to vote on this particular issue by no other motive than to vote his conscience and his best judgment.

I respect and honor those who feel differently, but I think those of us who are supporting this bill feel very strongly about the fact that it is in the best interests of the United States.

I feel also, Mr. President, that the action of the House of Representatives in overriding the veto of the war powers resolution leaves the Senate now with a dramatic and historic opportunity to establish, in law, new definitions of Presidential and congressional responsibility for warmaking.

This opportunity must be grasped, and it will be grasped by the Senate at 5:15 this afternoon. Let this hour of debate culminate in a decision that there shall be no future undeclared wars initiated by Presidents and prosecuted without broad congressional and public support. Let this hour of debate culminate in a vote to reassert congressional responsibility in the life and death decisions involved in the warmaking powers.

Let the people know by our actions today that the U.S. Senate acted forthrightly and responsibly to deter ill-considered actions which can involve the Nation in undesirable wars of no direct consequence to our national security.

This is a duty we owe to the American people. It was discharged by the House of Representatives today and it will be, I am confident, discharged in a few moments now by the Senate.

Mr. President, there has been adequate communication with the executive branch on this issue. Many of us, over a period not just of months but of several years now, have strongly counseled the administration to cooperate with the Congress in this respect, to have no feeling that we are trying to take away power, or that we are trying to take away the security of this Nation. We want the protection of this country just as much as anyone else does. But here was the opportunity—and I am sorry that it has now been missed—for the executive branch to cooperate with the congressional branch in a measure that overwhelmingly and resoundingly now, by two-thirds of our vote, we have spoken with a loud and clear voice.

I believe that we are reflecting, as we never have on a vote before, a feeling deeply felt by the American people. We have justified the existence of the legislative branch of the Government, the separation of powers, and the provisions that permitted the overriding of the Presidential veto, as we never have before.

Mr. President, there is no question that the framers of the Constitution meant to give Congress the power to initiate hostilities. They made only one exception, empowering the President, as Commander in Chief, to repel sudden attacks. However, the Constitution does not specify whether, under what circumstances, or by whose decision the Armed Forces can be sent into battle when Congress has not declared war and there has been no sudden attack on the Nation.

Many examples have been cited from our history attesting to Congress primary responsibility in the initiation of military actions. At the same time, many examples have also been given where in practice the Executive has ignored Congress role. Particularly since the turn of the century, Presidents have used military force more freely, moving troops in support of foreign policy decisions and in reply to particular situations. More recently, questions about the division of powers and Congress prerogatives have been raised most strongly in connection with the sending of U.S. troops into the Dominican Republic and Vietnam.

The question of congressional responsibility in warmaking has become a major issue in the country and—as we in Congress well know—the American people are determined that there shall be no future undeclared wars initiated by Presidents and prosecuted without wide public support. Since a President cannot effectively prosecute a war without congressional support and popular approval, adherence to the provisions of the War Powers Act could save Presidents from undertaking military adventures contrary to the wishes and interests of the American people. Moreover, legislation of this type can be a deterrent to ill-considered actions which may involve the Nation in undesirable wars of no direct consequence to our national security.

This legislation is in no way a reflection on President Nixon, who inherited a major American war and has consistently reduced American involvement in that war. Had this legislation been enacted in 1960, President Nixon might never have had the conduct of the Vietnam war thrust upon him, because the United States might not have committed troops to combat in that war.

I should also like to reaffirm that this bill is a bipartisan, nonideological attempt by many Members of this body to delineate the executive-legislative relationship. It is not a liberal initiative, and it is not a conservative initative. The distinguished senior Senator from New York has correctly characterized the bill as landmark legislation.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Florida.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from Florida is recognized for 2 minutes.

Mr. CHILES. Mr. President, this vote on war powers is the most important vote that I have made and the most important issue that the Congress has acted on in the 3 years I have been here. No longer will Congress be able to shirk its constitutional duty to be the branch of Government that declares war and makes the decision when we shall take our people into war.

I think we take a giant step to make the statement that Jefferson made in a letter to Madison in 1789:

> We have already given in example one effectual check to the dog of war by transferring the power of letting him loose from the executive to the legislative body, from those who are to spend to those who are to pay.

Thus, we remove ourselves from the era of Presidential wars where Congress never expresses itself and where there is never a national debate or national commitment, and where we consign American young to fight and die with no expression of why they fight or what we consider to be the goal.

With the war powers bill, we put the dog of war back on the people's leash, where it can only be turned loose through the people's representatives.

Mr. STENNIS. Mr. President, I yield 7 minutes to the distinguished Senator from Maine (Mr. MUSKIE).

The PRESIDING OFFICER. The Chair would advise the Senator from Mississippi that he has 6 minutes remaining.

Mr. STENNIS. Then I yield the 6 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 6 minutes.

Mr. MUSKIE. Mr. President, the Senate has an historic opportunity this afternoon to achieve a result that, in my judgment, the great majority of the American people have been seeking for at least 10 years

As I reflect back on the past 10 years, the present difficulties which beset our country, the growing lack of confidence among our people in their institutions, their leadership, and the political process, it seems to me that if any single development led to our present situation, it was the expansion of the Presidential role with respect to the making of war.

I do not have time to spell out the case that I have just asserted. But this legislation is an important step, a significant step, a step that will be visible to the American people, reflecting on the determination of Congress to begin to restore the balance between the legislative and executive branches with respect to the warmaking powers.

I understand, of course, that such dedicated and able Senators as the distinguished Senator from Missouri disagree as to the meaning of the legislation which the President has vetoed. I do not have time this afternoon to make the case which, hopefully, might reassure him. Indeed, I do not have the confidence that I could reassure him.

But let me make this point:

The President vetoed this bill because he said it took power away from him that it was essential the President have in the national interest.

The Senator from Missouri argues that the legislation which the President vetoed gives the President more power than he should have with respect to the making of war, and that that is against the national interest.

Mr. President, writing legislation in this field is a difficult proposition. It is clear that the President of the United States—and I refer not just to this President—and the Congress, and I mean a substantial majority of Congress, disagree as to what the respective roles of Congress and the President are concerning the making of war.

We could not hope, conceivably, to resolve that difference of opinion in any piece of legislation, either that which passed the Senate in the first instance or this bill which has been vetoed by the President. We simply cannot rewrite the Constitution in a way which can get the concurrence of the President and the Congress on this point.

So this bill does not undertake to do that. The bill does not undertake to impose on the President a modification of his constitutional powers. It does not undertake to assert a restatement of Congress' view as to the President's role with respect to the warmaking power.

What it undertakes to do is to establish a procedure for comity as to different views in the future, so that Congress can be brought in from the periphery of the warmaking power to its center in order to exercise its proper role.

With respect to the comments that the Senator from Missouri (Mr. EAGLETON) has made, let me make this simple point:

In section 2 of the bill, we find this language to which the Senator has already referred:

> The constitutional powers of President as commander in chief to introduce the United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant, one, to a declaration of war and, two, to specific statutory authorization or, three, a national emergency created by an attack on the United States, its territories, or possessions, or its Armed Forces.

It is true, as the Senator from Missouri has pointed out, that this language is not operative language.

Why was it put into the bill?

It was put into the bill as an indication that, in enacting a bill, Congress did not intend to surrender any of its constitutional powers with respect to the making of war.

The remainder of the bill is a procedural bill, undertaken to insure consultation by the President with Congress and undertaking to put in the hands of Congress the procedure for terminating any hostilities into which the President may have plunged us, whether or not his action in so doing conformed with our view as to what his constitution powers might be.

So I urge my colleagues to take this opportunity to begin the process of reasserting and reestablishing the role of Congress in the warmaking powers. It is a historic opportunity, and I hope we do not let it pass us by.

The PRESIDING OFFICER. The Senator from Texas has 5 minutes remaining.

Mr. TOWER. Mr. President, the distinguished Senator from New York (Mr. JAVITS), in a recent survey, was voted the brightest Member of the Senate. I concur with that conclusion. As a matter of fact, I once said that if I ever were indicted for a felony, I would like him to defend me, and he responded by saying, very generously, that he would do it without fee.

That is why I am amazed to hear him

say that there is no relationship between the power to wage war and the power to conduct diplomatic relations. I am sure that Tallyrand and Metternich and Castlereagh, at the Congress of Vienna, would have split their sides on that thought. I am sure that Clemenceau and Lloyd George and even Wilson, as naive as he was, would have thought that to be incredible. I wonder what would have happened if we had suggested that to Stalin and Churchill and Truman at Potsdam.

Mr. President, historically, it has been proved that the relationship between war and peace is a very close one, indeed, and that one cannot engage in the kind of negotiations that result in peace if one has not the power to wage war.

Therefore, I suggest that what we are doing here is undermining the historic and constitutional role of the President of the United States as the principal spokesman and negotiator for our Nation in the field of diplomatic relations, a power that would reside in the national government, according to the Supreme Court of the United States, even in the absence of any specific constitutional authority in that connection, because it is a necessary concomitant of nationality and must necessarily reside in the President of the United States.

We are baring ourselves naked in the eyes of the only great power in this world but ourselves, the Soviet Union, if we deny the President the flexibility of the use of military power as a precision instrument of diplomacy.

Mr. President, I yield the remainder of my time to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, on prior occasions, I have stated at some length my position that this bill and previous bills of like nature are contrary to the Constitution of the United States.

Section 2, article II, says:

> Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.

Section 4 of article IV says:

> Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion;

It is the constitutional power and the constitutional duty of the President, without any declaration of war and without any action by Congress, to defend this country against invasion. This bill, in effect, says that the President cannot exercise his constitutional power and cannot perform his constitutional duty for more than 60 days without the consent of Congress. It says that the President cannot be the Commander in Chief of the Army and the Navy when the United States is attacked for more than 60 days and that at the end of 60 days, Congress assumes that role.

I think that this bill, despite the good motives behind it, is on a parity with the Neutrality Act which we passed after the First World War, and which caused the Second World War, in large part. This bill is not only unconstitutional but also unwise, despite the good motives of those who sponsor it and support it.

I cannot, with clear conscience, vote to override the veto of this bill, because I think the veto was sound.

I thank the Senator from Texas for giving me an opportunity to speak very briefly against this bill on the ground that it is unconstitutional and unwise.

Mr. BELLMON. Mr. President, along with a vast majority of other Americans, I deplore the settlement of differences between nations by the use of armed force. Also I recognize that in recent years this Nation has allowed itself to become drawn into military conflicts which have cost heavily both in human suffering and a waste of resources. These experiences have generated great opposition in the country to future military activities and have caused both Houses of Congress to reexamine the role of the Congress in the warmaking process. I share the concern that this Nation has stumbled into military conflicts without carefully analyzing the costs and gauging whether or not the objective was worth the high price we might be called upon to pay.

Mr. President, at the same time the hard realities of the current world situation are such that among nations of the free world only the United States possesses the will and the strength to preserve the peace. Reality also dictates that the President of this country must have great flexibility and a minimum of interference in his conduct of our complex foreign policy.

To restrict the scope of his actions and to limit his ability to respond effectively to fast-developing international situations is to render ineffectual his efforts to avert the necessity for committing our troops and our resources to all-out war.

The intent of House Joint Resolution 542 is commendable. However, there is no need for this resolution. Anytime the Congress genuinely wishes to force the withdrawal of American forces from any area of the world or from any combat situation we can do so by withholding appropriations as we did in the Cambodian bombing situation earlier this year.

It is both inaccurate and dishonest for Members of Congress to say we are powerless under present law to prevent military involvements of which the Congress does not approve. The record shows that we can act if we have the will.

Mr. President, on that basis House Joint Resolution 542 can only be looked upon as an unnecessary handicap upon the Chief Executive in his efforts to conduct a wise and successful foreign policy aimed at keeping us out of war. I believe that, contrary to the expressed intent of the authors of this measure, it is more likely to produce than to prevent military hostilities. For this reason I believe President Nixon was wise in rejecting it and I will vote to support his veto.

Mr. MONDALE. Mr. President, this afternoon the Senate is engaged in possibly its most historic vote in decades. In light of the House's vote this morning overriding the President's veto of the war powers bill, the responsibility for insuring that American soldiers are never again introduced for extended combat without the consent of the Congress rests squarely with the Senate.

I am confident that we will meet this challenge, and complete the final step in a long and arduous process. In this process, the distinguished Senator from New York (Mr. JAVITS), the distinguished Senator from Mississippi (Mr. STENNIS) and many others deserve special praise. Years of conscientious discussion, extended committee hearings, and lengthy congressional debate on the subject of war powers have been expended in an effort to ensure that we enact the wisest possible legislation. I believe we have met this test.

This legislation, as before, has attracted wide support among members of both parties. It is a bipartisan, nonideological attempt to restore the constitutional balance of power between Congress and the President, not to alter it. It is appropriate that the war powers bill has such consensus, for warmaking decisions involve both political parties in the most profound kind of bipartisanship.

The widespread showing of support for the President during the recent Middle East crisis is ample evidence of this bipartisan spirit whenever our country is threatened.

And the Middle East crisis is also testimony to the fact that the approach which the bill before us undertakes is eminently wise and workable. The President was able to respond in time of crisis, and would have been so able to respond under the provisions of this bill.

Under this legislation, however, the Congress—and through us, the American people—are brought back into the decisionmaking process in those decisions which most vitally affect our future as a nation.

During this debate, there is one theme which stands out in my own mind—that there is something very wrong with the way Presidents have committed American military forces over the past 25 years. Presidents have usurped congressional power, but only because Congress has placed too much confidence in the Executive. Congress has acquiesced and accepted various Presidential rationalizations and, therefore, must share part of the blame for our involvement in the Dominican Republic, Vietnam, Cambodia, and Laos. But the lack of prior consultation with the Congress in all of these commitments, as well as the recently revealed series of secret military activity in Cambodia cloaked in the name of "national security," makes it imperative that Congress assert its legitimate constitutional authority. For there is no longer any doubt that a constitutional crisis over warmaking powers now exists.

If we fail to override this Presidential veto now, in the aftermath of the most graphic example of the excesses of individual warmaking, we may be sanctioning future Cambodias.

As Alexander M. Bickel of Yale University, one of the country's great constitutional authorities, testified before the Foreign Relations Committee on July 26, 1971 with regard to the Vietnam war:

> The decisions of 1965 may have differed only in degree from earlier stages in this process of growth. But there comes a point when a difference of degree achieves the magnitude of a difference of kind. The decisions of 1965 amounted to all but explicit transfer of power to declare war from Congress, where the Constitution lodged it, to the President, on whom the framers explicitly refused to confer it.

The war powers bill corrects the basic flow of the post-World War II practice toward Presidential wars by reestablishing the balance outlined in the Constitution so that Congress will decide whether and when this Nation goes to war.

Yet the bill in no way impairs the President's authority as Commander in Chief to repel attacks upon the United States or its Armed Forces, while it assures that Congress maintains its warmaking authority over the unchecked, unilateral decisions of the President. As the Committee on Foreign Relations stated in the report on the war powers bill:

> In brief, the Constitution gave Congress the authority to take the nation into war, whether by formal declaration of war or by other legislative means, and the President the authority to conduct it.

At the Constitutional Convention, the Founding Fathers, sensitive to the warmaking powers of the British kings, were explicit in their desire that the power to declare war and to raise armies be left to the legislature, with the President acting as Commander in Chief after the onset of hostilities. They intended that no single man, no matter how benevolent, could take this Nation to war.

As Jefferson stated in his famous letter to Madison in 1789:

> We have already given in example one effectual check to the dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

In the early years of the Republic, Presidents acknowledged and carefully respected the war power of Congress. President Madison said that the question of "opposing force to force" was one "which the Constitution wisely confided to the legislative department of the Government."

Daniel Webster, while serving as Secretary of State, said:

> The war making power in this Government rests entirely in Congress; . . . the President can authorize belligerent operations only in the cases expressly provided for in the Constitution and the laws.

Abraham Lincoln expressed his viewpoint on the matter in his protest over the Mexican War while he was a Member of Congress:

> The provision of the Constitution giving the warmaking power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

The deception, secrecy, ambiguity of the Indochina experience have made the American people determined that there shall be no future undeclared wars initiated by Presidents and prosecuted without clear-cut national support.

During hearings on the war powers in 1971, Prof. Henry Steele Commager made the following statement:

Now after 20 years marked by repeated, and almost routine, invasions by the executive of the warmaking powers assigned by the Constitution to Congress, we can see that more is at stake even than the constitutional principle of the separation of powers. At stake is the fate of the age-long effort of men to fix effective limits on government; at stake is the reconciliation of the claims of freedom and of security; at stake is the fateful issue of peace or war, an issue fateful not for the American people alone, nor alone for the stricken peoples of Southeast Asia, but for the whole of mankind.

Mr. President, the issues at stake in our vote this afternoon are fully as important as Professor Commager describes. They are historic both for our history as a Nation, and for our ability as a Congress to check the ever-greater tendency to unfettered executive authority.

This bill will do much to restore the faith of the American people in both the Congress and the executive that war policies are not being conducted in clandestine remoteness, but openly, and within the spirit of our Nation's Constitution.

Mr. BAKER. Mr. President, I intend to vote in favor of the motion of override the President's veto of the war powers bill presently pending before the Senate. I shall do so not because of any desire to encroach upon the prerogatives of the President as Commander in Chief of the Armed Forces, but rather in an effort to properly divide the awesome responsibility for committing U.S. combat forces abroad for a prolonged period of time.

Although I had serious reservations about the constitutionality of the original Senate bill, reservations which prompted me to oppose final passage of the measure last summer, those reservations were dispelled by the portions of the House bill agreed to in conference.

I was then inclined to support the new measure in the form of the conference report because of my strong belief that the Congress must reassert its authority in this vital area as perceived and intended by the drafters of the Constitution. However, at the time that the conference report was considered on the floor, the United States and the Soviet Union were drawing perilously close to a dangerous confrontation in the Middle East, a confrontation which was probably contributed to by our continued domestic troubles. Moreover, I was alarmed by the possibility that the Soviets might misinterpret our resolve to counter any unilateral Soviet aggression in that part of the world; and I, therefore, voted against final passage of the conference report.

Now, however, the likelihood of another United States-Soviet confrontation has diminished; and I think it is clear to all interested parties that the United States will not stand by idly while any nation attempts to unfairly tip the balance of power sharply in favor of either side. For this reason, I shall now vote in favor of the motion to override the President's veto.

Mr. President, in recent weeks and months, I have come to have an enhanced reverence for this Nation's Constitution and the distinguished men who drafted it almost 200 years ago; and just as I shall fight to protect the prerogatives of the legislative branch of our Government, so shall I fight equally hard to protect the prerogatives of the executive branch. However, in this instance, I am convinced that the drafters of the Constitution intended for the responsibility for warmaking to be shared by Congress and the President; and I am further convinced that the measure presently pending before the Senate is a responsible, and indeed, effective attempt to do just that. I urge my colleagues to vote to override the President's veto.

Mr. HATFIELD. Mr. President, among scars left from the Vietnam war is the realization by the American people that future U.S. military actions around the world cannot be implemented and carried out solely by the President. A partnership with Congress in forming warmaking policies lies at the heart of our Constitution. Today's vote recognizes the American people want a restoration of that policy.

I would admit that this bill, as it has come from the conference, is not totally satisfactory to me. It can be argued that there is still a wide degree of Executive discretion and latitude that many find questionable. Yet it is abundantly clear to me that this measure represents an initiative toward control of Executive power in warmaking.

Mr. President, the distribution of powers between the Congress and the Executive, which has been amply and extensively discussed with regard to the powers to declare war, is best summarized by this quotation from Justice Brandeis:

> Separation of power was adopted by the convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but by means of inevitable friction incident to the distribution of governmental powers among three departments, to save the people from autocracy.

Today, the need to reinstitute the proper and constitutional division of powers has been made clear to all Americans. The present crisis we are encountering has been produced by the exercise of arbitrary power by the executive branch. Saving our Nation from autocracy demands, at the minimum, that Congress begin the process of becoming again a truly coequal branch of Government. Passage of this war powers resolution today is one step toward that end.

Mr. DOLE. Mr. President, today marks a significant occasion for the Congress, for our system of government and for the future of the United States.

By action of the Congress a bill will become law and establish a basic partnership between the legislative and executive branches of Government in the exercise of the power to make war.

The War Powers Act has received long and intense study. It has been debated in the House and Senate. It has been passed by both bodies. The President, however, has opposed the bill, and he has returned it to Congress with his veto.

Earlier today, by greater than the constitutionally required two-thirds margin, the House voted to override the veto. In a short time the Senate, too, will vote, and if the earlier record is any indication a two-thirds vote will be provided to make the bill law.

I view this action as one of the most important, constructive and beneficial taken by Congress in recent years.

UNCLEAR AREA

The language of the Constitution makes it very difficult to determine the lines between the power of Congress to declare war and the duty of the President to act as Chief Executive and Commander in Chief. This difficulty has led to a great deal of uncertainty, concern and dispute over the proper roles of Congress and the President in exercising what has come to be the awesome and sobering power of committing this Nation's Armed Forces to war. By bringing some clarity and basic guidelines to play in this field I believe this bill will contribute in a major way to the better functioning of our Government.

A STEP TOWARD BETTER GOVERNMENT

First, it will settle a point of serious dispute between the two branches of Government.

Second, it assigns Congress in an active role in the warmaking process and thereby should serve to increase both the foreign and defense policy authority of the legislative branch and the flow of comunications between it and the executive. In large part it is felt that poor communications and a lack of congressional grounding in the facts and circumstances of the Southeast Asian conflict produced too rapid and poorly considered action on the Gulf of Tonkin resolution.

Third, enactment of this law and establishment of its procedures to safeguard the warmaking power should increase the people's confidence that their Government will pursue the Nation's defense on the broadest possible basis of consultation and cooperation among its leaders.

The bill insures the President the freedom and capacity to take quick action against any threat to our national security. But it also assures that the commitment of our forces to prolonged and lengthy engagement will not be undertaken without the approval of Congress.

I believe this approach is fully consistent with our Constitution, and it is responsive to the requirement that our Government always be one of law not of men.

Mr. KENNEDY. Mr. President, I strongly urge the Senate to match the action taken in the House of Representatives today, and override the President's veto of the war powers resolution.

No other single action can do more to reestablish the proper relationship between the branches of the Federal Government in this most critical area of war and peace.

In its entirety, the war powers resolution is a thoughtful and, indeed, conservative course of action. It seeks to preserve the basic institutional framework of decision on these critical matters that was established in the Constitution nearly 200 years ago. It restates with new force the separation of powers inscribed in the Constitution, by reasserting the role and responsibility of the Congress in deciding whether to commit the Nation to war.

We must not forget that the Constitutional Convention divided the war powers between the executive and the legislature. The President was to be Commander in Chief. But the rest of the war powers were entrusted to the Congress.

Article I, section 8 of the Constitution clearly states that power rests with Congress:

> To provide for the common Defense . . . To define and punish . . . Offenses against the Law of Nations; To declare war, To raise and support Armies . . . To provide and maintain a Navy, To make Rules for the Government and Regulation of land and naval forces; to provide for calling forth the Militia to execute the Laws of the Union . . . and repel Invasions; To provide for organizing, arming and disciplining the Militia and for governng such part of them as may be employed in the Service of the United State. . . .

The words of the Constitution and the intent of its framers are clear. But over the past decades, the power to choose war or peace has steadily accumulated in the hands of the President ultimately bringing us Vietnam as the most painful and tragic reminder of the wisdom of the Nation's Founders. To return to the Constitution, as this legislation does, is not merely desirable but also crucial if we are to learn from history the need to maintain a proper division of responsibility for waging war and making peace.

The need for this legislation has been magnified by the disclosures of forged bombing reports, by disclosures of the misuses of the intelligence gathering arms of the Government, by the massive bombing carried out in Cambodia earlier this year—all pointing to the need for legislation to repeat and reinforce the limits placed on the President by the Constitution.

Equally important, events of the past several years demonstrate the ease with which a system of shared powers can be eroded if one partner is unwilling to exercise its powers and the other is more than willing to take up the slack. Since the Korean war, the essential act of committing the Nation's might to hostilities, unlimited by time or distance, has been made by the executive branch.

The reassertion of congressional responsibility finally took shape this year with the passage of legislation to halt the bombing in Indochina and to require a clear and final end to U.S. military activity there.

This resolution provides the essential second step in that process—a step to designate beforehand the limits on Presidential action and to establish the means for Congress to obtain the information it needs for intelligent action.

By overriding the President's veto, we can reaffirm the constitutional responsibility of the Congress to decide whether the Nation shall go to war. But, without this action, we would by our silence invite repetition of the Vietnam tragedy, a repetition that we cannot afford.

Santayana wrote that—

> He who does not remember the past is doomed to repeat it.

Let us heed those words; let us learn from history; let us vote to override the President's veto of the war powers bill.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. STENNIS. What is the pending order of business?

The **PRESIDING OFFICER.** All time has expired. The question is——

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

[No. 477 Leg.]

Abourezk
Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from Georgia (Mr. TALMADGE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Pennsylvania (Mr. HUGH SCOTT) are necessarily absent.

The **PRESIDING OFFICER.** A quorum is present.

Mr. MANSFIELD. Now, it is automatic.

The **PRESIDING OFFICER.** The question is, Shall joint resolution pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are mandatory under the Constitution.

Mr. STENNIS. Mr. President, may we have order?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. To vote "aye" is to override?

The PRESIDING OFFICER. To vote "aye" is to override.

The clerk will call the roll.

The legislative clerk called to roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from Georgia (Mr. TALMADGE), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

On this vote, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Pennsylvania (Mr. HUGH SCOTT) are paired with the Senator from Arizona (Mr. GOLDWATER).

If present and voting, the Senators from New Jersey and Pennsylvania would vote "yea" and the Senator from Arizona would vote "nay."

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) and the Senator from Georgia (Mr. TALMADGE), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Pennsylvania (Mr. HUGH SCOTT) are necessarily absent.

On this vote the Senator from Pennsylvania (Mr. HUGH SCOTT) and the Senator from New Jersey (Mr. WILLIAMS) are paired with the Senator from Arizona (Mr. GOLDWATER).

If present and voting, the Senator from Pennsylvania and the Senator from New Jersey would each vote "yea," and the Senator from Arizona would vote "nay."

The yeas and nays resulted—yeas 75, nays 18, as follows:

[No. 478 Leg.]

YEAS—75

Aiken
Allen
Baker
Bartlett
Beall
Bentsen
Bible
Biden
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Dole
Domenici
Eastland
Fong
Fulbright
Gravel
Hart
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, William L.
Sparkman
Stafford
Stennis
Stevenson
Symington
Taft
Tunney
Weicker
Young

NAYS—18

Abourezk
Bellmon
Bennett
Buckley
Curtis
Dominick
Eagleton
Ervin
Fannin
Griffin
Gurney
Hansen
Helms
Hruska
Saxbe
Stevens
Thurmond
Tower

NOT VOTING—7

Bayh
Cotton
Goldwater
Hartke
Scott, Hugh
Talmadge
Williams

The PRESIDING OFFICER. On this vote the yeas are 75, and the nays 18. Two-thirds of the Senators present and voting having voted in the affirmative, the joint resolution, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

[Applause in the galleries.]

Mr. TOWER. Mr. President, order.

The PRESIDING OFFICER. Order in the galleries.

Mr. ROBERT C. BYRD. Mr. President, what is the Senate rule with respect to demonstrations in the galleries?

The PRESIDING OFFICER. The occupants in the galleries are guests of the Senate. If they do not conduct themselves properly, they will be asked to leave by the Sergeant at Arms.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

Mr. TOWER. Mr. President, will the Senator withhold that?

Mr. MANSFIELD. Briefly.

Mr. TOWER. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. TOWER. Mr. President, I just want to express the hope that the constitutionality——

Mr. ROBERT C. BYRD. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. The galleries will be in order. Senators will take their seats and conversations will cease in the galleries and on the floor.

Mr. TOWER. Mr. President, I simply want to express the hope that the constitutionality of the measure just sustained by the Senate over the President's veto will be challenged at the earliest possible opportunity.

I think that we have sent a very dangerous signal to Moscow, indeed. And I hope that at the very earliest possible legal opportunity the constitutionality of this measure will be challenged and the unconstitutionality of it will be made apparent.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, would the Senator withhold that request?

Mr. MANSFIELD. Briefly.

Mr. JAVITS. Mr. President, I do not think that it will do our country any good to send out warnings like those just uttered by the Senator from Texas.

I doubt very much that any court would have decided this before or would decide it now. It is almost a classic example of what the courts have considered a "political question." That was the reason that we had to settle it through legislation, including a veto override. No one is being arrogant about this. We are talking about war. This involves human lives in the millions.

I express the deep hope, almost a prayer, that after this long effort and after the most searching inquiry this will be found to be a salutary procedure in which the President will fully cooperate, respecting us especially in a time of trial as much as we respect him as the incumbent of the Presidency with the awesome responsibilities he carries.

I hope that all of us, the people of the country and all men and women in Congress, will approach this matter with the solemnity and sobriety it deserves and make it an essential element of strength for our country.

FEDERAL FINANCING BANK ACT OF 1973

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5874.

THE PRESIDING OFFICER (Mr. BARTLETT) laid before the Senate H.R. 5874, a bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, which was read twice by its title.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that all after the enacting clause of H.R. 5874 be stricken and that the language of S. 925 as passed on June 22, 1973, be inserted in lieu thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of S. 925 reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Financing Bank Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress finds that demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies. The purpose of this Act is to assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Federal agency" means an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress which is owned in whole or in part by the United States.

(2) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership interest in the issuing Federal agency.

(3) The term "guarantee" means any guarantee, insurance, or other pledge with

respect to the payment of all or part of the principal or interest on any obligation, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions, or any guarantee or pledge arising out of a statutory obligation to insure such deposits, shares, or other withdrawable accounts.

(4) The term "Bank" means the Federal Financing Bank established by section 4 of this Act.

CREATION OF BANK

SEC. 4. There is hereby created a body corporate to be known as the Federal Financing Bank, which shall have succession until dissolved by an Act of Congress. The Bank shall be subject to the general supervision and direction of the Secretary of the Treasury. The Bank shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

BOARD OF DIRECTORS

SEC. 5. (a) The Bank shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Bank or of any Federal agency. The Chairman and each other member of the Board may designate some other officer or employee of the Government to serve in his place.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Bank. The Chairman of the Board shall select and effect the appointment of qualified persons to fill such offices as may be provided for in the bylaws, and such persons shall be the executive officers of the Bank and shall discharge such executive functions, powers, and duties as may be provided for in the bylaws or by the Board of Directors. The members of the Board and their designees shall not receive compensation for their services on the Board.

FUNCTIONS

SEC. 6. (a) The Bank is authorized to make commitments to purchase and sell, and to purchase and sell on terms and conditions determined by the Bank, any obligation which is issued, sold, or guaranteed by a Federal agency. Any Federal agency which is authorized to issue, sell, or guarantee any obligation is authorized to issue or sell such obligations directly to the Bank.

(b) Any purchase by the Bank shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration (1) the current average yield on outstanding marketable obligations of the United States of comparable maturity, or (2) whenever the Bank's own obligations outstanding are sufficient, the current average yield on outstanding obligations of the Bank of comparable maturity.

(c) The Bank is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves.

TREASURY APPROVAL

SEC. 7. (a) To insure the orderly and coordinated marketing of Treasury and Federal agency obligations and appropriate financing planning with respect thereto, and to facilitate the effective financing of programs authorized by law subject to the applicable provisions of such law, the prior approval of the Secretary of the Treasury shall be required with respect to—

(1) the method of financing,

(2) the source of financing,

(3) the timing of financing in relation to market conditions and financing by other Federal agencies, and

(4) the financing terms and conditions, including rates of interest and maturities,

of obligations issued, sold, or guaranteed by any Federal agency, except that the approval of the Secretary of the Treasury shall not be required with respect to (1) obligations issued or sold pursuant to an Act of Congress which expressly prohibits any guarantee of such obligations by the United States, (2) obligations guaranteed in connection with programs involving the guarantee of large numbers of individual obligations that are originated and serviced by local lending institutions and that are not ordinarily bought and sold in the same markets as bonds and other similar types of investment securities, or (3) obligations issued or sold by the Farmers Home Administration.

(b) Upon receipt of a request from a Federal agency for his approval under subsection (a) of this section, the Secretary of the Treasury shall act promptly either to grant his approval or to advise the agency of the reasons for withholding his approval. In no case shall the Secretary of the Treasury withhold such approval for a period longer than sixty days unless, prior to the end of such period, he submits to the Congress a detailed explanation of his reasons for so doing. In no case shall the Secretary withhold such approval for a period longer than one hundred and twenty days. To the maximum extent practicable, withholdings of approval shall be made in a manner which is not disproportionately detrimental to the functioning of any particular type of Federal program. Expedited treatment shall be accorded in any case in which the Federal agency advises the Secretary of the Treasury that unusual circumstances require such treatment.

(c) Federal agencies subject to this section shall submit financing plans to the Secretary of the Treasury at such times and in such forms as he shall prescribe.

INITIAL CAPITAL

SEC. 8. The Secretary of the Treasury is authorized to advance the funds necessary to provide initial capital to the Bank. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE BANK

SEC. 9. (a) The Bank is authorized, with the approval of the Secretary of the Treasury, to issue publicly and have outstanding at any one time not in excess of $15,000,000,000, or such additional amounts as may be authorized in appropriations Acts, of obligations having such maturities and bearing such rate or rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. So far as is feasible, the debt structure of the Bank shall be commensurate with its asset structure.

(b) The Bank is also authorized to issue its obligations to the Secretary of the Treasury and the Secretary of the Treasury may in his discretion purchase or agree to purchase any such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(c) The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Bank in excess of such amount.

(d) Obligations of the Bank issued pursuant to this section shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or any agency or instrumentality of any of the foregoing, or any officer or officers thereof.

GENERAL POWERS

SEC. 10. The Bank shall have power—

(1) to sue and be sued, complain, and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof;

(9) to enter into contracts, to execute instruments to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business;

(10) to act through any corporate or other agency or instrumentality of the United States, and to utilize the services thereof on a reimbursable basis, and any such agency or instrumentality is authorized to provide services as requested by the Bank; and

(11) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to

provisions of law specifically applicable to Government corporations.

EXEMPTIONS

Sec. 11. (a) The Bank, its property, it franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any obligations issued by the Bank shall be subject to Federal taxation to the same extent as the obligations of private corporations are taxed.

(b) All obligations issued by the Bank pursuant to this Act shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)), of section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), and of section 304(a)(4) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)).

(c) Nothing herein shall affect the budget status of the Federal agencies selling obligations to the Bank under section 6(a) of this Act, or the method of budget accounting for their transactions. The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

PREPARATION OF OBLIGATIONS

Sec. 12. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Bank may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and other material executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in preparation, custody, and delivery of such obligations.

ANNUAL REPORT

Sec. 13. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

Sec. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Federal Financing Bank" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

GOVERNMENT CORPORATION CONTROL ACT

Sec. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be applicable to the Federal Financing Bank in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act (31 U.S.C. 846).

PAYMENTS ON BEHALF OF PUBLIC BODIES

Sec. 16. (a) Nothwithstanding any other provision of this Act, the purchase by the Bank of the obligations of any local public body or agency within the United States shall be made upon such terms and conditions as may be necessary to avoid an increase in borrowing costs to such local public body or agency as a result of the purchase by the Bank of its obligations. The head of the Federal agency guaranteeing such obligations, in consultation with the Secretary of the Treasury, shall estimate the borrowing costs that would be incurred by the local public body or agency if its obligations were not sold to the Bank.

(b) The Federal agency guaranteeing obligations purchased by the Bank may contract to make periodic payments to the Bank which shall be sufficient to offset the costs to the Bank of purchasing obligations of local public bodies or agencies upon terms and conditions as prescribed in this section rather than as prescribed by section 6. Such contracts may be made in advance of appropriations therefor, and appropriations for making payments under such contracts are hereby authorized.

NO IMPAIRMENT

Sec. 17. Nothing in this Act shall be construed as impairing any authority or responsibility of the President or the Secretary of the Treasury under any other provision of law, nor shall anything in this Act affect in any manner any provision of law concerning the right of any Federal agency to sell obligations to the Secretary of the Treasury or the authority or responsibility of the Secretary of the Treasury to purchase such obligations.

SEPARABILITY

Sec. 18. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected.

EFFECTIVE DATE

Sec. 19. This Act becomes effective upon the date of its enactment, except that section 7 becomes effective upon the expiration of thirty days after such date.

DOMESTIC SALE OF GOLD

Sec. 20. It is the sense of the Congress that the United States should take the necessary measures, including appropriate international measures, to enable it to sell gold from its gold stocks to licensed domestic users, at such times and under such conditions as may be desirable, taking into account international circumstances, to stabilize domestic gold markets and improve our balance of payments.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 5874) was read the third time and passed.

Mr. SPARKMAN. Mr. President, I move that the Senate insist on its amendment and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Bartlett) appointed Mr. Sparkman, Mr. Proxmire, Mr. Williams, Mr. McIntyre, Mr. Tower, Mr. Bennett, and Mr. Brock conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had appointed Mr. Hosmer as a manager on the part of the House in the conference on the disagreeing votes of the two Houses on the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, vice Mr. Saylor, deceased.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRO FORMA SESSION ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 o'clock noon on Friday, and that the session on Friday be a session pro forma only, with no speeches and no business with the exception of a motion to adjourn either over to the following Monday or to Tuesday, at the discretion of the distinguished majority leader or his designee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

(This order was subsequently vacated.)

ORDER FOR THE SENATE TO MEET AT 10 A.M. ON THE DAY OF ITS NEXT REGULAR SESSION NEXT WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate meets on either Monday or Tuesday of next week, whichever is determined on Friday to be the case, the Senate meet at 10 o'clock a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TAFT, DOMINICK, WEICKER, HUMPHREY, FULBRIGHT, GRIFFIN, ROBERT C. BYRD, MANSFIELD, AND BENTSEN ON MONDAY OR TUESDAY NEXT, AS THE CASE MAY BE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the leaders or their designees have been recognized under the standing order on Monday, if the Senate meets on Monday of next week, and in the alternative, if the Senate does not meet on Monday, then on Tuesday of next week, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. Taft, Mr. Dominick, Mr. Weicker, Mr. Humphrey, Mr. Fulbright, Mr. Griffin, Mr. Robert C. Byrd, Mr. Mansfield, and Mr. Bentsen.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY OR TUESDAY NEXT, AS THE CASE MAY BE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of Senators under the aforementioned order on next Monday or, in the alternative, next Tuesday, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

VACATING OF ORDER FOR PRO FORMA SESSION ON FRIDAY NEXT AND ORDER FOR ADJOURNMENT TO FRIDAY, NOVEMBER 9, AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the previous order, providing for a pro forma session on Friday next, be vacated and that the Senate, when it completes its business today, stand in adjournment until Friday next at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the list of speakers previously entered for Monday or Tuesday of next week be recognized on Friday next, immediately after the two leaders or their designees have been recognized under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday next, after the orders for the recognition of Senators have been completed, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene on Friday, November 9, 1973, at 11 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators Taft, Dominick, Weicker, Humphrey, Fulbright, Griffin, Robert C. Byrd, Mansfield, and Bentsen; after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. President, I know of no business that will be transacted on Friday other than unanimous-consent measures which may have been cleared for action, with the possible exception of any conference reports which may at that time be ready to be called up.

In that regard, it may very well be that the conference report on the District of Columbia home rule bill will be ready for Senate action in the event the House, which is required to act first on that conference report, has acted by that time.

Other than that, the Senate will be awaiting action on other conference reports, one of which it had been anticipated would be acted on by the House today and then, subsequent thereto, by the Senate, that being the Alaska pipeline conference report. It is the leadership's understanding now that that conference report will not be acted on by the House before Monday next.

Also, it is the leadership's understanding, after having entered into discussions with the leadership in the House, that the conference reports on the State-Justice appropriation bill and the HEW appropriation bill will likely be acted on early next week in the House. The House will have to act first. This would mean, then, that both of those conference reports could subsequently be taken up in the Senate and acted on early next week, and rollcalls would probably occur on one or both.

If the District of Columbia home rule conference report is acted on on Friday, I am in no position to say that there would be no yea-and-nay vote on that conference report, but I would hope not. I suppose we shall have to wait and see.

ADJOURNMENT TO FRIDAY AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. on Friday next.

The motion was agreed to, and at 6:08 p.m., the Senate adjourned until Friday, November 9, 1973, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate November 7, 1973:

Interstate Commerce Commission

Charles L. Clapp, of Massachusetts to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1973, vice Chester M. Wiggin, Jr., deceased.

Charles L. Clapp, of Massachusetts, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1980. (Reappointment)

In the Navy

Vice Adm. Means Johnston, Jr., U.S. Navy, having been designated for commands and other duties of great importance and responsibility commensurate with the grade of admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

WITHDRAWAL

Executive nomination withdrawn from the Senate November 7, 1973:

Diplomatic and Foreign Service

Joseph S. Farland, of West Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, to Western Samoa, and to the Kingdom of Tonga, which was sent to the Senate on October 11, 1973.

HOUSE OF REPRESENTATIVES—*Wednesday, November 7, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This is the word of the Lord—Not by might, nor by power, but by my spirit, saith the Lord of hosts.—Zechariah 4: 6.

Father of Mercies, in whose presence our restless souls find peace and by whose spirit we are led in right ways, in the tumult of a troubled world we turn to Thee that we may face our demanding duties with strong spirits, wise minds, and quiet hearts.

In this dear land we love and for which we pray, may we close our national ranks in a new unity of spirit and with a true greatness of heart, forgiving when we ought to forgive, being gracious when we ought to be gracious, and through it all ever be loyal to the royal within ourselves.

To this end keep us faithful to our tasks, true to Thee, and friendly to all.

In the spirit of Him who is the Light of the World, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 562]

Annunzio
Badillo
Bell
Biaggi
Blatnik
Burke, Calif.
Chisholm
Clark
Clay
Conyers
Coughlin
Daniels, Dominick V.
Davis, Wis.
Dellums
Diggs
Edwards, Ala.
Ford, William D.
Hébert
Holifield
Jones, Tenn.
Lott
Mahon
Mills, Ark.
Moss
Murphy, Ill.
Nichols
O'Hara
Patman
Reid
Ruppe
Sandman
Sebelius
Sikes
Skubitz
St Germain
Stanton, James V.
Steiger, Wis.
Teague, Tex.
Wilson, Charles H., Calif.
Wilson, Charles, Tex.

The SPEAKER. On this rollcall 393 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

WAR POWERS RESOLUTION—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The unfinished business is the further consideration of the veto message of the President on House Joint Resolution 542, an act concerning the war powers of Congress and the President.

The question is: Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from Wisconsin (Mr. Zablocki) for 1 hour.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. Rodino).

(By unanimous consent, Mr. Rodino was allowed to speak out of order.)

HEARING ON THE NOMINATION OF GERALD R. FORD

Mr. RODINO. Mr. Speaker, I am pleased to announce that at 10 a.m. on Thursday, November 15, the Committee on the Judiciary will begin public hearings on the nomination of Gerald R. Ford to be Vice President. Mr. Ford is scheduled to appear before the committee as its first witness on November 15 and November 16 and on November 19, if necessary.

The provisions of the 25th amendment charge the Congress with the high responsibility of confirming the President's nominee to fill this critical vacancy. In order to proceed expeditiously with the exercise of this responsibility, the committee intends to sit while the full House is in recess for the Thanksgiving holiday. It is my understanding that that recess will commence at the close of business on the 15th. The committee, however, will hear Mr. Gerald R. Ford for the full balance of that week and into the following week if necessary. The hearings will continue on Monday, November 19, Tuesday, November 20, and Wednesday, November 21, with the committee prepared to meet in evening session if circumstances dictate.

It is important for the committee to move forward with this matter and it intends to do so. We will move with dispatch, but only to the extent consistent with the thorough inquiry that the Constitution demands. To that end we will continue to give judicious consideration of Mr. Ford's qualifications and fitness to hold high office.

Any parties wishing to present testimony to the committee or to file a written statement with regard to the nomination should contact the Committee on the Judiciary at 2137 Rayburn House Office Building.

All hearings will be before the full committee in room 2141, Rayburn House Office Building.

Mr. ZABLOCKI. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the House of Representatives has the historic opportunity to reassert its constitutionally mandated obligation in the area of war powers.

The question whether to override the President's veto of the war powers resolution, House Joint Resolution 542, is a decision that requires thoughtful and soul-searching consideration by each Member.

The President's veto of this measure is disappointing. Particularly since the President recently called for "national leadership that recognizes that we must maintain in this country a balance of power between the legislative and the judicial and the executive branches of the Government."

If the President truly believed in such balance he would not have vetoed this resolution. Above all, he would not have offered the many unfounded assertions as he did in his veto message.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. FINDLEY. Several Members have asked me if this resolution would have altered the authority of the President to act in the recent crisis in the Middle East. Let me illustrate their concern.

At one point, the Soviet Union was reported on the verge of sending troops into the area of hostilities. Some observers forecast that this might cause the President to send U.S. troops. This, of course, was a prospect that alarmed many citizens.

Would any part of this resolution give the President any authority whatever to send troops in such circumstances?

Mr. ZABLOCKI. The answer is an unequivocal "No."

The resolution does not directly or by implication authorize the President to employ, commit, or introduce U.S. Armed Forces into areas of hostilities. Section 8(d) (2) is clear in this matter. It is important to note, however, that by its provisions the resolution recognizes the President's power to respond to an emergency—to permit the President to deal with a crisis—as Commander in Chief to defend and act when our Nation's safety and security are endangered.

Specifically, during the recent Middle East crisis the President used his authority as Commander in Chief to order the Armed Forces to a higher level of alert than normal. The enlargement of the 6th Fleet in the Mediterranean and the relocation of some ships were intended to improve general readiness. All these actions on the part of the President would not be denied him under the resolution. Indeed only if the President had made the ultimate decision to introduce U.S. Armed Forces into hostilities in the Middle East would the termination provisions—within 60 days—of the resolution apply.

Mr. Speaker, it is not my intention at this time to again refute the misleading and specious assertions. That effort of setting the record straight was made by Chairman Morgan and myself in a detailed reply sent to all Members on November 1, and inserted in the Congressional Record on November 2.

Further, and as you also know, Mr. Speaker, since the veto message numerous articles, editorials, and various statements have appeared in the Record and the media. Of particular significance, for example, was the November 2 Senate floor statement of the respected and distinguished senior Senator from Mississippi, the Honorable John Stennis, chairman of the Senate Armed Services Committee.

While urging a decisive override vote, Senator Stennis made emphatically clear that the war powers resolution would not have hindered or impaired the President's flexibility to act decisively and convincingly in the current Mideast crisis.

In view of the discussions, debate, and comment on the war powers legislation there is no need for belaboring the issue at this time with lengthy speeches or further explanations.

The war powers resolution is purely and simply a legitimate effort by Congress to restore its rightful and responsible role under the Constitution. It is an honest and sincere expression of Congress desire to insure that the collective judgment of the Congress and the President will prevail in the awesome decision of sending Americans to war.

The issue is clear.

Do we in Congress believe in the Constitution?

Do we believe in the balance of powers intended by the Founding Fathers?

Do we in Congress believe in ourselves and in our oath of office?

Do we believe in the urgent necessity of restoring public confidence in government?

If our answers to these questions is the resounding "yes," it should and must be, then this House will vote overwhelmingly to override and thereby send to the White House a clear and unmistakable message that we are partners in the question of peace and war.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I urge the House to vote to override the President's veto of the war powers bill.

This historic legislation will, if enacted into law, reestablish once and for all the traditional warmaking responsibilities which the framers of the Constitution assigned to Congress 200 years ago.

I am deeply disappointed that the President saw fit to reject this measure. As a cosponsor of the war powers bill and as a member of the conference committee which hammered out a compromise between our version and the Senate's, I can assure you that this bill not only is constitutional, it is fair and practical as well.

The President claims that this bill would tie his hands in times of international crisis. He points to the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Jordanian crisis of 1970 and the still-smoldering Mideast problem as instances where swift and determined Presidential action would have been prevented by this measure.

Those arguments do an injustice to even the most cursory reading of the bill. The fact is the President would be allowed as he is today to respond to emergency situations, including the commitment of troops.

What is new is that he would have to report to Congress within 48 hours to explain the extent of the crisis and why he had to act without first consulting Congress.

In other words, if this bill were law during the flare-up in the Middle East last month, the President could have taken exactly the same course that he followed with such success.

I would think that any President of the United States would feel obligated to report to Congress in the event that he had to send our troops into combat. What, then is wrong with stipulating that this be done, not simply as a courtesy, but as a matter of law?

Ever since the dawn of the atomic age, it has been popular to suggest that Congress is outmoded and too disorganized to respond swiftly in times of national emergency.

Even Congress began to believe its critics and gradually abdicated its warmaking powers to the sole judgment of one individual, the President.

Then we professed to wash our hands of our constitutional duties.

In tampering with our time-proven system of shared warmaking responsibilities, we got off the tract and short-circuited the entire system.

Much of the polarization, the dissension and the downright frustration that this country suffered during the Vietnam conflict can be attributed to the fact that Congress was ignored by a series of Presidents and refused to assert itself.

The people looked to their elected Representatives to take a stand or to assist in the formulation of our foreign policy and they found that Congress was either unwilling or incapable of doing so.

This bill, if we vote to override today, will put an end to that nonsense once and for all.

Critics of the bill charge that it will shackle the President, or destroy his mobility and independence in times of national emergency.

That, Mr. Speaker, is not true.

In fact, this bill brings us back to the Constitution, it brings us back to the basic principles of joint warmaking powers that have stood us in good stead for 200 years.

This joint partnership between the President and the Congress in times of war traditionally has been our greatest strength. It was that unique partnership which cemented our national unity in times of war. It was the bankruptcy of this shared responsibility which cast the first doubts during the Vietnam conflict and generated the domestic division which still plagues us.

That is why it is so vitally important that any long-term military engagement, in this case in excess of 60 days, must receive the approval of Congress to continue.

Mr. Speaker, in the second half of the 20th century Congress cannot afford to continue to default its constitutional duties to the Executive. It is time to turn the tide, to balance the scales of responsibilities. Commonsense and the American people demand it.

Giving Congress an equal voice in the forging and direction of American warmaking policies is not just another newfangled idea. It is an idea that has worked in the past but has been ignored in the present. We have a chance to dust it off and put it back into use by overriding the President's veto.

Mr. Speaker, the war powers bill, if enacted, will define more clearly than at any time since the signing of the Constitution the obligations and duties of Congress and the President in times of war.

I hope the House will not let this historic opportunity slip through its fingers. I urge my colleagues to vote to override.

Mr. ZABLOCKI. Mr. Speaker, I yield 30 minutes' time, for the purpose of debate only, to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, my remarks today will be brief. We have all heard the arguments, pro and con, offered with regard to this war powers resolution.

But I would be remiss if I did not emphasize in the strongest terms possible that the resolution as modified in conference, still includes the section that would permit the Congress—through its failure to act—to force the President to halt the use of our Armed Forces. I do not believe we as elected Members of the Congress can meet our responsibility on the issue of war and peace unless we are willing to insist that this legislation provide for the Congress to either approve or disapprove the President's action.

I am also concerned over the apparent ambiguity of this legislation. The point has been made in the debate that this resolution would, in fact, give the President statutory authority—that he does not now have—to take the country to war for at least 60 days without congressional approval. If this is correct, then the legislation is a definite expansion of the President's warmaking authority. Yet, others have emphasized the restriction the resolution would place upon the President. Obviously, the legislation is inconsistent and ambiguous. Who knows what it really means?

In my opinion the principal objectives of this resolution can be accomplished only through a constitutional amendment. The war powers resolution itself should be limited to the reporting and consulting provisions.

I believe we should sustain the veto of House Joint Resolution 542, and then move forward with the constitutional amendment needed to create a more reasonable balance between the Congress and the President in the exercise of the war powers.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, I rise in support of overriding the President's veto of House Joint Resolution 542.

In presenting my views concerning this legislation, I would like to comment on two points.

First, you may recall that when this measure was originally considered on the House floor, I offered an amendment to require a "yes" or "no" vote when the President commits troops to hostile action. Despite the defeat of this amendment, I supported House Joint Resolution 542 on final passage and voted affirmatively for the conference report. I did so because I am convinced that this measure, as written, practically guarantees that a vote will be taken. Since time precludes my putting my reasons for this conclusion, I incorporated them in a colleague letter which you received this morning.

Second, I am disturbed by the reasoning which states that this resolution grants the President certain rights which he does not now possess. This is a fiction. This resolution extends to the President no powers which he has not already assumed. I repeat—this resolution extends to the President no powers which he has already assumed. In no instance in our Nation's history has assumption of war powers by the President been declared unconstitutional. What House Joint Resolution 542 does is to establish procedures to be followed both by the executive and legislative branches in instances when troops, without a declaration of war, are committed to hostile action.

I hope that my colleagues will join me in voting to override the President's veto of House Joint Resolution 542.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. ZABLOCKI) for yielding this time to me.

Mr. Speaker, this is the fourth year in which we have discussed and debated this very important issue. We have reached a point where both Houses have, by an overwhelming majority, approved this bill.

We have known all along, in terms of the Executive, that in all probability, no matter who the Executive was, we would have a difficult time in obtaining Executive agreement to this type of legislation. So we are today faced with a veto by the President.

First, let me say to those who argue

that this bill gives the President power he does not now have, that from a pragmatic view, I doubt that the Executive would have vetoed a measure—and I am speaking of any Executive—which would have in any way added to his claim for constitutional authority to act. Be that as it may, I do think it is extremely vital that we write into the law of this country a consensus arrived at by representatives of the people on institutionalizing those matters which are in this bill. All of which seeks to reestablish, reassert, and reaffirm the necessity for the Congress to act in the vital decisions that would affect our country as to peace or war.

Mr. Speaker, I do not want to rehash all the legal arguments. I will restate only one fundamental principle, namely, that we cannot in any way, even though some say it might be desirable to do so, in which we can by law or legislation amend the Constitution.

There has been a great deal of serious thought and effort given to this whole issue. We have had ample discussion in depth on the matter. What it boils down to really is whether we are going to lay down the guidelines for the future of this country at this point and declare firmly that the Congress of the United States insists on being involved directly at the beginning and even ahead of time, if that is at all possible, in those vital decisions which no one man should make by himself, even if he is President of the United States.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GREEN).

Mr. GREEN of Pennsylvania. Mr. Speaker, I have twice voted against House Joint Resolution 542, the so-called war powers bill recently vetoed by President Nixon. Since this resolution has popularly been interpreted as limiting the President's power to engage our troops in a war, and because of my consistent record in opposition to such unilateral Presidential action, I wish to explain my votes. I believe a careful reading of the bill indicates that, despite Presidential and some press interpretations, it is actually an expansion of Presidential warmaking power, rather than a limitation.

In its important specifics, the bill interprets the Constitution as permitting the President to engage troops when there is an attack upon the United States, its territories or possessions, or its Armed Forces. Second, it permits a commitment of U.S. forces into hostilities for 60 days, unless the Congress directs earlier termination by concurrent resolution. Indeed, it is only after, not before, such a commitment that the President is required to report his actions to the Congress. The 60-day period may be extended for an additional 30 days upon Presidential certification that unavoidable military necessity so requires. Finally, the resolution clearly states that nothing in the bill is intended to alter the constitutional authority of the Congress or the President.

It should be noted, first, that the Congress, in the language of its definition of the President's powers, is interpreting the Constitution. Of course, the Executive could interpret the Constitution differently. Indeed, the bill's expressed intent not to alter constitutional authorities could be read to invite a broader Presidential interpretation of his war making power. Thus, the net result could be absolutely no legislative constraint on the Presdent's claims to constitutional warmaking authority.

Furthermore, as a practical matter, authorization of Presidential action in cases of attack on the United States, its territories or Armed Forces is both too broad and too narrow. It is too broad, because it would justify the Gulf of Tonkin reprisal raids and all they led to, without advance congressional participation in the decision. It is too narrow, because it would not extend to imminent or potentially imminent attacks on U.S. cities. Therefore, response in emergency situations, such as the Cuban missile crisis, would apparently not be permitted.

Furthermore, the bill employs a concurrent resolution as the device enabling Congress to unilaterally terminate any Presidential action taken prior to the 60-day limit. It does so because a concurrent resolution is not subject to a Presidential veto. Legally, this mechanism can only be used to veto Presidential action taken pursuant to a congressional delegation of power. Congress, in effect, takes back part of that which it delegated. In all other cases, the President must have the opportunity to veto congressional legislation. Thus, it is my contention that the Congress, by employing this mechanism, is enabling the President for 60 days to make use not of his own power to make war, but the Congress. I believe it is most unwise for Congress to delegate its war power in this manner.

This bill then would put a 60 to 90 day congressional "stamp of approval" on such questionable Presidential military actions as the 1970 Cambodia invasion. I believe that such unilateral Presidential action should not be so lightly authorized. The war powers granted the President are not conditioned upon an emergency that precludes prior congressional approval, or even the allegation that such an emergency exists. It merely authorizes the President to initiate a war, provided he reports to Congress within 48 hours. The report may even be unverified. The Congress would, no doubt, be under the pressure of the public's sincere patriotic passions, aroused by the President's announcement of his military action and the "dastardly deeds" justifying it. This is the Gulf of Tonkin and Cambodia revisited—and legitimatized. I am opposed to that.

Unfortunately, many have portrayed the upcoming vote on the President's veto as one part of the ongoing power struggle between the Congress and the President over war powers. In the heat of this confrontation, the merits of the war powers bill have been overshadowed. It has been too easily presumed that, because the intentions were good, the conclusions reached were wise. I believe Congress must seek solutions that do justice to good motivations, and this bill fails that test.

I want to emphasize that my vote to sustain the President's veto will not be an endorsement of his veto message, which I believe has simply added to the confusion.

If the Congress cannot define the President's constitutional war powers, and it cannot; and if it is unwise to grant congressional warmaking power to the President, and it is, then what can Congress do? First, it can defeat Gulf of Tonkin resolutions. Second, it can muster the courage to cut all funding for military action taken by the President with which it disagrees. Third, it can impeach a President who usurps congressional warmaking power.

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, everybody, whether they are on one side of this issue or the other, wants to maintain the peace now and in the future, but whether we can or cannot may depend upon whether we sustain this veto or not.

In these last 10 days or 2 weeks we have had a very serious crisis in the Middle East, probably more serious than what has appeared in the news media, but the President, without this kind of legislation, was able to avoid a military conflict. He was able to work out with the parties directly concerned and the Soviet Union, that had an interest, a way so that instead of the fighting that we had had for a period of time, we now have a very tenuous cease-fire. That was accomplished and achieved without this legislation.

We are not out of the woods yet. We may be a long ways from being out of the woods. I am very, very concerned that the approval of this legislation over the President's veto could affect the President's capability to move forward from the cease-fire and to achieve a permanent peace, and his credibility to work with the Arabs on the one hand, and the Israeli on the other, and also with the Soviet Union. This legislation has a potential of disaster for us at this juncture to take away from the President in any way the backing of the Congress as he works day and night with the Secretary of State to move forward down the road of permanent peace in the Middle East.

One other point, Mr. Speaker: The President indicated in a telegram to me several months ago when we were discussing this bill in the first instance, that although he could not accept the kind of legislation that is before us, that he does want to work with the Congress in the designing and approval of a constructive war powers bill, one where there is a closer working relationship and a partnership between the President, the Commander in Chief, on the one hand, and the Congress on the other.

We cannot deny that this bill does not really fashion a partnership. It makes us, the Congress, a partner by inaction. If the Congress wants to assume a role that is essential for that partnership, we have to redesign this legislation.

Mr. Speaker, I urge that we sustain the President's veto.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker,

I should like to ask two questions of the distinguished minority leader, the gentleman from Michigan. First, could not the President do exactly what he did, in calling the alert in the Middle East crisis, even if this war powers legislation were on the books?

Second, assuming that the President felt he had to order combat troops into the Middle East, would the minority leader want the President to be allowed to keep our combat troops in the Middle East against the will of the American people as reflected by the wishes of the Congress of the United States?

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. In the first place, it is crystal clear that the President had no intention of sending American troops there, and he has no intention today.

Mr. LONG of Maryland. Then why object to this?

Mr. GERALD R. FORD. The point I was trying to make is that we achieved a cease-fire in a very difficult time without being handicapped by this kind of legislation, so why change the power and authority of the President when the other procedure worked?

Mr. LONG of Maryland. Because this bill is aimed at all kinds of problems beyond this particular case.

The SPEAKER. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. Mr. Speaker, today's vote on the war powers veto could conceivably prove the most important vote in the entire 93d Congress. In my judgment it is unfortunate that the President vetoed the bill, thus making today's action necessary.

Motivation for the bill stems from the controversial Vietnam war which unfortunately divided the American people, which in turn and justifiably so produced overwhelming public demand that the Congress reassert itself in the all-important matter of war and peace.

I must remind that Presidential personality is not at all involved in this consideration, regardless of who the President might be. It is not even a part of the issue.

In the event of emergency, the President is not restricted from taking the initiative. What possibly could be wrong with the requirement that within 60 days be provided the Congress, as representatives of the people, with the rationale for his action, which in turn would consider its merit. I strongly urge the Congress to fulfill its responsibility to the people and vote to override this veto.

Mr. MAILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, few in this Chamber have a higher record of support for the President than I, and if this were a vote of confidence of President Nixon's handling of international affairs, I would vote to sustain this veto. If I could be sure that in our lifetime the White House would be occupied by a man who, like President Nixon, has demonstrated his ability to get us out of war rather than into it, perhaps I could vote to sustain this veto. Whatever else the history books may say, President Nixon shall be known as a great peacemaker.

Unfortunately, he will not be President after 1976. Unfortunately, history tells us that most rulers, whether they be called Presidents, kings, or princes, are better warmakers than peacemakers. It is the people who bleed and die, and what affects the lives of the people should be decided by representatives of the people.

I consider this the single most important vote I have faced in this Chamber.

I shall vote to override this veto as a matter of conscience and only wish that this bill were even stronger in protecting the American people from future wars.

Mr. MARTIN of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. Mr. Speaker, I rise in support of House Joint Resolution 542, the War Powers Act of 1973, and urge that it be passed, notwithstanding the objections of the President.

Mr. Speaker, I also want to express those sentiments that the gentleman has just expressed, and I think that more of us should make clear that our support for this bill is based entirely on the issues of the bill itself and has nothing whatsoever to do with extraneous matters before the public at the present time.

I voted for this legislation when it first was acted upon by the House and also voted for the conference report. This position is absolutely consistent with the position I took in the last election campaign, during which I stated my support for legislation of this very sort. Thus it is clear that my support of the war powers bill has nothing whatsoever to do with the current difficulties of the President.

My support of this resolution arose rather out of the urgent need that I see to clear up a vague area of constitutional law—the hazy distinctions between the role of the President as Commander in Chief and the role of the Congress in raising the Armed Forces and declaring war. This resolution sets the ground rules. It allows quick, unencumbered Presidential response to crisis situations, but mandates congressional concurrence within a reasonable period of time.

Frankly, I would have preferred a resolution requiring the Congress to have to act affirmatively to terminate a Presidentially ordered military commitment. To permit that termination to occur in the event of congressional inaction on the matter does tempt parliamentary obstructionism. Yet, in spite of all the criticism aimed at the Congress—justified, allowing itself to act by inaction.

I urge my colleagues to support the war powers resolution, not in a reaction to the tumult of today, but as a method of dealing with situations that may arise 5, 10, or 50 years down the road.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, this is probably the most difficult time for us to debate a measure of this significance, because what is involved here is not what we may happen to think of Richard Nixon or the Watergate or the special prosecutor, or what took place in the events of a week or so ago. We are passing legislation here that is going to have an effect on future Presidents of the United States and on future problems that may confront us around the world. So we ought to be thinking about them and not about the immediate occupant of the White House.

Mr. Speaker, I think we ought to vote to sustain this veto because this legislation shows how foolish it is to try to write into legislation words that will anticipate every conceivable situation that might occur in the future. The fact of the matter is that this legislation, had it been on the books, would really have had no bearing whatsoever on the developments that took place in the Middle East just a few days ago. I fully supported the President's efforts, and I have in fact been pushing for a long time for aid to Israel. But there are people who have written to me, as I am sure to other Members, and said: "Don't send any weapons over there; we do not want to get mixed up in another Vietnam."

American planes have been flying into Israel and American war materiel has been landed there and American technicians are on the ground unloading that materiel, and yet this bill would not have prevented that situation any more than it would prevent the President of the United States from pushing the nuclear button any time he might want to push it.

Yet it is also true that the wording of this language could seriously hamper some future President of the United States in a very difficult situation. It could destroy the credibility of the President of the United States. For example, it would have impaired President Kennedy when he threatened to invade Cuba unless Khrushchev would pull back his missiles from Cuba. And it would surely have prevented Franklin Roosevelt from sending out destroyers like the *Greer* into the North Atlantic before this country was actually at war in order to back up our Atlantic allies in their struggle against the Nazi tyranny.

These are the kinds of limiting, damaging restrictions we might well be placing on some new President, yes on even some Democratic President, and I think we ought not to enact ill-thought-out limitation of this sort on the ability of our country to defend itself successfully, as it has done so for almost 200 years.

Mr. MAILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Speaker, I urge that we override this veto today for one reason only, and that is that it is the right thing to do. It is the right thing to do on the merits because under article I, section 8 of the Constitution Congress has the war power and not the Executive. It is the right thing to do philosophically because if there was ever a time in Government when we needed to broaden the basis of consultation, and to broaden the number of people involved in important decisions, it is right now.

Make no mistake about it, in terms of strengthening the Congress this is the one vote that is going to be remembered of the 93d Congress. If Members have come out in favor of a stronger Congress and of increasing our responsibility, this is the vote on which they are going to be judged.

There is no question that this bill does not tie the hands of the President. It does not try to limit the defense of the United States. It does not prevent the President from acting in an emergency.

What it does do is two things. One, it requires the President to keep us informed, and how can we be against that? Second, it requires that the Congress be a participant in a decision to send America to war. We already supply the men. We vote the money. We supply the equipment. Why in logic should we not also have a voice in deciding whether we go to war or not?

Do we overreach in asking to be informed? Do we overreach in asking to have a voice? I do not think we do.

I think if we do not override this veto today, if we do not insist on the provisions of this joint resolution, that we will not only be failing the spirit of the Constitution but also a great many of the people in the United States of America who believe that the Congress ought to have a greater role in Government.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. PEPPER)

Mr. PEPPER. Mr. Speaker, I rise in support of this joint resolution, the veto of the President notwithstanding.

After the trauma of two wars in less than 25 years in which this country sustained casualties of several hundred thousands and spent several hundreds of billions of dollars and suffered a dangerous division of the country without a declaration of war by the Congress, at long last, after more than 3 years of consultation and dedicated effort, the Congress in this resolution has set forth in formal declaration two things.

First, it has declared its opinion of the prerogative of the President, without the concurrence of the Congress, in committing the Armed Forces of the United States to hostilities abroad. I say "our opinion." What is unconstitutional about that?

We have also given public notice to the President—all Presidents—and to the country, as to what the attitude of Congress in future instances where the President commits our Armed Forces abroad without the concurrence of the Congress shall be.

We say to the President, "Mr. President, do not depend upon us doing what we did in the Korean war, in the South Vietnam war, in going along, stumbling along, sliding into concurrence. We are telling you, Mr. President, we are telling our fellow citizens, that if we do have to enter into the agony of war, we will do it not indirectly, but after solemn and prayerful decision by the Congress fully aware of what the terrible consequences of such action may be to the American people."

So we say first, "Mr. President, if you commit our Armed Forces to hostilities abroad without a declaration of war, we inform you now that at any time after you notify us that you have done so, we may by concurrent resolution, simply by formal notice, advise you that we are not going to concur. Therefore, you cannot either constitutionally or effectively proceed.

"Second, we say to the President if we do not give you by 60 days, or at the outside 90 days, an affirmative commitment of concurrence, we will never thereafter give it to you, sir.

"Therefore, you cannot, in our opinion, either constitutionally or practically continue to carry on such hostilities."

Is there anything wrong about our telling the President in advance that that is what we would do under such circumstances if we so elected at the time?

Mr. Speaker, we all know the agony we went through in the South Vietnam war. When we talked about cutting off money, which we had the power to do, they said we would be letting our troops down; that we would not be carrying our part of the burden. It was made to appear that to do that would embarrass us before the country. It would seem that we were running away from our responsibility.

Senator STENNIS rightly, in my opinion, calls this measure a declaration of responsibility on the part of the Congress of the United States. We do not want the Vietnam trauma again. We want to let everybody understand that if the President undertakes engagement in hostilities abroad without a declaration of war he does so at his own peril constitutionally and at the risk of our exercising the authority that we say in this resolution we reserve the right of exercising of saying, "Mr. President, we will not go along with that."

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I once heard our esteemed colleague, RICHARD BOLLING of Missouri, observe that fundamental legislation should never be enacted in quick reaction to a particular event or personality.

The process which brings this final House step on war powers before us today has been deliberate, thoughtful, and protracted. The bill deserves to be considered on its own merit—separated from the emotionalism surrounding a particular event or a particular personality.

I hope this separation of issues can be achieved today. The vote should not be viewed by us, or anyone, as a test of popularity of the President, or of the popularity of the man who has been nominated to be Vice President and whom we all respect and admire so much.

Votes for the motion to override, certainly my own, should not be taken as votes of no confidence in either the President or the man we trust will soon be installed as Vice President.

Nor is this bill a reaction to a particular event. It has nothing to do with Watergate. Its genesis came during the Vietnam war, but it was actually brought into being by events stretching back through history—and it seeks to influence events that will stretch far into the future. Crises in the Dominican Republic, Cuba, and Korea had as much to do with this measure as Vietnam.

Nor is this bill a vote of no confidence in the Presidency. Some observers fear the effect of Watergate may be to lay low the institution of the Presidency itself. This bill will not contribute to that effect. Rather than expressing a lack of confidence in the Presidency, it asserts confidence in the ability of the Congress to discharge its constitutional responsibility in the realm of war powers.

One of my close friends in this Chamber sees my support for this bill as adding new burdens to an already beleaguered President. It is nothing of the kind. Indeed the procedures set forth in this bill will increase the effectiveness of the President in the conduct of foreign policy. It will not tie his hands. Had this resolution been law, the President could have followed exactly the same course he undertook in the Middle East recently. It would have made his position stronger, as other parties would know he came to those acts only after taking into account the important role the resolution prescribes for the Congress in the decisionmaking process.

If the veto is overridden, as I hope will be the case, the action will not be a defeat for the President, it will be a victory for the American people in the prudent management of war powers.

Does this resolution contain language which a President can seize upon as justification for the use of Armed Forces abroad which, in the absence of this resolution, he could not justify?

The only language in the resolution which describes Presidential war powers appears in section 2(c) as follows:

> The constitutional powers of the President as Commander in Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions or its armed forces.

This language was carefully drafted so it could not conceivably be interpreted by a President as congressional sanction for the introduction of Armed Forces into hostilities abroad. Of course, Presidents have made such introductions in the past, and Presidents in the future may do the same. But no future President can cite this language as the authority for such action.

In the absence of a declaration of war or other specific authority by Congress, only one use of Armed Forces in conflict abroad is recognized. That lone exception is a national emergency created by an attack on our Armed Forces or upon our own territory.

Is there other language a President can cite as authority?

Someone stated the other day that the 60-day cutoff provision amounted to a blank check to the President during the 60-day period. Read the language. It gives no sanction, direct or implied. It says only that after 60 days—

> The President shall terminate any use of United States armed forces. . . .

It does not say the authority of the President shall terminate.

The best answer to this contention, of course, is the President's veto message.

He sees in this bill no enlargement of his authority. Quite the contrary.

Not one syllable in this resolution can be cited as conveying warmaking authority to the President.

Is this bill a copout for the Congress? Again, read the bill.

Does the Congress cop out when it gives any Member the privilege to force an up-or-down vote within 60 days on a President's use of Armed Forces abroad?

Is it a copout when the Congress provides that a majority of both Houses can at any time order a President to withdraw forces from conflicts abroad?

This is a reasonable, practical bill which over the long reach of history will, I fervently believe, reduce the frequency and duration of Presidential wars without restricting the ability of a President to react properly to any emergency.

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. THOMSON).

Mr. THOMSON of Wisconsin. Mr. Speaker, contrary to the views of many of its proponents, in its present form House Joint Resolution 542 is likely to enhance the war powers of the President and to encourage their freer use, rather than to reassert the exercise of collective judgment of the Congress and the executive branch as intended by the drafters of our Constitution.

Article I of the U.S. Constitution gives Congress alone the power to declare war. If that power is not to be considered meaningless, it surely must require congressional consent before the American people can be committed to bear the burdens and risk the dangers of war. However, House Joint Resolution 542 would for the first time codify what can only be considered as a congressional grant of authority to the President at any time in the future to involve the country in armed hostilities for up to 60 and in some cases 90 days without another word from Congress. In one sense House Joint Resolution 542 could be viewed as a standing if conditional declaration of war to be used by the President in whatever instances and against whatever party he sees fit.

For example, when read in conjunction with section 4(a), section 5(b) would clearly authorize the President for a period of 60 days and without further congressional action.

First, to introduce our Armed Forces into hostilities or situations where they appear likely;

Second, to introduce combat ready troops into the territory, airspace, or waters of a foreign nation; and

Third, to enlarge substantially the number of U.S. troops equipped for combat already stationed in a foreign country.

This resolution clearly implies that these actions are authorized so long as the President simply reports them to the Congress within 48 hours. Because under certain conditions any of these actions might commit the United States irrevocably to war, House Joint Resolution 542 can be read either as congressional abdication of its power to declare war, or as an open ended exercise of that power to be used whenever and wherever the President may choose.

The President certainly was not given such authority by the Constitution, and it is with some irony that he may be given such authority as a result of a legislative effort to strike a more proper balance of the exercise of the war powers.

This joint resolution will be interpreted primarily on the basis of the clear meaning of the words and phrases used in it, not primarily on the basis of explanatory comments by its supporters about what they hoped it would mean. The clear meaning of the words certainly points to a diminution rather than an enhancement of the role of Congress in the critical decisions whether the country will or will not go to war.

I also find it appalling that the Congress can duck such a critical issue as war and peace. House Joint Resolution 542 allows the Congress to negate an Executive initiative through failure to consider. Proponents argue that some vote will undoubtedly be taken on related questions, so failure to consider really is not failure to consider at all. But why should proponents be afraid to vote directly on war and peace? Why should the Congress not be forced to stand up and be counted? Where are those who for years bitterly complained there was never a direct vote on Vietnam?

Mr. BUCHANAN and Mr. WHALEN offered an amendment during the House debate to provide a direct vote. Yet it was defeated. While I normally can understand the logic behind views differing from my own, I fail to see any reason whatever for the lack of a direct vote.

This House Joint Resolution 542 allows the Congress to avoid its responsibilities on two counts. It gives the Executive unprecedented power to enter into hostilities, then permits the Congress to cower in a corner causing action through inaction. This is legislative abdication at its worst and I urge the veto of House Joint Resolution 542 be sustained.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, I voted originally against House Joint Resolution 542.

I felt that it eroded the powers of this House. I felt so strongly that I voted against the conference report.

However, today, in view of the message sent by the President, I shall vote to override.

Today we are confronted by incredible claims to powers by the President, powers that belong to the Congress and not to the White House. It is absolutely erroneous to assert, as the President does in his message, that—

> Our recent actions to bring about a peaceful settlement of the hostilities in the Middle East would have been seriously impaired if this resolution had been in force.

The President's commendable actions in the Middle East were mandated by legislation of this Congress and would not have been interfered with if this resolution had been the law.

This resolution will prevent any Tonkin Gulf resolution; it will prevent any de facto declaration of a war by the funding of a war.

The entire peace community has come to the conclusion that, despite imperfections in this bill, it is better that the Congress assert its power now. Americans for Democratic Action, Common Cause, SANE, and other groups have said that this is constitutional and it should be enacted.

Prof. Raoul Berger, the eminent constitutional authority, phoned me, indicating that his judgment is that this resolution does not yield any powers to the President.

Mr. Speaker, it is an imperfect bill—I voted twice against it already on that basis—but it is a bill that can be improved in the days and months to come. It is a better solution than to have a situation in which Presidents to come will continue to claim powers which under the Constitution belong to this Congress and not to the President.

Mr. MAILLIARD. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Speaker, I rise in support of overriding the veto of this war powers legislation. I believe that Congress should have the power of limitation which is provided in this bill. I wish we would get off the "kick" that in some way this is a diminution of the powers of the President or an insult to the administration that happens to be in control of the country at this time.

It is not. Nor is a vote to override an anti-Nixon vote. The principle of required congressional approval applies to any President.

The fact that Congress does not have to vote affirmatively is not a fatal objection, because every Member of this House can record himself under the circumstances that exist at that time.

The cutoff is automatic after a period of 60 days and it should be.

There is no offense to the President intended by this legislation, nor is there any offense intended to our beloved minority leader, who wishes us to sustain this veto.

The people of this country want this limitation, after the bitter experience of Vietnam. It should be clearly understood that the American people do not want any President, whatever his political party, to be able to involve the United States in another war without a declaration of war from the Congress of the United States.

In short, Mr. Speaker, to involve us in protracted war overseas a Commander in Chief should be required to obtain the approval of the people's representatives in the Congress. This is right and proper.

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, no Member in this House is more reluctant to vote to override the veto of the President than the one in the well at this moment.

No Member can doubt my support of the President in times past when we have been asked and have, in fact, bitten the bullet. I have voted this year to sustain all eight vetoes.

To enhance the argument to support the veto, some have made the spurious assertion that this is in some way a vote of loyalty for the President and this administration. This is just not the fact.

The genesis of this legislation was in an administration prior to this one, and its effect will be felt in succeeding administrations and, hopefully, not in this present administration.

As a matter of fact, I would say to my colleagues on my side of the aisle, that if you would be introspective and honestly examine your own feelings, you would find that if there were a Democrat in the White House, you would be voting to override today instead of the other way.

It has been said today that this bill would inhibit the President in some way. If, by passing this bill today, we can inhibit any President from taking us into armed combat on foreign soil, then I pray to God that it is so; I want it to inhibit him. No one man should ever have the power to commit us to another Vietnam. This is not the best bill possible.

I would prefer something else. I voted previously for the amendment that required the affirmative act of the Congress in 60 days, but it did not pass, so we do not have that choice. The choice before us today is do we have this bill with an automatic cut-off in 60 days or nothing. Well, I prefer this to nothing.

The point is, Mr. Speaker, that we can be, without our participation in any degree, committed to combat in some foreign country under certain circumstances. This bill says that even though we have no part in the decisionmaking, once committed that action is automatically terminated if the President cannot come back to this body and convince you and me that what has happened is right and is in the best interests of this country. The President, whoever he may be, must also convince this body that the situation is so serious and so dangerous and such a threat to this country that it should be continued. If whoever occupies the White House cannot convince you and me of these things, then the order committing troops should be terminated.

Mr. FLOWERS. Will the gentleman yield to me?

Mr. DICKINSON. I am glad to yield to the gentleman.

Mr. FLOWERS. Mr. Speaker, I appreciate my distinguished colleague from Alabama yielding to me, and I want to endorse his position on this matter.

Our Constitution says in article 1, section 8 that "the Congress shall have power to declare war" among other powers such as "raise and support armies." But in recent years, we have seen this provision eroded, partly by circumstances and necessity and partly by abdication of legislative responsibility.

This action by the House may be interpreted by some as a slap at this particular administration by a Congress controlled by the other party. Let me say emphatically that this was not the case. Along with many others who supported the measure, I have fairly consistently supported the President's policy of withdrawal from our involvement in Southeast Asia.

I believe that we as a Nation should have learned some valuable lessons from our long and terrible experience in Vietnam. And it is of the greatest importance that we prepare now the legislative framework to guard against any future "Vietnams." Otherwise, the passage of time will dim our vivid picture now of the gradual involvement and escalation that brought us to that point in 1968 and 1969 when over 500,000 Americans were serving, fighting, and dying in that far corner of the world at an annual cost of about $21.5 billion to the U.S. taxpayer.

The main thing about this particular legislation is the requirement of conscious action on the part of the people's representatives before American involvement could become anywhere near permanent. The support of the people is essential and would be more or less assured under the bill. Another essential as far as I am concerned is that we do not ever again go to war unless we intend to gain a military victory.

Mr. Speaker, I have supported this bill from the beginning and shall vote to override the veto today.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, this is a bill which I have agonized a great deal over.

I must say when I read the President's veto message it moved me far toward the Zablocki position. The same I think was true of the statement by Mr. STRATTON.

I do not agree with either statement. I feel, as I have said in the well before, that by formalizing Presidential engagement of U.S. troops in hostilities for up to 90 days the Congress provides the color of authority to the President to exercise a warmaking power which I find the Constitution has exclusively assigned to the Congress.

So when the gentleman from Illinois (Mr. FINDLEY) made his statement he rather reinforced my position, which is that this bill will not restrict in any material way the exercise of the President's unwarranted authority.

This bill, it seems to me, would encourage adventurism in international affairs.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Speaker, when we raised our hands here in this Chamber on the opening day of this session we swore, each and every one of us, that we would uphold the Constitution of the United States. Here is the opportunity to prove that we meant what we said when we took that pledge.

The pending legislation takes nothing away from the President, nothing which is rightfully his. It merely enunciates a procedure by which we in the Congress may assert that sole power vested in the Congress, the power to declare war. Here, my friends, is that opportunity to prove to the American people that we in the House, regardless of party affiliation, firmly believe that the Congress is an independent branch of our Government, coequal to the Executive.

There are those who will say—and it has been said on the floor today—that the hands of the President will be tied by this legislation. There is no truth to that allegation.

The President may exercise, as he may rightfully exercise under the Constitution, that power which he is granted as Commander in Chief of our Armed Forces. In urging an "aye" vote to override the President's veto in this instance, we are merely asking the Members of the Congress to reassert their power, that power to declare war which is granted solely to the Congress by the Constitution of the United States. I strongly urge an "aye" vote to override the veto.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, President Nixon does not want a majority of both Houses of the Congress to be able to stop him from making war on his own. He insists that he must be free to act so long as one-third plus one of either House agrees with him. Such is the essence of Mr. Nixon's veto message rejecting the war powers bill, a bill which was agreed to by large majorities in both Houses after months of labor.

Most of the Members who will vote today to sustain the President's veto are Republicans or conservative Democrats who agree with Mr. Nixon's position that the bill represents a dangerous and improper interference with the President's authority. Ironically, however, if the veto is sustained, the margin of his victory may be supplied by a few liberal Democrats who are convinced that the bill somehow gives a kind of theoretical sanction to Presidential warmaking.

President Nixon's position is easy to explain. Although he says he would have no objection to a bill calling for increased consultation, essentially he wants to preserve the status quo so far as the President's war powers are concerned. And the status quo is that, although the Constitution gave the power to declare war to the Congress, our Presidents have over the years committed American forces to combat without congressional approval on more than a hundred occasions.

Those who defend this status quo argue that a President cannot make war on his own if a majority of the Congress is opposed because the Congress can refuse to appropriate the necessary funds. But this "power of the purse" is a clumsy instrument and normally cannot be used speedily. The Armed Forces typically can operate for months on prior appropriations. While the Congress can pass a law prohibiting previously appropriated funds from being used for a specified purpose, such a law can usually be vetoed by the President. The exception is when such a provision is tacked on to a bill which the President needs to have enacted and therefore cannot veto. This was the case last July 1 when the President was forced to accept a congressional cutoff of funds for the war in Indochina effective August 15. But such a legislative vehicle is not often immediately available, so that normally the President cannot be stopped by the Congress from carrying on a war unless the antiwar forces can command two-thirds of the votes in both Houses.

It was to correct this situation that bills were developed in the Senate and in the House providing the Congress with new tools for effectively exercising its constitutional responsibility with respect to wars. In the Foreign Affairs Subcommittee on National Security, where the House bill was drafted, members with initially differing points of view arrived at agreement after days of constructive discussion; as a member of this subcommittee, I found these meetings a heartening example of the democratic legislative process at its best, and I know other Members felt the same way.

Probably the most important provision of the House bill, not found in the Senate version, was to the effect that the Congress could at any time stop a Presidential war by "concurrent resolution"; that is, a resolution which is adopted by majority vote in each House and does not have to go to the President for approval and hence is not subject to veto. This provision was accepted by the Senate conferees and remained in the bill as finally passed.

The final bill also contained a second or back-up method of congressional control over Presidential wars: It provided that, unless the Congress gives explicit approval to the war within 60 days—or in a specified case 90 days—the President must automatically bring the operation to an end. In his veto message the President complained that under this procedure the Congress might be able to avoid voting on the issue, but this would be so only if the President could not find a single member of either House to introduce a resolution supporting his action. For the bill contains elaborate filibuster-proof provisions so that, once a resolution is introduced by any Member, it must be brought to a vote within the required time.

The President also complained in his veto message that the bill would weaken his position in negotiations and in international crises. But this would be so only if he feared that a majority of the Congress would be opposed to a war. Which brings us back to the essence of Mr. Nixon's position: He wants to be free to operate—to threaten war and, if need be, to engage in war—so long as he is not opposed by two-thirds of both Houses.

It has been argued here this afternoon that President Nixon could not have taken the actions he did with respect to the recent Middle East war if the war powers bill had been in effect. This is totally untrue. There is nothing in House Joint Resolution 542 that would have hampered the President in any way.

In view of the strong feelings of the President and of many Members of Congress that the bill unduly restricts the President's warmaking authority, how is it that a group of liberal Democrats have voted against it on an opposite ground? The essence of their objection seems to be that the 60-day—90-day—provision implies that the President has authority to make war during this period, even though the bill expressly states that it shall not be so construed; the bill specifies that it is not intended to alter the President's constitutional authority in any way and that it does not grant the President any authority with respect to the use of the Armed Forces that he does not already have.

The view that the bill somehow gives respectability to the Presidential capacity to make war seems to me to reflect a mistaken misunderstanding of the objective of this legislation. The objective is not to delimit the Presidential power to make war or to reduce—or expand—the possible excuses that a President may make for engaging in hostilities on his own—Presidents have never lacked for such excuses—rather, recognizing that Presidential wars have occurred in the past and no doubt will again, the objective is to provide the Congress with effective ways of calling a halt by majority vote.

The vetoed bill is not perfect. Moreover, if enacted into law, it will be of no use unless future congressional majorities have the will to say no to Presidential military adventures. But it does represent an unprecedented and historic congressional effort to close a loophole in the Constitution, the loophole of the undeclared war. And it would be a pity if the effort should fail because the bill may be criticized on subtle and sophisticated theoretical grounds.

Mr. MAILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I am sympathetic to the idea of war power legislation, but I submit there are at least two fatal defects in the vetoed bill. The first is the attempt to bypass the normal constitutional legislative process by the use of a concurrent resolution, an effort which I predict will never be sustained. The second, and the most important, is that whereas we should have specific statutory authority, which we do not now have, to call off military action, we ought not to be given the authority to do that by simple congressional inaction, as this bill does.

I would say to the Members of the House that we live in a real world, and as a practical proposition it is my judgment that a great power cannot really work and operate if both the President of the United States and the heads of foreign governments know that vital national policy can be changed at any moment, not be an act of Congress, but by a failure of the Congress to act.

For these reasons the veto ought to be sustained.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Speaker, I voted for this legislation in its original form, and I am going to vote to override the veto because I believe this will resolve a great many confusions and difficulties that have developed because of the lack of understanding of the congressional powers in the Constitution.

We are simply restating and making more explicit what is our constitutional function with regard to peace-keeping, and with regard to the powers to make war. Decisions have been handed down in the courts that are most confusing because it was implied that our failure to act has been giving indorsement to the President's decision to use war powers and enter into war at his own option.

Further, it will resolve those difficulties we face where many bills coming to the floor, almost without exception such as—the debt limit, appropriations bill, even health and welfare bills—a variety of bills have been used—without effect I might add—to spell out what we now seek to do in this resolution.

As a percentage of the world population we Americans are becoming a smaller minority. We have fewer men and women to send to foreign conflicts now and we can ill afford to consider ourselves any longer as the world police force to enter combat.

The Constitution is a living document to protect the lives of living Americans in each generation. As such this resolution will tend to keep more of America's young people alive to work for peace rather than being called upon to die for the failure of our leaders to plan for peace.

The SPEAKER. The time of the gentleman has expired.

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, much of the debate today is somewhat repetitious of previous discussions on this bill. I should like to begin by saying that everything that has been said today underlines my own conviction that the bill is unwise. It is almost surely unconstitutional in part. It is, in fact, unnecessary in a major part, and quite possibility it could be dangerous to our national interests.

Mr. Speaker, I should like to state that in my opinion this resolution is not what some proponents have asserted. It is not simply a reassertion of congressional authority and a reiteration of what is already in the Constitution; nor does it leave untouched presidential responsibilities.

As an example, without any question in my mind, section 5(c), which attempts by a concurrent resolution to take away what the resolution itself describes in section 2(c) as the constitutional powers of the President as Commander in Chief is an unconstitutional act.

Senator STENNIS, who is an acknowledged authority on the Constitution, said in hearings in the other body, and I quote:

> . . . regardless of whether you called it a concurrent resolution or a joint resolution—no resolution of the two Houses can be given any legislative effect if it has not been approved by the President or passed by the required majority over his veto.

Mr. Speaker, let me say that there is no need to underline the fact that we in Congress want to play a role. There is broad agreement on that point. Quite obviously, Congress has a role to play. However, this resolution does not represent simply an effort to declare that Congress can declare a war. This is our inescapable duty under the Constitution.

This resolution seems to admit that the President has certain authority—but we try arbitrarily to limit his powers to a 60-day period. I should think there would be Members who would continue to have honest reservations about whether this does not constitute a blank check, in statutory form, of powers which the President has assumed under the Constitution.

I should feel less sensitive about the

arbitrary cutting off of a President's powers if within the 60-day period there were some compulsion on Congress to take affirmative action. What is provided, however, is a change in national policy even if Congress takes no action either in support or in opposition to the President's position. This does not strike me as a reasonable way for Congress to assert, or reassert, its warmaking authority.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. KEMP. I appreciate the gentleman's yielding.

Mr. Speaker, I should like to agree with the gentleman's assessment of this legislation and say that not only is it unconstitutional but it would be extremely dangerous in this still dangerous world. Just as Soviet Russia was tempted to test the United States under President Kennedy during the Cuban missile crisis, again today in the Middle East the United States under President Nixon is being tested. I think this legislation would only serve to tempt the Soviet Union even further to probe and pry to test the flexibility of this legislation.

Mr. Speaker, the events of the past few weeks have added graphically new timeliness and significance to this debate.

In the current Arab-Israeli conflict and the attempts now being made to contain and resolve it, we see new evidence of the importance of preserving the Chief Executive's ability to respond quickly and flexibly to international crises in the interest of peace and stability.

In order to insure such response, the President must have not only the explicit authority to take immediate action, but enough implicit authority to convince foreign powers that actions taken today will not be reversed or rendered meaningless tomorrow. If this ever happens, then future Presidents—of either party—will be crippled in their dealings with other nations, especially in those high-pressure, "eyeball-to-eyeball," situations when credibility alone is the strongest deterrent to foreign aggression. Shorn of the power to act decisively, the Presidency and the foreign policy he constitutionally directs would be incapable of playing their crucial, stabilizing roles in the world—roles which have achieved so much for peace over the years.

Consider, for a moment, some of the specific impacts that the war powers resolution would have made on the Middle East situation—as an example—in recent days if it had, in fact, become law. First, in deciding how far it could go in backing the Arab attack on Israel, the Soviets had to assess America's ability to respond.

The more limited America's range and flexibility and response, the greater the temptation for the Soviets to go all the way—to throw restraint to the winds and take advantage of the United States new-found paralysis. Instead of representing a forceful, credible gesture, the President's troop alert would have been taken as an empty feint and, as such, ignored. Second, even the actual commitment of troops might not have acted as a restraint on the Soviets since they could count on the 60-day rule to make any effective, sustained American role impossible. Third, under the terms of the war powers resolution, resupplying of American forces if they were committed, would present a legal problem.

In other words, in the case of any confrontation, the other side would be strongly tempted to overplay its hand and the United States would have a hard time responding promptly with an acceptable measure of credibility. The result would be an unstable world situation—one in which the risk of an uncontrolled flareup could push us all over the brink into a third world war.

I do not believe for a moment that this is an acceptable price for the Congress to pay in return for a short-term legislative victory over the executive branch. I am confident that most thinking Americans would agree.

There are, additionally, a number of constitutional arguments to be made against the war powers resolution. For 200 years the war powers curtailed by the resolution have been an accepted part of government, and they have never been adjudged unconstitutional. In fact, it seems clear to me that the Founding Fathers made their intent obvious by implicitly allotting to the Presidency the foreign policy leeway that has been a part of that office since its creation.

By forcing an automatic cutoff of certain Presidential authorities after 60 days in the absence of a special congressional extension, and by allowing the Congress to eliminate other Presidential authorities by simple passage of a concurrent resolution, this measure places itself beyond the pale of constitutionality. Changes this drastic—changes which destroy certain constitutional prerogatives of the executive branch—cannot legitimately be made by resolution. They must take the form of constitutional amendments.

But of far more immediate concern—and of much greater long-range interest not only to the American people but to people everywhere who want to see the specter of war banished forever—is the practical impact of the war powers resolution. Even if it were perfectly constitutional, which it is not, it would be wrong. Worse than that, it would be dangerous.

Far from discouraging American adventurism abroad, it would be a green light to aggressive acts on the part of foreign powers—aggressive acts that the President could not respond to with flexibility or credibility. That would mean a world in greater, not lesser, danger of conflagration; that would mean a global tinderbox constantly in danger of bursting into flames.

For some time now, we in the Congress have been lecturing the executive branch about the need for self-restraint—often with considerable justification. The time has come, in the consideration of this matter, to exercise similar restraint. This point was recently underscored by an editorial in the Buffalo Courier-Express of October 28, 1973, when it stated.

> Whichever way Congress moves, we hope it won't be in haste but with cool deliberation and a long view of our history.

It is, here, our branch, not the executive, which appears to be toying with the idea of an unconstitutional power grab.

I urge my colleagues not to yield to the temptation. I urge them to place the cause of peace and a sound foreign policy higher than the desire to inflict a defeat on the Nixon administration. I urge them to vote to sustain the veto of the war powers resolution.

The SPEAKER. The time of the gentleman has expired.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of the President's veto of House Joint Resolution 542, the war powers bill. This legislation does not, as its supporters claim, limit the warmaking powers of the President. Instead, House Joint Resolution 542 allows the President unlimited warmaking powers for up to 60 days in the absence of a congressional declaration of war. Despite arguments to the contrary, when studied closely, the language of House Joint Resolution 542 actually is the implied consent of Congress for the conduct of Presidential wars so long as their duration is limited.

Clearly this is an even greater delegational of congressional responsibilities to the Executive than ever before in our history. How can the Congress meet its responsibility on the issue of war and peace through sheer inaction?

At the time the House considered House Joint Resolution 542, I offered a substitute bill to protect the President's constitutional authority as Commander in Chief, but also prohibit any future commitment of U.S. troops to hostilities not so authorized without prior congressional approval. My bill, the war powers resolution of 1973, specifically defined the President's constitutional authority to commit U.S. troops in case of an attack or threatened attack on the United States or any of its possessions or territories. It also provided a means for expeditious congressional action on troops committed pursuant to a treaty obligation. Finally, it specifically prohibited any other type of troop commitment without the prior consent of Congress.

My war powers resolution was intended to rectify two critical failures of House Joint Resolution 542, the restrictions on the President's power as Commander in Chief, and the ability to commit troops for up to 60 days without congressional approval. My bill protected the President's constitutional mandate to protect this country and its territories from attack. It would have prevented, however, any commitment of U.S. troops to either direct attacks upon another nation or to "third-party" hostilities without a specific prior authorization by the U.S. Congress.

As now constituted, House Joint Resolution 542 would not prevent another Vietnam from getting started. Once a President commits troops, even in a small "brush fire" war, the conflagration has been started and could burn without check until everything in its path has been consumed. The lessons of history have taught us that we cannot commit troops to a conflict and then arbitrarily and abruptly withdraw them without damaging our national interest and jeopardizing the safety of the troops themselves. Once the commitment is made, the tendency is to continue on the deadly course of conflict.

The constitutional mandates are clear. The President must have the power to protect the United States and to honor our treaty obligations. Beyond that, the Congress must be invested with a mechanism for prior approval of "third-party" involvements of U.S. troops, and a clear requirement for positive approval of treaty requirements. House Joint Resolution 542 does not meet these imperative criteria, and while my reasons may be different from those of the President, I urge my colleagues to support his veto of the bill.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. REID).

Mr. REID. Mr. Speaker, the subject of the Near East has entered this debate, and I find nothing in this resolution, this war powers bill, that in any way would have inhibited the actions of the President in the recent crisis in the Near East. Indeed, Senator STENNIS has pointed out he could have done everything he did, plus taken additional actions.

Second, it is clear that a President can take whatever steps that he normally could take under the Constitution as Commander in Chief. Section 8(d) of the bill, in fact, states that:

> Nothing in this joint resolution is intended to alter the Constitional authority of the Congress, or of the President . . ." and nothing "shall be construed as granting any authority to the President . . . which he would not have had in the absence of this joint resolution.

Third, I do not believe the President is correct when he says that this legislation would in some way affect his diplomatic opportunities for quiet diplomacy. This is not, in my judgment. true.

Moreover I think, to the extent that at some point under this legislation we would have the power to act under a concurrent resolution, not subject to a Presidential veto, we could force withdrawal of U.S. troops in 18 days or less.

Finally, I believe that the joint decision mandated by this bill of both the President and the Congress, backed by the American people, will carry more weight overseas than a unilateral act of a President which is not necessarily supported by the people or than the act of an isolated President. I have had some contact with the Soviets in the field of diplomacy, and they are a very good judge of power; they are fully sensitive, for instance, to the distinction between a broad national mandate and a decision that does not imply broad support.

Hence, the consultation, reporting, and other requirements in the bill would tend to strengthen our foreign policy and respect for it, rather than the reverse.

I strongly urge the Members to vote to override the President's veto of House Joint Resolution 542, the War Powers Act.

The SPEAKER. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Speaker, some argue the bill extends a 60-day warmaking authority to the President which under the Constitution he does not have. Others, including the President himself, and the minority leader, his nominee for Vice President, strenously assert it dangerously impairs the President's capacity to act in emergencies. It does neither.

First, the President has written us that had this bill been in force it would have seriously impaired our "recent actions" to bring about a peaceful settlement of hostilities in the Middle East.

What actions that we know about could this bill possibly have impaired? Certainly not the alert, and certainly not the standdown of the alert, the arms assistance to Israel, or the discussions with the Soviets.

What is suggested is that the President might not have been sure of the steel of the Congress or of the resolve of the Congress had his action taken us closer to a brink history required us to approach. Well, it seems to me that the Congress can meet its responsibility in this regard, and the President, no President, must think of himself as the sole repository of America's honor or America's understanding of what ougth to be done in time of stress and danger.

No, by this bill we neither impair constitutional action nor confer unconstitutional power. There is nothing in the bill which confers upon the President powers not specifically provided in the Constitution. Presidents have always had the "power" to make a full explanation of a military adventure within 48 hours, or to cease such adventure in the absence of congressional approval in 2 months. All this bill does is to make such obvious "powers" duties! And these duties are over and above those which the Constitution already requires namely, that a President secure congressional approval either before or very quickly after action of this kind. The bill does not remove that duty. It does not water it down. It merely reminds any President, should circumstances make it inconvenient to meet that duty in a timely fashion, he will have to account for that neglect or oversight.

The horses of war should not be released from the stall without the turning of a congressional key. Yet history is replete with executive slidings of the latch, followed by whatever appeals to conscience and honor, or sleight of hand, or happenstance, or patriotic impulse, or chauvinist persuasion has proven necessary to impose and maintain congressional concurrence. Such concurrence has generally come in the form of ratification by silence. Under this bill such silence works to the disadvantage of a war-minded President rather than to his advantage. Yet there is nothing in it to prevent very loud and instantaneous congressional assertions of approval or disapproval should Members be so moved. In fact, it is more likely that such assertions would settle the matter before the time ran out.

Under this bill, then, the horses of war, if unleashed, are on a tether. And knowing that, Presidents will be more inclined to ponder the wisdom of unleashing them; to consider and meet the original constitutional mandate, before testing the mood, resolve, and patience of the Congress in ways that could prove awkward, and properly so. For what can there be in the argument that suggests the President is the sole repository of the national honor, or the national safety? Nothing is in that argument except an unwise and unwarranted distrust in Congress itself. And what is this other than a reflection of distrust in the people whose votes established it. It is the people who provide the blood and treasure for the Nation's wars. And the decision to do so should be theirs as well.

It was this fundamental truth that inspired the relevant sections of the Constitution itself. But simple, observable experience has shown that Presidents, for reasons defensible or not, initiate military actions without congressional consultation, and that Congresses for a variety of reasons have allowed them to do so. All this bill really does is to hold both branches of Government to their respective responsibilities in ways the Constitution, itself, standing alone, has lacked the power to do. The Constitution is not a self-executing instrument. It sets forth in broad terms the respective duties of the several branches it established. The Congress makes the laws. And the life of the law, being not logic, but experience, as Holmes reminded us, we are called upon from time to time to translate experience into law, not to avoid, but to meet the requirements of the Constitution. This is such a time, and I urge the House to override this veto.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, the distinguished chairman of the House Foreign Affairs Committee (Mr. MORGAN).

Mr. MORGAN. Mr. Speaker, I shall not try to prolong this debate. It has lasted long enough—nearly 200 years.

This is the first time in our history that the Congress stands on the threshold of requiring the President to follow the Constitution—and bring in the Congress as a full partner on issues of peace and war.

The House has spoken twice on this issue in recent months—on both occasions, sustaining the war powers resolution by overwhelming majorities: 244 to 170, and 238 to 123.

It is time for us to speak again.

It is time for us to override the veto.

Mr. MAILLIARD. Mr. Speaker, I yield the remaining time on this side, 3 minutes, to the gentleman from Arizona (Mr. RHODES).

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, I rise in support of sustaining the veto of the President on House Joint Resolution 542.

In my judgment, it is wrong to provide for legislation through inaction, particularly on a subject of major importance to the Nation. The Constitution mandates the Congress to act and the people have a right to expect it on issues of this magnitude.

Further, if the war powers of Congress and of the President are to be more clearly spelled out, this can only with certainity be done through the passage of a constitutional amendment.

I, for one, would not challenge the fact that President Truman in Korea and President Johnson in Vietnam went beyond the powers envisioned by our Founding Fathers in committing massive American forces to direct military action without a declaration of war by the Congress.

I share the conviction that Congress itself must act to endorse or forbid such involvement.

This can, however, be done without the passage of House Joint Resolution 542 as was illustrated in the vote of the Congress through the appropriations process to cut off the bombing in Cambodia by August 15, 1973, which did, in fact, accomplish this result.

The constitutionality of spelling out war powers by a simple resolution can and will be challenged. Hence, overriding the veto will add only to the confusion of the situation, not solve the problem of the war powers of the President or of Congress.

In all candor, I am also concerned about the effect on the ability of the President to meet such crises as the present Middle East situation.

In my judgment, the President's hand would have been considerably weakened in his recent dealings with the Soviet Union over the unilateral introduction of troops into the Middle East had this legislation been in effect at that time. While it may have had no effect on his ability to act in this situation, it may well have had a substantial effect on the Soviet Union's response to his action.

Mr. Speaker, in a time of crisis, the Congress should act rather than evade action. I consequently urge a negative vote on the motion to override the veto.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman from Arizona for yielding.

Mr. Speaker, I find myself in an almost impossible position and my voting record on this legislation reflects the same. I wholeheartedly concur in the concept of an effective and workable recitation and limitation of the authority and prerogatives of the President and the Congress concerning the exercise of "war power" or, as I believe better stated, the authority to involve this country in military hostilities or commit its military forces.

At the same time, I have serious concern about certain of the provisions of this legislation, feeling that in its present form it does not do that which I conceptually believe should be done. This is not a late-blooming concern and dilemma. The record will show that I originally voted against this legislation when it passed the House of Representatives, yet supported the conference report when it was before the House for a vote immediately prior to its transmittal to the President for his signature or veto.

I intend to vote to sustain the President's veto not because of any extraneous influence, but rather I will vote to sustain the veto having reached the conclusion that the defects in the legislation outweigh my support of the concept embodied in the legislation.

Mr. Speaker, although there may be much merit in many of the constitutional and other arguments which have been made in opposition to this legislation, my decision to sustain the President's veto is based upon my sincere concern over two aspects of the resolution which have not been thoroughly debated or considered, I believe, they are:

First. Just as this legislation is supported by those who fear for the action of a President contrary to congressional intent and desire, I fear the possibility that a President, faced with the 90-day cutoff date and feeling in his own mind that the national purpose would be best served by whatever action he contemplates, would excessively commit our military forces and weaponry so as to accomplish that national purpose whatever it might, in his opinion, require prior to being faced with such cutoff date; thereby possibly subjecting this Nation to military reaction by other nations observing this excessive commitment which would not have resulted had a more limited, albeit longer in timeframe, military commitment been made.

Second. Although the resolution attempts to deal with the procedural problem of inaction by either or both Houses of the Congress through the requiring of a vote in either House within 3 days of the offering of a resolution extending the President's authority to commit our military forces, I am not satisfied that the language of the resolution which permits either House to delay such a vote would not result in the anomaly of the will of a substantial majority in each of the bodies being stymied by a minority of dissidents. To explain, I am not satisfied the resolution precludes the operation of the rules of the other body which require a two-thirds vote for cloture, and in the event the resolution is defective in this regard, one-third of the Members of the other body could not only subvert the will of even a unanimous House, but also the will of just less than two-thirds of the Members of the other body.

So long as it is not clear that this resolution would not prompt or permit either of the foregoing concerns I have expressed, and when such concerns are viewed in the context of the other arguments which have been made against it, I am unable to give it my support.

Congressional participation connotes, in my mind, affirmative action. This resolution, upon the further examination I have now been able to give it, contemplates, even suggests, participation through no action at all even though affirmative action might be the will of all but a small minority.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, I shall vote to sustain the President's veto.

In my opinion war powers legislation probably should be adopted by the Congress of the United States, but this is a bad bill. All it does is remove the flexibility from the Congress to act at a time when it should act to either allow the use of American troops or not to allow such use. I think Congress should retain that flexibility. This is really a continuing Gulf of Tonkin resolution, giving the President power to commit troops legally—a power he does not now have.

Imagine this scenario. Assume that this bill had been law at the time of our supplying the Israelis, at the time of the Middle East crisis. In my opinion, it would have beeen necessary for the President of the United States, before any C-5A's could land in Israel, to notify the Congress, because it was a situation in which the planes could have been shot at. At that time of course every other interested nation, including Soviet Russia, would have to react to the situation and we could actually be in a position of causing an international conflagration instead of stopping it.

In international diplomacy you can quite often get by without confrontation if you do not make an issue of what you are doing.

Also I would like to give the Members this little scenario. Assume that a President of the United States in the future had committed American troops and that 90 days later those troops were still committed and the Congress was debating a resolution. I understand that you have tried to make it necessary to bring a resolution on this subject up in either body within 3 calendar days. But I submit to each of the Members that this Congress cannot bind a future Congress insofar as matters like this are concerned. So it is entirely possible in the future that we would find a situation in which a President had committed troops and at the end of 90 days he could not militarily get them out safely, and the Congress had not acted, one way or the other. What a pretty mess that would be.

Furthermore, Mr. Speaker, let me point out the fact that in this troubled world sometimes the important thing is not what the law says but what the rest of the world thinks it might say. I say to the Members at this time of crisis this is no time for the Congress of the United States to give the least appearance of not standing behind the President who by his actions which were both bold and imaginative has been able to stave off a real crisis in the Middle East.

I hope the Congress will vote to sustain the President's veto.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts, (Mr. O'NEILL), the majority leader.

Mr. O'NEILL. Mr. Speaker, earlier I listened to the eloquent statement of the minority leader. There is nothing in this resolution before us which in any way reduces or damages the President's ability to act in a constitutional manner in the meeting of the Middle East crisis.

The war powers resolution has nothing to do with the Middle East. It neither takes away nor increases the President's constitutional authority to deal with overseas crises. It simply provides that when the President acts, he must consult with the Congress and seek its concurrence before committing our country to war. That is the basic fact of this legislation.

The gentleman from Michigan knows well that when we were at the White House the other day discussing the Middle East crisis with the President and Dr. Kissinger—the House leaders of both sides of the aisle and the leadership of the Senate were there as well—the President said—

> Gentlemen, you appreciate the crisis we have and let me say this, before I take any further action of any type I will call back the leadership of the Congress.

Now, that is what the President said that night. I think that he should not only call back the leadership, I believe he should come to the Congress of the United States. That is what, in my opinion, the Constitution originally meant. And that is what I believe the President should do today.

If the President can deal with the Arabs, and if he can deal with the Israelis, and if he can deal with the Soviets, then he ought to be able and willing to deal with the U.S. Congress. That is all we ask of him. I hope we override his veto.

Mr. FROEHLICH. Mr. Speaker, today the House of Representatives is being called upon to consider the President's veto of legislation to define Presidential and congressional war powers. The decision, of course, is whether to override or to sustain this veto. In my view, the sound position, the sensible position, and, in fact the only rational position is to vote to override the veto.

The war powers resolution cleared by both Houses of Congress last month provides a historical opportunity for the Congress to renew and reassert its powers and prerogatives in this area and to delineate the authority of the separate but equal branches of Government in declaring and conducting a war. We have here an opportunity to turn the nightmare of our past into a clearly defined set of ground rules for the future, an opportunity to assure that Congress will be able to carry out its duties with respect to war powers, and an opportunity to let the people of this great democracy be justly heard and represented, in the decisionmaking process.

Under the Constitution the Congress is given the authority not only to declare war, but to provide for the common defense, to raise and support armies, to provide and maintain a navy, to make rules for the Government in regulating land and naval forces, to provide for the calling forth of the Militia to execute the laws of the Union, to suppress insurrections and repel invasions, and to provide for organizing, arming, and disciplining the Militia. In addition to these enumerated war powers, the Congress is granted the authority by the Constitution to—

> make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or office thereof.

The legislation before us today is designed to carry these powers into execution. It is an attempt to clarify and codify the roles of the Congress and the Commander in Chief.

Mr. Speaker, if our future foreign commitments are to be credible ones, they must have the active and continuing support of the Congress and the American people. The legislation before us today is an attempt to achieve this consensus, cooperation, and mutual reinforcement. As such, it makes an inestimable contribution to the cause of unity. As such, it deserves our full support.

Mr. PODELL. Mr. Speaker, the House today has the opportunity to reaffirm the Constitution as the law of the land. The war powers resolution is an eminently practical measure, which gives the President the ability to act in emergency situation, while acknowledging the constitutionally mandated duty of the Congress to declare war.

This country suffered through more than a decade of involvement in Vietnam. We lost more than 55,000 American men to an undeclared war. The total number of Vietnamese casualties may never be known. The United States went through a terrible period of dissension, with riots and bombings, and a further loss of life among our own civilians.

The key to our constitutional system is its separation of powers. The duties and responsibilities of each branch of Government are clearly delineated, so that our Government officials know what they can and cannot do. The entire Indochina situation was a prime example of lawlessness by the Executive, and acquiescence by the Congress. We must never allow this to happen again.

This resolution is very generously drawn. It expands the President's constitutional power to commit our troops without congressional approval, thereby providing the Executive with the necessary latitude to act in an emergency. However, it restores the restraints envisioned by the framers of the Constitution to prevent unilateral warmaking on the part of the President.

The events of this century have shown this legislation to be tragically necessary. We must never again allow ourselves by default to become involved in an unwanted, unnecessary, and unwise war.

Congress has determined to act in this matter, to restore the power given to it by the Constitution and co-opted by the President. If we fail to override this veto, we may be viewed as granting the Executive an unlimited license to wage undeclared war. This would be a total abrogation of our responsibilities, and we will have failed our people by default. Mr. Speaker, we must override this veto, or we will be one step further down the road to one-man rule.

Mr. HUDNUT. Mr. Speaker, while I am in accord with the desire to assure Congress its proper role in national decisions of war and peace, it is my view that House Joint Resolution 542 will impede, rather than help, achieve this objective. Therefore, I shall vote to sustain the veto.

The underlying philosophy of support for this measure is a belief that it would reduce the chances of future wars. In my view it would not. On the contrary, the existence of the resolution's limitations on the President's use of the Armed Forces might well tempt some future aggressor to embark on a military collision course on a belief that the United States would be paralyzed and unable to respond. The provision automatically cutting off certain authorities after 60 days unless they are extended by the Congress could work to prolong or intensify a crisis.

Until the Congress suspended the deadline, there would be at least a chance of U.S. withdrawal and an adversary would be tempted, therefore, to postpone serious negotiations until the 60 days were up. Only after the Congress acted would there be a strong incentive for an adversary to negotiate. In addition, the very existence of a deadline could lead to an escalation of hostilities in order to achieve certain objectives before the 60 days expired.

Furthermore, this effort to limit the President's power by the failure of Congress to take affirmative action seems highly dangerous and inappropriate. For example, suppose the President were to commit troops in Europe in order to defend our own country? That he has such power as Commander in Chief is not challenged, but the limitation of 60 or 90 days might make it necessary for him to withdraw troops fully committed to combat. Proponents might argue that if the situation justified such action Congress would recognize the necessity of declaring war or of specifically authorizing the use of troops. As a practical matter, however, Congress does not always move quickly and a legislative deadlock might develop. Moreover, in my opinion, it is highly undesirable for Congress, through its own inaction, to be able to determine whether a course of Presidential action should be continued.

The Kremlin is not limited by the Soviet legislative assembly on how it may throw its strategic weight around. Russia does not make these decisions in committee. Russia can move quickly when she wishes. Knowing that, why should we deliberately throw away the ability to respond immediately?

British journalists are fond of saying that it is "not only important that justice be done, but also that justice appear to be done." Let us paraphrase that to fit this situation in this way, "It is not only important that America be strong, but also that America appear to be strong. Otherwise, who will listen when America speaks?"

Mr. McCLORY. Mr. Speaker, in voting today to sustain the President's veto of House Joint Resolution 542 concerning the respective war powers of the Congress and the President, I am doing so on the basis of the President's veto message which expresses his support and commitment to the appropriate role of the Congress in connection with the use of our Armed Forces in military conflict.

Mr. Speaker, the President has stated quite forthrightly that in order for the Congress to be a true partner in the constitutional authority respecting the use of our Armed Forces we should be willing to take "positive action" by calling for a withdrawal of or for the continued use of our Armed Forces where deemed essential by the President as Commander in Chief.

The Congress as well as the President are bound by the treaty commitments and obligations of our Nation. It is not possible for us to repudiate such obligations through a House joint resolution. The President has cited a number of examples where the use of Armed Forces have contributed to world peace—and where our ability for effective military action may be employed in the best interests of our national security.

Mr. Speaker, I am confident that a very small change in the language of House Joint Resolution 542—to require positive action by the House and Senate in connection with any commitment or use of American Armed Forces—would receive the prompt approval of the President. It would seem to me important in connection with our responsible exercise of legislative authority that we should be willing to act positively and deliberately on a subject of such vital significance as the use of American Armed Forces abroad. To restrict the President's action by mere silence or inaction appears to me to be quite inconsistent with a responsible legislative role.

Mr. Speaker, in voting today to sustain the President's veto I am hopeful that a modified measure may be brought promptly to the floor of this House for the kind of overwhelming support which a measure of this character deserves.

Mr. BAUMAN. Mr. Speaker, I wish to state that I, for one, will vote to sustain the veto of this measure. I do not vote to sustain because I oppose limitations on the President's warmaking powers—on the contrary, I believe that the Congress must limit the abuse of Presidential war powers, and do so in much the same fashion as is provided in parts of this bill.

But this measure, as I see it, has one major flaw: It does not require the Congress to pass judgment, one way or the other, on any military initiatives in which the President may involve U.S. Armed Forces. To be sure, a tacit veto of the President's involvement is provided, for if Congress does not act within 60 days of the military action in question, the President must call it to a halt. But such a scheme is inadequate, and provides more than ample opportunity for abuse by any President.

If this bill becomes law, a congressional committee which merely decides to take its time, a filibuster in the other body, a recalcitrant committee chairman who declines to bring the measure up for action, in short, any of a series of delaying tactics, could easily countermand the intent of a war powers limitation: The need to involve the Congress in the decision to commit American troops to battle.

This bill does not require the Congress to participate in that decision, except in a backhanded way, a way in which it may not be the Congress doing the deciding at all, but merely a few key Members of Congress. This is avoidance of congressional responsibility at its worst. I believe that every Member of Congress should be required to stand up and be counted on the issue of war and peace and this bill creates a convenient loophole for those who wish to avoid that recorded decision.

One other possibility could arise: that the majority party whichever it may happen to be at the time, could in caucus decide not to bring the issue of military commitment by the President to a vote. Thus, the responsibility of Congress to go on record, as individuals, by a recorded vote, would be conveniently and politically ignored. A major, perhaps crucial, decision would be made simply by inaction on the part of Congress.

I do not believe that this is a sensible way to limit the warmaking powers of the President. Abrogation of congressional responsibility is not the way to go about limiting the responsibilities of the executive.

I would vote for this measure and to override a Presidential veto of it, if it is redrafted to include a provision requiring a yes-or-no vote by the Congress on any Executive commitment of American Armed Forces. If such a provision were included, we would once again have the opportunity to consider a true war powers bill. There is a need for such legislation. But we must not pass any such bill if it allows the Congress to avoid its responsibility. In my judgment, that, unfortunately, is what this bill does, and I must therefore vote to sustain the veto.

Mr. HARRINGTON. Mr. Speaker, I rise to urge the House to override the President's veto of the war powers resolution.

President Nixon's veto of House Joint Resolution 542 is the latest step in the erosion of congressional authority with regard to issues of war and peace. For the last 10 years, the American people have witnessed the unilateral commitment of American military forces to hostilities abroad by the President without prior consultation with, or authorization by, the Congress. This expansion of Presidential warmaking power has markedly increased in recent years and is reaching dangerous heights, threatening to undermine the system of checks and balances essential to our constitutional system of government. The time has come for the Congress to reassert its prerogatives and responsibilities to restore the intended balance provided for by the Constitution.

I am alarmed at the growing number of assertions of Presidential authority, both in foreign and domestic affairs. The magnitude of the coverups of illicit military activities in Laos and Cambodia, cloaked and spuriously justified in the name of national security, should impel Congress to assert its legitimate constitutional authority.

It seems to me that some clarification of the implied powers of the President must be made in the area of warmaking powers. The Founding Fathers were keenly aware of the warmaking powers of the British monarchs and the abuses which stemmed from them. They were explicit in their intent that the power to declare war and to raise armies be left to the legislature; the President would act only as Commander in Chief after hostilities began. The commitment of American forces—except in the most critical situations which directly threaten national survival—should be taken only after full congressional and public discussion. Only through such debate can the national unity necessary to support such commitments be attained.

Mr. Speaker, the war powers resolution would do three things. First, it directs the President to consult with the Congress before and during commitment of American forces to hostilities or to situations in which hostilities may arise, and requires submission of a formal report to Congress when such actions are taken without a declaration of war. Second, the resolution denies the President authority to commit forces for more than 60 days without specific congressional approval, and permits the Congress to order the President to disengage from combat actions any time in the initial 60-day period. Legislation relating to such actions would be entitled to priority congressional consideration. Third, the resolution makes clear that it is not intended to alter the constitutional authority of either the Congress or the President, or to alter existing treaties. The reporting requirements of the resolution would take effect at the time of enactment.

Contrary to the President's position as enunciated in his veto message, I believe that this resolution is constitutional. Rather than taking away from the President's authority which is alleged to be his alone, Congress would be reasserting its intended share of its authority over the warmaking powers of the National Government. Under the Constitution, both the collective judgment of the Congress and that of the President apply to the introduction of American Armed Forces into hostilities, or into situations where there is a clear indication of imminent involvement. As stated in the preamble of the resolution:

> The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

Neither do I believe the resolution would undermine the foreign policy of the United States. The executive branch does not have a monopoly on wisdom in matters affecting national security, and the accumulated experience of Members of Congress should be brought directly to bear on decisions affecting war and peace. By restraining irresponsible executive action, House Joint Resolution 542 is entirely consistent with the Nixon doctrine, which would help foreign nations defend themselves with supporting military aid, but reserve the commitment of American forces only when our national interests are genuinely threatened. The resolution provides the necessary flexibility for Presidential action in the advent of unforeseen circumstances, while assuring that Congress maintains its warmaking authority over the unchecked, unilateral decision of the executive branch.

Each of us has taken an oath to uphold the Constitution. Overriding this veto would help restore the lawful authority of Congress in the process of committing our Nation to war, and in that sense, uphold this oath which we have all taken. As many of our citizens continue to lose faith in our governmental institutions, we in the House must prove ourselves worthy of the trust placed in us by the people. That will require that we assume our responsibilities. For this reason, I urge each of my colleagues to join me in voting to override the President's veto.

Mr. LEGGETT. Mr. Speaker, I have in my hand President Nixon's veto message on the war powers resolution. It is an astounding document. You can find the words "Constitution," "constitutional," and "unconstitutional" cited a full 13 times in the course of its 3 pages, but there are zero direct quotes from the Constitution, and only 1 specific indirect reference, which I will discuss shortly.

This is reminiscent of the pseudo-constitutional arguments we have been hearing from the President's lawyers on the subject of executive privilege, where everything the President favors is automatically judged "constitutional" and everything he opposes is "unconstitutional." It has been years since we have heard the White House call for "strict construction" of the Constitution. I suspect that at some point somebody over there actually sat down and read the thing, discovering to his horror that it established a Republic rather than a monarchy. From that point on, they decided that the looser the construction of the Constitution, the better; certainly that is the principle on which Mr. Buzhart seems to operate.

I am only half joking. Consider the lone reference in this message to a specific section of the Constitution. Mr. Nixon says,

> I am particularly disturbed by the fact that certain of the President's constitutional powers as Commander in Chief of the Armed Forces would automatically terminate under this resolution 60 days after they were invoked.

To what "powers" does he refer? He must be saying that article II, section 2, "The President shall be Commander in Chief of the Army and Navy of the United States," somehow gives him the power to commit troops to combat without congressional authorization. He must be saying that as Commander in Chief he has the authority to treat the Armed Forces as his own private palace guard, to do with what he will.

Hogwash. The Armed Forces belong to the people of America, and exist only to serve the people. Article I, section 8 of the Constitution gives the people, acting through their elected Congress the power—

> To declare war . . . to raise and support armies . . . to provide and maintain a navy . . . to make rules for the government and regulation of the land and naval forces

As Commander in Chief, the President is superior to all generals and admirals, but he is absolutely subject to the direction of Congress. In recognition of our own unwieldiness and of the fast-moving nature of international crisis, we delegate to the President the power to act in the short term without explicit congressional direction. But his every act as Commander in Chief is based on implicit congressional approval; if we deny him this approval by any means we choose—including the passive means prescribed in the war powers resolution—he has no authority to act. If the opponents of this resolution can cite any specific constitutional authority for unauthorized military action by the President, I will be happy to reconsider my position.

In addition to his pseudo-constitutional argument, Mr. Nixon makes a pragmatic argument. He says:

> If this resolution had been in operation, America's effective response to a variety of challenges in recent years would have been vastly complicated or even made impossible. We may well have been unable to respond in the way we did during the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation in 1964, and the Jordanian crisis of 1970—to mention just a few examples. In addition, our recent actions to bring about a peaceful settlement of the hostilities in the Middle East would have been seriously impaired if this resolution had been in force.

How this impairment would have occurred, since all of these incidents were completed in well under 60 days, is not explained.

He then goes on to hypothesize various situations in which the war powers resolution would "undercut the ability of the United States to act as an effective influence for peace." All these situations have one thing in common: They involve the President committing American troops despite the disapproval of Congress, since the bill will have no effect when Congress and the President are in agreement.

The committing of troops to combat is not something to be done as lightly as redecorating the Presidential aircraft. It involves subjecting American citizens to possible injury and death. It must never be done without the full support of the American people, and congressional disapproval is incontrovertible proof of the lack of such support. We cannot wait, as Mr. Nixon somewhat patronizingly suggests, for the next annual authorization or appropriations bill before expressing our disapproval. By that time our casualties could be in five figures.

We must have a vehicle whereby we can promptly express our approval or disapproval. The war powers resolution is such a vehicle, and for this among many other reasons I hope the House will override this veto.

Mr. HORTON. Mr. Speaker, I rise in support of overriding the President's veto of the war powers resolution, House Joint Resolution 542.

Having sponsored one of the strongest war powers bills introduced in this Congress and in the last Congress, and having testified in favor of these measures on three occasions, my support of this legislation is unequivocal. I regret that Congress must seek to fulfill our determined objective in what has become a test of will.

The carefully drawn provisions of House Joint Resolution 542 have been discussed at length. Their purpose is clear: No President can wage war without the concurrence of Congress. The Constitution assigns to Congress alone power to declare war. The President serves as Commander in Chief to execute those hostilities to which Congress commits the Nation.

It is important to emphasize that this measure would not restrict the legitimate authority of the President to respond to crises. The recent handling of the Middle East crisis is a case in point. Had this measure been law, it would not have hindered the President from following the precise course he pursued. It merely provides that if the President commits our Armed Forces to hostilities, he may do so for a maximum of 60 days and must have congressional approval to extend the commitment beyond that period.

Mr. Speaker, hour upon hour of debate in this Chamber has centered on the erosion of congressional power to the executive branch. Today, we address the most critical of those concerns—our role in war and peace. If we succeed in restoring balance to war powers, we will give the American people new faith in Government and, most assuredly, new confidence in the Congress.

Mr. MARAZITI. Mr. Speaker, I previously voted against the war powers bill, House Joint Resolution 542, mainly on the ground that the bill did not require Congress to effectively act and take a position either for or against continued hostilities.

I felt that if Congress wished to assert its right "to declare war" or "not to declare war" then it should have the intestinal fortitude to speak up and pass legislation either declaring war or requiring the cessation of hostilities.

The war powers bill in its present form does not require this action by Congress. It merely permits this action and states that if Congress does not act within 60 days of the report by the President, the hostilities shall cease.

There are other technical defects to the bill.

However, notwithstanding this lack of required action and notwithstanding other defects, the bill does provide some mechanism for Congress to immediately assert itself if it so desires, which apparently does not currently exist.

Recent events have concerned me to such an extent that I have reason to believe that the executive branch of Government could draw us into a war including the two major nuclear powers.

I am impelled to support legislation as imperfect as it may be, that would give Congress the mechanism to immediately stop that confrontation and bring an end to a holocaust that would destroy mankind.

It is hoped that in the months that lie ahead we can further amend this bill to correct the imperfections.

Therefore, I have decided to vote to override the President's veto of House Joint Resolution 542.

Mr. GROVER. Mr. Speaker, I am voting today to sustain the President's veto of House Joint Resolution 542, commonly known as the war powers bill, just as I voted against the bill several weeks ago.

My vote, however, should not be misconstrued. While I find laudable the effort to clarify the constitutional authority of Congress to be heard in matters involving the commitment of U.S. military forces in combat, my objection is not that the legislation unduly hampers the President, but rather that it gives him too much power.

The so-called war powers bill, in permitting a 2-month troop commitment to combat before congressional action or inaction to support or reject it, is a permanent Gulf of Tonkin resolution, a blank check for future Presidents to involve us in future Vietnams and Koreas.

I will support a war powers bill which fully restores to the Congress the authority of an equal partner as intended by the framers of our Constitution.

If the President can call the National Security Council to Washington on a few hours' notice, he can comply with a strict war powers bill which requires him to go immediately to the Congress for permission to commit troops. House Joint Resolution 542 does not require that, but rather gives a dangerous carte blanche to the Chief Executive. Should it become law I am sure it will prove an unsatisfactory effort to restore to the Congress powers arrogated by and to the Presidency over the years.

Mr. PRICE of Illinois. Mr. Speaker, I strongly urge my colleagues to override President Nixon's veto of the war powers resolution which restores balance to the partnership between the Congress and the Executive in national security affairs.

Events through the Viet Nam war period make it clear that Congress should exercise its constitutional power when it comes to a decision committing U.S. forces to combat.

This resolution provides clearcut guidelines consistent with the Constitution that prescribe executive and legislative authority in this crucial policy area.

Congress must meet its responsibility to the American people. They are weary of the crises-ridden nature of the present administration. They are looking for integrity and a return to the rule of law. By overriding the President's veto, we can help restore public confidence in Government.

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to discuss House Joint Resolution 542, the war powers resolution.

Out in Kansas in my congressional district, most folks want to see Congress take some appropriate action so that we will not again become involved in another limited, political conflict similar to Korea and Vietnam. After our tragic and long involvement in Southeast Asia, I have said repeatedly I would not support any proposed action that would send American forces overseas unless they had the full support of the Congress and the American people.

The frustration that has followed our involvement both in Korea and Southeast Asia is understandable and we must find the means to keep from repeating our past mistakes.

In short, I am saying the citizens of my congressional district want Congress to meet its responsibility on the issue of war and peace.

However, the question in my mind is whether or not this bill does the job. I do not consider myself an expert on constitutional law nor do I consider myself having great expertise in the field of foreign relations. I would like to think, however, that I do know something about commonsense and commonsense tells me we are trying to say more about the conduct of our foreign policy but we may be saying the wrong thing and at the wrong time.

Back in the 1930's, Congress passed a number of neutrality acts all designed to keep us out of foreign involvement and war. The net result was that we simply encouraged our enemies to become more aggressive. I cannot help but think that if we pass this resolution we will be sending a signal of indecision to our potential foes and allies alike.

In addition, my personal feeling is that we have a lot of folks who would like to have more of a say in our foreign policy but very few who seem to want to take on the responsibility of making a decision.

If I understand this resolution correctly, it would permit the Congress through inaction to force the President to terminate the use of U.S. Armed Forces. In other words, if Congress fails to act, our Armed Forces must be withdrawn. In my opinion, this simply amounts to passing the buck. We cannot meet our responsibility on the issue of war and peace without taking positive action to approve or disapprove the President's action.

Another objection that I feel merits consideration is that by enacting this resolution, we may be giving statutory approval to unilateral warmaking powers that the President does not now have. It seems to me this is precisely the thing we are trying to avoid.

I would like to reiterate that I feel Congress should exercise a greater voice in the conduct of our foreign policy and the use of our military forces overseas. However, this bill reminds me of a youngster who keeps getting his nose bloodied by getting involved with his older brother's trouble. Sooner or later that young man will have to make a decision on his own. That is what I think we in the Congress should do and why I will vote to sustain the President's veto.

Mr. BENNETT. Mr. Speaker, I will vote in opposition to this legislation today, as I have in the past, because I think it gives a power to the President to start a war without previous action by the Congress. Our forefathers wisely provided in the Constitution that only Congress can start a war. Yet, in the measure before us, its provisions will give Presidents in the future a standing power to be used at any time to start a war. The benefits listed for the legislation in requiring reports by the President and then disapproval power by the Congress, are benefits that can be achieved without the passage of this measure. But, even if that were not so, the delegation of such power as given by this measure to the President should not be approved.

Mr. EDWARDS of California. Mr. Speaker, I feel that it is of the utmost importance that the House vote today to override the President's veto of war powers legislation.

For years, a succession of Presidents carried on a full-scale conflict in Southeast Asia, committing thousands of American troops and billions of U.S. dollars to a struggle that never became a "declared war." The results of this tragedy are deep and long lasting. Thousands of young men lost their lives, and countless others their faith in the American system. Members of Congress struggled with their consciences while the country as a whole experienced bitter divisiveness and polarization. Student unrest grew increasingly desperate and turned violent, causing the senseless, needless deaths of youths at Kent and Jackson State Universities. A President's dream of a "Great Society" that reached out to the poor, minorities, older Americans, was compromised and clouded and finally pushed aside. The economy pulled and stretched, leaving the Nation after the war with ever higher prices and rampant inflation. Years from now we will still be bearing the scars and feeling the repercussions of the Vietnam war.

The legislation we are considering today could have prevented the protracted involvement of the Vietnam war, forcing the President to seek formal authority from Congress for continued U.S. military actions and allowing Congress to put a halt at any time to American commitment by a concurrent resolution. In addition, it would require the Chief Executive/Commander in Chief to report to Congress what his plans and objectives were for authorized involvement. It would not prevent the President from acting expeditiously in emergency situations, allowing him 60 days, with the possibility of extension to 90 days, to act without congressional approval. At the same time, it insures against broadening of constitutional Presidential warmaking powers by specifically stipulating that it is not to be construed to grant any authority to the President he would not otherwise have.

The events of the past few weeks seem to underline the need to override the President's veto of this legislation. To restore the confidence of the electorate in the power of Congress to act and serve as their representatives, a veto override would indicate our resolve to restore the balance between legislative and executive powers. It would also reassure the American people that, regardless of the demands of the oil industry and pressures of diplomatic "brinkmanship," the United States will not become involved in the Middle East or anywhere else without requiring specific congressional approval of military commitments.

The Nation cannot afford another Vietnam. We cannot afford another presidential refusal to recognize congressional and public will. Therefore, I strongly urge my colleagues to vote to override the veto of the war powers resolution.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise to urge my colleagues to vote to override the veto of the President of House Joint Resolution 542, "The War Powers Resolution." I do so because I think the time has clearly come for the Congress to squarely confront the question of "whose power is the war power" and recognize the central role the Founding Fathers intended for the Congress to play in this vital area. We are all of differing views as to the wisdom of war powers legislation and the form this should take. Like many of my colleagues, I had introduced my own war powers bill; and like many of my colleagues, I supported certain amendments to the resolution which originally passed this body. But I voted for that resolution on final passage, despite the rejection of those amendments, and I voted for the conference report which I felt was an excellent compromise between the two bodies.

I regret that the President did veto this resolution and that he cited constitutional grounds for doing so. I welcome the President's support for those portions of the resolution which would require prior consultation with the Congress in emergency situations and regular reporting to the Congress once American troops are committed. But this alone, in my opinion, is not enough, and I think the procedures and requirements of the resolution for the termination or extension of a unilateral Presidential commitment of troops in certain circumstances are both necessary and constitutional if we in the Congress are to fulfill our responsibilities under the Constitution.

There can be no question that the Constitution clearly provides that the Congress and only the Congress shall have the power to declare war, to provide for the common defense, raise and support armies, provide and maintain a navy, and make rules for the regulation of our land and naval forces. And there can be no question that the Congress is given the authority under the Constitution to make all laws which shall be necessary and proper for carrying into execution these powers.

The Constitution provides, on the other hand, that the President shall be the Commander in Chief of the Army and Navy of the United States, "when called into the actual service of the United States."

The resolution which is before us today under a veto is clearly on all fours with those constitutional authorities and requirements. The President, in his veto message, objects to this resolution on the grounds that the 60-day automatic termination provision is unconstitutional. This would seem to indicate that the President thinks the Congress is constitutionally obliged to take action to halt a Presidentially declared war. My reading of the Constitution, on the other hand, is that the Congress must take affirmative action to initiate a prolonged war, and is under no obligation to have to act each time a war is initiated by a President. This resolution does recognize that it is sometimes necessary for the President to act swiftly in emergency situations, without the prior consent of the Congress. It does permit him the flexibility needed to react swiftly and decisively in these rare situations.

Contrary to the contentions of the President's veto message I do not think the President would have been precluded from acting as past Presidents have in such emergencies as the Berlin crisis, the Cuban missile crisis and more recently, the Middle East crisis.

I think this resolution clearly recognizes that in these modern times, the war powers must clearly be shared powers between the President and the Congress. But it is designed to insure that we will never again be involved in a situation like the Vietnam War in which a President alone can conduct a protracted conflict without a specific authorization from the Congress. We in the Congress must, for constitutional and political reasons, play a much greater role in involving our Nation in any such war in the future.

While prior consultation and continued reporting to the Congress are essential elements in such a shared power arrangement, they do not alone constitute real shared powers. The Congress is rightfully demanding in this resolution a restoration of our war powers under the Constitution and a clear decisionmaking role in involving this Nation in a long-term commitment to hostilities.

The American people expect us to play such an active role, and the Constitution requires that we do. I strongly urge that this veto be overridden.

Mr. FRENZEL. Mr. Speaker, the 93d Congress has labored in some very difficult times. Almost from the day we convened, our country has been in a crisis of confidence in its political leaders and its political institutions.

Most of us know well our constituents' desires to rebuild the people's confidence in its Government. We have had plenty of opportunities this year to do so.

We have cried about election tactics, but we have failed to respond with legislation.

We have complained about the principle of executive privilege, but we have been unwilling to consider legislation to define it.

We have wailed over executive impoundment, but our reaction was a bill to encourage overspending.

We have preached about overspending but the Rules Committee has contained a bill that might help us to control our own excesses.

In each of these cases, despite our talk, the Congress has not met the test. We have failed in impoundment; failed in executive privilege; failed in election reform; failed to control our own spending.

But today we have a chance to make up for some of those failures by voting to override the veto of the War Powers Act. The act is good policy that fairly defines constitutional powers of both the Congress and the President. It gives us our first chance to show that we have learned something from our experience in Southeast Asia.

The War Powers Act is our own creation. We invented it. We improved it. We compromised it. And we made it a pretty good bill. It may not be perfect, but it is our own, and represents our first real effort to redefine powers and authorities we have allowed to slip away.

I have supported most of the President's vetoes, both this year and in the past because I thought most of them were worth supporting. But, this one is worth overriding, because in addition to being good policy, the act is a vote of confidence in ourselves. And I hope it will be an encouragement to the Congress in the future to build its legislation in the same, constructive way.

This may be one of the most important votes we have this year—or maybe in any year. We have here an opportunity to compensate for some other great failures. I hope the veto will be overridden.

Mrs. HOLT. Mr. Speaker, I would like to express my vigorous opposition to the legislation currently before us. The passage of House Joint Resolution 542, the war powers resolution is in my opinion, both unwise and potentially dangerous.

The purpose of this resolution is to clearly define Presidential authority and congressional responsibility for the commitment of U.S. troops in combat situations. Though I fully support legislative efforts to define such authority and responsibility, I strongly feel that the war powers resolution does not achieve its stated objectives.

The Constitution in article I, section 8, directly places the power to declare war with the legislative branch of Government. If we are sincerely interested in restraining the warmaking power of the executive branch then it would seem to me that we should insist on a strict interpretation rather than the unneeded congressional definition of the Constitution.

Mr. Speaker, I have no doubt that in the long run, the implementation of House Joint Resolution 542 will result in an expansion rather than limitation of executive power. In addition to the inconsistency of this legislation, I also object to it on the grounds that it permits major policy decisions to be affected by congressional inaction. During this session, we have continually discussed the need for a reassertion of congressional authority and responsibility. I support such a reassertion, but it will only be accomplished by congressional action. The adoption of this resolution will further relegate us to a passive role in the development and implementation of foreign policy.

I urge my colleagues to join me in sustaining the veto of House Joint Resolution 542.

Mr. BIAGGI. Mr. Speaker, I rise to strongly urge my colleagues to override the President's veto of House Joint Resolution 542. The sustaining of this irresponsible action could have a profoundly negative effect on the future foreign policy decisions of the United States.

The time is long overdue for the Congress to reassert itself in the formation and execution of major foreign policy decisions. The Constitution clearly spells out the fact that the Congress was to be the premier body in the determination of foreign policy, particularly in matters of war and the committing of troops. Yet during the last 20 years we have seen a major usurpation of this power by the Executive, with disastrous consequences. Yet the President maintains that House Joint Resolution 542 is unconstitutional. However, a more accurate observation would show that this legislation does not propose to affect the President's legitimate constitutional authority in matters of foreign policy, rather it seeks to establish more effective procedures for its legitimate exercise.

Inherent in the thinking of our Founding Fathers as eloquently expressed in the Constitution was the belief that an effective system of checks and balances between the three major branches of the Federal Government was crucial for a stable democracy. This legislation seeks to address itself to this goal by providing means for increased cooperation between the legislative and executive branches in matters of foreign policy.

Yet as important a goal as increased

cooperation is, the debacle of Vietnam was to be considered a reason for this legislation. This conflict represented the most flagrant abuse of Presidential power ever experienced in the long history of the United States. By virtue of the Presidential disregard for Congress, this great body was rendered virtually useless while three Presidents, citing their constitutional authority under the Commander in Chief clause, committed over 500,000 American troops without a declaration of war.

House Joint Resolution 542 would prevent any reoccurrence of a Vietnam-type war by virtue of the following provisions: First, the President would be required to submit a report to the Congress within 48 hours after committing U.S. Armed Forces to a conflict anywhere in the world. This report would have to be comprehensive and fully explain all reasons for the action. Further, House Joint Resolution 542 would insure that the committing of troops could not be for a period of more than 60 days without express congressional approval of an extension. Finally the resolution could require the President to disengage any troops through the passage of a concurrent resolution.

Contrary to the President's contention to the contrary, this legislation will enhance the U.S. ability to act firmly and decisively in times of international crisis. In fact, nothing in this legislation would have prevented the President from acting as he did in the recent Middle East crisis. The goal of this legislation is to simply provide a system of joint participation and decisionmaking between the Congress and the President in matters of war and peace, so as to prevent any tragic miscalculations which might lead us into an unnecessary war.

Mr. Speaker, this vote today could be one of the most important ones in the Congress for many years. This vote should not be viewed as a partisan issue, rather it should be an issue we vote on as concerned Americans, concerned and dedicated to the goal of providing a more effective method of promoting peace in the world. House Joint Resolution 542 will help achieve this enviable goal.

Mr. BOLAND. Mr. Speaker, today we must decide whether we should override the President's veto of House Joint Resolution 542, the war powers resolution.

In our examination we ought to concentrate particularly on our own constitutional obligations.

Only Congress has the power—and the obligation—to declare war.

The President, as Commander in Chief, has the responsibility to recommend a course of action to the Congress.

He is also responsible for the conduct of any hostilities.

We, the Members of Congress, have our own responsibility, that of deciding if a commitment of U.S. Armed Forces to a certain theater of conflict best serves the interest of the American people.

House Joint Resolution 542 reaffirms that responsibility.

It does not, as the President has contended in his veto message, impinge upon the flexibility or constitutional prerogatives of the President.

Rather it reasserts the constitutional warmaking power of the Congress.

It insures that congressional disapproval of Presidential initiatives involving our Armed Forces will prevent their continued involvement beyond a reasonable period of time.

Yet it offers no threat to Presidential direction of foreign policy since it provides for constant and close cooperation of both executive and legislative branches in the arrival at basic foreign policy objectives.

At the same time, the war powers resolution does not alter any of our existing treaties and security arrangements, including NATO.

Mr. Speaker, the power of determining war or peace rests with the Congress of the United States.

Previous Congresses—as this one—have allowed American Presidents to conduct wars and commit troops for long periods without congressional determination that such activities ought to continue.

The President now claims—again in his veto message—that House Joint Resolution 542 is unconstitutional, because it abrogates "authorities which the President has properly exercised under the Constitution for almost 200 years."

In a sense it is understandable that the President now in the White House could feel this way, since his experience as President would only reinforce the view that a President can make any disposition of troops or military forces as long as he does not call it "war."

I believe that we have the obligation to reassert—and firmly reassert—our constitutional, historical right to be the decisiontakers when it is contemplated that our Armed Forces shall be committed for long periods of time in any war.

House Joint Resolution 542 would place the warmaking hat squarely on the head of this body, where it has belonged and will continue to belong until our Constitution is changed.

I, therefore, urge all my colleagues in the House to vote to override the President's veto of this crucial legislation.

Mr. CLEVELAND. Mr. Speaker, I rise in support of House Joint Resolution 542 in the interests of reassertion of fundamental congressional warmaking powers under the Constitution. I voted for the original resolution as passed by this body and the conference version. Moreover, I have voted for war powers legislation in previous sessions and have been a cosponsor of such legislation.

Members who have followed the debate and other discussion in the RECORD know that I supported this particular bill with some reservations. My comments on this House joint resolution as it has evolved are covered by statements in the RECORD of March 29, at page 10368; May 24, at page 16884 and October 12, at page 33874.

Partly, these reservations concern the efficacy of mechanisms in the resolution to provide for affirmative congressional action, a vote up or down, in case a President initiates an action and is faced with a 60-day cutoff. And partly they concern the ambiguity in the enumeration of circumstances under which a President may initiate such action. I find it disturbing that the legislative history as reflected in the debate in both Houses suggests that the President's latitude is unduly restricted—reflecting the position of the veto message—and that the measure represents a 60-day blank check. The debate today has done little to resolve these uncertainties.

But the fundamental need for the Congress to resume its constitutional role transcends these reservations.

Indeed, much of what we do here today will not have effect unless and until this country and its will are tested. In that sense, our action today means nothing standing alone, in isolation. Whether it will represent the great step forward as sought by those of us who have long called for this aspect of congressional reform must await new challenges. In another sense, however, if this move to override prevails and is followed by similar action in the other body, the Congress will be a very different place indeed. Having seized the initiative, we will have committed ourselves to a degree of responsibility for which this body has not distinguished itself notably in recent years. This is particularly true in view of the war-weariness and the trend toward isolationism which I have discerned in the country.

This will place new demands on independence of judgment and a willingness to exercise leadership in the formulation of informed public opinion as to the true needs of our security during the remainder of this century. It was in recognition of this that I originally cosponsored similar legislation, and it is in the conviction that this body will respond constructively that I support this vote.

A concluding note: In the past, I have taken some care to state my position on vetoes, particularly when they have involved programs which I have supported as individual measures on their merits. Those in this session have largely involved domestic programs. In those cases I have taken the position that a veto by the President on grounds of economic impact, absent the ability of Congress to set our own priorities, injects a new element. In exercising fiscal restraint, the President has in effect been doing our job for us.

An exception was the matter of Senate confirmation of the Director of the Office of Management and Budget. Again, in the interests of congressional prerogatives, I had been inclined to vote to override in that instance, but was dissuaded by the degree to which the issue was cast by my friends on the Democratic side as a vote for or against the President, a referendum on Watergate, and the merits of the question were submerged.

Similarly, I would not be surprised to find some Watergate votes cast today, with the outcome interpreted domestically and perhaps abroad as a reflection on support for the President and his capacity to govern, particularly in the area of foreign affairs. I wish to make clear that my vote is not one of them, and cite as evidence my long-term advocacy of congressional reform and legislation similar to this. In fact, a primary motivation for my support for this measure is the conviction that Congress must share in the consequences of decisions affecting military policy. For too long, the Chief Executive has borne the brunt of responsibility for the exercise of war powers. Thus it will be of benefit to the Congress, the Presidency and the country that henceforth, after a tough decision by the President, this body will have to do more than make Monday morning speeches and make cheap shots from a privileged sanctuary.

Mr. ROBISON of New York. Mr. Speaker, much has happened during the short space of time since our last debate on House Joint Resolution 542. The inflammation of the "Watergate crisis" and the swirling national debate over Presidential impeachment threaten to add new, and irrevelant, connotations to previously stated arguments in support of votes for and against this war powers legislation. Specifically, today's vote to override the President's veto of this measure could easily be interpreted outside of Congress to mean more than is intended by it.

What has happened in recent days in no way alters my own longstanding conviction that there is something very wrong with the way our Government has gone about committing U.S. troops during the last 25 years. This is a matter of concern which has caused me to spend several years studying, drafting, and revising war powers legislation; and it is from arguments based on decades of history—not weeks—that I am convinced we must try to write the provisions of this bill into the law of the land.

When we debated House Joint Resolution 542 last July, I stated to my colleagues that the pending war powers legislation was preeminently a check on human judgment in both the executive and legislative branches of the Federal Government, and that the war powers bill was the best discernible approach to set the standards for a truly careful and conscientious judgment before the President and Congress would consider sending this Nation's young men to war.

Given the evolution of executive war powers during this century, and given the strong contention of many Presidents that these powers must remain wholly with the executive branch, I have long assumed that my espousal of war powers legislation might culminate in the vote we must cast today. It has been my intention to see this issue through to the end, since that day months ago when I joined my colleague from New York (Mr. HORTON) in introducing one of the first war powers bills in the House.

Since that time, I have been asked on a number of occasions if I would support a veto override on the war powers bill, if it ever came to that. I have consistently said I would, for reasons stated to this body in several prior instances and, Mr. Speaker, thus I will do so today. I do so, because I find myself in basic agreement with the thrust of this bill, and because I think it imperative that, through House Joint Resolution 542, Congress move to right the checks and balances between the legislative and executive branches in this area of concern.

We will do this by assuring that both the President and the Congress have available the best and fullest possible information before a decision is made to commit American troops. We will further contribute, through the mechanisms of House Joint Resolution 542, to nationwide support for such a decision so that, when this country must deploy its military forces, it is clear to all other powers that both the Government and the people stand behind that deployment.

It is illustrative of this intent that the bill before us is primarily concerned with the steps Congress must take to carry out its constitutional responsibilities to declare war and to raise and support armies. By directing the procedures for committee action and floor consideration and by specifying the time frames for these actions, the war powers bill requires that Congress now put its own house in order, so that it can properly carry out the exercise of its constitutional war powers.

Since we must vote today to override the President's rejection of this bill, there is obviously still less than universal agreement on the respective constitutional duties of the President and the Congress in committing U.S. troops. That is an issue for debate over which responsible men will continue to have differences. For instance, I had hoped that Congress would have been forced, under this legislation, to approve or disapprove by its own vote, any emergency troop commitments made by the President.

Yet, in the aftermath of decades of congressional acquiescence, I think it important that Congress now seek to define its own constitutional war powers, and seek to do so in a manner which does not inhibit the President's ability to respond quickly whenever our national security is threatened. From my point of view, this bill does accomplish this objective..

The President's recently demonstrated ability to act quickly and convincingly in response to a threatened escalation of the Arab-Israeli war would not have been affected in any way by the provisions of this bill. However, had the President moved to deploy U.S. troops to the battlefield, he would have been required under House Joint Resolution 542 to notify Congress of the conditions which occasioned that action, and the procedures thereafter spelled out would become applicable.

We can be thankful that, in this instance, the President's skillful diplomacy quickly reduced the necessity for U.S. military intervention. Yet, in no small measure, the support evidenced for this legislation in the Congress has resulted from the public reaction to a prolonged undeclared war in Indochina. The message carried by this legislation is clear—no more Vietnams.

It should also be clear that a nation still reeling from the doubts and divisiveness of the Indochinese war would have demanded the broadest possible consensus before consenting to armed involvement in the Arab-Israeli war.

The anticipation of such a situation continues to convince me that we must have the working mechanisms of House Joint Resolution 542 to assure that the President has the full support of the Nation when he must engage the military. That is why I will vote to override the President's veto, and that is why I urge my colleagues to do the same.

Mr. RARICK. Mr. Speaker, Members are being told in debate here on the floor that we have only two alternatives: By voting to sustain the veto, we are supporting the President's interpretation that by implication he has unlimited war powers; or, by voting to override, we are supporting the argument that this legislation is necessary to limit the President's "war powers" by establishing a specific time limitation on his "powers." Thus, in effect, this legislation grants the President warmaking powers.

We must not be misled by this. There is another alternative. A Member can vote to sustain the President's veto and in so doing uphold the Constitution, which gives to the Congress—and only to the Congress—the power to declare war. The President has no war powers, express or implied, which are not ratified or sanctioned by an act of Congress.

Article I, section 8, clause 11, clearly gives the power to wage war to the Congress. It reads:

> The Congress shall have Power . . . To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.

There is no mention whatsoever in the Constitution of the United States about any "war powers" of the President.

If there were only two alternatives, as is being suggested by debate, the President would gain powers regardless of the outcome. Regardless of the way this vote goes, if these are the only two alternatives, he will be granted "war powers."

Mr. Speaker, I do not believe that the Constitution of the United States can be amended by legislative action such as that proposed here, nor do I believe that this Congress should attempt by legislative action to, in effect, justify our past involvement in Korea or Vietnam. The notion that the President has war powers is erroneous; the Constitution is clear on this.

I took an oath to "bear true faith and allegiance" to the Constitution. I cannot, therefore, support this legislation and will cast my people's vote to sustain the President's veto.

Mr. ASHBROOK. Mr. Speaker, I have long had an intense interest in the issue of war powers of Congress and the President. Five years ago I introduced a constitutional amendment to limit the power of a President to dispatch troops and wage war. At that time I stated "few issues concern the American people any more than this whole matter of brushfire wars, escalation, and commitment of troops to virtually every struggle throughout the world."

Again—in May of this year—I introduced the Bricker amendment. This constitutional amendment would help restore a proper congressional role in foreign affairs and prevent treaty wars such as occurred in Southeast Asia.

The issue is not whether you are a Republican or a Democrat or a hawk or a dove. The issue is whether Congress will act to repair the damage done to our Constitution during the past 20 years and stop unnecessary and costly involvement in every brushfire war in the world. The time is long overdue for Congress to restore proper constitutional processes in the formulation and execution of our Nation's foreign policy.

Although I do not agree with every provision in this bill, I do believe that it offers a responsible, affirmative answer to a recurring dilemma. There may be some Republicans who are reluctant to override the President's veto in light of his current difficulties. However, the need to get our Nation on a right course and to restore basic constitutional principles is far more important than our personal sympathies. Therefore I will vote to override the President's veto of House Joint Resolution 542, the war powers resolution, and I urge my colleagues to do the same.

Mr. MIZELL. Mr. Speaker, the House today is faced with one of the most critical issues it has faced all year, an issue that could possibly have the same kind of consequences that flowed from the Neutrality Acts passed by the Congress of two generations ago.

The war powers resolution, which President Nixon vetoed and which we are about to vote on again, may well have a similar effect on international events that the Neutrality Acts had.

The resolution is as poorly written as it was unwisely conceived. The major section of the resolution permits the Congress, through sheer inaction, to force the President to terminate the use of American Armed Forces within 60 days unless Congress declares war, extends the deadline, or is physically unable to meet, because of an armed attack in the meantime.

If the Congress fails to act, regardless of the reason, our Armed Forces must be withdrawn.

I believe the issue of war and peace is much too important to be decided by a failure to act. I believe our responsibility lies in a positive action to either endorse or disagree with a President's initiative in an emergency situation.

I have often spoken in the past of several so-called end-of-war amendments that would have tied the President's hands if they had passed. The resolution we are considering today puts the President in a virtual straitjacket that could leave this Nation in great peril one day.

We need look no further than the Middle East situation as it exists today to see that a crisis of dangerous proportions could arise at any time, requiring bold and immediate action by the President acting as Commander in Chief.

I am convinced that the President must have a degree of flexibility and latitude to meet any military crisis that might arise. And I believe that to the degree that flexibility is impaired, the hope for stability is impaired as well.

There is no question that the Congress has a constitutional role in the making of foreign policy and in the waging of war when necessary. But this legislative attempt to define the role of the legislative branch has served instead to overly confine the role of the Executive.

I hope with every other American that peace will someday reign throughout the world, but the strongest hope for peace in the world still remains with a strong United States of America and a strong and decisive Commander in Chief.

Ms. HOLTZMAN. Mr. Speaker, I intend to support the attempt to override President Nixon's veto of the war powers bill.

As I have stated before on the floor of this House and elsewhere, I have had enormous reservations about the propriety and even the constitutionality of the war powers bill. In particular, I was concerned that the bill, instead of limiting a President's powers to commit U.S. military forces to hostilities in the absence of congressional approval, would permit him to commit troops for 60 days without congressional approval.

The events that have occurred since my first analysis of the bill have, however, caused me at this time to support it against President Nixon's veto. I have done so for the following reasons:

First, in vetoing the bill, President Nixon stated that it was unconstitutional, claiming essentially that he has unlimited power to commence a war. The President's analysis of his constitutional powers is completely and categorically inaccurate. By sustaining the veto we would be lending credence to his position.

Second, this is a time during which our country is undergoing an extraordinary crisis of confidence in our Government. It is clear that Presidential abuse of powers must be corrected and limited if we are to restore the people's faith in our democratic system.

Third, because of the objection that I previously raised that the bill improperly adds to Presidential powers, sufficient legislative history has now been created in answer to those arguments to satisfy my constitutional qualms. It is perfectly clear from those who support the legislation that this bill in no way adds to the limited war powers that the President has under the Constitution. I think the legislative history, at least, makes it perfectly plain that the bill is not designed to allow the President to place troops abroad for 60 days if Congress does not so approve it. I am pleased that because of the position that I took the legislative history of the bill has now been clarified.

The major feature of the bill is its requirement that the President withdraw any troops from hostility in the event that Congress has not approved their use within 60 days. This provision is extremely important. The automatic cutoff will require a President to think out very carefully his willingness to commit American troops because he knows that unless his action has the support of the American people he will have to remove the troops in 60 days.

The automatic 60-day troop withdrawal provision is also important because there is no other institutional mechanism for stopping an illegal war once it has begun. We cannot rely on the courts for an expeditious decision striking down the constitutionality of illegal Presidential warmaking powers. My experience in challenging the Cambodia bombing in the courts demonstrated that principle sadly but conclusively. Nor can we turn to the congressional procedures for cutting off appropriations or impeachment as speedy alternative means to check an illegal war. History has shown that impeachment is often impossible and cutting off appropriations lengthy, time-consuming and subject to a veto. Thus, the automatic 60-day cutoff in this bill gives all of us at least a guarantee that an illegal Presidential war cannot be perpetrated forever.

I would be less than frank if I did not say that I am still disturbed by this bill. It is not the best bill we could have had and it does not really address the problem of restoring congressional control over the decision to commit American lives and tax dollars to a war. Nonetheless, it is clear that this is the only bill that we could have at this time and for that reason and because I still believe that the bill can be significantly improved, I will support it and will reject the President's arugments that he has unlimited power to commence and continue a war without congressional approval.

Mr. DELLUMS. Mr. Speaker, I opposed this bill when it first came before the House and also when the Senate-House conference version was voted upon. I still oppose it today, although this will be the first time I have ever voted to sustain a Presidential veto. The bill has not changed any, and I see no reason to change my mind just because Mr. Nixon, for his own reasons, also opposes the bill.

I believe those liberal Congressmen who are switching their vote today are a victim of symbolic politics, where a symbol of accomplishment is preferred to the reality. Richard Nixon is not going to be President forever. Although many people will regard this as a victory against the incumbent President, because of his opposition, I am convinced it will actually strengthen the position of future Presidents.

These President-Congress confrontations are not always what they seem. I call my colleagues' attention to wage-price controls and also revenue sharing, which were regarded at the time as liberal victories, but were used by the President for his own purposes. I believe many Congressmen will live to see the mistake they made in allowing any President a free hand for 60 days to commit troops anywhere in the world for any reason, with the same opportunity to put pressure on Congress that we saw during the Indochina war. The pious statement of intention in the preamble changes nothing. This is a very high price to pay for the pleasure of shaking our fist at the President. Mr. Speaker, I urge that this bill be defeated.

Mr. CULVER. Mr. Speaker, I am today again voting against the war powers conference bill, not because I disagree with its objectives, but because the means employed actually work against those objectives. The measure—an unsatisfactory bargained compromise between two clashing bills—would in my judgment weaken rather than strengthen congressional participation in the momentous decisions of war or peace. It would do so by giving the President a blank check to wage war anywhere in the world for any reason of his choosing for a period of 60 to 90 days. This is an abdication of the responsibility squarely placed on the Congress by the Constitution.

No one believes more strongly than I do in the critical necessity to redress constitutional imbalances in the allocation of power as between the Executive and the Congress. President Nixon has grievously abused his constitutional authority in numerous fields, prominently including war powers. I believe the strong majorities in support of the war powers legislation have clearly "sent him a message" which I strongly join: Do not presume upon congressional acquiescence.

But the President's abuse of the Constitution should not be taken as an invitation for us to do likewise. We are legislating not just for today, but for the indefinite future.

We should exercise great care if we attempt to chart with statutory precision in areas of shared constitutional authority and responsibility.

This is all the more true when we recognize that what we are presumably legislating against derives in good part from a failure of Congress to exercise vigilantly the existing powers and remedies which it clearly possesses.

I deeply respect the time and devotion which so many members of both bodies have given to this complex issue. But I believe with equal force that we are not fulfilling our fundamental obligations by passing legislation which, however, worthy its goal, only introduces new ambiguities into our constitutional system and into the proper conduct of foreign policy.

Ms. ABZUG. Mr. Speaker, today's vote in the House is a vote of no confidence in the President's use of power.

I have criticized this bill in the past and voted against it, because it gives the President power that he does not now have under the Constitution. It gives him 90 days in which to commit our forces anywhere in the world, only requiring that he report to the Congress within 48 hours on what he has done.

On the other hand, the President claims that the bill does not give him enough power. I only hope that it will prove to be, in fact, limiting.

Until today, Congress has not been able to override any Presidential veto in this session. But today's vote comes at a time of revulsion of the people against the crimes and corruption in this administration. The lack of confidence among the people is reflected in this House, which finally has mustered the strength to override this ninth Presidential veto.

This could be a turning point in the struggle to control an administration that has run amuck. It could accelerate the demand for the impeachment of the President. On that basis, I will vote to override the veto.

Mr. BROYHILL of North Carolina. Mr. Speaker, I rise in support of House Joint Resolution 542, the war powers legislation. I have supported this legislation with certain reservations since it was first discussed on the floor of the House some months ago. I say certain reservations because I wanted to be sure that any war powers legislation guaranteed as a matter of law that any U.S. troop commitments abroad would be voted on by the whole membership of Congress. I did not want, and would not support, any legislation which would make it possible for Congress to "take a walk" and fail to exercise its proper leadership position in such decisions.

The war powers bill that emerged from conference incorporates the necessary procedural safeguards to insure a congressional vote on issues involving U.S. troop commitments abroad. Consequently, I can wholeheartedly endorse this bill.

The history of the past decade illustrates that present congressional mechanisms in respect to U.S. military involvement abroad are clearly inadequate. Short of declaring war, there is little Congress can do to deal with situations like Vietnam or the Middle East. A clear-cut and well-defined congressional procedure, such as that outlined in this legislation, can prevent U.S. involvement in future, no-win conflicts by an early statement of the intentions and will of Congress and the American people.

I would like to end my remarks with a brief but stern warning to those in the press and the Democratic party who have tried to make this vote a pro-President or anti-President vote. It is not.

My decision and the decision of many of my Republican colleagues to vote to override the Presidential veto of this legislation is in no way a criticism of the President or of his handling of the Middle East crisis. Let it be clear that we support the President on his handling of foreign affairs from Vietnam to the Middle East. But the recent international crisis has served to highlight the need for a more effective and positive congressional response to situations involving U.S. troop commitments abroad.

The SPEAKER. The question is, Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken by electronic device and there were—yeas 284, nays 135, not voting 14, as follows:

[Roll No. 563]

YEAS—284

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Barrett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bowen
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Burke, Mass.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dent
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Griffiths
Gross
Gude
Gunter
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Holifield
Holtzman
Horton
Howard
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Lehman
Leggett
Litton
Long, Md.
Lott
McCloskey
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Murphy, N.Y.
Natcher
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ryan
Sandman
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shuster
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stark
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stubblefield
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Whalen
White
Whitten
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Zablocki
Zwach

NAYS—135

Abdnor
Arends
Baker
Bauman
Beard
Bennett
Blackburn
Bolling
Bray
Breaux
Breckinridge
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Camp
Casey, Tex.
Cederberg
Clancy
Clawson, Del
Collier
Collins, Tex.
Conable
Conyers
Culver
Daniel, Robert W., Jr.
Dellums
Denholm
Dennis
Derwinski
Devine
Dorn
Eckhardt
Eshleman
Fisher
Ford, Gerald R.
Frelinghuysen
Gettys
Goldwater
Goodling
Green, Pa.
Grover
Gubser
Guyer
Hansen, Idaho
Hillis
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Pa.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Long, La.
Lujan
McClory
McCollister
McEwen
Madigan
Mailliard
Martin, Nebr.
Michel
Miller
Mitchell, N.Y.
Mizell

Moorhead,
Calif.
Myers
Nedzi
Nelsen
Nichols
O'Brien
Parris
Passman
Poage
Powell, Ohio
Rhodes
Roberts
Roncallo, N.Y.
Roybal
Price, Tex.
Schneebeli
Robinson, Va.
Rarick
Ruth
Satterfield
Scherle
Quillen
Sebelius
Shoup
Shriver
Sikes
Skubitz
Spence
Steed
Steiger, Ariz.
Stratton
Stuckey
Symms
Talcott
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Towell, Nev.
Treen
Vander Jagt
Waggonner
Walsh
Wampler
Ware
Whitehurst
Wiggins
Williams
Wilson, Bob
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, S.C.
Young, Tex.
Zion

NOT VOTING—14

Bell
Blatnik
Burke, Calif.
Davis, Wis.
Ford,
William D.
Hébert
Jones, Tenn.
Mahon
Mills, Ark.
Moss
Murphy, Ill.
Patman
St Germain
Stanton,
James V.

So, two-thirds having voted in favor thereof, the joint resolution was passed, the objections of the President to the contrary notwithstanding.

The clerk announced the following pairs:

Mrs. Burke of California with Mr. William D. Ford.

Mr. Hébert with Mr. Jones of Tennessee.

Mr. Blatnik with Mr. Davis of Wisconsin.

Mr. James V. Stanton with Mr. Moss.

Mr. St Germain with Mr. Bell.

Mr. Murphy of Illinois with Mr. Mahon.

Mr. Mills of Arkansas with Mr. Patman.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to state that the Chair will recognize Members under the 1-minute rule, and for other unanimous-consent requests at this time.

THE CASE OF ALEXANDER LERNER

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, as an American who is deeply committed to the attainment of human rights for all people, I feel compelled to emphasize that emigration from the Soviet Union is restrictive and far from free.

Alexander Lerner, a leading Soviet scientist in the field of cybernetics, and a former member of the Communist Party, believed that Jews would assimilate into Soviet society. But the Soviet requirement to have a nationality listed on one's identity papers, the rise of discrimination against Jews in the academic field, and the assertion of Jewish national consciousnes displayed by defendants in the Leningrad trials changed his mind.

In September 1971 Lerner applied for an emigration permit to Israel. One month later, he was dismissed from his position at the Institute of Control Problems in Moscow. He was also expelled from the Communist Party.

Alexander Lerner has been waiting for an exit visa for 2 years. The reason given for the delay is that he needs security clearance. This rationale is rejected by Lerner who asserts that the classified work he did 15 years is no longer secret. Nor is Alexander Lerner intimidated by authorities who say he will not get permission to leave because he is a very valuable scientist. His answer is:

> But I am a free man. I am not a slave.

All the members of Alexander Lerner's family hope to emigrate from the Soviet Union soon. These are: His wife, their son Vladimir, their son-in-law Boris Levin, both engineers and both now employed at unskilled work at a doll factory—and finally Boris' wife, the former Sonya Lerner, a brilliant mathematician. She is an expectant mother and the family hopes that the first Lerner grandchild will be born in Israel.

Mr. Speaker, it is urgent that this session of Congress demonstrate our sincere commitment to the human right of free emigration for all people.

PROPOSED CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS THAT RICHARD M. NIXON SHOULD RESIGN AS PRESIDENT

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. LONG of Maryland. Mr. Speaker, I am herewith today submitting the following concurrent resolution:

H. Con. Res. 376

Concurrent resolution expressing the sense of Congress that Richard M. Nixon should resign from the Office of President of the United States.

Whereas numerous resolutions of impeachment and censure against Richard M. Nixon, President of the United States, are now being considered by the Congress; and

Whereas the process of impeachment and trial would necessarily be protracted over a period of months, if not years; and

Whereas during this extended period the defense against these charges must inevitably occupy most of the thoughts of the President and the energies of his advisers to the exclusion of the proper considerations of governing this nation; and

Whereas this country is now facing certain severe domestic and international crises requiring a President who can be free to devote his entire time and energies to solving them: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that for the good of our beloved Nation Richard M. Nixon should resign from the Office of President of the United States.

PERSONAL STATEMENT

Mr. WIDNALL. Mr. Speaker, on November 6, 1973, on rollcall No. 561, on H.R. 10937, I was unavoidably absent and, therefore, unrecorded.

If present, I would have voted "yea."

ELECTION REFORM

Mr. FRENZEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, for nearly a year this Congress has been sharply critical of the campaign tactics of 1972, particularly those of the Committee to Re-elect the President. On one hand the Senate has backed up its talk with action by passing S. 372, an election reform bill. On the other hand, this House has as yet failed to show that it has any more than a "talk interest" in this matter.

Election reform is the single most important way, and perhaps the only way, we can show the people that our concern for clean elections is more than talk.

Since we are all certified experts on elections, we may all cheerfully disagree on both the elements of election reform and the priority of those elements, but I believe that most of us agree that reform is needed, and needed right now. We cannot afford to let this year slip by or we will have lost the chance to affect the elections of 1974.

The eyes of the public are on us. If we do not pass an election reform bill this year, we will have failed the test of leadership.

THE EXPEDITIOUS CONFIRMATION OF GERALD R. FORD AS VICE PRESIDENT

(Mr. SISK asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. SISK. Mr. Speaker, I simply desire to take this time to commend our colleague, the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO) for his announcement in connection with proceeding expeditiously with the confirmation of GERALD R. FORD to be Vice President of the United States. I think certainly that the country is desirous that this matter be settled and be settled quickly.

I, for one, have pledged my support for the confirmation of GERALD R. FORD, assuming that the investigation proves satisfactory, as certainly I would expect it to do.

I want to commend and urge the committee to push forward with this action as rapidly as possible.

RECOMMITTAL FOR TECHNICAL CORRECTIONS OF CONFERENCE REPORT ON S. 1081, AN ACT TO GRANT RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the conference report on S. 1081, to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, be recommitted to the committee of conference for the purpose of directing the committee to make technical corrections.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

APPOINTMENT OF CONFEREE ON S. 1081, GRANTING RIGHTS-OF-WAY ACROSS FEDERAL LANDS

The SPEAKER. The Chair appoints as a conferee on the bill S. 1081, granting rights-of-way across Federal lands, the gentleman from California, Mr. HOSMER, to fill the existing vacancy.

ELECTRONIC SYSTEM NOT INFALLIBLE

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, recently the Congressional Quarterly sent a card asking me to report how I would have voted if I had voted on rollcall 497, on October 3, 1973, on the Big Cypress National Preserve. I was puzzled because I knew that I had been present and voted every single time since the recess, and that on this particular issue I had been congratulated for my vote. I had voted aye, had known and remember to have known that I inserted my card twice as I had been advised that this was the way to double check the registration of my vote electronically.

I then checked the record and the Clerk and discovered that indeed I was shown absent. The record shows I was present that day for everything else, so I knew a mistake had been made. I was told that a chance of a malfunction was improbable; that maybe an error in the printing shop could account for it. Apparently, this was not the case. In any event, I am told there is no recourse from an electronically recorded vote. The machine is infallible. I know now this is a big mistake and that we, the Members, are precluded from correcting errors. I am therefore voting by card. I trust and pray the cards are kept and not destroyed, at least during the duration of the session.

PROVIDING FOR CONSIDERATION OF H.R. 11104, INCREASE OF TEMPORARY LIMIT ON PUBLIC DEBT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 687 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 687

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11104) to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, the Members might be interested in hearing the explanation of this rule. Last week the Committee on Rules reported out of the Committee on Rules a very unusual rule dealing with the consideration of the debt limit.

It was a rule which would have provided for the consideration of the debt limit under an open rule and for the consideration without the intervention of any point of order of one amendment which would have included the texts of two bills, H.R. 11155 which dealt with minimum tax and H.R. 11158 which dealt with a social security increase.

The debt limit at the time was scheduled to be considered by the House of Representatives on the next day. The Committee on Ways and Means, which of course has jurisdiction over the debt limit, convened the next day and decided not to bring up the debt limit under those circumstances and announced that it intended to proceed with considerable speed on the matter of social security, which was one of the matters which would have been made in order, and it has done so, today I believe reporting out a social security proposal which I will ask to be explained later when I yield 10 minutes to the chairman of the Committee on Ways and Means for that purpose. I hope that at the same time he will also convey to the House whatever plans the Committee on Ways and Means may or may not have with respect to the question of tax reform.

The reason for the rather unusual rule was that a great many Members of the Congress were concerned that there be consideration given promptly to both these matters, the matter of an increase in social security, a prompt increase, and the matter of prompt consideration of the extraordinarily difficult problem of tax reform.

There had been a rather strange record, which perhaps was the result of the illness of the chairman and of the enormous burden on the committee, on the subject of the consideration of tax reforms this year.

In any event there were a great many people who would have liked to have had an opportunity and who would still like to have an opportunity to vote on the question of tax reform and also on the question of social security. The Rules Committee action was in the nature of an indication to the Committee on Ways and Means that there were more ways to skin a cat than to start at the tail.

It is perfectly possible for the House of Representatives acting through its committees to achieve consideration of matters other than through the normal, usual, and ordinarily wiser committee process. The Rules Committee in the past has exercised that option on a variety of matters. The Rules Committee has on occasion even brought up bills that had never been introduced.

The Rules Committee made that decision last week, and a great many things happened, and now it is this week. Yesterday the Rules Committee reconsidered that rule. It was before the House by then and theoretically I could have called it up today if I had chosen if recognized for that purpose. I did not choose to do so because enough had happened to justify in my judgment the passage of the rule originally requested by the Committee on Ways and Means.

I am well aware that some of those who supported the original rule, who supported the original proposition, who are the authors of the two bills made in order by the first rule, violently disagree with the position that I am taking now, so in order to be fair I propose to yield 10 minutes to the chairman of the Committee on Ways and Means to dispose of as he pleases, for debate of course, and 10 minutes to one of the authors of the legislation made in order by the first rule, so that the authors will have an opportunity to express their views on what should be done now.

For myself I have come to the conclusion that at least at this time, as a member of the Committee on Rules, I intend in this particular rule to support the rule that I called up and to support the ordering of the previous question on that rule. I believe that is the way in which in the long run in this particular case we will accomplish the most. I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished gentleman from Missouri (Mr. BOLLING), has correctly described the situation dealing with this resolution.

Mr. Speaker, House Resolution 687 provides for the consideration of H.R. 11104, to increase the temporary limit on public debt. This is an open rule with 2 hours of general debate, and in addition, waives points of order for failure to comply with clause 4, rule XXI, dealing with appropriations on a legislative bill.

The primary purpose of H.R. 11104 is to increase the overall public debt limit from the present $465,000,000,000 to $478,000,000,000.

Existing law provides for a permanent debt limit of $400,000,000,000. Effective through November 30, 1973, existing law also provides a temporary additional limit of $65,000,000,000. This bill provides for an increase in the temporary additional limit to $78,000,000,000. It also extends the temporary additional limit from November 30, 1973, to June 30, 1974.

The administration has requested an increase in the overall debt limit to $480,000,000,000 through June 30, 1974.

The committee report also makes it clear that the Committee on Ways and Means intends that existing law be interpreted to allow the interest rate on U.S. savings bonds to be 6 percent instead of 5½ percent.

The Committee on Ways and Means estimates that there will be no additional cost to the Government, as a result of this bill.

Mr. Speaker, I urge the adoption of this rule in order that the House may begin debate on this important legislation.

Mr. BOLLING. Mr. Speaker, I yield 10

minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Speaker, I thank the gentleman from Missouri for his fairness.

In a sense, I rise in support of the House Commitee on Rules—at least the House Committee on Rules that had its moment of greatness and truth a week ago, when it decided we were all over 21 years old and that we were quite well equipped here in the plenary session of the House to determine whether something fair might not be done for the old folks, and whether it would not be a good idea to inject a little fiscal responsibility into the tax deliberations of the Nation.

The amendment which the then great Committee on Rules promulgated a week ago, and from which it has now unhappily retrogressed, would have made in order the amendment which I propose to offer, if we can just get a little cooperation in voting down the previous question.

It would give senior citizens a much needed 7-percent social security increase starting in January. It would pay for it by tightening the minimum tax on loophole income, rather than by further piling it on the moderate-income wage-earner.

Right after that superb rule was handed down last week, things began to happen. Just as in a Japanese Noh play, the Ways and Means Committee recalled the bill from the floor. Lobbyists for every major tax loophole descended on the Capitol. Finally, we saw the Committee on Rules reverse itself and tell us that here on the floor we cannot have the opportunity to do right by the old folks in the next half of this fiscal year, and to close loopholes in a responsible manner.

Fortunately, we do have the opportunity to back up today the original Rules Committee rule. We can do that by voting down the previous question on the restrictive rule now before us, then voting in favor of the amended rule, making in order social security cum tax reform, and then finally voting to attach that amendment to the debt ceiling bill.

If we want to comfort the old folks and afflict the tax avoiders, rather than the other way around, the only way to do it is by voting down the previous question today.

Yesterday the Ways and Means Committee by a 13-to-12 vote barred an increase in social security, not only for the first 3 months of 1974 but for the entire first 6 months, and proposes to pay for the increase in social security after that date not by tax reform, but by loading it onto the average $13,000 a year truck-driver or steelworker or autoworker, who is going to have his social security tax raised 22 percent next July 1 under the proposal.

Here is the reason given by the Committee on Ways and Means for its failure to do the right thing by the old folks, to do the right thing by fiscal responsibility. That is impossible, says the committee, because Mr. Nixon will not allow it. He is going to veto such a bill.

It is about time that we cease living in fear and trembling of the White House, and undertake steps here on the floor of the House so that the will of this body may be properly reflected in finished legislation.

The only way we are going to get social security help in the fiscal year 1974, at least in the first 3 months of it, because I understand the Committee on Ways and Means has now done something about the second 3 months, the only way we are going to get started on tax reform, is by attaching it to the veto-proof debt ceiling bill before us.

It matters not how many worthwhile bills with sensible social security provisions we bring up next week that the President is going to veto on the ground that they are fiscally irresponsible. They simply are never going to see the light of day, because despite this afternoon's earlier superlative effort on the war powers bill, the general record of this House has been to sustain the President's veto.

Therefore, let us vote the previous question down, so that we can strike a blow for the old folks and for fiscal responsibility at one and the same time.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I support the effort of the gentleman from Wisconsin to open up this bill to tax reform and social security amendments. It certainly seems to me that it is a legitimate function of the debt management to consider the need for revenue raising tax reform. If we had a little more revenue, the need for new debt legislation would disappear. It is also appropriate that this opportunity to provide a meaningful and immediate social security increase be taken.

Frankly, we can be sure that the President will veto almost any tax reform legislation. When the Secretary of the Treasury was asked in the Ways and Means Committee whether the President would veto the weak minimum tax amendments he proposed this spring, the Secretary could not answer with immediate and definite certainty. We saw last year how the President threatened to veto the social security increase unless it was scaled down—but later he took credit for that same increase. Now that he cannot stand for election, I believe that he will veto any kind of social security increase which occurs prior to July 1, 1974, the next fiscal year.

It is clear that if we really want tax reform and adequate social security, we must attach those provisions to a veto-proof bill such as this public debt ceiling bill.

During the past week, I understand that many Members have been deluged with complaints from the oil industry about the effect of this legislation on their industry. It is time that we look at the record of the oil industry. If an industry is facing shortages, Government investigations, and possible antitrust suits one would think that its profits would go down. However, the reverse is true with the oil industry. For the third quarter of 1973, at the same time that the petroleum industry was begging for price increases from the Cost of Living Council, the major oil companies were posting profit increases of 59 to 91 percent over the same quarter a year ago. This is not a one-time phenomenon. Following is a table showing the second quarter profits of the Nation's 10 largest oil companies compared with their profits in 1972:

ED QUARTER PROFITS OF THE NATION'S 10 LARGEST OIL COMPANIES

[Dollar amounts in millions]

Company[1]	Sales	Profits	Percent change from 1972
2xxon	$5,830.0	$510.0	+54
Mobil[2]	2,880.0	184.2	+41
Texaco[3]	2,727.0	267.5	+44
Gulf[2]	2,397.0	195.0	+82
Standard (California)	1,817.2	181.7	+42
Standard (Indiana)[2]	1,527.2	121.3	+37
Shell[3]	1,211.9	89.5	+54
Atlantic Richfield[4]	1,069.8	68.4	+50
Continental[2]	1,029.9	51.7	+24
Occidental	810.3	26.9	+566

[1] Ranking based on 2d quarter sales in dollars.
[2] Sales include excise taxes and other income.
[3] Sales include other income.
[4] Sales include excise taxes.

Source: Business Week; Aug. 11, 1973, p. 79.

The profit situation is obviously good. One large oil magnate recently chartered the *Queen Elizabeth II* to take over 1,000 of his guests to the dedication of a new refinery in Maritime Canada. Presumably this sea cruise, complete with caviar and free bars, will be claimed as a tax deduction by the oil company.

While the oil company profits are soaring and they are living higher on the hog than ever before, they are keeping their taxes as low as ever. Yes, the minimum tax we are proposing would result in higher taxes for the oil industry—and because they will have to pay a more responsible share, they are squealing like stuck pigs.

My analysis of the forms filed with the SEC by the 18 largest oil companies illustrates that the industry's effective Federal corporate tax rate in 1972 has been reduced to 8.3 percent.

The following is a breakdown by company of the effective tax rate paid last year:

OIL COMPANIES, 1972

	Adjusted net income before Federal income tax (thousands)	Approximate current Federal income tax (thousands)	Effective rate (percent)
1. Exxon	(1)		
2. Mobil Oil	$589,413	$17,300	2.9
3. Texaco Inc.	869,711	23,600	2.7
4. Gulf Oil	233,000	12,000	5.2
5. Standard Oil (California)	$334,207	$19,400	5.8
6. Standard Oil (Indiana)	390,096	74,682	19.1
7. Shell Oil	(1)		
8. Atlantic Richfield	211,301	16,141	7.6

	Adjusted net income before Federal income tax (thousands)	Approximate current Federal income tax (thousands)	Effective rate (percent)
9. Continental Oil	$207,445	$12,371	6.0
10. Tenneco	247,753	34,287	13.9
11. Phillips Petroleum	164,650	39,221	23.8
12. Occidental Petroleum			0
13. Sun Oil Co	182,291	9,044	5.0
14. Union Oil	152,166	9,800	6.4
15. Cities Service	$126,254	$32,662	25.9
16. Ashland Oil	[1]		
17. Standard Oil of Ohio	[1]		
18. Getty Oil	129,525	18,367	14.2
Total	3,837,412	318,875	8.3

[1] The minority interest and/or the income or loss reported under the equity method was not separately disclosed. Data for this company, therefore, has been omitted.

According to economists James Cox and Arthur Wright, the most significant factors leading to the industry's deflated tax burden is the operation of the foreign tax credit and the percentage depletion deduction. By their calculations, the foreign tax credit accounts for a 15-percent deduction. The intangible drilling expense deflates the effective tax rate by about 2.1 percent. Other provisions of the tax code operate to further reduce the Federal tax burden by 8.3 percent. Depletion reduces the total burden by about 14.5 percent.

The amendment which we are offering has the impact of reducing the depletion allowance rate to 11 percent—half the present rate. In general, this means that the total effective tax rate of the major oil companies might actually go from about 8 percent to about 15 percent.

Some would argue that this is a bad time to reduce the amount of after tax profits of the oil companies. Let me just say that they always had high after tax profits and have often avoided paying taxes or paid almost no taxes—but that did not prevent the energy crisis.

I would rather have the extra tax money so that this Nation could begin a true "Manhattan-type" crash energy research and development project. We could institute a government corporation, a sort of TVA, to help develop the 3 trillion barrels of oil locked in the Nation's western oil shale lands.

The oil industry has not been able to prevent the energy crisis; it will not be able to solve the energy crisis.

It is time that the American Government and the American people were freed from the power of this industry.

Mr. REUSS. Mr. Speaker, I thank the gentleman.

I would point out that a veto for meaningful tax reform is almost assured.

In April 1972, at the then Treasury Secretary John Connally's ranch to which the great tax avoiders of the Nation were invited, the President solemnly—and I am speaking from the White House's own tapes on this—promised them that the only thing wrong with the oil depletion allowance and the rapid depreciation loophole was that they were not big enough. With a White House attitude like that, the Members can see a veto surely attending any serious efforts by this body.

So, the way to achieve tax reform, and the way to begin to plug loopholes, is by voting down the previous question today, and thus sending to the White House in veto-proof shape a debt ceiling bill with the responsible addition thereon of tax reform, which is truly related to the debt ceiling, because the more we can make tax avoiders pay at least a pittance to the treasury, the less it is necessary to stand still for these additional endless increases in the national debt.

Therefore, I would urge Members who are genuinely concerned with tax reform to give us a break, and go along with us on the motion on the previous question.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I would like to know what the gentleman's amendment does with respect to supplemental security income under social security provisions.

Mr. REUSS. Mr. Speaker, I am delighted to say to the gentleman that they are not quite as generous to the recipients in supplemental social security income as what I have been told the Ways and Means Committee did this afternoon. Thus, I will enthusiastically participate with the gentleman next week when that comes to the floor in tearing it down to a measure just containing the social security income improvements, so that we can see if we can get that one past the President. He will have my unstinting help.

Mr. CORMAN. Mr. Speaker, I still would like to know, what does the gentleman's amendment do as far as social security income reforms are concerned. I find nothing in the report as to that.

Mr. REUSS. That is right. It does nothing. It does nothing about social security income reforms, which is why the gentleman will find this Member at his side, not only for social security income, but for the other fine and glorious things which are unrelated to tax reform and which the gentleman is interested in.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Speaker, very briefly, the fact of the matter is that the amendment was proposed in a totally disorderly manner before the Committee on Rules. Although the Committee on Rules originally adopted it, the committee has now taken a different position, and it did absolutely nothing for that segment of the American people that admittedly were in need of the greatest help.

It just seems to me that this points up very clearly that when we attempt to legislate this type of situation, we can fire all the shotguns we want and we fail to address ourselves to the problems in a rightful manner, a manner that good legislation demands.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. I will be glad to yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Speaker, I will ask the distinguished gentleman from Illinois whether, if I give him the opportunity, after we vote down the previous question, to amend my rule so as to permit him, the gentleman from California (Mr. CORMAN) and others to do those fine things for the disabled that he has in mind, he will take advantage of it.

I am all for him. I want to cooperate with him.

Mr. COLLIER. I certainly will, because—we met as a task force in a thoughtful manner—and I underline the word, "thoughtful" and recognized the gross inadequacy of the proposal and, come up with a proposal in the committee that addresses itself to the real problem.

Mr. REUSS. Mr. Speaker, I will be delighted to accommodate the gentleman from Illinois if he chooses to make a superb bill—that is, my bill—even more excellent.

Mr. COLLIER. Mr. Speaker, I do not think we are ever going to get a superb bill, any more than we got a superb proposal for tax reform, but I will say it is a vast improvement over what we were faced with.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I support this rule, and I hope that the House will have better judgment than the Committee on Rules did when it first considered this piece of legislation.

The Committee on Rules listened with interest to the gentleman from Wisconsin and the gentleman from Ohio on their proposals and then voted to give them the privilege of offering them the debt ceiling bill. It soon became apparent to the majority of the Rules Committee that all of the proposed tax changes were not adequately and completely explained by the sponsors when they testified in support of them.

I might say that it did not take too long thereafter for members of the Rules Committee to become familiar with what was being attempted. A reconsideration of the vote soon followed.

Now, I would hope that the House would not act in haste as the Committee on Rules did and would require full and complete hearings on these matters before taking action.

Everybody is for getting rid of tax inequities through tax reform and everybody is for an increase in social security benefits. We are all for these two proposals, but we are not all for doing it in the dark on the spur of the moment in order to grasp a few headlines.

The gentleman from Wisconsin is asking us to vote down the previous question on this rule so that he can propose what he calls tax reform legislation without the benefit of committee hearings. Such an action by this House would be completely irresponsible.

I hope that we will have the good judgment to go along with the thinking of the Committee on Rules and the Committee on Ways and Means and permit these measures to come to the floor in proper form after proper hearings have been held.

The SPEAKER. The time of the gentleman has expired.

Mr. QUILLEN. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. LATTA. Mr. Speaker, I know the Committee on Rules has been wrong in the past, but in this instance I think its action is correct and I support the committee.

Mr. REUSS. Will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman from Wisconsin.

Mr. REUSS. Let me say to the gentleman from Ohio I explained fully to the Committee on Rules, as I have been explaining to everybody in the CONGRESSIONAL RECORD and in other forums for a long time, precisely what the tightening of the Minimum Tax Act of 1969 involved. Of course, that involved a tightening of the oil depletion allowance. I simply cannot believe that those who suddenly changed their minds on the committee were unaware of the fact that since 1969 we have had a minimum tax on the oil depletion allowance, and therefore increasing the rate of that tax would simply mean those who took advantage of oil depletion would have to pay a little more.

Mr. LATTA. In reply to the gentleman from Wisconsin, let me say when he says he explained it "fully" to the Committee on Rules there appears to be a great difference between what "fully" means to him and what it means to the members of the Committee on Rules.

I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I urge my colleagues to vote for the previous question. This is no time to open up a bag of worms.

I have no further requests for time but reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I yield such time as he may use to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Speaker, I rise in opposition to the rule, House Resolution 687. I urge my colleagues to substitute for it the rule granted last week by this same Rules Committee, House Resolution 672, which makes in order the tax reform/social security amendment of which I am a sponsor. The Rules Committee recognized last week the importance of a floor vote on the amendment, it is just as important to Congress and to the country this week. I think that everyone knows, at least everyone who reads the newspapers knows, what happened to turn that rule around.

Our amendment does two things. First, it raises the social security benefits by 7 percent, effective January 1, 1974. The Social Security Administration has told us that the checks with this increase cannot be mailed out until March, at which time the increase, retroactive to the first of the year, will appear. This will cost about $1.6 billion in fiscal year 1974, and will benefit 29 million people. Second, our amendment raises money to pay for this increase and for other things. We would tighten the minimum tax on preference income, which Congress enacted in 1969 at 10 percent but which is working out at only 4 percent. This would raise taxes on rich people and on large corporations — among them oil companies—who have large amounts of preference income. The tax reform would raise $3 billion a year and affect only 300,000 tax returns, of whom 100,000 are already covered.

That is not a bad tradeoff: $3 billion from a few hundred thousand taxpayers of great wealth to benefit 29 million retired workers.

There is another side to this amendment: The fact that if we put it on the debt ceiling, it is less likely to be vetoed than if we passed it as a separate bill, or two separate bills. We all know that Mr. Nixon is not enthusiastic about tax reform. And only this week, his spokesmen have told the Ways and Means Committee that he would veto any social security increase during the current fiscal year, despite the violent increase in the Consumer Price Index. So if we want to pass these measures, we are going to have to use the best tool available to us constitutionally: a virtually veto-proof bill.

Is there any question that we do want to vote for tax reform and for a social security increase? There is certainly none in my mind. Many of us, if not most, on both sides of the aisle ran for election last November on promises of some kind of tax reform. All of us have social security recipients in our districts unable to get along on benefits, now that the cost of essentials like food have gone up so sharply. And all of us are to blame when this Congress is called a do-nothing Congress, too passive and timid to to get even mildly controversial social legislation to the White House. If we fail to attach this amendment to the debt ceiling bill, even if we act later on separate social security or tax reform bills and set up a Presidential veto, we are going to have a lot of explaining to do in our districts this Christmas.

I urge my colleagues to vote down the previous question on the rule, vote for a substitute rule making in order our tax reform social security amendment, and then to vote for the amendment to the debt ceiling bill.

Mr. BOLLING. Mr. Speaker, I yield 10 minutes to the distinguished acting chairman of the Committee on Ways and Means, the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, first I want to express my appreciation to the now great Committee on Rules for bringing us this rule which I was asked to request from that committee by the Committee on Ways and Means when we originally appeared before them.

Let me say to the membership that when I appeared before the Rules Committee I made it very clear in my statement—and I think they understood what I was saying—that it was my intention as the acting chairman of the Ways and Means Committee expeditiously to bring before the House a social security measure that would take care of the problem of cost-of-living increases in an equitable way and also to bring before the Committee on Ways and Means a tax reform bill that would pick up some revenue and close some loopholes.

Because of the time frame I did not give them any assurances that this would be an extensive tax reform package, but I did say that it would be a responsible one which would pick up at least $1.5 billion in revenue. That is my present hope and intention.

Previously in open sessions in the Committee on Ways and Means, I had announced essentially the same information; namely, that it was my intention to bring to the committee for consideration before adjournment both the social security package and the tax reform package.

I want to reaffirm again to the membership of the House my intention to seek action on these two measures. We did vote out this morning, and we did adopt, by a rather overwhelming majority a social security package that I am going to, in a few minutes, ask the gentleman from California (Mr. CORMAN) to explain to the Members.

One of the things that we try to do in the Committee on Ways and Means is be responsible in these most difficult areas. The members of the Committee on Ways and Means have difficult areas of jurisdiction that was given us by the Members of the House and by the rules of the House. We try to protect the membership to the maximum of our ability in these very difficult and controversial areas.

In the field of tax reform I think it is extremely important that we look carefully at the matter of equity, that we look carefully at the impact upon the economy, and that we look carefully at the impact on one segment of the economy as against the impact on another segment of the economy. These are among the many considerations that we have to take into account when we look at tax reform.

I am disappointed, as I know all of the members of the Committee on Ways and Means are, that we have not proceeded further with the basic tax reform package that we had talked to the House about earlier this year. We held extensive hearings during 2½ months last spring, and they were probably the most thoroughgoing hearings on tax reform that have ever been held. The staff since then has been working on an initial tax package for the committee to consider this year, and early next year it will proceed expeditiously with the development of a broad-based tax reform package. We are going to try to be responsible both in the initial package and in the ultimate package.

Mr. Speaker, just one more word before I yield to my friend, the gentleman from California (Mr. CORMAN), and that is to say that I hope the Members will not seriously consider voting against the previous question. The Reuss proposal, well-intentioned as it might be, has not had the opportunity for the thoroughgoing analysis and evaluation that we try to give measures of this kind. For instance, just as a mere beginning, and I would point out that the staff had made an analysis here of the Reuss-Vanik proposal, but just, as an example, it would increase taxes on mutual savings banks by 37.9 percent, increase taxes on savings and loans associations by 45.1 percent, increase maximum capital gains tax rate for individuals from 36.5 percent to 52.5 percent, and decrease the depletion rate to 11 percent. These are basic matters that involve fundamental national policy and national priorities: How do they dovetail with the fuel crisis and our need to expand our production of petroleum at this critical time? How do they dovetail with our problem on getting credit and capital into our society in view of a probable turndown next year in the economy? These are the matters that we need to take up.

I assure the Members that as we go forward on this subject that the Committee on Ways and Means will attempt to be responsible in these matters and to bring the Members real tax reform, tax reform that is wisely considered and responsible and equitable, and will plug the loopholes and spread the tax base as widely as is possible and is in the interest of the people of our country.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Oregon how much additional revenue was expected to be raised by the tax bill that was prepared to be attached to this debt ceiling bill?

Mr. ULLMAN. Somewhere in the neighborhood of $2.5 billion, of which I think $1.6 billion would affect individual tax liabilities and the rest would be raised in the corporate sector.

Mr. GROSS. Was it provided that $2.5 billion would be used to reduce the Federal debt?

Mr. ULLMAN. No, there was no such provision, according to my understanding.

Mr. GROSS. In other words, this would be more money to be spent around at home, and particularly abroad?

Mr. ULLMAN. It could very well be.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CORMAN) to explain the social security provision that we have adopted.

Mr. QUILLEN. Mr. Speaker, I yield 3 additional minutes to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I may say all I know in 2 minutes, but I appreciate the gentleman's yielding time.

The effort of the committee was to get dollars as quickly as possible to the poorest people among us. They are the people who suffer most from inflation, the people who spend all of their budget for food, and for rent. Those are the costs that have gone up most rapidly. This package provides an increase in the SSI or public assistance portion of social security by $10 for an individual and $15 for a couple, commencing January 1, with an additional increase of $6 and $9 commencing in July.

There are some 6 million people in this Nation who draw less social security than the minimum public assistance payment and those 6 million people are the ones to whom we address ourselves in that portion of this package.

Second, we asked the administration how long it would take to make adjustments within the social security checks themselves. We can provide for a flat percentage increase for the March payment that would be paid in April and we can provide what is called a refined payment, in July. We decided to give during the next calendar year an 11-percent increase since that is the amount that it is anticipated will be the increase in the cost of living by January 1975. That moves up by some 6 months the first of what would have been an automatic cost-of-living increase.

We provided further that cost-of-living increases in the future would be given in July instead of the following January, so that those increases would come more nearly to the time the cost of living goes up.

No one pretends that people who live on public assistance or people who live only on social security live very well in this country. It is difficult for them to get by, but we do have restraints on our assistance. First of all, we have consistently said that the social security system itself must be actuarially sound. That does not mean that we pay the public assistance portion out of the social security trust funds. That is paid from general funds. But insofar as the social security benefits themselves are concerned, they have always been actuarially sound, and they are in the committee's proposal.

We further wanted to avoid a social security tax rate increase, because admittedly social security taxes are regressive. They fall heaviest on those people who are in the lower income brackets. So rather than adjust the tax rate, we adjusted the tax base to $13,200. This will give an 11-percent social security increase during calendar year 1974 and provide for a cost-of-living increase starting in July of 1975 and for every year thereafter without jeopardizing the soundness of the fund. From general funds it will provide an additional $16 and $24 per month for the poorest individuals and poorest couples during that calendar year.

That is as fast as the adjustments can be made. It keeps within actuarial soundness without having to change the tax rate, and I believe it is a defensible package.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. LATTA).

(Mr. LATTA asked and was given permission to revise and extend his remarks and include extraneous matter.)

(By unanimous consent, Mr. LATTA was permitted to speak out of order.)

WHERE IS WATERGATE IN TERMS OF GLOBAL WAR?

Mr. LATTA. Mr. Speaker, I wish to share an editorial given by WSPD–TV, Toledo, Ohio, on November 6, 1973, with my colleagues. It seems to put Watergate in proper perspective. The editorial follows:

> WE THINK IT BOILS DOWN TO THIS: BAD AS WATERGATE MAY BE, WHERE IS IT IN TERMS OF AVOIDING GLOBAL WAR?
>
> WSPD hopes President Nixon does not resign. In saying this, we are not ignoring the long and torturous trail of events which have prompted calls for resignation or impeachment. We share fully in the concern reflected in those calls.
>
> But, even allowing for the very worst of suspicion surrounding Watergate and its constantly unfolding aftermath, in our opinion they pale to relative insignificance beside the nightmarish realities of the Middle East and its potential for war between the super-powers . . . which could mean the last war for all of humanity.
>
> In this brutal context, we believe the avoidance to date of a direct confrontation between the Soviet Union and the United States is largely traceable to President Nixon's diplomatic spadework.
>
> Had it not been for the Russian thaw he initiated last year, we're only left to shudder over what might have happened within the past couple of weeks. Again, we're not minimizing the domestic traumas, but we do wonder, with unabashed fear, over what might transpire on the literal life or death issue of war or peace if the man and his team who materialized the detente with the Communist powers were suddenly replaced by quantities unknown to those powers.
>
> To WSPD, this is the priority fact . . . the reality which impels us to hope that Mr. Nixon, in this his final term in office, will continue to hold down the prospects of an international Armageddon. His resignation would pose a gamble we don't think the world is prepared to take.

Mr. BIAGGI. Mr. Speaker, I rise in strong opposition to the rule for consideration of the bill H.R. 11104, the debt ceiling increase. Adoption of this rule will represent an inexcusable disregard by the Congress of the needs of millions of elderly and poor Americans.

Adoption of this rule will preclude any introduction of a comprehensive social security and tax reform amendment.

If this rule is passed, an urgently needed 7-percent social security increase for our elderly Americans will be postponed from January 1, 1974, until at least July of 1974. This postponement will serve to perpetuate the tragic economic plight of our elderly citizens, who are forced to rely exclusively on social security for their economic well-being. Based on the steady bombardment of unfavorable economic statistics issued monthly by the Cost of Living Council, by the time July 1974 rolls around, the cost of living will rise by more than 10 percent. Yet, for 29 million older Americans they will face the prospects of keeping pace with this increase without the benefit of a rise in their social security payments. Simple mathematics would show that their economic survival would be in definite jeopardy. Moreover, these Americans spend most of their funds on food, clothing and shelter, sectors of the economy that have risen at a higher than average rate.

However, if this rule is defeated, and this amendment adopted, these same Americans would see an increase of between $12 and $30 in their monthly social security checks as early as January of 1974.

Ironically, the House has seen to it to provide other groups in this country with assistance in their efforts to combat the high cost of living. An example are the Federal retirees who received a 6-percent increase in pension payments automatically last July, and will receive another increase in excess of that in January. If social security recipients had this program in operation for them, the increases we seek today would have been automatically provided for.

These older Americans on social security are not looking for handouts. They have worked many long hours and have contributed faithfully to insure that their elderly years would be comfortable. Yet now, many of these same individuals are at the brink of poverty, and look to Congress for assistance. Yet, what is our answer, wait another 8 months?

Adoption of this rule will also prevent consideration of an amendment to tighten the minimum income tax. There is no doubt that congressional action on tax reform is long overdue.

I have long been an advocate of tax reform. Again as in the social security issue, the cost-of-living increase gives rise to the need for effective tax reform. Some examples of the inherent inadequacies of our present tax system can be seen in the fact that in 1973 alone, 276 people with incomes over $100,000 paid no tax at all. Tax reform such as we propose today would raise up to 3 billion dollars in annual revenue, more than enough to budgetarily balance off the aforementioned social security increase as well as maintain overall fiscal responsibility.

Some of the provisions of the tax reform amendment include the replacement of the $30,000 exemption with a $10,000 exemption; removing deductions for other Federal taxes paid on nonpreference incomes, and the replacing of the flat 10-percent rate to one-half the normal tax schedules.

Most importantly under this amendment over 90 percent of the minimum tax yield would come from individuals with incomes in excess of $50,000, yet those with incomes of less than $10,000 would not be required to file minimum tax forms.

Yet all these worthwhile and desperately needed improvements stand to be shelved by the adoption of this rule. The poor and elderly in America today are tired of postponements and idle promises, they want and deserve action. We in the Congress today have the opportunity to answer this urgent plea. We can provide our beleaguered poor and elderly with immediate relief, we can assure them of their economic survival, and we can show them that no longer will they have to shoulder the tax burden in this country. But above all, we will demonstrate to them that their welfare is indeed our concern. I urge the defeat of this rule, and the adoption of a rule that will permit consideration of the social security increase and tax reform amendment I and others are supporting.

Mr. QUILLEN. Mr. Speaker, if the gentleman from Missouri has no further request for time, I have no further request for time.

Mr. BOLLING. Mr. Speaker, I would merely like to congratulate the Committee on Ways and Means on its prompt and humanitarian action with regard to social security.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. REUSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 274, nays 135, not voting 24, as follows:

[Roll No. 564]

YEAS—274

Abdnor
Alexander
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Baker
Barrett
Bauman
Beard
Boggs
Boland
Bolling
Bowen
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cochran
Collier
Collins, Tex.
Conable
Conlan
Conte
Corman
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellenback
Dennis
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Griffiths
Gross
Grover
Gubser
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Heinz
Henderson
Hillis
Hinshaw
Hogan
Holifield
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Karth
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Landrum
Latta
Lent
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Mosher
Murphy, N.Y.
Myers
Natcher
Nichols
Nix
O'Brien
O'Neill
Parris
Passman
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rostenkowski
Rousselot
Roy
Runnels
Ruth
Ruppe
Ryan
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thornton
Tiernan
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Veysey
Waggonner
Waldie
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Ill.
Young, Tex.
Zion
Zwach

NAYS—135

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Badillo
Bafalis
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Brademas
Brasco
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Chisholm
Clay
Cleveland
Cohen
Collins, Ill.
Conyers
Cotter
Cronin
Culver
Daniels, Dominick V.
Davis, S.C.
Dellums
Denholm
Dent
Derwinski
Dingell
Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Fascell
Findley
Foley
Fraser
Froehlich
Gaydos
Gilman
Ginn
Grasso
Gray
Green, Pa.
Gude
Gunter
Hanna
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Howard
Hungate
Jordan
Kastenmeier
Kluczynski
Koch
Kyros
Leggett
Lehman
Long, Md.
McCormack
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Nedzi
Obey
Owens
Patten
Pike
Podell
Price, Ill.
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Rogers
Roncalio, Wyo.
Rosenthal
Roush
Roybal
Sarbanes
Schroeder
Seiberling
Smith, Iowa
Snyder
Stark
Steel
Stokes
Stratton
Studds
Thompson, N.J.
Thone
Udall
Vanik
Vigorito
Whalen
Wilson, Charles H., Calif.
Wolff
Yates
Yatron
Young, Fla.
Young, Ga.
Young, S.C.
Zablocki

NOT VOTING—24

Bell
Blackburn
Blatnik
Burke, Calif.
Davis, Wis.
Diggs
Ford, William D.
Goldwater
Green, Oreg.
Hébert
Holtzman
Jones, Tenn.
Mahon
Mills, Ark.
Moss
Murphy, Ill.
Nelsen
O'Hara
Patman
Rooney, N.Y.
St Germain
Sandman
Stanton, James V.
Teague, Tex.

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Mills of Arkansas with Ms. Holtzman.

Mr. Teague of Texas with Mr. O'Hara.

Mr. James V. Stanton with Mr. Diggs.

Mr. Blatnik with Mr. Davis of Wisconsin.

Mrs. Burke of California with Mr. William D. Ford.

Mr. Jones of Tennessee with Mr. Blackburn.

Mr. Hébert with Mr. Mahon.

Mrs. Green of Oregon with Mr. Bell.

Mr. Moss with Mr. Nelsen.

Mr. Murphy of Illinois with Mr. Sandman.

Mr. Rooney of New York with Mr. Goldwater.

Mr. St Germain with Mr. Patman.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

LAYING OF HOUSE RESOLUTION 672 ON THE TABLE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that House Resolution 672, temporary increase in debt limit through June 30, 1974, be laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING INFORMATION ON THE NORTHEAST RAIL TRANSPORTATION ACT

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, on Thursday of this week, the House is scheduled to consider H.R. 9142, the Northeast Rail Transportation Act. With this fact in mind, I am today placing in the Record, under the extension of remarks, information which shows how truly vital the passage of this legislation is to the survival of the railroad industrial in this Nation. It is my hope that my distinguished colleagues will take a moment out of their busy schedules to review this material prior to casting their votes on this legislation.

INCREASE OF TEMPORARY LIMIT ON PUBLIC DEBT

Mr. ULLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11104) to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

The SPEAKER. The question is on the motion offered by the gentleman from Oregon.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11104, with Mr. Natcher in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Oregon (Mr. Ullman) will be recognized for 1 hour, and the gentleman from Illinois (Mr. Collier) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oregon (Mr. Ullman).

Mr. ULLMAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill would increase the debt limit to $478 billion through June 30, 1974. I think you all know the permanent debt ceiling is $400 billion and the temporary debt ceiling that we are now operating under is $65 billion additional, or a combined ceiling of $465 billion. This will be raised in this bill to $478 billion and extended through June 30 of next year.

The administration appeared before our committee and asked for a level of $480 billion, but in looking at all of the material that they gave us and in our examination of the witnesses, it became clear that the highest amount of debt in this period that they estimate under the assumptions that they brought to us, including $3 billion for contingencies and $6 billion as an operating cash balance—the highest amount they would reach in this period of time was $478 billion. So we feel we have fully complied with the request of the administration.

The assumption on which the estimate is based is that of a unified balanced budget of $270 billion in fiscal year 1974. This assumes expenditures do not exceed the $270 billion of estimated receipts, which is not completely certain at this time. The increased expenditures because of the Middle East problems will in large part be deferred until the next fiscal year. The Treasury receipts estimates for the remainder of the year conform largely to those estimates that we can get from the private sector forecasters.

The experts on the staff of the Joint Committee on Internal Revenue Taxation, under the direction of Larry Woodworth—who, in the past, traditionally have been more right than whatever administration was in power—believe that these estimates are a bit high.

The Treasury forecast for the first half of 1974 is a bit more optimistic than I feel is warranted, and I think that the joint committee staff feels is warranted, but we do have ample time next year from the time we convene through June 30, to reevaluate the situation and come back to the House with an additional debt ceiling increase if that might be required. We are extremely hopeful that it will not be.

Let me talk to the Members for just a minute or two about the need for these kinds of debt ceiling operations. Traditionally, this is the only way we have to control spending. It is not a good device for budgetary control. I think we all recognize that. All we are doing here is agreeing to pay the bills that we have already incurred. It has been my judgment and I think the judgment of the committee and of the Congress, however, that bad as it is it is better than no control at all, because at least there is a periodic look at the expenditure and revenue prospects, and the economy. It allows us to get the administration to defend its actions and to give us its estimates, and I think to that extent exercises some discipline. But I have felt for a long time, and I think most Members of the House have felt also, that we need a much better discipline within our own structure here in Congress if we are really to get a firm control over national expenditures. That is why we have been working very hard in the Joint Study Committee on Budget Control, the gentleman from Mississippi, Mr. Jamie Whitten, and I, and all of the others who have served on that committee, to develop a program for budgetary control. I want to congratulate the Committee on Rules that has this under their jurisdiction, for the long hours that they have spent in developing what I believe is a sound budget control program.

I have worked very closely with the members of the Rules Committee, and there have been some knotty problems and some controversy, but in every instance of vital importance so far I believe we have obtained a legislative budgetary procedure that is meaningful and will do the job. I think the Committee on Rules has come through with an alternative that will work. I am most hopeful that within the next several days the Committee on Rules will report out a bill that will in effect set up the procedures in the House within our parliamentary structure that will allow us to cope with this most difficult problem of budget control, and that will give us for the first time a meaningful debate on economic policy, and that will allow us to target in on revenues and expenditures in conformity with the economic circumstances that we find.

Then I think even more importantly it will allow us to debate and decide on budget priorities, something that we long ago handed over to the executive branch of the Government.

I think these procedures are basic. And then we can develop procedures whereby a concurrent resolution will be brought to the Congress early in the year that will establish these limitations, through good congressional debate, and procedures that will apply to the consideration of the appropriation process in a meaningful way, so that we will actually lock in the priorities prior to the beginning of the new fiscal year.

I think this is going to be a tremendously significant development. Again I want to congratulate the Committee on Rules. They have followed the general format of the proposal that we presented. They modified it in some ways, but they have been most courteous in asking for the advice of the gentleman from Mississippi (Mr. Whitten) and my advice. I am pleased to say that as of now they have developed a complete, responsible program that I am hopeful the Congress will enact.

Let me look now very briefly at another item that the administration raised when they came before the committee. They recommended that we take off the interest rate limitation on savings bonds altogether. The committee, however, feels that at the present time the Treasury has the authority under present law to increase these rates by one-half of 1 percent, an authority granted to them within the last 2 years. The interest ceiling now is 5½ percent. The Treasury has told us that they certainly would not intend to go above 6 percent.

In our report we have made it clear that they do have the existing authority to raise this limit to 6 percent. With that understanding, the Treasury and the administration were satisfied with this language and this procedure.

Let me just talk very briefly about this business of keeping a clean debt ceiling bill. I think that we make a grave mistake here in Congress when we attempt to use a device like this as a mechanism for getting something else done. If the orderly processes of the Congress are wrong, then we should change them, but I think it is an extremely unwise procedure to use a bill such as a debt ceiling bill to add on a lot of nongermane matters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, that is why I think it was extremely wise of the Committee on Rules to go back and reconsider their action which would have allowed both the tax and the social security amendments on the floor, and instead bring this bill to the floor clean. This is the sound way to legislate. I had, as I indicated in the debate on the rule, gone to the Committee on Rules and very thoroughly explained to them the purposes and objectives of the Committee on Ways and Means in bringing forth in a responsible way social security amendments as well as tax reform amendments this year.

I want to say here before this body that it is my full intention as the acting chairman—and I think I can speak for most of the members of the committee—to follow through with that procedure. This morning we voted out a social security bill for drafting purposes which hopefully we can get introduced this afternoon that accomplishes the real basic objective of bringing us up to date on cost-of-living increases in the social security system.

Mr. CORMAN explained that procedure and that bill to the Members in our debate on the rule, but let me very briefly run through the main provisions. The committee agreed first to the SSI increase in payments of $10 for individuals and $15 for a married couple as of January 1 next year. This is the new program, remember, that is just going into effect whereby we establish direct Federal payments to the adult assistance category under our general social security program.

It is going to be a good and meaningful program, but this increase, I think, will go to the people who need it more than anyone else. This will go to some 4 million people who are the poor people of this country who do need additional help because they have no other means of sustenance.

Beyond that, the committee agreed to an 11 percent increase in social security benefit payments for 1974. This would be a 7-percent increase in March, which benefits are paid in April, and another 4-percent increase in June, with benefits paid in early July. In order to finance this kind of a program, after examining carefully the actuarial soundness of the fund, it became obvious that it was going to be necessary to increase the wage base from $12,600 to $13,200 effective January 1, 1974, but there will be no increase in rates needed in the system at this time.

The timing of the first automatic cost of living adjustment on a permanent basis was changed to July 1. As Members know, the first cost-of-living increase was to go into effect on January 1. This has been changed to July 1. So the first regular cost-of-living increase following the increase we are setting forth in that bill will be as of July 1, 1975, and continue from then on on that basis.

We think this is a sound answer to the problem. Now for the first time we have really phased in these interim increases into the long-range program of cost-of living increases. It is our intention and our hope that from here on we can go into the automatic phase of the cost-of-living adjustment program without further action by the Congress.

Very briefly, again turning to the matter of taxes, it is my intention to bring, hopefully tomorrow and certainly by early next week, to the committee recommendations put together by Dr. Woodworth and his staff to provide an interim tax reform package that hopefully will pick up from $1 to $1½ billion and possibly $2 billion worth of revenue.

Again I want to say that I fully expect and hope that we will be able to agree on this kind of package and that we will be able to get it to the floor within the next couple of weeks and that we will be able to get it passed.

From there the committee will go on early next year to the complete tax reform package on which we held thorough hearings, as all Members know, earlier this year. The staff is doing a great deal of work in all the complex areas of taxation. The tax system does need overhauling. We had an extensive and complicated tax reform package in 1969. It is time now to move on and take care of the inequities that have developed since then or which we could not then deal with. It is our intention early next year to bring that to the Congress.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, I want to compliment the gentleman and the committee for proceeding down this road in an orderly fashion.

Also I hope the gentleman and the gentleman from Mississippi are making progress on this budget legislation that hopefully is going to change the method of our doing business.

Mr. ULLMAN. Mr. Chairman, I appreciate the remarks made by the gentleman from New York.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, I rise in support of H.R. 11104 which provides for a $13 billion increase in the temporary public debt ceiling and extends the period to which this limit applies to June 30, 1974.

In addition, as the distinguished gentleman from Oregon who just preceded me pointed out, the Committee on Ways and Means sought to clarify certain ambiguities relative to the legislative intent in the Second Liberty Bond Act to allow the Secretary of the Treasury with approval of the President to increase the rate of interest paid on U.S. bonds by one-half of 1 percent, to a level of 6 percent.

While there may be some misunderstanding that a vote against increasing the debt ceiling is a vote for economy, nothing could be farther from fact. To promote this misunderstanding for political reason at this particular time does a great disservice to the process of orderly debt management and the country in general.

Every knowledgeable Member of this body knows that we are faced with meeting the good faith obligations of the U.S. Government—obligations incurred solely by the Congress through the authorization of appropriation process.

Failure to provide the borrowing authority sought in this bill would result in mandatory impoundment on a mammoth scale or outright default of Treasury commitments which holds frightening if not catastrophic ramifications.

The present permanent statutory debt ceiling is $400 billion. This permanent ceiling is supplemented by temporary borrowing authority which, under existing law through November 30 of this year, amounts to $65 billion. The combined permanent and temporary public debt limitation has been at $465 billion since October 27, 1972. The committee bill would increase the temporary ceiling by $13 billion until the end of this fiscal year but makes no change in the permanent ceiling of $400 billion. The debt subject to limitation as of October 31 is estimated to be right at the existing limit of $465 billion and by November 30 is estimated to be over that limit by $2 billion. Therefore, it is imperative that we act now to increase the combined permanent and temporary limitation to avoid difficulty at the end of this month as well as to insure that the ceiling does not revert to the $400 billion level at that time. As the Members are aware, should the latter occur, it would then become impossible for the Government to issue any new debt, roll over existing debt and meet its bills as they occur.

It should be noted that the committee's bill imposes a very tight debt limitation on the Treasury during the rest of the fiscal year. As is shown in the following table, it is estimated that with a $6 billion operating cash balance and the normal $3 billion contingency, the debt subject to limitation will be $478 billion on May 31, and often the month-end indebtedness is exceeded within the month. This means that the Treasury will have to exercise extreme caution in the management of the public debt during the entire period for which the committee has increased the temporary limitation.

PUBLIC DEBT SUBJECT TO LIMITATION, FISCAL YEAR 1974 (ESTIMATED)

[Based on estimated budget outlays of $270,000,000,000 and receipts of $270,000,000,000]

[In billions]

	Operating cash balance	Public debt subject to limitation	With $3,000,000,000 margin for contingencies
1973:			
Oct. 31	$6	$465	
Nov. 30	6	467	
Dec. 31	6	467	
1974:			
Jan. 31	6	467	$470
Feb. 28	6	471	474
Mar. 31	6	473	476
Apr. 30	6	468	471
May 31	6	475	478
June 30	6	468	471

Source: Office of the Fiscal Assistant Secretary, Oct. 15, 1973

Congress last acted on this subject during the summer and on July 1, 1973, the existing $465 billion limitation through November 30 became law. At that time, the committee recommended and Congress agreed that only a 5-month extension of the then existing debt limitation should be approved despite the administration's request that the temporary ceiling be increased by $20 billion—to $485 billion—through the end of fiscal year 1974. In June, it was apparent that the American economy had been subject to unusual and rapid changes in a short span of time and in addition, up to that point Congress had not yet passed any appropriation bills. It was generally felt that the best course was to merely extend the existing limitation for a few months and then give the question serious consideration again when additional revenue and expenditure estimates would be available. This course has, I believe, proven to be sound.

The administration in January forecast a deficit of $24.8 billion on a unified basis for fiscal 1973 and $34.1 billion on a Federal funds basis. The actual deficit for fiscal 1973 on a unified basis was $14.4 billion and the Federal funds deficit for that same period was $25 billion. Similarly, the January projections of a fiscal 1974 deficit of $12.7 billion on a unified basis and $27.8 billion on a Federal funds basis, have been changed and the administration now estimates that the unified budget will be in balance at the end of the fiscal year and the Federal funds deficit will be at the level of $15.1 billion. On a unified basis, this is a $9.4 billion improvement for fiscal 1973 and a $12.7 billion projected improvement for fiscal 1974.

These welcome changes in the budget picture are attributable to increased revenues which have resulted from continuing economic growth. While the prospects of a balanced budget for fiscal 1974 are encouraging, the achievement of this objective is by no means assured and, in large measure, will be determined by a tight control on expenditures in the remaining months of the fiscal year. This, in turn, will depend upon Congressional actions on spending bills presently pending and anticipated down the road. As Director of the Office of Management and Budget Ash indicated before our committee, several bills currently being considered by the Congress together with inaction on certain savings proposed by the President could add $5 billion to 1974 spending. Thus, whether we do achieve a balanced budget in fiscal year 1974 lies here in the Congress.

The committee's action to increase the temporary debt ceiling by $13 billion through the end of fiscal year 1974 and its belief that the total of $478 billion will be sufficient for that period is predicated on the assumption that expenditures will stay within the budgeted limits. Should there be any significant increases in spending, without an attendant jump in revenues, the $478 billion level will require similar increases.

I believe such a course would be ill-advised and hope that Congress will hold the line on spending this year. It would be unfortunate if we had to review the debt limitation before June as a result of extravagant spending programs.

All of this merely highlights the deficiencies in existing congressional structures for dealing with budgetary control. What we need are procedures for focusing our attention on the Federal budget as a whole so that when we look at the component parts of the budget, we will have some guiding criteria enabling us to establish priorities in accordance with a responsible fiscal policy that serves all of our people. Such procedures are at the very core of the recommendations of the Joint Study Committee on Budget Control and is embodied in H.R. 7130 which I am delighted to say is presently under the active consideration of the Rules Committee.

We need the institutional structures that legislation will establish and we need them as soon as possible so that Congress will have something other than the public debt limit legislation to use as a tool for controlling Federal spending. When we use the public debt to attempt to control Federal spending we are really only ameliorating the symptoms rather than attacking the cause of Federal fiscal problems. The inadequacy of such an approach is proven by the simple fact that we have had to resort to it 3 times within the last 12 months.

Once effective congressional budgetary control procedures are established and operative, the reason for debt ceiling legislation should be lessened. In addition, it will mean that Congress will be in a position to deal with the Federal fiscal problems in a meaningful and regular fashion rather than via the piecemeal approach afforded by the debt ceiling legislation.

In addition to requesting an increase in the temporary debt ceiling, the administration also urged the committee to remove the existing ceiling on savings bond rates in order that those rates could be adjusted to insure that they would remain competitive with other marketable securities. The Secretary of the Treasury pointed out that tens of millions of Americans are enrolled in savings bond programs and that because it has been a cornerstone of the Government's debt management policy, the interest rates payable under it must continue to be attractive to investors. The increases in interest rates payable for other securities in the recent past have made it clear that an increase in the existing 5½ percent payable on savings bonds is required.

In 1970, Congress raised the maximum interest rate allowable on savings bonds. At that time, we provided that the interest rate on the issue price of savings bonds and certificates was not to afford a yield in excess of 5½ percent per year. In that legislation, however, we also provided that the Secretary of the Treasury, with the approval of the President, could increase the interest rates and investment yields on savings bonds by one-half of 1 percent of any accrual period on or after June 1, 1970. In this case, the interest was to be paid as a bonus either on redemption or maturity. The Treasury Department interpreted the legislative intent of this provision in a way which precluded its utilizing it to provide for a general increase in savings bond rates. The committee report accompanying H.R. 11104 makes clear that it was the intent of Congress to allow for such a general rate increase of one-half of 1 percent. Treasury Secretary Shultz indicated that the Treasury Department would not, at this time, raise the allowable rate above 6 percent even if it were granted the flexible authority requested. As a result, the committee concluded there was no need to provide for a legislative increase in the savings bond rates. An increase to 6 percent can and should be effected under present law.

Mr. Chairman, the bill before us contains a needed increase in the present debt limit which should allow the Government to meet its obligations until the end of the current fiscal year. Its necessity serves to highlight again the urgency of congressional action on budgetary control procedures. Certainly there is no more important nor worthy objective and it is my hope that we can move on the budgetary control legislation in the near future.

Mr. LANDGREBE. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, just about a year ago we sat in this Chamber and approved a $15 billion increase in the public debt under the guise of fancy rhetoric on how we, the Congress, were going to reform our budgetary procedures to curb this reckless deficit spending. Today's legislation to increase the public debt by another $13 billion illustrates the failure of Congress to address itself to the question of fiscal responsibility. By neglecting this question, we have failed the American people, the taxpayers, who must ultimately pay for our looseness and disregard through the erosion of their buying power.

Before considering to approve this legislation to raise the public debt to $478 billion for the remainder of fiscal year 1974, I ask you to weigh its economic impact on our entire economy. First, a $13 billion increase would further stimulate inflation creating the impetus for even higher prices that reverberates throughout every sector of our economy. How can we with one hand initiate inflation and then with the other hand try to curtail inflation under the auspices of wage and price controls? This sort of policy-making not only makes little sense but creates havoc with our Nation's finances and finally produces friction in the marketplace. We are in reality adding to inflationary pressures, while at the same time disrupting the economy with unnecessary shortages caused by these unfair and rigid price controls.

Second, continued inflation only makes American goods and products less competitive on the international market. Do we wish to create another balance-of-payments deficit when we are experiencing for the first time in years a surplus in foreign trade payments? If you remember, we devalued the dollar twice in 1 year to obtain this surplus, and in doing so, we asked the American consumer to pay higher prices here at home and overseas.

Lastly, if we want to exert ourselves to fiscal responsibility and economic order in this country, we must either dramatically cut Federal spending or raise additional revenues. Are you willing to return home and ask your constituents and all American taxpayers to pay for your vote today to increase the national debt and finance over $29 billion a year on its interest? Why cannot we stop deceiving the American public and honestly tell them that we can no longer continue to subsidize all our special interests? We must put our personal biases and preferences aside and set some budgetary priorities for ourselves and the country, like responsible human beings.

There are many bills already pending in committees which call for a balanced budget and a ban on deficit appropriating. I have cosponsored two such measures. Yet we somehow find it more important and in the immediate national interest to lift the TV blackout on pro football games so we may watch the Redcoats—I mean the Blueskins—oh, the Redskins every Sunday afternoon, than we do in putting our financial house in order.

For the first time in over a decade we have a nonwartime economy with full employment and record prosperity.

Is not this a perfect set of circumstances under which to reflect patriotic zeal by taking the tough but necessary actions to bring our Federal budget into balance?

Mr. SCHNEEBELI. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise to urge support for H.R. 11104, a bill to provide for a temporary increase in the public debt limit through June 30, 1974.

This legislation is essential to permit the Treasury to conduct the finances of the Government in an efficient manner. Without this legislation, the Treasury will lack the authority to discharge its obligations and to pay the bills for the spending programs voted by the Congress. The present temporary debt limit of $465 billion will expire on November 30 of this year, and the actual debt is expected to exceed this limit sometime late in November if the Treasury is to be permitted to maintain a normal operating cash balance. Moreover, if the present temporary limit is permitted to expire, the debt limit will revert to its permanent level of $400 billion on December 1.

The $478 billion temporary debt limit proposed in this bill, while $2 billion less than the amount requested by the Secretary of the Treasury, should be adequate to permit the Treasury to operate efficiently throughout the remainder of this fiscal year based on present estimates of budget receipts and outlays.

In presenting his request for an increase in the temporary debt limit, the Secretary of the Treasury also proposed removal of the statutory interest ceiling on U.S. savings bonds so as to permit the Treasury to pay a fair competitive rate to the holders of these bonds. The Treasury is concerned that an interpretation of present law would appear to limit the interest rate on savings bonds to 5½ percent. Yet, the Ways and Means Committee has made clear in reporting the debt limit bill that the Treasury may under present law pay a rate as high as 6 percent. Thus, the Treasury may now increase the savings bond rate from 5½ percent to 6 percent, which should be adequate under present circumstances, and a statutory amendment is not necessary at this time.

Mr. Chairman, I want to express my views about the necessity of allowing this legislation to proceed through the legislative process unencumbered by nongermane amendments. The Ways and Means Committee voted overwhelmingly to recommend passage of this legislation in its present form. We have long taken the position that the debt ceiling legislation should be considered on its own merits as should other legislation. It is not a device for obtaining approval by the President of other items—however important—which may or may not be acceptable to either the Congress or the President on their own merits.

I am delighted that the Committee on Rules ultimately saw the wisdom of this position. I am confident that the final action on this legislation and that which the Committee on Ways and Means will recommend to the House in the other areas of concern to all Members will serve to validate the position taken by that committee. In short, I believe we should keep the debt ceiling legislation clean and I hope the other body will understand and appreciate our intention to do so. There are other times and other bills for the consideration of other items. This necessary debt ceiling legislation should not be held hostage for them.

Finally, Mr. Chairman, I want to say a word about the need for permanent congressional budget control procedures. We must, in my opinion, bring order to the existing chaotic system we have for dealing with Federal fiscal problems. The Rules Committee has under consideration the legislation which would establish tools we need to accomplish this. As a member of the Joint Study Committee on Budget Control as well as a sponsor of H.R. 7130, which incorporates the recommendations of the Joint Study Committee, I can assure my colleagues that after studying the problems involved, we became convinced that action was required immediately to establish these procedures. As a result, I strongly urge my colleagues on the Rules Committee to act on this legislation as soon as possible.

I hope that this periodic exercise of an ineffective approach to Federal spending control through debt ceiling legislation will no longer be needed after the Congress legislates in the field of budgetary control. Our present method of gaging the effects of spending after all appropriations have been approved is clearly inadequate and after the fact. This review after excessive spending has been approved only results in our continuing deficits and mounting debt. No clearer evidence is needed than to review the gloomy and deteriorating picture of interest on our public debt. For the current fiscal year this interest is calculated to be $29 billion; last year it was $23 billion—better than a 26-percent increase in just 1 year. And what was our interest just 5 and 10 years ago? In 1960 our interest was $16.6 billion and in 1964 it was $10.7 billion.

The need for quick action on congressional budgetary control has no better stimulus than a review of these despairing figures—our debt interest increase from $10.7 billion to $29 billion in just 10 years. Over 170-percent increase. How imprudent can we be?

Mr. ULLMAN. Will the gentleman yield?

Mr. SCHNEEBELI. I am glad to yield to the gentleman.

Mr. ULLMAN. I want to commend the gentleman from Pennsylvania for the important part he has played as a member of the Joint Study Committee on Budget Control and for his continuing interest in that matter.

I certainly could not agree with him more that this would be the most significant and positive aspect, if we could enact a budget control bill, that has occurred in this or any other Congress.

Mr. SCHNEEBELI. I thank the gentleman. I am glad the gentleman from Oregon and the gentleman on our side, Mr. COLLIER, both emphasize the need for budget control and the quick adoption of legislation similar to this measure we are talking about.

Mr. SYMMS. Will the gentleman yield?

Mr. SCHNEEBELI. I am glad to yield to the gentleman.

Mr. SYMMS. My question of the distinguished ranking minority member is this: We do not have a budgetary control measure now before us because it is not law.

Mr. SCHNEEBELI. It is in the Committee on Rules.

Mr. SYMMS. Yes, but it has been there a month or so, I believe. Is there any way in which we can project to the Members of this body and the administration that we would like to know why it would not be possible to have them come out with a tighter figure in advance so that possibly we could cut a couple or $3 billion out of this measure? We would be able to do that, perhaps, if we could know 6 months in advance.

Mr. SCHNEEBELI. I am glad the gentleman brought up the subject. Last June when the Treasury Department came before our committee to ask for that ceiling increase they asked for $485 billion. Our committee saw fit to continue it at the then existing level of $465 billion through the month of November. At that time our revenue increase was greater than our expenditure increase, and that situation has continued with the result that we were able to keep the increase at a more modest level than we previously anticipated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLLIER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. SCHNEEBELI. I thank the gentleman.

Our income since June has expanded about $4 billion more than anticipated at that time, and our expenditures figure has gone up about $1.2 billion. So the trend appears to be going in the right direction. I anticipate the Committee on Rules will come out with some form of budgetary control before the 1975 appropriations bills are acted on.

Mr. COLLIER. Will the gentleman yield?

Mr. SCHNEEBELI. Of course I yield to the gentleman.

Mr. COLLIER. There is one other reason for it, namely, we all tried to provide a tight limit on borrowing authority.

On the other hand, when you get it too tight, this is what can happen: If you reach the point where the obligations have to be met and you do not have adequate funds to meet them you immediately have to go to the market, sell Government bonds on an almost emergency basis, and when you do this—and I think this happened, as I recall, in the spring of 1958 when Anderson was Secretary of the Treasury—he tried to work too close to the line—and what then happened, you have either the pressure of defaulting on the good faith and obligations of the Federal Government, or you get it with emergency borrowing. And whenever this has happened in the past, the Treasury must go out and float short-term, high-interest bonds, and this becomes costly.

So you do not always save anything by going too close to the line as long as in the process you leave some reasonable elbow room for borrowing. This is merely the authority to be used only when the Government finds itself in a position not to be able to meet the obligations in which the House of Representatives and the Senate have concurred.

Mr. SYMMS. Mr. Chairman, I appreciate the gentleman yielding, and the answer given. The gentleman pointed out that the revenue of the Government increased so we did not have to ask for as much money, but the spending has continued to increase also.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. COLLIER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Pennsylvania (Mr. SCHNEEBELI).

Mr. SYMMS. If the gentleman will yield further, as I said, the spending has continued to increase, and what I am trying to get at is you have to try to use some kind of a lever.

Mr. SCHNEEBELI. The best lever to use is budgetary control. The debt ceiling is after the fact. It is a rather futile gesture. I think we are spending too much money, and I am glad that it is about to be replaced by something a little more acceptable and practical.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Iowa.

Mr. GROSS. Does the setting of this increase in the debt ceiling include in any way, shape, form, or manner the $2.2 billion on top of other budgeted funds that the President is asking Congress to appropriate?

Mr. SCHNEEBELI. It does not.

Mr. GROSS. As a result of his unilateral intervention in the Middle East?

Mr. SCHNEEBELI. It does not.

I might also remind the gentleman that neither the House nor the other body have voted for this increase either; $2.2 billion is the request. That may be revised, and I hope downward.

Mr. GROSS. Knowing something about the operation of the House of Representatives and, by some distance, the other body, I am not too sure that the gentleman can take very much consolation from the fact that the request has been made, or the hope that it will be a less amount downward.

In this money that has accrued to the Government, is any of that attributable to the recent devaluation of the dollar, and the increase in the value of despicable gold?

Mr. SCHNEEBELI. The gentleman means the increase in the Federal income?

Mr. GROSS. That is correct.

Mr. SCHNEEBELI. It is due largely to corporate profits which are higher than were anticipated. There are also more people on the payroll who are paying more taxes and making more money. It is due to the increase in the incomes of the individuals as well as corporations.

Mr. GROSS. Did not the Government pick up $100 billion, at least that much, by virtue of the devaluation of the dollar, and the increase in the price of gold?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. COLLIER. Mr. Chairman, I yield 4 minutes to the gentleman from Vermont (Mr. MALLARY).

Mr. MALLARY. Mr. Chairman, I just take this time, briefly, to advise the Members that I am going to be offering an amendment when we get into the 5-minute rule. I am not discussing the level of the debt, nor do I intend to discuss any new legislative initiatives or addition to the debt level; the only issue is whether we have a permanent or temporary debt ceiling. The amendment that I plan to offer will make the debt limit as recommended by the Committee on Ways and Means, $478 billion, permanent rather than $400 billion permanent, and $78 billion of temporary debt.

I certainly have no particular constituent pressure back home to vote for a debt increase because nobody likes any increase in the debt at all.

If we analyze recent history, we find that since the level of the temporary debt reached $50 billion in 1972, we have had a pattern of nongermane Senate amendments being added to the debt ceiling bill. In 1972, June, we had a 20-percent social security increase; in October 1972, we had a spending ceiling, the Joint Committee on Budget Control, legislation with regard to information on impoundments, and amendments relative to the unemployment compensation laws.

In June 1973, the Members will recall that we also dealt with the 5.9-percent increase in social security and the social security tax increase, and I am not discussing the amendments that have been stripped from it in conference.

I was pleased to hear the gentleman from Oregon just recently say that he thought it was unwise to add to a debt ceiling bill a lot of nongermane matter. I think that it is good advice for us here in the House. We passed the rule on that basis, and I think it is good advice for us not to send over to the other body a sitting duck for nongermane amendments.

I have been unhappy with the House being held hostage as we have been in the past 2 years for nongermane amendments coming over on this bill, and although making the debt ceiling permanent is not anything that any of us are enthused about, and although it will not help us this fall, I can assure the Members that if we adopt this amendment, next June 30 we will have an opportunity to consider a good many more amendments on a deliberative and orderly basis than we have been able to up to now.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. MALLARY. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding. What the gentleman is saying, although I am not versed in this field, makes very good sense. Certainly if we do anything about nongermane amendments, it will be desirable. I am very tired of them not only on this bill, but on a number of other measures which are coming before us.

Would the gentleman mind explaining just a little bit more how his proposed amendment will help that situation?

Mr. MALLARY. I will be very happy to. At the present time with a $400 billion permanent debt limit and a $65 billion temporary limit, at any time that the temporary limit expires—and it is going to expire November 30 of this year—we would face fiscal chaos and perhaps the fiscal collapse of the Federal Government, because we could not refund bonds and we could not pay checks. Therefore, we are under the gun every time to renew the temporary debt limit, and if nongermane amendments come back on the bill at the last minute from the other body, we do not have the option of taking the time for considering them deliberatively, or raising points of order, or denying them, because we are under the pressure that the Federal Government fiscally will collapse if we do not pass the bill by the fixed deadline. It is that which most concerns me.

Mr. DENNIS. If the gentleman will yield further, I think his point is that we would both have to come back a little less often, if we made this permanent at $478 billion, and also when we did come back, we would not be in as vulnerable a situation, because a breakdown would not be so imminent and we would have a little more leeway.

Mr. MALLARY. I would hope we would not come back so often, but the primary concern I would have is that the Government would not break down if we declined to pass an additional increase.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise to recommend passage of H.R. 11104, a bill to provide for a temporary increase in the amount of public debt subject to statutory limitation. This bill would increase the temporary debt ceiling to $478 billion through June 30, 1974.

The present temporary debt limit of $465 billion will expire on November 30 of this year, and without further action by the Congress, the debt limit reverts to its permanent level of $400 billion on December 1. Yet the actual debt is expected to exceed $465 billion late in November. Thus an increase in the temporary debt ceiling is required before the final week of November if the Treasury is to be permitted to maintain an operating cash balance in the amount normally required for efficient financial management.

The $478 billion debt limit recommended in the bill by the Ways and Means Committee is $2 billion less than the amount requested by the Secretary of the Treasury in his testimony before the committee. While this will undoubtedly make the Treasury's cash management task more difficult at times, I believe that the Treasury should be able to operate efficiently within this limit barring major unforeseen circumstances, and I believe that the Congress should provide a reasonable but not excessive margin for contingencies.

A vote for increasing the amount of the debt limit is not, of course, a vote for increasing Federal spending or deficits. The level of Federal spending, and thus the deficit, is otherwise determined by the Congress in the appropriations process. Having thus voted for the spending programs that require increased Government debt, the Congress must now face up to its responsibility to permit the Treasury to borrow the money necessary to discharge its obligations.

It should also be made clear that there is no inconsistency between increasing the debt limit and balancing the budget in the fiscal year 1974. Even with a balance in the unified budget, the Treasury is required to increase its debt substantially because of the large amounts of Treasury securities issued to the Federal trust funds. Thus, while the Treasury estimates a balanced budget in fiscal year 1974, the trust funds are estimated to have a surplus of $15 billion which will be invested in Treasury securities and will thus cause an increase in the public debt despite the balance in the unified budget.

It is also important to note that as a result of language the committee voted to include in the committee report regarding the legislative intent of the Second Liberty Bond Act, it will be possible for the Treasury to increase the rate paid on U.S. savings bonds to 6 percent. Such a hike in this rate is needed so that the millions of Americans holding these bonds will be able to get a return on them commensurate with the return being paid by other investments. I believe this increase is long overdue.

Mr. Chairman, we must act responsibly to increase the public debt limit and the legislation recommended by the Ways and Means Committee does just this. It should be supported in its recommended form without extraneous matters tied to it. Those other legislative items can be dealt with separately on their own merits. Let this bill either pass or fail on the same basis.

Mr. HARRINGTON. Mr. Chairman, earlier today I joined with many of my colleagues in opposing the rule providing for the consideration of H.R. 11104, the debt ceiling bill. This rule has prevented the House of Representatives from considering a very important amendment that would have been offered by Congressmen REUSS and VANIK. This amendment was designed to make major improvements in our social security system, and would have made important and long overdue reforms in our loophole-ridden tax system. The Reuss-Vanik proposal would have increased social security benefits immediately by 7 percent, and a further 5.9-percent increase in benefits would have become effective on July 1, 1974.

The proposal also would have tightened the minimum tax on so-called preference income and tightened loopholes. Unfortunately, the House Rules Committee, reversing an earlier decision, acted to frustrate consideration of the Reuss-Vanik proposal. Subsequently, an effort to allow for the consideration of the Reuss-Vanik amendment has, lamentably, failed.

The Ways and Means Committee has failed to take the necessary action to provide the 26 million elderly Americans with a social security increase they desperately need now—not months from now. Instead, the committee accepted, by one vote, an administration proposal that will increase social security benefits by 10 percent, but this increase will not become effective until July 1 of 1974. This proposal fails to meet the immediate needs of millions of elderly Americans, who have too long borne the brunt of today's punishing inflation. A responsible Congress should act now to provide needed relief for the millions of elderly Americans who are on fixed incomes and thus unable to cope with rising prices. Granted, the Ways and Means Committee will soon report to the House legislation that will increase benefits by 10 percent next July, but we must ask ourselves, how can we expect social security recipients to adequately survive in the interim?

For these reasons, I opposed the rule granted for the debt ceiling and I strongly supported the substitute rule and the Reuss-Vanik amendment. This amendment would have provided an immediate 7 percent social security benefit increase, with an additional 5.9 percent cost-of-living increase next July. It would have also implemented major reform of key inequities in our tax system, providing enough revenue, $3 billion, in the process to completely finance the social security increase—without further increases in the already heavy payroll tax, as is called for in the Ways and Means Committee proposal.

The Reuss-Vanik proposal, had it been considered, would have significantly expanded the revenue gained through the minimum tax, as well as bringing a measure of equity to our tax system. Currently some kinds of unearned income are taxed at far lower rates than "ordinary" earned income. This amendment would have lumped together important kinds of preference income and taxed this income at one-half the ordinary tax rate. This provision would have increased taxes on capital gains, as well as reduced the tax-avoidance features of the accelerated depreciation allowance for real estate and the notorious oil-depletion allowance. The current exemption of $30,000 of preference income would have been lowered to $10,000. The deduction allowed for taxes paid on nonpreference income contained in existing law would have been ended. And, the tax rate on preference income would have been increased from the current 10 percent flat rate, to one-half the rate from ordinary tax tables.

This is not as far-reaching a proposal as I would favor, but it would have been an important step forward. This proposal would have made a few wealthy taxpayers, now getting unfair breaks, pay their fair share, as more than 90 percent of the estimated yield from these changes in the tax laws would have come from taxpayers with adjusted gross incomes in excess of $50,000.

Congress has made an error in not passing this amendment that would have meant so much to our elderly and been so important for the fairness of our tax system. The senior citizens of our country, faced with daily jumps in prices, need our help now. They need an immediate 7-percent increase in social security. But the House, by refusing to consider this amendment, has turned its back on them.

Mr. ANDERSON of California. Mr. Chairman, I rise in opposition to this proposal which would increase the public debt from the present level of $465 billion to $475.7 billion, and thus place our shaky economic situation in even more jeopardy.

At the end of 1968, our public debt was $350.7 billion, and now, 5 years later, it is up to $462.7 billion—an astonishing 32 percent or $112.7 billion increase in only 5 years.

This year in fact, we are paying $26 billion—a full 7 percent of the total Federal budget—merely to pay off the interest on the money borrowed over the last several years.

But, even more shocking is the fact that our public debt represents almost 40 percent of gross national product.

Mr. Chairman, we cannot continue to operate in this manner; we cannot continue to fund programs with borrowed money.

Let me recite a little recent history to remind my colleagues of the spending spree that the Government has been on:

In 1970, the Federal Government spent $196.6 billion—$2.8 billion more than it collected in taxes.

In 1971, it spent $211.4 billion—$23 billion more than the amount collected in taxes.

In 1972, $231.9 billion was spent by the Federal Government—$23.2 billion more than it collected in taxes.

In 1973, $249.8 billion was spent to fund Federal programs—taxes collected fell $24.8 billion short of meeting that figure.

And, finally, 1974, the Federal Government will spend an estimated $268.7 billion, but tax revenues will fail to meet that level by $12.7 billion.

A balanced budget, it seems to me, is not impossible and can only be restored by fiscal restraint and fiscal responsibility.

The place to start is by cutting unnecessary programs and by placing the administration on notice that spending now to be repaid in the future will not be tolerated.

The time has passed for the Congress to take the initiative and stop burdening future generations with even higher taxes. The time has passed for the Congress to cut Federal spending and thus help control the inflation that continues to eat into the dollar.

Mr. VANIK. Mr. Chairman, in the near future—certainly during our next consideration of the public debt ceiling legislation—it would be my hope that the Congress could act to place the activities of the Export-Import Bank back under the public debt ceiling.

The Export-Import Bank was removed from the national debt by a provision in the Export Expansion Finance Act of 1971. When that bill was on the floor of the House, I offered an amendment to keep the Bank and the sums it borrowed from the Treasury inside the debt. That effort lost by a vote of 112 to 249.

Since then, many of the arguments used in opposition to my amendment have become invalid.

For example, it was argued that the Bank was not like other federally backed lending institutions kept in the debt. It was said that "other" banks made "low" rate loans of 2 or 3 percent over long periods. The Export-Import Bank, however, was said to make only "hard" loans: high, 6-percent loans, with quick repayment.

Now we find that the Bank is asking for an additional $10 billion in commitment authority so that it can make 6-percent loans into the Soviet Union and Eastern European countries, repayable to the Bank generally over 6 to 12 years. There is no way that such loans can be called "hard or safe" loans under today's interest rate conditions and in light of the lack of financial information we have about many of these Eastern European countries.

Another argument against keeping the Export-Import Bank in the national debt was that it made a profit; it returned more money to the Treasury than it took out.

First, if the Bank is such a sure thing, if it is so profitable, why does the Federal Government have anything to do with it? Why cannot private institutions take it over and run it without Government backing? Apparently, those who are selling their goods and jumbo jets in these foreign countries are fearful of defaults and nationalizations. They want Uncle Sam to back them up and protect them—to save them from heavy losses.

In addition, if the Bank is so profitable, why does it not pay back the Treasury for the capital provided by the taxpayers? Instead, while returning $50 million in dividends to the Treasury in fiscal year 1973, the Bank had an operating income of $152.2 million in fiscal year 1973 but expenses of $223.7 million. Net borrowings from the Treasury were $144.2 million in fiscal year 1973. Borrowings will undoubtedly be higher in fiscal 1974 due to the high interest rates and the Bank's request for $10 billion in commitment authority.

The argument that the Exim is self-supporting and does not require any taxpayer-supported Federal subsidy does not hold water. The subsidies, although not cases of out-and-out financial support, usually come in the form of back-door subsidies. The nature of the subsidies was well described at hearings on Exim before the Senate Subcommittee on International Affairs of the Senate Banking Committee in March of 1971.

Basically, the subsidies to Exim fall in several areas:

First. The diversion of capital from domestic needs and business. For example, if $10 million is loaned to a foreign country for purchase of some American export product, that $10 million must be borrowed by Exim from the Treasury or from the private market, thus precluding domestic use and circulation of that capital. The cost of such a capital withdrawal from the domestic money pool is difficult, if not impossible, to figure—how can we calculate the effect of the unavailability of capital in American business? How can we know when the diverted money could have instead, for example, gone to scientific research, to create new products and to increase domestic productivity?

This problem area is compounded when Exim makes loans in order to allow purchase of American products that have very little or no foreign competition. This is the case with many American aircraft sales abroad—and in fiscal year 1973 nearly one-third of the banking loans, $710 million, were for jumbo jets and 707's.

In all probability, those foreign buyers would have "bought American" regardless of the availability of Exim loans, because of the proven superiority of these American planes. It would make far more sense for Exim to instead guarantee loans from other sources, and thus decrease the amount of committed capital—thus reducing the level of subsidies required for the sale of noncompetition products.

Second. In addition to the diversion of capital from domestic areas and the subsidies that situation creates, money borrowed from the Treasury by Exim is money that could have ordinarily been used to stabilize the national debt, and since that is not occurring, more money must be borrowed—from the private market—at a high interest rate. This, of course, is another hidden subsidy that eventually reaches into the pockets of the American taxpayer.

Third. The other area of Federal subsidy to the Exim Bank is the privilege allowed Exim of borrowing money from the Treasury at interest rates lower than the rates the Treasury must pay to obtain the money. While the Exim loan rate to foreign businesses was only 6 percent, the Treasury Department had to pay the market rate of almost 9 percent to get that money for Exim to loan. The difference between the two rates is another subsidy. Taking just the fiscal year of 1970 as an example, it has been estimated that this interest rate differential subsidy amounted to $16.8 million.

The interest subsidy in fiscal year 1973–74 will undoubtedly be even higher due to the unprecedented high interest rates.

In conclusion, Senator PROXMIRE estimated in the subcommittee hearing, the total subsidy to Exim in fiscal year 1970 was $68.8 million.

Mr. Chairman, whenever a federally backed agency—in or out of the debt ceiling—borrows in the private money markets, it creates a cost in higher interest rates for all borrowers. The Federal financing of that cost is a subsidy which should be examined and controlled by the Congress.

The effect of placing the Bank outside of the debt is to remove the Bank from annual expenditure and net lending limitations imposed by the budget. The Commission on Budget Concepts, appointed in 1966, and composed of former Secretary of the Treasury, Kennedy; the Comptroller General; Chairman MAHON; and our late colleague, the Honorable Frank Bow, unanimously recommended that all programs operated by entities in which the capital stock is owned by the Government or which have recourse to Federal funds should be included in the budget on a net lending basis.

In other words, this distinguished Commission recommended that the budget totals should include the difference between loan outlays or disbursements on the one hand and loan repayments on the other hand. In short, the Export-Import Bank should be in the debt total.

The Comptroller General, Mr. Staats, testified before the House Banking and Currency Committee in the spring of 1973 in opposition to excluding the Bank from the debt ceiling. As he said in his testimony:

> In our view, excluding the Export-Import Bank's receipts and disbursements from the budget totals would establish a highly undesirable precedent since the exclusion could, with equal logic and justification be applied to other loan programs.
>
> In my opinion, it is impossible to differentiate between this program and other loan programs in the budget. It would open the door to excluding other programs, a weakening of the budgetary process, and reduce the ability of the Congress to establish budgetary priorities.

At this time of new directions for the Bank, and the need for greater congressional control over expenditures, I would hope that the Congress would consider favorable efforts to return the Bank to coverage within the debt ceiling.

Ms. ABZUG. Mr. Chairman, today I shall vote to oppose another increase in the temporary limit on public debt. This is a perennial issue Congress faces. The arguments I have raised in the past remain true today. By adding to the public debt, we raise the tax burden, especially that of the middle- and lower-income citizens. In addition we abdicate our constitutional responsibility to determine how much the Government should spend. If, as some say, we are spending too much, it is our duty to determine what should be cut. We are not legally permitted to surrender such responsibilities to the President or the Office of Management and Budget. Finally, by submitting to a higher debt limit we are in effect sanctioning the terribly misshapen priorities of this administration and condoning its fiscal irresponsibility.

As I have argued before, I am not opposed to additional spending. I believe that we must be prepared to spend massive amounts for such programs as housing, child care, public service employment, mass transit, and pollution abatement. We have for too long neglected these vital domestic needs in favor of wasteful military adventures, and if money alone is the price we eventually pay for that neglect, we will be fortunate indeed.

The problem is that raising money by borrowing it merely adds an additional burden—that of the debt service—to the existing inequitable tax structure. This sort of device merely adds to the lion's share of the burden already borne by our low- and middle-income citizens, and we then add insult to injury by spending the money on weapons instead of houses, schools, and child care centers.

There are many better ways to raise money. Tax reform has been talked about and promised for several years. We are still waiting for the major reform proposal promised by the President in August 1971. We will wait a long time more judging by today's events. And we certainly provide no incentive whatsoever for him to act on tax reform if we persist in granting each of his revenue requests. Indeed our failure to pass one modest reform as an addition to this bill is a clear message to the President that he and the special interests he serves are still in control of the pursestrings. I cannot explain or justify this situation to my constituents. Is it so unreasonable to suppose that if we failed to provide Mr. Nixon with a fiscal cushion for his next series of deficit expenditures, he might be forced to face both tax reform and fiscal responsibility? Are not such ends entirely consistent with the public interest?

If we pass this bill, we are in effect approving the unjust tax system, the additional billions for defense, including whatever is needed to insure more war in Southeast Asia, and the starvation of human priorities at home.

Mr. EDWARDS of California. Mr. Chairman, I am compelled to vote against H.R. 11104 which seeks to raise the temporary public debt limit from $465 to $478 billion. I feel that limitation of the public debt is a totally unsatisfactory way of controlling budgetary expenditures and revenues. It is also another convenient way of giving the President what he wants without a direct confrontation on the issues and without invoking another Presidential veto.

This Congress, under pressure from the administration and despite the end of the war in Vietnam, has appropriated funds for an increased defense budget. Without rigorous and careful examination of the need for this excessive spending, we have funded more money than ever before for the military complex. At the same time, we have put up with the refusal of the Ways and Means Committee to begin work on meaningful tax reform. With a new and equitable tax system, we can close tax loopholes, insuring that large corporations, people in the high income brackets, and others who presently contribute little if anything to the Federal coffers are assessed a fair share of their income, and thereby greatly expand our spending ability.

Cutting the fat defense budget and increasing tax revenues through tax reform would easily eliminate the need to raise the debt ceiling. They would also put into effect the proper congressional mechanisms for legislative control of fiscal matters. It is high time that Congress reasserted its directive power in this critical area, rather than allowing the executive branch to set policy and then accepting executive demands that such policy be implemented as they see fit. It seems to me highly irresponsible as well as inequitable for us to saddle future generations with a huge public debt because we failed to take effective steps to control Government spending and increase Federal revenues.

Mr. ULLMAN. Mr. Chairman, I have no further requests for time.

Mr. COLLIER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period beginning on the date of the enactment of this Act and ending on June 30, 1974, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $78,000,000,000.

AMENDMENT OFFERED BY MR. SYMMS

Mr. SYMMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SYMMS: On page 1, line 7, strike the figure "$78,000,000,000" and insert the figure "75,700,000,000".

Mr. SYMMS. Mr. Chairman, I offer this amendment today, even after the debate that we had and the colloquy with the ranking members of the minority on the Committee on Ways and Means and on the majority side, because I feel that the increasing of the national debt is the only way that we ever discuss how it is that we are organizing the debt of this country into our currency and debasing the currency that the people use in the exchange for their goods and services. In our specialized society the total debasement of our currency will be much more devastating to our country and our people than it has been in any other society before us because of the specialization that we now live in.

I think that healthy discussion about increasing the national debt, even if it has to come up a month or two earlier, is a very healthy thing, and bear in mind it does not have to come up if we tighten our belt.

My amendment very simply lowers the national debt from $478 billion down to $475.7 billion.

This is a $2.3 billion cut. It in no way will put the Government in a position where it will not be able to meet its obligations and pay its bills. It will bring a little more light into the subject of looking into waste we have in the Federal Government.

We have given the President authority this year and the power to ask the private sector of our economy not to raise prices and not to have wage raises but somehow we never seem to want to give that message back to the appropriation level of the Federal Government. I certainly am in sympathy with the gentleman from Pennsylvania (Mr. SCHNEEBELI) on his position that budgetary control is the proper way to do this, but as I see it this is the only way we can vote to send a message to the Appropriations Committee that we would like to appropriate less money and send a message to the administration and the House leadership of both our parties that we do not want to keep coming up with schemes for spending more of the taxpayers' money, such as the recent suggestion to spend $2.2 billion on the intervention in this or that war.

I think this is a responsible amendment. I urge support of this amendment to this legislation.

Mr. SCHNEEBELI. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, as was stated in previous debate, the original request for this debt ceiling increase last June was $485 billion. It has been scaled down to $478 billion. The Treasury officials assure us and show us that sometime between April 30 and May 31 the debt ceiling will be at $475 billion or over.

We have been constantly reminded that we cannot put the Secretary of the Treasury in a box so that he is not allowed to sign checks for a period of 3 or 4 days. This happened in the Eisenhower administration in 1958. The Treasury was embarrassed. There was a financial fiasco that ensued as a result of this too tight debt ceiling.

A $3 billion contingency fund has always been authorized by the House. This $478 billion we feel is a very strict debt ceiling. It was reduced from $485 billion that was requested in June.

We are very much opposed to this further limitation and reduction.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, I associate myself as do others over here with the remarks made by the gentleman from Pennsylvania. In view of the world situation and the critical problems we have ahead of us and the uncertainties about the economy, we think it would be wise to stay with the $478 billion. We think we have cut the administration enough. They could live within this budget, but it would in our judgment avert any national crisis.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Idaho.

Mr. Chairman, this is a very reasonable amendment. In fact, I would like to cut it another $100 million.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-one Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 565]

Anderson, Ill.
Ashley
Bell
Blackburn
Blatnik
Bolling
Buchanan
Burke, Calif.
Burton
Carey, N.Y.
Clark
Coughlin
Davis, Wis.
Diggs
Dingell
Edwards, Calif.
Foley
Fraser
Gray
Green, Oreg.
Gubser
Hansen, Wash.
Hébert
Jarman
Jones, Tenn.
Kastenmeier
Lehman
Mahon
Mayne
Metcalfe
Mills, Ark.
Mitchell, Md.
Moss
Murphy, Ill.
O'Hara
Patman
Reid
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Ryan
St Germain
Sandman
Stanton, James V.
Tiernan
Young, Ga.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 11104) and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 387 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The committee resumed its sitting.

The CHAIRMAN. The gentleman from Massachusetts (Mr. Burke) is recognized for 5 minutes.

(Mr. BURKE of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Chairman, if we have ever been concerned about Federal spending, we had better be concerned about it this afternoon, because this might be our last opportunity to do something about recklessness and extravagance in Government.

I am supporting the distinguished acting chairman of the Committee on Ways and Means (Mr. Ullman) in his attempt to put through the budget control bill, but that is still in the far off future and it is highly conjectural whether anything will be done about that or not before we get through this session of Congress.

I am supporting him in that attempt, but I want to point out the figures presented to us in the House Committee on Ways and Means show that the public debt subject to limitation for 1974 as of January 1 would be $467 billion; on February 28 it is projected at $471 billion; on March 31, $473 billion; on April 30, $468 billion; on May 31, $475 billion; and on June 30, $468 billion.

All this is with an operating cash balance of $6 billion on top of that, plus a $3 billion margin for contingencies, over and above that. The amendment offered by the gentleman from Idaho (Mr. Symms) is for $475.7 billion, for an increase of $700 million. Thus it means that the administration will have a $6.7 billion cushion in there to play with.

For goodness sakes, let us have a little bit of commonsense around here. Let us stop this extravagant, wild and reckless spending, and this is the vehicle to do it with. At the moment it is the only vehicle for Congress to influence the budget.

Now, some of the Members of the House who are chuckling now should look over my voting record for this year. I have compiled my voting record, and I find out that I have voted for billions of dollars in cuts. So I am seriously concerned about this.

The gentleman from Idaho (Mr. Symms) is being very reasonable, and I cannot understand why they need this $478 billion when the administration's own figures here show that they do not have to go any higher than $475 billion.

So I hope that the gentleman from Idaho (Mr. Symms) is successful in his amendment, and that his amendment is adopted, and we can get on with the business of the Government.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. It is a modest reduction of $2.3 billion in the debt ceiling.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, I want to correct my statement. The $3 billion in the contingency fund would have given them a $6.7 billion cushion to play with.

Mr. GROSS. Mr. Chairman, there are apparently ways and means by which the administration can take care of this modest reduction.

Last February there was the sudden announcement from the White House of a 10 percent devaluation of the dollar. By that financial legerdemain Uncle Houdini said the price of gold still held by the U.S. Government was being raised to $42.22 an ounce, an increase of $4.22 per ounce.

In October, 8 months later, Congress finally got around to ratifying by law what had been done by fiat in February, and on October 25, Uncle Houdini thrice waived his magic wand, thrice muttered the magic words, "Presto-Chango," and lo and behold, what happened?

First. The dollar value of the Government held gold was increased $1.1 billion.

Second. The U.S. Treasury started its printing presses, and presented the Federal Reserve system with certificates representing the allegedly increased value. In turn, the Federal Reserve credited the U.S. Treasury's checking account with the $1.1 billion devaluation bonus.

Third. It is estimated that by early November the Treasury had issued kited checks to the tune of some $3 billion on the basis of the "windfall" from the gold price increase.

How nice it is on this occasion of a proposed $13 billion increase in the debt ceiling to know that we have an Uncle Houdini in our midst, waiting in the wings at the White House, to wave his magic wand and, if necessary, make three blades of grass grow where one grew before, or $3 where one appeared before

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I do not know who this Uncle Houdini is, but if we just raised the price of gold that we hold to the market price on the gold exchange, we could probably do without this bill altogether.

Mr. GROSS. But that would be too simple. Better to wave the magic wand, say "presto change-o" once or twice.

Mr. HAYS. Or, better still, sell the gold. Maybe that is what we ought to do.

Mr. GROSS. The countries of the Old World have tried devaluation and revaluation innumerable times and their citizens wound up with bushel baskets to carry the paper money necessary to buy the family groceries. Apparently Congress is going to keep raising the debt ceiling to accommodate more inflation, more spending, more borrowed money, and more fiscal insanity.

Mr. HAYS. Will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. It will bring it closer to the bushel basket, if we look at the market prices now.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. COLLIER. Is the gentleman recommending, since we are not now selling gold, that we sell what we have got at Fort Knox? Is that what the gentleman is recommending?

Mr. GROSS. On the basis of the devaluation of the dollar, and some fast footwork the Government picked up $1,100,000,000, credited it to the Department of the Treasury, and it has written $3 billion worth of checks.

Mr. COLLIER. But it was not picked up in the budget is what I am saying. I am saying it is not being sold. We are not selling gold. Is the gentleman recommending that we do, because it is not in the budget? The gentleman knows it is not in the budget.

Mr. GROSS. All I am saying is that by fiat, by fiscal legerdemain the Government picked up $1,100,000,000, and on the basis of that the Treasury has written checks for $3 billion.

Mr. COLLIER. The point is that we cannot convert it into a Treasury asset at this point.

Mr. GROSS. That is exactly what has been done, if they are writing checks on it. Mr. Chairman, I urge support for this amendment. It ought to be an even greater reduction in the debt ceiling.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONABLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not use my entire 5 minutes.

Mr. Chairman, if the debt ceiling reduction by this amendment would reduce spending in fact, I would be in favor of it. It is another one of these lock-the-barn-after-the-horse-has-escaped type of amendments. The net effect would be simply to speed up the time frame in which we would consider the debt ceiling increases again.

I believe that the practice since 1968 of holding the whole Government hostage to amendments of the sort that have been proposed for this debt ceiling and that inevitably will be added in the other body is a dangerous practice. We will be far better off to accept the debt ceiling as the Committee on Ways and Means has prepared it, and to make serious efforts with respect to the other processes available to us, not only to improve the budgeting procedure but also to express in our daily votes here on the floor concern for sound fiscal policy. If the report of Mr. Ullman's committee budget study were to be adopted, we would need no debt ceiling procedure at all. As it is, at best it has proved an ineffective instrument of fiscal policy.

With this in mind, I urge the defeat of this amendment. I urge the support of the committee bill as it has been brought forth, and I urge prayerful consideration in the future of our responsibilities with respect to the fiscal policy when such consideration can be effective, rather than after the fact.

Mr. ULLMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the committee did not arrive at this figure by accident. We looked very carefully at this matter and cross-examined the witnesses, including the Director of the Budget and the Secretary of the Treasury. In our judgment we pared this amount down as much as we could and still act with responsibility.

Let me just read to the Members the debt limit that will be required assuming a $6 billion cash balance, which is a reasonable figure, and a $3 billion contingency allowance, which considering the magnitude of the debt is a minimum figure. Let me say the Treasury estimates that they will need $475 billion on March 8. But starting back in January 8 the figure is $472 billion; then on the 31st it is $470 billion; on February 15, $469 billion; on February 28, $474 billion; on March 8, $475 billion; and then on March 31, $476 billion. Then on April 10 the figure goes to $478 billion; on April 30, to $471 billion; on May 15, to $472 billion; on May 31 to $478 billion; on June 11, to $480 billion, and on June 30, to $471 billion.

Even our figure of $478 billion crimps the Treasury's cash balance by $2 billion on June 11.

I would say if we adopt this amendment it will mean we will have to come back long before the end of the fiscal year with another debt ceiling bill. We have gone that route before and I think it would be unwise to do it at this time.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I thank the gentleman for yielding.

I would like to say for the benefit of the chairman and of the committee that this amendment was not offered in any way in a spirit of criticizing the ability of the Ways and Means Committee to decide where that figure should be, but I think it has been brought out in the debate that there is a cushion in the figure the committee has asked for, and it is my intent to telegraph to the White House and to the Appropriations Committee the message that we ought to balance the budget or at least stop continuing in this direction of overspending.

Mr. ULLMAN. I could not agree with the gentleman more that we ought to telegraph that message, but I think there are better ways of doing it. I think if we get a congressional budget that would be the real way of doing it.

Mr. SYMMS. If the gentleman will yield further, I would like the gentleman to know that I support his legislation but we do not have that legislation before us now, but this is a way we can take to let them know they are going to have to live with less money and I think we can tighten our belt by this small percentage.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman for yielding.

The distinguished gentleman from Oregon has pointed out that when mid-March comes the anticipated Federal debt will equal the level of debt provided if this amendment is passed. He has said that the alternative at that time will be to come back to the House of Representatives and Congress as a whole for another increase if this amendment passes, that is, for another increase in the debt ceiling.

I would point out to the Members that there is another alternative, and that is one that this Congress has expressed so much distaste for throughout this year, this 1st session of the 93d Congress, and that is the mechanism of impoundment. The administration can impound funds and stay within this ceiling. So we have to choose which of the processes we want them to employ, whether we want them to impound and stay within the ceiling or whether we want to come back and go through another vote to raise the debt ceiling within a few months.

Mr. ULLMAN. Mr. Chairman, I urge the defeat of this amendment.

Mr. SCHNEEBELI. Mr. Chairman, I stated previously my objection to this amendment. Last June the Treasury asked for a debt ceiling of $485 billion. That was last June. We scaled this down to $478 billion.

I would like to suggest to the House that we have done a pretty good job and we ask for your support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SYMMS).

The question was taken; and on a division (demanded by Mr. SYMMS) there were ayes 89, noes 74.

RECORDED VOTE

Mr. SCHNEEBELI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 147, not voting 23, as follows:

[Roll No. 566]

AYES—263

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Bauman
Beard
Bennett
Bergland
Bevill
Biaggi
Boland
Bowen
Brademas
Brasco
Brinkley
Broomfield
Brown, Calif.
Broyhill, N.C.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Collins, Ill.
Collins, Tex.
Conlan
Conyers
Cotter
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Duncan
du Pont
Edwards, Calif.
Esch
Findley
Fish
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frey
Froehlich
Gaydos
Giaimo
Gilman
Ginn
Goldwater
Goodling
Grasso
Gross
Grover
Gunter
Guyer
Haley
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Harsha
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hillis
Hinshaw
Hogan
Holt
Holtzman
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kemp
Ketchum
King
Kluczynski
Koch
Kyros
Landgrebe
Leggett
Lent
Litton
Long, Md.
Lott
Lujan
McCloskey
McCormack
McKinney
McSpadden
Macdonald
Madden
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moakley
Montgomery
Moorhead, Calif.
Morgan
Myers
Nichols
Obey
O'Neill
Owens
Parris
Patten
Perkins
Peyser
Pike
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Randall
Rangel
Rarick
Reid
Reuss
Rinaldo
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
Sarasin
Sarbanes
Satterfield
Scherle
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shuster
Sikes
Skubitz
Smith, Iowa
Snyder
Spence
Staggers
Stark
Steele
Steelman
Steiger, Ariz.
Stokes
Stuckey
Studds
Sullivan
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Whitehurst
Whitten
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, S.C.
Zablocki
Zion
Zwach

NOES—147

Arends
Barrett
Biester
Bingham
Boggs
Bolling
Bray
Breaux
Breckinridge
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burleson, Tex.
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Cohen
Collier
Conable
Conte
Corman
Culver
Danielson
Davis, Ga.
Dellenback
Diggs
Dulski
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Fulton
Fuqua
Gettys
Gibbons
Gonzalez
Green, Pa.
Griffiths
Gubser
Gude
Hamilton
Hammerschmidt
Hansen, Idaho
Harvey
Hastings
Heinz
Hicks
Holifield
Horton
Hosmer
Howard
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jordan
Karth
Keating
Kuykendall
Landrum
Latta
Lehman
Long, La.
McClory
McCollister
McDade
McEwen
McFall
McKay
Madigan
Mailliard
Mallary
Martin, Nebr.
Mayne
Meeds
Michel
Mollohan
Moorhead, Pa.
Mosher
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
Passman
Pepper
Pettis
Pickle
Poage
Podell
Price, Ill.
Quillen
Railsback
Rees
Regula
Rhodes
Riegle
Roberts
Robison, N.Y.
Rooney, Pa.
Rostenkowski
Ruppe
Schneebeli
Shriver
Sisk
Slack
Smith, N.Y.
Stanton, J. William
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Talcott
Teague, Calif.
Thomson, Wis.
Ullman
Waggonner
Ware
Whalen
White
Widnall
Wiggins
Wilson, Bob
Wright
Wyatt
Wydler
Wyman
Young, Ga.
Young, Ill.
Young, Tex.

NOT VOTING—23

Anderson, Ill.
Bell
Blackburn
Blatnik
Burke, Calif.
Coughlin
Davis, Wis.
Gray
Green, Oreg.
Hébert
Jones, Tenn.
Mahon
Mills, Ark.
Mitchell, Md.
Moss
Murphy, Ill.
O'Hara
Patman
Rooney, N.Y.
St Germain
Sandman
Stanton, James V.
Thompson, N.J.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MALLARY

Mr. MALLARY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MALLARY: On Page 1, strike lines 3 through 7 and insert in lieu thereof the following:

"That the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended by striking out '$400,000,000,000,' and inserting in lieu thereof "$475,700,000,000."

Mr. MALLARY. Mr. Chairman, this amendment does not affect the level of the debt ceiling, and it is offered at the level just adopted by the Committee. It deals only with the question of whether the debt ceiling will be permanent or whether it will be temporary.

I do this not because of any constituent pressure, because obviously we all know that the constituents are not particularly happy with the increase in the debt. I do it only because of the perverse and the unintended effect we have had recently with the temporary debt ceiling rising as rapidly as it has.

In the last 4 years the temporary debt has gone from $7 billion to $65 billion, and in this bill, it would go up to $75.7 billion. And during that period of time we have become aware that the word "temporary" is obviously fictitious.

We have had a pattern since June 1972, of nongermane Senate amendments being added to the debt ceiling each time it has come up.

In June 1972, you will remember that we passed a 20 percent social security increase on the debt limitation bill.

In October 1972, on the debt limit bill we dealt with spending ceiling; we dealt with the Joint Committee on Budget Control; we dealt with an amendment relating to information on impoundments; and we dealt with amendments to the unemployment compensation laws.

In June 1973, we dealt, on the debt limit bill, with a 5.9-percent increase in social security, and the social security tax increase. In the last three times that we have handled the temporary debt ceiling the House has been held hostage each time to non-germane Senate amendments. The gentleman from Oregon (Mr. ULLMAN), the distinguished acting chairman of the Committee on Ways and Means, said in the general debate, that as far as the House is concerned, he felt it was unwise to add to the debt ceiling bill a lot of nongermane matters. I fully agree with the gentleman. But this bill, as we pass it, becomes a sitting duck for nongermane matters to be added in the other body.

I have been very unhappy with this procedure of having the House held hostage and I have heard on several occasions in the House the anguished cries of Members from both sides of the aisle when the amendments were added by the other body, and we were forced to accept them on the grounds that the Federal Government would fall into fiscal chaos if the temporary debt ceiling expired, because we must refund our bonds and pay our bills.

This amendment to make the debt ceiling permanent would not help us this fall, but it would help on June 30, next year, when this bill's temporary limit would expire.

I would say a vote for this amendment is not a vote for anything to do with the debt ceiling, but is a vote to sustain the prerogatives of the House, and is a vote for orderly procedures under the rules of the House.

I urge a vote in favor of the amendment.

Mr. GIBBONS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Vermont (Mr. MALLARY).

Mr. Chairman, I know that the gentleman who has presented this amendment feels that he is moving toward orderly procedure, and I want to explain to the Members of the House why the gentleman is moving toward disorderly procedure.

True enough, the provision of having a temporary ceiling versus a permanent ceiling is designed to bring the debt ceiling legislation back to the House, but it is not the only way we have of bringing it back to the House; it is just one of the ways.

It is just one of the most orderly ways of bringing it back, because it brings it back at a time certain rather than at a time unexpected. If we look at the size of this debt, and we know what we are dealing with, we realize that the margin of error allowed for is very, very small. Even the finest guessers in this whole economy cannot guess when this debt ceiling is going to run out.

If we do as the gentleman has suggested, we are making it impossible to tell when the debt ceiling will run out; it may run out during the middle of the House recess, or it may run out during the time when the House is involved in other important legislation.

There is another method of bringing the debt ceiling legislation back, and that is to cut the margin of error so close that it just has to come back very soon. The Committee on Ways and Means chose not to do that because every Secretary of the Treasury I have heard in the 11 years that I have been here has said, "If you cut us too close, you make us go into the money market unexpectedly, and we have to borrow money at a time when we either disturb the market very badly and hurt the other borrowers there, or the Federal Government gets stuck with a higher interest rate."

None of us in this room wants to do that. So the Committee on Ways and Means has hit upon this system of having a permanent debt ceiling and a temporary debt ceiling. By having that kind of arrangement, we can predict a time certain in which the House must consider this matter.

If we adopt the proposal that the gentleman has just offered, all that we would be doing is just making it uncertain as to the time when we are going to consider this debt ceiling legislation again. We may force the Treasury into borrowing money at the wrong time, running up the interest rate, and running up the interest rate not only for the Federal Government but for everybody else.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Texas.

Mr. MILFORD. I thank the gentleman for yielding.

The question I am very much concerned about is that many of us in legislating a debt ceiling want it to stop there, and by making it a permanent debt ceiling and insisting that it stop there, perhaps we can get some of our spending under reasonable control.

Mr. GIBBONS. That still does not have to do with the issue here. He is trying to knock out the temporary ceiling, and the temporary ceiling has nothing to do with the issue the gentleman just raised. He is trying to put a permanent ceiling on. There is no way to put a permanent ceiling on which does not change except by the conviction of the Members here never to borrow any more money, or never to vote for appropriations that exceed budget receipts. The gentleman has an intelligent position. He is just speaking on the wrong subject right now because the effect of the gentleman's amendment is to make it uncertain as to the time we have to consider this again. We will get caught in the middle of a recess; we will get caught in the middle of other legislative processes and then have this debt ceiling thing to do again.

If we use the temporary debt method and the permanent debt method, we can tell within a month or so as to the time this is going to run out. If we put it all on a permanent ceiling, then we cannot tell when it is going to run out. If we just cut the ceiling too close, the Treasury would go into the money market at the wrong time. It would run up the cost of Government; it would run up the cost of everybody else's borrowing, and the amendment is not going to be effective at all. The gentleman's argument goes to an entirely different point.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Illinois.

Mr. COLLIER. I thank the gentleman for yielding. My friend, the gentleman from Florida, is one of the most astute members of the committee, and having said that, and said it very sincerely, let me ask him, Does he think a $400 billion ceiling in the light of the obligations that exist is a practical ceiling? It is totally impractical; is it not?

Mr. GIBBONS. The answer is "No." The gentleman knows, I know, and I think everybody else in the room who understands what we are doing here knows, that it is just a device to get us to consider this thing again at a certain time rather than at some uncertain time.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. MILFORD, and by unanimous consent, Mr. GIBBONS was allowed to proceed for 1 additional minute.)

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Texas.

Mr. MILFORD. There is still one point here that I do not think has been discussed, and that is that not only does the

Senate hold us up on these temporary things, but the House also holds us up, in that we must pass or increase these debt limits or we are told the whole U.S. Government will shut down. If we made this a permanent debt limit, then we would be in a better position to back up and attack this ceiling.

Mr. GIBBONS. We have a permanent debt limit. There are two limits in this bill. One is a temporary limit; the other is a permanent limit. The gentleman who has presented the amendment has not attempted to change the overall limit. That was set in the last vote. He is attempting to remove the temporary limit and make the whole limitation a permanent one. But it really cannot be permanent. As a result the only effect will be to require action on the limitation in the House of Representatives at a time uncertain, perhaps when we may be involved in some other legislation which will have a great deal more significance than this has.

Mr. CAREY of New York. Mr. Chairman, I move to strike the requisite number of words.

This is a complex situation and this committee has worked earnestly to resolve this in such a way that we can have debt management on a responsible fiscal basis. The last thing I think the author of the amendment would want to do at this stage would be to contribute to inflation or to the notion that the country is going to embark on another inflationary cycle. The world is in trouble on inflation. We have been told by those who invest in America both at home and abroad that they do not want to go on buying up big American deficits.

We are trying to control deficits. The congressional budget limitation is the proper way to do it and we are working on that. The most inflationary thing we can do at this moment would be to raise the temporary debt limit to a permanent debt limit from $400 billion to $475 billion because that would provide a new floor to which further increases in the limit would be added.

By increasing the permanent limit to $475 billion we would be telling the public that we are going to a new plateau and from here on we are going upward. We are trying to convince the public and we are trying to convince investors around the world and at home that we mean to get the deficit under control and we want to get the national debt under control, and therefore everything that tends to escalate that limit temporarily or permanently contributes to the notion that we are going to embark upon another inflationary cycle.

Therefore I suggest that the pending amendment is in the nature of an agreement that we are going to continue to go the inflationary route.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to the gentleman from Arizona.

Mr. RHODES. I thank the gentleman for yielding.

I asked the gentleman to yield so that I might ask him a question concerning the content of the debt. Is it not a fact that as long as we have included in the debt structure the proceeds from the social security trust fund and other trust funds that the debt is obviously going to go up?

Mr. CAREY of New York. Yes.

Mr. RHODES. And would it be more realistic if we were to take trust funds like that out from under the debt?

Mr. CAREY of New York. The debt is a contract with the American people. We know who owns it. We own it ourselves. The trust funds are involved in borrowing in the same way. The more irresponsibly we handle the debt and the more we play politics with it the more irresponsible we appear in the minds of the American people. If we say we are cutting the debt limit $2.5 billion and we are really not cutting spending, those who know something about it know we are just gerrymandering the debt. We should not do that.

Mr. RHODES. If the gentleman will yield further, I agree with the gentleman and I agree we ought to have in the debt what we spend over and above what we take in.

Mr. CAREY of New York. Precisely. As soon as we agree on what the debt is and meet that head on, the better chance we will have of decreasing the spending we do not need to make.

Mr. SCHNEEBELI. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Chairman, I agree with my colleague, the gentleman from New York. If we raise the debt ceiling permanently we will lock ourselves in and eliminate our annual review, and that is the main tool we have in management of the debt, our annual review. If we eliminate that we remove Congress from the possibility of the management of the debt responsibly. Apparently many seem to be interested in that at this point and I agree we should act responsibly.

Mr. CAREY of New York. Mr. Chairman, the economy vote in the long run is to vote this motion down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. Mallary).

The question was taken; and on a division—demanded by Mr. Mallary—there were—yeas 34, noes 120.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to section 1? If not, the Clerk will read.

The Clerk read as follows:

Sec. 2. Effective on the date of the enactment of this Act, section 101 of the Act of October 27, 1972, providing for a temporary increase in the public debt limit for the fiscal year ending June 30, 1973 (Public Law 92–599), as amended by the first section of Public Law 93–53, is hereby repealed.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross: On page 2 line 3, after the period, insert the following: *Provided further*, that the expenditures of the Government during each fiscal year, including reduction of the public debt in accordance with the provisions of section 3, shall not exceed its revenues for such year except—

(1) in time of war declared by the Congress; or

(2) during a period of grave national emergency declared by the Congress by a concurrent resolution which has passed each House by the affirmative vote of at least two-thirds of the authorized membership of that House.

Sec. 3. Section 21 of the Second Liberty Bond Act, as amended (31 U.S.C. 757b), is amended by inserting "(a)" after "Sec. 21.", and by adding at the end thereof the following:

"(b) The public debt limit set forth in subsection (a) is hereby reduced as follows:

"(1) Effective on July 1, 1974, by an amount equal to 2 percent of the net revenue of the United States for the fiscal year ending June 30, 1973;

"(2) Effective on July 1, 1975, by an amount equal to 3 percent of the net revenue of the United States for the fiscal year ending June 30, 1974;

"(3) Effective on July 1, 1976, by an amount equal to 4 percent of the net revenue of the United States for the fiscal year ending June 30, 1975;

"(4) Effective on July 1, 1977, and July 1 of each year thereafter, by an amount equal to 5 percent of the net revenue of the United States for the fiscal year ending on June 30, of the preceding year."

Sec. 4. (a) The Budget submitted annually by the President pursuant to section 201 of the Budget and Accounting Act, 1921, as amended, shall be prepared, on the basis of the best estimates then available, in such a manner as to insure compliance with the first section of this Act.

(b) Notwithstanding any obligational authority granted or appropriations made except such with respect to the legislative and judicial branches of the Government, the President shall from time to time during each fiscal year take such action as may be necessary (by placing funds in reserve, by apportionment of funds, or otherwise) to insure compliance with the first section of this Act.

Sec. 5. The Congress shall not pass appropriations measures which will result in expenditures by the Government during any fiscal year in excess of its estimated revenues for such year (as revenues have been estimated in the budget submitted by the President), except—

(1) to the extent of any additional revenues of the Government for such fiscal year resulting from tax legislation enacted after the submission of the budget for such fiscal year; or

(2) in time of war declared by the Congress; or

(3) during a period of grave national emergency declared in accordance with the first section of this Act; but, subject to paragraph (1) of this section, appropriations measures which will so result in expenditures in excess of estimated revenues may be passed by the Congress only during such a period of grave national emergency.

Sec. 6. This Act shall apply only in respect of fiscal years beginning after June 30, 1974.

POINT OF ORDER

Mr. ULLMAN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ULLMAN. Mr. Chairman, the bill before us provides for a temporary change in the debt ceiling in conformity with the Second Liberty Bond Act. The amendment offered by the gentleman from Iowa makes a permanent change in the Second Liberty Bond Act, and therefore is not germane to this bill.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. GROSS. I do, Mr. Chairman, very briefly.

Mr. Chairman, this ought to be a lesson to every Member not to offer a long amendment. Then, perhaps, debate might be started before a point of order is made.

Mr. Chairman, the entire thrust of the bill before us is the national debt and the ceiling of that debt. The main thrust of this amendment is to control the Federal debt and reduce the ceiling.

Mr. Chairman, I believe the amendment is in order.

The CHAIRMAN (Mr. Natcher). The Chair is ready to rule on the point of order.

The bill presently before the House provides for a temporary change in the debt limit for this fiscal year, and the amendment constitutes a permanent change in the law.

In addition, the amendment also goes to the preparation of the budget under the Budget and Accounting Act which is under the jurisdiction of another committee. Volume 8 of the precedents of the House provides under section 2914 the following:

> To a section proposing legislation for the current year, an amendment rendering such legislation permanent was held to be not germane.

The Chair sustains the point of order.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. Natcher, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11104) to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974 pursuant to House Resolution 687, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the Rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. ULLMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 253, nays 153, not voting 27, as follows:

[Roll No. 567]

YEAS—253

Adams
Addabbo
Alexander
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bergland
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burton
Butler
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Clark
Clausen, Don H.
Clay
Cohen
Collins, Ill.
Conable
Conte
Corman
Cotter
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Delaney
Dellenback
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harvey
Hastings
Hawkins
Hays
Heinz
Helstoski
Hicks
Hillis
Hogan
Holifield
Holtzman
Horton
Hosmer
Hungate
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kazen
Keating
Kluczynski
Koch
Kyros
Landrum
Lehman
Lent
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Macdonald
Madigan
Mailliard
Mallary
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Minshall, Ohio
Mollohan
Moorhead, Pa.
Morgan
Mosher
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Neill
Owens
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Railsback
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Ruppe
Ryan
Sarasin
Sarbanes
Schneebeli
Sebelius
Seiberling
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stark
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Wright
Wyatt
Wydler
Yates
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

NAYS—153

Abdnor
Abzug
Anderson, Calif.
Andrews, N.C.
Archer
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bennett
Bevill
Biaggi
Brinkley
Brown, Calif.
Broyhill, N.C.
Burke, Fla.
Burlison, Mo.
Byron
Camp
Chappell
Chisholm
Clancy
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conlan
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
de la Garza
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Drinan
Edwards, Calif.
Fisher
Flowers
Flynt
Fountain
Frey
Froehlich
Gaydos
Gilman
Ginn
Goldwater
Goodling
Gross
Gunter
Guyer
Haley
Hanrahan
Hansen, Idaho
Harrington
Harsha
Hechler, W. Va.
Heckler, Mass.
Henderson
Hinshaw
Holt
Huber
Hudnut
Hunt
Hutchinson
Ichord
Johnson, Colo.
Jones, N.C.
Kastenmeier
Kemp
Ketchum
King
Landgrebe
Latta
Leggett
Lott
Lujan
McSpadden
Madden
Mann
Maraziti
Martin, N.C.
Mathis, Ga.
Michel
Miller
Mitchell, N.Y.
Mizell
Moakley
Montgomery
Moorhead, Calif.
Myers
Nichols
Obey
Parris
Powell, Ohio
Price, Tex.
Quie
Quillen
Randall
Rarick
Riegle
Roberts
Robinson, Va.
Rogers
Roncalio, Wyo.
Rose
Rosenthal
Rousselot
Roy
Roybal
Runnels
Ruth
Satterfield
Scherle
Schroeder
Shoup
Shuster
Sikes
Skubitz
Snyder
Spence
Steelman
Steiger, Ariz.
Studds
Sullivan
Symms
Taylor, Mo.
Taylor, N.C.
Thone
Towell, Nev.
Treen
Veysey
Waldie
Wampler
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wylie
Wyman
Yatron
Young, Fla.
Young, S.C.
Zion
Zwach

NOT VOTING—27

Anderson, Ill.
Arends
Bell
Blackburn
Blatnik
Burgener
Burke, Calif.
Collier
Conyers
Coughlin
Davis, Wis.
Green, Oreg.
Hébert
Howard
Jones, Tenn.
Kuykendall
Mahon
Mills, Ark.
Mitchell, Md.
Moss
Murphy, Ill.
O'Hara
Patman
Rooney, N.Y.
St Germain
Sandman
Stanton, James V.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.

Mrs. Green of Oregon with Mr. Mahon.

Mr. Blatnik with Mr. Collier.

Mr. Moss with Mr. Blackburn.

Mr. Mitchell of Maryland with Mr. Patman.

Mr. O'Hara with Mr. Burke of Florida.

Mr. Howard with Mr. Conyers.

Mr. Rooney of New York with Mr. Coughlin.

Mr. James V. Stanton with Mr. Anderson of Illinois.

Mr. Jones of Tennessee with Mr. Davis of Wisconsin.

Mr. Mills of Arkansas with Mr. Kuykendall.

Mr. St Germain with Mr. Bell.

Mr. Murphy of Illinois with Mr. Sandman.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and that I be permitted to include extraneous matter in my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CONFERENCE REPORT ON S. 1081, TO GRANT RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER submitted the following conference report and statement on the Senate bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment:

CONFERENCE REPORT (H. REPT. NO. 93–624)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I

SECTION 101. Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), is further amended to read as follows:

"Grant of Authority

"SEC. 28. (a) Rights-of-way through any Federal lands may be granted by the Secretary of the Interior or appropriate agency head for pipeline purposes for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom to any applicant possessing the qualifications provided in section 1 of this Act, as amended, in accordance with the provisions of this section.

"Definitions

"(b) (1) For the purposes of this section 'Federal lands' means all lands owned by the United States except lands in the National Park System, lands held in trust for an Indian or Indian tribe, and lands on the Outer Continental Shelf. A right-of-way through a Federal reservation shall not be granted if the Secretary or agency head determines that it would be inconsistent with the purposes of the reservation.

"(2) 'Secretary' means the Secretary of the Interior.

"(3) 'Agency head' means the head of any Federal department or independent Federal office or agency, other than the Secretary of the Interior, which has jurisdiction over Federal lands.

"Inter-Agency Coordination

"(c) (1) Where the surface of all of the Federal lands involved in a proposed right-of-way or permit is under the jurisdiction of one Federal agency, the agency head, rather than the Secretary, is authorized to grant or renew the right-of-way or permit for the purposes set forth in this section.

"(2) Where the surface of the Federal lands involved is administered by the Secretary or by two or more Federal agencies, the Secretary is authorized, after consultation with the agencies involved, to grant or renew rights-of-way or permits through the Federal lands involved. The Secretary may enter into interagency agreements with all other Federal agencies having jurisdiction over Federal lands for the purpose of avoiding duplication, assigning responsibility, expediting review of rights-of-way or permit applications, issuing joint regulations, and assuring a decision based upon a comprehensive review of all factors involved in any right-of-way or permit application. Each agency head shall administer and enforce the provisions of this section, appropriate regulations, and the terms and conditions of rights-of-way or permits insofar as they involve Federal lands under the agency head's jurisdiction.

"Width Limitations

"(d) The width of a right-of-way shall not exceed fifty feet plus the ground occupied by the pipeline (that is, the pipe and its related facilities) unless the Secretary or agency head finds, and records the reasons for his finding, that in his judgment a wider right-of-way is necessary for operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, airstrips, and campsites, and they need not necessarily be connected or contiguous to the pipe and may be the subjects of separate rights-of-way.

"Temporary Permits

"(e) A right-of-way may be supplemented by such temporary permits for the use of Federal lands in the vicinity of the pipeline as the Secretary or agency head finds are necessary in connection with construction, operation, maintenance, or termination of the pipeline, or to protect the natural environment or public safety.

"Regulatory Authority

"(f) Rights-of-way or permits granted or renewed pursuant to this section shall be subject to regulations promulgated in accord with the provisions of this section and shall be subject to such terms and conditions as the Secretary or agency head may prescribe regarding extent, duration, survey, location, construction, operation, maintenance, use, and termination.

"Pipeline Safety

"(g) The Secretary or agency head shall impose requirements for the operation of the pipeline and related facilities in a manner that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline.

"Environmental Protection

"(h) (1) Nothing in this section shall be construed to amend, repeal, modify, or change in any way the requirements of section 102(2) (C) or any other provision of the National Environmental Policy Act of 1969 (Public Law 91–190, 83 Stat. 852).

"(2) The Secretary or agency head, prior to granting a right-of-way or permit pursuant to this section for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way or permit which shall comply with this section. The Secretary or agency head shall issue regulations or impose stipulations which shall include, but shall not be limited to: (A) requirements for restoration, revegetation, and curtailment of erosion of the surface of the land; (B) requirements to insure that activities in connection with the right-of-way or permit will not violate applicable air and water quality standards nor related facility siting standards established by or pursuant to law; (C) requirements designed to control or prevent (i) damage to the environment (including damage to fish and wildlife habitat), (ii) damage to public or private property, and (iii) hazards to public health and safety; and (D) requirements to protect the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes. Such regulations shall be applicable to every right-of-way or permit granted pursuant to this section, and may be made applicable by the Secretary or agency head to existing rights-of-way or permits, or rights-of-way or permits to be renewed pursuant to this section.

"Disclosure

"(i) If the applicant is a partnership, corporation, association, or other business entity, the Secretary or agency head shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include where applicable (1) the name and address of each partner, (2) the name and address of each shareholder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote, and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

"Technical and Financial Capability

"(j) The Secretary or agency head shall grant or renew a right-of-way or permit under this section only when he is satisfied that the applicant has the technical and financial capability to construct, operate, maintain, and terminate the project for which the right-of-way or permit is requested in accordance with the requirements of this section.

"Public Hearings

"(k) The Secretary or agency head by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local government agencies and the public adequate notice and an opportunity to comment upon right-of-way applications filed after the date of enactment of this subsection.

"Reimbursement of Costs

"(l) The applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the holder of a right-of-way or permit shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area and shall pay annually in advance the fair market rental value of the right-of-way or permit, as determined by the Secretary or agency head.

"Bonding

"(m) Where he deems it appropriate the Secretary or agency head may require a holder of a right-of-way or permit to furnish a bond, or other security, satisfactory to the Secretary or agency head to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or permit or by any rule or regulation of the Secretary or agency head.

"Duration of grant

"(n) Each right-of-way or permit granted or renewed pursuant to this section shall be limited to a reasonable term in light of all circumstances concerning the project, but in no event more than thirty years. In determining the duration of a right-of-way the Secretary or agency head shall, among other things, take into consideration the cost of the facility, its useful life, and any public purpose it serves. The Secretary or agency head shall renew any right-of-way, in accordance with the provisions of this section, so long as the project is in commercial operation and is operated and maintained in accordance with all of the provisions of this section.

"Suspension or Termination of Right-of-Way

"(o) (1) Abandonment of a right-of-way or noncompliance with any provision of this section may be grounds for suspension or termination of the right-of-way if (A) after due notice to the holder of the right-of-way, (B) a reasonable opportunity to comply with this section, and (C) an appropriate administrative proceedings pursuant to title 5, United States Code, section 554, the Secretary or agency head determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed upon condition, event, or time.

"(2) If the Secretary or agency head determines that an immediate temporary suspension of activities within a right-of-way or permit area is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding.

"(3) Deliberate failure of the holder to use the right-of-way for the purpose for which it was granted or renewed for any continuous two-year period shall constitute a rebuttable presumption of abandonment of the right-of-way, *Provided,* That where the failure to use the right-of-way is due to circumstances not within the holder's control the Secretary or agency head is not required to commence proceedings to suspend or terminate the right-of-way.

"Joint Use of Rights-of-Way

"(p) In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across Federal lands, the utilization of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary or agency head the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way or permit area granted pursuant to this section.

"Statutes

"(q) No rights-of-way for the purposes provided for in this section shall be granted or renewed across Federal lands except under and subject to the provisions, limitations, and conditions of this section. Any application for a right-of-way filed under any other law prior to the effective date of this provision may, at the applicant's option, be considered as an application under this section. The Secretary or agency head may require the applicant to submit any additional information he deems necessary to comply with the requirements of this section.

"Common Carriers

"(r) (1) Pipelines and related facilities authorized under this section shall be constructed, operated, and maintained as common carriers.

"(2) (A) The owners or operators of pipelines subject to this section shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to the pipeline without regard to whether such oil or gas was produced on Federal or non-Federal lands.

"(B) In the case of oil or gas produced from Federal lands or from the resources on the Federal lands in the vicinity of the pipeline, the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported or purchased.

"(3) (A) The common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

"(B) Where natural gas not subject to State regulatory or conservation laws governing its purchase by pipelines is offered for sale, each such pipeline shall purchase, without discrimination, any such natural gas produced in the vicinity of the pipeline.

"(4) The Government shall in express terms reserve and shall provide in every lease of oil lands under this Act that the lessee, assignee, or beneficiary, if owner or operator of a controlling interest in any pipeline or of any company operating the pipeline which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipeline operating a lease or purchasing gas or oil under the provisions of this Act.

"(5) Whenever the Secretary has reason to believe that any owner or operator subject to this section is not operating any oil or gas pipeline in complete accord with its obligations as a common carrier hereunder, he may request the Attorney General to prosecute an appropriate proceeding before the Interstate Commerce Commission or Federal Power Commission or any appropriate State agency or the United States district court for the district in which the pipeline or any part thereof is located, to enforce such obligation or to impose any penalty provided therefor, or the Secretary may, by proceeding as provided in this section, suspend or terminate the said grant of right-of-way for noncompliance with the provisions of this section.

"(6) The Secretary or agency head shall require, prior to granting or renewing a right-of-way, that the applicant submit and disclose all plans, contracts, agreements, or other information or material which he deems necessary to determine whether a right-of-way shall be granted or renewed and the terms and conditions which should be included in the right-of-way. Such information may include, but is not limited to: (A) conditions for, and agreements among owners or operators, regarding the addition of pumping facilities, looping, or otherwise increasing the pipeline or terminal's throughput capacity in response to actual or anticipated increases in demand; (B) conditions for adding or abandoning intake, offtake, or storage points or facilities; and (C) minimum shipment or purchase tenders.

"Right-of-Way Corridors

"(s) In order to minimize adverse environmental impacts and to prevent the proliferation of separate rights-of-way across Federal lands, the Secretary shall, in consultation with other Federal and State agencies, review the need for a national system of transportation and utility corridors across Federal lands and submit a report of his findings and recommendations to the Congress and the President by July 1, 1975.

"Existing Rights-of-Way

"(t) The Secretary or agency head may ratify and confirm any right-of-way or permit for an oil or gas pipeline or related facility that was granted under any provision of law before the effective date of this subsection, if it is modified by mutual agreement to comply to the extent practical with the provisions of this section. Any action taken by the Secretary or agency head pursuant to this subsection shall not be considered a major Federal action requiring a detailed statement pursuant to section 102 (2) (C) of the National Environmental Policy Act of 1970 (Public Law 90–190; 42 U.S.C. 4321).

"Limitations on export

"(u) Any domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of December 30, 1969; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements and penalty and enforcement provisions of the Export Administration Act of 1969 the President must make and publish an express finding that such exports will not diminish the total quantity or quality of petroleum available to the United States, and are in the national interest and are in accord with the provisions of the Export Administration Act of 1969: *Provided,* That the President shall submit reports to the Congress containing findings made under this section, and after the date of receipt of such report Congress shall have a period of sixty calendar days, thirty days of which Congress must have been in session, to consider whether exports under the terms of this section are in the national interest. If the Congress within this time period passes a concurrent resolution of disapproval stating disagreement with the President's finding concerning the national interest, further exports made pursuant to the aforementioned Presidential findings shall cease.

"State Standards

"(v) The Secretary or agency head shall take into consideration and to the extent practical comply with State standards for right-of-way construction, operation, and maintenance.

"Reports

"(w) (1) The Secretary and other appropriate agency heads shall report to the House and Senate Committees on Interior and Insular Affairs annually on the administration of this section and on the safety and environmental requirements imposed pursuant thereto.

"(2) The Secretary or agency head shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for a pipeline twenty-four inches or more in diameter, and no right-of-way for such a pipeline shall be granted until sixty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way, together with the Secretary's or agency head's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees, unless each committee by resolution waives the waiting period.

"(3) Periodically, but at least once a year, the Secretary of the Department of Transportation shall cause the examination of all pipelines and associated facilities on Federal lands and shall cause the prompt reporting of any potential leaks or safety problems.

"(4) The Secretary of the Department of Transportation shall report annually to the President, the Congress, the Secretary of the Interior, and the Interstate Commerce Commission any potential dangers of or actual explosions, or potential or actual spillage on Federal lands and shall include in such report a statement of corrective action taken to prevent such explosion or spillage.

"Liability

"(x) (1) The Secretary or agency head shall promulgate regulations and may impose stipulations specifying the extent to which holders of rights-of-way and permits under this Act shall be liable to the United States for damage or injury incurred by the United States in connection with the right-of-way or permit. Where the right-of-way or permit involves lands which are under the exclusive jurisdiction of the Federal Government, the Secretary or agency head shall promulgate regulations specifying the extent to which holders shall be liable to third parties for injuries incurred in connection with the right-of-way or permit.

"(2) The Secretary or agency head may, by regulation or stipulation, impose a standard of strict liability to govern activities taking place on a right-of-way or permit area which the Secretary or agency head determines, in his discretion, to present a foreseeable hazard or risk of danger to the United States.

"(3) Regulations and stipulations pursuant to this subsection shall not impose strict liability for damage or injury resulting from (A) an act of war, or (B) negligence of the United States.

"(4) Any regulation or stipulation imposing liability without fault shall include a maximum limitation on damages commensurate with the foreseeable risks or hazards presented. Any liability for damage or injury in excess of this amount shall be determined by ordinary rules of negligence.

"(5) The regulations and stipulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liability, damage, or claims arising in connection with the right-of-way or permit.

"(6) Any regulation or stipulation promulgated or imposed pursuant to this section shall provide that all owners of any interest in and all affiliates or subsidiaries of any holder of, a right-of-way or permit shall be liable to the United States in the event that a claim for damage or injury cannot be collected from the holder.

"(7) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

"Antitrust Laws

"(y) The grant of a right-of-way or permit pursuant to this section shall grant no immunity from the operation of the Federal antitrust laws."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Trans-Alaska Pipeline Authorization Act".

CONGRESSIONAL FINDINGS

SEC. 202. The Congress finds and declares that:

(a) The early development and delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest because of growing domestic shortages and increasing dependence upon insecure foreign sources.

(b) The Department of the Interior and other Federal agencies, have, over a long period of time, conducted extensive studies of the technical aspects and of the environmental, social, and economic impacts of the proposed trans-Alaska oil pipeline, including consideration of a trans-Canada pipeline.

(c) The earliest possible construction of a trans-Alaska oil pipeline from the North Slope of Alaska to Port Valdez in that State will make the extensive proven and potential reserves of low-sulfur oil available for domestic uses and will best serve the national interest.

(d) A supplemental pipeline to connect the North Slope with a trans-Canada pipeline may be needed later and it should be studied now, but it should not be regarded as an alternative for a trans-Alaska pipeline that does not traverse a foreign country.

CONGRESSIONAL AUTHORIZATION

SEC. 203. (a) The purpose of this title is to insure that, because of the extensive governmental studies already made of this project and the national interest in early delivery of North Slope oil to domestic markets, the trans-Alaska oil pipeline be constructed promptly without further administrative or judicial delay or impediment. To accomplish this purpose it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made and in limiting judicial review of the actions taken pursuant thereto.

(b) The Congress hereby authorizes and directs the Secretary of the Interior and other appropriate Federal officers and agencies to issue and take all necessary action to administer and enforce rights-of-way, permits, leases, and other authorizations that are necessary for or related to the construction, operation, and maintenance of the trans-Alaska oil pipeline system, including roads and airstrips, as that system is generally described in the Final Environmental Impact Statement issued by the Department of the Interior on March 20, 1972. The route of the pipeline may be modified by the Secretary to provide during construction greater environmental protection.

(c) Rights-of-way, permits, leases, and other authorizations issued pursuant to this title by the Secretary shall be subject to the provisions of section 28 of the Mineral Leasing Act of 1920, as amended by title I of this Act (except the provisions of subsections (h)(1), (k), (q), (w)(2), and (x)); all authorizations issued by the Secretary and other Federal officers and agencies pursuant to this title shall include the terms and conditions required, and may include the terms and conditions permitted, by the provisions of law that would otherwise be applicable if this title had not been enacted and they may waive any procedural requirements of law or regulation which they deem desirable to waive in order to accomplish the purposes of this title. The direction contained in section 203(b) shall supersede the provisions of any law or regulation relating to an administrative determination as to whether the authorizations for construction of the trans-Alaska oil pipeline shall be issued.

(d) The actions taken pursuant to this title which relate to the construction and completion of the pipeline system, and to the applications filed in connection therewith necessary to the pipeline's operation at full capacity, as described in the Final Environmental Impact Statement of the Department of the Interior, shall be taken without further action under the National Environmental Policy Act of 1969; and the actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation at full capacity of said pipeline system shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following its enactment, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this title, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after the date of the enactment of this Act. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

(e) The Secretary of the Interior and the other Federal officers and agencies are authorized at any time when necessary to protect the public interest, pursuant to the authority of this section and in accordance with its provisions, to amend or modify any right-of-way, permit, lease, or other authorization issued under this title.

LIABILITY

SEC. 204. (a) (1) Except when the holder of the pipeline right-of-way granted pursuant to this title can prove that damages in connection with or resulting from activities along or in the vicinity of the proposed trans-Alaskan pipeline right-of-way were caused by an act of war or negligence of the United States, other government entity, or the damaged party, such holder shall be strictly liable to all damaged parties, public or private, without regard to fault for such damages, and without regard to ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes. Claims for such injury or damages may be determined by arbitration or judicial proceedings.

(2) Liability under paragraph (1) of this subsection shall be limited to $50,000,000 for any one incident, and the holders of the right-of-way or permit shall be liable for any claim allowed in proportion to their ownership interest in the right-of-way or permit. Liability of such holders for damages in excess of $50,000,000 shall be in accord with ordinary rules of negligence.

(3) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occured.

(4) Upon order of the Secretary, the holder of a right-of-way or permit shall provide emergency subsistence and other aid to an affected Alaska Native, Native organization, or other person pending expeditious filing of, and determination of, a claim under this subsection.

(5) Where the State of Alaska is the holder of a right-of-way or permit under this title, the State shall not be subject to the provisions of subsection 204(a), but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to that subsection with respect to facilities constructed or activities conducted under rights-of-way or permits issued to the State to the extent that such holder engages in the construction, operation, maintenance, and termination of facilities, or in other activities under rights-of-way or permits issued to the State.

(b) If any area within or without the right-of-way or permit area granted under this title is polluted by any activities conducted by or on behalf of the holder to whom such right-of-way or permit was granted, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant shall be at the expense of such holder, including any administrative and other costs incurred by the Secretary or any other Federal officer or agency. Upon failure of such holder to adequately control and remove such pollutant, the Secretary, in cooperation with other Federal, State, or local agencies, or in cooperation with such holder, or both, shall have the right to accomplish the control and removal at the expense of such holder.

(c) (1) Notwithstanding the provisions of any other law, if oil that has been transported through the trans-Alaska pipeline is loaded on a vessel at the terminal facilities of the pipeline, the owner and operator of the vessel (jointly and severally) and the Trans-Alaska Pipeline Liability Fund established by this subsection, shall be strictly liable without regard to fault in accordance with the provisions of this subsection for all damages, including clean-up costs, sustained by any person or entity, public or private, including residents of Canada, as the result of discharges of oil from such vessel.

(2) Strict liability shall not be imposed under this subsection if the owner or operator of the vessel, or the Fund, can prove that the damages were caused by an act of war or by the negligence of the United States or other governmental agency. Strict liability shall not be imposed under this subsection with respect to the claim of a damaged party if the owner or operator of the vessel, or the Fund, can prove that the damage was caused by the negligence of such party.

(3) Strict liability for all claims arising out of any one incident shall not exceed $100,000,000. The owner and operator of the vessel shall be jointly and severally liable for the first $14,000,000 of such claims that are allowed. Financial responsibility for $14,000,000 shall be demonstrated in accordance with the provisions of section 311(p) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(p)) before the oil is loaded. The Fund shall be liable for the balance of the claims that are allowed up to $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or state law.

(4) The Trans-Alaska Pipeline Liability Fund is hereby established as a non-profit corporate entity that may sue and be sued in its own name. The Fund shall be administered by the holders of the trans-Alaska pipeline right-of-way under regulations prescribed by the Secretary. The Fund shall be subject to an annual audit by the Comptroller General, and a copy of the audit shall be submitted to the Congress.

(5) The operator of the pipeline shall collect from the owner of the oil at the time it is loaded on the vessel a fee of five cents per barrel. The collection shall cease when $100,000,000 has been accumulated in the Fund, and it shall be resumed when the accumulation in the Fund falls below $100,000,000.

(6) The collections under paragraph (5) shall be delivered to the Fund. Costs of administration shall be paid from the money paid to the Fund, and all sums not needed for administration and the satisfaction of claims shall be invested prudently in income-producing securities approved by the Secretary. Income from such securities shall be added to the principal of the Fund.

(7) The provisions of this subsection shall apply only to vessels engaged in transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States. Strict liability under this subsection shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States.

(8) In any case where liability without regard to fault is imposed pursuant to this subsection and the damages involved were caused by the unseaworthiness of the vessel or by negligence, the owner and operator of the vessel, and the Fund, as the case may be, shall be subrogated under applicable State and Federal laws to the rights under said laws of any person entitled to recovery hereunder. If any subrogee brings an action based on unseaworthiness of the vessel or negligence of its owner or operator, it may recover from any affiliate of the owner or operator, if the respective owner or operator fails to satisfy any claim by the subrogee allowed under this paragraph.

(9) This subsection shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements.

(10) If the Fund is unable to satisfy a claim asserted and finally determined under this subsection, the Fund may borrow the money needed to satisfy the claim from any commercial credit source, at the lowest available rate of interest, subject to approval of the Secretary.

(11) For purposes of this subsection only, the term "affiliate" includes—

(A) Any person owned or effectively controlled by the vessel owner or operator; or

(B) Any person that effectively controls or has the power effectively to control the vessel owner or operator by—

(i) stock interest, or

(ii) representation on a board of directors or similar body, or

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) Any person which is under common ownership or control with the vessel owner or operator.

(12) The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organizaton.

ANTITRUST LAWS

Sec. 205. The grant of a right-of-way, permit, lease, or other authorization pursuant to this title shall grant no immunity from the operation of the Federal anti-trust laws.

ROADS AND AIRPORTS

Sec. 206. A right-of-way, permit, lease, or other authorization granted under section 203(b) for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for the construction of a public road or airstrip.

TITLE III—NEGOTIATIONS WITH CANADA

Sec. 301. The President of the United States is authorized and requested to enter into negotiations with the Government of Canada to determine—

(a) the willingness of the Government of Canada to permit the construction of pipelines or other transportation systems across Canadian territory for the transport of natural gas and oil from Alaska's North Slope to markets in the United States, including the use of tankers by way of the Northwest Passage;

(b) the need for intergovernmental understandings, agreements, or treaties to protect the interests of the Governments of Canada and the United States and any party or parties involved with the construction, operation, and maintenance of pipelines or other transportation systems for the transport of such natural gas or oil;

(c) the terms and conditions under which pipelines or other transportation systems could be constructed across Canadian territory;

(d) the desirability of undertaking joint studies and investigations designed to insure protection of the environment, reduce legal and regulatory uncertainty, and insure that the respective energy requirements of the people of Canada and of the United States are adequately met;

(e) the quantity of such oil and natural gas from the North Slope of Alaska for which the Government of Canada would guarantee transit; and

(f) the feasibility, consistent with the needs of other sections of the United States, of acquiring additional energy from other sources that would make unnecessary the shipment of oil from the Alaska pipeline by tanker into the Puget Sound area.

The President shall report to the House and Senate Committees on Interior and Insular Affairs the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendations for further action.

Sec. 302. (a) The Secretary of the Interior is authorized and directed to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets.

(b) All costs associated with making the investigations authorized by subsection (a) shall be charged to any future applicant who is granted a right-of-way for one of the routes studied. The Secretary shall submit to the House and Senate Committees on Interior and Insular Affairs periodic reports of his investigation, and the final report of the Secretary shall be submitted within two years from the date of this Act.

Sec. 303. Nothing in this title shall limit the authority of the Secretary of the Interior or any other Federal official to grant a gas or oil pipeline right-of-way or permit which he is otherwise authorized by law to grant.

TITLE IV—MISCELLANEOUS

VESSEL CONSTRUCTION STANDARDS

Sec. 401. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340), is hereby amended as follows:

"(C) Rules and regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate. Rules and regulations published pursuant to subsection (7)(A) shall be effective not later than June 30, 1974, with respect to United States-flag vessels engaged in the coastwise trade.".

VESSEL TRAFFIC CONTROL

Sec. 402. The Secretary of the Department in which the Coast Guard is operating is hereby directed to establish a vessel traffic control system for Prince William Sound and Valdez, Alaska, pursuant to authority contained in title I of the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340).

CIVIL RIGHTS

Sec. 403. The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under title II. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection, and any rules promulgated under this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

CONFIRMATION OF THE DIRECTOR OF THE ENERGY POLICY OFFICE

Sec. 404. The Director of the Energy Policy Office in the Executive Office of the President shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

CONFIRMATION OF THE HEAD OF THE MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Sec. 405. The head of the Mining Enforcement and Safety Administration established pursuant to Order Numbered 2953 of the Secretary of the Interior issued in accordance with the authority provided by section 2 of Reorganization Plan Numbered 3 of 1950 (64 Stat. 1262) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

EXEMPTION OF FIRST SALE OF CRUDE OIL AND NATURAL GAS OF CERTAIN LEASES FROM PRICE RESTRAINTS AND ALLOCATION PROGRAMS

Sec. 406. (a) The first sale of crude oil and natural gas liquids produced from any lease whose average daily production of such substances for the preceding calendar month does not exceed ten barrels per well shall not be subject to price restraints established pursuant to the Economic Stabilization Act of 1970, as amended, or to any allocation program for fuels or petroleum established pursuant to that Act or to any Federal law for the allocation of fuels or petroleum.

(b) To qualify for the exemption under this section, a lease must be operating at the maximum feasible rate of production and in accord with recognized conservation practices.

(c) The agency designated by the President or by law to implement any such fuels or petroleum allocation program is authorized to conduct inspections to insure compliance with this section and shall promulgate and cause to be published regulations implementing the provisions of this section.

ADVANCE PAYMENTS TO ALASKA NATIVES

Sec. 407. (a) In view of the delay in construction of a pipeline to transport North Slope crude oil, the sum of $5,000,000 is authorized to be appropriated from the United States Treasury into the Alaska Native Fund every six months of each fiscal year beginning with the fiscal year ending June 30, 1976, as advance payments chargeable against the revenues to be paid under section 9 of the Alaska Native Claims Settlement Act, until such time as the delivery of North Slope crude oil to a pipeline is commenced.

(b) Section 9 of the Alaskan Native Claims Settlement Act is amended by striking the language in subsection (g) thereof and substituting the following language: "The payments required by this section shall continue only until a sum of $500,000,000 has been paid into the Alaska Native Fund less the total of advance payments paid into the Alaska Native Fund pursuant to section 407 of the Trans-Alaska Pipeline Authorization Act. Thereafter, payments which would otherwise go into the Alaska Native Fund will be made to the United States Treasury as reimbursement for the advance payments authorized by section 407 of the Trans-Alaskan Pipeline Authorization Act. The provisions of this section shall no longer apply, and the reservation required in patents under this section shall be of no further force and effect, after a total sum of $500,000,000 has been paid to the Alaska Native Fund and to the United States Treasury pursuant to this subsection.".

FEDERAL TRADE COMMISSION AUTHORITY

Sec. 408. (a) (1) The Congress hereby finds that the investigative and law enforcement responsibilities of the Federal Trade Commission have been restricted and hampered because of inadequate legal authority to enforce subpenas and to seek preliminary injunctive relief to avoid unfair competitive practices.

(2) The Congress further finds that as a direct result of this inadequate legal authority significant delays have occurred in a major investigation into the legality of the structure, conduct, and activities of the petroleum industry, as well as in other major investigations designed to protect the public interest.

(b) It is the purpose of this Act to grant the Federal Trade Commission the requisite authority to insure prompt enforcement of the laws the Commission administers by granting statutory authority to directly enforce subpenas issued by the Commission and to seek preliminary injunctive relief to avoid unfair competitive practices.

(c) Section 5(1) of the Federal Trade Commission Act (15 U.S.C. 45(1)) is amended by striking subsection (1) and inserting in lieu thereof:

"(1) Any person, partnership, or corporation who violates an order of the Commission after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the Attorney General of the United States. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure to obey or neglect to obey a final order of the Commission, each day of continuance of such failure or neglect shall be deemed a separate offense. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate in the enforcement of such final orders of the Commission."

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) Whenever in any civil proceeding involving this Act the Commission is authorized or required to appear in a court of the United States, or to be represented therein by the Attorney General of the United States, the Commission may elect to appear in its own name by any of its attorneys designated by it for such purpose, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

(e) Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), is amended by adding at the end thereof the following proviso: "*Provided*, That the exception of 'banks and common carriers subject to the Act to regulate commerce' from the Commission's powers defined in clauses (a) and (b) of this section, shall not be construed to limit the Commission's authority to gather and compile information, to investigate, or to require reports or answers from, any such corporation to the extent that such action is necessary to the investigation of any corporation, group of corporations, or industry which is not engaged or is engaged only incidentally in banking or in business as a common carrier subject to the Act to regulate commerce."

(f) Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignating "(b)" as "(c)" and inserting the following new subsection:

"(b) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is violating, or is about to violate, any provision of law enforced by the Federal Trade Commission, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission and until such complaint is dismissed by the Commission or set aside by the court on review, or until the order of the Commission made thereon has become final, would be in the interest of the public—

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin any such act or practice. Upon a proper showing that, weighing the equities and considering the Commission's likelihood of ultimate success, such action would be in the public interest, and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted without bond: *Provided, however*, That if a complaint is not filed within such period (not exceeding 20 days) as may be specified by the court after issuance of the temporary restraining order or preliminary injunction, the order or injunction shall be dissolved by the court and be of no further force and effect: *Provided further*, That in proper cases the Commission may seek, and after proper proof, the court may issue, a permanent injunction. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business."

(g) Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended to read as follows:

"Sec. 16. Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (1) of section 5 of this Act, it shall—

"(a) certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection; or

"(b) after compliance with the requirements with Section 5(m), itself cause such appropriate proceedings to be brought."

GENERAL ACCOUNTING OFFICE AUTHORITY

Sec. 409. (a) Section 3502 of title 44, United States Code is amended by inserting in the first paragraph defining "Federal agency" after the words "the General Accounting Office" and before the words "nor the governments" the words "independent Federal regulatory agencies,".

(b) Chapter 35 of title 44, United States Code, is amended by adding after section 3511 the following new section:

"§ 3512. Information for independent regulatory agencies

"(a) The Comptroller General of the United States shall review the collection of information required by independent Federal regulatory agencies described in section 3502 of this chapter to assure that information required by such agencies is obtained with a minumum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information. Unnecessary duplication of efforts in obtaining information already filed with other Federal agencies or departments through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable. Information collected and tabulated by an independent regulatory agency shall, as far as is expedient, be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

"(b) In carrying out the policy of this section, the Comptroller General shall review all existing information gathering practices of independent regulatory agencies as well as requests for additional information with a view toward—

"(1) avoiding duplication of effort by independent regulatory agencies, and

"(2) minimizing the compliance burden on business enterprises and other persons.

"(c) In complying with this section, an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in adavnce of adoption or revision of any plans or forms to be used in the collection—

"(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified; and

"(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. The Comptroller General shall maintain facilities for carrying out the purposes of this section and shall render such advice to the requestive independent regulatory agency within forty-five days.

"(d) While the Comptroller General shall determine the availability from other Federal sources of the information sought and the appropriateness of the forms for the collection of such information, the independent regulatory agency shall make the final determination as to the necessity of the information in carrying out its statutory responsibilities and whether to collect such information. If no advice is received from the Comptroller General within forty-five days, the independent regulatory agency may immediately proceed to obtain such information.

"(e) Section 3508(a) of this chapter dealing with unlawful disclosure of information shall apply to the use of information by independent regulatory agencies.

"(f) The Comptroller General may promulgate rules and regulations necessary to carry out this chapter."

EQUITABLE ALLOCATION OF NORTH SLOPE CRUDE OIL

SEC. 410. The Congress declares that the crude oil on the North Slope of Alaska is an important part of the Nation's oil resources, and that the benefits of such crude oil should be equitably shared, directly or indirectly, by all regions of the country. The President shall use any authority he may have to insure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States.

SEPARABILITY

SEC. 411. If any provision of this Act or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill insert the following: "To amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes".

And the House agree to the same.

James A. Haley,
Harold T. Johnson,
Morris K. Udall,
John Melcher,
Sam Steiger,
Don Young,
Craig Hosmer,
Managers on the Part of the House.

Henry M. Jackson,
Alan Bible,
J. Bennett Johnston,
Floyd K. Haskell,
Paul J. Fannin,
Clifford P. Hansen,
Mark O. Hatfield,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

I. MAJOR PROVISIONS

The language agreed upon by the Conference Committee differs from the bill enacted by the Senate and the amendment enacted by the House in the following respects:

1. The Senate bill enacted a completely new system for granting rights-of-way across Federal lands. It applied to rights-of-way for many different purposes.

The House amendment applied only to rights-of-way for oil and gas pipelines. It took the form of an amendment to section 28 of the Mineral Leasing Act of 1920, which is the principal authority for granting oil and gas pipeline rights-of-way across public lands.

The Conferees adopted the House approach, but expanded it to include pipelines for oil, gas, synthetic liquid or gaseous fuels and refined products therefrom in anticipation of developments in coal gasification and liquification, oil shale, and tar sands. It is the understanding of the Conferees, however, that the House will consider broader right-of-way legislation in connection with other bills that are presently pending.

2. The Senate bill applied to all lands owned by the United States except five specified categories. The House amendment retained the present language of the Mineral Leasing Act of 1920, which applies to "public lands, including forest reserves." The meaning of this phrase is not completely clear, but it clearly does not apply to lands acquired by the United States, as distinguished from the public domain.

The Conferees adopted the Senate approach, but excluded three categories rather than five categories of land. The three categories excluded are the National Park System, the Outer Continental Shelf, and Indian lands. The two categories of land that were not excluded are the National Wildlife Refuge System and the National Wilderness Preservation System, both of which are presently subject to the Mineral Leasing Act. The Conferences provided, however, that rights-of-way through reserved areas may not be granted if they would be inconsistent with the purposes of the reservation.

3. The Conferees combined and adopted the guidelines governing the grant of rights-of-way that were contained in the Senate bill and in the House amendment. The two sets of guidelines while different in some respects, are compatible, and both are intended to spell out in greater statutory detail policies that were formerly left to administrative determination. None of the House guidelines was omitted.

4. Both the Senate bill and the House amendment provided for the immediate grant of a Trans-Alaska oil pipeline right-of-way without further proceedings under the National Environmental Protection Act and with only a limited right of judicial review. The Conferees merged the provisions of the two Houses without making major substantive changes.

5. Both the Senate bill and the House amendment provided for further study and negotiations with respect to possible additional oil and gas pipelines from the North Slope of Alaska, through Canada, to the Midwest. The Conferees merged the provisions of the two Houses without making substantial changes. The results of the negotiations and investigations are intended to serve as comparative information in the evaluation of the best possible methods for future transportation of North Slope energy resources to United States markets, and the bill is not intended to confer any special status on a trans-Canada route in the selection process for future pipelines.

6. The Senate bill had a number of miscellaneous provisions that were not directly related to oil pipeline rights-of-way. The House amendment had no comparable provisions. The Conferees' action was as follows:

(a) The Senate provision amending the Ports and Waterways Safety Act of 1972 with respect to vessel construction standards, and the provision directing the Coast Guard to exercise its present authority to establish a vessel traffic control system for the Valdez area, were adopted.

(b) The provisions requiring Senate confirmation of the Director of the Energy Policy Office in the Executive Office of the President, and the head of the Mining Enforcement and Safety Administration, were adopted.

(c) The provision exempting the first sale of oil and gas from stripper wells from the price restraints of the Economic Stabilization Act of 1970, and from any allocation program, was adopted. A stripper well is defined as a well with an average daily production during the preceding month of not more than ten barrels. In order to qualify for the exemption the lease must be operating at a maximum feasible rate of production and in accord with recognized conservation practices.

(d) The provision amending the Alaska Native Claims Settlement Act and providing for advance payments to Natives was adopted, after reducing the amount of the advance payments from $7,500,000 each six months to $5,000,000, after delaying the starting time for the payments from the beginning of fiscal year 1975 to the beginning of fiscal year 1976, and after deleting the provision making the advance payments a gift if transportation of oil through the pipeline does not commence by December 31, 1976.

(e) The provision amending the Federal Trade Commission Act was adopted, with amendments. It increased the civil penalty for violating a final order of the Commission, gave the Commission broader authority to initiate injunction actions and enforce subpoenas, and gave the Commission authority to represent itself in court if the Attorney General failed to do so after ten days notice.

(f) The provision amending the Federal Reports Act was adopted. It substituted the Comptroller General for the Office of Management and Budget in reviewing questionnaires proposed to be issued by independent Federal regulatory agencies. The regulatory agency will determine whether it needs the information, but it may not send its questionnaire if the Comptroller General determines that the information is already available from another source within the Federal Government.

(g) The provision giving the President broad authority to take any action necessary to insure an equitable allocation of crude oil and petroleum products among the various regions and States was adopted after it was amended to require the President to use his existing authority to accomplish that objective.

7. The House amendment contained (a) a provision prohibiting any form of discrimination in connection with any activity on the trans-Alaska pipeline, (b) a provision limiting the employment of foreign nationals for work on the trans-Alaska pipeline, and (c) a "buy-American" provision for the construction, operation, and maintenance of the trans-Alaska pipeline. The Senate bill had no comparable provisions. The Conferees adopted the first provision and dropped the second and third.

8. The Senate bill and the House amendment had different provisions regarding the liability of the owner or operator of an oil pipeline for damages resulting from its construction and operation. The Senate bill had one provision which related to pipelines on rights-of-way granted under the general law, and which applied only to damages incurred by the United States. The Senate had another provision which related to damages incurred by Alaska Natives in connection with the trans-Alaska pipeline. The House amendment had three provisions which related only to the trans-Alaska oil pipeline. One related to damages to anyone that were caused by the activities of the pipeline owner along the route of the pipeline. A second provision related to damages to anyone from discharges of oil from vessels owned or controlled by the pipeline owner in violation of the Federal Water Pollution Control Act. A third provision related to damages sustained by Alaska Natives.

The Conferees adopted modified versions of all of these provisions. One provision is of general application and appears in section 28(x). It requires the Secretary or agency head to specify the extent to which the holder of a right-of-way or permit shall be liable to the United States for damage or injury incurred in connection with the right-of-way. Joint regulations by the agencies involved, as authorized in section 28(c), are contemplated by the Conferees. Strict liability without regard to fault may be imposed, but a maximum dollar limitation must be stated, and liability in excess of this amount may be determined under ordinary rules of negligence.

The second provision is in section 204. It relates only to the trans-Alaska pipeline, and is in three parts. Subsection (a) imposes on the holder of the right-of-way or permit strict liability without regard to fault, and without regard to ownership of the land or resource involved if the land or resource is relied upon for subsistence or economic purposes, for damages or injury in connection with or resulting from activities along or in the vicinity of the pipeline right-of-way. Strict liability is limited to $50,000,000 for any one incident, and liability for damages in excess of that amount will be determined in accordance with ordinary rules of negligence.

Subsection (b) imposes on the holder of a right-of-way or permit liability for the full cost of control and removal of the pollutant of any area that is polluted by operations of the holder.

Subsection (c) imposes on the owner or operator of a vessel that is loaded with any oil from the trans-Alaska pipeline strict liability without regard to fault for damages sustained by any person as the result of discharges of oil from such vessel. Strict liability is limited to $100,000,000 for any one incident. The owner or operator is liable for the first $14,000,000. A Trans-Alaska Pipeline Liability Fund, which is created by the bill, is liable for the balance of the allowed claims up to $100,000,000. The portion of any valid claim not payable by the Fund may be asserted and adjudicated under other applicable Federal or State law.

The Fund will accumulate and maintain not less than $100,000,000 derived from the collection of a fee of five cents per barrel at the time the oil is loaded on the vessel, from income from invested funds, and from borrowed money if needed.

Strict liability under subsection (c) will cease when the oil is first brought ashore at a port under the jurisdiction of the United States, and the subsection applies only to vessels engaged in coastwise transportation, including transportation to and beyond deepwater ports.

9. Both the Senate bill and the House amendment contained provisions limiting the export of crude oil and making such exports subject to congressional oversight. The Senate bill applied only to oil from the North Slope of Alaska. The House amendment applied to all oil transported over rights-of-way through Federal lands. The Conferees adopted the House language.

The Senate bill provided for disapproval of proposed exports by joint resolution of the Congress. The House amendment prohibited proposed exports unless affirmatively authorized by a concurrent resolution of the Congress. The Conferees adopted the Senate language after changing "joint resolution" to "concurrent resolution."

The Conferees also adopted an exception intended to take care of oil exchanges and transportation involving Canada and Mexico.

II. COMMENTS REGARDING SPECIFIC PROVISIONS

1. Section 28(e), which authorizes the grant of temporary permits for the use of Federal lands "in the vicinity of the pipeline" is not intended to restrict unnecessarily the placement of temporary construction or maintenance facilities such as construction camps, storage areas, communications sites and soil disposal areas, but to permit them to be placed wherever convenient to construction activities.

The term "temporary" relates to duration and imposes no limitation on the type of facility or activity which may be allowed. Thus, slope cuts and fills, berm construction, access facilities and other permanent changes in terrain are permissible. The Secretary or agency head may require, as a condition of such temporary permits, removal of structures and rehabilitation of the area.

This section will overcome an interpretation of the United States Court of Appeals for the District of Columbia in the case of *Wilderness Society* v. *Morton* (Feb. 9, 1973).

2. Section 28(f) contemplates that general regulations governing the grant of rights-of-way or permits will be issued by the Secretary or agency head. This does not preclude the grant of rights-of-way or permits in advance of the issuance of the regulations and the inclusion of appropriate conditions and stipulations to carry out the purposes of the Act.

3. Section 28(g), relating to pipeline safety, is not intended to require the Secretary or agency head to impose safety requirements that would duplicate requirements of the Secretary of Labor or the Secretary of Transportation under other law.

4. Section 28(h), relating to environmental protection, does not require the plan for construction, operation, and rehabilitation of the right-of-way or permit area to be a final one, since all details and conditions cannot be known at the time of application. However, the plan should be a description in as much detail as the state of the planning for the particular project will permit and must be adequate enough for the Secretary or agency head to make an informed judgment on the application and on the need for imposing any special terms and conditions which the public interest may require. Information called for pursuant to this section which is already on file with respect to applications pending on the date of enactment need not be refiled.

5. Section 28(k) does not require public hearings that would duplicate the public participation procedures required by the National Environmental Policy Act. It also permits a public hearing to cover all aspects of a pipeline proposal, regardless of whether one or more rights-of-way or permits, or whether one or more agencies, are involved.

6. Section 28(l) requires reimbursement of costs incurred in processing an application. These costs include the cost of preparing an environmental impact statement. It also requires payment annually in advance of the fair market rental value of the right-of-way or permit. This value can be based on any combination of factors that might reasonably be considered by a landowner in a free market, when determining the price to be asked for the right to use or cross his land.

7. Section 28(m) authorizes the Secretary or agency head to require a right-of-way or permit holder to furnish a bond or other satisfactory security. The term "security" is not used in a technical sense but may include any undertaking which gives adequate assurance that all obligations of the grantee will be met. Such flexibility is needed because some grantees may not be legally able to post such security, and in other cases a requirement of technical security may be impossible or unnecessary to comply with. Flexibility also permits the Secretary or agency head to require more than one type of security.

8. Section 28(p), relating to joint uses of a right-of-way, gives the Secretary or agency head sufficient control to prevent any hazardous or technologically inoperable placement of various facilities.

9. Section 28(t) permits the Secretary or agency head to ratify and confirm the validity of existing rights-of-way for oil or gas regardless of the statutory authority under which they were granted. It is needed because of the possible application of the decision of the United States Court of Appeals in *The Wilderness Society, et al.* v. *Morton, et al.*

The conferees expect that previously granted rights-of-way should be confirmed only after careful study and the fullest possible compliance with the provisions of Section 28 as amended by this Act.

10. Section 28(v), relating to State standards, is included because rights-of-way frequently cross from State or private land into Federal land and back into State or private land. Different construction, operation, and maintenance standards may apply. This section is intended to assure that the Secretary or agency head will carefully consider State standards and comply with them in the interest of uniform practice throughout the State where such compliance is practical in the judgment of the Secretary or agency head. The section is not intended to require that those standards be followed in every case.

11. Section 203(b) provides new and independent statutory authorization and direction for the issuance, administration and enforcement of all rights-of-way, permits, leases and other authorizations necessary for or related to construction, operation and maintenance of the trans-Alaska pipeline system as generally described in the Final

Environmental Impact Statement of the Department of the Interior dated March 20, 1972. It is a plenary grant of authority to the appropriate Federal agencies. All grants of rights-of-way, leases, permits, and other authorizations for the use of Federal lands shall be made under the authority of this subsection, rather than under other provisions of law.

After years of delay and protracted litigation on this matter, Congress has determined that the national interest requires a clear-cut and unequivocal policy decision on the pipeline. Congress has decided that an oil pipeline is necessary to move North Slope oil to domestic markets in the lower forty-eight States. This title implements that national policy decision.

In adopting this title, Congress intends to exercise its constitutional powers to the fullest extent necessary to achieve the objective of this title and to make this policy binding upon the Executive Branch and on the Federal courts.

Congress has decided, as a matter of national policy, that the appropriate Federal authorizations shall be issued. The Secretary and other Federal officials have no discretion in this matter. Congress does, however, require that applicable standards of substantive law be followed in connection with these authorizations, and vests liberal discretion in the Executive Branch to determine the conditions and stipulations to be incorporated into the necessary authorizations and the specific facilities to be authorized.

This subsection also identifies the "trans-Alaska oil pipeline system" as that system is generally described in the Secretary of the Interior's Final Environmental Impact Statement of March 20, 1972. The subject of that statement was a 48-inch-diameter pipeline system with an ultimate capacity of 2 million barrels a day throughput for which a right-of-way and other permit applications were filed by a number of oil companies which had purchased leases on the North Slope of Alaska. This provision is intended to generally specify the facilities to be authorized and their general location. This provision is not, however, to be narrowly construed. If environmental conditions or new technological developments warrant, new facilities or changes in route or in location of proposed facilities are authorized so long as they are required or appropriate for the construction and operation at full capacity of the trans-Alaska pipeline system as generally described in the impact statement.

The route of the trans-Alaska pipeline will cross lands under the jurisdiction of more than one Federal agency. The Congress intends in Title II that the Secretary of the Interior will issue the right-of-way over all such Federal lands.

12. Section 203(c) provides that, if under any other statute a Federal agency could have issued an authorization relating to the construction of the trans-Alaska pipeline system, the agency shall still issue such authorization, but it shall act under the authority of subsection 203(b) of this Title and not under the authority of the other statute. Authorizations issued under subsection 203(b) shall contain all those provisions that the supplanted statute would have required, and may include any provisions which were authorized but not required by the supplanted statute.

Authorizations issued by the Secretary of the Interior shall follow the applicable provisions of Section 28 of the Mineral Leasing Act, as it is amended by Title I of this Act, except as provided in subsection 203(c). Not all of the Section 28 provisions will be applicable. The determination of applicability is left to the Secretary's judgment.

13. Section 203(d) provides for construction and completion of the pipeline system without further proceedings under National Environmental Policy Act of 1969. Section 202(d) of the House amendment and section 502(d) of the Senate bill contained a declaration that the actions of the Secretary of Interior heretofore taken with respect to the proposed trans-Alaska pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969. Section 502(d) of the Senate bill also applied to the actions of other Federal agencies and officers, and referred not only to the National Environmental Policy Act of 1969, but also to "all other applicable laws." The Conferees did not adopt this declaration because they considered it as unnecessary and subject to misinterpretation. Inasmuch as section 203(d) of the Conference Report directs that the actions necessary for construction and completion of the trans-Alaska pipeline system shall be taken without further action under the National Environmental Policy Act, a declaration with respect to the effect to be accorded prior actions was not regarded as necessary or material.

Section 203(d) also limits the grounds for judicial review of Federal actions relating to issuance and implementation of all rights-of-way, permits, leases and other authorizations necessary or appropriate for completion of construction of the trans-Alaska pipeline, and its initial operation at full capacity of 2,000,000 barrels throughput per day (i.e., actions under 203(b) and 203(e)).

The permissible grounds for judicial review are limited to constitutional questions and questions of federal actions beyond the scope of authority conferred by Title II. Congress intended such grounds to be construed very narrowly, in keeping with the purpose stated in 203(a). This purpose also underlies the jurisdictional and procedural provisions in Section 203(d), which are designed to assure the most prompt possible resolution of any case involving the trans-Alaska pipeline, and to assure that issuance of the rights-of-way, permits, leases or other authorizations cannot be enjoined except pursuant to a final judgment.

14. Section 204(c) provides, for vessels that transport North Slope oil in the coastal trade, liability standards that are much stricter than those that apply to vessels that transport other oil in the coastal or foreign trade.

It is expected that tankers as large as 250,000 deadweight tons will transport North Slope crude to ports on the West Coast of the United States and elsewhere. Oil discharges from vessels of this size could result in extremely high damages to property and natural resources, including fisheries and amenities, especially if the mishap occurred close to a populated shoreline area.

Under the Limitation of Liability Act of 1851 (46 U.S.C. 183), the owner of a vessel is entitled to limit his liability for property damage caused by the vessel to the value of the vessel and its cargo. The value determination is made *after* the incident causing the damage. It is therefore quite possible for injured parties to go uncompensated if a vessel and its cargo are totally lost.

In the Water Quality Improvement Act of 1970 (33 U.S.C. 1161 et seq.), Congress expanded the liability of a vessel carrying oil to cover Federal government cleanup costs up to the lesser of $100 per ton or $14 million. Under that Act, damages are imposed without regard to the fault of the owner or operator, thereby creating a strict liability to United States Government for cleanup costs. However, State governments and private parties are still obliged to proceed under maritime law, subject to the limits of liability contained in that body of law.

The Conferees concluded that existing maritime law would not provide adequate compensation to all victims, including residents of Canada, in the event of the kind of catastrophe which might occur. Consequently, the Conferees established a rule of strict liability for damages from discharges of the oil transported through the trans-Alaska Pipeline up to $100,000,000.

Strict liability is primarily a question of insurance. The fundamental reason for the limits placed on liability in the Federal Water Quality Improvement Act stemmed from the availability, or nonavailability, of marine insurance. Without a readily available commercial source of insurance, liability without a dollar limitation would be meaningless and many independent owners could not operate their vessels. Since the world-wide maritime insurance industry claimed $14 million was the limit of the risk they would assume, this was the limit provided for in the Federal Water Quality Improvement Act. There has been no indication that this level has since increased.

Accordingly, the Conferees adopted a liability plan which would make the owner or operator strictly liable for all claims (for both clean-up costs and damages to public and private parties) up to $14 million. This limit would provide an incentive to the owner or operator to operate the vessel with due care and would not create too heavy an insurance burden for independent vessel owners lacking the means to self-insure.

Financial responsibility up to this limit would have to be demonstrated before the vessel could be loaded with oil. Since the Federal Water Quality Improvement Act has an existing mechanism for establishing proof of financial responsibility, reference was made to the appropriate provision (13 U.S.C. 1321(p)). Such provision would be used to the extent it is consistent with the purposes of this Act; for example, references to tonnage limitations would not apply. Claims for clean-up costs would take precedence over other claims thereby preserving the provisions of the Federal Water Quality Improvement Act.

All claims over $14 million up to the $100 million ceiling would be asserted against the Trans-Alaska Pipeline Liability Fund established by the bill.

The owners of oil loaded onto tankers at Valdez will pay the Fund five cents per barrel until there is $100 million in the Fund. Payments would resume at any time the Fund fell below $100 million. (The Fund is described in more detail under Major Provisions.) Thus, the owners of the oil would have an incentive to select carefully vessels to carry their oil. Moreover, such owners would then share the risk associated with transporting the oil on water.

The Fund is not precluded from proceeding against the owner or operator of the vessel or other third parties, if either or both were negligent or caused the discharge.

The States are expressly not precluded from setting higher limits or from legislating in any manner not inconsistent with the provisions of this Act.

The Conferees hope that the appropriate committees of the House and Senate which are considering the more general subject of marine liability will harmonize the liability provisions of the Trans-Alaska Pipeline Authorization Act and the liability provisions of any general legislation that may be developed.

15. Section 406, relating to stripper oil wells, was a Senate floor amendment to S. 1081. The Conferees have adopted the general concept of the floor amendment, but have added new provisions to insure that the exemption is narrowly defined and prudently administered, and to insure that the incentive being granted is properly limited in accord with congressional intent.

The purpose of exempting small stripper wells—wells whose average daily production does not exceed ten barrels per well—from the price restraints of the Economic Stabilization Act (now in Phase IV) and from any system of mandatory fuel allocation is to insure that direct or indirect price ceilings do not have the effect of resulting in any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons.

As of January 1, 1973, there were 350,000 stripper wells producing ten barrels a day or less. Stripper wells account for 71 percent of all of the oil wells in this country, but produce an average of only 3.6 barrels per day, or only 13 percent of total U.S. domestic crude production.

Many stripper wells are of only marginal economic value. When the costs of their operation exceed the value of their production, they are shut in, and a known and developed crude oil reserve is lost to U.S. production. Removing Phase IV price restraints from these marginal stripper wells has the effect of increasing the value of the crude oil they produce by about $1.30 per barrel (the difference between $4.02, the current per-barrel ceiling average under Phase IV, and $5.32, the per-barrel average price for "new" domestic crude oil production which is not subject to Phase IV). This price incentive will encourage owners and operators of stripper wells to maintain production and to keep these wells in operation for longer periods of time than would be possible if the value of their crude oil production were determined under Phase IV price ceilings. This increased incentive will, it is anticipated, permit stripper well operators to make new investments in the eligible wells and improve the gathering and other facilities for moving this oil to market.

The words "first sale" in Section 406(a) refer to the initial sale from the producer to a refiner, oil broker or other party. Thereafter, the exemption expires and any applicable provision of the Economic Stabilization Act or any mandatory allocation program may apply.

The exemption also runs only to "crude oil and natural gas liquids." It does not run to natural gas produced by these wells. Natural gas production and pricing continue to be regulated by the Federal or State agency having jurisdiction over the particular wells involved.

The Congress intends that the provisions of this section will be strictly enforced and regulated by the administering agency to insure that the limited exemption of this class of wells for the express purposes described above is not in any way broadened. To achieve this, Congress authorizes on-site inspections to insure compliance. Congress also directs that the administering agency shall promulgate regulations to implement the provisions of this section before it becomes operative. The Conferees expect the administering agency to utilize State data regarding production volumes, and to provide by regulation safeguards against the manipulation of gerrymandering of lease units in a manner that evades the price control and allocation programs.

These regulations shall be so designed as to provide safeguards against any abuse, over-reaching or altering of normal patterns of operations to achieve a benefit under this section which would not otherwise be available. Congress specifically intends that the regulations shall, among other things, prevent any "gerrymandering" of leases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings. The *sole* purpose and objective of this Section 406 is to keep stripper wells—those producing less than ten barrels per day—in production and to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers. It is not intended to confer any benefit on the owners and operators of wells producing in excess of ten barrels per day.

The Congress also intends that the regulations provide appropriate limitations and provisions in the definition of "lease" to insure that an administratively workable system is established which does not permit abuse.

16. Section 408(f) relates to the standard of proof to be met by the Federal Trade Commission for the issuance of a temporary restraining order or a preliminary injunction. It is not intended in any way to impose a totally new standard of proof different from that which is now required of the Commission. The intent is to maintain the statutory or "public interest" standard which is now applicable, and *not* to impose the traditional "equity" standard of irreparable damage, probability of success on the merits, and that the balance of equities favors the petitioner. This latter standard derives from common law and is appropriate for litigation between private parties. It is not, however, appropriate for the implementation of a Federal statute by an independent regulatory agency where the standards of the public interest measure the propriety and the need for injunctive relief.

The inclusion of this new language is to define the duty of the courts to exercise independent judgment on the propriety of issuance of a temporary restraining order or a preliminary injunction. This new language is intended to codify the decisional law of *Federal Trade Commission* v. *National Health Aids*, 108 F. Supp. 340, and *Federal Trade Commission* v. *Sterling Drug, Inc.*, 317 F.2d 669, and similar cases which have defined the judicial role to include the exercise of such independent judgment. The conferees did not intend, nor do they consider it appropriate, to burden the Commission with the requirements imposed by the traditional equity standard which the common law applies to private litigants.

17. Section 409(a) exempts "independent Federal regulatory agencies" from the provisions of the Federal Reporting Services Act. In general, the Reporting Services Act provides that Federal agencies may not collect information from ten or more persons without having first obtained the advance approval and clearance of the Office of Management and Budget. The term "Federal agencies" has been construed to include the independent Federal regulatory agencies for the purposes of the Reporting Services Act.

The purpose of Section 409(a) is to preserve the independence of the regulatory agencies to carry out the quasi-judicial functions which have been entrusted to them by the Congress. The intent of this section is not to encourage a proliferation of detailed questionnaires to industry, small business or other persons which could result in unnecessary and unreasonable expense. Any legitimate need for information in carrying out the statutory responsibilities of these agencies would, however, be carried out even though responses may entail some expense and inconvenience.

The purpose of this section is to insure that the existing clearance procedure for questionnaires or requests for data does not become, inadvertently or otherwise, a device for delaying or obstructing the investigations and data collection necessary to carry out the important regulatory functions assigned to the independent agencies by the Congress.

The Congress intends the term "independent Federal regulatory agencies" as used in Section 409(a) to include, but not necessarily be limited to, the following agencies:

Civil Aeronautics Board,

Federal Communications Commission,

Atomic Energy Commission (insofar as its regulatory and adjudicative functions are concerned),

Federal Trade Commission,

Interstate Commerce Commission,

Securities and Exchange Commission, and

Federal Power Commission.

Subsection 409(b) provides a procedure for advance review which is designed to insure that information required by independent Federal regulatory agencies is obtained with a minimum burden upon business enterprises, especially small businesses, and other persons required to furnish such information.

The Comptroller General of the General Accounting Office is charged with the review responsibility. Since this will be a new function for the General Accounting Office, the Comptroller General has informed the Congress that he will need until July 1, 1974 to enable him to obtain the staff which will be required to carry out the full responsibilities provided for in Section 409(b). This is satisfactory to the Congress so long as appropriate interim arrangements are made to carry out the Section 409(b) review of the Federal agencies which should not or cannot be delayed until July 1, 1974.

James A. Haley,
Harold T. Johnson,
Morris K. Udall,
John Melcher,
Sam Steiger,
Don Young,
Craig Hosmer,
Managers on the Part of the House.

Henry M. Jackson,
Alan Bible,
J. Bennett Johnston,
Floyd K. Haskell,
Paul J. Fannin,
Clifford P. Hansen,
Mark O. Hatfield,
Managers on the Part of the Senate.

Mr. MELCHER. Mr. Speaker, the pipeline conference report was scheduled for today. Under the rule there would be 1 hour allowed. There is not much request for time. It would take about 30 minutes, and since there are no amendments and only a motion to recommit, I ask the indulgence of the House to go along with it tonight.

Mr. Speaker, I ask unanimous consent for the consideration of the conference report on the Senate bill, S. 1081, the trans-Alaskan oil and gas pipeline.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. HOSMER. Mr. Speaker, reserving the right to object, and I will not object, I reserve the right in order to state that the conference report is identical to the way it came here to begin with except for the technical error. It still contains the nongermane matter. If we take it up this afternoon—and I hope and trust that we do—I shall make a motion to have that matter deleted or the conference report, I should say, sent back with the recommendation that it be taken out. However, I do believe that now is the time to hear this. There will be nothing gained by a delay and, therefore, I hope that no objection will be interposed.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. MARTIN of Nebraska. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the conference report on S. 1081 be brought up for tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. MARTIN of Nebraska. Mr. Speaker, I object. This violates the 3-day rule.

The SPEAKER. Objection is heard.

HEARINGS ON H.R. 6531 AND H.R. 10306, ON BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, as ranking minority member on the Subcommittee on Crime of the Committee on the Judiciary, I wish to announce that the subcommittee will hold hearings on H.R. 6531 and H.R. 10306, each proposing an amendment to a section of title 18, United States Code, chapter 11, Bribery, Graft, and Conflicts of Interest.

Mr. Speaker, I make this announcement subject to ratification by the subcommittee chairman. He and I have agreed we will hold hearings on these measures but I cannot reach him to clear this matter at this particular time. I do wish to notify the House about it this afternoon.

Hearings will commence at 10 a.m. on Wednesday, November 14, 1973, room 2141, Rayburn House Office Building. Persons and organizations wishing to make their views known to the subcommittee should contact the counsel of the Subcommittee on Crime, House Committee on the Judiciary, room B-351-C, Rayburn House Office Building, Washington, D.C. 20515—telephone number 202—225-5025.

ALBERT T. DEPILLA

(Mr. PEPPER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, "a thing of beauty is a joy forever." One of the men who has brought much beauty and joy to Washington is Albert T. DePilla, manager of the U.S. Botanic Gardens, who on October 10 was awarded a certificate for 50 years of service with the U.S. Government, all in the legislative branch, by the Architect of the Capitol. Mr. DePilla, who has long been an institution as well as a personality on Capitol Hill, was born across the street from where the present conservatory is located. He started work when 16 years of age as a laborer. Fortunately, he came under the influence and tutelage of the late assistant director of the conservatory, Mr. Wilbur Pagel, from whose wise counsel and able instruction Mr. DePilla became expert in botany. One of his first tasks was to assist in the transfer of landscaping of the tropical plant material from the old conservatory to the beautiful new conservatory which we have today. His training and his love of botany raised Mr. DePilla to the position of manager of the conservatory. As manager he supervised all shows there on festival occasions such as Christmas and Easter. He also supervised the annual shows for various flowers such as chrysanthemums and azaleas which attracted thousands of visitors from all over the country. Mr. DePilla was always experimenting with flowers, improving them wherever he could, developing new types and kinds of beauty. His flowers were his children as it were and he loved and cared tenderly for each one, watching it grow into its glory and beauty with special pride like a parent seeing his child come to noble and beautiful maturity. Under Mr. DePilla the conservatory has been a vast and lovely display of plants and flowers to which he has always encouraged children to come so they could appreciate and learn from the charm and beauty they found there. It was his ambition to develop a love of plants and flowers in everybody so they would understand what flowers meant to our life and to the world.

Mr. DePilla has for many years been the one to whom the Joint Committee on the Inauguration of the President would turn for the decoration of the old Supreme Court Chamber in the Capitol where the inauguration luncheons are held. To Mr. DePilla the Congress turned for the decoration and arrangement of all floral displays of such tender beauty provided for presidential funeral services held in the Capitol rotunda for every President from President Harding to President Johnson.

Numerous Members of Congress and their wives have been proud of their friendship with Mr. DePilla. They saw in him not only a great lover of nature but a great man, deeply dedicated to all that was lovely and fine and heartwarming. Mr. DePilla has made our lives on Capitol Hill brighter and better. We are proud of him. We congratulate him upon this distinguished 50 years of service award from the architect of the Capitol and we hope that he will be with us creating more beauty, providing more happiness, making our environment ever lovelier as the days go by.

STATEMENT OF REPRESENTATIVE BARBER B. CONABLE OF NEW YORK CONCERNING DELAY OF TRADE BILL

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I wish to disagree with the announced White House decision to ask for indefinite postponement of consideration of the trade bill. I do not know the intricacies of our relationship with the Russians, including projection of that relationship into the unstable Middle East, but I do know that any step this House takes with respect to the controversial title IV of the bill is reversible as circumstances change. Apart from this issue, delay cannot serve the constructive forces behind this bill. I do not want our relations with Russia to appear to be dictating our relations with Europe and Japan, and I am afraid our major allies and trading partners may draw this conclusion from too long a delay of floor action at the administration request. I cannot speak for my Republican colleagues on the Ways and Means Committee with respect to this matter, but I want to express myself at this time as disquieted by the delay.

ST. LUCY'S CENTENNIAL, 1873-1973, SYRACUSE, N.Y.

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker:

> "I thank my God for you all everytime I think of you; and everytime I pray for you, I pray with joy, because of the way you have helped me in the work of the Gospel, from the very first day until now. And so I am sure of this: That God, who began this good work in you will carry it on until it is finished in the Day of Christ Jesus." (Phil. 1: 3-6)
>
> A Parish is "people", and the sentiments of the Apostle Paul, expressed above, speak well the profound gratitude I feel after experiencing the goodness of so many Lucians the seven years I've been here. Whenever our people gather—in small groups or in large—our lives become more deeply entwined with each word spoken and each kiss of peace. Be it Eucharistic Worship or coffee together . . . in the street, meeting room, or your homes . . . at the carefree parish picnic or solemn bingo hall . . . through a bag of groceries in need or a camp-fire sing-a-long . . . in school corridor or cafeteria . . . a painful hospital room or tearful wake. . . . He is there, and we are there, striving to become one in Him.
>
> It often strikes me that not one of us can adequately thank God for the gift of life, in ourselves and in others. We all have been enriched so deeply by each person who touches or comes in contact and communication with us. That is because each one of you is a reflection of God's beauty and goodness, each in his or her own way. Then it happens that God's providence brings many particular persons together who have a common cause, a common hope, a common thirst, a common love—which adds a deeper joy to our life—and that unifying center is Christ and His Good News, and that unifying exemplar is St. Lucy, whose Christ-like spirit urges us to be one in Him. Thank you for being a bright light!
>
> People speak of a spirit at St. Lucy's, but no one can define it. Could it be you? And the person next to you? It is the old and the young, men and women, mothers, fathers, a long line of beautiful sisters and priests . . . what a rich heritage is ours! I wish I could thank each for your very generous, very warm heart! It is good to be a member of this Lucian family of God.

The words above are the opening statement of a young pastor made in commemoration of his parish's 100th anniversary this past month. In my view there is a special grace about them, an indefinable spirit that comes through and speaks almost individually to the reader.

The church is St. Lucy's in Syracuse, N.Y.

The pastor is Father Theodore Sizing.

We know that even Father Sizing was amazed at the rekindled spirit of enthusiasm and cooperation which the centennial celebration sparked. Hundreds of people who had graduated from St. Lucy's before he was born, returned to mark the 100th birthday of the school and church which formed so much a part of their "growing up."

In the fall of 1872 a request by Catholics in the fifth ward that a new parish be formed in Syracuse west of Onondaga Creek was answered affirmatively by Bishop Conroy of Albany. The Rev. John J. Kennedy, a young assistant from St. Mary's in Albany was appointed the first pastor. Father Kennedy was a man initially rejected for the priesthood because of near blindness. He vowed that if he recovered his sight he would dedicate a shrine or parish to St. Lucy. He regained his sight and fulfilled his vow. The cornerstone of St. Lucy's was laid on June 21, 1873. The Syracuse Courier of June 22 noted that it took place "with all the pomp and ceremony usual with the Catholic Church" and that Father Walsh stated that St. Lucy's was to be "a home of knowledge and comfort in time of difficulties."

The first Mass was celebrated in the basement of the church on the Feast of All Saints, November 1, 1873. On Christmas Day, 1874, Mass was celebrated for the first time in the church proper. In 1900 the floor of the church was lowered, an entrance vestibule constructed and the sanctuary and sacristies enlarged. In the words of Bishop Ludden, "St. Lucy's congregation now has the handsomest church in the city." In 1904 the church property was freed of debt. On December 18 of that same year three marble altars were emplaced and consecrated.

The early success of the parish was due in large part to the man who was its first pastor. For 34 years St. Lucy's was blessed with the inspired leadership of Father John Kennedy. Bishop Ludden appointed him the second Vicar-General of the Diocese. The Holy Father elevated him to the dignity of Domestic Prelate. Monsignor Kennedy's life ended quietly on Good Friday, April 13, 1906. By his integrity and intense devotion to duty this beloved priest left St. Lucy's as a pattern for Christians everywhere.

A vacuum prevailed throughout the centennial program resultant from the absence of one of St. Lucy's truly illustrious sons, Father John Harrison, the only brother of His Excellency Bishop Frank Harrison, whom God saw fit to call home to his heavenly reward during October. We missed him very much but gained solace in that he was certainly with us in spirit and further that our lives were indeed enriched by his friendship.

Today St. Lucy's Church on the western edge of downtown Syracuse, where old residential meets new commercial is typical of central urban parishes in the northeastern United States. It is an amalgam of older citizens minorities, the poor and the disadvantaged. It is in a real sense—"richer than ever." It is everything a parish should be, "a home of knowledge and comfort in time of difficulties." This is the way the cochairmen of the centennial committee, Mr. Thomas Murphy and Miss Margaret Harrison expressed it:

> We are filled with optimism despite decreasing numbers of parishioners and revenue. Our confidence flows from the faith we have in God and in each other. He will add to our number and supply each need, one day at a time. Changes will continue to come, but whoever expected things to stay the same!

As a proud alumnus of St. Lucy's, may I add simply—Amen.

ABSOLUTE DEVOTION OF COMMUNIST PARTY, U.S.A., TO DICTATES OF KREMLIN IN MOSCOW

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, if anyone in this House ever had any doubts about the absolute devotion of the Communist Party, U.S.A., to the dictates of the Kremlin in Moscow. I hope they take note of CPUSA leader Gus Hall's latest utterance as general secretary of the party in the United States.

Hall has joined the Soviet Communist Party Central Committee and the KGB secret police in an all-out denunciation of the cries for liberty and freedom issued by those two brave Russian intellectuals—nuclear physicist Andrei Sakharov and Nobel-winning novelist Alexander Solzhenitsyn.

Hall alleges that Sakharov and Solzhenitsyn are "destroyers"—not "dissenters," He is particularly upset with Sakharov whom he characterizes as "a political and ideological swindler" because Sakharov has dared to suggest quite publicly that democracy as practiced in the West is considerably to be preferred over tyranny as practiced in Communist society.

Hall's eight installment diatribe against Soviet intellectuals now rebelling against oppression by their Communist masters was not only printed in the official Communist Party newspapers in the United States but in a leading Moscow propaganda journal as well.

He charged that both Sakharov and Solzhenitsyn are conducting a campaign of criticism of communism in the Soviet Union "behind a curtain of deceit called intellectual freedom and liberty." It is quite obvious that such terms are anathema to Gus Hall who says it is "a mandate of history" that there be a total revolution to remove capitalism from the world scene.

Hall castigates Sakharov for suggesting that Israel deserves sympathy and support because the Soviet Union is arming the Arabs and thus prevents the achievement of a peaceful solution of Middle East problems.

Hall condemns America and our system of government and private enterprise, our beliefs in freedom of the press, religion and public assembly, and our rights to vote and speak as free citizens in this manner—as "a smelly, putrid, dying stream, polluted with exploitation, oppression and racism."

In the fifth of the installments comprising the Hall "manifesto" against Soviet intellectuals and against the United States, Hall attacks Solzhenitsyn for his defense of the West as the last, best hope for freedom on Earth in the face of the Communist menace. Hall says, confidently, that:

> The West is doomed to lose because, as a system, it is on the rails of extinction. The laws of social development have condemned it to the ash can of history and the Sakharovs and the Solzhenitsyns of the world are not going to save it.

I do not choose to dignify the rhetoric of the leader of the Communist Party, U.S.A., by asking that his lengthy polemic be published in the Congressional Record. However, I do want to alert this House to the fact that everything Hall says is exactly what the Kremlin has said all along and I am certain Moscow is grateful that this massive written assault on the proud but lonely voices of dissent within the totalitarian and utterly oppressive Soviet Union today has been conducted by an American Communist—not a Russian one.

EPA'S QUESTIONABLE RULES

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CASEY of Texas. Mr. Speaker, the Environmental Protection Agency has now issued regulations for the State of Texas, and in particular, transportation control measures for seven major control areas in Texas. Their proposed regulations, which they contend the Congress mandated, are indeed interesting to say the least.

I want my colleagues, who have not yet experienced EPA's muscle, to have a glimpse of how we, in Texas, are reacting to these regulations. I enclose an editorial which appeared in the Houston Chronicle on November 4, which points out some of the regulations and their dubious worth. I commend it to my colleagues so they too might be prepared for the future.

> ### EPA's Questionable Rules
>
> The Environmental Protection Agency moves ahead with automobile controls for the Houston metropolitan area which are of questionable legality, questionable authority and questionable necessity.
>
> The EPA has now set out the economic sanctions it plans to take against the people to try to force them into car pools and buses as part of its miguided strategy to control air pollution. We have seldom seen a mere Rube Goldberg approach.
>
> By next July 1, the EPA mandates, those firms which have 1000 or more employes in one facility and 700 company parking spaces there exclusively for employes, whether free or not, must start a plan to encourage use of car pools and buses.
>
> "Encourage" is euphemistic language which hides the EPA's intent to penalize people to make them do as it wishes. Exactly what the EPA has in mind is shown by the regulations such a company must enforce if it does not develop an "encouragement" plan satisfactory to the EPA.
>
> Employes driving to work alone must pay a $1 per day fine plus a fee which is the average of what the three nearest commercial parking lots would charge for the day. The fine goes up to $2 per day in 1975 and $2.50 in 1976.
>
> A car pool with two passengers would pay only half this complicated fee-and-fine system. Three passengers or more in the pool an parking is free. The fine and the fee money can be used by the company to reimburse employes who ride the buses for that fare, up to $200 a year.

> The legality of this is highly dubious is our opinion. How can the EPA impose a penalty on one class of people—those who work for employers who have 1000 or more at one facility and 700 company parking spaces—and not on other people? This would not appear to be equal protection under the law.
>
> We also question whether it is the congressionally intended authority of the EPA to be imposing this type of monetary penalties, fines, taxes, surcharges, encouragements—whatever you want to call them—on the populace of the country. Such decisions should be made by elected representatives and we do not think Congress intended to delegate such power to the EPA.
>
> Finally we would like to bring up once again what is the most Alice-in-wonderland aspect of the whole situation—and note some new information on the subject. The subject being that no one knows for sure if all this is necessary or not.
>
> It develops the EPA has been doing some more sampling of Houston's air recently and what it has found won't support its position that there must be auto controls despite lack of scientific proof and the state's contention they're not needed.
>
> A state official says nine samples collected on a rainy, cloudy Sept. 11 revealed that a significant amount of the key pollutants did not come from auto exhausts.
>
> We trust the EPA has a good explanation for things like this ready for those Houstonians it plans to start penalizing for driving their cars.

THE CASE OF ALEKSANDER POLOTZK

(Mr. HUDNUT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUDNUT. Mr. Speaker, as a cosponsor of the Mills-Vanik amendment, I am pleased to take part in the continuing vigil in support of this vital legislation. The cases of individuals described in the various speeches given by my colleagues bear vivid testimony to the fact that emigration from the Soviet Union is highly restrictive and often exposes the applicant for emigration to hardship, trial, and punishment.

Here is another example: The ordeal of Aleksander Polotzk, a secondary school student from Moscow, began on February 23, 1973, when his school director, N. A. Panteleeva, learned that the Polotzk family were planning to emigrate to Israel.

In the Soviet Union there is a close organizational tie between the secondary school and the Komsomal—Young Communist League. Therefore, prior to a meeting of the Komsomal, Panteleeva informed Aleksander's classmates and their parents of the decision of the Polotzk family to emigrate. Ten days later Aleksander was expelled from the Komsomal.

During the entire month of March, Aleksander's classmates caused him to endure insults and threats both at school and at his parents' apartment. His teachers no longer considered him to be a student and ignored him.

Aleksander's father complained to the appropriate authorities about the school situation. But despite their admonishment, a mathematics period was cancelled and a meeting of the Komsomal was held at which his classmates accused him of treason. When Aleksander tried to explain that emigration was legal under Soviet law, the students threatened to throw him out of the window. The officials who were present did not remonstrate, but gave "silent consent."

Finally, on April 4, Aleksander was beaten up by his classmates in a school lavatory and sustained a fracture of the nasal bones.

In September 1973, OVIR—the passport office—rejected the Polotzk's emigration application.

Mr. Speaker, it is incumbent upon a free people to be concerned about these flagrant violations of a basic human right. Congress must act before it is too late. The Mills-Vanik amendment must be passed during this session of Congress.

THE TERMINATION OF FINANCIAL AID TO MEDICAL STUDENTS

(Mr. ROGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS. Mr. Speaker, I was somewhat taken aback by the comments made by the Assistant Secretary for Health, Education, and Welfare this week when he said that the administration was considering ending financial aid to students of medicine.

Dr. Charles Edwards apparently feels that Americans now have ready access to physicians and I strongly question this premise. I would back this up with three points.

First, there are more than 130 counties in the United States that are totally without physicians. Second, we have seen the emergency rooms of hospitals sag under the load of citizens who come in not because they necessarily need emergency treatment, but because they cannot find physicians for primary care. The emergency room is replacing the classic family physician. And third, I would like to ask Dr. Edwards why, if there is no shortage of physicians, will more than half of all physicians licensed in this country this year be foreign trained. The answer is because we are not training enough young American physicians to answer the needs of the American public.

And I do not agree with the Secretary of Health, Education, and Welfare's concept that if a young man wants to earn a degree in medicine, he should pay the entire cost, that the taxpayer should not help.

A recent survey has shown that it costs between $16,000 and $26,000 a year to educate a medical student. I do not know how many parents could afford tuition of $16,000 to $26,000 a year, but I venture that figure would be very low.

The Congress has addressed the problem of producing more doctors for this Nation in several pieces of legislation. We have amended this legislation according to the needs and demands of the American public. For we see the health of the American public as a national asset and a national resource.

I think the Congress will consider the legislation which is designed to answer these needs in the coming session and again amend it to the needs of the American public.

However, I think it is unrealistic and shortsighted for Dr. Edwards to propose a total elimination of a program which is designed to insure that the American people have proper medical care.

MANDATORY ALLOCATION OF FUEL DAMAGES AGRICULTURE AND SHRIMP FISHING

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, the two most important industries in the 15th Congressional District of Texas stand to be severely damaged by the new mandatory allocation program on diesel, kerosene, and other designated middle distillate fuels.

I refer to agriculture and shrimp fishing. Both play a leading role in the economy of south Texas.

Since this new program went into effect on November 1, replacing a voluntary allocation program, I have heard from farmers in my district who find themselves unable to obtain diesel fuel for their tractors and other machinery. Operators of shrimp boats also report that their suppliers have run out of fuel or are likely to do so in the near future.

Generally speaking, the new program, set up by the Energy Policy Office in the White House and administered by the Office of Oil and Gas in the Department of the Interior, provides that users of these fuels are to receive allocations this month based on the amount of fuel they used in November of last year.

This basis of allocation is wholly unrealistic. Farm use in particular peaks at different times in different years, depending on weather conditions. Heavy rainfall in many areas of my own State caused farmers to use much less fuel for their machinery in November of 1972 than they will need this month.

Probably 50 percent of the Texas cotton crop is yet to be harvested. A large part of next year's wheat crop has yet to be planted in the State. Obviously, every day of delay will be reflected in smaller yields.

Mr. Speaker, there is wisdom in the statement of the Honorable BOB POAGE, chairman of the Committee on Agriculture, on which I serve, that the new mandatory program shows hasty consideration and urgently needs revision.

Said Chairman POAGE:

> Since there is no system of priorities, the suppliers all along the line can and likely will fill the orders of their old customers. This could even mean fuel going to power a merry-go-round in an amusement park while a tractor stood idle in the middle of a farm 10 miles away because it ran out of diesel.

And I speak also for the operator of a shrimp boat that may have to remain tied up at the dock because of lack of fuel.

I hope a second look, a searching look, will be taken at this mandatory fuel allocation program. As it stands, it will work hardship on agriculture and commercial fishing in my district and will, of course, penalize consumers of their products.

THE YOUNG REPUBLICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SYMMS) is recognized for 60 minutes.

Mr. SYMMS. Mr. Speaker, last summer over 1,100 young men and women met in Atlanta for the biennial convention of the Young Republican National Federation.

These young Americans adopted a platform which called unequivocally for a strong nation and a firm commitment to the rights of the individual. Many of my colleagues are greatly encouraged, as I am, to know that the future leaders of the Republican Party believe that principles make good politics. I am especially pleased to see that the Young Republicans have the courage to stand by the traditional principles of our party, especially in these times when it has become fashionable to flaunt and ignore these sound principles.

These young people are not simply interested in changing one palace guard to replace it with another, or in substituting one set of officeholders for another set. They are interested in cutting down on the number of pigs at the public trough, not just in changing them around. They are interested in actually reducing the size, power, and cost of the Government; they believe that the American people are far more capable of making their own decisions at the local level rather than having decisions made for them by a bunch of bureaucratic socio-economic planners in Washington, D.C.; and, Mr. Speaker, they believe that we must restore the policy of strategic nuclear superiority for the United States while at the same time eliminate wasteful spending by the Pentagon. It is unfortunate that these ideals, which were once a basis of Republican Party policy, have been so ruthlessly abandoned in recent years by some elements of our party.

The recent questionnaire which I sent to my constituents in Idaho revealed that 65 percent of those replying believed that our present two-party system does not offer the voters honestly different alternatives. Many of my colleagues, I know, have had the same experience. This is why, Mr. Speaker, it is so refreshing to many of us to know that the people who will be leading our party in the near future do believe strongly in a genuine two-party system, one which offers the voters a real choice.

In reading this year's Young Republican platform I was particularly pleased to see that most of their positions agree with the views of the majority of my constituents.

For instance, the Young Republicans believe, as I do, that the Federal Government should not spend more money than it receives each year. Ninety-four percent of those responding to my questionnaire agree with this.

The Young Republicans also believe, as I do, that the U.S. Government should not subsidize and extend credits to Communist countries for the purchase of commodities and American technology, 96 percent of my voters responding agree with this.

The Young Republicans believe, as do 84 percent of my voters, that OSHA and other regulatory agencies are strangling American business and should therefore be eliminated.

I think it is clear, Mr. Speaker, that the members of the Young Republican National Federation reflect the ideas of the American mainstream and, most certainly, of the great majority of grassroots Republicans. I would like to congratulate these fine young men and women on their forthright and constructive platform. I am especially proud of their newly elected officers: Dick Smith of Florida, chairman; Phyllis McGrath of Colorado, cochairman; Clyda McLean of Oregon, secretary; Drew Stasio of Texas, treasurer; Mike Carrington of California, auditor; Lynda Durfee of Rhode Island, assistant secretary; and Shad Hanna of Ohio, vice chairman-at-large.

Mr. Speaker, I should like to introduce into the RECORD at this time the first portion of the 1973 platform of the Young Republican National Federation:

1973 YOUNG REPUBLICAN NATIONAL CONVENTION PLATFORM ADOPTED IN CONVENTION JULY 12, 1973, ATLANTA, GA.

PREAMBLE

We, the Young Republicans of the National Federation, reaffirm our commitment to the values upon which our country and our party were founded.

We believe the genius of the American system is its pervasive emphasis on the liberty of the person, and its careful effort to distribute political power so that no single man or group can ride roughshod over the freedoms of the rest.

We believe this genius is expressed most clearly in the inspired and enduring work of the American founders who created our Federal Constitution with its limitation on the reach of central government, its division of powers and its insistence on States Rights insuring that government had sufficient authority to preserve the peace but insufficient power to destroy individual liberty.

We deplore the numerous threats to this system which have arisen over a 40 year period of liberal domination, creating a massive central government and an enormous bureaucracy which seek to regulate every aspect of our lives at home and defaulting repeatedly before the worldwide challenge of militant communism abroad.

We assert that American freedoms must be rescued from this double challenge by a concerted effort to hold back misguided interventions in our economy and re-establish our national defenses on a realistic assessment of the communist danger and a firm commitment to America's legitimate national interests.

We further assert that the just ends of government include the maintenance of civil order against the forces of anarchy and sedition, and believe that this challenge too must be met by responsible action of the American nation.

In all these matters and many others, the ultimate resource of the American people is the priceless legacy of principle inherited from our founders and the countless centuries of Western experience. In embracing this legacy we reject the mistaken counsels of "pragmatism" which set us adrift in the political seas without a compass, and repeat once more our firm conviction that principle makes good politics.

In furtherance of these beliefs, we hereby adopt the following platform:

DEFENSE AND FOREIGN POLICY STATEMENT

The YRNF believes that the United States must remain the leader in international affairs. And we recognize that the gravest threat to world peace is for the United States to abdicate its leadership role because it became second-rate in the nuclear age.

We wholeheartedly support the premise of President Nixon's Blue Ribbon Defense Panel that "the road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness." The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive.

Doctrine of strategic nuclear superiority

We believe that the strongest policy to insure world peace is that the United States must maintain unmistakable strategic superiority.

We support the continued advancement and strengthening of our TRIAD of strategic weapon systems as recommended by President Nixon:

1. United States Bomber Force—We call for the funding to complete and implement the new B–1 bomber as rapidly as possible to replace the aging B–52 force.

2. United States Sub-launch Ballistic Missiles (SLBM)—We call for the continued development and deployment of the undersea long-range missiles (ULMS) and the new Trident submarine.

3. United States land-based International Ballistic Missile Systems (ICBM)—We endorse increasing the MIRV capabilities of these missiles and believe in the necessity to immediately improve their targeting accuracy and targeting flexibility. The U.S. should immediately proceed to increase the yield of our nuclear warheads. Further, we call for the development of land-mobile long-range and intercontinental ballistic missiles.

We urge a total modernization of United States naval forces.

We support a Civil Defense program that will protect to an absolute maximum the citizens of our country and governmental command, thereby releasing our population from the threat of being held hostage in the event of nuclear blackmail.

Increased Research and Development

The United States' vital national interest can only be protected by a priority increase in efforts which must result in the restoration of United States superiority in Research and Development.

1. High-Energy Laser Weapons—We urge maximum usage of laser technology in the development of advanced weapon systems.

2. Military Space Systems—We support the research and development that will provide the U.S. the capability of utilizing our space technology for military application and we specifically support the development of a fractional-orbital bombardment system (FOBS) and defensive Anti-Satellite System.

3. Warning Systems—We support high priority status to the development of advanced warning systems.

4. Submarine Communications—We call for the continuing development and improvement of the communication systems for Polaris and Poseidon submarines.

5. Anti-Submarine Warfare—We acknowledge that ASW is the key to the viability of any Sub-launched ballistic missile force, present or future and call for full cooperation for continued research and development, to the maximum extent possible, in order to counter the overwhelmingly superior Soviet submarine forces.

6. Control Systems—We support development of improved secure control systems for our airborne command post.

Arms Limitation and other Disarmament Negotiations

Under SALT I the ABM Treaty limits our defenses to our Nation's Capital and one

Minuteman missile site which is militarily insignificant. The Interim Agreement on Strategic Offensive Arms gives the USSR an intolerable advantage in offensive nuclear weapons which allows the Soviets to maintain a first strike capability that could be effectively used to blackmail the U.S. should the efforts to create a real détente prove unsuccessful.

Therefore, we find that our national security policy requires the efforts to immediately regain and retain the necessary strategic power to achieve the objectives of a genuine and just peace.

1. There should be no hesitance in achieving maximum allowable technological advancements to improve the quality of our strategic forces, which are not subject to the Agreement.

2. We further assert that under no circumstances should the U.S. accept any conditions in future negotiations that would not guarantee a minimum of comparable levels in offensive weapons and delivery systems.

3. That any and all agreements must be conditioned to on-site inspection.

4. The United States must not rely solely on the so-called "Counter-City Strategy" of balance of terror or the "Mutual Assured Destruction Doctrine." We support the President's statement that "our forces must also be capable of flexible application."

5. The Arms Control and Disarmament Agency must be abolished.

6. We oppose United States government credits or guaranteed loans to Communist-bloc countries for sales of commodities to be used by those countries to supplement their economic deficiencies while employing their own resources for further military expansion.

Volunteer Army

We support the all-Volunteer Army concept that the Republican administration has advanced.

Amnesty

We wholeheartedly support President Nixon's position of no amnesty for deserters and urge that all draft resisters and deserters pay a criminal penalty for fleeting the Vietnam war effort.

Reparations

We unalterably oppose any and all reparations to Communist North Vietnam.

No-win Wars

The policy of the United States should be to never again engage in armed conflicts without the expressed intention and national determination to defeat any enemies. And any such further involvement in armed conflicts shall be subject to the approval by Congress.

Latin America

The YRNF supports a new and positive policy in Inter-American Affairs.

Recognizing that the United States is losing in Latin America while the Soviet Union, Communist China, Communist Cuba and the countries in the Soviet-Bloc are making rapid headway, the YRNF calls for:

1. A concrete policy in inter-American affairs to be put forward by the President to reassure those Latin American countries still siding with the United States and to convince others drifting away, that the U.S. will adopt a policy of genuine firmness and cooperation on the side of friendly nations.

2. Organization of American States—We need an unequivocal declaration aimed at preserving the OAS without non-hemispheric influence.

3. Cuba—We need a clear declaration of United States policy aimed at the reestablishment of human rights and freedom for the people of Communist Cuba.

4. Trade—We support strong concerted efforts to protect U.S.-Latin American trade, which represents more than $10 billion a year from outside competitors arising unfair tactics to dislodge U.S. exporters and importers in Latin America.

5. Panama Canal—The YRNF reasserts that the administration has the highest regard for the sovereignty of the Republic of Panama. We recognize that the Inter-Oceanic Connection across the Isthmus of Panama by the present canal, or any other to be built, is essential to the defense and trade in our hemisphere and more specifically so to the United States and that this should be remembered and protected in any future new treaty negotiations with the Republic of Panama.

Middle East

We wish to encourage a lasting peace in the Middle East. We firmly believe in the territorial integrity of all nations and their right to defend that territory when threatened or attacked.

We feel the sale of American arms should only be limited to a nation's ability to pay for those arms and only to those countries who demonstrate their friendship to the United States.

We also wish to insure the security and identity of the many Arab Nations who have not resorted to a hostile foreign policy, but have been heavily involved in power politics beyond their control.

We condemn all terrorist groups and the Nations that willingly harbor them. We strongly urge economic and political sanctions against any Nation engaging in international piracy.

NATO and the Atlantic Community

We call for strengthening of the North Atlantic Alliance under the principles of the Nixon Doctrine.

1. The YRNF affirms that a strong NATO defense posture, backed up by a continuing U.S. military presence in Europe, remains vital to the defense of Western Europe against the Soviet Doctrine of "Peaceful Co-Existence."

This doctrine gives the Soviet Union and its allies broad latitude for extending Communist control and influence, including the use of armed force and that this doctrine is intended primarily to inhibit the use of force by those opposed to Communist expansion.

Consequently, to the extent that there is any lessening of either the capability or the apparent will of NATO to resist Communist attack, the ability of their influence throughout Western Europe by subversive methods, short of armed force, will be enhanced.

2. With a view toward world peace, we recognize that a mutual and balanced reduction of military forces in Europe is desirable. However, great caution must be exercised in any negotiations between NATO countries and Warsaw Pact nations to insure that countries in the Warsaw Pact, including Hungary, shall not be excluded from any force reductions.

Indo-China War

We applaud the efforts of the Nixon administration in successfully terminating U.S. participation in the Vietnam War. We support the efforts of the President to force compliance with the cease fire agreement and encourage the use of whatever military means necessary to reach this end. Under no circumstances should we further acquiesce to the terms of the agreement. We further demand the immediate and complete accounting of all those missing in action and otherwise unaccounted for.

China

Present and future American policies concerning the People's Republic of China must always keep in mind our treaty obligations to Nationalist China and our guarantee of that nation's territorial integrity and sovereignty.

Rhodesia

We believe that consistent with traditional American Policy of de facto recognition and acting in our national self-interest, we call for immediate diplomatic recognition of the Republic of Rhodesia and an end to any further embargo against Rhodesian goods.

Foreign Aid

As Americans, we believe that private enterprise is the best and most efficient way to achieve economic development. Aid payments given directly by our government to other governments have often resulted in mammoth waste, high ineffciency and the continuation in power of corrupt dictators.

It is time to limit foreign aid to only those countries who have demonstrated an ability and willingness to help themselves and extend and reciprocate to the U.S. goodwill and friendship.

American Business Interests Abroad

We strongly recommend American protection of American business interests abroad, including economic, political and military sanctions whenever necessary.

Individual Human Rights

The YRNF believes in the dignity of the individual. We deplore oppression and persecution which are the inevitable hallmarks of despotic systems. We will continue to work for the right of individual self-determination and encourage the political freedom of subjugated peoples, including the right of all persons to emigrate from any country.

OUR NATION TODAY

Individual freedom

We believe that freedom for all Americans is best insured through a strong system of free enterprise. This country was founded and has prospered on a system which permits maximum freedom of the individual from governmental control. We must constantly be aware that government is to be accountable to the people, and not the reverse. As we strive to serve all of our citizens through government, we must constantly be aware that a free enterprise system is in fact the foundation of freedom.

Responsibility in government

There are some basic statements of principle to which all public servants should adhere.

1. The American electorate is to be respected and trusted—not treated with contempt by political functionaries.

2. The responsibility of maintaining internal security is grave and one which is not easily monitored by the public. The trust granted to those who carry that burden should always be preserved and honored.

3. Those entrusted with the responsibility of enforcement must be always the first to place themselves in compliance with our laws.

4. By assumption of public service, we must be aware of the propensity of power to corrupt, and always maintain our defenses against it.

New federalism

The YRNF strongly supports the concept of "New Federalism" as defined to make more effective local forms of government and to place more power of governing in the hands of the people.

We endorse President Nixon's position that it is necessary to reverse the flow of power and funds to the Federal Government and to return power and funds to the state and local governments where the individual citizen can determine in what areas and for what purpose his tax dolar is spent. This concept is not the absolute solution but only a means to the end of having a less centralized federal government and a stronger local government.

Post card voter registration

Any suggestion of post card voter registration is irresponsible and is opposed by the YRNF. Local election boards should continue to have the responsibility to know those persons registering in their districts.

Environment

While we approve of the concept of the Environmental Protection Agency, we offer caution in suggesting that hysteria of the moment not be permitted to rise over reason in the implementation of its program.

Energy crisis

The YRNF, believing that the nation is in the midst of an energy crisis, supports the following ecologically sound measures to meet our energy needs:

1. research into clean solar and geothermal energy and development of those energy sources;
2. construction of deep water ports—for example, Puget Sound, Washington and Portland, Maine—that can handle supertankers;
3. development of Alaska oil; and
4. research and development of coal liquefication.

Alaskan pipeline

The YRNF strongly supports the immediate construction of a Trans-Alaskan Pipeline.

Educational professionalism

The YRNF believes that educators must be committed to their profession and provide the tools and motivations necessary for the young people of today to discover more objectively their responsible roles as citizens of tomorrow.

In recent years, the attitudes and actions of some teachers in advancing their own selfish goals have eroded the confidence of the public in our system of education. Americans are concerned about the end result of the educational system they are financing at a constantly increasing cost in public funds.

If we are to perserve our free society we must not accept as inevitable the continuing erosion of public confidence in our schools or the alienation of our teachers from the public whose schools are run by the teaching profession. The public must again have reason to respect and to support our system of education. We, as Young Republicans, want our educational system to transmit to the next generation the great ideals and values of our culture.

Vocational education

The YRNF strongly endorses the utilization of vocational training programs as a form of supplemental education after high school.

Educational voucher system

Establishment of a voucher system to aid the parents of students in private schools appears to be the most equitable means of providing freedom of choice in education and is endorsed by YRFN.

Busing

The YRNF is unalterably opposed to the use of forced busing for the purpose of achieving racial balance in public schools.

Health education

In order to provide true quality of life to all citizens, a high priority must be given to the establishment and implementation of comprehensive programs of health education. Our present health curriculums at all levels of public education must be upgraded and given a more significant role in the total system.

This will permit an awareness and understanding of the physical, social, and psychological forces constantly surrounding us, thereby permitting the individual to more effectively fulfill his role in society.

Health insurance

It is our belief that the Federal Government has no role to play in providing health care beyond assurance that comprehensive coverage be made available at a reasonable cost to all Americans through private health insurance.

Welfare reform

The YRNF reaffirms the need of the American public to provide assistance to the truly needy who have nowhere else to turn to meet their basic needs. At the same time, we believe that our present welfare system threatens to bankrupt our nation unless major changes in priorities are made.

We further feel that welfare programs should be funded and administered at no higher than the state level.

Work incentive programs have been established to enable individuals in some states to remove themselves from the welfare roles through private employment. We applaud these recent reforms as paving the way to a workable solution. They have been able to shift emphasis towards determining need and work potential of each of the applicants. Special note should be taken that the major emphasis is work, be it private or on public projects, and not a system of doles.

Mr. ASHBROOK. Mr. Speaker, from 1957 to 1959 I had the honor of serving as chairman of the Young Republican National Federation. For this reason I am especially pleased to be able to commend today the 1973 platform of the future leaders of my party.

While not necessarily agreeing with every point in the YRNF platform, I seriously recommend to all of my colleagues the views of this 500,000-member organization on the foreign policy of our Nation. Of particular interest are the following sections relating to no-win wars, the Indochina war, NATO and the Atlantic community, China, Rhodesia, and foreign aid:

SECTIONS OF 1973 PLATFORM OF THE YOUNG REPUBLICAN NATIONAL FEDERATION

NO-WIN WARS

The policy of the United States should be to never again engage in armed conflicts without the expressed intention and national determination to defeat any enemies. And any such further involvement in armed conflicts shall be subject to the approval by Congress.

INDO-CHINA WAR

We applaud the efforts of the Nixon administration in successfully terminating U.S. participation in the Vietnam War. We support the efforts of the President to force compliance with the cease fire agreement and encourage the use of whatever military means necessary to reach this end. Under no circumstances should we further acquiesce to the terms of the agreement. We further demand the immediate and complete accounting of all those missing in action and otherwise unaccounted for.

NATO AND THE ATLANTIC COMMUNITY

We call for strengthening of the North Atlantic Alliance under the principles of the Nixon Doctrine.

1. The YRNF affirms that a strong NATO defense posture, backed up by a continuing U.S. military presence in Europe, remains vital to the defense of Western Europe against the Soviet Doctrine of "Peaceful Co-Existence."

This doctrine gives the Soviet Union and its allies broad latitude for extending Communist control and influence, including the use of armed force and that this doctrine is intended primarily to inhibit the use of force by those opposed to Communist expansion.

Consequently, to the extent that there is any lessening of either the capability or the apparent will of NATO to resist communist attack, the ability of their influence throughout Western Europe by subversive methods, short of armed force, will be enhanced.

2. With a view toward world peace, we recognize that a mutual and balanced reduction of military forces in Europe is desirable. However, great caution must be exercised in any negotiations between NATO countries and Warsaw Pact nations to insure that countries in the Warsaw Pact, including Hungary, shall not be excluded from any force reductions.

CHINA

Present and future American policies concerning the People's Republic of China must always keep in mind our treaty obligations to Nationalist China and our guarantee of that nation's territorial integrity and sovereignty.

RHODESIA

We believe that consistent with traditional American Policy of de facto recognition and acting in our national self-interest, we call for immediate diplomatic recognition of the Republic of Rhodesia and an end to any further embargo against Rhodesian goods.

FOREIGN AID

As Americans, we believe that private enterprise is the best and most efficient way to achieve economic development. Aid payments given directly by our government to other governments have often resulted in mammoth waste, huge inefficiency and the continuation in power of corrupt dictators.

It is time to limit foreign aid to only those countries who have demonstrated an ability and willingness to help themselves and extend and reciprocate to the U.S. goodwill and friendship.

Mr. Speaker, I include the following conclusion of the platform:

1973 PLATFORM OF THE YOUNG REPUBLICAN NATIONAL FEDERATION

OLDER AMERICANS

The YRNF commits itself to helping older Americans achieve greater self-reliance and greater opportunities for direct participation in the activities of our society.

Social security programs should be made voluntary as a means of guaranteeing individual freedom of choice and destiny. Current social security laws that do not permit citizens receiving benefits to supplement their income by gainful employment or pursuit of a new career should be abolished.

An expanding economy not only makes it feasible for this action, but the present labor supply makes it mandatory for the older American to play a strong role in our lives.

COURT REFORM

The court system of our nation has become overburdened and slow to respond. Therefore, the YRNF supports to reform our court system so as to speed the resolution of cases.

URBAN DEVELOPMENT

The problem of conserving and rebuilding our urban areas can best be met through accepting a plan which permits local determinations of priorities.

We have seen that many programs to resolve these ills have not been doing an adequate job. The control, planning and funding should be placed in the hands of the local community. The ineffectiveness of programs and the wasting of money must be stopped.

VETERANS

We recognize our national obligation to the Vietnam Era Veterans to see that they are eligible for benefits comparable to those received by World War II and Korean War Veterans.

We further maintain that retirement benefits for military personnel be equalized for all such personnel.

MINORITY INTERESTS

The YRNF reaffirms the basic Republican principle of treating members of minority groups as individuals and not simply as voters.

THE AMERICAN ECONOMY

Economic prosperity

We believe in a healthy expansion of our economy without inflation.

We will be able to reduce inflation only if we hold the line on federal spending.

We believe that all government-imposed wage and price controls should be abandoned as "solutions" to the problem of inflation, and that the free market system for regulating wages and prices should be allowed to function. Recent experience has demonstrated that "temporary" wage and price controls, designed to check inflation, turn out to be sporadically permanent and are ineffective in controlling inflation

We believe that the free market system, which has built the United States into the world's strongest economic power, is far superior to any system of government fiat and regulations, which serve only to hamper production, promote inefficiency and restrict freedom.

Budget procedures

If we are to enjoy economic prosperity and an end to inflation, it is imperative that we achieve a "Balanced Budget" with actual receipts equalling actual expenditures.

Delay in Congressional consideration of the budget is a major problem. Each year Congress has failed to enact major portions of it before the next budget was prepared. Congress has resorted to the device of continuing resolutions to carry on the activities for which it has not made appropriations. Such delay needlessly compounds the complexities of budget preparation and frustrates the potential of the budget as an effective management and fiscal tool.

The fragmented nature of congressional action results in a still more serious problem. Rarely does the Congress concern itself with the budget totals or with the effect of its individual actions on those totals. Appropriations are enacted in at least 15 separate bills. In addition, "backdoor financing" in other bills provides permanent appropriations, authority to borrow and spend without an appropriation, and program authorizations that require mandatory spending whether or not it is desirable in the light of current priorities.

We believe that the manner in which Congress reviews and modifies the budget should be changed to include the following:

1. adoption of a rigid spending ceiling to create restraint on the total at the beginning of each annual review;
2. avoidance of new "backdoor financing" and review of existing legislation of this type; and
3. prompt enactment of all necessary appropriation bills before the beginning of the fiscal year

The Congress must accept responsibility for the budget totals and must develop a systematic procedure for maintaining fiscal discipline. To do otherwise in the light of the budget outlook is to accept the responsibility for increased taxes, higher interest rates, higher inflation, or all three.

We believe that there should be no increase in the national debt and that such debt should be repaid during the next 100 years. The note of repayment shall be such that one-tenth of such debt shall be repaid during each 10-year interval.

Finally, we emphasize the major issue, beyond deficit financing and the public debt, is simply the level of aggregate governmental spending. The federal government is simply spending too much money. The almost exponential growth in special interest legislation and spending must be brought under control. The abandonment of all deficit financing will make possible better control of federal expenditures, in addition to being the most effective tool for stopping inflation. Therefore, problems associated with deficit financing and run-away federal spending are inter-related.

Business and Labor

We believe in maximizing free competition in our society.

We support the transfer of services now provided by government, wherever possible, into the private sector so that they will be subject to the beneficial effects of competition. In addition, we oppose the issuing of government grants of monopoly privilege which are designed to protect individuals or companies from competition.

We endorse the legitimate role of labor unions in attemping to gain better and safer working conditions for their members, but suggest the elimination of those special legal priviliges which allow unions to gain restrictionist wage rates, higher than the free market rate. Such wage rates lead to unemployment or lower wages in other sectors of the economy, and reduce the general level of prosperity.

We encourage employers to treat their employees as people rather than cogs in a machine, with the recognition that better personnel relations and more flexibility and independence for workers leads to greater productivity, which benefits all segments of the economy.

We recognize the role of small and new businesses in increasing competition and innovation in the economy, and encourage the elimination of arbitrary government standards in safety, product reliability, and accounting procedures, as well as taxation policies, which tend to benefit large established firms at the expense of smaller, younger ones. We further encourage the use of tax credits to compensate firms for expenses incurred in doing bookkeeping for Social Security, withholding taxes and other government programs.

International business

We encourage the abolition of all artificial trade barriers between countries.

Only by allowing unrestricted trade between countries will the world ever be able to achieve the highest efficiency possible in production, thus helping to solve problems of hunger and poverty throughout the globe. Perhaps even more important, economic ties between countries will help strengthen diplomatic ties and ensure peace in the world.

Agriculture

We believe that the federal government should eliminate the following controls or programs:

1. Farm Subsidies
2. Acreage Allotments
3. Land Use Planning
4. All USDA involvement in non-agricultural areas.

The elimination of these programs will result in greater production and allow farm products to seek their true market price. With greater productivity we will guarantee a better supply of food to prevent hunger in the world.

Ownership of gold

We believe that any citizen of the United States should be allowed to own gold.

AMERICA OF THE FUTURE

The YRNF believes that our country's future is threatened by an energy crisis concerning both its *human* and *natural* resources.

Petroleum

The U.S. demand for oil by the year 1980 will range between 20–25 million barrels per day.

We believe that our nation must avoid becoming heavily dependent on oil from politically unstable countries. The Soviet Union could succeed in controlling the flow of Middle Eastern oil to the United States by playing on Arab economic, diplomatic and military dependence on the U.S.S.R. Therefore, we believe it to be in our best national interests to avoid future delays and uncertainties in planning the development of the Alaskan North Slope oil reserves.

We believe that the price of economic growth need not be the deterioration of the quality of our lives and our surroundings. Indeed, in the future, as history has verified, economic growth and an increase in the quality of life must go hand in hand.

Gasoline taxes

We feel that taxes from the sale of gasoline should be used only for the planning, building and maintaining of roads, streets and highways.

It is not only impractical, but improper for the government to be in the business of transporting people in our urban areas, at the expense of the people in other parts of the country. Future transportation needs must be met and can be met most efficiently by following the principles of the Republican Party, the principles of Free Enterprise.

Private industrial commitment

Last year private sector spending for pollution and environmental control jumped by 50 percent.

Thus, we have every reason to believe that private industry *will* handle its own problems in this area. Concurrently, each individual must take the responsibility for looking after his own home and workplace. Your backyard is not the domain of the Federal Government. We must look to the energy of the individual and of private industry to solve "future needs" of America. We must convert the so-called crisis of the environment into an opportunity for unprecedented progress and resurgence of individual responsibility.

Future resources

It is our belief that we should work for the creation of a laissez-faire, free market economy. The following steps should be taken:

1. The fiat money of today should be replaced by an inflation-free dollar backed by gold.
2. Taxes should be reduced through the abolition of the practice of withholding taxes.
3. The personal graduated income tax should be abolished.
4. We must move toward reduction of our National debt. A first step should be the selling of those government-owned businesses that are unconstitutionally run in direct competition with other free enterprise businesses. In itself this would net our government $65 billion dollars and means a 14% decrease in that debt.

Human resources

The human resource—the individual—when allowed to solve his own problems and develop his own potential, is a limitless source of energy. Human energy, the skill, industry, and productivity of the American people, is the driving force of our economy.

When initiative is taken from the individual and replaced by Federal action of a public dole system the individual loses his vital energy and productivity in society.

The original Americans

On future needs in the area of Indian Affairs, it is our belief that we should guarantee those individual freedoms, that because of bureaucratic mismanagement, have been taken from our Original Americans. Towards this end, we support the abolition of the Bureau of Indian Affairs whose policies of "Cradle to Grave" socialism have kept the American Indian a second-class citizen.

Self-protection

We believe that the basic constitutional right of all citizens to keep and bear arms should not be restricted.

Present and proposed state and federal laws which abridge this basic right are unconstitutional and ineffective in keeping firearms out of the hands of criminals or reducing the number of gun-related crimes.

Future Stability

We urge the YRNF to redouble its efforts in recruiting candidates with the courage, ability and love of country of our great leaders of the past.

Women's rights

We strongly reaffirm the constitutional rights that provide for the equality of the sexes.

Drugs

Drug abuse remains as one of the most vicious and corrosive forces attacking the foundations of the American society, especially its youth. It is a major cause of crime and a merciless destroyer of human lives. The Young Republican National Federation encourages and endorses actions to fight this contagion of disease and crime with all of the resources at our command.

We realize that the problem of drug abuse cannot be quickly solved, but the massive efforts that have been launched by the Nixon administration must be continued through:

1. Increasing American support for international efforts to control narcotic traffic;

2. Expanding programs of education. We believe the best hope of saving other young people from drug addiction is through education. An effective health education program dealing with personal growth and development, which includes teaching a respect for drugs, will aid the student in fulfilling his role in society. A strong and secure self-concept is the most practical prevention of drug abuse. One of the primary causes of drug addiction is the search for instant gratification from doubts, fears and uncertainties;

3. Expanding programs of rehabilitation, training and treatment. We believe the casual first time user or possessor of drugs must be kept away from jails and prisons and given the opportunity to participate in treatment programs designed to keep them from becoming addicts. For those persons already addicted to drugs, we support the concept of community based treatment programs;

4. Endorsing legislation to make drugs less accessible;

5. Opposing legalization of marijuana. We intend to solve problems, not create bigger ones by legalizing drugs of unknown physical and psychological impact;

6. Endorsing tougher criminal penalties for the heavy trafficker of heroin and other major drugs. We feel the death penalty is justified for heavy drug pushers; and

7. Endorsing stricter law enforcement as a deterrent to drive pushers of dangerous drugs from the streets, schools and neighborhoods of America.

Government controls

In order to continue the country's economic growth in the future, the government must be removed from the area of general economic controls and the influence of government on technical design, rate regulation, transportation, and communication must be minimized.

Government by the people

Our country's course must be charted so as to pretect our freedom from abridgement by the bureaucratic manipulation of any government entities. Our present situation verifies that when the government grows beyond the control of the people, only government benefits. We pledge our future energies to drastically reducing the size of all phases of government so as to return our country to government by the people. Eternal vigilance is the price of liberty.

Mr. LANDGREBE. Mr. Speaker, in July of this year the Young Republican National Convention adopted a truly amazing platform—it shines like a beacon, cutting through the dismal fog of today's pragmatic, unprincipled politics. It is indeed refreshing to see our national organization of Young Republicans reassert in clear-cut, no-nonsense terms, the principles of individual liberty in politics and free enterprise in economics.

With these principles as a firm base, let us consider the platform position on one crucial issue: Welfare reform.

Although unpublicized by most of the news media, welfare is truly a national scandal. In July 1963, there were some 7,292,000 persons receiving welfare payments totaling approximately $301 million. Projected over a full year, the total in 1963 was approximately $3.6 billion. If medical payments to welfare recipients are included, the figure climbs to about $4.7 billion.

By July 1973, only 10 years later, the number of persons on welfare had more than doubled to a figure of 14,700,000, while total payments more than tripled to a figure of $927 million per month, or about $11.2 billion per year. When medical payments are added, the yearly total is $20 billion.

It is obvious that if such growth continues, it will bankrupt our Nation. But what will stop its growth? As is made explicit by so-called "welfare rights" organizations, the whole welfare program is based on the premise that those who cannot or will not work have a right to the income of those who do. Thus if you earn your own living, you are penalized; if you do not provide for yourself, you are rewarded.

How long can a nation survive when productivity is penalized and indolence rewarded? Is it any wonder why the welfare roles keep multiplying?

The Young Republicans, unlike today's liberal establishment who simply ignore the crisis they have created, take the only position that can break the welfare spiral: They emphasize work incentives, and not a system of doles. This, coupled with their position that welfare should be funded and administered by the States, and not the central government, would go a long way toward cleaning up our welfare mess and would of course return fiscal stability to our Federal Government.

I congratulate the Young Republicans on their strong stand on the principles of individual liberty, and their rejection of pragmatism. I only hope that the "party regulars" both Democrat and Republican take note.

Mrs. HOLT. Mr. Speaker, the Young Republican National Federation represents many thousands of young people who are moving, at various stages in their young lives, into the political arena. Some of them are fresh from the high school and college campuses of this great country, infused with a thirst to put their educations and their ideals to work. Others are already in the business and professional world—young doctors, lawyers, engineers, writers, scientists. The two things they share are the hope and confidence of the young, on the one hand, and a fresh perspective, on the other.

I was delighted recently to see the platform adopted by these young people at their national convention. I would like to share a part of it with my colleagues. Because I would not impose on the time of the Congress to read into the RECORD the entire platform, I would like to select one particular section—the section on health care—as reflective of the idealism and the new perspectives embodied by these many newcomers to political life. The convention urged a new emphasis on improved health education, at all levels, and then adopted this statement:

> It is our belief that the federal government has no role to play in providing health care beyond assurance that comprehensive coverage be made available to all Americans at a reasonable cost through private insurance.

What is so interesting—and so enlightening—to me, Mr. Speaker, is that a group of young Americans widely acclaimed as the most politically aware, best educated generation of our history, has looked with compassion and concern at the health needs of the American people and has recognized that it is in the best interests of the people to keep the Federal Government out of the health care business.

These young people have not been burdened with the task of working too close to the forest to see the trees; they do not see problems—and solutions—in terms of the 1930's and 1940's. They look with fresh eyes at the medical needs of the people, and look with objectivity and calm at the many health care programs that have been instituted by this Government and by other governments. They hold no pride of authorship in those programs and are able to evaluate them in real terms of good done, restrictions imposed, moneys spent. Their conclusion—like the conclusion of an increasing number of experts in the health care field—is that the American people have received a high level of care, at reasonable cost, under the private health care system, and the Federal programs have invariably endangered the quality of care and increased costs.

Mr. Speaker, it is refreshing to find so many young people recognizing that the answers to our problems must come from private enterprise; recognizing that the result of our past actions, well-intentioned though they might have been, has too often been the precise opposite of what the Congress had hoped.

We are all aware of the immense cost overruns in the medicare and medicaid programs, and persons knowledgeable in the health care field are aware, also, that regulations imposed by the health bureaucracy have resulted in increased cost at the doctor's office and at the hospital and nursing home. Doctors are aware that the congressional imperative to oversee what it spends has often resulted in strong pressures upon the medical professional to comply with articial national "norms" rather than treat each patient, individually, in accordance with the doctor's knowledge of that patient and consistent with the best, on-the-scene medical judgment.

Many of my colleagues see these problems, and they recognize, as well as any, the failures of the Federal Government in providing health care through medicare and medicaid. They are aware of the recent expose in Reader's Digest of the low quality of care in VA hospitals; of the loud and angry complaints by our Indian citizens who receive care through Federal agencies; of the skyrocketing medicaid costs which have driven State governments to the brink of bankruptcy.

Our trouble in the Congress, Mr. Speaker, is that many in this House and in the Senate helped to author the legislation that created these programs. They saw problems and believed the way to solve them was to spend the taxpayers' money on artificial national solutions. Now they feel a commitment to that approach and to those Federal programs. It is difficult to break the habits of a half century.

That, Mr. Speaker, is where we owe our thanks to our young people. These new voices in the Young Republican National Federation speak with a candor and freshness which we cannot have in the Congress. I commend this health care recommendation to all of my colleagues and suggest that it is advice worth following.

Mr. FREY. Mr. Speaker, I would like to join with the gentleman from Idaho (Mr. SYMMS) in praising the Young Republican organizations, both nationwide and throughout the States. As a former State chairman of the Florida Young Republicans, I can truthfully say that the experience gained through it has been most important in my service in the Congress. The Young Republican organization affords not only training grounds for those interested in the political system, but gives them practical experience in the very real world of politics. If this country is going to continue to grow in greatness, the young people must be involved. One of the Senators when asked about the Watergate hearing and politics, in essence told young people to "turn off." I think this is just plain wrong. I think young people should become more involved. The challenge of Watergate is not the challenge of less involvement, but the challenge of more involvement. The Young Republican organization has afforded this opportunity to many young people, including many Republican Members of Congress.

I would certainly be remiss if I did not say a few words about the present national chairman, Dick Smith of Florida. Dick and I have worked together in the Young Republicans since the 1960's. Dick worked his way up through the Young Republican ranks and has always done an outstanding job. There is no question of his ability, his sincerity or his dedication. I am convinced that the national federation of Young Republicans is going to build upon its outstanding record under his leadership and be even more important in the future. Congratulations to the chairman, Dick Smith, and to all members of the Young Republicans. We know you will keep up your good work and that you will redouble your efforts in these trying times. I cannot end these remarks without thanking especially the many, many Young Republicans in Florida who were instrumental in my election and who have been instrumental in keeping me in the Congress. They know of my feelings as I have expressed them many times publicly. Without them, I would never be here. I only hope that we never let them down.

Mr. YOUNG of Florida. Mr. Speaker, as a former State chairman of the Florida Young Republicans, it gives me great pleasure to join my colleagues in congratulating the Young Republican National Federation on their thoughtful and responsible platform, adopted at their convention in Atlanta this summer.

It is a source of special pride to me that the new national chairman of the Federation, Dick Smith, hails from my home State of Florida. This fine young man has long been active in Young Republican activities, and served as national treasurer of the Federation for the past 2 years.

No one who has ever attended a meeting or convention of Young Republicans has failed to be impressed by the awareness and concern of these young men and women over the future of this country. Moreover, this growing organization of over half a million young Americans speaks out for what is best in America. The Federation's 1973 platform opens with an affirmation of their commitment to the values upon which their country and party were founded.

The platform states:

> We believe that the genius of the American system is in its pervasive emphasis on the liberty of the person, and its careful effort to distribute political power so that no single man or group can ride roughshod over the freedoms of the rest.

I would like to commend this platform, Mr. Speaker, to all of my colleagues for their thoughtful consideration. I believe that they will then agree with me that our future is in good hands. The members of the Federation of Young Republicans are committed to working for this Nation—in their home communities, in the States, and at the national level.

Mr. BLACKBURN. Mr. Speaker, in July of this year, I had the pleasure of speaking before the Young Republican's National Convention in Atlanta. The Young Republican National Federation adoption a platform at this convention which I would like to commend to the attention of my colleagues.

I believe that these concerned young men and women are to be congratulated for their informed and forthright commentary on America's place in the world.

It seems to me, Mr. Speaker, that while I might not agree with every specific proposal in their national defense platform, the ideas of these fine young people deserve the most serious consideration by all of us.

The Young Republicans have reminded us very cogently, I believe, that—

> The gravest threat to world peace is for the United States to abdicate its leadership role because it became second-rate in the nuclear age . . . among the great nations, only the strong survive.

The Young Republicans went on to point out that—

> The strongest policy of deterrence against war and for world peace is that the United States must maintain unmistakable strategic superiority.

They believe this can best be done by restoring U.S. supremacy in military research and development.

The Young Republicans are rightly concerned in my view that under SALT I the ABM Treaty limits our defenses to militarily insignificant levels. In addition, the Interim Agreement on Strategic Offensive Arms gives the U.S.S.R. an intolerable advantage in offensive nuclear weapons. The Young Republicans conclude and I agree that—

> We find this number-two position as a world military power to be totally unacceptable and our national strategy policy of minimal deterrence should be altered immediately to regain and retain strategic superiority.

There is no more important area of concern for the future of our Nation, Mr. Speaker, than our national defense. I am happy to be able to congratulate the Young Republican National Federation for the serious contribution they have made to our informed discussion of these problems.

GENERAL LEAVE

Mr. SYMMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my special order and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

LAND USE BILL—AN ALTERNATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, today, I am introducing legislation that will serve as an alternative to H.R. 10294, the land use bill currently before the House Interior and Insular Affairs Committee.

I am offering this bill in an attempt to bring the provisions and the effects of this legislation back into line with its stated intent. The intent of H.R. 10294 is to encourage and assist the State to plan for the wise and balanced use of its land resources. A reading of what the bill actually says immediately reveals that H.R. 10294 goes much further than encouraging and assisting. Presently, there is a wide disparity between intent and effect; my legislation seeks to close that gap.

The proponents of H.R. 10294 are constantly reassuring us that the States will have almost total control in developing their land use plans and that the Federal Government's role will be limited to overseeing their activities, but once more I submit that a study of the actual wording points out the unlikeliness of a passive Federal role.

H.R. 10294, as it stands now before the Interior and Insular Affairs Committee, contains line after line of requirements, criteria, instructions, and suggestions that the States must consider or comply with before the Secretary of the Interior will decide if a State is eligible to receive a grant.

If the Secretary rules that a State has not followed these Federal requirements in developing its land use policy, not only can he withhold these grants, but he may also impose sanctions on unrelated Federal funds. Under H.R. 10294, these sanctions would be imposed, in amounts up to 21 percent, in three areas of Federal funding: First, airport and airway developments; second, Federal highways; and third, land and water conservation. The injustice of forcing States into compliance with this act by using this type of threat must not and should not be tolerated.

I believe that if we are to have land use planning legislation, that it should do only what it professes to do and no more. We must not allow legislation of this type to become a tool by which the Federal Government intervenes in still another area of essentially State and local responsibility.

Federal legislation in this area of State and local responsibility must be written with a minimum of Federal controls. State and local governments must be free to carry out their constitutional duties and to decide for themselves how their needs can best be met. It is not for us sitting here in Washington to decide what kind of land use controls a State needs, but it is instead up to the people closest to the situation who understand the needs of their people best.

The legislation that I am introducing restores the proper balance between the original intent and the effects of this legislation. I am attaching a section-by-section analysis of my bill at the conclusion of these remarks, but I would like to point out some of the major differences between this bill and H.R. 10294.

Both bills authorize the Secretary of the Interior to make grants to the States to assist them in setting up their land use plans, but instead of requiring States to follow numerous and restrictive requirements in developing their plans—as H.R. 10294 calls for—my bill allows the States to decide for themselves the range and content of their plans. Under my bill, the content of a State's land use plan will not be dictated from Washington, but will be formulated by State and local officials—as it should be.

The sanction provisions which still remain intact in H.R. 12094 are not present in my legislation. The Federal Government should not be given this coercive, economic "stick" to force the States into compliance if they choose not to participate in the program.

I have included language in my bill that will insure that private property rights will remain unchanged. Under my bill, not only must nothing in the act diminish the rights of owners of property as provided for by the Constitution of the United States—as H.R. 10294 states—but neither shall anything in the act diminish the rights of owners of property as provided for by the Constitution and laws of the State in which the property is located. Our citizens are guaranteed better protection of their property rights under State constitutions and laws than under the U.S. Constitution. This language insures that the States will follow their existing laws in implementing this act, and not be tempted, as they would be under H.R. 10294, to use the provisions of the act to circumvent these laws.

H.R. 10294 requires the Secretary of the Interior to tell the States which lands within each State he considers to be areas of critical environmental concern of more than local significance, while my bill allows the States to determine what they consider to be critical areas.

I have eliminated the bureaucratic and useless Interagency Land Use Policy and Planning Board from my legislation in an attempt to make the administering of this act more efficient.

Also, I have reduced the extremely high and wasteful funding levels by 60 percent—from $100 million per year to $40 million—and cut the number of years for funding from 8 to 5.

These are some of the major differences between H.R. 10294 and the bill I am introducing today—for more detail as to what my bill calls for, I am enclosing a section-by-section analysis.

I urge my colleagues to look at this alternative carefully. I believe that it is both a reasonable and balanced approach to solving the controversies and problems involved in land use planning:

SECTION-BY-SECTION ANALYSIS OF THE STEIGER LAND USE BILL

TITLE I—ASSISTANCE TO STATES

Part A—Findings, policy, and provision for grants

Section 101—Findings

Finds an urgent need for land use planning to promote general welfare, secure a wise and balanced allocation of resources, and provide for social, economic, and environmental well-being and long-term needs of Nation.

Section 102—Declaration of Policy

Declares it the policy of the federal government in cooperation with the several states and their subdivisions and other organizations to: 1) assure lands are used in ways contributing to man and nature living in productive harmony and under which requirements of present and future generations can be met, and 2) encourage and support States to establish effective land use planning and decision-making processes.

Section 103—State Land Use Planning Grants

Authorizes the Secretary of Interior to make annual grants to eligible states, defines an eligible State land use planning agency as one having primary authority for development and administration of a land use planning process, describes the form and functions of a state-local intergovernmental advisory council on land use planning.

Part B—Land use planning process

Section 104—State Planning Process

Describes an eligible state land use planning process as one which considers all land and natural resources in the State and which provides for:

An adequate data base.

Technical assistance and training for State and local personnel.

Public involvement and participation by State and local officials in planning process.

Methods for coordinating the land use activities of State and local governments, the activities of areawide agencies.

Methods to coordinate activities of land use interstate agencies, those of local governments, those of Indian tribes, and those pursuant to the Coastal Zone Management Act and those of federal land management agencies.

Resolution of conflicts arising between State land use plans and the plans of Indian tribes by a three member board.

Methods to consider and evaluate factors influencing land use—agriculture, forestry industry, transport, energy, open space, rural development, public services, education, esthetic, ecological, geological factors, recreational needs, unique characteristics of areas having national significance, impacts of the land use program on the local property tax base and state revenues, requirements of the State, region, and nation for adequate energy supplies.

The definition, identification, designation, and regulation of areas of critical state concern, large-scale development, land use of regional benefit, and areas suitable for or which may be impacted by key facilities.

Section 105—Implementation

Encourages states to utlize general purpose local governments in the implementation process and for planning, review, and coordination purposes as to the regional implication of local plans and implementation. This Section also states that nothing in this Title should be deemed to: 1) permit a federal agency to intercede in a State's land use management, 2) enlarge or decrease a State's authority to control the use of Federal land, 3) diminish the rights of property owners as provided by the constitutions and laws of the Federal and state governments.

Section 106—Interstate Cooperation

Encourages states to coordinate their land use plans on an interstate basis through compacts subject to Congressional approval.

Part C—Federal action

Section 107—Determination of Eligibility

Requires the Secretary to consult with other Departments before making a grant under section 103, requires the Secretary to determine a State's eligibility for a grant no later than three months following application, requires the Secretary to be satisfied that the grant will be used to develop and implement a land use planning process, requires periodic reports from the States on work completed and scheduled.

Section 108—Appeal Procedure

Provides for an appeals procedure for States ruled ineligible for grants by the Secretary.

Section 109—Consistency and Coordination of Federal Actions

Requires Federal projects and activities affecting land use including permits and licenses, grant, loan or guarantee programs, such as mortgage and rent subsidy programs and water and sewer construction, but excluding revenue sharing be consistent with the State's land use planning process, except in cases of overriding national interest. Requires applicants for a required Federal permit, or license or assistance for an activity affecting land use to transmit the views of the relevant local government and areawise planning agency a statement as to the consistency of the proposed action with the land use planning process. *Requires* that Federal activities conducted in an area not subject to the land use planning process be conducted so as to minimize adverse impact upon the environmental. *Requires* all Federal land management agencies to consider the State land use programs, and State, local and private needs and to coordinate their land use activities on the Federal lands with the State, local land use activities on or for adjacent non-Federal lands to the extent such coordination is not inconsistent with existing law.

TITLE II—ASSISTANCE TO INDIANS

Section 201—Indian Land Use Planning Grants

Authorizes the Secretary to make land use planning grants to any Indian tribe to assist in developing a land use planning process for Indian reservation and other tribal land of that tribe.

Outlines what the process must provide for (i.e., identifying areas of critical concern, areas of key facilities, and areas for potential large-scale development, coordinating with states which contain these tribal lands, and resolution of conflicts between state land use plans and the plans of Indian tribes by a three member board.)

Section 202—Eligibility

Secretary must be satisfied that the tribe intends to expend funds for the development of a land use process for the reservation or other tribal lands, before making any grants.

After three years the Secretary must be satisfied that the tribe has developed a planning process and is making good faith efforts to put it into operation before grants are made.

Section 203—Tribal Reporting Requirements

Any tribe receiving a grant must report to the Secretary each year on its activities.

TITLE III—ADMINISTRATION

Section 301—Office of Land Use Policy and Planning Administration

Establishes this office in the Department of the Interior to administer the Act. The Director is to be appointed by the President (with consent of the Senate). Among other duties, the Secretary through this office will administer the grant in aid programs, analyze the land resources of the U.S. and the results from this Act, and consult and consider the views of other Departments in the issuance of guidelines, rules and regulations.

Section 302—Guidelines, Rules, and Regulations

Provides that guidelines will be issued to Federal agencies and the States by the Secretary no later than six months after the effective date of enactment. Before any guidelines, rules or regulations can take effect, they must be submitted to the Congress. They become effective if within 60 days the Congress does not pass a disapproving resolution.

Section 303—Recommendation as to National Policy

Authorizes the Secretary to study the need and substance of national land use policies, and to make his report within three years after enactment. In this study the Secretary must consider the need for policies which:

Insure that all demands upon the land, including economic, social and environmental demands, are fully considered in land use planning;

Consider the long-term interest of the Nation and insure public involvement as a means to ascertain such interests;

Insure the timely siting of facilities and development necessary to meet national or regional requirements;

Encourage the conservation and diversity of the natural environment and the preservation of unique areas of national significance.

Section 304—Biennial Report

Requires the Secretary to report biennially to the President and Congress on matters concerning land use programs and problems.

Section 305—Utilization of Personnel

Authorizes the head of any Federal department or agency to furnish the Secretary with information or appropriate personnel that he requests to carry out his functions.

Section 306—Technical Assistance

Allows the Secretary to provide technical assistance to any state or Indian tribe eligible for grants in the performance of its functions.

Section 307—Hearing and Record

Authorizes the Secretary to hold hearings and to take testimony in carrying out the provisions of this Act.

Section 308—Appropriation Authorization

Authorizes (1) $40,000,000 for each of five fiscal years in grants to the states; (2) $3,000,000 for each of five fiscal years for grants to Indian tribes; and (3) $8,000,000 for each of three fiscal years for administration of the Act.

Section 309—Allotments

Grants to any state during any fiscal year must not exceed 75 percent of the estimated cost of the program. Grants to Indian tribes may be made in amounts of 100 percent of the estimated cost.

Section 310—Financial Records

The recipients of grants must keep and report the information concerning their programs that the Secretary requires.

Section 311—Effect on Existing Laws

This section sets out specific laws which are not to be affected by this Act (i.e., this Act must not supersede, repeal, or conflict with the Coastal Zone Management Act of 1972).

Section 312—Definitions

Defines key terms such as: "areas of critical State concern", "Indian reservation and other tribal lands", "key facilities", "large-scale development", etc.

HEARINGS ON THE VICE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, I understand that the FBI and the Internal Revenue Service have begun investigations in preparation for hearings on the nomination of our distinguished minority leader to be Vice President. These investigations are quite proper and I want to congratulate the nominee for offering his full cooperation in these matters. He has consented to politically and financially disrobe in order for the Senate Rules and Administration Committee, the House Judiciary Committee, the Congress, and in fact, the entire Nation to examine every scar and blemish.

A valid question could be asked as to how many Members of this body would enjoy the thought of having every detail of their personal finances examined in public? I strongly suspect that each of us would like to feel that there are some areas of privacy left even for those of us in public office.

I do not recall any instances in American history when a man chosen for the occupancy of the office of Vice President has been subjected, or has agreed to be subjected to, such public scrutiny. I am confident that GERALD FORD will emerge with high marks from even the most partisan of our colleagues. The question yet remains, however, as to how valid are our demands upon GERALD FORD when we ourselves would consider such demands upon ourselves onerous and unnecessary.

DIFFICULT VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, today the House voted to override the President's veto of House Joint Resolution 542, the war powers legislation. This was one of the most difficult votes I have cast since coming to Congress.

I firmly believe that there is a need for Congress to reassert its constitutional powers to declare war. The Korean and Vietnam wars were waged at great sacrifice of our men and treasure without war ever having been officially declared. This troubles me. I would favor some means to restrict Presidents from waging undeclared wars.

The framers of the Constitution were explicit in their desire that the power to declare war and raise armies be left to the legislature with the President having the power to act as Commander in Chief after war is declared. The "sudden attack" doctrine has been recognized as an exception to this rule. To my mind it is essential that the President have the flexibility to respond instantly to a national or international crisis. To deny the President this power is potentially to paralyze the country. I am not sure whether House Joint Resolution 452 would allow the President this needed flexibility to respond.

House Joint Resolution 542 provides that the President shall "in every possible instance" consult with congressional leadership before and during commitment of U.S. Armed Forces to hostilities or situations where hostilities may be imminent if Congress has not declared war. Specifically, the President must submit a report within 48 hours after he commits U.S. Armed Forces to hostilities outside U.S. territory, its possessions and territories; commits U.S. Armed Forces to territory, airspace, or waters of a foreign nation, except for supply, replacement, repair or training of existing forces; or substantially enlarges U.S. Armed Forces equipped for combat and located abroad.

The report must include a description of the circumstances necessitating the action, the constitutional and legislative provisions giving authority for the action, the estimated scope of activities, their estimated cost, and any other information which the President may consider useful.

The President's report must be submitted to the Speaker of the House and the President pro tempore of the Senate and referred to the House Foreign Affairs Committee and the Senate Foreign Relations Committee. If Congress is not in session, the Speaker and the President pro tempore may request the President to convene Congress to consider the report.

Unless Congress enacts a declaration of war or a specific authorization for the use of U.S. forces within 60 days after the report is submitted, the President must terminate all activities. The President must also terminate hostilities if Congress so directs by concurrent resolution—not subject to Presidential veto.

The recent outbreak of hostilities in the Middle East, and the continuing danger of a confrontation between the United States and the U.S.S.R. because of that conflict, made me wonder whether or not passage of House Joint Resolution 542 over the President's veto would be well advised, or whether it would be potentially dangerous. While I support the general objective of it, I do not think House Joint Resolution 542 is sound legislation. It seeks to reconcile irreconcilable points of view. It seeks to impose limitations on Presidential authority which may be unconstitutional. At the same time, it attempts to develop a statutory definition of the President's powers which some may feel is too much of "a blank check."

If House Joint Resolution 542 were now on the books, section 2 would delineate the President's "constitutional powers" regarding the commitment of troops. In the light of the present threatening situation in the Middle East, Congress at this moment could well want to have a direct say on any commitment of our forces. That crisis, furthermore, should lead Congress to weigh carefully the consequences of restricting the Commander in Chief's ability to respond.

The resolution provides that the President must immediately withdraw troops from all hostilities if Congress mandates such a course through the use of a concurrent resolution. This is a major flaw in the bill. Concurrent resolutions normally do not have the force of law, and certainly do not have that effect where they do not purport to be simply a withdrawal of authority previously granted by Congress. The proponents of House Joint Resolution 542 want to eliminate the constitutional responsibility of the President to approve legislation. This, to my view, is unconstitutional.

I am troubled by the language of section 5(b), which would enable the Congress, through its own inaction, to limit the President's authority to defend the United States. Under that section, the Congress—through a failure to act—would prohibit the President from continuing an emergency action. Should we legitimize a situation where constitutionally appropriate actions of the President can be thwarted by an unwillingness of the House or the Senate to take a stand? This would make possible a "cop out" of historic dimensions.

Through inaction the Congress could force the President to terminate use of U.S. Armed Forces. Within 60 calendar days the President would have to terminate the use of the Armed Forces in situations covered by the resolution, unless the Congress has: First, declared war or specifically approved the President's action; second, extended the 60-day period; or third, is physically unable to meet because of an armed attack upon the United States. If Congress fails to act, our Armed Forces must be withdrawn. In my opinion, Congress shirks its responsibility on the issue of war and peace unless it takes positive action to approve or disapprove the President's action.

Some have expressed another objection that in attempting to accommodate the Senate's position in conference and define the President's powers as Commander in Chief, the resulting compromise gives statutory sanction to certain unilateral warmaking powers that the President has not previously possessed. They believe that this legislation would actually increase the President's authority to wage war, not restrict it as claimed by proponents of the war powers resolution. While I do not see this proposal in that light, it is an argument worthy of note.

Our colleague from Virginia (Mr. WHITEHURST), who taught history for 18 years before coming to Congress, reminds us that nearly 40 years ago, the United States experienced a time of disillusionment with foreign involvement that has some strong parallels today. The frustrations that followed our participation in World War I lingered into the 1930's, and with the rise of the dictatorships, we searched for the means to avoid another foreign war. It is generally conceded now that America followed a false path then, but follow it we did. Congress passed a series of laws known as the Neutrality Acts, all designed to keep us out of a war that had been fought nearly 20 years before. Far from guaranteeing our neutrality, the Neutrality Acts actually emboldened the aggressors to act more recklessly; the record shows that they pointed to the Neutrality Acts as proof that the United States would stand by while the aggressors had their way.

Today the House faced an issue fraught with the same kind of consequences that flowed from the Neutrality Acts of nearly two generations ago.

Mr. Speaker, I agonized over this vote perhaps more than over any other vote. I finally decided to vote to sustain the President's veto. Since this point of view did not prevail, I hope efforts will be made in the next Congress to correct some of the flaws in the legislation we approved today.

WARMAKING POWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, today the House of Representatives is being given a historic opportunity to reassert its powers and prerogatives under the Constitution in the area of warmaking.

I believe that Congress has defaulted to the Executive in carrying out warmaking powers for too long. The American people and the best interests of our country demand that Congress assume its constitutional responsibilities in questions of war and peace.

The Constitution specifically delegates the President as the "Commander in Chief" of our Armed Forces and allocates the authority to "declare war" to the Congress. This division of warmaking powers between the legislative and executive branches of Government is intended to facilitate a working partnership in dealing with decisions relating to the commitment of our Armed Forces overseas.

Our painful experience in Vietnam serves to remind all Members of Congress that the American public is demanding a direct voice in all future warmaking decisions. As the Representatives of those people who would be called upon to serve in combat during an involvement in another military conflict, we must restore our rightful role as participants in these vital decisions.

The war powers resolution is not designed as an attack or criticism of any President or past Presidential actions but rather as an effort by Congress to insure that it is permitted to exercise its full constitutional responsibilities in warmaking questions.

The desire to reestablish the right of Congress to correct the imbalance of power between Congress and the President in regard to war powers is interpreted by critics of the war powers resolution as an attempt to weaken the Presidency by reducing the flexibility of the President in national security matters.

Our Founding Fathers decreed that while the President would serve as Commander in Chief of our Armed Forces, only the Congress could commit the Nation to war. During recent decades our Presidents have allocated themselves increasing authority in warmaking based on our cult of gaging Presidential strength on the basis of military decisions made without consultation with Congress.

The war powers resolution is designed to reaffirm the traditional role of congressional partnership with the President in decisions which would affect the lives of the millions of people we represent.

We have been negligent in guarding our authority in dealing with questions of war and peace. It is time that we reinstate a viable system of checks and balances between the legislative and executive branches of Government in the area of warmaking powers. I urge my colleagues to vote to override the President's veto of House Resolution 542.

LACK OF BUDGET REFORM IS INFLATING OUR NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, in the nearly 3 years in which I have served in this body, the Congress has increased the total national debt ceiling no less than five times. Today, this House voted for a sixth increase in only 29 months.

SHARP INCREASES IN NATIONAL DEBT CEILING UNPARALLELED IN RECENT TIMES

When I first voted on legislation to increase the debt ceiling, the total ceiling stood at $377 billion. We were asked today to increase the total ceiling, through June 30, 1974, to $478 billion. If signed into law that will be a 29.4-percent increase in the total debt ceiling within 29 months. If one works backwards from the June 1971 vote—my first on this issue—one is struck by the inescapable fact that it had taken 168 months—back to 1957, the first year of President Eisenhower's second term—for the national debt ceiling to have been increased by the same percentage. In summary, the total national debt ceiling is being now increased at a rate 5.8 times the rate for the period from 1957 to 1971. That figure and its implications for our fiscal integrity and economic stability are resounding.

PREVIOUS SUPPORT OF DEBT CEILING INCREASES RECALLED

Why do Members of Congress who are fiscally responsible sometime vote for extensions in the public debt ceiling?

In my own instance, I have voted for such increases in the past because—

To attack the problem of Government spending at the point where the credit of the United States was apparently at stake;

At the point at which obligations had already been made;

At the point at which parties ostensibly had relied on the word of the Government to meet its obligations; and

In summary, at the point of considering a debt ceiling increase is to attack a result—not a cause—of the fiscal crisis within which our Government finds itself today.

The places at which the Congress, in its exercise of its constitutional role with respect to the purse, should attack the problem of Government spending is, first, at the authorization level, and, second, at the appropriation level. We too often forget that the Government can only indebt itself in the pursuance of programs specifically authorized and funded by the Congress.

It is, for one who desires to hold down the national debt ceiling, a logical action to vote against an increase in that ceiling only when one has consistently voted against the authorizations and appropriations which constitute, collectively, the need for an increase in the ceiling.

There are many Members who, in the exercise of both their own conscious and the electoral mandates of their constituencies, vote consistently against excessive authorizations and appropriations for activities which they believe to fall outside the proper roles of Government. When taken jointly, their votes would have curtailed expenditures in excess of, or at least equal to, the proposed increases in the national debt ceilings. I trust that I am perceived to be in concert with these Members.

I have voted, heretofore, for extensions of the public debt ceilings, because I felt the "nay" votes to be directed at the results, not causes, of our fiscal crisis.

VOTED AGAINST THIS INCREASE TODAY

I believe the time has passed when we can afford that judgment. In full consistency with my votes against excessive authorizations and appropriations, I voted today against an increase in the public debt limit.

I believe there is an obligation paramount to others which must be raised on this issue—an obligation to fiscal responsibility which can best be served by sending a message to all Members of these two bodies, as well as to the administration, that excessive Federal spending must be stopped now. This Congress can no longer afford a ritualistic provision for huge increases in the debt limit; that time has passed.

The question which was before us today—whether or not to increase the public debt limit—raised serious concerns which go beyond the pages of that bill.

These concerns must not be allowed to go unmentioned, for only when the Congress comes to grips with them will we move once again to the economic stability and viability which have been the hallmarks of our free market economy and the free society within which it functions with its inherent ability to resolve adequately any real or perceived maladjustments.

CONGRESS DEEDS MUST MATCH ITS WORDS

In an address to this body as recently as October 31, I stressed the need for Congress to match its deeds with its words:

> When one examines the spiraling rate of increase in the public debt ceiling—and when one further examines the volume of expenditures being authorized by the Congress, which collectively constitute the need for continuing debt-ceiling increases—the need is apparent for this assemblage to come to grips—immediately and effectively—with the causes of our concerns.
>
> If there is any single issue on which the actions of the Congress must be brought into line with its words, it is this subject of virtually uncontrolled Government expenditures in practically every field of human endeavor—sapping the vitality of the free enterprise system, interfering with the mechanisms of the free market economy, and jeopardizing the political freedoms which cannot exist without economic freedom.
>
> We cannot stand in the well of this chamber and urge an end to excessive total Federal spending, yet vote for increases—general or selective—in the levels of authorization or appropriation over and above the capabilities of Federal revenues to meet those levels.
>
> We cannot stand in the well of this Chamber and urge an end to excessive inflation, yet vote for increases in Government expenditures which can be met only through additional borrowing or through additional printing of money—either and both of which add to the causes of inflation.
>
> We cannot stand in the well of this Chamber and urge particular demands of various "fiscal constituencies" be met, yet ignore the conclusion that collectively the meeting of those special constituency demands will result in unlimited Federal spending.
>
> We cannot stand in the well of this Chamber and urge the private and independent—volunteer—sectors of the economy meet their fair share of the burden of helping eradicate social and economic ills, yet enact revenue-raising legislation which takes from them their capabilities of bearing the financial burdens of such assumptions of responsibility.
>
> We cannot stand in the well of this Chamber and urge States, municipalities, and counties assume their full share of governmental responsibility, yet take from them available tax bases from which must come the funds for assuming those full shares of responsibility.
>
> We cannot stand in the well of this Chamber and urge remedial action on this urgent problem without first realizing that its ultimate resolution lies not only in the will of the Congress, as the first branch of Government, to assume its proper and full constitutional roles with respect to the purse, but also in the issue being joined head on through a comprehensive, fully interrelated program effort. Piecemeal effort to first attack the problem here, then again there, will not resolve this matter. Only through a unified and unidirected effort will we be able to adequately meet this problem and resolve it. It will require a great degree of personal courage of convictions among the Members of this branch. But we need keep only one thing in mind to inspire us to rise to meet this challenge: If we fail in it, we invite the collapse of our monetary and economic systems and, ultimately, of the ability of Government to discharge its responsibilities.
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> * * * * *
>
> Government spending—and the raising of revenue requisite to that spending—must have a ceiling beyond which it invites either or both the collapse of the economic strength of the Nation or freedom. Because Government works with numbers which are beyond normal human comprehension—who can adequately contemplate the size of 1 billion of anything—because it sees a broad scope of issues, because it has not yet reached the breaking point, the Congress finds it hard to impose self-restraints on the levels of its own authorizations and appropriations. Yet everyone, even the most casual observers, knows that Government has a voracious appetite for the people's earnings.
>
> The statistics prove the tendencies of Government to siphon off ever greater shares of the people's income for itself, yet that casual observer to whom I have referred knows that all—I repeat, all—income of Government must ultimately come from the people themselves through personal income taxes, through corporate income taxes passed on to the consumers in the form of higher costs, through excise taxes and user charges, et cetera.
>
> Government must realize that it cannot indefinitely tax the people at constantly increasing levels without destroying the people's ability to support themselves and their families. In the end they will wind up defenseless, at the mercy of a vast special-interest-oriented Government bureaucracy they unwittingly helped to create, a bureaucracy which perpetuates itself through the consumption of the people's livelihood.
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> * * * * *
>
> The Congress has not done its fair share of the job of maintaining a growing economy, halting inflation, keeping the budget under control, establishing national priorities in a consistent pattern. Why? It could very well be, and I believe that it is, that the Congress does not now have the machinery with which to deal with these problems. Of what do I speak?
>
> Of the four identifiable phases in the budget process, three are presently in need of conscious overhaul—budget execution and control, review and audit, and authorization and appropriation. The Congress has abdicated—and I use that word advisedly—its authority because it has lacked the technical machinery with which to use its constitutional powers of the purse.
>
> The top priority of the Congress, therefore, ought to be to develop the vehicle itself—the vehicle which will allow us to get a handle on the budget, to view it as a totality, to establish a ceiling—which can also be done through a mechanism.
>
> No matter how hard this body must "bite the bullet" in determining that the present level of Federal spending must be the maximum at which we must stop, we simply must arrive at agreement on an absolute standard against which priorities for Federal expenditures can be established by this first branch of Government. As long as we adhere to the ever-flexible, no-ceiling way in which the Congress authorizes and appropriates moneys today, we will continue to feed, at the expense of the people, the insatiable appetite of Government for dollars. Theory? Philosophy of Government? Speculation? No. Fact. Federal internal revenue collections have risen in 32 years from $5.34 billion in 1940 to $209.8 billion in 1972—a staggering 3,858-percent increase.
>
> The mechanism which has made the most sense to me, and to the eminent economists with whom I consult on these important matters, is the revenue control and tax reduction program first proposed on a State level by Governor Reagan in California. That program's aim is to control the size of Government spending and the tax rates necessary to raise revenues by placing a progressively lower ceiling on tax collections over a fixed period. The program would impose a constitutional limitation on the percentage of total personal income which the State will be permitted to take from the people in the years ahead, gradually reducing the percent-

age which taxation bears to income by 0.1 percent per annum over the next 15 years. As an illustration of the importance of adopting such an absolute standard, if present trends continued in California during the next 15 years, the rate would rise from its present 8.75 to 12.27 percent—nearly a 33-percent jump. Yet the plan still more than adequately provides for the State's revenue needs, for even while the tax rate is being reduced, gross revenues in the State will climb nearly three times. The plan also provides for emergencies upon a declaration by the State legislature by a two-thirds vote. In summary, the plan is a method not only to control taxes but to control the amount of money the State can spend as well.

This concept represents an idea whose time has come. It can be, with appropriate amendments to conform it to the Federal process, made applicable to the Federal Government. In close association with noted economists and tax experts I am now working on the preparation of both an amendment to the Constitution and an enabling statute which would carry a closely similar plan into operation on a Federal level. Such a measure will have many advantages.

First, it will mean the recognition, at last, that there is a limit on the level of income which Government can take from the people.

Second, it will mean a recognition by this body that it must assert positive and conscious fiscal leadership for the Nation.

Third, it will enable the Congress to determine how much money can be expended by the Federal Government within a fiscal year, thereby establishing according to meaningful criteria, the priorities among the myriad of spending proposals.

Fourth, it will enable the Congress to exercise more fully its power over the purse.

Fifth, it will enable Congress to exercise that power of the purse in a manner which will require the executive to come openly to the Congress for the funds for any emergency, particularly in the area of foreign or military policy.

Mr. Speaker, I believe firmly that if this body is ever to come squarely to grips with the issues of spending, deficits, and inflation encouraged thereby that it will be only through the use of mechanisms which deal with the process of authorization, appropriation, and priority setting. Parkinson's law—that, spending rises to meet income—and the more recently formulated corollary—that spending rises to slightly exceed income, in expectation of increased income—shows clearly that we will never adequately tackle this problem by simply attacking the level of spending. We will tackle it only through the development of congressional mechanisms for establishing priorities and spending levels among them and through the establishment and adhesion to a revenue and spending standard which cannot exceed a fixed percentage of the total national income.

REMARKS OF PRESIDENT SANGOULE LAMIZANA

The SPEAKER pro tempore. Under a previous order of the Hounse, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker I would like to insert for the thoughtful attention of my colleagues the remarks of President Sangoule Lamizana of Upper Volta during the reception on his behalf by Chairman Morgan of the House Committee on Foreign Affairs on October 16, 1973. President Lamizana, who was here on a drought relief mission on behalf of the Sahelian states of West Africa afflicted by the drought, was accompanied by his Foreign Minister and Ambassador, the Ministers of the other five States of Mali, Mauritania, Niger, Chad, and Senegal and by the Ambassadors of these five States.

He concluded his remarks by saying:

> Greatness entails obligations. You represent a great people. Because of the feelings that motivate you, you can help to arouse American public opinions to assist us in winning the difficult battle we are waging against hunger, thirst, and poverty in order to give the people of the Sahel renewed reason to live and to hope.

The text is as follows:

REMARKS OF PRESIDENT SANGOULE LAMIZANA

First of all, I should like to thank you, through you, the American people whom you are privileged to represent and who have generously expressed their solidarity with the peoples of the Sahel, sorely tried by a drought lasting for several years.

I should also like to emphasize how much we appreciate this meeting, which is a further expression of your great interest in our problems.

We would like to see in that interest evidence that we have excellent advocates with the American people. An advocate obviously needs to be perfectly familiar with his client's case in order to be prepared to defend him with a maximum chance of success. That is why it seems appropriate for me to describe briefly to you the current situation in the Sahelian countries and the steps that should be taken to ensure the survival of our people.

It was during the 1972–73 crop year that the drought which had prevailed for five years assumed dramatic proportions. Throughout the Sahelian region the rains began late, were irregular and badly distributed, and ended too soon. The efforts of five months of hard work were reduced to nought. The grain heads were formed, but were empty. There was no hope of harvest. The farmer could then foresee the suffering that would come to his household, his wife, his children, his neighbors, the entire village.

The over-all shortage throughout the region was estimated at 850,000 tons of grain. Reserves had been greatly reduced by the shortages of the preceding years.

In order to attend to the most pressing needs, the local governments mobilized the feeble means at their disposal and appealed for national solidarity. The response has been affirmative but incapable of meeting the needs that must be met.

As early as September 4, 1972, President Senghor called the attention of the world to the difficulties and shortages threatening the Sahelian peoples. At the beginning of October 1972 requests were submitted by our governments to friendly countries and organizations for the foodstuffs necessary to meet the food needs of our people. Again, the response was affirmative but somewhat tardy. The tragedy of the Sahel was beginning. Imagine the torment of a father who begins the day wondering what he can give his children to eat; imagine entire herds of cattle dying for lack of water and pasture; imagine population movements—resembling the Exodus in the Bible—in pursuit of a meager portion of food scarcely capable of supporting life; imagine all that and you will have a barely accurate idea of the tragedy of the Sahel.

At the beginning of last month, we still had hope of a sufficient harvest for this farm year. Unfortunately, the rains needed to support that optimism did not fall and it is now certain that the situation will be worse in some countries of the Sahel.

It is therefore advisable to begin now to take the necessary steps to provide our people with the required foodstuffs as soon as the needs arise. We must stress the need to deliver aid promptly so that the distribution centers may be appropriately stocked before the roads become impassable. Indeed, we must not forget the unhappy experience of last year when we expended large sums to cover the high costs of air transport.

However, although we attach great importance to emergency assistance operations, we must not forget that the primary concern should be the struggle against the drought itself. Indeed, we must take all necessary steps to protect our people from similar disasters.

Our experts, our cabinet ministers, and then the Chiefs of State of the six countries met at Ouagadougou last month to consider the entire range of measures to be taken. At the conclusion of their work, they unanimously adopted an action program divided into three parts:

Emergency measures to meet the food needs of men and animals by establishing emergency reserves for the years ahead;

National programs; and

Action falling under the heading of regional cooperation.

The comprehensive effect of those programs emphasizes regional cooperation designed to meet, in order of priority:

The needs of men, animals, and plants for water to increase agricultural and animal production;

The need to rebuild the herds decimated by the drought;

The urgent need to rebulid and protect soil through reforestation;

The repair and improvement of our roads;

Research for development of a subregional seed plan to solve the Sahel's agricultural and animal husbandry problems and to provide better knowledge of the drought phenomenon in order to combat it more effectively.

We have not of course forgotten the campaigns against human endemic diseases and for health protection of cattle.

That program may seem ambitious but it is the absolute minimum in order to begin rehabilitation of the Sahel. It will require a total investment of about a billion dollars for our six countries over a period of five to ten years.

Alone, we can never realize from our own resources the financial means necessary for execution of that program. That is why, in view of the scope and seriousness of the problems created by the drought, the Chiefs of State of the Sahelian zone have entrusted to me the mission of coming to put before the United Nations General Assembly and the American people the poignant drama taking place in that region of Africa so that the international community may be mobilized to save the Sudano-Sahelian peoples.

The American people have made sacrifices a thousand times greater in other situations. We hope that their contribution will be in proportion to their greatness. History drew us together under sad circumstances, and then estranged us. It now brings us together once again in a world which is becoming increasingly smaller. It is, perhaps, first of all, a question of saving our people from famine, but it is above all a question of helping them to rebuild their producing capital so that they may in future be worthy social, cultural, and economic partners of the American people.

History decreed that Africa, and especially Sahelian Africa, should provide its men and its blood to build the developed countries.

Is it not fair that those countries should lend their support today to rebuild Sahelian Africa?

There has been an unquestionable expression of interest here in the problems of the Sahel, and I should like to take this opportunity to thank all the private organizations that have been created to mobilize funds and good will for the purpose of helping our people.

This meeting is further evidence of your understanding and of the concern of the people whom you represent.

You know our problems and our needs. From the bottom of our hearts we hope that you will consent to remain our most ardent supporters among your colleagues in the Senate and House of Representatives. It is a work of human brotherhood which every man worthy of the name should endorse and support.

Greatness entails obligations. You represent a great people. Because of the feelings that motivate you, you can help to arouse American public opinion to assist us in winning the difficult battle we are waging against hunger, thirst, and poverty in order to give the people of the Sahel renewed reason to live and to hope.

APPOINTMENT OF SPECIAL WATERGATE PROSECUTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Culver) is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, today I am reintroducing, with the cosponsorship of Mr. White, Mr. Hanna, and Mr. Steele, the joint resolution for judicial appointment of a special Watergate prosecutor. I would like to note that Mr. White and Mr. Hanna should have been listed as cosponsors last week, but their names were inadvertently omitted from the copy of the bill given to the Clerk of the House.

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I am pleased to report that a number of members of the Committee on the Judiciary join me today in the introduction of a clean bill, the "Public Safety Officers' Benefits Act of 1973." This important bill, providing a $50,000 gratuity to the survivors of law enforcement officers and firemen, represents the culmination of extensive hearings and exhaustive markup sessions by the members of the Immigration, Citizenship, and International Law Subcommittee, of which my colleague, the Honorable Joshua Eilberg serves as chairman. This bill has already been favorably reported by the subcommittee and will be considered by the full committee in the very near future.

Members of the House will recall that on October 11, 1972, this body unanimously approved legislation to compensate survivors of law enforcement officers who die in the performance of certain hazardous duties as well as firemen killed while protecting life and property from fire. Last year the Senate also acted favorably upon this legislation. The difference between the House and Senate-passed versions were resolved and a conference report was filed on October 17, 1972. However, because of the adjournment of the 92d Congress, I regret action could not be taken on this critical legislation.

In the 93d Congress, numerous public safety officers bills have been introduced by the Members, including one introduced at the request of the administration. The Senate has again passed a death benefit bill substantially in the form agreed upon by the conference committee in the 92d Congress.

The bill I am introducing today is similar to the conference version and is the product of additional hearings at which time the members of the subcommittee received additional new data on this subject. Through the diligent efforts of subcommittee Chairman Eilberg, the Members have reported an improved bill.

This bill is designed to meet the immediate financial needs of the dependents of public safety officers who die while in the performance of specified duties or while engaged in other hazardous duties which are determined by LEAA to be potentially dangerous. The intent of this scope of coverage was to compensate those law enforcement officers who attempt to protect the public, but often die because of the numerous risks associated with the public safety profession. It was felt that the major risk of death confronting law enforcement officers often results from their exposure to criminals. Consequently, this legislation expressly covers law enforcement officers when they are engaged in: apprehending a suspect or a material witness; protecting or guarding a person held in connection with a crime, or preventing crime. It also covers volunteer and professional firefighters who die while actually and directly engaged in fighting fires.

The bill contains a specific definition of the term "law enforcement officers"; so that activities of corrections, probations, and parole authorities and programs relating to the prevention, control or reduction of juvenile delinquency or narcotic addiction are expressly covered as well as police efforts to prevent, control or reduce crime. I am especially pleased to report that this bill specifically includes within its coverage volunteer firemen and other eligible public safety officers serving a public agency in an official capacity without compensation; thereby including reserve and volunteer law enforcement officers.

This bill differs from the bill passed by the House in the 92d Congress in providing that interim emergency benefit payments not exceeding $3,000 may be paid upon a showing of need prior to the final determination when it is found that a public safety officer's death is one with respect to which a benefit will probably be paid. It was believed that an interim payment provision was important because many times the families of slain law enforcement officers are in immediate need of finances to help them through this difficult and trying time.

Finally, this bill provides coverage for deaths resulting from injuries sustained on or after October 11, 1972, rather than becoming effective upon date of passage. Since the House overwhelmingly approved gratuity benefits for survivors of public safety officers last year on October 11, 1972, after the Senate had already passed similar legislation, it appears only fair and equitable to provide benefits for the survivors of these unfortunate officers killed subsequent to the time the legislative intent was indeed made clear.

Mr. Speaker, the public support for this legislation has been made evident to all Members. The bill is premised on the conclusion that law enforcement and firefighting are inherently dangerous activities and that it is in the national interest to upgrade and improve employment opportunities in the public safety field. Passage of this legislation will substantially improve the morale of public safety officers, enhance recruitment efforts and provide a guarantee of some measure of security to the dependent survivors of those who give their lives in safeguarding our society. I am confident this worthwhile and urgently needed legislation will be speedily enacted into law.

The following members of the Judiciary Committee have joined me today in introducing this vital measure: Messrs. Donohue, Kastenmeier, Eilberg, Flowers, Seiberling, Danielson, Drinan, Rangel, Thornton, Owens, McClory, Smith, Railsback, Fish, Mayne, Hogan, Cohen, Lott, Froehlich, Moorhead, and Maraziti.

ROY SCHMIDT: A YOUNG AMERICAN LOST TO US ALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Wolff) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, this Saturday it will be my sad duty to attend memorial services for a young man who grew up in Carle Place, Long Island, part of my congressional district. Marine Capt. Walter Roy Schmidt, Jr., originally listed as a prisoner held by the North Vietnamese, died in a remote village in Indochina.

Roy Schmidt was the pilot of an A-4E aircraft, shot down on June 9, 1968, over North Vietnam and shortly thereafter he was listed by the United States as a prisoner of war. For 4½ years, his family lived with hope, awaiting his return. But, when our POWs were released last January, the United States was informed that Roy was not to be included, and the North Vietnamese held no record of his capture or imprisonment. Subsequently, the Navy Department listed Roy as missing in action. Now, after hopeless months of waiting for any indication he is alive, Roy's family has been notified he has been officially declared dead.

I never knew Roy, not as a youngster in Carle Place, nor as a young man who left for Vietnam. I have, however, come to know his family well, and through them, to gather some impressions of this young man. It is sad to know he is gone, for his loss is more than the personal one which Lila and Wally Schmidt and their daughter Helen must bear. Roy's death denies this country the value of a human who would have made his unique contribution to the greatness that is the United States. His tragedy is ours.

Roy was one of those young men who enlisted in the Marines, knowing full well he risked duty in Vietnam, but caring only that this Nation had a stake there he felt it was necessary to defend. In less than 3 months he flew over 100 missions. Concerned about the deaths of his friends, awed by the skill of his superior officers, and aware of the folly of war, at the same time he felt certain it was right to join American forces and fight for the United States in that unhappy corner of the world.

And so, for more than 5½ years, the Schmidts have suffered with the burden of uncertainty about Roy's fate. When they finally believed there was no hope left, they requested the Navy to declare him legally dead, allowing release from the limbo in which they lived and letting Roy rest in the peace he so richly deserves.

We cannot lift the burden of grief from the hearts and minds of the Schmidts, but we can offer our prayers for them and their son, Roy, a young man of promise with great faith in this Nation and its future.

At the conclusion of my remarks, I want to include in the Record a news story written by Chapin Day of Newsday at the time the Schmidts were informed that the determination of death had been made. Chapin has developed a good and close friendship with the Schmidts during their ordeal and has written his story with the compassion and understanding evoked by this fine family.

Because in his short life Roy was fortunate enough to work at something he truly loved—flying—we may take some small comfort that his life was not wasted. My sympathies and heartfelt wishes go to the Schmidts as they go through this difficult time. They were blessed with a fine son who brought them and this Nation honor, a young American now lost to us all.

Agonizing Wait Ends for Family

(By Chapin A. Day)

Carle Place.—The Marine Corps captain in dress blues came to the Schmidt family's door at 9 yesterday morning. He was expected.

He brought the family members a message that for more than five years they had devoutly believed they would never have to receive—but a message that, in the end, they had requested. The secretary of the Navy, the captain said, had declared Capt. Walter Roy Schmidt Jr. killed in action. Schmidt, listed as a prisoner of war since 1968, had become the 533rd Long Islander to die in the Vietnam war. Eight others from Long Island still are missing.

For the dead man's parents, Walter and Lila, and his 20-year-old sister, Helen, the message evoked both a sense of loss and a sense of relief. It represented official confirmation of something they had reluctantly come to accept since last January when they learned that Schmidt, a Marine Corps pilot, was not among the POWs released in Southeast Asia. The message also meant an end to years of dealing with Pentagon bureaucracy that has left them embittered. "This ends the fighting," Helen said.

Yesterday, in the living room of their home at 40 Tenth Ave., the Schmidts reminisced about some of the happy times with "Roy." A large oil color portrait of him smiled down over the fireplace. But there were serious moments as well. "Had he been fighting for a different cause," Mrs. Schmidt said, "we would have felt more justification for his loss."

Because of a court injunction obtained by some families of men still missing in Southeast Asia, the Defense Department has been barred from changing the status of missing men unless a family requests a change. The Schmidts had made such a request June 22 after the Pentagon had been unable to provide them with any further information about Roy's fate. A reporter asked Mrs. Schmidt if she now regrets making that request. "No, I think Roy would want us to do this and I don't regret it," she answered.

The Navy secretary's decision lists Schmidt's death as occurring on June 9, 1968, the day his plane was shot down while on a bombing mission in the A Shau Valley, South Vietnam. He was 23. Born in Queens, Schmidt had moved to Carle Place with his family in 1947. He graduated from Carle Place High School in 1963 and attended Nassau Community College for a year and a half before enlisting in the Marines. A memorial service will be held at 11 a.m. Nov. 10 at the Cathedral of the Incarnation, Garden City.

The service will bring at least a symbolic end to five and a half years that Mrs. Schmidt said yesterday have been "a totally agonizing experience. But if you're looking for some consolation," she added, "he was doing what he wanted to do and some people live their whole lives without doing what they want to do. He loved to fly."

MR. JOE BEIRNE DISCUSSES LABOR'S ROLE IN POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. Fulton) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, the urgency of campaign spending and fund-raising reform remains pressing although it, like other important issues facing the Nation today, have tended unfortunately to be submerged from public view by Watergate and its attendant scandals.

Recently, in an article which appeared in the Washington Post on October 15, the president of the Communications Workers of America spoke out very forcefully on the demonstrated need of this reform.

The Communications Workers of America, as many know, is one of the most active organizations within the American labor movement, in grassroots politics. Its members are well known for their contributions of time, energy, and talents to a variety of local level programs all designed to foster better government by bringing people closer to their government at every level.

Of course Mr. Beirne's personal observations are his own which may or may not be shared by others. However, his pointed arguments in support of reform are basic and solid.

Mr. Speaker, I include Mr. Beirne's article in the Record at this point and commend it to the attention of my colleagues:

The Role of Labor in Politics

(By Joseph A. Beirne)

If there is one positive contribution to the American way of life that the current administration has made, it has been to focus our attention on money in politics with crystal clarity.

Never before have we been treated to such a blatant exhibition of governmental favoritism to those who came up with the money at the right time. Corporate antitrust problems can apparently be solved by doling out a little cash. The only problem is that the assessments are being made by political parties in the form of contributions and not by courts in the form of fines. Ambassadorships also have taken a more dominant position in the marketplace. The most disgusting aspect of this practice is that in the eyes of the world we reduce our highest ranking diplomatic envoys to little more than a pack of rich kids. They may not know much about world affairs, but rest assured that they won't be caught eating steak with their salad fork at state dinners.

So, in the light of Watergate and related money-oriented scandals, Congress is beginning to discuss some type of reform of our campaign and election practices. The natural goal of any such reform would be to end the concept of "politicians for rent to the highest contributor," as AFL–CIO Legislative Director Andrew Biemiller put it in recent testimony before the Senate Privileges and Elections Subcommittee. To do this, we must commit ourselves to a system of publicly financed elections. Anything else would continue to perpetuate the election of wealthy candidates at the expense of truly representative legislative bodies.

Reform must go beyond giving a reasonable opportunity to all who wish to run for public office. The amount of money spent on political campaigns is virtually out of control In 1972, the amount spent by candidates seeking office is estimated in the neighborhood of $400 million. There is little hope to bring this spending under control through our current system. CWA Secretary-Treasurer, Glenn E. Watts, said out in testimony before the aforementioned Subcommittee that "at the current rate of inflation and with the built-in increases in campaign costs, campaign spending by the year 1984 could reach an estimated $1 billion." If $400 million can get us Watergate, $1 billion should be sufficient to guarantee the repeal of the Bill of Rights. In the midst of all reform talk there are healthy doses of finger pointing and hand washing. Just as I think the primary villains have been the corporate campaign financiers, others cite labor's political contributions. If you are expecting me to say that we don't contribute, forget it. We most definitely contribute voluntary dollars to candidates who support the views of millions of working men and women. There is an important difference here and it involves people.

Labor unions are about the only major organizations that represent large numbers of working people and are in a position to speak out on their behalf. Whether it be in regard to legislation or political contributions, labor must view itself as a spokesman for these workers and as an alternative sounding board to corporate interest and their trade associations. In the contribution of political funds, the AFL–CIO has long depended on the Committee on Political Education (COPE). The money that COPE dispenses goes to candidates of labor's choosing, who are supportive of the views of working people. There are no "bag men" for COPE money, and there are no Mexican laundromats necessary. Our contributions are above board, and they are made with the consent of our membership.

Within CWA, we have taken steps to insure full membership participation in dispensing of political contributions. Advice from lower echelon officials is sought before contributions are made which would affect the political status in their districts or states. Only if we operate in a democratic manner internally can we hope that our efforts will insure the democratic process externally.

The participation of our membership in political matters is crucial. Recent legislative failures have demonstrated that. If our political contributions are so effective, why couldn't labor muster enough support to guarantee a new minimum wage bill? Why couldn't we swing enough support to disaster relief and health care? Our answer lies in increasing membership activity in politics. Quite simply, we are committed to the inclusion of people in politics—not only dollars. These initiatives are paying off. In the recent Democratic Telethon II, a request for volunteers brought over 10,000 CWA members to answer telephones throughout the country. And I don't believe that will be their final effort.

In the future, when reform does come to campaigning, I for one will be happy to see labor conform to all money control regulations. But labor's members, the people, will never abandon participation in the political process. They will always be active and their voice will always be heard. Failure to keep people involved would result in turning campaigns back over to money barons and thus leave our democratic system twisting slowly . . . slowly in the wind.

MEDICARE AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 5 minutes.

Mrs. GRASSO. Mr. Speaker, today my colleague from Minnesota (Mr. FRASER) and I are introducing a bill to freeze through 1974 the medicare part A hospital deductible at its present level of $72.

This action was initiated because HEW announced on October 11 that, in compliance with a provision of the social security law, the deductible would be raised from $72 to $84 effective January 1. Secretary Weinberger noted that this increase was not inconsistent with the Cost of Living Council's policies and reflected certain interpretative changes in the Council's regulatory policy.

In an effort to have this massive 16.6-percent increase reconsidered, I asked Mr. Dunlop of the Council for an explanation of the Council's decision. The Council's response indicated that it has no intention of reviewing and modifying its approval of this burdensome increase.

Mr. Speaker, some 290,000 Connecticut residents are eligible for medicare benefits. It is estimated that around 69,000 of our State's citizens will be hospitalized next year. They will face increased medical costs at a time when they must pay higher prices for food, rent, and other basic necessities.

We know that the 5.9-percent increase in social security benefits, scheduled to take place in July 1974, will not balance these high prices, and that added expenses for health care will be an intolerable burden for many of our older citizens. Therefore, we must take action immediately to prevent this 16.6-percent increase in the part A medicare deductible.

The bill I am introducing today, identical to legislation introduced November 5 in the other body with 31 sponsors, makes two changes in the present medicare law. First, it freezes through 1974 the part A deductible cost at $72. Second, it amends the formula contained in the law by changing the base year for computing cost increases from 1966 to 1972. This will insure more reasonable annual increases in the deductible in future years.

Earlier this year, 53 of my colleagues joined me in cosponsoring a resolution opposing increases proposed by the administration in both parts A and B of medicare. I am hopeful that this effort to keep medicare costs to older Americans from skyrocketing will generate comparable support in the House.

COPPER EXPORT INSANITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, in September of this year the United States imported 10,209 short tons of refined copper at a price of nearly 90 cents per pound. In the same month we exported 16,041 short tons of copper.

The domestic price of copper has been frozen at 60 cents per pound. This has resulted in the ridiculous practice of exporting copper which would sell at 60 cents per pound in the United States and buying copper which costs 90 cents per pound.

This insanity cost the American consumer over $6 million in September.

Under the terms of the price control regulations an importer of copper may pass on the increased cost to the consumer. Thus it cost the companies nothing to switch to imported copper. At the same time the copper producers make a 47-percent price freeze "bonus profit" on the copper which they export.

I have repeatedly written to the Secretary of Commerce asking him to impose export controls as long as the price freeze is in effect. I am told that the Secretary of Commerce is monitoring exports and will limit them when it becomes necessary.

Mr. Speaker, it seems to me that when the export of copper costs the consumer of this country $6 million per month it is time to limit exports of copper.

On October 3 I introduced H.R. 10733. This bill would limit the exports of copper during the price freeze or when sales are made from our national stockpile. This legislation is sorely needed in order to prompt the Secretary of Commerce to correct the practice of exporting our raw materials and importing someone else's raw materials at a higher cost.

A similar situation affects the prices that Americans are paying for aluminum, steel, and various plastics. The Secretary of Commerce waits while the companies make higher profits and the American consumer pays and pays and pays.

CPA AT THE POSTAL RATE COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, the Postal Rate Commission is one of the agencies that has been mentioned as a target of the Consumer Protection Agency's advocacy under the three bills pending before a subcommittee on which I serve. The Postal Rate Commission, however, has asked to be excluded from CPA jurisdiction, an unlikely possibility, I would judge.

The bills are H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD and HORTON, and H.R. 564 by Congressman BROWN of Ohio and myself.

The major difference among the bills is that H.R. 14 and H.R. 21 would allow the CPA to appeal to the courts the final decisions of all other agencies, including decisions not to act as requested. The Fuqua-Brown bill would not grant such an extraordinary power to the nonregulatory CPA.

The Postal Rate Commission was among several selected which were asked by me to list their 1972 proceedings and activities that would be subject to CPA advocacy under the bills.

I have been sharing these responses with the Members in order to avoid a repeat of the confusion we experienced last Congress when debating a CPA bill.

I now place in the RECORD the Postal Rate Commission's listing of its proceedings and informal activities which would be subject to CPA advocacy under all of the bills and CPA-initiated court appeal under all except the Fuqua-Brown bill. I should note, Mr. Speaker, that the Commission's request for exclusion from CPA advocacy is found in its covering letter to me, which I also place in the RECORD:

POSTAL RATE COMMISSION,
Washington, D.C., September 26, 1973.

Hon. DON FUQUA,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FUQUA: This is in response to your letter of September 7, 1973, requesting certain information concerning operations of this Commission that might be within the advocacy jurisdiction of an independent Consumer Protection Agency, creation of which is now under consideration by Congress.

Detailed answers to your specific questions are attached hereto. By way of supplemental information, we think it may be useful to briefly sketch several unusual features of the Postal Reorganization Act which distinguish the regulatory functions of this Commission from those of other federal agencies. *See* 39 U.S.C. §§ 101, *et seq.* Our authority extends over the Postal Service and is related primarily to those aspects of its operations which affect rates, classes, and services, as set forth in Chapter 36 of the Act.

Under the Act this Commission conducts formal proceedings to determine the reasonableness of postal rates and fees (39 U.S.C. § 3622) and mail classifications (39 U.S.C. § 3623). The Commission may also hold hearings on proposals by the Postal Service for changes "in the nature of postal services which will generally affect service on a * * * substantially nationwide basis" (39 U.S.C. § 3661); and it has jurisdiction to consider complaints that postal rates and services do not conform to the policies of the Act (39 U.S.C. § 3662).

The Postal Service is an independent establishment of the executive branch of the Government (39 U.S.C. § 201). The Governors of the Service are appointed by the President, with the advice and consent of the Senate, and are "chosen to represent the public interest generally" (39 U.S.C. § 202). The members of the Postal Rate Commission are also appointed by the President and are selected "on the basis of their professional qualifications" (39 U.S.C. § 3601) to carry out the policies of the Act. In addition, the

Act contains a unique statutory provision under which "an officer of the Commission, who shall be required to represent the interest of the general public," participates in all hearings on rate and classification matters (39 U.S.C. § 3624). In performance of this function, he and his staff present testimony and exhibits through witnesses on his staff, cross-examine the witnesses of other participants, present pleadings and legal briefs, and, upon conclusion of the proceedings, this Commission officer presents oral argument to the Commission.

Thus, Congress has established a comprehensive scheme under which the interests of the public are expressly represented at three separate levels: (1) through the governing body of the regulated entity; (2) through the members of the regulatory agency; and (3) through an agency staff official. Moreover, in Postal Rate Commission proceedings, unlike those of other regulatory agencies, the regulated entity itself is a governmental body, functioning in the public interest.

In addition to these special statutory provisions for protection of the public interest in Commission proceedings, the Commission took further steps this year to promote representation of the public interest in Commission proceedings. By rulemaking effective February 6, 1973 (39 Fed. Reg. 3510) the Commission initiated and adopted a new regulation authorizing limited participation in Commission proceedings. This rule was adopted in recognition of the fact that full participation in Commission proceedings can be expensive, in view of the complexities of the evidentiary and legal issues involved, and in view of the procedural requirements imposed by the Administrative Procedure Act. The new rule permits interested persons to present the Commission with evidence and recommendations on the issues, without incurring the burdens of full participation.

In view of the special statutory and regulatory plan governing the Commission, we do not believe that, as to postal rates, classes and services, the objectives of H.R. 14, H.R. 21, and H.R. 564 would be furthered by superimposing on the present regulatory scheme a provision for participation, on behalf of the public, of still another agency of the Federal Government. We urge, therefore, that if legislation is enacted, Congress make clear that it is not intended to apply to the Postal Rate Commission. (As an analogy your attention is invited to 39 U.S.C. § 410, which exempts the Commission from many laws applicable to other agencies, such as most laws dealing with federal contracts and employment.)

We hope that these comments and the responses which follow will prove helpful to you. We will be happy to provide any additional information you may require.

In responding to your inquiries, we have preceded each of our answers with the related question for your convenient reference. The Commission has no further comments or recommendations concerning the proposed bills at this time.

Very truly yours,

JOHN L. RYAN,
Chairman, Postal Rate Commission.

Question 1. What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 [the Administrative Procedure Act (APA) notice and comment rulemaking provisions] were proposed by your agency during calendar year 1972?

Answer. 1. Amendments to the Commission's regulations on evidentiary and filing requirements in rate and classification cases. The purpose was to require the Postal Service and intervenors to provide more comprehensive and detailed data for evidentiary records developed before the Commission in formal postal rate and classification proceedings. *See* 37 F.R. 14243 (July 18, 1972).

2. Amendments to the Commission's general rules of practice and procedure, including an amendment allowing limited participation in Commission proceedings to mitigate the financial burden of full-scale intervention. See 37 F.R. 16554 (Aug. 16, 1972).

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 U.S.C. 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer. With respect to rates, see the Answer to Question 3, below.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 U.S.C. 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer. On June 5 1972, the Commission issued its Recommended Decision in the first postal rate case, Docket No. R71–1. The rates recommended by the Commission after approval by the Governors of the Postal Service, were initiated in July 1972.

Docket No. R71–1, a case of first impression under the Postal Reorganization Act which was characterized by unusual complexity of issues, multiplicity of parties, and an extensive evidentiary record, began in February 1971, when the Postal Service filed a request for a change in rates.

Question 4. What adjudications under any provision of 5 U.S.C. chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

Answer. None.

Question 5. Excluding proceedings subject to 5 U.S.C. 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

Answer. None.

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Answer. 1. Interpretative letters in response to requests from Members of Congress.

2. Interpretative answers to letters from members of the public.

3. Informational methodological presentations to Commission and staff members by large mail users and by enterprises in competition with the Postal Service. These presentations were generally open to the public, and the subject of notices in the Federal Register.

4. Informational tours of Postal Service facilities by Commission and staff members. As in (3) above these tours were generally open to the public.

5. Testimony before the House and Senate Post Office and Civil Service Committees.

6. Preparation of an affirmative action plan for equal employment opportunity within the Commission.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer. Under sections 3625 and 3628 of the Act, the Board of Governors of the Postal Service could have allowed the Commission's Recommended Decision in Docket No. R71–1 to take effect under protest and appealed it to a U. S. Court of Appeals. There was no such appeal.

In addition, the Governor's decision to approve the Commission's Recommended Decision in Docket No. R71–1 was subject to appeal to a U. S. Court of Appeals by any aggrieved party to the case, pursuant to section 3628 of the Postal Reorganization Act. The decision was appealed by several intervenors, and was upheld by the court.[1]

ISRAELI CASUALTIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, Israel has revealed her casualties in the present war, 1,854 soldiers killed. In proportional terms this is said to be equivalent to 140,000 dead in a country the size of America. We who live in a country with 200 million people and are daily bombarded with the stories of tragedy springing from a world population of over 3 billion quickly become inured to statistics.

Hundreds of thousands have died in recent months from natural disasters in Bangladesh, Ethiopia, and West Africa. The Israelis themselves have vivid memories of the death of 6 million just one generation ago. What impact can the death of 1,854 men have?

Yet, according to Jewish tradition, when even a single man is killed it is as though an entire world has been destroyed. We must think of Israel as a single community to appreciate their feelings today.

For weeks they have waited to hear how many of their young men died in the war and still there is no relief for they must continue to wait for the final blow; 1,854 died but the names of these men are not yet public. Hundreds have died almost overnight with no one knowing whether the dead include relatives, neighbors, or close friends. But there is another dread that Israel must feel now; perhaps these 1,854 were only the first to die in this year's war. Any day the fighting may begin anew. The troops have not been welcomed home to join their families and mourn their fallen comrades. They remain on the lines facing a rebuilt Egyptian army. The region and the entire world waits for Secretary Kissinger to perform a miracle and create an agreement between two sides who neither believe nor trust the promises of the other. Our role can only be that which the administration has chosen simultaneously to arm Israel in case fighting is renewed and to push all parties to the dispute toward negotiations and peace.

In remembering the dead we turn to God and hope for the peace that has yet to come. In closing I would like to include the prayer recited by Jewish mourners, the Kadish.

May His great name be magnified and sanctified in the world which he has created according to His will.

May He establish His kingdom during your life and days and during the life of all the House of Israel, speedily and soon. And let us say: Amen.

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[1] *AAP* v. *Governors of the United States Postal Service*,——F.2d——, Nos. 72–1641, et al., (D.C. Circuit, decided June 26, 1973).

Let His great name be blessed for all eternity.

Blessed, praised and glorified, exalted, extolled, and honored, magnified and lauded be the name of the Holy One, blessed be He; though He is above all the blessings and hymns, praises and consolations which are uttered in the world. And let us say: Amen.

May there be abundant peace from heaven and life for us and for all Israel. And let us say: Amen.

May He who causes peace to reign in the Heavens make peace for us and for all Israel. And let us say: Amen.

JEWS IN CHILE SAY THEY ARE OK

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 5 minutes.

Ms. **ABZUG**. Mr. Speaker, on October 15 I inserted in the Record an editorial that indicated there was an anti-Semitic tone to the recent military coup in Chile. The editorial, which appeared in the Daily Texan, a student publication of the University of Texas, quoted anti-Semitic remarks that appeared in a letter to the editor to a Chilean newspaper and in an editorial that appeared in another Chilean paper. It also cited reports from political refugees that leaflets were being dropped from military helicopters in residential areas of Chile urging Chileans to turn in anyone whose name indicated they might be Jewish. The Texan editorial was sent to me by a former constituent, who requested that I call attention to it.

Because of the history of anti-Semitic actions by other Fascist regimes, I was disturbed by the Texas report and looked into the matter further. After talks with Latin American authorities, I was assured that there is no evidence of overt anti-Jewish activities by the Chilean junta.

I have also since received a flat denial of the University of Texas newspaper charges by the Comite Representativo de la Colectividad Israelita de Chile, the official voice of the Jewish community. Their cabled statement of October 26 signed by Gil Sinay, president, and Robert Levy, secretary, says:

> We emphatically deny these statements as absolutely false. No leaflets inciting anti-Semitic persecution have been issued. No anti-Jewish publications have appeared under present regime. To the contrary from the first moment present government authorities have explicitly assured rejection of all racial and religious discrimination. Nobody has been persecuted as a Jew and Jewish institutions continue activities with absolute normalcy. Publications referred to were made in August under previous regime and did not have the exaggerated importance intentionally attributed to same.

I am, of course, pleased to set the record straight and reassured that there have been no attacks on Jews per se by the military junta.

I remain appalled by and opposed to the ruthless, antidemocratic actions of the present military-dominated Chilean Government, which has destroyed freedom of the press, suppressed political opposition and unions, engaged in book-burning and, in its unlawful seizure of power, slaughtered thousands of Chileans as well as several American citizens who happened to be working in Chile at the time of the coup and who were shot down by agents of the military regime.

WATERGATE AND IMPEACHMENT

(Mr. **ASHBROOK** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. **ASHBROOK**. Mr. Speaker, Watergate, the tapes, Agnew's resignation, talk of impeachment, resignations and firings. Mideast wars, energy crisis—the list goes on and on. These are most hectic times to be serving in the Congress.

I am probably in a better position than most to objectively look at the cloud surrounding the President. My voice protested administration policies as early as March 1969. At that time, most of my objections were directed at failing to carry out campaign promises and advocating policies in direct refutation of 1968 promises and platforms. Between 1969 and 1972 I continued to question the policies that the Nixon administration was advocating. I publicly challenged these policies in several 1972 Presidential primaries. As a Republican I have fought within my party for even higher standards than I apply to the Democratic Party. My record clearly shows that I publicly have applied the same principles to Republican and Democrat Presidents. My allegiance is first to principles, not to leaders.

Without being partisan or political, I can honestly say that the same standard my Democratic colleagues want to apply to Richard Nixon was not applied to Lyndon Johnson when the Bobby Baker and Billy Sol Estes scandal was raging. The hope for partisan advantage can sometimes replace the need for impartiality. This does not diminish the culpability of the Nixon administration but it tells a little about those who are yelling the loudest for the President's hide.

The Watergate mess was an arrogant and stupid abuse of power by a handful of self-seeking men. The Nixon responsibility, although not direct I believe, was clearly there. One of his greatest errors has been to foster an almost irrational sense of personal loyalty. Not to the Constitution, not to the country, not to the principles of his own party but personal loyalty to him and the office of the Presidency. There is a heady feeling of power in the White House even in the most favorable circumstances and the loyalty cult breeds problems of the Watergate arrogance and coverup type.

In the atmosphere of loyalty to the man rather than to the country and the Constitution, men soon believe that the end justifies the means. Those who felt that way committed crimes and should be punished. In the case of Mr. Agnew, it is very trying for me because he was and is a close personal friend. He must be judged, however, by the same standards he so ably applied to everyone else. Those standards he so eloquently explicated in the famous law and order speeches were supported wholeheartedly by most Americans, including myself.

The President's mistake in naming a partisan, Archibald Cox, to the position of special prosecutor was compounded by his mistake in firing him. There is no way he could have the public with him on that issue. The release of the tapes probably eased the pressure on the President and will help remove some of the public doubts surrounding Watergate, but it was on again, off again once more. The administration's statements about existence and nonexistence of certain Watergate tapes were further examples of bungling. Presidential errors have been frequent but these are not grounds for impeachment. If we impeached Presidents for mistakes of judgment and even foolishness, we probably would not have had a President keep his office in this century.

No mistake Mr. Nixon has made is any worse than the covert Bay of Pigs disaster in President Kennedy's term, for example. Disappointment in a President and frustration are not constitutional grounds for impeachment. Grounds for impeachment are, as the Constitution says:

> Treason, Bribery, or other high Crimes and Misdemeanors.

The President is right, in my opinion, in pressing for spending limitations and endeavoring to cut down Federal deficits which fuel the fires of inflation. He is wrong in pressing aid to our Communist enemies in the Soviet Union. He is right in pressing for governmental reforms in education and agriculture programs. He was wrong in vetoing the war powers bill and I will vote to override that veto. The people do not want secret diplomatic deals culminating in presidential wars where the President dispatches troops to Vietnam, the Middle East or the Dominican Republic without a vote of the Congress.

The Watergate scandal was, in large part, the result of actions by people who have never held elective office. Few of them were really Republicans but the Republican Party is taking the rap for the wrongdoings of the Nixon appointees. The Republican Party has not caused Mr. Nixon any problems, it is exactly vice versa. In fact, had he relied more on the advice of Republican congressional and party leaders, he would not now be in the deep quagmire in which he finds himself. Opportunism seemed to be the guiding light of the White House coterie which perpetrated the Watergate fiasco. There is a lesson to be learned from the Watergate scandal—that is, that principles must give direction to political parties and officeholders and loyalties must be to principles rather than to men. A politics divorced from principle is a politics in which Watergates and future Watergates are possible. I state now as I did in February 1972:

> That the major reason why most Americans distrust politics and parties in general

is the fact that, on both sides, there seems to be a demand for partisan advantage rather than advocacy of principle.

The Republican Party must once again remember the words of the late Senator Robert A. Taft, Sr.:

> A party kills itself and removes any excuse for its existence when it adopts the principles of its opponents.

The Watergate aftermath makes necessary the Republican Party's reaffirmation of basic principles. The Republican Party must work for such goals as limited government, controls on excessive Government spending, and a strong national defense.

I am not now in favor of the impeachment of Richard Nixon. I am in favor of impartiality and justice in any current or future investigations into wrongdoing of any administration—Democrat or Republican.

As in the past, I will continue to speak for the best interests of our Nation as I see them and to support or criticize Presidents and legislation without regard to party or political consequence.

A BALANCE IN THE MIDDLE EAST

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, many Americans are rightly concerned with the conflict in the Middle East. In recent days the Egyptians have been reported to be ready to reengage in war with the Israelis. I think our Government must have a realistic approach to this important area. First, let me state that I am opposed to the introduction of any American ground troops in this area. Second, I am in favor of the United States resupplying the Israelis with weapons. The United States' resupply of Israel is necessary to maintain a military balance in the Middle East. I do not think that the United States should do more than resupply.

We must remember in that part of the world there are more than just two sides—the Arabs and the Israelis. On the Arab side there are the completely anti-Western regimes like those in Egypt, Syria, and Iraq, which are also heavily influenced by the Soviet Union. Additionally, there are a number of more moderate states. Such states as Saudi Arabia, Kuwait, and Jordan can and should be friends of the United States. I urge those states that I have named, as well as the other moderate states in that region, to disassociate themselves with the radical ones.

Also, we must remember that this present war probably would not be taking place if the Soviet Union had not been supplying both Egypt and Syria with all types of advanced weapons. Reports show that the Soviets were involved in a massive buildup in Egypt just prior to the present conflict. This action on the part of the Soviet Union continues. Growing evidence shows that the Soviet Union apparently knew of the current hostilities before they took place. It seems that the Soviets think that they can use détente to further their own ends and will use it whenever possible.

We must be aware of the continuing Soviet efforts to gain predominance in the whole Mediterranean area. American foreign policy must be cognizant of Soviet moves in this part of the world.

Also, we must not lose sight of the following factors: First, Israel's consideration of the conflicts in the Middle East as determining its very existence; second, Soviet efforts to unify the Arabs against the United States and to create problems in NATO; third, Arab efforts to use oil as a weapon against the United States, Western Europe and Japan; and fourth, an unfortunate unity between Arab radicals and moderates. The Middle East conflict is not one prone to easy solution. The Arabs must assure the Israelis that they have given up their efforts to throw the Israelis into the sea while the Israelis must be willing to give assurances to the Arabs that they, the Israelis, are willing to enter into serious negotiations regarding the conquered lands.

After the 1968 war, I wrote the following regarding the Israeli-Arab conflict. It is appropriate for today and I include it with these remarks:

WASHINGTON REPORT

(By JOHN M. ASHBROOK)

FRIEND AND FOE

It seems now that everyone has a prescribed course of action for Israel to follow in that tiny nation's postwar problems of what to do with occupied territory. The most notorious "occupiers" seem to be the most sanctimonious in their denunciations of the Israeli and they should, of course, be suspect in their demands. I personally believe that Israel should never give up Jerusalem, and should divest itself of occupied territory only when other conditions precedent have been accomplished. When India, the most sanctimonious of the lot, gives up the tiny nation of Goa which it gobbled up a few years ago and the U.S.S.R. releases its hold on satellite countries—or at least has free and open elections—then I would advocate that Israel cough up.

We tend to overlook one salient fact in this fickle and materialistic world—the right of national existence independent of what the big powers, the UN or so-called world opinion might think at that particular moment. I believe that Israel clearly has a right to exist. Its existence was threatened by Nasser's threat of extinction. In a rapid war which captured the imagination of most people in the world, Israel proved its determination and fighting spirit. It was a David and Goliath situation of biblical parallel. Israel still exists and it also has the self-evident right to determine the means to continue that existence.

Why is Israel considered in a different context from other nations of the world? Russia, the Congo, India, Nigeria, Vietnam, Germany or even the U.S. to name a few—have a different set of rules applied to them. The inherent weakness of the UN was shown in the withdrawal of troops when Nasser planned his attack. Now the UN wants to intervene and chart the course which Israel must follow. The same UN which was silent when India stabbed Goa and when the communists erected the Berlin Wall now abounds with talk of sanctions and censure.

As I have noted before, our foreign policy is very foggy when it comes to understanding communism. It is built around the fallible assumption that the U.S.S.R. has changed and has no aggressive plans. It is built on maintaining the status quo and "stabilizing" the situation everywhere no matter how bad it is and how impossible a continuation of that status quo might be. There was no status quo in the Near East but our policy experts plaintively announced otherwise. There is no status quo now. The Arab world will rise to wipe out Israel just as surely as the sun comes up tomorrow and yet our policy is dictated towards the belief that this will not happen. Little wonder that Israel, seeing things more clearly, wants to direct her own independent course. I not only don't blame her for this but freely support her in this stand.

The communist world is leading the chorus of demands that Israel give up the Arab sector of Jerusalem and its vantage points now acquired at the Gulf of Aqaba and the Suez Canal. The communists were busily working to change the status quo in the Near East all of the time our government's leaders were saying this was not happening. Worse, Soviet military might is even now being deployed to ready the Arab assault against the free world nation of Israel.

I have asked the Administration for an explanation of the folly it pursues in providing military weaponry and training to Arab countries which are clearly in the communist camp, and which will be used against the friendly nation of Israel. Our taxpayers have provided F–104 jet-fighters, M–48 tanks and other classified equipment to Jordan. Soviet Air Force technicians are using them and experimenting with them.

We can only hope that the Israeli destroyed enough of our own equipment that our communist enemy cannot use them and copy them. These are the same weapons we use in Vietnam and you can figure that out. How many U.S. Army technical and training manuals have been delivered to the Arabs and therefore available to the Russians? Some of the artillery and mortars that Jordanians fired into Jerusalem were from our military assistance programs. The answer our State Department gives when we raise the question of the advisability of training countries is preposterous. The traditional justification is that it helps maintain American influence. This is pure baloney.

Our basic problems cannot always be reduced to simple generalities, but one generality which is abundantly clear, however, is the tendency of this Administration to treat everybody as a friend and not make a distinction between friend and foe. There is clearly a cold war and there are clear, visible sides in this cold war. We should stop treating our enemies like they are friends. Take Syria, for example. They are so militantly pro-communist that not even a fool could miss their line. The Syrian government denounced the U.S. as an aggressor in Vietnam, welcomed a Viet Cong delegation to Damascus, permitted Communist China to provide weapons and guidance to Syrian-based terrorists who raided Israel and proclaimed Syria a spearhead of the struggle against what they denounced as U.S. imperialism. While they are doing all of this the State Department was channeling aid to Syria and we were training Syrian military officers. This is only a portion of their anti-American and pro-Soviet record. Yet, our blind policy counts them in the "doubtful" category so we keep trying.

Jordanian King Hussein left President Johnson to embrace Nasser on his return. Egypt now has welcomed a Soviet naval task force, including missile cruisers to Port Said and Alexandria. There is little doubt regarding their intentions. Why so much doubt, then, in our policy?

I will support amendments to our Foreign Aid bill to stop all aid to countries who have broken diplomatic relations with us. A roll call of our aid in the Near East is most illuminating. Iran: $1.75 Billion; Iraq: $102 Million; Jordan: $573 Million; Saudi Arabia: $209 Million; Syria: $73 Million; Egypt, $1.1 Billion; Yemen: $42 Million. Of all of the Mideast nations, Lebanon and Jordan seem to be the least anti-American.

One should not need to ask the simple question: If the Arabs had won the war, what would have been the result? Would they have carried out their repeated threats to exterminate Israel? Don't forget that it was Nasser and the Arab bloc which threatened annihilation—not the Israeli. Yet, we now hear the Communist bloc calling Israel the aggressor. It isn't hard to understand them because they act and react in the manner you expect. It is quite another story when it comes to understanding our own State Department.

It is time to stop aiding those who are a part of the Soviet Union's aggressive plans in the Mideast and recognize the distinction between friend and foe. Israel is our friend. They are a free nation. They believe in democratic ideals. We should be glad to be on their side. However, they can well wonder about their friends. President Johnson indicates we can't recognize the unification of Jerusalem and British Foreign Secretary Brown says Israel must pull back 100%. By the way, who won that war.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Mahon (at the request of Mr. Poage), for today, on account of illness of wife.

Mr. Bell (at the request of Mr. Gerald R. Ford), for week of November 5, on account of official business.

Mr. Davis of Wisconsin (at the request of Mr. Gerald R. Ford), from November 5 through November 19, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McCollister) and to revise and extend their remarks and include extraneous matter:)

Mr. Steiger of Arizona, for 10 minutes, today.

Mr. Blackburn, for 5 minutes, today.

Mr. Hogan, for 60 minutes, today.

Mrs. Heckler of Massachusetts, for 5 minutes, today.

Mr. Kemp, for 10 minutes, today.

(The following Members (at the request of Mr. Ryan) and to revise and extend their remarks and include extraneous matter:)

Mr. Diggs, for 5 minutes, today.

Mr. Culver, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Rodino, for 10 minutes, today.

Mr. Wolff, for 5 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mrs. Grasso, for 5 minutes, today.

Mr. Tiernan, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Podell, for 10 minutes, today.

Ms. Abzug, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Young of Florida, to revise and extend his remarks immediately following those of Mr. Frelinghuysen during debate on the veto of the war powers bill.

Mr. Bolling, and to include extraneous material.

Mr. Biaggi, to revise and extend his remarks prior to the vote on House Joint Resolution 542, the war powers of Congress and the President.

Mr. Biaggi, to revise and extend his remarks prior to the vote on the rule on H.R. 11104, the public debt limit.

(The following Members (at the request of Mr. McCollister) and to include extraneous matter:)

Mr. Hillis in two instances.

Mr. McCloskey.

Mr. Quie.

Mr. Landgrebe in 10 instances.

Mr. Roncallo of New York in three instances.

Mr. Derwinski in two instances.

Mr. Gubser.

Mr. Hosmer in three instances.

Mr. Wyman in two instances.

Mr. Harvey in two instances.

Mr. Maraziti.

Mr. Archer in two instances.

Mr. Carter in three instances.

Mr. Steiger of Wisconsin in two instances.

Mr. Duncan.

Mr. Gilman.

Mr. Wylie.

Mr. Frenzel.

Mr. Goodling.

Mr. Abdnor.

Mr. Huber in three instances.

Mr. McClory.

Mr. Hogan.

Mr. Goldwater.

Mr. Lujan in two instances.

Mr. Erlenborn.

Mr. Minshall of Ohio.

Mr. Rinaldo.

Mr. Broyhill of Virginia.

Mr. Horton.

Mr. Hanrahan.

(The following Members (at the request of Mr. Ryan) and to include extraneous matter):

Mr. Charles H. Wilson of California in 10 instances.

Mr. Tiernan in 10 instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Dingell.

Mr. Evins of Tennesssee.

Mr. Wolff in seven instances.

Mr. Rodino in three instances.

Mr. Charles Wilson of Texas in four instances.

Mr. Roybal in 10 instances.

Mr. Culver.

Mr. Bingham in 10 instances.

Mr. Clay in six instances.

Mr. Alexander.

Mr. Edwards of California in four instances.

Mr. Obey in six instances.

Mr. Harrington in five instances.

Mr. Kyros.

Mr. Dulski in six instances.

Mr. Koch.

Mr. Yatron.

Mr. Fascell in three instances.

Mr. Preyer in two instances.

Mr. Anderson of California in two instances.

Mr. Studds.

Mr. Rosenthal in five instances.

Mr. McCormack.

Mr. Riegle.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, November 8, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1529. A letter from the Assistant Secretary of Agriculture, transmitting a report on the rural environmental assistance program for fiscal year 1972, pursuant to 50 Stat. 329; to the Committee on Agriculture.

1530. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting a special report of the Council on the proposed replenishment of the resources of the International Development Association (H. Doc. No. 93–181); to the Committee on Banking and Currency and ordered to be printed.

1531. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting a special report of the Council on a proposed contribution and subscription of resources to the Asian Development Bank (H. Doc. No. 93–182); to the Committee on Banking and Currency and ordered to be printed.

1532. A letter from the Administrator of General Services, transmitting a prospectus proposing an amendment to the extension project authorized for the Post Office and Courthouse Building at Tyler, Tex., pursuant to the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

1533. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations to buildings 12 and 22, Military Ocean Terminal, Bayonne, N.J., for occupancy by the New York Federal Archives and Records Center, pursuant to the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

1534. A letter from the Administrator of General Services, transmitting a revised prospectus for proposed alterations to the new Post Office Building in Washington, D.C., pursuant to the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

Received From the Comptroller General

1535. A letter from the Comptroller General of the United States, transmitting a report that improvements are needed in the Atomic Energy Commission's program for the protection of special nuclear material; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MELCHER: Committee of Conference. Conference report on S. 1081 (Rept. No. 93-624). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK:

H.R. 11304. A bill to require educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers; to the Committee on Education and Labor.

By Mr. COCHRAN:

H.R. 11305. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 11306. A bill to provide for the appointment of a Special Prosecutor and for other purposes; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS:

H.R. 11307. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. FRASER (for himself and Mrs. Grasso):

H.R. 11308. A bill to limit the medicare inpatient hospital deductible; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 11309. A bill to amend title II of the Social Security Act to increase to $7,500 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. GINN:

H.R. 11310. A bill to designate certain lands in the Blackbeard Island National Wildlife Refuge, McIntosh County, Ga., as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 11311. A bill to name the Federal building, U.S. Post Office, U.S. Courthouse, in Brunswick, Ga., as the "Frank M. Scarlett Federal Building"; to the Committee on Public Works.

By Mr. HASTINGS (for himself, Mr. Collins of Texas, Mr. Lent, Mr. McDade, and Mr. Metcalfe):

H.R. 11312. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 11313. A bill to amend the Shipping Act, 1916, in order to prohibit the practice of port equalization; to the Committee on Merchant Marine and Fisheries.

By Mr. NICHOLS:

H.R. 11314. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 11315. A bill to provide emergency security assistance authorizations for Israel and Cambodia; to the Committee on Foreign Affairs.

By Mr. PEYSER (for himself, Mr. Koch, Mr. Biaggi, Mr. Murphy of New York, Mr. Wolff, Mr. Rangel, Ms. Abzug, Ms. Chisholm, Mr. Brasco, Mr. Rosenthal, Mr. Lent, Mr. Addabbo, Mr. Bingham, Ms. Holtzman, and Mr. Badillo):

H.R. 11316. A bill to provide that the Secretary of State shall make certain compensatory payments to States and political subdivisions with respect to United Nations property tax exemptions to the Committee on Foreign Affairs.

By Mr. PICKLE (for himself, Mr. Thone, Mr. Alexander, Mr. Yatron, Mr. Fuqua, and Mr. Steelman):

H.R. 11317. A bill to assure an adequate supply of freight cars for the movement of the Nation's goods, to encourage the production and acquisition of freight cars and to facilitate the efficient use of rolling stock, to provide that the Secretary of Transportation certify his approval or disapproval of plans submitted to him by grain exporters regarding their proposed use of freight cars, and amending the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. POWELL of Ohio (for himself, Mr. Cleveland, Mr. Davis of South Carolina, Mr. Guyer, Mr. Huber, Mr. Robinson of Virginia, Mrs. Schroeder, Mr. Ryan, and Mr. Leggett):

H.R. 11318. A bill to amend title 10 of the United States Code to provide that educational institutions receive a reimbursement for each student commissioned through the Reserve Officer Training Corps (ROTC) program at the institutions; to the Committee on Armed Services.

By Mr. RAILSBACK:

H.R. 11319. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK (for himself, Mrs. Hansen of Washington, Mr. Sikes, Mr. Evans of Colorado, Mr. Gunter, Mr. Bergland, Mr. Wyatt, Mr. Baker, Mr. Thone, Mr. Symms, Mr. Sisk, and Mr. Hicks):

H.R. 11320. A bill to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources; and for other purposes; to the Committee on Agriculture.

By Mr. RODINO (for himself, Mr. Donohue, Mr. Kastenmeier, Mr. Eilberg, Mr. Flowers, Mr. Seiberling, Mr. Danielson, Mr. Drinan, Mr. Rangel, Mr. Thornton, Mr. Owens, Mr. McClory, Mr. Smith of New York, Mr. Railsback, Mr. Fish, Mr. Mayne, Mr. Hogan, Mr. Cohen, Mr. Lott, Mr. Froehlich, Mr. Moorhead of California, and Mr. Maraziti):

H.R. 11321. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. SCHERLE:

H.R. 11322. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communication services shall not apply to the amount of the State and local taxes paid for such services; to the Committee on Ways and Means.

By Mr. SMITH of Iowa (for himself, Mr. Adams, Mr. Addabbo, Mr. Alexander, Mr. Andrews of North Dakota, Mr. Brown of California, Mr. Burlison of Missouri, Mr. Conte, Mr. Cotter, Mr. Duncan, Mr. Evins of Tennessee, Mr. Fascell, Mr. Forsythe, Mrs. Grasso, Mr. Hamilton, Mr. Ichord, Mr. Leggett, Mr. Lehman, Mr. Mezvinsky, Mr. Murphy of New York, Mr. Obey, Mr. Perkins, Mr. Preyer, and Mr. Rees):

H.R. 11323. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading, to require public disclosure of certain information relating to sales of commodities, to bring all agricultural and other commodities traded on exchanges under regulation, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself, Mr. Moss, and Mr. Hosmer):

H.R. 11324. A bill to provide for daylight saving time on a year-round basis for a 2-year trial period; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona (for himself, Mr. Blackburn, Mr. Derwinski, Mr. Dickinson, Mr. Hosmer, Mr. Parris, Mr. Young of Alaska, Mr. Baker, and Mr. Don H. Clausen):

H.R. 11325. A bill to authorize the Secretary of the Interior to make grants to assist the States and Indian Tribes to develop and implement land use planning processes; to coordinate Federal programs and policies which have land use impact; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 11326. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 11327. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself, Mr. Hosmer, Mr. Nix, Mr. Harrington, Mr. Lehman, Mrs. Grasso, Mr. Hawkins, Mr. Mitchell of New York, Mr. Rangel, Mr. Podell, Mr. Corman, Mr. Brown of California, Mr. Conyers, Mr. Meeds, Mr. Mollohan, Mr. Edwards of California, Mr. Charles H. Wilson of California, Mr. Mitchell of Maryland, Mr. Rosenthal, Mr. Pepper, Mr. Yatron, Mr. Winn, Mr. Kyros, and Mr. Widnall):

H.R. 11328. A bill to provide for the establishment within the Department of Health, Education, and Welfare of a National Center on Child Abuse and Neglect; to provide a program of grants to States for the development of child abuse and neglect prevention and treatment programs; and to provide financial assistance for research, training, and demonstration programs in the area of prevention, identification, and treatment of child abuse and neglect; to the Committee on Education and Labor.

By Mr. BYRON:

H.R. 11329. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 11330. A bill to establish an independent Special Prosecution Office, as an independent agency of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 11331. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS:

H.R. 11332. A bill to repeal the act of January 5, 1927, relating to jurisdiction over the taking of fish and game within certain Indian reservations; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 11333. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 11334. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

H.R. 11335. A bill to amend the Securities Exchange Act of 1934 to restrict persons who are not citizens of the United States from acquiring more than 35 percentum of the nonvoting securities or more than 5 percentum of the voting securities of any issuer whose securities are registered under such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11336. A bill to prohibit without congressional approval expenditures of appropriated funds with respect to private property used as residences by individuals whom the Secret Service is authorized to protect; to the Committee on Public Works.

By Mr. PREYER (for himself, Ms. Abzug, Mr. Alexander, Mr. Brown of California, Mrs. Collins of Illinois, Mr. Fascell, Mr. Forsythe, Mr. Fountain, Mr. Harrington, Mr. Kyros, Mr. McCormack, Mr. Mann, Mr. Moakley, Mr. Mollohan, Mr. Moss, Mr. Murphy of New York, Mr. O'Hara, Mr. Pepper, Mr. Rees, Mr. Roy, Mrs. Schroeder, Mr. Taylor of North Carolina, Mr. Tiernan, and Mr. Waldie):

H.R. 11337. A bill to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Iowa (for himself, Mr. Andrews of North Carolina, Mr. Culver, Mr. Danielson, Mr. Nix, Mr. Pepper, Mr. Pickle, Mr. Robinson of Virginia, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Roy, Mr. Seiberling, Mr. Sikes, Mr. Slack, Mrs. Sullivan, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Udall, Mr. Ullman, and Mr. Waldie):

H.R. 11338. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading, to require public disclosure of certain information relating to sales of commodities, to bring all agricultural and other commodities traded on exchanges under regulation, and for other purposes; to the Committee on Agriculture.

By Mr. SYMINGTON:

H.R. 11339. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that patients may not be treated with investigational new drugs without their consent, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ARCHER (for himself, Mr. Armstrong, Mr. Burke of Florida, Mr. Edwards of California, Mr. Frey, Mr. Hastings, Mr. Heinz, Mr. Hudnut, Mr. Ketchum, Mr. Lent, Mr. Lott, Mr. Lujan, Mr. McCollister, Mr. McDade, Mr. McKinney, Mr. Martin of North Carolina, Mr. Minshall of Ohio, Mr. Mollohan, Mr. Peyser, Mr. Regula, Mr. Robinson of Virginia, Mr. Rodino, Mr. Shoup, Mr. Yatron, and Mr. Young of South Carolina):

H.J. Res. 813. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. CULVER (for himself, Mr. White, Mr. Steele, and Mr. Hanna):

H.J. Res. 814. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN:

H.J. Res. 815. Joint resolution to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of the President; to the Committee on the Judiciary.

By Mr. KEMP:

H.J. Res. 816. Joint resolution proposing an amendment to the Constitution of the United States to provide a limit, established in relation to national income, on Federal revenue and expenditures, and for other purposes; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.J. Res. 817. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. LONG of Maryland (for himself, Mr. Harrington, Mr. Rees, Mr. Fraser, Mr. Udall, Mr. Brown of California, and Mr. Helstoski):

H. Con. Res. 376. Concurrent resolution expressing the sense of Congress that Richard M. Nixon should resign from the Office of President of the United States; to the Committee on the Judiciary.

By Mr. BYRON:

H. Res. 689. Resolution to seek peace in the Middle East and to continue to support Israeli's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 11340. A bill for the relief of Mrs. Maritza Busch; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 11341. A bill for the relief of James R. Oom, Jr.; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 11342. A bill for the relief of Benjamin R. Lucardie; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

350. By the SPEAKER: Petition of Yisrael Yeshayahu, Speaker of the Knesset, Tel Aviv, Israel, relative to treatment of prisoners of war by Egypt and Syria; to the Committee on Foreign Affairs.

351. Also, petition of James L. Dillard, St. Albans, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

GENERAL ACCOUNTING OFFICE REPORTS ON BLIND VENDORS ON FEDERAL PROPERTY—RICHARD STARNES' ARTICLE HIGHLIGHTS ISSUES

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 7, 1973

Mr. RANDOLPH. Mr. President, on Tuesday, October 30, the Washington Star-News published an article by Richard Starnes, of the Scripps-Howard News Service, entitled "GAO: Blind Get No Breaks." The article briefly reviews the recent report prepared by the Comptroller General of the United States on sources and uses of vending machine income on Federal property, which was authorized by the Subcommittee on the Handicapped.

Mr. Starnes' article also mentions S. 2581, the Randolph-Sheppard Act Amendments of 1973, which I introduced on October 13, and which thus far enjoys the cosponsorship of 28 Senators.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

GAO: Blind Get No Breaks

(By Richard Starnes)

A sharply worded report by the General Accounting Office accuses the Defense Department and the U.S. Postal Service of depriving blind concession stand operators of hundreds of jobs and possibly millions of dollars in income.

The GAO investigation was ordered by Sen. Jennings Randolph, D-W. Va., coauthor of a 37-year-old law intended to give sightless persons preference in operating concession stands in government buildings.

In spite of the law, Randolph said, "blind vendors have met with obstacles every torturous step of the way." He estimated that the 3,500 licensed blind vendors now operating stands could be doubled in five years "if the onerous restraints of undue competition are lifted."

"They (blind operators) find competition from federal employe welfare and recreation associations which operate their own vending machines. They find military post commanders who are unwilling to consider blind vendor sites at their installations. They even find . . . that an employe association at a major federal space installation demanded that blind vendors give 10 percent of their profits to the employe association."

The GAO report made it clear that the principal abuses in the blind vendor program took place in Postal Service and Defense Department installations.

From responses to questionnaires sent to 291 postal installations, GAO found there were 68 vending stands operated by the blind, and one vending stand and 2,873 vending machines controlled by employe associations.

"Employe associations had gross receipts of $2.8 million . . . and a net income of $1.6 million," GAO reported.

"About $86,800 of the net income was assigned to blind vendors under income-sharing arrangements; the remainder went for employe benefits such as recreation programs, scholarships, and gifts."

Six of 10 blind Postal Service vendors questioned at random by GAO reported net income of under $3,000, the report said.

GAO noted that a Postal Service audit had found abuses in the handling of income from vending operations and that there had been insufficient supervision "to insure compliance with federal policies and regulations."

Expanding the blind vendor program in postal installations, the report added, "will depend on postal officials' attitudes" and upon more vigorous action by state welfare agencies "in dealing with Postal Service officials on these matters."

In Defense Department installations, GAO charged, regulations "support and encourage" vending operations that benefit recreation and welfare associations of employes, but give "little consideration to the blind."

Military officials "have not been receptive" to efforts to establish additional blind concession stands, GAO investigators found. At six military installations in the Washington area, including the Pentagon, GAO investigators found 56 vending stands, only four of which were operated by the blind. Blind operators had gross receipts of $230,600 and total net income of $38,000 last year, the report said, while 6,000 vending machines and other vendors had gross sales of $12.6 million and net income of $2.5 million.

"Vending machine operations at military installations are, for the most part . . . activities which contribute to welfare and morale programs," the report said. "Military officials said blind vendors could reduce money available for these programs. It was difficult to determine how (military) installations used net vending income."

Blind vendors now operating stands in federal buildings earned an average of $6,996 last year, GAO reported, on gross sales of $109.8 million.

Sen. Randolph, who has introduced legislation to strengthen the blind vendor program, noted a Vocational Rehabilitation Administration estimate that there were at least 40,000 blind persons who could be trained to operate vending stands. There are, he said, "some 6,000 young blind people in high schools who will be graduating in the next three years," plus "at least 500 Vietnam veterans who were blinded during their service in the armed forces."

Hearings on the proposed amendments to the blind vendor law will be held in mid-November by the subcommittee on the handicapped of the Senate Committee on Labor and Public Welfare.

SUPPORT FOR FOOD SUPPLEMENT BILL

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. YOUNG of Florida. Mr. Speaker, I have joined with more than 140 of my colleagues in the 93d Congress in sponsoring the food supplement bill, guaranteeing the right of Americans to supplement their diets with noninjurious vitamin and mineral supplements. Last week the House Interstate and Foreign Commerce Committee's Subcommittee on Public Health and the Environment opened hearings on this legislation, and I was pleased to be able to submit testimony supporting it.

The January 1, 1974, deadline for implementation of the FDA regulations limiting the sale of vitamin and mineral supplements is fast approaching. I urge those of my colleagues who are not aware of the substantial opposition to those regulations and support for the food supplement bill to investigate this situation because the need for House action is now imperative. I include testimony on the bill at this point:

TESTIMONY BY HON. C. W. BILL YOUNG, OF FLORIDA, IN SUPPORT OF H.R. 1295, FOOD SUPPLEMENTS

Mr. Chairman, please allow me first to express my pleasure that the Subcommittee is holding hearings on this vital Food Supplement legislation. As the January 1, 1974 deadline for implementation of the Food and Drug Administration regulations on dietary supplements is fast approaching, it is incumbent upon the Congress to act quickly to protect the right of Americans to choose their own diets.

I have been concerned over the arbitrary actions of the FDA with regard to food supplements ever since my election to Congress. On January 22, 1971, I introduced H.R. 1201, to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements and to prevent the Secretary of Health, Education, and Welfare from limiting the sale of such supplements unless they were intrinsically injurious to health in the recommended dosage. On January 3, 1973 I reintroduced this legislation, also known as the "Hosmer Bill," in the 93rd Congress as H.R. 1295.

Let me say first of all, Mr. Chairman, that I support requirements for the labelling of vitamins and food supplements so as to accurately reflect the contents of such products. The legislation before you today would not affect those requirements, but it would prohibit the FDA from their continued attempts to ban sales of truthfully labeled vitamin and mineral food supplements for reasons other than safety and fraud.

The role of vitamins and nutrients in human health has long been the subject of controversy and differing opinions by leading medical specialists. Only in a very few sharply defined instances have experts been able to identify toxic effects from large doses of vitamins, and I support the FDA efforts to limit the sales of these products. The FDA currently has this authority under its Act, and my bill would not restrict this authority to prohibit sales of potentially dangerous products in any way.

However, the FDA has chosen to expand upon this authority in a way that might affect the health and well-being of millions of Americans by proceeding to define its own limits for "safe dosages" of important vitamins and minerals. While medical and nutrition experts do *not* agree as to safe dosage levels for these food supplements, there is considerable agreement that a majority of Americans do not obtain the necessary nutritional components from their everyday diets. Thus, millions of Americans rely upon vitamin and mineral supplements in dosages of their own choosing to make up dietary deficiencies.

If the FDA regulations are allowed to take effect, any amount over the FDA-recommended limits will require a doctor's prescription—and thereby impose a substantial additional financial burden upon precisely those Americans who can least afford it, most especially our less well-off senior citizens. There is no logical reason for requiring a person to have a doctor's prescription for an item which is not proven to be injurious to health and which an individual may deem necessary for his nutritional balance and personal health needs.

Mr. Chairman, the FDA has been trying to implement similar regulations for the past decade. In 1964, a U.S. District Court judge ruled against the FDA seizure of a sugar containing minerals and B vitamins, and at that time Judge Emmett C. Choate stated: "The provisions of the Federal Food, Drug, and Cosmetic Act did not vest in the Food and Drug Administration or any other Federal agency power to determine what foods should be included in the American diet. This is the function of the marketplace. . . . Plainly, only Congress can or should regulate the use of vitamins, and then only to prevent public injury."

My constituents agree strongly with Judge Choate—I have received hundreds of letters in support of the Food Supplement legislation. The FDA, on the other hand, has received more than 55,000 letters in opposition to their vitamin regulations. The Food Supplement Bill does not damage in any way the FDA responsibility to protect the American public against misleading labeling or injurious products. But it does gauarantee the American people the right to supplement their diets according to their own nutritional beliefs and at a reasonable cost.

I urge the Subcommittee to act expeditiously on this legislation so that it can be considered by the House in the near future. If the Congress is not to accede to the FDA's arrogant power grab in this area, we must go on record immediately.

ATLANTA'S McDONALD AND LITTLE ADVERTISING AGENCY

HON. SAM NUNN

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 7, 1973

Mr. NUNN. Mr. President, I am pleased to draw the attention of my colleagues to an excellent article which appeared in the fall issue of Dixie Business magazine recognizing the outstanding growth record of Atlanta's McDonald & Little Advertising Agency.

The success of Mike McDonald and Tom Little is well known in advertising circles throughout the South. Their phenomenal record of achievement is particularly noteworthy when one considers the fact that they built their thriving agency from a back-porch operation to the third largest Atlanta-owned agency in a little over 6 years.

I ask unanimous consent that the entire article on the success of McDonald & Little be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FROM A ZERO START TO $6.5 MILLION IN 4 YEARS IS THE STORY OF ATLANTA'S McDONALD & LITTLE

(By Jack Majors)

Take two men who don't know each other, and put them together as partners in an ad agency. Add to the mixture that neither has an account in his back pocket, and stir in the fact that for economy reasons the first office is the screened porch of one of the partners.

Blend in as their first client a politico whose only previous effort had been a try for the state legislature, and had lost every precinct. Give this candidate a speech defect, as a result of cerebral palsy, and aim him for a seat on the Atlanta Board of Education.

Not a promising recipe for success, but it's the beginning of McDonald & Little Advertising now completing its fourth year in business with over $6,500,000 in billings. Housed in the Life of Georgia building in Atlanta the agency has 45 employees, and is said to be the third largest Atlanta-owned agency operating without branches.

The principals . . . Mike McDonald and Tom Little . . . met through Garland Porter, editor emeritus of Southern Advertising/Markets. At the time McDonald was director of the Atlanta office of the Marschalk Corporation and a senior vp of the firm. Little had been creative director of Burton-Campbell, Atlanta. Mike McDonald wanted to get into his own agency operation for the simple reason he wanted to stay in Atlanta. Tom Little just wanted to see his name on a door.

Each confided his ambition to Garland, who decided the two would make a good combination and invited them to have lunch together. They reacted well to each other and the ultimate result was a partnership agreement.

Their political candidate was a result of a recommendation by Charles Weltner, a former Atlanta Congressman who gave up his seat in 1966 rather than run on the same slate with Lester Maddox.

Both Little and McDonald were impressed with the candidate's courage and determination not to let a physical disability thwart his ambitions. The result was a slogan, "Now put a guy with guts on the school board." This struck a responsive chord with the voters, and the result was a victory for Howard Klein.

The campaign stamped the agency as a winner and soon the account list began fleshing out. And, one of the first actions taken was to bring in Tim Tully, a vp at Marschalk where he was responsible for Allied Brands, Coca-Cola, USA, media planning.

This move was representative of the basic philosophy of the two, expressed by Little as "all the damn business is in people." Since then, McDonald reports they have kept moving vans busy. The two feel it is necessary to keep making investments in bringing new talent into the agency, and into the market.

McDonald seconds Little's "people business."

One of the most talked about campaigns in recent Atlanta advertising, was the one put together for Peachtree Federal Savings & Loan. The firm started as number 13 among the S&L's in the metro area, and was operating from a single office in the Buckhead section . . . completely surrounded by branches of the major banks and other S&L's.

The campaign featured a radio spot series. Featured was a non-announcer type voice discussing the difference between the interest paid by Peachtree Federal and the banks. The non-announcer also wrote the spots . . . it was Tom Little. The spots finished with: "If you're losing interest in banks," an invitation to visit Peachtree Federal.

The campaign aroused immediate attention and comment . . . both good and bad . . . but most important it resulted in a surge of growth by the account that jumped in the standings from 13th to either 5th or 6th among the Atlanta S&L's. Today the association has three offices, a fact handled by making the announcer seem puzzled as to how he would tag his announcements in the future.

The agency also has done special work for Coca-Cola, USA. One assignment being a 4th of July national cold drink promotion, "Go 4th with Coke." McDonald & Little also created the theme of the recent national Coca-Cola memorabilia promotion, "We've brought back the good old trays." A later assignment was the creation of a video cassette production to be used in a training program for new employees.

The agency developed the videotape tracing the history and growth of the company and centered it around a theme of "A decent thing honestly made" a line penned by William A. White in a paean to Coca-Cola.

The completed product was made a part of a "can't fail" training program.

Another success chalked up by McDonald & Little is with Ellman's of Atlanta, a catalog showroom operation. The client, Bob Weinstein, in discussing his company's growth from $11 to $16 million in volume says, "I credit the advertising and marketing approach as being a major factor in our growth."

Among more recent accounts is the Six Flags Over Georgia, the giant amusement center outside Atlanta. For Six Flags the agency developed a "sneak-a-peak" promotion in conjunction with the McDonald's Systems of Atlanta (also a McDonald & Little account) that resulted in over 60,000 people visiting Six Flags before its official opening. The promotion started as a one-weekend shot, but crowd reaction was such that it spread over to the following weekend.

McDonald's wanted to expand their breakfast business with Egg McMuffin in the Atlanta area. The agency recognized that to achieve growth of the product that the Atlanta consumers would have to be persuaded to try and continue to purchase a "hard" muffin rather than the "soft" biscuits they were used to . . . English muffins being somewhat foreign.

Lately one of the biggest additions to the Atlanta scene has been the building of a new Atlanta coliseum by the group who owned the Atlanta Hawks basketball team, and the awarding of an ice hockey franchise by the National Hockey League to the group.

McDonald & Little was picked as the advertising agency.

One of the first items to be handled was the name of the new facility. The agency recommended the name "The Omni", and the owners went along . . . however the city officials balked, and opted instead for Atlanta/Fulton County Coliseum. Reaction of the public was such that the board later met and approved "The Omni". This gave the building a character and distinctiveness.

Today, The Omni is one of the hottest coliseums in the country. In its first year, over 2,000,000 people attended attractions there and new attendance records were set by Ringling Brothers circus and the Icecapades as well. Top attractions like Elvis Presley and Sonny & Cher also gave performances at The Omni.

The Omni campaigns were instrumental in the Omni Group winning recognition as "marketing group of the year for Atlanta" by the Atlanta chapter of the American Marketing Association, and a similar award, "the marketing communication program of the year" from the Marketing Communications Executives International, Atlanta chapter.

In 1972 the agency once again found itself involved in a political campaign. This time it was a relatively unknown state legislator seeking the U.S. Senate seat held by Dave Gambrell. When the campaign was completed, Sam Nunn had unseated Gambrell in the Democratic primary, as well as defeating 11 other aspirants for the nomination. Nunn then went on to win the senate seat against a well financed Republican.

The agency also has a real estate client . . . Security Management, developers of projects including a condominium near Atlanta at Vinings. The client had originally decided to name the project Glen Oaks. The agency suggested Vinings Ferry . . . thus positioning the project promotionally with the geographical location . . . and the client went along. The advertising broke with headlines such as "things haven't moved so fast in Vinings since the brakes failed on a truckload of antiques".

McDonald & Little is a member of the American Association of Advertising Agencies, having applied for membership as soon as is allowed by the 4A's, and was accepted in the minimum time. Both McDonald and Little feel this has been money well spent.

Recent expansion at the agency has involved setting up its own public relations division under the leadership of Ted Simmons. Simmons is a veteran p.r. professional who had been with Ball/Cohn & Weyman before moving to McDonald & Little. Operative since May, the p.r. division has already picked up accounts like Cohn Communities, Electromagnetic Sciences, Shaw Industries (Dalton), Muscular Dystrophy Assn. of America (Atlanta chapter), and the Hilton Head Co. (Hilton Head, SC).

Heavily research oriented, McDonald & Little has announced an agreement has been signed with Kenneth Hollander & Associates to serve as agency research consultant. Hollander with a national reputation gained from work for Procter & Gamble, Hallmark Cards, Young & Rubicam in Chicago, and for the Interpublic Group (for Coca-Cola), has now established an office in Atlanta's Colony Square.

Marketing director is Tom Allison who came from Coca-Cola USA. Among recent accomplishments has been the design of a computerized system for Six-Flags that in a matter of hours from the time admission tickets are sold provides information about who the customers are and where they are from. This gives an almost instant view of what is happening, where the business is coming from; and provides a method of determining projections and share of market to be used in preparation of marketing plans.

Mike McDonald in summing up the year since the agency was formed in 1969 said he has "probably learned more about marketing and advertising in the past 3½-years than in all my previous experience". Tom Little added "I've never had as much inform clients as we get here."

A NEW APPROACH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. FASCELL. Mr. Speaker, the Dade County Public Safety Department, which serves the Greater Miami Metropolitan Area, has an innovative inservice training program which employs the use of professional quality video tape instructions made at the department. The program is a reflection of the department's philosophy that training must continue throughout a police officer's career if law enforcement agencies are to effectively utilize new technology and maintain the highest possible level of professionalism.

The November issue of the FBI Law

Enforcement Bulletin features an article on this excellent program entitled "A New Approach to Inservice Training," which follows:

A NEW APPROACH TO INSERVICE TRAINING

(By Ms. Joyce M. Siemon and Maj. Charles C. Black)

DADE COUNTY PUBLIC
SAFETY DEPARTMENT,
Miami, Fla.

At the Dade County Public Safety Department, Miami, Fla., inservice training means more than just a periodic review of the recruit curriculum. It provides inservice training as a preliminary step in many assignment changes. It is Director E. Wilson Purdy's philosophy that training should be a layered program, going from the general to the specific and lasting throughout the officer's career. "The various functions performed by law enforcers require specialized instruction," states Director Purdy. "The training academy prepares the officer for generalized patrol duty. Those officers who are transferred to general investigation require additional training in the techniques and laws which apply to investigations. And, with each successive specific investigative assignment, such as homicide or robbery, another training overlay is needed." This philosophy extends to all specialized law enforcement functions from the organized crime bureau to the community service section.

The administration of the inservice training program requires the cooperation of the entire public safety department, but is initiated by the division most directly involved. The investigative training school, which is the first of its kind in the southeastern part of the United States, was planned and conceptualized by the chief of the police division, Walter J. Lougheed. Some special considerations influenced the development of the school. For one thing, there were only two precedents from which to draw guidelines. Maj. Charles C. Black, then chief of the detectives bureau, traveled to both the city of Los Angeles Police Department and the London Metropolitan Police Department to study their curricula. His research helped in determining what should be taught, but the problems of how, to whom, where, when, and funding had to be solved without the benefit of models.

Since assignments are not always made in convenient blocks, the investigative training school had to be designed for the single student as well as for the class. Another consideration was the Dade County Public Safety Department's commitment to regional training. Many smaller departments in Dade County, and the neighboring Palm Beach, Broward, and Monroe Counties, did not have the facilities or the funds for extensive training. It was, therefore, incumbent upon the public safety department to plan a school which would serve the entire region with indepth training on a decentralized basis.

TRAINING METHOD

Three training alternatives were considered. The first was traditional, expensive, and limited in scope. It involved bringing the students to the training facilities for lectures and classes where scheduling and time would present a problem; and both teachers and students would be handicapped. The second training alternative was to make use of technology and bring the training to the students. It was Chief Lougheed's idea to make use of video-tape equipment and a closed-circuit television system for this purpose. The third alternative was to combine the classroom approach with the technological methods.

Consequently, a curriculum was devised which included video-tape presentations, discussion groups, and behavioral science techniques. The course's content was of such depth and quality that the over 200 officers who completed it received five college credits. A series of five 2-week courses was scheduled by the department's training bureau at a local college. All present Dade County Public Safety Department investigators participated in the program, which was coordinated by an investigator with more than 15 years of police experience. The library of video tapes, as well as the facilities of the television laboratory, are shared with the other four counties in the region for their inservice training. Subsequent to the five sessions involving public safety department personnel, the same formal 2-week course was offered to appropriate police personnel from the more than 25 municipal police agencies in Dade County.

The syllabus for the investigative training school (which will be repeated at appropriate intervals) includes specific investigative techniques, general human behavior characteristics, and information retrieval processes (both interrogatory and resource techniques).

The first hour of training, which included opening remarks by various staff members of the public safety department, gives an overview of the detective bureau organization and states the goals of the course. The other units of training are scheduled in a flexible pattern (possible through the use of video-tape equipment) according to the availability of instructors and the needs of the particular class. As new members join the investigative units, they, too, will be provided with training via private showings of the instructional tapes until a class can be filled for the entire curriculum to be presented. Regularly scheduled refresher courses are planned to update and expand upon the investigative training school. Pertinent portions of these presentations will also be recorded on video tape. (For a synopsis of the curriculum taught during the 2 weeks, see inservice curriculum.)

VIDEO TAPE

Using video-tape equipment to record lessons and dramatize techniques allows for program flexibility. Scheduling does not have to be dependent on instructor availability; more time can be devoted to the preparation of the presentation and to lesson-planning; and departments can train individuals or small classes on a continuing basis, or at their own locations.

The video-tape training project was funded by a regional grant from the Law Enforcement Assistance Administration (LEAA). The video-tape equipment, personnel, and studio are housed by the Dade County Public Safety Department and are available to each of the other sheriffs in the regions either for the purpose of making training films or for showing them.

Utilization of video tapes for police training must be considered a new and fresh approach to the overall effort to improve police services. In order to be successful, however, the tapes must measure up to professional standards.

Television and movies have produced a sophisticated audience which would soon lose interest in a flickering, passive presentation. The regional video project director has defined the basic technical controls and facilities necessary to produce quality results.

A minimum of two cameras is necessary. The cameras must be integrally connected for synchronized switching. Many secondary benefits occur when using a multicamera system. All necessary video and a.c. power is carried through one multiconductor cable, thus, eliminating the need for several separate cables from each camera to the control panel. Also, incorporated in the cable is wiring for intercom facilities for communications between camera operators and the production director. Tally lights which indicate presentations are also a feature of multicamera operation. Separate remote camera controls located at the recorder positions insure proper levels for equal picture quality between camera changes.

It is also necessary to have a system so that various bits of information can be combined for distribution to various agencies for playback. Since the inception of electronic editing, it is no longer necessary to record a complete presentation from the beginning to the end all in one session without stopping. Selected segments or scenes can be assembled into one complete recording. If mistakes are made or certain changes required, they can be done without rerecording the entire tape.

Any presentation viewed by means of a screen is subconsciously compared to what has been seen in theaters and on commercial television. This is not to say that, to convey a training message via video tape, elaborate studios and engineers must be used; however, the production must be handled in such a way as to hold the attention of the viewers.

For examlpe, the presentation of a person standing in front of one camera talking for 10 minutes without changing positions or angles to emphasize points would soon become a bore. Obviously, such a lesson could just as well be presented by voice or a written handout.

Video-tape equipment offers the opportunity to use imagination and drama in police training. Educators have long maintained that the lecture is the most ineffective teaching method. For too long, the law enforcement profession has had to rely on lectures though, because instructors have had neither the time, training, nor facilities to prepare diverse lessons.

The investigative training school, which used video tapes, took advantage of the medium's wide possibilities. Mock homicide scenes were taped, for example, which dramatized the techniques of scene preservation and investigation. Such scenes are interrupted by class discussions in which the students are asked to identify possible evidence or suggest procedures. The tape is then resumed showing the ideal approaches. At the end of the tape, the class can argue for or against the tape's presentation with a qualified instructor. In addition to the mock scenes, video tapes of factual reenactments are shown to the classes. In the tapes, actual subjects reenact the crimes they have confessed to committing, offering the students insight into the psychology of motivation and modus operandi. The detectives accompanying the subject emphasize the interrogatory techniques used in obtaining confessions and, also, demonstrate the practical applications of the *Miranda* v. *Arizona*, 384 U.S. 436 (1966), and related decisions. Two benefits result from this kind of lesson. The first is that students understand and remember the instructions better than if they had been just passive recipients of information. The second benefit is that the students, who have been trained and experienced as law enforcers, can improve the procedure with their original suggestions.

Another way in which the video tapes are used in the investigative training school is to ease the tensions which could result between news media, investigators, and the community when a major crime has occurred. Tapes of discussions between journalists are shown and commented upon by the class. Often the remarks of the journalists will trigger the investigators into discussing their feelings about the news media. The tape and the class discussion contribute to an understanding of the news problems and suggest means of solving, or avoiding, them.

OTHER TEACHING TECHNIQUES

Not all of the lessons in the investigative training school depend on video-tape presentations. It would be a mistake to use technical aids to the exclusion of all other methods, however valuable they are. In the classes dealing with psychology, for example, behavioral science techniques are used. The students are involved in structured discussions aimed at revealing the workings of their own personalities. The self-understanding resulting from these discussions is transferred to understanding the general emotional factors of motivation. Investigators must be aware of human behavior patterns if they are to be successful in obtaining the help of witnesses or interrogating subjects.

Specific kinds of investigations such as frauds, sex offenses, or forgeries are taught by experienced members of the appropriate units. The lessons are planned to present variations and techniques used by perpetrators and means of apprehension. The instructors use written handouts, reference readings, lectures, and discussions to cover these subjects.

Other classes in the school depend on representatives from agencies such as the State attorney's office and the youth services division for instruction. Whenever possible the teaching staff is drawn from direct, authoritative sources.

CONCLUSION

We feel that the investigative training school is a vital and innovative step in the direction of professionalization. Too often it is expected that the good patrol officer will automatically be good in all police functions. Although we agree that investigators should first be successful officers, we disagree that the transition can be accomplished without added training. To accomplish our goals of complete service to the community of Dade County, the public safety department has emphasized effective training at all levels. The investigative training school is representative of our philosophy that training must combine the most advanced teaching methods with the most advanced personnel in a pragmatic approach toward excellence.

INSERVICE CURRICULUM

Course, Duration, and Topic Development

Sources of information—3 hours—Indepth discussion which illustrates sources of information for detectives; where information is located and how it can be retrieved; formal and informal methods for retrieval of information; records keeping public agencies, local, State, and Federal; and private agencies, as sources of information.

Computer systems—1 hour—Available message systems, local, State, and national; Dade County, Fla., Crime Information Center, National Crime Information Center.

Data processing—1 hour—Utilization of current data processing techniques.

Record bureau—2 hours—Discussion of what information is available from records bureau and how to obtain it.

Special equipment—4 hours—Review of all available special equipment for use by detectives; discussion of its purpose; practical demonstration and familiarization.

Other agencies—2 hours—Detectives' association with other enforcement agencies. (Federal Bureau of Investigation, Strike Force, Secret Service, Post Office, Internal Review, Drug Enforcement Administration.)

Uniform crime reports—2 hours—Basic requirement of uniform crime reports.

Communication (messages and be on the lookout notices)—1 hour—Issuing broadcasts, form, context, and cancellation.

Detective sections—2 hours—30-minute discussion by detective sections outlining their functions. (Homicide, robbery, auto theft, general investigative unit.)

Case assignments—1 hour—Discussion regarding the assignment of cases to individual detectives; establishing by detectives of work priorities; recognizing workable cases.

Juvenile—2 hours—Responsibilities under Florida State statutes—juvenile court, youth hall, etc.

Narcotics—3 hours—Description of narcotics traffic in Dade County and familiarization with common items with which investigators will come in contact.

Arson—1 hour—Investigation of arson and the utilization of arson in relationship to other crimes.

Sex offenses—1 hour—Investigation and identification of sex offenders.

Airport and seaport activities—2 hours—Discussion of specific problems of the airport and seaport and how they relate to the investigators.

Frauds—2 hours—Individual and commercial frauds.

Burglary—4 hours—Residential, apartment, motel-hotel, industrial (safe).

Forgery—1 hour—Questioned documents and investigative techniques.

Interrogatories—2 hours—Interrogation of suspects; interviews.

Stakeouts and surveillances—2 hours—Techniques and methodology for conducting stakeouts and surveillances; fixed and moving surveillance; foot, automotive, and aerial methods.

Search warrants—2 hours—Recognizing the need for search warrants; obtaining search warrants.

Informants—2 hours—Development and use; protecting the informant.

Lineup and mug shots—2 hours—Value; use of mug shots to identify suspects; techniques of display, mock lineup.

Stolen property—2 hours—Pawn shops and fences.

Evidence and property—2 hours—Handling, identification, and control of evidence and property; receipts and records; chain of evidence; disposal.

Crime scene—8 hours—General rules for preserving crime scene; conducting investigation of scenes; note taking; evidence. (Mock homicide scene, mock robbery scene, and mock breaking and entering.)

Search and seizure—2 hours—Legal aspects of search and seizure without a warrant.

Physical evidence—2 hours—Recognition and security of potential physical evidence.

Polygraph—1 hour—Explanation of the operation and use of the polygraph.

Identi-kit and composite drawing—1 hour—Review of the purpose, procedure, and value of these identification procedures.

Psychology of personality—3 hours—Basic concepts of personality.

Ethnic groups—2 hours—Composition of ethnic groups and individual characteristics.

Organized crime bureau—1 hour—An overview of the organized crime bureau and its relationship with the investigator.

Air and water operations—1 hour—Utilization by the investigator of helicopter, fixed wing aircraft, and marine patrol.

Criminal law—2 hours—Review of recent decisions affecting law enforcement and their relationship to detective functions.

Case preparation—2 hours—Organization of cases, preparation of evidence, and review of witnesses' participation; making the case ready for presentation to the State attorney.

State attorney—1 hour—Functions of the State attorney's office; complaint filing procedure; improving State attorney/detective relationship.

Preliminaries and trials—2 hours—Purpose and procedures of the preliminary hearings; bond hearings, motions, et cetera. Participation of the detective in preliminary hearings and the trial; assisting the State attorney and courtroom demeanor.

Judicial view—1 hour—Judge's view of the detectives' participation in courtroom activity.

Community relations—½ hour—Review of departmental policy regarding community relations; discussion of current programs.

Press relations—½ hour—Review of departmental policy regarding press relations; detectives' role.

JOBS, TRAINING, AND EDUCATION PROGRAMS FOR VETERANS

HON. ABRAHAM A. RIBICOFF

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

Wednesday, November 7, 1973

Mr. RIBICOFF. Mr. President, today, almost 1 year after the United States withdrew its forces from Vietnam, over 275,000 Vietnam era veterans remain jobless. Many of these men and women are unemployed as a result of hard luck and a lack of opportunities. Many are unfamiliar with the agencies and programs that can offer them occupational and educational assistance.

Jobs for Veterans, a national organization dedicated to linking veterans with a vast selection of occupational and educational opportunities, has published "A Digest of Veteran-Related Programs for Jobs, Training, and Education." This digest catalogs the responsibilities, services, and addresses of the many agencies and programs set up to aid veterans, including financial assistance plans.

Jobs for Veterans should be commended for its efforts in compiling the educational and occupational information contained in the digest.

I ask unanimous consent that excerpts from "A Digest of Veteran-Related Programs for Jobs, Training, and Education" be printed in the RECORD.

There being no objection, the digest was ordered to be printed in the RECORD, as follows:

MAJOR JOB-RELATED PROGRAMS

AFL-CIO VETERANS' ASSISTANCE PROGRAM

Administered by: AFL-CIO Human Resources Development Institute (HRDI).

Purpose: To help veterans find jobs or training opportunities in their home towns through union channels. Servicemen being processed for discharged at several West Coast separation centers are briefed by HRDI staff, at the center, on the national job situation. This is followed by individual interviews with those veterans who request it. Information on their job skills and preferences or training needs is forwarded to the HRDI (or AFL–CIO central labor council) office in their home towns. HRDI staff and the AFL–CIO central labor council are prepared to use their knowledge of the local job market and their union contacts to place veterans in jobs or training.

Source of more information: Veterans are urged to contact the AFL–CIO central labor council in their community as soon as possible after being separated or Veterans' Assistance Program, AFL–CIO Human Resources Development Institute, 815 16th Street, N. W., Washington, D. C. 20006.

APPRENTICESHIP OUTREACH PROGRAM

Administered by: Department of Labor.

Purpose: To conduct pre-apprenticeship training through contracts with industry, labor and other organizations. The program helps young men pass the examinations for entrance into apprenticeships.

Source of more information: Bureau of Apprenticeship and Training, Department of Labor, Washington, D. C. 20210, or Regional Offices of Manpower Administration.

APPRENTICESHIP TRAINING PROGRAM

Administered by: Department of Labor, in cooperation with industry and labor.

Purpose: To enable a trainee to work as a full-time employee, receiving apprenticeship training as he earns a salary. Apprenticeships can be arranged in a wide range of occupations.

Source of more information: Bureau of Apprenticeship and Training, Department of Labor, Washington, D. C. 20210.

CAREER OPPORTUNITIES PROGRAM—COP

Administered by: U. S. Office of Education.

Source of more information: Your state education agency (for a list of COP), or Bureau of Educational Personnel Development, U. S. Office of Education, Washington, D. C. 20202.

FEDERAL CIVIL SERVICE PREFERENCE

Administered by: U. S. Civil Service Commission.

Purpose: To give preference in federal employment throughout the country to qualifying veterans in areas such as the following:

1. Competitive Civil Service Commission exams (10 point preference to veterans with a service connected disability, 5 point preference to other veterans).

2. Waiver of age, height, and weight requirements in most instances.

3. Restriction of examination for jobs as guard, elevator operator, messenger, and custodian to veterans as long as veteran applicants are available.

4. Re-employment rights and crediting of time spent in active military service toward experience required for eligibility in position of kind held before service (or on the basis of actual experience gained in the Armed Forces).

5. Precedence on Civil Service registers (list of eligible applicants).

6. Review by Civil Service Commission of agency's reason for passing over veterans and selecting nonveteran.

Source of more information: Most large post offices, Federal Job Information Centers, Regional Offices of the CSC, United States Veterans Assistance Centers, or United States Civil Service Commission, Washington, D. C. 20415.

JOB PLACEMENT SERVICES—STATE EMPLOYMENT SERVICE

Administered by: State Employment Service in cooperation with U.S. Department of Labor.

Purpose: To provide job referral and counseling services, with priority given to veterans and preferential treatment to disabled veterans.

Source of more information: Your local State Employment Service Office.

VETERANS PROGRAM (OMBE)

Administered by: Office of Minority Business Enterprise.

Purpose: The OMBE mission is to provide centralized leadership for a national program to enhance minority ownership of business. It coordinates existing federal, state, local and private sector programs and resources. It develops new business opportunities, new initiatives in existing programs, and new institutions when necessary. OMBE identities sources of capital, expertise and information, and makes them available to minority businessmen. And it acts as the repository and disseminator of all information useful in stimulating minority business development.

Source of more information: Director, Office of Minority Business Enterprise, U.S. Department of Commerce, Washington, D.C. 20230.

MANPOWER DEVELOPMENT AND TRAINING ACT—MDTA

Administered by: U.S. Department of Labor and U.S. Office of Education.

Purpose: This program provides training for unemployed or underemployed persons who cannot reasonably obtain full-time employment without training. Training includes, but is not limited to, basic education, communication skills, employability skills and occupational training, including on-the-job training. Eligible veterans are granted priority in selection.

Workers given priority for training include: (1) veterans; (2) the unemployed; (3) persons working below their skill capacity or substantially less than full time.

Source of more information: Schools and other non-public agencies interested in institutional training should contact either their state education agency or the U.S. Office of Education (Division of Manpower Development and Training), Washington, D.C. 20202. All others should contact either their local or state employment service office, or the Manpower Administration, U.S. Department of Labor, Wahsington, D.C. 20210.

MEDIHC—MILITARY EXPERIENCE DIRECTED INTO HEALTH CAREERS—PROGRAM

Administered by: Department of Defense and Department of Health, Education and Welfare.

Purpose: To assist servicemen and women, including those trained in medical skills while in the service, in finding a career in the health field upon return to civilian life. The serviceman is contacted 3–6 months prior to separation through Department of Defense's Transition Program, and efforts are made to counsel and place him in an appropriate health career, by referring him to a state MEDIHC agency for follow-up counseling.

Source of more information: Director, Training Program, ATTN: DOD MEDIHC Coordinator, Office of the Assistant Secretary of Defense (M&RA) Room 2C252, Washington, D.C. 20301.

NEW CAREERS

Administered by: Department of Labor.

Source of more information: Manpower Administration, U.S. Department of Labor, Washington, D.C. 20210, or Regional Offices of the Manpower Administration.

ON-THE-JOB AND APPRENTICESHIP TRAINING ASSISTANCE—GI BILL

Administered by: Veterans Administration.

Purpose: To provide veterans enrolled in approved programs of on-the-job or apprentice ship training with a monthly allowance to supplement their starting wages. The allowance is paid directly to the veteran and can continue as long as two years for approved on-the-job training, and longer for apprenticeship training.

Source of more information: Your local VA office or Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

POLICE MANPOWER

Administered by: International Association of Chiefs of Police and the Department of Defense (through Transition Program). Funds are provided by the Manpower Development and Training Act.

Purpose: To assist state and local law enforcement agencies in meeting critical personnel shortages throughout the U.S. The program operates on the premise that the returning servicemen with his relative maturity and disciplined background offers a prime manpower source for the law enforcement profession.

Source of more information: Director, Training Programs, Office of the Assistant Secretary of Defense (M&RA), The Pentagon Room 2C252, Washington, D.C. 20301.

REEMPLOYMENT RIGHTS FOR VETERANS

Administered by: Department of Labor (or U.S. Civil Service Commission, for Federal employment)

Purpose: To enable an honorably discharged veteran to return to the position he would have attained (or another position of comparable seniority, status and pay) had he not served on military duty. His entitlement includes all benefits he would have received had he not been absent, such as pay increases. He must be qualified to do the job to which he returns; if disabled in service, the veteran is entitled to another job of comparable seniority, status and pay. The job the veteran left must have been nontemporary, and he may not have served more than 5 years (all service over 4 years at the request of the Government). He generally must apply to his employer within 90 days after separation from active duty or release from hospitalization. Reservists and National Guardsmen returning from initial active duty for training of 3 or more months have 31 days in which to apply; otherwise they must report back for the next regularly scheduled work period after their return home. Veterans returning from active duty have protection against discharge without cause for one year.

Source of more information: Veterans Reemployment Rights representative at your Department of Labor Regional Office or office of Veterans Reemployment Rights, U.S. Department of Labor, Washington, D.C. 20210.

SMALL BUSINESS LOANS AND ASSISTANCE

Purpose: Several programs are available to provide loans, loan guarantees, lease guarantees, and management and technical assistance to persons needing this assistance for the purchase, construction, expansion operation, etc., of small business. Disadvantaged (include Vietnam Era veterans), and minority applicants are given special consideration under certain programs.

Source of more information: Small Business Administration, 1441 L Street, Northwest, Washington 20416.

TRANSITION PROGRAM

Administered by: Department of Defense.

Purpose: To provide maximum in-service training or educational opportunities to servicemen during their last 6 months of duty in order to prepare them for re-entry into a productive civilian life. Emphasis is placed on four basic items: counseling, skill training, education and placement.

Source of more information: Your nearest military installation or Director, Training Programs, Office of the Assistant Secretary of Defense (M&R), The Pentagon Room 2C252, Washington, D.C. 20301.

UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN—UCX

Administered by: Department of Labor in cooperation with the State Unemployment Insurance (UI) service.

Source of more information: Local State Employment Service or Bureau of Unemployment Insurance, Manpower Administration, U.S. Department of Labor, Washington, D.C. 20210.

VETERANS JOBS—JOB OPPORTUNITIES IN BUSINESS SECTOR—PROGRAM

Administered by: National Alliance of Businessmen (N.A.B.) in cooperation with the Department of Labor.

Purpose: To find employment in the private sector for Vietnam era veterans through the well-known JOBS program. In the Veterans JOBS/program, businessmen are asked to set aside "For Veterans Only" a share of the positions an employer would normally fill during a year. Special increased emphasis will be given to hiring handicapped veterans, disadvantaged veterans and those who are members of minority groups or under 25 years of age. Pledges for jobs are generally referred to the State Employment Service, which locates veterans to fill the jobs.

Sources of more information: The N.A.B. Metro Chairman in your city or Vice President, Veterans Affairs Office, National Alliance of Businessmen, 1730 K Street, N.W., Washington, D.C. 20006.

VETERANS' READJUSTMENT APPOINTMENTS

Administered by: U.S. Civil Service Commission.

Purpose: To provide special federal civilian jobs to returning veterans with no more than 2 years of education beyond high school who agree to participate in a training or educational program. These positions are at grades GS-1 to 5, or the equivalent; eligibility extends for one year after separation for honorably discharged veterans with at least 180 days of active duty, or less if there is a service-connected disability.

Source of more information: Area or regional Civil Service Commission Offices, U.S. Civil Service Commission, Washington, D.C. 20415.

EDUCATION PROGRAMS

COLLEGE WORK-STUDY PROGRAM

Administered by: U.S. Office of Education (Department of Health, Education and Welfare).

Purpose: To furnish federal funds to subsidize work programs providing jobs for needy undergraduate and graduate students. Federal funds amount to 80%; the remaining 20% is provided by the participating college or business. Students work an average of up to 15 hours a week while attending classes full-time and up to 40 hours a week during summer or other vacations. Jobs may be on or off-campus with a public or other non-profit agency. Veterans may draw VA education benefits while participating in the program, but participation of any individual is based upon need as determined by the college financial assistance officer.

Source of more information: Financial aid officer at the appropriate college or Division of Student Assistance, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

"GI BILL" EDUCATION ASSISTANCE

Administered by: Veterans Administration.

Purpose: To provide a substantial allowance for veterans enrolled in an approved course of education or training, usually for a period of up to 36 months. Payments are made directly to the veteran to help offset the costs of tuition and other expenses, according to the number of his dependents and the type of training, which can include the following:

1. Institutional (full or part-time); pre-high school, high school, trade school, college or university.
2. On-the-job or apprenticeship training.
3. Farm cooperative training.
4. Correspondence courses.
5. Flight school.
6. Remedial or tutorial services.
7. Predischarge education program leading to high school diploma (PREP).
8. Other institutional programs for active duty servicemen.

Source of more information: Local VA Office or Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

VOCATIONAL EDUCATION

Administered by: U.S. Office of Education (Department of Health, Education and Welfare) through grants to state school systems.

Purpose: To provide comprehensive occupational training, primarily in a classroom setting (full or part-time), for youths or adults. Training can be conducted in or out of regular public schools; new emphasis has been placed on the poor and disadvantaged. Generally, one dollar of Federal Funds is provided for every dollar of state funds.

Source of more information: Division of Vocational and Technical Education, Office of Education, Washington, D.C. 20202.

LOANS, SCHOLARSHIPS AND OTHER FINANCIAL ASSISTANCE

A number of loans, grants, fellowships, and scholarships are available to students in any field of study through the U.S. Office of Education. Two of these are listed below.

NATIONAL DIRECT STUDENT LOANS

Administered by: U.S. Office of Education (Department of Health, Education and Welfare).

Purpose: To establish loan funds at accredited higher education institutions to permit needy undergraduate and graduate students who are enrolled at least halftime to complete their education. A student may borrow up to $10,000 at the graduate or professional level; for students who have successfully completed two years of a program leading to a bachelor's degree, up to $5,000; and for other students, up to $2,500. No interest will be paid until payment of the loan begins, and the rate is only 3%. Partial or total loan cancellation is provided for students who enter certain fields of teaching or specified military duty after receipt of the loan.

Source of more information: Financial aid officer at the appropriate school or Division of Student Assistance, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

HIGHER EDUCATION ACT INSURED LOANS—GUARANTEED STUDENT LOAN PROGRAM

Administered by: U.S. Office of Education (Department of Health, Education and Welfare).

Purpose: To authorize loans from private lenders to be federally guaranteed and insured for undergraduate and graduate students at accredited institutions (including vocational and technical). Payment of the loan may be deferred during years while the student is attending school and during this period interest charges up to 7% will be paid by the Federal Government.

Source of more information: A local private lender or Division of Insured Loans, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

GEORGE WOODARD'S CONTRIBUTIONS TO BAY AREA INDIANS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. EDWARDS of California. Mr. Speaker, on November 16, 1973, the Heritage Section of the Citizen's Advisory Committee for the City of Santa Clara will honor Mr. George Woodard, president of the American Indian Council of Santa Clara County. I would like to take this opportunity to cite Mr. Woodard's many contributions to the community which have led to this honor.

Born on the Crow Creek Reservation near Fort Thompson, S. Dak., George rose from rather humble beginnings. Denied the educational opportunities most of us enjoy, he received only a minimum of formal education in Government and public schools. However, through a series of special courses, he has made himself a well-educated man.

George's early life was spent as a cowboy, rodeo performer, logger, surveyor, trader, artist, government employee, deputy sheriff, foreman and executive superintendent. With this variety of experience and his self-taught education, he went on to become a successful businessman, owning three businesses in California and Arizona. Having proved that he could do well at anything he tried, he sold his businesses and began to devote himself, on a full time basis, to working for and with people. Knowing firsthand the needs and handicaps of the Indian community, George began to improve the quality of opportunity for Indian people and, in turn, for those of every race and ethnic background.

To this end, he helped organize the American Indian Council of Santa Clara Valley. He was elected president in 1962 and has remained in that office. He also helped organize the Sioux Club, a social and language organization; the American Indian Foundation, which he serves as treasurer; and the Urban Indian Health Council, of which he is a board member. He was appointed to the American Indian Education Council by the State superintendent of education and has encouraged Indian educators to rewrite Indian history to give teachers more realistic reference to Indian culture and tradition. In addition, he served as a member of the two-man negotiating team between the Indian group occupying Alcatraz Island and the Federal Government. In fact, these are but a few of the many Indian and community organizations and associations that have received the benefits of his time, energy and efforts.

For the future, George continues to look toward broadening and improving services and programs for Indians. He is presently working on projects such as a free Indian medical/dental clinic in Santa Clara Valley, the establishment of an Indian village, the creation of an intake and referral system to update and upgrade services for the needy of Santa Clara County, the organization of an Indian cultural facility, and the feasibility of an all-Indian college.

In sum, George Woodard has contributed to the community not only his vast resources of energy and creativity, but also his perception and understanding of problems. His personal warmth, basic decency and firm commitment to change have touched and improved the lives of many citizens of the Santa Clara Valley. His life and work are an inspiration to us all, showing how the efforts of one exceptional individual can enable many people to fulfill their potential and become valuable contributors themselves to our diverse society.

AMERICAN VIEWPOINT WITH 50 YEARS OF SERVICE AS AN ESTABLISHED AMERICAN INSTITUTION, TO BEGIN NEW PROGRAM STRESSING HIGHER ETHICAL STANDARDS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 7, 1973

Mr. RANDOLPH. Mr. President, since 1922, we have had in this country a purposeful and useful organization, American Viewpoint, Inc., which is nonprofit, nonpolitical, nonpartisan, and nonsectarian.

The forerunner of the incorporated group was the American Viewpoint Society, organized by a group of prominent people in American education concerned with the problem of maintaining the American ideals and principles in citizenship which were basic to the founding and growth of the United States.

At the beginning of its existence it undertook two major tasks—both important to education. The first was the publication of the American Viewpoint series of textbooks for junior high schools, then a new unit in the school system. The second task set—and accomplished—was the publication of health and safety education books. Parallel with these two initial publishing ventures, the activities included pioneer efforts in developing naturalization courses for prospective citizens under private auspices and later in the public schools. During World War II, American Viewpoint produced a series of morale booklets. For the next two-dozen years, beginning in 1949, American Viewpoint had as its president and leader, Dr. Herbert C. Mayer, an educator with broad experiences.

Dr. Mayer's tenure was marked by the publication of books on the "American Idea," and magazine articles on American Viewpoint's work and program, which, by 1950, included a cooperative effort with the Association of American Colleges. This was followed in 1953 by a study of the means of prevention of juvenile delinquency in the United States. Then American Viewpoint established a program to teach ethical and moral values in the elementary schools.

With the recent election of a new president, Ivan B. Hill of Chapel Hill, N.C., and with the retirement of Dr. Mayer, a new program stressing honesty, integrity, and responsibility had been outlined and will be organized and implemented. Mr. Hill comes out of retirement to lead American Viewpoint. He has been one of the organization's directors for a number of years. Himself a former management consultant and advertising executive, Mr. Hill, has announced that, although retiring as an officer, Dr. Mayer, 80, will serve as a consultant to the officers of American Viewpoint.

Mr. President, I received a November 5, 1973 letter from Mr. Hill recapping American Viewpoint's plans for extending economic and political freedom in America by promoting higher ethical standards. I request unanimous consent to have printed in the RECORD the text of his communication on behalf of American Viewpoint, Inc.

There being no objection, the letter was ordered printed as follows:

AMERICAN VIEWPOINT INC.,
New York, N.Y., November 5, 1973.

SENATOR JENNINGS RANDOLPH,
U.S. Senate
Washington, D.C.

DEAR SENATOR RANDOLPH: In our recent discussions on the need for extending economic and political freedom in America by promoting better ethics, I mentioned to you the new program of American Viewpoint, Inc., one of America's oldest non-partisan, non-sectarian, non-profit educational organizations, which has been designed to achieve this goal.

For the past 50 years, American Viewpoint has been concerned with the problem of maintaining American ideals and principles in citizenship which were basic to the founding and growth of the nation.

Over the years, this educational organization pioneered in publishing a series of textbooks for junior high schools (then a new unit in the school system), health and safety education books and an adult education series. Prominent Americans such as Albert Bushell Hart, professor of American history at Harvard University; Angelo Patri, the beloved School Master of New York; General Douglas MacArthur; Walter Lippman and many others were contributing authors.

American Viewpoint also was an early participant in the development of naturalization courses for prospective citizens, instituted a successful college lecture series and engaged in research and writing in the field of prevention of juvenile delinquency. The latter led to the development of helpful materials for teaching moral and ethical values in elementary schools.

Now this organization, that so long ago committed itself to education for good citizenship, has been aroused to tackle that job with increased vigor and with three significant new approaches.

The singular and specific first task for American Viewpoint is to promulgate the need for honesty and individual responsibility in our American society in order to maintain our economic and political freedom. Through expanded use of the mass communications media and the updating and broader dissemination of American Viewpoint education materials we wish to stimulate a move to restigmatize dishonesty in American culture. We wish to make it socially and economically "all right" and "smart" for the individual to work and be honest rather than "goof off" and lie or steal. Further, we believe that it is absolutely necessary that as citizens we must increase our faith in one another if we expect to justifiably increase faith in our local, state and national government. It has been well stated that honesty is a basic working social principle—not just a moral guideline.

Second, we shall promulgate the need to avoid conflicts of interest wherever one holds a public job and spends taxpayer's money or a corporate job and spends shareholder's money. To increase an individual's responsibility to be honest in a bureaucracy, to relate such responsibility to his own welfare and that of his family and friends, would have a major impact on all bureaucracies whether government or corporate, in labor or educational institutions. We must all realize that however much we sometimes carelessly condemn bureaucrats, no complex, interdependent industrial society can function without the great foundation structures of bureaucracies, corporate and government, so our task is to change the duress of "team play" for personal gains to cooperation for total corporate and social goals.

Our third approach is to continue American Viewpoint's original commitment to promulgate the teaching of ethics in the elementary schools and encourage the establishment of ethics seminars, using case study methods, in secondary, college and graduate schools. To effectively carry out this program, we should encourage textbook publishers and school program suppliers to prepare ethical teaching materials. We must stimulate our educators to recognize that in America, whether one looks through the liberal or through the conservative glass, one sees that freedom is based on individual discipline, individual responsibility and a shared concern for the rights of others.

Three new divisions have been established to implement the expanded program:

Government and corporate: To collect, analyse and publicize all local, state and federal statutes and regulations relating to conflicts of interest and recommend new statutes.

Professional and trade associations: To collect, analyze and publicize codes of ethics from groups such as the American Bar Association, the American Medical Association, National Real Estate Boards, labor unions, etc. Develop and recommend means for each group to implement its own code.

Educational: To collect, analyze and publicize what schools are doing in ethical education. Develop and encourage publishers preparation of teaching materials. Bring together a comprehensive central Ethical Library for widespread teaching source use. Initiate and sponsor specific, but limited, research programs relating to materials and methods of teaching ethics, particularly in elementary schools.

American Viewpoint's ethical approach is based on the cooperation and sharing concept inherent in the Golden Rule, a principle common to all major religions. Most people agree on most things that are right or wrong, otherwise we would have no order. But the specific ethical definition that is most applicable is one given by Dr. Albert Schweitzer: "In a general sense," Dr. Schweitzer said, "ethics is the name we give to our concern for good behavior. We feel an obligation to consider not only our own personal well-being, but also that of others and of human society as a whole."

American Viewpoint does not believe that it would be productive to get into the maelstrom of philosophical, linguistic or situational ethics. It does not intend to set up a system, "scientific" or otherwise, to validate any moral codes.

In all its 50 years of existence, American Viewpoint has never attempted to be a mouthpiece for any one collection of views as to arbitrary standards of morality. The thrust of its program is to challenge young and old, rich and poor, average and elite to understand that the common denominator that makes a free society possible is man's faith in his fellow man and cooperation in the efforts to survive. It believes that if America is to remain free, we must greatly and immediately improve our honesty and our ethics, that it's the selfish thing for each American to do—to be honest.

The new American Viewpoint program has been discussed in depth with many educators, lawyers, politicians, business leaders and others. All have agreed on the high desirability of the goals. One noted that the political and economic benefits that would accrue to America from a 20% to 30% increase in integrity aren't as important (desirable as this would be) as what might happen to our economic and political freedoms—given the current level of so little faith in business and government—if our national integrity should decline even further.

It has appeared most urgent that someone, some organization, in America should undertake a program such as I have outlined here. The directors of American Viewpoint, Inc., an organization with a 50-year heritage in good citizenship education, have accepted the challenge.

They have approved this new program in its entirety and elected me the new president. Dr. Herbert Mayer, American Viewpoint president since 1949, celebrates his 80th year by continuing as a director and consultant. The American Viewpoint office has been moved from New York City to University Square, Chapel Hill, North Carolina, an area of great universities including the University of North Carolina, North Carolina State University and Duke University.

Here, from this dynamic environment, we hope to contribute significantly toward extending economic and political freedom throughout America.

Sincerely,

IVAN B. HILL.

VOTING RECORD OF CONGRESSMAN JOEL PRITCHARD, 93D CONGRESS, ROLLCALLS 1 THROUGH 520

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. PRITCHARD. Mr. Speaker, at the request of a number of constituents who have asked for copies of my voting record, that record for the 93d Congress through October 12, 1973, is included here.

My voting record shows that there has been a total of 520 rollcalls and quorum votes and that I have an attendance figure of 94 percent. The voting record is as follows:

Rollcall	Date	Description	Member's response
1	Jan. 3, 1973	Call of the House	Present.
2	do	Election of the Speaker	Ford.
3	do	H. Res. 6 (on passage)	Nay.
4	Jan. 15, 1973	Call of the House	Absent.
5	Jan. 25, 1973	do	Do.
6	Jan. 29, 1973	do	Present.
7	Jan. 31, 1973	do	Do.
8	do	H. Res. 172 (on agreement to)	Nay.
9	do	H. Res. 176 (on agreement to)	Yea.
10	do	H. Res. 132 (on agreement to)	Yea.
11	Feb. 5, 1973	H. Res. 123 (on agreement to)	Yea.
12	Feb. 6, 1973	Call of the House	Present.
13	Feb. 7, 1973	do	Do.
14	do	H. Res. 188 (on agreement to)	Nay.
15	do	H.R. 2107 (on amendment to)	Yea.
16	do	do	Yea.
17	do	H.R. 2107 (on passage)	Nay.
18	Feb. 20, 1973	Call of the House	Present.
19	do	H.R. 3694 (on passage)	Nay.
20	Feb. 21, 1973	H.J. Res. 345 (on passage)	Yea.
21	Feb. 22, 1973	H.R. 1975 (on amendment to)	Not voting.
22	Feb. 23, 1973	H.R. 1975 (on passage)	Nay.
23	Feb. 27, 1973	Call of the House	Present.
24	do	H.R. 3577 (on passage)	Yea.
25	Feb. 28, 1973	Call of the House	Present.
26	do	H. Res. 256 (on agreement to)	Yea.
27	do	H. Res. 18 (on agreement to)	Nay.
28	do	H. Res. 257 (on agreement to)	Nay.
29	Mar. 1, 1973	Call of the House	Present.
30	do	H.R. 3298 (on passage)	Yea.
31	Mar. 5, 1973	Call of the House	Present.
32	do	H.R. 4278 (on amendment to)	Yea.
33	do	H.J. Res. 393 (on agreement to)	Yea.
34	Mar. 6, 1973	Call of the House	Present.
35	Mar. 7, 1973	do	Do.
36	do	H. Res. 272 (on amendment to)	Nay.
37	do	H. Res. 259 (on amendment to)	No.
38	do	H. Res. 259 (on passage)	Yea.
39	Mar. 8, 1973	Call of the House	Present.
40	do	do	Do.
41	do	H.R. 17 (on amendment to)	Nay.
42	do	H.R. 17 (on passage)	Yea.
43	Mar. 13, 1973	Call of the House	Present.
44	do	H.R. 4318 (on amendment)	Nay.
45	do	H.R. 71 (on passage)	Yea.
46	Mar. 14, 1973	Call of the House	Present.
47	do	do	Do.
48	do	S. 583 (on passage)	Yea.
49	Mar. 15, 1973	Call of the House	Present.
50	do	H.R. 2246 (on passage)	Yea.
51	Mar. 20, 1973	Call of the House	Present.
52	Mar. 20, 1973	H. Res. 285 (on passage)	Yea.
53	Mar. 21, 1973	Call of the House	Present.
54	do	H.R. 5446 (on passage)	Yea.
55	Mar. 22, 1973	Call of the House	Present.
56	do	H. Res. 308 (on passage)	Nay.
57	do	H.R. 5445 (on passage)	Yea.
58	Mar. 27, 1973	Call of the House	Present.
59	Mar. 28, 1973	do	Do.
60	Mar. 29, 1973	do	Do.
61	do	H.R. 5293 (motion to recommit)	Nay.
62	do	H.R. 5293 (on passage)	Yea.
63	Apr. 2, 1973	H.R. 3153 (on amendment to)	Yea.
64	do	H. Res. 330 (on passage)	Yea.
65	Apr. 3, 1973	Call of the House	Present.
66	do	do	Do.
67	do	do	Do.
68	do	do	Do.
69	Apr. 4, 1973	do	Do.
70	do	H.R. 3577 (agree to conf. rept.)	Not voting.
71	Apr. 4, 1973	H. Res. 337 (on passage)	Nay.
72	do	Call of the House	Present.
73	do	do	Do.
74	do	H.R. 5683 (on amendment to)	Yea.
75	do	H.R. 5683 (on passage)	Nay.
76	Apr. 5, 1973	Call of the House	Present.
77	do	H. Res. 340 (on agreement to)	Yea.
78	Apr. 9, 1973	Call of the House	Absent.
79	do	H.R. 4586 (on passage)	Not voting.
80	do	H.R. 342 (on passage)	Do.
81	Apr. 10, 1973	Call of the House	Present.
82	do	H.R. 3298 (veto override)	Nay.
83	do	H. Res. 348 (on agreement to)	Nay.
84	Apr. 11, 1973	H. Res. 349 (on agreement to)	Yea.
85	do	H.R. 3180 (on passage)	Nay.
86	Apr. 12, 1973	H.J. Res. 496 (on passage)	Yea.
87	Apr. 16, 1973	Call of the House	Present.
88	do	H. Res. 357 (on agreement to)	Nay.
89	do	Call of the House	Present.
90	do	H.R. 6168 (on amendment to)	Aye.
91	do	do	Yea.
92	do	do	Nay.
93	do	do	Aye.
94	do	do	Nay.
95	do	do	Aye.
96	do	H.R. 6168 (motion to recommit)	Nay.
97	do	H.R. 6168 (on passage)	Yea.
98	Apr. 17, 1973	Call of the House	Present.
99	do	do	Do.
100	do	H.R. 6691 (on amendment to)	Aye.
101	Apr. 18, 1973	Call of the House	Present.
102	do	H.R. 6169 (motion to recommit)	Yea.
103	do	Call of the House	Present.
104	do	Procedural Motions	Yea.
105	do	do	Nay.
106	do	Call of the House	Present.
107	do	H. Res. 360 (on agreement to)	Nay.
108	do	S. 50 (on amendment to)	Yea.
109	Apr. 19, 1973	do	Present.
110	do	S. 502 (on amendment to)	Yea.
111	do	do	No.
112	Apr. 30, 1973	Call of the House	Absent.
113	do	do	Do.
114	do	S. 398 (agree to conference report)	Not voting.
115	May 1, 1973	H. Res. 351 (on agreement to)	Yea.
116	do	H.R. 3932 (on amendment to)	Yea.
117	do	H.R. 3932 (on passage)	Nay.
118	May 2, 1973	H. Res. 370 (on agreement to)	Yea.
119	do	H.R. 6388 (on passage)	Yea.
120	May 3, 1973	Call of the House	Present.
121	do	H.R. 392 (on amendment)	Nay.
122	do	H.R. 392 (on passage)	Yea.
123	May 7, 1973	Call of the House	Present.
124	do	H.R. 4967 (on passage)	Yea.
125	do	H.R. 6574 (on passage)	Yea.
126	do	H.R. 2828 (on passage)	Yea.
127	do	H.R. 29 (on amendment)	Yea.
128	May 8, 1973	H.R. 5452 (on passage)	Yea.
129	do	H.R. 5451 (on passage)	Yea.
130	May 9, 1973	Call of the House	Present.
131	do	H.R. 7445 (on passage)	Yea.
132	do	H.R. 6370 (on amendment)	No.
133	do	H.R. 6370 (on passage)	Yea.
134	May 10, 1973	S. 394 (agree to conference report)	Yea.
135	do	H. Res. 389 (on agreement to)	Yea.
136	do	H.R. 7447 (on amendment to)	Yea.
137	do	H.R. 7447 (on amendment to)	Nay.
138	do	do	Yea.
139	do	do	Yea.
140	do	do	Yea.

Rollcall	Date	Description	Member's response
141	May 10, 1973	H.R. 7447 (on passage)	Yea.
142	May 15, 1973	Call of the House	Present.
143	do	H.R. 6768 (on amendment to)	Nay.
144	do	do	Nay.
145	do	H.R. 6878 (motion to recommit)	Nay.
146	do	H.R. 6768 (on passage)	Yea.
147	May 16, 1973	Call of the House	Present.
148	do	H.R. 5777 (on passage)	Yea.
149	May 21, 1973	H.J Res. 512 (on passage)	Not voting.
150	do	H.R. 6330 (on passage)	Yea.
151	May 22, 1973	Call of the House	Absent.
152	do	H.R. 6717 (on passage)	Yea.
153	do	H.R. 7200 (motion to recommit)	Nay.
154	do	H.R. 7200 (on passage)	Yea.
155	May 23, 1973	Call of the House	Present.
156	do	S. 516 (veto override)	Nay.
157	do	Call of the House	Present.
158	do	H.R. 7528 (on amendment to)	No.
159	do	H.R. 7528 (on passage)	Yea.
160	May 29, 1973	H. Res. 408 (on agreement to)	Yea.
161	do	H.R. 6912 (on amendment to)	Aye.
162	do	do	Nay.
163	do	H.R. 6912 (on passage)	Yea.
164	May 30, 1973	Call of the House	Present.
165	do	do	Present.
166	do	H.R. 5857 (on passage)	Yea.
167	do	H.R. 5858 (on passage)	Yea.
168	May 31, 1973	Call of the House	Present.
169	do	H.R. 7806 (on passage)	Yea.
170	do	H.R. 7724 (on amendment to)	Yea.
171	do	H.R. 7724 (on passage)	Yea.
172	do	H.R. 6458 (on passage)	Yea.
173	June 4, 1973	Call of the House	Absent.
174	do	H. Res. 398 (on agreement to)	Not voting.
175	June 5, 1973	Call of the House	Present.
176	do	H.R. 8070 (on passage)	Yea.
177	do	Call of the House	Present.
178	June 6, 1973	do	Present.
179	do	H.R. 7935 (on amendment to)	No.
180	do	do	No.
181	do	do	Aye.
182	do	do	Aye.
183	do	do	Nay.
184	do	do	Yea.
185	do	do	No.
186	do	do	No.
187	do	do	Yea.
188	do	do	Yea.
189	do	do	Yea.
190	do	H.R. 7935 (on passage)	Yea.
191	do	Call of the House	Present.
192	do	Motion to adjourn	Nay.
193	June 7, 1973	Call of the House	Present.
194	do	H. Res. 382 (on agreement to)	Nay.
195	do	H. Res. 7645 (on passage)	Nay.
196	do	H.R. 7670 (on passage)	Yea.
197	June 8, 1973	H.R. 2246 (agree to conference report)	Yea.
198	do	H. Res. 426 (on agreement to)	Yea.
199	do	H.R. 7670 (on passage)	Yea.
200	June 11, 1973	Call of the House	Present.
201	do	do	Do.
202	do	Procedural motion	Yea.
203	do	H.R. 4083 (on passage)	Yea.
204	do	H.R. 6713 (on passage)	Yea.
205	do	H.R. 8250 (on passage)	Yea.
206	do	H.R. 4771 (on passage)	Yea.
207	June 12, 1973	H.R. 5293 (agree to conference report)	Yea.
208	do	H.Res. 423 (on agreement to)	Yea.
209	do	H.R. 77 (on amendment to)	Yea.
210	do	do	No.
211	do	do	Yea.
212	do	H.R. 77 (on passage)	Yea.
213	June 13, 1973	Call of the House	Present.
214	do	H. Res. 392 (on agreement to)	Nay.
215	do	H.R. 8410 (on amendment to)	Yea.
216	do	do	Yea.
217	do	H. Res. 437 (on agreement to)	Yea.
218	do	Call of the House	Present.
219	do	H.R. 8410 (on passage)	Yea.
220	June 14, 1973	Call of the House	Present.
221	do	do	Do.
222	do	H.R. 3926 (on amendment)	Nay.
223	do	do	Nay.
224	do	H.R. 3926 (on passage)	Yea.
225	do	Call of the House	Absent.
226	June 16, 1973	do	Do.
227	do	do	Do.
228	do	H.R. 8619 (on amendment to)	Not voting.
229	do	do	Do.
230	do	H.R. 8619 (on passage)	Do.
231	June 18, 1973	Call of the House	Present.
232	do	do	Do.
233	do	H.R. 8658 (on passage)	Yea.
234	do	Call of the House	Present.
235	do	H.R. 8152 (on amendment to)	Yea.
236	do	do	Nay.
237	do	H.R. 8152 (on passage)	Yea.
238	June 19, 1973	H.R. 689 (on passage)	Yea.
239	do	H.R. 6129 (on passage)	Yea.
240	do	H.R. 7127 (on passage)	Yea.
241	do	H. Res. 434 (on agreement to)	Yea.
242	do	H.R. 5464 (on amendment to)	Nay.
243	do	H.R. 5464 (on passage)	Yea.
244	do	H.R. 5094 (on passage)	Nay.
245	June 20, 1973	Call of the House	Absent.
246	do	H.R. 8760 (on amendment to)	Nay.
247	do	do	Aye.
248	do	do	Yes.
249	do	H. Res. 448 (on agreement to)	Nay.
250	do	H.R. 8760 (on passage)	Yea.
251	do	H. Res. 435 (on agreement to)	Yea.
252	June 21, 1973	Call of the House	Present.
253	do	do	Do.
254	do	H.R. 7824 (motion to recommit)	Nay.
255	do	H.R. 7824 (on amendment to)	Nay.
256	do	do	Nay.
257	do	do	Nay.
258	do	do	Nay.
259	do	do	Aye.
260	do	H.R. 7824 (procedural motion)	Nay.
261	do	H.R. 7824 (on amendment to)	No.
262	do	do	Aye.
263	do	H.R. 7824 (on passage)	Yea.
264	June 22, 1973	Call of the House	Present.
265	do	H.R. 8510 (on amendment to)	No.
267	do	do	Yea.
268	do	Call of the House	Present.
269	do	H.R. 8825 (on amendment to)	Aye.
270	do	do	No.
271	do	H.R. 8825 (on passage)	Yea.
272	June 25, 1973	Call of the House	Present.
273	do	H.R. 7447 (procedural motion)	Yea.
274	do	do	Nay.
275	do	H. Res. 454 (on agreement to)	Yea.
276	do	Call of the House	Present.
277	do	H.R. 8662 (on amendment to)	No.
278	do	H.R. 8662 (on passage)	Yea.
279	do	Call of the House	Present.
280	do	do	Do.
281	June 26, 1973	do	Do.
282	do	H.J. Res. 636 (limit debate)	Aye.
283	do	H.J. Res. 636 (to amend)	Yea.
284	do	do	Yea.
285	do	do	Yea.
286	do	H.J. Res. 636 (on passage)	Yea.
287	do	H. Res. 455 (on agreement to)	Yea.
288	do	Call of the House	Present.
289	do	do	Do.
290	do	H.R. 8877 (on amendment to)	Nay.
291	do	do	Yea.
292	do	do	Nay.
293	do	do	Yea.
294	do	H.R. 8877 (motion to recommit)	Yea.
295	do	H.R. 8877 (on passage)	Yea.
296.	June 27, 1973	Call of the House	Absent.
297	do	H.R. 8215 (on passage)	Yea.
298	do	H.R. 4200 (on passage)	Present.
299	do	H. Res. 470 (on agreement to)	Yea.
300	do	H.R. 7447 (override veto)	Yea.
301	do	Call of the House	Present.
302	do	do	Do.
303	do	do	Do.
304	do	H.R. 8917 (on passage)	Yea.
305	June 28, 1973	Call of the House	Present.
306	do	H.R. 8537 (on amendment to)	Yea.
307	do	Call of the House	Present.
308	do	H.R. 8947 (on amendment to)	No.
309	do	do	No.
310	do	do	Yea.
311	do	H.R. 8947 (on passage)	Yea.
312	June 29, 1973	Call of the House	Present.
313	do	H.R. 9055 (on amendment to)	Nay.
314	do	do	Aye.
315	do	H.R. 9055 (on passage)	Nay.
316	do	Call of the House	Present.
317	do	H.R. 8916 (on amendment to)	Yea.
318	do	H.R. 8316 (on passage)	Yea.
319	do	H.R. 8410 (procedural motion)	Nay.
320	June 30, 1973	Call of the House	Present.
321	do	H.R. 8860 (motion to concur)	Yea.
322	do	H.J. Res. 636 (agree to conference report)	Nay.
323	do	H.R. 7445 (motion to concur)	Yea.
324	July 10, 1973	Call of the House	Present.
325	do	H.R. 8860 (on amendment to)	Aye.
326	do	do	Aye.
327	do	do	No.
328	July 11, 1973	Call of the House	Present.
329	do	H.R. 8860 (amendment to)	Aye.
330	do	do	Aye.
331	do	do	No.
332	do	do	Aye.
333	do	Call of the House	Present.
334	do	H.R. 8860 (procedural motion)	Aye.
335	do	H.R. 8606 (on amendment to)	Aye.
336	do	do	Yea.
337	July 16, 1973	Call of the House	Present.
338	do	H.R. 8860 (on amendment to)	Nay.
339	do	Call of the House	Present.
340	do	H.R. 8860 (on amendment to)	Yea.
341	July 17, 1973	Call of the House	Present.
342	do	S. 504 (agree to conference report)	Yea.
343	do	H.R. 6078 (on passage)	Yea.
344	do	H.R. 8949 (on passage)	Yea.
345	do	H.R. 9048 (on passage)	Yea.
346	do	S. 2120 (on passage)	Yea.
347	do	S. 1752 (on passage)	Nay.
348	July 18, 1973	Call of the House	Absent.
349	do	H.J. Res. 542 (on amendment to)	Absent.
350	do	do	Absent.
351	do	do	Absent.
352	do	H.J. Res. 542 (on passage)	Yea.
353	July 19, 1973	Call of the House	Present.
354	do	H.R. 8860 (on amendment to)	Yea.
355	do	do	Yea.
356	do	do	Yea.
357	do	do	Nay.
358	do	do	Yea.
359	do	do	Yea.

Rollcall	Date	Description	Member's response
360	July 19, 1973	H.R. 8860 (procedural motion)	Nay.
361	do	H.R. 8860 (motion to recommit)	No.
362	do	H.R. 8860 (procedural motion)	Yea.
363	do	H.R. 8860 (on passage)	No.
364	July 20, 1973	Call of the House	Present.
365	do	H.R. 8538 (on amendment to)	Yea
366	do	H.R. 8538 (on passage)	Yea.
367	July 23, 1973	H. Res. 493 (on agreement to)	Yea.
368	do	H.R. 5356 (on amendment to)	Yea.
369	do	do	No.
370	do	do	Yea.
371	do	H.R. 5356 (on passage)	Yea.
372	do	Call of the House	Present.
373	do	Procedural motion	Nay.
374	July 24, 1973	S. 1888 (motion to recommit)	Yea.
375	do	S. 1888 (procedural motion)	Yea.
376	do	Call of the House	Present
377	do	H.R. 8480 (on amendment to)	Yea.
378	do	do	Yea.
379	July 25, 1973	Call of the House	Present.
380	do	S. 1423 (agree to conference report)	Yea.
381	do	Call in committee	Present.
382	do	H.R. 8480 (on amendment to)	No.
383	do	do	No.
384	do	do	Aye.
385	do	H.R. 8480 (motion to recommit)	Aye.
386	do	H.R. 8480 (on passage)	Yea.
387	July 26, 1973	Call of the House	Present.
388	do	do	Do.
389	do	do	Do.
390	do	do	Do.
391	do	H.R. 9360 (on amendment to)	Nay.
392	do	do	No.
393	do	do	Nay.
394	do	Call of the House	Present.
395	do	H.R. 9360 (on amendment to)	No.
396	do	do	Nay.
397	dc	H.R. 9360 (motion to recommit)	No.
398	do	H.R. 9360 (on passage)	Yea.
399	do	H.R. 8947 (agree to conference report)	Yea.
400	do	H. Res. 512 (on agreement to)	Nay.
401	do	S. Con. Res. 42 (on agreement)	Yea.
402	do	H.R. 9474 (on passage)	Yea.
403	do	Call of the House	Present.
404	July 31, 1973	do	Do.
405	do	H.R. 9286 (on amendment to)	No.
406	do	do	Yea.
407	do	do	Nay.
408	do	do	Nay.
409	do	do	Nay.
410	do	do	Yea.
411	do	H.R. 9286 (on passage)	Yea.
412	Aug. 1, 1973	H.R. 8825 (agree to conference report)	Yea.
413	do	H.R. 8825 (procedural motion)	Nay.
414	do	Call of the House	Present.
415	do	H.R. 8825 (on amendment to)	Nay.
416	do	do	Nay.
417	Aug. 2, 1973	Call of the House	Present.
418	do	H. Res. 515 (on agreement to)	Yea.
419	do	H.R. 9130 (on amendment to)	Yea.
420	do	do	Yea.
421	do	do	No.
422	do	do	Aye.
423	do	do	Not voting.
424	do	H.R. 9130 (on passage)	Yea.
425	Aug. 3, 1973	S. 1636 (agree to conference report)	Yea.
426	do	H. Res. 518 (on agreement to)	Yea.
427	do	S. 502 (agree to conference report)	Yea.
428	do	H.R. 7935 (on amendment to)	Yea.
429	do	S. 1888 (motion to concur)	Yea.
430	do	S. 1888 (procedural motion)	Nay.
431	do	H.R. 8658 (agree to conference report)	Yea.
432	do	H.R. 8760 (agree to conference report)	Yea.
433	Sept. 5, 1973	Call of the House	Present.
434	do	H. Res. 512 (on agreement)	Yea.
435	do	H. Res. 504 (on agreement)	Yea.
436	do	H.R. 8920 (on passage)	Yea.
437	Sept. 6, 1973	H.R. 6912 (agree on conference report)	Yea.
438	do	H.R. 8351 (on paassge)	Yea.
439	do	H. Res. 484 (on agreement to)	Yea.
440	do	H.R. 8547 (on amendment to)	Nay.
441	do	H.R. 8547 (on passage)	Yea.
442	Sept. 10, 1973	H. Res. 536 (on agreement to)	Yea.
443	do	H.R. 7482 (on passage)	Yea.
444	Sept. 11, 1973	Call of the House	Present.
445	do	H.R. 7645 (agree to conference report)	Yea.
446	do	H.R. 2096 (on passage)	Nay.
447	do	H. Res. 511 (on agreement to)	Nay.
448	Sept. 12, 1973	Call of the House	Present.
449	do	S. 504 (veto ovreride)	Yea.
450	do	H.R. 7974 (on passage)	Yea.
451	do	H.R. 8789 (on passage)	Yea.
452	Sept. 13, 1973	H.R. 8619 (motion to instruct conferees)	Yea.
453	do	H.R. 6576 (on passage)	Nay.
454	do	Call of the House	Present.
455	do	H.R. 9639 (on amendment to)	Yea.
456	do	H.R. 9639 (on passage)	Yea.
457	do	H.R. 9553 (on passage)	Nay.
458	Sept. 17, 1973	H.R. 7265 (on passage)	Yea.
459	Sept. 18, 1973	H.R. 8070 (agree to conference report)	Yea.
460	do	H.R. 7730 (on passage)	Nay.
461	do	H.R. 37 (on passage)	Yea.
462	do	Call of the House	Present.
463	do	H. Res. 420 (on agreement to)	Yea.
464	Sept. 19, 1973	Call of the House	Present.
465	do	H.R. 7935 (veto override)	Yea.
466	do	H.R. 9715 (on amendment to)	Nay.
467	do	H.R. 9715 (on passage)	Yea.
468	do	H.R. 9256 (on passage)	Not voting.
469	Sept. 20, 1973	Call of the House	Present.
470	do	H.R. 8917 (agree to conference report)	Yea.
471	do	H.R. 8917 (procedural motion)	Yea.
472	do	H.R. 9281 (motion to recommit)	Nay.
473	do	H.R. 9281 (on passage)	Yea.
474	do	H.R. 9256 (on passage)	Yea.
475	Sept. 25, 1973	H.R. 8619 (agreed to conference report)	Yea.
476	do	H.J. Res. 727 (on amendment to)	Nay.
477	do	do	Yea.
478	do	do	Yea.
479	do	H.J. Res. 727 (on passage)	Yea.
480	Sept. 26, 1973	Call of the House	Present.
481	do	H.R. 981 (on amendment to)	Aye.
482	do	do	No.
483	do	H.R. 981 (passage)	Yea.
484	Oct. 1, 1973	Call of the House	Present.
485	do	H.R. 8029 (on passage)	Yea.
486	do	S. 2419 (on passage)	Nay.
487	do	H.R. 10397 (on passage)	Yea.
488	Oct. 2, 1973	S. 795 (agree to conference report)	Yea.
489	do	S. 1914 (on passage)	Yea.
490	Oct. 3, 1973	Call of the House	Present.
491	do	H. Res. 372 (on agreement)	Aye.
492	do	Call of the House	Present.
493	do	H.R. 6452 (on amendment to)	No.
494	do	do	No.
495	do	do	Nay.
496	do	H.R. 6452 (on passage)	Yea.
497		H.R. 10088 (on passage)	Yea.
498	Oct. 4, 1973	Call of the House	Absent.
499	do	H.J. Res. 748 (on amendment to)	No.
500	do	H.J. Res. 748 (on passage)	Aye.
501	Oct. 9, 1973	Call of the House	Present.
502	do	H. Res. 581 (on agreement to)	Yea.
503	do	Call in Committee	Present.
504	Oct. 10, 1973	Call of the House	Do.
505	do	H.R. 9682 (on amendment to)	Aye.
506	do	do	No.
507	do	do	No.
508	do	do	No.
509	do	Call in Committee	Present.
510	do	H.R. 9682 (on amendment to)	Not voting.
511	do	do	No.
512	do	H.R. 9682 (on passage)	Yea.
513	Oct. 11, 1973	Call of the House	Present.
514	do	do	Do.
515	do	H.J. Res. 727 (on motion)	No.
516	do	H.J. Res. 727 (agree to conference report)	Aye.
517	do	Call of the House	Present.
518	do	H.R. 10614 (on passage)	Yea.
519	Oct. 12, 1973	Call of the House	Present.
520	do	H.J. Res. 542 (agree to conference report)	Yea.

THE COST OF BUSING

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HUBER. Mr. Speaker, in spite of the massive accumulation of evidence to the contrary, the few remaining proponents of forced busing still try to maintain that the costs of forced busing are not significant either in material or human terms. In a letter from the Prince Georges County executive in Maryland to District Court Judge Frank A. Kaufman, the tragedy of forced busing is made starkly clear. This letter recites facts, not theories, from the U.S. Commission on Civil Rights. I commend it to the attention of all my colleagues:

OCTOBER 8, 1973.

HON. FRANK A. KAUFMAN,
U.S. District Court,
Baltimore, Md.

DEAR JUDGE KAUFMAN: I feel compelled as the chief elected officer of Prince Georges County to call to your attention the damage being done by your decision to require massive busing of our school children for the purposes of achieving a uniform racial quota for each school in our system. I firmly support the concept of an open society where everyone is given an equal educational opportunity regardless of their race, creed or national origin. But being opposed to a legally segregated school system does not mean one has to favor the establishment of an arbitrary racial quota for each school in order to guarantee everyone the benefits of a quality education. I urge you to give careful consideration to the adverse effects already apparent from the previous decision before issuing any new rulings following your review of our latest pupil statistics this December. Any further large scale pupil reassignments would only worsen tensions and cost the citizens and their children needless anguish and scarce tax dollars.

As a result of the implementation of the court ordered plan on January 29, 1973 there has been a decisive increase in disciplinary problems in the schools, and an additional expense to the taxpayers of $1.2 million in this year's budget for additional buses and drivers, plus $114,000 to create 13 more positions to augment the security staff of our school board. But most distressing of all has been the emotional torment suffered by so many of our children and their parents as the kids were uprooted from their neighborhoods and family friends in order to be transported miles away to another school that needed a few more children of their particular race in order to achieve an idealized standard. This concern has become even more heightened following several tragic traffic accidents involving children who never would have been there to be injured or killed if they had not been trensferred by the court ordered plan.

The money, the emotional energy, and the time invested could all achieve much more if they were focused on the main ingredients necessary to provide an excellent education; such as, lower pupil-teacher ratios, enriched curriculum and better equipped facilities. Even with vigorous enforcement of open housing ordinances racial percentages will naturally change from time to time in various neighborhoods. I hope as these changes occur in the future we will not be compelled to continuously restructure our school attendance boundaries accordingly. The cost is too great and the results indicate that the children who are supposed to benefit the most often suffer the greatest.

Very truly yours,

William W. Gullett.

COUNTRY NEEDS RAILROAD SYSTEM

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HILLIS. Mr. Speaker, tomorrow the Members of the House will take H.R. 9142, the Northeast Rail Transportation Act, under consideration. The purpose of this bill is to restructure the six bankrupt railroads in the Northeast into a viable and and economically sound railroad system. I believe that H.R. 9142 addresses itself to solving the problems of our Northeast rail transport system in an acceptable manner. I support the concept of a for-profit railroad system—a system whose continuation is of dire importance to the continued operation of many of our country's industries. As a case in point, I am submitting to the record statistics which underline the dependency of the General Motors Corp. on the Northeast railroads. As one can see by glancing over these figures, any disruption of this rail service has an adverse impact on the entire corporation—an impact which directly affects the numerous workers, managers, stockholders, and customers of General Motors. It is my hope that these figures will serve as a means of aiding my colleagues in determining the effects of the discontinuation of these services on the industries of our country.

The statistics follow:

GM FACILITIES SERVED EXCLUSIVELY BY PENN CENTRAL [1]

State and division	Plant city	Number of carloads per week			Average number of employees
		In	Out	Total	
Connecticut: New Departure-Hyatt.	Bristol	3	4	7	3,013
Illinois: Central foundry	Danville	238	66	304	2,382
Indiana:					
Chevrolet	Muncie	39	41	80	2,234
Delco electronics	Kokomo	2	17	19	11,067
Delco Remy	Anderson	35	58	93	15,991
Do	Muncie	30	6	36	1,244
Detroit Diesel-Allison	Indianapolis	1	4	5	11,550
Fisher body	Marion	121	541	662	3,581
GM parts	Indianapolis	5	0	5	52
Guide Lamp	Anderson	18	91	109	5,262
Massachusetts:					
GM assembly	Framingham	363	26	389	3,835
GM parts	Boston	17	0	17	278
Michigan:					
Cadillac	Detroit	164	118	282	10,726
Chevrolet	Warren	84	166	250	3,506
Fisher body	Grand Rapids No. 1	96	444	540	2,737
Do	Grand Rapids No. 2	15	62	77	2,248
Do	Lansing	336	0	336	4,881
GM assembly	Willow Run	313	219	532	4,967
GMC truck warehouse	do	1	0	1	644
Hydra-Matic	Ypsilanti	78	85	163	6,628
Oldsmobile	Lansing [2]	214	322	536	17,075
New Jersey:					
Delco Remy	New Brunswick	10	6	16	673
GM assembly	Linden	402	91	493	4,548
United Delco	New Brunswick	0	0	0	111
New York:					
Chevrolet	Massena	42	31	73	976
Do	Tonawanda	453	232	685	10,092
Fisher body	Syracuse	7	176	183	1,511
GM assembly	Tarrytown	396	0	396	3,917
GM parts	Buffalo	6	0	6	68
Harrison Radiator	Lockport	3	327	330	8,323
Ohio:					
Delco Moraine	Dayton	14	11	25	5,499
Delco Products	do	5	39	44	5,726
Fisher body	Cleveland	11	161	172	2,931
Do	Columbus	1	51	52	3,744
Do	Elyria	21	192	213	2,562
Do	Lordstown	8	64	72	2,768
Frigidaire	Moraine	28	319	347	15,781
GM assembly	Lordstown	184	242	426	8,203
Do	Norwood [3]	0	200	200	4,459
GM parts	Cincinnati	13	0	13	267
Do	Toledo	20	41	61	12
Terex	Hudson	0	6	6	3,112
Total: 42 plants		3,797	4,459	8,256	199,184

[1] Rail service totally by Penn Central.

[2] Rail service in and out by Penn Central, also in and out by Grand Trunk Western. Vehicles out totally by Grand Trunk Western.

[3] Rail service totally by Baltimore & Ohio, except outbound vehicles totally.

GM FACILITIES SERVED EXCLUSIVELY BY ERIE LACKAWANNA RAILRAOD

State and division	Plant city	Number of carloads per week			Average number of employees
		In	Out	Total	
New Jersey:					
GM parts	Bloomfield	40	0	40	134
Do	Englewood	25	0	25	598
New York:					
Chevrolet	Buffalo	25	70	95	3,242
Harrison radiator	do	1	75	76	893
Ohio:					
Fisher body	Mansfield	140	330	470	2,979
Packard electric	Warren	16	40	56	13,322
Total: 6 plants		247	515	762	21,168

GM FACILITIES SERVED EXCLUSIVELY BY READING RAILWAY SYSTEM

State and division	Plant city	Number of carloads per week			Average number of employees
		In	Out	Total	
New Jersey: Fisher body	Trenton	3	40	43	3,294

GM FACILITIES SERVED JOINTLY BY PENN CENTRAL

State and division	Plant city	Number of carloads per week handled by Penn Central			Average number of employees
		In	Out	Total	
Maryland: GM assembly	Baltimore [1]	217	175	392	6,248
Michigan:					
Chevrolet	Bay City [2]	0	6	6	3,784
Do	Detroit [3] [4]	16	27	43	8,173
Fisher body	Kalamazoo [4]	26	170	196	3,082
New York: Rochester products	Rochester [5]	18	26	44	4,898
Ohio: Chevrolet	Cleveland [6]	12	109	121	7,225
Total, 6 plants		289	513	802	33,410

[1] Plant served by Canton RR. switch line to Baltimore & Ohio and Penn Central.

[2] Plant served jointly by both Chesapeake & Ohio and Penn Central.

[3] Gear and axle and forge.

[4] Plant served jointly by both Grand Trunk Western and Penn Central.

[5] Plant served by Rochester Subway RR. switchline to Baltimore & Ohio and Penn Central.

[6] Plant served jointly by both Baltimore & Ohio and Penn Central.

GM FACILITIES SERVED EXCLUSIVELY BY LEHIGH VALLEY RAILROAD

State and division	Plant city	Number of carloads per week: In	Out	Total	Average number of employees
New Jersey: New Departure-Hyatt.	Clark	0	19	19	2,653

GM FACILITIES SERVED EXCLUSIVELY BY PENN CENTRAL AFFILIATED RAILROADS

State and division	Plant city	Number of carloads per week: In	Out	Total	Average number of employees
Indiana Chevrolet	Indianapolis[1]	93	537	630	5,146
Michigan:					
Fisher Fleetwood	Detroit[2]	93	0	91	5,006
Fisher-Fort Street	Detroit[2]	0	12	12	3,228
Fisher body	Tecumseh[2]	4	18	22	975
GM parts	Detroit[2]	0	10	10	[4] 19
United Delco	do	0	0	0	35
Ohio Chevrolet	Toledo[3]	26	94	120	3,897
Pennsylvania Fisher body	Pittsburgh[5]	40	240	280	1,956
Total: 8 plants		254	911	1,165	20,262

[1] Indianapolis Union Ry.
[2] Union Belt Railway of Detroit.
[3] Detroit, Toledo and Ironton RR.
[4] Supplemental location serviced by No. 2 railway.
[5] Union Railroad Co. (Pittsburgh).

A TRIBUTE TO THE LATE LEONARD CARMICHAEL BY S. DILLON RIPLEY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert in the RECORD, the tribute paid by Dr. S. Dillon Ripley, Secretary of the Smithsonian Institution, to the late Dr. Leonard Carmichael, who served for 11 years as Secretary of the Smithsonian Institution and during which period he made extraordinary contributions to the Capital City and to our country.

The text of Dr. Ripley's remarks, contained in his monthly column, "The View From the Castle," published in the Smithsonian on November 1973, follows:

SECRETARY RIPLEY'S COMMENTS: THE VIEW FROM THE CASTLE—THE DEATH OF THE SEVENTH SECRETARY COMES AS A PERSONAL AS WELL AS A PROFESSIONAL LOSS FOR THE SMITHSONIAN

Few people could rival the wit or charm of Leonard Carmichael. When his eyes twinkled and his eyelids fluttered and his mouth pursed, you knew that he was about to utter something loud, positive and usually anecdotal and entertaining. I always found him endlessly cheery, keenly interested and willing to listen, a good teacher without being repetitive. He was a man of dry wit, always ready with a hearty laugh.

Everyone seemed to love him during his long career as teacher and administrator at four universities—Princeton, Brown, Rochester, and Tufts. Here, where he served as secretary from 1953 to 1964, it would be hard to overestimate the sense of personal as well as professional loss that the entire Smithsonian family felt on his death September 16.

Dr. Carmichael brought impressive credentials as well as personal charm to the Castle. He was renowned in his field of psychology, particularly for his work on the relation between the sense organs and behavior. He and a colleague demonstrated that the brain emits faint electrical impulses which can be recorded and analyzed; they published what is believed to be the first paper on the use on humans of the electroencephalograph. During World War II he directed the mobilization of scientists and engineers for such projects as radar and atomic energy.

Latterly I had known him as a predecessor at the Smithsonian, one of my "team down at the store" (SMITHSONIAN, July 1973). It seemed inconceivable to me that anything could happen to my predecessors, so secure did they make me feel in following old and honorable traditions of the Institution and so helpful were they in thinking of new ways to look at old things. I was prepared to go on this way forever. Perhaps it was selfish. I had no inkling that Dr. Carmichael's life and continuing career with our friends at the National Geographic Society and the American Philosophical Society would be cut short by the onset of cancer, or that the chain would thus be broken.

His career at the Smithsonian was made notable by three events. During his 11 years as secretary, he pushed forward and succeeded in realizing the concept of a great new institution, the National Museum of History and Technology, now the most frequently visited museum in the world.

In the 1950s he approached Harvard University and together with President Nathan Pusey helped create a pioneer consortium in Cambridge between Harvard College Observatory and the Smithsonian Astrophysical Observatory—one of the finest centers of its kind.

During that same decade he joined with the Commission of Fine Arts to save one of Washington's largest, finest and most historic buildings, the U.S. Patent Office, from the wrecker and the sordid asphalt, beloved of the parking lot millionaries. The epitome of American 19th-century aspirations, a makeshift hospital during the Civil War, this building has become a haven of beauty and inspiration for downtown commercial Washington, a promise and a centerpiece for the future of urban renovation, the home of the National Portrait Gallery and the National Collection of Fine Arts.

Truly, Leonard Carmichael created splendid works and left his mark on Washington.

A LOOK AT ENLISTMENTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, over 389,000 young men and women enlisted in the military services in fiscal year 1973. The best quarter for enlistment, of course, was the first, which follows graduation from high school. Fully 140,000 enlisted in the July–September period. The enlistment figures, both overall and by State, are interesting and useful to all of us, I believe. I therefore commend them to your attention:

CHARGEABLE ENLISTMENTS BY QUARTER, SERVICE, AND STATE, FISCAL YEAR 1973

	Army					Navy					Marine Corps				
	1st	2d	3d	4th	Total	1st	2d	3d	4th	Total	1st	2d	3d	4th	Total
Alabama	1,444	1,200	941	777	4,362	485	222	162	288	1,157	154	110	92	113	469
Arizona	540	445	305	312	1,602	459	232	165	240	1,096	204	135	130	155	624
Arkansas	653	535	527	342	2,057	584	284	200	259	1,327	263	189	177	169	798
California	5,373	4,371	3,674	2,248	15,666	4,251	2,267	1,491	1,596	9,605	1,430	1,087	1,215	1,101	4,833
Colorado	677	544	387	280	1,888	656	380	263	340	1,639	176	128	143	146	593
Connecticut	448	318	198	104	1,068	360	204	141	123	828	196	97	94	83	470
Delaware	44	8	40	26	118	63	32	14	4	113	47	31	26	27	131
Florida	2,344	1,880	1,520	1,122	6,866	1,173	574	415	537	2,699	389	237	245	244	1,115
Georgia	1,744	1,499	1,225	924	5,392	832	382	249	324	1,787	350	227	211	227	1,015
Idaho	203	236	160	146	745	245	132	75	98	550	72	54	65	63	254
Illinois	2,550	1,970	1,290	831	6,641	1,570	917	622	635	3,744	870	528	612	623	2,633
Indiana	1,535	1,076	692	603	3,906	1,166	603	447	559	2,775	378	256	368	379	1,381
Iowa	921	648	500	449	2,518	679	353	269	264	1,565	249	202	179	213	843
Kansas	623	470	333	280	1,706	536	226	158	159	1,079	199	116	137	159	611
Kentucky	1,386	1,010	832	486	3,714	633	313	224	295	1,465	269	172	157	188	786
Louisiana	1,134	929	714	535	3,312	550	250	193	194	1,187	166	200	209	205	780

CHARGEABLE ENLISTMENTS BY QUARTER, SERVICE, AND STATE, FISCAL YEAR 1973—Continued

	Army					Navy					Marine Corps				
	1st	2d	3d	4th	Total	1st	2d	3d	4th	Total	1st	2d	3d	4th	Total
Maine	332	224	143	138	837	283	188	120	111	702	97	62	60	67	286
Maryland	1, 004	828	469	312	2, 613	792	415	297	251	1, 755	447	296	253	227	1, 223
Massachusetts	1, 136	840	554	335	2, 865	849	491	327	350	2, 017	310	173	192	246	921
Michigan	2, 126	1, 585	1, 195	712	5, 618	1, 700	982	672	790	4, 144	951	569	535	455	2, 510
Minnesota	1, 131	970	711	454	3, 266	864	507	283	281	1, 935	390	233	234	251	1, 108
Mississippi	737	637	543	467	2, 384	336	150	104	179	769	196	107	91	103	497
Missouri	1, 537	1, 129	756	502	3, 924	1, 087	517	327	356	2, 287	494	319	327	351	1, 491
Montana	210	210	169	115	704	216	128	91	63	498	52	33	35	43	163
Nebraska	392	327	254	189	1, 162	379	175	147	140	841	128	84	115	97	424
Nevada	133	109	86	67	395	105	43	25	40	213	34	35	32	19	120
New Hampshire	163	129	81	73	446	155	66	53	45	319	60	19	31	27	137
New Jersey	1, 393	1, 080	807	382	3, 662	1, 055	564	373	480	2, 472	388	275	276	346	1, 285
New Mexico	351	290	212	236	1, 089	384	162	90	130	766	101	78	81	89	349
New York	3, 432	2, 579	1, 911	1, 024	8, 946	2, 502	1, 386	987	1, 020	5, 895	989	718	765	664	3, 136
North Carolina	1, 867	1, 712	1, 607	1, 495	6, 681	657	339	245	316	1, 557	397	277	335	356	1, 365
North Dakota	258	215	133	138	744	137	120	91	88	436	82	50	55	36	223
Ohio	2, 985	2, 250	1, 295	934	7, 464	2, 372	1, 131	856	860	5, 219	1, 010	730	790	712	3, 242
Oklahoma	919	640	459	355	2, 373	630	289	217	281	1, 417	221	108	147	185	661
Oregon	756	646	518	376	2, 296	679	320	245	254	1, 498	151	129	126	117	523
Pennsylvania	2, 683	1, 946	1, 230	848	6, 707	2, 100	1, 088	741	735	4, 664	1, 098	678	588	590	2, 954
Rhode Island	227	160	96	54	537	208	119	83	82	492	48	38	54	52	192
South Carolina	1, 027	756	697	658	3, 138	525	242	174	224	1, 165	158	112	115	95	480
South Dakota	213	135	109	107	564	79	59	36	30	204	19	19	19	6	63
Tennessee	1, 370	1, 112	764	537	3, 783	831	385	262	389	1, 867	324	219	227	240	1, 010
Texas	3, 727	2, 981	2, 210	1, 816	10, 734	2, 394	1, 319	817	1, 175	5, 705	1, 083	677	725	752	3, 237
Utah	305	260	214	157	936	188	119	88	82	477	85	57	58	34	234
Vermont	113	85	67	49	314	65	39	35	48	187	40	21	31	26	118
Virginia	1, 564	1, 366	993	682	4, 605	598	317	224	256	1, 395	301	202	215	206	924
Washington	1, 344	1, 114	778	524	3, 760	936	487	345	346	2, 114	236	165	165	177	743
West Virginia	697	551	408	316	1, 972	386	166	112	132	796	192	117	95	144	548
Wisconsin	1, 312	1, 016	620	457	3, 405	958	486	300	480	2, 224	415	251	273	289	1, 228
Wyoming	81	76	61	34	252	98	64	34	61	257	18	20	12	16	66
District of Columbia	175	143	94	49	461	65	36	26	19	146	73	53	44	23	193
Alaska	91	76	58	35	260	41	28	29	32	130	9	8	14	9	39
Hawaii	178	187	190	186	741	84	74	51	105	314	20	12	15	17	64
Puerto Rico	796	668	557	462	2, 483	27	27	9	19	82	0	0	0	0	0
Guam	22	26	19	17	84	3	2	2	0	7	9	1	2	4	16
Virgin Islands	18	18	8	14	58	1	3	0	1	5	0	0	0	0	0
Worldwide	58, 424	46, 215	34, 414	24, 771	163, 824	39, 011	20, 404	14, 006	16, 166	89, 587	16, 037	10, 714	11, 192	11, 166	49, 101

	Air Force					All services total				
	1st	2d	3d	4th	Total	1st	2d	3d	4th	Total
Alabama	312	230	223	257	1, 022	2, 395	1, 762	1, 418	1, 435	7, 010
Arizona	249	224	198	207	878	1, 452	1, 036	798	914	4, 200
Arkansas	368	319	268	224	1, 179	1, 868	1, 327	1, 172	994	5, 361
California	2, 413	2, 017	2, 102	2, 077	8, 609	13, 467	9, 742	8, 482	7, 022	38, 713
Colorado	316	255	259	266	1, 096	1, 825	1, 307	1, 052	1, 032	5, 216
Connecticut	338	279	266	233	1, 116	1, 342	898	699	543	3, 482
Delaware	39	35	40	38	152	193	106	120	95	514
Florida	1, 087	927	806	783	3, 603	4, 993	3, 618	2, 986	2, 686	14, 283
Georgia	701	582	546	506	2, 335	3, 627	2, 690	2, 231	1, 981	10, 529
Idaho	121	121	126	130	498	641	543	426	437	2, 047
Illinois	742	689	573	538	2, 542	5, 732	4, 104	3, 097	2, 627	15, 560
Indiana	772	565	553	504	2, 394	3, 851	2, 500	2, 060	2, 045	10, 456
Iowa	439	327	318	284	1, 368	2, 288	1, 530	1, 266	1, 210	6, 294
Kansas	295	257	213	212	977	1, 653	1, 069	841	810	4, 373
Kentucky	507	388	411	366	1, 672	2, 795	1, 883	1, 624	1, 335	7, 637
Louisiana	794	564	538	504	2, 400	2, 644	1, 943	1, 654	1, 438	7, 679
Maine	196	178	166	209	749	908	652	489	525	2, 574
Maryland	465	419	394	316	1, 594	2, 708	1, 958	1, 413	1, 106	7, 185
Massachusetts	561	502	408	419	1, 890	2, 856	2, 006	1, 481	1, 350	7, 693
Michigan	889	674	701	634	2, 898	5, 666	3, 810	3, 103	2, 591	15, 170
Minnesota	502	414	359	389	1, 664	2, 887	2, 124	1, 587	1, 375	7, 973
Mississippi	340	271	265	307	1, 183	1, 609	1, 165	1, 003	1, 056	4, 833
Missouri	770	669	577	597	2, 613	3, 888	2, 634	1, 987	1, 806	10, 315
Montana	117	89	99	74	379	595	460	394	295	1, 744
Nebraska	215	131	140	137	623	1, 114	717	656	563	3, 050
Nevada	52	48	50	40	190	324	235	193	166	918
New Hampshire	112	73	80	61	326	490	287	245	206	1, 228
New Jersey	572	425	394	382	1, 773	3, 408	2, 344	1, 850	1, 590	9, 192
New Mexico	204	123	133	126	586	1, 040	653	516	581	2, 790
New York	1, 795	1, 413	1, 376	1, 074	5, 658	8, 718	6, 096	5, 039	3, 782	23, 635
North Carolina	746	615	550	548	2, 459	3, 667	2, 943	2, 737	2, 715	12, 062
North Dakota	55	38	44	38	175	532	423	323	300	1, 578
Ohio	1, 444	1, 107	1, 170	1, 039	4, 760	7, 811	5, 218	4, 111	3, 545	20, 685
Oklahoma	406	305	302	291	1, 304	2, 176	1, 342	1, 125	1, 112	5, 755
Oregon	320	242	298	285	1, 145	1, 906	1, 337	1, 187	1, 032	5, 462
Pennsylvania	1, 515	1, 175	902	907	4, 499	7, 396	4, 887	3, 461	3, 080	18, 824
Rhode Island	170	163	143	114	590	653	480	376	302	1, 811
South Carolina	347	261	249	270	1, 127	2, 057	1, 371	1, 235	1, 247	5, 910
South Dakota	96	99	79	86	360	407	312	243	229	1, 191
Tennessee	653	453	493	476	2, 075	3, 178	2, 169	1, 746	1, 642	8, 735
Texas	2, 414	1, 702	1, 500	1, 434	7, 050	9, 618	6, 679	5, 252	5, 177	26, 726
Utah	154	101	124	96	475	732	537	484	369	2, 122
Vermont	76	49	48	61	234	294	194	181	184	853
Virginia	475	352	321	365	1, 513	2, 938	2, 237	1, 753	1, 509	8, 437
Washington	463	442	405	381	1, 691	2, 979	2, 208	1, 693	1, 428	8, 308
West Virginia	266	199	151	204	820	1, 541	1, 033	766	796	4, 136
Wisconsin	576	386	326	341	1, 629	3, 261	2, 139	1, 519	1, 567	8, 486
Wyoming	37	33	25	28	123	234	193	132	139	698
District of Columbia	64	71	45	26	206	377	303	209	117	1, 006
Alaska	19	12	20	9	60	159	124	121	85	489
Hawaii	116	82	86	76	360	398	355	342	384	1, 479
Puerto Rico	0	0	0	0	0	823	695	566	481	2, 565
Guam	0	0	0	0	0	34	29	23	21	107
Virgin Island	0	0	0	0	0	19	21	8	15	63
Worldwide	26, 695	21, 095	19, 863	18, 969	86, 622	140, 167	98, 428	79, 475	71, 072	389, 142

A BAD WAR POWERS RESOLUTION

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RONCALLO of New York. Mr. Speaker, I am most dismayed that neither House of Congress saw fit to sustain the President's veto of House Joint Resolution 542, the war powers resolution. I am dismayed, not because we are not in need of good war powers legislation, but because this law does more harm than good. It is ambiguous and could be interpreted as giving a President more power than he currently has. It also permits Congress, by its own inaction, to vitally affect U.S. foreign policy.

The Senate bill, as originally passed by that body was far superior to the conference report which has now been enacted into law. The other body very wisely forbade all use of U.S. troops in combat except under three specific circumstances: To repel or forestall an armed attack upon this country, its territories or possessions; to repel or forestall an armed attack upon our armed forces overseas; and to protect, subject to specific guidelines, U.S. citizens and nationals abroad during their evacuation.

The conference report contained a similar provision, although it did not allow for protection during an evacuation. The problem is that in the law, as enacted, makes this merely the sense of Congress. It has no force of law. The explanatory statement of the conferees clearly states that—

> Subsequent sections of the joint resolution are not dependent upon the language of this subsection, as was the case with the Senate bill (section 3).

And what are these "subsequent sections"? They are procedures to be implemented when U.S. troops are introduced into combat in the absence of prior congressional authorization! There are no restrictions, just Presidential reports to Congress. The only real restrictions in this very ambiguous law, if I can make an attempt at divining its meaning, come into play after a 60-day period, unless Congress insists on earlier termination of hostilities by concurrent resolution. The way I see it, the President could ignore the "sense of Congress" and do what he pleases as long as he files a report.

Although the conference report does provide for expeditious handling of a resolution to authorize continued U.S. involvement in hostilities in excess of the 60-day period, I believe that an adroit parliamentary expert could find a way to prevent definitive action by the Congress. Every Congressman should have the intestinal fortitude to stand up and be counted on an issue as important as the commitment in combat of our boys in uniform. This law does not even require that Congress be called back into session if hostilities are started during an adjournment. A better approach in a war powers resolution would have been to require reconvening of Congress and to require the automatic introduction and floor consideration of an appropriate resolution to either continue or end the use of U.S. troops, if no such resolution has been acted upon within 15 days of the end of the permitted period of hostilities. To allow Congress, by its inaction, to change the course of our Nation's history, is to abdicate our sworn duties under the Constitution.

Mr. Speaker, I hope the time never comes when over two-thirds of my colleagues will have cause to regret the action they have taken today. With a little luck and a lot of understanding, perhaps mankind will turn away from the use of force as a means to resolve international differences. If not, this law might tragically come back to haunt us and our Nation, as did the Gulf of Tonkin resolution. I pray for peace.

LEST WE FORGET

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. PICKLE. Mr. Speaker, at a time when our Nation is facing crises through Watergate, ITT, and related matters, it must also be a time of thoughtful consideration for our citizens. We must insist that the facts and truth be known, but we also must be careful that we are not emotionally swept away by feelings of frustration or superjudgment.

My long-time friend, The Rev. Charles A. Sumners recently delivered a sermon in the historic St. David's Episcopal Church of Austin. It is one of the oldest churches in Texas and occupies an imposing height in the very heart of our city. For over a 100 years, it has been a vital and moving force for all Austin citizens, and it is led today by my personal friend Charles Sumners who has distinguished himself as a leading minister and is today the dean of ministers in our State.

While we are judging and casting stones, let us remember that we, too, have to be judged. Reverend Sumners' remarks are timely and poignant. I insert his remarks in the RECORD at this point:

REMARKS OF REV. CHARLES A. SUMNERS

Our nation has experienced the trauma that comes when a strong leader has been shown to have feet of clay. The resignation of Spiro Agnew was a shock of major proportions to all of us.

Our lament recalls the words recorded in II Samuel when David was told of the death of the great Saul and his son, Jonathan:

The beauty of Israel is slain upon thy high places
How are the mighty fallen.

Much more pertinent are the words put upon the lips of Cardinal Woolsey in Shakespeare's King Henry VIII, in Act III, Scene 2. The Cardinal has been discovered in his nefarious scheming. His death was eminent. He says to Cromwell:

"Farewell!, a long farewell to any my greatness."

The tragedy of this event is seen first in the life of Mr. Agnew himself. When he was first chosen as Mr. Nixon's running mate, he observed that the name Agnew was not exactly a household word. The observation was correct. This changed radically, and not alone because of the office he held. He himself came forth as a strong, eloquent, articulate spokesman for ideas that needed expression. He seemed almost youthful in his vitality and maturity. He captured the imagination of a nation. A fresh new leader had appeared. He seemed to have the basic integrity that all of us want in those men who hold high office. Apparently our hopes have been shown to be without foundation. We cry inwardly for him and for his family. Cardinal Woolsey spoke for him:

"Farewell, a long farewell to all my greatness."

The tragedy we face is not Mr. Agnew's alone. Our nation's position in the world is marked by a dark spot. I have been, am now, proud of being an American. I must confess my pride has received a grievous found, and, somehow I stand a little less tall.

Part of the tragedy is that the events in the life of this prominent politician inevitably reflect upon all men in public life. This is unfair, but a truth. Many men and women in public office have withstood the pressures put upon them before and after election. One in particular comes to mind—Dewitt Greer, Chairman of the Texas Highway Commission. Dewitt Greer served as State Highway Engineer before he became Chairman of the Commission, and at no time has there ever been any indication of any sort of graft or taking of bribes. A man of honor and ability, Dewitt Greer is a distinguished public servant. There are others, in Texas and elsewhere but the fact remains that Mr. Agnew's fall becomes a burden upon every man and woman who serves in public office. This is, indeed, tragic in a democracy.

Doubtless there is some good that may come from this tragedy.

We do learn from tragedies—costly lessons, indeed. We know now that serious thought must be given to the designing of a system that will make it unnecessary for a man to be dependent upon gifts from the wealthy or from corporations. Such a system is not easy to define, for any man with a faulty character will find a way to defeat the system. We must find a system that will be more costly to defeat than it will be to abide by.

A vital lesson to be learned is to look more carefully, to scrutinize more closely, the men who are chosen as candidates. The present system of selecting a Vice President seems most inadequate. Seven or eight times in the history of our nation, the Vice President of the death of the President, has become the Chief Executive of this land. Fortunately or these United States, elements of greatness have been revealed in some of these men; but recent events strongly suggest that more attention be paid to the selection of a running mate for the President than is now evident.

One more observation should be expressed. What has happened in the nation reminds us that we must be greatly concerned about the candidates we support in state and city elections. Our great State of Texas has also been rocked by the failures of some of our leaders. We must be far more concerned in local elections, where the opportunity for personal involvement is far more possible.

The words "personal involvement" go to the heart of what I feel is most important to be said. Somehow Mr. Agnew's frailty stabs my heart with the recognition of my own responsibilities and my weaknesses. I must believe that there is no more reason for integrity on the part of the Vice-President of the United States than there is for integrity on the part of the Rector of Saint David's Church, Austin, Texas, or the husband of my wife or the father of my sons. Furthermore, my own integrity is no more important than is the integrity of every man and woman in this congregation.

Let me ask: Are you, each and every one of you, are you not deeply grateful that your life, the thoughts of your heart, your thoughtlessness, your selfishness, your subtle scheming in achieving objectives—are you not grateful that all of this cannot be made visible and audible in this very hour? The great cry in this day: Tell it like it is—God forbid! I have no right to judge another, but as for me, I want no man to hear or see the inside of me . . . What of you?

My plea to God is not for justice. That I do not want. Far from it. What I need is mercy, the gracious mercy of an all-loving, Redeeming God, the mercy God revealed in Jesus Christ.

As I serve myself, I recall other words of Cardinal Woolsey. I am not sure of his exact words as I quote from memory, but the heart of his lament is in my heart:

O Cromwell, Cromwell! Had I but served my
God with half the zeal
I served my king, he would not in mine age
Have left me naked to my enemies.

There may be some question about the great Cardinal's theology, but I know what he means. If I had served my God as I have served myself, certainly I would be a stronger man.

There are some words I would like to say to Mr. Agnew, and to each of you, for in them I find great solace. And not only solace. Indeed, I find the power to lift up my head and walk again as a man.

The words are: Thanks be to God for His redeeming, strengthening grace in Jesus Christ our Lord. God forgives—as Christ forgave.

We have spoken of tragedy. Perhaps the greatest tragedy in our own lives is that we do not receive what God has visibly offered in Jesus Christ. One of the primary reasons for attending worship in a Church is to hear again and again: God forgives!! Admittedly if I expect mercy and forgiveness from God, I am therefore compelled to offer mercy and forgiveness to my fellow man. I cannot merely see in Mr. Agnew a man who at one time failed to do what he should have done. I must see him as a man God loves enough to die on the cross for him. I dare not proudly assert that all politicians lack integrity, for I, too, am a politician in a very real sense in all my earthly relationships. If I have any integrity whatever, I must see myself as one who walks with Mr. Agnew, a sinner walking the pathways of life with another sinner. I look to God for His redeeming, strengthening grace. My pride gives way to an humble and contrite heart.

Kipling voices the rightful prayer:

The tumult and the shouting dies;
  The Captains and the Kings depart;
Still stands thine ancient sacrifice
  An humble and a contrite heart.

Lord God of Hosts, be with us yet
  Lest we forget—lest we forget!

BOY SCOUT LEADER RETIRES

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. GOLDWATER. Mr. Speaker, on October 24, 1973, an outstanding American, Mr. Hratch Charles "Rex" Mugar, retired from his 43-year career of service with the Boy Scouts of America.

Through all these years, he has guided thousands of boys and men in the attributes of duty to God, love of country, and good citizenship.

He has, through dynamic leadership and personal example, guided the development of boys in the principles of the Scout oath and law in Alaska, Arizona, California, Hawaii, Idaho, Oregon, and Washington.

It is with great pride and pleasure that I commend Rex to you and our colleagues, for his singular contribution to the youth of our Nation.

THE GREAT PROTEIN ROBBERY:

NO. 12

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. STUDDS. Mr. Speaker, the depletion of the marine resources in the waters off the U.S. coast by foreign fishing fleets continues day after day. The massive foreign fishing effort is devastating the fish stocks and threatens to destroy for all time the potentially renewable fish resources that are so important to all mankind as an invaluable source of protein. We must assert U.S. jurisdiction over our coastal and anadromous fish species and regulate the fishing effort on those species so that they will be able to regenerate to previous levels, thus assuring a continued supply of protein.

The Studds-Magnuson bill, H.R. 8665, will allow us to assert the necessary jurisdiction and control over these marine resources, and stop the "Great Protein Robbery" occurring right now off our shores. A number of groups and organizations across the country have endorsed and expressed support for our bill, which would extend U.S. fisheries jurisdiction over anadromous species and over coastal species out to 200 miles pending a resolution of this matter at the Law of the Sea Conference. One of the most eloquent statements of endorsement appeared in the September–October 1973 edition of the Marine Angler, the publication of the International Game Fish Association, based in Fort Lauderdale, Fla. The article follows:

IGFA SUPPORTS EXTENSION OF U.S. COASTAL MARINE FISHERIES JURISDICTION

For the past decade IGFA has received a constant series of reports from throughout the world concerning the depletion of game fish and commercial species due to exploitation of local fisheries stock by foreign fishing fleets. These reports are consistently increasing as the problem continues to grow to alarming proportions.

Very few countries or states that depend on fishing for their livelihood are free from this problem, but probably nowhere in the world is there a better example of the situation that exists than off the eastern coast—particularly the northeastern coast—of the United States.

Since the mid sixties there has been a rapid escalation of fishery efforts being exerted on U.S. Atlantic coast marine fisheries by foreign commercial fleets. Statistics produced by the U.S. Senate show that in 1972, as many as 776 foreign fishing trawlers, seiners, and long liners per month plied the waters of the continental shelf adjacent to the eastern coast of the U.S.

Commercial species such as flounder, perch and herring have been dangerously depleted, while haddock, the lifeblood of Boston, Massachusetts fishermen, have been all but wiped out by foreign fleets. Game fish species such as shark and mackerel are also being ravaged: in 1971, foreign ships took 99.3 percent of the total mackerel catch from U.S. Atlantic waters as well as 99.1 percent of the sharks.

Long-existing multi-national machinery, designed to provide for rational international management of the fisheries has proven itself incapable of dealing with the mounting problems through effective regulatory action. Though the number of foreign vessels fishing off U.S. coastal waters is stabilizing, the ships themselves are becoming larger and more sophisticated, resulting in a higher degree of efficiency in their catch. Also, areas of operation are continuously expanding due to increasing demands in the world need for protein, so that the ocean is literally being vacuumed clean of species in certain areas.

The need for international agreements in regulating fisheries in the ocean waters has increased sharply over the past two years. Species such as tuna that migrate over great distances can only be preserved through joint action by the international community.

The United Nations has initiated machinery to deal with the law of the sea problems. A conference is scheduled to be held in Santiago, Chile in 1974, which will deal with all of the problems relating to the oceans of the world and their contents, including rights to the ocean floor. This Law of the Sea Conference should be a vital tool for the establishment of international fishery regulations. However, a few people expect dramatic results in solving the offshore fishery dilemma in the immediate future. There are some who feel that it will take many years to arrive at an acceptable solution.

In the meantime, there is overwhelming evidence that present regulations by all governments, agencies and commissions are woefully inadequate and incapable for forestalling irreparable devastation of eastern U.S. coastal fisheries.

In light of the substantiated evidence available, IGFA supports the immediate extension of the U.S. coastal marine fisheries jurisdiction to the 200 mile limit, with such extension to remain in effect only until an international agreement can be reached through the LOS conferences.

Among the many bills now before the U.S. Congress which call for reforms in offshore fisheries jurisdiction, two come closest to meeting the required needs. One is Senate Bill 1988, which was introduced by Warren G. Magnuson (Washington). The other is an identical bill, number 9137, before the House of Representatives, which was introduced by Gerry E. Studds (Massachusetts). Both bills have received substantial support, but they need additional votes for passage.

Among the many important provisions included in these bills are: extended jurisdiction over anadromous fish (except to the extent that it infringes on the territorial waters or fishery zone of another country); controls over rational utilization and conservation of fishery resources (which includes seeking treaties with foreign countries which will make possible development of the maximum yields of coastal fish common both to U.S. jurisdictional waters and to waters over which such foreign countries have jurisdiction); the implementation of needed research through government programs and funding to private and public agencies and individuals; and most important—a proviso for the immediate termination of this legislation when the international Law of the Sea treaties regarding fisheries jurisdiction and conservation shall enter into force.

IGFA has no alternative but to urge the support of this legislation. It is the only stop-gap measure that will offer a reasonable degree of hope for the salvation and restoration of the offshore fisheries. It is the only immediately effective way to halt the rapid decline of specie populations vital to the survival of other fish populations. And it is the only real hope not only for the future of sport fishing in U.S. coastal waters but for the domestic fishing fleet which must be expanded to meet the domestic needs.

Certain of the U.S. commercial interests that fish in distant waters can be expected to oppose these measures. However, we believe that the trend toward 200 mile limits has already been strongly established by other countries, and that the regulations may not complicate commercial fishing efforts to the degree that has been suggested by various groups. In any event, the combined domestic commercial and sport fisheries are more valuable collectively to the American economy, and this fact should be weighed carefully. Salt water game fishermen alone spend close to one and one-half billion dollars each year. These 10 million salt water anglers and their sport must be duly recognized.

IGFA is equally dedicated to representing pelagic game fishermen from all parts of the world in future LOS conferences in order that the sport fisherman is not the forgotten one when decisions are made affecting the game fish populations of the world.

PRESIDENTIAL SUCCESSION: A TIME FOR QUESTIONS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Ms. ABZUG. Mr. Speaker, in the New York Post of yesterday columnist James Wechsler raised serious questions about the confirmation of GERALD FORD during this unprecedented period of doubt about the continuation of office of the President. Mr. Wechsler at the conclusion of his column states that the "healthiest" solution to the current problem would be the adoption of a bill calling for a new special election. I commend the whole column to the attention of my colleagues:

THE FORD CASE

(By James A. Wechsler)

Gerald Ford may be Richard Nixon's last secret weapon or his ultimate revenge against his disaffected countrymen.

For as the Senate Rules Committee completed the first—and possibly final—phase of its examination of Ford yesterday, large numbers of onlookers must have felt a new unease about the prospective substitution of Ford for Nixon in the highest office of an emotionally battered nation.

Yet there appeared little disposition among the Democratic Senate interrogators to offer any spirited challenge to Ford's credentials for the Vice Presidency. Even when potentially explosive questions were raised involving, for example, widely-published reports of Ford's early role in blocking a House investigation of Watergate, the questioners were almost apologetic in tone.

Perhaps the atmosphere will change if testimony to be taken in executive session confounds some of Ford's protestations of fiscal and general virtue. But for the moment both Democrats and progressive Republicans act like men entrapped.

Ford has been an amiable, rather well-rehearsed witness with no trace of arrogance. Indeed, there were intervals when his demeanor invited remembrance of Winston Churchill's celebrated remark about Clement Attlee—"a modest little man, plenty to be modest about." Ford's larger size is not to be confused with stature.

Such reflections could not have eluded Mr. Nixon when he tapped Ford for the Vice Presidency. Even as Ford tried with plaintive earnestness to describe his grasp of world affairs—some of his best friends, he indicated, are very important international personages—and his gifts for domestic leadership, his pedestrian if frequently unexceptionable responses seemed to enlarge Richard Nixon's dimensions.

The truth is that at no point during his 25 years of plodding, faithfully partisan service in the House had Ford been a serious contender for his party's Vice Presidential nomination. He was a congenial member of the Congressional club with a mighty consistent record of reactionary votes on home-front issues and unswerving allegiance to the Pentagon's wisdom in foreign affairs.

It may be said that in many respects his domestic positions were a carbon copy of Richard Nixon's, and that he dutifully followed Nixon when the latter reversed himself and began his Moscow-Peking initiatives. Defenders of the Ford appointment argue that Mr. Nixon was wholly justified in honoring so faithful a servant, and that critics of the Ford choice are really trying to upset the 1972 "mandate" by blocking the appointment, impeaching Mr. Nixon (or forcing his resignation) and thereby capturing the Presidency for Democratic Speaker Carl Albert.

A sensitivity to these charges no doubt explains why so many Congressional Democrats have been echoing Republican demands for swift confirmation of Ford. Many may be more heavily influenced by the belief that there is no chance of Mr. Nixon resigning until Ford is safely installed.

That may well be the case—at least pending new, shattering episodes such as the saga of the missing tapes.

Conceivably Ford's elevation will reveal hitherto hidden assets—of leadership—in the man. But the discernibly growing pressure among right-wing Republicans for Mr. Nixon's departure, presumably in the immediate aftermath of Ford's confirmation, raises a more ominous possibility.

It is that Ford is envisaged by the Republican Right as "our own man"—and one who will be an utterly pliant captive of the GOP's Goldwater-Buckley-Dominick faction.

Long before the disclosure of tainted concessions to special interests and other scandals that have brought Mr. Nixon to the edge of political ruin, he had become an ideologically suspicious character to many of his former companions. His Moscow-Peking journeys and his identification—short-lived—with the Moynihan Family Assistance Plan were heresies not easily forgiven by his old disciples.

It is not hard to imagine the GOP rightists projecting Ford as the manipulable man who will give them new dominance within the Administration and a firm base for operations in 1976. The coup would be bloodless.

That scenario should restrain thoughtless elation among those who believe (as I do) that Mr. Nixon faces ultimately irresistible pressure for resignation and are prepared (as I am not) to embrace Ford's confirmation to hasten that day.

The President's problems multiply hourly; there is no miracle formula for his survival on the horizon. But I am still convinced that the healthiest solution for the national crisis is to convince Mr. Nixon that his support for a statute mandating a new national election upon his resignation would offer him the most dramatic and honorable way out.

Perhaps too many "practical men" in both parties are reluctant to give the nation a chance to begin anew, under fresh command—whether Republican or Democratic. But the idea may gain new ground if the prospect of a Ford Presidency is contemplated long enough. It may even finally begin to acquire appeal in the increasingly stormy view from the White House and Key Biscayne.

In the same newspaper the day before yesterday, November 5, the New York Post ran an editorial that also raised the issue of Presidential succession that would be solved by the adoption of the special election formula. I also commend this to your attention:

FORD'S NOMINATION: A TIME FOR QUESTIONS

As defection spreads among many who were once his strongest supporters, the possibility that President Nixon may feel compelled to resign his office can no longer be dismissed as partisan fantasy.

Indeed events are moving so swiftly that the real question may be whether the United States must unquestioningly resign itself to the advent of Rep. Gerald Ford (R-Mich.) as his successor.

The issue deserves serious reflection by those who are convinced that Mr. Nixon must eventually step down.

We have said on a series of occasions—most recently after two of the most crucial tapes in the Watergate affair were pronounced "non-existent"—that the President's loss of credibility is so total that his capacity to govern has been fatally impaired.

That judgment is now being expressed by newspapers that warmly advocated his election a year ago. It is being echoed in discussions among many Republican political figures and Sen. Brooke (R-Mass.) advanced it on ABC's Issues and Answers yesterday.

Unfortunately, however, the growing pressure for Mr. Nixon's early abdication has been accompanied by suggestions in too many places that Congress confirm his designation of Congressman Ford without any real deliberation.

We believe it would be a serious misfortune if the country and the Congress were stampeded into mindless approval of the Ford designation in order to hasten Mr. Nixon's departure.

It is admittedly unlikely, barring some shattering new revelation containing the immediate threat of a successful impeachment move, that Mr. Nixon will resign during an interim when the Presidency would be inherited by Democratic House Speaker Carl Albert.

But surely the country will gain little—and may even suffer new turmoil—if Rep. Ford is in effect catapulted into the Vice Presidency without intense scrutiny merely because that seemed likely to speed Mr. Nixon's exit.

Plainly there are grave questions—beyond his ultra-conservative voting record—about Congressman Ford's qualifications for the Presidency, despite the personal popularity he enjoys among members of the Congressional club. The same must be said of Mr. Albert.

It must be noted in behalf of both men that they have indicated some humility about their limitations. "I really would not like to be President . . . I wasn't even expecting to be the Vice Presidential nominee," Ford said the other day. And Mr. Albert has said: "I want to stay on as Speaker. I've geared my whole life to the Speakership."

Perhaps such disclaimers were traditional political rhetoric. They may also involve a measure of realistic self-appraisal.

The immediate issue at hand is Ford's confirmation. Profound as Mr. Nixon's predicament has become, it is conceivable that other options will emerge if there is no rush to get Ford in as a lever for getting Nixon out.

If the inquiry into Ford creates deeper concern about his capabilities or renders him vulnerable on other grounds, Mr. Nixon could still turn to someone of larger stature as a replacement.

Or he could pledge to resign if the Congress adopted a statute calling for a new national election next year—a procedure that would answer the argument that the Democrats are seeking to "reverse" the 1972 result without a test of public sentiment.

Those dramatic alternatives may seem remote at this moment. But how many Americans imagined a year ago, after the overwhelming Nixon-Agnew election triumph, that Spiro Agnew would be in oblivion by now and that Mr. Nixon's resignation would be a subject of serious national speculation?

THE SMALL WORLD OF FOOD

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. FRENZEL. Mr. Speaker, today I am inserting the third of four articles from the Minneapolis Tribune series on the world's food supply. This article focuses on the great need for increased supplies and productivity in less-developed nations, and the prospects of accomplishing this as seen by some of the world food experts, including people from the United Nations' Food and Agriculture Organization, the World Bank, and the agricultural research community.

The article follows:

THE SMALL WORLD OF FOOD: POSSIBLE SCARCITY OF FOOD HAUNTS POOR OF AFRICA, ASIA, AND LATIN AMERICA

(NOTE.—Food shortages, surpluses, costs and boycotts are in the headlines nearly every day. To find out why food has become a major concern, Staff Correspondent Al McConagha has investigated the relationships of food problems around the world. This is the third of four articles.)

(By Al McConagha)

WASHINGTON, D.C.—The crowded poor are never far from the shadow of hunger.

With recent harvest failures underscoring fears of fundamental deterioration in the world food supply, this shadow lengthens ominously over the destitute of Asia, Africa and Latin America.

To those for whom food is a daily struggle, the present anxiety over scarcity spawns a dread that transcends the annoyance of consumers in richer nations at the rising cost of brisket.

The future of these residents of the Third World haunts any discussion of global food supply. And even here it is apparent that all peoples, rich and poor, are affected by shortage.

The higher cost of eggs in Minneapolis' Great Northern Market, by the way of illustration, may directly reveal the nutritional prospect of a street urchin in Calcutta.

Egg prices reflect rising costs of soybean meal for chickens. This higher soybean price means that the fixed funds of international relief groups will buy less protein-rich edible soy oils for India.

"All of us in the world live out of the same food basket," declares Maurice J. Williams, acting head of the U.S. Agency for International Development.

He might have added that when the contents of that basket diminish, everyone is affected in times of scarcity and high prices and the poor are affected most of all.

The present concern over food supply follows a period of relative stability. During the 20 years prior to 1972, global food production increased at a slightly higher rate than the population.

Nations with food deficits bought grain at reasonable and relatively constant prices from the exporting countries—mainly the United States, Canada, Australia and Argentina.

Hungry nations without ready money relied on concessional sales or grants from the United States, which was seeking to reduce the cost of storing surplus grain created by its price-support programs.

In general this system worked adequately. For the most part people ate marginally better than they ever had, and there were no major, unrelieved famines—perhaps the best such record in history.

This, nevertheless, was thin gruel for many. The extent of malnutrition is a matter of debate. But hundreds of millions of people received less than the recommended minimum of calories.

Alan Berg, World Bank deputy director for nutrition, estimates that some 75 million children born today in developing countries will die before their fifth birthday from malnutrition or related illness.

"There can be no serious doubt that there is a relationship between severe malnutrition in infancy and mental retardation," says Robert McNamara, World Bank president.

NEW SEEDS AID RICH MORE THAN POOR

With the advent of the "Green Revolution" in the late 1960s, there was considerable optimism that the new strains of wheat and rice were about to introduce an era of plenty.

There were, in fact, extraordinary advances in food production. But it now appears that the Green Revolution, in the analogy of one expert, skimmed the cream off the top of the technology.

The Green Revolution requires the capital-intensive skills of modern Western agriculture. And the techniques of fertilizer, irrigation and pesticides still require troublesome introduction.

Lester Brown of the Overseas Development Council also points out that where larger farmers have greater access to credit and advisory help, the new seeds aid the rich more than the poor.

Besides emphasizing the differences between rich and poor in some countries (experts argue that the equivalent of a U.S. extension service would help solve this) the new rice and wheat has a higher susceptibility to disease.

In any case Norman Borlaug, whose contribution to the Green Revolution was recognized with the 1970 Nobel Peace Prize, contends his work "only bought us some time"—perhaps 20 or 30 years.

At the moment science seems to have no immediate further breakthroughs in food production in sight although some developments appear promising for the middle distance.

Purdue University scientists recently announced they have developed a means of upgrading the protein content of sorghum, a principal crop in some arid African and Asian regions.

Although the new supersorghum seeds are not expected to be generally available for at least five years, they will help ease the supply-demand pressures of the 1980s.

A complicated process that produces something called single-cell protein from petroleum is now believed to be a commercially viable source of livestock feed in France.

Nevin Scrimshaw, professor at Massachusetts Institute of Technology, head of the United Nations protein advisory group, says it is "a potentially significant" addition to soy and fish meals.

Also highly regarded is the effort, now thought to be two or three years away, to make commercially available seeds of a corn variety (Opaque 2) with a greatly improved protein value.

A wheat-rye hybrid called Triticale is now grown commercially in a small area and there are hopes that this nutritionally souped-up grain may eventually make a major contribution.

SOME POOR NATIONS NEGLECT AGRICULTURE

But it is the present that desperately concerns some nations. Rising prices and freight rates shot their food bills up 40 percent, a drain of cash reserves that could retard their economic growth.

Moreover, these nations quickly discovered also that U.S. laws discourage giving food away when it can be sold and that the U.S. government was determined to sell where it could.

Since last year the PL480 program of concessional food sales and grants to food-short nations was reduced by 40 to 50 percent in commodity volume, according to government sources.

In the key area of wheat, activity halved. This year 2 million tons were distributed. Last year 4 million tons were provided and 4.5 million tons were available in 1971.

Critics charge the administration with allowing its passion for budget reduction to blind it to the needs of the poorest nations, an assertion officials rigorously deny.

William Paddock, Washington consultant and author, argues, however, that traditional U.S. food handouts encouraged developing nations to neglect population control and agricultural development.

Certainly, some of these nations have shown a preference for armaments and national airlines and have deferred construction of such essential agricultural facilities as fertilizer plants.

U.S. HARVEST CLAIM IS IN DISPUTE

It can be said of U.S. policy that it kept most of its markets open, despite the increasing costs to American consumers, to respond to the four years of unprecedented demand by foreign buyers.

The International Wheat Council, a group made up of representatives of exporting governments, however estimates demand of importing nations will exceed export supplies by as much as 6 million tons in calendar 1973.

In August A. H. Boerma, director-general of the United Nations' Food and Agriculture Organization (FAO), scheduled a meeting because he was "seriously alarmed" at "deteriorating" cereal supplies.

But the United States assured delegates at that session in September that while supplies were tight, there was no crisis and this year's harvest would be able to satisfy demand at prevailing prices.

That position is in dispute. Countries like Bangladesh and Pakistan unsuccessfully are seeking for U.S. aid. Private relief agency officials say food is needed in several areas.

But the administration claims that—except for some starvation among West African nomads that has since been largely alleviated—minimal global food requirements will be met this year.

North America, which has become the world's granary, is expected to have a record harvest this year and next year's fence-to-fence planting in the United States is likely to be even bigger.

The Agriculture Department predicts a record crop in the Soviet Union this year. India's fall harvest is expected to recover from last year's drought. A better wheat crop is seen in Australia.

Long-term official projections on global food supply are not very satisfying. The department estimates that supply will meet demand through 1980, but this reflects purchasing power—the ability to buy—and not need.

The FAO also has a forecast to 1980. Basically it says there will be an oversupply of cereals and insatiable demand for livestock products and feed grains.

This does not allay all fears. World grain reserves are at a 20-year low. The United States ends payments to keep land out of production next year, removing another hedge against shortage.

DEVELOPING NATIONS DEPEND ON U.S. CROPS

"In the last few years we have not only consumed all the food produced in the world but eaten all the reserves," said Reid Bryson of the University of Wisconsin's Environmental Institute.

In the FAO's annual report, Boerma stated that "the world food situation in 1973 is more difficult than at any time since the years immediately following the devastation of the second world war."

Borlaug observed recently that it was a global food production drop of less than 4 percent, largely due to weather, that provoked the present sense of crisis and soaring food costs.

"This year the ice was so thin that only good monsoon rainfalls in India prevented a famine in which 40 to 50 million people would have perished," he said.

What if the United States' crop partially failed next year because of weather or scarcity of essential farm supplies such as fertilizer? he was asked.

"The developing nations would be ruined," he replied. "100 million people could die like this"—he snapped his fingers—"and we couldn't do anything about it.

"We are closer to one world than most people realize."

WHAT I CAN DO TO HELP SOLVE THE ENERGY CRISIS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HILLIS. Mr. Speaker, this week I was privileged to have in Washington three young ladies from my Fifth Congressional District of Indiana. They were the winners of a contest I sponsored urging students to write essays on how they could help to conserve energy.

Everyone must begin now to think seriously about the energy crisis and I can think of no better place to start than with our young people. We are facing a very serious crisis in this Nation and the three winning essays present some excellent ideas on how individuals can help to conserve our precious energy.

Over 70 young people in my district entered the contest and I would like at this point to share the three chosen by the judges to be most outstanding:

What I Can Do To Help Solve the Energy Crisis

(By Ruth Harris, Eastern High School, Greentown, Ind.)

Anybody actively concerned with the energy crisis should have collected a list of little energy-saving hints. In this essay, I will include those most easily done on the individual basis.

One of these hints is walking. Walking, along with bike-riding, is probably one of the best fuel-saving devices around. It not only saves energy, but it saves money and conditions your body at the same time. To the Washington Redskins, walking and running are a definite part of their daily workout, but to many it is a time to collect their thoughts, cool off after an argument, meditate, or to wake up in the morning air. Walking can be all this and still be a mode of transportation.

Some other methods of preserving against excessive fuel consumption would concern automobiles. The reason I wish to stress energy preservation with automobiles is the fact they use a larger amount of fuel than industry does, even a larger amount than anything in the nation today.

There are several ways of conserving gasoline in the car. If one drives five to ten miles slower than the speed limit and eliminates jack rabbit starting, he will still be able to reach his final destination safer and with more gas in the tank.

Also, people should turn off their engines while waiting for trains or for pick-ups. They should keep all automotive vehicles in good running condition, too.

Even though automobiles are responsible for a very large portion of the energy shortage, they are not entirely to blame. Every day in our own homes, wastes are made of our precious energy supply. Each and every day or hour someone unintentionally leaves a stove on, uses an electric can opener when opening by hand would be just as convenient, or uses both garbage disposal and trash compacters.

Heating and cooling power can be conserved with easy tasks. In the summer months, pulled shades on windows facing the sun unburdens a portion of the heavy load on an air conditioner. Storm windows and insulation protect against the wasting of energy.

Other methods of cutting down on individual fuel consumption. Thermostats on furnaces should be turned down while asleep or while on a vacation or on a trip. Refrigerators and freezers can also be turned down during the owner's or owners' absence.

For safety and previous energy conservation, I would check all electric wires and fuel pipes in and around my home. Short circuits probably do not use that much extra money, but that is definitely no excuse for not repairing them.

Recycling old waste materials is now being steadily stressed as an energy consumption conservation practice along with being an ecological precaution. Recycling trash and garbage such as paper, glass, aluminum and scrap metal uses approximately one-fifth of the energy quota used originally in the manufacturing. Recycling proves that energy minded industrialists and nature minded ecologists can work together for all mankind in unison.

One other good thing about recycling waste materials is the individual basis on which it can be carried out. Saving empty jars, cans and newspapers can give a person a warm patriotic pride, as they help keep America beautiful as they keep it going.

Every single precaution helps stretch the nation's energy supply. Even if it saves only enough energy to last two minutes. If two hundred million people save two minutes each, in one day's time they would have saved over 6,666,666 hours, 277,777 days, or in other terms, 788 years. Those figures are for one day only!

The situation, however, would be quite difficult to achieve, because not everyone would help in the energy preservation. In fact, many people would unfortunately waste the nation's precious motion potion. The figures can go as drastically the extreme and as quickly in opposite direction. For every three thousand people who buy an extra luxury appliance and use it for only one hour, an entire year is wasted. Twenty thousand miles are wasted when only ten thousand people drive two extra, unnecessary miles.

Figures like these only require a pen and a little brain energy. This is the only form of energy that increases and develops with use. No matter how costly the other energies become, none, however, will be as priceless as the mind. For the mind is the first and final resort in solving our problems—including the energy crisis.

There are several outlets at which brain power can be put to use. Things like running an ad with energy-saving tips in the local daily or weekly newspapers; placing an original bumper sticker advocating energy conservation; and the good old stand-by, word of mouth. Small but constant to those I associate with daily style plant themselves in their subconsciences and wait a chance to appear again in the form of a slightly guilty sensation.

I could also put my questionable amount of intellect to use by keeping a ledger. When the electric and/or gas bill arrives I would enter it in the book. Gasoline money would also be accounted for in the ledger. The sum of these figures would represent the total I or my household spent on energy during that period. Before the next fuel bill would come due, rigid restrictions on squandering of energy would be applied. The next time the bills arrive the numbers will not hurt as much. Next I would compute my savings and communicate the results with others.

One other important tool I have forgotten is writing our Washington representatives. They are there to help us keep aware of all happenings in the Congress and to represent their area in those happenings.

A suggestion I might write to my congressman (if it hasn't already been suggested) would be to set aside an Energy Day. This day would be devoted to observation of energy preservation. If the figures I mentioned before are correct, the nation would benefit greatly from Earth Day. Perhaps I am carrying this to an extreme, but it is better to take it to an extreme now, before it becomes an unpleasant surprise, before suggested tips become mandatory, before it is beyond all hope, before it is too late.

What I Can Do To Help Solve the Energy Crisis

(By Desma Conrad, Anderson High School, Anderson, Ind.)

With the realization that any change involving the conservation of energy will be a gradual one, each individual can participate in the drive to lift the burden. The American standard of living is so high that luxuries of the past have become necessities today. Many sacrifices should be made in the home to decrease the amount of energy required every day.

As one person, I can be responsible for turning off sources of excess power. The current is frequently running through a light bulb when nobody occupies the room. The amount of electricity can be cut down on a multiple circuit if some light bulbs are unscrewed or if I use the daylight to my advantage. Other electrical appliances such as a radio, television, or phonograph should be switched off when not in use. My censored use of the television will lower the consumption of energy considerably over a duration of time. The "instant on" features of some televisions can be disconnected to stop the flow of electrical current.

Major appliances are in demand daily; it would be wise to operate them only every twenty-four hours. A dishwasher could be utilized more sparingly. In decent weather a clothesline can serve the purpose of a vent dryer. By minimizing the amount of hot water tapped, extra water doesn't have to be pumped and heated. A lowered temperature of the water heater may account for less fuel. Correcting leaky faucets can end the wasting of much water.

The pilot light of a gas stove requires half the total gas that a stove consumes. By extinguishing the pilot light of an appliance lying idle for a long duration of time, I could conserve energy.

The cleaning device of a self-cleaning oven is just added extravagance when the air conditioner is pulling on the source of electricity. I could avoid taxing extra energy by purchasing a standard model refrigerator rather than a frost-free model. Unnecessary or lengthy openings of the refrigerator door could be avoided. Allowing food to thaw thoroughly before cooking can save fuel in preparation of the meal to be set on the table.

There are several means by which the energy necessary to heat and cool a house can be reduced. The providing of adequate insulation and weather stripping, besides installing storm doors and windows and double-pane glass, can aid in the conservation of energy. In exceptionally large houses where certain rooms are not occupied, closed doors would block the necessary heat or cool air required to keep that room at a balanced temperature. Setting the thermostat a few degrees lower will drop the percentage of fuel consumption. The need for heat is not as great when moisture supplements the air through the means of a humidifier. Clean filters in a furnace and air conditioner are essential as there is less pull on the motor. I can close the fireplace damper in summer and protect the windows from direct sunlight. Windows can be exposed to take advantage of solar heat in winter. It is also beneficial to maintain proper attic ventilation. The air conditioner should not be abused; for example, if someone is on vacation or absent from the house for an intermediate length of time, it should not be kept running. Fans can be utilized in remote parts of the house in the cooling-off season.

The elimination of unnecessary driving and the formation of car pools can greatly affect the amount of gas saved weekly. If many errands are to be run, gas can be saved by myself or anyone who plans to do them without backtracking and perhaps makes a list before starting out on his errand. For short trips the possibilities of walking, boarding public transportation vehicles or riding bicycles are available.

The engine should be, by all means, shut off when the cars of a train appear endless. Being religious about frequent engine tune-ups, regularly checking proper inflation of tires, and warming the motor before driving will assure that no unnecessary amount of gas is consumed. Usage of a multi-grade motor oil could insure a smoother running system. Reduction of speed on highways saves gasoline. For instance, when the speed of a vehicle on an interstate is lowered from seventy miles per hour to fifty miles per hour, the amount of fuel reduction can add up to twenty-five percent. Driving at a consistent speed and refraining from excessive braking decreases the pull on the engine. Large car models are not maintained very economically in the event of an energy crisis. Even though heavy cars aid you to some extent while driving on ice in winter, the powerful engines, automatic transmission, and air conditioning require less fuel in lighter and smaller models. The drag on the engine when towing a trailer or camper is reduced if you slow down. Bottled gas lines should be checked for leaks. Since I am capable of driving, I am more aware of the significance of the aforementioned suggestions as an aid in conserving gasoline.

As a consumer I have the opportunity to purchase materials which may be recycled. Even though aluminum and plastic containers require more energy to produce than steel and glass containers, some energy may be saved in the long run because they can be more easily recycled.

Increasing my familiarity with the possibilities of conservation by compiling all the facts has brought to my realization the need for nationwide cooperation. As a citizen it is my duty to instill this awareness into my neighbors' thoughts. Those in my community may listen if they understand that I am a concerned citizen, but my major influence will lie with those upon whom I have already made an impression. Any conservation of energy is a start. Conducting drives to gather glass bottles, carefully planning errands, making use of daylight time, and wisely selecting enjoyable television programs are small beginnings. Change must first be gradual; however, with everyone's contributing efforts, the results can be astounding.

WHAT I CAN DO TO HELP SOLVE THE ENERGY CRISIS

(By Deborah Lynne Thompson, Maconaquah High School, Bunker Hill, Ind.)

In recent months there has been increasingly more coverage of the energy crisis. The newspapers and magazines have at least one article in each publication about the crisis. Today more young people are concerned about their country and its welfare. It is very important to me that this problem be discussed and solved. In our world of quick changes, a solution must be found to the energy shortage.

While trying to give my personal views on how to solve this problem, I decided to discuss my hometown. I live in a small town named Bunker Hill. The population is approximately one thousand and fifty people. We are located in the center of a triangle formed by Kokomo, Grissom Air Force Base, and Peru. We have an excellent location situated close to U.S. 31, State Road 218, and a new system of school buildings from kindergarten on up. Since I live in this area, I felt it would be beneficial to discuss how to conserve energy in Bunker Hill. I have done research in three different areas and come up with some very interesting facts.

First, I looked at the housing in Bunker Hill. In all, there are roughly one hundred and twenty-five two-story houses. Most of these houses are at least seventy-five years old and well-insulated. The average amount of heat used in one month during bad weather costs thirty-five dollars. However, I found that the age of the occupants makes a big difference. Many of the people in these houses are elderly. These homes are kept much warmer than the homes of younger occupants. Also involved in the use of energy is the material used to build the house and how well it is insulated. From my point of view, everyone should be able to cut down on the amount of fuel used in heating the home. There are several ways this can be done. One is to do everything possible to cut down on drafts. It has been estimated that from fifteen to thirty percent of your heat is lost in this way.

Here are some of my suggestions: 1) caulk around windows and doors; 2) install storm windows or insulating glass; 3) set your thermostat around seventy during the day and five or ten degrees lower at night; 4) replace all dirty filters; 5) seal off attics and unused rooms; 6) close your fireplace damper; 7) don't block radiators or registers; 8) close the drapes at night to keep heat in and open them during the day, and 9) always close doors quickly when entering or leaving.

Another area of research was that of the school buses of Maconaquah School Corporation. There are thirty-one buses which transport students each day, three spare buses, and one minibus. Each of these buses carries approximately sixty-six students. However, some buses carry as many as three loads of students each morning and night. The sum accumulation of miles in one day is one thousand five hundred and fifty miles. The buses are high horsepower and get four or five miles per gallon. This would mean that each day the school buses use three hundred and ten gallons of gasoline. At the present time, the school has one ten-thousand gallon tank with separate keys for each bus. A computor keeps a record of the amount used by each bus and a record of the total amount used. Every two weeks a written statement is sent to the Administration Building. The School Board has looked into the future and seen the need for a storage area for gasoline. A recent vote passed the Board to buy another ten-thousand gallon tank to be used for storage. In my mind, this shows concern and foresight on the part of my School Board and I am very pleased.

The last area which I researched was that of students driving cars to school. Three hundred and thirty cars are registered at the High School. Of these, some are repeats since some families have more than one car. No one has a definite idea of the number of occupants each of these cars have. It is estimated that nearly six hundred students use cars for transportation. Of these, only half need cars because of jobs during or right after school. This tells me several ways to conserve energy.

Some of these are: (1) those who do not have to drive to school should ride the bus; (2) those who live in the same area should form car pools, and (3) all the ones who do drive should learn some of the simple ways to get greater gas mileage. Some of these are: (1) don't stop or start quickly; (2) use the fuel that matches your car engine; (3) make sure the car is in good order; (4) inflate your tires correctly for the weight of the car; (5) obey the speed limit, and (6) drive using only needed extras, that is, turn off your air conditioner and roll down your windows.

Of course, these are only a few specific areas. There are many ways the townspeople of Bunker Hill could conserve energy. One very good way would be to walk to the grocery store, hardware store, Post Office, and other shops in town. It would conserve energy and also be good exercise if housewives would buy a two-wheel cart to carry their groceries and packages home in.

Another easy way to save gasoline primarily would be to use bicycles for short-distance travel. Just in this past year more bicycles were sold than in the previous three years together. This must show that some people are interested in cycling. To me it is a way to save gas and lose weight at the same time.

Even when you discuss the use of electricity, there are several ways to save it. Some of them are: (1) limit the time you watch your television set; (2) use your air conditioner only on the extremely hot days and not at all at night; (3) do not use a great many large appliances at the same time (such as television, stereo, air conditioner, and stove); (4) use only the lights that are needed; (5) unplug appliances when not in use, and (6) during the summer don't use lights until they are necessary.

All in all, these are my thoughts and ideas on how to help solve the energy crisis. As a concerned future leader, I want my world and the world of my children to be the best possible.

H.R. 9142—REGIONAL RAIL REORGANIZATION ACT OF 1973

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HARVEY. Mr. Speaker, I intend to support H.R. 9142, but I do so with great reluctance and with the hope that certain necessary improvements will be made in the bill during its consideration. My reservations are predicated upon my belief that the cost of this legislation will far exceed what is presently authorized by the bill.

H.R. 9142 provides for approximately $1.4 billion to be devoted to the reorganization of the railroads in the Northeast part of the country, with $1 billion of the total being in the form of Government guaranteed loans and the remaining $400 million coming from direct Federal expenditure. There are at least three areas in the bill that have convinced me that $1.4 billion will be nowhere near enough.

First, the manner in which the new corporation will acquire properties of the bankrupt estates is of such a nature that a higher price than the $200 million currently contemplated will probably ultimately be needed. This is due to the fact that valuation takes place subsequent to conveyance and opens up opportunities for the large insurance companies, banks, and other elements of the Wall Street establishment that are the creditors of the bankrupt railroads to engage in extensive litigation to increase the price that will have to be paid for the properties. In committee we moved toward reaching a compromise whereby conveyance would be in the context of a section 77 bankruptcy proceeding. The intent of the compromise was to allow the court to make a determination as to the disposition of the bankruptcy proceeding before it, thereby limiting the claims that the creditors can make in subsequent legal proceedings. Our intent will not be realized, however, unless several further amendments to H.R. 9142 are successful, and I urge my colleagues' support of these amendments.

My second area of concern is the extensive benefits which are provided in the labor protection provisions. Virtually all members of the committee, myself included, agree that protecting the wellbeing of the workingman should be a social cost payable by the Federal Government rather than a burden on the new corporation. I am greatly concerned, however, that title VIII goes far beyond what is necessary to provide adequate labor protection.

The language that the full committee adopted was the product of a bargaining session involving representatives of labor and of some railroad management, neither of whom will have to bear the costs of the provisions that they agreed upon. The result of their agreement will be to place the railroad employee in a far better position than his colleagues in other industries. For example, an employee with more than 5 years' service can receive a monthly displacement allowance for the rest of his working life. Such displacement allowances are figured on a unique compensation formula which permits an employee to inflate the benefits to which he is eligible far beyond that to which he is realistically entitled. As a result of provisions such as these, the $250 million presently authorized for labor protection by the bill will be inadequate to cover the costs that the Federal Government will incur. Again, several amendments will be offered to correct these shortcomings, and I urge my colleagues to support them.

Finally, the bill provides for extensive Federal subsidization for the purchase of nonprofitable lines that should be abandoned pursuant to the system plan. Again, the $50 million provided for these purposes is insufficient, and we can rest assured that unless these provisions are modified, we will be called on in the near future to provide much more money. While I recognize that localities, States, and interested private parties should have the right to some Federal assistance to continue to operate a branch line which they might consider essential even though it is a money loser, I do not think that the taxpayers as a whole should be called upon to subsidize purchases of such lines. Corrective amendments which would eliminate the mandatory application of Federal funds to the purchase of these branch lines will be offered, and I strongly urge their support.

H.R. 9142 is the result of extensive deliberations and compromise by both the members of the Committee on Interstate and Foreign Commerce and its Transportation and Aeronautics Subcommittee. I realize the severity of the crisis with which this bill attempts to deal, and I am convinced that in many respects it is the best solution to the problems of the Northeast roads. I am equally convinced, however, that the changes I have mentioned must be made if a disastrous financial impact on the American taxpayer is to be avoided.

CONFIRMATION OF VICE-PRESIDENT-DESIGNATE GERALD R. FORD

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RIEGLE. Mr. Speaker, I am today inserting in the RECORD a copy of the statement I made before the Senate Rules Committee supporting the confirmation of Vice-President-designate GERALD R. FORD. I am hopeful these observations may be of some help to colleagues:

STATEMENT BY THE HONORABLE DONALD W. RIEGLE, JR., CONCERNING THE CONFIRMATION PROCEEDINGS OF VICE-PRESIDENT-DESIGNATE GERALD R. FORD

Mr. Chairman, and Members of the Committee, I asked to appear before your Committee only after long and careful thought. I have come in the hope that my observations may be of some help to you—and to the American people—in assessing the man, Gerald Ford.

I appear today as a Democrat Member of the Congress serving my fourth term in the House. In February of this year I formally changed my party affiliation from Republican to Democrat. I cite this background to indicate that I have been able to know and observe Jerry Ford from the perspective of a member who has been privileged to serve on both sides of the aisle.

I am here to declare my support for Mr. Ford's confirmation, and I do so with full knowledge that, if confirmed, he may well ascend to the Presidency within a short time.

In candor, he was not my first choice for this job. We have had many fundamental differences on key issues. Nevertheless, I believe he has the personal integrity and the basic competence to function effectively as President. And while the full investigative process must be properly completed, I feel it is essential that we bring his confirmation to a vote at the earliest moment.

While Jerry Ford is a friend, I do not appear here today as a matter of friendship; I come to add my own insight and personal judgment on a matter that is of critical importance to our country.

It seems to me that four key questions have arisen with respect to Gerald Ford's suitability to serve as President. They are issues that might best be labeled, (1) integrity, (2) competence, (3) independence of mind, and (4) partisanship.

Let me begin by addressing the matter of integrity.

On the basis of a seven year working relationship as colleagues—and as friends—I have never had occasion to doubt the integrity of Jerry Ford. In all our dealings I have found him to be honorable, respectful of differences, and a man of his word. Despite frequent and sharp disagreements on issues, I have found him to be truthful, decent, and trustworthy.

While the public has heard many charges suggesting financial improprieties by Mr. Ford, I, personally, do not believe these charges.

On the matter of competence.

I have found Gerald Ford to be a thoughtful, rational, and able decision maker. From contact with him I believe he is keenly aware of the limitations any one person faces when required to assume the burdens of the Presidency. As President he would need—as every President does—a broad spectrum of skilled advisors to assist him. I am convinced he would assemble skilled specialists reflecting a diversity of viewpoints. I believe he would be open and fair in re-establishing a coequal working relationship with the Congress.

By his actions and words he has demonstrated to me his awareness of the profound responsibilities and complexities of the office of the Presidency—I believe he would bring patient sustained effort and evenhanded rationality to the decision making process. Most importantly, I believe he would do so in a spirit of mutual respect and good will. For these reasons I believe he has the capacity to be an able and effective President.

As to independence of mind.

Many people have written to me to express their concern that Jerry Ford may be a "Nixon rubber stamp"—or a "mindless yesman". His partisan role as House minority leader has given many citizens this impression.

As President I believe Jerry Ford would be his own man, I believe he understands that the office of the Presidency belongs to the people of America, and not to any temporary incumbent President. I believe he feels that a President is a steward of a special—almost sacred—public trust, and that as President he must take inside himself the hopes and concerns of every citizen across our land. I believe he would see himself as an instrument for the public's work, knowing that only by being his own man, could he then fully and freely be the public's man, a President of the people.

I believe he has the inner strength and decency to serve us all equally.

Finally to partisanship.

Jerry Ford has often played the role of partisan battering ram—and many properly wonder if he can rise above narrow partisanship. I believe he can and will—but clearly it will require him to reverse personal behavior patterns long established. I think he realizes that the skilled discharge of the public's business is not, and should never be, a partisan matter. Perhaps the greatest test of his capacity to lead will be his ability to resist the partisan reflex.

Partisanship has a proper role, but it is a lesser one, and particularly so at a time when the entire fabric of the body politic so badly needs repair. I believe Mr. Ford would strive to establish more bi-partisanship in the formulation of our national policy—and certainly it is badly needed.

These then, gentlemen, are my perceptions and judgments. And my best hopes—along with yours—will go with Gerald Ford if he is confirmed. Our good faith and willingness to work with him are strengths he must deserve—and have—if he is to serve America well.

Thank you for the opportunity to appear before your Committee.

REMARKS OF DEREK BOK, PRESIDENT OF HARVARD UNIVERSITY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the RECORD the text of the remarks of the distinguished president of Harvard University, Derek Bok, at morning prayers in Appleton Chapel on October 29, 1973.

The remarks of President Bok on this occasion are, I think, of particular significance in view of the extraordinary events through which our country is now passing.

Mr. Bok's remarks follow:

PRESIDENT BOK DELIVERS MORNING PRAYERS

"Thou shalt not follow a multitude to do evil."

How clear this passage from Exodus remains. How incontestably correct its message. And how deceptively simple its challenge on first reading: When the occasion demands, can we summon the courage to stand alone and refuse to do what we know is wrong?

But life rarely allows the challenge to be put in such a simple form, and this is particularly true in public life.

What, after all, is wrong? Very seldom is a conscientious public servant asked to pursue a course of action that has no possible redeeming justification. In this practical age, where urgent crises are ever present in our domestic and international life, reasons of state can all too easily be advanced to excuse almost every questionable act, and few principles remain that have not become familiar subjects for pragmatic compromise.

In these tangled circumstances, can we safely trust our own judgment when others seem prepared to take the opposite course? Can we be sure that we are not excessively stubborn or, worse yet, the victim of some latent desire for martyred notoriety or some hidden animus toward the very officials whose policies we disapprove?

And is it really wise to resist even to the point of leaving one's post in protest? If we are genuinely concerned, is it not the better course to remain in office and continue to use our influence for the objectives we hold dear? Should we depart and risk replacement by weaker men less principled and determined than ourselves?

For those of us who merely observe the ebb and flow of public life, these issues may seem easily resolved. For those who actually bear responsibility for the consequences of their decisions, the burdens of choice can be very heavy.

Surely these burdens must have been great for our colleague, Archibald Cox, for I have never known a man who took his responsibilities more seriously or struggled harder to be true to his principles. In the end, he perceived a principle that could not be compromised even to placate the uncertain demands of international security and domestic harmony. It was a principle worth defending, even by refusing to obey a Presidential order, in order to press its importance vividly on the mind of the nation. As he put the issue at the very end of his term of office: "Whether ours shall continue to be a government of laws and not of men is now for Congress and ultimately the American people to decide."

His actions, like those of Mr. Richardson and Mr. Ruckelshaus, take on an added significance within the University community from whence he came, for the University must be sensitive to everything that bears upon the moral education of its members. In part, this responsibility can be discharged within the classroom—and there is more to be accomplished here than we have achieved thus far. In part, the responsibility implies a willingness by the University itself to grapple seriously and openly with the moral questions that inhere in the institutional decisions that it makes.

It is ironic that in our conversation on the morning before he decided to accept his Washington post, one of Archie's chief concerns was whether his decision would set a bad example for his younger colleagues by suggesting that important government service was automatically to be preferred to the professor's chief responsibility as a teacher. In retrospect, it appears that he has taught us more in government service than he could have hoped to achieve in those Harvard classrooms where we welcome him back with admiration.

But beyond these efforts lies the truth embedded in Aristotle's *Ethics*: If you would understand virtue, observe the conduct of virtuous men.

Over the past twenty years, I have watched Archie Cox fulfill this role in many different circumstances.

When I was a law student, I saw him resign his government post when a political settlement by the President compromised the integrity of his office.

While I served as Dean, I watched him meet his obligations to his University through countless hours of grinding effort to keep civility and order on the campus.

Just after I left the Deanship, I saw him face an angry, jeering crowd in Sanders Theatre to plead for the free speech he considered so fundamental to the University's existence.

And now he has again stood firmly and wisely on principle under conditions of extraordinary stress.

Few of us will face similar challenges in such dramatic form. But all of us will surely encounter situations, however private and unheralded, that offer a similar moral challenge. By his example, he has encouraged us all to recognize these challenges more clearly and face them with greater strength.

CONSIDERATION OF A GOVERNMENT-PUBLIC OIL SHALE CORPORATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. VANIK. Mr. Speaker, for several years now, the Nation's attention has been drawn to the Alaskan North Slope oil discoveries and the Environmental Impact Statements which have been developed to justify the construction of the trans-Alaskan pipeline.

Unfortunately, there has been another Environmental Impact Statement and a pending oil decision which has received almost no attention—but which is probably much more significant for the long-range energy supply and environmental quality of the Nation. Released August 30, the Final EIS for the prototype Oil Shale Leasing program is now being reviewed for probable approval by Interior Secretary Rogers Morton. The consequences of an eventual commercial development of the Wyoming, Utah, and Colorado oil shales are staggering—both in a positive and a negative sense.

WHAT IS OIL SHALE?

Eight trillion barrels of oil lie locked in the rocks of the "Green River Formation" of the three corners area of Wyoming, Utah, and Colorado—enough to meet our Nation's needs for hundreds of years at today's consumption rates.

Formed by the same forces that made liquid oil millions of years ago, shale oil was laid down in rock strata in many parts of the world, including the U.S.S.R., Brazil, Manchuria, and Scotland. The oil is in a solid form called kerogen, and is rendered collectable only after more than 900 degrees of heat is applied in a process known as "retorting."

The kerogen bearing rock is first crushed to fist-sized pieces to speed heating, and then retorted to yield the relatively high-sulfur content oil. The resulting crude oil is treated with hydrogen to remove excess sulfur and is also treated to decrease its viscosity so it can be pumped easily through oil pipelines.

PUBLIC POLICY QUESTIONS IN OIL SHALE DEVELOPMENT

But along with the potential of at least a partial easing of our national energy crisis, oil shale development present us with huge problems in two main areas:

First, the relationship of private business with the public interest, and

Second, the environment.

Both stand to be raked over the coals in our frantic quest for more petroleum energy resources.

The entity that stands to gain the most in commercial development of shale oil is not the American public, but big oil—already the most sheltered business in—and out of—our country, and the closest thing to a Government sanctioned monopoly that we know. Because over 70 percent of the high-yield western slope oil shale lands are publicly owned, some looming questions confront us: since the oil and its associated minerals are a gift of nature and on public land, can we justify allowing a private monopolistic entity to profit by sales of the public's property? Is it fair for big oil to sell the public's property to the public?

Furthermore, is it fair for American taxpayers to subsidize Big Oil's shale oil development through the unique tax breaks that particular industry receives, when Big Oil will in turn sell the products of that subsidized development back to the public at what will undoubtedly be set, profitable prices? Can we be assured that retail petroleum prices are fair—genuinely a product of competitive free enterprise and not industry self-protection and collusion? Can we develop an oil shale industry that does not serve to reinforce the stranglehold of controlled supply that helps create the Big Oil monopoly?

Mr. Speaker, just as the Federal Government has initiated and directed broad scale efforts of social welfare, and in the same manner undertaken advocacy of military weapons systems in the pursuit of national security, the Federal Government must now take wholesale action in the crucial area of national energy resources. It must be more than just verbiage and press releases; it must yield solid action. The nature of the oil monopoly and the energy crisis demands a new course toward a solution of these problems.

THE NEED FOR A FEDERALLY SPONSORED PROGRAM OF COMMERCIAL SHALE OIL DEVELOPMENT

Mr. Speaker, I believe the concept of a federally sponsored program of commerical shale oil development has much to offer. Probably most important in such a consideration is the competitive influence that a non-industry element could have on Big Oil. For perhaps the first time in history, Big Oil would be confronted with real competition—an entity created by the Congress to sell products which would bear some relationship to the costs of production.

PUBLIC CORPORATION WILL INSURE QUICK DEVELOPMENT

The Tennessee Valley Authority is an example of what such a nonindustry corporation might be like. "A corporation clothed with the power of government, but possessed with the flexibility and initiative of private enterprise," said Franklin D. Roosevelt.

TVA is an example of how new administrative concepts must be created for national resource development at a Federal level. In addition, it provided a "yardstick" of production costs and profit levels that the country could use to gauge other, similar, utilities.

Another important advantage to Government sponsored and supported oil shale development would be a guarantee to the American public that the oil shale reserves would be developed as soon as possible. All too often oil land leases have been given to oil companies—and then the oil companies move only as fast as they have to in order to maintain the current high price of oil.

The evidence available indicates that the industry has very definitely seen the potential of oil shale, but has deliberately limited their commercial involvement to ongoing studies and research that allows them to "keep track of the trends" in the industry while waiting for prices to reach the profit levels they want.

But the oil industry is talking out of both sides of its mouth: although on one hand claiming relative disinterest and economic infeasibility, the country's largest oil companies have been buying up every piece of oil shale land on private lands that they can get their hands on. As long ago as April of 1967, 13 companies, including the 7 largest, owned or held option to over 65 percent of our Nation's known private oil shale lands.

ENVIRONMENTAL QUESTIONS

The other area of major controversy, Mr. Speaker, is the environmental consequence of commercial development of oil shale lands. The cheapest and most practical method of oil shale mining is "surface mining," a polite and innocuous term for strip mining. The western slope of the Rocky Mountains stands to suffer the same wrath from stripping that the Appalachians have in the East. The same physical effects: permanent landscape scars, polluted rivers and streams, buried topsoils, and a desolation that most of us cannot even imagine. And this strip mining will have the same social effects: displaced families, confused migrations of people, sale and destruction of local cultures, and short term employment can all be bred of oil shale mining.

Mr. Speaker, it appears that eventually these beautiful oil shale lands must be developed. Our fanatical dependence on hydrocarbon energy seems to realize no bounds, and our efforts to conserve it are pitiful in the face of the demand.

So in any commercial oil shale venture, Mr. Speaker, we must work to guarantee an absolute dedication to a true restoration and rehabilitation of the lands whose bounty we reap. We must learn from the horror of coal stripping—and if error is made, we must make it in the favor of nature that yields its fruits to the people.

For these reasons, Mr. Speaker, I am working on legislation that I hope might help provide some answers and solutions to the economic, environmental, and public policy questions involved in oil shale development. Consideration of a public-Government oil shale corporation has revealed several points worth attention:

An initial Federal commitment must be made for the corporation to foster development of a truly competitive shale oil indusry.

How much should such a venture be financed? Is the public stock sale scheme used by COMSAT feasible and applicable in this similar concept? Would public ownership serve as a means of lowering costs to the Government while also giving people a stake and an interest in the future of petroleum energy?

Provisions requiring shale oil crude product to be sold at the lowest possible rate consistent with a return of investment, with interest, and a reasonable rate of return to any stockholders.

A provision allowing only domestic sales of shale oil produced by the corporation to prevent the depletion of the petroleum resources we are attempting to conserve.

Provision for common carrier transport from the mining or retorting site of all crude oil or its byproducts.

Complete public access to the corporation's data and records, except for patents and inventions, which shall be sold at the profit of the corporation.

A provision urging development of processes whereby the associated minerals and ores are removed in a one-step, retort-harvest system. As of this date, each intermingled mineral contained in oil shale must be removed in its own exclusive process. If these operations could be combined into a single step along with the oil retorting, both operating costs and yields would probably benefit.

A provision prohibiting oil industry participation on the board of directors of the formed corporation, or as stockholders or financial participants.

Encouragement of a small business consortium approach to mining-crushing-retorting-transportation segments of a commercial shale oil industry. A commercial oil shale operation is a huge undertaking, until now conducted usually by well financed companies only. But a group of smaller companies could coordinate their separate expertise to accomplish the same operations.

Should the corporation make use of Federal lands under the jurisdiction of the Secretary of the Interior—except parks, preserves, and so forth—or should the commercial facility be operated on loaned private lands? If Federal lands are used, lease rates and royalties must be paid in the same manner as foreseen under the Interior's private commercial oil shale operation to insure a real equity in competition.

Mr. Speaker, it is time that our energy policy be more adequately directed in the national interest. Consideration of public development and management of our Nation's oil shale treasure could open up vast new possibilities in relatively low cost, energy reserves developed with a maximum consideration for the environment.

WORLD FOOD BANK—A SENATOR'S VISION 20 YEARS AGO

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. PREYER. Mr. Speaker, last month a group of economists from North America, Europe, and Japan proposed creating an international food bank from which food could be withdrawn to meet serious shortages.

Participants in the conference which resulted in this proposal reported that the alternative is to do nothing and to accumulate agricultural problems even more dangerous than those experienced in the past 20 years.

It has occurred to us in North Carolina that this event offers an example of the vision of a man who served as commissioner of agriculture and then Governor of our State before coming to the U.S. Senate where he served from 1954 until his death in 1957. The man was Kerr Scott who almost 20 years ago made a similar proposal in legislation to establish a world food bank. Following is a speech which Senator Scott delivered in 1954 in support of such an idea:

[From the CONGRESSIONAL RECORD, Mar. 30, 1955]

SPEECH BY HON. W. KERR SCOTT, OF NORTH CAROLINA, AT SHELBY, N.C., TUESDAY, MAY 4, 1954.

Friends, history has a strange way of repeating itself.

Some 3,500 years ago, in far away Egypt, the government warehouses were bulging at the seams with corn and other supplies of surplus crops.

Seven years earlier Joseph had warned Pharaoh that a time of famine and scarcity was in the making, and urged him to buy up all surplus food crops against that emergency.

Pharaoh, the King of Egypt, heeded the advice of Joseph, and his government—for 7 years—bought up the annual 20 percent surplus production of the land.

That, my friends, is what the Bible tells us about the agricultural and economic problems of that ancient day and age.

Later events proved the wisdom of Joseph's advice and the action taken by the government of Pharaoh.

Today, in America, our Government warehouses, like those of Egypt, in the days of long ago, are bulging with surplus stocks of agricultural products.

What we are going to do about those surpluses is one of the prime questions of the hour.

Let's go back to the Bible again, and find out what was done with the surpluses of 35 centuries ago.

The Bible tells us that these surplus food stocks were used to feed the people of Egypt, during the lean years that followed the gathering of the surplus, and that which was not required for Egypt, was divided up and sold to the peoples of foreign lands in their hour of scarcity and need.

That's the way they did things back in the days of long ago, when, according to the Bible, God was directing—through His prophets and servants—the hand and actions of men.

And, I am convinced that God still stands ready to direct the hand of man in solving the problems that face us today. All that we need to do is to get in tune, as a Nation, with His plans and purpose.

And, now let's do a bit of reviewing of more recent history—of that period following immediately after the Hoover depression—and stake out the reasons why we have surplus stocks of food in Government warehouses.

As a part of the overall plan to set the almost wrecked economy of America back on the track, President Franklin Delano Roosevelt initiated three major reforms or programs, all of which won immediate and almost universal approval.

First, there was the Bank Deposit Insurance Act that gave stability, to our financial institutions, which at that time were failing at a rate of about three banks a day.

Second, the Reconstruction Finance Corporation was armed with billions of dollars to pump life into a staggering and near prostrate national industrial life.

Third, farm price support program was set in motion, and this program ended an era of widespread loss, under the hammer of the auctioneer, of farm homes and holdings, city and town homes, and small businesses.

It was just as effective in halting such losses as was the Bank Deposit Insurance Act in halting bank failures, and as was the Reconstruction Finance Corporation in halting big business and industrial failures.

The word "bankruptcy" started slipping off the front pages of the newspapers, and crawling back between the covers of the dictionary.

Soon millions of unemployed men and women proudly had their names taken from welfare relief rolls as they were added, in increasing numbers, to revived and expanded industrial payrolls.

The first farm price support legislation was later declared unconstitutional, and a new beginning was made. The 90 percent parity program and act, with amendments, which finally emerged, was born of national economic necessity, and was nurtured by the hands of men with experience in the fields of agriculture, economics, and government.

Now, the term price-support program can mean any one of several things to the uninformed and newcomers to the idea, and it usually does, to their confusion. But, those of us who have been in the thick of the fight to establish and maintain a workable 90-percent parity-price support program over a period of years, welcome all true converts to the cause. Their assistance and support, even if it comes late, is needed.

President Roosevelt did not pull the 90-percent parity-price support program out of thin air like a magician lifts a rabbit out of a hat. He built it carefully, in consultation and cooperation with the 48-State Commissioners of Agriculture and other leaders, and, at that time, I was one of those commissioners.

This, however, was not the first time that I had the privilege of working with President Roosevelt. On Thanksgiving Day of 1932, after he was elected but prior to the time he took the oath of office as President, I, as master of the North Carolina State Grange, was one of a group of farm leaders from all over the United States who met with him at Warm Springs. The President-elect had called this conference for a discussion of the farm problem and to obtain suggestions as how best to solve it.

I recall as vividly as if it had happened yesterday, one of the things Mr. Roosevelt said that day. With no trace of a smile—things were too grim back in those days for much smiling—he told us, "I am going to have you farm folks locked up in a room and keep you there until you are able to come out with a program that will solve the farm problem and get the economy of this Nation back on its feet."

And, incidentally, I was the only southerner who was invited to attend that Warm Springs conference when President-elect Roosevelt started building the foundation of the Nation's farm program.

As an administrator of the Federal land bank, covering 11 Southern States, I saw, with my own eyes, the misery and heartbreak, that lay like a funeral pall over every farm community in the wake of the depression—misery and heartbreak we were able to alleviate, in thousands of cases, through Federal land bank loans.

Private bank loans for agriculture had completely broken down, as they had for almost everything else. Agriculture was sick, sick almost unto death, and as a result, industry's smokestacks stood stark and naked against the sky, and the wheels, shuttles, looms, saws, and joiners were silent.

In that day and hour it was engraved on my heart and brain that the economy of this Nation can be kept healthy and thriving, year in and year out, the wheels of industry kept turning, and employment at a high level, only if proper measures are maintained to assure the farmer-producer receiving his fair share of the national income—that is, a price level of at least 90 percent of parity.

The price-support program we fought for and set in motion through the 1936 amendments to the Agricultural Act, together with allied measures, was designed, and has operated successfully, as a means of stabilizing the overall economy of the Nation.

It is true, as has been charged by the self-styled economy bloc of Congress, that our farm program, in the absence of acreage limitations, has resulted in the accumulation of surpluses in certain commodities. But, let me point out in this connection, that farmers have always, when called upon to do so, voted upon themselves the necessary acreage limitations.

An outstanding example of this is found in the flue-cured tobacco program which has operated so successfully.

The important question of acreage limitations and the further accumulation of surplus stocks, are matters, however, that lie in the future, and are subject, until the law is changed, in a large measure to the whims and fancies of an unsympathetic Secretary of Agriculture.

Just as important, we are faced with the problem of Government warehouses already bulging with surplus food and other agricultural products. And, incidentally, had it not been for such surplus stocks on hand when World War II broke out, the United States and our allies would have been in a pretty bad fix.

In seeking the answer to the question of what should be done with these surpluses, common sense dictates that we examine our relationships with the other nations of the world, particularly in respect to those nations we count as allies in the battle against communistic aggression.

As a Nation we have seen and recognized the benefits that flow, back and forth, from cooperative effort. We are a full-fledged partner, in fact, the largest single contributing partner, in NATO, and are pouring our resources of all kinds into the pooled effort to hold communism in check, and we must and shall continue to do so.

Many of our allies in this united determination to keep the flame of freedom and liberty burning are faced with serious food shortages on their home fronts. Even in Great Britain—the strongest of our allies—the rationing of some food items still goes on.

Why would it not be the part of common sense to make it possible for our allies to spend more of their money, at home, for military arms to implement NATO, and for us to make more of our NATO contribution in the form of our surplus food stocks, food that is needed by our allies?

Only American makers of the instruments of war—these who manufacture and sell guns and tanks, ammunition, and warplanes, and the like—could be expected to object, and I seriously doubt that they would.

Now the British are not the only ally we have that is faced with food shortage, and to whom we are furnishing a part of their requirements in munitions of war to present a strong front against the threats of communism. Some of our other allies are faced with even more acute shortages. In some instances almost faminelike conditions prevail.

Adoption of such a plan would bring about immediate reductions in our piled up surpluses of food stocks, and, at the same time, would relieve some of the financial burden the American taxpayer is having to carry.

This, however, would be only a partial solution to the bulging food warehouse problem, but successful experience in another field points the way toward total solution.

I am talking now about establishment of a World Food Bank, to be administered by the United Nations or by a special agency made up of the United States and our allies in the fight against communism.

For several years the United States has been a participating partner in the International Bank for Reconstruction and Development, a world bank organization to which we have pledged, in stock subscription, more than $3 billion to help bolster the economy of financially weak nations.

Each member nation's contribution or subscription to the bank's capital stock or operating capital is based upon its estimated individual capacity to cooperate in assisting less fortunate nations in times of emergency and stress.

Altogether, 54 nations are stock subscribers to this International Bank, and a total of 78 separate loans, ranging in size from a few million to $250 million, have been made in 29 member nations.

The World Bank, of which the United States is by far the largest single stockholder, came into existence on December 27, 1945, and as of June 30, 1953, its operation had resulted in a net profit in excess of $76 million.

This International Bank operates just like any other bank. That is, it makes no contributions or grants, but rather lends its money, at interest, with eventual repayment required.

A World Food Bank might well be established along similar lines, with those member nations which draw upon its resource being required to repay their withdrawals, to the bank, either in kind, when they have good crop years, or in equivalent cash.

We—that is, the United States—would not be alone in contributing food stocks to such a World Food Bank, for there are other nations that also have surplus problems, involving various crops, from time to time, and each could contribute or pledge to the common pool of food stocks in accordance with its excess production in one or more crops.

Food-short member nations should be permitted to withdraw from the World Food Bank under a formula which gives weight to both reserve stocks on hand or in sight, and probable total world need in the immediate foreseeable future.

Here, in this land of plenty in which we live, it is hard to realize that approximately 1 billion people of the total world population of 2,400,000,000, go to bed every night with their hunger only partially satisfied.

Through operation of such a World Food Bank plan as I am suggesting, severe food scarcities in many, many instances would be largely eliminated, and the hunger stricken and threatened people of lukewarm, allied nations would be made stronger—both physically and in will—to defend themselves against communistic assaults and cold war threats.

Many of those nations that yearn for themselves the freedoms and blessings of a democratic way of life, need bread and butter just as sorely as they need guns and tanks to preserve their independence. Let's make it easy for them to buy our surplus bread and butter stocks so that they will be better able to make their own guns and tanks to preserve or win the freedom for which they yearn.

And, in this connecton, it would be well to remember that a man can, and usually will, fight a lot better on a full stomach than on an empty one.

To our enemies, let's present armed might and resolute unity as a deterrent to war; to our friends and allies, in lands of food scarcity, let's present the ability to enjoy three square meals a day as proof that democracy does pay off, not only in freedom, but also in a better standard of living.

Communism breeds and thrives on hunger, and no greater contribution could be made to world peace and tranquility by us or any other nation, than the filling up of empty places in hungry human stomachs.

Just as actions speak louder than words, food sometimes speaks louder than guns.

Such a World Food Bank would serve a manifold purpose, including: First, the promotion of true friendship among untold millions of people the world over, second, progress on the highway leading toward peace among all nations; and third, the wiping out of piled up surpluses which are costing the American taxpayer more than half a million dollars a day in warehouse fees alone.

It is a goal worth striving for, and one toward which I pledge my efforts.

GROWING FEELING THAT AMERICAN EDUCATION IS NOT DOING ITS JOB

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. DERWINSKI. Mr. Speaker, last week during "American Education Week," Chicago's WBBM Radio 78 broadcast an editorial on the subject of American education. This editorial concerns various reorganizational corrections in the educational system, including the advantage of the "voucher system" concept.

I believe it to be a very timely penetrating commentary and I commend it to the attention of all Members:

A GOOD ALTERNATIVE

American education is going through a period of agonizing reappraisal. There is a growing feeling that somehow the schools—with their fancy equipment and scores of specialists—have failed to do the job. This week—parents, teachers and the state education office are discussing just how and what the schools are doing or not doing. In observance of American Education Week, these groups are leading discussions designed to take a look at fundamental education priorities, goals and concepts.

One concept they might consider during their meetings is the "Voucher System." As we've said before, there are various models of the plan but basically it works like this: parents pay their school taxes. Their local Board of Education in turn gives them a voucher. The parents then pick the school where they want their kids enrolled. That school may be public, private or parochial. The voucher pays for part or all of the tuition.

The advantages of this kind of a system over the present system are many. First of all, it gives parents a freedom of choice between schools. Second, it forces the schools to diversify and improve their programs in order to attract students.

Also—according to University of Chicago Professor Milton Friedman—"it permits gradual change. The existing schools would remain so long as they satisfied the demands of parents."

It is apparent, however, that parents are not satisfied. That's one reason they're "getting involved" in American Education Week. And that's one reason we urge them to think long and hard about the "Voucher System."

DICK LEWIS RECIPIENT OF THE NASSAU COUNTY PRESS ASSOCIATION'S GOOD NEIGHBOR AWARD

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RONCALLO of New York. Mr. Speaker, on Friday, October 26 a dear friend and neighbor of mine, Mr. Dick Lewis, was awarded the Nassau County Press Association's Good Neighbor Award. As a salute and tribute to Dick, the following article from the Massapequan Observer is inserted in the RECORD.

DICK LEWIS NAMED FOR GOOD NEIGHBOR AWARD

There are in each community people who give unselfishly of their own time, energy and more often than not also money to serve their fellow men. They may be businessmen promoting their community, they may be members of service clubs, of civic organizations or governmental bodies such as school boards, they may be people involved in youth activities, they may be volunteers working for causes benefiting all of us.

Good neighbors are worthy of praise and recognition. And this is exactly what will happen on the evening of Friday, October 26, at the Lido Beach Golf Club, when the Nassau County Press Association, the organization of the county's weekly newspapers, presents its Good Neighbor Awards.

Each member newspaper selected one Good Neighbor from its community, who will be the newspaper's guest at this affair, which is also the Press Association's annual dinner-dance and installation of officers.

The Massapequan Observer's Good Neighbor is Richard J. Lewis, the original Big Chief who more than any one individual helped to put the Massapequas on the map.

Born in Canarsie May 16, 1899, Land of the Great Canarsie Indian Tribe, the schooling of Richard James Lewis, Sr., came to an abrupt ending by a serious accident when he was 13. Constantly in pain, his only great hope was God. At 18 he gratefully accepted a watchman's job on 6 two family homes then under construction in City Line. With great patience and enthusiasm he finally sold the corner property and was paid a commission of 2½ per cent; $750. He now launched into the real estate business in earnest when his father set up a small corner for him in his mother's front porch. At 22 he rented a 15x15 store at 9605 Glenwood Rd., Canarsie and with a rolltop desk, two chairs, a telephone and an old Standard car he was established as the youngest real estate broker in town. Many came to wish him success and to cheer on this crippled, stout hearted boy and thus he became called "Big Chief Lewis". He married at 26 on New Years Eve, had five children, is grandfather to 17 and is about to become a great grandfather. He worked long and hard and became well known as Big Chief Lewis throughout Brooklyn by his sincere, positive attitude. The war and depression almost ended a brilliant career but undaunted he kept his real estate office open and entered many other fields of endeavor. At one time he was president of eleven corporations. A flourishing coal and coke business was wiped out overnight by the oncoming unions, an automobile agency was a complete failure.

Flying became the rage of the nation and Dick began taking lessons at the old Curtis Field. After receiving a waiver from Washington because of his condition, he received his license, bought a plane and began to sell farms, top soil, sand and gravel through the country. Never idle, he assembled the parcel of land which was to become the Brooklyn Terminal Market and sold it to the City of New York.

For several years he had seven offices located in New York, Brooklyn and Long Island. Often a visitor to his Grandfather's farmhouse in Seaford, now the site of the 7th Pct. he decided to settle in Massapequa, the name and town fascinating him. He located at 2 Central Avenue and finally expanded to 4250 Sunrise Highway. Dick Lewis was the broker who advertised Massapequa as the Garden Spot of Long Island, the Miracle Mile of Long Island, and who had the nerve to set the price of $1000. per foot for Sunrise Highway property. Everyone but Mr. Bill Martin of South Shore Fed. S & L thought he had taken leave of his senses. He spent much time, effort and money to put Massapequa in the spotlight of Long Island where it rightfully belongs. He became one of the most community-minded citizens and his donations to all good causes, charities and the needy are well known. As a handsome landmark for Massapequa, the 20 foot Indian Chief and 70 foot pole has become well known throughout the world as visitors from other lands come daily to photograph this unique grouping. Various schools bring youngsters by buses to view and admire this familiar scene. Massapequa has been very good to Dick Lewis but in return Dick Lewis has done his best to keep Massapequa in the forefront of Long Island and the world.

"PETE" WALKER—A MAN OF SPIRIT

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. CARTER. Mr. Speaker, R. R. "Pete" Walker of Columbia, Ky., was a wonderful man of many talents. Although he and I were members of different political parties, we were personal friends; and our fathers before us were friends. He was an excellent newspaperman, and a most congenial soul. His son, John Walker, is an assistant in my congressional office. It is with sadness and a deep sense of loss that I include for the RECORD an account of his passing:

[From the Adair County (Ky.) News, Oct. 2, 1973]

A FRIEND HAS DIED: "PETE" WALKER WAS A MAN OF SPIRIT

(By Gordon Crump)

A friend has died. Pete Walker never aspired to be called anything more grand than Pete. He played down his own triumphs, and had no need of superficial fame or recognition.

For the better part of the past year we spent many hours a day together. Other Adair Countians may have known him longer, but the man I knew did not change from the first day we met, until we shared lunch two days before his death.

I marveled at this man's natural inclination to be jovial and kind, though he was intelligent enough and basically tough enough to deal with people in any way he wished to do. He chose kindness, and good humor.

He was a man of spirit and enormous energy. Many who knew him as a boy around his father's store at Gradyville saw him as a kind of all-American youth—fun-loving, sometimes a practical joker, but sure of himself and able to hold his own in any situation.

The man that grew from this boy was bright, studious, imaginative, practical, determined, self-sacrificing when the need arose, courteous, even-tempered, energetic, and a feeler, as well as a thinker.

The whole range of human events played against his consciousness. The foibles of man were not insulting to him, but rather humorous and deserving of the great understanding he was capable of displaying.

I admired his skill with words, and I think he saw some merit in my best work. Many times we collaborated on stories, he filling in the background while I did the more current points.

He knew instinctively the kinds of stories readers wanted. He had great insight into national and international politics because of his own political career, but he rarely wrote anything about these, preferring instead those folksy stories on someone who had done something superlative by growing the biggest pumpkin, or catching the largest fish. He believed the news of everyday people outweighed the sometimes-overestimated importance of "big news."

When a few months ago he began a regular program of exercise, he invited me to jog around the fairgrounds track with him. We talked politics, stopped to admire the giant oaks there and he told me stories of monumental horse races run on the track. I seldom noticed that we had jogged around the track three or four times, because I was in company of a man who enjoyed life—all of it from the folksy stories and events to the most complex theoretical discussions.

A few weeks ago we went to Gradyville and to the place where he was born. He knew all the stories—the old swinging bridge, the robbery of the bank next to his father's store—the building of the church and the way the road once ran. As we talked and looked, I thought I detected some sadness at his seeing these things again, and I wrote it off as the sadness which always comes upon one seeing changes in one's home community.

The absolute respect and admiration he showed toward his partner, Ed Waggener, was returned in full measure because somewhere, perhaps long ago, the two men had become attuned to each other and the relationship grew into a silent agreement never to be petty or estranged in their relationship.

I admired his relationship with his family. Once when I stepped into his office to discuss some business matter, he was talking on the phone with someone, thoroughly enjoying every word and grinning that infectious grin. I realized he was talking with his wife, Edith, and that he was paying her high compliments on a dish she had made for his lunch.

Always in a hurry and trying to do many things at once, it was not uncommon for him to interrupt his work in mid-morning and with an expectant look on his face, pick up the phone and call one of his children. The conversations were good-natured, loving and respectful. He never failed to say something intended to cheer them or reassure them that he thought of them.

No one who saw them together could doubt his great love for his wife. He believed in the work she does, and gave her great credit for her role in the family. If she stopped by the office during the day, it was an event for him and the keen eyes danced and his face softened to a smile. This much we saw. He thoroughly admired his mother-in-law, Mrs. Horace Cundiff.

He was devoted to the newspaper business perhaps even more than to the chess-game of politics. He was good at what he did, and gave thousands of persons pleasure through the reading of what he wrote.

He was always accessible, to friend and stranger alike. The door to his office was rarely closed except upon the discussion of the most confidential aspects of the business.

He was comfortable with men, because he was sure of his own masculinity. He enjoyed arising early and was a member of the Early Coffee Club. Here, he engaged many local thinkers on a wide range of subjects, from the best way to cure cushaws to the lasting effects of Watergate. His opinions were always listened to and many times passed along to others.

And now he is gone.

One does not overnight replace a Pete Walker. He was an unique man, who charted his own path and played it by the most humane rules. He admired efficiency and brilliance, qualities he possessed to a high degree. He never sought recognition for the many things he did to help Adair Countians, from aiding a child to get into college to his major efforts, that never became public knoweldge, in matters of roads, schools and health facilities.

He sought little for himself, but much for the Adair Countians he loved.

It will take a little more effort from the rest of us even to begin to fill the void left by his departure.

May God bless this fine human being.

WOLVES IN SHEEP'S CLOTHING, OR KILLERS OF THE DREAM?

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. LANDGREBE. Mr. Speaker, in the letter which follows a gentleman from El Paso, Tex., recapitulates in his local newspaper, the El Paso Herald, a dream which he had after watching the President's recent news conference. Mr. Stewart, the author of this letter, speculates that the moose which was so viciously attacked by wolves in his dream may well be symbolical of events surrounding the President, that is the moose is the President of the United States and the wolves are symbols of the antagonism and viciousness of the news media. I wonder, though, whether this dream may just as well symbolically depict what is happening to our Republic as a consequence of ill-founded and irrational attacks.

The letter follows:

After the President's News Conference Friday Evening, I retired with mixed emotions, Saddened by the events of recent months.

At 4 am Saturday morning I was awakened by a horrible dream. I found myself with a Canadian wild life conservation officer in the "Bush" of British Columbia. We were observing the fall migration of some of the birds of that area. He called my attention to a very large bull Moose that had been wounded by Trophy hunters—Timber Wolves had smelled the blood and were closing in. What followed was so very vivid and real that I awoke—my heart pounding with excitement—what happened seemed so very cruel—the wolves would dart in and out snapping and biting the wounded moose. My friend called my attention to the leader of the pack as he darted from behind, hamstrung, all the pack then moved in for the kill.

The dream was so very real that I decided to get up and write it down.

I can't say for sure that the Wounded Moose represents the President or the wolves represent the news media.

I don't put much stock in dreams and I don't dream very often but I just could not let this go untold.

R. JACK STEWART.

FOURTH ANUNAL GOOD SAMARITAN AWARD AT ST. ROSE HOSPITAL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. EDWARDS of California. Mr. Speaker, on Sunday, October 21, 1973, I had the pleasure of attending the fourth annual Good Samaritan Award presentation at St. Rose Hospital in Hayward, Calif. It was delightful to be present with the many people attending to honor all the nominees who had, by their concern for their fellow man, committed such unselfish and charitable acts.

The winner of this year's award is Mrs. Amparo Galindo, of Union City, who was nominated by Mr. Ben Torres, of the Tiburcio Vasquez Medical Clinic. Mrs. Galindo holds a full-time position as health counselor with the New Haven Headstart program. Yet she also assists many non-English-speaking people by translating for them at clinics and hospitals so they might receive proper medical attention. She has, on many occasions, used her own financial resources to purchase food and clothing for needy families in cases of emergency. She has also become familiar with the rules and regulations of the U.S. Immigration and Naturalization Service in order to assist individuals in obtaining their U.S. citizenship. Mrs. Galindo is truly an example of the Good Samaritan.

Other nominees for this year's award were: Annie Fong, who serves as a tutor at El Rancho Verde School and is involved in activities supporting the Chinese-American Scholarship Fund; the Edwin Gowan family, who, together, have assisted families and individuals in times of bereavement or illness by cooking meals, babysitting, and generally easing the burdens of others; Charles R. "Dick" Sadler, who has given shelter to troubled boys and who has been instrumental in developing boys clubs in southern Alameda County; Pam Gerace and Carla Weaver, two young girls, whose swift action in assisting a heart attack victim to the hospital saved his life; Judge Thomas L. Foley, who has for years volunteered his time to many community projects, including the March of Dimes and the Hayward Boys Club; and Lorraine Souza, who has generously volunteered her time in a number of convalescent homes and has organized carolers to cheer hospital patients during the Christmas season.

It was particularly fitting that these people were honored at this time, and I hope their acts of charity will serve as a model for others who might feel that our world, faced with so many problems, cannot be changed by the act of just one individual. These individuals represent an inspiration and an example that we all should attempt to emulate.

"ST. ALBANS HOSPITAL SHOULD BE FOR HUMANS, NOT ANIMALS"—AN EDITORIAL BY WABC RADIO, NEW YORK

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. WOLFF. Mr. Speaker, over the past few months Congressman JOSEPH ADDABBO and I have worked closely with Queens veterans groups to persuade the Defense Department not to simply shut down St. Albans Naval Hospital, but to convert it to a nursing care facility for veterans to fulfill the pressing needs faced by these worthy men and women.

We have encountered some foolish arguments about why Defense does not want to convert the hospital, and from time to time these bureaucratic bubbleheads come up with another harebrained idea. Their latest proposal was to allow the Department of Agriculture use of the hospital for an animal quarantine center.

Defense has been confronted with stiff opposition to this idea, and WABC radio recently broadcast an editorial opposing this suggestion, and I insert their sound comments at this point in the RECORD:

ST. ALBANS HOSPITAL SHOULD BE FOR HUMANS, NOT ANIMALS

When the closing of St. Albans Hospital was announced, everyone started talking about vets. But the word vets meant different things to different people. The Agriculture Department in Washington wants to turn the former naval hospital into an animal quarantine center and bring in veterinarians.

But the people of St. Albans, Queens, along with the Mayor and the City planning Commission want a Veterans Hospital. Not enough has been done for the returning Vietnam Veterans in the New York metropolitan area. And one of the reasons very little has been done is that there hasn't been enough space. We hope the government sees the light and gives St. Albans, Queens, the much needed Veterans Hospital.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 42

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HARRINGTON. Mr. Speaker, the person who recently said, "Outlawing handguns would make our job an awful lot easier," was not, as some people might think, a so-called "radical advocate" of gun control. His name is William Taylor, and he is the superintendent-in-chief of the Boston Police Department.

William Taylor's job is to find the killer after the murder has been committed. Members of Congress can make his job easier by passing strong gun control legislation. Every day we delay means the death of 12 more handgun victims.

Included below is a June 10 Boston Globe article by Nathan Cobb, quoting Chief Taylor, and the story of another murder from the October 28 New York Times.

[From the New York Times, Oct. 28, 1973]

GROCER KILLS A CUSTOMER IN AN ALTERCATION OVER BILL

A 29-year-old Bronx grocer was arrested yesterday in the fatal shooting of a customer during an argument over a bill and in the unintentional wounding of a passenger in a bus passing by.

The police said the grocer, Elias Galarsa of 1465 Boston Road, became involved in an argument with Miguel Negron, 38, of 1010 East 178th Street, over a $51 grocery bill. Mr. Negron reportedly struck Mr. Galarsa on the head with his fist, rupturing one of the grocer's ear drums.

Mr. Galarsa then allegedly drew a pistol and fired five shots, three of them striking Mr. Negron and two going wild, hitting a northbound No. 7 Transit Authority bus. One of the wild bullets passed through a bus window and through the hat of Thomas Montgomery, 30, of 2114 Belmont Avenue, cutting his scalp.

The grocer surrendered at the 48th Precinct station house and was charged with murder and illegal possession of a gun.

[From the Boston Globe, June 10, 1973]

HANDGUNS IN AMERICA—DESIGNED FOR DEATH

(By Nathan Cobb)

Every 13 seconds—about the time it takes to light a cigarette—someone in the United States buys a handgun.

And every 58 minutes, a handgun is used to kill a human being in this country.

Chances are very good that before you've finished reading this Sunday paper another man, woman or child will be dead or dying, shot by a handgun.

The Great American Handgun Boom, flourishing despite five-year-old Federal laws supposedly designed to curtail the nation's privately owned small arms arsenal, is being matched by startling increases in handgun crime.

An in-depth Globe study, which revealed that 50 percent more handguns are being produced in the US since passage of the 1968 Federal Gun Control Act, has also discovered a corresponding leap in violent handgun use.

In comparing national violent crime statistics compiled three years before and three years after the passage of ostensibly stronger gun laws, these facts stand out:

Handgun murders jumped 87 percent between 1966 and 1971, while murders with other types of weapons rose at less than half that rate. In 1971, the last year for which the FBI makes such figures available, 8991 Americans were murdered with handguns—more than with all other types of weapons combined.

During the same period, 1966–1971, handgun murders of police officers more than doubled. In the decade from 1962 to 1971, records show, 530 of 722 murdered policemen—73 percent—were killed with handguns.

Aggravated assaults with firearms—of which the handgun is the most popular type—also doubled from 1966 to 1971. Meanwhile, aggravated assaults with all other types of weapons rose at less than half the gun rate.

Robberies by firearm nearly tripled between 1966 and 1971. The FBI estimates that roughly two out of three armed robberies are now committed with guns, and local law enforcement authorities confirm the handgun is the most popular robbery weapon.

The country's private cache of handguns stands at 30 to 40 million, with 2.5 million more being manufactured or imported this year alone. Four of 10 guns now being made in the US are handguns, and there is one handgun for every 1.5 American families.

In Boston, the capital of a state with one of the nation's strictest gun laws, 43 percent of the 377 murders committed since January 1970, have involved handguns. Last year, nine times as many people were murdered with handguns than with rifles and shotguns combined. Further, aggravated assault with a firearm in Boston has risen almost 50 percent since state laws regarding gun purchase were toughened in 1968, while armed robbery has more than tripled.

According to William J. Taylor, superintendent-in-chief of the Boston Police Dept., the handgun is far and away the most prevalent weapon used in all types of armed crime. "One of the major factors driving up the crime rate is the availability of handguns," Taylor said recently. "Outlawing handguns would make our job an awful lot easier."

That Boston's handgun murder rate is slightly lower than the national average may well be attributable to the fact that handguns are more difficult to acquire legally in Massachusetts than in most states. In any case, the FBI reports that there is a significant correlation between gun ownership and gun crime—the South, where gun ownership is highest, has the highest gun murder rate and the highest rate for aggravated assaults with firearms of any region in the country; the Northeast, with lowest gun ownership, has the lowest rates for such gun crimes.

Since 1967 at least three presidential crime commissions have linked violent crime to the stockpile of handguns in America, recommending solutions ranging from stiffer laws to an outright ban. The most famous the National Commission on the Causes and Prevention of Violence, reported in 1969 that "Firearms, particularly handguns, facilitate the commission and increase the danger of most violent crimes—murder, robbery and assault.

"We believe," the commission, chaired by Dr. Milton S. Eisenhower, continued, "on the basis of all the evidence before us, that reducing the availability of the handgun will reduce firearms violence."

Who kills with a handgun? According to Lt. Det. Jerome P. McCallum, acting head of the Homicide Bureau of the Boston Police Dept., the scenario for murder in the Hub goes like this: "Someone is drinking . . . there's an argument . . . a handgun is somewhere nearby . . . someone reaches for it . . . and a killing occurs."

Indeed, the FBI's 1971 Uniform Crime Report points out that "The significant fact emerges that most murders are committed by relatives of the victim or persons acquainted with the victim."

Adds McCallum a 15-year veteran of murder investigations "It's the availability of the blasted handgun, that's all."

At 1010 Commonwealth av., row upon row of handguns lines the walls behind the locked steel cage protecting the Firearms Identification Bureau of the Massachusetts Department of Public Safety. More are found inside several large metal drawers, and all have been involved in some type of firearms violation. Last year, the bureau investigated 708 cases, a 43 percent jump over two years ago. Ninety-four of the cases were fatal shootings.

Handgun murders in the United States

1966	4, 805
1967	5, 803
1968	6, 825
1969	7, 441
1970	8, 221
1971	8, 991

"I'd have to say that roughly three-quarters of the guns we see are handguns," Lt. Carl M. Majesky, head of the bureau, said last week. "We work on any crime involving firearms outside Boston, primarily identifying weapons, and we feel handguns are used so often in crime because they're concealable and convenient."

Across town, deep beneath the John F. Kennedy Federal Building, a similar scene is found in the storage room of the Boston district office of the Alcohol, Tobacco and Firearms Bureau (ATF) of the U.S. Treasury Dept. There, handguns by the dozens normally hang from the walls, most of them seized in undercover operations carried out against people selling guns illegally.

"The majority of guns we see and buy—in other words, most of the guns being dealt illegally—are handguns," admitted Arthur A. Montuori, special agent in charge. "But even though we make arrests, we don't get all the guns. They're still out there some place, on the illegal market." ATF, in fact, seized fewer than three weapons for every criminal case it initiated last year.

Some law enforcement officials claim that black market sales of handguns may equal legal transactions in number. In Boston, as in any American city, it is easy to get a gun if you want one: in bars, on the street, in well-known apartments.

But there is a striking fact about handguns used in crimes. While most are not owned legally, virtually all were at one time legal guns which were legitimately manufactured, probably in New England. Somewhere along the line, however, they were stolen from the manufacturer, the retailer or, most likely, in a housebreak. Many also came from neighboring states such as Vermont, New Hampshire and Maine, where laws regarding purchase are weak.

In Boston last year, only one of 43 handgun murders was alleged to have been committed by a legally registered owner.

"Guns used in crime almost always come through the black market," said McCallum, "and the black market originates in housebreaks and other types of robberies of legal owners. So, in the end, the source for illegal guns is legal owners."

Despite the overwhelming statistics which link handgun ownership to violent crime, the handgun trade seldom meets trouble in the form of genuinely restrictive legislation. The business is locked firmly to the National Rifle Association (NRA), which claims 1 million devout members and warned in the February issue of "The American Rifleman," its monthly magazine, that "Communist leaders and their henchmen or unwitting tools continue to demand that U.S. citizens give up their guns. . ."

"Henchmen" and "tools" notwithstanding, the more than 60 bills that have been filed this year in both branches of Congress to amend the 1968 Federal Gun Control Act or add further restrictions to firearms pose little real threat to the handgun market.

Some are so innocuous they are backed by the gun lobby itself. Those with teeth are given little chance of passage.

Sen. Edward M. Kennedy's Personal Safety Firearms Act of 1973, which would ban the domestic output of all hand-held firearms not designed for "sporting uses," is currently resting quietly in the Senate Judiciary Committee, where a similar bill died during the last Congress. There is little hope within the senator's office that it will be approved in its present form, and he is searching for a more popular bill with which to couple some of his currently proposed measures in amendment form.

An even stronger bill, filed by Sen. Philip A. Hart (D-Mich.) and proposing to ban all private ownership of handguns, is currently pending before the Senate Subcommittee on Juvenile Delinquency. But it is essentially a carbon copy of a measure defeated 87–7 last year on the Senate floor.

The closest shave the handgun business has had recently came in the form of a bill filed last year by Sen. Birch E. Bayh (D-Ind.) which proposed to ban the sale, importation and manufacture of certain small handguns. Aimed primarily at the new domestic manufacturers of so-called "Saturday Night Specials," those cheap handguns made with foreign parts, it passed the Senate by 68–25 on June 27, 1972, but died in the House without reaching a vote.

In Massachusetts, which passed the first gun control law in North America in 1962, attempts to toughen laws continue to go down to ignominious defeat. A 1973 bill prohibiting the sale and possession of handguns, except for or by members of the armed forces and law enforcement officials was reported unfavorably this year by a unanimous vote of the Joint Public Safety Committee.

This hardy perennial, sponsored by Sen. Jack H. Backman (D-Brookline) drew a vociferous and protesting group of 1000 gun owners to a public hearing Feb. 15. Another bill, sponsored by Rep. Peter F. Harrington (D-Newton), would have required the registration of handguns with a barrel length of less than six inches or an overall length of less than 18 inches. It was defeated in the House by a 151–70 margin.

What finally did pass were six bills, backed by gun owners, which increased penalties for violating various sections of the state's current gun laws.

"The opponents of strong gun laws are very well-organized," Sen. Backman explained recently. "But, the proponents who far outnumber the gun lobbyists, don't ban together. They just don't get excited."

National polls, in fact, have consistently shown the public solidly backs, stiffer gun laws. But the number of handguns—and the violent crimes in which they're used—continues to mount.

VICE-PRESIDENT-DESIGNATE FORD DISPLAYS FITNESS FOR LEADERSHIP

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. McCLORY. Mr. Speaker, the conduct of our colleague Gerald R. Ford during the Senate Committee hearings relating to his confirmation as Vice President of the United States—pursuant to the provisions of the 25th amendment to the U.S. Constitution—should bring pride to all of the Members of this House.

In addition, speaking in behalf of my Republican colleagues, I cannot help but observe that Gerald Ford provides the kind of fresh, open, and straight-forward impression which should and basically does characterize the public leaders elected from my party.

Washington Columnist David S. Broder has written a most complimentary article in behalf of Gerald Ford, which I call to the attention of my colleagues and particularly those from my side of the aisle.

Mr. Broder sets forth in eloquent literary style the outstanding attributes of Gerald Ford which qualify him for the future role of Vice President and for executive leadership of our Nation.

The article follows:

GERALD FORD: TRADITION AND CIVILITY

In this season of troubles in Washington, welcome reassurance is coming from the personality and performance of that comfortingly familiar figure—Gerald R. Ford.

As the Vice President-designate and heir apparent to a severely beleaguered President, the gentleman from Grand Rapids is the man on the spot. He is the key figure in an unprecedented experiment, testing whether a government of divided partisanship can make an untried provision of the Constitution operate in a climate of pervasive public distrust.

His conscientious preparation, his evident cooperativeness and his candor are making his confirmation hearings an occasion in which the country can not only learn something of the character of its new Vice President but relearn the value of one of its oldest traditions—the tradition of civility.

Ford's second sentence to the Senate Rules Committee was: "I feel that I am among friends." That is a rather remarkable thing for the Republican leader of the House to say to a committee of the Democratic Congress, which is not only sitting in judgment on him but is taking preliminary steps to remove from office the Republican President who appointed him.

But it is a statement that springs naturally to Ford, who operates, under any circumstance, in a tradition of civility, of mutual accommodation, of respect for persons and institutions.

This unwritten tradition underlies the written Constitution, but it has been badly battered in these recent years, as one President lashed out at opponents of his war policies and his successor compiled an "enemies list."

Whatever his shortcomings, in intellect, oratory, or wit, Gerry Ford is one of the most decent human beings in Washington. He is not a hater, nor is he under a constant compulsion to prove his own worth by dominating and downgrading others.

The qualities he has displayed in his confirmation hearings—and in 25 years in Congress—may be just what the doctor ordered for this badly battered Republic. A congressman's wife who watched his testimony on television remarked that he reminded her of Eisenhower. He lacks the personality and the smile that made it so easy to "like Ike," but that flat Midwestern voice and that open face encourage trust.

When he says, as he did, that "my platform, gentlemen, is always to support truth and intelligent compromise," you know that is the authentic Ford credo—and not a line some public relations adviser furnished.

A House colleague, enlisting support for his confirmation among Democrats, says he has been surprised to learn how many members of the opposition "really do consider Gerry a personal friend." Such friendships are rare among congressmen of opposite parties, and particularly among those whose leadership roles require them to operate, as Ford has, in a highly partisan fashion.

But Ford does not let partisanship carry to the point of personal enmity. It is inconceivable that his office would compile an "enemies list." As remarked previously here, his style of leadership in the House has been genuinely open and consultative. As Vice President or President, he testified, he would continue to make himself accessible to members of Congress and the press.

Even in the stress of this current situation, he has deliberately reached outside his own circle for guidance. In advance of the hearings, he sought out a group of certified "eggheads" and told them he was concerned that his reputation as a non-intellectual not be taken by them as a sign that he was anti-intellectual. He seemed genuinely relieved at being told that the very fact that he had sought such a meeting went a long way toward establishing the point he wanted to make.

A colleague in the Republican leadership says, "We learned very quickly that Gerry does not like to make decisions alone." A Ford administration would be an exercise in collective leadership.

Those members of Congress who know him best are unanimous in their belief that should Ford become President, he would seek to continue the main lines of the Nixon foreign and domestic policy—détente abroad and decentralization at home.

He would try to keep Henry Kissinger and Melvin Laird as chief foreign and domestic policy lieutenants knowing full well that both men are more guileful and sophisticated than he is himself.

What Ford would bring to such a government is the simplicity and honesty and openness and benignity that have been missing so long from the White House.

As the awareness of those qualities in him has sunk in, the hunger for their restoration in national leadership has grown. "The sooner the better" doctrine now applies, not just to Ford's confirmation for the vice presidency, but to the step beyond.

LOUIS WARD STANGER: A RETIRED BAPTIST MINISTER

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. CARTER. Mr. Speaker, I recently received a letter from a retired Baptist minister. In it he enclosed a poem, the content of which I think is noteworthy and poignant. Our country today needs more dedicated ministers such as Louis Ward Stanger:

To Dr. Tim Lee Carter: In Appreciation

The letter you wrote and dated the third,
Of July, I acknowledge, altho I am late;
The time has flown by like a high, flying bird,
And I am ashamed as I look at the date.

But, believe me, altho these words may belie
My good intentions I hoping that you
Will realize Mrs. Stanger and I
In this very brief note are saying "thank you."

Sixty years! It's hard for us to believe it.
But, believe it or not, each year we can trace;
Wouldn't it be wonderful if we could retrieve it,
And live it again with much greater grace?

That we know, of course, is impossible; still
The thot, tho it's fanciful, wont go away;
But this we can do, God helping us, fill
With honor and dignity what's left today.

AN INDEPENDENT SPECIAL PROSECUTOR

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. CULVER. Mr. Speaker, I would like to draw my colleagues' attention to an article that appeared in this morning's New York Times. It is written by Raoul Berger, the eminent constitutional scholar at Harvard, and it succinctly rebuts doubts about the constitutionality of a court-appointed special prosecutor. Mr. Berger points out that the executive branch cannot be expected to investigate itself, and that court appointment is expressly provided for in article II, section 2 of the Constitution. He further points out that any other construction would produce an absurd vacuum, and reminds us that the Constitution should never be construed in that fashion.

At a time when the Judiciary Committee is giving careful consideration to the legislation that I and 113 cosponsors have introduced to authorize court appointment of a special prosecutor, I believe Mr. Berger's commonsense reasoning should commend itself to all of us in the Congress. I, therefore insert his article at this point in the Record:

The Prosecutor

(By Raoul Berger)

Concord, Mass.—It is generally agreed that the appointment of a special prosecutor to carry on the task begun by Archibald Cox is indispensable to restoration of confidence in the administration of justice. The nation cannot tolerate the spectacle of a potential defendant in the Presidency dictating to a prosecutor how far investigation may go. Acting Attorney General Bork's protestation that he means to be utterly independent in pursuing the Watergate and related investigations furnishes even less security than was furnished by the express charter of independence given to Mr. Cox by Attorney General Richardson.

As the Supreme Court stated in *Humphrey's Executor* v. *United States*, "one who holds his office only during the pleasure of another, cannot be depended upon to maintain an attitude of independence against the latter's will."

With good reason, therefore, has public sentiment crystalized in favor of a statute that would establish a special prosecutor as an agency completely independent of the President, to be appointed by a court. The power of Congress to establish independent agencies is indisputable; power to vest appointments in the courts is expressly conferred by Article II, Section 2(2) of the Constitution: "Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

Prof. Alexander Bickel argues that "the prosecutorial function belong[s] solely to the executive branch and 'judicial power is not compatible with the exercise of hiring, firing and, for all I know, of supervising of prosecutors.'" It is a mistake to regard the prosecutorial function as immovably embedded in the executive branch. In *Ex parte Seibold* (1879), the Supreme Court said that a marshal, for instance, an "executive officer" ordinarily appointed by the President, is yet "preeminently an officer of the courts," whose appointment could be vested in the courts. As a lawyer, a special prosecutor is no less an officer of the court, who closely shares in its administration of justice. It was objected in *Seibold* that "the Act of Congress imposes upon the Circuit Court duties not judicial, in requiring them to appoint supervisors of election, whose duties, it is alleged, are entirely executive in character."

Commenting on Article II, Section 2(2), the Court stated. "It is no doubt usual and proper to vest the appointment of inferior officers in that department of the government, executive or judicial, or in that particular executive department to which the duties of such officers appertain. But there is no absolute requirement to this effect in the Constitution. . . ."

Had the framers considered that appointments and functions fell into ironclad compartments, they would have lodged all "executive" appointments in the President. Instead they gave him quite limited powers of appointment and left the bulk of the appointment power in the discretion of the Congress. They left Congress free, in the present extraordinary circumstances, to place a prosecutorial function outside the executive department when quite plainly it could not be trusted to investigate and prosecute itself.

Those who have been ready enough to argue for an illimitable power of removal—a power nowhere mentioned in the Constitution, which was the subject of protracted controversy in the first Congress, and which argument is discredited by Madison's statement in that debate that the President would be impeachable "for the wanton removal of meritorious officers"—should not be too quick to place limits upon the express and unqualified Congressional power to vest appointments in the courts.

Particularly is this true when the result of an illiberal interpretation is to insulate the close aides of the President and the President himself—70 per cent of the American people believe that he was implicated in the Watergate cover-up conspiracy—from full and independent investigation. For centuries it has been a canon of interpretation that even express terms must give way when a given application produces absurd or unreasonable results. Implied powers stand no higher.

To insist that the President must investigate and prosecute himself, for that is what the argument for executive control of prosecution boils down to, is plainly unreasonable. The power of appointment and the separation of powers were not designed to obstruct justice.

Let our guide be the utterance of Congressman Bland in the first Congress. Faced with the fact that the Constitution made no provision for removal, he said, "it was essentially necessary that such a power should be lodged somewhere, or it would be impossible to carry the Government into execution."

Somewhere there must exist power to provide for an independent special prosecutor to carry forward an untrammeled investigation of White House participation in a criminal conspiracy. Without straining, it can be found in Article II, Section 2(2). It follows that a statute authorizing a court to appoint a special prosecutor would be constitutional.

NATIONAL RIVER ACADEMY APPOINTS 27 TO THIRD CLASS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ALEXANDER. Mr. Speaker, the National River Academy is training the rivermen of America to man the inland waterways of the United States, and to move the commerce that is vital to the Nation.

On October 25, 1973, the New Orleans Times-Picayune reported the activities of the NRA. I commend the directors, officers, personnel, and supporters of the academy for an outstanding service that they perform for a great and dynamic Nation which depends on our rivers for transporting the needs of our people.

The article follows:

NATIONAL RIVER ACADEMY APPOINTS 27 TO THIRD CLASS—SEVEN NEW CADETS FROM LOUISIANA, MISSISSIPPI

(By Capt. Thomas L. Lewis)

The National River Academy, Helena, Ark., has announced the appointment of 27 men to its third river cadet class, which will commence training on Oct. 28. This class makes a total of 51 participants in the cadet training program.

"Making up the largest class in the academy's history, the new cadets represent ten states bordering the inland river system, from Louisiana to New York. Almost half have previously worked as river deck hands, and more than one-third have completed some college work," it was stated.

BILOXI MEETING

The Rivers and Harbors Association of Mississippi says a record number of leaders from the state interested in water resources and in the development of waterways and conservation will attend the 16th annual meeting. The meeting is scheduled for Nov. 1–2 at the Sheraton Hotel in Biloxi.

President Thompson Pound said the program committee of the convention requests advance reservations be made directly with the Sheraton. Donald Colmer of Jackson, Miss., who is chairman of the board, is serving as the program chairman.

For their exceptional work during the 1973 flood the Corps of Engineers, along with the Mississippi River Commission, is being honored.

The featured speaker at the luncheon on Friday, Nov. 2, will be Maj. Gen. Charles Noble, president of the Mississippi River Commission.

To be honored at the luncheon also will be Gen. Carroll LeTellier, South Atlantic Division Engineer of the Corps in Atlanta, and Gen. Harry Griffith, Southwest Division Engineer of the Corps in Dallas, Tex.

EPA SPEAKER

Another outstanding speaker at the convention will be Jack Ravan, head of the Environmental Protection Agency in Atlanta. He will bring the attendance up to date on the latest regulations by the agency relating to water resources and waterways.

Registration begins on Thursday, Nov. 1, in the afternoon. The board of directors will meet at 4 p.m. that date. A reception and seafood jamboree will conclude that day's activities.

After a welcoming address by Biloxi's Mayor Jerry O'Keefe on Friday morning, a slate of speakers will report on progress in their areas. Included in the group are: Col. Drake Wilson, District Engineer, Corps of Engineers, Mobile; Col. Marvin Rees, District Engineer, Corps of Engineers, Vicksburg; Capt. Paul Peak, Eighth Coast Guard District, New Orleans; Jim Carraway, Air and Water Pollution Commission, Jackson, and W. L. Heard, State Conservationist, Jackson.

Of the 27 men, seven of them are from Louisiana and Mississippi: Christopher D. Cusimano, Joseph T. Davisson and Terry S. Wilkes, all from New Orleans; Kevin V. Glusenkamp from Columbus, Miss., Alan B. Kaiser, Natchez, Miss., Leonard Lepicier, Aberdeen, Miss., and Steven M. Eley, Cleveland, Miss. The others are from Arkansas, Iowa, Tennessee, Ohio, Kentucky, Missouri, New York and Oklahoma.

The academy says the increased enrollment marks a growing interest in the NRA's programs, and a new awareness of the opportunities offered in the inland waterways industry.

SHIP AND SHORE

The cadets during their 22-month training program, will alternate every two months between classroom training at the academy and actual work experience aboard a towboat.

On graduation, they will be qualified to undertake the examinations for a towboat operator's license and tankerman certification, in addition to a radar endorsement and FCC certificate. The cadet graduate will also receive an associate of applied science degree and an engineer's certificate recognized by the river industry.

CONGRESSMAN WOLFF POLLS HIS CONSTITUENTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. WOLFF. Mr. Speaker, I want to insert in the RECORD the text of a questionnaire I am sending to every resident of my congressional district asking their opinion on the current Judiciary Committee inquiry into the legal grounds for impeachment proceedings.

I believe it is extremely important that we be aware of how our constituents think about this most serious matter.

Dear Friend and Constituent,

The most pressing issue facing this nation today is the question whether or not the President should be impeached.

As a result of the rising tide of American public opinion and at the request of numerous members of the House of Representatives, the Judiciary Committee has begun an examination of the grounds for possible impeachment.

As your representative in Congress, I believe it is my responsibility to ascertain your opinion on this grave matter. Therefore, I would appreciate your responding to the question below. Your prompt reply is requested and you need not indicate your name and address if you prefer.

Sincerely,

LESTER L. WOLFF.

DO YOU FAVOR THE IMPEACHMENT OF THE PRESIDENT OF THE UNITED STATES?

Yes, ——; No, ——; No opinion, ——.

Name ------------------------------------

Address ---------------------------------

Thank you very much for taking the time to participate. I am grateful for having your opinion which I will transmit to the House Judiciary Committee.

CHANCELLOR DEAN E. McHENRY TO RETIRE AFTER NEARLY FOUR DECADES OF PUBLIC SERVICE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ANDERSON of California. Mr. Speaker, California has long been recognized as a leader in the field of higher education—a reputation earned through the combined efforts of many individuals.

Foremost among those who have dedicated their lives to providing California students with a system of learning, second to none is a man who is about to retire after nearly four decades of service to Californians in the field of higher education—Dean McHenry, the chancellor of the University of California at Santa Cruz.

Dean E. McHenry has devoted his life to building the future of California by improving, refining, and strengthening the quality of higher education in California. For 37 years he has contributed his visions, hard work, and leadership to nearly all facets of education.

He first joined the University of California system as a faculty member at UCLA in 1939. Later he served as dean of social studies and chairman of the Political Science Department at that campus.

It is, however, in his role as the first and only chancellor at Santa Cruz that he will be most remembered. After serving a 3-year term as dean of academic planning for the UC system, he was appointed chancellor of UC Santa Cruz in 1961. As the president of the University of California system, Charles J. Hitch, recently stated,

> It is hard for me to think of the Santa Cruz campus without Dean McHenry.

I would echo and amplify these words for the chancellor has been planning and organizing the campus from its very conception.

For those of you who have been there, I am sure that you will agree that this campus, which overlooks the Monterey Bay, is one of the most beautiful in our Nation. In addition to the esthetic beauty of this area, the university has earned a reputation for academic excellence. As one of the founders of the Adlai E. Stevenson College, I am proud of my personal association with this campus and Chancellor McHenry.

I support the view of the chairman of the University of California Regents, Dean A. Watkins, that the university and the people of California owe Chancellor McHenry a tremendous debt. We are indeed grateful for his outstanding contribution, and are fortunate that a man of his caliber has dedicated his life for the benefit of his fellow citizens.

I am certain that his wife, Jane, who has worked along with him during these many years of public service and their four children, are looking forward to his well-deserved retirement at the end of this school year in order that he might spend more time with their six grandchildren.

Although we will all miss him at UC Santa Cruz, his mark impressed upon our education system will long be remembered.

OLD NORTH REFORMED CHURCH

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HELSTOSKI. Mr. Speaker, this year, the Old North Reformed Church, in Dumont, N.J., is celebrating its 250th anniversary. This occasion, I believe, once again underscores the indomitable spirit that sustained our forbears during their darkest days in the new world. Today, Old North Reformed stands as a solemn tribute to our heritage of faith.

Located at the intersection of Madison and Washington Avenues, Old North Reformed is a familiar Bergen County landmark. Originally, the church was a small octagonal sturcture, located near its present site. Members of the first congregation were mostly Dutch farmers.

The present structure was built in 1801. The steeple and interior are considered to be outstanding examples of Dutch-Colonial architecture. In 1926, when the steeple was struck by lightning, the entire community turned out to help rebuild it.

The people of Dumont and the entire State are proud of Old North Reformed; the church is a tribute to the principles of perseverance and pride.

Mr. Speaker, I would like to insert into the RECORD excerpts from an article dealing with this historic church. The article, which appeared in the New York Times October 28, provides additional insight into the story of Old North Reformed. The excerpts follow:

> Old North was founded in 1724, but it has already begun a year-long 250th birthday party.
>
> The Dumont church, a county landmark at the intersection of Washington and Madison Avenues and the "mother" of Reformed churches in Westwood, Oradell, Cresskill and Bergenfield, began its life in a little octagonal sandstone edifice not far from its present location.
>
> The Dutch settlers, practically all of them farmers, brought their own chairs. Their children and slaves occupied benches around four of the church's eight sides.
>
> The present building was constructed in 1801 under the supervision of Peter Durie, for a time a resident of Teaneck. Its slender, graceful steeple and oak-beamed interior are said to represent the finest type of Dutch-Colonial architecture in America.
>
> Worship was in Dutch, slaves were relegated to benches in the balcony and, because there was no heat, parishioners brought their own foot warmers. Not until 1836 were stoves installed in the four corners of the building.
>
> The original pews and their knee-high doors, which helped keep out the cold, are still used. So are the slave benches.
>
> Families bought the best pews—in the center of the sanctuary—at auction. Less-desirable locations were rented.
>
> In 1859, Old North was enlarged by extending its altar and choir loft into a cemetery in the rear of the church. The new choir stalls were built over the graves.
>
> The chipped and broken gravestones in the little churchyard reflect the country's early Dutch influence, for there are names such as Blauvelt, Westervelt, Brinkerhoff, Van Delinda and Demarest.
>
> Col. Isaac Nicholl and Peter Lozier, revered as Revolutionary War heroes, are both buried in the back of the Dumont church.
>
> When the church steeple was hit by lightning in 1926, the whole town, including Protestants, Roman Catholics and Jews, turned out to help rebuild it.
>
> The Rev. Dr. Albert H. Van Dyke has served as pastor of Old North for the last 15 years.

OFFICE OF WATERGATE SPECIAL PROSECUTOR FORCE

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. WYLIE. Mr. Speaker, I would suppose that many of you have received communications regarding the appointment of Mr. Leon Jaworski as special prosecutor and, more specifically, the scope of his special functions, duties, and responsibilities, and how he may be removed from office.

The Executive order in this regard is printed in today's Federal Register, volume 838, No. 214. I insert herewith the Federal Register notification with respect to the establishment of the Office of Watergate Special Prosecution Force for the information of all concerned:

> [Title 28—Judicial Administration, Chapter I—Department of Justice, Order 551–73; Part O—Organization of the Department of Justice]
>
> Establishing the Office of Watergate Special Prosecution Force
>
> By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, there is hereby established in the Department of Justice, the Office of Watergate Special Prosecution Force, to be headed by a Director. Accordingly, Part O of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:
>
> 1. Section 0.1(a) which lists the organization units of the Department, is amended by adding "Office of Watergate Special Prosecution Force" immediately after "Office of Criminal Justice."
>
> 2. A new Subpart G–1 is added immediately after Subpart G, to read as follows:
>
> SUBPART G–1—OFFICE OF WATERGATE SPECIAL PROSECUTION FORCE
>
> Sec.
> 0.37 General functions
> 0.38 Special functions.
>
> Authority: 28 U.S.C. 509, 510, and 5 U.S.C. 301.
>
> SUBPART G–1—OFFICE OF WATERGATE SPECIAL PROSECUTION FORCE
>
> § 0.37 General functions.
>
> The Office of Watergate Special Prosecution Force shall be under the direction of a Director who shall be the Special Prosecutor appointed by the Attorney General. The duties and responsibilities of the Special Prosecutor are set forth in the attached appendix below which is incorporated and made a part hereof.
>
> § 0.38 Specific functions.
>
> The Special Prosecutor is assigned and delegated the following specific functions with respect to matters specified in this subpart:
>
> (a) Pursuant to 28 U.S.C. 515(a), to conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings, which United States attorneys are authorized by law to conduct, and to designate attorneys to conduct such legal proceedings.
>
> (b) To approve or disapprove the production or disclosures of information or files relating to matters within his cognizance in response to a subpoena, order, or other demand of a court or other authority. (See Part 16(B) of this chapter.)
>
> (c) To apply for and to exercise the authority vested in the Attorney General under 18 U.S.C. 6005 relating to immunity of witnesses in Congressional proceedings.
>
> The listing of these specific functions is for the purpose of illustrating the authority entrusted to the Special Prosecutor and is not intended to limit in any manner his authority to carry out his functions and responsibilities.
>
> Dated: November 2, 1973.
>
> ROBERT H. BORK,
> *Acting Attorney General.*
>
> APPENDIX—DUTIES AND RESPONSIBILITIES OF THE SPECIAL PROSECUTOR
>
> *The Special Prosecutor.* There is appointed by the Attorney General, within the Department of Justice, a Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.
>
> The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters which he consents to have assigned to him by the Attorney General.
>
> In particular, the Special Prosecutor shall have full authority with respect to the above matters for:
>
> Conducting proceedings before grand juries and any other investigations he deems necessary;
>
> Reviewing all documentary evidence available from any source, as to which he shall have full access;
>
> Determining whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;
>
> Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, or for warrants, subpoenas, or other court orders;
>
> Deciding whether or not to prosecute any individual, firm, corporation or group of individuals;
>
> Initiating and conducting prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;
>
> Coordinating and directing the activities

of all Department of Justice personnel, including United States Attorneys;

Dealing with and appearing before Congressional committees having jurisdiction over any aspect of the above matters and determining what documents, information, and assistance shall be provided to such committees.

In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities. In accordance with assurances given by the President to the Attorney General that the President will not exercise his Constitutional powers to effect the discharge of the Special Prosecutor or to limit the independence that he is hereby given, the Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part and without the President's first consulting the Majority and the Minority Leaders and Chairmen and ranking Minority Members of the Judiciary Committees of the Senate and House of Representatives and ascertaining that their consensus is in accord with his proposed action.

STAFF AND RESOURCE SUPPORT

1. *Selection of Staff.* The Special Prosecutor shall have full authority to organize, select, and hire his own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorneys General and other officers of the Department of Justice to assign such personnel and to provide such other assistance as he may reasonably require. All personnel in the Department of Justice, including United States Attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. *Budget.* The Special Prosecutor will be provided with such funds and facilities to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, and such requests shall receive the highest priority.

3. *Designation and responsibility.* The personnel acting as the staff and assistants of the Special Prosecutor shall be known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

Continued responsibilities of Assistant Attorney General, Criminal Division. Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

Applicable departmental policies. Except as otherwise herein specified or as mutually agreed between the Special Prosecutor and the Attorney General, the Watergate Special Prosecution Force will be subject to the administrative regulations and policies of the Department of Justice.

Public reports. The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall upon completion of his assignment submit a final report to the appropriate persons or entities of the Congress.

Duration of assignment. The Special Prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself.

[FR Doc. 73-23693 Filed 11-6-73; 8:45 am]

WE MUST HAVE AN INDEPENDENT SPECIAL PROSECUTOR

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. SEIBERLING. Mr. Speaker, the House Judiciary Committee has completed its hearings on the bills to create a special statutory prosecutor to continue the work begun under Mr. Archibald Cox. If there is any one thing that is clear in the confusing situation we find ourselves in, it is that a truly independent prosecutor is absolutely essential if public confidence in our legislative system is to be restored.

The promises of the White House, to the effect that the new special prosecutor, Mr. Leon Jaworski, will not be dismissed without the approval of congressional leaders of both parties, mean little following the President's breach of similar promises regarding the independence of Special Prosecutor Cox. As the Akron Beacon Journal said in a recent editorial:

> Too many people followed orders without question in the Nixon Administration.

Moreover, Mr. Nixon has announced that he in no way is yielding the legal right to dismiss any employee of the executive branch.

Recently, a member of my staff, Mrs. Melanie Fein, on her own initiative, located a statement by President Nixon himself in his famous "Checkers" speech of 1952, which makes a persuasive case that no Presidential appointee can be trusted to clear up the "mess" that Mr. Nixon's administration has made. Mrs. Fein included the statement in a letter to the editor which appeared in the Washington Post of November 6.

Mr. Speaker, I offer the Akron Beacon Journal editorial of October 30 and Mrs. Fein's letter to the Post for inclusion in the RECORD immediately following these remarks:

[From the Akron (Ohio) Beacon Journal, Oct. 30, 1973]

ONLY A SPECIAL PROSECUTOR WITH NO CHAINS WILL DO

If President Nixon didn't get the message from Cox, Richardson and Ruckelshaus, maybe acting Atty. Gen. Robert H. Bork can get through to him.

If not, Congress, bolstered by support from an angry American public, stands ready to deliver it loud and clear. The message: Nothing less than a truly independent special Watergate prosecutor will suffice.

Bork is making it known he has no intention of playing any part in a White House plan to name a new special prosecutor—wrapped in the same old chains which had bound Archibald Cox.

That seems precisely what President Nixon had in mind. Friday he said Bork would name a new prosecutor who would get "total cooperation" from the White House.

But it soon became clear that Nixon is ready to climb back into the trenches. "We will not provide presidential documents to a special prosecutor," he said.

We salute Bork for refusing to jettison his principles despite what must be enormous White House pressure. Clearly, a new face in the same old White House straitjacket can't be nearly good enough for the public or Congress. People want the truth, not more cover-ups.

Alexander Haig, President Nixon's aide, defends the White House plan for a new prosecutor as fair. But we expect nothing else from a military man who got where he is by following orders.

Too many people followed orders without question in the Nixon administration. That's how Watergate was allowed to happen.

If the President is serious about demanding the power to control the Watergate investigation, the cease-fire he achieved by surrendering his controversial White House tapes will be short-lived.

It was because Cox did not have the independence he was promised that Nixon was faced with one of his gravest crises. Cox's firing by Nixon for balking at White House orders to rein in his investigation touched off America's first serious talk of impeachment in a century.

The Mideast crisis may have temporarily taken some public notice away from the issue, but the people are still angry about the Cox incident. A repeat could boil the controversy over.

Congress—and the public, we think—isn't about to buy the idea of another chained-up prosecutor, one the White House will "cooperate" with—and also command. Surely the President, a wise politician, must see that.

The last thing Richard Nixon needs is another slugfest with the courts or Congress, because the public is no longer in his corner on this issue. Nixon desperately needs to build confidence. He can't do it by stringing up another puppet prosecutor and dangling him in front of the American people, telling them he is "independent."

If the President is unwilling to follow the advice of Republican Congressional leaders and name an independent prosecutor, Congress or the courts will have to do it instead.

[From the Washington Post, Nov. 6, 1973]

MR. NIXON'S ADVICE

The case for a special, independent prosecutor to investigate Watergate was persuasively stated by President Nixon himself in his famous "Checkers" speech in 1952. Contending that Presidential candidate Adlai Stevenson could not be trusted to clean up the corruption growing out of the Truman administration, the then Senator Nixon stated:

> Take the problem of corruption. You have read about the mess in Washington. Mr. Stevenson can't clean it up because he was picked by the man, Truman, under whose administration the mess was made.
>
> You wouldn't trust the man who made the mess to clean it up. That is Truman. And, by the same token you can't trust the man who was picked by the man who made the mess to clean it up, and that is Stevenson. And so I say, Eisenhower, who owes nothing to Truman, nothing to the big-city bosses—he is the man who can clean up the mess in Washington.

Likewise, neither President Nixon nor any presidential appointee can be trusted to clean up the Watergate "mess" that his own administration has made.

MELANIE FEIN.

Washington.

RESOLUTION TO SUPPORT ISRAEL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. EILBERG. Mr. Speaker, during this most merciless war between the

Arab nations and Israel, the United States has readily provided Israel with the weapons she needs to defend herself.

Many of Philadelphia's private organizations and public figures alike have announced their support of Israel, and I am pleased to state that the Grand Lodge of Pennsylvania, Order Sons of Italy has unanimously adopted a resolution in support of the United States continuing policy of supplying the Israelis with assistance.

At this time I enter into the RECORD a copy of this resolution which was sent to the President:

ORDER SONS OF ITALY IN AMERICA,
GRAND LODGE OF PENNSYLVANIA,
Philadelphia, Pa., October 25, 1973.

Hon. RICHARD NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On behalf of the Grand Lodge of Pennsylvania, Order Sons of Italy in America, I am pleased to advise you that the Grand Council of the Grand Lodge unanimously adopted and promulgated the following Resolution on Friday, October 19th, 1973:

"Whereas, Egypt and Syria committed an unprovoked and premeditated attack against Israel on Yom Kippur, the most solemn and holy day of the Jewish year; and

"Whereas, this diabolical attack, aided and abetted by the U.S.S.R. violated not only international law but every common ethical standard of humanity; and

"Whereas, the State of Israel is a bastion of democracy and a beacon for oppressed peoples in the Middle East; and

"Whereas, it is in the interest of the United States of America to protect the integrity of Israel and to maintain Israel's deterrent strength by insuring the balance of power in the Middle East; and

"Whereas a true and lasting peace is now, as it has been in the past, the only sensible goal for United States policy in the Middle East;

"Therefore, be it resolved that the Grand Council of the Grand Lodge of Pennsylvania, Order Sons of Italy in America, representing over 100,000 Americans of Italian descent, vigorously supports the present policy of the Government of the United States to provide Israel with whatever assistance is required to defend herself; and

"Resolved, further, that the aforesaid Grand Council urges the United States to continue its efforts to achieve a firm cease-fire and to seek immediate direct negotiations between Israel and the Arab States which will hopefully lead to a just and durable peace and which will provide for Israel secure, recognized and defensible borders."

We sincerely trust and pray that the purposes and goals of this Resolution are given serious consideration by your Administration.

Respectfully submitted,
FRANK J. MONTEMURO, Jr.,
Grand Venerable.

TITLE II OF THE SOCIAL SECURITY ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. GILMAN. Mr. Speaker, I am introducing today legislation amending title II of the Social Security Act increasing to $7,500 the amount of allowable outside earnings.

Under present law, a social security recipient's benefits are reduced if earnings exceed $200 per month.

In these days of rapidly rising costs, we all recognize that social security income in and of itself is often inadequate to meet the basic necessities of our older citizens. Our social security laws are outmoded when they result in penalizing retirees after working so many long hard years and contributing so much to achieve social security status.

By imposing a low income ceiling, our older people are discouraged from seeking part-time employment enabling them to supplement their incomes in order to maintain a decent standard of living. Moreover, such archaic restrictions result in cutting off a vital labor force in our society. By forcing them out of the work force, our senior citizens are deprived of the opportunity of making further contributions to society.

Accordingly, I invite my colleagues to join me in sponsoring this measure to enable our older Americans, who have contributed so much to our Nation, to enjoy their retirement with dignity.

TRIBUTE TO SHERIFF JOHN HOYT AND DEPUTY RICHARD DAVIS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. CHARLES WILSON of Texas. Mr. Speaker, on October 26, I was privileged to add my praises to those of the citizens of San Augustine County, Texas, at ceremonies held to honor Sheriff John Hoyt and Deputy Richard Davis. Those men each suffered loss of one eye during a shootout last July which left one woman dead and five persons wounded.

Although San Augustine is not a part of the Second Congressional District of Texas which I represent here in Congress, I served its citizens for 6 years in the Texas State Senate, and I know that the courage, dedication to duty, and personal sacrifice that so clearly mark Mr. Hoyt and Mr. Davis are not atypical of the character of the people of East Texas.

At this time, I would like to insert the text of my speech before the citizens of San Augustine as a way of introducing Sheriff Hoyt and Deputy Davis to my colleagues in the House, and also to remind us all that honesty, courage, and sacrifice are still very much a part of the American people.

SPEECH OF HON. CHARLES WILSON

You know, politicians in Washington always make a grand show of coming back to their districts to talk with their constituents, to listen to what they have to say. It's called "taking the pulse of the country," as if we were all Congressional surgeons or something who then could rush back to Washington and prescribe whatever miracle medicine the country needed.

This is all well and good, I guess, at least in theory. But in the past few weeks I suspect many of you have thought of going to Washington to take our pulse up there before the condition gets much worse. Perhaps a tourniquet around the nation's capitol before the infection spreads or something.

That's why it's so wonderful to come back to San Augustine where you don't just feel the pulse of the country, but you can touch instead the very life's blood of democracy. Here in the gentle piney woods, in the cradle of Texas liberty and heritage, in the oldest town in Texas, you can learn that America's heart is still beating strong.

It was from here, from all these pleasant country towns around San Augustine, that Gen. Sam Houston's First Army of the Republic of Texas found the men who marched on San Jacinto. It was from here, with that proud victorious army, that a tradition, a legacy, of courage and sacrifice was first established.

We are here today to honor and give witness to the fact that that tradition still lives in the piney woods. Sheriff John Hoyt and Deputy Richard Davis, in the humble act of carrying out their public trust, have provided an example of bravery and sacrifice that would have made Sam Houston proud.

It was the kind of act, on their part, that restore the confidence of all of us in our forms of government. And I wish I could have carried with me all of my fellow Congressmen to meet with you, because their own faith needs strengthening.

A few years ago, the supreme law enforcement officer in the nation told the American public to "watch what we do, not what we say." In the years since—years that have seen many grand pronouncements on law and order—we have finally come to learn just what it was they were doing all that time. The very man who made that statement is now under indictment for what he was *doing* while he was *saying* he supported law and order.

In view of this background, it is heartening to return from Washington, where rhetoric often has the force of reality, to a place where there is no conflict between doing and saying, where one doesn't need to search beneath the rhetoric to find the substance, to a place where law enforcement is practiced instead of merely preached.

It takes no great courage to give a speech for law and order. You take no risks in doing so, and you can always count on loud applause. Likewise, there is no danger involved in passing harsh laws or in denouncing criminals. There is always another man, a braver man, who must enforce those laws and apprehend those criminals. It's easy to be a general in the war against crime: it's the men in the front lines, men like John Hoyt and Richard Davis and, yes, men like Sam Houston, who will always win our wars for us, who will always heed that call to duty.

As our country passes through one of its most trying times, one of its great crises, it is good that we can look out and still see men like this, men who hold a public trust to be greater than private gain. In Washington, a week ago today, an Attorney General of the United States, and his deputy, resigned their high offices rather than betray their public trust and break a solemn oath. Here, today, we honor a sheriff and his deputy who ran greater risks and paid equal prices in order to uphold their public trust.

It is here, in the beautiful piney forests of East Texas, where one can find true law enforcement. John Hoyt and Richard Davis do not hold press conferences or give speeches on national television. They do not say one thing while doing another, do not mislead the people who put them in office with a barrage of rhetoric. They simply and humbly do what you elected them to do: they enforce the law, even when they do so at great cost to themselves.

You should be proud of them, and proud of yourselves as well, because it is in places like this, and with men like this, that the integrity of our country can survive. And it is, of course, that same honor and integrity that is the foundation of true law and order.

When I go back to Washington next week to do the job you elected me to do, I will have done a great deal more than just felt the pulse of my constituents. Because I have found that here, in the heart of America, we are strong and healthy, and we still respect our public trusts. That is a powerful medicine for the nation's ills, and that is what I take back to Washington.

TRUCK POLLUTION: AN OMISSION

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. KOCH. Mr. Speaker, on October 25 of this year, I spoke about an article in the New York Times which alleged that the trucking industry had managed to avoid necessary stringent antipollution regulations by the Environmental Protection Agency. My remarks may be found on page 35027 of October 25, 1973, in the CONGRESSIONAL RECORD. The article itself was supposed to have been in the Extensions of the RECORD but was inadvertently omitted. The article follows:

[From the New York Times, Oct. 13, 1973]

TRUCKS ESCAPE STRINGENT POLLUTION CURBS

WASHINGTON, October 12—Many a pedestrian, engulfed in fumes, smoke and soot from a passing truck or bus, has wondered if anyone is trying to stop the noxious belching.

In fact, very little is being done. The nation's 23 million trucks, which are driven almost constantly, have escaped stringent antipollution regulation by the Government.

The trucking industry's success at avoiding tough regulation has been called the "most effective coup that industry has pulled off on the Environmental Protection Agency," according to a trucking representative quoted in a staff memorandum circulating through the agency.

The representative—an official of the Cummins Engine Company, Inc., one of the largest truck engine makers indicated, according to the memo, that the company was cutting back its efforts to curb pollution "due to speculation that E.P.A. had no intention of instituting" rigorous antipollution rules on trucks for several years.

Emission standards for trucks and buses have been set, but rules covering some pollutants are eight or nine times more stringent for cars than they are for heavy-duty trucks. The environmental agency has delayed issuing tougher regulations on heavy trucks until a "substantive" new test procedure can be developed.

According to the Cummins representative, as noted in the memo—the environmental agency is committed to a long project to find a new test procedure, which is bound to result in additional delays and could postpone instituting controls for heavy-duty engines for years.

Eric Stork, a deputy assistant administrator of the environmental agency, predicted that new regulations for trucks would be in effect by 1977 or 1978, but apparently the industry is counting on a later date. Some officials of the agency do not expect the new standards until 1979 or 1980.

Mr. Stork explained that it was much more complicated to set pollution standards for trucks than for automobiles. Cars have relatively standard equipment, he said, but there is an "incredible diversity with trucks."

Most trucks are tailormade, he said. There are only about a half-dozen truck engine manufacturers, Mr. Stork said, but trucks have a wide variety of carburetors, transmissions, wheels, exhaust systems and other equipment.

Another factor is that the amount of weight a truck carries varies widely, he said.

NOT PRACTICAL

"We have to prove the emissions' effects on air quality" from all these different trucks, before new standards are set, Mr. Stork said. "We have an enormous amount of work to do to figure out how to control trucks," he maintained, because "it isn't practical to control emissions on trucks as we do with cars."

Heavy-duty trucks have been regulated by the environmental agency since 1970; light-duty trucks since 1968.

Light-duty trucks—campers, pickups, four-wheel drive vehicles or any trucks under 6,000 pounds—undergo the same tests as automobiles. The exhaust standards that light trucks will have to meet by 1975 are more lenient than standards for cars in 1975, even though many of these trucks have the same engines as passenger cars.

As a result, light-duty truck manufacturers will not have to install an expensive antipollution device called a catalytic converter, an item car manufacturers will be adopting.

The regulations that heavy-duty trucks will have to meet by 1974 developed from a test procedure devised by the trucking industry in California.

"The controls now are based on unsatisfactory testing," Mr. Stork acknowledged.

An example of the difference between the regulations for cars and trucks is the amount of carbon monoxide they are allowed to emit.

A heavy-duty truck with a gasoline engine meeting E.P.A. standards would be emitting about 130 grams per mile of carbon monoxide while an automobile would be limited to a maximum of 15 grams per mile, under the 1975 standards.

Diesel-powered trucks could emit about 34 grams per mile of nitrogen oxides, according to an estimate by the E.P.A., while cars could emit only 2 grams per mile.

Department of Transportation figures show there are 23 million trucks and 100 million cars on the road.

HOW CAN WE HOUSE OUR POOR?

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. KYROS. Mr. Speaker, a few weeks ago the executive director of the Portland, Maine, Housing Authority, John S. Dexter, Jr., addressed the members of the Portland Women's Rotary Club on the subject of the Federal Government's role in housing our Nation's low- and moderate-income citizens. In his thoughtful and cogent remarks, Mr. Dexter argues convincingly against the current administration's housing allowance system as a simple substitute for the sections 235 and 236 housing programs under the Department of Housing and Urban Development. Rather, he urges, in a carefully considered response to the question "How Can We House Our Poor?" that the 235 and 236 programs be retained, but in significantly modified forms. Mr. Dexter's suggestions are worthy of careful consideration. I have already sent a copy of his address to the chairman of the Housing Subcommittee, our distinguished colleague, WILLIAM A. BARRETT, and I commend it to the attention of all of my colleagues at this time:

HOW CAN WE HOUSE OUR POOR?

For years, many Americans have pondered the question: 'How can we House our Poor?" Since the late 1930's, however, we have, while we have pondered, also been doing something to house our Nation's disadvantaged. The Public Housing program is responsible for 1114 units of Public Housing in Portland, and the Federally subsidized 235 and 236 moderate income program is responsible for several hundred more units in Portland and vicinity. None of the programs which provided for this development were perfect, but all contributed in their way to alleviate the critical housing shortage for many families and senior citizens.

Since January of this year, however, the Federal Government has stopped all programs to provide housing for poor and moderate income Americans. In January, the President called for a moritorium on all subsidized housing programs terming them expensive, inefficient and unsuccessful. After 10 months of "study", he proposed that all three of these subsidized housing programs, i.e., public housing, the 235 purchase program which subsidized the mortgages of lower income families down to one per cent thus allowing them to purchase a home of their own, and the 236 program which subsidized developers' mortgages down to one per cent in exchange for a promise that their units rent for low rental amounts, be done away with.

As an alternative, the President proposed that he would at some time in the future send to Congress a Housing Allowance system under which cash would be given directly to low and moderate income families so that they could purchase their own housing on the private market. This legislation, would not, he said, be forthcoming until 1974 or 1975, and could not be enacted until 1976.

After enactment, the program would begin as an experiment in a few cities with a selected Senior Citizen target population, and if it worked, it would be expanded to include increasing numbers of people until all needy Americans were covered by the system. For those of us involved in housing the nation's poor, the President's announcement was received with skepticism and very mixed emotions. Let me elaborate.

First, there was no need for an 18 month moritorium. With minor modifications, and a tightening up on abuses in the programs in a few large cities, the existing programs could have been continued, until a new program had proven itself. Stopping the existing programs until a better system could be developed makes no more sense than not eating *anything* because *steak* is too expensive. In the latter case you would starve; in the former you live in a condemned house.

Even if there was no break in the continuity of our housing programs, the housing allowance is not the answer. Giving subsidies to low and moderate income families to allow them to purchase housing on the private market would work well if there was enough housing on the market to go around. Unfortunately there are not enough housing units. In Portland, the vacancy ratio is only four units out of every hundred. At least twice that many would be needed for even a moderately successful housing allowance program. And even with the higher vacancy ratio, families and senior citizens of limited means will suddenly be able to compete for more choice housing with those of higher incomes driving already expensive housing costs even higher.

Your housing costs and mine will go up, and the subsidy needed by low income families attempting to compete in the same market will of necessity have to increase. New housing constructed to meet the new demand will be financed with mortgages in excess of 9% as is currently the case again driving the cost of housing even higher. And each year, in an inflationary economy, the size of the housing subsidy must grow placing a bigger and bigger burden on the Federal Government, and indirectly, the taxpayer.

In summary, then, the housing allowance program, proposed by the Administration, rather than alleviating the plight of the poor, will instead raise the price of all our housing while taking an ever increasing bite from our pocket books through ever increasing taxes.

Despite a price tag which I believe is unacceptable, the housing allowance does have strong advantages from a social point of view which I believe are essential for a successful housing program. By allowing low and moderate income families to live anywhere they can find suitable housing, it would, if used on a large scale, eliminate large concentrations of low income, often hard core families. Further, it would tend to mix socio-economic groups thus reducing tensions and social conflicts between income strata. The old nemesis of public and subsidized moderate income housing, the crowding of large low income families together into a small space so that their bad habits can re-enforce each other, would be eliminated.

Before I give you my personal answers to the question: "How can we House our Poor?", it is essential that I briefly answer the President's charges that Public Housing is wasteful and inefficient, and that it does not solve the problem. The current average per unit operating cost of a Portland Housing Authority Unit is $62.00 per month.

Forty per cent of that cost is for utilities. I do not believe that that is a wasteful or inefficient expenditure. In addition to this figure, we must, with Federal Government help, retire the mortgages on our buildings. As of yesterday, the interest rate on these mortgages was under 5½% due to their tax exempt status. This is 4% below the current market rate which a private developer would secure and thus our amortization costs are lower.

To make the picture look even rosier, our tenants pay us on the average $51.00 per month in rent. Thus our net subsidy, exclusive of mortgage retirement, is only $11.00 per unit each month. And, to counter the charge that public housing construction costs are exorbitant, I would point out that our last two projects cost us $20,000 per unit and $15,000 per unit respectively, including streets, sidewalks, sewers, and community building space.

Now, "How can we house our poor?" If you can accept my contention that the construction of public housing and moderate income 235 and 236 housing is cheaper in the long run than a housing allowance, and yet feel, as the Housing Authority and I do that large concentrations of low income families do a dis-service to the families and the Community, then I believe you will agree with my conclusions.

First, the Federal Government must continue to develop housing. This is the only way to expand our housing stock at reasonable cost.

Second, we must stop building large concentrations of low income housing, and start building single units or small clusters of 10 units or less, or, as a further alternative, we must mix income groups in all Federally assisted housing including FHA insured.

Third, when there is an expanding housing market with Government help to allow enough slack, we should add to our arsenal of weapons the housing allowance on a limited basis, it would be especially useful for families who are almost, but not quite able to afford private market housing on their own.

Fourth, and most importantly, we must stop building housing as we have for the last 200 years. The only way to truly lower housing costs, is to lower the cost of the housing itself. To do this, we must develop a mass produceable, factory manufactured dwelling unit constructed from the latest plastics, fiberglas, and metals. We must then adopt a nationwide building code which will make such a home acceptable to local code enforcement officials. I believe that a nation that can put a man on the moon and spend millions on an SST that never got beyond the mock up stage can use those same now vacant plants and skilled technicians to build the universal, reasonably priced housing unit.

That, I believe, is "How we can House our Poor."

ALASKA MARINE MAMMALS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. DINGELL. Mr. Speaker, the Marine Mammal Protection Act of 1972 has occasioned a great deal of comment, some of it favorable, and some of it critical. During the August recess, I and several members of my subcommittee went into the field to look into the question.

One of the hearings that we held was in Anchorage, Alaska, and a principal issue of concern in the course of those hearings was the question of the proper control of native taking. It is clear that Alaskan Natives depend to a great extent upon the taking of marine mammals for subsistence. It was not the purpose of the act to inhibit this activity, but it was the purpose of the act to prevent wasteful and poor management practices.

The Department of the Interior has recently prepared a document highlighting the act as it applies to Alaska Natives, and answering several of the questions that have been raised. The summary is useful and the answers to the questions are helpful and imaginative responses in areas of ambiguity in the act. I commend the Department for its actions in this regard:

Native Exemption Highlights of the Marine Mammal Protection Act of 1972 and Regulations

Date of enactment: October 21, 1972.

Effective date: December 21, 1972 (on this date the moratorium takes effect).

Jurisdiction: Department of Interior: Walrus, sea otters, polar bear, and manatee.

Department of Commerce: Seals, whales, sea lions, and porpoises.

Moratorium: On December 21, 1972, except as otherwise specified, there will be an indefinite complete cessation of the taking of marine mammals and a complete ban on the importation into the United States of marine mammals and marine mammal products.

Native exemption to moratorium: The provisions of this Act shall not apply with respect to the taking of any marine mammal by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes by Alaskan aNtives who reside in Alaska, or

(Subsistence means the use by Alaskan Native of marine mammals taken by Alaskan Natives for food, clothing, shelter, heating, transportation, and other uses necessary to maintain the life of the taker or for those who depend upon the taker to provide them with such subsistence.)

(2) is done for purposes of creating and selling authentic native articles of handicrafts and clothing,

(Authentic native articles of handicrafts and clothing means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to 18.23(c) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups, such as cooperatives, is permitted so long as no large scale mass production results.)

(3) in each case, is not accomplished in a wasteful manner.

(Wasteful manner means any taking or method of taking which is likely to result in the killing or injuring of marine mammals beyond those needed for subsistence purposes or for the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.)

Definitions: 1. *Alaskan Native* means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. Sec. 1603(b) (85 Stat. 588) as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any such citizen enrolled by the Secretary pursuant to Section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.

2. *Native village or towns* means any tribe, band, clan, group, village, community.

3. *Take* means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal.

Restrictions: (1) No marine mammal taken for subsistence may be sold or otherwise transferred to any person other than an Alaskan Native or delivered, carried, transported, or shipped in interstate or foreign commerce, unless:

It is being sent by an Alaskan Native directly or through a registered agent or registered tannery for the purpose of processing, and will be returned directly or through a registered agent to the Alaskan Native; or

It is an edible portion and it is sold in a native village or town in Alaska.

No marine mammal taken for purposes of creating and selling authentic native articles of handicraft and clothing may be sold or otherwise transferred to any person other than an Indian, Aleut or Eskimo, or delivered, carried, transported or shipped in interstate or foreign commerce, unless:

It is being sent by an Indian, Aleut or Eskimo directly or through a registered agent to a registered tannery for the purpose of processing, and will be returned directly or through a registered agent to the Indian, Aleut or Eskimo; or

It has been first transformed into an authentic native article of handicraft or clothing; or

It is an edible portion and it is sold (A) in an Alaskan native village or town or (B) to an Alaskan Native for his consumption.

(2) No person shall use any aircraft to take any marine mammal in violation of 16 U.S.C. 742j–1, 85 Stat. 480, Pub. L. 92–159.

Notwithstanding the preceding provisions of this section, whenever, under the Act, the Secretary determines any species or stock of marine mammals to be depleted, he may prescribe regulations pursuant to Section 103 of the Act upon the taking of such marine mammals by any Indian, Aleut or Eskimo and, during the existence of such regulations, all takings of such marine mammals by such persons shall conform to such regulations.

Summary: In brief this means Congress has made special provisions for Alaska Natives to continue taking marine mammals for their way of life; however, they require the people to use all of the animals they kill.

Every effort must be made to bring in the meat of all walrus taken and does not allow the killing of animals for just the tusks. It allows the sale or barter of ivory between Natives but does not provide for non-natives to buy, acquire, or possess ivory or any other parts of marine mammals until they have been transformed into authentic native articles of handicraft or clothing. This includes polar bear hides.

COMMON QUESTIONS

1. Can Natives now kill sea otter?

Sea otters have been protected since 1911 and were not commonly used for subsistence or articles of handicrafts or clothing on December 21, 1972. Apparently, Congress did not intend to allow the Natives to create any new industries, but rather to maintain a true subsistence type of life style, if they so chose. Therefore, the answer would have to be no.

2. Is it legal for a native to ship marine mammal skins for the purpose of tanning and then subsequently return the skins to Alaska for use in manufacturing traditional items?

Yes. Provided, if they are sent directly to a registered tannery or agent within the United States which may possess and process marine mammal products for Indians, Aleuts or Eskimos.

3. Is it legal for a native to give, barter, or sell raw ivory, or polar bear hides to a non-native?

No. In order to give, barter, or sell marine mammals to non-natives, the raw material must be changed into an authentic native article of arts or crafts. This applies only to animals taken after December 21, 1972.

4. Is it legal for a native to give, barter, or sell seal hides, ivory, or polar bear hides to another native?

Yes.

5. Is it legal to use aircraft to take and transport polar bear?

Aircraft cannot be used in the taking; however, they can be used for transportation.

6. Is it legal for a native living in the Interior to go to the coast, set up a tent and hunt?

Yes. This is legal. A tent or wherever he is staying is considered his dwelling place. The question arises because the Act states that only coastal dwelling Indians, Eskimos, and Aleuts can take marine mammals.

7. Are State regulations requiring sealing of polar bear hides still in force?

Yes. The State will continue to seal polar bear hides as they have done in the past.

8. Do the regulations covering "take" apply to beach dead animals?

Only Natives can take beach dead animals. Walrus tusks, whale bones, etc., can only be sold after they have been turned into authentic native arts or crafts.

9. Can a non-Native who is married to a Native woman take marine mammals for subsistence for his family?

No. The Act is very specific on this issue and makes provisions for only Indians, Aleuts, and Eskimos to take marine mammals.

10. Can Natives hunt walrus on or around Walrus Islands (Togiak Area)?

The State of Alaska has set aside the Walrus Islands and adjacent waters as a State Game Sanctuary and prohibits the killing of walrus there. The Marine Mammal Act does replace State Hunting Regulations and allows Natives to take marine mammals at any time for subsistence purposes. However, since the State owns the Islands and adjacent waters, it can prohibit trespassing and thus not allow anyone in that area.

11. Who enforces the Marine Mammal regulations?

Federal Agents of both National Marine Fisheries Service (Department of Commerce) and the U.S. Fish and Wildlife Service (Department of Interior). In addition State Fish and Wildlife Protection officers have been deputized authorizing them to enforce the provisions of both Commerce and Interior regulations. Violations will be handled in Federal Courts.

TESTIMONY ON NOMINATION OF GERALD R. FORD

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. McCLOSKEY. Mr. Speaker, it was my privilege Monday to testify before the Senate Rules Committee with respect to our colleague and friend, GERALD R. FORD. I thought perhaps others may wish to enlarge or comment on that testimony which follows:

TESTIMONY ON NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT OF THE UNITED STATES

Mr. CHAIRMAN: I testify before you today from perhaps a different standpoint than the other friends and colleageus of Jerry Ford who have appeared before the Committee.

First, in the nearly six years I have been privileged to serve in the Congress, I have found myself quite often in disagreement with the positions and views Congressman Ford has expressed. This has been true particularly during the past three years, when Jerry, as Minority Leader, in view of his own concept of the responsibilities of a Minority Leader, has been required to advance the President's cause in a substantial number of cases where the check-and-balance responsibilities of the Congress have been in direct conflict with White House positions.

We have had vigorous disagreement and debate on issues as fundamental as the Vietnam War, the ABM, the SST, and criteria for impeachment, both of Justice Douglas and the President, and of congressional responsibility to ascertain the truth from the executive branch.

It is precisely *because* of Jerry Ford's conduct in these disagreements, however, that I feel he is perhaps as qualified as any individual I know to be Vice President of the United States. Should fate or the constitutional process of impeachment so require, I believe Jerry Ford would be an able President of the United States, and perhaps the best kind of President we could have at this stage in our history.

In this connection, I would like to suggest that the key criteria of leadership essential to the nation today are integrity, calm judgment, humility and the ability to draw people together without rancor despite their differing views. This last quality is a unique aspect of Jerry Ford, one which I have never seen excelled by any of the able leaders I have observed, whether in business, in political life or in combat.

There is a basic trust which Jerry Ford inspires in those who work with him, a trust which is rare in an individual who is in constant confrontation with shifting political coalitions and with individuals of deeply-held views on serious issues.

I have puzzled over just exactly what it is in Congressman Ford which has occasioned my own faith and trust in his leadership. With some hesitancy, I would like to suggest the thought that it stems from an absolute and almost painful honesty on his part, an honesty which goes to the very best of our tradition and roots in the history of the American midwest.

You as Senators, and I as a Member of the House, are trained to be skeptical of the fluent phrase and the well-articulated argument. We know how easy it is to be less than precise—to seek to be politic and satisfy all viewpoints with a comment which displeases no one yet says nothing of substance. Time and again, in difficult floor debates, or in personal conversations with colleagues, I have seen Jerry resist the soothing, less-than-exact words which might have won the battle of the hour, but left resentment in retrospect on the part of those he has asked to follow his leadership.

An example of Jerry's service in this regard occurred in the historic House debate on June 29 of this year when the House voted to end the Vietnam War by a vote of 204 to 204.

In the debate on the floor, appears the following question and answer:

Mr. McCLOSKEY. "Mr. Chairman, do I understand correctly that under this bill which would authorize bombing to be continued up to August 15 the White House is committed when this bill is enacted and signed into law that all bombing would cease on August 15, that all military activity in and over Laos, Cambodia, and North and South Vietnam would cease unless the President came back to the Congress and asked for and obtained authority to commence military activity?"

Mr. GERALD R. FORD. "That is my understanding."

A lawyer will immediately perceive the lack of clarity or commitment in the phrase "That is my understanding."

Later in the debate, just prior to the vote, Jerry spoke again:

"Mr. Chairman, I just finished talking with the President himself for approximately 10 minutes, and he assured me personally that everything I said on the floor of the House is a commitment by him."

This precision of language and legislative history of course represents a major contribution to the law of the land, since "an understanding" has been replaced by a clear and exact commitment, one of immense importance at this hour of uncertainty in Southeast Asia.

I have seen him fight hard fights, with the ultimate decision resting on a handful of votes of those of us who, in Jerry's mind, were standing in the way of a crucial victory on a major issue. Never once have I seen him threaten, offer promise of reward, or in any way act in less than the manner all of us would hope a great statesman would act in the best of our national traditions.

This is a real leadership in its own right, a leadership which could perhaps do more to restore the faith of our people in these difficult times than any brilliance, political skill or charisma which might be the attributes of other able leaders who might be nominated for the Office of Vice President.

A further quality I would like to mention is the inherent humility of Jerry Ford, his capacity to admit mistakes and to accept blame.

For too long, I think, have we sought to defy our national leaders. A President is a man, not a god. His task is to see that the laws are faithfully executed, not to rule as some sort of emperor with divine guidance. A little humility in the White House could be a refreshing thing.

I would like to comment on one other matter of which I have had personal experience, the comments of Robert Winter-Berger in his book, *The Washington Pay-off*.

In April, 1971, I came back from a trip to Vietnam and Laos, dedicated to challenging the Administration's Vietnam policy in the Republican primaries in the event no better qualified Republican came forward to do so. I felt strongly about our Vietnam policy and was likewise concerned by what seemed to me an increasing pattern of untruthfulness and corruption on the part of the Nixon Administration.

At the San Francisco Airport, I happened to buy one of the first copies of Mr. Winter-Berger's book detailing a series of experiences Mr. Winter-Berger had had while serving as a Washington lobbyist. I was particularly interested in the specific examples Mr. Winter-Berger described relating to Republican practices, practices in which Congressman Ford's office was prominently mentioned.

I called Mr. Winter-Berger and he met for more than an hour in my office in the Longworth Building. We went over, in some detail, his experiences with Jerry Ford, with my attention and questions seeking to probe for any conduct on Ford's part which would justify citation as examples of political corruption of the type I was claiming as typical of Richard Nixon's past political history, items such as the 1956 Hughes loan, the 1962 California gubernatorial campaign misrepresentation and the like.

At the conclusion of the interview, I had reached the opinion that even accepting the *facts* Mr. Winter-Berger related as being true, I could not conclude from those facts that there was a single instance of wrongdoing on Jerry Ford's part. I had no reason to disbelieve any of Mr. Winter-Berger's allegations and placed reliance on what he said; nevertheless, I did not feel his conclusions from those facts could be construed as supportive of any allegation of misconduct.

In conclusion, I have said before that I have puzzled sometimes over exactly what it is about Jerry Ford that causes me to like him so well and respect him so much. Whatever his qualities are, they have inspired my own complete trust, faith and respect.

I believe those qualities will possibly also go a long way in restoring the public's faith in our system of government, a faith which, in my judgment, is our most priceless asset as a nation. Thank you.

EPA AND THE ENERGY CRUNCH

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. LANDGREBE. Mr. Speaker, the Environmental Protection Agency recently conducted hearings involving two Indiana power companies, Public Service Indiana and Northern Indiana Public Service Co. On the day prior to the commencement of the hearings, October 17, 1973, the president of Public Service Indiana, Mr. Walter J. Matthews, released a statement, the text of which I wish to include in the RECORD. Since the citation of Public Service Indiana for violation of air pollution guidelines, Mr. Matthews has been under threat of imprisonment and heavy fines. Yet the demands made by the EPA are not possible to meet. As an example of the threat EPA poses to the well-being of the American people, I present Mr. Matthews' statement on clean air:

STATEMENT BY WALTER J. MATTHEWS, PRESIDENT, PUBLIC SERVICE INDIANA

Everybody's for clean air.

The electric utility industry included. Matter of fact, few industries have done more or invested more heavily in air quality improvement. We all want clean air but we in the energy business don't think regulatory tangle and strangle is the way to achieve it.

Here's the problem as it relates to two electric power plants in Indiana—plants that help provide energy to nearly 900,000 customers: Northern Indiana Public Service Company's Bailly Station near Chesterton . . . and Public Service Indiana's Wabash River Station north of Terre Haute.

The Environmental Protection Agency has cited both utilities for allegedly failing to comply with the 1970 Clean Air Act at these two plants. EPA says the plants are in violation of the state's Air Pollution Control Regulation 13 governing sulfur dioxide emissions. It threatens top officers with imprisonment and stiff fines. EPA claims neither utility has complied with the implementation plan of the Clean Air Act. APC 13 sets a January 1975 deadline for installation of effective sulfur dioxide removal equipment on all stationary sources.

We challenge this action by EPA on both a legal and common sense basis.

Public Service Indiana sought and has been granted a variance from sulfur dioxide regulations at its Wabash River Station by the Vigo County Air Pollution Control Board. This variance was approved by the State Air Pollution Control Board, which previously had granted similar variances at four other coal-fired plants of the company and at the coal-fired plants of Northern Indiana Public Service.

These variances recognized the fact that sulfur dioxide removal equipment is not commercially available and will not be available to meet the January 1, 1975, installation deadline.

At the time of the EPA citation, legal challenges of APC 13 and EPA's arbitrary approval of the state's implementation plan were pending in both federal and state courts. The EPA citation ignores these pending actions that question the very constitutionality of the regulations.

That's the legal basis for our position. Now let's turn to the common sense side of the issue.

First, it is essential to realize that there is no evidence that public health hazards are presented by the operation of these power stations. Indeed, there is no indication that emissions from these plants violate applicable state regulations. Monitoring data provided by the Vigo County Health Department indicate that the quality of ambient air—that is, the air people breathe—in the Terre Haute region is well above acceptable standards.

Hear what Mark Sutton, director of the Vigo County Air Pollution Control Board, says in granting a variance for Wabash River Station: "A continuing factor in allowing this variance is that all ambient air sampling for sulfur dioxide which has been done in the past two years indicates that we are not exceeding the primary or secondary ambient air standards for sulfur dioxide."

Indeed the quality of air in Terre Haute today is dramatically better than it was only a few years ago when coal was the primary fuel heating homes and offices throughout the area.

The Clean Air Act sets nationwide emission standards and gives little recognition to wide variations in geography and economic development from area to area. What makes sense in New York City or Los Angeles doesn't automatically make sense in Terre Haute or in Michigan City.

EPA's inflexible approach to air quality standards imposes tremendous cost burdens on energy users without corresponding benefits. To require heavy investment to protect the corn fields of Vigo County to the same degree that you would protect the densely populated urban areas doesn't make much sense.

We simply cannot see or measure any adverse effect on vegetation or wildlife around any of our generating stations. Agricutural productivity in Vigo County has increased over the years, not declined.

One of Indiana's largest livestock operations is located some five miles from Public Service Indiana's largest generating station. There has been no observable impact on this operation from the nearby power plant.

EPA emission standards, in our opinion, were not set with any real scientific precision or based on defensible documentation. They are arbitrary and they virtually assure unnecessarily high corrective costs in relation to any benefits.

APC 13 requires that sulfur dioxide removal equipment be installed and in operation by January 1975. Let's assume for the moment that we were to charge full speed ahead toward this goal. And let's assume that commercially proven sulfur dioxide removal systems were available—systems that have demonstrated through extended full-service performance that they would do all they were designed to do. (While vendors claim such equipment is available today, we have found none who will guarantee their performance claims and back them up with meaningful warranties.) Let's assume, too, that such equipment were already ordered, designed, fabricated and delivered to Wabash River Station . . . at the site ready to be installed.

Even *this* would not permit us to meet the deadline.

Installation of such equipment would of necessity be scheduled unit by unit so that the station could continue to supply essential energy to meet customer power needs. Installation of sulfur dioxide removal systems on all six generating units at this plant would require an estimated 60 months to complete. Testing and final adjustment would further extend the timetable.

I would now like to touch upon the *economic* impact of this regulation. It is estimated that the cost of installing sulfur dioxide removal equipment at present state-of-the-art efficiencies would amount to some $60 million at Wabash River Station alone. Extending similar equipment across the board to all Public Service Indiana plants would result in tremendous cost that would affect every customer we serve. Our customers' electric bills would be increased by approximately 25%.

Now if this vast outlay of money would produce real and corresponding benefits to the public, utilities such as Public Service Indiana and NIPSCO would certainly move forward to get the job done. But we hate to see the forced installation of untried and unproven systems which, with further development, could be upgraded in efficiency and reduced in cost.

Capital costs stay imbedded for a long time. Customers will be helping us pay for this equipment long after more enlightened environmental approaches may say there's no need for it—or obsolescence forces its abandonment.

Now lest what I have said so far suggests that we are dragging our feet and only reluctantly working toward practical solutions to sulfur dioxide removal, may I offer a brief rundown of what we have been doing.

In June 1972 NIPSCO joined with EPA to build a $10 million sulfur dioxide removal demonstration unit at its Mitchell Station in Gary. It also has been test-burning low sulfur Western coal.

Since 1966 Public Service Indiana has been participating in research in sulfur dioxide removal. Wheelabrator Corporation installed a demonstration system at one of our stations; worked for 2½ years before concluding that the process was not commercially adaptable.

Since 1969 our company has been a part of the Babcock & Wilcox/Esso effort to control sulfur dioxide and nitrogen oxide emissions with a dry sorbent process.

Beginning in 1971 our company supported research by Combustion Engineering that led to installation of a demonstration unit at a plant of Louisville Gas & Electric. While this process looks very promising it remains in preliminary test stage and requires much more time and study to demonstrate its efficiency and reliability.

Two years ago Public Service Indiana with the support of NIPSCO and eleven other utilities became a partner with Westinghouse, AMAX Coal, Peabody Coal Company and the Bechtel Corporation in a coal gasification project aimed at finding a practical way to remove pollutants from coal through gasification prior to fueling electric generating units. We're optimistic about this process and expect it to lead to a full size demonstration unit being built at our station south of Terre Haute.

And finally, even with our serious reservations about the present state of the art of sulfur dioxide removal, we have made a commitment to install a scrubber module at our new Gibson Station slated for operation in 1975. To begin with, one-ninth of the total gas flow from this unit will be directed through the scrubber and if it performs satisfactorily the system might be extended to the entire plant.

Utilities aren't perfect. We don't know all the answers. But we have demonstrated a real desire to help do our full part in cleaning up the air and water around us. Our two companies alone have spent $190 million on environmental quality and have budgeted even more in the years immediately ahead.

But utilities do have the responsibility to the public to provide dependable electric service at reasonable cost. We can't meet that obligation in the face of unreasonable pressures to spend awesome amounts for nonproductive programs with dubious benefits.

Where does this leave us and many other utilities: The choices are not pleasant. We can shut down stations and run into serious impairment of service—including the probability of widespread outages. We can ignore the EPA restrictions and subject our officers and companies to severe criminal action. Or we can work toward reason in regulation. We can try to convince members of Congress that the Clean Air Act poses grave energy and economic problems . . . and work toward modifications that would *first* document the actual health hazards of sulfur dioxide and establish corresponding ambient air standards; *second*, recognize engineering realities and present state-of-the-art technology; *third*, provide for cost-benefit analysis; and *fourth*, set realistic timetables that permit programmed installation of equipment compatible with continued operation of power stations.

We think this will do much to assure the American people of what they really deserve: A sound and reasonable approach to environmental goals that leads to meaningful benefits at a price we can afford.

Yes, we want clean air and clean water. But let's put these high goals in proper perspective. The job calls for reason and logic, not blind zeal.

UNIVERSITY OF SANTA CLARA HONORS THREE WITH DEGREES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. EDWARDS of California. Mr. Speaker, I bring to the attention of my colleagues a recent event at the University of Santa Clara in my congressional district. Three individuals who have given their time, financial support and boundless energy to the cause of higher education, and specifically higher education at the University of Santa Clara, were honored with the conferral of honorary degrees.

Fr. Charles S. Casassa received an honorary doctorate of humane letters. Father Cassassa has long been recognized as an outstanding educational administrator and as a civic leader. He was president of Loyola Marymount University in Los Angeles from 1949 to 1969 and was named chancellor of the university in 1969. He also serves on the board of trustees of Gonzaga University and the University of San Francisco. Indeed, this fine man has dedicated most of his life to service to his fellow man through education.

Thomas J. Bannan received an honorary doctorate of science. Named to the University of Santa Clara Board of Regents in 1970, he and his fine family have a history of generous support to the university. Indeed, on October 19 the university celebrated the dedication of Berchman A. Bannan Hall, named in memory of Thomas' late brother. This lovely building is only the latest of many generous contributions to the university from the Bannan family. It would be difficult for the University of Santa Clara to provide the quality education now being offered were it not for the concern and interest of the Bannan family.

I was especially pleased that my close personal friend, Albert J. Ruffo, was awarded an honorary doctorate of laws. A prominent San Jose attorney, Mr. Ruffo served for 8 years as a member of the board of trustees for the California State colleges and is currently a member of the advisory board for San Jose State University. He also has served as a city councilman and mayor for the city of San Jose and has been a member of the board of governors for the State bar of California. A senior partner for Ruffo, Ferrari, and McNeil, he nevertheless takes the time and energy from his already busy life to serve on the board of regents of the University of Santa Clara. He has performed a valuable service to the university in this capacity.

I am pleased that these three fine men have been honored by the University of Santa Clara, and I would like to add my own words of praise for their generous and productive efforts in behalf of the university. It is a fine institution which, because their dynamic interest, is assured of future growth and progress.

FLOOD PREVENTION DAMS DEDICATED IN NORTH CAROLINA

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. PREYER. Mr. Speaker, recently I participated in a ceremony dedicating five flood prevention and sediment control dams in a watershed in my district. A number of governmental agencies have cooperated in this project along with the Boy Scouts of America.

Among the speakers at the dedication was State conservationist Jesse Hicks and I want to share with my colleagues the timely remarks which he made. The remarks follow:

U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

Forty years or more ago, farm youngsters often used to go swimming in creeks. If they could find a deep pool in the creek, where the swimming would be better or where they could jump off a bank while holding their nose, so much the better.

We think of the creeks back in those days as running clear and clean, with a minimum amount of pollution. A youngster could catch a crawfish, a tadpole, or perhaps bring home a nice string of fish after "wetting his line" for an afternoon.

It may be true that there was less chemical pollution in the streams in those days, but they were a long way from being pure. In fact: there was about three times as much mud or sediment coming off farmland in those "good old days" as there is now. Soil conservation has really paid off on farmland in North Carolina and across the Nation.

It was in those days, back in the 1930's, the conservation movement got started, with Hugh Hammond Bennett of North Carolina as the leader. He was concerned about soil erosion. He was grieved by the "dust bowl" conditions that devastated Oklahoma and other Great Plains States in the thirties.

And so it was right here in North Carolina, down in Anson County, that the Brown Creek Soil and Water Conservation District was organized as the first Soil and Water Conservation District in the Nation, and now there are over 3,000 such districts in every State across the country. Dr. Bennett, or Chief Bennett as many of us in the Soil Conservation Service know him, was the moving force behind this. He was a determined man.

He would go anywhere—from a small dirt farm to the halls of Congress—to talk about his dream of conservation. So concerned was he about erosion that the Soil Conservation Service was first called the Soil Erosion Service, and it was a very appropriate name. Chief Bennett fought erosion like Billy Sunday fought the devil, and used some of the same publicity devices as that famous Evangelist.

I believe both of them won partial victories—Billy Sunday never quite got rid of Satan and we've never quite brought erosion under complete control, but I think each one set the enemy back pretty well.

North Carolina can be very proud of Hugh Hammond Bennett. He was a great North Carolinean. Were he alive, he would be very proud of this project that is being dedicated here today. Because it is the young citizens who are the principal beneficiaries—the present and future Boy Scouts—and they owe a debt to this conservation work through the years.

The five flood prevention and sediment control dams in this watershed, of course, are the most visible part of the project. They will provide eloquent testimony to the effectiveness of such conservation measures. We have a miniature watershed project which will provide effective sediment control as well as flood protection. Lake Brooks is one of the best protected watersheds I believe you will find anywhere.

But there is more. In this watershed, which covers more than a thousand acres—actually 1,065—we have a blend of woodland, cropland and grassland, as well as areas for housing, roads and recreational facilities.

More than 180 acres of woodland have been improved. Wildlife habitat has been developed, and trees planted on 37 acres where they were needed. A time-honored erosion control measure—terraces and other conservation measures, such as grassed waterways and field border plantings, have been installed as part of the land use program. Conservation cropping systems and pasture planting have also been important measures.

All of this conservation work will constitute a virtual classroom to teach our Boy Scouts about watershed development, flood prevention, and conservation measures applied to the land.

This is an excellent example of people working together—teamwork—to accomplish a shared objective. The North Central Piedmont Resource Conservation and Development project, and particularly the Guilford County RC & D Water Resources Committee deserve much of the credit. The General Greene Council, Boy Scouts of America, and Ben Ussery, Scout executive have done a great job. The Guilford Soil and Water Conservation District has of course made an important contribution, and I am glad that we in the Soil Conservation Service could provide technical and engineering assistance to help with this fine effort.

When we give a natural watershed area like this one a new lease on life—and that is no exaggeration—I firmly believe that we have made a major contribution to the quality of the environment and the quality of life in America.

We can all be proud of what has been done.

NECESSARY AMENDMENTS TO THE TRANS-ALASKAN PIPELINE CONFERENCE BILL, S. 1081

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HORTON. Mr. Speaker, the trans-Alaskan pipeline conference bill contains several nongermane Senate amendments; two of which are unconstitutional, and another which would destroy the controls we have over governmental requests for information from the public. These poorly thought-out amendments have never been considered in the House, nor were they the subject of any hearings in the Senate. The House must insist that these provisions be either appropriately amended or deleted from the bill.

Section 404 of the bill as reported by the conference would require Senate confirmation of the Director of the Energy Policy Office. Section 405 would require Senate confirmation of the head of the Mining Enforcement and Safety Administration. Whether appointments to these two offices should be subject to Senate confirmation is not the issue here, for the language does more than just require Senate confirmation. First, the incumbents are removed from their offices upon enactment of this bill. This happens, because the incumbents would not qualify for their offices once Senate confirmation of their appointments is required. Second, if an incumbent is nominated to fill his present office, he could be removed at any time by a majority vote of the Senate.

Mr. Speaker, this conference bill must be viewed as exceeding the constitutional bounds of congressional power. Under our Constitution, only the President has the power to remove purely executive officers. There have been previous attempts by the Congress to force the removal of officers in the executive branch, but they have never been successful. On several occasions, the Supreme Court itself has struck down congressional attempts, saying that the President has the exclusive right to remove executive officers. The Congress recently has avoided overstepping its constitutional bounds. In 1965, the House refused to pass a bill which would have removed Sargent Shriver from one of the two appointments he then held. In 1968, legislation to make the FBI Director subject to Senate confirmation was consciously worded so as to take effect only after the termination of the service of the incumbent.

An important principle is at stake here—whether the Congress may at any time and by means other than are to be found in the Constitution, act so as to remove an executive officer. In 1965, Attorney General Katzenbach wrote an opinion for President Johnson which clearly makes this point.

> Congress may impose reasonable qualifications, applicable prospectively, upon those who would hold executive posts it has created. But if Congress could impose qualifications retroactively, thereby ousting the incumbent, it could remove any officer whose performance, however satisfactory to the President, was unsatisfactory to it. The Constitution is certainly not susceptible to any such interpretation.

I think members from both parties should carefully consider the advisability of establishing a precedent whereby Congress is able to remove executive officers by means other than those provided in the Constitution.

These two provisions could have been worded to apply only to future appointments to these offices. That is the constitutional way of adding the qualification of Senate confirmation to an appointment. I hope if the conference committee feels strongly that these two officers should be subject to Senate confirmation, that they will recommit, amend this language so that we can stay within our constitutional bounds.

At this very difficult hour in American history, we in the Congress must show that the Government can function within the rule of law. It would be most unbecoming and damaging to our system of government for the Congress to strike out beyond the Constitution. These provisions amount to the unconstitutional removal of legally appointed officeholders.

Section 409 of this bill would allow the regulatory agencies to collect whatever information they desired from businesses or individuals. I think this provision would be most unwise, and should be deleted from this conference bill.

This provision, another of the nongermane Senate amendments, was never considered by the House. I doubt any of the conferees of the Interior Committees have ever studied this issue, since the Federal Reports Act which is being amended is within the jurisdiction of the Government Operations Committees. I am familiar enough with the issues involved to say to my colleagues that you would be opening Pandora's box by allowing this provision to go through.

The Federal Reports Act of 1942 sets up a system whereby agencies wishing to collect information from the public are required to justify their requests to an outside agency, the Office of Management and Budget. This review was required, because we found the agencies often were collecting not only duplicative, but also unecessary information. Since this review system has been established, my committee has been called upon to amend the law on several occasions. But we have always been called upon to further limit the number of information requests made by the Federal Government.

I can say to my colleagues that I have never been told that the present system allows too few requests for information. If Members have seen problems in the reports control system, they have always been that too many requests are permitted. Business, in particular, is going bankrupt trying to respond to all the requests for information being submitted by the Federal Government. Section 409 would only increase the burden imposed on business.

I read the debate in the other House as reported in the Congressional Record on pages 23883–23887 and 24083–24086. The burden of the remarks on those pages is that OMB is holding up the work of the regulatory agencies, in particular that of FTC, by its review of the Commission's proposed data collections. Now this would be a legitimate problem; but then I looked at the Record a little more closely. Here is what I found:

There are 46 reports used by the Federal Trade Commission. Forty-two of these were approved by OMB in 15 days or less. Only two of them took more than 30 days to clear. These were revisions to existing reports, so there was no interruption to the data collection process. That does not look as though OMB is interferring with FTC's conduct of its own business.

But there is one report that OMB did hold up; let me tell you about the FTC line of business report which has attracted so much attention. It has been before OMB for almost 3 years. But is it because of OMB delay?

The record shows that after a public meeting in January 1971, at which the proposed report was severely criticized, FTC agreed that it had to reivse its proposal. It agreed to have it ready for OMB review by the fall of 1971; but no proposal was officially received by OMB until August 1973. Throughout the period from January 1971 to August 1973, OMB was urging FTC to get a proposal ready for clearance. OMB even went so far as to include $400,000 in FTC's 1973 budget for a line of business survey. Was OMB hindering FTC? Or is FTC using OMB as a convenient scapegoat when explanations are hard to make and even more difficult to believe?

I do not mind criticizing OMB when is deserves it, but the evidence just does not support the charge that OMB is using the Federal Reports Act to stifle the regulatory agencies. If Members feel this is the case, I would be the first to insist that hearings be held on OMB's stewardship of this reports control function.

If OMB is no longer adequately performing this function, we should consider fundamental changes in the system. Certainly, though, I doubt very much my committee would recommend developing two duplicative bureaucracies to perform the function of determining whether reports would be duplicative. Nor do I believe my committee would recommend that this executive function be given to the General Accounting Office, which is an arm of the Congress. I understand the Comptroller General realizes the folly of this and recommended this provision not be adopted. I have attached a letter from the Comptroller General arguing against this provision. Changes may be necessary in the reports control function, but not the changes made by this conference bill.

The Federal Reports Act was intended to control the paperwork burden laid on the public by Federal agencies. The regulatory agencies want to be free to do as they wish, ask what they wish, of whom they wish, in any way they wish. If we allow them to do so, we will be creating a huge loophole in the reports control system. Soon we will have other agencies asking for exemptions.

Mr. Speaker, this provision amounts to pulling down the barriers to a paperwork avalanche.

The letter follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C. September 18, 1973.
Hon. HAROLD T. JOHNSON,
House of Representatives.

DEAR BIZZ: I have followed with much interest the floor debate on the amendment to the trans-Alaska Pipeline legislation which would place in the General Accounting Office the responsibility for reviewing questionnaires and other information requests by the regulatory agencies, a responsibility now placed in the Office of Management and Budget.

I am frankly disturbed about the provision because it would establish an executive function in the General Accounting Office. In the past the Congress has avoided placing operating responsibilities of this type in the GAO because of our responsibility for advising the Congress as to how the executive agencies carry out their responsibilities. We cannot carry out an operating function and, at the same time, provide the Congress with an evaluation of it which would be considered as objective and unbiased. I believe that is the situation we face in connection with this amendment.

I have two suggestions which may be useful and which would avoid the problem which I foresee.

First, we would be happy to undertake, either at the request of the Congress or on our own initiative, a review of how the OMB has carried out its responsibilities under the Federal Reports Act with respect to regulatory agencies. I am aware of the criticisms which have been voiced on the subject and I believe that we could develop specific recommendations as a result of such an audit.

Second, it occurs to me that the central purpose of the amendment would be accomplished if the Federal Reports Act of 1942 were to be amended to make the OMB review advisory in nature. The OMB has the experts in this field. It has had long experience. However, the essential point is that whether the responsibility is continued in the OMB or placed in the GAO, the amendment makes the review advisory only and I should think that an advisory type of review for the regulatory agencies could be as well performed in the executive branch as it could in the legislative branch.

If the Congress, however, should decide to leave the responsibility with the GAO, I would urge most strongly that the provision become effective at a future date to enable us to obtain the staff which would be required to carry out the responsibility. We do not have the staff capability to carry on this function at the present time and it would be necessary for us to recruit additional people for this purpose.

Our views on this subject are set forth in greater detail in testimony presented last week before the Senate Government Operations Commitee on S. 1812, a bill to improve the coordination of Federal reporting services. This statement is attached.

Sincerely,

ELMER B. STAATS.

VOLUNTEER ARMY—CAREER VIEW

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, yesterday I inserted into the RECORD the first half of a recent Soldier magazine article on Volunteer Army improvements. The second half of that article dealt with career attitudes toward the Volunteer Army.

Many within the Army have claimed that the military is less effective because of changes that have been made. One who disagrees with this is Brig. Gen. Edward Greer, Deputy Commanding General of Fort Leonard Wood, Mo. He believes commanders who claim the people-oriented changes have caused disciplinary problems are making excuses for their own failures.

General Greer has said the All-Volunteer Army will work—

> If we don't blow it. We raised the standards. We're now getting a better cross section of American youth. But we can blow it by being antiquated in our thinking, training, and facilities.

If more military officers and enlisted men share this feeling and this awareness, the Volunteer Army will succeed. The views of General Greer and others are included in the following piece:

VOLUNTEER ARMY—CAREER VIEW

As the advertising began to pay off with more enlistments and Project VOLAR programs were implemented on post after post, how did career members already in service react?

Many saw the changes as a "permissiveness kick" which would increase disciplinary problems a hundred-fold. They saw the elimination of the pass form, a sign-in and sign-out sheet and reveille formation as a loss of control. With the placing of beer machines in the barracks they were convinced the Army had pulled out all the stops.

Disciplinary problems did increase but not all of them resulted from MVA/VOLAR programs.

The Vietnam War was winding down and thousands of Vietnam returnees wanted only to shed their Green Suits after pulling time in 'Nam. Some didn't adjust to garrison life and courts-martial and board actions increased significantly.

With rapid reduction in Army strength hundreds of Vietnam-related MOSs became surplus. Many soldiers were unhappy when they were reclassified.

The Early Release Program in 1971 aggravated the problems by causing extreme shortages in some skills.

Many career members blamed these problems on MVA/VOLAR. A particular target of their criticism was the paid radio and television advertising primarily aimed at getting young volunteers. Careerists didn't understand why large sums were being spent on advertising for recruits while Army strength was being reduced by officer RIFs, early releases and denying reenlistment to NCOs under the Qualitative Management Program.

MVA/VOLAR did generate its share of problems. Many volunteers listened to only part of the advertising message: The travel, adventure and changes in life-styles. They were not prepared for the realities of basic training. When the going got tough they went AWOL.

"The high school drop-out generally proved to be emotionally immature," MG Henion said. "He dropped out of high school and when the going got rough he dropped out of the Army. He went AWOL.

"We don't exclude non-high school graduates but our recruiters are now only given credit for three non-grads in every ten persons enlisted."

Sergeant First Class Lemuel Morris, a senior drill instructor at Fort Leonard Wood, MO, puts it another way: "There's really no excuse for a man not getting a high school diploma today. I consider the dropout to be a quitter."

Colonel George W. Orton, commander of the 3d Basic Combat Training Brigade at Fort Leonard Wood, has noticed a reduction in the number of disciplinary problems since restrictions were placed on the number of non-high school graduates allowed to enlist. "I'm beginning to feel much better about that situation. Non-graduates among the MVA enlistees we received in 1971–72 did cause disciplinary problems but I see a definite improvement with each cycle we put through."

Command Sergeant Major Dillon Harlow of the Fort Leonard Wood Reception Station feels that some of the changes have adversely affected discipline. "I personally feel discipline was much better when we had reveille formations every morning. It was a matter of control.

"Now the first sergeant has to depend on the section chief to tell who's present for duty. And with no pass form and no requirement for a man to sign in or out it's impossible to control the men, especially since no one checks him at the gate anymore."

POINTS OF VIEW

Sergeant William J. Kelley, another Fort Leonard Wood drill instructor, believes there are good and bad points in the changes. "Getting rid of harassment was good but we shouldn't try to give the volunteer everything on a silver platter. We have to make sure he knows his job and its importance.

"Many of these youngsters have some pretty good ideas and we've got to let them know we're interested in those ideas."

Private First Class Richard R. Kupp, a

draftee with 11 months service, most of them as company clerk of Company E, 4th Battalion, 3d Basic Training Brigade, is happy to see the passing of "Micky Mouse" practices. "I don't think the length of my hair has anything to do with my ability as a soldier. I like the way we're allowed to fix up our barracks and I don't need a reveille formation to get me to work on time."

Kupp concedes that some of the initial MVA enlistees did cause problems. "I saw some of those enlistees. Many of them were disillusioned. They heard about the good life and relaxed rules but weren't prepared for the rigors of basic training. When they couldn't take it they bugged out.

"I'm not hung up on a high school diploma as an end in itself. I just think a man who drops out of high school today shows he lacks maturity and the will to stick to a task until he completes it."

First Sergeant Otis Walker, also of E-4-3, thinks elimination of Saturday morning work in TOE units is one of the smarter changes. "We really didn't get that much accomplished in a half-day," he recalls.

Another attempt to eliminate irritants from Army life was letting company commanders decide whether or not to conduct formal baracks inspections. "When we let up on our own barracks inspections," said First Sergeant John C. Kramer, Fort Leonard Wood Reception Station, "cleanliness and maintenance took a nosedive. So we walk through every morning and if one man's area is not up to standard we go after that man. If an entire barracks doesn't measure up we hold an inspection for the entire barracks."

Other commanders and NCOs agree with 1SG Kramer. "We had the same problem in Europe," 1SG Walker says. "Instead of reinspecting the entire unit we leaned on the barracks that didn't measure up.

"That's the way we're going to build a disciplined All-Volunteer Army. We have to treat the soldier as an individual, then come down hard on him—as an individual—when he fails to do what's required of him."

PFC Kupp agrees. "I want an officer or NCO who knows his job and demands that I know and perform mine. I like to see a leader, officer or NCO who says 'I'm in charge here'. I want them to let me know what to expect when I break the rules. Don't misunderstand me. I don't mean a leader should growl at you or hassle you all the time but I do respect him when he lets me know who's in charge."

DISCIPLINE

SFC Morris believes application of discipline and punishment isn't consistent enough. "When two soldiers, given the same set of circumstances, commit the same offense they should receive the same punishment.

"I see too many instances where a soldier from one company messes up and gets the book thrown at him while his buddy in the next company does the same thing and gets his wrist slapped. "I'm not talking about a case where one soldier had been on the carpet for the same thing before, I'm talking about all circumstances being equal.

"When soldiers see inconsistencies it confuses and angers them."

Specialist 5 Robert Fletcher, recent reenlistee at the General Leonard Wood Army Hospital, believes discipline is necessary as long as it's applied fairly and firmly. "Any intelligent person wants to know what's expected of him on his job. I want to be required to know my job and perform it well.

"Our generation doesn't want someone looking over our shoulders. We want to be trained, given a job and left to do it. We want someone around when we have a problem but otherwise let us do our jobs. When we goof up, come down on us."

QUALITY AND STABILITY

Specialist 4 David D. Bessell of General Leonard Wood Army Hospital recently reenlisted for microwave radio repair school. "The Army has improved in a lot of ways. On my first hitch I saw a lot of officers and NCOs who didn't know their job and tried to fake their way through.

"We have some pretty good officers now. They know what they're doing and let you get your hands on the equipment. They take care of you better than before and if you need something or some advice they try to help.

"The quality of NCOs has also improved since the Qualitative Management Program (QMP) started eliminating the foot-draggers. I thought this QMP thing was just a lot of talk at first but now that it's being used it's going to improve the NCO Corps a lot."

Bessell also wants more job stability. "I want to be given a job and left on that job. I see too many people who have their jobs changed too often."

Specialist 4 Mark Kirk, a medical corpsman at the General Leonard Wood Army Hospital, sees it this way: "I think most of the changes were for the good but some of them came too fast. I was a Specialist 5 when discharged. I decided to come back in and my recruiting sergeant said I had plenty of time to tie up the loose ends. Well, I quit my job and went down to reenlist and the recruiter said they had changed the regulation the day before and I had to come back in as a Specialist 4.

"Other than that, the Army is generally a pretty good deal. I do think recruiters should tell the young guy about the job challenges rather than all the glamor stuff."

Brigadier General Edward Greer, Deputy Commanding General of Fort Leonard Wood, believes commanders who claim the people-oriented changes have caused disciplinary problems are making excuses for their own failures.

"Show me a commander who says he's lost control and I'll show you a commander who hasn't been able to come up with an imaginative, stimulating program. The commander still has the tools of command."

Talk to members of the 902d Float Bridge Company, 11th Combat Engineer Battalion at Fort Belvoir, VA, and you get similar answers.

Says Specialist 5 George Floyd, a heavy equipment mechanic on his second hitch. "I like the changes but we need more trained supervisors. I want to learn my job and see every other man skillfully trained in his.

"As far as discipline goes, the Army seemed better off a couple of years ago. The NCOs knew their jobs better and when they told you to do something you did it because they knew what they were talking about. They can't tell me what to do if they don't know it themselves."

Specialist 5 Herbert L. Edwards is a senior crane operator in the 902d. "It's good they got rid of reveille and some of the other 'Mickey Mouse' stuff but I see a difference between that and good discipline. When I came in the Army 5 years ago it wasn't 'brown shoe' but it was a lot better because when you told a guy to do something he did it.

"The 8-hour-day and 5-day-week are good but I often put in more hours than that—and I don't complain as long as I know the job is important enough.

"The All-Volunteer Army will eventually work but you've got to put a man on a job and let him learn that job. We have too many people assigned out of their primary jobs right now."

Specialist 4 Larry Leeper is a heavy equipment operator. "I was drafted and enlisted for 3 years to get into the heavy equipment field. Although I don't plan to make the Army a career it has been a good deal for me.

"I do the best job I can and have really enjoyed it working with the guys in this company. My only complaint is that there are too many guys assigned out of the jobs for which they were trained."

Private First Class John Howell is a heavy equipment operator with 1 year of service. "I was about to be drafted so I enlisted to get into this field. My recruiting sergeant went right down the line with me and I got what I asked for. I've been thinking about making the Army a career and expect to eventually make sergeant.

"I'll learn my job and help the other people in my section learn theirs. My method will be to treat them like men when they do their jobs and sock it to them when they don't."

Specialist 5 Jimmy Jones also enlisted after receiving his draft notice. "The changes are good and the All-Volunteer Army can work.

"We already can see some improvements in the 902d. When I first came to this company you couldn't communicate with anyone unless he was your grade or maybe one grade higher. The officers and NCOs seem to take an interest in you now and we can communicate with any of them.

"If I say in the Army I want to be the best trained person in my field. I want to fully prepare myself and go as high as possible."

Second Lieutenant Jim White is a platoon leader in the 902d. "I really don't see how we are going to get the manpower for an All-Volunteer Army. If we do get that manpower, though, we're going to have to work on the individual soldier and make his job more attractive. We have to give him more responsibility and listen to his ideas. The Army is becoming more people oriented—that's good. We also have to become professionals all along the line."

ALL-VOL PROS

How professional will the All-Volunteer Army be?

Colonel Alexander M. Weyand, Chief of the Volunteer Army Office, DA, puts it this way: "When we say 'professional' we mean it. All of us have had to reinforce our thinking in that direction. The recruiting force is now being finely tuned to get the quality enlistee we want.

"Once we get him it's up to the career people to lead, train and motivate him. It can only be done with a professionally competent career force. Enlistee quality, careerist quality; that's what our Rercuiting and Qualitative Management Programs are all about.

"A man entering the Army 20 years ago could automatically assume he had the right to remain for 20 years. That day has passed."

Colonel William E. Weber, Chief, Enlisted Division, Directorate of Military Management, puts it another way: "A person can no longer assume the right to spend 20 years in the Army without producing. We're going to make sure that a careerist wearing the uniform is a true professional. Our Qualitative Management Program is helping us to do that.

"Officers have had such a program for years. It was up or out. The NCOs have reached the same point. Look, we're talking about bringing a young man or woman into the Army and saying 'Make a career of it. You can go to the top if you can hack it'. But there has to be room at the top and so we have to constantly weed out the non-producers—the deadwood.

"We've denied reenlistment to a relatively few people but we haven't been through the complete system yet."

QMP VIEWS

It's a key feature and energizer of the All-Volunteer Army, so how does the career soldier—the man most directly affected—view the Qualitative Management Program?

CSM Harlow feels it has some good and bad features. "It's done one good thing—it's made some NCOs get out and do something about their formal education.

"I know some senior NCOs you couldn't drag down to the education center before GMP started but after a few were denied reenlistment the word got around. It also makes an NCO keep abreast in his career, too, but there are some problems there. The screening boards are held without ever seeing the man. They look at a Sergeant First Class and say, 'You haven't made master sergeant within 27 years so you're out.' Well, the man might not have worked in his MOS in 10 years through no fault of his own. There are a lot of NCOs in that situation."

"We consider all these things," COL Weber said. "From a man's records we try to create a picture of the whole man. We look at his MOS test scores, his commander's evaluation, his military and civilian education and his achievements. We look at the whole man.

"If he's performed satisfactorily in any assignment, his records will reflect that. So he's out of his field: Has he taken an extension course to stay abreast of the changes in that field?

"We don't want an NCO who knows how to do only one job. While we look at his past record, we are also looking at his future potential. He got paid for the jobs he's done in the past and we're not going to keep him around if he can't grow.

"Of the 40,000 E-7s, 8s and 9s screened in a 2-year period, we only denied reenlistment to 1,200. On top of that about another 2,800 were separated or retired under the years-of-service-in-grade provision.

"It's the same way with promotions. We don't promote as a reward for having done a good job. We promote because the individual has demonstrated he can handle a bigger job. His records should indicate that. Here again, we look at the whole man—his physical condition, military and civilian education, conduct—the entire thing.

"But you can be sure that we're not going to promote or retain a man who doesn't measure up."

"He knows," COL Weber explains, "because he receives a copy of his evaluation and his MOS test scores. There's no excuse for him not being able to come up with a fair assessment of his own performance.

"We've had those standards for officers for years. NCOs are going to have to measure up, too."

LOOKING AHEAD

Will the All-Volunteer Army work?

"It will if we don't blow it," says BG Greer. "We raised the standards. We're now getting a better cross section of American youth. But we can blow it by being antiquated in our thinking, training and facilities.

"We have to make training interesting and challenging. We're headed in that direction with our 'hands-on' and adventure training. Once a man gets on the job, he has to be given responsibility and a sense of participation. We have to take his life-style into account and also make his off-duty life better. We're improving his living conditions, recreational and educational facilities and his career chances.

"We've made gains in providing him with a reasonable salary. But we have to demand that he lives up to his end of the bargain."

COL Weber concedes that the system is not infallible. "We've had to develop a lot of new programs in a relatively short time. We made some mistakes. But more of our time is spent on problems of the individual soldier than one would imagine.

"True, we do have people working out of their MOSs. But requirements change, jobs within career fields change. That's why we now require every career soldier to be qualified in at least two jobs. The young man or woman coming into the Army today can be assured of making it to the top if he or she measures up. But no one is going to have a free ride."

What does the young soldier say?

"Tell it to me straight.

"Give me a job and require me to master that job.

"Make me toe the mark but don't hassle me.

"Give me leaders who know what they're doing and who trust me—and I'll hack it."

RARICK REPORTS TO HIS PEOPLE: THE THREAT OF LAND USE CONTROL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RARICK. Mr. Speaker, the Council on Environmental Quality has called land use control legislation "the quiet revolution." Land use has also been referred to as "the most dangerous and destructive piece of legislation ever to pass the Senate."

This past June, the Senate of the United States passed one of the most far-reaching and potentially destructive pieces of legislation in the history of the United States. It received little attention in the national press, yet this legislation could prove to be the most damaging blow ever dealt to our traditional concept of the rights of private ownership of land. I am referring to the Federal Land Use Policy and Planning Assistance Act, which swept through the Senate by an overwhelming 64-to-21 vote. The House version of the bill possesses the same destructive provisions found in the Senate version.

Regulations limiting the uses that owners can make of their land are nothing new. In fact, zoning laws go back to the days of early Rome, and most people see that there is a definite need to properly zone and restrict land use within our cities. In the early days of the American colonies, and later the new nation, zoning restrictions were put into force by the local governments. It should be noted that the power over zoning was vested in the local government—not the State or the Federal Governments. The fact is that our Founding Fathers were so concerned over the possibility of a powerful Federal Government gaining control over the private lands that they adopted the fifth amendment of the Bill of Rights to the Constitution. This amendment specifically prohibits the taking of private property by the Government without just compensation.

But this, in essence, is what is done by the current land use control regulations being considered by Congress, and those recommended by the President. They severely restrict an individual's use of his private property without compensating him for the loss—the damage or impairment.

Clearly, if private property is seized—expropriated—by Government, then the property owner must be paid for the loss.

However, restrictions placed on the use of property, by government bodies, also reduces property in value. A critical issue here is how far the use of property can be restricted without compensating the owner for the diminished value. A provision in this bill which has already passed the Senate specifically prohibits States from expending any grant money to compensate owners for the loss of property value.

The supporters of the measure, however, do not care to publicize these restrictions. These provisions are carefully tucked away in the massive 55-page, 10,000-word bill. As a result, a surprising number of the Members of Congress who may normally be expected to oppose extending government restrictions over our citizens are in favor of this bill.

The supporters of land-use legislation maintain that the bill is merely a "voluntary" grant-in-aid program intended to encourage States to develop comprehensive plans within the States for use of the land. They would have us believe that the plan is not an attempt to force a standardized program on the entire Nation. States are promised millions of dollars in Federal aid if they set up their own land-use programs which must be approved by Washington. If State officials agree to this, they can soon expect to be acting as agents of the Federal Government, rather than carrying out their own zoning plans.

The price tag attached to the scheme is high—more than one billion dollars. If we look at what the taxpayer can expect to get for the dubious distinction of turning over his right to determine how local land will be used, the price is indeed high.

Some $10 million per year will be used to set up and operate a couple of new Federal agencies to make sure that the planned society crowd's dictates are carried out. This sum is for the administrative costs only. An additional $106 million dollars a year will go to the States to set up a State bureaucratic power pyramid. These funds can only be used to pay salaries, expenses and to fund various studies. Other administrative costs will run the tab up to more than $1 billion over the first 8 years of the act. It must be pointed out that none of this money is to be used in any productive manner or to contribute to our economy. It merely goes to pay the cost of expensive "planning specialists," who are supposed to know more about what is best for the people of a local community than they themselves or their elected officials.

In addition, the taxpayers would be forced to shell out even more money in the form of 25 percent matching funds. Then too, the bill would reduce local revenue by lowering the market value of local property. As one Member of Congress pointed out the other day:

> Not only do we tax away the value of a citizen's property, but we tax him to death at all three levels of government.

This is the same old "big-carrot-big-stick" approach that the Federal Government has used so many times in the past to entice local and State governments into accepting Federal edicts, despite local needs or wishes. The "big carrot" is millions of dollars in promised grants that States badly need. They needed the money because local money has been taken away from them by the Federal Government through excessive Federal taxes. The Federal Government cannot give States anything without first taking something away. The "big stick" in this case is the political threat of withholding funds from those States who do not play ball with the social planners.

Under the current proposal, States would be promised Federal grants-in-aid to develop and implement comprehensive land-use programs acceptable to the

Washington establishment. A State which fails to develop acceptable proposals for the Washington bureaucrats will find the "big stick" waiting near by. Up to 21 percent of a State's Federal grant funds for highways, airports, and conservation could be withheld from those States. This money that States are entitled to under other arrangement with the Federal Government—and never made dependent upon compromising private land rights.

As we have already experienced in the case of schools, business-industry, and all programs where the Federal Government offers the State money on a so-called voluntary basis, strings on the use of that money lead into other controls, sometimes in unrelated areas. Those States which hold self-determination—fear of the citizens—in higher regard than they do the demands of unelected Government employees and political appointees stand to lose a sizable portion of their money for airports, highways, and land and water conservation.

That the land use bill is obviously expensive and completely unnecessary are about the only good things that can be said in its behalf.

There is vastly more to this piece of legislation than appears on the surface. Let us look at some of the provisions for land use in the bill.

Each State's planning process is to be reviewed by Federal agencies to be sure that they conform with Federal guidelines. Machinery is set up to demand that each State have a State planning agency with authority to carry out the will of the Federal Government as outlined in the bill. In order to conform to Federal regulations, and thus get the money, States must adopt a program to regulate private land sales and development projects. The real clincher, and the one that is being used to drum up blind support from various special interest groups, involves environmental considerations. The Secretary of the Interior is given a blackjack to use to insure that States restrict the use of all "areas of critical environmental concern which are of more than statewide significance."

The courts have long held that the Federal Government has jurisdiction over matters that cross State boundaries, and thus are said to become of national interest. Regulation of commerce between the States, navigable waterways and interstate commerce are at least mentioned in the U.S. Constitution.

But the definition, spelled out in this land use bill is "areas of critical environmental control." The areas of control by the Secretary of Interior are any geographical areas whose development might substantially impair the historic, cultural, scientific, or esthetic values or natural systems or process within fragile or historic lands. This is so widely drawn that almost any land could be considered subject to federally dictated zoning restrictions. The decision to be made by Washington bureaucrats.

No thinking American wants to see the land desecrated. Certainly we must take every reasonable precaution to see that the vast lands we inherited from our forefathers is passed on to our children as unspoiled as possible. However, we must not allow overreaction for the environment to overshadow our concern for human rights and basic freedoms including the right of private ownership and control of property. This is precisely what this collectivist concept of Federal land control seeks to do.

This land use concept is being pushed by some of the most powerful people in this country including the President of the United States. The President, in his September 17 message to Congress said:

> . . . I am also convinced that Federal legislation is needed now both to stimulate and to support the range of controls that states must institute.

Administration officials realize that it will be no easy task to shove this concept of land control down the American people's throat, if all the facts are known.

The Secretary of Interior recently noted that opposition to the Federal guidelines covering land use is so intense in many State legislatures that many States may forgo the Federal funds in order to not be entangled in the Federal land takeover. This is the reason that these dangerous measures are being promoted at the national level through Congress. The people must be forced into the new American revolution of socialized land reform whether they want it—whether needed and whether legal or not.

Decisions involving any land use and zoning must remain the responsibility of local governments. These bodies are closer to the needs and wishes of the people whose land is directly affected. They know better than some bureaucrat at the State capitals or in some Federal agency in Washington what is best for their community. And this is the way it must remain. This is what America is all about. This is why the American system has been successful. It is our birthright.

REPORTER DICK STROUT HAS SEEN PRESIDENTS, SCANDALS COME AND GO

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. BOLLING. Mr. Speaker, there follows a fine article on a great reporter:

WITNESS TO HISTORY: REPORTER DICK STROUT HAS SEEN PRESIDENTS, SCANDALS COME AND GO

(By Ronald G. Shafer)

WASHINGTON.—Reporter Dick Strout doesn't have to dig through the history books for parallels between the Senate Watergate hearings and those into the old Teapot Dome scandal. He was there—50 years ago this fall—sitting in the same Senate caucus room and writing as he does today, for The Christian Science Monitor.

Obviously, some things have changed, Mr. Strout notes. For one thing, the subject is campaign dirty tricks instead of oil leases and bribes. And there's the conspicuous presence of that newfangled medium called television.

But "except for the hot lights, you would almost think you were back in 1923," reminisces the 75-year-old newsman.

Thanks to Watergate, Richard Lee Strout's ringside perceptions of history are in fresh demand. But his reputation is built on far more than longevity. He has covered more major news events than any other reporter in the Monitor's 65-year history. And for 30 years now, he has also been probably the most influential anonymous columnist in the business—for Richard Strout is the author of the column called "TRB From Washington" in The New Republic magazine.

As a result, Dick Strout's reputation "is very high indeed, because he's got a combination of qualities that very few people have," says James Reston of The New York Times. "First of all, the guy is a beautiful writer. And he must have an extra gland because he still runs around like a kid."

Admirers agree that Dick Strout has a rare ability to explain complex issues with clarity, insight and homespun humor. He writes with the descriptive style of a novelist. People in Strout stories come alive with "owlish" faces, "fierce" mustaches, "carbuncle" noses and "spidery" frames.

About two decades ago he wrote a critical column about a man with a creased-leather face and an ego as big as the Washington Monument. The man's name was Lyndon B. Johnson, and he promptly hauled Mr. Strout into his ornate Capitol Hill office to complain. The Senate majority leader was seated behind "the biggest desk in the world, with pushbuttons like an organ," Mr. Strout remembers, "and every time he pushed a button, someone would appear."

AN IMAGINARY BABY

For an hour, TRB received the full LBJ treatment. At one point Johnson complained that he was being treated "like a motherless child," and suddenly, the columnist recalls, "he jumped out of his chair and strode up and down the room, rocking an imaginary baby in his arms." Mr. Strout left unconvinced that he was strong but amazed that a powerful politician "would waste an hour of his time trying to convert me."

As the episode indicates, Dick Strout is a tough-minded but unassuming newsman. He is—as he might put it—a tall, lean and lively man with fierce bushy eyebrows, an unfierce gray mustache and a weathered bald head. He speaks with a gruffness in his voice, but there is a twinkle in his eye. "Beneath that crustry exterior is a real softie," confides a friend, "but we'd never tell *him* that."

Mr. Strout was born in Cohoes, N.Y. After graduating from Harvard, he worked for a while on newspapers in England, then began his American journalism career with the old Boston Post in 1921. After two days, he switched over to the Boston home office of the Monitor. And about two years later—having by now picked up a Harvard M.A. in economics—he was driving his Model T Ford down to Monitor's Washington bureau.

"All of a sudden, there I was over there in that big house," Mr. Strout says with a wave of his hand at the White House as he sits dining on his daily liverwurst sandwich and milk shake on a park bench across the street. And there was President Harding, dressed in knickers and telling reporters assembled for a press conference: "Take it easy on me, boys. I want to get out and play some golf."

BACK IN THE CAUCUS ROOM

Since then, reporter Strout's career reads like an on-the-job history course. He has attended the press conferences of nine Presidents. He was on one of the first cross-country airplane flights. He reported from Normandy Beach during the D-Day invasion. He accompanied Russian Premier Nikita Khrushchev when he toured the U.S. in 1959. And he wrote the Monitor's front-page story when Spiro Agnew resigned as Vice President.

But the U.S. Senate, and particularly its historic hearings in the cavernous caucus room, have provided some of Mr. Strout's biggest stories. Teapot Dome, the Kefauver hearings into organized crime, the Army-McCarthy hearings, the Bobby Baker inquiry—he has witnessed them all. Now it's Watergate, and Mr. Strout is back in the caucus room again.

He sees similarities to Teapot Dome: "Letters to the editor in 1924 charged that the press was carrying things too far," and "readers shrugged and said both parties were alike and it was all just politics." But he is outraged by what perceives as a crucial difference.

Watergate "is more disturbing and dangerous" because it "is a special kind of corruption without greed," he wrote in a TRB column. "No sex, no dollars. Just power. It doesn't strike at oil leases, it strikes at democracy."

The weekly column provides Mr. Strout—who, as one press scholar puts it, "shows no hint of his own leanings" in news stories—an outlet for his personal views. He took it over in 1943 from Kenneth Crawford, who later became a Newsweek columnist. "He told me it would be easy," Mr. Strout says. "All you have to do is get mad at somebody once a week and spit in their eye."

Mr. Strout inherited the column signature, TRB. It was dreamed up by a New Republic editor who simply reversed the initials of the subway line that then carried copy to a Brooklyn printer—the Brooklyn Rapid Transit (BRT). But Mr. Strout still refers to TRB as "The Rover Boys" because the column sometimes was—and on occasional weeks still is—written by more than one man. The New Republic pays him $175 a column.

Even today many New Republic readers don't know the identity of the man behind the initials. In September TRB received a letter from a reader who, assuming the current writer took over only about five years ago, wrote reassuringly to say "how much better your prose is" than at first, and how "it has been especially in the last year that your writing has seemed to solidify."

Under Mr. Strout, "TRB from Washington" has become The New Republic's most-read feature, and now it also is syndicated in 35 newspapers. The column reflects Mr. Strout's generally liberal views, though he steers an independent course. In 1968 when the magazine refused to endorse Hubert Humphrey for President because of his ties to Johnson administration war policies, TRB—an early war critic—backed HHH anyway.

"In the past 10 years or so, I've let myself go more about using the first-person singular," says Mr. Strout. And he often uses personal recollections to make points, as in this TRB column of a few years ago:

"When I was a child at my grandfather's farm, they used to kill pigs in the fall. They tied them up by their hind legs shrieking and squealing before they slit their throats. Once we children bitterly protested, but the hired man was reassuring.

" 'They like it,' he said firmly.

"Today he's in Congress, voting against the poverty program."

Such views spark strong reactions from conservatives. A few write nasty letters like: "You sewer rat, may you be cursed with all plagues." But most are more respectful.

"I disagree with most" of TRB's columns, says conservative columnist James J. Kilpatrick. "But I follow his stuff regularly. There's a good deal of wisdom there. He always puts it pleasantly, with just enough lemon juice."

So far, nobody is being groomed as Mr. Strout's successor. "He's unmatchable, I don't think we'll ever find anybody quite like him," says Gilbert Harrison, The New Republic's editor-in-chief. "But I'm not concerned about it. I think he'll live forever. If anything, his writing is livelier than it ever was."

Whether as TRB or as a Monitor reporter, Mr. Strout has been an eyeball-to-eyeball observer of Presidents for more than 50 years. Each, he says, had his own style.

Calvin Coolidge, for example, answered only written questions. So one time Mr. Strout and 11 other reporters tried to pin down the President by craftily submitting identical questions: Would he be a candidate in 1928? "Coolidge looked at the first question and put it aside," recalls Mr. Strout. "He went from the second to the 11th. At the 12th, he paused, read it (silently) and went on dryly—'I have a question on the condition of the children in Poland.' " The President answered the nonexistent question and, with that, concluded the press conference.

Mr. Strout has his private presidential evaluations. "I rate Roosevelt first without a doubt," he says, and President Truman "was as brave as they come," Lyndon Johnson "in many ways was a ———, but he had a compassionate heart." The latter is evaluation favorably colored by Mr. Strout's lasting admiration for LBJ's "We Shall Overcome" voting-rights speech to Congress in 1965.

A WILLINGNESS TO AGGRANDIZE

Mr. Strout is reluctant to evaluate President Nixon yet. But his writings make it clear he's no fan of the man he has called "the most aloof President in history."

He worries that "presidential power has grown enormously"—largely because Congress has been "too lazy" and Presidents only too willing to aggrandize their office. "There's a feeling that once you sleep in Lincoln's bed, you become deified," he says, "It's a dangerous thing."

Mr. Strout, who is not a Christian Scientist but a Unitarian, works out of a small office in the modern, fortress-like Monitor headquarters here. Despite the modern decor, he continues to use a wooden roll-top desk he inherited from a former Monitor Washington bureau chief. The task has an indented pearl button on its right-hand side. "When you push it," he explains, "nothing happens."

He continues to put in a full workweek at the Monitor, with the understanding that he is free to write his TRB column there on Wednesdays. Nowadays, he specializes in "color," or feature, stories for the Monitor itself, and maintains that he's still there only because "I've become sort of a holy cow." He suggests that this article merely report: "The old reporter says modestly that all he has been is a good competent hack."

His co-workers disagree with that assessment. "He's still here because he pulls his weight as well, or better, than anyone in this office," asserts Godfrey Sperling, the Monitor's Washington bureau chief. "He can move fast on a story. Boom."

"He can on occasion be grumpy, too," says an ex-Monitor staffer with a chuckle. "If he thinks somebody is putting forth 'utter claptrap,' he'll get up and leave."

SHUNNING THE SOCIAL CIRCUIT

Instead of personal contacts, Mr. Strout relies on reading everything he can get his eyes on, then attends congressional hearings and makes "first-hand observations" for additional material. He shuns the Washington social circuit; for relaxation he attends plays or reads aloud to his wife, Ernestine.

Mr. Stroud used to drive to work in his Model T, which he parked on the ellipse behind the White House. Nowadays he commutes by bus from his four-bedroom home in Northwest Washington. The house was purchased over 30 years ago with proceeds from his 1939 best-selling book, "Maud," based on his mother-in-law's diary.

The house seems somewhat empty now since the five Strout children have grown and scattered around the world. They include a son and two daughters by Mr. Strout's first wife, Edith, who died in 1932. He married Ernestine in 1939, and they had two more daughters. None of the children have gone into journalism, but they have "enough degrees to start a university," he says proudly.

Journalism isn't a career that Mr. Strout recommends lightly. He advises young people to "stay clear of it unless they have a passion and dedication. The pay is not very good, and the excitement is apt to pall after a while. The sustaining element is the commitment, the feeling that you are doing some good in the world."

After more than a half-century on the job, friends say Dick Strout has lost none of his passion and that he still gets as excited as a cub reporter over big news events. At a 50-year anniversary celebration two years ago, when the Monitor presented Mr. Strout with a round-the-world airplane ticket, Godfrey Sperling summed up his colleague this way: "He is the Monitor's oldest reporter; he is also the youngest."

THE HOUSING CRISIS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HARRINGTON. Mr. Speaker, as I am sure each of my colleagues knows, there is a serious housing crisis developing in this country.

Housing starts are down 30 percent from January; mortgage interest rates are at an all-time high. The result has been that millions of Americans have been unable to fulfill their dreams or their plans. An article in the October 22, 1973, issue of Time magazine on housing, "Inflation Nightmare," provides a clear and concise explanation of the causes of and rationale for this crisis. The article follows:

HOUSING—INFLATION NIGHTMARE

Willie Roberts, a 38-year-old chef who owns a small house on Chicago's West Side, recently decided to buy a bigger home for his wife and four children. He applied to a savings and loan association for a new mortgage—but in the three weeks he waited for the deal to be closed, the down payment jumped from 10% to 25% and the closing costs from 4.5% to 11%. Roberts could not meet those terms, so his family is still living in cramped quarters.

For millions of Americans from Maine to California, the cherished dream of buying a home of their own has become an inflationary nightmare. In most states, mortgages now carry towering interest rates of between 9% and 9½%—up from a national average of 7¾% in the first half of 1973. Down payments have at least doubled in the past few months; 40% is now common in some parts of the country. Worst of all, at some S and Ls and savings banks, the prime sources of residential mortgage money, new loans are unavailable on any terms whatever. Laments Boston Realtor Jack Conway: "This is the granddaddy of all mortgage droughts."

The cause of most of the shortage can be traced to the Federal Reserve Board's effort to combat inflation by severely tightening the money supply and letting interest rates soar. That policy was designed to discourage borrowing but has also dragged up mortgage fees. More important, it has started an unintended flood of money out of S and Ls and savings banks; depositors are pulling cash out of passbook accounts that pay only 5¼%

annual interest and buying Treasury bills, bank certificates of deposit (CDs) and other investments that sometimes yield more than 9%. Through early 1973, S and Ls were taking in savings at an average net rate of more than $1 billion a month, but they suffered a net outflow in July; in August a staggering $1.2 billion was withdrawn, the third largest monthly loss on record. Since then, the situation has improved little, if any.

By no coincidence, the outflow began when Washington granted financial institutions permission to sell so-called "wild card" CDs. The wild cards, sold to savers who will keep at least $1,000 on deposit for at least four years, yield interest at whatever rate the issuer chooses to pay; Manhattan's First National City Bank last week was offering CDs yielding 9.59% for this quarter. S and Ls can and do sell wild cards, but their ability to do so is severely limited by a rule specifying that the total amount of wild cards an institution offers cannot equal more than 5% of its reserves. Commercial banks, which have much larger reserves than S and Ls, are offering the rich-yielding CDs in far greater amounts. Mortgage lenders charge that the commercial banks are thus draining huge sums out of the housing market. In Washington, the mortgage lenders are lobbying hard to have the wild cards discontinued.

Closing the Window. Meanwhile, some S and Ls, strapped for funds, have stopped making new mortgage loans altogether. They include Sun Federal in Portland, Maine's largest, and First Federal in Chicago, the biggest in Illinois. Others are keeping their mortgage windows open a mere crack by granting loans only to long-time depositors, and in some cases actually demanding that a home buyer maintain a savings-account balance equal to the size of the mortgage loan he seeks. The market is tightest in states like New York, and Illinois, where usury laws keep mortgage-interest rates below 9%, making loan officers reluctant to accommodate any but the best-heeled home buyers.

Builders and real estate brokers, scratching for business, are resorting to some far-out tactics to keep on selling houses. Realtors in the Jean Burgdorff firm in Summit, N.J., have taken out personal loans, pledging their own assets as collateral, and then re-lent the money on short terms to would-be house buyers who could not get mortgage financing elsewhere. Witkin Homes in Denver guarantees buyers who balk at today's high interest rates that they can refinance their mortgage once within the next three years if rates drop. Homewood Corp. of Columbus will give a buyer free paint for his new house, then deduct from the down payment the labor cost of spreading it on the walls.

Even so, builders and real estate men are taking a painful hammering. Altanta Developer Lindsey Freeman reports his condominium sales down 50% in the past two months alone. Nationwide, the pace of housing starts dropped from a record 2.4 million in 1972 to an annual rate of 2,000,000 in August, and that by no means measures the full extent of the trouble; permits for new construction have dropped 29% during the same period. Some analysts expect next year's housing starts to plunge to a three-year low of 1.5 million or so.

Mortgage men hold out a bit more hope for 1974 if the Federal Reserve loosens up on the money supply and loan demand diminishes. Joseph T. Benedict, president of the Worcester, Mass., First Federal Savings and Loan Association, predicts that mortgage rates could come down as low as 8% by midyear. Even if he is right, though, many would-be house buyers have to write off the rest of 1973 and mutter "Wait until next year." Meanwhile, they have to live somewhere, and that necessity provides the only bright spot in an otherwise dreary housing picture. The once sluggish rate of apartment rentals, from Manhattan to Los Angeles, is picking up briskly.

THE BRICKER AMENDMENT: BACKGROUND AND NEED

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ARCHER. Mr. Speaker, there has been renewed interest in the Bricker amendment, the proposed constitutional amendment of the 1950's which would subject treaties and executive agreements to the limitations of the U.S. Constitution. The amendment has been introduced in this session of Congress by a number of Members. I would like to bring to your attention an interesting article on the Bricker amendment and its background by M. Stanton Evans, entitled "Back to the Bricker Amendment," which appeared in the publication Human Events in the November 3, 1973, issue:

BACK TO THE BRICKER AMENDMENT

(By M. Stanton Evans)

Congressmen and senators concerned about the expansion of presidential power in the realm of foreign policy have a ready answer available to them—if they will use it.

The answer has been lying around for 20 years, disparaged and bitterly opposed by the very liberal spokesmen who nowadays are so vociferous in demanding that the power of the presidency be curtailed. It is encapsulated in the so-called "Bricker Amendment," named for former Sen. John W. Bricker of Ohio and first introduced in 1952 as a method of curbing the dominant power of the presidency in the conduct of the nation's foreign affairs.

Sen. Bricker's concern and that of the numerous conservative organizations which supported his initiative was twofold: The possibility that American domestic institutions might be altered in obedience to treaty commitments, and the growing tendency of American foreign and defense policies to be shaped by executive agreements arrived at by the President, without consultation in or approval by Congress. Both apprehensions were grounded in fact and fully justified by the course of events since the era of Franklin Roosevelt.

The dangers of "treaty law" stem from a 1920 Supreme Court decision written by Justice Oliver Wendell Holmes, asserting that treaty commitments were not required to follow the dictates of the Constitution and that domestic constitutional arrangements could be up-ended in obedience to a treaty. As Holmes put it, "acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States."

Carried to extremes, this interpretation of the relevant constitutional language would permit state laws, the division of government powers, and individual guarantees of rights and privileges to be overridden by the terms of a treaty, irrespective of what is stated elsewhere in our fundamental law. Similar interpretations have been applied to executive agreements, made without concurrence of Congress, which in 1942 were declared by Justice William O. Douglas to be "final and conclusive on the courts."

Conduct of foreign policy through executive agreements has been a major feature of modern liberal statecraft.

As revisionist historians have pointed out, President Roosevelt successfully maneuvered to involve the United States in World War II despite neutrality legislation by Congress—using executive agreements as one of his principal weapons. His efforts in this respect have been much applauded by liberals as a necessary challenge to congressional isolationism, and set the pattern for liberal foreign policy approaches ever since.

The record fully justifies the assertion of the Legislative Reference Service of the Library of Congress, that the "executive agreement attained its fullest development as an instrument of foreign policy under President Franklin D. Roosevelt, even at times threatening to replace the treaty-making power, if not formally yet actually, as a determinative element in the field of foreign policy."

At the time of Bricker's original motion, it was estimated some 1,500 executive agreements had been put into effect. In the intervening two decades, the growth rate has been truly exponential. As of Jan. 1, 1973, there were 4,589 such agreements on the books, compared to 910 treaties. Some 846 of these executive agreements had been put into effect by President Nixon, compared to 65 treaties—a ratio of 13 to 1.

In his effort to preserve the rights of Congress from continued erosion, Sen. Bricker at one point mustered 60 votes in its behalf on the floor of the Senate—one less than the two-thirds majority required to send it on its way to ratification. Conservatives generally backed the amendment, while liberals strenuously opposed it in keeping with their general view that the power of the presidency should be made supreme in foreign policy.

Now that the liberal intelligensia is reassessing its attitudes on presidential power, and promoting limitations on the President's war-making authority, it has occurred to a number of conservative lawmakers that the time is right to revive the Bricker Amendment and put the liberals to the test. A new version of the amendment has been dropped into the hopper by Rep. Steve Symms of Idaho (H.J. Res. 704), Rep. Bill Archer of Texas (H.J. Res. 778) and another by Rep. John Ashbrook of Ohio (H.J. Res. 765) the latter with 16 co-sponsors, including Rep. John Rhodes of Arizona. Text of the amendment reads as follows:

"Section 1. A provision of a treaty which denies or abridges any right enumerated in this Constitution shall not be of any force or effect.

"Section 2. No treaty shall authorize or permit any foreign power or any international organization to supervise, control, or adjudicate the rights of citizens of the United States within the United States enumerated in this Constitution or any other matter essentially within the domestic jurisdiction of the United States.

"Section 3. A treaty shall become effective as internal law in the United States only through the enactment of appropriate legislation by the Congress.

"Section 4. All executive or other agreements, between the President or any international organization, foreign power, or official thereof shall be made only in the manner and to the extent to be prescribed by law. Such agreements shall be subject to the limitations imposed on treaties, or the making of treaties, by this article.

"Section 5. The Congress shall have power to enforce this article by appropriate legislation."

Reaction to this proposal by liberal spokesmen should be interesting in view of their new-found enthusiasm for limitation of presidential powers. The "war powers" bill vetoed last week by President Nixon—places a 60-day time limit on the deployment of U.S. forces in global trouble spots, but does nothing to alter the executive diplomacy which usually precedes such action and often presents the Congress with a fait accompli—as in World War II, Korea and Vietnam. The Bricker Amendment would go after these preliminary and frequently decisive involvements.

Equally to the point, the wideranging powers of the executive are involved in a great many things besides explicit warmaking, most notably a series of compromises, concessions, trade deals and other initiatives advanced in the asserted cause of "peace" which are potentially injurious to American security. Secret arrangements of this type urgently need to be dragged out into the light.

When the Bricker Amendment was originally proposed, it was massively attacked by most of the liberal organizations in America, including Americans for Democratic Action, the American Civil Liberties Union, the United World Federalists, the CIO, and so on. Sen. J. William Fulbright, now such an ardent foe of executive power, described supporters of the amendment as "liars," "boors" and "louts." The liberal pitch in those days and until fairly recent times was all power to the President—and woe to such as Sen. Bricker who tried to curtail that power.

So intense was the liberals' opposition that they demanded—and got—the scalp of Dean Clarence Manion, who served under President Eisenhower as chairman of the Commission on Intergovernmental Relations. Manion was a principal spokesman for the Bricker Amendment, and his official status was galling to the ADA, the New York *Times*, the Washington *Post* and other outposts of liberal opinion. Eisenhower yielded to the hue and cry and in February 1954 dismissed Dean Manion from his position.

These events suggest a convenient test for liberals currently lamenting the excessive power of the presidency: They can prove their bona fides by coming out four-square for the Bricker Amendment—and staging a testimonial dinner for Dean Manion.

THE FILTH PUBLISHERS ARE FIGHTING BACK

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. GAYDOS. Mr. Speaker, it is important to note that the Association of American Publishers—AAP—is calling for repeal of all laws, Federal, State and local, which prohibit the sale, exhibition or distribution of "sexually explicit" printed materials to adults.

In other words, the members of this association want to get their filthy business back. They boast that they publish 85 percent of the books in the United States and thus, as a group, they have been, the largest purveyors of the pornographic materials which flooded our society before the Supreme Court ruled against them last June 21.

This court decision obviously has them in a passion as marked as were some of the subjects dealt with in their books. They claim, in their association statements, that the Supreme Court was wrong in its findings, that Chief Justice Burger provided "absolutely no proof whatsoever" when he held sexually explicit materials were dangerous, and that our rights of free speech have been infringed.

All this, of course, had been the pro-porno position through the years when confusion over the matter allowed these publishers to reap their profits. But the court's decision has clarified things. Local anti-obscenity laws have been upheld and, I am glad to say, are being enforced in case after case across the country.

It is interesting to me as a Congressman, who had long been concerned about this, to see that the porno profiteers, the companies which publish and sell the salacious materials, are heading up the fight against the court ruling. They are telling us, perhaps, more than they might have intended.

They talk, in their press releases, in terms of the first amendment and, in the past, have excused their dirty books on the grounds that they did have some artistic or literary merit. But who are these defenders of our freedoms and what really is their motive? They are the people who have made the money out of pornography. They are the venal corrupters who, in words of Chief Justice Burger, were turning out stuff as perilous to the Nation as "unregulated access to heroin."

It is a height of absurdity that these people should expect the American public to heed them now in their high-flying arguments. Who are they to sit in judgment on the Supreme Court? If there actually were a threat to our freedoms in curbing them, then the issue should be raised by true libertarians, and not by an association of publishers whose members have cashed in on the filth and demands the opportunity to do so again.

Also, we need not be fooled by their careful pointing out that the licentiousness they want restored is for "adults only" and not for the Nation's youth. The association's statements insist that its members have nothing against and would not oppose any "carefully drawn" legislation which would ban distribution or display of sexual materials to young people. But the publishers certainly know, and their cash books can tell them, that widely circulated filth cannot be kept out of the hands of youngsters. Their stated willingness to forego the youth market is as phony as their hand wringing over our supposed freedoms.

DO WE REALLY NEED A GRAIN RESERVE?

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. QUIE. Mr. Speaker, U.S. Secretary of Agriculture Earl Butz will address the opening of the Food and Agriculture Organization of the United Nations in Rome November 10–29. Officials will be meeting to discuss the possibilities and problems connected with working toward the creation of a world grain reserve program. Mr. Butz has stated, and I fully concur, that American farmers must remain free to respond to the demands of domestic and export buyers for increased farm production.

A hard-hitting editorial in the November issue of the Farm Journal points to the shortcomings of such a proposal. I wholeheartedly agree that if such a program were established, Americans would be called upon to fund it. In addition to this request, the United States would be trading away its most precious resource and bargaining tool—food.

I commend this very excellent editorial for the information of my colleagues:

DO WE REALLY NEED A GRAIN RESERVE?

Three months ago in this space, we predicted a renewed effort to set up a strategic reserve of grain—this time by people worried about a food shortage.

Well, a proposal has now been made. In his maiden speech before the United Nations, Secretary of State Henry Kissinger proposed a World Food Congress, its main purpose to create a world food reserve. Senator Hubert H. Humphrey (D, Minn.), made the same suggestion before the International Agribusiness Forum in Atlanta, Ga., last month.

It's an idea we in agriculture should oppose with every resource at our command. As Clarence Palmby, former Assistant Secretary of Agriculture, said from the same Atlanta podium, "A world food bank is unworkable because the United States would be called upon both to fund it and to fill it. We would be negotiating away our greatest resource."

Increasingly dependent as you are on exports, you have a more immediate reason for opposing it: Such reserves could and would be used to beat down prices abroad, just as they have been in this country. Farm Journal asked the Atlanta panel: "Does anyone have any idea how we could set up a reserve so it couldn't affect prices?" The answer: a unanimous "No!"

Why do they feel we need a reserve? Is it because they fear a natural disaster in the U.S.? We recall all during the 1950s and 60s how our national leaders talked about our stored surpluses as "disaster insurance." The only disaster was what those surpluses did to farmers by depressing grain prices.

A natural disaster is possible, we suppose. But the United States is a big country with an excellent transport system. Drouth or floods strike somewhere every year, but we now have a highly developed system of providing disaster relief with a variety of programs.

Besides, as every farmer knows, modern practices have taken much of the risk out of farming. A lot of what we used to call "drouth damage" was really nitrogen deficiency. Pesticides save entire crops once lost to grasshoppers or root worms. Dams protect millions of acres that used to flood. Irrigation guarantees top yields from once chronic drouth areas.

Is it because they fear foreign countries can't anticipate their needs? Nonsense. If Japan and Western Europe are so concerned about a dependable supply of soybeans and feed grains, let them contract for that supply a year ahead, rather than waiting and hoping they can buy on the cheap market during a harvest glut. Many of the countries we've been helping for 30 years are big kids now. Let them anticipate their needs and tell us in time so we can produce it.

Grain keeps overseas as well as it does here. If the Russians expect to lose one crop out of five, let them put more rubles into grain and less into armaments.

If we feel our Food for Peace program is not adequate to take care of the world's needy, let's expand it on a continuing basis. Surely we've had enough experience with famine in India, wars in Biafra and floods in Bangladesh to have amassed some sort of track record. We have had enough of fuzzy-minded appeals to produce more just in case somebody may need it.

Or do they want a reserve because they fear the uncertainties of a free market? We don't wonder that our foreign customers would like to see our market controlled like that in every other country. Naturally they prefer a mound of surpluses they can count on.

We suspect that some of our own U.S. businessmen feel the same way. In spite of their self-proclaimed love of competition, some don't relish the idea of getting out, beating the bushes and bidding up for the grain they need. They've spent too many years in the comfortable warmth of Uncle Sam's stockpile.

No doubt there are even farmers who would prefer the certainty of $1.10 corn and a government check to the uncertainties of $2.50 corn.

All of us have a lot of learning to do, a lot of responsibilities to fulfill to keep our market free. But also we have in our memories some powerful incentives to make a free market work.

AMSTERDAM NEWS BACKS IMPEACHMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RANGEL. Mr. Speaker, I am pleased to announce that the Amsterdam News, the leading newspaper in my community of Harlem, has endorsed the drive to impeach the President if Mr. Nixon fails to resign.

There has been a groundswell of support for impeachment, based on the President's diverse and repeated illegal activities while in office. Thousands of letters have poured into my office calling for impeachment. The American people have had enough of White House deception, flim-flam, coverup, and unlawfulness.

The investigation being conducted by the House Judiciary Committee will thoroughly cover all charges of malfeasance, misfeasance, and criminal conduct made against the President. The support of our constituents for such an investigation will be a constant reminder to the committee of its awesome responsibility to the people and to the Nation to guarantee that no stone is left unturned in our probe.

The Amsterdam News editorial follows:

CRISIS OF CREDIBILITY

Labor leader George Meany said it all a few days ago when he said that the lack of confidence of the American people in President Nixon has made it impossible for him to continue as a viable leader of this nation.

What else is there to say.

The White House, which should represent the pinnacle of truth and honesty to the American people, has been caught in so many lies that even the most patriotic American can no longer believe what is said by anyone connected with it.

To put it another way, we have a crisis of credibility at the verry top of our government which makes it impossible for that government to govern.

And the person most directly responsible for that crisis is Richard Milhouse Nixon.

Nothing more needs to be said at this time. It's time to act.

And if there is any love or patriotism in Richard Nixon for his country and the American people, he should be the first one to act.

And he should act by resigning from the office he holds as a first step toward putting an end to the crisis he has created.

Finally, if Richard Nixon does not have the patriotism for his country to act in this crisis, the only remedy left is for the Congress to act.

Thus, if Nixon won't resign, the Congress should impeach him.

A PITIFUL HELPLESS GIANT

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. GOODLING. Mr. Speaker, a popular song of yesterday counsels us in its lyrics to "Accent the positive and eliminate the negative."

This is good advice under any circumstance; however, it is particularly suitable today when too much of the negative is being accented and too much of the positive eliminated.

Just recently I received a copy of a letter that was sent to the editor of the Wall Street Journal by Mr. F. E. Masland, Jr. Mr. Masland is a resident and prominent citizen of Carlisle, Pa., my congressional district.

Because this letter makes some timely and meaningful observations, I insert it into the RECORD and recommend it to the attention of my colleagues:

CARLISLE, PA.,
November 1, 1973.

EDITOR,
Wall Street Journal,
New York, N.Y.

DEAR SIR: I just finished reading your editorial "A Pitiful, Helpless Giant."

Don't you think there is a place in the present order of things for "Good News"?

Don't you think it is about time that responsible news media began to emphasize the positive?

While it is true that the nation is demoralized, I do not believe polls. In our company's office we have upwards of a hundred employees—a vast majority support Nixon. I live in a farming community. I have yet to find a farmer who does not support Nixon and Butz. In a group the other day one of them said "We have the best President and Secretary of Agriculture we have ever had" and all agreed.

I believe a substantial segment of the populace supports Nixon and would welcome editorial comment of a constructive nature. I believe that the country as a whole vitally needs the substance that could be drawn from constructive comment.

It is to be expected that the cynical, deliberately destructive television broadcasters would create a demoralized nation. The situation is analagous to that in Germany under Hitler when news media were controlled. When our Founding Fathers guaranteed Free Speech and a Fress Press they had no idea that television would appear on the scene.

In spite of Watergate, this nation, has more to be thankful for than any other on the face of the earth and included is the fact we have Mr. Nixon in the White House.

Unfortunately, it is human nature for people to forget the positive and remember the negative. Under the constant barrage of negative propaganda the public fails to recall that Mr. Nixon got us out of Viet Nam, that he has attempted to clear up the welfare mess and made some progress and that to a major degree it is the fault of a spendthrift Congress that we still have inflation with us, that the President's policies have improved the balance of payments situation, that during the past five years we have enjoyed unparalleled prosperity ranging through the whole spectrum, including blacks and whites and that Mr. Nixon played a major role in bringing about a cease fire in the Middle East. Certainly in recent history no President has exercised greater influence in the international arena.

There was no cry for impeachment when Franklin Roosevelt deliberately catapulted the United States into World War II, or when John Kennedy involved us in the most unwise, disastrous war in our history or when the Johnson Administration was rocked by the Bobby Baker scandal or when Harry Truman fired his Attorney General for the way he handled a scandal in his Administration.

The public has a short memory. Television broadcasters are taking advantage of that fact.

There is much of a positive, helpful nature that can be emphasized in an effort to counteract the effect of broadcasters and to avoid the total demoralization which may otherwise result.

We cannot afford a weak government at a time when militarily we are in a weak position vis-a-vis Russia. Mr. Nixon has demonstrated that even when all the forces of the opposition are arrayed against him he is capable of exhibiting that determination which alone Russia respects.

At this moment in history responsible news media are confronted with an almost unparalleled responsibility. There is little likelihood that the airwave will pursue constructive measures. It is up to responsible publishers to decide whether or not they will pursue a policy that will enable our nation to avoid results so disastrous that their impact may be permanent.

Lenin contended that the U.S. would destroy itself from within, and "fall like a ripe apple". News media will play a major role in proving him a true or false prophet.

Very truly yours,

FRANK MASLAND.

GERALD R. FORD: TRADITION AND CIVILITY

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. MINSHALL of Ohio. Mr. Speaker, this morning's Washington Post carries an excellent appraisal of our great friend and colleague, Vice-President-designate GERALD R. FORD.

Columnist David S. Broder extols JERRY FORD for his leadership, his character, his outstanding reputation as a statesman of integrity, humanity, and humility. These Ford characteristics have long been recognized on both sides of the aisle in the House. Five times we Republicans have unhesitatingly entrusted him with the highest honor we can bestow on a colleague, the minority leadership.

Our country is crying for the strong, steady virtues of a JERRY FORD. Wherever these tumultuous, unpredictable times may take him, even to the highest office in the Nation, Americans can depend on GERALD R. FORD. He will never let his country down.

The column follows:

GERALD FORD: TRADITION AND CIVILITY

(By David S. Broder)

In this season of troubles in Washington, welcome reassurance is coming from the personality and performance of that comfortingly familiar figure—Gerald R. Ford.

As the Vice President-designate and heir apparent to a severely beleaguered President, the gentleman from Grand Rapids is the man on the spot. He is the key figure in an unprecedented experiment, testing whether a government of divided partisanship can make an untried provision of the Constitution operate in a climate of pervasive public distrust.

His conscientious preparation, his evident cooperativeness and his candor are making his confirmation hearings an occasion in which the country can not only learn something of the character of its new Vice President but relearn the value of one of its oldest traditions—the tradition of civility.

Ford's second sentence to the Senate Rules Committee was: "I feel that I am among friends." That is a rather remarkable thing for the Republican leader of the House to say to a committee of the Democratic Congress, which is not only sitting in judgment on him but is taking preliminary steps to remove from office the Republican President who appointed him.

But it is a statement that springs naturally to Ford, who operates, under any circumstance, in a tradition of civility, of mutual accommodation, of respect for persons and institutions.

This unwritten tradition underlies the written Constitution, but it has been badly battered in these recent years, as one President lashed out at opponents of his war policies and his successor compiled an "enemies list."

Whatever his shortcomings, in intellect, oratory, or wit, Jerry Ford is one of the most decent human beings in Washington. He is not a hater, nor is he under a constant compulsion to prove his own worth by dominating and downgrading others.

The qualities he has displayed in his confirmation hearings—and in 25 years in Congress—may be just what the doctor ordered for this badly battered Republic. A congressman's wife who watched his testimony on television remarked that he reminded her of Eisenhower. He lacks the personality and the smile that made it so easy to "like Ike," but that flat Midwestern voice and that open face encourage trust.

When he says, as he did, that "my platform, gentlemen, is always to support truth and intelligent compromise," you know that is the authentic Ford credo—and not a line some public relations adviser furnished.

A House colleague, enlisting support for his confirmation among Democrats, says he has been surprised to learn how many members of the opposition "really do consider Jerry a personal friend." Such friendships are rare among congressmen of opposite parties, and particularly among those whose leadership roles require them to operate, as Ford has, in a highly partisan fashion.

But Ford does not let partisanship carry to the point of personal enmity. It is inconceivable that his office would compile an "enemies list." As remarked previously here, his style of leadership in the House has been genuinely open and consultative. As Vice President or President, he testified, he would continue to make himself accessible to members of Congress and the press.

Even in the stress of this current situation, he has deliberately reached outside his own circle for guidance. In advance of the hearings, he sought out a group of certified "eggheads" and told them he was concerned that his reputation as a non-intellectual not be taken by them as a sign that he was anti-intellectual. He seemed genuinely relieved at being told that the very fact that he had sought such a meeting went a long way toward establishing the point he wanted to make.

A colleague in the Republican leadership says, "We learned very quickly that Jerry does not like to make decisions alone." A Ford administration would be an exercise in collective leadership.

Those members of Congress who know him best are unanimous in their belief that, should Ford become President, he would seek to continue the main lines of the Nixon foreign and domestic policy—detente abroad and decentralization at home.

He would try to keep Henry Kissinger and Melvin Laird as his chief foreign and domestic policy lieutenants, knowing full well that both men are more guileful and sophisticated than he is himself.

What Ford would bring to such a government is the simplicity and honesty and openness and benignity that have been missing so long from the White House.

As the awareness of those qualities in him has sunk in, the hunger for their restoration in national leadership has grown. "The sooner the better" doctrine now applies, not just to Ford's confirmation for the vice presidency, but to the step beyond.

PROPOSED LEGISLATION OF PRESIDENT AND VICE PRESIDENT RESIDENCES

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. LUJAN. Mr. Speaker, over the past several months some sad and unfortunate things have happened within our Government. It is not my intention to point an accusing finger nor to defend anyone or anything.

Indeed, it is a foolish man who does not try to learn a lesson from mistakes—his own and others. It is in this spirit that I make these comments for my colleagues' consideration.

While the examples I cite today are current, this problem and practice has existed for many years and through many administrations.

Mr. Speaker, I would be the last man on this Earth to quibble over the necessity of providing tax dollars to provide security and efficiency of Government for the top two political offices in our system. Certainly, we cannot emotionally nor politically afford a repetition of the fate of the Kennedy brothers or our neighbor from Alabama. If it takes money to prevent such tragedies then we must provide that money.

But, Mr. Speaker, I would suggest to this Congress that our sense of responsibility, direction of purpose, and pragmatic equilibrium has become muddled and distorted.

I am referring to the national responsibility of providing appropriate living accommodations and security for our President and Vice President.

Recently, it was revealed that more than $10 million has been spent "securing" Presidential residences in California and Florida. Within the past 6 months more than $140,000 was spent on the home of a former Vice President and within a few months the taxpayers are going to have to cough up a similar or possibly a greater amount on another Vice-Presidential residence. No one but the President and the Vice President and perhaps the subsequent buyer of his home benefits from this tax money. I do not think this is prudent spending even though I do believe the security of the President and the Vice President is a top responsibility of the citizens of this country.

The taxpayers of this country have provided a Presidential retreat at Camp David. I have been told that there is presently nothing that can be added to that facility in the way of safety and comfort for the President, his family and staff that is not already there. Several weeks ago the late Marjorie Merriweather Post willed an estate to the Government for a Presidential retreat in Florida.

I submit, Mr. Speaker, that two Presidential retreats—one a mountain resort and the other a seaside resort—should be more than adequate to serve a man and his family for any 4- or 8-year period.

Some years ago Congress passed a bill authorizing the construction of a Vice-Presidential residence on the grounds of the Naval Observatory. As my colleague from Texas pointed out several weeks ago, we are still without an official residence for the Vice President.

I would hastily remind my colleagues that my prime concern over this is one of economy of tax money. I wonder just how many millions of tax dollars have been spent over the years on the different Vice Presidential homes.

I would, Mr. Speaker, urge that this body take immediate steps to produce proper legislation restricting any President's personal property being converted at taxpayer's expense to a retreat or satellite White House.

I would also urge this body to take immediate steps to carry out the act passed some years ago and provide suitable living facilities for the Vice President at a location readily accessible to the center of Government and where he can be adequately protected without the reoccurring expenses of the past.

Also, Mr. Speaker, I would suggest that this Congress, as a condition of releasing appropriate funds for the Florida property for the President's retreat and a Vice Presidential residence, sit as a watch dog to see that accommodations appropriate to the position be provided, but that they be provided within prudent spending guidelines. Congress must take a firm stand and stop spending by overzealous protectors of the President and Vice President in matters of health, safety, and comfort.

It would be in the best interest of the country and the taxpayer if we make a final "one-time" expenditure for this purpose and not have to spend fantastic sums of money every 4 or 8 years to adequately secure homes for our President and Vice President.

ABUSE OF COMMUNICATIONS SYSTEMS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, a friend and constituent of mine, Mr. Gene S. Feves, is a former journalist with great experience in the news media field.

He recently called my attention to a letter he has submitted to the editor of several newspapers, with the expression that he doubted it would be printed. As I would like my colleagues to have the benefit of Mr. Feves' views, I insert the text of his letter at this point in the RECORD:

ARLINGTON, VA., *October 27, 1973.*

To: Gentlemen and Ladies of the Third Estate.

From: Gene S. Feves, Former Journalist Who won a National Award for Outstanding Work in the Field.

Subject: The Use and Abuse of Media and/or Communications Systems.

One doesn't hear the term Third Estate very often in these 1970s and while I'm wondering why not, I answer my own question. It is no longer a grouping of individuals dedicated to objectively reporting the news. It is now a grouping of individuals acting as physiologists, dramatists, analysts, and robbers of individual thoughts and reactions (otherwise called brainwashers). The communications specialists now dedicate themselves to criticizing American leaders. They are bold enough to analyze the motivations, words, and thoughts of the President of the United States, who knows what he wanted to do for the country and is doing it, but the critics impose their subjective reactions only upon the public. A public which is tired of hearing them misquote the President.

These individuals create discord by shocking the American public with their own thoughts and motivation and then say it is the President who is sending out shocks—the man the public elected as its leader. A man, who, being a normal individual, exercises his right to talk back—which hurts the sensitive (sic) feelings of the analysts, etc. who figuratively cry, via television, on the shoulders of the American people.

These discord artists, etc., are motivated in the spirit of competition—financial gain—as good employees for the competitive media—newspapers, television, and, to a slight degree, radio. Each television newscaster tries to outdo other newscasters in order to gain his own ends—become popular and hold down a job. Newspapers have aligned themselves with political parties and divorced themselves from the public and its interests as well as needs.

Who do you think is to blame for shocking the American people; for their loss of self-confidence; feeling of assurance and spirit of unity?

To date it is the Gentlemen of the Third Estate and not the Ladies of this former class as each man raising questions at press conferences with the President appears to be in competition with the President. They don't even give the ladies a chance to speak up. This is a time for less competition and more cooperation between the American People and the electronic-delivered visitors who charge into their homes and lives repeatedly, day and night in and out. Too many Americans are being forced to forego a vehicle that should be enlightening instead of vicious—and turn off tv sets content with a trusty radio.

GENE SEMENOV FEVES.

NOAA SEEKS CONSERVATION OF ENDANGERED SPECIES OF WHALES

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. PRITCHARD. Mr. Speaker, I am sure you are aware that the Marine Mammal Protection Act of 1972, with certain exceptions, places an immediate moratorium on the taking and importation of all marine mammals and marine mammal products. This act makes the Secretary of Commerce responsible for protecting whales and other marine mammals. On November 30, 1972, the Secretary of Commerce delegated authority for the functions prescribed by the act to Dr. Robert M. White, who is the Administrator of the National Oceanic and Atmospheric Administration—NOAA.

Since that time, Dr. White and NOAA have aggressively sought international cooperation in the conservation of endangered species of whales. A recent editorial in the Washington Post highlights the efforts of Dr. White who leads the U.S. delegation to the International Whaling Commission, to gain international compliance with the Commission's recommendations to ban the killing of seven species of whales which are severely depleted.

In addition, Dr. White has sought compliance by Japan and the Soviet Union with the current moratorium on the killing of fin whales. The fin whale is estimated to have a population of only 70,000—well below the optimal level of 200,000 to 250,000 in order to assure its survival.

Mr. Speaker, I insert the Washington Post editorial in the RECORD at this point:

CAN THE WHALES BE SAVED?

Few of the some 900 species of endangered or threatened animals have received as much international attention as the whale. It is among the most majestic and intelligent creatures of the sea, and the blue whale is said to be the largest animal that has ever lived. For decades, however, destruction of whales has been systematic and large; as a result, five of eight species of great whales are currently in danger of extinction.

Although a long time was needed for this message to get across, a number of whaling nations finally agreed to put away the harpoons and end the slaughter. The problem is that not all nations are willing to stop. Japan and the Soviet Union still go to the high seas to kill whales. Their defiance of a moratorium—to which 12 other nations adhere—is such that the U.S. Department of Commerce is now strongly protesting. In continuing to ignore the moratorium on fin whales, for example, Japanese companies cite a demand for whale meat in Japan. But Dr. Robert M. White, administrator of the Commerce Department's National Oceanic and Atmospheric Administration, said that the protein yield from fin whales amounts to an insignificant contribution to the meat requirement of Japan.

In going its own way, Japan and the Soviet Union are flouting the authority of the International Whaling Commission. The commission—which met last June in London—recommended a worldwide ban on killing blue, gray, bowhead, humpback and right whales, and urged strict quotas on several other species. A coalition of conservation and wildlife groups—who correctly see that by eliminating these leviathans the fragile balance of oceanic life may be irrevocably damaged—are now so alarmed that they are calling for a boycott of Japanese products in the U.S. marketplace. The membership of such groups hopes to exert the kind of economic pressure that international political pressure has not yet done.

Killing whales might be understandable if the dead beasts had any serious social uses. But they do not. Such frivolous purposes as dog, cat and mink food, automobile lubricants, cosmetics and food additives all have easily available substitutes. It is exactly the opposite for whales; once they vanish, they will not be back.

VOLUNTEER ARMY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the Honorable Howard H. Callaway, Secretary of the Army, addressed the Association of the U.S. Army a few weeks ago on a subject of interest to everyone in this Nation. He brought out several important aspects of the new "volunteer Army."

The Secretary's remarks should be of interest to Members of Congress and the general public. I recommend them to you.

The speech follows:

KEYNOTE ADDRESS BY THE HONORABLE HOWARD H. CALLAWAY, SECRETARY OF THE ARMY

Ladies and Gentlemen, distinguished guests:

I'm delighted to have this opportunity to be with you this afternoon. We in the Army are aware of your long-standing support for a strong National defense and we feel that the Nation owes you a debt of gratitude.

It is an exciting time for me to be Secretary of the Army. We are entering a historic time, a time of basic change, as we try to do what has never been done before. The Army has set out to provide security for this great country, to keep our global commitments, to stand ready to face an aggressor on a moment's notice—and to do all this with an Army of volunteers. No nation in history has tried to meet such massive and complex commitments without compelling people to serve, through one form of conscription or another. It is a challenge—a great challenge, one which I assure you we are doing our utmost to meet. Today I want to address this question with you—this question of meeting the need for an Army with a volunteer force.

Unfortunately, discussions of the volunteer Army are usually accompanied by emotional considerations about the value of the draft or of Universal Military Training. There are many, both in the military and out, who genuinely feel that the maintenance of a draft is important to our country, and so the debate continues. But the debate is on the wrong subject.

Those who continue to hold out the false hope that the Army can or ought to simply dodge the problems of the volunteer environment by quick return to the draft are not facing up to today's realities. The country doesn't want a draft today. The Congress doesn't want a draft today. The alternative then is a successful volunteer Army or failure for the Army. The US Army has never failed this country. It has always turned the hard challenges of history into success. So today, the challenge for all of us who support the Army is clear. We must set our minds to making the volunteer Army work.

And the volunteer Army is working! It is working because there are still young men and women in America who want to serve their country—this is "an idea whose time remains" for all Americans, young and old, of every race, color, and creed. And it is working because the Army offers to young men and women a satisfying life and solid benefits in conjunction with their service. There are those who feel we are trying to buy an Army. This is not the case. We are giving young men and women who serve in the Army a standard of living that is roughly comparable to the standard of living they might get in the civilian community for doing a similar job. This means higher pay; paid annual leave; complete, superb medical and dental care; life in much improved barracks, and more.

All of these measures are necessary. I support them wholeheartedly. But let me emphasize that we are not trying to buy an Army! We will get the Army that the Nation needs only by appeal to sacrifice and service.

And this brings me to the second, most important way that we are making the volunteer Army work, by insuring that service to the country is a meaningful part of the young man or woman's life. We are making Army service a step forward in their lives, not an interruption. And to do this we are putting a great emphasis on education and training, and on insuring that our soldiers' jobs are important and useful.

We are doing this by making each soldier's job relate to the Army's mission, because this makes Army service mean something. Our young people want value from their lives. They want a job that matters and we've got that job. We are also working to eliminate unnecessary irritants. We think this will make the Army more attractive, and our surveys have borne this out.

We have developed a very attractive package of education and training. To the high school dropout who has the ability and motivation, we offer work toward a high school diploma, as an adjunct to training. To the high school graduate, an opportunity for college training, part of which may be as an adjunct to training. To junior college and college students, the possibility of further training, and even this may be as an adjunct to training. And to all of them, the Army offers vocational training that will be useful when the soldier returns to civilian life.

With a meaningful job, a decent standard of living, and real opportunities for continued education and training, young men and women can look upon a period of service to the country as a genuine step forward in their lives. And when they leave the Service, they will realize other very important advantages. For one thing, under the GI Bill, they are entitled to more education, provided by the government to its veterans. And they're more mature. The Army has trained them, given them each a mission, and then hold them responsible for professional results. This responsibility develops maturity. Thus, both the education and experience of military service prepare them for better jobs when they leave the Army for civilian careers.

All of these benefits are pointed toward the first term volunteer. For those who choose to reenlist for the volunteer Army, however, more opportunities for education, maturity, and service accrue.

We have, today, the finest noncommissioned officer leadership training we have ever had, with progressive career steps going from the recruit right on through our top command sergeant major. Our men and women enjoy the benefits of our new Noncommissioned Officer Education System, a system which offers to the noncommissioned officer a progressive, professional military education roughly comparable to the superb system of schooling we have always offered to our officers. The system trains, educates, and motivates our NCO leaders for the progressive challenges of an Army career.

Some of our strongest supporters don't fully understand today's Army. They think the Army lost something important when we initiated, for example, the idea of hiring civilian help—KPs—to work in the kitchens and dining rooms. They think that eliminating such irritants as KP has made the Army soft. But the Army's mission is not to peel potatoes; its mission is to fight. Peeling potatoes does not improve discipline or combat efficiency. So changes to some things held traditional in the past are in the wind, but if you look at them, you will see that each turns harder than ever on mission. We are not retreating from the Army's real business. The volunteer Army is ready to fight.

We do not have and we shall not have a permissive Army. We have and we shall have a disciplined Army, responsive to authority, and able to perform its mission in the service of the country. You expect it; the country deserves it; and I'm going to do my level best to see that it happens!

In brief, that's the program we have undertaken to attract young people, to encourage them to enter the Army. And once they're in, I know that many of them will choose to stay beyond their initial commitment, because they will see that the Army has a very fine career progression system.

I believe Americans will agree, then, that we have a package that is appealing to today's young people, appealing not only in terms of benefits, but in the opportunity for service to country. And the beauty of this is that it appeals to everyone in America. Service to country appeals equally to rich and poor, Northerner and Southerner, educated and uneducated. Pride in America and willingness to sacrifice for her is an ideal which knows no cultural or economic boundaries. In this fact lies the very strength of the Nation. I count on this appeal to give us an Army which mirrors America. It's not going to be a mercenary Army, it's going to be an all-American Army.

This then is our plan. It is not only our plan for the future, it is also a description of today's Army. For practical purposes, the draft ended for us on December 29, 1972, when the last draftee entered the Army. (Although a few deferred draftees entered later.) So we have had about 10 months' experience now in a volunteer environment, and I think it is appropriate that we review some of the results.

Because each month we openly discuss our goals and quotas, many have a distorted picture of our progress. They feel we are hopelessly short of recruiting goals, trying to make up the gap by lowering quality, and as a consequence, ending up with nothing worthwhile whatever. It is true that we have missed our goals during the past 10 months. But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

What are the facts? During these past months, we have recruited into the volunteer Army some 124,000 young men and women; further, over 34,000 men and women have reenlisted during this period. In fact we have been running about 84 percent of our recruiting objective ever since December 29, 1972, when we abandoned the draft. And those who have come into the Army are of high quality. We have had a higher percentage of high school graduates entering the Army since the draft ended—about 10 percent higher—than we had in the 6 months before the end of the draft. As a result, we now have an Active Army of over 794,000 and this is 97 percent of our programed strength. Total accessions, then, have fallen somewhat short of our goals, but we are still filled far above any level of concern, and quality is high.

And we have many encouraging signs. Last year we decided to reactivate the 9th Infantry Division at Fort Lewis, Washington, but the manpower was not at hand. So we told the commander, General Fulton, that if he wanted a division, to take his cadre, the Division colors, and go out and recruit a division. General Fulton and his recruiters did just that. They began a vigorous recruiting campaign and today that Division stands at 102 percent strength, essentially filled with enlisted volunteer soldiers. Now, this is a real success story, a living example which illustrates concretely that the volunteer Army program is not an impossible dream, but a workable idea, and it is typical of many other units with similar successes.

We do not minimize our recruiting problems; we spend our time and energy working on them. We are trying many new approaches to recruiting, which stress quality together with quantity—such as increasing the number of recruiters, expanding our unit-of-choice and station-of-choice options, screening out poor soldiers in our reenlistments, administering new entrance tests, and even weeding out misfits in basic training. These efforts will continue.

Some also have expressed concern that the volunteer Army was doomed to failure because it would bring a decline in discipline. That has not been the case. If we compare discipline trends for FY 72 with FY 73, a period which includes both draft and volunteer Army experience, we find that rates for AWOL, desertion, crimes of violence, crimes against property, courts-martial, and separations under less than honorable conditions, are down.

Virtually every major indicator of discipline except drug offenses has, in fact, remained or turned positive in the volunteer Army. Whatever factors contribute to this picture, it is clear that today's volunteer soldier is not causing an increase in disciplinary problems.

Many also had expected the volunteer Army to herald the demise of our National Guard and Army Reserve as viable outfits. No such demise is in sight, although we do face problems here. We have seen modest reductions in the strengths of both our Reserve Components from the December 1972 levels, a trend in fact dating from mid-1971. But current indications give us some encouragement that we may be able to restrain this decline. We have in the past several months, for example, been successful in recruiting trained, experienced, prior-service personnel into our Reserve Components to offset some of our shortfall. As you know, Reserve Component strength remains critically important, so we are very much concerned that it continue to receive close attention. Under the total force policy any future emergency buildup will have to rely upon the National Guard and Reserve rather than a draft for initial and primary augmentation of our Active forces. I expect the improving image of the volunteer Army to have the positive effect on the health of our Reserve Component recruitment that is needed.

Finally, combat readiness, which is the heart of our business, has shown significant improvement. When the draft ended, we had 13 divisions on the books, but only 10 fully formed. Of the 13 divisions, only 4 met the Army's stringent readiness standards and were considered ready for combat. By contrast, we now have all 13 divisions fully operational and 10 ready for combat. Thus, our divisions today, judged by the stringent standards reported to the Joint Chiefs of Staff, much more nearly meet their goals in terms of authorized strength, personnel job qualification, unit training, equipment on hand, and equipment serviceability than they did at the end of the draft. Six months to a year from now, I believe our readiness posture will be even better.

These simple facts and figures point to one conclusion—The Army is better today than it was at the end of the draft. But the figures are not nearly so meaningful as the subjective feel of those in the Army. I certainly don't pretend to be an expert on this, but by the end of this month I will have visited all 13 of the Army's active divisions, as well as many other posts and stations. During every visit I have talked with new soldiers, with senior noncommissioned officers, with junior officers, with senior officers and commanders. I can tell you that without any question, today's Army is a far better Army, far more prepared for combat than it was at the end of the draft. I can just feel it everywhere I go. It's in the air. Discipline is better, morale is better, training is better, and equipment is better. The Army's future is indeed now.

And, what is more important, all of our vital trends, with the possible exception of drug abuse (and we are working hard and effectively on that one), are in the right direction today. Let me emphasize—your Army is good now, ready to fight, and getting better with the passage of time. I foresee no doom ahead. Six months from today we will be better, and after that, better still.

This picture that I give you of today's Army is enthusiastic and optimistic, and purposely so, I am extremely proud of today's Army and what has been done to make it work in the volunteer atmosphere. But I recognize our challenges. Benjamin Franklin once said that, "the man who expects nothing . . . shall never be disappointed." I believe he would share my belief that men who do expect something worthwhile and are willing to work hard for it, are apt to achieve it, even if the task is difficult and unfamiliar.

We are daily working on new, innovative, and exciting ideas to insure that we get the right number of qualified men and women to man our Army. It will not be easy. It will perhaps be the toughest job that the U.S. Army has ever been called upon to do, but I am certain that today's Army will be equal to the challenge.

We in the Army have always needed the active support of the American people. Today, we need it even more than ever before. Even our strongest critics have recognized that the one vital element necessary for the success of the volunteer Army lies beyond the Army itself. I'm talking about public support. We need your help as we plow new ground, as we steer an uncharted course to give the country the best Army it has ever had. Without your help, we cannot succeed; with it, we cannot fail. Together, we can meet the challenges and prove worthy of the Nation's trust.

Thank you.

WHY THE LEVITT CLINIC?

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. WOLFF. Mr. Speaker, on October 28, noted members of the Long Island community joined with State and Federal officials to dedicate the Levitt Clinic of the North Shore University Hospital. The occasion marked not only a great improvement in the care available to the community, but also a new, money-saving and effective method of care and treatment of ambulatory patients. The clinic, in its new handsome five-story building, has the most modern equipment in the 130 examination and treatment rooms. The clinic is named for Hospital Trustee William J. Levitt, well-known builder and philanthropist whose financial assistance made it possible. I would like to insert the following remarks about this important facility from the dedication program at this point in the RECORD:

WHY THE LEVITT CLINIC?

North Shore University Hospital was founded in 1945 with one basic aim—to bring the best possible medical and health care to the people it serves and to do so with warmth, compassion and understanding. We always are aware that the patient is a person whose own dignity, sense of worth and desire for privacy demand respect. We seek to treat not only the *illness* that a patient happens to have, but also the *person* who happens to have an illness. Above all, we seek not only to *make* people well, but to *keep* them well.

The Levitt Clinic opens its doors to provide the Hospital with a strong new arm in fulfilling that purpose. It is dedicated to providing comprehensive ambulatory, diagnostic and preventive health care of the highest quality for the residents of Long Island.

In the Clinic's five-story, 80,000 square-foot building, containing 130 treatment and consultation rooms, there is centered a full range of expert staff supported by the most modern and sophisticated facilities and equipment available to medical science. The Clinic thus makes service both more efficient and more convenient for the patient; further, it was planned so that the Hospital can easily add new services and facilities as the need for them arises. The Clinic is highly unusual, perhaps unique, in that comparable facilities are rarely found in suburban areas, tending rather to be parts of major medical centers located in large cities.

The Levitt Clinic's doors are open to all. The sole requirement for service is the need for medical attention. All patients are treated with one standard of care: they are seen by appointment and receive the same courtesy, attention and respect they would be accorded in the private office of the most considerate physician. The Clinic is open to the father with his little son who has had an accident and to the old person who has no family doctor, but who needs help with his arthritis.

And to all of Long Island, the Clinic is a highly sophisticated referral center. The family doctor takes care of about 90 percent of our medical problems in his office and most often he sends us away happier and feeling better. But sometimes he finds problems that require elaborate tests and highly specialized skills and equipment. In such instances, he now has a resource in The Levitt Clinic; he can refer his patient to the Clinic for diagnosis, and for consultation if he wishes.

Early diagnosis can head off much disease. Many ailments can be cured easily in early stages, but present much more difficulty later on. The principal theme of The Levitt Clinic is to keep the patient on his feet and out of a hospital bed. It costs less but, even more important, it is better medicine.

The doctor who refers a patient with a diagnostic problem will receive a full report promptly, usually within 24 hours of his patient's visit. If hospitalization is indicated, the patient and his physician will select the hospital. If they choose North Shore University Hospital, the patient's own doctor will have access to his hospitalized patient, through the cooperation of the hospital staff's physicians, whether or not the referring doctor is formally affiliated with the Hospital.

Behind The Levitt Clinic stand the full resources of North Shore University Hospital—more than 500 physicians and surgeons, some 600 nurses, nearly 1,500 employees, more than 1,000 volunteers, and our Trustees and Associate Trustees. In addition, numerous community agencies help us to reach out into the communities we serve.

And behind the Clinic and the Hospital stand the full resources—both medical and scientific—of Cornell University Medical College, of which we are a teaching center.

WILLIAM J. "BILL" HUNT

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. CHARLES H. WILSON of California. Mr. Speaker, on Thursday, November 29, 1973, the citizens of the city of Gardena, Calif, will honor Bill Hunt, the copublisher of the Gardena Valley News, by presenting him with the coveted "outstanding citizen award." It is my privilege today to join with the city of Gardena in paying tribute to this veteran newsman and truly distinguished citizen.

From a beginning as a newspaper delivery boy in Santa Monica at the age of 10, Bill Hunt has devoted his life to achieving the highest ideals of his profession. He has worked on newspapers from the Alaskan frontier to the heartlands of southern California, always combining his love for journalism with an overwhelming and abiding respect for the foundations and the enforcement of the law.

His interest in narcotics control and rehabilitation dates from days when few people paid much attention to this growing problem, and his efforts in this area have brought him deserved nationwide recognition. He was the first chairman of the Los Angeles County Narcotics and Dangerous Drugs Commission and to this day remains a member of that important organization. A delegate to President

John F. Kennedy's White House Conference on Narcotics, he also continues as a member of the President's Commission for the Suppression of Illicit Drugs and Narcotics.

Bill Hunt recently won what he terms "the greatest battle of my life," a 10-year fight to wipe out many peculiarly drawn and overlapping jurisdictional boundaries in Los Angeles County. Because of the confusion of these boundaries, accident victims have often been left bleeding and helpless in the street just 6 inches the other side of the Gardena City boundary and inside the limits of the city of Los Angeles' "shoestring strip."

Typical of Bill Hunt's concern for his fellow man, he began a battle which many said he could never win. He was the spearhead behind "Operation Humanity," asking simply that, regardless of boundary lines, all local accident victims be taken as quickly as possible to the nearest medical facility.

Often discouraged at the slow progress of this campaign, he nevertheless would not give up and on May 9 saw his efforts rewarded. From now on, because Bill Hunt fought many city halls, suffering accident victims will be treated immediately, regardless of where in the Gardena area they were hurt.

Also illustrative of this man's humility and concern for his fellow man was his remark upon learning of his victory:

> From here on out, we won't have to worry about those six inches.

All of the citizens of Los Angeles have this newsman to thank for the triumph of "Operation Humanity."

Again, it is my privilege to join with the citizens of the city of Gardena in saluting Bill Hunt, a truly fine human being.

IMPEACHMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HAMILTON. Mr. Speaker, under leave to revise and extend my remarks, I include the following:

CONGRESSMAN LEE HAMILTON'S
WASHINGTON REPORT

IMPEACHMENT

For the first time in 105 years a serious effort is underway to impeach a President of the United States. Most Americans, who dimly associate impeachment with the only U.S. President ever to be impeached, Andrew Johnson, have cringed from it, tried hard to avoid it, but the events of recent weeks have forced consideration of it upon the people and the Congress.

These events (like the dismissal of Special Prosecutor Cox and the White House plan to burglarize and wiretap dissenters from the President's policies) have stirred and angered the people and prompted the talk of impeachment. Even so, the latest Gallup Poll finds only 28 percent of the people favor impeachment, 55 percent oppose impeachment and 17 percent have no opinion.

The seriousness with which these charges are brought, together with the impeachment resolutions now pending in the Congress, should prompt all of us to review the impeachment process.

What is impeachment? The founding fathers drew upon their experience with English monarchs and four hundred years of English history of impeachment when they provided for impeachment in the Constitution, as a means of controlling the excesses of Presidents, Vice Presidents and other high federal officials and protecting the people from executive power. Congress, as the representative of the people, was given the power and responsibility to impeach and remove high public office holders from their positions, upon conviction, for public misconduct and violation of the public trust.

What is an impeachable offense? An impeachable offense is one that subverts the political principles on which a system of government is based. In wording the grounds for impeachment, the framers of the Constitution were deliberately brief, choosing flexibility over narrowness. The impeachable offenses they named were treason, bribery, and "High Crimes and Misdemeanors," a technical English term relating to abuses of public trust and not limited to ordinary criminal acts. The Constitution leaves it up to the Congress to decide if a public official's misconduct falls within the scope of the offenses which would undermine the Constitutional system, but injury to the nation was the essential part of the offense.

Has any President been impeached? Yes. The only impeachment of a President, Andrew Johnson, was over a century ago in 1868 in the aftermath of the Civil War. Johnson, who had become President upon Lincoln's assassination in 1865, was accused of attempting to remove the Secretary of War in violation of a hastily passed law. Johnson's claim that he had the right to discharge his subordinates prompted the House to impeach him. The Senate subsequently acquited him by a narrow margin of one vote.

Is impeachment a criminal process? No. Although Congress can remove public officials from office for criminal acts (treason and bribery are just two statutory crimes mentioned in the Constitution), impeachment does not carry any criminal punishment. The penalty for impeachment is limited to removal and disqualification from office. Most Constitutional experts agree that violation of the public trust, not a crime in the normal sense, and including a President's failure to oversee and control the conduct of his subordinates, are impeachable.

What is the procedure for an impeachment? Charges initiating the impeachment process, which must originate in the House of Representatives, can be made by Representatives, by transmittal from the President, by state legislatures, by grand juries, or on the basis of committee investigations in the House. In an impeachment proceeding, the House, functioning like a Grand Jury, hears evidence of alleged public misconduct by a federal official and can "impeach" him or her (much like returning an indictment) by adopting so-called "articles of impeachment," which specify the grounds of accusation.

Once an official has been "impeached," the case moves to the Senate which considers the charges of alleged misconduct prosecuted by Members of the House known as "managers." When the President is on trial, the Chief Justice of the Supreme Court presides, and the President may appear personally or by counsel. The proceedings are similar to, but more flexible than, those in a court trial. Both sides may present witnesses and the accused has the right of cross examination. At the conclusion of the trial the members of the Senate vote to acquit or convict the accused. Only the House can impeach, but only the Senate can convict. A two-thirds vote of the Senators present is required for a conviction, which removes the official from office.

TRIBUTE TO DALE STAFFORD

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HARVEY. Mr. Speaker, over 13 years ago, as I launched my congressional career, one of the first individuals that I wanted to meet with was the publisher and editor of a small but outstanding daily newspaper, Dale Stafford. From that initial meeting early in 1960, I have been proud to count him as a good friend.

It was with great sadness and shock that I learned last night of his passing. Dale Stafford was more than just a tremendous newspaperman, he was an outstanding individual—a man involved in his community—a man who cared—and a man of great integrity.

For nearly 50 years, Dale Stafford was a practicing journalist. As I think of his great newspaper career in Michigan, I am reminded of the famous comment that Thomas Jefferson once made before he became President. Mr. Jefferson was quoted as saying:

> Were it left to me to decide whether we should have government without newspapers, or newspapers without government, I should not hesitate for a moment to prefer the latter.

The Dale Staffords of the newspaper industry give great credence and substance to Mr. Jefferson's comments.

I relied greatly on Dale Stafford's judgment and counsel. He had the traits of all great newspapermen—to listen, ask prodding questions, and brush aside irrelevant points to get to the heart of the matter—quickly, concisely, and firmly.

Since the congressional redistricting in Michigan in 1964, I have not represented Montcalm County and Greenville, Dale's home since 1951 when he left the post of managing editor of the Detroit Free Press to become editor and publisher of the Greenville Daily News. That separation did not affect our friendship nor my reliance on his wise counsel.

Dale Stafford and his Greenville Daily News won many State and National honors, but I believe Dale cherished most of all the title of newspaperman.

To his wife, Vivian, and son, John, my wife, June, and I convey our deepest sympathy. We are very grateful and privileged to have known him and to have counted him as a good friend.

I am inserting at this point an article which appeared in the November 5, 1973, edition of the Detroit News, Detroit, Mich., on his passing. It reads as follows:

NEWSMAN DALE STAFFORD DIES

Dale Stafford, longtime publisher and editor of the Greenville (Mich.) Daily News, and former managing editor of the Detroit Free Press, is dead at 65. He died yesterday in Blodgett Memorial Hospital in East Grand Rapids.

Services were scheduled for today in the Brown-Teaman Funeral Home, Greenville. Burial is in Forest Home Cemetery, Greenville.

Born in St. Louis, Mich., Mr. Stafford beban his newspaper career as a correspondent for the Lansing State Journal while still a high school student.

During his years at Michigan State University, he was a sports writer and became the school's first athletic publicity director. Mr. Stafford, along with George Alderton, then sports editor of the State Journal, has been credited with dubbing Michigan State teams as "Spartans."

A sports writer and editor for the Pontiac Press, Mr. Stafford joined the Detroit office of the Associated Press in 1937 as a rewrite man and was considered an expert on sitdown strikes. He became sports editor for the Free Press in 1941 and four years later was appointed managing editor of the newspaper.

In 1951, he left the Free Press to become editor and publisher of the Greenville Daily News.

A former president of the Michigan Associated Press and of the Inland Daily Press Association, Mr. Stafford was a charter trustee of Grand Valley State College, and national president of the Michigan State University alumni organization.

He is survived by his wife, Vivian; his son, John, currently publisher of the Greenville Daily News, and three grandchildren.

COOPERATION BETTER THAN FORCE

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ABDNOR. Mr. Speaker, the full impact of the Occupational Safety and Health Act upon the small business community throughout our Nation is yet to be measured. There is no doubt, however, that a visit from the OSHA inspector is awaited with fear and dread by most of them. They are all aware of what the consequences of such a visit can bring; they are at a loss to begin to comprehend, much less comply with the myriad of standards they are faced with. Editor Harold Jones of the Redfield, S. Dak., Press discussed this recently in an editorial which I believe merits the thoughtful consideration of my colleagues.

The article follows:

COOPERATION BETTER THAN FORCE

If there ever was a time when business-industry and government should cooperate in making a new law work for the benefit of employees and the general public, the time is here and now.

In 1970, Congress passed the Occupational Health and Safety Act with the praiseworthy purpose of reducing job-related accidents and sickness. It has taken since then to organize the bureaucracy, and employers are just now beginning to feel the full crunch of governmental enforcement. The trouble is that the law is many, many pages long and it has generated complicated rules and regulations that, it is said, would fill a 17-foot bookshelf.

Large companies with legal staffs and safety experts have been busy trying to interpret what they have to do to live up to the regulations. Small and medium sized companies depend on the general advice of their trade associations and wait in trepidation for the O.S.H.A. inspectors to show up for a surprise visit.

The inspectors have the power to levy stiff fines on the spot and even close down plants found in violation—needless to say a traumatic experience for employer and employee alike which benefits no one.

There is a sensible proposal introduced in Congress for amending the law so that employers can consult with O.S.H.A. inspectors in advance about violations which need to be corrected. This would give firms a chance to know specifically what they are expected to do and to make the necessary changes before the O.S.H.A.-man starts levying fines and stopping work.

GEOTHERMAL ENERGY

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. McCORMACK. Mr. Speaker, last week I introduced H.R. 11212, the Geothermal Energy Research, Development, and Commercial Act of 1973. Joining me as cosponsors were Mr. OLIN TEAGUE, chairman of the Science and Astronautics Committee, Mr. MOSHER, Mr. GOLDWATER, and 21 other members of the Science and Astronautics Committee. This bill is designed to develop the necessary technology to make presently unconventional geothermal energy resources available for commercial use within 6 years. It establishes a combined National Science Foundation and NASA research, development and demonstration program to produce commercially competitive electricity from new types of geothermal energy.

H.R. 11212 is intended as a companion measure to the Solar Heating and Cooling Demonstration Act of 1973—H.R. 10952. These two bills are designed to provide the optimum realistic development of these two new energy sources, solar and geothermal, on an economically competitive basis, while providing full environmental protection. It is our belief that this can be accomplished before the end of this decade.

Geothermal energy is not new. We have all been aware of geysers and underground deposits of steam and hot water. In the United States, as well as in several foreign countries such as Iceland, New Zealand, and Italy, steam and hot water are being used for the production of electricity and for heating.

However, H.R. 11212, the Geothermal Energy, Research, Development, and Commercial Act of 1973, which we are now sponsoring, deals with demonstrating two new sources of geothermal energy which have not yet been exploited; and which, in fact, have scarcely been explored at all. These two are hot dry rock and geopressured zones, either of which may provide far greater quantities of commercially competitive electrical energy than any source of geothermal energy that has been developed to date. There is every reason to believe that development of these resources can have a significant impact on the energy picture of this country by the early 1980's if an aggressive program to develop them is initiated at once.

We do not know for certain what the research and development programs for these new sources will tell us, but it is important that we find out without further delay. This is the purpose of our bill.

"Hot dry rock" is a term for the heated bedrock lying beneath the surface of the Earth at depths of 12,000 to 20,000 feet. It is believed that electric power can be generated from steam produced by injecting water through holes drilled into these hot rock formations.

The research and development program to explore such a potential source of energy is, in concept, simplicity itself. Several holes similar to those drilled for oil wells would be drilled into suspected hot rock formations. Attempts would be made to fracture the rock in the vicinity of the holes, using several known pressurizing techniques. Water of any quality could then be pumped into this hot rock and, hopefully, dry steam would be blown to the surface through another hole. The steam should be clean and available for driving turbines, and thus electric generators. This is "quick and dirty research." We know what needs to be done; we know what we are looking for; it does not take a great deal of finesse or a long time. It does require a mission-oriented program and adequate financing. This will be provided by H.R. 11212.

Hot dry rock at temperatures greater than 250° C—or 2½ times the boiling point of water—underlies about 17 percent of the area in the Western States, and also occurs at somewhat lower temperatures in eastern areas. Our research programs should develop efficient methods for transforming this heat into electrical energy, whether it is from the lower temperature granite underlying the Eastern States or the higher temperature rock formations of the West. H.R. 11212 includes provisions for this research.

The second unconventional source of geothermal energy—large geopressured zones—are presently known to exist at great depths on the gulf coast and may exist in certain other areas. They have been encountered during deep exploratory drillings for oil and gas along the Louisiana and Texas coast where very high pressures and temperatures were encountered. The dangers associated with these high pressures and temperatures made oil or gas wells unusable, but what was once considered a failure may prove to be the source of new energy in the near future.

The Resource Appraisal Panel of the National Science Foundation Conference on Geothermal Energy estimated in September 1972 that geopressured zones may contain nearly 2,700 trillion cubic feet of natural gas—an amount equal to three times our known reserves of natural gas—dissolved in the heated water. I prefer to treat this as an optimistic estimate, but if it is only approximately true, and if this natural gas can be recovered, it will have a most significant and favorable impact on our energy resource base during the 1980's. The water in these geopressured zones is trapped and not circulating, and much of it may be potable, and thus valuable for domestic or agricultural purposes. In addition, since the trapped water is held under extremely high pressures, it may be utilized directly to drive turbines to produce cheap electricity. Thus, we may have three sources of energy from this one geothermal phenomenon—the heat and the pressure from the water, and the natural gas.

The application of technology to the problems of hot dry rock and geopressured zones can make them viable commercial sources for electric power generation, sources whose potential is great enough to have a significant impact in meeting our national energy needs from the 1980's onward.

H.R. 11212 will provide the necessary research and development of pilot plants to demonstrate technical feasibility, and, after review of the progress, provide for the construction of a small, commercially competitive demonstration plant exploiting each source.

Concurrent with this objective will be the necessary development of new techniques to extract energy more usefully from the existing sources of geothermal steam such as those being developed in California. However, this work, and the development of the hot water resources of California, will, we believe, be accomplished by the utility industries of that area under the land leasing provisions of existing law.

The proposed legislation would authorize an $80 million, 6-year research, development and demonstration program by the National Science Foundation and NASA, designed to demonstrate the feasibility of producing electric energy from geothermal heat and pressurized water, with the possible added benefit of exploiting much needed additional gas resources.

Mr. Speaker, although the original bill has already been submitted, we have invited, and are now inviting, other Members of the House to join us in cosponsoring identical versions of this measure. I believe it is important that the Congress of the United States demonstrate that it has the courage, the sense of responsibility and the perspective to initiate constructive programs which will help solve our energy crisis in a timely manner and which will help us move toward energy self-sufficiency at the earliest possible date. I believe that the solar energy bill which we sponsored 2 weeks ago, and the geothermal bill which we are now sponsoring are two such measures; legislation of which we may be proud, and which the people of the United States will recognize as responsible.

We intend to hold hearings on the Geothermal Energy Research, Development, and Commercial Demonstration Act of 1973 as soon as markup is completed on the solar energy bill. If Congress remains in session during the month of December it is our intention to report this bill out of committee before the end of the year.

The bill follows:

H.R. 11212

A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Geothermal Energy Research, Development, and Commercial Demonstration Act of 1973".

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) the Nation is currently suffering a critical shortage of environmentally acceptable forms of energy;

(2) the inadequate organizational structures and levels of funding for energy research have limited the Nation's current and future options for meeting energy needs;

(3) electrical energy is a clean and convenient form of energy at the location of its use and is the only practicable form of energy in some modern applications, but the demand for electric energy in every region of the United States is taxing all of the alternative energy sources presently available and is projected to increase; some of the sources available for electric power generation are already in short supply, and the development and use of other sources presently involves undesirable environmental impacts;

(4) the Nation's critical energy problems can be solved only if a national commitment is made to dedicate the necessary financial resources, and enlist the cooperation of the private and public sectors, in developing geothermal resources and other nonconventional sources of energy;

(5) the conventional geothermal resources which are presently being used have limited total potential; but geothermal resources which are different from those presently being used, and which have extremely large energy content, are known to exist;

(6) some geothermal resources contain energy other than heat; examples are methane and extremely high pressures available upon release as kinetic energy;

(7) some geothermal resources contain valuable byproducts such as potable water and mineral compounds which should be processed and recovered as national resources;

(8) technologies are not presently available for the development of most of these geothermal resources, but technologies for the generation of electric energy from geothermal resources are potentially economical and environmentally desirable, and the development of geothermal resources offers possibilities of process energy and other nonelectric applications;

(9) much of the known geothermal resources exist on the public lands; and

(10) Federal financial assistance is necessary to encourage the extensive exploration, research, and development in geothermal resources which will bring these technologies to the point of commercial application.

FUNDING OF GEOTHERMAL ENERGY RESEARCH BY NATIONAL SCIENCE FOUNDATION

SEC. 3. (a) Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) The Director shall initiate and support basic and applied research relating to geothermal energy development, as provided in section 3(b) of the Geothermal Energy Research, Development, and Commercial Demonstration Act of 1973.".

(b) The Director of the National Science Foundation is authorized and directed to initiate, support, and fund basic and applied research activities related to geothermal energy in support of the objectives of this Act. These research activities shall, insofar as practicable, support the new geothermal energy technologies demonstrated or to be demonstrated by the National Aeronautics and Space Administration pursuant to section 4 of this Act. For these purposes the Director of the National Science Foundation is authorized to utilize funds appropriated to the Foundation pursuant to law or transferred to it from the National Aeronautics and Space Administration or other Federal agencies.

COMMERCIAL GEOTHERMAL ENERGY DEMONSTRATIONS BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 4. (a) Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended by redesignating subsection (b) as subsection (c), and by inserting immediately after subsection (a) the following new subsection:

"(b) The Administration shall initiate and carry out commercial demonstrations and conduct related activities (including research and development) in geothermal energy technology, as provided in section 4(b) of the Geothermal Energy Research, Development, and Commercial Demonstration Act of 1973.".

(b)(1) The National Aeronautics and Space Administration (hereinafter in this section referred to as the "Administration") is authorized and directed to undertake and carry out a program, as provided in this subsection, for the development and demonstration of the commercial use of geothermal resources for the production of energy in support of the objectives of this Act.

(2) The program under this subsection shall encompass research, development, commercial demonstrations, and related activities involving geothermal resource bases such as hot dry rock and geopressured zones.

(3)(A) In carrying out the program under this subsection, the Administration is authorized to establish with respect to each geothermal resource base involved a separate demonstration project, which shall include, as appropriate, all of the exploration, siting, drilling, pilot plant construction and operation, commercial demonstration plant construction and operation, and other facilities and activities which may be necessary for the generation of electric energy and the utilization of geothermal resource byproducts.

(B) Plants and other real property utilized or involved in any such project may be purchased, leased, constructed, or otherwise established or obtained by the Administration either directly, through its own facilities and personnel, or under appropriate contracts or arrangements with other public or private persons or agencies.

(C) Basic and applied research needed for or in connection with any demonstration project under this paragraph, and related research and development activities, shall be conducted or performed by the Administration but shall be coordinated to the maximum extent possible with related activiites of the National Science Foundation (particularly those provided for in section 3(b) of this Act), the Department of the Interior, the Atomic Energy Commission, and other appropriate public agencies and private entities.

(4)(A) During the conduct of any demonstration project under paragraph (3) the Administration shall take such steps as may be necessary to dispose of all the electric energy and other geothermal resource by products of such project, in such manner and on such terms and conditions as the Administration may determine to be feasible and in support of the objectives of this Act.

(B) To the maximum extent possible the disposition of byproducts under subparagraph (A) shall be accomplished through the sale of such byproducts for commercial utilization, on such terms and conditions and in accordance with such plans as the Administration may prescribe or develop.

(5) At the conclusion of the program under this subsection or as soon thereafter as may be practicable, the Administration shall, by sale, lease, or otherwise, dispose of all projects undertaken pursuant to paragraph (3) (including mineral rights therein) on such terms and conditions as it determines to be reasonable, or, if the disposition of any such project or any part thereof on reasonable terms and conditions is not possible or feasible, shall under appropriate contracts or other arrangements provide for the disposition of all of the electric energy and other geothermal resource byproducts of such project or part thereof.

(6) In the conduct of its activities under this subsection, the Administration shall place particular emphasis upon the objective of assuring that the environment is effectively protected and that such activities do not threaten the safety of persons or property; and the program under this subsection shall include such special research and development as may be necessary for the achievement of that objective.

(7) (A) The Administration shall submit to the President and the Congress at least every six months during the period of the program under this section a full and complete report of its activities under this section, including such projections and estimates as may be necessary to evaluate the progress of the program under this section and to provide the basis for as accurate a judgment as is possible concerning the extent to which the objectives of this Act will have been achieved by the close of such period.

(B) No later than one year after the close of the period of the program under this section, the Administration shall submit to the President and the Congress a final report on its activities under this section, including its recommendations with respect to any further legislative, administrative, and other actions which should be taken in support of the objectives of this Act.

(c) There are authorized to be appropriated to the Administration, for the first six fiscal years beginning after the date of the enactment of this Act, such sums, not exceeding $80,000,000 in the aggregate, as may be necessary to carry out this section.

WE NEED A NEW MINIMUM WAGE BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ERLENBORN. Mr. Speaker, representatives of several labor organizations have taken pen in hand of late to chastise those of us who voted to sustain the veto of the minimum wage bill. The vetoed bill, according to them, was 100-percent perfect. They find it incomprehensible that 164 Members of Congress could have found a single fault with it.

Our objections have been enumerated time and time again. There is room for compromise, which, after all, is the wellspring of good legislation.

Those on the other side, however, have been adamant all along. They fought compromise last year, and now they spend their time and energies writing letters of protest, instead of encouraging our General Labor Subcommitee Chairman, Mr. DENT, to negotiate and to compromise.

The message they convey is that they still prefer a political issue, not a realistic bill. If these leaders of big labor are sincere, if they truly want wage increases for the unskilled, they will put an end to the rhetoric and join me in urging the prompt reporting of a sensible, workable minimum wage bill. That may not provide the sense of satisfaction howling apparently does, but we could get a good minimum wage bill. That is what the legislative process is all about.

THE INFLATION FED

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HUBER. Mr. Speaker, the problem of inflation continues to bedevil us all. My strong view is that controls will not solve the problem, and the experience we have had to date appears to confirm my view. Deficit spending by the Federal Government is a major culprit. Recently, Milton Friedman discussed the role the Federal Reserve System is playing in trying to right our economy and found it wanting. It seems that controls and direction of the economy by the Government has accomplished little in overcoming inflation. Mr. Milton Friedman's article that appeared in Newsweek of August 27, 1973, follows:

THE INFLATIONARY FED

(By Milton Friedman)

"Seldom has promise diverged so widely from performance as it has in recent monetary policy . . .

"Listen to the words that emanate from the Federal Reserve System and you will conclude that the Fed is a bastion of defense against inflation . . .

"Look at the Fed's actions, and you will reach precisely the opposite conclusion . . .

"The plain fact is that inflation is made in Washington, in that stately and impressive Grecian temple . . . that houses the Board of Governors of the Federal Reserve System."

Tragically, these words are no less relevant today than when they first appeared in this space in 1969.

I then attributed the divergence of promise from performance to misunderstanding. The men who run the Fed, I wrote, have "taken the behavior of interest rates rather than the quantity of money as their guide—and this mistake has led them far astray from their intended path."

BETTER UNDERSTANDING

That explanation is not valid today. In January 1970, the Fed gave primacy in its policy directive to "monetary aggregates" rather than interest rates. In February 1971, chairman Burns testified to Congress: "We know . . . that while a high rate of growth of narrowly defined money may well be appropriate for brief periods, rates of increase above the 5 or 6 per cent range—if continued for a long period of time—have typically intensified inflationary pressures." He went on to "reaffirm the assurance that I gave this committee and the nation a year ago—namely that the Federal Reserve will not become the architect of a new wave of inflation."

The rates of monetary growth specified by chairman Burns are too high. Yet, even so, actual monetary growth has been substantially higher.

The standards

In not a single one of the 216 months from January 1948 to January 1966 did the year-to-year growth in the narrowly defined money supply (M_1) exceed 6 per cent. These eighteen years included the Korean inflation, yet M_1 rose at the average rate of only 2.4 per cent per year; consumer prices, of 1.7 per cent; wholesale prices, of 1.2 per cent.

The two years 1966 and 1967 set the stage for the subsequent burst of inflation. Yet the year-to-year growth in M_1 exceeded 6 percent in only four out of 24 months. M_1 rose at the average rate of 4.3 percent; consumer prices, of 3.4 percent; wholesale prices, of 1.3 percent.

The evidence therefore supports a "3 or 4 percent range" rather better than Burn's "5 or 6 percent range."

Performance

In the three and a half years since January 1970, the year-to-year growth in M_1 has exceeded 6 percent in 25 out of 42 months, and has averaged 6.7 percent. Moreover, monetary growth has been speeding up, averaging 7.3 percent since January 1971, 7.8 percent since January 1972. Consumer prices rose at an average rate of 4.6 percent, wholesale prices, of 6.7 percent.

Over short periods, many factors other than monetary growth affect the rate of inflation. But, as chairman Burns implied, over long periods, monetary growth is dominant.

It takes several years for monetary growth to exert its full influence on prices. As a result, we have so far experienced only the early effects of the nearly 8 percent rate of growth of the past year and a half. That rate of monetary growth, probably even now, and certainly if long continued, implies that inflation in consumer prices will reach something like 7 percent per year after full adjustment.[*]

When the Fed changed its directive in January 1970, those of us who had long been urging such a change confidently expected steady monetary growth at a noninflationary rate—especially after chairman Burns stated in a May 1970 talk, "In recent years, growth rates of major monetary aggregates have been permitted to vary over an extremely wide range . . . There has been much loose talk of 'fine tuning' when the state of knowledge permits us to predict only within a fairly broad level the course of economic development and the results of policy actions."

WORSE POLICY

Our hopes have been shattered. Monetary growth has been both higher and more variable in the past three and a half years than in any other postwar period of equal length.

What now explains the divergence between the Fed's promises and its performance? Why does the Fed remain an engine of inflation? I confess that I am baffled.

H.R. 10937

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RODINO. Mr. Speaker, H.R. 10937, which I introduced on October 16, 1973, deals with a matter of great national importance and utmost urgency. The June 5, 1972, grand jury of the District Court of the District of Columbia, the so-called Watergate grand jury, will expire on December 4, 1973, unless the Congress acts to extend its term.

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[*] See my "How Much Monetary Growth?," Morgan Guaranty Survey, February 1973.

The Watergate grand jury has been sitting for 16 months, receiving evidence and testimony related to the Watergate break-in and coverup. It has worked hard and compiled many pages of transcript. The grand jury is acquainted in detail with the many facets of the matters it has had under consideration. It would be extremely unfortunate if this grand jury were to expire and the country to lose its services.

The alternative to extending the Watergate grand jury is to let it go out of existence and to let another grand jury take up the Watergate break-in and coverup. This alternative course of action will result in a waste of time and resources. If the prosecutors do not recall the witnesses who previously testified, they will have to read or extensively summarize the transcripts of the witnesses' testimony. Considering the scope of the grand jury's work to date, either course of action will be needlessly time-consuming, costly, and inefficient.

H. R. 10937 will by statute extend the term of the Watergate grand jury until June 4, 1974, a period of 6 months. The District Court for the District of Columbia is empowered to extend the term for an additional 6 months if it finds that the grand jury will not have completed its business by June 4, 1973. Should the district court fail to extend the term, the grand jury is authorized to apply to the chief judge of the U.S. Court of Appeals for the District of Columbia Circuit for the extension. However, H.R. 10937 provides that in no event shall the term of the grand jury extend beyond December 4, 1974. The Committee on the Judiciary has been assured by the Justice Department prosecutors in charge of the Watergate matters that they will be able to complete all of their work by December 4, 1974.

H.R. 10937 will promote the just and efficient administration of justice. The legislation will permit a highly knowledgeable grand jury to continue to hear testimony and receive evidence. This will protect the interests of possible defendants, and interests of the prosecutors, and the interests of the public, for it will insure that people who are intimately acquainted with all the facts will be deciding whether to return indictments, and, if necessary, against whom to return them. This will, in turn, help restore public confidence in the efficacy and integrity of our judicial system. I urge the House to pass this legislation.

PERSONAL EXPLANATION

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RINALDO. Mr. Speaker, in connection with the vote today on the previous question on the rule for the bill, H.R. 11104, the debt limit bill, I should like the RECORD to show that I intended to vote "nay." Because of trouble with the electronic voting machine, my vote was inadvertently recorded as "aye," and under the 15-minute rule there was unfortunately no time available to me in which to change my vote.

DEFICIT SPENDING

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. LUJAN. Mr. Speaker, once again I would like to address my colleagues about one of my pet peeves—the deficit spending practices of our Government.

The word "inflation" is on the tip of the tongue of every person in this country. Volumes have been written and spoken about the inflation problem but little, if anything, has been done to stop it.

I think it is long past due that the Congress be honest with itself and put the blame where it belongs—on the Congress and its apparent approval of the Government's deficit spending. The inflation is the direct result of more than 30 years of deficit spending.

The only way to begin an earnest battle against inflation is not more Government spending at the expense of increased taxes but less taxation and less Government spending.

It is a fact of life, Mr. Speaker, that there is no such thing as a free lunch either in Government or the private sector.

Our Government—with the approval of the Congress—is and has been spending $1 out of every $5 circulated in this country. That practice is not economically healthy. In fact, it is deadly.

It is not the individual earnings or the so-called tax structure causing our financial problems. The full blame must be put on the Government's policy of deficit spending. The present inflation is the price this Nation is paying for more than 30 years of unbalanced budgets. There are many Government economists who have elaborate explanations of its causes, but the explanation is very simple—for too long we have continued deficit spending, of never balancing the budget.

Yes, we can expect deficit spending during years of emergency, but our annual deficits are now greater than during wartime.

If a family or business spends more than it takes in, it soon goes broke, but the bureaucrats are trying to find a whipping boy to blame for the economic trouble—the taxpayer. I maintain that it will not work.

It is very simple to figure out that if Congress will stop deficit spending, the economy will right itself. But Congress must take the initiative.

We are obligated to every citizen and taxpayer of this country to do so. We can no longer afford, financially or morally, to continue this way. I urge every Member of the Congress to give serious thought to this problem and give it top priority in all decisionmaking. We must begin to mend our ways now—we cannot afford to wait.

HOUSE OF REPRESENTATIVES—*Thursday, November 8, 1973*

The House met at 12 o'clock noon.

The Reverend Monsignor Louis W. Albert, pastor of St. John the Evangelist Church, Silver Spring, Md., offered the following prayer:

FOR THIS DAY

Eternal God, we praise and thank You for your presence with us here and now.

From our preoccupation with fear, prejudice, and pain, we turn to You, everlasting God.

You give us life.

And beyond food to eat, water to drink, and air to breathe, You give us faith to bring us to the truth, hope to keep us going, and love to make it all worthwhile.

Create in us again this day and this hour the quality of life which is eternal, through Jesus Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate having proceeded to reconsider the joint resolution (H.J. Res. 542) entitled "Joint resolution concerning the war powers of Congress and the President," returned by the President of the United States with his objections to the House of Representatives, in which it originated, and that the said joint resolution pass, two-thirds of the Senators present having voted in the affirmative.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5874. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5874) entitled "An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Sparkman, Mr. Proxmire, Mr. Williams, Mr. McIntyre, Mr. Tower, Mr. Bennett, and Mr. Brock to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 55. Concurrent resolution authorizing the printing of the report of the proceedings of the 46th biennial meeting of the Convention of American Instructors of the Deaf as a Senate document.

THE REVEREND MONSIGNOR LOUIS W. ALBERT

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, it is my pleasure to welcome Monsignor Albert, pastor of St. John the Evangelist Church in Silver Spring, Md.

Before coming to St. John's 3 years ago, Monsignor Albert was the pastor of St. Mark's Church in Hyattsville, which he founded 17 years ago.

He was ordained in 1934 and was designated a monsignor by Pope Paul VI 2 years ago.

Monsignor Albert is a member of the diocesan board of consultors, and the priest's senate.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8877, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, APPROPRIATIONS, 1974

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Conference Report (H. Rept. No. 93–626)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8877) "making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 8, 33, 34, 35, 38, 45, 55, 76, 77 and 78.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 9, 13, 14, 22, 23, 36, 44, 49, 52, 53, 54, 56, 59, 60, 61, 64, 66, 69, 70, 71, 74 and 82, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$70,408,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$815,975,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$853,280,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$134,565,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,000,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$551,191,500"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$302,915,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$45,565,500"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$159,447,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$176,778,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$130,254,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$41,631,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$133,472,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$710,795,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($41,500,000)"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($30,000,000)"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,121,893,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$152,404,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($32,625,000)"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($8,262,000)"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($66,300,000)"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$614,903,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,889,414,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$500,000,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$488,500,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($95,000,000)"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,500,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$50,000,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$298,917,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$72,200,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$434,600,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$415,788,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$346,300,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 11, 16, 18, 32, 48, 51, 57, 62, 68, 75, 79 and 81.

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH,
BOB CASEY,
EDWARD J. PATTEN,
DAVID R. OBEY,
GEORGE MAHON,
GARNER E. SHRIVER,
SILVIO O. CONTE
(except amendments No. 32 and No. 61),
Managers on the Part of the House.

WARREN G. MAGNUSON,
JOHN L. MCCLELLAN,
ALAN BIBLE,
ROBERT C. BYRD,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
ERNEST F. HOLLINGS,
THOMAS F. EAGLETON,
NORRIS COTTON,
MILTON R. YOUNG,
CLIFFORD P. CASE,
HIRAM L. FONG,
EDWARD W. BROOKE,
TED STEVENS,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1: The following provision in the opening paragraph of the Senate bill, "and shall be made available for expenditure except as specifically provided by law" was not agreed to by the conferees because it was deemed to be an unnecessary restatement of existing provisions of law. It was therefore deleted without prejudice.

The conferees draw attention to the comments on pages 5 and 6 of the Senate Committee report concerning the provisions of 31 U.S. Code 701(a)(2) and P.L. 93–52.

TITLE I—DEPARTMENT OF LABOR

Manpower Administration

Amendment No. 2: Deletes appropriation of $41,032,000 for "Salaries and expenses", proposed by the House.

Amendment No. 3: Deletes appropriation of $40,000,000 for "Manpower training services" proposed by the Senate.

The conferees are agreed that funds for carrying out Title IX of the Older Americans Act and for salaries and expenses of the Manpower Administration will be considered at a later date in connection with appropriations for the manpower training programs.

Occupational Safety and Health Administration

Amendment No. 4: Appropriates $70,408,000 for "Salaries and expenses" instead of $69,318,000 as proposed by the House and $73,400,000 as proposed by the Senate. This amount provides for support of a total of 800 positions for compliance inspection, instead of 691 provided by the House and 1,100 provided by the Senate.

Departmental Management

Amendments Nos. 5 and 6: Appropriate $23,322,000 for "Salaries and expenses" as proposed by the Senate instead of $23,225,000 as proposed by the House and provide that $941,000 shall be available for the President's Committee on Employment of the Handicapped, as proposed by the Senate instead of $844,000 as proposed by the House.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

Amendments Nos. 7 and 8: Appropriate $815,975,000 for "Mental health" instead of $795,475,000 as proposed by the House and $845,475,000 as proposed by the Senate and provide that $15,000,000 shall remain available until June 30, 1975, for grants pursuant to Part A of the Community Mental Health Centers Act as proposed by the House, instead of $20,000,000 as proposed by the Senate.

The conferees are agreed that the amount in excess of the House bill is for alcoholism programs and includes $2,500,000 for training, $10,000,000 for project grants, and $8,000,000 for grants to States .

Amendment No. 9: Adjusts legal citation pertaining to "Health services planning and development" as proposed by the Senate.

Amendment No. 10: Appropriates $853,280,000 for "Health services delivery" instead of $832,030,000 as proposed by the House and $875,380,000 as proposed by the Senate. The conferees are agreed that the total appropriation includes $92,273,000 for project grants and $125,678,000 for grants to States for maternal and child health under Title V of the Social Security Act. The House bill included no funds for project grants and $217,951,000 for grants to States, and the Senate bill included $94,273,000 for project grants and $125,678,000 for grants to States. The amount in excess of the House bill includes $1,250,000 for migrant health grants, $2,000,000 for the National Health Service Corps, $3,000,000 for operation of the Public Health Service hospitals and clinics, and $15,000,000 for modernization of the hospitals. The conferees agreed to delete the $2,000,000 added by the Senate for pediatric pulmonary centers with the understanding that these centers will be funded at this level within the amount provided in the bill for the regional medical programs.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will provide that $15,000,000 of the amounts appropriated for the Public Health Service hospitals shall remain available until expended, instead of $25,000,000 as proposed by the Senate. The managers on the part of the Senate will move to agree to the amendment of the House to the amendment of the Senate. The conferees are agreed that no funds are to be used for the purpose of closing the Public Health Service hospitals.

Amendment No. 12: Appropriates $134,565,000 for "Preventive health services" instead of $127,080,000 as proposed by the House and $141,780,000 as proposed by the Senate. The conferees are agreed that the amount in excess of the House bill includes $585,000 for vaccination assistance, $200,000 for laboratory improvement, $900,000 for rodent control, $800,000 for the Arctic Health Research Center, and $5,000,000 for the construction, purchase and operation of fixed sites and mobile clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in active and inactive coal miners.

Amendment No. 13: Appropriates $19,335,000 for "National health statistics" as proposed by the Senate instead of $22,821,000 as proposed by the House.

Amendment No. 14: Adjusts appropriation language for "Retirement pay and medical benefits for commissioned officers" as proposed by the Senate.

Amendment No. 15: Appropriates $12,000,000 for "Office of the Administrator" instead of $14,304,000 as proposed by the House and $7,304,000 as proposed by the Senate.

National Institutes of Health

The bill includes a total of $1,813,900,000 for the research institutes and divisions of the National Institutes of Health. These appropriations are covered by Amendments Nos. 16 through 27. This compares with the 1973 appropriation of $1,721,841,000, the 1973 operating level of $1,486,731,000, the budget estimate for 1974 of $1,531,776,000, the House bill of $1,741,271,000, and the Senate bill of $1,882,031,000. The conferees are agreed that, in general, the earmarkings included in the Senate Committee report should be used as a guideline in allocating the increases over the amounts proposed by the House, except in those instances where more specific instructions are contained in this statement.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will provide that $25,000,000 of the appropriation for "National Cancer Institute" shall remain available until June 30, 1975, instead of $50,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 17: Appropriates $551,191,500 for "National Cancer Institute" instead of $522,383,000 as proposed by the House and $580,000,000 as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which earmarks $4,500,000 of the amount appropriated for "National Cancer Institute" for the Norris Cotton Cancer Center.

Amendment No. 19: Appropriates $302,915,000 for "National Heart and Lung Institute" instead of $281,415,000 as proposed by the House and $320,000,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $10 million for demonstrations of emergency medical care and that special emphasis should be given to high blood pressure and hypertension control programs in the allocation of the remainder of the increase.

Amendment No. 20: Appropriates $45,565,500 for "National Institute of Dental Research" instead of $44,131,000 as proposed by the House and $47,000,000 as proposed by the Senate.

Amendment No. 21: Appropriates $159,447,000 for "National Institute of Arthritis, Metabolism and Digestive Diseases" instead of $155,894,000 as proposed by the House and $163,000,000 as proposed by the Senate.

The conferees are aware that diabetes is a prime example of a disease which affects the work of many of the Institutes. It may afflict the eyes, heart, brain, and muscular structure. The conferees urge the NIH to establish mechanisms to assure a coordinated program of research by the Institutes concerned with the various aspects of diabetes.

Amendment No. 22: Appropriates $125,000,000 for "National Institute of Neurological Diseases and Stroke" as proposed by the Senate instead of $120,073,000 as proposed by the House.

Amendment No. 23: Appropriates $114,000,000 for "National Institute of Allergy and Infectious Diseases" as proposed by the Senate instead of $112,744,000 as proposed by the House.

Amendment No. 24: Appropriates $176,778,000 for "National Institute of General Medical Sciences" instead of $175,778,000 as proposed by the House and $183,500,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House shall be used for biomedical engineering and pathology centers. The conferees are also agreed that the MARC (Minority Access to Research Careers) program should be continued and expanded.

Amendment No. 25: Appropriates $130,254,000 for "National Institute of Child Health and Human Development" instead of $125,254,000 as proposed by the House and $135,254,000 as proposed by the Senate.

Amendment No. 26: Appropriates $41,631,000 for "National Eye Institute" instead of $36,631,000 as proposed by the House and $46,631,000 as proposed by the Senate. The conferees are agreed that in the allocation of the increase over the amount proposed by the House, special attention should be given to diabetic retinopathy and macular degeneration including central serous retinopathy.

Amendment No. 27: Appropriates $133,472,000 for "Research resources" instead of $133,322,000 as proposed by the House and $134,000,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House is to be used for the support of the primate colony at Holloman Air Force Base.

Amendment No. 28: Appropriates $710,795,000 for "Health manpower" instead of $706,841,000 as proposed by the House and $731,916,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $500,000 for special project support of the Dartmouth Medical School, $2,000,000 for physician shortage area scholarships, $680,000 for family practice of medicine programs to provide a total of $10,000,000 for these programs, $2,350,000 for capitation grants for schools of nursing, $1,000,000 for nursing scholarships, and $2,200,000 for nurse traineeships. The conferees have also agreed to the Senate reduction of $4,776,000 in the amount proposed by the House for program direction.

Office of Education

Amendments Nos. 29, 30, and 31: Appropriate $2,121,893,000 for "Elementary and secondary education" instead of $2,105,393,000 as proposed by the House and $2,139,893,000 as proposed by the Senate; provide that $41,500,000 shall be for carrying out Title V, parts A and C of the Elementary and Secondary Education Act, instead of $38,000,000 as proposed by the House and $45,000,000 as proposed by the Senate; and provide that $30,000,000 shall be for carrying out Title III–A of the National Defense Education Act of 1958, instead of $25,000,000 as proposed by the House and $42,500,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $8,000,000 for bilingual education programs, $5,000,000 for school equipment, and $3,500,000 for strengthening State departments of education.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will provide that the aggregate amounts made available to each State under Title I–A of the Elementary and Secondary Education Act for grants to local educational agencies within that State shall not be less than 90 per centum of such amounts as were made available for that purpose for fiscal year 1972, and the amount made available to each local educational agency under said Title I–A shall not be less than 90 per centum nor more than 115 per centum of the amount made available for that purpose for fiscal year 1973.

The House bill provided that the aggregate amounts made available to each State under Title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972, and the Senate bill provided that the amounts made available to each State and local education agency under Title I–A for grants to local education agencies within that State shall not be less than 90 per centum nor more than 110 per centum of such amounts as were made available for that purpose for fiscal year 1972. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that this should only be looked upon as an interim solution to a very complex problem. Deficiencies in the present formula under which eligibility is determined must be corrected. The managers are aware that new legislation is currently being developed in the authorizing committees, and urge early appropriate action.

Amendments Nos. 33, 34, 35 and 36: Appropriate $610,000,000 for "School assistance in federally affected areas" as proposed by the House instead of $633,800,000 as proposed by the Senate; provide that $591,000,000 shall be for maintenance and operation of schools, as proposed by the House, instead of $614,800,000 as proposed by the Senate; that payments pursuant to Section 3(b) shall not exceed 68% of entitlement as proposed by the House instead of 73% as proposed by the Senate; and that not more than 50% of the amounts provided for school facilities shall be used for Section 5 of the Act, as proposed by the Senate, instead of 65% as proposed by the House.

Amendment No. 37: Appropriates $152,404,000 for "Education for the handicapped" instead of $143,609,000 as proposed by the House and $159,069,000 as proposed by the Senate.

The increase over the amount proposed by the House includes $4,795,000 for centers for deaf-blind children, and $4,000,000 for the training of teachers for the handicapped.

Amendments Nos. 38, 39, 40, 41, and 42: Appropriate $614,903,000 for "Occupational, Vocational, and Adult Education" instead of $600,641,000 as proposed by the House and $651,558,000 as proposed by the Senate, including $444,682,000 for parts B and C of the Vocational Education Act of 1963, as proposed by the House instead of $468,000,000 as proposed by the Senate; $32,625,000 for consumer and homemaking programs under part F, instead of $25,625,000 as proposed by the House and $40,000,000 as proposed by the Senate; $8,262,000 for work-study programs under part H, instead of $6,000,000 as proposed by the House and $10,524,000 as proposed by the Senate; and $66,300,000 for the Adult Education Act of 1966, instead of $61,300,000 as proposed by the House and $70,000,000 as proposed by the Senate.

Amendments Nos. 43, 44, 45, 46, and 47: Appropriate $1,889,414,000 for "Higher education" instead of $1,808,914,000 as proposed by the House and $2,025,914,000 as proposed by the Senate; provide that $210,300,000 for supplemental education opportunity grants shall remain available through June 30, 1975, as proposed by the Senate; earmark $25,000,000 for veterans cost-of-instruction payments as proposed by the House, instead of $50,000,000 as proposed by the Senate; and earmark $500,000,000 for basic opportunity grants instead of $440,500,000 as proposed by the House and $600,000,000 as proposed by the Senate, of which $488,500,000 shall remain available through June 30, 1976, instead of $429,000,000 as proposed by the House and $588,500,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $59,500,000 for basic opportunity grants, $20,000,000 for State student incentive grants, and $1,000,000 for foreign language and area studies.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment, which provides that amounts for basic opportunity grants shall be available only for full-time students at institutions of higher education who were not enrolled as regular students at such institutions prior to April 1, 1973.

Amendment No. 49: Deletes citation of Title II of the Library Services and Construction Act, as proposed by the Senate.

Amendment No. 50: Earmarks $95,000,000 of the amount appropriated for "Library resources" for Title II of the Elementary and Secondary Education Act instead of $90,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment which will appropriate $171,709,000 for "Library resources" instead of $176,209,000 as proposed by the House and $176,709,000 as proposed by the Senate, and delete language proposed by the House, which would have provided $9,500,000 for public library construction, to remain available through June 30, 1975. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendments Nos. 52, 53, 54, 55, and 56: Insert citation of Title IX of the Elementary and Secondary Education Act, as proposed by the Senate, and earmark $48,660,000 of the appropriation for "Educational development" for part D of the Education Professions Development Act, as proposed by the Senate, instead of $53,660,000 as proposed by the House, $2,100,000 for part E as proposed by the House instead of $5,100,000 as proposed by the Senate, and $11,860,000 for part F, as proposed by the Senate, instead of $6,900,000 as proposed by the House.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment which will appropriate $157,170,000 for "Educational development" instead of $161,110,000 as proposed by the House, and $163,670,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The following table sets forth the conference agreement and other pertinent statistics:

EDUCATIONAL DEVELOPMENT

[Dollars in thousands]

Activity	1973 appropriation	1973 operating level	1974 budget request	1974 House allowance	1974 Senate allowance	1974 conference agreement
Education professions development:						
(a) Teacher corps	$37,500	$37,500	$37,500	$37,500	$37,500	$37,500
(b) Long-term training	5,930	5,930				
(c) Elementary and secondary development	54,660	54,660	30,875	53,660	48,660	48,660
(d) Vocational education	11,860	11,860		6,900	11,860	11,860
(e) New careers in education	500	500		300	300	300
(f) Higher education	8,000	8,000	2,100	2,100	5,100	2,100
Subtotal	118,450	118,450	70,475	100,460	103,420	100,420
National priority programs:						
(a) Educational technology demonstrations:						
(1) Educational broadcasting facilities	13,000	13,000	13,000	13,000	20,000	16,500
(2) Sesame Street-Electric Company	7,000	6,000	3,000	3,000	5,000	3,000
(b) Drug abuse education	12,400	12,400	3,000	12,400	3,000	6,000
(c) Right to read	12,000	12,000	12,000	12,000	12,000	12,000
(d) Environmental education	4,000	3,180		4,000	2,000	2,000
(e) Nutrition and health	2,500	2,000		2,000	2,000	2,000
(f) Dropout prevention	10,000	8,500	4,000	4,000	4,000	4,000
(g) Ethnic heritage studies					5,000	2,500
Subtotal	60,900	57,080	35,000	50,400	53 000	48,000
Data systems inprovement:						
(a) Educational statistics:						
(1) Surveys and special studies	$6,900	$4,250	$7,400	$4,250	$4,250	$4,250
(2) Common core of data			500			
Subtotal	6,900	4,250	7,900	4,250	4,250	4,250
(b) National achievement study	7,000	6,000	7,000	6,000	3,000	4,500
Total	193,250	185,780	120,375	161,110	163,670	157,170

Amendment No. 58: Provides that $16,500,000 of the appropriation for "Educational development" shall be for educational broadcasting facilities instead of $13,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Amendment No. 59: Appropriates $1,000,000 for "Educational activities overseas (special foreign currency program)" as proposed by the Senate instead of $2,000,000 as proposed by the House.

Amendment No. 60: Appropriates $86,747,000 for "Salaries and expenses" as proposed by the Senate instead of $83,118,000 as proposed by the House.

National Institute of Education

Amendment No. 61: Appropriates $75,000,000 for "National Institute of Education" as proposed by the Senate instead of $142,671,000 as proposed by the House.

Social and Rehabilitation Service

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will appropriate $12,853,279,000 for "Grants to States for Public Assistance" instead of $12,891,048,000 as proposed by the House and $12,864,279,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conferees are agreed that the change from the amount proposed by the House includes a reduction of $41,769,000 for maintenance assistance and an increase of $4,000,000 for child welfare services.

Amendment No. 63: Earmarks $50,000,000 for child welfare services instead of $46,000,000 as proposed by the House and $61,000,000 as proposed by the Senate.

Amendment No. 64: Appropriates $340,443,000 for "Work incentives" as proposed by the Senate instead of $384,434,000 as proposed by the House.

Amendment No. 65: Appropriates $298,917,000 for "Social and rehabilitation services" instead of $291,717,000 as proposed by the House and $307,217,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $5,200,000 for nutrition programs for the elderly, and $2,000,000 for training programs in the field of aging.

Amendment No. 66: Deletes appropriation of $2,000,000 proposed by the House for "Research and training activities overseas (special foreign currency program)".

Amendment No. 67: Appropriates $72,200,000 for "Salaries and expenses" instead of $78,800,000 as proposed by the House and $70,000,000 as proposed by the Senate. The conferees are agreed that the increase of $2,200,000 over the amount proposed by the Senate may be used to support up to 200 of the 725 additional positions proposed in the budget and the House bill.

Social Security Administration

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, which permits an agreement between the United States and the United Kingdom relating to the administration of the social insurance programs of the two countries.

Special Institutions

Amendment No. 69: Appropriates $3,975,000 for "Model Secondary School for the Deaf" as proposed by the Senate instead of $3,962,000 as proposed by the House.

Amendment No. 70: Appropriates $10,599,000 for "Gallaudet College" as proposed by the Senate instead of $10,492,000 as proposed by the House.

Amendment No. 71: Appropriates $58,784,000 for "Howard University" as proposed by the Senate instead of $57,873,000 as proposed by the House.

Office of Child Development

Amendments Nos. 72 and 73: Appropriate $434,600,000 for "Child development" instead of $419,100,000 as proposed by the House and $450,100,000 as proposed by the Senate, and earmark $415,788,000 for Head Start instead of $400,288,000 as proposed by the House and $431,288,000 as proposed by the Senate.

Office of the Secretary

Amendment No. 74: Appropriates $107,898,000 for "Departmental management" as proposed by the Senate, instead of $120,198,000 as proposed by the House.

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, which provides that not to exceed $10,000,000 may be transferred to the appropriation for "Departmental management" as reimbursement for reductions in funds for public affairs activities. The conferees will expect that the Department will consult with appropriate congressional committees prior to discontinuing any publications.

General Provisions

Amendment No. 76: Deletes Section 210 proposed by the Senate which would have provided for a contract with the District of Columbia to continue the Upward Mobility College. The General Accounting Office originally ruled that existing law prohibits contracts between the Federal Government and the D.C. Government; however, it later made an exception to permit the Upward Mobility program to continue for one more year, with the expectation that a change in the D.C. law would be sought. The problem addressed by the Senate language no longer exists for fiscal year 1974 and, therefore, the Senate language has been deleted without prejudice.

Amendment No. 77: Deletes Section 211 proposed by the Senate which would have prohibited the use of funds for appropriations other than the appropriation for "Departmental management" to support the activities of "Departmental management" and would have provided that no funds contained in the appropriation for "Departmental management" may be used to support Federal positions in excess of the aggregate number of such positions authorized in the bill.

Amendment No. 78: Deletes Section 212 proposed by the Senate which would have prohibited the use of funds to pay compensation of persons in any of the Department's regional offices for carrying out duties of the Office of Education carried out in Washington, D.C. prior to June 1, 1973, unless prior approval is obtained from Congressional committees. The Senate amendment reflected concern about the Office of Education's actions in "regionalizing" the administration of education programs and restricted the payment of salaries to persons employed in carrying out regionalization plans. The conferees have determined that, at this time, barring the payment of such salaries is not an appropriate mechanism for countering massive regionalization and reorganizations which have not been discussed in advance with Congress. However, the Office of Education should take note of these concerns and refrain from regionalizing or reorganizing the administration of education programs without prior consultation with both the authorization and appropriation committees of both houses of Congress.

TITLE III—RELATED AGENCIES

Corporation for Public Broadcasting

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will appropriate $50,000,000 for "Payment to the Corporation for Public Broadcasting" instead of $55,000,000 proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Office of Economic Opportunity

Amendment No. 80: Appropriates $346,300,000 for "Economic opportunity program" instead of $333,800,000 as proposed by the House and $358,800,000 as proposed by the Senate.

Given the role of OEO as an experimental and demonstration agency for developing innovative approaches to solving the problems of poverty and recognizing that no Sec. 232 R&D monies are appropriated, the conference would call the Director's attention to his flexibility under Sec. 616 for these purposes.

TITLE IV—GENERAL PROVISIONS

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts Section 409 providing that funds for payment of consultants shall not exceed the fiscal year 1973 level and requires a semiannual report on payments to consultants in excess of $25,000.

Amendment No. 82: Inserts Section 410 proposed by the Senate to prohibit the use of funds for publicity or propaganda to influence legislation pending before Congress except in presentation to Congress itself.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1974 recommended by the Committee of Conference, with comparisons to the fiscal year 1973 amount, the 1974 budget estimate, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1973	$33, 639, 371, 260
Budget estimates of new (obligational) authority, fiscal year 1974	31, 549, 953, 000
House bill, fiscal year 1974	32, 816, 467, 000
Senate bill, fiscal year 1974	33, 396, 379, 000
Conference agreement	32, 926, 796, 000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1973	−712, 575, 260
Budget estimates of new (obligational) authority, fiscal year 1974	+1, 376, 843, 000
House bill, fiscal year 1974	+110, 329, 000
Senate bill, fiscal year 1974	−469, 583, 000

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH,
BOB CASEY,
EDWARD J. PATTEN,
DAVID R. OBEY,
GEORGE MAHON,
GARNER E. SHRIVER,
SILVIO O. CONTE
(except amendments
No. 32 and No. 61),
Managers on the Part of the House.

WARREN G. MAGNUSON,
JOHN L. MCCLELLAN,
ALAN BIBLE,
ROBERT C. BYRD,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
ERNEST F. HOLLINGS,
THOMAS F. EAGLETON,
NORRIS COTTON,
MILTON R. YOUNG,
CLIFFORD P. CASE,
HIRAM L. FONG,
EDWARD W. BROOKE,
TED STEVENS,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8916, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, APPROPRIATIONS, 1974

Mr. SLACK. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1974.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT (H. REPT. 93–625)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8916) "making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 14, 15, 19, 20, 21, 38, 47, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 6, 12, 13, 16, 17, 18, 22, 23, 25, 28, 29, 31, 32, 33, 34, 35, 43, and 54, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,200,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$200,000,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,700,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$49,800,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: "of which not less than $2,000,000 shall be used for payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,700,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$341,642,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$83,450,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,500,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$1,000,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,735,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,700,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$43,000,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,100,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$196,000,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 24, 26, 27, 30, 37, 39, 46, and 50.

JOHN J. ROONEY,
JOHN M. SLACK,
NEAL SMITH,
JOHN J. FLYNT, JR.
(except as to Nos. 5,
45, and 48),
ROBERT L. F. SIKES
(except as to Nos. 5,
45, and 48),
GEORGE MAHON,
E. A. CEDERBERG,
MARK ANDREWS,
WENDELL WYATT,
Managers on the Part of the House.

John O. Pastore,
John L. McClellan,
Mike Mansfield,
Ernest F. Hollings,
Warren G. Magnuson,
Thomas F. Eagleton,
J. W. Fulbright,
Roman L. Hruska,
Hiram L. Fong,
Edward W. Brooke,
Norris Cotton,
Milton R. Young,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1: The following provision in the opening paragraph of the Senate bill, "and shall be made available for expenditure except as specifically provided by law" was not agreed to by the conferees because it was deemed to be an unnecessary restatement of existing provisions of law. It was therefore deleted without prejudice.

TITLE I—DEPARTMENT OF STATE

Administration of Foreign Affairs

Salaries and Expenses

Amendment No. 2: Appropriates $302,800,000 as proposed by the Senate instead of $282,500,000 as proposed by the House.

Representation Allowances

Amendment No. 3: Appropriates $1,200,000 instead of $1,125,000 as proposed by the House and $1,263,000 as proposed by the Senate.

Acquisition, Operation, and Maintenance of Buildings Abroad

(Special Foreign Currency Program)

Amendment No. 4: Appropriates $5,138,000 as proposed by the Senate instead of $5,038,000 as proposed by the House.

International Organizations and Conferences

Contributions to International Organizations

Amendment No. 5: Appropriates $200,000,000 instead of $202,287,000 as proposed by the House and $185,357,750 as proposed by the Senate. The reduction of $2,287,000 from the budget request shall be applied to the contribution to the International Labor Organization.

Missions to International Organizations

Amendment No. 6: Appropriates $5,725,000 as proposed by the Senate instead of $5,525,000 as proposed by the House.

International Conferences and Contingencies

Amendment No. 7: Appropriates $4,500,000 as proposed by the House instead of $4,800,000 as proposed by the Senate.

International Trade Negotiations

Amendment No. 8: Appropriates $1,700,000 instead of $1,500,000 as proposed by the House and $1,743,000 as proposed by the Senate.

Educational Exchange

Mutual Educational and Cultural Exchange Activities

Amendment No. 9: Appropriates $49,800,000 instead of $47,800,000 as proposed by the House and $51,800,000 as proposed by the Senate.

Amendment No. 10: Provides that not less than $2,000,000 shall be used for payments in excess foreign currencies instead of $2,500,000 as proposed by the House.

Center for Cultural and Technical Interchange Between East and West

Amendment No. 11: Appropriates $6,700,000 instead of $6,500,000 as proposed by the House and $6,860,000 as proposed by the Senate.

Other

Payment to International Center, Washington, District of Columbia

Amendment No. 12: Appropriates $2,200,000 as proposed by the Senate.

Payment to the Republic of Panama

Amendment No. 13: Deletes provision in the bill as passed the House making availability of funds contingent upon enactment of authorizing legislation.

General provisions—Department of State

Amendment No. 14: Deletes Senate provision making availability of funds in title I contingent upon the enactment of authorizing legislation.

Amendment No. 15: The language of the Senate was deleted without prejudice.

TITLE II—DEPARTMENT OF JUSTICE

Legal Activities and General Administration

Salaries and expenses, General Administration

Amendment No. 16: Appropriates $15,834,000 as proposed by the Senate instead of $19,100,000 as proposed by the House.

Amendment No. 17: Provides $2,800,000 for the Watergate Special Prosecution Force as proposed by the Senate.

Salaries and Expenses, General Legal Activities

Amendment No. 18: Appropriates $50,111,000 as proposed by the Senate instead of $47,200,000 as proposed by the House.

Salaries and Expenses, Antitrust Division

Amendment No. 19: Appropriates $13,019,000 as proposed by the House instead of $14,019,000 as proposed by the Senate.

Salaries and Expenses, Community Relations Service

Amendment No. 20: Appropriates $2,818,000 as proposed by the House instead of $3,818,000 as proposed by the Senate.

Federal Bureau of Investigation

Salaries and Expenses

Amendment No. 21: Deletes Senate provision relating to exchange of identification records inasmuch as the language contained in Public Law 92–544 is still in effect. The Conferees understand that this matter is before the Judiciary Committees of the House and the Senate and urge expeditious consideration thereof.

Immigration and Naturalization Service

Salaries and expenses

Amendment No. 22: Deletes language in the bill as passed the House relating to detention of alien enemies.

Law Enforcement Assistance Administration

Salaries and Expenses

Amendment No. 23: Appropriates $870,675,000 as proposed by the Senate instead of $866,000,000 as proposed by the House.

Drug Enforcement Administration

Salaries and Expenses

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $107,230,000.

Bureau of Narcotics and Dangerous Drugs

Salaries and Expenses

Amendment No. 25: Deletes entire paragraph as proposed by Senate due to reorganization plan.

General Provisions—Department of Justice

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which places a dollar ceiling on reimbursement by the District of Columbia to the United States of expenditures for the offices of the U.S. attorney and the U.S. marshal for the District of Columbia.

TITLE III—DEPARTMENT OF COMMERCE

General Administration

Administration of Economic Development Assistance Programs

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $19,000,000.

Social and Economic Statistics Administration

Periodic Censuses and Programs

Amendment No. 28: Appropriates $17,800,000 as proposed by the Senate instead of $14,800,000 as proposed by the House.

Consideration should be given by the Office of Management and Budget to placing future requests for appropriations for special information and censuses in the budget of the Department or Agency requesting the information such as the Department of the Treasury and the Department of Agriculture.

Economic Development Administration

Amendment No. 29: Inserts heading.

Development Facilities

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $159,000,000 and deleting the following proviso: "*Provided further,* That none of the above amounts shall be subject to the restrictions of the last sentence of section 105 of the Public Works and Economic Development Act of 1965, as amended".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Industrial Development Loans and Guarantees

Amendment No. 31: Appropriates $5,000,000 as proposed by the Senate.

Planning, Technical Assistance, and Research

Amendment No. 32: Appropriates $20,000,000 as proposed by the Senate.

Regional Action Planning Commissions

Regional Development Programs

Amendment No. 33: Appropriates $42,000,000 as proposed by the Senate.

Domestic and International Business Administration

Salaries and Expenses

Amendment No. 34: Appropriates $49,000,000 as proposed by the Senate instead of $48,500,000 as proposed by the House.

Amendment No. 35: Provides that $15,212,000 shall remain available for international business activities until June 30, 1975 as proposed by the Senate instead of $15,033,000 as proposed by the House.

National Oceanic and Atmospheric Administration

Operations, Research, and Facilities

Amendment No. 36: Appropriates $341,642,000 instead of $340,368,000 as proposed by the House and $342,916,000 as proposed by the Senate.

Coastal Zone Management

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $12,000,000 instead of $15,000,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Science and Technology

Scientific and Technical Research and Services

Amendment No. 38: Deletes language as proposed by the Senate placing a limitation on the funds available for direct support of the Office of Telecommunications Policy. The conferees are agreed that all the funds for that Office should be budgeted in one item.

TITLE IV—THE JUDICIARY

Supreme Court of the United States

Care of the Building and Grounds

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that not to exceed $75,000 of fiscal year 1973 funds continue available until June 30, 1974.

Courts of Appeals, District Courts, and Other Judicial Services

Salaries of Supporting Personnel

Amendment No. 40: Appropriates $83,450,000 instead of $83,372,000 as proposed by the House and $83,522,000 as proposed by the Senate.

Representation by Court-Appointed Counsel and Operation of Defender Organizations

Amendment No. 41: Appropriates $16,500,000 instead of $15,500,000 as proposed by the House and $17,500,000 as proposed by the Senate.

Amendment No. 42: Provides that not to exceed $1,000,000 of the funds contained in this title shall be available for compensation and reimbursement of expenses of attorneys appointed by judges of the District of Columbia Court of Appeals or by judges of the Superior Court of the District of Columbia instead of $2,000,000 as proposed by the Senate. The conferees are agreed that any subsequent funding for this purpose shall be by the District of Columbia.

TITLE V—RELATED AGENCIES

American Battle Monuments Commission

Salaries and Expenses

Amendment No. 43: Corrects printing error.

Arms Control and Disarmament Agency

Arms Control and Disarmament Activities

Amendment No. 44: Appropriates $7,735,000 instead of $6,935,000 as proposed by the House and $7,935,000 as proposed by the Senate.

Commission on Civil Rights

Salaries and Expenses

Amendment No. 45: Appropriates $5,700,000 instead of $5,566,000 as proposed by the House and $5,814,000 as proposed by the Senate.

Commission on the Organization of the Government for the Conduct of Foreign Policy

Salaries and Expenses

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $1,050,000 instead of $1,100,000 as proposed by the Senate. The House amendment will also delete language of the Senate providing not to exceed $6,000 for official reception and representation expenses.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Equal Employment Opportunity Commission

Salaries and Expenses

Amendment No. 47: Provides not to exceed $1,700,000 for payments to State and local agencies as proposed by the House instead of $4,600,000 as proposed by the Senate.

Amendment No. 48: Appropriates $43,000,000 instead of $40,000,000 as proposed by the House and $46,934,000 as proposed by the Senate.

Marine Mammal Commission

Salaries and Expenses

Amendment No. 49: Appropriates $412,000 as proposed by the House instead of $825,000 as proposed by the Senate.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that not to exceed $1,725 shall be available for expenses incurred in fiscal year 1973.

Tariff Commission

Salaries and Expenses

Amendment No. 51: Appropriates $7,100,000 instead of $7,000,000 as proposed by the House and $7,300,000 as proposed by the Senate.

United States Information Agency

Salaries and expenses

Amendment No. 52: Appropriates $196,000,000 instead of $202,000,000 as proposed by the House and $190,077,500 as proposed by the Senate.

Salaries and expenses (special foreign currency program)

Amendment No. 53: Appropriates $6,000,000 instead of $7,008,000 as proposed by the House and $5,208,000 as proposed by the Senate.

Acquisition and construction of radio facilities

Amendment No. 54: Appropriates $1,000,000 as proposed by the Senate instead of $6,000,000 as proposed by the House.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1974 recommended by the Committee of Conference with comparisons to the fiscal year 1973 amount, the 1974 budget estimate, and the House and Senate bills for 1974 follows:

New budget (obligational) authority, fiscal year 1973	$6,779,093,850
Budget estimates of new (obligational) authority, fiscal year 1974	[1] 4,522,901,000
House bill, fiscal year 1974	4,152,946,000
Senate bill, fiscal year 1974	4,459,478,250
Conference agreement	4,466,012,000
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1973	−2,313,081,850
Budget estimates of new (obligational) authority, fiscal year 1974	−56,889,000
House bill, fiscal year 1974	+313,066,000
Senate bill, fiscal year 1974	+6,533,750

[1] Includes $267,821,000 in budget amendments not considered by the House.

John J. Rooney,
John M. Slack,
Neal Smith,
John J. Flynt, Jr.
(except as to Nos.
5, 45, and 48),
Robert L. F. Sikes
(except as to Nos.
5, 45, and 48),
George Mahon,
E. A. Cederberg,
Mark Andrews,
Wendell Wyatt,
Managers on the Part of the House.

John O. Pastore,
John L. McClellan,
Mike Mansfield,
Ernest F. Hollings,
Warren G. Magnuson,
Thomas F. Eagleton,
J. W. Fulbright,
Roman L. Hruska,
Hiram L. Fong,
Edward W. Brooke,
Norris Cotton,
Milton R. Young,
Managers on the Part of the Senate.

FOREST AND RANGELAND ENVIRONMENTAL MANAGEMENT ACT OF 1973

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, yesterday I introduced H.R. 11320 the "Forest and Rangeland Environmental Management Act of 1973."

Joining with me in introducing this legislation were our colleagues Mrs. Hansen, Mr. Sikes, Mr. Evans of Colorado, Mr. Gunter, Mr. Bergland, Mr. Wyatt, Mr. Baker, Mr. Thone, Mr. Symms, Mr. Sisk, and Mr. Hicks.

The distinguished Senator from Minnesota Hubert Humphrey introduced similar legislation as an amendment in nature of a substitute to S. 2291.

As you know, Mr. Speaker, the President's Advisory Panel on Timber and the Environment has made numerous recommendations concerning management of our forests and rangelands. Among the most publicized of these recommedations are a call for increased timber harvests on our Nation's forest lands and a better program of forest management that recognizes "the long-term nature of forestry" which is "based upon sound economic concepts of intensive forest management."

This legislation is designed to give the Forest Service of the Department of Agriculture the tools and means of accomplishing the announced goals set forth by the President's Panel on Timber and the Environment. The thrust of the legislation is toward the establishment of a comprehensive system of long-range planning which will place "the renewable resources of the National Forest System in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis and the major portion of planned intensive management procedures shall be installed and operating on an environmentally sound basis" by the year 2000.

Mr. Speaker, our Nation's forest system is, as you know, extremely important to our well-being, both economically and as a source of recreation and inspiration. We do, in fact, need to achieve maximum timber production; however, we must not allow this to occur without taking the necessary steps to protect our environment and preserve our heritage.

This legislation will be a major step toward this goal of maximum timber production while protecting our forests and rangeland environment as a source of recreation.

I urge our colleagues to join with us in support of this worthwhile legislation.

THE MILITARY ALL-VOLUNTEER CONCEPT—NINTH SEGMENT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, to

continue my 1 minute on the Reserve Forces and the volunteer concept, it would seem to me that the Committees on Armed Services in both Houses and the Pentagon should send a representative group to study the Reserve and National Guard programs of Israel, Egypt, Jordan, and Syria.

I am more familiar with the Reserve Forces of Israel. In 3 days Israel went from a standing army of 11,500 to calling up 275,000 reservists, which in effect, turned the tide of the battle.

I know that there are studies which are being made in the Pentagon to reorganize the Reserve Forces, and we, of course, need to update our military forces on a continuous basis.

Mr. Speaker, it makes sense to me that it is necessary to go where the action is and to find out the latest use of the citizen soldier.

MEETING THE GOALS MADE NECESSARY BY THE FUEL CRISIS

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, the President is to be congratulated upon recognizing the serious import of the energy shortage. I am sure that Congress will do all those things which are necessary to make possible the realization of the broad goals enunciated in his broadcast last night.

In fact, Congress already is well along in the enactment of remedial legislation.

Last April we enacted legislation authorizing the President to exercise mandatory allocation of fuels. He now is acting under that authority.

Both Houses have passed the Alaska pipeline bill. That legislation will be on the President's desk in a matter of days.

Both Houses have passed legislation authorizing public mass transportation on facilities to receive operating subsidies, and it is hoped that the President will sign that bill.

In the highway bill we provided $3 billion in matching funds for capital investments in mass transportation.

In that bill we also provided encouragement for the States to reduce speed limits, for purposes of energy conservation as well as safety.

The Committee on Public Works for several years has been working on legislative authorizations for deep-water ports in the Gulf of Mexico to permit supertankers to off-load oil from friendly countries for domestic refineries.

As our colleague, the gentleman from California (Mr. HOLIFIELD), chairman of the Committee on Government Operations, will explain, that committee is busily engaged right now in drafting legislation that will create a special agency to give coordinated emphasis to energy needs.

In these and other ways, Congress has been active in promoting legislation to meet the Nation's energy requirements.

MEETING THE ENERGY CRISIS

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Speaker, yesterday the President had a meeting of the leadership of both Houses, and several additional Members were invited. I was privileged to attend this meeting.

The meeting lasted for 2 hours, and it had to do with the energy crisis. I remember the President said that what was considered a problem a few months ago has now turned into a crisis, and he gave the reasons for that.

He also covered several topics in his speech last night—and I listened to his speech very carefully; it covered a wide latitude of subjects in the energy field—and among those were the following words:

> Because of the urgent need for an organization that would provide focused leadership for this effort, I am asking Congress to consider my proposal for an energy research and development administration separately from any other organizational matters.

Such a bill has been before the Committee on Government Operations since June 29, 1973. We have been holding hearings on this subject, and in view of the increased urgency, advocated by the President yesterday. I want to pledge my intention to proceed with the consideration of this legislation on a priority basis.

The gentleman from Illinois (Mr. PRICE), the chairman of the Joint Committee on Atomic Energy, has also expressed to me an interest in moving ahead with this legislation, in view of the fact that it has a major impact on the present functions of the Atomic Energy Commission and the Joint Committee on Atomic Energy.

There will be complete coordination between the House Committee on Government Operations of the Joint Committee on Atomic Energy and other pertinent committees.

TRANS-ALASKAN PIPELINE LEGISLATION

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and and extend his remarks.)

Mr. MELCHER. Mr. Speaker, much of the time that was consumed in the meetings on and getting the Alaskan pipeline bill through the House Committee on Interior and Insular Affairs was in order to give consideration to the positions of the Department of the Interior and the Department of State. We gave them the courtesy of the added time because they came up with different ideas and different points at different times.

They were admittedly, by their own admission, responsible for much of our delay. I am not criticizing them for that because it seemed to be necessary as they did their own work, but after the conference committee had completed its meetings a couple of weeks ago objections were raised by several administration officials to several points in the bill. Again we attempted to accommodate where we could. That also took some consideration and time from the conference committee's work.

Yesterday the Senate wanted the bill to pass, and it was in session for that very purpose. However, because of the prerogative of the House of having the right to have a motion to recommit offered on the minority side, the House conferees resisted and refused the Senate request.

When we asked for unanimous consent to consider the bill on yesterday we did not get it, nor did we get unanimous consent to consider the bill today.

I think the President's criticism of the Congress last night on nationwide television concerning the trans-Alaskan pipeline bill was unwarranted. I think it would be better before he makes a blanket criticism of that nature, which, after all, reaches into all of the congressional districts of this country, whether they be Republican or Democrat, it would behoove the President and his White House staff to communicate his strong desires to all of the Members of the House and in particular to those on his own side, the Republican Members of the House.

CONFIRMATION OF GERALD FORD CALLED FOR AS SOON AS POSSIBLE

(Mr. SISK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, maybe I was just a bit premature yesterday in commending the Committee on the Judiciary—and I do not mean to be critical now—but I was urging then expeditious action in connection with the confirmation of the nominee for Vice President.

Again today I want to urge expeditious action on this matter. I do not mean that he should not be properly investigated and handled in an orderly manner, but it seems to me this is a matter that should be handled this month.

I was quite concerned to understand that there was some discussion about a delay until December. I do not see the necessity of that. It seems to me in view of the actions of the other body this is a matter that we should handle this month, and I certainly hope before we go home for a Thanksgiving Day recess.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT FRIDAY TO FILE REPORT ON H.R. 11333, SOCIAL SECURITY BENEFITS

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Friday, November 9, 1973, to file a report on the bill, H.R. 11333, to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes, along with any separate and/or minority views.

CONGRESSIONAL RECESS

(Mr. PEYSER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. PEYSER. Mr. Speaker, I understand a recess is being proposed for the Thanksgiving holiday. As much as I should like to be back in my own district, I feel, for a number of reasons that will be stated today, that we should not recess at this time. One of the reasons is the fact that the Elementary and Secondary Education Act is still in our committee, and we are now working daily to get this vital bill to the floor. This bill will affect the future education of young people in our country for years to come, and we should not leave until we have concluded this and other important legislation. I hope that we will not have a prolonged recess at this time and that we can continue the work of the House.

CONGRESSIONAL RECESS

(Mr. LUJAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LUJAN. Mr. Speaker, the leadership of the House has proposed a 10-day recess for the Thanksgiving holiday. I think that such a proposal is completely out of order when there is still so much important work to be done.

Last night, President Nixon addressed the country on the energy crisis facing us. If you will recall, the President forewarned us here in Congress of this problem last April 19 and we have been personally aware of it too.

The President has asked Congress to act on a number of legislative proposals that he has submitted, which are desperately needed if we are to improve our long-term energy situation.

To date, what have we done? Very little. Yet, there is consideration given to a 10-day recess.

Mr. Speaker, I cannot raise my voice loud enough to say that we do indeed have a serious energy crisis at hand and that we must act now on some of these important legislative matters.

The Alaskan pipeline, Natural Gas Supply Act, deepwater port facilities, and the funding of R. & D. money are what we—here in the House—should be considering, instead of a 10-day recess.

Mr. Speaker, every day that goes by, every day that passes without congressional decision in regards to the energy crisis, only brings us closer to more troubled times. If we are ever going to show this country that we have its best interest at heart—we must act now.

I do believe the energy crisis can be solved but only when this body takes the leadership of acting on the proposals that are now before us.

Mr. Speaker, I will oppose a motion to adjourn for 10 days.

CONGRESSIONAL RECESS

(Mr. HASTINGS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HASTINGS. Mr. Speaker, I join with my two colleagues who have previously addressed the House in relation to the proposed or rumored recess. I should like to take this opportunity to commend the gentleman from West Virginia (Mr. STAGGERS), who has, in response to the President's energy message of last evening, scheduled full committee hearings of the Committee on Interstate and Foreign Commerce for next week, Tuesday, for consideration of the proposal to provide for daylight saving time on a 2-year trial basis, on Wednesday for the consideration of emergency fuel shortage legislation—that will be considered next week at hearings—and a markup is scheduled for Thursday.

With this in mind, I find that a 10-day recess the following week, with the Committee on Interstate and Foreign Commerce commendably having taken such action, is completely unacceptable. If that motion to recess is made, I will join with many others to oppose a recess for 10 days with this important legislation pending.

CONGRESSIONAL RECESS

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. FREY. Mr. Speaker, I join with many of my colleagues in their concern over the press of business. I know that Members on both sides of the aisle are deeply concerned about the important unfinished business. As a matter of fact, I think we are so deeply concerned about this that we would rather stay here and tend to the business at hand than be at home over a recess.

For instance, we are moving rapidly on the social security legislation. I think this is great. But to put this off any longer would be a disservice to the many senior citizens around our Nation. I, of course, have a great many of these people in Florida. I do not want to go home and tell these senior citizens that we took 10 days off to relax and enjoy ourselves and let their legislation sit. If any such recess proposal is made, I intend to oppose it, and I hope that many of my colleagues on both sides of the aisle will join in this effort. It is time we put the Nation's needs in front of our convenience.

ENERGY CRISIS DESERVES IMMEDIATE CONSIDERATION

(Mr. McCOLLISTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCOLLISTER. Mr. Speaker, those of us who have been demanding direction from the administration on the energy crisis for many months were grateful for the President's message last night. He has spelled out specific steps which Congress can take to implement a nationwide conservation program.

It is urgent that we keep the Thanksgiving recess short so we may act on the following proposals without waiting for bad weather to paralyze some section of the country.

He has asked for—

Reinstatement of daylight saving time;

The authority to ration gasoline and fuel oil;

A national highway speed limit of 50 miles per hour;

Limiting of outdoor electrical advertising and ornamental lighting such as Christmas displays;

Imposition of energy conservation fees or taxes on those who use more than a stipulated amount of natural gas or electricity;

Reduction of commercial operating hours;

Authority to increase oil production from reserves in California; and

Authorization through the Environmental Protection Agency to exempt factories and other stationary sources of pollution from Federal and State air and water quality laws.

All of these suggestions deserve our immediate consideration without a lengthy vacation period delay.

AMERICAN PEOPLE DEMAND CONGRESSIONAL ACTION

(Mr. HEINZ asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. HEINZ. Mr. Speaker, we have all heard that the House leadership will propose a 10-day recess over the Thanksgiving holidays. Rumors of such a recess continue despite the fact that Congress has been inundated by constituent outcries that we get busy and do something to relieve the present crisis of confidence in Government. A 10-day recess is an incredible affront to the American people's demand for congressional action on the confirmation of a Vice President, establishment of an independent prosecutor, and extension of the life of the Watergate grand jury, the energy crisis, budget reform, and pension reform.

Pension reform is just one example of pressing public business that cannot be delayed just for convenience of Congress. For too long tens of millions of American workers have been victimized by pension programs that have been financially unsound, miserly in their coverage and grossly unfair in their application. In 1972 alone, 20,000 workers saw their pension plans abruptly ended.

Today I learned that the Ways and Means Committee has set aside pension reform to take up other legislation. While no one disputes the importance of other matters, equitable pension reform must be enacted without delay if we are to relieve the public's crisis of confidence in the effectiveness of Government.

Now is certainly not the time to shove the interests of the American people to the back burner and relax the overdue drive to overhaul pension programs and protect America's workers.

Mr. Speaker, these troubled times and necessary public business such as pension reform and other matters demand more from us than a 10-day vacation with pay at the taxpayers' expense.

CRISIS OF NONCONFIDENCE MUST BE RELIEVED

(Mr. FRENZEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, I understand that the House today may consider either a unanimous-consent request or a motion to adjourn for an extended Thanksgiving vacation.

This Congress has been deluged with constituent outcries to "do something" to relieve the crisis of nonconfidence. Is not a 10-day, or a 9-day, or a 7-day recess a pretty casual response to a crisis?

Watergate-related legislation, energy bills, appropriation bills and the Vice Presidential confirmation lie incomplete in our committees. I do not believe this vital public business should have to wait while we rest.

Among the legislation on the must list prepared by the Speaker and the Senate majority leader is election reform. It is on my must list, too, as the principal congressional response to the problems of Watergate. A subcommittee of this House is now working on several election bills. It has already had attendance problems with Member witnesses. I believe an extended Thanksgiving recess will almost assure that we cannot pass an election reform bill this year.

In these times of multiple domestic and international crises, the country expects more from Congress than an extended recess. A recess now is worse than unseemly. It is almost insulting to the people. I shall oppose any move for a long recess.

THE COUNTRY DESERVES A VICE PRESIDENT

(Mr. KEATING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEATING. Mr. Speaker, the American people have been most upset by the events of the last few months. For Congress to take a 10-day recess for Thanksgiving holidays when so much vital work demands to be done can only leave further ill feeling.

Our distinguished minority leader was named the Vice-Presidential-designee 4 weeks ago tomorrow. The pace we have been following in reviewing such nomination can best be described as extremely cautious.

The other body has already conducted hearings and I was informed that this morning their committee will conclude its deliberation on the nomination by the end of next week.

By contrast, the Judiciary Committee of this body has just scheduled hearings to begin next Thursday, November 15. Having had the benefit of the other body's hearings, our committee should be able to report the nomination to the full House prior to Thanksgiving.

We should be in session to consider the nomination immediately.

The country deserves a Vice President. We should fulfill our duty on the Vice-Presidential nomination.

Let us forgo the 10-day holiday until we have acted on this most important matter.

STOP FORCED BUSING AND HELP EASE ENERGY SHORTAGE

(Mr. HUBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBER. Mr. Speaker, last evening the President of the United States made a very eloquent address to the people of the United States on the subject of the energy emergency. He called for various voluntary steps on the part of each American to help tide us over this trying period.

It occurred to me as I listened that one immediate step would save thousands of gallons of gasoline and millions of dollars for various school districts nationwide. By this I mean let us put a stop to forced school busing, which a recent poll shows that 95 percent of the American people oppose. Certainly the people in Prince Georges County, Md., Denver, Colo., Memphis, and Nashville, Tenn., Alexandria, Richmond, and Norfolk, Va., Indianapolis, Ind., and other places across the Nation where forced busing is taking place would rejoice. Those localities threatened with forced busing such as Ferndale, Mich., in my district would certainly heave a sigh of relief.

Logic would then dictate some action in this regard. Just as the President has asked the Congress for authority to relax some of our air pollution regulations in the interest of saving fuel, I feel the Congress and the President should explore the avenues of suspending existing and pending court action providing for school busing in order to save precious gasoline.

THANKSGIVING RECESS

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I must take exception to the demands from a number of Members that we work over Thanksgiving. Let me point out, we were given notice approximately 3 weeks ago of a Thanksgiving recess. Many of us in good faith made appointments in our districts that we feel we should be keeping. For example, I have scheduled meetings with students, unions, chambers of commerce, and individual citizens in my district. I will be putting in longer days back home than I would be here in Washington.

I think that there is a positive development to have the Members go home to their districts for a working week and to have them get a good grasp of current public opinion. I can think of nothing more refreshing and stimulating than to get away from the artificial atmosphere of Washington. When we go back home for a week to find out what our constituents really think, it is much more informative for us than listening to the news in this "madhouse" called Washington, D.C.

I think the best thing in the world for the country would be a week's recess for Congress, so we could come back with our minds clear and, rearmed with an understanding of the views of our constituents, get the job done in a much more effective fashion than has been the case in this Congress.

THANKSGIVING RECESS

(Mr. ARMSTRONG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMSTRONG. Mr. Speaker, like the gentleman just before me, I also have plans to go home over the recess. Yet I think the Members who suggest we take a 1-day recess instead of 10 long days are right. It is unseemly for Congress to be in recess for 10 days at a time of national emergency. There are many serious matters we could take up at this time. One such issue was brought to our attention by a group of concerned citizens yesterday in the Washington Post under the headline, "What is Washington Waiting For?" These citizens pointed out that 10 months ago we announced plans for budget reform. So far nothing has been accomplished.

These citizens are asking why we put it off another year. I think we should ask ourselves the same question and address ourselves to this and other matters during what would be otherwise an unproductive recess.

THANKSGIVING RECESS

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, I just hate to disappoint my colleague from Illinois (Mr. Derwinski), with regard to his vacation plans for the proposed 10-day Thanksgiving recess. On the other hand, there is not going to be any recess for the Members of the House Judiciary Committee, no matter what this House decides to do. We have already scheduled sessions of the Judiciary Committee on the subject of the confirmation of the Vice President designate Gerald R. Ford for the 19th, 20th, and 21st of the month following next week's sessions on Thursday and Friday.

It would seem to me very disappointing to the American people as well as a source of great embarrassment to the Members of this House if we were to conclude our hearings and present for House consideration a recommendation with respect to the confirmation of Congressman Gerald R. Ford as Vice President only to find that Members are all at home and not here in Washington. What would the attitude of the American people be then?

It seems to me what they want us to do is to remain here on the job attending to our business and acting to confirm a new Vice President.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from New York.

Mr. ADDABBO. If the hearings the gentleman mentioned are concluded on the 21st, is it conceivable a report can be made to the Congress by Thanksgiving or that Thursday? The committee could not possibly report it the following day. It would take another week to file a report.

Mr. McCLORY. I thank the gentleman for his remarks. I would hope we could conclude the hearings before the 21st. The fact that the Senate has already held extensive hearings should enable our Committee to conclude before the 21st and I would hope that we could bring the subject to the floor of this House before then; but if we are gone, it will be a reflection on the Members of this House, it seems to me.

Mr. ADDABBO. If the gentleman will yield further, all are talking about 10 days. We have two weekends in there; to take 4 days off for Thanksgiving means a total of 5 days. We have not worked on any Fridays. That is two Fridays out. We had suspensions on election day. That takes care of the suspension Monday, November 19, and all we are getting is 2 days extra which can be profitably spent in our districts especially since we will be here till Christmas.

Mr. McCLORY. I thank the gentleman for his additional comments, but I believe the fact we have these hearings scheduled makes it important that the House be in session to insure attendance by the members of the House Judiciary Committee for these important hearings. Should we conclude these hearings it would seem most important for the House to be in session for the confirmation of the new Vice President.

THANKSGIVING RECESS

(Mr. FLOWERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLOWERS. Mr. Speaker, I would think that this is a unique opportunity we have. The Judiciary Committee will be working during Thanksgiving week, and, as a member of that committee, I would like to invite our colleagues, the gentleman from Florida, the gentleman from New Mexico, and other gentlemen who want so diligently to avoid a recess and work during that week, to join us. To work here or not to work, if that is the question, then these gentlemen will have a choice. We on the committee have our decision made for us.

We will be glad to have them here with us if they so choose and will be delighted to see them.

THANKSGIVING RECESS

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I take this opportunity to congratulate the leadership for putting before the House the subject of this recess for what it has elicited here today.

Mr. Speaker, I did not realize that there was so much support for reforms of the various types that have been before this House over such a long period of time. It is refreshing to find how eager the Republican Members are to get on with the work that has been before us for so long. Curiously, in the very few times in which the Members have had an opportunity to express themselves on these matters, I was not aware that so many Republicans were so enthusiastic in their support for these measures.

Therefore, I believe that this has done one good and healthy thing for the House. I now see that there are greater friends for these measures than ever has before been established.

Mr. Speaker, I hope one other thing that we have established is an opportunity for those who were fearful about the election coming up, that they can say, "Well, we were not one of those do-nothing Congressmen." I am sure someone is going to generate a story of this type. Therefore, this allows them to get off the hook. Blessings on them.

Finally, Mr. Speaker, it is distressing to me to hear cynical comment to the effect that many of these Members flagellating the House over the proposed recess would prefer the hospitality of Washington, D.C. to the hostility of their constituency. I do not consider it kind to subscribe such rationale to the constructive political demagoguery we are hearing today.

THANKSGIVING RECESS

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Speaker, I was particularly interested in hearing the remarks of the gentleman from California a few moments ago. Just in case it has failed to come to his attention, meetings of committees within this body are scheduled by the majority party. There has been an effort made by a series of Members of this House from our side of the aisle in the last few minutes this morning to make mention, not just of one isolated issue, but of a series of issues on which action by this body is long overdue. It is gravely wrong for us to recess for an extended period of time when so much that so badly needs to be done remains undone.

Let every Member of this body, and every reader of the CONGRESSIONAL RECORD, recall that it is the majority party that has the responsibility of calling and the power to call committee meetings and to schedule committee and floor action on bills. If it will expedite action on the above mentioned issues, we from this side of the aisle will be at the committee meetings and on the floor to vote. We hope the majority party will act at this time when otherwise a recess would be scheduled.

I join in opposition to such a proposed recess. I hope the leadership of the House will reconsider and keep the Congress in session through the week of November 19 on every day but Thanksgiving Day itself.

THANKSGIVING RECESS

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I hope the gentleman from Illinois (Mr. DERWINSKI) who says he wants to go home to his district during the proposed week of Thanksgiving did not misspeak himself.

He goes to the trouble of sending me about every other week a "wish you were here" postal card from some distant country.

Mr. Speaker, what I really rose to speak of is the origin here today of a movement to do some needed reforming in the House. On the basis of what I have heard this morning from the younger Members of the House, and I compliment them, I will give consideration to the introduction of a resolution to abolish the T. and T. Club—the out on Thursday, back on Tuesday club, in an effort to expedite business.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I am glad to yield to my friend, who has been so thoughtful in sending me so many cards.

Mr. DERWINSKI. Mr. Speaker, during this recess, which I think is going to be in the public interest, if the gentleman would go back to Waterloo, Iowa, and since I will be in Chicago, I will send him a card if the post office can find Waterloo.

Mr. GROSS. Mr. Speaker, I will say to the gentleman that, if I am not in Waterloo, Iowa, I will not be in Jamaica or some such place lapping up the sunshine and warmth.

UNDERSTANDING THE REPUBLICAN POSITION ON THE RECESS

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, I would urge my colleagues on this side of the aisle to sympathize with the plight of our Republican friends and colleagues across the aisle. If we were Republicans, we too would be afraid to go home during the Thanksgiving recess.

THE ISSUE OF RESIGNATION

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, Members of the House are quite well aware that we do not have a parliamentary system in this country where prime ministers rise and fall depending upon their popularity, the positions they espouse at any given time, or the number of call girls operating among their cabinet members.

Just because our Vice President saw fit to resign because of his problems, there is no good reason for our President to pursue that course of action, for the cases are not comparable. All of this talk of the President's resigning is ridiculous, and it is only serving to disrupt and confuse.

Our Constitution provides specifically for the removal of a President by way of impeachment, and the Committee on the Judiciary is currently in the process of considering the several impeachment resolutions which have been introduced.

I suspect that if an impeachment resolution were brought to a vote in this House today, it would be soundly defeated, which makes all of this talk with respect to resignation purely academic.

Mr. Speaker, yesterday's editorial entitled "Resignation" in the Washington Star-News, it seems to me, is very appropriate for the times, as is the article by Dick Wilson appearing in the same edition and entitled, "The Case Against Nixon's Resigning."

PERSONAL EXPLANATION

Mr. HUNT. Mr. Speaker, on October 31, 1973, I missed the vote on roll No. 556, which rejected a motion to delete section 817, Public Health Service hospitals, from the military procurement authorization. Had I not been detained in the doctor's office for treatment of a bad case of shingles, I would have voted nay.

LET'S GET ON WITH OUR WORK

(Mr. KEMP asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEMP. Mr. Speaker, in these troubled times, it is incumbent upon Congress to do much more than business as usual and to exert every possible effort to help restore faith and respect in the responsiveness of the American political system.

It would be the height of hypocrisy for the House of Representatives to approve a motion for a 10-day Thanksgiving recess at a time when there is urgent, critical legislative action pending for the American people.

At a minimum the current national situation requires that Congress continue its work and act on emergency and other critical energy legislation, social security cost-of-living increases, campaign spending and election reforms, the Elementary and Secondary Education Act extension, budget reform, confirmation of Vice-Presidential nominee GERALD R. FORD, sound minimum wage legislation, vital pension reform, and urgent appropriations bills, including that for the Department of Health, Education, and Welfare, as well as independent prosecutor legislation. The fiscal year is half gone and our schools in western New York and throughout the country are hampered by the failure to complete work on funding bills.

We adjourned the 92d Congress without enacting minimum wage legislation, and as we near the end of another year marked by sharp increases in the cost of living, we would be failing in our responsibility to the many thousands of marginal workers whose earning power has been seriously eroded by the wave of inflation over the past several years, if we were to recess without acting on a minimum wage increase. We must put political and personal considerations aside and act to provide this urgently needed relief.

Mr. Speaker, the nature of the times and our duty to the American people should impel us to defeat a motion for a lengthy recess which we can clearly ill afford.

AUTHORIZING THE DISTRICT OF COLUMBIA COUNCIL TO REGULATE AND STABILIZE RENTS

Mr. DIGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4771) to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 3, line 16, after "Act" insert: ", except that any such rules so adopted to stabilize and regulate the amount of rent or benefits which a landlord is entitled to receive for the use or occupancy by any tenant of any residence shall provide means whereby increased costs incurred by such landlord and directly related to such residence shall be taken into consideration in determining the amount of such rents or benefits which such landlord is entitled to receive in connection with such use or occupancy under such rules".

Page 3, line 17, after "be" insert: "modified or".

Page 4, line 12, strike out all after "Council" down to and including "Columbia." in line 17 and insert: ", of whom four members shall be representative of solely the interests of landlords in the District of Columbia and four shall be representatives of solely the interests of tenants of the District of Columbia."

Page 4, line 20, strike out ", or for one year, whichever is shorter".

Page 6, after line 4, insert:

"(e) (1) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to hold such hearings, sit and act at such times and places within the District of Columbia, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission may deem advisable in carrying out its functions under this Act.

"(2) In the case of contumacy or refusal to obey a subpena issued under this subsection by any person who resides, is found, or transacts business within the District of Columbia, the Superior Court of the District of Columbia, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

"(f) There is authorized to be appropriated such sum, not to exceed $85,000, as may be necessary to carry out the provisions of this section."

"Page 7, line 14, after "8" insert: "(a)".

Page 7, lines 16 and 17, strike out "date of enactment of this Act," and insert: "date that rules adopted by the Council pursuant to section (a) of this Act to regulate and stabilize rents in the District of Columbia become effective or, if no such rules are in effect on the date of expiration of the one-year period following the date of the enactment of this Act, such provisions, orders, and requirements shall terminate on the date of expiration of the one-year period following the date of the enactment of this Act,".

Page 7, line 18, strike out "expiration" and insert: "termination".

Page 7, after line 22, insert:

"(b) With respect to any such rules adopted pursuant to such section 3(a) to regulate and stabilize rents in the District of Columbia, the Council shall, on the expiration of six-month period following the effective date of such rules, conduct a hearing with a view to determining whether such rules should be modified or terminated by reason of a change in the situation which existed in the District at the time of the adoption of such rules and which was the basis for such rules. The provisions of the first sentence of section 3(b) of this Act shall be applicable with respect to such hearing held pursuant to this subsection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Michigan just one question. Are all amendments to the bill germane?

Mr. DIGGS. I yield to the gentleman from Kentucky for a response.

Mr. MAZZOLI. I thank the gentleman from Michigan for yielding.

These are germane amendments, to answer the question of the gentleman from Iowa.

Mr. GROSS. I thank the gentleman and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

REGIONAL RAIL REORGANIZATION ACT OF 1973

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 688 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 688

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States, to designate a system of essential rail lines in the northeast region, to provide financial assistance to rail carriers in the northeast region, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against sections 911 and 912 of said substitute for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 688 provides for an open rule with 2 hours of general debate on H.R. 9142, a bill to restore, support and maintain modern and efficient rail service in the Northeast region of the United States.

House Resolution 688 provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment and the substitute shall be read for amendment by titles instead of by sections.

House Resolution 688 also provides that all points of order against sections 911 and 912 of the substitute for failure to comply with the provisions of clause 7, rule XVI of the Rules of the House of Representatives—the germaneness provision—are waived.

H.R. 9142 would create a new agency, the Federal National Railway Association, to act as the principal planner and financing vehicle for the reorganization, rehabilitation, and modernization of six bankrupt railroads into a new for-profit carrier.

Mr. Speaker, the six bankrupt carriers covered by this bill employed more than a quarter of all the rail employees in the United States. This bill is the most acceptable alternative for a solution to the railroad crises in the Northeast. I urge adoption of House Resolution 688 in order that we may discuss and debate H.R. 9142.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 688 provides for the consideration of H.R. 9142, Regional Rail Reorganization Act of 1973, under an open rule with 2 hours of general debate. In addition, the rule has several other provisions. It makes the committee substitute in order as an original bill for the purpose of amendment, provides that the bill be read by titles instead of by section, and waives points of order against sections 911 and 912 for failure to comply with clause 7 of rule XVI, which is the germaneness rule.

The bill establishes a Federal National Railway Association—FNRA—for planning and financing the new system. After studies are conducted, final determinations on the quantity and quality of rail service to be provided by the carriers will take form in a final system plan. The plan is to designate which properties of a bankrupt railroad are to be acquired on a mandatory basis by the new for-profit corporation, and which properties are to be acquired on a consensual basis by other railroads in the region, and which properties should be abandoned.

The planning process will take approximately 16 months, during which time $85 million will be available as interim assistance to the railroads in reorganization.

The bill creates a Federal Rail Corporation—FRC—to acquire, rehabilitate, and operate rail properties of the bankrupt railroads.

This bill also provides for the continuance of labor protection for employees of railroads going out of business, with displacement allowances or lump sum severance payment available to those employees not used by the new system.

Departmental letters were filed by the Department of Transportation, the ICC, the Comptroller General, the Department of Labor, and the SEC, objecting to numerous provisions. For example, the Department of Transportation, among other things, objects to the potentially high cost of the labor protection provisions.

Supplemental and additional views were filed by Members DEVINE, HARVEY, COLLINS of Texas, and HEINZ, indicating that they have serious reservations, but will not oppose the bill. For example they object that H.R. 9142 leaves the final decision as to the value of transferred railroad properties, to be made subsequent to the conveyance. They object that this will result in very high property costs for the new corporation. One estimate places the value on these properties as high as $10 billion to $14 billion. These Members also doubt that $250 million authorized will be sufficient to cover the cost of the labor protection provisions.

The Committee on Interstate and Foreign Commerce reported the bill by a voice vote.

In a November 7, 1973, statement by Secretary of Transportation Claude S. Brinegar, attention is called to what he considers serious flaws in the bill. He states that it is unnecessarily expensive and, I quote:

> The Nation's taxpayers should not be expected to shoulder such a heavy burden to protect what must eventually be looked upon as a private sector responsibility.

The Department has recommended, I understand, some fairly simple but corrective amendments that they believe are essential to avoid the risk of these unnecessary extra taxpayer costs.

The total amounts authorized in this bill are as follows:

$250,000,000 for labor protection costs. $10,000,000 for organizing a corporation. $26,000,000 for an association and its expenses. $500,000 for ICC planning. $85,000,000 for interim operating expenses. $50,000,000 per year for subsidizing losing lines. $1,000,000,000 in government guaranteed loan authority.

Mr. Speaker, I recommend adoption of the rule allowing the House to proceed with debate on H.R. 9142.

Mr. Speaker, I have no requests for time and I reserve the balance of my time.

Mr. PEPPER. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MONTGOMERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 393, nays 2, not voting 38, as follows:

[Roll No. 568]

YEAS—393

Abdnor
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
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Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
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Grover
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Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
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Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
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King
Kluczynski
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Kuykendall
Kyros
Landrum
Leggett
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Litton
Long, La.
Long, Md.
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McClory
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McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald

Madden
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
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Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nichols
Nix
Obey
O'Brien
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
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St Germain
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Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Landgrebe
Latta

NOT VOTING—38

Abzug
Ashley
Bell
Blackburn
Blatnik
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Clark
Conyers
Davis, Wis.
de la Garza
Diggs
Esch
Ford, William D.
Fuqua
Gray
Hammerschmidt
Harvey
Hébert
Hillis
Howard
Jones, Tenn.
Mahon
Mills, Ark.
Minshall, Ohio
Murphy, Ill.
Nedzi
Nelsen
O'Hara
Patman
Rees
Reid
Rooney, N.Y.
Waggonner
Walsh

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Murphy of Illinois.
Mr. Hébert with Mr. Reid.
Mr. Mahon with Mr. Davis of Wisconsin.
Mrs. Burke of California with Mr. Esch.
Mr. Howard with Mr. Conyers.
Mr. Blatnik with Mr. Hammerschmidt.
Mr. Ashley with Mr. Blackburn.
Mr. Diggs with Ms. Abzug.
Mr. O'Hara with Mr. Bell.
Mr. Rees with Mr. Buchanan.
Mr. Waggonner with Mr. Brown of Ohio.
Mr. Clark with Mr. Harvey.
Mr. Mills of Arkansas with Mr. Burke of Florida.
Mr. Fuqua with Mr. Hillis.
Mr. William D. Ford with Mr. Minshall of Ohio.
Mr. Gray with Mr. Nedzi.
Mr. Jones of Tennessee with Mr. Nelsen.
Mr. de la Garza with Mr. Walsh.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States, to designate a system of essential rail lines in the northeast region, to provide financial assistance to rail carriers in the northeast region, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9142, with Mr. LANDRUM in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 1 hour, and the gentleman from Tennessee (Mr. KUYKENDALL) will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, our committee accounts for almost a quarter of the bills considered by the House each session. Today, I speak on behalf of the committee's bill, H.R. 9142, which I believe is one of the most important pieces of legislation we have considered in many years—and it certainly will be one of the most important bills this Congress will act on this year.

Few bills have received such extensive and thorough review in committee as this one. Our Transportation Subcommittee started public hearings back in early April.

The subcommittee held 21 sessions in public hearings and executive session before reporting the bill in late September. Our full committee met in executive session during the entire month of October, and we reported it out after 10 sessions. I think I heard only one or two dissenting votes.

It is a lengthy bill—covering 10 titles. It is as complex as any I have seen, since it deals with everything from bankruptcy laws, corporate restructuring and finance, to railway labor law.

I think it is a good—a historic bill—and I am proud of my committee in responding to the urgency of this crisis with a far-reaching but sound and considered approach.

Essentially, the bill is a reorganization plan for the six bankrupt railroads in the Northeast. It supplements section 77 of the Bankruptcy Act—which deals exclusively with railroad bankruptcy.

If the judges having jurisdiction over the bankrupt carriers want to use this act as a means of reorganization, they can do so. They are not forced to—but we feel sure that they will do so.

Briefly, the bill contains these provisions:

TEN POINT SUMMARY OF H.R. 9142

The Federal National Railway Association is created to be the principal planner and financing agency for the reorganization and modernization of the railroads.

A for-profit Federal Rail Corporation is created. It will exchange its common stock for properties of six bankrupt railroads and will operate pursuant to a master rail plan for the Northeast region.

The FNRA, Department of Transportation ICC and the public will devise, with congressional approval, the master plan for rail operations in the region, and designate which carrier will operate where, and what lines will be discontinued and abandoned.

Transfer of properties of bankrupt carriers to the new Corporation is mandatory so that essential service will not be interrupted. Provisions are in the bill to protect creditors' rights.

For uneconomical but essential lines which the planners decide not to include in the final plan, a yearly $50 million Federal fund is set up to cover the continued operation or purchase of those lines; provided States, localities, or regional authorities put up 30 percent of the losses.

The bill authorizes up to $250 million for labor protection costs associated with reductions and dislocations of the 120,000 Northeast rail work force.

The Federal Government is authorized to spend up to $36.5 million to organize and meet expenses of the association, the Corporation, and a new special office within the ICC, which will be a part of the planning.

There is a provision authorizing the Secretary of Transportation to grant up to $85 million to bankrupt carriers to meet operating expenses between the time this bill passes and the transfer of their properties to the new Corporation. This will be a period of about 20 months and is necessary to continue service, if the bankrupt carriers run out of cash.

The Federal Government will guarantee up to $1 billion in loans for the association to modernize the affected railroads, as well as to help pay for the properties to be conveyed to the Corporation.

The bill removes some exemptions for rail carriers from the Security Exchange Act, and adds language as to safety regulations concerning the transportation of explosives by rail.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I would like to ask one or two questions since the gentleman has indicated that at this point he is not going to take a great deal of time.

Mr. Chairman, as I understand section 911 of the bill, it would transfer to the Securities and Exchange Commission certain responsibilities which have traditionally and historically been responsibilities of the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. That is correct.

Mr. STEPHENS. Mr. Chairman, as I also understand, the ICC has had jurisdiction over railroads since about 1920 and over truck lines from about 1934.

Mr. STAGGERS. That is correct.

Mr. STEPHENS. Now, am I correct in my understanding that this bill attempts to transfer jurisdiction of railroads from under the ICC, but not transfer the same jurisdiction for truck lines or barge lines?

Mr. STAGGERS. It does not transfer the jurisdiction from the ICC. It makes it a joint jurisdiction with the SEC. These will still be under ICC, but SEC will be able to take a look at them. The reason for this is that if the SEC would have been looking at the securities of the Penn Central, I do not believe we would have been surprised by the collapse of the Penn Central, the New Haven and other railroads.

Mr. STEPHENS. Why is the jurisdiction transferred, this exemption eliminated in the case of railroad transportation companies, but not in the case of others? As I understand it, they would still be under ICC without being under FTC.

Mr. STAGGERS. The basic reason is that we are only dealing with railroads in this bill and we have not extended it to any other form of transportation in any way. This is one basic reason, and the other surface modes do have a little different situation than the railroad situation.

Mr. STEPHENS. If the gentleman will yield for another question, I wondered if he had had any hearings in the committee on this particular matter so far as railroads and other transportation companies are concerned so that they can express their views in the record?

Mr. STAGGERS. Mr. Chairman, I might say that the Subcommittee on Investigations has studied this particular subject for a period of 3 years and has come up with recommendations in the form of a bill, and that bill was incorporated into this bill by the subcommittee, by the motion of one member of the subcommittee.

Mr. STEPHENS. But in this particular bill here the gentleman does not have that before him?

Mr. STAGGERS. It is an appendix really by the full committee. They have been studying the project, and they did draft a bill, which the chairman dropped in the hopper, and a member of the subcommittee took that bill and incorporated it into this bill.

Mr. STEPHENS. Mr. Chairman, I understood that the gentleman had also introduced a bill dealing with this subject, and that is pending before his committee. That is a bill dealing with this subject alone?

Mr. STAGGERS. Mr. Chairman, this is the same bill that is incorporated here, essentially the same bill, and that is one reason why the truckers were knocked out. That was in my bill, but it was knocked out because this is a railroad bill, and we are probably going to have to take up the situation as it relates to truckers.

Mr. STEPHENS. Mr. Chairman, I thank the gentleman. I had hoped perhaps that we might consider it, although I will have no amendments to this. We should not have a delay of this matter because of its importance, and I wish we could have sufficient hearings on this matter so that the railroad companies and others could come in to testify.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman for his comments.

Mr. KUYKENDALL. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, we are in a rather peculiar position today because of the content of H.R. 9142 having to do with the Northeast Railroad crisis.

The reason I say that we find ourselves in a difficult position is because there are a number of very objectionable features to the bill as it is now constituted. If the bill remains in this status, I am frank to say that I intend to vote against it.

It can be sanitized, it can be cured, because the gentleman from Tennessee has several very important amendments to offer which I think would make the bill ultimately acceptable. However, in its present form, I find that it is objectionable for reasons I will set forth in a moment.

Mr. Chairman, the problem is this: If we do not adopt legislation in this field, we are going to be in serious trouble, since we can hardly leave the Nation in a situation where the bankrupt railroads will be liquidated and wiped out and nobody remains in business.

I hope that these improvements will be made. I will ask all of the Members that when the gentleman from Tennessee offers his amendments they pay strict attention to them.

Mr. Chairman, this bill provides for approximately $1.4 billion to be devoted to the reorganization of the railroads in the Northeast part of the country, with $1 billion of the total being in the form of Government-guaranteed loans and the remaining $400 million coming from direct Federal expenditure. There are at least three areas in the bill that have convinced me that $1.4 billion will be nowhere near enough.

First, the manner in which the new corporation will acquire properties of the bankrupt estates is of such a nature that a higher price than the $200 million currently contemplated will probably ultimately be needed. This is due to the fact that valuation takes place after conveyance and opens up opportunities for the large insurance companies, banks and other elements of Wall Street that are the creditors of the bankrupt railroads to engage in extensive litigation to increase the price that will have to be paid for the properties. In committee we moved toward a compromise whereby conveyance would be in the context of a section 77 bankruptcy proceeding. The intent of the compromise was to allow the court to make a determination as to the disposition of the bankruptcy proceeding, limiting the claims that the creditors can make in subsequent legal proceedings. Our intent will not be realized, however, unless several amendments are adopted.

Another area of concern is the extensive benefits which are provided in the labor protection provisions. Virtually all members of the committee agree that protecting the well-being of the working man, that is, primarily the railroad employees, should be considered as a social cost payable by the Government rather than a burden on the new corporation. However, title VIII goes far beyond what is necessary to provide adequate labor protection.

The full Committee on Interstate and Foreign Commerce adopted language which was the product of a bargaining session involving representatives of railroad labor and some railroad management groups which is called a sweetheart deal where neither of them will have to pay for it but you, the taxpayers, will because it will be paid for with Government money.

The result of their agreement places the railroad employee in a far better position than his colleagues in other industries. For example, an employee with more than 5 years service can receive a monthly displacement allowance for the rest of his working life, which, in effect, amounts to a guaranteed annual income.

I think there is a general revulsion to that type of theory included in some legislation a few years back.

Such displacement allowances are figured on a unique compensation formula which permits an employee to inflate the benefits to which he is eligible far beyond that to which he is realistically entitled. As a result, the $250 million presently authorized for labor protection by the bill will be wholly inadequate to cover the costs that the Federal Government will incur. Again, amendments will be offered to correct these shortcomings, and I urge all of you to listen closely to them and adopt them.

Finally, the bill provides for extensive Federal subsidization for the purchase of nonprofitable lines that should be abandoned pursuant to the system plan. Again, the $50 million provided for these purposes is insufficient. Unless these provisions are modified, we will be called on in the near future to provide much more money. Perhaps some Federal assistance should be available to continue to operate a branch line which might be considered essential even though it is a money loser, I do not think that the taxpayers as a whole should be called upon to subsidize purchases of such lines. Corrective amendments to eliminate the mandatory application of Federal funds for the purchase of these branch lines will be offered, and I strongly urge their serious consideration and adoption.

H.R. 9142 is the result of extensive deliberations and compromise by both the members of the committee on Interstate and Foreign Commerce and particularly specifically the members of its Transportation and Aeronautics Subcommittee.

I would say to the Committee that one of the Members who joins me in the remarks that I am currently making is the gentleman from Michigan (Mr. HARVEY) who unfortunately found it impossible to be on the floor today. But I wanted to commend the gentleman from Michigan for the intensive work that he has put in on this bill, as well as the other members of the subcommittee, which include the gentleman from Tennessee (Mr. KUYKENDALL), the gentleman from Kansas (Mr. SKUBITZ), and the coauthor of the bill, the gentleman from Montana (Mr. SHOUP).

Mr. Chairman, we all realize the severity of the crisis. However, the changes I have mentioned must be made, in my opinion, if a disastrous financial impact on the American taxpayer is to be avoided.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in support of the statement made by the gentleman from Ohio (Mr. DEVINE).

Mr. Chairman, I rise in support of this measure. In considering this emergency rail proposal, providing for the reorganization and revitalization of the Northeast rail corridor, we should be mindful of a number of important factors.

Foremost in our minds should be the critical need for a total overhaul of rail operations servicing the most densely populated, industrialized section of our Nation. Without immediate Federal assistance to overcome the steady deterioration of Northeast rail operations, our Nation will be faced with severe economic, commercial, and environmental imbalances. The rash of bankrupt filings by Northeast railroads in recent years threatens to halt all of our rail service.

In supporting this rail legislation now before us—legislation which is the product of extensive hearings, debate, and deliberation, we will be adopting a proposal responding to our Nation's critical transportation needs.

H.R. 9142 applies immediate first aid assistance to those bankrupt railroads which, without this operating capital, would otherwise be required to terminate services. Of course, this is merely a band-aid solution—an interim remedy intended to assist the railroads in maintaining services while the major plan for reorganization is implemented.

The core system plan proposed by this bill and prepared by the Department of Transportation, the Interstate Commerce Commission and the Federal National Railway Association will require public hearings and will be subject to congressional approval. With the inclusion of these two provisions, the eventual core system has an excellent opportunity of responding to our needs for more adquate rail passenger and freight service. We must not merely create a skeleton system linking only major cities, but we must form a fully responsive system servicing all of those areas of the Northeast now dependent upon continuing rail operations.

A further important consideration which the committee wisely saw fit to include in this measure, provides for employment protection for our railmen. Although there is considerable controversy concerning the provisions of this section, no one can deny the need to afford our workers the opportunity for the financial security they are entitled to if their jobs are terminated as a result of the implementation of a plan for reorganization.

I am personally hopeful that rail employees will not be idled by any implementation of a core plan, but will, instead, thrive with the revitalization of a growing new system.

Faith in the future of rail services, an efficient form of transportation from the standpoint of natural resources and energy conservation, encourages optimism for improved rail operation resulting in growth; development and increased employment.

Accordingly, Mr. Speaker, I urge my colleagues, in the interest of improving our Nation's rail systems, to vote in support of H.R. 9142, the Regional Rail Reorganization Act of 1973.

Mr. STAGGERS. Mr. Chairman, before I yield to the gentleman from Washington (Mr. ADAMS) I just want to pay a special compliment to the gentleman from Washington (Mr. ADAMS) and to the gentleman from Montana (Mr. SHOUP) who are really the originators of the bill.

Mr. Chairman, I now yield 1 minute to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, this bill represents a compromise of many proposals as to how to deal with the Northeast railroad crisis caused by the bankruptcy of the six major railroads in the area. The bankruptcies now threaten the shutdown of rail service and the liquidation of major segments of the railroad net.

The six bankrupt railroads are presently in reorganization, under section 77 of the Bankruptcy Act. The judge in the major case involving the Penn Central Transportation Co., has stated that he would be required to close down this system unless some Federal solution was forthcoming because the railroad was operating at a continuing loss and the erosion of the assets of creditors would amount to a taking of property without due process under the fifth amendment. A number of the major creditors in that case have filed a motion to dismiss the section 77 proceedings and liquidate the railroad.

The trustees of that railroad have stated in their reports to the court that they cannot reorganize the railroad on an income basis as required by section 77 of the Bankruptcy Act. With this situation in mind the committee has spent many months trying to create a solution that would continue rail service in the area and at the same time meet the requirements of the Constitution that property cannot be taken without due process.

We have tried to forge a solution between the original position of the Department of Transportation which relied solely on an open-ended and voluntary negotiation between the DOT and the bankrupt estates for the railroad properties which might be profitable and the original position of many public officials and Members of Congress that the entire system should be nationalized. We rejected the DOT position because this would have meant an enormous disruption of service and massive unemployment possibly leading to a nationwide depression. We have also rejected nationalization through condemnation since the fair market value of the properties involved has been estimated to be $15 billion with more than $200 million losses per year. Thus nationalization would mean that the taxpayers would not only be bailing out the creditors and stockholders would also be buying a losing proposition.

The committee therefore moved to a plan to create a section 77 type reorganization using a new federally backed but private corporation. Based on the most recent decision of the Supreme Court in the New Haven Inclusion matter (399 U.S. 392 (1970)) we have created a provision which would in effect require the judges in each of six bankruptcy proceedings to promptly determine whether or not each railroad can be reorganized on an income basis and if it cannot be so reorganized—as is indicated by 5 of the 6 judges in these bankruptcy cases—the judge can either accept the statutory scheme of merger and reorganization as provided in this act or can liquidate the railroad. This provides a clear option for the judge and the creditors and we have provided an expeditious appeal proceeding of this determination. We thus wholly comply with the due process requirement of the fifth amendment. The proposed reorganization is patterned on the typical use of section 77 to "cram down" new securities for old when it is necessary to reorganize a property by having a new corporation formed and stock and other securities—if necessary—exchanged for railroad properties. This is a constitutional reorganization proceeding and is not a condemnation. The statutory reorganization system used in this bill follows that adopted by the Supreme Court in the New Haven Inclusion cases (399 U.S. 392 (1970)). First, the trustees and court have an option of whether to transfer properties in exchange for stock and securities of a new corporation. If this is decided then such bankrupt estates would have the proceedings for valuing the property consolidated in one court. This is necessary so that all of those who have rights in the railroad property that are necessary for public service in the Northeast, can be handled in one court. The remaining assets of the bankrupt estates remain in the original section 77 proceedings.

Other portions of this debate will outline in detail the system to be used for transfer of stock and securities for the property. The committee has always intended that the new-for-profit corporation which is formed will give stock for the rail property selected as necessary for public service. The committee, however, has left available up to $200 million in loan guarantees in the FNRA originally or the consolidated court in its valuation proceedings in all cases to compensate those who have secured claims on the railroad properties to be transferred. We assume that the valuation proceedings will take many years as occurred in the New Haven Inclusion cases (ibid.) and, therefore, we have proposed in the bill that upon transfer of stock and such other securities that the Government, through a planning and financial corporation, FNRA, determines to be proper compensation to the consolidated court, then the properties will be transferred and service will be able to continue. Thereafter, hearings will be held on valuation in the regular course as in the New Haven Inclusion cases (ibid.). This was the type of system that was followed in that the merger took place and at one time the properties were transferred and thereafter the courts determined whether the valuation and compensation was fair and sufficient under the Constitution. That case also determined that liquidation value was all that was to be required to be paid to the creditors and we have done everything possible in the legislative history surrounding this bill to make certain that no more than the constitutional minimum for liquidation as defined by the Supreme Court will be paid by the new corporation for the properties obtained from the bankrupt estates. In addition, we have limited the amount of Government loan guarantees that can be used for acquisition so that taxpayers are protected both by legislative history guided by the determination of the Court and by an absolute limit on the amount of Government guaranteed loans that can be used.

I have taken this time to be certain that it is clearly understood that this bill merely utilizes the principles of existing merger and bankruptcy law through the creation of a new corporation to continue rail service in the Northeast.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I am asking for information, and I would ask the gentleman from Washington whether I understand correctly that under the labor protection provision——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Washington (Mr. ADAMS).

Mr. DENNIS. Mr. Chairman, if the gentleman will continue to yield, I am asking the distinguished gentleman from Washington (Mr. ADAMS), if I am correct that under the labor protection provisions of this measure that if I went to work for the Pennsylvania Railroad at 20 years of age, and this bill were passed, and the consolidation and reorganization went through, and I was laid off at the age of 25, that as long as I stayed on the extra board and was available I could draw these displacement benefits for the next 40 years?

Mr. ADAMS. No. What happens on this is that you are offered a job by the new company, and if you refuse to take it then you do not draw benefits. If, on the other hand, you are not offered a job, and you go out and work for another company, or in another system, then whatever you get is deducted from the protective allowance. There is a formula as to how much you get. The breaking point, as the gentleman states, is correct, it is 5 years. And this is paid through the Railroad Retirement System so that we have a profile on each man.

But it is not contemplated that a man can simply sit on the extra board and be paid, and it is not required that he do that. In fact, what this provides for the first time—and it has been a breakthrough in labor-management relations—is that since we have 6 railroads and people on these various properties, this is the first time that a man can be taken from one property, placed on another property, and shifted to a different location, so that the man will be absorbed. This is the system, and it is not contemplated that there will be, as the gentleman said, an extra board member who just sits at home and draws his money.

Mr. DENNIS. But as long as one is available and takes the job when he is called, he gets the difference made up; does he not?

Mr. ADAMS. Yes, if the management decides that they are going to keep this kind of board. We are certainly hopeful that the whole thrust of this is that the management is not going to keep that kind of practice, and they do not have to under this bill, because the regular labor agreements do not require that, and the second part is that they will negotiate new ones.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Speaker, I yield 2 additional minutes to the gentleman from Washington.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, I rise to ask the gentleman a question. Is the gentleman telling this Committee that all of the employees that are now employed will continue to be employed? That there will not be any displacements?

Mr. ADAMS. No; there will be displacement.

Mr. SKUBITZ. My colleague admits that there are going to be certain employees with 5 years of service who will be displaced.

Mr. ADAMS. There certainly can be some. What I am stating to the gentleman is that, since he mentioned the extra board and the management just keeping somebody in there and paying him for doing nothing, that is not part of this.

Mr. SKUBITZ. What then happens to the protected employee who loses his job under this plan and who is not offered any job? Does he not receive his monthly wage so long as he is on furlough?

Mr. ADAMS. That can happen. I am just saying we are not going to start with the 5-year employees first. Management has to have some say-so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Mr. Chairman, I yield to the gentleman from Indiana [Mr. HUDNUT] such time as he may consume.

Mr. HUDNUT. Mr. Chairman, the bill we are considering today, H.R. 9142, may very well be the most important one of this session. The entire U.S. economy is faced with a potential crisis because of the threatened liquidation of the Penn Central and five other carriers operating in the Northeastern part of the United States.

This legislation has been the subject of extensive deliberations for a period of 6 months before the full Interstate and Foreign Commerce Committe and the Transportation Subcommittee. While the deliberations have been enveloped in a significant amount of controversy, all of us on the Committee recognize the complexity of the issues involved and the severity and immediacy of a need for a solution to an evergrowing crisis.

Basically H.R. 9142 would—

Set up a nonprofit federally owned Federal National Railway Association whose leadership would carve out of the present rail system a core that would be turned into a profit-making railroad. The association would also provide financing to acquire and upgrade the new rail system. It would have authority to guarantee up to $1 billion in private loans to finance the arrangements.

Create a for-profit Northeast Rail Corp., which would own and operate the new railroad system. At the start, 100 percent of the corporation's stock would be owned by the creditors of the present bankrupt northeastern railroads. This would be the payment for acquisition of tracks and equipment from the bankrupt companies. Additional payment could be up to $500 million in loan guarantees.

Workers who are displaced from their jobs and not rehired by the new railroad would be given financial protection.

While I share the concern expressed in the supplemental and additional views of the committee report with reference to the potential costs—and hope that we may be able to adopt some effective amendments in regard to this aspect during floor debate as suggested by the Secretary of Transportation—on the whole I feel the bill brought out by the Committee embodies a realistic and practical approach for resolving the Northeast railroad problem and that it merits support.

The entire U.S. economy would suffer drastically if these northeast railroads were liquidated; and the impact on my own state of Indiana would be immediate and staggering, creating widespread industrial layoffs and disruption of essential transportation services.

One particular example involves a GM Chevrolet-Division plant in Indianapolis. This plant receives 34 loaded cars each day and sends out 85 loaded cars per day. The service provided by the Penn Central is crucial to the operation of this plant as well as others operated by General Motors throughout the country. Any disruption in service, however temporary, will have a domino impact on the entire corporation and would result in complete cessation of all GM operations within a week. This would include even those in locations not served by the northeast system, whether in Georgia, Texas, California, or elsewhere.

In addition to the economic impact there would be other serious consequences involving the population in other ways. For instance, the president of the Indianapolis Water Co., Mr. Thomas W. Moses, has written me as follows:

> Our White River water purification plant is served at the present time by the Penn Central Railroad. This plant provides approximately two-thirds of the public water supply for the metropolitan Indianapolis area. With a plant of this size, it is expedient and economical to utilize bulk rail or truck transport of chemicals. Unfortunately chlorine, which is essential in providing a bacteriologically safe water quality to the consumer, is only available by rail delivery. While our receipt of chlorine shipments is only at approximately monthly intervals, prompt delivery is critical.
>
> We realize we are but one of many industries within the area which would be vitally affected by such railroad action. However, we felt you should be aware of the influence our situation would present to many of your constituents.

While I am under no illusion that this immediate legislation, as embodied in H.R. 9142, will be a complete solution to the problems experienced by the railroad industry in the United States, it will maintain essential services in an important region of the Nation. It is in the public interest that this bill be adopted to meet the urgent needs which prompted its consideration.

However, in my opinion, we must not feel our job has been completed with the passage of H.R. 9142. Rather, the Congress and the executive branch must fashion long range programs, including a viable national transportation plan. One essential step is to have a program for upgrading track and roadbed conditions much as we have done in the interstate highway program.

As I have pointed out previously, I feel we must have a balanced transportation system, with railroads playing an important part, if our economy is to continue to grow and prosper, and if we are to address ourselves to the energy crisis in a constructive way.

Mr. KUYKENDALL. Mr. Chairman, I yield myself such time as I may consume.

First, I also want to join with Mr. STAGGERS and Mr. DEVINE in congratulating Mr. SHOUP and Mr. ADAMS, Mr. JARMAN, and Mr. HARVEY, and the other members of the subcommittee, and the counsels, too, by the way—whom we give a hard time—for the unbelievable amount of work that has gone into this piece of legislation.

I am going to surprise some of the Members just a bit by spending the first couple of minutes talking about the strong points of this piece of legislation. The first of these strong elements of putting together a piece of legislation that will create a railroad that can survive as a free enterprise entity is the creation of the Federal National Railroad Association, which is the lending organization, to be sure that the new railroad has an adequate amount of money for modernization. This organization is created at the same time that the framework for the new railroad corporation is created. The Members will notice that I say "framework" because in the beginning that is all it is.

The second item—and this is very, very important, and this is important for the survival of the new railroad and important for the value of the stock in the new company—is that we are allowed what is called a selective taking, meaning that the new corporation is going to be given only those railroad lines which are probably going to be profitable. So the railroad itself is picking up the very best parts of the entire eastern railroad system comprised of part of seven present railroads.

Third, it is intended—and here is a place where there is a difference of opinion in the Committee as to whether the vehicle will work properly—that the bankrupt estates be given only stock, as the gentleman from Washington stated. One hundred percent of the stock in the corporation is to be given to the estates of the seven bankrupt railroads for 100 percent of the property in the corporation—for stock 100 percent; for ownership, 100 percent.

I shall introduce a minor amendment to correct what I believe is an error in the bill, which would allow a part of the $200 million allowed for acquisition to go to profitable railroads that are involved in the system in a very minor way.

Lastly, as far as the strong points of the bill are concerned, this corporation will go into being without any debt at all, except a maximum of $200 million for acquisition purposes.

Immediately it can acquire from FNRA $300 million approximately—this is not in the legislation—for operating capital and a minimum figure of a half billion which must be kept in reserve by FNRA if needed for modernization of the new railroad.

This is the key to the whole future success of this railroad, the fact that it will be modernized.

Let me speak, if I may, to three amendments which I consider essential for the long-range success of this whole operation and primarily, however, for protection of the taxpayer. In the past we in the Transportation and Aeronautics Subcommittee and in the Committee on Interstate and Foreign Commerce have said any time that management and labor will bring in an agreement that they themselves have arrived at, we will look upon it in a favorable way. In these negotiations, however, this is a three-way negotiation with the taxpayer involved in a very large way, and the taxpayer was not in these negotiations. So I do not believe we can accept this as a normal labor-management agreement. The labor people were in it 100 percent properly. They were represented by the same people who will represent them in the new railroad, taking care of them under the same circumstances that they will be taken care of under the new railroad. But management was not represented by the people who will be running the new railroad. The taxpayer was not represented at all.

I had intended, and it is in my separate views, that I would introduce an amendment against the expansion of the scope of FNRA to include connecting railroads. I shall not introduce that amendment because I have learned from the gentleman from Iowa (Mr. GROSS) about the conditions of the Rock Island. He has convinced me that this was brought about by the dalliance of the ICC and the delay of the merger proceedings. So I shall not introduce that even though I do object to FNRA broadening its scope this early in the game.

May I have the attention of the Members and I shall try to make the strongest point I can concerning one of the amendments. I shall direct no amendment at anyone who is left unemployed by this legislation. Every single employee of the railroads that are going out of business will have one of three things happen to him. He will either be severed with severance pay or retired. That is the first thing that will happen. A great many of them who will be near retirement will be offered early retirement. Those with less than 5 years of service will be given severance pay. The people the railroad does not have a job for but who have more than 5 years, service will be given furloughs. Thirdly, there are the people who are working regularly.

Neither of my amendments is directed, and in fact they carefully avoid it, at any contact with the people who are on furlough or the people who are being severed. My amendments only direct themselves to the people who are working for the new railroad. They will be working for the new railroad.

A major departure from the previous labor practice of determining what a year's pay is was arrived at in this agreement and is in the bill. Previously a year's pay—and this is what was in the Amtrak legislation and this is what was in the Pennsylvania-New York Central merger—has previously been going back to the last 12 months in which a man worked at all. If he did not work at all they skipped that month and went back to the 13th month.

There is a new formula here which goes back and picks up the last 12 months in which the man works more than half the time. It does not take into consideration a month which had a great deal of overtime. It may go back 13 or 14 or 15 months. In some cases we may have an annual pay here arrived at in the bill which is 20 to 30 percent more than the collective bargaining salary that the man working for the railroad will obtain.

My amendment will limit the taxpayer paid bonus.

Now, remember, the difference between this artificially arrived at salary and the salary arrived at by collective bargaining, that bonus which could be $2,000 a year in some cases will be paid for out of the taxpayers' pocket until age 65. In some cases it could be 30 years.

My amendment will limit that bonus to the workingman, not the unemployed, the man who is working. My amendment will limit that bonus to 6 years.

This is a relocation allowance. He is moving. He has some inconvenience and, therefore, 6 years is deserved and is adequate. That is the amendment that I shall offer on the 6 years. This is the reason why.

To answer the gentleman from Indiana (Mr. DENNIS) on the question of the man who is on furlough, who is sitting there doing nothing, and say he is 30 years old. The way the system works is this. On a seniority rotation basis, the next job up in his classification bracket must be offered to him. If he refuses that job, regardless of the transfer, he is severed immediately. He does not get a continuing pay any longer.

Now, in the UTU Union, the operating unions, they are not long on employees. The operating unions are not long on employees. One of the unions, the Clerks Union, does have a lot of employees, so the social cost of picking up these younger people as they come up in the seniority, even though it is terribly expensive, is something that we necessarily have to face up to.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman.

Mr. DENNIS. As I read the bill and understand it, anyone who qualified as a protected employee is entitled to a monthly displacement allowance, anyone who is a protected employee and has been deprived of employment or adversely affected in compensation is entitled to a monthly displacement allowance equal to the difference between his monthly earnings, if any, following the conveyance pursuant to the chapter and the former compensation is equal to that until he is 65 years old.

Mr. KUYKENDALL. He can only draw that until the time that his name turns up in the seniority circle and he must by the terms of this bill be offered employment. He could be transferred from Bethesda, Md., to Bangor, Maine, but he has to be accepted.

Mr. DENNIS. If he is fortunate enough not to be offered that employment, he is still eligible?

Mr. KUYKENDALL. Well, I will join with the gentleman from Washington on this. I think it is almost impossible to assume that seniority turnover will not get to those people, all of them, in a reasonable period of time, 5 to 6 years.

I know that the retirement alone on the other end will take care of the majority of those where they will definitely be off, but by law they have to be offered the next job.

Mr. DENNIS. Mr. Chairman, will the gentleman yield further?

Mr. KUYKENDALL. I yield.

Mr. DENNIS. If he is offered some employment after a few years, that it is not equal to what he had previously, does he still draw the difference?

Mr. KUYKENDALL. My amendment would limit an employee drawing it until he is 60 years old.

Mr. DENNIS. Under the bill he would draw the difference?

Mr. KUYKENDALL. In the bill he would draw the difference for his working life. This is what I am objecting to, because I cannot imagine anybody in the eastern region of this country wanting some C. & O. employee in their city working under exactly the same collective bargaining agreement drawing 15, 20, 25 percent more to do the same work. The C. & O. employee would be drawing that much less than the urban employee and the bonus would be paid out of the taxpayers' pocket. This is what my amendment strikes at.

It is only for the people that are now working. I do not want to get into the matter, as I mentioned in the beginning, of the person who is not employed. The person who is employed and drawing a bonus out of the taxpayers' pocket above his regular salary is about the most serious defect of this bill.

Mr. DENNIS. He can still draw that bonus up to what his previous salary was, the difference between what he is getting and what he was getting before. The taxpayer still picks that up until he is 65?

Mr. KUYKENDALL. In this bill, all severance pay or pay of furloughed employees, and this bonus of regular employees is paid by the taxpayer.

Mr. DENNIS. I am not arguing about a transfer, but it just seems to me a long time. They can run this thing maybe 40 years.

Mr. KUYKENDALL. I am saying that if the gentleman wishes to offer an amendment on that, he may. I think maybe the gentleman from Iowa may.

Mr. DENNIS. Mr. Chairman, I have one more question while I am on my feet, and then I will desist. This applies to people who are defined as protected employees?

Mr. KUYKENDALL. Yes.

Mr. DENNIS. I gather the protected employee belongs to the Brotherhood and is protected up to $30,000 a year. If he is unorganized, it is only $20,000. What is the reason?

Mr. KUYKENDALL. It is not true.

Mr. DENNIS. All right, then it is not true.

Mr. KUYKENDALL. May I explain, please?

Mr. DENNIS. Yes.

Mr. KUYKENDALL. The gentleman is talking about my amendment. The cutting back from 30 down to 20 is to prevent executive featherbedding. Only management and executive people are cut down. Non-organized people are covered exactly the same as organized people in this legislation, just exactly.

However, I worked as a manager for 16 years and I never had more than 30 days tenure in my life, but to give management and executive personnel guarantees to $30,000 a year I think is absolutely ridiculous.

Mr. DENNIS. What the gentleman is telling me is that if I am a track worker or something else, but I do not belong to the union——

Mr. KUYKENDALL. This has nothing to do with the union, but whether or not a person is a manager or executive.

Mr. DENNIS. If I am not a manager or executive but I am an unorganized worker, I can get $30,000?

Mr. KUYKENDALL. Right.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Chairman, so that I have this clear, the gentleman's amendment will reduce this back to 6 years?

Mr. KUYKENDALL. That is right.

Mr. KETCHUM And only for those who are working?

Mr. KUYKENDALL. I leave it so long as they are employed.

Mr. KETCHUM. Would that not mean that if an individual were working and making $15,000, he could actually be making $15,000 more, or $7,500 more?

Mr. KUYKENDALL. The gentleman is talking about if he is not working for the railroad. Let me try to explain what I think is his misunderstanding. If a person has been drawing $15,000 a year, and is furloughed—and by the way, there are not going to be any $15,000 a year men furloughed because that means a lot of seniority and we will find that they are at lower pay than $15,000, so I do not think we will find hardly any $15,000 people furloughed. However, if they were, and this man could get a job making another $15,000 over and above his furlough pay, he would lose half of it, so the $15,000 a year man is probably on the formula if he goes to work on a union negotiated pay for $15,000 and will probably be paid a bonus of another $2,500 or $3,000 from the taxpayer. That is what I object to in the 6 years.

Mr. KETCHUM. Mr. Chairman, one further question. If this bill were not passed at all and we throw the railroads back to the wolves, so to speak, what happens to those employees?

Mr. KUYKENDALL. Well, the railroads are not going to be shut down. If there were such a thing, what I think we are fixing to ask here and one of the reasons I wanted to cut out executives and managers and limit those to 6 years, was that Ford Motor Co., when they shut down in Memphis, Tenn., there was not any such thing as all of this. These people happen to be working for essential transportation and turmoil caused in the Northeastern part of the United States by the shippers and all the politics in the world, would end up in nationalization. It would be a cost to the taxpayers of $10 billion.

This is what we would end up with, because they would not be shut down. The transportation worker by his very nature has an advantage over everybody because he is a part of an essential transportation industry.

However, I do not think we need to go that far. I think the fact is that a man who is working, who is employed, should not get this extra bonus for more than 6 years.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, am I correct in understanding that considering the categories of one who is either furloughed and cannot get a job and one who is furloughed and gets a job elsewhere, both of these categories of individuals will make more money in so doing, by getting laid off and getting a job elsewhere, than they would get working for the railroad?

Mr. KUYKENDALL. Theoretically, the man who is not working will make more money than the man who is, because he will not be required to pay into the Railroad Retirement Fund, he will not have to pay for hospitalization insurance or any of those things, so in that way he will be getting more money. The original amount of the pay check will be the same.

Mr. RUPPE. He will be getting more money than he, himself, got before he was laid off, so he is in effect better off under this system, God help the taxpayer. If he were laid off or no matter what would happen, if he were not laid off and went to work elsewhere, he would receive better real wages than he had heretofore?

Mr. KUYKENDALL. I will make this clear.

Mr. Chairman, I have complete faith in the mechanism which will get practically all of these people off furlough in a very short number of years, because the law says that they have to be taken in order and taken off furlough just as soon as a position is open anywhere in the system.

Mr. RUPPE. Mr. Chairman, will the gentleman yield on another point?

Mr. KUYKENDALL. Yes, I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, when they are taken back, are they taken back across the board or are they taken back by various trades and crafts?

I ask this question, because, as I understand it, some trades are in short supply and some trades or crafts are in very long supply or are in surplus, and it could very well be, from my understanding, that some will find themselves in a pool that was not contemplated, and it could be a very great number of years before they are recalled.

Mr. KUYKENDALL. It is my understanding—I do wish to ask the gentleman from Washington this question later—it is my understanding that we do not cross craft lines.

If the gentleman wishes to volunteer that information, he may.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, the gentleman is correct. We do not cross craft lines, but this would not change the situation in the respect the gentleman is discussing.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. Yes, I yield.

Mr. RUPPE. Mr. Chairman, the employee would have no reason to go back to work, because if he went back to work he would lose money from his income. Under this situation, if he worked elsewhere or, in fact, did not work, he would do better than if he worked; he would be "hogtied on the finish line," so to speak, and if he were to take a job if he was not compelled, why should he do so?

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, as I have previously stated, we have to rely on the fact that management is going to offer people jobs in the organization and we will organize this system so that people will work within it. If they all do work, as the gentleman pointed out, and are allowed to be called under the extraboard system and they do rotate on seniority in these various crafts, I am hopeful that we are going to have a good organization in this industry. If they do not, the system will not work, as the gentleman pointed out.

Mr. SHOUP. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Montana.

Mr. SHOUP. Mr. Chairman, am I correct that although in the subcommittee there was a great deal of difference in the particulars on the employee protection discussion and on this particular title, title A, there was unanimity among all of us that whatever went in, it would not be job protection, but, rather, employee protection?

Mr. KUYKENDALL. Mr. Chairman, the gentleman is correct.

This is aimed at the employee, and I will not deny for 1 second that the pay to the people who are unemployed is high. I will not deny for one single instant that it is expensive to the taxpayer.

The first amendment I will offer—and I will discuss it last—has to do with something which I will cover very quickly.

Everyone is concerned about what a court may order later on to be paid by the corporation in what might be declared to be a deficiency judgment. As long as you are dealing through the courts anything that you deal with may be appealable and ultimately go to the Supreme Court. So the only thing that is absolutely certain is the auction block. That is the only way you can be sure it will not be thrown back into your lap by the Supreme Court later on.

However, early in the bill there is a provision that requires the court to make a total decision as to whether, first, the railroads are truly hopelessly bankrupt or whether or not the railroads can be reorganized under the provisions of bankruptcy law or, third, whether to go forward under this bill.

This bill gives that court only 60 days to make that determination, which is no choice at all, really. We are afraid that if he is forced to make the choice between liquidation and accepting the offer under this bill, later on it will weaken our case in court on deficiency judgments.

So my amendment will require—and this particular copy has not gotten to the gentleman from Washington, and I am very sorry on that—that the judgment as to whether or not the railroads are truly bankrupt, which has already been made on six of the seven of them, is made in the initial 60 days.

The 300 days means that the court will get, along with the board, a copy of the first version of the plan itself. Then the court can look intelligently at the plan and get an idea as to whether this stock we are offering will be viable or not.

For instance, if the plan has a bunch of fat in it and has built-in losses in it because of excessive trackage, then the court knows full well that the stock will not be worth anything in the future. If the plan looks viable and profitable by having short trackage, the court knows that the stock will be worth something in the future. So within 60 days after that 300 days they will have had time to study the plan. At that time the court will decide whether to accept the bill, in other words, the shares of stock, or to liquidate. By doing that they can prevent condemnation and prevent a mandatory taking, and later on when the court tries the deficiency judgment that Department of Transportation and the railroads will have a great deal better chance to prove that the judge who accepted the offer had a true choice and time to study it.

The vehicle projected by the gentleman from Montana and the gentleman from Washington of requiring the court to make the decision, in my opinion, is a sound one. The only thing I am disagreeing on is the final decision between accepting the stock or liquidation should be made after the court has had 60 days to study the plan.

So acknowledgement of bankruptcy with the same 60 days that is in the bill and the determination as to whether to go the route of this bill, H.R. 9142, or to go by way of liquidation is made in 60 days.

Mr. SKUBITZ. Will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Kansas.

Mr. SKUBITZ. The gentleman has pointed out that there is a proviso in this measure to take care of the Rock Island Railroad which finds itself in desperate straits.

Mr. KUYKENDALL. That is correct.

Mr. SKUBITZ. I am not opposed to the proviso, but what troubles me is the language of the proviso. Let me read it. In section 202(a) of the bill the proviso says:

> Provide assistance in the form of loans to any railroad which (A) connects with a railroad in reorganization, and (B) is in need of financial assistance to avoid reorganization proceedings under section 77 of the Bankruptcy Act.

Nowhere do we define the word "connect." I have made an inquiry about the MKT Railroad that goes through my State. The MKT is a joint owner of the same facilities with the Pennsylvania Railroad in St. Louis. I am sure there is an interchange of freight.

If there is joint ownership of the terminal and an interchange of freight and the railroad is in danger of becoming bankrupt, would the gentleman say that the railroad would be eligible for loans under the proviso.

Mr. KUYKENDALL. They would fall under the other definition, yes, they would.

Mr. SKUBITZ. I thank the gentleman.

Mr. KUYKENDALL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I would like to compliment the Committee on Interstate and Foreign Commerce for reporting out a basically good bill.

It does have some defects, and I must

say that I am sure that some of the blame for the defects in the bill which, as I say, is a basically good bill, falls on me. I have some knowledge about railroading, and I told the gentleman from West Virginia (Mr. STAGGERS) that I would give the gentleman a report of what I thought should be done, but I never did get the report to the gentleman. So I cannot be critical of the gentleman.

Mr. Chairman, I have been utterly amazed at some of the questions and statements that were made here on the floor today. My distinguished colleague, the gentleman from Ohio (Mr. SAM DEVINE) talks about how unwise it would be to spend $1.4 billion. That is a totally incorrect statement, because we have been spending billions upon billions of dollars in subsidizing other forms of transportation.

Also I cannot understand my distinguished colleague, the gentleman from Michigan (Mr. RUPPE), who made quite a point about the pay of these employees who would be laid off because, as the gentleman from Tennessee (Mr. KUYKENDALL) has already explained, the gentleman is going to offer an amendment that would basically take care of that.

Mr. KUYKENDALL. Mr. Chairman, would the gentleman yield for just a moment?

Mr. WILLIAMS. I yield to the distinguished gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I would like to correct one little misunderstanding, and that is that the gentleman from Ohio (Mr. DEVINE) did not object to the $1.4 billion; the gentleman regretted that it might not be enough. So the gentleman did not object to that.

Mr. RUPPE. Mr. Chairman, if the gentleman will yield, I think the gentleman from Pennsylvania is referring to my point that the employees who get laid off in this instance will make more money than they would have made if they had stayed on the job.

The other point I was trying to make is that there are dozens and hundreds of my people, located in my district in Michigan who, when they get laid off each day they go down to the unemployment office to take care of their problems whereas in this particular situation we are giving a group of people tremendously federally financed benefits, the like of which we have never seen in any negotiated or legislative settlement in labor-management negotiations in a long time.

Mr. WILLIAMS. Apparently the gentleman from Michigan has missed my major point, and that is that the gentleman from Tennessee (Mr. KUYKENDALL) has already stated that he is going to offer an amendment which will take care of that to a very great extent.

Mr. Chairman, I do not see why it should be any surprise to anyone today for us to be talking about saving the railroads, because for many, many years we have been doing our best to put the railroads out of business. We have spent a fabulous number of billions of dollars in building the Interstate Highway System. I go home to my district almost every weekend, and in driving on Interstate 95 from just beyond Baltimore to Philadelphia, I pass, going both ways, the equivalent of about five huge freight trains of trucks carrying business that normally would go to the railroads.

They are riding on the interstate system which has been built and which is being maintained by tax money. Also every year we spend hundreds of millions of dollars in making grants to municipalities for airports. Every commercial plane that we have today that is being produced in any volume at all is a direct outgrowth of a military-type aircraft for which the military paid billions of dollars for the research and development, design, and then building the prototype.

The 707, as an example, a commercial airliner that is in use all over the world today, is an adaptation from the Air Force tanker plane. Then from the 707 we got the 727, the 737, and ultimately the 747. But it was the Federal Government through the Department of Defense that spent billions of dollars, that the airlines would never have been able to afford, to develop these airplanes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. I yield the gentleman from Pennsylvania 2 additional minutes.

Mr. STAGGERS. I yield the gentleman 2 additional minutes.

Mr. WILLIAMS. I thank the gentlemen for yielding additional time.

Mr. Chairman, the point I am making is that this Congress has been taking action to put the railroads down the drain. A lot of this, of course, has been due to some rather stupid management on the part of the railroads.

After the merger of the Pennsylvania with the New York Central, the president, Mr. Saunders, started to build up a conglomerate. One of the best railroadmen in the country, Mr. Pearlman, the vice president, was not even consulted. Mr. Saunders did not even speak to him. I had a chance to hear Mr. Saunders testify before the gentleman's committee, and his testimony was pathetic.

However, we must remember this, that when the Penn Central was permitted to go into bankruptcy—and it never should have been permitted to go into bankruptcy—Judge Fullam of the eastern district of Pennsylvania, appointed four trustees: Jervis Langdon, an attorney who had been president of the Baltimore and Ohio Railroad, which railroad escaped bankruptcy by merging with the C. & O. Then Jervis Langdon went with the Rock Island, which is in very, very bad shape today. The second trustee was a Harvard professor named Baker who never had 5 minutes of actual experience in railroad work. The third man was Richard Bond, whose family owns the Wanamaker's Stores. Richard Bond is regarded as a Philadelphia socialite. They also made one good appointment, Willard Wirtz, who knew, at least, how to deal with labor.

Willard Wirtz walked off of the job over a year ago when the recommendations made by the trustees were totally ignored. If the ICC got a petition for a raise or a decrease in rates, it took them a year or a year and a half to respond to it. If a line was operating at a loss, and perhaps the corporations had moved away that were manufacturing the goods which the railroad was carrying, the railroad was ordered to continue that service until the ICC reached a conclusion, and sometimes it took a year to a year and a half. At no time did anybody consider putting in a real management team of people expert in the operation of railroads.

Make no mistake about it, the railroads can be operated at a profit. Before the merger of the Pennsylvania Railroad and the New York Central, the Pennsylvania Railroad was a profitmaking corporation and had been for many, many years. However, in addition to Congress subsidizing other forms of transportation, and in addition to some rather stupid management on the part of the railroad executives, they had labor to deal with, and railroad labor has adopted the most asinine set of working rules one can imagine.

Let us just take the example of a freight train crew that was supposed to pick up a freight train at a terminal at a certain hour, and the train was 4 hours late. For 4 hours they were sleeping in the terminal or perhaps playing cards. Then they took over the railroad train, and all those 4 hours counted toward the 12 hours that they could work maximum. Eight hours later, regardless of where that freight train is, it is stopped. It is up to the railroad company to get another crew out there.

A railroad man who works a split shift, such as on a commuter service in a major metropolitan area, works 4 hours in the morning and for that he receives a full day's pay. When he comes back for 4 hours work in the afternoon he gets paid at a rate of time and half time.

A railroad crew gets a day's pay for taking a freight train 100 miles or a passenger train 150 miles. With today's equipment if he does twice that distance he gets paid 2 days' pay.

So what we have here is a situation which we have helped to create and which the railroad employees have helped to aggravate, and we cannot afford to let the railroads go out of business.

When we are talking about $1.4 billion, or $4 billion, I can tell the Members that once these railroads are put back in operating condition they can be profitmaking. In just the first 3 months of this year the Penn Central lost $27 million, because of an insufficiency of freight cars. Once we make the equipment available to them, they can be profitmaking.

What we have got to do is correct our own mistakes, and we are the major culprits, the Congress of the United States. At the same time we have to correct the mistakes of railroad management and railroad labor.

Under no circumstances can we afford to let the railroads go out of business.

It is my intention to vote for the amendments to be offered by the gentleman from Tennessee (Mr. Kuykendall) and to vote for this bill.

Again I do commend the Committee on Interstate and Foreign Commerce for the fine job they have done.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Pennsylvania, Mr. Flood) such time as he may consume.

Mr. FLOOD. Mr. Chairman, simply stated the bill now before this body is absolutely crucial to the future economic survival of the Northeast United States, and especially northeast Pennsylvania. I will not herein review the litany of delay and confusion which has accompanied all attempts to come to grips with the sad condition of the railroads in the Northeast—they are all too well known by all of us. What I wish to briefly point out is that this legislation is a first step that must be taken; a step which the Congress has carefully examined and found to be necessary.

All eyes are now on the Congress. The railroads have attempted to solve their own problems and now look to the Congress. The rail labor unions are in a precarious position and now look to the Congress. The Interstate Commerce Commission has attempted to come up with a solution and now looks to the Congress. The U.S. Department of Transportation is deeply concerned with this situation and now looks to the Congress. The Federal courts have before them numerous litigation to rescue some of the parties in the crisis and now look to the Congress. But first, and foremost, the people have their eyes on the Congress. They know that the rail system is as crucial to their economic survival as is their own circulation system to their physical well being. Without the benefit of rail service—and believe me if this bill does not pass intact there will be a serious question as to whether or not they will have service—without that service, the people of the Northeast will suffer a serious slowdown of the delivery of vitally needed goods and services. The potential impact of the closing of the so-called branch lines is even more devastating, for with such closures will come—and I absolutely assure each and every one of you that this is so—with the closure of the branch line will come the shutting down of scores of plants, industries, and other businesses.

Eliminate the branch lines and you eliminate the economic means of transporting crucially and vitally needed materials which are used in the plants and businesses throughout the Northeast. Now I ask you—if we make no provision for maintenance of the branch lines, if we forsake our responsibility to deal fairly with the very people whose economic survival is at stake here—will we have solved the problem? Or will we have instead forsaken these people to go it on their own. I maintain that if the Federal Government is to become involved in the running of the railroads in the Northeast—and that we are doing here today—that the very minimum concern must be complete equity for those people who will be affected by our actions. It is patently unjust to even consider the withdrawal of support at this time for the branch lines.

For these reasons, I wish to commend the House Interstate and Foreign Commerce Committee, ably and brilliantly led by its chairman, the gentleman from West Virginia (Mr. Staggers). The bill which that committee has reported out to this body, a bill bearings the concerted expertise of the gentleman from Montana (Mr. Shoup), the gentleman from Washington (Mr. Adams), and scores of others, has been carefully and judiciously written to provide the maximum amount of equity to all who will feel the impact of the bill.

These gentlemen have spent countless hours studying and investigating and drafting and redrafting this bill until they came up with what most consider a good program. No one is prepared to say that this bill is the be-all and cure-all and end-all of the difficulties we collectively face in the Northeast; but those of us who have strived to seek a solution after careful reflection feel that this is the best solution at this time.

Former Governor of Pennsylvania William Scranton, a man all here present will acknowledge as possessing the qualities of leadership and high intellect for which he has been long admired, has lent his time to organize and represent many of the concerned citizens in the northeastern region of Pennsylvania who are closely affected by this legislation. By volunteering his time and energies, Governor Scranton has assisted in the creation of a plan which will not forsake the people of the Northeast—and such a plan is H.R. 9142, the bill before us today.

Countless groups and organizations have spent and invested their time to this proposal so as to guarantee that the Northeast will economically survive the rail crisis. The can-do group in Hazleton, Pa.; the Economic Development Council of Northeastern Pennsylvania; and scores of other interested parties in my congressional district have lent me their expertise in coming up with a solution which meets their needs while at the same time is not contrary to the needs of the Nation as a whole. That solution is H.R. 9142 as it stands now before us.

That this bill is far-reaching is true. But the problem calls for a far-reaching solution. By organizing the bankrupt Northeastern railroads into one self-sustaining corporation to provide public service while preserving competitive private railroads is the answer. The protection of the railway labor unions, whose members may suffer severe dislocations otherwise, is the answer. The establishment of a Federal National Railway Association and the for-profit Federal Rail Corp., is the answer. Mr. Chairman, the answer to our problem is here in this bill before us today—the courts, and the unions, and the ICC and the Department of Transportation, and the States, and the municipalities, and the businessmen, and the consumers need seek no further.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. Boland).

Mr. BOLAND. Mr. Speaker, I rise today in support of H.R. 9142, the Regional Rail Reorganization Act of 1973.

I would like to commend the prodigious efforts of the gentleman from Washington (Mr. Adams) and the gentleman from Montana (Mr. Shoup) in drafting this legislation and working so hard for its passage.

I also wish to commend the distinguished gentleman from West Virginia, the chairman of the Interstate and Foreign Commerce Committee, Mr. Staggers, for his help in bringing this truly crucial legislation to the floor with all deliberate speed.

H.R. 9142 offers the only realistic approach to the problems of six bankrupt railroads that serve the Northeastern United States.

The bill would create a Federal Rail Corporation which would operate the reorganized railroads as one system on a profit-making basis.

A Federal National Railway Association similar to the highly successful Federal National Mortgage Association would finance the corporation with an up-to-$1 billion guaranteed loan authority.

The bill contemplates the development of a final system plan for the Northeast, which would delineate the services to be offered and the lines to be used in the new rail system.

While this process is going on, Federal funds will be made available in the form of operating subsidies to keep the bankrupt lines in operation.

Thus, when the final system plan is eventually approved by the Congress, it can be implemented without a shutdown of the lines involved.

Further, protection will be extended to both the creditors of the railroads and to railway employees. The investments of the former will not be jeopardized in the event of mandatory transfer of rail assets. Employees of the six railroads who may not be offered jobs under the new system will receive benefits to compensate for the loss of their jobs.

The great advantage of H.R. 9142 over other means of railroad assistance is that it treats the problems of these bankrupt lines comprehensively.

Factors, such as the community impact, and employment levels are considered, along with the economic profitability of various sections of track to the whole system.

The plan that results from this exhaustive study should reflect all of the realities of the railroad situation in the Northeast today.

The end result, if there has been competent planning and sufficient investment on the part of Government, should be a self-sustaining, profitable corporation that can provide public service and preserve competitive private enterprise in the rail industry.

Mr. Chairman, the six bankrupt railroads in the Northeast are part of the economic bloodstream of New England.

If they fail—as it seems they must without massive assistance such as is offered by H.R. 9142—New England will be indeed hard hit.

New England is particularly dependent on two bankrupt railroads, the Penn Central and the Boston and Maine for rail service.

Many heavy commodities produced in or imported into the region could not be transferred to other types of transportation if these railroads were to fail.

Even if shifts could be made, costs would skyrocket.

Moreover, a recently published study of the Boston and Maine shows that the demise of this railroad alone would result in loss of up to 50,000 jobs in New England.

Let me emphasize, however, how important the Northeast railroads are to the rest of the United States.

A New England rail disaster would be a national rail disaster as well.

Statements made before the Senate Commerce Committee at its hearings of the Penn Central problem stressed that it is a mistake to think that only New England or the Northeast would be affected by a curtailment of rail service that would result if the Penn Central or other Northeast railroads were to go under.

Information presented at those hearings indicated that economic activity in the Northeast would drop 5.2 percent by the eighth week of a shutdown, and by 4 percent in the entire Nation.

This statistical data suggests that the "instant recession" which a shutdown of major railroads would cause in the Northeast would "roll through" the rest of the country almost immediately, as factories closed for lack of parts, raw materials, and markets, and farms found themselves cut off from a large portion of the eastern market.

Mr. Chairman, I do not think that more compelling reasons exist for the passage of H.R. 9142 than the continued economic prosperity of our Nation.

I urge all of my colleagues to support this legislation. As an indicator of the impact that failure to pass this bill will mean to the country, I am appending several tables to my remarks which give a picture of the rail shipments to and from the Northeastern States.

I invite each of my fellow Members of the House to consider the tonnage involved in shipments to and from his home State in making a decision on his vote today.

TABLE I.—RAIL SHIPMENTS FROM NON-NORTHEASTERN STATES TO THE NORTHEAST

State	Annual tons	Cars per day
Alabama	4,967,900	300.2
Arizona	884,300	76.6
Arkansas	2,447,900	154.1
California	7,941,700	641.3
Colorado	1,047,000	84.8
Florida	5,177,100	377.8
Georgia	5,449,700	368.3
Idaho	1,633,900	123.4
Kansas	2,506,900	183.3
Louisiana	5,780,900	310.5
Minnesota	46,047,100	520.8
Mississippi	2,017,900	155.5
Montana	1,316,400	78.5
Nebraska	1,327,800	145.6
North Carolina	4,792,000	324.5
North Dakota	650,100	37.6
New Mexico	1,003,300	46.1
Nevada	261,800	11.0
Oklahoma	1,114,700	72.9
Oregon	3,801,700	245.6
South Carolina	2,171,700	153.0
South Dakota	327,100	32.7
Tennessee	3,926,000	285.2
Texas	8,077,600	429.2
Utah	409,100	22.3
Washington	3,019,400	210.5
Wisconsin	6,927,600	535.9
Wyoming	NA	NA

A listing of the 4 largest commodities received by the Northeastern states, shipped by rail from non-Northeastern states (only states shipping over one million tons annually to the Northeast are listed):

STATE AND COMMODITIES

Alabama: Metallic ores, Pulp-paper and allied products, lumber and wood products (except furniture), Primary metal products.

Arkansas: Metallic ores, Primary metal products, Paper-pulp and allied products, Stone-clay and glass products, Lumber-Wood products (except furniture).

Colorado: Metallic ores, Non-metallic minerals (except fuels), Primary metal products, Food and kindred products.

California: Farm products, Lumber and wood products (except furniture), Chemical and allied products, Food and kindred products.

Florida: Farm products, Food and kindred products, Chemical and allied products, Pulp-paper and allied products.

Georgia: Stone-clay and glass products, Pulp-paper and allied products, Lumber-wood products (except furniture), Non-metallic minerals (except fuels).

Idaho: Farms products, Food and kindred products, Lumber-wood products (except furniture), Pulp-paper products, Primary metal products.

Kansas: Farm products, Food and kindred products, Stone-clay and glass products, Petroleum and coal products.

Louisiana: Food and kindred products, Pulp-paper and allied products, Chemicals and allied products, Petroleum and coal products.

Minnesota: Farm products, Food and kindred products, Pulp-paper and allied products, Metallic ores.

Montana: Food and kindred products, Lumber-wood products (except furniture), Pulp-paper and allied products, primary metal products.

Nebraska: Farm products, Food and kindred products, Primary metal products.

New Mexico: Farm products, Food and kindred products, Chemicals and allied products, Non-metallic minerals (except fuels).

North Carolina: Pulp-paper and allied products, Lumber-wood products (except furniture), Stone-clay and glass products, Non-metallic minerals (except fuels).

Oklahoma: Food and kindred products, Stone-clay and glass products, Chemicals and allied products, Petroleum and coal products.

Oregon: Farm products, Food and kindred products, Lumber-wood products (except furniture), Pulp-paper and allied products, Chemicals and allied products.

South Carolina: Pulp-paper and allied products, Lumber-wood products (except furniture), Stone-clay and glass products, Chemicals and allied products

Tennessee: Pulp-paper and allied products, Stone-clay and glass products, Chemicals and allied products, Primary metal products.

Texas: Farm products, Pulp-paper and allied products, Chemicals and allied products, Petroleum and coal products, Primary metal products.

Washington: Farm products, Pulp-paper and allied products, Lumber-wood products (except furniture), Primary metal products.

Wisconsin: Food and kindred products, Pulp-paper and allied products, Stone-clay and glass products, Non-metallic minerals (except fuels)

Mississippi: Food and kindred products, Lumber and wood products (except furniture), Pulp-paper and allied products, Stone-clay and glass products.

TABLE 2.—RAIL SHIPMENTS FROM THE NORTHEAST TO THE FOLLOWING NON-NORTHEASTERN STATES

State	Annual tons	Cars per day
Alabama	4,352,300	246.5
Arizona	759,300	61.2
Arkansas	293,800	30.7
California	7,530,100	810.2
Colorado	1,341,300	144.0
Florida	2,849,700	275.7
Georgia	5,182,600	421.4
Idaho	214,500	14.7
Kansas	1,715,700	163.6
Louisiana	3,048,100	204.6
Minnesota	3,779,300	294.7
Mississippi	1,602,600	108.4
Montana	234,900	18.0
Nebraska	1,165,000	97.3
North Carolina	11,333,100	567.2
North Dakota	196,700	21.8
New Mexico	136,600	15.0
Nevada	88,900	9.2
Oklahoma	1,061,100	101.6
Oregon	768,600	83.6
South Carolina	1,393,100	91.4
South Dakota	121,800	12.9
Tennessee	10,522,300	562.5
Texas	7,309,100	679.0
Utah	607,700	86.8
Washington	1,284,600	197.3
Wisconsin	7,223,300	453.8
Wyoming	87,100	6.0

A listing of the major commodities received by each non-Northeastern state, shipped by rail from the Northeast (only states receiving over one million tons annually are listed.)

STATE AND COMMODITIES

Alabama: Farm products, Food and kindred products, Coal, Primary metal products, transportation equipment.

California: Food and kindred products, Chemicals and allied products, Primary metal products, Transportation equipment.

Colorado: Food and kindred products, Chemicals and allied products, Primary metal products, Transportation equipment.

Florida: Food and kindred products, Chemicals and allied products, Primary metal products, Transportation equipment.

Georgia: Food and kindred products, Chemicals and allied products, Primary metal products, Transportation equipment.

Kansas: Food and kindred products, Chemicals and allied products, Stone-clay and glass products, Primary metal products, Transportation equipment.

Louisiana: Farm products, Food and kindred products, Chemicals and allied products, Primary metal products, Transportation equipment.

Minnesota: Food and kindred products, Chemicals and allied products, Stone-clay and glass products, Primary metal products, Transportation equipment.

Mississippi: Farm products, Food and kindred products, Stone-clay and glass products, Primary metal products, Transportation equipment.

North Carolina: Farm products, Food and kindred products, Chemicals and allied products, Primary metal products, Transportation equipment.

Nebraska: Food and kindred products, Chemicals and allied products, Primary metal products, Fabricated metal products (except ordnance machinery and transportation), Transportation equipment.

Oklahoma: Food and kindred products, Pulp-paper and allied products, Chemicals and allied products, Primary metal products, Fabricated metal products (except ordnance machinery and transportation), Transportation equipment.

Tennessee: Farm products, Food and kindred products, coal, Chemicals and allied products, Primary metal products, Transportation equipment.

Texas: Food and kindred products, Pulp-paper and allied products, Chemicals and allied products, Primary metal products, Transportation equipment.

Washington: Food and kindred products, Primary metal products, Ordnance, Fabricated metal products (except ordnance machinery and transportation), Transportation equipment.

Wisconsin: Coal, Chemicals and allied products, Stone-clay and glass products, Primary metal products, Transportation equipment.

TABLE 3.—RAIL FREIGHT TONNAGES ORIGINATING AND TERMINATING IN THE NORTHEASTERN STATES

State	Tons per day	Cars per day
Connecticut	19,501	481.9
District of Columbia	9,684	182.5
Delaware	17,859	401.4
Iowa	5,628	127.4
Illinois	589,904	9,963.8
Indiana	231,727	4,144.9
Kentucky [1]	51,178	989.3
Maine	37,551	872.1
Maryland	83,729	1,572.1
Massachusetts	48,195	1,292.1
Michigan	169,115	4,340.8
Missouri	43,332	1,161.4
New Jersey	109,441	2,795.3
New Hampshire	11,686	236.7
New York	221,992	4,856.4
Ohio	944,856	10,255.1
Pennsylvania	574,372	9,948.8
Rhode Island	4,438	134.2
Vermont	3,365	97.8
Virginia	346,155	5,093.2
West Virginia	328,004	4,423.0
Total	3,851,701	63,370.1

[1] Only partial data available.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. JARMAN), the chairman of the subcommittee, such time as he may consume.

Mr. JARMAN. Mr. Chairman, this legislation is perhaps one of the most important bills this House will consider this year. It has great importance to the economy of the entire Nation, and to the defense needs of this country.

First, I want to commend the Subcommittee on Transportation and Aeronautics, and the committee staff for their excellent work on this problem. As chairman of the subcommittee, I can say without reservation that these gentlemen worked exceedingly hard in an effort to reach the most equitable solution they could find for this very complex situation. We began hearings back in April of this year, and met more than 20 times before reporting the final product to the full committee in September.

These members had to grapple with such complexities as bankruptcy laws, creditors rights, grave constitutional issues, corporate finance, securities laws, regulatory practices and the host of issues which are interwoven into this one bill.

The full committee devoted an entire month to this bill. Every conceivable issue was raised, discussed and debated in an attempt to find the best solutions available. With such sharp divisions and sharp differences of opinions on many issues, I can report with great satisfaction that this committee handled its task in a most harmonious spirit, which I am confident helped to expedite the proceedings.

Mr. Chairman, I want to remind my colleagues of the urgency of this legislation. The courts have threatened cessation of services of the six rail carriers in bankruptcy in the Northeast. If these railroads were to close only temporarily, tens of thousands of persons would have to utilize other means of transportation. The cost to our economy in inflation and in shutdowns of our giant northern industries has been estimated to result in a 5-percent decrease in the gross national product. More than 100,000 persons would be thrown out of work. More than 50 defense installations would have to adopt alternative modes of transportation of strategic materials to and from their bases. The Penn Central—only one of the six railroads in the region—is alone the largest single carrier of U.S. mail in this Nation, and the disruption to the mail services throughout the eastern United States would be enormous.

H.R. 9142 is a historic piece of legislation. It attempts to find private enterprise answers to these complex problems, with a minimum of Federal intervention. The six courts involved in the bankruptcy cases now precipitating this crisis are unable to reorganize the entire rail system in the Northeast and, therefore, Congress must assist in that task. The alternative to this legislation is either liquidation of the carriers involved—which would mean immediate cessation of services—or nationalization. Nationalization would cost the taxpayers more than $10 billion. Not one country in the world which has nationalized its railroads is making a profit, nor even breaking even. Nationalization or anything closely resembling such a move would not only be expensive, but it would radically change the entire transportation picture of this Nation. We cannot allow such a thing to happen.

I personally have reservations about some of the provisions of this bill. However, in its larger context, it is a good piece of legislation, one which I am proud to have been a participant in developing, and I commend it to my colleagues and urge passage.

Mr. KUYKENDALL. Mr. Chairman, I yield to the gentleman from Kansas (Mr. SKUBITZ) such time as he may consume.

Mr. SKUBITZ. Mr. Chairman, no one will deny that rail transportation in the Northeast must be maintained. However, I would be derelict in my responsibility as a commmittee member who has been concerned with this issue for more than a year—and directly involved for at least 6 months in an attempt to hammer out a suitable bill—if I did not add cautionary comments.

It is important for the Congress and the American taxpayer to understand what is being proposed—to remedy a critical rail transportation situation in the most industrialized area of the United States.

First, the committee and the Congress has been required to act with a gun at its head; namely, the breakdown of rail transportation in this vital geographic area, coupled with a court threat to shut down operations entirely.

Under such conditions, a balanced view, a fair and equitable consideration of all issues, and the achievement of a result that does not assault the public purse and the public interest becomes a near impossibility.

The committee has been besieged, beleaguered, and persuaded by a combination of powerful interests, each looking to its own self:

The institutional creditors of the Pennsylvania Railroad and other bankrupt roads in the Northeast who now seek to be made whole or as nearly whole as a generous Federal Government will allow.

The management of and lawyers for other railroads, some of which sought a preferred position to feed on the carcasses of bankrupt roads, and others of which made sure the reorganization legislation would be tailored as they cut the cloth.

Government agencies, whose jealousy of each other's status has denied the committee the expertise, the knowledge, and the informed and combined legislative advice that the committee sorely required. Indeed, at least some of the circumstances that brought about this fiasco of the Northeast railroads might be laid at the door of one agency that by law has direct responsibility over the Nation's rail transportation.

Mr. Chairman, the administration opposes this bill in its present form because of the mandatory transfer provisions in this act—and the labor protection title.

The administration argues that a mandatory taking constitutes a taking by eminent domain. Hence the question of fair market value cannot be determined by the Congress as this bill provides but is a matter for the courts to finally determine.

Our committee ignored the argument of the administration and resorted to a constitutionally questionable legal vehicle by which the properties of bankrupt roads, to-be-bankrupt roads, and roads in reorganization, are to be molded into the new quasi-public Railroad Corporation, which the Congress would saddle upon the American taxpayer at costs that no one can fairly assess.

In one circumstance, these properties may be held to be worth upward of $12 to $14 billion, in another circumstance it may be much less. No one knows; no one can be sure.

But whether $1 billion or $14 billion, the ultimate drain on the public purse will be great.

The committee was assured that the new railroad corporation will be an economic success and its common stock a fiscal bonanza.

But no financial expert testified that such stock was marketable and no institution offered to float it to the public.

Indeed, the committee was warned

that Government-guaranteed debentures would have to be offered to "sweeten" the package.

What the Congress has been compelled to consider, in the case of the Pennsylvania Railroad, is a property that was stripped clean by incompetent management whose actions and inactions may border on gross malfeasance.

These actions, directly or indirectly, brought other railroads into bankruptcy and reorganization. Involved here also are institutional creditors whose actions differed only in degree from those that marked the railroad debacle of the 1930's, a situation brought on by the public peddling of securities far in excess of the real value of the rail properties.

Considered in that light, it may be argued that the committee achieved a miracle that it brought forth any plan at all—that might continue rail transportation in the Northeast.

With respect to legislation relating to labor protection—the administration recommended that this should be a matter of collective bargaining between the new corporation and labor.

The committee, fearful that such action could lead to strikes, bought a labor protection package, the like of which has never before been legally mandated.

Those provisions were the end result of conferences and discussions between rail labor representatives and the presidents of railroads not involved in, concerned with, or having any responsibility for the Northeast situation or its railroads.

These officials accepted in behalf of the new Government corporation separation costs, retirement benefits, and working conditions that do not exist on their own railroads nor are ever likely to, so long as they remain privately owned railroads.

The committee's official estimate of the cost of this labor package is $250 million—another authority puts the cost far higher.

The fact is that no one knows for certain what it will cost, but that is a small matter since the American taxpayer will foot the bill.

The Congress has, of course, in the past, laid down conditions that would protect displaced employees in the cases of other mandated mergers—such as that of the Western Union-Postal Telegraph merger. It is an appropriate and even necessary step.

Men who have given a lifetime to their craft, men who have been entrusted with the lives of passengers and the movement of the Nation's goods, men who now have little chance of becoming gainfully employed in other fields of endeavor—such men should not be thrown on the unemployment scrap heap nor made the object of welfare consideration.

But to freeze into law conditions that would burden the new corporation with hundreds of millions of dollars of unnecessary costs far into the future—to insure that white-collar executives, some of whom helped manage the carriers into bankruptcy, shall continue to receive up to $20,000 annually—to draft and recommend such provisions is to renege on congressional responsibility.

It might be well at this point to consider the origin of the idea that brought on the labor protective clause in this bill.

In the early 1950's the railroad experts came forth with the merger concept in dealing with railroads that were in difficulty.

It was argued that by combining two or more weak roads into one single road—more efficiency would result, costs would be reduced and the problems would be solved.

Apparently the experts did not take into consideration the pressures that would be brought to bear by shippers whose plants were located on lines that were to be abandoned, communities whose very lifeblood depended upon the employment provided by these industries—and by labor to protect, and rightly so, their membership through labor protection clauses gained through collective bargaining and considered a fringe benefit.

In 1968 the Pennsylvania-New York Central merger was completed—it provided a labor protection agreement similar to the one proposed here—a guaranteed salary for life for those who were furloughed.

Let me make one point crystal clear—I have no objection to a viable railroad accepting this sort of a protective clause but here we deal with six bankrupt lines that are to be funded with taxpayer's funds. The question is—how far should we go at the taxpayer's expense.

I do not recall a single railroad president who testified before our committee who did not express or imply that under no circumstance could a viable railroad be created without relieving the road of the costs of such labor protective agreements.

I shall offer an amendment which will give displaced employees the protection they deserve. It will limit the years that a protected worker will receive an unearned salary—but will maintain his rights to a pension under the railroad retirement act—the benefit he bargained for and is entitled to.

It will stop the new organization from playing games with a furloughed worker by resorting to transfers which if not accepted can result in a loss of job rights and benefits.

Another section of the bill provided that after the final system is devised, after other railroads have fed upon the carcass of the remains—subsidy payments in perpetuity are possible to maintain trackage that is not economically viable—the taxpayer to pay up to 70 percent of the losses on such lines.

The Senate took a different approach to the Northeast rail problem. It passed two interim measures that would keep the railroads going and provide a longer range study of the problem.

Thus, as is too often the case, the Congress now finds itself in a situation that whatever it does will be wrong.

The exigencies in the Northeast compel a legislative remedy—the remedy, in my judgment, is a hodge-podge that will please and serve only a number of special interests.

One might ask the question—if the taxpayer is to pick up the chip for furloughed employees—if other nonbankrupt roads are to pick up trackage at bargain prices—if subsidy payments are available to carry on the rest of the uneconomic lines—why this bill?

Why not let the lines in difficulty reduce the work force with the taxpayers picking up the chip—continue the uneconomic lines and let Uncle Sam subsidize them to the extent of 70 percent of their losses and scrap this idea of the Government going into business?

The bill—if enacted—is, I believe, a first and long step toward nationalization of the Nation's railroads.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. METCALFE), a member of the committee.

Mr. METCALFE. Mr. Chairman, I rise in support of H.R. 9142, the Regional Rail Reorganization Act of 1973.

The Transportation and Aeronautics Subcommittee, of which I am a member, held 10 days of public hearings on the Northeast railroad crisis. The subcommittee, further, held 11 executive sessions before reporting the bill to the full committee.

I use the word crisis to describe the atmosphere in which the subcommittee was working. There was the distinct possibility that the Penn Central would be ordered to shut down to meet the demands of its creditors and to prevent further erosion of the assets of the creditors. Further, there are six other bankrupt railroads in the Northeast section. These railroads operate some 30,000 miles of freight and passenger service and their shutdown would have catastrophic ramifications for the economy of the country.

The subcommittee was confronted with the philosophical question of Government versus nongovernmental involvement. The first alternative was to pursue a course which would attempt to effect a solution to the problem with a minimum amount of Government involvement with a strong emphasis on accountability for private use of Government money. The other alternative was to have nongovernment involvement and hope that the private sector would be able to respond to the railroad crisis in the Northeast. This hope was analogous to prayer—because the crisis stemmed from the private sector's inability to respond to the crisis in the first place. While I am a strong believer in prayer, I thought more was demanded at this time. The subcommittee and the full Interstate and Foreign Commerce Committee opted for the positive, creative response to this problem. Their response took the form of the bill which is before us today, H.R. 9142. The administration, however, opted for prayer.

That the railroads are essential to the economy is beyond question. I do not intend to belabor this point. Nor do I intend to belabor the point that the private sector has been unable to respond to the problem. And the expenditure of money, Federal money, is essential, if the railroads are to continue to run.

Because of some of the effects which will necessarily stem from establishing a core plan, the Federal Government will have to allocate Federal funds to meet what the committee report refers to as "social costs"—

> It—the Committee—recognized the need for small areas, to be able to continue essential service which is not economical for the carrier. This was recognized as a social cost to be borne by the government. Likewise, the cost of displacement of thousands of employees of the affected carriers is also a social cost to be borne by the government.

Further, I think that those who look upon this as a "billion dollar bonanza" are using terms which are misleading to the American people. Title VI of the bill is concerned with financial arrangements and obligations of the association. Under this section the Federal Government will guarantee obligations of the association up to $1 billion. This will not be at any cost to the Federal Government. Under this title the Federal Government is guaranteeing loans, not granting subsidies.

Mr. Chairman, it is imperative that we pass this legislation now. I urge my colleagues to vote for H.R. 9142.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ECKHARDT), a member of the committee.

Mr. ECKHARDT. Mr. Chairman, I shall utilize my time to ask a few questions concerning the bill, with the hope of clarifying a few of its provisions.

I direct the first question to the distinguished chairman of the committee, who has served so well in bringing about this piece of legislation, which is one of great complexity, although it is, I think, a piece of legislation which is most desirable.

Mr. Chairman, on page 44 of the report, there is a reference to "profitable railroads" as those operating substantially within the States listed in section 102(9)(A). I think it would be correct to say, though, that the term "profitable railroads" includes both those listed in section 102(9)(A) and those listed in section 102(9)(B). Would that be correct?

Mr. STAGGERS. The gentleman is correct. "Profitable railroads" includes both those listed in section 102(9)(A) and those listed in section 102(9)(B). However, and this is an important point, only those railroads operating substantially in those States as defined in section 102(9)(A) of the definition can be considered profitable under the act as to those particular States. Therefore, it is possible that a railroad operating substantially within the area listed in section 102(9)(A) can acquire properties of other railroads throughout the entire region, since they operate substantially in area (A) and merely operate in area (B). But for those railroads which only operate in either area, without a substantial portion of their business being in such areas, then they can only be considered "profitable" under this definition in the 102(9)(B) area. The effect is that they cannot be exempt from the provisions of the Interstate Commerce Act in regard to acquisition of property in area 102(9)(A).

Mr. ECKHARDT. Yes; but now all railroads must have the approval of both the FNRA and the Interstate Commerce Commission.

Mr. STAGGERS. Yes; I would like to say further all railroads must have the approval of FNRA and the ICC before they can acquire rail properties under this act—and we intend an expedited review and determination by the ICC which will not delay nor impede the implementation of the final system plan.

Mr. ECKHARDT. Thank you very much, Mr. Chairman. Will the gentleman from Montana the coauthor of this bill clarify this point for me: As I read section 303(j) profitable railroads desiring to acquire properties under the system plan must apply to FNRA and ICC for permission to acquire such properties and will be allowed to do so if both these agencies determine that such acquisition will not materially impair the profitability of any other profitable railroad or the corporation. Will this delay the establishment of the final system plan?

Mr. SHOUP. No; that is the reason that section 303(j) provides that such determination will be made on an expedited basis.

Mr. ECKHARDT. Will the coauthor of the bill, the distinguished gentleman from Washington, respond as to whether or not he has the same view?

Mr. ADAMS. Yes. I agree entirely with Mr. SHOUP's answer.

Mr. ECKHARDT. There is another point in the report that I think needs clarification. On page 44 it is said that the railroads listed in subsection (A) of the definition for "profitable railroads" are exempt from the provisions of the Interstate Commerce Act under section 901 of this act.

Thus, when they acquire properties under the system plan, as I understand it, the type of administrative and judicial proceedings normally associated with a section 5 proceeding would not be contemplated. Now, as I understand it, this is not true only of "profitable railroads" defined in subsection (A) of the definition but also of "profitable railroads" under subsection (B) of the provision insofar as they are entitled to acquire properties under the system plan. Is this true?

Mr. ADAMS. Yes, "profitable railroads" include both those listed in (A) of the definition and (B) of the definition and hence both are exempt from the provisions of the Interstate Commerce Act under section 901 of this act. Of course, both would be required, before making acquisitions, to get both FNRA and ICC approval, but the latter would be the expedited procedure referred to in section 901.

Mr. ECKHARDT. Well then, if the carriers are required to apply to both FNRA and ICC for permission to acquire such properties, will this cause delay in the establishment of the final system plan?

Mr. ADAMS. No, in order to avoid having the ICC determination delay the whole time table for establishment of the final system plan, the statute contemplates that the ICC review and determination would be made as part of the administrative process leading to the establishment of a final system plan under section 309. It should be noted that the entire thrust of the act is to complete hearings and establish the system on an expedited timetable. For instance, the Office of the Commission at the ICC must under section 308 hold hearings on the preliminary system plan and, within 60 days after receipt of the preliminary system plan, the Director of the Office must submit to the executive committee of the association a summary of the recommendations of those who contributed comments.

Mr. STAGGERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. PODELL), a member of the subcommittee that marked up the bill.

Mr. PODELL. Mr. Chairman, I rise in support of H.R. 9142, the Regional Rail Reorganization Act of 1973. I was privileged to be a member of the Subcommittee on Transportation and Aeronautics, which has considered this crucial matter over the past 7 months. Exhaustive public hearings were held last spring and many hours were spent in executive session in an attempt to report a comprehensive and coherent bill which would have bipartisan support. I believe that we have been successful in this endeavor.

Under H.R. 9142, a nonprofit Federal National Railway Association would restructure a new northeast system from the remnants of the six bankrupt carriers, and would provide financial aid for the purchase and upgrading of rail facilities. A privately-held Federal Rail Corporation would operate the new system.

This legislation represents a middle ground between a completely private reorganization and Government operation of these lines. During the hearings, it became clear that any restructuring based solely on the profit motive would necessitate the abandonment of most of the service in the northeast.

The legislation further provides that the preservation of vital short-line railroads will be a major goal of the restructured system.

While the input for the final bill came from many sources, the House owes a special debt of gratitude to two members of the subcommittee—the gentleman from Washington (Mr. ADAMS) and the gentleman from Montana (Mr. SHOUP). Through their diligent work these members provided a bipartisan stewardship for this legislation, with the result that the bill has been endorsed by both rail management and rail labor, as well as by the overwhelming majority of the members of the Committee on Interstate and Foreign Commerce.

Last night the President addressed the Nation on the grave energy crisis which we are facing. The imminent shutdown of the bankrupt railroads poses the threat that millions of tons of railroad freight would be diverted to gasoline-powered trucks. From the standpoint of the energy crisis, from the standpoint of the environment, from the standpoint of the countless shippers and passengers who rely on this essential service, H.R. 9142 must be enacted. I urge my colleagues to give prompt approval to this urgently needed legislation.

Mr. KUYKENDALL. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. Ruppe) and I understand that the gentleman from West Virginia (Mr. Staggers) is yielding the gentleman an additional minute.

Mr. STAGGERS. That is correct.

Mr. RUPPE. Mr. Chairman, I appreciate the importance of the legislation, and recognize that the Penn-Central affects Michigan and my own district, and I therefore understand the vital concern of the membership for this particular bill.

However, I have had a number of inquiries addressed to me with regard to the legislation, and I hope it will be possible to get answers to several of them.

Frankly, the first one is this: It has been asked of me whether or not Mr. Frank Barrett, who is the chairman of the Union Pacific Railroad, might have had a hand in or influence on this legislation, and if he did I would be very curious as to why he would have had such influence in view of the fact that his is a western railroad, and we are here dealing essentially with an eastern problem?

Mr. KUYKENDALL. I shall be happy to respond to it. I think Mr. Shoup can also respond. The Association of American Railroads has a committee made up presently of three or more railroads whose job it is to continually negotiate with labor. Mr. Barnett was one of the members of this committee. Mr. Claytor of the Southern Railroad was another member of this committee.

Mr. RUPPE. The reason I am concerned is that I voted for the Lockheed proposition and received a certain number of complaints later on from my constituency. I would have to point out, if I voted for this, that Mr. Barnett is a director of the First National City Corp., which is the holding company for the First National City Bank in New York. That bank, I believe, is creditor in the amount of $120 million to Penn Central and is the lending bank for about $300 million in mortgage loans to the same railroad system or series of systems.

I am very happy to have the gentleman's explanation on the record. That concerns me, and, frankly, another thing that concerns me is that the creditors and the stockholders will not necessarily get just the amount of the money that will flow to the new corporation in stock. If I read page 27 of the legislation correctly, they are to get the fair and equitable value of the railroad properties involved. It is my understanding that this will lead, very likely, to a three-man judicial tribunal and a jury trial as to what fair and equitable value is. It may not be the ongoing value of the properties, as operating properties, but certainly is going to be, in my view, a great deal more than the liquidated value. For that reason I think the taxpayers of this country are going to take a terrible beating when the final determination of values is made. It will likely run into billions of dollars.

There is no indication in the bill or report as to what the exact amount of money is that will be involved, because fair and equitable value is anything that a jury can finally determine.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. RUPPE. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. I thank the gentleman for yielding. The last sentence of this section says in comprehensive language that it shall be no more than the constitutional minimum. I want to offer an amendment that will strike only one sentence in that section, which I think will make it a little clearer, if the other side will accept it. I will offer an amendment taking out one sentence that might not be clear, but the fact that the section does say "no more than the constitutional minimum" means liquidation value.

Mr. RUPPE. I read page 27, line 19:

> If a district court or a jury determines that the value of those securities is less than such fair and equitable value, the association shall make such adjustments to the regional plan, as will cause the corporation's securities to have a value which is not less than the fair and equitable value of the rail properties conveyed to the corporation . . . .

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Would the Chairman yield 1 additional minute to the gentleman.

Mr. STAGGERS. Mr. Chairman, I yield 1 minute additionally to the gentleman from Michigan.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. RUPPE. I yield to the gentleman from Washington.

Mr. ADAMS. There is a specific limitation in the final bill which says no more than $200 million of Government loan guarantees can be used for acquisition in any event, so if the court in 5 to 10 years should come in with a higher value, the only judgment would be against this new corporation that is there.

Under the New Haven case the court was placed in this kind of position that if it loads up that new corporation with a debt structure by requiring it to issue additional bonds, it lowers the value of the common stock, which is what it is being paid for in terms of these assets.

Mr. RUPPE. Does it not have to deliver more stock? It seems to me from reading the language that we have to cause the corporation securities issued in payment of the properties to have a value which is a fair and equitable value as determined by the court.

Mr. ADAMS. That is correct, but that is this corporation's and not the taxpayers of the United States money.

Mr. RUPPE. We are going to have to bail out the new corporation if it does not not have the money or otherwise the new corporation will have to assume what well may be an intolerable debt load.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Mr. Chairman, I yield 1 minute to the gentleman from Montana (Mr. Shoup).

Mr. SHOUP. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman from Wisconsin check his bill? I find in the bill as presently distributed that there is no page 27. I am wondering if the gentleman has the right copy of the bill.

Mr. RUPPE. I will have to check that out to be sure I am accurate. I will read and confirm the language in question.

Mr. SHOUP. I thank the gentleman.

Mr. Chairman, I very proudly say my name is on the bill. I am, therefore, very thankful for having 1 minute to speak on it. However, I should like to thank everyone else here for interpreting the bill. I think they have done a very good job. I do take exception to some of the critique.

I would like to thank the chairman and the ranking minority member and the gentleman from Tennessee for the very kind words they have had for this bill, for the gentleman from Washington (Mr. Adams) and me.

I think, so we do not miss the point of their words, I should point out this is a truly bipartisan effort. In addition to that I would like to point out that as presented today in the copies that are now ready on the floor, in no way does this bill resemble any one of the original bills that was offered. Although it does carry the title H.R. 9142, it does not resemble too closely the original act.

My point is that not only is this a bipartisan effort but also it has been a period of compromise. I would be the first to admit, that I think a very rational assessment of the bill would have to admit it is not perfect. But, Mr. Chairman, if we would look at the alternatives I think this is the best we can come up with at the present time.

As the very able gentleman from Oklahoma, the chairman of the subcommitee, has said, this is a very complicated bill.

In my colloquy with the gentleman from the State of Washington (Mr. Adams), the gentleman had stated that the deficiency judgment provided for in section 502 of the bill would be limited to $200 million because the bill provides that FNRA may not issue obligations in an amount greater than $200 million for the purpose of acquiring rail assets. However, as the court would not be able to permit a bankrupt railroad to be paid any less than the fair and equitable value of the rail assets with which they parted, it would have to either issue deficiency judgment against the corporation itself or require that the assets be returned to the bankrupt railroad. Because a large deficiency judgment against the new corporation might place such a heavy burden upon it as to prevent it from becoming viable, the Congress could be called upon to authorize FNRA to issue obligations beyond the limitation set in this bill in whatever amount would be required to make up that deficiency judgment. Therefore the $200 million limitation on the issuance of obligations by FNRA is not an absolute limitation on the amount of money the taxpayers may be called upon to finance this venture.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. BURKE) such time as he may consume.

Mr. BURKE of Massachusetts. Mr. Chairman, we have here today one of the most important pieces of legislation that has come before us this year, H.R. 9142, the Northeast rail transportation bill. I say important because failure to pass this legislation today will result in untold hardship for the 100 million people living in the Northeast and would have brutal repercussions for the entire economy. The economy of the Northeast as well as the Nation as a whole is intricately tied to the continued operation and reorganization of the six bankrupt railroads of the Northeast in question today.

The Northeast railroads handle approximately 45.5 million tons of originating and terminating freight each year. About 70 percent of this amount is carried by two major bankrupt railroads, the Boston & Maine and the Penn Central. The Boston & Maine has somewhere between 2,675 and 3,000 active shippers and the Penn Central is believed to handle somewhat beyond this amount for a total of at least 6,000 shippers. Thousands of shippers in the Northeast are dependent on these railroads. Once it is realized the great dependence that exists on the Northeast railroads in the 17-State Northeast region the impact of a shutdown becomes clearer.

Approximately three-fourths of all lumber and wood products are transported by rail. Large amounts of agricultural commodities and vast quantities of fuel for the entire region are carried by rail. What does this mean for the Northeast? Higher housing costs, higher food costs, fuel shortages in an area already fraught with critically short fuel supplies. A 1969 Department of Transportation survey showed that railroads carried 3.8 million tons of freight per day in the Northeast including such vital products as coal, iron ore, heavy machinery, automobiles and parts, wood pulp and building materials. It is expected that just a shutdown of the Penn Central alone would affect the entire national rail system, glut the highways, and push waterways and air carriers beyond their capabilities.

In fact, the Northeast rail crisis is not a regional problem but goes well beyond, affecting the entire economy. Senator HARTKE in his statement in the CONGRESSIONAL RECORD of June 25 points out—

> If one of the bankrupt railroads in the Northeast ceased operations, the consequences could be disastrous to the more than 100 million people living in the region and the Nation as a whole. For example, a study has disclosed that if the Penn Central were to curtail activity for a period of 8 weeks economical activity in the Northeast would decline at a rate of 5.7%. Economic activity in the entire Nation would decline by a rate of 4% and the gross national product would decline by 2.7 percent.

In more human terms, thousands would be thrown out of jobs, widespread food shortages would occur and the health and safety of over 10 million threatened. And what about the farmer down South who ships his products North. Certain economic disaster would follow if he suddenly found that his market had disappeared.

It is incumbent upon the Government to maintain an active role in providing adequate rail service and I think the Shoup-Adams bill offers this opportunity in a highly sensible and constructive manner. The bill, in short, mandates consolidation of the bankrupt railroads, maintains Government expenditures at a minimum and vests control of the new system in a private corporation.

The Northeast and the Nation is heavily dependent on continued rail service in the Northeast. It is urgent that the House act at once on legislation that will keep the railroads going. I think that the Shoup-Adams bill, H.R. 9142, represents a comprehensive and balanced approach to the Northeast rail crisis and we in this body should waste no more time in passing this urgent legislation.

I think it is important to mention at this time provisions in the bill pertaining to the Northeast passenger corridor. The passenger corridor basically comprises the Metroliner route from Washington to New York and the Turbotrain link between New York and Boston. The improved passenger service is needed for several reasons. Passenger travel along the corridor is forecast to increase by a minimum of 3 percent per year. Air routes, as well as highways are reaching saturation point along the corridor and expected outlays for these two transportation modes far surpass the estimated cost of a high-speed passenger rail project. It is my firm conviction that action by this Congress to improve the Northeast passenger corridor will prove beneficial in terms of cost, safety, energy consumption, noise and pollution control and in view of our present energy crisis we can hardly afford to do otherwise.

In conclusion, I feel we owe a special debt of gratitude to the two Members of this body who have done the most to fashion this excellent legislation and guide it through Congress, Representatives BROCK ADAMS and DICK SHOUP. They have given unstintingly of themselves over the months, both in terms of time and a great deal of expertise in this area, and we, particularly in the Northeast, are very grateful for their efforts.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ROONEY).

Mr. ROONEY of Pennsylvania. Mr. Chairman, I appreciate the distinguished chairman of the committee yielding to me.

We, in Pennsylvania, are deeply concerned. As Members are well aware, Governor Shapp of our State was here yesterday and we had a meeting with him in which he expressed his concerns about the intent of the measure before us.

Mr. Chairman, I take this opportunity to congratulate the chairman of the full committee and the chairman of the subcommittee, the gentleman from Oklahoma (Mr. JARMAN), and especially my good friend on the other side (Mr. SHOUP), as well as Mr. ADAMS and our staff. We do not have a majority or minority staff on our committee. It is just our staff. They have been very helpful to me and I really appreciate it, because of the 17 States and the District of Columbia, which are involved in this bill, I know of no one State that is more involved in this than is the Commonwealth of Pennsylvania. I am sure that is one of the reasons why Governor Shapp made that hurried visit to our Nation's Capital yesterday.

Mr. Chairman, the Governor had asked me to relay to the Members some of the questions that he has regarding this bill and I might say I am going to support this bill this afternoon.

In the 10 years I have served on this committee, I know of no one bill that has received as much consideration and deliberation as this bill has had in the subcommittee and the full committee during the months in which we have had it under consideration. The committee has done an outstanding job. I want to ask some questions which I hope will clarify some of the Governor's objections.

First, does the review of the final system plan by the Congress include specific directions to Fannie Rae concerning the contents of the final plan as part of any rejection of the final plan by either House?

Mr. STAGGERS. Mr. Chairman, in response to that, either House of Congress can reject it, but I say if it comes to our committee, which it would, and we reject it, we would bring it to the House and we would say why we would do that and we would make recommendations as to what should be done.

Mr. ROONEY of Pennsylvania. Is it the intent of this legislation that all unprofitable branch lines shall be abandoned unless operated by a State or other public authority? Or is it the intent of this legislation that the criteria for the completed system shall be a line that operates overall in the black although some parts may not be profitable?

We can understand how one line may not be profitable when we take into consideration the overall line itself.

Mr. STAGGERS. I might respond to the gentleman in this way, that in section 303 of the bill there are eight criteria and one of them is unprofitability, so the others would be taken into consideration, too.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of Pennsylvania. I yield to the gentleman.

Mr. KUYKENDALL. On this question the gentleman just asked, I think he will find that it mandates that such lines of the overall system be profitable and not that any particular line be profitable. This is certainly our intent.

Mr. ROONEY of Pennsylvania. What kind of help can we expect if we find an abandoned line must be restored to save jobs? How long can we expect the help?

Mr. STAGGERS. Section 701 takes care

of that. We have a subsidy agreement that will allow them to operate these lines and these agreements are renewable after 2 years.

Mr. ROONEY of Pennsylvania. We are deeply concerned that this measure will lead to less service, since this was the case with Amtrak. What kind of assurance do we have that this will not be the case with this consolidation of the bankrupt railroads?

Mr. STAGGERS. We have quite a lot of experience with Amtrak. Certainly this is quite a different bill. We expect there will be better service completely by this renovated system and we will be taking a continuing look at it. Today there are 6,000 miles of track that service cannot be maintained over ten miles an hour. We say that the association will be able to make available $500 million to renovate those tracks, equipment, and physical plant so we are getting to the heart of this thing at the very start. These are some of the things wrong with the railroads now.

Mr. ROONEY of Pennsylvania. In Pennsylvania, Mr. Chairman, we have numerous shippers, especially among smaller manufacturers. What can a manufacturer with 250 workers do for transportation if his plant is left without branch service?

Mr. STAGGERS. The first thing he can do is convince his locality, his State or regional authority, to apply for a subsidy agreement under section 701 of this title to keep that running. It is taken care of in the bill.

Mr. ROONEY of Pennsylvania. I have one final question. Who pays the costs of upgrading an abandoned line that a local authority, municipal government or State must operate to prevent loss of jobs and plants?

Mr. STAGGERS. The cost of upgrading these lines must be prorated over the life of the subsidy contract.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of Pennsylvania. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I thank the gentleman for yielding.

Mr. Chairman, I want to say to the gentleman from Pennsylvania that in the report from the committee on page 48 it spells out that the planners must also consider the need and cost of rehabilitation and improvement of physical facilities and such items as cost of labor protection, employment impact studies, marketing studies, traffic evaluation, and financial studies.

The committee has been very, very concerned about the impact. I want to congratulate the chairman and the members of the subcommittee, the gentleman from Montana and the gentleman from Washington, for an outstanding job in putting this legislation together.

Mr. BAUMAN. Mr. Chairman, the bill now before the House represents the culmination of a century of efforts by the Federal Government to regulate the Nation's railroads. We have reaped a grim harvest. But at this stage, there is little that Congress can do except pass the bill, for the alternative is drastic reduction in rail service to the northeastern portion of the country, and severe economic dislocation.

Maryland's Eastern Shore would be hard hit if rail service were not continued there. Thousands of farmers, food processors, grain dealers, and manufacturers depend upon rail service for shipment of their products and receipt of their supplies. Railroads represent the only mode of transportation which can economically transport vast bulk commodities. The elimination of rail service to the Eastern Shore would have inevitable and disastrous consequences for the entire economy there.

We in Maryland had a brief and bitter taste of what it would be like to be without rail service earlier this year, when a ship struck the only rail bridge crossing the Chesapeake and Delaware Canal at Summit, Del., and put it out of commission. The disruption of rail service to the entire Delmarva Peninsula caused considerable hardship, and could have brought many businesses to the edge of financial collapse.

Local businessmen considered rail service so critical to their continued operation that last year when Hurricane Agnes wiped out a portion of track in Kent and Queen Annes Counties on the Eastern Shore, they got together and put up the money to repair the track when Penn Central refused to do so.

Among the areas dependent on rail service for their livelihood is the small shore community of Queenstown, Md. The major industry there, the S.E.W. Friel Co., is the largest employer in Queen Anne's County, with an annual payroll of almost $800,000. The Friel Co. is dependent on the rail service it receives from the Penn Central, and had to fight tooth and nail last year to keep that service when the railroad petitioned the ICC to discontinue service.

The Delmarva Power Co., which provides electrical power to a substantial portion of the Eastern Shore, relies entirely on rail transportation to bring in fuel supplies needed for power production. The Shore would face a serious power shortage problem, on top of the problems we already expect this winter, without rail service.

It is important to note through all of this that other forms of transportation simply cannot adequately replace the railroads. Barge transportation is slower, more costly, and inefficient. Trucks can pick up some of the slack over short routes, but for large bulk commodities, such as grain or other agricultural products, they are inadequate and too expensive over the long haul.

In short, Maryland, and in particular the Eastern Shore, will suffer serious economic hardship if rail service does not continue. That rail service will end if Congress does not act, because the courts will order liquidation of the Penn Central and other bankrupt railroads within a few months. I must therefore lend my support to this bill, although I regard it far from an ideal solution.

My examination of the provisions of the bill which deal with the possibility of discontinuing rail service leads me to the conclusion that there are adequate safeguards for the trackage located in Maryland. In essence the bill would require the organization of a system of railways which would be created only after a series of consultations and hearings in which local and State interests could be heard and protected. This process might consume a period of nearly 2 years only after which could any discontinuance of service occur.

This interval should give adequate time for local and State government, as well as private interests, to contemplate whether they wish to subsidize various parts of the railway system should discontinuance be ultimately proposed. In addition, any such subsidies could then be reimbursed by Federal funds to the maximum extent of 70 percent of the subsidy.

This hopefully provides an administrative mechanism which will afford protection to all interested parties and assure the continuation of rail service to those areas which have such great economic dependence upon Penn Central.

I am also pleased to note that the bill contains provisions which will allow funds to be used by the railroads in order to upgrade their track and equipment to meet the safety standards already imposed by the Federal Government. Only recently the Penn Central used these safety standards as a crass excuse to cut off service in many areas, including my district, for a 24-hour period before the Government allowed them a 1-month waiver of the standards. I believe that this display of mock compliance was a shame and excuse to close rail lines which Penn Central has been unable to abandon through the normal channels of the ICC. This is especially so because the Penn Central had received notice of these requirements 2 years before and had done nothing to comply with these safety requirements. Perhaps this safety funding provision of the bill will at least remove this excuse from Penn Central's arsenal of deception.

Mr. Chairman, it would be well for us to recall just how the Northeastern railroads were driven into bankruptcy, and to give serious consideration now to measures which would avert the need for the kind of desperation legislation presently before us for the rest of the Nation's railroads, at some future date.

America's railroads have been brought to the brink—or tossed over the brink—of financial disaster principally due to the absurd and irrational regulations promulgated by the Interstate Commerce Commission. Established when railroads were in their infancy, and cutthroat competition and/or price fixing were rampant, the ICC grew, as do all Federal agencies, into a bureaucratic monster which now regulates every facet of rail operation. The ICC, by holding rates at lower-than-market levels, by requiring railroads to continue operating unprofitable lines, and by generally prohibiting the railroads from making enough profit to allow upkeep, repair, and modernization, has driven dozens of railroads out of business, or to bankruptcy. Labor has done its share to destroy the rail industry, by demanding "featherbedding" in the form of larger traincrews than are necessary, costing railroads hundreds of millions of dollars each year. But the ICC must still take most of the credit.

The legislation before us today is truly a desperation measure. With the courts ready to order liquidation of the Penn Central within a matter of months, something has to be done to allow continued rail service to Penn Central customers as well as those from other bankrupt lines. The creation of yet another Federal agency, the Federal Rail Corporation, if not outright nationalization, comes far too close to it for comfort.

Mr. Chairman, I do not want to see the rest of the Nation's railroads sent down the same dead-end track. We must decide now what the causes of the decline of the rail industry have been, and begin immediately to eliminate those causes. Chief among them, as I said earlier, are the regulatory policies of the ICC, and we should be looking for ways to change those policies in a major way, or even consider the possibility that heavy Government regulation of the rail industry ought to be reduced or eliminated. If the present direction of Government regulation is doing more damage than good, then we ought to send it into the roundhouse and turn the direction of Government involvement around.

The real, long-range answer to the rail industry's woes is not more Government regulation, or Government takeover. That will only cost the taxpayer more and more heavily as the years go by. The answer is the creation of an atmosphere in which railroads can operate as freely of Government constraints and regulation as is practicable, and in which they can respond to the needs of the market economy as efficiently as possible.

We cannot afford to wait any longer. For the Penn Central, and a number of other Northeastern railroads, it is already too late.

Mrs. GRASSO. Mr. Chairman, the Penn Central and other bankrupt railroads in the Northeast are essential to the continued economic stability and growth of 17 States and to the welfare of more than 100 million people in this country. Unless the Congress takes positive and effective action to save these railroads from liquidation, our Nation faces potential economic catastrophe.

The bill before us today—H.R. 9142, the Regional Rail Reorganization Act of 1973—is a comprehensive and balanced attempt to reorganize Northeast railroads within an acceptable framework.

By now we are all aware of the basic facts which necessitate the passage of H.R. 9142. The Penn Central, which alone accounts for 70 percent of the Nation's passenger service and 20 percent of its freight service, has been plagued with financial difficulties since its merger in 1968. The situation has eroded to such an extent that liquidation might be required to protect the constitutional rights of the railroad's creditors.

The Penn Central is essential to the economic health of Connecticut and the entire northeast region, and its liquidation would cause economic hardship throughout the Nation. A cessation of operations by the Penn Central would lead to an estimated 3-percent decline in national productivity and a 60-percent increase in the unemployment rate.

Alternative modes of transportation, primarily trucks, would be required to move the tons of freight daily carried by the railroads. During this energy crisis, the increased fuel consumption would prove counterproductive to our efforts to conserve our dwindling petroleum supplies.

In Connecticut, a shutdown of the Penn Central would be felt by every segment of the State's population. Many industries depend on the railroad to bring them raw materials and transport their finished products nationwide. Trains bring foodstuffs, grain to our dairy and poultry industries, and virtually all the necessities of life. Commuters within the State make 18 million trips each year.

Without the railroads, Connecticut's highways would become more congested, more precious gasoline would be needlessly wasted, many businesses would be forced to close, unemployment would rise, and the tax burden on our cities and towns would increase.

Multiply these consequences in a single State by all the States serviced by the bankrupt Northeast railroads and the need for immediate positive action to save and reorganize the Northeast railroad system becomes clear.

Mr. Chairman, the only alternative to the Regional Rail Reorganization Act is the shutdown of the Penn Central. Such action is unacceptable, for economic disaster would surely result.

I will support H.R. 9142, and urge my colleagues to approve this important legislation.

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 9142. Railroads are vital to the economic health of my district in western Massachusetts. My support, however, goes far beyond parochial interests. I support the legislation because it is vital to the economic health of the entire Nation.

This is not a Massachusetts bill, a New England bill, or, even really, a Northeast bill. This is legislation that will keep the entire Nation's circulatory system flowing, legislation that will enable those for us in the Northeast quadrant of the Nation to continue to be customers and suppliers for the rest of the Nation.

Let me dispel any idea that this is legislation designed to "save" the Penn Central. It does not "save" the Penn Central Transportation Co. It disposes of it—properly. It will have the effect of doing the same thing to the Boston and Maine, the Erie-Lackawanna, the Lehigh Valley, the Central of New Jersey, the Reading Co., and the Ann Arbor Railroad up in Michigan. These are the corporations that, due to a multitude of circumstances, have to go. But the services they provide have to stay.

Are we to do this by simply nationalizing rail systems that are proven losers? Nationalization has not been proven to be a cure-all, you know. We look with envy at European railroads, their passenger service in particular, but we do not look very often at their freight rates or service. Freight rates in Europe are about double what they are here, and service is roughly twice as good here as it is there, despite our bankruptcies. What this bill is aimed at is the salvation of vital freight service that this Nation must have if it is to continue to prosper.

If open nationalization is not feasible at the moment, you might ask why we do not simply lend money to these struggling railroads so they can continue operations on an ad hoc basis. I can promise you, if we did that they would default on the loans and the Government would end up owning the property anyway. This is what is popularly termed "back-door nationalization." The railroads in the Northeast cannot operate as money-making ventures. They do not make money for private enterprise, and they will not break even for public operation.

This legislation leads to a workable solution of the problem. It takes the best of something bad and turns it into something good. There is, indeed, a potentially very healthy rail system attempting to crawl out of the wreck of the Penn Central and the other bankrupt properties. And H.R. 9142 will put that system together.

I am aware that the resultant system will probably be considerably shorter, in terms of track miles, than the present spiderweb of rusty rails that laces the Northeast. I accept the fact that in my district some of the lightly used branch lines might well not be included as part of the so-called core system. But this bill answers that problem, providing Government backing for the uneconomic lines, with both State and Federal Governments participating in the support. If those lightly used branch lines are, on the one hand, vital, I suspect there is a way to make them break even or perhaps show a little profit. And on the other hand, where there is no chance for them to be operated economically, then we should look to alternative modes of transportation.

I would hope that my colleagues study very carefully some of the arguments that are occasionally used in defense of the uneconomic rail lines. We read more and more every day that a diesel locomotive, on the average, produces many more units of transportation per gallon of fuel than a diesel truck. And in these times of increasingly severe fuel shortages, that is a good point to keep in mind. At the same time, however—and I count myself as a staunch environmentalist—I would much prefer to see one man with a 20-horsepower truck drive to the end of a branch line each week than see a 2,000-horsepower locomotive with a four-man crew go out and back each week to pick up one boxcar. Trains are efficient. They are one of the most efficient and ecologically acceptable modes of transportation we have. But locomotives, in and of themselves, consume more fuel sitting on the track idling than one truck does carrying a load of freight 10 miles.

My point is this—the legislation before us creates a new railroad, one that will work, one that will not lose money, one that will not lean on Congress for operating funds any more than do the Santa Fe, the Southern Pacific, the Union Pacific, the Southern Railway or any of the other solvent lines. Railroads have had their hands in the Federal till less than any other mode of transportation over the past 50 years.

Second, the legislation allows for a rationalization of transportation. We will have railroads where we need them, and we can get rid of them where we do not need them.

Third, it does this within the private sector. It calls for no great and continuing influx of Federal funds. It pays for the initial costs that will be incurred during the transition from financial chaos to fiscal stability.

And most of all, it gets us started now. There is no question that this is the 11th hour. It is too important; the time is too late.

I urge my colleagues to support H.R. 9142 and fend off the chaos that is sure to result if nothing is done.

Mr. ANDERSON of California. Mr. Chairman, if the Penn Central Railroad were forced to close, it would take an additional 20,000 trucks to move the same goods daily—an impossible situation.

And the resulting effect on our national economy, our energy situation, and the environment would be disastrous.

First, since railroads carry an amount of freight exceeding that carried by truck, air, and barge combined, our economy—even on the west coast—would be severely affected. A shutdown of the rail carriers that would be reorganized under the proposal would result in a 5.2-percent decrease in the rate of economic activity in the Northeast and a 4-percent decrease for the rest of the Nation. After only 2 months, the gross national product would decrease by 2.7 percent and the national unemployment rate would rise by 3 percent.

Our largest industries on the west coast—aerospace and agriculture—are dependent on the rail systems in the Northeast to move these articles to the markets and a shutdown would cause delays and increase costs.

And let me give an example of the comparative costs of moving freight in the various fields of transportation: To move a ton of freight by air costs almost 22 cents a mile; by truck, the cost is over 7 cents a mile; but by train the transportation costs are only a little over a penny a mile.

Second, the energy situation, already critical, would be strained to the breaking point. For example, the coal which fires many of our hydroelectric plants moves almost exclusively by rail.

But specifically in the Northeast, if the rails were forced to close and the 20,000 additional trucks were needed to move freight, we would have an increase in fuel consumption by up to 24 million additional gallons per day of diesel fuel. This, in turn, would require a 20-percent increase in U.S. imports of oil.

Third, railrads are a relatively "clean" method of transportation—emitting only 600,000 tons of air pollution annually out of a total of 144 million tons emitted from all sources of transportation each year. If the Northeast rails were shut down, our national air pollution level would be increased by 0.2 percent, due to the increase in truck usage and the resulting emissions.

Mr. Chairman, our Founding Fathers united a confederation of States for the common good. They knew that separately we could not survive, but as a union we could meet any crisis.

Today the Northeast faces a serious crisis in transportation—a situation that would have national ramifications. It is our duty as Members of Congress to consider, of course, our local needs, but it is also our duty to rise above provincial interests for the national interest.

For these reasons, Mr. Chairman, I support this proposal. I urge my colleagues who may feel that their particular area may not be affected by a closure of Northeast railroads to also join with me in adopting this measure to reorganize the rails and permit them to stay in business.

Mr. BIAGGI. Mr. Chairman, I rise in strong support of this bill, H.R. 9142, the Regional Rail Reorganization Act of 1973, one of the most constructive pieces of legislation in the 93d Congress.

Today the major rail systems in the Northeastern United States are in dire straits. The largest transportation carrier in the entire United States, the Penn Central Railroad, has been flirting with economic disaster for years, and finally on June 21, 1970, succumbed to acute financial stress and announced plans to terminate service. In addition 5 smaller, but important rail lines encompassing 16 States, have also gone bankrupt.

In essence this legislation calls for a long overdue governmental reorganization of the bankrupt Northeastern railroads into one self-sustaining corporation that would continue to provide public service and preserve competitive private railroads.

The achieving of this new rail system will take place largely from the creation of the Federal National Railway Association. The FNRA will serve as the primary planning and financing vehicle for this restructured and reorganized rail system. Included in their plans will be the devising of a final system plan for the Northeast. This plan will designate and identify those carriers which will continue to operate, based on an ability to remain financially solvent. For those systems which are determined not to be financially healthy, the FNRA will have the additional responsibility to consolidate them into a new Federal Rail Corporation, who in turn will be responsible for the operation of the newly organized system.

However this bill does not only concern itself with long range solutions to the railroad crisis in the Northeast, but provides immediate relief to these beleaguered rail systems. H.R. 9142 specifically authorizes $85 million for interim relief of cash shortages for the bankrupt railroads.

I am particularly pleased with those sections of the bill which deal with protection of the railroad employee who might be displaced by the formation of the new system. According to the provisions of this legislation $250 million will go toward paying the costs of employee dislocation. Benefits would range between $1,600 to $2,500 a month depending on the seniority of the employee.

Finally, an additional provision of the bill, which I strongly support, is the establishment of a Federal subsidy program which will provide up to $50 million a year to assist States or other local agencies who wish to purchase abandoned rail properties.

I feel this bill provides a comprehensive and logical approach to this problem. With over half of the population of the United States living in the Northeast quadrant, the termination of major railroad service would have tragic consequences for these millions of Americans.

I feel it is the only method of assuring adequate freight and passenger rail service in the United States.

The long and illustrious history of the railroad in the United States cannot be overlooked in our consideration of this legislation. Even with the advent of the airplane, many businesses and industries, as well as millions of urban and rural commuters, still rely of the railroad to get them or their products to their proper destinations.

In addition, in light of the potentially grave energy crisis, it seems prudent that we strengthen our rail systems since the railroad remains one of the least energy-consuming methods of mass transportation available today. This bill has further significance and urgency in light of the President's call for the cutback, and even curtailment of airline flights because of a shortage of fuel. This action would serve to create a further transportation shortage in the Northeast.

This excellent bill represents an effective compromise worked out between the owners of the railroad and the unions which operate them. Not only do these groups stand to benefit from H.R. 9142, but more importantly it is the user of the railroad who stands to gain the most from the passage of this bill. I commend the committee and its distinguished chairman, Mr. STAGGERS, for reporting out this bill, and I urge its overwhelming approval by my colleagues.

Mr. KYROS. Mr. Chairman, I rise today in strong support of H.R. 9142, the Regional Rail Reorganization Act of 1973. As a member of the Interstate and Foreign Commerce Committee vitally interested in our Nation's transportation systems, I consider this bill to be unquestionably the most important transportation measure considered thus far by the 93d Congress—not only to my own State of Maine or to the Northeast, but to the entire Nation as well.

Mr. Chairman, none of us can doubt that the Northeast railroads are in desperate financial shape, nor can we deny that for too long they have been the stepchildren of our transportation systems. Action is needed now to protect this vital transportation mode—not only for the economic health of the Northeast but for the entire Nation. We have heard a great deal about the Penn Central and about the very real possibilities of its being shut down. But we must realize that a shutdown of the Penn Central would affect all contiguous lines, sending shockwaves throughout the Nation and the national economy. The Penn Central must be kept running because the rest of the Nation's railroads must be kept running.

H.R. 9142 will keep the Penn Central operational. But even more important than that, it provides us with a needed, comprehensive blueprint for a reorganization of all the bankrupt lines in the Northeast so that they might once again become profitmaking ventures. Only in this way will we avoid nationalization, which very few of us really want.

Mr. Chairman, in Maine we have only about 50 miles of B. & M. track. Our other railroads, thank heaven, are solvent at this time. But a shutdown of the Penn Central alone would probably force a shutdown of those other lines within a few days. At least one-third of our State economy would be crippled. At the risk of becoming intolerably repetitious, I must stress once again that the currently bankrupt Northeast railroads must be revitalized or the entire Nation is to suffer.

Mr. Chairman, H.R. 9142 is the first necessary step toward revitalization of our Nation's railroads. It is not just another stop-gap emergency giveaway. It is a comprehensive piece of legislation hammered out over months of intensive consideration at the subcommittee and committee level. It satisfies both rail labor and rail management. And it is desperately needed.

Mr. Chairman, I earnestly solicit my colleagues' support for H.R. 9142.

Mr. DORN. Mr. Chairman, I support the Regional Rail Reorganization Act of 1973. May I commend Chairman STAGGERS and the members of his great Committee on Interstate and Foreign Commerce for their diligent work in reporting to the House a bill of this importance and complexity. This landmark bill would authorize the Government to reorganize bankrupt railroads of the Northeast into one self-sustaining corporation. This is a step forward toward a more stable financial basis for a basic transportation system in our Nation's most densely populated section. This bill has important national effect, since all sections of the Nation depend on reliable rail transportation to carry goods to and from the Northeastern United States. The bill is fair to the taxpayer, to employees and to management. It is essential to a healthy national economy that the Penn Central and the other rail lines of the area continue to operate. I support passage of the Regional Rail Organization Act of 1973 and urge its adoption by the Congress.

Mr. ROBISON of New York. Mr. Chairman, dependable railroad service is essential to the welfare and economic health of my congressional district, so I have taken some care to monitor the content and progress of all those proposals that have been introduced to Congress which attempt to stem the economic and physical deterioration of railroad service in the Northeast. When evaluating these proposals, I established several criteria which I felt were necessary to address the immediate concerns and long-term interests of the communities in the 27th District of New York.

First, recognizing that total nationalization of the railroads was not the answer, I felt that Federal intervention should be kept at a minimum. This bill creates a nine-member corporation, composed of presidentially appointed representatives of the railroad industry and individuals recommended by the National Governors Conference, the National League of Cities, and the AFL–CIO. In so doing, the bill removes the Federal Government from any direct participation in the day-to-day activities of the railroad industry, and provides for a cross section of the interests affected by reorganization in determining the direction of the new rail system.

Second, it is essential that Federal financial assistance be kept to a reasonable minimum. A long-term solution is required to provide for and safeguard the viability of the rails in the Northeast. To meet both the immediate and distant needs of the industry, a system of loan guarantees is provided for through the creation of a "Fannie Rae" corporation. The level of loan guarantees has been reduced from $2 to $1 billion. The House Interstate and Foreign Commerce Committee has established a sufficient number of controls to see that Federal funds are wisely allocated. Extensive Federal oversight and regulatory authorities are created to see that the money is properly disbursed and collected.

Third, in order to insure the continued viability of profitable railroads in my congressional district, the abandonment provisions of H.R. 9142 had to be strong enough to make cessation not only difficult, but totally avoidable. The discontinuation of marginal railroad lines could mean severe social and economic disruption for individuals, industries, and communities throughout the Northeast. Abandonment cannot be accomplished without adequate notice to Governors, State transportation agencies, shippers, local communities, and the Secretary of Transportation. In addition, both shippers and local authorities may block abandonment by offering to pay operating subsidies. However, the provisions of sections 202 and 203 should be strengthened—by Senate action if need be—so that profitable railroads in the Northeast are not threatened by the abandonment of the feeder lines on which they depend. It is my intention to see that the solvency and continued competitive posture of the small, but vital, railroads is guaranteed by this bill.

Fourth, to prepare the railroads to carry the projected loads of the future more efficiently and safely, it is essential that the present roadbeds and track be restored and rehabilitated. The Regional Rail Reorganization Act directs the Secretary of Transportation to see that the tracks and facilities are restored prior to service to a condition which permits trains to travel at a speed at least of 25 miles per hour. Track and roadbed improvements have been neglected in the past, resulting in greater wear on and damage to rolling stock, more accidents, and less efficient, slower service for the customers.

Fifth, so that protection be given to those workers who lose their jobs during the reorganization, I felt it mandatory that legislation insure that the necessary relief be provided. This bill more than adequately provides for the financial needs of displaced employees of abandoned railroads. H.R. 9142 creates the necessary funds and mechanisms to see that rail employees are either rehired under the new corporation or sufficiently compensated for the losses. This provision has the support of both labor and management, as a just and equitable program to address the potential hardships that the rail employees may face through restructuring.

Sixth, regulatory reform is an integral part of any proposal if it is to be effective. To reach the goals of updating and streamlining the railroad industry, the administrative ground rules which have greatly contributed to the present difficulties, must be made more responsive to the modern and growing needs of the industry. The proposed Federal Railroad Corporation and Federal National Railway Association are given the authorities necessary to develop a dynamic and effective framework to carry out the dictates of H.R. 9142.

Seventh, to enable the railroads to trim their expenditures, the industry should be exempt from State and local taxes on their rights-of-way. Section 905 of this bill calls for the elimination of any Federal, State, or local taxes on the railroads except for their real property values. This provision will save the industry an estimated $300 million, annually, making it easier for the railroads to cut costs and expend their income in more sorely needed areas.

The Regional Rail Reorganization Act of 1973 gives the industry hope for the future. Congress had the difficult task of developing an effective program in a relatively short period of time. This bill is a major step in enabling the railroad industry to help itself, thus solving the myriad of complex and conflicting problems contributing to the present crisis.

The railroads have served the country well throughout history, playing an important role in our expansion and development. I am in accord with H.R. 9142's basic aims and provisions. This act will enable the railroads to put present problems behind them and begin building a framework of operations which will make the industry profitable once again, and enable it to continue to be an essential element of our economic life.

Mrs. HOLT. Mr. Chairman, the continued operation of the Northeast rail system is of vital importance to the Nation both economically and environmentally. This transportation network must be preserved and strengthened in a manner that benefits railroad creditors, rail employees, and the American public.

The bill before us today, H.R. 9142, is designed to achieve these objectives. It is the product of comprehensive hearings, careful review, and meaningful compromise by the Interstate and Foreign Commerce Committee. It is highly unlikely that any piece of legislation of this complexity and magnitude can be totally satisfactory to everyone, but on the whole, I feel that this bill is sound legislation.

Much concern has been voiced in this Chamber over the labor protection features contained in the bill as reported from committee. I would like, at this time, to express my strong support for these provisions and urge that they be retained intact.

The collapse of the Northeast rail system cannot be attributed to any one party. The responsibility for the financial failure of this system must be shared by management, regulatory commissions, and uncontrollable economic conditions as well as by organized labor. To remove the labor protection features from this bill would be tantamount to placing the entire burden for the collapse of the system on the shoulders of the railway employees.

It must also be remembered that these protective clauses are neither new nor revolutionary. The principle of employee protection has been customarily contained in mergers and consolidations in the railroad industry.

Mr. Chairman, the labor protection features are equitable to the railroad employee and are necessary to the successful reorganization of the Northeast system and its restoration as a profit-making private enterprise.

I strongly urge my colleagues to support the passage of H.R. 9142 without debilitating amendments.

Mr. DRINAN. Mr. Chairman, I am gratified to have the opportunity today to rise in support of one of the most important pieces of legislation to come before the 93d Congress. The passage of H.R. 9142, the Regional Rail Reorganization Act of 1973, is absolutely essential for the economy of New England and the entire Nation. Without this bill, we would run the grave risk that within a matter of weeks the six bankrupt railroads in the Northeast would be forced to severely limit service, with disastrous economic results, not only in the Northeast, but in the entire Nation as well.

In recent months I have spoken on many occasions on the Northeast rail crisis, and on the need for legislation to comprehensively restructure the threatened Northeast railroads into a self-sustaining, efficient rail network, competently serving the public interest. I have supported throughout, the bill before us today. This legislation proposes a responsible and workable mechanism to solve the Northeast rail crisis. I would like to take this opportunity again to express my congratulations and commendations to the two principal authors of this legislation, my colleagues DICK SHOUP and BROCK ADAMS, and I would also like to commend as well, the members of the Interstate and Foreign Commerce Committee, who have made such diligent and constructive efforts, the fruit of which is in this bill.

I believe that passage of this legislation would prevent an economic disaster that would be caused by termination of rail service in New England. In surveys of cities and towns in the Fourth Congressional District of Massachusetts, which I represent, I have found that thousands of jobs and hundreds of millions of dollars in economic activity are at stake in the continued operation of railroads serving the Northeast. While the Northeast rail system that will result from enactment of H.R. 9142 will have the result of limiting rail service in some ways, it will spare New England from severe economic trauma that would have occurred without such a workable and balanced bill as this.

I am particularly pleased that the bill before us today contains provisions that recognize the great economic importance of branch lines to local communities, and will allow for the continued operation of branch lines that would otherwise be abandoned as part of the railroad reorganization through the assistance of the Federal Government in a 70/30 Federal/State-local operating subsidy cost-sharing program. I hope that my colleagues will spurn all attempts offered to this bill which would weaken the Federal National Railroad Association and the Federal Rail Corporation, and I further hope that the Senate will promptly enact this bill, and that the President will recognize its merit and sign it into law.

Congress cannot delay any longer in providing a solution to the Northeast rail crisis. H.R. 9142, I believe, is the best hope for a workable solution and it deserves the wholehearted endorsement of the House of Representatives.

Mr. RIEGLE. Mr. Chairman, I would like to add my support to the Regional Rail Reorganization Act, H.R. 9142, now being debated before the House.

As you know, the bill would authorize the consolidation of parts of six bankrupt Northeast railroads into a for-profit nongovernmental corporation. A new agency, the Federal National Railway Association—FNRA—would act to plan and finance the reorganization of the rail system. Final responsibility for the operation of the railroads would be that of the Federal Rail Corporation established by this bill.

Many are hesitant to provide Federal funds to rehabilitate a railroad system which has such a serious history of failure and above all, graft and mismanagement. However, defeating this legislation would produce a devastating impact on the economy not only of the Northeast, but of the entire country. According to a study done by the Department of Transportation at the time of the Emergency Rail Services Act of 1970, a complete and abrupt shutdown of Northeast rail carriers would result in a 5.2-percent decrease in the rate of economic activity in the Northeast, a 4-percent decrease for the rest of the Nation, and a 2.7-percent decrease in the Gross National Product after only 2 months.

The impact that discontinuing the services of the Northeast railways would have on the economy of Michigan is staggering. For example, General Motors which depends heavily on rail transportation for necessary raw materials and shipment of automobiles would be seriously threatened. Nearly 78,000 employees of General Motors would be in danger of losing their jobs.

The problems of the Northeast railroads go far beyond mismanagement—there is no guarantee that liquidation of the bankrupt carriers under the proposed corporation would provide a lasting solution. However I feel very strongly that Congress cannot abandon efforts to reorganize and revitalize the railroads. In view of the serious socioeconomic consequences faced by the Northeast and the Nation if this legislation is not passed, I urge my colleagues to join me in supporting the Regional Rail Reorganization Act.

Mr. HARRINGTON. Mr. Chairman, I rise in support of H.R. 9142, the Regional Rail Reorganization Act of 1973. This bill is crucial to the continued economic well-being of New England and the rest of our Nation. Without such legislation, Massachusetts stands to lose more than 38,000 jobs which depend on continued rail service, and an economic collapse would undoubtedly occur in my area of the country in the very near future.

Six Northeast railroads are bankrupt and undergoing reorganization in the bankruptcy courts. Two of these railroads, the Penn Central and the Boston & Maine, are especially important to Massachusetts. The railroads are in such weak financial condition, in fact, that it will be impossible to reorganize them into profitable companies without substantial Government assistance. The deteriorating cash-flow position of Penn Central makes it doubtful that this rail line will be able to continue operations for more than a few more months, if that long, for lack of funds to meet its day-to-day obligations. In addition, since initiation of bankruptcy proceedings, the value of the estate of Penn Central creditors has, according to bankruptcy Judge Fullam, declined by at least $500 million. This "erosion of the estate" raises the risk that Judge Fullam may attempt to order the railroads into liquidation, so as to avoid unconstitutional erosion of the creditors' estate, since the fifth amendment prohibits deprivation of property without adequate compensation and due process of law.

The problems of the Northeast railroads are compounded by the overbuilt rail system some of which is, frankly, no longer necessary in a time when the growth of light industry in the Northeast, and the development of the nationwide highway system, has contributed to shrinkage in rail utilization. Nonetheless, for many industries, firms and communities, railroads are necessary for financial health. The termination of rail service, which very likely will result from the current financial crisis if Government assistance is not forthcoming, would have damaging results not only for New England and the Northeast, but for the entire Nation.

It seems to me that the Government is, to a large degree, responsible for the present plight of the railroads; that railroads serve a vital public interest, and that the Government is fully justified in now assisting in the reorganization of the Northeast rail system. For years the railroads have been the victims of what could be termed "benign neglect" on the part of Federal, State, and local government. Railroads have been victimized by discriminatory taxation, by excessive regulatory procedures—seriously limiting the ability of the railroads to keep pace with changing economic conditions—and especially by a scarcity of Government financial help. While all levels of Government spend approximately $21 billion annually supporting other modes of transportation—air, highway, and maritime—traditionally the railroads have received little if any assistance.

My sense of the rail situation is that a substantial Federal commitment to aid the Northeast railroads is not only necessary but desirable. The railroads cannot cure themselves without Government help, and the great national importance of continued rail service in the Northeast makes it imperative that Congress act to provide for a comprehensive restructuring of the Northeast railroads, with sufficient assistance to enhance the chances for long-run success of the new rail system, and to make the railroads self-sustaining.

The importance of continued rail service to the Northeast has been documented in a recently released, comprehensive study of the Boston & Maine Railroad, conducted by the Harbridge House consulting firm for the Massachusetts Department of Transportation. The study showed that at least 51,250 jobs in the six New England States depend directly on continued operations of the B. & M. alone, and that a shutdown of B. & M. service could endanger as many as 150,000 jobs in the region. In Massachusetts as a whole, the study estimates that at least 38,842 jobs depend on the B. & M., and that termination of B. & M. operations could cause a loss of more than $568 million to the Massachusetts economy.

In the three northern congressional districts of Massachusetts alone—fifth, sixth, and seventh—the Harbridge House study shows that more than 15,000 jobs depend on the continued operation of the Boston & Maine Railroad. In the Sixth Congressional District, which I represent, the study indicates that more than 22,500 jobs are to varying degrees significantly dependent on continued rail service, and that a total of 5,309 jobs would be lost without B. & M. freight service. Worse, B. & M. termination would deprive the Sixth Congressional District of more than $132 million in economic production.

Northern Massachusetts cannot stand an economic blow of the proportions that would be caused by a cessation of rail service in a region where recovery from the 1970 recession is still laggardly at best. The unemployment rate in the Sixth Congressional District continues to be extremely high—about 9 percent—and some communities have unemployment over 15 percent. The situation in my congressional district is by no means unique. It is duplicated in cities and towns throughout Massachusetts and the Northeast.

The Harbridge House study also shows that cessation of B. & M. service would increase the cost of many major consumption items by anywhere from 1 to 5 percent. This cannot be tolerated by any of us when the country is still suffering from persistent inflation.

The Northeast rail crisis has very profound implications for environmental decay and the already severe energy crisis as well. Railroads are the most efficient of all transportation modes in terms of energy use. Termination of rail service would dramatically increase the use of trucking as an alternate transportation mode, with a corresponding jump in the requirement for gasoline and diesel oil. President Nixon has estimated a nationwide energy shortfall this winter of approximately 15 percent. Yet, the Harbridge House study estimates that if B. & M. freight service were to end, an additional 26.1 million gallons of fuel oil—enough to supply the annual electricity requirements of more than 40,000 households—would be required for truck transportation. Clearly the difficult energy situation demands that our Government encourage energy-efficient modes of transportation, a need that makes H.R. 9142 especially necessary.

The Harbridge House study is very significant with regard to its analysis of branch lines and the question of abandonment. It has been argued by some that the primary cause of the financial difficulties of the railroads is the vast network of branch lines which, allegedly, constitute a continuing and massive drain on railroad finances. Thus, according to these arguments, the way to cure the railroads is to allow for wholesale abandonment of these branch lines. The Harbridge House study, however, seriously disputes such claims. It shows that if the B. & M. were to abandon 370 miles of branch lines, it would save $1.6 million annually. At the same time, this abandonment would cost the B. & M. more than $2.1 annually in lost revenues—a net loss to the railroad of $500,000. These branch lines are the originating source of a major portion of main line traffic, traffic that would not continue if the branch lines were abandoned. In other words, abandonment of branch lines may be more financially harmful to the railroads than beneficial. In addition, branch lines are often of critical economic importance to local communities, and there are many firms in Massachusetts which have stated that abandonment of certain branch lines would cause them either to cease operation or relocate. Clearly a reorganization of the Northeast railroads must take into account the local economic importance of branch lines as well as accurate judgments of the real costs and benefits of continuing branch line service.

In this connection, I am pleased that title III of H.R. 9142 contains a provision that resulted from a proposal which Congressman TIERNAN, Democrat, of Rhode Island, and I originated, and which was later advocated by the New England Congressional Caucus and my Massachusetts colleague Congressman MACDONALD. Section 303 of title III, which establishes the criteria upon which the Federal National Railway Association shall develop the final system plan for the restructured Northeast rail system, requires that a key goal in the rail plan be:

> (8) the minimization of job losses and associated increases in unemployment and community benefit costs in areas presently served.

Two other provisions of H.R. 9142 are especially important to the question of branch lines and abandonment. While without doubt there will—and should—be substantial reductions in the total amount of track mileage operated, there are safeguards for local communities in the bill. It provides that before any line can be abandoned as part of the reorganization process, shippers, States, and local or regional authorities must be given an opportunity to continue operations of the line by making up the difference between the determined costs of maintaining service and the revenues generated by the line. Another provision authorizes $50 million for the Federal share of 70/30 Federal/State-local cost-sharing subsidies that will be used to keep open lines that would otherwise be abandoned. In addition, the $50 million can be used to provide assistance in financing outright purchase of branch lines by appropriate local agencies.

Title VIII of H.R. 9142, the labor-protection provision, is also essential to the success of any railroad reorganization. It has been estimated that 5,000 jobs will be terminated as part of the restructuring of the Northeast rail system. Insofar as this restructuring will be the result of Government action, the Government has a responsibility to bear the social costs for providing for the continued welfare of rail employees who will be laid off. Title VIII is the result of negotiations between rail management and labor unions. Any alteration of the provisions of this title might result in a breakdown of the agreements reached, and thus seriously jeopardize the success of Northeast rail reorganization. I urge my colleagues to reject all amendments to this title.

The basic goal of H.R. 9142 is sound. There is a demonstrable need for comprehensive restructuring of the Northeast rail system. H.R. 9142 provides that the Federal National Railway Association—FNRA—the planning and financing agency created by the bill, will be authorized to issue up to $1 billion in Government-guaranteed bonds. At least $500 million of the funds raised through these bonds will be used to upgrade and modernize rail facilities so that service can be improved, and hopefully so that the declining trend in rail traffic can be reversed. The intent of the bill, by separating the planning and financing agency, the FNRA, from the private, for-profit operating entity, the Federal Rail Corporation—FRC—is to free the FRC from the burden of debt service that has plagued the now-bankrupt railroads.

So as to keep the rail lines in operation while the overall reorganization plan is being formulated, the bill provides $85 million for direct emergency assistance. These funds will be used to meet the cash-flow needs of the bankrupt railroads, as necessary. As to the need to prevent further erosion of the creditors' estate, the bill provides that the creditors' rail assets to be included in the Federal Rail Corporation system shall receive common stock issued by the FRC for the value of their assets. If it is determined by the courts that FRC common stock alone is not sufficient compensation, up to $200 million in federally guaranteed FNRA bonds could be used as "sweeteners" to compensation agreements. The bill also contains provisions mandating the conveyance of all rail assets to the FRC, so that the primary goal of continued rail service can be reached.

The bill promises to give the new FRC a clean start with access to critically needed capital assured in the form of FNRA bonds. This proposal, far short of the billions of dollars that would be required for nationalization, shows great promise of achieving the goal of a self-sufficient, if not profitable, Northeast rail system that serves the public interest.

I commend the members of the Interstate and Foreign Commerce Committee for their diligent work on this legislation, and I especially congratulate my colleagues Congressmen BROCK ADAMS and DICK SHOUP for their leadership in the rail issue. Our country needs this legislation urgently. Massachusetts and the rest of the Northeast can be spared economic chaos if H.R. 9142 is enacted. I urge my colleagues to give this bill their wholehearted support.

Mr. DONOHUE. Mr. Chairman, I earnestly urge and hope that this pending bill, H.R. 9142, the Regional Rail Reorganization Act of 1973, will be overwhelmingly approved by the House this afternoon.

Basically this measure is designed to prudently, efficiently, effectively, and equitably revive and strengthen, in accord with our private enterprise traditions, several of the faltering financial railroad enterprises in the Northeast, whose continued operation is absolutely essential to the health, safety, and economic well-being of a vitally important section of this country.

Mr. Chairman, the need for this bill is unquestioned and the urgency of action now, in view of an imminent court ruling affecting the further operation of the Penn Central Railroad, is obvious.

The fundamental provisions of this measure, to consolidate parts of the six presently bankrupt Northeast rail carriers into a new for-profit nongovernmental Federal Rail Corporation and to establish a new agency, the Federal National Railroad Association, to act as the principal planner and financing instrument for the reorganization and rehabilitation of the rail system, together with other provisions requiring Federal agency cooperation, reasonable railroad employee protection, matching funds for operating subsidies to State, municipal, and regional units to maintain certain essential railroad branch services that would otherwise be discontinued and congressional approval of a final system plan, may not comprise the absolutely perfect solution to an extraordinarily complex problem, but I believe they do represent the best and most sincere and studied legislative effort that has yet been offered in effective response to a unique regional emergency.

Mr. Chairman, the technical meanings and applications of the various sections of this measure have been patiently and thoroughly explained here by the very able and dedicated managers of the committee bill; the appropriations recommended are entirely within reason, especially in view of the tremendous public service involved; and the threatened human and economic disasters that will be sensibly contained by this measure vitally affect the whole national interest. Therefore, I again urge the House to resoundingly adopt this bill without extended delay.

Mr. HOGAN. Mr. Chairman, the illness of our railroads, the problem we face today, is a matter which does not do credit to our Nation. Railroads have been "regulated" longer than other utilities, in fact since 1887. Railroading, as a most important means of transportation, has representation in the President's Cabinet.

Many people do not realize that the regulatory commissions whether over communications, power, trade or transportation are in effect or extensions of the legislative branch of Government. Regulatory commissions were devised to provide rulemaking by experts who supposedly were better equipped to deal with highly technical matters than the lawmakers who created them.

I am concerned that the regulatory experts have not resolved this problem before reaching the crisis stage. We have seen the long haul railroad passenger traffic virtually disappear, taking with it much of the commuter traffic. Yet the airline industry, which now has most of this passenger business is not well financially. Nor is the need for short-haul transportation of people being met during these days of air pollution and shortages of gasoline and highways.

In short, our regulation—our extension of law making—has failed. It seems inconceivable that regulation would not have acted more effectively on the problems we face today. It makes one wonder whether the Federal Communications Commission or the Federal Power Commission or some other commission could lead us down another primrose path.

The railroads were the most financially successful segment of business in the last century. The street car and the bus companies were also highly successful institutions at the beginning of the century. Today the telephone and the power companies are financial successes. Their revenue dollars, that you and I pay, return in direct taxes from a fifth to a third. These revenues from utilities have been a great source of taxes to our Government. But let the financial failure of the railroads be a lesson to the regulatory commissions, the regulators, and the public. Let us have regulation that is forward looking by experts who are truly expert.

Unquestionably, we must salvage our railroads without nationalization and establish a requirement of efficiency. We must do it promptly.

My district is a small one geographically. It is 25 miles one way and 50 another. It is, however, a part of the Northeast corridor. It contains the insolvent Penn Central and the yet solvent B. & O.-C. & O. A large percentage of the goods destined for Washington is unloaded in my district. Efficient rail service is very important to my district's economy.

Also of considerable concern to me, is commuter travel for my constituents. Unfortunately, H.R. 9142 says virtually nothing about commuter services. It does deal briefly with Amtrak and the Boston-Washington corridor, but Amtrak is not concerned with commuters.

Commuter service has been left to local governments. In the instance of our Nation's Capital this means fragmented responsibility. However, my State of Maryland has been attempting to aid the Maryland commuter. It "expects" funding by the Urban Mass Transportation Administration on an 80/20 basis.

Already the State is scrounging for surplus Army railroad cars. It is also negotiating with the B. & O. and the Penn Central. But it is having difficulty. Where? With the insolvent Penn Central. In a very recent letter Maryland's Secretary of Transportation wrote:

> The committee has also held initial discussions with the Penn Central regarding its commuter service. However, little progress has been made to date for two reasons:
>
> (1) We do not feel the Penn Central's terms are reasonable (full costs plus 7½ percent rate of return) and
>
> (2) the financial condition of the railroad and pending Federal legislation lead us to question the advisability of a contractual arrangement until these matters are resolved.

So passage of H.R. 9142 may mean that we in Maryland can move ahead. That is, provided the new FNRA will be receptive to the needs of the public and will move rapidly.

Another problem of commuter service in and out of Washington is the excessive charge made by the Washington Terminal Co. for movement of railroad cars in and out of Union Station. The Washington Terminal Co. is owned jointly by the Penn Central and the B. & O. railroads. The Penn Central ownership is divided between two subsidiaries. I certainly hope ownership under H.R. 9142 or similar legislation will permit negotiation with commuter train operators so that these exorbitant charges can be eliminated. My recollection is that the charge is $40 per railroad car in and out of the station. This makes it virtually impossible to provide reasonable commuter rates.

I should point out that the most comprehensive study of rail commuter service in the Washington area, the so-called "Englund" study, indicates the future of Baltimore-Washington services lies with "an improved Penn Central." Track capacity problems of the B. & O. inhibit the possibilities of expansion of B. & O. service. This is another reason for acting on H.R. 9142 promptly.

In addition to my support of State activities I have supported or cosponsored commuter-oriented legislation. I introduced H.R. 10975 which would permit the Washington Metropolitan Area Transit Authority to include commuter service in the mass transit plan.

I also sponsored H.R. 9479, a bill which would study the feasibility of high speed tracked vehicle operation from Washington to Annapolis. Also, I cosponsored H.R. 4742 for a study of the extension of Metro to Friendship and Dulles airports. While these bills do not directly tie in with H.R. 9142, they are related. There is the possibility of use of the Penn Central tracks to Friendship. The TACV could terminate at the Metroliner-Metro facility at New Carrollton.

H.R. 9142 should be passed so that passenger rail traffic planning can have a firm basis. Now is the time to expand the Penn Central commuter business. The 1,700 persons, who ride in the morning and the 1,600 who ride at night, can be increased by a substantial number at a time when because of our fuel shortage there is great need to reduce highway traffic.

I urge an "aye" vote.

Mr. HILLIS. Mr. Chairman, the time for decisive action on the Northeast railroad crisis is upon us—a Federal court is about to authorize a plan to liquidate the Penn Central, unless Congress takes action immediately. Such a liquidation would involve closing down more than 20,000 miles of rail lines, and cause an estimated loss in national economic activity of some 4 percent within 8 weeks of the shutdown.

Today we have before us a plan which represents decisive action and which could go a long way toward providing both short-term economic assistance and long-range reorganization assistance to the beleaguered Northeast rail system.

The reorganization plan is based on an administration suggestion that a Government-established corporation oversee the reorganization, with a large part of the operation remaining in private hands. The bill incorporates this thinking through the creation of a Federal National Railway Association to implement a final reorganization plan and distribute guaranteed loans to transfer and modernize northeast rail properties.

Further, the bill creates a Federal Railroad Corporation which is to operate as a for-profit railroad company, responsible for assuming control over lines deemed essential to the Northeast rail core. As DOT suggested, this company will sell stock and hopefully could become a profitable company in its own right, just like a new Penn Central system, having been allowed to free itself from many of the regulatory, financial, and labor burdens plaguing the Penn Central which led to its demise.

The bill further provides $85 million for assistance to bankrupt railroads while the final reorganization plan is being implemented. It also establishes strong labor protection procedures, including generous displacement allowances, transfer expenses, and separation pay—following the general principle that no regular railroad employee should be adversely affected by the Northeast rail reorganization.

Further, this legislation authorizes Federal subsidies of up to 70 percent to any local government which pays to maintain a railroad line through its community which has been scheduled to be discontinued under the reorganization plan. In this way, communities which would be severely harmed by loss of Penn Central core service could take action to keep trains running through their area by choosing to subsidize crucial lines with the Federal Government's help.

What I like most about this proposal is that it provides for a full measure of economic assistance for reorganizing the Northeast railroads, with the least amount of Government interference possible. I think all of us would prefer to see a reorganization plan devised which would not require any Government interference or assistance, but this is not realistic. The railroads have been trying to bail themselves out of this labor, administrative, and regulatory quagmire for many years now, but the problems just seem to multiply. What is needed is a fresh start, with new rules and fewer encumbrances. I think that such a new approach is embodied in H.R. 9142, before us today.

Certainly this is a great improvement over the Senate-passed railroad legislation which merely provides some $210 million for loans to troubled railroads. We do not need to throw any more good money after bad—we need to provide some solutions to problems and get these railroads back on a moneymaking basis.

There is no doubt in my mind that this country needs the services provided by the Northeast railroads—and for that matter, the services of railroads all over the country, because that is the larger issue we are really addressing here. I recall the urgent telegrams and phone calls I received from farmers and businessmen last February when Penn Central was threatened by a strike—and all these people insisted they would be severely affected by any shutdown in service.

Certainly, there are other modes of transportation available today, and our policy of assistance and development of these other modes of transportation recognizes this—but the railway system remains the best form of transportation for many commodities and businesses—and the cheapest in most instances.

A national study has predicted that within 8 weeks of a Penn Central shutdown, 31 percent of the chemical produce, 13 percent of retail trade, 10 percent of iron and steel manufacturing, and 7 percent of auto manufacturing nationwide would screech to a halt.

Just yesterday I submitted for the RECORD facts and figures which show that General Motors cannot run 48 hours without being severely affected by a Penn Central liquidation—in fact, the company estimates that such a cutoff in service would force critical plant closings, eventually leading to the shutdown of the whole corporation. As an example, the company began closing down several plants throughout the country just after the first day of the February strike.

Further, a shutdown of rail service would be an economic disaster for many small communities now dependent on rail service—either for ready shipment of raw products or finished goods. The current shortage of freight cars for carrying grain will look minor if Penn Central folds this fall, due to lack of remedial action on our part.

The Wall Street Journal has estimated that termination of the Penn Central would increase U.S. unemployment by some 60 percent and decrease the national production level by 3 percent. Further, this would inevitably cause another increase in consumer prices. Considering these facts, it seems that the $2 billion authorization requested here is not a high price to pay in order to put this industry back on a healthy basis—particularly since only one-fourth of that sum involves direct grants for operating costs while the railroad is in reorganization—the remainder consists of loan guarantees, which do not involve a direct loss of funds to the Government.

I am not suggesting this piece of legislation is the perfect answer—I am sure many amendments will be offered on the floor to improve various provisions in the bill—but I wholeheartedly endorse the overall program it would establish.

I am optimistic that the Federal National Railway Association and Federal Railroad Corporation can be successful in reorganizing the Northeast lines into a workable system—saving the best and most necessary and eliminating redtape and encumbrances which have in the past spelled economic disaster to the Northeast railroads.

I would like to see control pass full back into private hands once the reorganization and upgrading of lines has been completed—this is certainly what this legislation is aimed at achieving ultimately, consistent with the American system of free enterprise.

I would urge that my colleagues lend their full support to this legislation when we vote on it today.

Mr. RANDALL. Mr. Chairman, I support H.R. 9142, the Regional Rail Reorganization Act of 1973, perhaps not with the enthusiasm of a matter of such importance but with a sense of necessity after consideration of the alternatives if some reorganization plan is not approved.

The bill is complex. There are many controversial provisions about which there are serious objections. The cost of $1.4 billion seems almost unacceptable until it is recognized that there is about $400 million in what could be said to be real money and the remaining $1 billion becomes involved as guarantees only if the reorganization plan is workable.

Mr. Chairman, I opposed the Penn-Central Emergency Rail Service Act a few years ago because that was pumping money into a status of which there was no opportunity to improve. Today, on the other hand we are making a valiant attempt to restructure the northeastern railroad in a turnaround from the neglect of the last 30 years to where it may be possible to have the kind of equipment which will improve the operating efficiency of these railroads.

No one, at this point, can say how much mileage will be eliminated but certainly some substantial reduction will be accomplished and that in itself should make the remaining structure more self-supporting.

One question which could most appropriately be asked is, Why should a Member of Congress from west central Missouri have any interest in the railroads of the Northeast? Well, the answer is, If these railroads cease to operate, it will affect not only the so-called Northeast Corridor but the entire eastern seaboard, all of the Middle West and indirectly the Far West. It should not be forgotten that not only the Penn Central Railroad but such important railroads as the Baltimore & Ohio, Chesapeake & Ohio, and other regional carriers have their western terminus at St. Louis, Mo.

How could Missouri and mid-America be affected? Well, if the eastern railroads were to cease operation, our farmers productivity would be suddenly reduced because of no fertilizer. The shelves of our stores would all have smaller stocks. Our own plants in the Middle West would be without rail outlets to the East Coast.

If the eastern railroads shut down, 38 percent of the nonferrous metals manufacturers would cease to have means to move their product, and 31 percent of our chemical production, 10 percent of iron and steel manufacturing, and about 10 percent of the automobile production would come to a complete halt.

In my judgment, there are two overriding reasons why we must make an attempt to save the Northeast railroads. First, because of the energy crisis or fuel shortage. The shortage in this country of gasoline, heating oil, diesel fuel, or natural gas is no longer a Halloween scare but a reality. I cannot readily or precisely supply the statistics but a long freight train with the reduced friction of steel on steel will use only 40 percent or as little as one-third or even one-fourth as much fuel as would take to haul the same tonnage over the highways. Some kind of statistical study should be undertaken to see the extent of a saving of fuel that can be accomplished by greater use of our railroads.

But, Mr. Chairman, the inarticulate, unexpressed silent but major premise back of this entire regional rail reorganization act is the matter of national defense. We are a nation where our two coasts are connected by an interstate rail system. Who can forget that it was our railroads most of all that helped us win World War II. Where would we have been without them at that time? Where would we be without them today in a new emergency? In a word, our railroads are indispensable to national defense.

Mr. Chairman, if any additional reason is needed to support this plan, there is the fact that before long, with the shortage of fuel we may be forced to park cars and depend on mass transportation. Those suburbs surrounding our big cities of the East know that they have driven bumper to bumper with one person in a car for a long while. If we can revitalize our commuter trains we could eliminate some of these traffic jams. We hear a lot about mass transit. If we save our eastern railroads we have made a step in the right direction. If we save our commuter system we take a giant step forward to solve not only the congestion in our cities but also a great stride to ease the stress and strain of the fuel crisis that we all must face in the years that lie immediately ahead.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time on this side.

The CHAIRMAN. Pursuant to the rule, the Clerk will read by titles the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 9142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regional Rail Reorganization Act of 1973".

TITLE I—GENERAL PROVISIONS

SEC. 101. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.—The Congress hereby finds that certain essential rail services in the region, as defined in section 102 (7) of this Act, are provided by railroads undergoing reorganization under the Bankruptcy Act and that such services are threatened with cessation; that the public convenience and necessity require continuation and improvement of such services to the end of meeting the commerce needs in the United States, particularly in such region, preserving national rail transportation service and promoting the national defense; that modern, efficient rail service in such region is a necessary part of a national rail transportation system; that a plan of reorganization is necessary for the restructure, rehabilitation, and modernization of railroads in such region which are undergoing reorganization into an economically viable rail system; that rail service offers economic environmental advantages in terms of land use, air pollution, noise levels, and energy conservation; and that creation of the Federal National Railway Association, with the powers provided under section 202 of this Act, creation of the Federal Rail Corporation, with the powers provided under section 402 of this Act, and provision for Federal financial assistance are necessary to facilitate the reorganization of such railroads and to assure continuation of adequate rail service in the United States, particularly in such region.

SEC. 102. DEFINITIONS.—For the purpose of this Act—

(1) The term "association" means the Federal National Railway Association created under section 201 of this Act.

(2) The term "bankrupt railroad" means a railroad in reorganization which, pursuant to section 301 of this Act, is determined by a court not to have a reasonable likelihood of being reorganized successfully on an income basis under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(3) The term "Commission" means the Interstate Commerce Commission.

(4) The term "corporation" means the Federal Rail Corporation created under section 401 of this Act.

(5) The term "fair and equitable value" means, with reference to the rail properties of a railroad in reorganization which are to be acquired by the corporation, by a nonbankrupt railroad, or by a profitable railroad and operated in accordance with the final system plan, either the fair liquidation value or going concern value thereof as of September 30, 1973, as provided in the final system plan, except that in no event shall such rail properties be valued at more than the constitutional minimum required for their acquisition, taking into consideration the public interest character of such properties. For the purposes of this paragraph, fair liquidation value is the best price that the then existing market could fairly be expected to provide for the sale of such rail properties over a reasonable period of time less the economic costs and expenses incident to holding and maintaining such properties over such time and to their disposition and less a reasonable discount for delay in receipt of proceeds over such time; and going concern value is the capitalized value of the earning power of such properties projected over a reasonable period of time, giving due consideration to the effect and cost of implementation of the final system plan.

(6) The term "nonbankrupt railroad" means any railroad in reorganization which, pursuant to section 301 of this Act, is determined or presumed to have a reasonable likelihood of being reorganized on an income basis under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(7) The term "region" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan, and Illinois, the District of Columbia, and those portions of contiguous States in which are located facilities owned or operated by railroads doing business primarily in the aforementioned jurisdictions (as determined by the Commission by order).

(8) The term "office" means the Regional Rail Services Planning Office created under section 305 of this Act.

(9) The term "profitable railroad" means—

(A) with respect to the area consisting of the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, and Maryland, and the District of Columbia, any railroad operating substantially in such area, which railroad is not undergoing reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205); and

(B) with respect to the States of Virginia, West Virginia, Ohio, Indiana, Michigan, and Illinois, and those portions of contiguous States in which are located facilities owned or operated by railroads doing business in such States, any railroad operating in the State, which railroad is not undergoing reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(10) The term "rail properties" means all of the assets and business owned, leased, or otherwise controlled by a railroad which are used or useful in rail transportation service.

(11) The term "railroad" means any common carrier by railroad as defined in section 1(3) of part I of the Interstate Commerce Act (49 U.S.C. 1(3)).

(12) The term "railroad in reorganization" means a railroad operating principally in the region, which railroad is undergoing reorganization in a proceeding under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(13) The term "final system plan" means the plan of reorganization for the restructure, rehabilitation, and modernization of railroads in reorganization prepared pursuant to section 309 of this Act.

(14) The term "Secretary" means the Secretary of Transportation or his delegate unless the context indicates otherwise.

TITLE II—FEDERAL NATIONAL RAILWAY ASSOCIATION

SEC. 201. ESTABLISHMENT OF THE ASSOCIATION.—There is hereby created a body corporate to be known as the "Federal National Railway Association". The association shall be a nonprofit corporation. The association shall have succession until dissolved by Act of Congress. It shall maintain its principal office in the District of Columbia and shall be deeemd, for purposes of venue in civil actions, to be a resident thereof.

SEC. 202. GENERAL POWERS.—(a) The association, in order to achieve the objectives and to carry out the purposes of this Act, is authorized to—

(1) assist in the preparation and implementation of the final system plan;

(2) provide assistance in the form of loans for the purchase, rehabilitation, and modernization of rail properties of railroads in reorganization;

(3) provide assistance in the form of loans

to any railroad which (A) connects with a railroad in reorganization, and (B) is in need of financial assistance to avoid reorganization proceedings under section 77 of the Bankruptcy Act; and

(4) provide assistance to the National Railroad Passenger Corporation in the form of loans for the improvement of those rail properties generally described as the Northeast Corridor between Boston, Massachusetts, and the District of Columbia.

(b) To carry out its purposes, the association shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

Sec. 203. Directors and Officers.—(a) The association shall have a board of nine directors consisting of individuals who are citizens of the United States. There will be four ex officio members of the board, as follows: The chairman of the association, the Secretary, the Chairman of the Commission, and the Chairman of the Federal Reserve Board. Each ex officio member may designate a subordinate official to perform any function vested in him under this Act, but such designation shall not relieve him of his responsibility in office for the acts of the subordinate official so designated and such designation shall be revocable at any time. Five members of the board shall be appointed by the President, by and with the advice and consent of the Senate, for terms of three years and until their successors have been appointed and qualified. Any appointive seat which becomes vacant shall be filled by appointees of the President, but only for the unexpired term of the director he succeeds. Members of the board of directors appointed by the President shall be selected as follows:

(1) One shall be selected from among representatives of shippers by rail.

(2) One shall be selected from among representatives of railroads not undergoing reorganization under the Bankruptcy Act.

(3) One shall be selected from among not less than two individuals recommended by the National Governors' Conference.

(4) One shall be selected from among not less than two individuals recommended by the National League of Cities and Conference of Mayors.

(5) One shall be selected from among not less than two individuals recommended by the American Federation of Labor and Congress of Industrial Organizations.

Except for the members of the board representing railway labor organizations and railroads, no director may have any direct or indirect employment or financial relationship with any railroad during the time he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of $150 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expenses incurred in attending meetings of the board.

(b) The board of directors of the association shall have an executive committee consisting of the chairman of the association, the Secretary, and the Chairman of the Commission.

(c) The board of directors is empowered to adopt and amend bylaws governing the operation of association.

(d) The association shall have a chairman who shall be appointed by the President, by and with the advice and consent of the Senate, within thirty days after the date of enactment of this Act. The association shall have such other officers as may be appointed by the board. The rates of compensation of all officers shall be fixed by the board. No individual other than a citizen of the United States may be an officer of the association. No officer of the association may have any direct or indirect employment or financial relationship with any railroad during the time of his employment by the association or may have had at any time any such relationship with any railroad in reorganization.

TITLE III—REGIONAL RAIL SYSTEM

Sec. 301. Determination of Status of Railroads in Reorganization.—Within sixty days after the date of enactment of this Act, each United States district court having jurisdiction over a railroad in reorganization shall make a finding as to whether or not, based on the financial condition of and prospects for such railroad, it can be reorganized on an income basis under section 77 of the Bankruptcy Act. With respect to a railroad which is found not to be reorganizable on an income basis under section 77 of the Bankruptcy Act, the court shall enter an order to the effect that such railroad shall be reorganized in accordance with the provisions of this Act and those provisions of such section 77 not inconsistent with this Act, or the court may entertain a motion to dismiss the section 77 proceedings. In any case in which a United States district court does not make the finding referred to in the first sentence of this section with respect to any railroad in reorganization within the sixty-day period referred to in such sentence, such railroad shall be presumed to be a railroad with respect to which there is a reasonable likelihood that it can be reorganized on an income basis under section 77 of the Bankruptcy Act. In the event that a railroad is found not to be reorganizable on an income basis under section 77 of the Bankruptcy Act, the court shall advise the association with respect to its findings under this section. The finding of each district court under the first sentence of this section, or the presumption created under the third sentence of this section, as the case may be, shall be subject to appeal as in the case of an order granting or denying a preliminary injunction pursuant to rule 52 of the Federal Rules of Civil Procedure and section 1292 of title 28 of the United States Code and any such appeal proceedings shall be concluded on an expedited basis.

Sec. 302. Access to Information.—Each railroad (including profitable, nonbankrupt, and bankrupt railroads) operating in the region shall provide such information as may be requested by the chairman or executive committee of the association or by the Secretary in connection with the performance of their respective functions under any provision of this Act. The chairman or executive committee of the association or the Secretary may, during the period beginning on the date of enactment of this Act and ending on the effective date of the final system plan, obtain any such information by subpena. In case of contumacy by or a refusal to obey a subpena served upon a railroad under this section, the district courts of the United States, upon application by the Attorney General upon request of the chairman or executive committee of the association or the Secretary shall have jurisdiction to issue an order requiring the railroad to produce the information, and any failure to obey such order of the court may be punished by the court as a contempt thereof. Nothing in this section shall authorize the withholding of information by the chairman or executive committee of the association, by the Secretary, or by any railroad operating in the region from the duly authorized committees of the Congress.

Sec. 303. Criteria for the Formulation of the Final System Plan.—(a) The final system plan shall be formulated in the light of the following goals—

(1) the objective of creating, through a process of reorganization, a financially self-sustaining rail service system;

(2) the need for continued or improved rail service by the persons, communities, geographic zones, and cities presently served;

(3) the preservation, to the maximum extent practicable, of existing patterns of service by railroads (including short-line and terminal railroads) and alternative modes of transportation;

(4) the availability, cost, and effect upon the human environment of alternative modes of transportation and the ability of those modes to replace rail service;

(5) the requirements of commuter and intercity rail passenger service and the extent to which there should be coordination with the National Rail Passenger Corporation and similar entities; and the identification of all short-to-medium distance corridors in densely populated areas in which the major upgrading of rail lines for high-speed passenger operation would return substantial public benefits;

(6) the preservation of rail service competition;

(7) the environmental impact of alternative choices of action, particularly with regard to the effects on attainment and maintenance of any national ambient air quality standard established by the Clean Air Act Amendments of 1970; and

(8) the minimization of job losses and associated increases in unemployment and community benefit costs in areas presently served.

The final system plan shall be based upon due consideration of all relevant factors, including the need for and cost of rehabilitation and improvement of physical facilities, alternative means to achieve system rationalization, the cost of labor protection, employment impact studies, marketing studies, traffic evaluations, and financial studies.

(b) The final system plan shall designate those rail properties of the bankrupt railroads to be operated by the corporation and shall provide that such rail properties be conveyed to and acquired by the corporation. Rail properties of bankrupt railroads not conveyed to the corporation or to a nonbankrupt or to a profitable railroad pursuant to the final system plan shall be abandoned in accordance with the provisions of this Act.

(c) The final system plan shall also designate:

(1) which rail properties of the bankrupt railroads shall be offered for sale to nonbankrupt railroads or to profitable railroads and, if purchased, be operated by such railroads;

(2) which rail properties of the nonbankrupt railroads should—

(A) be offered for sale to another nonbankrupt railroad or to a profitable railroad and, if so offered and purchased, shall be operated by such railroad,

(B) be offered for sale to the corporation and, if so offered, shall be acquired and operated by it, and

(C) be abandoned in accordance with the provisions of this Act;

(3) what additions to or changes in the designation of rail properties to be acquired and operated by the corporation shall be made—

(A) if any nonbankrupt railroad or profitable railroad fails to purchase rail properties of a bankrupt railroad offered to it as provided in paragraph (1) above, or

(B) if any nonbankrupt railroad declines to offer rail properties for sale as provided in paragraph (2) above or, if so offered, the offeree (other than the corporation) declines to purchase said properties;

(4) which rail properties, located in the area generally described as the Northeast Corridor between Boston, Massachusetts, and the District of Columbia, shall be acquired by the corporation for lease to the National Railroad Passenger Corporation for the purpose of providing railroad passenger service in that corridor; and

(5) those rail properties (particularly rights-of-way) not to be operated by the

corporation or by any other railroad which are suitable for use for other public purposes, including but not limited to, roads or highways, other forms of mass transportation, conservation, and recreation.

In carrying out the provisions of paragraph (5) of this subsection, the executive committee of the association shall solicit the views and recommendations of interested agencies of the Federal Government (including specifically the Secretary of Transportation and the Secretary of the Interior) and of State and local governments. The Secretary of Transportation and the Secretary of the Interior shall, at the request of such executive committee, submit such recommendations as they may deem appropriate to carry out the provisions of paragraph (5) of this subsection.

(d) All authorizations to convey or conveyances contemplated under subsections (b) and (c) of this section shall be made in accordance with and subject to the following terms and conditions:

(1) All rail properties to be conveyed by a bankrupt railroad to the corporation as provided in subsection (b) of this section shall be conveyed in exchange for all of the initially issued common stock and, if necessary, for other securities of the corporation (which may include obligations of the association), having a value equal to the fair and equitable value of such rail properties.

(2) All rail properties to be conveyed by a railroad in reorganization (except those conveyed by a bankrupt railroad to the corporation) to a nonbankrupt railroad, to a profitable railroad, or to the corporation as provided in subsections (c)(1) and (c)(2) of this section shall be conveyed in exchange for obligations having a value equal to the fair and equitable value of such rail properties.

(3) Any nonbankrupt railroad which may offer to sell rail properties to another nonbankrupt railroad, to a profitable railroad, or to the corporation, must make an irrevocable offer, which has been approved by the bankruptcy court having jurisdiction over its reorganization proceeding, to sell such properties to the nonbankrupt railroad, to the profitable railroad, or to the corporation within sixty days following the effective date of the final system plan. If such offer is not made within the designated time, authorization for the nonbankrupt railroad to offer such rail properties to another nonbankrupt railroad, to a profitable railroad, or to the corporation shall lapse and be of no further force or effect. Such offer must be accepted by the nonbankrupt railroad, such acceptance having been approved by the bankruptcy court having jurisdiction over its bankruptcy proceeding, or by the profitable railroad within seventy-five days following the effective date of the final system plan. If such acceptance is not made within the designated time, authorization for the nonbankrupt railroad or the profitable railroad to accept such offer shall lapse and be of no further force or effect.

(4) Within seventy-five days following the effective date of the final system plan, nonbankrupt railroads and profitable railroads shall have entered into purchase agreements with the bankrupt railroads directed to offer rail properties to nonbankrupt railroads or profitable railroads, as provided in subsection (c)(1) and, if such agreements are not concluded within the designated time, the authorization to offer such rail properties for sale shall lapse and be of no further force and effect.

(e) The final system plan shall set forth (1) pro forma earnings for the corporation, as reasonably projected and considering the additions or changes in the designation of rail properties to be operated by the corporation which may be made in accordance with subsection (c)(3) of this section, and (2) the capital structure of the corporation which shall be based on its earnings as reasonably projected and which shall include such debt capitalization as shall be reasonably deemed to conform to the requirements of the public interest respecting railroad debt securities, including the adequacy of coverage of fixed charges.

(f) The final system plan shall further designate the fair and equitable value of all rail properties to be conveyed or which may be conveyed under the final system plan, the amount, terms, and value of the securities of the corporation (which may include obligations of the association) to be exchanged as provided in subsection (d)(1) of this section for those rail properties to be conveyed to the corporation in accordance with the final system plan, and the amount, terms, and value of the obligations to be exchanged as provided in subsection (d)(2) of this section for those rail properties to be conveyed to nonbankrupt railroads, to profitable railroads, or to the corporation in accordance with the final system plan.

(g) The final system plan may also recommend transfers of rail properties from profitable railroads to the corporation, to nonbankrupt railroads, or to other profitable railroads, or may recommend arrangements for joint use, ownership, or operation of rail properties among profitable railroads, nonbankrupt railroads, and the corporation, subject to such terms and conditions as may be specified in the final system plan.

(h) The final system plan shall set forth the maximum amount of obligations issued by the association under section 601 which should be outstanding at any one time to enable it to carry out its purposes under this Act.

(i) The pendency of appeal proceedings referred to in section 301 of this Act shall not defer execution of the obligations imposed under this section.

(j) Notwithstanding any other provision of this Act no acquisition under this Act by any profitable railroad shall be made without a determination, with respect to each such acquisition, by the association and by the Commission that such acquisition will not materially impair the profitability of any other profitable railroad or of the corporation. Each determination referred to in the preceding sentence shall be made on an expedited basis.

Sec. 304. Preliminary Report on Core Rail Service.—(a) Within thirty days after the date of enactment of this Act, the Secretary shall prepare a preliminary report containing his recommendations for the identification of geographic zones in the region within and between which rail freight service shall be provided. The Secretary may use as a basis for the establishment of the zones standard metropolitan statistical areas used in the last United States census, groups of those areas, counties, or groups of counties having similar economic characteristics, such as mining, manufacturing, and agricultural activities.

(b) Upon completion of the preliminary report required by subsection (a) of this section, the Secretary shall submit the report to the Office of the Commission, make the report available to interested parties, the States and their public utility commissions, local governments, and consumer interest groups, and publish the report in the Federal Register.

Sec. 305. Review by the Regional Rail Services Planning Office.—(a) There is hereby established a new Office in the Commission to be known as the Regional Rail Services Planning Office. This Office shall function pursuant to the provisions of this section and section 308 and shall cease to exist on the effective date of the final system plan. The Office of the Commission shall be administered by a Director who shall be appointed by the Chairman of the Commission with the concurrence of at least five members of the Commission.

(b) Within thirty days after the Secretary completes the preliminary report on core rail service required by section 304 of this Act, the Director of the Office shall solicit from all interested parties (including, but not limited to, the Department of Transportation, the association, the public, and the users of rail services) comments, data, and arguments on the report. In addition, the Director shall hold public hearings on the report, in accordance with section 553 of title 5 of the United States Code, in at least twelve different locations in the region.

(c) Within ninety days after the date of enactment of this Act, the Director of the Office shall, after affording due consideration to the relevant matter submitted in writing or presented at the public hearings, submit to the Commission and to the association his recommendations for the preparation of a final report on core rail service together with a summary of the recommendations of those who contributed comments on the preliminary report and his reasons for not adopting such recommendations.

Sec. 306. Final Report on Core Rail Service.—(a) Within one hundred and twenty days after the date of enactment of this Act, the Commission shall issue a final report on core rail service.

(b) The final report on core rail service shall be submitted to the board of directors of the association. Within thirty days after receipt of the report the board of directors of the association shall by a majority vote of all its members approve a final report on core rail service which is consistent with the standards set forth in subsection (a) of section 303 of this Act relating to the formulation of the final system plan.

Sec. 307. Preparation of Preliminary System Plan.—(a) Within three hundred days after the date of enactment of this Act, the executive committee of the association shall prepare and submit to the Office of the Commission a preliminary system plan.

(b) Upon completion of the preliminary system plan required by subsection (a) of this section, the executive committee shall make the preliminary system plan available to interested parties, the States in the region and their public utility commissions, local governments, and consumer groups, and publish the preliminary system plan in the Federal Register.

Sec. 308. Hearings by the Office of the Commission.—Upon receipt of the preliminary system plan prepared under section 307 of this Act, the Office of the Commission shall hold public hearings on the preliminary system plan in accordance with section 553 of title 5 of the United States Code, in at least twelve different locations in the region, and afford interested persons an opportunity to submit written comments thereon. Within sixty days after receipt of the preliminary system plan, the Director of the Office of the Commission shall submit to the executive committee of the association a summary of the recommendations of those who contributed comments on the preliminary system plan.

Sec. 309. Final System Plan.—Within sixty days after receipt of the summary of recommendations from the Office of the Commission, the executive committee of the association shall prepare and submit for approval to the board of directors of the association a final system plan. Within thirty days after receipt of the final system plan, the board of directors of the association shall by a majority vote of all its members approve a final system plan which is consistent with section 303 of this Act and includes substantially all the rail service envisioned in the final report issued under section 306 of this Act.

Sec. 310. Review by the Congress.—(a) The board of directors of the association shall deliver the final system plan adopted by it to both Houses of the Congress on the same day and to each House while it is in session on the date it is so adopted or, if either House is not in session on such date, on the first day thereafter that both Houses are in session. The final system plan shall become effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the final system plan it transmitted to it unless, between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that that House does not favor the final system plan.

(b) For the purpose of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

(c) In any case in which either House passes a resolution referred to in subsection (a) of this section, the board of directors of the association shall deliver a revised final system plan to the Congress in the same manner as in the case of the original final system plan and such revised final system plan shall be subject to review in the same manner as in the case of the original final system plan. The revised final system plan shall become effective in the same manner as provided in the case of the original final system plan. The final system plan which becomes effective under this section shall not be reviewable by any court or body, except as provided under section 501 of this Act.

TITLE IV—FEDERAL RAIL CORPORATION

SEC. 401. ESTABLISHMENT OF THE CORPORATION.—There is authorized and directed to be created a body corporate to be known as the "Federal Rail Corporation". The corporation shall be a for-profit corporation. The principal office of the corporation shall be located in Philadelphia, Pennsylvania. The corporation shall be established under the laws of a State (including the District of Columbia) and shall not be an agency or establishment of the United States Government. It shall be subject to the provisions of this Act, and to the extent consistent with this Act, to applicable State laws. The Secreary, the chairman of the association, and the Chairman of the Commission shall be the incorporators of the corporation and shall also serve as its initial board of directors until the shares of common stock of the corporation are issued to the estates of the bankrupt railroads in accordance with section 502 of this Act. So long as more than one-half of the outstanding indebtedness of the corporation is represented by securities, obligations, or loans issued by the association under this Act, or is guaranteed by the Secretary under this Act, no individual shall be eligible to serve as a member of the board of directors of the corporation (other than the initial board of directors) until he has been approved by the board of directors of the association. The incorporators and initial directors shall take whatever actions are necessary to establish the corporation, including the filing of articles of incorporation and the adoption of bylaws. The corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3)), effective as of the date on which the corporation commences rail service after purchase of rail properties of railroads in reorganization pursuant to section 502 of this Act.

SEC. 402. GENERAL POWERS.—The purpose of the corporation shall be to acquire the rail properties of railroads in reorganization in accordance with title V of this Act, to operate, rehabilitate, and modernize the rail properties so acquired which are included in the corporation's rail system under the final system plan, and to contract for the operation of rail lines which are not in the corporation's rail system under the final system plan. To carry out their functions and purposes under this Act, the corporation and any corporation it creates under this Act shall have, in addition to the powers vested in the corporation under this Act, the powers conferred upon them under the laws of the State or States in which they are incorporated and the usual powers of a railroad under the laws of any State in which they operate.

SEC. 403. INITIAL CAPITALIZATION OF CORPORATION.—In order to carry out the final system plan the corporation is authorized to issue stock and other securities. Common stock shall be issued initially to the estates of the bankrupt railroads in exchange for rail properties conveyed to the corporation pursuant to the final system plan.

TITLE V—IMPLEMENTATION OF THE FINAL SYSTEM PLAN

SEC. 501. REVIEW; CONSOLIDATION OF PROCEEDINGS; CERTIFICATION TO DISTRICT COURT.—(a) The final system plan shall not be reviewable by any court except as to matters concerning the value of the rail properties to be conveyed thereunder and the value of the consideration to be received therefor. Within fifteen days after the public release of the preliminary system plan, the association shall make an application to the judicial panel on multidistrict litigation authorized by section 1407 of title 28, United States Code, for the consolidation in a single, three-judge district court of all proceedings of any kind which arise or may arise concerning the final system plan or implementation thereof. Within thirty days after the date of such application, the panel shall make the consolidation in a United States district court (the "consolidated district court") which the panel determines is convenient to the parties and will promote a just and efficient conclusion to the proceedings. The consolidated proceedings shall be conducted by the consolidated district court composed of three judges selected by the panel, who are not assigned to any proceeding under section 77 of the Bankruptcy Act involving any of the railroads in reorganization. The judges to whom the proceedings are assigned may exercise the powers of a district judge in any district for the purpose of conducting the consolidated proceedings. No proceedings for review of any order of the panel under this subsection may be permitted. The panel may prescribe rules for the conduct of its functions under this subsection.

(b) Within ninety days but not earlier than seventy-five days after the effective date of the final system plan, the association shall deliver a copy of the final system plan and certify to the consolidated district court—

(1) which rail properties of the respective bankrupt railroads are to be conveyed to the corporation in accordance with the final system plan;

(2) which rail properties of the respective non-bankrupt railroads are to be conveyed to the corporation in accordance with the final system plan;

(3) which rail properties of the respective bankrupt railroads are to be conveyed to nonbankrupt railroads or to profitable railroads in accordance with the final system plan;

(4) which rail properties of the respective nonbankrupt railroads are to be conveyed to other non-bankrupt railroads or to profitable railroads in accordance with the final system plan;

(5) the fair and equitable value of all rail properties to be conveyed as indicated in paragraphs (1)–(4) of this subsection;

(6) the amount, terms, and value of the securities of the corporation (including any obligations of the association) to be exchanged for those rail properties of bankrupt railroads to be conveyed to the corporation pursuant to the final system plan and as indicated in paragraph (1) of this subsection;

(7) the amount, terms, and value of obligations to be received by the railroads in reorganization in exchange for those rail properties to be conveyed to nonbankrupt railroads, to profitable railroads, or to the corporation pursuant to the final system plan and as indicated in paragraphs (2), (3), and (4) of this subsection;

(8) that the securities of the corporation (including any obligations of the association) to be received by the respective bankrupt railroads will have a value equal to the fair and equitable value of the rail properties to be conveyed to the corporation in exchange therefor; and

(9) that the obligations to be received by the respective railroads in reorganization in exchange for the rail properties to be conveyed to the respective nonbankrupt railroads, to the respective profitable railroads, or to the corporation (excluding those rail properties to be conveyed by a bankrupt railroad to the corporation) have a value equal to the fair and equitable value of the respective rail properties to be so conveyed.

(c) Within ninety days but not earlier than seventy-five days after the effective date of the final system plan, the association shall deliver a copy of the final system plan and certify to each United States district court having jurisdiction over a railroad in reorganization—

(1) which rail properties of that railroad in reorganization are to be conveyed to the corporation under the final system plan; and

(2) which rail properties of that railroad in reorganization are to be conveyed to nonbankrupt railroads or to profitable railroads under the final system plan.

SEC. 502. VALUATION AND CONVEYANCE OF RAIL PROPERTIES.—(a) Within ten days after the certifications referred to in sections 501 (b) and (c) are made, (1) the corporation, in exchange for the rail properties of the railroads in reorganization to be conveyed to the corporation, shall deposit with the consolidated district court all of the common stock of the corporation initially issued under this Act and other securities of the corporation initially issued under this Act and other securities of the corporation and obligations of the association with a value equal to the fair and equitable value of such rail properties as provided in the final system plan, and (2) each nonbankrupt railroad or profitable railroad purchasing rail properties from a railroad in reorganization under authorization of the final system plan shall deposit with the district court obligations with a value equal to the fair and equitable value of the rail properties to be conveyed in exchange therefor as provided in the final system plan.

(b) Each district court having jurisdiction over a railroad in reorganization shall (1) within ten days after deposit of the securities of the corporation and obligations of the association with the consolidated district court as provided in subsection (a)(1) of this section, order the trustee or trustees of such railroad to convey forthwith to the corporation all right, title, and interest in the rail properties of the railroad that are to be conveyed to the corporation under the final system plan as certified to the respective district courts under subsection (c)(1) of section 501 of this Act, and (2) within ten days after deposit of obligations with the consolidated district court as provided in subsection (a)(2) of this section, order the trustee or trustees of such railroad to convey forthwith to the respective nonbankrupt railroads or to the respective profitable railroads all right, title, and interest in the rail properties of that railroad which are to be conveyed in accordance with the final system plan as certified to the respective district courts under subsection (c)(2) of section 501 of this Act.

(c) Following conveyance of the rail properties to the corporation, to nonbankrupt railroads, and to profitable railroads as provided in subsection (b) of this section, the consolidated district court shall—

(1) make a finding as to whether or not the securities of the corporation (including any obligations of the association) deposited with the consolidated district court in exchange for rail properties of bankrupt railroads have a value which is equal to the fair and equitable value of the rail properties conveyed to the corporation in exchange therefor, such finding to give due consideration to the findings contained in the final system plan;

(2) determine the fair and equitable value of—

(A) all of the rail properties conveyed to the corporation by all bankrupt railroads, and

(B) the rail properties conveyed to the corporation by each bankrupt railroad,

such determinations to give due consideration to the findings contained in the final system plan; and

(3) determine the fair and equitable value of the rail properties conveyed by each respective railroad in reorganization to a nonbankrupt railroad, to a profitable railroad, or to the corporation and the value of the obligations deposited by each nonbankrupt railroad, by each profitable railroad, or by the corporation, such findings to give due consideration to the findings contained in the final system plan.

(d) Upon making the findings and determinations referred to in paragraphs (1), (2), and (3) of subsection (c) of this section, the consolidated district court shall order distribution, to the estate of each railroad in reorganization which conveyed rail properties to a nonbankrupt railroad or to a profitable railroad, of obligations deposited with the consolidated court by the nonbankrupt railroad or the profitable railroad, as the case may be, with a value as of the date of the conveyance of the rail properties to any such railroad equal to the fair and equitable value of the rail properties so conveyed and, in the case of any such conveyance to the corporation, the consolidated district court shall order distribution of the securities of the corporation (including any obligations of the association), deposited with the court by the corporation with a value as of the date of the conveyance of the rail properties to the corporation equal to the fair and equitable value of the rail properties so conveyed. Any excess obligations shall be returned to the nonbankrupt railroad, to the profitable railroad, or to the corporation, as the case may be, and, if the consolidated district court finds that the obligations deposited by the nonbankrupt railroad or by the profitable railroad, or that the securities deposited by the corporation (including any obligations of the association), have a value as of the date of conveyance which is less than the fair and equitable value of the rail properties so conveyed to the nonbankrupt railroad, to the profitable railroad, or to the corporation, the district court shall enter a judgment against the nonbankrupt railroad or the profitable railroad for the amount of the deficiency to be paid in additional obligations, or against the corporation for the amount of the deficiency to be paid in securities of the corporation (which may include obligations of the association), in such amount and with such terms as the district court shall prescribe as necessary to equal the fair and equitable value of the rail properties conveyed.

(e) After distribution of such portion of the consideration as may be properly allocated to a railroad in reorganization to the estate thereof, thereafter the distribution or other disposition of such consideration shall be governed by the procedures of section 77 of the Bankruptcy Act with respect to each of the reorganization proceedings.

(f) All rail properties conveyed to a nonbankrupt railroad, to a profitable railroad, or to the corporation pursuant to this section shall be conveyed free and clear of any liens or encumbrances. Such conveyances shall not be deferred by reason of any controversy concerning the value of the rail properties to be conveyed or the value or amount of the obligations or of the securities of the corporation (including any obligations of the association) to be exchanged for said properties, and shall not be restrained or enjoined by any court on account of any such controversy.

(g) Each order entered pursuant to subsection (c) of this section shall be appealable forthwith unless the court within seven days of the entry of such an order shall determine in writing that such an appeal would not be in the interest of an expeditious conclusion of the proceedings. Appeals from such orders shall be taken directly to the Supreme Court of the United States in the same manner as injunction order pursuant to section 1253 of title 28, United States Code. A determination denying appeal pursuant to this section may be vacated at any time on the motion of the court or any party, and the order shall then become appealable on the date such determination is vacated. Any review or appeal of orders entered pursuant to subsection (c) of this section and of findings of a court pursuant to this subsection shall be concluded on an expedited basis.

Sec. 503. Discontinuance of Service; Abandonments; Changes in Rail System.—(a) Except as limited by subsection (c) of this section, rail service on rail properties of a railroad in reorganization beyond that operated pursuant to the final system plan may be discontinued upon ninety days' notice in writing to the Governor and State transportation agencies of each State, and to the government of each community, in which such rail properties are located, and to each shipper who has utilized such facilities during the previous twelve-month period.

(b)(1) Rail properties over which service has been discontinued pursuant to subsection (a) of this section may not be abandoned during the six-month period following the effective date of the final system plan. Thereafter, except as limited by subsection (c) of this section, such rail properties may be abandoned upon thirty days' notice to the Governor and State transportation agencies of each State in which rail properties are located, affected shippers and local communities, and the Secretary.

(2) In any case in which rail properties proposed to be abandoned under this section are designated by the final system plan as rail properties which are suitable for use for other public purposes (including but not limited to, roads or highways(other forms of mass transportation, conservation, and recreation), such rail properties shall not be sold, leased, exchanged, or otherwise disposed of during the six-month period beginning on the date of notice of proposed abandonment under this section unless such rail properties have first been offered, upon reasonable terms, for acquisition for public purposes by the State or local community in which they are located and such State or local community has refused such offer.

(c) Discontinuance of service and abandonment of rail properties may be effected under subsections (a) and (b) notwithstanding the provisions of the Interstate Commerce Act or the laws or constitution of any State or the decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority: *Provided, however,* That no rail service may be discontinued or rail properties abandoned pursuant to the provisions of this section (1) after two years from the effective date of the final system plan (not considering in the calculation of such two-year period, however, that period during which rail properties are operated under an operating subsidy as hereinafter provided), or (2) if a shipper, a State, or a local or regional authority, or other responsible person offers an operating subsidy that covers the difference between the revenue attributable to such rail properties and the fully distributed costs of handling traffic on such rail properties plus a reasonable return on the fair liquidation value of such rail properties or offers to purchase such rail properties or related facilities for their fair liquidation value. In the event that an operating subsidy is offered, the corporation, the railroad in reorganization (or the railroad leased, controlled, or operated by it) and the person offering the subsidy shall enter into an operating agreement under which the corporation will operate such rail properties and shall receive the difference between the revenue attributable to such rail properties and the fully distributed costs of handling traffic on such rail properties, and the railroad in reorganization (or the railroad leased, operated, or controlled by it) shall receive the reasonable rate of return on the liquidation value of such rail properties. Within six months after the date of enactment of this Act, the Commission shall, after affording an opportunity for public hearings in accordance with section 553 of title 5 of the United States Code, determine and publish standards for determining the "revenue attributable to the rail properties", and "fully distributed costs of handling traffic" and a "reasonable return on fair liquidation value" as those terms are used in this subsection.

(d) If an offer to purchase is made under this section such offer shall be accompanied by an offer of an operating subsidy in accordance with subsection (c) of this section, which operating subsidy shall continue until consummation of the purchase unless, by order or authorization of the Commission, a railroad assumes operations over such properties for its own account. When a railroad in reorganization gives notice of intent to discontinue service pursuant to the provisions of subsection (a) of this section, such railroad shall, upon request by anyone qualified to make a purchase offer pursuant to the provisions of subsection (c) of this section, promptly make available its most recent reports on the physical condition of such properties, and access to such traffic and revenue data as would be required under subpart B of part 1121 of chapter X of title 49 of the Code of Federal Regulations.

(e) If, after the rail system to be operated by the corporation under the final system plan shall have been in operation for two years, the Commission determines that service over any rail properties in such system is not required by the public convenience and necessity, the Commission may authorize the corporation to abandon any such rail properties. The Commission may determine at any time after the final system plan is effective either to authorize the abandonment of any rail properties not within the rail system of the corporation and not contemplated for abandonment under the final system plan or to authorize additional rail service in the region. Determinations made by the Commission under this section shall be made only in accordance with the applicable provisions of the Interstate Commerce Act.

Sec. 504. Disposition of Assets; Creditors' Rights.—On and after the date that a railroad in reorganization is determined to be a bankrupt railroad under section 301, such bankrupt railroad may not, without authorization of the association, sell, lease, exchange, or otherwise dispose of its rail properties except in the ordinary course of business, and creditors of the bankrupt railroad shall have no continuing interest in, or rights against, the rail properties of the bankrupt railroad which are conveyed to the corporation but shall look only to the consideration distributed by the consolidated district court to the estate of such railroad in reorganization pursuant to this title.

TITLE VI—FINANCIAL ARRANGEMENTS

SEC. 601. OBLIGATIONS OF THE ASSOCIATION.—(a) To carry out the purposes of this Act, the association is authorized to issue and have outstanding at any one time obligations, having such maturities and bearing such rate or rates of interest as may be determined by the association, with the approval of the Secretary, to be redeemable at the option of the association before maturity in such manner as may be stipulated in such obligations; but the aggregate amount of obligations of the association outstanding at any one time shall not exceed $1,000,000,000. Of the aggregate amount of obligations issued by the association under this section, not less than $500,000,000 shall be available solely for the rehabilitation and modernization of rail properties acquired by the corporation under this Act, and not more than $200,000,000 shall be available for acquisition by the corporation under this Act of rail properties of railroads in reorganization. The association is authorized to purchase in the open market any of its obligations outstanding under this subsection at a price which the association finds to be reasonable.

(b) The Secretary shall guarantee any lender against loss of principal and interest on securities, obligations, or loans (including extensions or refinancings thereof) issued by the association under subsection (a) of this section.

(c) All guarantees entered into by the Secretary under this section shall constitute general obligations of the United States of America backed by the full faith and credit of the Government of the United States of America.

(d) Any guarantee made by the Secretary under this section shall not be terminated, canceled, or otherwise revoked; shall be conclusive evidence that such guarantee complies fully with the provisions of this title and of the approval and legality of the principal amount, interest rate, and all other terms of the securities, obilgations, or loans, and of the guarantee; and shall be valid and incontestable in the hands of a holder of a guaranteed security obligation, or loan, except for fraud or material misrepresentation on the part of such holder.

(e) There are authorized to be appropriated to the Secretary such amounts, to remain available until expended, as are necessary to discharge all his responsibilities under this section.

(f) If at any time the moneys available to the Secretary are insufficient to enable him to discharge his responsibilities under guarantees issued by him under subsection (b) of this section, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary from appropriations available under subsection (c) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

SEC. 602. FINANCIAL ASSISTANCE.—(a) For the purpose of providing financial assistance in accordance with section 202 of this Act, the association is authorized and directed to make loans on such terms and conditions as it may prescribe.

(b) Before making a loan under this section, the association shall find, in writing, that—

(1) the loan is necessary to carry out the final system plan or the purposes of this Act; and

(2) there is reasonable assurance that the business affairs of the loan recipient will be conducted in a prudent manner; and

(3) the loan recipient has pledged such security as the association deems necessary for the protection of the interest of the United States in guaranteeing obligations of the association.

(c) It is the intent of the Congress that loans made under this section shall be made on terms which furnish reasonable assurance that the loan recipient will be able to repay the loan within the time fixed and afford reasonable assurance that the goals of the final system plan or the purposes of this Act will be achieved.

SEC. 603. AUDIT OF ACCOUNTS OF ANY LOAN RECIPIENT.—The association is authorized to, and shall as necessary, inspect and copy all accounts, books, records, memorandums, correspondence, and other documents of any loan recipient which has outstanding any obligation to repay a loan received under this Act, concerning any matter which may bear upon (1) the ability of the loan recipient to repay the loan within the time fixed therefor, (2) the use of the proceeds of the loan, and (3) the carrying out of the purposes of this Act.

SEC. 604. INTERIM OPERATING ARRANGEMENTS.—There is authorized to be appropriated to the Secretary not to exceed $85,000,000 for payment to trustees of bankrupt railroads of such sums as are necessary to insure the continued operation of transportation services by such railroads pending the acquisition of their rail properties pursuant to section 502 of this Act. Such payments shall be made through agreements between the Secretary and the trustees which shall provide that every reasonable effort shall be made to maintain and operate the railroad at its current level of service.

SEC. 605. AUTHORIZATION.—(a) There is authorized to be appropriated to the Secretary $10,000,000 for the purpose of meeting the necessary expenses incurred in organizing the corporation and meeting necessary planning and administrative expenses incurred in carrying out his functions under this Act.

(b) There is authorized to be appropriated to the association not to exceed $26,000,000 in fiscal 1974, to remain available until expended, for the purpose of meeting expenses of the association in carrying out its functions under this Act.

(c) There is authorized to be appropriated to the Commission not to exceed $500,000 for the purpose of meeting the expenses of the office of the Commission in carrying out its functions under this Act.

TITLE VII—FEDERAL ASSISTANCE FOR OPERATING SUBSIDIES AND PURCHASES

SEC. 701. SUBSIDY.—(a) The Secretary shall reimburse a State, or local or regional authority, for 70 per centum of the amount paid by such State, or by such local or regional authority, as operating subsidy (calculated as provided in section 503(c) of this Act) to continue service for a minimum of one year on rail properties where service would otherwise have been discontinued or abandoned pursuant to section 503 of this Act (except as provided in section 503(c) of this Act). Where a State, or local or regional authority, has made an offer to purchase the property of a railroad in reorganization pursuant to section 503(c) of this Act, the Secretary shall make available to the State, or local or regional authority, either a loan, or the guarantee of a loan, equal to 70 per centum of the amount paid by such State or local or regional authority as the purchase price (calculated and approved as provided in subsections(c) and (d) of section 503 of this Act) and equal to 70 per centum of such additional moneys paid by the purchaser as the Secretary may agree are necessary to restore or repair such rail properties to such condition as will enable railroad operations thereover at a speed of twenty-five miles per hour. Any such loan made or guaranteed by the Secretary shall have such maturity and bear such rate or rates of interest as shall be approved by the Secretary and may, at the discretion of the Secretary, be required to be secured by a first lien in favor of the United States upon the properties so purchased, restored, or repaired. In the event the Secretary determines to guarantee a loan pursuant to the provisions of this section, said guarantee shall be subject to the same requirements as set forth in subsections (b), (c), and (d) of section 601 of this Act. No loan, or guarantee of a loan, shall be made or continued in effect with respect to any State, or any local or regional authority, at the same time such State, or such local or regional authority, is receiving an operating subsidy under this section.

(b) Within three months after the date of enactment of this Act, the Secretary shall prescribe regulations governing the procedure for application by a State, or a local or regional authority, for reimbursement of operating subsidies, criteria to be used in deciding upon such applications, and terms and conditions required of all contracts or other arrangements for operating subsidy.

(c) If the Secretary finds that an operating subsidy contract or other arrangement as submitted fails to comply with his regulations, he shall advise the State, or the local or regional authority, and afford it a period of not to exceed fifteen days within which to bring such contract into conformity with such regulations.

(d) An operating subsidy contract between a State, or a local or regional authority, and the corporation or a railroad may not exceed a term of two years. At the end of such term a State, or a local or regional authority, may apply to the Secretary for continued reimbursement under the terms of a new contract. If a contract expires and a new contract is not made, the corporation or the railroad may abandon the line in accordance with section 503 of this Act.

(e) The Secretary shall not reimburse a State, or a local or regional authority, for operating subsidy paid to the corporation or a railroad unless requisite legislation has been adopted extending authority to the Governor or other appropriate State, local, or regional official or agency to perform its obligations in accordance with the terms of this Act and regulations issued by the Secretary.

(f) Upon approval of an operating subsidy contract or other arrangement by the Secretary, the United States shall become obligated to pay out of sums not otherwise obligated in the general fund of the Treasury, an amount equal to 70 per centum of moneys paid to the corporation or a railroad pursuant to such contract or arrangement upon the receipt of proof satisfactory to him that the payment for which reimbursement is sought has been made by the State or a local or regional authority. Such payments shall be made to the States, or local or regional authorities, by the Secretary pursuant to regulations prescribed by him. The Secretary shall not be authorized under this section to obligate the United States for amounts in excess of $50,000,000 in any fiscal year.

Sec. 702. Capital Improvements.—The initial costs of restoring or upgrading rail properties to such condition as is necessary for the provision of service may not be included in an operating subsidy contract or other arrangement. Such capital costs may be prorated over the life of such line or facilities and such prorated cost may be included as part of the cost of an operating subsidy contract or other arrangement.

TITLE VIII—EMPLOYEE PROTECTION

Sec. 801. Definitions.—For the purposes of this title—

(1) The term "acquiring railroad" means a railroad, except the corporation, which seeks to acquire or has acquired, pursuant to the provisions of this Act, all or a part of the rail properties of one or more of the railroads in reorganization, the corporation, or a profitable railroad.

(2) The term "employee of a railroad in reorganization" means a person who, on the effective date of a conveyance of rail properties of a railroad in reorganization to the corporation or to an acquiring railroad, has an employment relationship with either said railroad in reorganization or any carrier (as defined in parts I and II of the Interstate Commerce Act) which is leased, controlled, or operated by the railroad in reorganization except a president, vice president, treasurer, secretary, comptroller, and any other person who performs functions corresponding to those performed by the foregoing officers.

(3) The term "protected employee" means any employee of an acquiring railroad adversely affected by a transaction and any employees of a railroad in reorganization who on the effective date of this Act have not reached age sixty-five.

(4) The term "class or craft of employees" means a group of employees, recognized and treated as a unit for purposes of collective bargaining, which is represented by a labor organization that has been duly authorized or recognized pursuant to the Railway Labor Act as its representatives for purposes of collective bargaining.

(5) The term "representative of a class or craft of employees" means a labor organization which has been duly authorized or recognized as the collective bargaining representative of a class or craft of employees pursuant to the Railway Labor Act.

(6) The term "deprived of employment" means the inability of a protected employee to obtain a position by the normal exercise of his seniority rights with the corporation after properly electing to accept employment therewith or, the subsequent loss of a position and inability, by the normal exercise of his seniority rights under the applicable collective bargaining agreements, to obtain another position with the corporation: *Provided, however*, That provisions in existing collective bargaining agreements of a railroad in reorganization, which do not require a protected employee, in the normal exercise of seniority rights, to make a change in residence, in order to maintain his protection, will be preserved and will also be extended and be applicable to all other protected employees of that same craft or class. It shall not, however, include any deprivation of employment by reason of death, retirement, resignation, dismissal or disciplinary suspension for cause, failure to work due to illness or disability, nor any severance of employment covered by subsections (d) and (e) of section 805 of this title.

(7) The term "employee adversely affected with respect to his compensation" means a protected employee who suffers a reduction in compensation.

(8) The term "transaction" means actions taken pursuant to the provisions of this Act or the results thereof.

(9) The term "change in residence" means transfer to a work location which is located either (1) outside a radius of thirty miles of the employee's former work location and farther from his residence than was his former work location or (2) is located more than thirty normal highway route miles from his residence.

Sec. 802. Employment Offers.—(a) The corporation and the association shall be subject to the provisions of the Railway Labor Act and shall be considered employers for purposes of the Railroad Retirement Act, Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act. The corporation, in addition, shall, except as otherwise specifically provided by this Act, be subject to all Federal and State laws and regulations applicable to carriers by railroad.

(b) The corporation shall offer employment to be effective as of the date of a conveyance or discontinuance of service under the provisions of this Act, to each employee of a railroad in reorganization who has not already accepted an offer of employment by the association or an acquiring railroad. Such offers of employment to employees represented by labor organizations will be confined to their same craft or class. The corporation shall apply to said employees the protective provisions of this title.

(c) The association shall offer employment to employees of a railroad in reorganization and shall apply to said employees the provisions of this title.

Sec. 803. Assignment of Work.—The corporation shall have the right to assign, allocate, reassign, reallocate, and consolidate work formerly performed on the rail properties acquired pursuant to the provisions of this Act from a railroad in reorganization to any location, facility, or position on its system provided it does not remove said work from coverage of a collective-bargaining agreement and does not infringe upon the existing classification of work rights of any craft or class of employees at the location or facility to which said work is assigned, allocated, reassigned, reallocated, or consolidated and shall have the right to transfer to an acquiring railroad the work incident to the rail properties or facilities acquired by said acquiring railroad pursuant to this Act, subject however, to the provisions of section 808 of this title.

Sec. 804. Collective-Bargaining Agreements.—(a) Until completion of the agreements provided for under subsection (d) of this section, the corporation shall, as though an original party thereto, assume and apply on the particular lines, properties, or facilities acquired all obligations under existing collective-bargaining agreements covering all crafts and classes employed thereon, except that the Agreement of May, 1936, Washington, D.C. and provisions in other existing job stabilization agreements shall not be applicable to transactions effected pursuant to this Act with respect to which the provisions of section 805 shall be superseding and controlling. During this period, employees of a railroad in reorganization who have seniority on the lines, properties, or facilities acquired by the corporation pursuant to this Act shall have prior seniority roster rights on such acquired lines, properties, or facilities.

(b) On or before the date of the adoption of the final system plan by the board of directors of the association as provided in title III of this Act, the representatives of the various classes or crafts of the employees of a railroad in reorganization involved in a conveyance pursuant to this Act and representatives of the corporation shall commence negotiation of a single implementing agreement for each class and craft of employees affected providing (1) the identification of the specific employees of the railroad in reorganization to whom the corporation offers employment; (2) the procedure by which those employees of the railroad in reorganization may elect to accept employment with the corporation; (3) the procedure for acceptance of such employees into the corporation's employment and their assignment to positions on the corporation's system; (4) the procedure for determining the seniority of such employees in their respectve crafts or classes on the corporation's system which shall, to the extent possible, preserve their prior seniority rights; and (5) the procedure for determining equitable adjustment in rates of comparable positions. If no agreement with respect to the matters referred to in this subsection is reached by the end of thirty days after the commencement of negotiations, the parties shall within an additional ten days select a neutral referee and, in the event they are unable to agree upon the selection of such referee, then the National Mediation Board shall immediately appoint a referee. After a referee has been designated, a hearing on the dispute shall commence as soon as practicable. Not less than ten days prior to the effective date of any conveyance pursuant to the provisions of this Act, the referee shall resolve and decide all matters in dispute with respect to the negotiation of said implementing agreement or agreements and shall render a decision which shall be final and binding and shall constitute the implementing agreement or agreements between the parties with respect to the transaction involved. The salary and expenses of the referee shall be paid pursuant to the provisions of the Railway Labor Act.

(c) Notwithstanding failure for any reason to complete implementing agreements provided for in subsection (b) of this section, the corporation may proceed with a conveyance of properties, facilities, and equipment pursuant to the provisions of this Act and effectuate said transaction: *Provided*, That all protected employees shall be entitled to all of the provisions of such agreements, as finally determined, from the time they are adversely affected as a result of any such conveyance.

(d) No later than sixty days after the effective date of any conveyance pursuant to the provisions of this Act, the representatives of the various classes or crafts of the employees of a railroad in reorganization involved in a conveyance and representatives of the corporation shall commence negotiations of new collective bargaining agreements for each class and craft of employees covering the rates of pay, rules, and working conditions of employees who are employees of the corporation, which collective bargaining agreements shall include appropriate provisions concerning rates of pay, rules, and working conditions but shall not include any provisions for job stabilization resulting from any transaction effected pursuant to this Act which may exceed or conflict with those established or prescribed herein.

Sec. 805. Employee Protection.—(a) A protected employee whose employment is governed by a collective bargaining agreement will not, except as explicitly provided in this title, during the period in which he is entitled to protection, be placed in a worse position with respect to compensation, fringe benefits, rules, working conditions, and rights and privileges pertaining thereto.

(b) A protected employee, who has been deprived of employment or adversely affected with respect to his compensation shall be entitled to a monthly displacement allowance computed as follows:

(1) Said allowance shall be determined by computing the total compensation received by the employee, including vacation allowances and monthly compensation guarantees, and his total time paid for during the last twelve months immediately prior to his being adversely affected in which he performed compensated service more than 50 per centum of each of such months, based upon his normal work schedule, and by dividing separately the total compensation and the total time paid for by twelve, thereby producing the average monthly compensation and average monthly time paid for; and, if an employee's compensation in his current position is less in any month in which he performs work than the aforesaid average compensation, he shall be paid the difference, less any time lost on account of voluntary absences other than vacations, but said protected employee shall be compensated in addition thereto at the rate of the position filled for any time worked in excess of his average monthly time: *Provided, however*, That—

(A) in determining compensation in his current employment the protected employee shall be treated as occupying the position, producing the highest rate of pay to which his qualifications and seniority entitles him under the applicable collective bargaining agreement and which does not require a change in residence;

(B) the said monthly displacement allowance shall be reduced by the full amount of any unemployment compensation benefits received by the protected employee and shall be reduced by an amount equivalent to any earnings of said protected employee in any employment subject to the Railroad Retirement Act and 50 per centum of any earnings in any employment not subject to the Railroad Retirement Act;

(C) a protected employee's average monthly compensation shall be adjusted from time to time thereafter to reflect subsequent general wage increases;

(D) should a protected employee's service total less than twelve months in which he performs more than 50 per centum compensated service based upon his normal work schedule in each of said months, his average monthly compensation shall be determined by dividing separately the total compensation received by the employee and the total time for which he was paid by the number of months in which he performed more than 50 per centum compensated service based upon his normal work schedule; and

(E) the monthly displacement allowance provided by this section shall in no event exceed the sum of $2,500 in any month except that such amount shall be adjusted to reflect subsequent general wage increases: *Provided*, That, notwithstanding any other provision of this section, no managerial or executive employee of the corporation shall be paid any displacement allowance in excess of $1,660 per month.

(2) A protected employee's average monthly compensation under this section shall be based upon the rate of pay applicable to his employment and shall include increases in rates of pay not in fact paid but which were provided for in national railroad labor agreements generally applicable during the period involved.

(3) If a protected employee who is entitled to a monthly displacement allowance served as an agent of a representative of a craft or class of employees on either a full or part-time basis in the twelve months immediately preceding his being adversely affected, his monthly displacement allowance shall be computed by taking the average of the average monthly compensation and average monthly time paid for of the protected employees immediately above and below him on the same seniority roster or his own monthly displacement allowance, whichever is greater.

(4) An employee and his representative shall be furnished with a protected employee's average monthly compensation and average monthly time paid for, computed in accordance with the terms of this subsection, together with the date upon which such computations are based, within thirty days after the protected employee notifies the corporation in writing that he has been deprived of employment or adversely affected with respect to his compensation.

(c) The monthly displacement allowance provided for in subsection (b) of this section shall continue until the attainment of age sixty-five by a protected employee with five or more years of service on the effective date of this Act and, in the case of a protected employee who has less than five years service on such date, shall continue for a period equal to his total prior years of service: *Provided*, That such monthly displacement allowance shall terminate upon the protected employee's death, retirement, resignation, or dismissal for cause; and shall be suspended for the period of disciplinary suspension for cause, failure to work due to illness or disability, voluntary furlough, or failure to retain or obtain a position available to him by the exercise of his seniority rights in accordance with the provisions of this section.

(d) (1) A protected employee who had been deprived of employment may be required by the corporation, in inverse seniority order and upon reasonable notice, to transfer to any bona fide vacancy for which he is qualified in his same craft or class on any part of the corporation's system and shall then be governed by the collective bargaining agreement applicable on the seniority district to which transferred. If such transfer requires a change in residence, any such protected employee may choose (A) to voluntarily furlough himself at his home location and have his monthly displacement allowance suspended during the period of voluntary furlough, or (B) to be severed from employment upon payment to him of a separation allowance computed as provided in subsections (e) and (f) of this section, which separation allowance shall be in lieu of all other benefits providing by this title.

(2) Such protected employee shall not be required to transfer to a location requiring a change in residence unless there is a bona fide need for his services at such location. Such bona fide need for services contemplates that the transfer be to a position which has not and cannot be filled by employees who are not required to make a change in residence in the seniority district involved and which, in the absence of this section, would have required the employment of a new employee.

(3) Such protected employee who, at the request of the corporation, has once accepted and made a transfer to a location requiring a change in residence, shall not be required again to so transfer for a period of three years.

(4) Transfers to vacancies requiring a change in residence shall be subject to the following:

(A) The vacancy shall be first offered to the junior qualified protected employee deprived of employment in the seniority district where the vacancy exists, and each such employee shall have twenty days to elect one of the options set forth in paragraph (1) of this subsection. If that employee elects not to accept the transfer, it will then be offered in inverse seniority order to the remaining qualified, protected employees deprived of employment on the seniority district, who will each have twenty days to elect one of the options set forth in paragraph (1) of this subsection.

(B) If the vacancy is not filled by the procedure in paragraph (4) (A) of this subsection, the vacancy will then be offered in the inverse order of seniority to the qualified, protected employees deprived of employment on the system and each of such employees will be afforded thirty days to elect one of the options set forth in paragraph (1) of this subsection.

(C) The provisions of this paragraph (4) shall not prevent the adoption of other procedures pursuant to an agreement made by the corporation and representative of the class or craft of employees involved.

(e) A protected employee who is tendered and accepts an offer by the corporation to resign and sever his employment relationship in consideration of payment to him of a separation allowance, and any protected employee whose employment relationship is severed in accordance with subsection (d) of this section, shall be entitled to receive a lump-sum separation allowance not to exceed $20,000 in lieu of all other benefits provided by this title. Said lump-sum separation allowance, in the case of a protected employee who had not less than three nor more than five years of service as of the date of this Act, shall amount to two hundred and seventy days' pay at the rate of the position last held and, in the case of a protected employee having had five or more years' service, shall amount to the number of day's pay indicated below at the rate of the position last held dependent upon the age of the protected employee at the time of such termination of employment:

60 or under	360 days' pay
61	300 days' pay
62	240 days' pay
63	180 days' pay
64	120 days' pay

(f) The corporation may terminate the employment of an employee of a railroad in reorganization, who has less than three years' service as of the effective date of this Act: Provided, however, That in such event the terminated employee shall be entitled to receive a lump sum separation allowance in an amount determined as follows:

2 to 3 years' service—180 days' pay at the rate of the position last held.

1 to 2 years' service—90 days' pay at the rate of the position last held.

Less than 1 year's service—5 days' pay at the rate of the position last held for each month of service.

(g) Any protected employee who is required to make a change of residence as the result of a transaction shall be entitled to the following benefits:

(1) Reimbursement for all expenses of moving his household and other personal effects, for the traveling expense of himself and members of his family, including living expenses for himself and his family, and for his own actual wage loss, not to exceed ten working days: Provided, That the corporation or acquiring railroad shall, to the same extent provided above, assume said expenses for any employee furloughed within three years after changing his point of employment as a result of a transaction, who elects to move his place of residence back to his original point of employment. No claim for reimbursement shall be paid under the provisions of this section unless such claim is presented to the corporation or acquiring railroad within ninety days after the date on which the expenses were incurred.

(2) (A) (i) If the protected employee owns, or is under a contract to purchase, his own home in the locality from which he is required to move and elects to sell said home, he shall be reimbursed for any loss suffered in the sale of his home for less than its fair market value. In each case the fair market value of the home in question shall be determined as of a date sufficiently prior to the date of the transaction so as to be unaffected thereby. The corporation shall in each instance be afforded an opportunity to pur-

chase the home at such fair market value before it is sold by the employee to any other person.

(ii) A protected employee may elect to waive the provisions of paragraph (2) (A) (i) above, and receive, in lieu thereof, an amount equal to his closing costs which are ordinarily paid for and assumed by a seller of real estate in the jurisdiction in which the residence is located. Such costs shall include a real estate commission paid to a licensed realtor (not to exceed $3,000 or 6 per centum of sale price, whichever is less), and any prepayment penalty required by the institution holding the mortgage; such costs shall not include the payment of any "points" by the seller.

(B) If the protected employee holds an unexpired lease on a dwelling occupied by him as his home, he shall be protected from all loss and cost in securing the cancellation of said lease.

(C) No claim for costs or loss shall be paid under the provisions of this paragraph (2) unless such claim is presented to the corporation within ninety days after such costs or loss are incurred.

(D) Should a controversy arise with respect to the value of the home, the costs or loss sustained in its sale, the costs or loss under a contract for purchase, loss or cost in securing termination of a lease, or any other question in connection with these matters, it shall be decided through joint conference between the employee, or his representative, and the corporation. In the event they are unable to agree, the dispute or controversy may be referred by either party to a board of competent real estate appraisers, elected in the following manner: One to be selected by the employee or his representative and one by the corporation, and these two, if unable to agree upon a valuation within thirty days, shall endeavor by agreement within ten days thereafter to select a third appraiser, or to agree to a method by which a third appraiser shall be selected, and, failing such agreement, either party may request the National Mediation Board to designate within ten days a third qualified real estate appraiser whose designation will be binding upon the parties. A decision of a majority of the appraisers shall be required and said decision shall be final and conclusive. The salary and expenses of the third or neutral appraiser, including the expenses of the appraisal board, shall be borne equally by the parties to the proceedings. All other expenses shall be paid by the party incurring them, including the compensation of the appraiser selected by such party.

(h) Should a railroad rearrange or adjust its forces in anticipation of a transaction with the purpose or effect of depriving a protected employee of benefits to which he otherwise would have become entitled under this title, the provisions of this title will apply to such employee.

SEC. 806. CONTRACTING OUT.—All work in connection with the operation or services provided by the corporation on the rail lines, properties, equipment, or facilities acquired pursuant to the provisions of this Act and the maintenance, repair, rehabilitation, or modernization of such lines, properties, equipment, or facilities which has been performed by practice or agreement in accordance with provisions of the existing contracts in effect with the representatives of the class or craft involved shall continue to be performed by said corporation's employees, including employees on furlough. Should the corporation lack a sufficient number of employees, including employees on furlough, and is unable to hire additional employees, to perform the work required, it shall be permitted to subcontract that part of such work which cannot be performed by its employees including those on furlough, except where agreement by the representatives of the employees of the class or craft involved is required by applicable collective bargaining agreements. The term "unable to hire additional employees" as used in this section contemplates establishment and maintenance by the corporation of an apprenticeship, training, or recruitment program to provide an adequate number of skilled employees to perform the work.

SEC. 807. ARBITRATION.—Any dispute or controversy with respect to the interpretation, application, or enforcement of the provisions of this title, except section 804(d) and those disputes or controversies provided for in subsection (g) (2) (D) of section 805 and subsection (b) of section 804 which have not been resolved within ninety days, may be submitted by either party to an Adjustment Board for a final and binding decision thereon as provided in section 3. Second, of the Railway Labor Act, in which event the burden of proof on all issues so presented shall be upon the corporation or association.

SEC. 808. ACQUIRING RAILROADS.—An acquiring railroad shall offer such employment and afford such employment protection to employees of a railroad from which it acquires properties or facilities pursuant to this Act, and shall further protect its own employees who are adversely affected by such acquisition, as shall be agreed upon between the said acquiring railroad and the representatives of such employees prior to said acquisition: *Provided, however*, That the protection and benefits provided for protected employees in such agreements shall be the same as those specified in section 805 of this title: *And provided further, however*, That unless and until such agreements are reached, the acquiring railroad shall not enter into purchase agreements pursuant to section 303 of this Act.

SEC. 809. PAYMENT OF BENEFITS.—The corporation, association, and acquiring railroads, as the case may be, shall be responsible for the actual payment of all allowances, expenses, and costs, provided protected employees pursuant to the provisions of this title. The corporation, association, and acquiring railroads shall then be reimbursed for such actual amounts paid protected employees pursuant to the provisons of this title by the Railroad Retirement Board upon certification to said Board by the corporation, associaton, and acquiring railroads of the amounts paid such employees. Such reimbursement shall be made from a separate account maintained in the Treasury of the United States to be known as the Regional Rail Transportation Protective Account. There is hereby authorized to be appropriated to such protective account annually such sums as may be required to meet the obligations payable hereunder, not to exceed in the aggregate, however, the sum of $250,000,000. There is further authorized to be appropriated to the Railroad Retirement Board annually such sums as may be necessary to provide for additional administrative expenses to be incurred by the Board in the performance of its functions under this section.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. APPLICATION OF LAWS.—In formulating and implementing the final system plan, the association, the corporation, and any railroad affected thereby shall be relieved of all prohibitions under the antitrust laws of the United States or of any State or subdivision thereof. The Interstate Commerce Act and the Bankruptcy Act, to the extent necessary to carry out this Act, and the National Environmental Policy Act of 1969 shall not apply to any transaction under this Act.

SEC. 902. EFFECT ON PENDING PROCEEDINGS.—Upon enactment of this Act, no railroad in reorganization may discontinue any rail service or abandon any rail line other than in accordance with the provisions of this Act, notwithstanding the provision of any other Act, the law or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any Federal or State court, agency, or authority.

SEC. 903. RECORDS AND AUDIT OF THE ASSOCIATION, THE CORPORATION AND CERTAIN RAILROADS.—(a) (1) The accounts of the association and of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the association or the corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the association or the corporation and necessary to facilitate the audit shall be made available to the person conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, financial agents, and custodians shall be afforded to such person.

(2) The report of each such independent audit shall be included in the annual report required by subsection (a) of section 904. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities and surplus or deficit of the association or the corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the association or the corporation during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

(b) (1) The financial transactions of the association may be audited by the Comptroller General of the United States under such rules and regulations as he may prescribe. The financial transactions of the corporation for any fiscal year during which Federal financial assistance is used to finance any portion of its operations, and the financial transactions of any railroad which has outstanding any obligation to repay a loan received under this Act, may be audited by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General. Any such audit shall be conducted at the place or places where accounts of the association, the corporation, or the railroad are normally kept. The representative of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the association, the corporation, or the railroad pertaining to its financial transactions and necessary to facilitate the audit, and shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the association, the corporation, or the railroad shall remain in possession and custody of the association, the corporation, or the railroad.

(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the association, the corporation, or the railroad, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or

made without authority of law. A copy of each report shall be furnished to the President, to the Secretary, and to the association or the corporation, and to the railroad, at the time submitted to the Congress.

Sec. 904. Reports.—(a) The association and the corporation each shall transmit to the President and Congress, within ninety days after the end of its fiscal year, a comprehensive and detailed report of its activities and attainments during the preceding fiscal year.

(b) The Secretary shall transmit to Congress in March of each year a comprehensive report on the effectiveness of the association and the corporation in implementing the purposes of this Act, together with any recommendations for additional legislation or other action. In carrying out the provisions of this subsection, the Secretary may use available services and facilities of other departments, agencies, and instrumentalities of the Federal Government with their consent and on a reimbursable basis.

Sec. 905. Exemption From Taxation.—The association, including its franchise, capital reserves, surplus, security holdings, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the association shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

Sec. 906. Prohibition Against Use of Name.—No individual, association, partnership, or corporation, except the association created under this Act, shall hereafter use the words "Federal National Railway Association" as the name under which he or it shall do business. Violations of the foregoing may be enjoined by any court of general jurisdiction at the suit of the association. In any suit, the association may recover any actual damages flowing from such violation, and, in addition, shall be entitled to punitive damages (regardless of the existence or nonexistence of actual damage) of not exceeding $100 for each day during which such violation was committed.

Sec. 907. Investment of Funds.—Uncommitted moneys of the association shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations, participations, or other investments which are lawful investments for fiduciary, trust, or public funds.

Sec. 908. Separability of Provisions.—If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

Sec. 909. Rules and Regulations.—The association shall issue such rules and regulations as are necessary to carry out the authority granted by this Act.

Sec. 910. Obligations or Other Instruments as Lawful Investments; Acceptance as Security; Exempt Securities.—All obligations or other instruments issued by the association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers hereof. All obligations, securities, or other instruments issued pursuant to this Act (other than those issued by the corporation) shall be exempt securities within the meaning of laws administered by the Securities and Exchange Commission.

Sec. 911. Amendments to Securities Acts.—(a) (1) Section 3(a) (6) of the Securities Act of 1933 is amended to read as follows:

"(6) Any security issued by a motor carrier the issuance of which is subject to the provisions of section 214 of the Interstate Commerce Act;".

(2) The second sentence of section 19(a) of such Act is amended by striking out "; but insofar as they relate to any common carrier subject to the provisions of section 20 of the Interstate Commerce Act, as amended, the rules and regulations of the Commission with respect to accounts shall not be inconsistent with the requirements imposed by the Interstate Commerce Commission under authority of such section 20".

(3) The second sentence of section 214 of the Interstate Commerce Act is amended by striking out the first proviso.

(b) Section 13(b) of the Securities Exchange Act of 1934 is amended by striking out ", and, in the case of carriers subject to the provisions of section 20 of the Interstate Commerce Act" and all that follows in such subsection, and inserting in lieu thereof "(except that such rules and regulations of the Commission may be inconsistent with such requirements to the extent that the Commission determines that the public interest or the protection of investors so requires).".

(c) Section 3(c) (7) of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(7) Any company (A) which is subject to regulation under section 214 of the Interstate Commerce Act: *Provided*, That this exception shall not apply to a company which the Commission finds and by order declares to be primarily engaged, directly or indirectly, in the business of investing, reinvesting, owning, holding, or trading in securities; or (B) whose entire outstanding stock is owned or controlled by a company excepted under clause (A) hereof: *Provided*, That the assets of the controlled company consist substantially of securities issued by companies which are subject to regulation under section 214 of the Interstate Commerce Act.".

(d) (1) The amendments made by subsection (a) of this section shall take effect on the sixtieth day after the date of enactment of this Act, but shall not apply with respect to any security which was bona fide, offered to the public by the issuer or by or through an underwriter before such sixtieth day.

(2) The amendment made by subsection (c) of this section shall not apply to any report by any person respecting a fiscal year of such person which began before the date of enactment of this Act

(3) The amendment made by subsection (c) of this section shall take effect on the sixtieth day after the date of enactment of this Act.

Sec. 912. Rail Transportation of Explosives.—In the exercise of his authority to regulate the transportation of explosives and other dangerous articles under chapter 39 of title 18, United States Code, the Secretary of Transportation shall, as soon as practicable after the date of enactment of this Act, issue regulations governing the rail transportation of explosives requiring—

(1) the use of railroad cars with roller bearings and with either composition brake shoes or spark shields;

(2) the placement of at least one spacer car not containing materials regulated under chapter 39 of such title 18 between cars containing explosives en route between origin and destination in rail transportation service; and

(3) inspection of railroad car selection, and of the loading of each such car, to be used in the rail transportation of explosives and the periodic inspection of each such car en route between origin and destination in rail transportation service.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the Committee amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. KUYKENDALL

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kuykendall: Page 55, strike out lines 5 through 25 and insert in lieu thereof the following:

(5) The term "fair and equitable value" means, with reference to the rail properties of a railroad in reorganization which are to be acquired by the corporation, by a nonbankrupt railroad, or by a profitable railroad and operated in accordance with the final system plan, either the fair liquidation value or going concern value thereof as of September 30, 1973, as provided in the final system plan, except that in no event shall such rail properties be valued at more than the constitutional minimum required for their acquisition. For the purposes of this paragraph, fair liquidation value is the best price that the then existing market could fairly be expected to provide for the sale of such rail properties over a reasonable period of time less the economic costs and expenses incident to holding and maintaining such properties over such time and to their disposition and less a reasonable discount for delay in receipt of proceeds over such time; and going concern value is the capitalized value of the earning power of such properties projected over a reasonable period of time, giving due consideration to the effect and cost of implementation of the final system plan.

Mr. KUYKENDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, and printed in the Record, because I am only changing one sentence on page 55 of the bill, lines 14 and 15.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. KUYKENDALL. Mr. Chairman, on lines 14 and 15 I wish to strike, "Taking into consideration the public interest character of such properties."

I wish to strike that language only.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 569]

Anderson, Ill.
Andrews, N.C.
Bell
Biester
Blackburn
Blatnik
Breckinridge
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Clark
Clay
Cochran
Conyers
Davis, Wis.
de la Garza
Diggs
Drinan
Dulski
Evins, Tenn.
Fraser
Gray
Green, Oreg.
Hammerschmidt
Hansen, Wash.
Harsha
Harvey
Hébert
Hillis
Holifield
Ichord
Jones, Tenn.
Landgrebe
Mahon
Mathis, Ga.
Meeds
Melcher
Mills, Ark.
Minshall, Ohio
Mitchell, Md.
Murphy, Ill.
Nedzi
Nelsen
O'Hara
Patman
Rees
Reid
Robison, N.Y.
Rooney, N.Y.
Rose
Roush
Runnels
Ruppe
Sandman
Seiberling
Steed
Steele
Teague, Tex.
Vanik
Wright

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. LANDRUM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9142, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 371 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The committee resumed its sitting.

The CHAIRMAN. When the Committee suspended for the quorum call the gentleman from Tennessee (Mr. KUYKENDALL) had requested that the amendment he had offered be considered as read and printed in the RECORD, and the gentleman had been recognized in support of his amendment.

The Chair now recognizes the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, it will be recalled that when I offered my amendment I said that I was only changing one sentence on page 55 of the bill, striking lines 14 and 15. I would like the Chairman of the full Committee, the gentleman from West Virginia (Mr. STAGGERS) to comment on my amendment.

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, I will say that we on this side have no objection to the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SKUBITZ

Mr. SKUBITZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SKUBITZ: Page 107, line 24, After "thereto." "No payments or allowances under this Title shall continue for any protected employee beyond six years from the date of conveyance of rail properties under Section 502 of this Act; provided that not withstanding the provisions of the Railroad Retirement Act or any other provision of law a protected employee shall, if placed in furloughed status following the expiration of the protective payments or allowances under this Title, have his contributions to the Railroad Retirement Account and the matching employer's contributions to the Account continued during the period in which he is furloughed, at the same rate of contribution as that of the preceding twelve months, such contributions to be made by the Corporation or other acquiring railroad with whom the employee has an employment relationship; and, provided further, that Railroad Retirement benefits thus accrued shall be paid such protected employee, and/or his designated beneficiaries, in the same manner and under the same conditions as paid all with vested rights under the Railroad Retirement Act.

Mr. SKUBITZ. Mr. Chairman, this measure provides that any person who is furloughed by the railroads, and has 5 years of service, is considered a protected worker. If that worker is not given another job on the railroad, then he is guaranteed a wage, his regular wage based on a 12-month period for the rest of his life. Now the Members have been told that we are going to take care of more of the employees. Then ask the question: If this is true, why have we placed a proviso in this bill of $250 million to take care of such displacement?

My amendment provides that after 6 years the unearned salary will be discontinued. Why 6 years?

Because that is the period we used in the legislation creating Amtrak. We agreed to pay employees who were placed on furlough for 6 years. At the end of the 6-year period, the corporation is required to continue payments into the retirement fund so that at retirement such employees are protected. They are entitled to that. Their pension is something that they have bargained for. It is a fringe benefit.

So under this act what we would do is simply say that at the end of 6 years these unearned salary payments are cut off, and the corporation at that time will pick up only the retirement payments, and notwithstanding any other proviso of the act, these men will receive their retirement pay.

I stated in my opening remarks, that I too feel that men who have given a lifetime to their craft—men who have been entrusted with the lives of passengers and the movement of freight should not be thrown on the unemployment scrap heap.

Certainly if a viable road entered into a merger and agreed to pay a lifetime wage I have no objection. But here we are dealing with five bankrupt railroads. The Government is to pick up the chip? To write into law conditions providing for lifetime unearned salaries is to renege on congressional responsibility. We establish a dangerous precedent. If we are willing to do this for railroad labor, Can we do less for a Federal employee who loses his job?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, does this amendment cover both blue collar workers and management that may be furloughed?

Mr. SKUBITZ. My amendment takes care of them for up to 6 years.

Mr. GROSS. Does this cover management or track walkers or what?

Mr. SKUBITZ. It covers only the protected employees, that is the workers themselves.

Mr. GROSS. Then is provision made in the bill for executives?

Mr. SKUBITZ. There is a proviso in there that the executives will get up to $20,000 a year. I presume someone else will be offering an amendment on that.

Mr. GROSS. I would hope so.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

First I would like to say that this arrangement—and I have been before this House many times on railroad matters—was worked out by a committee of the railroad associations and labor and they have worked out three or four or five others recently which without those arrangements could have caused a strike. There was almost a strike on the Penn Central even in their current bankruptcy which would have caused this Nation to suffer billions of dollars in losses.

I would like to read briefly a letter from the president of the Association of Railroads and this is to Claude Brinnager, Secretary of Transportation:

> In response to your telegram which we received on October 6 the labor protective provisions proposed in title VIII of the bill H.R. 9142 were submitted to our board of directors for their information on September 28. Since then I have heard from 14 railroad presidents. I conclude that these provisions are in line with the provisions that appear in recent merger agreements and are as satisfactory from the management point of view as could be hoped for.

Under the Washington agreements of 1936 when the mergers were made they took care of every employee. This is a fact which should be taken into consideration now. These are a little different arrangements now than were made then. This only protects the ones who are employed now. Any other new employees have to be taken care of under other arrangements. The bill arranges for labor negotiations between the corporation and labor in a period of 60 days after date of enactment. I do not know what the time limit is, but they are going into negotiations to implement these agreements.

There are few railroad workers outside of management that I know of in America who makes $20,000 or $25,000 a year. There may be a few but they must be very few. Those men are reaching near the age of 65. There are 14,000 men who will be laid off very soon after this goes into operation through the natural attrition in the Northeast railroads. Any man who comes on afterwards will be offered a job but he will not be under this protection but under another plan.

I think this is necessary. This is an arrangement freely negotiated between labor and management. I think it is fair. I say to you if we do not do this—and I do not believe it will cost anywhere near the amount of money we have authorized—we would endanger the railroad management and the labor contract as they have it. We could have a strike which would cost billions of dollars and not just $100 million or $250 million. I say we have got railroad management and labor working together now for once in history and they have worked out several recent agreements that have been good. They have worked out the railroad pension plan which I know we could not have worked out on this floor. They have worked out several of the plans in which they gave additional help to labor after several years of employment.

I say to tinker with this at all would be to endanger the whole bill. I say those who would be benefited by the change are so few it would be inconsequential and this amendment ought to be defeated.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman is not suggesting or threatening the House with a railroad strike if an amendment curing a bad situation is adopted, is he?

Mr. STAGGERS. No, this gentleman would not do that and I do not know and the gentleman does not know about a strike, but I think we ought to look ahead a little bit. We have been trying to patch things up and the time has come to look ahead in this Congress and in this Nation. We need leaders that will not wait for a crisis to happen. Let us take care of the problems before they occur.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman spoke of a meeting of the American Association of Railroads.

Mr. STAGGERS. That is right.

Mr. GROSS. And I suppose there were representatives of the brotherhoods, is that correct?

Mr. STAGGERS. Yes, that is correct.

Mr. GROSS. All right. Was the third party, the huge third party in interest, represented in these negotiations; the taxpayers who will pay the bill for this?

Mr. STAGGERS. Let me say to the gentleman, our committee of 43 members listened to every bit of it and went over it and I think they represent the people of America. That is a tenth of the Members of this House that are on this committee.

Mr. GROSS. But you are not a representative of the Association of American Railroads or of the Brotherhoods?

Mr. STAGGERS. No; of course, I am not.

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment.

I want to say that the committee put limitations on the amount of taxpayer involvement. This was a figure that was indicated as acceptable to the administration. They indicated these were social costs that should be paid. There are no executive officers, such as a president or a vice president covered under the bill.

I hope that the amendment will be defeated.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, I would like to ask the chairman of the committee a few questions. Did the committee at any time hold hearings on the labor agreement?

Mr. STAGGERS. There were no public hearings at all before they were placed before the committee. There were copies available and every man had an opportunity to read it over. The committee did not have time to be pertinent with all of it.

Mr. SKUBITZ. There were no hearings on it?

Mr. STAGGERS. We could not have hearings.

Mr. SKUBITZ. We could very well have many meetings to discuss the title at length.

Mr. STAGGERS. I will agree with the gentleman. I think the gentleman from Kansas wants to be fair with labor, as I do, and with every other segment of society. This is an agreement between management and labor and as the gentleman knows, they have been holding these meetings continuously in the last few years and it was done because our committee asked them to do it. Since they have been doing it, we have not had the labor troubles we had before.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. SKUBITZ. May I say to my chairman, it is very easy for two groups to get together and make an agreement so long as someone else must foot the bill. In this case, Mr. Taxpayer, the point Mr. Gross made.

If the costs of this title of the bill are minimal, why did the committee authorize $250 million in the bill? What I am trying to do is to save the taxpayers some money and give to the furloughed workers the same benefits as are given to furloughed workers under the Amtrak bill. To guarantee the employee his rights under the Railroad Retirement Act. What could be fairer than that.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. STAGGERS. You are comparing this with Amtrak and it is entirely erroneous. You are making a comparison that you did not mean to make. They are hired completely under a different arrangement.

I would like to say in setting the amount of money, the administration agreed that the $250 million would take care of the situation and we put that in. I think it is way outside the limit. I do not think all of the amount of that money would be touched.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Kansas.

Mr. SKUBITZ. My colleague has stated the period of payment of unearned salary was different on the Amtrak question, I would like to read from the report of the National Railway Passenger Company, Amtrak, covering the period from October 30, 1970, to October 29, 1971, on page 2:

> Protecting period means that period of time during which a displaced or dismissed employee is to be provided protection either under and extending from the date on which an employee is displaced or dismissed to the expiration of six years therefrom.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I would like to say that I think the gentleman understands that these men lose their jobs. They have no one to talk to.

Mr. GROSS. Mr. Chairman, where do those who lose their jobs go in other corporations?

Mr. STAGGERS. They go to their corporation and to the different groups that they have to go to, but these men are left out in the cold.

Mr. GROSS. They look for another job, don't they?

Mr. STAGGERS. That is right, but if they are 55 or 58 years old, they cannot find another job.

Mr. GROSS. That is true of those who lose their jobs in other corporations. They are not assured as are furloughed employees under this bill of annual incomes of $20,000 to $30,000 a year.

Mr. Chairman. I find the compensation provisions of this bill utterly unbelievable in view of the fact that the taxpayers will be footing the bills.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes, I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, my colleague from West Virginia is leaving the impression that the furlough worker will be out in the cold. That is not correct. This amendment gives such employees protection; it gives them their unearned salary for 6 years. It takes care of their retirement program. That is what the amendment does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. Skubitz).

The question was taken; and on a division (demanded by Mr. Skubitz) there were—ayes 52; noes 113.

RECORDED VOTE

Mr. STAGGERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 245, not voting 40, as follows:

[Roll No. 570]

AYES—148

Abdnor
Andrews, N.C.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bennett
Bowen
Brinkley
Broomfield
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burleson, Tex.
Burlison, Mo.
Butler
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Froehlich
Fuqua
Gettys
Ginn
Goodling
Gross
Gunter
Hanrahan
Hinshaw
Hogan
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Ketchum
King
Landgrebe
Latta
Litton
Lott
Lujan
McEwen
McSpadden
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Milford
Mizell
Montgomery
Moorhead, Calif.
Nelsen
Nichols
Parris
Powell, Ohio
Price, Tex.
Pritchard
Quie
Rarick
Rhodes
Robinson, Va.
Robison, N.Y.
Roncalio, Wyo.
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Sebelius
Shriver
Skubitz
Spence
Stanton, J. William
Steiger, Ariz.
Stephens
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Treen
Ullman
Vander Jagt
Veysey
Waggonner
Wampler
Ware
White
Whitehurst
Whitten
Wiggins
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOES—245

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bauman
Bergland
Bevill
Biaggi
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Breaux
Breckinridge
Brooks
Brotzman
Brown, Calif.
Burke, Mass.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Foley
Ford, William D.
Fraser
Frenzel
Fulton
Gaydos
Giaimo
Gibbons
Gilman
Goldwater
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Holifield
Holt
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Leggett
Lehman
Lent
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Mailliard
Maraziti
Matsunaga
Mazzoli
Metcalfe
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nix
Obey
O'Brien
O'Neill
Owens
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Quillen
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Thompson, N.J.
Thone
Thornton
Tiernan
Towell, Nev.
Van Deerlin
Vanik
Vigorito
Waldie
Walsh
Whalen
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyatt
Wyman
Yates
Yatron
Young, Ga.
Zablocki

NOT VOTING—40

Bell
Biester
Blackburn
Blatnik
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Conyers
Davis, Wis.
de la Garza
Dorn
Gray
Guyer
Haley
Hammerschmidt
Harvey
Hawkins
Hébert
Hillis
Jones, Tenn.
Mahon
Meeds
Melcher
Mills, Ark.
Minshall, Ohio
Murphy, Ill.
Myers
Nedzi
O'Hara
Patman
Railsback
Rooney, N.Y.
Rose
Roush
Teague, Tex.
Udall
Wright
Young, Tex.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 121, beginning in line 16, strike out "and the National Environmental Policy Act of 1969".

Page 121, line 18, immediately after the period insert the following:

The provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to any action taken under authority of this Act before the effective date of the final system plan.

Mr. DINGELL. Mr. Chairman, the proposed amendment would change a broad, vague exemption into a tight and specific exemption covering a precise situation in which it is agreed that corrective action is necessary.

As approved by the committee, section 901 of the bill would exempt all transactions under the act from the provisions of the National Environmental Policy Act of 1969. That language, I believe, is far too broad, and the exemption is broader than the circumstances warrant.

What I believe the subcommittee and the draftsmen were concerned with was a narrower issue: the possibility of a lawsuit preventing the submission of the final system plan, and the abandonment of certain rail facilities in accordance with that final system plan. The amendment which I have proposed is addressed precisely to those issues.

The section of the National Environmental Policy Act which has occasioned virtually all of the litigation has been section 102(2)(C) of the statute. This is the section which requires the submission of environmental impact statements, and that such statements be prepared with regard to any proposed major Federal action which will have a significant effect upon the quality of the human environment.

I can readily see that an inadequate impact statement describing the implications of the adoption of a final system plan might create a significant delay. It is for this reason that I have offered the amendment which has been cleared by both my friend, the gentleman from Montana (Mr. SHOUP) and my friend, the gentleman from Washington (Mr. ADAMS). It is also likely that this type of action would require the filing of an environmental impact statement.

In the extraordinary circumstances which demand the legislation now before the House, that sort of delay cannot be tolerated. For this reason I have drawn an amendment which makes it clear that the action of Federal agencies, including the Federal National Railroad Association, will not be subject to the requirements of the Environmental Policy Act, section 102(2)(C) relating to the filing of environmental impact statements, up to and including the point at which the final system plan has been submitted and has gone into effect.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend, the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, I am having some trouble with semantics and if I can get some clarification I will be happy to vote for the amendment.

Mr. DINGELL. I thank my friend.

Mr. KUYKENDALL. If the gentleman's meaning is that this suspension carries through the adoption of the plan by the Congress and cuts off right there, I would be happy to accept the amendment myself.

Mr. DINGELL. The gentleman is correct. That is the interpretation of the language.

Mr. KUYKENDALL. I would accept the amendment.

Mr. DINGELL. I thank my friend, the gentleman from Tennessee.

Mr. Chairman, I also want to make it plain as part of the legislative history that it has also been suggested that the same exemption should apply to abandonment proceedings under the act, but after careful review, I have concluded, and I have checked my conclusions with the manager of the legislation, that these abandonments would not be considered to be Federal actions, and so would in no case be subject to NEPA compliance requirements under section 102.

I will confess that I do not like, and usually strongly resist, proposed incursions upon the National Environmental Policy Act. I am convinced, however, that what I propose today is far less damaging than the language in the bill as approved by the committee, and that the purposes of both the bill and the NEPA will be served if the proposed amendment is approved.

As in the colloquy with my friend, the gentleman from Tennessee, I would like to make it clear that the purposes are to carry it clear through adoption and the effective date of the system plan.

Mr. KUYKENDALL. I would be happy to support the amendment.

Mr. DINGELL. And my friend, the gentleman from Washington, has agreed it would be acceptable to him. I see the gentleman sitting there and I observe he nods "Yes."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was agreed to.

Mr. MACDONALD. Mr. Chairman, as the ranking member of the Interstate and Foreign Commerce Committee, I rise in support of H.R. 9142, the Northeast Regional Rail Reorganization Act. This bill directs the Government to reorganize bankrupt Northeast railroads into one self-sustaining corporation that will provide public service and preserve competitive private railroads.

This is good legislation which I am proud to have had a part in developing. Moreover, several carefully worked out compromises in the bill make H.R. 9142 the only hope for maintaining economically vital rail service in the Northeast, short of nationalization.

The crippling of the New England rail system could lead to a 4-percent slowdown in the Nation's overall economic activity. A New England rail disaster would be a national disaster as well, and the need for this bill should be clear to Members from all regions of the country.

Mr. Chairman, as you know, I had a number of suggestions for improvements in this legislation which were adopted by the committee. I wanted the bill to provide that adequate "economic impact studies" be undertaken during the preparation of the final rail plan.

We are dealing not just with a rail issue, but with the economy of the whole region, with men's jobs, and with the economic well-being of dozens of communities. I wanted to make sure that the bill required those preparing the final rail plan to present to Congress clear studies of the impact of their proposals on jobs, workers, and communities. I am pleased that the committee accepted the amendment which I offered to section 303 of the bill. The bill now clearly states that "the minimization of job losses" and "unemployment" is a goal which must be taken into account in preparing the plan.

Mr. Chairman, there is one problem which I have—not with the bill but with the report—which I hope we can take care of quickly here. You will remember that on the last day of the committee's consideration of the bill, I asked that report language spell out in detail the kind of studies which we want Congress to have available so that it can judge the final system's plan.

Under this bill Congress has final responsibility for approving or disapproving the rail plan and we must know the basis on which decisions have been reached in that plan. I provided suggested report language to the committee, spelling out the kind of studies which should be available to the Congress so that it can meet its responsibilities.

The committee accepted my suggestion, but the language which I gave to the committee staff was inadvertently left out of the report at the bottom of page 48. I hope that we can have unanimous consent to amend the report as the committee agreed.

The full text of the report language approved by the committee is as follows:

> In preparing the final system plan, employment impact, marketing, traffic, and financial studies shall be conducted which shall include but not necessarily be limited to the following:
>
> (1) For each railroad in the northeast, an analysis of basic data, such as number of car loads, weight of shipments, miles traveled, commodities carried, origin and destination of each shipment, routing, rates, and equipment, utilizing information made available under Sec. 302 of this Subchapter.
>
> (2) The development of a freight-flow model for the entire regional railroad system based on (a) freight routing data; (b) cost estimating relationships based on geography, car movements, car miles or train miles according to the various accounting categories of railroad expenses; and (c) a revenue and cost allocating relationship which spreads the revenue and appropriate costs over each freight-carrying trip.
>
> (3) For each community in the affected service area, an analysis of the industries served, number of car loads shipped and received by each firm, the commodities handled, the number of jobs related to these commodities, the value added related to these commodities, the availability to these firms of other acceptable modes of transportation, a determination of the number of jobs that might be lost in the event of a cessation of rail service, and the economic impacts of such job losses on the community and various levels of government.

Once again, Mr. Chairman, I want to say what a wonderful job I think you have done in developing this vital legislation. It is the product of much work and much compromise. I support it because I think it is the best chance and perhaps the only chance we have of saving rail transportation in our region, which is vital to our whole national economy.

AMENDMENT OFFERED BY MR. KUYKENDALL

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. KUYKENDALL: Page 111, strike out lines 12 through 18 and insert in lieu thereof the following:
>
> (c) Except as otherwise provided in this subsection the monthly displacement allowance provided for in subsection (b) of this section shall continue—
>
> (1) until the attainment of age 65 in the case of a protected employee with at least five years of service on the effective date of this Act who is deprived of employment;
>
> (2) for a period of six years or the attainment of age 65, whichever first occurs, in the case of a protected employee with at least five years of service on such effective date who is adversely affected with regard to his compensation; and
>
> (3) for a period equal to his total prior years of service in the case of a protected employee who has less than five years on such date of enactment.
>
> Page 111, line 19, strike out "such" and insert in lieu thereof "Such".

Mr. KUYKENDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. KUYKENDALL. Mr. Chairman, this is the amendment I spoke of in the general debate. This is the amendment that refers displacement allowance to employees only, displaced people only who are working for the corporation. A great many of these employees under the formula will be given bonuses. They could be from zero up to 35 percent or 40 percent of their pay until age 65, over and above the regular collective bargaining salary.

I pledged to the people in organized labor and I pledged to my colleagues on the committee that I would not disturb the benefits for people who were left unemployed. That is the reason I voted "No" on a previous amendment.

This amendment would limit the pay over and above the amount of money earned under collective bargaining agreements to 6 years. Remember, that money between the salary earned under collective bargaining and the salary earned by the formula arrived at under the agreement by the very rich presidents of the very rich railroads who were spending the taxpayers' money was arrived at after a considerable length of time.

Incidentally, I cannot resist making one remark here. When I see the way these railroad presidents are willing to give away taxpayers' money, it is no wonder the railroads are in such trouble so much of the time.

I would like to urge the adoption of this amendment. It is the same amendment. It gives a person who is transferred from any one of the seven bankrupt railroads to the new railroad 6 years with a bonus and at the end of the 6 years they draw their regular salary the remainder of their working life.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Texas.

Mr. PICKLE. This does not disturb those people who are unemployed?

Mr. KUYKENDALL. This in no way disturbs anyone on furlough or drawing money because he has not had a job offer from the corporation. It would affect only those who are fully employed.

Mr. PICKLE. It would not affect the unemployed?

Mr. KUYKENDALL. It would not be expected to in any way.

Mr. STAGGERS. Mr. Chairman, I say this reluctantly, but I would like to know something more about the amendment. I have not read the amendment until just now. It sounds very much like the previous amendment in some aspects.

Now, the ones who are employed—if the gentleman would yield further.

Mr. KUYKENDALL. Yes, I believe it is the time of the gentleman from West Virginia.

Mr. STAGGERS. I will recognize the gentleman for 5 minutes.

The gentleman is cutting the displacement allowance off at 6 years?

Mr. KUYKENDALL. I am cutting off only the difference between their collective bargaining salary and the salary that has been determined in this formula. That additional amount is for 6 years only. It is called a displacement allowance.

In other words, Mr. Chairman, this would not apply particularly to the Clerks Union, because they work pretty steadily, but there are certain crafts where the formula for determining the pay is considerably higher than that I have on here. That is what they are under the 6 years, because it goes back, even under seasonal employees, it goes back 12 months, where they work over 50 percent of the time. It is different from the Penn Central merger. It is different than Amtrak. It is a brand new formula. This formula would mean that a great many employees would get a bonus out of the taxpayers from now until age 65.

Mr. STAGGERS. Let me ask this question. You are only talking about employees?

Mr. KUYKENDALL. That is correct, employees only.

Mr. STAGGERS. The new employees have to negotiate within 60 days, I believe, when they hire in as new employees.

Mr. KUYKENDALL. Mr. Chairman—I am talking to Chairman STAGGERS—any collective bargaining agreement that comes to less than the formula earns a salary, the difference between that collec-lective bargaining agreement and that arrived at salary under this formula is paid by the taxpayers. If the collective bargaining agreement—this is the least understood part of this bill and the most dangerous, this is where the big money is out of the taxpayers' pocket—because if we go back, say a man works 3 months with heavy overtime, does not work for 2, that is, works less than 50 percent of the time, he will go back 16 months to get his 12 months. In some crafts this could be 30 or 35 percent more than the actual collective bargaining salary he could earn.

I say let him have that difference for 6 years, but do not let him have that difference for his working life.

Mr. STAGGERS. The gentleman is talking about life. That is no different than what has come up in the Chamber today. It is to age 65 and most of the ones that are affected will be the elderly ones.

Mr. KUYKENDALL. Sir, everyone is affected on this, everyone over 5 years is affected.

Mr. STAGGERS. I say in reality it is going to be only the older ones that are going to be affected.

Mr. KUYKENDALL. Mr. Chairman, I really disagree because practically every employee in the crafts and even a great many of the clerical employees will be affected here because this formula can never be lower—can never be lower than the collective bargaining salary, and in most cases will be higher, and the taxpayer makes up the difference.

My amendment says, let them make it up for 6 years, give them time to adjust to the fact that they have moved even though my allowance is paid by this money which comes out of the taxpayers' pocket.

It would simply mean this, that a C. & O. employee of one of the crafts, let us say, would be making that much less than the NYCR employee to do the same job in the same town, and the Government would be paying the difference.

Mr. STAGGERS. Mr. Chairman, would the gentleman say now that a man who had reached the age of 58, had dependents, and he has been off for 6 years, what would the gentleman do with him?

Mr. KUYKENDALL. At age 58? For 6 years he will receive his regular salary plus perhaps 25 percent, and that seventh year he will receive just his full salary, that is all. At age 65, I guess he retires. The gentleman asked me what will happen. The man will earn for the first 6 years his salary, plus.

Mr. STAGGERS. So the fact is, we made it that all railroad employees and retirees——

Mr. KUYKENDALL. That is right. This is one of the advantageous things in here for the new railroad, but in no way does that cut off anyone for anything except the bonus over and above his full salary.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, let me ask either the gentleman from Tennessee or the gentleman from West Virginia, if it is true that 10 of the largest corporations in this country went together and employed one of the top lobbying firms in this country, headed by a former Deputy Secretary of the Treasury, to lobby for the provisions of this bill? Is that true?

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, there was a group of them; there is or was a group of shippers that did employ the gentleman to lobby.

Mr. GROSS. General Motors, and Ford Motor Co., a total of 10 of the largest corporations in this country?

Mr. KUYKENDALL. In their defense, let me say that of course I know they did not lobby in the labor session.

Mr. GROSS. Mr. Chairman, let me ask this question: That being true, did they write the ticket for the payment of the employees in this bill? Those who may lose their jobs?

Mr. KUYKENDALL. There is no question whatsoever that this agreement reached between noninvolved railroad presidents and labor, which was probably involved; there is no question that this agreement is to an extent a sweetheart agreement which allows the new corporation—which allows the new corporation to prosper at taxpayers' expense.

Mr. GROSS. Mr. Chairman, let me ask the gentleman this question, if he can answer it: What do those corporations do when their employees are furloughed or laid off for some reason or other? What do they do?

Mr. KUYKENDALL. They do only what their collective bargaining agreements say they must do, and I do not know what those agreements say, but they do no more than, I am sure, what they say they do.

Mr. GROSS. And it would not begin to measure up to what is provided for in this bill, is that not true?

Mr. KUYKENDALL. As I said earlier, the gentleman from Iowa knows our committee—I think this is an awfully free giveaway for the taxpayers by railroad presidents who are honestly not involved in it at all. This is the reason I am urging my amendment.

Mr. GROSS. Mr. Chairman, I support the gentleman's amendment because it apparently is the lesser of the evils, and only because that I conceive it to be the lesser of the evils.

However, this is a very bad bill from the standpoint of the taxpayers of this country. And the House is setting a precedent here which it cannot live with in the future with respect to labor across this country.

I suggest you put that in your pipe and smoke it but good.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. KUYKENDALL

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUYKENDALL: Page 62, line 2, insert the following after the word "court": ", within 60 days after submission of the preliminary system plan pursuant to section 307; and".

Mr. KUYKENDALL. Mr. Chairman, I ask unanimous consent that the amendment on page 62, line 2, which was first read, and the amendment on page 74, line 8, which has not yet been read be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The Clerk will report the other amendment.

The Clerk read as follows:

Amendment offered by Mr. KUYKENDALL: Page 74, line 8, insert before the word "a" the following: "and to each United States district court having jurisdiction over a railroad in reorganization".

Mr. KUYKENDALL. Mr. Chairman, I will not take the full 5 minutes allotted to me on these amendments.

These are the amendments which, in my opinion, will make this bill vetoproof. This is what the amendments provide: In the bill itself the judge is required to make a full decision as to whether or not to accept the stock in the transaction subject to further review before the formation of the system, to declare that the seven railroads are in full bankruptcy, or if he wishes, to turn down the whole deal and liquidate them.

It is the feeling of those of us on this side who are supporting these amendments that there is a danger here, that we are rushing the judge into a decision which will cause us trouble in court later on deficiency judgments.

My amendments require that under section 301 the court within 60 days declare whether the railroads are in bankruptcy or not. But it delays the other determination until they have a chance to study the system plan for 60 days, meaning that that decision will be made in 360 days, when the court has had a chance to look at the plan.

There is absolutely no way that this judge could know whether we are going to have a system that is overloaded, with poor trackage, or whether we are going to have a system that is stripped down to being a profitmaking railroad; there is no way by which this judge can determine whether that stock is any good or not in 60 days.

We are afraid that if we force this judge to make a decision without the evidence in front of him to support his decision, when we go to court later—and we are going to court later; everyone on all sides agrees that we are going to court to obtain a deficiency judgment—we will pull the rug out from under the judge, because he did not have a basis for making his decision, and, therefore, it can be called a poor situation.

Mr. SHOUP. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Montana.

Mr. SHOUP. Mr. Chairman, does the gentleman have knowledge concerning the six railroads that have been in reorganization, as to how long they have been in reorganization?

Mr. KUYKENDALL. There are different times involved. I believe the oldest one is 1957.

Mr. SHOUP. Well, I do not believe there is any railroad that has been under reorganization for less than 2 years.

Mr. KUYKENDALL. One of the railroads is not yet in reorganization.

Mr. SHOUP. Which one is that?

Mr. KUYKENDALL. If the gentleman will bear with me, I will tell him in a moment.

Mr. SHOUP. Mr. Chairman, let me withdraw that question.

If I may make my point, the gentleman is worrying about the judge making his decision in 60 days. Let us consider the case of the Penn Central. He has had it for how many years? For how many years has he been studying this problem?

I can assure you that the judge, Judge Fullam, knows more about Penn Central and the problems they have and whether or not like today they can be reorganized than anyone in this room.

Mr. KUYKENDALL. I would like to answer the gentleman's question if he will permit me. I am fully agreeing with the gentleman from Montana, and he is not disagreeing with me.

Sure Judge Fullam knows whether they are in bankruptcy or not and is fully qualified to make the decision, but how can he make a decision on a system plan which no one will see for 300 days?

Mr. SHOUP. Will the gentleman yield further?

Mr. KUYKENDALL. I yield.

Mr. SHOUP. At the present time I think Judge Fullam has under consideration a petition by the trustees immediately to liquidate this system up there. You are asking the judge in some way or another to violate the constitutional rights that the creditors have regarding the erosion of their rights and of their values for another 360 days, maybe.

Mr. KUYKENDALL. You know full well that whatever the judge says is the law and whatever Congress says is the law in this case is the law because there is no precedent here. If you ask that judge to make a decision on value and say yes on something on which he has no basis upon which to determine the value, it will not hold up in court later on.

Mr. SHOUP. The only decision that the judge must make—and that is specified very clearly in the bill—is one of three things as to what his decision will be. By making that decision he will make a decision as to how his railroad will be considered under the bill. The decision he makes is this: No. 1, can this railroad be continued to be reorganized under section 77 of the Bankruptcy Act.

Mr. KUYKENDALL. And he has already made that decision.

Mr. SHOUP. That is No. 1. No. 2 is no; that decision is no, and the court has decided to liquidate. The third decision is the judge says "I will use H.R. 9142 as a vehicle to reorganize this railroad rather than liquidating it."

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I pointed out in general debate, we tried to pattern this bill on what happened in the New Haven inclusion cases.

I want to point out to the gentleman from Tennessee that the reason why we set the figure at 60 days is that the judge at that point does not have to make a decision as to whether or not the stock being obtained is worth a certain amount of money. He does not even have to make a decision as to whether or not certain of his lines are going to be given to the corporation. The decision he makes at that point is whether or not he wants to accept the statutory system of merger and reorganization that we have provided here. Then we provide at a later point where the consolidated court comes into existence for a determination as to whether the value is appropriate.

It is very important that we have this decision made early as to whether or not a particular railroad will be included in this system because of the six bankrupt railroads—and I know the gentleman will agree with me—we know the courts have stated in five cases already that they will either be liquidated or have to go into some kind of plan that we create because there is no way for them to come out of section 77 on an income basis. The sixth, which happens to be the Erie-Lackawanna—there has to be a determination as to whether it will come in. There has to be a determination made on that so the planners can work on the system.

That is why we said 60 days, because they know what they are dealing with. Most of the judges, as pointed out by the gentleman from Montana, have had these cases for a long period of time. During that period they have had considerable opportunity to determine whether they should accept a merger or not. That kind of information is before the court now. Although you might say that there should be a slightly longer period—and I would be willing to negotiate with the Department of Transportation and others when this bill comes up for conference with the Senate for a later potential date—you cannot go out 360 days on this because the planners and the corporation and the whole operation being worked on would have to work on two different systems. Under "The New Haven Inclusion" cases we can provide for that decision and the court can make such a decision early and with an expedited appeal provision we will know what to do with this system before you get to the valuation question.

Mr. KUYKENDALL. Will the gentleman agree first that my amendment does not change the judgment at 60 days as to whether or not the railroads are going under?

That is the same in both the bill and my amendment.

Mr. ADAMS. It is in effect a meaningless decision at that point if we do not have the fact that they are going to go under the plan, because they have already, with the exception of the Erie Lackawanna, stated that in effect. And if we do not make the decision as we have it in the bill a final one, they do not know whether to get in or get out of this merger system.

Mr. KUYKENDALL. If the gentleman will yield further, in the bill there is the date of September 30, 1973, for valuation. That is true regardless of when the determination is.

Is it not true, I would ask the gentleman from Washington (Mr. ADAMS), that under the bill that until the deficiency judgment, after the railroad is already formed, that between the 60 days the gentleman is talking about and that time of the deficiency judgment there is no judgment made by the court as to the value of the system?

Mr. ADAMS. Yes, that is correct. The valuation of the system—and here again we go back to the New Haven inclusion case, because there we had this type of a decision first, then a transfer of stock basically for assets and then litigation on value. That litigation on valuation lasted for years, and the New Haven case was much smaller in size than this one. We foresee a valuation case that could be litigated for maybe 10 or 15 years, not only on the amount but also which of these six bankrupt estates gets which amount of stock, so we are trying to make the system workable before this decision is made.

Mr. KUYKENDALL. If the gentleman will yield further, so you are going into court with a decision of the court as your only base that never saw the plan.

What I am saying is that the difference in the position of the gentleman from Washington (Mr. ADAMS) and mine, is that I think we have a better position in court if we let that judge see that plan for 60 days, than if we go into court and after the railroads are operating based on a decision where the judge never saw the plan.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendments, and I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment because I believe it just delays the plan, the reorganization plan, beyond what is necessary. We are trying to get something done as quickly as we can.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I will be happy to yield to the gentleman from Tennessee.

Mr. BAKER. Mr. Chairman, I do not claim to have any less or more knowledge than a good many people who are in the

Chamber at the moment as to the consequences of this amendment as it relates to all other matters, and I have to rely on other means of making a decision rather than personal knowledge. But I would like to ask a question going back to the rights of the employees under this bill, if the gentleman could answer it, and that is: Would the employees of the Southern Railroad, which is making a profit, have the same advantages at the taxpayers' expense as the employees are going to have who happen to be working for a bankrupt railroad?

Mr. STAGGERS. In reply to the inquiry of the gentleman from Tennessee, let me say that these labor provisions apply only to the employees of the bankrupt railroads covered under this bill, and that is because we are starting a new corporation, and we will be putting these men out in the cold unless we take care of them. It will be starting with all new employees, and unless we take care of them under the reorganization plan they would be left in the cold.

Mr. BAKER. So I gather that there has developed some precedent here of a stigma against making a profit in our free enterprise system so far as the rights and the opportunities of general employees are concerned. I believe that is bad.

Mr. SHOUP. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL).

Basically this amendment presented by the gentleman from Tennessee would completely gut and negate the entire plan we have before us.

Actually what it does is it allows the expenditure of some $36 million to build a beautiful plan to solve the problems in the Northeast, and then at the whim of some judge, after this money has been expended, he says: "I do not want to play your game. I am going to say no, so go back to the drawing board and draw a brand new plan."

The entire bill is based on defining which railroads are bankrupt, which ones are going to be liquidated, which ones are in reorganization, and which ones are profitable. We must have an identification of all Northeast railroads or the rest of the plan will be inoperable.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. SHOUP. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Was this particular mechanism not part of an amendment that the gentleman and others put together to hopefully accommodate the Department of Transportation? The gentleman spoke of a good intent to compromise. Is this not one of them—the language that is in the bill now, the business of making the judge make those other two decisions at the end of 60 days?

Mr. SHOUP. The 60 days, and with the wording in there, with that particular amendment, and making the decision at the front end was the compromise reached on by Mr. ADAMS and myself with the Department of Transportation that that would remove the stigma of condemnation.

Mr. KUYKENDALL. All right, so I really wish the gentleman would consider his language when he says the bill is a complete bust without this language. Until the very last day of consideration, this language was not in the bill at all.

Mr. SHOUP. Apparently I misinterpret what the gentleman said.

Mr. KUYKENDALL. The gentleman said that this bill was gutted.

Mr. SHOUP. If the decision were left to the judge at the end rather than at the first, it would be. The decision must be made at the start of the process, not later on. The compromise was that language would be put in to eliminate the stigma of condemnation. I say if the judge wants to play, and take advantage of Government money, of tax money, of tax assistance, then he is going to make that decision before he gets into the game and not afterwards.

Mr. KUYKENDALL. The gentleman is forcing this judge to make a decision without ever having seen for what the stock is to be given?

Mr. SHOUP. Yes.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Tennessee (Mr. KUYKENDALL).

The question was taken; and on a division (demanded by Mr. KUYKENDALL) there were—ayes 22, noes 53.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. HASTINGS

Mr. HASTINGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 97, line 21, strike out "shall" and insert in lieu thereof "may."

Mr. HASTINGS. Mr. Chairman, I will be brief; it should not take 5 minutes.

Section 701 refers to operating subsidies, and loans and loan guarantees for purchase by local, regional or State authorities of railroads that are scheduled for abandonment.

The present language says that the Secretary shall grant such loans or loan guarantees. My amendment makes this a permissive act on the part of the Secretary by changing the language to "The Secretary may grant such loans or loan guarantees."

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would agree with the amendment and I think the other Members on this side would accept it too. Mr. Chairman, I accept the amendment.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, I discussed this language in a conference with the gentleman yesterday. If the language is what we discussed, giving discretion to the Secretary in determining that ultimately a loan may be made available, if that is true I would accept it.

Mr. HASTINGS. I would assure the gentleman that I have investigated this matter with the department, this matter the gentleman is concerned with, and his concern would be part of the decision of the Secretary to approve or disapprove any application for a loan or loan guarantee.

Mr. KUYKENDALL. The gentleman has checked this with the Secretary of Transportation?

Mr. HASTINGS. Yes.

Mr. KUYKENDALL. I accept the amendment.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I applaud the amendment. I think it is a good amendment.

Mr. HASTINGS. I thank the gentleman from Michigan.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HASTINGS).

The amendment was agreed to.

Mr. DINGELL. Mr. Chairman, everyone was surprised by the Penn Central bankruptcy, including 150,000 stockholders and several Government agencies. In fact, one ICC Commissioner testified the bankruptcy came as a complete surprise to him. One of the prime causes for the surprise was the lack of public information available. The insiders had this information and they bailed out of Penn Central stock before the collapse. The general public, on the other hand, did not have the information. Section 911 of the bill would transfer to the Securities and Exchange Commission the responsibility for insuring adequate public disclosure of material information about railroad securities. The legislation will not prevent a railroad from losing money or going bankrupt but, hopefully, it will let us know which railroad is in trouble sooner so we can prevent another Penn Central collapse.

People who buy stock expect the same legal protections whether they buy stock in Penn Central or General Motors. Right now, they do not have those protections because of loopholes in the Federal securities laws. Studies by the Investigations Subcommittee of the House Commerce Committee and by the SEC showed how the Penn Central Railroad was able to exploit those loopholes. In this era of concern for consumer protection, it is no longer defensible or desirable that the 100,000 stockholders who each owned less than 100 shares of Penn Central stock should be deprived of those protections and safeguards which Congress has long deemed essential.

The remedy to the second-class treatment accorded to investors in railroads is simple: the elimination of each and every exemption from the Federal securities laws for carriers regulated by the ICC. Section 911 will put railroads on an equal footing with other major industries.

The impact of the Penn Central bankruptcy upon investors was enormous. Penn Central suspended indefinitely payment of its regular dividend beginning with the fourth quarter of 1969. The common stock of the Penn Central Co. plummeted from $35 per share in January of 1970 to $6.50 per share on June 22, 1970. This shrinkage in the market value of Penn Central's securities and the elimination of the dividend resulted in incalculable losses to untold numbers of small stockholders who had been led to regard Penn Central as a sound, blue chip investment for their old age. Even the financial reporting services failed to forecast on a timely basis the railroad's economic ill health.

The investigation which followed the first bankruptcy of the New Haven Railroad showed that the railroad's earnings had been overburdened with excessive interest and dividend charges. Like most other railroads at the time, its securities were badly watered and the public lost while insiders benefited. To remedy this abuse, the Interstate Commerce Commission was made responsible in 1920 for overseeing railroad securities. This ICC oversight, however, is aimed at protecting railroads from themselves, not at protecting the investing public.

Forty years ago, Congress set forth in schedule A to the Securities Act of 1933 certain minimal informational requirements it determined were essential for inclusion in a prospectus to enable investors to make an informed investment decision. Until September of this year, the ICC did not bother to put a single one of these requirements in writing. While American industry as a whole had to make full disclosure of such things as management compensation, stock options and insider transactions, railroads were able to withhold this information because of section 3(a)(6) of the Securities Act.

To insure further public disclosure, the Securities Exchange Act of 1934 imposed upon companies with substantial public investor participation the requirement to make periodic reports on a continuing basis. These reports were intended to keep investors informed about the financial, managerial and economic condition of their companies. Again, rail carriers have been able to avoid full disclosure by virtue of section 13(b) of the Securities Exchange Act which exempts them from filing periodic reports on a basis consistent with and comparable to other public companies.

The Trust Indenture Act of 1939 incorporated specific statutory provisions assuring investors in bonds and debentures important protections against dishonest or irresponsible indenture trustees and corporate managements. Rail carriers issuing securities pursuant to an indenture are exempt from the act. Although the ICC, by its rule-making authority, could have established the same protections for investors in bonds and debentures of such carriers, to date it has not done so.

On April 29, 1970, the Pennsylvania Co., as part of its filing with the ICC for approval to issue $100 million of sinking fund debentures due 1995, included a preliminary indenture. Analysis of the indenture revealed that it would have permitted virtually all of the abuses the Trust Indenture Act was intended to prevent.

The indenture failed to prohibit the possession or acquisition by the trustee of interests materially in conflict with that of the debenture holders. In fact, the trustee did have such a materially conflicting interest. The indenture failed to include any restriction on the rights of the trustee to improve its position as a creditor to the detriment of the debenture holders. In fact, the trustee was one of 10 banks which appropriated the deposit accounts of the Pennsylvania Co. and was a member of the group of 48 banks involved in the petition filed by First National City Bank attempting to foreclose on the Pennsylvania Co. stock pledged as collateral on a $300 million debt. The indenture omitted any provision for periodic reports by the trustee to the debenture holders. Other objectionable provisions, which would have been proscribed by the Trust Indenture Act, were also permitted in the indenture.

The most glaring lack of investor protections in securities of railroads subject to ICC regulation lies in the area of investment companies. The Investment Company Act of 1940, which is essentially a Federal law of trust applied to the investment company industry, regulates the activities of companies engaged primarily in the business of investing and trading in securities.

The act, among other things, strictly limits the legal ability of investment companies to engage in transactions with affiliates—especially transfers of assets—improper allocation of expenses, loans to a parent company, guarantees of financial obligations of a parent company and the creation of an oppressive debt structure. Penn Central's investment company subsidiary, the Pennsylvania Co., however, was able to evade all these prohibitions because section 3(c)(7) of the Investment Company Act exempts any company subject to regulation under the Interstate Commerce Act. This exemption denied to investors in Penn Central Co. and its publicly held subsidiaries the substantial protections accorded to investors in investment companies subject to the regulation of the SEC.

An investment company can avoid the regulation Congress determined was necessary to protect the public against abuse, not by a policy of self-restraint, but rather by expansion into an area which may detract from sound economic conditions in transportation. This is possible because of the gap in Federal regulation that arises from the juxtaposition of the 1940 act and the Interstate Commerce Act.

The SEC has on a number of occasions in past years pointed out that section 3(c)(7) permits a corporation which largely may be engaged in the business of investing and trading in securities to avoid regulation under the Investment Company Act simply by acquiring, with a small fraction of its assets, a common carrier, or to some minor extent being directly engaged in the business of an interstate carrier.

Conglomerates which might otherwise be subject to SEC regulation have found this exemption useful. Section 911(c) will limit not only railroad investment companies but also limit motor carrier investment companies. It will not interfere with legitimate and limited investment activity by bona fide rail and motor carriers.

The ICC has responsibility for the economic regulation of carriers subject to its jurisdiction and in that capacity passes upon the fitness of the carrier to issue securities. It will continue to exercise this very important function. The SEC, on the other hand, has responsibility "to provide full and fair disclosure of the character of securities sold in interstate and foreign commerce and through the mails, and to prevent frauds in the sale thereof."

In adopting section 911, the House Commerce Committee has noted the experience of public utilities subject to the jurisdiction of the Federal Power Commission. The economic regulation by that agency has not been impeded by the concurrent jurisdiction of the SEC over the securities of those utilities. Rather, more effective protections to consumers and to investors have been achieved.

The provisions of section 911, by putting rail carriers on an equal footing with other issuers, should enhance the opportunities of those carriers to raise capital in the public money markets. Comparability in the financial and other disclosure requirements which would now be extended to railroads will enable investors to evaluate the merits of rail securities on a more meaningful basis. It is hoped that it may also mitigate the effects of any future major rail bankruptcy similar to the Penn Central fiasco since two independent agencies will have the responsibility for monitoring the reports of those carriers.

AMENDMENT OFFERED BY MR. PEYSER

Mr. PEYSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PEYSER: Page 64, line 14, immediately after "requirements" insert "(including safety requirements)".

Mr. PEYSER. Mr. Chairman, this is a very brief amendment and I think we can move right on it. One of the goals of this new system should be that adequate safety requirements are in being for all commuter trains.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, we would accept the amendment because I think it is worthwhile and really helps the bill. I hope all Members on this side will too.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, I

will be very happy to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Peyser).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEINZ

Mr. HEINZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Heinz: Page 87, line 22 after "discontinued" insert "after hearings by the Commission and".

Mr. HEINZ. Mr. Chairman, this is an amendment to section 503 of the bill. It provides for public hearings and concomitant notification to the public of hearings to be conducted by the Interstate Commerce Commission at such locations as may be deemed appropriate before or after, but preferably before the 90 days written notice to shippers and Government agencies currently required by section 503. The reason for amending the bill to include hearings is that as the bill stands now it only provides for notification to Governors, State agencies, local government and shippers, but it does not provide for the public to be made aware and for opportunity for comment by the public.

I submit that this is important to do, because the public should have an awareness of and a voice in State and local government plans to utilize title VII of this bill, which provides for 70 percent Federal sharing for operational subsidies and purchases for rail lines that would not be operated by the new rail corporation. We do not want any hidden "sweetheart" agreements between shippers and Government officials since these might well be contrary to the public interest. We do want a full understanding by the public of what may be proposed to serve the public at large.

In conclustion, I want to make clear that this amendment does not do certain things. It does not slow down or impede designation of the final system plan. Nor does it slow or impede the pace at which action will or should be taken under any section of title V beyond what is already in the bill.

Mr. Chairman, I urge the adoption of the amendment.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. HEINZ. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I have looked at the amendment and I can accept this amendment and I hope other Members on this side will too.

Mr. HEINZ. I thank the chairman sincerely.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. HEINZ. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. I will be happy to accept the amendment.

Mr. HEINZ. I thank the gentleman and take this opportunity to express my appreciation to the gentlemen from West Virginia, Tennessee, Washington, and Montana for the outstanding leadership they have demonstrated in bringing before this body a badly needed, complex, difficult, and good faith, compromise on the many issues that H.R. 9142, the Regional Rail Reorganization Act of 1973 on balance successfully resolves. Although the bill is not perfect and I do have certain reservations that I have made clear in committee, I intend to support passage of the bill and so urge my colleagues.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Heinz).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUYKENDALL

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kuykendall: Page 79, line 24, immediately after "assigned" insert "shall have all the powers of a reorganization court in proceedings under section 77 of the Bankuptcy Act and".

Mr. KUYKENDALL. Mr. Chairman, this is an amendment, I believe, that the gentleman from Washington had agreed to in the committee if we found it was needed.

May I have the gentleman's attention? I believe the gentleman would find this amendment agreeable. I would hope so.

Mr. STAGGERS. Mr. Chairman, I agree with the gentleman. I would be in favor of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. Kuykendall).

The amendment was agreed to.

Mr. KUYKENDALL. Mr. Chairman, I have one final amendment.

AMENDMENT OFFERED BY MR. KUYKENDALL

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kuykendall: Page 92, beginning in line 21, strike out all after the word "properties" through the end of the sentence.

Mr. KUYKENDALL. Mr. Chairman, I am inclined to believe this is a drastic oversight in the bill, because we have placed in the bill a maximum amount of $200 million that can be spent by the corporation for acquisition of FNRA loans. The language that is now in the bill would require that all that money be spent in the bankrupt estates and none could be spent for acquiring the nonbankrupt estates, or profitable railroads. There are scores of small 10 miles or 15 miles of track here and there that belong to profitable estates, leases, and this type of thing.

It was my understanding of the bill that the purpose of this $200 million in cash was to be at least partially used for the acquisition of properties on the nonbankrupt and profitable railroads, because there is going to be some of that done.

My amendment allows either the use of this money with the bankrupt properties in case of a deficiency judgment, Mr. Adams, the bankrupt, or the profitable properties in case they are forced to pay cash for nonbankrupt properties.

Mr. SHOUP. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman.

Mr. SHOUP. I believe the gentleman's comment about the $200 million was well put, in that it lists only $200 million that may be given or guaranteed in loans.

Mr. KUYKENDALL. That is correct.

Mr. SHOUP. To the bankrupt and others in the reorganization.

Mr. KUYKENDALL. It was my amendment, but that was not in the amendment.

Mr. SHOUP. It says that it shall be available solely for the rehabilitation and modernization of rail properties acquired by the corporation under this act. This only limits how much guaranteed loans will be available to the corporation of $200 million, not where they can use it, but $200 million available for the corporation.

Mr. KUYKENDALL. As a matter of record, may I have a colloquy with both the gentleman from Montana and the gentleman from Washington?

The way I read this language, Mr. Adams, they cannot buy 20 miles of track from a nonbankrupt railroad that might be needed in that system with this money.

Mr. ADAMS. I cannot agree with the gentleman. Turn to page 57 of the bill. You will see that it says the term "rail properties" means all of the assets and business owned, leased, or otherwise controlled by a railroad which are used or useful in rail transportation service.

So it was our interpretation that the language presently in the bill would allow this money to be used for railroads within the system, such as the Penn Central system, which has 47 separate entities within it.

The reason I have to oppose the amendment of the gentleman is that in reading it, it would allow $200 million to the limit to be used up for profitable properties and then there would not be the money if it were necessary in a deficiency judgment where a court would say in reorganization that it has to pay either cash or securities for this 100-mile segment.

Is there any part of the system where a small amount of cash has to be used, that this money cannot be used?

Mr. ADAMS. Mr. Chairman, I am having a little trouble with the gentleman's semantics. I think, in answer to his question, the answer is yes. The bill, as it is written, contemplates that, if the gentleman says that a particular segment has to be paid for in cash or securities, that they can use this $200 million for that, whether that particular segment within the system happens to be profitable or nonprofitable.

Mr. KUYKENDALL. Mr. Chairman, let me ask it a different way, then. If a nonbankrupt subsidiary of Penn Central owns 50 miles of track, I want to know if the money on this $200 million may be used for acquiring from a nonbankrupt subsidiary of Penn Central.

Mr. ADAMS. Mr. Chairman, my answer is yes, based on section 10, page 57, the section we are presently discussing.

Mr. KUYKENDALL. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Chairman. Is there objection to

the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. Are there additional amendments?

If not, the question is on the Committee amendment in the nature of a substitute, as amended.

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. LANDRUM, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States, to designate a system of essential rail lines in the northeast region, to provide financial assistance to rail carriers in the northeast region, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes pursuant to House Resolution 688, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted in the Committee of the Whole?

Mr. STAGGERS. Mr. Speaker, I demand a separate vote on the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL), on page 111.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment: Page 111, strike out lines 12 through 18 and insert in lieu thereof the following:

(c) Except as otherwise provided in this subsection the monthly displacement allowance provided for in subsection (b) of this section shall continue—

(1) until the attainment of age 65 in the case of a protected employee with at least five years of service on the effective date of this Act who is deprived of employment;

(2) for a period of six years or the attainment of age 65, whichever first occurs, in the case of a protected employee with at least five years of service on such effective date who is adversely affected with regard to his compensation; and

(3) for a period equal to his total prior years of service in the case of a protected employee who has less than five years service on such date of enactment.

Page 111, line 19, strike out "such" and insert in lieu thereof "Such".

The SPEAKER. The question is on the amendment to the committee amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL).

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. STAGGERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. STAGGERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 187, nays 198, not voting 48, as follows:

[Roll No. 571]

YEAS—187

Abdnor
Andrews, N.C.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bennett
Bowen
Bray
Breaux
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burlison, Mo.
Butler
Camp
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Fisher
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Gunter
Haley
Hanrahan
Harsha
Heinz
Henderson
Hicks
Hinshaw
Hogan
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Landrum
Latta
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McSpadden
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Milford
Miller
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Nichols
O'Brien
Parris
Pickle
Poage
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Sandman
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Stanton, J. William
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thornton
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NAYS—198

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bauman
Bergland
Bevill
Biaggi
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Breckinridge
Brooks
Brown, Calif.
Burke, Mass.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Chisholm
Clark
Clay
Cohen
Collins, Ill.
Cotter
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
Delaney
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Foley
Ford, William D.
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Holt
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Lehman
Long, Md.
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Maraziti
Matsunaga
Meeds
Metcalfe
Mezvinsky
Minish
Mink
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nelsen
Nix
Obey
O'Neill
Owens
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Podell
Preyer
Price, Ill.
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Sisk
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, James V.
Stark
Steed
Steele
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Walsh
Whalen
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—48

Alexander
Bell
Biester
Blackburn
Blatnik
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burleson, Tex.
Conyers
Corman
Crane
Davis, Wis.
de la Garza
Dellums
Dorn
Esch
Guyer
Hammerschmidt
Harvey
Hawkins
Hébert
Hillis
Hosmer
Jones, Tenn.
Leggett
Lent
McEwen
Mahon
Melcher
Mills, Ark.
Minshall, Ohio
Mitchell, Md.
Murphy, Ill.
Myers
Nedzi
O'Hara
Patman
Roberts
Rooney, N.Y.
Rose
Roush
Runnels
Teague, Tex.
Waldie
Wiggins

So the amendment to the committee amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Teague of Texas for, with Mr. Rooney of New York against.

Mr. Hébert for, with Mr. Waldie against.

Mr. Mahon for, with Mr. Hawkins against.

Mr. Dorn for, with Mr. Dellums against.

Mr. Burleson of Texas for, with Mr. Blatnik against.

Mr. Patman for, with Mrs. Burke of California against.

Mr. Guyer for, with Mr. O'Hara against.

Mr. Wiggins for, with Mr. Murphy of Illinois against.

Mr. Crane for, with Mr. Nedzi against.

Until further notice:

Mr. Alexander with Mr. Hammerschmidt.

Mr. Corman with Mr. Brown of Ohio.

Mr. Conyers with Mr. Davis of Wisconsin.

Mr. Jones of Tennessee with Mr. Bell.

Mr. Leggett with Mr. Esch.

Mr. Mills of Arkansas with Mr. Biester.

Mr. Roberts with Mr. Burke of Florida.

Mr. Roush with Mr. Blackburn.

Mr. Runnels with Mr. Buchanan.

Mr. Rose with Mr. Lent.

Mr. McEwen with Mr. Hillis.

Mr. Harvey with Mr. Minshall of Ohio.

Mr. Meyers with Mr. Hosmer.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BAKER

Mr. BAKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BAKER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BAKER moves to recommit the bill H.R. 9142 to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 306, nays 82, not voting 45, as follows:

[Roll No. 572]

YEAS—306

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bauman
Bergland
Biaggi
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Broyhill, Va.
Burke, Mass.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Haley
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hays
Heckler, Mass.
Heinz
Helstoski
Henderson
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Hudnut
Hungate
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Lott
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mezvinsky
Michel
Milford
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nelsen
Nix
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, James V.
Steed
Steele
Steelman
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Walsh
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion

NAYS—82

Alexander
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bennett
Bevill
Broomfield
Brown, Mich.
Broyhill, N.C.
Burlison, Mo.
Cederberg
Clancy
Clawson, Del
Collins, Tex.
Conlan
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Duncan
Edwards, Ala.
Findley
Flynt
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Gibbons
Goodling
Gross
Gunter
Hanrahan
Hechler, W. Va.
Hicks
Huber
Hutchinson
Johnson, Colo.
Kastenmeier
Kuykendall
Landgrebe
Latta
Long, Md.
Lujan
Martin, N.C.
Mathis, Ga.
Miller
Mizell
Moorhead, Calif.
Nichols
Obey
Poage
Powell, Ohio
Price, Tex.
Pritchard
Quie
Rarick
Rousselot
Ruppe
Ruth
Schroeder
Sikes
Stanton, J. William
Stark
Steiger, Ariz.
Steiger, Wis.
Symms
Taylor, Mo.
Teague, Calif.
Treen
Vander Jagt
Wampler
Wilson, Bob
Young, Alaska
Young, Fla.
Young, S.C.
Zwach

NOT VOTING—45

Bell
Biester
Blackburn
Blatnik
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burleson, Tex.
Conyers
Corman
Crane
Davis, Wis.
de la Garza
Dorn
Esch
Griffiths
Guyer
Hammerschmidt
Hanna
Harvey
Hawkins
Hébert
Hillis
Hosmer
Ichord
Jones, Tenn.
McEwen
Mahon
Melcher
Mills, Ark.
Minshall, Ohio
Murphy, Ill.
Myers
Nedzi
Patman
Roberts
Rooney, N.Y.
Rose
Roush
Runnels
Teague, Tex.
Waldie
Wiggins

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Melcher against.
Mr. Biester for, with Mr. Wiggins against.
Mr. Esch for, with Mr. Guyer against.
Mr. Myers for, with Mr. Crane against.

Until further notice:

Mr. Teague of Texas with Mr. Runnels
Mr. Rooney of New York with Mr. Roberts.
Mr Burleson of Texas with Mr. Rose.
Mr. Conyers with Mr. Waldie.
Mr. Corman with Mr. Davis of Wisconsin.
Mr. Mahon with Mr. Hosmer.
Mr. Nedzi with Mr. Bell.
Mr. Mills of Arkansas with Mr. McEwen.
Mrs. Griffiths with Mr. Blackburn.
Mr. Dorn with Mr. Hammerschmidt.
Mr. Blatnik with Mr. Hillis.
Mr. Hanna with Mr. Minshall of Ohio.
Mr. Ichord with Mr. Brown of Ohio.
Mr. Jones of Tennessee with Mr. Patman.
Mr. Murphy of Illinois with Mr. Buchanan.
Mrs. Burke of California with Mr. Harvey.
Mr. de la Garza with Mr. Burke of Florida.
Mr. Hawkins with Mr. Roush.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to restore, support, and maintain modern, efficient rail service in the northeast region of the United States; to designate a system of essential rail lines in the northeast region; to provide financial assistance to certain rail carriers; and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE CONFERENCE REPORT ON H.R. 1570

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce have until midnight Saturday night to file a conference report on the bill H.R. 1570.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute in order to ask the distinguished majority leader if he will inform the House of the program until next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, in response to the question of the distinguished minority whip, there is no further legislative business for today. Upon the announcement of the program for next week, I will ask unanimous consent to go over until Monday.

The program of the House of Representatives for the week of November 12, 1973, is as follows:

Monday is District Day. There are no bills. S. 1081, the trans-Alaskan pipeline authorization conference report.

On Tuesday we will consider H.R. 8916, State, Justice, Commerce, and judiciary appropriations, for the fiscal year 1974, a conference report; and H.R. 8877, Labor and HEW appropriations for the fiscal year 1974, a conference report.

On Wednesday we will consider S. 1435, District of Columbia self-government, a conference report; H.R. 11216, AEC supplemental authorization, subject to a rule being granted; and House Resolution 128, Members convicted of certain crimes, subject to a rule being granted.

On Thursday, we will consider the Social Security Act amendments, subject to a rule being granted. We will also consider two bills reported unanimously by the Committee on Ways and Means, as follows: H.R. 7780, duties on certain yarns of silk; and H.R. 6642, duties on certain bicycle parts. We will also consider military construction appropriations, subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced later.

The House will be in recess for Thanksgiving, from the close of business on Thursday, November 15, 1973, until noon Monday, November 26, 1973. We plan to bring up on that day, November 26, the very important manpower bill, and all Members should take note of that at this time.

Mr. Speaker, if the gentleman will yield further, I will continue with my remarks.

I would like to state further that during Thanksgiving week, the Committee on the Judiciary will continue to meet and work on the very important matters before it concerning the Special Prosecutor legislation and the nomination of the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD.)

This work will be expedited by the fact that the House will not be meeting, and committee sessions will not be interrupted by quorum calls and rollcalls. The committee will meet morning, noon, and night, as well as afternoons. When we return on November 26, we intend to take up major legislation, including the manpower bill, the special prosecutor bill, defense appropriations, supplemental appropriations, and possibly the foreign aid appropriations bill, all subject to being ready from the committees.

We will consider the Ford nomination on the floor on or before December 6. In addition, we should have the pension reform bill on that week and the budget reform bill.

Mr. Speaker, this list is not meant to be complete, but only to give the Members an idea that while we are taking 3 days off during Thanksgiving, during time that we would not normally work, there will be a considerable amount of work being done by committees.

Mr. ARENDS. Mr. Speaker, will the gentleman advise us concerning when the leadership will call up the recess resolution?

Mr. O'NEILL. Mr. Speaker, we hope to call up the recess resolution some day next week. It has already been agreed to by the leadership on the Senate side.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I have asked for this time in order to confirm an understanding which I had had with the chairman of the Committee on the Judiciary as to the reporting of the name of the distinguished minority leader for confirmation as Vice President of the United States.

It is my understanding that the rule will be reported to the House on or before December 6.

Does that mean that we will be extending the time, as reported by the majority leader?

Mr. O'NEILL. Mr. Speaker, we have that scheduled for the week of December 3, I believe. When I say, "we" I mean the leadership on our side.

Consequently we should be out of here that week before December 6, and it is my understanding that the gentleman has an agreement that has been made between himself and the majority whip and the chairman of the Committee on the Judiciary that this matter would be up before December 6.

ADJOURNMENT OVER TO MONDAY, NOVEMBER 12, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS CONGRESS HAS DONE MORE ABOUT ENERGY THAN THE ADMINISTRATION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, President Nixon's television address on energy last night had two distinct sides to it.

First, he called for a lot of commonsense measures to conserve energy, things that everybody can understand and cooperate with—lowering room temperatures, reducing driving speeds, going to all-year daylight saving, using urban mass transportation. To the extent that the President needs legislation to accomplish these kinds of objectives, the Congress will give it to him.

But the other side of the President's address was the attempt to divert public attention from his personal problems. He blamed Congress for failing to act on energy. But, if anything, this Congress has done more about energy than the administration.

Last April, we gave the President standby authority to make mandatory fuel allocations. Only this month has he begun to use it. A bill requiring him to allocate fuels is now out of conference, and we intend to pass that as soon as we can.

The bill has taken so long to pass because the administration deliberately stalled it—asked us repeatedly through the summer and fall to hold up until the President's emergency energy plan was ready. No such plan was ever sent to Congress.

That is the way it has been with most of his energy messages—and he has sent us four this year on that one subject. But the legislation he promises us always lags far behind. Congress has been working as expeditiously as possible on his energy proposals, considering their complexity and far-reaching consequences. In each instance, we have to take into account the effects upon consumer and environmental interests.

Congress has given the President authority to regulate oil exports. We expect to take final action on the Alaska pipeline conference next week, and at the same time surface mining regulations will go into final mark-up. One other important energy measure is already in conference—operating subsidies for urban mass transit so we can get the cars off the roads. There are reports that the President would veto that bill. I certainly hope not, because we intend to get it up for final passage as soon as possible and get it to the President to help him with this fight to conserve energy.

MANDATORY PETROLEUM ALLOCATION PROGRAM

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, several problems regarding the mandatory petroleum allocation program have come to my attention this week which give me considerable concern. I would like to discuss them briefly.

The program for mandatory allocation of middle distillate fuels—kerosene, jet fuel, home heating oil, diesel fuel, and range, stove, and gas oil—became effective last Thursday, November 1.

Under the program, suppliers are required to supply their customers at the same volume they were supplied during 1972. If a supplier had no contract with a particular company during 1972, it is under no obligation to make any fuel available to that customer in 1973.

As a result, some businesses have been notified by their October 1973 suppliers that as of November 1—the effective date of the program—they would no longer be able to service them.

This was the case with a marine construction firm in Florida. They received notification on October 22 that as of November 1, Standard Oil who had been supplying them in recent months, would no longer be able to do so. The firm's 1972 supplier has gone out of business, however, and the company therefore had no access to any supplier.

A telegram was sent to the Office of Oil and Gas on October 26 by the construction firm, requesting that they be assigned a supplier. My office contacted the regional Office of Oil and Gas that day. Although the office was working under a substantial backlog, one of the officials there agreed to contact the Florida firm. Since the initial contact, however, no further action has been taken, and the Florida firm is still without a supplier.

Repeated attempts to reach the regional office to inquire about the case have met with no success. Telephones are busy or ring unanswered. The regional office is seriously understaffed. I understand they have a staff of about six people and a backlog of cases they cannot possibly handle. I am certainly sympathetic to their problem, but fail to understand how this could be allowed to happen.

Failing to reach Atlanta, the Office of Oil and Gas in Washington was contacted and officials there advised that the most expeditious way to handle shortage problems was for the subject firm to write to Atlanta for the necessary Government forms. Washington explained that the completed forms were necessary for the regional office to take action in assigning a new supplier.

Regrettably, the forms are not yet available. I understand that GPO is working on them and hopes to have them ready by the end of this week for distribution to the various regional offices.

Meanwhile, one wonders what has happened to the October 26 telegram which the Florida firm sent to the Office of Oil and Gas.

The frustrations of this particular incident are significant for one very important reason. It points to the near total lack of preparedness for moving into the mandatory allocation program. Even though the administration operated its own voluntary allocation program for some 6 months, it appears that no thought was given during that time to contingency plans in the event a mandatory program became necessary. The staff is inadequate; the procedures are not operative; and companies needing assistance are at an impasse.

Suppliers refuse to supply customers they are not required to unless they are directed to do so by the Office of Oil and Gas. And the Office of Oil and Gas cannot act until it has the requisite forms. And the customer cannot fill out the forms because they are not available. It is unbelievable.

The mandatory petroleum allocation program promises to be a bigger disaster than the economic stabilization program. I pale at the thought of moving into a rationing program, in the event such action becomes necessary.

It is my most sincere hope that Governor Love's office—or Admiral Reich's office—or the Office of Oil and Gas—or the Interior Department—or someone somewhere, is planning in detail, contingency steps for rationing should it become necessary.

I have written to each of these officials expressing that hope and asking that they advise me of the steps that are being taken.

In the meantime, my office will continue its attempt to raise officials in the regional office by telephone.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I just want to join in with the comments made by the gentleman from Florida, and say that yesterday my office tried to reach the Chicago office which covers our area, and it took 25 calls to get a call answered.

Mr. FASCELL. I am sympathetic to the problem they have, but the fact is that they just have not prepared for it. They do not have the people, and here we are in the winter season undertaking a mandatory program with obviously insufficient funds.

HERSH GUTMAN: ANOTHER VICTIM OF SOVIET OPPRESSION

(Mr. BIAGGI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, not long ago, I journeyed to the Soviet Union at my own expense to present the case for freedom of emigration for all Soviet citizens, but most particularly for the Soviet Jews. At that time, I met with Andrey Verein, Director of the Office of Visas and Registration. I was the first Member of the House of Representatives who was admitted to see him to discuss the matter of Soviet emigration rights.

As a result of my specific intercession subsequent to that, I was able to obtain an exit visa for Matvei Weig, who is now a resident of Israel. Publicity over his case has brought to my attention the case of Hersh Gutman, who is still trapped within the Soviet Union.

Mrs. Faina Gutman, his mother, wrote to me from Israel saying that their whole family, including Hersh, were granted permission to emigrate in 1972. However, at the last minute Hersh's permission was denied. His family left, hoping that he would soon join them. Sadly, he has not done so as yet. He remains another victim of the inhuman Soviet emigration policy.

Recently, I and 20 of my colleagues sent a letter to Premier Kosygin urging him to grant Hersh an exit visa. No reply has been forthcoming.

At a time when we are considering establishing special trade relations with the Soviet Union, we must ask ourselves if we can do this in good conscience, knowing that the basic civil and humanitarian rights of individuals are daily being denied by the Soviet regime.

No trade concession, no special treatment, no most-favored-nation status should be granted the Soviet Union as long as they maintain the severe restrictions on emigration for their people. We must use our economic power to force a change in this policy which denies basic rights that are afforded every other citizen of the world. I urge my colleagues to oppose any trade bill that does not have the provisions of the Mills-Vanik bill in it. These provisions would make a force emigration policy a prerequisite, in order for the trade bill to become operative.

THE 198TH BIRTHDAY OF U.S. MARINE CORPS

(Mr. ROBERT W. DANIEL, JR., asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, on November 10, 1973, the U.S. Marine Corps will celebrate its 198th birthday. As the Nation turns to peace this elite fighting force has added roles and missions in keeping the peace for our country and its people. I think the Navy Times editorial of November 7, 1973, states very well how our marines are meeting the challenges of today and are prepared to meet any challenge of tomorrow.

The editorial follows:

NO HARDENED ARTERIES

As they prepared for their 198th anniversary, the U.S. Marines were standing by for—but unlikely to enter this time—yet another crisis. A brigade and its helicopters were poised in the Mediterranean, ready to evacuate Amercian civilians from any of the countries involved in the latest Arab-Israeli war or to perform other services as needed.

It's not a new role for the Marines. They and their Navy amphibious mates have been plugging the dikes of American diplomacy since the days of the Barbary pirates.

But with such crisis arising at this time—not yet a year since the last combat in Vietnam—drama is added to the Corps' drive to return to the literal meaning of force-in-readiness.

Gen. Robert E. Cushman Jr. has called this year a period of transition. That can be interpreted two ways: The physical transition from protracted, land-locked combat to a mobile strike force cruising worldwide. And an intellectual transition from the urgencies of war to the innovations possible in peacetime.

In the past, the Marines have taken such readjustments in their stride.

They emerged from a lengthy ground war in Korea, too, but were able to respond amphibiously to flare-ups in the Mediterranean and Caribbean not long after.

And they've always used the between-war years wisely. It was, after all, the Marines between World Wars I and II who perfected the amphibious tactics that won so many battles in the Pacific.

And it was those peacetime Marines between World War II and Korea who pioneered the integration of helicopters and troops.

The forthcoming era of peace can be "an exciting time to be a Marine," the Commandant says in his anniversary message. And, indeed, there are many questions to titillate the imaginative:

How can the energies of the laser beam be harnessed for battlefield use?

Will tanks be effective in the future, or merely be monstrous victims of one man with one shoulder-fired missile?

Can the Harrier VStol capabilities be enlarged to heavy transport?

Can the multi-million dollar computer banks be used even more effectively for the betterment of individual Marines?

This past year, Headquarters provided some emphatic answers to the latter question. The Corps was the first service to fully use the new computerized pay system. And efforts began to provide individuals with print-outs that forecasts the futures of their occupational fields, a vitally important planning document for potential careerists.

Of course, the past year had a full quota of challenges and we think the Corps responded well.

Even before Congress began pinging on "grade creep," Headquarters was gradually evening out its rank structure. When the promotion freeze came, it impacted on Marines less than it did on other servicemen.

When it became evident that PCS costs were becoming prohibitive, the Corps was quick to reduce the amount of nice-to-have transfers and follow that with more liberal overseas extensions.

When studies showed that surging desertion and unauthorized absence incidences were linked with substandard enlistments, Headquarters decided to drive for quality even if there were temporary recruiting shortfalls.

And progressiveness was evident in adoption of a new liberal arts college program for enlisteds, in the ability to slim down its Headquarters and in the beginnings of a new clubs and messes system.

Still the Corps displayed its unique tendency to progress technically while keeping its emotional roots deeply imbedded in tradition.

It's fighting doggedly—and some think futilely—a judicial trend to allow Reservists long hair because it thinks Marines—Regular or Reserve—are supposed to be distinctive and unified in appearance as well as spirit.

Also traditional this past year have been a call for a return to formalized discharge and retirement ceremonies.

SPEECH INTRODUCING THE NATIONAL COMPREHENSIVE HEALTH BENEFITS ACT OF 1973

(Mr. STAGGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, today I am submitting to the Congress legislation, entitled the National Comprehensive Health Benefits Act of 1973, designed to create a better health-care system and program of health insurance for the people of this country.

While you are all familiar with the need for legislation of this kind, I would like to review briefly several principal arguments for its enactment. Medical care has become too costly for many of our citizens to obtain without the benefit of a strong program of national health insurance. In recent years the proportion of our gross national product devoted to medical care has reached 7 percent, the highest in the world. Inflation in medical care costs has occurred at a rate of over 10 percent per year for almost a decade, well in excess of the rate for other parts of the economy. Catastrophic illnesses have faced many families with medical care costs in excess of $25,000, often completely destroying these families and driving them into indigency.

At the same time, medical services are often unavailable. Physicians and other providers of such services are not distributed in a rational manner, and our existing Federal programs for the improvement of health care are charged with being fragmented and inadequate.

Despite the expenditure of large amounts of money, and our various efforts to date, this Nation is not a world leader in the health of its people. The people of many countries experience longer average life span, fewer infant and maternal deaths, lower incidences of tuberculoses and other infectious diseases, and superior records in the treatment of some chronic illnesses.

I am convinced that part of the solution to these well-known problems lies in the creation of effective, universal national health insurance. For this reason I am introducing today the National Comprehensive Health Benefits Act. This legislation is based on several principals which are incorporated into its provisions.

It recognizes that universal access to comprehensive health care is an inherent right of each of our citizens. Further, it recognizes that the assurance of this right is in the national interest, since only through effective comprehensive health care can we achieve a healthy population capable of effective participation in the work force, learning in our schools, and enjoyment of family life.

The legislation provides that the same comprehensive health care benefits should be available to all of our citizens and that each citizen should bear the costs of the benefits to which he is entitled in proportion to his financial means, with the Federal Government making up the differences between the costs of such benefits and the reasonable contribution of our poor and near-poor citizens.

All citizens should be protected from the costs of catastrophic illnesses in such a manner as to assure that no one shall be rendered destitute by the misfortune of his own illness or the illness of a member of his family.

People should have the right and opportunity to choose, from a pluralistic health care system, their source of health care and their source of health insurance.

Citizens must recognize and undertake a responsibility for the preservation of their own health so as to prevent unnecessary disease and medical care costs.

Each of these principals is incorporated into the legislation which I am proposing. In addition, the legislation has several important features:

It would build on existing health insurance and health care programs rather than replacing or reorganizing them unnecessarily.

It incorporates a fundamental and strong role for our State governments in the development and administration of the program so as to assure that it will be responsive to the various needs of our great country rather than being a single, monolithic Federal program.

It will use the existing private health insurance industry for much of the actual administration of its health insurance provisions, in hopes of obtaining their years of expertise in the creation of an effective and efficient program.

It provides for a 6-year period of transition from our present system to the one envisioned in the legislation, in order to assure that the enactment of the legislation will not be unreasonably disruptive or costly.

It contains incentives for the creation and use of health maintenance organizations—already considered by the Committee on Interstate and Foreign Commerce, and passed by the House of Representatives—because the development of health maintenance organizations will aid in controlling rising costs under the program, encourage the maintenance of individual's health, and create new alternatives to existing sources of care for people to choose if they so desire.

It contains strong provisions for controlling the cost and quality of care provided under the program and for limiting the profits which can be made from the program.

The House Committee on Interstate and Foreign Commerce and its Subcommittee on Public Health and Environment, to which this legislation has been referred, will begin background and exploratory hearings on the subject of national health insurance next week. These hearings are designed to provide the Members with an overview of the issues involved in the enactment of national health insurance. It is my hope that after the completion of these hearings it will be possible to proceed to legislative hearings on this and any similar proposals. In view of the urgency of the problems to which this legislation is responsive, I shall make every effort to complete this hearing process within the next year.

This legislation is similar in some regards to the National Health Care Services Reorganization and Financing Act, H.R. 1, sponsored by the Honorable AL ULLMAN of Oregon which has been referred to the Committee on Ways and Means. It is my profound hope that our committee can consult with Mr. ULLMAN and the Committee on Ways and Means in the development and final enactment of this legislative proposal.

The legislation introduced today is a long and complex proposal and I recognize that the work which has gone into its preparation is only a beginning. It is my intention in the coming months to seek the comments and advice of affected professional organizations, agencies, and consumers on the provisions of this bill. I would like to assure the Members of the House that these comments will be heard and incorporated into the legislation so that whatever legislation is finally brought to the House will be generally recognized as a complete and careful proposal worthy of your consideration.

I am including in the RECORD with these remarks a complete summary of the legislation. A more detailed, section-by-section analysis of the bill will be available early next week:

THE NATIONAL COMPREHENSIVE HEALTH BENEFITS ACT OF 1973

DESCRIPTION

A. *General approach*—The bill would establish a program of comprehensive health care benefits for all U.S. residents, phased in over a six-year period. Financing would be primarily through employer (75 percent) and employee (25 percent) contributions to the costs of purchasing private health insurance providing the defined benefits, and secondarily through Federal general revenues to meet the costs of coverage for the aged, poor, unemployed and near poor.

Newly created State Health Commissions (SHCs) would be responsible for the actual administration of much of the program, including standard setting and quality control, assisting in the development of Health Maintenance Organizations (HMOs), and administration of some of the insurance provisions. Existing private health insurance carriers would be used to underwrite most of the legislation's insurance benefits. The development and use of HMOs (defined as they are defined in HMO developmental legislation recently passed by the House of Representatives) would be encouraged through additional direct developmental assistance and through a ten percent Federal subsidy of HMO premiums.

B. *People covered*—Within two years of enactment all aged, low income and unemployed individuals and families would be provided coverage for basic health services. Within four years of enactment all individuals and families would be provided coverage for basic health services and the cost of catastrophic illness. Within seven years of enactment all individuals and families would be provided coverage for comprehensive health care benefits and the costs of catastrophic illness.

C. *Scope of benefits*—Basic Health services are similar to those which HMOs would be required to provide under HMO developmental legislation. They include (as specified by the Secretary of HEW in regulations):

A. Physician services.

B. Hospital services.

C. Laboratory and radiologic services.

D. Limited, acute mental health services.

E. Home health services, and

F. Preventive health services.

Comprehensive health care benefits include:

I. Periodic health evaluations

a. Screening tests and exams.

b. All immunizations.

c. Well-baby care to age 5, with number of covered visits decreasing with age of child.

d. Dental services for children to age 12.

1. One free routine exam per year.

2. Extractions, fillings, etc.—20 percent copayment.

e. Vision services for children to age 15.

1. One free routine exam per year.

2. Prescription eyeglasses—20 percent copayment.

II. Physicians' services and ancillary health care.

a. Services on an ambulatory basis in any appropriate setting (including the home) by physician or allied personnel under his supervision—50 visits per year with $3 copay per visit.

b. Ambulatory diagnostic procedures—20 percent copay.

c. Hospital or ambulatory center services.

d. Supplies, materials, use of facilities and equipment, including drugs used or administered in connection with outpatient services.

e. Ambulance services—20 percent copay.

f. Voluntary family planning and infertility services.

III. Other ambulatory services

a. Ambulatory institutional care program for mental illness, alcoholism, drug abuse—$2 copay per day, limited to 120 visits per coverage year.

b. Drugs, prosthetic devices, and equipment—$1 copay per prescription, 20 percent copay for devices and equipment.

c. Home health services—100 visits with $20 copay per visit.

IV. Inpatient services.

a. Hospital care—60 days per 90 day benefit period, except for mental illness, alcoholism, drug abuse where limit is 45 days. Copay $5 per day.

b. Extended care services—30 days per benefit period with $2.50 copay per day.

c. Nursing home care—60 days per benefit period with $2.50 per day copay.

d. Physicians' services to inpatients—$3 copay per visit of attending physician only.

Catastrophic expense benefits would provide that, once an expenditure limit in any given year was reached, all copayments for services, limits on the number of services covered, and other restrictions and limits no longer applied and that coverage was complete. These benefits would become effective immediately for low-income persons (individuals with annual income below $2,500; a family of 4 with income under $6,500). For all others the benefits would become effective when medical expenses reached a Special Expenditure Limit graduated according to income. For example, a family of 4 with income of $10,500 would be required to incur $1,000 in out-of-pocket expenses before the benefits took effect.

D. *Administration*—The Federal Government would administer the insurance program for the aged and low-income and would contract directly with carriers or HMOs to provide covered benefits. Employer-employee plans would be administered through approved carriers or HMOs. New independent State Health Commissions (SHCs) would be established in each State to authorize incorporation of HMOs, enforce regulations pertaining to providers, control premium rates charged by carriers, HMOs, and other providers, approve expansion of health facilities and services, etc. The Department of HEW would assume functions of a State Health Commission in any State which failed to establish one. Private insurance carriers would issue qualified insurance policies, collect premiums, administer claims, and reimburse providers in accordance with Federal and State guidelines.

E. *Financing*—The Federal insurance program for the aged, poor, and near poor would be financed through general revenues with cost-sharing for services and premium contributions scaled according to financial means. Employers would be required to pay at least 75 percent of the premium cost for employee plans, with employees responsible for the remaining 25 percent. Federal general revenues would also be used to cover the cost of a 10 percent premium subsidy for anyone enrolled with an HMO.

F. *Payments to, and standards for providers of services*—State Health Commissions would be responsible for determining premium rates to be use by private insurors and/or HMO's for mandated Comprehensive Health Care Benefit packages. SHC's would also approve on a prospective basis all charges for services provided by HMO's and all other Health care providers. State Health Commissions would review the activities and performance of HMO's and other health care providers to assure that providers were meeting their obligations under the bill. Federal regulations would prescribe methods to be used in determining reasonable operating costs and sufficient capital payments for HMO's and health service institutions; and reasonable fees, salaries, or other compensation for individual providers or groups of providers. The Department of HEW would also prescribe standards for providers relating to quality, safety, personnel, etc.; as a minimum, providers would be expected to meet existing Medicare requirements.

Non-HMO providers would be reimbursed by private carriers underwriting the Comprehensive Health Care Benefits plan. HMO's would be paid directly by enrollees or by carriers contracting with them on any appropriate prospective or prior-budgeted basis (including capitation or itemized charges for specific services). After the first five years of operation, an HMO would be required to provide a complete prepayment option to enrollees.

G. *Effect on other government programs*—No other government program would be immediately or directly affected. Both Medicare and Medicaid would continue in effect. However, since the proposed program would, when fully operational, provide all people with benefits broader than are currently available under these and other programs, they would eventually need modification to assure that they supplement the proposed program. Provision for this is included in the case of Medicaid.

H. *Other major provisions*—The legislation contains a variety of other new and important provisions designed to assure that it will result in an open, flexible program which will serve the needs of both consumers and providers. These include:

1. Creation of a new National Health Services Advisory Council whose responsibilities include review and comment upon proposed new or revised regulations under the bill prior to their publication in the *Federal Register*.

2. A strong emphasis, appearing in several places, upon health education and an individual's responsibility for both the maintenance of his own health and proper utilization of available health services.

3. A requirement that the Advisory Council conduct a study of methods for providing health care institutions with appropriate capital funding (particularly in needy areas).

4. Provision that persons who are defined as low-income or medically indigent and are covered under an employer plan for Comprehensive Health Care Benefits, would be entitled to a premium contribution refund, if the amount of their contribution under the employer plan exceeded the amount they would contribute under the Federally financed plan for such persons.

5. Authority for the Secretary to regulate the retention of premium income in excess of payments as benefits by private carriers so that the retention rates would be reasonable and not permit profiteering from the program.

6. Strict provisions to both protect the confidentiality of all information gathered under the program concerning individuals and assure public access to all fiscal and other information concerning the program's operation.

7. Requiring all carriers offering plans under the program to make full disclosure to covered individuals, upon request, of available benefits, exclusions from coverage, premium rates, terms and conditions of available options for enrolling in HMOs, and the percentage of premiums paid out as benefits.

8. Requiring states to make possible citizen actions to compel either SHCs or carriers to comply with the requirements of the program.

9. Requiring carriers, HMOs, and other providers of health care to make information available to individuals concerning their charges, hours of operation, and licensure.

10. Requiring SHC's to regulate the retention rates and promotion of all health insurance offered for purposes of complementing or supplementing insurance providing Comprehensive Health Care Benefits.

INVESTIGATION OF PRESIDENTIAL ASPIRANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HUNT) is recognized for 5 minutes.

Mr. HUNT. Mr. Speaker, today I am introducing legislation which would require a thorough investigation by the Attorney General of any person designated as next in line to act as President in the case of a vacancy in the office of Vice President, whenever a vacancy exists.

This legislation is vitally important to this country, Mr. Speaker, if we are to continue to be a country of law, and a country of integrity of the highest caliber.

During the last few weeks there has been a great deal of conjecture as to how the Congress should go about interpreting the intent of the 25th amendment. In order to be completely thorough it was decided that a full-scale investigation of Congressman JERRY FORD should be conducted, leaving no stone unturned, no bank account, expense account, or personal indiscretion hidden from view. I cannot say I question this approach as we, indeed, need men of the highest standards to fill Government's highest positions. I did, however, question the need for some 350 FBI agents in some 33 bureaus to assist in this data-gathering process.

At the present time Mr. FORD is still serving as the minority leader of the House of Representatives. He is, until confirmed, merely the Vice President-elect.

What does concern me more than anything else in this matter is the fact that in this time of turmoil in Government, with the Vice Presidency now vacated, the Speaker is next in line of succession. There is absolutely no guarantee that Mr. Nixon will remain in office until Mr. FORD is confirmed. I do not say that because I feel he will resign, nor do I say that because I feel he will be impeached. I merely mention it because health and death are always factors to be considered.

There has been a great deal of talk that GERALD FORD will be confirmed, and will be confirmed shortly. That is all well and good. But what of other times? There is no guarantee that this will, indeed, be the case.

My legislation is being introduced to smooth the way for the future. It will go a long way in dispensing of doubt and what procedures shall be followed in years to come. Granted it goes into effect immediately, but then again, there is no absolute guarantee, for reasons I do not feel necessary to mention, that Mr. FORD will succeed to the Vice Presidency. Again stalling tactics, health, and possibly death could all play a part in this.

With the precedent already set by the Ford confirmation process, there should be little to argue about with this legislation. It should not be looked upon as partisan legislation. Rather it should be taken as another step in the bipartisan effort to reform our Government and simplify our succession process as spelled out in title 3, section 19, United States Code. This is the section of the code which deals with the vacancy in offices of both the President and Vice President and other officers eligible to act.

FUEL SHORTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, intensified by the Arab nations' drastic cutback of oil shipments to the United States, a serious shortage of fuel and energy is faced by our Nation this winter, as President Nixon pointed out in his address to the Nation last evening.

The impact and the duration of the shortage hinges primarily on two unknowns: How long the Arab nations persist and how bitter the weather is in the winter months which are fast approaching.

As a first step toward meeting the problem, the Federal Government November 1 launched an emergency fuel oil allocation plan. Its goal is to distribute as evenly as possible the petroleum products that are vital to keeping American homes warm, generating the Nation's electricity and turning the wheels of business and industry.

The White House has also sent to Congress an emergency fuel bill. Included in its provisions is authority which would allow imposition of a nationwide speed limit of 50 miles per hour, would cut basic supplies of fuel to nonessential users and would allow implementation of a year-around daylight saving time—provided such measures are warranted.

Congress has already taken several steps to increase the supply of energy in the future. Additional funds have been appropriated for energy research and development in almost every field of study. Special legislation for solar energy demonstration and geothermal energy research and development will soon be considered, and legislation which would authorize construction of the Alaskan pipeline is about completed.

However, legislation to develop new sources of energy or to increase the supply of petroleum and natural gas will not have an impact for several years. Therefore, for the immediate future we must concentrate on conserving energy.

One-third of all the energy consumed in the United States is used directly by individual citizens in their homes and automobiles. Thus, if each of us minimizes our own wasteful energy practices, we cannot only save money, but we can help alleviate fuel shortages.

Surely we all can learn to turn out unnecessary lights automatically in our home and walk around the corner to buy a carton of milk instead of driving to get it. If we do not, the energy to supply those lights and to propel that car will become harder and more expensive to obtain.

Most people fail to realize the seriousness of the situation. The current facts do not mean that our lights are going to go out tomorrow from a massive power shortage or that no one will be able to buy gasoline, but we must take some action to slow down our energy consumption. The rate at which we are consuming energy continues to climb. The total energy consumed in the United States in mid-1973 is 223 percent of the amount used in 1950, well over twice as much.

You know, we have had it pretty good over the years, but as the fuel problems become more severe, I think we are going to have to change our lifestyle.

In our homes during daylight hours, we can open the draperies of those windows which let sunshine in. Even when it is cold outside, sunshine brings warmth into the house. We can close the draperies in the evening to keep warmth inside. We can keep our thermostats set at the lowest comfortable temperature during the day. For most homes, each degree the thermostat is lowered reduces heating costs and fuel consumption by 2 to 3 percent.

Jackrabbit starts, poorly tuned engines, improperly inflated tires, unsteady driving speeds and idling all use large amounts of gas. The experts recommend driving slowly for one-quarter of a mile on cold mornings rather than idling for 10 to 15 minutes. I am told that radial tires, although they cost more, save gas and are ultimately a better buy.

Mr. Speaker, President Nixon outlined the energy problem in clear terms last night, and he articulated in plain terms the challenge facing America in the months ahead. I urge the Congress to act promptly on President Nixon's energy proposals, and I urge every citizen, including, of course, the Members of this body, to practice energy conservation conscientiously in our daily activities. The problem is a serious one, but our Nation has encountered and solved serious problems on many occasions in our history. With prompt action and informed leadership by the Congress and by State and local officials, and with the conservation efforts of every American, I am confident we can weather the shortages immediately ahead and eventually attain energy self-sufficiency in the United States.

SMALL COMMUNITY DEVELOPMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 10 minutes.

Mr. CULVER. Mr. Speaker, today I am reintroducing legislation which will assist small communities in the construction or rehabilitation of multipurpose community centers, and in the renovation of small community business districts. This bill, entitled the "Small

Community Development Act," was originally introduced early in 1971.

The needs of small communities and nonmetropolitan areas have been neneglected for too long a time in our country. While there are some Federal programs existing which provide aid, directly or indirectly, to help small towns in rural areas, there is no clear and consistent national growth policy, with definite goals, to encourage revitalization and development of small communities.

Outmigration continues to be a very serious problem for the Nation's rural areas. The migration of small town and rural residents to large cities and metropolitan areas increases the problems these areas are having meeting the needs of their growing populations. There is clear evidence, however, that this trend can be reversed. The key is a program to revitalize small towns so as to preserve their own identity.

This means helping these communities to provide their citizens with basic services: Police and fire protection, library, town meeting hall, health facilities, recreational facilities for use by both the older and younger members of the community. In many cases, however, small towns lack the financial resources to provide an adequate building for these activities, even though quite often these operations can be economically and conveniently housed in a single structure. Under the legislation I am introducing, these small towns would be eligible for Federal assistance for building these community facilities.

Equally important to the future of small communities is the condition of their downtown business district. Too often old buildings, basically sound and unique architectually, have been allowed to deterioate, presenting a drab exterior. The level of economic activity and the general vitality of the community declines, and the town slides slowly out of the mainstream of American life.

The Subcommittee on Housing of the Committee on Banking and Currency is now considering several bills proposing various Federal housing and community development programs. I fervently hope that any bill reported by this committee will include provisions for adequate assistance for the development of small communities.

Mr. Speaker, an analysis of the bill follows:

Analysis of the Small Community Development Act of 1973

TITLE I—CONSTRUCTION OR REHABILITATION OF MULTIPURPOSE COMMUNITY CENTERS

Authorize the Secretary of Housing and Urban Development to make grants, pay interest rate subsidies and undertake guarantees to small communities (towns under 15,000 and not part of a metropolitan area) and regional units (any grouping of governmental units which want to consolidate their public service functions) to assist in the construction or rehabilitation of multi-purpose community facilities for health, recreation, library, public safety, and local government use.

(1) A facility combining local government uses with public safety uses will be eligible for (a) a federal guarantee of the sums borrowed; and (b) an annual grant in the full amount of the interest due on the sums borrowed, e.g. a facility which houses local government offices and the central police and fire stations.

(2) a facility combining health, recreational, or library uses with local government uses or with local government and public safety uses will be eligible for (a) a federal guarantee of the sums borrowed; (b) an annual grant in the full amount of the interest due on the sums borrowed, and (c) a grant equal to ⅔ of the cost of the health, recreational and library accommodations, e.g. a facility which includes a library, health clinic, and recreational area which can be used by both the elderly and young members of the community.

TITLE II—BUSINESS DISTRICT RENEWAL

Authorize the Secretary of Housing and Urban Development to make loans and grants to local non-profit development companies in order to assist them in the exterior rehabilitation, restoration, and beautification of small community business districts.

(1) A local non-profit development company will be eligible for a federal grant to help finance the planning and design of the exterior rehabilitation, restoration and beautification of the community business district.

(2) A local non-profit development company will be eligible for a loan equal to ⅔ the cost of rehabilitating, restoring and beautifying the facade of the business district.

(3) A local non-profit development company will be eligible for a grant equal to ⅔ the cost of rehabilitating, restoring and beautifying the public areas of the business district, provided the plan has the approval of the community's governing unit.

NIXON TRADE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, apparently, in an effort to pass the Nixon trade bill, nothing is being left undone. Our Ways and Means Committee, by a substantial majority, is already committed to its passage and has decided to pass it without measures that would serve to protect at least one American industry or any American jobs.

For many years, those of us who have noted the serious threats to American employment as a result of our trade policies have been opposed in our position by every phase of American business, Government, media, and labor. The labor segment has finally realized the serious damage already inflicted on the Nation evident in the country's inability to provide jobs to Americans on the growing unemployment lists. The forceful and articulate position of American labor should be read by every Member of this Body who feels that the current trade bill would solve the problems currently posed by inadequate trade policies. For that reason, I insert the resolution adopted by the AFL–CIO at their recent convention, as it relates to the trade bill:

Resolution on International Trade and Investment Adopted by AFL–CIO Convention, October 19, 1973

INTERNATIONAL TRADE AND INVESTMENT

The Administration, Congress and other nations now recognize the new problems of the United States in the world economy of the 1970s. As the U.S. position has continued to decline, dollar devaluations and piecemeal trade actions have added to distortions at home and abroad. No prospects for a realistic improvement in the trade balance, the value of the dollar, or the health of the U.S. in the world economy are in sight, unless government remedies are adopted. The American standard of living and the jobs of American workers in all types of industries are threatened. The industrial base of the nation is being undermined. The need for action and comprehensive new policies cannot wait.

Emphasis on changing monetary relationships and machinery and misplaced reliance on agricultural exports cannot possibly solve America's problems or the world's needs. Nor can the patch-work of trade, tax and other proposals offered to the Congress as the Trade Reform Act of 1973. Solutions and requests for power are not the same. They cannot substitute for a comprehensive policy that demonstrates recognition of new realities.

America's traditional prowess in world trade had been based on high wages and high productivity, on technology and efficiency of operations, manpower skills, large volume of output and a highly educated population—as well as the availability of raw materials and sources of energy.

New factors, like the internationalization of technology, multinational corporations and banks, managed national economies with subsidies for exports and barriers to imports have changed the trade relationships of labor rates and unit costs in recent years. Foreign trade has been increasingly affected by these changes. The problems will probably get worse if the forecast of shortages of energy and raw materials come to pass, unless there is a basic change in policy.

Amidst these new factors the choice is no longer the cliches of free trade vs. protectionism. Instead, the United States must base its policy on its strength—the American people, its free institutions, its schools and skills, its standard of living, its research and development, as well as its varied resources at home.

The world is still a world of nation-states. The U.S. government and the Congress can adopt policies only for this government and the American people. Such policies may then be used to work with other nations to achieve a mutually improving world. To seek world goals and ignore national needs is to destroy the objectives of a prosperous United States in a prosperous world economy.

The Foreign Trade and Investment Act of 1973, the Burke-Hartke bill, is an effort to provide a framework for dealing, specifically, with the causes of America's deteriorating position in international economic relationships.

The Burke-Hartke bill would provide government regulation and restraint of the export of American technology and capital—regulation not elimination. It would remove the tax subsidies and other incentives that encourage U.S. companies to establish foreign subsidiary operations.

It would also set up a "sliding-door" limitation on most imports, except on those goods that are not produced here or that are in short supply—a "sliding-door" limitation, not a high wall to block out imports. Quotas would be related to the level of American production. In fact, imports would be guaranteed a share of the American market and would be permitted to increase as American production increases. But imports would not be permitted to flood American markets and quickly wipe out American industries.

Until the framework of Burke-Hartke is part of U.S. law, the government should enforce laws that now exist. The Administration can now direct agencies to stop the brokering of low-wage labor markets abroad by U.S. government officials, to stop encouraging destructive imports, to control exports of agricultural products and raw materials in short supply, to help injured industries when U.S. production and jobs have been lost, to discourage easy export of American technology, to check the outflow of U.S. capital and insist on the accurate and detailed reporting of trade flows, to require labelling of foreign-made products, to enforce already enacted consumer laws for safety, health and labelling.

Congress should retain its constitutional power to regulate interstate and foreign commerce, to levy taxes and other powers by insisting that each individual non-tariff barrier, whether product standards, tax changes or tariff classification, be carefully examined by Congress in public hearings before any international agreement is reached and that all international agreements to change non-tariff barriers be on an ad referendum basis.

Congress should reject the Administration's trade package of October 1, 1972 which would provide most-favored-nation status for Soviet exports to the U.S. and the extension of large-scale credits for Russian purchase of American goods and technological know-how.

Congress should deny the granting of preferential entry (duty-free or special tariff status) either partially or wholly from any country which subsidizes exports, grant tax subsidies to foreign investors or requires production or investment within its country.

A healthy diversified industrial U.S. economy is essential for the sound expansion of trade of other nations, both developed and developing. U.S. market shares can be available for others only if both their own markets and U.S. markets are expanding. The United States must therefore gear its own policies to putting its house in order. Other parts of the world economic structure will not be aided by further disruptions of the U.S. economic productive strength.

The national interest of the United States within its borders is the primary responsibility of the United States government—with full recognition that this nation can join with other nations to pursue the advance of the world economy. The employment and labor standards impact of the new changes in world economic relationships must be carefully identified in detail so that working people are not compelled to bear most of the burden of such changes.

The trade bill reported out by the House Ways and Means Committee grants excessive power to the President. It provides no specific machinery to regulate the flood of imports. It does not deal with the export of U.S. technology and capital to other parts of the world where multinational corporations can maximize profits and minimize costs at the expense of U.S. production and jobs. It does nothing to close the lucrative tax loopholes for American-based multinational corporations which make it more profitable for them to locate and produce abroad. It does not repeal items 806.30 and 807 of the tariff code, which encourage foreign assembly and production of goods for sale in the U.S. Moreover, the bill permits continued extension of low-interest loans by U.S. Government agencies to the Soviet Union.

This bill, known as the Trade Reform Act of 1973, H.R. 10710, is worse than no bill at all. The AFL–CIO urges defeat of this bill and asks for comprehensive new policies to restore America's social and economic strength in international relationships.

ACTIVITIES OF THE SUBCOMMITTEE ON INTERNATIONAL FINANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, the Subcommittee on International Finance will shortly be considering several important items, and I want to take this brief time to inform the House of these activities, so that any Member having an interest in these matters can be informed.

First, we will conduct another hearing in our series on progress toward international monetary reform. This hearing will be held jointly with a subcommittee of the Joint Economics Committee which also has a keen interest in the subject. This joint hearing will be on Tuesday, November 13, and the principal witness will be Under Secretary of the Treasury Paul Volcker. We will also seek the advice of a very prominent banker and economist, Freeman Huntington, of the First National City Bank of New York.

Even though the dollar has been showing renewed signs of strength lately, I think it would be foolish for anyone to conclude that the world's monetary problems are at an end; they most certainly are not. Renewed crises are possible, and renewed problems for the dollar are also possible. Monetary reform has not been accomplished, and progress toward that objective seems inordinately slow. I believe that we need to anticipate our problems, to make progress, and be prepared to deal with monetary problems before they arise. I hope that this hearing will serve as a means of bringing us up to date on progress, and the prospects for early monetary reform.

Second, the subcommittee will take up soon, legislation to authorize additional U.S. participation in the International Development Association, which was agreed to at the World Bank annual meeting in Nairobi last September. The President sent legislation to the House on October 31, pursuant to this agreement, calling for an additional $1.5 billion in U.S. contribitions to IDA. This contribution represents a smaller share of the total IDA commitment than in the past, and in terms of actual buying power, will provide about the same level of support we have given in past years.

The President has also requested an additional $50 million in soft loan resources for the Asian Development Bank, and we will take this up at the same time as the IDA request.

Hearings on these new multilateral lending commitments will begin on Wednesday, November 14, with Secretary of the Treasury Shultz. I expect to continue hearings on December 6 with David Rockefeller, chairman of the Chase Manhattan Bank, and Fred Bergsten, a fellow of the Brookings Institution. I hope also that Eugene Black, the distinguished past President of the World Bank, can also appear. Hopefully, subcommittee markups on these bills can be accomplished by December 8.

I have adopted this program in accordance with a commitment I made to the President to promptly consider his requests for IDA and Asian Bank participation. The President attaches considerable importance to these matters and is anxious for Congress to begin consideration of them. I intend to cooperate with him, and give these requests early action.

Mr. Speaker, the House has heard the President's message of October 31 on these bills. I take the liberty of including in the RECORD an additional communication I have received from him concerning these matters:

THE WHITE HOUSE,
Washington, D.C., October 30, 1973.

Hon. HENRY B. GONZALEZ,
House of Representatives,
Washington D.C.

DEAR MR. GONZALEZ: Thank you for your letter of October 1 concerning the multilateral development institutions, and in particular, the replenishment of the International Development Association (IDA).

You are correct that at the recent World Bank meeting in Nairobi, Secretary Shultz made it clear that United States participation in further replenishment of the Association depended upon the approval of Congress. I am sure you understand that the care he took in emphasizing the essential role and prerogatives of the Congress in no way implies that the replenishment is not regarded as important by the Administration. We do so regard it. However, I am also convinced that effective participation in these institutions must rest on a cooperative partnership of the Executive and the Congress in which both carefully appraise and support the value and wisdom of the expenditure. I feel confident that after full consultations and deliberation, the judgment of the Congress will coincide with my own that the IDA replenishment deserves our full support.

I am encouraged by and appreciate the spirit of bipartisan statesmanship reflected in the offer in your letter to cooperate with the Administration in handling legislation for the multilateral institutions. We will be working with you closely.

I recognize that there are competing needs for the resources we have available, and that international programs must hold their own within a framework of priorities. In my judgment, replenishment of IDA is solidly justified in terms of the totality of competing demands on our budget, and Secretary Shultz has successfully negotiated terms and conditions for the replenishment that met our essential objectives, including a reduced share of the funding by the United States. I will shortly be transmitting proposed legislation, which I hope your Subcommittee will consider promptly. I will work with members on both sides of the aisle towards passage of that legislation, and am asking White House and Treasury people to do likewise.

With your continued personal interest and support, I am confident that together we can achieve a legislative result consistent both with the responsibilities and the capabilities of the United States.

Sincerely,

RICHARD NIXON.

FUEL OIL EXPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN), is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I am releasing today the results of an investigation of petroleum exports by the Cost of Living Council in which the Cost of Living Council predicts 53.3 million gallons of fuel oil will be exported from the United States during 1973.

This 53.3 million gallons represents a 284 percent increase in fuel oil exports in the past year.

I originally sought an inquiry from the Cost of Living Council after I learned from trade press reports that large amounts of fuel oil were being exported to Europe despite the fuel oil shortage at home. The Cost of Living Council confirms these charges that fuel oil exports were occurring and notes that 8.4 million gallons were being exported during August at a price of $6.73 per barrel. The oil was exported to Denmark and Panama.

The price of $6.73 represents a 145-percent increase in the average price per barrel last year.

Apparently, the lure of big profits is persuading major oil companies to export desperately needed fuel oil despite the shortage. It is nothing less than a total disregard for the welfare of the American consumer that leads to these tremendous exports of fuel oil during the shortage.

It should be noted Mr. Speaker, that many apologists from the oil industry that the amount of fuel oil is insignificant. However, during a shortage it is absolutely necessary to use all the fuel oil which is available to U.S. consumers. I would much prefer to see a factory or school stay open in some small midwestern town for the entire winter rather than export fuel oil overseas.

Mr. Speaker, on June 20 I offered legislation to immediately clamp down on exports of propane, gasoline, and fuel oil exports. I am now offering this legislation for cosponsorship and hope that in view of the seriousnesss of the crisis we face, that my colleagues will join me in forcing a halt of exports during the shortage.

The Cost of Living Council report follows:

HEATING OIL EXPORTS

SUMMARY

(1) This report is based upon research of Industry Associations and available U.S. Statistics.

The statistics compiled for this report do not specifically identify No. 2 heating oil exports since none of the available statistics segregate that item. The available statistics also do not segregate exports which return to the U.S. after foreign processing. Additionally, Federal Regulations do not allow the U.S. Census Bureau to divulge the identity of firms involved in transactions. For the purposes of this report, the available statistics are a combination relative to No. 2 heating oil, No. 4 heating oil and light diesel fuel, all of which are categorized together in the U.S. Government Schedule "B" of classifications. This Report consists of a comparative analysis of total domestic distillate production, volume of distillate exports, sales value of exports, the average price per bbl of the exports, and the port of export and destination of substantial 1973 exports.

(2) An analysis of the available data reveals that although the export figures indicate that 1973 totals will drastically surpass 1972, comparison of these figures with the totals for 1969, 1970, and 1971 reveals that in volume of bbls, 1972 was depressed year, and the rise in 1973 appears to be a return to a historical export level. In terms of percentages the 1973 projected volume of bbls is only 69% of the 1969 total. In contrast, the total value of the 1973 projection is 113% of the 1969 total value, while the average price per bbl in 1973 is 164% of the 1969 average price per bbl. The monthly export figures for the period January–August 1973 do not indicate any consistent pattern in regard to volume. It is also considered significant from an impact point of view that when compared with total distillates produced the export volume ranges from .04% to .2%. This is given further significance when it is realized that distillates account for only slightly over 22% of refinery production. Additional research developed that the majority of exports originated from Galveston and Port Arthur, Texas, with one shipment originating at Seattle, Washington. The destinations of the majority of the 1973 volume were Mexico, Netherlands Antilles, Denmark and Japan.

(3) This portion of the report concerns the volume of exports and dollar value of sales for 1969, 1970, 1971, 1972, and the first eight months of 1973; and a projection of total exports for the full year 1973.

Year	Volume, barrels	Total value	Dollar average, per barrel
1969	1,859,825	$6,567,645	$3.53
1970	1,444,525	4,329,902	3.00
1971	1,858,471	7,909,468	4.25
1972	448,433	1,797,960	4.01
January-August, 1973	850,067	4,934,185	5.80
Projection, 1973	1,275,101	7,401,278	5.80

When the 1973 projections are compared on a percentage basis to the actual figures for 1969, 1970, 1971 and 1972, the result is the following tabulation which depicts the percentage relationship of the 1973 projection to the indicated year:

[In percent]

Year	volume barrels	Total value	Dollar average
1973/1969	69	113	164
1973/1970	88	171	193
1973/1971	69	94	136
1973/1972	284	412	145

(4) This portion of the report is a monthly tabulation of exports for January-August 1973 depicting volume and average price per bbl.

Month	Volume, barrels	Average price, barrel
January	256,618	$5.01
February	22,495	6.66
March	4,429	3.95
April	123,012	6.05
May	5,586	4.43
June	196,928	5.80
July	40,926	5.44
August	200,073	6.73

(5) This portion depicts the export figures for 1971, 1972, and the first six months of 1973 in comparison to both the total domestic distillates produced and the average percentage breakdown for total distillates of total U.S. refinery production per bbl.

Year	Export volume, barrels	Percent of total distillates produced	Average percent refiners produced
1971	1,858,471	0.2	22.05
1972	448,433	.04	22.21
January-June 1973	609,068	.1	22.30

(6) This portion of the report depicts the destination, volume, and port of shipment for the majority of shipments during the months of January, April, June and August 1973:

Month	Destination—port	Volume, barrels
January	Mexico—Galveston, Tex	60,346
	Netherlands-Antilles—Galveston, Tex.	195,812
April	Mexico—Galveston, Tex	113,647
	Denmark—Port Arthur, Tex	
June	Mexico—Galveston, Tex	128,695
	Japan—Seattle, Wash	60,000
August	Panama—Port Arthur, Tex	49,228
	Denmark—Port Arthur, Tex	148,221

LET US WORK TOGETHER TO CONSERVE FUEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, the energy squeeze is on. For months, national attention has focused on long-range ways to increase our supply of oil. Now with the severe reduction of imports, we find ourselves in a real emergency.

The only way we are going to avoid serious trouble this winter is to cut back drastically on our consumption of energy. It is not time to cast blame for past mistakes; we must all cooperate in a serious program of energy conservation. This is the time for all of us to work together to save fuel.

VAST POTENTIAL FOR ENERGY CONSERVATION

The goal can be met. Experts tell us that as a nation, we waste up to a third of the energy we consume. They tell us that much of this waste can be avoided without jeopardizing our standard of living. Such a national effort will not be easy. It will require the conscientious dedication of every citizen. We are all energy consumers, and we are all responsible for the well-being of our country. Beginning today, right now, each one of us must become conscious of our own energy consumption. We can do this in two ways:

First, in our purchase of appliances, automobiles, and houses we should select the most energy efficient products which meet our needs; and

Second, we must begin to cut back on our day-to-day consumption of energy by taking a number of small, easy, shortcuts to energy efficiency.

To encourage the steps that we all must take, I would like to include a listing of helpful suggestions to use energy more efficiently.

TRANSPORTATION

Transportation consumes 25 percent of our national energy. In the past we have paid little attention to the efficiency of various ways of travel. For example, we have spent billions of dollars constructing highways while mass transit and railroads have deteriorated. As the table below illustrates, there are huge differences in the efficiency of various transportation methods. In the years ahead, we will have to keep these differences more clearly in mind in planning our transportation system:

TABLE 1.—ENERGY CONSUMPTION FOR TRANSPORTATION MODES

	Btu per passenger mile		Btu per ton mile intercity freight
	Urban passenger	Intercity passenger	
Bicycles	180		
Walking	300		
Buses	1,240	1,090	
Automobiles	5,060	4 250	
Railroads		1,700	680
Airplanes		9,700	37,000
Trucks			2,340
Pipeline			450
Waterway			540

SAVE GASOLINE

First. Avoid using your automobile unnecessarily. Over 54 percent of all car trips are less than 5 miles. Consolidating your trips will cut down on your auto use. In addition, for years doctors have been telling us that walking is healthy. We should all learn to walk more. More of us should also consider using a bicycle—it is the most efficient way of getting around town.

Second. Take public transportation, where possible. Although schedules and routing are often inconvenient, the first step to improvements is an interested ridership.

Third. Develop a car pool for commuting. Next time you are on the freeway, count the number of cars with only one rider. Better yet, count the number of cars with more than one rider. Car pooling is not only energy efficient, it is also economical and a good answer to the problems of freeway congestion and auto pollution.

EFFICIENT AUTOMOBILES

Gasoline for our automobiles accounts for over 14 percent of our national energy budget. In recent years car efficiency has declined by over 20 percent—and only part of this reduction can be attributed to pollution controls. American automobiles have become heavier, more powerful, and loaded with optional equipment—and this all cuts down on mileage.

First. When buying an automobile, do not overestimate your auto needs. Excessive weight, optional equipment, and large engines all contribute to low gas mileage. The table below illustrates the annual gasoline costs of an inefficient automobile.

COST OF DRIVING A CAR FOR 1 YEAR (ASSUME 10,000 MILES)

Price per gallon	Miles per gallon													
	32	30	28	26	24	22	20	18	16	14	12	10	8	6
$0.37	115.62	123.32	132.13	142.30	154.18	168.17	185	205.57	231.25	264.37	308.32	370	462.50	616.68
$0.38	118.75	126.65	135.70	146.15	158.35	172.71	190	211.13	237.50	271.43	316.65	380	475.00	633.35
$0.39	121.88	129.99	139.27	149.99	162.51	177.26	195	216.68	243.75	278.58	324.99	390	487.50	650.01
$0.40	125.00	132.32	142.84	153.84	166.68	181.80	200	222.24	250.00	285.72	333.32	400	500.00	666.63
$0.41	128.13	136.65	146.41	157.67	170.85	186.35	205	227.80	256.25	292.86	341.65	410	512.50	683.35
$0.42	131.25	139.99	149.98	161.53	175.01	190.89	210	233.35	262.50	300.01	349.99	420	525.00	706.01
$0.43	134.38	143.32	153.55	165.30	179.18	195.44	215	238.71	268.75	307.15	358.32	430	537.50	710.62
$0.44	137.50	146.65	157.12	169.22	183.35	199.98	220	244.46	275.00	314.29	366.65	440	550.00	733.35
$0.45	140.63	149.99	160.70	173.07	187.52	204.53	225	250.02	281.25	321.44	374.99	450	562.50	750.02
$0.46	143.75	153.32	164.27	176.92	191.68	209.07	230	255.58	287.50	328.58	383.32	460	575.00	766.68
$0.50	156.25	166.65	178.55	192.30	208.35	227.25	250	277.80	312.50	357.15	416.65	500	625.00	833.35
$0.60	187.50	199.98	214.26	230.76	250.02	272.70	300	333.36	375.00	428.58	499.98	600	750.00	1,000.02

Second. When you drive, keep your car tuned and your tires inflated. When you replace your tires, think about radial tires. They generally improve gas mileage by as much as 10 percent.

Third. After starting your engine, warm it up while moving. An idling car is getting zero miles per gallon. In addition, shut off your car if you are stopped for over a minute or so.

Fourth. Do not become overly dependent on your air-conditioner. Under extreme conditions, air-conditioning can waste up to 20 percent of your gasoline. Use it only when you really need it. Also think about setting the thermostat a little higher than normal.

IN THE HOME

First. Proper insulation will not only save you money in winter; it will also make your home easier to keep cool in the summer. The exact amount of insulation depends on the climate. But a good rule of thumb can be found in this table:

SOURCE OF HEAT

[In inches]

	Gas or oil	Electric
Wall insulation thickness	3½	3½
Ceiling insulation thickness	3½-6	6-9

In checking the insulation of your home, pay particular attention to uninsulated attic floors. Here insulation can be installed easily in most cases.

Second. A recent study by the Department of Housing and Urban Development revealed that the greatest loss of heat from a house comes ordinarily through the infiltration of outside air. To cut down on this heat loss, install storm windows and doors where possible. A less expensive way to insulate windows is to seal them with clear plastic sheeting. Plastic sheeting will also help in attic insulation. Heat leaks can also be prevented by using caulking and weatherstripping around windows and unused doors.

Third. Close drapes and shades in unoccupied rooms and during exceptionally cold periods. This will minimize heat loss through windows—but even on the coldest day, the sun shining through a window can help heat the room.

Fourth. A properly serviced heating system is more efficient and saves fuel.

Fifth. Set your thermostat lower in the winter. A one degree reduction can reduce fuel consumption from 3 to 4 percent. Reducing the setting by 5 degrees—say from 75 to 70 degrees—will save you 15 to 20 percent.

Sixth. Lower the thermostat at night.

Seventh. Close the damper of your fireplace if you are not using it.

Eighth. When buying a home try to remember these facts: An additional investment in energy efficiency will be more than paid back in lower fuel costs over the life of the house. Make sure your new home is properly insulated and is equipped with efficient heating and cooling systems.

Shortly, solar heating will be able to provide reliable, economical, and pollution-free energy. In buying a house, consider the adaptability of the roof and grounds to this coming new technology.

SAVINGS ON APPLIANCES

First. Check the efficiency of the appliances you buy. The Commerce Department is requesting that manufacturers voluntarily list the efficiency of their products. One way to insure that this program is successful is through consumer pressure for full disclosure of the energy costs of operating an appliance.

Second. A recent survey of air conditioners shows how important efficiency can be. Appliance manufacturers, in an effort to cut initial costs, often build inefficient products. For example, today there are over 1,400 models of air conditioners on the market sold under 52 different brand names. The least efficient unit consumes 2.6 times more electricity per unit of cooling than the most efficient.

A convenient way to check the efficiency of the model you plan to buy is to divide the number of watts listed on the label into the Btu's per hour rating. The answer will vary ordinarily between 3 and 11. The higher the number, the more efficient the unit. A number around 7 is considered good.

Third. Defrost your refrigerator when the ice on the wall becomes one-fourth inch thick. A thick ice coating cuts down on the efficiency of the cooling coils of the freezer. When buying a new refrigerator, keep in mind that a self-defrosting model consumes 50 percent more energy than a standard model.

In addition, every time you open the refrigerator door, up to 80 percent of the cold air is lost.

Fourth. In selecting a freezer or refrigerator/freezer combination you should know that upright models are less efficient by as much as 45 percent.

COOKING

First. When cooking, use pots and pans that completely cover the heating element. Heat that is not directly under the pan is wasted. Also, remember that every time you open the over door 20 percent of the heat spills out.

WASHING

First. When washing clothes, always wash a full load; you save on the total number of washings that way. When drying your clothes, avoid overdrying—it uses fuel and tends to wrinkle your clothes.

Second. Try to cut down on your use of hot water. The thermostat on your water heater should be set between 110–140 degrees. Second, in washing dishes, wash them by hand in warm water, when possible. If you use a dishwasher, make sure you use a full load. Third, clothes can be cleaned in cold water with a cold water cleaner. Finally, when you bathe, a shower uses generally less water than a bath.

LIGHTING

First. Take care of your eyes—but, most of us use more light than we really need to. It pays to turn off unnecessary lights and use natural light when possible. There is another interesting fact to remember: A fluorescent bulb uses one-sixth the energy of a conventional standard incandescent light bulb.

These procedures together with energy research to develop new forms of clean energy will move our country through this crisis. It is totally American to be provident and self-sufficient.

THE HEALTH RIPOFF WORSENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BRASCO) is recognized for 5 minutes.

Mr. BRASCO. Mr. Speaker, while the average American watches the front pages and evening news reports with growing alarm and apprehension, quietly and ominously, another situation, already serious, has grown still more out of hand. In the area of health care and costs, recent months have been marked by one increase after another. Cumulatively, the caveat reading "Don't Get Sick In America" is truer than ever before. It will cost you more and you will receive less. No worse personal tragedy can be envisioned for the overwhelming majority of American citizens. Worse still, it is being accelerated by a series of Government actions.

The national health insurance plan has been scrapped after all the early fanfare. The drive announced in 1972 to increase the number of doctors, dentists, and paramedics has foundered on an ocean of budget cuts insofar as Federal aid to medical and dental schools is concerned. The National Institutes of Health have been harmed down the line, with two exceptions, as a result of budget cutbacks. Bookkeeping legerdemain has substituted for actual dollars in the actual amounts being committed by the Government to these crucial areas.

Even the national commitment to HMO's, or health maintenance organizations, has been watered down after many promises to move ahead on such a comprehensive potential solution. Through it all, the dead hand of the American Medical Association has clutched at the sleeve of government attempting to prevent vigorous experimentation on behalf of the people.

The head of the President's war on cancer, Dr. Frank Rauscher, has publicly warned that the existing cancer budget will not allow the research work required to pursue leads which might result in the saving of untold numbers of lives. A number of promising programs are endangered by governmental parsimoniousness in these areas. Among these programs are some which are concerned with moving the latest improvements in the cancer area to the bedside of patients as swiftly as possible.

Impoundment has been used by the Government as yet another weapon in what incredibly emerges as a deliberate attempt to harm the total health care delivery system in the Nation. National defense education funds have been impounded and repeated attempts have been made by the Government to close down the eight Public Health Service hospitals, including one in the New York area. At a time like this, closing down any viable hospital care facility seems the negation of what we are trying to accomplish.

Even Government specialists in this area have publicly admitted that increases in medicare costs for the aged and termination of key programs are not realistic. As a result, projected savings of $1.8 billion are not going to be realized, while much needless suffering is inflicted on many innocent Americans.

Most reprehensible of all are the attempts by Government to completely wipe out a series of essential and effective programs, such as community mental health centers, Hill-Burton hospital construction funds, and regional medical programs, all of which have scored resounding successes in delivering vital care and services to those requiring them.

When the Congress attempted to reverse this tide of negativism, it was rebuffed. For example, why in the name of all that is sensible was a $185 million program, designed to improve emergency medical service across the Nation vetoed? The Government had listed this program as one of its priorities. Now it has been vetoed, and the veto has not been overriden. Here we have a vital, successful endeavor, which has saved uncounted lives, and could save many, many more.

Yet in recent weeks, the pace of negativism by Government in the health field has increased appreciably. One warning given was that all Government aid to health manpower education will be coming to an end as soon as possible. Yet we have an acknowledged and much bemoaned shortage of all kinds of trained health manpower. This is true of doctors, dentists, nurses and all other related fields. As a matter of sad fact, more than half of all doctors licensed to practice medicine in this country last year were foreign-born and trained. Foreign physicians, seeking high incomes, are abandoning practices in foreign lands and coming here. Yet we will not turn to and increase levels of assistance to increase our own supply of trained medical and related personnel. Recently, an HEW official of the highest rank publicly stated before the Association of American Medical Colleges that such aid was very much in jeopardy.

Last month the announcement was made that the Nation's 25 million elderly will have to pay $84 toward their hospitalization commencing January 21, instead of the current $72. This is more than double the $40 paid by beneficiaries when the program began in 1966. The Cost of Living Council, humorously termed the watchdog of consumer interests, approved the move, which was announced by HEW.

Because of the change in the hospital deductible, the law also requires changes in amounts a beneficiary pays toward hospitalization care of more than 60 days or after hospital care in a skilled nursing home for more than 20 days.

What are the elderly people of the land going to do? Most of them live on fixed incomes, ravaged by growing inflation. Price hikes like this make a mockery of the increases in social security pushed through by the Congress. They eat away all the benefits we try to extend to them, making life even more frustrating and cruel to them. The few dollars for millions of them are the difference between a decent diet and hunger or malnutrition.

To compound the situation, the Cost of Living Council has now just approved proposed new price regulations for the health industry, which will allow hospital bills to rise another 9 percent annually. Although public comment is invited, no one seriously doubts that the proposals will drastically change between now and final January promulgation.

What we have now, then, is a cumulative series of setbacks for the public in the health areas. Fewer crucial segments of research will be pursued. Fewer special medical services beneficial to the public will be provided. And on all sides, while receiving less and less, the cost to the average user of health services will escalate, escalate and escalate again, with the older American bearing the brunt of all this.

Here is a syndrome which inevitably affects all of us eventually and inevitably. None can escape. It is for the Congress to have the courage to override the next veto of health care services and to insure that all such cuts and impoundments are prevented.

Impoundment is an artificial, unconstitutional method used by those who would arrogate unto themselves power not specificially granted to them by the law. Vetoes can and should be overridden when they harm the well being of the Nation. In both areas, all that is required is that Congress do its basic, essential job; protect the public interest. No one can tell me that allowing such services to be cut is responsible or in the public interest.

ISRAELI PRISONERS OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, sick and wounded Israeli prisoners of war remain in the hands of Egypt and Syria. They are being used and abused as political bargaining chips. This is an unconscionable situation. The Israelis have offered to conform to the Geneva Convention and exchange the sick and wounded prisoners they hold. Egypt and Syria refuse. The Israelis have permitted the International Red Cross to visit their prisoners. Egypt and Syria have not. Indeed, they have not yet, to my knowledge, released a complete list of Israeli prisoners they hold. Instead they have issued a series of public and private assurances which are so far little more than rhetoric. Rhetoric is no comfort to the men waiting in misery behind enemy lines or to their families waiting at home in the awful agony of not knowing.

On October 29 I wrote to Secretary of State Kissinger to urge that he raise these issues with the Arab nations. He has since assured me, as has Assistant Secretary of State Joseph Sisco, that the U.S. Government has and will continue to press for the humane treatment and speedy release of prisoners in conformance with the Geneva Convention. Congress has the responsibility to add its voice and the weight of its influence to the sum of world opinion that these negotiations progress swiftly, that Egypt and Syria forthwith live up to their legal and moral obligations as set forth by the Geneva Convention, and that the exchange of sick and wounded prisoners begin at once.

Today I am introducing a resolution calling for Egypt and Syria to heed the terms of the Geneva Convention of August 1, 1949, with regard to prisoners of war, and for Egypt and Syria to accede to Israeli's offer of an immediate exchange of prisoners among the countries. I urge my colleagues to join me in this humanitarian appeal.

The text of the resolution follows:

Whereas the International Red Cross has not been given permission to visit Israeli prisoners of war in Egypt and Syria; and

Whereas the governments of Egypt and Syria have not provided the International Red Cross with requested information about the names and condition of the prisoners they hold; and

Whereas the governments of Egypt and Syria have refused to release seriously sick Israeli prisoners of war; and

Whereas the above actions by the governments of Egypt and Syria are in violation of international legal obligations provided for in the Geneva Convention of August 12, 1949; and

Whereas the government of Israel has complied with the Geneva Convention of August 12, 1949 by allowing the International Red Cross to visit Egyptian and Syrian prisoners of war; by supplying the International Red Cross with lists of the prisoners it holds; and by offering the immediate release of seriously sick Egyptian and Syrian prisoners of war in exchange for the immediate release of seriously sick Israeli prisoners of war; and

Whereas the government of Israel has offered to comply with any reasonable plan for mutual exchange of prisoners between Israel, Egypt, and Syria; and

Whereas the American people are shocked and disturbed by reports of maltreatment of Israeli prisoners of war: Now, therefore, be it

Resolved, That it is the sense of Congress that the Executive branch of the American Government continue its efforts to ensure that the International Red Cross be allowed to visit Israeli prisoners of war in Egypt and Syria as required by the Geneva Convention of August 12, 1949; and that the governments of Egypt and Syria provide the International Red Cross with information required by the Geneva Convention of August 12, 1949; and that the governments of Egypt and Syria immediately release all seriously sick prisoners of war in exchange for Israeli release of all seriously sick prisoners of war as required under the Geneva Convention of August 12, 1949; and that an immediate exchange of prisoners between Israel, Egypt and Syria be negotiated.

SLOVAK DAY, 1973

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues an address given recently by Dr. Michael Novak at the Slovak Day celebration at Roduljub Park in Johnstown, Pa. Dr. Novak is currently a consultant for the humanities at the Rockefeller Foundation in New York and has demonstrated through his speaking and writing his belief in the need for a political and educational revolution in the United States.

While he inspired Americans of Slovak descent to greater efforts to obtain positions of responsibility and influence in this address, Dr. Novak also focused on some general comments on government which should be of interest to all of us.

In the light of the current uncertainty in our Government his words are especially timely:

> It is wrong in a democracy, merely to trust the government. Governments must be watched. Governments are not made to be trusted, but to be made accountable.

Mr. Speaker, Dr. Novak's speech in its entirety follows, a stirring reminder of the responsibility of each citizen for the path his country takes.

SLOVAK DAY, 1973

Just one hundred years ago began one of the greatest mass movements of human history. Over thirty million Europeans exited from the doors of their homes and fled toward America. There were then over two million Slovaks in that beautiful land of Central Europe, around the lakes in the Tatra Mountains, in sight of ancient castles, in the mountains and rolling hills beyond Bratislava. Over two million Slovaks—of whom more than one-third felt obliged to leave their homes. After a thousand years of endurance, from the time of the first King of Central Europe, the Slovak, Svatopluk, in 893; after a thousand years of assassination and murder and plunder at the hands of Attila, Genghis Khan, the Turks, and in every century others; after a thousand years of bravery, family love, and a longing for independence and peace—one out of every three Slovaks bade good-bye to the mountains they loved, the parents who had nourished them, brothers and sisters, friends—and they fled for Argentina, for Canada, and for America.

The great industrialists of America wanted Slav laborers. They respected them as hard workers, tougher than others perhaps, more reliable, more docile, and better able to make do with less. They wanted Slav labor in order to bring wages down and to keep the workers of America divided. Remember, for example, that the black people of America were first freed from slavery not long after many of our ancestors were freed from serfdom—in 1863. One hundred years ago, many of those blacks who fled north were just beginning to find jobs. The white American workers were just beginning to rebel against the great industrialists—the first great labor union strikes were just beginning. This was the jungle into which our grandparents were brought. It was part of a policy of "Divide and Conquer." Put national group against national group. The wealthy got wealthier. Think of the families that own the mines and mills and the lands of America. How staggeringly rich many are. All across America, in valley after valley, place after place, there are one or two families of predominant power and wealth. The American system is more like the system of Europe than we realize—we have our barons, dukes, and lords—the owners of television stations, newspapers, and the owners of the politicians, too.

Remember, too, the lives our people led in America. For working twelve hours in a mine, six or seven days a week, a man might take 20 cents a day, and find himself at the end of the month owing more to the company store than he had earned. Boys of 8 or 9, sometimes beaten with whips, stood at the colliery sorting slag from the coal. Six or eight persons slept in a room. At Latimer Mines, near Hazleton, in 1897, sheriff's deputies fired into a crowd of peacefully marching Slovak miners, with an American flag at their head. They were on strike. No one heard an order to disband. Many could not have understood an order in English in any case. When the seventy deputies—none of them Slavic—finished firing, twenty Slovaks and Poles lay dead, most shot in the back, and another thirty wounded. The Hungarian government protested; huge protests were held in New York and Chicago. Naturally, the deputies were acquitted.

In Connellsville, in Uniontown, and in Pittsburgh, Slovaks were shot down in strikes. In 1891, at Morewood, seven were shot. Two weeks later, in Fayette county, one Slovak man and one Slovak woman were shot, as workers were being evicted from company houses. In Adelaide the same day, two Slovak women were shot.

Why do I bring these sad events to mind? Because I do not wish to forget. Today we enjoy a happy picnic. Today, more and more in our generation are highly educated. Today, more and more among us are prosperous—not many rich, not many millionaires, not many among the powerful: on boards of directors, or high in government, or the military, or the corporate world. We are not among the powerful in America. But we have very much to be thanful for. And, if the truth be told, after so many years of disaster, perhaps we are happy not to be placed too high, so that sudden tragedy cannot make our fall too steep. Slovak people are known for a sort of modesty—content to live on little, if only they be free.

There is, the books say, a certain peaceableness about the Slovak character A certain quiet, long-range optimism, borne of the knowledge that our people have seen worse than this—that, no matter how bad things get, we are familiar with disaster. Tragedy is our nation's brother. The Slovak people stood for over a thousand years under the attacks of invaders—always the invasions would recede, and the Slovak farms and towns and families would remain. Western Europe owes much of the peace and space it has enjoyed to the defenders of the Tatra mountains and the Danube, on which almost century after century new invaders from the East or South or North have spent themselves.

Today I want to remember all the suffering that brought us this place. Perhaps all of you have sharper memories than I. You remember the men going to the mines, and coming back. You remember the conditions in the mills. You remember the explosions. You remember the mangled fingers, the shattered knees. You remember the outbreaks of influenza. You remember the infants that used to die.

Above all, perhaps, you remember the prejudices there used to be against the Slavs. Even on the Statue of Liberty, the words that greeted the immigrants were: "Welcome—ye wretched refuse of the earth." In other words, ye garbage. I've always been grateful my grandparents couldn't read English when they sailed into Ellis Island, the water lapping against the sides of those wooden or plated ships. And they were called other names: Huns, hunkies, etc. They were pictured in the newspaper cartoons as rats and apes. They were called scum, and it was said they were dirty and strange, and their women wore black babuskas, and none of them were ready for democracy, and they would lower the quality of the nation's blood.

We shall never forget, I believe, that this nation welcomed our grandparents and gave them a chance. We should never forget what they met when they got here, and what they did for us. . . .

But I don't only want to think about the past. My own thoughts are toward the present and the future. Why, in Pennsylvania and elsewhere, are Slavs so poorly represented among those of power and money and influence? Why have we still so few writers and artists and television personalities? Why don't we cut a greater mark than we do, politically?

Do not misunderstand. I say these things gently, not in blame. Remembering where we were, we have come very far. And it takes time, even in a nation like this, to penetrate the places of power. And I do not mean for power's sake. It is not obvious that power makes people happy—or good—or admirable.

What I mean is that the nation needs some of the things our hearts tell us, some of the things our history has taught us. We are a people of enormous spiritual wealth, which our new nation needs.

What is our wealth? Above all, it is a sense of family, and home, and neighborhood. The Slovaks understand picnics like this—family picnics. Why is it, then, that the policies of our government and our corporations penalize families so much, rather than helping them? The great industries of this nation do not think first about the welfare of families. They do not design their factories, or their schedules, or their openings or their closings down with the good of families in mind. The government does not supervise medical costs or medical practices with the needs of families in mind. Almost everything in American life is distinctive of families. Keeping a good, healthy family is a full-time job—much harder than making money. America makes it easier for our people to make money than to keep healthy families.

America is a great danger for the Slovak public. It gives us money and wealth. Slovaks are not the richest Americans, by far. But when you look at the automobiles owned by every family here, they are better than the coaches Janosik used to rob—the coaches of the barons or dukes, in order to give to the poor.

In one more generation, the Slovak spirit may be dead in America. Soon, most of those who speak Slovak will be dead. Fewer and fewer of our young people know the history of Slovakia. I never learned about Slovakia in public schools or in college. . . . What about in the high schools of Johnstown, Uniontown, Pittsburgh, and Cleveland—what are our young people learning? What is becoming of them?

The Slovak people are so enormously trusting. They trust the government. They trust the universities. The schools. They obey the law. They pay their taxes. And they trust. After a thousand years of distrusting governments, in this country they began to trust. America has been good to our people. But we should not be deceived.

For over a thousand years, one thing held the Slovak people together—their love for their language. The Slovak language was the center of the life of the people. The Magyar tried to drive that language out of existence. Some 500 Slovaks were arrested in the 1870's, and put in jail, for speaking Slovak in public.

Now in America, in less than three generations, the language is disappearing. Knowledge of Slovak history is not taught. What the Magyar could not do with vinegar, America has done with sugar.

In the big cities, too, the leaders of government and industry abandoned the Slovak neighborhoods and churches. Visit these parishes today—isolated—alone—surrounded by factories or expressways or slums. People did not move out of these neighborhoods by accident. The policies of our government and industry drove them out—policies forcing people into the suburbs, making neighborhood life less attractive.

My purpose is not to lay blame. It is only to urge all to act with open eyes. It is wrong, in a democracy, merely to trust the government. Governments must be watched. Governments are not made to be trusted, but to be made accountable. In my opinion, the Slovak people in America have not been well served by the government.

When I look over the faces of this crowd, I wonder about all the stories your lives represent. Think of the history of your family over the last 100 years. What stories there are! What disaster, what war, what illnesses and accidents, what moments of luck and achievement.

Many of these stories will perish if we do not care for them. The world will never learn of them. We must try to get the historical societies and the universities and the high schools and the television stations and the newspapers to collect this material and to mind it. If you have old letters in your house, old newspapers, old books—do not destroy them. The Archives of Pennsylvania and universities need them. Please save things. Please get grandparents to tell or tape what they remember.

Secondly, we must put pressure on the schools. How many historians have told the story of the Slovak people (and other Slavs) in America? How many social scientists? How many literature courses teach Slovak children the novels of Thomas Bell (Belejcak)? The universities belong to us. They should keep our traditions alive.

Thirdly, in politics, I beg you to think carefully. It does not seem to me that we Slovaks have yet made our mark in politics. We have not been as smart as we ought to be. We have been taken advantage of. Above all, we have not organized and shown really great political skills. We have to do better in the future. I'm not sure how. But let's at least keep our eyes open for young talent—push it—help it.

Leads me to young people—great to see so many young faces—long hair—short skirts—the things of youth and love and rebellion and song are very Slovak. Think of Janosik—he was visiting his girl friend when he was caught. . . .

Young people are different. Each generation is different. Immigration is a hundred-year story. We haven't even begun to make our contribution yet.

THE NASHVILLE BANNER'S "YOU DECIDE" IMPEACHMENT POLL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. Fulton) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, over recent days there have been many measures of public sentiment on the subject of support for or against the President. My own mail and phone calls have run heavily against President Nixon. The latest count total as of this afternoon of letters and telegrams show 1,585 against and 125 for.

These figures are in no way a scientific sampling of the sentiment in my district. They do, however, reflect the views of those who felt strongly enough about the issue to write or call their Congressman.

Conversely, the Nashville Banner over recent days has been conducting a ballot poll on the same question and its findings run sharply contrary to my mail.

The Banner, also, makes no claim of scientific sampling and its publisher, Mr. Wayne Sargent, goes to very objective lengths to point this out.

Thus while neither the Banner's poll nor my mail may necessarily reflect true public sentiment on this issue—who is to say—both are of interest.

I feel the Banner poll findings to be quite interesting as well as the comments and story reporting them. Therefore I ask unanimous consent to place this material in the Record at this point and commend it to the consideration of my colleagues.

71 Percent in "You Decide" Poll Say "Don't Impeach"

(By Larry Brinton)

President Nixon should not be impeached. That's the opinion of 71 per cent of the 5,434 readers of The Nashville Banner voting in this newspaper's new You Decide feature.

The question was "Should the President be impeached?" The vote was 3,878 against, 1,545 in favor and 11 undecided who mailed ballots anyway.

The President scored heavily on his domestic and foreign policies and his Vietnam War successes, according to ballot comments. However, many of those voting against impeachment were not nearly as concerned with the issue as they were in vehemently castagating those whom the voters felt responsible for Nixon's problems—mainly a blasted news media and Sen. Ted Kennedy (D-Mass.).

CAN NO LONGER BE TRUSTED

The 1,545 persons voting for the President's impeachment in You Decide charged in their comments that the Chief Executive can no longer be trusted and has lost his ability to govern.

Told of the numerous detrimental comments made by the voters against Sen. Kennedy and asked for a comment, the Massachusetts Democrat's press secretary, Dick Drayne, in Washington, said:

"What did Sen. Kennedy have to do with the attempted subversion of the Department of Justice, CIA, FBI, Secret Service, Department of State and the U.S. Constitution? If you find Sen. Kennedy guilty of those sins, I'll be surprised. Those are Nixon Administration devices and he'll be judged on that basis."

There were some interesting facets about the You Decide balloting:

—The vote on the impeachment question closely paralleled the 69.5 per cent vote Nixon garnered statewide in the 1972 presidential election.

—Sixty-six per cent of the 5,314 ballot envelopes received by The Banner were mailed in Nashville. Votes were submitted from 50 Tennessee counties. There were some from Kentucky and one from Missouri.

—In November 1972, Davidson County voted 63 per cent for Nixon. The You Decide ballot showed 71 per cent against impeachment, with the majority of votes cast by Nashvillians. While the issue of electing a president and voting for impeachment are not the same, the distribution of votes indicates a probability that the President has increased rather than decreased his voter strength in Davidson County.

"We do not offer the results as a statistically perfect sample of voter opinion," explained Wayne Sargent, president and publisher of The Banner. "The Banner is conservative politically and has generally supported the President. We recognize the logic that readers of similar views tend to read The Banner and thus had greater opportunity to participate in the poll."

Sargent said, "But we are gratified with the tremendous response and recognize also that the larger the vote, the better statistical probability that it represents the true feelings of all the voters of the area.

"By contrast, Congressman Richard Fulton has been quoted in the media as saying the people he talks to in his district favor impeachment by as much as five to one. We believe You Decide results come much closer to the true voter sentiments. The parallel between our ballot and the results of last November's Presidential vote also indicate the people of this area have not reversed their position."

Ballots and envelopes showing mailing origin will be retained by this newspaper for six months. Access to the material will be made available to students, historical or political groups having legitimate interest and who wish to appraise or audit the results.

Newspapers across the country have conducted polls in recent weeks on the impeachment question. Some polls were conducted by mail, others by telephone and others by personal interviews. They have had varied results.

OTHERS TEST OPINIONS

For instance, a recent telephone survey of 267 persons by the Atlanta Constitution showed 59.6 per cent were against impeachment and only 28.4 per cent were in favor of impeachment proceedings against Nixon.

Nine days ago the Gallup Poll announced 55 per cent of 623 persons interviewed responded that Nixon should not be compelled to leave the presidency. A week earlier the Oliver Quayle organization said 44 per cent of 1,000 Americans favored impeaching the President, while 43 per cent were against the move and 13 per cent were undecided.

Newspaper polls in Cocoa, Fla., and Binghamton, N.Y., indicated a majority for impeachment. The Rochester (N.Y.) Times-Union reported their poll showed 48.5 per cent didn't believe Nixon should be impeached, 36.6 per cent were in favor of the proceedings and 14.9 had no opinion. Fifty per cent of the 303 persons interviewed said they felt Nixon should resign.

In The Banner's You Decide vote, there were a number of persons who believed that Nixon should resign, but that impeachment was not the solution. Some who voted for impeachment said they had rather see him resign.

FEATURE OF OP-ED PAGE

The You Decide feature printed its first poll ballot on Oct. 30 and the ballots appeared on the Op-Ed page for the next three days.

It was only two days after the first ballot was published that Nixon's lawyers admitted in federal court that two of the highly-publicized nine Watergate tapes never existed.

Oddly, this startling development had no effect on the day-to-day voting results.

The first batch of about 500 ballots received by this newspaper indicated 71 per cent of the readers were against impeachment. Ironically, this initial reading turned out to be the final vote percentage. The second day's mail of 600 ballots was 70.7 per cent against impeachment, the third day's mail of 1,600 ballots was 69.2 per cent against the President being impeached, etc.

The conclusion from this is that the announcement of the missing tapes didn't mean that much to the voters and the tapes were mentioned only sparingly in ballot comments.

A MAN GENUINELY CONCERNED

For the President, his voters found him to be a man genuinely concerned with the duties of running this country, or at least, the best statesman available. Two of the better 'against impeachment' comments which seemed to best sum up the consensus of those voters were these:

—It is the presidency, not the President, that is under assault. Destroy the President and you destroy Richard Nixon. Destroy the Presidency and you destroy the nation.

—Current hysteria by a wild-eyed, biased news media and opportunistic opposition party members is in no way a condemnation of the President. He is a great President conducting the work of his office in a calm, dignified way, despite vicious attacks.

Despite the many setbacks of the Nixon Administration, Nixon, himself, has kept his image at a high level in the eyes of many, as evidenced by the comments. "God Bless President Nixon," said one. "History will reveal the greatness of Nixon," said another. And still another said, "He should have received the Nobel Peace Prize."

PEACEFUL EFFORT HAILED

Some of the pro-Nixon voters were not so much concerned with what he has been accused of doing in the Watergate Affair and other investigations, but the good he has done in the past. "His accomplishments toward world peace far outweigh the charges made without proof by his opponents," read a ballot. "We re-elected him for four years. Let's keep him!!!"

Declared another, "Absurd. What has he done that has placed the country in peril or danger? Nothing . . . Watergate? . . . Phooey."

A voter asks, "What crime has the President committed? Name one politican who has not taken large contributions to be elected and promised something in return."

CONSIDER THE CONSEQUENCES

Three of the voters said the same things, only using different words, in reflecting their feelings. "In spite of his faults, we need him"—"Consider the consequences"—"We have no assurance that any replacement would do better."

The You Decide poll shows there are still plenty of people proud of President Nixon and would vote for him again, if given the chance. "I'm 68 years old and I think Richard Nixon is the best President during my time. I've voted for him three times and would be glad to vote for him again."

Those in favor of impeachment picture the President as a tyrant, dictator, thief, irresponsible, untrustworthy, God, immoral, irrational and a disgrace. Whether he actually committed a crime himself didn't concern a voter.

"Guilty or not he was responsible for the government. Birds of a feather flock together," the comment read. But, there also were comments from people who had seriously considered the situation. "To impeach is merely to charge before a proper tribunal," wrote one person. "It is a logical constitutional means to determine guilt or innocence. It is the best and most direct procedure to resolve the whole Watergate matter and to restore faith in our country."

GOD SAVE THE REPUBLIC

Along the same lines, another said, "At the very least we must have the House sit as grand jury to explore and investigate as provided by the Constitution. God Save the Republic!"

The voters who cast ballots for impeachment seemed to do so just as conscientiously as their opponents. "I am a mother and I try to teach my children right from wrong and how to be good citizens," wrote a woman. "I am fighting a losing battle when we have President Nixon."

The "for" comments go on, and on, and on. Examples are:

There is no reason to think that Nixon could answer the charges pending in criminal, civil or tax courts aside from his executive clemency.

I don't know if irresponsible judgment is enough reason to impeach a President, but it was enough reason for getting rid of a vice president.

Unless impeachment is pursued in this flagrant breach of trust, no future president will ever consider impeachment as a serious limitation.

Some of the voters used vulgarity in describing the President. It was also used to describe his opponents, many of them in Washington.

BIGGEST KENNEDY BASH YET

Sen. Kennedy drew the most. "Biggest Kennedy bash yet," was the way one voter explained the impeachment turmoil. "Since Mr. Cox was so anxious to tell Mr. Kennedy of his being fired, I only wish he had gone there to investigate Mr. Kennedy's past," said another. Here's another. "If anything needs investigating it was the 'Chappaquidic Affair'." And, another: "To hell with Ervin, Baker, Kennedy, Gore." Many were too libelous to publish.

KENNEDY DRAWS IRE

The media fared little better than the Massachusetts senator:

The credibility of the press is at its lowest ebb.

The news media should be censored. Should this country fall, the major cause would be the undermining by the news media.

The television networks should be controlled if they can't report news objectively. Get rid of John Chancellor and Walter Cronkite.

I am in favor of impeaching some news people. They should be held responsible for lies. I hate those three words—'from reliable sources.'

And what single quotation did the voters find solace the most in their support of Nixon? It was right in the Bible, John 8:7: "Let him without sin cast the first stone." They also found other verses to support the President, but John 8:7 was used scores of times.

The For Impeachment voters, likewise, were united in coining an expression. "He is not above the law," they commented frequently.

MIXED REACTION

The ballot comments brought mixed reaction. Some people voiced strong resentment that a newspaper would even take such a poll, as evidenced in the following quotes:

There are no grounds (for impeachment). By your even taking this poll you are joining the rest of the Kennedy-Cox lynch mob.

It saddens me that The Nashville Banner would dignify such an outrageous proposal by asking this question.

I think it's a shame and disgrace that the editor of this paper should allow such a "poll" to be taken.

Do you think that a poll such as this could be at all representative when you're soliciting replies from the basic conservative element?

THE ENTIRE ISSUE SEEMS SO PARTISAN

How much part did partisan politics play in the vote results? Probably a great deal. Those against impeachment of their President were most vocal about the Democrats. "The entire issue seems so partisan," said one person. "The Democrats are working hard to regain their popularity lost in the last presidential election. It's so sad to see these partisans stopping at nothing to fool the American public."

"Repeating what I said when Nixon was elected. He is the biggest mistake ever made in American history," was the way another described it.

How's about this one? "The Democrats are a sorry bunch. I have one at my house. They are stubborn, contrary and hateful most of the time." It was signed, "A 75-year-old youth."

Said another, "If President Nixon had beat me as bad as he beat the Democrats this last time, I would try to get rid of him, too." Here's one: "These narrow minded greedy Democrats will destroy our country." Oddly, the comment was made by a Democrat who added, "I love my country. The thought (of impeachment) is the epitome of stupidity."

Retorts a Republican: "I voted for him, so I feel partly guilty for the country's mess."

SHADOW OF DOUBT ON MANY

The present situation has cast a shadow of doubt on many, many politicians, according to the voter comments:

The only difference between what Nixon did and other politicians is he violated the Eleventh Commandment—thou shall not be caught.

Too much time, energy and money is being spent attempting to prove the Republicans are bigger liars than the Democrats. They're all a bunch of crooks.

He is no worse than his accusers. There is no such thing as an honest lawyer or politician. The only fault with Mr. Nixon is just being caught. All politicians are owned by the unions.

Maybe he is a crook, but then, what politician isn't? Even an honest man would wither under the onslaught of the press.

Most of the 11 voters who failed to be either "for" or "against" impeachment, either thought Nixon should resign or accidentally forgot to mark their ballot.

ON THE PRESIDENT'S ENERGY MESSAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, last night, President Nixon delivered another energy message to the American people. In it, he outlined a number of belt-tightening steps to conserve energy this winter. Among them were lowering the thermostats in homes, schools, and businesses; reduction of speed limits; limitations on air travel, adjustment of work schedules and shopping hours; and relaxation of environmental standards. He also spoke of the possibility of outright rationing and heavy taxes on fuel use. According to Senator JACKSON, our leading expert in the Congress, fuel rationing is more a probability than a possibility.

I cannot quarrel with these measures. Given the present situation, they are necessary. In the long run, they may even have some positive effects, especially those measures designed to prevent some of the more blatantly-wasteful abuses of our energy resources.

But I cannot help feeling that the message was incomplete. The President only told half the story, and provided half the solution. The energy crisis was not created by suddenly gluttonous energy consumers. The growth of our energy demand has been remarkably consistent over the last 15 years—at about 3.6 percent a year. Nor was it caused by the recent events in the Middle East. As the President pointed out, he perceived our energy difficulties as early as 1971.

Rather, the energy crisis is the result of the combined mismanagement and miscalculation of the energy industry and the Federal Government. On this subject, the President was silent.

The fact that we discovered, just this week, that we are twice as dependent on Arab crude oil as we thought we were offers striking evidence of the inability of American policymakers to collect even the most rudimentary data necessary to base decisions on.

Unfortunately, this was not the first time we have been caught by surprise with unexpected shortages. Just last winter, and again this summer, optimistic forecasts were withdrawn at the last minute, shortages appeared, and prices went up. Not once, throughout the entire message, did the President refer to the weaknesses in the energy industry and in Government policy that have directly caused our present difficulties.

While Mr. Nixon had a long list of sacrifices for consumers to make, he did not ask the energy industry to undertake any sacrifice of its own; nor did he recommend any changes in Government policy that could help ease the energy crisis without consumer sacrifice, higher prices, and relaxation of environmental restrictions.

Among the steps that can be taken, but were not recommended, are the following:

First, adoption of a strong mandatory allocation system to assure that all consumers share in the shortage equally. The President remains opposed to congressional legislation designed to meet this end.

Second, ask the major oil companies not to channel the billions of dollars in windfall profits they are reaping from the shortage into dividends for their stockholders. So far this year, Exxon has made over $1½ billion in after-tax profits—up around 80 percent since last year. At the very least, he could ask revision of the tax laws to require them to pay fair taxes on this money, rather than 8 percent they presently pay.

Third, act to increase supply by increasing competition in the oil industry. The Federal Trade Commission reported the major cause of the shortage is the monopolization of the industry by eight or nine huge firms. The Justice Department has not challenged an oil company since the early 1950's.

Fourth, require oil companies to utilize all their refinery capacity and develop all of their available oil and gas. Federal Power Commission experts have testified that major oil companies are simply sitting on fields which could be producing oil and gas today.

Fifth, revise the tax laws to encourage recycling and energy efficiency. Our present tax laws reward depletion and waste.

Sixth, have the U.S. Government assume a more creative role in international oil negotiations. If the State Department had not abdicated its responsibilities and permitted private American oil companies to represent the United States in oil negotiations, companies which have become tax-collecting agents for the Arabs, the present oil boycott could not have have happened.

At the present time, American corporations, with facilities in Canada and Europe, as well as the Middle East, are refusing to sell oil to their fellow American citizens. Instead, we are being forced to buy domestic crude from these same companies at prices which are skyrocketing. I find this situation hard to accept.

To conclude, President Nixon has recommended several necessary steps to deal with our present shortage—steps necessary only because of the failure of both the industry and the Government to act responsibly.

Unfortunately, energy conservation is the only way to get through the winter. But while conservation, and the sacrifices needed to make it work, may ease the shortage, it will not solve the problem.

The energy crisis will not be solved until we change the Government policies and industry structures that created it.

THE ENERGY CRISIS—WASTE NOT—WANT NOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 30 minutes.

Mr. DANIELSON. Mr. Speaker, I have today introduced legislation, H.R. 11351, to impose a graduated excise tax upon passenger automobiles which consume wasteful amounts of gasoline.

The petroleum shortage, which has reached critical proportions, is the result of unlimited demand accompanied by a limited supply. The best, the quickest and the easiest way to increase our supply of petroleum, and to increase it permanently, is to quit wasting it; to encourage more efficient use of our limited supplies and place sanctions on wasteful practices.

Much has been done, or suggested, to increase the supply of petroleum, or at least to spread the shortage around equitably, but nothing has been done to decrease the demand. One of the most obvious reasons for the demand problem is the inefficient use of gasoline by our passenger automobiles.

Unbelievably, the administration has skirted around the problem of wasteful automobile fuel consumption as though it were some kind of sacred cow if animal metaphors are appropriate, our automobiles are more like dinosaurs than cows—their voracious appetites have greatly exceeded the capacity of the good Earth to satisfy them. The time has come to replace these wasteful monsters with automobiles that are more efficient.

Petroleum is important as a source of energy, for the generation of power and transportation, as an industrial fuel, and for other purposes. Everyone is familiar with petroleum when used as motor fuel or heating oil, but few people outside of the petroleum industry realize that petroleum is vitally important in other areas as well. It is the raw material from which nitrogen fertilizer is manufactured to provide us and the world with the abundance of food and fiber we so desperately need. It is used for the manufacture of many synthetic materials from which we make fabrics, the double-knit suits we wear, plastic products, synthetic rubber, phonograph records, pharmaceuticals, and vinyl. Even the ink on a page of newsprint was probably manufactured from carbon black, a petroleum product.

So the petroleum shortage is not just a matter of gasoline for our automobiles, heating oil for our homes and schools, and fuel for our electrical generating plants and industries. The list of necessary petroleum products is practically endless—and they all come out of the same barrel of crude oil.

Shortages of gasoline this summer, the present shortage of fuel for our buses and trucks and aircraft, the imminent shortage of heating oil this winter, are only the tip of the iceberg. The great abundance of natural resources which America has enjoyed for centuries, which has made America the richest country on Earth, is rapidly coming to an end. The current shortage of petroleum is impairing our capacity to provide some of the most essential ingredients of what we have proudly called "the American standard of living:" unlimited and low-cost fuel, food, and fiber.

Increasing the supply of petroleum cannot be the entire answer. On our planet, there is only a certain amount of petroleum, and much of it is located in foreign lands and may not always be available to us. By pulling out the stops on production from our own reserves, we will be using up those critical reserves and hastening the day when all of our petroleum will be gone, and we are risking severe environmental and economic consequences as well.

It is essential that petroleum, which is the raw material for so many vital products, be used as efficiently and wisely as is possible. Our supplies are fixed, and limited; when they are gone they will be gone for all time. There will be no second crop.

Mr. Speaker, the tax contemplated by the bill which I have introduced today is designed to provide a severe sanction, an economic disincentive, against the manufacture and sale of automobiles which burn, and waste, an unacceptable amount of gasoline. It would be an incentive to develop and market smaller, more efficient automobiles; more efficient in their consumption of gasoline and more efficient in their consumption of other precious natural resources.

This legislation would add a new subsection to section 4061 of the Internal Revenue Code of 1954, imposing, on the sale of gasoline-powered passenger automobiles, an excise tax that increases as the vehicle's efficiency in miles-per-gallon of gasoline decreases. This tax would be imposed upon every car manufactured, produced, or imported after June 30, 1975, and it would be phased in over three time periods, until 1984, when the tax would be in full force. The reason for this gradual phasein is to prevent economic dislocation in the automobile industry which has become accustomed to manufacturing and promoting big cars. Another reason is to give industry leadtime for the research and development of cars and engines which will use fuel more efficiently, or perhaps even consume something other than gasoline. A most important collateral benefit would be the reduction in the wasting of other precious resources, such as iron.

Under my proposal, the gasoline consumption rates of automobiles, upon which the tax would be based, would be determined by the Secretary of Transportation in accordance with rules and regulations promulgated pursuant to the provisions of the Administrative Procedure Act. The gas mileage of the car and the tax imposed would be required to be posted on each car sold after the effective date of the tax.

To demonstrate how this tax would work, I will use the Nation's most voracious gas-guzzler, the Oldsmobile Toronado, as an example. The gas mileage of this car, as determined by the Environmental Protection Agency, is about 6.8 miles to the gallon. Under my bill, after June 30, 1975, a car in that category would be subject to a 20-percent tax. If we assume a before-tax selling price of $8,000 for that car, after June 30, 1975, the price would be increased by an excise tax of $1,600, bringing the retail price to $9,600.

The rate of the tax would increase thereafter by stages in 1978, 1981, and 1984, so that after August 31, 1984, it would be practically prohibitive to manufacture and sell an automobile which could not travel at least 16 miles per gallon of gasoline.

Would you pay $33,600 for a gas guzzler? This is what an $8,000 car getting only 6.8 miles to the gallon would sell for after 1984 under my proposal. You might be more inclined to buy a Ford Pinto or a Dodge Colt which sells for $2,000 to $3,000 and gets 22.8 miles to the gallon, or a Chevrolet Vega, in the same price range, which gets 24.6 miles to the gallon. None of these would be subject to the excise tax under my proposal.

There is no car sold in this country for use on public streets which gets less than 6 miles to the gallon, but just in case anybody got the urge to manufacture one, the tax on such a car after August 31, 1984, would be 640 percent. On the other hand, cars getting better than 16 miles per gallon after 1984, would be subject to a tax of only 10 percent. Cars getting better than 18 miles per gallon would be subject to an excise of only 5 percent, which is less than the excise tax we imposed on all cars before the repeal of the tax in 1971. Cars getting between 20 and 22 miles to the gallon would not be subject to the excise tax until 1984, and at that time it would be only 2.5 percent.

It has been suggested that people should be able to buy big gas-guzzling cars if that is what they want. If we had unlimited supplies of petroleum as well as iron ore, this would be true. But we do not have unlimited supplies, and once a gallon of gasoline is burned, it cannot be unburned, it cannot be replaced.

Under these existing circumstances, there is no reason why one person should be permitted to use two or even three times more gasoline than is necessary to move himself from one place to another, particularly when such wasteful consumption might very well prevent somebody else from getting anywhere at all.

Nor should this proposal be regarded as an attempt by Government to create impossible goals for industry, which is a criticism that is being leveled at the clean air requirements. Today, it is entirely possible, and well within the state of the art, for automobile manufacturers to build cars that get 20 or 25 miles to the gallon. There would be no new technology or crash research projects required, although certainly our technology in this area can be improved.

The tax I am proposing would make the worst gas guzzlers—those cars which get less than 10 miles per gallon—prohibitively expensive within a very few years. Those which get between 10 and 16 miles per gallon would be increased in price to the extent that a potential purchaser would think at least twice before buying one. Those getting more than 16 miles per gallon would be within the budget of most people, and those getting 22 or more miles to the gallon would be free of the excise tax.

The text of my bill is as follows:

H.R. 11351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Congress finds and declares that—

(1) petroleum is an essential and major raw material and source of energy used in the production of goods and services vital to the common defense, the economy, and the general welfare of the United States;

(2) petroleum is an essential and major source of energy needed for the transport of goods and persons in commerce among the several States, commerce with foreign nations, and for the maintenance and operation of the Armed Forces of the United States;

(3) petroleum is an essential and major natural resource used in the petro-chemical industry to manufacture other substances vital to the production of food, fiber and industrial products necessary to the economy and general welfare of the Nation;

(4) there are not sufficient known reserves of petroleum in or available to the United States to meet current and foreseeable needs, and that a shortage of petroleum is contrary to the best interests of the United States, and will impair commerce among the several States, and with foreign nations;

(5) there is a direct relationship between weight, engine size, and accessory equipment of passenger automobiles and the efficiency with which such automobiles consume fuel and other limited natural resources; and

(6) because of excessive weight, engine size, and accessory equipment, substantial numbers of passenger automobiles manufactured, distributed, sold and operated in interstate commerce needlessly consume and deplete limited petroleum and other natural resources in or available to the United States.

(b) It is the purpose of this Act to encourage the design, production, manufacture and sale of passenger automobiles which are more efficient in the consumption of petroleum and other natural resources through the imposition of an excise tax upon the sale of automobiles, which tax shall increase as automobile fuel economy decreases.

SEC. 2. Section 4061 of the Internal Revenue Code of 1954 (relating to motor vehicle excise taxes) is amended by adding at the end thereof the following new subsection:

"(c) PASSENGER AUTOMOBILES.—

"(1) TAX IMPOSED.—There is hereby imposed upon every gasoline-powered passenger automobile manufactured, produced, or imported after June 30, 1975, a tax upon the price for which such automobile is sold by the manufacturer, producer, or importer thereof, based upon the rate at which such automobile consumes fuel, according to the percent specified in the following tables:

"(A) for the period beginning July 1, 1975, and ending August 31, 1978:

"If the rate of consumption (in miles per gallon) is:	*"Tax—in percent*
Over 18	0
Over 15, but not over 18	2.5
Over 12, but not over 15	5
Over 9, but not over 12	10
Over 6, but not over 9	20
Not over 6	40

"(B) for the period beginning September 1, 1978, and ending August 31, 1981:

"If the rate of consumption (in miles per gallon) is:	*"Tax—in percent*
Over 18	0
Over 16, but not over 18	2.5
Over 14, but not over 16	5
Over 12, but not over 14	10
Over 10, but not over 12	20
Over 8, but not over 10	40
Over 6, but not over 8	80
Not over 6	160

"(C) for the period beginning September 1, 1981, and ending August 31, 1984:

"If the rate of consumption (in miles per gallon) is:	*"Tax—in percent*
Over 20	0
Over 18, but not over 20	2.5
Over 16, but not over 18	5
Over 14, but not over 16	10
Over 12, but not over 14	20
Over 10, but not over 12	40
Over 8, but not over 10	80
Over 6, but not over 8	160
Not over 6	320

"(D) after August 31, 1984:

"If the rate of consumption (in miles per gallon) is:	*Tax—in percent*
Over 22	0
Over 20, but not over 22	2.5
Over 18, but not over 20	5
Over 16, but not over 18	10
Over 14, but not over 16	20
Over 12, but not over 14	40
Over 10, but not over 12	80
Over 8, but not over 10	160
Over 6, but not over 8	320
Not over 6	640

"(2) Determination of fuel consumption rate.—The rate of fuel consumption of automobiles taxable under paragraph (1) shall be determined solely on the basis of the Automobile Fuel Consumption Schedule prepared by the Secretary of Transportation.

"(3) Liability for payment.—The tax imposed by this subsection shall be paid by the manufacturer, producer or importer of an automobile taxable under paragraph (1) at such time and in such manner as the Secretary shall prescribe."

Sec. 3. (a) The Secretary of Transportation is authorized and directed to prepare and transmit to the Secretary of the Treasury, annually and at such other times as circumstances may require, an Automobile Fuel Consumption Schedule setting forth, for each make and model of automobile which is or may be subject to the tax imposed by section 4061(c) of the Internal Revenue Code of 1954, as amended, the rate at which such automobile consumes fuel, according to—

(1) each type of engine, including each type of carburetion or other variation which affects the rate at which such automobile consumes fuel, which is available for such automobile; and

(2) each item or combination of items available for such automobile as optional accessory equipment which affects the rate at which such automobile consumes fuel.

(b) In preparing the Automobile Fuel Consumption Schedule provided for under subsection (a), the Secretary of Transportation is authorized and directed to make any and all tests necessarry to determine the fuel consumption rates of automobiles under driving conditions most representative of the uses to which an average automobile owner puts his automobile under normal driving speeds and circumstances, and with the fuel recommended by the manufacturer for use in the automobile being tested.

(c) The methods and types of testing to be employed for purposes of subsections (a) and (b) shall be established by rules and regulations to be promulgated by the Secretary of Transportation in accordance with the Administrative Procedure Act: *Provided*, That notwithstanding any other provision of law, the rate of fuel consumption specified in the Automobile Fuel Consumption Schedule for any automobile shall be binding and conclusive upon the Secretary of the Treasury for purposes of assessing the tax imposed by section 4061(c) of the Internal Revenue Code of 1954, as amended, unless and until a different rate is established by a superseding Automobile Fuel Consumption Schedule or by an administrative or judicial decision which is final and not subject to any further appeal or review.

Sec. 4. (a) In the case of any automobile distributed in commerce after June 30, 1975, on the sale of which by the manufacturer, producer, or importer tax was imposed by section 4061(c) of the Internal Revenue Code of 1954, as amended, any person required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) to affix a label to such automobile shall include in such label a clear, distinct, and legible endorsement stating—

(1) that Federal excise tax was imposed and paid on such sale;

(2) the percentage rate at which such tax was imposed; and

(3) the rate at which such automobile consumes fuel, as determined by the Secretary of Transportation.

(b) Any person required by subsection (a) of this section to endorse any label who willfully fails to endorse clearly, distinctly, and legibly such label as required by subsection (a), or who makes a false endorsement of such label, shall be fined not more than $1,000. Such failure or false endorsement with respect to each automobile shall constitute a separate offense.

PHASE 4 ENERGY MESSAGE—WRONG AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, at a time when the country faces serious problems both home and abroad, and when those problems are caused, in large part, by a flagging national belief in its leaders and institutions, it gives this Member no great pleasure to take the floor in order to criticize the President of the United States.

Delivering no less than the fourth energy message in a single year, necessitated by the failure of each of its predecessors to correctly assess the dimensions of the problem, Mr. Nixon once again slipped into the pattern of inadequate measures and bland reassurances that are responsible in no small part for bringing us to the brink of this stark energy crisis. It was the kind of speech that reflects an administration policy that has allowed us to stumble into a virtually insoluble energy dilemma that could close factories and schools and leave millions of homes unheated this winter. For despite Mr. Nixon's protestations about the Congress, this ostrich administration had pretended for 2 years that the energy crisis was not serious. Their defaults have put us in such a vulnerable posture that the Arab's "oil weapon" will inevitably have a devastating impact on our lives and our economy in the months immediately ahead.

And now that we teeter on the brink, here is in summary what Mr. Nixon said:

> We will have a shortfall of oil temporarily running in the neighborhood of 2 to 3 million barrels per day.

Wrong. The shortfall we now face, as I will detail later, will likely in the first quarter rise to more like 6 million barrels each day, running between 20 and 30 percent of total demand.

> A combination of modest cutbacks in personal and industrial consumption can save us in the short term.

False. The hard fact is that, at this late date, the actions he called for, though desirable and necessary, could be inconsequential. They are either too slow, that is, the conversion of industry to coal or an accelerated nuclear power program, or they are far too modest, that is, temporary speed limits—which will save us only 6 percent of our predicted shortfall—and airline flight cutbacks which would save even less.

> Legislation in the Congress will alleviate the problem.

Untrue. If construction began today on the Alaska pipeline, the first drop of oil could not possibly emerge before sometime in 1978. The energy research and development program he belatedly seeks holds promise for the next decade and the next century, but none for next year. It must be pointed out that such a program has been stymied by Nixon administration opposition as late as June of this year.

Moreover, in his speech there was the hint of two egregious policy errors.

First, was the underlying suggestion that technology will bail us out, somehow, just before disaster. We risk catastrophe if a blind confidence in technology lulls us into procrastinating on painful decisions. We are foolish to believe any longer that technological tricks can relieve us of our need to husband nonrenewable resources. No Manhattan project or Project Independence, no amount of cheerleading, will provide an instant solution.

Second, to retreat completely from our commitment to clean water and air, to go ahead damming wild rivers and desecrating wilderness and national parks would be an irreparable mistake. Some short-term tradeoffs may be required, but when the tough decisions come, it would be folly to abandon environmental reforms. We must have a sensible policy that balances our resource budget while remaining respectful of nature's laws.

In a speech 3 days ago, I charted the

deteriorating and serious energy picture for this winter. The hard facts are these:

Before the Mideast embargo, the Interior Department was estimating shortages of 100,000 to 300,000 barrels per day.

On October 12, White House Aide Charles DiBona predicted possible shortages of not more than 8 percent or about 1.2 million barrels per day.

On October 20, this estimate was raised to 1.6 million barrels per day to cover indirect Arab supplies in the form of products imported from third countries which import Arab crude directly, refine it, and reexport the refined products to us.

On October 24, the Treasury Department's Office of Oil and Gas raised this estimate to 2 million barrels per day.

Duke Ligon, OOG's Director, on October 30 gave newsmen an estimate of 2 to 2.5 million barrels per day.

Now Dr. Kissinger has supplied the Senate and House Foreign Relations Committee with a new estimate from the Defense Department of a total shortfall of 3 million barrels per day. This includes Arab supplies of 0.5 million barrels per day formerly available from the Caribbean, and 0.4 million barrels per day from the European refineries. Also included are Defense Department purchases of one-third million barrels per day which it formerly obtained overseas.

But I believe that even this figure is too low.

One. Domestic needs for imports were anticipated by the Interior Department to rise from the present 6.5 million barrels per day to 8.4 million barrels per day in the first quarter of 1974. Most of this increase would have had to come from direct or indirect Arab sources, since no other crude producer can materially increase production. If this is true, then the Defense Department estimate, which assumed a necessary level of winter imports at 7 million barrels per day, underestimates our shortage by over 1 million barrels per day.

Two. Further, if we do nothing to curb demand during November-December—and it appears unlikely that drastic cutbacks will be achieved so soon—inventories will be reduced by the lack of imports—expected to begin about the middle of November—of 3 million barrels per day or about 135 million barrels. This reduction of inventories means that much less will be available to draw from during the winter quarter, which will cause an additional shortfall of 1.5 million barrels per day.

Thus, during the peak of the winter demand period we face a potential shortage of not 100,000 to 300,000 barrels per day, not 1.2, 1.6, or even 3 million barrels per day, but possibly 6 million barrels per day and, of course, the maximum shortage will be even greater than the average shortage.

What can we do? We cannot look to economic incentives to persuade the Arabs to increase production. They have actually increased total revenues by raising prices more than they cut production. Our options include:

First. The beginning of every solution is a thorough understanding of the problem. The President did little in his speech last night to educate the country on the seriousness of the current situation. We must tell the country the whole truth; only then will we be able to build a sense of teamwork and broad citizen cooperation.

Second. Begin to take extraordinary steps now. If we wait until the gas pumps are empty and the pipes are frozen, it will be too late for rational response.

Third. With all the potential inequities these measures suggest, we must immediately take steps to limit gas consumption by either imposing high gas taxes or rationing. These are bitter pills to swallow, but we may have no alternative.

Fourth. Immediately investigate the possibility of requiring a limit on commercial hours, car pooling, a temporary surcharge on excessive energy consumption, an elimination of unnecessary lighting including an absolute ban on neon advertising.

Fifth. The Government must undertake a crash energy education program for individuals and industry, utilizing all media, and providing a steady flow of information to every household in the country on an energy savings program.

Mr. Speaker, we face hard times, and the country deserves to know it. The President proposes halfhearted measures and more delay; I call on the Congress to take urgent action. The price of procrastination is unacceptable.

THE CONVERSION OF COAL TO GAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 10 minutes.

Mr. SMITH of Iowa. Mr. Speaker, the President's energy message represented an almost complete turnaround within the administration compared to a year ago. A subcommittee which I am privileged to chair has been investigating, holding hearings and warning for several years that an energy crisis has been developing in the United States. As late as a year ago, the official response by the administration was that there was really no energy problem. The evidence cited was that they had asked the big oil companies and had been told this was the case. The first step toward solving any problem is to realize there is a problem and the second step is to realize the dimensions of the problem. Last winter, the administration was rudely awakened and became convinced there was a problem but only this week have they become convinced how big the problem really is. They now have taken the first two steps.

But to go from realizing the problem to proposing solutions is quite another thing. Based upon what we have heard during the past 2 or 3 years in our subcommittee, I think most of the President's recommendations, and indeed most of those I have been hearing from my colleagues as well, have been nonsolutions for our particular problem. For example, both the President and some of my colleagues talk in glowing terms about the amount of fuel which can be saved by placing a 50-mile-per-hour speed limit on the highways. The President indicated 10 percent of our shortfall could be saved that way. I challenge them to find any rational statistics proving such huge savings.

The best engineers in the business say that the speed at which an automobile will use the least fuel depends upon a large number of factors including the weight of the automobile compared to the size of the engine, the surface of the highway on the particular day in question, the amount of traffic to be carried on that highway at that time, and even the temperature. In many cases slowing traffic to 50 miles per hour can actually increase gas consumption. While under some conditions operating automobiles at a slower speed may save gasoline, depending upon this type of action to yield 10 percent of the energy savings needed would be a drastic mistake.

The unquestioned fact is that we have huge resources of coal in this country and that until the breeder reactor is available on a widespread basis in about 1985, the United States cannot hope to be self-sufficient in noncoal energy supplies, according to present preferences for those sources of energy. If we are to bridge this 12-year gap and to depend less upon imports of oil, it is necessary to concentrate on a national policy of using coal for more of our energy needs. The question is how to accomplish substituting more coal for oil and gas.

We have had many research projects underway for many, many years for the conversion of coal to gas. Contracts for this research have been given to oil companies. Claims have been made that oil companies did not care enough about finding solutions to a problem which would create more competition for oil. Whether that is the reason for the slow progress or whether there is some other reason is not clear, but it is clear that this research has not proceeded as rapidly as it should have. Without any changes in any laws, emergency can be given to these projects.

Although converting coal to gas results in a great loss of British thermal units, the fact is we have large reserves of coal and we do not have enough of other forms of fuel. Therefore, in spite of the loss, it needs to be done. It would be too difficult for homes to convert from gas and oil to coal but electric powerplants could convert from other fuels to coal where necessary and a large share of them already have the capacity to use coal. Coal with the required pollution control equipment is a more expensive source of energy than gas and in some cases oil has been and using coal would require some readjustments of rates but in looking at total energy supply, it seems crystal clear to me that we need to have a national policy of encouraging the use of coal for the next 12 years and that one of the easiest places to make a huge dent in the problem is converting electric powerplants from gas to coal.

Allocating existing fuels on an historical basis will not permit the adjustments that are absolutely imperative to avoid high unemployment and great shortages in our society. For example, gas is used as a derivative for fertilizer and without increased supplies of fertilizer, there will not be enough of the kind of food supplies which are being programed. Allocating the same amount used in prior years is simply not enough. Making nitrogen from coal would be much more inefficient than converting gas to nitrogen and then using coal in more heating plants instead of gas. This demonstrates how we must look at total energy supplies and the shifting of energy sources rather than simply allocating fuel supplies according to some historical base.

Although many British thermal units are lost in converting coal to electricity for use in homes compared to using gas, huge coal resources can be converted to a usable form in this way and more homes can use electric appliances. Also if more new homes were all electric, then the suppliers of electricity could be the ones in the future to convert back and forth between fuels so as to use the most plentiful fuel that is available at that particular time. Those electric plants using coal during this interim period could switch over to another fuel if and when the other form becomes more plentiful or cheaper per British thermal unit.

There are also some large industrial users of fuel who have been using gas because it was so cheap. Many of them could use coal and tremendously relieve the drawdown on gas which is needed for homes and small users where distribution of fuel by surface methods is a major problem. This may mean a need to revise tax statutes to provide an incentive to use coal instead of other energy resources.

Another problem connected with the increased use of coal is the lack of transportation facilities for delivery of the coal. Much of the coal in the United States contains a huge sulphur content. I think antipollution devices can and soon will be developed which will permit greater use at a reasonable cost of this kind of fuel without polluting the atmosphere. There are also large reserves of coal which are low in sulphur content. Whichever kinds of coal are used, a tremendous increase in transportation facilities will be necessary. I am sorry that the President did not even mention the word "transportation" in his speech because that is one of the very keys to solving this problem.

There are a number of other things which can be done, such as importing more oil from the Western Hemisphere, letting more contracts for explorations in the Gulf of Mexico and other areas on the Outer Continental Shelf, and entering into outright barter agreements with countries with supplies of LPG and crude which would be stored or derived from places where they are just as dependent on our food products as we are dependent upon their energy resources. All of these kinds of things need to be looked at but each one is small in importance by comparison to zeroing in on a huge domestic increase in the mining and distribution of coal as the major source of energy needed to fill the gap.

Weatherstripping around the front door and cleaning the furnace filters are all-right things to do but it is a mistake to think that these kinds of things will be enough to fill the energy gap to the extent needed to prevent unemployment and shortages of food and other consumer goods. It is time to think in terms of increasing total available domestic supplies of energy instead of concentrating almost exclusively upon allocating particular kinds of fuel on an historical basis.

I strongly urge my colleagues and those who are working on energy problems to focus on the central major solutions which will overcome the total energy gap instead of spending so much time on proposals which will be insignificant by comparison and turn out to be disappointing in the end.

ARKANSAS LAW SCHOOL RESPONDS TO GOVERNMENT ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, recently I received a report from Paul Riviere, president of the Student Bar Association of the University of Arkansas School of Law at Little Rock. Mr. Riviere advised that of the 180 students enrolled at the Little Rock Division of the University of Arkansas School of Law that approximately one-half participated in a questionnaire which was circulated among the students. The poll is clear and convincing evidence of the failure of the institutions of government to inspire the confidence of the Arkansas Law School student body and is cumulative proof of the crisis of confidence that many students have expressed during the past several years.

It may be appropriate to note that the U.S. House of Representatives is in the process of responding to the need for change as evidenced by the Legislative Reform Act which was passed in 1971. Remembering, the report by Chief Justice Warren E. Berger on the state of the Federal judiciary in September of 1971 would likewise fall into the category of a call for reform. The executive branch is in constant, almost daily need for improvement that is fitting to serve the needs of a dynamic society.

I commend the poll to my colleagues for their consideration.

Results of Poll

Questions I, II, Better than 80% disapproved President Nixon's actions.

Question III, 73 of 88 said Congress should consider impeachment.

Question IV, 82 of 89 indicated they felt that members of Congress had not adequately fulfilled their obligation as representatives of the people in the past 10–15 years.

Question V—Comments: 1. The results of the poll should be sent to each member of the Arkansas Congressional delegation in Washington, D.C.

2. Consider impeachment, but on what substantial grounds?

3. They (Congress) have acted like lambs during his administration ...

4. I considered the appointment of a Special Prosecutor as a promise that the President made to the country ... his interference was inexcusable. ...

5. The firing of Cox was the straw that broke it. After having staunchly supported Mr. Nixon and voted for him, I find it very embarrassing to admit that fact in intelligent company.

6. Actions of President Nixon have hurt the country and the Republican Party.

7. Congress has abdicated too much responsibility to the President.

8. It is long past time for the Congress to assert its constitutional authority, regain its posture by impeaching the President and thereby, replace in all America a feeling of confidence in our government.

9. All aspects of impeachment should be fully considered.

10. The Executive has for some time sought to increase its power beyond constitutional limits, but Nixon has gone too far. . . .

11. Congress should re-appoint Cox as Special Prosecutor.

12. During the past 20 years our country has had more of the powers of the people delegated to the Federal Government . . . The power of the President has increased and the power of Congress has decreased ... Our leaders are shown to be incompetent ... New leaders must be found, leaders that can become aware of our problems and work actively to solve them. ...

OPINION POLL

I. What are your feelings or beliefs concerning the firing of Special Prosecutor Archibald Cox? (Circle the appropriate letter.)

(A) I approve President Nixon's actions.

(B) I disapprove of President Nixon's tions.

(C) No opinion.

II. What are your feelings or beliefs concerning the resignation of Attorney General Elliot Richardson and the firing of Assistant Attorney General William D. Ruckelshaus? (Circle the appropriate letter.)

(A) I approve President Nixon's actions.

(B) I disapprove of President Nixon's actions.

(C) No opinion.

III. In light of what has happened this weekend when coupled with the events of the past year, I believe that: (circle the appropriate letter).

(A) The Congress should agree to the "compromise" proposed by the President and *not consider* impeachment.

(B) The Congress should agree to the "compromise" proposed by the President *and* consider impeachment.

(C) The Congress *should consider* immediate impeachment.

(D) No opinion.

IV. Do you believe that the Congress of the United States has adequately fulfilled its obligation "as representative" of the people in the last 10–15 years? (Circle one.)

Yes. No.

V. Comments:

ON OIL EXPLORATION IN THE GULF

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am very pleased that the entire Florida House Delegation in the Congress has joined with me today in introducing a bill which is designed to prevent wholesale oil exploration and drilling without concern for essential military test ranges or facilities in the Gulf of Mexico off the Florida coast. The bill provides that no test ranges or facilities which are required for defense programs of the military services of the United States may be released by the Department of Defense for purposes of oil drilling or exploration until a determination has been made by the Secretary of Defense that there is not a military requirement for the test range or facility involved and until full and complete environmental studies have been made by the Environmental Protection Agency and such studies have been approved by the Appropriations and Armed Services Committees of the Congress; or unless such leasing is directed by the President as essential to the national interests.

We recognize the need for providing additional oil resources in the Western Hemisphere. We know that the Department of the Interior is under pressure to find oil for America's needs. We know the Government wants the revenue which will come from oil leases. Nevertheless, the most optimistic predictions indicate the oil reserves which might be discovered in the gulf would provide only a minor part of America's growing requirements, or approximately 1 million barrels per day against present requirements of 18 million barrels and projected future requirements of 25 million barrels. These limited resources would materialize 3 to 4 years hence and not immediately when additional oil is needed. It is conceivable that the achievement of permanent peace in the Middle East would meet all of America's additional oil requirements, possibly within months.

Drilling off the Florida coast brings the risk of weakening America's defense. I do not think we can afford this. Modern weapons require long and careful testing to insure efficient operation. Today's sophisticated weapons require test ranges which can only be obtained over water. The cost of the Government's investment in defense installations in the Mississippi, Aabama, and Florida areas of the Gulf of Mexico is more than $1.5 billion, and the estimated replacement value of these facilities is $3.4 billion. The normal activities of these installations include hazardous activities such as the testing of live armament over water ranges. Such tests are essential to the maintenance of the combat readiness of the military services. The construction of permanent installations, such as oil rigs, in test areas could result in the creation of dangerous conditions both for military personnel and for those involved in oil exploration and production. Ranges in the Gulf of Mexico are essential to testing and training for the Naval Air Station at Pensacola, Eglin Air Force Base, Tyndall Air Force Base, the Naval Coastal Systems Laboratory at Panama City, and MacDill Air Force Base at Tampa. Moving their functions would not insure adequate test ranges elsewhere. There simply are very few, if any, areas anywhere in the Western Hemisphere where ranges comparable to the present Gulf test ranges are available.

We know that we face a threat of constantly improving Soviet weapons. They are pacing us step by step in progress and surpassing us in numbers of modern weapons. We could lose the next war before a shot is fired if the Soviets know we do not have the weapons to stand up to theirs. This can become a case for America's survival, and America's survival is far more important than the possibility of oil revenues from the Gulf.

A strong case can also be made on economics and tax revenues. The bases named pour $500 million per year into Florida's economy. This is reflected in a very substantial tax return to the Government. Revenues from oil leases would fall far, far short of this figure. Oil spills, which are a constant threat where there is oil drilling, would play havoc with the rich and growing potential of Florida's unmatched beaches. The specter of oil rigs sitting offshore and the always ominous threat of oil spills would certainly place a damper on beach development and, again, on tax returns to the Federal Treasury. Other States have already experienced this problem and know that it is real.

The administration has shown a disappointing lack of concern of the possible serious consequences of drilling in the gulf. We share the concern which is felt on the need to provide additional oil supplies, but we feel that alternative sources and procedures are much more to be desired. Apparently it is necessary that Congress take this matter into its own hands to insure that there will be no disruption of the testing of equipment vital to the Armed Forces, to avoid the unnecessary and very heavy expenditures which would be required to relocate activities which might be compromised by oil activities, and to prevent possible irreparable damage to our beaches and to the development of our State from oil spills.

THE NATIONAL COMMANDER OF THE AMERICAN LEGION SPEAKS BEFORE THE NATIONAL GUARD ASSOCIATION

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, someone has just brought to my attention the address of the National Commander of the American Legion given before the National Guard Association at its recent meeting in Oklahoma City on October 11, 1973. The present National Commander of the American Legion is a retired Air Force major general and is the first career military officer ever to be elected National Commander of the American Legion. For some 17 years, while serving on active duty in the Air Force, he maintained his legal residence in my district and his wife is from Belleville, Ill. We, in my district in Illinois, commend the American Legion in their selection of Major General Eaton as National Commander.

In his address to the National Guard Association, National Commander Eaton expressed the American Legion's apprehension in regard to the future pattern of our defense structure. The American Legion, and all of us, regard the zero draft armed services as a commendable goal but in order for it to have any chance of success the pay of military personnel must be set at a high level and this raises the personnel cost of the defense establishment astronomically.

In approaching the solution to this, the American Legion feels that we must be aware of the danger of parochialism in the Defense Department in arriving at their solutions. In the utilization of reserve forces, to use the words of the national commander:

> If the ceiling is dollars, more defense can be produced under the dollar ceiling. If the ceiling is force structure required, the force structure can be produced at a lower cost. These economies are possible because it is demonstrably cheaper to fund reserve forces both from the standpoint of personnel cost and maintenance and operation cost, than it is to fund the active force.

The American Legion has a resolution on this subject and I place in the CONGRESSIONAL RECORD the remarks of the national commander as well as the American Legion resolution passed at its recent convention in Hawaii in the hopes that my colleagues will find both interesting.

AN ADDRESS BY ROBERT E. L. EATON

Thank you very much.

Mr. Chairman, distinguished guests, I am honored by your kind invitation to be with you today.

Throughout our 55 year history, The American Legion has favored a strong national defense. Indeed, one of the principal reasons for founding our organization was the concern of far-sighted World War I veterans who saw the folly of inadequate military preparedness.

It follows that we have enjoyed an equally long, and equally supportive relationship with the reserve components. My purpose today is to discuss with you the Legion's current position on the national defense, and the contribution we believe the reserve components must make to national defense.

Almost as a matter of course, it seems, prevailing American public sentiment urges the dismantling of the military forces following a long period of conflict. This was true following World War I and it is true again today following the long cold war years and the Vietnam Conflict. General George Marshall called attention to the dangers inherent in this type of let-down when, after World War II, he said:

"We finish each bloody war with a feeling of acute revulsion against this savage form of human behavior. Yet, on each occasion, we confuse military preparedness with the cause of war and drift almost deliberately into another catastrophe. The first thing we must remember with the end of war is that to avoid war we must remain militarily strong."

The existing atmosphere of detente with our cold war adversaries has also had an impact on public opinion concerning our defense posture. The doves, who are always with us, are doing their share of hand-wringing, and attempting to bring about disarmament even if it must be on a unilateral basis. Their prime target is the defense budget which they would reduce to a completely unreasonable degree under the guise of "reordering priorities."

We tend to overlook the fact that in the 3400 years of recorded history there have been only 268 years when a major war has not been in progress. The conflict which seems to be developing into major proportions in the Middle East at this moment appears to bear out the lessons of history in this regard.

The rationale for maintaining a strong defense as a national priority was set forth eloquently some years ago by British Air Chief Marshal Slessor, who observed:

"It is customary in Democratic countries to deplore expenditures on armaments as conflicting with the requirements of the social services. There is a tendency to forget that the most important social service that a government can do for its people is to keep them alive and free."

While there are hopeful signs of a desire for improved conditions on the part of the Soviets and the Communist Chinese, we of the Legion do not believe the climate is such that we can afford universal or unilateral disarmament. We will require a defense establishment strong enough to provide absolute deterrence. We remain unconvinced that our potential enemies had given up long term goals of military superiority and ultimate aggression in one form or another.

The obvious question here is "how much is enough defense to deal with the threat posed by our adversaries?"

First consideration, in our view, is the maintenance of an adequate nuclear posture for defense. We give our total support to our TRIAD forces and the measures necessary to insure that these forces are kept in fighting readiness.

If we are to provide a counter force with the effectiveness to combat the Soviet threat, we must have a replacement for the now obsolete B-52. We therefore consider the early development and deployment of the B-1 bomber a must.

Additionally we now have evidence of a Soviet submerged missile system with a 4000 mile range, making imperative the deployment of an operational TRIDENT Submarine force at the earliest possible time to replace our aging Polaris System.

Thirdly, we are committed to the rapid updating of the land missile element—our Minuteman system. Our mandate calls for immediate action to improve the survivability and effectiveness of the Minuteman force. This includes replacement of older missiles with Minuteman III, and continuation of research and development action on advanced missiles.

While attaching priority to updating strategic forces, we believe we must act now to improve our general purpose forces. We are committed to continued development and procurement of the F-14 and F-15 air superiority fighters; a return to a position of naval superiority through the continued improvement of our surface and submarine fleet and a modernized air defense system.

While we regard the zero-draft, all volunteer armed services as a commendable goal, we do not believe that it will work. We will give the program our support as long as it is policy. Zero draft has pushed up our personnel costs enormously, and thus the costs of the armed services have skyrocketed for this reason alone.

Now the costs of updating weapons systems plus the zero draft have made defense tremendously more costly, and we deplore the conditions which force the need for it. In spite of the fact that current spending for defense is lower today on the basis of a percentage of gross national product—or measured against the dollar value of a decade ago—the dollar figure is higher. Increasing inflation can be expected to push it even higher in the future. The continuing need for a strong defense must be explained to the American public, sold if you will, and organizations such as yours and mine can be expected to do our best in doing this selling job.

In the face of these skyrocketing costs—the costs for personnel and new weapons systems—it seems to us that the Defense Department itself should be innovative and should try new methods to bring down the cost of defense. We believe that one of the ways the cost of defense can be brought down is a more intelligent and a more aggressive approach to the use of the reserve components. It will be necessary for the Defense Department itself to get away from parochialism in order to take full advantage of the reserve forces and insure proper utilization of these components. There needs to be a radical change in thinking concerning the role of the reserve forces. In past history, the reserve forces have been considered a mobilization force, operating under a requirement that months, and even years of equipping, manning and training elapse in order to bring them to combat effectiveness. Regardless of what has been said on this score, unfortunately our reserve forces are still constituted to a major degree on this basis. We regard this as an unacceptable posture in view of world conditions and our defense requirements. We can't buy a reserve concept that is tied to the idea we have all the time in the world to prepare for war.

Former Defense Secretary Laird, in a rare moment of statesmanship, adopted the obvious solution for utilization of the reserve force in embracing the Total Force Policy—the complete integration of the reserve forces into the nation's combat ready force in being. We need look no further than the example provided by the quick and effective reaction of the Israeli reserves in today's ongoing action to prove that it can be made to work, but sadly we must report that despite a display of lip service, we fail to see vigorous moves toward implementation of this idea by the Congress or the Department of Defense.

As a matter of fact, and more importantly, even now we hear rumors of action planned and papers circulated indicating that the first element of the Defense structure to undergo reduction in force structure will be the Air National Guard and the Army National Guard. It is obvious that if money is to be saved these elements should be the last to undergo cutbacks.

We believe that developing and using the reserve forces in accordance with the Total Force Policy will not only provide an effective defense, it is without question, the most dollar effective approach. If the ceiling is dollars, more defense forces can be produced under the dollar ceiling. If the ceiling is force structure required, the force can be produced at a lower cost. These economies are possible because it is demonstrably cheaper to fund reserve forces, both from the standpoint of personnel costs and maintenance and operations costs, than it is to fund the active force.

In order for the Total Force Policy to be a viable, living thing we must have a commitment to man the force—to equip the force and to train the force. And this is where we should be fighting today—you and I—The American Legion and the National Guard Association. We of the Legion are committed to this policy by the strong mandate of our recent National Convention and I know the depth of your commitment.

Let me say in conclusion that you have the salute of The American Legion and our pledge of complete support. We are, in the words of our theme program for the year, willing to stand up and be counted again in the interests of a national defense structure powerful enough to keep America strong and great. That much defense, ladies and gentlemen—no less—is what we of the Legion consider "enough" defense.

RESOLUTION NO. 276

Committee: National Security.

Subject: Total force concept of providing modern aircraft to regular and reserve forces.

Whereas, The Secretary of Defense on 21 August 1970, in anticipation of major curtailments of the force levels within the Defense Establishment of the United States due to rising manpower costs, directed implementation of the Total Force Concept; and

Whereas, The Total Force Concept would provide a greater degree of national defense capability and potential through reliance upon both active and reserve elements of the Defense Establishment; and

Whereas, This increase in capability would be attained and maintained at less expense to the United States; and

Whereas, The Total Force Concept dictates equipping both the regular and reserve forces with modern first line equipment; and

Whereas, The Air National Guard Tactical Fighter Force of the Reserve Forces are equipped with obsolete tactical equipment such as the aged and ineffective F-100 tactical fighter aircraft whose current and projected maintenance and safety modification costs alone exceed production costs of first line tactical aircraft; now, therefore, be it

Resolved, By The American Legion in National Convention assembled in Honolulu, Hawaii, August 21, 22, 23, 1973, that we urge the Congress and the Secretary of Defense to implement the Total Force Concept without delay and equip the Reserve Forces with modern first line aircraft from production as well as Regular Force assets, at the earliest possible date.

LATIN AMERICA: THREE TRENDS TO WATCH

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, recently one of America's most distinguished newsmen, Lee Hills, chairman of the board and chief executive officer of the Knight Newspapers, and publisher of the Miami Herald, addressed the annual meeting of the Inter-American Press Association in Boston. In his address Mr. Hills, a former IAPA president, perceptively analyzed the principal trends in the hemisphere today. I know that all those in the Congress who are vitally concerned with Latin America will want to read this excellent speech and I, therefore, include it at this point in the RECORD:

[From the Miami Herald, Oct. 21, 1973]

LATIN AMERICA: THREE TRENDS TO WATCH

(By Lee Hills)

I would like to address myself to what appears to be an unhappy hallmark of relations between the two halves of our hemisphere: A lack of understanding on both the government level and at the press and private level.

The American press is accused of only being interested in Latin America when there is an earthquake or revolution. It is equally fair to say that the Latin American press can be as fickle in covering events in North America, highlighting our "spectaculars" like Watergate or Agnew, or a racial riot but seldom really exploring the underlying issues and attitudes.

Today let me attempt to outline some of the things beyond the revolutions and the earthquakes that I think are important to a changing Latin America.

We in the Knight Newspapers believe that Latin America is an important and vital part of the world and we cover it as though it were, on a day-to-day basis.

So, to our Latin American members, let me ask whether, in what I am about to say, we are perceiving correctly some of the underlying changes on which you have embarked in your societies. And to our North American members, let me point out by implication some of the kinds of things that Knight Newspapers are reporting about Latin America.

Generalizations about Latin America, of course, are dangerous and often misleading. This is an enormous, diffuse area. It defies any neat description. Each of the 24 separate nations has its own unique set of problems and prospects. What's true in one country may be false in another. What held in the late 1960s may be reversed in the '70s. Indeed, the only constant I can detect is flux and change.

The rules of the game keep changing dramatically for investors. U.S. capital isn't as prized as it once was, and neither is the concept of private enterprise among some of the governments. More of them favor joint venture, and want local control either by private capital or the state itself.

And American capital, which once had Latin America pretty much to itself, now finds stiff competition both from West Europe and Japan.

Nevertheless, it strikes me there are at least three significant trends occurring in Latin America that apply, in varying degrees, pretty much across the board:

1. Latin America, as a whole, is experiencing an economic boom. It began about five years ago—partly as a result of sizable increases in both public and private investment—and it shows no sign of abating. The Latin economy, again as a whole, is expanding at a higher rate than either the already developed areas and the other under-developed regions of the world.

Overall, the combined gross domestic product of Latin countries—what we call our GNP in the United States—has been rising at a rate of about six per cent every year since 1968. That's real growth, in constant dollars, with the inflation taken out.

Even so, this growth is spotty.

In Brazil, the economic showcase of Latin America, the growth rate has been running over 10 per cent for the past five years.

In Argentina, it's barely four per cent.

And Uruguay shows a negative economic growth rate of minus two per cent.

And in most countries, the new wealth is still concentrated in the top 30 to 40 per cent of the population. A good deal "trickles down" eventually, but sudden riches may actually increase economic envy and social tensions. As President Medici of Brazil put it recently: "Brazil is doing well, but the people are not."

But the Latin economic growth is offset by a three per cent yearly birth rate rivaled only in southern Asia. There are now 65 million more Latin Americans than there were when President Kennedy declared the Alliance for Progress. And there will be another 80 million mouths to feed in 1980.

Nevertheless, the growth is so fast that per capita income is rising at three to 3½ per cent a year. There is a lot more money around for Latins to buy things with.

2. My second generalization has to do with nationalism and expropriation. Every nation wants the right to settle its own destiny in its own way.

Riffling through back copies of The Miami Herald, which devotes at least four to five columns daily on a special page to Latin American news, is like a classroom in nationalism.

They tell, for example, of Latin American foreign ministers planning to meet in Bogota next month to prepare a common list of grievances and desires for presentation to the new U.S. Secretary of State Henry Kissinger.

Or of the Law of the Sea Conference scheduled for Santiago in 1974 with Latin nations sure to loudly reiterate their claim to sovereignty over 200 miles of ocean off their shores; of Latin America's increasing Third World leadership role; of Panama's assertion that the Panama Canal is a natural resource which it should control; of Brazil angrily rejecting suggestions from abroad that perhaps it should control its population and place a greater emphasis on the environment in its phenomenal development. The list goes on and on.

Miami Herald Latin American Editor Don Bohning likens the continuing manifestations of nationalism to an outbreak of measles. He regards it as the single most significant trend to emerge in Latin America in recent years and perhaps in recent decades.

Its impact is felt not only on U.S.-Latin American political relationships but by the business community that is so active in Latin America.

Latins are most sensitive about foreign involvement in what they regard as their national patrimony—their land and its crops, the minerals under the soil, the fish in their coastal waters, basic communications, transportation and power networks.

These are the areas that got ITT, International Petroleum and the copper companies into difficulties. This is where the political pressure for nationalization is strongest, and where private foreign investment is regarded with the greatest suspicion.

Unfortunately, most U.S. companies operating in Latin America tend to be lumped together with all the multinational corporations, which have been described by Progreso, the Latin American magazine of business and economic development, as the hottest controversial subject in Latin America.

On the other hand, Latin Americans generally welcome foreign investment in commerce and manufacturing. They may be touchy, sometimes, about repatriation of profits and about the extent of foreign ownership and management. But on the whole, they are glad to see new plants that spell a better life for people with the manufacture of autos, trucks, radios, appliances and consumer goods of all kinds.

Despite the troubles and turmoils of recent years, American investors continue to pour money into Latin America.

The most recent figures from the Department of Commerce show $750 million in net U.S. private investment in 1971, almost 10 per cent above the year before. Over half of these investments went into the manufacturing sector—trailed, way back at about 16 per cent, by petroleum. The book value of U.S. investments in Latin America passed the $16 billion mark last year.

The point is this—expropriation of oil and copper companies may get the headlines, but there are a lot of solid, relatively non-controversial investment opportunities in Latin America that benefit both parties. They create jobs and needed products for Latins—and reasonable earning opportunities for Americans.

Some Latin countries now make a distinction between acceptable and unacceptable forms of foreign investment. The United States may have to do so, too.

3. The third significant trend of recent years—although it makes a lot of us uncomfortable—is the prevalence of military rule. Approximately 70 per cent of the Latin American population lives under some form of military regime that came to power by force. Chile is only the latest example of this trend.

Says William Montalbano, The Miami Herald's prize-winning Latin American correspondent: "It used to be that you could immediately assume that any general in Latin America kept a good seat in the saddle. Today it's a safe bet that any given general is as comfortable with a slide rule as he is with a horse.

"It used to be that the Latin American military intervened in political affairs as an arbiter to preserve the status quo on behalf of the elite. Today all bets are off.

"The Peruvian generals, as an example, care more about water supply to the slums around Lima than they do about the health of the local oligarchs."

As free Americans, we find it difficult to accept governments that are not freely and democratically elected.

Personally, I find it hard to swallow because for 20 years I saw human freedom grow in those countries along with the standard of living. A courageous free press with the same ideals as ours in North America helped lead to the downfall of such old-style military dictators as Peron in Argentina, Trujillo in the Dominican Republic, Perez Jimenez in Venezuela, and others. The Inter-American Press Association was the catalyst.

As recently as 1968, when I addressed the Annual Assembly of the IAPA in Buenos Aires as your president, I was able to say that Latin America enjoyed one of the highest degrees of press freedom of the world. This is no longer the case. Even while we were meeting in Buenos Aires, we received the news about the military coups in Peru and Panama.

In the early years of the Alliance for Progress, the U.S. government also used to raise hell about military takeovers, and intervened actively to promote democratic forms of government. Since the Dominican revolution in 1965, however, Washington's ardor for sermons against military intervention has cooled.

And President Nixon has deliberately sought to maintain a "low profile"—on the premise that the United States ought to accept governments as they are and not as we think they ought to be.

A new kind of military rule is a fact of life these days in most of Latin America. And there are a couple of things that can be said about what this means:

Just as the Catholic Church has switched from being a virtual arm of the upper classes, as it was in previous centuries, to becoming a vigorous engine of social justice, so the Latin military is no longer what it used to be. The officer corps, by and large, no longer represents the feudal aristocracy of the old Spanish and Portuguese colonizers. Most officers now come from the middle and lower classes.

Chile's military revolted on behalf of the wounded middle class. The soldiers, then, rather than being reactionary guardians of the status quo, tend to be pragmatic, progress-oriented bureaucrats in military garb.

Furthermore, in many under-developed countries, the military establishment may be the only disciplined, well-organized, effective institution on the scene. Political leadership may simply lack the managerial and organizational capacity to get the country on its feet and keep it there.

Certainly there are plenty of examples from recent history to support the argument that under-developed countries may be doomed to go through an undemocratic, dictatorial phase, perhaps under military rule, in order to build the economic and social base for a modern society.

If we have learned one thing from our experience in Southeast Asia, it is that Uncle Sam can no longer call the shots in the world. This is also true in Latin America.

Most Latin Americans would like to have in their relations with us the kind of balance between independence and friendship that Mexico has been able to establish. But their cry is that when they try to redress the social and economic structure by democratic means, it doesn't work. So, they have turned in large numbers to undemocratic regimes.

Now, let me outline some major trends

that are developing in key countries and what I see as the outlook in these areas:

Brazil—Purely from the standpoint of economics, Brazil is one of the most exciting countries in the hemisphere with explosive growth and a people gripped by the spirit of nation-building. Inflation is way down. Exports have tripled to $4 billion. The policies of the military government have inspired a high level of international confidence. The business picture is encouraging.

It appears to me that military rule is likely to be around for quite a while, and that probably means continued press restrictions.

In Chile, which went from one extreme to the other in the Sept. 11 coup against the last Marxist President Salvador Allende, the new military junta could be in trouble if it can't hold the country together without terrible repression. If that is necessary, our correspondents believe a sapping civil war of the Northern Ireland variety is a possibility.

In Argentina, economic stagnation and political frustration helped bring Peron back. He is regarded by many as the last best hope for Argentina. Even so, the short term outlook is unfavorable, the midterm at best uncertain and the long-term unpredictable.

In Peru, a "new" military continues to exert its independence from both the Communist and Capitalist blocs and experiment with social and economic programs patterned after, if not imported from Yugoslavia. Again, the generals appear destined for a long run and the direction which they are taking the country could be continued for some time.

In Venezuela, political democracy as it is most commonly practiced gets another test in December with presidential elections. It will be the fourth free election since Perez Jimenez was overthrown and there is nothing to suggest that constitutional government will be interrupted.

Panama, for its size, continues to be one of the most perplexing and potentially explosive political problems for the United States in Latin America. It's important, and the importance of reaching an amicable agreement on the Panama Canal was demonstrated recently by President Nixon's appointment of Ellsworth Bunker as the chief U.S. diplomat in the ongoing negotiations. Even so, no resolution to the canal problem is in sight.

On a broader and less tangible scale, some of the things that bear watching are efforts to reform the Organization of American States; the Law of the Sea conference in Chile next year; Venezuela's extension of its influence into the English-speaking Caribbean; and the increasing weariness of Brazil by some of its neighbors who see the country becoming the hemisphere's newest imperial power.

Now, let me conclude with a few observations about the future of U.S. relations with Latin America, and of IAPA itself.

It was before the IAPA four years ago that President Nixon outlined his "low profile" approach to Latin America and stated U.S. willingness to accept governments as they are in the area.

Rightly or wrongly, that policy has been greeted ambivalently by Latin Americans. While they appreciate the non-interference in their affairs, they also have regarded it as a form of benign neglect.

There is some evidence that this may change. The appointment of Henry Kissinger as U.S. Secretary of State and his recent pronouncements on Latin America have been hailed as a good omen, especially when he said that we must pursue a "policy of partnership in the Western Hemisphere . . . a spirit of compromise produced by a sense of common destiny."

IAPA itself has had a fairly low profile, but not because of neglect or any lack of faith in our principles. And we certainly do have a sense of common destiny.

One reason for the change is that the press is confronted with a whole new ball game in Latin America. Most military rulers fear a free, independent press as a threat to their control. And it is the old story of the people themselves being willing to give up some freedom in exchange for stability and the promise of a better life.

A second and vital factor at this critical time for IAPA is what is happening in the United States.

If your particular country to the south sometimes feels neglected, remember that we in the north are increasingly preoccupied by massive problems of our own—such as inflation and strains on the economy, the scandals of Watergate and Agnew, the war in the Mideast, the energy crisis, food and fuel shortages, federal controls, etc., etc.

Many of us remember the early struggles and the many successes of IAPA. We always took for granted freedom of the press in the U.S. We have enjoyed that freedom for nearly 200 years without serious threat even in war time. This is no longer the case.

The press here is under serious challenge on many fronts:

Illegal wiretaps and undercover investigations of newsmen; the first attempt in our history to invoke prior restraint to prevent publication of material the government doesn't want printed; a rash of subpenas of reporters' notes; a widespread propaganda campaign to discredit and intimidate the press, and especially the government-licensed electronic news media; attacks on newsmen's rights to protect their sources. An even greater danger, I believe, is the growing collision between the press and the judiciary. A current example is The Miami Herald case on right of reply.

The U.C. press has fought back. It has refused to be intimidated. Newsmen have gone to jail to protect sources. The press has played a major role in uncovering scandals that have rocked the administration. The adversary relationship between a free press and the government has proved again to be crucial to the democratic system. Nevertheless, the fight has left its scars in a growing public skepticism of the press.

Thus, we have our problems, north and south. We in IAPA must not give up the fight in some countries simply out of frustration or because previous tactics no longer seem to work. Public opinion is still the most powerful force in the hemisphere.

THE ISSUE OF RESIGNATION

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, Members of this House are quite well aware that we do not have a parliamentary system in this country where prime ministers rise and fall depending upon their popularity, the positions they espouse at any given time, or the number of call girls operating among their cabinet members.

Just because our Vice President saw fit to resign because of his problems there is no good reason for our President to pursue that course of action, for the cases are not comparable.

All this talk of the prospects of the President resigning is ridiculous and only serves to disrupt and confuse.

Our Constitution specifically provides for the removal of a President by way of impeachment and the House Judiciary Committee is currently in the process of considering the several impeachment resolutions that have been introduced. I suspect that if an impeachment resolution were brought to a vote in this House today it would be soundly defeated, which makes all this talk with respect to resignation purely academic.

Mr. Speaker, yesterday's editorial entitled "Resignation" in the Washington Star-News, it seems to me, is very appropriate for the times, as is the article by Richard Wilson appearing in the same edition and entitled "The Case Against Nixon's Resigning." I include the text of both to be reprinted at this point in the Record:

RESIGNATION

Some of President Nixon's erstwhile supporters have joined with many of his ancient foes in clamoring for his resignation. We have no intention of adding our voice to that chorus, which is unseemly, unfair and unwise, from the point of view not only of Mr. Nixon but of the nation.

Which is not to say that we are convinced of the pristine purity of the President. Far from it: We have the gravest doubts as to Mr. Nixon's fitness to occupy the highest office in the land.

The point is that resignation would resolve none of those doubts. Indeed, such an act would obscure, perhaps forever, the vital question of Mr. Nixon's innocence or guilt in the Watergate affair and its attendant scandals. There would be no catharsis in this. Indeed, resignation would leave a legacy of bitterness and suspicion in at least that 27 percent of the electorate which, by some mind-boggling leap of faith, continues to believe that Mr. Nixon is doing a good job as President and is innocent of complicity in Watergate.

Some of those who are asking Mr. Nixon to step down are doing so on the grounds that he has lost his capacity to govern, that he is politically "crippled." It is true that Mr. Nixon's power and prestige have been impaired and, given what we now know about Watergate, that is not altogether a bad thing. But "crippled"? That must come as news to the President's opponents on the Hill, who have been unable to override one of his eight vetoes (the most recent on October 30) this year. It must also come as news to both sides in the Mideast crisis.

When a tide of emotion is running high, it is easy to get swept away. So perhaps it is worth recalling that Mr. Nixon's popularity has not yet fallen to the 1951 level of a president now widely regarded as one of our near-great leaders—Harry S. Truman.

In any event, ours is not a parliamentary system under which a president is accountable to sudden gusts in the fickle wind of public opinion. No charges of criminality have been lodged against him and the President cannot be compelled to resign an office to which he was lawfully elected.

If he is to be required to step down, Mr. Nixon is first entitled to his day in court. If he has been guilty of "high crimes and misdemeanors," if he has violated his oath to see to it that the laws are justly enforced, then he—and the American people—are entitled to a bill of particulars.

There are those who draw back in fear from the trauma of impeachment proceedings. We have a greater faith in the toughness of the American people, the resiliency of our institutions and the genius of our Constitution.

In our view, the first order of business ought to be the confirmation by the Senate of Vice President-designate Gerald Ford. For if Mr. Nixon is to be swept aside, it is essential that the people's mandate of 1972 be assured. It is to the credit of House Majority Leader Carl Albert, at present the next in line for the presidency, that he realizes that a democratic succession would destroy the legitimacy of the government.

Once Ford has been confirmed, the House

Judiciary Committee ought to move with all deliberate speed in its investigation to establish whether a case for the impeachment of the President exists. Should it so find, it will be up to the House to act upon the committee's recommendation, either rejecting it or sending it forward to the Senate.

The national weal requires a speedy and definitive end to the Watergate scandal. But that end must be fair to the President and to the country, and it must be seen to be fair.

Article II of the Constitution provides for the removal of a president from office. It would be the final irony if a president charged by his opponents with abusing the Constitution were hounded from office by a constitutional short-cut which might poison the well of American politics for generations to come.

A forced resignation would leave an intolerable question mark on the political horizon and create more stresses than it would relieve. It ought not to be contemplated.

The Case Against Nixon's Resigning

(By Richard Wilson)

A president skulking from office in tacit admission of horrendously described crimes against the people is not to be compared to the Agnew incident. The event would be of an entirely different magnitude.

The consequences which would flow from it would be unpredictable, and this must be a factor which President Nixon has taken into consideration in standing firm against resigning.

The case which is publicly made by the advocates of resignation can be summed up in one long and flaming paragraph. Nixon's moral and political authority has disintegrated for these reasons:

Illegal acts against domestic radicals. Guilty knowledge of the Watergate coverup. Corrupt political financing on a multi-million dollar scale by seekers of favorable government action. Erratic and tricky moves in blocking full inquiry of corruption. Avoidance of income taxes through legally dubious deductions. Offense to public sensibilities by major government expenditures on two private homes beyond his means purchased through the financing of friends. He can no longer govern.

Every charge and implication in the foregoing flaming paragraph is categorically refuted by a president who, if he resigned under fire, would be held as guilty as Agnew. It would be little comfort to him that his final act as president was for the good of the nation. His name would be disgraced for all time.

This unfolding is scarcely in the design of a man who has dominated the political scene for the past 25 years. Nixon has been with us for a quarter of a century in varying degrees of controversy and it should be no surprise to anyone that after periods of agony and doubt he always decides to fight.

He is not in the position of former Vice President Agnew, faced with documented testimony of four prosecution witnesses, and bargaining to escape jail. The case against Nixon has not yet been made on a legal basis.

The very extremity of the statements being made against him renders it virtually obligatory that he fight to clear his name of any tinge of criminality.

There are other consequences. The alternative to Nixon is not an inviting one. He would be followed by an untested successor whose first act would be to pick another new vice president. The country would enter a new period of doubt and uncertainty at a critical time in world affairs.

Impeachment, with a fair and impartial judgment, might be better for the health of the country than the festering doubt that he had been fairly treated.

As for capability to govern, the President is governing. He is preparing a new budget to be submitted to Congress in January. He is proceeding with a settlement in the Middle East after successful coordination with the Soviet Union under ominous circumstances produced an Arab-Israeli cease-fire.

Certain circumstances can be imagined in which the President might find it impossible to continue. If the Republican leadership demanded his resignation, of which there is no sign, he would be hard pressed.

But the demand for his resignation from hostile partisan sources and from publications he does not respect—and in the ferocious terms which have been used—merely serves to bring home to him that resignation would be equal to acknowledgment of a guilt which he denies.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Mahon (at the request of Mr. Poage), for today, on account of illness of his wife.

Mr. de la Garza (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Guyer (at the request of Mr. Arends), from 3 p.m. for the remainder of the day, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Symms) and to revise and extend their remarks and include extraneous matter:)

Mr. Hunt, for 5 minutes today.

Mr. Edwards of Alabama, for 5 minutes, today.

The following Members (at the request of Mrs. Collins of Illinois), to revise and extend their remarks, and to include extraneous matter:)

Mr. Culver, for 10 minutes, today.

Mr. Dent, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Aspin, for 5 minutes, today.

Mr. Vanik, for 5 minutes, today.

Mr. Brasco, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Rooney of Pennsylvania, for 5 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Harrington, for 5 minutes, today.

Mr. Danielson, for 30 minutes, today.

Mr. Udall, for 5 minutes, today.

Mr. Smith of Iowa, for 10 minutes, today.

Mr. Alexander, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Landrum, and to include extraneous matter.

(The following Members (at the request of Mr. Symms) and to include extraneous matter:)

Mr. Scherle in 10 instances.

Mr. Findley in five instances.

Mr. Del Clawson.

Mr. Quie in two instances.

Mr. Erlenborn.

Mr. Vander Jagt.

Mr. Archer.

Mr. Broyhill of Virginia.

Mr. Hunt.

Mr. Baker.

Mr. Frenzel.

Mr. Powell of Ohio in two instances.

Mr. Gilman.

Mr. Armstrong in two instances.

Mr. Ketchum.

Mr. Huber in two instances.

Mr. Steiger of Wisconsin.

Mr. Froehlich.

Mr. Derwinski in three instances.

Mr. Railsback.

Mr. Wyman in two instances.

Mr. Spence.

Mr. Snyder.

(The following Members (at the request of Mrs. Collins of Illinois), and to include extraneous matter:)

Mr. Roybal in 10 instances.

Mr. Rodino in two instances.

Mr. Kyros.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Badillo.

Mr. Vanik in two instances.

Mr. Dorn in three instances.

Mr. Ichord.

Mr. Riegle.

Mr. Reuss in seven instances.

Mr. Mazzoli.

Mr. Patten.

Mr. Harrington in four instances.

Mr. Johnson of California.

Mr. Carey of New York in two instances.

Mr. Brasco in six instances.

Mr. Long of Maryland in 10 instances.

Mr. Downing.

Mr. Drinan in five instances.

Mr. Anderson of California in two instances.

Mr. Boland in two instances.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 55. Concurrent resolution authorizing the printing of the report of the proceedings of the 46th biennial meeting of the Convention of American Instructors of the Deaf as a Senate document; to the Committee on House Administration.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on November 7, 1973, present to the President, for his approval a bill of the House of the following title:

H.R. 9286. An act to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes.

ADJOURNMENT

Mr. DANIELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, November 12, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1536. A letter from the President of the United States, transmitting a letter from the Acting Secretary of the Navy recommending increased production of petroleum from the Elk Hills Naval Petroleum Reserve for national defense purposes (H. Doc. No. 93–183); to the Committee on Armed Services and ordered to be printed.

1537 A letter from the Secretary of Transportation, transmitting a report on Department of Transportation contracts for experimental, developmental, or research work negotiated under 10 U.S.C. 2304(a) (11) and (16) during the 6 months ended September 30, 1973, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

1538. A letter from the chairman, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, transmitting the annual report of the Committee for fiscal year 1973, pursuant to section 1(i) of Public Law 92–28; to the Committee on Government Operations.

1539. A letter from the Secretary of the Interior, transmitting a report recommending the addition of the Little Miami River, Ohio, to the National Wild and Scenic Rivers System, pursuant to Public Law 90–542 (H. Doc. No. 93–184); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

RECEIVED FROM THE COMPTROLLER GENERAL

1540. A letter from the Comptroller General of the United States, transmitting a report on the limited success of federally financed minority businesses in three cities; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROONEY of New York: Committee of conference. Conference report to accompany H.R. 8916 (Rept. No. 93–625). Ordered to be printed.

Mr. FLOOD: Committee of conference. Conference report to accompany H.R. 8877 (Rept. No. 93–626). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. UDALL (for himself, Ms. Burke of California, Mr. Dellenback, Mr. Hosmer, Mr. Owens, Mr. Runnels, and Mr. Won Pat):

H.R. 11343. A bill to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr BROYHILL of Virginia:

H.R. 11344. A bill to extend daylight saving time to the entire calendar year; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 11345. A bill to amend the Public Health Service Act to establish a comprehensive program of health care benefits (including catastrophic coverage) to be available to all individuals and families in the United States at a cost related to their income; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.R. 11346. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 11347. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. Heinz, and Mr. Pritchard):

H.R. 11348. A bill to provide income tax incentives for the modification of certain facilities so as to remove architectural and transportational barriers to the handicapped and elderly; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. St Germain, Mrs. Heckler of Massachusetts, and Mr. Mezvinsky):

H.R. 11349. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. CULVER:

H.R. 11350. A bill to assist in community development, with particular reference to small communities; to the Committee on Banking and Currency.

By Mr. DANIELSON:

H.R. 11351. A bill to provide for the conservation of petroleum and other natural resources by imposing an excise tax on the sale of certain gasoline powered automobiles according to the rate at which such automobiles consume fuel, and for other purposes; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 11352. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DUNCAN:

H.R. 11353. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 11354. A bill to provide for increased participation by the United States in the International Development Association; to the Committee on Banking and Currency.

H.R. 11355. A bill to provide for increased U.S. contributions to the Special Funds of the Asian Development Bank; to the Committee on Banking and Currency.

By Mr. MILFORD:

H.R. 11356. A bill to amend the Social Security Act to make certain technical and conforming changes; to the Committee on Ways and Means.

By Mr. PETTIS:

H.R. 11357. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. ROY:

H.R. 11358. A bill to direct the President to halt all exports of gasoline, No. 2 fuel oil, and propane gas until he determines that no shortage of such fuel exists in the United States; to the Committee on Banking and Currency.

By Mr. SIKES (for himself, Mr. Haley, Mr. Bennett, Mr. Pepper, Mr. Fuqua, Mr. Rogers, Mr. Fascell, Mr. Gibbons, Mr. Burke of Florida, Mr. Frey, Mr. Young of Florida, Mr. Chappell, Mr. Gunter, Mr. Bafalis, and Mr. Lehman):

H.R. 11359. A bill requiring studies to be made prior to leasing military facilities for oil drilling or exploration, and for other purposes; to the Committee on Armed Services.

By Mr. THONE:

H.R. 11360. A bill to provide the authorization for fiscal year 1974 and succeeding fiscal year for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, and for other purposes; to the Committee on Government Operations.

H.R. 11361. A bill to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

H.R. 11362. A bill to define the powers and duties and to place restrictions upon the grounds for removal of the Special Prosecutor appointed by the Acting Attorney General of the United States on November 5, 1973, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of South Carolina (for himself, Mr. Rose, Mr. Young of Texas, Mr. Casey of Texas, Mr. Breaux, Mr. Huber, Mr. Symms, and Mr. Davis of South Carolina):

H.R. 11363. A bill to provide for the control of imported fire ants by permitting the judicious use of Mirex in coastal counties; to the Committee on Agriculture.

By Mr. ANDERSON of Illinois (for himself and Mr. Conte):

H.R. 11364. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. Horton, Mr. Bell, Mr. Findley, Mr. Gude, Mr. Harrington, Mr. Johnson of Pennsylvania, Mr. Milford, Mr. Robison of New York, Mr. Podell, Mr. J. William Stanton, Mr. Ware, and Mr. White):

H.R. 11365. A bill to reorganize and consolidate certain functions of several Federal agencies and departments in a new Criminal Justice Services Administration in the Department of Justice to promote more effective operations and management of the Federal systems of criminal justice; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 11366. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 11367. A bill to amend titles II and XVIII of the Social Security Act to provide for payment of wife's and husband's insurance benefits at age 50 in cases of disability, and to provide medicare coverage at age 50 for disabled wives and husbands, on the same basis as is presently provided for disabled widows and widowers; to the Committee on Ways and Means.

By Mr. CONLAN:

H.R. 11368. A bill to amend the Social Security Act to prohibit the disclosure of an individual's social security number or related records for any purpose without his consent unless specifically required by law, and to provide that (unless so required) no individual may be compelled to disclose or furnish his social security number for any purpose not directly related to the operation of the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. DENNIS (for himself, Mr. Smith of New York, Mr. Mayne, Mr. Hogan, Mr. Cohen, and Mr. Butler):

H.R. 11369. A bill to define the powers and duties and to place restrictions upon the grounds for removal of the Special Prosecutor appointed by the Acting Attorney General of the United States on November 5, 1973, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 11370. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 11371. A bill to establish an independent Special Prosecution Office, as an independent agency of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HOWARD (for himself, Mr. Cleveland, and Mr. Snyder):

H.R. 11372. A bill to conserve energy on the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. HUNT (for himself, Mr. Symms, Mr. King, Mr. Roncallo of New York, Mr. Bauman, Mr. Baker, Mr. Guyer, Mr. Lott, Mr. Crane, Ms. Holt, Mr. Snyder, Mr. Huber, and Mr. Froehlich):

H.R. 11373. A bill to require an investigation conducted by the Attorney General of any person designated as next in line to act as President in the case of a vacancy in the Office of Vice President, whenever such vacancy exists, to the Committee on the Judiciary.

By Mr. McSPADDEN:

H.R. 11374. A bill to return to the Congress those things which shall reflect the intent of Congress without bureaucratic misinterpretation; to the Committee on Rules.

By Mr. MARAZITI:

H.R. 11375. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

By Mr MATHIAS of California (for himself, Mr. Young of Alaska, Mr. Hinshaw, Mr. Michel, Mr. Mayne, Mr. Roybal, Mr. Won Pat, Mr. Rees, Mr. Forsythe, Mr. Charles H. Wilson of California, Mr. Derwinski, Mr. Collins of Texas, Mr. Charles Wilson of Texas, Mr. Zwach, Mr. Burgener, Mr. Nichols, Mrs. Heckler of Massachusetts, Mr. Ware, and Mr. Hastings):

H.R. 11376. A bill to amend the act which created the United States Olympic Committee to require such committee to hold public proceedings before it may alter its constitution, to require arbitration of certain amateur athletic disputes, and for other purposes; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. Yatron, and Mr. Hamilton):

H.R. 11377. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 11378. A bill to authorize the Atomic Energy Commission to enter into a cooperative agreement with the State of Utah to contain and render harmless uranium mill tailings, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. OWENS (for himself and Mr. Jones of Oklahoma):

H.R. 11379. A bill to provide for testing of the fuel consumption per mile of all motor vehicles sold or manufactured in the United States, and to limit vehicle purchases by the Federal Government to motor vehicles which have relatively low fuel consumption; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 11380. A bill to provide Federal assistance to cities, combinations of cities, public agencies, and nonprofit private organizations for the purpose of improving police-community relations, encouraging citizen involvement in crime prevention programs, volunteer service programs, and in other cooperative efforts in the criminal justice system; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 11381. A bill to reorganize and consolidate certain functions of several Federal agencies and departments in a new Criminal Justice Services Administration in the Department of Justice to promote more effective operations and management of the Federal system of criminal justice; to the Committee on the Judiciary.

By Mr. PREYER (for himself, Mr. Culver, and Mr. Stokes):

H.R. 11382. A bill to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 11383. A bill to establish a Federal Elections Commission, to reform the conduct of campaigns for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. ROE:

H.R. 11384. A bill to amend title II of the Social Security Act to reduce from 60 to 50 the age after which a widow or widower may remarry and still receive at least a reduced widow's or widower's insurance benefit, retroactive to 1970; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 11385. A bill to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 11386. A bill to amend the Public Health Service Act to provide Federal assistance for information and education programs respecting sudden infant death syndrome and for projects respecting its cause; to the Committee on Interstate and Foreign Commerce.

H.R. 11387. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism; to coordinate the National Institute of Mental Health, the National Institute on Alcoholism and Alcohol Abuse, and the National Institute on Drug Abuse; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SHRIVER (for himself, Mr. Hudnut, Mr. Wyman, Mr. Anderson of Illinois, Mr. Bauman, Mr. Butler, Mr. Frenzel, Mr. Fulton, Mr. Harrington, Ms. Holtzman, Mr. Rees, Mr. Reid, Mr. Roe, and Mr. Towell Nevada):

H.R. 11388. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SPENCE:

H.R. 11389. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

By Mr. TAYLOR of North Carolina:

H.R. 11390. A bill to amend title 23, United States Code, to insure that no State will be apportioned less than 80 percentum of its tax contribution to the Highway Trust Fund; to the Committee on Public Works.

By Mr. WRIGHT:

H.R. 11391. A bill to amend the Federal Property and Administrative Services Act of 1949 and other pertinent statutes of the United States Code in order to establish Federal policy concerning the selection of firms and individuals to perform accounting services for the Federal Government, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H.J. Res. 818. Joint resolution to amend title 5, United States Code, in order to designate November 11 of each year as Veterans Day, to the Committee on the Judiciary.

By Mr. MILLER:

H.J. Res. 819. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. RHODES (for himself, Mr. Badillo, Mr. Brown of California, Mr. Burgener, Mr. Collins of Texas, Mr. Gude, Mr. Moakley, Mr. Murphy of New York, Mr. Rangel, Mr. Schneebeli, Mr. Teague of California, Mr. Towell of Nevada, Mr. Charles H. Wilson of California, and Mr. Young of Alaska):

H.J. Res. 820. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. TIERNAN:

H.J. Res. 821. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Ms. ABZUG:

H. Res. 690. Resolution calling for the immediate exchange of prisoners of war between Israel, Egypt, and Syria and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of rule XXII, private bills and resolutions were introduced and, severally referred as follows:

Mr. WINN introduced a bill (H.R. 11392) for the relief of Raymond Monroe, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

HERITAGE OF HISTORIC AND FAMED CUMBERLAND COLLEGE OF TENNESSEE—SERVANT OF THE NATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. EVINS of Tennessee. Mr. Speaker, more than 130 years ago—in 1842—historic, famed, and beloved Cumberland University was created in Lebanon, Tenn., and since that time thousands of the graduates of this great institution have gone forth to provide spiritual and secular leadership in all walks of life throughout America.

Mr. G. Frank Burns, author and talented journalist of Lebanon, Tenn., where Cumberland College is located, in the district which I am honored to represent in the Congress, has recently prepared a current history of this great institution in which he describes Cumberland College as "truly the servant of the Nation."

Fourteen thousand students have graduated from Cumberland and some 5,000 graduates are living today. Graduates have included more than 100 Members of the U.S. House of Representatives, two Justices of the U.S. Supreme Court, a great Secretary of State—Cordell Hull—and a score of Senators, Governors, Federal, district, and State judges, leaders of the bar, education and other professions—in addition to many other State and National leaders.

The ideals and high principles that are a part of the Cumberland heritage have provided this Nation and many of its States with outstanding leadership through the years.

Indeed Cumberland College can properly be called a servant of the Nation because of the vital and important contributions of many of its graduates in the national interest.

Colleagues who were graduated from Cumberland and who are currently serving in the Congress include Representative WRIGHT PATMAN, Democrat of Texas, dean of the Congress and chairman of the House Committee on Banking and Currency; Representative OMAR BURLESON, Democrat of Texas, former chairman of the Commitee on House Administration and member of the Committee on Ways and Means; Representative ABRAHAM KAZEN, Democrat of Texas, a member of two important committees of the House, Foreign Affairs and Interior and Insular Affairs; and myself.

At one time in recent years there were some six chairmen of committees or subcommittees in the Congress who were Cumberland graduates. Mr. Burns points out in his excellent treatise on Cumberland that only Harvard University has had a higher percentage of its graduates in Who's Who in America.

At the turn of the century, in 1906, the Presbyterian Church became the sponsor of the university—from 1946 to 1951 the Tennessee Baptist Convention sponsored Cumberland.

In the spring of 1951 the operation of Cumberland was restored to its own independent board of trustees. Today Cumberland is nondenominational but strongly Christian in its interests and emphasis.

Since 1962 when the law school was moved to the campus of now Samford University, Birmingham, Ala., Cumberland College at Lebanon, Tenn., has entered a new and most rewarding phase of its development, with interest on liberal arts—and recently Cumberland College reached the highest enrollment figures in its history.

I want to commend Dr. Ernest K. Stockton, president of Cumberland College of Tennessee, for his outstanding work in planning and moving forward with a program of progress—and I want to commend Mr. David K. Wilson, chairman of the board of trustees, and other fellow members of the board of directors of Cumberland College for their fine work and dedication to the growth and progress of this grand old school and Tennessee institution.

Today Cumberland College continues a noble tradition at Lebanon, Tenn., as does the law department under the name Cumberland at Birmingham, Ala.

Because of the interest of my colleagues and the American people in leading centers of learning throughout the Nation, I place in the RECORD herewith the excellent review and history of Cumberland College prepared by Mr. Burns—and I commend his beautifully written article concerning an institution that has served our Nation so well for so many years to the attention of my colleagues, alumni and friends.

Mr. Burns' review and history follow:

THE HERITAGE OF CUMBERLAND COLLEGE, SERVANT OF THE NATION

(By G. Frank Burns)

In 1842 a college was born in Lebanon, Tennessee. Its name was Cumberland University. Its godfather was the Cumberland Presbyterian Church. Its lineage included two earlier schools—Cumberland College of Nashville and Cumberland College of Princeton, Kentucky. Its parents were the people of Lebanon, who gave the money necessary to establish the new institution of higher education. And it was to have children—thousands of children—who, coming to Middle Tennessee from all fifty states of the Union and many foreign countries, have gone out to serve in vocations both public and private.

Over this period of one hundred thirty-one years, some fourteen thousand students have graduated from Cumberland. About five thousand are living today. They are in positions of trust throughout the land, serving in religion, in law, in education, in the armed services, in business, in the halls of the Congress. Here Cumberland has proven itself to be truly the servant of the nation.

The town of Lebanon, founded in 1802 and named for its cedars, had been a cultural, religious, and political center of Middle Tennessee from the beginning. The desirability of education was apparent to the group of prominent citizens who supported Cumberland University in 1842—to Robert L. Caruthers, lawyer, soldier, jurist, member of Congress, and president of Cumberland's board of trustees for forty years; to James Chamberlain Jones, governor and United States senator; to Jordan Stokes, speaker of the State House of Representatives; and to Josiah Scott McClain, Zachariah Tolliver, Thompson Anderson, Nathan Cartmell, Colonel M. A. Price, Dr. Miles McCorkle, Andrew Allison, William L. Martin, Dr. Benjamin Owen, and Thomas J. Munford.

The first classes were held that fall in a little brick church building, but within its walls the seedling flourished. Only two years later, backed by these men of wealth and culture who made their homes in Lebanon, Cumberland occupied the finest new college building in the South. Within five years, it had started to train young lawyers; within ten, young ministers, in new colleges of the university, professional schools of law, theology, and medicine enlarging the original liberal arts and college preparatory curricula.

The first graduates made their mark on the expanding nation before twenty years had passed. There were Cumberland men in the Congress, in the state houses, on the bench, in pulpits from New York to Oregon before 1861.

The American Civil War slashed across the story of Cumberland like a sabre stroke. From civil life the college's sons went onto the battlefield, some to earn a general's stars, others only a shallow grave. When the war was over, the magnificent building lay in ashes. On a fragment of Corinthian column, after the cannon were quiet, a graduate of Cumberland scrawled in charcoal—"Resurgam."

"I shall arise," W. E. Ward wrote, and arise Cumberland did, by sheer determination. The School of Law, re-opening around the nucleus of the Green family, a family whose members made a contribution to jurisprudence spanning the one hundred ten years from 1831 when Nathan Green Sr. was named to the Supreme Court of Tennessee to 1947 when Chief Justice Grafton Green died, developed the hard-as-nails discipline of instruction which paid off for graduates.

The real gift of the Cumberland University School of Law, looking back over the century and a quarter, was not its graduates who have won fame and renown but rather the spirit of faith in the lasting tenets of democracy, passed on, like an unfailing torch to five generations of young men and women.

In 1871, the School of Law reduced its course of study from fifteen months to two semesters. The one-year course, with concentrated study of textbooks, augmented by lectures and moot court practice, was adopted to meet the impoverished economic state of the South and Southwest after the Civil War. The intense study required to complete the prescribed work within the brief period proved precisely the ingredient necessary to produce competent trial lawyers. The number of Cumberland graduates who attained success on the bench, in government, and in business is almost incredible. Only Harvard University has had a higher percentage of its graduates in Who's Who in America.

Dedicated teachers remaining at their posts for a lifetime—Nathan Green Jr. for 63 years, Andrew Bennett Martin for 42, William Richard Chambers for 14, Albert Bramlett Neil for 13, Samuel Burnham Gilreath for 30—produced a rich harvest from their labors in the vineyard.

From these Reconstruction years on, a

great if poorly paid faculty was teaching a student body in the College of Arts and Sciences, the Theological School, and the School of Law whose members would reach the highest levels of their vocations. The average length of service of a Cumberland teacher in this era was 43 years. From scattered, impoverished buildings in the small town of Lebanon, Cumberland gradually acquired new homes for its classes, survived three great wars, surmounted economic depressions, and focused single-mindedly on its chosen mission—to teach sound principles of life.

Women students were admitted to Cumberland University after 1897. Co-education had been seen as inevitable for several years before; the expedient of a contractual alliance with Lebanon College for Young Ladies had preceded the official acceptance of the new policy.

In 1906, the Presbyterian Church in the United States of America became the sponsor of the university. This relationship continued until 1944. From 1946 until 1951, Cumberland was sponsored by the Tennessee Baptist Convention. In the spring of 1951 the operation of Cumberland was restored to its own independent board of trustees. Today Cumberland is non-denominational but Christian in its emphasis.

Changing conditions in higher education have modified the program of the college. The school deliberately began to concentrate its efforts into a sphere in which it could excel. In September, 1956, after a five-year interim during which only the School of Law was operated, the Cumberland College of Arts and Sciences was reopened as a two-year liberal arts college. It is a member of the Southern Association of Colleges and Schools, the Tennessee College Association, and the American Association of Junior Colleges, with full accreditation. Cumberland has been the coordinating institution for the AAJC program with developing institutions in the Central South. Enrollment steadily increased, and by 1970 reached the highest figure in the institution's history.

Cumberland began in 1962, when the School of Law moved to the campus of Howard College (now Samford University) in Birmingham, Alabama, a development program formulated by the board of trustees. Two phases are complete; the completion of Phase III is anticipated. It includes the construction of a new library and fine arts building and a new health and physical education building.

Under the leadership of David K. Wilson, chairman of the board, and President Ernest L. Stockton, Cumberland's mission has been formulated; reasonable and attainable goals have been established. As a teaching institution Cumberland today places emphasis on the individual student, in an atmosphere where the classroom provides the setting and the opportunity for the student and the teacher to know each other, to seek knowledge and truth together, and to share a mutual concern for learning.

Cordell Hull, father of the United Nations and the Good Neighbor Policy, winner of the Nobel Price for Peace, and Secretary of State for longer than any other man, graduated from Cumberland in 1891. Shortly before his death he said:

"This school was created at a vital stage of our history to meet crying educational needs. Let me here assert with all emphasis, however, that urgent and important as those needs were at that juncture, the necessity for the educational services of Cumberland is immeasurably more important and imperative today."

DIRECT POPULAR ELECTION OF THE PRESIDENT: ONE OF MANY ANSWERS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. YATRON. Mr. Speaker, through election reform legislation which I have sponsored, I hope to see the establishment of a meaningful and responsible method of electing the President and Vice President: The direct popular vote.

I have long endorsed the concept of "one man, one vote" and I believe that the implementation of this system would represent a major improvement in the elective process.

An excellent narrative on this subject has been written by my friend and constituent, Mr. Henry Wolfe, of Reading, Pa. In his paper, Mr. Wolfe raises a number of salient points which I feel merit the consideration of my colleagues.

I am, therefore, pleased to offer these ideas, which follow:

THE DIRECT POPULAR ELECTION OF THE PRESIDENT

(By Henry Wolfe)

With some philosophic overlay beyond a pragmatic view that an external change, perhaps a scaffold realignment, may be a better way to put it, when, from time to time, it becomes necessary to adjust the calendar clock of our political house to withstand ephemeral-induration, or technical accelerations-within-accelerations, that pressure the Congress to respond—sometimes unwisely, q.v., Eighteenth Amendment.

Moreover, coterminous with misguided moral merchants come the parasitic ideologists, domestic and foreign, to infect the blood stream of our American political process; indeed, as this admixture of phony morality and designed evil spills over into political campaigns, that, by innuendo, directly or indirectly besmirch Presidential candidates, stigmatize honorable Americans, or to fragment the nation into ethnic, religious, or racial vote potentials . . . clearly, this induced internal gut rot invites communistic vultures who salivate, ever alert, to pick clean the bones of America's body politic.

With this background, my remarks are addressed to a method felt to be within Constitutional guidelines with a timeless safeguard that each State and every American may share in the meaningful words: "The President of the United States.

Indeed, the Congress, and the people at large, know this awesome High Office represents much more than a geographic 50-State Union: That the President serves the Congress, the Congress in turn, serves the President and the people via the Senate which guarantees 50-State territorial concern, while the House of Representatives touchstone of the people, serves the Congress. Clearly, both the physical, and the people, blend into a single Congress whose bifurcated root stock pinnacles at full bloom with the Presidency.

Out of this magnificent gesture of representative government, Constitutionally established, the selection of our President by direct popular vote must not violate the fundamental context in which the President serves; indeed, the President (like the Congress), embraces a twofold function concerned with our 50-State Union, and the people, in whatever State they may reside.

The one man one vote as proposed by Congress to elect our President by direct vote overshadows the more fundamental rights of the people in the several States, notwithstanding, no citizen would be denied the right to cast his ballot as advanced by H. J. Res. 318/681; but, in one State, the representative value of his vote may be attenuated to a negligible voice, while in another, a vote may well add unearned increment to a bloc of States that, by population concentration, create a problem less desirable than the electoral college the direct vote would replace; or if one wills, consider such provisions: "40% of majority lacking, run-off election, selection by Congress from two highest votes, etc.", as a cumbersome, inherent, weakness, which may invite gerrymander abuse on a grand scale.

Political guidelines must change from the old way of selecting, then electing, our President; indeed, a direct popular vote is long overdue — cumulative abuse mandates change—but, to assure every citizen in the nation that his vote will be a fair share product of his desire whether cast in New York, California, Pennsylvania, large population States, or in Alaska, Vermont, Wyoming, small population States, to cite an example.

Logically, if State and Federal Congressional Districts form a base for equal representation, then, without value adjustment a direct vote for President cannot be contained within this premise for a number of reasons, chiefly: Without a percentage adjustment to population, less populated States would be denied a fair voice in choosing their President: A gerrymander concept of an Eastern Seaboard-Northern Tier, or a West Coast-Southern Tier (or any other possible population shift), under a direct popular vote for the President—literally would invite manipulative campaigning.

At any rate, a vote for the President cast in Alaska would have approximately 66 less vote power than a vote cast in California, that is, on a one man one vote base. Therefore, to sharpen a valid point, the largest and the smallest population States show a percentage voter gap between two (of the 50) political subdivisions in a direct popular vote. And, without Congressional action to narrow this disparity gap to an acceptable tolerance, then, every American's vested interest in his President, via the ballot (nationwide) will be self-evident—unrequited or overstated.

The Watergate Hearings produced hindsight, to be sure, but with a measure of foresight the American people, whether they live in Wyoming—332,416, or Pennsylvania—11,793,000, or Vermont—444,330, or New York—18,236,000, or a like comparison in any of the 50 States, can see an imbalance that can, should be, corrected merely by adjusting State whole vote values to national percentages, say, by multiples of quarter vote factors. What could be more fair, an equal voice in choosing our President—with a built-in self-adjustment with every 10-year census count?

Every American worth his salt should be proud to percentage-wise share his President with all fellow Americans, and, to express his faith in the American political process (other than a tie) that a simple majority is enough to elect.

In deference to the Congress, certainly, but it is felt that encumbrances under H.J. Res. 318/681 should be reconsidered.

STALIN'S MACABRE "RELOCATION" PLAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. DERWINSKI. Mr. Speaker, evidentally, the House leadership has finally decided to permit consideration on the Trade Reform Act of 1973, next Tuesday. I believe it is necessary for all of us to recognize the foreign policy complications as they relate to sections of the bill which apply to the Soviet Union.

Since there is so much misunderstanding over the word "détente" and many may have innocently misconstrued the ideas that may have developed concerning the continuing purpose of the Soviet foreign policy. I insert into the RECORD an article by John Boland, carried in the October 6 issue of Human Events, which is a timely reminder of the policies consistently followed by the Soviet dictatorship:

LAKE BAIKAL EXAMPLE—STALIN'S MACABRE "RELOCATION" PLAN

(By John Boland)

The brutality of Soviet-style communism was dramatically underlined in 1943 when a mass grave containing some 4,143 bodies was discovered in the Russian Katyn Forest. It had been proven beyond a doubt that the bodies were those of Polish military officers being held in one of three Soviet prisoner-of-war camps near Smolensk. Over 10,000 additional prisoners occupying the other two camps have never been accounted for; some believe the Reds packed the men into old barges and scuttled them in the White Sea—a less detectable mode of mass liquidation.

Now there is evidence that thousands of Soviet Jews were similarly "eliminated" on orders from Stalin. The exact number cannot be ascertained, however, because the victims were allegedly loaded in boxcars and rolled over a cliff into Russia's huge Siberian freshwater lake—Lake Baikal—currently attracting the attention of world ecologists and even the White House's Council on Environmental Quality director, Russell E. Train.

Last September, Train traveled to the USSR to personally inspect Lake Baikal, which the ecologists say is becoming increasingly polluted by Soviet factories dumping raw waste, alkalines and other matter into it. No one is apparently concerned about possible past use of the lake as a Stalinist graveyard of the thousands of frightened, helpless human beings packed like sardines in wooden crates and drowned like so many unwanted kittens.

With the spirit of *détente* in the air, official Washington would probably think it impolite, if not in bad taste, to bring the matter up with the Soviets at all. While it's perfectly "relevant" to speak of past injustices of our government to, say, the original Indian victims of Wounded Knee, the same critical yardstick cannot be held up to crimes committed by the current Kremlin leadership's predecessors.

The ghastly story of Lake Baikal was related last February to members of a subcommittee of the U.S. Senate's Committee on the Judiciary. It was included in the official record and subsequently released by the Superintendent of Documents under the title "USSR Labor Camps." Yet neither the New York *Times* nor the Washington *Post*—the two most powerful and most read newspapers around the Capital—gave it a nod. The national television networks were likewise silent about the revelation, absorbed as they were with the latest anti-war proclamations and the antics of Daniel Ellsberg, the Brothers Berrigan and such.

Testifying before the Senate subcommittee was Avraham Shifrin, a Russian-born former legal adviser to the Soviet Defense Ministry who, after spending 10 years in various Russian slave labor camps, defected to the West. Political prisoners in the Soviet Union, Shifrin testified, are kept constantly on the move, rarely remaining in any one camp for more than six months or a year. The reason for this, he said, is strategic: to prevent the formation of an *esprit de corps* and reduce the possibility of organized opposition, revolt and escape.

It was in one of these prison complexes in Tayshet that Shifrin said he first heard of a bizarre story about Stalin's plan to liquidate Soviet Jews. From other prisoners who had been there, he learned that in 1952—a time which coincides with the peak of the Stalinist anti-Jewish terror—they had been sent to the Lake Baikel area to help construct a railroad spur running from the main line of the Trans-Siberian Railroad for a distance of two or three kilometers to the shore of the lake. Actually, the line ended on the edge of a vertical cliff several hundred feet high that overlooked Baikal.

The prisoners worked overtime every day, seven days a week, on the project. As a bonus for their special efforts they were given 10 days' credit for each day's work, meaning that in three months each prisoner was given credit for 30 months off their sentence.

Some of the men were curious, however, wondering what possible use a railroad that ended at the edge of a cliff would have. The officers in charge explained to them that Stalin wanted the railroad completed in a hurry because he planned to announce the forcible deportation of all Soviet Jews to the "Jewish Soviet Republic" of Birobidjan.

Under Stalin's plan, the Jews would never get as far as Birobidjan, Shifrin said. Loaded in boxcars, they would be switched off the Trans-Siberian line to the newly constructed spur that ended at the edge of the cliff overlooking Lake Baikal. The railway spur to the cliff was clearly being constructed so that the Jews could be liquidated without the trouble of building crematoria as Hitler did in Germany to solve *his* "Jewish problem."

Shifrin told the Senate subcommittee that he was skeptical about the story he had heard at Tayshet prison. But, in the course of his travels around the Soviet Union in 1966-67 after being released from prison, he made a point of visiting the Lake Baikal area to search for the railroad tracks. To his surprise—just as his fellow prisoners had said—he found the tracks terminating on the top of a cliff several hundred feet high. Everything was as had been described, except that the roadbed was overgrown with weeds and the rails badly rusted.

He peered over the cliff. Below was the deepest lake in the world; containing more water than in all the U.S. Great Lakes. Who knows how many innocent victims gasped their last breath in the darkness of the now-polluted Soviet Lake Baikal?

PERSONAL ANNOUNCEMENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. MAZZOLI. Mr. Speaker, I wish to announce my necessary absence from the House on Tuesday, November 6, due to elections held on that day in my home district in Louisville, Ky.

If I had been present, I would have voted "yes" on roll No. 558; "yes" on roll No. 559; "yes" on roll No. 560; and "yes" on No. 561.

THIS IS NO TIME TO DECREASE OIL EXPLORATION INCENTIVES

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ARCHER. Mr. Speaker, there is pending before the two Houses of Congress a proposed tax provision that would sharply increase the minimum tax for tax preferences by raising the rate from 10 percent to one-half the regular income tax rate and by denying the taxpayer any credit for regular income taxes paid. Moreover, the House version of the proposal would reduce the $30,000 exclusion to $10,000 and the Senate version would repeal the exclusion outright. These proposals are H.R. 11155 and S. 2520.

Under the proposals, the statutory depletion rate for the energy industries would, in effect, be cut in half. This proposed tax increase would have a major negative impact on this Nation's efforts to become self-sufficient in energy in order to eliminate its rapidly increasing political and economic subservience to the oil-producing nations. I should like us to think together for a few moments on just how serious our problem of oil import dependency has become.

Recently, just over 15 percent of our normal oil supply has been coming from Eastern Hemisphere countries, either directly as crude oil or indirectly as refined products processed in refineries in the Caribbean, Canada, and Europe. Of the 15 percent, about 10 percent originates in Arab countries. Western Hemisphere imports account for about another 20 percent of total supply—making us 35-percent dependent on imports from all sources.

With 15 percent Eastern Hemisphere imports, we have already exceeded the peril point specified in 1970 by the President's Cabinet Task Force on Oil Import Control, which stated that imports from the Eastern Hemisphere should not exceed "an absolute maximum" of 10 percent of domestic demand. Venezuela is producing at capacity; Canada has imposed a ceiling on its exports to the United States; and U.S. production is declining.

Consequently, virtually all of the increase in our oil supply required to meet growing demand must come from the Eastern Hemisphere. Even with much more careful use of energy by our people, oil demand could easily increase by 15 percent in 3 or 4 years—it was up half that much in 1972 alone. That means a total of more than 30 percent in Eastern Hemisphere imports in several years—15 percent now plus a 15-percent growth in demand, plus whatever is needed to offset declining U.S. production; and 30 percent is far above the Cabinet Task Force peril point. If the Alaskan pipeline is finally opened, there will be more domestic oil, but enough for only 2 year's growth in consumption.

In view of the demonstrated unreliability of imports from many Eastern Hemisphere countries, the Cabinet Task Force 10 percent peril point was certainly well taken. Testimony presented by petroleum industry spokesmen at hearings before the Committee on Ways and Means last March listed 11 interruptions of the flow of world oil supplies during the past quarter century. Today, I should like to include that list of interruptions in the RECORD at this point and then resume my remarks to bring the list up to date. The list from the testimony before the Ways and Means Committee is as follows:

There have been, since World War II, 11 interruptions of international petroleum movements.

1. At the start of the 1948 Arab-Israeli War, Iraq shut down a pipeline to the Mediterranean at considerable financial loss to itself. It also prohibited the completion of other lines (which are still unfinished).

2. In 1951 Iran seized the properties of the Anglo-Iranian Oil Company; and production was shut down for three years.

3. During the 1956–57 Arab-Israeli War, the Suez Canal was closed. The pipeline from Iraq to the Mediterranean was sabotaged.

4. In 1961, Iraq seized a giant undeveloped oil field. Iraq proceeded to develop and produce the field with Russian help.

5. In 1966, Syria—seeking higher transit fees—shut down the Iraq Petroleum Company pipelines which cross Syrian territory. This was a case where a country's vital need for its oil production revenues did not prevent an interdiction. It was Iraqi oil that was shut in, not Syrian.

6. Nigerian oil production was sharply reduced during much of the 1967–1970 civil war.

7. At the start of the 1967 Arab-Israeli War, production was temporarily stopped by Arab producers. The Trans Arabian Pipe Line was shut down; shipments were embargoed to three countries; and the Suez Canal was closed and remains closed.

8. On several occasions during 1969, the Trans Arabian Pipe Line was sabotaged by Arab guerillas. The economic cost to the guerillas was nil, since it was Saudi Arabian oil which was shut in. The guerilla organization was reported to have called this action the beginning of a confrontation with American interests in the area.

9. The Trans Arabian Pipe Line was shut down in the spring of 1970 because—despite the protests of Saudi Arabia—the government of Syria refused to permit repairs of an accidental break in the line. Early in 1971, a new government in Syria negotiated a reopening of the line. Acts of sabotage occurred again in September, 1971.

10. In mid-1970, the government of Libya ordered oil production cut back substantially and interdicted shipments of liquefied natural gas. Some restrictions on oil production are still in effect. After imposing these restrictions, and with the Suez Canal and the Trans Arabian Pipe Line closed, Libya was able to force the companies to increase their tax payments by about 15 percent.

11. Late in 1971, Libya seized the Libyan properties of British Petroleum because of the British Government's failure to prevent Iran from occupying strategic islands in the Persian Gulf (2000 miles from Libya) one day before the British were scheduled to withdraw from the Gulf.

Mr. Speaker, I would now like to bring that list of 11 supply interruptions up to date as follows:

12. In 1972, Kuwait placed a ceiling on its production and exports in order to conserve its oil for future sale.

13. In the spring of 1973, Canada placed a ceiling on its rapidly growing exports to the United States in order to make sure that it could provide for its own internal requirements in the future. There have also been repeated references by Canadian officials to the possible movement of Western Canadian crude to Eastern Canada, that would divert some of the oil now coming to the United States.

14. In the fall of 1973, Libya nationalized 51 percent of the properties of the larger oil companies operating there, thereby diverting some of the Libyan exports to East Bloc countries.

15. In the fall of 1973, the latest Arab-Israeli war led to the following series of events in the Middle East:

(a) The pipelines from Iraq and Saudi Arabia to the Mediterranean were virtually shut off as the result of military action (one terminal was attacked and tanker insurance rates rose sharply).

(b) Iraq nationalized the American and Dutch holdings in the one foreign-owned company still operating in that country; the rationale was American and Dutch support of Israel.

(c) All Arab exporting countries agreed to cut production by at least 5 percent initially and 5 percent per month thereafter until Israel withdraws its forces to its pre-1967 boundaries and "the legitimate rights of the Palestinian people are restored".

(d) All Arab exporting countries totally embargoed petroleum shipments to the United States because of this country's support of Israel. Several also embargoed shipments to other countries, e.g., the Netherlands. The combined result of the cutbacks and U.S. embargo in Saudi Arabia, the largest exporting country, is a 29 percent reduction in exports below the planned November level. Exports from all Arab countries are reportedly down by about 20 percent.

16. Late in 1973, a number of European countries embargoed refined product exports to the United States, which needed the heating oil for the coming winter. Italy embargoed before the Arab-Israeli conflict, Britain and others after.

Mr. Speaker, this somber series of events demonstrates beyond question the dangers of undue reliance on imported oil—even oil imported from friendly countries. How can we validly criticize the Canadians for making sure that they can satisfy their own requirements? Would that this country had pursued energy policies which would have us, today, in a position where we need not worry about the security of our oil supplies if our foreign policy is not acceptable to a particular group of other nations.

Imported oil is not only subject to interruption. It is also no longer the bargain it once was. Middle East governments have more than tripled taxes and royalties in the space of 3 years; the latest increase was 70 percent. Venezuela has increased its tax take on 10 different occasions in 1973; with Arab production cut back, the latest increase was 56 percent. North African governments have raised the price of government-owned oil sharply; Algeria was seeking $7 per barrel, exclusive of freight charges, before the Arab-Israeli war, and Libya doubled its tax take after the war began. Canada levied an export tax of 40 cents per barrel before the Arab-Israeli war. That tax is now $1.90 per barrel. And so it goes around the world—except in the United States, where the price of oil from existing fields is frozen at an average of about $4 per barrel.

Thus, the United States is now spending some $10 billion annually for imported oil of doubtful reliability, with the bill rising continually. More correctly, the country would be spending $10 billion if its supplies from Arab countries were not shut off. And dependence on imports continues to increase.

These conditions cannot be tolerated. We must begin at once to take significant steps to increase domestic production of all energy sources. This is going to take time because of the long leadtimes needed to develop new productive facilities. Consequently, we must have an immediate crash national effort to develop offshore oil, shale oil, coal—to be burned directly, gasified, and liquefied—and nuclear power.

But, Mr. Speaker, even as we find the country in the midst of an acute oil supply crisis, the advocates of this so-called minimum tax proposal would increase taxes on the domestic energy industries by cutting in half the statutory percentage depletion allowances for the minerals industries—including all of the key energy sources: oil, gas, coal, uranium, and shale. I can think of no more counterproductive and dangerous action against the national interest. Approval of this proposal to increase the minimum tax on energy fuels would be a national disaster. To even propose it is irresponsible because of its discouraging psychological effect on potential investors in oil and gas exploration ventures.

NATIONAL VETERANS DAY CEREMONIES AT ARLINGTON CEMETERY A RESOUNDING SUCCESS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. McCLORY. Mr. Speaker, it is with a great deal of pleasure that I can inform the Congress that National Veterans Day Ceremonies held this year at Arlington National Cemetery on Monday, October 22, were a resounding success in all respects. Crowds of people took advantage of the Monday holiday, and the beautiful fall day in Washington, D.C., to pack the Arlington National Cemetery Amphitheater, to listen to the speeches, band music, and to take part in this inspiring and patriotic exercise.

Hosts for the National celebrations were the Disabled American Veterans. Support troops were provided by 1st battalion—REINF—3rd Infantry—The Old Guard—of the Army, commanded by Col. H. H. Perritt, Jr., USA. Music was supplied by the U.S. Marine Band conducted by Maj. Jack Kline.

The President's Veterans Day National Committee coordinated ceremonies at Arlington and elsewhere in the Nation. Chaired by the Administrator of Veterans' Affairs—the group has an executive committee which includes representatives of the 10 national veterans organizations chartered by Congress. The Governor of each State appoints a Veterans Day chairman who works in cooperation with the national committee in planning and projecting suitable ceremonies within his State. Regional ceremony sites, and hosts were as follows: Alameda County—San Leandro—Calif., Military Order of the Purple Heart; Albany, Oreg., Congressional Medal of Honor Society; Birmingham, Ala., Veterans of Foreign Wars; Indianapolis, Ind., the American Legion; and Milwaukee, Wis., the American Veterans of World War II.

At 11 o'clock, the Honorable Donald E. Johnson, Administrator of Veterans' Affairs, as personal representative of the President of the United States, placed the Presidential wreath on the Tomb of the Unknown Soldier. A combined color guard representing all military services, presented arms at the Tomb of the Unknown Soldier, while a bugler sounded "taps." The remainder of the ceremony, which included a brief address by Mr. Johnson, took place in the amphitheater.

At the Arlington ceremonies, an ex-marine, Mike Johnson, 25, of Provo, Utah, who is the outstanding Disabled American Veteran of the Year, led the 2,500 persons who filled the amphitheater in reciting the Pledge of Allegiance. In 1968, while serving in Vietnam, about 20 miles southeast of Danang, Mike stepped on a land mine. He lost both of his legs and most of his fingers. Now married and the father of a 17-month-old child, Mike gets about in a wheelchair. He said that he averages 30 points a game in wheelchair basketball. He is employed as an engineering draftsman.

In his introductory remarks, VA Administrator Donald E. Johnson elaborated upon the theme of the 1973 celebrations, "Peace With Honor," which was enunciated by the Greek historian Polybius more than 2,000 years ago when he wrote:

> For peace, with justice and honor, is the fairest and most profitable of possessions.

The National Committee, in selecting this theme, noted that:

> Every war that we have ever participated in was fought with the highest ideals and terminated with an honorable peace. This theme will serve as a reminder of part of our history.

Administrator Johnson noted that:

> Veterans Day, distinguished from Memorial Day, is a national observance in which we honor the living veteran. But, certainly, it is fitting that we do so in the memory of those who gave their lives.

Originally Veterans Day was called Armistice Day, and was celebrated on the 11th hour of the 11th day of the 11th month to commemorate the end of World War I. Later, the name of this national holiday was changed to Veterans Day in honor of the veterans of all wars. In the 90th Congress, the national observance of Veterans Day was changed to the fourth Monday in October, as a part of the comprehensive Monday holiday legislation. However, each State has jurisdiction over the holidays which it wishes to observe.

The main speaker for the national ceremonies this year was Mr. John T. Soave, national commander, Disabled American Veterans, who in his moving talk pointed out that, "despite sincere efforts by this administration, the disabled Vietnam veteran is having a harder time fitting himself back into our civilian culture than any veteran generation that preceded him," and that veteran organizations find this to be a very disconcerting situation. He said:

> Slowly these men are being assimilated back into our society, but for them, "Peace with Honor" will not truly be here until they are fully contributing members of the civilian world around them. We must all pledge ourselves to see that this day comes soon.

Mr. Speaker, based upon what I have heard and what my staff has reported to me, the observances this year were successful beyond earlier expectations. The fact that all Federal employees and many other persons were enjoying a weekend holiday resulted in far greater participation than woud have been possible if the celebrations were conducted in accordance with the earlier practice of observing the World War I armistice with relatively brief and solemn ceremonies at the 11th hour of the 11th day of the 11th month.

Mr. Speaker, it is somewhat ironic that those who have clamored for a return of Veterans Day to the calendar date of November 11, will not, indeed, observe that date this year. Instead, since November 11 falls on a Sunday, they will observe their own Monday holiday on Monday, November 12.

There are many reasons for retaining Veterans Day as the fourth Monday of October, and I am hoping that an increasing number of veterans, on deep reflection and without undue emotion, will decide to retain the many advantages inherent in the Monday holiday concept. By observing Veterans Day as a Monday holiday, many Americans are able to visit historic shrines which we associate with the sacrifice of our veterans; more important is the realization that hospitalized veterans are better able to be with family and friends when Veterans Day falls on Monday. Indeed, they are the special beneficiaries of this legislation.

EAGLE SCOUTS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. DUNCAN. Mr. Speaker, I would like to take this opportunity to recognize before my colleagues two fine young men from Knox County in Tennessee who recently achieved the rank of Eagle Scout. In reaching the highest goal of the scouting program, these young people displayed the courage and leadership which will prepare them to take on the responsibility of guiding our great Nation in the future. My own sons were in scouting, and I personally know of the great value of this organization to young men. I have listed their names below.

Charles Julian Siler, Knoxville, Tenn.
John Chapman Duffy, Knoxville, Tenn.

HOW RESPONSIVE IS PUBLIC TELEVISION TO MINORITIES?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. CLAY. Mr. Speaker, the Advisory Panel on Minorities and Public Television recently issued its findings as to how effective noncommercial broadcasting has been to minority groups.

The Ford Foundation which has been a major supporter of public television reviews those programs to which it has given assistance. The Foundation's Office of Public Broadcasting, therefore, asked Mr. Robert C. Maynard, associate editor and ombudsman of the Washington Post, to carry out a review and analysis of the portrayal of minorities on public television. Mr. Maynard suggested the setting up of an independent panel to implement a study.

The panel concentrated its attention on the programs broadcast on the public channels of New York, Boston, Washington, and Los Angeles—and specifically those programs involving and addressing themselves to blacks. In its findings the panel found criticism with the present form and content of noncommercial television which it stated "must be reevaluated and restructured, if it is to realize its potential."

Their findings, conclusions, and recommendations should be of interest to all Members of Congress and hopefully the panel's suggestions will be used as a basis for improving those areas of public television which have to date been ineffective.

"Minorities and Public Television: An Appraisal by the Advisory Panel on Minorities and Public Television" follows:

MINORITIES AND PUBLIC TELEVISION: AN APPRAISAL

(By the Advisory Panel on Minorities and Public Television, October 1973)

PANEL MEMBERS

Dr. Andrew Billingsley—Vice President for Academic Affairs, Howard University.

Emma Bowen—Executive Secretary, New York City Department of Mental Health and Mental Retardation Services.

Dr. Robert Butler—Research Psychiatrist and Gerontologist, George Washington School of Psychiatry.

Dr. Phyllis A. Harrison—Pediatrician and Child Psychiatrist, Director of Community Mental Health Center, Metropolitan Hospital.

Roger Holguin—Free-lance television producer, Assistant to President, East Los Angeles College.

Robert C. Maynard—Associate Editor and Ombudsman, The Washington Post.

Kellis E. Parker—Associate Professor.

Marquita J. Pool—Producer, "Like It Is," WABC-TV News.

Eugenia Ramos—former school teacher, mother and wife.

Jack E. White, Jr.—Contributing Editor, Time Magazine.

(Organizational affiliations are listed here for purposes of identification only.)

INTRODUCTION

We begin with the general proposition that the role of television has become critical to intergroup relations in the United States. How Americans determine their attitudes about each other is deeply affected by the images portrayed by television.

Because public television relies for its resources on contributions from institutions and individuals in all sectors of our society, the panel believes it is imperative that this medium accurately reflects the variety of the American experience.

During the fall of 1972, the members of this panel carefully observed the programs broadcast on the public channels of New York, Boston, Washington, and Los Angeles. Our intention was to learn how extensively, and by what means, the interests and images of minority groups were being portrayed on the screen.

In doing so, we concentrated on programs involving or addressing themselves to blacks, since this group has at least a discernible place on public television. Other groups in our society were served too irregularly and rarely to provide material for productive observation. However, we are acutely aware of these wider needs. Therefore, for the purposes of this report, the definition of minority is meant to include those groups this panel found to be in the minority on public television. Under this broadened definition, we include ethnic minorities, women, the elderly, adolescents, and the physically handicapped and mentally retarded. These are important elements in American society whose interests depend on a public system of presentation to achieve an understanding of their particular problems.

I. PROGRAM OBSERVATIONS

The following are a number of observations of public television programs made by the panel from October 8 through October 30, 1972. They serve to illustrate unevenness in the quality of minority images to be found on public television. Some programs earned commendation from the panel; others were found wanting.

"Behind the lines" is as guilty as any other program of ignoring the opportunity to use black spokesmen, even when they are the most effective advocates of a particular position. For example, it was found that during a program on the accuracy and propriety of political polls, not one question was asked regarding the polls' notorious inaccuracy in black and other minority communities. In addition, no questions were asked as to whether special efforts were made to include representative minority group members in polls taken in crime-ridden ghetto areas, where interviewers are often reluctant to venture and residents tend to be afraid to open their doors.

"Behind the Lines" provided an example of a phenomenon we found throughout public broadcasting. It confines the use of minority group members to subjects that are of special concern only to minorities, and ignores minority group members, despite their expertise, at times when the subject does not directly affect them, even when their contributions might well be significant. On one evening when the panel was observing public television, "Behind the Lines" had as its subject the problem of confidential sources of reporters. All the participants on both sides of the discussion were white. Yet, one of the principal cases decided on this issue by the Supreme Court involved Earl Caldwell, a black correspondent of *The New York Times*. None of the many black journalists who have spoken eloquently on this subject in other settings appeared on the program. We found it to be generally true that if the issue under discussion concerns "civil rights" or poverty, the minority presence is deemed obligatory. In discussions of any number of other subjects of general interest, the tube tends to be all white. It is important that public television, especially, assist in the destruction of the stereotyped notion that blacks and other minorities—disadvantaged women and the elderly included—know of nothing else but those things that uniquely concern them.

"The 51st State" has provided some excellent local coverage, such as the dispute over a public housing project in Forest Hills, N.Y., and the integration of 31 public housing children in the Canarsie schools. On the whole, "The 51st State" did the best job of including the viewpoints and concerns of minority groups of any show observed. Moreover, it did not create its own issues; its stories seemed to derive from the actual fabric of the news, and thus did not have as patronizing an effect as do some other PBS programs.

"Soul!" and "Black Journal" are the only two nationally televised programs on public television which are cast in the role of providing a forum solely for blacks to display their talent and their expertise on matters of interest to the black community. Each has a responsibility and a task rendered more difficult by the fact that together they total only an hour and a half a week. The merits of the two programs aside, "Soul!" and "Black Journal" cannot realistically be expected to do the entire job of presenting the black perspective. Attempting to make them the sole voice of the black minority distorts the real world.

"Black Journal," the lone Public Broadcasting Service vehicle for reporting on public affairs in the black community, should be improved in several important areas. There must be increased use of timely filmed reports. A broad spectrum of viewpoints should be presented by involving a variety of voices in the production, presentation, and selection of program materials. A substantial increase in high quality investigative reporting should replace some of the studio-bound discussions that now are the program's mainstay. These changes are not likely to be achieved in the context of the program's present 30-minute, once-a-week format. At the very least, the time allotted to "Black Journal" should be doubled.

"Soul!" does not give equal time to all of the performing arts. The most frequent guests on the show are rhythm and blues singers, jazz musicians, and poets. This kind of program has wide audience appeal because many persons like to see performers promoting their latest hit records. Occasionally the program does adopt a public affairs orientation. In these instances, it attempts to comment upon issues that affect the black community through the art forms it presents. The range of this program is limited, but successful as far as it goes.

One interpretation of black culture cannot be expected to satisfy an entire community of black people with diverse interests and backgrounds. However, because programs like "Masterpiece Theatre" and "International Performance" do not present the works of black playwrights and black performing artists as part of their regular programming, one becomes dependent upon "Soul!" to do so. This places a responsibility on "Soul!" that other cultural programs should share.

It is unfair to expect "Soul!" to be all things to all black art forms, and it is unfair to judge its effectiveness by standards that do not apply to all other cultural programs on public television. However, a greater variety of artists should be scheduled to appear on "Soul!"

"Book Beat" is a very good and appropriate format for the discussion of books by and about minority groups. However, like other PBS programs, it misses a number of opportunities to consistently portray minorities in an accurate light. One exception was the discussion of Senator Edward Kennedy's book on health care, a topic which is relevant to nonwhite people, who are likely to be ill more often, die younger and suffer more serious economic deprivation as a result of sickness than other Americans.

II. FINDINGS

The panel found:

That public television has taken a leadership role in communications and has innovated in areas heretofore alien to the television industry. Its emphasis on local issues has resulted in an increased interest on the part of minorities, the elderly, the poor, children, etc. And the increased appetite on the part of these views has certainly been whetted by public television's programming policies. Nevertheless, the present form and content of non-commercial television must be reevaluated and restructured, if it is to realize its potential.

Beyond the internal problems that public television must surmount—funding and a variety of political and group pressures, among others—the medium must address itself to a fundamental issue in communications in America: to enrich the *quality* of minority involvement. This issue deserves particularly high priority on the agenda of a publicly supported medium.

That the act of determining what and who is going to be on television gives some values a higher priority in the minds of the viewing audience. In as diverse a society as ours, program content can only be planned fairly by establishing multi-ethnic group panels to make such judgments.

That public television is a public service institution, supported principally by government funds; therefore, its obligations are similar to those of such other public institutions as universities and public schools. The obligation of public television is to help extend equal educational opportunities to all segments of the public. Indeed, the profound impact of television gives this medium a greater opportunity to bring education and intellectual stimulation to segments of the population that have long suffered from educational neglect.

That insensitive programming has the potential of subtly reinforcing negative attitudes that are all too frequently found in this society. Furthermore, it could force whole segments of minority populations to turn off—to become non-viewers—by failing to respond to their interests.

That public television fails to provide adolescents with the sort of information that is most important to their immediate personal concerns.

III. CONCLUSIONS

We hope this report will serve as a healthy first step toward a full appraisal of the public television system' performance as a medium that should reflect the realities and the aspirations of the entire American community. We recognize that as a difficult challenge to the public system, one that cannot be achieved instantly. We also recognize this report as one of many enterprises aimed at assisting the public system in pursuit of this goal of excellence and comprehensiveness.

This is not intended to be the last word on the problems of minorities and the public system. It is, instead, the collective observations of one group of concerned citizens who believe in the principle of a public system, and who believe the system is obligated to strive to reflect the diversity of American life and culture.

More should be done to examine other aspects of the problem. We confined ourselves to our assigned task of reporting on what we saw on the screen. We have made no attempt to go behind it, to examine the employment practices of the various outlets or to raise with the various funding sources the question of what criteria they have set in granting funds to stations and programs.

We trust others, with a broader mandate and greater resources, will follow us in examining some of the issues raised by this study. The panel is convinced that the system, to judge from what it has accomplished to date, will need much encouragement if it is to achieve the goals implicit in these findings.

The panel concluded:

That while public televsion provides more consistent attention to minority concerns than does its commercial counterpart, it leaves much to be desired in the quality and quantity of material provided.

Furthermore, the panel has concluded that public television only partially fulfills its obligation to important groups in America.

That programs attempting to embrace the experience of the nonwhite, the young, the old, and women, frequently suffered from the infirmity of estrangement from their subjects, or were vastly underfunded by comparision to those programs dealing with more conventional subjects.

Naturally, we noticed exceptions to this general observation but they were sufficiently rare to lead us to the conclusion that public television, nationally and locally, must correct these imbalances if it is to reflect America.

That public television has a moral obligation to correct these imbalances. A necessary first step is the inclusion of more minority group members representative of women, young people, the elderly, and residents from outside the Northeast in public television decision-making at the national and local levels. This broadening of the membership of the policy-making bodies of public television should occur within the existing organizational framework. If it is necessary to expand the number of persons serving on policy-making bodies if only to make certain that an adequate proportion of them are from those elements of the society which are now excluded, then we urge such expansion.

That the shape of the programming can only reflect the images and interests of these groups if they are regular participants in all phases of the process by which public television is produced. With this in mind, we believe that public television must expand the horizons of its program content by encompassing a coherent presentation of issues which are of concern to those who are not in America's dominant groupings.

That the public medium is the natural place for providing people with information on how to survive and advance in the American mainstream. We recognize that just as blacks have concerns that stem from their heritage and their current political and social status, so the aged have a special set of concerns that relate to poverty, health, and death.

To this end, we believe public television should be performing two fundamental functions, which we found largely lacking:

First, public television should provide information of basic interest to those outside the American mainstream, including regular programming on issues of health, finance, politics, the law and human rights. It should, in that respect, fulfill the function of a university without walls.

Second, to do this job it should make use of people belonging to those groups who need these services most: the non-white, women, adolescents, the elderly, and the handicapped. By involving such persons in programming, the public medium would also provide a forum where the images of these groups before a mass audience become more natural and realistic than is the case in much of present-day television, which presents America to itself in a fragmented or distorted form.

IV. RECOMMENDATIONS

The panel believes that on the basis of the foregoing observations, findings and conclusions, a series of initiatives should be taken in both policy and programming of public television, and submits the following recommendations:

A. Policy

That the interests of cultural minority groups, women, elderly people, adolescents and the handicapped should be represented on all boards of directors and policy-making bodies which have fiscal and/or programming responsibilities at both the station and network levels. Persons who represent these minority interests should be afforded the full status and authority given to other members of these bodies. They should have clear substantive responsibilities and should not be placed in auxiliary positions. If necessary, the size of the existing bodies should be enlarged to include these individuals.

That an interim committee of minority group members should be appointed to assure that the interests of minority groups are adequately represented during the period in which more permanent arrangements for their participation are being formalized. The responsibilities of this group should cover the whole range of policy and programming issues which form the body of this report. In addition, the responsibility for identifying candidates who could serve on public policy making boards should be lodged in the interim committee.

That the interests of minority groups should be an integral part of each station's general programming. A comprehensive program approach will go a long way toward introducing people to the ethnic variety and particular concerns of minority groups, and could well provide a basis for a growing understanding of ethnic diversity.

That older people should be more involved in all aspects of public television programming. Not only do older people represent a sizable proportion of public television's viewing audience, but they can make significant contributions to program content and orientation. Adolescents should be directly involved in all aspects of those programs which directly address their interests and problems.

That the cultural variety in the makeup of the American population should be reflected in its entirety.

Cultural programming, rotating its attention from minority group to minority group, regularly portraying each group's historical, social and cultural contributions through discussion, drama, and film reports on artistic activities, should be one approach to this wide range of ethnic diversity.

B. Programming

The panel recommends:

That an adaptation to a series format of stories that would portray minority families (blacks, Chicanos, Indians, some underrepresented ethnic groups) in realistic terms should be attempted as part of the programming of family structures. Members of these communities, of all ages and backgrounds, would benefit from a program that portrayed health and weakness, beauty and frailty, times of happiness and times of sadness, living and dying, in the content of the dynamics of the minority family.

That a minority-oriented national public affairs program should be created. Such a program should have a budget that would make possible the use of film and the complete coverage of stories at the level of production available to those programs that come under the National Public Affairs Center for Television's budget.

That a program discussing food preparation and nutrition should be created to meet the needs of households with a limited food budget. It should reflect the cultural and economic diversity of the public television viewing audience. It should also provide tasteful and nutritional ideas for preparing foods common to minority group cultures, and should make use of the staples regularly available to the poor. This program ought to provide information about the nutritional value of specific foods and should stress the need for good dietary habits.

That another program should address common health problems. It should stress the need for preventive medical care for the entire family and should provide information on public facilities available for health care and of public assistance programs that finance medical care.

That clear and explicit information on birth control, venereal disease, and abortion should be incorporated into a program for public television. Such a program should also address itself to defusing all sexual stereotypes.

That the various dimensions of mental health as they relate to both children and adults, should be explored. This program could explain the types of mental illness and the facilities and methods which are currently available for treatment. It should also discuss the forms of public assistance that are available to finance medical care for the mentally ill.

That programs addressing themselves to the specific concerns of the physically and mentally handicapped should be created. They should cover various approaches to problems of education, employment, housing, and recreation for such persons. They should also provide information as to possible sources of financial, medical, and social aid for handicapped individuals. The aim of these programs should be to assist the handicapped to become active, functioning members of society.

That all types of public assistance, from welfare to social security and veterans benefits, should be treated in a specific program format. Such a program could be of particular interest to elderly people, disabled veterans, and others who might not be aware of the benefits they should be receiving.

In addition, such a program could discuss private insurance programs and union health plans, in order to give a more complete view of the types of assistance available to the public.

That there should be a specific program focusing on the particular health concerns of older people.

That a distinguished lecture series, which features lectures by retired or elderly persons who are recognized as scholars and/or experts in particular fields, should be instituted. Such a series could range from lectures on the arts, politics and education to the social sciences and international affairs and provide a rare opportunity to view outstanding authorities.

That several programs should be created to deal with the special problems of adolescents: education, health concerns, social and family problems, employment impediments, and the like.

That the Spanish-speaking community should be surveyed to determine exactly what their needs and interests are, and the results of the poll should be used to determine what types of programming would be most beneficial and most popularly received by the Spanish-speaking community. A cooking and nutrition program for Spanish-speaking people should be created. Such a program should emphasize Spanish and Latin American cuisine. Special programs for bilingual and Spanish-speaking children that are of the scope and caliber of "Sesame Street" should be created. In addition, Spanish-speaking children should be regularly represented on all educational programs for children, such as "Zoom" and "Sesame Street."

THE CREATIVE WORDING OF ADVISORY COMMITTEE RULES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. OBEY. Mr. Speaker, in drafting proposed rules to cover the operation of its advisory committees, the Federal Mediation and Conciliation Service appears to have rewritten both the Freedom of Information Act and the Federal

Advisory Committee Act in creating a brand new exempt-from-public-disclosure category of information to be known as the "intracommittee" memorandum.

The proposed rules FMCS published in the Federal Register November 3 contain the following innovative section:

> It is the intention of the Federal Advisory Committee Act that advisory committees be treated essentially as agencies, for the purposes of the Freedom of Information Act (5 U.S.C. 552) and that they be permitted to withhold from the public the same types of information that an agency may withhold. It is necessary, therefore, to read the specific language of the Freedom of Information Act in light of these purposes. For example, the exemption for "intra-agency" memoranda in 5 U.S.C. 552(b) shall be read, under the Federal Advisory Committee Act, to mean "intra-committee" memoranda.

With this bit of FMCS wizardry as a preface, it is interesting to re-read the memorandum issued by U.S. District Judge Aubrey E. Robinson, Jr., on October 10 when he ordered the Defense Advisory Committee on Women in the Services to open its doors to the public. Judge Robinson wrote in part:

> The Court has several difficulties with Defendants' position. First of all, the question arises whether exemption 5 of the Freedom of Information Act is available for matters discussed by or before an advisory committee. The exemption applies only to *inter-agency* or *intra-agency* letters or memoranda. Essential to Defendants' case, then, is a finding either that the Advisory Committee is itself an "agency" or that it is within an "agency" of the Defense Department for purposes of the Federal Advisory Committee Act and the Freedom of Information Act. The Court cannot make such a finding, indeed, its present conclusion is to the contrary.
>
> The Federal Advisory Committee Act utilizes the definition of agency contained in the Administrative Procedure Act, 5 U.S.C. § 551(1), which is applicable also to the Freedom of Information Act. It is significant that the Federal Advisory Commitee Act contains a separate and distinct definition of an "advisory committee", thus supporting the proposition that an advisory committee is not an "agency". Further support for this proposition is found in *Soucie* v. *David*, 448 F. 2d 1067, 1073 (D.C. Cir. 1971), a Freedom of Information Act case wherein the Court of Appeals said:
>
> "(T)he Administrative Procedure Act apparently confers agency status on any administrative unit with substantial independent authority in the exercise of specific functions."
>
> It is clear on the present record that the role of DACOWITS in the Department of Defense is advisory only and that it possesses no "substantial independent authority." The Court concludes that DACOWITS is not an "agency" and that matters before it are, therefore, not "inter-agency" affairs within the meaning of the applicable statutes.

The FMCS proposed rules can be changed. It invites interested persons to submit comments, data or arguments until November 23, and I propose to do so.

In the meantime, the form of the FMCS proposal shows how an agency can defeat a law simply by rewriting it.

THE ARAB OIL BOYCOTT AND AMERICA'S REACTION

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. BRASCO. Mr. Speaker, announcement of the Arab oil boycott of the United States sent some political and financial circles into a tizzy, particularly oil companies, who lose profits extracted from the domestic market for cheap Arab oil. Arabists used it to orchestrate a home front symphony designed to make consumers believe that no Persian Gulf crude means frozen families, chilly homes, and an end to Sunday drives. A few political figures deftly slid the boycott in between arguments on behalf of the morality of the plight of Palestinian refugees. A few newspaper columnists, ever eager to portray Israel as a liability, painted lurid pictures of an America crippled for lack of Arab oil. Nothing could be further from the truth.

Total U.S. imports from Arab lands are now running about 1.6 million barrels daily in direct shipments of crude oil and indirect shipments of petroleum products refined from Arab oil in third countries. This is about one-fourth of our total import of 6.3 million barrels per day, but only one-tenth of our total consumption of 17 million barrels daily. Total loss of such supplies would simply return our imports and consumption potential to last year's level. Even if the boycott is immediately 100-percent effective, we would be deprived of only a small percentage of our needs. Nevertheless, loss of supply on the eve of winter is significant.

Some harm will come from cutoffs emanating from European nations, which define Arab oil and ship finished products to the United States. Because Europe receives some 70 percent of its oil from the Mideast, it is most vulnerable to Arab oil blackmail. As a result, temporary shortages of emergency shipments of finished products to the U.S. east coast may cause inconvenience.

For the United States, however, the Arab oil boycott will turn out to be a blessing in disguise. Had this situation arisen 5 years hence, it would have had devastating effects. While the United States is not now dependent in significant measure on Arab oil, our levels of imports from these nations had been taking quantum jumps in recent years. At such rates of growth, our dependency shortly would have been ominously high.

Such boycotts in the past have not been effective. There is widespread doubt as to how long present unity among Arab oil producers will last. A number of the more conservative nations, especially Saudi Arabia, were extremely reluctant to take the step, and are hoping somehow they can extricate themselves from the corner they now occupy.

A number of nations have been quietly preparing for just such a boycott. Storage levels for oil are fairly high in a number of consuming nations. Western Europe has 75 days' consumption in inventory, while Japan's stocks are at the 50-day level. According to the most recent State Department data available, American inventories now stand at 1 billion barrels, or about a 2-month supply, even at today's high consumption rates. Combining this with shipments of oil already en route, as testimony before the Senate Interior Committee on October 24 indicated, there is no reason to expect immediate damaging impact on our economy from the OAPEC boycott.

Another result of the premature Arab move will have profound effects on the United States in the long run. Unilaterally, Arab oil states, taking cynical advantage of the war, have raised the price of their oil. The new average free-on-board price of $3.65, arbitrarily and preemptorily laid down by Persian Gulf producers, hikes prices of oil most world consumers depend on. Developing nations, for example, dependent upon such oil supplies, and with minimal budgets, will be seriously harmed. A number of them are nations which have recently unilaterally broken diplomatic relations with Israel.

Here in America, the oil price rise will add $3 billion to our current oil import bill of $6 billion annually. Repatriated company profits will help diminish the overall balance of payments effect of increased import bills, but the public will not directly benefit. Herein, however, lies the key for the United States and friends of Israel in terms of the Arab oil equation.

The U.S. response will have to be on two levels: alternate sources of extra energy and a national energy policy involving controlled growth of energy use and conservation measures of a meaningful, acceptable type. In the process, Americans will have to part company with patterns of energy waste which have done so much to make us vulnerable, even minimally, to Arab oil blackmail.

America, according to Government and private source figures, has a 500-year supply of coal, even at present consumption rates. Ninety percent of that coal is capable of being exploited by deep mining. Ten percent of it is strippable. We are in the process of mounting an overdue "Manhattan Project For Energy."

Under Senator JACKSON's prodding, President Nixon has begun to pour research and development money into this alternative, and while results will not be immediate, possibilities are promising. While there will undoubtedly be a carefully orchestrated outcry by oil companies, who own all major coal companies, for immediate relaxation of all pressures to curb strip mining, this will only be a ploy on their part to obtain maximum easy profits from artificially induced hysteria. Ads will no doubt soon appear threatening us with all manner of discomforts if we do not immediately allow unlimited strip mining and relaxation of all antipollution standards.

Major resources of both oil and gas lie on the Outer Continental Shelf, many portions of which are already under Government lease to large oil companies. These organizations have deliberately held back production to profit from artifically induced shortages. Where a lease block could support 100 wells, only 2 or 3 are producing or have even been drilled. Heavy pressure will have to be put on oil companies holding such Government leases to produce according to the Nation's needs.

Alaska alone is now known to be at least a minor Persian Gulf, and perhaps the equal of that area in terms of oil reserves. Geological structures exist there which would make the United States self-sufficient in oil. Naval Oil Reserve No. 4, on the North Slope and the size of Indiana, is at a minimum estimated to hold some 40 billion barrels of oil. It has not yet even been fully explored. In hearings held in late October before the House Armed Services Committee, it was noted that Alaska is perhaps our richest oil resource, far larger than has been reported.

The Arabs have made a crucial mistake in allowing greed to take precedence while the latest war raged. As Mideast crude oil skyrockets in price, alternate oil sources, previously uneconomical, have become viable and even necessary alternatives. These include Rocky Mountain oil shales and Athabasca oil sands in western Canada. Already, massive plans are underway for their development.

In terms of conservation, the path of the U.S. consumer is clear and not difficult. Neon signs and electric toothbrushes are not necessities of life. Nor are automobiles with nearly 400 horsepower, delivering only 8 to 10 miles per gallon of high test gasoline.

Smaller cars delivering better mileage are a vital necessity. Reduction in speed limits to 50 miles per hour is a sensible reform. So is an end to massive highway building in metropolitan areas. Instead, a major switch will, or should, be made to already long overdue and desperately needed urban mass transit.

Other nations have done this with success. We are the only developed nation lagging behind. An end to all advertising urging greater consumption of energy is in order. A national building code requiring minimum amounts of heat-conserving insulation is inevitable. The day of the single commuter driving to work in a large car alone is visibly over. Load factors, scheduling of trips and their frequency is imminent and already in the works in regard to trucks and aircraft. The day of the half-full flight 15 times daily between cities will be over before January. The same will be true of empty trucks on long return trips. In other words, all obvious steps will be taken across the board to halt totally wasteful energy practices which have played an essential role in hiking consumption. We shall be forced to make the transition from energy gluttons to energy conservers.

One final possibility is worth considering: retaliation. Arab nations are often dependent for food, usually grain, on foreign sources. The United States is one such source. At this time, little has been said about halting these sales. But the sound of research behind the scenes in Washington is audible.

The administration, paralyzed by Watergate and hoping for Israeli compromise on a peace treaty, stumbles grudgingly along JACKSON's path. Oil companies, obsessed with profit at all costs, feverishly raise prices in an orgy of greed, while a helpless Cost of Living Council does nothing but rubberstamp their latest depredations.

Conclusions? Over the short haul, we shall manage with minimal dislocations because it will be profitable for oil companies to keep the Nation warm, mobile, and reasonably content. The boycott will peter out, as silently, one by one, Arab oil states decide revenues are more important than ideology. The United States will not yield, although it will seek to squeeze out of Israel as many territorial concessions as possible. The real answer lies in how vigorously Senator JACKSON can and will be able to drive an administration so dominated by oil industry thinking and power down the path to energy conservation, development of alternatives and restructuring of energy use.

ONE MAN'S CONSCIENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RANGEL. Mr. Speaker, in this world which increasingly grows more complex and more impersonal, it is important for us to note that one man can make a difference.

A man who has made a difference is Peter Davies, who has waged a persistent, lonely battle to make America look beyond the attempt of government to depersonalize and dehumanize death at Kent State and Jackson State Universities. Along with the families of the slain students at Kent, Davies has worked to awaken the conscience of the Nation to the fact that unarmed young people were mercilessly gunned down by men in uniform—the agents of the people, because they were exercising their right to protest injustice.

James Wechsler wrote a column on Davies' work and accomplishment in the October 3, 1973, edition of the New York Post that deserves our attention.

The article follows:

One Man's Conscience

(By James A. Wechsler)

To the cynical and the cold-blooded, Peter Davies must have appeared a man fatally obsessed during much of the last three and a half years. Almost from the moment when he read and heard about the National Guard killings of four students on the Kent State campus on May 4, 1970, this slightly-built, 40-year-old British-born insurance salesman began dedicating countless hours to a lonely, ceaseless quest for truth and justice. Time and again he was told that he was squandering his energies in a doomed cause. But he refused to desist.

Now he can glimpse at least the portents of vindication. The new Justice Dept. regime has reopened the case that John Mitchell and Richard Kleindienst had buried so long. A book by Davies called "The Truth About Kent State: A Challenge to the American Conscience" (Farrar Straus Giroux) has received widely favorable recognition, a first printing of 15,000 has been quickly sold and a new one issued.

Then, the other day, Davies elatedly noted a Harris poll showing a dramatic transformation in the public view of the Kent State tragedy.

Back in 1970 a survey had showed that the public condoned the Kent State deaths as "necessary and justified"; the vote was 40 to 39 percent, with the remainder undecided. Now the same pollsters report that Americans, by a margin of 55 to 31 percent, feel the shooting were "unjustified and repressive."

Peter Davies, working tirelessly with Arthur Krause, father of one of the slain students, Rev. John Adams of the United Methodist Church, and a handful of others, was a decisive if long unheralded figure in achieving that revolution of attitude.

What makes Davies' role so distinctive is that he seemed so unlikely to be the man to play it. He was not an agitator or pamphleteer by profession or temperament. He had no previous relationship with the victims or their families. He was emphatically free of any leftist biases; quite the reverse. He and his wife had emigrated to the U.S. in 1957 because he felt the British government was "going too Socialistic." In 1960 he warmly favored the candidacy of Richard Nixon and he subsequently revered Barry Goldwater.

What impelled him, then, to invest so much energy and devotion in the battle against official whitewash of the Kent State nightmare?

"I suppose I felt that if this had happened to my family, I would expect others to do what I did," he said quietly yesterday.

"I have three boys—6, 8 and 11—and I couldn't help thinking that one day this could happen to them.

"To me, being a conservative meant above all the protection of individual rights. My greatest disappointment was the reaction of the Goldwaters, the Buckleys and others. I thought they'd be making the most forceful statements demanding a full grand jury inquiry by the government. Instead they were making stupid statements that just seemed to miss the point."

On the day after the shootings, Davies took the first step in what was to become a missionary pilgrimage. He wrote a lengthy letter to President Nixon, recalling his pledge to "bring us together" and contrasting it with his aloof reaction to the shootings. He received a printed acknowledgment from the White House. But a copy of the letter which he sent to Arthur Krause elicited warm response and opened the way for his close relationship with the families of the dead students.

Later that year, Davies recalled yesterday, he again wrote Mr. Nixon about a speech in which the President had listed various acts of violence by revolutionary groups. Davies said he also deplored those acts but wondered why no word has been said about Kent State and Jackson State.

On that occasion Davies received a two-page reply from Robert Finch, then a member of Mr. Nixon's White House inner circle. Finch's tone was quite responsive and even guardedly sympathetic. But Finch was not around much longer.

Now Davies is optimistic about the probe being led by Robert Murphy of the Justice Dept.'s Criminal Section.

Perhaps I was naive for a long time, but I always believed we would finally break through." he said. "I suppose one had to believe that to keep going. I admit there were some very dark moments."

He agrees that Watergate hastened the new developments, bringing the shakeup at the Justice Dept. and banishing many of the men—Kleindienst, John Ehrlichman, John Dean and others—who had thwarted a federal proceeding. He believes the latest polls will help avert another retreat.

So, it might be added, will his book. It is a comprehensive, documented, thoughtfully spirited chronicle, accompanied by strong evidential photographs of that day of horror. It makes an overwhelming case for a federal confrontation with truth too long evaded and justice too long delayed.

GEORGE C. MILIAS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. GUBSER. Mr. Speaker, those of us who work in Washington, D.C., as a part of our Federal Government and who read the headlines and watch the evening newscasts could easily make the mistake of believing that the strength of America lies solely in national figures and personalities.

But government is not the real strength of America; it is merely the force which coordinates it. The real strength is at the grassroots in the millions of communities all over this land.

My hometown of Gilroy, Calif., is one of these communities and George C. Milias is one of the strong leaders of the city of Gilroy and its surrounding area. As such, he is one of the strong men of America.

It is leaders at the local level who so unselfishly give of their time, labor, and money who make the free democratic system work. Without men like George C. Milias, there would be no strength for Federal Government to coordinate. There would be weakness and disunity.

As a very young boy, clutching my dime for soda pop and riding my bicycle to the local baseball field, I looked forward with pleasure to watching George C. Milias ably handle second base for the local ball club. Later, I knew him as mayor of my hometown and as one of the men who was most responsible for electing me to the splendid experience of serving as a Member of the U.S. Congress.

Perhaps the best biography of George C. Milias who will be honored by his friends and neighbors at a testimonial dinner on November 17 is an article which recently appeared in the San Jose Mercury-News. It recounts Mr. Milias' colorful background and the impact he has had upon his community and our American way of life. I shall submit this article as a part of my remarks, but before doing so, would like to summarize by paying a personal tribute to George Milias. His has been a lifetime of service in the finest American tradition. I wish there were thousands more like him in this land of ours so our Nation would be even stronger! The article follows:

"Mr. Gilroy"

(By Bill Glines)

Gilroy.—The hotel building still stands on its accustomed corner but the "landmark" has gone back to the ranch.

Now, after many years and three generations, the Milias Hotel is the Milias Apartments and George C. Milias Jr. no longer officiates at what was the unofficial center of the community he has served most of the days of his life.

Few can dispute that during most of those days he has been "Mr. Gilroy."

The family hotel has been sold and the former mayor is a working rancher again, but no one doubts he's bound to stay involved in the community.

There is no possible way the town could be the same without him.

By his own calculation Milias entered publice life in 1932 when he first became a city councilman. Others might say he began his public life in the 1920's when he spurned a possible big league baseball career to become hotel manager.

In any event, he was a councilman for eight years followed by 16 years as mayor.

Although he now lives outside the city on the 6,000-acre Milias cattle ranch which he supervises, he claims he is no longer "really active."

But he maintains a position as member of the Board of Trustees of Wheeler Hospital and remains interested in Bonanza Days, an annual summer fiesta event here.

Even with his retirement as top man at the hotel, friends say that they expect to see him in and around the building frequently.

The hotel bar has been a regular gathering place for many years for ranchers and horsemen from throughout the West. Movie stars have been seen there and politicians beyond count. Many, such as the late Will Rogers, left their photographs behind in the high-ceilinged, old-fashioned lobby.

Political leaders from U.S. senators and governors to councilmen from other cities never went through Gilroy without a Milias Hotel stop.

Milias, now a white-haired and erect-standing man, looks back on what was a crucial event in his life—when he decided to forgo a possible big league career and instead became active in the hotel business.

The 6-foot-tall hotel man is not far even today from his old playing weight of 170 pounds. He weighs a scant six more pounds.

Back in 1921 he was a second baseman who played with some of the fastest semi-pro teams in this part of the state. He had just been signed to a contract with the Pittsburgh Pirates, then managed by the immortal Honus Wagner.

His father had talked about building the most modern hotel in this part of the country, but didn't want to go ahead unless the son would become a part of the operation.

"It really wasn't too hard a decision," Milias said. "I knew that the average ball player lasted only about 10 years in the big time. After that, still young, he had to go back to what I call a natural life. Maybe even learn a new way to earn a living. Baseball salaries weren't too high back then."

He was apprenticed to a friend in San Francisco at the St. Francis Hotel for more than a year to learn the hotel business.

When the Milias Hotel opened its doors to the public it was termed by visitors "The finest most modern facility of its kind between San Francisco and Santa Barbara."

Particularly proud was the owner, George C. Milias, Sr., who came from Yugoslavia to the United States in 1881 and went to work in a San Jose restaurant. Six years later he came to Gilroy and purchased a small restaurant, The Star Chop House.

Thrifty and industrious, he saved and seven years later bought the old William Tell House and remodeled and operated it as a hotel and restaurant.

In 1897 he married Minnie White, descendant of one of the ill-fated members of the Donner party, and they worked together, saving and investing in property.

The elder Milias was an active business and civic leader and served on the City Council shortly after the turn of the century.

In his time work was started on the city hall, the council acquired the electric plant and remodeled the gas plant and improved and developed the water works.

A colorful and energetic man, at the age of 85 he borrowed nearly $250,000 to build a much needed first class hotel in Gilroy.

A year and a month under construction, the hotel opened with a dinner for some 1,500 persons and dancing until midnight in the Sun Room.

Two orchestras and the Fifth Regimental Band of San Jose provided music. Visitors termed it the "most gala event in the town's history."

In the lobby filled with floral good luck pieces, Mr. and Mrs. George C. Milias and their son, George Jr., were showered with compliments.

By the time his parents celebrated the 50th anniversary of the senior Milias' arrival in Gilroy, 1938, George Jr. was manager of the hotel and had served on the City Council.

In his tenure with city government young George C. Milias ordered the first audit of the city books and initiated a new record keeping system. He sparked civil defense measures when World War II broke out and a drainage system to clear annual floods on Monterey Street south of city hall.

In the late 1920s he helped organize and lead the Gymkhana Committee, which annually put on professional rodeos until 1957. He also served as president of the Chamber of Commerce, Native Sons of the Golden West, Rotary and exalted ruler of the Elks.

His father, who continued to keep daily tabs on the business, died in 1942. The funeral was described as the largest ever witnessed in Gilroy, attended by bankers, field workers, booted cow boys, politicians and countless friends.

Businesses closed for the day.

The scene of many large business transactions, the venerable hotel and bar was the base of operations for some of the largest wheeler-dealers in the Central California Coast for many years.

George Jr. and his wife Rachel have been living on their ranch home near that of their daughter, now Mrs. Carol Silacci, and grandchildren on La Canada Road.

During that time George Jr. presided over the premises night and day and until recent years lived there.

Yet he found time to develop his ranching interests. Anyone thinking him a "weekend cowboy" soon had the illusion dispelled after watching the hotel manager and politician handle a cutting horse at one of the famous Gilroy Gymkhanas. To this day he has a solid reputation as a rodeo judge and still serves as a member of the board of directors of the big California Rodeo in Salinas.

For the past few years George, Jr., and his wife Rachel have been living on their ranch home near that of their daughter, now Mrs. Carol Silacci, and grandchildren, on La Canada Road. His son George W. Milias, the third George in this family line, has become prominent in local, state, and national government circles. He served as State Assemblyman for eight years, was State Labor Commissioner, and now is Deputy Assistant for the Environment in the Department of Defense. Accomplishment runs in the family of the "first" George who came to San Jose in 1888 to work in a restaurant.

PITTSBURGH STATIONS URGE CARPOOLS TO SAVE FUEL AND CLEAN AIR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, we all are aware of the many problems which face us as a Nation.

Two of the many are immediate dilemmas—a fuel shortage and the continual polluting of the air we breathe.

KDKA-TV and KDKA radio, both Group W Westinghouse stations in Pittsburgh, are conducting a public service campaign which could help the greater Pittsburgh area combat the fuel shortage, the pollution problem and alleviate traffic congestion in downtown Pittsburgh.

The stations are encouraging commuters to join carpools thus cutting down on the number of cars entering Pittsburgh and simultaneously saving fuel.

Using their own computer, the stations are trying to match drivers and riders who daily travel to and from Pittsburgh.

Interested parties must fill out and return questionnaires to the stations before they are provided with a list of people who have similar hours and destinations.

I want to congratulate the stations and their management for this effort. The campaign especially is welcome in the face of the fuel crunch expected this winter.

I would like to include in the RECORD at this time, a KDKA-TV editorial discussing the commuter-computer program:

DOWNTOWN PITTSBURGH

The two major problems which affect residents of Allegheny County when they travel into downtown Pittsburgh are traffic congestion and air pollution. The principal reason for the air pollution is, of course, the traffic congestion. Thousands of automobile engines are kept idling and spewing out noxious fumes while their drivers try to escape the traffic jam.

One possible solution, which is being used in some major cities throughout the world, is to completely man private automobiles from the downtown area. This forces many would-be motorists to ride on public transportation which is a better way to keep traffic moving in congested areas.

However, we don't think that such a solution is possible or even practical for Pittsburgh. Too many people have very legitimate reasons for using their private cars on business, shopping or pleasure trips. Many live in areas which may not be adequately served by public transportation.

If we can't ban private cars in downtown Pittsburgh, the next best thing is to provide suitable alternatives for the driver who has to go downtown. One alternative is provided by the Port Authority which has been consistently improving its service. Another alternative is voluntary car pools. Experiments with such car pools in Boston, Washington, D.C., St. Louis, Los Angeles, and St. Paul have shown encouraging results. If car pools will cut down traffic problems and improve the quality of the air, we hope that residents of this area will be willing to try them.

KDKA-TV & KDKA Radio are sponsoring a Commuter-Computer program to encourage regular commuters to form their own car pools. This Commuter-Computer approach is working successfully in Boston. It matches up commuters in various neighborhoods who are interested in forming car pools. If you want to help cut down on traffic congestion and air pollution, we hope you will look into this new Commuter-Computer program. To get more information, write Commuter-Computer, Box 1020, Pittsburgh - 15230, and enclose 10 cents for postage and handling.

FINANCIAL AID TO COLLEGES AND UNIVERSITIES

HON. WALTER E. POWELL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. POWELL of Ohio. Mr. Speaker, on October 15, I introduced H.R. 10934, a bill which would provide the colleges and universities of this Nation with a much-deserved and much-needed financial boost.

It is certainly no secret that many of our leading colleges and universities are in the midst of a very severe financial crisis. Such economic difficulties have resulted from a combination of declining of static enrollments and the inevitable rise in operating costs.

At the present time, in addition to their other important responsibilities, many of our colleges and universities perform an essentially national function by providing the facilities and assuming the other expenses involved in maintaining a Reserve Officers' Training Corps—ROTC—program on their campuses.

On November 7, I reintroduced this bill with cosponsors. If enacted, this measure would permit colleges and universities who have ROTC programs to be reimbursed by the Federal Governemnt to the extent of $500 for each of their students who are commissioned as officers under the program.

Civilian control of the military has been a guiding principle of our national defense posture since the Nation's founding. The opportunity for young men and women to earn their officer's commission while pursuing a full-time academic degree program is surely a significant benefit to both the student and the Nation's armed services which are assured a continuing supply of trained and well-educated leaders.

Mr. Speaker, the response to this bill has been very favorable. The National Association of State Universities and Land-Grant Colleges, the Association of American Universities, and other interested groups have indicated their support of this legislation.

This program would be very modest in terms of costs to the Federal Government, and would prove to be of great benefit to the Nation's higher educational institutions, which are deserving of the financial incentives provided by this bill. The Department of Defense has provided me with data on the number of officers expected to be commissioned under the ROTC programs of the respective military branches in each of the next 5 years. Based on these projections, the estimated expenditures of the Federal Government to implement this worthwhile program can be calculated. I am inserting these projections for the benefit and analysis of my colleagues in the House of Representatives:

PROJECTED COSTS OF H.R. 10934

	Number of students expected to be commissioned per year	Projected expense
1974	8,939	$4,669,500
1975	8,792	4,396,000
1976	8,924	4,462,000
1977	8,972	4,486,000
1978	9,320	4,660,000

BREAKDOWN BY MILITARY BRANCH OF NUMBER OF STUDENTS EXPECTED TO BE COMMISSIONED PER YEAR

	Army	Navy	Air Force	Marines	Total
1974	3,920	1,063	3,744	212	8,939
1975	4,000	1,100	3,442	250	8,792
1976	4,000	1,250	3,474	250	8,924
1977	4,050	1,250	3,422	250	8,972
1978	4,400	1,250	3,420	250	9,320
5-yr total	20,370	5,913	17,502	1,212	44,947

Mr. Speaker, I would hope that this bill would receive the early consideration of the House Armed Services Committee, to which the bill has been referred. While my proposal would not provide total reimbursement to the Nation's institutions of higher learning of the costs of educating commissioned officers, it does represent a desirable commitment on the part of the Federal Government to recognize and encourage the efforts of our colleges and universities to continue to provide the facilities and educational training necessary to satisfy the Nation's continuing demand for intelligent, trained, and competent young officers.

FRANK HORTON

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ERLENBORN. Mr. Speaker, I became a candidate for ranking minority member of the Committee on Government Operations last winter in spite of the fact that Representative FRANK HORTON of New York State is the senior member. I was able to do this because of reforms approved by the Republican Conference in 1970.

At no time did I regard myself as running against FRANK HORTON. Rather, there was a vacancy and I was a candidate to fill it.

I must confess that it is never pleasant to lose a contest, but I want my colleagues to know that FRANK has performed as ranking minority member in a way that makes me proud to serve under his leadership.

He has consulted fully with the Republican Members, and he has represented our views well in meetings with the chairman. He has persuaded the chairman to permit a doubling of the minority staff. It still is not big enough, of course—we used to have 5 on the minority staff and now we have 10, contrasted with the majority staff of 59—it still is not big enough but we are headed in the right direction.

I am well satisfied with this episode.

My candidacy proved that we Republicans are not slaves to the seniority system, and that is a plus. FRANK HORTON's victory added a certain validity to his position, a legitimacy of seniority plus that of election.

He has exercised his authority well.

A BILL TO PROVIDE FOR THE EXTENSION OF DAYLIGHT SAVINGS TIME TO THE ENTIRE CALENDAR YEAR

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, I am introducing legislation today which provides for permanently extending daylight savings time to the entire calendar year. As we are all aware, each year on the last Sunday in April, millions of Americans across the Nation advance their clocks 1 hour, with this procedure then reversed on the last Sunday in October when clocks are turned back 1 hour. This system of timekeeping in order to observe daylight savings time from April to October and standard time from October to April is set forth in the provisions of the Uniform Time Act of 1966. I am sure that when this act became public law in 1966, it served the needs of the people and certainly was founded upon logic as States, counties, and even cities had in the past set their clocks pretty much as they desired. However, I firmly believe the Uniform Time Act of 1966 is no longer attuned to the needs of society in the 1970's, nor do I believe this act takes cognizance of the many urgent problems now facing our Nation. In this regard, I make reference to high crime rates in many areas; the steady rise in automobile accidents, pollution of our atmosphere, and foremost in the minds of many citizens is the energy crisis which becomes worse each day.

Mr. Speaker, this bill will of course, not solve these problems in their entirety. However, upon closer examination we find a definite possibility that at least partial solutions can be obtained, by putting the Nation on year-round daylight savings time and thus gaining 1 extra hour of daylight at certain times of the year.

Particularly significant would be the reduction in peak-hour load for electricity by as much as 5 percent, in effect not only conserving energy but substantially reducing air pollution. In addition, the extra hour of daylight would tend to reduce crime as it would enable more city dwellers, both workers and shoppers, to return home in daylight hours when the streets are safer. Statistics bear this out which indicate that the highest periods for street crime occur the first hour of darkness. Further, a definite reduction in rush-hour traffic accidents can be realized by permitting people to drive home from work before dark. Most accidents now occur during the evening rush hour, when visibility is poor and drivers are weary after a day's work.

Mr. Speaker, year-round daylight savings time has many benefits and legislation to accomplish this purpose is long overdue. I strongly urge enactment of this measure which I have proposed today.

REPEAL ECONOMIC CONTROLS BEFORE OUR NATIONAL ECONOMY IS WRECKED

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ARMSTRONG. Mr. Speaker, during recent months I have become increasingly concerned about the mounting hardships caused by wage-price controls imposed by the President under authority granted by Congress.

Such controls are futile. If there is one thing we have proven during 2 years of experimenting with on-again-off-again controls it is this: Such controls are not curbing inflation.

Homemakers and wage earners have been well aware of the futility of controls for a long, long time. Now even the economists—including some who staunchly advocated wage-price controls at the outset—have descended from their ivory towers long enough to discover that these repressive measures are failing.

But while failing in their intended purpose, controls have been conspicuously successful in creating shortages, black markets, product quality deterioration and other hardships. I have often called attention to the overall policy considerations and have shown examples of the serious damage already done to our economic system and the potential threat to the future of our country.

Today, I want to cite still another specific example of the hardships caused by the ill-advised policy we are now pursuing:

Wage-price controls threaten the economic viability of this Nation's nursing homes, an increasingly important segment of our overall health delivery system. The reason is very simple.

Nursing homes are caught in the squeeze of controlled prices and uncontrolled expenses. Wages, food, maintenance, and other major items of expense are largely uncontrolled. But the price which nursing homes may charge patients is frozen.

This is completely unfair to the owners and operators of nursing homes, and is bound to affect the quality of care. When this happens the secondary effect will be to create more inflation. If nursing homes are unable to meet necessary standards they cannot continue to provide, in appropriate cases, a lower cost alternative to hospital care.

Mr. Speaker, the nursing homes of America are seeking a partial or total exemption from the Cost of Living Council. I support this effort.

But a far better and more permanent solution would be to repeal the basic laws which establish such controls and return to the free economic institutions under which our country prospered so well with less inflation and more real productivity gains than we now enjoy.

Let us get rid of the controls now—before they do even more serious damage to nursing homes and wreck other segments of our national economy.

CAMPAIGN REFORM A MUST

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. RAILSBACK. Mr. Speaker, in the wake of Watergate and the Agnew resignation, the American people have been shaken and many are disillusioned. But as deplorable as these events have been—I believe a cleansing effect can come from all of this as we all now realize the need for genuine campaign reform.

Clearly, the most serious problem confronting us is that of the high costs of elections. For example, in 1972, one senatorial incumbent spent in excess of $2 million on his campaign, and several others exceeded the $1 million mark. And, if estimates of last year's figures are correct, in that campaign over $400 million was spent on all elections.

Unfortunately, such high costs prohibit many well-qualified men from seeking public office, and also leave open the door to improper campaign contributions. My suggestion in this case is to have a Federal Election Commission carefully monitor all elections and also require strict reporting and complete financial disclosures. In addition, I would set definite limits on the amount of money which can be used in an election—based upon the population of the area one wishes to represent. This will insure that costs will not be overblown, but will continue to permit the average citizen to choose whether to contribute or not—and to whom. Our present system of volunteerism in politics is a strength, and we must preserve it.

Another problem, clearly distinct, is that of the high expenses of broadcasting. In 1956, the total spent for such radio and TV media for all elections was $9.8 million. However, by 1968, this figure skyrocketed to $40.4 million, and these costs have continued to climb. Because I believe the public must have early access to their candidates' views and yet am aware of the high costs of broadcasting, I would recommend that free time be allotted to the various contenders based on a system which has been in existence in England for a number of years.

Finally, a third problem is the long duration of campaigns which are not only costly, but too often prevent an incumbent from fulfilling his elective duties. Again, I patterned my recommendations on the British system and support shortening the period to less than 2 months.

I have incorporated all these recommendations into a comprehensive bill which I am today introducing, and I take this opportunity to encourage any other Members who wish to cosponsor by bill to do so.

HIGH SCHOOL FRESHMAN'S POLL ON ELECTED OFFICIALS' RESPONSES TO CONSTITUENTS

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HUBER. Mr. Speaker, recently, a young constituent of mine, David Jaffe, a high school junior at Roeper City and County School in Bloomfield Hills, Mich., forwarded a project that he did when he was a freshman at that school. Although the study was completed in June 1972, I still think it is worth noting his conclusions concerning how elected officials respond to their constituents. His survey covered not only U.S. Senators and Representatives, but State representatives and senators and mayors of cities of over 50,000 people. It is encouraging to find that most elected officials are very responsive to the views of their constituents according to this young man's poll. It is also heartening to find that not all of the young people in this country are "disenchanted" with the American political process.

Therefore, I am enclosing Mr. Jaffe's conclusions as to how elected officials keep their constituents informed for the consideration of my colleagues:

Conclusions

Elected officials in the United States have a deep sense of responsibility to those they represent. To compose and dictate 430 letters a week, or 23,360 a year, is a tremendous job. To compose and have printed at one's own expense more than 120,000 questionnaires and 593,000 newsletters each year is a demonstration of a real commitment.

To read the complaints, advice, criticisms, congratulations and condemnations of 574 people each week takes a lot of determination. In order to better represent the people these officials, "keep my ears and my office open," "only vote contrary to their wishes when I have information they are not privy to" and always, "keep their opinions in mind".

It is logical that those officials with smaller constituencies tend to be able to give more time to each communication from those they represent.

One basic trend that I noticed concerns the use of questionnaires and newsletters. Of those groups surveyed, Governors and Mayors, the officials the least physically removed from their constituents, need not use newsletters to keep their constituents informed or questionnaires to keep track of the people's wishes. These groups use newsletters and questionnaires both 0% and 11.7%, respectively. At the same time 67% of State Representatives and 47% of State Senators send newsletters. 60% and 47%, respectively, of these make use of questionnaires. Those the farthest away, U.S. Representatives and Senators need 83% and 100% participation in newsletters while 83% and 67%, respectively, find questionnaires necessary.

Another major trend in the response was one of concern. Comments like "favorably," "prompt reply" and "interested" were the most common replies to question 6a. All elected officials *like* to hear from their constituents. It gives them their best chance to ". . . win friends and, hopefully, votes."

The distinct advantage that elected officials with small constituencies have is the telephone. With a comparatively small number of communications coming in, the Mayor or State Legislator has time to contact, either personally or through his staff, individual correspondents for further discussion or to better solve the constituent's problem. One State Representative was thankful that there are ". . . a number of experts in my district . . ." who he can turn to for advice. Elected officials simply cannot be experts on everything going on in government today, so constituents with particular specialties or interests can do a great service and are much appreciated by their representatives.

It is this type of *interaction* that I consider most important. A give and take between representatives and constituents, of advice and information, of service and assistance is the basic rootwork of our political and governmental system. The only thing lacking is better participation. When a member of Congress serving more than 400,000 people receives letters from less than one twelfth of those in an entire year (not taking into account those who write more than once) something is wrong. In order to make our system of government function as smoothly and as fairly as possible, many more people must participate directly in the decision making process. The *only* effective way to do this is to communicate with our elected officials.

BILL KEATING

HON. WALTER E. POWELL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. POWELL of Ohio. Mr. Speaker, given all the confusion and controversy in recent days, an event which may have gone unnoticed was the decision of my good friend and colleague, William J. Keating of Cincinnati, to resign his seat in the House of Representatives effective January 4, 1973, in order to assume the position of president of the Cincinnati Enquirer.

From the date that Bill Keating became a Member of this body in January 1971, he has exhibited uncommon qualities of resourcefulness, innovativeness, industriousness, dedication to principle, and devotion to the interests of his constituents.

Bill Keating has had an admirable record of public service. After graduating from the University of Cincinnati and the University of Cincinnati Law School, Bill Keating entered the private practice of law. In 1959, Bill Keating was elected to the Cincinnati Municipal Court, a trial court of limited jurisdiction. He served on this court until 1964, when he was elected to the Hamilton County Court of Common Pleas, a trial court of general jurisdiction. In 1967, he left his judicial position in order to run for Cincinnati City Council. He was elected with more votes than any other candidate, and was subsequently reelected in 1969, again receiving the greatest number of votes of any candidate. In 1970, he entered the race for the First District seat in the House of Representatives. Bill Keating won by a staggering majority, receiving close to 70 percent of the vote. In 1972, he was reelected by a similar margin.

Clearly, there has been a direct correlation to Bill Keating's popularity and the outstanding qualities that he has brought with him to Congress. He has been an effective advocate for the interests of his Cincinnati constituents. His past judicial experience has made him a useful and valued member of the Judiciary Committee. It is little wonder that Bill Keating's name has figured prominently in speculation about a possible candidacy for the Senate seat in Ohio being vacated by Senator William Saxbe.

Mr. Speaker, particularly at this time, the citizens of this country hope to have representing them individuals of high integrity and character. Bill Keating is such a man, and the citizens of this Nation will feel his loss inmeasurably.

I know I speak for all of my colleagues in this body when I wish Bill Keating every success in his new position as president of the Cincinnati Enquirer.

FORCED BUSING FOR RACIAL BALANCE

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. DOWNING. Mr. Speaker, the inequities of forced busing for racial balance are continuing to be felt throughout an ever-increasing portion of the Nation's communities. Responsible citizens everywhere are beginning to make their views known on this issue. Recently the Council of the City of Newport News, where I live, adopted the following resolution setting forth its opposition to forced busing. Due to the widespread interest in this matter, I wish to share their views with my colleagues:

Resolution

A Resolution expressing the opposition of the Council of the City of Newport News to the massive crosstown forced busing of public school children within the City and urging the Congress of the United States to immediately take action to stop it.

Whereas, the Federal Courts required the school board of the City of Newport News to develop a plan for the operation of the public schools of the City and the assignment of children thereto, which has resulted in massive crosstown forced busing of thousands of children within the City; and,

Whereas, this massive crosstown forced busing has caused such inconvenience to many parents and children that it is unacceptable to them, and many children have left the Newport News Public School System, and,

Whereas, the effects of the forced busing are causing damage to the educational system; and,

Whereas, the massive crosstown forced

busing is requiring a burdensome expense on the taxpayers by usurping money from education to transportation; and,

Whereas, the massive crosstown forced busing is adding to the energy crisis and affecting the environment of our Community by the emission of the exhaust pollutants in the atmosphere.

Now, therefore, be it resolved by the Council of the City of Newport News:

1. That the Council hereby expresses its opposition to the massive crosstown forced busing of public school children within the City of Newport News, and urges the Congress of the United States to immediately take action to stop such forced busing and to reverse the trend which is so damaging to the educational system.

2. That the City Clerk is directed to transmit copies of this Resolution to the President of the United States, Vice President of the United States, each member of the United States Senate and the House of Representatives.

RED CROSS CERTIFICATE OF MERIT GOES TO MR. NORMAN C. LARSON FOR SAVING A LIFE

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. KETCHUM. Mr. Speaker, I have recently been informed of an inspiring act of mercy undertaken by my constituent, Mr. Norman C. Larson. At great risk to himself, Mr. Larson performed an act of heroism and skill which resulted in the saving of another human life.

On the night of July 20, 1973, just 3 days after he had completed a Red Cross first aid course, Mr. Larson was relaxing in his home when he was aroused by a neighbor's alarm that there was "a car upside down in the canal with people in it." Mr. Larson ran toward the canal, a block from his home. At the scene of the accident he dived into the swift water of the canal and swam approximately 40 feet to where a victim had been removed from the automobile. He assisted another rescuer in removing the victim to the bank, and immediately began to administer mouth-to-mouth resuscitation to the unconscious man, continuing until breathing was resumed. Mr. Larson also used his first aid skills to seal a deep laceration and stop bleeding while he was giving resuscitation. The victim was taken by ambulance to a hospital for medical care. Without doubt, Mr. Larson's use of his recently acquired skills and knowledge saved the life of the man.

For this courageous deed, Mr. Larson has been awarded the Red Cross Certificate of Merit. The certificate of merit is the highest award given by the American Red Cross to a person who saves a life by using skills learned in a Red Cross first aid, small craft, or water safety course. The certificate bears the original signatures of the President of the United States, honorary chairman, and Frank Stanton, chairman of the American National Red Cross.

I am sure that all my colleagues join me in expressing our admiration for Mr. Larson's bravery and devotion, which exemplify the highest ideal of concern of one human being for another who is in distress.

PRESSURE ON SUPPLIES SPURS DEMAND FOR MORE FOOD OUTPUT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. FRENZEL. Mr. Speaker, today I am inserting the final article from a four-part series on world food supply by Minneapolis Tribune staff writer Al McConagha. This article deals with some of Senator HUBERT HUMPHREY's efforts to improve our food supply policies.

Senator HUMPHREY is interested in seeing a world food reserve established and in getting American agriculture to expand into the role of providing larger amounts of the world's total food supplies. Senator HUMPHREY is in a good position to do something. He is the chairman of the Senate Subcommittee on Foreign Agricultural Policy, a member of the Select Committee on Nutrition and Human Needs, and a member of Joint Economic Committee's Subcommittee on International Economics.

The article by Mr. McConagha follows:

PRESSURE ON SUPPLIES SPURS DEMAND FOR MORE FOOD OUTPUT

(EDITOR'S NOTE: Food shortages, surpluses, costs and boycotts are in the headlines nearly every day. To find out why food has become a major concern, Staff Correspondent Al McConagha has investigated the relationships of food problems around the world. This is the last of four articles.)

(By Al McConagha)

WASHINGTON, D.C.—As a committee assignment, agriculture is slightly more popular than supervising the broom closets. Senators prefer the high policy of foreign relations or the big money of appropriations.

So when Hubert Humphrey came back to the Senate in 1971 after four vice-presidential years and two more out of office, he had no trouble with his request—a seat on Agriculture.

The Minnesota Democrat had promised voters that he would get on that committee if elected but he was under no illusions about its standing in the pecking order of Senate prestige.

"When you get assigned to Agriculture, it's like being told you're at the end of the line, buddy," he said recently. "We've cut down the committee size because we couldn't get people to serve on it."

As consolation prize, Humphrey also was named to the Senate-House Economic Committee. He became head of the consumer subcommittee and likewise turned his attention to food-related issues.

Humphrey, no political wallflower, was searching for a significant issue. His old causes, health, social services, had been preempted by younger champions during his absence from the Senate.

Suddenly to his surprise and pleasure, Humphrey found that he had been thrown into the candy jug. After years of general indifference, food and agriculture were now front-page stuff.

Virtually overnight U.S. food production went from its long history of surplus and relatively low prices to a summer of comparatively high prices and scarcity.

Housewives quickly discovered that the Kremlin's preference for the choicer cuts of meat, as evidenced by the Soviet wheat deal, raised the cost of cake mix in St. Louis Park.

Humphrey went into orbit as the Senate's food supply expert. "For once in my life," he said, "I've hit the right place at the right time." He added, smiling, "I've had bad luck with that."

On the cosmic questions of when demand will outrun world food supply, experts disagree. But Humphrey is one of those students predicting early crisis.

"For the next five years this world of ours is going to be struggling with a very serious food shortage," he said. "It is going to be exceedingly difficult. There will be starvation in many areas.

"I'm painting the picture as I think it is: It's tight and it's tough. No matter how you look at the situation, it is touch and go for the foreseeable future," he added.

BETTER FOOD SUPPLY DATA SOUGHT

Pressures on food supply come from population growth, the impact on diet of increasing affluence and the drawing down of world food reserves after widespread 1972 harvest failures.

Nevertheless, Humphrey thinks grain will be in reasonably good supply in 1974 and 1975. Part of this will be because high prices will encourage worldwide production on marginal land.

He amends this prediction slightly to say next year will be fairly tight due to the efforts of anxious countries to build up their reserves in food and feed grains.

"But looking down the road," he adds, "there is every indication that there will be severe pressure on wheat and protein, all forms of protein, but primarily soybeans."

The Minnesotan is actively forwarding his solutions to these problems. And, in general, they reflect much of the thinking of global food supply experts outside the government.

The administration appears to be at least listening. For instance, Humphrey urged Henry Kissinger during the Senate hearing on his nomination as secretary of state to call a worldwide food meeting.

A month later in his first speech as secretary, Kissinger called on the United Nations to convene a conference next year on the problems of rising consumption and lack of cereals stocks.

Humphrey also thinks the Agriculture Department is making an effort to answer his plea for better information to get an earlier and more accurate idea of what the supply-demand ratio will be.

"Data is very uncertain," Humphrey said. "There are lots of arguments or disputes about supplies for the simple reason that the statistical gathering of information is not very good."

OPPOSITION SEEN FOR HHH FOOD PROPOSAL

Humphrey, of course, wants to maximize U.S. production. But he is concerned over serious shortages of fertilizer, fuel, railway and port facilities, and farm credit.

The senator also is promoting a domestic food and fiber reserve. This would be what he calls a consumer marketing or "strategic" reserve of corn, soybeans and wheat and he has been arguing it for 25 years.

Designed as a hedge against skyrocketing domestic prices and a means of maintaining export commitments, these stocks would be isolated from the market to protect farm prices and released only after certain levels of shortage are reached.

There is considerable opposition to this proposal. Some farmers, interested in high prices, regard reserves as market dampeners. The department wants to get out of the storage business.

His farm friends are just going to have to understand that $10 soybeans and $5 wheat are intolerable and that they are in a political minority, Humphrey said in a recent interview.

In a recent hearing he added that consumers would be unlikely, as a political matter, to place themselves at the mercy of unrestrained world market pressures at a time of high U.S. farm production.

MANY EXPERTS URGE WORLD FOOD RESERVE

Humphrey stresses that the upcoming multinational trade negotiations must resolve severe problems to increase global food production and expand agricultural trade.

"International rules guiding agricultural trade are less strict, more ambiguous, and less comprehensive than those governing industrial trade," he told an agribusiness meeting in Atlanta.

"Without generally accepted rules to guide national farm policies, we force government to solve their agricultural problems without regard to their external effects," he added.

Many experts believe that the ultimate agricultural answer, if there is one, to the food-population race lies in increasing food production in developing countries.

In general, this argument contends that many of these nations have the largest unused agricultural potential. They require, however, significant outside help to exploit it.

The Minnesotan recently was floor manager of the first foreign assistance bill to pass the Senate in three years. It provides $565 million over two years for food production and rural development.

But foreign aid is now in low regard. The Senate passed the $1.2 billion measure by a narrow majority and it is unclear whether those food provisions will emerge from the House-Senate conference.

There is considerable resistance also to Humphrey's proposals for a world food reserve, an international storage system that would make supplies available to the poorest nations.

The administration, while favoring a principle of multilateral responsibility for food relief, has committed itself to an unfettered market unrestrained by government-owned food stocks.

State Secretary Kissinger's recent plea for an international food conference indicated, however, international reserves and related issues are currently being reconsidered.

Some form of world reserve is urged by many experts as a means of reducing the adverse impact of dramatic swings in price and availability of grain.

The Food and Agriculture Organization (FAO) of the United Nations also is proposing an international grain reserve that will be taken up at its conference in Rome next month.

HHH CALLS FOOD KEY IN U.S. TRADE

Jean Mayer, Harvard University professor of nutrition, advocates another solution. He asks that the United States establish a central authority to control and license food exports.

Such a grain and soybean trade board would report to the president. It would establish policies for commodity export and withhold some food from trade for relief purposes.

This would have avoided some of the errors of the wheat sale to the Soviet Union. Then the Russians dealt with competing commodity traders instead of a central agency, such as the one in Canada.

The Russian wheat deal raises another policy consideration. It suggests that we may be entering a period in which food will play an unaccustomed role as an instrument of political leverage.

India, for instance, will squeak through to its next harvest on a Soviet loan of 2 million tons of wheat. This grain is presumably available because of Moscow's large purchases in America.

Lester Brown of the Overseas Development Council observes that North America today controls a larger share of the world's exportable surplus food than the Middle East does oil.

"I don't want to be mean about this," said Humphrey recently, "but the time has come to say we want something too. To produce one calorie of food, we have to have eight or nine calories of fuel."

"I want us to take the lead internationally because we have so much at stake," the Minnesotan added on another occasion. "We can outcompete anybody in agricultural production. This is tailor-made for us.

"Fifty years ago when you talked agriculture you would talk domestic agricultural policy. It didn't lend itself to our balance of payments, it wasn't vital to our trade.

"For years you could look upon agriculture as a series of lakes. There was European agriculture. There was agriculture in Australia. There was Argentinian agriculture.

"These were like little pools of food. But now the world has changed. Agricultural production is like an ocean and the tide affects us all. All the ships go up and down with the tide."

FORD IS QUALIFIED

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. LANDGREBE. Mr. Speaker, in his short time here, the gentleman from Louisiana (Mr. TREEN) has already distinguished himself as one of the bright new intelligent voices in this body. I would like to commend to the attention of my colleagues Mr. TREEN's excellent response to a shockingly unfair attack on the minority leader's abilities to serve in the Vice-Presidency, which appeared in the Washington Post's editorial of October 14.

Mr. Speaker, everyone knows that I consider JERRY FORD to be an excellent choice to serve as Vice President of our great country. At this time, I wish only to echo DAVE TREEN's sentiments, and thank God that this Congress and the American people can recognize a great man such as JERRY FORD, and reject the warped perspective of the Washington Post's editorial board.

Representative TREEN's letter to the editor follows.

FORD IS QUALIFIED

It was with dismay that I read your recent editorial, "The Choice of Mr. Ford."

If by "pedestrian" you mean someone who believes in the middle-class values of our society; by "partisan," someone who rejects the notion that President Nixon is Satan; by "dogged," someone who believes it is more important to save tax dollars than to save bureaucratic reputations; if a lack of embrace for the New Deal, Great Society programs means that one has not shown an "impressive grasp of the complexities of hard questions"; if by "modest ambition" one means a man content to work for his constituents, his country, and his party, as a U.S. congressman; then I suppose Congressman Gerald Ford might be all of these things. But with leadership and dedication, vigor and confidence, Jerry Ford has served his country and his party loyally and unpretentiously for the last 25 years.

I believe Mr. Ford to be the ideal man for saving the country from a protracted bitter fight in Congress. Congressman Ford meets the criteria set by President Nixon—i.e., he is qualified to be President; he shares the President's views on domestic and foreign policy; and he is capable of working with both parties in Congress. I think Jerry Ford will make an outstanding Vice President.

DAVID C. TREEN,
Member of Congress.

H. A. EDWARDS, SR., OF TUSCALOOSA

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. FLOWERS. Mr. Speaker, on October 21, Mr. H. A. Edwards, Sr., retired as chairman of the Druid City Hospital Board of Trustees. Tuscaloosa and west Alabama are indebted to him for his long unselfish service to our community.

Mr. Edwards served on the board for 26 years, the past 20 years as chairman. His inspired leadership enabled Druid City Hospital to become one of the outstanding medical facilities in our region.

The Tuscaloosa News and Graphic recently paid high tribute to Mr. Edwards. I commend these two articles to my colleagues and insert them into the RECORD at this time.

The articles follow:

H. A. EDWARDS' SERVICE

A man who devotes over a quarter of a century of his life to serving the public in an unpaid position is rare. Such a man is Harvey A. Edwards, Sr., who has been on the board of Druid City Hospital for 26 years and chairman for 20 of those years.

Mr. Edwards told the 50th anniversary banquet of the hospital this week that he is stepping down from his post when his term expires this month.

Tuscaloosa appreciates his devotion to Druid City Hospital and his efforts to improve medical care. Mr. Edwards, now 80, has never been content to see things stand still. He has always been a mover for an expanded and better equipped public hospital. Even now the hospital is carrying on an improvement program that may cost up to $20 million upon completion.

Mr. Edwards is a past recipient (1966) of the Civitan Club's Citizen of the Year Award. It is appropriate that he already has been honored for his dedication to Tuscaloosa and its well being.

HARVEY EDWARDS HAS SERVED COMMUNITY WELL

H. A. Edwards Sr. will retire as chairman of the Druid City Hospital Board of Trustees at the end of the month. This community and this section of the state owe this man a debt of gratitude for his long, faithful and fruitful service.

Edwards has served as a hospital trustee for 26 years and has been chairman of the board for the past 20. This has been a period during which Druid City Hospital has made tremendous strides toward providing adequate care and treatment for patients of this community and others from West Alabama. It has been a time when the hospital has faced problems—in service, in facilities.

Druid City Hospital today stands as a fitting memorial to Harvey Edwards' dedication and determination. He has not been alone in providing leadership for the institution, but he has always been in the forefront in determination to provide this community with the best possible hospital and staff.

Druid City now is embarking on a new expansion program. This is part of a continuing effort to improve facilities, to keep pace with needs and medical technology. That has been the hallmark of the period during which Edwards has been Druid City's board chairman.

Planning and looking to future needs have been uppermost in the direction of the hospital board from the time the institution moved from the University campus to the former Northington General Hospital and then on to its present location in modern facilities.

Certainly Harvey Edwards has earned well-deserved relief from his duties as board chairman of the hospital. And he retires from that position assured that his long service has been appreciated by hospital staff and employes, by his fellow board members and by this community.

RESIGNATION

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. DEL CLAWSON. Mr. Speaker, in the clamor for his resignation the President is being deprived of the right of every citizen to the due process of the law. Yesterday's Washington Star-News published an editorial which I commend to the attention of my colleagues in the House of Representatives:

RESIGNATION

Some of President Nixon's erstwhile supporters have joined with many of his ancient foes in clamoring for his resignation. We have no intention of adding our voice to that chorus, which is unseemly, unfair and unwise, from the point of view not only of Mr. Nixon but of the nation.

Which is not to say that we are convinced of the pristine purity of the President. Far from it: We have the gravest doubts as to Mr. Nixon's fitness to occupy the highest office in the land.

The point is that resignation would resolve none of those doubts. Indeed, such an act would obscure, perhaps forever, the vital question of Mr. Nixon's innocence or guilt in the Watergate affair and its attendant scandals. There would be no catharsis in this. Indeed, resignation would leave a legacy of bitterness and suspicion in at least that 27 percent of the electorate which, by some mind-boggling leap of faith, continues to believe that Mr. Nixon is doing a good job as President and is innocent of complicity in Watergate.

Some of those who are asking Mr. Nixon to step down are doing so on the grounds that he has lost his capacity to govern, that he is politically "crippled." It is true that Mr. Nixon's power and prestige have been impaired and, given what we now know about Watergate, that is not altogether a bad thing. But "crippled"? That must come as news to the President's opponents on the Hill, who have been unable to override one of his eight vetoes (the most recent on October 30) this year. It must also come as news to both sides in the Mideast crisis.

When a tide of emotion is running high, it is easy to get swept away. So perhaps it is worth recalling that Mr. Nixon's popularity has not yet fallen to the 1951 level of a president now widely regarded as one of our near-great leaders—Harry S. Truman.

In any event, ours is not a parliamentary system under which a president is accountable to sudden gusts in the fickle wind of public opinion. No charges of criminality have been lodged against him and the President cannot be compelled to resign an office to which he was lawfully elected.

If he is to be required to step down, Mr. Nixon is first entitled to his day in court. If he has been guilty of "high crimes and misdemeanors," if he has violated his oath to see to it that the laws are justly enforced, then he—and the American people—are entitled to a bill of particulars.

There are those who draw back in fear from the trauma of impeachment proceedings. We have a greater faith in the toughness of the Americans people, the resiliency of our institutions and the genius of our Constitution.

In our view, the first order of business ought to be the confirmation by the Senate of Vice President-designate Gerald Ford. For if Mr. Nixon is to be swept aside, it is essential that the people's mandate of 1972 be assured. It is to the credit of House Majority Leader Carl Albert, at present the next in line for the presidency, that he realizes that a Democratic succession would destroy the legitimacy of the government.

Once Ford has been confirmed, the House Judiciary Committee ought to move with all deliberate speed in its investigation to establish whether a case for the impeachment of the President exists. Should it so find, it will be up to the House to act upon the committee's recommendation, either rejecting it or sending it forward to the Senate.

The national weal requires a speedy and definitive end to the Watergate scandal. But that end must be fair to the President and to the country, and it must be seen to be fair.

Article II of the Constitution provides for the removal of a President from office. It would be the final irony if a president charged by his opponents with abusing the Constitution were hounded from office by a constitutional short-cut which might poison the well of American politics for generations to come.

A forced resignation would leave an intolerable question mark on the political horizon and create more stresses than it would relieve. It ought not to be contemplated.

WHAT CAN THE CITIZENS DO TO CONSERVE ENERGY?

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. SPENCE. Mr. Speaker, I recently had the honor of hosting a very special young lady during her 2-day visit to Washington. Her name is Miss Dawn Beaty, and I am especially proud of her because she was the winner of a contest I sponsored in the Second Congressional District of South Carolina.

The contest that several of my colleagues on the Task Force on Energy and Resources and I initiated had an extremely important purpose, Mr. Speaker. Students in high schools throughout the district were asked to write an essay on the topic, "What Can the Individual Citizen Do To Help Solve the Energy Crisis?" As members of the Task Force on Energy and Resources, we have been active this year in seeking new energy sources, as well as encouraging conservation of what we have available now. I knew how vitally interested my student-constituents are in the subject of conservation generally, because I have heard from many of them.

I was particularly anxious to get the students' original ideas on this subject because the quality of the world they inherit may be greatly affected by the manner in which we deal with the energy crisis. In challenging our young people to consider their future by thinking about creative, constructive solutions to this serious problem, I was confident that we would be able to develop some exciting new possibilities.

Mr. Speaker, it turned out that the aims of this contest exceeded even beyond my hopes. I received a great number of excellent suggestions, and every entry was outstanding.

Of course, there was one essay which stood out as being particularly original and well written. Since space does not permit me to have all of the essays reprinted here, I would like to submit the winning entry of Miss Dawn Beaty, of Columbia, S.C., as being representative of the fine work done by students in my area on this vital subject.

Mr. Speaker, I include Miss Beaty's essay entitled "What Can a Citizen Do To Conserve Energy?" in the CONGRESSIONAL RECORD at this point:

WHAT CAN THE CITIZEN DO TO CONSERVE ENERGY?

During the past decade, the American public has been brutally awakened to the abuse of our natural resources. They have seen forests grow into houses; they have seen rivers die of pollution; and they have watched a new day break through a clouded, gray horizon. Now, Americans are experiencing a comparable dilemma—they are watching our country slowly weaken as our fuel resources are abused and consumed. But, even when they are faced with this crisis, many persons complacently sit around feeling quite certain that some higher authority will correct this problem with a snap of a finger. But, these individuals are depending upon blind faith. They should not expect one body of persons to correct the mistakes of everyone. The American people caused this dilemma; only the American people can bail themselves out. Each individual must contribute his effort to alleviate the nation's energy crisis.

But, exactly what is the "energy crisis" and just how important is it? An energy crisis is the result of the mismanagement of our natural fuel resources. These resources include oil, gasoline, electricity, coal, and kerosene. It is with these fuels that our mechanized nation functions. The depletion of America's sources of energy can be best compared with the loss of blood. Our body runs on blood. If our body is injured, causing a loss of this precious fuel, it could be serious. This would be extremely serious, if there were no blood to replace our slowly escaping blood. In such a case, with no "fuel" to run the body's organs, our body would die. So too will our nation, if the individual does not awaken to what this crisis could mean to his own life.

It is true that many persons have already been directly affected by the energy crisis. On the other hand, many have not. Let us examine a high school senior's "brutal" awakening to the energy crisis.

Our high school senior entered his final year of study with two goals in mind—to graduate, and to hit the beach just as soon as he got his diploma. All during the commencement ceremony he dreamed of sand, rolling waves and bronze-skinned girls with long blond hair. Even his mother's tears of pride only reminded him that tomorrow he would be up to his neck in salty water.

That night, "Junior" dragged himself home from the graduation party and packed his car. In it went towels, bathing trunks, a polished surfboard, and suntan oil. That night he fell asleep dreaming of rolling waves and bronze-skinned girls with long blond hair.

The next morning, "Junior" jumped into his car, revved the motor a few times, and thought about those bronze-skinned girls with long blond hair. But just then he noticed that his tank was nearly empty. So "Junior" trucked it down to the gas station around the corner only to pull up to empty pumps! So there he sits in his car, watching those bronze-skinned girls with long blond hair wave bye to him as they run down the sandy beach.

Amusing—or is it sad? For there are going to be many "Juniors" in this country if each person does not make a valid effort to conserve our fuel resources. But "Junior's" problem, however, is not our greatest concern. The energy crisis would not be of great significance to us if all it meant was that the fuel shortage prevented a high school graduate from driving to the beach. A more relevant situation would involve more than a boy's "shattered" dreams about himself and the beach. For instance, suppose the Lexington County Hospital caught fire, and because the area fire station had no access to fuel for their trucks, both the building and hundreds of lives were destroyed. This would be a grave matter. This is exactly why the energy crisis is just what it is—a crisis.

"But what can I do? I'm only one," you might reply. But thousands of people are made up of one plus one plus one . . . It took thousands of people to cause an energy crisis like this one, and it will take thousands to correct this colossal mistake.

The first place you might start is with your own home's heating system. Does it adequately heat the house? If not, do something about it! First, you should make certain that your home is properly insulated. Oh, that costs too much money, you might argue; the easier solution is to turn up the heat. Better insulation, however, is the wiser answer, for there appears to be a limitless amount of insulation. But what good is all this material to retain heat if there is no fuel to produce it. All the money in the world will not purchase more fuel to warm a poorly insulated home if there is no fuel to buy. Next, check your home's heating ducts. They should be properly wrapped and insulated. This can save a tremendous amount of fuel. Storm windows, too, are a very sound investment in the insulation of a home.

Now, examine the temperature of your home. Determine whether or not you can conserve fuel by cutting down on the thermostat. Another important aspect of home heating is the thermostat setting during the night. Cut it down. Psychologists have found that persons sleep better in a cool room. This is attributed to the fact that a person bundles up in his bed covers when the room is cooler, thus causing him to sleep better. What about rooms you seldom use? Close the heat ducts in those places. Be wise and conservative in your use of home fuel resources.

Next, let us examine the major abuser of fuel resources—those one, two, and three cars sitting in your driveway. It is a shame that our society feels that each person should have his own car, much like every person has his own social security number. It seems that a man is dubbed a social failure if he does not have a car for himself, one for his wife and several more for his teenagers. Americans, in all practicality, do not need so many cars. The family breadwinner should perceive that a family that drives together, thrives together. So will our nation. Individuals should band together into car pools to insure that there will be enough for our children's car pools. An individual should also make certain that he accomplishes as many of his errands as possible in one trip. This will take a little planning But, remember, this energy crisis arose from poor planning. The American public must use their heads and think.

But you are a traveling salesman; you need your own personal car. If so you will need more gas than the average American. Thus, it is important that your car is in faultless condition. An automobile in disrepair consumes much more gas than one in top condition. Also, in traveling, a person should maintain a steady speed, not exceeding 50 mph. But, it appears that interstate highways encourage our national inclination—to move fast. It would be much easier to have the American public adjust to an energy crisis speed limit than to a permanent one. In such times of great fuel need, highway and road speed limits should be decreased 10 mph. This could be designated as the Energy Crisis Speed Limit. People, by nature, would see reason to observe this regulation with less protest than to an unjustified everyday low speed limit.

The individual can also heed the advice of energy conservation information. In South Carolina, the SCE&G is doing a fine job of stressing the importance of electrical energy conservation. They have made television commercials, and have mailed fuel conservation tips to state residents. Other agencies have also attempted to educate the American public in regards to fuel consumption. As individuals we should appreciate and acknowledge these suggestions and act upon them.

The individual can also make certain that his Congressman knows how he feels about energy crisis legislation. As citizens we are powerful, for we can voice our opinions and suggestions to those who represent us.

Thus, the individual *can* make a difference in the conservation of our fuel resources; but everyone must do his part, for each person is only a part of a whole—our nation. Only then, as a nation, can we cope with our energy crisis.

IRRIGATION IN THE UNITED STATES: THE SITUATION TODAY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. JOHNSON of California. Mr. Speaker, statements are being made that the Bureau of Reclamation has completed its job of building the West through irrigation of public lands in the arid zone beyond the 100th meridian. Federal reclamation was adopted as a homemaking program for the western region in 1902. Times have changed and the program has changed in the seven decades that have passed, but the West is still the arid region that John Wesley Powell and Theodore Roosevelt knew at the turn of the last century, and its problems remain unique. They cannot be ignored.

William E. Warne, former Assistant Commissioner of Reclamation, former Assistant Secretary for Water and Power of the Department of the Interior, and former director of the California Department of Water Resources, has prepared a thoughtful analysis of the situation of irrigation in the United States today. His conclusion that new problems that have arisen in the arid West require the continuing attention of the Bureau of Reclamation on a regional basis is worthy of note by all of my fellow Members. He is a leading irrigationist in the United States.

I include his paper delivered to the U.S. Committee on Irrigation, Drainage, and Flood Control in Sacramento, Calif., on September 21, 1973, as an extension of my remarks:

IRRIGATION IN THE UNITED STATES; THE SITUATION TODAY

Irrigation supports the agriculture of the semi-arid and arid western United States. Agriculture is the dominant industry of the region. Irrigation is practiced increasingly in the more humid states, as well, but among them, except in Florida, Arkansas and Louisiana, irrigation is not given much attention as a factor influencing farm production.

The situation in the United States today is that irrigation is a western operation of critical importance in the production of food and fiber. Irrigated agriculture is the foundation of the economy of the western states.

Irrigation in western United States was begun by the earliest Europeans to settle here. The Spanish Padres dammed the streams and irrigated the gardens with which they surrounded their missions. The Mormons, when they arrived on the banks of the Great Salt Lake, diverted City Creek to irrigate some potatoes in order to establish themselves in a land that was physically hostile. Migrants stopped off at Fort Bridger on the way West, and irrigated pastures to grow hay for their oxen so that they could continue to Oregon. Many Forty-niners in California deserted their diggings after the first winter to irrigate farms in the Central Valley.

Historically, the primary influence in the growth of western irrigation has been that of the Federal Reclamation Act of June 17, 1902.

Late in the 1880's and during the 1890's, western leaders were convinced that private developers and the states and territories were not equal to the task of planning, financing and constructing the large-scale water projects that were required in the settlement of the West. The nation as a whole gave high priority at that time to winning the West and was anxious to populate the new states that were being added to the Union beyond the 100th Meridian. Theodore Roosevelt, in his first message to the Congress, called for the adoption of Federal reclamation as a homebuilding policy in the semi-arid and arid regions. The Federal Reclamation Act followed within a few months.

The 1969 Census of Agriculture, which provides the latest statistics available, disclosed that seven decades later there were 39,129,758 acres of land irrigated that year in the 50 states. Of the total, 34,787,156 were irrigated in the 17 western states. Farm lands were irrrigated in every state of the union. In three of the states that are considered naturally well-watered, the areas that were irrigated would have been substantial even had they been in the arid west. Florida, with 1,365,206 acres irrigated, exceeded such western states as Arizona, Kansas, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Utah and Washington in the area irrigated. Arkansas and Louisiana rivaled many of these that are commonly thought of as "irrigation states."

The situation today is that irrigation is increasing more rapidly in the eastern, more humid states, than it is in the western arid and semi-arid states. There was a 13.3% increase of irrigated acreage over a five year period in the East against a 4.8% net increase in the West.

California, with 7,240,131 acres irrigated in

1969, led all states, with Texas, which irrigated 6,888,075 acres, second. California has led all states, irrigated or not irrigated, for a number of years in the value of her agricultural production, recently exceeding $5 billion a year, and Texas historically has been among the top three farm states. In California, four-fifths or more of the farm income is derived from irrigated lands. Many of California's crops are marketed in substantial quantities abroad. The state's exports contribute materially to the United States' balance of trade.

Obviously, the irrigated crops today are a significant factor in the ability of the United States to feed her people and at the same time to export vast quantities of food and fiber to nations around the world.

Because of its origin, its history, and its recorded achievements, the Bureau of Reclamation is the dominant agency in arid land irrigation in the United States. It is, in fact, recognized as the leading institution in the field worldwide. The Bureau has researched and pioneered in all phases of engineering and construction related to dams, hydro-electric power plants, canals and appurtenances.

The situation is that today the Bureau of Reclamation in the technical fields stands first in line and head and shoulders above its rivals.

In 1971, the latest year for which statistics have been compiled, the Bureau of Reclamation had constructed 305 storage dams, 316 diversion dams, 13,600 miles of canals, and 33,510 miles of laterals. There were 138 Federal Reclamation projects in operation and the total cost of construction by the Bureau to June 30, 1971 was about $5.5 billion. In 1971, the gross crop value from the operations exceeded $2 billion for the first time, and represented a per acre average value of $240.45. Of the total of 10,560,000 acres for which irrigation service was available from Bureau projects, 8,834,000 were actually irrigated and farmed in 1971. Municipal and industrial water were served to 14.5 million people by the projects. Irrigation and other services brought to 16 million or 30 percent of the entire population of the 17 western states the number who were provided project water. In addition, the number of visitor days to recreation areas provided by the projects equalled about one-fourth of the population of the entire United States. Reclamation dams prevented that year $32.8 million in flood damages. Hydroelectric power production incidental to the operation of the reclamation dams amounted to 50.1 billion kilowatt hours which were sold for $161.4 million.

These statistics may go whirling over your heads, because it takes study to comprehend en masse such large numbers. To hear them, however, may impress upon you that in carrying out the assignment of home-builder and developer of the West, the Bureau of Reclamation in 71 years has substantial achievements to its credit.

The situation of the western states today certainly would not be the same without the program of the Bureau. The arid West was a hollow region in 1900. Efforts made in the latter part of the 19th Century to settle the West through development of its water resources and arid lands had been failures. The Federal Reclamation Act of 1902, however, succeeded from the outset in building homes and developing towns in the wastelands.

Remembering that the Federal Reclamation program was undertaken by the Government in pursuit of a national policy of peopling and developing the arid West, it is strange to hear the National Water Commission say today, (p. 128):

"A primary weakness of the Federal water resources development projects is that they have been heavily subsidized by the Federal Government; that is, by all the taxpayers of the Nation, to provide benefits for a few."

In reviewing the Minidoka and Tucumcari projects, the Commission saw that valuable development had taken place, but it wondered what would have happened if the projects had not been constructed. There are millions of acres of desert lands that were vacant in 1902 and that remain vacant today in these same and similar western areas.

They provide the answer to the Commission's question.

"Nothing would have happened. Nothing at all."

If Idaho and New Mexico are of no value to the taxpayers of the United States, then the investment of Reclamation funds in irrigation projects within the boundaries of such states might be considered only as a subsidy of the few who now manage to make a living from the lands that irrigation has made productive. On the other hand, if developed states in the arid region today are important to the United States as a whole, then more than the immediate few who irrigate the reclaimed desert lands have been benefited.

Federal Reclamation was the 20th Century answer to the 19th Century problem of winning the West. As such, it carried provisions of subsidies of interest free money for project construction and of free homestead land for settlers.

Because Federal Reclamation was a homemaking policy, it incorporated provisions for limitation on the size of farms that could receive water—the so-called 160-acre law—and residency requirements to maximize the number of actual settlers in the lands. Other requirements encouraged water users to organize cooperatively for the creation of irrigation districts to manage the project canals and ditches. Townsites were authorized within the districts. The object of these provisions was to create self-reliant, new, farm-based communities. In these objectives, the program, I believe, also has succeeded.

For many years after 1902, except in California, Federal reclamation was virtually the sole force at work in expanding western irrigation. California provided much of the leadership of the National Irrigation Congresses that successfully promoted Federal reclamation, but when the Act was passed in 1902, individual developers and irrigation districts in California were succeeding in expanding irrigation within the state. They were so successful that for 30 years the new Reclamation Service was confined in California to one small project, the Orland Project in the Sacramento Valley.

That the Reclamation Act was effective as a community builder is clear from the reading of the map of the West. Such thriving modern cities as Phoenix and Yuma, Arizona, Boise, Idaho, Yakima, Washington, El Paso, Texas, Grand Junction, Colorado, Reno, Nevada, and many others received their principal impetus from the development of Federal reclamation projects near or around them in the first three decades of this century.

During the Great Depression of the early 1930's, two powerful new stimulants were applied to Federal Reclamation. First, privately financed irrigation projects encountered financial difficulties in California in the years when the Congress was granting repayment moratoria on Federal projects. It became necessary to turn to the Bureau of Reclamation and to appeal for Federal appropriations for the construction of needed supplemental water projects, such as the Central Valley Project and the All-American and Coachella Canal Projects. Secondly, with the construction of Hoover Dam the advent of the multiple-purpose project that produced large blocks of highly salable electric power gave a whole new aspect to the reclamation program. Annual Federal investment in irrigation projects that included multipurpose dams and comprehensive river basin developments immediately increased many times and the new plateau of construction did not thereafter slope off toward previous levels.

For a period of another 30 years, roughly from 1930 to 1960, Federal Reclamation rolled along on the crest of a wave of multiple-purpose projects. Great dams like Grand Coulee, in the Columbia River, and Shasta in the Sacramento River made contributions through their hydro-power to the development of western cities. Cheap energy influenced the growth of such cities as Los Angeles, San Francisco, Portland, Seattle and Spokane as significantly as irrigation of the deserts had influenced the development of the backcountry during the generation that preceded this era.

Though the reclamation program was modified by new influences during this second period, the basic precepts of Federal Reclamation were not altered. The program was conducted with interest free or low-interest financing and the 160-acre law was not repealed. The social objectives of the settlement of desert lands and the winning of the west were still sought largely with the tools fashioned in 1902 and with the addition of the public power preference clause which first appeared in the Reclamation Law in 1906.

Controversies of telling impact arose as these old social weapons were used by the Bureau of Reclamation in the sophisticated post-depression and post-war economies to which its great dams were now contributing. The emphasis during this period was placed nationally on production, both in industry and on the farms, farms shed their nostalgic aura.

Farming as a way of life certainly ended with the Second World War. The returning servicemen who sought farmsteads on the new reclamation projects of that period wanted no subsistence farms, but sought units that would make for them decent livings on the scale of the new industrial worker in the nearby towns.

The controversies that arose over the 160-acre law and public power confused the easterners, who had, however reluctantly, approved the reclamation program on the grounds that it was needed to help people get started in the difficult western region.

The West wants to give up the 160-acre law, the easterners said, let it also give up the interest-free Federal financing of the construction of irrigation projects. These two were companion policies used to make homes in the previously untenanted deserts.

In effect, such is the judgement rendered by the National Water Commission in its recent report. (p. 148)

"The Commission concludes that subsidization of new irrigation projects is not justified on either social or economic grounds. Reclamation farms differ little from nonreclamation farms, but federally subsidized irrigation does increase farm surpluses, increasing the costs of price-support programs and disadvantaging farmers in other parts of the country. Direct beneficiaries of Federal irrigation developments should, therefore, be compelled to pay in full the costs of projects allocated to irrigation in conformity to the general principle of full-cost repayment proposed for other water development projects elsewhere in this report."

The Commission made four recommendations to recover part of the subsidy it thought some of the project irrigators were receiving, but conceded that they would not recapture all of the public benefits. "The proposals are thought to go as far towards recapture as is practicable." (p. 149) the Commission added.

The situation today is that the arguments which convinced the nation in 1902 to begin Federal participation in irrigation development of the West no longer seem equally valid.

Many a land owner in areas overlying groundwater basins or who can reach a river with an individual pumping plant has successfully irrigated arid land since the Second World War. He has used his own resources or borrowed money at commercial interest rates to build his systems. The State of California has just completed the California Water Project. It financed the construction by floating its own bonds. This project is resulting in the irrigation in the southern San Joaquin Valley of the largest increments of undeveloped lands that have been brought under cultivation in many years. The local water service contractors, for the most part, are financing their own district distribution systems.

It does not hold, of course, that because favorably situated land owners can develop their own irrigation systems and because California, the most populous state in the Union, can finance her own magnificent project, that all needed irrigation development today can safely be left to private enterprise and the initiative of the states. Yet such are the conclusions being jumped to by increasing numbers of observors. They say, big government is no longer needed in this business, though perhaps it may have been in the beginning. Federal Reclamation has succeeded in working itself out of a job, they say, so its program should be closed down.

Such conclusion jumping, in my view, comes close to Olympic-record lengths.

The ink was hardly dry on the final report of the National Water Commission, when farm prices began a quantum jump. Many farmers right here in the Sacramento Valley are selling their products this year for twice or more than twice what they got for the same quantities last year. The Secretary of Agriculture has been out here urging everybody to plant more of everything in the coming year. These facts make some of these words in the Commission's report seem a bit strange in the situation today. (p. 17)

"The results of the study, based on conservative yield trends, indicate that U.S. Agriculture would not be faced with aggregative strains of food-producing capacity and water supplies relative to needs in the year 2000 under any of the alternative futures considered. Under the assumptions of the study, even if irrigated area is not increased over the next 30 years, capacity of American agriculture will be sufficiently large to meet the anticipated demands at reasonable prices. Projected food demands in the year 2000, according to the conclusions of the study, could be met by returning land idled under Government programs to production with the use of less irrigated land than at present."

The anatomy of water resources development does not admit of reaching clear termination points. The problems to be solved grow progressively more difficult and complex. Take as an example, the progressive degradation of the quality of the water of the Colorado River as development of that basin has continued. Take as another example, the progressive exhaustion of the vast groundwater basin that underlaid west Texas. Take as a third, the decline of population, continuous since 1920 when the families of the initial homesteaders grew up, in all of the counties of the high plains in the upper Missouri River basin. These intensifying problems are so threatening that only the Federal Government can grapple with them successfully—and, in the end, the Nation can not ignore them because they will not simply go away or quiet down.

In the light of the record of the Bureau of Reclamation, in the arid region of the United States, another conclusion of the National Water Commission has a leaden sound. (p. 61)

"Federal water programs can be easily adjusted to support whatever population distribution policy the Nation adopts. However, water programs are not, in and of themselves, adequate to effectuate a national policy concerning where people will live. Water programs should continue to accommodate future population growth and economic well-being by responding to the pattern of interregional population distribution. In some instances water programs may influence desired population distribution provided other controlling conditions are favorable."

Argue, if you will, that the Federal Reclamation Act of June 17, 1902 was not designed to cope with the complex problems of today. The problems were not generated until decades, in some instances many decades after the Act became law. Of course, even as amended by the Reclamation Project Act of 1939 and other monumental revisions, the Federal Reclamation Act is inadequate in the face of the great emerging needs. The programs of the Bureau, however, provide the best platform from which to launch the attacks on these new problems. If the Bureau should no longer exist when the Federal government finally gets around to tackling such problems, then a new agency in the Bureau's image will have to be created to get these regional jobs done in the West.

There have been other times of crisis in western water resources development since the Federal government began irrigating public lands. The first came when public lands that were irrigable approached exhaustion and privately-owned lands were included as large parts of the new reclamation projects. Land speculation almost detroyed public confidence in the program at that time.

Later, after the first World War, farm prices plummeted and settlers on Federal projects could not meet their payments.

The Congress granted relief until moratoria on payments and write-offs of project costs became almost habitual. Popular opinion spread that irrigation settlers were deadbeats. This was very damaging to the program.

Still later, the Bureau and the Corps of Engineers met head on in the Missouri Basin and the Central Valley of California in deadly earnest rivalry. This left a bad taste in the mouths of many that no amount of coordination of programs, voluntarily undertaken, has as yet entirely eliminated.

In recent years, inflexible cost-benefit ratios that failed to reflect changing interests in water resources developments forced ever more tortured allocations of costs. The results of these mathematical gymnastics raised questions concerning the value of the judgments of project planners, and the environmentalists moved in to attack them.

The Congress wisely created special commissions—the Fact-finders, the Repayment Commission, and the Water Resources Council—to investigate, to appraise, and to make recommendations which could be considered in working out remedial legislation in connection with the first three of these crises. The fourth is with us today.

The situation today, as I pointed out in the final chapter of my book, The Bureau of Reclamation, is that consideration should be given now by the Congress to setting up a Reclamation Assessment Commission which would consider western water problems in the light of the history of irrigation development in the region and with an understanding of the new and unique problems that are now being encountered.

I do not believe that the National Water Commission report satisfies the needs of the West. The report is too general and its recommendations are too broad. I had the feeling on completing the reading of the report, that the Commission never quite sorted out the Colorado River from the Ohio and the Tennessee Rivers, nor the East from the West, though it is pretty certain that the twain shall never meet geographically except at the 100th Meridian.

Farming as a way of life may be as antiquated as the cobblers bench and the mom and pop grocery store. Perhaps no amount of subsidy of irrigation can preserve it. The goal of sound development of the West through planned use of the scant western waters and the vast arid lands, however, can be restated in modern terms. The objectives of irrigation were stated in the Federal Reclamation Act of 1902 in terms readily understood and supported in the 19th Century. With three-quarters of the 20th Century elapsed and the West grown up, with many of the children born on the early reclamation projects already grown old and retired, it is time to take a new look, to set new guidelines, to revitalize the reclamation program and to ready the Bureau for the gigantic tasks that the future holds in water resources conservation, management and development in the western region. Geothermal wells may substitute for some new reservoirs, desalters for some new dams, and some irrigation may give way to hydroponics. Project Skywater may succeed in increasing the annual flow of the Colorado River to what the Compact Commission in 1922 thought it might be. Nothing will surprise me, for I have seen so much wrought by the water resources people, of whom, happily, I have been one for 40 years. But nothing ever just happens. Wise and energetic men must be organized to conduct planned programs that can make the future that which we dimly foresee but aspire to witness.

It is in this context that I found the report of the National Water Commission negative and unsatisfactory. It seemed to assume that all that is now needed, or perhaps even more, had already been done. I can not face with equanimity the thought that the future of the United States may hold less irrigation than we have today. The West, I believe, certainly can not accept such a conclusion.

The situation today is much as it was in 1902; without irrigation the arid West has no future.

YEAR-ROUND DAYLIGHT SAVING TIME HAS MAJORITY SUPPORT IN WISCONSIN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, in light of the energy saving steps the President is asking us to approve, I want to report the vote of the men and women of Wisconsin's Sixth District on the proposal for daylight saving time.

In answer to the question, "Would you favor extending daylight saving time to a year-round basis?"—a majority of those responding to my annual opinion poll this fall said yes—57 percent.

The poll also indicates that DST may be somewhat less popular among women than it is among men.

According to the notes and letters they have written me, Wisconsin women feel strongly conservation conscious but they are concerned that year-round DST will mean a child must board a school bus in bitter-cold morning darkness. This is a legitimate concern, particularly in rural Wisconsin. Luckily, we can solve the problem—perhaps simply by drawing it to the attention of school officials and urging them to start and end the school day an hour or so later.

Despite this reasonable objection to year-round daylight saving time, women voted in close agreement with men. Slightly more than 50 percent of the women respondents said they favor DST, and 58 percent of the men said they do.

The above returns came from approximately 27,000 people who returned a postcard questionnaire in August and September.

The question on my poll that drew the greatest disagreement between men and women was one concerning amnesty. A majority of women voted yes—50.5 percent—while a majority of men voted no—58 percent.

Total responses showed 36.5 percent favor conditional amnesty, 9.5 percent want unconditional amnesty, and 54 percent prefer no amnesty.

Other results included: Newsmen's right to refrain from revealing their sources, 52 percent in favor, 48 percent against; and abortion, 36 percent allowing the Supreme Court decision to stand, 11.5 percent for amending the Constitution to restore to the States the power to regulate abortion, 52 percent for amending the Constitution to prohibit abortion in all but extreme circumstances, and 0.5 percent for no abortion in any circumstance.

As in the past, this poll was mailed to each residence in the Sixth District, and each reply was tabulated by hand. The response was high from all 12 counties—especially from Winnebago, Sheboygan, Manitowoc, and Fond du Lac. And returns still arrive in each day's mail.

Of the four questions asked, the one on daylight saving time was answered most and received most agreement. Because of the timeliness of this issue, Mr. Speaker, I would like to include as part of my remarks an October 30 editorial, "Daylight Saving, Energy Saving," from the Manitowoc, Wis., Herald-Times:

DAYLIGHT SAVING, ENERGY SAVING

Willy nilly, daylight saving time has run its summer course again. In accordance with federal law, clocks were turned back Sunday everywhere except in a few places where regular time is maintained the year 'round.

There is a new element in the picture as the changeover is made this year, however. It comes in the midst of a burgeoning effort to re-establish daylight saving time as a means of conserving energy.

Serious talk along these lines is reported from both the East and West coasts. New England governors are considering the use of emergency powers to reject the federal statute and reinstate daylight saving time on a regional basis. In California, the Los Angeles Board of Water and Power Commissioners has asked Mayor Tom Bradley to initiate a campaign for a nationwide permanent restoration of daylight saving time to reduce fuel consumption. They say that in their city alone such a move would cut fuel oil use by 300,000 barrels a year.

There are counter-arguments. Early risers say permanent DST would only shift the power need to the morning hours. That is true to some extent. The question is: Which alternative would bring the greatest energy savings?

The matter is important enough to justify thoughtful consideration in Congress. Regional action on the basis of state emergency powers would in our judgment be less satisfactory than a nationwide approach, given such problems as transportation schedules.

DO DÉTENTE, ALLIANCE, AND OIL MIX?

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. CAREY of New York. Mr. Speaker, I presume the House will, sometime in the future, be considering trade legislation reported by the Ways and Means Committee just a month ago.

The committee worked long and hard on this bill, and in many respects, it is a vast improvement over that proposed by the administration. Discretionary powers are somewhat more carefully delineated and restrained. Increased attention is paid to adjustment assistance, and to international fair trade practices. Most favored nation status, and most likely, credit and financial concessions to the Soviet Union, will be contingent on freedom of emigration from that nation.

However, serious weaknesses in the bill prevented me from casting my vote in the Ways and Means Committee to report this legislation to the Rules Committee and the floor of the House. Those reasons include insufficient insistence on fair trade practices, lack of increased equity in international fair labor standards, granting of credit and financial concessions to the Soviet Union without guarantees of freedom of emigration and other basic human rights, plus insufficient attention being paid to the legitimate and increasingly serious concerns of the American workingman—concerns dealing with his very livelihood, and the economic security of himself and his family.

Those briefly are several reasons why I find it difficult, at the present moment, to give my support to the pending, and often-delayed, trade bill.

But Mr. Speaker, there is another very important item which is most conspicuous by its absence from the trade bill. And that is a serious effort to encourage and provide the discussion and negotiation impetus and mechanisms for our oil-importing, trading partners, to come together with us in common policy and resolve—to come together, under the aegis of either the GATT, or NATO, or other multilateral security and commercial organization—to come together in both common commercial and security alliance.

Our foreign policy has as its cornerstone the continued advancement of détente between the United States, and the Soviet Union and China. The Soviet Union at present is more in the fore, since our relations are of longer standing with them, and our cultural, diplomatic and commercial intercourse is naturally more matured. The Soviet Union, and its domestic and foreign policies, have become very important material and political factors in the substance of the pending trade bill, and in the timing of its consideration. How the Soviet Union acts with regard to both guarantees of emigration and in the Middle East, with specific regard to their influence with the oil-export policies of Arab nations, will determine, to a very large extent, the success of efforts within both the Congress and the administration, to liberalize commercial and financial exchanges between our two nations.

Mr. Speaker, I have long fostered the easing of United States-Soviet ideological and military tensions. However, I do not think that détente should be achieved at the expense of alliance. I do not think it in the best security and commercial interests of the United States, to give up NATO solidarity, and working trade arrangements we have with Europe and Japan, in order to follow the still poorly defined, and still ephemeral blessings of détente.

Assuredly, we are seeing unfold in the Middle East the truth of what I have been saying in the Congress for well over a decade: world power politics have become too dangerous to be left to military resolution, or big-power direct intervention. The scenario being presented in the Middle East is more than renewed local belligerency and aggression, it is the perfect demonstration that the days of geopolitics are being supplanted by the days of geoeconomics.

Mr. Speaker, it is exactly for this reason that I find disturbing the present failure of the United States and our trading partners, and other oil-importing friends, to come together in the alliance I discussed above. Clearly, détente and alliance do mix. We have proven that, in of all places, the Middle East. But while I savor the irony of the situation, I do not see, sans close consultation and cooperation of oil importers, how we can continue to think that détente, alliance, and oil do mix—or at least, how they can mix without a very strong dollop of alliance on the part of the oil importers, including, of course, the United States.

In brief, Mr. Speaker, unless we and our oil-importing friends get together and devise and implement a long-term oil and energy program and policy, we will be very shortly on the very short end of the dip stick. There is solidarity in those oil-producing nations closest to the areas of conflict. All we have in the oil-importing nations right now, is an agreement to disagree on just about everything from defense, through trade and floating currency exchange rates. And while we can enjoy the wag's remarks at Nairobi, that, the world monetary situation is hopeless, but not serious, that most certainly is not the case with regards to heating our homes and schools, moving the wheels of industry and transportation, and insuring for our security needs for petroleum and petroleum products.

Mr. Speaker, there has been another delay in consideration of the pending trade bill. I think the Congress and the administration should move right now to talk seriously with our counterparts to devise ways and means out of this corner into which we seem to be painting ourselves. This delay should be an opportunity not an inhibition to immediate high-level consultations—consultations with a goal of coalescing the disparate national drifts into an oil and energy policy that presents a united front of consumer nations. We have more to bargain with than just potentially empty gas tanks—let us get about marshalling our national-corporate assets. Time and the ability to maneuver is running out.

Mr. Speaker, Leonard Silk wrote an article that appeared in Tuesday's New York Times. The title of the article is "The Oil Weapon." Mr. Silk emphasizes, though in a somewhat different context, the points I have just outlined above. I commend his thoughtful and persuasive remarks to my colleagues and include them in the RECORD at this point.

[From the New York Times, Nov. 6, 1973]

THE OIL WEAPON

(By Leonard Silk)

The war in the Middle East and the Arab decision to impose an embargo on oil shipments to the United States, the Netherlands or any other country that provides support to Israel have given the NATO alliance its most severe internal shock since France withdrew from military integration in 1966.

Accusations are rife on both sides of the Atlantic. The Europeans blame the United States for trying to bully them into backing the American position on Israel, for not consulting with them, before putting American bombers and other forces on world-wide alert and expecting them to a risk of cutoff of their oil from the Middle-East and North Africa, on which Europe depends for more than 80 per cent of its supply.

The United States in turn blames the members of NATO for acting like a collection of small countries, trying to hide in the woodwork, for not looking beyond this moment's or this winter's problems, for putting oil above principle and for refusing to work with the United States to draw up a common policy toward the war—and the strategic threat of the Soviet bloc.

Within Europe itself the strains are intense as a result of the Arab cut-off of 15 per cent of Western Europe's oil supply. The nine members of the European Common Market are meeting in Brussels now to discuss the sharing of oil. But the French and British, who regard themselves in a specially favored position vis-a-vis the Arabs, are reluctant to pool their oil with the Dutch, who are facing the loss of 70 per cent of their oil due to the Arab embargo, and the West Germans, who get much of their fuel via the Dutch port of Rotterdam.

However much truth—of guilt—there may be on both sides, the fact is that the present crisis has exposed serious weaknesses in the Atlantic alliance, weaknesses that could be disastrous if they are permitted to continue. For oil, so critical to the highly industralized economies of the West, has become a weapon that the Arab states, acting in concert, intend to continue to employ primarily for economic purposes—though they would obviously like to see Israel reduced or destroyed in the bargain.

The Soviet Union, for its part, means to exploit oil for political purposes—as a weapon that could break up the North Atlantic alliance. It could also isolate the United States not only from Europe but from Japan, which is totally dependent on imported oil.

The conceptual basis of the Western alliance now needs to be clarified—and broadened. The essential question is: what does collective security mean?

In this era of so-called détente (a condition that obviously did not keep the Russians from pushing for major strategic gains in the Middle East) collective security must mean more than a wall against Soviet tanks, troops or nuclear bombs. It must also mean common economic policies to protect the jobs, living standards and prosperity of the West, as well as its military security.

Permitting the Arabs and the Soviets to use what are called "salami tactics" in slicing one ally from another would be the worst blunder the West could commit. Although the circumstances are very different from the threat to the West in the nineteen-thirties, the folly of seeking to appease greed by sacrificing individual countries to aggressors would be as great today as it was in the days of Hitler, the Sudetenland, Austria, the Danzig corridor and Czechoslovakia.

There are many dimensions to the disarray among the Western powers—including international trade, investment and monetary payments, not to mention military cooperation itself—but oil has emerged as the most sensitive immediate issue. It is an issue that will only intensify with time. The Middle East and North Africa, with proved oil reserves of 440-billion barrels out of a world total of about 530-billion barrels, contain the overwehlming share of the resources upon which the importing nations must rely. Even the United States, which now gets only about 10 per cent of its crude oil, directly or indirectly, from the Middle East and North Africa, will depend on that area for about 35 per cent of its oil by 1980.

The Western powers and Japan can simply not afford to be divided and passive before the Arab oil threat. They must begin to work together to develop a common strategy on oil imports, energy conservation and development, and on the sharing of oil supplies. This implies that the United States would have to be prepared to share fuel with its allies. There would also have to be a common Western policy toward exporting and other economic relations with the Arab states, should they press their embargo or extortionate demands.

The nations of Europe, Japan and the United States must face up to the choice that now confronts them: whether each nation should seek special deals with the Arabs or whether they will work together for their collective security and well-being. The first course, however tempting it may seem to some countries in the short run, cannot work for long, any more than did appeasement at Munich.

IF GEORGE WASHINGTON WERE PRESIDENT TODAY

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HUBER. Mr. Speaker, at a time when this country is engaged in much debate over the question of integrity and morality in Government, I thought it would be most appropriate to bring to the attention of my colleagues some interesting comments made by the noted raconteur, H. L. Mencken. In one of his books, published in 1918, Mr. Mencken made some excellent points as to what would happen if one so illustrious as our first President were to be active on the political scene in America today. I am, therefore, inserting H. L. Mencken's article about a current George Washington for the benefit of my colleagues. Much of what he said then is as easily applicable today as it was in 1918 when the article first appeared:

COMMENTS BY H. L. MENCKEN

If George Washington were alive today, what a shining mark he would be for the whole camorra of uplifters, forward-lookers and professional patriots! He was the Rockefeller of his time, the richest man in the United States, a promoter of stock companies, a land-grabber, an exploiter of mines and timber. He was a bitter opponent of foreign entanglements, and denounced their evils in harsh, specific terms. He had a liking for forthright and pugnacious men, and a contempt for lawyers, schoolmasters and all other such obscurantists. He was not pious. He drank whiskey whenever he felt chilly, and kept a jug of it handy. He knew far more profanity than Scripture, and used and enjoyed it more. He had no belief in the infallible wisdom of the common people, but regarded them as inflammatory dolts, and tried to save the Republic from them. He advocated no sure cure for all the sorrows of the world, and doubted that such a panacea existed. He took no interest in the private morals of his neighbors.

Inhabiting These States today, George would be ineligible for any office of honor or profit. The Senate would never dare confirm him; the President would not think of nominating him. He would be on trial in the newspapers for belonging to the Money Power. The Sherman Act would have him in its toils; he would be under indictment by every grand jury south of the Potomac; the Methodists of his native State would be denouncing him (he had a still at Mount Vernon) as a debaucher of youth, a recruiting officer for insane asylums, a poisoner of the home. And what a chance there would be for that ambitious young district attorney who thought to shadow him on his peregrinations—and grab him under the Mann Act!

GEN. WILLIAM C. WESTMORELAND PROMOTES TEAM HANDBALL AS NEW SPORT FOR U.S. OLYMPIC COMPETITION

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BAKER. Mr. Speaker, Gen. William C. Westmoreland, former Chief of Staff of the Army, has made many contributions to the security of this Nation, but while he was America's No. 1 soldier, he was on the lookout for ways in which the Army could help in the development of young people and promote strong ties between the military and civilian segments of our society.

He discovered team handball which has been played in Europe for years, but did not have much of a following in this country. He became convinced that it would be an excellent soldier sport and one which the soldiers could teach to young people outside the military as a civic action project. Through his efforts it became an on-going program identified as Army CHAMPS.

General Westmoreland was recently in Chattanooga to participate in a ceremony honoring the national youth team handball squad. I had the pleasure of witnessing that ceremony and was impressed with General Westmoreland's remarks in which he establishes why he is the chief advocate of this activity. I feel that others will be interested in what he has to say and I am pleased to submit his statement at this point. In doing so, I commend to the Congress and to the Secretary of the Army the further development of youth team handball for the broad reasons of value it contains.

General Westmoreland's remarks follow:

Address by Gen. William C. Westmoreland

Mr. Congressman, Dr. Buehning, General Woody, Colonel Trammell, Colonel Sisson, officers and men of the 3397th U.S. Army Garrison, it is a pleasure to be in the Volunteer State, to be in Chattanooga—to be among soldiers—to be with good citizens—to be with those interested in team handball—and to be with winners, the champs of the Army's CHAMPS Program.

It was about four years ago that I discovered team handball. I was Chief of Staff of the Army searching for ways and means for the Army to contribute further to the development of youth and to add something outside of the military's sphere to the civilian community. My staff told me about a new sport—they told me about Dr. Buehning—they told me that team handball was to be for the first time an Olympic sport in 1972. I saw films, I talked to Dr. Buehning, I conferred with Bud Wilkinson of the Presidents Staff, and I became acquainted with team handball.

I asked my staff to develop a plan to introduce team handball country-wide with the assumed support of the Organized Reserves, the National Guard, and the Regular Army. My thought was that team handball would be an excellent soldier sport and an excellent sport to teach to young men as civic action projects for the military. The cost was manageable. The President's Commission on Youth Fitness enthusiastically endorsed my proposal. We named our program "Army CHAMPS."

It was my view that team handball would add a new sport to America that:

Was a good physical conditioner.

Was fun for boys and men and spectators.

Provided lessons in teamwork.

Was a manly, contact sport.

Required little equipment.

Could be played either indoors or outdoors.

Would provide a game for youngsters too light for football and to short for basketball.

And, finally, would provide a broad base from which to select a credible Olympic team.

When I initiated the program by introducing it to the Army senior commanders, it was well received. Demonstrations of team handball were staged across the country. Coaching and officiating schools were established. Tournaments were planned and carried out on a regional basis. As a result of the Army's effort, five Army men were on the U.S. Olympic Team. Lieutenant Abraham scored 24 points in Olympic competition. Lieutenant Rogers scored fifteen times and Specialist Fourth Class Matthews made ten goals. Our team finished fourteenth in the world Olympic competition which is not good but not bad either when one considers the newness of the game in the United States and the many years it has been played in Europe.

The civic action part of the program has gone fairly well over the past two years. During the past year, Third Army held its soldier tournament in early May with eight teams participating. Third Army had five teams in the Youth Program: Fort Jackson, Fort Gordon, Fort Benning, a team from Mobile, Alabama, and the two-time winner Chattanooga. The Chattanooga team was sponsored by the 3397th U.S. Army Garrison. At this time, I would like to congratulate the team, the coach, and the command for their accomplishment.

Speaking of the 3397th U.S. Army Garrison of the U.S. Army Reserves, I want to extend my compliments to the command not only for twice winning the team handball tournament but for your other successes. I am aware of your participation in Operation SPARKLE. The Mayor asked for your help in cleaning up the area and you provided it in full measure. You not only collected the trash, but you hauled it away.

Let me conclude by raising and answering two relevant questions. What is the future of team handball? I am certain that it will remain an Olympic sport. Hopefully the impetus and visibility given to the sport by the Army has portrayed the game nationally and will serve to perpetuate the game in America. I am sorry to learn that interest had waned in many places but am happy to see that it has not done so here in Chattanooga where enthusiasm for the game runs high.

What is the future of our Reserve Forces? Here, I can be more categorical. The future of our Army Reserves has never been brighter because our Reserves have never been more important in the national scheme of things. There is nothing more important to America than its security. If we are to have that security, we must pay the price—we must have the military forces needed to secure our shores, our national interest, and to support our foreign policy. Unhappily, war has not disappeared from our planet. It rages in the Mid East today. No one knows how long it will last. No one knows if it will spread. We can hope for the best, but we must be prepared for the worst.

Today our Reserves are our national minutemen. Both civilian and soldier, they are a special breed. In addition to making a living, they are dedicated to serving their country and contribute a great deal of time in doing so throughout the year. As units they must be prepared to beef up, to round out, and to make adequate our Regular Army.

We now have the smallest Regular Army since 1950 and it would seem it is destined to shrink even further because the needed volunteers of proper quality would not be forthcoming if the inducement of the draft was still present. I believe it was a mistake to stop the draft. Someday it will have to be resumed.

Yes, the Reserves have never been more important. They are essential. They must be of higher quality. They must be ready. I am impressed with the can do attitude, the initiative, the esprit of the 3397th U.S. Army Garrison of the 121st Army Reserve Command. Your accomplishments reflect favorably on the officers and men of the unit. It has been your exceptional leadership provided by the chain of command—General Woody, Colonel Trammell, and Colonel Sission—that has brought your organization to the fore.

CONGRESS MUST REDUCE ITS DEMANDS ON ENERGY

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. FROEHLICH. Mr. Speaker, on November 6, the Washington Post printed a brief article indicating that energy consumption by Congress "is soaring at a rate of more than 3 million kilowatt hours a year."

In view of the President's program of austerity for energy, I believe it is incumbent for us to look very closely at our own use of fuel and electricity, so that we do not behave as energy gluttons while the rest of the country is cutting back. In this regard, I have proposed that the House Administration Committee conduct a thorough inquiry to determine ways to reduce our demands on scarce energy supplies.

I insert at this point an article from the November 6, 1973, Washington Post and my letter to the chairman of the Committee on House Administration:

Congress Use of Energy Rises

While Congress ponders ways to defuse the energy crisis, its own consumption of power is soaring at a rate of more than three million kilowatt hours a year.

Benjamin F. Markert, the Capitol's coordinating engineer, says energy-saving measures have been imposed but these are largely cosmetic: turning off corridor lights and opening more window blinds for lighting.

Markert says any significant power reductions would have to be made at the expense of congressional efficiency, because most of the increased demand is attributed to a growing reliance on data-processing machines.

House of Representatives,
Washington, D.C., November 7, 1973.

The Hon. Wayne Hays,
Chairman, Committee on House Administration, Washington, D.C.

Dear Mr. Chairman: The President will apparently address the nation tonight on the country's serious energy crisis. Many people expect him to propose a tough program of austerity in terms of fuel consumption.

I hope that we in the House demonstrate our own recognition of the energy crisis by cutting back our demands on fuel and electricity. In this connection, may I suggest that the House Administration Committee conduct a prompt and thorough inquiry into energy consumption by Congress. It may be possible for us to formulate plans to reduce energy consumption by 5 to 10 percent, or convert to alternative sources which are not so scarce.

As you know, the President, in a directive last June, stated that the Federal Government's goal is to reduce the expected demand for energy by 7 percent during the ensuing 12 months. I understand that the Congress is not a formal part of this conservation program. Inasmuch as the domain of Congress includes the Government Printing Office, the General Accounting Office, and Library of Congress, in addition to the Capitol and various office buildings, we must develop an energy conservation strategy to keep pace with the objectives of the executive branch.

Although reduced consumption by the Congress may be an insignificant part of the total energy picture, I believe our efforts at self-evaluation and austerity can be symbolically important to the national effort. You are in a position, Mr. Chairman, to play a vital leadership role in the task ahead.

With kind personal regards, I am

Very truly yours,
Harold V. Froehlich,
Member of Congress.

THOSE HORROR TALES FROM CHILE

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ICHORD. Mr. Speaker, ever since the overthrow of President Salvador

Allende of Chile early this fall, two themes have run consistently through various newsstories—first, that the military junta has carried out a wide-ranging bloodbath against Allende supporters which amounts to a veritable massacre, and second, that Allende was the beloved leader of the Chilean people who was advancing the country along a progressive, democratic road.

Because Chile is far away and there are not too many who are well informed about that land, we tend to rely on the news accounts provided us even though some of the reportage has tended to be sensational and partisan.

One report that did much to convince readers that Chile was living through a horrifying reign of terror at the hands of its military was the Newsweek account by correspondent John Barnes entitled "Slaughter in Santiago" on October 8, 1973.

Barnes' story was accepted as "gospel" and was widely reprinted throughout the world. He alleged that thousands of Chileans were being executed—at the rate of 200 per day in the capital city of Santiago alone—and that the morgues were full to overflowing with grotesquely brutalized corpses of victims.

Now we learn from the Wall Street Journal that Barnes' account was simply a scandalous piece of "yellow journalism" based on a minimum of fact and a maximum of imagination.

A distinguished Chilean journalist and frequent critic of the military junta, Mr. Pablo Huneeus gives the lie to Barnes' story and in an accompanying editorial page article, Everett G. Martin, the Journal's Latin American specialist, points to examples of gross distortion in the analysis of Allende's overthrow by noted academicians who, like some newsmen, seem to go out of their way to avoid accuracy and honesty in their commentary.

For the benefit of my colleagues who may have missed seeing these articles, I insert both articles at this point in the RECORD, together with an excerpt from Newsweek's reportage by Barnes:

[From the Wall Street Journal, Nov. 2, 1973]

THOSE HORROR TALES FROM CHILE . . .

(By Pablo Huneeus)

SANTIAGO, Chile.—The military coup turned Allende's comedy into Chile's tragedy. But the Newsweek article "Slaughterhouse in Santiago," Oct. 8, turned our tragedy into a horror tale. It caused such a misunderstanding as to the true nature of what happened down here that I decided to retrace the steps of Newsweek's correspondent John Barnes to double check the information that he said came from the Santiago morgue.

Known here as the Medical Legal Institute it is a small, neat grey building near the General Cemetery. It looks like a hospital, except that all the people lying on the stretchers are dead. An autopsy is the only operation performed by its doctors.

Over two days I interviewed a random sample of seven doctors, five clerks, three typists and four porters. To each I showed or translated the Newsweek article and questioned them about their reactions. Here's a summary of what they said:

1. Without a single exception all uttered comments like "lies," "what an exaggeration," "brilliant imagination," or "absolutely false." Dr. Vargas, an elderly experienced pathologist, dismissed the whole story on the grounds that the Newsweek correspondent suffered what is called "perception shock.' When exposed to a couple of bodies, he explained, the shock alters perception capabilities. "When there are 10 bodies together many persons can't even recognize their wives or fathers. That must have happened to that correspondent," he said, "presuming he ever got in the morgue."

2. Also without exception, the staff doubted that he was ever inside the morgue because his descriptions didn't fit. For example, Newsweek describes a corridor with 50 bodies in it, but there isn't any corridor large enough to hold that many bodies. The only corridor in which there are bodies to be seen under normal conditions is outside the autopsy rooms, and it can handle only a few in line. Mr. Barnes also claims to have seen bodies upstairs, but the staff says none have ever been taken up there. Upstairs there are only offices and laboratories. The autopsy rooms are on the ground floor and the refrigeration storage rooms in the basement.

3. A picture of a man with a missing leg published by Newsweek with the caption "A dead amputee in Santiago: The reign of terror was worse than anyone imagined," is actually of a man who died some time earlier in a traffic accident. He was run down by a Chevrolet pick-up truck.

4. By far the worst misrepresentation in the Newsweek article was the report that during the two week period after the coup 2,796 bodies had come to the morgue. Newsweek says ". . . though information is almost nonexistent for the rest of Chile, the presumption is that the executions have followed a similar pattern in other cities."

Every dead body that arrives receives a number that goes up on a list posted outside with the name. Number one begins on January first. The Newsweek figure is for all the bodies received at the morgue from the beginning of the year to Sept. 21. It's this figure that is being quoted all around the world as the casualty rate in Santiago alone for the first 14 days of the coup.

(Kenneth Auchincloss, executive editor of Newsweek, says he has "complete confidence" in Mr. Barnes, "he's covered wars before." Mr. Auchincloss says Mr. Barnes was given the 2,796 dead figure by a daughter of a member of the morgue staff, adding, "I think it is conceivable that there was a misunderstanding. But that is pure speculation on my part. I haven't checked it out with Mr. Barnes. There is no reason to doubt his reporting.")

This is enough to demonstrate the falsehoods in the Newsweek story. To me it's a case of journalistic imperialism. A rich American magazine sends from London a British correspondent a week after the coup. He makes no effort to understand what is really going on here. He only wants to use us for a story that will sell. He knows the market wants a horror story. He flavors his story with an underlying contempt for Chile and its people, tops it with a total lack of respect for the truth and cooks it with imaginative fiction writing. It brings glory to him and disgrace to us.

Not that I am happy with the junta. Every Chilean feels that no matter how low the death toll, what happened is a tragedy. We are accustomed to see our presidents end their constitutional term and walk quietly home. But the military intervention is the logical outcome of a Marxist regime. I am no wizard, but in a book I wrote a year ago I said that Chile was heading towards a military regime. There was such hatred among Chileans that the only way of holding us together was through force.

This hatred springs from a long history of frustration with politicians. By 1970 we had already tried most political formulas: a populist government with Ibanez, a conservative right wing one with Alessandri and a liberal Christian Democrat one with Frei. All failed to give us the results we wanted and so we tried Marxism.

It was the great experiment. But the guinea pigs rebelled.

But intellectuals throughout the world doted on the Allende regime. Soon it was evident that under the cover of clever public relations, a machine aimed at taking over total power was being built. In the first months of his term, Allende admitted to Debray that his respect for the constitution and democratic institutions was only a tactic to gain power.

The country unanimously agreed on nationalizing copper and monopolistic corporations. But soon para-military brigades began roaming the countryside and seizing farms by force and expelling farmers at gun point. Industries, even very small ones, were seized; workers who opposed were suppressed or beaten; an opposition leader was assassinated; technicians were fired for political reasons. Because of the imported doctrine of class warfare, the official gospel was hate. Dr. Allende started it when he declared at the beginning of his term that he was *not* the president of all Chileans.

Our technicians left the country and we began to import slogans from China, educational programs from East Germany, high-government officials from Cuba and terrorists from all over Latin America. Our president imported guns labeled art objects. He had a guerrilla training camp in his house and there were finally enough arms in the country to supply 20,000 irregulars.

Allende lost all legitimacy. It was worse than Watergate. We were sinking and the man at the helm was unable to govern. Even Marxists agreed that we were sinking, the only debate was over whose fault it was.

I would have preferred a democratic solution, a plebescite or a new election for congress and the presidency as the opposition leaders proposed. But Allende refused to compromise and he refused to follow the majority's will. He was determined to persuade us with guns.

That's why this deadly war machine was unleashed. It's sad so many died, but it's good so many survived.

. . . AND A FEW LOUD ECHOES FROM ACADEMIA

(By Everett G. Martin)

So many misleading reports and analyses of the events surrounding the military coup in Chile have appeared in reputable publications, in special programs on public television and on radio that it's probably impossible now to set the record straight on even a few points.

It's not just opinions that differ. Interpretations, mostly by members of the academic community and by journalists who look more to what excites their editors than at what Chile is about, have distorted the events out of all sense of reality.

Thus Chile, which is one of the most complex nations in the world, has been turned into a simple black and white situation of good guys (the Marxist followers of the late President Salvador Allende) and the bad guys (anyone who opposed them). The remorseless villain of this simplistic plot is Washington, which by merely turning off the spigot of low-interest loans was able to destroy all the achievement of the good guys and send the Chilean people (usually called the masses) back into slavery.

Newsweek's convincing-sounding account of the military slaughtering victims at the rate of 200-a-day in the capital city of Santiago alone seems to have been based on events which didn't happen and figures that were misinterpreted. Even though other publications have carried more moderate stories, and a recheck of the Newsweek reporting by The New York Times found many exaggerations, the Newsweek report is still being taken as the final word on the coup in many places around the world.

Yet as bad as Newsweek's misrepresentation of the facts was, it was at least in the general direction of the target because there have been killings and executions that certainly seem excessive. (The military junta last week finally ordered an end to summary executions, but executions after sentencing by military tribunals will continue.)

Much more insidious and subtle are articles such as the one appearing in the Oct. 29 issue of The Nation magazine written by E. Bradford Burns, professor of Latin American history at the University of California at Los Angeles. Cloaked in scholarly authority, one would think that a Professor Burns would be someone who could be believed; but consider what he has to say.

He was an eyewitness, he claims, on September 4, exactly one week before the coup, to the gathering of 800,000 Chileans in front of the government palace to celebrate the third anniversary of Dr. Allende's election. It was the largest political rally in Chile's history, he writes, equal to nearly a tenth of the national population. Britain's venerable Guardian makes the same point, but sets the crowd total even higher: at 1,250,000.

I was there too. The rally was held in the smaller of the two plazas on either side of the government palace, the side that savvy Chilean leaders always use when they expect a bad turnout because the crowded quarters makes it seem like more people. This time they didn't even fill that plaza. With two other journalists, we estimated 20,000 people; and we noted that a large contingent marched around and around one block to make it look larger. Police later put the figure at 18,000 persons.

This argument over crowd size may sound picayune. But The Nation and The Guardian articles use their figures as evidence that Dr. Allende's popularity had reached new heights before the coup. Professor Burns suggests that it was the sight of this rising popularity that caused the military, urged on by the representatives of the rich, to stage the coup without further delay. Professor Burns not only inflated the crowd count 40 times to make his point, but he conveniently ignored a rally the next night that really was several hundred thousand strong of people demanding Dr. Allende's resignation.

Professor Burns, like many other scholarly writers, also plays games with Chilean election figures to make the claim of Dr. Allende's rising popularity.

Earlier this year members of the academic community excoriated the U.S. press for referring to Dr. Allende as a minority president based on the fact that he had won with only 36.2 percent of the vote in the 1970 presidential election. They argued, and with reason, that in the April, 1971, municipal elections his followers won practically half the vote.

I accepted their argument; so when Dr. Allende's forces got a reported 44 percent of the vote in congressional elections last March, it followed logically that his support had declined. Now, however, the professors want to forget about the municipal elections and talk only about Dr. Allende's popular support rising from 36 percent to 44 percent.

They also choose to ignore the fact that 56 percent of the country voted against Dr. Allende, and that it was a relatively united opposition. It wasn't a simple case of president with a commanding party facing a splintered opposition ranging from Left to Right as in the past. They also don't mention the mounting evidence that there was considerable fraud during the congressional election to achieve the 44 percent total.

Professor Burns and others hammer and pound Chilean reality like soft copper to make it fit their pre-conceived notions. For them, the struggle must be between all the workers on one hand and "the bitter opposition of the middle and upper classes, a combined group which composed no more than 30 percent of the population," to use Professor Burns' words.

Who, then, were the 56 percent—or more likely the 60 percent—who voted against the Marxists? If they were all the wealthy and their well-to-do middle-class allies then perhaps Chile never had a serious problem of poor income distribution after all.

It's clear that the scholars don't consider this majority as Chileans with any rights, which is a curious comment on their concept of democracy.

The Nation article implies that the military played the role of devious plotters against the Allende government, continually being supplied by U.S. aid and imbued with U.S. military training. That's what some would like to believe in retrospect, but the facts are that the armed forces were loyal to the government until the last week and were the last to turn against him. Three times they joined his cabinet to help him against the opposition during national crises.

It was Dr. Allende's opponents who resented the U.S. aid to the Chilean military, whose commanding general had for the first time in recent history committed the armed forces to support a government's political program.

Few articles on the Chilean coup even mention the large arms buildup by private Allende forces, the training of a guerrilla army by foreign "revolutionaries" numbering in the thousands, or the infiltration by the left of the military ranks. Any kind of investigation of this claim leaves little doubt that these clandestine forces existed and were soon to be used against the military. It also happens to be exactly the same strategy that the Communist Party of Indonesia attempted in 1965.

Writers such as Professor Burns give the Marxist economic disaster only passing reference, saying that Chile has always had economic problems and anyhow all the difficulties were caused by the U.S. credit blockade.

It's true there was a credit blockade by the multinational lending institutions and by the Export-Import Bank, but to lay all the blame on this for Chile's greatest economic disaster in history is ludicrous—American egocentrism at its worst. Despite the credit blockade, Dr. Allende's regime received more international credit than any other Chilean government in history. And how could U.S. bankers and companies with investments in Chile be expected to operate differently, since the Allende government wasn't paying its debts to most of them?

Besides this there was a startling degree of corruption within the regime, officials feeding into the black market merchandise they had illegally obtained. Last June Dr. Allende's own nephew, Eduardo Grove Allende, who was a loyal supporter of his uncle and the first head of the nationalized textile industry, told me that within the ruling circles "there's no more ideology, everything is corrupt. All they think about is power and money."

In a nutshell, the grand experiment that was supposed to be taking place had foundered some time ago and was replaced by a naked, almost conventional, struggle for power. Many aspects of the famed Chilean democracy, such as rule-of-law and the art of compromise, had died long before the military moved in with the *coup de grace*.

And when the analysts in the Kremlin sit down to analyze what went wrong in Chile, as they inevitably will, it's doubtful that they will find much that's accurate or useful in the colored accounts the U.S. academic community is currently putting out on the subject.

SLAUGHTER IN SANTIAGO

"Last week I slipped through a side door into the Santiago city morgue, . . . One hundred and fifty dead bodies were laid out on the ground floor. . . . Upstairs I passed through a swing door and there in a dimly lit corridor lay at least 50 more bodies. . . . Most had been shot at close range under the chin. Some had been machine-gunned. . . . Their chests had been slit open and sewn together grotesquely. . . . They were all young and, judging from the roughness of their hands, all from the working class. . . . Most of their heads had been crushed. I remained for perhaps two minutes at most, then left the building. . . . Workers at the morgue have been warned that they will be court martialed and shot if they reveal what is going on there. . . . But the morgue count alone sets the regime's kill rate at an appalling 200 Chileans a day—just for the capital."—Correspondent John Barnes in Newsweek, Oct. 8.

Correspondent Barnes' vivid account of the Chilean coup has turned into one of the most effective bits of journalism in years. Senator Kennedy placed it in the Congressional Record. It is being used in advertisements by organizations opposed to the present Chilean regime. Its staggering casualty figures have been accepted as gospel in many European countries. It may have been instrumental in causing the U.S. to delay aid to Chile "until Human Rights are restored." But was it true?

Dissenting is Pablo Huneeus, a Chilean journalist and professor of sociology at the University of Chile, who previously has assisted American correspondents, including those of The Wall Street Journal and Newsweek, in preparation of reports on Chile.

THE HINCKENS SUPPORT PRESIDENT NIXON

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HUNT. Mr. Speaker, yesterday I received the following telegram from Mr. and Mrs. Albert Hincken of Haddon Heights, N.J., located in my congressional district.

The Hinckens are, I believe, typical of the masses out there in our great land who are just now beginning to make their voices heard. I was not surprised to get their communication, as I have received others quite similar. I have singled this one out because the Hinckens asked me to bring it to the attention of my colleagues. This I am pleased to do.

You will note that they do not direct their criticism toward any of the invesigative committees or juries, but rather it is directed to the press. The attitude of the press, and I mean radio-TV, and newspapers, has been one of the great tragedies of modern times, in that they have consistently abused the first amendment, in acting as judge and jury in their intensive efforts to "get the President."

It is becoming increasingly difficult for middle America to be heard above the continuing bombasts of our sophisticated communications media. One would almost think that the press had become a fourth, and equal branch of the Government.

The following is the text of Mr. and Mrs. Hincken's telegram to President Nixon reaffirming their confidence in his ability to govern:

TELEGRAM

HADDON HEIGHTS, N.J.

Congressman JOHN E. HUNT,
Capitol Hill.

DEAR MR. HUNT: This morning I sent a telegram to the President. The verbatim message:

You have our confidence and whole hearted support. We feel you are fully qualified and able to perform your duties as President. It appears to us that the press is a monopoly, has too much power, slants the news, tries to control politics, and when criticized tries to destroy.

Sincerely,
ALBERT W. and MARGARET M. HINCKEN.

P.S. A man who was much stronger than us said he who is without sin should cast the 1st stone. This is to be read in Congress.

OPINION POLL FOR COLORADO'S FIFTH CONGRESSIONAL DISTRICT

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ARMSTRONG. Mr. Speaker, the following is the text of an opinion poll which I am sending to my constituents in the Fifth Congressional District of Colorado:

OPINION POLL

NOVEMBER 1973.

DEAR FRIENDS:

During the next several months, Congress will be considering legislation that will affect every family in America.

As your Congressman, I am always interested in hearing from you. But in troubled times like these, your opinions are particularly meaningful. I need to know how you feel about major issues facing this nation.

So please take a moment to register your opinion in the enclosed survey form. As you can see, the form is designed to permit two persons in each household to take part.

When you have completed the survey, please return it to me. Just put an 8¢ stamp on the outside; it is not necessary to staple this folder nor to put it in an envelope.

Thanks for your help.

Sincerely,
WILLIAM L. ARMSTRONG,
Your Congressman.

WATERGATE

1. What do you think Congress should do about the Watergate crisis?

His opinion: —.
Her opinion: —.

INFLATION AND FEDERAL SPENDING

(NOTE.—All questions should be answered by husband and wife with yes or no.)

2. Are the government's wage and price controls succeeding in controlling inflation?

3. Should Congress curb federal spending if necessary to control inflation and avoid higher taxes?

ENVIRONMENT AND ENERGY CRISIS

4. Are you satisfied with progress being made in cleaning up our environment?

5. Would you be willing to pay more for products and services if their manufacture and use could be almost pollution free?

6. Do you favor increased federal spending for pollution control even if it means higher taxes?

7. Some people think less stringent environmental controls will be necessary in order to make more fuel oil and gasoline available to meet the energy crisis. Do you agree?

GOVERNMENT AND FOREIGN POLICY

8. Should Congress give $2.2 billion in aid to Israel?

9. Do you favor expansion of trade and other exchanges with China and the Soviet Union?

10. Do you favor a mandatory retirement age for federal officials such as Congressmen and judges?

11. Do we need tougher laws to protect the right of privacy in this country?

12. In your opinion, do we have too much government in this country?

13. Do you favor direct popular election of the President?

TWO TOUGH QUESTIONS

14. As a practical matter, my vote sometimes comes down to a very tough choice. This is oversimplified, but if you were in my position would you choose:

His choice: Desirable new programs. No new taxes or deficits.

Her choice: Desirable new programs. No new taxes or deficits.

15. What other problems concern you? What should Congress do about them?

You need not sign your name. But if you would like a copy of the poll results, please fill out the coupon below.

Name and address.

FUEL RATIONING NEEDED NOW

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BADILLO. Mr. Speaker, the President's energy conservation message last night was an encouraging step toward alleviating what has become a truly critical situation across the Nation. I hope and believe that the Congress will move promptly to enact the legislation needed to carry out the goals of the program outlined by the President.

However, I was dismayed at the President's emphasis on voluntarism. Our experience with voluntarism and vague guidelines proved disastrous in dealing with the economy in 1970 and 1971 and I have a very real fear that unless we move firmly and decisively in this energy crisis, history will repeat itself.

I sincerely doubt, for example, that most Americans will really appreciate the gravity of the energy shortage unless it were brought forcefully and dramatically home through establishment of a rationing program for gasoline. In addition, gasoline rationing would have the immediate effect of enabling the refineries to curtail gasoline production and instead increase production of fuel oil. This would be a major step toward minimizing fuel oil shortages while checking the upward spiral of fuel oil prices.

To those who shy away from the stringency of a rationing program, I would remind them of what occurred in 1970 and 1971. In August of 1970, President Nixon signed into law a bill giving him the authority to establish wage, price, and rent controls—a bill authored by congressional Democrats in response to what was already a critical inflationary situation. But it took a full 12 months for Mr. Nixon to fully comprehend the gravity of our economic plight and act to impose wage and price controls. By then, it was too late to effectively reverse our runaway inflation and producers and consumers alike have been paying a terrible price ever since.

I am gratified that the President voiced his support of legislation establishing year-round daylight saving time. As a sponsor of that bill, I am confident his support will provide the necessary impetus to move that bill out of committee and to the House for floor action without undue delay. Enactment of this legislation is bound to be effective both in alleviating our energy shortage and checking crime during certain critical hours.

MR. J. WILLIAM LAUGHLIN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. GAYDOS. Mr. Speaker, it is with pleasure I bring to the attention of my colleagues a man who has achieved a position of recognition and respect in one of the most outstanding service organizations in the world—Kiwanis International.

I had the recent privilege of witnessing ceremonies which installed Mr. J. William Laughlin of White Oak, Pa., as governor of the Pennsylvania District in the Kiwanis organization.

Mr. Laughlin has been a member of the McKeesport Kiwanis Club since 1949 and he is the third member of that group tc hold the highest Kiwanis office in the State of Pennsylvania. He follows in the footsteps of Mr. James A. Logan—1933—and Mr. John P. Mooney—1948.

As governor of the State Kiwanis, Mr. Laughlin heads an organization consisting of 22 divisions with 231 member Kiwanis clubs. As of August, the membership in his district totaled nearly 10,000.

Mr. Laughlin is a prominent citizen in the McKeesport area, serving as vice president and general manager of the Menzie Dairy Co., a firm headed by his father, John L. Laughlin, who is the only surviving charter member of the McKeesport Kiwanis Club, serving as its president in 1927. The new State Kiwanis governor is married to the former Rhoda Swanson and is the father of four daughters and a son.

Mr. Speaker, I have known Mr. Laughlin for many years and he is a man with a deep dedication toward serving others. His participation in many community endeavors virtually assures their success for he spares no effort in bringing any program to fruition. I take great pride in congratulating Mr. Laughlin on the assumption of his new duties, confident that he will perform them with unprecedented zeal and success. And, I also commend the McKeesport Kiwanis Club and its current president, Mr. Albert Greenberg, for once again grooming one of its members to be a leader among leaders.

CRIME CONTROL NO. 5

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. LANDGREBE. Mr. Speaker, one of the arguments used by the gun control lobbyists is that without guns criminals would find it so difficult to commit their various crimes that the crimes would not be committed at all. I do not wish to engage in a lengthy debate on this issue, primarily because, even if it were true, it would not logically follow that privately owned guns should be registered and/or confiscated. If the contention of the gun control lobbyists be true, then it would also be true that preventions of crimes would be so difficult that victims or potential victims would not be able to defend themselves, others, or their property.

If guns are able to effect an increased number or an increased severity of crimes, as the gun control lobbyists argue, then guns are also able to effect decreased numbers and decreased severities of crimes, and for the same reasons. Obviously the two abilities are opposite, and the argument that registration/confiscation of guns would result in a reduction in crime is completely specious and a non sequitur. Once again, the gun control lobbyists have given us another example of their unwillingness to think logically.

As an example of the use of guns in defense of life and property, I include the article from the Daily News entitled "Amputee's Shots Kill Prowler" in the RECORD:

AMPUTEE'S SHOTS KILL PROWLER

(By Keith Bromery)

"I was scared," Alton Nailing admitted. "But I got a wife and seven kids in the house to protect."

But Nailing, whose left leg was amputated a year ago, remained calm as an intruder tried to break into his home at 5802 S. Lafayette early Tuesday.

He made it to a chair where he had hidden a revolver as protection for his family, drew out the gun and shot the man as he climbed in a window.

Nailing, 60, said he and his wife, Luvenia, 46, were watching television in the bedroom of their bungalow. Their seven children, ranging in age from 4 to 21, were asleep in other rooms.

Suddenly, Mrs. Nailing said, she saw the curtains of their open bedroom window part. A man was trying to crawl through.

"I just screamed and jumped onto the floor," she said.

Nailing hobbled to a nearby chair, pulled a .32-caliber revolver from its hiding place under a seat cushion, and fired twice.

The shots hit the intruder in the head and chest and he toppled backward.

The man, identified by police as Marvin Fletcher Edwards, 26, of 5632 S. LaSalle, crawled about 10 feet before he died.

"For a man with one leg," Mrs. Nailing said of her husband, "he moved pretty quick."

Nailing told police he kept the revolver for protection of his children: Anthony, 21, Yvette, 18; Alton Jr., 15; Allette and Antoinette, 10-year old twins; Allison, 6; and Sarah Beth, 4. Although the gun wasn't registered, the state did not plan to file charges against Nailing, authorities said.

Sgt. Bruce Jaffray of the Wentworth Area homicide unit, said Edwards had been arrested numerous times on burglary charges and for breaking into homes and beating the occupants until they handed over their money.

Nailing, a glass finisher who has been unemployed since his leg was amputated due to a circulatory ailment, was not charged in the shooting, Jaffray said.

"It was justifiable," Jaffray said. "He's just a little man with one leg and a wife and lots of kids to look out for. And he protected himself and his family very well, I would say."

MIDEAST PEACEKEEPING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. DERWINSKI. Mr. Speaker, WGN Continental Broadcasting Co. of Chicago has earned a well deserved reputation for their thoughtful and unemotional editorial point of view. This is especially helpful to the public when that station comments on issues as emotional and complex as the Middle East crisis.

In its Saturday, October 27 editorial, WGN addressed itself specifically to the Mideast Peacekeeping units and emphatically made the point that the forces of the United States and U.S.S.R. should be included in the United Nations contingency.

The editorial follows:

MIDEAST PEACEKEEPING

It's hard to tell the status of the on-again off-again truces on the two fronts in the middle east. We hope, of course, the cease fires will stick, and turn into lasting peace.

The U-N Security Council has agreed to beef up its truce observation and peacekeeping forces in the middle east. With previous experience in that role and in that part of the world, one might expect the U-N to be a bit hesitant to enlarge its involvement. But, we agree with the 14 Security Council members voting for the resolution that the international organization is the proper and only agency to handle such a mission, provided Israel, Egypt and Syria will allow international units to function as they must.

There have been proposals that the United States and the Soviet Union, the countries with nuclear clout, provide the peace-keeping forces for the Middle East. Secretary of State Kissinger has stated clearly . . . in terms that no one can mistake . . . that the United States will have none of this and that the Soviet Union . . . indeed all the nuclear powers . . . should react in the same way beyond the Security Council vote.

The thought of American and Russian armed forces in the same zone, war zone if you please, is horribly frightening. One stray bullet one explosive kicked over by a disgruntled camel, could lead to a lethal exchange between the super-powers, an exchange which could expand to what mankind has dreaded since the dawn of the atomic age.

Peace-keeping or truce supervision forces may be necessary. They should be drawn, if possible, in limits of platoon strength, from as many nations as possible. And, in order to be truly international, these nations should be as disconnected as possible from the major powers. Because, in no circumstances can we allow American forces to serve, with Russian forces, where their mere presence could be devastating.

SERVING GOD AND MAN

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HELSTOSKI. Mr. Speaker, Rev. Caesar G. Orrico, pastor of the Church of the Assumption, in Emerson, N.J., has dedicated himself to serving the people of his community for many years. This year, Father Orrico is celebrating the 30th anniversary of his ordination to the priesthood. I consider it an honor and a privilege to have Father Orrico as a friend, and I wish to take this opportunity to express my admiration for him and for his unusual leadership and extraordinary accomplishments.

Father Orrico, a devoted and spiritual priest of the Archdiocese of Newark is also an outstanding and unique citizen. Known for both his dedication to God's holy work and his benevolent concern for his fellow man, Father's career spans 30 years of devotion and development.

Ordained on June 19, 1943, Father Orrico began his priestly duties assigned to St. Andrew's Parish in Westwood, N.J., and to the mission church in neighboring Emerson. Four years later he was made administrator of Our Lady of the Assumption Church in Emerson, where he is now pastor. A unique assignment for so young a priest, Father worked diligently with a number of predominately Italian-speaking people in that small borough.

Expansion began quickly at Assumption. First the size of the then "little church" on Linwood Avenue doubled, and then a six-classroom school for this fast-growing parish and community was built. To accomodate the population increase of the 1950's and 1960's, the school expanded further with the addition of six more classrooms.

The school is now fully staffed by the Sisters of St. Francis of Ringwood, N.J., and by the Brothers of the Poor of St. Francis of Fayetteville, Ohio. The very beautiful contemporary church which Father himself helped design represents further expansion. Today, the parish plant consists of church, rectory, school, convent, friary, house of studies, "the little church," and janitorial living quarters.

Notwithstanding these remarkable achievements, Father Orrico has found time to help his friends of differing faiths. Before completion of its center, the Jewish community was invited to use Assumption's facilities for their services. Father also has been very active in the Sino-American Amity, serving on its board of directors. This organization helps educate Chinese students. In addition, his achievements include adoption of the village of Para, Brazil. Contributions to this community have benefitted its people both spiritually and materially.

Ever mindful of the intense needs of his parishioners and fellow men, Father Orrico is the founder of the American Pastoral Psychological Association, as well as being a certified hypnotherapist. He is a Fellow of the American Society of Clinical Hypnosis Foundation, an associate member of the International Society of Child Psychiatry, and a member of the board of advisers to Iona College School of Pastoral Counseling in New Rochelle, N.J.

Upon the recent celebration of his 30 years in the priesthood, the mayor and council of the Borough of Emerson, N.J., adopted the following resolution:

PROCLAMATION OF THE BOROUGH OF EMERSON

Whereas, Reverend Caesar G. Orrico, Pastor of the Church of the Assumption, Emerson, New Jersey, has for many years given generous and continuous service, devotion and loyalty to the Borough of Emerson and its citizens, and

Whereas, on June 19, 1973 Reverend Caesar G. Orrico will celebrate the thirtieth anniversary of his ordination to the Priesthood,

Now, therefore, I, Joseph G. Kennelly, Mayor of the Borough of Emerson, do hereby commend Reverend Caesar G. Orrico for his exemplary service as a Priest and Citizen of the Borough of Emerson, and, on behalf of the members of the Emerson Borough Council, I hereby extend to Father Orrico our congratulations on the thirtieth anniversary of his ordination to the Priesthood.

JOSEPH G. KENNELLY,
Mayor.

ECONOMIC POLICIES IN CHILE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HARRINGTON. Mr. Speaker, as the first Member of Congress to visit Chile since the military takeover on September 11, I returned with growing disbelief in the economic game plan outlined by the junta.

In fact, the benefits of those policies, which are making themselves felt primarily on low- and middle-income people, is bearing its first fruits.

An article by Jonathan Kandell, "Some of Santiago Poor, Criticizing Junta, Say They Can't Make Ends Meet," which appeared in the New York Times of November 8 make the true impact of these policies clear. I would like to insert that article in the RECORD at this time for the information of my colleagues:

SOME OF SANTIAGO POOR, CRITICIZING JUNTA, SAY THEY CAN'T MAKE ENDS MEET

(By Jonathan Kandell)

SANTIAGO, CHILE.—Nov. 7—Everywhere a visitor goes in shantytowns in the Santiago area, people say that they do not have enough money for food—let alone anything else—because of the big price increases allowed by the military junta.

The situation was encountered during an extensive three-day tour of 20 shantytowns in the Santiago area.

The sudden drop in purchasing power and the specter of hunger have caused a dramatic shift in attitude toward the junta, even among anti-Marxist residents of the poblaciones.

Dozens of the same housewives and workers who expressed cautious or enthusiastic support for the junta during a similar tour a month ago are now openly critical of the new Government's economic policies.

HUNGER OVERSHADOWS FEAR

The food problem has already overshadowed the widespread fear and anger among supporters of the late Marxist President, Salvador Allende Gossens. They form solid majorities in the poblaciones, and heavy casualties were inflicted on them by security forces during the weeks after the Sept. 11 coup d'état.

More than 2,000 people are believed to have lost their lives in the aftermath of the coup. Most of these casualties occurred in the poblaciones, where about a fourth of greater Santiago's 3.5 million people live.

"I marched in every women's demonstration against Allende and I welcomed the coup against the Marxists" said a housewife in Lo Hermida, a sprawling slum of wooden shacks and unpaved alleys in eastern Santiago. "But if the military does not do something about food prices, I am willing to go out and march again."

The woman sews at home while her husband does subcontract work as a carpenter. Together they make 8,000 escudos—$28—a month to support themselves and their four children.

She said that in view of food price increases, ranging from 200 to 1,800 per cent, her family needed at least 500 escudos a day—or 15,000 escudos a month—to buy enough milk, bread, noodles and vegetables to survive.

"We do not even know what meat looks like anymore," she said.

Under the Allende Government, food and consumer products were heavily subsidized for the poor, causing tremendous distortions in the economy, a rampant black market, acute shortages and little incentive for producers.

In theory, the military Government has set out to re-establish the real market value of food and most other products. To assure that Chileans produce more than they consume—in vivid contrast to the Allende years—real wages also have been lowered.

Just two months ago during the last days of the Allende Government, long food lines in front of empty stores were part of every urban landscape. Now the stores are filled with expensive products and empty of customers.

Although the belt-tightening has hit all economic classes, it has become intolerable for the poorest Chileans, who must contend with such increases as 25 per cent for bread, 600 per cent for cooking oil, 500 per cent for sugar, and 800 per cent for chicken.

To partly offset these price increases, the junta has decreed a new minimum monthly wage of 12,000 escudos and bonuses for dependents of poor families. But in all the poblaciones visited, residents asserted that they had not received the wage increases.

The plight of the poor has been further exacerbated by the layoffs of workers and other employes who are considered "extremists" or politically suspect by the new Government authorities and factory managers.

Although no figures have been disclosed on this rising unemployment, some economists and church organizations believe they may number in the tens of thousands in the Santiago area alone.

In Lulo Pinochet, a poblacion of 540 families in eastern Santiago, community leaders asserted that about 70 residents had been suspended from their jobs.

The junta has embarked on a publicity campaign to help explain the price rises to the public. General Oscar Bonilla Bradanovic, the new Minister of Interior, has trekked through a dozen poblaciones to voice the Government's concern for the poor and offer them consolation—but little else.

Last week, at a large meeting of housewives selected from neighborhood organizations around the capital, a Government official tried to explain the need for sacrifice by all Chileans until the economy recovers.

SOME ARE RESENTFUL

But the gathering sparked resentment among some of the poorer women who attended.

"One woman got up and complained that she could not find a house that rented for 35,000 escudos a month," said a housewife from La Pincoya poblacion in northern Santiago. "It takes us three months to make 35,000 escudos."

During a tour of Lo Hermida poblacion last week, the Minister of Economics, Fernando Leniz, fielded complaints from a woman who said that her husband's salary was not nearly enough to meet even minimum food expenses.

"It is necessary that housewives learn to buy," answered Mr. Lenitz in textbook terms. "If the prices are too high, it is better to cut down on consumption for a while until the prices fall."

SOUTH CAROLINA VOCATIONAL AND TECHNICAL EDUCATION

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. DORN. Mr. Speaker, South Carolina has the Nation's outstanding program in vocational and technical education. This superb program is guided by an advisory council on vocational and technical education. The advisory council has adopted a policy which will be of interest to my colleagues. It is as follows:

VOCATIONAL EDUCATION IS NEEDED NOW MORE THAN EVER BEFORE

Advancing technology is causing the world of work to become increasingly complex. The demand for unskilled labor is rapidly diminishing, while there are increasing occupational opportunities at the skilled or technician level. Many youth do not have any concept of what a job is like or about their parents' work. The complexity of business and industry is making it difficult for parents to adequately describe the available jobs. Most of today's jobs did not exist or were of a different nature a decade ago. Since the parents are no longer able to adequately describe the many occupational choices available to their children then it is for the schools to provide these experiences. Each youth should have an opportunity to explore several career areas through the medium of pre-vocational education.

Even more critical is the need for vocational education. Less than one out of five children who enter school go on to college. Because minimum wages now equate with a poverty standard of living, all non-college-bound youth should complete a vocational program prior to graduation or prior to leaving school. If the parents cannot or do not transmit the work ethic and the training or skills necessary for successful employment, the school must. If the other four-fifths of our youth are to enter the world of work at a satisfactory pay rate, they must have some occupational preparation.

An appropriate vocational curriculum is also necessary for one-half or more of all college-bound youth. Vocational education does not prevent one from continuing on to college, nor does it reduce the chances for success but may even help. Only about one-half of the college freshmen ever graduate from college. The others generally are no better prepared for employment than those who entered work directly out of high school.

Even the future college graduates could

benefit from vocational education. They may need these skills to earn their way through college. The other few could use this experience to help them relate to the world around them.

Students need more in-depth counseling and the counselors need more frequent contact with the students. Counselors must be knowledgeable of all the occupational programs and assist students based on this wide spectrum of occupational knowledge.

Only when vocational education programs are a normal part of the curriculum for all—rich and poor, quick and slow, girl and boy, the popular and the social isolate—will vocational education be reaching all those who need these opportunities. It is hard to envision anyone who would not benefit from vocational education. The non-college-bound and the college-bound high school graduate, the high school dropout and the elementary school dropout—these are the persons who should complete some vocational program. Who else remains?

HUMBERTO FERNANDEZ-MORAN RECEIVES AWARD FOR OUTSTANDING ACHIEVEMENT IN MEDICINE AND SCIENCE

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. McCORMACK. Mr. Speaker, Dr. Humberto Fernandez-Moran, is, in my judgment, one of the outstanding men of science in the world today. Consequently, I was extremely pleased to learn that on September 19, 1973, a special meeting of the Bolivarian Society of the United States presented him with the Society's highest award, the Bolivarian medal, in recognition of his contributions to medicine and science and his efforts to bring about inter-American cooperation in these fields.

The medal was presented by the Society's founder and first president, Don Daniel A. del Rio, and this marks the first time that this rare privilege has been accorded to a scientist. On the six other occasions on which this medal was presented during the history of the Society, it was bestowed only on Heads of State and prominent officials from the Bolivarian countries.

Dr. Fernandez-Moran is now the A. N. Pritzker professor of biophysics at the University of Chicago, where he heads one of the world's leading electron microscope laboratories. He is widely recognized for his contributions in the field of electron microscopy and his development of a diamond knife nearly 20 years ago when he was a research fellow at the Nobel Institute in Stockholm. This sophisticated research tool has enabled scientists to study the tiniest organic details under the electron microscope and opened up the field of biological ultrastructural research. In addition, he is the author of many articles in his field and related subjects, and he is a member of many national and international medical and scientific societies.

Throughout his career, Dr. Fernandez-Moran has been inspired by the guiding concept of Simon Bolivar, who almost 150 years ago proposed a Pan American Union of true hemispheric scope. In pursuit of this goal, Dr. Fernandez-Moran headed the Venezeulan delegation to the first Geneva Conference on Peaceful Uses of Atomic Energy and to the Inter-American Symposium on Nuclear Energy at Brookhaven in 1955 and 1957 respectively. He was also active on the Science Commissions of the Organization of American States and of UNESCO, and in 1958, served as minister of education for his native Venezuela.

From 1958 to 1962, Dr. Fernandez-Moran organized the Mixter Laboratories for Electron Microscopy at the Massachusetts General Hospital in Boston. From 1951 to 1958, he served as professor and chairman of the Department of Biophysics at the University of Caracas, and under his direction, the Venezuelan Institute of Neurology and Brain Research was built in 1954.

As chairman of the Task Force on Energy last year, I visited his laboratory last year along with Congressman CHARLES MOSHER. While there, we witnessed the 117th successful experiment of the world's only operating closed-cycle superfluid helium system coupled to a high-voltage electron microscope. Subsequently, Dr. Fernandez-Moran presented these findings on superconductivity and a proposal he has made to obtain energy from the Sun to the Subcommittee on Science, Research and Development of the Science and Astronautics Committee in May. His solar energy proposal would employ a "fly's eye" multilens approach to trapping the Sun's energy.

I would like to take this opportunity to congratulate Dr. Fernandez-Moran on his multiple achievements to date.

TAX ON A TAX

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. SCHERLE. Mr. Speaker, yesterday I introduced legislation (H.R. 11322) which would save Iowa telephone users almost a half-million dollars on their telephone bills each year.

Through an inequity in the Federal tax law, Iowa telephone users are being double taxed in their phone bills. The Internal Revenue Service has notified Iowa telephone companies that they must include the State use tax on telephone services when they compute the Federal exise tax on basic telephone services and long distance calls.

In effect, this ruling—which applies to Iowa, Nebraska, and 13 other States—provides for a Federal tax on a State tax. Because of these rulings. Iowans will pay $405,000 more in taxes on their phone service each year.

This is unfair and unjust, and my bill would prohibit the Internal Revenue Service from levying such a "tax on a tax."

BREAKING A LEG HAS NEVER BEEN MORE CONVENIENT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. PICKLE. Mr. Speaker, Cactus Pryor, a wry commentator from Austin, Tex., has vividly pointed out the miracles of modern transportation—and the foolishness we subject ourselves to by not having a national transportation plan.

I will let Mr. Pryor elaborate on the subject, as follows:

CACTI'S CORNER

(By Cactus Pryor)

During a recent period of meditation, I fell to thinking about the wonders of modern transportation. Just think of it! In less than an hour you can fly 300 miles and arrive in time to miss the limousine to town.

You can leave the backwoods of Arkansas at 4:00 and make the 5:00 homeward traffic jam in Dallas.

You can drive 500 miles away from your home on a Saturday and be back in time to put your car in the garage for repairs on Monday morning.

I can leave my house at 7:00 a.m. and be outside my office downtown by 7:15. That gives me 45 minutes to search for a parking space.

Modern transportation is marvelous. You can leave New York's train strike and in 6 hours be caught up in London's taxi strike.

And today's transportation opens whole new horizons for medicine with the varieties of motion sickness. I once lost my breakfast in the Pacific, my lunch over the Rockies, and my supper in the Lincoln Tunnel. (And if you must lose your supper, I can't think of a better place.)

Bus transportation has vastly improved in recent years. A short time ago I was driven 140 miles in but 2 hours. This was less time than the airline required to charter the bus after our plane had been grounded by weather.

Of course, we've all been fascinated with the dramatic transporting of our astronauts to the surface of the moon. What an adventure. What a thrill. What a luxury to be able to drive around without a single traffic light, speed trap or toll road. It's worth swapping the chugholes for craters.

Golf carts now enable me, for the first time in my life, to drive down the middle of a fairway. Now when someone yells "fore" you don't know if you're ducking a shank or a chevy.

Snowmobiles will now noiselessly transport you to heretofore inaccessible sanctuaries of solitude and silence. Thousands can now enjoy these sanctuaries of solitude and silence together.

There are lifts that will take you and your skis to the top of a snow-covered mountain, and motorized carriers that will deposit you in a hospital minutes later. Breaking a leg has never been more convenient.

Train transportation has been modernized. Instead of the dingy old steam engine trains that we used to have to wait for, there are now sleek, modern diesel-powered trains to wait for.

The airlines have added a whole new dimension to travel by buying many of our hotels. Now you can lose your luggage on an elevator, too.

Modern transportation. Steps that carry you, blades that lift you, boats that pull you, engines that push you. I thought of all of these blessings as I sat waiting for my late flight.

RESIGNATION OR IMPEACHMENT ONLY WAY OUT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mrs. SCHROEDER. Mr. Speaker, the events of recent weeks have cast substantial doubts in the minds of many Americans over whether President Nixon should continue in office. We are, each of us, faced with determining whether we have sufficient confidence in the President to allow him to remain in office.

Over the past weekend, several leading papers throughout the country dedicated their editorials to this question. One of the most thought-provoking and cogent editorials was that of the Denver Post, entitled "Resignation or Impeachment Only Way Out." In the Post's view:

> The situation has now degenerated to where the trust of the people in the President's integrity is shattered. Halfway measures cannot restore that confidence, whether among our people or among our allies overseas.

Mr. Speaker, I congratulate the Denver Post on its forthright stand on this most compelling of issues, and commend its editorial to my distinguished colleagues:

RESIGNATION OR IMPEACHMENT ONLY WAY OUT

The office of the presidency, as Richard Nixon realized in the concept of his campaign when he sought to "bring us together," is much more than just an office at the head of one branch of our government. The presidency must be the national focus of our ultimate loyalty and confidence. Ironically, it was just a year ago this Sunday that The Post wrote its final editorial supporting Mr. Nixon for the presidency because among other reasons we believed he was the better man to produce effective national unity.

The American people must have an instinctive trust in their president, strong enough to override in time of crisis the inevitable partisan feelings of difference on lesser issues. One can disagree with a president on issues such as impoundment of funds, on the structure of a welfare program, or a move in world politics. But in a time of national crisis, such as the recent alerting of our military forces in the Middle Eastern situation, the people must be able to trust automatically the President's integrity. And on simpler matters, it is intolerable that on a question of whether or not the tapes were really lost, a great number of people simply don't take the word of their President.

Whether or not President Nixon deserves this low image as to his trustworthiness is arguable. Partisans can give endless tit-for-tat on that score.

What is not arguable is that, right or wrong, the situation has now degenerated to where the trust of the people in the President's integrity is shattered. Halfway measures cannot restore that confidence, whether among our people or among our allies overseas.

How then can this intolerable situation be resolved?

First, the office of the vice presidency must be promptly filled by congressional action. If Mr. Ford is acceptable after thorough examination, fine. If not, then an alternate candidate must be nominated and confirmed by Constitutional processes. We will not solve our crisis of Constitutional confidence by departing from Constitutional means.

When the vice presidency is filled, the Republican Party must live up to its responsibilities. Even Senator Goldwater recognizes that the credibility of the President is at an intolerable low point. The Republican Party should try to persuade the President to resign.

Stepping aside from the office of the presidency when trust has been lost is not a new idea. Lyndon Johnson, although elected by a mandate nearly as large as that of Richard Nixon, realized that Vietnam had broken his relationship of trust with the people. He stepped aside by not running again, and history thinks well of him for it. Similarly history would think well of a Nixon decision to step down, not as admission of guilt, but as a recognition that the needed trust essential to the conduct of his office has been lost. Richard Nixon would gain stature by such a selfless move.

If, however, resignation is not in the cards, then this newspaper has come to the reluctant conclusion that only an impeachment proceeding will heal our hemorrhaging of national confidence in the presidency.

Impeachment preparations which have started should be speeded in the Congress, since they take time, and if the vice presidency is filled and a resignation is not forthcoming, the bringing of the impeachment proceedings needs to be swift. The country mustn't dither about decision.

An impeachment process before the elected representatives of the people is the only method, short of resignation, that can now finally resolve the erosion of trust in the presidency. It would be a national decision in which all the evidence is brought out and a vote taken.

If the House of Representatives after mature deliberation decides there is not enough evidence to bring the President to trial before the Senate, that decision should finally quiet Washington. As we have said before, no one wants a president to stand trial on less than sound legal grounds, and the presence or absence of those grounds is for the House to decide.

If the manner goes to trial and the Senate decides the evidence does not justify the President's removal, well and good! The people will have spoken by the best Constitutional means available to them, and by the rules. That would put an end to it, and the President could go about his business vindicated by a reliable tribunal.

If the Senate should vote to remove the President, so be it! It would be the end of a regrettable chapter, not of the country.

If President Nixon chooses to resign after a qualified successor is in office, it would be easier for the country and better for him in the history books.

But if he must face impeachment proceedings, let's get on with them. From those proceedings, the people will get a decision on which some part of their basic trust in the presidency can be re-established.

A SPECIAL SALUTE TO GEN. PHILIP KEARNEY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. PATTEN. Mr. Speaker, I rise today to speak of a day which is of great importance to all Americans—Armistice Day.

This day symbolizes the armistice terminating World War I, which took place on November 11, 1918. Many Americans fought courageously in the first World War, and because of this I want to take this opportunity to acknowledge another great fighter, Gen. Philip Kearny of Perth Amboy, N.J., who fought valiantly in the Civil War.

Both these wars were fought to maintain the ideals and freedoms of our great country. At this time I would like to insert an article written by the New Jersey Manufacturers Insurance Co. on General Kearny.

General Kearny's statue appears in Statuary Hall because of his great contributions to this country. The article follows:

GEN. PHILIP KEARNEY

One-armed Philip Kearny, commanding general of the First New Jersey Brigade, infuriated Confederate troops as he rode savagely between Northern and Southern lines in the spring of 1862—daring the Southerners to find a bullet that could kill him. Day after day he defied the Confederates, drawing their fire and then dashing back toward his troops shouting: "Now you know where they are, boys! Go get 'em!"

Phil Kearney thrived on war. He had fought for more than 20 years wherever possible: in Algeria for the French in 1839, in this country during the Mexican War, against Indians in California and again for the French in Austria in 1859. It was not all glory. His left sleeve dangled empty after his arm was amputated during the Mexican War.

Kearny was no soldier of fortune; he had been a millionaire since 1836, when his grandfather willed him exactly $1 million. Shortly before, 22-year-old Phil had graduated from Columbia College as a law student. Kearny in 1858 bought "Belle Grove," a handsome estate overlooking the Passaic River in Hudson County. But living in ease for Kearny was about as likely as a panther happy behind bars.

America's Civil War stirred his fighting blood, and his many Southern military friends urged him to join their "aristocratic cause." He declined hotly. "What am I," he exclaimed, "if no longer American?"

Yet, when he sought to join the Union Army, Washington rebuffed him. New York state ignored his request to be an officer and then scoffed at his plea that he might be at least a private. Whoever heard of a one-armed private?

However, New Jersey desperately needed a man with his talents. The 1st New Jersey Brigade languished in Alexandria, Va., growing steadily more surly and ill-disciplined. Worse, it had earned a reputation for stealing everything from chickens to farmer's fences.

Kearny, placed in command, rode a fiery horse into camp on July 26, 1861. He wore a bright cloak, a gold-handled sword and a heavy array of brass that dazzled in the summer sun. He looked like a general. The troops hated him.

The hatred of Kearny turned to fear, then to grudging respect for the general's uncompromising discipline, his attention to detail, his never-ending drills.

Within six months Kearny was known as the most brilliant of Northern officers. He rose to head the 3rd Division of the Union Army on May 2, during the Peninsula Campaign in Virginia and, when asked if he wished help, Kearny replied, "I can make men follow me through hell."

Three days later he made good his boast, rallying his men for an often-mentioned dash over muddy roads and fields to rescue Gen. "Fighting Joe" Hooker's regiment entrapped at Williamsburg. Soldiers wrote home to tell of a leader who rode with his reins in his teeth while he brandished a gold-handled sword in his only hand. Southerners called him "The One-Armed Devil."

Kearny performed with distinction in the midst of general Union chaos at the second battle of Bull Run on August 30. But time was running out for Kearny; two days later he made his last challenge at Chantilly, Va.

Wild fighting broke out at Chantilly as the afternoon of September 1 neared its close. Simultaneously, a violent lightning storm broke over the battlefield. Driving rain turned the field into a morass and lightning ripped the trees in a display of power that made man's weapons seem puny.

Kearny rode forth through the storm, urging his men to follow him, although few could either see or hear him. The general spurred on. His black cloak made him scarcely distinguishable from the misty twilight shadows. Riding with "uncontrollable fury," Kearny mistakenly dashed into a Confederate outpost in a cornfield. He wheeled about as he discovered his error, undoubtedly supremely confident that he could once more escape. This time he could not bring it off. A Confederate bullet ripped through his back Kearny fell dead into the mud of Chantilly. The next day Gen. Robert E. Lee personally sent Kearny's body back to the Union lines with an honor guard.

Many claimed that the New Jersey officer was just about to be named commanding general of the Army of the Potomac. But it was too late, Phil Kearny was dead—killed as he had lived, surrounded by violence and thunderous tumult.

TRADITIONAL VETERANS DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mrs. GRASSO. Mr. Speaker, this Sunday, November 11, is the day traditionally set aside to honor our Nation's veterans.

It has always been a solemn day—a time for reflection on the countless sacrifices veterans have made to insure the security of our country and preserve peace throughout the world.

Our veterans are brave, dedicated, freedom-loving men and women who answered their country's call to duty and served unselfishly, guided by a deep, abiding concern for the welfare of their fellow Americans. Be it in time of war or peace, conflict or calm, our Nation's veterans have done their utmost to secure the defense of their country, and protect the welfare of all our citizens.

Certainly, our greatest homage, tribute, and appreciation is owed those who have made the supreme sacrifice in service to their country. Our history echoes the heroism of men and women who gave up their lives for their Nation and the cherished ideals for which it stands.

Other veterans suffered physical and emotional injury in combat or in prison camps. They deserve not only our compassion, but also our assistance in providing adequate benefits and programs of training and rehabilitation.

As a member of the Veterans' Affairs Committee, it has been my honor and privilege to assist in the drafting of legislation to provide veterans with the benefits they justly deserve. Together with our chairman, the distinguished gentleman from South Carolina (Mr. DORN) the committee has labored tirelessly to insure veterans of all that a grateful nation can provide.

Mr. Speaker, Connecticut is truly proud of the service its veterans have offered to their country. Nor did this service end when they left the military, but it continues in the many meaningful contributions continually made by veterans, especially through their organizations. At the same time, my friends in veterans organizations in Connecticut and throughout the country have kept me attuned to the needs and wants of their members, providing ideas, opinions, and information.

As you know, November 11 was originally celebrated as Armistice Day and later became a day to honor all our veterans. The day is especially meaningful to men who fought in the First World War. Veterans in my State and elsewhere share my belief that Veterans Day should not be celebrated as a Monday holiday in October, but should be returned to the traditional day of observance. I have introduced legislation which would redesignate November 11 as Veterans Day, and I intend to continue supporting this measure.

November 11 is a day of meaningful historical significance to our people. It has for years been a day when a grateful nation offers much deserved tribute to its dedicated veterans.

A DESERVED HONOR FOR THE DOUGLASES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. DERWINSKI. Mr. Speaker, I call to the attention of the Members a very laudatory commentary in the Tinley Park Star Tribune of Thursday, November 1, in which that publication drew attention to its readers that fact that the former U.S. Senator Paul Douglas and Mrs. Douglas, who is a former Member of the House, were honored when the Chicago State University named its new campus library after them.

As the editorial appropriately comments both Paul and Emily have had outstanding careers in public service, and having the library named after them is a lasting tribute to their reputation.

The article follows:

A DESERVED HONOR FOR THE DOUGLASES

Former U.S. Senator Paul Douglas and Mrs. Douglas were recently honored when the library on Chicago State university's new campus was officially named after them.

The Paul and Emily Douglas library, largest building on the 55-acre, $65 million campus, eventually will house more than 300,000 volumes, including several hundred donated by the Douglases themselves.

Douglas and his wife have been dedicated public servants. He began his career in public office as a member of the Chicago city council. Later, he served for 18 years as U.S. Senator from Illinois. After leaving the Senate, he was chairman of the National Commission on Urban Problems. Somehow during those busy years, he also found time to write more than a half dozen books on public affairs.

Mrs. Douglas was U.S. congresswoman-at-large in 1944. She also was an organizer of the Illinois League of Women Voters, a pioneer crusader for a state constitutional convention, and the chief sponsor of legislation that brought mobile libraries to rural areas of Illinois.

Judged on the basis of their public service contributions, the Douglases are indeed deserving of this recognition. And, in view of their close association with academic activities and their long-standing interest in promoting education, it is particularly appropriate that they should be honored in this manner. It also is gratifying to note that the honor comes to them, not posthumously, as so often happens, but while they still can savor its meaning.

GSA UNDER PROBE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ASPIN. Mr. Speaker, I want to take this opportunity to publicly commend the Office of the General Counsel of the Civil Service Commission for their vigorous investigation of political favoritism in hiring at the General Services Administration.

I strongly support the efforts of the Civil Service Commission to restore integrity to Government service and I would like to encourage my colleagues to back the general counsel in his current fight. I urge the general counsel and his fine staff not to buckle under the politically and personally inspired attempts to stifle his investigation.

Regardless of our political affiliation we should all be concerned by the political cronyism that has recently come to light in this important Federal agency. The Washington Post has recently run a series of reports on the GSA problem and I would direct your attention to the following articles:

CHARGE OF FAVORITISM AT GSA UNDER PROBE

(By Lawrence Feinberg)

The U.S. Civil Service Commission is investigating charges of political favoritism in filling jobs at the General Services Administration, the agency that purchases supplies for the government and operates federal buildings.

A spokesman for the commission said yesterday a special team of Civil Service investigators was set up in early June to check complaints by GSA employees that "political clearance" is necessary to get promotions in GSA's Region 3.

The region includes Washington and five states—Maryland, Virginia, Pennsylvania, West Virginia, and Delaware. It has about 11,000 of the agency's 38,000 employees.

Yesterday a GSA spokesman said his agency is "cooperating fully" with the Civil Service investigation. He added, "We're not aware of any violation of any Civil Service Commission rules and regulations in the hiring of any GSA employee."

The charges of political favoritism at GSA were first made last spring, a Civil Service official said, during a regular check into hiring and promotion practices at the agency.

"When some apparent improprieties came to light," he said, "we put a special team onto the inquiry."

The investigators are scheduled to report to the commission's executive director, Bernard Rosen, by the end of September.

William M. Ragan Jr., director of information for the commission, said that contrary to published reports, none of the charges being investigated involve Vice President Spiro T. Agnew.

According to one such report, Lester Matz, a Baltimore County engineer, told federal prosecutors in Baltimore that he paid $2,500 to Agnew in 1971 in an effort to help someone else get a GSA job.

Agnew has called the allegations "damned lies."

Yesterday Ragan said none of the cases of political favoritism being investigated by Civil Service involves Agnew and none is connected to the Baltimore prosecutor's probe.

Ragan and other officials also denied that the Civil Service investigation was focused on Maryland, but said the complaints being checked came from several parts of GSA's Region 3.

The Civil Service officials also declined to say how many complaints they were checking and what level GSA jobs are involved.

"We're still running down leads," one official said. "It's a very thorough investigation and it's just not completed yet."

POLITICAL ABUSES CITED IN GSA HIRING

(By Douglas Watson)

Since 1969 congressmen and other politicians have recommended 2,500 people for jobs with the General Services Administration, according to GSA Administrator Arthur F. Sampson.

Sampson said in an interview, however, that there was nothing wrong with such job referrals from political sponsors and that he did not know how many hiring decisions were influenced by them.

The Civil Service Commission charged last week that GSA has been operating an illegal "special referral system outside normal personnel channels" that has given preference in hiring to politically favored applicants.

A former GSA official said last week that the "special referral unit" described by the commission was established by GSA in 1969, the first year of the Nixon administration, and that it has operated under supervision of top GSA officials since then.

Sampson disagreed with the commission's characterization of the so-called special referral unit, maintaining that it was merely a "follow-up unit" to make certain that there were prompt responses to inquiries and requests from congressmen and other politically important people, something he said any government agency tries to do.

But some career GSA employees, who say they speak for others with complaints, charge that politics frequently has been the deciding factor in determining who will be hired or promoted at GSA.

They refer to a job they say was created for a former Committee to Re-elect the President staffer, a senator's friend who got a GS–17 post although others were supposedly better qualified, and a friend of Sampson who was one of the few to be hired among 1,400 applicants for key jobs.

Referring to the 2,500 names mentioned by Sampson, a government source confided last week that Civil Service Commission investigators had uncovered a secret GSA file with more than 1,000 names of people recommended for jobs in GSA (the federal government's landlord, leasing and purchasing agency) by White House aides, congressmen and other politicians.

A Civil Service Commission spokesman said last week that its investigators had documented 16 instances of hiring favoritism among job applicants "referred from nominally political or clearly partisan sources." He said the commission believes there are many other such cases.

Sampson has neither directly denied nor conceded the commission's findings, saying only that they point out "some problems that need to be solved." Sampson has said that "some personal injustices and system breakdowns have occurred" but has not conceded there was systematic political favoritism in GSA hiring, as alleged by the commission.

The CSC ordered GSA to act within 30 days to eliminate "the special personnel referral system" and to fire anyone hired contrary to Civil Service regulations.

The former GSA official said the "special referral unit" was organized in 1969 under Rod Kreger, who later became GSA's deputy administrator and this year was appointed to the Postal Rate Commission.

He said the unit later operated under H. S. (Ted) Trimmer, now GSA's associate administrator for federal management policy, the agency's fourth-ranking official.

Bernard Rosen, executive director of the CSC, said last week that the "special referral unit" most recently has been under Assistant GSA Administrator Allan G. Kaupinen, who came to GSA in April as its third-ranking official after working in the White House for three years and for the Committee to Re-elect the President last year.

Sampson and other GSA officials said that what the Civil Service Commission calls "a special referral unit" that has systematically violated civil service regulations in hiring political favorites, actually was only a "follow-up unit" involved in the proper and necessary task of expediting responses to political inquiries.

"We consider it essential to follow up on letters from congressmen, governors and businessmen, from persons at a high level, to get a response" to their calls or correspondence, said Richard Q. Vawter, GSA's director of information.

Vawter said there was such a follow-up unit under Kreger, but he said it was never under Trimmer, a 34-year-old lawyer from California. Trimmer could not be reached.

Kreger, who previously was administrative assistant to former Sen. Karl Mundt (R-S.D.), acknowledged overseeing a follow-up unit but denied it violated CSC regulations as the CSC found. Kreger added, "I was never that close to the darn thing."

Sampson said that in the nearly five years of the Nixon administration the so-called follow-up unit has received an average of 12 recommendations a week from political sponsors of persons for jobs with GSA. Sampson said he didn't know how many of those with political backing were eventually hired.

Another GSA official said that the 40,000-employee agency each year receives at least 68,000 job applications from all sources and hires 8,000 people. "The commission's report should be kept in perspective," Sampson said.

Asked whether a "special referral unit" operated during the Johnson administration, the former official who was with GSA during both the Johnson and Nixon administrations, said, "I know there was not anything similar."

He said that while there were occasional political pressures put on GSA officials to hire political favorites during the Johnson administration, the political pressures were "nowhere near as bad" as they became after 1968.

This contention was disputed by three current GSA employees who, according to a GSA official, claim that in both the Kennedy and Johnson administrations GSA's director of personnel had a special aide whose primary job was placing of politically favored job applicants and who reported directly to top GSA officials.

A commission spokesman has said that "within several weeks" it will file formal charges against individuals at GSA charged with violating Civil Service regulations. The charges are not expected to be placed against certain persons who were allegedly improperly hired—who may be fired—but against those who ordered their hiring.

The commission has said that politicians have as much right as anyone to recommend job applicants. The CSC spokesman said its jurisdiction is limited to persons in the executive department, so it would not consider any action against congressmen or others outside the executive branch who may have put improper pressure on GSA to hire their friends.

A government source said that those who had urged hiring persons under investigation include White House aides and both Republican and Democratic congressmen.

The commission has declined to name any of the 16 GSA people allegedly hired improperly; it does say the 16 are spread throughout the agency and occupy "mostly low—and medium—but some higher grades."

But GSA career employees who have asked not to be identified have given The Washington Post six examples of what they consider are persons who got their current jobs with GSA through political or personal favoritism. It is not known if any of these examples are among the 16 cases cited by the commission.

In each of these instances cited by the critics, GSA officials have said there was nothing improper in the way the person was hired and have praised the individual's qualifications. They said the criticism was coming from a few dissident employees.

One disputed case involves Dr. Thomas A. Slivinski, who became technical adviser to the commissioner of GSA's new Automated Data and Telecommunications Service this year after working under Jeb Stuart Magruder as manager of the data base at the Committee to Re-elect the President.

A GSA spokesman said that Dr. Slivinski has a Ph. D. in computer science and formerly was a GS–15 with the Environmental Protection Agency. But sources within GSA charge that Dr. Slivinski's job was created for him and that none of the qualified employees with the agency at the time was given the opportunity to apply for it.

Dr. Slivinski currently is on leave to take several months' training at the University of Virginia.

Another criticized placement is that of Elmer D. Jones, who holds a GS–17 position as the head of the automated data service's office of telecommunications. A retired Air Force colonel, Jones is the second highest-ranking black in GSA.

He also is a friend of Sen. Edward E. Brooke (R.-Mass.), who is widely believed by GSA employees to have been instrumental in GSA's hiring of Jones. Jones said that he and Brooke "were kids together on the same block" but denied that any help from Brooke got him the job. A spokesman for Brooke declined to comment.

Jones said, "I feel I am well qualified" for the assistant commissioner's job that pays him at least $37,976. He said he holds master's degrees in electronics and research and development engineering and pursued those fields in the Air Force.

But sources within GSA contend there were career employees with more expertise in telecommunications who were not considered for the job Jones got. One GSA employee said, "When Jones first came aboard he was asking simple, basic questions that a man in the business three months would not need to ask".

Another criticized GSA hiring was that of Lawrence H. Walker Jr., a retired army general who became regional commissioner of automated data last November after responding, along with 1,400 others, to advertisement for high-level jobs that became available in the new GSA service.

A GSA spokesman said that Walker was at the top of the CSC referral list by virtue of his qualifications and that Walker formerly directed data processing work for Pennsylvania and in the Army. Sampson, who also had worked for the Pennsylvania government, said of Walker, "I kept in touch with him because I wanted him with me" at GSA.

Walker ended up as one of the few job winners among the 1,400 applicants.

"There's nothing against hiring people from Pennsylvania," said a GSA spokesman in reacting to charges that GSA has become top-heavy with Pennsylvanians under Sampson and Robert L. Kunzig, his predecessor as GSA administrator, both Pennsylvanians.

Patricia L. Rouleau, a former sister-in-law of Rep. Joel T. Broyhill (R-Va.) became chief of a branch of GSA's Federal Supply Service in April. Mrs. Rouleau has had 14 years' experience at GSA, and an agency spokesman said she worked her way up to the post. He said there were no other applicants for the job, which pays at least $17,497 a year.

But sources in GSA said that in selecting Mrs. Rouleau, GSA overlooked a man who was then at a higher career service level, was her predecessor's assistant, had been recommended by her predecessor, and actually had done his job after the predecessor had left and before Mrs. Rouleau was named.

Action by the CSC has upheld Mrs. Rouleau's selection.

Mrs. Rouleau said she feels she got her job fairly.

Broyhill declined to comment specifically as to whether his office had urged Mrs. Rouleau's promotion. He said he frequently provides recommendations for constituents who are federal employees and are seeking promotions, adding, "It's an everyday occurrence. It's not confined to the party faithful."

Broyhill said, "If GSA is responding to congressional requests and inquiries more than other agencies, I'm glad to hear it. I try to get jobs for the people, and I mean in spades."

Another criticized case involves Lyle E. Hutchison, Jr., who was hired in 1970 by GSA for the job of writing specifications for furniture to be purchased by the government, a post that now pays a minimum annual salary of $20,677.

Sources in GSA said none of the qualified career employees then in the agency was given an opportunity to apply for the job that was by their account, specially created for Hutchison.

Bernard H. Martin, then Hutchison's superior and now retired in Florida, has written, "I did not review any application form covering Mr. Hutchison . . . I was asked to prepare a job description at the GS-13 level on a crash basis," in explaining how the new job suddenly appeared.

The GSA sources said Hutchison's father was a college friend of Kunzig and that helped him get his GSA job. Hutchison said he got his job fairly. Kunzig could not be reached for comment.

An example of what the critics say was an unqualified person holding a GSA job concerns Stephen White, who was project manager for a multimillion dollar program to obtain computers for GSA but is not a college graduate and who holds a high school equivalency certificate.

White is director of automated data telecommunications operations support division but is on leave for a year to attend the University of Washington under a GSA-sponsored program for a few selected employees.

White noted that "a college education isn't necessarily synonymous with knowledge" and that he has been a "hard-working" GSA employee since 1962. White was among six GSA officials temporarily suspended by the CSC last year for soliciting their employees for campaign contributions in violation of the Hatch Act. He was put in charge of the computer program after that.

Robert M. Teates, president of Local 1642 of the National Federation of Federal Employees, in a letter last week to CSC Chairman Robert E. Hampton urged the commission to protect the federal merit system against the spoils system many in this administration would like to have."

But Teates said that based on past experience, it is "our opinion the CSC will not take the really tough action required in this case, namely the dismissal from federal service of those employees who were hired through political connections."

GSA officials say the Civil Service findings have unfairly distorted the GSA hiring picture that has many positive features. They point to programs they say were started under Kunzig or Sampson to actively recruit able employees from college campuses and to upgrade the equal employment effort through a director of civil rights, who reports directly to the agency's administrator.

They also cite initiation of a program for accelerated executive development, start of programs that enable GSA employees to more easily switch from one field to another, and more strongly supported programs to hire veterans, the physically and mentally handicapped, and for summer hiring of disadvantaged youths.

Sampson said the Nixon administration has activated GSA, which formerly was "a dead horse."

SECRETARY OF THE INTERIOR MORTON SPEAKS ON THE ENERGY CRISIS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ARCHER. Mr. Speaker, there is much debate and concern regarding the energy crisis in the United States. A clear and perceptive analysis of the entire situation was presented recently by the Honorable Rogers C. B. Morton, Secretary of the Interior, before the Interpipe Conference in Houston, Tex., on October 30, 1973. His address revealed the depth of the problem as well as the challenge we face in meeting the energy needs of our growing society.

REMARKS BY THE HONORABLE ROGERS B. MORTON

The compelling events of war in the Middle East again have dramatized the world dimensions of America's energy balances.

Within the last months the Persian Gulf oil producers have increased the price of crude oil by 70 percent. These added layers of price increases from the OPEC countries will certainly result in heightened competition in the world energy markets. Especially when you consider that the Soviet Union is the only industrialized nation in the world that is self-sufficient in energy. At the least it will mean harsh competition between Japan and our allies in the European community for limited world oil supplies.

The threat of an Arab oil boycott moreover has turned to reality. Even with a ceasefire, some Arab oil—which accounts for almost 12 percent of the total U.S. consumption—will be embargoed from the U.S. market.

Regrettably, the statistics are even more forbidding at a second look: nearly half of the heating oil supplies on the East Coast are produced from Arab sources.

The American energy crisis, unlike most national issues, is not transitory. It is not going to be limited to "this winter" or "this year" or even "this Administration." Instead it clearly is the greatest issue facing the American people during the next decade.

And because Americans use more energy than most nations of the world, the energy crisis may have a deep cutting effect on our national life.

During the next seven days, for example, the average American will use as much energy as half the world's population will consume on a per capita basis in the next year. And over three quarters of that energy will come from petroleum and natural gas, while less than one quarter will originate from other sources such as nuclear, hydroelectric, geothermal, or coal. Nuclear energy is making about the same contribution to our energy base as firewood.

For a variety of technological, economic, and environmental factors, throughout the balance of this century, we will depend heavily upon fossil fuels. And a dependence on fossil fuels means a dependence on pipeline systems.

This morning I would like to share some of my observations regarding the role pipelines can and must occupy in meeting America's energy and environmental needs.

The challenge of designing and constructing delivery systems to bring needed new oil and natural gas supplies into the market, matches the scale of companion efforts to develop new energy sources, like the breeder reactor, oil from shale, and gas and liquid fuel from coal.

The capital requirements for pipelines alone between 1970 and 1985 will be massive. A recent issue of the Oil and Gas Journal, for example, estimates that the projected pipeline construction expenditures during this fifteen-year period will come to $25 billion.

Not only will we need greater supplies of pipe—but an entirely new generation of pipeline systems.

Oil and natural gas pipelines in hostile Arctic climates, or in the North Sea will require improved low-carbon steel with new durability and strength characteristics.

And industry's ability to meet environmental criteria for oil and natural gas production on the OCS, and other areas will depend largely on the design and delivery of these new pipeline systems.

In my own view the decision process for the Trans Alaska Pipeline will, in the years to come, provide valuable experience and guidelines for these new systems.

The decision process we have just completed for the Trans Alaska Pipeline will provide valuable experience and guidelines for these new systems in the years to come.

There is little question that TAPS dramatizes the need for balance between our national concerns for secure energy sources, and the need to safeguard the quality of our environment.

I frankly am proud of my decision, and that of the Congress and have little doubt they will enact the legislation needed for what the President has called "the first legislative goal" toward meeting the energy challenge.

The national interest implications of TAPS are staggering, particularly in view of even the most optimistic predictions on the future of the Mid East:

—TAPS provides the earliest, and most economical means of delivering secure and uninterruptible supplies of new oil to the American consumer.

—TAPS will contribute to reducing the dollar drain from oil imports by as much as $3.3 billion in 1980, and could reduce our balance of payments by as much as $5.8 billion in 1985.

—And most important, TAPS will bring up to two million barrels of oil a day to U.S. markets as soon as it is operating at full capacity . . . that's almost a third of our current imports.

And the promise of still greater sources of oil and natural gas in Alaska—in the Cook Inlet, and the Gulf of Alaska, as well as on the North Slope, will lead to proposals for other pipeline systems. It is already evident that a second pipeline system will be necessary for oil and natural gas.

My overriding concern in making the decision to proceed with TAPS was based on one critical condition: I was—and still am—convinced that we can construct and operate a pipeline that serves the national interest, without causing unacceptable environmental impacts.

In the case of TAPS land use considerations were more complex because of the overriding need to meet strict environmental criteria.

However, even if there had not been obstacles to overcome, I feel that a proper right-of-way decision could not have been made without a multi-discipline approach to energy, environmental, and land-use planning.

There was a clear need to set aside a utility corridor not only for the pipeline, but for subsequent developments like roads, power lines, added pipeline construction, as well as the location of auxiliary equipment. In my own view, planning for added pipeline construction in the Lower 48, as well as in Alaska and other parts of the hemisphere demands a "systems planning" approach. The President's proposed land-use planning legislation provides the necessary mechanics to do just that.

Pipelines are a major component of our total energy system, and will continue in the years ahead to provide the most economical means of transporting oil, natural gas, and in some instances—as in the Southwest—even coal. The time is past when we could afford to assume that pipelines of energy transmission systems were not an integral part of regional planning.

In the meantime, the American consumer is going to have to realize that America has no choice but to regain energy self-sufficiency. We are going to have to accelerate our efforts to bring additional fossil fuels to the marketplace—and do it now! And we are going to have to be prepared to make hard decisions on the economic and environmental tradeoffs in developing conventional and second generation energy sources.

Regrettably, too many of our people fail to recognize the dimensions of the energy crisis:

They say, give me energy, but don't run power transmission lines, or gas lines across my lands;

They say, give me secure domestic supplies of gas and oil, but don't provide equitable economic incentives for exploration, development and production. (How much longer, for example, will we allow our natural gas reserves to decline, while inter-state natural gas prices are held at artificially low levels that discourage exploration and production?);

They say give me an energy policy that leads to secure energy supplies, but don't ask me to pay a fair price for it;

They say, give me a workable national energy policy, but don't dam, dig, mine, or drill in my State;

They say give me an energy policy that maximizes national security, but don't infringe on our trade and defense relationships within the world community.

Too many Americans are still unaware of the consequences we face, and the growing threat of a dependence on unstable, expensive, and interruptible foreign energy sources holds for our future.

The time has come when everyone—government, industry, and the consumer—must realize that our energy resources and energy needs are truly "national" and not limited to a single State or region.

I have no question that America has the will, the resources, and the leadership to meet the energy challenge. At the same time, however, I think it is a mistake to assume that government—either the Congress, the executive, or the judiciary—has the capability to meet all our energy needs. The real challenge is a challenge to our national attitudes towards energy, and to the vision and determination in our free enterprise system to crystallize our energy concerns into new energy sources.

That is the challenge all of us share—and that is the challenge we can meet if we move forward in a spirit of common effort.

COLORADO RIVER WATER QUALITY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HANNA. Mr. Speaker, while the seven Colorado River Basin States have been wont to fight over the waters of the Colorado River, the time has now come when we all must unite to restore the quality of the waters that the river supplies.

William E. Warne, whom I met when I was serving on the Water Committee in the California Legislature while he was director of the California Department of Water Resources, has proposed a new approach to improving the Colorado River water quality. Mr. Warne knows the Colorado River as do few other men alive today. He was brought up on an irrigated farm in the Imperial Valley, was an officer in the Bureau of Reclamation when Hoover Dam was built, and was Assistant Secretary of the Interior for Water and Power when the Coachella Valley County Water District's contract for service from the Coachella branch of the All-American Canal was signed by him.

Mr. Warne is a member of the board of directors of the National Water Supply Improvement Association. I commend Mr. Warne's proposal to my colleagues.

A New Approach To Improving Colorado River Water Quality

(By William E. Warne)

My assignment today is to discuss "A New Approach to Improving Colorado River Water Quality."

The fact is that the Colorado River, which drains much of seven states in the Southwest, has been entirely spent in the development of the arid and semi-arid region composed of western United States and northwestern Mexico. In a dozen years, the outflow of the Colorado River has been comprised of some salty effluent from a drain that has been deliberately bypassed at Morelos Dam, and some leaks and small spills that accidentally escaped the watermaster's control. No other water has reached the Gulf of California from the great river's channels through its delta.

In the development of the Colorado River over the past 75 years, many interesting things have been done about its waters. Some of them in retrospect seem anachronistic. Some appear to have been based on wishful thinking and poor guesses. Certainly the sum total of what has been done has not resolved the problems of the Colorado River, which have constantly grown more intractable.

For example, the Colorado River Basin is the only large river basin in the United States that is wholly arid. A higher percentage of the lands of this basin must remain unused than of those of any other basin, except the Great Basin which is made up of a land-locked collection of salt sinks and contains no real river at all. But despite the Colorado Basin's uniquely dry character, more water diversions are made from the Colorado River to other basins than are made from any other river in the United States. And I have not identified a single diversion into the Colorado River Basin. This is a classical example of the Biblical statement that unto him who hath shall be given and from him who hath not, even that which he hath shall be taken away.

The waters of the Colorado River were divided in 1922 between the Upper and the Lower Basins. The Colorado River Compact Commission assigned to each basin depletions of 7,500,000 acre-feet a year. Despite some expert testimony given before the Commission that 15,000,000 acre-feet might exceed the safe annual yield of the river, the Commission also divided a million acre-feet of "surplus water" between Arizona and California. The Commission apparently intended to use up all of the waters of the river, giving no thought to the salts that the waters naturally contained.

In 1944, the United States and Mexico entered a treaty by which Mexico was guaranteed 1,500,000 acre-feet of water each year. No one really quarrels with the equity of the amount assigned to Mexico but the treaty came 22 years after the Compact Commission had divided the waters of the Colorado River among the states of the basin. The Mexican Treaty water clearly was not going to be available in the river, except that it might be made up of return flows or taken from upstream allottees.

To make the resultant situation even worse, the United States Senate in ratifying the Mexican Water Treaty accepted the contention that the treaty water was simply "wet water" and therefore any water regardless of its quality would satisfy the Mexican allotment. The Mexican Senate, however, was assured that the 1,500,000 acre-feet of water for Mexico would be of a satisfactory quality for domestic and irrigation uses.

The Colorado River once dumped 14,000,000 acre-feet or so of water a year into the Gulf of California. Much of the run-off came in annual floods as the melted snows of Wyoming and Colorado, which produce 80 percent of the river's output, came gushing out of the Grand Canyon. The river then cleansed itself of salt each year. Its waters were silty, but otherwise of relatively high quality. Now, when there is virtually no outflow, great quantities of salts are accumulated in Lake Mead, Lake Powell and other reservoirs that have subjugated the river. Today, evaporation that concentrates the salts in these reservoirs and irrigation return flows that add their accretions to the natural salt loads of the river cause the waters of the Colorado to degrade progressively each year. The quality is lower at each succeeding diversion point. Once hailed as life-giving, the waters of the Colorado River are becoming a threat to the health and welfare of the communities that they have helped to develop in the deserts through which the river once raged untrammeled to the sea.

At the intake of the Metropolitan Water District of Southern California's Colorado River Aqueduct at Lake Havasu, the water contains 750 or more parts of dissolved solids per million parts of water. To provide a reference point, the recommended U.S. Public Health Service drinking water standard is no more than 500 ppm. tds. At the Imperial Dam, where the All-American Canal heads, water diverted to the Imperial and Coachella Valleys and to Arizona projects reaches 830 ppm. As a result, lands irrigated in the Imperial Valley must be tile drained and the irrigators adopt complex cultural and water management programs to avoid dangerous salt accumulations in the root zones of their crops. More and more of the progressively poorer water is required to produce the crops that are grown in the valley. Heavy applications of water are required to flush the salts out of the soils and through the drains to the Salton Sea. So we see the noose tightening. The demands on the river are increased because its reduced and degraded flows satisfy them less well.

More than a decade ago, the irrigators and other water users in the Mexicala Valley blew the whistle. They said the water that they were receiving at Morelos Dam was of such poor quality that it could not be used. They declared that such water did not satisfy the Mexican Water Treaty.

Adjustments were made at once in the methods used at that time to supply Mexican Treaty water. Part of the Wellton-Mohawk drainage was kept out of the river and returned to the streambed only after it had bypassed Morelos Dam.

But the philosophy that "wet water" would satisfy the needs of any diverter using the Colorado River has been slow in dying. The concept that the value of the water is reduced as its quality is degraded even now is not widely accepted. The idea that the value of the water may be increased by removing a part or all of the salts still has not been fully grasped. Very little has been done to work this increased value into a cost-benefit ratio in justification of water quality improvement projects.

This brings me to the new approach which is simply to improve the quality of the water in order to extend its uses. I would propose also that the water be managed through its initial, its second and even its third use in order to recover the values that are added by improvement of the quality and in order to help repay the costs of desalination and of applying other advanced water sciences as they may be required. Before getting down to specifics, let me review some of the steps that are already being taken in less coordinated ways than I would propose.

We have managed the waters that are being imported into Southern California in traditional ways. The methods were developed in the era of "wet water" thinking. When challenged to reform these ways, the water industry has been in the habit of saying that it can not be done under the law. One is asked to overlook the fact that the water law has been modified in the past; that the riparian law was replaced in the West by the doctrine of beneficial use a generation or two ago when it became clear that in arid lands the riparian law did not function in the public interest.

The new approach that I would propose to improvement of Colorado River water quality would require the adoption of a new conception of the Colorado River as a resource, renewable through restoration of the water quality. The value of water would include appraisal of its quality. The functions of the water supply agency would include improvement of the quality and management of repeated reuses of the product in satisfaction of the needs it is obliged to serve. The pricing of the water to the consumer would include multiple-levels based on quality standards and not merely the metered quantity delivered as though "wet water" were enough for all purposes.

This approach may not be as radical as some will label it, I believe. Circumstances already are forcing steps to be taken by some agencies along some of the lines that I have indicated.

The steps I now list have been taken or are in preparation:

1. In satisfaction of the Brownell proposal for improvement of the quality of the water delivered under the Mexican Water Treaty the Office of Saline Water already has called for proposals to provide a concept for the design and operation of a 100,000,000 gallons per day desalter to treat the waters of the Wellton-Mohawk drain. The idea is to desalt these waters so that they may be used to mix with water in the Colorado River below Imperial Dam and so to regulate the quality of the Mexican deliveries to no more than 115 ppm worse than the Imperial Valley diversions. That this desalter is 40 or more times as large as any similar water-factory that has been constructed will put a real strain on the technology and the industry.

2. The Orange County Water District is incorporating both desalination and waste water reclamation in its water management program of conjunctive use of surface and groundwaters at Water Factory 21. In addition, the District has instituted follow-up programs that may lead to the construction of large-scale reverse osmosis or electrodialysis plants to improve the quality of water received from the Colorado River and the Santa Ana River and the quality of the waste water effluent that enters its supplies.

3. The Bureau of Reclamation is experimenting with geothermal wells on the East Mesa in the Imperial Valley hoping to prove up means of desalting the hot brines from underground and of improving the quality of the waters of the Colorado River. Other agencies and interests are experimenting with geothermal electric power generation in the same region.

4. The Metropolitan Water District has announced its intention to mix in its system waters from the Colorado River with those from the California Aqueduct, which taps the Feather River source. This is in order to obtain a quality meld that will be more satisfactory than that of the undiluted Colorado River water. This solution is planned despite the fact that the cost of State Water Project water is $10.00 an acre foot more than the cost of the Colorado River water for which it will substitute in the mix.

5. The Imperial Irrigation District continues to encourage expansion of the tile drainage of the lands that it serves, though flushing the soils requires more of the Colorado River allotment to which the district is limited by the California Self-Limitation Act.

6. The Los Angeles County Sanitation District is reclaiming increased quantities of the water from its outfalls, building on the Whittier Narrows experiment, and testing a variety of uses of the product.

7. The Department of Water Resources has completed the East Branch of the California Aqueduct which was deliberately designed as a means of introducing high-quality water into areas from which it might be recycled before making its way to the sea.

Now my new approach as you will shortly see is not so new any more when one contemplates all of these activities which, though uncoordinated, look in some of the same directions.

My suggestion is that consideration be given to desalting the Colorado River Aqueduct to about 250 ppm. The improved water would be for use and reuse so that half as much water would do one and a half times the amount of work that can be expected of the 520,000 acre feet allotted to the MWD of Colorado River water of its present low-grade quality. I suggested this when the Southern California Edison Company asked for 50,000 acre feet of cooling water from the aqueduct to use at its East Desert electric generation station. I asked why not get the City of Los Angeles, which will need more generating capacity and has had difficulty finding sites, and the State Department of Water Resources, which will need a power supply in order to operate its pumps in 1984, when its present power supply contract expires, and perhaps other power suppliers to come into a program to construct a vast power-generation farm in the east desert. Up to 200,000 acre-feet of water from the Aqueduct could be dedicated to cooling these stations.

A body of thought prevails that the economy of scale will make such generating farms most efficient. Waste heat from the stations could be captured or a portion of the power or heat could be diverted for the purpose of desalting the remainder of 320,000 acre-feet of water in the aqueduct so that it would contain no more than 250 ppm tds. This 320,000 acre-feet of water then could be used three times on the coastal plain, before being ready to dump into the sea at about 1000 ppm tds. Much of the geothermal energy resource is found on public lands. The Bureau of Reclamation might be asked to develop a project by which this enery could be used in the aqueduct desalting program. (Please note that while this paper was in preparation a plan to build a nuclear power farm in the San Joaquin Valley was aired in the press. I suggest the east desert be not overlooked for the proposal I make is not impractical, but it would likely be infeasible if the power farm were in an area not associated with the Colorado River Aqueduct.)

What I have tried to do is to start the discussion of a new approach, rather than to present a full-blown project. It has been about three-quarters of a century since we began the development of the Colorado River. Proceeding along the lines that were adopted at the outset, we have gone just about as far as we can go, if, indeed, we have not gone beyond rational limits. We have some magnificant achievements to our credit in this development.

The Hoover Dam, the Colorado River Aqueduct, the All-American Canal, and metropolitan Los Angeles, itself, are among our achievements. Not all aspects of these achievements are turning out well. Quality deterioration of our environment has set in at various points in the Colorado River service areas. New approaches to these quality problems are demanded more insistently as the old methods with which we are familiar are shown to be inadequate or even damaging in some of their applications. If my suggestion of a new approach to improving Colorado River water quality is not acceptable to you, you, as water leaders, must accept the responsibility of proposing other approaches or we will collectively have failed the people of California. Clearly, the Colorado River is spent and will not recover itself.

UNILATERAL TROOP CUT MIGHT BE REAL DETERRENT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. TEAGUE of Texas. Mr. Speaker, I insert the following in the Record. I think the following article by William C. Moore, U.S.A.F., retired, as it appeared in the Los Angeles Times on October 10, 1973, is worthy of being called to the attention of the Congress and all those who read the Record.

The article follows:

Former Strategic Planner Suggests Unilateral Troop Cut Might be Real Deterrent

(By William C. Moore)

The U.S. government's current position on the mutual and balanced force reduction (MBFR) proposal for Europe rules out any unilateral reduction. Only if the Soviet Union agrees to reduce its forces will the United States do so.

But what if mutual reduction cannot be

achieved? Would a unilateral reduction of U.S. conventional forces create consequences as dire as predicted by U.S. officials?

To support their pessimistic predictions, officials resort to mathematical comparisons—the numbers game—between NATO and Warsaw Pact forces. They quickly and easily come up with "proof" that a unilateral reduction by the United States would exacerbate what is already a position of weakness. As a consequence, they say, either NATO allies would be inclined to seek accommodation with the Communists or the Soviet Union might decide that aggression against Western Europe would be well worth the gamble.

Other military analysts take a contrary position and contend that mathematical balance is not the crux of the matter. Numerical weakness in conventional forces, they argue, does not necessarily mean a diluted deterrence—especially when vital issues are at stake and nuclear weapons are involved. These analysts contend that a reduction in conventional U.S. forces in Europe will, paradoxically, reduce the chance of aggression, not increase it as predicted by those in the numbers game.

The paradox, they readily admit, appears to promise strength through weakness. Yet I believe that there is logic to this upside-down reasoning—when viewed in the light of the order-of-battle strategy. This strategy—actually only one facet of grand strategy—is based on the premise that nothing illuminates a nation's foreign policy commitments, obligations and intentions quite as clearly as the signals radiating from its own military force structure.

The quality and quantity of the armed forces—the order of battle—reveal whether a nation is likely to default the issue in contention or accept the challenge. The order of battle reveals how a nation can fight—its tactics, where a nation can fight geographically—its flexibility, and in what strength it can fight—its staying power. And it reveals whether the fight would be conventional or nuclear, and when escalation from one to the other would likely occur.

These are the signals which spell out to would-be aggressors the consequences of aggression. Political leaders, great generals, national security advisers, intelligence analysts—call them what you wish—all make decisions about war largely on their evaluation of these signals.

Therefore, the trick of statemanship is to design the order of battle so that it sends signals to potential aggressors that the retaliation to an offensive would be disastrous to the aggressor nation. The more severe the consequences, the more certain is it that aggressors will take counsel of their fears, temper their diplomacy, forgo decisions which might lead to *casus belli*.

Applying this logic to the MBFR proposal, one comes up with the upside-down reasoning that says a reduction in conventional forces will actually increase deterrence, not weaken it.

Proponents of this reasoning point out that the Russians have two overriding questions confronting them:

Would the United States fight to prevent a takeover of Europe?

How would the United States fight—what armed forces exist, are they primarily conventional or nuclear, what are the odds of these forces in battle against Russian forces?

First, the second question: As Soviet war games most certainly have shown—as have most U.S. and NATO war games—the United States must escalate to nuclear weapons or lose a war with the Russians in Europe.

Occasionally, a war game surfaces which refutes such a pessimistic viewpoint. Robert McNamara's system analysts—his whiz kids—produced such a study in 1964–65 to support his view that the allies should adopt a conventional strategy to replace the nuclear strategy then appearing in NATO war planning documents.

Most military men were highly critical of the study, recognizing it as a smokescreen to support McNamara's position and noting that the whiz kids "stacked the deck" by using highly slanted intelligence which together with dubious assumptions, led in only one direction.

Another major series of Pentagon studies—some still under way but recently leaked piecemeal to the press—is again insistent that NATO could hold the line against a Warsaw Pact attack. These new studies, however, are not likely to change many minds. The pessimistic majority will again look on the studies as a smokescreen not likely to obscure the inferiority of NATO's conventional forces.

The first question—would the United States fight to prevent the loss of Europe?—is, then, the key to understanding how the Soviet Union might react to a unilateral reduction of forces.

If the leaders of the Soviet Union interpreted a unilateral U.S. reduction as a sign that the United States was abandoning NATO and would not fight to save Europe, then the consequences would be as dire as U.S. officials predict.

Other observers, however, contend that Soviet leaders are not likely to make this interpretation. Maintenance of a free Europe is of vital interest to the United States, and the consequences if Europe were to be lost are so profound, so inimical to the welfare and existence of a free society as to allow the Russians no other conclusion than this: The United States will fight to prevent the Communists from taking over Europe, whether by "Finlandization," blackmail or aggression.

To disagree with this makes moot any argument for keeping American forces in Europe.

As a consequence, the dilemma confronting the Communists is this: Logic tells them that the United States will fight to save Europe. The order-of-battle strategy tells them that the United States must use nuclear weapons or lose Europe. The inferior position of NATO conventional forces vis-a-vis Warsaw Pact forces insures that this escalation will happen.

Therefore, I see little logic in the statement that a unilateral force reduction will have dire consequences for the United States. Is it not more logical to predict that a reduction will strengthen deterrence—because leaving fewer conventional troops means that the remaining forces must escalate even more quickly to nuclear weapons

This is the nagging question which has held Soviet forces in check ever since NATO came into existence.

LETTER FROM A JEWISH PRISONER IN THE SOVIET UNION

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. FAUNTROY. Mr. Speaker, in the midst of our efforts to establish and maintain peace in the troublesome Middle East, as the result of the latest Arab-Israeli war and our ever-continuing efforts at détente with the Soviet Union, there are many Jews who are being held in Soviet jails because of their attempts to emigrate or to practice their religion. For most of us here in the United States, the deprivation suffered by these prisoners of conscience are academic and intellectual concepts which stun the brain but not the heart.

Just recently I was privileged to share a letter which was written by Wulf Zalmanson to his uncle who is in Israel. Zalmanson is one of the prisoners of whom I speak being held for his beliefs. He is accused of hijacking a plane, however, his real crime is his desire to be a Jew in a society where religion is frowned upon and where emigration is nearly impossible. Wulf Zalmanson just recently celebrated his 34th birthday. Unfortunately, he will also spend eight more birthdays there in the Permskaya Oblast Prison.

Those of my colleagues who would like to write this courageous man to send him a few words of encouragement are urged to do so. His address is: USSR, RSFSR, Moscow, Uchr, 5110/1 Zh. H., Wulf Zalmanson.

If you write, I suggest that the letter be registered with a return receipt requested. If you would be so kind as to send a copy of your letter and any reply to my office, I will make sure that Ohev Sholom Talmud Torah Congregation, here in the District, which has adopted Wulf and his personal dilemma, receives it for their files.

I am including the letter sent by Wulf Zalmanson to his uncle so that you, too, can share and understand the experiences and problems faced by the Jew in the Soviet Union.

Greetings to Abraham, Zinia, and Jonah:

I received from Jonah two letters and a picture of Guy on the 12th of September. I was very happy with the letters, especially the Hebrew letter, because it is very good for me. I hope that in the coming letters you will write more news. I want to know everything about you, about the country, and if it is not possible to know everything, then as much as possible. Thanks to Jonah for the picture of Guy. I also request a picture of yourselves, for we have not seen each other in almost eighteen years. On my side, there are no great successes in my life or the life of my relatives. But I think that our luck is not so bad. I believe that we will all meet in one land, and already the day is bright, and the tomorrow lights our way. I and my friends interest ourselves in the problems of the country, in the relations with the neighbors within the country, in her industry, economics, culture, and religion. Please write about the matter.

The coming request is to copy some story by an Israeli author and send it to me. You don't have to copy the whole story, just about one page, and in coming letters you can continue the story.

I received a letter from Abraham 18 10/19.9, and I thank my uncle for the blessings for the New Year holiday.

I now have near me seven Jewish friends and we all want to go "up" to Israel. We study Hebrew and Jewish history. Those that know these things better than others help in the studies. We sometimes celebrate the holidays together. On Succoth, we had a succah, not a large one, but a very small one, and on the table were our festivities. And in such a manner, we learn the language of our fathers and our history, and we dream of the future. I bless you for Chanukah that is coming, and wish you much happiness and joy. Regards to Mark, Guy, our friends at Deganish "B" and especially Esther Egan, to Shalom Kofer and to Uzzir Ben Shalom.

Regards and mazel—tov to Yella Listin, the sister of my friend, Yosef Mendlowitz because she gave birth to a daughter.

Regards to the close one of my friend, David Sternglass, Mindel Langer (she lives in Ashkelon if she gives the address).

My friend *Mark Dymshitz* requests nice and varied stamps on the envelopes of the letters. He sends stamps to his daughters as they collect them.

I apologize that my letter is so full of requests.

Regards from our friends,
Shalom and will see you again,
Yours,
ZEST.

A THANKLESS PLEASURE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HELSTOSKI. Mr. Speaker, throughout its history, this Nation has been blessed with countless men and women who have served loyally and gallantly in our Armed Forces. In return, we have tried to provide our veterans with benefits and comforts in an effort to make their lives more pleasant and meaningful. In addition, we have been fortunate to have so many Americans willing to dedicate themselves to working with our veterans.

Today, I would like to focus our attention on the Veterans' Administration Voluntary Service—VAVS—a group of volunteer workers who devote tremendous amounts of time and energy to helping our veterans.

Discussing the VAVS recently, Veterans' Administration Administrator Donald E. Johnson pointed out that during 1973 these individuals gave nearly 10 million hours in service helping disabled veterans. This, Mr. Johnson said, is service "money couldn't buy."

As a member of the Veterans' Affairs Committee, I am familiar with the plight many veterans face. Hence, today I want to commend the VAVS for the group's admirable dedication.

Mr. Speaker, the following editorial, "A Thankless Pleasure," appeared October 25 in the Stars & Stripes-The National Tribune. I wish to share the article with my colleagues because it provides additional insight into this organization. The article follows:

A THANKLESS PLEASURE

It is impossible to find a group of people who work so hard, get little or no thanks, and yet obtain so much pleasure.

Most people would probably agree that it is impossible to find such a group because such a group does not exist.

Such a group does exist. It is known as Veterans Administration Voluntary Service, volunteers who are members of veterans' and other organizations.

In expressing his pride in the VAVS, Donald E. Johnson, Veterans Administration Administrator, said, "Volunteers who serve disabled veterans in Veterans Administration Hospitals gave almost 10 million hours in services that 'money couldn't buy' during 1973.

"An average of 106,220 volunteers per month contributed 9,822,416 hours of their time to helping veterans at the VA hospitals, domiciliaries, and regional offices during the fiscal year ending June 30. The all-time record, only slightly higher, is 9,862,398 hours contributed in fiscal 1971.

"The largest amount of time spent by VA volunteers in fiscal 1973 was for rehabilitation services to veterans, with assistance in nursing, second, and work in the voluntary service itself, third.

"The end of the war in Vietnam means that more, not fewer, volunteers are needed in VA, because young men requiring long-term rehabilitation are being cared for at a record level in the VA hospitals.

"Volunteers of all ages from high school through senior citizens are welcomed in the VA Voluntary Service. Although many enter through their veterans, welfare, civic, and fraternal organizations, those who would like to join directly are invited to contact the Chief of Voluntary Service at any VA hospital."

The Stars and Stripes-The National Tribune is also very proud of the VAVS program. Our subscribers write of their pride, from first-hand experience as a patient and those who are volunteers.

It is our hope that everyone in this nation makes a tour through a VA hospital. They would find VAVS volunteers working in a large variety of duties. They would find many young volunteers that are gaining practical experience while they are obtaining academic knowledge at school. They would find not only veterans helping veterans, but also veterans' wives, daughters, sisters, mothers, and grandmothers. They would also find non-veterans. They would find disabled volunteers, too!

These volunteers are not paid wages. You couldn't buy their satisfaction and pleasure.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL—43

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HARRINGTON. Mr. Speaker, sometime Tuesday, November 6, Walter Parkin, Joanne Parkin, Lisa Parkin, Bob Parkin, Richard Earl, Wanda Earl, Ricky Earl, Debbie Earl, and Mark Lang were shot and killed.

Handgun legislation will protect people like them, not the criminal(s) who are responsible for their deaths.

The article from the November 8 issue of the Washington Post is included below:

FOUR CHILDREN, FIVE ADULTS SLAIN IN "EXECUTION"

VICTOR, CALIF., November 7.—Two couples, their four children and a friend were found shot to death execution-style today in a blood-spattered house in this tiny vineyard settlement.

San Joaquin County Sheriff Michael N. Canlis said all the victims had been shot in the head.

Authorities theorized the victims had been ambushed by men who later ransacked the grocery store of one of the victims, Walter Parkin, 33. Parkin was owner of the rambling $60,000 home, 30 miles south of Sacramento.

Two children were shot to death on a bed. Parkin and six other victims, gagged and bound, were stuffed into a walk-in closet in the master bedroom, police said.

The other victims were tentatively identified as Parkin's wife, Joanne, 31; their daughter Lisa, 11; their son Bob, 9; Richard A. Earl, an accountant and neighbor; his wife Wanda in her 30s; their son Ricky, 15; their daughter Debbie, 18, and Mark Lang, 20, identified as Debbie Earl's boyfriend.

The grisly discovery was made this morning by Carol Jenkins, 18, a roomer at the Parkin home who was out on a date Tuesday night. She said she had returned at 3 a.m., noticed nothing wrong and had gone to bed.

EMBARGO ON ALL FURTHER EXPORTS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. YOUNG of Florida. Mr. Speaker, I have today formally requested Secretary of Commerce Frederick B. Dent to impose an immediate embargo on exports of oil and oil products from the United States. Under the Export Administration Act, the Secretary may take such action to preserve commodities which are in short supply. In light of the President's address to the Nation last night on the energy crisis, I feel that America can ill-afford any further drain on our already scarce energy resources.

There is no question but that such an export drain is occurring. And while it is not of great magnitude, its implications are disturbing in the present crisis situation. During calendar 1972, U.S. oil firms exported 1.4 million barrels of petroleum products; total exports through September of this year have already surpassed that level with 1.5 million barrels. The September export level jumped threefold from August's 200,000 barrels to 693,000 barrels as Great Britain and Holland sought to make up losses from Arabian producers.

The export motive is a powerful one. European oil prices are double those in the domestic American market, and even after shipping and handling an exporter can make a profit of 11 cents per gallon, or over a million dollars on one tanker load.

Mr. Speaker, while this profit-taking is certainly not widespread at this time, the temptation to export will grow with every month of increasing world scarcity due to the Arabian cutoff.

The American consumer has been asked to cut back on his energy requirements and to live with troublesome shortages. We are currently in a situation where every barrel of oil is needed. Therefore, my request that Secretary Dent impose an immediate embargo on all further exports will help ensure that all our resources are used to meet our own needs and to help us attain our goal of independence from foreign producers.

The text of my letter to Secretary Dent is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 8, 1973.

Hon. FREDERICK B. DENT,
Secretary of Commerce, Department of Commerce, Washington, D.C.

DEAR MR. SECRETARY: Last night millions of Americans heard the President of the United States evaluate our current energy crisis and understood the need for "Project Independence"—freedom from reliance on outside energy sources by 1980. This goal is one which I, personally, have advocated many, many times. We were also asked to make a substantial national effort to conserve our scarce energy resources.

The short supply of petroleum distillates—especially diesel fuel, home heating oil, and gasoline—has been emphasized by recent world events. Yet I have been greatly disturbed to learn that even now oil interests in the United States are continuing to export these commodities. More than 1.5 million barrels of petroleum products have left the United States so far this year, and September exports jumped more than threefold over August, with three tankerloads going overseas. While this is but a small fraction of the nation's annual petroleum consumption, we are currently in a situation where every barrel is needed.

The current situation demands a total embargo on exports of all oil products. Under the Export Administration Act you have the authority to impose "short supply controls" on scarce commodities. I can see no justification for allowing the exports to continue. The Russian grain deal should serve as an object lesson in the need to serve the American consumer first.

I am formally requesting that you exercise the authority available to you under the Export Administration Act and impose an immediate embargo on all exports of oil and oil products, and other energy sources which are in short supply domestically. If Americans are to conserve energy and live with troublesome shortages, we must not let what energy resources we do have be further reduced by exports to other nations. I strongly support the President in his efforts to deal with the energy crisis and share his confidence in the positive response of the American people. However, it would be hard for me and for the people in my District to understand why, in the face of a Presidentially-declared energy crisis, oil companies would be permitted to export petroleum products for the sake of inflated profits.

With best wishes and personal regards, I am

Very truly yours,
C. W. BILL YOUNG,
Member of Congress.

THE FEDERAL BUDGET

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. DERWINSKI. Mr. Speaker, the budget battle continues to rage here in Washington and the frustrations that beset the Congress on that score have received considerable public attention.

Station WMAQ-TV in Chicago commented editorially on the Congress budgetary frustrations and coupled them with the equally frustrating conditions that face the city council of Chicago.

I believe the editorial is a sound one and properly analyzes the budget battle that we in the Congress face.

The editorial follows:

EDITORIAL

The federal budget—charts, graphs and almost incomprehensible statistics—is a little less exciting to read than the telephone book. Maybe that's why Congress allows the Executive Branch to make up the budget.

It might be dull, but the federal budget essentially determines how our government is going to spend $270 billion of our money. But we cannot expect the average American citizen to analyze the budget and send along appropriate suggestions to Washington. Theoretically at least, that should be a job for the 535 people we elect to represent us in Congress.

But Congress allows the budget to be the private property of the President and the non-elected people he picks to run the Office of Management and Budget. So the Office of Management and Budget operates as sort of an "invisible government" making the crucial decisions about national priorities.

Congressmen can complain that we're spending too much for this and not enough for that. But Congress has no alternative budget of its own. It has no office to provide in-depth analysis of the President's budget. So when Congress votes to spend more for a program than the President wants, the President vetoes the appropriation and criticizes Congress for overspending.

That makes Congress a less-than-equal branch of government. And it won't be equal until it establishes its own budgetary office so members of Congress can have enough information of their own to enable them to play a role in setting spending priorities.

This inequality also exists at the local level. In Chicago, Mayor Daley makes up the budget every year, not the 50 aldermen. The mayor gives each of them one copy of his budget book and then, just three weeks later, they have to vote whether to adopt it or not. At least Congress has time to evaluate appropriations requests over a period of months instead of Chicago's quick take-it-or-leave-it way of adopting a budget.

We're not criticizing President Nixon or Mayor Daley. By law, they have the duty to present their budgets. The problem is that Congress and the City Council have failed to assert themselves in this process. Unless the people we elect as legislators grab a share of their authority to set priorities at the beginning of the year, they're not in a very good position to complain the rest of the year about how the money is being spent.

WILL ENVIRONMENT LOSE OUT TO NUMBERS GAME?

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. LANDGREBE. Mr. Speaker, there has been extensive speculation about whether the energy crisis is real or whether it has been manufactured by the major oil companies for the purpose of increasing their corporate profits. The discussion of this matter is extremely confused for the simple reason that everything is "real," including a manufactured shortage. What should be obvious to all is that the fuels exist in abundance in their natural states.

Until price controls were implemented in 1971 there were no shortages or surpluses in fuels. In a free market, one of the principal functions of the price is to equalize supply and demand. When prices are fixed by the Government, either surpluses or shortages must occur. The energy crisis is indeed a contrived crisis, for it has been caused by Government interference with the pricing of the free market. Perhaps such a crisis has been contrived in collaboration with major oil companies—I do not know. The fact remains that prices cannot be fixed except by the Government.

Together with this Government price-fixing are the Government pollution controls, which Perry Miller, who served for several years on the Indiana State Board of Health, has described as "our arbitrary and scientifically meaningless pollution regulations." In the article which follows Mr. Miller demonstrates how concern for the environment has "changed from a problem of applied knowledge to a problem of applied politics." The arbitrary pollution and price controls are the causes of the present energy crisis. Solution of the crisis cannot and will not be achieved until the causes of the crisis have been removed.

The article follows:

[From the Industry Week magazine, Aug. 27, 1973]

WILL ENVIRONMENT LOSE OUT TO NUMBERS GAME?

(An interview with the environmental consultant Perry E. Miller)

"We've got to begin to understand that going all out 'to stop pollution' will be harmful to the environment. For today we're failing to consider the requirements we're placing upon air, water, land, and energy to meet our arbitrary and scientifically meaningless pollution regulations.

"We've allowed ourselves to become so preoccupied with 'pollution' that we're ignoring the environment and we're ignoring conservation."

Environmental engineer Perry E. Miller stretches out behind his desk like a piece of rolling Indiana farm land. He comes from a small town in Indiana and was raised to respect that land.

"After all, you don't destroy matter. You change its form, and you do something with it. I've been an environmental engineer all my life. And if I have a waste product which I must return to the environment, I ought to be able to use my knowledge to determine what alternative means of disposal will be least objectionable and have the least environmental effect.

"Take the matter of 'zero discharge' for water. When you call for zero discharge, that means you are going to put the substance on the land. But that concept fails completely to recognize the relationship between ground water and surface water.

"Now look at a substance like common table salt. You use it on your food and it doesn't hurt you. You find it in the oceans and they are teeming with life. But when you must put it on the land, concentrations build up and the land becomes arid like the salt flats of Utah.

"So this is the kind of thing we are doing: promulgating regulations without a sound understanding and data base on what treatment alternatives we have, on what can be accomplished, on differing environmental circumstances in various parts of the country that relate to treatment requirements, and on the environmental, health, and conservation effects of our actions.

"Environmental improvement used to be a scientific and technical problem. But it's changed from a problem of applied knowledge to a problem of applied politics."

"WHAT" REPLACES "WHY"

Mr. Miller has been working for environmental improvement for more than 30 years. He has been instrumental in environmental programs both as a state health official and in industry—most recently as director of environmental control for Republic Steel Corp., Cleveland. He has now returned to Indiana as an environmental consultant.

Mr. Miller is concerned that we have become so preoccupied with what we are doing that we have forgotten why. He recounts the gradual change.

"I joined the Indiana State Board of Health in 1940 when we were mainly interested in water pollution as it affected public water supplies and the quality of the water for use by the public. This was part of an ongoing program that had come about because of the typhoid epidemics many years earlier.

"But many evolutions have occurred simultaneously. One has been growth itself. At that time in Indiana we had around 350 canning plants. Today I would suppose there aren't 50. But the total product canned is probably as great or even greater now. And that means that the discharges are more concentrated and therefore more significant.

"So we have had considerable development and growth of this kind—agricultural, industrial, and urban. As growth occurs, eventually you reach a point where the streams no longer can assimilate the waste load and then discharges must be treated to maintain water quality.

"So it was on that kind of basis that during the decades of the 1940s and 1950s and even into the early 1960s our state treatment requirements were designed to maintain water quality in the streams. You analyzed the water and you made engineering determinations of what was actually needed to do that individual job.

"But beginning about the mid-1960s we began an abrupt swing away from letting the environment tell us what a problem was to letting numbers tell us what a problem was. And we have now come to believe in those numbers to a degree that few question where they came from or what they mean. And we wouldn't think of checking with the environment for that would take knowledge and judgment.

"The first major water quality act was passed back in 1948, and its significance in retrospect is that it first brought the federal government into what had been a state activity. But the program was put under the Public Health Service, and we state people had excellent relationships with the men in Washington and in the field offices.

"These men were career technical experts. They had been involved for many years in studies such as the quality of water in major rivers, in public water supply treatment, and in the analysis of municipal waste treatment operations. They knew what they were talking about.

"The states went to these men for help, and they got help. Then the states followed up to take the actions required to get the job done working with local jurisdictions and local industries.

"We studied problems, we found answers, and we made progress. But perhaps as technical people we had not moved fast enough or not tried hard enough to explain what we were doing and what our objectives were. Or perhaps engineering judgment in applying the treatment needed to maintain water quality for specific purposes may have been too difficult for lawyers and the public to understand

ENTER ENFORCEMENT CONFERENCES

"There's no doubt that in the early 1960s public interest was growing concerning the environment. We had public interest earlier, but it was on the part of people directly affected by a specific situation. Now there was developing a more generalized interest concerning the environment, and, when you find that kind of concern on the part of the public, that in turn generates a concern on the part of people seeking political office.

"So the legislators responded with enforcement conferences to bring the public and the state people together. And when you have the public involved, it apparently is necessary that you have some kind of yardstick by which the public and the judicial system can judge whether there is a problem or not.

"As a result, the law established enforcement conferences and standards in specific numbers. But it went farther. Amendments in 1965 required the states to establish those standards subject to the approval of the Federal Water Quality Administration. So for the first time, the states' decisions on water quality were subject to federal approval.

"In retrospect, it now seems clear that beginning with that required approval the states lost their power of engineering judgment on what was needed to maintain environmental quality and that henceforth those decisions were to be made in Washington.

POLITICS SUPPLANT KNOWLEDGE

"For with each new piece of legislation at the federal level since that time, a new layer of bureaucracy has been imposed at the top. As a result, the decisions and judgments and policies are being made increasingly by nontechnical people. The technical men we worked with and respected in the 1940s and 1950s are long since gone. And while there are still some technical people there, political appointees are responsible for the decisions that are being made.

"This structure means environmental determinations are being made on a basis of political needs rather than environmental needs.

"We have moved from state-administered plans with consultative services by the federal government through a situation in which the state still played a dominant role with the federal government setting certain standards of achievement, to a situation today that is almost a total dictatorship of the federal government in telling a state what it must do and how it must do it.

"Now this in turn has had several effects. One is that, with each new law and each new change in the federal structure, the paperwork has increased more or less geometrically. As an Indiana state official, I found that my staff was eventually spending its time filling out forms for the federal government rather than spending its time in the field identifying and solving environmental problems.

"But worse still, this all has been done in a way that keeps the laws changing and the requirements changing so rapidly that planning has been impossible on any kind of long-range basis.

"Nitrogen oxides in air are a recent example where standards were set and the government has now made a determination that the analytical techniques were inaccurate. So they have now drawn back from those standards.

"But the states, to meet the time requirements of the legislation, adopted those more stringent standards for nitrogen oxides. They have the regulations on the books. Now, when they are told that the data upon which the standards were based are invalid and thus that the standards are unnecessarily strict, states must amend those regulations. One can question how many are following through.

"Beyond that, now we have industry faced with a situation in which the federal government says it is drawing back because of invalid data, states which may or may not draw back, and local agencies within a state which also may or may not draw back. And if so, how far?

"In a situation like that, just how is industry supposed to know what it has to do?

"When you look at what we're facing it seems clear that we're on a collision course. The Clean Air Act of 1970 sets forth certain requirements for meeting ambient air quality standards. For some emissions, certainly, the mid-1975 deadline can be met.

"But for others we have neither the technology nor the wherewithal to have the facilities in place prior to the deadline. That means either we're facing a large number of court cases with inevitable delays and other consequences, or we must recognize these standards are unrealistic and be satisfied with the substantial progress from developing technology.

"And in water, the effluent guidelines need not be established until Oct. 18, 1973—a year after the effective date of the 1972 act. Yet on these guidelines hinge the permits to discharge which industry must obtain to continue to operate.

WHAT'S A COMPANY TO DO?

"In this numbers game, the only thing a man responsible for environmental control in industry can take to his board of directors is a program which he considers to be based on sound treatment methods and which will work. Then he can only hope that this will bring his company into compliance with the effluent standards yet to be established.

"In arriving at the 'best practicable' currently available treatment called for by the law for existing facilities, you would assume that you might be able to meet with both the state and federal people to discuss what you are doing and what it will achieve. But there is no mechanism set up to do this and, again, you can only hope that you will be dealing with reasonable and knowledgeable people.

"Unfortunately, therefore, industry can only endeavor to use sound engineering judgment and try to do those things which will make an improvement and operate reliably.

"It might be that if you used this approach, and could demonstrate to the regulatory agencies that you were doing the best job possible, they would not prosecute. But you now have both under the federal act and many of the state acts the right of civil suit. And this means that any citizen or conservation group can collect samples and from them ascertain that your company is not in compliance and bring an action.

"What that means is that even if you should convince the regulatory agencies that you are doing the best practicable job, you may still wind up in court defending yourself in citizen suits.

"So this is what you create when you set standards that eliminate the need to determine whether or not there actually is a harmful effect. We face a time of turmoil and litigation to sort out these helter-skelter piecemeal requirements that no longer relate to environmental equality and do not consider the best use of our resources.

"For if we have to go all the way in every situation—allowing nature to do none of the waste assimilation—then we are squandering energy and creating countless new problems.

CAN WE TURN BACK TO PROGRESS?

"Sooner or later we're going to have to begin looking once again at what kind of treatment we actually need both to conserve our resources and maintain the quality of the environment.

"It seems ironic that we call the regulatory agencies 'environmental protective agencies' when they are actually administering laws completely devoid of any environmental judgment as to what effect one action may have upon others.

"And this extends beyond simply the environmental effects. For while the consumer pays the immediate costs of irrational pollution control programs, ultimately the future cost of overutilization of our natural resources will face generations to come."

"ZIGGY" KAHN RETIRES: BUT WILL CONTINUE TO WORK WITH THE ELDERLY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, every community has its outstanding ciitzens. These are men and women who stand head and shoulders above their neighbors because of the quality and quantity of their contributions to their fellow human beings.

One such man is Joseph "Ziggy" Kahn, of the Squirrel Hill section of Pittsburgh, who will resign as alderman of Pittsburgh's 14th ward on January 1, 1974, when he reaches the mandatory retirement age.

Ziggy Kahn was born in Pittsburgh in an area which was known for its strong ethnic ties; Irish, Italians, Jews, and Eastern Europeans lived in a quilted pattern of streets and alleys called the "Hill District."

Ziggy was an outstanding athlete as a young man and parlayed his skill and intense desire for an education into a college scholarship.

He never forgot his old neighborhood and friends and after returning from World War I and finishing college, he came back to the Hill District to become athletic director of the famous Irene Kaufman Settlement, where for many years thereafter he produced championship athletic teams.

I would like to congratulate this man for his long years of service and dedication to Pittsburgh and its people and include in the RECORD an article of Ziggy Kahn which recently appeared in the Pittsburgh Press:

ALDERMAN'S A WINNER IN LIFE

(By Jerry Vondas)

Early in the afternoon Alderman Joseph L. Kahn descends the long flight of steps leading from his office.

As he ambles up Murray Avenue in Squirrel Hill, he's stopped and greeted by businessmen and shoppers and well wishers.

It's not easy for the popular alderman to go anywhere in the Squirrel Hill community and not be recognized.

HONOR SLATED

These people who admire the former athlete will gather tonight at Temple Sinai and honor Joseph (Ziggy) Kahn for his many years of service to both the Jewish and Squirrel Hill communities.

The name Ziggy Kahn has been synonymous with sports in the district for over 50 years.

There's hardly a man living today having grown up in the Hill District who didn't come under the tutelage of Kahn at the Irene Kaufman Settlement House.

The alderman was born and raised on Centre Avenue in the Hill, the son of Jewish immigrants who fled Finland to avoid persecution by the Russians.

And in the late 1800s it was tough to be a Jew in the Hill.

"We were the butt of all resentment and all jokes and labeled 'Jew Boys.' How many beatings we took from the other kids because we were Jews.

TIMES EASIER NOW

"No, those weren't easy times for my family and I."

Ziggy attended Central High School and graduated from Schenley High School where he was a top athlete in basketball, football, baseball and track.

It was during one of Schenley's games against Braddock High School he was given the nickname "Ziggy" by Bill Peet of the Pittsburgh Dispatch. Peet labeled the youngster because he would zig zag up and down the football field.

After graduation, he was awarded an athletic scholarship to Panzer College, Montclair, N.J., only to have his schooling interrupted by World War I.

He was to spend a year on the Maginot Line in France with the field artillery.

On returning to college, Ziggy played professional football with Jock Sutherland at Columbus, Ohio. This was at a time when an athlete could go to school and still play professional ball.

SPITBALL HIS SPECIALTY

His ability as a spitball pitcher was also well known, and he was signed to a contract with the Cincinnati Reds, only to have his baseball career shortened when he suffered a shoulder injury playing football.

After college Kahn signed a contract to be the athletic director of a private academy only to have the job fall through when the directors of the academy learned he was Jewish.

In 1921, he was offered the athletic directorship of the Irene Kaufman Settlement which he held until 1963.

His teams through the years included such well known sportsmen as Arnold Fineberg, Herbert Bonn, Moe Becker, Marty Reiter, Nate Litfin and Hershey Schwart.

But Ziggy always found time to be active in many civic and fraternal orders and was one of the organizers of the Squirrel Hill Boys' Club.

In 1949 Kahn was elected alderman of the 14th Ward and will relinquish this position Jan. 1 when his mandatory retirement age becomes effective.

AIDS SENIOR CITIZENS

Kahn is looking forward to retirement for it will give him more time to work with his new love—the Squirrel Hill Elderly Service Association.

"There are over 5,000 senior citizens in the 14th Ward," Kahn explains. "And of number about 750 of them are not in good shape physically or financially.

"We are going to see that these people get all the medical and legal help that they need.

"And we are fortunate to have Bill Katz of the Papercraft Corp. as one of our directors. He's a big help."

Kahn takes 30 to 40 old timers once a week and gives them instruction on keeping fit with his emphasis on tension circulation which the oldsters can do with little inconvenience.

Kahn and his wife Anna are the parents of a son, William, who is a director of social agencies in St. Louis. There are four grandchildren.

As Ziggy looks about an office filled with trophies and mementos from many of the sports greats, he knows that his has been a life fulfilled.

CRITICAL AREAS OF VETERANS' LEGISLATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. WOLFF. Mr. Speaker, the Nassau County Council of the Veterans of Foreign Wars has developed their legislative program for 1973–74, and I would like to share the highlights of this program with my colleagues. The following statements cover many critical areas of veterans' legislation and were all approved unanimously by the Nassau County Council of VFW at a meeting on September 18, 1973:

NATIONAL PROGRAM—VFW PRIORITY LEGISLATIVE PROGRAM FOR 1973–1974

AMNESTY

The Veterans of Foreign Wars of the United States is unalterably opposed to the granting of general amnesty to those persons found guilty of desertion or draft evasion.

COMPENSATION

100% service connected disabled veterans receive only $5,940 a year in disability compensation, with lesser amounts for those with lesser disabilities. The compensation rates must be increased to provide a higher standard of living comparable to that of Americans who did not suffer disabilities as a result of their wartime service.

Veterans rated 50% or more for service connected disabilities are entitled to a dependency allowance for a wife and minor children. The dependency allowances should be authorized for veterans rated less than 50%.

Widows of 100% service connected disabled veterans should be entitled to service connected dependency and indemnity compensation regardless of the cause of death of their spouse.

PENSION

Veterans who have worn the uniform during wartime should not be subjected to welfare status. Veterans pension benefits should be made adequate to preclude veterans from being on the welfare rolls.

The average World War I veteran is now 76 years of age. This places them in a special category for extra consideration. The VFW pledges assistance for a meaningful pension program for our World War I comrades.

VA pension rates and income limitations must be liberalized so that veterans and their dependents will not have their pensions cut on account of the recent social security increase and similar increases in retirement programs. It would appear increasingly necessary that all private and public retirement income should be excluded from being counted as income for VA pension purposes.

HOSPITAL AND MEDICAL CARE

No reduction in hospitals or reduction below the daily patient load of 85,500.

IMPROVE GI EDUCATION AND TRAINING BILL

Legislation to provide the same levels of GI Bill assistance to Korean and Vietnam veterans as was provided veterans of World War II.

Recognition should be given in the GI Bill to veterans with special needs, both before and after they are discharged from the Armed Forces, to prepare them for education and training without which they will be unable to successfully readjust to civilian life.

READJUSTMENT ASSISTANCE FOR VIETNAM VETERANS

Drug care and treatment by VA for all eligible veterans.

Restore "Veterans Day" to November 11th.

FOR MILITARY RETIREES AND THEIR FAMILIES

Re-affirm goal of recomputation of retirement pay to reflect active duty pay scales.

NATIONAL CEMETERIES

The VFW expresses its gratitude to the legislators who through their efforts were responsible for establishing a national Cemetery system under the jurisdiction of the Veterans Administration, which include all cemeteries presently handled by the Department of the Army.

We strongly urge our legislators to oppose any move by the Administration to include the Veterans Administration as part of Health, Education and Welfare.

HOW MUCH CREDIT IS DUE DÉTENTE?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. CRANE. Mr. Speaker, at his recent press conference President Nixon declared that the crisis in the Middle

East did not develop into a confrontation between the United States and the Soviet Union because of the cordial relations developed as a result of the policy of détente.

Many other observers take a far different view. The November 1973 Washington Report of the American Security Council, for example, notes that—

> The renewal of fighting in the Middle East not only destroyed the peace in that area, it helped many Americans understand the reality that the United States cannot depend on detente.

The Washington Report continues to point out that—

> The Soviet duplicity in the Middle East removes the last doubt that Soviet talk of detente, of a new era of good will and cooperation between the U.S. and the Soviet Union, was anything but a device, a tactic, to gain whatever advantage was possible.

The policy of détente started in May of 1972. Despite détente, notes Columnist William F. Buckley, Jr.:

> Here we were, October of 1973, and the Soviet Union (a) provisions a war in the Mideast, (b) threatens to intercede with Soviet military, and (c) (this is a report from one news magazine) threatens physically to destroy the State of Israel.

While the President credits détente with keeping the Mideast war from progressing any further, Mr. Buckley expresses the view that—

> It does not surprise one that the Soviet Union was kept from carrying out its threats—we still have an army, and a navy, and an air force. What is surprising, for those who believe in detente, is that the Soviet Union is still making threats. The idea of detente is to stop making threats, to stop relying on force. Where has the Soviet Union shown a disposition to stop relying on force?

It is high time that we move away from the euphoria which accompanied the initial official statements concerning détente. Every indication is that the Soviet goal of world conquest is the same as it previously has been. The Berlin Wall continues to stand, Soviet troops continue to occupy Eastern Europe, a repressive police state continues to flourish within the Soviet Union itself, and the means of war are continuing to be supplied to the North Vietnamese, the Vietcong and, now, the Arab States. If this is a peace-loving power, there are few tangible indications of that fact.

I wish to share with my colleagues the column, "How Much Credit Is Due Détente," by William F. Buckley, Jr., which appeared in the Washington Star-News of November 1, 1973, and insert it into the Record at this time:

How Much Credit Is Due Détente?

Poor Richard Nixon is entitled to such satisfaction as he deserves, and the other day at the press conference he was visibly buoyed by the "success of his negotiations with the Soviet Union. By the vindication of detente. If it had not been—the President said in effect—for my painstaking approaches to the Soviet Union over the past year and a half, who knows what would have happened: a confrontation between and Russian troops in the Mideast certainly, and, beyond that, perhaps even the dread world war. Presidents who avoid world wars are certainly entitled to public gratitude, roughly in proportion as their ingenuity was responsible for avoiding that war.

I do not wish (here) to disparage Nixon's maneuverings of last week, merely to ask whether one should leap—as Nixon would have us do—to the conclusion that detente was the cornerstone of last week's success.

Surely it is reasonable to suppose that the Soviet Union does not desire a world war. At least not for so long as a world war would mean the destruction of the Soviet Union.

We have faced crises with the Soviet Union before, and at times when the cold war was at its coldest. President Eisenhower landed American troops in Lebanon. A year or two later Khrushchev announced his intention of taking Berlin, and President Eisenhower announced his intention of hanging on to Berlin. Meanwhile the leaders of the People's Republic of China announced their unanswering determination to seize the offshore islands of Quemoy and Matsu. President Eisenhower ordered the 7th Fleet to patrol the relevant strait, and, as we all know, Quemoy and Matsu are still there. President Kennedy ordered Khrushchev to take his missiles out of Cuba and stuff them back into the Socialist motherland, and Khrushchev did so.

Nixon's contention that the Mideast ceasefire is a bloom of detente is preposterous. It is a pity that the reporters in the room were so anxious to turn the press conference into an examination of Watergate that no one asked the primary question, namely: Why did we come close to a confrontation with the Soviet Union in the Mideast?

Detente started formally in May of 1972, and here we were, October of 1973, and the Soviet Union a) provisions a war in the Mideast, b) threatens to intercede with Soviet military, and c) (this is the report from one news magazine), threatens physically to destroy the State of Israel, to whose independence the United States is pledged.

Now it does not surprise one that the Soviet Union was kept from carrying out its threats—we still have an army, and a navy, and an air force. What is surprising, for those who believe in detente, is that the Soviet Union is still making threats. The idea of detente is to stop making threats, to stop relying on force. Where has the Soviet Union shown a disposition to stop relying on force?

The next question to ask the President is: If we project the relative decrease in our military strength over the next five or six years, can you assure us that we would be in a position to stop the Soviet Union in a crisis of this sort?

And if not, what force is Israel going to rely upon, in her next war, to contain a Soviet-backed effort to destroy her?

Surely the Senate Foreign Relations Committee at this point should call in representatives of the chiefs of staff, and ask them the question: If the Soviet Union had called our bluff, what would we have done about it? It may be that as the situation gets hotter, President Nixon gets cooler. But all the while the United States gets weaker.

BECAUSE THEY ARE JEWS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BRASCO. Mr. Speaker, even as we debate here today, at least 450 Israeli military personnel languish in Arab captivity, hostage to the still fluid plans being hatched in the Arab world aimed at doing damage to the Jewish state.

Thousands upon thousands of Arab prisoners have fallen into the hands of Israel, belonging to the armed forces of Syria, Egypt, Iraq, Morocco, and Jordan. In every way, these men have been treated with fairness, compassion, humanity, and mercy. None have been abused, tortured, beaten, or degraded, either publicly or in private. The truth of this has been attested to by representatives of the International Red Cross and the so-called United Nations.

Acting against their better military judgment, the Israelis have allowed plasma to be delivered, much of it from Israel, to wounded Egyptian troops. Resupply of the 3d Army, beaten and isolated, has been allowed by Israel when most other people would have demanded that their armed forces follow up an earlier advantage and destroy the enemy.

Simultaneously, the Israel Government has scrupulously supplied lists of all captured Arab military personnel to the respective governments, complying in full with every dot and comma of the Geneva Convention accords. No one, even their worst enemies, can accuse the Israelis of acting in anything but a humane manner.

In response to all this, what have the Israelis received as a quid pro quo in regard to their military personnel in Arab hands? Precious little. In fact, facts just now coming to light indicate that the Syrians at least have acted with indescribable barbarity toward Israeli prisoners. We are informed reliably that a number of Israeli prisoners of war, taken in combat wearing the uniform of their nation and surrendering according to the laws of war governing such situations, have been mercilessly butchered on the slopes of Mount Hermon and been buried quickly to hide the dead.

Such an outrage defies description and adjectives.

Where are the humanitarians who bleed so copiously and often for the Arab refugees? Where are the seekers after justice, who have so ardently pleaded the cause of all foes of the Jews? Where is the so-called United Nations, which has passed so many resolutions condemning the Jewish state as it fought for its life over the years?

Where is the Friends Service Committee, so active on behalf of refugees? How about the government of India, whose humanitarian burblings have amused and instructed us for so many years? And the Socialist states, who rave on about the rights of people? Where are they? Who sheds a tear for the Jews?

How can the United Nations ask to be taken seriously by anyone when its double standard is its ultimate degradation as an organization? It said nothing when Idi Amin of Uganda praised Hitler's acts of genocide against the Jews. It has said nothing about Russian persecution of the Jews. It turns a blind eye and a deaf ear to international terrorism directed against the Jews.

And now it raises not even a peep over the brutal, barbaric butchery of unarmed men, whose only crime was to raise their hands in surrender. Are the good diplomats not aghast at the spectacle of men having their hands tied behind their backs and then shot through the head? Do not they blench in horror at the spectacle of Israeli prisoners with their throats cut? Do they not seek even some inquiry? Is this not of concern to them? Or is there a different standard for the Jews from that applied to the rest of the world? Perhaps that is the real answer.

This has been going on for more than 20 centuries. The names of the persecutors may change. The means of murder may evolve. The location of the crime may differ from one era to the next. But the identity of the victims is always the same. The Jews. Always the Jews.

The Crusaders justified it because Jews were supposed to be deicides. The Inquisition justified it because Jews were unbelievers. The persecutors of Dreyfus justified it because Jews were supposed to be traitors to France. Hitler justified it because of race difference. Stalin justified it because they were an indigestible lump in Communist society. Today's Kremlin rulers justify it because the Jews insist on their religious identity and right to emigrate to Israel. How will the Arabs justify it? How does the U.N.? It will be interesting to learn whether or not a new excuse can be produced this time.

And who will it be tomorrow? And what will their rationale be? I do not pretend to know. All I can be certain of is that the victims will once again be the Jews.

Mankind's molar bankruptcy is proclaimed by Syria and confirmed by the United Nations. Our silence today around the world is louder than any shout of anger. It gives the lie to any pretensions to civilization or pious mouthings of justice. Israel's worst fears should be confirmed by such murders and the world's acquiesence in them.

In turn, this causes me more fear than ever. For in each age, those who committed such crimes and others who have condoned them have inevitably suffered a worse fate. It is almost as if such inaction brings with it a guarantee of doom.

As for myself, I disassociate myself from any such inaction, for to maintain silence in the face of such evidence is to sanction murder. Fervently do I hope that our country will not fall into line with those nations and institutions and groups who have turned their faces away from this horrendous spectacle. Our Government should forthwith, and in the most vigorous manner insist to the Soviet Union that the elementary accords of the Geneva Convention be lived up to by their Arab clients. No stronger guarantee of more bitterness and strife can be conjured up than this situation.

To do less is to share in the shame of all mankind.

WASHINGTON REPORT

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. GROVER. Mr. Speaker, continuing my remarks of October 26, I wish to present further selections from my newsletters of the past year:

SELECTIONS FROM NEWSLETTERS

WELFARE REFORM—JULY 26, 1973

We have discussed the Alice-in-Wonderland world of Washington bureaucracy before and we have taken many a jaundiced look at the welfare labyrinth. Put the two together and you have a welfare system which is very much deserving of the distaste with which it is viewed by the average American.

A Congressional study unveiled recently by my colleague, Rep. Martha Griffiths of Michigan, showed that a family of four in welfare-weary New York City must have at least $11,500 in earnings if it is to equal the potential of all the government assistance available to that same family on welfare. For the poor, the uneducated, those having to overcome prejudice, the message then becomes rather clear. It pays to go on welfare in New York City because you are better off than working at some menial job. It becomes rather clear then why more than one out of every seven or eight persons in New York City is on the dole, rather than on the job.

A working family, of course, faces certain expenses. It pays taxes—to support the people who don't work. It faces the expense of getting to and from work. More clothing is required. It pays all the expenses which we have come to take for granted—for medical and dental care, for tools, union membership, housing, etc. But the family on welfare gets a great deal more than the non-taxable $4,000 for which it is eligible in city welfare payments. It gets free medical care, food stamps, school lunches. Its housing costs are paid. It is eligible for such services as day care.

A poor, unskilled family would have to be blind not to see fairly soon that it is better off on welfare than with an income of $5,000 or $6,000. President Nixon has been charged with cruelty, bigotry and insensitivity for his efforts to streamline the welfare system and to bring some sanity to it. Perhaps his critics could be charged with cruelty and insensitivity toward the working poor.

No person should be allowed to go hungry, unhoused and poorly clothed. We have a moral obligaton to assist our less fortunate neighbors. We must look to their needs. But let us not forget that it was work that made this nation great. Perhaps future historians will blame an inane welfare system for dragging it down.

BATTLE OF THE BUDGET—SEPTEMBER 20, 1973

The Congressional recess having ended, Washington lawmakers returned to face two major problems. One is the highly publicized and continuing Watergate matter and the obvious need for sweeping election reforms. The other, with possibly more significant long-term implications, is the continuing battle of the budget.

It is on the latter battlefront that the Democratic-controlled Congress appears to have a major advantage. Despite the President's continuing call for economies in government, the lawmakers had already added close to a $1-billion deficit to the Presidential budget before leaving for the August recess. President Nixon is seeing any hope for a balanced budget go glimmering as new spending proposals go into the Congressional hopper. The Democratic-controlled Congress appears to be ignoring Presidential warnings and the administration's requests for economy.

I do not agree completely with some of the President's priorities on spending. For example, I opposed the impoundment of pure waters funds which provided an additional $300-million in federal aid for New York State's municipal waste disposal projects.

As the battle of the budget continues in Washington, I predict that you will see it take classic lines. Liberal members of Congress have already zeroed in on the Defense budget as their target. They want to balloon the cost of domestic programs while proposing dangerous cuts in our arms commitment, while conservative and moderate members of Congress will point to the already high costs of many domestic programs and the waste uncovered in some, particularly in the poverty sector.

This is not to say that there is not a middle ground on the Defense budget. It can be trimmed of duplication and waste but few would deny that a strong nation is more likely to enjoy lasting peace than one which is counting on the good will of Soviet Russia and the Chinese. Much of defense spending is now due to the high cost of the all-volunteer services, the need to make service life attractive and comparable to private industry.

Watch the dollars-and-cents decision which will be made on Capitol Hill in the coming weeks. They will affect not only your pocketbook but your future in the world.

LAND USE PLANNING ACT—SEPTEMBER 27, 1973

One of the most radical and far-reaching legislative bills which I have seen in my years in Congress breezed smoothly through the Senate Chamber some weeks ago. It now awaits the House Interior Committee's action, and many members of that committee are praising it as the panacea for all environmental ills.

This type of legislation is often called a "sleeper." It has an attractive cover and title—The Land Use Planning Act—and its avowed purpose is to encourage the states to undertake a land use planning program. But how does this power grab encourage states to do their planning? It requires the states to submit a land use program to the Interior's Secretary for approval. What if he doesn't approve of the plan? Well then, New York State, for example, loses hundreds of millions of dollars of its share of highway, airport and land and water trust funds. Just a pint-sized package of federal blackmail.

Okay, so lets give them a plan they will approve—what can we lose? Since we must conform to the planning criteria in the bill we stand to lose our home rule shirt at all levels of government. Tihs surreptitious nationalizing of real property laws, zoning laws and building codes makes the UDC look as a democratic, harmless and acceptable as a New England town meeting.

It could force public housing on communities, control density and location of residential, business and industrial buildings; it could dictate location of governmental facilities, public utilities and even have a say in police and fire protection in our communities.

We are all for cleaning up our air and water and for keeping our country clean and green. But do we have to totally disenfranchise our villages, towns, cities and counties with this collectivist legislative outrage to accomplish such a goal?

FIRE ISLAND BEACH EROSION—OCTOBER 11, 1973

A recent announcement by the National Park Service that it will no longer attempt to prevent beach erosion at the Cape Hatteras National Seashore has caused a great deal of concern here on Long Island. By inference, announcement of this new policy would indicate a similar approach to the National Seashore areas on Fire Island. There are a number of points which should be kept in mind before we go along with such a policy.

First, this announcement was made by the Interior Department, not by the Army Engineers. The Engineers are now conducting, as a result of my amendment to rivers and harbors legislation, a broad-ranging study of Great South Bay. I will be meeting with them shortly to discuss a deadline for completion of this study and I will ask them to include, in their work with a computer model of the bay, a study of barrier beach erosion and its impact.

It is also important to keep in mind that this Interior Department approach, which will be applauded by many who oppose artificial preservation of beachfront, must be reviewed by Congress. It goes without saying that property owners in areas affected by such a policy would oppose it.

Here on Long Island, our beach sands are moved from east to west in a littoral drift powered by ocean currents and countered by prevailing southwesterly winds. Historically, erosion, strong tides and high seas have created periodic breakthroughs in the barrier beach. These are a foregone conclusion if man doesn't do periodic repair work. It is a frightening possibility that a major ocean breakthrough during a severe hurricane could wipe out thousands of homes on the mainland of the South Shore and endanger many lives as well.

There are two sides to the question and I don't pretend to have the answers. Maintenance of the barrier beach, through dune repair, groin work, sandbagging, dredging of existing inlets or creation of new inlets, is extremely expensive. Perhaps we would achieve some form of beach stabilization if we did nothing, although we know that Fire Island would be carved into a different shape by the water and wind.

I am hopeful that the Engineers study will give us the information we need to make a proper judgment here. In view of the development of Fire Island, the overdevelopment of our bayfront and the importance of our waterfront recreation and home areas, it would be foolhardy to stick with the Interior Department's shoot-from-the-hip decision.

FISHERY ZONE—OCTOBER 18, 1973

Those Americans who are trying to adjust their outlook to a situation in which our nation is at peace should be aware of our involvement in an unannounced war, one which, in the long run, could have grave consequences to the world's food supply. I refer to the continued protein battle on the high seas between those unprincipled nations which take everything from the ocean waters which swims, without regard to replacement of fish stocks, conservation practices, equitable treatment of all nations or even the edibility of what they are netting.

Congress has been patiently waiting a resolution of these problems through various international conferences by such august bodies as the United Nations Seabeds Committee and the International Commission for the Northwest Atlantic Fisheries (ICNAF) and meetings between individual involved nations. A law of the Sea Conference under ICNAF sponsorship holds forth some hope. There is, in fact, a crisis meeting of ICNAF in Ottawa at this moment.

To date, we have seen little of accomplishment but a great deal of talk. The recent British-Icelandic confrontation shows that some nations are ready to stop talking and start shooting or confiscating. Particular violations of agreements regarding fisheries have been the Russians and other East European nations which are scouring the seas off our coasts.

Because of the decimation of various species of fish, American commercial fishermen have suffered a catch reduction of 50 per cent in recent years. Not only have consumers had to pay more to provide fish for their tables, but this thinning out of fish stocks is having an impact on sports fishery as well.

My legislation, which would extend American control over our waters to the borders of of our continental shelf, is in committee awaiting Congressional action. This would allow our nation to practice proper conservation procedures in an area extending up to 200 miles off our shores. If we do not receive voluntary cooperation from nations which appear to have no concern for the future, we ought to pass this legislation and enforce measures which will insure us a continuing harvest from the ocean's depths.

WATERGATE AND RELATED ISSUES—NOVEMBER 11, 1973

I have commented at various time this year on the issue of campaign "dirty tricks," Watergate, and related events. There is no room for such activities in our political system. While I am shocked and saddened at the disclosures and find it healthy that the public learn the facts, I am cautious that we work within the system to root out the evils already exposed. People in public life are entitled to due process of law and that presumption of innocence accorded to every other citizen.

I supported the selection and appointment of an independent prosecutor to investigate the facts of Watergate, and while many of us question the wisdom and propriety of the President's removing Mr. Cox, the President had the legal right to remove him as he does any other administration appointee. It is hoped that the new special prosecutor will be unhampered in his pursuit of the facts and the truth.

Regarding the White House tapes, while the constitutional question of privilege and separation of powers was never decided with finality, it must be said that simple justice for those involved demanded that their substance be made known to the courts.

On the matter of impeachment, I am in support of the inquiry being undertaken by the House of Representatives. Although many constituents have written urging me to take a stand immediately and pledge to vote for impeachment, I remind them that on such a matter, if the Judiciary Committee reports a bill of impeachment, the House sits as a quasi-judicial body, a 435-member grand jury. As such a body, the House must evaluate the evidence to determine if the offenses shown are tantamount to and meet criteria of "high crimes and misdemeanors." Since Representatives must thus sit in judgment, it is my contention that a prejudged commitment is violative of due process. Certainly in our judicial system, such a public position by a grand juror would be unethical and in contempt of court.

For the good of our great country and its governmental institutions, I hope that we can resolve the House inquiry with its impeachment questions and the confirmation of Gerald Ford as Vice President with fairness and dispatch.

Over the years of my service to my constituents, I have urged them to keep in mind the great heritage we have in our nation's great wealth of resources, not only material and physical, but also moral and spiritual. While the headlines may fame the evils and evildoers of our society, there are so many good people and so many good things in our great country to support our abiding faith in the United States of America and her institutions.

LABOR-HEW APPROPRIATIONS BILL MUST BE RETURNED TO CONFERENCE

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. QUIE. Mr. Speaker, today the conferees on the Labor-HEW appropriations bill, H.R. 8877, have completed their conference and filed a report which includes the same formula restrictions on title I of the Elementary and Secondary Education Act which were contained in the continuing resolution, House Joint Resolution 727, which was almost defeated by the House on October 11, 1973.

When the House considered the report on the last continuing resolution, I supported that report only because the situation was urgent since it was before the House the last day before the previous continuing resolution expired. The previous resolution provided for a 100 percent of 1972 hold harmless for the States which was totally unacceptable to me.

Lastly, it was promised that the conferees on the Labor-HEW appropriations bill would attempt to work out a better solution on that piece of legislation. Since they have not, if I have the opportunity, I intend to move that H.R. 8877 be recommitted to the conference committee with instructions to report back a bill that includes a 90 percent hold harmless for local school districts based on 1973 actual funds and applies a 120 percent of 1973 limitation to the amount which any State may receive. The combination of those two factors will permit a much more equitable distribution of funds to occur.

For the information of Members, I am inserting below a table reflecting State distributions based on the application of the provisions I favor compared to the provisions contained in H.R. 8877. Both tables reflect the effects of the limitations applied at the county level.

The table follows:

STATE TABLE TITLE I, ESEA—LEA GRANTS ONLY

[In thousands of dollars]

State	Actual 1973 LEA	H.R. 8877 provision[1]	Quie proposal[2]
Alabama	$34, 549	$36, 331	$32, 021
Alaska	2, 415	2, 757	2, 898
Arizona	8, 154	9, 354	9, 761
California	111, 618	128, 361	133, 942
Colorado	10, 237	11, 680	12, 284
Connecticut	11, 747	11, 680	14, 097
Delaware	2, 323	2, 672	2, 788
Florida	24, 111	27, 433	28, 933
Georgia	40, 573	42, 841	39, 767
Hawaii	3, 715	4, 272	4, 458
Idaho	2, 719	3, 062	2, 948
Illinois	69, 554	79, 657	83, 465
Indiana	18, 773	21, 241	21, 220
Iowa	14, 601	15, 402	14, 810
Kansas	9, 147	10, 166	10, 976
Kentucky	32, 212	33, 817	31, 215
Louisiana	31, 322	35, 609	33, 241
Maine	5, 634	6, 479	66, 760
Maryland	19, 381	22, 250	23, 257
Massachusetts	24, 894	28, 628	29, 872
Michigan	51, 769	59, 517	62, 123
Minnesota	20, 897	22, 739	23, 936
Mississippi	35, 923	37, 867	32, 628
Missouri	23, 367	25, 210	25, 711
Montana	2, 866	2, 236	3, 240
Nebraska	7, 188	7, 798	7, 491
Nevada	924	1, 040	1, 109
New Hampshire	2, 007	2, 309	2, 409
New Jersey	44, 232	50, 867	53, 079
New Mexico	7, 393	8, 502	8, 872
New York	196, 836	226, 356	236, 203
North Carolina	51, 557	50, 635	46, 912
North Dakota	4, 101	4, 360	3, 894
Ohio	42, 248	48, 337	50, 698
Oklahoma	16, 649	18, 436	16, 651
Oregon	8, 421	9, 685	10, 106
Pennsylvania	64, 998	74, 748	77, 978
Rhode Island	4, 874	5, 605	5, 849
South Carolina	29, 853	30, 882	27, 157
South Dakota	5, 470	5, 713	5, 477
Tennessee	31, 273	32, 660	28, 798
Texas	67, 676	74, 233	70, 304
Utah	3, 895	4, 447	4, 674
Vermont	2, 094	2, 399	2, 268
Virginia	31, 523	33, 230	33, 817
Washington	13, 446	15, 462	16, 135
West Virginia	17, 320	19, 242	16, 135
Wisconsin	17, 341	19, 762	20, 809
Wyoming	1, 171	1, 326	1, 405
District of Columbia	10, 096	11, 610	12, 115

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[1] 1972: 90 percent LEA, 90 percent SEA, and 115 percent LEA.

[2] 1973: 90 percent LEA and 120 percent SEA.

Note: Col. 1 is based on actual 1973 HEW allocation of $1,585,000,000. Col. 2 and 3 are based on $1,810,000,000, the amount contained in conference report on H.R. 8877.

I have also selected three States and am inserting at this point in the RECORD tables indicating how much each county would receive under the provisions I favor in comparison with those contained in the Labor-HEW appropriations bill. If space permitted, I would be happy to insert tables for each State. That information is available and may be obtained through the minority office of the Education and Labor Committee, X51743.

The tables follow:

CALIFORNIA TITLE I, ESEA—LEA GRANTS ONLY

[In thousands of dollars]

County	Actual 1973 LEA	H.R. 8877 Provision[1]	Quie Proposal[2]
Alameda	$6,192	$7,121	$6,770
Alpine	4	5	6
Amador	21	24	26
Butte	549	632	652
Calaveras	39	45	68
Colusa	56	64	53
Contra Costa	2,600	2,991	3,300
Del Norte	95	109	96
El Dorado	195	224	244
Fresno	4,219	5,853	4,492
Glenn	81	93	81
Humboldt	544	625	531
Imperial	758	871	708
Inyo	46	52	70
Kern	2,542	2,924	2,716
Kings	664	764	606
Lake	127	146	162
Lassen	47	55	55
Los Angeles	45,181	51,958	55,157
Madera	486	559	438
Marin	429	494	618
Mariposa	28	33	26
Mendocino	322	371	334
Merced	970	1,117	1,167
Modoc	52	60	50
Mono	9	11	12
Monterey	1,299	1,494	1,297
Napa	235	271	275
Nevada	112	129	120
Orange	3,594	4,133	4,893
Placer	341	393	429
Plumas	56	65	64
Riverside	2,772	3,188	3,407
Sacramento	3,851	4,429	5,103
San Benito	115	132	122
San Bernardino	3,785	4,353	5,063
San Diego	5,505	6,331	7,347
San Francisco	4,791	5,510	4,739
San Joaquin	2,097	2,411	2,382
San Luis Obispo	424	488	419
San Mateo	1,413	1,626	1,934
Santa Barbara	1,023	1,177	1,246
Santa Clara	4,306	4,952	5,501
Santa Cruz	494	569	713
Shasta	505	582	596
Sierra	8	9	10
Siskiyou	138	159	124
Solano	946	1,088	1,202
Sonoma	$1,049	$1,207	$1,228
Stanislaus	1,676	1,927	1,601
Sutter	215	247	242
Tehama	158	182	142
Trinity	38	44	45
Tulare	2,134	2,454	2,151
Tuolumne	67	77	88
Ventura	1,505	1,732	2,023
Yolo	370	426	568
Yuba	324	373	429

FLORIDA TITLE I, ESEA—LEA GRANTS ONLY

County	Actual 1973 LEA	H.R. 8877 Provision[1]	Quie Proposal[2]
Alachua	$472	$544	$425
Baker	77	11	70
Bay	363	418	341
Bradford	80	93	73
Brevard	325	374	715
Broward	1,387	1,595	1,723
Calhoun	112	101	101
Charlotte	46	53	53
Citrus	60	69	70
Clay	138	159	180
Collier	102	117	133
Columbia	213	246	193
Dade	3,619	4,162	5,133
De Soto	58	67	53
Dixie	50	47	45
Duval	2,197	2,570	3,005
Escambia	813	936	1,125
Flagler	44	52	40
Franklin	69	80	62
Gadsden	528	488	476
Gilchrist	34	31	31
Glades	34	35	31
Gulf	64	74	63
Hamilton	107	23	96
Hardee	106	103	96
Hendry	53	62	59
Hernando	60	70	75
Highlands	103	118	111
Hillsborough	1,865	2,145	2,027
Holmes	193	173	173
Indian River	110	127	149
Jackson	498	532	448
Jefferson	152	175	137
Lafayette	29	34	26
Lake	353	406	318
Lee	235	270	342
Leon	395	454	355
Levy	84	96	91
Liberty	31	34	28
Madison	219	252	197
Manatee	266	307	294
Marion	443	510	399
Martin	65	76	126
Monroe	127	146	194
Nassau	146	169	132
Okaloosa	215	248	379
Okeechobee	39	45	56
Orange	1,016	1,168	1,436
Osceola	97	111	87
Palm Beach	1,200	1,380	1,386
Pasco	181	208	192
Pinellas	1,056	1,215	1,258
Polk	908	1,045	1,021
Putnam	259	298	278
St. Johns	205	236	185
St. Lucie	208	239	423
Santa Rosa	151	175	170
Sarasota	211	244	265
Seminole	448	516	404
Sumter	100	116	99
Suwannee	180	207	162
Taylor	103	119	93
Union	38	44	35
Volusia	560	644	638
Wakulla	60	68	54
Walton	182	208	164
Washington	144	166	130

UTAH TITLE I, ESEA—LEA GRANTS ONLY

County	Actual 1973 LEA	H.R. 8877 Provision[1]	Quie Proposal[2]
Beaver	$8	$9	$18
Box Elder	81	94	111
Cache	97	111	99
Carbon	97	112	87
Daggett	4	5	4
Davis	162	186	218
Duchesne	55	63	49
Emery	44	40	40
Garfield	11	13	13
Grand	23	27	26
Iron	26	30	37
Juab	17	20	16
Kane	11	10	10
Millard	63	64	57
Morgan	5	6	5
Piute	11	11	10
Rich	9	9	9
Salt Lake	1,666	1,916	2,078
San Juan	302	348	319
Sanpete	59	68	53
Sevier	54	63	49
Summit	$15	$17	$22
Tooele	60	70	72
Uintah	75	87	81
Utah	398	458	491
Wasatch	14	17	13
Washington	51	59	65
Wayne	19	18	18
Weber	449	517	602

[1] 1973: 90 percent LEA, 90 percent SEA, and 115 percent LEA (quarter).

[2] 1973: 90 percent, and 120 percent SEA.

THE CRISIS CALLED WATERGATE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BIAGGI. Mr. Speaker, the country is in a great crisis. Its President is under attack and the mood of Congress and the public is one of confounded fury. Yet is the crisis as serious as the civil war which threatened to tear our country in two? Or is it as serious as World War II, when the entire republic and our democratic principles were at stake? I think not. A crisis, yet but one that can be dealt with in the manner proscribed by the Constitution and the law and one that must be dealt with not in the fashion of a lynch mob, but through the procedures and institutions established for determining the truth and meting out justice.

The Watergate affair and the resultant attack on the President is a serious and complex matter. Numerous underlying issues are confused with the main investigation. I would like to attempt to enumerate briefly the various—but by no means all of—the complaints now being investigated. First, of course, is the Watergate break-in, the political espionage of the 1972 campaign and the resultant cover-up of these activities by high Government officials, including possibly the President. Investigating this matter is the Senate Select Committee on Campaign Practices, the General Accounting Office, the Department of Justice, the Federal Bureau of Investigation, the Office of Special Prosecutor, a Federal grand jury and countless news media personalities with predetermined opinions. Involved in this investigation is the need to listen to the Watergate tapes which might shed light on the involvement of the President and other high officials and help determine who is telling the truth and who is lying about the break-in and cover-up. Clearly the tapes should be made available to the courts for such a determination. By use of the unusual in camera hearing by the district court judge, the national security interest will be protected and the right of a President to confidential conversations with members of his staff will also remain intact.

The next major issue involved in this case in the question of misuse of campaign finances. There is some overlap here with respect to the use of campaign funds for the illegal activities mentioned above. However, the questionable activities go beyond that. The involvement of the International Telephone and Telegraph Co. in sponsoring campaign advertising at a time when they had a case pending before the Justice Department; the question of possible solicitation of a campaign donation from the milk industry in return for a decision on milk price supports favorable to that industry; the question of illegal donations from corporations; the question of illegal and unreported cash contributions; all have to be answered. Congress has set up machinery for such investigations under the new campaign financing law. The General Accounting Office is charged with investigating any violations and has been diligently working on these matters. Any findings of wrong-doing will be turned over to the Justice Department for prosecution.

The break-in of Daniel Ellsberg's psychiatrist's office is being investigated by a west coast grand jury. The use of the Central Intelligence Agency for political purposes has been investigated by a House Select Subcommittee, which recently issued a report. These activities, however, were conducted primarily by aides to the President and some of these aides have been indicted already in connection with the break-in. Their guilt or innocence will be determined by the courts.

Questions surrounding the use of public funds on the private property of the President was investigated by the House Appropriations and Government Operations Committees which said that the expenses, while perhaps somewhat excessive in the quest for security, were within legal limits of the existing laws. Changes in the law have been proposed to require congressional review and approval of any improvements and to limit the number of houses so improved. I have urged that consideration be given to limiting the President to the White House and Camp David which are public residences for the President. During his term of office, he need not use any other residence. If a "Western White House" is deemed desirable by the Congress then such should be authorized and maintained as a public residence for all Presidents. Future improvements of private property security purposes that result in material gain to the property should be reimbursed to the U.S. Government by the owner.

Beyond these questionable activities, the confirmation of GERALD R. FORD as Vice President of the United States also has been enmeshed in the entire Watergate affair. The 25th amendment provides for proper expeditious procedures for confirmation of the nominee of the President. The machinery is adequate and should be exercised. To hold up these confirmation proceedings pending any action by the President or the courts would be a subversion of the Constitution. If GERALD R. FORD is found qualified to hold the office and his confirmation is voted by both Houses of Congress as provided for in the law, then he should be installed as Vice President. If he is found unqualified, a new nominee should be submitted and the process of confirmation quickly completed. Holding up this confirmation and pressing for impeachment and conviction of the President so that the Speaker of the House may assume the Presidency is as dishonest as anything the President is accused of doing. The Congress would be grossly derelict in their duties if they failed to fulfill the requirements of the 25th amendment as expeditiously as possible. Hearings are now going on in the House and Senate. The Federal Bureau of Investigation as well as investigators of Congress are checking every detail of Congressman FORD's past. If he is found qualified, he should be confirmed.

The final major issue is the question of the appointment of a special prosecutor to investigate all of the activities that fall under the purview of the Federal grand jury enpaneled by Judge John Sirica. Here, if justice be served, the prosecutor must be independent. While I do not want to presume that the President or any of his appointed officers would seek to subvert justice, in the interests of a fair and impartial investigation and one that will be creditable to everyone, the prosecutor must be appointed by the courts. The Constitution again clearly provides for such an appointment. Article II, section 2, states that:

> Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law or in the heads of departments.

The Congress must pass legislation immediately that would authorize Judge Sirica to appoint a special prosecutor independent of the executive branch to carry out the investigation and report his findings to the grand jury.

Should the President be impeached? The answer to that question will only come when all the evidence is in. I have urged that the House Judiciary Committee begin an investigation of its own to determine if there are grounds for impeachment. Again the Constitution clearly provides for this. I am pleased that the committee has begun such an investigation.

In impeachment cases, the House of Representatives sits as a grand jury and hears the evidence provided by its "prosecutor," the Judiciary Committee. Based on that evidence it votes for or against impeachment. Any Congressman who predetermines his decision in such a matter without a full investigation does grave injustice to our Constitution and systems of laws. It would be like admitting to a jury individuals who were predetermined to vote the defendant guilty. I intend to keep an open mind on this until the Judiciary Committee completes its investigation and all evidence is in.

Many have called for the resignation of the President. This would be no less a miscarriage of justice than if the Congress and courts decided to abandon the investigation. The people have a right to a final finding of wrongdoing. The process for such a finding is there and the means of removal of the President is there. For the President to resign now would deprive the people of an ultimate determination in the entire case and the opportunity of reform to prevent any illegal activities from occurring again.

Many have argued that the country cannot survive the crisis of impeachment and conviction of the President by the Senate. They have said such a lengthy investigation and proceedings would bring the Government to a halt, destroy our ability to conduct foreign relations, and possibly threaten our security from within and without. If this is so, we should call for a constitutional amendment repealing article II, section 4 of the Constitution—the section providing for impeachment.

This great country has survived many crises in its long history. It is a tribute to the resolute will of its people and to the institutions and laws they have established. Despite the turmoil of the last decade with its riots, the burning of cities, mass demonstrations, the killing of many of our youth in an unpopular war, the Union survived.

This crisis, too, will pass and the country will be stronger for it, if reason prevails. Beyond the travail of the moment, we must look to the future. What lessons have been learned by this terrible tragedy? What reforms must be made to prevent such abuse of power from occurring again? In my view, the greatest reform must come in the criminal justice system. That our institutions cannot quickly seek out the wrongdoer, prosecute him and free the innocent is our greatest tragedy. That the system might be subverted by the overwhelming power of a news media who, in invoking the rights of the first amendment of the Constitution, may trample on the rights of the individual under the fifth and sixth amendments. The accusations made against the President, his aids and friends must be fully adjudicated. Trial by press is as sure a dictatorship as any known to man. The right of a person to maintain his innocence until proven guilty in a court of law must be maintained for every American whether President of not.

A National Advisory Commission on Criminal Justice Standards and Goals recently issued a multivolume report on the problems of our criminal justice system and the need for reform. Programs along the recommended lines must be implemented quickly.

In the meantime, while the countless investigations are being pursued, while we wait for the reform of more indictments, while we concentrate on finding out who is guilty and who is innocent, let our rational minds prevail. Let us put aside our emotions and see to it that the course of justice is followed. And instead of the wringing of hands and the gnashing of teeth, let us concentrate on inflation, a sagging economy, a massive energy crisis, the quest for peace in the Middle East, and the many other problems that demand solutions from this 93d Congress.

CONCURRENCE WITH THE SENATE AMENDMENTS TO THE DISTRICT OF COLUMBIA RENT CONTROL ACT OF 1973

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. MAZZOLI. Mr. Speaker, the House today has concurred with the Senate amendments to the bill, H.R. 4771, as amended, which was passed by the House on June 11, 1973.

I would like, very briefly, to explain the Senate's amendments and to include in the RECORD the report of the Commissioner of the District of Columbia, dated October 15, 1973.

The principal Senate amendment provides that any rent regulations adopted by the District Council, under this act, may remain in effect for 1 full year following the date of their enactment by the Council.

This provision insures that the rent stabilization and regulation powers which we are granting to the District Council will extend through the interim period prior to the expected inauguration of an elected local government in January 1975, as provided in the pending District of Columbia Self-Government and Governmental Reorganization Act.

From 1975 forward, the authority and discretion as to the regulation of rents will be vested in the locally elected government, provided that the pending "home rule" legislation is enacted as expected.

As originally passed by the House, H.R. 4771 granted rent control authority to the District of Columbia Council for a period of just 1 year following enactment of the bill.

The Senate amendment, in effect, gives the Council a period of up to a full year to determine whether to implement rent controls, and then provides that such controls may be enforced for 1 full year. If the Council takes no action within 1 year of the enactment of this bill, its authority will lapse, just as provided in the version originally passed by the House.

The other Senate amendments provide:

First. That the Council must hold hearings 6 months after it places rent controls in effect in order to determine whether such controls should be continued, modified, or terminated.

Second. That the Council, in establishing rent regulations, shall provide means whereby increased costs incurred by a landlord are taken into consideration.

Third. That the composition of the District of Columbia Housing Rent Commission include four representatives of landlord interests and four representatives of tenant interests, as opposed to two representatives of each group, as provided in the version of the bill originally passed by the House.

Fourth. That the Commission shall have subpena power and that contempt proceedings may ensue from disobedience of such subpenas. An authorization of $85,000 to carry out the provisions of the legislation also is included.

The Mayor-Commissioner of the District of Columbia was asked to report the views of the District of Columbia Government on H.R. 4771 as it was passed by the Senate, with amendments, on September 7, 1973. His report follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., October 15, 1974.

Hon. CHARLES C. DIGGS, Jr.
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 4771, a bill "To authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia", as passed by the United States Senate on September 7, 1973.

H.R. 4771, in the form passed by the House of Representatives, was amended in several substantive respects by the Senate. Section 3(a) of the bill was amended to require that any rules adopted by the District of Columbia Council to regulate or stabilize rents shall contain such pass-through provisions as will allow increased costs incurred by landlords which are directly related to the rental premises to be considered in determining maximum rents to be charged. In section 4(a), the composition of the District of Columbia Housing Rent Commission, which is authorized to be established, was changed to mandate that four of the members represented landlords' interests and four members be representative of the interests of tenants, all of whom would serve until termination of the Commission.

Section 4 of the bill was amended by the addition of a subsection (e) to expand the powers of the Rent Commission in such matters as the holding of hearings, administering of oaths, attendance of witnesses, and the production of records, and to make the noncompliance with subpenas of the Commission punishable by the Superior Court of the District of Columbia as a contempt thereof. A new subsection (f) authorizes appropriations not in excess of $85,000 to carry out the duties of the Housing Rent Commission.

Section 8 of H.R. 4771 was amended to extend until one year after the adoption of regulatory rules the powers of the Council to provide for rent controls, unless no rules are adopted within a period of one year following the date of enactment of the bill in which case the authority conferred by the bill would expire at the end of such year. A further amendment would require the Council to hold a public hearing six months after the adoption of rent controls to determine whether its rules should be modified or terminated.

While the District Government continues to favor the enactment of legislation which delegates to the District of Columbia Council the authority to regulate and stabilize rents in the city, it is our preference that such a law vest in the executive branch the power to administer any local rent control program which may be established. For this reason, we submitted to your Committee on May 23, 1973 a draft bill which represents our preference as to the kind of legislation needed to effectively regulate maximum rents and rental services in the District of Columbia.

Nevertheless, the District Government supports the enactment of H.R. 4771, including the amendments made by the Senate in its consideration of the bill. In a report to the Committee on the District of Columbia of the United States Senate, dated July 24, 1973, a copy of which is attached for the information of your Committee, we expressed several concerns with respect to certain provisions of H.R. 4771, some of which have been met by the amendments made by the Senate. However, there remain other matters of concern to the District, as outlined in the attached report, and we recommend that these be given further consideration by your Committee.

Sincerely yours,
WALTER E. WASHINGTON,
Mayor-Commissioner.

DUNDALK, MD., COMMUNITY AND ITS ROLE IN AMERICAN HISTORY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. LONG of Maryland. Mr. Speaker, on October 22, Mr. Ben Womer joined me in addressing students at Holabird Junior High School. Mr. Womer, a noted local historian, presented to these young people a most informative talk on the role their community has played throughout American history in war and peace.

Mr. Womer's talk on Dundalk reflects the many American communities in which everyday people live and work—the communities of good citizens which are the essence of America.

VETERAN'S DAY SPEECH
(By Mr. Ben Womer)

I would like to take a minute to tell you a little about myself. My family moved to Sparrows Point, Maryland, from Pennsylvania in 1922. I was twelve years old at the time. Six years later we moved to Dundalk, Maryland, where I have lived ever since. I have spent forty-five of my sixty-three years working for the Bethlehem Steel Company. I am now retired. Two and a half years ago I founded the Dundalk-Patapsco Neck Historical Society along with the help of other older members of our community. Our purpose is to find and record as much as possible of the history of our area for the use of the youth of our community. Believe me you can be very proud of where you live.

The Patapsco Neck section of Baltimore County has contributed as much, if not more than, any other section of our state and even our country to help make our nation what it is today. In the beginning, we settled on the western shore of the Bay in the 1600's starting an export trade long before there was a Baltimore City, which was not founded until 1729. We established truck farms at the very beginning to feed the people and they flourished for many years until there are only two left today in the Neck. We had a land invasion by the British in 1814 much to their sorrow. There are three monuments on North Point Road to show the people of our nation the part we played to help keep our independence. This war was of such importance that two of our Presidents of the United States came here to look over the battle ground. President James Monroe, our fifth President, came from Washington on June 7, 1817, and President John Quincy Adams, our sixth President, came from Washington on October 16, 1827. It was said, at the time, that President Adams picked up some acorns to take back to Washington. So somewhere in Washington, D.C., there must be some mighty big oak trees from our North Point area. One other factor about the battle fought at North Point was that Baltimore was the only major city on the eastern seaboard of the United States that the British never set foot upon.

Joshua Barney, one of our great patriots who served his country well in our War of Independence in 1776 and the War of 1812, lived in our area until he was twelve years of age when he went to sea. I might say this was a day that the British would have liked to have never seen recorded in the history books of America. One other thing I would like to call to your attention is that our Star Spangled Banner was written off our shores by Francis Scott Key. The British ships that fired upon Fort McHenry in the War of 1812 passed our shoreline and anchored off Colgate Creek just a short distance from your school.

Long after the victories of Washington over the French and English had made his name familiar to all of Europe Benjamin Franklin chanced to dine with the English and French Ambassadors when the following toasts were drunk: "To England, the sun whose bright beams enlightens the remotest corners of the world" proudly spoke the English Ambassador raising his glass. The French Ambassador, filled with natural pride but too polite to dispute the previous toast, offered the following: "To France, the moon whose mild, steady and cheering rays are the delight of all nations consoling them in darkness and making their dreariness beautiful". Benjamin Franklin then rose and offered: "To George Washington, the Joshua who commanded the sun and moon to stand still and they obeyed him".

Shipbuilding was started on Bear Creek in 1661 and we are still building ships today. One of the first airports in the United States was started at Logan Field in Dundalk. The boundaries of the field were Belcaire Road, Sollers Point Road and Dundalk Ave. The first Air Wing of the National Guard to be recognized by the federal government in the United States was our own National Guard here in Maryland. Some of the first airplane factories in our nation were started right here in Dundalk——Berlinger and Joyce at Turner Station and Curtis Carponi on Broening Highway. In 1867 we had the first form of automation in the making of bricks. In 1888 the first tidewater steel mill was started at Sparrows Point. One of its first products were steel rails that helped us span the nation, ships that helped our great cities and bridges—the Tri-State Bridge in New York, the Golden Gate Bridge in San Francisco and the Empire State Building in New York, to name a few. Our brick yards helped the cities, not only in our country, but as far away as Paris, France. At Fort Holabird the Army Jeep was designed, tested and built, along with amphibious equipment such as the Duck. Important signal items were designed there such as radar equipment for detection of World War II buzz bombs and the photo equipment used to record the first atom blast. Prisoners of war, such as Rommel's North African troops, were kept there.

Our people served in all our wars. We have the finest schools and churches money can buy as well as a fine police and fire department. Not long ago I read in an 1895 newspaper that the girls in the Patapsco Neck section of Baltimore County were the prettiest in the state. Well, as I look around here today, it still holds true. We may not have had royalty or aristocracy here in the Patapsco Neck but we did have hard working, God fearing people who helped to build and defend our nation. I am glad to say I am proud of being part as well as from the Patapsco Neck section of our state. I don't think we have to take our hat off to anybody when we say we have one of the finest places to live and work in our nation. Thank you.

BENJAMIN J. DORSKY: FOUNDING FATHER OF LABOR IN MAINE

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. KYROS. Mr. Speaker, it is certainly my very great privilege to bring to the attention of my colleagues in the House of Representatives the outstanding record of the man who has done more than any other to improve the quality of life for Maine's working men and women. He is Benjamin J. Dorsky, the mild-mannered but tough-willed president of the Maine AFL–CIO, who will be honored at a testimonial dinner this Saturday night in Bangor for his 40 years of contributions to the labor movement.

The full story of Ben Dorsky's life spans the development of the labor movement itself in this country, but, Mr. Speaker, I will review only the highlights:

He was born in 1905, at a time when the average workingman brought home $420 a year, the men operating the blast furnaces in smoky steel mills were putting in 84-hour weeks, and a book by Upton Sinclair, "The Jungle," was about to bring national attention to the workingman's plight through its shocking revelations about the meatpacking industry.

He was a freshman at Bangor High School in 1920, yet even then he was one of our State's first unionized movie projectionists and a member of local 198, which at that time had a membership of only 25.

He was married in 1929, perhaps the toughest year in American history for the workingman, and soon began a family of seven.

He became legislative agent for the AFL in 1935 and its president in 1937. If ever labor faced an uphill battle in our State legislature, it was in 1937, when Maine and Vermont were the only States in the Union that did not go for Roosevelt's New Deal in the previous election.

He spearheaded the battle against the right to work law when it reared its ugly head in Maine in 1948 and again in 1961, miraculously persuading big business interests to support his position.

He was the founding father of our State's unemployment laws and the chief author of our workmen's compensation laws, which he has seen refined over the years, and which many say are among the very best in the country.

He has established a reputation as a hard bargainer, good compromiser, and unexcelled lobbyist, as he pushed through legislation for union and nonunion working man alike, battling for a higher State minimum wage and a new State law that says that plants closing down must give their workers 4 weeks' pay or 4 weeks' notice.

When the AFL merged with the CIO in 1955, Ben became its head, and he has been president ever since.

Although not a lawyer, he has a lawyer's eye for loopholes in a labor contract. Although not a college graduate, at a commencement ceremony in January 1971 he was given the University of Maine's prized Distinguished Service Award for his "outstanding contribution to the social and economic growth of the State of Maine."

This is Ben Dorsky, Mr. Speaker, a man who has organized for labor in Maine, scrimped on his lunches, traveled long hours by train in the early days, given every waking hour and every ounce of his enormous energy to organized labor, and even once pawned his own fishing gear to get enough money for the State AFL to be represented at a national convention.

To some he is "Gentle Ben," to others "Archie Bunker," and to the rest "Mr. Labor in Maine." As the saying goes, "Character is a victory, not a gift," and Ben Dorsky has won the great victory of establishing himself as a man of tremendous courage, moral fiber, and tenacity for the things he believes in. He has for 40 years fought the workingman's battle and won it. We are all very proud of his achievements in Maine as we honor a lifetime of dedication to the working man and woman.

SCREWMACHINE INDUSTRY BRIGHT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BROOMFIELD. Mr. Speaker, despite increased competition from cold-formed parts, die-castings, and plastics, the future of the screwmachine industry remains bright.

That analysis was made by Mr. Asa W. Bonner in an interview in the October 1 edition of Metalworking News. Mr. Bonner is the president and chief executive of three screwmachine plants in Michigan. His long record of success in the field qualifies him as one of the leading spokesman for the screwmachine industry.

Mr. Speaker, I have known Asa Bonner for many years as a constituent, as a friend, as an eminently successful businessman and as a community leader.

A self-made man, he knows that there is no substitute for ingenuity, precision-workmanship, and dependability for success in any field, especially one so competitive as the machine industry. So, with singular advice to his colleages, he looks to the future with the same enthusiasm and vigor that has sustained him for the past 54 years in business.

Mr. Bonner is a past president of the National Screwmachine Products Association. Before that he served with the Office of Price Administration and the National Recovery Administration.

Not only does the following news story pay a well-deserved tribute to my friend, Asa Bonner, it illustrates the constant need for improved performance and workmanship which our free enterprise system, unlike any other economic system, encourages and demands from our business community.

The story follows:

BONNER, WITH GOLDEN RECORD, CALLS FUTURE BRIGHT FOR FIRMS PUTTING STRESS ON QUALITY

(By Al Wrigley)

FARMINGTON, MICH.—A bright future for those screw machine shops that put a premium on their mechanical engineering capabilities and that stress improvements in the quality of their products was predicted here by one of the industry's best-known executives, Asa W. Bonner.

"The quality of screw machine products in many applications has withstood competitive challenges from cold-formed parts, powdered metals, die castings, special extrusions, and even plastics," Bonner declared in an interview here, "and there's no doubt in my mind that it's this quality—along with our industry's engineering knowledge—that will keep most markets for screw machine products intact in the future."

Bonner noted that in the automotive industry, for example, high-quality, durable parts are needed in many subassemblies, including brakes, axles, and transmissions, and "will continue to be needed long into tomorrow.

LONG RECORD OF SUCCESS

Bonner, himself, has never directed a screw machine enterprise that failed to show a profit. While he's reluctant to talk about his business success, he's been in the industry for 54 years—38 years as a top executive—and that adds up to a lot of black ink.

Today, along with his sons, Ben V. Bonner and Asa, Jr., he heads up three firms: A.T. and G. Co. here, M. B. Fetcher Co., Detroit, and Lexbon Enterprises, Detroit. The elder Bonner is president and chief executive officer of all three firms, whereas Ben is executive vice-president, and Asa Jr. serves as vice-president, and also general manager of Fetcher.

As is probably pretty clear from this, the Bonners own most of the stock in all three firms.

The elder Bonner does not look the age of a man who became associated with Fetcher in 1921, or whose sons are now in their 40s. He's statuesque, looks hale and hearty, and speaks fluently. Some veterans of the industry will remember his stint as president of the National Screw Machine Products Association (NSMPA) in the mid-50s, and the work he performed before that with the Office of Price Administration (OPA) and the National Recovery Administration (NRA). He gained considerable recognition for all those jobs. He stil serves as chairman of the NSMPA's Public Affairs Committee.

SCANS FUTURE

"It's hard to predict the future for the screw machine products industry," Bonner said in his office at A.T. & G., "but then, that's true about almost any industry. For many of us, business is cyclical, and it's affected by strikes, public attitudes, competition from other industries, and decisions made by our customers regarding the amount of work they release to outside suppliers.

"But I have to say that, even with all these variables to consider, there's absolutely no question in my mind that the future will be secure for those screw machine shops that keep abreast of engineering or technical advancements, and that continue to stress quality in the products they make."

Bonner admitted that screw machine products in many applications cannot compete with cold formed parts and other competitive products in price. "And that's why it's so important for us to maintain the highest standard of quality in the items we produce," he said.

"The auto industry, for example, expects us to provide it with strong, uniform anchor bolts for brake subassemblies, and we have to maintain proper concentricities on these parts, and give them lots with very low rejection rates. It's a fact that a competitor who's trying to produce anchor bolts a different way may be able to cut one-third off of our price, but as a general rule, we'll get the order, because when you're talking about subassemblies such as brakes, the automaker's more anxious to know what kind of quality he's getting than how much the parts are going to cost."

$9-MILLION SALES IN 1972

Bonner said that the three companies he's heading have normal annual sales, combined; of $8 million to $10 million. In the 1972 fiscal year, their volume totaled up to about $9 million. Five years ago, sales by the three companies were around $7.5 million, he said.

Most of the screw machine parts these firms produce go to the automakers and their components, or subassembly suppliers. Besides anchor bolts, these parts include spindles of different kinds, studs, bushings, rods, valves, shafts and precision fastener. A.T. and G., which had sales last year of more than $6.5 million, produces special items only. There are no parts available from the Farmington firm off-the-shelf.

Bonner estimated that his companies produce around 250 different screw machine products each year, and a total quantity of 200 million to 250 million pieces annually. His facilities are able to produce parts in steel, brass, aluminum, copper, and other materials up to approximately 4¾ inches in diameter and 18 inches in length.

COMMEMORATION OF THE 10TH ANNUAL MEETING OF THE AMERICAN ASSOCIATION OF ATTORNEY-CERTIFIED PUBLIC ACCOUNTANTS, INC.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. GILMAN. Mr. Speaker, in this day and age when it is imperative to strive for the best in professional accomplishment to adequately satisfy the growing needs of a society steeped in complicated techniques required for its very existence and development, it is fitting to draw attention to, and single out for special encomiums, a professional society whose members have been licensed to practice both as attorneys and as certified public accountants.

I refer to the American Association of Attorneys-Certified Public Accountants, Inc.—AAACPA—which will hold its 10th annual meeting in November.

I am privileged to honor this group and wish to call the attention of my colleagues to some of the activities of the AAACPA. Accordingly I respectfully request that the following report be included in this portion of the RECORD.

CHALLENGES AND ATTACKS GAVE BIRTH TO THIS ASSOCIATION

One challenge was to bring together persons who by dint of study and experience, had attained the dual capacities of Attorney-CPA to better serve the public, so that by professional contact, they could further expand their capacities "pro bono publico."

The other challenge was to resist the unwarranted attacks by those provincial ethics committees of several states, as well as the august American Bar Association (ABA), which would require these duly licensed dual practitioners to reject their duality and exclusively practice only one or the other of the two professions.

While most state and local bar associations did not follow this view, dual licensees in the profession of law and accountancy realized that failure to react to and resist the serious challenges that had surfaced would result in the gradual deterioration of their position to their own and to society's disadvantage. They recognized the possible ultimate loss of valuable rights they had earned and secured from sovereign states by perseverance, study, examination and practice. The foresight of just a handful of dual licensees from several sections of the country resulted in the decision to take the first step in the protection and preservation of their constitutional rights. They invited others, who found themselves in the same position, to attend the first organizational meeting of the American Association of Attorney-Certified Public Accountants, Inc.

It is a pleasure to report that the challenges were successfully met and the attacks have all but ceased. Although there are approximately 3,500 attorney-certified public accountants in the entire country, over 1,000 of them are now members of this prestigious professional organization and practically every state of the union, the District of Columbia and Puerto Rico has representation in the Association. There are nineteen affiliated regional associations located in California, Connecticut, District of Columbia, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Texas, Virginia and West Virginia. I mention them to show the depth of penetration and development achieved by the national organization in the short span of ten years.

Critical bar and accounting associations were confronted. The perseverance of the AAACPA, which then numbered its membership in the hundreds, prevailed. Fortunately, our democratic society is conducive to a full airing of all viewpoints and valid opportunities for mistaken views to be changed. The leaders of the Association have an abiding faith that discerning minds outside of the membership ranks would ultimately see the justice of the dual licensees' viewpoint but this important matter could not be left to chance. From the very beginning diligent efforts were made by the Association for a solution of a problem that should never have existed in so disturbing a fashion, in the first place.

Both professions of law and accountancy are better today for the wise counsel that prevailed to permit the free interchange of opposing views especially those that were accepted for publication in the American Bar Journal and the Journal of Accountancy—the latter a publication of the American Institute of Certified Public Accountants.

From 1964 to 1968, their supplications for relief were rejected by the ABA, but their perseverance finally prevailed and the Association was invited by the renowned Special Committee on Evaluation of Ethical Standards of the ABA, known also as the "Wright" Committee, to meet with them and submit a brief on the Association's position. This Committee had the awesome responsibility of recommending changes in the ethical concepts applicable to the legal profession. Their work resulted in the imposing Code of Professional Responsibility adopted in 1969, which updated, modified and replaced the Canons of Ethics.

That meeting of the representatives of the AAACPA with the Wright Committee in the Waldorf Astoria in New York in August of 1968, has been the brightest episode in the accomplishments of this Association. The discussions were extremely fair-minded and friendly and both sides made serious efforts to explain and resolve the opposing points of view. Subsequent discussions ensued during the preliminary draft period of the Code of Professional Responsibility to incorporate further suggestions by the AAACPA. Happily, the amended Code was unanimously adopted by the House of Delegates of the American Bar Association and has been adopted by practically every state.

Of particular interest to the Association's members is Disciplinary Rule 2–102(E) of the Code which states that "A lawyer who is engaged both in the practice of law and another profession or business shall not so indicate on his letterhead, office sign, or professional card nor shall he identify himself as a lawyer in any publication with his other profession or business".

The impact of this rule was clear and to the complete satisfaction of the AAACPA. A lawyer who is also engaged in another profession may practice both professions with, of course, certain fair and understandable guide lines.

The adoption of the Code on August 12, 1969, and especially the portion that concerns the Association's members directly as dual practitioners, definitely represents the most important favorable development to date affecting the Association and its membership.

Next in import was the American Bar Association's Formal Opinion No. 328 issued in August 1972, which pronounced that it is proper for a lawyer simultaneously to hold himself out as a lawyer and as an accountant, that separate letterheads as a lawyer and as a C.P.A. are required and that a lawyer may practice two professions, such as law and public accounting, from the same office with some qualifications as specified in the Code.

It is to the credit of the American Association that it sought to resolve a difficult situation by pursuing friendly discussions with Bar Associations and Accounting Groups. There was a fair dissemination of all points of view and the climate of conflict has cleared considerably.

Although the Association has maximized its efforts to successfully confront the former challenges and attacks on the ethical propriety of the dual practice, it has also successfully handled other challenges. It has lost no time in developing meaningful programs for the benefit of members of both the legal and accounting professions. From its very inception the Association sponsored professional betterment seminars, initiated, encouraged and financed scholarship programs in a number of universities, sponsored law review and professional articles by its members and published a quarterly newsletter which is mailed to approximately 4,000 dual practitioners, libraries, Bar Associations and Accounting Societies. During the current year, after a period of study and discussion, the Association sponsored and set up the American Association of Attorney-Certified Public Accountants Foundation, Inc. Among the listed purposes of this foundation are the fostering and maintenance of the honor and integrity of the professions of the law and public accounting, the study and improvement and facilitation of the Administration of Justice, the study of law and accounting, the ethical practice thereof and research therein and to promote and foster the continuing education of lawyers and accountants.

These are noble purposes and you may be assured that they are safely entrusted in the care of attorney-certified public accountants, who have given much of their time and effort and means to encourage and seek the best of the two worthy professions of law and accountancy in order to better minister to the essential needs of our increasingly complex society.

In light of their accomplishments, this is an appropriate time to warmly congratulate the members of the American Association of Attorney-Certified Public Accountants, Inc., to wish them well in their endeavors, to hope that their numbers will grow, to encourage their continual interest in the welfare of the members of the two professions in which they are licensed to practice and in the welfare of the public at large.

ARAB OIL AND U.S. GRAIN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BINGHAM. Mr. Speaker, on November 5, the Associated Press reported that the Department of Agriculture expected sales of U.S. grain and other farm products to the Middle East to jump 50 percent in fiscal 1974, to a record $600 million. With a continuing Arab oil boycott, I thought my colleagues would be interested in knowing the amount of grain that we exported to the Middle East in fiscal 1973, and especially to the six countries limiting oil exports. That data follows:

U.S. GRAIN EXPORTS TO THE ARAB STATES—FISCAL YEAR 1973

[Note: NDAF, not directly accounted for, refers to other grains not included in quantity totals but included in the value totals. Quantity figures represent minimums rather than accurate totals. Dollar values are accurate as shown.]

	Quantity (metric tons)	Value (thousands)
1. Syrian Arab Republic:		
Rice	13	$2
NDAF	NDAF	2
Total	13+	4
2. Qatar:[1]		
Wheat	21	2
Rice	39	10
Feed grains	5	1
NDAF	NDAF	11
Total	65+	24
3. United Arab Emirates:		
Wheat	1,275	106
Rice	130	49
Feed grains	580	58
NDAF	NDAF	48
Total	1,985+	261
4. Yemen Arab Republic:		
Wheat	2,999	344
Rice	562	162
Feed grains	9	2
NDAF	NDAF	265
Total	3,570+	773
Yemen (Aden):		
Wheat	2,587	258
Rice	200	43
Total	2,787	301
6. Oman:		
Rice	9	4
NDAF	NDAF	6
Total	9+	10
7. Bahrain:[1]		
Wheat	105	11
Rice	59	20
Feed grains	37	6
NDAF	NDAF	55
Total	201+	92
8. Lebanon:		
Wheat	85,008	6,620
Rice	1,119	373
Feed grains	50,831	2,981
NDAF	NDAF	209
Total	135,958+	10,183
9. Iraq:[1]		
Wheat	13,281	1,269
Feed grains	207	89
NDAF	NDAF	41
Total	13,488+	1,399
10. Jordan:		
Wheat	93,943	7,130
Rice	431	106
Feed grains	36,405	3,029
NDAF	NDAF	46
Total	130,779+	10,311
11. Kuwait:[1]		
Wheat	22	6
Rice	2,154	611
Feed grains	7,164	625
NDAF	NDAF	1,008
Total	9,340+	1,350
12. Saudi Arabia:[1]		
Wheat	150,111	10,678
Rice	56,729	14,825
Feed grains	7,090	594
NDAF	NDAF	391
Total	213,930+	26,498
13. Morocco:		
Wheat	335,010	26,012
Rice	2	1
Feed grains	18,500	1,457
NDAF	NDAF	161
Total	353,512+	26,731
Algeria:[1]		
Wheat	407,555	28,106
Total	407,555	28,106
15. Tunisia:		
Wheat	71,771	6,398
Feed grains	24,423	1,582
NDAF	NDAF	327
Total	96,194+	8,307
Libya:[1]		
Wheat	5,129	470
Rice	2,029	874
Feed grains	2,600	289
NDAF	NDAF	135
Total	9,758+	1,768
17. Egypt:		
Wheat	292,861	25,794
Feed grains	132,399	8,581
NDAF	NDAF	459
Total	425,260+	34,834
18. Sudan:		
Wheat	85,222	7,465
Feed grains	12,403	755
NDAF	NDAF	345
Total	97,625+	8,565
Total — Arab countries with embargo in effect against United States	654,337	59,237
All countries:		
Rice	63,476	17,080
Wheat	1,546,900	120,669
Feed grains	292,655	20,049
NDAF	NDAF	3,509
Total	1,902,029	160,417

[1] Indicates participation in oil embargo.

Note: Figures concerning grain shipments to Abu Dhabi, a member of the United Arab Emirates and a participant in the oil boycott, are not separately available and thus are not included in Arab embargo totals.

Source: U.S. Department of Agriculture.

PRESIDENTIAL SUCCESSION AND THE POPULAR MANDATE: A RETURN TO 1972

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Ms. ABZUG. Mr. Speaker, on November 1 I introduced H.R. 11230, a bill to amend title 3 of the United States Code to provide for special presidential elections. This bill, based on the Presidential Succession Act of 1972, would remove partisanship from the impeachment process, and produce an administration grounded in popular confidence.

As columnist William Raspberry said in yesterday's Washington Post:

> The proposal has some clear advantages over the present options, which are either to confirm Gerald Ford as a likely President or to elevate Carl Albert to that position. In either case you get a President not chosen by the people. In the latter case, you get a President not even of the party favored by the people.

One of the important aspects of the proposal is that it would largely remove the suspicion of politics from presidential sucession. As things now stand, a Democrat-controlled Congress that rejected the nomination of Republican Ford, for any reason whatever, would be suspected of trying to take for the Democratic Party what it failed to win in the 1972 elections.

For the benefit of my colleagues, I insert the full text of Mr. Raspberry's column and an article appearing in the Wall Street Journal by noted scholar, Arthur Schlesinger, Jr., in the RECORD:

A Special Election in 1974

(By William Raspberry)

Boston's Mayor Kevin White has been pushing hard for a special election to replace the fallen Spiro T. Agnew and the falling Richard M. Nixon.

White, like so many Americans, is dismayed at the prospect of a President being forced out of office but being permitted (under the 25th Amendment) to name his own successor. But to deny him that choice, by congressional refusal to confirm Mr. Nixon's nominee for the vice presidency, would be to promote House Speaker Carl Albert, a Democrat, to a position for which the American people elected a Republican.

Says White:

"Our choice today appears to be either: (1) a national leadership that is not nationally elected to govern a nation, or (2) acquiescence to disregard and abuse of constitutional powers by our current elected leadership, and controversy for three years about the legitimacy of that leadership."

Mayor White sees another alternative: a special election early in 1974 to choose a new President and Vice President (in the event both offices have become vacant), with the Speaker of the House serving as interim or acting President until January, 1975.

"This would require no constitutional amendment, but simply an act of Congress," White contends and constitutional law scholars with whom I have spoken agree. Such a solution says White, would begin a "healing" process and, by returning the decisionmaking power to the people, "ensure the legitimacy of presidential power."

The constitutionality of the proposal seems clear enough. Article II, Section I, provides that ". . . the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President and such officer shall act accordingly, until the disability be removed or a President shall be elected."

To do what White proposes could go a long way toward re-establishing a sense of order and stability to the national government. Introduction of special-election legislation would put the Congress in the posture of acting, rather than merely reacting to one crisis after another.

The proposal has some clear advantages over the present options, which are either to confirm Gerald Ford as a likely President, or to elevate Carl Albert to that position. In either case you get a President not chosen by the people. In the latter case, you get a President not even of the party favored by the people.

Under the White plan, Albert would be acting President only.

One of the important aspects of the proposal is that it would largely remove the suspicion of politics from presidential succession. As things now stand, a Democrat-controlled Congress that rejected the nomination of Republican Ford, for any reason whatever, would be suspected of trying to take for the Democratic Party what it failed to win in the 1972 elections.

Perhaps as fair as White's special election, and considerably less unwieldy would be a reconvening of the electoral college for new presidential and vice presidential selections. That way, the new national leadership would be chosen by precisely the same people who chose the winners last fall. But that path may have some insurmountable constitutional obstacles.

Of overriding importance for Kevin White is the necessity that people consider their government to have legitimacy.

"Rather than living for three years with an administration unable to instill confidence and lacking legitimacy, a special election would seize the crisis of impeachment and succession as an opportunity to reaffirm the workings of our political process," he said.

Two drawbacks to the White proposal are the amount of time and confusion involved in organizing, campaigning for and holding the elections and the fact that the traditional Leap Year cycle of presidential elections would be lost, there being no provision for a two-year-term. Neither of these seems particularly crucial.

There could, however, be really critical problems of strategy, White's plan, envisioning the necessity of impeachment, would require the rejection of the Ford nomination. Yet the feeling is growing that the President may well elect to resign, but not until Ford is confirmed.

Back to the Founding Fathers?

(By Arthur Schlesinger, Jr.)

The crisis of the American presidency roars along; but the last fortnight has wrought an interesting change in the acoustics of the situation. It would seem that the idea of impeachment is now no longer unthinkable. What was for so long a remote, alien and frightening concept is on its way to becoming, in the phrase of the late Spiro T. Agnew, a household word. And indeed Agnew's own total disappearance from the scene, an event no doubt traumatic for him but quickly absorbed and forgotten by the rest of the country, has perhaps begun to accustom people to the notion that changes may be made near the very top of government without national disaster.

Of course the vice presidency is one thing, the presidency something very different. Mr. Nixon in his press conference strove valiantly to put over the point that his special relationship with Mr. Brezhnev made him personally indispensable to the successful conduct of foreign affairs. Skeptics noted, however, that this special relationship dissuaded Mr. Brezhnev neither from forcing the crisis (if indeed there was a crisis) in the Middle East nor from rebuking Mr. Nixon thereafter for his "absurd" account of the crisis and his alleged "attempt to intimidate the Soviet Union." Indeed, Secretary of State Kissinger had already curiously undercut the President's claim to indispensability by pointing out in his press conference that the essential decisions were made by the National Security Council without the participation of the President and only then passed along for his final approval.

The crisis remains, and it will no doubt erupt again over the same issue that led to the firing of Archibald Cox—the insistence of the special prosecutor, whoever he may be, on access to evidence locked up in the White House. While the President in the end said he would yield this time to the ruling of the court of appeals with regard to the nine specified tapes, he appears adamant in his determination to hold back other materials any special prosecutor will consider indispensable to an honest investigation.

Moreover, even with regard to the nine tapes, the judicial ruling is not altogether clear on one vital point. The court said that, if the President claimed that "certain material may not be disclosed because the subject matter relates to national defense or foreign relations, he may decline to transmit that portion of the material" to Judge Sirica.

A NATIONAL-SECURITY BLANKET

Now the President has already made it perfectly clear that his theory of national-security information cuts a very wide swath. He has admitted trying at the very start to limit the inquiry into the Watergate burglary on the ground that it might uncover CIA operations and endanger the national security—an idea denied at the time by the CIA and never satisfactorily explained thereafter by the President. He has admitted telling Assistant Attorney General Henry Petersen on April 18 of this year "to stay out of national security matters" in questioning Howard Hunt of the White House plumbers. His statement of May 22 used the phrase "national security" 24 times and the word "security" in one or another context 13 additional times an effort to shove as many things as possible under a national-security blanket.

As late as August 15, apropos of the break-in by the plumbers into the office of Mr. Ellsberg's psychiatrist, Mr. Nixon declared his grave concern "that other activities of the special investigations unit might be disclosed. . . . It was and is important that many of the matters worked on by the special investigations unit not be publicly disclosed because that disclosure would unquestionably damage the national security." One may reasonably suppose that, if this particular break-in had not already come out, it too would have been sealed up in the name of national security. Does anyone suppose that other activities of the plumbers are more legitimately withheld?

If Judge Sirica should be unconvinced by presidential deletions in the name of national security, then presumably the matter would ascend once more to the court of appeals, thereby reopening the question whether a higher court can gain access to unexpurgated tapes in order to determine whether the deletions were justified. In the meantime, the President has invoked executive privilege to stop oral testimony before the Watergate Committee concerning a White House meeting of March 23, 1971—the meeting which led to the increase in milk price supports shortly after the dairy industry made large contributions to Nixon's reelection campaign. No conceivable claim of national security can operate here.

Persisting presidential opposition to the yielding of evidence will only strengthen the arguments for impeachment. For, whatever merit a presidential claim of privilege may have in certain circumstances, that claim is automatically and totally dissolved when the House of Representatives undertakes an inquiry with a view to the exercise of its constitutional power of impeachment. In such an inquiry, as President Polk said in 1846, "the power of the House in the pursuit of this object would penetrate into the most secret recesses of the Executive Departments. It could command the attendance of any and every agent of the government, and compel them to produce all papers, public or private, official or unofficial, and to testify on oath to all facts within their knowledge." Continued White House denial of evidence to the special prosecutor or the Senate committee would therefore leave the Congress little alternative but to use the impeachment process to gain access to the evidence required to resolve the issues before the country.

Where would successful impeachment leave the republic? The dethronement of President Nixon would, according to the present law of succession, bring into the presidency either Gerald Ford, if he can be confirmed in the present circumstances, or, this failing, Carl Albert, Speaker of the House. The question has arisen whether there is not a better way to handle the problem. Several members of Congress have thus introduced resolutions providing for a special presidential election if Congress should find that a President has so lost popular confidence that he can no longer effectively perform his responsibilities (Jonathan Bingham) or that a President has violated the Constitution (Edith Green and Morris Udall). A special election would have obvious advantages. It would clear the slate and bring in an administration with a mandate to govern. But this approach requires a constitutional amendment and is therefore not practical as an immediate solution.

Last week the staffs of Sen. Edward Kennedy and of Mayor Kevin White of Boston came up, quite independently, with another approach—that is, a reinstatement by Congress of the Presidential Succession Act of 1792. This law, under which the United States lived for 94 years, contained an interesting and forgotten provision. In case of the simultaneous removal, death, resignation or disability or *both* the President and Vice President, the law said, then the president pro tem of the Senate, or should there be none, the Speaker of the House "shall act as President . . . until such disability be removed, or *until a President be elected.*" Whenever the office of President and Vice President both fell vacant, the Secretary of State was "forthwith" to make arrangements for a new presidential election, unless the simultaneous vacancy fell within the last year before the next regular presidential election, in which case the Acting President would serve out the term.

The Presidential Succession Act of 1792 was passed by the Second Congress, which contained a number of men who had been at the Constitutional Convention five years before. It shows, among other things, that the Founding Fathers hardly regarded the four-year election system as sacrosanct. But the law had certain ambiguities. Did it intend that the newly elected President only serve out the rest of the regular four-year term? It can be considered that this is implicit in the failure to provide for the synchronization of presidential and congressional elections and in the restriction of the special election to the first three years to the term.

On the other hand, such eminent constitutional authorities as Herbert Wechsler and Paul Freund argue that this reading of the act is incompatible with Article II, Section 1, of the Constitution which provides that the President "shall hold his Office during the Term of four Years." That argument would be conclusive if the Constitution had said "during *a* Term of four Years." "*The* Term" may refer to the regularly scheduled term and thus leaves at least a millimeter of doubt. Constitutional authorities, as James Wechsler wrote in an interesting column last week in The New York Post, also assume that the special election would coincide with the mid-term congressional election, thereby solving the synchronization problem. This assumption, however, finds little sustenance in the language of the act, which calls only for elections in the first available November.

REENACT THE 1792 LAW?

In any case, the Presidential Succession Act of 1792 is hardly a triumph of lucid draftsmanship, even though it may not quite warrant the harsh judgment of the great constitutional scholar E. S Corwin: "It is unlikely that Congress ever passed a more ill-considered law." Might not there now be point in Congress's returning to the Founding Fathers and reenacting the law of 1792? Obviously the timing of the special election and the length of the subsequent term would have to be clarified. Perhaps the election should be held within 90 days of the double vacancy; and the new President should serve only the balance of the regular term, if this is reconcilable with Article II, Section 1.

Moreover, many people, noting that Senator James Eastland of Mississippi is president *pro tem* of the Senate, would prefer to follow the example of Harry Truman, whose Succession Act of 1947 reversed the 1792 order, providing that, in case of a simultaneous vacancy, it would be first the Speaker of the House and only then the president pro tem of the Senate who would qualify as "Acting President."

The signal advantages of reinstating the 1792 law would be that it is the only discernible means of producing before 1976 an administration demonstrably grounded in popular confidence—and that, since it would be a statute and not a constitutional amendment, it could be passed at once. If Mr. Nixon had the courage to resign and submit his case to the nation, he could even seek vindication as the Republican candidate in the special election. If removed by the impeachment process, of course, he would thereafter be forbidden "to hold and enjoy any Office of honor, Trust or Profit under the United States."

One of the incidental values of the contemporary crisis of the presidency is the attention the American people are suddenly compelled to pay to the workings of what had been carelessly assumed to be a reasonably foolproof political system.

A PLEA FOR SANITY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. MICHEL. Mr. Speaker, I want to bring to the attention of my colleagues the editorial opinion of an old friend of mine, now publisher of the Courier in Ottumwa, Iowa.

In a time like this when all we seem to be getting from much of the media is something akin to hysteria, it is refreshing to see that Jerry Moriarity is still displaying that good, old-fashioned brand of horsesense that we all need to help us put things in perspective and use reason and good judgment in our evaluation of what is happening nationally.

I insert his editorial, "A Plea for Sanity" at this point in the RECORD:

A PLEA FOR SANITY—HAS OUR PERSPECTIVE BEEN LOST?

(By Jerry Moriarity)

Will not one sane voice be raised in these United States with a plea for reasonableness in judging President Richard Nixon?

Will not just one politician abandon the vitriolic, hysteria-creating rhetoric long enough to ask what is being done to our country? And why?

Will not just one editor, embraced by his own obsessions over a shield law, honestly admit that others, even Presidents, have rights to privacy also? Even on tape.

As an interested observer on the presidential scene since the days of Harry S. Truman (although earlier I had heard and seen both Franklin D. Roosevelt and Al Smith) it is distressing to see how this once vigorous nation is being torn asunder in the wake of the sordid Watergate debacle.

Nixon now is being condemned as a Hitler-figure, as an immoral politician, incapable of leading this nation. Impeachment looms on the horizon.

Somehow the perspective has been lost completely.

Just how great are his crimes? How many lives have been lost? How many tax dollars have been misappropriated? How many elected officials have been contaminated?

And let's compare Nixon with several of his predecessors, too, while we're at it.

I was in Washington, D.C., in the new State Department building a number of years ago on the exact day President John F. Kennedy confessed to us that American pilots were flying missions for the first time in South Vietnam.

Before that, under President Eisenhower, we had only an advisory role. Now we were projected—by presidential decree—into that of actual combatants. The pilots who died on those first sweeps started a parade of dead that later seemed interminable. And the war itself was almost interminable, made so because of the no-win policies inflicted on our fighting men.

And don't forget we had the ill-conceived and ill-fated Bay of Pigs invasion of Cuba, engineered by Kennedy, who let the Cuban patriots die on the beaches because no American fire or air power had been supplied as promised. Not even the New York Times protested! And there were no cries for impeachment.

Does the arrest of the four Cubans in the Watergate burglary match this tragedy as some commentators would have us believe?

I heard President Lyndon Johnson in Peoria, condemning Barry Goldwater as a warmonger, while proclaiming himself as a disciple of peace. Many of us still remember the distasteful TV commercials of the little girl with a daisy being blown up in an atomic holocaust, all because of Goldwater, according to the Johnson scriptwriters. Johnson once said: "I'm President of the United States and I can do any goddam thing I want to." And he did. So it wasn't surprising that in a few months after his election, the Messiah of peace out-Goldwatered Goldwater, hobbling us in a war unlike any other in our history.

I felt at the time that Johnson was a dangerous hypocrite and the thousands of crosses in the jungles of Southeast Asia now attest to that truth. And surprisingly—or is it surprisingly?—the fawning liberal press praised Johnson as a hero upon his death. Impeachment never crossed their minds.

Yet these same critics are yelping at Nixon's heels, even though it was Nixon who brought that ugly war to a conclusion.

For the first time in a generation America is at peace. For the first time in more than a score of years, no American serviceman is dying in combat.

And it was Nixon who broke down the barriers separating the U.S. from both Red China and the Soviet Union, no small accomplishment under any standards.

To understand Watergate, it is wise to reflect on the America Nixon inherited as President. Cities were burning. Weathermen revolutionaries were blowing up buildings, occasionally themselves. Civil disobedience was the pattern. President Johnson could not even attend the Democratic convention in Chicago, so ugly was the mood. Candidate Eugene McCarthy couldn't get from his hotel to the convention hall because of demonstrators on the streets. Yippies rioted in the parks, foul words written on their foreheads; some with their pants' fronts opened, exposing themselves. Others contented themselves with throwing human waste at the harassed Chicago police. I was happy to get away from that scene.

And can you honestly say conditions in the U.S. are worse now under Nixon? You've got to be lying in your teeth!

Honk for impeachment, if you will. The sounds can be heard again over the still land; a few years ago they would have been drowned in the cacophony of discontent.

OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART XII

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ASHBROOK. Mr. Speaker, over a number of months I have called to the attention of Members of Congress statements, newspaper accounts and other information raising questions concerning the nomination of Mr. Helmut Sonnenfeldt as Under Secretary. A number of witnesses have testified before the Senate Finance Committee in opposition to his confirmation. The hearings began on May 15 were finally concluded on October 2 and the committee voted to approve his confirmation.

The Senate hearings provided a dramatic note when Mr. Sonnenfeldt, Mr. Stephen Koczak and Mr. Otto Otepka gave conflicting testimony under oath, suggesting the possibility of perjury.

What started out as a pro forma confirmation hearing, now has become the subject of much controversy. To illustrate the complexity of the case, I am inserting into the Record two letters to Senator Russell Long, chairman of the Senate Finance Committee from Mr. John Hemenway, who was the first opposition witness on May 15. A copy of my news release, to be released on Friday, November 9, dealing with the case and hearings now being currently held by the House Internal Security Committee is also included:

Washington, D.C.,
Nov. 7, 1973.

Senator Russell B. Long,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Issues, such as the integrity of witnesses and the sanctity of public documents and records, brought into public focus by the Senate Select Committee on Watergate, provide the background against which many current events are judged.

The Nomination of Helmut Sonenfeldt (and others), in the Finance Committee's publication of the Confirmation Hearings of May 15, 1973, October 1 and 2, 1973 cannot escape the Watergate context and re-examination of standards.

Therefore, the large number of matters left unresolved in your Committee report struck me. They are important matters, particularly if senators voting on the matter of confirmation are of the belief that the Finance Committee looked into all of the evidence available concerning Mr. Sonnenfeldt's qualifications for high office.

I appreciate your sense of fair play in permitting me to testify before your Committee, even though you support the nomination of Helmut Sonnenfeldt and you know I opposed it. However, left unresolved are important matters relating to Mr. Sonnenfeldt's personal integrity. This matter, in turn is related to every citizen's respect for and trust in the honesty with which his government manages the affairs of this Republic.

Counting again on your sense of fairness, I have set down a number of matters that were not resolved by your Committee during the limited time it actually devoted to the matter of Mr. Sonnenfeldt's qualifications. I hope that you may, in the interest of evenhandedness, call these matters to the attention of your Committee members and other senators in a supplemental report. My list, while long, is not by any means comprehensive.

Item and nature of the information or evidence unreported

1. *Mr. Otepka* had more to say—(*Transcript* p. 128) "Chairman Long (to witness Otepka): ". . . there is a lot more you should be asked to tell us about . . . I may have to ask one of our staff people to sit with you . . . or else ask you to come back before the committee . . . . I have to leave at this point, but this is a matter that I think will have to be cleared up." *In fact*, there were a lot of matters raised by the Otepka testimony that never were clarified, but neither Sen. Long, nor any staff member requested further clarification, and little of this appears in the transcript.

2. Mr. Koczak asks permission to submit new statement—Mr. Koczak, caught by surprise, testified on October 1, extemporaneously. He asked for permission to testify and elaborate on his extemporaneous remarks of October 1 (Transcript p. 89–98). He reported (T., p. 141) that the Senate Finance Committee Staff will not accept a letter clarifying false statements published in the New York Times. His full remarks, under oath, were given to the Ichord Committee of the House of Representatives today, 7 November, 1973, but the revealing testimony on discrepancies in Sonnenfeldt's testimony to the Finance Committee has been denied to the senators asked to vote on the basis of the Finance Committee's Report.

3. Perjury—One can not read the Sonnenfeldt Hearing Record carefully without being aware of the likely possibility that perjury has been committed. For this reason I wrote to the US Attorney for the District of Columbia and to the Acting Attorney General on November 1, 1973 asking these officials to investigate the matter. These letters, along with Congressman Ashbrook's own letter to the Attorney General bearing on the identity of an FBI Agent in the matter (see below) were published in the *Congressional Record* of November 1, 1973, p. 35705.

4. Witness: Francis Niland—Mentioned by Mr. Otepka (T. p. 127 and T. p. 128) as a key witness to confirm Mr. Opteka's own sworn testimony as to improper activities of Mr. Sonnenfeldt. He was not called, but was interviewed by one of the Committee. There is no record of that interview in the Committee record.

5. Witness: Hugh Cumming—Named by Mr. Otepka as of the opinion that Mr. Sonnenfeldt had a propensity to divulge classified information to unauthorized persons. Cumming was Director of the Bureau of Intelligence and in a position to corroborate Opteka. He was not called by the Committee.

6. Witness: Herbert Lampe—Named by Journalist Paul Scott (T. p. 152) as the man in the security division of the Department of State who "sat on the wire tap" on Sonnenfeldt for over a year. He was not called by the Committee.

7. Witness: Morris Ernst—Named by John Hemenway as the Director of Economic Research for CIA who asserts that Mr. Helmut Sonnenfeldt and the NSC staff were kept informed of all aspects of intelligence concerning the grain deal with the Soviets and factors that could affect it on a day-by-day basis in Hemenway's letter to Senator Long of 6 November, 1973. Sonnenfeldt's responses to Senator Byrd (Va.) disclaim any intimate knowledge of the grain deal and all responsibility for it. (See especially, T.p. 76, and also, T. p. 77, 78, 84, 61, 59, 58, 56, and 55.) Mr. Sonnenfeldt's veracity on this point was not probed by the Committee.

8. Witness: General Haig and Henry A. Kissinger—Named by former Presidential Counsellor Mollenoff as one of two White House aides (the other was Dr. Henry Kissinger) to whom he provided the very information, the Finance Committee was investigating. Nothing was done by Gen. Haig or Dr. Kissinger with this information (T. p. 98) Congressman Ashbrook in a letter to Senator Long notes that something *was* done. As soon as Mollenhoff left the White House, Sonnenfeldt was promoted to FSO–1. (T. p. 107)

9. Witness: "Sid" Goldberg—Mr. Goldberg, a publisher and journalist for over 22 years in the special field of personnel practices of the Federal Government, received first-hand information about the "sanitizing" of Sonnenfeldt's security file just prior to Sonnenfeldt's lateral entrance into the U.S. diplomatic service at the rank of FSO–1 (equivalent to major general. (T. p. 155) Mr. Goldberg was not called by the committee.

10. Witness: Jesse M. Macknight—Yet another witness available to testify that the materials reviewed by the panel convened to bring Sonnenfeldt into the diplomatic service were specially screened. (T. 156) He was not called by the Committee.

11. Witness: FBI Agent name not known—Named by Mr. Koczak (T. p. 93) as detailed to covert security operation, this is the agent who investigated the Sonnenfeldt matter. Name requested by Congressman Ashbrook (Congressional Record of November 1, 1973, p. 35705.) Not called by the Committee.

12. Three U.S. Diplomats, the FSO Exam Panel—This group routinely okayed Sonnenfeldt's fraudulent entry into the US diplomatic service at the rank of FSO–1 (they probably did not know that fraud was involved.) The panel consisted of Amb. Margaret Joy Tibbits, Howard L. Persons, and Alan Fidel. (T. p. 28.)

13. Witness: Jane Dannenhauer and Fred F. Fielding—Staff assistant in charge of the White House Security Office named by Secretary Shultz (T. p. 110) as reviewing officer (together with Fred F. Fielding) on the various security checks on Mr. Sonnenfeldt (T. p. 110). The problem is that, according to Mr. Otepka (T. p. 111) there are numerous serious discrepancies which remain unresolved by the statements or reviews of Miss Dannenhauer and Mr. Fielding. The Committee did not pursue this line of inquiry.

14. Witness: Mr. Otepka's Secretary—Named by Mr. Otepka (T. p. 126) as having transcribed the wire taps on Mr. Sonnenfeldt. These wire taps provided the solid basis for knowing that Mr. Sonnenfeldt was not telling the truth on several material points during official investigations. Was not called by the Committee.

The above list of uncalled witnesses and unresolved matters is not complete. It simply serves to give you an idea of the kind of problem I believed important enough to call to your attention. Clearly, the facts are not all in, yet, and some of the facts that are in the record suggest strongly that perjury has been committed during the Hearing and that Sonnenfeldt's chief qualification for being Under Secretary of the Treasury is the fact that he has a close personal friendship with Mr. Henry Kissinger, now Secretary of State.

It may not be significant, in the view of some, that Mr. Sonnenfeldt claimed to be handling all Soviet and European matters for Mr. Kissinger in the NSC. However, when asked several times (see point #7, above) about the disastrous grain deal with the Soviet Union that has cost the US Government billions of dollars, so far, Sonnenfeldt claimed: "That happens to be one negotiation . . . I did not participate in."

Sonnenfeldt never did answer Senator Byrd's follow-up question, "Surely you had some input in regard to that Soviet grain deal, did you not? (T. p. 76, bottom of the page.)

Most Congressmen and U.S. Senators are very concerned for the plight of the millions of average Americans paying taxes they find difficult to pay. With his mentor, Secretary Kissinger, this potential Under Secretary of the Treasury has just participated in a $5 billion fiscal and strategic mistake that is going to have to be paid for by thousands of taxpayers. What will they think of Mr. Sonnenfeldt's answer to one of Senator Byrd's discerning probes:

"Sonnenfeldt: Well, I come from a background, Senator, in Europe, where high taxes have prevailed for generations." (T. p. 135.)

Senator Mondale has claimed that the position for which Mr. Sonnenfeldt is being considered is ". . . one of the most important in American government." (T. p. 88). Surely, therefore, the unresolved matters cited above which reflect adversely on Mr. Sonnenfeldt's personal integrity should be resolved or at least clarified before he is permitted to occupy a post of such importance.

I offer you the above comments on the Hearing Record, Senator Long, in the hope that you may wish to make it available to your colleagues in the senate before they are asked either to confirm or deny confirmation to Mr. Helmut Sonnenfeldt to be Under Secretary of the Treasury.

Sincerely yours,

JOHN D. HEMENWAY.

WASHINGTON, D.C.,
November 6, 1973.

Senator RUSSELL LONG,
Senate Finance Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: That Mr. Helmut Sonnenfeldt did not respond honestly or truthfully to questions put to him by members of your Committee was confirmed once again by additional information that has been made by available to me.

Mr. Morris Ernst, Director of Economic Research for CIA confirms to my informants that Mr. Helmut Sonnenfeldt, specifically along with Mr. Clarence Palmby and the entire technical staff of the Department of Agriculture and the NSC were kept informed of all aspects of intelligence concerning the wheat deal and factors that could affect it on a day-by-day basis.

You will recall that, during Senator Byrd's (Virginia) intensive questioning of Mr. Sonnenfeldt concerning the US/USSR grain transaction, Mr. Sonnenfeldt claimed that he was uninformed in this matter. He acknowledged that practically all other East/West arrangements were under his direction *except* the wheat deal, on which he was not really kept informed.

If you will review the transcript (published yesterday) you may find that Mr. Sonnenfeldt's responses to Sen. Byrd's questions lack a certain quality of native candor.

Since I understand that the Committee has reported out of Committee the nomination of Mr. Helmut Sonnenfeldt to be Under Secretary of the Treasury, I felt that you should be informed of these facts attributed to Mr. Ernst. I would be glad to reveal my source if you indicate a genuine interest in tracking this matter down. I understand that Senators Talmadge, Byrd (Va.) and Mondale were absent when the vote was taken in Committee—vote you asserted was unanimous. Since this might be a matter of importance to you, the Committee, and to them, I am hand-delivering this letter, as indicated, this afternoon, with copies to the absent senators.

You also should know that I have requested the Attorney General (Acting) to examine the Sonnenfeldt hearing transcripts for the clearly probable case of perjury it documents. This correspondence was published in the attached Congressional Record enclosed. Just as you may feel you have done your duty in this matter, you will understand that I, too, must do my duty as I see it.

Sincerely yours,

JOHN D. HEMENWAY.

[News release]

WASHINGTON.—Congressman John M. Ashbrook (R-Ohio), ranking minority Member of the House Internal Security Committee (HCIS) stated today that the identities are known of a number of people at the White House, Justice Department, State Department, Civil Service Commission and the Treasury Department who have been involved at various times and in varying degrees in the controversial case of Helmut Sonnenfeldt, the present nominee for Under Secretary of the Treasury. Ashbrook questioned the effectiveness of the Federal Civilian Employee Loyalty-Security Program, now under review by the Committee, as it relates to the Sonnenfeldt case in which in a recent development conflicting testimony by Sonnenfeldt, Stephen Koczak and Otto Otepka under oath before a Senate Committee suggests the possibility of perjury.

In citing the Sonnenfeldt case and the Federal security program, the Ohio Congressman referred to a number of individuals as potential Committee witnesses at an open session of a subcommittee of HCIS on November 7 just before the subcommittee voted to go into executive session to hear Koczak, who has accused Sonnenfeldt of leaking highly classified information to a foreign power.

Congressman Ashbrook stated:

"There are a number of people both in and out of government who might well be of great help to HCIS in its application of the Federal program to the Sonnenfeldt case. Whether perjury was committed or not, the importance of an individual case is secondary to a true evaluation and possible revision of a program designed to insure suitable and trustworthy employees for Federal service. The conduct of key Federal employees involved in the Watergate affair attests to this."

Ashbrook cited his experience with the Treasury Department and the Civil Service Commission in eliciting information on the Sonnenfeldt case:

"In listing the various investigations of Mr. Sonnenfeldt, both Treasury and CSC omitted investigations in the 1959–61 period involving the FBI, State Department security investigators, the use of the lie detector and phone taps to discover whether Mr. Sonnenfeldt was leaking classified information. Furthermore, the CSC's Security Investigations Index which lists all personnel investigations and is used by Federal investigators is of questioned reliability if the Sonnenfeldt case is any indicator. The Index shows no investigations between 1955 and 1966, indicating the deliberate withholding from CSC of pertinent information required under the Federal Civilian Employee Loyalty, Security Program."

THE INSTANT HYSTERIA SYNDROME

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. LANDGREBE. Mr. Speaker, hysteria has surrounded the entire Watergate affair, and recent event in the Justice Department have caused a quantum leap in this hysteria. I submit to the RECORD the following article by Ben Cole of the Indianapolis Star for consideration by my colleagues.

THE INSTANT HYSTERIA SYNDROME

(By Ben Cole)

WASHINGTON.—The four-day hubbub over President Nixon's shakeup of the Justice Department ought to inspire some reflections on the instant hysteria syndrome in modern America.

According to Gen. Alexander Haig, the President's top assistant, the White House failed to anticipate the furious reaction that ensued when Mr. Nixon fired Watergate Prosecutor Archibald Cox, when Deputy Attorney-General William D. Ruckelshaus either quit or was discharged, and when Attorney General Elliot Richardson resigned.

The pros and cons of it all are still being talked about, although the discussion is less impassioned since the President's latter day decision to let Federal Judge John Sirica listen to those controverted White House tapes.

But what is important is the suddenness with which the obviously tempestuous White House action stirred national emotions—and the manner in which they were aroused.

Mr. Nixon evidently came to the conclusion that Cox must go right after the Watergate prosecutor announced he would refuse to accept extracts of those disputed tapes, and would go to court to get the real thing. Mr. Nixon, in fact, never exactly fawned on Cox, anyway.

When Richardson resigned rather than do the firing, the job was passed to Ruckelshaus, who said he was conscience bound, too. So out went the youthful Hoosier star in the administration.

All this happened in the space of hours and broke on the TV networks approximately at the Saturday dinner hour. At least one young TV announcer, filmed on the White House lawn, was so excited by it all that he was visibly trembling.

And then came the hours upon end of analysis, commentary, man-on-the-street reaction interviews that whipped up excitement in the populace as the weekend continued. By Sunday, the available figures of prominence were adding their nickel's worth on the TV panel and talk shows.

When Congress convened on Tuesday, cries of impeachment rang deafeningly beneath the great cast iron dome of the Capitol. The press galleries were crowded with correspondents who practically never put in appearances except in times of greatest transitory excitement.

And when at last Mr. Nixon decided to hand over the tapes, the decision deflated it all so quickly that the relaxation was even visible. The press gallery was almost empty, shouts of impeachment dropped to conversational pitch.

Without taking up the merits of the President's actions, it is possible to see a great danger in the abruptness of the reaction. It was as though the whole United States with its teeming millions were a little town. All at once there ran a report that a dire crime had been committed. Who's the culprit? Then word spread that it was the mysterious person living alone on the edge of town.

All it took was one resonant voice crying, "The rope!" and off galloped the townsmen, no longer possessed of reason but transformed into a mob.

Television is a miracle that is with us, and it will continue to be with us for the rest of our lives. What is more, the way the TV—news industry uses that medium is up to its own people. And it would be dangerous to suggest anything else.

So TV is a fact, and the danger that it can produce the instant hysteria syndrome is always present. These things cannot be changed.

But humans are adaptable. The American people must come to realize that this instant communication is part of their environment and learn how to deal with their own reactions.

Politicians up to and including presidents must always keep in mind, as well, the swiftness with which the word is spread, for better or for worse.

SENATE—*Friday, November 9, 1973*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who hast revealed Thyself in a Carpenter-Physician-Teacher, make known Thyself to us in the quiet discharge of each day's duty, ennobling all our labor by doing it as unto Thee. Keep ever before us the vision of Thyself in the common things of every day, that we may find a divine calling serving our fellowman in this place. We pray not for tasks fitted to our strength but for strength which fits us for our tasks. When we ask Thee "to forgive us our trespasses" may we be sure "to forgive those who trespass against us." Gather the President, all legislators, all jurists, all those in the diplomatic and military services, and all citizens of this great land under the shelter of Thy forgiveness, Thy mercy, and Thy love that the Nation may live righteously as "one nation under God."

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 9, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

THE ENERGY CRISIS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate a message from the President of the United States which was referred jointly to the Committees on Armed Services, Banking, Housing and Urban Affairs, Commerce, Government Operations, Interior and Insular Affairs, Public Works, and the Joint Committee on Atomic Energy. The message is as follows:

To the Congress of the United States:

As America has grown and prospered in recent years, our demands for energy have begun to outstrip available supplies. Along with other major industrialized nations, we are now faced with the prospect of shortages for several years to come.

Two years ago, in the first energy message ever sent to the Congress by a President of the United States, I called attention to the looming energy problem. Since that time, I have repeatedly warned that the problem might become a full-blown crisis, and seeking to minimize shortages, I have taken a number of administrative steps to increase supplies and reduce consumption. Earlier this year, I also sent more than a half dozen urgent legislative proposals to the Congress. While none of these has yet been enacted, I am hopeful at least several of the measures will be ready for my signature before year's end.

Unfortunately, the energy crisis that once seemed a distant threat to many people is now closing upon us quickly. We had expected moderate shortages of energy this winter, but four weeks ago, when war broke out in the Middle East, most of our traditional suppliers in that area cut off their shipments of oil to the United States. Their action has now sharply changed our expectations for the coming months.

Largely because of the war, we must face up to the stark fact that we are heading toward the most acute shortages of energy since the Second World War. Of the 17 million barrels of oil a day that we would ordinarily consume this winter, more than two million barrels a day will no longer be available to us. Instead of a shortage of approximately 2–3 percent that we had anticipated this winter, we now expect that our supply of petroleum will be at least 10 percent short of our anticipated demands—and could fall short by as much as 17 percent.

ADMINISTRATION ACTIONS TO MEET THE EMERGENCY

Faced with this emergency, I believe that we must move forward immediately on two fronts: administrative and legislative.

In a speech to the Nation last night, I announced a number of immediate actions:

First, industries and utilities which use coal—our most abundant resource—will be prevented from converting to oil. Efforts will also be made to convert power plants from the use of oil to the use of coal.

Second, reduced quantities of fuel will be allocated to aircraft. This will lead to a cutback of some 10 percent in the number of commercial flights, but it should not seriously disrupt air travel nor cause serious damage to the airline industry.

Third, there will be reductions of approximately 15 percent in the supply of heating oil for homes, offices and other establishments. This is a precautionary measure to ensure that the oil now available not be consumed early in the winter, so that we shall have adequate amounts available in the later months. This step will make it necessary for all of us to live and work in lower temperatures. We must ask everyone to lower the thermostat in his home by at least 6 degrees, so that we can achieve a national daytime average of 68 degrees. In offices, factories and commercial establishments we must ask that the equivalent of a 10-degree reduction be achieved by either lowering the thermostat or curtailing working hours.

Fourth, there will be additional reductions in the consumption of energy by the Federal Government, cutting even deeper than the 7 percent reduction that I ordered earlier this year. This new reduction will affect the operations of every agency and department in the Government, including the Defense Department, which has already led the way in previous cutbacks. As one of the steps in this Federal effort, I have ordered that daytime temperatures in Federal offices be reduced to a level between 65 and 68 degrees. I have also ordered that all vehicles owned by the Federal Government be driven no faster than 50 miles per hour except in emergencies. This is a step which I have also asked Governors, mayors, and other local officials to take immediately with regard to vehicles under their authority.

Fifth, I have asked the Atomic Energy Commission to speed up the licensing and construction of nuclear plants, seeking to reduce the time required to bring nuclear plants on line from ten years to six years.

Sixth, I have also asked Governors and mayors to reinforce these actions by taking appropriate steps at the State and local level. Among the steps which I believe would be helpful are these: staggering of working hours, the encouragement of mass transit and carpooling, alteration of school schedules, and elimination of unnecessary lighting. I have also recommended to the Governors that, consistent with safety and economic considerations, they seek to reduce highway speed limits to 50 miles per hour. This step alone could save over 200,000 barrels of oil a day.

NEED FOR EMERGENCY LEGISLATION

As essential as these actions are to the solution of our immediate problem, we must recognize that standing alone, they are insufficient. Additional steps must be taken, and for that purpose, we must have new legislation.

I am therefore proposing that the Administration and the Congress join forces and together, in a bipartisan spirit, work to enact an emergency energy bill. Members of my Administration have been consulting with apppropriate leaders of the Congress for more than two weeks on this matter. Yesterday I met with the bipartisan leaders of the House and Senate and found them constructive in spirit and eager to get on with the job. In the same manner, I pledge the full cooperation of my Administration. It is my earnest hope that by pushing forward together, we can have new emergency legislation on the books before the Congress recesses in December.

Based on previous consultations with the Congress, I have decided not to send a specific Administration bill to the Congress on this matter but rather to work with the Members in developing a measure that would be acceptable to both the executive and legislative branches. As part of that process, I think it would be helpful to call attention to those provisions that I think should be included in this emergency bill. At a minimum, I hope that the act would:

—Authorize restrictions on both the public and private consumption of energy by such measures as limitations on essential uses of energy (office hours, for instance) and elimination of non-essential uses (decorative lighting, for example);

—Authorize the reduction to 50 miles per hour of speed limits on highways across the country;

—Authorize the exemption or granting of waivers of stationary sources from Federal and State air and water quality laws and regulations. Such actions would be taken through the Administrator of EPA.

—Authorize the exemption of steps taken under the proposed energy emergency act from the National Environmental Protection Act (NEPA).

—Provide emergency powers for the Federal regulatory agencies involved in transportation to adjust the operations of air, rail, ship and motor carriers in a manner responsive to the need to conserve fuel.

—Empower the Atomic Energy Commission to grant a temporary operating license of up to 18 months for nuclear power plants without holding a public hearing. Such actions would be subject to all safety and other requirements normally imposed by the Commission.

—Authorize the initiation of full production in Naval Petroleum Reserve #1 (Elk Hills, California) and the exploration and further development of other Naval Petroleum Reserves, including Naval Petroleum Reserve #4 in Alaska.

—Permit Daylight Saving Time to be established on a year-round basis.

—And authorize the President, where practicable, to order a power plant or other installation to convert from the use of a fuel such as oil to another fuel such as coal and to make such equipment conversions as are necessary.

In addition to the provisions above, all of which I believe must be enacted before December, there are a number of other authorities which should be provided as soon as possible and hopefully will be included in the emergency measure.

One such provision would grant the President additional authority to allocate and ration energy supplies. Under this new authority, the President could take such actions based solely upon energy considerations. It is my hope that rationing of energy products will never be required, but if circumstances dictate it, there should be no impediments to swift action. For contingency purposes, I have already directed that plans for gasoline rationing be drawn up and held in reserve.

Recognizing that a more efficient use of our transportation resources is necessary, we should also provide additional authority to encourage greater use of funds from the Federal-Aid Highway Act of 1973 for mass transit capital improvements.

In addition, we should provide the Federal Power Commission with authority, during the duration of the energy emergency, to suspend the regulation of prices of new natural gas at the wellhead.

Finally, I believe it would be wise if, on energy grounds, the President were empowered to exercise any authority now contained in the Defense Production Act, the Economic Stabilization Act and the Export Administration Act, even though those acts may have otherwise expired.

MEETING THE LONG-TERM CHALLENGE

As we act to deal with the immediate problem before us, we must not ignore the need for preventing such a crisis from recurring. The lead-times required to meet our long-range energy needs dictate that we must move on them at once.

Legislation authorizing construction of the Alaskan pipeline must be the first order of business as we tackle our long-range energy problems. The American people are depending upon the Congress to enact this legislation at the earliest possible moment, and they are depending upon me to approve it. With passage apparently imminent, I would urge the Congress not to burden this legislation with irrelevant amendments. This is no time to hold the Nation's energy future hostage to other controversial interests.

I am also requesting early action on pending legislative proposals to:

—permit the competitive pricing of new natural gas;

—provide reasonable standards for the surface mining of coal;

—provide simplified procedures for the siting and approving of electric energy facilities;

—establish a Department of Energy and Natural Resources;

—and provide procedures for approving construction and operation of deepwater ports.

Because of the critical role which energy research and development will play in meeting our future energy needs, I am requesting the Congress to give priority attention to the creation of an Energy Research and Development Administration separate from my proposal to create a Department of Energy and Natural Resources. This new administration would direct the $10 billion program aimed at achieving a national capacity for energy self-sufficiency by 1980.

This new effort to achieve self-sufficiency in energy, to be known as Project Independence, is absolutely critical to the maintenance of our ability to play our independent role in international affairs. In addition, we must recognize that a substantial part of our success in building a strong and vigorous economy in this century is attributable to the fact that we have always had access to almost unlimited amounts of cheap energy. If this growth is to continue, we must develop our capacity to provide enormous amounts of clean energy at the lowest possible cost. Thus, irrespective of the implications for our foreign policy and with the implicit understanding that our intentions are not remotely isolationist, the increasing costs of foreign energy further contribute to the necessity of our achieving self-sufficiency in energy.

RICHARD NIXON.

THE WHITE HOUSE, *November 8, 1973.*

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the President's message be referred jointly to the following committees:

Armed Services; Banking, Housing and Urban Affairs; Commerce; Government Operations; Interior and Insular Affairs; Public Works; and the Joint Committee on Atomic Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4771) to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia.

The message also announced that the House had passed the following bill in which it requests the concurrence of the Senate:

H.R. 11104. An act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

HOUSE BILL REFERRED

The bill (H.R. 11104) to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974, was read twice by its title and referred to the Committee on Finance.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 7, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR ALL COMMITTEES TO HAVE UNTIL MIDNIGHT SATURDAY, NOVEMBER 10, 1973, TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all Senate committees have until midnight Saturday to file reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION FOR FISCAL YEAR 1974

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 463, S. 2645.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

S. 2645, to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) of Public Law 93-60 is hereby amended by striking therefrom the figure "$1,740,750,000," and substituting the figure "$1,751,450,000".

SEC. 2. Section 101(b) of Public Law 93-60 is hereby amended by adding to subsection (b)(1) the following words: "Project 74-1-i, additional waste concentration and salt cake storage facilities, Richland, Washington, $30,000,000."

SENATOR CANNON ON "FACE THE NATION"—NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

Mr. MANSFIELD. Mr. President, on Sunday, November 4, 1973, the distinguished Senator from Nevada (Mr. CANNON), the chairman of the Committee on Rules and Administration, appeared on the nationwide telecast "Face the Nation."

At that time, he was interviewed by George Herman of CBS News, Carl Leubsdorf of the Associated Press, and Marya McLaughlin of CBS News.

I watched the telecast in its entirety. I was tremendously impressed with the way Senator CANNON conducted himself and the logic with which he answered the questions.

I think, because of the situation which confronts the Nation and will confront the Senate shortly relative to the nomination of a new Vice President, it would behoove the Senate to look over the transcript of the interview on "Face the Nation," because it answers a lot of questions. Senator CANNON answered them capably and well.

Mr. President, I ask unanimous consent that the transcript of this telecast "Face the Nation" in which Senator HOWARD CANNON, chairman of the Committee on Rules and Administration, was the main participant, be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

FACE THE NATION AS BROADCAST OVER THE CBS TELEVISION NETWORK

GEORGE HERMAN. Senator Cannon, three American newspapers of some significance have called in editorials this morning for the resignation of President Nixon. Do you think such mounting pressures are going to force him to resign as President of the United States?

Senator CANNON. Well, if you had asked me that a week or ten days ago, I would have said there is no chance, but the way the pressures are continuing to mount, I wouldn't want to make a guess in that area. We went through the Agnew incident and we saw the same type of thing occur. There was no question but what Mr. Agnew would not resign, and then all of a sudden he did, so I would not want to speculate very strongly in that area.

ANNOUNCER. From Washington, D.C., Face the Nation, a spontaneous and unrehearsed news interview with the Chairman of the Senate Rules Committee, Senator Howard Cannon, Democrat of Nevada. Senator Cannon will be questioned by CBS News Correspondent Marya McLaughlin, Carl Leubsdorf, Chief of the Associated Press Senate Staff, and by CBS News Correspondent George Herman.

HERMAN. Senator Cannon, if President Nixon were to resign now, the Speaker of the House, a Democrat, would become the President. Do you think that there is any thought in his mind that he would refrain from resigning, if indeed he has any thought of resigning, until after your committee and both Houses of the Congress have confirmed Mr. Ford as the new Vice President?

Senator CANNON. Well, I have a very hard time reading Mr. Nixon's mind, but I would say that from my constituent mail, there are many people in the country who believe that that might be the case. My mail is reflecting a strong urging to delay action on the Ford nomination until the matter is actually settled, because they believe that Mr. Nixon is likely to resign and that they just don't want to see him have the opportunity to appoint his own replacement. My own view is that we should proceed in our normal actions along this line, and that Mr. Ford's nomination should not be held hostage to anything else.

LEUBSDORF. How important do you think it is, Senator Cannon, that there be a Republican Vice President in line to take the presidency in case Mr. Nixon is impeached or has to resign?

Senator CANNON. Well, in the first place, our government provides now that the President and Vice President run together, so you can't have the situation of a Republican president and a Democrat vice president or vice versa, because they do run on the same ticket. Now in light of that, then I think that the system that we have established should be followed until such time as it may be changed, and that would mean that we should have the same party in the position to follow along if we're going to go outside of the speakership of the House.

MCLAUGHLIN. Senator Cannon, you said that you've gotten a lot of mail that says delay action on Mr. Ford but that you feel that you should go along in an orderly way. If the pressures on President Nixon to resign increase, as they have over the last week, what about your colleagues in the Congress? Do you think they are going to be very—particularly the Democratic ones—I'd say mainly the Democratic ones—are they going to be very eager to put the Good Housekeeping stamp of approval on Mr. Ford?

Senator CANNON. Well, I'm sure that they would not be as eager to move rapidly as if there were no possible chance of the President resigning, and of course they will be the ones that eventually have the say, but I as committee chairman do not want to assume that responsibility to try to delay the nomination for any reason other than the fact that we do need to make a complete and thorough investigation. We need to lay out how Mr. Ford thinks and what he stands for on the record so that the American people will have the opportunity to judge him as they would had he been a candidate for Vice President.

MCLAUGHLIN. But do you think that there's a good possibility that you now are working on the confirmation, if that's possible, of the next President of the United States?

Senator CANNON. Well, I've already said that in the hearings in my opening statement. I've pointed out that we could very well be confirming the next President of the United States, not just the Vice President. And I think we have to proceed on that assumption that that possibility is a very strong likelihood.

HERMAN. Let me go back to your opening question in which you brought up the—reminded us of the situation with Vice President Agnew, how he denied vehemently that he would resign and then did resign, and as it later appeared that vehement denial was for a purpose. Do you see any parallel? Do you think that the denials issuing from the White House now, that he's giving any thought to resigning, are for a similar purpose, perhaps to aid Mr. Ford's confirmation?

Senator CANNON. No, I kind of doubt that. I think that the President has no intention as of this time of resigning. I believe that myself, and so I don't think those denials are for a precise purpose. I frankly was surprised to see some of the very respected newspapers now coming out and suggesting that he ought to, and a number of columnists who have traditionally supported him taking the same position. But I believe that in his own mind that he has no intention of resigning at this time.

LEUBSDORF. In your opening statement, which you just referred to, you said that it would be a mistake for the committee to bar approval of Mr. Ford because of what some have called a record of favoritism for big business or indifference to the needs of the disadvantaged, but shouldn't the philosophy of the man be important, especially if you are confirming a President?

Senator Cannon. Well, the philosophy of the man should be important, but on the other hand President Nixon is entitled to nominate someone of his own political ideology and his own political philosophy. I have said this before, and I think it's very clear that that's exactly what he has done, and if you will recall in the hearings, we questioned Mr. Ford along these lines, and he pointed out that he was an internationalist in international affairs, and that he was a conservative in fiscal affairs, and a moderate in domestic matters. I don't think his voting record really bears that out, but on the other hand this should be the President's decision, and I don't think we can turn him down simply because I disagree with his philosophy or because some other members of the committee do. And I think that one of the persons who was interviewed was one of those over 1,000 interviews that have been conducted so far—stated it very well when he made the statement that if you like Mr. Nixon, you'll love Jerry Ford.

McLaughlin. Senator, we've asked you about whether you think Mr. Nixon will resign you know because of pressure and everything; what we haven't asked you, do you think he should?

Senator Cannon. Well, I find some difficulty with that. I would say that as of this very moment, I do not think that he should resign. I think our country has been torn apart very badly up to the present time, and I think that there is still a chance for Mr. Nixon to reestablish himself and reestablish our country in a better light, and I'd like to see some steps taken along those lines. And if that does not occur, it's getting to the point now where we almost hate to listen to the news because of something new that might have occurred, and if we continue to have new disclosures as time goes on that destroy or damage the credibility of the executive branch, then at some time in the future I would be prepared to change my mind.

Herman. Do you expect there to be new revelations which might make you change your mind and think the President ought to resign?

Senator Cannon. Well, I don't know of any right at the moment, although I have heard some of the rumors that I'm sure that you have, and in light of the way things have developed in the past, we certainly cannot discount the fact that there may be new disclosures as time goes on.

McLaughlin. Senator Cannon, in the investigation of Mr. Ford, you have a 1,700 page FBI report, and after reading that report you said there are some questions that will have to be answered by Mr. Ford, some things that will have to be cleared up. Can you tell us if those things have been cleared up in your own mind, whatever they were?

Senator Cannon. Well, a lot of them have, but there are still some questions that we have remaining that we will go into tomorrow. You know, in FBI raw files, such as the 1,700 pages that you referred to, those contain people that say, well, I've heard this said or I've heard that said, or I read something in the paper one time, and—so these are leads that we generally try to follow them out if it sounds like there is anything serious. We try to follow them through, we try to run them down, we try to get affidavits or statements from people involved—

Herman. Have you succeeded?

Senator Cannon. Yes, we have. In most instances we have verified—either discounted or verified the things that have been said, and have asked some of the questions about them. You recall one I raised was the so-called laundering of campaign funds, and there are others. One was the so-called treatment by the psychiatrist.

McLaughlin. Were you satisfied with his answer on the laundering of the campaign funds?

Senator Cannon. Well, I wasn't satisfied, because it simply points out that there are no records available as to who the contributors were, that $38,000-plus that went to the committee out in Michigan. Now, I'd like to have known who the contributors were, but the D.C. committee, in raising those funds, raised the funds, didn't keep the records, and dissolved the committee prior to the April deadline that was written into the law, and this was the general pattern of events that occurred with respect to the raising of the presidential campaign funds that have created so much difficulty.

McLaughlin. And were you satisfied with his answer about the psychiatrist, about the fact that he had never seen the psychiatrist?

Senator Cannon. Well, if—he said under oath that he had never been treated by, never been a patient of this particular doctor, and of course the implication there was that there would be something wrong with that. I don't think that a person should read that necessarily into a result that many people read it into. I would say that we have requested Dr. Hutschnecker to come in and appear before the committee in executive session because we want to find out precisely from him, under oath, if that is a fact.

Leubsdorf. A lot of the questions dealt with events mentioned by Mr. Winter-Berger in his book, and you're planning to have Mr. Winter-Berger in executive session Wednesday; why not put him on the stand in public session so that the public can see exactly if these charges hold up?

Senator Cannon. Well, this creates a very difficult problem. This man—many of the things that are stated in the book, we have already verified are not factually supportable, and therefore we think it would be a disservice to people who are named in that book, and who are referred to—it would be a disservice to them, give them no opportunity to refute these charges, when many of them we know presently are not true. And we felt therefore that it was better to interview Mr. Winter-Berger in executive session under oath, and then find out if we should, in light of what has developed, in supportable evidence, if we should then present him before the committee and before the American public in open session.

Laubsdorf. Do you plan the same procedure with Dr. Hutschnecker?

Senator Cannon. We plan the same procedure with Dr. Hutschnecker, unless the doctor satisfies us when he appears before us in executive session that the facts that we now have are correct.

Herman. How will you release the details of what Mr. Winter-Berger has said—what—a sanitized version?

Senator Cannon. Well, we haven't made that determination yet, and that is something the committee will have to decide after we hear Mr. Winter-Berger on Wednesday.

Herman. Going back to the FBI 1,700-page document, are you through with that, have you completely explored all the charges, and are you satisfied that Mr. Ford has passed this test?

Senator Cannon. Well, first, I have reviewed all of it personally, every bit that has been furnished me. It did raise some questions that I have requested the FBI now to go back and do some further checking on some of the matters that have been pointed up. That checking has not all been completed, but I hope that I will have the answers on most of it by tomorrow.

McLaughlin. Do you have faith in that 1,700-page FBI report? You know, you described it as being one of the most thorough—and we went through that same kind of thing, that they had done the most thorough investigation of the Watergate at one time, and there is some doubt whether they actually did. Do you have complete faith in this report you have?

Senator Cannon. Well, I have confidence in the investigative work that's being done. We have not relied solely on the FBI. We have had the General Accounting Office working with us, we have had the Library of Congress doing research with us, we have had our own investigators, we have had the Government Operations investigative committee staff helping us, some of them, and so we have gone to a lot of different sources and I am satisfied in my mind that this is the most comprehensive and the most thorough investigation that has ever taken place in our history with respect to the nomination of either a President or a Vice President to fill that particular office.

Leubsdorf. I'd like to get back to the question of the relationship between Mr. Ford and Mr. Nixon, which you mentioned. Did you get the impression on Thursday at the hearing that Mr. Ford was trying rather consciously to set himself somewhat aside from Mr. Nixon on such things as executive privilege, the special prosecutor, and the war powers, for example?

Senator Cannon. Yes, I had the feeling that he was trying to point out that, as best he could, that he couldn't be necessarily a blind follower in his views, and that he does differ from Mr. Nixon on some of those points of view. I was very pleased, I may say, to find that he did differ in the areas that he differed with the President on, because I think they're important. I think the executive privilege thing was a good one. On the other hand, there are some areas that I disagree with him, for example, his position on the problem of impeachment—is it just a matter of having the votes and is it a political decision? I think the Constitution makes it clear that that is not the case because impeachment should depend on those strict constitutional requirements and not just whether you have a popularity contest and the political votes to vote an impeachment.

Herman. But it hasn't always, has it? You recently—what was the most recent impeachment? There was a judge who was found innocent in the impeachment process, but he was nevertheless impeached, because although innocent, he'd brought disrepute upon his office.

Senator Cannon. Yes, but the judge—the test for a judgeship is different than that of the president and the vice president. It's constitutionally different. Now, the judge can be impeached for improper conduct, and that isn't in the language of the presidential and vice presidential test.

Herman. Everything that seems to happen in this particular case is precedent-making. This is the first time the Congress has had a newly named vice president put before it for confirmation, and I wanted to ask you about one of the precedents that Mr. Ford seems to be setting, that is, saying that he has no intention of running for the presidency next time around. In our party political system, do you think that is a good idea?

Senator Cannon. I don't, really. I don't think it's a good idea to pre-commit oneself in a situation such as that and it may have been done for a deliberate reason. He may have felt that this would get a lot of people off his back, so to speak, people who might be considering running next time, and might make it more difficult for him to get confirmed now if he were to leave the door open. I don't like to see that, because I think many situations might occur in the meantime. Let's suppose for example, suppose the President might step out or might be impeached, and Mr. Ford goes in as president, then? Has he then precluded himself, because he said that, from running for re-election? You can conceive that he might have been in office a year's time, and might have started out rather good as a president, and yet, because of what he said, he's precluded himself from running again.

HERMAN. Well, it's not exactly Shermanesque. He simply says he has no intention——

Senator CANNON. I understand.

MCLAUGHLIN. Senator, what do you think the President can do—people talk about his ability to govern—his credibility is gone—what can he do to regain that?

Senator CANNON. Well, I think there are a number of things that could occur that would help re-establish himself or reinstate himself, if you will. One, I think a satisfactory solution of the Middle East crisis would be something that would be helpful. I think to continue the detente relationship with Russia and China, and particularly if he were able to negotiate an agreement with Russia on a mutual and balanced force reduction in Europe, between our NATO allies and the eastern bloc. On the domestic affairs, if he were able to solve this very, very difficult problem of inflation, I think that is the biggest problem in people's mind today, on the domestic level, and then in addition, if he were to start appointing people to office that were not people who were expecting political favors, but people who were able to reinstate the basis of our government here, that were people who were honest and truthful in their relationship to the American people and were capable of doing a good job, and when I say that, I'm thinking now of the situation that we have where we—the President went in, as you know, on a theory of—one of the planks was a law and order and get the crime off the streets, and so on, and yet, we have lost three of the top law enforcement people of this nation by various reasons, but all of these bringing some sort of discredit to the government, either to themselves or to the government, or to the office, or to the presidency, and so this is the sort of thing that I think the President is going to have to work on very hard, and work on to surround himself with people in the White House who the American people have some trust in.

MCLAUGHLIN. I notice that you didn't list on the domestic issues, some sort of resolution of the Watergate business and the tapes.

Senator CANNON. I'm sorry. I didn't mean that to be all-inclusive and I would certainly say the Watergate is—that's a basic thing that has to be resolved—the issue of the tapes and the issue of the Watergate matter and a complete resolution, to the satisfaction of the American people, that all of the leads have been explored and that the people who are guilty in this matter have been properly dealt with.

LEUBSDORF. Senator Goldwater said that he felt the only way that that could be done would be if the President agreed to come and testify before the Ervin Committee. Do you think that's a good idea, or practical solution?

Senator CANNON. I don't think really that that's a practical solution. It might be one, but I don't believe it's very practical. But I do think that the President is going to have to make a free and full disclosure, that he is going to have to give the person who is charged with the responsibility of investigation full and complete authority, with no power of removal, and I know that we get into a constitutional question here, as to whether or not we in the Congress can insist on the appointment or whether the executive branch has that authority. I'm one of those sponsors of the bill to appoint a completely independent prosecutor—to have the court do so—and we have a majority of the senators that are on that, but I know there is a constitutional question involved.

HERMAN. The first step in this whole process is, is it not, is getting a new Attorney General of the United States, Mr. Saxbe? Do you think the Senate is justified in departing from its usual procedure and insisting on holding hearings on a fellow member of the Senate?

Senator CANNON. No. I think that hearings should be held on Mr. Saxbe. Personally, I approve of that appointment. I think he would be a good Attorney General. I do say again, we have a constitutional question there, that's involved in his appointment at the present time, but I do not think that we should have shortcuts in the constitutional process simply because it's a person we know, and I felt the same way about Mr. Ford; even though many of us in the Congress know Mr. Ford, still, we're establishing a precedent here, and we need to go through those procedural steps to safeguard any situation like that that occurs in the future.

HERMAN. How long a procedural step before your committee on Mr. Ford? When will you be ready to report to the Senate?

Senator CANNON. It's somewhat difficult to forecast that at the moment, but I would guess that in the next two weeks we would conclude our hearings on Mr. Ford, and then it would take us a short period of time to work up the report and be prepared to make our recommendations to the Senate.

MCLAUGHLIN. Senator, in the questioning of Mr. Ford on a philosophical basis, there's been a lot of talk about the President's relationship to the country; you've gone into questions of how he feels about war powers, executive privilege and the special prosecutor. But what about how he feels about so many other things? Are you going to pursue how he feels on a lot of domestic issues, such as the welfare issue, civil rights, farm—just to build a picture of Jerry Ford—do you intend to do that?

Senator CANNON. Well, I had not intended to go into that detail in our hearings, because as I said, I think the President's entitled to the philosophy that he wants in there, and Mr. Ford is pretty much a carbon copy of President Nixon certainly in his position on these various domestic issues, because he has been the President's leader and he has fought the President's battles as he well should have in that position, and so his voting record, which is already open to the public, and it's quite well established over the years—it's available to anyone, and it clearly establishes that that is his basic position.

HERMAN. Do you think we'd have been better off under a parliamentary system, where a vote of no confidence in the Congress might have toppled any president by now?

Senator CANNON. Well, I would say that that certainly is an area for historians, perhaps to compare and to make judgments on, but I would certainly say that had we been under that form of government, certainly the events that have occurred would have toppled the government before now, and I found that in some of my visits with some of my friends abroad, that they cannot understand how our government could still be in existence.

LEUBSDORF. Do you feel that if President Nixon resigns, or is impeached there should be or there is any way there can be a special presidential election before the end of the four years to which he was elected?

Senator CANNON. I kind of doubt it. I kind of doubt that there could be, under the present legal situation as it now exists.

HERMAN. Would you like to see one, if it could be worked out?

Senator CANNON. I would like to see some sort of provision in the Twenty-fifth Amendment, as well as if the President were replaced for some sort of—the public to have——

HERMAN. Thank you, Senator Cannon, for being with us on Face the Nation.

ANNOUNCER. Today on Face The Nation, the Chairman of the Senate Rules Committee, Senator Howard Cannon, was interviewed by CBS News Correspondent Marya McLaughlin, Carl Leubsdorf, Chief of the Associated Press Senate Staff, and CBS News Correspondent George Herman. Next week, another prominent figure in the news will Face The Nation.

Mr. HUGH SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. HUGH SCOTT. Mr. President, I heard the program. It was an excellent program and presented a dignified reaction to many matters of importance to the Nation.

I feel that the distinguished chairman of the Committee on Rules and Administration has performed with his usual great capacity and diligence. He has done an excellent job in conducting the investigation into the qualifications of the Vice President-designate, Mr. FORD. All the questions which anyone sought to raise are being considered. I congratulate the chairman for the manner in which he has presided over his committee.

Mr. MANSFIELD. The Committee on Rules and Administration, under the chairmanship of the Senator from Nevada (Mr. CANNON), has moved with expedition and efficiency. The committee has not dodged asking hard questions, and the nominee has not dodged answering hard questions. I hope it will be possible before too long to get action on the nomination, and that we may submit the question to the Senate before Thanksgiving.

Mr. HUGH SCOTT. I certainly hope so. The ranking member of the committee, the distinguished Senator from Kentucky (Mr. COOK), has also made possible the reasonable expedition by the careful, deliberative course that he has pursued.

Mr. MANSFIELD. He has, indeed. He and the chairman have worked in tandem, and the whole committee has shown a high degree of dignified purpose.

CONTINUATION ON PAYROLL OF CERTAIN EMPLOYEES OF VICE PRESIDENT

Mr. MANSFIELD. Mr. President, on behalf of the Republican leader, the distinguished Senator from Pennsylvania (Mr. SCOTT), and myself, I send to the desk a resolution and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 199

Resolved, That not more than four of the clerical and other assistants to the Vice President continued on the payroll of the Senate under authority of Senate Resolution No. 184, agreed to October 10, 1973, are hereby continued on such payroll at their respective salaries for an additional period of not to exceed thirty days, such sums to be paid from the contingent fund of the Senate: *Provided,* That any such assistants continued on the payroll while so continued, shall perform their duties under the direction of the Secretary of the Senate, and the Secretary of the Senate is hereby authorized and directed to remove from such payroll any such assistants who are not attending to the duties for which their services are continued.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 199) was considered and agreed to.

Mr. HUGH SCOTT. Mr. President, with regard to the measure just agreed to, I think we ought to make a little legislative history, with the approval of the distinguished majority leader.

We have extended the payment of salaries for 30 days. We do not know whether the nomination of the Vice President-designate will actually be confirmed before 30 days. If a few more days are involved, I take it that the majority leader would have no difficulty in extending the period reasonably, for a short time, by further action, if necessary, pending the actual confirmation of the nomination of the new Vice President.

Mr. MANSFIELD. No, I would agree with the distinguished Republican leader. I feel safe in saying that I think the Senate would also agree.

THE PROPOSED RECESS

Mr. HUGH SCOTT. Mr. President, on my own time, let me say that I regret the proposed recess very much, because we in the Senate are really caught with our calendar down. We have very little work to do. We are waiting for the other body. We took a recess in October. Now we are faced with a recess of 10 days in November, which will carry us into a December session.

This is a situation which is difficult for the Members of Congress and for their families. I think it is difficult for the people of the country, because I have sensed over the years that people are happier when Congress is out of session. Certainly, when we are out of session, we cannot hurt anybody very much. Therefore, we ought to finish our work and go home.

I know that the distinguished leaders on the other side of the aisle as well as on this side of the aisle have indeed wrought mightily this year and have done a very considerable job and were not the initiators of the idea of this additional recess. We do understand the problems in the other body; we must not be too critical of them. But the real delay is due to the fact that the other body has not sent over to us certain vital measures, including one particular appropriation bill of magnitude and importance.

I believe we ought to consider the Magnuson proposal and other proposals whereby we can dispose of authorization bills in the first half of the year and appropriation bills in the second half. We would control expenditures better; we would be a more responsible Congress.

I really do regret this. I would rather stay here and finish than take all these recesses. As Menander once said, "We live not as we wish to, but as we can." So we are in the hands of a system which is sluggish and which is not really operating at high gear.

Therefore, I present this as an apologia for the fact that the Senate has to meet and talk but has very little action before it, and that is a pity.

WATERGATE AND THE PRESIDENT

Mr. HUGH SCOTT. Mr. President, on Saturday, September 15, 1973, a Republican dinner was held in Lexington, Ky., honoring John Kerr, retiring Republican State chairman, which was attended by more than 800 people from throughout Kentucky. Our honored friend, the former Senator from Kentucky, John Sherman Cooper, addressed the gathering, and I ask unanimous consent that his speech and an editorial referring to his speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WATERGATE AND THE PRESIDENT

This has been a great evening for Kentucky Republicans. It bespeaks our loyalty to and faith in our party and its principles.

Now, as would be said in my home county of Pulaski in the hills, I want to talk "serious" for a few minutes. I want to talk about Watergate and the insinuations against President Nixon. I shall speak first from a legal viewpoint and then my own personal beliefs and feelings.

We Republicans, as all good Americans, do not condone criminal or illegal activity, and that of Watergate. Justice is essential to the very underpinnings, the foundations of our country. We give full credit to the media for its work in bringing into full light the wrongs of Watergate. But lately, a part of the media is trying President Nixon upon the basis of hearsay, headlines, reports from 'unidentified sources'—statements that could not be admitted in a court of justice.

I have been a Judge, but before and beyond that experience I was reared, as you were, and the vast majority of our countrymen, in the knowledge of that right which is the right of every one, including the President, that no man is considered guilty until he has been proven guilty. There has been nothing to prove Richard Nixon guilty.

Let the facts come out, through the courts and in the press. But let there be due process and justice. I believe it wrong, day after day, to give the people, through hearsay from unidentified sources, the impression that the President is guilty. That is not "due process." That is not justice.

Now I want to speak of my personal belief. I have known President Nixon since 1947, and quite well since 1953 when he became Vice President. Since he became President he has been engaged in ending the war in Vietnam, which he did not start but found on his doostep; in halting the inflation largely caused by that war; and lately to bring about better relations between the United States, Mainland China, and the Soviet Union, in the cause of peace.

President Nixon is a reserved man. He has been busy with the work of the nation, and from my own judgment I don't think Richard Nixon knew anything about the break-in at the Watergate or the cover-up which followed.

SENATOR COOPER DISCUSSES WATERGATE

Because of his knowledge and his honest political independence, former U.S. Sen. John Sherman Cooper has long been regarded as one of America's finer statesmen. When the Somerset Republican tells an audience, as he did Saturday night in Lexington, he wants '"to talk serious for a few minutes," it's well worth the time to listen.

Sen. Cooper wanted to talk about the Watergate hearings and the insinuations made against President Nixon. He started out by saying "we (Republicans) don't condone criminal activity, for justice is essential to the underpinnings of our country . . . But no man is considered guilty until he has been proven guilty".

Then he said: "There has been nothing to prove Richard Nixon guilty . . . I believe it wrong, day after day . . . to give the people the impression that the President has done wrong."

Speaking on a more personal basis, Sen. Cooper said he knows Richard Nixon is "a reserved man;" that he knows Mr. Nixon tried to clean up a war laid upon his doorstep, tried to clean up crime and corruption in city after city across the country, and a man who stands for decency, honor and service to the country.

Sen. Cooper said: "I don't think Richard Nixon knew anything about the break-in at the Watergate or the cover-up which followed."

It was a short, direct speech, delivered by a man whose words have always had the authoritative ring of truth.

PROGRAM

Mr. HUGH SCOTT. Mr. President, I now ask the distinguished majority leader if he can advise me as to the schedule, if any, facing the Senate.

Mr. MANSFIELD. Yes, indeed.

First, may I say, for the information of the Senate, that, as all Senators were informed early this year, the Thanksgiving recess will begin at the close of business Wednesday, November 21, and will last until noon, November 26. If, however, all possible legislation is disposed of, consideration will be given to going out at an earlier date.

However, as the distinguished Republican leader has said, the Senate does have a very heavy schedule. We would like to adjourn at a reasonable time this year. The schedule as of now would consist as follows, and consideration of this legislation would begin next week:

Calendar No. 344, S. 2188, having to do with the northeastern railroad situation, will be up, hopefully, by midweek—a very important item.

Mr. HUGH SCOTT. It certainly is.

Mr. MANSFIELD. Then, Calendar No. 365, S. 1739, to amend the Federal Aviation Act as it affects charters.

There is the authorization for an energy bill now in the Committee on Interior and Insular Affairs. Senators JACKSON and FANNIN and their colleagues are working now with might and main. Hopefully, they may be able to complete it this week and, if not, Monday by the latest. It will receive expeditious consideration by the Senate.

The military construction authorization report has been agreed to but has to be taken up in the House.

The District of Columbia home rule authorization conference should be available in the Senate by Wednesday next.

The Alaska pipeline authorization, I understand, will be taken up in the House on Monday, and immediately after that the Senate will proceed to its consideration.

The conferees have agreed on State, Justice, and Commerce appropriations and on HEW appropriations. We would hope that we could get to those bills around Wednesday of next week or thereabouts.

Then, of course, there is the pay reduction bill having to do with the designation of a new Attorney General, and that is a matter which will have to be worked out between the Committee on Post Office and Civil Service and the Committee on the Judiciary.

Then, as I indicated earlier, there is the matter of the Ford nomination which we would hope we could face up to and dispose of before we go out on a Thanksgiving recess.

There is also the health maintenance organizations conference report, which might be ready by late next week; the fuel allocation conference report, which likewise should be ready next week; and finally the Legal Services Corporation measure, to be reported today, which also should be taken up sometime the latter part of next week. Those items all have priority so far as consideration is concerned. This announcement gives the Senate an indication of the workload which confronts it at the present time.

Mr. HUGH SCOTT. With respect to the Ford nomination before the Rules Committee, I understand that there is not expected to be more than 1 day of hearing.

May I address myself to the distinguished assistant majority leader?

Mr. ROBERT C. BYRD. Mr. President, so far as I know, the statement of the distinguished Republican leader is correct.

Mr. HUGH SCOTT. Therefore, I would hope that the committee could meet and act promptly, so that we can do this, if possible, before Thanksgiving, leaving the other body an option to finish as soon as it can.

Mr. MANSFIELD. I agree wholeheartedly.

Mr. GRIFFIN. If the Senator will yield, the committee clerk has sent a notice to the members of the Rules Committee that that day of hearing would be held next Wednesday.

Mr. HUGH SCOTT. I understood that it was Wednesday. I had hoped they could meet earlier, but I am sure there are reasons for that.

However, we ought to get this legislation out, particularly the energy bill, because I imagine that that could be designated as the "keep cool" bill in view of the lowering of the thermostats. It is an effort to avoid a freeze, and this is the kind of freeze everybody will feel, so I hope the measure will be passed promptly.

I would hope that if we do not have too much work during the week, we do not attempt too much on Friday, because many Members thought that by November, Congress would be in adjournment. I am not speaking for myself. My appointments seem to be mostly on Saturdays. But I have been approached by Senators who have said that in midsummer they made Friday appointments for November and early December; so that perhaps we could avoid tilting our schedule down so that too much of it falls on Friday, with due regard to getting it done.

Mr. MANSFIELD. We will do our best to try to bunch up legislation, so that we will give what the Senator has called to the Senate's attention every possible consideration.

Mr. HUGH SCOTT. I certainly hope that the other Senators read what I have said, because I have delivered on a promise to a number of them.

Mr. ROBERT C. BYRD. This, again, will depend to a considerable extent on the timing of the flow of legislation and conference reports from the other body.

Mr. HUGH SCOTT. Yes; I understand that. But the other body often is not in session on Friday, and I am asking that we bear that in mind, too.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished Senator from Ohio (Mr. Taft) is to be recognized.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. Taft be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the distinguished Senator from Connecticut be recognized at this time, under his order, and that the time allotted to Mr. Dominick be reserved to my control.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the Chair recognizes the distinguished Senator from Connecticut for not to exceed 15 minutes.

(The remarks Senator Weicker made at this point on the introduction of S. 2674, dealing with the functions of the Office of Telecommunications, and the ensuing debate are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the distinguished Senator from Minnesota (Mr. Humphrey) for not to exceed 15 minutes.

(The remarks Senator Humphrey made at this point on the introduction of Senate Joint Resolution 169, providing for a feasibility study with regard to certain items of equipment on the Capitol Grounds, and Senate Joint Resolution 170, amending the Export-Import Act of 1969, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

SENATE RESOLUTION 200, A RESOLUTION RELATING TO THE NATIONAL SECURITY

Mr. HUMPHREY. Mr. President, I send to the desk a resolution relating to the national security of the United States and ask that the resolution be stated.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution relating to the national security of the United States.

Mr. HUMPHREY. Mr. President, 29 Senators join me in the sponsorship of this resolution.

I believe the Congress must communicate to both ally and adversary that our present domestic difficulties will not impair our ability to protect our vital national interests.

The message must go forth from this body that no nation, and no national leader should doubt the bipartisan unity behind the pursuit of American national security objectives and a just and stable peace in the Middle East.

All of us on both sides of the aisle are well aware of the problems affecting the public's confidence in the Presidency and the people's confidence in the political process itself.

There has been wrongdoing in high places of government.

Many have abused the power given them by the people in a bond of sacred trust.

Some have tampered with our system of justice and threatened the individual rights of our citizens.

And I am sure that many will be punished for their crimes and misdeeds.

But despite the tragic events of the past months which have so shaken the Nation, the Congress must state unequivocally that our domestic difficulties should not tempt others to misinterpret our national will when it relates to matters of vital national interest and the great issue of achieving peace in the world.

Today, there is hope for a stable peace in the Middle East. The extremely fragile cease-fire is in the process of being strengthened by the very recent agreement between Israel and Egypt to arrange for the return of the POW's, the creation of a U.N.-supervised corridor for the provision of the Egyptian 3d Army, the end of the Egyptian blockade of the Bab el Maudeb Strait and the adjustment of the cease-fire lines to the satisfaction of all parties. But continued progress in the expected direct negotiations will take the perseverance and patience of all concerned.

There have been numerous indications in the past few days that news of the Watergate crisis and the President's difficulties is being disseminated widely in the Soviet press. Experts and observers indicate that the revelation of the Watergate horrors and rumors surrounding the President's future could mean that the Kremlin is willing to go beyond the boundaries of détente counting on our supposed inability to muster a unified response. It is clear that if the Soviets attempt such probings, they will first come in the Middle East.

Mr. President, I ask unanimous consent that the resolution be immediately considered.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair, as the Senator from Alabama, does object to the immediate consideration of the resolution.

Mr. HUMPHREY. Mr. President, I regret that the Chair saw fit to do that. This matter has been cleared with the majority and the minority side of the aisle. However, every Senator, of course, has his rights.

Mr. President, I need not tell Members of the Senate that many people believe that the Soviet and Arab boldness in the initiation of the war in the Middle East was due, in large part, to their perception of the United States as a nation weakened by domestic difficulties.

Whether this is true or not, the time has come to tell all who may listen that Members of Congress who may disagree with Mr. Nixon on many issues, including his handling of the Watergate crisis, will help him forge a bipartisan foreign policy which has as its objective, a just and stable peace in the Middle East. And by bipartisanship, I do not mean a rubber stamp. To me, bipartisanship means constructive collaboration in the pursuit of shared objectives.

I have often been critical of the President. I have been his political opponent. I have differed with him on the many domestic issues and on some of his policies in Indochina.

But let no one in the Kremlin, in Peking, in Cairo, Damascus, or elsewhere interpret legitimate criticism of a President as a sign of national disunity and unwillingness to respond when there are grave threats to our vital interests and to international peace and stability.

The resolution I am offering today is badly needed. Not as a blanket endorsement of every Presidential policy but as a reaffirmation of a congressional commitment of bipartisan support if our Nation or our vital interests are threatened or impaired.

Finally, Mr. President, this resolution calls upon our allies to support us in our efforts to secure peace in the Middle East.

It is indeed unfortunate that we must make this request. But since the war began on October 6 the United States has received little or no cooperation from its NATO allies. I realize the great dependence of European countries on oil from the Middle East. But we have formed an alliance in the name of collective security. We asked our allies for assistance and cooperation during the conflict. Their refusal to aid us because of their dependency on oil from Arab countries could weaken the spirit of mutual trust and confidence on which this alliance was founded.

Every effort must be made to reaffirm the principle of mutual cooperation and collective security. Likewise, the United States must keep in mind the necessity of timely and full consultation with our allies. This is an essential procedure for an effective alliance.

Now we ask for the support of our friends and allies in the U.N. and elsewhere in the securing of a just and stable peace in the Middle East. There needs to be a common and shared objective for the alliance. For our NATO alliance means more than military might. It means working together for the collective security and well-being of all the allied nations. We cannot afford to be divided in the face of economic or military threats. Europeans know all too well that the course of appeasement is futile.

In summary, Mr. President, it is essential that we make it abundantly clear to the entire world that matters of national security stand above any divisions that we may have on the American domestic scene.

To leave any doubt on this matter in light of current circumstances here at home might very well tempt or open the door to actions and developments by other countries that could seriously jeopardize our national interest and security.

I ask unanimous consent that two articles, one by Mr. Victor Zorza entitled "Soviet Press Unleashed on Talk of Impeachment," and the other by Leonard Silk, in the New York Times of November 6, "The Oil Weapon," be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SOVIET PRESS UNLEASHED ON TALK OF IMPEACHMENT

(By Victor Zorza)

The Kremlin's decision to allow the Soviet press to talk about the impeachment of the President and Watergate generally means that the Soviet leaders are beginning to have doubts about the chances—and desirability—of Mr. Nixon's survival.

As long as the Kremlin thought that Mr. Nixon was unalterably committed to a policy of detente, it was prepared to suppress any criticism of him. But evidently the Kremlin was greatly disturbed by Mr. Nixon's role in the worldwide alert of U.S. forces.

Even Secretary of State Henry Kissinger's first press conference announcing and explaining the alert caught the Kremlin on the wrong foot. The first version of the remarks he made on that crowded Thursday morning was not released by Tass, the official news agency, until midnight Moscow time, while the Kremlin was considering how to handle the whole matter.

Dr. Kissinger's statement was composed with great deliberation as a variation on two themes. On the one hand, he spoke of the risks that the Russians were running by appearing to threaten intervention in the Mideast. He made it clear that the United States was determined to prevent such intervention, even if it was presented under the guise of a joint Soviet-U.S. force.

On the other hand, he stressed that the Kremlin had so far taken no irrevocable action and that there was no need for it to back down. The crisis would be over as soon as Moscow had signified its support for the Security Council resolution on a U.N. peacekeeping force.

Kissinger was leaving the Russians a way of retreat. They promptly took it during the Security Council vote. The Tass version of his remarks omitted all mention of the alert, of its causes, all indication of any crisis between the two superpowers—which is what the press conference had been all about. The Kremlin, in other words, didn't want a crisis and made it disappear by refusing to admit there was one. The only discordant note replayed by Tass was Kissinger's rejection of a joint Soviet-U.S. force.

But the Kremlin debate evidently continued, for even this Tass release was withdrawn, leaving next day's Moscow's papers without any word of Kissinger's momentous statement. The direction in which the Kremlin was moving was evident from the second Tass version released to the papers later. It dropped the discordant note and was extensively rewritten to put even more emphasis on the wholly pacific side of Kissinger's remarks. Any lingering fears in the Kremlin that the United States might welcome a confrontation to blot out Watergate had evidently been removed.

Only then did Party Secretary Leonid Brezhnev make his first public statement on the crisis. He was even more pacific than Kissinger at his best. He still refused to acknowledge the alert or the crisis, apart from a reference to "fantastic speculation" designed to fan passions "in some NATO countries"—not specifically the United States.

Brezhnev reaffirmed his commitment to Nixon and to his detente policies. He looked forward to the President's 1974 visit to Moscow and paid tribute to those Western statesmen who were working to overcome the "inertia" of the cold war. He dropped some broad hints to suggest that he would welcome a constructive response from the President.

During his own press conference that evening, Mr. Nixon stressed the value of detente in overcoming the Mideast crisis—but he threw a bucket of ice-cold water over Brezhnev's head. For Nixon made it clear that Brezhnev had backed down in the face of the determination and the power of the President of the United States.

The Soviet Union had been planning to send "a very substantial force" to the Mideast," he said, but after some "rather rough" communications which left "little to the imagination" on both sides, a settlement was reached. Why? "What Mr. Brezhnev does understand is the power of the United States," Mr. Nixon said.

Brezhnev also knew, he emphasized, that even when the President was under "unmerciful assault, during previous crises, he still went ahead and did what was right." And he recalled the other occasions when Brezhnev had backed down—the invasion of Cambodia, the bombing and mining of North Vietnam just before last year's Moscow summit, and the final bombing of Hanoi just before Christmas. "This," Mr. Nixon concluded, "is what made Mr. Brezhnev act as he did."

This is what Mr. Brezhnev heard as he waited, into the small hours of the morning Moscow time, to hear Mr. Nixon's response to his own elaborately friendly speech of the previous day. He angrily authorized Tass to release—at half past six in the morning—his own response, which described the Washington claims about the reasons for the alert as "absurd" and the alert itself as an attempt to "intimidate" the Soviet Union. It was only after this that the Soviet press began to discuss the possibility of impeachment.

The sequence of events, and the contrast between Dr. Kissinger's and Mr. Nixon's handling of them re-awakened old fears in the Kremlin. It evidently concluded that Mr. Nixon may abandon detente, in order to re-emerge as the "strong man" that the country would have to keep in the White House to protect it from the Russians.

[From the New York Times, Nov. 6, 1973]

THE OIL WEAPON

(By Leonard Silk)

The war in the Middle East and the Arab decision to impose an embargo on oil shipments to the United States, the Netherlands or any other country that provides support to Israel have given the NATO alliance its most severe internal shock since France withdrew from military integration in 1966.

Accusations are rife on both sides of the Atlantic. The Europeans blame the United States for trying to bully them into backing the American position on Israel, for not consulting with them, for giving them virtually no warning before putting American bombers and other forces on worldwide alert and for expecting them to risk a cutoff of their oil from the Middle East and North Africa, on which Europe depends for more than 80 per cent of its supply.

The United States in turn blames the members of NATO for acting like a collection of small countries trying to hide in the woodwork, for not looking beyond this moment's or this winter's problems, for putting oil above principle and for refusing to work with the United States to draw up a common policy toward the war—and the strategic threat of the Soviet bloc.

Within Europe itself the strains are intense as a result of the Arab cut-off of 15 per cent of Western Europe's oil supply. The nine members of the European Common Market are meeting in Brussels now to discuss the sharing of oil. But the French and British, who regard themselves in a specially favored position vis-a-vis the Arabs, are reluctant to pool their oil with the Dutch, who are facing the loss of 70 per cent of their oil due to the Arab embargo, and the West Germans, who get much of their fuel via the Dutch port of Rotterdam.

However much truth—or guilt—there may be on both sides, the fact is that the present crisis has exposed serious weaknesses in the Atlantic alliance, weaknesses that could be disastrous if they are permitted to continue. For oil, so critical to the highly industrialized economies of the West, has become a weapon that the Arab states, acting in concert, intend to continue to employ primarily for economic purposes—though they would obviously like to see Israel reduced or destroyed in the bargain.

The Soviet Union, for its part, means to exploit oil for political purposes—as a weapon that could break up the North Atlantic alliance. It could also isolate the United States not only from Europe but from Japan, which is totally dependent on imported oil.

The conceptual basis of the Western alliance now needs to be clarified—and broadened. The essential question is: what does collective security mean?

In this era of so-called détente (a condition that obviously did not keep the Russians from pushing for major strategic gains in the Middle East) collective security must mean more than a wall against Soviet tanks, troops or nuclear bombs. It must also mean common economic policies to protect the jobs, living standards and prosperity of the West, as well as its military security.

Permitting the Arabs and the Soviets to use what are called "salami tactics" in slicing one ally from another would be the worst blunder the West could commit. Although the circumstances are very different from the threat to the West in the nineteen-thirties, the folly of seeking to appease greed by sacrificing individual countries to aggressors would be as great today as it was in the days of Hitler, the Sudetenland, Austria, the Danzig corridor and Czechoslovakia.

There are many dimensions to the disarray among the Western powers—including international trade, investment and monetary payments, not to mention military cooperation itself—but oil has emerged as the most sensitive immediate issue. It is an issue that will only intensify with time. The Middle East and North Africa, with proved oil reserves of 440-billion barrels out of a world total of about 530-billion barrels, contain the overwhelming share of the resources upon which the importing nations must rely. Even the United States, which now gets only about 10 per cent of its crude oil, directly or indirectly, from the Middle East and North Africa, will depend on that area for about 35 per cent of its oil by 1980.

The Western powers and Japan can simply not afford to be divided and passive before the Arab oil threat. They must begin to work together to develop a common strategy on oil imports, energy conservation and development, and on the sharing of oil supplies. This implies that the United States would have to be prepared to share fuel with its allies. There would also have to be a common Western policy toward exporting and other economic relations with the Arab states, should they press their embargo or extortionate demands.

The nations of Europe, Japan and the United States must face up to the choice that now confronts them: whether each nation should seek special deals with the Arabs or whether they will work together for their collective security and well-being. The first course, however tempting it may seem to some countries in the short run, cannot work for long, any more than did appeasement at Munich.

Mr. GRIFFIN. Mr. President, if the Senator will yield, I wish to indicate to the Senate that the Senator from Minnesota was correct when he said that the resolution has been cleared for immediate consideration by the leadership on this side of the aisle.

The junior Senator from Michigan is a cosponsor of the resolution, as is the distinguished minority leader.

It is important, I think, that the world understand that there is some unity in this country, and particularly in Congress, insofar as our foreign policy is concerned. While I might have worked the resolution a little differently, a little bit more strongly in the President's interest, I think the wording that the Senator from Minnesota has provided is certainly very helpful in terms of presenting a united front to the rest of the world. So I commend him for providing bipartisan leadership on a matter of basic policy.

Mr. HUMPHREY. Mr. President, I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, I commend the Senator from Minnesota for introducing this resolution in a spirit of dedication to bipartisan unanimity in matters of foreign policy.

I am pleased to join the Senator from Minnesota and my colleagues in urging the prompt approval of this resolution which puts all other nations on notice not to misread our current domestic discord.

Approval of this measure by the Senate will demonstrate to the world the unalterable and continuing resolve of this Nation to remain strong and united in the face of any possible threat to our national security.

It is important that none of our adversaries misread the attitude of the American people nor question our steadfastness in supporting our national security objectives. We are a united nation, and other countries should not make the mistake of taking any action which threatens this Nation's vital national interests and the peace of the world. It would be a mistake for any nation to attempt to undermine this Nation's security. This resolution makes that very clear.

I am particularly pleased that this resolution expresses the resolve of this Nation that our domestic concerns should not be allowed to hamper our efforts to achieve a just and durable peace in the Middle East and to honor our national foreign policy commitments.

Mr. HUMPHREY. Mr. President, I yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, I have no hesitation in cosponsoring this resolution with the junior Senator from Minnesota. I think the Congress——

The ACTING PRESIDENT pro tempore. Will the Senator please use his voice amplifier?

Mr. AIKEN. Very well. I just wanted to state that I had no hesitation in cosponsoring this resolution with the Senator from Minnesota.

I think it is important at this time because in some parts of the world the story is being spread that the American Congress hates the President so much that the Congress will not do anything to back the President up in any sense of the word.

I feel it is important to show that whether we are regarded as liberals or conservatives, or whatever we are, we still back up our country, and others should not make the mistake of assuming that dislike for the President on the part of some would influence us to let any foreign element come in here and undertake to influence our people to the extent which apparently some are trying to do.

Mr. HUMPHREY. Mr. President, I thank the Senator from Vermont, the Senator from Michigan, and the Senator from Georgia for their comments. I am confident that what this resolution will do will be of substantial help in obtaining peace in a very troubled part of the world, at a time, may I say, when the entire world is deeply concerned over the constant threats, conflicts, and tension.

Mr. President, this resolution is merely an effort to state once again that when the vital interests of our country are at stake and when a determined effort is being made to obtain a peaceful solution to grave international disputes, we in this body and elsewhere, without trying to rubber stamp anything, will put aside whatever partisanship we may have, and will even put aside our feelings on domestic concerns, and try to unite in common cause and common purpose.

Mr. President, I would hope that we might now move to favorable consideration.

Mr. GRIFFIN. Mr. President, will the Senator yield for the observation that this resolution helps to establish the spirit of Arthur Vandenberg which has not been repealed.

Mr. HUMPHREY. Yes. I thank the Senator.

Mr. HUGH SCOTT. Mr. President, I am pleased to join two of my distinguished colleagues (Mr. HUMPHREY and Mr. AIKEN) on Friday in sponsoring this resolution relating to the national security of the United States. What it says to other nations is this: do not construe domestic events as adversely affecting our resolve to uphold the vital interests of the United States, especially in the Middle East. In that most troubled part of the world, the President of the United States, with the support of the Congress, has not only brought about a ceasefire, but has been able to build foundations for a lasting peace.

The Humphrey resolution should stand as a red light to those who feel that domestic unrest can be converted to a foreign policy defeat. I commend the Senator for his initiative in this regard.

Mr. BAKER. Mr. President, I wish to

commend the distinguished senior Senator from Vermont and the distinguished junior Senator from Minnesota for offering one of the most timely sense of the Senate resolutions I have seen in recent years.

That resolution serves notice to any and all potential adversaries of the United States that it would be the gravest sort of error to misinterpret the effect of our present domestic troubles on our ability to protect our vital national interests both at home and abroad. The resilience and resolve of the American people is second to none, in my judgment; and the proposed resolution offered in the same spirit of bipartisanship evident during the near confrontation with the Soviet Union, is proof of that unique determination.

It should also be made clear that the United States will not shrink from its obligations to our allies nor abandon our efforts to bring a just and lasting peace to the Middle East, no matter what the cost.

There can be no more significant goal than protecting our national security interests whether at home or abroad, and I am pleased today to lend my enthusiastic support to a resolution which emphasizes the primacy of security over any and all domestic problems.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

RESOLUTION RELATING TO THE NATIONAL SECURITY OF THE UNITED STATES

Whereas the law of our nation requires the concurrence of the Congress in all decisions relating to the nation's vital national security interests; and

Whereas the recent uncertainties and divisions in the nation may cause adversaries and friends to doubt the bipartisan unity behind the pursuit of our national security objectives; and

Whereas the ability of the U.S. government to effectively pursue its international objectives must not be impaired, particularly in time of crisis; and

Whereas recent international events have posed a grave threat to peace and stability; and

Whereas the U.S. is currently involved in serious negotiations affecting our vital national interests and the peace of the world: Now, therefore, be it

Resolved, that it is the sense of the Senate that other nations should not construe domestic events as adversely affecting our resolve to uphold these vital interests, nor be tempted to seize upon them as an opportunity to undermine the security of the United States;

Be it further resolved that it is the sense of the Senate that other nations should not construe domestic events as impairing the full commitment of our government to achieve a just and durable peace in the Middle East;

Be it further resolved that the Senate calls upon all friendly nations to join with the United States in pursuance of these vital common objectives, which have as their goal respect for law and a stable and secure peace throughout the world.

Mr. HUMPHREY. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. NUNN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I am very pleased and I want to thank the leadership for its cooperation as well as my colleagues.

This resolution will be open for further cosponsorship.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

(The remarks Senator McGee made at this point on the introduction of S. 2673, dealing with the nomination of Senator Saxbe to be Attorney General, and the ensuing colloquy are printed in the Record under Statements on Introduced Bills and Joint Resolution.)

CONFERRING JURISDICTION UPON DISTRICT COURTS OF THE UNITED STATES OVER CERTAIN CIVIL ACTIONS BROUGHT BY CONGRESS

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 455, S. 2641, which was placed on the calendar on November 2, 1973.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 2641, to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ERVIN. Mr. President, I send forward a substitute amendment for the bill and ask that it be stated.

The ACTING PRESIDENT pro tempore. The substitute amendment will be stated.

The assistant legislative clerk proceeded to read the substitute amendment.

Mr. ERVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. Nunn). Without objection, it is so ordered, and the substitute amendment will be printed in the Record at this point.

The text of the substitute amendment is as follows:

"(a) The District Court of the United States for the District of Columbia shall have original jurisdiction, without regard to the sum or value of the matter in controversy, of any civil action heretofore or hereafter brought by the Senate Select Committee on Presidential Campaign Activities, which was created on February 7, 1973, by Senate Resolution No. 60, to enforce or secure a declaration concerning the validity of any subpoena or order heretofore or hereafter issued by said Committee to the President or the Vice President or any other officer of the United States or any officer or employee of any department or agency of the United States to procure the production before the said Committee of any information, documents, taped recordings, or other materials relevant to matters the said Committee is authorized to investigate, and the said District Court shall have jurisdiction to enter any such judgment or decree in any such civil action as may be necessary or appropriate to enforce obedience to any such subpoena or order.

"(b) The Senate Select Committee on Presidential Campaign Activities shall have authority to prosecute in its own name or in the name of the United States in the District Court of the United States for the District of Columbia any civil action heretofore or hereafter brought by said Committee to enforce or secure a declaration concerning the validity of any subpoena or order heretofore or hereafter issued by said Committee or Vice President or any other officer of the United States or any officer or employee of any department of the United States to procure the production before the said Committee of any information, documents, taped recordings, or other materials relevant to the matters the Committee is authorized to investigate, and pray the said District Court to enter such judgment or decree in said civil action as may be necessary or appropriate to enforce any such subpoena or order.

"(c) The Senate Select Committee on Presidential Campaign Activities may be represented by such attorneys as it may designate in any action prosecuted by said Committee under this Act."

Mr. ERVIN. Mr. President, I should like to state that I am introducing this substitute amendment with the approval of all members of the Senate Select Committee on Presidential Campaign Activities.

The original bill was rather broad, in that it attempted to give every congressional committee the power to bring suits.

At the suggestion of the distinguished Senator from Nebraska (Mr. Hruska), I decided that the original bill was too broad and I drew up this substitute amendment to conform to his suggestion; that is, that the bill be restricted to the Senate Select Committee on Presidential Campaign Activities. That is the purpose of the substitute amendment.

The amendment is necessary because Judge Sirica held that the District Court of the District of Columbia had no jurisdiction to entertain the original suit of the select committee. The substitute amendment is to cure this defect in jurisdiction.

Mr. HRUSKA. Mr. President, the bill in its original form was very broad and sought to establish a vast area of new Federal jurisdiction, the bill as amended would restrict its scope to the Senate Select Committee on Presidential campaign activities. I believe this to be a wise step.

Even as to the modified proposal, however, I suggest, Mr. President, that this kind of step flies in the face of the role of the courts in our constitutional system of Government, therefore, I would like to take this opportunity to offer some words of caution with respect to this bill which was introduced by my distinguished colleague from North Carolina (Mr. Ervin).

On October 17, 1973, Chief Judge John J. Sirica of the U.S. District Court for the District of Columbia ordered that the action commenced by the Select Committee on Presidential Campaign Activities to enforce its subpenas directed to the President of the United States and requesting a turnover of certain tape recordings be dismissed with prejudice.

The basis of the court's dismissal of this action was a finding by the court that there was no jurisdictional statute upon which the action could be grounded. Because of its conclusions and disposition, the court did not reach the problem of justiciability or the merits of the case.

I have been advised that the intent of the sponsors of the subject bill as originally introduced is to grant only such jurisdiction as is needed to require a production of the tapes requested. It would seem, however, that the sponsors have gone far beyond their stated purpose and suggest a broad grant of jurisdiction to the U.S. District Court for the District of Columbia which could serve as a foundation for substantial litigation in this and other circumstances.

The proposed legislation as originally introduced would empower Congress or congressional committees to petition the District Court for the District of Columbia for enforcement of congressional subpenas or orders requiring production of information, documents, or other materials which are in the custody of any officer or employee of the executive branch, including the President or Vice President. As I indicated earlier, I believe the amendment to confine the scope of this bill to the select committee was a prudent step. However, even as amended, I am concerned that this bill would confer original jurisdiction over such suits to the District Court for the District of Columbia and thereby eliminate the longstanding jurisdictional amount requirement of 28 U.S.C. 1331.

In addition to authorizing suits for enforcement of such subpenas and orders, the bill also purports to authorize suits "to secure a declaration concerning the validity" of such subpenas and orders. This latter authorization, although nebulous, appears to contemplate suits for declaratory judgment similar to the recent action filed by the Senate Select Committee on Campaign Practices.

This proposal, generated by the committee's unsuccessful suit for production of Presidential tapes and documents, does, in its present form, present serious problems of a legal, and practical nature.

In its suit for declaratory judgment, the select committee specifically disavowed any intent or desire to seek a "wholesale invasion of the President's files." Furthermore, the Select Committee cautioned that this particular case "must be placed in proper perspective."

Such a cautious approach is even more appropriate in analyzing the instant legislative proposal.

Congress has always had the power to enforce its own subpenas. Such enforcement may be compelled by the Sergeant at Arms for the Senate or the House There is, additionally, statutory enforcement power under 2 U.S.C. 192, which makes contempt of Congress a misdemeanor.

For the first time in history, however, Congress is being asked to determine that these enforcement powers are inadequate. This dissatisfaction has resulted from an unprecedented clash between Congress and the Chief Executive in the context of a specific case—the "Watergate case." This "case" undoubtedly will generate a variety of legislative reforms. This proposal is merely the first.

Instead of solving the signal jurisdictional problem faced by the Select Committee, this proposal would cast the judicial branch in the role of umpire or referee between Congress and the executive in disputes over the production of documents and information. In so doing, it flies in the face of the role of the courts in our constitutional system of government.

Such a significant incursion into traditional jurisdictional boundaries may only emphasize the ultimate constitutional obstacle blocking the success of any congressional suit against the President. That obstacle is the article III, section 2 requirement that the Federal courts entertain only justiciable cases and controversies. This constitutional barrier prevents the courts from refereeing disputes between the other two branches. It cannot be avoided or erased by congressional action. Congress cannot legislatively compel the courts to decide a basically nonjusticiable issue.

With this ultimate constitutional barrier in mind, any legislation, generated by the select committee's jurisdictional dilemma, might best be limited to resolving that specific problem. The amendment offered by the distinguished Senator from North Carolina (Mr. Ervin) is a step in that direction; the bill as originally introduced would go far beyond such a modest approach by opening a whole new field of Federal jurisdiction. It is not difficult to envision a virtual flood of congressional suits against myriad executive officials and employees over the production of information and documentation in the custody of the executive branch.

There are other matters on which I wish to comment. Specific phrases and terms cry out for clarification. Foremost among these is the proposal's use of the term "order." In authorizing Congress and its committees to petition the courts for enforcement of "orders," in addition to subpenas, the proposal becomes dangerously ambiguous. Nowhere is "order" defined. If the term is to be used, it should be defined and confined to specific areas of congressional power.

The language authorizing suits "to secure a declaration concerning the validity of any subpena or order" is also obscure. It appears to authorize the Congress to seek an "advisory opinion" from the courts, an exercise in which courts have never indulged.

Before taking action of such a fundamental nature, I would caution my colleagues to consider the advisability of proceeding in a more deliberate manner, utilizing the traditional committee processes of the Congress.

Given the temper of the times, however, the greater likelihood is that some version of the bill will be congressionally approved. The suggested approach which narrows the scope of this bill should satisfy or gratify the demands of the times.

Any general statute of broad application should be preserved for future complete legislative processing.

In such processing, the precedents in case law, and in congressional procedures, as well as the more profound and fundamental constitutional considerations and requirements can be fully presented and studied. Indications of the reaches and the gravity thereof can readily be perceived by a reading of Judge Sirica's Order and Opinion filed October 17, 1973, in Civil Action No. 1593–73, the suit brought by the Senate Select Committee on Presidential Campaign Activities; and also by a reading of a staff legal memorandum which I now submit.

Mr. President, I ask unanimous consent that these documents be printed in the Record at this point.

There being no objection, the documents were ordered to be printed in the Record, as follows:

A Memorandum Re a Bill To Confer Jurisdiction Upon the District Courts of the United States Over Certain Civil Actions Brought by the Congress, and for Other Purposes

The proposed legislation would empower Congress or Congressional Committees to petition the District Court for the District of Columbia for enforcement of Congressional subpoenas or "orders" requiring production of "information, documents, or other materials" which are in the custody of any officer or employee of the Executive branch, including the President or Vice President. In so providing, the draft bill confers original jurisdiction over such suits on the District Court for the District of Columbia and eliminates the long-standing jurisdictional amount requirement of 28 USC 1331.

In addition to authorizing suits for enforcement of such subpoenas and "orders," the Bill also purports to authorize suits "to secure a declaration concerning the validity" of such subpoenas and "orders." This latter authorization, although nebulous, appears to contemplate suits for declaratory judgment (28 USC 2201 et. seq.) similar to the recent action filed by the Senate Select Committee on Campaign Practices.

This proposal, generated by the Ervin Committee's unsuccessful suit for production of Presidential tapes and documents, does, in its present form, present serious problems of a legal and practical nature.

In its suit for declaratory judgment, the Ervin Committee specifically disavowed any intent or desire to seek a "wholesale invasion of the President's files" and cautioned that its case "must be placed in proper perspective." [*] Such a cautious approach is even more appropriate in analyzing the instant legislative proposal.

Congress has always had the power to enforce its own subpoenas. Such enforcement may be compelled by the Sergeant of Arms for the Senate or the House. *Anderson* v. *Dunn*, 6 Wheat 204 (1821). There is, additionally, statutory enforcement power under 2 USC 192, which makes contempt of Congress a misdemeanor. For the first time in history, however, Congress is being asked to determine that these enforcement powers are inadequate. This dissatisfaction has resulted from an unprecedented clash between Congress and the Chief Executive in the context of a specific case—the "Watergate case."

The Watergate "case" undoubtedly will generate a variety of legislative reforms. This proposal is merely the first. It is important therefore to recall the admonition by Justice Holmes:

"Great cases, like hard cases, make bad

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[*] "Memorandum in Support of Motion for Summary Judgment," at page 1.

law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful, and before which even well settled principles of law will bend."

Holmes, J., dissenting in *Northern Securities Co.* v. *United States,* 193 U.S. 197, 400–401 (1904).

Given the extraordinary climate which has generated this legislation, every effort should be made to restrict the proposal's applicability to the unique circumstances surrounding the quest for Presidential documents by the Senate Select Committee on Campaign Practices. Unfortunately, the proposed bill is not so prudently drafted.

Instead of solving the signal jurisdictional problem faced by the Ervin Committee, the proposal casts the judicial branch in the role of umpire or referee between Congress and the Executive in every dispute over production of document and information by the executive branch. In so doing, it flies in the face of the role of the courts in our constitutional system of government. To use the words of Justice Douglas, "federal courts do not sit as an ombudsman refereeing disputes between the other two branches." *Gravel* v. *United States,* 408 U.S. 606, 640 (1972) (Douglas, J. dissenting). Such a significant expansion of traditional jurisdictional boundaries may only emphasize the ultimate Constitutional obstacle blocking the success of any congressional suit against the President. That obstacle is the Article III, § 2 requirement that the federal courts entertain only justiciable cases and controversies. This Constitutional barrier prevents the courts from "refereeing disputes between the other two branches;" it cannot be avoided or erased by congressional action. See *Mississippi* v. *Johnson,* 4 Wall. (71 U.S.) 475, 500–501 (1866). Congress cannot legislatively compel the courts to decide a basically non-justiciable issue. Thus the instant proposal cannot and does not solve the major part of the jurisdiction/justiciability dilemma facing the Ervin Committee. Moreover, by expanding jurisdiction so radically, the justiciability problems awaiting future congressional suits of this nature may be compounded.

With this ultimate Constitutional barrier in mind, any legislation, generated by the Ervin Committee's jurisdictional dilemma, should be limited to resolving that specific problem. This proposal, however, goes far beyond such a rational approach by opening a whole new field of federal jurisdiction. It is not difficult to envision a virtual flood of congressional suits against myriad executive officials and employees over the production of information and documentation in the custody of the executive branch.

Such suits have been unnecessary in the past, despite a long tradition of claims of privilege by the executive branch. Why should a unique situation faced by a single Senate committee signal the need for such unprecedented a proposal? In apparent chagrin over Judge Sirica's ruling that the federal courts lack jurisdiction to entertain their suit against the President, the Bill's sponsors have proposed sweeping legislative revision of long-standing jurisdictional boundaries. Such hasty action is both unwise and unnecessary. The proposal should be redrafted to limit its applicability to the requirements of the Ervin Committee.

Aside from the proposal's imprudent and unnecesasry breadth, there are specific phrases and terms which cry out for clarification. Foremost among these is the proposal's use of the term "order." In authorizing Congress and its committees to petition the courts for enforcement of "orders," in addition to subpoenas, the proposal becomes dangerously ambiguous. Nowhere is "order" defined. If the term is to be used—and its necessity is doubtful—it should be defined and, if necessary, confined to specific areas of traditional congressional power.

The language authorizing suit "to secure a declaration concerning the validity of any subpoena or order" is also obscure. It appears to authorize the Congress to seek an "advisory opinion" from the courts, an exercise in which courts have never indulged. *Flast* v. *Cohen,* 392 US 83, 95 (1968). To avoid the possibility of such an unfortunate interpretation, the obvious intent of its drafters to authorize suit for declaratory judgment under 28 USC 2201 and 2202 should be clearly and definitely stated.

CONCLUSION

For 184 years it has been unnecessary for any congressional committee to file suit against the President in an attempt to obtain Presidential documents. We do not admit the necessity for such action now. That such a suit at least has been filed, and dismissed by a federal court for lack of jurisdiction, is a forceful reminder of the unprecedented nature of such a legal action and the political climate which generated it. If legislative reform is necessary to allow such a suit, it should therefore be a reform which is tailored to the need and not a sweeping expansion or revision of the judicial role in our tripartite system.

Thus the proposal should be limited to the specific needs of the Ervin Committee and should be defined and articulated in a manner which avoids unfortunate and inaccurate interpretations. To do otherwise would be a disservice to Congress, the Presidency and the Constitution.

[In the U.S. District Court for the District of Columbia, Civil Action No. 1593–73]

ORDER

Senate Select Committee on Presidential Campaign Activities, suing in its own name and in the name of the United States, and Sam J. Ervin, Jr.; Howard H. Baker, Jr.; Herman E. Talmadge; Daniel K. Inouye; Joseph M. Montoya; Edward J. Gurney; and Lowell P. Weicker, Jr., as United States Senators who are members of the Senate Select Committee on Presidential Campaign Activities, Plaintiffs versus Richard M. Nixon, individually and as President of the United States, Defendant.

This matter having come before the Court on plaintiffs' Motion for Summary Judgment, and the Court having considered the memoranda and arguments of counsel, and the Court having concluded for the reasons stated in the attached opinion that it lacks jurisdiction over this matter, it is by the Court this 17th day of October, 1973, Ordered that this action be, and the same hereby is, dismissed with prejudice.

JOHN J. SIRICA, *Chief Judge.*

[In the U.S. District Court for the District of Columbia, Civil Action No. 1593–73]

OPINION

Senate Select Committee on Presidential Campaign Activities, suing in its own name and in the name of the United States, and Sam J. Ervin, Jr.; Howard H. Baker, Jr.; Herman E. Talmadge; Daniel K. Inouye; Joseph M. Montoya; Edward J. Gurney; and Lowell P. Weicker, Jr., as United States Senators who are members of the Senate Select Committee on Presidential Campaign Activities, Plaintiffs, versus Richard H. Nixon, individually and as President of the United States, Defendant.

The Court presently has before it a motion for summary judgment filed by plaintiffs. Plaintiffs are the Senate Select Committee on Presidential Campaign Activities, established by Senate Resolution 60, 93rd Congress, 1st Session (1973), and the seven United States Senators who compose the Select Committee. Richard M. Nixon, President of the United States, is defendant. The action is styled "Complaint for declaratory judgment, mandatory injunction and mandamus."

Facts concerning the origin of this action are not controverted. The Senate Select Committee on Presidential Campaign Activities (Select Committee) became a duly authorized and constituted committee of the United States Senate on February 7, 1973, "empowered to investigate and study 'illegal, improper or unethical activities' in connection with the Presidential campaign and election of 1972 and to determine the necessity of new legislation 'to safeguard the electoral process by which the President of the United States is chosen.' "[1] In the course of its investigatory procedures, the Select Committee heard one Alexander P. Butterfield, formerly a Deputy Assistant to the defendant. Mr. Butterfield testified that the President had electronically recorded conversations occurring in various of his offices during a period of time that included the campaign and election of 1972. This testimony was later confirmed by Presidential counsel, J. Fred Buzhardt.[2]

Upon learning that among these recorded conferences were a series which they regarded as highly relevant to their investigation, plaintiffs commenced informal efforts to secure the pertinent tape recordings as well as various written documents. Plaintiffs were and remain convinced that the recorded account of these presidential conversations, together with written White House documents alluded to by witnesses at their hearings, would undoubtedly contain information having an important bearing on their investigation and would probably resolve critical conflicts in the testimony of several key witnesses.

When informal attempts proved unsuccessful, the Select Committee directed two subpoenas *duces tecum* to the defendant President. Both were served on July 23, 1973, and together with proof of service, are attached as exhibits to the complaint herein.

The first required prodution of the tape recordings of five meetings which were in each instance attended by the defendant President and then White House counsel, John W. Dean, III. Other persons had also been present during some of these conferences. As noted in the subpoena, the meetings occurred on September 15, 1972, February 28, 1973, March 13, 1973, and March 21, 1973, with two meetings on the last mentioned date. The second subpoena sought documents and other materials "relating directly or indirectly to [an] attached list of [25] individuals and to their activities, participation, responsibilities or involvement in any alleged criminal acts related to the Presidential election of 1972." Defendant filed no objection to either subpoena or to service thereof, although in a subsequent filing counsel have characterized the second subpoena as oppressive. Defendant's sole response consisted of a letter to Select Committee Chairman Senator Sam J. Ervin, Jr., expressing the President's intention not to comply with the subpoenas and the reasons for his decision. The President's letter is also appended to the complaint herein as an exhibit. It is understood that although the subpoenaed tape recordings had previously been in the custody of others, at the time the subpoenas were issued, and at present, they are within the sole possession, custody and control of the defendant President.[3]

Plaintiffs next proceeded to file wtih the Court the present civil action. They deliberately chose not to attempt an adjudication of the matter by resort to a contempt proceeding under Title 2, U.S.C. § 192, or via Congressional common-law powers which permit the Sergeant at Arms to forcibly

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Footnotes at end of article.

secure attendance of the offending party. Either method, plaintiffs state, would here be inappropriate and unseemly. On the day defendant filed his answer to the complaint, plaintiffs submitted a motion for summary judgment. A response to the motion and other memoranda were subsequently filed, and the matter came on for oral argument on October 4, 1973. In their subsequent pleadings and at oral argument, plaintiffs have emphasized that portion of the complaint which seeks a declaratory judgment. It is argued that such judgment include the following statements:

(1) That the two subpoenas were lawfully issued and served by plaintiffs and must be complied with by defendant President;

(2) That defendant President may not refuse compliance on the basis of separation of powers, executive privilege, Presidential prerogative or otherwise;

(3) That defendant President by his action to date has breached the confidentiality of the materials subpoenaed and waived any privilege that might have applied to them.

The prayer for a mandatory injunction and/or relief by way of mandamus has been referred to the Court's discretion and otherwise ignored by plaintiffs.

The case presents a battery of issues including jurisdiction, justiciability, invocation of the declaratory judgment statute, executive privilege, waiver of privilege, validity of the Select Committee's investigation, and authority of the Select Committee to subpoena and bring suit against the President. Because of its ruling, the Court has found it necessary to consider only one question, that being whether the Court has jurisdiction to decide the case. The Court has concluded, for the reasons outlined below, that it lacks such jurisdiction, and the action is therefore dismissed with prejudice.

I

The Court has recently decided another case involving some of the same tape recordings that are here at issue.[4] As its caption indicates, that matter concerned a subpoena *duces tecum* isued to the President by a grand jury. It was there ruled that compliance with the subpoena could be judicially required as to unprivileged matter and that the Court was empowered to determine the applicability of any privilege. The case is presently the subject of appellate review.

This present case, by contest, is a civil complaint, and in such actions particularly, jurisdiction is a threshold issue. Some elementary principles perhaps need restating here. For the federal courts, jurisdiction is not automatic and cannot be presumed. Thus, the presumption in each instance is that a federal court lacks jurisdiction until it can be shown that a specific grant of jurisdiction applies. Federal courts may exercise only that judicial power provided by the Constitution in Article II and conferred by Congress. All other judicial powers or jurisdiction is reserved to the states. And although plaintiffs may urge otherwise, it seems settled that federal courts may assume only that portion of the Article III judicial power which Congress, by statute, entrusts to them.[5] Simply stated, Congress may impart as much or as little of the judicial power as it deems appropriate and the Judiciary may not thereafter on its own motion recur to the Article III storehouse for additional jurisdiction. When it comes to jurisdiction of the federal courts, truly, to paraphrase the scripture, the Congress giveth, and the Congress taketh away.[6] Finally, the principle is firmly established that jurisdictional requirements cannot be waived.

II

Plaintiffs have cited four statutory bases any and all of which, according to their submission, grant jurisdiction here. Before proceeding to analyze these provisions, however, it should be noted that the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and Rule 57 of the Federal Rules of Civil Procedure do not themselves confer jurisdiction. These statutes, as defendant points out, are procedural only and do not constitute the jurisdictional statute necessary to consideration of a specific declaratory judgment action.[7]

One of the four statutory bases of jurisdiction cited by plaintiffs is 28 U.S.C. § 1345 which reads:

> § 1345. United States as plaintiff
>
> Except as otherwise provided by Act of Congress, the district courts shall have original jurisdiction of all civil actions, suits or proceedings commenced by the United States, or by any agency or officer thereof expressly authorized to sue by Act of Congress.

Plaintiffs have disclaimed any attempt to classify themselves as an "agency or officer" within the meaning of this section. Rather they purport to bring suit in the name of the United States. Reference, however, to common practice and related statutory provisions belies the soundness of such a claim. Title 28 U.S.C. § 516, in language similar to that of § 1345, reserves to the Attorney General and Department of Justice authority to litigate as United States.

> § 516. Conduct of Litigation reserved to Department of Justice
>
> Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General.

While this section does not require a congressional litigant to be represented by the Justice Department, it does deny such a litigant the right to sue as the United States when jurisdiction derives from § 1345.[8] The practice has been otherwise and the two cases cited by plaintiffs do not so hold.[9] Section 1345 is simply imapplicable here.

B

A second statute called to the Court's attention is 28 U.S.C. § 1361. That statute provides:

> § 1361. Action to compel an officer of the United States to perform his duty.
>
> The district courts shall have original jurisdiction of any action in the nature of a mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.

In attempting to meet the terms of § 1361, plaintiffs impute to the defendant President a "legal duty to respond to and to comply with . . . [Select Committee] subpoenas." As defendant indicates, however, the traditional criteria for mandamus proceedings appy here[10] and only a "ministerial, plainly defined and peremptory" duty may properly be the subject of such proceedings.

Before such a writ may issue, it must appear that the claim is clear and certain and the duty of the officer involved must be ministerial, plainly defined, and peremptory. *Huddleston* v. *Dwyer*, 10 Cir. 145 F.2d 311. The duty sought to be exercised must be a positive command and so plainly prescribed as to be free from doubt. *Wilbur* v. *United States ex rel. Kadrie*, 281 U.S. 206, 50 S. Ct. 320, 74 L.Ed. 809.[11]

These criteria have not been satisfied.

After reading cases that have considered applications for mandamus, the Court cannot in good conscience hold that any duty defendant may have as President is "plainly defined and peremptory" as that phrase has been interpreted.[12] Mandamus properly issues to enforce such duties as that of a government officer to issue a driver's or marriage license when all licensing requirements are met or that of a military official to confer an honorable discharge where the law so provides. In every case, official duties are involved. No analogous obligation appears here. Regardless of whatever duty the President may owe the Select Committee as a citizen with evidence in his possession, it is not "free from doubt" that his *official* responsibilities require compliance. There is nothing in the Constitution, for example, that makes it an official duty of Presidents to comply with Congressional subpoenas.[13]

A fair reading of § 1361 cannot sustain jurisdiction here.

C

As a third statutory basis of jurisdiction, plaintiffs cite the Administrative Procedure Act, 5 U.S.C. §§ 701–706. There is some question whether the President is an "agency" for purposes of the Act,[14] whether "agency action" is involved here,[15] and whether plaintiffs have suffered a "legal wrong" within the meaning of these provisions.[16] A final resolution of these problems, however, is unnecessary here since the rule in this Circuit precludes use of this Act altogether as an independent basis of jurisdiction.[17] The Administrative Procedure Act does not confer jurisdiction where an action is not otherwise cognizable by the federal courts. Plaintiffs have urged that although this was once the rule in the District of Columbia, the *Independent Broker-Dealers' Trade Association v. SEC* case at 442 F. 2d 132 (D.C. Cir. 1971), *cert. denied* 404 U.S. 828 (1972) has effectively overruled the earlier position. The Court does not so read *Independent Broker-Dealers*. Plaintiffs there enjoyed an independent basis for jurisdiction in 28 U.S.C. § 1331, and the ruling concerned not whether the APA itself affords jurisdiction but whether the SEC's informal act was reviewable and whether any such review might be had in the District Court. The Court held that an SEC letter to the New York Stock Exchange requesting that the Exchange prohibit "customer-directed give ups" constituted judicially reviewable "agency action." The Court agrees with defendant's counsel that it is hardly probable the Court of Appeals would overrule its prior decisions without any reference to them.

The Court concludes that the Administrative Procedure Act cannot serve to grant jurisdiction here.

D

Plaintiffs have placed principal reliance for purposes of jurisdiction on 28 U.S.C. § 1331. That statute, often termed the "federal question" jurisdiction statute, provides in pertinent part as follows:

> § 1331. Federal question; amount in controversy; costs
>
> (a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of $10,000 exclusive of interest and costs, and arises under the Constitution, laws or treaties of the United States.

Unlike the statutes heretofore discussed, this provision includes a monetary sum or value as an incident of jurisdiction, the $10,000 jurisdictional amount. Although the amount has varied over the years, defendant is correct in his assertion that whatever the sum, it is a jurisdictional prerequisite.[18] The satisfaction of a minimum amount-in-controversy is not a technicality; *it is a requirement imposed by Congress which the courts may not dispense with at their pleasure.*

While some decisions have held to the contrary, most notably *Spock* v. *David*, 469 F. 2d 1047 (3rd Cir. 1972), it is the near-universal view that a right or matter in controversy must be capable of valuation in dollars and cents to sustain jurisdiction ununder § 1331.[19] To the Court, this constitutes not only the majority but the more realistic analysis of the amount-in-controversy requirement. Where it desires to award jurisdiction over cases involving important rights without regard to a monetary valuation, the Congress is capable of excluding such restrictions; witness, for example, the civil rights and elective franchise statute at 28 U.S.C. § 1343. Thus, where Congress has required a jurisdictional sum, it would seem unwarranted for a court to presume that the limitation was unintentional.[20]

The question therefore becomes whether a quantifiable amount-in-controversy, of sufficient value to satisfy the statutory minimum, exists here. The parties agree, and it is well settled that in determining the amount-in-controversy, reference to either party's situation is appropriate, there the case is worth at least $10,000 to the defendant, the requirement is satisfied just as fully as where a plaintiff can demonstrate the $10,000 value or sum.

Computations measure the "value of the object" of the *suit, Mississippi & Missouri R.R. Co.* v. *Ward,* 2 Black (67 U.S.) 485 1862), that is the monetary value of objects at issue or direct monetary impact of an adjudication. The object here could be described as either the tapes and documents themselves or as access to the information contained therein. Since intrinsically, the tape recordings and documents do not approach a $10,000 value, we look instead to the value of a disposition either granting or denying the declaratory judgment and other relief sought.

Plaintiffs suggest several possible analyses by which existence of the required minimum value may be established. It appears to the Court, however, that none of these proposals suffice. First, in an affidavit of the Select Committee Chairman appended to their Supplemental Memorandum, plaintiffs calculate the expenses they will incur if compelled to secure from other sources the information contained in the subpoenaed materials. Though the Court does not dispute this assessment, it nevertheless cannot accept such indirect costs as the amount-in-controversy. Alternative means of achieving the object of a suit or collateral results of a judgment are not properly considered in computing the jurisdictional minimum under § 1331.[21] The cost of added Committee work to ferret out the desired information is quite clearly the cost of an alternative procedure. Nor is the Select Committee's appropriation of a valid measure. The decision in *Williams v. Phillips,* —F. Supp. —— (D.D.C. 1973, C. A. No. 490–73), the only authority cited for this proposition, contains no such holding. Plaintiffs have not attempted to quantify the direct impact of a judicial decision, and indeed, it appears to the Court that such an appraisal is impossible from either party's viewpoint.

Second is a suggestion that the rights and responsibilities of legislators exceed the $10,000 minimum. The restriction to a dollars and cents evaluation of the matter in controversy, however, logically precludes an assumption that the value of such a right can satisfy § 1331. The value of the right or duty must be quantifiable.[22] There must be some financial gain or loss associated directly with sustaining, rejecting or declaring the right. The Supreme Court has only recently reminded us that in suits against federal officials under § 1331, "it is necessary to satisfy the amount-in-controversy requirement for federal jurisdiction." *Lynch v. Household Finance Corp.,* 405 U.S. 538, 547 (1972). Any direct financial consequence to rights or duties is not apparent in this case.

Finally, regarding value from defendant's viewpoint, the Court cannot find any basis on which to assign a dollar value to the matter in controversy. Just as the constitutional obligations of legislators, defendant's interest, whatever it may be termed, is incapable of such an appraisal. Each of the plaintiff's assertions, then, regarding the amount-in-controversy are legally inadequate, and finding no possible valuation of the matter which satisfies the $10,000 minimum, the Court cannot assert jurisdiction by virtue of § 1331.

No jurisdictional statute known to the Court, including the four which plaintiffs name, warrants an assumption of jurisdiction, and the Court is therefore left with no alternative here but to dismiss the action.

III

Because of its conclusion and disposition, the Court does not reach the problem of justiciability or the merits of the case. Any comment on these matters therefore is inappropriate, and the Court does not proffer its views.

The Court has here been requested to invoke a jurisdiction which only Congress can grant but which Congress has heretofore withheld. Whether such jurisdiction ought to be conferred is the prerogative of the Congress. Plaintiffs, of course, are free to pursue whatever remedy they now deem appropriate, but the Court cannot, consistent with law and the constitutional principles that reserve to Congress the conferral of jurisdiction, validate the present course.

JOHN J. SIRICA, *Chief Judge.*

October 17, 1973.

FOOTNOTES

[1] "Statement of Material Facts as to which there is no Genuine Issue" filed by plaintiffs on August 29, 1973, at 1. Counsel for the defendant President acknowledged in Court on October 4, 1973, that defendant takes no issue with plaintiffs' statement.

[2] *Id.* at 2.

[3] *Id.* at 3.

[4] In Re Grand Jury Subpoena Duces Tecum Issued to Richard M. Nixon, etc., 360 F. Supp. 1 (D.D.C. 1973).

[5] The Supreme Court and the Court of Appeals for this Circuit have affirmed that jurisdiction fails "if the cause is not one described by any jurisdictional statute." Powell v. McCormack, 395 U.S. 486, 512–513 (1969) citing Baker v. Carr, 369 U.S. 186, 198–199 (1962). *See also,* Cary v. Curtis, 3 How. (44 U.S.) 236, 245 (1845) and United States Servicemen's Fund v. Eastland, —— F. 2d —— (No. 24,279 August 30, 1973) (D.C. Cir. 1973). Reference to Article III, § 2 alone is insufficient.

For the contrary proposition plaintiffs cite six decisions: New York Times Co. v. U.S., 403 U.S. 713 (1971); Sanitary District of Chicago v. U.S., 266 U.S. 405 (1925); In Re Debs, 158 U.S. 564 (1895); U.S. v. Arlington County, 326 F.2d 929 (4th Cir. 1964); U.S. v. Brand Jewelers, Inc., 318 F. Supp. 1293 (S.D.N.Y. 1970); and U.S. v. Brittain, 319 F. Supp. 1058 (N.D. Ala. 1970). None of these cases, however, holds that the government or anyone else may invoke jurisdiction of the federal courts without utilizing a specific jurisdictional statute. Each were initially brought by the United States and jurisdiction apparently invoked under 28 U.S.C. § 1345, or its predecessor, an independent statutory base applicable to the government.

[6] Job 1:21 (The Holy Bible)

[7] *See,* Skelly Oil Co. v. Phillips Petroleum Co., 339 U.S. 667, 671 (1950) and Aetna Life Ins. Co. v. Haworth, 300 U.S. 227, 249 (1937).

[8] *Cf.,* Confiscation Cases, 7 Wall (74 U.S.) 454, 457 (1868). It may be argued that Senate Resolution 262, 70th Congress, 1st Session (1928) permits the Select Committee to sue in the name of the United States here despite the provisions of § 516. Resolution 262 states in pertinent part:

> [A]ny committee of the Senate is hereby authorized to bring suit on behalf of and in the name of the United States in any court of competent jurisdiction if the committee is of the opinion that the suit is necessary to the adequate performance of the powers invested in it or the duties imposed upon it. . . .

It occurs to the Court that there are at least three responses which answer this claim. First, insofar as the Senate Resolution is inconsistent with the provisions of § 516, it would appear that the statute, enacted by both Houses of Congress, should control over the Resolution of one House. Second, any exception to § 516 must be one "authorized by law." Although the question has never been specifically litigated, it seems apparent that "law" in § 516 would not include a legislative action of the sort represented by S. Res. 262. The term "law" does not normally encompass within its definition "resolution," and all recognized exceptions to § 516, such as 10 U.S.C. § 1037, are statute laws enacted by both Houses. In addition, the Supreme Court has hinted that authorization of legislative committees to sue as the United States under § 1345 may require a specific statutory enactment. The Court in Reed v. County Commissioners, 277 U.S. 376 (1928), did not reach the question of whether a Senate committee could act as the United States under 28 U.S.C. § 41 (predecessor to 28 U.S.C. § 1345), because *"even if it be assumed* that the *Senate alone* may give that authority," it had not even attempted to do so. 277 U.S. at 388 (italic added).

Third, and most importantly, the language and historical setting of S. Res. 262 exact the conclusion that it was intended, not to confer jurisdiction, but to ensure standing in lawsuits. Both parties agree that the Senate adopted S. Res. 262 in response to the Supreme Court decision in *Reed.* As just noted, the *Reed* Court did not reach the issue of statutory jurisdiction because it found that the Senate Special Committee lacked standing. 277 U.S. at 388. S. Res. 262 was intended to correct that defect, and thus it authorized committees to sue "in any court of competent jurisdiction." This language traditionally means courts that already have jurisdiction, that are presently competent to consider the case, pursuant to some independent statutory provision. It does not itself serve to bestow jurisdiction.

[9] Plaintiffs cited In Re Hearings by the Committee on Banking and Currency, 245 F. 2d 667 (7th Cir. 1957) and In Re Hearings by the Committee on Banking and Currency, 19 F.R.D. 410 (N.D. Ill. 1956).

[10] See, Senate Report No. 1992, 87th Cong., 2nd Sess. pp. 2–4 (1962). 28 U.S.C. § 1361 did not create a new or distinct cause of action.

[11] Prairie Zand of Potawatomie Tribe of Indians v. Udall, 355, F. 2d. 364, (10th Cir.) *cert. denied* 385 U.S. 831 (1966).

[12] *See e.g., Harmon* v. *Brucker,* 355 U.S. 579 (1958); McGaw v. Farrow, 472 F. 2d. 952 (4th Cir. 1973); Spock v. David, 467 F.2d 1047 (3rd Cir. 1972); United States v. Walker, 409 F.2d 477 (9th Cir. 1969); Greffanti v. Hershey 296 F. Supp. 553 (S.D. N.Y. 1969); Switzerland Co. v. Udall, 225 F. Supp. 812 (W.D.N.C. 1964) *aff'd* 337 F. 2d 56 (4th Cir. 1964) *cert. denied* 380 U.S. 914 (1965).

[13] Plaintiffs misread the prior opinion of this Court when they think they find a declaration therein *that* Presidents have a duty, ministerial in nature, to comply with subpoenas. The Court rather stated that defendant's obligation to produce unprivileged evidence was "more *akin* to a ministerial duty" than to a discretionary one, *"if indeed it concerns official duties at all."* In Re Grand Jury Subpoena Duces Tecum Issued to Richard M. Nixon, etc., 360 F. Supp. 1, 8 n.21 (D.D.C. 1973). (emphasis added). In sustaining the Court's position in that case, the Court of Appeals for this Circuit characterized the responsibility of the President to produce evidence as one of the "routine legal obligations that confine all citizens." Nixon v. Sirica,—F. 2d—(No. 73–1962 October 12, 1973) (D.C. Cir. 1973), at page 18 slip opinion.

[14] Plaintiffs cite Amalgamated Meat Cutters & Butcher Workmen v. Connally, 337 F. Supp. 737 (D.D.C. 1971), the decision of a three-judge court written by Circuit Judge Leventhal, as definitively establishing that the President is an "agency' for purposes of the statute. As the Court reads that decision, however, and as defendant suggests, that issue was specifically left open. The opin-

ion does include the following statement cited by plaintiffs:

> The leading students of the APA, whose analyses are often cited by the Supreme Court, and who on some matters are in conflict with each other, seem to be in agreement that the term "agency" in the APA includes the President—a conclusion fortified by the care taken to make express exclusion of "Congress" and "the Courts." 337 F. Supp. at 761 (footnote omitted).

Nevertheless, in the next sentence the court writes:

> But we need not consider whether an action for judicial review can be brought against the President *eo nomine*. 337 F. Supp. at 761.

The Court of Appeals in this Circuit has also left open this question. *See,* Soucie v. David, 448 F. 2d 1967, 1073 n. 17 (D.C. Cir. 1971). Defendant further notes, "it is hard to imagine that a statute that excludes from its operation even the governments of the territories and the Mayor of the District of Columbia should be held to have included, in its bland and neutral language, the President of the United States." Brief in opposition at 33 p. 7.

[15] "Agency action" is defined by the statute as "the whole or a part of any agency rule, order, license, sanction, relief or the equivalent or denial thereof, or the failure to act." 5 U.S.C. § 551 (13). Plaintiffs cite this language as aptly describing "the President's failure to turn over the evidence which the Committee has demanded. **" "** In fact, the term 'adjudication' as defined by the APA, could well apply to the President's action. See 5 U.S.C. § 551 (6 and 7)." Reply Memorandum at 18. Defendant interprets the same definition as applicable only to the "rule-making" and "formulation of orders" functions of agencies, categories into which his actions do not fall. Brief in opposition at 33, 34.

[16] 5 U.S.C. § 702 provides:

> A person suffering legal wrong because of agency action or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.

The plaintiffs claim a legal right of the Committee to have its lawful subpoenas obeyed by the President and cite principally Watkins v. U.S., 354 U.S. 178 (1957) and McGrain v. Daugherty, 273 U.S. 135 (1927). Supplemental Memorandum at 27; Reply Memorandum at 18, 19. Defendant maintains that although plaintiffs may have cited an adverse effect, they have not pointed to an illegal effect recognized by law. He cites Senate Report No. 752, 79th Congress, 1st Session (1945) at 26, and Kansas City Power & Light Co. v. McKay, 225 F.2d 924 (D.C. Cir.) *cert. denied* 350 U.S. 884 (1955). Brief in Opposition at 34.

[17] See Pan American World Airways, Inc. v. CAB, 392 F.2d 483, 494 (D.C. Cir. 1968); Kansas City Power & Light Co. v. McKay, 225 F.2d 924, 932–933 (D.C. Cir.) *cert. denied* 350 U.S. 884 (1955); Almour v. Pace, 193 F.2d 699, 701 n. 5 (D.C. Cir. 1951). Such is the rule in other circuits as well. *See, e.g.,* Arizona State Dept. of Public Welfare v. Dept. of Health, Education and Welfare, 449 F.2d 456, 464 (9th Cir. 1971), *cert. denied* 405 U.S. 919 (1972); Zimmerman v. United States Government, 422 F.2d 326, 330–331 (3rd Cir.), *cert. denied* 399 U.S. 911 (1970); Twin Cities Chippewa Tribal Council v. Minnesota Chppewa Tribe, 370 F.2d 529, 532 (8th Cir. 1967); Chournos v. United States, 335 F.2d 918, 919 (10th Cir. 1964); Local 542, International Union of Operating Engineers v. NLRB, 328 F.2d 850, 854 (3rd Cir.), *cert. denied* 379 U.S. 826 (1964); Ove Gustavsson Contracting Co. v. Floete, 278 F.2d 912, 914 (2d Cir.), *cert. denied* 364 U.S. 894 (1960).

[18] *See, e.g.,* Holt v. Indiana Mfg. Co., 176 U.S. 68 (1900) and U.S. v. Sayward, 160 U.S. 493 (1895).

[19] *See, e.g.,* Barry v. Mercein, 5 How. (46 U.S.) 103 (1847); McGaw v. Farrow, 472 F.2d 952 (4th Cir. 1973); Kheel v. Port of New York Authority, 457 F.2d 46 (2nd Cir. 1972); Goldsmith v. Sutherland, 426 F.2d 1395 (6th Cir.) *cert. denied* 400 U.S. 960 (1970); Rosado v. Wyman, 414 F.2d 170 (2nd Cir. 1969), *reversed on other grounds* 397 U.S. 397 (1970); Rapoport v. Rapoport, 416 F.2d 41 (9th Cir. 1969) *cert. denied* 397 U.S. 915 (1970); Giancana v. Johnson, 335 F.2d 366 (7th Cir. 1964) *cert. denied* 379 U.S. 1001 (1965).

[20] Defendant states that Congress has had before it several times legislation "rewriting the statute to remove the amount in controversy requirement in cases in which constitutional rights are asserted against federal officers," but has each time failed to enact it. Brief in Opposition at 25.

[21] *See, e.g.,* Healy v. Ratta, 292 U.S. 263 (1934); Lion Bonding & Surety Co. v. Karatz, 262 U.S. 77 (1923); Town of Elgin v. Marshall, 106 U.S. 578 (1882); Quinalt Tribe of Indians v. Gallagher, 368 F. 2d 648 (9th Cir. 1966) *cert. denied,* 387 U.S. 907 (1967).

For the contrary propostion plaintiffs cite Petroleum Exploration Co. v. Public Service Commission, 304 U.S. 209 (1938); Bitterman v. Louisville & Nashville R.R., 207 U.S. 205, 224–35 (1907); and Federated Mutual Implement & Hardware Ins. Co. v. Steinherder, 268 F. 2d 734 (8th Cir. 1959). In each of these instances, however, parties stood to suffer monetary losses in excess of the jurisdictional amount as the *direct* result of a judgment. In *Petroleum Exploration* it was the expense a Maine corporation would incur if forced to appear and give information pursuant to an order of the Kentucky Public Service Commission. In *Bitterman,* it was a railroad's financial loss if ticket sales by brokers were not enjoined. The *Federated Mutual* case concerned losses that would befall an insurance company if a former sales agent were not restrained from competing in the insurance business for two years.

[22] Plaintiffs urge that Kennedy v. Sampson (D.D.C., C.A. 1583–72, August 16, 1973) and Holtzman v. Richardson (E.D.N.Y., 73–C–537, July 25, 1973) *reversed,* — F. 2d — (2nd Cir. 1973) found that the constitutional rights and duties of legislators met the monetary requirement of § 1331. This conclusion, however, seems inaccurate. *Kennedy* did not discuss jurisdiction but was apparently a § 1361 case (performance of a ministerial duty). In *Holtzman,* the object of the controversy from defendants' viewpoint (bombing in Cambodia) far exceeded the $10,000 jurisdiction sum. As plaintiffs note, a court in this district has apparently ruled that the inherent value of a constitutional right to vote "must be equal to any amount set for jurisdictional purposes."

West End Neighborhood Corporation v. Stans, 312 F. Supp. 1068 (D.D.C. 1970). This Court, however, cannot justify a conclusion that the *Stans* decision represents the law in this or any Circuit with the possible exception of the Third, and accordingly, with due respect, cannot regard that precedent.

To say that constitutional rights are incapable of a monetary assessment is not to say that they are petty or worthless. All persons realize, or should realize, that their value is unsurpassed. Such value, however, is simply not the type intended to satisfy the monetary restrictions of § 1331. Other statutes may grant jurisdiction in some of these cases, but § 1331 does not.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from North Carolina.

The substitute amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 2641) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 2641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the District Court of the United States for the District of Columbia shall have original jurisdiction, without regard to the sum or value of the matter in controversy, of any civil action heretofore or hereafter brought by the Senate Select Committee on Presidential Campaign Activities, which was created on February 7, 1973, by Senate Resolution Numbered 60, to enforce or secure a declaration concerning the validity of any subpoena or order heretofore or hereafter issued by said committee to the President or the Vice President or any other officer of the United States or any officer or employee of any department or agency of the United States to procure the production before the said committee of any information, documents, taped recordings, or other materials relevant to matters the said committee is authorized to investigate, and the said district court shall have jurisdiction to enter any such judgment or decree in any such civil action as may be necessary or appropriate to enforce obedience to any such subpoena or order.

(b) The Senate Select Committee on Presidential Campaign Activities shall have authority to prosecute in its own name or in the name of the United States in the District Court of the United States for the District of Columbia any civil action heretofore or hereafter brought by said committee to enforce or secure a declaration concerning the validity of any subpoena or order heretofore or hereafter issued by said committee to the President or Vice President or any other officer of the United States or any officer or employee of any department of the United States to procure the production before the said committee of any information, documents, taped recordings, or other materials relevant to the matters the committee is authorized to investigate, and pray the said district court to enter such judgment or decree in said civil action as may be necessary or appropriate to enforce any such subpoena or order.

(c) The Senate Select Committee on Presidential Campaign Activities may be represented by such attorneys as it may designate in any action prosecuted by said committee under this Act.

Mr. ERVIN. I move to reconsider the vote by which S. 2641, as amended, was passed by the Senate.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

To confer jurisdiction upon the District Court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 2641, as amended and passed in the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Arkansas (Mr. FULBRIGHT) for not to exceed 15 minutes.

DÉTENTE AND THE MIDDLE EAST

Mr. FULBRIGHT. Mr. President, as the Middle East crisis continues, its consequences are felt beyond the region in concentric rings. One immediate effect has been the acute fuel shortage necessitating the emergency measures called for by the President in his speech of November 7. The energy crisis is by no means solely the result of the partial and selective Arab boycott; even the Canadians have chosen this moment to increase the price of their oil, and the United States imports more oil from Canada than from any other foreign country. Increased costs and shortages of fuel will inevitably result not only in discomfort for most Americans and hardship for many farmers and others whose livelihood is affected, but also in shortages of other, petroleum-based goods, shortages which will accelerate inflation.

The Middle East war has also provided grist for the mill of our redouble cold warriors, who have seized this occasion to attack cooperation with the Soviet Union.

This morning it was reported that the Pentagon will request a $3-billion to $4-billion increase in the military budget. The administration had already requested an additional $2.2 billion to pay for arms shipped to Israel.

Assaults upon the merits of détente with the Soviet Union are not only inflammatory but sterile. They are sterile because the detractors seem to assume that there is a satisfactory alternative to Soviet-American cooperation, when in fact the only alternative is the cold war with its endless polemics, the ruinous arms race, and periodic trips to the nuclear brink. It may well be granted that Soviet-American cooperation in the current Middle East crisis has been less than might have been desired, but does it follow that we would be better off if there had been no cooperation at all? The burden of proof has been placed on the wrong side. Instead of holding the advocates of détente to an exacting, if not impossible, standard, the detractors ought to be required to show that they have something better to offer.

I doubt that they can, although it appears that they shall have their chance. Bowing to political reality, the administration has abandoned for the time being its effort to secure equal trade treatment for the Soviet Union. It did so to avoid a prospective congressional vote on the Jackson amendment, which would make both equal trade treatment and ordinary commercial credits contingent upon free emigration from the Soviet Union—a blatant intrusion upon internal Soviet affairs. The result is that, for the time being at least, Soviet trade will continue to be discriminated against, and we shall now see how the Jackson approach works for our national interest. We shall see specifically, whether continued trade discrimination provides leverage for Soviet-American cooperation in the Middle East, and whether it will induce the Russians to drop remaining emigration controls and grant civil liberties to its citizens.

Perhaps the Jackson approach will work, but if it should fail to bring the desired results, the congressional majorities which have insisted upon linking equal trade treatment with internal reforms within the Soviet Union may wish to reconsider their attitude toward détente and intervention in Soviet internal affairs.

My own view is that the best—and most—we can do to advance the cause of liberties within the Soviet Union is to build an international atmosphere or climate of security and confidence through trade, investment, cultural exchange, frequent political contacts, and above all, arms control. These are also the best we can do for world peace—and for peace in the Middle East.

Whether or not the Soviet-American encounter of October 24 and 25 qualifies as the "most difficult crisis" since the Cuban missile crisis of 1962 as President Nixon said, it was serious enough to point up the surpassing importance of Soviet-American cooperation in matters of world peace, and also to point up the interest of all nations in the resolution once and for all of the Arab-Israel conflict which brought the great powers to the crisis of late October. The temptations to recrimination are strong: President Nixon may have overreacted with the military alert, but that is over and done with, and the crisis ended with the joint Soviet-American sponsorship of the United Nations emergency force to supervise the truce.

It is also being widely contended that the mere threat of unilateral Soviet military intervention in the Middle East proves the hollowness of détente. Are we to conclude that a cold war stance would have served us better? Would the Soviets have shown greater restraint and good faith if our relations were still frozen as in Stalin's time? It seems hardly likely. Instead of dismantling the détente, the logical implication of the crisis of late October is the need to strengthen Soviet-American cooperation.

The fact that détente is fragile does not mean that it is futile. Quite the contrary: every time the two great nuclear powers come to a point of confrontation, the necessity of détente is reinforced. What the detractors cannot seem to get through their heads is that there is no alternative except endless conflict. We and the Russians have to get along with each other, because in matters of world peace, neither can get along without the other.

I underline that by reiterating the existence of nuclear warfare, the nuclear arms about which we have talked so much in this body.

Perhaps there has been some misunderstanding of the meaning of détente. It does not mean that the two superpowers have come to see everything eye to eye; on the contrary, we remain political rivals with inimical political systems. Détente, in its essence, is an agreement not to let these differences explode into nuclear war. We may hope to mitigate our ideological differences through time and human contact, but we dare not force the pace lest we undercut the purpose of maintaining peace. That is what is so wrong and mistaken about the Jackson amendment: it would force the pace, at great risk and almost certainly to no avail.

Perhaps there is something in our Puritan heritage which causes us to feel that if we cannot have perfect harmony, we do not want any at all. Instead of treating our various dealings with the Soviet Union as simply problems to be solved, we have tended to approach each encounter as a new morality play. The sorting out of good guys from scoundrels may be mordant fun for moral crusaders, but its uses are limited—and so, too, are its moral dividends.

I do not know—or much care—whether the Russians' motives are idealistic or opportunistic as long as they behave sensibly and cooperate with us for peace. Nor am I prepared to excommunicate them from the human race if they cooperate with us on one occasion and then compete with us on another; I am in favor of seeking out areas of cooperation wherever they can be found and building upon them to whatever extent that is possible.

I might say, parenthetically, that I feel somewhat the same way about the Nixon administration: as long as the President and his advisers are working for improved relations with the Soviet Union and for a viable, compromise peace in the Middle East, there seems little to be gained from speculation on their "ulterior"—or domestic—motives. In some of the more heated debates one hears these days in this polarized agitated political community, one is reminded of the preacher in Tom Sawyer who delivered a sermon "so prosy that many a head by and by began to nod—and yet it was an argument that dealt in limitless fire and brimstone and thinned the predestined elect down to a company so small as to be hardly worth the saving."

The Russians have shown once again in the recent Middle East crisis that they hardly qualify for the "predestined elect." That is hardly news. But they also showed that they are not Attila's hordes or the devil's minions; they demonstrated again that they tend to be prudent in a crisis and that they are quite as resolved as we to keep the Middle East conflict within bounds. Their short-lived move toward unilateral intervention in Egypt was apparently conceived in haste as an emergency measure to save the Egyptian 3d Corps from destruction by the Israelis after the initial truce broke down and the Israelis drove rapidly to seize more territory. It is hardly likely that we would have done less if the Israeli Army had been trapped and threatened with annihilation.

The lesson of the Middle East crisis is not the incompleteness of détente, which is and always has been quite evident. The true lesson is the necessity of great power cooperation, through the United Nations, to put a quick and equitable end to the Arab-Israel conflict.

As long as that conflict goes on, the great powers—and the world—are threatened with nuclear confrontation. It cannot, therefore, be contended that the issue is only one for the belligerents themselves. That would be the case if the Soviet Union and the United States were willing to abandon their respective clients, withhold all further arms, and consign them to each other's mercy, to work out, or fight out, their differences as they will. But the Russians are not likely to abandon the Arabs, and we are certainly not going to abandon Israel. Over the course of the last 25 years we have become politically and morally committed to the survival of Israel. But we are not committed to the retention by Israel of her conquests of 1967 and 1973. It is up to us, and up to the Russians, working through the United Nations, to apply whatever degree of persuasion we can, or whatever degree of pressure we must, to bring about a compromise peace based upon the principles of the Security Council resolution of November 1967. It would then be the responsibility of the Soviet Union and the United States, through the United Nations, to guarantee the settlement.

The fourth Arab-Israel war has created a new situation in the Middle East. The Arabs did not win this war, and were probably about to lose it when the truce came. But they have demonstrated to themselves and to the world that Arab armies can fight with tenacity and make effective use of modern, sophisticated weapons. They have confronted Israel with an exceedingly bleak prospect for the future if a settlement is not now reached. That prospect is for still another war, and then even another, not lightning wars like that of 1967, but wars of attrition in which the Arabs would have a mounting advantage deriving from their vastly greater numbers, their growing technological capacity, and the enormous financial resources of the oil-producing states of the Arab world.

The oil-producing states have barely begun to use their leverage—and one hopes that they will not. Saudi Arabia and the other oil-producers of the Persian Gulf have been reasonably restrained thus far, but even the limited production cutbacks already instituted threaten the United States and other countries with fuel shortages this winter. The Middle East economic survey reports production cuts of more than 4 million barrels a day overall, or some 20 percent of total Arab production. Dependent on the Arab world for not much more than 10 percent of its oil consumption, the United States is unlikely to be severely injured by the current cutback, but we must certainly take warning for the future. Our dependence upon Arab petroleum is increasing rapidly, and will continue to increase for some years to come even if we embark upon a costly crash program for the development of alternate energy sources. Furthermore, it is a virtual certainty that the Arab oil producers would make ever more drastic use of their oil weapon in a fifth, sixth, or seventh round of Arab-Israel conflict.

Editorialists may fulminate against "oil blackmail," but here too we are ill-served by self-righteous moralizing. The use of economic sanctions in international politics is not an Arab innovation. We ourselves have not shrunk from economic "blackmail" in dealing with such countries as Cuba, Chile, North Vietnam, and for that matter the Soviet Union by withholding credits and most-favored-nation trade treatment. There is no objective moral difference between American trade sanctions as a lever on Soviet emigration policy and Arab oil sanctions as a lever on American policy toward Israel. Arabs, like Americans, believe themselves to be using sanctions for a noble cause.

There is, however, a political distinction, and one might as well be brutally frank about it. The United States is a superpower which can get away with the use of economic pressure, however, unwise it may be. The Arab oil producers are militarily insignificant, gazelles, as I suggested once before, in a world of lions. I was most gratified on an earlier occasion to have my apprehensions of possible military intervention in the Persian Gulf dismissed as unfounded; the Senator from Washington (Mr. JACKSON) thought my apprehension most unfortunate and utterly irresponsible. Despite these assurances, I would hope that the oil-producing states will continue to show restraint and treat their oil wealth as an international responsibility, if only for their own protection. Just as they feel impelled to use oil for political purposes to which they attach great importance, they must take account of the pressures and temptations to which the powerful industrial nations would be subjected if their economies should be threatened by severe and protected energy crises.

For its part the United States can readily avoid conflict with the oil-producing states of the Persian Gulf. Most of these states, and especially the largest and richest, Saudi Arabia, desire close and friendly relations with the United States.

Mr. President, there is no direct conflict of interests between these or any other Arab States and the United States. The only issue between us is the Arab-Israel conflict, which it is in our interests to resolve in any case. We come back, therefore, to the necessity of an early, compromise peace. We ourselves have three basic interests in the Middle East: a secure, peaceful Israel; friendly relations with the Arab States and a reliable source of oil; and the avoidance of conflict with the Soviet Union. These interests are neither incompatible nor unattainable—if we pursue a rational policy.

The central requirement is peace, and the time to press for it is now, before another military truce hardens into another untenable and illusory status quo. The precise terms will have to be worked out in protracted negotiations, but the general requirements are clear: The recovery of lost lands by the Arabs and security for Israel. Concessions—great concessions—will be required on both sides. The Arabs cannot demand to have all of their requirements met as a precondition before they even enter negotiations. Nor indeed can they expect to have every last inch of the territories lost in 1967 restored in a final settlement, although I would hope and expect that territorial changes would be confined to those "insubstantial alterations required for mutual security" referred to in the Rogers plan of 1969.

The Israelis, for their part, must give up the chimera of absolute military security through the occupation of territory, recognizing that the absolute military security of one nation means absolute insecurity for its neighbors. Israel is going to have to reconcile itself to compromise, and time is no longer on her side. Whatever else the recent war has shown, it has shown that Israel's military supremacy is a diminishing asset. As Israel's elder statesman and first Prime Minister David Ben-Gurion recognized some time ago—

> Real peace with our Arab neighbors—mutual trust and friendship—that is the only true security.

All concerned must recognize, and at long last take steps to redress, the great wrong done to the Palestinian people. Whatever form a new political dialog takes, the Palestinians are entitled to participate as a recognized national group. The outcome could be a new Palestinian state or confederation with Jordan, combined with arrangements for repatriation, resettlement and compensation. Whatever the settlement, the dispossessed and long-suffering Palestinians must be equal partners in shaping it.

It is not my purpose here to outline a detailed peace plan for the Middle East. I have suggested schemes in the past, and so have many others, and some of the suggestions made have seemed both equitable and practical. The missing elements have been good sense and good will. Possibly—just possibly—the recent war will have instilled some measure of these into the thinking of both sides. One surely hopes so, but to the extent that good sense and the spirit of compromise are lacking among the belligerents, it will become the responsibility of outsiders to bring them to bear.

That is where Soviet-American détente comes in. The greater the cooperation of the great powers, working through the United Nations, the greater the likelihood of an equitable, viable, compromise peace. Such a peace in turn, guaranteed and supervised by the great powers working through the United Nations, would further strengthen the détente itself, while also removing the one great obstacle to our good relations with the oil-producing states of the Arab world. The political factors involved—Arab-Israel, energy and détente—can be mutually reinforcing in a constructive direction, just as they have been mutually debilitating in the past. Like the Balkans before 1914, the Middle East has been the potential flash point of great power conflict. To the extent that the Middle East is stabilized, so too will world peace be stabilized. Perhaps when wisdom and patience have brought us to that high plateau it will become feasible to look beyond peace, toward the other possible benefits of détente.

Mr. President, the agreement announced today among the parties to the conflict in the Middle East, is an encouraging development and is evidence of the energy, skill, and resourcefulness of Secretary Kissinger and of the spirit of compromise which seems to be developing.

Mr. President, I ask unanimous consent to have printed in the Record an article by Bernard Gwertzman published in the New York Times on this subject.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Nov. 7, 1973]

Sharp Turn in Mideast—Many Questions Unanswered, But Way to Real United States-Arab Dialog Seems Open

(By Bernard Gwertzman)

Cairo.—The dramatic Middle East developments today have occured with such rapidity and secrecy that several crucial questions remain unanswered. On the basis of what was announced it seemed to many Americans traveling with Secretary of State Kissinger that Washington's relations with both Egypt and Israel may never be quite the same again. The announcement that President Anwar el-Sadat agreed this morning to the restoration of diplomatic relations with the United States—the prime military supporter of Israel—despite the apparent uncertainty of the current cease-fire seemed to bear out Mr. Kissinger's personal view that for the first time in many years the United States could engage in a serious dialogue with the Arab world.

Perhaps even more significant, Washington's long-standing ties with the Israelis seemed more strained than at any time since President Eisenhower joined with Nikita S. Khrushchev to end the 1956 Suez war.

Officially, Robert J. McCloskey, the acting State Departmental spokesman, denied again that the United States was trying to put pressure on Israel to make undue concessions.

Yet the sudden dispatch of Mr. Kissinger's top two Middle East aides, Joseph J. Sisco and Harold Saunders, to Israel this afternoon created the invitable impression here that the United States and Egypt had reached a consensus on a formula for resolving the cease-fire dispute and getting full peace talks under way and that Washington was urgently seeking Israeli's concurrence.

TIMETABLE SEEMS STEPPED UP

It may take a few days to learn exactly what led to the day's development. Senior officials traveling with Mr. Kissinger told newsmen only yesterday that the restoration of diplomatic ties was a possibility, but they did not indicate that it would occur so rapidly. Likewise, Mr. Sisco and Mr. Saunders had not been expected to go to Tel Aviv before the end of the week, after Mr. Kissinger had completed the Moslem part of his round-the-world trip, which will also take him to China and Japan.

The same officials had made it clear in private conversations, however, that the last two weeks of diplomacy had produced two clear impressions in Washington: First, that the Egyptians were willing to put their trust in the United States to produce an acceptable solution and, second, that the Israelis were unhappy with the way the United States seemed to be rushing to get a settlement of all issues.

To put it another way, Mr. Kissinger found himself mediating between, on the one hand, the Egyptian's desire to translate their military success in crossing the Suez Canal into a permanent settlement that would restore their occupied territories and, on the other, the Israelis' belief that diplomatic haste was a mistake and that the Egyptians should be made to suffer for having launched the war on Oct. 6.

Secretary Kissinger was not interested in pinning guilt on either party but in using what he regarded as a golden opportunity to bring about a lasting settlement. To do this he has had to keep the Egyptians interested in negotiating with the Israelis—something they said they would do—and to persuade the Israelis that their long-term, security interests would be enhanced more by a political settlement than by maintaining their hold on Sinai and other Arab land.

The negotiating effort has been complicated by two exceedingly emotional issues. The Egyptians, at least so far, have said that the lifting of the encirclement around the 20,000-to-30,000-man III Corps on the east bank of the canal was absolutely necessary for progress toward peace. The Israelis have demanded the release of prisoners as first step.

Mr. Kissinger has tried to find a formula, such as a United Nations-supervised corridor to supply the III Corps, to resolve those problems. Presumably Mr. Sadat may have given his assent to a formula that Mr. Kissinger believed was a fair compromise. Whether this would be acceptable to Israel was an open question.

If the Israelis choose to balk at what the United States regards as a fair compromise, this could cause serious problems in their already-strained relations and add to President Nixon's political difficulties at home.

But Mr. Kissinger has proved in the past that he does not commit the United States to a position unless he is reasonably sure that it has a chance of success. Inevitably, comparisons are being drawn between his latest piece efforts and his work a year ago to get the North Vietnamese and the South Vietnamese to agree to what eventually became the Vietnam cease-fire.

As he did then, he has handled the brunt of the negotiations himself with the aid of a few others—in this case Mr. Sisco, Mr. Saunders, Alfred L. Atherton, Mr. Sisco's deputy, and Mr. McCloskey. There is the same penchant for secrecy and surprise. The Sisco mission today resembled the trips that Alexander M. Haig Jr. used to take to Saigon to convince President Nguyen Van Thieu that peace was in his interest.

BROADLY BASED SUPPORT

But Premier Golda Meir is no President Thieu. She has broadly based support not only in her own country but also in the United States. Yet, like Mr. Thieu, she may in the end have to accept compromises she might otherwise have refused if she is to insure the continued goodwill and arms supplies that Israel has deemed so necessary to survival.

In addition to a desire to help negotiate a settlement, Mr. Kissinger has considerations in mind that were not so crucial even a few years ago. The United States has had to take the Arab oil blockade seriously, and any settlement that pleases Egypt would probably avert the threat to cut the United States off from Arab oil.

Also hanging in the balance, of course, is the effect of the Middle East crisis on Soviet-American relations. Moscow has played a much less publicized hand in the negotiating effort, but Mr. Kissinger is known to have placed considerable stock in Soviet cooperation.

The celebrated one-day "precautionary alert" last month does not seem to have had a lasting impact on the ngotiations, although it is assumed that Washington has moved with alacrity for a settlement, at least partly to demonstrate to Moscow that it is sincere.

The Russians have apparently played an important role in keeping Cairo interested in negotiating and they will probably become more active if and when full-scale talks begin. When the crisis is over Mr. Kissinger would like to report that the spirit of Soviet-America détente, which he helped create, had been translated into big-power cooperation in bringing about peace.

Mr. FULBRIGHT. Mr. President, in addition, I ask unanimous consent to have printed in the Record two articles, one from the New York Times and the other from the Baltimore Sun.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Nov. 8, 1973]

Soviet Dissident Backs Better U.S. Ties

(By Hedrick Smith)

Moscow, November 7.—Roy A. Medvedev, a prominent dissident and unofficial historian of the Stalinist purges, urged the West today to proceed with relaxation of tensions and warned that Congressional restrictions on Soviet-American trade could have a negative effect on prospects for emigration from the Soviet Union.

In a 7,000-word essay circulating is Moscow, Mr. Medvedev voiced fear that Congressional conditions on tariff and credit concessions to Moscow would "worsen prospects" for solving the emigration problem and "decrease chances" that liberal provisions on emigration would be written into a new Soviet constitution now being drafted.

He thus took direct issue with Andrei D. Sakharov, the dissident atomic physicist, who previously cautioned the West not to accept improved relations on Soviet terms and urged Congress to adopt legislation withholding tariff concessions to Moscow until the Soviet Union allowed completely free emigration.

"TACTICALLY WRONG"

"This is tactically wrong," Mr. Medvedev said, because it expects too much from outside pressure on the Soviet leadership and because in the long run human rights in the Soviet Union will be aided by moving ahead with East-West amity.

The historian, a close friend of Mr. Sakharov, with whom he collaborated in 1970 in a lengthy critique of Soviet society, renewed many of his criticisms today, deploring what he termed a general "shift to the right in our politics and our society."

He defended Mr. Sakharov's right to speak out, and denounced measures against him and other dissidents, but differed over the crucial issue of how to proceed with East-West accommodations.

A BACKLASH EFFECT

In a reasoned and carefully balanced essay obviously intended to appeal to what Mr. Medvedev considers liberal elements in the Soviet hierarchy, he asserted that Western opinion had clearly exercised great influence on the Soviet leadership but warned that it "has its limits" and sometimes could have a backlash effect.

Alluding to Mr. Sakharov and the author Aleksandr I. Solzhenitsyn, another friend, Mr. Medvedev suggested that some dissidents were "coming out with more and more extreme ideas and putting forward less and less constructive proposals, being guided, as they are, by their emotions rather than by considerations of political expediency."

He warned his colleagues that they were thus playing into the hands of "reactionary factions of our leadership" who were using their declarations "to increase pressure on the intelligentsia and to split and demoralize dissidents."

Nonetheless, he discounted speculation here that campaigns against Mr. Sakharov and Mr. Solzhenitsyn this fall had been deliberately staged by Soviet "hawks" to sabotage the accommodation policy of the party leader, Leonid I. Brezhnev.

PRAISE FOR LEADERS

Privately, usually well-informed Western diplomats have reported evidence that the Politburo and Mr. Brezhnev himself had approved the anti-Sakharov campaign.

But Mr. Medvedev praised the present leadership for having pursued a relaxation of tensions and made sacrifices in its behalf, including an end to jamming major Western broadcasts. He said that more such steps were needed, among them freer travel for western correspondents based in the Soviet Union and greater access for them to Russian citizens, to reciprocate for privileges that Soviet newsmen in the West "long ago received."

He also called for greater access for Soviet citizens to Western publications and relay of Western television broadcasts by satellite.

Mr. Medvedev asserted, moreover, that there had been struggles within the leadership over the policy of accommodation and said "it is known" that at least one high-level Soviet conservative, the former Ukrainian party leader, Pyotr Y. Shelest, had been demoted from the Politburo for having opposed President Nixon's visit to Moscow in May, 1972. Mr. Medvedev implied that another former member of the Politburo, Gennadi I. Voronov, had fallen for similar reasons.

Mr. Medvedev argued that over the long term improved relations would help foster what he termed "socialist democratization" in the Soviet Union although so far it had had the opposite effect.

He wrote: "Although relaxation of international tensions is not accompanied at present in the Soviet Union by broadening of democratic freedoms and is used even by certain circles to intensify pressures on dissidents, the more distant prospect—though this is not too consoling a prognosis—is that international détente will undoubtedly promote broadening of democratic rights and freedoms in our country."

His hopes, he said, were based primarily on the belief that foreign opinion would have great impact on Kremlin leaders in a climate of better ties. But ultimately, he contended, reform in the Soviet Union must come essentially at home and "as a result of initiative from the top," much as the late Premier Nikita Khrushchev's campaign of de-Stalinization had.

Mr. Medvedev, who calls himself a Leninist and who has reportedly had significant links with Communist party officials, reported that there were some officials who had seen the need for liberalization but that they were "at low stages in the hierarchy."

His picture of the present Soviet scene was discouraging. Discontent and dissatisfaction with material standards, the gap between the Soviet Union and the West in economic, social and cultural conditions, he said, are "growing" among ordinary people as well as intellectuals.

A CONSERVATIVE TREND

While free emigration is an important civil right he said, "of more importance is the demand that conditions be created in the Soviet Union in which Soviet people do not want to leave their country." His own twin brother, Zhores, went to England in late 1972 for academic study but has been barred from returning.

In addition to deploring arrests and intimidation of dissidents and use of provocateurs and psychiatric hospitals, Mr. Medvedev reported a conservative trend in intellectual endeavors, where he had found "an explosion of activities" of right-wing elements, especially in the last year.

"We can see an obvious deterioration in historical science, in philosophy, and during the discussion of many economic problems, and also in the sphere of literature and art," he said.

Frustration over such trends, he said, makes people hope that outside pressures can bring improvements. But he said that there was no reason to expect Western leaders to be primarily concerned with internal Soviet reforms, nor for Western business interests to forego the profits of economic deals with Moscow for the sake of Soviet liberalization.

Nor he said, joining a public debate with Mr. Sakharov and Mr. Solzhenitsyn indirectly via Western media, which have carried their statements, did the current frustrations make his two colleagues' statements "indisputable."

He took issue with both, charging Mr. Solzhenitsyn with "Moscow-centrism" and with having exaggerated Soviet internal problems in comparison with those in other countries such as Chile and South Africa.

What Mr. Medvedev found "objectionable" was that the Soviet news media had not printed Mr. Solzhenitsyn's statements and had given only "distorted" snippets from Mr. Sakharov's while printing attacks on him. As a result, he charged that the "overwhelming majority" of people—including ranking intellectuals—who had signed collective denunciations of the scientist "had not read the full texts" of his statements.

Mr. Medvedev an outspoken dissident in recent years became known in the West for his large-scale unofficial history of the Stalinist purges, "Let History Judge," and another book, "A Case of Madness," about his brother Zhores' incarceration in a mental hospital for political dissident.

[From the Baltimore Sun, Nov. 8, 1973]

Medvedev Assails Dissenters' Tactics

(By Michael Parks)

Moscow.—A prominent Soviet historian and political dissident strongly criticized yesterday the tactics of his fellow dissenters who seek broader human rights in the Soviet Union through Western pressure.

Roy A. Medvedev, known in the West for his excoriating account of Josef V. Stalin's rule and other anti-establishment works, argued that change in the Soviet Union must come from within and from the top.

Western pressure can help produce changes he acknowledged, "but pressure from the outside can also have a negative effect," playing into the hands of an influential "right-wing" group within the Soviet leadership that opposes improved relations with the West.

Mr. Medvedev said that this is what is happening now as a result of recent appeals by Andrei S. Sakharov, the nuclear physicist, and Alexander I. Solzhenitsyn, the Nobel prize-winning Russian novelist.

If the United States Congress, for example, refused to grant the reduced tariffs of most-favored-nation treatment to Soviet goods or tied them in unrestricted emigration from the Soviet Union, "it would make even more difficult the democratization of Soviet society," Mr. Medvedev said.

"It would make the problem of emigration much worse and have a serious effect on Soviet-American relations."

Mr. Medvedev does not discount the usefulness of Western pressure, but says that in the long run more good is likely to come from détente.

Mr. Medvedev made his remarks in a 6,000-word assessment of political dissent in the Soviet Union today.

The work urges dissidents to take the long view of their struggle for greater political and civil rights.

"The more distant prospect . . . is that international détente will undoubtedly promote broadening of democratic rights and freedoms in our country."

"But no matter how considerable is the pressure of progressive international public opinion, the basic impulse to conduct democratization in the Soviet Union must emerge from Soviet Society itself, including its present and future leaders," he said.

Mr. Medvedev, 48, was an educator before he became an historian. His twin, Zhores, a biologist and specialist in problems of the aged, was exiled to Britain and deprived of his Soviet citizenship.

Mr. Medvedev said he believes there is "a new generation of leaders, a considerable part of whom may prove capable of looking at problems and prospects of development of the Soviet Union differently from many leaders of the departing generation."

The Soviet Union's economic backwardness and its cultural isolation will be principal factors leading to internal change, he said.

To those who scoff at the prospects for change from within and begun at the top, he cites the limited liberalization begun under Premier Nikita S. Khrushchev in the early 1960's and halted in 1968 when the Soviet Union invaded Czechoslovakia and clamped down at home.

Since then, Mr. Medvedev says, there has been a continuing struggle between liberals and conservatives in the top Soviet leadership, and he attributes the recent crackdown on dissidents to "a concession to the right-wing forces within our leadership, a compromise that allows agreement on foreign policy and economic cooperation with the West."

He takes issue with fellow dissidents for what he calls their "Moscow-centrism."

This, Mr. Medvedev says, is a "refusal to see that in other countries there are just as serious, and, in some countries, more serious internal problems than those that exist in the Soviet Union."

He praises Dr. Sakharov and Mr. Solzhenitsyn for their "bravery in the fact of mounting pressure," but suggests that they have begun to express "extreme views under the influence of strong emotions."

Mr. Medvedev suggests that dissidents choose the targets of their appeals more carefully, directing themselves more to socialist and Communist parties in the West that have a vital interest in seeing a more democratic society in the Soviet Union.

Frequently their appeals are used as "anti-socialist propaganda" by the West, he says. "It should be realized" that President Nixon, British Prime Minister Edward Heath and French President Georges Pompidou "are not really interested in civil rights in Russia, but in the long run defend the interests of the ruling classes of their countries."

He also criticizes the emphasis laid by other dissidents, particularly Jews and Dr. Sakharov, on the right to free emigration from the Soviet Union. "While it is important to have the right to leave the country, it is even more important for conditions to be created in the Soviet Union which Soviet people would not want to leave," he says.

Mr. Medvedev gives a pessimistic analysis for early liberalization of the Soviet political system, writing from the viewpoint of a confirmed Marxist-Leninist although he was expelled from the Communist party several years ago.

"Consistent democratization of Soviet society is an immediate necessity, the most important prerequisite for speeding economic, political, cultural and social development," he says. "Only genuine socialist democratization will give birth to new motive forces that are needed for making the entire system better, reviving it . . .

"But no individuals or even small groups of dissidents are able to give birth to the mass movements capable of producing essential political changes. The masses themselves would go into motion only as a result of several serious economic and political crises—but such crises [are] neither probable nor desirable."

On balance, Mr. Medvedev says, the economic and other problems of Soviet society, including the "growing dissatisfaction" of ordinary people with the way they live, will produce a climate for change, but change will have to come from the top. And here he places his hope on a new generation of leaders influenced by international détente and not aggravated by Western pressure.

Mr. FULBRIGHT. Mr. President, the latter articles concerning a thorough discussion of Soviet-American relations by Roy A. Medvedev, a prominent historian and intellectual, should be seriously considered by everyone who is genuinely interested in improving the conditions of life for the citizens of the Soviet Union, and particularly the Jewish citizens.

Mr. Medvedev, a close friend of Mr. Sakharov is well qualified to judge the wisdom and effectiveness of the efforts to use trade policies to force a change in the internal affairs of the Soviet Union. His view that such policies could have a negative effect on prospects for emigration from the Soviet Union deserve the most serious attention by all of us.

I believe that Mr. Medvedev's analysis of the psychological and political aspects of the matter is more in accord with reality than is the view of Mr. Sakharov or of those in the Congress who wish to deny nondiscriminatory trade with the Soviet Union.

I believe it is not in our national intent for the Congress to undermine the efforts of the Secretary of State to improve our relations with the Soviet Union with all the implications of that for peace in the Middle East and for better conditions of life for the Jewish people in the Soviet Union.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Missouri.

Mr. SYMINGTON. I respectfully commend the able Senator from Arkansas for the thoughtful message he has presented to the Senate and the American people this morning. I do not agree with all, but do agree with most of the points he made; and what is more important, am confident the Secretary of State, as he goes around the world in his search for peace will appreciate the remarks made on the floor today by the distinguished chairman of the Senate Foreign Relations Committee.

I have here a release of this administration dated a year ago last August, which shows their estimate of U.S. strategic nuclear warheads of that date was 6,000; whereas the estimate for the Soviet Union as of that date was 2,500. This release also shows that it was estimated by 1977 the United States would have 10,000 strategic nuclear warheads, the Soviet Union would have 4,000.

In a block graph, this release also shows—and I refer to this fact especially because these days we hear a lot about throw-weight—that four 1-megaton warheads would equal one 16-megaton warhead in destructive capacity.

The purpose of presenting these figures in conjunction with the able Senator's talk is to emphasize what the Senator is bringing out, namely, in effect, we are now playing, the world is playing, with fire. A fire that could consume us all. It was Clausewitz who said, "war is an extension of policy." Because of the lethal aspect of war today, however, it can no longer be considered merely an extension of policy. In fact, as the late President Eisenhower stated many years ago, nuclear war today is unthinkable.

The obligation of the United States, our commitment to Israel, is clear, the apparent commitment of Russia to the Arab States is also clear.

Finally, let us all consider, as we tell other countries about various matters, that if the Soviet Union attacked the United States tonight with everything they had, and we had no idea they were coming, we would, within 48 hours, wipe that country off the face of the Earth.

On the other hand—and these are figures from the experts—if the United States attacked the Soviet Union tonight with everything we had, and they did not know we were coming, within 48 hours there would be at least 100 million dead Americans.

Under those conditions, Mr. President, I do not see where any future victory is in the cards for anyone as the result of a strategic nuclear war.

We must preserve our national honor. With that premise, it is vitally important for the American people to realize just what would be the conditions when they face a confrontation with another superpower; and there will be additional superpowers, we know, in the not too distant future. What we could really be talking about is suicide for the people of the world, not just a particular country, the world, including the United States. So I again commend the Senator from Arkansas for his thoughtful words and thank him for yielding. He has made a contribution to those who seek, every where, a just and lasting peace.

Mr. FULBRIGHT. I appreciate the Senator's statement. He again has articulated a basic reason why détente is so important. These are reasons which fortify the argument.

Mr. ABOUREZK. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. ABOUREZK. I want to add my commendation to the Senator from Arkansas for a brilliant speech. I also want to point out that it has been the Senator from Arkansas who for many years has warned of the danger of the kind of policy we have been conducting so far as the Middle East is concerned. I think the Senator once said that we are digging a grave for ourselves in the Middle East. We nearly saw that recently. Whether or not that was an actual confrontation when the alert was called is unimportant at this time; it could easily have been a confrontation that would have signaled the start of a nuclear war, which is something we all want to avoid.

But, along with the Senator from Arkansas, I see no reason why our foreign policy should be so designed. Why, for example, should we antagonize 100 million people in the Arab world? There is no real reason for this country to do that, because most of those 100 million peple have wanted to be friendly with this country, if we would give them a chance. We need not sacrifice our friendship with Israel to maintain good relations with the Arab world, but we should not be so foolish so as to turn our backs on people who want our friendship.

Putting the oil question aside for the moment—and I think it is of no minor significance—the fact is that those people have conducted economic relations with the United States year in and year out. King Faisal of Saudi Arabia has been a strong friend of this country as has Kuwait, Lebanon, and a great many others.

All those factors ought to be taken into consideration before we blindly pour arms into the Middle East, which, in effect, is pouring gasoline on a fire that is already burning much too fiercely.

I think the Senator from Arkansas is accurate in that we ought to keep the normalization of relations with the Soviet Union going, because it did help in this particular crisis. We ought to make certain the Palestinian refugees are dealt with as a party because their problems have been the direct cause of the conflict in the Middle East. The fact that they were forcibly evicted from their lands in 1948 and in prior years is the major underlying cause of the conflict today.

Until those problems, along with the occupation of occupied areas, are dealt with, there can be no peace in the Middle East.

The final point I want to make is that I think we ought to recognize that Israel is going to exist as a state, and I think most of the responsible Arab leaders admit that, and have stated so publicly. If Israel is to have security, that means she must get along with her Arab neighbors. That is the real meaning of security, not a bristling fortress surrounded by people who are constantly in fear of Israeli expansion. I do not want to see one more Arab or one more Israeli die. I do not want to see Israel destroyed, but neither do I want to see the flames of war expanded by further expansion by Israel at the expense of her Arab neighbors.

Mr. FULBRIGHT. I think the Secretary of State and this administration have proceeded on the proper course. I have always said, as I said in 1969, following the Rogers speech announcing what we call the Rogers plan—which is a general outline of the same policy being pursued now—that I approved of this approach. I think the administration has moved in the right direction.

I have felt that the Congress in this instance has not supported the administration in its effort to move in that direction, as evidenced, for example, by the proposed Jackson amendment to the trade bill. There are other evidences of it. Congress has interfered to remove the incentive for a compromise that this administration has been seeking to bring about.

Until I see evidence to the contrary, I think the Secretary of State is following the right course. The news reports that I have placed in the RECORD indicate that. I must say that if he does succeed under these circumstances, it will be a most remarkable achievement.

Yet the story by Mr. Gwertzman is very encouraging, as are other articles concerning the immediate settlement of the question of the October 22 cease-fire lines. This is preparatory to moving onto the negotiated settlement of the war as a whole, in accordance with the principles of the 1967 Security Council resolution. I believe that to be the administration's and the Secretary's policy.

One of the main points I was trying to make was to convince Congress not to interfere with the policies of détente, which in effect interferes with the solution of the conflict in the Middle East. I know they do not intend to do it—they have other reasons—but I think it does have that effect.

It is remarkable to read Medvedev, one of the leading intellectuals in Russia, in comparison with Sakharov, on the analysis of the psychological and political realities of the Soviet Union.

Do we or do we not promote better conditions, less repression against the Jews or anyone else in the Soviet Union by the kind of policies proposed in the Jackson amendment? What I respond to, and what many of our own people respond to, is in accord with Mr. Medvedev's views of relations between the Soviet Union and the United States. I am convinced that improved relations are in the best interest of all the people of both countries.

Mr. ABOUREZK. Mr. President, I do not think that a cold war will do anything for anyone's freedom in the Soviet Union.

Mr. FULBRIGHT. It will not do anyone any good. It will certainly not do any good for the Jewish citizens of Russia. It will endanger our security and welfare to no end. It endangers the cessation of the arms race.

I am unable to see any justification for this reluctance to move toward better relations with the Soviet Union. There was an article in the newspaper this morning about our ships in the Mediterranean. That article quoted Admiral Murphy of the 6th Fleet in relation to a statement made sometime ago on television to the effect that we are at a great disadvantage in the Mediterranean because the Soviets have 95 ships there and we have 60.

Admiral Murphy, who is the best authority I can think of on the matter, says that that the figures are correct but that a great many—40 percent, I believe—of the Russian ships are support ships, water tankers and little supply ships, whereas only 20 percent of ours are. And the admiral said that we have the edge because ours are bigger and more sophisticated ships, including aircraft carriers. They have nothing comparable to the *John F. Kennedy* aircraft carrier.

It was a complete distortion of facts to lead the American people to be suspicious of the naval situation in the Mediterranean. But this is part of the effort to oppose say move toward a détente with the Russians. I think that it was a great disservice to the American people.

Mr. ABOUREZK. Mr. President, along that line, I think that this kind of foreign policy has also done a great deal to drive a wedge between the Arab world and the United States.

Mr. FULBRIGHT. The Senator is correct.

Mr. ABOUREZK. And it has driven some of them closer to Russia than would ordinarily be the case.

I thank the Senator from Arkansas.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 o'clock meridian on Monday next.

The PRESIDING OFFICER (Mr. ABOUREZK). Without objection, it is so ordered.

(Later in the day this order was changed to provide for the Senate to convene at 10 a.m. on Tuesday, November 13, 1973, instead of on Monday.)

VACATION OF ORDERS FOR RECOGNITION OF SENATORS MANSFIELD AND BENTSEN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for recognition of Senators MANSFIELD and BENTSEN be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution of the Senate of the Commonwealth of Massachusetts. Referred to the Committee on Foreign Relations:

"RESOLUTIONS IN SUPPORT OF THE STATE OF ISRAEL AND LASTING PEACE IN THE MIDDLE EAST

"*Whereas,* True and lasting peace is now, as it has been in the past, the goal of United State policy in the Middle East; and

"*Whereas,* We, as Americans, are committed to peace because we see the dangerous futility and immorality of the continued application of force, aggression and acts of terrorism of the Arab states against Israel; and

"*Whereas,* Continuous acts of aggression have been brought against the State of Israel by neighboring Arab states for twenty-five years; and

"*Whereas,* The Arab nations have created turmoil in the Middle East by refusing to recognize the existence of Israel as a sovereign state and by refusing to enter into direct negotations with the State of Israel and have declared as the purpose of their use of arms the annihilation of the State of Israel; and

"*Whereas,* The State of Israel has legitimately used its armed forces to secure its national existence against a new military war commenced by Egypt and Syria on the High Holy Days of the State of Israel; now, therefore, be it

"*Resolved,* That the Massachusetts Senate respectfully urges the Congress of the United States and the President of the United States to use their best efforts to restore and maintain peace in the Middle East, to insure the survival and independence of the democratic State of Israel and toward this goal bring about an immediate cease-fire which will include the elimination of all Egyptian and Syrian military forces from all areas infamously invaded by them during the High Holy Days of the people of Israel, on October the sixth, nineteen hundred and seventy-three, that the United States sell to the State of Israel Phantom jets and other military equipment to replace the lost military equipment in the current military engagement and declare the firm and unequivocal solidarity of the United States with the people of Israel toward insuring that secure, recognizable and defensible borders be achieved and maintained in a settlement of the Middle East problems; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Clerk and Parliamentarian of the Senate to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth."

A resolution of the Senate of the Commonwealth of Massachusetts. Referred to the Committee on Public Works:

"RESOLUTIONS COMMENDING AND ENDORSING THE UNITED STATES ARMY CORPS OF ENGINEERS FOR ITS CHARLES RIVER WATERSHED

"Whereas, The Charles River Watershed includes one tenth of the municipalities and one sixth of the residents of the Commonwealth; and

"Whereas, For the protection of said residents the United States Army Corps of Engineers has completed a survey of the water resources of said watershed; and

"Whereas, The United States Army Corps of Engineers has recommended flood control by the storage of flood waters in seventeen scattered wetlands preserved in their natural state in perpetuity as the most economic and most environmentally acceptable measure; therefore be it

"Resolved, That the Massachusetts Senate hereby commends the United States Army Corps of Engineers and endorses its so-called Natural Valley Storage Proposal; and be it further

"Resolved, That copies of these resolutions be forwarded by the Senate Clerk and Parliamentarian to the President of the United States, to the Secretary of Defense, to the Secretary of the Army, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

A resolution of the Council of the City of Wilmington, Del., urging the support of all nations involved and the United Nations in attempting to achieve an end to the war between Israel and the Arab nations. Referred to the Committee on Foreign Relations.

A petition from David L. Peterson, of Leavenworth, Kans., seeking a redress of grievances. Referred to the Committee on the Judiciary.

A letter from Mrs. Doris I. Schubert, of Pittsford, N.Y., in opposition to the Seabed Treaty. Referred to the Committee on Foreign Relations.

A resolution of the Council of the City of Wilmington, Del., in support of positive action by Congress to limit the powers of the President. Referred to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

H.R. 3801. A bill to extend Civil Service Federal Employees Group Life Insurance and Federal Employees Health Benefits coverage to U.S. nationals employed by the Federal Government (Rept. No. 93–488); and

H.R. 5692. A bill to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308 (Rept. No. 93–489).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendment:

S. 2315. A bill relating to the compensation of employees of Senate committees (Rept. No. 93–490).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

H.R. 1284. A bill to amend title 5, United States Code, to improve the administration of the leave system for Federal employees (Rept. No. 93–491).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.R. 8219. A bill to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity (Rept. No. 93–492).

By Mr. ROBERT C. BYRD (for Mr. Fulbright) from the Committee on Foreign Relations:

S. 2681. An original bill to authorize appropriations for the United States Information Agency (Rept. No. 93–493).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, without amendment:

S. 2477. A bill to provide for the conveyance of certain lands of the United States to the State of Louisiana and for use of Louisiana State University (Rept. No. 93–494).

By Mr. NELSON, from the Committee on Labor and Public Welfare:

S. 2686. An original bill to amend the Economic Opportunity Act of 1964 to provide for the transfer of the legal services program from the Office of Economic Opportunity to a Legal Services Corporation, and for other purposes (with additional views) (Rept. No. 93–495).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following report was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with a reservation:

Executive N. 93d Congress, 1st session. Protocol amending the 1928 Convention signed at Paris on November 22, 1928, concerning international expositions, signed at Paris on November 30, 1972, by the United States and 22 other nations party to the 1928 convention (Exec. Rept. 93–24).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McGEE (for himself and Mr. Fong (by request):

S. 2673. A bill to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969. Referred to the Committee on Post Office and Civil Service.

By Mr. WEICKER (for himself and Mr. Ribicoff):

S. 2674. A bill to transfer the functions of the Office of Telecommunications Policy to the Federal Communications Commission and to abolish such Office. Referred, by unanimous consent, to the Committee on Government Operations; and, when reported by that committee, to the Committee on Commerce.

By Mr. HUMPHREY:

S. 2675. A bill for the relief of Mrs. Sunil Ratnayake. Referred to the Committee on the Judiciary.

By Mr. BIDEN:

S. 2676. A bill to authorize the Secretary of Housing and Urban Development to assist local housing agencies in disposing of vacant housing, and to provide rehabilitation funds to individuals and families who are participants in a homestead program. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. FULBRIGHT (by request):

S. 2677. A bill to implement the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. Referred to the Committee on Foreign Relations.

By Mr. HATHAWAY:

S. 2678. A bill to provide for a special election for the offices of President and Vice President when the offices of President and Vice President are both vacant. Referred to the Committee on Rules and Administration.

By Mr. ROBERT C. BYRD:

S. 2679. A bill to amend title II of the Social Security Act to reduce from 60 to 55 the age at which a woman may become entitled to actuarially reduced widow's insurance benefits thereunder. Referred to the Committee on Finance.

By Mr. MUSKIE (for himself, Mr. Randolph, Mr. Baker, Mr. Buckley, Mr. Biden, Mr. Burdick, Mr. Clark, Mr. Domenici, Mr. Gravel, Mr. McClure, Mr. William L. Scott, and Mr. Stafford):

S. 2680. A bill to amend the Clean Air Act, as amended. Referred to the Committee on Public Works.

By Mr. ROBERT C. BYRD (for Mr. Fulbright):

S. 2681. An original bill to authorize appropriations for the U.S. Information Agency. Placed on Calendar.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2682. A bill to provide for the control of imported fire ants by permitting the judicious use of Mirex in coastal counties. Referred to the Committee on Agriculture and Forestry.

By Mr. WILLIAMS (for himself, Mr. Tower, and Mr. Brooke) (by request):

S. 2683. A bill to amend the Securities Exchange Act of 1934, as amended, to facilitate the collection and public dissemination of information concerning the holdings of and transactions in securities by institutional investors and investment managers, including banks, bank holding companies, insurance companies, trust companies, investment advisers, investment companies, separate accounts, pension-benefit or profit-sharing trust plans, charitable endowment funds, and any other fund maintained or utilized for the purpose of collective investment. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ERVIN:

S. 2684. A bill to further insure due process in the administrative discharge procedure followed by the Armed Forces. Referred to the Committee on Armed Services.

By Mr. GURNEY:

S. 2685. A bill for the relief of Kam Lin Wong, Shui Ying Wong, his wife, and their child, Seit Kwan Wong. Referred to the Committee on the Judiciary.

By Mr. NELSON, from the Committee on Labor and Public Welfare:

S. 2686. An original bill to amend the Economic Opportunity Act of 1964 to provide for the transfer of the legal services program from the Office of Economic Opportunity to a Legal Services Corporation, and for other purposes. Placed on Calendar.

By Mr. HUMPHREY:

S.J. Res. 169. A joint resolution to provide for a feasibility study and to accept a gift from the United States Capitol Historical Society. Referred to the Committee on Public Works.

By Mr. HUMPHREY:

S.J. Res. 170. A joint resolution to amend the Export Administration Act of 1969 to protect the domestic economy from the excessive drain of scarce commodities; to continue food commitments to needy nations in times of short supply; to reduce the serious inflationary impact of abnormal foreign demand; and to authorize a validated export licensing system. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McGEE (for himself and Mr. Fong) (by request):

S. 2673. A bill to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969. Referred to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, I introduce a bill affecting the mechanics of the procedure on the potential nomination of the Senator from Ohio (Mr. Saxbe) as Attorney General. I send the bill to the desk for appropriate reference. I have discussed this matter with the majority whip.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. ROBERT C. BYRD. I ask unanimous consent that the time on this matter be taken out of my time under the order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I have no intention or desire to delay action on the legislation just introduced by the very distinguished Senator from Wyoming (Mr. McGee). I do have serious reservations with regard to the constitutionality of the legislation. I believe that the Committee on the Judiciary of the Senate ought to have an opportunity to take a look at this legislation and possibly conduct a day or so of hearings on it, and I would like to see that committee satisfy itself as to the constitutionality of the legislation.

I say this without any reflection on my very close and good and true friend the Senator from Wyoming (Mr. McGee). I have discussed this matter with him. He understands my viewpoint and I understand his. I can only commend him for his desire to expedite the legislation. I think it shows high statesmanship on his part; but I do have serious reservations, as I say, about the constitutionality of the legislation.

I think the Senate would be remiss if it did not send the measure to the Committee on the Judiciary. For these reasons, which I need not go into further at this time, I shall ask unanimous consent that the legislation be jointly referred to the Committee on Post Office and Civil Service and the Committee on the Judiciary.

Mr. McGEE. Mr. President, I have to object. We have discussed the need for that objection with the understanding that the same point would be raised when it is reported out, that this is a technical aspect and the difference of interpretation.

Mr. HRUSKA. Does the Senator object?

Mr. McGEE. Yes, I am objecting.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ROBERT C. BYRD. Then, Mr. President, unless I am otherwise convinced in the interim that there is no constitutional question, and I doubt that I shall be so convinced, it will be my intention, when the bill is reported back from the Committee on Post Office and Civil Service and put on the calendar, to again ask that it be sent to the Judiciary Committee, and it will be my intent at that time to move that the bill be referred to the Judiciary Committee.

As I say, I have no desire to hold up the bill. Maybe we can work out an agreement whereby it can be sent to the Judiciary Committee for 2 days or 3, or such.

Mr. McGEE. Or even one.

Mr. ROBERT C. BYRD. But I just want to give notice of my intention to so move if at that time I cannot obtain unanimous consent.

By Mr. WEICKER (for himself and Mr. RIBICOFF):

S. 2674. A bill to transfer the functions of the Office of Telecommunications Policy to the Federal Communications Commission and to abolish such office. Referred, by unanimous consent, to the Committee on Government Operations; and, when reported by that committee, to the Committee on Commerce.

Mr. WEICKER. Mr. President, in February of 1970, reorganization No. 1 of the executive branch under the direction of the White House created the Office of Telecommunications Policy responsible directly to the President and a subordinate Telecommunications Research Office within the Department of Commerce was organized in September of that year.

The stated purpose of the Office of Telecommunications Policy was threefold,

First. It would serve as the President's principal adviser on telecommunications policy, helping to formulate Government policies concerning a wide range of domestic and international communications issues and helping develop plans and programs which take full advantage of the Nation's technological capabilities.

Second. It would help formulate policies and coordinate operations for the Federal Government's own vast communications systems.

Third. Finally, it would enable the executive branch to speak with a clearer voice and to act as a more effective partner in discussions of communications policy with both Congress and the Federal Communications Commission—It is the President's hope that the new office and the Federal Communications Commission would cooperate in achieving certain reforms in telecommunications policy.

While no one in Congress would quarrel with the Executive's right to have an advisory capacity on this subject, reason one, and neither would we quarrel with the need for an agency to coordinate policies of the Government's own communications network, reason two, it seems that reason three not only exceeded any previous jurisdiction assigned to a Government telecommunications unit, but, in fact, provided a gaping loophole for all kinds of abuse of the first amendment by the executive branch.

Just what was meant by "enable the executive branch to speak with a clearer voice" was made apparent in December of 1972 when the director of the OTP made a speech which charged local broadcasters with purveying the "elitist gossip" and "ideological pluggola" prepared by the networks. In that speech the Director proposed legislation which would "have teeth" and demand service by the broadcasters to "all elements" of the community. He further stated,

> Station managers and network officials who fail to act to correct imbalance or consistent bias from the networks can only be considered willing participants, to be held accountable by the broadcaster's community at license renewal time.

Thus, in developing license renewal legislation, OTP is dangerously intruding into the formation of policy concerning non governmental communications. The intent of the legislation, S. 1589, is expressed in the testimony of the Director of the OTP before the Senate Subcommittee on Communication in February of this year:

> We are going to propose a change that we think is very constructive, in that it gives the licensee a little more stability and provides a little more guidance from the Congress as to how the FCC is going to handle these matters.

The two key words in that quote are "stability" and "guidance."

The "staiblity" would be provided by extending the time period of broadcast licensees from 3 to 5 years. Whether this particular change is a good one or not, is secondary to the fact that this attempt to "provide a little more guidance" is actually an attempt of the executive branch to muscle in on the FCC and set groundrules favorable to the administration.

Today, I am introducing a bill along with Senator RIBICOFF to abolish the OTP and transfer its functions to the Federal Communications Commission.

In the reorganization plan of 1970, the functions relating to assigning frequencies to radio stations belonging to and operated by the United States, as authorized to the President by the Communications Act of 1934, was transferred to the Director of Telecommunications Policy. I submit that a more uniform and coordinated approach to the problem is to consolidate within the FCC, which already allocates commercial frequencies all authority regarding frequency allocation for both governmental and nongovernmental use.

We do not need a branch of the executive office trying to set guidelines for the FCC or trying to cooperate with the FCC, or any of those other high sounding words that usually mean someone has a stick in his hand.

Regardless of how benign the intentions of any OTP may be, or regardless of who is President at the time, such a unit can only represent potential interference with the freedom of the Nation's private systems of communications. That can never be tolerated. And I think we have seen enough in the past year and I might add, in the past 3 years, to say the danger is more than a potential one. Government should not be in the business of reviewing the quality and scope of nongovernmental communications.

So that no one makes the mistake of thinking that I am just concerned with news or news coverage, one of the areas currently being studied by the OTP is the prevalence of reruns on television. I would like to know what business the Government has spending tax dollars to study whether there are too many reruns on television. That is between the stations and the viewers and the advertisers.

If there are in fact too many reruns on television, the solution is the old democratic solution of the marketplace. Turn off the dial or write to the advertisers and tell them you refuse to buy their products. The solution is not having the executive branch come in and tell the media what kind of programing would be best for the viewing public.

That is just a bit too much like the beginnings of big brother. The people who should be passing judgment on the quality of radio and TV are the viewers at home, and not someone in Washington looking out for whatever party happens to be in power.

Consider the following quote which appeared in Broadcasting magazine on February 16, 1970, by the director of the OTP:

> The White House has no qualms about seeking to influence the Commission [FCC], or other so-called independent agencies.

During hearings before a House Subcommittee on Government Operations 1 month later, Representative CLARENCE BROWN, Republican of Ohio, issued the following prophetic warning:

> The method by which the White House could influence the FCC is—establish this office, give it the muscle of direct association with the President and the executive branch, provide it with the wherewithal to do the scientific research or evaluate the scientific research that is being done so that it speaks with the scientific authority in this area, deny the FCC some of the resources through the Bureau of the Budget to provide similar scientific research or the accumulation of scientific research, and pretty soon you have muscle in the office of telecommunications and the FCC becomes a function of the OTP.

This overwhelming power of the OTP has drawn comment on FCC decisions in such diverse areas as cable TV and satellite communications. In his dissenting opinion on the FCC decision concerning cable television, Commission Chairman Nicholas Johnson said:

> When future students of law or Government wish to study the decisionmaking process at its worst . . . when they look for Presidential interference in the operation of an agency responsible to Congress, they will look to the FCC handling of the never ending saga of cable television as a classic case study.

On the domestic satellite issue, even such a normally pro-administration paper as the Wall Street Journal featured a front-page article on July 11, 1970, charging that—

> The Nixon Administration is boldly trying to influence regulatory policy more than any previous administration.

The OTP has at its disposal the staff and expertise of the Office of Telecommunications within the Department of Commerce. Thus, armed with technical and economic analysis, the OTP can justify its policy decisions in a forceful manner in their dealings with other governmental agencies.

While I do not question the need for such economic and technical expertise within the Department of Commerce to insure the effective use of our telecommunication resources, I do question the type of relationship that has developed between OTP and its research adjunct in the Department of Commerce. As noted by Senator Pastore in the appropriations hearings this year, we have two agencies, one almost subservient to the other. Any project, requested by the White House, must be honored by the Commerce Department. In response to that concern, the Committee on Appropriations limited the use of the Office of Telecommunication's $4 million budget for projects requested by OTP. When highly technical studies are placed within a certain policy framework, their significance is greatly enhanced.

I realize that there are a number of areas of legitimate Government activity which are currently under the jurisdiction of the OTP. These include: First, setting communications policy for the Federal Government's own communications apparatus; second, preparing for communications emergencies in the event of a national disaster; and third, dealing with foreign governments in the resolution of international communications problems. But I see no reason why these and other legitimate concerns could not be handled directly by the FCC with increased staffing and authorization to do the job. And I am hopeful that hearings will be held on this matter to clarify the requirements of such a transfer of authority. These are problems to be ironed out with congressional study and I do not have all the answers about the best methods for doing this.

But I do know one thing. As long as we have an Office of Telecommunications Policy within the executive branch we have a danger to the freedom of the press which is guaranteed in the first amendment.

We in public office should be more concerned with reforming ourselves than with trying to reform the media. In my opinion, OTP needs the eraser's edge.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective 30 days after the date of enactment of this Act all functions of the Office of Telecommunications Policy in the Executive Office of the President, established by Reorganization Plan Numbered 1 of 1970, are transferred to the Federal Communications Commission, and such Office, together with the Offices of Director and Deputy Director of such Office, is abolished.

Sec. 2. The personnel (other than the Director and Deputy Director), property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, or used by, or available or to be made available to, the Office of Telecommunications Policy shall be transferred to the Federal Communications Commission with the functions transferred by this Act.

Mr. BROCK. Mr. President, will the Senator yield for a question or two?

Mr. WEICKER. I yield.

Mr. BROCK. Just as a matter of curiosity. I learned of the Senator's interest in OTP and I was curious about a couple of points made. First of all, that hearings should be held. I was apprised of the fact that confirmation and oversight hearings have been held in the Commerce Committee on many of the points raised in the Senator's speech. Were they not adequate?

Mr. WEICKER. I was referring to hearings being held on this particular legislation. Obviously, hearings were held as to the OTP's functioning, or that portion which relates to the Department of Commerce; but I am talking about hearings on this legislation to eliminate OTP.

Mr. BROCK. I assume the Senator is suggesting that the committee jurisdiction be the Committee on Commerce since matters relating to the FCC and the OTP are appropriately referred to the committee. Is that correct?

Mr. WEICKER. I am not suggesting anything. It is a matter, of course, for the parliamentarian to decide as to where the bill goes.

Mr. BROCK. My colleague the Senator from Tennessee (Mr. Baker) is the ranking member of the Communications of the Committee on Commerce Subcommittee, and has had a great deal of interest in the matter. That is why the Senator's remarks caught my attention.

May I inquire on a couple of other points? First, the fact that the Senator thinks that the FCC should assume all the functions——

Mr. WEICKER. No, not all the functions; the specific functions mentioned.

Mr. BROCK. The Senator mentioned three, for example, control of the Government spectrum.

Mr. WEICKER. Right.

Mr. BROCK. Does not that pose a potential for conflict? The FCC has been primarily concerned with the free or commercial aspects of broadcasting. It seems to me that might pose some particular difficulty.

It also bothers me that the Senator suggests, or implies at least, that they might have a greater policy role. It is my judgment that the FCC has already been too deeply involved in programing; that they have exercised, at least indirectly, too much control over commercial radio and commercial television; and I wonder if, in seeking to give them an even broader franchise, that is wise.

Mr. WEICKER. In response to the distinguished Senator from Tennessee, the functions which I have proposed to transfer to the FCC are of a rather technical nature. They do not add in any way to the policy determinations to be made by the FCC. Specifically, as I recall, I advocated intergovernmental functions, an emergency network, and relations in the international field. That is unrelated to any policy insofar as any communications in the United States are concerned.

To respond, however, to the distinguished Senator from Tennessee, I would not care if it was the FCC or the OTP or the President or the Senate of the United States—I do not believe the Government has a right to get into the nongovernmental area and start determining policy as to the content of broadcasting.

Mr. BROCK. But does not the Senator think the FCC has already done that?

Mr. WEICKER. That is a matter of history. I am sure that from time to time they have taken a swing at that particular pitch. I think it is wrong—I do not care who did it.

Mr. BROCK. I am in complete agreement with that——

Mr. WEICKER. Let me be specific. When we had the public broadcasting bill before us, my great concern with that situation was not that we do not need public broadcasting, but that I did not want it tied to Congress or the executive branch of Government.

Mr. BROCK. I agree with that.

Mr. WEICKER. I remember the hearings in the Commerce Committee, when I was a member of that distinguished body—and I might add I would like to get back on that committee; it is one of the great committees of the Congress—when we were sitting there discussing the content of various broadcasts. In one case there was objection, because the New York City Ballet Co. had nudes in the ballet. I am not going to start getting into an argument as to what is a proper ballet and what is not. These are dangerous areas for anyone to get into.

Mr. BROCK. I do not think there is any disagreement between the Senator from Connecticut and myself with regard to Federal interference in the marketplace of ideas and the free exchange of thoughts. I think I was sort of captured by the Senator's remarks as he put them, because I have the feeling that the abolition of the Office of Telecommunications Policy and the incorporation of its functions in the FCC would further strengthen an agency which has, to me, already been too involved in determining program content, access to prime time, and matters of that sort.

First of all, I think the President should determine policy for the executive branch and that the Office of Telecommunications Policy does have functions in coordinating the governmental structure with regard to determination of policies and programs that will promote the public interest. It seems to me the independence of thought that they incorporate, while we may not agree with it, has focused discussion and attention on issues in the communications area that have for too long been ignored or approached in a piecemeal fashion as part of the regulatory process.

While I agree with the Senator's intent in trying to protect the media, I would hope the effect of his proposal would not be to further enhance the power of Government over free communication in the media.

Mr. WEICKER. Again I have to repeat that the only function in my bill goes to the technical functions, but I agree we do not want any office to get into the content-of-program area. I would agree with the Senator. I do not want to see the FCC getting into the business of reruns and matters of that sort.

Mr. BROCK. That is exactly my point.

Mr. WEICKER. As I say, the technical functions would be transferred, but it is the third area the OTP has been charged with that I have transferred to nobody. I hope it dies and does not go to anybody. That is what is so important.

I want to make it clear that it is not a question of this administration, because I think other administrations have always tried to get into this act in one form or another. I just personally feel that it is up to all of us to earn a good press, to earn the respect of the American people; it is not our function to order. We know the tremendous impact telecommunications, television, and radio, have in this Nation, and we are grappling with an extremely dangerous area. It is to eliminate that danger that I propose this bill.

Mr. BROCK. I would agree with that. I do not think there should be any Federal power to order it, but OTP can and is providing a valuable service in directing research and developing a position for the executive branch on the complex communications issues facing our Nation.

Mr. WEICKER. I thank the Senator.

Mr. President, I ask unanimous consent that the bill which I introduce today, transferring the functions of the Office of Telecommunications Policy to the Federal Communications Commission, so as to abolish such office, be referred to the Committee on Government Operations and, if reported out by that committee, that it then be referred to the Committee on Commerce.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. BIDEN:

S. 2676. A bill to authorize the Secretary of Housing and Urban Development to assist local housing agencies in disposing of vacant housing, and to provide rehabilitation funds to individuals and families who are participants in a homestead program. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BIDEN. Mr. President, I rise today for the purpose of introducing a piece of legislation regarding housing in America entitled the Urban Homesteading Act.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. BIDEN. Mr. President, there are Americans living in our central cities who are increasingly unable to find decent, livable housing at prices they can afford. The housing problem there today is characterized by a combination of scarcity, high costs, unavailability, and growing expense of home services such as plumbing and wiring. As middle-income families are abandoning our cities—especially the inner-city areas—those without the money to leave must remain. Unfortunately, however, most such residents are without the financial resources necessary to contribute to the upgrading and improvements of the areas in which they live.

At the same time, for various reasons, others in our cities are abandoning housing. In many cases, if these dwellings are unoccupied for only a short period, they can be made livable again with minor repairs. This has brought forth an imaginative approach known as urban homesteading. It rests on the assumption that such abandoned property in our central cities provides opportunities for new community development. By taking up living in abandoned dwellings and making required improvements over a period of years, families can thereby acquire title to these homes.

In 1862, Congress passed the Homestead Act. The Homestead Act breathed new spirit into the West by fostering optimism, courage, generosity, and willingness to do hard work.

The act entitled any persons who were heads of families or 21 years of age and who were citizens or who had filed a declaration to become a citizen to settle on 160 acres of land held at $1.25 an acre or 80 acres held at $2.50 an acre. The act had its limitations, but it still represented a victory for all those forces in the West that felt the public land should belong to any man who was willing to give it enough time and sweat to make it productive. Our frontiers are different now. But the challenge and sweat equity which settled and populated the West is needed today, and the urban homestead idea provides a means of coping with "a new frontier"—this one in cities.

On May 17, 1973, the Wilmington, Del., City Council became the first municipal body in the country to enact the Urban Homestead Act, with a view to providing housing for families who will in turn build strong communities and to increasing tax revenues by, so to speak, putting empty houses to work. Philadelphia and Baltimore each has enacted a homestead plan; Boston is studying the proposal.

Today, I introduce urban-homesteading legislation that would authorize the Secretary of Housing and Urban Development to assist local housing agencies in (a) making available vacant houses, and (b) providing rehabilitation funds to individuals and families who are participants in a homestead program. Many vacant inner-city homes have been vandalized and need extensive repairs. With the passage of this legislation, the Housing and Urban Development Secretary shall also transfer title of federally owned houses which are suitable for a homestead program to local housing agencies.

In July 1973, HUD held title to 322 single-family properties in Wilmington, 3,261 properties in Philadelphia, 6,906 properties in Seattle, and 15,465 properties in Detroit. In calendar 1972, HUD spent $4.3 million in management fees on single-family dwellings. A National Homestead Program would support and supplement city programs administering homestead programs, and would provide moneys to families or individuals exhibiting traits of independence and willingness to rebuild.

Wilmington officials estimate the average cost of making the first few dwellings habitable would be about $9,000 a unit. This cost may be exceeded in other cities.

I do not introduce this legislation, Mr. President, as a cure-all. It is nothing of the sort. The success of urban homesteading also entails creation of an attractive environment, including steady jobs and good schools. Urban homesteading is, however, one of a number of potentially rewarding undertakings that may well add up to a major resolution of the need for safe, decent and sanitary housing in our core urban areas.

Mr. President, I ask unanimous consent that the text of my bill, the National Homestead Assistance Act, and articles from the Wilmington News-Journal, U.S. News & World Report, Business Week, and the Washington Post be printed in the RECORD at this point in my remarks.

There being no objection, the bill and the articles were ordered to be printed in the RECORD, as follows:

S. 2676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SECTION 1. This Act may be cited the "National Homestead Assistance Act."

TRANSFER OF HOUSING

SEC. 2. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") shall transfer without payment to a local public agency any real property—

(1) which is improved by a single family dwelling;

(2) to which the Secretary holds title;

(3) which is not occupied;

(4) which is suitable for use by such agency in an urban homestead program which meets the requirements of section 3; and

(5) which is requested by such agency for use in such an urban homestead program.

(b) In the case of any property transferred under this section with respect to which assistance payments under section 235 of the National Housing Act were being made prior to the Secretary's acquisition of title thereto, the Secretary shall, to the maximum extent practicable, make such transfer on terms and conditions which make such housing available under the homestead program to persons who would be eligible for such assistance payments.

PROGRAM CRITERIA

SEC. 3. For the purpose of section 2, the Secretary may approve an urban homestead program carried out by a local public agency which provides for—

(1) the conditional conveyance of abandoned residential property by a local housing agency to an individual or a family without any substantial consideration;

(2) an equitable procedure for selecting the recipients of the abandoned residential property, giving special consideration to the recipients' need for housing and capacity to make or cause to be made the repairs and

improvements required under paragraph (3) (C) of this section.

(3) an agreement whereby the individual or family to whom such property is conveyed agrees to—

(A) occupy such property as a principal residence for a period of not less than 3 years;

(B) make repairs required to meet minimum local standards for occupancy prior to occupying the property;

(C) make such repairs and improvements to the property as may be necessary to meet applicable local standards for decent, safe, and sanitary housing within 18 months after occupying the property; and

(D) permit reasonable periodic inspections at reasonable times by employees of the agency for the purpose of determining compliance with the agreement;

(4) the revocation of such conveyance upon any material breach of the agreement referred to in clause (3);

(5) the conveyance from a local agency of fee simple title in such property without substantial consideration upon compliance with the agreement; and

(6) a coordinated approach toward neighborhood renewal through the homestead program and the upgrading of community services and facilities.

COORDINATION WITH OTHER FEDERAL PROGRAMS

SEC. 4. (a) The Secretary is authorized to enter into agreements with local public agencies to provide for a coordinated application of other programs administered by the Secretary to assist in the revitalization of neighborhoods through an urban homestead program which meets the requirements of section 2 of this Act.

(b) Section 312(a)(1) of the Housing Act of 1964 is amended by adding at the end thereof the following new clause:

"(D)(i) the property is being occupied pursuant to an agreement entered into under section 3(3) of the Homestead Assistance Act, and (ii) the loan is made to assist the occupant in carrying out his responsibilities under that agreement;".

ADMINISTRATION

SEC. 5. The Secretary is authorized to issue such rules and regulations as may be necessary to carry out his functions under this Act.

EVALUATION AND REPORT

SEC. 6. The Secretary shall conduct a continuing evaluation of programs carried out pursuant to this Act, and beginning with the third year following the date of enactment of this Act, shall transmit to the Congress an annual report containing a summary of his evaluation of such programs and his recommendations for future conduct of such programs.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

[From the Wilmington Evening Journal Aug. 25, 1973]

Homesteading

With a flick of the wrist yesterday, Mayor Thomas C. Maloney turned a Pennsylvania lawyer into a Delaware resident.

With two more flicks, Maloney made an apartment renter owner of two city houses.

And, with another flick, Maloney made a suburban wife who works at an automobile dealership the owner of a dream art studio.

Maloney gave these people homes yesterday in a lottery inaugural for the nation's first major homesteading program in more than a generation—since 1934 when the Taylor Grazing Act was passed.

Maloney conducted the lottery in a festival-like atmosphere yesterday before a lunch-time crowd at Rodney Square.

Ten families were given 10 run-down homes owned by the city. The homes are free, but the homesteaders must rehabilitate them within 18 months and must live in them for three years before claiming title.

There were 40 applicants for the 10 homes. Six of the winners were chosen in advance by a homestead board because they were the only qualified applicants for a particular building.

The lottery was for the houses where there were several qualified applicants. For example, William Carter, a house painter and contractor was qualified for two houses and won them both. He had to give one back.

Most of the homes are dilapidated row houses with little or no operable plumbing, electrical wiring or heating. The city estimates it will cost about $9,000 to fix these places.

Most of the applicants for the buildings have building skills or other means to rehabilitate homes.

Eight of the winners are from Wilmington. One is from New Castle, and one, from Devon, Pa.

Eight of the 10 winning families are black.

The homesteaders and homesteads matched by the board are:

James Hadrick, a longshoreman who now lives in suburban Hamilton Park; he'll begin work on his homestead at 607 W. 4th St.

William H. Ceasar, another longshoreman who now lives in Wilmington at 839 Morrow St.; his new home will be 718 W. 9th St. He has a family of six children.

Mrs. Corinne James, now of 1102 Lombard St., Wilmington, a domestic worker, whose family is grown. She'll be renovating 813 Bennett St .

Mrs. Iredell K. Richardson, a school teacher now living at 1723 W. 4th St., who will homestead 217 Delamore Place.

Mrs. Katherine Harris, an assemblyline worker who has a family of six children all grown. She lives at 306 E. 24th St. now; her homestead is 2122 Lamotte St.

Mrs. Annie Mae Barksdale of 1315 W. 6th St., an employe of a home for elderly women; she'll be renovating 835 Windsor St. with the help of a grandson.

The four persons chosen by lottery are:

Daniel Frawley, whose present Pennsylvania address prompted the boos. He works in Wilmington, though, as an attorney for the Du Pont Co. City officials said Frawley, who was not present for the drawing, has always wanted to walk to work. He'll be walking from 801 W. 10th St., the Frawley homestead.

Carter, a house painter with three small children, who won drawings for the house at 1725 Gilpin Avenue and the house at 517 Vandever Ave. He took the second house after consulting with his wife. The Carters now rent an apartment at 2880 Tatnall St.

Mrs. Regina Bonney of suburban Holly Oak won the second drawing for the Gilpin Avenue house after Carter declined it. She works at Brandywine Volkswagen and her husband is an art student at the University of Delaware. The house was once owned by Maloney's great uncle.

Benjamin Freeman of 1212 Apple St., will homestead 526 S. Buttonwood St. He is executive director of the South Wilmington Community Council.

Edward L. Gulczynski, the city's housing coordinator and architect of the Wilmington homestead plan, says the 10 houses to be given away in October will be announced in the next few weeks.

[From Business Week, Sept. 1, 1973]

Using Homesteaders To Restore the Cities

Tall, lean, and blond, Daniel S. Frawley fits the image of the hardy pioneers who settled the West more than a century ago with the help of the original Homestead Act. That law offered 160 acres of virgin land to anyone who would live for five years on a tract and developed it. Last week, in a special drawing in Wilmington, Del., Frawley, a tax attorney for E. I. du Pont de Nemours & Co., became the nation's first urban homesteader. He and nine others won the right to rebuild 10 abandoned houses in Wilmington, the first step in an experiment to pump new life into deteriorated neighborhoods.

The Wilmington program awards the homes free of charge, outlines improvements that must be made within 18 months, and requires that the new residents live in the houses for three years before receiving title. The plan makes no special provision to channel houses to low- or moderate-income families.

"These are vacant houses, just sitting here collapsing and destroying property values," says Edward Gulczynski, Wilmington housing coordinator. "We decided to give them to anyone who could restore them and live in them."

Demand is strong. Wilmington received 65 applications for the 10 houses it gave away. But the city is going slow in developing its homesteading experiment. A second block of 10 will be raffled off in two months. "We are developing this program very carefully," says Mayor Thomas C. Maloney. "The city will work closely with these people and learn from their problems."

Wilmington is not the only city seeking homesteaders. This week Philadelphia is expected to finish forming a board to implement a homestead law passed last month. Under the Philadelphia plan, which could help renew 1,200 city-owned, boarded-up houses, buyers must pay at least $1 for legal title. New owners must submit plans to bring the houses up to city code standards and maintain residence for five years to keep the houses. Like Wilmington, Philadelphia will start slowly, with a first phase of about 50 houses. "We wouldn't put one family in a block with 15 abandoned houses," says Councilman Joseph E. Coleman, who pushed the law through Philadelphia's city council.

[From Business Week, Sept. 1, 1973]

Interest and Doubts

The homesteading idea is drawing a careful look from housing experts. Officials at the Housing & Urban Development Dept., which holds title to or mortgages on 250,000 abandoned housing units, are interested in the mechanics of the programs. Philadelphia's Coleman recently spent three days in Detroit, where there are more than 15,000 largely HUD-held abandoned dwellings, explaining Philadelphia's scheme to the city's aldermen and private group.

Proponents of urban homesteading see it as one answer to ungrading blighted neighborhoods. Says Coleman: "It will provide much needed housing and bring new economic life into the community. More important, it will cause a renaissance in the spirit of self-reliance and independence in our citizens." Adds Wilmington's Gulczynski: "Done right, the plan can be applied in any size community."

Some housing experts doubt that urban homesteading can have any far-reaching effect on blighted big city areas. In Philadelphia for example, there are an estimated 36,000 abandoned dwelling units, but the city holds title to only 1,200. The reason: In most cities, it takes years to acquire title to a house for tax default, a delay that often reduces homes to rubble before the city can dispose of them. "In many ways, these homesteading programs are anecdotes passing themselves off as bigger programs," says George Sternlieb, Director of the Center for Urban Policy Research at Rutgers University. "The bulk of the houses going through this program are probably beyond economic reclamation. They're $1 albatrosses."

Nevertheless, the new homesteaders in Wilmington are optimistic. Says Mrs. Annie Mae Barksdale, a nursing home aide who was awarded the smallest of the 10 houses in Wilmington, a two-bedroom row house in a nearly abandoned block: "I'm raising a 13-year-old grandson. Now we will have more room. And the house is in very good shape." Adds Frawley, who estimated repairs on his house at $10,000 and plans to do the work *himself*: "There are houses I could have bought for a song. But I thought the house I won had restorable features, and I would like to see this plan work."

[From the Washington Post, Sept. 28, 1973]

HOMESTEADING, CITY STYLE

In the last century the original Homestead Act, offering free land to settlers, lured thousands of adventuresome folk to the vast spaces of the West. Now urban homesteading, in which a government offers an abandoned house to anyone who will agree to fix it up and live in it, is drawing widespread interest as a way to rejuvenate the inner city and spark a new migration of settlers to now-blighted areas. The first modern homestead programs are getting under way in Wilmington, Baltimore and Philadelphia, and possibilities are being explored in a number of other cities as well.

So far, the programs are small and experimental. Wilmington, which has between 1,500 and 2,000 abandoned and dilapidated homes, has just chosen the first 10 homesteaders by lot from among a flock of applicants. Baltimore is also starting out by offering 10 houses at a dollar each, with plans to enlarge the program gradually to include about 600 properties acquired by the city in tax sales. The homesteads come with strings attached: each buyer must agree to repair the dwelling to meet housing code standards within a specified number of months, and to live there for three to five years. In most cases, the estimated costs of renovation begin around $6,000 even for homesteaders who are able to do much of the work themselves. A key element in the programs, then, is providing low-interest loans for buyers who lack capital, and cannot arrange conventional financing. In Baltimore, a bond issue will provide $2 million for rehabilitation loans.

Homesteading is no panacea for blighted buildings and run-down neighborhoods. A large percentage of the abandoned homes which scar the cities are beyond repair, or unavailable because they remain in private hands or are tied up in other—unsuccessful—housing or renewal plans. In the worst cases, wholesale abandonment has made entire neighborhoods so unhealthy that efforts to rescue individual homes are doomed to failure and frustration. But in carefully chosen areas, the frontier approach of personal commitment and hard labor may succeed where all bureaucracies have not. Homesteading will be worthwhile if it injects even small portions of new life, energy and imagination into the urban scene. In a season when there is little good news on the housing front, this experiment is well worth venturing.

[From U.S. News & World Report, Nov. 5, 1973]

HOMESTEADING IN 1973—CITY HOUSES FOR $1

A strategy devised over a century ago to help settle the vast and empty West now is being tried to save dying neighborhoods in old cities of the East.

The updated idea is homesteading, modeled after the 1862 Homestead Act that helped trigger a mass movement into frontier areas.

The promise of the 1862 Act was 160 acres of land given to anyone who would occupy and cultivate the homestead for five years.

READY SUPPLY

Today the offer is a house—free or for a minimum cost, usually $1—if the family will restore it to decent condition and live in it. Experts say about 9 million houses and apartments lie empty, many of them suitable for rehabilitation by "homesteading."

The new urban-homestead laws are designed to attract families—both poor and middle-income—back into these abandoned houses in the center of the city.

In theory, homesteaders get relatively inexpensive homes. Even with repairs, which may be extensive, it is expected the houses will be cheaper than comparable units on the private market.

For the city, the empty houses would go back on the tax rolls, even though no property taxes will be charged while the house is being refurbished. And the newcomers may stabilize areas that have been losing people and vitality for years.

Wilmington, Del., Baltimore and Philadelphia already have adopted the plan. It is under study in other cities, such as Washington, Detroit, Boston, Cleveland, New York City, Buffalo and St. Louis. Canadian cities such as Toronto and Halifax are considering similar ideas.

LOTTERY SELECTION

First reaction in most cities has been enthusiastic. In Philadelphia, Baltimore and Wilmington, there has been a rush of applicants. The Delaware city held a drawing in August to choose winners of the first 10 houses.

The first urban homesteader selected in Wilmington was a tax attorney for the Du Pont Company. Officials say he is typical of the middle-class persons they hope the program will attract.

The Department of Housing and Urban Development is studying the idea and Representative Marjorie S. Holt (Rep.), of Maryland has introduced a bill authorizing the sale of federally owned housing to low- and moderate-income families as homesteading properties for $1 each if the occupants will rehabilitate them.

One of the attractions of urban homesteading, as its backers see it, is that it won't cost the cities a lot of money. Cities already own many houses taken for nonpayment of taxes. The Federal Government owns many more from foreclosures in subsidized programs, and might make them available.

TAX FORECLOSURES

Mayor William D. Schaefer of Baltimore notes that the 600 houses selected for urban homesteads in his city were acquired through tax foreclosures.

"The city spends approximately $200,000 a year just for boarding up and cleaning these properties which blight some good neighborhoods," he says.

Making a house livable isn't necessarily easy or cheap for a homesteader. A vacant house often has been vandalized. Usually, such improvements as new wiring, new plumbing and kitchen fixtures are required before a family can move in. This may mean a cost of several thousand dollars in the first six months—the period allowed under a typical plan before a family must occupy the house.

Next, the structure must be brought up to the requirements of the local building code within 18 months.

HIGH-COST PROJECTS

Cost of all this work can vary widely. In Wilmington, officials estimated the average work needed in the first 10 houses would run about $9,000 per unit. In other places, it may run as high as $20,000, or more.

The first block of houses selected for urban homesteads in Baltimore consisted of 42 structures, all built in the 1830s. Only eight still were occupied and it was estimated that repairs would run from $18,000 to $25,000 per home.

Finding financing for the repairs may not be a simple matter. "Bankers can afford to back them as a community service as long as you are talking about 10 or so," says one expert, "but when you get into hundreds or thousands, you have to have some kind of governmental or charitable money."

Baltimore voters last November adopted a bond issue creating a 2-million-dollar loan program. This provides up to $15,000 at 6 per cent interest for families rehabilitating abandoned houses. There are no maximum-income restrictions, except that priority goes to those who can't get the money elsewhere.

"For the most part, we are not talking about poor people in our project," says Mrs. Nadine Winters, director of Hospitality House in Washington, a nonprofit community center which is developing an urban-homestead program in co-operation with city officials.

"We are talking about the nurse who has saved $4,000 to $5,000, and who is getting ready to move out of the District of Columbia to Virginia or Maryland," she explains. "Somebody with that level of income can handle it. If they are paying $150 to $200 a month rent already, as many are in the inner city, that's $2,000 to $2,400 a year they could put into a house if they weren't paying rent. Once they get the wiring in, and the plumbing, they can move in and do the rest themselves."

Mrs. Winters says poor families may be able to refurbish the houses, but they will need help. She explains:

"We have some churches ready to help with the financing. We have a lot of volunteer help ready. We have three trade schools to teach them how to do the wiring and plumbing, or do it for them."

PHILADELPHIA'S PLAN

Joseph E. Coleman, Philadelphia city councilman who proposed the urban-homestead idea in 1968, says the new homesteaders will need a lot more support from the Government than the pioneers did.

Mr. Coleman, who is chairman of the city's urban-homestead board, says:

"Before we turn loose a homesteader in an area, we want to have enough going on to turn around the neighborhood. We don't plan to start in the worst areas. We want to start in two ways. One will be a cluster of homesteaded houses in a small area. The other approach will be to scatter one or two to a block, where the neighborhood is relatively stable, but has a few abandoned homes."

There are an estimated 36,000 empty houses in Philadelphia. So far, the city holds title to only about 1,200. Since the program was approved last spring, Mr. Coleman says several hundred more properties have been offered as gifts.

It will still be some weeks before the first Philadelphia homesteaders are selected. Mr. Coleman says upwards of 3,000 applications have overwhelmed his small staff.

"So far," he says, "about 10 per cent of the applicants now live in suburban areas. Another large group is made up of obviously middle-class persons who can move ahead without any help from us. But there are a good many poor people, too. For these, we are trying to get help from foundations in setting up financing."

The city has appropriated $500,000 for the homesteading program.

LEGAL BARRIERS

Even though houses are abandoned and apparently available it is not always easy for the city to take title. Foreclosure for nonpayment of taxes can take years. Experts suggest that some new laws may be needed in this area.

In addition, most slum areas have vacant houses that would cost more to repair than they would be worth. One expert says:

"In areas where houses sell for $8,000 an abandoned house might require $15,000, at a minimum, to restore. Such a house probably should be demolished."

"The biggest problem is the neighborhood itself," says Dr. George Sternlieb, director, Center for Urban Policy Research, Rutgers University, an early sponsor of the urban-homesteading idea. "The basic reason the houses are abandoned is that no one wants to live in that neighborhood."

"NO CURE-ALL"

Dr. Sternlieb points out that studies of minority property owners in areas of Newark, N.J., showed that even those who had done a first-rate job of keeping up their houses faced potential financial losses as the neighborhoods continued to slide downhill. He says:

"Urban homesteading is no cure-all. There must be an over-all effort to upgrade the whole area. Cities are not declining because houses are being abandoned. Houses are being abandoned because cities are declining. The success or failure of the urban-homestead idea, in the long run, probably depends upon what happens with center-city employment. In cities where it remains stable, or rises, it will work. Where there are no jobs, it will fail."

The hope of many city officials is that, since many high-income workers still are employed downtown, they may want to live close by. This could lead to a rebirth of areas that are now rundown, such as took place in Society Hill in Philadelphia and in Georgetown in the nation's capital.

At any rate, city officials feel that little else is working very well to restore inner-city residential areas. Many of them would echo the assessment of Councilman Coleman:

"We don't say homesteading is going to be easy. But it has the possibilities of providing homes, of removing blight from the inner city. We think it is worth a try."

[From the Wilmington Morning News, Nov. 5, 1973]

WOMAN BECOMES FIRST HOMESTEADER

(By William Weathers)

It's fairly easy to locate 835 Windsor St., although there is no house number visible. The brightly painted white door of the two-story Wilmington house is dead giveaway.

The occupant of the recently renovated brick dwelling is Annie Mae Barksdale, who this weekend became the first urban homesteader in the United States.

"Do or die," Mrs. Barksdale, a 49-year-old widow, said yesterday of her fulfilled plans to move into her homestead house on Saturday. She said the move enables her to realize long held "hopes and dreams of having a home of my own."

Actually, it will be three years until Mrs. Barksdale holds title to the house presently owned by the city, according to the provisions of the homestead program.

The initial 10 homesteaders selected in August were given the houses without charge with the understanding they must be brought up to city housing code standards within 18 months. After making the needed repairs, a homesteader must live in the house for three years before it can be owned.

The city has estimated that most of the houses, which are in poor condition, will require about $9,000 in repairs.

Mrs. Barksdale seemed fairly relaxed yesterday following what she said was a hectic Saturday.

Contractors working on the house didn't finish until 4 Saturday afternoon, she said, while a network television crew followed her around most of the day as she moved things from her old apartment at 615 W. 6th St.

"I like city living," Mrs. Barksdale says of the location of her new home. It is less than a 10-minute walk to the downtown business district.

"I intend to stay here in spite of the neighborhood," she said, referring to the vacant and boarded-up houses that surround her, 10 of the 22 houses in the 800 block of Windsor are vacant.

She says this fact doesn't disturb her, but she would like to see some people move into them. Hopefully, she said, others will notice the improvement in the neighborhood and follow her example.

The renovation of the two-bedroom house where Mrs. Barksdale and her 13-year-old grandson now live is not quite complete, but it is liveable. Brown wood paneling is being placed on the walls and new wood floors are being put down. Mrs. Barksdale said she has already spent about $6,000 for repairs.

Mrs. Barksdale is an employe of a retirement home for elderly women and has been a Wilmington resident for 22 years.

She says she is "thrilled and happy" to finally own her own home and be the nation's first urban homesteader.

By Mr. FULBRIGHT (by request):

S. 2677. A bill to implement the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to implement the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a letter from the Assistant Secretary of State to the President of the Senate dated June 8, 1973, and the sectional analysis.

There being no objection, the bill, letter, and analysis were ordered to be printed in the RECORD, as follows:

S. 2677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. Whenever the President determines that (1) the cultural patrimony of a State Party to the Convention is in jeopardy from pillage of archeological of ethnological materials, (2) the State Party has taken measures for the protection of its cultural patrimony and (3) import controls by the United States would help deter such pillage, the President may enter into an agreement with the State Party, and with other governments as appropriate, to restrict the importation of protected objects of archeological or ethnological interest for so long as may be required to achieve the purposes of the Convention. In making these determinations, the President shall consider the advice of a panel of experts representing the interested art, museum, and scientific communities which he shall appoint for that purpose.

SEC. 2. The Secretary of the Treasury, after consultation with the Secretary of State, by regulation shall promulgate, and when appropriate shall revise, a list of protected objects of archeological or ethnological interest within the meaning of paragraph (b) of section 8 of this Act. Such objects may be listed by type or other classification deemed appropriate by the Secretary.

SEC. 3. (a) No protected object of archeological or ethnological interest listed by the Secretary pursuant to Section 2 of this Act that is exported (whether or not such exportation is to the United States) from the country of origin after the effective date of the regulation listing such object may be imported into the United States unless the government of the country of origin of such object issues a certificate which certifies that such exportation was not in violation of the laws of that country.

(b) If the consignee of any protected object of archeological or ethnological interest is unable to present to the appropriate officer of the customs at teh time of making entry of such object—

(1) the certificate of the government of the country of origin required under paragraph (a) of this section;

(2) satisfactory evidence that such object was exported from the country of origin on or before the effective date of the regulation listing such object pursuant to section 2 of this Act; or

(3) satisfactory evidence that such object is not covered by the list promulgated under section 2 of this Act;

the appropriate officer of the customs shall take the object into customs custody and send it to a bonded warehouse or store to be held at the risk and expense of the consignee, notwithstanding any other provision of law, until such certificate or evidence is filed with such officer. If such certificate or evidence is not presented within 90 days after the date on which such object is taken into customs custody, or such longer period as may be allowed by the Secretary for good cause shown, the importation of such object into the United States is in violation of this Act.

SEC. 4. (a) Any protected object of archeological or ethnological interest imported into the United States in violation of this Act shall be seized and subject to forfeiture. All provisions of law relating to seizure, summary and judicial forfeiture and condemnation for violation of the customs laws shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as applicable, and not inconsistent with the provisions hereof.

(b) Any protected object of archeological or ethnological interest which is forfeited to the United States shall—

(1) first be offered for return to the country of origin and shall be returned if that country bears the expenses incurred incident to such return and delivery and complies with such other requirements relating to the return as the Secretary shall prescribe; or

(2) if not returned to the country of origin, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

SEC. 5. No article appertaining to the inventory of a museum or religious or secular public monument or similar institution in a State Party to the Convention which is stolen after the effecive date of this Act, or after the date of entry into force of the Convention for the state concerned, whichever is later, may be imported into the United States.

SEC. 6. (a) Any article imported into the United States in violation of Section 5 shall be seized and subject to forfeiture. All provisions of law relating to seizure, summary and judicial forfeiture and condemnation for violation of the customs laws shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as applicable, and not inconsistent with the provisions hereof.

(b) Whenever any person interested in any article seized under paragraph (a) of this Section files with the Secretary of the Treasury a petition for the remission of such forfeiture, the Secretary shall remit the forfeiture if the petitioner establishes that he (1) purchased the article in question for value without knowledge or reason to believe it was stolen or (2) holds valid title to the article under the law applicable in the United States: *Provided, however*, That in such case the forfeiture shall not be remitted if the State Party to the Convention referred to in Section 5 of this Act agrees to pay the petitioner and tenders an amount equal to the price paid (in the case of subparagraph (1)) or the fair value of the article (in the case of subparagraph (2)). Notwithstanding the foregoing, no compensation shall be required, and the forfeiture shall not be remitted, if it is established to the satisfaction of the Secretary of State that the State Party to the Convention, as a matter of law or reciprocity, would in similar circumstances recover and return an article stolen from an institution in the United States without requiring the payment of compensation.

(c) Any article forfeited to the United States under this section shall—

(1) first be offered for return to the State Party to the Convention in whose territory is situated the institution referred to in Section 5 of this Act and shall be returned if that State Party bears the expenses incident to such return and delivery and complies with such other requirements relating to the return as the Secretary shall prescribe; or

(2) If not returned to said State Party, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

SEC. 7. The Secretary shall prescribe such rules and regulations as are necessary and appropriate to carry out the provisions of this Act.

SEC. 8. For the purposes of this Act—

(a) the term "United States" includes the states, the District of Columbia, and any territory or area the foreign relations for which the U.S. is responsible.

(b) the term "protected object of archeological or ethnological interest" means any object of archeological or ethnological interest, including any fragment or part thereof, which is subject to export control by the country of origin and is encompassed by an agreement with the country of origin made pursuant to Section 1 of this Act.

(c) the term "country of origin", as applied to any protected object of archeological or ethnological interest, means the country where such object was first discovered.

(d) the term "the Convention" means the Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organizations at its 16th Session.

(e) the term "consignee" means consignee as defined in Section 483 of the Tariff Act of 1930, as amended (19 U.S.C. 1483).

DEPARTMENT OF STATE,
Washington, D.C., June 8, 1973.
Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to implement the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.

The principal purpose of the Convention is to combat the increasing illegal international trade in national art treasures, which in some countries has led to wholesale pillaging. To this end, the parties to the Convention undertake to protect their own cultural heritage and to establish an export certificate for cultural property designated by each country as being of importance. They are also required to prohibit the import of cultural property stolen from museums, public monuments, or similar institutions and to take appropriate steps, upon request, to recover and return such cultural property. The parties further agree to take what measures they can, consistent with existing national legislation, to prevent museums and similar institutions within their territory from acquiring cultural property originating in another country which has been illegally exported after entry into force of the Convention. Further, states parties to the Convention undertake to participate in a concerted international effort to determine and carry out the necessary corrective measures in cases in which a state's cultural patrimony is in jeopardy from pillage of archeological or ethnological materials.

President Nixon submitted the Convention to the Senate with a view to receiving its advice and consent to ratification on February 2, 1972. The Senate Foreign Relations Committee held hearings on August 3, 1972, and reported the Convention favorably on August 8, 1972 (Executive Report No. 92–29, 92d Cong., Second Sess.). On August 11, 1972, the Senate gave its advice and consent to ratification by a vote of 79 to 0.

Prior to deposit of the United States instrument of ratification to the Convention, the enactment of implementing legislation is required. Accordingly, a draft bill to implement the Convention is herewith submitted.

The draft bill contains eight sections. Sections 1 through 4 implement Article 9 of the Convention, concerning situations in which the cultural patrimony of a state party to the Convention is in jeopardy from pillage of archeological or ethnological materials. Sections 5 and 6 of the draft bill implement Article 7(b) of the Convention, concerning cultural property stolen from a museum or a religious or secular public monument or similar institution in a state party to the Convention. Section 7 contains rule making authority and section 8 contains definitions. The provisions in the draft bill take into account the reservation and understandings set forth in Senate Executive Report No. 92–29, 92d Congress, Second Session, page 9. A fuller explanation of the provisions of the draft bill are contained in the attached sectional analysis.

We hope that this draft will receive early consideration by the appropriate Committee and prompt enactment.

The Office of Management and Budget advises that the enactment of the proposed legislation would be consistent with the objectives of the Administration.

Sincerely,

MARSHALL WRIGHT,
Assistant Secretary for Congressional Relations.

SECTIONAL ANALYSIS

Section 1. This section establishes part of the machinery required to implement Article 9 of the UNESCO Convention. That article allows any state party to the Convention whose cultural patrimony is in jeopardy from pillage of archeological or ethnological materials to call upon other states parties who are affected. The states parties undertake to determine and carry out the necessary concrete measures, including the control of exports and imports and international commerce in the specific materials concerned. Section 1 authorizes the President to enter into agreements with other states parties to the Convention to restrict importation to objects of archeological or ethnological interest for so long as may be required to achieve the purposes of the Convention. Prior to entry into any such agreement, the section requires that the President determine that the cultural patrimony of a state party is in jeopardy from pillage of archeological or ethnological materials, that the state party has taken measures for the protection of its cultural patrimony, and that import controls by the United States would help deter such pillage. In making these determinations, the President is to consider, but is not bound by, the advice of a panel of experts representing the interested art, museum and scientific communities which he shall appoint for that purpose. The requirement that the President make these findings prior to entering into an agreement is meant to ensure that a factual situation does indeed exist where such extreme measures as import controls are appropriate, that less drastic measures are not available, and that import controls by the United States would have the intended effect in remedying the situation. It is anticipated that the authority provided in this section would be used only in serious situations. The President would not use this authority to conclude general agreements prohibiting the entry of all objects of archeological or ethnological interest regardless of size, cultural or scientific importance or monetary value. Generally, specific categories of material would be agreed to, but there may be special situations where a more comprehensive ban may be necessary, at least temporarily, to halt widespread pillage of objects that seriously threatens the cultural patrimony of a state party to the Convention.

Section 2. This section provides for the public notice required to make the provisions in sections 1 through 4 of the implementing legislation effective. After the findings required by section 1 have been made, and after the President has entered into an agreement under that section, this section provides for the promulgation of regulations listing the covered materials. The import of these materials is prohibited by section 3.

Section 3. Section 3 prohibits the import of the materials listed pursuant to section 2 of the draft bill. In addition, the section requires that the material in question must have been exported from the country of origin after the effective date of the regulation listing such object and that the export of that object was in violation of the laws of that country. In such a case, unless the consignee is unable to present evidence that these conditions are not met, the object shall be taken into custody and so held for an additional period of 90 days (which may be extended for cause) during which the consignee may still present evidence that the object in question did not meet the requirements for such seizure.

Section 4. This section completes the scheme of implementation of Article 9 of the Convention. It provides that protected objects of archeological or ethnological interest (those objects listed in a regulation promulgated pursuant to section 2 of the draft bill) imported into the United States in violation of the bill (that is, the prohibition contained in section 3) shall be seized and subject to forfeiture under the customs laws. The seizure is mandatory when the conditions provided for in sections 1 through 3 of the draft bill are met. Petitions for remission of forfeiture under the applicable provisions of the customs laws are allowed for materials so seized.

This section also provides for the disposition of protected objects which are forfeited to the United States. Such objects shall first be offered for return to the country of origin and shall be returned if that country bears the expenses incurred incident to such return and delivery and compliance with such other requirements relating to the return as may be prescribed. If the object is not returned to the country of origin, either because that country does not accept the offer for return or is unwilling to bear the expenses of return or meet other relevant conditions, the object shall be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

Section 5. This section and the following section implement Article 7(b) of the Convention, requiring the prohibition of imports of cultural property stolen from a museum or a religious or secular public monument or similar institution in another state party to the Convention after the entry into force of the Convention for the states concerned. The requirement that the article in question appertain to the inventory of such an institution will allow appropriate documentation that it was stolen from such an institution. This section prohibits the importation of such objects, and the following section provides the conditions for seizure, forfeiture, and return of such objects.

Section 6. Paragraph (a). This paragraph provides that any article imported into the United States in violation of section 5 shall be seized and subject to forfeiture under the customs laws. The paragraph parallels section 4(a). However, as only stolen items are covered under this paragraph, a regulation listing prohibited objects is not required.

Paragraph (b). This paragraph provides limitations on the remission of forfeiture of articles seized in accordance with paragraph (a). The first sentence implements the requirement in Article 7(b)(i) that an offer of just compensation be made to an innocent purchaser or one holding valid title to the article by the state requesting return of the article. However, as not all such persons may be required to be compensated under the applicable municipal law in the United States, the second sentence provides, in accordance with the fourth understanding adopted by the Senate, that the United States will not require an offer of compensation if under similar circumstances the state requesting return of the item would not require such an offer of compensation from the United States for an article stolen from an institution in the United States.

Paragraph (c). This paragraph provides for the return of objects forfeited in accordance with the previous paragraph of this section. The paragraph parallels section 4(b).

Section 7. This section authorizes the promulgation of rules and regulations necessary and appropriate to carry out the provisions of the draft bill. For example, such regulations will be required under sections 2, 4(b), and 6(c).

Section 8. This section provides definitions for the purpose of this Act.

By Mr. HATHAWAY:

S. 2678. A bill to provide for a special election for the Offices of President and Vice President when the Offices of President and Vice President are both vacant. Referred to the Committee on Rules and Administration.

Mr. HATHAWAY. Mr. President, I am today introducing legislation which would provide for a special Presidential election should the Offices of President and Vice President both be vacant at the same time.

In candor, I must admit that this bill is intended to deal specifically with the potential situation confronting the Congress should the present President resign or be removed from Office before the confirmation of his Vice-Presidential designee. But while the present situation may have engendered consideration of this approach to Presidential succession, the principle it establishes is a sound one of general applicability to circumstances of a similar nature.

In essence, the bill provides that in the case of a vacancy occurring in the Offices of both the President and Vice President, there will be a special Presidential election, with the highest ranking officer of the House of Representatives of the same party as the outgoing President serving as acting President until such election is held. This approach is identical in principle to the Succession Act of 1792 which was enacted in the 2d Congress by some of the same individuals who drafted the Constitution and which remained in force for 94 years. This act was altered in 1886 and again in 1947 with the result that under present law the Speaker of the House succeeds when a double vacancy occurs. I have attempted in the bill to deal with one of the major ambiguities of the 1792 act, which is whether the term of the new President would be 4 years or for the remainder of the unexpired term of his predecessor.

Under the bill I am proposing, the term of the specially elected President would be limited to the time remaining in the outgoing President's unexpired term. In this way, the traditional rhythm of our quadrenial Presidential elections, falling as they do every leap year, would remain undisturbed. As to the procedure to be followed in nominating and selecting candidates, the bill would leave this to State law, as is currently required by the Constitution. I would assume that should this measure be enacted the States would move expeditiously to enact legislation with regard to a possible special election so that the 90-day time table in the bill could be met.

There seems to be little question of the constitutionality of the special election approach to the resolution of a double vacancy problem. The Constitution expressly provides that succession, in the case of a double vacancy, is a matter to be determined by statute and, as noted earlier, the first statute passed in this area did provide for such an election. For the benefit of my colleagues interested in this question, I will have printed in the Record at the end of my remarks an excellent memorandum on the question done by the Congressional Research Service as well as a letter from three eminent constitutional scholars, Paul A. Freund, Raoul Berger, and Abram Chayes attesting that—

> In our view, the Constitutional text, the debates at Philadelphia and the practice under the Constitution leave no doubt that the Congress has the power to provide by statute for a special Presidential election in the event the offices of President and Vice President both become vacant.

Assuming the constitutionality of a special election then, why would this approach be better then the presently established system? This question, it seems to me, boils down to one of the legitimacy of government in a democratic society. My introduction of this plan intends no disrespect for the distinguished Speaker of the House, who would fill a Presidential vacancy should one occur under present law. But the Speaker of the House has never sought the Presidency nor have all the voters of the Nation had an opportunity to pass on his qualifications for this awesome Office. Furthermore, my introduction of this plan intends no disrespect for the distinguished minority leader of the House who has been nominated as Vice President by the President. But the same considerations apply—Mr. Ford has never sought the Presidency nor stood before the national electorate. Further, there is something troubling about a President who is under threat of impeachment or forced resignation having the power to name his successor.

In either case—the succession of Mr. Ford or Mr. Albert—the country would have a President not elected by the people. This result I find incompatible with the basic principles upon which the Nation was founded and upon which the legitimacy of our form of government rests.

It will be charged, I suppose, that what I am proposing constitutes a political attempt to nullify the mandate of the voters in the last election. I should say first that in making these remarks I indicate no prejudgment of the outcome of the current controversy surrounding the President. My remarks and my proposal are directed solely to what happens if a vacancy occurs, not whether such a vacancy ought to occur. When put in this context, such charges have little merit. The mandate of last November's election belongs to Richard Nixon and Spiro Agnew, not their political party. While winning the White House, Republicans actually lost strength in the Senate and among the Nation's Governors. Given this fact, who is to say with any assurance what the mandate of 1972 was? Second, I cannot accept the charge of "power grab" or "coup" when the question is actually being returned to the people, the ultimate arbiters of power within our system.

If the President leaves office, the mandate of last year is negated; it seems logical to me to allow the people themselves to decide who shall then receive what only they can rightfully give.

Finally, and this is one of the differences between my bill and the original 1792 Succession Act, my proposal would provide that the "interim" President—who would serve between the occurrence of the vacancy and the special election—would in fact be a member of the political party of the outgoing President. In this way whatever party mandate which does attach at the preceding Presidential election would be maintained until the people render their new judgment. In the present case, the highest ranking officer of the House who is of the same party as the previous President, and who would, under my proposal, become Acting President, is Gerald Ford of Michigan.

Before concluding my remarks, I should acknowledge a debt of gratitude to several individuals whose wisdom have made this proposal possible. I refer of course to Professors Freund, Berger, and Chayes, who have provided advice on the constitutionality of the special election, although they have not considered the specific provisions of this bill, and also especially to Mayor Kevin White of Boston who first discovered the possibilities of this procedure and brought it to the attention of the Nation.

These are troubled and difficult times for all of us. The measure I propose will not settle events finally or immediately. But it will insure that control of our basic decisions and, indeed, our very future will remain directly in the hands of the people.

Mr. President, I ask unanimous consent to have printed in the RECORD the two documents I have mentioned in the course of my remarks, the letter from the law professors and the Library of Congress report on this matter; and I further ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., November 1, 1973.
HON. KEVIN H. WHITE,
Mayor of Boston,
Boston, Mass.

DEAR MAYOR WHITE: You have asked if, under the Constitution, Congress has the power to provide by statute for a special election to fill the office of President in the event that both the offices of President and Vice President become vacant. In our opinion, Congress has such power.

Article 2, section 1, clause 6 of the Constitution provides:

"In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

The matter was expressly considered in the Constitutional Convention and the debates show conclusively that the Framers intended to empower the Congress to call a special election in those circumstances.

On September 7, 1787, it was moved in the Convention that the Legislature should designate by law which officer of the United States would act as President in the event of vacancies in the offices of both President and Vice President and that "such officer shall arrive." James Madison objected to this language on the ground that it would prevent the vacancy in the Presidency from being filled by a special election. He therefore moved to change the language to read that the officer who was designated to "act as President" do so "until such Disability be removed, or a President shall be elected." Madison's amendment was carried and with minor stylistic changes was incorporated in the final text of the Constitution.

The Second Congress, of which Madison himself was a member, exercised this very power when it enacted the succession Act of March 1, 1972, providing for a special election in the event of a simultaneous vacancy in both Presidential and Vice Presidential offices. 1 Stat. 239. Actions of the First and Second Congresses are traditionally given great weight on questions of Constitutional interpretation. *Myers* v. *U.S.* 272 U.S. 52, 175 (1926).

The text of the relevant sections of the Act of 1792 is attached to this letter. You will note that the Act provided for the special election to be omitted if the double vacancy occurred within six months of the expiration of the Presidential term. It also stipulated that the president pro tempore of the Senate (and if there was none the Speaker of the House) should act in the interim until the special election; and that the person elected should serve for a term of four years from the next inauguration day following the special election. These features are remarked here not to suggest that they are Constitutionally required, but to indicate the flexibility that is available to the Congress in dealing with the practical questions involved in a special election.

The Act of 1792 remained law for almost a century. Then the mechanism of Presidential succession was changed to provide that in the event of the vacancy of both the offices of President and Vice President, one or another member of the Cabinet in the order therein provided should "act as President." But the statute went on to provide that Congress should assemble within twenty days, presumably to consider what further action to take.

The 1886 statute was in turn replaced in 1947 with the present law providing that in the event of the vacancy of both the offices of President and Vice President, the Speaker of the House of Representatives would act as President to be followed by the President pro tempore of the Senate to be followed by ranked Cabinet officers for the remainder of the then Presidential term. 3 U.S.C. 19.

These subsequent enactments are further evidence of the broad and flexible authority available to Congress in fulfilling its Constitutional mandate to provide for continuity in the office of President in case of "removal, death, resignation or inability of both the President and Vice President."

In our view, the Constitutional text, the debates at Philadelphia and the practice under the Constitution leave no doubt that the Congress has the power to provide by statute for a special Presidential election in the event the offices of President and Vice President both become vacant.

Yours very truly,

PAUL A. FREUND.
ABRAM CHAYES.
RAOUL BERGER.

ATTACHMENT

(Second Congress. Session. 1. Ch. 8. 1972, 1 Stat. 239.)

SEC. 9. *And be it further enacted,* That in case of removal, death, resignation or inability both of the President and Vice President of the United States, the President of the Senate pro tempore, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being shall act as President of the United States until the disability be removed or a President shall be elected.

SEC. 10. *And be it further enacted,* That whenever the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided,* There shall be the space of two months between the date of such notification and the said first Wednesday in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or chosen, and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act.

SEC. 12. *And be it further enacted,* That the term of four years for which a President and Vice President shall be elected shall in all cases commence on the fourth day of March next succeeding the day on which the votes of the electors shall have been given.

Approved, March 1, 1972.

CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C.

From: American Law Division.
Subject: Provision for Special Election in Event of Vacancies in Offices of President and Vice President.

This is in response to your request for consideration of the constitutional validity of a provision for special elections to fill the offices of President and Vice President when both become vacant. It appears that the language of the Constitution does not preclude provision for such an election and may be read to support that alternative; when the debates in the Constitutional Convention are reviewed, such support becomes much clearer and stronger. It therefore may be concluded that the proposal under consideration is consistent with the Constitution.

Although the Constitution has been amended twice now in some respects of presidential succession[*] the pertinent language remains that of Art. II, § 1, cl. 6. "In Case of the Removal of the President from Office, or of his Death, Resignation or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

The final clause "or a President shall be elected" is, of course, consistent with the view that the designated officer should serve until the next regular presidential election or with the view that Congress could provide for a special election. In any event, the language does not preclude the calling of such an election. But the Convention materials amply demonstrate that authority for Congress to call a special election in the event of a vacancy in both offices was intended.

The report of the Committee on Detail, which had considered and blended many of the details of various plans offered to the Convention, contained the following language with regard to succession. It will be noted that no provision for a Vice President had yet been made. "In case of his removal as aforesaid, death, resignation, or disability to discharge the powers and duties of his office, the President of the Senate shall exercise those powers and duties, until another President of the United States be chosen, or until the disability of the President be removed." 2 M. Farrand (ed.), *The Records of the Federal Convention of 1787* (New Haven: rev. ed. 1937), 186. Madison reported no debate on this language when the sections on the Presidency were considered on August 24, 25 and 27. It is noted that consideration of the entire clause was postponed because some members were concerned about the ambiguousness of the word "disability", *Id.*, 427, and on August 31 all postponed sections were referred to the Committee of Eleven for consideration. *Id.*, 473. The above quoted language thus went to the Committee as reported.

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[*] 20th Amendment §§ 3, 4; 25th Amendment.

In the report of the Committee of Eleven, the above quoted language was retained with the exception of the substitution of the Vice President for the President of the Senate. *Id.*, 499. No provision for succession beyond the Vice President was included. Farrand's report of the notes of McHenry, one of the Members of the Committee of Eleven contains the following: "No provision in the above for a new election in case of the death or removal of the President." This would appear to negate the inference that the language "until another President of the United States be chosen" would have allowed Congress to provide for one.

When the section was considered on September 7, Randolph of Virginia moved to add the following: "The Legislature may declare by law what officer of the United States shall act as President in case of the death, resignation, or disability of the President and Vice President; and such officer shall act accordingly until the time of electing a President shall arrive."

However, Farrand continues, "Mr. Madison observed that this, as worded, would prevent a supply of the vacancy by an intermediate election of the President, and moved to substitute—'until such disability be removed, or a President shall be elected—'." The motion was then adopted. Further, reports Farrand:

"It seemed to be an objection to the provision with some, that according to the process established for choosing the Executive, there would be difficulty in effecting it at other than the fixed periods; with others, that the Legislature was restrained in the temporary appointment to 'officers' of the U.S.: (They wished it to be at liberty to appoint others than such.)"

"On the motion of Mr. Randolph as amended, it passed in the affirmative." *Id.*, 535.

It seems evident, therefore, that the Convention consciously chose to substitute language which gave Congress the option to provide for a special election if both the Presidency and the Vice Presidency became vacant. But the Committee on Style in reporting what is in essence the clause as it now appears in the Constitution rendered the final passage to read "until the disability be removed, or the period for choosing another President arrive." *Id.*, 599. Without recorded debate, the Convention when it reached this section changed it back to "or a President shall be elected." *Id.*, 626. The decision of September 7 to leave Congress with the power to provide for a special election was thus confirmed.

Apparently, the only reference to the question in the ratifying conventions in the States occurred in Virginia, where George Mason, a delegate who had refused to sign the Constitution, objected that the clause did not require a speedy election of another President in case of vacancy in both the Presidency and the Vice Presidency. Madison responded: "When the President and Vice President die, the election of another President will immediately take place; and suppose it would not,—all that Congress could do would be to make an appointment between the expiration of the four years and the last election, and continue only to such expiration. This can rarely happen." 3 J. Elliot, *Debates on the Adoption of the Federal Constitution* (New York: 1888), 487–488. Obviously, Madison was saying that Congress could provide for a special election but was not required to do so; it could provide for the devolution of the powers and duties of the office upon some other officer until the next regularly scheduled election.

It therefore appears that the Convention consciously chose to recognize power in Congress to provide for a special election in the event of a vacancy in both offices. Nothing has been found in the debates of the Convention or of the ratifying conventions to negate this conclusion, nor does the Twenty-fifth Amendment which made significant changes in this area touch upon this question so as to require a different conclusion.

When in the Act of March 1, 1972, Congress established a policy on succession, it included § 10, 1 Stat. 240, which provided for a special election in the event of a vacancy in both offices. The section read:

"SEC. 10. *And be it further enacted*, That whenever the offices of the President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing:

Provided: There shall be the space of two months between the date of such notification and the said first Wednesday in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or chosen and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act."

The significance of this enactment for purposes of consitutional interpretation may well be gleaned from the comment of Chief Justice Taft who observed, when the protective tariff was challenged, that the first such law was enacted in the First Congress. "In this first Congress sat many members of the Constitutional Convention of 1787. This Court has repeatedly laid down the principle that a contemporaneous legislative exposition of the Constitution when the founders of our government and framers of our Constitution were actively participating in public affairs, long acquiesced in, fixes the construction to be given its provisions." *Hampton & Co* v. *United States*, 276 U.S. 394, 412 (1928). See also *Myers* v. *United States*, 272 U.S. 52, 175 (1926).

When President Truman recommended in 1945 changes in the law of presidential succession, he included a special election of the President and Vice President when both offices became vacant. H. Doc. No. 246, 79th Cong., 1st sess (1945); 91 *Cong. Rec.* 6272 (1945). A bill was reported to the House embodying this recommendation, H.R. 3587, 79th Cong., 1st sess. (1945), § 3(f), but it was struck on the House floor, primarily because the schedule set out could possibly cause great instability in the country and because the States would be required to legislate a number of changes in their election laws. 91 *Cong. Rec.* 7024–7025 (1945). The House then passed the bill but it was not considered by the Senate; in 1947, however, a bill identical to the House-passed bill, thus omitting the special election provision, was passed by the Senate and accepted by the House.

In conclusion, then, it seems clear that the language of Art. II, § 1, cl 6, especially when considered in light of the events leading to its adoption by the Constitutional Convention, provides adequate support for the proposed bill.

JOHNNY H. KILLIAN,
Legislative Attorney.

S. 2678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of title 3, United States Code, is amended to read as follows:

"Section 19. Vacancy in the offices of both President and Vice President.

"(a) (1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President or Vice President to discharge the powers and duties of the office of President prior to the 20th day of January in the fourth year of the current Presidential term, and—

"(A) if the Speaker of the House of Representatives is a member of the same political party as the President regularly elected for that term, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as a Representative in Congress, act as President until the inability is removed or until a President and Vice President take office for the remainder of the term in which the vacancy occurs; or

"(B) if the Speaker of the House of Representatives is not a member of the same political party as the President regularly elected for that term and the Minority Leader of the House of Representatives is a member of the same political party as the President, then the Minority Leader shall, upon his resignation as Minority Leader and as Representative in Congress, act as President until the inability is removed or until a President and Vice President take office for the remainder of the term in which a vacancy occurs.

"(2) If by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President or Vice President to discharge the powers and duties of the Office of President, on or after the 20th day of January of the fourth year of the current Presidential term, and—

"(A) if the Speaker of the House of Representatives is a member of the same political party as the President regularly elected for that term, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President until the inability is removed or the end of the term in which the vacancy occurs; or

"(B) if the Speaker of the House of Representatives is not a member of the same political party as the President regularly elected for that term and the Minority Leader of the House of Representatives is a member of the same political party as the President, then the Minority Leader shall, upon his resignation as Minority Leader and as Representative in Congress, act as President until the inability is removed or the end of the term in which the vacancy occurs.

"(b) (1) (A) If under subsection (a) the Speaker of the House of Representatives or the Minority Leader of the House of Representatives fails to qualify as acting President, and if, by reason of death, resignation, removal from office, or inability, there is no acting President to discharge the powers and duties of the office of President prior to the 20th day of January in the fourth year of the current Presidential term, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President until the disability is removed or until a President and Vice President take office for the remainder of the term in which the vacancy occurs: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of

Labor, Secretary of Health, Education, and Welfare, Secretary of Housing and Urban Development, Secretary of Transportation.

"(B) If under subsection (a) the Speaker of the House of Representatives or the Minority Leader of the House of Representatives fails to qualify as acting President, and if, by reason of death, resignation, removal from office, or inability, there is no acting President to discharge the powers and duties of the office of President on or after the 20th day of January in the fourth year of the current Presidential term, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President until the disability is removed or until the end of the term in which the vacancy occurs: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health, Education, and Welfare, Secretary of Housing and Urban Development, Secretary of Transportation.

"(2) An individual acting as President under this subsection shall continue so to do as specified in paragraph (1) of this subsection, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

"(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

"(c) (1) If there is neither a President nor a Vice President to discharge the powers and duties of the office of President because of death, resignation, removal from office, inability, or failure to qualify, occurring prior to the 20th day of January in the fourth year of the current Presidential term, then on the 90th day (excepting holidays) after the date on which the acting President under paragraph (1) of subsection (a) or under paragraph (1) (A) of subsection (b) takes the oath of office of the Presidency, there shall be appointed electors of the President and Vice President in the manner such electors are provided for in a regular election for the offices of President and Vice President.

"(2) Electors appointed on such 90th day shall meet and give their votes on the 7th day following the date of their appointment.

"(d) Subsections (a) and (b) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (b) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the Speaker or the Minority Leader of the House of Representatives, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

"(e) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President."

SEC. 2. (a) Section 101 of title 3, United States Code, is amended by—

(1) striking out "The term" and inserting in lieu thereof the following: "(a) Except as provided in subsection (b), the term"; and

(2) adding at the end thereof the following new subsection:

"(b) A President and Vice President elected under section 19(c) shall commence their term of office on the second day after the date on which the result of the electoral vote is announced by the President of the Senate and such term shall end at noon on the twentieth day of January next following the next regular election of a President and Vice President."

(b) Item 19 of the table of sections of chapter 1 of title 3, United States Code, is amended to read as follows:

"19. Vacancy in the offices of both President and Vice President."

By Mr. ROBERT C. BYRD:

S. 2679. A bill to amend title II of the Social Security Act to reduce from 60 to 55 the age at which a woman may become entitled to actuarially reduced widow's insurance benefits thereunder. Referred to the Committee on Finance.

Mr. ROBERT C. BYRD. Mr. President, today I am introducing a bill which proposes what I consider to be another badly needed, and long overdue change in the social security system.

This bill would amend the Social Security Act to reduce from 60 to 55, the age at which a woman may become entitled to actuarially reduced widow's insurance benefits.

Throughout my congressional career, I have consistently supported and introduced legislation designed to provide more realistic social security benefits, and legislation designed to improve and strengthen the structure, administration, and financing of the social security system.

Last fall, I also introduced this measure as an amendment to H.R. 1, and it was adopted by the Senate. Unfortunately, the House conferees would not accept this amendment and it, therefore, was not included in the conference-reported bill. While there were many improvements and liberalizations contained in H.R. 1, as finally enacted, I also hope that the need for additional improvements such as would be effectuated by my bill will now be more clearly recognized by Members in both Houses of Congress, so that this bill might receive expeditious consideration and enactment into law this session.

Beyond the 28 million citizens who are already drawing social security benefits, there are many widows between the ages of 55 and 60 who have lost their husbands, and who, at this stage in their lives, are unable to establish a new career, or to reactivate an old one. It is this group of widows that my amendment is aimed at assisting. Under the provision of my amendment which will permit actuarially reduced widows' insurance benefits to be received at age 55, the Social Security Administration estimates that approximately 310,000 widows would claim benefits the first year, creating an initial cost of about $515,000,000. But in the long run, there would be no, or very little, increased cost because it would balance out.

In West Virginia, approximately 5,300 widows would become eligible for actuarily reduced benefits, if the age requirements were lowered from 60 to 55. The increase in benefits for West Virginians would be approximately $9,000,000.

I would like to cite three examples, which have been computed by the experts of the Social Security Administration which show how my amendment would affect widows.

First. Widow A is 55 years old and her husband had average monthly earnings of $500 per month. Her reduced benefits would be $164 per month.

Second. Widow B is 55 years old and her husband had average monthly earnings of $600 per month. Her reduced benefits total $188.30 per month.

Third. Widow C is 55 years and her husband had average monthly earnings of $800. Her reduced benefits total $208.10 per month.

This bill, if adopted and enacted into law, would provide benefits for a group of persons who need it most, widows who are unable to work and who desperately need these benefits, but have been unable to obtain them because of the social security age requirement. In the majority of cases, these widows' husbands paid into the program for a long time, and these are people who deserve to receive some type of benefits now.

By Mr. MUSKIE (for himself, Mr. RANDOLPH, Mr. BAKER, Mr. BUCKLEY, Mr. BIDEN, Mr. BURDICK, Mr. CLARK, Mr. DOMENICI, Mr. GRAVEL, Mr. MCCLURE, Mr. WILLIAM L. SCOTT, and Mr. STAFFORD):

S. 2680. A bill to amend the Clean Air Act, as amended. Referred to the Committee on Public Works.

THE SHORT- AND LONG-TERM ENERGY CRISIS

Mr. MUSKIE. Mr. President, the President announced on Wednesday night a program to deal with both the short- and the long-term energy crisis with which the Nation is confronted. Among other things, the President called for relaxation of some environmental requirements in order to assure an adequate supply of fuel this winter.

While I have not yet seen the basis for the President's conclusion that a relaxation in environmental controls will assist in the short-term energy crisis, I am prepared to anticipate his justification and propose legislation which will facilitate the capability of the administration to deal with the crisis while maintaining our near-term commitment to clean air.

The Subcommittee on Air and Water Pollution will hold hearings on this proposal on Monday morning. Witnesses invited to testify on this measure include the Environmental Protection Agency, the Sierra Club, and the National Coal Association.

We have information which suggests that certain electric powerplants can, in short order, convert from burning oil to burning coal. We know that other powerplants, both utility and industrial, could be converted to coal over time. And most important, Mr. President, we know that coal is the backbone of the Nation's energy reserve.

Unfortunately, the most economic, the most available, the most marketable coal is also high in sulfur content. This means that under present conditions the use of coal in utility and industrial powerplants will contribute to the deterioration of the environment.

If this were the only alternative, the people of the United States whose health is threatened by the chronic exposure to excessive levels of air pollution should indeed be alarmed. It is true that in the immediate short term—this winter—people who live in the areas in which converted powerplants will operate, will suffer increased exposure to powerplant pollution. If the President's program is adopted, we will have determined as a matter of national policy that a brief exposure to increased concentrations of sulfur dioxide in the air is better than a failure of electric utilities to meet basic demand.

But, Mr. President, this cannot be anything more than an emergency measure of limited duration. If it is, our environment will be damaged significantly from the continued use of high sulfur fuel after the immediate crisis has passed.

But there are other restraints on excessive use of high sulfur fuel. We cannot assume, in the future, that high sulfur oil will be available from the Middle East. And I seriously doubt that the Nation's coal industry will gear up for this new market if that new market is not dependable.

When the Clean Air Act of 1970 was written, we on the Public Works Committee, and especially the chairman, JENNINGS RANDOLPH of West Virginia, and the ranking members, JOHN SHERMAN COOPER of Kentucky and HOWARD H. BAKER, JR., of Tennessee, recognized that stack emissions controls on powerplants and industrial users of coal were an essential element to continued prosperity of the coal regions of the country. We knew that short of a clear commitment to install this pollution control technology, coal would be ignored by the utilities and oil would be substituted in our powerplants.

In this decade, most utilities and industries have continued practices they initiated as a result of early State, local, and Federal clean air initiatives. Rather than clean up what came out of their stacks, they used cleaner fuel in their boilers and by and large that cleaner fuel was oil. The Nation's utilities obviously have never attempted to balance the uncertainty of foreign oil supplies with the long term needs of their consumers.

But, Mr. President, we now have an alternative and an opportunity. We have the opportunity to guarantee the coal industry that their investment in new, safe, deep coal mines will be justified on the basis of a long term commitment from utilities and industries to burn high sulfur coal. And we have the clean air alternative of available technology to cause removal of sulfur from the emissions from stacks of powerplants and industry.

Mr. President, the legislation which I will offer today, on behalf of myself and the distinguished Senator from West Virginia (Mr. RANDOLPH), the distinguished Senator from Tennessee (Mr. BAKER), and other members of the Public Works Committee, will amend the Clean Air Act to facilitate taking advantage of this opportunity to restore national self-sufficiency in our basic energy needs and require utilization of the alternative of continuous controls of emissions from powerplants.

Also, this legislation will provide the Administrator of the Environmental Protection Agency the authority he needs to act expeditiously to assure that environmental controls do not exacerbate the energy crisis.

This legislation is vital. It is absolutely essential that it move along with proposed emergency energy legislation because we must have the ability to move swiftly on all fronts, including clean air law.

Mr. President, there are those who will say that this legislation, which permits adjustment and delay in environmental controls, is an unacceptable compromise. And I must admit that it is an undesirable but apparently necessary setback for our environment. This legislation may, in the short term, adversely impact the programs which were so successfully undertaken as a result of the Clean Air Act of 1970 but, in the long run these amendments will guarantee the public that short term crises in the availability of fuels and wholly private decisions based simply on cost of fuels will not interfere with our effort to clean up the environment.

Mr. President, there is another important aspect of this problem. While the environmental programs have a role in resolving problems created by the energy crisis, I took strong exception to the repeated statements that environmental requirements created that crisis.

The energy companies of the United States have failed to respond to the demands which they have encouraged. They have failed to build the necessary powerplants in time to meet new demands. Plans and decisions by energy companies to deal with this shortage should have been made as much as 10 years ago—tough Federal environmental laws have only emerged in the past 3 years.

The energy companies have failed to plan and provide for the energy needs of this country, to develop alternatives that would make us secure, and to invest their profit in means to satisfy a growing demand.

The energy companies must bear responsibility for our current crisis—for failing to use our abundant coal resources—for failing to consider the alternative technologies and the methodologies to meet America's demand.

More importantly, Mr. President, because they have worked so hard to create that demand, the energy companies bear an additional burden to find acceptable solutions to problems created when that demand exceeds supply—not just the demand for energy, but the demands that increased production of energy places on air, water, and land resources.

I will not stand back and watch the great gains for improvement of the environment in the late 1960's and early 1970's be whittled away by those who would use the energy crisis as an opportunity to delay and defeat environmental regulation. The legislation which I have introduced today is a practical response to a difficult problem, but it should not be considered in any way a compromise of the views of this Senator on the relationship between the environment and the energy crisis.

I would conclude on this point. Energy supplies are limited—fossil fuel supplies are final—they are going to run out eventually. But the same is true of air and water—they are limited too, they are final—no one is manufacturing any more. The same is true of land. Energy, air, water, and land all by their nature impose limitations upon human activity. The energy crisis is just the first crisis. In our attempt to deal with this crisis, we ought not to contribute to the acceleration of potential crises in the supply of air, in the supply of water, and in the supply of land which are all essential to our well-being.

Mr. President, I ask unanimous consent that letters to the Committee on Interior and Insular Affairs relating to this issue be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 7, 1973.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SCOOP: After reviewing the legislation now pending before the Committee on Interior and Insular Affairs on the energy crisis, including S. 2652 (the Coal Conversion Bill), Committee Print No. 1 of S. 2589 (the National Emergency Petroleum Act of 1973), and the draft of the Administration's emergency act, we believe that the only language necessary with regard to variances or waivers from the requirements of the Clean Air Act is a clause stating that such "variances" or "waivers" shall be in accordance with procedures established under the Clean Air Act.

It is our intention to introduce legislation and to hold hearings and to complete consideration on such legislation at an early date. Discussions with the Environmental Protection Agency indicate clearly that until such time as one or more of the emergency bills becomes law, the Environmental Protection Agency has sufficient existing authority to handle any temporary need for the use of high sulphur fuels by particular facilities. When the scope and intent of authority to require conversion of fuels is understood, we will act swiftly to provide the Environmental Protection Agency with any necessary supplementary authority.

It is, therefore, our recommendation that in any legislation which you report that language in lieu of the provisions in any of the bills be included which accomplishes the following purpose: Should a Presidential Order to change fuels result in a violation of an air quality implementation plan, a variance may be granted in accordance with the provisions of the Clean Air Act, as amended.

We assure you of our concern for this problem and our mutual desire to avoid energy shortages this winter. We urge your Committee's most prompt action on the basic emergency legislation. It is our belief that we must act quickly and well in the interest of the people of this Country.

With official esteem and best personal regards, we are,

Truly,

HOWARD H. BAKER, Jr.
JAMES L. BUCKLEY.
JENNINGS RANDOLPH.
EDMUND S. MUSKIE.

Mr. MUSKIE. Mr. President, I also ask unanimous consent that the text of the bill to which I have referred may be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Section 1. Section 110 of the Clean Air Act, as amended (84 Stat. 1683), is amended by adding the following new subsection:

"(g)(1) During the period commencing November 15, 1973, and ending May 15, 1974, the Administrator is authorized to temporarily suspend any emission limitation, schedule or timetable for compliance contained in any Federal, State or local law, regulation or requirement adopted under this Act as to any fuel burning stationary source which is or would be in violation of such requirement due to actions ordered by the President under the National Emergency Fuels Act, unless the Administrator determines that such suspension will present an imminent and substantial endangerment to the health of persons. Any suspensions given under this subsection shall be exempted from any procedural requirements set forth in this Act or any other provision of local, State or Federal law, and the granting of such suspension shall not be subject to judicial review nor to any proceeding under section 304 of this Act. Nothing in this subsection shall affect the power of the Administrator to deal with sources presenting an imminent and substantial endangerment to the health of persons under section 303 of this Act.

"(2) Upon enactment of this paragraph, the Administrator shall undertake and, after public hearings and within four months, complete an assessment of the probable effect of anticipated fuel shortages on the ability of sources to comply with State implementation plans to achieve the national ambient air quality standards within the deadlines established pursuant to this Act. Such report shall be submitted to the Congress and shall, if the Administrator determines that fuel shortages will interfere with the statutory deadlines, contain recommendations of changes in the Act which will accomplish the purpose of the Act in the most expeditious and practical manner."

Sec. 2. Subsection (a) of section 110 of the Clean Air Act, as amended (84 Stat. 1681) is amended by adding the following new paragraph:

"(5) Whenever the Administrator determines that a source or sources of pollutants for which national ambient air quality standards have been promulgated will not be able to comply with applicable emission limitations through the use of fuels because, in the determination of the President, such fuels are likely to be unavailable due to a continued shortage of fuels, he shall notify the State. If revisions of the implementation plan and local or state regulations necessary to insure the attainment of primary ambient air quality standards protective of public health as expeditiously as practicable are not submitted and approved by the Administrator within 120 days after such notice, the Administrator is authorized to require or promulgate legally enforceable compliance schedules for such source or sources, which schedules shall specify continuous emission reduction measures to be used to achieve compliance, interim steps of progress, and reasonable interim control measures to minimize the emissions of pollutants pending final compliance with applicable emission limitations. Actions taken under this paragraph shall be taken in accordance with procedures prescribed in this Act and shall be subject to judicial review in accordance with the Act; *Provided*, however, that the final date for compliance for sources regulated under this section may not extend beyond July 1, 1977."

Mr. BAKER. Mr. President, I am pleased to cosponsor this legislation, which I support as a necessary measure at this time.

The President's speech Wednesday night dramatically highlighted the opportunities we have as a nation to meet the energy shortages this winter without undue hardship, if we cut back to the bone on unnecessary energy use. The President also recognized that meeting the energy shortage may require some modifications of some State implementation plans under the Clean Air Act.

This legislation would facilitate the procedures for modifying a State's implementation plan during a 6-month period to allow greater use of more abundant fuels, such as coal or higher sulfur petroleum products. The bill, of course, will prevent any changes that would present an "imminent and substantial endangerment" to public health. EPA would be directed to assess within 4 months the impact of such exceptions in terms of whether air quality standards can be met or whether further measures are needed.

The bill also would clarify the intent of the Congress regarding emission standards for individual stationary sources. It would allow the modification of implementation plans, over the long term, to allow the burning of coal so long as the source agrees to a timetable to install effective measures such as stack-gas cleaning equipment for operation by mid-1977.

I want to emphasize that the bill provides interim, short-term methods to be used in concert with other tools in expanding available energy supplies. It does not seek to abrogate our national commitment to clean air. The bill does not provide a way for sacrificing air quality in favor of adequate energy supplies. We can and shall have both.

As part of the Nation's largest industry, electric utilities must raise their spending on new technologies, including emissions control, to the level of such other major industrial sectors as the automobile and steel companies.

The Clean Air Act did not create the energy crisis, as some people may argue. There has been added demand for low-sulfur petroleum products as a result of the act. But that demand was a function of the decisions by various industrial users, not any requirement of the act. The Environmental Protection Agency has demonstrated that effective control technology, within the definition of the law, exists to achieve effective emissions control without fuel switching.

But most users took the easier option of switching fuels. That private decision was the basis for the added demand, not any specific requirement in the law.

I believe that the electric power industry must accelerate consideration of the option of emission-reduction technology, rather than switching to low-sulfur fuels.

In separate areas related to this bill, I am concerned that we not push full tilt into use of high-sulfur coal and unregulated strip mining. In those instances where stack-gas cleaning or other technological solutions are not preferable to fuel switching, we must guard against a complete switch to high-sulfur coal. There is a great deal of low-sulfur coal in the East, as well as the West. It is not being used fully because high-sulfur deposits are larger and easier to mine, and because coal users will not pay a premium for low-sulfur coal.

I am exploring alternatives to encourage the development and use of low-sulfur coal in those cases where stack gas cleaning cannot be used.

In addition, I encourage prompt action on the strip mining legislation which has passed the Senate and is pending in the House. This legislation will assure that strip mining pays its full environmental costs while giving the mining industry a uniform regulatory structure in which to operate.

Mr. President, because of the emergency nature of the energy situation, the Committee on Public Works will hold a hearing on Monday and will act immediately to report this bill. I look forward to receiving the views of the administration and the public on the proposal.

I want to commend the distinguished chairman of the Subcommittee on Air and Water, Mr. Muskie, for his leadership in developing the reasonable approach contained in this legislation.

I would also point out that nearly all members of the Committee on Public Works, including the chairman, Mr. Randolph, and the ranking minority member of the subcommittee, Mr. Buckley, have united behind this bill.

Mr. McCLURE. Mr. President, I commend the Senator from Maine for the legislation he has introduced, which legislation I have joined in sponsoring. That legislation addresses the question of the energy crisis in a way which will have as little as possible adverse effect on the environment as we can contrive.

One of the difficulties we have in dealing with the situation that has emerged is a difficulty that has been all too familiar to me for too long now. That is the extremely difficult task of convincing the people of this country that we are in a crisis that is not a crisis which has emerged without warning. It is not a crisis that was without its predictability.

Last April 26 in Boise, Idaho, I gave a speech to an energy symposium dealing with some of the things that I thought it might be possible to do at that time to deal with the emerging energy crisis. I would like to make some reference to that speech.

I made some suggestions about some simple, volunteer efforts such as turning down the heating system in the winter, turning up the air-conditioning system in the summer, buying smaller automobiles and driving them easier. I suggested that we might reduce airline flights and introduce a national automobile speed law of 50 miles an hour.

I proposed some other things which might be difficult, but which might be done, such as relaxing air quality standards for sulfur on a temporary basis, not on a permanent or uncalled for basis, but a very carefully and very prudently drafted one.

Mr. President, that is what the legislation being introduced by the Senator from Maine, myself, and others seeks to do.

I suggested that we reduce the obstacles confronting nuclear powerplants. I pointed out a harsh statistic that is inescapable. To replace a single 1,000-megawatt nuclear powerplant requires the burning of about 1 million barrels of oil each month. We might do that without any threat to our population, and we should do so.

Mr. President, I ended that speech at that time with a quotation from a speech given by former Secretary of the Interior Wally Hickel at Geneva, Switzerland, last spring. He said:

> Show me any area in the world where there is a shortage of energy, and I'll show you basic poverty.

I concluded that speech by saying:

> And that is what it is all about—do we want to maintain and improve the standard of living for all Americans, do we want to have available the energy and resources necessary to carry out our national goals and policies, do we want to provide the basis on which future generations may enjoy the benefits and opportunities which we have had? I believe the answer of most Americans is "yes."

Mr. President, this proposal—which I am proud to join in cosponsoring—will give us the capacity to respond in a very real way at this time to a crisis that will be upon us more quickly and more harshly than most Americans now realize.

I also serve on the Interior and Insular Affairs Committee which is now sitting in a markup session of emergency legislation dealing with the energy crisis. I am pleased to be able to cosponsor this measure which will go through the Senate Committee on Public Works. It deals with amendments to the Clean Air Act so that we can deal with this crisis in a national way.

I am glad to see that some of the suggestions which have been made and which have now been called for by the President of the United States will be included in a crisis plan to alleviate the very stringent effects upon our life and economy of a dwindling energy supply.

I am sorry that it has taken so long to do this. The crisis would not have been so deep if we had acted sooner.

Mr. President, I ask unanimous consent that the full text of my remarks be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Senator James A. McClure, Idaho: "The Government and Its Role in the Energy Crisis"

CONCLUSION

Of course, when we blame the government for anything, we have to be indirectly blaming ourselves.

But, if the government is mainly responsible for getting us into an energy crisis, why can't government get us out? The answer is, of course, it can. And this brings me to the third question, "What do we do now?"

To answer this, I will have to divide the future into four time periods. Each period has its own particular demands and solutions.

Let us start with the most distant time period—the 21st century. Hopefully by then we will have developed the new sources of energy which our R&D is now working on. A possible energy mix would be fusion reactors, solar-powered energy generators, and hydrogen-fueled engines and space heaters. Government can contribute to this effort through continued R&D funding, and appropriate tax provisions, but the major effort will have to come from private individuals and companies.

The false hopes of nuclear energy should have taught us that a government-controlled effort cannot produce an economically feasible, as well as technically-feasible, end product. These systems will have to prove themselves in the market-place if they are to meet future energy needs.

Moving closer to the present, we can consider the period of 1985 to the year 2000. During this period, fast breeder reactors should begin to operate, providing more fuel than they consume. Coal gasification and liquefaction and shale oil should become commercially-producing technologies, and supplemental techniques for energy production should be developed, such as geothermal and magnetohydrodynamics. Here again, government R&D funding and tax advantages will be essential, but with one additional requirement—access to Federal lands. It is not too early now to begin the analysis required so that that access will be available when it is required, so that the questions of environmental protection and public property use will have been answered to the satisfaction of all concerned. One point to remember, though, is that we will continue to rely on fossil fuels for as much as 70 percent of our energy up to the year 2000.

Our next time period, though, has more specific demands—the time between 1975 and 1985. By then, increased exploration and development in offshore lands and other more difficult locations should begin to produce fields of oil and natural gas. The Alaskan pipeline could be providing upwards of 2 million barrels per day. New technology for removal of sulphur from coal and sulphur dioxide from exhaust gases should be proven and available, and solutions to the problems of surface mining and underground mining will have been found. One definite requirement during this period, however, is the operation of nuclear power plants, presently being planned or under construction. And also during this decade we will begin to obtain savings from improved building installation and construction, assuming that the present efforts in that direction continue.

We realize, of course, that none of these energy sources, or savings will become available automatically. They will all require the expenditures of literally billions of dollars, both through government taxes, direct industry outays, and through the consumer's pocket. But the government's role is primarily one of staying out of the way. Seeing to it, in other words, that the road is not blocked by shortsighted or unreasonable policies and regulations. If the demand for energy is there, as we certainly expect it to be, then there will be someone who will fill it—if allowed.

And that brings me to the most difficult period—from April 26, 1973, to 1975. The future energy pictures that I have drawn depend heavily on this brief time. It takes energy to produce energy. Or, it takes the R&D funds produced by energy-consuming individuals and enterprises in order to build the energy systems of the future.

For this immediate period facing us, there are some simple, voluntary efforts which would definitely help. They are so simple, and so often stated, that I hesitate to mention them. But, for the sake of completeness, I will.

They include turning up your air conditioning in the summer, turning down your heating system in the winter, turning off unused lighting, buying appliances based more on efficiency of energy use rather than initial price, and buying smaller automobiles (and driving them easier). In other words, develop an energy consciousness, that will be reflected in our actions involving energy use.

Moving up the scale slightly, there are some actions which help save energy wtih minimum inconvenience, but would require government action. Included would be:

1. Reduce airline flights.

2. Open up urban express lanes for commuter traffic using carpools.

3. Impose a nationwide maximum speed limit of 50 miles per hour.

These all would help, but the major solutions to our present situation will require much more controversial and difficult actions by government. Let's take them one at a time.

First, relax air quality standards for sulphur.

This is obviously something that no one wants to do. But, at the same time, it has become obvious that some government bodies have gone to extremes with sulphur standards. Fortunately, there is some growing realization of this, such as the recent decision by the Missouri Air Conservation Commission to grant Union Electric Company permission to continue using high-sulphur coal for one year. Similarly, during the fuel oil shortage last winter, cities such as New York and Boston decided to relax sulphur standards. And, mine workers in Illinois have petitioned the state legislature to delay implementation of the state's air pollution standards.

What we are faced with is the necessity to relax, temporarily, standards in order to give technology and new fuel supplies time to catch up.

In fact, when Congress passed the Clean Air Act Amendments of 1970, we specifically did not impose a time limit for imposition of secondary air quality standards. We required only that each state implementation plan specify a reasonable time at which such secondary standards be attained.

Relaxed standards would accomplish several worthwhile objectives. First, it would allow substitution of coal for oil and natural gas in some electric power plant boilers. Second, it would allow the use of residual fuel oils with higher sulphur content. Higher, not high. In other words, 1% or 0.7% instead of 0.2%. And third, this would stop the wasting of No. 2 home heating oil as either a blender with No. 6 or as a direct substitute.

Alternatives to this type of relaxation include the recent agreements by two U.S. companies to import low-sulphur coal into the East Coast. Where will this coal come from? Poland, belive it or not. At a time when our domestic coal miners and mines are facing continuing shutdowns and layoffs, we're going to buy coal from Poland.

A second remedy to our short-term shortage would be to remove the obstacles presently confronting nuclear power plants. Some of these plants were scheduled for operation by this summer, but will be delayed because of prolonged regulatory procedures and/or legal challenges. Not only do these delays increase the threat of power blackouts for this summer, they impose an additional burden on oil supples. To replace a single 1,000 megawatt nuclear power plant requires the burning of about one million barrels of oil *each* month. In addition, other plants which are operating have been forced to generate electric energy below their rated capacity. While in some cases such downrating is necessary for safety or health reasons, in view of our present crisis we should determine where increased output could be allowed, without threats to our population, thereby gaining the fuel savings (and increased electric power reliability) which would result from such increases. These obstacles to operation were placed by the government—including the Congress, the Administration, and the Courts. If the public wants them removed, then they can be removed.

In addition, there is a third way to help relieve this short-term energy crisis. It is, however, one that no person in political life today wants even to think about—higher prices. But, by preventing price increases, are we really protecting the consumer? Look at natural gas, for instance. By artificial price ceilings, combined with other regulatory excesses, the government has created a shortage of natural gas. It has now reached the point where we will be buying increased quantities of liquified natural gas—LNG—from countries such as Algeria for prices anywhere from two to three times greater than what American producers are allowed to sell their gas for. In other words, short-ranged political thinking has resulted in both shortages *and* higher prices.

Continued price controls on oil will have the same result.

For instance, due to the gasoline shortage, American suppliers now have to buy in the European marketplace. As should be expected, prices have soared—almost doubled in some cases. As just one example, a recent purchase of imported gasoline cost the U.S. company 20 cents per gallon. Under price ceiling restrictions, it was able to sell that gasoline for only 15 cents, thereby losing a nickel on each gallon. Does anyone honestly expect U.S. companies to continue searching for available stocks in Europe, so that they can lose half a million dollars on each cargo? And, now that we are dependent on imported crude oil, we will surely see continued price increases there, also.

I have not presented a very pleasant picture here this evening. The extent, consequences, and solutions of our energy crisis are distasteful to me and I am sure to you. But, if we do not act now, the results will be more than "distasteful." I believe that Wally Hickel, past Secretary of the Interior, expressed very well the significance of energy during his speech in Geneva, Switzerland, this month, by saying:

"Show me any area in the world where there is a shortage of energy, and I'll show you basic poverty."

And that is what it is all about—do we want to maintain and improve the standard of living for all Americans, do we want to have available the energy and resources necessary to carry out our national goals and policies, do we want to provide the basis on which future generations may enjoy the benefits and opportunities which we have had? I believe the answer of most Americans is "yes."

Mr. EAGLETON. Mr. President, I, too, would like to address my remarks to the energy crisis.

Mr. President, I am pleased that the President finally has acknowledged the energy problems facing this country and at last is proposing steps to deal with them. Even so, I believe he grossly understated the seriousness of the situation and the sacrifices that lie ahead.

Unfortunately, the President could not resist his old habit of shifting blame for his failures to other shoulders. His criticism of Congress in this regard was an attempt to mislead the American people and I think they should know the facts.

They should know, for instance, that much of what the President is now proposing could have been done—and should have been done—6 months ago under an amendment I authored to the Economic Stabilization Act. That amendment gave the President full authority to allocate fuels equitably and gave him unrestricted authority to do whatever he had to do to be sure that people had heat for their homes, farmers could continue to produce food and vital industries could continue to operate.

The administration actively opposed my amendment and even threatened to veto the act, because it contained the amendment. After the bill passed Congress April 30 by overwhelming majorities in both Houses, the President went ahead and signed it. So the Eagleton amendment became law. Their position was that they would just simply refuse to implement the provisions of my amendment.

They said we did not need a program for assuring a fair and equitable distribution of fuel—that we did not need to be worried about establishing priorities for the use of fuel. Administration spokesmen insisted that any fuel shortages which might develop would be temporary and local in nature.

There was a continued stream of statements from the administration to that effect.

That was the same line used when serious heating fuel shortages first hit the Midwest and New England last winter. Despite urgent appeals from Congress and the recommendations of his own task force on oil import quotas, the President refused to permit more oil to come into this country until so many homes and schools were without heat and so many businesses shut down that a national emergency was threatened.

Despite that brush with disaster and the subsequent warnings of energy experts that the situation for the future was precarious, the administration continued to ignore the problem and to oppose legislation meant to deal with it. The problem would go away, we were assured; there was no energy crisis. The administration obstinately refused to implement the provisions of my fuel allocation amendment for a mandatory program until events forced their hand just a few weeks ago. Bear in mind this became law on April 30 of this year. And it was not until a few weeks ago that they began the very first vestige of implementation of this amendment. Even so, the program is so poorly administered that thousands of families and businesses throughout my State are still unable to obtain fuel. I daresay the situation is quite similar in the State of the distinguished Presiding Officer, the Senator from Iowa (Mr. CLARK).

I want to repeat that a great many of the actions now being proposed by the President could have been taken 6 months ago under the broad grant of authority provided by my fuel allocation amendment.

For example, here is what could have been done, under that amendment 6 months ago:

The President clearly could have ordered reductions in airline flights and unnecessary travel by other carriers. He did not do so.

The President could have brought about a reduction in business hours by assigning nonessential business use of fuel a bottom priority. He did not do so.

He could have ordered a Federal program for conserving fuel and even a system of rationing if that was necessary. But he did not choose to do so.

To be sure, some of the President's proposals will require new legislation, such as a year-long daylight savings time. But he should have asked for that a year ago. Other proposals such as his call for a crash research and development program have been pending in Congress for months but have been stalled, because of administration opposition.

As it is, Mr. President, the administration's actions may have come too late to avoid serious hardships this winter. There is considerable doubt, for instance, that coal producers can mine and deliver sufficient fuel to utility companies to allow conversion of their plants from fuel oil before next spring.

The effectiveness of a voluntary conservation program is also in doubt and it may be too late to put together an effectively administered mandatory program.

Mr. President, I am particularly concerned about the sharp disparities in fuel supply that exist among regions of this country. Unless immediate steps are taken to correct the problem, the brunt of the President's proposed cutbacks will fall on the Midwest and New England. It is one thing to reduce fuel oil by 15 percent in an area that has relative abundance such as some of the Gulf States. But it is entirely another thing to require such a cutback in an area like the Midwest which is already critically short. Such action could invite disaster. The situation is particularly serious in view of predictions by the National Oceanic and Atmospheric Administration that we face an exceptionally cold winter this year. Not that these predictions are always uniformly accurate, and let us pray that this one is not; but it is their presumption that this winter is going to be an exceptionally severe one, thereby exacerbating and intensifying the already severe shortages which we face.

Thus the deck is stacked against the Midwest and New England, and there is nothing in the President's proposals which would assure a fair deal for those areas. Once again, the authority to provide for fair and equitable distribution of fuels among all sections of the country is already on the books in the form of the Eagleton amendment, but I question whether any effective action will be taken unless all discretion is removed from the administration. I intend to offer an amendment to do just that.

Finally, Mr. President, this country faces serious social and economic hardships unless we can move quickly to deal with our energy shortage. This problem did not begin with the Arab boycott of oil and it will not end with a relaxation of that boycott. It is a challenge that will be before us for years to come, and I believe it is time the administration faced up to its failure and began to exercise responsible leadership.

Mr. CLARK. Mr. President, I am joining Senator MUSKIE today in introducing a bill which will enable the Administrator of the Environmental Protection Agency to grant specific and restricted variances from provisions of the Clean Air Act to help us through this energy crisis. But the legislation also will insure that these variances do not subvert the national clean air goal.

Environmental regulations and environmental protection did not create the energy crisis, nor are they creating undue hardships right now.

Because much of this country's high sulfur oil has come from the Mideast, the Arab oil cutoff means we will have to use a higher percentage of low sulfur oil this winter. But in cases where the use of coal is possible—either through present coal burning processes or conversion—the authorization of variances may permit the use of available high-sulfur coal—and thus ease shortages.

The Federal Power Commission has indicated that powerplant conversion from oil to coal could reduce demand for petroleum products by 2.5 percent in 1 year. Certainly, our greatest potential domestic source of energy in the next few decades is coal, and an increased use of coal is going to be necessary. A temporary relaxation of clean air regulations will make the conversion process easier. But conversion to coal does not and must not represent the end of this country's commitment to clean air. The technology is available to clean up the coal burning process and, for any long-term use of high-sulfur coal, utilities must put that technology into operation. The bill being introduced today makes immediate conversion possible, but it must be emphasized that permanent conversion will be acceptable only if available cleanup technology is employed.

Giving this flexibility to the Clean Air Act should increase this country's capacity to insure that this winter is only uncomfortable—not unbearable. We must use effectively the resources we have—but we cannot destroy our other limited resources. We all must make sacrifices to cushion the country from the most severe and detrimental effects of the energy shortage we face—but those sacrifices cannot be unbalanced or permanent, or their long-term effects could be as severe as the effects of today's energy emergency.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2682. A bill to provide for the control of imported fire ants by permitting the judicious use of Mirex in coastal counties. Referred to the Committee on Agriculture and Forestry.

Mr. HOLLINGS. Mr. President, today I am introducing legislation which would provide for the control of imported fire ants by permitting the use of Mirex in coastal counties.

We must take immediate action to grant some form of relief from the very serious problem of fire ant infestation. The problem is growing more serious and the longer we delay the worse the situation becomes.

The EPA issued a ruling prohibiting the aerial spraying of Mirex, the best proven killer of fire ants. In order to be effective, Mirex needs to be spread over a wide area and airborne distribution is the only feasible method. However, the EPA has prohibited the aerial application of Mirex in the coastal counties of this country. So while we wait, the fire ants are taking over.

This problem did not develop overnight. I have been in contact with officials of the EPA and the USDA about restrictions on programs to eradicate the fire ants in coastal counties but they just do not seem to understand the seriousness of the situation. They continually refer to the fire ant as a people pest but deny the adverse economical impact of the ants. Because of this attitude, we have reached an impasse.

The last thing I want to see is the pollution of our coastal waterways. But EPA with this arbitrary ruling allows no one regardless of where they live in a coastal county to tackle the fire ants effectively. It just does not make sense to tell a farmer in Horry County who lives 30 miles from the Intercoastal Waterway that he cannot spray Mirex for fear of waterway pollution.

At the same time, EPA is making the situation even more unbearable for the coastal residents. The ants are being driven from the interior parts of the State by Mirex spraying and they are migrating into the coastal areas. In effect, EPA is driving more and more ants to the coast but not letting the residents take any action.

Farmers in the coastal areas are being told they can't spray Mirex in their fields and pastures. They are being assured that the fire ants are just "people pests" as if that were unimportant. But I welcome Mr. Train, the EPA Administrator, to visit South Carolina and see the calves and full-grown steers being attacked and killed by the ants. I urge the officials to talk to human victims of the vicious ant attacks. It certainly is not a case of a mere "pest."

I feel we can control the ants and still not pollute our waterways. This legislation specifically prohibits the aerial spraying in the areas where the natural runoff would result in pollution. But this allows the rest of the county to fight the ants while still preserving the waterways.

We need some action and if EPA will not act, it is the duty of Congress to stand up for the people we represent. We are in Washington to serve the people of America, not intimidate them, tie their hands and ignore the problems.

I urge all of my colleagues to support this legislation giving the people of America the right to protect their properties and lives.

I ask unanimous consent that the regulations referred to and the bill, which I am introducing, be printed at this point in the RECORD.

There being no objection, the regulations and bill were ordered to be printed in the RECORD, as follows:

[I. F. & R. Docket No. 146]

ENVIRONMENTAL PROTECTION AGENCY

Products containing the insecticide Mirex; determination and order of the Administrator

Published herewith is my determination and order issued May 3, 1972, concerning the registration of products containing the insecticide "Mirex."

Done this 25th day of May 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

Before the Environmental Protection Agency, In regard Allied Chemical Co., Petitioner, Regs. Nos. 218-495, 516, 548, 564, 565, 585, 586, 628, and 638; I. F. & R. No. 146; Determination and Order of the Administrator.

This proceeding, which arises under section 4.c of the Federal Insecticide, Fungicide, and Rodenticide Act (the FIFRA) (7 U.S.C. 135b(c)), involves a challenge by Allied Chemical Co. to a notice canceling its registration of a number of pesticides containing Mirex. For the reasons that follow, I have determined to issue the following order: The cancellation of Allied Chemicals registration is affirmed, but those registrations will be reinstated if Allied Chemical complies with the conditions outlined herein.

A. On March 18, 1971, this Agency issued a notice of cancellation of Allied's 10 registrations of pesticides containing Mirex for use against the imported fire ant and certain other insects. The grounds for cancellation were that evidence primarily from the laboratory, concerning the effect of Mirex on human health and on animals raised serious questions about the safety of continued use of pesticide products containing Mirex. The Agency determined to commence the administrative process in order to resolve these questions. Accordingly, the Agency canceled all registrations of products containing Mirex on the grounds that continued registration of these products was contrary to the provisions of the Act (see 7 U.S.C. 135 (z)(2)(c), (d), and (g)). Allied Chemical chose to challenge the order by petitioning, on April 16, 1971, for referral of the matter to a scientific advisory committee (pursuant to 7 U.S.C. 135b(c)). The Advisory Committee was appointed on September 24, 1971, and received the relevant data and its charge on October 5, 1971. The committee was charged with considering and evaluating all relevant scientific evidence concerning both benefits and risks from the use of Mirex and, based thereon, expressing its opinion and recommendations. Specifically, with respect to benefits, it was to consider, inter alia, (1) the nature and extent of the problem posed by the fire ant and other insects at issue; (2) the effectiveness of the several types of control measures which utilize Mirex; (3) the benefits expected to be achieved by each such control program, measured against the damage which would occur if no control were undertaken; and (4) the availability and effectiveness of, and the hazards connected with, alternative control measures. With respect to the hazards associated with the several uses of Mirex, the committee was charged to consider, inter alia, the nature, scope and possibility of occurrence of any (1) direct hazard to the user and to the general public; (2) hazard to vegetation; (3) hazard to nontarget vertebrate and invertebrate animals; and (4) hazard to the environment generally.

The committee submitted its report on February 4, 1972. With my approval, the committee later submitted revisions of certain statements which had inadvertently appeared in the initial report as a result of the press to meet the statutory time deadline. A revised version of the report, dated March 1, 1972, and containing, as an addendum, a letter from the chairman explaining each of the revisions, has been printed. Under the law, I am required within 90 days of my receipt of the report to "make [a] determination and issue and order, with findings of fact, with respect to registration * * *." 7 U.S.C. 135b(c).

B. The committee discussed in detail the evidence pertaining to Mirex and, based thereon, made a number of findings regarding Mirex. Those findings are summarized below:

1. The imported fire ant, which infests more than 126 million acres in nine Southern States, is both a major nuisance pest because of its sting and a health hazard due to dangers of secondary infection and allergic reaction.

2. The imported fire ant is a minor agricultural pest because the threat of its sting interferes with hand labor on some crops and its mounds may damage agricultural machinery.

3. The imported fire ant is an aggressive predator to an unknown extent of both pests and beneficial species, and is also a scavenger.

4. Mirex bait is effective for fire ant control to a degree correlated with the size of the area treated and the number of applications. For example, three applications at 6-month intervals virtually eliminates all mounds exposed to treatment.

5. The goal which should be sought is control of the fire ant, through publicly sponsored programs involving application of Mirex bait as needed, rather than total elimination of the pest. The latter is not feasible, given the financial and environmental problems involved.

6. Mirex baits provide highly effective and comparatively selective control for a number of other pests, including certain species of ants, yellow jackets, and, indirectly, aphids, scale insects, and mealy bugs.

7. The only effective alternatives to Mirex for control of the fire ant are even more persistent chlorinated hydrocarbons, e.g., chlordane, aldrin, dieldrin, and heptachlor. Inasmuch as their effective dosage rates far exceed the rate used in Mirex bait, their substitution is inadvisable. No possible method of biological control shows immediate promise.

8. No instance of acute Mirex poisoning of humans has been reported in more than a decade of use, nor is there any evidence of damage to vegetation from the use of Mirex bait.

9. Insufficient data are available on most mammals for an accurate evaluation of Mirex acute toxicity. No data are available on the chronic toxicity of Mirex to experimental animals.

10. Mirex has caused significant reproductive effects in rats when fed at relatively high levels, but none when fed at rates likely to occur in treated food or feed applied to control the fire ant.

11. Based on preliminary data, no metabolites of Mirex have been detected in rats. Mirex is stored in animal adipose tissue, and appears to have biological half life of at least 25 days.

12. Mirex has been demonstrated to be tumorigenic to mice at high dosages.

13. Insignificant residues of Mirex have been detected in the human food chain in treated areas.

14. Laboratory experiments have shown exceedingly toxic effects on juvenile crustaceans, especially shrimp and crabs, exposed to low concentrations of Mirex, indicating the chemical presents a hazard to the aquatic environment.

15. Mirex residues in both soil and water in areas of normal treatment are minimal, but may have some biological importance in water because of the probable ingestion of organic detritus and other components by bottom feeding crustaceans.

Based on its findings, the committee made recommendations which can be summarized as follows: (1) Mirex registrations should be continued with labeling restrictions to minimize environmental contamination; (2) publicly supported control programs should be limited to infested areas where the imported fire ant is a problem because of use by people or interference with agricultural operations; (3) where publicly sponsored programs are unavailable [nonaerial] broadcast treatment of lawns, pastures, schoolgrounds, parks, and similar areas by individuals is recommended instead of mound treatment; (4) more information should be obtained in order to establish economic or nuisance threshold levels requiring Mirex treatment as well as information regarding rates of reinfestation and population recovery in areas receiving a single bait treatment and (5) more research should be conducted on the possible hazards of Mirex to man and his environment in order that the role of Mirex as a pesticide may be accurately assessed.

There is no basis in the data currently before me to disregard these findings. Accordingly, I accept the findings stated above and adopt them as my own. I believe, however, that additional discussion is in order inasmuch as I have decided to depart in some degree from the committee's further recommendations.

The acute toxicity of Mirex to man is low. Though Mirex is capable of being stored in adipose tissue (as are DDT and other related compounds), recent gas chromatograph analyses of more than 700 adipose tissue samples collected in 23 States showed that only 12 samples contained residues which could possibly have been Mirex. Those 12 were tentative identifications, and only two samples have been confirmed as containing Mirex.

Subacute toxicity studies in rats and mice have shown some evidence of chronicity and reproductive effects but only at high dosage levels. Mirex was clearly tumorigenic in one experiment in mice; the results were comparable to those obtained from known carcinogens used as positive controls. The Advisory Committee avoided referring to this as carcinogenic because only one species of animal was involved. With the essentially nondetectable level of human exposure, the risk to man's health must be considered very low in relation to the benefits, particularly those relating to human health, to be derived from use of Mirex.

Mirex is highly toxic to some species of invertebrates, but is apparently very low in toxicity to other closely related species. Residues of Mirex have been found in some invertebrates and vertebrates, especially those that are predaceous on ants and other insects. There have been some population declines demonstrated in terrestrial invertebrates, most of which apparently feed directly on the Mirex bait. In spite of its persistence, troublesome concentrations of Mirex are not apt to build up in the terrestrial environment in the near future because of the extremely small dosages used (far less than 1 ounce per acre and seldom more than one application per year).

On the other hand, Mirex is most apt to do significant damage in the aquatic environment. Significant adverse effects to crustaceans have resulted from laboratory exposure to Mirex. In the wild, however, the lethal effects to some aquatic species, such as the commercial blue crab, are delayed so that such effects would be difficult to discover in the natural environment. Consequently, although troublesome concentrations of Mirex have not yet been demonstrated in the aquatic environment, the hazard to aquatic organisms cannot be disregarded, particularly in view of the fact that Mirex is apt to be recycled, especially in estuaries, and because of the sensitivity of some economically important species of crustaceans to Mirex.

As a result of the potential threat to the aquatic environment posed by Mirex, I am naturally reluctant to permit distribution of Mirex bait in a manner that might contaminate estuaries, lakes, and streams. Those who are familiar with aerial application techniques believe that it is practical, by the use of proper cutoff mechanisms and guidance systems in the aircraft, to avoid contamination of streams and lakes in upland areas where such aquatic environments cover a rather small proportion of the land. Judicious use of aerial application is preferable to hand distribution of bait, which often results in overtreating obvious mounds but missing inapparent young colonies with a resultant rapid reinfestation.

At the same time, maximum caution must be exercised to prevent damage to the aquatic environment. All broadcast application, aerial or otherwise, must be prohibited in coastal counties or parishes and on or near rivers, streams, lakes, ponds, and other aquatic areas. I also believe it necessary to restrict aerial or other broadcast application in noncoastal, nonaquatic areas to Federal, State, county, or local authorities. Thus, I depart from the recommendation of the Advisory Committee that nonaerial broadcast treatment by individuals be authorized where publicly supported control programs are unavailable. All broadcast treatment by private individuals must be prohibited.

By prohibiting aerial application, I do not wish to eliminate completely the use of Mirex from coastal counties or parishes. Should we do so, the homeowners, farmers, and others affected by the ants would in all likelihood apply heptachlor, dieldrin, or another chlorinated hydrocarbon as a control chemical. This alternative could be worse from the standpoint of environmental safety than would applications of Mirex. Therefore, I have determined to authorize the private use of Mirex for application on a mound-to-mound basis only.

For the foregoing reasons, the cancellation of Allied Chemical's registrations is affirmed, but the registrations will be reinstated upon submission by Allied Chemical, and acceptance by the Agency, of amended labeling which conforms to the conditions set forth in this decision,[1] and submission by the company for a 2-year plan to monitor Mirex in the environment to insure that run-off, leaching and erosion of soil in mound-treated areas are not resulting in aquatic contamination.

[FR Doc. 72-8228 Filed 5-31-72; 8:56 am]

S. 2682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency is hereby authorized and directed to delete from his Mirex orders of May 3 and June 30, 1972, the prohibition against aerial application of Mirex within coastal counties or parishes except in areas within the coastal counties or parishes where natural runoff would result in pollution by the Mirex of coastal waterways, and to apply instead the same standards applicable to noncoastal counties.

By Mr. WILLIAMS (for himself, Mr. TOWER, and Mr. BROOKE) (by request):

S. 2683. A bill to amend the Securities Exchange Act of 1934, as amended, to facilitate the collection and public dissemination of information concerning the holdings of and transactions in securities by institutional investors and investment managers, including banks, bank holding companies, insurance companies, trust companies, investment advisers, investment companies, separate accounts, pension-benefit or profit-sharing trust plans, charitable endowment funds, and any other fund maintained or utilized for the purpose of collective investment. Referred to the Committee on Banking, Housing and Urban Affairs.

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[1] The evidence presently available indicates that the hazard to aquatic organisms from current use of Mirex in aquatic areas does not approach the "imminent" stage. In other words, I am not faced with a highly dangerous situation which needs to be corrected immediately, prior to the completion of the cancellation proceedings. Consequently, I have no reason to suspend the aquatic use immediately. Instead, I am merely canceling the aquatic use. Under the FIFRA, this cancellation order is not effective until, at the earliest, the expiration of the 60 days allowed for the filing of an administrative appeal from this decision. Thus, even if Allied does not appeal from this decision, it will have 60 days to conform its labeling to the newly imposed conditions.

Mr. WILLIAMS. Mr. President, at the request of the Securities and Exchange Commission, I am today introducing a bill to require institutional investors and institutional investment managers to disclose their securities holdings and large equity transactions.

The proposed legislation is similar to S. 2234, which Senators BROOKE, TOWER, PROXMIRE, and MCINTYRE and I introduced on July 23, 1973. The Commission's bill, however, sets somewhat different cutoff levels for reporting and takes a different approach to the public disclosure of information. This legislation also limits the reach of the Commission's powers in comparison with those provided by S. 2234.

The differences between the two bills do not, however, appear to me to be fundamental. Both bills proceed on the same premise; namely, the pressing need for the establishment of a mechanism whereby the regulatory agencies and the public may obtain regular and comprehensive information regarding institutional holdings and transactions in securities. I am certain that it will be a relatively easy matter to reconcile the differences between the two bills, and I am confident that in the near future we will be able to agree upon a single bill embodying the best features of both approaches.

Mr. President, I ask unanimous consent that letters from the Chairman of the SEC be included in the RECORD as well as the text of the bill.

There being no objection, the letters and bill were ordered to be printed in the RECORD as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., October 5, 1973.
Hon. JOHN SPARKMAN,
Chairman of the Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to submit the Commission's proposed amendments to the Securities Exchange Act of 1934, which would require institutional investors to disclose their portfolio holdings and transactions.

As you know, the Commission first endorsed the concept of institutional disclosure in its Letter of Transmittal of the *Institutional Investor Study Report.* After having found that "gaps [existed] in information about the purchase, sale and holdings of securities by major classes of institutional investors", we concluded that the Securities Exchange Act should be amended to provide the Commission with general authority to require reports and disclosures of such holdings and transactions. Since then the Commission has given a great deal of additional thought to this subject, and we are convinced of the need for the disclosures which the proposed legislation would provide.

As you know, the Commission submitted a draft bill dealing with this subject to Senator Williams on July 19, 1973. At that time we emphasized that that draft did not reflect the final position of the Commission but had been prepared to satisfy his urgent request. Subsequently, Senator Williams introduced S. 2234, which embodied many of the provisions furnished in our draft bill but also departed from it in several substantive respects. The bill we are recommending today differs in several important respects from that draft and from S. 2234. To assist you in your consideration of the proposal, we intend shortly to submit to you a section-by-section analysis, including a discussion of the differences between it and S. 2234.

In submitting this proposal to you today we wish to emphasize a very critical factor for your consideration. Subsequent to the Institutional Investor Study Report, various approaches to implementation of this proposal were considered by the Commission in late 1971 and 1972. All were tabled, however, because of the projected costs of processing disclosure filings and because of the other legislative priorities which the Commission had at that time. Achieving proper utilization of the reports and the data provided by this legislation, if enacted, will require a significant budgetary commitment on the part of the Commission, which will be possible only if the Commission's budget is appropriately increased or if the program is made self-financing. We are now attempting to develop analyses of our needs in this regard.

Very truly yours,
RAY GARRETT, Jr., *Chairman.*

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., October 5, 1973.
Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Securities, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: On behalf of the Commission, I am pleased to enclose a copy of several proposed amendments to the Securities Exchange Act of 1934, designed to require institutional investors to disclose their portfolio holdings and transactions. You will recall that in our letter to you, dated July 19, 1973, which accompanied an earlier draft bill on this subject submitted pursuant to urgent request, we emphasized that the bill as then worded might not reflect the final position of the Commission. We also referred to a number of issues and alternatives which the Commission had not resolved at that time. The legislation which we are submitting today resolves those issues as follows:

1. *Whether it would be practicable and desirable to propose measures for the control of institutional trading, in the absence of more adequate information concerning institutional holdings and trading.* Our proposed legislation adheres to the conclusions announced both in the Commission's 1971 Institutional Investor Study Report and in our July 19 letter that disclosure should be the first step in the process. Only after the results of such disclosure have been analyzed would it be appropriate to attempt to determine whether or not statutory limitations should be imposed upon the manner in which institutional fiduciaries trade for their beneficiaries.

2. *Whether the Commission will need additional resources to make a meaningful analysis of data concerning institutional trading.* We would like to emphasize that the resources available to the Commission to carry out a meaningful program with respect to data obtained pursuant to this legislation will be a critical factor for your consideration. The proper utilization of the reports and the data this legislation will provide will require a significant budgetary commitment by the Commission. This will only be possible if this program is made self-financing or if the Commission's budget is appropriately increased. We are now attempting to develop cost analyses of our needs in this regard.

3. *Whether institutional disclosure legislation should be phrased generally, granting the Commission maximum flexibility or whether such legislation should be framed more precisely.* As you will note, the bill we propose combines both approaches.

4. *Whether the legislation should take the form of an amendment to the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, or a separate statute.* The enclosed legislation takes the form of an amendment to Section 13 of the Securities Exchange Act of 1934.

The bill we are recommending today differs in several important respects from the July 19th draft bill and from S. 2234. We are now preparing a section-by-section analysis of our proposal, including a discussion of the differences between it and S. 2234.

Very truly yours,
RAY GARRETT, Jr., *Chairman.*

S 2683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 13 of the Securities Exchange Act of 1934, 15 U.S.C. 78m, is amended by inserting after subsection (e) thereof the following new subsection:

"(f)(1) Every investment manager which uses the mails, or any means or instrumentality of interstate commerce, or any facilities of a national securities exchange, directly or indirectly, in the course of its business as an investment manager, and which exercises investment discretion for or has investment authority over any account or accounts which contain equity securities having an aggregate fair market value at any time during the preceeding 12 months of at least $100 million, or such other amount not less than $10 million as the Commission may by rule determine having due regard for the public interest, the protection of investors or the maintenance of fair and orderly markets, shall file periodic reports with the Commission, in accordance with such rules and regulations as the Commission may prescribe, pursuant to paragraph (3) of this subsection, as necessary or appropriate in the public interest or for the protection of investors or to insure fair dealing in securities. For purposes of this subsection, the term "equity securities" shall not include equity securities in an account subject to the investment discretion or authority of an investment manager which have been issued by any company with respect to which such investment manager has the power through beneficial ownership of its equity securities to exercise a controlling influence over its management or policies.

"(f)(2) For purposes of this subsection, the term 'investment manager' shall include:

(A) any bank, or any bank holding company as defined in the Bank Holding Company Act of 1956, as amended, or any subsidiary thereof;

(B) any insurance company or any insurance holding company, or any subsidiary thereof;

(C) any investment company;

(D) any broker or dealer;

(E) any investment adviser, as that term is defined in Section 202(a)(11) of the Investment Advisers Act of 1940, whether or not required to register with the Commission pursuant to that Act;

(F) any person, other than a natural person, investing in or buying and selling securities for its own account; and

(G) any person, including a trustee, officer, director or employee, or any group of persons, that exercises investment discretion for or has investment authority over any account or accounts of:

(i) any employees' stock bonus, pension or profit-sharing trust which is described in

Section 401 of the Internal Revenue Code of 1954, as amended, whether or not it meets the requirements for qualification thereunder;

(ii) any fund, trust, or company within the meaning of Section 202(a)(5) of the Investment Advisers Act of 1940, which is organized and operated for religious, charitable, educational benevolent, civic, fraternal, or any of the other purposes described in Section 501(c) of the Internal Revenue Code of 1954, as amended, whether or not it meets the requirements for qualification thereunder;

(iii) any fund, trust, or company within the meaning of Section 202(a)(5) of the Investment Advisers Act of 1940, which is organized and operated for the benefit of federal, state or municipal employees;

(iv) any other fund or pool of assets maintained or utilized for the purpose of collective investment; or

(v) any person or persons other than the person or persons exercising such discretion or having such authority.

"(f)(3) The Commission, by rule or regulation, may require every investment manager subject to paragraph (1) of this subsection, to file reports with the Commission, in such form and at such times as the Commission may prescribe, but in no event shall the Commission require periodic reports to be filed more often than monthly. Such reports may contain the following aggregated information by type of account with regard to accounts over which such investment manager exercises investment discretion or has investment authority:

(A) the name of the issuer, the title and class, the number of shares or principal amount and the aggregate fair market value of each security held by such accounts; and

(B) with respect to any transaction effected for such account or accounts, involving an equity security described in Section 13(d)(1) of this title, having a market value of at least $500,000 or such other amount as the Commission may by rule determine, having due regard for the public interest, the protection of investors or the maintenance of fair and orderly markets;

(i) whether the transaction involves a purchase or a sale;

(ii) the trade date;

(iii) the brokers or dealers through which the trade was executed;

(iv) the name of the issuer and title and class of security;

(v) the number of shares of the security traded;

(vi) the price at which the security was traded;

(vii) the market in which the trade was executed; and

(viii) such other substantially related information as the Commission, by rule or regulation, may prescribe.

"(f)(4) The Commission by rule or regulation, or by order, as it deems necessary or appropriate in the public interest and consistent with the protection of investors and to insure fair dealing in securities, either unconditionally or upon specified terms and conditions or for specified periods, may exempt from the requirements of this subsection any investment manager, security, class of investment managers or class of securities.

"(f)(5) The information contained in all reports filed with the Commission pursuant to this subsection shall be available publicly in such form as the Commission, by rule or regulation, may prescribe; *Provided, however,* That the Commission, where appropriate, may permit any or all information filed in such reports to remain confidential in accordance with Section 24 of this title; *Provided, further,* That information identifying the holdings of equity securities of any natural person, trust or estate, other than a business trust, which is filed with the Commission pursuant to this subsection, shall be confidential.

"(f)(6) The Commission may adopt such rules or regulations or orders as it deems appropriate in the public interest and consistent with the protection of investors and to insure fair dealing in securities to avoid unnecessarily duplicative reporting pursuant to this subsection by two or more investment managers which exercise investment discretion or have investment authority over the same account or accounts or by investment managers which are required or those advisory accounts are required to file reports pursuant to any other provision of this title, any provision of the Investment Company Act of 1940, or any provision of the Investment Advisers Act of 1940.

"(f)(7) The Commission shall have authority, by rule or regulation, to define terms used in this subsection insofar as such definitions are not inconsistent with the provisions of this title."

By Mr. ERVIN:

S. 2684. A bill to further insure due process in the administrative discharge procedure followed by the Armed Forces. Referred to the Committee on Armed Services.

MILITARY ADMINISTRATIVE DISCHARGE PROCEDURES ACT OF 1973

Mr. ERVIN. Mr. President, I am introducing today a bill which provides a comprehensive structure for the award of discharges in the military. Despite the fact that the Vietnam war has ended and the number of men in uniform has been reduced, the administrative discharge remains the most commonly used tool to separate the serviceman whose performance has, in some way, been unsatisfactory. With the new emphasis on obtaining career-oriented personnel, the necessity that these proceedings be marked by fundamental fairness has now become more critical than ever. Military personnel now faced with discharge proceedings will likely stand more to lose from separation—most will have approached it as a career.

Over the years the Subcommittee on Constitutional Rights has received literally thousands of complaints concerning the procedures by which persons are eliminated from the services with undesirable or general discharges. These discharges are deleterious to the individuals who receive them. The undesirable discharge is just as harmful as a bad conduct discharge which can only be awarded by a court-martial after a trial characterized by the procedural and due process safeguards provided for those tribunals by Congress.

The fact that any discharge other than fully honorable is harmful to the individual throughout his lifetime is illustrated by the results of a survey conducted by the Constitutional Rights Subcommittee several years ago. Upon questioning several large employers in the Washington metropolitan area, it was discovered that when an applicant for employment revealed he had any type of discharge other than "honorable" he was automatically removed from consideration. This was because there were always other applicants with honorable discharges and it was not worth the time and effort needed to "go behind the discharge" to discover the circumstances of its issuance. The evidence provided by this survey has been confirmed in countless individual examples which have been brought to our attention over the years. It is clear that before the services issue discharges which have such a devastating and permanent impact on a citizen they should be required to comply with fundamental due process and fair play concepts in determining the justification for such action.

Under present practice, the armed services are governed by service regulations only and not by any laws passed by Congress. As a result of the numerous complaints we have received over the 10-year study and investigation by the Subcommittee on Constitutional Rights, it is clear legislative reform is vitally needed.

For example, under the procedures now followed for the issuance of administrative discharges for fault or misconduct:

The respondent has no right to confront the witnesses against him.

He has no right to compel the attendance of witnesses or to compel the production of evidence.

There is no requirement that any competent evidence be in the record to support the findings.

In short, the proceedings are almost completely lacking in what we in Anglo-American jurisprudence think of as fundamental due process.

This bill merely provides that elementary notions of fairness will be accorded by the military administrative tribunal. It is the culmination of over 12 years of study and investigation by the Subcommittee on Constitutional Rights. Originally, the bill was introduced in the 90th Congress as title I to S. 2009, which contained comprehensive proposals for reform of the military justice system. Many of these reforms were subsequently enacted into law in the Military Justice Act of 1968. The proposals contained in title I, however, were not enacted at that time, nor have they been enacted since, despite my introducing them in succeeding Congresses. The latest of these was S. 2247, introduced in the 1st session of the 92d Congress. It, too, was never acted upon in committee.

This new bill, while very similar to its predecessors, has been revised somewhat to recognize subsequent shifts in the position of the military, and to incorporate some needed additions.

Perhaps the greatest difference in it and the previous bills is that this new bill applies to discharges for unsuitability as well as discharges for unfitness and misconduct. Although such a discharge can occasion no worse than a general discharge certificate, I feel that any discharge which is not by its own terms "honorable," can be detrimental to the departing serviceman. Under such circumstances, a general discharge should be awarded only after a hearing governed by traditional due process guarantees.

The new bill also spells out the grounds for award of administrative discharges. It attempts to limit them to situations where the serviceman has demonstrated a pattern of conduct which indicates that he should not be retained in service. Administrative discharges should not be given as punishment. An act or acts which violate the Uniform Code of Justice should be punished, but only after trial by court-martial, with its attendant procedural safeguards. Too often commanders are tempted to avoid the strictures of court-martial by instituting an administrative discharge proceeding which is procedurally less rigorous, but, in a practical sense, can be just as devastating to the serviceman.

The remainder of the bill prescribes in detail procedures to govern administrative discharge proceedings. To my mind, it establishes a framework which is workable administratively and yet accords the serviceman the rights of due process to which he is entitled. It would indeed be a travesty if we continue to deny such basic rights to those who are defending our own.

Mr. President, the Congress has already waited too long to enact legislation in this field. The longer we wait, the more damage is done. While I would not deny that the armed services have a right to discharge administratively servicemen who do not satisfactorily perform their military duties, I am equally convinced that they must do so in accordance with the due process guarantees of the fifth amendment. At present, they are not so bound.

Mr. President, I prepared an article on this subject which appeared last year in the San Diego Law Review. While the article deals primarily with the provisions of S. 2247, the predecessor of this bill, it is still a highly relevant discussion of the legislative issues involved. Many of the criticisms of S. 2247 found in the article were the basis for changes in the new bill. I would ask unanimous consent therefore that the text of this law review article, entitled "Military Administrative Discharges: Due Process in the Doldrums," as well as the text of the bill and its accompanying sectional analysis, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY ADMINISTRATIVE DISCHARGES: DUE PROCESS IN THE DOLDRUMS

(By Hon. SAM J. ERVIN, Jr.) *

INTRODUCTION

Since 1967, an average of 50,000 men each year have been administratively discharged from the armed services, as compared with an average of roughly 4,000 discharged annually as a result of courts-martial.[1] Many of those administratively discharged were homosexuals, many were drug users, many shirked their military duties, some failed to pay their legal debts, and others were simply unsanitary.

Of those discharged administratively, roughly 25% were labelled as "undesirable" and were returned to a civilian society to face family, friends, and prospective employers with that stigma.[2] They found, too, that they were ineligible for veterans' benefits to continue their schooling, or buy a new home, or if so inclined, to begin flying lessons.

The armed services have long reserved the right to discharge administratively any individual who, for one reason or another, cannot measure up to accepted standards of performance, whether or not that failure involves conduct subject to trial by courts-martial. Such discharges are processed in accordance with regulations drawn by the services, enforced by the services, and reviewed by the services. If there are abuses, they typically are not challenged judicially.[3] But they have not gone unnoticed.

The Subcommittee on Constitutional Rights began its study of administrative discharges in 1961 in response to an increasing number of complaints that the system was unfair and left an irreparable stigma on those it affected. Exploratory hearings were conducted in 1962[4] and more extensive hearings were held in 1966.[5] Several legislative proposals grew out of these hearings; however, no bills dealing with this subject have as yet become law.

Meanwhile, letters from discharged servicemen unable to find jobs, from those who cannot get the job they desire, and from those who wanted a military career but were returned to a civilian world with little marketable experience continue to reach the subcommittee. Their common complaint is that the administrative discharge system has unfairly condemned them to an inferior condition—whether it be in terms of a job or simply the respect of their family and friends—in violation of their constitutional rights to due process under the law.

Those who defend our rights must not be the only citizens who are denied their protections and, as a consequence, are returned to a civilian world that holds little promise for them. We must not ignore those servicemen who are daily eliminated in administrative settings which accord less than what the due process clause of the fifth amendment guarantees and less than what we owe those who are prepared to give their lives to safeguard our freedoms and our rights.

THE EXISTING FRAMEWORK

Chapter 59 of Title 10, United States Code, provides for separation of servicemen prior to the expiration of their term of service by reason of a sentence of court-martial or in accordance with the regulations of the Secretary concerned.[6]

Service regulations provide for five types of discharges which implement the general language of Chapter 59—dishonorable, bad conduct, undesirable, general, and honorable. The first two are given only as a result of a sentence of courts-martial.[7] The latter three are awarded as an administrative act of separation, which may or may not have been directed by an administrative board. The services further distinguish these categories by designating the first two as "punitive," and the latter three as nonpunitive, or simply administrative.

Not until 1959 was there a Defense Department directive dealing with administrative discharges.[8] Even then it provided uniformity only with respect to the grounds upon which separation could be based. The services by and large were left with the discharge procedures which had evolved through decades of use. In 1965, largely in response to the subcommittee's hearings, a revision of the basic directive did provide substantial uniformity both in terms of substantive grounds and the procedural processing of administrative discharges.[9] It established minimum standards to govern such action, but left each service room to tailor its system to its own views and, if the service felt it desirable, to provide for more stringent procedures. The directive, with certain minor changes, remains the authority upon which administrative discharges are currently based.

The directive provides that such discharges may be given for unsuitability, unfitness, misconduct, and in the interest of national security. These categories are broken down still further.[10]

Those discharged for unsuitability may receive only an honorable or a general discharge, depending upon the character of their service record. Both discharges are considered "under honorable conditions." Those discharged on grounds of unfitness, misconduct, and security, however, may receive undesirable discharges, as well as honorable and general, again depending on the character of their service.

An undesirable discharge, which is administrative, carries with it the same loss of veterans' benefits as a bad conduct discharge, which is punitive. While there may be disagreement as to which carries the greater stigma,[11] it is undisputed that being labelled an "undesirable" is a considerable obstacle to reckon with in one's future.[12] Retired Commander Penrose L. Albright, former president of the Judge Advocates Association, has called the undesirable discharge "the scarlet letter of this generation"[13] and, indeed, it is a brand which is likely to repulse employers and friends alike. Where the harm is so potentially devastating, it is imperative that undesirable discharges be bestowed only pursuant to a system which is characterized by our traditional notions of due process.

Honorable and general discharges, in contrast to the "undesirable," are both considered as discharges "under honorable conditions" and entitle their recipients to the same veterans' benefits. The directive provides that those separated for unsuitability (who can at most receive only a "general" discharge) do not have a right to a board hearing unless they have more than eight years of service experience,[14] while others facing separation for unfitness or misconduct do have such a right regardless of service experience. The Defense Department contends that since a general discharge is under honorable conditions and does not deprive a serviceman of veterans' benefits, it need not be awarded under the same protections as the undesirable discharge which does result in loss of benefits. This is not persuasive. There is an implied stigma which attaches to any discharge other than one labelled as fully "honorable."[15] This is due in part to the fact that 97% of all discharges are indeed honorable.[16] The public understandably reasons that there must be some defect in an individual who fails to obtain one.[17] It is interesting to note that despite the provision in the DOD directive, the Army and to a lesser degree the Air Force both permit a board hearing in cases of unsuitability even though a general discharge is the worst that can be recommended.[18] These services properly recognize that even a general discharge brings with it certain opprobrium.[19]

Because servicemen facing administrative discharges receive different protections according to the particular branch of service which they happen to be part of, legislation is needed not only to bring discharge procedures up to a higher standard of procedural due process, but also to provide uniformity of protection to all servicemen regardless of the branch to which they belong. Uniformity is desirable not simply for uniformity's sake. To accord a Navy seaman certain rights and not accord them to an Army private facing discharge on the same grounds raises a constitutional, if not a moral, question of equal protection among servicemen. While Defense Department directives do provide some uniformity and are obviously more desirable than no guidance at all, they are subject to change at the whim of the Department, whose interests must be weighted towards operational efficiency rather than justice for the individual.

Two bills dealing with administrative discharges are currently pending before the Senate Armed Services Committee. One is H.R. 10422, introduced by Congressman Charles E. Bennett of Florida and passed by the House of Representatives on October 6, 1971. The other is S. 2247 which I proposed on July 12, 1971, during the last session of Congress. The Bennett bill deals with administrative discharges on a broader, more general level than does S. 2247, which consti-

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tutes a comprehensive and detailed legislative framework within which to deal with the problem. In order to evaluate critically what each bill attempts to do, it is first necessary to discuss the different philosophies regarding the role of the administrative discharge in a system of military justice and military personnel administration.

THE ROLE OF THE ADMINISTRATIVE DISCHARGE

Position of the military

The military prefers to regard the administrative discharge as a purely administrative act.[20] It is seen as a tool through which the services can rid themselves of undesirable members prior to the expiration of their terms of service. The military points to the reduced efficiency entailed by maintaining in the services those with "two left feet" who, try as they might, cannot meet minimum standards of performance, and those who are continually involved in misconduct which, whether serious or not, requires inordinate amounts of supervision and discipline.[21] It also points to the erosion of discipline and morale among its hard-working members by retaining "troublemakers" after repeated misconduct, whether they be homosexuals or shirkers.[22]

Given the alleged harm to military efficiency and morale which the retention of undesirable members entails, the military insists that it needs a simple, expeditious means to separate them.[23] The value of a separation to the military thus decreases in inverse proportion to the length of time required for the process since the individual remains to cause problems.

These justifications for administrative discharges are understandable and might well serve as sound principles for any course in personnel management. Yet the matter does not end here. The military claims that the administrative discharge should not be considered as punishment for misconduct.[24] It is only a determination, claim the services, that a serviceman's record does not merit his retention. But despite the claim that administrative discharges are not punishment, the administrative board, in effect, places a sanction on acts of misconduct. It freely considers evidence of misconduct, established in no other judicial or quasi-judicial setting, and may issue an undesirable discharge resulting in the loss of substantial veterans' benefits and the lifelong burden of the "undesirable" stigma.[25]

Regardless of the punitive consequences of the administrative proceeding, the military insists upon its right to consider misconduct in a setting which accords less than what is required by traditional notions of due process, and further insists on its right to characterize resulting discharges as "undesirable".

If military insistence on either of these conditions—the consideration of conduct not established in a judicial setting or the characterization of discharges as undesirable—were dropped, the administrative discharge proceeding would become far less objectionable in terms of the way in which it is conducted and the harm it does to the individual. The services' insistence on these two points thus requires some further critical comment.

Characterization of discharges

Several witnesses at the 1966 hearings raised the possibility of altering or doing away with the present system of characterizing discharges.[26] This idea has been seriously considered from time to time by the services as well, but it has never been formally adopted. Although the suggestions varied, their common purpose was the elimination of the "undesirable" characterization. Such an alternative would not purify the administrative discharge procedures to the satisfaction of a constitutional stickler, but the fact that the stigma which an undesirable discharge entails might be dissipated would make the procedures more palatable because its sting would be removed.

Military spokesmen have justified characterizing discharges in terms of providing an incentive for "honorable" service and a deterrent for "undesirable" service.[27] One of the greatest recognitions that a man can obtain, claim the services, is an "honorable" discharge, and it is a notion which the American public generally seems to accept. But since roughly 97% of servicemen receive "honorable" discharges, the real mark of distinction is not being among those who fail to obtain one. Granting the military position, the question is whether a system can be devised which provides an incentive for honorable service and yet leaves no stigma on those who are administratively separated.

Eliminating the "undesirable" category would have the virtue of eliminating the repugnant connotations of the word "undesirable" but it might well mean that once the public becomes generally aware of the change, the stigma would only shift to recipients of the general discharge. There is evidence even now of a stigma attaching to a general discharge since it is not precisely an "honorable" one.[28]

Another possibility would be simply to have one category of "honorable" or another more neutral term to describe an administrative discharge. But while this would eliminate the stigma, it would not provide the incentive for service that the honorable discharge affords—again, assuming the validity of that claim.

A third possibility would be to use a less colorful term than "undesirable" since that term conjures up all sorts of perverse traits and defects. An "unsatisfactory performance" discharge would be an example. This alternative might possibly prevent some of the abhorrence evoked by the adjective "undesirable," but it would still leave the recipient with a damaging label carried over to civilian life.

Compounding the problem of characterization is the matter of veterans' benefits, which attach only at the completion of "honorable" service. The award of benefits militates against a system having only one category of administrative discharge. If it is agreed that benefits should not go to one who has not earned them, and there were only one category of discharge, some system would have to be devised to separate the recipients from the nonrecipients. In a system having only honorable and general discharges, veterans' benefits might attach only to honorable and not to general. This would, however, represent a change in the present structure which accords benefits to recipients of general discharges and, thus, may cause substantial headaches in terms of retroactive effect for the Veterans Administration.

In conclusion, there seems to be no completely satisfactory way to recharacterize discharges which effectively avoids the stigma effect and yet preserves the status of the discharge as an incentive to honorable service, and the consequent award of veterans' benefits.

If, then, the military is to continue to discharge servicemen as "undesirable," at least we must insure that such an onus is bestowed only in accordance with traditional notions of due process. One way this might theoretically be accomplished is to permit misconduct to be considered only in a judicial setting which already incorporates such safeguards, *i.e.*, by courts-martial. But to have such a situation, the grounds for discharge must be brought under the Uniform Code. On this point, the military demurs on the grounds that such action is neither possible nor appropriate.

"Judicializing" administrative discharges

A serviceman who continually refuses to complete his assigned tasks could theoretically find himself facing a court-martial for failing to obey an order, or an administrative discharge for shirking.[29] In a proceeding brought under the *Uniform Code of Military Justice* (either non-judicial punishment or a court-martial), the likelihood of a discharge for such an offense is remote, while if the conduct were considered administratively, the likelihood of discharge is almost guaranteed. What is more important, in the administrative proceeding the serviceman finds himself immersed in a procedure which falls short of fully guaranteeing traditional rights of due process, rights which are for the most part incorporated into courts-martial procedures. At present, a commander theoretically has absolute discretion to choose either avenue to treat the offending conduct. The arbitrary use of this discretion might well be adjudged a violation of the due process clause of the fifth amendment.[30] In fact, the subcommittee continually receives cases in which commanders have successfully recommended administrative separation when conviction and discharge by a court-martial would have been uncertain because of difficulties in meeting the legal requirements of the Uniform Code. The use of administrative process to avoid the strictures of the Code has been a perennial problem ever since the Code was enacted.[31]

The military contends that not all conduct which may be grounds for administrative discharge can be brought under the provisions of the Code (and consequently be subject to a court-martial or non-judicial punishment), and therefore the administrative route is a necessary alternative.[32] They point specifically to homosexual acts and drug abuse as examples of conduct which are claimed not to be punishable under the Code.[33] Furthermore, most of the grounds for administrative discharge, says the military, are concerned with "patterns" of conduct rather than single acts of misconduct, and there is nothing in the Code that effectively allows a commander to deal with repeated instances of misconduct.[34] The military is on shaky ground with both of these contentions. Whatever difficulty there may be in "pigeonholing" grounds for discharge as undesirable into the punitive articles of the Uniform Code is largely semantic. They might be included simply by amending the articles or perhaps by expanding the grounds of Article 134 in the *Manual for Courts-Martial*, which makes punishable "all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces." The issue is not simply whether it can be done, but whether it should be done.

The military contends that even if all conduct which constitutes grounds for administrative discharge could be brought under the Code, it would be either inappropriate or ineffective, or both, to do so. Their reasoning takes three primary tacks:[35]

First of all, the military claims that even if misconduct is repeatedly punished under the Code, a discharge—either a bad conduct or dishonorable—is highly unlikely to ensue in the vast majority of cases, and thus the serviceman will return to his duties with no more than a fine or reduction in rank.[36] Without a liberalization of the award of a bad conduct discharge at courts-martial, the services contend they would have virtually[37] no means of ridding themselves of undesirable personnel by sentence of courts-martial.

Second, to discharge only through courts-martial would also mean that in order for the services to consider discharge for conduct which has been the subject of civil court conviction, the serviceman would have to be tried twice for the same offense, which runs afoul of the constitutional prohibition against double jeopardy.[38] The holding in *O'Callahan v. Parker*,[39] which prohibits military trial of acts which were not "service-connected," also militates against trial by courts-marital for misconduct committed

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outside of military control. Yet the military feels it must have the means to discharge servicemen convicted by civil courts who must serve long prison sentences or who have brought substantial discredit upon their service.

Finally, discharge by court-martial, where a bad conduct discharge is issued, also requires review by a Court of Military Review under the present regulations and possibly also by the Court of Military Appeals. Furthermore, the trial process itself requires a substantial amount of time. To provide that discharges may issue only from a court-martial will mean a long period of time between initiation of the action and actual discharge. In the military view, it will negate the value of the discharge.[40]

To the extent that these arguments support the military's contentions that it must be permitted to administratively discharge "undesirables" and that such discharges cannot or should not always be based on misconduct cognizable under the Uniform Code, they are equally persuasive in showing that there is little difference in the breadth of inquiry of a court-martial and an administrative board, and that both occasion similar damaging consequences. Given this, the services cannot avoid the constitutional mandate requiring due process simply by calling the process "administrative," when its real function is to try issues of fact and impose punishment for wrong-doing.

S. 2247, which I introduced in the last session of Congress, attempts to insure that the guarantees of due process are incorporated in the military's administrative proceedings, first, by defining what may be considered by the administrative board and, secondly, by insuring that what is considered by the board is heard in accordance with traditional notions of due process. The remainder of this article will deal with how S. 2247 and the Bennett bill, H.R. 10422, both now pending in the Senate Armed Services Committee, attempt to deal with these problems.

THE ADMINISTRATIVE DISCHARGE BILLS

Limitations on conduct considered by administrative boards

S. 2247 restricts undesirable discharges to cases in which the serviceman has perpetrated a serious act of misconduct which was tried by other than a military tribunal, and to cases where the serviceman has demonstrated a "pattern" of misconduct or failure of performance, whether or not the repeated conduct was adjudicated by a civil or military tribunal.

By providing for administrative discharges for cases involving serious misconduct tried by civilian authorities,[41] whether the conduct is cognizable under the Uniform Code or not, the bill recognizes the military's contention that it must have a means of discharging those committing serious acts of misconduct where those acts are tried by civilian authorities. This avoids the double jeopardy issue which is raised if discharges were only to issue as a result of courts-martial. The provision has the added advantage of insuring that the misconduct was adjudicated in a procedural setting which accorded due process. It would be the province of the military administrative board to decide only if the undesirable discharge is warranted.

The bill also limits the administrative board's consideration to "patterns" of conduct as opposed to single acts of misconduct. It provides that no administrative discharge will issue for an act of misconduct which constitutes an offense under the Uniform Code (except those tried by civilian authorities).[42] On the other hand, it provides that administrative discharges may issue for unfitness on grounds of (1) frequent involvement of a discreditable nature with civil or armed force authorities, (2) sexual perversion, (3) an established pattern for shirking official duties and responsibilities, and (4) an established pattern showing dishonorable failure to pay debts or to contribute adequate support to dependents, or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.[43]

These provisions should be read as complementary rather than contradictory. They seek to do three things. First, they seek to insure that commanders will not be able to avoid bringing charges under the Code to punish misconduct. This means that servicemen will be entitled to all of the due process guarantees which a courts-martial offers, and will not be subject to a punishment (discharge) harsher than what a court-martial might give. Secondly, they recognize the military's view that there must be some means of getting rid of those servicemen who demonstrate their unfitness for military service by repeated misconduct or failure to perform. Thirdly, they implicitly recognize that all misconduct cannot or should not be brought under the Code, since they allow acts of misconduct which establish a "pattern" of behavior to be considered by the administrative board.

Since the bill was first introduced as Title I of the proposed omnibus Military Justice Act of 1967, it has been reviewed by a number of experts in military law. Those reviews have raised a number of questions which remain to be resolved in any future hearings on the bill. For instance, the question of who decides whether certain conduct contributes to a pattern or stands alone to be processed under the Code is unanswered by the bill. The commanding officer must obviously make this determination initially. But should the serviceman be able to raise such an objection to an administrative board? If so, who should rule on the matter?[44]

Further problems are posed initially to the commander, and could subsequently be posed to a board, by the relative vagueness of the grounds specified in the bill upon which the discharge must be brought. The phrase "frequent involvement of a discreditable nature," for instance, must at the very least mean convictions in military and civilian courts, *e.g.*, for offenses less serious than those which provide for one year imprisonment or a punitive discharge. But should it also include non-judicial punishment? Letters of reprimand? Oral reprimands? Traffic tickets?

The phrase "sexual perversion" also offers semantic difficulty to the conscientious commander or the administrative board. Does it mean one act of sexual perversion or a pattern of conduct which establishes a condition of sexual perversion? And what is sexual perversion in the first place?

Although these terms are taken from existing service regulations and presumably incorporate the practice which has developed over the years, the questions illustrate areas for further legislative perfecting. However, the basic objectives sought by these provisions of the bill, which represent a balance between operational efficiency and the protection of the serviceman's interests, are nonetheless valid.

It is to be noted that the Bennett bill, H.R. 10422, makes no attempt to define what kinds of conduct represent an appropriate basis for convening an administrative board. On the contrary, it provides that in four specific situations misconduct automatically requires undesirable discharge—the respondent is entitled to no hearing whatsoever.[45] In my opinion, these provisions are unwise, and may well be unconstitutional since the basic right to a hearing is summarily denied. S. 2247, in each of these cases, would require a board to determine whether the circumstances, however grievous, justified an undesirable discharge.

Due process in the administrative proceeding

In addition to limiting the type of misconduct which can be used as a basis for convening the administrative board, S. 2247 also prescribes procedures which seek to incorporate many of the traditional features of due process into the administrative proceeding. To a considerable extent it merely incorporates into statutory language procedural requirements already provided by regulations of the services. Defense Department regulations, for instance, already provide that a respondent appearing before an administrative board has the right to be represented by the counsel of his choice, to submit any sort of statement in his behalf, to question any witnesses who are present, and to remain silent if he chooses. Evidence is admissible if reasonably relevant, competent, and material.[46] Beyond this, however, other rights of procedural due process rest precariously upon the judicial knowledge and integrity of the board, which in the vast majority of cases is composed of officers with little or no training in law.

Rights prior to hearing

All branches of service now provide that notice of a forthcoming board hearing be given the respondent.[47] The Bennett bill provides only that the notice be "reasonable" and that it state the grounds upon which the proposed discharge is based.[48] S. 2247 provides that notice of a hearing will be given at least 15 days in advance and that the notice must include the nature of the hearing, a statement of the allegations and evidence against the respondent, the applicable law, a statement of his rights before the board, and the possible actions which may be taken by the board.[49] S. 2247 also has a special provision for notification of the parents of respondent if he is under 21, or for any other reason is unable to appreciate the nature of the proceedings against him.[50] This provision would be an important safeguard against an imprudent waiver of the board proceeding in favor of an immediate discharge. It is not uncommon for young, immature servicemen who are dissatisfied with their present assignment to seek administrative discharge to escape their immediate situation without regard for the consequences in ensuing years. In many cases, the immature serviceman is incapable of appreciating his predicament and is easily persuaded to waive his rights and accept a discharge which will be detrimental to him for the rest of his life. Even the advice of a JAG officer is often perfunctory and has little impact on the young serviceman's decision. This safeguard against improvident waiver of rights is worth the small clerical act it would require.

Under the Defense Department regulations, the respondent, having been notified of the board hearing and having consulted with counsel, many waive his rights to a hearing and accept a discharge in lieu of the board proceeding.[51] This provision is carried over in both of the proposed bills.[52] S. 2247, however, provides in addition that no waiver can be made within 24 hours of the notice of the hearing, and that the waiver may be rejected by the convening authority if he considers it improvident. It furthermore provides that where the hearing is waived, the ensuing discharge cannot be an undesirable one, unless the board action would have supported it. These are additional safeguards against improvident waivers of rights.

Under present procedures, oral and written depositions may be obtained with the permission of the convening authority for use by the board.[53] There are no formal procedures, however, which apply specifically to depositions for administrative boards. Presumably, the requirements may be less

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stringent than those used at court-martial, since the evidentiary requirements themselves are less stringent.

Depositions are not a commonly used device at administrative proceedings primarily because the boards allow *ex parte* statements to be admitted into evidence. Why go through getting both sides together to question a witness who will be unavailable at the hearing, when one side may simply introduce his uncontested statement if it so desires? S. 2247 prohibits the use of *ex parte* statements altogether, thus making the deposition a much more important device in the administrative setting.

S. 2247 provides for the taking and use of oral and written depositions by the administrative board, forbidden only for good cause, as prescribed by the Secretary of Defense.[54] The Bennett bill provides only that the secretaries of each branch of service will prescribe regulations to govern the taking and use of depositions.[55]

The liberal use of depositions to preserve or discover evidence comports with the practice in federal courts and administrative agencies.[56] There is perhaps an even greater need for such a device to preserve evidence in a military setting since servicemen are continually subject to transfer and termination. Use of depositions should reduce the number of personnel on administrative hold.

At present, administrative boards do not have the power to subpoena witnesses and real evidence. They may invite a witness to attend if he is reasonably available and his testimony materially adds to the case.[57] Civilian witnesses cannot be compelled to attend at all and military witnesses appear only if their commander permits. Both proposed bills provide the administrative board with subpoena power.[58] They provide that both sides will have equal access to subpoenas, and that the provision will be implemented by regulation of the services.

The objection of the military to such a provision in the past has been that the respondent could block prompt administrative action by requesting numerous unnecessary witnesses or documents to delay the proceeding. The fact that the implementation of the subpoena rules would be left to the services, which thereby implicitly allows them to require a showing of necessity in order to obtain a subpoena, has caused the military to drop an objection[59] which was not well founded in the first place.

The subpoena and deposition provisions together assure the respondent of a means of obtaining and preserving evidence in his favor as well as discovering that lodged against him.

Rights at the administrative hearing

Both bills provide that the respondent has the right to present evidence in his own behalf, to examine witnesses and all documentary evidence presented to the board, and to remain silent if he so chooses.[60] He also has the right to be represented by legal counsel of his choice. These rights are largely accorded by present regulations,[61] and thus their incorporation in statute should occasion no opposition from the services.

The bills also provide that rules of evidence in administrative discharge procedures will be drawn and reported to the Congress. S. 2247 provides that the Secretary of Defense will prescribe such regulations but specifies that the evidence admitted must be relevant, material, and probative.[62] The only change this represents in the present rule is the addition of the word "probative."[63] The bill goes further by prohibiting four specific uses of certain evidence regardless of their relevancy, materiality, or probative value.

The first limitation is a restriction of evidence considered by a board to those actions which took place three years prior to the date the board was convened, or from the date of the current enlistment or tour of duty, whichever is longer.[64] The limitation is thought necessary to protect the serviceman from having to defend himself against actions which occurred far in the past. It is based on the requirement presently contained in service regulations that the character of an administrative discharge may be determined only on the serviceman's record during the current enlistment. Since an administrative discharge is presumably based on repeated conduct which establishes a pattern or condition, such a pattern or condition should be established over a defined period of time. Otherwise, it should not be the basis for discharge.

The second limitation complements the first. It provides that misconduct occurring in a previous enlistment or tour of duty may be considered if the second enlistment or tour of duty was fraudulently obtained.[65]

The third limitation bars the admission of evidence relating to acts for which the respondent has been acquitted or cannot be tried again by reason of former jeopardy.[66] The purpose of the provision is simply to prevent the services from attempting to separate servicemen administratively on the same grounds as an unsuccessful court-martial. In the past, the subcommittee has seen numerous instances in which a commander has ordered successive administrative board hearings in a determined effort to separate a serviceman. This provision is designed to guard against such patent abuses of the discharge process.

The last prohibition has three features: (1) no information adverse to the respondent may be presented to a board over objection unless the respondent has had an opportunity to confront and cross-examine the source of the information; (2) no investigative report may be presented unless the respondent has an opportunity to cross-examine the person making the report and has an opportunity to rebut; and (3) no classified information can be presented unless first released to the respondent.[67] These provisions insure that the respondent will have ample opportunity to confront and rebut all adverse evidence presented to a board. It applies the simple justice of the sixth amendment.

These proposals effectively eliminate all adverse hearsay and *ex parte* statements from consideration by the boards. They have been criticized as "too severe" because the military may be unable to locate the person who made the statement or, if out of the service, he could not be compelled to appear.[68] Furthermore, it is argued, the provision would only encourage delay on the part of the respondent in hopes that certain evidence would not be available.[69]

The arguments may have some surface merit, but they do not account for certain factors peculiar to the administrative setting. Allowing hearsay and *ex parte* statements does not give a respondent fair opportunity to rebut the evidence against him. It raises due process issues because of the consequent denial of the right of confrontation and cross-examination. What is worse, the present rules encourage the presentation of such evidence by the military. One alternative which has been suggested is to allow only hearsay which would be admissible in a court-martial.[70] But this would require a highly technical knowledge of the law of evidence and would necessitate a legally qualified representative to the board to make such determinations. It may also lead to the necessity for legally qualified advocates on both sides to argue the evidentiary points. Perhaps a rule which allows for the admission of hearsay and *ex parte* statements but which provides that the decision of the administrative board cannot be based solely upon them is a preferable alternative.[71] But this too would be a meaningless protection if the board's decision were not subjected to review by a legally-qualified officer or review board, which now does not exist.

The use of hearsay and *ex parte* statements of any type is less important in an administrative discharge proceeding than in a court-martial and it poses even more of a potential injustice. Misconduct which establishes a pattern or condition will often have been adjudicated in a prior proceeding,[72] such as a court-martial, civil trial, or non-judicial punishment. In these cases, extraneous evidence relating to other acts will often simply not be required. In cases where the discharge is not predicated upon prior proceedings, there is typically no way to rebut hearsay allegations other than with simple denials. There is no means of offering contradictory proof. For example, allegations of homosexual acts performed in private cannot be disproved, since there are typically no witnesses other than the participants and no tangible evidence of the act. Similarly, allegations of a failure to pay just debts are difficult to disprove since only the parties typically have knowledge of the transaction. Allowing hearsay and *ex parte* allegations which the respondent cannot rebut with proof or cast doubt upon by questioning his accuser, leaves him at the mercy of anonymous accusers, rumors and vague accusations. Given the difficulties presented by allowing hearsay and *ex parte* statements under some limitations, it is preferable to simply rule out such evidence altogether and force the military to present its case in testimony or by deposition.

In addition to the evidentiary restrictions specified in S. 2247, there are other compelling limitations which, if not included in the statute, should be included in service regulations. For example, no evidence obtained by an illegal search or seizure should be admissible before an administrative board. The Supreme Court has already applied this principle to the administrative arena[73] and it should be applied as well to administrative discharge boards. Discharge regulations now allow such evidence to be admitted and this often induces the commander to elect to separate administratively because he knows that a conviction by court-martial cannot be obtained with illegal evidence. The commander who seizes drugs or contraband illegally should not be able to avoid the strictures of the fourth amendment simply by a resort to the administrative board. Not only does this violate fair play and simple justice but it subverts the integrity of the court-martial as well.

A similar problem is presented by the practice of admitting into evidence self-incriminating statements obtained in violation of Article 31 and the fifth amendment. This practice has been justified on the basis that Article 31 and the fifth amendment guarantee apply specifically to "criminal" trials alone.[74] This may be technically true, but this argument avoids the reality of a board proceeding which indeed pronounces a judgment on acts of misconduct. To adopt a restriction on self-incriminating statements in board proceedings would bring them in line with an important constitutional precept.

A third restriction which deserves consideration is the prohibition of evidence which relates to conduct which is not "service-connected." The case of *O'Callahan v. Parker*[75] established the principle that the military cannot try a man for misconduct which is not "service-connected." Can he nonetheless be discharged for such conduct? There is no disagreement that the services can and should use civil convictions as a basis for discharge, but the introduction of evidence relating to conduct not connected with the service presents a more compelling question. S. 2247 does not provide such a limitation and, in fact, provides that boards may consider conduct which took place within three years prior to the convening of the board. This may well mean that conduct could be

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Footnotes at end of article.

considered which took place prior to the serviceman's entry into active duty.

Whatever evidentiary restrictions are incorporated into statute or regulation, there must be some authority or some body to determine if proposed evidence violates these standards. Both bills answer this need by providing for the appointment of a legal advisor to the administrative board to rule on such questions. The Bennett bill makes such appointment mandatory except where physical exigencies do not permit.[76] S. 2247 provides that the appointment is mandatory when requested by the respondent or the board, unless compelling reasons for refusing the request are present. Otherwise, the appointment is discretionary with the convening authority.[77]

The military was initially opposed to the concept of a legal advisor because it would further drain the supply of legal officers. They contended that the right to legal representation offered the respondent adequate protection at the hearing.[78] At the House hearing on the Bennett bill, however, the Defense Department dropped its opposition and affirmatively proposed such a provision.[79] The House committee added the provision for a legal advisor to the original bill after the hearings were completed.[80]

There may indeed be cases where there are no evidentiary questions, no motions, no challenges, and no other legal issues for a legal advisor to rule upon. This situation may well be obvious prior to the hearing. The convening authority, under the provisions of S. 2247, may thus refuse a request for the appointment of a legal advisor. In this sense, S. 2247 actually comes closer than the Bennett bill in limiting the requirement for legally qualified personnel for detail to board proceedings to those instances in which one is necessary.

Post hearing rights

Under present regulations, the findings and recommendations of an administrative board are typically sent through the chain of command to the discharge authority, who may or may not follow the board's recommendation and who may or may not receive a legal opinion on the validity of the board proceeding.[81]

The pending bills both provide for some type of review of the board's determination before final action is taken by the discharge authority. The Bennett bill provides that the Judge Advocate General of each service will establish review boards to which the serviceman may appeal the board's decision.[82] S. 2247 provides that the Secretary of Defense will provide by regulation that all administrative board decisions recommending a less than honorable discharge be subject to a mandatory review for legal sufficiency. It further provides that the Court of Military Appeals will establish grounds for discretionary appeal of administrative decisions.[83] Both bills provide that a decision on review may not be less favorable than that adjudged by the administrative board.

Until the 1971 hearings, the military had consistently opposed any review of administrative board decisions on the grounds that there already exist instrumentalities to review discharges, namely, the Discharge Review Boards and Boards for Correction of Military Records found in each branch of service.[84] The difficulty with this argument was that review took place after the serviceman had been discharged, and often took as long as two years after application for review was filed. What is more, these boards did not have the power of reinstatement and could not give complete relief even in clear cases of improper discharges.

The military claimed that review would only delay the discharge still longer and further reduce its value as a personnel tool.[85] They further argued that appeals of administrative decisions should be kept out of the judicial sector of the military which has little knowledge of the administrative area and which has too burdensome a workload without this added responsibility.[86]

The military has now dropped its opposition to review of administrative board decisions by legally-qualified personnel.[87] It has in fact supported a proposal to establish three-man boards which would review board decisions as a matter of law. The review board under the Defense Department's proposal would be restricted to consideration of the verbatim record of the hearing and written legal arguments, but may, in its discretion, require a hearing. The military's new approach to this issue is to be applauded. While some delay in obtaining the discharge is inevitable, the delay need not be any longer than what is now often required for review by the staff judge advocate of the convening authority or higher levels of command where it is in fact performed. Pre-discharge review provides additional safeguards for the respondent and assures that the procedures established by regulation and statute will be conscientiously observed.

The military still continues to balk at the judicial review of administrative boards' actions, even on a discretionary basis, provided for in S. 2247. They react negatively to the additional time required for such review [88] and the injection of the administrative proceeding into the criminal justice structure which they claim neither has the time nor the expertise to deal with such problems.[89]

The latter objection is not convincing in light of the testimony of Chief Judge Quinn of the Court of Military Appeals who candidly stated at the 1966 hearings that the workload of the court was not heavy, and that the court possessed sufficient expertise—especially in regard to issues of due process—to consider appeals from a review board's decisions.[90]

Court of Military Appeals review will involve further delay of the discharge. But the time could be shortened by providing that petition for discretionary review be made first to an intermediate Court of Military Review or the boards established under S. 2247 or the Bennett bill rather than directly to the Court of Military Appeals.

The discretionary nature of the review authorized by S. 2247 is designed to minimize the number of cases which run the entire appellate process. Only those cases will be chosen which present novel or compelling issues of law. It is common knowledge that the court has always handled its caseload expeditiously and seldom has a backlog.

The Court of Military Appeals review enables a superior military court of distinguished quality and unquestioned integrity to ensure that the rules of all the services comport with the statutory requirements and that the board hearings are conducted according to applicable law. Only by means of such an ultimate judicial review can we assure the necessary conformity contemplated by the Department of Defense directives and the statutory reforms. Review by the Court of Military Appeals would go far to assure servicemen and the general public alike that the administrative discharge process is indeed operated fairly and justly. It would obviate the need for special injunctive intervention by federal courts into the administrative process and do much to restore the often tarnished reputation of the administrative discharge process. While S. 2247 does not specifically require review by "legally-qualified" personnel at the intermediate stage, it does provide that the board's decision will be reviewed for legal sufficiency. Review by legally-qualified personnel is therefore implied but not obligatory. At some stage, and certainly at the final stage, undesirable discharges must be subject to review by a fully competent judicial body. Absent this, there is the danger that all the protections ostensibly granted by statute and regulation may be lost in practice.

CONCLUSION

Former Assistant Secretary of Defense for Manpower Thomas D. Morris made the following statement in his testimony before the Subcommittee on Constitutional Rights in 1966:

"The Department of Defense, no less than this committee, holds that military service in the Armed Forces of the Nation should not abridge or deprive any American citizen of the substance of constitutional rights to which he would otherwise be entitled as a private citizen, insofar as this is compatible with his status as a member of the Armed Forces. We further recognize that our system of military justice must be responsive to the special conditions of current military service as well as to constitutional essentials. Our administrative discharge and separation procedures likewise should be guided by the sense of justice and fairplay that every American has a right to expect from his Government." [91]

It is this very sense of "justice and fair play," tempered by the recognized necessity for a strong and efficient military, which S. 2247 attempts to bring to an area which has been riddled with abuse and inconsistency. The military has demonstrated, if at times reluctantly, that it is amenable to change in the interests of protecting the constitutional rights of its members. It is time now for the Congress to at last take the initiative to insure that the guarantees of the Constitution are not slighted by the military administrative discharge procedure.

FOOTNOTES

* United States Senator, North Carolina; Chairman, Senate Subcommittee on Constitutional Rights. The author wishes to acknowledge the valuable assistance of Lewis B. Snider, LL.B. University of Virginia Law School, 1969, Assistant Counsel to the Subcommittee, in the preparation of this article.

[1] *Hearings on H.R. 523 Before Subcommittee No. 3 of the House Armed Services Committee*, 92d Cong., 1st Sess. 5868–5869 (1971) [hereinafter cited as *1971 Hearings*].

[2] *Id.* at 5868.

[3] *See* Harmon v. Brucker, 355 U.S. 579 (1958) (per curiam) and Beard v. Stahr, 370 U.S. 41 (1962) (per curiam) as examples of judicial challenges to discharge procedures. Also, a general discussion of judicial review of military determinations can be found in Sherman, *Judicial Review of Military Determinations and the Exhaustion of Remedies Requirement*, 55 VA. L. REV. 483 (1969).

[4] *Hearings on the Constitutional Rights of Military Personnel Before the Senate Subcommittee on Constitutional Rights*, 87th Cong., 2d Sess. (1962) [hereinafter cited as *1962 Hearings*].

[5] *Joint Hearings on Military Justice Before the Senate Subcommittee on Constitutional Rights and a Special Subcommittee of the Armed Services Committee*, 89th Cong., 2d Sess. (1966) [herinafter cited as *1966 Hearings*].

[6] 10 U.S.C. § 1169 (1970).

[7] *See generally*, MANUAL FOR COURTS-MARTIAL, para. 126 (rev. ed. 1969). Officers do not receive dishonorable discharges but can be dismissed by a general court-martial. Similarly, officers do not receive bad conduct discharges, but are subject to discharge as undesirable.

[8] DoD Directive 1332.14, *Administrative Discharges*, January 14, 1959.

[9] DoD Directive 1332.14, *Administrative Discharges*, December 20, 1965.

[10] *Id.*

G. *Unsuitability*. Discharge by reason of unsuitability, with an Honorable or General Discharge as warranted by the individual's military record. Such discharge may be effected when it has been determined that an individual is unsuitable for further military service because of:

1. *Inaptitude:* Applicable to those persons

who are best described as inapt due to lack of general adaptability, want of readiness of skill, unhandiness, or inability to learn.

2. *Character and Behavior Disorders.*

3 *Apathy, defective attitudes, and inability to expend effort constructively:* As a significant observable defect, apparently beyond the control of the individual, elsewhere not readily describable.

4. *Enuresis.*

5. *Alcoholism.*

6. *Homosexuality and other aberrant tendencies.*

7. *Financial Irresponsibility.*

H. *Security.* Discharge, with the character of discharge and under conditions and procedures stipulated by the Secretary of Defense as set forth in reference (c) which deals explicitly with this matter, when retention is not clearly consistent with the interest of national security.

I. *Unfitness.* Discharges by reason of unfitness, with an Undesirable Discharge, unless the particular circumstances, in a given case warrant a General or Honorable Discharge, when an individual's military record in his current enlistment or period of obligated service includes one or more of the following:

1. Frequent involvement of a discreditable nature with civil or military authorities.

2. Sexual perversion including but not limited to (1) lewd and lascivious acts, (2) homosexual acts, (3) sodomy, (4) indecent exposure, (5) indecent acts with or assault upon a child, or (6) other indecent acts or offenses.

3. Drug abuse as defined in DoD Directive 1300.11.

4. An established pattern for shirking.

5. An established pattern showing dishonorable failure to pay just debts.

6. An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.

7. Unsanitary habits.

J. *Misconduct.* Discharge by reason of misconduct, with an Undesirable Discharge, unless the particular circumstances in a given case warrant a more favorable discharge, when one or more of the following conditions have been determined:

1. Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender or is placed on probation or punished in any way as the result of an offense involving moral turpitude. If the offense is not listed in the MCM Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies.

2. Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, omission or concealment which if known at the time might have resulted in rejection.

3. Prolonged unauthorized absence. When unauthorized continuous absence of one year or more has been "established."

[11] Statement of Maj. Gen. James S. Cheney, Judge Advocate General, Air Force, *1971 Hearings, supra* note 1, at 5900: "I think you have to say legally the bad conduct discharge is more serious than the undesirable. The practical effects is [sic] something else." *See also Id.* at 5899, 5967; *1962 Hearings, supra* note 4, at 188, 328; *1966 Hearings, supra* note 5, at 293, 335.

[12] Former Congressman Clyde Doyle, *1962 Hearings, supra* note 4, at 328:

[If a man is undesirable,] you don't want anything to do with him. You don't go into detail to find out what makes him undesirable. You think he may be a thief, he may be a homosexual, he may not be supporting his children, his family in the minds of some people, but he is undesirable, you don't want him around. And I think the ordinary patriotic, sound-thinking American citizen doesn't want to have anything to do with an undesirable man and that applies to an undesirable man from the military. Something has occurred there in the military for which he has gotten an undesirable discharge. It is a stigma. It is a liability and a heavy one.

See also 1971 Hearings, supra note 1, at 5835.

[13] *1966 Hearings, supra* note 5, at 411.

[14] DoD Directive 1332.14, Section VIII(C) (1965).

[15] The Department of the Air Force itself acknowledges that a "general discharge has been found to be a definite disadvantage to an airman seeking civilian employment." AFR 39–10, para. 8a (March 17, 1959). *See also: 1966 Hearings, supra* note 5, at 341; *1971 Hearings, supra* note 1, at 5983, 5988; Bland v. Connally, 293 F.2d 852 (D.C. Cir. 1961).

[16] *1971 Hearings, supra* note 1, at 5870.

[17] Everett, *Military Administrative Discharges—The Pendulum Swings,* 1966 Duke L.J. 44.

[18] Army Regulation 635–212, § IV(10) (15 July 1966).

[19] General discharge certificates, as all discharge certificates, are annotated with "separation program numbers" which indicate the reason for discharge. Employers who are aware of the codes would thus be informed of the reason for discharge even though it is not evident from the term "general."

[20] Statement of Maj. Gen. Leo E. Benade, Deputy Assistant Secretary of Defense for Military Personnel Policy, *1971 Hearings, supra* note 1, at 5865: "In the case of undesirable discharges which have been given for security, unfitness, and misconduct, we believe that this is an administrative procedure. It does not carry with it the punitive aspects of a dishonorable or bad conduct discharge." *See also, 1966 Hearings, supra* note 5, at 356.

[21] *1966 Hearings, supra* note 5, at 356.

[22] *Id.* at 360.

[23] *Id.*

[24] *1971 Hearings, supra* note 1, at 5835, 5836; *1966 Hearings, supra* note 5, at 87.

[25] Statement of Maj. Gen. Kenneth J. Hodson, formerly Assistant Judge Advocate General, Army, *1966 Hearings* at 388:

"The unfit, the unsuitable, should be separated from the military service. . . . The only problem we have is how do we characterize his service. It is the position of the Department of Defense that we should be allowed to characterize a man's service as either honorable, general, or undesirable by an administrative proceeding."

[26] *1966 Hearings* at 119–122, 130, 209–210, 423.

[27] Statement of Maj. Gen. Leo E. Benade, Deputy Assistant Secretary of Defense for Military Personnel Policy, *1971 Hearings, supra* note 1, at 5866:

"The trouble with it [eliminating a characterization of discharges] is that it lowers the prestige. It diminishes the value of the discharge to the man who has given honorable service. You need a way to characterize the service for what it truly is. To lump them all together into one discharge, an honorable discharge, or whatever terms would apply to it, you would have no way of distinguishing or recognizing the man who has really performed his service honorably." *See also, 1966 Hearings, supra* note 5, at 88.

[28] *See* note 15, *supra.*

[29] *See* note 10, *supra.*

[30] *1971 Hearings, supra* note 1, at 5864.

[31] In 1960 the judges of the Court of Military Appeals warned against this method of subverting the Code in their annual report. S. 2247 would resolve the problem by prohibiting an administrative discharge based on grounds which amount to a violation of the Uniform Code. *See* § 943(b).

[32] *1966 Hearings, supra* note 5, at 361–80.

[33] *Id.* at 367–71.

[34] *Id.* at 365.

[35] The military contends with less justification that all misconduct should not be brought under the Code because some misconduct—homosexual acts, for example—typically cannot be proved by evidence admissible in a court-martial. They further add that some acts of misconduct which form a basis for discharge do not involve moral turpitude, but represent only an inordinate expenditure of administrative time, and therefore, a court-martial from which a federal conviction may issue, is an inappropriate and possibly too severe alternative. *See generally 1966 Hearings, supra* note 5, at 360–80.

[36] *1966 Hearings, supra* note 5, at 84, 362.

[37] Article 127(c)(B) of the *Manual for Courts-Martial* provides that a court-martial may authorize as an additional punishment a bad conduct discharge to servicemen who have two prior court-martial convictions on their record. The use of this provision is discouraged, however, unless the prior convictions have been for serious misconduct. *Id.* § 76a.

[38] *1966 Hearings, supra* note 5, at 84.

[39] 395 U.S. 258 (1969).

[40] *1971 Hearings, supra* note 5, at 5915.

[41] S. 2247, 92d Cong., 2d Sess. § 964(c) (1971).

[42] *Id.* § 944(b).

[43] *Id.* § 964(c).

[44] Section 946 of the bill provides for the detail of a legal advisor to the administrative board who would make such a determination. The role of the advisor will be discussed in detail later in this article.

[45] H.R. 10422, 92d Cong., 2d Sess. § 1161(a) (3–6) (1971).

[46] DoD Directive 1332.14, § IX(c) (1965).

[47] Army Regulation 635–212, § 17; Bureau of Naval Personnel Manual, Part C, § C–10311 (4); Air Force Manual 39–12, § D(1–25c); Coast Guard Personnel Manual, § 12–B–14(a).

[48] H.R. 10422, *supra* note 45, § 1161(b) (1971).

[49] S. 2247, *supra* note 41, § 952.

[50] *Id.* § 953.

[51] DoD Directive 1332.14, § VIII(D) (1965).

[52] H.R. 10422, *supra* note 45, § 1161(a)(2); S. 2247, *supra* note 41, § 955(c).

[53] DoD Directive 1332.14, § IX(C)(4) (1965).

[54] S. 2247, *supra* note 41, § 960.

[55] H.R. 10422, *supra* note 45, § 1161(a).

[56] *See* Fed. R. Civ. P. 30(a), and Fed. R. Crim. P. 15(a). *See also,* 16 C.F.R. 3.33(a) and 18 C.F.R. 124(a), (c), as examples of liberal deposition procedures in federal agencies.

[57] DoD Directive 1332.14, § IX(c)(3) (1965).

[58] H.R. 10422, *supra* note 45, § 1161(b)(2); S. 2247, *supra* note 41, § 960(a).

[59] *1971 Hearings, supra* note 1, at 5854. Statement of Maj. Gen. Leo E. Benade, Deputy Assistant Secretary of Defense for Military Personnel Policy: "The Department of Defense strongly favors empowering boards with what amounts to subpoena power."

[60] H.R. 10422, *supra* note 45, § 1161(c); S. 2247, *supra* note 41, § 952.

[61] DoD Directive 1332.14, Sec. IX(C) (1965). Army Regulation 635–212, Sec. 17(c); Bureau of Naval Personnel Manual, Part C, § C–10311 (5); Air Force Manual 39–12, § 3–6(c).

[62] S. 2247, *supra* note 41, § 959(d).

[63] DoD Directive 1332.14, § IX(B) (1965).

[64] S. 2247, *supra* note 41, § 959(a).

[65] *Id.*

[66] *Id.* § 959(b).

[67] *Id.* § 959(d).

[68] Lane, *Evidence and the Administrative Discharge Board,* 55 Mil. L. Rev. 105 (1972).

[69] *Id.*

[70] *Id.*

[71] This standard is incorporated into the administrative procedures statute of California. CAL. GOV. CODE ANN. § 11513(c) (West 1966).

[72] *1966 Hearings, supra* note 5, at 86. Maj. Gen. Kenneth J. Hodson, then Assistant Judge Advocate General, Department of the Army, called this the "typical" case.

[73] Camara v. Municipal Court, 387 U.S. 523 (1967).

[74] Judge Advocate General of the Army Opinion, 1967/3727, 31 March 1967.

[75] 395 U.S. 258 (1965).

[76] H.R. 10422, *supra* note 45, § 1161(d).

[77] S. 2247, *supra* note 41, at § 946.

[78] *1966 Hearings, supra* note 5, at 357.

[79] *1971 Hearings, supra* note 1, at 5854.

[80] H.R. 10422, *supra* note 45, § 1161(d).

[81] DoD Directive 1332.14, § IX(D) (1965); Army Regulation 635–212, § 13–15; Air Force Manual 39–12, § 2–18. The Navy and Coast Guard require review of all administrative discharges by the Chief of Naval Personnel and the Coast Guard Commandant, respectively. Bureau of Naval Personnel Manual, Part C, § C–10313A; Coast Guard Personnel Manual, § 12–B–16.

[82] H.R. 10422, *supra* note 45, § 1161(e).

[83] S. 2247, *supra* note 41, § 996.

[84] *1966 Hearings, supra* note 5, at 89.

[85] *1971 Hearings, supra* note 1, at 5925–26.

[86] *1966 Hearings, supra* note 5, at 89.

[87] *1971 Hearings, supra* note 1, at 5837.

[88] *Id.* at 5915.

[89] *Id.* at 5910.

[90] *1966 Hearings, supra* note 5, at 283–87.

[91] *Id.* at 12.

S. 2684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "Military Administrative Discharge Procedure Act of 1973."

SEC. 2. Title 10, United States Code, is amended by adding after chapter 47 thereof a new chapter as follows:

"Chapter 48.—ADMINISTRATIVE DISCHARGE BOARDS

"Sec.
"941. Definitions.
"942. Persons subject to this chapter.
"943. Restrictions on discharges under other than honorable conditions; restrictions on administrative discharges for unsuitability, misconduct, unfitness, or security.
"944. Jurisdiction of administrative discharge boards; functions; composition.
"945. Who may appoint administrative discharge boards; who may serve on such boards.
"946. Detail of legal adviser to board.
"947. Detail of counsel to represent respondent.
"948. Detail of recorders; duties.
"949. Detail or employment of reporters.
"950. Secretary of Defense to prescribe rules.
"951. Unauthorized attempt to influence board actions.
"952. Notice to respondent.
"953. Notice to parents of respondent.
"954. Notice to counsel of respondent.
"955. Waiver of rights by respondent; discharge for the good of the service.
"956. Sessions of the board.
"957. Challenges.
"958. Oaths.
"959. Prohibition on use of certain evidence.
"960. Opportunity to obtain witnesses and other evidence.
"961. Voting and rulings.
"962. Record of the board proceedings.
"963. Action of the discharge authority.
"964. Type and character of administrative discharges; grounds for awarding.
"965. Discharge for the convenience of the Government.
"966. Review of administrative discharge actions.

"§ 941. Definitions

"In this chapter:

"(1) 'Member' means an enlisted member, a warrant officer, or a commissioned officer of the armed forces.

"(2) 'Administrative discharge board' is an administrative board appointed under regulations of the Secretary concerned for the purpose of making findings and recommendations with respect to whether or not a respondent should be retained in the armed forces or administratively discharged therefrom and to recommend the type of discharge to be furnished when discharge is recommended.

"(3) 'Board' means an administrative discharge board unless otherwise indicated.

"(4) 'Respondent' means a member of the armed forces against whom action has been initiated with a view to administratively discharging him from the armed forces pursuant to the provisions of this chapter.

"(5) 'Discharge authority' is the official authorized to order the administrative discharge of any respondent.

"(6) 'Appointing authority' is any official designated by regulations of the armed force concerned to appoint an administrative discharge board.

"(7) 'Administrative discharge' or 'administratively discharged' means discharge by administrative action as provided in this chapter or by other provisions of law, but does not include discharge or dismissal from military service pursuant to the sentence of a general or special court-martial.

"(8) 'Discharge' means complete severance of a member from the Armed Forces or his separation from active duty.

"(9) 'Legal adviser' means a commissioned officer qualified under section 827(b)(1) of this title (article 27(b)(1)) and certified by the Judge Advocate General of the Armed Force of which such officer is a member to be qualified for duty as a legal adviser to administrative discharge boards.

"(10) 'Honorable discharge' means discharge from an Armed Force with honor.

"(11) 'General discharge' means discharge from an Armed Force with honor.

"(12) 'Undesirable discharge' means discharge from an Armed Force under conditions other than honorable.

"§ 942. Persons subject to this chapter

"The provisions of this chapter are applicable to all members of the Armed Forces who are serving on active duty and to all members of the Armed Forces not serving on active duty who are serving in a Reserve component.

"§ 943. Restrictions on discharges under other than honorable conditions; restrictions on administrative discharges for unsuitability, misconduct, unfitness, or security

"(a) Unless otherwise authorized by law, no member may be discharged under other than honorable conditions except for misconduct, unfitness, or security, and no member may be discharged for unsuitability, misconduct, unfitness, or security except in accordance with the provisions of this chapter.

"(b) Except as provided in section 964 (b), (c), (d), (e) and (f) of this title, no member may be administratively discharged for unsuitability, misconduct, unfitness, or security by reason of conduct which constitutes an offense punishable under chapter 47 of this title.

"§ 944. Jurisdiction of administrative discharge boards; functions; composition

"(a) An administrative discharge board is a factfinding body whose function it is to—

"(1) conduct a fair and impartial hearing of the alleged grounds for the proposed administrative discharge of a respondent;

"(2) receive and consider evidence on the question of whether a respondent should be administratively discharged;

"(3) make findings on the basis of the evidence presented to it;

"(4) determine, on the basis of its findings whether the respondent should be retained in the Armed Forces or administratively discharged therefrom;

"(5) recommend to the discharge authority that the respondent be retained in the Armed Forces or administratively discharged therefrom;

"(6) recommend the type of discharge to be issued if the board recommends that the respondent be discharged; and

"(7) specify the reasons for its recommendations.

"(b) An administrative discharge board shall be composed of not less than three commissioned officers at least one of whom shall be serving in the grade of major, or the equivalent thereof, or higher. If the respondent is a commissioned officer, no voting member of the board shall be junior to him in rank or grade when it can be avoided. If the respondent is an enlisted member who holds an appointment as a Reserve commissioned or warrant officer, the membership of the board shall be composed of a majority of Reserve officers if reasonably available; and if a majority is not available, the voting membership of the board shall include at least one Reserve component officer. Voting members of the board shall be senior to the respondent's Reserve grade. If the respondent is an enlisted woman, the board shall include a female officer as a voting member.

"§ 945. Who may appoint administrative discharge boards; who may serve on such boards

"(a) Administrative discharge boards may be appointed by the President of the United States, the Secretary of any armed force or by any commanding officer designated as an appointing authority by the Secretary concerned.

"(b) Any commissioned officer on active duty is eligible to serve on an administrative discharge board convened under authority of this chapter.

"(c) When appointing an administrative discharge board, the appointing authority shall detail as members thereof such members of the armed forces as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of an administrative discharge board if he is a complainant against the respondent, is to give testimony before the board concerning the respondent, has information or knowledge concerning the respondent which may affect his judgment in the proceedings before the board, or served as a member or recorder of a board before which the respondent previously appeared as a respondent.

"§ 946. Detail of legal adviser to board

"Except where military exigencies do not permit, the appointing authority shall detail a legal adviser to any administrative discharge board appointed by him. The person detailed as legal adviser shall be a commissioned officer qualified under section 827(b)(1) of this title (article 27(b)(1)) and certified to be qualified for such duty by the Judge Advocate General of the armed force of which he is a member. A person qualified as a military judge under chapter 47 of this title shall be qualified as a legal adviser under this chapter. In any case in which the appointing authority, for reasons of military exigency, does not detail a legal adviser to the board, the appointing authority shall submit a statement in writing explaining the reasons for his failure to detail such adviser and such statement shall be included as a part of the record.

"§ 947. Detail of counsel to represent respondent

"The appointing authority shall detail counsel to represent any respondent ordered to appear before an administrative discharge board. Counsel detailed to represent a respondent shall be qualified under section 827 (b)(1) of this title (article 27(b)(1)). A respondent may be represented by military counsel of his choice if reasonably available or by civilian counsel at the expense of the respondent.

"§ 948. Detail of recorders; duties

"Under such regulations as the Secretary concerned may prescribe, the appointing authority shall detail a person to serve as recorder to every administrative discharge board. The recorder shall not be a member of the board and shall have no vote. It shall be the duty of the recorder to present evidence to the board and to perform such other duties not inconsistent with the provisions of this chapter as the Secretary of Defense may prescribe by regulation.

"§ 949. Detail or employment of reporters

"Under such regulations as the Secretary of Defense may prescribe, the appointing authority shall detail or employ qualified reporters to record the proceedings of and testimony taken before administrative boards appointed by such appointing authority.

"§ 950. Secretary of Defense to prescribe rules

"(a) The Secretary of Defense shall prescribe by regulation the rules of procedure, including the kinds of evidence which may be presented, to be followed in cases before administrative discharge boards. All rules and regulations made under this section shall be uniform insofar as practicable, shall not be contrary to or inconsistent with the provisions of this chapter, and shall be reported to the Congress. The procedural safeguards prescribed in this chapter shall be considered minimum requirements in the case of all board proceedings conducted under this chapter, and nothing herein shall be construed as prohibiting the Secretary of Defense from providing any procedural safeguard for the benefit of the respondents not required by this chapter.

"(b) Regulations promulgated by the Secretary of Defense regarding evidence shall require the following:

"(1) no evidence shall be admitted before any administrative board unless such evidence is relevant, material, and probative of the case under consideration;

"(2) the burden of establishing the facts alleged as the basis for administratively discharging the respondent from the armed forces is on the armed force concerned;

"(3) the findings and recommendations of the board and the action of the discharge authority shall be based on the preponderance of the evidence presented to the board;

"(4) no evidence adverse to the respondent shall be presented to the board over objection unless the respondent has had an opportunity, through counsel, to cross-examine by deposition or in person before the board the person giving such evidence;

"(5) no investigative report shall be admitted into evidence at any such hearing unless a copy of the report has been made available to the respondent and his counsel a reasonable period of time in advance of the hearing, and an opportunity has been given to cross-examine the person who conducted the investigation on which such report is based. Matter contained in investigative reports which, for security reasons, is denied to respondent, shall not be presented to the board;

"(6) respondent has the right to remain silent at the board hearing;

"(7) no evidence will be considered by the board which has been obtained from respondent by coercion; and

"(8) no evidence will be considered by the board which is the product of an unlawful search and seizure of respondent's property.

"(c) The Secretary of Transportation shall prescribe the rules and regulations required under the first two subsections of this section for the Coast Guard when not operating as a service in the Navy.

"§ 951. Unauthorized attempt to influence board actions

"(a) No appointing authority, nor any other commanding officer, may censure, reprimand, or admonish any administrative discharge board, other board, court of inquiry, or commission, or any member, legal adviser, recorder, or counsel thereof, with respect to the findings and recommendations made by such board, court, or commission, or with respect to the exercise of its functions and duties in the conduct of any past, pending, or future proceedings before such board, court, or commission. The foregoing provisions of this subsection shall not apply with respect to general instructional or informational courses relating to board, court, or commission proceedings if such courses are designed solely for the purpose of instructing members of a command in the substantive or procedural aspects of proceedings before any such board, court, or commission.

"(b) No person subject to this chapter may attempt to coerce or, by any unauthorized means, influence the action of any administrative discharge board, court of inquiry, or commission, or of any member of such board, court, or commission in reaching the findings or recommendations in any proceeding before such board, or the action of any appointing, approving, or reviewing authority with respect to his acts of approval or disapproval of the findings or recommendations made by any such board, court, or commission.

"(c) Any person subject to this chapter who is guilty of violating subsection (a) or (b) of this section shall be punished as a court-martial may direct.

"(d) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty, no person subject to this chapter may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a board, court, or commission, or (2) give a less favorable rating or evaluation of any member of the armed forces because of the zeal with which such member, as counsel, represented any respondent before any such board court. or commission.

"§ 952. Notice to respondent

"(a) An administrative discharge board may not begin consideration of the case of any respondent unless such respondent has been notified, as provided in this section, that action has been initiated to administratively discharge him from the armed forces. Such notice shall be given in writing not less than fifteen days prior to the date on which the board is to begin consideration of the case and shall inform the respondent of (1) the nature of the board hearing, (2) the allegations and evidence against him, including the names and addresses of all persons expected to present evidence before the board for the Government, (3) the applicable statutes and regulations, (4) his right to be represented by counsel, (5) his right to present evidence in his own behalf, to call witnesses, to cross-examine all witnesses called by the board (6) his right to remain silent, and (7) actions which may be taken by the board.

"(b) If a respondent is in civil confinement, and such fact is known by the appointing authority, notice of proposed board hearing must be sent to the respondent by registered mail not less than thirty days prior to such proposed board hearing. Such notice shall include the provision contained in § 955(b).

"(c) If a respondent is absent without official leave, notice of the proposed board hearing shall be mailed to him at his last known address and to his next of kin, if known. Such notice shall include the provision contained in § 955(b).

"§ 953. Notice to parents of respondent

"In any case in which a member is ordered to appear as respondent before an administrative discharge board and such respondent is under twenty-one years of age, or is twenty-one years of age or older and is unable for any reason to understand and appreciate the nature, purpose, and possible consequences of the proposed board hearing, written notice of the proposed board hearing shall be sent by registered mail to the last known address of the parents of the respondent or to his next of kin if both parents are deceased.

"§ 954. Notice to counsel of respondent

"A copy of all notices and other information relating to the administrative discharge proceeding shall be given by the appointing authority to the officer detailed, or otherwise designated, as counsel for the respondent.

"§ 955. Waiver of rights of respondent; discharge for the good of the service

"(a) A respondent may waive his right to a hearing before an administrative discharge board if he certifies in writing that he understands the consequences of such action and has consulted with counsel qualified under section 827(b)(1) of this title (article 27(b)(1)) and detailed to represent him. A waiver shall not be accepted if executed by a respondent within a period of twenty-four hours after receipt of notification of the proposed board hearing, or if the appointing authority determines that the waiver was improvidently made or that the respondent does not fully comprehend the consequences of his decision.

"(b) A respondent who is in civil confinement or who is absent without official leave and who fails to respond within a period of thirty days after the date on which notice has been mailed to him may be deemed to have executed a written waiver of his right to a board hearing under this chapter.

"(c) A respondent who waives a hearing before a discharge board as provided by subsection (a), shall receive a discharge for the good of the service. The discharge will be characterized in accordance with the provisions of § 964.

"§ 956. Sessions of the board

"(a) When an administrative discharge board deliberates or votes, only the voting members of the board may be present. All other proceedings of the board shall be made a part of the record and, except as otherwise provided in subsection (b) of this section, shall be in the presence of the respondent, his counsel, and the legal adviser if one has been detailed.

"(b) In any case in which the respondent is unable to appear before the board because of civil confinement, the board may convene and hear the case of such respondent in absentia if the appointing authority so directs and the respondent is represented before the board by counsel qualified under section 827(b)(1) of this title (article 27 (b)(1)) or by counsel of his choice.

"§ 957. Challenges

"Members of an administrative discharge board, the recorder, and the legal adviser, if one has been detailed, may be challenged by the respondent for cause. The legal adviser shall normally determine the relevancy and validity of such challenges. Where no legal adviser has been detailed, the members will decide the challenge by a majority vote, with the challenged member not voting. A tie vote disqualifies the member challenged.

"§ 958. Oaths

"(a) Members of an administrative discharge board, the recorder, the legal adviser, if one has been detailed, military counsel, and the reporter shall take an oath prescribed by the Secretary of Defense to perform their duties faithfully. The Secretary of Defense may provide by regulation that once an oath to perform faithfully duties as legal adviser, military counsel, and recorder has been taken by an officer certified to be qualified or competent to perform any such duties, such an oath need not be taken each time such officer is detailed to perform such duties.

"(b) Each witness before any such board shall be examined under oath.

"§ 959. Prohibition on use of certain evidence

"(a) No act or omission on the part of any respondent shall be admitted in evidence against him before any administrative discharge board if such act or omission did not occur while a member of the armed forces and took place more than three years prior to the date of the order directing such board to hear the case of the respondent, or prior to the current enlistment or current tour of active duty of the respondent plus any voluntary or involuntary extensions thereof, whichever period is longer; and no such act or omission shall be alleged or mentioned in any evidence presented to the board.

"(b) Notwithstanding the provisions of subsection (a) of this section, evidence relating to an act or omission of the respondent which occurred in the enlistment preceding the respondent's current enlistment or tour of active duty may be alleged and admitted in evidence against the respondent in showing that his current enlistment or tour of active duty was based upon a material misrepresentation or fraud which would have prevented or delayed his enlistment or tour of active duty and could not have been discovered by the exercise of due diligence on the part of the armed force concerned.

"(c) No act or omission on the part of any respondent shall be admitted in evidence against him before any administrative discharge board if such act or omission was wholly or in part the basis of any charge for which he was tried by a civil court or a court-martial and acquitted; or for which he was not acquitted or convicted but for which he cannot again be tried by reason of former jeopardy.

"§ 960. Opportunity to obtain witnesses and other evidence; depositions; right to present and examine evidence

"(a) An administrative discharge board and respondent shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the Secretary of Defense may prescribe. Process issued in board cases to compel witnesses to appear and testify and to compel the production of other evidence shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue and run to any part of the United States, territories, Commonwealths, and possessions.

"(b)(1) At any time after a respondent has been notified that he is to appear before an administrative discharge board, any party may take oral or written depositions unless the appointing authority forbids it for good cause.

"(2) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

"(3) The Secretary of Defense shall issue regulations governing the taking and use of depositions under this chapter. The regulations shall provide for the appointment where necessary of assistant counsel to represent a party in the taking of depositions.

"(c) Subject to the criteria contained in § 950(b)(1), the respondent shall have the right to submit to the board any sworn or unsworn statement, affidavit, certificate, or stipulation in his own behalf. He may, if he chooses, submit to examination by the board under oath. He and his counsel shall be given the opportunity to examine all witnesses called before the board and shall be permitted to examine all documents, papers, exhibits, and other evidence presented to the board.

"§ 961. Voting and rulings

"(a) The findings and recommendations of administrative discharge boards shall be by majority vote.

"(b) The legal adviser shall rule on the admissibility of evidence and on all interlocutory motions. Where no legal adviser has been detailed, the board shall rule on all interlocutory motions by majority vote.

"§ 962. Record of the board proceedings

"(a) A record of the proceedings before an administrative discharge board shall be kept. The record shall be authenticated in such manner as may be prescribed by the Secretary of Defense. A copy of the authenticated record shall be given the respondent.

"(b) An undesirable discharge may not be recommended unless a verbatim record is kept of all proceedings before the administrative discharge board by the reporter detailed to such board. A verbatim record shall be kept in any other case in which (1) the board determines that a verbatim record is necessary for a fair and impartial review of the board proceedings, (2) the discharge authority so orders, or (3) regulations of the Secretary of Defense require such action.

"§ 963. Action of discharge authority

"(a) In any case in which the administrative discharge board recommends that the respondent be discharged from the service, the appointing authority may—

"(1) approve the recommendations of the board if he determines that the findings and recommendations of the board are supported by a preponderance of the evidence in the record;

"(2) disapprove the recommendations of the board with respect to the type of discharge to be given the respondent and order a more favorable discharge if he determines that such action is warranted by the evidence in the record or in the interests of justice;

"(3) approve the board's recommendations for discharge but change the basis therefor if the record indicates such action would be appropriate, but he may not designate unfitness or misconduct as the basis of the discharge if the board has recommended discharge for unsuitability;

"(4) disapprove the recommendations of the board and appoint a new board to consider the case of the respondent if he determines that a legal error was committed prejudicial to the rights of the respondent or that the interests of justice would be served by such action, but he may not approve any finding or recommendation made by the new board which is less favorable to the respondent than the finding and recommendations made by the previous board if the evidence before the second, or subsequent, board is substantially the same as the evidence that was before the previous board;

"(5) disapprove the recommendations of the board and order that the respondent be retained in the service; or

"(6) approve the board's recommendation for discharge but suspend the execution of the discharge for such period of probation as he deems appropriate.

"(b) In any case in which an administrative discharge board recommends that the respondent be retained in the service, the appointing authority may not order discharge, and no new board may be appointed to consider the case of the respondent if the evidence before the second, or subsequent, board is substantially the same as the evidence before the previous board.

"(c) Notwithstanding subsection (b), in any case in which the findings and recommendations of an administrative board were based in whole or part on fraudulent information or evidence submitted by the respondent, the appointing authority may appoint a new board to consider the case of the respondent and the findings and recommendations of the subsequent board shall not be limited by the findings and recommendations of the previous board.

"(d) The Secretary of Defense shall provide by regulation the procedures for vacating the suspension of a discharge authorized under paragraph (6) of subsection (a) of this section.

§ 964. Type and character of administrative discharges; grounds for awarding

"(a) The type and character of administrative discharges shall be based solely on a member's military record during the current enlistment or term of service plus extensions and shall be determined according to the following standards:

"(1) The issuance of an honorable discharge will be conditioned upon proper military behavior and proficient performance of duty with due consideration for the member's age, length of service, grade, and general aptitude.

"(2) The issuance of a general discharge is appropriate when a member's military record is not sufficiently meritorious to warrant an honorable discharge as prescribed by the regulations of the military department concerned.

"(3) An undesirable discharge may be issued for misconduct, unfitness, or security reasons based on the approval of the recommendations of an administrative discharge board, or waiver of the right to board action, or resignation or request for discharge for the good of the service as provided in subsection 955 of this chapter.

"(b) A member discharged from the service on the grounds of unsuitability shall receive an honorable or general discharge. The type of discharge issued such member shall be based on his military record taking into consideration his mental and physical capabilities. A discharge for unsuitability may be given for the following reasons:

"(1) a pattern of conduct which indicates the serviceman does not possess the skill, aptitude, or adaptability necessary to perform his assigned tasks;

"(2) a pattern of conduct which indicates the serviceman is apathetic or has other defective attitudes which prevent his performing his assigned tasks;

"(3) a pattern of conduct which indicates the serviceman is addicted to or is a frequent user of harmful or habit-forming drugs or chemicals;

"(4) a pattern of conduct which indicates the serviceman suffers from chronic alcoholism which prevents him from performing his assigned tasks; and

"(5) a pattern of conduct which indicates the serviceman is a homosexual.

"(c) A member discharged from the service on the grounds of misconduct shall receive an undesirable discharge unless the circumstances in his case warrant a more favorable type of discharge. A discharge for misconduct may be given a member convicted by civil authorities for a crime, the penalty for which under chapter 47 of this title is one year imprisonment or more; or a crime for which a punitive discharge may be awarded by a court-martial under chapter

47 of this title. A discharge for misconduct may also be given if the member was adjudged a juvenile offender, wayward minor, or juvenile delinquent by civil authorities for a crime involving sexual perversion or narcotics, the penalty for which under chapter 47 of this title is one year imprisonment or more. A discharge for misconduct may also be given a member convicted by civil authorities for an offense not listed in chapter 47 of this title, the maximum penalties for which authorized by title 18, United States Code, or the District of Columbia Code, whichever is lesser, is one year imprisonment or more.

"(d) A discharge for misconduct may also be given for any unauthorized absence from jurisdiction of the armed force of one year or more, or for the procurement of a fraudulent enlistment, induction, or extension of a period of active duty through any deliberate material misrepresentation, omission, or concealment which if known by the appropriate authorities at the time of the procurement would have resulted in rejection of the member for service.

"(e) A member discharged from the service on the grounds of unfitness shall receive an undesirable discharge unless the circumstances warrant a more favorable type of discharge. A discharge for unfitness may be given a member for one or more of the following:

"(1) Frequent involvement of a discreditable nature with civil or armed force authorities. Evidence of such involvement shall be limited to convictions by civilian and military courts, non-judicial punishment, and written reprimands.

"(2) A pattern of conduct showing sexual perversion, which includes sodomy, indecent exposure, indecent acts with or assault upon a child, homosexual acts with unconsenting partners, and other lewd and lascivious acts.

"(3) An established pattern for shirking official duties and responsibilities.

"(4) An established pattern showing dishonorable failure to pay debts or to contribute adequate support to dependents, or failure to comply with orders, decrees, or judgment of a civil court concerning support of dependents.

"(f) A member discharged from the service on the grounds of security shall receive an undesirable discharge unless the circumstances warrant a more favorable type of discharge. A discharge for security reasons may be given a member when the retention of such member is not consistent with the interests of national security.

"(g) In any case in which an undesirable discharge is authorized under this chapter, a member may be awarded an honorable or general discharge, as appropriate, if during his current enlistment, period of obligated service, or any voluntary or involuntary extensions thereof, or period of prior service he has been awarded a personal decoration as defined by the armed force of which he is a member, or if otherwise warranted by the circumstances of his case.

"(h) No member may be discharged from the service for misconduct under subsection (c) of this section if an appeal of the conviction has been filed and such appeal is still pending. Notwithstanding the foregoing, in any case in which the discharge authority receives a written opinion from the Judge Advocate General of the armed force concerned stating that an appeal by any member is frivolous or without legal merit, the discharge authority may order the discharge of such member without waiting for final disposition of such appeal. If a member is discharged pursuant to the authority of the foregoing sentence and his conviction is reversed on appeal, or his case is returned for retrial and is not retired, or if any other action is taken on appeal which results in the member not having been legally convicted of a felony, he shall receive all pay, allowances, and other benefits, insofar as practicable, he would have received had he not been discharged. The Secretary concerned shall, in any case in which an undesirable discharge was issued, change such discharge to an honorable or general discharge, as warranted by the service record of the respondent; if a general discharge was issued the Secretary may change it to an honorable discharge if the service record of the respondent warrants such action.

"§ 965. Discharge for the convenience of the Government

"A member may be discharged from the armed forces for the convenience of the Government with an honorable or general discharge as warranted by his service record, for reasons other than those prescribed in this chapter, pursuant to regulations promulgated by the Secretary of Defense or as otherwise authorized by law.

"§ 966. Review of administrative discharge action

"(a) The Secretary of Defense shall provide by regulation for review of administrative discharge board proceedings and of discharge authority actions by legally-qualified personnel prior to discharge to determine that the procedures and actions of the board were consistent with the provisions of this chapter and with the regulations promulgated under it. In no case may the decision on review be less favorable than the action ordered by the discharge authority. The regulations shall provide that no discharge except an honorable discharge shall be issued until affirmed upon such review and, where so ordered in cases reviewed by it, the Court of Military Appeals.

"(b) The Court of Military Appeals shall prescribe by rule for the review prior to discharge under section 867(b)(4) of this title (article 67(b)), by the court of cases which raise novel and compelling issues of law. The rule shall specify the grounds upon which such a review may be obtained by the respondent or the armed force concerned and the time within which any such review must be requested. In no case may the decision by the Court of Military Appeals be less favorable than the action ordered by the discharge authority."

SEC. 3. (a) The table of chapters at the beginning of subtitle A (relating to general military law) of title 10, United States Code, is amended by inserting immediately below

"47. Uniform Code of Military Justice__ 801"

the following:

"48. Administrative Discharge Boards__ 941".

(b) The table of chapters at the beginning of part II of subtitle A of title 10, United States Code, is amended by inserting immediately below

"47. Uniform Code of Military Justice__ 801"

the following:

"48. Administrative Discharge Boards__ 941".

SEC. 4. (a) Subsection (b) of section 867 (article 67) of title 10, United States Code, is amended by—

(1) striking out "all cases" at the beginning of clauses (1), (2), and (3), and inserting in lieu thereof "all court-martial cases";

(2) striking out "and" at the end of clause (2);

(3) striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "and"; and

(4) adding after clause (3) a new clause as follows:

"(4) such cases arising under chapter 48 of this title as are authorized for review pursuant to section 966(b) of such chapter and with respect to which (A) respondents have petitioned the Court of Military Appeals for review and on good cause shown such court has granted a review, or (B) the armed force concerned has ordered sent to such court for review."

(b) Subsection (d) of such section is amended by (1) striking out the word "case" in the first, second, and third sentences and inserting in lieu thereof "court-martial case" and (2) inserting after the third sentence thereof the following new sentence: "In any case referred to in subsection (b)(4) of this section which is reviewed upon petition of a respondent, the court shall take action only with respect to issues of law, and in any such case ordered sent to the court for review by the armed force concerned, the court shall take action only with respect to the issues of law raised by the armed force."

(c) The first sentence of subsection (e) of such section is amended by striking out "sentence" and inserting in lieu thereof "sentence of a court-martial case".

(d) The first sentence of subsection (f) of such section is amended by striking out "case" and inserting in lieu thereof "court-martial case".

(e) Such section is further amended by redesignating subsection (g) as subsection "(h)" and adding after subsection (f) the following new subsection:

"(g) After it has acted on any case referred to in subsection (b)(4) of this section, the Court of Military Appeals may return the record to any reviewing officer or body designated under section 966(a) of this title to review cases arising under chapter 48 of this title for further consideration or action in accordance with the decision of the court, or may, in any case appealed by a respondent, return the record to such officer or body designated under such section 966(a) or directly to the appropriate discharge authority for further consideration or action in accordance with the decision of the court."

SEC. 5. (a) Subsection (c) of section 870 (article 70) of title 10, United States Code, is amended by inserting "in a court-martial case" immediately after "shall represent the accused".

(b) Subsection (d) of such section is amended by inserting "in a court-martial case" immediately after "The accused".

(c) Such section is further amended by adding at the end thereof the following new subsections:

"(f) Appellate counsel shall represent before the Court of Military Appeals a respondent whose case is before the court pursuant to the provisions of section 867(b)(4) of this title (article 67(b)(4))—

"(1) when he is requested to do so by the respondent;

"(2) when the armed force concerned is represented by counsel;

"(3) when the armed force concerned has sent the case to the Court of Military Appeals.

A respondent has the right to be represented before the Court of Military Appeals by civilian counsel if provided by him.

"(g) The armed force concerned may be represented by counsel before the Court of Military Appeals in any case reviewed by such court pursuant to section 867(b)(4) of this title (article 67(b)(4))."

SEC. 6. Section 801 (article 1) of title 10, United States Code, is amended by adding at the end thereof a new paragraph as follows:

"(13) 'Respondent' means a member of the armed forces against whom administrative discharge proceedings have been initiated under chapter 48 of this title."

SEC. 7. (a) Subsection (a) of section 266 of title 10, United States Code, is amended by striking out "Each" and inserting in lieu thereof "Subject to the provisions of chapter 48 of this title, each".

(b) Subsection (b) of such section is amended by striking out "Each" and inserting in lieu thereof "Subject to the provisions of chapter 48 of this title, each".

SEC. 8. (a) Section 1161 of title 10, United

States Code, is amended by adding at the end thereof a new subsection as follows:

"(c) No commissioned officer may be discharged under the authority of section 3814, 3818, 6392, 6393, 8814, 8817, or 8818 of this title or under section 321 of title 14, United States Code, for misconduct, unfitness, or security (as described in chapter 48 of this title) or discharged under conditions other than honorable except pursuant to the provisions of chapter 48 of this title."

(b) The catchline of section 1161 of such title is amended to read as follows:

"§ 1161. Commissioned officers: limitations on dismissal and discharge".

(c) The table of sections at the beginning of chapter 59 of such title is amended by striking out

"1161. Commissioned officers: limitations on dismissal."

and inserting in lieu thereof

"1161. Commissioned officers: limitations on dismissal and discharge."

SEC. 9. Section 1162(a) of title 10, United States Code, is amended to read as follows:

"(a) Subject to the provisions of chapter 48 and other provisions of this title, Reserve commissioned officers may be discharged at the pleasure of the President. Subject to the provisions of chapter 48 of this title, other Reserves may be discharged under regulations prescribed by the Secretary concerned."

SEC. 10. (a) The first sentence of subsection (a) of section 1163 of title 10, United States Code, is amended by striking out "An" and inserting in lieu thereof "Subject to the provisions of chapter 48 of this title, an".

(b) Paragraphs (1) and (2) of subsection (c) of such section are amended to read as follows:

"(1) he is discharged under conditions other than honorable pursuant to an approved sentence of a court-martial or pursuant to the approved findings and recommendations of an administrative discharge board appointed under chapter 48 of this title; or

"(2) he consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or an administrative discharge board (as provided in chapter 48 of this title), as the case may be."

SEC. 11. Section 1165 of title 10, United States Code, is amended by adding at the end thereof a new sentence as follows: "No warrant officer may be discharged under the authority of this section or section 1166 of this title for misconduct, unfitness, or security (as described in chapter 48 of this title) or discharged under conditions other than honorable except pursuant to the provisions of chapter 48 of this title."

SEC. 12. Section 1166 of title 10, United States Code, is amended by adding at the end thereof a new sentence as follows: "The burden of justifying the separation for cause of any permanent Regular warrant officer shall be on the armed force of which he is a member."

SEC. 13. (a) Sections 3781, 3782, and 3783 of title 10, United States Code, are amended to read as follows:

"§ 3781. Selection boards: composition; duties

"The Secretary of the Army may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he should, because the performance of his duty has fallen below standards prescribed by the Secretary, be removed from the active list.

"§ 3782. Boards of inquiry: composition duties

"(a) Boards of inquiry, each composed of three or more officers, shall be convened at such places as the Secretary of the Army may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Army whenever such action has been recommended by a board of officers pursuant to section 3781 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 3781 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3781 of this title.

"§ 3783. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the Army, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Army under section 3782 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3781 of this title."

(b) Section 3785 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 3782 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Army shall be on the Department of the Army."

SEC. 14. (a) Sections 3791, 3792, and 3793 of title 10, United States Code, are amended to read as follows:

"§ 3791. Selection boards: composition; duties

"The Secretary of the Army may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Army to
SEC. 6. Section 801 (article 1) of title 10, United
determine whether he should, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, be removed from the active list.

"§ 3792. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more general officers, shall be convened at such places as the Secretary of the Army may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Army whenever such action has been recommended by a board of officers pursuant to section 3791 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 3791 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3791 of this title.

"§ 3793. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more general officers, shall be convened by the Secretary of the Army, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inqury for removal from the active list of the Regular Army under section 3792 of this title.

"(b) If, after receiving the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from that date of that determination, his case may again be considered under section 3791 of this title."

(b) Section 3795 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 3792 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Army shall be on the Department of the Army."

SEC. 15. Clause (1) of section 3811(b) of title 10, United States Code, is amended to read as follows:

"(1) as provided in chapter 48 of this title;".

SEC. 16. Section 5864 of title 10, United States Code, is amended by adding at the end thereof the following: "However, no officer may be discharged under authority of this section unless the board proceedings conducted under section 5862 of this title were conducted in accordance with the procedural requirements prescribed in chapter 48 of this title."

SEC. 17. (a) The first sentence of section 6407 of title 10, United States Code, is amended by striking out "Each" and inserting in lieu thereof "(a) Each".

(b) Such section 6407 is further amended by adding at the end thereof a new subsection as follows:

"(b) No officer shall be removed from the active list of the Navy or Marine Corps for reasons of misconduct, unfitness, or security pursuant to the action of a selection board convened under chapter 543 of this title unless the proceedings were conducted in accordance with the procedural requirements prescribed in chapter 48 of this title."

(c) The catchline of such section 6407 is amended to read as follows:

"§ 6407. Communication with selection board; justifying removal from active list"

(d) The table of sections at the beginning of chapter 573 of title 10, United States Code, is amended by striking out—

"6407. Communication with selection board."

and inserting in lieu thereof

"6407. Communication with selection board; justifying removal from active list."

SEC. 18. (a) Sections 8781, 8782, and 8783 of title 10, United States Code, are amended to read as follows:

"§ 8781. Selection boards: composition; duties

"The Secretary of the Air Force may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Air Force to determine whether he should, because the performance of his duty has fallen below standards prescribed by the Secretary, be removed from the active list.

"§ 8792. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more officers, shall be convened at such places as the Secretary of the Air Force may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Air Force whenever such action has been recommended by a board of officers pursuant to section 8781 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 8781 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8781 of this title.

"§ 8783. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the Air Force, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Air Force under section 8782 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for this action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8781 of this title."

(b) Section 8785 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 8792 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Air Force shall be on the Department of the Air Force."

SEC. 19. (a) Sections 8791, 8792, and 8793 of title 10, United States Code, are amended to read as follows:

"§ 8791. Selection boards: composition; duties

"The Secretary of the Air Force may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Air Force to determine whether he should, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, be removed from the active list.

"§ 8792. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more general officers, shall be convened at such places as the Secretary of the Air Force may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Air Force whenever such action has been recommended by a board of officers pursuant to section 8791 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 8791 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8791 of this title.

"§ 8793. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more general officers, shall be convened by the Secretary of the Air Force at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Air Force under section 8792 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8971 of this title."

(b) Section 8795 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 8792 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Air Force shall be on the Department of the Air Force."

SEC. 20. Clause (1) of section 8811(b) of title 10, United States Code, is amended to read as follows:

"(1) as provided in chapter 48 of this title;".

SEC. 21. (a) Sections 321, 322, and 323 of title 14, United States Code, are amended to read as follows:

"§ 321. Review of records of officers

"The Secretary may at any time convene a board of officers to review the record of any officer of the Regular Coast Guard to determine whether such officer should be removed from active duty—

"(1) because his performance of duty has fallen below the standards prescribed by the Secretary, or

"(2) because of moral dereliction, professional dereliction, or because his retention on active duty is not clearly consistent with the interests of national security.

"§ 322. Boards of inquiry

"(a) Boards of inquiry shall be convened at such places as the Secretary may prescribe to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from active duty whenever such action has been recommended by a board of officers pursuant to section 321 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 321 of this title to support a recommendation that the officer be removed from active duty, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from active duty.

"(c) If a board of inquiry determines that the officer should be removed from active duty, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on active duty, his case is closed. However, at any time after one year from the date of the determination in a case arising under section 321, an officer may again be considered for removal from active duty.

"§ 323. Boards of review

"(a) Boards of review shall be convened at such times as the Secretary may prescribe to review the records of cases of officers recommended by boards of inquiry for removal from active duty.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer, his case is closed. However, at any time after one year from the date of the determination in a case arising under section 321, an officer may again be considered for removal from active duty."

(b) Section 325 of title 14, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from active duty."; and (3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of title 10, United States Code (relating to administrative discharge boards), shall be applicable to boards of inquiry convened under section 322 of this title.

"(c) The burden of justifying the removal for cause of any officer from active duty in the Regular Coast Guard shall be on the Coast Guard."

SEC. 22. The amendments made by this Act shall become effective on the first day of the sixth calendar month following the month in which it is enacted.

SECTIONAL ANALYSIS

Section 1 provides that the Act may be cited as "The Military Administrative Discharge Procedure Act of 1973."

Section 2 adds a new chapter 48, title 10, United States Code, prescribing the minimum procedural due process applicable in administrative discharge boards considering discharges under conditions other than honorable. Chapter 48 consists of 25 sections as follows:

Section 941 contains the definitions applicable for chapter 48.

Section 942 makes chapter 48 applicable to all members of the armed forces whether in active status or serving in the reserve forces.

Section 943 provides that no member may be discharged under conditions other than honorable except for reasons of misconduct, unfitness, or security. It also provides that discharges for such reasons and for reason of unsuitability must be given in accordance with the procedures set forth in the chapter. It further provides that except as provided in the chapter, no administrative discharge will be awarded by reason of conduct otherwise punishable under the Uniform Code of Military Justice.

Section 944 defines the administrative discharge board as a factfinding body consisting of three or more officers whose duty it is to conduct a fair and impartial hearing, receive evidence, find facts based upon a preponderance of the evidence, and recommend on the basis of the evidence and the facts found, whether a member should be retained or discharged from the armed forces. The board is also to recommend the type of discharge and to specify reasons for its recommendations.

Section 945 authorizes the President, the Secretary of each service and officers designated by them as appointing authorities. Members of the board are required to be officers of mature judgment and temperament. Officers who have participated in previous hearings at which the member was a respondent may not be members.

Section 946 provides that the appointing authority shall detail a legal adviser to any administrative discharge board which he appoints, except where military exigencies do not permit. When no legal adviser is appointed, the appointing authority will submit a written explanation of his failure to do so, which shall be made a part of the board's record. The legal adviser shall be a lawyer qualified under the Uniform Code of Military Justice.

Section 947 requires the appointment of legally qualified counsel for the respondent. The member may have military counsel of his own choice if reasonably available and may also retain civilian counsel at his own expense.

Section 948 authorizes the appointment of a non-voting recorder to present evidence to the board.

Section 949 provides for the appointment of reporters to record the proceedings and testimony presented at the hearing.

Section 950 authorizes the Secretary of Defense to prescribe rules and regulations for implementing chapter 48. The Secretary of Transportation is similarly authorized to prescribe rules for the Coast Guard when it is not operating as a service in the Navy. The section states that the procedural safeguards established in subsection (b) are to be considered minimums and that the Secretary may grant additional procedural safeguards to respondents. The rules are to be as uniform as possible and are to be reported to the Congress.

Section 951 parallels section 827 of title 10 (article 37 of the Uniform Code of Military Justice) in prohibiting improper interference with the independence and impartiality of discharge boards, courts of inquiry and military commissions.

Subsection (a) prohibits any reprimand of a board because of the findings or recommendations arrived at in a case. General instructions relating to the duties and responsibilites of board members are permitted.

Subsection (b) prohibits coercion or improper influencing of boards with a view to affecting the impartiality of the proceedings.

Subsection (c) makes violation of this section punishable as a court-martial offense.

Subsection (d) prohibits the evaluation of a member's performance as a board member for purposes of promotion or assignment. Also, the zeal with which counsel represents a respondent may not be regarded as an adverse factor for promotion or assignment.

Section 952 requires that 15 days notice be given to a member against whom administrative discharge proceedings have been initiated. The notice must inform him of his rights to have legal counsel to present evidence and cross-examine adverse witnesses, and to remain silent if he chooses. The notice must also inform him of the nature of the action contemplated, the charges and evidence against him, the names of prospective government witnesses, the applicable regulations, and the possible consequences of the proceedings.

Section 953 requires that the parents of respondents less than 21 years old must be notified of the initiation of discharge action. Such notice is also to be sent when the respondent is over 21 but is considered unable to appreciate the nature of the action being taken.

Section 954 requires that counsel be sent copies of all notices and other information sent to the respondent.

Section 955(a) provides that a written waiver of the right to a board may be made only after consultation with counsel. The waiver is not valid if made within 24 hours of notice under section 952. The appointing authority may also reject a waiver if he determines that it was improvidently made.

Subsection (b) permits the appointing authority to deem a waiver of a board hearing to have been made if a respondent in civil confinement or absent without official leave fails to respond within 30 days of notice.

Subsection (c) provides that any respondent who waives his right to a hearing before a discharge board, as provided for in subsection (a), shall receive a discharge for the good of the service. Such discharge shall be characterized in accordance with the provisions of section 964.

Section 956 requires that all proceedings of the board be recorded and that, except when the board deliberates or votes, they occur in the presence of counsel, the respondent, and the legal advisor if one has been detailed. Only the voting members of the board may be present when the board deliberates or votes. The board may hear the case in absentia only if the respondent is represented by qualified counsel.

Section 957 provides for challenges to board members only for cause. Challenges are to be determined by the legal adviser. If none has been appointed, the challenge will be decided by a majority vote of the board members, with the challenged member not voting.

Section 958 requires members of the board, counsel and reporter to take an oath to perform their duties faithfully. Witnesses are examined under oath.

Section 959 prohibits the admission into evidence of acts occurring prior to the respondent's becoming a member of the armed forces and those which took place more than three years prior to the convening of the board, or more than three years prior to the current enlistment or tour of active duty of the respondent, whichever is longer. However, evidence of fraud or misrepresentation affecting the current enlistment is admissible if the service could not have discovered the misrepresentation or fraud.

Section 960(a) grants equal rights to the respondent to obtain witnesses and evidence under regulations prescribed by the Secretary of Defense. Subpena power is authorized.

Subsection (b) permits the taking of depositions upon reasonable notice unless forbidden upon good cause. The Secretary of Defense is to issue regulations governing the taking of depositions.

Subsection (c) grants the respondent the right to submit any sworn or unsworn statement in his own defense and to submit to examination under oath if he chooses. Cross-examination of all witnesses and examination of all documents and other evidence submitted is permitted respondent and counsel.

Section 961 provides that all findings and recommendations of the board shall be decided by majority vote. The legal adviser shall rule on the admissibility of evidence and all interlocutory motions. Where no legal adviser has been appointed, such decisions shall be made by a majority vote of the board.

Section 962 requires that a record be kept of all proceedings and that a copy be presented to the respondent. The record must be verbatim in cases of undesirable discharges and in all other cases where ordered by the appointing authority, required by regulations, or where required for a fair and impartial review of the board proceedings.

Section 963(a) authorizes the appointing authority to approve the findings of the board if he determines that they are supported by a preponderance of the evidence in the record. He may disapprove the discharge recommended and issue a higher type of discharge or order a new hearing if he determines the existence of error prejudicial to the respondent, or in the interests of justice. He may not approve findings or recommendations of the new board less favorable to the respondent if the evidence presented is substantially the same as that presented in the earlier hearing. The authority may also retain the member or suspend the execution of a discharge. The basis for the discharge may be changed, but no discharge recommended on the grounds of unsuitability may be changed to the grounds of unfitness or misconduct.

Subsection (b) provides that when a board recommends the retention of the respondent, the case is closed, and no subsequent board may again consider the charges if the evidence presented is substantially the same as that presented earlier.

Subsection (c) permits a subsequent board unlimited by previous findings or recommendations only if fraudulent evidence submitted by the respondent formed the basis in whole or in part for the findings of the first board.

Section 964(a) prescribes the standards for the types of discharges permitted.

Subsection (b) provides that a member may be discharged for unsuitability with either an honorable or general discharge. It furthermore specifies the grounds upon which such a discharge will be based.

Subsection (c) authorizes an undesirable discharge on the grounds of misconduct after a civil conviction for a crime where State law authorizes imprisonment for one year or more; after conviction of a crime classified as a felony under title 18, United States Code, or the District of Columbia Code, or for which the Uniform Code of Military Justice authorizes the award of a punitive discharge; or after conviction of a crime of sexual perversion for which the respondent was adjudicated a juvenile offender.

Subsection (d) authorizes a discharge for misconduct for unauthorized absence of more than one year or for fraud or misrepresentation at the time of enlistment which if known at the time would have resulted in the rejection of the member by the service.

Subsection (e) authorizes an undesirable discharge on the grounds of unfitness based upon frequent involvement with authorities, a pattern of conduct showing sexual perversion, a pattern of shirking duties, or a pattern of dishonorable failure to pay debts.

Subsection (f) authorizes an undesirable discharge on the grounds of security.

Subsection (g) permits the issuance of a discharge other than undesirable in cases where the respondent has received a personal decoration by his service, or where otherwise warranted by the facts of the case.

Subsection (h) prohibits the execution of a discharge for misconduct for civil conviction if an appeal is still pending unless the Judge Advocate General of the service certifies that the appeal is frivolous or without merit. If a discharge is executed prior to the final disposition of the appeal and the latter results in the member not having been legally convicted of a felony, he must receive all pay and benefits he would have received if he was not so discharged. An undesirable discharge so issued shall be changed to a general or honorable discharge, and a general discharge may be changed to an honorable discharge if warranted by the individual's record.

Section 965 authorizes honorable or general discharges based upon grounds other than those prescribed in this chapter, as prescribed by law or provided in regulations issued by the Secretary of Defense.

Section 966 authorizes the Secretary of Defense to issue regulations providing for the review of discharge actions by legally-qualified personnel to determine that all proceedings were fair and impartial and that they were conducted consistent with the provisions of the chapter. No decision on review may be less favorable than the action ordered by the discharge authority. Review by the Court of Military Appeals may be obtained. No decision upon review by the Court may be less favorable than the action ordered by the discharge authority.

Section 3 conforms the table of chapters of subtitle A, title 10, United States Code to the changes made by the addition of chapter 48.

Section 4(a) amends section 867 of title 10 to provide for review by the Court of Military Appeals of cases in which petition for review is made under section 966(b).

Subsection (b) limits review of such cases to issues of law specified in the grant of review or raised by the armed force.

Subsection (c) specifies that cases reviewed by the Court of Military Appeals are to be returned to the reviewing authority specified by section 966(a) for further consideration or action in accordance with the decision of the court.

The other subsections of section 4 make technical changes in accordance with these provisions.

Section 5 provides for the amendment of section 867(b)(4) to authorize the representation by appellate military counsel of respondents whose cases are before the Court of Military Appeals.

Section 6 adds the definition of "respondent" to section 801.

Section 7 makes section 266 of title 10, relating to the composition of boards for appointment, promotion, demotion and involuntary release of Reserves, subject to the provisions of chapter 48.

Section 8 amends section 1161 of title 10, relating to dismissals of commissioned officers, to provide that no commissioned officer may be discharged for reasons of misconduct, unfitness, or security under conditions other than honorable, except pursuant to chapter 48.

Sections 9–11 amend sections 1161–1165 of title 10 to make discharges under those provisions subject to provisions of chapter 48.

Section 12 amends section 1166 of title 10 to require that in actions considering the separation of regular warrant officers the burden of justifying the separation is on the government.

Section 13 amends sections 3781, 3782, 3783 and 3785 of title 10 to require that in the proceedings of selection boards, boards of inquiry, and boards of review considering the removal of regular commissioned officers because of substandard performance of duty, the burden of justifying the removal is on the government. All rights and procedures set forth in chapter 48 govern those proceedings.

Sections 14–15 make similar changes with respect to such boards considering the removal of general officers.

Sections 16–20 make similar changes in the sections of title 10 concerning analogous proceedings in the Navy, Marine Corps, and the Air Force.

Section 21 amends sections 321–323, and 325 of title 14, United States Code, to make similar changes in analogous proceedings in the Coast Guard.

Section 22 provides that the amendments made by the Act are to be effective on the first day of the sixth calendar month following the month in which it is enacted.

By Mr. HUMPHREY:

S.J. Res. 169. A joint resolution to provide for a feasibility study and to accept a gift from the U.S. Capitol Historical Society. Referred to the Committee on Public Works.

Mr. HUMPHREY. Mr. President, I am introducing today a joint resolution which would provide for the authorization of a feasibility study to determine the desirability of installing within the U.S. Capitol grounds all items of equipment and other facilities required for a sound and light performance. The study would be paid for by the U.S. Capitol Historical Society, and reviewed by the Architect of the Capitol.

A companion resolution has been introduced in the U.S. House of Representatives, sponsored by Congressmen O'NEILL, GERALD FORD, MCFALL, ANDERSON of Illinois, PICKLE, STEPHENS and PETTIS. The resolution was referred to the Committee on Public Works and hearings have been scheduled for November 14.

Mr. President, towns, cities, counties, and States throughout the country are planning activities to commemorate the country's 200th anniversary. A sound and light show as described in this resolution would be a fitting way of having the U.S. Capitol participate in the celebration. The show would be seen by many thousands of people who will visit Washington during the 1976 Bicentennial celebration.

I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 169

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the United States Capitol Historical Society is authorized, under direction of the Architect of the Capitol, to prepare a feasibilty study to determine the desirability of installing within the United States Capitol Grounds, at the east front of the United States Capitol, all items of equipment and other facilities required for a sound and light performance, consisting of an interplay of light, music, narrative, and sound effects (without the use of live actors), which, when projected onto the imposing facade of the east front of the United States Capitol, will re-create the evolution of American history, based on a foundation of thorough historical research, subject to the following conditions:

(1) Such study and all expenditures connected therewith will be borne by the United States Capitol Historical Society.

(2) Upon completion of such study, the United States Capitol Historical Society, at its expense, will furnish the Architect of the Capitol a report detailing the results of such study, installations and programs proposed, and estimates of cost required to implement such project without expense to the United States, including maintenance and operating expenses.

(3) The project may not be implemented, beyond the report stage, except as provided in Section 2 hereof.

SEC. 2. The Architect of the Capitol shall review such report and submit the same, with his recommendations, to the Speaker and majority and minority leaders of the House of Representatives and to the majority and minority leaders of the Senate.

If the project, as presented, with or without modifications, meets with the approval of such House and Senate officials, the Architect of the Capitol, notwithstanding any other provision of law, is authorized after such approval—

(1) To accept in the name of the United States from the United States Capitol Historical Society, as a gift, such sum or sums

as may be required to further implement such project, and such sum or sums when received, shall be credited as an addition to the appropriation account "Capitol Buildings, Architect of the Capitol".

(2) Subject to Section 3 hereof, to expend such sum or sums for all items of equipment and other facilities required for the sound and light performance, and for any other items in connection therewith.

Sec. 3. The Architect of the Capitol, under the direction of the House and Senate officials designated in Section 2 hereof, is authorized to enter into contracts and to incur such other obligations and make such expenditures as may be necessary to carry out the provisions of said Section 2.

Sec. 4. Sums received under this joint resolution, when credited as an addition to the appropriation account "Capitol Buildings, Architect of the Capitol", shall be available for expenditure and shall remain available until expended. Following completion of the installation, such sums may thereafter be used by the Architect of the Capitol, in whole or part, to defray any expenses which he may incur for maintenance and operation.

By Mr. HUMPHREY:

S.J. Res. 170. A joint resolution to amend the Export Administration Act of 1969 to protect the domestic economy from the excessive drain of scarce commodities; to continue food commitments to needy nations in times of short supply; to reduce the serious inflationary impact of abnormal foreign demand; and to authorize a validated export licensing system. Referred to the Committee on Banking, Housing and Urban Affairs.

EXPORT CONTROL AMENDMENTS

Mr. HUMPHREY. Mr. President, today I am introducing a series of amendments to the Export Administration Act of 1969, as amended, which I believe are both urgently needed and which address some of the more important shortcomings, in my judgment, of existing law.

While I believe the entire act of 1969 needs review and revision, I do not believe now is the best time for that type of comprehensive review and change. Rather, I believe that certain limited changes should be made in the act now, and that Congress should hold off on other changes until early next year when renewal of the entire act will have to be considered.

The joint resolution I am introducing would provide for the following: First, it would partially relax present tight requirements for imposing export controls, as it relates to agricultural commodities only. It would not change current requirements of existing laws relating to nonagricultural commodities, articles, or goods. In the case of agricultural commodities, my bill would provide that either "abnormal foreign demand" or "domestic inflationary pressure" plus evidence of "shortages within the United States, as certified by the Secretary of Agriculture" would be required evidence before the executive branch could impose any type of export controls involving the actual curtailment of such exports.

Presently, all three elements—abnormal foreign demand, domestic inflationary pressure, and domestic shortages as certified to by the Secretary of Agriculture—must simultaneously be present before any type of export control action can be taken regarding agricultural commodities, whether such action be limited to initiation of a 100-percent export licensing system or extended to a 100-percent embargo.

In my judgment, requiring that all of these elements be present before any export control action can be taken is too stringent. Such a requirement unduly ties the hands of the Executive in taking such action in a timely manner when needed. It forces the Executive to wait too long before any meaningful action can be taken to protect American consumers and users in times of sharp drawdowns in U.S. supplies made available for export.

While I am very much opposed to placing any limits on what we export from the United States as a matter of general rule, I also recognize that there may be times of unusual condition, when some limits may have to be imposed to protect U.S. consumers and to provide for equitable sharing of available supplies among foreign buyers. While I subscribe to imposing certain limits on the Executive in the exercise of such authority—I also believe that making those requirements too severe can do as much damage as making them too loose or too easy to impose.

Second, my bill would provide the Executive with authority to continue to make food and agricultural export shipments to needy nations in times when export constraints are being imposed on such commodities generally. During Senate consideration of the Foreign Assistance Act of 1973 (S. 2335) an amendment of mine was adopted which will permit the Secretary of Agriculture to continue to make available to needy nations some of our Nation's exportable supplies of agricultural commodities even in times of short supply generally. The provisions I am providing in my bill today are designed to reinforce my amendment to section 401 of the Agricultural Trade Development and Assistance Act of 1954, now embodied in S. 2335, Under present law, anytime agricultural commodities are found to be in short supply they cannot be made available to needy nations under Public Law 480. However, under the amendment now embodied in S. 2335 and the amendment I am now offering to the Export Administration Act, our Government could continue to make needed supplies of agricultural commodities available to such nations even during periods when export constraints are being imposed generally. Failure to make these particular changes in existing law will mean that the neediest nations of the world will be cut off from food aid shipments when they most need them; namely, during periods when they are in short world supply, and when, due to such short supply, prices for them are the highest. During our Nation's recent export embargo on soybeans, all Public Law 480 shipments of soybean oil had to be halted, which created severe hardships on many poor nations that depended and needed such export shipments to feed their people.

The third, and I believe the most important amendment contained in the bill I am introducing today, is an amendment which would provide the Secretary of Commerce with the authority to initiate a 100-percent validated export licensing system anytime the President anticipates a short or tightening supply of any commodity or good. Again, under existing law, even the imposition of a 100-percent export licensing system would require that the three elements I mentioned earlier would have to be evident before such action could be taken regarding any agricultural commodity—only abnormal foreign demand and domestic inflationary pressure would have to be evident in the case of nonagricultural goods or commodities.

By giving the Secretary of Commerce greater flexibility to impose a 100-percent licensing system, I believe the following objectives could be achieved:

First, earlier action could be taken by the Executive through such a licensing system, to obtain hard and timely data on export shipments, thus giving him "facts" rather than "estimates" of what is occurring in that regard, and

Second, in the event that factual data on export shipments produced through the imposition of such a licensing system indicated a movement toward severe shortages developing, this data could be used by the executive branch either to exhort foreign buyers to voluntarily constrain their purchases, or—failing to get them to do so—used to document to the world the necessity of imposing some level of constraints on continued exports.

As the term implies, a 100-percent licensing system would not in any way permit the Executive to curtail exports, or negate export contracts already entered into. But, imposition of such a system would permit the Executive to get an early handle on what is occurring with respect to exports anytime a tight supply situation may be in the offing due to various United States or world supply-demand conditions. I believe had the Executive had this licensing flexibility earlier this year it could have avoided altogether the export embargo it imposed recently on soybeans and other high protein food and feed supplies. Having had such authority earlier, it could have, in my judgment, also have avoided the negation of many export contracts that already were consummated by exporters at the time of the imposition of embargoes.

In my judgment, if we are to avoid a repeat of those developments in the future, the Executive must be given greater flexibility in this regard as it relates to agricultural commodities.

Mr. President, I have given this entire matter of export controls a great deal of thought. The bill I am introducing today reflects what I believe should be done now to better protect both the U.S. consumer and the foreign buyers against any future periodic shortage that might occur relating to U.S. exportable supplies of goods and services.

The United States must restore its integrity as a reliable supplier in world markets. It must also clarify its commitment to the poorer nations of the world that by necessity must continue to rely upon us to help them meet their emergency needs in times of short supply. And our nation must provide for a better system of procedure by which it can protect its own consumers and foreign buyers against short supplies of essential goods or commodities. The changes embodied in the bill I am introducing today in my judgment would help us as a nation to achieve those objectives. And that is not to say that there are not other steps that can or should be taken to insure that adequate supplies of these essential commodities are always made available whether for domestic or foreign use. For instance, the establishment of both a United States and international grain reserve system could greatly minimize the need for export controls in times of future production downturns in United States or world agricultural supplies. Also, improved informational exchanges among nations regarding production and inventories of essential commodities could probably greatly reduce overbuying practices in times of short supply.

On July 30, 1973, the Subcommittee on Foreign Agricultural Policy, of which I serve as chairman, issued a special report on the question of export control policy following hearings we held on the subject. The subcommittee in its report outlined a set of guidelines which it felt should be followed with respect to export control policy. I request unanimous consent, Mr. President, that those guidelines be printed at this point in the RECORD.

There being no objection, the guidelines were ordered to be printed in the RECORD, as follows:

CONCLUSIONS AND RECOMMENDATIONS OF THE SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY WITH RESPECT TO EXPORT CONTROLS

Export controls are not something which a nation can or should impose casually. Such controls necessarily have an impact on economic conditions and well-being in foreign countries as well as within the nation imposing them. As a responsible economic power, the United States must take such an impact into account and must make sure that the measures taken are consistent with its international obligations, particularly those stipulated under such agreements as that of the General Agreement on Tariffs and Trade (GATT).

Changing economic conditions—particularly the prevalence of full employment with inflation, rather than widespread unemployment and deflation—has, today, brought the question of the dependability of sources of supply toward the center of the stage. Clearly, any threat to foreign sources of supply raises real economic problems for countries increasingly dependent on such sources for their economic well-being.

The recent imposition of export controls by the United States, particularly those on exports of soybeans, could raise serious economic problems for some foreign countries and adversely affect the degree to which they view the United States as a responsible economic partner and dependable military ally.

Proposals to regulate softwood log and lumber exports, no matter how well intentioned, will not cure the problem they seek to address at home. Even more they pave the way for other nations applying these same principles to us on other raw commodities we seek and need. Such proposals that deal only with demand and do not recognize broader issues of supply, treat symptoms not causes.

To avoid a retreat to the destructive economic nationalism of the 1930's, the United States should take the lead in keeping the use of export controls to a minimum and, when the use becomes essential, apply such controls in a way which takes full and sympathetic account of the implications of the controls on all importing countries.

More specifically, we recommend that the Executive Branch take the initiative in proposing to the OECD and the GATT a new set of rules governing export controls. The substance of such rules would be as follows:

1. Governments have an obligation to avoid where possible and otherwise to foresee the development of situations requiring export controls.

The implications of this principle are that better methods of reporting and forecasting are needed. While this is essentially a task for national governments, international organizations, such as GATT, the OECD, and the U.N. Food and Agriculture Organization, have a role to play.

One further implication of this principle is that it may be necessary for the nations of the world to develop and maintain their own system of *reserve stocks* to meet their domestic emergency needs as well as to provide at least some minimum capability to supply regular customers. Until recently, the United States had such stocks. But this is no longer the case. Thus, serious consideration should be given both by the United States and other nations of the world to the rebuilding and financing of such stocks to deal with crop failures at home and as have been experienced in Africa and South Asia and such as other areas of the world the past two years.

2. Related to the first principle above, as early as possible, the country considering the imposition of export controls should *consult beforehand* with the importing nations. Such consultations would have the following objectives:

(a) To exchange information on both supply and demand of the commodity.

(b) To get advice on what to do about the potential shortfall.

(c) To coordinate and improve production policies if this could usefully reduce the burden of controls.

(d) Where appropriate, to agree to joint action on both production and allocation of scarce supplies.

(e) Whenever possible, before imposition of mandatory export controls, "voluntary agreements" should be sought.

3. Export controls—like increased restrictions on imports—should be permitted only under *special circumstances* and then only for a *temporary* period of time.

The special circumstances would be limited primarily to a supply failure, at home or abroad, putting extraordinary pressure on domestic availabilities.

4. Export controls should treat all nations equitably. This principle has several implications:

(a) Each nation should be entitled to its historic share of the available supply.

(b) In addition, provision should be made for new customers. (For example, the Soviet Union and China have recently become importers of grain).

(c) Special consideration should be given to sharing available supplies—especially food supplies—with poorer nations, who often must rely on other nations to obtain needed imports on either a grant or concessional sale basis.

(d) Finally, and perhaps most important, the country applying the export controls should also *limit domestic consumption* of the product in a reasonable proportion to the curtailment of foreign availabilities.

In the judgment of the Subcommittee, none of the bills now pending before Congress relating to export control authority effectively address themselves to the above stated principles. Some of these bills (S. 1033 and H.R. 8547) are too restrictive and would likely be difficult to administer. S. 2053, on the other hand is too broad, leaving almost entirely up to the Executive when, and under what conditions, export controls might be imposed. Furthermore S. 2053, contains no monitoring and forecasting requirements regarding available supplies. Nor does it make clear that preconsultation with foreign buyers should be a requirement prior to the imposition of such controls. And finally, neither S. 2053 nor H.R. 8547 provide specific language to insure that countries dependent upon us for obtaining needed supplies of food commodities either on a grant or concessional sale basis will be guaranteed any equitable sharing or treatment whenever export controls are invoked.

As a partner in the world community of nations, the Subcommittee believes that the matter of developing rules for governing export controls should be a matter for that entire community to decide and not to be legislated on individually by each nation. While the United States today may feel compelled to limit the exportation of soybeans or logs to protect domestic users of those products from shortages caused by our own nation's mismanagement or miscalculations, tomorrow such action may be used by other nations as a basis or precedent for limiting exports of such critical important products such as petroleum to the United States.

Therefore the Subcommittee recommends that the Executive Branch be authorized and directed to initiate formal consideration of these matters, within GATT and OECD with the understanding that whatever rules are agreed upon under such agreement will be subject to ratification by Congress. Similar efforts should be initiated by the United States regarding this matter with non-OECD or non-GATT member nations such as the Soviet Union on which our nation may become somewhat dependent in future years regarding selected materials and commodities such as gas and oil.

Mr. HUMPHREY. Mr. President, I also would like to take this opportunity to urge the Senate Committee on Banking, Housing and Urban Affairs to give early consideration to my bill. In drafting this legislation, I have consulted directly with appropriate officials of the executive branch and many others. Those consultations have convinced me of the urgency of providing the executive with added but limited flexibility provided in my bill.

For instance, I am convinced that the executive should have a 100-percent validated export licensing system operating now with respect to U.S. fertilizer export shipments.

Similar action may also be required with respect to U.S. wheat export shipments if weekly export shipments continue at current rates. Cotton export shipments may also have to be subjected to such licensing if a resurgence of recent export demand occurs.

To summarize, Mr. President, I believe early action by Congress is called for regarding the adoption of the type of amendments contained in my bill relating to export control authority. Continued delay in dealing with these important questions may precipitate additional rounds of disruptive export constraints if existing law is not soon amended.

Mr. President, I ask unanimous consent that the full text of the measure I am introducing today be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 170

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Export Administration Act Amendments of 1973".

SEC. 2. Clause (A) of section 3 (2) of the Export Administration Act of 1969 is amended by striking out the comma at the end of such clause and inserting in lieu thereof the following: "in the case of nonagricultural commodities, goods, articles or technology, and to the extent necessary to protect the domestic economy from the excessive drain of scarce materials or to reduce the serious inflationary impact of abnormal foreign demand in the case of agricultural commodities.".

SEC. 3. Section 4 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsections:

"(f) No action taken by the Secretary of Commerce with the approval of the Secretary of Agriculture under this Act shall be construed to limit the authority of the President to sell or otherwise dispose of any agricultural commodity under the Agricultural Trade Development and Assistance Act of 1954 if such sale or other disposition is made to a friendly foreign country and is determined by the President to be necessary to further significantly the foreign policy of the United States and to fulfill its international responsibilities.

"(g) (1) Notwithstanding any other provision of this Act the Secretary of Commerce is authorized to initiate a 100 percent validated export licensing system with respect to any article, material, or supply whenever the President determines the initiation of such systems with respect to such article, material, or supply is necessary to protect the United States against a future shortage thereof or to protect the economy of the United States. The Secretary is also authorized to initiate, either in conjunction with or independent of a 100 percent validated export licensing system, any reporting system he deems appropriate with respect to any article, material, or supply.

"(2) As used in paragraph (1) of this subsection the term '100 percent validated export licensing system' means a licensing system under which (A) the Secretary of Commerce authorizes the exportation of a quantity of any article, material, or supply only when the application for a license to export such article, material, or supply is accompanied by a certified copy of a contract for the export from the United States of a quantity of such article, material, or supply equal to the quantity of such article, material, or supply for which the export license is requested, and (B) licenses are issued, unless otherwise provided by the Secretary of Commerce, to cover exports anticipated for the current month or the current and immediate suceeding month."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1326

At the request of Mr. WILLIAMS, the Senator from Connecticut (Mr. RIBICOFF) was added as a cosponsor of S. 1326, the Hemophilia Act of 1973.

S. 1844

At the request of Mr. ABOUREZK, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 1844, the national folklife preservation bill.

S. 2589

At the request of Mr. ROBERT C. BYRD (for Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2589, the National Emergency Petroleum Act.

S. 2598

At the request of Mr. DOMENICI, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2598, the Car Pool Incentives Act of 1973.

S. 2652

At the request of Mr. ROBERT C. BYRD (for Mr. JACKSON), the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2652, the Coal Conversion Act of 1973.

SENATE RESOLUTION 200—SUBMISSION OF A RESOLUTION RELATING TO THE NATIONAL SECURITY OF THE UNITED STATES

(Considered and agreed to.)

Mr. HUMPHREY (for himself, Mr. AIKEN, Mr. BENTSEN, Mr. ROBERT C. BYRD, Mr. HUGH SCOTT, Mr. JAVITS, Mr. MCGEE, Mr. NUNN, Mr. INOUYE, Mr. MAGNUSON, Mr. BUCKLEY, Mr. MCINTYRE, Mr. BAKER, Mr. BROOKE, Mr. BURDICK, Mr. CASE, Mr. GURNEY, Mr. NELSON, Mr. PERCY, Mr. PACKWOOD, Mr. FONG, Mr. PROXMIRE, Mr. STAFFORD, Mr. STEVENSON, Mr. TAFT, Mr. YOUNG, Mr. PEARSON, Mr. GRIFFIN, Mr. MONDALE, and Mr. TOWER) submitted the above resolution.

(The text of the resolution and the remarks Senator HUMPHREY made on its submission are printed earlier in the RECORD at the point where the resolution was debated and agreed to.)

THE WATER POLLUTION CONTROL AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 646

(Ordered to be printed and referred to the Committee on Public Works.)

Mr. STEVENSON. Mr. President, last week I was pleased to join Senators GURNEY and CHILES as a cosponsor of S. 2531, a bill to amend the Water Pollution Control Act. S. 2531 would allow any community to begin construction of waste treatment facilities, with the assurance that it would qualify for future Federal reimbursement. This bill would be retroactive to January 1, 1973. Today, I am introducing an amendment to S. 2531 which would simply move the January 1, 1973, effective date back to July 1, 1972.

Just over a year ago, in October of 1972, the Congress enacted—over a Presidential veto—Public Law 92–500, the Water Pollution Control Act Amendments of 1972. The stated purpose of that act is to "restore and maintain the chemical, physical, and biological integrity of our Nation's waters." This was, and still is, a firm commitment. To accomplish this goal, Congress authorized $18 billion to be spent over a 3-year period for the construction of municipal waste treatment facilities.

It has become all too apparent that the administration does not share in this commitment. When Congress passed the amendments—over the President's veto—the President then proceeded to impound half of the $18 billion. The President's action is an attempt to accomplish by Executive fiat what could not be accomplished by veto.

The President's veto, and now his impoundment of congressionally appropriated funds, are a matter of record. And that record speaks for itself to all who are concerned with preserving the integrity of our Nation's waters. Mr. Nixon has said to the communities of the Nation that, despite a congressional mandate, the construction of sorely needed waste treatment facilities is not a high priority.

The President's action has undermined the intent of the law. Under this legislation, the Federal share in the cost of construction of waste treatment facilities is 75 percent. In order to qualify for these funds, communities must apply to the U.S. Environmental Protection Agency before any phase of the project is begun. USEPA disburses funds to local governments only after an application has been approved.

This procedure would work well if the full $18 billion provided by the Congress were still available. But as of now, many communities face an impossible situation in the absence of the full funding intended by the Congress.

Many local governments could proceed with the construction of their facilities immediately. They are even willing to commit local resources to cover the 75-percent Federal share of the cost of construction. The full weight of such local action is obvious when one considers how financially pressed many of our communities already are.

These communities realize that the problem of water pollution is serious. They understand that immediate action must be taken in order to prevent our already polluted waters from becoming worse. They should be commended.

Instead of commendation, the local governments are being penalized. Any community that begins construction now, without a firm commitment of Federal funding, waives any right to future Federal assistance.

I know that there are several communities in Illinois that have already forfeited their right to Federal assistance, simply because they proceeded to construct facilities without the benefit of EPA approval for the 75-percent funding. This is a most inequitable way to treat communities that are making a good faith effort to eliminate pollution.

Other communities cannot afford the luxury of forfeiting Federal assistance. They are forced to wait several months, or even years, for a grant from the USEPA. During that time, the waters in a given community remain polluted, or become more polluted. Meanwhile, construction costs continue to rise at an alarming rate. In the end, it will cost the Federal Government far more than if these communities were allowed to proceed with construction immediately.

To illustrate the problem in my own State of Illinois, I ask unanimous consent that two statements be placed in the RECORD at the conclusion of my remarks. The first is testimony by Mr. John Marco, the acting director of the Illinois Environmental Protection Agency, before the House Subcommittee on Water Resources on October 30. The second item to be submitted is a statement on the same subject by Governor Daniel Walker.

I believe that S. 2531 is a partial answer to this dilemma. This bill would at least allow communities to be eligible for future Federal reimbursement, even if they begin construction of waste treatment facilities now. It would only be a "partial answer" because it would not guarantee such reimbursement. The final decision on such reimbursement would await the EPA approval of an application.

As introduced last week, however, S. 2531 would still leave a slight time gap whereby certain communities might be precluded from eligibility for reimbursement. Public Law 92-500 already provides for reimbursement to communities that began construction of their facilities before June 30, 1972. And S. 2531 would provide reimbursement for facilities begun on or after January 1, 1973.

To correct this slight oversight, I am proposing an amendment to S. 2531. The amendment would simply move the effective date of the reimbursement eligibility feature in S. 2531 from January 1, 1973 to July 1, 1972. Any gap in the reimbursement feature, therefore, would be eliminated.

Mr. President, the need for a reimbursement feature is clear. The construction of municipal waste treatment facilities is an expensive undertaking. Many communities simply do not have that kind of money available. It is unjust for the Federal Government to set stringent antipollution standards, and then deny local governments the financial assistance needed to meet those standards.

It is up to the Congress to take the initiative. A campaign to clean up our waters is ineffectual in the absence of massive Federal spending. Any sign of faltering on the part of the Federal Government creates a breach of faith between the Federal Government and the local officials who must meet the water quality standards set by the legislation. I believe that S. 2531, and my proposed amendment, can only serve to reaffirm our commitment to clean water. I hope that favorable action on these proposals will be forthcoming in the near future.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN M. MARCO, ACTING DIRECTOR, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Mr. Chairman: I appreciate the opportunity to testify before this Committee on the survey of needs for construction of municipal water pollution control facilities. As you know, the survey was conducted by the states at the request of the United States Environmental Protection Agency.

This survey is required by Public Law 92-500, the Federal Water Pollution Control Act Amendments of 1972, and was intended to provide state-by-state information on the amount of funds needed by local and state government.

Section 205(a) of the 1972 Amendments suggests that the dollar needs by this survey will determine allotment among the states of Fiscal Year 1975 and Fiscal Year 1976 construction grant appropriations. Congress must decide soon if it wishes to affirm this tentative decision expressed in the 1972 law.

I will discuss the findings of the 1973 Needs Survey in Illinois, the adequacy of the Survey findings as an indication of total needs in Illinois, and the desirability of using the survey results for allotment of grant dollars to the states. I then will offer general comments on the 1972 Amendments and their implementation by the Nixon Administration.

In 1970, the estimated cost for needed publicly owned wastewater treatment facilities in Illinois was $3 billion. As a result of the 1973 Needs Survey, this estimate has been increased to $4.1 billion. At the current rate of allocation of Federal funds by the Nixon Administration, even without inflation, at least 17 years will pass before these Federal promises are fulfilled. Such foot-dragging by the Administration is clearly inconsistent with the goal of eliminating water pollution due to municipal wastes by 1983.

But beyond this, the 1973 Needs Survey completely ignored several important classes of water pollution problems whose rectification will be eligible for Federal grant assistance under present regulations and which will be necessary if we are to achieve the water quality objectives set out in the Federal Law. I cite the following specific examples:

1. Treatment or other control measures to eliminate pollutants carried into our waters by stormwater runoff from urban areas.

2. Control of acid drainage from mine-related sources located on publicly owned land, such as the many county and township roads in Southern Illinois which were constructed using acid-forming spoil material from nearby mines.

3. Thermal discharges from publicly owned electric utility power plants.

While we do not yet have total cost estimates for dealing with these problems, it is certain that the total dollar figure for Illinois' grant needs will increase very substantialy when these and other "non-traditional" classes of projects are fully considered.

The results of the 1973 Needs Survey must be viewed with skepticism for another reason. The Illinois Environmental Protection Agency received its first guidelines from the United States Environmental Protection Agency concerning the Survey on May 30, 1973. The Survey questionnaire forms were not received for distribution until June 5. The deadline by which USEPA insisted the completed survey forms must be returned to them was July 20. Thus, we were allowed only 51 days to plan and carry out the completion of 883 complicated survey questionnaires, 34 pages each, for 735 different units of government. To accomplish this task, it was necessary for the entire field surveillance staff of our Division of Water Pollution Control to devote virtually full time to the survey for four weeks to the neglect of almost all other duties.

Needless to say, the quality of our Survey results very likely reflects the amount of time available to us for planning and execution of the work I have just described.

I urge the Congress to devise an alternate method for alloting grant funds because of the inherent disadvantages of any estimate of "needs" as a basis for allocating Federal grant appropriations and because of the inadequacies of the 1973 Needs Survey I have just described. The disadvantages of a needs-based formula are:

1. States which already have achieved substantial progress in the control of water pollution are penalized, while states which have done little to solve their problems themselves are rewarded by the relatively larger shares of Federal dollars they receive.

2. State programs of grant assistance are discouraged, as are local financial contributions at a level greater than the minimum required 25 percent. This is because each extra dollar contributed by state or local government reduces the outstanding eligible needs for facilities by a dollar, and consequently reduces the state's future share of available Federal funds.

3. A needs-based formula encourages the states to inflate construction cost estimates and to ignore nonconstruction alternatives for solution of problems so that the maximum Federal dollars will be made available each year for construction grants.

Alternate bases for allotting grant funds to the states which I suggest Congress may wish to consider are:

Total population;

Urban population;

Population adjusted for *per capita* personal income;

The Revenue Sharing formula, or some modification of it.

We are all aware of the impoundment of municipal construction grant funds by President Nixon. This impoundment can only work to the detriment of an effective water pollution control program. As long as the funds are impounded, and as long as inflation increases costs we will continue to watch helplessly while the pollution of our rivers and streams remains beyond control. I do not need to dwell upon the effect of this policy on the water pollution control effort in Illinois; you are already cognizant of this. Rather, I wish to emphasize the importance of Congressional action to restore the provision allowing reimbursement of communities who proceed with construction to solve their problems without waiting for Federal grant funds. Now without this important reimbursement provision, we have an absurd situation where many communities are ready to initiate construction of needed facilities, but cannot proceed because to do so will forever foreclose hope of obtaining Federal construction grant assistance to which they are entitled.

Furthermore, state-operated revolving funds, conceived to allow pre-financing of needed projects so construction can proceed as rapidly as possible without the constraint of a Federal grant priority list, cannot function because the flow of Federal reimbursement dollars into the revolving fund is blocked under the present law.

I urge Congress to take immediate action to adopt amendments to Public Law 92-500 similar to those proposed in Senate Bill 2531, so that those far-sighted communities who are ready to proceed with construction may do so without further delay.

There is another roadblock, in addition to impoundment of grant funds, for which the Congress must share some of the responsibility. Section 201(g)(3) of the 1972 Amendments requires demonstration to the United States Environmental Protection Agency that a reduction of excessive infiltration or inflow of clear water to a sewer system is a less economical alternative than construction of large facilities to treat this excessive flow. This requirement is based on a sound principal with which we heartily agree. Unfortunately, though, the infiltration/inflow study requirement has guaranteed that even communities with high priority for available grant funds will, for the most part, be unable to initiate construction this fiscal year. Sewer system studies must first be completed, requiring a year's time, or more, in order to establish the most economical combination of sewer system rehabilitation work and treatment facility construction. The cost of the studies themselves will be substantial, offsetting to a large degree any cost savings the studies achieve.

More importantly, the infiltration/inflow study requirement will introduce yet another year's delay in construction of even our highest priority projects.

I urge you to reconsider whether the dollars which may be saved by this requirement justify the additional year's delay in construction of critically needed facilities. In my opnion this provision of the law should be changed to apply only to projects where flow data strongly suggest that excessive infiltration/inflow may be present.

As though the problems with the Needs Survey and impoundment and infiltration/inflow studies have not introduced enough disruption into state programs for control of water pollution, the USEPA now insists that all state activities for controlling water pollution take a back seat to the issuance of all National Pollutant Discharge Elimination System permits by December 31, 1974. The presumption seems to be that no state has a viable permit program, and therefore issuance of Federal permits by the states must take precedence over all other activities.

Permits don't clean water! Treatment facilities do! The planning and grants needed to assist in the building of these treatment facilities are being neglected in favor of the new Federal permit program.

Illinois has had a workable, effective, and enforceable permit program in operation for many years. It includes all the best features of the Federal permit system. It is an essential part of our water pollution control program. But a permit program cannot and will not achieve our water quality objectives unless accompanied by other critical program elements, such as planning, grants, and operator assistance.

Federal regulations will force Illinois to spend an estimated $2 million just to rewrite permits already issued by the state to make them NPDES permits. Illinois taxpayers will not receive one additional mile of cleaner streams for this $2 million.

While Illinois supports the Federal permit program in concept, we believe a more deliberate approach to implementation is necessary. Specifically, we urge Congress to extend until December 31, 1975, the time available for issuance of NPDES permits in order that these permits may be given the careful consideration they deserve. This will also allow time for the water quality analysis and planning needed before we can issue permits that will be sufficiently stringent to control pollutional discharges, but will not impose unnecessary hardships on applicants.

Much of the difficulty Illinois is experiencing with implementation of the 1972 Amendments stems from the repeated lateness of the USEPA in issuing the regulations and guidelines necessary for the states to carry out the law. Virtually every important deadline for issuance of regulations has been missed by USEPA but in typical bureaucratic fashion, the states are expected to comply with every deadline or risk loss of Federal funds. We suggest Congress consider means of rectifying the hypocrisy of this situation.

Another aspect of the Nixon Administration's failure to comply with the letter and the spirit of the 1972 Amendments is the unbearable paperwork mentioned by Governor Walker. To illustrate the extent to which the Adminstration is ignoring the obligation placed upon it by Section 101(f), consider these two examples:

1. The Fiscal Year 1974 Program Plan submitted to USEPA by Illinois as required to obtain Federal grant funds is 1,015 pages in length, nearly 2½ times as long as the 441-page Fiscal Year 1973 Program Plan.

2. The proposal of the State of Michigan, outlining its plan for participation in the NPDES, a document prepared according to USEPA guidelines, is more than 600 pages in length.

It is clear that no one could read the mountains of paper being generated to meet Federal requirements, even if he had a reason to try. We are choking ourselves to death with documents.

Something must be done to reduce this mindless Federal appetite for paper if we are to succeed in restoring our waters to a clean and healthful condition.

In summary, we recommend Congress take the following action:

1. Adopt a basis other than the 1973 Needs Survey alone for allotment to the various states of grant funds for constructing municipal water pollution control facilities.

2. Amend Public Law 92–500 to allow reimbursement of communities which have the initiative to proceed with construction without waiting for Federal grant funds to be offered.

3. Amend Section 201(g)(3) of the Act to require infiltration/inflow studies only where there is clear evidence that such a study is needed.

4. Extend the time allowed for issuance of the first round of NPDES permits to December 31, 1975.

5. Require that the USEPA publish regulations and guidelines in a timely manner, and extend deadlines imposed upon the states whenever Federal guidance is delayed.

6. Consider measures to force compliance with Section 101(f) of the Act by the Nixon Administration so as to reduce needless paperwork.

Thank you for the opportunity to testify before this committee. Be assured we want to continue progressive, effective programs for control of water pollution in Illinois, but first we must have the freedom and the federal assistance promised under the new law.

Statement of Dan Walker, Governor of the State of Illinois

October 30, 1973.

Mr. Chairman: Thank you for the opportunity to testify concerning the Needs Survey.

I believe the Needs Survey, conducted by the states at the request of the United States Environmental Protection Agency, has determined point sources of pollution, but the survey has failed to consider several important types of water pollution problems confronting Illinois. Problems caused by acid mine waste and urban stormwater runoff are completely ignored, yet these are serious causes of water pollution in Illinois.

The people of Illinois are concerned about the quality of their rivers, streams and lakes and demonstrated that concern by approving a $750 million anti-pollution bond issue. The State bond money is being spent in coordination with the federal funds to assure a united anti-pollution effort. But that coordination has not been easy.

Illinois' efforts to assure cleaner waters have been thwarted by the impoundment of promised Federal dollars, and I include in the term "impoundment," defacto impoundment; that is, the long delay in issuing the federal regulations that would enable communities in Illinois to qualify for federal sewage treatment construction grants. Federal bureaucracy and contradictory regulations of the United States Environmental Protection Agency for implementing the Federal Water Pollution Control Act Amendments of 1972 have further hindered action on the pollution problems themselves. Due to these factors, sewage treatment construction has come to a standstill over the past year—not only in Illinois, but throughout the Midwest.

During the next three years I intend to reduce the mountains of paperwork which stand between governmental agencies and the people those agencies are supposed to serve. I ask your help in eliminating the unnecessary red tape with which the United States Environmental Protection Agency has bound our efforts to reduce water pollution in Illinois.

Congress could also help the states help themselves by amending Public Law 92–500 to allow future federal reimbursement and state pre-financing of municipal water pollution control facilities.

Illinois is willing—and able—to pre-finance construction costs for communities eligible for federal grants and ready to begin construction. If these communities begin construction now without an actual commitment of federal funds, they waive their rights to any such funds. Pre-financing by the State with future reimbursement by the federal government would allow projects to start now. With such an approach, concrete results could be achieved sooner.

I contend that clean water can best be accomplished if the states and the federal government agree on the goals and the timetable for achievement of those goals, but then the states should have the freedom to tailor their individual programs to meet the agreed goals.

I have asked Mr. John M. Marco, Acting Director of the Illinois Environmental Protection Agency, to present more detailed testimony to the committee.

SOCIAL SECURITY AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 647

(Ordered to be printed and referred to the Committee on Finance.)

Mr. NELSON. Mr. President, I am offering an amendment to H.R. 3153 as amended by the Senate Finance Committee which would restore the present deduction allowed for State and local gasoline taxes, proposed to be eliminated by the committee, and offer in its stead a revision of the minimum tax which would disallow deductions for regular income taxes paid before preferred income is subject to the minimum tax. Whatever the merits of the proposed elimination of the deduction for State and local gasoline taxes, this proposal was not subject to any testimony or hearings before the Senate Finance Committee this year and was proposed by the committee principally as a revenue producing measure to pay for other proposed changes contained in H.R. 3153.

The revenue effect of these two amendments is almost identical. It is estimated that the revision of the minimum tax which I proposed will increase tax revenue by $580 million whereas elimination of the State and local gasoline tax deduction will increase revenues by $589 million. While their revenue effects are the same, the consequences for the ordinary American taxpayer are radically different. The minimum tax, even with the revisions I propose today, applies only to wealthy individuals who have more than $30,000 in preferred income each year, regardless of how much regular income they also have. The State and local gasoline tax deduction, on the other hand, is of benefit to low income Americans.

Mr. President, I ask unanimous consent to insert in the Congressional Rec-

ORD at this time a table showing the amount of deductions taken in 1972 for State and local gasoline taxes for various income tax brackets.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Income tax deductions taken for State and local gasoline taxes

Income tax bracket:	*Amount of deduction (in millions)*
$0–$3,000	1
3,000–5,000	7
5,000–7,000	27
7,000–10,000	83
10,000–15,000	165
15,000–20,000	136
20,000–50,000	147
50,000–100,000	19
100,000–over	6

Mr. NELSON. Mr. President, this table shows that individuals with taxable income of $20,000 or less receive the benefit of $419 million of the $589 million deducted for State and local gasoline tax. This amounts to 71.1 percent of the total amount deducted.

The committee proposal would therefore add substantially to the tax burden of low and average income taxpayers. It is much more equitable to raise additional revenues by taxing, income which escapes taxation entirely rather than adding to the tax burden of middle income Americans.

Probably nothing discredits the tax system more than the knowledge that many wealthy people are paying little or no income taxes. The Secretary of the Treasury heralded a "taxpayer revolt" when he disclosed that in 1967, 155 Americans with incomes of over $200,000 paid no Federal income tax and in fact 21 of them made incomes in excess of $1 million each. In 1969, some 300 individuals with incomes of more than $200,000 paid no Federal income tax.

In an attempt to correct, to a limited extent, this inequity Congress in 1969 established a minimum tax providing for a flat 10 percent tax rate on income that had escaped entirely being subject to tax. Congress enacted the minimum tax on tax preference income because, regardless of the individual merit of the provision which established such preferences, we did not want them to be pyramided by wealthy individuals to allow them to escape tax liability entirely.

It is not at all inconsistent to take the position that while certain tax subsidies may be desirable, a taxpayer who takes advantage of such subsidies in an excessive amount or who reduces his tax contribution to an insignificant amount should be required to include such excess in his tax base. The purpose of this amendment is not to reduce the amount of the tax subsidies except in those cases in which taxpayers take undue advantage of such subsidies through excessive manipulation of the tax code.

It is generally agreed, however, that the minimum tax has not achieved its stated purpose that every wealthy individual and corporation should pay at least a minimum tax on his preference income.

In 1970, the first year when the minimum tax was in effect, 106 individuals with adjusted gross incomes exceeding $200,000 still paid no Federal income tax. Incredibly, three taxpayers with adjusted gross incomes of more than $1 million each paid no income tax at all. In 1971, 276 taxpayers with incomes over $100,000 paid no Federal income tax at all.

The effective tax rate in 1970 for individuals who paid the minimum tax on their preferred income was 4 percent rather than the statutory rate of 10 percent. In 1971, individuals paid $163 million in minimum tax on total preference income of $6.2 billion for an overall effective tax rate of 2.63 percent and 98,000 individuals reported tax preferences but only 24,000 of them actually paid a minimum tax on their preference income for an effective rate of 4.13 percent.

In 1970, 6,000 corporations paid $280 million in minimum tax on preference income of $4.1 billion for an effective rate of 6.7 percent; 75,000 corporations, however, paid no minimum tax on preference income of $1.6 billion for an overall effective minimum tax rate of 4.8 percent.

When the minimum tax was enacted, it was estimated that it would raise $590 million in calendar year 1970, $600 million in 1972, and $635 million in the long run. In fact, actual revenue gains are far below these estimates. In 1970, it raised only $117 million from individuals and $280 million from corporations. In 1971, it raised only $163 million from individuals.

The minimum tax has failed in part because of crippling amendments adopted on the Senate floor allowing deductions for other income taxes paid.

Although there were several different minimum tax proposals submitted to Congress, the one finally adopted was that of the Senate Finance Committee which applied a flat 5 percent tax rate on all preference income in excess of $30,000. The Finance Committee bill was amended on the Senate floor by an amendment offered by Senator Miller of Iowa to raise the rate from 5 percent to 10 percent and to allow a deduction of other Federal taxes paid. A year later, in December 1970, a further floor amendment by Senator Miller, was passed under which this minimum tax exclusion was broadened to incorporate a 7-year carryover of regular income tax liability to the extent not initially utilized to offset tax preferences. It is this deduction of other Federal taxes paid that my amendment would eliminate.

The basic rationale for the minimum tax is that it is needed because certain taxpayers have amassed certain items of income which are not included in their regular tax base. These excluded items stand apart from, and in addition to, the items normally taxed. The reason the taxpayer is subject to the minimum tax is that his effective tax is too low in relation to his real income due to the amount he received from tax preference items. To give him credit for the tax that he pays on his regular income defeats the purpose of the minimum tax. The tax on "regular" income is simply unrelated to the tax on excluded items of tax preference. It is illogical to establish a tax on the preferred income escaping taxation, and then allow a deduction for taxes paid on regular income.

The proposed amendment does not in any way change the structure or composition of the present minimum tax. It does not:

First, change or raise the statutory rate of 10 percent;

Second, reduce or eliminate the deduction of $30,000 presently available to every taxpayer before calculating income subject to the minimum tax;

Third, add a single new item of preference income to the base of the minimum tax, for example, intangible drilling and development cost as has been proposed from time to time.

This amendment merely tries to guarantee that the minimum tax achieve its stated goal and raise additional revenue not by taxing already overburdened average American taxpayers but by taxing forms of incomes that escape taxation entirely.

Mr. President, I ask unanimous consent to insert in the RECORD at this time a table describing the effect of existing minimum tax provisions and the Nelson proposals on three examples.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXAMPLES OF THE EFFECT OF EXISTING MINIMUM TAX PROVISION AND NELSON PROPOSALS

(All examples involved married man with two children filing a joint return and assuming that itemized deductions amount to 10% of total income.)

CASE I

A has a $60,000 salary and $60,000 in capital gains;

Tax liability under present minimum tax is zero;

Tax liability under Nelson proposed minimum tax is also zero.

CASE II

B has a salary of $200,000 and other regular income of $400,000 and capital gains of $1 million;

Under present minimum tax law his tax liability is zero:

Preference income $500,000; regular taxes 621,880; preference income subject to minimum tax—0.

Under Nelson proposed minimum tax, his tax liability would be $47,000;

Preference income	$500, 000
Deduction	−30, 000
Total	470, 000

Preferred income subject to Nelson's minimum tax proposal tax liability—$47,000.

CASE III

C has a salary of $300,000 and other regular income of $60,000 and capital gains of $2 million.

Under present minimum tax law, his tax liability is zero.

His regular tax liability is $1,080,880; preference income is $1,000,000; preference income subject to tax—0.

Under the Nelson minimum tax proposal:

Preference income	$1, 000, 000
30,000 deduction	−30, 000
Total	970, 000

Less 10 percent his tax liability would be $97,000.

TAX TREATMENT FOR MEMBERS OF ARMED FORCES—AMENDMENT

AMENDMENT NO. 648

(Ordered to be printed and referred to the Committee on Finance.)

Mr. TUNNEY. Mr. President, the amendment I am introducing today to H.R. 8214 parallels legislation introduced in the other body by my colleague from California, Congressman JAMES C. CORMAN. The purpose of this amendment is to permit a DISC in a controlled group to transfer the accounts receivable arising from its export transactions to a related financing subsidiary in that group and allow the financing subsidiary to qualify as a DISC even though it holds the transferred accounts receivable as its only assets. Present law allows a DISC to hold the accounts receivable it receives on the sales of its export property. This is the case even where the accounts receivable are the only assets of the selling corporation. Accounts receivable and evidences of indebtedness, however, can only be treated as qualified export assets for purposes of DISC status if they arose from transactions of the DISC itself. Because of a peculiarity in the present DISC provisions, if the DISC that sold the export property should transfer the accounts receivable from these transactions to a related financing corporation, the related financing corporation could not qualify for DISC treatment if these were the only assets it held. This distinction presents problems in those cases where a corporation may want to have its sales operations in one DISC and its financing operations in another DISC.

This amendment would simply allow the second, related financing corporation to hold these accounts receivable and qualify as a DISC. The Treasury Department has indicated that it does not object to its enactment and has stated that the tax consequences will be "insignificant."

I ask unanimous consent that this amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 648

At the end of the bill insert the following new section:

SEC. —. QUALIFIED EXPORT ASSETS.

(a) Qualified Export Assets of DISCs.—Section 993(b)(3) of the Internal Revenue Code of 1954 (relating to qualified export assets) is amended by striking out "such corporation" and inserting in lieu thereof "such corporation or of another corporation which is a DISC and which is a member of a controlled group which includes such corporation".

(b) The amendment made by this section shall apply with respect to taxable years beginning after December 31, 1973. Such amendment shall, at the election of the taxpayer made within ninety days after the date of the enactment of this provision, also apply to any taxable year beginning after December 31, 1971, and before January 1, 1974.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 640

At the request of Mr. MUSKIE, the Senator from California (Mr. CRANSTON), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Mexico (Mr. MONTOYA) were added as cosponsors of amendment No. 640, intended to be proposed to H.R. 3153, a bill to amend the Social Security Act to make certain technical and conforming changes.

SENATOR RANDOLPH ANNOUNCES HEARING DATES FOR S. 2581, RANDOLPH-SHEPPARD ACT AMENDMENTS OF 1973

Mr. WILLIAMS. Mr. President, the Senator from West Virginia (Mr. RANDOLPH), chairman of the Subcommittee on the Handicapped, Committee on Labor and Public Welfare, has asked me to announce the commencement of hearings on S. 2581, the Randolph-Sheppard Act Amendments of 1973. The subcommittee intends to hold 3 days of hearings on this measure. The first 2 days are Friday, November 16, 1973, beginning at 11 a.m., and Monday, November 19, 1973, beginning at 10 a.m. The hearing location will be room 4200, Dirksen Office Building. It is anticipated that the third and final day of hearings will be in early December.

NOTICE OF HEARINGS ON INDIAN COMMISSIONER

Mr. JACKSON. Mr. President, I wish to announce that the Committee on Interior and Insular Affairs has scheduled hearings to consider the nomination of Mr. Morris Thompson for the post of Commissioner of the Bureau of Indian Affairs. The hearings will be held on November 14 at 10:00 a.m. in room 3110 of the Dirksen Senate Office Building and is open to the public.

The committee has received numerous requests from tribal leaders and others interested in testifying during Mr. Thompson's confirmation hearings. Unfortunately, we are unable to accommodate this number of witnesses at the November 14 hearings.

Because the Commissioner's post has remained open for approximately one year, and Indians and others are anxious to have a nominee confirmed and sworn in in order to bring a degree of stability to the Indian field, I shall direct the committee to concentrate its time on the question of Mr. Thompson's nomination for the Commissioner's post and, as an alternative to those desiring to present testimony, I shall direct that the hearing record remain open for a period of 2 weeks to receive written testimony from interested parties with the assurance that such testimony will become a part of the printed hearings.

I ask unanimous consent that the biographical sketch of the nominee be printed in the RECORD at this point.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF MORRIS THOMPSON

President Nixon submitted the nomination of Morris Thompson to be Commissioner of the Bureau of Indian Affairs to the United States Senate on October 30, 1973.

Thompson was instrumental in formulating and implementing Indian policy as Assistant to the Secretary of the Interior from 1969 to 1971. In this position he assisted in developing the President's Indian message of 1970; was involved in the return of Blue Lake to the Taos Pueblo Indians; the return of Mt. Adams to the Yakima Indians, and he helped formulate the administration's position on the Alaska Native Claims Settlement Act.

For the past two years Morris Thompson has been Juneau Area Director, top line official for the Bureau of Indian Affairs in Alaska. In this capacity he has had full responsibility for administering the total range of Bureau programs with an annual budget of 40 million dollars and approximately 1200 employees. Significant activities include accomplishing a Tribal enrollment of well over 80,000 Alaska Natives within a two year deadline and implementing other Departmental and Bureau authorities relative to the Alaska Native Claims Settlement Act. Regular on-going Bureau programs and facilities in Alaska include 53 day schools, two Boarding schools, 5 field offices and a 10 ton cargo ship.

Thompson, an Athabascan Indian, at age 31 was the youngest man in BIA history to be named an Area Director. No, at 34 will be the youngest Commissioner when appointed.

From 1967 to 1969 he was Executive Secretary to the ten-man NORTH Commission. He was responsible for establishing policies and defining a comprehensive program to implement and promote the human and economic development of Northern Alaska. Additionally, he coordinated the activities for the Commission-economic research and evaluation of the work done by consulting firms—and acted as a liaison between State and Federal agencies.

Before accepting appointment to the NORTH Commission Thompson was Deputy Director of the Rural Development Agency for the State of Alaska. He assisted in the establishment of the Rural Affairs Commission which is a forum of Native leaders who advise the State administration on matters of policy regarding the Indian community. In his role as Deputy Director he also helped with the coordination of emergency relief programs created to alleviate disasters such as floods, fires, poor fishing seasons, etc.

Morris Thompson was born in 1939, in Tanana, Alaska, a community 150 miles west of Fairbanks on the Yukon River. Here he attended school through the eighth grade. During high school years he attended Mt. Edgecumbe BIA Boarding School, graduating as a member of the National Honor Society in 1959. For the next two years he attended the University of Alaska majoring in civil engineering with a minor in political science.

At this time BIA Employment Assistance was recruiting students interested in electronics technical training. Thompson took advantage of this opportunity and moved to Los Angeles, California, for training at RCA Institute. Here he met his future wife, Thelma Mayo from Fairbanks, Alaska, who was also in Los Angeles for a BIA training program.

Upon completing the Electronics course in 1963, he returned to Fairbanks, married Thelma, and worked as a technician at the RCA satellite tracking facility at Gilmore Creek near Fairbanks until 1967.

The Thompsons now have three daughters—Sheryl Lynn, age seven; Nicole Rae, three; and Allison May, 18 months.

Thompson has served on numerous boards and commissions during his career as a public servant including the Rural Affairs Commission, the Alaska Village Electrification Co-op and the Alaska Business Council. Currently he is President of the Juneau Federal Executive Association, a Board member of the Alaska Native Foundation, and a member of the National Congress of American Indians. He was formerly a Board member of the Fairbanks Native Association, and the Alaska Federation of Natives.

MORRIS THOMPSON PROFILE

Birthplace—Tanana, Alaska.

Birthdate—September 11, 1939; one-half Athabascan Indian.

SCHOOLS ATTENDED

1. Tanana Day School—Grade 1-8.
2. BIA Mt. Edgecumbe Boarding High School—Grade 9-12.

National Honor Society member.

Graduated 1959.

HIGHER EDUCATION

1. University of Alaska—9/59 to 1/62, Major—Civil Engineering, Minor—Political Science.
2. RCA Institute, Los Angeles, California—1/62 to 8/63.

Completed 18 month course in Industrial and Communications Electronics.

EMPLOYMENT

1. 1963–1967 Electronic Technician at the National Aeronautics and Space Administration's Satellite Data Acquisition Facility at Gilmore Creek near Fairbanks, Alaska.
2. 1967–1968 Deputy Director of Rural Development Agency for State of Alaska in Juneau, Alaska.
3. 1968–1969 Executive Secretary of NORTH Commission for State of Alaska in Juneau, Alaska.
4. 1969–1971 Assistant to the Commissioner (actually Assistant to the Secretary of Interior, Walter J. Hickel) in Washington, D.C.
5. 1971–1973 Area Director of BIA Juneau Area Office in Juneau, Alaska.

SPECIAL QUALIFICATIONS

1. Public Speaking.
2. Extensive knowledge of Indian groups and Tribes. Knows many Indian leaders personally.
3. Extended travel throughout Indian country.

MEMBERSHIPS AND ASSOCIATIONS PRESENT

1. Alaska Native Foundation.
2. National Congress of American Indians.
3. President of Juneau Federal Executive Association.
4. Governor's Labor Market Advisory Council.
5. Policy and Evaluation Council of the Center for Northern Education (University of Alaska.)
6. State Manpower Planning Council.
7. Alaska Health Manpower Committee.

PAST

1. Rural Affairs Commission.
2. Alaska Village Electrification Cooperative.
3. Alaska Business Council.
4. Fairbanks Native Association.
5. Alaska Federation of Natives.

NOTICE OF HEARINGS ON SMALL BUSINESS PROBLEMS UNDER THE MANDATORY FUEL ALLOCATION PROGRAMS

Mr. NUNN. Mr. President, notice is hereby given that the Subcommittee on Environmental, Rural and Urban Economic Development of the Select Committee on Small Business will conduct hearings under my chairmanship on the impact of mandatory fuel allocation programs on small business on November 27, 28, and 29. For those Members of this body and the general public who are concerned, I would like to set forth the subcommittee's objectives in conducting these hearings.

BACKGROUND

Under the leadership of the distinguished Senator from Nevada (Mr. BIBLE) and before him the distinguished Senator from Alabama (Mr. SPARKMAN), the Select Committee has a long history of being concerned with petroleum and energy matters. In its annual report for 1972, the committee pointed out on this subject that the United States was entering an "energy crisis," as illustrated by an 11.7-percent reduction in inventories of distillate fuels, especially No. 2 heating oil, between October 1971 and October 1972.

The Middle East situation and other factors have severely aggravated these shortages.

SMALL BUSINESS ORGANIZATIONS CONSULTED

On November 1 of this year, I convened our subcommittee in an informal working session with the representatives of 17 small business organizations to gain insights into their most pressing problems, including shortages of fuels. Although the mandatory allocation programs for propane and distillate oils were announced only during October, it has become apparent that energy shortages will have major effects on small business profitability and survival. It also appears that the extent of this impact is not yet fully realized.

SHORTAGES ALREADY BEGINNING TO HURT

We already know from press reports that factory closings have tripled in recent weeks because of shortages of petroleum products as fuels and raw materials. The following examples of industry shutdowns were recently cited in the national press:

> Ammonia fertilizer plants are closing because they are unable to obtain natural gas which they require as feedstocks to make ammonia. This will cause still more shortages of fertilizers next spring.
>
> With natural gas in short supply, it is becoming more difficult to obtain propane, a derivative of natural gas, which is used in the vital drying process of many grain crops.
>
> During the past few weeks, as many as 30 small plastics plants have closed in New York, New Jersey and New England.
>
> A nationwide steel shortage has caused many construction firms to switch to plastic pipe, which is now in such critical supply that some contractors have had to slow down housing starts. Six building projects in Houston have been almost halted because the contractors cannot get plastic pipe.
>
> In addition to plastics, two other products made from petroleum are expected to be in short supply this winter—anti-freeze and asphalt. Both are critical in the winter, anti-freeze for obvious reasons and asphalt because it is used to repave roads damaged by winter weather.

These press reports loom as the tip of an iceberg on which countless small businesses could be wrecked during a cold winter of 1974. Recent events and the resulting steps announced by the President on November 7 will undoubtedly make the situation even tighter for millions of small businesses across the country. The President has stated that rationing of heating oil and gasoline were probable.

CONGRESS HAS ATTACKED THE PROBLEMS

Several committees of Congress have done an excellent job over the last year in putting together the background of our gathering energy storm and in advancing specific legislative proposals to the point of enactment. In the Senate, under the able leadership of the chairman of the Interior Committee (Senator JACKSON), the Permanent Investigations Subcommittee has just completed a comprehensive study of more than 1 year, which was the basis of a far-reaching bill—S. 1507, The Emergency Petroleum Allocation Act of 1973—which is presently in conference. The Senate Banking Committee under the direction of Senator SPARKMAN and Senator McINTYRE attempted both last year and this year to gain the administration's cooperation in addressing the problems of independent gasoline and fuel distributors.

NEED FOR TIMELY INVESTIGATION OF IMPACT ON SMALL ENTERPRISES

There is a vast community of small businesses virtually all of which depend upon petroleum products as fuels or raw materials. The economic importance of small businesses is indicated by the fact that they furnish more than 50 percent of the jobs in our economy and close to 40 percent of our gross national product. They are also the mainstays of the viability of our small and rural towns and cities across the country, and their best hope for economic development.

However, there has not yet been a good case study of what is happening to small businesses as a result of these shortages and allocation programs. Our committee, and others with whom we have conferred, feel that it would be very constructive to take an early look at the impact of these mandatory fuel allocation programs on this vital segment of the American economy.

We feel that unless Congress and the administration cooperate in getting the facts and quickly addressing the varied problems of the small business community, the lights will be turned out permanently in thousands of firms. This can only result in the strength of our economy being severely damaged.

Our subcommittee cannot, of course, manufacture nonexistent energy supplies. We can, in careful exploratory hearings, attempt to gather information as to what small businesses are actually experiencing.

The hearings will provide small businessmen, State and Federal officials a chance to respond at early stages of this energy crisis, rather than at a later stage when it may be too late. This seems to me particularly important because it has been our national experience that in every shortage or allocation program small businesses have the greatest problems and the lowest priorities. We hope that a timely input by the small business community through the efforts of our subcommittee can lead to avoiding some of the worst problems of controls, thereby preserving small firms in their vital roles as suppliers of goods and services to our priority uses and other citizens.

REMOVAL OF INJUNCTION OF SECRECY FROM THE PROTOCOL TO THE CONVENTION FOR THE INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA, AND THE CONVENTION ON INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the protocol to the Convention for the International Council for the Exploration of the Sea, done at Copenhagen on August 13, 1970 (Ex. V, 93d Cong., 1st sess.); and the Convention on the International Regulations for Preventing Collisions at Sea, 1972, done at London October 20, 1972 (Ex. W, 93d Cong., 1st sess.); transmitted to the Senate today by the President of the United States.

I also ask unanimous consent that the protocol and convention, with accompanying papers, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER (Mr. ABOUREZK). Without objection, it is so ordered.

The text of the President's messages are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol to the Convention for the International Council for the Exploration of the Sea, done at Copenhagen on August 13, 1970.

This Protocol amends the Convention for the International Council for the Exploration of the Sea, done at Copenhagen September 12, 1964, with respect to the vote required by the Council for approving its annual budget. I transmit, for the information of the Senate, the report received from the Department of State with respect to the Protocol.

I recommend that the Senate give early and favorable consideration to the Protocol submitted herewith and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *November 9, 1973.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to acceptance, the Convention on the International Regulations for Preventing Collisions at Sea, 1972, done at London October 20, 1972. The report of the Department of State is enclosed for the information of the Senate.

The Convention is designed to revise and bring up to date the International Regulations for Preventing Collisions at Sea, 1960, in the light of technological developments and increased use of the marine environment since those Regulations were concluded.

International concern for the protection and effective management of our oceans has been growing in recent years. The international community has also become more aware that the effects of marine casualties are not confined to the men and vessels immediately involved but, through the increased risk of marine pollution, can extend well beyond. I recommend that the Senate give prompt consideration to this Convention and consent to its acceptance.

RICHARD NIXON.

THE WHITE HOUSE, *November 9, 1973.*

SHOCKING NEGLECT OF MENTALLY RETARDED AT THE DISTRICT OF COLUMBIA'S FOREST HAVEN FACILITY

Mr. HUMPHREY. Mr. President, I invite the attention of the Senate to a matter of great concern to me and to many other citizens of this country, particularly the residents of the District of Columbia, Maryland, and nearby areas.

In the midst of many expressions of concern on Capitol Hill about abuses of national elective office, only 22 miles away there is a shocking case of governmental abuse of 1,300 people through neglect or totally inadequate efforts to improve services of care and habitation.

I refer to the mentally retarded persons who are resident at Forest Haven, the facility operated by the District of Columbia at Laurel, Md. The District of Columbia government and Congress must share the blame for the incredible conditions reported at this institution, for low staff morale, and for a treatment of the mentally retarded that all too often amounts to nothing more than survival from day to day.

This startling case of hundreds of people forgotten by society and seemingly barely tolerated by government was brought sharply to my attention by a recent series of outstanding articles by reporter Michael Satchell, and appearing in the Washington Star-News. Mr. Satchell relates the story of a black youth, given the name Lonnie Jackson, who "became ensnared in a system that failed when it took him in and continued to fail by keeping him for 13 years, knowing that he did not belong."

At the age of 5, after his mother died, Lonnie Jackson was placed in an institution at Forest Haven for the mentally retarded. As a result of totally incorrect testing, he was labeled "mentally retarded, irremediable." Yet this "hopeless case"—as far as administrative personnel at Forest Haven were concerned—graduated 20th in the 1973 class at McKinley High School, after concerned brothers of a Catholic religious order finally secured his release under their supervision 2 years ago. The rest of Lonnie's struggle for life is a chronicle of repeated physical mistreatment, harsh conditions, and frustrated attempts to obtain staff recognition of his academic interests and capabilities. The only excuse given for this saga of neglect was that Lonnie could not be placed in a home because the District of Columbia Child Welfare Division was already overburdened.

Mr. President, I know that in these days of the Middle East crisis and in these days of concern over the governmental crisis, it does not seem statesmanlike or even of any significant importance to get up here in the Senate and talk about things that relate directly to people's lives. But I want to say to my colleagues and to this community that if we are unable to do our job here in the District of Columbia, the Nation's Capital, which should be the center of all that is good in this country, what makes us think that we can help the rest of the world?

It seems to me that we are practicing a form of escapism. When we look around and see communities in our own States, and particularly here in this great Capital area, failing in its responsibilities, we immediately charge off to see whether we can save Africa, Asia, or Latin America, knowing little about those areas, and little enough about their way of life.

So, Mr. President, I am going to spend some time here in the Senate directing my attention toward problems not only of the people in the State I am privileged to represent—and, might I say, I travel a great deal in my State and I know the people and I care about them—but I am also going to talk about some of the problems here in the District of Columbia.

Millions of Americans visit the Nation's Capital every year. There are great newspapers in this city, and television stations. Hundreds of thousands of people come from abroad to the District of Columbia, the Nation's Capital, yet we seem to neglect all too often the many facilities and services that this great city should have.

I rise today to talk about this matter out at Forest Haven because it is an insult to God's children. It is an insult to this Government. It is an insult to any sense of decency.

It is about time that some of us who are more fortunate speak up for those who are less fortunate.

Apart from people who have everything our concern should be for those people who just want something. Apparently that concern is not often expressed.

The PRESIDING OFFICER (Mr. CLARK). The time of the Senator from Minnesota has expired.

Mr. ROBERT C. BYRD. Mr. President, how much time remains under morning business?

The PRESIDING OFFICER. Five minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for morning business be extended an additional 15 minutes, with statements therein limited to 5 minutes; and I ask to be recognized and I will yield my time to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I am pleased to get this additional time because I am not speaking today for just this RECORD. I am speaking out of my heart. I am speaking out of my concern, and I intend to get something done about it.

I want to serve notice on the District of Columbia government and I want to serve notice on this Congress that I am going to be at this until something happens.

Some years ago, I found that the schools of the District of Columbia had school books so out of date that they should have been placed in a museum. I remember in the 1960's, when we were concerned with these school books, that they finally recognized that electric refrigeration had arrived. The school books had pictures showing the Ford trimotored plane of the 1920's and 1930's. They did not even get up to the point where they had four-engine propeller planes, or even jet propulsion. The atomic age had not even arrived so far as the school books in the District of Columbia were concerned in the science classes in the early 1960's.

I stood here, Mr. President, day after day, and harassed Congress and the District of Columbia government until we got some school books that were up to date.

I am going to do exactly the same thing about cleaning up the Nation's Captial, and about the instances of gross neglect of the unfortunate, the sick, the handicapped, and the mentally retarded.

The profoundly regrettable fact is that the situation at Forest Haven is not—repeat is not—the exception to the rule. The rule, according to the Washington Star-News articles, is official neglect, totally insufficient and inadequately trained staff, shockingly poor medical treatment, buildings in serious disrepair—except for the $3 million Curley Building opened 2 years ago but never utilized as intended. The rule is a pervasive apathy afflicting at least 900 residents simply warehoused day and night, frequently unattended. It is alleged that when some staff members have occasionally tried to improve conditions and initiate activities, they have confronted a "gag rule" from higher up and the possible loss of their jobs. Meanwhile, tranquilizing drugs too often take the place of therapy and behavioral modification programs.

It is incredible that so close to the Nation's Capital, supposedly the site of efforts to improve health care across America and launch advances in the treatment of millions of handicapped Americans, there should be a sprawling complex which is housing forgotten people, where a severely retarded man can be found sitting in a chair with maggots in an open ulcer, where a boy can receive first- and second-degree burns from being scalded in a shower by other residents in the prolonged absence of a counselor, and where retarded people collapse from working in an old laundry where temperatures can hit 114 degrees.

The explanations given for all this range from a lack of money, to the citation of plain facts of serious and extensive overcrowding—as evidenced where the medical facility at Forest Haven must also serve 2,000 residents of the District of Columbia Children's Center, and to the assertion that treatment really is adequate.

The fact remains, however, that conditions at Forest Haven are a shameful disgrace. They must no longer be ignored by Congress.

Mr. President, I think the Senate of the United States should rise up and demand that something be done.

I say to the distinguished Presiding Officer now occupying the chair, the Senator from Iowa (Mr. CLARK), a man of compassion, how in the name of commonsense can we in this body permit people to be scalded and burned, to permit people to sit there as if they are animals or vegetables, eaten up by maggots. We talk about a health department. We talk about billions for health in this country.

Staff work at Forest Haven is very hard and poorly paid. On August 3, 1973, Congress completed action on legislation—H.R. 8658—providing for appropriations for the District of Columbia in fiscal 1974, and which included funds for 50 additional staff positions at Forest Haven, instead of 100 positions as proposed earlier by the Senate. An original budget request, under the District of Columbia Department of Human Resources, for $1 million would have been used to support the addition of these 100 positions—primarily counselors, social workers, special education teachers, nurses, occupational therapists, and psychologists, in addition to other professional medical, therapy, and job placement personnel—to the 642 budgeted positions at Forest Haven. A further small capital budget request called only for the renovation of food services facilities, constructed in 1938.

I regard these requests as an absolute minimum. They do not begin to take account of the decree of Judge Joseph C. Waddy, concerning the responsibility of the department of education to provide education for all children, including the handicapped, and the consequent reponsibility of the Department of Human Resources to evaluate children in need of special school placement, to which director Joseph P. Yeldell himself made reference in an initial budget statement.

Mr. Yeldell, in testimony last May before the Senate Appropriations Subcommittee on the District of Columbia, chaired by Senator BAYH, also stated flatly that—

> Forest Haven presently has one-half the budgeted positions necessary to meet minimum standards of accreditation.

And he frankly recognized what he termed a "custodial approach" at Forest Haven, in urging a major change to a therapeutic-rehabilitative approach. He also stated that "current staffing permits psychological therapy for only 50 or 60 residents," where an estimated 200 or more additional residents would be greatly benefited by this therapy. Job training and placement services and behavior modification programs could be expanded by the addition of these positions, and a long-overdue emphasis could be placed on the development of community-based facilities for the mentally retarded.

I firmly believe all these steps should be taken immediately.

Mr. President, more than 200,000 retarded persons in the United States currently live in publicly operated residential programs. While there are examples of good institutional care and rehabilitation, the reported conditions at Forest Haven indicate everything that can become profoundly wrong under this approach. It would be a serious mistake to assume that this facility cares only for orphaned children or those from very poor families. The harsh fact is that for many families earning a good income, there is no other choice for the care of a loved one or child, due to the prohibitive expense or long waiting lists of private institutions.

We have yet to see implemented in this Nation an historic action policy proposal on "residential services for the mentally retarded," adopted by the President's Committee on Mental Retardation in 1970. That proposal called for facilities designed to serve residents' needs in a comprehensive program, with healthful and safe living quarters providing maximum opportunity for privacy, and located within the community served, offering opportunity for normal contacts with the life of the community.

In the major portion of the complex at Forest Haven, these standards are totally ignored.

The President's Committee saw a basic obligation of residential services to assure the legal rights of each retarded person. It stated that the prime purpose of these services must be to enable the individual to develop his or her physical, intellectual, and social capabilities to the fullest extent possible; to develop emotional maturity commensurate with social and intellectual growth; whenever possible, to develop skills, habits, and attitudes essential for return to contemporary society; and to live a personally satisfying life within the residential environment.

On the basis of the newspaper articles to which I have referred, one can only conclude that neither these legal rights nor these basic purposes are given more than scant attention at Forest Haven.

There are immediate steps that can and must be taken to address this crisis of human neglect. I serve notice here and now of my intention to take the following actions.

First, I will request the Comptroller General, General Accounting Office, to initiate an immediate investigation of the possible misuse of congressionally appropriated funds where such funds provide assistance for programs at Forest Haven.

Second, I will request Mr. Joseph P. Yeldell, director of the Department of Human Resources, government of the District of Columbia, to respond in writing on the statements and allegations set forth in the four-part series of articles on Forest Haven, appearing in October 1973 issues of the Washington Star-News. I will also request Mr. Yeldell to outline for me a reasonable program, with cost estimates, for staff expansion and reorganization and for facility improvements at Forest Haven, as well as for specific therapeutic and behavioral modification programs that can be initiated and expanded at this facility in the immediate future. And I will ask that he indicate the status of plans for directing future services toward community-related facilities.

Third, I will urge Senator THOMAS F. EAGLETON, chairman of the Senate Committee on the District of Columbia, to give immediate consideration to the feasibility of scheduling committee hearings on conditions at Forest Haven, which may lead to recommendations on appropriate corrective administrative or legislative action.

And fourth, I will ask Senator BIRCH BAYH, chairman of the Senate Appropriations Subcommittee on the District of Columbia, to consider committee action to propose the incorporation of such additional funds as may be required to meet the initial request for 100 additional staff positions at Forest Haven, in the first appropriate supplemental appropriations legislation for fiscal 1974 to be reported to the Senate. I will also urge early committee consideration of further funding requirements to implement program and facility improvements, as called for in my previously mentioned communication to Mr. Yeldell.

Mr. President, I trust that my outrage over reported conditions at Forest Haven has been very clearly communicated to those in positions of responsibility and who can and should act to end this nightmare without delay.

Mr. President, I ask unanimous consent that an editorial, entitled "Out of Sight, Out of Mind," published in the October 30, 1973, issue of the Washington Star-News, and the four-part series of articles on Forest Haven, also appearing in this newspaper, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Star-News, Oct. 30, 1973]

OUT OF SIGHT, OUT OF MIND

"Realistically," a male nursing assistant at Forest Haven said the other day, "nothing is happening here."

He referred, of course, to the institution out at Laurel, Maryland, where the District of Columbia stores away some 1,300 mentally retarded citizens, most of whom were long ago forgotten by everyone else—congressmen and councilmen, parents and public.

It was a casual observation and a highly perceptive one. Nothing much *is* happening at Forest Haven, and that is its tragedy.

We don't intend to review here all the findings made by our reporter Michael Satchell in his heartbreaking four-part series on Forest Haven—the shabbiness of the older "cottages," the sterile emptiness of the newer wards, the lack of privacy with its crushingly paradoxical lack of supervision, the endless boredom and apathy, and the kind of easy neglect that is fostered by a sense of defeat. As one nursing assistant said of officialdom's attitude, "They feel our people are so severely retarded *they don't need things.*"

Or a therapist, speaking of the prevailing reliance on tranquilizing drugs: "I can't work with these kids when they're zombies."

The diversity of Forest Haven's problems is as staggering as the diversity of its residents—ranging from those who shouldn't be there at all (witness the misdiagnosed boy who, after 13 years in limbo, was rescued in time to graduate 20th in his class at McKinley High this year), to the moderately retarded (several hundred of whom probably could make it on their own outside if given proper training), the severely retarded and whose are also physically grotesque.

Well, what *is* needed at Forest Haven?

First of all, more attention must be paid—by Congress and city officials and citizen volunteers.

Second, it needs a massive infusion of money to rebuild the rundown plant and to double the staff. It needs highly qualified and dedicated people, and this means higher salaries.

Further, it needs an enlightened administration under a top-flight superintendent who is capable of generating new and exciting programs that will attract new talent to take up the challenge, while stimulating the flagging morale of those now on the job. It needs a major effort to help the mildly retarded to get out of there and into some kind of rewarding life in the community, and it needs to do something about the shockingly empty world in which the others live. It is hard to say which is more disheartening, the partitionless toilets and peeling paint of the old buildings or the bare walls, bare floors, bare furniture and barren lives of the newer ones.

Finally, it needs more friends, volunteers who will visit from time to time, bringing with them—along with such worldly trappings as toys and games—some fresh affection, help and cheer.

Without all this, the future of the "children" at Forest Haven is, in the words of Human Resources Director Joseph Yeldell, "not very bright."

[From the Washington Star-News, Oct. 21, 1973]

THE "RETARDED"—"NO OTHER PLACE TO GO"

(By Michael Satchell)

(NOTE.—This is the first of a four-part series about Forest Haven, the District's home for the retarded in Laurel, Md. To examine the institution and its problems, its patients and employees, Star-News Staff Writer Michael Satchell made several visits to Forest Haven and worked there as a nursing assistant. Today: The story of Lonnie, a recent high school graduate who spent 13 years in Forest Haven because he had "no other place to go.")

"My name is Lonnie Jackson, a black youth. I was born at Freedman's Hospital in Washington, D.C. on June 18, 1953. My mother died when I was about 5 years old. I was placed in an institution at Forest Haven, Laurel, Md.

"It is an institution for the mentally retarded. I am not a retarded person. I was put there because I had no other place to go. I stayed at the institution for about 13 years. . . ."

Thus begins "My Struggle For Life," the private autobiography of 19-year-old Lonnie (not his real name) who became ensnared in a system that failed when it took him in and continued to fail by keeping him for 13 years, knowing that he didn't belong.

When Lonnie entered the District's home for the retarded as a child, he was tested, given a bottom drawer I.Q. rating of 35, and labelled "mentally retarded, irremediable."

Today, two years after being taken out of Forest Haven by a group of Catholic brothers, Lonnie is a high school graduate—20th in the 1973 class at McKinley High—working in an office job for the government. He is contemplating college. He wants to be a political scientist.

Lonnie's story is an example of a system with problems. Yet it is a single anecdote in the over-all story of Forest Haven, a sprawling, threadbare institution which is called "home" for 1,300 mentally retarded persons—infants to persons in advanced age.

Like any large public institution, Forest Haven has its strengths and weaknesses, its good points and bad, its successes and failures. But there are major, undeniable problems existing there.

Forest Haven, many of its employes protest, is overcrowded, understaffed and underfunded. A majority—not all—of the residents simply are being warehoused, their years spent in aimless, pointless activity. Medical care, from the viewpoint of many observers, including parents and registered nurses at the institution, needs to be improved.

Worst of all, Forest Haven and its problems have a long history of being ignored—by Congress, by the District government, by the public, and even by most of the parents and relatives of the 1,300 residents.

It is 22 miles from downtown Washington to Forest Haven, and those who have fought for years to focus public concern on the institution say bitterly that the D.C. home for the retarded might as well be located in Siberia for all the attention that is paid to it.

Lonnie's account of his 13 years in Forest Haven offers a rare and lucid glimpse of the 48-year-old institution through the eyes of the residents who rarely get the opportunity to express their opinions to the outside world.

The youth is today an intense, lonely and religious young man living in Northeast Washington in a Catholic halfway house. He still is learning to readjust to life outside Forest Haven. Helping him are the Catholic religious order brothers and a psychiatrist.

Lonnie says he isn't bitter that he was cheated out of 13 years of his life, but through his autobiography, written last year while a senior at McKinley, run threads of anger and resentment, born of his inability to get out of a place where he didn't belong.

In "My Struggle For Life," he lists instances of brutality by counselors, his own downward spiral and unhappiness, his progression through the Forest Haven school, through classes with "juvenile delinquents" in the Maple Glen section of the D.C. Children's Center at Laurel, and finally into D.C. public schools.

He relates his frustration at being a misfit and his attempts to convince the Forest Haven administration of his abilities.

The attempts included writing to the administration and entering a National Spelling Bee.

It was to no avail. Finally, two years ago, a volunteer worker named Mike Donahue learned of Lonnie's existence and brought him out of the institution.

Donahue, a member of the LaSalette religious order, was able to get Lonnie out of Forest Haven by becoming his legal guardian. The Catholic brothers, in effect, adopted the youth.

When Lonnie was first brought out of Forest Haven, Donahue recalled, he hadn't even been taught to use the telephone, and when he got on a D.C. Transit bus, he used to ask the driver—out of institutional habit—to drop him off at his destination.

Here are excerpts from "My Struggle For Life," as Lonnie wrote them.

On life in the institution:

"During Christmas time (in the nursery) I used to love toys. I thought about toys as the gods of the world. Summer during my kindergarten days used to be a time of joy because those days were comfortably warm."

"From 1960 to 1965 in Poplar (cottage) rules were very strict. The counselors used to have us turn around and they would hit you with a big platter. Life was pretty harsh

. . . because of the punishment, rules and regulations. I was the target of sarcasm. I left Poplar College on February 7, 1965. It was a Friday. . . .

"Life at Maple (cottage) was very harsh. I was the servant of . . . a heavyset black boy. He used to have me do his dirty work. Disobedience led to cruel punishment. . . . The counselor used to hit us with a hard rubber stick on the feet—sometimes on the 'hindy' if we disobeyed. This form of punishment never changed until I moved to a new cottage.

"On May 22 (1967), I was transferred to Oak Cottage. Life changed. I was putting on airs, I used to smoke cigarettes . . . use profane language . . . steal. I took part in a truck theft (stealing buns from a truck) and was sentenced to a day in detention. Life at Oak Cottage was pretty rough but we did not have as much physical punishment."

In 1970 Lonnie was transferred to Jones Hall, for the mildly retarded, and given a private room.

"My first few days (in Jones) were happy because it was the end of getting in line, going to bed early, and life in the dorm. The boys were respectful, nonaggressive and honest. My one year and a half at Jones Hall were nothing but physical peace, independence, freedom and respect. My progress in Jones was dramatic."

One chapter of "My Struggle For Life," chronicles Lonnie's school experiences. As a youngster, he zipped through the simplified courses at the Mary Ziegler School at Forest Haven in record time and was sent to the school at Maple Glen, the District's institution for juvenile offenders.

"1967 was a year of academic competition," he wrote. "In January that year I got the idea of entering the National Spelling Bee. I managed to get a dictionary and studied hard. The Bee was held at the Departmental Auditorium (on Constitution Avenue). I was not eliminated (for several rounds) until the word 'dominion' threw me. It gave me confidence entering the Bee.

"In April 1968 I wrote to (the administration) about the possibility of going to junior high but I was put in the Maple Glen study program. It was a school for juvenile delinquents. . . . When I became adjusted to the program I made many enemies because I was academically inclined.

"For the whole school year, I had a 3.0 grade point average. It was considered the honor role. I came up again for institutional review (to attend public school outside of the D.C. Children's Center) and was turned down.

"This time I became very upset because I didn't want to spend another year in a program below my academic ability. I was too advanced for the program."

On September 10, 1970, Lonnie was finally allowed to attend Rabaut Junior High although he still lived at Forest Haven among the retarded. In September 1971 he transferred to McKinley and graduated last June.

Lonnie, once said to have an I.Q. of 35, notes in his story that he studied French, physical science, philosophy, psychlogoy, education and theology. He admits to having trouble with algebra.

The superintendent of Forest Haven for most of Lonnie's 13 years there was Guy Puntch, who was moved from the institution in 1971 and now works in the bureau of developmental disability of the D.C. Department of Human Resources.

Puntch was asked why, after Lonnie was identified as being mentally normal, he wasn't removed from Forest Haven and found a home elsewhere.

"Our institution never operated a foster home program and he had no family," Puntch said. "We depended on the District Child Welfare Division and they were always so overwhelmed with bright, lovable youngsters. He was doing all right. . . . There was no way we could pressure them (child welfare). . . . There was no real need to raise hell about his case."

Puntch also was asked what effect he thought 13 years among the retarded might have on Lonnie's mental development.

"I suspect that if it did anything to him," Puntch said, "it gave him a few more successes than most of us experience. Everywhere he went people told him he was clever, wonderful. He had adulation. He had staff and teachers whom he could talk to . . . relate to."

Lonnie today is trying to put Forest Haven behind him, get the experience out of his system. He says he is not bitter toward those who were responsible for the lost years.

In the summary of "My Struggle For Life," he writes:

"I lived in an institution with a mixture of delinquents, retardates and the homeless. I have seen some extremely terrible things. Once when I walked past Dogwood and Holly cottages I saw people who were outside and stripped naked.

"It is downright ridiculous. We should ask the federal government for more money to help these profundly retarded people . . . people like that should not be forgotten. They should be helped and cared for just like parents care for their children."

[From the Washington Star-News, Oct. 22, 1973]

IGNORED BY OFFICIALS, PUBLIC—FOREST HAVEN IS VICTIM OF APATHY

(By Michael Satchell)

(NOTE.—This is the second of a four-part series about Forest Haven, the District's home for the retarded in Laurel, Md. To examine the troubled institution's problems, Star-News Staff Writer Michael Satchell worked there as a nurse's assistant. Today: The apathy problem.)

After years of being ignored by officialdom and the public, Forest Haven, the District's home for the mentally retarded, today is an institution in trouble. It is worn out and seemingly without direction, a victim of apathy and neglect.

"Forest Haven," admits D.C. Human Resources Department (DHR) boss Joseph Yeldell, "is a huge problem." Of its future, Yeldell adds, "Not very bright."

When it comes to public help for the handicapped, the District's retarded have languished at the bottom of the priority list. In his six years as the District's chief executive, some Forest Haven staffers point out, Mayor Walter Washington has made only one brief visit to the institution, located 22 miles from downtown Washington near Laurel, Md.

A consensus of Forest Haven staff is that virtually none of the D.C. City Council or Congressional District Committee members has ever taken more than a cursory interest in the place. A few have made quick, carefully supervised tours, but were not heard from again.

The institution has been without a permanent superintendent for 18 months. For the past year, it has been run by Mrs. Regina Wintermoyer, a registered nurse. Yeldell says the District has been looking for a clinical psychologist to head Forest Haven, but without success.

Forest Haven is a sprawling complex of 17 buildings, many of which appear to be in dangerous disrepair. Forest Haven is home to 1,300 persons—from infants to the elderly. But the institution has a mailing list of only 400 relatives of these residents and, of these 400, only about half are quickly traceable, by one staffer's estimate.

Thus, the majority of the residents have no one on the outside looking after their interests or welfare. Many of them, youngsters included, simply have been dumped there by uncaring families and forgotten.

A parents' task force that has been trying to get improvements for the past four years has, at most, a dozen active members. "Friends of Forest Haven,"—the institution's PTA—meets every two months. If six people show up, that's an average attendance. The record attendance is 20, one member said.

A few deeply concerned employes have tried to buck the inertia and force change. They say they haven't succeeded. Their efforts instead have drawn censure from superiors, threats of dismissal or transfer to bottom rung jobs in other DHR programs, and orders not to talk to the news media. Many have ignored the gag order and have discussed Forest Haven in depth. Others, apparently fearful of losing their jobs, have refused.

It is against this backdrop of apathy that Forest Haven must be viewed. It's fundamental problems—understaffing, inadequate funding, low morale and rundown physical plant—cannot be corrected quickly by a massive infusion of money. The patient, as one staffer noted, has been sick too long for an overnight cure.

These basic problems in turn have spawned a host of abuses and negative conditions that give Forest Haven a dismal record.

A month-long investigation by the Star-News turned up a score of allegations by staff and parents of poor medical treatment. It revealed instances of profoundly retarded persons suffering for years from serious and painful medical conditions without any corrective surgery or regular treatment.

It found a bored population that for the most part does nothing all day but sit or roll around the floors. These are human beings warehoused in ramshackle cottages often dirtier and more crowded that some of the animal quarters at the National Zoo.

In the Curley Building, a $3 million "showpiece" opened two years ago to house 200 profoundly retarded persons, most of the population is locked in bare, tiled day rooms. Many of them sit in stupors having been administered heavy doses of tranquilizers. Youngsters who spend most of their lives tied up in straitjackets—euphemistically called "mummies"—also are tied to benches with strips of cloth. They are able only to move their legs and heads.

The probe found at least 50 retarded persons who work long hours, without pay, in an ancient laundry where temperature's during last month's two-week heat wave reached as high as 114 degrees—conditions that would have forced the closure of any office or factory on the outside. At Forest Haven, work continued, despite the hellish conditions and the fact that workers were dropping out after lapsing into heat-induced convulsions.

Documented were a series of recent accidents, incidents and abuses basically brought about by the lack of spervision and overcrowding: Youngsters who were beaten and injured by other residents; an old man found with maggots crawling in an open and untreated leg sore; at least four young men badly burned or scalded because of lack of supervision; a young man electrocuted when he plugged in a defective fan with the insultation stripped from the flex.

By Yeldell's estimate there are as many as 400 persons who shouldn't even be there. Most of them are mildly retarded young adults who, if money were available, could be trained for jobs on the outside and placed in group homes in the District.

There also are residents who aren't even retarded. Yesterday, in the first installment of this series, the Star-News described the experiences of a 19-year-old youth who spent 13 years in Forest Haven, despite the administration's awareness that he was quite normal.

Staffers say there are a number of persons in Forest Haven today suffering from emotional illness—not retardation—and from such handicaps as cerebral palsy, deafness, blindness. They are in Forest Haven because the District has nowhere else to put them.

During a tour, a young boy in Lower Poplar Cottage was found lying on a concrete floor in a bare isolation room. There was blood on his arm. None of the counselors present in the entire building knew why he had been locked away, how long he had been there, or how he had been hurt.

Outside Azalea Cottage, which houses older women, a resident shuffled around a garbage can, picking out bits of garbage and eating them—not because she was hungry but because she was retarded and there was no one around to stop her. One staff member said the woman does it all the time.

No more than 400 of the 1,300 residents participate in regular school programs, job training at the Occupational Training Center in Northeast Washington, or have jobs outside or in the institution. Close to 900 persons spend their days doing nothing, sitting in drab dayrooms, watched over by a lone counselor or nursing assistant. Entertainment is a fuzzy black-and-white television. Once a week there is a dance at the school, sometimes a movie. Occasionally there are trips for a few, the money usually coming from fundraisers staged by volunteer workers and staff.

Regina Wintermoyer, acting superintendent for the past year, says Forest Haven is a "safe" institution. "We are doing an adequate job, but not the superior job I'd like to do," she said. She blamed the problems of the institution on a lack of money and staff.

She was asked why she hadn't ordered simple improvements to make life a little more comfortable for residents—a coat of paint in the dayrooms, plywood screens in the toilets for privacy, a few toys for the younger residents, better maintenance to spot such things as the defective fan that killed the young man a few weeks ago.

"We just don't have the money," she said. "These things cost."

Yeldell, in acknowledging that Forest Haven was beset with problems, stressed that the Department of Human Resources was aware of them and was dedicated to improving things.

Congress recently approved 50 new positions at Forest Haven, an encouraging sign but in Yeldell's words, "not enough to have an immediate effect" on an institution that is presently operating with about half the staff it should have.

He noted that he had exempted Forest Haven from economic freezes affecting other D.C. government agencies, adding that the District had not received a hoped-for $6 million in federal funds due to government financial clamps—money that was earmarked for the program to get the mildly retarded out of Forest Haven and into the community.

Yeldell said he would do all that he could to find new funds or to keep from cutting back even further on Forest Haven's financial lifeline. "Certainly," he said, "the picture for Forest Haven for the next few years is not a very bright one."

[From the Washington Star-News, Oct. 23, 1973]

SICK KIDS GO UNTREATED

(By Michael Satchell)

(NOTE.—This is the third of a four-part series about Forest Haven, the District's home for the retarded in Laurel, Md. To examine the institution and its problems, Star-News Staff Writer Michael Satchell worked at Forest Haven as a nurse's assistant. Today: Medical care.)

"I am concerned about the caliber of person in the medical program," says Joseph Yeldell, director of the D.C. Department of Human Resources. "The care needs improving."

Dozens of staff members at Forest Haven, which is home for 1,300 retarded persons of all ages, echo Yeldell's statement. And so do many parents and relatives of those housed in the troubled institution. Some of the complaints:

"Kids die out there and it is swept under the rug," said Mrs. Betty Evans, a leader of the Forest Haven parents group.

"Sick kids often go untreated," said a registered nurse who is a staff member.

Several parents said they had visited their sons or daughters and found them bruised, bleeding or worse.

Staff members recounted examples of taking Forest Haven residents to the medical center only to have them receive cursory attention when "it was obvious they needed medical help."

Many parents recounted their bad experiences with Forest Haven, then demanded not to be publicly identified because they believed their children could become targets of retaliation by vindictive staff members. Several Forest Haven administrators scoffed at this parental attitude, calling it nonsense. But the fact remains several parents said they feared being identified for their children's sake.

Several observers said they were puzzled by the attitudes of Forest Haven's acting superintendent, Mrs. Regina Wintermoyer, and Dr. James Boyland, the chief of medical services, with regard to their handling of complaints from staffers and parents and relatives.

One situation mentioned by several staffers and confirmed by the registered nurse who discovered it, concerns a severely retarded man who was spotted in a cottage one day by the nurse.

"I was making rounds and he was sitting in a chair," said the nurse, who asked not to be identified for fear of losing her job. "There were flies around his leg. I lifted up his gown and found an open ulcer on his leg. When I looked closer I saw maggots in the ulcer, crawling around. He had had no treatment.

"I took him to the hospital but no one appeared startled. No one appeared shocked."

Asked about the nurse's charge, Dr. Boyland said, "You should remember that years ago maggots were used to clean up wounds. If this indeed happened it was only because it was not brought to the attention of the staff."

Another incident involved reports that a teen-age girl had been forcibly douched with Lysol disinfectant by a counsellor as punishment for sexual promiscuity. Asked about this, Mrs. Wintermoyer also said she hadn't heard of it, but added:

"Lysol diluted used to be a common antiseptic treatment for post partum care some years ago when I was nursing. We used to spray it on the mother's stitches. It could be that it was diluted in this case—I don't really know."

Parents of Forest Haven patients repeated complaints about care of their sons and daughters when they discovered injuries. They said they could never get satisfactory explanations from the institution, and that serious medical situations were not brought to their attention.

Tom Lannon, a Washington attorney who says he has tried to work quietly behind the scenes in an attempt to improve conditions at Forest Haven, recited a catalogue of troubles suffered by his 18-year-old son, Michael, a cerebral palsy victim.

"First, Mike was pushed into a shower by other boys and boiling water was turned on him," Lannon related. "There were no counselors around to stop it. He received first- and second-degree burns and spent six weeks in the hospital.

"Last February we went out to visit him and found he had the biggest, worst-looking black eye. Mike told us a counselor had hit him. I asked for a complete report of the incident but I still haven't received it. The counselor denied it but I know my son wasn't lying.

"Three weeks ago, we went out to see him and found his upper front tooth had been extracted. We knew nothing about it. They never even notified us. Residents of Forest Haven are not even receiving minimal custodial care. It's reached the point today of criminal negligence. There just aren't enough staff."

Over the last two years, three other boys at Forest Haven have been badly scalded or burned in incidents that staffers traced to lack of supervision. Law suits were filed in such case. One was settled out of court, one was won by the plaintiff, and the other is pending.

The pending suit involves a youth, paralyzed from the waist down, who was burned twice. The first time, he was allegedly placed in a bathtub by a counselor and left. Someone turned on boiling water, causing severe burns from his chest down. The second occasion, he was similarly scalded in a shower.

His family's attorney said the investigation showed only one counselor was working at the time and was responsible for supervising 80 retarded youths and men.

The mother of another youth who requested anonymity described medical care at Forest Haven as "very poor" and related her son's problems.

In a memo to attorney Lannon, she wrote: "On picking (our son) up for a home visit, we found that his two front teeth had been broken off. The explanation elicited from the counselors and the medical record was that he had had an epileptic seizure. He had never had an epileptic seizure in his life."

On another occasion, she related, she went to pick up her son to take him to a private dentist and found him in the clinic with a swollen eye, cheek and upper lip. "The explanation from a Forest Haven physician was that the boy was suffering from "upper respiratory infection."

Several days later, the family got permission to take their son out of the clinic. The family dentist examined the swelling and found an abscessed root canal, not "upper respiratory infection" as diagnosed at the Forest Haven clinic.

A few weeks ago, in an incident that touched off a lot of grumbling among the staff, a young boy who was having difficulty walking due to pain in his leg, was taken to the Forest Haven clinic three times in three weeks by a staff member.

X Rays were taken at the clinic but they showed nothing, according to Dr. Boyland, and the boy received no treatment. In desperation, the staff member took the boy to her own private physician. New X Rays revealed a fractured kneecap.

Another staff member described medical services as "totally and frighteningly inadequate." The staffer further described personal knowledge of a teen-age girl, found in pain and apparently in labor. The staffer rushed the girl to the institution's clinic.

"We were received somewhat less than cordially," the staffer said. "I was told in no uncertain terms that I was not qualified to know when medical attention was needed, that the girl was not in labor and that she should be returned to her cottage. I was frightened and very angry. I demanded to see the doctor, but there wasn't one on duty."

Minutes later, the girl delivered.

The 1,300 residents of Forest Haven are treated in a clinic and hospital located on the ground. The clinic also serves 2,000 residents of the D.C. Children's Center. Those with "serious medical problems" are referred to D.C. General Hospital.

Dr. Boyland, who heads a staff of five other physicians, defended his program. "To my knowledge, nobody is suffering, unhappy or mistreated," he said. "Nowhere that I know of is a patient here not receiving good medical care.

"Part of our problem is that we often don't know when the residents are sick.

"The counselors and nursing assistants in the cottages are our eyes and ears and, unless they bring problems to our attention, we can't treat them. Our biggest shortcoming, as in other programs in Forest Haven, can be attributed to lack of staff.

"Medically, I wouldn't alter it (the medical program) at all."

Yeldell, questioned about the quality of medical services at Forest Haven, said there was adequate medical staff to handle the care.

"The basic problem is that if physicians are there (in an institution) for a long time, they get no peer review, I think Dr. Boyland and the others need somebody looking over their shoulders. There is no rationale why there should be lack of care."

[From The Washington Star-News, Oct, 24, 1973]

Lives of Misery Hard To Brighten

(By Michael Satchell)

(Note.—This is the last of a four-part series about Forest Haven, the District's home for the retarded in Laurel, Md. To examine the institution and its problems, Star-News Staff Writer Michael Satchell worked there as a nurse's assistant. Today: A day on the job.)

The face peers through the unbreakable glass panel in the day room door. Hands clasped across the chest. Dull hooded eyes silently begging the attention of the two visitors.

Thornton Kidrick unlocks the door and we step inside a barren, sterile room with tile walls. The air is as offensive as an old dog's breath. Flies circle lazily. Several naked bodies shuffle around us, grunting, clutching, lurching.

I recoil instinctively. All that comes to mind is a group of groaning inmates of the Asylum of Charenton in "Marat/Sade." But this is 6:30 a.m. in the Curley Building for the severely retarded at the District's Forest Haven institution, and the score of residents of Unit West 2, men 21 years and older, are ready for bath and breakfast.

Kidrick locks the door behind us and, suddenly, the idea of spending eight hours working as a nurse's assistant in Curley is almost painful to contemplate. At that moment, I want to get out.

Curley is a $3 million low-slung, red brick building opened two years ago to house 200 profoundly retarded men, women and children. It is Forest Haven's air conditioned showpiece. Visitors are trotted through the carpeted lobby and invited to admire the brightly decorated walls of the corridors that contrast starkly with the shabby cottages in which most of Forest Haven's 1,300 residents live.

Before Curley was built, the same residents were crowded into the shabby cottages, living with the stench of urine and excrement in the classic "Snakepit" conditions once prevalent in all institutions for the retarded and still depressingly present in too many today.

All that was supposed to end at Forest Haven when Curley was opened. The new building was to be a model of progressive care for the profoundly retarded, replete with adequate staff, instructional aids, structured training and recreation and, most important of all, behavioral modification programs to transform a population of animalistic human beings into functioning human beings, mentally limited, but able to feed, dress, clean, learn and perhaps even get a little enjoyment out of life. Today the stench has gone, but little else has changed.

"It hasn't worked," said Kidrick. "At least, not yet it hasn't."

The residents of West 2 include three men who are blind, in addition to being profoundly retarded. They have to be led from their beds to the toilets. The others find their own way.

From here, they move to the bath area where Kidrick scrubs them down with an antiseptic soap solution and sends them into the shower. As usual, he has to use paper towels because the laundry hasn't sent any washcloths. My job is to dry them when they come out of the shower. There aren't enough towels, so I use sheets.

Their bodies are scarred, a realization that startles me. Some have heads and chests like roadmaps, crisscrossed with scar tissue. Many have fresh wounds, swellings, contusions, open cuts "They fight, hurt each other, and some have seizures and fall down a lot," Kidrick explains.

First out of the shower is Eddie, a powerfully built black man who stands a head taller than I stand. He glowers as I reach to dry him. I'm not afraid that he'll hurt me. The fear is more that I won't be able to do the job, that I'll have to apologize to Kidrick and leave.

But Eddie bends his head and I wipe the water out of his eyes. He smiles and suddenly the repulsion vanishes. Somehow it's like caring for a frightened child. When he's dry, Eddie lifts his arms and I can't understand what he wants. Kidrick comes to the rescue.

"Grab the deodorant," he yells. After a couple of strokes with the roll-on deodorant, Eddie ambles off happily and the line from the showers starts moving toward me.

Working as a counselor or nurse's assistant at Forest Haven is difficult, emotionally taxing and damned hard work. It means doing everything a mother or father does for a young child, but doing it instead for 20, 30, even 50 people each day. And the offspring are retarded.

The pay is scant, generally somewhere between $5,000 and $7,000 a year, depending on seniority. The shifts are spaced around the clock. There is no public transportation between the District and Forest Haven, which is 22 miles from downtown Washington near Laurel, Md.

The institution, by the estimate of Joseph Yeldell, director of the D.C Department of Human Resources, needs twice as many staff members as it now has. The problems spawned by the consequent lack of supervision are enormous, he admits.

Working as a nurse's assistant in Curley is particularly tough. Says nursing chief Gladys Ness, "Most of our employes are working mothers with families of their own. They've got a list of problems a mile long before they even get out here. The work is difficult. Absenteeism is high. An awful lot of sick leave is used. A lot of the people aren't trained . . ."

After two hours with the residents of West 2, some definite characters begin to emerge. Terry is the court jester. He is a tiny man, about three feet tall with matchstick legs and a perpetual grin. He waddles along like a penguin and follows everywhere, telling me every two minutes that we're buddies, reaching up each time to pat me on the back.

After an hour, it gets tiresome. I think about how Kidrick hears it year in and year out.

Terry seems to be the brightest resident I've met so far, and he's the only one who is able to speak in sentences. Eddie, the black man, roars constantly, trying to sing the words to "When the Saints Go Marching In."

Michael, who is mongoloid, carries a bundle of rags around with him and never lets them go. James has difficulty walking and stumbles around. Herbert, an old man, spends an hour or more patiently lacing a pair of boots.

After breakfast, the medication is brought around—phenobarbitol, Thorazine. Everybody gets a dose of tranquilizer.

"Realistically, nothing is happening here," Kidrick says. "There's not enough staff to have programs such as simple games. The kids love music, but there aren't any radios and the record players are all broken. We're supposed to get toys, but most of the stuff they send us is useless—games that normal kids would have trouble handling.

"I don't buy this tranquilizer business. If you're going to dope up kids 24 hours a day, you're retarding them further. I can't work with these kids when they're like zombies. Most of them have been on drugs for so long, you'd never get them off now."

Mrs. F. W. Jacobik, Curley's nursing supervisor, disagrees. "Without tranquilizers it would be sheer madness," she said.

Nursing assistant Rozella Parsons, an intense woman who says she treats her retarded charges just as she does her own children and loves them just as much, disagrees with Mrs. Jacobik.

"They tranquilize them so heavy here that I can't work with them in my behavior program." she complains. "There's an attitude at this institution—they feel our people are so severely retarded they don't need things. We're always the last to get clothing, linen. Morale is bad. Younger staff people leave because they get disgusted with being unable to change things. There's bad feeling between the nurses and the nursing assistants. The registered nurses sit up front and never come back into the day rooms where the real work is being done."

The behavioral modification program Mrs. Parsons has organized is strictly her own effort to improve things. It doesn't have enough staff members to function in the textbook manner, although several agree that she has done amazing things with her charges.

Forest Haven nursing chief Gladys Ness says, "Ideally all 200 Curley residents should be participating in behavior modification. Instead, because of the staff shortage, there are exactly seven."

It's obvious to me that Kidrick and company are right. Curley is a beautiful building, but it is nothing more than a fancier warehouse than the other cottages. My job simply is to watch the residents, keep them out of trouble, change diapers if needed. There isn't so much as a ball to roll around or a book or magazine to show them.

The only breaks in the routine are meals. Day room doors are unlocked, they troop down the hall to a small dining room and wolf down their food. Mealtimes are used to reinforce good eating habits. Spoons, not fingers, must be used.

James, who stumbles about and has difficulty walking, breaks the rules and eats with his fingers. An attendant shoves the spoon in his hand three times. The fourth time James' fingers go into the food, he is yanked from the table and hustled back to the day room. James fights all the way because he's still hungry.

By this time, James is thoroughly angry, shrieking and clawing to get back to the eating area. A nurse's assistant, a young girl, joins the struggle and James bites her finger. Nothing serious. The skin isn't broken.

The attendant loses his temper, grabs James by the shoulder, trips him and pushes him to the floor. I'm amazed that he does this in front of me. It is a cruel thing to watch, but somehow the attendant's actions are understandable; I can feel the frustration myself.

After lunch, a middle-aged woman—possibly a volunteer worker—breezes into the unit. I've been trying unsuccessfully to teach Terry to form a square with four sticks. The newcomer greets Terry effusively. "Terry sweetheart, I see you've been sitting in a puddle again," she gushes. And Terry, who has no bladder control and wets regularly, grins happily in agreement.

"He doesn't like people to know that he wets himself," she whispers.

The woman then distributes the afternoon's recreational materials—two copies of Sports Illustrated.

At 2:30 p.m., my shift is over. But, before leaving, I make another tour of the building, escorted by Clarence E. Lee, who is in charge of the Curley Building.

In the women's and girls' sections, there is even less activity than on the men's side. Apparently heavily tranquilized, the women sit, and sprawl around, hardly moving. At least on the men's side they walk, argue or fight.

One girl, maybe 12 years old, is straining inside the straitjacket and pulling on her bonds, biting her lips, tugging uselessly against her bonds. I ask Lee why such confinement is necessary.

"She scratches the other girls," he replies.

"Why don't you cut her nails?"

"She still scratches."

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the following items be printed in the RECORD: A letter I have written to the Comptroller General, Mr. Elmer B. Staats, asking for a full-scale investigation; a letter to Senator THOMAS EAGLETON, chairman of the District of Columbia Committee; a letter to Senator BIRCH BAYH, chairman of the Subcommittee on the District of Columbia; and my letter to Mr. Joseph Yeldell, Director of the Department of Human Resources.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NOVEMBER 9, 1973.

Hon. ELMER B. STAATS,
General Accounting Office,
Washington, D.C.

DEAR ELMER: I am deeply disturbed by reported conditions at Forest Haven, a facility in Laurel, Maryland, operated by the Government of the District of Columbia, for the care and treatment of some 1,300 mentally retarded persons. Enclosed are tear sheets from the Congressional Record, containing a statement I made in the Senate on this matter in response to a recent series of articles appearing in the Washington Star-News.

By this letter I am formally requesting that the General Accounting Office investigate the possible misuse of funds appropriated by Congress, where such funds provide assistance for programs at Forest Haven, approved under the terms and conditions of specified Federal programs.

Sincerely,

HUBERT H. HUMPHREY.

Hon. THOMAS F. EAGLETON,
Chairman, Committee on the District of Columbia, U.S. Senate, Washington, D.C.

DEAR TOM: I have no doubt that you share fully my concern over outrageous conditions reported at Forest Haven, the facility operated by the Government of the District of Columbia for the care and treatment of mentally retarded persons. Enclosed are tear sheets from the Congressional Record, containing a statement I made in the Senate on this serious matter, and a series of articles appearing in recent issues of the Washington Star-News.

I request that immediate consideration be given to scheduling committee hearings on conditions at Forest Haven, with a view to developing recommendations on appropriate corrective administrative or legislative action. To this end, you may be assured of my full support and my readiness to be of assistance.

Sincerely,

HUBERT H. HUMPHREY.

NOVEMBER 9, 1973.

Hon. BIRCH BAYH,
Chairman, Subcommittee on the District of Columbia, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR BIRCH: Recently, a series of articles in the Washington Star-News reported what I frankly regard as inhumane conditions at Forest Haven in Laurel, Maryland—the facility operated by the Government of the District of Columbia for the care and treatment of some 1,300 mentally retarded persons.

In a statement in the Senate, I spelled out several courses of action to correct these conditions. Enclosed are tear sheets from the Congressional Record, containing my remarks and the newspaper articles.

My statement makes reference to testimony on Forest Haven last May before your subcommittee by Mr. Joseph P. Yeldell, director of the D.C. Department of Human Resources. It is clear from your colloquy with Mr. Yeldell, and the subcommittee's recommendation to the Senate that his request for the addition of 100 staff positions at Forest Haven be approved, that you have a full appreciation of the great need for corrective action to provide decent living conditions for residents at Forest Haven, good medical treatment, and maximum feasible opportunities for participation in therapeutic and behavioral modification programs—all as a minimum requirement for any residential facility for the mentally retarded.

I request that you consider committee action to propose the incorporation of such additional funds as may be required to meet the initial request for 100 additional staff positions at Forest Haven, in the first appropriate legislation providing for supplemental appropriations for Fiscal 1974 to be reported to the Senate. This would be only an absolute minimum request, to make up the short-fall in Fiscal 1974 appropriations for the District of Columbia as enacted by Congress in August, 1973, which allowed for 50 additional staff positions at Forest Haven.

I further request that early committee consideration be given to further funding requirements to implement program and facility improvements at Forest Haven. To assist this process, I have requested Mr. Yeldell to outline for me measures that could be taken in the immediate future, with cost estimates. In addition to making such information available to the subcommittee, I am prepared to give full support to efforts by the subcommittee to help assure that adequate funds are made available by Congress to achieve the major reforms and improvements at Forest Haven that are now mandatory.

Sincerely,

HUBERT H. HUMPHREY.

NOVEMBER 9, 1973.

Mr. JOSEPH P. YELDELL,
Director, Department of Human Resources, Government of the District of Columbia, Washington, D.C.

DEAR MR. YELDELL: In a recent statement in the Senate, I have called for several actions to correct what I believe are shocking conditions at Forest Haven, the facility operated by the Government of the District of Columbia for the care and treatment of mentally retarded persons. Enclosed are tear sheets from the Congressional Record, containing my remarks.

I request that you reply to me in writing on the statements and allegations set forth in the four-part series of articles on Forest Haven, appearing in October, 1973 issues of the Washington Star-News.

I further request that you outline for me a reasonable program, with cost estimates, for staff expansion and reorganization and for facility improvements at Forest Haven, as well as for specific therapeutic and behavioral modification programs that can be initiated and expanded at this facility in the immediate future.

Finally, I request that you advise me on the status of plans for directing future services for mentally retarded persons toward community-related facilities.

You will note from my statement in the Senate that I have reviewed your testimony of last May before the Senate Appropriations Subcommittee on the District of Columbia, and your colloquy on problems at Forest Haven with Senator Birch Bayh, subcommittee chairman. I believe your remarks at that time were candid and forthright, and that you indicated a sincere concern that facility, staff, and program improvements be undertaken. I greatly regret that the final legislation enacted by Congress providing appropriations for the District of Columbia in Fiscal 1974, did not contain the full amount requested by your Department for 100 additional staff positions at Forest Haven. However, I am recommending Senate action on supplemental appropriations to meet this request.

Nevertheless, it would appear that action can and must be taken by responsible officials of the Government of the District of Columbia without delay to initiate corrective procedures to address the incredible conditions reported at Forest Haven. I strongly urge that your Department pursue this course with diligence and dispatch.

Sincererly,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, this is only the beginning. There will be more.

I thank the Washington Star. I thank a great newspaper in this city for being sufficiently concerned about people that it took time to put on page 1, day after day, this story.

I want to say, as a Member of Congress, that I am ashamed that we have not done what ought to be done about this matter to correct this miserable situation. There is no reason on God's green Earth why this should go on. All we need to do is to practice a little sense of decency, a little sense of compassion, a little sense of care, and we can correct all this. I ask that the appropriate committees of Congress go to work, dig into this matter, and see that it is corrected; and I will have some more suggestions for them a little later.

FED BEARS HEAVY RESPONSIBILITY FOR INFLATION

Mr. PROXMIRE. Mr. President, the Federal Reserve Board deserves central responsibility for the serious inflation that has become the Nation's No. 1 economic problem. The mammoth increase in the money supply created by the Federal Reserve in 1972 contributed seriously to the present inflation.

A detailed 28-page letter of November 6, defending that policy, from Chairman Arthur Burns to me, shows that the FED has no defense for an appallingly timed explosion of money into the economy when the economy already was beginning to expand at a rapid pace.

The 1972 money supply increase of

$19.5 billion was easily the biggest growth in the money supply in the Nation's history. The percentage increase of 8 percent was one of the biggest ever. Much of our present inflation is a consequence of that action. And the Chairman of the Federal Reserve Board has not, in my judgment, been able to defend it.

In my letter to Chairman Burns, I pointed out that a recent poll of 415 members of the National Association of Business Economists found an overpowering 80 percent that characterized our monetary policy of the past year as fair to poor, while a pathetic 16.6 percent rated it good to excellent.

In other words, it was about 5 to 1 on the basis of the expert opinion that the Federal Reserve Board had not done a good job.

I also told Dr. Burns that the crux of the criticism was that there was too much variation from time to time in the rate of increase in the money supply, that monetary policy was too erratic, too much characterized by stops and starts.

I asked him to comment on this serious criticism.

Governor Burns' response, as I paraphrase it, was as follows:

> There were many factors causing the worldwide inflation over which monetary controls could have little influence, i.e. two devaluations, sudden and drastic shifts in worldwide food supply and demand, a series of material shortages at a time of international boom conditions.

Of course, Governor Burns is right, but he does not address the fundamental point that, given these highly inflationary conditions, the monetary response of the Federal Reserve was a blunder of the first order. That is exactly the time it should not let the money supply go through the ceiling. Once again, the FED was caught leaning the wrong way.

Throughout 1972, when the economy was picking up an inflationary head of steam, the pace of money growth continued at a reckless speed. It did, indeed, slow down from quarter to quarter, but the pace was still breakneck throughout the year. After the money supply was expanding in each quarter of the year at more than 7 percent, a rate that was feeding, not restraining, inflation.

About all that can be said of that policy is that it served a useful political role. Unlike another election year, 1960, when a restrained monetary policy against Burns' advice may have cost the incumbent Republican Party the waferthin margin by which they lost the election, the 1973 monetary policy gilded the economic expansion lily and helped assure the Nixon landslide. It also converted a year of strong economic progress into a serious inflation.

While it is certainly true that nonmonetary factors contributed heavily to the extent of the 1973 inflation, monetary policy—far from counteracting these inflationary forces—aggravated them.

Mr. President, I ask unanimous consent that my letter to Chairman Burns and his detailed response to my letter be printed in full at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 17, 1973.

Hon. ARTHUR F. BURNS,
Chairman, Board of Governors of the Federal Reserve System, Federal Reserve Building, Washington, D.C.

DEAR MR. CHAIRMAN: Two articles in the financial section of the *New York Times*, today, were very disturbing to me and I'm sure must have concerned you also.

I would be most grateful if you would give me your response.

One article was based on a poll of some 415 members of the National Association of Business Economists. The question asked was this:

"How would you rate monetary policy over the past year?".

These were the results:

	Percent
Excellent	1.4
Good	15.2
Fair	38.8
Poor	41.2
No opinion	3.4

The article failed to specify very much in the way of specific complaints except for two main points:

1. The argument that there was too much variation from time to time in the rate of increase in the money supply, that monetary policy was too erratic, too much characterized by stops and starts.

2. The argument that the money supply had increased much too much last year, in fact that the increase would have been too much even if we had been in the depths of a recession instead of enjoying a fairly vigorous economic expansion.

The second article carried the following lead:

"The Federal Reserve Open Market Committee has done such a bad job in the last eight years—at least in the eyes of its critics—that a group of 11 economists has banded together to tell the real central bankers what they should be doing."

This group paid its discrespects to the general economic policy followed by the Administration and the Congress but they were also particularly critical of what they construe to the current Federal Reserve policy, and call for a steady growth in the money supply instead of "fine tuning".

In addition to these criticisms, I must say, Mr. Chairman, that I have found extraordinarily intense criticism of the present high level of interest rates both in the Congress and out in Wisconsin and elsewhere in the country. The present policy is already causing distress for home buyers and home builders and there is increasing apprehension that the worst may be yet to come.

I would very much appreciate whatever response you could give me both with respect to the criticism of the Federal Reserve Board to which I have referred and the painful results of present monetary policies.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

FEDERAL RESERVE SYSTEM,
Washington, D.C., November 6, 1973.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: I am writing in further response to your letter of September 17, 1973, which requested comments on certain criticisms of monetary policy over the past year.

As stated in your letter, the criticisms are: (1) "that there was too much variation from time to time in the rate of increase in the money supply, that monetary policy was too erratic, too much characterized by stops and starts"; and (2) "that the money supply had increased much too much last year, in fact that the increase would have been too much even if we had been in the depths of a recession instead of enjoying a fairly vigorous economic expansion."

These criticisms involve basic issues with regard to the role of money in the economy, and the role that the money supply should play in the formulation and execution of monetary policy. These issues, along with the specific points you raise, require careful examination.

CRITICISM OF OUR PUBLIC POLICIES

During the past two years the American economy has experienced a substantial measure of prosperity. Real output has increased sharply, jobs have been created for millions of additional workers, and total personal income—both in dollars and in terms of real purchasing power—has risen to the highest levels ever reached.

Yet the prosperity has been a troubled one. Price increases have been large and widespread. For a time, the unemployment rate remained unduly high. Interest rates have risen sharply since the spring of 1972. Mortgage money has recently become difficult to obtain in many communities. And confidence in the dollar at home and abroad has at times wavered.

Many observers have blamed these difficulties on the management of public economic policies. Certainly, the Federal budget—despite vigorous efforts to hold expenditures down—continued in substantial deficit. There has also been an enormous growth in the activities of Federally-sponsored agencies which, although technically outside the budget, must still be financed. The results of efforts to control wages and prices during the past year have been disappointing. Partial decontrol in early 1973 and the subsequent freeze failed to bring the results that were hoped for.

Monetary policy has been criticized on somewhat contradictory counts—for being inflationary, or for permitting too high a level of interest rates, or for failing to bring the economy back to full employment, or for permitting excessive short-term variations in the growth of the money supply, and so on.

One indication of dissatisfaction with our public policies was provided by a report, to which you refer in your letter, on a questionnaire survey conducted by the National Association of Business Economists. Of the respondents, 38 per cent rated fiscal policy "over the past year" as "poor"; 41 per cent rated monetary policy "over the past year" as "poor"; only 14 per cent felt that the wage-price controls under Phase IV were "about right." If this sampling is at all indicative, the public policies on which we have relied are being widely questioned. Many members of the above group, in fact, went on record for a significant change in fiscal policy. In response to a question whether they favored a variable investment tax credit, 46.5 per cent said "yes," 40 per cent said "no," and 13.5 per cent expressed "no opinion."

Let me turn now to the questions raised in your letter and in some other recent discussions about monetary policy. I shall discuss, in particular, the role of money supply in the conduct of monetary policy; the extent and significance of variability in the growth of the money supply; and the actual behavior of the money supply during 1972–73.

ROLE OF MONEY SUPPLY

For many years economists have debated the role of the money supply in the performance of economic systems. One school of thought, often termed "monetarist," claims that changes in the money supply influence very importantly, perhaps even decisively, the pace of economic activity and the level of prices. Monetarists contend that the monetary authorities should pay principal attention to the money supply, rather than to other financial variables such as interest rates, in the conduct of monetary policy. They also contend that fiscal policy has only a small independent impact on the economy.

Another school of thought places less emphasis on the money supply and assigns more importance to the expenditure and tax policies of the Federal Government as factors influencing real economic activity and the level of prices. This school emphasizes the need for monetary policy to be concerned with interest rates and with conditions in the money and capital markets. Some economic activities, particularly residential building and State and local government construction, depend heavily on borrowed funds, and are therefore influenced greatly by changes in the cost and availability of credit. In other categories of spending—such as business investment in fixed capital and inventories, and consumer purchases of durable goods—credit conditions—play a less decisive role, but they are nonetheless important.

Monetarists recognize that monetary policy affects private spending in part through its impact on interest rates and other credit terms. But they believe that primary attention to the growth of the money supply will result in a more appropriate monetary policy than would attention to conditions in the credit markets.

Needless to say, monetary policy is—and has long been—a controversial subject. Even the monetarists do not speak with one voice on monetary policy. Some influential monetarists believe that monetary policy should aim strictly at maintaining a constant rate of growth of the money supply. However, what that constant should be, or how broadly the money supply should be defined, are matters on which monetarists still differ. And there are also monetarists who would allow some—but infrequent—changes in the rate of growth of the money supply, in accordance with changing economic conditions.

It seems self-evident that adherence to a rigid growth rate rule, or even one that is changed infrequently, would practically prevent monetary policy from playing an active role in economic stabilization. Monetarists recognize this. They believe that most economic disturbances tend to be self-correcting, and they therefore argue that a constant or nearly constant rate of growth of the money supply would result in reasonably satisfactory economic performance.

But neither historical evidence, nor the thrust of explorations in business-cycle theory over a long century, give support to the notion that our economy is inherently stable. On the contrary, experience has demonstrated repeatedly that blind reliance on the self-correcting properties of our economic system can lead to serious trouble. Discretionary economic policy, while it has at times led to mistakes, has more often proved reasonably successful. The disappearance of business depressions, which in earlier times spelled mass unemployment for workers and mass bankruptcies for businessmen, is largely attributable to the stabilization policies of the last thirty years.

The fact is that the internal workings of a market economy tend of themselves to generate business fluctuations, and most modern economists recognize this. For example, improved prospects for profits often spur unsustainable bursts of investment spending. The flow of personal income in an age of affluence allows ample latitude for changes in discretionary expenditures and in savings rates. During a business-cycle expansion various imbalances tend to develop within the economy—between aggregate inventories and sales, or between aggregate business investment in fixed capital and consumer outlays, or between average unit costs of production and prices. Such imbalances give rise to cyclical movements in the economy. Flexible fiscal and monetary policies, therefore, are often needed to cope with undesirable economic developments, and this need is not diminished by the fact that our available tools of economic stabilization leave something to be desired.

There is general agreement among economists that, as a rule, the effects of stabilization policies occur gradually over time, and that economic forecasts are an essential tool of policy making. However, no economist—of school or economies—has a monopoly on accurate forecasting. At times, forecasts based largely on the money supply have turned out to be satisfactory. At other times, such forecasts have been quite poor, mainly because of unanticipated changes in the intensity with which the existing money stock is used by business firms and consumers.

Changes in the rate of turnover money have historically played a large role in economic fluctuations, and they continue to do so. For example, the narrowly-defined money stock—that is, demand deposits plus currency in public circulation—grew by 5.7 per cent between the fourth quarter of 1969 and the fourth quarter of 1970. But the turnover of money declined during that year, and the dollar value of GNP rose only 4.5 per cent. In the following year, the growth rate of the money supply increased to 6.9 per cent, but the turnover of money picked up briskly and the dollar value of GNP accelerated to 9.3 per cent. The movement out of recession in 1970 into recovery in 1971 was thus closely related to the greater intensity in the use of money. Occurrences such as this are very common because the willingness to use the existing stock of money, expresed in its rate of turnover, is a highly dynamic force in economic life.

For this as well as other reasons, the Federal Reserve uses a blend of forecasting techniques. The behavior of the money supply and other financial variables is accorded careful attention. So also are the results of the most recent surveys on plant and equipment spending, consumer attitudes, and inventory plans. Recent trends in key producing and spending sectors are analyzed. The opinions of businessmen and outside economic analysts are canvassed, in part through the nationwide contracts of Federal Reserve Banks. And as assessment is made of the probable course of fiscal policy, also of labor-market and agricultural policies, and their effects on the economy.

Evidence from all these sources is weighed. Efforts are also made to assess economic developments through the use of large-scale econometric models. An eclectic approach is thus taken by the Federal Reserve, in recognition of the fact that the state of economic knowledge does not justify reliance on any single forecasting technique. As economic research has cumulated, it has become increasingly clear that money does indeed matter. But other financial variables also matter.

In recent years, the Federal Reserve has placed somewhat more emphasis on achieving desired growth rates of the monetary aggregates, including the narrowly-defined money supply, in its conduct of monetary policy. But we have continued to give careful attention to other financial indicators, among them the level of interest rates on mortgages and other loans and the liquidity position of financial institutions and the general public. This is necessary because the economic implications of any given monetary growth rate depend on the state of liquidity, the attitudes of businessmen, investors, and consumers toward liquidity, the cost and availability of borrowed funds, and other factors. Also, as the nation's central bank, the Federal Reserve can never lose sight of its role as a lender of last resort, so that financial crises and panics will be averted.

I recognize that one advantage of maintaining a relatively stable growth rate of the money supply is that a partial offset is thereby provided to unexpected and undesired shifts in the aggregate demand for goods and services. There is always some uncertainty as to the emerging strength of aggregate demand. If money growth is maintained at a rather stable rate, and aggregate demand turns out to be weaker than is consistent with the nation's economic objectives, interest rates will tend to decline and the easing of credit markets should help to moderate the undesired weakness in demand. Similarly, if the demand for goods and services threatens to outrun productive capacity, a rather stable rate of monetary growth will provide a restraining influence on the supply of credit and thus tend to restrain excessive spending.

However, it would be unwise for monetary policy to aim at all times at a constant or nearly constant rate of growth of money balances. The money growth rate that can contribute most to national objectives will vary with economic conditions. For example, if the aggregate demand for goods and services is unusually weak, or if the demand for liquidity is unusually strong, a rate of increase in the money supply well above the desirable long-term trend may be needed for a time. Again, when the economy is experiencing severe cost-push inflation, a monetary growth rate that is relatively high by a historical yardstick may have to be tolerated for a time. If money growth were severely constrained in order to combat the element of inflation resulting from such a cause, it might well have seriously adverse effects on production and employment. In short, what growth rate of the money supply is appropriate at any given time cannot be determined simply by extrapolating past trends or by some preconceived arithmetical standard.

Moreover, for purposes of conducting monetary policy, it is never safe to rely on just one concept of money—even if that concept happens to be fashionable. A variety of plausible concepts merit careful attention, because a number of financial assets serve as a convenient, safe, and liquid store of purchasing power.

The Federal Reserve publishes data corresponding to three definitions of money, and takes all of them into account in determining policy. The three measures are: (a) the narrowly-defined money stock (M_1), which encompasses currency and demand deposits held by the nonbank public; (b) a more broadly-defined money stock (M_2), which also includes time and savings deposits at commercial banks (other than large negotiable time certificates of deposits); (c) a still broader definition (M_3), which includes savings deposits at mutual savings banks and savings and loan associations. A definition embracing other liquid assets could also be justified—for example, one that would include large-denomination negotiable time certificates of deposit, U.S. savings bonds and Treasury bills, commercial paper, and other short-term money market instruments.

There are many assets closely related to cash, and the public can switch readily among these assets. However money may be defined, the task of determining the amount of money needed to maintain high employment and reasonable stability of the general price level is complicated by shifting preferances of the public for cash and other financial assets.

VARIABILITY OF MONEY SUPPLY GROWTH

In the short-run, the rate of change in the observed money supply is quite erratic, and cannot be trusted as an indicator of the course of monetary policy. This would be so even if there were no errors of measurement.

The record of hearings held by the Joint Economic Committee on June 27, 1973 includes a memorandum which I submitted on problems encountered in controlling the money supply. As indicated there, week-to-week, month-to-month, and even quarter-to-quarter fluctuations in the rate of change of money balances are frequently influenced by international flows of funds, changes in the level of U.S. Government deposits, and sudden changes in the public's attitude towards liquidity. Some of these variations appear to be essentially random—a product of the enormous ebb and flow of funds in our modern economy.

Because the demands of the public for money are subject to rather wide short-term variations, efforts by the Federal Reserve to maintain a constant growth rate of the money supply could lead to sharp short-run swings in interest rates and risk damage to financial markets and the economy. Uncertainties about financing costs could reduce the fluidity of markets and increase the costs of financing to borrowers. In addition, wide and erratic movements of interest rates and financial conditions could have undesirable effects on business and consumer spending. These adverse effects may not be of major dimensions, but it is better to avoid them.

In any event, for a variety of reasons explained in the memorandum for the Joint Economic Committee, to which I have previously referred, the Federal Reserve does not have precise control over the money supply. To give one example, a significant part of the money supply consists of deposits lodged in nonmember banks that are not subject to the reserve requirements set by the Federal Reserve. As a result there is some slippage in monetary control. Furthermore, since deposits at nonmember banks have been reported for only two to four days in a year, in contrast to daily statistics for member banks, the data on the money supply—which we regularly present on a weekly, monthly, and quarterly basis—are estimates rather than precise measurements. When the infrequent reports from nonmember banks become available, they often necessitate considerable revisions of the money supply figures. In the past two years, the revisions were upward, and this may happen again this year.

Some indication of the extent of short-term variations in the recorded money supply is provided below. Table 1 shows the average and maximum deviations (without regard to sign) of M_1 from its average growth rate over a three and a half year period. As would be expected, the degree of variation diminishes as the time unit lengthens; it is much larger for monthly than for quarterly data, and is also larger for quarterly than for semi-annual data.

TABLE 1.—DEVIATIONS IN M_1 FROM ITS AVERAGE RATE OF GROWTH, 1970 THROUGH MID-1973

Form of data	Annual rates of change in percent	
	Average deviation	Maximum deviation
Monthly	3.8	8.8
Quarterly	2.4	5.5
Semiannual	1.8	4.1

In our judgment, there need be little reason for concern about the short-run variations that occur in the rate of change in the money stock. Such variations have minimal effects on the real economy. For one thing, the outstanding supply of money is very large. It is also quite stable, even when the short-run rate of change is unstable. This October the average outstanding supply of M_1, seasonally adjusted, was about $264 billion. On this base, a monthly rise or fall in the money stock of even $2½ billion would amount to only a 1 per cent change. But when such a temporary change is expressed as an annual rate, as is now commonly done, it comes out as about 12 per cent and attracts attention far beyond its real significance.

The Federal Reserve research staff has investigated carefully the economic implications of variability in M_1 growth. The experience of the past two decades suggests that even an abnormally large or abnormally small rate of growth of the money stock over a period up to six months or so has a negligible influence on the course of the economy—provided it is subsequently offset. Such short-run variations in the rate of change in the money supply may not at all reflect Federal Reserve policy, and they do not justify the attention they often receive from financial analysts.

The thrust of monetary policy and its probable effects on economic activity can only be determined by observing the course of the money supply and of other monetary aggregates over periods lasting six months or so. Even then, care must be taken to measure the growth of money balances in ways that temper the influence of short-term variations. For example, the growth of money balances over a quarter can be measured from the amount outstanding in the last month of the preceding quarter to the last month of the current quarter, or from the average amount outstanding during the preceding quarter to the average in the current quarter. The first measure captures the latest tendencies in the money supply, but may be distorted by random changes that have no lasting significance. The second measure tends to average out temporary fluctuations and is comparable to the data provided on a wide range of non-monetary economic variables, such as the gross national product and related measures.

A comparison of these two ways of measuring the rate of growth in M_1 is shown in Table 2 for successive quarters in 1972 and 1973. The first column, labeled M, shows annual rates calculated from end-months of quarters; the second column, labeled Q, shows annual rates calculated from quarterly averages.

TABLE 2.—GROWTH RATES OF MONEY SUPPLY ON 2 BASES

	Annual rate of change, in percent	
	M	Q
1972:		
I	9.2	5.3
II	6.1	8.4
III	8.2	8.0
IV	8.6	7.1
1973:		
I	1.7	4.7
II	10.3	6.9
III	.3	5.1

As may be seen, the quarterly averages disclose much more clearly the developing trend of monetary restraint—which, in fact, began in the second quarter of 1972. Also, the growth of M_1, which on a month-end basis appears very erratic in the first three quarters of 1973, is much more stable on a quarterly average basis. For example, while the level of M_1 did not expand significantly between June and September, the quarterly average figures indicate further sizable growth in the third quarter. For purposes of economic analysis, it is an advantage to recognize that the money available for use was appreciably larger in the third quarter than in the second quarter.

EXPERIENCE OF 1972–73

During 1972, it was the responsibility of the Federal Reserve to encourage a rate of economic expansion adequate to reduce unemployment to acceptable levels. At the same time, despite the dampening effects of the wage-price control program, inflationary pressures were gathering. Monetary policy, therefore, had to balance the twin objectives of containing inflationary pressures and encouraging economic growth. These objectives were to some extent conflicting, and monetary policy alone could not be expected to cope with both problems. Continuation of an effective wage-price program and a firmer policy of fiscal restraint were urgently needed.

The narrowly-defined money stock increased 7.4 per cent during 1972 (measured from the fourth quarter of 1971 to the fourth quarter of 1972). Between the third quarter of 1972 and the third quarter of 1973, the growth rate was 6.1 per cent. By the first half of 1973, the annual growth rate had declined to 5.8 per cent, and a further slowing occurred in the third quarter.

Evaluation of the appropriateness of these growth rates would require full analysis of the economic and financial objectives, conditions, and policies during the past two years, if not longer. Such an analysis cannot be undertaken here. Some perspective on monetary developments during 1972–73 may be gained, however, from comparisons with the experience of other industrial countries, and by recalling briefly how domestic economic conditions evolved during this period.

Table 3 compares the growth of M_1 in the United States with that of other industrial countries in 1972 and the first half of 1973. The definitions of M_1 differ somewhat from country to country, but are as nearly comparable as statistical sources permit. It goes without saying that each country faced its own set of economic conditions and problems. Yet it is useful to note that monetary growth in the United States was much lower than in other major industrial countries, and that it also was steadier than in the countries.

TABLE 3.—ANNUAL PERCENT RATES OF GROWTH IN MONEY SUPPLY

	4th quarter, 1971 to 4th quarter, 1972	4th quarter 1972 to 2d quarter, 1973
United States	7.4	5.8
United Kingdom	14.1	10.0
Germany	14.3	4.2
France	15.4	8.7
Japan	23.1	28.2

The next table shows, in summary fashion, the rates of change in the money supply of the United States, in its total production, and in the consumer price level during 1972 and 1973. The table is based on the latest data. It may be noted, in passing, that, according to data available as late as January 1973, the rate of growth of M_1 during 1972 was 7.2%, not 7.4%; and that the rate of increase in real GNP was 7.7%, not 7.0%. In other words, on the basis of the data available during 1972, the rate of growth of M_1 was below the rate of growth of the physical volume of over-all production.

TABLE 4.—MONEY SUPPLY, GNP, AND PRICES IN THE UNITED STATES

	4th quarter 1971 to 4th quarter1972	4th quarter 1972 to—	
		2d quarter of 1973	3d quarter of 1973
Money supply (M_1)	7.4	5.8	5.6
Gross national product:			
Current dollars	10.6	12.1	11.7
Constant dollars	7.0	5.4	4.8
Prices:			
Consumer Price Index (CPI)	3.4	7.1	7.8
CPI excluding food	3.0	4.0	4.1

The table indicates that growth in M_1 during 1972 and 1973 approximately matched the growth of real output, but was far below the expansion in the dollar value of the nation's output. Although monetary policy limited the availability of money relative to the growth of transactions demands, it still encouraged a substantial expansion in economic activity; real output rose by about 7 per cent in 1972. Even so, unemployment remained unsatisfactorily high throughout the greater part of the year. It was not until November that the unemployment rate dropped below 5½ per cent. For the year as a whole, the unemployment rate averaged 5.6 per cent. It may be of interest to recall that unemployment averaged 5.5 per cent in 1954 and 1960, which are commonly regarded as recession years.

Since the expansion of M_1 in 1972 was low relative to the demands for money and credit, it was accompanied by rising short-term interest rates. Long-term interest rates showed little net change last year, as credit demands were satisfied mainly in the short-term markets.

In 1973, the growth of M_1 moderated while the transactions demands for cash and the turnover of money accelerated. GNP in current dollars rose at a 12 per cent annual rate as prices rose more rapidly. In credit markets, short-term interest rates rose sharply further, while long-term interest rates also moved up, though by substantially less than short-term rates.

The extraordinary upsurge of the price level this year reflects a variety of special influences. First, there has been a world-wide economic boom superimposed on the boom in the United States. Second, we have encountered critical shortages of basic materials. The expansion in industrial capacity needed to produce these materials had not been put in place earlier because of the abnormally low level of profits between 1966 and 1971 and also because of numerous impediments to new investment on ecological grounds. Third, farm product prices escalated sharply as a result of crop failures in many countries last year. Fourth, fuel prices spurted upward, reflecting the developing shortages in the energy field. And fifth, the depreciation of the dollar in foreign exchange markets has served to boost prices of imported goods and to add to the demands pressing on our productive resources.

In view of these powerful special factors, and the cyclical expansion of our economy, a sharp advance in our price level would have been practically inevitable in 1973. The upsurge of the price level this year hardly represents either the basic trend of prices or the response of prices to previous monetary or fiscal policies—whatever their shortcomings may have been. In particular, as the above tables show, the explosion of food prices that occurred this year is in large part responsible for the accelerated rise in the over-all consumer price level.

The severe rate of inflation that we have experienced in 1973 cannot responsibly be attributed to monetary management or to public policies more generally. In retrospect, it may well be that monetary policy should have been a little less expansive in 1972. But a markedly more restrictive policy would have led to a still sharper rise in interest rates and risked a premature ending of the business expansion, without limiting to any significant degree this year's upsurge of the price level.

CONCLUDING OBSERVATIONS

The present inflation is the most serious economic problem facing our country, and it poses great difficulties for economic stabilization policies. We must recognize, I believe, that it will take some time for the forces of inflation, which now engulf our economy and others around the world, to burn themselves out. In today's environment, controls on wages and prices cannot be expected to yield the benefits they did in 1971 and 1972, when economic conditions were much different. Primary reliance in dealing with inflation—both in the near future and over the longer term—will have to be placed on fiscal and monetary policies.

The prospects for regaining price stability would be enhanced by improvements in our monetary and fiscal instruments. The conduct of monetary policy could be improved if steps were taken to increase the precision with which the money supply can be controlled by the Federal Reserve. Part of the present control problem stems from statistical inadequacies—chiefly the paucity of data on deposits at nonmember banks. Also, however, control over the money supply and other monetary aggregates is less precise than it can or should be because nonmember banks are not subject to the same reserve requirements as are Federal Reserve members.

I hope that the Congress will support efforts to rectify these deficiencies. For its part, the Federal Reserve Board is even now carrying on discussions with the Federal Deposit Insurance Corporation about the need for better statistics on the nation's money supply. The Board also expects shortly to recommend to the Congress legislation that will put demand deposits at commercial banks on a uniform basis from the standpoint of reserve requirements.

Improvements in our fiscal policies are also needed. It is important for the Congress to put an end to fragmented consideration of expenditures, to place a firm ceiling on total Federal expenditures, and to relate these expenditures to prospective revenues and the nation's economic needs. Fortunately, there is now widespread recognition by members of the Congress of the need to reform budgetary procedures along these broad lines.

It also is high time for fiscal policy to become a more versatile tool of economic stabilization. Particularly appropriate would be fiscal instruments that could be adapted quickly, under special legislative rules, to changing economic conditions—such as a variable tax credit for business investment in fixed capital. Once again I would urge the Congress to give serious consideration to this urgently needed reform.

We must strive also for better understanding of the effects of economic stabilization policies on economic activity and prices. Our knowledge in this area is greater now than it was five or ten years ago, thanks to extensive research undertaken by economists in academic institutions, at the Federal Reserve, and elsewhere. The keen interest of the Joint Economic Committee in improving economic stabilization policies has, I believe, been an influence of great importance in stimulating this widespread research effort.

I look forward to continued cooperation with the Committee in an effort to achieve the kind of economic performance our citizens expect and deserve.

Sincerely yours,

ARTHUR F. BURNS.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the fight for human rights has been an important part of our national history. Americans can be very proud of our heritage of struggle against domestic racial, religious, and economic discrimination. These efforts in the field of human rights, however, must not become a source of smug satisfaction. There is always more to be done, both here and abroad.

A quarter-century ago the United Nations General Assembly endorsed the Genocide Convention, the first human rights document which that body considered. The United States was one of the principal leaders in drafting that document. Indeed, President Truman took the major leadership in pushing for a genocide convention. In the intervening years, every President of the United States, including President Nixon, has supported the Genocide Convention. Seventy-five nations, including all our major allies, have ratified this treaty. It seems an anomaly, therefore, that a nation which was a pioneer in the field of human rights would fail to ratify this basic and fundamental document of liberty.

Mr. President, that treaty is on the calendar. That treaty is not up to the President of the United States now, not up to the House of Representatives, not up to any other body but the Senate of the United States. We can ratify it. It is up to us. The United States must not delay any longer. The time to reassert our leadership in this field is long past due. We should act.

QUORUM CALL

The **PRESIDING OFFICER.** Is there further morning business?

Mr. **ROBERT C. BYRD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESSS

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended an additional 15 minutes, with statements therein limited to 5 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE FUEL ALLOCATION PROGRAM

Mr. **FULBRIGHT.** Mr. President, last Thursday, November 1, the administration's fuel allocation program for middle distillate fuels went into effect. I am afraid that unless there is some quick action, this program may be a disaster for Arkansas. There are some severe problems with the program both in its basic concepts and in its administration.

The fuel shortage is a problem that is going to affect everyone. Strong action is needed to increase our supply of energy. On the Federal level more funds must be made available for energy research and development. In addition, I believe that the deregulation of the price of natural gas at the wellhead would be an important step in increasing our supply of fuels.

While we are increasing our supplies of energy, we must also decrease our demand. Unnecessary and wasteful uses of energy must be curbed. It is apparent that, for the immediate future, demand will outstrip our supplies. Therefore all Americans are going to suffer some hardship, but this hardship should be distributed fairly. No one State or region should be discriminated against.

Unfortunately, under the present program, Arkansas is being discriminated against, and this discrimination is being compounded by what appears to be a potential bureaucratic nightmare.

First, the regulations themselves ignore the curtailment of natural gas that has taken place in Arkansas and 22 other States. This curtailment has forced these States to dramatically increase their use of fuel oils. In Petroleum Administration for Defense District III, consisting of Alabama, Mississippi, Louisiana, Texas, and Arkansas, distillate and residual consumption in the first quarter of 1973 was 18 percent greater than in the first quarter of 1972. Second quarter consumption in 1973 was 26.5 percent greater than in 1972, and the third quarter increase, while not yet tabulated, may approach 100 percent. Therefore any allocation program based on historical fuel oil usage will greatly understate the need for fuel oil in these States. The administration's mandatory middle distillate fuel allocation program does not consider this fact. That program, if administered according to its strict language, will deprive the States which have curtailed their use of natural gas of a substantial amount of needed fuel oil.

On October 31 of this year, Governor Bumpers, of Arkansas; Governor Edwards, of Louisiana; Governor Waller, of Mississippi; representatives of Governor Briscoe, of Texas; and Governor Hall, of Oklahoma, and I met with Governor Love to request an interpretive ruling to ameliorate this situation. Because of this meeting, I believe that Governor Love recognizes the seriousness of this matter. Unfortunately, the response of the Office of Oil and Gas was insufficient. Instead of accepting the proposal presented at the meeting with Governor Love, the Office of Oil and Gas announced that they would send telegrams to oil companies telling them to honor present contracts with utilities for 30 days pending the final decision on the problem. There are two basic weaknesses with this approach. First, it only helps the utilities. It ignores the position of other industries that need an increased allocation for fuel oil. Second, it only deals with the problem from within the region; the real basis of the problem is that the region as a whole needs a larger allocation.

Furthermore, I am concerned that other problems, even though covered by the regulations, will go unsolved due to bureaucratic delay and redtape. Of particular concern is the diesel fuel situation. Diesel fuel is also allocated on the basis of its usage in the particular month of 1972. Because of the floods of 1972, the usual amount of diesel fuel needed for harvesting was not used. Therefore, any allocation based on 1972 usage will not be sufficient to meet the needs of Arkansas farmers. Section 7(a) of the administration's program appears to recognize that situations like this may occur and contains a means to reallocate the needed fuels. Whether this provision will in fact be used effectively is another question.

There are at this time approximately 400,000 bales of cotton, worth $64 million, still in the fields in Arkansas. This cotton represents 3 percent of the Nation's supply. There are still in the fields of Arkansas 68 million bushels of soybeans, worth $400 million. This represents 4 percent of the Nation's supply. Arkansas and the Nation cannot afford to lose a large portion of these crops for a lack of fuel.

Yesterday, the Attorney General of Arkansas, Mr. Jim Guy Tucker, filed an application with the Office of Oil and Gas requesting a sufficient supply of diesel fuel for agricultural uses in Arkansas. I hope that this application will be acted upon without delay.

There are going to be many situations where flexible application of the allocation rules will be required. Such cases are already coming to light in Arkansas. To cite one example, a truckstop in Fort Smith is not receiving, for a combination of reasons, a sufficient supply of fuel. First, its allocation is based on the amount purchased in November 1972. Second, its supplier has only about 85 percent of the supply it had last year; therefore, with reserves held back for hardship allocations, the stop is actually receiving less than 80 percent of what it received in November 1972. Third, the truckstop's business has increased dramatically since 1972 because other stops in the city have gone out of business. This shortage of supply, I am informed, is having a serious effect on the ability of truckers to transport goods in northwestern Arkansas. Many similar situations involving all types of Arkansans, from the owner of a construction company to a school supervisor, have been brought to my attention.

I believe that the officials at the Office of Oil and Gas are making a sincere effort to deal with the complex problem of fuel allocation. They have been forced to make quick adjustments to new situations and programs and are obviously understaffed. But any delay will in many cases result in severe economic hardship for people in Arkansas. Crops in the field will not wait while applications are slowly processed.

I realize that all States will face allocation problems. The people of Arkansas are willing to do their share to deal with this energy crisis, but they believe the burden should be equally shared among all States and regions, and they do not want to do without vitally needed fuels because of delays in the handling of applications.

Mr. President, I am deeply concerned over the fuel supply situation in Arkansas. I certainly hope that events prove me wrong and that the allocation problems will be worked out; but at this time all indications are otherwise.

Mr. President, I ask unanimous consent that a letter my senior colleague from Arkansas (Mr. McClellan) and I have today sent to Governor Love be printed in the Record at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., November 9, 1973.

Hon. John Love,
Office of Energy Policy,
The White House,
Washington, D.C.

Dear Governor Love: Once again we wish to bring to your attention the critical fuel situation in Arkansas. While we appreciate your interim action of sending telegrams to suppliers telling them to continue present contracts with utilities, we are concerned about two aspects of this approach. First, it ignores the fuel needs of other industries that have been forced by the curtailment of natural gas to turn to fuel oil. Second, it ignores the fact that the real basis of the problem is that the entire region is receiving an inadequate allocation. Any intraregional approach will not solve the problem. We urge you to re-examine this situation.

Further, we hope that quick action will be taken on the application that was filed yesterday by the Attorney General of Arkansas, Mr. Jim Guy Tucker, concerning the need for fuel to harvest the crops that are currently in the fields. The allocations based on diesel usage in November 1972, will be insufficient because diesel usage in that month was abnormally low due to flooding. Neither Arkansas nor the nation can afford to have these crops left in the fields.

Finally, we urge that steps be taken to improve the administrative process of the handling of applications in special situations. We are afraid that delays in the processing of applications may cause severe hardship to our constituents.

We certainly realize the great difficulties you have faced in setting up and in administering the complex allocation program and wish to thank you for your previous efforts to help Arkansas with its fuel problems, but we feel further action is required. Of course, we will be pleased to aid your office in any way possible to avoid hardships in Arkansas which are caused by the fuel shortage.

Sincerely yours,
John L. McClellan,
J. W. Fulbright

REPRESENTATIVE JOHN SAYLOR

Mr. HUGH SCOTT. Mr. President, a recent editorial in the Pittsburgh Post-Gazette describes in down-to-earth terms the record of one of the House's most pragmatic and realistic members—John Saylor of Johnstown, Pa. His colleagues in Congress and his constituency to which he was thoroughly dedicated and always faithful, will miss him.

I ask unanimous consent this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Representative John Saylor

Long before conservation gained its current popularity, Rep. John Saylor of Johnstown worked hard for the cause in Congress. The 65-year-old congressman, senior Republican member of Pennsylvania's delegation to Washington, died of a heart attack Sunday in Houston, Tex.

Mr. Saylor, while a stalwart Republican and a fiscal conservative, was his own man. He often differed with the "union line," yet enjoyed labor support at election time. He didn't hesitate to differ with his party, if necessary, on conservation matters or on benefits for his district (Cambria, Somerset, Indiana, Jefferson and Armstrong counties and a portion of Clarion).

A big man with a commanding presence and a strong voice, Mr. Saylor had a knack for endearing constituents to his work on their behalf. A combination tough guy and earthy congressman, he had an exceptionally good ear for the rustlings of his coal region constituency. Despite a slight Democratic edge in his district, he regularly racked up 2 to 1 majorities.

That often required a delicate balance on his positions (he usually ranked near the center in ratings of both liberal and conservative groups). Yet Mr. Saylor always stated his case in the strongest possible terms. When others hemmed and hawed, he came out point-blank.

He could be the GOP's leading conservationist in the House, and at the same time advocate repeal of gun control laws. One of 15 in the House to vote against the Equal Rights amendment, Mr. Saylor demanded equal tax treatment for the unmarried as well as the married.

No one ever mistook him for one of your effete Easterners. He drove back and forth to Congress with the window rolled down in good weather and bad. His coal constituency won't see his likes again.

SHENANDOAH WILDERNESS BILL

Mr. HARRY F. BYRD, JR. Mr. President, on September 20, 1973, the Senate passed without opposition S. 988, my proposal to designate almost 80,000 acres within the Shenandoah National Park as wilderness. This marked the culmination of an effort which began in the 92d Congress to afford additional protection to the unique natural beauty contained in the mountains which rise far above the winding South Fork of the Shenandoah River.

I have said before that I know of no more beautiful area in the Nation than Shenandoah National Park. I believe this feeling is shared by thousands of my fellow Virginians.

I have recently received the report of visits to the Park for the month of October from Mr. Robert R. Jacobsen, superintendent of the park. The statistics provide a compelling testimonial of both the park's popularity and the need for final congressional action on the Shenandoah Wilderness legislation.

In the month of October 1973, over one-half million people entered the park. That is almost one-quarter the number that visited the park for the entire year in 1972.

Mr. President, I ask unanimous consent that the report of the superintendent be placed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRY F. BYRD, JR. Mr. President, I would like to add that from all reports I have received, Mr. Jacobsen has done a splendid job in his brief tenure as superintendent of Shenandoah National Park.

He is an experienced and dedicated Park Service professional. Although he has his roots in the West, he has displayed a remarkable understanding of the uniqueness of Shenandoah National Park, and a deep concern for its continued excellence. We in Virginia are fortunate to have him with us.

S. 988 is now pending in the House of Representatives, before the National Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs. A measure similar to my original proposal was introduced earlier this year by the distinguished Representative from Virginia's Seventh Congressional District, the Honorable J. KENNETH ROBINSON. That measure is cosponsored by the entire Virginia delegation. Hearings were held in June of this year.

I invite the attention of our colleagues in the House to the figures submitted by Superintendent Jacobsen. I hope they will move quickly to pass this legislation before another spring comes to the Blue Ridge.

EXHIBIT 1

Visits

District:	*October 1973*	*October 1972*
North	179, 000	154, 400
Central	230, 200	144, 100
South	96, 000	80, 300
Total	505, 200	378, 800

Calendar year 1973, 2,415,400.

Calendar year 1972, 2,130,000.

Calendar year 1973 compared with calendar year 1972, the increase is 13.4%.

October 1973 compared with October 1972, the increase is 33.3 percent.

This month's visitation was largest for any month on record. The marked increase is attributed to exceptionally fine weather, two 3-day holiday weekends, and schools were closed for one or two days in Virginia and Maryland.

Big Meadows Weather Statistics:

Max. 77°, Min. 29°, Precipitation 6.80″.

ROBERT R. JACOBSEN, *Superintendent.*

THE FUTURE OF THE SMALL TOWN

Mr. NELSON. Mr. President, the specter of a megalopolis expanding over the entire length and breadth of the Nation has become an increasingly real possibility, with the fleeing of industry and people from out central cities, and the creation of so-called "bedroom communities," where residents feel that they have escaped the noise and pollution of our urbanized areas.

In the other direction, fears have been expressed about our dying small towns, the disappearing country store taken over by a chain department store, and the loss of identity which comes from such impersonalization of life.

If America is to maintain a quality standard of life, it is important that we recognize that we cannot afford to have this centralization of life in the United States. The necessity for food, recreation, and a clean environment demand that we reverse this trend, and that we acknowledge the value of a system of life which includes both city and farm, small town, and "bedroom communities."

Recently, a conference on "The Future of the Small Town" was held in Oak Ridge, Tenn. At this conference, one conclusion stood out: That we can prevent this dissipation of the Nation's rural areas, if we are willing to acknowledge their value to the United States.

I ask unanimous consent that an article which appeared in the New York Times of Tuesday, November 6, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"DYING" AMERICAN SMALL TOWNS SHOWING VITALITY AND POPULARITY

The dying American small town, once the backbone of the new nation and more recently the heralded symbol of the death of our national innocence, may not be dying at all.

This is the observation of a group of leading demographic experts who concluded at a recent conference that the small town, while it cannot be said to be thriving, is holding its own in a remarkable number of cases, particularly in the South, and needs only an infusion of thoughtful public policy to make it once again a good place to live for a significant number of city-sick Americans.

The panelists at the three-day conference, "The Future of the Small Town," which ended last week at Oak Ridge, Tenn., represented both private and governmental agencies. Generally they agreed on the following points:

While there is reason for concern about the future of small-town America, its demise is greatly exaggerated—so much so that some government planners now consider programs to aid small towns in rural areas a waste of time. The same negativism permeates small-town thinking so there is little innovation, and businessmen avoid the risks of development.

Towns that have made a decision to survive and grow, and have acted upon it, have had consistent and in some cases remarkable success.

While the suburbs continue to be the place most Americans say they want to live, small towns are next—and are the clear favorite for bringing up children. Only 9 per cent of the people want to live in cities of more than a half-million population, although 20 per cent do live in them.

Although there are many Federal programs that directly or indirectly aim to help small towns in rural areas, there is no clear and consistent national policy, with stated goals, defining where the nation believes small towns should be headed.

LACK OF JOBS

Essentially, the conference panelists concluded that while the growing problems of urban core cities and the drab sameness of the suburbs were driving more and more families to want to live in small towns outside the nation's metropolitan rings, the towns themselves were generally unable to support new residents, either with city services, health care and cultural attractions, or, more fundamentally, with jobs.

"There is a sign outside Galesville, Wis., [population 1,200] which sums up the dilemma," said a conference participant, Calvin L. Beale, leader of the Populations Studies Group in the Department of Agriculture.

It says:

WELCOME TO GALESVILLE—THE GARDEN OF EDEN—INDUSTRY INVITED

Despite the inability of most very small towns to support growth, Mr. Beale said, there is steady pressure for that growth and the cliché of "the dying small town" is exaggerated.

Mr. Beale noted in a study prepared for the conference that population growth in nonmetropolitan towns of the South in the nineteen-sixties was most significant in percentage terms, in the very smallest towns. That growth was almost precisely the opposite of the pattern in the nineteen-fifties.

Of 4,641 Southern towns of under 50,000 population, those with populations of under 500 grew by 15 per cent in the nineteen sixties, compared with under 5 per cent in the nineteen fifties. Similarly, towns with 500 to 1,000 population grew 16 per cent in the nineteen sixties and 14 per cent in the nineteen fifties.

On the other hand, the "big" small towns—populations of 25,000 to 50,000—grew by 12 per cent in the last decade compared with 28 per cent in the nineteen-fifties. Towns of 5,000 to 25,000 grew by roughly 12 per cent in the nineteen sixties and about 30 per cent in the nineteen fifties.

Although this study was confined to the South, Mr. Beale said the pattern applied generally to the nation.

COWS FOR SPECTATORS

In many ways, that national pattern is a hodgepodge of conflicting symbols, the two-aisle country store near a shopping center in Effort, Pa.; a new bank in an Iowa town with a sign in front blazing 24 hours a day, with nobody to look at it but cows in a pasture nearby; the megalopolis sprawling over some little towns, making them just another segment in the line of motels and service stations stretching from Boston to New York to Washington, D.C.

It is a pattern in which some small towns do indeed die through evolutionary extinction while others are engulfed as metropolitan areas reach out to join with each other.

Conference participants concluded, however, that there was a third choice—the survival of the small town, with its own identity intact. A number of examples indicated that such a choice was possible.

NOSTALGIA FOR BAKE SALES

Just how much of the desire is no more than vague nostalgia for one-chair barbershops, church bake sales, Civil War monuments and the city manager driving the country's snowplow in blustery winters was not determined, but there was clear evidence that Americans say they want small towns preserved, and a fairly high number want to live in them.

Richard C. Taeuber, chief of the urban research section of the Oak Ridge National Laboratory and director of a research program for the Department of Housing and Urban Development, noted in a keynote address that there was an apparent disparity between where people want to live and where they do live.

A national survey, he said, indicated that only 9 per cent of the respondents said they wanted to live in a city of more than one-half million population. About 20 per cent actually lived in such cities.

About one-half of the respondents wanted to live outside major cities but within 30 miles of a city of over 50,000. About one-third actually lived in these areas. About 20 per cent wanted to live more than 30 miles from any city of over 50,000 and about a fifth actually lived in such areas—although they were not necessarily the same people.

Although there has been a tendency among businesses and industries to flee core cities along with the residents, basically what keeps people from living where they want to is economic necessity, Mr. Taeuber and others observed. There are simply not enough jobs in small towns and in rural areas.

AVOIDED BY INDUSTRIES

Rural areas traditionally have high unemployment, especially where traditional farm or mining employment has declined. Industries avoid them in many cases because of the lack of adequate water, sewers, police and fire protection. Most such areas lack the leadership and economic power to find ways to provide the services, either by consolidating efforts with other small communities or by taking on the burden themselves.

Thus, the towns die. There is, for example, the case of Story, Ind., population 112, which is literally up for sale. The first bidder to come up with $34,000 for the town's seven buildings, including a feed mill, can own the town.

By contrast, conference participants were presented a study of two tiny Southern Appalachian towns, Tazewell and New Tazewell, in Claiborne County, Tenn. Together the towns created 2,000 new jobs in the decade of the nineteen-sixties although their combined population was only 3,052.

Basically their success resulted from an effort to develop their own industry, a manufacturing plant for recreaton vehicles, financed with local capital.

The conferees concluded that such stories, although dramatic, tended to be submerged by many accounts describing the demise of small towns, particularly those in the Plains States, where there is indeed a substantial problem.

However this ignores such evidence as that gathered in a study that showed that of 4,300 towns with a population of 2,500 to 10,000, 28 per cent lost population in the nineteen-sixties, while 72 per cent grew.

Some of these were suburbs. Others such as Cozad, Neb., which organized its civic leaders and gained an auto equipment plant, grew through their own efforts.

The panelists concluded that an over-all national policy and a coordinating agency for efforts to revitalize small towns were needed.

Estimates of the number of rural and small-town assistance programs ranged from 500 to about 1,000, several participants noted. Moreover, there is no comprehensive advisory agency to tell small town governments how to save their towns.

Federal policy planners have tended to concentrate on areas where growth was most explosive, such as the suburbs, or where the problems dominate, as in the largest cities.

DR. ROBERT F. LOEB, COLUMBIA UNIVERSITY

Mr. JAVITS. Mr. President, Columbia University, the city of New York and the Nation's scientific community were saddened by the loss of Dr. Robert F. Loeb, former Bard professor of medicine and chairman of the Department of Medicine at the College of Physicians and Surgeons. Dr. Loeb retired from Columbia in 1960, and served as professor emeritus until his death on October 21.

Dr. Loeb was a specialist in metabolic diseases and one of the Nation's leading medical teachers and researchers. He was widely known as a clinician and investigator. In 1922, with a group of colleagues at Physicians and Surgeons, he pioneered the use of insulin treatment for diabetes. He also was the first to demonstrate that patients with Addison's disease could be maintained indefinitely by having large quantities of salt in their diet. Until that time, Addison's disease was invariably fatal.

Dr. Loeb served with distinction in a variety of advisory capacities in both public and private life, in addition to the heavy teaching, research, and administrative load he assumed at Columbia. He served three Presidents—Truman, Eisenhower, and Kennedy—as a member of the President's Science Advisory Committee. For 14 years he served as a member of the National Science Board, the governing body of the National Science Foundation.

As a trustee of the Rockefeller Foundation, he was instrumental in developing the Foundation's program in the medical sciences. He was vice chairman of the board of trustees of the Rockefeller University, and overseer of Harvard College, and president of three professional associations, including the Association of American Physicians, the American Society for Clinical Investigation, and the Harvey Society. In addition, he was a member of the National Academy of Sciences, the American Philosophical Society and the Century Association.

Dr. Loeb was born in Chicago in 1895. He studied at the University of Chicago and graduated magna cum laude from Harvard Medical School in 1919. After serving internships at Massachusetts General Hospital and the Johns Hopkins Hospital, he joined the staff of the College of Physicians and Surgeons at Columbia and Presbyterian Hospital. He remained at Columbia for 40 years, serving medicine, his students, and his country. His presence in the medical profession will be greatly missed. Indeed, the world has lost a great doctor and humanitarian.

WE STILL HAVE EACH OTHER

Mr. SPARKMAN. Mr. President, there was a very fine editorial in the Birmingham News recently which I felt puts the present national situation in proper perspective. It makes the point that when we say we face a crisis of leadership we should remember that we have the leadership of 200 million people with strength of character and faith in God. It ends with the reassurance that "we still have each other."

I ask unanimous consent to have this editorial printed in the RECORD as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Birmingham (Ala.) News, Nov. 4, 1973]

IS LEADERSHIP POSSIBLE?

When Pack meets with Pack in the Jungle,
and neither will go from the trail,
Lie down till the leaders have spoken
—It may be fair words shall prevail.

Kipling, penning those lines in his *Law of the Jungle,* wasn't grabbing for the prophet's mantle as much as he was describing the realities of life in the jungle. Kipling probably had no idea how rugged the jungle would become a few dozen years after writing his poetry. But here we are.

Pack has indeed met Pack in the Jungle, and there is no evidence either is going to move off the trail. The executive branch stares long and hard at the legislative, and some think, at the bulk of the nation as well. And that pack stares back. America's growing political polarization has reached the eyeball-to-eyeball stage.

And the stark truth is that there is no leader on either side to tell us to lie down while agreements are negotiated. We can arrive at agreements with the Soviet Union, with the Arabs, with the North Vietnamese. But we are paralyzed when trying to find consensus at home.

Today's jungle makes Kipling's look like a national park, complete with carefully marked roads and restrooms. Kipling wrote in a time when leaders were really regarded as leaders, when the buck stopped at awesome thrones.

The memory of such days is strong in our minds, and in the midst of Watergate and its attendant sorrows, we are prone to cry: "Give us leadership."

The truth is that we may never again see "leadership" in the sense we dream of it. And surprisingly, we will perhaps be the better for it.

The "leadership" of our fantasy demands hasn't really existed since the mythical days of Franklin Delano Roosevelt, whose leadership powers can never be subjected to objective evaluation, given the fact he was our "leader" during World War Two. Wars distort. Leaders especially.

When the cry of "give us leadership" is raised, what we really mean is: Give us someone who can embody our collective spirit as a society, and set for us an image we can emulate.

Perhaps John Kennedy, in the minds of many, was attempting this. But history would have likely unravelled the scheme just as it has chopped at the images of the "best and brightest" around Kennedy.

Richard Wagner dreams he was the *Geist* (the spirit) of the German people, and his art the redemptive power for mankind, because it was German. The "leadership" seekers among us may be looking for a Wagnerian artisan or to invoke Nietzsche's Superman.

Even if there were a person daring to make the claim that he was the sought-after leader, he could not succeed in this time in the style of the new journalism, especially post-Watergate, we are not likely to see the emergence of that kind of unassailable leader. And down the road some Democrat president will be subject to the same pressures Mr. Nixon is under.

Let a man rise among us, and immediately it will be discovered that one time he took a free plane ride with Howard Hughes' grandmother's nephew, and the leader will topple. And even if such damaging disclosure is not made, the bulk of the American people have had it with political visionaries whose visions begin and end with themselves and who identify their own progress with that of the nation.

Perhaps the tragic flaw that gave us Watergate was the idea that what was good for Richard Nixon's re-election was good for the country.

This is not a negative hypothesis.

If we are freed in this political system from always probing for the grand leader, and placing our faith in men, we can come back to a genuine appreciation for the structure of government which enables imperfect and vulnerable men to carry on its processes.

Whether or not Richard Nixon is strong or weak is not the question here. It is clear, however, that in the minds of many people, he is weak. Yet, despite the ravages of division in Washington, the structure of government held firm during the Middle East crisis of last week, and has not fallen under the winds of political protest. The same was the case in the terrible days of 1963, following the assassination of John F. Kennedy. Despite the fact we had in the early days a caretaker president in Lyndon Johnson, the structure sailed through, the nation was intact and remained dynamic. We made it, as we will this time.

The de-emphasis on the charismatic leader will also restore belief in ourselves, as individuals, and in the spiritual realities transcending human leaders. Once we sat and listened to the fatherly tones of Roosevelt beside the fire. In another era, we warmed under the smile of Ike. We jogged in the zest of Kennedy. What escaped us was that we were becoming puppets, altering our pace to match the drumbeat from the heights of Washington.

And now they say, we face a "crisis of leadership." Mostly poppycock. We will never again have the "leadership" of fantasy. But we will and do have the leadership of 200 million people, with the same edge on God and strength of character as those we elect as the super clerks of the nation's affairs.

So don't weep, wail or gnash your teeth when they tell you we are leaderless. We still have each other.

RELOCATION CEREMONIES—VILLAGE OF NIOBRARA, NEBR.

Mr. HRUSKA. Mr. President, many of my colleagues in this body have heard me discuss at length the problems of a small town in my home State, Niobrara, Nebr. Briefly, the construction of the Gavins Point Dam on the Missouri River caused the unfortunate result of the raising of the ground water level on the site of Niobrara. What happened is a sad story to the 600 residents of this community—constantly flooding basements and the certain knowledge that Niobrara would one day be nothing more than a swamp.

For these reasons, the people of Niobrara had to make some hard decisions. In the spring of 1970, petitions were circulated among the legal voters of the village. They were given a set of three choices: First, relocation of the village; second, abandon Niobrara altogether; or, third, try a system of protection with dikes and pumping systems. An overwhelming 85 percent of the population chose to relocate the village.

My colleague, Senator CURTIS and I introduced a bill that same year to provide Federal assistance for the relocation of Niobrara. Due to the generous assistance of many of my colleagues, we were successful in getting a bill passed as well as getting the necessary appropriations.

Mr. President, I speak today to advise the Senate that work is now in progress on building a new Niobrara. I was fortunate to be present at ground-breaking ceremonies on September 30. Because of the interest and assistance of my fellow Senators, I would like to print in the RECORD several speeches that were given at the ceremony. I ask unanimous consent that they be printed.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

INVOCATION—"NEW" NIOBRARA GROUNDBREAKING, SEPTEMBER 30, 1973

(By the Reverend Dennis J. Carroll)

Almighty God, we gather today to celebrate the rebirth of our town. We ask for your blessing in our adventure, but we also ask for your help. Help us to be sensitive to the conflicting emotions of our residents as we realize that fear and doubt are very natural companions to joy and expectation.

We know that in the world with every gain there is also a loss and that moving to a new home requires leaving a familiar one. Grant us a faith that will help us move through our pain and confusion to a new hope—seeking to find opportunity from the disruption of the past and present.

We need courage, we need strength, we need love, and we need concern. But mainly we need a renewed sense of patience—patience which is so easily lost in our dealings with each other. Patience, that we may relearn the meaning of faith as we reinvest and rebuild our limited earthly lives in a new town, but in a larger sense only continue the unbounded and eternal life which is the true treasure of your kingdom. Amen.

MAYOR LESTER FITCH—GROUNDBREAKING SPEECH

Thank you Reverend Carroll.

Ladies and Gentlemen! We wish you all a hearty welcome to our groundbreaking ceremonies.

We are happy that all of you could join us on this historic occasion. Sorry that the weather hasn't cooperated with us, so that we could not carry out our program as planned.

This marks the beginning of a new chapter in the history of this Village. Over seventeen years ago we celebrated our One Hundredth anniversary. Niobrara numbers among the oldest communities in Nebraska, the town having been established in 1856. It was a stopping place for steam boats and French fur traders, traveling up and down the Missouri River.

This site will be our third, and hopefully final, location. The great ice jam of 1881 nearly destroyed the original town which was located near the Ferryboat Landing, just east of our present townsite. Our town grew and prospered because of such activities as a government Land Grant office, where patents were issued to early settlers. This was during Abraham Lincoln's administration. Also the building of the Court House was in this territory, which is still standing on the east part of Main Street. Then came the Chicago and Northwestern Railroad. As time passed and the development of the Missouri River took place a change came, until mother nature, assisted by man, created another problem.

The Pick Sloan Plan benefitted millions of people and for this we are grateful. Those great benefits clearly outweigh the hardship and burden imposed on the people in this picturesque part of rural America. For a good number of years, as the waters rose in our basements, we were all very greatly bewildered about our future. The prospects for tomorrow seemed very gloomy, indeed. We understood very little about the vast Federal Government. We prayed we would not drown before help could be found.

Fortunately, our hopes and dreams were answered.

Even though there are just six hundred of us with but a tiny voice, our pleas were answered by our representatives in Washington.

Certainly all of our towns people know and I want the rest of you people who are our guests here today to appreciate that Roman Hruska has spearheaded our cause and has led us through the maze of Legislative complexities and has given freely of his time and energies in this period of our great struggle for existence.

He shared our hope that we would be able to help with the planning of the new town. We wanted the ideas of our own people to be heard and the common desire of our citizens to be expressed in the planning and details of the relocation. We, of course, did not have the resources to undertake any comprehensive planning or make any professional study on our own.

Recognizing this basic desire of our people, Senator Hruska was good enough to sponsor legislation which led to the granting of funds for a joint planning effort between the Village and the Corps of Engineers.

It was in this spirit of cooperation that the planning went forward. Realizing that we had an opportunity not only for our lifetimes, but for future generations, we wanted to invest as much thought and deep consideration, not only to the location, but the layout of the new Village. We hope our Village can become a model for Rural America. We hope our Village will be a place we can all look to with pride. We hope we can reverse the trend of our young people leaving to work in the cities. We hope in spite of all the adversity, that the example we set, will be of benefit to people everywhere.

As you can see, the ground has already been broken by machine. We are here today to dedicate this site and to share our happiness with those who have been so kind and helpful to us in our time of need and to symbolize the future by the traditional ceremonial breaking of ground. We are privileged to have our State and National representatives along with representatives of the Corps of Engineers. Also our Legal Advisors—Bill Campbell, John Musselman, Richard Spellman and Robert Kutak—of the Kutak, Rock, Cohen Associates law firm of Omaha, our Planners—Jim Siebken, Barry Ling and Mr. Michael—with Kirkham & Michael Architects & Engineers of Omaha, our General Manager, Gordon Printz, of our Planning Commission office in Niobrara, and their families with us this afternoon for this ceremony.

In behalf of the Niobrara community, I do want to take this opportunity to express our appreciation to all of you for your interest and help in this project. We know that you have gone beyond your call of duty in trying to keep us all happy. The only words I know to express our feelings are "Thank you very, very much," for your friendship and kindness. We hope that you will consider Niobrara, your home away from home.

Our festivities will not end here at this site of the dedication, but will continue on through the balance of the day and evening and we hope you will be able to join us. Harry Tichy, Chairman of our Village Planning Commission, will have more on the post-dedication activities when he concludes our program.

We do not always understand the ways of our government. Nor do we appreciate the historic wedding between the navigable rivers of this country and the Corps of Engineers. As you know, our area of the Missouri River is under jurisdiction of the Omaha District. From the very beginning of our problem, we have been blessed with understanding leaders in the District office. Colonel Griebling, and Colonel Pendergrass before him, have always had their doors open to hear our problems and to discuss and to coordinate plans. This goes for the staff of the Omaha district office also. We are indebted to people like Elbert Snethen, Joe Graham and numerous others. We realize they are responsible for the water resources program of the Upper Missouri River Basin which covers over Four Hundred Thousand square miles. They are busy people. We are but a dot (or sometimes a mosquito) on their maps, but yet they have given of their time and talents freely.

The Omaha District office is headed up by Col. Alfred L. Griebling, who just a year ago returned to the Omaha District after an absence of twenty years while on assignments throughout the world. Some twenty years ago, then Captain Griebling was assigned as a construction inspector and resident engineer for construction at the Fort Randall Dam.

Colonel Griebling is a 1950 graduate of West Point. He has served as a Professor on the staff of the Military Academy. He has a Masters of Science degree from Iowa State and has served the United States Army throughout the world.

Colonel Griebling, his wife Betty and their children are here with us today. We would like Colonel Griebling to come to the microphone and say a few words.

Remarks—Col. Alfred L. Griebling

I am very pleased to visit you again and to be with you for this ground breaking ceremony.

For more than a year I have been aware of the problem of high ground water in your town.

Of course many others, including those on the platform and members of my staff, have been working on the problem much longer.

For you folks who live so close to the problem I'm sure there have been many occasions of doubt and disappointment.

Your problems are not all solved yet.

However, everything I see tells me that we are well on the way to solving the problems.

I would now like to give you a brief status report.

The Corps of Engineers was given the responsibility for implementing Section 213 of the Flood Control Act of 1970, which addressed your problem.

We felt strongly from the very beginning that the basic decisions should be made by you people here in Niobrara.

We structured all our actions with this objective in mind and worked with Mayor Fitch and your Planning Commission.

Therefore, the decision to relocate the Village to this site has been yours.

In order to plan and construct these new facilities, the Corps has contracted with the Village of Niobrara, through the Village Planning Commission, with Mr. Gordon Printz acting as General Hanager.

The Village Planning Commission, in turn, sub-contracted for the following servies:

1. Kirkham-Michael and Associates for the engineering design.
2. The firm represented by attorneys Campbell and Musselman for legal servies.
3. Negus-Sweenie for construction of the Overlot Grading.
4. Nebraska Testing Laboratories for laboratory testing support.

As we look ahead, the design is proceeding satisfactorily on the following:

1. The Phase II Grading.
2. Water supply and water storage facilities.
3. Underground water distribution.
4. The sewerage system.
5. And the storm drainage systems in the new townsite.

These will be followed by street paving with curb and gutter—sidewalks—street lighting—and the municipal building facilities.

Contracts for these developments will be let at staggered intervals during the 1974 construction season.

Now, I would like to discuss what you as individuals are most interested in—your real estate.

From a Real Estate standpoint, this project consists of the acquisition of some 470 ownerships.

Our records show that these ownerships are comprised of: 285 homes, 112 parcels of vacant lands, 60 business properties, 8 churches, 3 lodges, 2 warehouses, a mortuary, a rest home, a telephone relay station, a grain elevator, and a mobile home park.

As many of you already know, one tract of land has been acquired.

This is the former Weber property situated on Fourth Avenue between Pine and Cedar Streets.

It is being modified for our Real Estate Field Office.

That office is now open and my employees there are ready to answer any questions you may have.

Negotiations for the other properties will begin next week, and we expect to conclude all purchases by 31 December 1974.

After completion of the purchases, many owners will probably want to remain in their present properties until the new town is ready for occupancy.

In the interim, the Real Estate Office will work with you to accomplish this.

After you have relocated to your new residences or business establishments, this office will assist you in processing claims under Public Law 91-646.

Most, if not all of the residents of Niobrara will be eligible for assistance under the several benefits offered by that law.

Hence, the Real Estate Office on Fourth Avenue will be our Niobrara Office to serve the people of Niobrara until completion of the relocation and all claims under Public Law 91-646 have been satisfied.

We are currently staffing that office with permanent personnel.

In the meantime, Mr. Kermit Ehrenfelt, the Chief of my Real Estate Office at Pierre, South Dakota, has been designated as Acting Chief of the Niobrara Office.

Other employees from Omaha and our other Real Estate Offices are currently staffing the operation.

The telephone number of the Real Estate Office is 857-3525.

I encourage all of you who have questions regarding the acquisition of your property, or benefits to which you may be entitled under Public Law 91-646, to visit this office and discuss your problem.

If this is not possible, contact the office by telephone and my Real Estate people will arrange to call upon you at a mutually convenient time.

Mrs. Griebling and I are happy to be with you today.

We have spent a very pleasant two days in the area and managed to spend a relaxed evening at the state park.

Thank you for inviting us.

Dedication Speech—J. W. Burbach, State Senator

As we all know from the history books, Niobrara means "spreading water." And it was certainly well named, because this dedication we are celebrating today is not the first one in Niobrara's history.

Niobrara is on the site of a Ponca Indian village. Favorable reports of the place were current in Kanesville (which is now Council Bluffs); and in May of 1856 a little group of settlers went to see it, led by B. Y. Shelby, a doctor, and financed by a French company named L'Eau Qui Court.

In the presence of the entire Ponca band, they marked off the site that was to be known as Old Town. That winter Dr. Shelby and 3 men took refuge in Old Cabin, the first garrison and first building of Niobrara. This tiny settlement was made the county seat, which was then called Eau Qui Court, and is now Knox County. The county seat remained here until it was moved to Center in 1901.

Development rapidly followed with the arrival of the riverboat "Omaha" from St. Louis in 1857 and the building of Burns House, plus industry—tomato canning, meat packing, flour milling and brewing.

The original town was beautifully situated on the south bank of the Missouri, about 2 miles below the mouth of the Niobrara River, until the great flood of 1881, when the larger portion of it was removed about 1½ miles to the southwest and located on a plateau elevated above the river bottom.

At the time of the removal, the town contained 3 general stores, 2 drug stores, 2 hardware stores, 1 harness shop, 2 blacksmith shops, 5 hotels, 2 livery stables, 3 doctors, 12 lawyers, 1 schoolhouse, 1 church building, a 2-story brick courthouse, 2 newspapers, and 500 inhabitants.

The water began to rise on the night of March 29, 1881, and rose very suddenly until it reached a depth of 3–7 feet, filling up cellars and covering the first floors of houses. The heaviest loss of stock was recorded by Frank Janousek, who lost 29 head of cattle and 5 horses.

The illustrated history of Nebraska says the moving of the town was commenced in July of 1881 and this is a quote from the history book: "Now the people feel a sense of security they never could have felt on the old town site, being on the plateau about 20 feet above it, and close to the bluffs, so that escape is easy in the event of a future flood reaching them, which event is extremely improbable."

Well, we all know that the "improbable event" became the awful truth as our water table rose righer and higher. After nearly 15 years of negotiations with the Corps of Engineers, and through the efforts of our congressional delegation, the problem was finally recognized as the responsibility of the Corps, and money was appropriated for once again moving the town of Niobrara.

So, now we begin the "third time around" for Niobrara, Nebraska—a town whose citizens have never given up no matter what the odds or the difficulties. You have all our best wishes for your future and most sincere congratulations for your courage—and our firm belief in your successful future.

THE CONSTITUTIONALITY OF S. 2611

Mr. ERVIN. Mr. President, the Senate Judiciary Committee has been conducting hearings on S. 2611, the proposed "Independent Special Prosecutor Act of 1973."

Philip B. Kurland, professor of law at the University of Chicago, and a valued consultant to the Senate Subcommittee on Separation of Powers, of which I am chairman, gave testimony to the committee on the constitutionality of S. 2611. It is his opinion that S. 2611 is fully consistent with the requirements of the Constitution insofar as it authorizes the appointment of the special prosecutor by the chief judge of the U.S. District Court for the District of Columbia and provides for the discharge of the special prosecutor only for specified cause and then only by the chief judge.

Mr. President, I ask unanimous consent that Professor Kurland's prepared statement of November 7, 1973, be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement of Philip B. Kurland

My name is Philip B. Kurland. I am a professor of law at the University of Chicago. I have come, at the invitation of this Committee, to address the questions of constitutionality allegedly raised by S. 2611, the proposed "Independent Special Prosecutor Act of 1973."

S. 2611, as I understand it, suggests two issues of constitutionality. The first is whether Congress can constitutionally vest the appointment of a special prosecutor, to deal with matters specified in the Bill, in the Chief Judge of the United States District Court for the District of Columbia. The second is whether the President may be constitutionally forbidden by Congress to remove the special prosecutor from the office created by the Bill and filled by appointment of the Chief Judge. My answer to both questions is in the affirmative. I shall state as succinctly as I can my reasons for these conclusions.

First, however, I should point out that the questions are not raised in the abstract. They occur in the context of events with which we are all familiar. If the phrases "constitutional crisis" and "crisis of confidence" have been unduly abused in recent days, it can hardly be denied that they are appropriate to the events that have given rise to the framing of this legislation. The most relevant facts are that the charge to the proposed Special Prosecutor in S. 2611 is to investigate, to initiate prosecutions, and to prosecute illegal activities that are either closely connected to, or have their origins within, the White House itself. It must be remembered that the Senate, in approving the appointment of Attorney General Richardson, made it an express condition of its confirmation that he would name a special prosecutor for these same purposes, and that such a prosecutor was to be wholly independent both of the President and the Attorney General. The consequent appointment of Archibald Cox as such an independent special prosecutor has since been frustrated by his discharge and by the resignation of Attorney General Richardson and the discharge of Deputy Attorney General Ruckelshaus.

It is hardly disputable, that a very large part of the American public regard the Cox discharge as a breach of faith by the Administration with the Senate and with the American public itself. Events that preceded and those that have followed the termination of Professor Cox's employment—certainly including the announcement that the Dean and Mitchell White House tapes do not exist—have made it impossible to accept the possibility that any special prosecutor appointed by the President or the incumbent Attorney General can have the appearance of independence which is vital to the function that such a prosecutor must perform. However many assurances are provided that such an Administration appointee will be independent, and however much faith one may have in the courage and integrity of the person who is so appointed, these assurances and this faith come too late to be persuasive. That road has already been traversed. We have witnessed an effort by this body to leave the powers of appointment and discharge of such a prosecutor in the hands of the President and his Attorney General. That effort has failed. And it has failed because the interests of the White House are necessarily too closely tied to a restricted rather than a full investigation that would be the charge of a special prosecutor. I respectfully submit that with new charges surfacing almost daily, neither the Congress, nor the President, nor the American people can afford the possibility of another fiasco of the kind that surrounded the discharge of Professor Cox, without regard to whether that discharge was or was not justified. It has been stated that "justice must satisfy the appearance of justice." *Offutt* v. *United States*, 348 U.S. 11, 14 (1954). The appearance of justice requires the separation of the investigator and the investigated.

Let me turn then to the question whether the Constitution authorizes Congress to provide for the appointment of the special prosecutor by the Chief Judge of the District of Columbia. The proposed legislation states three constitutional bases on which this power of appointment is rested. First, the "necessary and proper clause" of Article I, § 8, which confers upon Congress the authority: "To make all Laws which shall be necessary and proper for carrying into execution for foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Second, the provision of Article II, § 2, which reads: "Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

Third, the provision of Article I, § 8, which grants power to Congress "To exercise exclusive Legislation in all Cases whatsoever, over" [the District of Columbia].

I would quickly say, albeit without reliance on any authority, that the last provision should not itself support this legislation. It is true that the Supreme Court has given a broad reading to this provision. See, *e.g., National Mutual Insurance Co.* v. *Tidewater Transfer Co.*, 337 U.S. 582 (1949). But honesty compels recognition that the problems to which this Bill is directed are not problems of the governance of the District of Columbia but problems of the governance of the Nation.

I should think, with equal certainty, but with an equal dearth of authority, that the "necessary and proper clause" could alone sustain the appointment provisions of this Bill. That the investigation is "necessary" and the means provided "proper," as Chief Justice Marshall defined those terms, is abundantly clear simply from the facts with which I introduced this statement. So, too, is the fact that the clause relates to Congressional authority with regard to all national government functions, not merely the legislative functions. But whether or not the "necessary and proper clause" by itself would provide constitutional justification, taken together with the language of Article II, § 2, it certainly affords all the constitutional warrant necessary.

By its terms, Article II, § 2 authorizes Congress to place this power of appointment in the judiciary of the District of Columbia. Constitutional history and adjudication confirm the validity of this process. Indeed, the authority to vest the appointment power in the judiciary has been sustained with reference to appointments having nothing to do with the judicial process. It follows *a fortiori*, I should submit, that the power of appointment of an officer of the court such as a special prosecutor must be sustained.

The principal Supreme Court authority is *Ex parte Siebold*, 100 U.S. 371 (1880), in an opinion written by Mr. Justice Bradley. There legislation had authorized the appointment by the federal courts of supervisors of elections in which national officials would be elected. It was argued that the Congress could not vest this appointment power in the courts because the function of the supervisors was executive in nature. The Supreme Court's response was unequivocal:

"It is no doubt usual and proper to vest the appointment of inferior officers in that department of the government, executive or judicial, or in that particular executive department to which the duties of such officers appertain. But there is no absolute requirement to this effect in the Constitution; and, if there were, it would be difficult in many cases to determine to which department an office properly belonged. * * *

"[A]s the Constitution stands, the selection of the appointing power, as between the functionaries named, is a matter resting in the discretion of Congress. And, looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise. The observation in the case of Hennen, to which reference is made (13 Pet. 258), that the appointing power in the clause referred to "was no doubt intended to be exercised by the department of the government to which the official to be appointed most appropriately belonged," was not intended to define the constitutional power of Congress in this regard, but rather to express the law or rule by which it should be governed. The cases in which the courts have declined to exercise certain duties imposed by Congress, stand upon a different consideration from that which applies in the present case. The law of 1792, which required the circuit courts to examine claims to revolutionary pensions, and the law of 1849, authorizing the district judge of Florida to examine and adjudicate upon claims for injuries suffered by the inhabitants of Florida from the American army in 1812, were rightfully held to impose upon the courts powers not judicial, and were, therefore, void. But the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts; and in the present case there is no such incongruity in the duty required as to excuse the courts from its performance, or to render their acts void." 100 U.S. at 397–398.

The authorities were summed up more recently in an opinion by Judge Fahy, in *Hobson* v. *Hansen*, 265 F. Supp. 902 (D.C. Cir. 1976). There the question was whether the District Court for the District of Columbia could be assigned the task of appointing the members of the District of Columbia school board. Again the answer was in the affirmative. *Id.* at 911–16. Once again the question before us must be considered to have more support from Article II, § 2, than did the power exercised there, because here there can be no question but that the officer whose appointment is provided by this Bill is an "inferior Officer" of the national government and because the functions he is charged to perform are so closely connected with the judicial functions that are entrusted to the federal district courts by Congress pursuant to Article III of the Constitution.

It is suggested that the duties of a prosecutor are by their nature an executive function to be performed under the authority of the Chief Executive. I would submit that this is not true. Quite clearly, at the time of the adoption of the Constitution, prosecutions in England were under the concern and management of private citizens and not the Crown, except in a narrow class of cases where the person of the Crown was thought to be endangered by the kind of crime that was being prosecuted. Congress undertook, shortly after the creation of this nation, to vest the prosecutorial authority in public officials and to vest the power of their appointment in the President with the advice and consent of the Senate. That decision was made pursuant to the authority of Art. II, § 2. It must be free to make a different assignment of the appointing power where circumstances, as in this case, call for it.

Moreover, a look at the government of the various States, equally dedicated to the doctrines of separation of powers under their own constitutions, demonstrates that the vast majority of them have been unwilling to entrust the administration of the criminal laws to officials subordinate to the chief executive. In most jurisdictions, the law enforcement officers are elected officials both at the state level, as with the Attorneys General, and at the local level, as with district attorneys. Indeed, it should be recalled that, at the time of the Wickersham Commission report, the State of Connecticut, and perhaps other states, entrusted the appointments of prosecuting officials to the courts in which they served. And the Wickersham Commission approved this system as one that reduced the adverse effects of political bias.

Nor should it be forgotten that the appointment of counsel for purposes of specific litigation is a function that has long been performed by the judicial branch, both for plaintiffs and defendants. Indeed, it has been considered a constitutional obligation of the courts to appoint counsel for a defendant in a criminal case where the defendant is unable to supply counsel of his own. This authority has been exercised by the federal courts not only with regard to appointments of individual counsel, but also with the appointments of "public defenders" for cases at large. Not only does the Supreme Court appoint counsel in individual cases, it also frequently calls on the Department of Justice to supply counsel by way of amicus curiae briefs and arguments through the Solicitor General's office. Counsel are officers of the court; the grand jury is an arm of the court. Counsel are a necessary ingredient in the performance of the Article III jurisdiction conferred on the federal courts. And it is to the courts that the execution of the laws through the judicial process has been entrusted by the Constitution itself.

It has been argued, however, that there is a problem of conflict of interest, bordering on a problem of due process of law, if the judge who participates in the selection of the prosecuting counsel is also entrusted with the task of presiding over the case in which the prosecutor participates. See, *e.g., In re Murchison*, 349 U.S. 133 (1956). The answer to that is twofold. First, the problem of conflict of interest is exactly the problem that S. 2611 seeks to eliminate. Congress, through this legislation, at worst, would be choosing between a conflict of interest where the putative defendants would in effect be appointing the prosecutor if that duty were imposed on the President and the less dangerous conflict of interest, if it is such, where the judicial officer appoints prosecuting counsel. In the many instances in which courts appoint counsel, both for plaintiffs and defendants, there has been no suggestion that the appointing judge must disqualify himself because of that appointment.

As the three-judge court in *Hobson* v. *Hansen, supra*, said, in rejecting a similar claim: "In neither of the Supreme Court cases, *Hennen* [*Matter of Hennen*, 13 Pet. 230] and *Siebold*, involving the validity of Congressional authority for judges to appoint an official was there any question of inability, on due process grounds, of the appointing judge to pass upon the validity of the action of the appointee after appointment." 265 F. Supp. at 916–17, n. 18.

Moreover, even the scintilla of conflict of interest could be avoided here if the judge appointing the prosecuting official—here the Chief Judge of the United States District Court—did not himself preside over the grand jury or the consequent trials, if any. It is certainly possible that another district judge than the chief judge could preside over the grand jury proceedings and the resulting trials.

My conclusion is that § 3 of S. 2611 fully complies with the requirements of the Constitution in authorizing the appointment of the special prosecutor by the Chief Judge of the United States District Court for the District of Columbia.

The second constitutional issue is whether § 10 of S. 2611, which provides that the special prosecutor shall be dismissed only for cause as defined therein and then only by the Chief Judge, is valid. Again the answer is in the affirmative.

My position here rests on the line of cases that began with *Myers* v. *United States*, 272 U.S. 52 (1926), and culminated in *Wiener* v. *United States*, 357 U.S. 349 (1958), with *Humphrey's Executor* v. *United States*, 295 U.S. 602 (1935), as the connecting link between them. Mr. Justice Frankfurter wrote for a unanimous Court in the *Wiener* case. He summarized the history this way:

"The assumption was short-lived that the *Myers* case recognized the President's inherent constitutional power to remove officials, no matter what the relation of the executive to the discharge of their duties and no matter what restrictions Congress may have imposed regarding the nature of their tenure. The versatility of circumstances often mocks a natural desire for definitiveness. Within less than ten years a unanimous Court, in *Humphrey's Executor* v. *United States*, narrowly confined the scope of the *Myers* decision to include only 'all purely executive officers.' The Court explicitly 'disapproved' the expressions in *Myers* supporting the President's inherent constitutional power to remove members of quasi-judicial bodies. Congress had given members of the Federal Trade Commission a seven-year term and also provided for the removal of a Commissioner by the President for inefficiency, neglect of duty or malfeasance in office. In the present case, Congress provided for a tenure defined by the relatively short period of time during which the War Claims Commission was to operate—that is, it was to wind up not later than three years after the expiration of the time for filing of claims. But nothing was said in the Act about removal.

"This is another instance in which the most appropriate legal significance must be drawn from congressional failure of explicitness. Necessarily this is a problem in probabilities. We start with one certainty. The problem of the President's power to remove members of agencies entrusted with duties of the kind with which the War Claims Commission was charged was within the lively knowledge of Congress. Few contests between Congress and the President have so recurringly had the attention of Congress as that pertaining to the power of removal. Not the least significant aspect of the *Myers* case is that on the Court's special invitation Senator George Wharton Pepper, of Pennsylvania, presented the position of Congress at the bar of this Court.

"Humphrey's case was a *cause celebre*—and not least in halls of Congress. And what is the essence of the decision in Humphrey's case? It drew a sharp line of cleavage between officials who were part of the Executive establishment and were thus removable by virtue of the President's constitutional powers, and those who are members of a body "to exercise its judgment without the leave or hindrance of any other official or any department of the government," as to whom a power of removal exists only if Congress may fairly be said to have conferred it. This sharp differentiation derives from the difference in functions between those who are part of the Executive establishment and those whose tasks require absolute freedom from Executive interference. 'For it is quite evident,' again to quote *Humphrey's Executor*, 'that one who holds his office only during the pleasure of another, cannot be depended upon to maintain an attitude of independence against the latter's will.'" 357 U.S. at 352–53 (citations omitted).

The important propositions that I derive as the guiding law from *Wiener* are three. First, where, as here, independence from the President is necessary to the proper performance of the special prosecutor's duties, the power of removal does not rest with the President. Second, that the question of the terms and conditions on which an appointee's tenure depends is within the scope of Congress to define. Congress will have defined it in S. 2611 so as to remove any of the doubts that might have been derived from Congressional silence as in the *Humphrey's* and *Wiener* cases. Third, even had Congress remained silent as to who should have the power of discharge, the necessity for independence would prohibit the President from discharging a special prosecutor whose office was created by Congress except on grounds specified in the law. Thus, even were the limitation of discharge to the Chief Judge to be held invalid, the capacity of the President to discharge the special prosecutor would depend upon the existence of those circumstances specified in § 10. Thus, the President, if he had the power of discharge, could exercise that power only where the special prosecutor "has willfully violated the provisions of this Act or committed other extraordinary improprieties, and for no other reason."

I conclude, as I began, with the opinion that S. 2611 is fully consistent with the requirements of the Constitution insofar as it authorizes the appointment of the special prosecutor by the Chief Judge of the United States District Court for the District of Columbia and provides for the discharge of the special prosecutor only for specified cause and then only by the Chief Judge.

NEW YORK CITY'S BIGGEST LANDLORD ANNOUNCES SWEEPING FUEL OIL AND ENERGY CONSERVATION PROGRAM

Mr. JAVITS. Mr. President, I would like to call the attention of the Senate to the new initiative undertaken in New York City by a leader in private business to conserve fuel in this time of shortage.

New York City's biggest landlord, Samuel J. Lefrak, on October 23, 1973, announced a sweeping fuel oil and energy conservation program for the 60,000 apartments his firm controls in New York City. Some 250,000 tenants will be affected.

Mr. Lefrak indicates that his most conservative projections indicate immediate savings of more than 10 million gallons of oil this winter and dollar savings of more than $2 million and that the Nation could offset oil savings of 10 to 15 percent by following similar procedures.

The Lefrak organization intends to give any money saved back to tenants in the form of a cash rebate. They will be compared, by computer, the fuel costs per building of last year based on degree days, with the costs of this year to determine any savings. The fuel oil conservation program is now being carried out by the Lefrak organization's management and maintenance staffs which have been heavily augmented in order to carry out the crash program. These are some of the steps they are taking:

All washing machines—they number in the thousands—in Lefrak buildings are being converted to cold water machines. Cold water cleansers will be used in all machines;

An early warning system covering heating and hot water has been linked to a computer in order to eliminate waste;

All boilers are being overhauled. Most are getting new combustion chambers and controls. All boiler safety valves, tubes, and condensation pumps are being checked for leakage;

New thermostats and controls are being installed in boiler rooms;

All windows and doors in apartments are being weatherstripped and caulked;

All radiators in apartments are being checked and defective air valves are being replaced;

All exposed steam and hot water pipes in buildings are being insulated;

Vestibules are under construction for service entrances and all doors are being made self-closing so that a minimum of cold air can enter buildings;

Garage and bulkhead windows are being checked and defective windows are being replaced; and

Open windows in boiler and laundry rooms are being sealed.

These steps are seen as eliminating waste and stressing the "reuse" of fuel oil. All reclamation heat transfer units are being installed where possible including early smoke alarm system.

Mr. Lefrak is also asking his tenants to take a number of heat savings steps:

Close doors promptly to retain heat;

Keep doors closed in room with open windows;

Check decorative radiator covers to see that they are not trapping heat;

Place a sheet of aluminum foil between radiator and cold wall so that heat will be reflected back into the room;

Check that radiators are painted with enamel paint. Metallic or flat paint cuts radiator efficiency by as much as 25 percent;

Keep dust from accumulating on radiators or baseboards since this cuts heat efficiency;

Remove rugs and furniture from areas where they block radiators and registers;

Avoid unnecessary use of hot water; and

During winter daylight hours leave windows which face sun unshaded in order to get natural heat.

Each building superintendent will be in charge of carrying out the fuel conservation program in his building and incentive bonuses will be paid to the superintendents so that they will profit from increased heating efficiency.

Lefrak apartment house will have a "fuel conservation ombudsman," who will be an interested tenant with the task of educating other tenants on how to save on heat.

Lefrak also intends to save electric power by switching to a single cycle system and by using low voltage fluorescent, sulfur, and mercury lighting instead of conventional incandescent lighting.

During hot weather, Lefrak has indicated he will cut down on air-conditioning by using solar glass, insulated window shades and laminated window heat diffusers.

A recent story in the New York Times pointed out that the United States, whose phenomenal industrial growth and prosperity have been fueled by abundant, cheap energy, is being forced to reconsider its power energy way of life. Underheated homes could be a harbinger of closed schools, curtailed public transport, factory shutdowns, dimmed outdoor lighting, and less pleasure driving. If other landlords and homeowners would follow some of the practices of the Lefrak organization with regard to energy conservation it would materially help our country in its effort to save fuel and blunt the efforts of those who seek to limit the U.S. supply of fuel for strictly political reasons.

SMALL TOWN AMERICA—VITAL AND POPULAR

Mr. CLARK. Mr. President, the small town is not dead or dying, a legacy of America's past. It can be, and in many cases is, a viable and flourishing institution. This is one of the conclusions of a conference held recently in Oak Ridge, Tenn., on "The Future of the Small Towns."

A report presented at this meeting, based on 1970 census data, found that many towns which wanted to grow and flourish could do so successfully without being swallowed up into a metropolitan sea. However, the ability of small towns to continue to grow and survive in the future will depend on the creation and implementation of national goals and policies for both urban and rural America.

Recognition of the need for consciously directed growth is not new. President Nixon addressed it in his 1970 state of the Union message.

> The violent and decayed central cities of our great metropolitan complexes are the most conspicuous failures in American life today. I propose that before these problems become insoluable, the nation develop a national growth policy. In the future, decisions as to where to build highways, locate airports, acquire land or sell land should be made with a clear objective of aiding a balanced growth. In particular, the Federal government must be in a position to assist in the building of new cities and the rebuilding of old ones.

Congress, too, made a commitment to a policy of balanced national growth and development through the Agriculture Act of 1970, the Housing and Urban Development Act of 1970 and most recently the Rural Development Act of 1972. The objective of the Rural Development Act—the restoration of the economic health, vigor, and opportunity for rural America—is an important step toward providing our citizens a meaningful choice in where they want to live.

But much remains to be done before we effectively come to grips with the problems of heedless growth, population imbalance, a polluted environment or limited natural resources. It is imperative that Government and citizenry work together now to decide where we are headed as a nation and what we must do to get there.

The recommendations of the Oak Ridge conference are worthy of note. They were the subject of an article published recently in the New York Times and I would like to commend it to the attention of my colleagues. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 6, 1973]

"Dying" American Small Towns Showing Vitality and Popularity

The dying American small town, once the backbone of the new nation and more recently the heralded symbol of the death of our national innocence, may not be dying at all.

This is the observation of a group of leading demographic experts who concluded at a recent conference that the small town, while it cannot be said to be thriving, is holding its own in a remarkable number of cases, particularly in the South, and needs only an infusion of thoughtful public policy to make it once again a good place to live for a significant number of city-sick Americans.

The panelists at the three-day conference, "The Future of the Small Town," which ended last week at Oak Ridge, Tenn., represented both private and governmental agencies. Generally they agreed on the following points:

While there is reason for concern about the future of small-town America, its demise is greatly exaggerated—so much so that some government planners now consider programs to aid small towns in rural areas a waste of time. The same negativism permeates small-town thinking so there is little innovaion, and businessmen avoid the risks of development.

Towns that have made a decision to survive and grow, and have acted upon it, have had consistent and in some cases remarkable success.

While the suburbs continue to be the place most Americans say they want to live, small towns are next—and are the clear favorite for bringing up children. Only 9 per cent of the people want to live in cities of more than a half-million population, although 20 per cent do live in them.

Although there are many Federal programs that directly or indirectly aim to help small towns in rural areas, there is no clear and consistent national policy, with stated goals, defining where the nation believes small towns should be headed.

LACK OF JOBS

Essentially, the conference panelists concluded that while the growing problems of urban core cities and the drab sameness of the suburbs were driving more and more families to want to live in small towns outside the nation's metropolitan rings, the towns themselves were generally unable to support new residents, either with city services, health care and cultural attractions, or, more fundamentally, with jobs.

"There is a sign outside Galesville, Wis., [population 1,200] which sums up the dilemma," said a conference participant, Calvin L. Beale, leader of the Populations Studies Group in the Department of Agriculture.

It says:

"Welcome to Galesville, the Garden of Eden, Industry Invited." Despite the inability of most very small towns to support growth, Mr. Beale said, there is steady pressure for that growth and the cliche of "the dying small town" is exaggerated.

Mr. Beale noted in a study prepared for the conference that population growth in nonmetropolitan towns of the South in the nineteen-sixties was most significant in percentage terms, in the very smallest towns. That growth was almost precisely the opposite of the pattern in the nineteen-fifties.

Of 4,641 Southern towns of under 50,000 population, those with populations of under 500 grew by 15 per cent in the nineteen sixties, compared with under 5 per cent in the nineteen fifties. Similarly, towns with 500 to 1,000 population grew 16 per cent in the nineteen sixties and 14 per cent in the nineteen fifties.

On the other hand, the "big" small towns—populations of 25,000 to 50,000—grew by 12 per cent in the last decade compared with 28 per cent in the nineteen-fifties. Towns of 5,000 to 25,000 grew by roughly 12 per cent in the nineteen sixties and about 30 per cent in the nineteen fifties.

Although this study was confined to the South, Mr. Beale said the pattern applied generally to the nation.

COWS FOR SPECULATORS

In many ways, that national pattern is a hodgepodge of conflicting symbols, the two-aisle country store near a shopping center in Effort, Pa.; a new bank in an Iowa town with a sign in front blazing 24 hours a day, with nobody to look at it but cows in a pasture nearby; the megalopolis sprawling over some little towns, making them just another segment in the line of motels and service stations stretching from Boston to New York to Washington, D.C.

It is a pattern in which some small towns do indeed die through evolutionary extinction while others are engulfed as metropolitan areas reach out to join with each other.

Conference participants, concluded however, that there was a third choice—the survival of the small town, with its own identity intact. A number of examples indicated that such a choice was possible.

NOSTALGIA FOR BAKE SALES

Just how much of the desire is no more than vague nostalgia for one-chair barbershops, church bake sales, Civil War monuments and the city manager driving the county's snowplow in blustery winters was not determined, but there was clear evidence that Americans say they want small towns preserved, and a fairly high number want to live in them.

Richard C. Taeuber, chief of the urban research section of the Oak Ridge National Laboratory and director of a research program for the Department of Housing and Urban Development, noted in a keynote address that there was an apparent disparity between where people want to live and where they do live.

A national survey, he said, indicated that only 9 per cent of the respondents said they wanted to live in a city of more than one-half million population. About 20 per cent actually lived in such cities.

About one-half of the respondents wanted to live outside major cities but within 30 miles of a city of over 50,000. About one-third actually lived in these areas. About 20 per cent wanted to live more than 30 miles from any city of over 50,000 and about a fifth actually lived in such areas—although they were not necessarily the same people.

Although there has been a tendency among businesses and industries to flee core cities along with the residents, basically what keeps people from living where they want to is economic necessity, Mr. Taeuber and others observed. There are simply not enough jobs in small towns and in rural areas.

AVOIDED BY INDUSTRIES

Rural areas traditionally have high unemployment, especially where traditional farm or mining employment has declined. Industries avoid them in many cases because of the lack of adequate water, sewers, police and fire protection. Most such areas lack the leadership and economic power to find ways to provide the services, either by consolidating efforts with other small communities or by taking on the burden themselves.

Thus, the towns die. There is for example, the case of Story, Ind., population 112, which is literally up for sale. The first bidder to come up with $34,000 for the town's seven buildings, including a feed mill, can own the town.

By contrast, conference participants were presented a study of two tiny Southern Appalachian towns, Tazewell and New Tazewell, in Claiborne County, Tenn. Together the towns created 2,000 new jobs in the decade of the nineteen-sixty's although their combined population was only 3,052.

Basically their success resulted from an effort to develop their own industry, a manufacturing plant for recreation vehicles, financed with local capital.

The conferees concluded that such stories, although dramatic tended to be submerged by many accounts describing the demise of small towns, particularly those in the Plains States, where there is indeed a substantial problem.

However this ignores such evidence as that gathered in a study that showed that of 4,300 towns with a population of 2,500 to 10,000, 28 per cent lost population in the nineteen-sixties, while 72 per cent grew.

Some of these were suburbs. Others such as Cozad, Neb., which organized its civic leaders and gained an auto equipment plant, grew through their own efforts.

The panelists concluded that an over-all national policy and a coordinating agency for efforts to revitalize small towns were needed.

Estimates of the number of rural and small-town assistance programs ranged from 500 to about 1,000, several participants noted. Moreover, there is no comprehensive advisory agency to tell small town governments how to save their towns.

Federal policy planners have tended to concentrate on areas where growth was most explosive, such as the suburbs, or where the problems dominate, as in the largest cities.

JOHN P. SAYLOR

Mr. HUGH SCOTT. Mr. President, the Washington Post, in a fine editorial November 5, 1973, paid tribute to our late and much esteemed colleague, Representative John P. Saylor of Pennsylvania, and dean of the delegation from Pennsylvania.

I ask unanimous consent that this editorial recognizing Congressman Saylor as we remember him—"an outspoken effective champion for a good cause"—be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

John P. Saylor

Some Congressmen manage to linger in the House for many terms without ever raising their voices or advocating an important cause or leaving any imprint on the record of their times. Rep. John P. Saylor, who died last week, was emphatically not one of these. The Republican from the Pennsylvania hills had strong convictions and a personality to match. Gruff, sometimes caustic, uncommonly persistent, he was the best kind of opinionated man.

Rep. Saylor was a powerful and creative force in the field of conservation which he made his specialty. During his quarter-century in the House, seniority elevated him to the post of ranking Republican on the House Interior Committee, but it was his own energy and ideas which made him a dominant influence in that committee's work. Rep. Saylor was in the midst of nearly every major conservation battle of his day. He fought against the Hells Canyon dam. He opposed the Grand Canyon dams. He battled to create the national wilderness system and the Land and Water Conservation Fund laws which stand as permanent monuments to his vision and doggedness. Perhaps because he came from a region of scarred and battered hills, he had a keen appreciation of the need to keep some of the nation's finest natural resources unspoiled and available for the public to enjoy and use.

Rep. Saylor took a very particular interest in the conservation problems of the Potomac Basin and the national capital area. He was a vigorous defender of Piscataway Park and the marshes on the Virginia shore below Washington. He scrapped for years to obtain a workable framework for Pennsylvania Avenue redevelopment. In partnership with the Maryland congressional delegation, he was a leader in the 17-year campaign which finally produced the Chesapeake and Ohio Canal National Historical Park. In these and other legislative battles, Rep. Saylor used his stature and voice to full effect. He was an outspoken, effective champion for a good cause.

LEGAL MEMORANDUM IN SUPPORT OF S. 2611

Mr. ERVIN. Mr. President, I have received a memorandum discussing the constitutional power of Congress to enact legislation vesting the power to appoint a special prosecutor in the Federal courts. This memorandum was prepared by Lee C. Bollinger, Jr., an assistant professor of law at the University of Michigan Law School.

Because the Senate is now considering S. 2611, a bill which directs the Chief Judge of the District Court for the District of Columbia to appoint a special prosecutor to continue the work which former Special Prosecutor Archibald Cox began. I ask unanimous consent to have Professor Billinger's memorandum printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CAN CONGRESS VEST THE APPOINTMENT OF A SPECIAL PROSECUTOR IN A FEDERAL COURT?

In the wake of President Nixon's decision to order the Attorney General to discharge Mr. Cox as the Watergate Special Prosecutor, many individuals and groups have called for legislation creating a new independent prosecutor who would be immune from presidential removal. Early last week, for example, the deans of 17 law schools signed a petition urging Congress to vest the power to appoint a special prosecutor in a federal court. The deans, along with many others of like mind, asserted that Congress was empowered to enact such a law by virtue of Article II, Section 2, of the Constitution. That Section reads in relevant part:

> [The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Counsuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: *but the Congress may by law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Court of Law, or in the Heads of Departments."* (emphasis added)

The purpose of this short memorandum is to discuss whether the language, history and judicial interpretation of Article II, Section 2, support the position that Congress can, if it chooses to do so, vest the power to appoint a special prosecutor in a federal court.

I

Looking first at the language of Article II, Section 2, one is immediately struck by its clarity. Unlike the rather general phrasing found throughout much of the Constitution, this clause speaks with precision, without qualification or caveat. It says in plain terms that the Congress may, "as they think proper," vest the appointment of "inferior Officers" in "the President alone, in the Courts of Law, or in the Heads of Departments." By all appearances the individuals who penned this language intended to leave the delegation of the appointment power of lesser federal officials to the unfettered discretion of the legislative branch. If there be any limitation on this discretion, it must be implied, for it surely is not explicit.

We all recognize, of course, that language is an imperfect medium. What may appear clear on the surface, often becomes murky upon further study. Any inquiry into meaning, therefore, must wherever possible go beyond the literal text to an examination of the circumstances under which the words were written or spoken. In instances like this, that means looking at the available records of the Constitutional debates.

When the relevant debates are examined, one finds nothing to suggest that the framers intended to say anything different than they did. The clause was proposed without discussion by Governor Morris. James Madison raised the only recorded objection. His criticism, however, was not that the clause would vest too much power in Congress, but that it did "not go far enough if it be necessary at all." Documents of the Formation of the Union of the American States, House Doc. No. 398, 69th Cong., 1st Sess., (1927). Madison thought that "Superior officers below Heads of Departments ought in some cases to have the appointment of the lesser offices." Id. Governor Morris responded: "There is no necessity. Blank commissions can be sent." Id. After this brief exchange, the amendment was agreed to on the second vote.

When we next turn to the judicial decisions interpreting the pertinent clause in Article II, Section 2, we again find nothing to make us doubt Congress' authority to empower a federal court to appoint a special prosecutor. On the contrary, the one relevant Supreme Court decision strongly supports such an interpretation of congressional power. See *Ex parte Siebold*, 100 U.S. 371 (1879). At issue in *Siebold* was a congressional statute authorizing the judges of federal Circuit Courts to appoint supervisors of congressional elections and marshals to assist those supervisors. Writing for the Court, Justice Bradley rejected the argument that "no power can be conferred upon the courts of the United States to appoint officers whose duties are not connected with the judicial department of the government." Id. at 397. Citing Article II, Section 2, the Court held that the "selection of the appointment power, as between the functionaries named, is a matter resting in the discretion of Congress." Id. at 397–98. This result seemed to make eminent good sense to the Court:

> "And looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise."
>
> Id. at 398.

The Court in *Siebold* was also unpersuaded by another line of constitutional argument: that the statute was inconsistent with Article III in that it delegated powers to the courts that were nonjudicial in nature. This is not a case, the Court said, where Congress had sought to impose duties on the judicial branch that were not authorized by the Constitution; on the contrary, here "the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts" by virtue of Article II, Section 2. Id. at 398.

The *Siebold* decision is not the only precedent on Article II, Section 2, though it certainly is the most authoritative. For example, Congress long ago enacted a provision now contained in 28 U.S.C. § 546, which provides:

> "The district court for a district in which the office of United States attorney is vacant, may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court."

This statute was upheld as constitutional in *United States v. Solomon*, 216 F. Supp. 835 (S.D.N.Y. 1963). The district court there relied on Article II, Section 2, in rejecting an argument that the provision violated the Doctrine of Separation of Powers.

Similarly, a three judge court relied on Article II, Section 2, in upholding a congressional statute under which judges of the United States District Court for the District of Columbia were authorized to appoint members of the District of Columbia Board of Education. See *Hobson v. Hansen*, 265 F. Supp. 902, 911–16 (D.C. 1967).

II

The foregoing review of the relevent legal authorities would seem to indicate that there is strong support for the proposition that Congress could under Article II, Section 2, place the power of appointment of a special prosecutor in the federal courts. Before accepting that conclusion as sound, however, we must consider the one major argument which can be anticipated in rebuttal: that it would be an impermissable usurpation of executive powers for Congress to delegate the appointment of executive officials to the judicial branch. Surely, it might be argued, the last clause of Article II, Section 2, should not be interpreted to mean that Congress may authorize a federal court to appoint the Under Secretary of State. Such a construction would give rise to a serious breach in the wall of separation of powers. And, if that is so, then a line must be drawn somewhere between "executive inferior officers" and other inferior officers. A special prosecutor, the argument would conclude, falls into the former category; his role would be to see that the laws are enforced, historically an executive function.

While this line of argument cannot be lightly dismissed, it contains several flaws which make it ultimately unpersuasive. First, insofar as the argument suggests that Congress may never vest courts with the power to appoint any official who will perform a nonjudicial, or an "executive," function, it is squarely refuted by the Supreme Court's decision in *Siebold*, as well as by the other lower federal court decisions mentioned previously. Congress itself, moreover, has rejected the suggestion; as we have seen, 28 U.S.C. § 546 provides for the interim appointment of United States attorneys by federal district courts. Second, even if it is conceded that a court could not appoint an inferior officer whose duties would be *exclusively* executive in nature, that concession would not necessarily preclude judicial appointment of a special prosecutor. It has long been recognized that a prosecutor is intimately involved in the judicial, as well as executive, functions of the government. As an officer of the court, subject to the supervisory power of the federal courts, the U.S. attorney performs a dual function within the overall scheme of government. He is, in short, markedly different for these purposes than the Under Secretary of State.

In order to sustain the power of Congress to provide for judicial appointment of a new Watergate special prosecutor, however, one need not go so far as to assert that judicial appointment of all United States attorneys would be proper. For the situation now facing the country is unique and clearly calls for extraordinary solutions. The highest officials in the executive branch are the subjects of criminal investigations. That hard fact means that if the executive branch is to control the investigation of alleged wrongdoing by its own members, the very integrity of the government will be called into question. It would seem entirely unreasonable in this instance, therefore, to give a crabbed interpretation of Congress' constitutional powers, especially when the constitutional language is so explicit and the judicial decisions so favorable to a broad reading of congressional authority.

I therefore conclude that it would be constitutionally permissible for Congress to designate a court of law to appoint a special prosecutor, having limited powers of investigation and prosecution and holding office only for a limited period of time.

LEE C. BOLLINGER, Jr.,
Assistant Professor of Law,
University of Michigan Law School.

HEALTH CARE

Mr. DOMENICI. Mr. President, on Saturday, October 20, in Albuquerque, I met with five physicians, three dentists, one osteopath, and two hospital administrators, representing six communities of varying sizes in all parts of New Mexico.

Our objective was to discuss the whole problem of the maldistribution of medical personnel in the country, with particular emphasis on our own State.

The group assembled at my invitation, after a survey I made of the State's doctors, dentists, and optometrists on this subject.

Several extremely interesting conclusions came out of this meeting. I would like to summarize them and share them with my colleagues.

For instance, they observe that statistics which merely list holders of medical degrees are relatively meaningless in this context. What we need to know is whether or not degree-holders are also practitioners. We might well be advised to have information even on their ages, since many older practitioners lighten their practice considerably.

They also point out that at present there is a clearly discernible correlation between members of medical personnel in an area and the per capita income of the area. To be realistic, the decision to locate in an area should probably rather be based, not on gross income per person, but on the ability to pay for medical service—an ability which can come from other sources, such as a variety of forms of medical insurance. Some improvement in health insurance may, in effect, equalize areas of the country in this regard and thus contribute substantially to the solution of this problem.

Even now, the rate at which we are training medical personnel is increasing at about three times the rate at which the population is increasing.

It was the view of those members of the group who are engaged in medical education that most entering students have a strong bent toward public-service medicine, though their inclination may decline as their training progresses. Any increases in that basic attitude, especially if it perdures, should contribute to a solution of the problem of maldistribution.

Everyone agreed that there should be more emphasis on family or community medicine as an area of specialization for medical doctors, but the principle of freedom of choice by the student certainly should continue to prevail.

Dentists find their field does not suffer from the degree of overspecialization some see in medicine. Only 9 percent of dentists are in specialties, as contrasted with 87 percent of physicians. The group felt dentistry is at present in a state of underspecialization.

The consensus of those present was that far and away the major obstacle to service in a rural area or small town was overwork. One example quoted had to do with a physician in one of New Mexico's small towns who "did not sleep a full night in 14 years."

The second major objection to rural practice was that it was too often limited to merely crisis medicine, with little or no preventive measures, and hence could not reach the quality of care present-day practitioners believe they have a right to achieve. Those present agreed an occasional small town may be overattractive to medical people; one town in New Mexico, with an active art colony and nearby ski area, gets as many as five approaches a week from those interested in locating there. Meanwhile another small town has an empty hospital and no medical men in residence.

Those present felt the main element in the solution to the problems of small towns would have to be some "team" approach, in which, say, a group of six physicians—three family practitioners and three specialists, including an internist and a surgeon—set up simultaneous practice. Educators in the group pointed out that if everyone now completing training went to rural areas on this basis, we could reach less than 3,000 communities a year. If neighboring towns could share such a group, perhaps two members could locate in each town. Two would be a minimum "team," to allow for rest and recreation time for its members, while one doctor "covers" for the other.

Some medical men feel service of this kind might be made compulsory, at least by attaching some specific requirements to scholarship funds used to educate doctors. They also observed that physicians do not generally oppose a Health Corps concept, partly at least because they know health needs are not being met and have some guilt feelings about the situation. They said applicants for the Health Corps are plentiful, but they complain that excessive delay in processing their applications leads to discouragement or loss of interest.

The group, which will continue to give me its views on these matters, proposed that legislation directed toward solution of these problems might well be on a demonstration basis, using a few selected States as models from which to gain experience. At least one of these States, they agreed, should be a sparsely settled one like New Mexico.

One major area of demonstration should be in transportation, which should include measures to bring medical care to patients by such means as mobile units—if proper equipping of such vehicles can be decided on—and measures to bring patients to medical care by such means as helicopters and STOL aircraft.

Mr. President, the danger signal in most Federal medical programs in the minds of those present seems to be encroachment—encroachment on freedom of choice and encroachment on the traditional doctor-patient relationship. Even though they agree some such encroachment is inevitable if problems are to be solved, they have a strong will to see that it is at least minimized.

IRAN EXPANDS PUBLIC OWNERSHIP OF INDUSTRY

Mr. PERCY. Mr. President, during my recent visit to Iran in mid-August I was impressed with that country's burgeoning industry and with its attempts to distribute the fruits of this economic growth equitably among its people. In late September I again had the pleasure of discussing the great industrial potential of Iran with his Excellency Ardeshir Zahedi, the Ambassador from Iran. I have recently received from the Ambassador an interesting report on the plan to expand the public ownership of Iranian industries. I think that the program is important for the future economic growth of that country because its objective is to stimulate the growth of a strong middle class. This growth could be instrumental in world peace as Iran is an important force in the peaceful development of the Far East.

In order to decentralize ownership in domestic industries and spread the benefits of Iran's rapid economic and industrial growth across the society as a whole, the Government of Iran has decided to implement certain measures to provide for increased public ownership of Iranian industries. It is hope that this attempt of the industries to "go public" will maximize the degree of participation of the public in the ownership of the country's industries with a special preference given to the workers to buy shares in their own factories. By making the workers feel that they have an active, indeed indispensable part to play in the industrial process, it will help toward maintaining and even increasing the country's already rapid industrial growth. This program is also intended to expand the investment capital market in order to provide the amount of capital needed for more rapid growth of the country's industry. It is estimated that the program for offering shares to the public will increase the capital available to these industries by 50 percent over the next 5 years.

Iran has in the past shown great concern for the fair distribution of industrial profits to its workers. That remarkable country is presently operating under a system of profit sharing that gives its workers up to 20 percent of the shares of the factory profits, the exact percentage I introduced into a new profit-sharing plan at Bell & Howell Co. years ago. The Report on the Method of Implementation of the Expansion of Ownership in Iranian Industries, which was sent to me by his Excellency the Ambassador of Iran, demonstrates not only the concern which the present Government of Iran, under the inspired leadership of his Imperial Majesty, the Shahenshah, Arymehr, has for its economic development, but also its sensitivity to the needs of its workers. I ask unanimous consent that this report be printed in the RECORD so that my colleagues and other governments might be better informed as to the details of this remarkable development.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON THE METHOD OF IMPLEMENTATION OF THE EXPANSION OF OWNERSHIP IN IRANIAN INDUSTRIES

1. INTRODUCTION

The Council for Social Affairs held its first session on 26th Ordibehesht 1351 on the command, and in the presence, of His Imperial Majesty Shahanshah Aryamehr in order to concert, and harmonize the country's social programmes.

His Imperial Majesty expressed certain ideas in a speech on that occasion, parts of which are quoted below:

"I would like to give a few words of advice regarding our industrial and agricultural sectors and also issue a general order. The country's industrialization has proceeded at a rapid pace, which can only be maintained if we start on a new road—that is, open the way for public participation in industry.

So far as I recall, one of our biggest investments up to now has been in the creation of a sugar or cement factory. What did these factories cost? Perhaps eighty million toumans, or even taking a higher figure, our investments never exceeded a hundred or a hundred and twenty million toumans. Today we see one or two iron industries near Ahwaz which have required relatively heavy investments. Also, agreement has been reached to expand the motor car industry in Iran which involves a sum of a hundred—two hundred or possibly three hundred million dollars. When investments become so large, they can no longer be kept within the family or a group of friends and the only way to obtain such vast funds is to go public. There are a variety of reasons for this: one being that, generally speaking it is hard to find such large amounts of ready cash for investment. If several people request a loan, they will face lending rates which are still high in our country and will consequently have to sell their products at high prices in order to pay back such loans and also gain a profit. Moreover, something might happen and some of them could be faced with the danger of bankruptcy.

However, when such investments are paid by a large number of people, on the one hand there is a far smaller danger of bankruptcy and also it is far easier to increase the amount of capital if there are ten or fifteen thousand investors, rather than five or ten people. If the aim is to obtain huge profit, this is also not right for a few people to take it all. However, if there are a larger number of shareholders, the principle of public participation in the affairs of industry will spread and work more effectively. Thus, just as over the past few years one of the principles of our revolution has been to give workers up to 20 percent of the shares of factory profits, which in my opinion has been one of the successful principles of our revolution. . . . Now I am recommending our industrialists (in line with my previous recommendations) to place at least about one-third of the shares they own on the market and of course take all the necessary precautions. If they place all the shares on the market at the same time, the price of shares will decline.

They should do this over a period of one, two or three years up to a level at which they still retain ownership of their firm. Why? Because firstly, they have gone through a great deal of trouble and took the initiative and secondly, it permits them to retain a majority of the shares, which therefore facilitates effective management by people who have been trained to do this type of work. Of course, when we say that one-third or 33 percent of factory shares, or a higher proportion up to the point where the majority of shares are still retained by the factory managers, should be distributed among the people in order to ensure as much participation by the public as possible, what we have foremost in our minds is that, in the first place, these shares should be offered to the employees and workers themselves preferably with them buying all the shares.

Facilities should also be made for them to buy shares from dividends paid them (in any case, payment of these dividends after sharing up to 20 percent of the profits among the workers is what we had in mind for them) or advance workers interest-free loans for them to buy shares if they want to. If in the first instance, they decide not to buy them, and they will naturally be offered to the public as a whole, and any person can take part in purchasing these shares, thereby greatly assisting in the country's industrialization. So, I repeat my belief that the proportion of shares offered to the public should be up to a third or 33 percent of the total number of shares and up to the level at which a majority of shares and management authority are left in the hands of the factory owners."

The ideas and proposals embodied in the Shahanshah's speech regarding the sale of factory shares were warmly received by the public and the country's industrialists, many of whom announced their readiness to carry out this programme by meeting at the Iranian Chamber of Commerce, Industry and Mines, or placing announcements in the press or even contacting the Ministry of Economy.

This programme is expected to contribute significantly towards the attainment of two vital objectives regarding the country's development strategy. Firstly, by broadening the investment base among the populace, it will help to spread social justice; and secondly, by making the workers feel that they have an active and, indeed, indispensable part to play in the industrialization process, it will help towards maintaining and even increasing the country's already rapid industrial growth.

2. EXECUTIVE BODIES

Owing to nationwide support which this programme received, a special commission was established consisting of the Ministers of Economy and Labour and Social Affairs, Managing Director of the Central Bank of Iran, Deputy Minister of Court, Deputy Ministers of Economy, President of the Iranian Chamber of Commerce, Industry and Mines and Managing Director of the Industrial Credit Bank of the Plan Organization, to be convened at the Ministry of Economy in order to approve and exercise continuous supervision over the execution of the programme for the sale of factory shares to the people, on the basis of recommendations suggested by industrialists and with due consideration for the individual position of each factory under study. Moreover, a committee composed of the Deputy Minister of Labour and Social Affairs, Deputy Managing Director of the Industrial Mining and Development Bank, Adviser to the Central Bank in the field of capital markets, Deputy Managing Director of the Industrial Credit Bank and Deputy President of the Iranian Chamber of Commerce, Industry and Mines was organized under the supervision of the Deputy Economic Minister of the Ministry of Economy in order to prepare the reports required for the commission's discussions, go carefully through the relevant formalities and procedure of work, cooperate closely with industrialists and suggest any recommendations which needed to be discussed by the commission. Meanwhile, a secretariat consisting of technical and economic experts was organized in the Ministry of Economy in order to manage day-to-day affairs regarding the programme.

At the same time, an organization is being set up to protect the rights of small shareholders, give the necessary guidance and supervise over the correct implementation of this programme. Meanwhile, arrangements have been made for all industrial units whereby those who have bought their shares under this programme can protect their own interests by being well and truly represented in public meetings of factory shareholders by investment institutions or centres.

3. OBJECTIVES

a. The maximum possible degree of participation of the public in the ownership of the country's industries with due regard for right of priority of factory workers and employees.

b. Creation of conditions and incentives necessary for encouraging as wide a degree of public participation in investments as possible.

c. Expansion of the investment market in order to secure the amount of capital needed for a rapid growth of the country's industrial units to international levels.

4. SELECTED UNITS

A total of 5,100 of the country's industrial units in both the public and private sectors have been classified as large units. Their production for the year 1350 amounted to 240 billion rials which is equivalent to 57 percent of total national industrial production.

Of this figure, about 190 billion rials is accounted for by private sector production of which 60 percent comes from the 144 largest factories. During the first stage, 86 of the above 144 factories have prepared programmes for the sale of shares, as announced in the press on 22/3/1351. The estimated share value of said 86 factories is about 54 billion rials (with the exact figure to be determined after a thorough study).

The above factories have been divided into four groups according to their particular circumstances:

The first group consists of eight factories which participated in the stock market, but whose shares were sold in limited numbers. Therefore, after completing certain simple formalities, it was possible to assess their value without much delay.

The second group includes seven factories which are basically public joint stock companies and were therefore in a position to be able to invite their shareholders to a general meeting in order to complete the necessary formalities quickly and, within a short space of time, deliver the required certificates to the stock exchange admissions board, after which the value of their shares would be assessed.

The third group consists of thirty factories which are managed as family concerns and the issuance of whose shares to the public depends on the completion of all the necessary formalities including an audit of their accounts by trusted accountants of the stock exchange.

The fourth group is composed of forty-one factories whose situation is similar to that of the third group and which must complete exactly the same formalities as the above group. The main difference is that for the fourth group, the necessary formalities will take a little longer to be completed owing to the secretariat's and the stock exchange admissions board's limited facilities and number of accounting institutes which are acceptable to the stock exchange.

5. METHOD OF ISSUING SHARES

The programme for issuing shares is to last five years during which the companies will increase their capital by 50 percent after obtaining the necessary authority from their general meetings, and offer the new shares for sale to the public. The amount of shares offered to the public will differ from company to company and will depend on the expansion programme and financial needs of each company. By increasing company capital, on the one hand companies will have access to new sources of finance for their expansion programmes and possibly for reducing their debts and, on the other hand, at least 33 per cent of the future capital of each company will be placed in the hands of the public over a period of five years. With this aim in mind, the companies will hold extraordinary general meetings and give first preference for the purchase of new shares to workers, employees and the public rather than to their current shareholders. The period allowed for taking advantage of this first preference for company workers and employees will be three months, at the end of which the public at large will get first preference. On the completion of this period, current shareholders will be permitted to purchase any shares still remaining.

6. FACILITIES EXTENDED TO WORKERS AND EMPLOYEES FOR THE PURCHASE OF SHARES

1. Maintenance of right of first preference for a period of three months.

2. Payment of one month's fixed income to workers and employees who wish to buy shares. This payment will be drawn on account from dividends owed to workers for payment of shares which they purchase.

3. Granting of the equivalent of one month's fixed pay as an interest free loan with a five-year maturity period for the purchase of more shares.

4. Granting of a reduction equivalent to 25 percent of the fixed share price. If, after taking into account the above 25 percent reduction, the actual share price is less than the nominal share price, the latter will be used as the purchase price for shares.

5. It should be mentioned that in order to encourage company workers and employees to retain their shares and enjoy both short and long-term benefits, shares which are bought on the basis of the above reduction will be deposited with the company for a period of five years as surety for loans. In cases where the worker's or employee's monthly pay is less than the nominal share price, the difference will be made up through the granting of a loan. In exceptional cases where the worker's and employee's level of income is low arrangements will be made, when shares are purchased, to draw on a relatively smaller proportion of the worker's dividend and grant the purchaser a relatively larger loan.

In any case, the main point which must be kept in mind is that before workers and employees receive their net profit from their shares every year. They will continue to receive the proportion of profits accruing to them according to the law on the participation of workers in factory profits. The above proportion is in addition to the net profit from shares paid every year which is payable according to the number of shares purchased and on the basis of company balance sheets.

7. AUDITING OF ACCOUNTS

An assessment of company shares requires that these companies be thoroughly examined by expert accountant firms. At the same time, during the final stage, these companies must offer their shares on the negotiable bonds market and in order to maintain the correct principles observed by the negotiable bonds market for admitting companies, it was decided only to accept balance-sheets which had been prepared by one of the accountant firms accredited to the stock exchange. Therefore, arrangements were made for companies to contact auditing firms directly and use their services in the drawing up of their own accounts.

8. ASSESSMENT

In assessing the value of company shares, a great deal of attention was paid to numerous points, the most important of which are as follows:

a. Financial position

In this respect, immovable and current company assets, in particular machinery; construction equipment, and goods, raw materials and spare parts inventories at prices entered in account books and also at day-to-day prices, were studied and analyzed. Moreover, attention was also paid to cash reserves and the level of saving required both under law and for precautionary reasons as well as recoverable company claims. In the case of land, it should be added that land prices were without exception calculated on the basis of their initial value entered in company account books, and increases in those prices were not subsequently included in the calculations. Also, special attention was given to both short and long-term company debts owed to banks as well as individuals and the ability of companies to repay their debts in the coming ten years.

b. Payment of profits

In this case, on the one hand, attention was paid to company profit payments over the previous five years and, on the other hand, the company's situation regarding the payment of profits in future on the basis of approved production programmes and within the company's industrial expansion policies. Special attention was paid to the type of product, management, competitive strength and expansion possibilities. Moreover, a thorough analysis was made of company share value on the basis of company profit payments and on the possibilities of maintaining and increasing the future level of profits, bearing in mind other favourable factors which might affect present or future company operations.

9. TAX EXEMPTIONS

The government has increased the tax exemption rate of public joint-stock companies whose shares are quoted on the stock exchange from 15 percent to 20 percent in order to encourage them to carry out the programme of offering at least 33 percent of their shares for sale. The tax exemption rate increases progressively to 25 percent for companies which have offered up to 49 percent of their shares for sale.

10. GOVERNMENT COMPANIES

All government-owned industrial units except the oil, steel and tobacco industries will offer their shares to the public according to a special programme. The shares of such factories will in some cases be offered exclusively to their own workers and employees and, in other cases, the government is prepared to offer up to 99 percent of its shares to the public after giving first preference to the workers and employees of each factory, on condition that the government retains the right to vote with respect to those shares.

REPORT ON THE PROGRAMME FOR EXPANDING OWNERSHIP IN IRANIAN INDUSTRIES

In order to decentralize ownership in domestic industries and spread the benefits of Iran's rapid economic and industrial growth across society as a whole, the Government recently decided to implement certain measures to this end.

With this aim in mind, a special commission consisting of the Ministers of Economy and Labour and Social Affairs, Managing Director of the Central Bank of Iran, Deputy Minister of Court, Deputy Ministers of Economy, President of the Iranian Chamber of Commerce, Industry and Mines and Managing Director of the Industrial Credit Bank of the Plan Organization was established at the Ministry of Economy to study and supervise the implementation of the programme for the sale of factory shares to the public. Moreover, a committee composed of the Deputy Minister of Labour and Social Affairs, Deputy Managing Director of the Industrial Mining and Development Bank, Adviser to the Central Bank in the field of capital markets, Deputy Managing Director of the Industrial Credit Bank and Deputy President of the Iranian Chamber of Commerce, Industry and Mines was organized to suggest any recommendations which needed to be discussed by the commission.

After the necessary studies had been completed, during the first stage 86 out of the 144 largest industrial units prepared programmes for the sale of their shares. The estimated share value of said 86 factories is about 54 billion rials (approximately 800 million dollars).

The above factories have been divided into three groups according to their particular circumstances;

The first group consists of eight factories which participated in the stock market.

The second group includes seven factories, which are public joint-stock companies.

The third group consists of seventy-one factories which were managed as family concerns.

An assessment of the shares of all the above factories is being undertaken by expert accountant firms. Since, during the final stage, these companies must offer their shares on the negotiable bonds market, it was decided only to accept balance-sheets which had been prepared by one of the accountant firms approved by the stock exchange.

In assessing the value of company shares, special attention was paid to their financial position, in particular their machinery and equipment, spare parts and goods inventories calculated on the basis of prices entered in account books and day-to-day prices, cash reserves and the level of saving required both under law and for precautionary reasons, company debts and also company dividends over the past five years, and forecasts of dividend payments according to future production programmes.

The programme for offering shares is to last five years during which the companies will increase their capital by 50 per cent after obtaining the necessary authority at their general meetings, and offer the new shares for sale to the public. The amount of shares offered to the public will depend on the expansion programme and financial needs of each company. By increasing company capital, on the one hand companies will gain access to new sources of finance and, on the other hand, at least 33 percent of the future capital of each company will be placed in the hands of the public over a five-year period.

With this aim in mind, the companies will hold extraordinary general meetings and give the right of first preference enjoyed by their current shareholders to workers, employees and the public. The period allowed for taking advantage of this right of first preference for company workers and employees will be three months, at the end of which the public at large will get first preference. At the end of this period, current shareholders will be permitted to purchase any shares still remaining.

The following facilities will be provided for workers and employees for the purchase of shares;

1. Maintenance of right of first preference for a period of three months.

2. Payment of one month's fixed income to workers and employees who wish to buy shares. This payment will be drawn on account from dividends owed to workers for payment of shares which they purchase, in accordance with the law on workers' participation in factory profits.

3. Granting of the equivalent of one

month's fixed pay by the companies as an interest-free loan with a five-year maturity period.

4. Granting of a reduction equivalent to 25 percent of the fixed price of each share. If, after taking into account the above 25 percent reduction, the actual share price is less than the nominal share price, the latter will be used as the purchasing price for shares.

One point which deserves particular attention is that before the workers and employees of these factories receive their net profit from their shares ever year, they will continue to receive the proportion of profits accruing to them according to the law on workers' participation in factory profits.

The government has increased the tax exemption rate of public joint-stock companies whose shares are quoted on the stock exchange from 15 percent to 20 percent in order to encourage them to carry out the programme of offering at least 33 percent of their shares for sale. For those companies which offer at least 33 percent of their shares for sale on the stock exchange, the government will increase the tax exemption rate from 15 to 20 percent. For those companies which offer up to 49 percent of their shares for sale on the stock exchange, the government will increase the tax exemption rate progressively to 25 percent.

All government-owned industrial units except the oil, steel and tobacco industries will offer their shares to the public according to a special programme. The shares of such factories will in some cases be offered exclusively to their own workers and employees and, in other cases, the government is prepared to offer up to 99 percent of its shares to the public after giving first preference to the workers and employees of each factory, on condition that the government retains the right to vote with respect to those shares.

THE PROBLEM OF ILLITERACY

Mr. MONTOYA. Mr. President, today I bring to your attention an article highlighting one promising remedy for a problem of serious proportions for America: illiteracy.

According to information made public this month by the Office of Education, the United States, despite its sophisticated communications and public education system, has 19 million adult citizens who are totally or for all practical purposes unable to make sense of the common language the rest of us use. This figure does not include the 1 percent who have not the mental capacity to read well.

Inability to read in our society is a social crippler. A reading lack denies a child access to basic opportunities for self-betterment. And it causes unknown, but certain potential for improvement of this country to be wasted.

I therefore found the article I am presenting, La Luz Turns On to Reading," by Lynn Bundesen and Jack Waugh, an encouraging beacon of new light for the reading poor. Bundesen and Waugh, a photo-journalist team from Santa Fe., N. Mex., chronicled the bright success the State-funded right to read program has had at La Luz Elementary School in Albuquerque, N. Mex.

The right to read program was first funded a year and a half ago. It grew out of late Commissioner of Education James Allen's astonishment at finding that in 1969–70, 1 out of every 4 young children had significant reading difficulty. A disproportionate percentage of these, Mr. Allen found, were blacks and Spanish speakers located in the Southwest.

Dr. Ruth Love Hollway, Office of Education, Director of Right To Read, recently told me that the 1974 fiscal year budget for the program is $12 million. This budget is supposed to cover all the expenses of 25 bilingual reading programs and various intensive reading skill systems. The $12 million figure includes money for 31 of the 50 States. Several of the 19 others are trying to get funds now or in the next few years.

Mr. President, I feel the right to read program has great practical merit. The successful return on our dollars spent on reading improvement will invite more investment in our young. More important, the benefits to each of the illiterate and semiliterate little ones involved in the program will be huge. The right to read program realistically deserves our honest commendation and further serious consideration.

Before I ask unanimous consent that the article be printed in the Record, I would like to say that without the untiring efforts of all the parents who gave so much at La Luz the program would not have produced the excellent results we have seen. Sincere commendation should go as well to the tutors and student teachers from the Department of Special Education, and the education department of the University of New Mexico. Dorothy Romero and Molly Constancia, two mothers who outlined and carried out an off-shoot kindergarten program for 4-year-olds deserve recognition. And finally, special praise must go to Henrietta Sanchez. Mrs. Sanchez, an assistant elementary school principal, organized, encouraged, and coaxed all to promote this exciting effort. Mrs. Sanchez was the rallying point for the sharp success of right to read at La Luz School. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

La Luz Turns on to Reading

(By Lynn Bundesen and Jack Waugh)

Al Cordova didn't like what was going on. The new Right to Read program the school was bringing in from the Office of Education bothered him. It was a real wrencher, demanding considerable self-evaluation on the part of the teachers, more than any of them were accustomed to and more than some of them were willing to endure. It scared them.

Cordova had been against the program, as had many other teachers. But they had been outvoted. Several said they were going to leave rather than tangle with it. Even Cordova was wavering.

He had taught at Albuquerque's La Luz Elementary School for 20 years and had a lot of love invested in the place. There was much more involved than simply picking up and going someplace else to teach. Too, it wasn't that the children at La Luz didn't need some reading help. Actually, they needed a lot. Thirty percent of them couldn't read at all. So Cordova decided to stay and tough it out.

Today, a little over a year later, Cordova has turned into one of the program's most eloquent champions and one of its most avid practitioners. And he would like you to know that the La Luz program now rates as one of the best of 120 such programs in the country.

Right to Read at La Luz did not attain that status easily or accidentally. Planning and study and evaluation have occupied its staff ever since October of 1971, when Wayne Wymer of the New Mexico State Department of Education plugged the concept to Robert H. Montoya, the Albuquerque school superintendent, and persuaded him to introduce it into his system.

To work on initial planning, Montoya enlisted an assistant principal of one of his elementary schools, Henrietta Sanchez. Together they went to Washington to learn all they could about the Right to Read approach, and they returned knowing precisely what needed to be done and how to go about getting it started.

Because it had rather severe reading problems, La Luz Elementary was targeted as the pilot school. This meant that the entire school curriculum would be restructured around the Right to Read program and process. In the summer of 1972 Mrs. Sanchez moved in as principal, replacing the former principal who had retired, and began immediately to implement plans for the coming fall.

As a first step Mrs. Sanchez spent considerable time talking with teachers, explaining the program, and exchanging ideas. For those who felt they could not be comfortable working in the new setup and for teachers in other schools who said they would like to give it a try, she helped to arrange transfers.

The teaching staff recruited, Mrs. Sanchez moved toward the parents. She asked the staff at La Luz to identify which parents were active in school affairs. She wound up with a list of only 17, all of whom were promptly enlisted as members of a planning team for the new program. Many of these parents were active in school affairs. She wound up with a list of only 17, all of whom were promptly enlisted as members of a planning team for the new program. Many of these parents subsequently were signed on as paraprofessional classroom aides.

"I quickly found that parental involvement at the school was almost nil," Mrs. Sanchez says. "It certainly was not what it should be. The parents just didn't come to school, and they didn't get involved." What she had in mind was mixing them directly into the teaching process, a sharp departure from anything they had ever known before and from anything the scheool or, in fact, the entire district had ever done before.

While lining up teachers and parents, Mrs. Sanchez was also eyeing critically the status of reading at the school. "We had to take a good look to determine where we were with reading and where we had to go," she says. "We had to see the whole, true picture—no gloss or embellishments, just the plain facts—before we could hope to improve conditions."

Toward this end, Mrs. Sanchez launched a broad-gauged testing of the children of La Luz. The facts she uncovered presented a glum and depressing picture. Most of the children were reading below their grade levels. Many of their scores were discouragingly low. Their attitude were poor; absenteeism ran as high as 40 percent. The problem did not stop with the children. The teachers also needed help in specific techniques; they were frustrated, feeling they were working hard and getting nowhere.

The areas of most obvious weakness spanned the entire reading-skill gamut: auditory and visual discrimination, comprehension, oral language, and sound blending. She asked the staff to turn to any test that held some promise of turning up a clue about which way to move. (For example, the Stanford Diagnostic Reading Test was administered to every student in the school, and the Wepman test plumbed the quality of students' auditory discrimination.) The staff even asked all the students to complete the statement: "I am a reader because --------." Gloria Whitehead, a former student of Al Cordova's and now a teacher at La Luz herself, says, "There simply wasn't one reason the children perceived themselves to be good or bad readers. There were almost as many answers as there were children."

Another feature of the Right to Read staff's plan called for taking the parents into their confidence and leveling with them. Mrs. Sanchez says, "From the beginning we let parents know where their children stood in reading skill. If they were poor readers we were honest and told them so. We wanted them to know precisely the situation that confronted us. How could they possibly help in the workshop if they didn't have the true picture?"

As the 1972 school year moved closer, Mrs. Sanchez began to mobilize still another corps of reading aides to supplement the work of the parent-paraprofessionals. She lined up 31 tutors from the Special Education Department and 16 student teachers from the Education Department of the University of New Mexico, six teaching assistants from Freedom High School, three interested girls from a nearby detention home, and two girls from the neighborhood youth center. Then, with the school's Right to Read grant, Mrs. Sanchez began buying the most advanced teaching aids and materials she could find. By the time school opened in September she stood poised to blitz the La Luz classrooms with a mammoth reading crusade. At times as many as 104 people—teachers, tutors, parents, and university students—were to be involved in teaching reading at the school.

All 621 students at La Luz participated in Right to Read. Every first- and second-grader was given two hours of reading instruction every morning; all students in grades three to six received 1½ hours of instruction. In addition to this time, which was held inviolable, the students also got regular doses of spelling and writing. Right to Read became in short, the pivot of the entire La Luz curriculum.

Nor were the parents and student aides who were brought on the line merely errand runners for the teachers. Working on a one-on-one basis they quickly proved to be highly effective instructors for the slow reading children, particularly those in the lower grades.

Delores Montiel, a paraprofessional for the fourth-grade classes and a mother of six children, began instructing a boy who couldn't write his own name when she started with him. Now after a year, he reads and writes at grade level. Another little boy was so grateful for the progress he had made that when he won a ribbon at the end-of-school race relays, he gave it to Mrs. Montiel to remember him by.

In each classroom during the morning reading classes, which ran to 31 children in the higher grades and 25 in the lower grades, there was a teacher, a parent, a university student, and a student teacher. As the paraprofessionals moved in, the regular teachers were freed to concentrate on particularly stubborn cases.

A critical spinoff to the mainline program going on every morning at the school was a program for four-year-olds which was being carried out in livingrooms around the neighborhood by two mothers, Dorothy Romero and Molly Constancia. Because New Mexico does not support kindergarten as part of its elementary school program, many youngsters arrive at age six and at their first-grade classrooms with no prereading training. To offset this lack, a program for four- and five-year-olds were tacked on to La Luz's Right to Read.

Says Mrs. Contancia, "At first many people were unsure about us coming into their homes to work with their children. But we kept talking about the idea and made contact with many of the people through the church, and eventually we got ten families willing to participate in the program. That was the breakthrough we needed."

The two women began going from family to family, giving the children a 45-minute period of instruction, an imaginatively mounted array of 11 basic prereading strategies from letter recognition to color discrimination. They used games, sounds, poems, puzzles, stories, rhymes, and building blocks—all calculated to create an interest in reading before the youngsters ever set foot in La Luz.

The program also proved well calculated to create an interest among parents. The word spread and before long the two women were compelled to draw up a waiting list. During the course of the first year of the program, they served 47 homes. As the children taught by Mrs. Romero and Mrs. Constancia move into La Luz, their level of development will be carefully checked and evaluated.

One year of La Luz Right to Read having been completed, it is fair to ask what if anything the program has accomplished.

In its early months there was hardly any traceable improvement at all. Louisa Martinez, a first-year teacher at La Luz, says, "I didn't notice any particular results before Christmas, four months after the beginning of the program. Looking back, I can see that we made the mistake of expecting something to happen overnight. But after the first of the year I really began to notice a change in the children's interests, habits, and abilities."

And test results bear out her observations. For instance, children in grades two through six show an average gain in word meaning of .6 grade, and their performance in paragraph meaning jumped .8 grade. Many children achieved a two- or three-grade jump, and a few exceeded even that. One sixth-grader, for example, went from reading at the norm sixth-grade level to a 10.9-grade equivalent.

The first-graders at La Luz progressed fastest of all, while the third-graders showed the least improvement, a phenomenon that still puzzles the teachers. "We haven't figured that out," Mrs. Sanchez admits. "But we are looking into reasons why and hope to have some explanation next year."

Another bafflement: Boys improved more than girls.

"It was the first time I ever saw that happen," confesses Mrs. Sanchez. "Usually the boys lag behind." But Mrs. Sanchez thinks she can explain this one. "There are two factors that bear on this result," she says. "First, the boys had further to go in their reading. Most of them were poorer readers than the girls to start with, so the teachers became boy-oriented. Second, when we were assessing where we were, we noticed that most of the reading materials in the school were girl-oriented. So we started ordering reading matter that boys would read—books about science, cars, and sports."

Many of the teachers at La Luz credit the choice and volume of materials, together with all the outside paraprofessional help, with the success so far of Right to Read. "It's all the material, all the variety, that really makes the difference," says one teacher. "Before the Right to Read program, every teacher had his or her own program. Now it's a lot more interchangeable, and we can switch children to different classes according to their ability. And we have hundreds more books and consequently a lot more flexibility in reading keyed to the interests of each individual."

So fully did the materials blitz match the teaching blitz, in fact, that hardly a space remains in the library for another piece of equipment or another book to read. In one fourth-grade class last year not one child was reading the same book another child was reading.

Early in the program the school tapped into the Reading is FUN-damental (RIF) Program of book buying. The local Civitan Club donated $90 and the school bought 272 paperback books which were sold to the students for ten cents each. And if a student couldn't afford a book at that price, he was given one free. It was the first book many of the children had ever owned.

Probably the most satisfying results are the plummeting of the high absenteeism and the soaring of student morale. Everyone in the program says, "A change in attitude is what we wanted, and a change in attitude is what we got."

Word of the success of the La Luz program has spread. Staffers report that "a lot of people have visited us and we have made a lot of presentations." The school district office is planning to spread facets of the program out into other schools of the system.

Meanwhile La Luz Elementary is so thoroughly committed to the program that even when its OE money runs out, Mrs. Sanchez expects the parents to pick up the tab to continue Right to Read.

None of this is to say that the program has not had its problems or its weaknesses. Mrs. Sanchez says the students are still shaky in vocabulary. Thus while the program is continuing to emphasize such areas as comprehension, sound blending and word discrimination, the big push is on vocabulary building "It's the biggest need now," notes Mrs. Sanchez.

And the paraprofessional program despite its success, also has had its problems. Beverly Garcia, one of the paraprofessionals, says: "We really need technical assistants who can stay with us and who aren't so stretched out in their duties. It's hard on us when technical assistants come for a day or two and then leave or when they are confronted by so many demands that some have to be ignored. Probably the answer is for all us paraprofessionals to learn not to rely so heavily on assistants but to stand on our own two feet with these kids. We must gain confidence and not be afraid of ourselves.

Afraid or not, the paraprofessionals at La Luz, all of them—parents, students, teacher aides—are thoroughly won over to the program and committed to it. As for Al Cordova, he is still there and more enthusiastic than ever.

JOBS FOR VETERANS

Mr. WILLIAM L. SCOTT. Mr. President, at the request of the distinguished Senator from South Carolina (Mr. THURMOND), I ask unanimous consent that there be printed in the RECORD a statement by him together with an article from Air Force magazine for November 1973.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

STATEMENT BY SENATOR THURMOND

The end of American involvement in the Vietnam War produced many beneficial side effects as far as this country is concerned. One problem which resulted from this historic event, however, was finding jobs for the thousands of veterans of the Vietnam-era. It would have been a tragedy if our veterans had returned, only to find themselves without any means to make a living.

I am pleased to stand here today to state that the Nixon Administration has done an outstanding job in locating employment for the nation's deserving veterans. The Jobs For

Veterans program, under the able direction of James F. Oates, Jr., has met this challenge with considerable effectiveness.

An excellent article recently written by Major Robert W. Hunter, United States Air Force, details the many successes of Jobs For Veterans. Since this is such an important area, I would like to share this article with my colleagues.

Accordingly Mr. President, I add to my remarks an article entitled "Jobs For Vets: A National Effort," which appeared in Air Force Magazine, November, 1973.

[From the Air Force Magazine, November 1973]

JOBS FOR VETS: A NATIONAL EFFORT

(By Maj. Robert W. Hunter)

No nation can make a claim to greatness if it does not help its young service veterans in their transition to civilian life. That's the judgment of James F. Oates, Jr., appointed by President Nixon in October 1970 to head up the newly formed National Committee, Jobs for Veterans (JFV).

Before JFV was etsablished, a lot of jobless veterans had reason to believe that the United States hadn't measuerd up to Jim Oates's criterion of national greatness. By the end of 1970, seasonally adjusted unemployment rates for vets were at a 9.2 percent high, while the unemployment rate for the general population was three percent lower. Some 318,000 veterans were out of work.

Most of the unemployed former servicemen were young and had served only a single tour of military duty. Nearly eighty-five percent were enlisted people; almost half were under twenty-five years of age. About thirty percent were married, and many had children. Nearly twenty percent had less than a high school education, ten percent belonged to disadvantaged minority groups, and some 300,000 were disabled.

Then the JFV set up shop with the task of improving training and employment opportunities for former servicemen—especially Vientam veterans in the twenty to twenty-nine age group. Except for one peak period in September 1971, there has been a downward trend in veterans' unemployment. By June 30, 1973, the seasonally adjusted rate for vets was neck and neck with nonveterans at 5.6 percent.

The work of JFV and many other cooperating organizations isn't finished by any means. The last Vietnam-era draftee won't be separated from the service until December 1974. It probably won't be finished even then. Mr. Oates points out that the success of DoD's all-volunteer force is dependent in a major way on giving young volunteers a chance to learn a transferable civilian-related skill, and assistance in job counseling and placement when they leave the service. So this is a continuing problem—a vital concern to everyone in uniform, and a significant issue in the arena of defense policy.

AIR FORCE Magazine has explored, with several leaders who are working for the veteran in government, labor, industry, and business, the issues and ideas central to the problem of the veteran's return to civilian life. We'll report first on the philosophy underlying existing and proposed programs and then take a look at some ideas that already have been put to work with conspicuous success.

A good place to start is with the Administration's top man in the field—Jim Oates, whose official title is Nathional Chairman, Jobs for Veterans.

PHILOSOPHY: PRACTICAL IDEALISM

Mr. Oates, retired Chairman of the Board and Chief Executive Officer of the Equitable Life Assurance Society of the United States, holds both DoD's and the VA's Distinguished Public Service Award. His commitment is to the task of assuring full employment for vets, and he believes that in the job market, veterans deserve the "edge." He recently told a DoD audience that the "only long-term solution is adoption of a policy whereby no man will be discharged until he is trained in a civilian skill." That policy raises many controversial questions for him and for his principal assistants—Air Force Lt. Col. H. S. Faircloth, Executive Director, Jobs for Veterans; and former Rep. Bill Ayres (R-Ohio), who is Mr. Oates's special assistant. Significantly, since JFV's birth, 2,700,000 veterans have found work, and the pool of those unemployed is smaller by 75,000 than it was a year ago.

Another of the people working on behalf of the veteran—James Cavanaugh, Staff Assistant to the President—had this to say in an exclusive interview with this magazine.

"You have to begin by taking a look at what the Department of Defense's primary responsibility is in the whole scheme of national affairs, and it begins with providing a strong national defense. One prime requirement of that defense is to assure an adequate supply of people coming into the military departments. The last thing we need is to have people who have left the military standing on street corners unemployed, while their peers, people they went to high school or college with, are out there employed.

"The second reason we are in this business is that the nation does owe people who have served their country gratitude, and that's a term that has been used ever since President Hoover first established the Veterans Administration by executive order. That is why we have the Veterans Pension System, that is why we have the Veterans Education Program, and the home mortgage for veterans."

Is a favorable reaction by the business community toward the veteran something new? Dr. Cavanaugh doesn't think so. "There has always been a consciousness, if you will, within industry to lean toward the veteran when filling a position. I think this is true because of their wanting to help a person who has helped the country. I think, quite candidly, they have also seen that the veteran might do a little better job as a new employee. The Jobs for Veterans Committee has made business and industry aware of the fact that anything they could do to help a veteran find a job would be in the best interest of the country."

CONVERTIBLE ASSETS

Dr. M. Richard Rose, Deputy Assistant Secretary of Defense for Education, is another official committed to exploring new paths to benefit the veteran. Speaking unofficially, he cited three reasons for concern. The first he shares with Mr. Oates and Dr. Cavanaugh—it is a national obligation and a moral responsibility.

Secondly, he believes DoD must find secondary and tertiary roles for its training costs of $6.7 billion per year, or about $25 million per day. He is looking for the spin-off values of military skills. He would like to see men who have been trained by the military as mechanics, plumbers, sheet-metal workers, or carpenters, for example, licensed like their civilian counterparts, but by the industry's own licensing institutions—not by DoD.

Dr. Rose cited the Community College of the Air Force as being "a light-year" ahead of its time in moving toward this goal of capturing service training and translating it into a credential meaningful to an employer. And he has strong feelings about what motivates men and women to serve in the all-volunteer force. "Bonuses and pay won't do the job alone. No nation ever defended itself with a mercenary army," he said. "Men and women must see themselves as part of an education/career process." In short, the youth of this country must look upon the military as part of the process by which they can ready themselves for a total career pattern.

He believes that this must be a joint endeavor of the VA, Labor, DoD, and the US Office of Education. These agencies must pool their training concepts. In its final analysis, he says, it might even mean that Defense would have to guarantee cross-training to an employable skill for an infantryman, for example, as part of his enlistment contract.

The third reason why Dr. Rose believes DoD should concern itself with these matters relates to what he sees as the base of our military strength—our ability to mobilize. If a reconceptualization took place, if DoD's training costs were viewed in civilian roles as well as military, if the youth of this country saw military service as part of a process, not as service in which men were separated from society, then he thinks the Reserve Forces could recruit directly from the active force. This country's mobilization base would be strengthened accordingly.

LABOR AND INDUSTRY LEND A HAND

The National Alliance of Businessmen (NAB) is another organization helping with veterans employment. NAB, through its JOBS (Job Opportunities in the Business Sector) program, has already placed nearly 250,000 veterans in jobs, many of them in the vocational skills area. It has a goal this year of 100,000 more.

Tom Brown, of the National Association of Home Builders, and Warren Troutman, of the US Office of Education, reflect a growing concern over the traditional employment market preoccupation with diplomas and degrees. Mr. Brown: "We've got to get away from the white-collar syndrome; stop talking about vocational education and start talking about *career education*. Our vets have to learn what the real world of work is all about. We have to offer pride in achievement and make the best use of their talents. No one should have to *apologize* for wanting to be an auto mechanic." Mr. Troutman: "We must find ways for industry and education to work together to get at what industry needs from our educational systems. We are acutely aware of a work concept returning to the American science. A four-year college is not the answer for all."

Mr. Brown considers it his job to get out and make eyeball-to-eyeball contact with the vet, to sit down and help him get a feel for what our economy is all about. His 70,000-member association looks to DoD as the largest and best training ground for his building industry.

The Veterans Construction Job Clearinghouse, a cooperative effort between the National Association of Home Builders, Associated General Contractors of America, and the US Departments of Labor and Defense, with which Mr. Brown is deeply involved, is one avenue for the veteran to check out his interests and qualifications in the construction industry.

Things seem to be moving in that direction. According to the VA, the number of veterans in training programs—vocational rehabilitation, on-the-job training and in school—stood in recent months at more than one and a half million. That's up twelve percent from a year ago.

Secretary of Labor Peter J. Brennan is another who gets out and meets the veteran. His philosophy? "We shouldn't let out servicemen feel they are being sold out by labor and business. Let us tell them, 'Come on back, we are going to work with you to make this country better.' Let's not apologize for America. Let us all together move it on to bigger and better things for all of our people."

These are but a handful of the people working for the veteran. This is but a sample of their feelings, their ideas, their direction.

If their semantics differ, their concern is basic nonetheless.

PUTTING IDEAS TO WORK

But if the people are there, so too must be the mechanisms for help. They are.

Jobs for Veterans has set up 478 local task forces and consulted on almost 400 job fairs. NAB has more than 160 metro offices to furnish full employment services to veterans. DoD has its Project Transition, training men for particular jobs while still in service. Two hundred and five bases across the country have the cooperation of business, trade associations, and labor organizations to train servicemen for civilian jobs.

There are programs involving reemployment rights, small business loans, apprenticeship training, public service careers, rehabilitation loans, scholarships, vocational education, tutorial service at government expense, and college work/study programs in which eighty percent of the salary is paid by federal grants.

There is the "Upward-Bound Program" by which a high school nongraduate spends some time in a collegiate atmosphere. There are the Servicemen's Opportunity colleges—some 200 two-year colleges—that seek to give the veteran an "edge" by easing traditional barriers of admissions requirements, residency, and credit transfer. And there are 2,000 or so other two-year colleges receiving federal assistance in tailoring programs for veterans.

There are 2,200 state employment service local offices tied into computerized job banks; VA representatives assigned to 300 military separation points and 184 military hospitals as well as seventy-one U.S. Veterans Assistance Centers (USVACs). There is the AFL–CIO Human Resources Development Institute (HRDI) with fifty local and area offices. There is the Office of Minority Business Enterprise to foster and promote minority business, and the Manpower Development and Training Act (MDTA) to help the unemployed or underemployed. Opportunities Industrialization Centers (COCAs) in sixteen cities provide motivational and basic work orientation as well as occupational training.

Perhaps one of the more effective mechanisms, and certainly one of the most visible, is the Job Fair. The Job Fair has also been known by other names—Job Opportunity Fair, Job Information Fair, Veterans Assistance Day, or Opportunity Day. Some have received a bad press, but only when improperly planned and advertised and when, because of poor prefair information, some veterans simply expected to walk in and get a job.

The purpose of these events is to allow personal contact between employers and veterans while giving access to job-related programs and services—counseling, for one. Job Fairs often include vocational counselors, on-the-job training information, and vocational and technical schools. So even if a veteran doesn't get a specific job offer, he does get to talk with employers and see, perhaps for the first time, just where he stands in the job marketplace.

The local Jobs for Veterans task force, with assistance from the State Veterans Employment Representative and the State Employment Service, has been the focus for the leadership in initiating job fairs. NAB, the VA, American Legion, and Chambers of Commerce also have been driving forces.

Results have been good. Air Force Magazine recently attended the largest fair ever held. A lot of planning went into this one, held at the brand new multimillion dollar Los Angeles Marriott Hotel. Résumé extracts were given participating employers and educators. Where current, recurring, or projected vacancies existed, employers contacted the veterans ahead of time and invited them to come in and talk.

HOW JOB FAIRS WORK

From an assembly area where introductory briefings were held every thirty minutes to guide the veteran through the fair and help optimize his experiences, the job seeker went into a large hall where employers had "call boards" with notices for the visitors. There was also a government assistance area where counselors were available to discuss reemployment rights, training opportunities, Civil Service registration procedures, and the like. Finally, each employer had a hotel suite where the veteran could get down to the nitty-gritty—eyeball to eyeball.

Many of the veterans had never talked with an employer, and didn't really know how to market themselves. Even if a job didn't result immediately, a valuable learning experience was going on.

Jobs *were* available. Rockwell International, for example, was looking for journeyman machinists, apprentice carpenters, and electricians. Most companies listed on their call boards both jobs and the names of people whose résumé extracts had interested them.

Xerox was looking for computer maintenance and test people, as well as systems analysts and technical representatives, but most required *some* level of electronics training. As one businessman told us, "A real problem for the veteran is being realistic about his desires and qualifications. He may want to be a computer maintenance man, but has no background. So, if he doesn't get a job in computers, he may think it's been a 'rip-off.' Yet, realistically, an infantry soldier and a liberal-arts college graduate are in the same boat: they have to face up to the trade-off between their desires and qualifications."

This, again, is where counseling can help, and Jobs for Veterans is vitally interested in giving veterans exposure to employers *before* they are discharged so they *can* be realistic. When they hit the civilian streets, they can confidently walk up to an employment interview knowing "where they're coming from."

Overseas Job Information Fairs, in cooperation with DoD, have been most helpful in this regard. Last year, twenty national firms and associations were represented in each of two European and one Asian fair. More than 18,000 servicemen met with industry representatives. This year, another European and an Asian fair were to be held as of this writing.

Perhaps the best testimony of how successful a fair can be was a story reported recently in the Pittsburgh *Post-Gazette*.

That paper reported that a fair in Oakland, Pa., brought in 2,000 vets. The VA, it was reported, said that for every two vets showing up, one got a job commitment. They were still tabulating.

Veterans were impressed. One, it was reported, said, "Where else could I have gotten to talk to US Steel, Alcoa, Westinghouse, and all the other big ones in one afternoon? I never even got past the personnel receptionist in those companies before. But at the fair, they gave me personal interviews."

Business was impressed, too. The paper reported that Westinghouse Electric Corp., committed to filling sixty jobs, had expanded that to 135 at the fair's end.

IMPROVING THE PROCESS

Obviously, not all is coming up roses. Criticisms and issues remain to be dealt with.

Jobs for Veterans told Air Force Magazine that criticisms have been leveled at both DoD's Transition Program and the Department of Labor's Employment Service placement. Critics say that too few servicemen who trained under the Transition Program have been placed in jobs consistent with their transition training.

JFV's view is that a program that will guarantee greater training payoffs must ensure that the soon-to-be discharged serviceman is counseled about the job needs of the area where he plans to live. Then he must be given training compatible with his desires and aptitudes as well as the job needs of the area. Finally, in order to make a good man/job match, the Employment Service Office in the area must be advised when the service member starts his transition training so they can identify a requirement for his skill and have a job for him when he arrives. That, of course, would be the ideal.

A dynamic innovator is the young Commissioner of Veterans Affairs for the city of New York, Carl McCarden. Mr. McCarden is a hard-driving, apolitical, Army major who was tapped for his present position while on the faculty at West Point. His concern is for the urban unemployed—the vet from the inner city.

In an exclusive interview for Air Force Magazine, he defined his position: "That dude out there coming into the service believes the ads he sees. They say education and training. In the eyes of an inner-city youth, the military provides legitimization. A lot of guys strut down inner-city streets with respect—'Hey man, that cat's back from Nam.' But that legitimizing function doesn't work as access. It doesn't get him off those streets."

Commissioner McCarden believes that the solution doesn't lie in picking up a man in his last six months of active duty through Transition training. He also feels that a veteran can't live in an urban area like New York City on work and schooling benefits. "What can a man take home, net—$90 a week? The welfare system with food stamps gives more."

The need he sees is for a sort of second-generation CCC (Civilian Conservation Corps). He believes that no agency has training facilities like Defense, but that the problems of training and jobs can't be looked at institutionally. He wants a cross-agency infusion of money and planning.

"Suppose by some form of cooperative federal executive agreement we could make a lateral transfer of funds—get welfare funds and supplement with VA benefits, for example. Lump those together, and we've got a livable wage while the veteran is being trained for a job." He would like to see that idea coupled with some federal and state tax incentives for an employer to keep a veteran on board after on-the-job training—something not all do now.

McCarden believes, "We need a regional assessment of job vacancies by industry that includes the rate of job attrition as well as the incidence of new jobs over a five-year period. If we can program out manpower needs in DOD and other federal agencies, why not in the private sector?" As proof that his idea is at least feasible, he pointed to a test model. In Columbia, S.C., an attempt to match industry needs with a comprehensive program of technical instruction is under way. He also talked about Jacobs Creek, Tenn., where about 300 youths—largely black—are being trained by craftsmen in the building trades and then placed in union jobs.

In the final analysis, today's veteran has more going for him than ever before. He has people who care—influential, top-level people. He has mechanisms for getting into training and a job, a whole host of them. And he has the assurance—although he may not always be aware of it—that the criticisms and the issues that are unresolved or in contention are being worked on.

The veteran can still get ripped off, and he can still be unemployed, but the chances are getting slimmer and slimmer.

THE SMALL BUSINESS TAX SIMPLIFICATION AND REFORM ACT OF 1973

Mr. NELSON. Mr. President, on March 6, 1973, I joined the distinguished chairman of the Select Committee on Small Business, Senator Bible, and 26 other Senators in introducing the Small Business Tax Simplification and Reform Act of 1973. This bill focuses attention on the detrimental effect of the present tax system on small businesses. As the president of the Gettys Manufacturing Co. of Racine, Wis., wrote:

> Nothing approaches tax reform in priority for small businesses. With present tax laws, small business is doomed to stagnation or takeover by conglomerates. This is not healthy for the U.S. economy.[1]

Other businessmen from my State are equally concerned. In 1971, the Independent Business Association of Wisconsin was founded to explore what could be done to bring tax relief and reform to hard-pressed small enterprises throughout Wisconsin and the Nation.

In discussing small business it is important to remember that small business is really the biggest business in the United States. There are about 12 million enterprises in the United States and about 97½ percent of this number are "small business."[2]

Small business includes almost 3 million family farms and 1 million independent professionals. According to Internal Revenue Service figures there are about 9.2 million sole proprietorships over 993,000 partnerships, and 1.7 million corporations, including 217,000 subchapter S corporations. Every year, some 250,000 such new businesses are launched and about half survive beyond 2 years.[3]

Together, this varied "small business community" accounts for about 44 percent of the employment in our economy and 37 percent of the entire gross national product.[4]

In Wisconsin, Dun & Bradstreet has identified about 60,000 businesses. As to the 53.5 thousand for which we have figures, 94.2 percent have a sales value of less than $1 million and 97.9 percent employ less than 100 persons, a standard well below the Small Business Administration definition.

Small businesses are an invaluable source of competition and innovation in our economy.

For example, a Department of Commerce survey found that between 1946 and 1967 more than two-thirds of the major innovations were developed by firms with less than 500 employees.[5]

Examples of small business innovations include the Xerox process by Chester Carlson and the Polaroid instant camera by Edwin Land.

Despite the major contribution made to America by small businesses, present governmental regulatory and taxing policies retard their growth and jeopardize their very existence. Governmental regulations result in an almost insurmountable burden for the small business. For example, hearings by Senator McIntyre, of New Hampshire, established that a family restaurant must spend over $800 its first year just to fill out forms regardless whether it makes a profit. In addition, tax preferences in the existing tax law are of much greater advantage to large corporate giants. For example, Representative Vanik, of Ohio, testified that the 100 largest corporations reduced their effective tax rate in 1971 to 24.4 percent.[6]

One authority on the consequences of the tax system on small businesses concluded:

> There is little doubt that our tax structure, entirely apart from its specific effects on business mergers, tends to impede the expansion of growing enterprises as compared with that of large, established companies. In this way it enables the well-entrenched established companies better to withstand the challenges of their growing competitors, and thereby helps to maintain and increase existing levels of industrial concentration.[7]

Furthermore, in the last quarter of a century facilitated by changes enacted in the major revision of the tax code in 1954, merger has added a new and ominous threat to the existence of small businesses. Under the provisions of this code, we have witnessed the most sweeping and far-reaching merger movement in the Nation's history. In 1969, a special Cabinet committee concluded that—

> Mergers more than any other single economic factor explained the existing structure of many American industries. Most . . . big businesses hold their relative size to merger accelerated growth . . .[8]

Mr. President, to give some idea of the volume and acceleration of the merger movement in the United States, I ask unanimous consent to print in the Record, two charts from two different sources using slightly different methods of calculation showing figures for mergers in the last 20 years.

	Manufacturing and mining	All* industries
Mergers in United States:[9]		
1950 to 1954	1,424	
1955 to 1959	3,365	
1960 to 1964	4,366	
1965 to 1969	8,213	
Mergers in United States:[10]		
1960	844	
1963	861	1,361
1964	854	1,950
1965	1,008	2,125
1966	995	2,377
1967	1,496	2,975
1968	2,407	4,462
1969	2,307	6,132
1970	1,351	5,173
1971	1,011	4,645
1972		4,804

*Manufacturing, mining, service (including utilities and transportation) wholesale, retail, banking and finance.

This wave of mergers has had a devastating effect on competition and opportunities for independent business in America. A prime example is in the number of companies with assets of between $10 million and $25 million. These are substantial firms in the growth band of the economy. In 1967, the sole year for which information is available, 52 percent of these companies disappeared through merger.[11] One rung up the size ladder are the companies with more than $25 million in assets.

If the number of these companies had grown at the historical rate between 1941 and 1959, there would have been approximately 1,087 more such companies by the beginning of 1968. However, the potential increase was cut down by mergers to only 437. Thus, mergers knocked out 650 companies who were potential competitors during this period, a knockout rate of 59.8 percent.[12]

The Tax system laid the basis for these developments. As a result, the number of independent businesses in the economy was significantly reduced. We thus find that 200 largest manufacturing corporations in the period 1947–67 increased their share of manufacturing assets from 47 percent to over 60 percent, and their shares of sales and profits rose proportionately.[13]

By 1970, the top 102 corporations, the billion-dollar-asset corporations, controlled nearly half of all U.S. manufacturing assets, 48 percent, and more than half of manufacturing profits, 53 percent.[14] This increasing ascendancy of a relatively small number of giant corporations is raising large questions about what is really going on in the American economy, which we have been trying to explore in a series of hearings before my Monopoly Subcommittee.[15]

But these figures illustrate how the present antismall business tax system has lessened chances for the creation and growth of independent enterprises. In my opinion, this has become a major cause of the higher prices which consumer must pay for their daily needs.

Our business tax system is destroying initiative and enterprise in this Nation. It inhibits the initiative and innovation that can create new employment. It is destroying the opportunity of workers to affiliate with local and independent firms, and narrows job openings, often to giant firms which have little time or regard for the problems of the individual worker or his family.

Helping small business also broadens the choices and benefits open to labor. Small business multiplies the opportunities for investors and increases the number of locally oriented leaders who are able and interested in solving community problems.

The larger implications of "economic choices" obviously involve everyone's personal freedom. As one scholar observed:

> Free enterprise has not only its historical implication of freedom of excessive control from the state, it also implies restrictive controls imposed by private domination of markets.[16]

It is clearly time for Congress to undertake a major study of the tax code and its effect on the small business. The bill, S. 1098, which I have sponsored with Senator Bible, contains over 40 suggestions for improving the tax law for small businessmen.

We have developed the Small Business Tax Reform Act over the past 6 years on the basis of study and consultation with nearly three dozen national and statewide small business, legal, accounting, and trade organizations.

It would lay a basis for simplifying the code and its application to new and small firms. It is designed to improve the outlook for businesses at each point in their life cycle.

We do not, by any means, claim that it is a perfect bill, or that it will solve all of these small businessmen's tax problems. However, we regard our bill as a vehicle for the systematic consideration of small business tax needs which have been neglected and pushed into the background over the last 20 years.

Footnotes at end of article.

If the problems which I have described are not dealt with now, there may not be many small and independent businesses left to save. If we wait, it will be much more difficult to affect the trouble spots in our economy caused by neglect of small business and free enterprise.

Mr. President, I also ask unanimous consent that an overall and section-by-section analysis of the small business tax simplification and reform bill be printed in the RECORD in order to make it more widely available to those concerned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Summary of Recommendations and Analysis of S. 1098—The Small Business Tax Simplification and Reform Act of 1973

In brief the bill provides for:

First. Permanent Government and small business advisory machinery for simplifying tax laws and tax forms;

Second. Lower tax rates for smaller business, and particularly new business;

Third. Promoting the growth of new and small firms by liberalizing first-year depreciation, and increasing permissible accumulation of earnings;

Fourth. Easing the raising of capital by providing more equitable treatment for possible losses through loans or stock purchases, and allowing tax benefits for the floating of securities issues;

Fifth. Making subchapter S closely held corporations more flexible and less dangerous to use; and

Sixth. Encouraging the continued independence of family firms by making it easier to pay estate taxes based on business interests over a 10-year period.

The bill contains five changes from the 92d Congress version (S. 1615) as follows:

First. Section 104 of the 1973 bill—relating to studies of small business tax matters—has been modified to reflect the reenactment of the investment tax credit. It specifies that the study of capital allowances previously called for should take account of the investment credit as it relates to special small business needs.

Second. Section 108 is new; it proposes that persons invited to consult with the Internal Revenue Service regarding the simplification and improvement of the Internal Revenue Code or its administration, including tax forms, be provided with reimbursement for travel and per diem expenses; and that the Treasury and the IRS should give consideration to the views of representatives of small business in this process.

Third. Section 301 relating to new businesses has been modified to reduce the amount of income a new business may earn free of Federal tax from $1 million per year to $25,000 per year for each of the first 3 years. A new, growing business might also defer its tax on the next $75,000 of income for 10 years, providing earnings are reinvested in the business and subject to recapture in the ensuing 10-year period. This section has also been further tightened to preclude from eligibility any company receiving a direct, participation or guaranteed business loan under section 7(a) of the Small Business Act.

Fourth. Section 403 of S. 1615 has been dropped because of the 1971 enactment of the investment credit which was proposed as to small business by that section of the bill. As mentioned above, section 104 is intended to focus attention upon the practical effects of this provision, as enacted, upon capital formation by new, small and independent business. The remaining subsections of title IV of the bill have been renumbered accordingly.

Fifth. Section 402 has been modified to delete the portion elevating depreciation guidelines to statutory status, since this was accompanied by the Revenue Act of 1971.

FOOTNOTES

[1] "Voice of Small Business" newsletter of the National Small Business Association, March, 1973, p. 1: 3.

[2] SBA definitions may be summarized, in a general way, as follows: retail trade—under $1 million in annual sales; wholesale trade—under $5 million in annual sales; construction—average receipts of $7½ million over the past three years; manufacturing—between 500 and 1,500 employees, depending on the branch of industry.

[3] "The Future of Small Business," Hollander and others (Robert R. Nathan Associates, Inc.) 1967, p. 102.

[4] Small Business Administration Estimates.

[5] "Technological Innovation: Its Environment and Management," Panel on Invention and Innovation, Robert A. Charpie, Chairman; U.S. Department of Commerce, Jan., 1967.

[6] Testimony of Hon. Charles A. Vanik of Ohio in hearings on "Tax Subsidies and Tax Reform," Joint Economic Committee, July 19, 1972, p. 9.

[7] "Recent Trends in Industrial Concentration and Taxation" by J. Keith Butters in the Symposium "Taxation and Business Concentration," The Tax Institute, 1952, p. 6.

[8] *Studies by the Staff of the Cabinet Committee on Price Stability*. January, 1969, U.S. Government Printing Office.

[9] Statistical Abstract of the U.S., p. 484, Table 778.

[10] Mergers and Acquisitions—Manufacturing and Mining Concerns acquired 1920 to 1971; W. T. Grimm Co., 135 Lasalle Street, Chicago, Ill.

[11] "Studies . . . on Price Stability," loc. cit., p. 75.

[12] Loc. cit., p. 79–80.

[13] "Free Enterprise Revisited—A look at Economic Concentration" by Stahl and Harshbarger. *Monthly Review*, Federal Reserve.

[14] "The Spreading Imprint of the Conglomerate," by Dr. Willard Mueller, *AFL–CIO Federationist*, August, 1970.

[15] See "Role of Giant Corporations," hearings before the Subcommittee on Monopoly, Senate Small Business Committee, July 9–11, 1969; Nov. 9 and 12, 1971.

[16] "Big Enterprise in a Competitive System," by ADR Kaplan, Brookings Institution, 1964, p. 43.

Section-by-Section Analysis of the Small Business Tax Simplification and Reform Bill

OVERALL ANALYSIS

The Small Business Tax Simplification and Reform Act of 1973 is the successor bill to S. 4039, introduced in the 91st Congress on June 30, 1970, and S. 1615 (H.R. 7692), submitted to the 92nd Congress on April 22, 1971.

It is designed to present a comprehensive set of proposals for tax relief, affecting each stage of the life cycle of new, small, and growing and matured businesses.

REVENUE BALANCE

Extensive efforts have been made to present this legislation as balanced in the revenue sense, with slight, immediate, and long-term increases of tax revenues through minimally higher normal tax rates on giant corporations, and the cultivation of vigorous new small enterprises which will enlarge the tax base in the future.

Even for the largest corporations, the statutory rates under this proposal would remain below the surtaxed corporate rates of the 1960's while the effective rates for these corporations would continue to remain far below the effective rates paid by smaller and medium-sized companies.

The revenue gains made possible by the rescaling of normal rates would make it possible to shift a small fraction of the corporate tax (about 1 percent) on the basis of the ability to pay. Corporations with earnings in excess of $1 million per year would be yielding commensurate benefits to new enterprise, small existing family and independent business, and firms willing to modernize to meet the terms of national and international competition.

Because of the enactment of the investment tax credit in 1971, which was previously a part of this bill, it is believed that the 1973 bill will result in a revenue gain of about $300 million.

TAX SIMPLIFICATION AND REFORM

To focus continuing professional attention on tax simplification, the bill also proposes institutional arrangements by way of 1) a standing intergovernmental committee on tax simplification, 2) a Business Advisory Council on which the small business community would be assured a significant voice, and 3) creation of an Office of Small Business Tax Analyst within the Treasury Department.

Several major studies of small business tax issues are requested so as to lay a basis for orderly simplification of the total internal revenue system as it applies to smaller firms.

ORGANIZATION OF THE BILL

This bill consists of 39 substantive sections grouped into 8 chapters, as follows:

TITLE I—TAX SIMPLIFICATION RELATING TO SMALL BUSINESS

Sec. 101. Intragovernmental committee on tax simplification for small business.

Sec. 102. Treasury Department small business tax analyst.

Sec. 103. New Internal Revenue Code chapter on small business.

Sec. 104. Revision of depreciation policy.

Sec. 105. Equalization of treatment of fringe benefits as between incorporated and unincorporated small businesses.

Sec. 106. Special study of differential effect of tax law changes on business of varying sizes.

Sec. 107. Frequency of collection of certain employment and excise taxes.

Sec. 108. Consultation with Treasury Department by small business representatives; reimbursement of expenses.

TITLE II—ADJUSTMENT OF CORPORATE NORMAL TAX

Sec. 201. Corporate normal tax rates.

TITLE III—SPECIAL PROVISIONS TO ENCOURAGE ESTABLISHMENT OF NEW SMALL BUSINESS ENTERPRISES

Sec. 301. Exemption of $25,000 of net operating income of new small business corporations for first 3 years.

Sec. 302. Deduction of organizational expenses of partnership.

Sec. 303. Bad debt deduction for guarantors of obligations of, and lenders to, small business corporations.

Sec. 304. Losses on small business stock.

Sec. 305. Patronage benefits for qualified new community development cooperatives.

TITLE IV—PROVISIONS TO ASSIST SMALL BUSINESS GROWTH

Sec. 401. Increase in additional first-year depreciation allowance.

Sec. 402. Elimination of reserve ratio test for small business.

Sec. 403. 10-year carryover of small business net operating losses.

Sec. 404. Accumulated earnings tax.

Sec. 405. Amortization of expenditures incident to issuance of stock.

Sec. 406. Period for amortization of research and experimental expenditures.

Sec. 407. Multiple surtax exemptions for certain small business corporations under single family control.

TITLE V—PROVISIONS RELATING TO PARTNERSHIPS

Sec 501. Guaranteed payments from partnership to partner.

Sec. 502. Closing of taxable year of partnership on death of partner.

Sec. 503. Termination of partnership.

Sec. 504. Limitation on partner's distributive share of losses.

TITLE VI—PROVISIONS RELATING TO "SUBCHAPTERS" CORPORATIONS

Sec. 601. Increasing number of permissible shareholders.

Sec. 602. Broadening classes of permissible shareholders.

Sec. 603. Termination of election by majority.

Sec. 604. Termination of election—passive investment income.

Sec. 605. Termination of election—inadvertence.

Sec. 606. Carryover of disallowed deductions for corporation's net operating loss.

TITLE VII—BUSINESS DEVELOPMENT CORPORATIONS

Sec. 701. Reserves for losses on loans of business development corporations.

Sec. 702. Nonrecurring income of nonprofit local business development corporations.

TITLE VIII—PRESERVATION OF SMALL BUSINESS INDEPENDENCE

Sec. 801. Refunds of overpayments of estimated income tax before end of taxable year.

Sec. 802. Debt-financed corporate acquisitions.

Sec. 803. Valuation of unlisted securities for estate tax purposes.

Sec. 804. Extensions of time for paying estate tax.

Sec. 805. Amalgamation of interest in closely held businesses for estate tax purposes.

Sec. 806. Study and recommendations by Treasury Department with respect to preservation of independent small business.

SECTION-BY-SECTION ANALYSIS

TITLE I—TAX SIMPLIFICATION

Sec. 101. Intragovernmental Committee on Tax Simplification for Small Business: The first substantive section creates a permanent standing committee of the Federal Government for the purpose of devoting continued attention to the simplification of the internal revenue system—including the Code, the regulations, instructions, procedures, and other publications relating to business taxation.

The membership of the Committee would include: representatives of the Secretary of the Treasury (for policy matters): Internal Revenue Service (for technical matters); Bureau of the Budget (for coordinating the paperwork aspects of IRS forms, in view of the Federal Reports Act) and the Small Business Administration to express the interests of the small business community.

The Committee would provide a forum for regular and periodic contact between the various Federal agencies concerned and the businessmen affected with sufficient formality to engage the attention of the press, the public, and the Congress. The proposed Advisory Council is intended to provide for an effective voice for small business by containing a delegation large enough to reflect the diversity of interests of small enterprise.

Sec. 102. Office of Small Business Tax Analysis at the Treasury Department: S. 4029 proposed a position of Small Business Tax Analyst, which would be one official in the Teasury Department responsible for looking at tax problems primarily from the view of small business and the free enterprise system rather than the Government's interest in raising revenue. The 1971 and 1973 bills would enhance this concept by constituting this function as an "Office of Small Business Tax Analysis" of which the Small Business Tax Analyst would be a part.

Such an office could provide a focus for assisting in the studies and reports proposed in this Act. Beyond this, a small business tax analyst could supply a continuity of effort required to assess the difficult and multifaceted problems raised by the impact of Federal, State, and local taxation on small business competition, and the free enterprise system.

Sec. 103. Internal Revenue Code Chapter on New and Small Business: The present Internal Revenue Code of 1954, organized mainly by subject matter, does contain Subchapter S on one type of small business corporation. This section would have the Treasury consider a special title or chapter of the Code which consolidated and referenced those tax provisions relating particularly to new and small enterprise. This should be helpful to both non-tax-specialist attorneys and others counseling small firms, as well as to small businessmen, and prospective entrepreneurs. The present section strengthens the emphasis on references to material contained elsewhere in the Code.

Sec. 104. Revision of Depreciation Policy: Recent developments, such as abolition and restoration of the investment credit call for a re-evaluation of the nation's depreciation policy from the viewpoint of the 90 + % of firms which are small businesses. In addition to the specific proposals embodied in section 401 and 402 of the predecessor bills (S. 4039 and S. 1615), those bills called upon the Treasury Department for a comprehensive study of depreciation policies with particular attention to: the impact of recent legislation, including the Tax Reform Act of 1969 and such provisions of this legislation which may be enacted; the rapid advances in technology to which small business must adapt; and the practices of other industrialized nations. The Nixon Administration's task force study entitled "Business Taxation" of Sept., 1970, did not fulfill this need, since it did not contain any reference to the particular problems of small firms. The same small business problems remain, as well as others raised in the 1970 study, such as the possibility of eliminating salvage value from the computation for small firms.

Section 104 of the 1973 bill has been modified to reflect the re-enactment of the investment tax credit. It specifies that the study of capital allowances previously called for should take account of the investment credit as it relates to special small business needs.

Sec. 105. Equalization of Benefits Among Incorporated and Unincorporated Businesses: The Tax Reform Act of 1969 restricted retirement and pension benefits for small firms based upon comparability with unincorporated business. This section calls upon the Treasury to study the entire range of pension, retirement, health, medical, and insurance benefits in the larger context of what both corporations (including large corporate enterprise) and other forms of business are providing for their employees and executives. Such conclusions continue to be needed in light of the legislative and administrative initiatives of the Nixon Administration in 1972.

Sec. 106. Study of differential effect of tax law changes on businesses of varying sizes and ages: To fill a gap in present research capabilities, this section would direct the Treasury Department, through the Office of the Small Business Tax Analyst, to document the impact which changes in the tax system between 1954 and 1972 have had on small compared with large businesses, and new compared to existing firms.

Sec. 107. Frequency of collection of federal taxes from businesses: This would replace four different collection schedules of federal business taxes with a single schedule of once per month if total deposits do not exceed $7,000 during that month.

Sec. 108 is new in 1973: proposes that persons invited to consult with the Internal Revenue Service regarding the simplification and improvement of the Internal Revenue Code or its administration, including tax forms, be provided with reimbursement for travel and per diem expenses. It would also provide that the Treasury and the IRS should give consideration to the views of representatives of small business in this process, which is not done at present.

TITLE II—ADJUSTMENT OF CORPORATE NORMAL TAX

Sec. 201. Corporate Normal Tax Rate: The Tax Reduction Act of 1964 lowered tax rates for unincorporated business by approximately 20 percent; but for corporations where the bulk of the business is done, the reduction was only 10 percent. Although there was material relief for small business by reversal of the application of corporate normal and surtax rates, the same 2-step graduated structure was retained.

Recent studies make clear that large corporations pay taxes at a lower effective rate than do small and medium-sized companies. This title would effect a modest progressive reform in the entire corporate tax structure by providing for reductions in normal corporate tax rates for corporations earning less than $500,000 a year. From income of $500,000 to $1 million, the base rate of 22 percent would remain the same, but the effective rate of taxation would drop due to the reduced percentages in the lower brackets. As corporate earnings rose above $1 million per year the normal tax would incline slightly upward to a maximum of 24 percent for corporations earning over $1 billion annually.

In all, an 8-step graduated scale would bring corporate taxation more nearly into accordance with the principle of the ability to pay which has long been in effect for individual income taxes. The suggested rate schedule is as follows:

(b) NORMAL TAX.—The normal tax is the amount determined in accordance with the following table:

If the taxable income is:	The normal tax is:
Not over $50,000	20% of the taxable income.
Over $50,000 but not over $250,000	$10,000, plus 21% of excess over $50,000.
Over $250,000 but not over $500,000	$52,000, plus 21½% of excess over $250,000.
Over $500,000 but not over $1,000,000	$150,750, plus 22% of excess over $500,000.
Over $1,000,000 but not over $10,000,000	$215,750, plus 23% of excess over $1,000,000.
Over $10,000,000 but not over $100,000,000	$2,285,750, plus 23½% of excess over $10,000,000.
Over $100,000,000 but not over $1,000,000,000.	$23,435,750, plus 23¾% of excess over $100,000,000.
Over $1,000,000,000	$237,185,750, plus 24% of excess over $1,000,000,000.

TITLE III—SPECIAL PROVISIONS TO ENCOURAGE ESTABLISHMENT OF NEW SMALL BUSINESS ENTERPRISES

Sec. 301. Exemption of $25,000 Operating Income for Three-Year Period: In 1970, this section of S. 4039 introduced the concept that new enterprise should be encouraged by allowing freedom from Federal income taxation for a period of three years. The proposal was put forward as a partial equalizer for small firms which must compete with companies which have not only been established for many years, but which may have built up substantial financial resources during the period when there was little or no corporate taxation in this country. The benefits of this section would be restricted to persons entering a business for the first time, and who would be spending full time in the capacity of an owner-manager of an active trade or commercial business. Further limitations were: 1) to benefit only the operating income of the enterprise, excluding gains from security and real estate transactions, which would be subject to taxation in the regular manner; 2) a ban on "successor" businesses of any kind; and 3) a disqualification based on prior ownership of more than 5 percent of any business.

The 1973 section reduces the amount of income a new business may earn free of Federal tax from $1 million per year to $25,000 per year for each of the first three years. A new, growing business might also defer its tax on the next $75,000 of income for 10 years; providing earnings are reinvested in the business and subject to recapture in the ensuing 10 year period. This section has also been further tightened to preclude from eligibility any company receiving a direct, participation or guaranteed business loan under section 7(a) of the Small Business Act.

Sec. 302. Amortization of Organization Expenses of Partnership: This would extend to partnerships the option now enjoyed by corporations; to amortize their organization expenses over 60 months, if they so desire.

Sec. 303. Bad Debt Deduction for Lenders to or Guarantors of Corporate Obligations: This provision would equate the tax treatment of lenders to or guarantors of business obligations, whether the businesses are incorporated or not, by extending the ordinary loss rule presently applicable to unincorporated business lending.

Sec. 304. Losses on Small Business Stock: To update incentives to invest, directly in small business which are presently contained in the Code, this section would increase from $25,000 to $50,000 the amount of allowable losses resulting from the purchase of section 1244 stock.

A second provision of this section would expand the definition of a "small business corporation" authorized to issue such stock from $1 million to $1,500,000 in "equity capital" as defined by the section.

This subsection would have the effect of allowing previously ineligible corporations with equity capital of between $1 million and $1,500,000 to issue 1244 stock in the amount of $750,000 (compared with $500,000 under the present section) and to permit previously eligible small business corporations to issue stock up to the $750,000 amount, if they are otherwise in compliance with the applicable rules.

Further provisions of section 305 would enlarge from 2 years to 5 the time within which a section 1244 plan must be executed and would preclude stock options to employees from disqualifying such a stock issue.

Another subsection would promote awareness of sec. 1244 benefits by newer firms by encouraging an entry on the tax return to bring the matter to the level of attention. Filing a copy of the plan with the return as optionally provided would have additional benefits of stabilizing its timing and content.

Sec. 305. Patronage Benefits for Certain New Cooperative Enterprise.—To encourage the formation of cooperatives which have so well enriched rural American life, this section would permit such a new cooperative to retain 100 percent of declared patronage refunds (rather than the current 90 percent) for the first 5 years of its existence on the condition that substantially all of the membership and patrons are persons of low income and reside within a limited geographic area.

TITLE IV—PROVISIONS TO ASSIST SMALL BUSINESS GROWTH

The seven sections of Title IV are designed to provide encouragement for modernization, efficiency, and cost reduction. It has been estimated that from ⅔ to ⅘ of all capital used in business is internally generated. There is wide agreement that small businesses must rely most heavily on retained earnings since it becomes progressively easier to employ sophisticated methods to attract external capital as a business increases in size and experience.

It is contemplated that these sections will be reviewed as more becomes known about the relative impact of the ADR and investment credit provisions enacted in 1971.

Sec. 401. Additional First-Year Depreciation Allowances.—This section would increase additional first-year depreciation from $10,000 to $20,000 in accordance with increases in the cost of living and doing business since the section was previously revised in 1958.

Sec. 402. Elimination of Reserve Ratio Test for Small Business: For the same purposes, this section of the predecessor bills proposed that the liberalized depreciation guidelines contained in Revenue Procedure 62-21 more fully available to small businesses by elevating the status of that publication to a regulation pursuant to statute. This part of the section would not be affected when the January 11 proposal becomes effective, although the language initially fixing the length of guideline lives as those contained in the Revenue Procedure would be affected. The elimination of the reserve ratio test for firms designated as "small business" by the Small Business Administration would survive since the January 11, 1971, ADR proposal which carried an effective date of January 1, 1972, and this section would extinguish liability previous to that date.

Section 402 has been modified to delete the portion elevating depreciation guidelines to statutory status, since this was accomplished by the Revenue Act of 1971.

Section 403 [old]: Partial Restoration of Investment Credit: Every advanced industrialized nation has both a modernized depreciation system and investment incentive device. All of the 91 percent of small corporations accounted for less than ¼ of the investment tax credit, but its use by small business contributed greatly to the forward progress of the American economy through innovative investment.

The 1970 and 1971 bills proposed partial reinstatement of the 7 percent investment credit in a manner which would be highly tailored to reduce its cost and concentrate its benefits in areas which can do the maximum good for the economy. Corporate manufacturing would be allowed $50,000 worth of qualified investment. However, permissible investment for other corporations and individuals would be scaled down to $10,000 and $5,000 respectively. In each case there would be an appropriate income ceiling of $500,000, $100,000, and $50,0000, above which such high-income taxpayers would receive no benefits from the section.

In the 1973 bill, Section 403 has been dropped because of the enactment of the investment credit, which was accomplished in 1971. As mentioned above, section 104 is intended to focus attention upon the practical effects of this provision, as enacted, upon capital formation by new, small and independent business.

The remaining subsections of Title IV of the bill have been renumbered accordingly.

Sec. 403. 10-year Carryover of Small Business Net Operating Losses: The section would extend the period and flexibility in use of loss carryover provisions for small business by allowing existing corporations to carry losses forward up to 10 years at their option. These 1971 and 1973 formulations are derived from the Administration's 1970 proposal, but with a more established definition of small businesses which are eligible.

Sec. 404. Accumulated Earnings: In accordance with the emphasis of this bill in growing businesses, this section would raise the permissible amount to $150,000 immediately, and adds a proposal that the Commissioner of Internal Revenue be given discretion to formulate standards by which expanding firms might qualify for a credit of up to $250,000.

The subsection of the predecessor bill on burden of proof has been retained so far as the application of Subchapter G, Part I procedure to proceedings in any court, not just the Tax Court. The portion of subsection 4405(b) of the predecessor bill relating to ultimate burden of proof has been omitted.

Sec. 405. Amortization of Certain Securities Expenditures: One of the most critical hurdles for a growing small business is selling its securities to the public. This section would allow the expenses of certain types of small business stock flotations, such as those under Regulation A and section 1244 of the Code, which are not otherwise deductible, to be amortized over a period of 60 months. A further helping provision in this vein would accord the same treatment for the expenses of an initial registration of a company's securities on a regional stock exchange. The 1973 bill specifies that this benefit would be available only to small businesses.

Sec. 406. Amortization of Research and Development Activities: This provision would allow research and development expenses to be amortized beginning at the time they are made, rather than waiting until the taxpayer "first realizes benefits" from these expenditures.

Sec. 407. Multiple Surtax Exemptions Under Single Family Control: In order to encourage opportunites for family ownership of business and eliminate discrimination presently in the law, this section would permit a limited number of surtax exemptions (up to 5) in the event members of a family are placed in proprietary positions where they have ownership of at least 50 percent of the stock, or other interest, and full time management of a separately incorporated unit of a family business.

TITLE V—PROVISIONS RELATING TO PARTNERSHIPS

Sec. 501. Guaranteed Payment to Partner: This section is designed to avoid double taxation of guaranteed payments from a partnership to a deceased partner. At present a partnership interest is includable in gross estate in full, and payments from the same assets may now be taxed as distributive income of a person now considered a partner under section 707(c).

Sec. 502. Closing of Taxable Year at Death of Partner: Additional flexibility in the affairs of the deceased partner would follow from this section, which would allow the closing of the partnership year for such a decedent at any of the following times: (1) normal close of the partnership year if there has been no prior sale, exchange, or liquidation of the partnership interest; (2) the date of any of the above-described transactions; or (3) the day after the partner's death.

Sec. 503. Termination of Partnership: This section would modify present section 708(b)(1)(B) which provides that a partnership will be considered terminated if there is a sale or exchange of 50 percent of the total partnership interest within a 12-month period. An exception would be provided for transactions among the partners themselves provided they have been members of the firm for at least 1 year.

Sec. 504. Limitation of Distributive Share of Losses: This section would amend section 752 to permit a partner to deduct currently his share of partnership losses in excess of the adjusted basis of his partnership interests, in the event that the partner is unconditionally obligated for his share of such partnership losses.

TITLE VI—PROVISIONS RELATING TO SUBCHAPTER S CORPORATIONS

Sec. 601. Increase in Number of Permissible Shareholders: This section would allow enlargement of the Subchapter S "tax-option" small business corporations in the following 3 ways: (1) initial shareholders could number 15, rather than the present 10; (2) shareholders in excess of this ceiling who take their stock by reasons of heirship would not disqualify election; and (3) after 5 years, the number of permissible shareholders would increase to 25, broadening possibilities for motivating employees by way of stock options and for infusion of fresh capital for the expansion. The heirship exemption is limited to the first generation heirs of original shareholders.

Sec. 602. Broadening Classes of Permissible Shareholders: The classes of shareholders would also be expanded by this section to include: (a) trusts where stock passes pursuant to a will, and where the trust is used merely to convey the stock to a long-term eligible holder within 60 days; (b) trusts where the entire income is taxable to the grantor; and (c) small business investment companies, subject to the elimination of the dividends-paid credit on such income.

Sec. 603. Termination by Majority of Shareholders: Under the present law, a new shareholder can void the Subchapter S election for himself, the corporation, and all other shareholders. Under the rule proposed by this section, a new shareholder would stand on the same footing as all other shareholders, and any 51 percent of the stock ownership could revoke the election.

Sec. 604. Termination of Election—Passive Income: This section provides additionally for nondisqualification of a Subchapter S corporation by reason of exceeding the limit of 20 percent passive income in a single year. The election privilege could still be lost pursuant to this proposal if the limit is exceeded in any 2 of 4 consecutive years.

Sec. 605. Termination of Election—Inadvertence: This section would relieve considerable pressure on small business corporations in the event there has been a termination of status because of events beyond its control. If the corporation is able to establish that the termination was, in fact, inadvertent and can gain full compliance within 90 days of notification, its Subchapter S status would be preserved for future years.

Sec. 606. Carryover of Losses: This section would equate carryover treatment of Subchapter S loans in excess of basis under section 1374(c) with those of partnerships under section 704(d). Thus, if the basis was rebuilt in a future year, the excess loss would become available as a current deduction.

TITLE VII—BUSINESS DEVELOPMENT CORPORATIONS

Sec. 701. Bad debt Reserves of Business Development Corporation: To encourage State and local development companies to extend long-term financing to non-bankable new enterprises, such companies would be permitted a bad-debt reserve deduction up to 10 percent of outstanding loans.

Sec. 802. Debt-Financial Corporate Acquiness Development Corporation: Since these institutions are in a unique position to foster community development by taking long-term risks with private capital non-recurring income of certain types would be insulated from tax upon the condition that the proceeds from such unusual transactions are re-invested within the area of service and no part of these proceeds inures to the benefit of any individual or private institution.

The section has the additional requirement that the companies to be benefited must not compensate any person performing services for it. The original section has also been liberalized to allow a period of three, rather than two, years for reinvestment in accordance with the long lead time in transactions of this kind.

TITLE VIII—PRESERVATION OF SMALL BUSINESS INDEPENDENCE

Sec. 801. Quarterly Adjustment of Estimated Tax: In the event corporations suffer financial reverses in 1 or 2 quarters, they cannot now recover amounts paid to the Federal Government in estimated taxes. This section would allow recovery of such amounts to the extent the newly estimated tax for the year is less than the amount already paid in. These readjustments could occur at each quarter.

Sec. 802. Debt-Financial Corporate Acquisitions: The objective of this section is to afford a practical means of discouraging mergers by disallowing interest deductions beyond $500,000 on any loan for acquisition purposes. It would be clear that financing through banks and other financial institutions, whether by a line of credit or otherwise, would be covered by this section, as well as debenture financing.

Sec. 803. Valuation of Stock of Closely-Held Corporations: A problem of disposition of any interest in a close-held business has been valuation. The present law provides for comparison only with companies listed on a stock exchange which are often more established than those which are not. This proposal would permit valuation comparisons with any similar company whether or not it is listed on an exchange.

Sec. 804. Extensions of Time for Paying Estate Tax: A new section 804 aims at administration of the estate tax which is more congenial to allowing closely-held businesses to remain in family hands following death of a major stockholder. To this end, it changes the standard of "undue hardship" (required to qualify for 10-year estate tax installments) to "hardship," which should be easier to meet.

Sec. 805. Amalgamation of Interests in Closely-Held Businesses: At present, under section 6161(d) it is required that a decedent own at least 50 percent of a business in order that its value be eligible for aggregation to meet the tests allowing installment payment of estate tax attributable to such business interests. This provision would make it easier for businessmen to qualify for aggregation by permitting addition of interests exceeding 33½ percent of a business toward the totals.

Sec. 806. Recommendations as to Preservation of Independent Small Business: The final provision would have the Treasury conduct a comprehensive examination of the converging pressures of income taxes, capital gains tax, reorganization rules, and estate and gift taxes which are causing so many small businesses to sell or merge out of existence rather than continue in independent form. The section calls for a report and recommendations which would improve the tax climate at this stage of the business life cycle for preservation of independent enterprises.

Technical changes: The title of the bill has been changed to reflect the current year, and other numbering, date, and technical changes have been made where needed.

Mr. BURDICK. Mr. President, I am pleased to again join with the distinguished chairman of the Senate Small Business Committee, Senator Bible, as a principal sponsor of the Small Business Tax Simplification and Reform bill of 1973.

When this bill was first introduced back in 1970, it was my pleasure to be the original cosponsor at that time. By the end of the 92d Congress, 23 Senators and other 78 Members of the House of Representatives had added their names to the list of cosponsors, and others had indicated their support of the measure by letter.

My observations are that the tax situation or family and farm businesses is worse in 1973 than it was in 1970. There were large tax breaks for big businesses in the Revenue Act of 1971. Costs of doing business have increased steeply in the past 3 years. In addition, the Federal Government itself is stepping up pressures on small business in areas such as new sanitation requirements, occupational safety and health standards, and the paperwork of related reporting.

The hearings in the House Committee on Ways and Means under the chairmanship of Representative Wilbur Mills have given us hope that something might be done in this field at long last.

Small business needs tax simplification. It needs tax reform. It needs enactment of legislation along the lines of this bill, which has been developed by Senator Bible over the past 6 years. I will do all I can to encourage consideration and enactment of this kind of meaningful tax relief for small business in the 93d Congress.

IMPLEMENTATION OF THE WIC PROGRAM BY USDA

Mr. PERCY. Mr. President, last June Senator Marlow Cook and I chaired a series of hearings before the Select Committee on Nutrition and Human Needs on the subject of maternal, fetal, and infant nutrition.

The evidence presented to the select committee underscored the crucial importance of adequate nutrition during pregnancy, both for the health of the mother and the life chances of her offspring. The committee also heard about the mounting of evidence concerning the effects of malnutrition or undernutrition during infancy on the mental and physical development of the child.

Finally, we learned of nutrition intervention programs in Memphis, Tenn., and elsewhere which had been successful in improving the nutritional status of preschoolers. These efforts relied on the USDA's supplemental feeding program for the foodstuffs distributed to the participants.

All our witnesses in one way or another suggested that the new special supplemental food program for women, infants, and children—WIC—held great promise for improving the nutrition and health of the target population.

This program provides cash grants to make supplemental foods available to pregnant and lactating women, infants, and children of up to 4 years of age. The mothers will receive food directly or vouchers which will enable them to buy fruit juices and fortified formulas and cereals for infants and extra milk products, fortified cereals, fruit and vegetable juices, and eggs for themselves and their children.

The USDA has announced the selection of 20 project sites, but many applications still await final disposition. Moreover, although the program was originally authorized for fiscal years 1973 and 1974—and we are already well into fiscal 1974—and although the USDA is under court order speedily to implement the program, not one single project is yet in operation.

This is a disturbing situation. I am sure no one is deliberately withholding duly authorized nutrition services from the target population. But I question the apparent lack of vigor in moving the WIC program forward. I know a number of my colleagues share this concern.

I urge the USDA to do whatever is necessary to move this program ahead as quickly and as effectively as possible.

EVERYTHING HAS A PRICE WEEK

Mr. STEVENSON. Mr. President, the week of November 11 in Illinois will be Everything Has a Price Week. Working with State and local officials, the Illinois Retail Merchants Association is using this week as an opportunity to call attention to America's fastest growing crime problem—shoplifting. The cost to Illinois alone has been estimated to be $800 million annually. Annual losses for the Nation are estimated to be $4.8 billion.

Over the past 10 years, shoplifting has increased at the alarming rate of 150 percent. It is hard to draw a single profile for a shoplifter. They come from all segments of our society, from both sexes and from every economic or social group. Fifty percent of the thefts, however, are committed by teenagers. Ninety-nine percent of the persons apprehended are found to have had enough money in their pockets to pay for the merchandise stolen.

The purpose of Everything Has a Price Week is to call attention to these facts and to highlight the personal price individuals pay when convicted of shoplifting, the cost borne by society and by our economy.

Mr. President, I want to commend the State and local officials and the Illinois Retail Merchants Association for this effort and add my voice strongly in support of Everything Has a Price Week.

ENERGY: WE ARE THE ENEMY

Mr. PERCY. Mr. President, the American people may not yet be fully aware of the magnitude of the problem of winter fuel shortages.

In September, we were warned that even in the best of conditions, our Nation's heating fuel supply would likely fall short of demand by a small amount. We were warned that shortfalls in supply would probably be worst in the coldest areas of the country.

That was before the outbreak of hostilities in the Middle East. Now, as a result of that war, the Arab countries have announced a near-total embargo on oil exports to the United States. Crude oil and refined petroleum products originating in the Arab countries accounted for approximately 12 percent of U.S. oil consumption, and about 6 percent of our total national energy needs, immediately prior to the Middle East war.

It is now clear that we in the United States face a serious shortage of energy for heating this winter. It is unlikely that sufficient supplies of oil and other fuels will be produced domestically or imported from non-Arab countries to make up the shortfall over the next few months.

There is only one solution for this immediate problem—energy conservation begins at home.

I hope that everyone who owns a home, rents an apartment, drives a car, runs a business, or works in an office or factory—in short, everyone who consumes energy—will begin immediately to conserve energy for the good of the Nation, as the President has requested.

This is a crusade in which every citizen can participate. Happily, while we are serving the national interest by saving energy, we can also save money for ourselves, and improve the quality of our environment as well.

Even before the President's urgent nationwide appeal, members of my staff and I had launched a full-scale energy conservation program to help demonstrate the benefits of, and the need for, "curbing the consumption compulsion." We are turning down our heat in the home and office, turning off our lights, using car pools and mass transit, and practicing a host of other techniques for saving energy. I hope every citizen will join us.

As we look around our Nation's Capital for new ways to conserve energy, one obvious source of high consumption is the ceremonial lighting on public buildings. These tremendous powerful lights have enhanced the beauty of the cityscape at night, and attracted more nighttime visitors to our national monuments and public buildings.

As beautiful as they are, the lights are excessive energy consumers in the face of a heating fuel shortage. More importantly, they are a highly visible symbol of a nation that consumes one-third of all the world's energy production every year.

If the lights are turned off during the crisis period, except where needed for safety, they will serve as an equally vivid symbol of a people determined not to be blackmailed from abroad, and united in the task of solving a serious national problem together.

As a result of the President's address this week, this lighting has been reduced. The administration is to be commended for this action. I hope that lighting can be further reduced, except where needed for safety, until the energy crisis is over.

EARLY ACTION NEEDED ON S. 2397

Mr. WILLIAMS. Mr. President, for most older Americans inflation is the No. 1 enemy.

Today rising prices continue to rob the limited pocketbooks of the elderly. As the cost-of-living soars upward, their purchasing power goes down—usually quite sharply.

The most striking example, of course, is the price of food, which has jumped by an astounding 20 percent during the past year alone. If the present pace continues for 1973, a new record will be established.

Rising food costs have affected all Americans, but the most devastating effect has been for the elderly. One major reason is because food constitutes about 27 percent of the aged's income, in contrast to 16 percent for all Americans.

The net impact is that far too many older Americans have been compelled to cut back on their food consumption, even though this may jeopardize their health. Others have found it necessary to rummage through garbage cans for food. And many have simply done without.

Older Americans do not need a Ph. D. in economics to tell them that the administration's economic policies have been a colossal failure. What they need now more than anything else is an earlier and larger social security increase to provide some means of protection from rising prices.

For these reasons, I have joined with the distinguished chairman of the Senate Committee on Aging (Mr. CHURCH) in sponsoring a 7 percent social security raise. This measure, S. 2397, would be a substitute for the 5.9-percent increase which would become operative in June 1974 under Public Law 93-66.

And, I am especially pleased that the Senate Finance Committee recently adopted the thrust of this measure as an amendment to H.R. 3153, the technical amendments to the supplementary security income program. Moreover, this new proposal would become effective upon enactment.

At the outset, I want to reaffirm my strong conviction to do everything possible to obtain early enactment of this urgently needed measure.

A recent article—entitled "Elderly Agonize Over the Prices"—in the Sunday Record describes in very human terms the impact of skyrocketing food costs in New Jersey for the elderly.

In addition, the nationally known columnist, Ted Schuchat, discusses the impact of inflation for older Americans.

Both of these articles, it seems to me, are very informative and merit the close attention of my colleagues in the Senate. Moreover, they provide further compelling reasons for early and favorable action on the 7-percent social security increase.

Mr. President, I ask unanimous consent that the articles—entitled "Elderly Agonize Over the Prices" and "Elderly's Cost of Living Around U.S. Noted"—be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ELDERLY AGONIZE OVER THE PRICES

(By Constance Rosenblum)

A few weeks ago, Kay Taynai got fed up trying to stretch her $163-a-month Social Security check over food prices that seemed to escalate daily.

So she and a friend headed to a place in Clifton that sells horsemeat, and she stocked up with 14 pounds—ribs at 75 cents a pound, shin meat at 69 cents, and hamburger at 59 cents.

"I figured I'd try it," the Garfield woman said matter-of-factly. "Being that everything's so expensive. And, you know, it wasn't bad. The hamburger, for example, I use for stuffed cabbage."

When the stock in her freezer runs out, she may buy more.

Not many of Bergen County's elderly are resorting to horsemeat. But those on small fixed incomes, particularly those whose only support is a Social Security check, are in despair over food prices. Far from being an adventure or simply a chore, grocery shopping is a painful obstacle course.

One elderly woman said, "I hate to go to the supermarket. Everyone looks so miserable."

Increased Social Security benefits passed last week by Congress aren't likely to make much difference. Under the measure, the average payment for a retired person would rise only $108 a year; a couple's check would contain only $192 more a year. In addition, the increases will not take effect until July 1974.

More important, however, is the discrepancy between the rise in Social Security and climbing food prices. The projected 5.6 per cent Social Security hike is less than half the food price increase over the past year.

According to the U.S. Bureau of Labor Statistics, food prices in the New York-New Jersey metropolitan area climbed 11.5 per cent over the 12-month period ending in May. The jump was the biggest in 22 years. Key items that rose were meat, poultry, and beef—up 20.2 percent, and fruits and vegetables—up 16.7 per cent.

On top of this, the Agriculture Department has forecast a 12 per cent hike in food prices for 1973, in spite of a 60-day price freeze and the promise of new controls by President Nixon.

With prices like these, a couple like Evelyn and George Mottram of River Edge don't get much for the $25 or $30 they spend for groceries each month.

The Mottrams get $270 monthly in Social Security. Out of this must come $91 in rent for their four-room cold-water apartment on Grand Avenue, $77 for loans and items bought on credit, $18 for gas and electricity, at least $10 for telephone service, and $6 for prescription drugs. There is also transportation and occasional doctor's visits for Mrs. Mottram, 63, who has a heart condition.

The small sum the Mottrams spend on food each month (last month's total of $33 was a record) doesn't go far, even with Mrs. Mottram's prudent shopping.

She couldn't tell you the last time she bought steak—or veal, lamb, or pork chops.

"I love pork chops," confessed her 66-year-old husband, smacking his lips. "But, my God, the prices!"

Breakfast is usually coffee and toast. Lunch is a salad, with lettuce, cottage cheese, vegetables, or tuna fish. Dinner may be a frozen TV dinner, chicken, spaghetti, or meatballs made with the cheapest ground chuck, with potatoes, beans, or other vegetables.

Like most people buying food on meager incomes, the Mottrams religiously watch for specials and sales. At the Two Guys on Hackensack Avenue where they do their monthly marketing, they also look for dented cans, day-old bread, and house labels.

Even so, shopping is a tricky business. When food prices began to soar, the Mottrams simply got less for their $30 a month.

"We just have less food," Mrs. Mottram said. "We have smaller servings."

She speaks with helpless resignation about the rising prices. Her husband thinks costs might drop a bit if enough people plant their own vegetable gardens.

Fortunately, the Mottrams have no serious medical problems that require a special diet, although Mrs. Mottram can't afford the small doses of Scotch whiskey her doctor recommends.

But for elderly people who need special and sometimes costly food, it's a major struggle to match small Social Security checks with substantial grocery bills.

A 71-year-old Fort Lee man suffering from Parkinson's disease and clogged arteries needs a salt-free diet that puts a sharp dent in the $275 he and his wife receive monthly in Social Security benefits.

"Salt-free bread is twice the price of regular, day-old bread," complained his wife, who asked to remain anonymous. "Salt-free butter is more too."

She clips coupons and searches for slightly battered fruit, which usually goes for a few cents off.

Women like her watch the daily highs and lows in the supermarket the way a careful investor watches the stockmarket.

"I saw six pounds of apples for $1.50, so I picked them right up," she reported. "But lettuce is 69 cents a head. So we don't eat lettuce." She never buys roast beef, strawberries, or ice cream. Milk is skim and powdered at 12 cents a quart.

Mrs. Amelia Krause of 72 Atlantic St., Hackensack, has a similar situation. A diabetic, she tries to buy the fish and sugarfree fruits her doctor suggests, but her $146 monthly rent takes a large chunk out of her $223 Social Security check. "How's a person going to live?" she demands.

Eighty-one-year-old Bertha Hilperts of Cliffside Park is grateful to a German background that taught her to cook well, but ingenuity doesn't lower prices.

"I used to buy good steak and lamb chops," she said. "Now it's just shanks of lamb. Even chicken is out of hand. Even string beans." She substitutes gelatin for fruit, eats bread without butter, and cooks every day.

Many don't, however, lacking either ability or incentive. For this group, apathy and rising food prices may combine to produce severe malnutrition. The 100,000 Bergen County residents on Social Security get an average of $175 a month in payments, a sum that's hard to stretch when items like rent are also spiraling.

"They suffer in silence," said Mildren Krasnow, who directs the county's Office on Aging. "A number weren't eating well before food prices started going up. Now there must be a major number who aren't."

Many fail to maintain the special diets their doctors urge, said Mrs. Krasnow, noting that Bergen County residents are within the section of the country where prices are highest. If malnutrition persists, she noted, sufferers tend to show such symptoms of senility as forgetfulness and listlessness.

Among the only specialized attacks on the problem are the few small programs designed to provide nourishing but inexpensive meals for the county's elderly.

One such program will start tomorrow at Englewood's Community House. Up to 100 hot lunches will be prepared daily at Englewood Hospital and transported to the Community House by the Red Cross. Residents of Englewood and 17 Northern Valley towns will be eligible for the program, which is heavily subsidized through a federal grant.

Tomorrow's menu includes roast beef, mashed potatoes, carrots, dessert, milk, and coffee. Lunches will be served every weekday and cost 60 cents apiece.

"You couldn't duplicate these lunches for that price," said Barbara Eisen, coordinator of senior citizen activities at Community House.

The lunch program, part of Community House's new senior citizen multi-service center, was planned two years ago, before the crunch in food prices.

"Even then there was a need," said Ms. Eisen. "But now it's tremendous. This is a very opportune time for such a project."

At the YM-YWCA in Ridgewood, a similar but smaller hot lunch program is underway, although the menu has been modified to provide cold dishes in the warmer months. Meals here are served once a week and cost 90 cents each—still a bargain, according to Helen Clark, assistant director of the YWCA.

Though the program was not started to meet needs generated by rising food prices, Mrs. Clark noted that supplementing the food budgets of the elderly is one of the program's goals.

ELDERLY'S COST OF LIVING AROUND UNITED STATES NOTED

(By Theodor Schuchat)

Uncle Sam has gotten around to estimating how much it cost three mythical retired couples to live in various parts of the country about a year ago.

The average annual budget for a retired couple living in a city ranged from $3,319 at a low level to $4,776 at an intermediate level to $7,443 at a higher level, according to the United States Labor Department.

These figures are for the late summer of 1971. They were obtained by updating Labor Department estimates for the spring of 1970. They are national averages.

Retirement living costs vary widely throughout the country, the Labor Department says. The lowest costs are found in small cities and the South and the highest in large metropolitan areas. Anchorage, Alaska, is highest, and Durham, N.C., is lowest.

CINCINNATI

Close to Durham at the bottom of the retirement living cost list are the Cincinnati, Ohio, area and Bakersfield, Calif.

For statistical purposes, the Labor Department's average retired couple is a husband, age 65 or more, and his wife. Both are self-supporting, in reasonably good health, and able to take care of themselves. They live independently in their own home.

Rural retirement living costs are not estimated. No budgets are estimated for single retirees, but the Labor Department figures it costs them 55 per cent of what it costs a retired couple to live.

That came to $1,747, $2,466, and $3,626, depending on their level of living—lower, intermediate or higher late last year. The higher retirement budget includes life insurance. The intermediate and higher retirement budgets include a car and payment of some income tax.

CONTRIBUTIONS

All three budgets include some gifts and church and other contributions. Housing accounts for about 40 per cent of all three budgets, even after allowing for a mortgage free home.

Food takes 30 per cent of the lower retirement budget but only 24 per cent of the higher one. Medical care costs 13 per cent of the lower budget and only 7 per cent of the higher budget. Transportation, however, rises from 7 per cent of the lower retirement budget to 12 per cent of the higher budget.

"These allocations do not represent how families of the budget type actually spend their money," explained the Labor Department. "Rather, they reflect assumptions made about the manner of living at each of the three levels."

Sen. Frank Church, D-Idaho, observes that even these relatively modest budgets are well beyond the means of millions of older Americans. He is chairman of the Senate Special Committee on Aging.

BELOW POVERTY

"More than 4.7 million fall below the poverty line," he points out. "If the hidden poor are counted, their numbers swell to 6.3 million." The Idaho Democrat says these updated budgets provide powerful and compelling evidence for major improvements in Social Security.

The Labor Department, however, says that its budgets are not intended to represent a minimum or subsistence level of living. It assumes that the family has, for each budget level, average inventories of clothing, house furnishings, major durables, and other equipment.

And the government statisticians assume that no illness or injury hits the retired couple's pocketbook more than an average below during the year.

The lower budget calls for $424 for medical care while the higher budget is only $5 higher for this item.

"New information on actual spending patterns will not be available until the 1972–73 Survey of Consumer Expenditures, now in process, is completed," explained the Labor Department.

ALARMED

Church has been alarmed because there was some likelihood that the Bureau of Labor Statistics may discontinue publication of budgets for retired couples.

After promising to issue the 1971 estimates, Labor Secretary James D. Hodgson wrote Church that a final decision has not been made on whether the bureau should continue to develop family budgets by the methods previously used.

He said a memorandum requesting opinions on this subject was sent to a group of college professors after the question was discussed with business and labor groups.

"My own view is that the budget serves a very useful purpose, and that they are very much needed as a guide to actual living costs of the elderly," Church said.

You can get a free copy of "Three Budgets for a Retired Couple" by writing the Office of Information, U.S. Department of Labor, Washington, D.C. 20210. Ask for USDL–72–296.

ARENA STAGE

Mr. PERCY. Mr. President, the Arena Stage Company of Washington, D.C., recently returned from a triumphant tour in the Soviet Union. During the 3 weeks that this very special theater group was performing in Russia, momentous events were occurring both here at home and in the Middle East, perhaps preventing the public from being aware of the wonderful events that were occurring simultaneously in Russia.

Sponsored by the U.S. State Department's Office of Cultural Presentations, the Arena Stage Company's performances in Moscow and Leningrad were the first presentations under the United States-U.S.S.R. Exchange Agreement. While disastrous and tragic events were taking place in other areas, a warm and wonderful exchange of culture and human understanding was under way in these two Russian cities. I feel that my colleagues, and all other Americans as well, should be aware, during this time of widespread dissatisfaction and disillusionment, of the small glowing light of success and happiness the Arena Stage Company has created. I ask unanimous consent that two recent news articles on the company's tour and recent return be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

ARENA COMPANY BACK FROM SOVIET SUCCESS

(By Louise Legue)

Unshaven, exhausted, but exhilarated, the Arena Stage Company arrived in Washington late last night after a 31-hour trip from Leningrad.

"I'm kissing the earth," said associate director Alan Schneider from New York's Kennedy Airport between planes. "It was absolutely the most fantastic experience of my life. The response was so terrific—it was like standing under Niagara Falls and letting the water rush all over you."

Seventy members of the company had spent three weeks in Russia under a cultural exchange program sponsored by the State Department, performing "Our Town" and "Inherit the Wind" in Moscow and Leningrad.

It was the first American dramatic repertory company to be so honored.

After their last performance in the Pushkin Theater in Leningrad the company took a four-hour train ride back to Moscow, boarded a Russian Aeroflot plane to Kennedy, and arrived right after the Leningrad Symphony Orchestra. They had no trouble with Customs and all immediately changed to a plane bound for Dulles Airport.

"We got 15-minute standing ovations in each town, and even in the streets, the Russians wouldn't leave us alone," Schneider said. "They followed us everywhere, talking to us, showering us with gifts, and trying to hang on to us any way they could."

Schneider denied reports that the Muscovites had found "Our Town" dull and had failed to understand it. "They were written by a reporter who doesn't know theater. There was some trouble with the sound system at first. The Russians were expecting our American theater to be all mechanization and sex, but we brought real human values instead. I've been in the theater a great many years, but I've never ever had a response like that."

(A report from a wire service said that the Arena performances seemed dull because all the parts were read in simultaneous translation in a single, flat female voice. But the State Department earlier had advised the cast that Russian interpreters always purposely read the lines without dramatization to avoid conflicting with the acting on stage. Russian audiences are used to it and their response is generally unaffected.)

Actor Howard Witt called the trip "day to day, moment to moment, the most fantastic experience ever. Even with the State Department briefings, we were constantly astounded. Nothing small ever happened.

"The only time we had to sightsee after the show, and every morning between one and three, the 70 of us walked freely around, talking to Russians and having a wonderful time."

Actor Robert Prosky, who played the lead in both shows, said he is now better known and loved in Moscow than he is in New York. "Even the old man who held the curtain for me to make my entrance—and he didn't have to do that—gave me books and records to take home. They threw flowers on the stage every night."

Prosky said that no official functions had been planned for the troup by the Russians until after the general populace had accepted the actors. "Suddenly, there were television interviews and receptions with the mayor. I even made a few extra rubles doing a television show, but I spent them all in Russia.

Prosky, too, mentioned the early morning walks in Red Square. "St. Basil's Cathedral, all lit up, was absolutely the most beautiful, incredible, theatrical thing I've ever seen.

"Moscow is really the perfect place for a group of actors, because the city has a long tradition of respect for the arist. We had a reception with some Soviet actors and one of them said to me: 'When an actor comes to Moscow, wherever he is from, he is home.'

"And he was right. It's a wonderful place to be, but it's even better to be home."

BACK FROM RUSSIA, WITH LOVE

(By Nancy L. Ross)

To hear producing director Zelda Fichandler tell it, Arena Stage's recent trip to the Soviet Union proved to be a "daily bombardment of love."

The visit was also something of a two-way street, with at least one member of the company bringing back unpublished literary work by a young Russion writer.

The first American repertory theater to tour that country, Arena Stage performed "Our Town" and "Inherit the Wind" under a cultural exchange program to packed audiences in Moscow and Leningrad. The players returned from their three-week visit Oct. 17 and last night gave a public accounting of it from their own stage.

One after the other, actor and lighting technician, director and wardrobe mistress told tales of extraordinary cooperation and kindness shown them by the Soviet people with whom they worked. There was Nicolai their driver who spent nine rubles, or 10 per cent of his monthly salary, to buy tickets to their productions. And Natasha, the chemistry teacher, who came to see them off at the airport.

There were the nameless matrons backstage who lovingly washed and starched an actress' wedding gown. And the little old lady in charge of the cloakroom who insisted upon staying until 4 a.m. when the stagehands finished moving the last piece of scenery.

Robert Prosky, who had leading parts in both plays, called the experience "overwhelming." He regretted not having time to sightsee. Indeed, his three weeks in the U.S.S.R. were spent, he said, "performing, rehearsing, sleeping, eating and crying. I don't usually cry easily," the actor added, "but I did there." And he cried recounting the experience. So did several others.

A striking contrast to the hour-long panegyric was provided by actress Diane Weist, who also had leading roles. Speaking about her love of freedom and her desire to do "my small bit to help actors who are suppressed," Miss Wiest told of her contacts with Jews and dissidents in the Soviet Union.

"You can never forget those eyes," she reminisced. "I am not as happy now as before my trip but I am certainly richer for seeing those eyes." She gave people she met gifts, mostly Hebrew literature provided by Jewish organizations in Washington, and received homemade gifts in exchange.

Miss Wiest also brought out of Russia six unpubilshed short stories by Samakh Shin. Newsweek contributing editor Leon Volkov, who was at last night's affair, said later he has offered the stories to Atlantic Monthly magazine. Volkov said that Shin is a pseudonym for a 24-year-old Russian printer who approached Miss Wiest during the tour and asked her to take the manuscripts to America.

The next American theater company, as yet unnamed, will visit the Soviet Union in 1975 under the auspices of the State Department's cultural exchange program. A Russian theater is expected to perform here in the 1975–76 season. In addition, both Mrs. Fichandler and Mark Lewis of the State Department urged more private non-governmental exchanges on a person-to-person basis.

The city of Washington will give Arena Stage an official welcome home Nov. 17 at a benefit peformance of "Inherit the Wind." A champagne-vodka reception, accompanied by balalaika music, will follow the performance on the troupe's home stage. Proceeds from the evening will go to Arena Stage.

THE NEW SUGAR PROGRAM

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Hawaii, I ask unanimous consent to have a statement by him printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Inouye on the New Sugar Program

On Thursday last, November 1, 1973, the administration unveiled a new sugar program for 1975 and years thereafter that would apparently:

(1) Eliminate the foreign country by country quota supply formula. It should be noted that approximately 40% of our needed supplies for east coast consumption north of Hatteras is presently supplied by 31 foreign countries.

(2) Eliminate payments to domestic growers.

(3) Tie the American sugar program to a "Target Price" and to the fictitious so-called "World Sugar Market." The so-called "World Sugar Market" represents about 8–10% of free market sugar and yet the new program would tie both the price and supply to that so-called "Free Market Sugar."

Obviously the largest consumer group in the United States, the industrial users, were not consulted prior to the announcement of the new program.

The new program is unworkable because:

(1) It is tied to the so-called—ill-termed—world price and supply, a supply that could properly be termed "derelict sugar"—sugar without a home.

(2) It failes to assure the largest consumer group, the industrial users—users of approximately 75% of all the sugar consumed in the United States—of sugar supplies as and when the industrial users want and need them, and I assure you that security of supply is the key to the industrial users insofar as sugar is concerned in the manufacturing of their products

(3) It would junk the most successful of the agricultural programs—the only agricultural program that has produced a profit to the United States government from its inception.

I most respectfully wish to advise the Department of Agriculture and the executive branch in particular that their new sugar program is doomed to failure, primarily because:

(1) It will not guarantee the largest consuming group, the industrial users, the sugar as and when they want and need their sugar.

(2) It will not guarantee the American consumer a cheaper price for their sugar.

(3) It would be a refiner's nightmare.

(4) It will eradicate the country by country quota system, a system that the foreign countries have come to rely on—31 of them—and depend on as an outlet to get U.S. dollars in order to purchase U.S. goods, the very essence for the existence and participation in the act by the foreign participants.

(5) The Philippine Trade Treaty is due to expire July 1, 1974. How can the Philippines hope to compete in the United States marketplace on sugar if a first come, first served program is introduced as a substitute for a program that has been in existence for three decades plus six years?

The Philippines is now the third largest supplier of sugar to the American consuming public. It takes six weeks for Philippines sugar to reach the eastern seaboard market. The Philippines, as foreign suppliers under the proposed program, would be doomed as participants.

I admonish the administration here and now that the unveiled new sugar program. The so-called "Peter Flanigan" plan is doomed to failure in the Congress of the United States because it is unworkable; it is a sugar broker's dream; and it is a plan that will ultimately mean a phasing out in my judgement of the U.S. sugar domestic producing industry, particularly the beet producers in the years ahead.

The United States needs a viable sugar program. It has one. If Congress tampers with it and accepts the "Peter Flanigan" plan, it will rue the day it adopted it.

I speak not as a representative of the Hawaiian sugar industry. I have not consulted them, nor have they consulted me since the announcement of the new plan, but if the plan as outlined in the Wall Street Journal of Monday, November 5th, is the plan, it is doomed to failure because I am confident that the Congress will reject it.

SOLAR HOME HEATING AND COOLING DEMONSTRATION ACT OF 1973

Mr. ABOUREZK. Mr. President, on Friday, November 2, Senator CRANSTON introduced the Solar Home Heating and Cooling Demonstration Act of 1973. In view of the energy problems we face today, legislation of this type is more than appropriate, and will hopefully be enacted soon. Senator CRANSTON's bill would authorize the Department of Housing and Urban Development to spend $50 million between now and the end of fiscal year 1980 to demonstrate the feasibility of using solar energy to heat and air-condition residential buildings.

The bill provides that the construction of demonstration facilities would occur in private residences in both rural and urban areas. This provision is an especially important one. More than 60 percent of America's substandard housing is in rural areas. Furthermore, it has already been clearly demonstrated that existing solar technology can be harnessed most efficiently in single unit residences. It would be foolish not to avail ourselves of solar energy in developing decent housing in rural areas.

I have been interested for quite a while in the potential of solar energy as a readily available alternative source of energy. It has always amazed me that while we have for some time been suffering with an energy squeeze which results from petroleum product shortages, agencies of the Federal Government have done little or nothing to try to find relief by developing and harnessing alternative energy sources.

Hopefully, Senator CRANSTON's bill will provide substantial stimulus for one of the most lethargic of those agencies, the Department of Housing and Urban Development. In his remarks Friday, Senator CRANSTON noted that—

> It has been estimated that up to 40 percent of the energy consumed annually in the United States is used for heating, air-conditioning, ventilation, lighting, and power systems in buildings.

In light of this, it is truly remarkable that in fiscal year 1973 HUD assigned "no specific amount of funding" to solar energy research and development, and requested no funding for those purposes in fiscal year 1974. While the administration has yet to announce its plans, it would seem unlikely that funding of HUD solar research and development activities will be requested for fiscal year 1975. If this is the case, Senator CRANSTON's legislation is all the more necessary.

Last May 31, I wrote to Secretary Lynn asking for information about the solar energy research and development activities of HUD. In August, I received a reply from Assistant Secretary Moskow which has led me to the conclusion that HUD has done extremely little, to date, to encourage Americans to take advantage of solar energy and thereby to relieve themselves of part of the burden of the "energy crisis." I ask unanimous consent that my letter to Secretary Lynn and Assistant Secretary Moskow's reply be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 31, 1973.

Hon. JAMES T. LYNN,
Secretary, Department of HUD,
Washington, D.C.

DEAR MR. LYNN: I am interested in the status of solar energy research and development activities with which your agency is involved. Would you be so kind as to provide me with the following information:

A. How much has been appropriated for solar energy research and development under the auspices of HUD for FY 73?

B. How much has been requested for this purpose for FY 74?

C. What approaches to solar energy research and development have been adopted by HUD?

D. Which approaches have been rejected? Please comment on the reasons for the rejection of these approaches.

E. What comments do you have concerning the feasibility, at present and in the near future, of large scale commercial application of solar heating and air conditioning units in buildings?

F. What research and development activities concerning solar heating and air conditioning of buildings will HUD conduct in FY 74?

Thank you for your assistance in this matter.

With best personal regards, I remain
Sincerely,
JAMES ABOUREZK, *U.S. Senator.*

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C., August 10, 1978.

Hon. JAMES ABOUREZK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ABOUREZK: Secretary Lynn has asked me to reply to your letter of May 31, 1973, concerning the status of solar energy research and development activities with which HUD is involved.

The information you requested is presented in response to your specific questions.

A. No specific amount of funding was assigned to solar energy research and development in FY '73. However, a contract of $40,000 was placed at California State Polytechnic Institute to evaluate the natural air conditioning for a single family residence by solar energy techniques throughout a total season and report on its function, design and effectiveness.

B. No specific amount of funding has been requested in FY '74, however, we intend to work closely with the National Science Foundation with the eventual aim of funding the demonstration portions of their solar energy research in housing.

C. HUD has not adopted any one particular system for solar energy, but is viewing many concepts to determine the most effective systems for residential construction. The general approach is to review the theory involved and follow it by a demonstration project to determine the validity of the theory and the practical economics of the system.

D. No approaches have been rejected at

this time. We wish to find out as much as we can about the systems which can be made available for use in housing as soon as possible.

E. As a result of the ever increasing energy crisis and the diminishing supplies of current fuels, locally or imported, solar energy requirements should increase to the point where large scale commercial application of solar heating and air conditioning units in residential construction will be required to meet the housing needs. Solar energy units may be used in conjunction with conventional systems, thus reducing the requirements of the conventional systems to a minimum.

F. The Department hopes over the next two years to construct several houses using various heating and cooling techniques in order to test and demonstrate the capabilities of the systems.

In addition, we are conducting an extensive evaluation of total energy in a demonstration project in Jersey City, New Jersey.

In conjunction with this evaluation, physical arrangements provide the capability to test experimental systems and components under actual operating conditions. Specific piping and structural provision will allow testing solar energy collections when sufficient technological progress has been reached.

I hope the above information is helpful to you.

Sincerely,

MICHAEL H. MOSKOW,
Assistant Secretary.

NEW CHALLENGES FOR THE SECURITIES INDUSTRY

Mr. WILLIAMS. Mr. President, on October 2, 1973, I introduced S. 2519, the National Securities Market System Act of 1973. As the fourth bill to arise out of the subcommittee's securities industry study, its introduction signals the imminent satisfaction of the Senate directive to the Subcommittee on Securities in 1971 to conduct a "complete examination, investigation, and study of all matters pertaining to the securities industry and securities markets of the United States with such recommendations for legislation as it deems advisable."

I believe that the series of legislation arising from this study will represent the most important revision of our basic securities laws since the 1930's. The securities legislation of the 93d Congress will shape the structural and regulatory features of the securities industry for decades to come.

The success of our legislative endeavors, however, necessarily depends upon the vigor and imagination with which the Securities and Exchange Commission administers and implements the objectives we prescribe. In this regard, I am extremely encouraged by recent SEC actions manifesting a clear determination to play a strong leadership role in the development and regulation of the emerging national market system.

Indicative of the new sense of administrative purpose is the Commission's decision to end the 200-year-old controversy over fixed commission rates. This action deserves the applause not only of the investing public, but the securities industry itself. In place of antiquated and uneconomical price-fixing, the securities industry will finally have the opportunity to serve investors under a rational and efficient system of competitively determined commission rates.

Undoubtedly much of the praise for the Commission's action on commission rates should be directed to the new Commissioners, particularly Chairman Ray Garrett, Jr. Recently, Chairman Garrett spoke in New York on the new attitude that will be required of the industry in an area of active competition. He painted in bold colors the inevitability of change and counseled a constructive, businesslike response. I believe Mr. Garrett best conveyed the spirit in which the goals of the Congress and the Commission may be achieved when he said:

> The important thing to bear in mind is that it is a time of exciting change and challenge for the securities industry in the United States. I would urge you to look upon the future in that spirit and to accept the fact that the SEC is not out to destroy the securities industry—I urge all of you to shake off any feelings of oppression or doom and get caught up in the excitement of what we are on the threshold of achieving.

Chairman Garrett also made clear that the SEC intends to keep open meaningful channels of communication and to stimulate a steady flow of industry ideas on the proper resolution of fundamental problems:

> In our mind, we are not proposing to do to the exchange community anything that would not be done to it one way or the other, probably in a less desirable fashion. But whether you believe that or not, our purpose was to stop arguing about what seems to be inevitable in the present structure of the industry and to start the countdown, hopefully stimulating constructive thinking rather than romantic fantasy.

I hope that Chairman Garrett's address will lead to constructive cooperation and coordinated planning in the securities industry. With the leadership of the present Commission, I believe we are at the threshold of an era of true reform and progress for our Nation's securities markets and thus of increased service and protection for the investors who use these markets.

Mr. President, because of the significance of Chairman Garrett's remarks, I ask unanimous consent to print them in full in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

NEW CHALLENGES FOR THE SECURITIES INDUSTRY

(By Ray Garrett, Jr., Chairman, Securities and Exchange Commission)

Mr. Chairman, Ladies and Gentlemen. One of the hazards of my present job, I have discovered, is the temptation to accept speaking engagements both too soon and too close together. When I used to watch my predecessors from my comfortable quarters in Chicago, I made a resolve with respect to each one of them that if I ever became Chairman of the SEC, I would not be running around talking so much—especially before I had anything to say. Resistance to pleasant temptation, however, is not one of my stronger traits, and I find that I am as guilty as the rest of them.

It isn't just the temptation to talk too much that is dangerous. It is also the temptation to make news either through some profound policy statement or something exciting. Both of these are rather easy to do if you do not care too much about the results. With a little effort I think I can be profound once a week but to do so without being repetitive, would result in enormous confusion. It is even easier to be newsworthy by being exciting, such as through saying something very careless or stupid. So although headlines are fun, I try to avoid either too much profundity or too much carelessness.

The things I have to say tonight may not strike you as newsworthy on either ground, but I do think there are some interesting things for us to be talking about.

I am told, and I can observe, that this group is somewhat younger than other collections of industry leadership, and it seems like an appropriate time to talk about the future. One of your number recently observed to me that in the securities industry short-range planning is worrying about this afternoon and long-range planning is when you worry about tomorrow or the next day. However true this might once have been, it seems clear to me that it is not true at all today. I see much evidence of long-range, constructive thought and planning, and that is what I would like to talk about.

Last September 11th, at the same time that we revealed our non-objection to the New York Stock Exchange's proposed increase in fixed minimum commission rates, we stated that we proposed to take whatever administrative action should be necessary to cause the fixed minimum commission rate system to be eliminated by April 30, 1975, with an interim step to be effected after March 31, 1974. I strongly suspect that most of the instant rejoicing at that time was directed toward the unconditional increase permitted for six months with somewhat lesser attention paid to what we proposed should follow. In the spirit of that time, and to some extent even of the present, it was wholly natural that members of the securities industry should rejoice at the prospect of immediate increased revenues while postponing worry about the drastic changes that will come later. It has also led to speculation that we didn't really mean it, or if we did, could probably be talked into changing our minds before anything too terrible happened.

In our mind, we are not proposing to do to the exchange community anything that would not be done to it one way or the other by somebody or other, probably in a less desirable fashion. But whether you believe that or not, our purpose was to stop arguing about what seems to be inevitable in the present structure of the industry and to start the countdown, hopefully stimulating constructive thinking rather than romantic fantasy. There is good evidence that such thinking has already begun, but only begun because I think that a realistic vision of an unfixed world comes rather slowly to most of you that have spent so many years in another system.

For example, we get questions as to whether, when commissions have come unfixed, a given firm will be permitted to post different rates in different parts of the country. That sort of question indicates the fundamental misconception. Our proposal is to take the Commission and the Exchanges out of the rate fixing business. When we are both out of the rate fixing business, individual firms will be able to post any rates that they can sustain under the antitrust laws. I suggest that many of you had better start spending more time with the antitrust partners in the firms that give you legal counsel. You will be faced with the same sort of problems that confront other companies that market a product on a wide scale in close competition. It will be necessary to avoid both the reality and the appearance of so-called predatory pricing, and you will have to discover through experience with the free effect of competitive forces whether your industry can live with price competition, that is to say, whether one large firm can long sustain a price schedule that is substantially different from that of its most immediate competitor. You will have to learn whether different types of clientele and different combinations of services will sustain different price levels. You will also have to decide to what extent your own commission rates are to be negotiable. It has been a confusing misuse of terms to refer to unfixed commissions as negotiated commissions. This term made sense when fixed commissions were removed only for orders above $500,000 and then above $300,000, but it is wrong to use the term negotiated to refer to all commissions in an unfixed universe.

I cannot imagine, for example, that any firm with many branch offices would permit registered representatives or even branch managers to negotiate commissions on a 100 share trade if only because of the madness that this would create for the poor computers. On the other hand, I suppose that somewhere in the total pricing structure there will be a negotiable area, with authority to negotiate delegated to a certain person or certain persons. Whether the negotiable area will be designated entirely in terms of dollar magnitude of the order or on the nature of the customer and the services used by that customer—and whether the latter basis for designation will stand up under the antitrust laws—is something that you will have to discover.

That is the kind of discussion and thinking that is going to be fruitful for you in planning for the unfixed world of 1975. But there is more than just that to prepare oneself for that dread date. Some commentators have stated that the removal of fixed commissions on April 30, 1975 will mean the death of the securities industry as we know it. Such a statement obscures the fact that the industry as we have known it is dying anyway in the sense that radical changes are taking place and cannot be stopped. They can only be brought about in a constructive way. In this sense, we have not said that on a specific date eighteen months from now there should be a securities industry exactly as we have it now except operating without the fixed commission rate umbrella. The Commission's decision to end fixed rates is based on a number of facts, not the least of which is the realization that the markets of the future, no matter what we do in the rate area, will surely be radically different by 1975. Tonight I would like to explore with you some of the ways in which we see the market becoming different. And I should add that it is becoming different not just because of governmental action, whether administrative or legislative or judicial, but because of changes in the technology available for the conduct of business, changes in both the domestic and world markets related to securities and money, and increasingly imaginative thinking on the part of many members of the industry itself.

The direction of the cumulative changes is usually referred to as a central market system. It is easy today to get agreement among industry leaders that we are headed toward such a thing. There is difficulty, however, in getting agreement as to what its components will be, how we should get there, and particularly, which component should come first on the priority scale.

Let me suggest what I believe is generally agreed to be the components of the central market system and then spend a few minutes talking about some of the obvious areas of disagreement.

I think it is generally agreed that a sound central market system will involve multiple market-makers in different market centers of the country, all in electronic communications so that there will be a composite tape reporting on a real-time basis and in proper sequence all transactions in securities covered by the system, and a quotation system which will provide all members of the system with current information at any given moment as to the state of the bid and ask in several markets. It will be supported by a nationwide depository system with regional clearing and regional depositories in major financial cities. It will also provide all members of the system with access to efficient back office facilities, either on a single nationwide basis or by means of cooperative or contract back office services. The availability of such facilities should reduce, if not eliminate, the cost efficiency differential among all broker-dealer firms, large and small. This is a desirable feature if smaller firms are to remain competitive in a universe of unfixed commission rates. Such a central market system will take maximum advantage of available modern technology to provide liquidity and continuity and depth on a broader scale than we have ever known before. In the course of time it should be compatible with an international system that will link together all of the securities markets of the free world.

Now where are the disagreements in achieving this shining goal? Let us start first with the disagreements about some characteristics of the system. In its White Paper of last March on the Central Market System, the Commission viewed the central market system as including all of the registered national securities exchanges plus so-called third market firms. The third market firms would be members of the system, and pay certain user charges for that status, but would not be required to become members of any securities exchange. We thus envisioned competition through the central market system between the specialists on the several primary and regional securities exchanges and the third market-makers. This has led to serious disagreement with the New York Stock Exchange.

One reason is that we have not agreed that third market market-makers in the central market system should be denied the ability to deal directly with institutional purchasers. You will recall that for some years now the specialists on the New York Stock Exchange have been forbidden—by Rule 113—to take orders directly from institutional customers. They can only take such orders from other member firms. The New York Stock Exchange wants equal treatment for specialists and third market market-makers if they are to share in the central market system. They argue that unless this occurs the central market system might soon degenerate into a dealer market, over-the-counter style, rather than the auction market as we have known it on the exchange. They further argue that if Rule 113 were eliminated some major firms have stated that membership on the NYSE would no longer be interesting to them and they would go "upstairs" to become third market makers themselves. Thus their suggested solution is to apply Rule 113 to all market makers competing in the system.

The Commission, on the other hand, has expressed the view that the need for such rules is much less apparent in a system of competing market makers without a dominant specialist, and it has suggested the possibility that the rules be repealed when the regulatory need that prompted their adoption ceases to exist. We have also pointed out our difficulty in agreeing to a determination that requires an institutional customer to utilize the services of a broker whether or not in his judgment he needs such services. In fact, we wonder whether such rules would have any effect under a system of competitive rates, which would permit easy circumvention of the prohibition by permitting an investor to negotiate directly with a market maker and then paying a nominal commission to a broker for nominally participating in the trade. Regardless of what you think of these arguments, I think you can agree with me that the debate has not ended.

The ongoing debate has also involved questions of priority. For example, the view has frequently been expressed that prior to implementation of the composite tape it would be desirable, if not essential, that a set of equal or at least comparable rules be applied to all markets that will be reporting on the tape. We have not been insensitive to these views and in fact have stated that it may well be possible for a good many of these regulations to be fashioned before the tape commences operation, although we have not agreed that these regulations are an essential prerequisite to such operation. The New York Stock Excchange has taken a constructive step by preparing a document which sets forth the major areas in which it believes greater uniformity among market centers must be imposed. This paper is a useful check list and can help expedite our work in coordinating the formualtion of appropriate rules for all market centers in the system. In this area, too, we look forward to continuing give and take.

Meanwhile, there are exciting developments in the area of processing securities both in clearance and in depository arrangements. It is not too much to hope that within perhaps a year there will actually be in existence such a national clearing system based upon the National Clearing Corporation of the NASD and the Stock Clearing Corporations of the several exchanges, including the arrangements recently announced by the Securities Industry Automation Corporation.

There are of course even more imaginative persons some of whom have published their ideas and who should be well known to you, who think that even this concept of a central market system is too shortsighted. They imagine, in addition to centralization and unification of the mechanical facilities for trading and clearing in securities, a reduction in the number of governmental and self-regulatory bodies having responsibility for supervision of the securities industry. It has been suggested by responsible people, for example, that a new entity of a quasi-official sort should be created, to take over the functions of SIPC, NASD, the various securities exchanges and all of the stock clearing and depository arrangements plus the market regulation activities of the SEC, all in a single package—resembling various aspects of the Federal Reserve Board, the FDIC, our present SIPC and COMSAT as well as the NASD.

Some of these ideas are designed, or would at least result, in the restructuring of the securities industry in a fashion that might provide a sound basis for a so-called public utility approach to the securities industry and its rate structure. I do not know whether many of you would really prefer to be engaged in a true public utility-type industry if given a choice. It would require among other things that the components of the industry be sufficiently concentrated in brokerage activity as to facilities and expenses and revenues so that a reasonable approach can be made to estimates of revenues necessary to cover costs plus reasonable return on capital. This is certainly not true of the industry today. Such a system could never resemble our electric or gas utility rate making, where a different rate is established for each company in the industry. It would probably more closely resemble telephone, airline or railroad ratemaking, and I don't know whether contemplating this fills you with real enthusiasm for the idea or not.

A recent proposal, wherein a Federal Reserve-type supervisory authority could be set up to govern the execution function alone, leaving the rest of the services provided by brokers to be compensated on an annual flat fee basis, also has stimulated interest. Although this has the advantage of removing the conflicts, actual and psychological, of the system of compensation by transaction, it still leaves the problem of allocation of costs and reasonable return.

This flow of ideas is healthy and necessary if the industry is to thrive and prosper. We are not willing to reject any of these suggestions without carefully considering whether they offer the prospect of a meaningful and appropriate structural overhaul of the securities business. Almost without exception, I have been confronted with the question whether our receptivity to these theories means the Commission is less than completely committed to our conclusion that fixed rates must fade away on April 30, 1975. My answer is no. Our conclusions concerning an appropriate framework for the elimination of fixed commission rates, however, were developed in the context of the structure of our securities markets prevailing today. Factors such as individual member firm profitability, or lack thereof, will not prove a persuasive argument for those seeking to have us abandon or delay the clearly-defined course toward competitively-determined commission rates we have charted. On the other hand, it is not inconceivable that if a major alteration in the industry's structure, if palatable to all concerned, including the Congress, can be found—as opposed to mere changes in member firm profitability—our conclusion on fixed rates might warrant another look. Of course, such a restructuring would necessarily involve architectural revamping far more drastic than our present working blueprint for a central market system.

The important thing to bear in mind is that it is a time of exciting change and challenge for the securities industry in the United States. I would urge you to look upon the future in that spirit and to accept the fact that the SEC is not out to destroy the securities industry. It has in the past and may well in the future thought it necessary to cajole, needle, and even push and shove various components of the industry toward a realization of what the future must bring. This is not done because we have thought or do think or will think that the securities industry of the United States is a collection of evil people to be harrassed and punished. While enforcement and punishment is an unavoidable part of our duty, our total objective, and yours, is the public interest and the interest of investors of the United States. The maintenance of our capital system, the preservation and encouragement of growth through the access of new and smaller companies to reasonable equity markets are all essential to that public interest and the interest of investors. It pleases me greatly to become familiar with the ever growing hard thinking and work in planning that your industry is providing for itself and for the public interest in these times. I urge all of you to shake off any feeling of oppression or doom and get caught up in the excitement of what we are on the threshold of achieving.

TRIBUTE TO EDWARD H. LEVI

Mr. PERCY. Mr. President, the seventies have seen difficult times for higher education, as institutions across the country face rising costs, dwindling enrollments, mounting deficits and increasing ambivalence and uncertainty about future direction and purpose. In its final report the Carnegie Commission on Higher Education warns that:

> A new generation of leadership is required if higher education is to design its future and not merely live within the framework that others will have built for it.

A man who personifies such leadership is Edward H. Levi, the president of the University of Chicago. Under Dr. Levi's resourceful leadership the University of Chicago has exemplified continued vitality, a clarity of purpose, independence, effective governance and a dedication to academic excellence.

My colleagues may be interested in the remarkable story of Edward H. Levi at the University of Chicago. I ask unanimous consent that an excellent Chicago Sun-Times article on Mr. Levi be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Chicago Sun-Times, Oct. 21, 1973]

THE CASE FOR ACADEMIC ARROGANCE

(By Roger Simon)

Through the V formed by the black wingtip shoes propped up against the desk in front of him, the president of the University of Chicago was barely visible. Edward H. Levi slouched deep in his chair, spoke quietly:

"A great university is not like a talking dog. With a talking dog, everyone is so amazed it exists they don't care what it says. The significance of the University of Chicago is not just that it exists in these times, but that it is saying something worthwhile."

Levi is the eighth chief executive of what he calls one of the last great universities in existence. He is a man at the top of his profession, a man described variously as "cold . . . calculating . . . difficult . . . intimidating . . . relentless . . . frightening . . . devastating . . . impersonal . . . and downright nasty."

Those words come from his friends, who credit others with making the appraisals—"Now some people think that Levi is . . ." or "Some dissidents believe that Ed can be . . ." or "The students feel that Levi is . . ."

But Levi is known as a warm and affectionate colleague, a man of deep humor and compassion despite an arrogance and pride—words, not surprisingly, he used to describe his university.

"We are self-destructive and critical, but there is also our arrogance and pride. We are unique, the most unique university in the U.S.

"I find it incredible . . . that high-school students on the North Shore think that the University of Chicago is really the Circle campus . . . but I don't think that we should be surprised about ignorance," Levi told the school newspaper. "I feel we should be grateful for the little amount of wisdom there is around the country."

Of course there is a difference between the University of Chicago and such schools as the Circle Campus of the University of Illinois. And the thought that everyone doesn't know that is sometimes more than the folks on the Midway can bear.

The difference between Chicago and other schools is expressed in three main areas: the university's relationship to the outside world, the relationship of research and teaching, and the university's mood, a special milieu that is firmly believed to be one of the university's greatest strengths.

"Well, it's not that it's a monastery here," said university provost John T. Wilson. "Many of our departments have to deal with real problems, but not in the modern sense of relevancy. We don't sell our services to the world. A university should not be the place to solve the world's problems."

That would be heresy to most universities. The University of Illinois, for example, is enormously proud of its cooperative extension program that provides advice and service to every county in the state, agricultural advice in rural areas and such things as nutritional programs in the urban areas.

That is just one program of "relevancy." Universities across the country are intensely involved in programs addressing directly the problems of poverty, crime and pollution—to name a few.

While the University of Chicago believes those are good things to wipe out, it is not the university's prime concern. "Our concern," said Wilson, "is maintaining an intellectual base in the country."

There is some internal conflict, now under study, at the university, because the campus does contain professional schools designed to produce people for specific jobs. But even these schools take on the particular University of Chicago flavor.

"Our professional schools are faculty-research oriented," said Walter J. Blum, a law professor. "That doesn't mean we don't teach kids how to be lawyers, but that has never been our emphasis."

The professional schools exist chiefly to explore and research the deeper questions of their crafts, and the university prides itself that it is a "teacher of teachers," that a large number of its students become college professors and continue their research and exploration.

"Other schools have ideas that are so different than ours," says Levi. "They believe research shouldn't be pure research, but applied research—controlled. People believe if you pour enough money into something you'll get a desired result—the Sputnik theory. People have ceased to believe in the importance of discussion and have decided that knowledge and inquiry are harmful."

The second difference involves the relationship of this research to teaching. At many schools, the research and teaching are separated and compartmentalized. Levi is striving to break down those walls at his university.

The university was founded on the principle that while it was primarily a research institution, there is no conflict between research and teaching, and out of that belief the campus was founded as a university rather than just a college. It is one of Levi's beliefs that the teaching process is an aid and an actual facet of research.

"Whitehead once said, 'knowledge is like fish; it must be kept fresh,'" Levi said. "Students have to realize that what is being discussed in the classroom is in the process of being thought through. That is not inconsistent, but it is rather the essence of undergraduate teaching."

"When you say this is a research university—which it is, which it started out as—that is not something separate from learning. The discovery of subatomic particles is not something to keep away from undergraduates.

"Students are not only taught by faculty. The undergraduates don't realize that in the classroom they are sitting with graduates, also. They don't find that unusual, but at other institutions things would be rigidly defined. The so-called elementary course, in which Herr Professor lays down preliminaries, is something I don't have much admiration for."

Essential to this, of course, is to have senior faculty members, those actually doing the research, also teach. This is a task many universities allow faculty veterans to duck, but not at Chicago. One of Levi's main accomplishments, his colleagues say, has been increasing pressure on senior faculty members to teach.

"This is what was happening in the '20s and '30s," said Leon Jacobsen, dean of the division of biological sciences. "This is why I call what Levi is doing a renaissance. It is a movement back to the '30s and before."

And this renaissance describes the third difference, the mood of the university. "Most of Mr. Levi's predecessors have had comparable views, but the milieu, the climate, have the atmosphere has changed from Hutchins on up," says Blum, the law professor. "It's primarily there that Levi's changes have been found."

And along with the renaissance—the restatement of the old goals—there has come with Levi the logical turning inward which must accompany it. The university is there neither to save the world or the neighborhood, but to save itself, and in so doing "maintain the intellectual base of the country."

"One of Levi's important strengths is to view the university as an institution, as a whole, all striving toward a goal," Blum said. "If the faculty does not have an institutional commitment, little dynasties grow up and it's very hard to unseat them without an explosion."

Levi has been at work breaking down the little dynasties of the university, and according to two administrators, has set to work in reducing the autonomy of department chairmen.

He is striving for a coherence, for only with that can the university decide how it can save the past while entering the future. All aspects of the university—all changes—are examined in relationship to the university as an institution, and it is then decided whether those changes fit the institutional goal.

"Levi creates a presence" says Robert B. Uretz, deputy dean of the division of biological sciences. "He articulates our goals, the goals of a great private university. He determines our mood and direction."

And the direction, the path, is not an easy one. There is a story that Levi tells which his colleagues are fond of quoting:

Emperor Constantine wanted to rebuild the decaying structures of Constantinople and ordered that architecture be taught in the schools in order to produce men to save the city. But the city, which had been designed by the old architects, continued to crumble and by the time the new architects were ready, no one cared anymore and there was nothing left to save.

The lesson is clear. In satisfying the short-term needs of society you often end up by curing nothing, because needs and moods change. What Constantinople needed was men of vision, men—the moral implies—of the kind that the University of Chicago is producing.

The words of Levi are the words of the university; his ambitions are its ambitions, his failings—its failings. He is now and past. Through him the old tradition established by William Rainey Harper is alive and well in 1973 and the word "renaissance" is used without embarrassment to describe what he has done. "I believe," says Roger H. Hildebrand, former dean of the university college, "that Levi is the most brilliant president since Harper—and I guess that's not a very gracious thing to say since we have living presidents."

Ungracious, perhaps, but a much repeated comparison. Later that day, Levi would be compared favorably with Enrico Fermi.

Levi has never been far away from university influences. He was born June 26, 1911, in the university community, then a neighborhood of large houses and quiet streets, a neighborhood of prosperous German Jews where one could live in comfort and nourishing intellectual climate.

From age 5, when he entered kindergarten at the university laboratory school, to 1932, when he received his bachelor of philosophy degree, Levi was never separated from the University of Chicago system. He left the fold only once, when he went to Yale University for a higher degree in law, receiving that in 1938.

He was already an assistant law professor at Chicago when he went to Yale (clearly an interruption, not a striking off to greener pastures) and in 1950, at the age of 39, he became dean of the law school. That was the year that Robert M. Hutchins left the university after 21 stormy years as its president and chancellor.

Hutchins had taken over the leadership of the university in 1929 and at the age of 27, the youngest chief executive ever to be named to run a major university. Under him the university had undergone a brilliant invigoration during which money was spent freely in an atmosphere of intense academic freedom and outspokenness.

He was succeeded by Lawrence A. Kimpton, and the university entered a period of retrenchment. A decision was made to remain in Hyde Park, an area that had been steadily disintegrating since the early 1940s. Landlords cut up large apartments to make more money during the housing-short war years. If the university was aware of what was happeneng, it did nothing.

By 1950, whites began to leave Hyde Park in large numbers. Over the next six years, 20,000 whites left the area and 23,000 nonwhites moved in. The racial population changes from 6.3 per cent black to 36.7 per cent.

"It was the problem of the City of Chicago," said Levi, with a wry smile. "I guess some people thought it was time to move to the suburbs."

And then came the threat of a death blow—the faculty began to leave. "I was trying to convince a medieval historian to come to the university from Oxford, and he was shocked," Levi said. "He said that asking him to come to the Midwest was bad enough, but Hyde Park was too much."

The university didn't leave for the suburbs. It stayed and started a program of investment and renovation of the community (headed by Levi's brother Julian), a program that is still embroiled in controversy today.

Along with neighborhood deterioration came an erosion of funds. "The university was considered very radical at that time and we had a hard time getting money," Levi remembers. The pressure for new sources of money resulted in an ever-increasing dependence on government funds, and an uneasy awareness that such a course threatened independent academic research and the very foundations of the university as set forth by William Rainey Harper.

"I would like to think that our approach on staying (in Hyde Park) was like our approach on the sit-in," Levi said of the two-week student protest in 1969. "There are values to be maintained. We are not bought and sold and transformed by that kind of pressure. Maybe it's a losing game. I don't know."

Levi and the university are committed to the theory that reason is the indispensable tool for mankind's survival and well-being, and that the university exists to increase the intellectual understanding and powers of mankind. And that is all that it exists for. It is not here to develop manpower resources—to create your nuclear scientists, or architects. It is not here to increase the earning power of its students, or develop inventions for industry, and it is not here to be a redevelopment agency for the South Side of Chicago.

And while the students and faculty might individually have social and political commitments, the purpose of the university is intellectual, not moral.

And if you don't like it, so goes the university's and Levi's position, there are other universities people can turn to, but there is no other really great university.

That is Levi's renaissance program: the reviving of the basic program of the university, the restatement of basic goals, the refitting of a theory advanced in the 1890s to the world of the 1970s.

"I never lose sight of the fact that someone in my division is doing plant physiology," says Uretz. "And my responsibilities are just as important as curing cancer. If I lost sight of that I'd be in trouble with the president of the university."

It seemed so right to hear these things under the oaken beams in the dining room of the Quadrangle Club where, between spoonfuls of rice tomato soup, are heard the click of billiards being played by the professors in the next room.

It seems right until you try, later, to explain the University of Chicago, and someone asks you, "Do you mean this guy is saying some goddam marigold is as important as curing cancer?"

Levi is the chief defender of the faith and the leader who has held out over the years against public sentiment and government dollars—what he calls "short-term action problems." He has held out, fearing that the university would backslide and become like the other universities and, in so doing, join what he calls, "that great celebration of mediocrity."

Things can be done at the University of Chicago that at other institutions would be considered frivolous and unimportant. The university lists with no small pride the nearing of completion of the Assyrian dictionary, begun in 1921, which will comprise 21 volumes. And if you ask Levi which is more important, the first sustained atomic chain reaction by University of Chicago scientists, or the Assyrian dictionary, prepare yourself for a shock.

Levi's great strength has been to preserve the past with the skills of today, one of which is his considerable managerial ability. In these times of rampant cost increases, he held the 1970–71 budget to a 3.6 per cent rise over the previous year and the 1971–72 budget to an even smaller 1.5 per cent increase. That compares with the 1960–1971 period that saw a 165 per cent budget growth.

Equally significant is the decline in federal funds received by the university, from 29.1 per cent of the total budget in 1969–70 to 25.3 per cent in 1971–72. The difference is made up by money from other nongovernmental sources. Levi who raised $160 million from 1965 to 1968 is about to kick off a 10-year $250-million fund drive.

Levi does not "glad-hand" the money givers, does not promise to name buildings after them or necessarily even do what they want with the money. "We make the assumption that people with money actually do want to do good things with it and not really build monuments to themselves," Levi said. "The university is the trustee of an important human endeavor, and that is important not only to us but to others as well.

"We don't give honorary degrees to make money and we don't raise money by inviting people to football games."

And the university never sells out its principles to gather money, says Levi. In fact, it frequently turns down money. He sadly described a program designed by the university, the Woodlawn Organization and the Board of Education to open schools in the Hyde Park area after hours to teach students, using community people as instructors.

Foundation money was lined up, but the foundation said it would give the funds only if the program was reshaped to teach values of the free enterprise system.

"I told them I was terribly sorry, but that I wouldn't touch it with a 10-foot pole," Levi said. "The program would have been a fraud and everyone in the community would have known that."

Foundations and the government are making a terrible mistake in granting their funds, says Levi. "The trouble is they say, 'Here is the result we want. Hire the faculty and get us the result.' That is a complete misreading of intellectual work; that is not how discoveries are made.

"They say work on pollution, but what the hell does that mean? What kind of pollution? We have to ask the right questions before we can find the right answers. You don't sit Dr. Land down in a room and tell him to invent the Polaroid camera."

The Regenstein Library, built in 1970 at a cost of nearly $20.5 million, is not looked upon as a monument to the university's ability to gather money to build great buildings, but as the key to scholarship. Levi describes Regenstein as one of the university's great accomplishments because it provides the facilities for basic research, which is absolutely necessary to keep and attract top faculty.

The university's commitment to research and reason is not only seen by some faculty members as being challenged from without but, in past years, from within.

And those who really knew the university were not surprised at the university's reaction to the sit-in of 1969. For 16 days Levi did nothing visible when students occupied the administration building. He just moved his office elsewhere.

But he gathered the faculty and deans and kept them in almost constant meetings and communication. Again, without taking presidential action, believing that the university's great strength lay in its faculty, he persuaded them to take the responsibility.

Eventually 43 protestors were expelled and 81 suspended after the demonstration petered out.

It should not have been a surprise. A demonstration of this type was not just a blow against the university but, Levi believes, against the powers of reason, to which the university was dedicated. It was a gut punch.

"I've never really talked about it before," Levi said in his office. "But I think it was a shock to many that we took it seriously. Some universities believe in rational discussion. Most don't. They believe in manipulation, power structures and leverage."

For Levi, neither the sit-in nor the demonstrators' demands amounted to a rational approach, yet the sit-in did leave lasting impressions, not the least of which was a continuing strain between Levi and the students.

"Some myths die hard," said former dean Hildebrand. "Some imagine that the expulsion of the students was Levi's big triumph and that it made him, but as usual he forced the deans and the faculty to take the responsibilities."

"Students are a little afraid of Levi," said Hildebrand. "They ask a question and he comes back with a terribly penetrating counter-question. The Maroon (the student newspaper) will say he is remote, inaccessible and cold, but that is understandable. To develop a close relationship with him, you must lucidly stand up for what you believe in."

There is the further feeling, among students primarily, that Levi, either by scheduling or personality, is inaccessible. "He's a very private person," said Uretz, the deputy dean. "You don't visualize him as one of the boys."

"Students think highly of him, but he's so smart that you've got to be articulate to deal with him," Jacobsen said. "I suppose the dissidents on the faculty believe he is too impersonal."

"Thank God we don't have a football team," said one student. "I can't imagine Levi on the 50-yard line, waving a pennant."

Students believe it is important that Levi be accessible because he is the man with the power—that either he should come down out of his office or they should have ready access to it. And Levi cares what they think.

Levi sat in his office, a large but not lavish place, torturing a rubber band between his hands and gazing out the window on the gloomy, gray Quadrangle. "I do not believe the students thing I'm accessible." He paused. "They're right, I suppose. They're right.

"It makes me think sometimes." Another pause and the room fell silent. He turned from the windows. "When they can see Saul Bellow or me, why do they want to see me?" he asked quietly.

He turned and, his moment of self-doubt over the day, Edward Levi went back to work.

THE CITY AS A MORTGAGE BROKER—HOBOKEN, N.J., ADOPTS AN INNOVATIVE HOME IMPROVEMENT PROGRAM

Mr. WILLIAMS. Mr. President, during the past year, much has been said by this administration concerning the failure of our Nation's federally assisted housing programs. The President, as we all know, has brought these programs to a halt by impounding funds and has thus created a chaotic and, in my opinion, intolerable situation. Funding for low- and moderate-income housing has been arbitrarily cut off throughout our Nation, adversely affecting those people who need adequate and decent housing the most.

During the 10 months of crisis which has followed the President's actions, far too little has been said about how our Nation's cities have successfully used Federal housing funds to create innovative programs—programs that have provided housing of which we can all be proud. Therefore, I recommend to all of my colleagues the excellent article in the September 1973, issue of Nation's Cities entitled "The City as a Mortgage Broker—Hoboken, N.J., Adopts an Innovative Home Improvement Program," by Mr. Ivan Silverman.

In his article, Mr. Silverman clearly and succinctly points out how Hoboken, N.J., through its Model Cities program has reversed the trend of abandoned buildings and blight which now affect all too many of our cities' urban cores. This was accomplished by the city becoming its own mortgage broker and focusing on existing housing rehabilitation. In this manner rents were made cheaper and neighborhoods more attractive. As Mr. Silverman in his article states:

> After handling basics like plumbing, wiring, and heating, Hoboken homeowners have used HIP funds to remove plaster from walls and expose the brick beneath; to open up closed fireplaces; and to plant trees. One Hoboken resident used part of the low-cost money to erect a turn-of-the-century gas light outside her elegant turn-of-the-century home.
>
> To make sure that tenants, as well as landlords, receive the benefits of HIP resources, the program requires owners to offer apartment dwellers a two-year lease; to accept a limited return on their property; and to sign a non-eviction agreement.
>
> In conjunction with low-cost home repair money, HIP agreements have helped stabilize the rental market in Hoboken.

Mr. President, the experience of the city of Hoboken, without a shadow of a doubt, show that under imaginative and innovative leadership our Nation's federally assisted housing programs have and will work. I wholeheartedly recommend Mr. Silverman's article to all Members of this body.

Mr. President, I now ask unanimous consent that the article entitled, "The City As A Mortgage Broker—Hoboken, N.J., Adopts An Innovative Home Improvement Program" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CITY AS A MORTGAGE BROKER—HOBOKEN, N.J., ADOPTS AN INNOVATIVE HOME IMPROVEMENT PROGRAM

(By Ivan Silverman)

Like many older urban areas, Hoboken, N.J., faced a housing problem of crisis proportions in the mid-Sixties. The city's antiquated building stock was in decline. Property taxes were on the rise. Abandonment was beginning to take its toll.

Recently things have changed for the better in Hoboken, a mile-square municipality on the western banks of the Hudson River opposite New York City. Within the past two years the community of 45,000 has begun to reverse the erosion of its living resources.

In no small measure, Hoboken's turnabout is traceable to its Municipal Home Improvement Project—a home-grown, anti-abandonment unit that has turned the city into a mortgage broker of last resort.

The new program, known locally as HIP, was established in 1971 by Hoboken's Model Cities agency, following an in-depth examination of the city's housing situation.

The core of Hoboken's housing problem, the agency's analysis revealed, lay in the virtual absence of bank financing essential for major housing renovation and repairs. A National Urban League study of housing abandonment in seven cities, conduced in 1970, arrived at similar conclusions about Hoboken's housing picture.

After interviewing local bankers and real estate brokers, Urban League analysts reported that "no conventional mortgage funds are available anywhere in Hoboken for the improvement of existing buildings." Building owners, in other words, had to deplete their savings accounts, or borrow from in-laws, if they wanted to improve their dwellings.

A second crucial point united the investigators. Hoboken has an extremely large number of resident landlords in buildings with one to four units. This on-site owner group could provide the backbone needed in a battle to save housing in Hoboken, Model Cities planners and Urban League analysts agreed.

In 1960, nearly two-thirds of Hoboken's residential structures had owners on the premises—just about the highest landlord live-in rate in the nation. By 1970 the rate had slipped to 60 per cent as many owners abandoned their homes. But it was still exceptionally high.

"The owner-occupancy rate began to curve down in the middle Sixties," Michael Ehrmann, HIP coordinator, says. "We wanted to curve it back up."

As the high, live-in landlord rate suggests, Hoboken has its share of stable neighborhoods—blocks where women polish brass door knobs on Saturday mornings while men sweep the pavement before their homes.

From the outset, HIP's objectives were clear. It had to fill Hoboken's financing vacuum by providing funds for major home renovation. And it had to aid the city's resident landlord population in the fight against abandonment.

From the start, HIP received crucial assistance from Hoboken's civic leaders and governing body. Mayor Steve Cappiello and his predecessor, Louis DePascale, provided backing needed to gain HIP broad support in the community.

To achieve these goals, Martin McCarthy, a New York-based lawyer and housing consultant to Model Cities, devised a deceptively simple plan. McCarthy suggested the use of a two-tier public sector-private sector financing system. Under this approach, building owners receive a "free" interest-reducing grant of money in combination with a conventional bank loan or mortgage.

To illustrate: On a $6,000 home repair job, the homeowner receives a $1,000 non-repayable grant. When combined with a $5,000 bank loan, due in seven years at a 7 per cent interest rate, the effective borrowing cost is approximately 3 per cent.

To implement the McCarthy plan, Ehrmann and McCarthy examined several approaches. They considered raising money by selling bonds. They weighed the possibility of working with New Jersey's Mortgage Finance Agency (a unit that sells tax-exempt bonds and then loans the proceeds at low-cost rates to banks, which in turn offer low-cost mortgages). They also looked at the possibility of establishing a loan guarantee fund, as one way of encouraging banks to lend Hoboken homeowners money.

These ideas are still under review. They may be useful later, McCarthy believes. To start, however, HIP settled upon a streamlined plan. For private sector funds the project turned to bank monies available through existing federally insured programs, among them Title I of the 1934 Housing Act and FHA-backed mortgages. For public sector grant funds, the project used money from Model Cities' $2-million annual supplemental budget.

HIP is essentially home-grown. Nonetheless, it does resemble in some important ways Section 312, the Federally Assisted Code Enforcement program (FACE). Like FACE, which is being phased out by the government, HIP focuses upon housing rehabilitation, rather than new construction. Both programs make 3 per cent loans available for major home renovation—although FACE doesn't use the grant/loan system. Both programs are linked by the notion that low-cost money should be available to correct code violations. Beyond this point, however, the paths diverge.

HIP was specially constructed to meet Hoboken's specific problems and to build upon, and preserve, the city's specific strengths. Thus the project limited the use of its grant funds to owner-occupants of Hoboken dwellings. This is not an extreme limitation since 2,400 of Hoboken's 4,100 residences have landlords on the site. (Larger buildings, without on-site owners, are being renovated through other programs, including HUD's Project Rehab.)

In addition, HIP decided against becoming simply another code enforcement project. Once a list of repair guidelines has been met, HIP monies can be used for any reasonable purpose. Code infractions, in other words, aren't a pre-requisite for HIP loans.

"We wanted to promote project amenities to make Hoboken's neighborhoods more attractive. We also wanted to avoid discriminating against owners who had been meeting code requirements," Martin McCarthy says.

After handling basics like plumbing, wiring, and heating, Hoboken homeowners have used HIP funds to remove plaster from walls and expose the brick beneath; to open up closed fireplaces; and to plant trees. One Hoboken resident used part of the low cost money to erect a turn-of-the-century gas light outside her elegant turn-of-the-century home.

To make sure that tenants, as well as landlords, receive the benefits of HIP resources, the program requires owners to offer apartment dwellers a two-year lease; to accept a limited return on their property; and to sign a non-eviction agreement.

In conjunction with low-cost home repair money, HIP agreements have helped stabilize the rental market in Hoboken.

"With access to 3 per cent funds, homeowners aren't forced to jack up rents in order to meet remodeling costs," Martin McCarthy points out.

To get its program off the ground, HIP had to go outside Hoboken to develop new financial sources for local residents. Banks in Jersey City, a mortgage banking firm in Plainfield, and other capital sources were tapped. Recently, however, Hoboken banks have become active in making loans through the HIP program.

"After watching out-of-town banks doing business in Hoboken, the local bankers began getting back into the market," Michael Ehrmann says with a trace of irony.

To lower borrowing costs on the newly available capital, Model Cities initially used HUD supplemental funds as interest-reducing grants. In April 1973, after completing nearly 50 successful home repair jobs, HIP received a special $200,000 grant from New Jersey's Department of Community Affairs to expand its grant-loan program. The new funds represented a breakthrough for HIP—and something of a breakthrough for the department.

"In the past, we've concentrated upon funding large-scale Rehab projects, rather than working through individual homeowners," says Cynthia Jolson, program manager of the department's division of housing and urban renewal. "The Hoboken grant is a trial balloon. If it works there, we may well go statewide with the concept."

The Community Affairs grant, combined with about $1.25 million in "private" funds which it will generate, will provide low-cost loans for about 200 Hoboken homeowners this year. With these funds, and with this program, the city of Hoboken has, in effect, become a mortgage broker.

Although long-term results are not yet available, the program has already made its presence felt locally. At least in Hoboken, home repair fever seems to be contagious.

In the future, in light of the increased flexibility expected to be given to cities through bloc grant funding, HIP may be of more than local interest. Cities wishing to support housing development and to preserve their older neighborhoods, might consider developing their own home-grown, public sector/private sector programs.

Officials from several New Jersey municipalities—including Newark, Asbury Park, and Elizabeth—have visited Hoboken recently to examine the HIP blueprint. And, lawmakers interested in housing and urban affairs have been in touch with Michael Ehrmann and Martin McCarthy. The legislators say that HIP's approach to home repair just might be the prototype for housing laws of the Seventies.

INTERPRETER'S KIT MAY SAVE THE UNITED STATES THOUSANDS OF DOLLARS

Mr. TUNNEY. Mr. President, I ask unanimous consent to have an article printed in the RECORD concerning legislation which I have introduced (S. 1724) to provide for simultaneous translation of proceedings in certain district courts of the United States.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Antonio Light, Oct. 21, 1973]

IDEA FOR INTERPRETER'S KIT MAY SAVE THOUSANDS

(By Ed Castillo)

A San Antonio man has developed an interpreter's kit to be used in court-room procedure that could save the government thousands of dollars.

Louis F. Marquez, official court interpreter for the Federal Western District of Texas, Monday will demonstrate for the first time in U.S. District Court here a kit to help persons lacking in the English language which was developed "through sheer necessity."

RETIRED SERGEANT

Marquez, a retired senior master sergeant has been official court interpreter for two years in U.S. District Court and U.S. Magistrate's Court. He has, however, been a professional interpreter-translator for 19 years.

At the request of Chief U.S. District Judge Adrian Spears, Marquez began to jot down ideas for an apparatus which would allow him to interpret for defendants in a court room without disturbing other court officials or jury members.

Marquez discussed the matter with U.S. District Clerk Dan Benedict, who made several sketches which eventually were turned over to technicians at Southwest Sound Electronics. A compact electronic component which includes microphone jacks and four individual ear-phones was developed. The entire system fits neatly in an official Government issue brief case

Marquez first demonstrated the interpreter kit before the Senate Judiciary Sub-Committee which has been holding hearings in connection with the Bilingual Courts Act which will soon come up for consideration by the U.S. Congress.

BOOTHS STUDIED

Marquez explains the committee members had at first considered translator booths which would be installed in court rooms throughout the land at a cost of $30,000 each adding up to a total of about $500,000. The kit developed by Marquez costs $192.85.

The kit is simple to operate and to install. All that is needed is an electrical outlet. The interpreter then slips on a head-set with a small microphone. Earphones for as many as four persons can be used. The interpreter, in a low voice, translates as proceedings go ahead without interruption.

In his two appearances before the committee in Washington, Marquez has submitted the various techniques he uses in federal court here including regular or simultaneous interpretation.

Says Marquez, "For years, courts throughout the land have relied on part-time interpreters, or maybe an elevator operator or passer-by who is picked up and used in a pinch. This does not get the job done and does not offer a defendant a fair and thorough hearing or trial."

Marquez feels a court interpreter in such areas as New York, California and the Southwestern United States, is just as important in a court room as any of the other officials present during hearings or trials for defendants that do not speak or understand the English language.

Says Marquez, "The courts, at all levels, need professional interpreters that are fully qualified. It is important to have competent translators who are proficient in whatever language is required. In Texas, of course, it would be English and Spanish with the interpreter being able to interpret simultaneously."

NORMAL FEARS

In testifying before the Senate Sub-Committee which is headed by Senator John V. Tunney of California [sic, Senator Quentin N. Burdick is chairman of the Subcommittee] and is presently working on the Bilingual Courts Act, Marquez said the apprehensions and frustrations brought about by the language barrier are "awful feelings to bear during the normal course of normal living."

He declared, "But when a non-English speaking person is faced with the possibility of losing his freedom or his property, and is not able to effectively defend himself for not knowing the English language, his anguish becomes such that he could even lose his sanity to say the least."

Marquez feel the enactment of the Bilingual Courts Act, which would make court interpreters mandatory where required, will "favorably affect thousands of people in this country by allowing them to fully participate in our federal judicial system, and to enjoy the same constitutional rights that other Americans have been enjoying for years."

WAR POWER RESOLUTION VETO OVERRIDE

Mr. WILLIAMS. Mr. President, for the past 3 years, I have been a sponsor of legislation which would clarify the war powers of Congress and the President, so I am most gratified that the Senate and the House have overriden the veto of the President on the War Powers bill.

My deepest regret is that I was unable to be present to cast my vote on that override, although my position in favor of such action is recorded and my vote was not needed for the final action.

However, earlier that day I had gone out of town to accept an engagement to discuss Labor and Public Welfare Committee legislation after being assured that no votes were expected that day. When informed of the vote, I rushed back but, because of an hour delay in my flight, I arrived back in Washington shortly after the vote was completed.

I would like to take this occasion to applaud the Senate and House in passing the bill over the President's veto.

Contrary to the contention of the President, this legislation in no way prevents him from acting decisively in times of international crisis. It would leave intact our national ability to defend ourselves, our allies and our overseas embassies, bases and citizens in the event of sudden attack.

What it would prevent is a repetition of the disaster in Southeast Asia which saw an undeclared war drag on for years and years with a loss of more than 55,000 American lives and a massive toll in public confidence within our Nation.

Mr. President, I fully share the feelings of my colleagues that this bill simply states legislatively the intent of the framers of the Constitution.

By preserving to the President the power to respond to emergencies, it does not infringe on his constitutional designation as Commander in Chief, and by requiring congressional authority to commit U.S. forces within 60 days after the onset of attack or emergency, it preserves the constitutional power and obligation of the Congress to make a final determination of a declaration of war.

I regard this as one of the most important pieces of legislation approved by this Congress. It is a serious, well-reasoned legislative mandate which could avoid a repetition of tragedy in the future.

FOOD ACTION CAMPAIGN

Mr. ABOUREZK. Mr. President, American consumers have been shellshocked by this year's skyrocketing food prices. Yet, family farmers out in my part of the country still are having a tough go of it. It is a curious agricultural policy that can produce that paradox.

What is going on here? To help us understand it better, two organizations—Agribusiness Accountability Project and New Populist Action—have created a food action campaign to talk to people about a little-known segment of the food economy: the middleman. Traveling throughout the country during the past 3 months, speaking before groups in dozens of cities, the food action campaign has done a commendable job of enlightening people on the nature of today's food economy. Their message is a sound one, an important one, and I only wish more people could hear it.

Two-thirds of the consumers food dollar goes to corporate middlemen—processors, marketers, and retailers. Increasingly, that middle sector is monopolistic, and the power to squeeze both farmer and consumer. The food action campaign has revealed these interesting facts:

There are 32,500 food manufacturing firms, but 100 of those make 71 percent of the profits;

On the average, four firms in any food line will control 55 percent of the relevant market;

Already, six firms handle 90 percent of the world's grain shipment, four firms control 75 percent of the bread market, three firms dominate 85 percent of the breakfast cereal industry and one firm sells 90 percent of all soup.

That power is growing stronger. It affects every one of us. Family farmers are being squeezed out of business at the rate of 1,000 a week, despite their unmatched efficiency and productivity, with thousands more being "vertically integrated" into the corporate structure of processing and marketing firms. The Federal Trade Commission, in an unreleased 1972 staff study, found that the lack of competition in just 13 food lines had cost consumers an additional $2 billion.

Agriculture Secretary Butz tells us that the day of cheap food is over, that we will just have to get used to paying a premium for eating. But who are we paying? It's not going to be farmers. Already, the farm price of food is falling rapidly, but recent Government statistics show that the food processors and the chain grocers are not passing that drop in price along to consumers. The gap between the farmer and the consumer is growing wider.

The food action campaign is shedding light on this issue of critical national importance. It is a major public service that they are performing, and the Agribusiness Accountability Project and New Populist Action deserve the thanks of consumers and farmers alike for bringing this issue to public attention.

Having reached people with their message, the question now is whether government will respond. It is time for action in Washington, beginning right here in Congress. From passage of class action legislation for consumers, to enactment of the Family Farm Antitrust Act, to congressional review and oversight of this country's antitrust legislation, there are tools available for us to use. Thanks to the public education effort of the food action campaign, we will find it increasingly hard to avoid the issue. It is time that common people in America—consumers, farmers, workers, taxpayers, senior citizens, and others—played the major role in shaping national food policy. It is too important to leave to Earl Butz and food corporations.

Mr. President, the Agribusiness Accountability Project and New Populist Action have assembled a wealth of material on this issue, and they have prepared reports that are invaluable to all of us who are concerned about changing the direction of national food policy. So that others might benefit from the work of the food action campaign, I ask unanimous consent that their reports on consumers, on family farmers, on multinational food corporations, and on Crystal City, Tex., be printed in the RECORD, along with a statement on the food action campaign and a paper on what can be done about corporate concentration in the food economy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT IS THE FOOD ACTION CAMPAIGN

The Food Action Campaign is a first step toward dealing with monopoly power in the food industry.

Food middlemen are taking the big bite out of the consumer's food dollar, and they are taking charge of the entire food economy. Food power is much more concentrated than most of us realize, and that concentration is affecting every one of us:

Consumers in 1972 were overcharged more than $2 billion because of monopoly power in just 13 food lines.

A few food middlemen are able to hold back supplies to create artificial shortages, inflate prices and drive out competition.

As food power has become more concentrated in corporate middlemen, nutritional quality and taste have declined.

Despite their efficiency, competitive and productivity, 1000 family farmers are squeezed out of business each week, severely lessening competition in food production.

Consumers can't afford to eat and family farmers can't afford to grow, but corporate middlemen are enjoying steadily rising profits. There are 32,000 food manufacturers, but just 100 of them take 71 percent of the profits. Their take is increasing.

Consumers, family farmers, working people, independent businessmen, older Americans and taxpayers are some of the citizen groups with a direct stake in the structure of the food economy. They ought to know where concentration is leading them, and they ought to be asked the question: "Is that where you want to go?" The FOOD ACTION CAMPAIGN exists to ask that question.

Organized by the Agribusiness Accountability Project, New Populist Action and Center on Corporate Responsibility, the campaign has compiled reports on the public impacts of monopoly power in the food economy. Using that material, six public advocates have joined the campaign to address various aspects of this power: former U.S. Senator Fred Harris, Pennsylvania Secretary of Agriculture Jim McHale, San Francisco Consumer Action director Kay Pachtner, La Raza Unida party president Jose Angel Gutirrez, Harlem Consumer Education Council director Florence Rice, and Agribusiness Accountability Project director Jim Hightower.

These advocates are going to the public to deliver its findings on monopoly food power—they are addressing organizational meetings, issuing reports, holding press briefings, conducting workshops, meeting people at special events and working directly with citizen groups.

To deliver its findings in specific terms, the Food Action Campaign will focus attention on one, brand-name corporation—Del Monte, the world's largest canner of fruits and vegetables. Del Monte is not being singled out for attack, but merely as an illustration of what is true throughout the food industry.

It is not too late to restore competition to the food industry. Plenty of tools exist in

Washington to deal with this power. What is needed is a will to deal with it. That must come from the expressions of people who are both informed about monopoly food power and fed up with it.

Not only is the Food Action Campaign travelling the country to inform people about this power, but it also is asking them to express themselves. "Send Washington a Message" is the theme of the Campaign, and the public is invited to do just that. The message is simple and straightforward: take action against corporate concentration.

CONSUMERS IN A CONCENTRATED FOOD ECONOMY

Gwaltney Smithfield hams and susages are packed and advertised to evoke a feeling of the old farm place and the unrushed process of a southside Virginia smokehouse. The reality is not nearly as down home as the image—Gwaltney is owned and managed by the world's largest conglomerate, ITT.

Country goodness, made the old fashioned way, is the advertising pitch of Pepperidge Farm bakery products. The company is a wholly-owned subsidiary of the food conglomerate, Campbell Soup.

Is regional beer, brewed in the local tradition, a source of enjoyment for you? Maybe a Burgermeister, a Waldech, a Hamms or a Buckhorn? They now all belong to Heublein Inc., a Connecticut conglomerate.

Remember the Good Humor ice cream truck in your neighborhood? Now it is owned by T. J. Lipton, Inc., the makers of Lipton soup and tea. In turn, T. J. Lipton is owned by Unilever, a British-Dutch conglomerate. Two hundred years after the Boston tea party, the British again control our tea.

Increasingly, American food products are delivered to consumers by a narrowing number of powerful food firms, many of them giant conglomerates and multinational corporations. Situated between farmers and consumers, these firms are in a position to set food prices, to determine food quality and even to control food supplies. Supermarket shelves and bins are laden with hundreds of food items, but the production, processing and marketing of those products can be traced back to a few corporations operating in a highly-concentrated food industry.

The 1967 Census of Manufacturing counted 32,500 food manufacturing firms. Even though the number of firms is declining at the rate of 13 percent a year, it would seem by sheer numbers to be a competitive industry. A 1966 study by the Federal Trade Commission (FTC), however, revealed that a mere 100 of those firms had 71 percent of the industry's profits. In fact, the top 50 firms had 61 percent of the profits.

That is where food power is located, and it is with this concentration of power that consumers must deal. Fostered by government policy, that concentration is continuing. A steadily narrowing number of corporations control the flow of food from farmer to consumer—in a word, it is oligopoly.

Tenneco—which not only makes farm machinery, chemicals, fuel and food containers, but also grows, packages, markets and retails food—has an appropriate slogan to sum up its pervasiveness: "Seedling to Supermarket" they boast. Del Monte Corporation assures consumers that it can take care of all food needs "from womb to tomb."

More than 40 food manufacturers even have taken the additional step of opening up their own restaurant chains. Pillsbury, General Mills, Campbell Soup, Ralston Purina, Quaker Oats, United Brands, Green Giant and Borden are just a few of the food middlemen with arms that reach all the way to your table.

THE HIGH PRICE OF CONCENTRATION

It is not efficiency that has led these giants to control the food economy. Certainly they are not as efficient in the production stage as are family farmers. USDA reports that all economies of scale can be achieved on today's mechanized, one and two man family farm, and that optimal acreage for practically every crop is relatively small. For example, USDA reported that optimum size for a California vegetable farm was 440 acres. Yet, the average size of corporate farms that now dominate California vegetable production is 3,206 acres—eight times greater than the efficient scale. It is the consumer who pays for this excess size.

The large corporation cannot out-farm the farmer, but it can out-muscle him. Raw economic power and favorable government treatment allow such new "farmers" as ITT, Greyhound Corporation, Dow Chemical, Southern Pacific Railway, John Hancock Life Insurance and Getty Oil to dominate family farmers. "The capacity of the giant corporation to grow and grow," wrote two agricultural economists recently, "despite the lack of any real competitive edge over individual farmers in a traditional accounting sense, is the crucial difference between the corporate and the individual competitor."

Boeing aircraft might be an inept vegetable farmer, but its ability to merge, to vertically integrate, to advertise, to differentiate its product, to obtain huge sums of investment capital and to attract government subsidy is enough to overwhelm real vegetable farmers, no matter how efficient and productive they are. Consumers are the ultimate losers. By eliminating efficient family farmers, or by contractually integrating the family farmer's operation, competition in the production sector of the food economy is seriously lessened, and the power of the middleman is significantly strengthened.

Perhaps most important to consumers, in a concentrated food economy, dominated by very large processors and marketers, prices do not go down, they go up. "As concentration increases," says a study of the FTC, "the opportunities for waste and the motivation toward deception both increase." Competition is replaced by advertising gimmicks, and the price a consumer pays bears less and less relationship to the price that the farmer was paid. The added costs of concentration—such as burgeoning administrative staffs, increased advertising budgets, extensive corporate bureaucracy and inflated management salaries—most certainly are rung up on the consumer's tab at the checkout counter.

PROFITS IN THE MIDDLE

Food firms claim that they are hurting these days, hardly making any money. Supermarkets, for example, point to a modest 1 percent profit or less on an item of produce. But they neglect to report that the steady turnover of that product yields a cumulative percentage and a harvest of millions of dollars. A farmer makes a profit when he delivers a crop once or maybe twice a year; the supermarket makes a profit every time it turns over its stock, which happens some 15-20 times a year. That's 1 percent profit times 15 or more turn overs.

The Federal Trade Commission has found that in a competitive industry there is a return on shareholder's investment ranging from 5 percent up to a high of 9 percent. Any profits beyond that standard are assumed by the FTC to be the result of excessive concentration—that is, oligopoly. As shown in Appendix A, food middlemen generally are exceeding FTC's standard for a competitive industry. Supermarket chains, for example, were well beyond the 9 percent top level in 1972: Safeway returned 15 percent on shareholder's equity, Winn-Dixie returned 19.7 percent, Lucky Stores returned 19.7 and Giant Food returned 16.9 percent.

Processors and marketers also enjoyed 1972 profit returns in excess of FTC's 9 percent monopoly standard, including:

Fiscal 1972 percent return on shareholders' investment

General Mills	12.4
Hygrade	17.1
Missouri Beef Packers	13.7
Nabisco	16.0
Norton Simon	12.3
Pepsico	16.3
Procter & Gamble	17.6
Quaker Oats	13.4
R. J. Reynolds	17.2

In general, agricultural, agribusiness middlemen are doing very well today. As shown in Appendix A, their profits in 1972 were considerably higher than in 1971. And, as shown in the same Appendix, 1973 is proving an even better year for the profits of food middlemen. For example, latest 1973 quarterly reports show that Campbell Soup is up 39.8 percent over last year's profits. Esmark is up 23 percent, General Mills is up 20 percent, Green Giant is up 14 percent and Ralston Purina is up 28.7 percent.

Two things are suggested by these statistics: (1) profits are high for food middlemen, and (2) a significant portion of those high profits are the result of excessive concentration among corporate processors, marketers and retailers. It is the American consumer who is footing the bill for these corporate profits. In a 1972 study, the Federal Trade Commission found that consumers were being overcharged more than $2 billion because of monopolies within just 13 food lines.

CONTROL OF FOOD SUPPLIES

It is not just the price, but the very supply of food that is coming within the control of corporate middlemen. Through vertical integration of food production, and through integration of storage and transportation facilities, these corporations are gaining the power to limit the amount of food that gets to market at any one time. With this ability to manipulate supplies, food middlemen have the power to boost prices.

The consumer recently has had a taste of such power. Because of spring rains in the Midwest, this year's soybean crop was in doubt, thus putting a premium on soybeans that were held from last year's crop. Cattle ranchers and others needed these old-crop soybeans to feed their cattle, hogs and poultry. It turned out that 95 percent of the soybeans were being held by only three grain-exporting corporations — Continental, Cargill and Cook. Rather than selling to American ranchers and farmers, those corporations hoarded their old-crop beans and allowed domestic and foreign demand to inflate the price of them. Continental reportedly shipped some of its old-crop soybeans to Europe for use there by its integrated poultry subsidiary. The ultimate result of this manipulation will be to saddle American consumers with higher beef, pork and poultry prices.

THE POWER OF ADVERTISING

The American food supply is being industrialized. The same factory techniques and the same advertising gimmicks that Detroit brought to automobiles now are being applied to food.

With market power in the hands of fewer and fewer food corporations, pricing is becoming more and more artificial. A products advertising potential increasingly has a greater impact on prices than do factors of supply, efficiency or quality. Economists Leonard Kyle, W. B. Sundquist and Harold

Guither stated the situation frankly in a 1972 article:

"The old simple concept of food as a staple, basic commodity and of a sovereign consumer with a clearly defined demand for food is being cast aside. Industry seeks to create consumer demand for differentiated products—and then to tailor the marketing and production processes accordingly. This is a process that has been used effectively in the production and marketing of automobiles, television sets, and numerous other consumer items." (emphasis supplied)

Already, food corporations have become the biggest spenders for television advertising. Total advertising expenditures in the food industry are over 4 billion dollars per year. Not only are consumers sold by advertising, but they pay to be sold—that $4 billion is passed directly to the consumers, added into their food bill.

The food industry model might well be ready-to-eat breakfast cereals. In that food line, four corporations (Kellogg, General Mills, General Foods and Quaker Oats) control 91 percent of the consumer market. The cereals are essentially the same, with only such artificial differentiations as color or shape. There is no competition on price or quality of the products, nor on the efficiency of the manufacturers. The only "competition" that exists is on merchandizing techniques, animated television commercials, radio jingles, package designs, contests and other promotional gimmicks.

The power of advertising leads to greater concentration in the food industry by limiting a potential competitor's access to the consumer. No matter how tasty, how nutritional or how efficiently-produced an independent cereal product might be, it has to compete with the multi-million dollar advertising budgets of the big four cereal companies. And because those firms spend so much on national television advertising, their ads run in prime-time slots, and they get advertising discounts ranging from 30–70 percent. Because these giants offer price discounts to supermarkets, they also are favored with special displays and choice shelf space. This scale of advertising is anti-competitive, and the consumer pays the price for that lack of competition.

In the absence of serious price competition, profit can be pursued with only minimal attention to taste, texture, and nutritional quality. Not only is the consumer paying more as a result of economic concentration, but he is also getting less. The nutritional value of the American food supply is worse now than it was twenty years ago, and the taste of many food products—from chickens to tomatoes—has declined almost beyond recognition.

Increasingly, food products require more chemists than farmers. Even the U.S. Department of Agriculture cafeteria has quit offering milk for coffee drinkers—now it is a sterilized, non-dairy "whitener" that is poured into the cup.

Given a laboratory and an advertising budget, food manufacturers are willing to remake the American diet. Given a concentrated food economy, they will be in a position to do just that. An Oklahoma-based conglomerate, the Williams Companies makes a shrimp-looking, shrimp-tasting product that contains no shrimp. According to its 1973 report to stockholders, the corporation is interested in manufacturing other such products and has a number of projects underway in its Tulsa laboratory:

"Our basic criteria applied to the selection of projects is profitability. New products must either have a mass market appeal, a wide profit margin or both. They must also be free of competition."

DEL MONTE: A CASE OF QUESTIONABLE QUALITY

In canning and freezing, the concentration of power is even greater than in other segments of the food industry. Only nine firms account for 55% of the profits. In 1972, Del Monte Corporation's sales totalled $947 million, making it the largest fruit and vegetable canner in the world—larger, in fact, than its two closest competitors combined (Stokely-Van Camp and Libby, McNeill & Libby). In domestic canned food sales alone, Del Monte came away with 16 percent of all sales of canned fruits and vegetables in the United States.

Del Monte Corporation, with an advertising budget in excess of $15 million a year, has succeeded in selling the line that its canned goods are of superior quality. But any shipment of Del Monte peaches, for example, contains the same USDA grades as those shipped under many labels that sell much cheaper. A 1969 study by the Department of Agriculture found that in half the items sampled Del Monte canned products contained less fruit and more liquid than any of the competitive brands checked. Despite these facts, and because of its advertising campaign, Del Monte can sell its goods for more than other brands on the shelf.

In fact, 12% of Del Monte's 175 products are not marketed under the Del Monte label, but instead are marketed under a variety of regional and private labels, often the house brands of supermarket chains. There is little difference in the contents or the quality of these products—Del Monte packs the same product and simply puts another label on it. Yet, the can bearing the red Del Monte shield is sold to consumers for an average of 14 percent more than private label brands.

While corporate expenses, such as advertising, are added into the consumer's food bill, corporate savings are not. Del Monte recently has abandoned its white asparagus operations in Calfornia, Oregon and Washington and moved them to Mexico, where cheap labor has reduced the corporation's production costs by 45.1 percent. But the price of Del Monte's asparagus has not gone down. None of the corporate savings lightened the consumer's load.

The story is the same in Del Monte's canned pineapple products. Labor costs involved in harvesting, canning and packing pineapple account for almost half of the total production costs. Del Monte produces and packs pineapple both in Hawaii and the Philippines for sale in U.S. supermarkets. In the Philippines, wages average less than seven percent of the average in Hawaii. Field workers in the Philippines average 15c an hour, whereas they average $2.64 an hour in Hawaii; Philippine cannery workers average 20¢ while Hawaiian cannery workers average $2.69. If other costs of production remain the same, it costs Del Monte 46.5 percent less to can pineapple in the Philippines than it does in Hawaii. Del Monte makes a big savings; consumers do not. Regardless of where it is produced—Hawaii or the Philippines—the consumer pays the same.

Buying canned goods from the world's largest canner of fruits and vegetables should not necessarily give consumers greater assurance of sanitary packing conditions. The U.S. Department of Agriculture conducts a voluntary, in-plant inspection program which enables companies to list the official USDA grades on their label. In addition the inspection program provides an extra safeguard against unsanitary processing plants, thereby helping to insure that the food products are safe for public consumption. Although 112 food processors participate in this program, Del Monte does not.

Del Monte advertises that there is "quality" in its cans. Sometimes, there is more. The Food and Drug Administration (FDA) has consumer complaints on file for 1970–1971, reporting these findings in Del Monte cans: rusty hair pins, dead bird, corn cob, whole dead mouse and wooden sticks. In the past five years alone, the FDA twice has had to exercise its ultimate action against Del Monte—seizure of shipments found packed "under unsanitary conditions."

In addition, FDA has found violations in Del Monte plants that have not led to seizures. For example, Del Monte's processing facility in Burley, Idaho was being used in 1968 while it was still under construction and not tightly protected from flies, wind-blown contaminants and insects. That same facility was canning corn with water from an untreated, unchlorinated well. These violations did not lead to seizures.

In times of high food prices, industry and government spokesmen are given to telling consumers that they just have to learn to buy more intelligently. To make intelligent food choices, however, requires information. Neither industry nor government has been aggressive about providing more consumer information. For example, despite Del Monte's catchy slogan—"The more you know about peaches the better for Del Monte"—there is really not very much a consumer can learn about the peaches, even from close reading of the label:

Del Monte does not disclose the USDA grade of its canned fruit and vegetable products. The company's label alleges that there are "quality" products inside. But Del Monte does not give the consumer any objective, standard criteria on which to judge that quality. In fact, the National Canners Association, the industry trade group in which Del Monte is a powerful force, has consistently opposed grade labelling.

Del Monte does not declare the drained weight of its canned fruit and vegetables. There is, therefore, no way for consumers to determine how much of a 14½ ounce can of asparagus actually is asparagus, not water. A 1969 study by USDA found that in 6 of 11 items, Del Monte products had the lowest drained weight of any of the competitive brands compared. Again, Del Monte's industry spokesman, the National Canners Association, opposes drained weight labeling.

Del Monte does not declare the percentage of its food product ingredients on the label. There is no way, for example, the consumer can know how much meat is in a Del Monte meat pie. Once more, the National Canners Association has lobbied against increasing the scope of ingredient labelling.

Del Monte does not utilize a system of open dating on its products to inform consumers of the product's expected shelf life.

CONCLUSION

Concentration already has occurred in many industries—automobiles, steel, fuel and others. Now that concentration is occurring in food, with such food lines as cereals, lettuce and soup already highly concentrated. Is that what Americans want? If our electric shavers are breaking down, if our family cars are being recalled, if our gasoline prices are being manipulated, if our headache remedies are deceptively advertised—should we now apply concentrated corporate power to our dinner?

Whether Americans want that concentration or not, it is happening fast. And its impacts already are being felt. We have the most productive agriculture in the world, but we are faced with the real possibility of food shortages. Our food costs more and is of lower quality than ever before. And we have the paradox of consumers who cannot afford to eat and farmers who cannot afford to grow. In the middle of it, enjoying record profits even in a time of economic controls, is corporate America.

APPENDIX A

PROFITS OF SOME FOOD MIDDLEMEN, 1972-73

Firm	Fiscal year 1972			1973 profits: Percent change of latest available quarter over comparable 1972 quarter
	Profits	Percent change in profits over 1971	Percent of return on shareholder's investment	
American Brands	$123,300,000	+3.3	13.0	8.0
Beatrice Foods	90,931,000	+16.0	15.0	23.6
Campbell Soup	59,633,000	−11.3	11.0	7.1
Carnation	55,854,000	+11.2	14.4	[1] 12.0
CPC International	86,622,000	+68.0	17.0	−51.1
Coca Cola	190,157,000	+13.3	22.8	([2])
Del Monte	23,275,000	+9.6	9.7	46.3
Esmark	37,003,000	+8.5	8.1	42.0
General Foods	66,185,000	−44.3	8.4	6.5
General Mills	45,397,000	+3.5	12.4	[2] 20.0
Giant Foods	8,416,000	+35.9	16.9	−11.2
Green Giant	6,792,000	+30.9	8.8	32.7
H. J. Heinz	42,287,000	+12.3	10.6	13.8
Hygrade	4,963,000	+34.0	17.1	([5])
Iowa Beef Processors	7,367,000	+95.2	15.1	14.9
Jewel Cos	29,866,000	+12.1	12.5	12.3
Kellogg	60,513,000	+9.9	20.8	5.3
Kraftco	$88,335,000	−3.3	11.5	80.6
Libby, McNeill & Libby	532,000	([3])	([5])	365.2
Lucky Stores	30,500,000	−.9	19.7	18.0
Missouri Beef Packers	2,359,000	+20.0	13.7	27.0
Nabisco	54,365,000	+9.0	16.0	−23.9
Norton Simon	50,487,000	+20.7	12.3	−20.2
Oscar Mayer	15,975,000	+5.5	11.5	19.0
Pepsico, Inc	71,718,000	+14.5	16.3	11.3
Procter & Gamble	276,310,000	+16.3	17.6	−6.1
Quaker Oats	34,244,000	+41.6	13.4	[4] 21.0
Ralston Purina	58,246,000	+14.4	12.0	[4] 28.7
R. J. Reynolds	237,471,000	+5.1	17.2	24.9
Safeway Stores, Inc	91,056,000	+13.6	15.0	−19.4
Standard Brands	44,011,000	+10.9	13.5	12.4
Stokely Van Camp	7,162,000	+8.4	6.6	8.7
Winn Dixie Stores	39,164,000	+16.4	19.7	12.2

NA—Not available.

[1] 6 months.
[2] Fiscal year 1973.
[3] Cut losses in 1972 to $532,000 (from $7,706,000 in 1971).
[4] 9 months.
[5] Not available.

FAMILY FARMERS AND CONCENTRATION IN THE FOOD INDUSTRY

The family farm is a highly competitive, enormously productive and efficient business unit which is the source of the abundant supply of good food American's count on. These farms are among the last strongholds of small scale capitalism; they are alive and performing well—if not flourishing—throughout the countryside.

Since 1952, efficiency (output per man hour) on farms has increased 330%, compared with an increase of 160% in manufacturing. That is an unmatched record for efficiency, and it has been achieved on average size family farms. Despite this efficiency, 3 million farms have been eliminated since 1943. How is this possible?

Squeezed between input suppliers that charge too much, and output corporations that pay too little, even the most efficient family farmers have a hard row to hoe. Concentrated corporate power, not competitive family farms, increasingly determines the quantity, price and even the quality of today's food supply.

Corporate America surrounds the family farmer. On one side are the agricultural input suppliers selling capital, land, seed, fertilizer, machinery, feed, pesticides, drugs and fuel. Since 1952 farmers have been overwhelmed with production cost increases of 122% while the price they receive for their products has increased only 6%.

On the other side of the farmer are the output industries that process, market and retail food products. The farmer must sell his vegetables, his hogs, his feed grains, his fruits and other commodities to these corporate middlemen. Situated between the farmer and consumer, the middlemen take ⅔ of every dollar consumers spend on food. Power among these output corporations is highly concentrated, allowing a few firms to control the farmer's access to market and to dictate what farmers will produce and what they will be paid.

According to the 1967 Census of Manufacturing, there are 32,500 food manufacturing companies. That makes it appear that food processing and merchandising is not a concentrated industry. But the large number of companies is deceiving, for a 1966 Federal Trade Commission study showed that the 50 largest companies made 61% of all the profits. The other 32,450 companies divided the left-overs.

This concentrated power comes down hard on family farmers. Nearly 3 million farmers, widely scattered throughout the country, must try to get a fair price in a marketplace that is tightly controlled by these corporate buyers. They have not been doing very well—since 1952, the cost of food in retail stores has increased by 43%, but farmers have received only a 6% increase. The middlemen have sopped up the difference.

The most insidious form of corporate domination of farmers is contractual integration. A farmer signs an advance contract to sell a certain amount of a certain commodity to a corporate buyer. Under this arrangement, the corporation is assured a regular supply of raw food, and the farmer is assured access to a market. It is tempting to farmers. In practice, however, it is destructive to farmers.

While eliminating some of the uncertainty of farming, the farmer's weaker bargaining position results in a form of contractual integration which reduces the farmer's control of his own operation. The contracts tend to be so one-sided that farmers become virtually hired hands of the corporation. The contracting corporation generally decides how a crop will be produced, what amount each farmer will produce and what price each farmer will receive.

Another common feature of the contracts is one that allows the corporation to refuse to buy a farmer's crop after it is harvested. The farmer's guarantee of a market turns out to be no guarantee at all. If farmers attempt to haggle too much over price, these powerful corporations can and do go elsewhere for their crops. Farmers have fewer options. There are usually only a handful of buyers in any one farming region, and farmers generally do not have the resources to transport their produce long distances in search of a better deal.

Processing corporations are among the major integrators of America's family farmers. For example, USDA reports that 78% of processing vegetables are produced under contractual integration, with another 10% produced directly by the corporations. Again, this is concentrated corporate power coming down on farmers—there were more than 1,200 processors of fruits and vegetables in 1967, but the top nine of those firms took nearly 55% of the profits.

The terms of these contracts differ from crop to crop and from company to company, but the trend definitely is toward more corporate control of day-to-day farming decisions.

Food processors routinely develop new seed strains for use by their hired farmrs, they research and develop new machinery for crop production and harvesting and they stipulate the timing, amount and kinds of chemicals applied to crops that end up in their cans.

The world's largest canner of fruits and vegetables is Del Monte Corporation, accounting for at least 16 percent of canned food sales in the U.S. Del Monte also is a multinational corporation, with steadily growing sales in foreign countries. Larger than its next two competitors combined (Stokeley-Van Camp and Libby, McNeill and Libby), Del Monte is the industry leader.

Del Monte's enormous power is felt by farmers throughout the fruit and vegetable regions of America. Especially affected are the 10,000 farmers in 15 states who are directly under contract to produce for Del Monte. Del Monte's contracts are very specific, including detailed clauses on "care of the crop." The farmers' decision-making power is restricted, and sometimes the corporation's production controls reach absurd levels. An example is that Del Monte will not accept fruits and vegetables with too *low* a level of insecticide residues, even if the farmer can demonstrate that his crop was kept free of pests by non-chemical means.

The major flaw in the concept of contractual integration is that farmers and most farmer associations lack power to bargain effectively in contract negotiations. As a result, the contracts heavily favor the processors. There is legislation in Congress to assure more bargaining strength for farmers. Del Monte, through its trade association that lobbies in Washington, consistently has opposed such measures.

This processing giant exemplifies the kind of corporate power that is crushing America's family farmers. A look at Del Monte's policies in just one commodity—asparagus—illustrates what this power can do.

ASPARAGUS—DEL MONTE STYLE

According to the 1969 Census of Agriculture, 3,210 commercial farmers grow asparagus. Those growers operate in a buyers market—Del Monte is the largest of the top three canners that account for 45% of the total canned asparagus produced. Del Monte is the pace setter in this industry and can set the terms, essentially non-negotiable, for its asparagus purchases.

On a regional basis, the concentration is even greater. Asparagus canneries are located in six states: California, Delaware, Illinois, Michigan, New Jersey and Washington. In each of these, one or two canners dominate the asparagus market, buying most of the crop produced near their plant. Technically, a farmer can deal with a canner in another state, but in reality they cannot afford to transport their perishable asparagus the long distances to another market. The farmer is stuck with whoever is close.

A sample of Del Monte's power over asparagus farmers is its contractual prerogative to determine whether any given delivery is of "good quality and condition for canning." There is no third-party evaluation. Any part of the delivery that does not meet Del Monte's approval is exempted from the price agreed to in the contract. In 1972, 8% of the asparagus crop was rejected in this manner. The cannery price for "acceptable" asparagus that year was 23¢ a pound. The asparagus that was culled out by Del Monte's inspectors was bought by them for .0005¢ a pound. The decision whether the asparagus is worth 23¢ or .0005¢ is up to Del Monte. The farmer has no option—under the terms of the asparagus contract, if Del Monte wants the "culls" the farmer cannot take them elsewhere.

Although the corporation pays a pittance to farmers for their "inferior" asparagus, it uses these culls profitably. The farmer may give the stuff away to Del Monte, but Del Monte certainly does not give it away to consumers. It is often these rejects that Del Monte packages and sells as asparagus soup, asparagus cuts and asparagus tips.

ASPARAGUS—MEXICAN STYLE

Contracts may give Del Monte a sense of security, but farmers should not rest easy. With its global perspective, Del Monte is prepared to pull up its American stakes anytime the grass looks greener elsewhere, leaving farmers and their communities in economic chaos.

Asparagus growers in this country, long under contract to Del Monte, are chagrined that the processors are making a major move to Mexico. In 1969, less than 2% of the asparagus marketed in the United States was imported. Two years later, the figure was 8% and rising.

Del Monte has been the prime instigator, financial backer and major purchaser of the Mexican asparagus crop. Del Monte and one other firm cans over 90% of the Mexican crop. American farmers used to produce white asparagus for Del Monte's cans—now, Del Monte gets all of its white asparagus from its Mexican operations.

Green asparagus is probably next, because farming and processing in Mexico is financially lucrative for Del Monte. It is possible there to rent farmers very cheaply, to pay farm workers 23¢ an hour and to pay cannery workers 27¢ an hour. The Mexican government helps out by giving Del Monte a 10% tax credit on canned goods exported from Mexico. These considerable savings allow Del Monte to purchase, process and export asparagus for 40% less in Mexico than it does in the United States. But Del Monte does not pass its savings along to the consumer. Canned asparagus imported from Mexico sells for the same price as U.S. grown and packed asparagus.

The 3210 farmers and 34,500 farm workers engaged in the production of asparagus in this country have reason for concern. If Del Monte continues to abandon the domestic asparagus industry, thousands of farmers, farm workers and cannery workers will lose their livelihood. San Joaquin County, California, is the leading asparagus-producing county in the nation. A study was made there on the impact of losing their asparagus industry. It estimated that the unemployment rolls would increase by 17% and taxes would increase $1.7 million in that county alone. There are 22 other counties in the nation whose economies would be drastically affected by a collapse of the domestic asparagus industry.

America needs family farmers. It needs their skills, their creativity and their industriousness. It also needs their independence. To remain productive and efficient, family farmers must be free of corporate exploitation. They must retain their entrepreneurship. Del Monte, along with other processors and corporate integrators of farmers, works against this need. It is their profit interest to lock the production sector in to the corporate complex. Given a concentrated food economy, and given the multi-national economic power of a Del Monte, the corporate integrators are in a position to work their will.

THE MULTINATIONALIZATION OF THE AMERICAN FOOD SUPPLY

"By 1985," states Harold Perlmutter of the Wharton School of Finance, "some 300 supergiants will dominate business, producing more than half the world's industrial output." By the year 2000, according to some business analysts, only 80 corporations will account for 90 percent of world production and services. But we don't have to wait until the year 2000, or even 1985, to understand the crushing impact of this new breed of economic superpowers—the multinationals.

Nominally based in one country, but with far-flung empires stretching across the globe, multinational companies cannot be identified with any particular nation. "The political boundares of nation-states," according to William L. Spencer, President of the multinational First National City Corporation, "are too narrow and constricted to define the scope and sweep of modern business." Standing above and beyond the nation-states, these highly mobile supernational corporations are creating a new world order to be run out of corporate boardrooms rather than national capitals. But while governments are supposed to be concerned with the economic and social well-being of their citizens, multinational corporations owe their allegiance only to a narrowly defined vision of corporate interest. When a conflict arises between that corporate interest and the larger interests of a nation and its citizens, the interests of the corporation come first.

It is not just oil or sewing machines that have fallen subject to the global interests of the multinationals. It also is our food supply.

Wonder Bread, Gwaltney bacon and Morton pot pies are subsidiaries now of the far-flung multinational ITT. Unilever, a British-Dutch conglomerate, not only owns America's Lipton Tea, but also the Good Humor ice cream company. Nestle, known here for its chocolate candy bars, is a Swiss-based food combine that now owns Stouffer frozen dinners and 56 percent of Libby, McNeill and Libby.

Even the raw food supplies of this country increasingly are in the hands of multinational companies. These giants sell American foodstuffs to a global market, not just to American markets. The highly-concentrated grain industry, dominated by six multinationals has recently given consumers a taste of their power. It was reported in June that just three of these international traders—Cargill, Continental and Cook—were holding up to 95 percent of the soybeans remaining from last year's American crop. Those old-crop soybeans were badly needed at the time by American cattle ranchers and feedlots.

But these world powers did not sell. They held out their soybeans while foreign demand steadily inflated the price. Continental reportedly shipped some of the soybeans it held to Europe for use there by its poultry feeding subsidiary. As a result of this worldwide manipulation, American farmers could not get feed at a reasonable price, and American consumers will not be able to get beef at a reasonable price.

Del Monte Corporation, the world's largest canner of fruits and vegetables, typifies the increasing global vision of food industry multinationals. Del Monte is larger than its next two competitors combined (Stokely-Van Camp and Libby, McNeill and Libby) and accounts for at least 16 percent of all canned fruit and vegetable sales in the United States, its sales in foreign countries are growing steadily. Already 24 percent of Del Monte's canned goods and 35 percent of its fresh produce are sold outside of this country. In 1971, a Del Monte official predicted that within five years the company's overseas business will account for 55 percent of a projected $1 billion in annual sales.

Today Del Monte has invested some $60 million in farming, processing and marketing facilities in over 20 foreign countries, and it is organized to sell its products in more than 100 countries. Del Monte may be headquartered in San Francisco, but its other corporate addresses include Canada, Kenya, Venezuela, Taiwan, Brazil, South Africa, Italy, Guatemala, Japan and the United Kingdom.

DEL MONTE'S PINEAPPLE CONNECTION: SO LONG HAWAII, ALOHA PHILIPPINES

Del Monte recently announced the intended closing of its Molokai, Hawaii pineapple operations, while at the same planning to expand its Philippine and Kenyan pineapple production. A look at what this means to Hawaiian citizens shows how we have allowed a private, multinational corporation to wreak economic and social chaos in an entire Community, perhaps an entire state.

Pineapple production has been a mainstay of Hawaii's economy since the turn of the century and is now the state's second largest agricultural industry (sugar cane ranks first). Hawaii's pineapple sales totaled $127 million in 1972. The industry employs 6,200 year-round workers and 12,000 seasonal workers, who together earn $52 million in annual wages and spend an additional $32 million with local businesses, providing jobs and generating income for thousands of other Hawaiians.

In 1950 Hawaii produced 72% of the world's pineapple. It now produces less than one-third. Hawaii's actual pineapple production remained fairly stable until this year—only its share of the world market decreased in the face of a rapid expansion of foreign pineapple production. Del Monte has been the primary force behind that expansion. In 1926 Del Monte began operating a pineapple plantation and cannery in the Philippines. Since then, Del Monte has continued to export U.S. technology and know-how which has helped push the Philippines into its current position as a major supplier of the world's pineapple markets. The Philippine Packing Corporation, a Del Monte subsidiary, is the largest food company on the islands.

Now that the Philippines and other parts of the world can take over, Del Monte and other major pineapple processors are abandoning Hawaii as the source of their raw material. Dole Company, a subsidiary of Castle and Cook, has joined Del Monte in announcing its plans to close out operations on the island of Molokai. Dole will also reduce its acreage on the island of Oahu, and Stokely-Van Camp will close out its pineapple growing operations this year on the island of Kauai. The phasing out of Molokai and Kauai, and the reduction of acreage on Oahu will drop the state-wide acreage in pineapples about one-third—from 62,300 acres in 1972 to 40,000 acres in 1975. It also means that by 1974 there will be only three pineapple companies operating in Hawaii, compared to the nine operating in 1950.

The main reason that Del Monte and other corporations are abandoning their Hawaii pineapple production is the cheap cost of labor elsewhere. While Hawaiian plantation workers earn $2.64 an hour, Del Monte pays its Philippine plantation workers 15¢ an hour. Hawaiian cannery workers get paid $2.69 an hour, compared to the 20¢ an hour Del Monte pays Philippine workers for the same job. Even if all other costs of production remain the same in the Philippines, Del Monte saves 47% of canning pineapple there rather than in the United States. Del Monte makes a big savings. The American consumer does not. Regardless of where it is produced, consumers pay the same price for a Del Monte can of pineapple.

The impact on Hawaii of the loss of much of its pineapple industry will be catastrophic. The Hawaiian government, not blind to the consequences of such a disaster for the state and its people, bent over backwards to keep Del Monte and the other pineapple companies happy in Hawaii. What was good for Del Monte, figured the Government, was good for Hawaii:

Del Monte, through the industry's trade group, the Pineapple Growers Association (PGA), asked for no state action on raising the minimum wage in Hawaii. Result: The minimum wage bill was defeated in the state legislature.

PGA asked for the transfer of pest control research from the privately financed Pineapple Research Institute to the tax-supported University of Hawaii College of Agriculture. Result: Legislative approval of the transfer.

PGA asked for administrative and legislative action to make ocean transportation less costly. Result: A legislative resolution requesting the Federal Maritime Commission and a private navigation firm to exempt pineapple products from a general increase in U.S. Pacific/Hawaiian trade rates.

PGA asked for "realistic" environmental quality standards. Result: The Hawaii State Department of Agriculture has embarked on a $30,000 study to prove to the Environmental Protection Agency that crop-residue burning is not a significant contributor to the islands' air pollution problem.

PGA asked for a number of state tax exemptions—the chief one being a 50% reduction on real property taxes not just for a five year period. Result. The Hawaii legislature passed legislation which could be used by Del Monte and other companies to achieve a 50% reduction on real property taxes not just for five years, but permanently.

Despite Hawaii's generous efforts to keep them there, Del Monte and the other pineapple companies are continuing to close down their island operations. From the Hawaiian experience, state and federal government can learn one lesson in dealing with the multinational corporations: They really can't be appeased. Even if every single demand they make is met, the multinational corporation still will opt for another country if they think the pickings are better.

When the multinational abandons a community, it never bears the cost. Del Monte, for example, will simply deduct the costs relating to the closing of its Molokai plantation operations from its federal taxes as a business expense. Del Monte's Hawaiian workers and the communities dependent on their wages are not so fortunate. Estimates are that on the island of Molokai alone the unemployment rate could rise to 60%, which would have a tremendous "ripple" effect on thousands of Hawaiians: the loss of local purchasing power, which would lead to even greater unemployment; the shrunken tax base of the community; the expanded welfare rolls; the depressing effect on wages of a pool of unemployed labor; the disruption of the social stability of the community.

These communities made a real investment in Del Monte without which the company would never have been able to come to Hawaii profitably in the first place. Roads, sewers, power, water, schools for the children of Del Monte management, an agricultural college that provides training and research—all these things and more were provided with local tax dollars for the benefit of Del Monte. Yet when Del Monte skips town, it leaves the local community holding an empty investment.

THE DEL MONTE MEXICAN SHUFFLE

American farmers used to produce white asparagus for Del Monte's cans, but now the company gets all of its white asparagus from south of the border. Del Monte has been making a major move into Mexican asparagus production since 1969. At that time less than 2 percent of the asparagus marketed in the United States was imported. By 1972, only three years later, imports already made up 8 percent of total U.S. asparagus consumption.

Del Monte is largely responsible for this increase. Del Monte and one other firm alone can over 90 percent of the Mexican asparagus crop. Today it is white asparagus which is labeled "Packed in Mexico." Green asparagus, which comes basically from the same plant, probably is next, because farming and processing in Mexico are financially enticing to Del Monte. When such a multinational decides that the 23¢-per-pound paid to American farmers for asparagus in 1972 is too high, it simply moves across the border to Mexico. Farmers rent cheaply there—Del Monte can buy their asparagus for about 10¢ a pound.

The corporation also saves on labor by skipping the country. Farm workers in California can earn $3.75 an hour for harvesting asparagus, while Del Monte can pay their Mexican counterparts only 23c an hour. Del Monte pays its Mexican cannery workers 27c an hour, compared to the $3.37 an hour average paid cannery workers in California. The Mexican government even helps out by giving Del Monte a 10 percent tax credit on canned goods exported from Mexico. These considerable savings allow Del Monte to purchase, process and export asparagus for 40 percent less in Mexico than it costs in the United States.

Del Monte's high-salaried executives and the corporation's big shareholders might be ecstatic over their Mexican savings. But did anyone consult the 3,210 farmers and 34,500 farm workers engaged in the production of asparagus in this country about the company's move to Mexico? If Del Monte continues to abandon the American asparagus industry, thousands more farmers, farm workers and cannery workers will lose their livelihood. San Joaquin County, California, is the leading asparagus-producing county in the United States. A study made there on the impact of losing their asparagus industry estimated that the unemployment rolls would increase by 17 percent and taxes would increase $1.7 million in that county alone. There are 22 other counties in the nation whose economies would be drastically affected by a collapse of the domestic asparagus industry.

Concerned about the likelihood of this possibility, the asparagus growers of California, Washington and Oregon recently requested that the U.S. Tariff Commission investigate the nature and extent of the threat to the domestic asparagus industry by the increase in foreign imports. Del Monte, as a domestic producer and canner of asparagus, responded to the Commission's inquiry by stating that the Corporation "has not experienced unrealistic competition from foreign imports of canned asparagus . . . and that the current rate of duty appears to be sufficient to preclude serious foreign competition in the product." Nowhere in the Corporation's written reply did it reveal that Del Monte itself is the major importer of canned asparagus into this country, and that any increased tariff assessment would come out of Del Monte's coffers.

American-based multinational companies that flee this country and then dump their products back into the U.S. like to have us believe that the consumer benefits from lower prices of imports. But the fact is that canned asparagus imported from Mexico now sells for the same price as U.S. grown and packed asparagus. Del Monte, not the consumer, reaps the excess profits from its Mexican shuffle. Moreover, the multinational status of Del Monte puts it in a better position to corner the American asparagus market and ultimately to set any price it wants for asparagus. American-based multinationals have often moved into a foreign country to monopolize a product there (which U.S. anti-trust laws are supposed to prevent them from doing in this country) in order to dump that product back on our market and knock out American competition.

Pricing is not the only concern which American consumers should have about Del Monte's Mexican operations. Growers and processors in Mexico are not subject to the same health and sanitation standards and inspections as are those in the United States. Although there is a spot-check inspection at the border on all goods coming into the United States, this procedure in no way guarantees compliance with standards which are enforced in this country.

The U.S. Government, through its tax policies, actually subsidizes the foreign movement of American-based multinational corporations, such as Del Monte. One such subsidy is the foreign tax credit that allows American-based multinationals to subtract taxes paid to foreign governments dollar-for-dollar from their U.S. tax liability, which means in effect that American taxpayers are footing the bill for the foreign taxes of multinational corporations.

American consumers have long been accustomed to an abundant supply of high quality food at reasonable prices. The family farm, with its unmatched record for efficiency, has been the reliable source of that plentiful food supply. Today, though, the family farm is struggling to survive in an agricultural economy increasingly dominated by corporate suppliers, food manufacturing firms, retailers, and conglomerate competitors.

Multinational corporations present a special threat, the nature of which has yet to be fully recognized. If the family farm is squeezed out in a multinational game of musical chairs, all Americans will pay the ultimate price: a highly-concentrated, highly-industrialized agriculture dominated by corporations with no particular loyalty to American consumers. It means that the American public will have lost control of its food supplies, food prices and food quality.

Crystal City, Tex.—A Del Monte Company Town

The main road entering Crystal City, Texas is highlighted by a bold sign that proclaims, "Crystal City—Spinach Capital of the World." This promising introduction, however, is sharply countered by the desolate interior of the town, whose streets are unpaved, dusty, and lined with unprosperous dwellings. The highway sign does not exaggerate; rather it brings into relief the discrepancy between the real contribution the town makes to the food industry and the paucity of returns gained by its labor.

Crystal City is the county seat of Zavala County, a region which annually generates $14 million worth of farm products. The town's inhabitants grow, harvest and pack the spinach which accounts for a substantial portion of a giant corporation's sales, amounting, in 1973 to $946 million. But, in classic company town style, the City is in the grip of an industry which grows rich off its resources and manpower and which chooses not to contribute to the town's welfare, either through taxes or adequate wages.

The "Spinach Capital of the World" depends for its survival upon Del Monte, world's largest canner of fruits and vegetables. Since coming to Crystal City in 1946 the company has expanded its Zavala County operations until today it owns 22.5 acres of industrial site, including a processing plant, a can manufacturing plant, a warehouse, a sewage treatment plant and 3,600 acres of irrigated farmland in the county. Del Monte is by far the major business in the area—it is the biggest employer in Crystal City and it is the primary marketing outlet for farmers in the surrounding countryside.

At city hall, one is a little startled to find a statue of Popeye standing defiantly at the entrance and serving as a reminder to the locals of their dependence upon the company product. Del Monte donated this pugnacious symbol, the only visible evidence that the city has benefitted from its role in production of the corporation's wealth.

Despite the duration and importance of Del Monte's presence and its continued use of city-financed services, Del Monte is not and will not consent to be a corporate citizen of the municipality. The two shiny, modern plants which are located precisely on the northwest border of town—and which stand in marked contrast to the impoverished area they visually and materially dominate—can thus hold themselves unaccountable for the effect they have on the Crystal City community.

Crystal City officials want to annex the Del Monte plants property. Del Monte would then be required to contribute to the city coffers, increasing the city's property tax revenues ($157,705.12 in 1972) by 8% or $11,987.61.

Del Monte, nearly a billion-dollar-a-year corporation, is vigorously resisting the annexation. It claims that, as major employer in the area, it contributes sufficiently to community welfare. Del Monte employs over a fourth of the Zavala County work force, offering 70 full-time jobs in its farming and processing operations and seasonal, part-time employment for an additional 800 workers. Unfortunately, employment with Del Monte "supports" the people of the community at barely a sustaining level. Del Monte pays from $2.12 an hour to $3.09 an hour for processing work, and $3.56 an hour for work in the can manufacturing plant. If these wages were for full-time employment, workers would have incomes ranging from $4000 to $6800 a year. However, most Del Monte employees are not full-time workers. The economic status of Del Monte's town is reflected in the Census statistics for 1970: 49% of all workers in Zavala County earned less than $4000 a year, and 43% of all families had incomes below the official poverty level.

Moreover, Crystal City officials suspect that a large proportion of the company's employees are not Zavala County residents, but Mexican nationals who have travelled up from the Mexican border in a seasonal search for work. When asked by city representatives to supply a list of the names and home addresses of employees, Del Monte refused to divulge such information.

There are other ways in which employment with Del Monte is a mixed blessing. The company has exerted control over the political involvement of its employees by keeping them from the polls and by discriminating against those engaged in activities which Del Monte considers politically unfriendly. During the 1963 municipal election, Del Monte fired six of its workers who were wearing campaign buttons supporting candidates of La Raza Unida, the Mexican-American political party in Texas. In view of the fact that 81% of the county's residents are Mexican-Americans, Del Monte's retributive action has threatening implications for most of its work force.

In both the 1963 and 1973 municipal elections the corporation kept its processing workers overtime so that they were unable to go to the polls to vote. In 1963 a call from James Hoffa, then president of the International Brotherhood of Teamsters, to Del Monte's San Francisco headquarters was necessary to release the workers in time for them to reach the polls. But in 1973, the Crystal City Del Monte plant manager failed to return several calls from the City Manager; the workers stayed on the canning lines from 7 a.m. to 7 p.m.—throughout the hours the polls were open.

Most of all, Crystal City is concerned about the conditions for work within the Del Monte plant. Inadequate weather proofing makes the processing plant hot in the summer and cold in the winter; noise levels are feared harmful; toilet facilities are inadequate; workers are harassed if they sit down while working (although there are stools adjacent to the canning lines; finally, Del Monte refuses to consider the judgment of an independent doctor when assessing a worker's physical complaints and eligibility for company health benefits.

On September 24, 1970, the Teamsters contract representing the processing workers in the Del Monte plant was up for renewal. There was some movement among the workers to reject the contract. Del Monte managers called the workers into one of the company's warehouses; doors and plant gates were then locked. In this curious setting, the workers were told to vote "yes" or "no" on the Teamster contract. More curious yet, the "no" ballots were to be put into a separate box.

Only six workers consented to vote under those conditions. After much heated arguing, the rest of the workers demanded to be let out. They were, but the vote was taken anyway—Del Monte and the Teamsters declared the contract renewed on the basis of six votes.

In response to these highhanded tactics and to the conditions under which they labor, Del Monte employees have formed their own union: Obreros Unidos Independientes (United Independent Workers). Del Monte has refused to recognize the workers' union, even though there are now only four dues-paying Teamster members out of an original 257.

Headquartered in San Francisco, Del Monte officials have proven less than friendly "neighbors" in Crystal City. Not only does it set up its plant outside of the town, thus avoiding taxes, but it also does not make substantial plant purchases from local businesses and it makes no effort to move local residents into management positions. There is no Chicano employed above the line level in Del Monte's Crystal City plant, even though there are local Chicanos clearly capable of management positions.

It is a matter of corporate attitude. One Del Monte official referred to Crystal City as his company's Siberia. Crystal City is important to Del Monte only for its exploitive potential—monopoly of the region's raw spinach market, highly favorable tax structure, cheap water, cheap labor. It is like the coal companies in Appalachia and the timber companies in the South—take the wealth of the region and give the locals a statue of Popeye. When Crystal City residents began to voice complaints, the corporation moved in with a bevy of corporate lawyers. Del Monte is too big and too far removed to be bothered with the human and community needs of an outpost like Crystal City.

Del Monte consistently has reacted to city government and union pressure by threatening to pull their operation out of Crystal City and relocate in more compliant territory. If in fact Del Monte does abandon Crystal City, as it has a couple of its other company towns, Crystal City residents may have no other alternative than to join the other 30 million Americans who have had to flee from the nation's rural areas in the last thirty years.

As rural America increasingly has become the dominion of corporate agribusiness, its small towns have dwindled from the bustling market centers and thriving communities they once were. The wealth generated by their surrounding fields, farms and stockyards no longer is recycled through the local Main Street, but instead is siphoned off to Wall Street or Fremont Street by those corporations which now control the supply and distribution of the nation's food.

Crystal City—the county seat of Zavala County, southwest Texas—is one town engaged in a struggle with such corporate power. By fighting, the town's people risk being abandoned by their major source of employment. But their alternative is to remain a company town, accepting the debilitating realities of such an existence.

Del Monte is bigger than the town. Whether or not Crystal City succeeds in its demand for a better deal, Del Monte will continue to prosper.

CORPORATE CONCENTRATION IN THE FOOD ECONOMY—WHAT CAN BE DONE?

Food power is much more concentrated than most of us realize, and that concentration is affecting every one of us. On the average, four firms in each food line control more than half the relevant market. There are 32,000 food manufacturing firms, but only 100 of those make 71 percent of the profits.

Because of this lack of competition, consumers are being overcharged billions of dollars annually, food supplies are being manipulated, food quality is on the decline, more than a thousand family farmers a week are squeezed out of business and food middlemen are enjoying soaring profits.

Do we want concentrated, corporate control of our food economy? That is the basic question being posed publicly of the Food Action Campaign. Monopoly power already runs most of our other industries. If our automobiles are being recalled, if our headache remedies are deceptively advertised, if our gasoline supplies are manipulated, if our charge cards are a bureaucratic jumble—why let monopoly power mess with our dinner?

It is a relevant question, for there still is time to take action against concentration in the food industry. In many food lines, corporate control is not complete, but it is growing steadily stronger. If people learn what is happening in the food economy and choose to oppose it, they can make a difference. We can have a better food policy if we demand it.

Mr. ABOUREZK. There are plenty of tools in Washington to deal with concentrating corporate power. What is needed is a will to deal with it. Public officials must be made to know that people want action against the trend toward food monopoly. If there is a will, there certainly are ways. Here, for example, are 25 ways that action could be taken:

Vigorously enforce existing anti-trust laws to break up monopolistitc power extant in today's food economy.

Increase the budget, staff and authority of the Federal Trade Commission.

Take a hard line on all corporate mergers in the food industry, giving particular consideration to mergers that increase vertical integration.

Take anti-trust action to break up monopolistic concentration in the agricultural input industries.

Immediately initiate a hard-nosed, FTC investigation of the degree and nature of corporate concentration within the food industry, including special consideration of the non-competitive impacts of advertising, vertical integration and conglomeration.

Take action, based on that investigation, to restore competition to the food industry.

Allow class action suits as relief for consumer damages in the food industry.

Publicly negotiate all consent decrees arising from FTC action, and require ample opportunity for public comment.

Enact requirements for nutritional labelling, grade labelling, drain weight labelling and open dating on canned food products.

Fire such illegitimate consumer officials as Virginia Knauer and Nancy Steorts and create a fully-independent consumer agency with adequate authority to protect consumer interests in government programs.

Appointment of legitimate, consumer representatives to all boards and advisory committees related to the food industry and to agricultural programs.

Immediately fire Agriculture Secretary Earl Butz, and replace him with someone less representative of corporate agribusiness and more concerned with the welfare of family farmers and consumers.

Adopt a strong national policy committed to support of the family farm.

Limit acreage set-aside payments only to family farmers, excluding any corporation with more than $3,000,000 in non-farm assets.

Enact bargaining provisions to assure family farmers a fair negotiating position with food middlemen and to help restore independence and competitiveness to the food production sector.

Prohibit farming by large-scale, non-farm corporations and conglomerates.

Assure public maintenance and management of reserves of basic food grains to be stored during over-production and released during shortages.

Restructure land grant college research and extension programs so that the direct focus of those tax expenditures will be on family farmers and consumers, with special attention to the competitive needs of low-income farmers.

Disallow any expenditure of federal money on a food corporation that discriminates on the basis of race or sex in its employment practices.

Limit federal government food purchases (4 billion annually) to those firms that are competitive, giving priority to independent food manufacturers.

Remove tax loopholes that encourage multinational food corporations to abandon American communities and that allow them to avoid paying their fair share of taxes.

Prohibit corporate and urban investors from using farming losses as a tax write-off against their non-farm incomes.

Allow no more than half of food advertising expenses to be deducted from corporate income tax as legitimate business expense.

Enact rigorous new disclosure requirements to assure adequate public information on corporations involved in the food economy.

Conduct a public examination of the capital structure of the food economy, with particular attention to the ownership of retail food chains and of beef feedlots.

LEAGUE OF WOMEN VOTERS OF ILLINOIS PRIVACY SURVEY

Mr. ERVIN. Mr. President, I have for many years been concerned about the dangers Government computers and recordkeeping systems pose to individual privacy. Many of my colleagues here in the Senate share this concern, and have joined in calling for increased protection of individual privacy from the actual and potential abuses of recordkeeping systems.

To my mind, the defense of privacy must ultimately rest in the awareness of individual citizens about the dangers posed to their freedoms by increasingly sophisticated recordkeeping systems. I was, therefore, extremely pleased to learn about the excellent survey of recordkeeping in Illinois recently conducted by the League of Women Voters in Illinois.

I would like to take this opportunity to commend the Illinois League of Women Voters, and their civil rights and liberties committee in particular, on their thoughtful and thorough work. It seems to me that this is exactly the type of grassroots, local effort which is essential to the safeguarding of personal privacy.

I hope that civic organizations elsewhere in the Nation will follow the good example set by the League of Women Voters in Illinois, and set to work finding out about and seeking to eliminate the dangers to individual privacy posed by all types of recordkeeping systems.

For the information of my colleagues here in the Senate, as well as groups and individuals who may wish to conduct similar surveys in their own States and localities, I request unanimous consent that the "Policy Statement on Privacy and Recordkeeping" of the League of Women Voters of Illinois, together with excerpts from the materials developed by the Illinois league in the course of their survey on recordkeeping, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

League of Women Voters of Illinois—Civil Rights and Liberties Consensus Policy Statement on Privacy and Recordkeeping, March 1973

The League of Women Voters of Illinois has expressed a strong concern for the right of privacy of the individual in the collection, storage and use of personal information about himself by governmental and private organizations.

The League acknowledges that while the keeping of records is necessary for both public and private organizations, it is essential that the records be accurate, current, purged at regular intervals, and that only pertinent and objective information be recorded and used. It is also essential that the individual be aware of the existence of records about himself, the information contained therein and his rights relative to them. The League believes that confidentiality of all records, not legally required to be public, is paramount, and that persons handling them must work under professional standards.

The League believes that the individual's civil rights and liberties include the right to know that such records exist, to examine and amend them, and to be informed of their use. Further, before any information is released to a third party, his authorization should be obtained. Only through subpoena power and specific court order should federal, state and local government agencies have access to records of banks, credit bureaus, schools and other public and private organizations.

Although controls at the federal level would be the most effective, there should be control sources at state and local governmental levels as well. In addition to legislative controls, the League believes that public opinion and professional ethics are important controls, although not sufficient in themselves. Policy guidelines at the state and local levels should be used in areas such as schools, welfare agencies, libraries, banks, law enforcement agencies. All of these control sources should delineate quality, quantity, accuracy, currency, objectivity and relevance of record collections. They should also establish procedures for individual access, correction and purging. They should provide penalties for the mishandling of records.

Similar controls should apply also to information in data pools, when records can be individually identified. There is the need to fix responsibility for the accuracy and use of pool data either with the contributing agency, the pool or both.

When considering the privacy of public officials and candidates for public office, the League approves disclosure of financial information relevant to possible conflicts of interest in accord with the Illinois Governmental Ethics Act of 1972.

League of Women Voters of Illinois—Planning the League Year 1972–73, June 1972

To: Civil Rights and Liberties Chairmen.
From: Doris Bernstein, State Civil Rights and Liberties Chairman.

Our study this year will be in the area of privacy, and that area of privacy particularly related to the collection, storage, retrieval and use of personal information about people. We will be working in some uncharted areas and possibly uncovering some fascinating facts—and I hope you will agree with the state committee that we have an exciting and instructive year ahead.

Our authors tell us that much loss of PRIVACY these days is unavoidable because today's complex society requires extensive record keeping on every individual. They further tell us that guidelines and legislation in the areas of public/private privilege of information are greatly lacking, particularly in the areas of the "new technology," i.e., electronic computers and data banks.

The first step in our study is a tried and true League technique—we have to gather information (data collections?). You will be asked to do a series of questionnaire interviews in your communities with those persons and public and private organizations which collect and keep and use or sell personal information on people. These would include banks, schools, credit bureaus, law enforcement agencies, etc. You will then be asked to evaluate these questionnaires and return all the information to us so that we can fashion a statewide survey. This has never been done in this area; so there's no way to foresee all the interesting information this material might turn up.

Such a job has several purposes that we can see right now. One, of course, is the use of such information to illuminate conditions on which we may wish to take action. But, in addition, just taking the survey carefully should sensitize you, your League, your community and the interviewees to the endemic nature of personal records and some of the privacy problems connected with them.

Your state committee has worked out a questionnaire and will be trying it on appropriate state agencies such as the Attorney General's office, Superintendent of Public Instruction, Department of Public Aid, the Retail Credit Corporation, the Credit Information Corporation, and possibly some banks and insurance companies. We are in the process of doing this now so we can give you the results at an early date.

* * * * *

You will note that our study this year will not involve the questions of privacy invasion connected with the collection of personal information, i.e. surveillance, wiretapping, searches and seizures, etc. This is not to say that these are not issues of equal importance in the privacy field. Certainly all of our authors address themselves to this issue.

But because this whole area is both broad and deep, the committee decided to study only the collections and their uses at this time, partly because of work load, and partly because there are more legal safeguards about collection than about dissemination. We may certainly want to look into collection methods and privacy as a further study.

We do ask, in our questionnaire, in what manner agencies and organizations get their information simply to document the different methods now in use. But this will not be part of our study and consensus this year.

EVALUATION FORM—JULY 1972

This form is to be used in conjunction with the Survey on Record Keeping. Use a separate evaluation form for each interview.

League.

Organization interviewed.

1. Do you think the organization is collecting more information than it needs? That is, is it collecting non-essential or too detailed information?

2. Has it been community experience that the stated policies of privacy protection of records as stated by the agency or person to you are in fact adhered to?

3. Do you feel the organization has indicated concern for the security of its records and the privacy of the individuals whose records it maintains?

4. Has the interview left you with any concern about areas of possible invasions of privacy in this instance?

SURVEY ON RECORD KEEPING

Interview questions

I. Describe generally the kinds of records you keep on individuals.

A. What categories of persons are covered? (check)

Students.

Employees.

Job Applicants.

Customers.

A particular segment of public with which agency is concerned (as with police or welfare).

Other (list).

B. How are individuals identified in your records? (check)

Name.

Social Security number.

Special coding.

Other.

C. What kind of information is kept (on the individual)?

Student profile (grades, discipline, I.Q. personal evaluations, etc.).

Race.

Religion.

Political affiliation.

Medical data.

Organization memberships.

Arrests.

Convictions.

Personal finance (income, loans, home ownership, etc.).

Test results (aptitude, personality, I.Q., polygraph, etc.).

Occupation.

Social security number.

Morals (drinking problems, sex habits, etc.).

D. Do you have information on the individual's record which you classify confidential? If yes, for what reasons?

E. Record Maintenance.

1. Could you describe in what form your records are kept? (Electronic storage and retrieval, machine coded, manual, etc.).

2. What are your standard procedures for

a. verification of original input?

b. regular review for:

Updating of records?

Correcting of records?

Purging of records?

3. Even though purged locally, are your records or any part of them retained elsewhere for use? If so, where?

For how long?

Why?

F. Approximately how many names do you carry in your records?

II. What are your sources of information?

A. Applications for credit and employment?

B. Accumulated as part of your operation? (school performance, employee personal files, customer relations, etc.).

C. Public records? (vital statistics, school records, court files, welfare rolls, etc.).

D. Restricted or otherwise private records? (credit bureaus, schools, investigative organizations, law-enforcement records and tax records [IRS, FBI], etc.).

E. Other? (list)

F. To what extent is this information acquired through data banks or other electronic or systematic equipment?

G. Are sources of information identified on individual records or in any other manner?

III. Use of information.

A. Is this information used by your organization for:

1. Statistical purposes (analyzing past performance, projecting future requirements, etc.)?

2. Specific individual purposes (aid in determining action with respect to individual such as in a job, in school, for credit, or for governmental action [court action, removal of a license, etc.], etc.)?

3. Commercial purposes (to sell or rent information such as done by credit bureaus and mail houses) If yes, to whom?

4. Other (list)

B. Is the information available to persons or organizations OUTSIDE of your organization?

1. To private persons or organizations? (credit bureaus, customers, employers, insurance companies, anyone from the general public)

2. To governmental agencies on local, state or federal levels? (law enforcement agencies, welfare agencies, IRS or other tax bodies, other government investigative agencies)

3. What is the procedure for outside organizations/persons to obtain information from your records? (Written requests, code numbers, personal or phone contacts?

4. Is this information provided on a regular basis?

5. Under what circumstances would you refuse to furnish information to any persons or organizations?

C. If your records are computerized, is there a provision for exchange or hookup within the organization or with other organizations or a central clearing house? How? With whom?

IV. Controls.

A. What, if any, are the controls on use of your information within the organization?

1. Is access to information restricted to a specific person? To whom is it accessible?

2. Is there any difference in access depending on the kind of information stored; that is, is confidential information less accessible?

3. If access is limited, are there specific safeguards to guarantee that your controls as to use or access are followed?

4. Is a log kept on—

a who uses the record at any particular time?

b. kind of information extracted from the record at any particular time?

5. If your records are made available outside of your organization, is there a procedure for notifying recipients of the information of any substantive revisions in the records?

B. What, if any, are the controls on use of your information by the individual whose record you maintain?

1. Is he notified or otherwise made aware of the existence of his record with you?

2. Is he informed of the use made of his record both within and without your organization?

3. Is he notified when outside organizations or persons request information about him from your records.

4. Is his consent asked or required for any use of his record?

5. Are there procedures for the individual to inspect? correct or amend? purge his record? What are they?

6. May he inspect any log kept on his records? (See IV-A-4 above)

C. What, if any, are the controls on use of your information by regulation or law?

1. Are there any regulations or laws that guide or restrict you relating to the collection, maintenance and use of information on individuals?

2. Do you follow any enunciated codes of conduct, internal policy procedures, industry standards or professional ethics relating to the collection, maintenance and use of such information?

V. General questions.

Do you think there is a need for legislation, regulation or policy positions—

1. to help you protect the privacy of your records? If so, what kind?

2. to standardize procedures for collection, storage and use of personal records? If so, what kind?

3. to limit your potential liability to an individual affected by the use of this information? If so, what kind?

B. Electronic equipment.

1. If you do not use electronic equipment for data collection, storage and retrieval, do you foresee using it in the near future?

2. If you are presently using such equipment, could you explain how its use has been beneficial?

If it has not been beneficial?

3. Do you think the use of such electronic equipment gives greater or lesser protection to the security of your records than the conventional method of handling data? Why?

Attach an evaluation form to this survey and mail to the State Office by October 1, 1972.

OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF ILLINOIS—NOVEMBER 1972

Kinds of records

Section I The OSPI keeps records of everyone having a teaching certificate. The record includes college record, credits, certification, service records (years of service, location, subjects taught, salary) and records of the Teacher Retirement Board (length of service, payments). The office also maintains OPSI employee records.

Files are identified by name, social security number, certificate number; service records are filed by district. Files contain information on TB tests. Arrests and convictiions are recorded; questions of moral qualifications are judged by the county superintendent. Certification is subject to revocation for morals or felony convictions after certification board hearings. Files also record teacher income, test results.

Information on age, address, and salary is considered confidential. Only information given out is regarding certification or noncertification. Files are stored on tape and manually. Files are verified to the point of checking college transcripts. Service records are purged annually, but are retained in the archives of the state for an unknown period. Records are updated annually via information from the individual teacher. Records are purged at death.

Active files on 500,000 certified teachers are kept. The person interviewed did not know the number of service records kept on file.

Source of records

Section II The only source of information on the individual is the individual application.

Use of records

Section III Information in files is used for statistical purposes, for research, in salary negotiations, and as a record of certified teachers. There is no commercial use. Only a school superintendent or school board may have access to the file, and then only information relative to qualification. However, information is available to federal and state agencies with reference to address, certification, salary. Outsiders may have information only for qualified research.

Controls

Section IV Within OPSI there are no restrictions on access to information, and minimal safeguards. Information on felons and/or certification being appealed are kept separately with minimal security. There is no log on use of files—An individual is not notified if inquiries are made regarding his record, except where qualifications are challenged. An individual may inspect, correct and purge a record by submitting evidence for change.

It is purely a matter of internal policy as to what controls are placed on the use of records.

General

Section V The person interviewed does not feel any need for legislation, regulation or policy positions to guide practices regarding collection, storage, use or protection of privacy of records.

Electronic equipment has added to efficiency in issuing certification and retrieving information. It provides greater protection to individual data (manual data is easier to secure), but less protection to total data since it is more easily compiled.

ILLINOIS DEPARTMENT OF PUBLIC AID

Kinds of records

Section I. Agency keeps records on approximately 988,000 assistance recipients. Records are of two types: case records in narrative form are kept in manual files in local offices; computer-stored information is kept in the state office building. Records include information on age, sex, race, religion, household numbers, need for assistance agency-supplied items, residence in Illinois, income, education, aptitude test scores, occupation, social factors, marital status.

Records are identified by name, special coding and, recently, social security number. All records are classified confidential, but by law and on written request, the list of name, address and amount of public assistance is open to anyone, with the reservation that users are subject to prosecution if information is used for political or business purposes. Records are also subject to subpena by the courts.

Files are reviewed and updated every four months (family records) or every 12 months (individual). Information is not often purged because of shortage of manpower. Canceled cases are removed from the files, but are kept in storage awaiting federal audit; then they are destroyed.

Sources of records

Section II. Information for the files is obtained from applicants for aid, public records and other verified sources. School records are used in education referrals. Little comes from data banks. Sources of verified information are recorded.

Use of records

Section III. Records are used for the specific job of public aid, statistical and administrative purposes; there is no commercial use. Public aid register lists are published monthly. Records are sent to HEW and USDA. The records are subject to subpena. There are reciprocal arrangements with other states for the purpose of locating "responsible" relatives.

Controls

Section IV. Records are available to all employees at the welfare department and there are no restrictions on information. Exception: records on employees who receive assistance through the local office; these records are kept in county administrator's office.

The director did not believe any additional special safeguards were needed, based on past experience.

A sign-out sheet records who is using a file. A recipient is aware of his file, but it is not available to him, but he may appeal for a hearing anytime a decision is made that effects him. He may inspect the factual record, not narrative entries. Only oral consent is needed if use of his file is required.

General

Section V. The law provides against such use by outsiders. The same law would apply to staff. Director believes there is no need for such restrictions on staff because policy protects case information.

Without electronic equipment, it would be impossible to operate the files. The chief believes electronic equipment gives greater protection to records since fire and security protection are built in.

BANK

Kinds of records

Various types of banking accounts: savings, checking, trusts, mortgage, international banking, loans. Information on file varies with type of account; e.g.—with individual installment loans, bank keeps total financial picture—why loan wanted, identification, employment, previous credit record, references, income (by bracket); commercial accounts, current finanial statement and list of corporate officers, etc.

Employees records include in profit: medical check by bank doctors, including specifics on drugs, organization membership, arrests, schools and grades, personal finance (e.g. mortgage), aptitude tests and, if considered necessary for promotions, psychological tests. Identification is by social security number, drivers license (considered more important), signature card with birthdate (since signature varies with age). Employees are fingerprinted and photographed and record goes to F.B.I.

All records are held confidential.

Applications for bank accounts and employment are in manual files; financial data in computer. Verification of information is based on degree of service sought. Files are purged based in own printed schedule recommended by legal and audit departments. Employee records are retained for five years after leave. There is a retention center for inactive files and a complete duplicate file in Harvard, Illinois, retained in event of disaster.

Files include approximately 5,000,000 accounts and 6,000 employees' files.

Sources of information

Applications are the prime sources. Cook County, Evanston, and Chicago credit bureaus are used for verification; telephone and rent or mortgage payment patterns and personal references are used as backup verification where needed.

Uses

Strictly for banking purposes. Only very occasionally for internal statistical use. No selling of information. No hook-up with other organizations. (Bank does not give loan lists to credit bureaus.) Gives out only reference information in client's interest. (e.g. establishing credit for opening charge account.)

No other information is given except by court order. Requests must be in writing.

Controls

Files are locked, have an alarm system and armed guard. Access to computer files is directly limited to computer staff. With proper identification and justification, any employee can gain information. Computer department head is in charge; his authorization is needed to use files. Employee records have a specific person in charge; only specific information is given. If a file is subpoenaed, the customer is notified in writing before file is turned over to court and is told of his right to seek restraint on subpoena.

A customer has access to financial information in file, but not application.

Controls exercised are house rules, not legal ones. Controls are based on professional ethics seeking to protect privacy, on guidelines of banking institute, on recommendations of auditors and legal department.

General

The person interviewed would like to have laws backing up and supporting the protection of privacy of files. The first bank to require a court order for revelation of information from records has gone to court to try to protect subjective material in files from subpoena.

Computers have added speed and efficiency. The bank believes computer files are more secure than manual, since only a specialist can read the information.

The bank has objected to "reporting" aspect of Bank Secrecy Act and has long practiced record retention as prescribed in the Act.

RETAIL CREDIT COMPANY

Retail Credit Company supplies information to businesses concerning individuals applying for insurance, credit and employment. The company has more than 300 branch offices with files on 45,000,000 people. About 7% of their business is in employment reports; the remainder is in life, auto, personal, property insurance and in credit reporting.

Information kept in the company's reporting files include identification, employment, reputation, morals, drinking habits, finances and character. All reports are marked confidential.

The information gathered by Retail Credit Company is largely subjective and does not lend itself to electronic data processing. The reporting files are stored manually in file cabinets. The files for each branch office are kept separately at that location and not at a central location.

Adverse information must be substantiated from two unrelated sources. Subjective adverse information such as character must be verified again before reuse after 90 days. Most records are destroyed after 13 months. Most of the remainder are discarded within three years. The company complies with the Fair Credit Reporting time limits on reporting adverse information.

The company employs its own field investigators, checks bankruptcies and court reports and clips newspaper articles. Sources of information are identified on files.

Retail Credit Company sells information only to its regular accounts. These are business firms with a continuing need for this information. They cooperate with law information agencies including the FBI to the extent allowed by the FCRA.

Reports are issued only in written form and rarely over the telephone. The record of reports issued is kept in the individual file. All employees have access to the files and are made aware of the responsibility in the area of privacy and also of legal penalties for the use of misinformation.

Retail Credit Company conforms to the FCRA provisions for notification, disclosure and correction of files.

The company official interviewed pointed out that the cost factor insures no unnecessary information is collected by Retail Credit Company. Businesses are paying only for what they need to know. Prompt, accurate information is essential to the business economy. Too many requirements for notification and express consent would slow down the ability of the business to act and this would not be in the consumer's best interest, the company feels. In addition, surveys commissioned by Retail Credit Company show that the public is not overly concerned about the possible invasion of privacy in this area.

INSTITUTE FOR EDUCATIONAL RESEARCH

(A PRIVATELY OPERATED CENTER FOR EDUCATIONAL RESEARCH)

As an adjunct to educational research activities, this center provides a computerized record-keeping service to member school districts. Students are identified by code number on the computerized record, which also handles and stores financial data, budgets, program budgets and scheduling. The records on each student may include grades, IQ scores, personal evaluation as recorded on a standard form, and "family census" information, as the district chooses. Race and religion might be included if required for government programs.

All information is confidential; the center stores and processes it; but would need permission to use it for research projects, and then would use only student number, not names. Each member district is responsible for verification of the initial input, as well as review, updating of information and corrections. All student records are purged within a year, although the districts may keep the printouts indefinitely.

The center now keeps records on approximately 35,000 students for six districts. The capacity of the machine is 200,000 or 300,000. The information stored can be retrieved only by the district from which it came. If member districts wish to exchange information, they can do it only by obtaining a printout and exchanging manually. Anyone outside the district would have to obtain a court order to receive the information.

Specific safeguards of privacy include code numbers for individual files and code numbers for each terminal in a member district. Some employees have access to codes, but they are informed of the necessity for privacy. Under the present system it is not possible to exchange or receive information from another computer.

The member district does not notify individuals of these records; a Board of Education represents the individuals in giving consent when it approves participation in the program and also may approve other use of the records if it wishes. Inspection of the records by parents or students is not necessary because everything in them (with the possible exception of IQ records) was originally either provided by them or the contents known to them in some form, the director says. Any legal restrictions in this area would apply to the member districts.

The director believes that there should be a statutory limitation on the right to subpoena information concerning students. He says that the record-keeping operations fall within the Russell Sage Foundation Guidelines and have made possible a great deal of analysis, particularly in the area of finance, which would not otherwise be economically feasible for them.

The director believes that electronic storage and retrieval give greater security protection than information stored in file drawers because accessibility is easier to control with the use of codes; the routinized procedure and logs give additional protection; the cost of snooping would be much higher. His opinion is that high costs would deter school districts from keeping more information than necessary, from keeping it longer than one year, and from including information received from outside sources.

FEBRUARY 19, 1973.

To: Civil Rights and Liberties Chairmen.
From: Doris Bernstein, State Chairman.
Re: Illinois Department of Finance, Management Information Division.

This week three members of the state CR & L committee in company with the state League legislative chairman met with the deputy director of the Department of Finance of Illinois. Mr. John Gentile is in charge of the Management Information Division which *keeps on its computers the records for 30 state agencies!* In addition, he is the project director for *Project SAFE*, an IBM funded study project conducted at the State of Illinois Data Center. Project SAFE is to be a comprehensive study of how to deal with the privacy, security and integrity of data collections.

THE MANAGEMENT INFORMATION DIVISION

This division of the Department of Finance maintains, as noted above, the complete records of thirty state agencies. Not included, at this point, are records from the state and local law enforcement agencies and the records from the Secretary of State's office. These are on separate computers.

The source of all of the information maintained in these computers is the original agency itself; no information is fed to the computer by any other source. The information in the computer is the property of the agency which contributed it, and the agency head is responsible for its accuracy and its use.

At the present time there is little exchange of information within the computer which is used largely on a shared time basis by the agencies. Any "linkage" would have to be agreed upon by the heads of whichever agencies desired it. We were told that such "linkage" would be advantageous, making it possible to cross-check and correlate the files. There is now exchange of information outside the computers, and the director feels that privacy could be better ensured if any such exchanges took place within the computer.

PROJECT SAFE

A study is currently underway, funded by IBM which has supplied the more than $50,000,000 worth of computers used in the state government. This study, duplicated in several other sections of the country, is directed by Mr. Gentile and his assistant, Mr. Robert Caravella. They designate their study "a pragmatic interdisciplinary approach to ensure privacy of information in a computer environment." The basic assumption of the study is that "privacy of information" can best be assured by minimizing the exposure to the following six problem areas: apathy, negligence, extortion, lack of data integrity, theft, and lack of ethics or ideological values. The study covers many technical aspects of security as well as practical and philosophical concepts for maximum preservation of individual privacy, and how to effect both privacy and security.

The study began with a computer search of the Illinois code extracting legislation which contained specific key words relating to privacy (confidential, secret, disclosure, etc.). This indicated that all existing legislation concerning protection of privacy is written into specific programs. The Director foresees and may propose *omnibus* legislation which would impose controls on government data collections, and hopefully private collections.

Drafting of such legislation has not yet begun, although it may come this year. It would contain provisions covering notification, correction, access, purging, logs, relevance, security, and use (or non-use) of social security numbers. Barring successful legislation, the Director could propose an executive order covering the above which would only cover government records.

Needless to say we found ourselves on the same wavelength with the Director and the project and, pending our consensus, indicated our direct interest and possible support. We were greatly heartened by the real concern expressed by this state division, and IBM for funding the project.

In the security planning stages now, software is being designed which will control access (possibly by a frequently changed code word) to reveal immediately any unauthorized attempt to extract information from the machine. Logs are now being kept but are so voluminous as to be unusable; but plans are being made to make exceptional use readily apparent on the log.

Project Safe has also employed a Chicago lawyer whose specific job is to plan a series of guidelines, workshops, public relations seminars, classes, etc., to inform and teach all persons in state government working with record collections on computers about privacy and security. She also looks forward to League participation. She asked us to consider these two questions:

(1) If we could get to all the levels of state employees who are responsible for record keeping to set the guidelines for their use, what would we want them to do and know?

(2) What do we think the people of Illinois need to know about the records being kept on them in the state?

How it took us a half a year to find the largest and most comprehensive data collection organization in the state is beyond comprehension! But we have it now, and we've made good contact. They're involved in a study that's right down our alley. It's quite exciting.

AUGUST 1973.

To: Civil Rights and Liberties Chairmen.
From: Mary Ann Randby, State Civil Rights and Liberties Chairman.

Senator Ervin hos certainly been doing his part to keep Civil Liberties before the public. And now, no doubt you've heard of the report of the advisory committee to HEW, which provides excellent support for many of our consensus positions regarding privacy and record keeping.

A copy of the *Summary and Recommendations of the HEW committee* is enclosed, as entered in the Congressional Record by Senator Ervin. It should make exciting reading for those of you who struggled to prepare your Leagues for consensus last year. In this mailing you will also find the *Final Analyses of your interviews with record keeping organizations* in Illinois (over 300 interviews).

This HEW Committee Report, our statewide interviews, and your own League's experience conducting local interviews should give you strong backing for our position on Privacy and Record Keeping. Familiarize yourself with the HEW summary and recommendations as well as the final analyses, and review the record of your local interviews. (If your League was not able to do local interviews with record keeping organizations last year, just work from the final analyses.)

* * * * *

The HEW advisory committee recommends the enactment of a federal "Code of Fair Information Practice" for all automated personal data systems. The Code rests on *five* basic *principles* that would be given legal effect as "safeguard requirements" for automated personal data systems:

(Note the parallels to our Position on Privacy and Record Keeping, March 1973).

1. There must be no personal data record-keeping systems whose very existence is secret.

LWV position: "It is essential that the individual be aware of the existence of records about himself."

2. There must be a way for an individual to find out what information about him is in a record and how it is used.

LWV position: "The League believes that the individual's civil rights and liberties include the right to know that such records exist, to examine and amend them, and to be informed of their use."

3. There must be a way for an individual to prevent information about him that was obtained for one purpose from being used or made available for other purposes without his consent.

LWV position: ". . . before any information is released to a third party, his authorization should be obtained."

4. There must be a way for an individual to correct or amend a record of identifiable information about him.

LWV position: "(Controls) should establish procedures for individual access, correction and purging."

5. Any organization creating, maintaining, using, or disseminating records of identifiable personal data must assure the reliability of the data for their intended use and must take precautions to prevent misuse of the data.

LWV position: ". . . control sources should delineate quality, quantity, accuracy, currency, objectivity and relevance of record collections . . . They should provide penalties for the mishandling of records . . . Similar controls should apply also to information in data pools, when records can be individually identified. There is the need to fix responsibility for the accuracy and use of pool data either with the contributing agency, the pool or both."

This report should make us proud of the conclusions we reached and even more confident in working for their actualization.

* * * * *

Among the HEW committee's recommendations, pending the enactment of a federal code of fair information practices, was that state and local governments, the institutions within reach of their authority, and all private organizations adopt the safeguard requirements by whatever means are appropriate. It is this *need for state legislation* which you should discuss with your state legislators. As Alan Westin told us last year, state laws are necessary until such time as federal legislation can be passed, and can in fact be a powerful impetus to federal legislation.

This is a fairly new area for legislation, and legislators listen for public interest in an issue. It's up to you to bring this to their attention, and to let them know that the League of Women Voters of Illinois is vitally interested. You might quote the HEW Report that "it is becoming much easier for record-keeping systems to affect people than for people to affect record-keeping systems . . . and individual's control over the use that is made of personal data he gives to an organization, or that an organization obtains about him, is lessening."

We do not have specific legislation we are supporting at this time; no comprehensive legislation has yet been introduced. At this time we are simply asking you to discuss the subject and our position with your legislators, and to find out how aware they are of the problem and how supportive they might be of state legislation to protect privacy in governmental or private data collections, and in the Illinois School Code.

* * * * *

Our "bible" on school records, the Russell Sage Guidelines, is not now available from the Russell Sage Foundation. Since so many of you were interested in affecting school records policies, we are printing the Russell Sage Guidelines for your use. You will receive three copies in the September Presidents' mailing, and additional copies can be purchased. If you are planning to work for the adoption of a local school board policy on records, you might begin by supplying every school board member and school administrators with a copy of the Russell Sage Guidelines, a copy of our final analysis of school interviews, and an explanation of our position and concerns. (Russell Sage Guidelines are recognized as the ideal in the profession, and they offer solutions to many of the administrative problems involved in the implementation of a privacy policy.)

While we're talking about schools, are you familiar with the resolution adopted by the Illinois Congress of Parents and Teachers, Spring, 1972? This could lead to some allies for action in your community.

Whereas, the Illinois PTA has always agreed that no child should be labelled during his school years and after

Whereas, the Russell Sage Foundation predicts that computerization of school records will become nearly universal during the 70's

Whereas, school files may not always be fact but subject to the interpretation of the student by school personnel and

Whereas, there are dangers inherent in a system of record keeping which denies the right of challenge

Now, be it resolved that the ICTPT support the right of the student and his parent to have access to any files maintained by the school relative to the student and the right to challenge them where necessary.

* * * * *

Many of you raised questions about the Illinois Juvenile Officers Information File at Rolling Meadows, as a result of your interviews with police departments. (See the report on State Committee interview with File Director, November 1972.) The Juvenile Officers Information File is now being transferred to the jurisdiction of the Department of Law Enforcement. In a letter to the Chairman of the Illinois House Appropriations Committee dated May 31, 1973, Mr. Harvey N. Johnson, Director of the Department of Law Enforcement, made the following statements.

"I would like to clarify two procedures which this Department intends to implement when we acquire the responsibility of maintaining a Juvenile Officers Information File.

"First, all names of juveniles who have reached age 17 will be cut off the cards annually, or when a specific card is observed during a routine transaction. I have asked the Superintendent of the Bureau of Identification to receive specific permission from the State Records Commission to do this.

"Second, the parent of any juvenile whose name is entered in the file will be notified of that fact."

We will keep you up-to-date on any information we receive about this File.

FINAL ANALYSIS OF RECORDKEEPING INTERVIEWS, CIVIL RIGHTS AND LIBERTIES COMMITTEE, AUGUST 1973

BANKS—46 SURVEYS

Typical information kept

Name, address, occupation. Personal finance records: amount of information depends on whether the customer is applying for a loan or merely opening an account. Social Security number: bankers say this is a federal requirement. Account number or special coding to identify the customer.

A few banks (nine) require medical data; some have records of arrests, as well as information about morals, as a result of reports they obtain from credit bureaus.

Outside of the applicant himself, a bank's most common source of verification when processing a loan account is the credit bureau. Most of the reporting banks consider the information they keep on their customers confidential.

Access to material

Credit bureaus have the greatest access to a bank's information; almost all reporting banks said they freely pass information to credit bureaus.

Aside from credit bureaus, information is divulged to different degrees; the only consistency is that "some legitimate reason" is required. Most banks will not divulge information to individuals, only to organizations. Most require a written request for information, while ⅓ will give information over the telephone to an identified source. The overwhelming majority of responding banks do not inform the customer of all requests for information from the outside, especially credit bureau reports. A substantial number of banks stated they get blanket permission from the customer to give out information at the time of application.

Most banks will give information to the IRS or other government agencies only with a court order. Most will inform the customer if the IRS makes a request.

Professional ethics and legal guidelines

The diversity of answers regarding controls was astounding. Two stated there were no laws or regulations regulating banks' handling of individual records. The rest agreed there were regulations: some just mentioned "laws" in general, while others were more specific. The most commonly mentioned (11 banks) was the Fair Credit Reporting Act, while 7 banks mentioned the Truth in Lending Act. Others mentioned the Bank Secrecy Act, FDIC regulations, and Treasury Bureau Law #901500.

Professional codes of conduct were also varied: American Banks Association standards, Bank Administrator's Institute standards, professional ethics, Robert Morse Association Code of Ethics.

These interviews produced no common understanding of how these laws and professional ethics specifically related to the privacy of individual records.

CREDIT BUREAUS—21 SURVEYS

Typical information recorded

Identifying information: name, address (present and previous), social security number, wife's name.

Occupation, employer, salary (present and previous).

Personal financial information: bank loans, department store charge account records, paying habits.

Public record: arrests and convictions, bankruptcies, judgments, litigations.

Investigative reporting for personnel and insurance purposes might also include morals, organization memberships, student records.

Five bureaus do not keep records of either arrests or convictions, and five more keep only convictions. Nearly all report only arrests whose dispositions are known, even though the law and industry guidelines ask merely that they make "reasonable" efforts to determine disposition.

Some larger bureaus regularly update their file with reports of department store charge account transactions. In general, smaller bureaus are regularly notified of past due accounts by their members, or check status with stores when an inquiry is received.

Procedures for handling and use

Information is sold to "members" who have signed contracts and declared their purpose in receiving credit information. Legitimate purposes, defined in general by the Fair Credit Reporting Act, include credit, insurance, employment and business dealings. An individual can receive a report from some agencies, even for a one-time inquiry, if he signs a contract card of intent.

The Fair Credit Reporting Act forbids the use of credit bureau files for government investigative purposes unless a court order is obtained. Unless they have a legitimate use for a report, such as licensing, hiring or granting credit, government agencies should only be given identifying information about a subject, limited to name, address, former address, employer, former employer. However, only six of the bureaus state that this is their policy with regard to government investigations, and several state they cooperate with any law enforcement or government inquiries.

The Fair Credit Reporting Act outlines an individual's control over his records: he must be told its contents upon request, can ask for corrections or include a statement in a dispute. All bureaus interviewed stated they comply with these provisions.

The Fair Credit Reporting Act specifies length of time derogatory items may be reported, generally seven years (bankruptcies for fourteen years). All seem to comply with this.

Professional ethics and legal guidelines

The Fair Credit Reporting Act of 1971 regulates the activities of credit bureaus. No interviewers questioned compliance with its provisions regarding the individual's access to his record, or regarding time limits on reporting detrimental information. Some interviewers felt bureaus were less careful about being sure that reports are for legitimate purposes as defined by the Fair Credit Reporting Act.

The Association of Credit Bureaus publishes guidelines for its members, who represent a large portion of the industry. These guidelines typify the goal of credit reporting as "an opinion-free, objective record of a person's usual manner of payment of each credit account." They encourage full compliance with FCRA provisions, regular purging of files, and open communication between the consumer and the credit bureau. Bureaus responsive to current trends seem to follow these guidelines.

Many smaller bureaus still continue such practices as retaining subjective information, "buddy system" of sharing information, purging on a sporadic basis, if at all, and a suspicious, secretive attitude toward consumer questions.

Bureaus which do investigative reporting for employment and insurance purposes often make reports which are far from "opinion-free, objective" accounts, and the sources of such subjective information do not have to be identified under current FCRA provisions.

LIBRARIES—29 SURVEYS

Typical information recorded

Application information: name, address, phone, age (juvenile), occupation or business address. Only three record social security number, and one records the sex of the card holder.

Records of over-due books, fines, and habitual non-returners. Circulation records.

Procedures for handling and use

No libraries keep a record of all the books a patron borrows. Circulation records only show who has borrowed a particular book. If the library uses a *transaction slip* system, this record is accessible only until the book is returned. If the library uses *book card* system, a history of who has borrowed the book is compiled until the book card is filled and a new card is made. Seven libraries report a transaction slip system.

All librarians agreed that circulation records should be confidential, citing their professional ethics. No libraries sell information to outside organizations, and most give information to government agencies only by court order.

The concern most mentioned by librarians (five of those interviewed) was that the use of computers might result in keeping records longer and in sharing access with other agencies. (N. B. This is not a necessary by-product of computerization, but depends on the computer program. If confidentiality is the intent of the program, information could be deleted as soon as a transaction is completed, and access can be limited in many ways. The willingness is all.)

Professional ethics and legal guidelines

There are no laws regarding the confidentiality of library records.

Only three of the libraries surveyed had their own formal policy statement on confidentiality of records. Most librarians stated they follow the American Library Association policy on the confidentiality of library records.

All the librarians interviewed stress that their professional ethics require that they keep circulation records confidential. The American Library Association has issued strong statements on this position, as well as other aspects of intellectual freedom, and these specific positions were clearly evidenced in these interviews.

Statement of American Library Association Council

The American Library Association Council strongly recommends that the responsible officers of *each library* in the United States:

1. Formally adopt a policy which specifically recognizes its circulation records and other records identifying the names of library users with specific materials to be confidential in nature.

2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state or local law relating to civil, criminal or administrative discovery procedures or legislative investigatory power.

3. Resist the issuance or enforcement of any such process, order or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.[1]

POLICE DEPARTMENTS AND RELATED LAW ENFORCEMENT AGENCIES—62 SURVEYS

Information recorded

Police departments record a variety of information in such files as: Case file: kept by file number, includes investigating officer's complete report. Incident files: by type of incident or offense. Arrest record card: by individual, can become quite inclusive.

Worth particular note are the master index files maintained in eleven departments interviewed. These master index files include the names of all persons in contact with the department, whether for filing a complaint, witnessing an accident, or being charged with a felony. Many interviewers questioned this co-mingling of complainants and criminals.

Also pertinent is the fact that nearly all agencies record the social security number of persons arrested, and 28 agencies report that they use social security number for identification.

Most police records are kept indefinitely, never purged.

Many agencies have access to the state Law Enforcement Agency Data System (LEADS) and the National Crime Information Center (NCIC) through leased teletype terminals in their own departments or neighboring departments. This system can provide, within seconds, information on stolen articles, missing and wanted persons, registered firearms, drivers licenses, and automobile licenses. In the future, the LEADS system will provide criminal history information.

Some agencies submit and receive information on juveniles from the Illinois Juvenile Officers Information File at Rolling Meadows.

PROCEDURES FOR HANDLING AND USE

Some agencies have a record clerk who controls internal access to records. In other instances, the senior officer on duty is in charge of records. Sometimes all police personnel have access on a "need to know" basis. Usually juvenile officers control access to juvenile records. Records are generally available to all other agencies within the criminal justice system.

There is little agreement on how available law enforcement records should be outside the criminal justice system, with the exception of juvenile records which are confidential by law. Some agencies furnish information to credit bureaus, insurance companies, banks, employers, IRS, military intelligence. Other agencies frown upon or forbid furnishing information without a signed authorization or a subpoena. Statements about the confidentiality of records ranged from "police records are kept closed to the public" to "all are public records."

Only a few laws were mentioned by respondents as covering the keeping or sharing of records in law enforcement, such as the Juvenile Court Act, the Public Information Act, and the Freedom of Information Act. However, no common understanding of the specific effect these laws have on the confidentiality of records became evident through these interviews. Fourteen agencies felt the need for legislation to help protect the privacy of their records. Many interviewers doubted that records were as confidential as some agencies maintained.

SCHOOLS—71 SURVEYS

Information recorded

Most districts keep *two* levels of information.

Permanent record card: grades, courses taken, dates of attendance. This information is kept indefinitely and is generally available to teachers and staff. Student workers often have access to these. This information may be provided to colleges, employers, credit bureaus, insurance companies, usually with the written consent of parent or student.

This card may also include IQ scores, standardized test scores, unsigned teacher ratings, notation of special information available elsewhere on the student (such as psychological consultation).

Confidential file or files: personal information on student, teacher or counselor evaluations, personality or psychological test scores and other psychological information; test scores; disciplinary information. Confidential records are usually stored separately in locked files in either principal's, dean's, or guidance counselor's office. These are accessible only to professional staff directly involved with students. Very few districts give teachers direct access to psychological reports. Most districts now allow parents to see these (and IQ scores) with interpretation.

Most districts report that information designated "confidential" is supplied only with written permission of the student or parent, or in response to subpoena.

Confidential records in most districts are destroyed within five years after graduation, often sooner.

A law which required that disciplinary suspensions be itemized by name for the information of school board members was passed two years ago, and repealed a year later. Some school districts still continue this practice.

(Health records are confidential, stored separately in the nurse's office in most districts.)

Despite the standards of confidentiality expressed, no logs are kept on persons using the files or what information they extract, even where access is supposedly highly restricted.

Existing Policies

Only 11 districts reported that a school board policy determines the handling of student records. In none of these 11 districts did the interviewers report a serious concern over the standards of confidentiality, and none of their interview reports include the inexplicit or qualified answers to questions concerning access ("probably not", "mostly refuse", "maybe to police," "reluctant to give out test scores", "administrative decision") which appear throughout many interviews.

Several of these policies reflect the influence of the Russell Sage Foundation Guidelines. These guidelines recommend three levels of confidentiality rather than two, specific conditions of access and challenge, logs, and purging. They also offer solutions to many of the administrative problems involved in the implementation of a privacy policy.

In the balance of districts many administrators said that "professional ethics" and the "Illinois School Code" guided them in record handling. In actuality, there is no legislation in Illinois concerning handling of student records, nor did any administrator report any required education courses or in-service training bearing on the subject.

Concerns

Concern was most often expressed by League interviewers that standards of privacy in their district were dependent upon the awareness and interest of one administrator, rather than strong district policy. In many cases there were indications that the standards of confidentiality expressed were not adhered to by other members of the faculty and staff. Several Leagues felt that individual teachers were not impressed with the need to keep the information to which they had access confidential. A case in point is that, although no administrator reported giving information on students to local police, several police departments listed schools as sources of information.

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[1] Means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

Colleges: Special notes

The eight college administrators interviewed shared a strong concern for the confidentiality of student records, a generally more sophisticated understanding of the problem of privacy and record keeping than their secondary school counterparts. Six of the eight schools had a written policy on record handling, and the two which did not seemed equally concerned.

All the colleges interviewed required either a subpoena or written student permission for release of any information. In response to increased requests for information on students, one school is cutting down on the information it keeps, and another has recently ceased giving any information to police and will no longer provide student lists to campus organizations. The discretion of individual faculty members was mentioned as a problem by one school.

Shared information includes ACT, CEEB and Illinois Scholarship records, records for transfers from one school to another, and financial information. Sharing of financial aid records is common, and is necessary to avoid double funding on federal and state programs.

Although privacy standards were high in all these schools, security measures were not described by any, and logs of use appear to be kept only irregularly.

SEPTEMBER 1973 MEMORANDUM

LAW ENFORCEMENT AGENCIES DATA SYSTEM (LEADS)

In July, members of the League of Women Voters of Illinois Civil Liberties Committee interviewed Mr. John Dreiske, General Services Administrator of the Department of Law Enforcement of the State of Illinois, on the collection, storage and use of records in the LEADS system. LEADS is a computerized system designed to provide law enforcement agencies within the state with immediate access to records through the use of 297 terminals throughout the state which are connected with the LEADS central computer.

TYPES OF RECORDS

At the time of the interview, LEADS contained 176,998 records. Of these, over 138,000 were vehicle and license plate records, 9,589 were gun records, 13,686 of the entries were stolen articles, and 12,591 were wanted and missing persons entries. Entries in these categories, as well as add-ons to existing "wanted" entries, may be made by subscribers to the LEADS system. (Other categories are alias names and stolen securities.) Investigative records are never gathered by LEADS or shared with the system by local police jurisdiction.

LEADS is now in the process of adding criminal histories records, liquor license registration records, and will eventually acquire the juvenile records file now kept at Rolling Meadows. Criminal history records will all include disposition (conviction and sentence) because they are obtained through the correction system. "Arrest only" records will not be released.

SOURCES

Unlike the Illinois Department of Finance Management Information Department, which process information separately for each members storing agency, LEADS acquires the information and becomes the proprietor of it, permitting subscribers to share all information under conditions which it specifies. When juvenile records are acquired, they also will become the property of LEADS, but will be shared only with juvenile officers in the subscribing jurisdictions. LEADS includes the Firearm Owners registrants in Illinois and has access to information in the National Crime Information Center (NCIC), State Police files, access to records of five neighboring states and of the Secretary of the State of Illinois.

PURGING

The files on wanted and missing persons, guns and stolen securities are only purged when the case is closed. The file on stolen vehicles is purged four years following year of entry. All other entries in the file are purged one year following the year of entry. Criminal histories will be kept for ten years following the last arrest. The Bureau of Identification, a division within the Department of Law Enforcement is the only agency that can add-on or change a criminal history record.

ACCESS

Direct access to information in the LEADS system is available to subscribers in the state who have signed a contract with the Department of Law Enforcement which specifies the conditions of use. Subscribers may include police forces, courts, prosecutive agencies, correction departments, parole commission, fingerprint agencies at all levels *within* the state. Those with direct access may provide information only to others who meet these standards. Information concerning federal crimes is made available to the NCIC, but may not be made available either by LEADS or by any subscriber to other federal jurisdictions (such as MPs) or to anyone outside the criminal justice system. An individual offender has no right of access or challenge concerning information on himself under the present regulations.

Information cannot be given for licensing or employment (except employment with criminal justice system). Data can be provided for research only with approval of Illinois Department of Law Enforcement (NCIC in appropriate cases). Illinois has declined to participate in national research programs where the standards for data security were not as high as those of LEADS.

ENFORCEMENT

Any agency which violates these regulations is cut off immediately from the LEADS service. Logs of use are kept and audited regularly. Although there have been few abuses, the service has indeed been revoked when violations were detected. (Frequently, contacts are made with police chiefs, sheriffs, and communication dispatchers who access the LEADS system to insure that the terms of the contract are understood.)

LEGISLATION AND REGULATION

The contract between LEADS and its users is modeled after the contract between the NCIC and its users. It shows serious concern for matters of both privacy (policy toward information on individuals) and security (procedures used to implement policy). It is *not* law and does *not* control the use by local jurisdictions of their own information. The regulations it contains were planned to anticipate the requirements of future legislation.

The National Association of State Information Systems (NASIS), which also displays a strong concern for individual privacy, has developed a Model State Act for Criminal Offender Records. NASIS urges adoption of state legislation throughout the country with this comment:

"It seems clear that interstate systems for the exchange of criminal offender records will shortly be organized, and standards to protect privacy and security may be most effectively and easily formulated early in the development of such systems."

This model would provide control by law of records of all police jurisdictions as well as state criminal offender records. It provides the rights of access and challenge by the offender and purging of criminal histories; it does not provide as strong restrictions on access outside the criminal justice system as the present LEADS users contract.

At the time of our meeting, Mr. Dreiske stated that though he was not opposed to future legislation, he would not support it at the present time. Subsequent to the meeting, he informed us that federal legislation enacted in June relative to the appropriation for the Law Enforcement Assistance Administration would seem to make such legislation mandatory now. The intent of that legislation was to make the states conform to policies defined by the Committee on security and privacy of project SEARCH in Technical Report No. 2. That report states, ". . . each participating state should immediately adopt a uniform act for the protection and control of (criminal justice) information system data." Finally, he expressed the hope that such legislation will provide maximum protection and regulation in terms of the rights of individuals and minimum definition of the specific structure of the system. He stressed that the information system itself must be flexible to meet changing information needs of the different agencies within the criminal justice system.

Mr. PERCY. Mr. President, I am delighted to join with the distinguished chairman of the Constitutional Rights Subcommittee (Mr. ERVIN) in congratulating the Illinois League of Women Voters for its comprehensive survey of recordkeeping in Illinois.

The time-consuming efforts of the members of the Civil Rights and Liberties Committee of the Illinois League have produced an extremely thorough and informative report.

The survey demonstrated that despite the existence of legal requirements for the collection and dissemination of personal information, additional controls are needed.

I was pleased to join as a sponsor of two such measures when they were introduced by the senior Senator from North Carolina earlier this year. One, the Federal employee privacy bill, has passed the Senate four separate times, only to later die in the House of Representatives. The need for the Freedom from Surveillance Act of 1973, which prohibits the Armed Forces from collecting information or conducting surveillance on private citizens, was acutely demonstrated during hearings held by the Constitutional Rights Subcommittee in 1971.

Obviously, public opinion must be brought to bear if this and other needed legislation is to be adopted.

The Illinois league's report can serve to make both the public and data collecting agencies more aware of the constitutional protection of individual privacy and of the obligations of public and private data collecting agencies to respect this right.

I was pleased to note that some of the agencies surveyed expressed a conscious effort to follow not only the spirit but the letter of applicable law in this area and am certain the league's efforts have already had an effect on the practices of others.

Again, I commend the Illinois league and urge groups in other States to launch similar efforts to bring abuses of personal privacy to public attention for correction.

Mr. STEVENSON. Mr. President, today Senator ERVIN is inserting into the RECORD the "Policy Statement on Privacy and Record Keeping" of the League of Women Voters of Illinois, along with excerpts from the material the Illinois league developed in the course of making its survey.

I join Senator ERVIN in commending the Illinois League of Women Voters, and particularly the Civil Rights and Liberties Committee of the league, for its excellent work. It is extremely important for all citizens to be aware of the dangers to their freedoms from modern sophisticated data and record keeping systems, and I commend the Illinois league for promoting this public awareness.

I also commend Senator ERVIN for his untiring work in this area. Most citizens throughout the Nation have come to know Senator ERVIN through his work on the Watergate Committee, but we here in the Senate and civil libertarians throughout the land have long known of Senator ERVIN's deep interest in such issues as the right of privacy, executive privilege and the right to a speedy trial. He is chairman of the Constitutional Rights Subcommittee of the Senate Judiciary Committee, and as well as anyone, Senator ERVIN perceives the threats to our privacy and defends the safeguards of the Constitution. In citing the work of the Illinois League, Senator ERVIN—to use an old phrase—"knows whereof he speaks."

I am sure that Senator ERVIN and the members of the Illinois league know that I share their deep concern.

ORDER FOR ADJOURNMENT TO 10 A.M. TUESDAY, NOVEMBER 13, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD AND FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate meets on Tuesday next, after the two leaders or their designees have been recognized under the standing order, the distinguished assistant Republican leader (Mr. GRIFFIN) be recognized for not to exceed 15 minutes, and that I then be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL MIDNIGHT ON MONDAY TO FILE CERTAIN COMMITTEE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs have until the hour of midnight Monday to file certain committee reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHIP NOTICE

Mr. ROBERT C. BYRD. Mr. President, in order that Senators may be informed of the program for Tuesday and the rest of next week, I ask unanimous consent that my today's Whip Notice be inserted in the RECORD.

There being no objection, the Whip Notice was ordered to be printed in the RECORD as follows:

FRIDAY, NOVEMBER 9, 1973.

WHIP NOTICE

DEAR COLLEAGUE:

MONDAY, NOVEMBER 12

No session.

TUESDAY, NOVEMBER 13

Senate convenes at 10:00 a.m.

Senator Griffin, 15 minutes.

Senator Byrd (W. Va.), 15 minutes.

Morning business not to exceed 15 minutes.

Senate will proceed to consideration of Conference Report on Alaska Pipeline—provided the Conference Report has come over from the other Body. *A yea-and-nay vote will probably occur on that Conference Report.*

Among other matters which can come up at any time on Tuesday and later in the week are the following (but not necessarily in the order listed):

Conference Report on Oil and Petroleum Allocations (House acts first).

Conference Report on HEW Appropriations Bill (House acts first).

Conference Report on State, Justice Appropriations Bill (House acts first).

Northeast Rail legislation.

Energy legislation being reported, in the interim, from the Senate Interior Committee.

D.C. Home Rule Conference Report (House acts first).

Military Construction Authorization Conference Report (House acts first).

HMO Conference Report (House acts first).

Ford Nomination (possible).

Saxbe Pay Bill (possible).

NOTE.—Several yea-and-nay votes are likely to occur next week, beginning on Tuesday.

ROBERT C. BYRD.

ADJOURNMENT UNTIL TUESDAY, NOVEMBER 13, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 10 a.m. on Tuesday next.

The motion was agreed to; and at 1:55 p.m. the Senate adjourned until Tuesday, November 13, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, November 9, 1973:

WORLD HEALTH ORGANIZATION

Dr. S. Paul Ehrlich, Jr., of Virginia, to be the Representative of the United States of America on the Executive Board of the World Health Organization.

U.S. DISTRICT COURTS

William C. Conner, of New York, to be U.S. district judge for the southern district of New York, vice Edmund L. Palmieri, retired.

MARINE CORPS

Lt. Gen. Leo J. Dulacki, U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list in accordance with the provisions of title 10, U.S. Code, section 5233.

In accordance with the provisions of title 10, U.S. Code, section 5232, Maj. Gen. Samuel Jaskilka, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of commander:

John M. Cece
Charles S. Mincks
Edmond G. Case
Peter F. Sterbling, Jr.
Ransom K. Boyce
Roland E. Huggins
Dean A. Frankenhauser
Thomas E. Langmann
Stephen D. Csintyan
Paul Resnick
Charles E. Siegman
William E. Newland
Berl R. Williams
Leon Clarizio
Donald S. Krug
David M. McCann
Gary D. Palmer
Edward F. Boulanger
Steve W. Geletka
Billie A. Campbell
Richard J. Clements
John A. Blanchard
George G. Turner
Eugene E. Moran
Irving G. Sauer
Jan R. Dazey
Karl F. Wassenberg
Domenic A. Calicchio
Theodore E. Deming
Robert W. Davis
Lloyd R. Lomer
Paul D. Russell
Leroy G. Krumm
Terry L. Lucas
Ian S. Cruickshank
Harry E. Obedin
Neal F. Herbert
Kenneth M. Rappolt
Gerald F. Corcoran
Robert A. Creighton
Robert A. Schwartz
William T. Troutman
Richard E. Haas
Robert A. Ginn
Ralph E. Giffin
Joseph S. Blackett, Jr.
John R. Sproat
James G. Williams
Alfred D. Utara
Eugene J. Hickey, Jr.
Richard W. Zins
John E. McCarty
Martin J. Moynihan
Charles L. Keller
James D. Partin
Jerome M. Myers
Hugh D. Williams
James W. Haugen
Manuel Josephs, Jr.
Michael B. Dunn
William H. Hall, Jr.
Robert G. Williams
James F. Butler
John F. Otranto, Jr.
Donald A. Feldman
Robert E. Kramek

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of Section 8962, Title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Thomas K. McGehee, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a), title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. James E. Aiken, [redacted] FG.

Maj. Edward A. Belyea, [redacted] FG.

Maj. Charles V. Blair, [redacted] FG.
Maj. Emiel T. Bouckaert, [redacted] FG.
Maj. Charles R. Bradley, [redacted] FG.
Maj. Wayne R. Brendel, [redacted] FG.
Maj. Richard A. Brockway, [redacted] FG.
Maj. Alfred P. Bunting, [redacted] FG.
Maj. John E. Carleton, [redacted] FG.
Maj. John A. Carter, [redacted] FG.
Maj. James W. Chapman, [redacted] FG.
Maj. Kenneth J. Costa, [redacted] FG.
Maj. David E. Culver, [redacted] FG.
Maj. James H. Estep, [redacted] FG.
Maj. James R. Felix, [redacted] FG.
Maj. Stanley Gavac, [redacted] FG.
Maj. Adolph P. Hearon, [redacted] FG.
Maj. John B. Holmgreen, [redacted] FG.
Maj. James G. Jolly, [redacted] FG.
Maj. James M. Kees, [redacted] FG.
Maj. Thomas L. Kincaid, [redacted] FG.
Maj. Ritchie K. Kunichika, [redacted] FG.
Maj. David L. Ladd, [redacted] FG.
Maj. Elliott W. Lambert, [redacted] FG.
Maj. Paul W. Lindemuth, [redacted] FG.
Maj. Gilbert Popez, [redacted] FG.
Maj. Richard J. Marx, [redacted] FG.
Maj. Donald L. Masuret, [redacted] FG.
Maj. Elden I. Maxwell, [redacted] FG.
Maj. Juan J. Mayol, [redacted] FG.
Maj. William B. McDonald, [redacted] FG.
Maj. David A. McLaughlin, [redacted] FG.
Maj. Robert L. Monson, [redacted] FG.
Maj. Dale E. Moses, [redacted] FG.
Maj. Joseph Naddeo, [redacted] FG.
Maj. Billy J. Nichols, [redacted] FG.
Maj. Robert W. Odle, [redacted] FG.
Maj. George C. Radzak, [redacted] FG.
Maj. Dale H. Reinecker, [redacted] FG.
Maj. Dan A. Robar, [redacted] FG.
Maj. Kennith L. Robinson, [redacted] FG.
Maj. Clarence H. Ryherd, [redacted] FG.
Maj. Harold S. Schindler, [redacted] FG.
Maj. William C. Seeds, [redacted] FG.
Maj. Richard H. Sotherland, [redacted] FG.
Maj. Elvin E. Stambaugh, [redacted] FG.
Maj. John P. Syribeys, [redacted] FG.
Maj. Donald R. Tonole, [redacted] FG.
Maj. Thomas J. Turnbull [redacted] G.
Maj. Samuel A. Wilson, [redacted] FG.
Maj. Roger T. Winn, [redacted] FG.
Maj. Kenneth L. Wolfe, [redacted] FG.
Maj. Stanley A. Worsham, [redacted] FG.
Maj. Ward H. Zelhart, [redacted] FG.

MEDICAL SERVICE CORPS

Maj. Allan D. Davidson, [redacted] FG.
Maj. Duane F. Mabeus, [redacted] FG.

EXTENSIONS OF REMARKS

S. 1868: AN INDUSTRY VIEW

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, November 9, 1973

Mr. HUGH SCOTT. Mr. President, on September 6, Mr. Martin N. Ornitz, president of the Stainless Steel Division of the Crucible Materials Group for Colt Industries, Inc., filed a statement with the Senate Foreign Relations Committee for the record of the committee's hearing on S. 1868, legislation to reinstate U.S. participation in the United Nations sanctions against the importation of metallurgical chromium ore and other materials from Rhodesia.

Mr. Ornitz was one of a number of persons who had expressed a willingness to appear before the committee in person, but was requested not to do so because of time. Instead, he was asked by the committee to submit a statement on the understanding that it would be included in the printed volume of the committee's hearing. Later, a decision was made to include in the printed volume only the statements of those persons who actually appeared before the committee.

Therefore, I would like to bring the statement by Mr. Ornitz to the immediate cause of time. Instead, he was asked by attention of the Senate, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MARTIN N. ORNITZ

Mr. Chairman and members of the Subcommittee. I am president of the Stainless Steel Division of the Crucible Materials Group of Colt Industries Inc. The specialty steel industries—stainless, alloy and tool steels—are the major consumers of chromium in the United States and overseas.

I thank you for the opportunity to submit this statement to your Committee. I want to take advantage of the opportunity by bringing two points to your attention.

One is the economic consequence for the American citizen of shutting off the United States from access to any source of metallurgical chrome, at a time when worldwide demand for chrome is rising and America must compete for it with a host of other countries.

The second point is that the Committee's consideration of chrome opens the way for you to help find a solution for the problem of the raw materials shortage that besets the United States. Instead of adding to the shortage, as the pending bill would, I urge that you begin the positive search for means to assure the continuing availability of raw materials, particularly chrome. I do not intend to address political aspects of the legislation, about which the Committee is in a position to know more than I, but it is obvious that the narrow and negative approach of the pending legislation will not long—if ever—help the people of Africa in whose interest the legislation was drafted. For Africa is not going to benefit from a "have-not" United States. Africa deserves better than that. The United States deserves better than that.

Regarding the economics, the legislation before you creates a serious immediate problem for the American public. If the legislation is enacted in present form, it will reduce the amount of chromium ore, i.e., chromite, and ferrochrome—a steel making alloy made from metallurgical chromite—available to the United States. All usable chromite is mined overseas. This reduction of chrome will threaten the stainless steel industry with reduction in output. As a matter of law as well as a matter of consumer preference, stainless is used in many applications that are critical to our way of life and the public health. The dairy industry, for example, uses much stainless steel in the interest of public health, from the milking of the cow, to vats used in cheese-making, to tank trucks that haul milk to the dairy and the dairy equipment itself. Stainless is employed in the making of tractors and a variety of other agricultural machines. Our country needs and the world needs the American farm. Perhaps the relationship between the farm and chrome was overlooked in the advocacy of this legislation.

Furthermore, stainless is one of the specialty metals essential to national defense. It is important in the reduction of air pollution. There are many other uses, which I list later in this statement, including the manufacture of automobiles, airplanes, and railway equipment. I know that the legislation is not aimed by intent at dairymen, at the environmentalists or at national defense or American transportation. But they are the "innocent bystander" targets of the legislation. It takes chrome to make stainless. There is no escape from that reality.

In summary, the situation is:

The production and consumption of stainless steel and other chrome-bearing specialty steel has increased substantially since 1970 in the United States. Each individual type of market for stainless in the U.S. (except aircraft) has increased since 1970. It has gone from a total domestic consumption of 802,000 metric tons in 1970 to 941,000 metric tons in 1972. The consumption for 1973 first six months is 29 percent greater than in first six months of 1972.

The worldwide demand for the same steels and their production also has increased substantially since 1972. The market for stainless produced in all countries increased by 15 percent from 1971 to 1972, and is further increasing in 1973.

The result is rising demand and worldwide competition for available chromite and ferrochrome from sources outside the United States. Hope for a domestic ore is dashed by the fact that ore identified in Montana is not economically practical in filling ferrochromium requirements. Ferrochrome production in the United States is down due to the problem of chromite availability, cost of compliance with environmental laws, and change in requirements for the type of ferrochrome used resulting from changes in melting techniques.

The change in type of ferrochrome needed results from increasing usage of the new AOD process to make stainless steel. This process greatly increases usage of charge chrome and reduces use of the more expensive low carbon ferrochrome. Crucible believes that the AOD process is a key element in keeping us competitive against foreign made stainless steel. In addition to lowering costs, the process also provides higher quality stainless. Crucible has put in operation a 100-ton AOD unit, which is the largest operating vessel in the world. My company bought practically all of its ferrochrome in the United States until it became almost impossible to do so. The United States is competing with many countries for the available ferrochrome—Japan, Great Britain, France, Sweden, Austria, Belgium, West Germany, Italy, Soviet Union, People's Republic of China, Spain, Brazil, Canada, Australia, Mexico, and Norway. Cost as well as availability is a fundamental consideration. If it happens that the only way the United States can obtain chrome is to pay a premium price, the national struggle against inflation is set back.

The specialty steel industry in the United States must have assurance of adequate supplies of ferrochrome. Given the worldwide demand situation, no country can afford the elimination of Rhodesia as a source of chromite for making ferrochrome unless Rhodesia is replaced by assured access to a substitute source. Geologists have not found new supplies in the earth that are being worked. Chromite is mined in several countries, but that fact can be misleading.

For example, it has been pointed out that the Philippines are a source of chromite. That means nothing to the stainless industry in the United States. The Philippine metallurgical chromite desirable for steel-production goes to Japan. The Philippine exports to the United States consist of ore for the refractories industry and is not suitable for steel-making purposes. Philippine chromite production increased from 1968 through 1971 (*Metal Statistics* 1973, a publication of Fairchild Publications, Inc.), along with increases in the production of South Africa, Turkey, U.S.S.R., Albania, India, Iran, Greece, and Rhodesia. As with the Philippines, not all those sources are available to the United States, because of established commercial relationships, long-term contracting, etc. And not all chromite mined goes into international trade; the U.S.S.R., a major steel-maker, consumes part of its own chromite production.

The world increase in chromite production 1968–71 was 27 percent. The world increase in stainless production 1968–1972 was 24 percent—nearly parallel. At present the ferrochrome supply is so tight that American producers of stainless are on allocation—rationed. Production of stainless cannot be sustained at required levels if one source of chrome is removed without another source of comparable quality and quantity being provided.

An additional problem of sourcing is that not all furnaces used in making ferrochrome can convert all types of ore. Some of the furnaces in South Africa can convert only Rhodesian ore. The character and quality of ores vary. Poor quality ores are included in the statistics of world production, but are not commercially suitable for use.

The National Materials Advisory Board in May 1970 published the report, *Trends in Usage of Chromium*, which states about chrome quality:

"For the largest application (61% of total consumption), ferroalloy additions to stainless and alloy steels, a high quality ore is desired.

"Quality considerations include the physical nature (hard lump), a high CR_2O_3 content (48% or better), a CR/FE ratio of over 3/1, and are MGO/AL_2O_3 ratio of 1.8 or below. These factors significantly affect the grade of ferroalloy produced, the conversion cost, and the output of the ferroalloy facility. In times of emergency lower quality ores could be utilized but at a significant sacrifice in facility output of both the ferroalloy and steel furnaces and a substantial increase in cost."

The report of the National Materials Advisory Board adds these words about quality: "Of the Free World's supply of high-grade ore, 70 percent of the reserves in this quality are found in Rhodesia."

This report is available from the Clearinghouse of Federal Scientific and Technical Information, Springfield, Virginia, 22151 and it contains many facts which clarify the importance of chrome to the future of our country.

Bearing further on the problem of cost and inflation, I would like to comment on recent correspondence between me and members of Congress, some of which was printed in the Congressional Record—Senate, July 16, 1973.

1. World deposits of chromium ore. As stated above it is true that there are deposits of chromium ores in countries other than Russia, Rhodesia, Turkey and South Africa. It is true that there are chromium ore bodies in the United States. I respectfully submit, however, that we must look at this on a practical basis. Ores from many sources cannot be economically or practically used.

2. When I say there is no effective substitute for chromium, I mean no practical substitute. We could, of course, substitute titanium for stainless steel in many applications—or gold or silver for that matter. But not on a practical cost basis.

It has been stated that Turkey might mine more chrome ore "if the United States, Japanese and European consumers were willing to assist them". But why should the Japanese and Europeans subsidize Turkish mines if they are to share the output with their American competitor?

It has been stated that the price of chrome has gone up, not just because of the embargo on Rhodesia but for other world economic reasons. Naturally, laws of supply and demand still govern. But a U.S. buyer of chrome ore cites the following prices he paid, F.O.B. shipping point:

Russian ore—1966 (before sanctions), $26.24 per ton.

Russian ore—1971 (after embargo), $55.50 per ton.

Russian ore—1972 (after Byrd amendment), $45.72 to $47.25 per ton.

Rhodesian ore—1972, $39.50 per ton.

Gentlemen, the specialty steel industry in this country is having a hard enough time staying afloat, what with imports, high expenditures to comply with new laws governing pollution of air and water, rising costs of energy—without having to pay more for chromium than other nations with whom we compete, many of which also signed the U.N. agreement on Rhodesian.

The British Foreign Secretary told Parliament a year ago, "A lot of Rhodesian exports are going to countries which are members of the United Nations and which are supposed to be supporting sanctions."

This hearing is taking place at a time when the problem of supply of chrome is far more critical than it was when the embargo on Rhodesian chrome imports went into effect and in 1971 when the embargo was removed.

The U.S. Bureau of Mines' Mineral Industry Surveys report of August 7, 1973, on "Chromium in May, 1973," shows that consumption of chromite by the metallurgical industry increased by 46 percent in the first quarter of 1973 compared with the first quarter of 1972.

The comparative figures are 150,788 short tons in January-March 1972; 221,547 short tons in January-March 1973.

The chrome steels made in the United States are shipped to every State. They are indispensable to farming, to transportation, and to the safeguarding of health.

Alloy steels are used in the manufacture of farm equipment, trucks, buses, earth-moving equipment, mining machinery, oil country goods, hand tools, machine tools, power generation equipment, aircraft and space vehicles.

Stainless steels are used in dairy, hospital and restaurant equipment, food processing, oil refineries, power plants, home appliances, automobiles, airplanes, chemical plants, paper mills, and many other vital industries.

Tool steels are used to machine or form the alloy steels, stainless steels and all other materials of construction such as aluminum, copper, plastics and the like.

The catalytic converter which is scheduled to be included in the exhaust system of some 1975 model cars and all 1976 model cars will use approximately 30 to 60 pounds per car of steel containing about 12% chromium. We have been advised by the automotive industry that the requirements for the 1975 model will be around 150,000 to 175,000 tons of this stainless steel. For the 1976 model year this demand can be up to 250,000 tons of 12% chromium stainless steel which would mean the consumption of up to 50,000 tons of ferrochrome per year. An estimate of 20,000 tons made for the Carnegie Endowment for International Peace does not fit the requirement.

As for the dairy industry, the *General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service*, effective May 16, 1967, as published by the Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture states (page 27):

"The product contact surfaces of all utensils and equipment such as hold tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary piping and fittings shall be constructed of *stainless steel* or other equally corrosion resistant material."

The *General Specifications* are replete with other references to stainless steel, requiring that a wide range of equipment including tank trucks meet the 3–A sanitary standards. These standards are set by the International Association of Milk, Food and Environmental Sanitarians, United States Public Health Service and the Dairy Industry Committee.

The 3–A standards for homogenizers are:

"All product surfaces shall be of stainless steel of the AISI 300 series or corresponding ACI types . . . or stainless steel that is non-toxic and non-absorbent and which under conditions of intended use is equal in corrosion resistance to stainless steel of the AISI 300 series or corresponding ACI types."

The only exceptions are for valve parts, valve seats, impact rings and parts used in similar applications, and gaskets and seals.

The regulatory literature in this area has a wide embracive extent, and includes practices in all the great dairy states. States notable in the manufacture of dairy equipment are Minnesota, Wisconsin, California, Missouri, Pennsylvania, New York, Iowa, Illinois, and Indiana.

Regarding poultry, standards are under consideration for adoption for the handling of liquid or dry egg product.

Pending E–3–A Standards have been formulated by the International Association of Milk, Food and Environmental Sanitarians, United States Public Health Service, United States Department of Agriculture, Institute of American Poultry Industries, and the Dairy and Food Industries Association. Under the heading "materials," the proposed standard states:

"All product contact surfaces shall be of stainless steel of the AISI 300 series or corresponding ACI types or equally corrosion resistant metal that is non-toxic and non-absorbent." Exceptions listed permit use of rubber, plastic or glass for certain parts of the equipment.

The foregoing examples of use of stainless in American society make it obvious that the Congress would be recklessly disruptive if it diminished the ability of the United States to produce stainless in required quantities. Jobs are at stake. The specialty steel industry is an important employer of skilled workers. Investments are at stake, on the farm and in stainless-using industries.

To cut down the availability of chrome would make it impossible for the United States to halt its decline in the share of the world production of metals. The *Second Annual Report of the Secretary of the Interior Under the Mining and Minerals Act of 1970*, dated June, 1973, points out that the U.S., which produced 47 percent of steel in 1950, now produces 19 percent. The report notes the problem of the U.S. in obtaining raw materials abroad:

The American "relative role as a world consumer of mineral raw materials . . . has shrunk.

"Consequently, the United States is encountering steadily increasing competition in the acquisition of non-domestic mineral raw materials as other industrialized countries also seek reliable sources of reasonably-priced mineral raw materials."

The report contains a chart showing that all of the chromium used in the U.S. comes from foreign sources. For those sources we are in competition with all the countries producing stainless and alloy and tool steels.

Mr. Chairman, S. 1868 will intensify the problem noted in the report of the Secretary of the Interior. The majority population in Rhodesia cannot benefit from a weakened America. The sacrifice which the enactment of S. 1868 would require of America will only benefit our country's industrial competitors abroad. If our stainless production goes down from lack of chrome, foreign production can continue to rise. Chrome is to stainless what feedgrains are to livestock and poultry. The feedgrain requirement is rising. The chrome requirement is rising. Stainless needs chrome as a hog needs corn.

As long as no replacement source is clearly available to the United States for Rhodesian chrome and for ferrochrome made from Rhodesian chromite, I urge the Committee to reconsider its interest in the pending bill.

I am not urging any particular source of supply of chrome ore or ferrochrome. The point is that the sources must be adequate to meet the need, and they must be continuingly available as the need grows.

Distinguished men have said that an embargo on chrome from Rhodesia could be offset by use of the chrome in the American stockpile. But that stockpile is not accessible in adequate quantity. Legislation is required to release from the stockpile sufficient quantities to satisfy the increasing requirements. Enactment of a law cutting off Rhodesian chrome without concurrent existence of a law releasing chrome in large quantities from the stockpile would result in shortages that are bound to harm the interest of the many Americans who rely on stainless steel in their daily life and work. The stockpile promises only short-term relief, since its stock of metallurgically useful ore and of ferrochrome is limited. Resort to the stockpile could intensify the problem of the United States when the stockpile is exhausted. Lines of trade from ore-producing and ferrochrome-producing countries to stainless-producing countries can become so fixed for fulfillment of needs of other countries that it will be difficult for the United States to find sources after the stockpile days.

So the stockpile solution is a solution that leads in time to the aggravation of the American raw materials problem.

But if the Committee is morally determined that it will prohabit American access to Rhodesian chrome, it would be shortsighted to do so before Congress legislates full access to the stockpile.

The law removing the embargo which the Congress passed in 1971 is not designed to benefit the Government of Rhodesia but to lend economic support to the United States in the era of the race for raw materials which the Secretary of the Interior incisively describes. We need materials. Don't shut the door on Rhodesia until you have opened another one of equal utility.

QUESTIONNAIRE REVEALS VIEWS ABOUT MATTERS FACING CONGRESS

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. SNYDER. Mr. Speaker, as the people's Representative from the Fourth District of Kentucky, I periodically seek their views on matters facing the Congress and/or our area I feel that the results of a September questionnaire would be of interest to my colleagues for the people I represent are a good cross-section of pure, unadulterated, God-fearing Americans.

Results of questionnaire follow:

[In percent]

	Yes	No	No opinion
1. Are you generally satisfied with the way economic and wage price controls are working?	8.4	88.7	2.9
2. Should the President impound funds appropriated by Congress if he feels they are excessive and "budget busting" to the point of requiring that taxes be increased?	58.3	35.8	5.9
3. Do you favor Federal strip mining regulations that will assure reclamation of the land?	88.9	4.5	6.6
4. Do you favor Federal tax credits to reimburse parents for part of the cost of private and parochial school tuition?	36.1	62.5	1.4
5. Do you favor extending financial aid for the reconstruction of Indochina (Laos, Cambodia, North and South Vietnam)?	12.9	83.3	3.8
6. In view of the possibility of critical motor fuel shortages, should the Government step in and allocate supplies?	55.8	36.1	8.1
7. Would you approve giving oil companies more tax incentives to increase oil and gas production?	36.1	59.3	4.6
8. Do you favor the recent Supreme Court ruling making abortions permissible?	45.5	51.3	3.2

9. Who do you think is to blame for the Watergate affair?

	Percent
The President	36.0
White House staff	35.8
The Committee to Reelect the President	46.1
The Republican Party	6.4
All politicians	28.6

10. What effect will the Watergate affair have on the Kentucky election in 1974?

	Percent
A great deal	26.6
Some	32.1
None	13.2
Too early to tell	17.6

11. What do you think is the most important issue facing the country?

Now, Mr. Speaker, on question No. 11 over 57 percent of those who responded indicated that the economic situation—that is, inflation, wages, cost of living, and prices in general—is the most important issue facing the country. Second, 17 percent felt that the most important issue was the credibility of government and elected officials. Diverse other issues made up the balance—that is, law and order, drugs, ecology, excessive Federal spending, welfare waste, morality, the energy crisis, defense, food shortages, the news media, big business, big unions, big government, Federal subsidies, education, health, housing, faith in God, population control, abortion, Mideast conflict, and a variety of personal issues.

THE EAGLE IS OUR SYMBOL—NOT THE CHICKEN

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, November 9, 1973

Mr. HELMS. Mr. President, on October 13, I was privileged to address the annual convention of the Association of American Physicians and Surgeons, assembled in San Francisco. On that occasion, a fine American was installed as the 30th president of the AAPS.

No doubt some of my colleagues have only a hazy idea of the goals and purposes of the association which Dr. Donald Quinlan now serves as its new president. The AAPS is a nationwide organization of independent physicians devoted to the principle that the best medicine for the American people is medicine practiced in freedom, without political interference.

This remarkable organization of doctors is dedicated to the protection and preservation of the private practice of medicine, free from all kinds of third-party intervention.

What they ask seems simple enough—freedom to use their best ethical professional medical judgment solely for the benefit of their patients. These doctors do not take Federal subsidies; they realize that Federal subsidies inevitably mean Federal controls. They just want to be left alone to practice the best medicine they know how in the best interest of their patients.

On the occasion of my visit with this distinguished group of men and women, the new president of AAPS delivered some eloquent observations to his colleagues. I asked that I be sent a text of those remarks, so that Dr. Quinlan's message might be shared with Members of this body.

Mr. President, when Dr. Quinlan warns of the dangers of socialized medicine, he knows what he is talking about. Dr. Quinlan practiced under the British National Health Service before coming to the United States 15 years ago.

I ask unanimous consent that the text of Dr. Quinlan's remarks be printed in the Extensions of Remarks.

There being no objection, the remarks were ordered to be printed in the Extensions of Remarks, as follows:

THE EAGLE IS OUR SYMBOL—NOT THE CHICKEN

(By Donald Quinlan, M.D.)

I think you will all agree that it makes about as much sense to have a beef shortage or an oil shortage in this country as it does for Cuba to have a sugar shortage. These shortages are due to government interfering with the private enterprise of citizens and the same is true of inflation. In recent years, the proponents of government intervention in medical care have been alleging that there is a doctor shortage. If the government succeeds in taking over the control of medicine, then that myth of a doctor shortage will become a reality—another government created shortage. This organization is not about to let that happen.

The Association of American Physicians and Surgeons is today *the* major nationwide organization which is fully determined to prevent another government takeover. Like McNamara's band, although we are smaller in number, we are the best band in the land.

We do not concede that the rape of the profession and of our patients is inevitable. It is inevitable only if you believe it is inevitable. We don't believe it. Let me tell you, I would pit any one member of the Association of American Physicians and Surgeons against a thousand of the other kind. The proud eagle is still our national symbol—not the chicken.

One man with principal constitutes a majority. Yes, the odds are great, but look once more at the minutes of the previous meetings. Remember David and Goliath? Remember the tiny Royal Air Force in 1940 in Britain after France had fallen and before the United States had entered the war? The R.A.F. withstood the mighty German Luftwaffe and Churchill said, "Never had so much been owed by so many to so few."

AAPS is composed of informed physicians because they have taken the trouble to inform themselves. AAPS is a grass roots organization. The power comes from the bottom up and not from the top down. This is the true American way. This is what Alexis de Tocqueville wrote about in his "Democracy in America".

Do you know of any other national medical organization where it is possible for an immigrant, a naturalized American to become President just 15 years after he sets foot in this country? There is no self-perpetuating elite running things here. There is no lay bureaucracy—God knows there is no lay bureaucracy—running the doctors, no tail wagging the dog.

These coming months will test our strength and resolve as never before. But we shall hold fast. Nobody can shake us because truth is on our side. The lawsuit AAPS has filed to outlaw PSRO is important because the principle involved runs deeper even than the Public Law 92-603 PSRO Amendment itself. A victory for us here will cut into the core of government interference with the rights and freedoms of the American people. It will go a long way toward stopping those who have thus far succeeded our freedoms one by one by the process of circumventing the Constitution and the Congress by executive orders and by the use of the Federal Register.

Politicians in Congress will be stopped in their tracks. They will no longer be able to promise you something for nothing—the tax and tax, spend and spend habit will no longer work like it did. The right to privacy and confidentiality will be restored to a large measure. Our fight against empire-building bureaucrats in hospital administration who wish to control doctors as their agents has not reached the court decision stage, and, therefore, I must be careful not to comment too much on this at this time.

However, I can tell you this—we are the only ones who are fighting this battle. I can also say this—even before the Court has made its decision in the PSRO suit, amazing things have happened because we stood up for what is right and in defense of the private practice of medicine. You see, if no one opposes these thieves of freedom, they continue their tortoise-like gradual and steady advance, trampling over the rights of patients and of doctors. They bank on the Fabian philosophy of the "inevitability of gradualism". However, if even one person stands up to them and refuses to be intimidated, like all bullies, they are cowards at heart and back down.

So, ladies and gentlemen, you and I know there is a war on, and we are committed to win it. We do not even consider defeat because the truth is invincible. Let us spread the Gospel. But preaching is not enough. Let our actions speak for us. As we win more and more battles in this war, our successful defense of principle and integrity and truth will speak for itself. This world of ours didn't just happen by accident. There is a Creator up there who is in charge, who knows what is going on better than we do. He will help us if we ask for help. "Ask and you shall receive". That wasn't a politician's promise—it was God's promise, and, therefore, infinitely reliable and guaranteed. Let us resolve to start every day henceforth with a prayer to our Creator to help us in our fight for truth and freedom and for the strength to be humble in our victory in the sure knowledge that without God we are nothing and have no rights at all. Our fundamental right of freedom is God given, not a gift of government.

THE ENERGY CRISIS AND THE PRESIDENTIAL STYLE OF LIFE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. RANGEL. Mr. Speaker, President Nixon has called for national cooperation for a program to conserve our national fuel resources. The President has asked us to conserve energy in a number of ways which add up to a rather fundamental alteration in our national lifestyle. I think it only fair that the American people, asked by the President to make substantial sacrifices to save fuel, know how much fuel the President consumes and what he intends to do to cut down on his own fuel consumption.

It is one thing to freeze the White House thermostats at 68° and talk about turning lights off early at the White House, it is quite another thing to find out how much energy will be saved at Camp David, Key Biscayne, and San Clemente.

I think it only fair that the American people, asked by the President to make substantial sacrifices to save fuel, be told by the White House how much fuel the President consumes when he decides to fly away from the White House for a weekend in Key Biscayne or Camp David or a longer stay in San Clemente.

The question is whether it is any longer responsible for the President to fly off to Florida and California every time he has a whim to do so. The Presidency, accompanied as it is in movement by a fleet of jetliners, helicopters, limousines, and yachts, is entirely too wasteful of our precious energy resources.

We need to know what the President intends to do to cut down on his own wasteful use of energy as an example to the Nation before we ask the poor, the very young, and the elderly to suffer through a winter without adequate heat.

On Monday, October 29, 1973, the Washington Post editorialized on the wastefulness of the Presidential style of life. In the context of our national energy crisis, it is particularly important that we in the Congress turn our attention to curbing the excesses of luxury that have become a part of the modern Presidency:

THE PRESIDENTIAL STYLE OF LIFE

The issue is much broader than the lawns of San Clemente or the beaches of Key Biscayne. The $10 million or more that has been poured into furnishing those two compounds is only a fraction of the total spent to maintain the chief executive's establishment. In the October issue of Fortune, Dan Cordtz tots up the perquisites which comprise "the monarchial style of life to which U.S. Presidents have become accustomed." He concludes that the official White House budget of under $13 million "ludicrously understates" the actual cost of the White House and its staff, the presidential courtiers, Camp David, entertainment, the presidential fleet of jetliners and helicopters, Mr. Nixon's array of offices, and the protection and communications required wherever the President may be. According to one budget analyst cited by Mr. Cordtz, the "true cost of running the presidency could be as high as $100 million a year," with most of the monies buried in the accounts of other federal agencies.

What makes all this so unseemly is the absence of restraint. Public money is spent too casually on little frills—a shuffleboard court of black-and-white terrazzo tile instead of concrete, a fence of redwood instead of wire and mesh. Presidential aides and documents are whisked about the country by government jet instead of less costly commercial flights. Expenditures have been ordered in Mr. Nixon's behalf by friends such as Herbert Kalmbach, with the bills sent to GSA. It adds up to a style devoid of modesty, proportion or thrift.

Congress has aided and abetted such extravagance by granting Presidents virtually unlimited access to public funds for the upkeep of their offices and establishments. Representative Brooks has outlined some reforms which the Congress should now enact. His list includes full disclosure of all spending for presidential security and support, the adoption of "orderly operating and accounting procedures" by the Secret Service and GSA, and legislation to prohibit outside parties from ordering items for the chief executive and billing the government. The congressman is interested as well in setting limits on the amounts which may be spent on the private property of Presidents. But the most important item on his agenda is also the one that cannot be legislated—a requirement that the President himself "show more responsibility" in his demands on federal agencies and public funds. The point of such reforms is not primarily to save money or tidy up the books, but to restore to the conduct of the presidency a sense of proportion and propriety which has been lost along the way.

THE MAN WHO STARTED IT ALL

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, November 9, 1973

Mr. METCALF. Mr. President, recently the American Oceanic Organization, headquartered in Washington, D.C., was host to Dr. Arvid Pardo, Malta's Ambassador for Ocean Affairs to the United Nations.

During a luncheon meeting, he discussed the law of sea negotiations which are now, as they have been for several years, pending before the United Nations. His statement is particularly significant because Dr. Pardo started it all in the U.N.

The only definition of the seaward boundaries of coastal nations is contained in the 1958 Geneva Convention on the Continental Shelf, which was ratified by the U.S. Senate in 1960.

In the words of this treaty, the term Continental Shelf means "the seabed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, to a depth of 200 meters or beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas."

Dr. Pardo questioned this limit of exclusive national jurisdiction before the United Nations in 1967. Then he proposed the drafting of a new treaty to prevent national appropriation of the seabed, to define more precisely the limits of the Continental Shelf, and to reserve seabed assets primarily for the benefit of the developing countries.

Two years later the United Nations created the Committee on Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction.

There may be those who will argue Dr. Pardo's facts. Others may disagree with some of his conclusions. But all those sincerely interested in the question of who owns two-thirds of Earth will share his belief that time is running out.

I ask unanimous consent that Dr. Pardo's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Address by A. Pardo

I feel honoured to have been asked by the American Oceanic Organization to say a few words about the law of the sea negotiations which are taking place at the United Nations.

At the same time I despair of my ability to explain in a meaningful manner in 15 or 20 minutes the dozens of major issues which will have to be decided at the conference which the United Nations is convening next year. I hope, therefore, that I shall not disappoint if, instead of dealing with the various issues which are being negotiated, I take this opportunity to explain my general view of the question of ocean space.

Water is essential both to the creation and to the maintenance of life; without the oceans we literally could not exist.

Ocean space covers nearly three quarters of our planet; it comprises the seas, the seabed and its subsoil. The land underlying the sea has all the features of emerged land—the greatest mountain ranges of our planet, the vastest plains, the deepest canyons are in ocean space.

Although since the dawn of history the seas have served as hunting-grounds for fishermen and highways for vessels, it is only recently that we have been able increasingly to explore the oceans in all their dimensions and to begin to appreciate the immensity of the benefits which we can obtain from them. What are these benefits?

First: space. In an increasingly congested world, the oceans offer us space for our activities. Already habitats, petroleum storage tanks, pipelines, even nuclear reactors are being built on the seabed. There are plans to build deepwater offshore terminals and airports out at sea: it is even planned to construct artificial islands to which industrial activities can be transferred from congested and polluted areas on land. Within the course of the next couple of decades the oceans will become a part of man's living space at least to the same extent as some parts of the earth such as the Arctic.

Second: a convenient and cheap medium for international trade. Ocean transport is cheaper than either land or air transport: the oceans are open to everybody and there are no artificial obstacles to trade in the form of customs barriers.

Third: Ocean space offers mankind water and resources both living and mineral. Everybody is familiar with the interesting and provocative booklet "The limits to growth" which predicts the collapse of our industrial society within a century or little more because among other things of insufficient agricultural land, insufficient food production for increasing populations and exhaustion of most key minerals. The vastness of ocean space and the development of its immense living and mineral resources can frustrate such gloomy forecasts.

Fourth: security. In a period of competitive armaments, it is the existence of the oceans in which nuclear submarines lurk that assures second strike capability and the balance of terror.

Fifth: Waste disposal. The oceans are the ultimate dustbin of the world; in the oceans wastes and pollutants are diluted and degraded; without the oceans it is probable that by now we would be dying in the midst of our own wastes.

The oceans are one ecological system or better a complex of closely inter-connected ecological systems; fragile perhaps, but also flexible to a degree. Ocean space can receive, dilute and absorb immense quantities of wastes without suffering irreparable or even serious harm provided that certain gross limits are not exceeded. Nobody really knows what these limits are, but there is a cause for legitimate concern. A few black spots have appeared where marine pollution is such that the waters can sustain the life of neither plant nor fish; in larger areas particularly along the coasts of industrialized countries there has been loss of amenities; the sea has become dangerous to the health of bathers and can sustain the life only of relatively few species of fish and plants. There are increasingly numerous reports of contamination of fiish by a variety of pollutants and of areas of the Atlantic by oil, plastics, and miscellaneous contaminants. Increasing world industrialization, exploding populations and multiplying activities in ocean space suggest that if effective measures of control are not taken we may aproach the gross limits to which I have referred with regard to the capacity of the oceans to dilute and degrade pollutants.

Fish too are being subjected to increasing pressure owing to the advance of technology, growing demands for fish and growing fishing effort. The production of fish has trebled over the past thirty-five years; it is virtually certain that an increasing number of stocks are being over fished. Many of the intergovernmental fishery commissions appear unable to resolve the problems of fishery management and allocation. Although there still remain under-exploited stocks of fish, it is likely that within ten years or less the world catch of conventional fish will generally speaking have reached the maximum sustainable yield under the present legal framework. Here again more effective measures are needed to conserve fishing stocks and regulate their exploitation and to provide a rational legal framework which will reduce the enormous, indeed scandalous, economic inefficiences of international fisheries and permit fisheries to develop from the hunting to the farming stage. This would substantially increase the productivity of fisheries while at the same time avoiding the danger of overfishing.

Finally, ocean technology is rapidly advancing and is becoming increasingly powerful; ocean uses are multiplying and require harmonization and regulation.

Pressure on fisheries, multiplying ocean uses, increasing accessibility of ocean mineral resources, and the increasing danger of marine pollution particularly near coasts are bringing about a collapse of traditional law of the sea.

Up to the present the law of the sea has been based on the two concepts of sovereignty and freedom.

Sovereignty of the coastal State is recognized over internal waters (i.e. waters landward of baselines) and over a narrow belt of sea either three, six, or 12 miles wide near its coast (called the territorial sea). Sovereignty over internal waters is absolute; sovereignty over territorial waters is limited by the right of innocent passage of foreign vessels, that is passage not prejudicial to the peace, good order or security of the coastal State.

Beyond this narrow coastal zone, the seas have been traditionally governed by the principle of freedom subject to a reasonable regard to the interests of other States, but this criterion is so vague that States in practice have used and abused the high seas for any convenient purpose.

In the inter-war period States began to claim sovereignty or jurisdiction for various purposes beyond the territorial sea.

The 1958 Geneva Conventions recognized: (a) the concept of a zone in which the coastal State may exercise the control necessary to prevent infringement of its customs, fiscal, imigration and sanitary regulations; (b) the concept of a legal continental shelf in which the coastal State exercises sovereign rights for the purpose of mineral resource exploration and exploitation; (c) the special interest of the coastal State in the maintenance of the productivity of the living resources of the sea in areas adjacent to its coast.

The 1958 Geneva Conventions, however, did not define the limits of these areas with any precision.

The scientific and technological explosion of the past two decades which is making offshore mineral resources increasingly accessible and exploitable and which is subjecting living resources to intolerable pressures has been accompanied by vast extension of coastal State claims in ocean space.

The negotiations at the U.N. have made it clear that coastal State claims together now extend to some 80% of ocean space and to almost all its resources.

In short, it would appear that the oceans are passing from a regime of almost total freedom over virtually the entire oceans to a regime of virtually total sovereignty over virtually the entire oceans.

The reasons for this development are complex, but, in part at least, rather clear: increasing dangers of abuse of the so-called freedom of the seas to the detriment of the coastal State; increasing accessibility of immense quantities of raw materials from petroleum to copper and nickel in a world where the supply of these materials is either controlled by tightly knit oligopolies or is becoming increasingly uncertain; pressures on coastal fisheries; security reasons; desire to prevent situations which might cause serious marine pollution.

Perhaps the fundamental reason for extension of coastal State claims is the need for recognized authority to ensure rational management of living and non-living resources; to contain marine pollution and to ensure harmonization of ocean space uses in areas where uses are both intense and multiple.

This development, which establishes the sovereignty of States over ever wider areas of the oceans, relieves competition for fishing resources and permits rational management of mineral resources. The military, political and economic consequences, however, could be literally incalculable and would almost certainly lead to acute conflict.

A virtual division of ocean space while assuring better than the present regime of freedom the economic interests of States, would irremediably prejudice their other interests. Scientific research which is the essential prerequisite to resource management and development would be at the mercy of coastal State regulations; maritime commerce could, indeed almost certainly would, be harassed and hampered by the conflicting laws of 100 different States regulating transit. The mutual balance of terror, which now maintains the peace of the world, would be compromised if nuclear submarines were not able to roam the greater part of the seven seas. Furthermore if coastal States, as several of them claim, can, in the exercise of their sovereignty suspend or subject to crippling restrictions passage through straits, petroleum importing countries might soon find themselves in the midst of acute economic crisis.

In this situation, the question inevitably arises whether, in contemporary circumstances, freedom and sovereignty are still viable principles on which to base a regime for the 5/7ths of our planet which are covered by water. Both have irremediable deficiencies: sovereignty subjects to the arbitrary control of coastal States vital activities which by their nature are transnational; while freedom makes rational resource management impossible and permits abuses which, with our increasingly powerful technology, are becoming intolerable. It would appear, therefore, necessary to regulate by international treaty the exercise of some of the privileges of sovereignty and of some of the rights of freedom in the interests of all States and of mankind as a whole. This, however, can only be achieved if the international community agrees to replace the traditional concepts of sovereignty and freedom by a new basic concept as foundation of a new law of the sea adapted to the new conditions of ocean use.

It is important in this connection to keep in mind that the over-arching objective of a new law of the sea must be to establish an agreed and viable—and to be politically viable, it must be perceived as equitable—legal framework that will permit not merely resource exploitation, but maximum beneficial use of ocean space for all peaceful purposes by all States, whether developed or developing, landlocked or coastal, in a situation where ocean uses are multiplying and where possible misuse of increasingly powerful technology creates dangers for all.

So far the only new fundamental concept which has been proposed and generally accepted during the current negotiations at the United Nations is that the seabed and ocean floor and its resources beyond national jurisdiction are a common heritage of mankind. Most coastal States appear content to extend their sovereignty over most of ocean space, declare a small area of the seabed a common heritage of mankind and leave substantially untouched the freedom of the waters above the international seabed area. This is quite inadequate and will in practice lead within a decade or two to the total division of ocean space.

The seabed is only part of the marine environment; the only access to the seabed is through the superjacent waters; use and exploitation of the seabed necessarily affects uses of the waters above; pollutants normally reach the seabed through the superjacent waters. Finally, technological advance and new uses of ocean space link ever more closely the waters and the seabed.

In these circumstances, the concept of common heritage of mankind must clearly be extended not merely to the waters above the international sea, but also to ocean space as a whole. Only in this manner is it possible to avoid a division of ocean space, to reconcile mineral resource exploitation with other uses of ocean space such as navigation and to organize effective action against ocean pollution.

Extension of the concept of common heritage to ocean space as a whole would permit curbing both sovereignty and freedom by the creation of agreed international standards of ocean use. The coastal State would no longer have sovereignty in ocean space but jurisdiction, that is to say control subject to treaty defined limitations designed to protect the general interest. There would be no longer freedom beyond national jurisdiction but open access and non-discriminatory use subject again to treaty defined limitations. Subject to international standards, resource exploitation would be regulated by the coastal State within its jurisdiction and by the organized international community in the international area; living resources that move from the area under State control to the international area would be exploited in agreement between the State or States concerned and the international community.

Thus adoption of the common heritage concept as the basis of the new law of the sea would protect transitional uses of ocean; would protect the interests of coastal States by permitting rational resource management both within and outside national jurisdiction and in addition would provide a principle which could be used by the international community (a) to effect some sharing of the benefits derived from resource development (b) to provide a legal and moral foundation for effective international cooperation in the protection of the marine environment and (c) to provide an agreed foundation for the peaceful adjustment of conflicts between States in the marine environment.

The concept of common heritage requires for its practical implementation the establishment of international machinery. Most States in this connection are thinking in terms of an agency within the United Nations system to administer the rather scanty resources of the rather small seabed area which is likely to remain outside national jurisdiction. This, I feel, is likely to increase the unfortunate lack of credibility of the present international system.

What is required is not a new United Nations agency but a new international institutional system for ocean space linked to, but not necessarily part of the U.N. system.

The new institutional system would provide a permanent forum in which questions relating to ocean space could be examined in all their political, legal, economic, social, ecological, scientific and technological aspects. The system would exercise recommendatory and research functions, similar to those of the U.N. system with regard to ocean space as a whole. In addition, it would exercise some new and important powers, which are becoming necessary in the general interest, such as:

(a) general and non-discriminatory standard setting in respect to major uses of ocean space;

(b) protection and regulation in ocean space of activities which are of vital international interest such as scientific research and navigation;

(c) resource management and conservation beyond national jurisdiction and equitable sharing of benefits derived from these activities;

(d) provision of a mechanism for the effective access of all countries to advanced marine technology relevant to their needs;

(e) provision of a credible mechanism for the compulsory settlement of disputes;

(f) provision of such services to the international community as may be considered desirable.

Existing U.N. agencies dealing with the oceans such as IMCO, IOC, the Fisheries Department of FAO and perhaps some sections of WMO could usefully be consolidated in the new international machinery. In view of its important, novel functions, finally, the new institutions would need to be balanced in such a manner as to avoid the possibility of decisions being taken which are not supported by States representing the majority of the world's population.

All this may be necessary, but is it really possible to believe that the international community will accept in the foreseeable future the extension of the common heritage concept to ocean space as a whole and that it will establish an entirely new international institutional system with the wide functions outlined? This would indeed be a political event of the first magniture and a revolutionary change in international law.

Despite everything, I am reasonably confident of the future since the concepts of absolute sovereignty of the coastal State and of absolute freedom are based on assumptions which no longer correspond to reality and are bringing about imminent collapse of minimum international order in the oceans. Because of this I see no possibility of viable agreement at the forthcoming law of the sea conference if the international community continues to assume that these hoary concepts are still valid.

States face a clear alternative; either acceptance of the common heritage concept for ocean space as a whole or anarchy in the seas and sharply increased world tensions.

DIRECT LINK SEEN BETWEEN WATERGATE AND NIXON ANTICONSUMER POLICIES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ROSENTHAL. Mr. Speaker, the same big business forces that financed the Nixon's administration's Watergate scandals are still operating to defeat the establishment of an independent Federal Consumer Protection Agency.

Had there been a Consumer Protection Agency monitoring the performance of Federal regulatory agencies during the last election, the sale of Government decisions to wheat exporters, carpet manufacturers, milk producers, and other corporate campaign contributors would have been stopped cold, and Watergate might have been averted.

The special interest money used to finance the Nixon campaign's domestic intelligence operations—including Watergate—was available only because the donors had a reasonable expectation of receiving favorable Government decisions in return for their money.

That money would not have been forthcoming if the contributors knew that Government decisions favorable to them would have been challenged in court by the CPA as being harmful to consumers.

Maurice Stans, Mr. Nixon's chief fund raiser in two Presidential campaigns, collected nearly $100 million largely by urging business and industry barons, in Stans' words, to make an "investment" in Richard Nixon "to insure that the executive branch of Government is in the right hands."

The independence of the CPA and its consumer adovcate is as important to the integrity of future governmental consumer decisions as the independence of the special Watergate prosecutor is to the integrity of the Watergate investigation. In a very real sense, the CPA is a permanent independent prosecutor charged with rooting out collusion between campaign contributors and Government decisionmakers in this and future administrations.

The Nixon administration's negotiators on the consumer agency bill are at this moment attempting, through the threat of Presidential veto, to force on Congress a CPA bill that would place the proposed agency at the mercy of the White House and its Office of Management and Budget.

More than 100 Members of Congress are sponsoring my bill to establish an independent Consumer Protection Agency, H.R. 14. Ralph Nader has termed it the most important legislation ever to come before the Congress. Hearings have been completed in both the House and Senate and mark-up will begin shortly. The CPA has met extremely strong opposition from industry groups and the White House, which would prefer no bill at all.

This agency will represent the American consumer in all proceedings before the departments and agencies of government. It would, for the first time, give consumers equal clout with business when Federal decisions are made affecting the health and economic well-being of the public.

The Nixon administration was for sale to the highest bidders, and the American consumers were the victims of this closed-door wheeling and dealing.

Some of the deals were:

THE ITT AFFAIR

The giant conglomerate ITT won a favorable out-of-court settlement on a major antitrust suit after the President personally intervened in the Justice Department action. At about the same time, ITT Sheraton agreed to underwrite $400,000 toward the cost of the Republican Convention in San Diego.

THE MILK DEAL

One day after their industry group donated $10,000 to the President's reelection, 16 milk producers met with the President to discuss the price support for milk. The next day $25,000 more was donated and the day after that the President reversed his Agriculture and Treasury Departments, his Council of Economic Advisers and the Office of Management and Budget by ordering a large increase in milk price supports. That decision cost American consumers $500 to $700 million in higher milk prices. Donations from the dairy producers ultimately exceeded $400,000.

THE WHEAT DEAL

In its haste to conclude a sale that would reap a rich election year harvest for the President in the farm States. the Agriculture Department failed to evaluate intelligence on the Soviet wheat harvest, misused the export subsidy program to the multimillion dollar benefit of large grain exporters, insulted our regular trading partners and let the Russians get off with "bargain basement" prices. There was very strong evidence of collusion or at the very least special treatment for the large grain exporters and of conflicts of interest by Agriculture Department officials. Taxpayers were stung for $300 million in price supports; farmers lost millions by unknowingly selling their crops below what they could have gotten had they known the magnitude of the sale; and consumers are still paying billions more in higher prices for meat, bread, cereal, milk, and many other essential commodities. The grain dealers and exporters showed their gratitude by making hefty campaign contributions to Mr. Nixon's reelection campaign.

THE CARPET DEAL

In an effort to see that strong flammability standards were not imposed on the carpet industry, representatives of the manufacturers met secretly at the White House in the summer of 1972 with Maurice Stans and Charles Colson. They won the delay and the Nixon campaign collected $95,000.

At the heart of the CPA concept are the very issues which lie at the heart of the Watergate corruption: Improper influence by special economic interests over regulatory decisions affecting consumers; infiltration of regulatory agencies by special interest representatives, and pro-industry settlement of court cases.

These are all issues in which the Consumer Protection Agency could have intervened to forestall corruption induced by campaign financing.

NUNS TELL POPE ATTACK BY ARABS IS SACRILEGIOUS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. WOLFF. Mr. Speaker, the condemnation of the recent attacks on Israel has come from people of many religious faiths. I insert in the RECORD the following article about the views of the Leadership Conference of Women Religious for the attention of my colleagues.

The article follows:

NUNS TELL POPE ATTACK BY ARABS IS SACRILEGIOUS

The Leadership Conference of Women Religious, which represents 180,000 Catholic nuns in the United States, cabled Pope Paul VI Sunday calling on him to "speak to the peoples of the whole world to condemn the Arab attack on Israel which they described as "a sacrilegious act."

The nuns said they were "shocked and saddened at the carefully planned and blasphemous attack of the Arabs of Egypt and Syria upon the Jews of Israel in violation of their most holy day. Yom Kippur."

The nuns denounced the attack as an "incredible defamation of a religious group" and said it was "not only against the Jews but against the sanctity of all religions." They added that "not only Catholics but people of the whole world are awaiting your condemnation of this infamy."

The cable was signed by Sister Francis Borgian Rothluebber, president, and Sister Rose Thering, secretary of the Conference.

Christian leaders meeting at the American Jewish Committees national headquarters Tuesday deplored the attack by Egypt and Syria on the right of Israel to live in peace and security and termed the attack not only a threat to Israel but to world peace.

The Catholic and Protestant clergymen who were meeting to discuss the Committees new Christian visitors to Israel tour, expressed their determination to work for dialogue and mutual recognition between Israel and the Arab peoples, particularly the Palestinians. They declared they would not be deterred from their determination by the present conflict.

The comments were made at a news conference by Rev. Charles Angell, director of the Christian Unity Center of the Graymoor Fathers. He said his views were shared by the Rev. Dean Goodwin, director of communication of the American Baptist Churches, and Dr. Bryant George, a United Presbyterian minister and director of the Federation of Southern Cooperative Programs for the Ford Foundation.

Angell, a leading Catholic ecumenist, said "at this particular moment in history, when the Jews in Israel are faced with aggression and Jews everywhere are confronting terrorism, I think it is important for Christian friends not to scuttle into the woodwork. My concern is for all the people of the Middle East, but the cause of Arab Christians and Muslims is not served by beating war drums nor in fostering the illusion that somehow Israel will disappear from the earth."

Arabs and Israelis must recognize their respective right to existence in peace and security, and there will be no solution to the present conflict until the Arabs and Jews talk together and work out their coexistence."

WORLD PEACE AND THE NEED FOR THE UNITED NATIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. FRASER. Mr. Speaker, the importance of the United Nations to world peace and security was convincingly reiterated in a letter to the editor in the New York Times of November 7. Mr. Murray B. Woldman, staff consultant for Members of Congress for Peace Through Law, notes that during the Middle East crisis, the United Nations provided an indispensable forum through which superpower confrontation and the risks of widened violent conflict were effectively scaled down.

Too often, U.S. foreign policy places the United Nations near the bottom rung of the priority ladder. The result, too often, is a weakened United Nations blamed unfairly for failure to solve problems which were submitted to it too late to find a workable solution. The lesson we should learn from the United Nations' performance in the Middle East crisis, as Mr. Woldman points out, is that—

> If our foreign policy-makers can demonstrate a greater commitment to the United Nations and if we can turn increasingly to it to forestall problems rather than solve them, we just might find that independence of action is not nearly as important as defusing conflicts before they explode in our faces.

The full text of Mr. Woldman's letter follows:

LETTER

To the Editor:

Since the China vote of 1971, we have heard a great deal of criticism of the United Nations and its inability to deal effectively with threats to world peace and security. Many have suggested that if the UN cannot act to head off conflict, it is no longer capable of carrying out the tasks for which it was established after the Second World War.

Yet we have seen this week that the UN is indeed alive and well. The war in the Middle East has threatened to draw this Nation and the Soviet Union into a dangerously escalating situation. On October 25, the Security Council demonstrated that the UN remains the only international forum we have for the quiet resolution of superpower involvement in potentially explosive regional conflicts. With the active cooperation of eight of the nonaligned nations American foreign policy too often takes for granted, a resolution was introduced and passed. It would not be overstating the case to stress that this development has moved us back from a dangerous exercise in brinkmanship, however necessary it might have been which could have brought us into armed confrontation with the Soviet Union.

This exercise in international diplomacy underlines the central role the UN can play in our foreign policy when it is given the chance. It is highly doubtful whether the parties to the conflict could have among themselves achieved the consensus and set the guidelines for monitoring what we hope will be an equitable and just peace in the Middle East. United Nations peace-keeping procedures, the sorest point in our differences at the UN with the Soviet Union, have a new lease on life as a result of the agreement, however tentative, being orchestrated now at the UN (Editorial October 27).

We should not expect miracles. Failure is possible at any point. But the UN has pulled through. The member states who make up the UN have shown that international cooperation matters to them and that concern for peace can bring nations with great differences together to work out solutions to their problems.

Might not this experience provide an object lesson to our policymakers? The UN was created to keep peace in the world. Peace has many faces. They are economic, social and legal as well as political and military. If our foreign policy-makers can demonstrate a greater commitment to the United Nations and if we can turn increasingly to it to forestall problems rather than solve them, we just might find that independence of action is not nearly as important as defusing conflicts before they explode in our faces.

MURRAY B. WOLMAN.

WASHINGTON, *October 26, 1973.*

CRIME CONTROL NO. 6

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. LANDGREBE. Mr. Speaker, I insert the following article from the Baltimore News American to be placed in the RECORD for the benefit of those who have been confused by the constant clamor of gun control lobbyists about the putative heinousness of guns and the alleged necessity for removing such weapons from the hands of private citizens. If we are to remain a free people, and if criminals are not to be allowed complete license to plunder and kill without commensurate resistance from their intended victims, then further gun control laws must not be passed and those on the books that restrict the private, noncriminal, ownership of guns should be repealed.

INTRUDER SLAIN BY YOUTH, 18—NO CHARGES MADE; BODY UNIDENTIFIED

Police said yesterday they would not prosecute an 18-year-old East Baltimore youth who, they say, shot a still unidentified burglary suspect who broke into the youth's home early yesterday morning.

Sgt. Darrell R. Duggins, of the Eastern district, said Ernest L. McNeil, Jr., of the 2200 block East Preston street, shot and killed the suspect about 2 A.M. as he was attempting to flee from the youth's home after having beaten the youth's mother. Sergeant Duggins said the killing has been ruled a justifiable homicide.

According to police the burglary suspect broke out several panes of glass in one of the kitchen windows and opened the kitchen door. He then removed a television set from the living room and placed it on a kitchen chair.

Young McNeil told police he was awakened by his mother, Martha A. McNeil, 54, who suddenly began screaming his name. He said that moments later his mother rushed into his room pursued by an unknown man.

"I started to grab him," the youth said in an interview. "But I froze and then remembered my mother kept a gun under her mattress."

The youth told police that when he returned with the gun he found the suspect in his bedroom beating his mother. He says he fired one shot from the .22-caliber pistol, but missed as the suspect headed for the stairs.

He says he fired two more shots at the man as he ran down the stairs. The man's body was found by police lying near the kitchen door. He was pronounced dead at the scene.

Police said late yesterday that the body had been taken to the Morgue but that they still had no clue as to its identity.

Mrs. McNeil and her son, a recent graduate of Dunbar High School, were alone in the house at the time of the incident. Her husband, Ernest L. McNeil, Sr. is a steelworker at the Bethlehem Steel Company's Sparrows Point plant and does not usually return home until after 6 A.M., she said.

This was the second instance in less than a week in which the victim of a crime had killed the suspect.

Last Wednesday a 22-year-old rape victim fatally shot her assailant in her bedroom as the man threatened her 2-year-old son after raping her in the presence of the boy and the boy's younger brother. The woman pulled a gun from under the mattress while the man's attention was distracted, and shot him in the chest and both shoulders.

FEDERAL OIL SHALE PLANT SUBSIDY?

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. VANIK. Mr. Speaker, all my colleagues would be interested in an article published in the Sunday Denver Post on October 21. Written by Dick Prouty and entitled "Federal Oil Shale Plant Subsidy Possible," the article was derived from questions put to John C. Whitaker, Under Secretary of the Interior, when Mr. Whitaker was in Denver.

Mr. Whitaker told Mr. Prouty that a Federal subsidy program was possible in order to start a 250,000 barrel/day commercial oil shale operation.

Mr. Speaker, this is a startling development. The costs of just a 100,000 barrel/day commercial oil shale operation are estimated to be about $450 million by the Interior Department's Oil Shale Office. We could probably expect a 250,000 barrel/day operation to cost over $1 billion. Naturally, at today's skyrocketing crude oil prices, the products of such an operation would potentially bring a fat profit to the private oil companies that were helped to the feeding trough by the Government subsidies.

In addition to the Government's financial supports, the oil industry stands to reap these new oil shale profits from public lands. Over 70 percent of the known American oil shale resources are on Government owned, public property. So a taxpayer subsidized industry is going to make profits, from the public, on lands that belong to the public: a profit from the sale of public resources to the public.

The rationale for Government subsidized commercial oil shale development was explained to my office in several conversations—and is most remarkable. The Department of Interior explained that there is a possibility of an Arab States turnaround—where instead of holding oil off the market and denying it to countries that refuse to submit to their political demands, the Arab States would flood the market with their crude oil. That would cause prices to dive, and profits by American companies would collapse.

Continuing with the Interior Department's reasoning, the profit slump resulting from the oil flood would not allow the American oil industry to develop, with their own capital, commercial oil shale operations. Thus the reason for a Government subsidy: a flood of Arab oil.

The Interior Department says that the Government subsidy is only one of many alternatives that they must prepare for, but I am afraid that instead of prudent planning, what we are seeing is the beginning of another Government shelter for the oil industry at the public's expense—at the same time that oil companies have reported, embarrassingly, profits this quarter of up to 90 percent over the same quarter last year.

Mr. Speaker, I hope that my colleagues will be able to read the portion of the article that follows, and give some extra thought to the situation that is developing in the oil shale industry.

Personally, I believe it is time that we consider the possibility of public ownership and development of our Nation's oil shale treasure. Public development could insure rapid production with a maximum of environmental safeguards. More importantly, it would guarantee that the oil would be produced at fair prices—not monopoly prices—and could provide a "yardstick" for future private development in the oil shale industry.

The idea of a subsidy to the same industry that has brought us the energy crisis is ludicrous. The situation must not be allowed to degenerate to a point where the public interest is not at the forefront of our considerations.

A portion of the story by Mr. Prouty follows:

FEDERAL OIL-SHALE PLANT SUBSIDY POSSIBLE

(By Dick Prouty)

The U.S. Interior Department is considering a federal subsidy program to get a 250,000-barrel-a-day oil shale plant into operation, John C. Whitaker, Interior Under Secretary, said Saturday.

The subsidy idea is "only a possibility" and it would be limited to the department's prototype oil-shale leasing program announced in August for Colorado, Wyoming and Utah, he said.

Since the richest shales in the program are in the Piceance Creek Basin, northwest Colorado most likely would be site of proposed oil shale operations 10 times the size of present experimental private ventures.

Whitaker was in Denver to meet with department regional officials and William Rogers, recently appointed to personally represent Interior Secretary Rogers C. B. Morton in the mountain-prairie West.

SEEKING OPTIONS

"We are looking at all the options we can think of" Whitaker said. "Oil shale is only one part of the energy situation. Unlike the Alaska oilfields where time to get the oil out is the major consideration, in oil shale we have the time factor and an unproven technology along with serious environmental considerations."

Whitaker, a geologist, said saline waters associated with oil shale formations "are bothersome" as technical and environmental problems. The challenge is to control the salt water in shale mining operations. With no proven technology, the time factor when oil is available from shale is difficult to forecast, he said.

Morton has listed six 5,100-acre sites, two each in Colorado, Wyoming and Utah, upon which the petroleum industry will be asked to submit bids late this year for development of a 250,000-barrel-a-day oil shale plant. The sites are on lands administered by the Bureau of Land Management, an Interior Department agency.

BOOST TO INDUSTRY

A subsidy would encourage industry to invest the $300 million needed for a prototype operation. Industry has been reluctant to invest that much money in an untried technology which would provide costly lessons to the advantage of competing firms.

THE CASE FOR IMPEACHMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BROWN of California. Mr. Speaker, the AFL–CIO News of tomorrow's date will contain a full-page declaration, in large, boldface print, that is of tremendous interest and importance to every Member of Congress. I am therefore inserting the entire text in the RECORD at this time, and I urge every one of our colleagues to read this impressive statement most carefully.

WHY RICHARD M. NIXON MUST BE IMPEACHED—NOW

On October 22, the AFL–CIO at its convention unanimously adopted a resolution calling for the resignation of President Richard M. Nixon.

The resolution said that Mr. Nixon's resignation was necessary for the restoration of our badly battered democratic institutions.

If Mr. Nixon does not resign, the resolution said, "we call upon the House of Representatives forthwith to initiate impeachment proceedings against him."

Since then, Mr. Nixon has announced that he does not intend to resign.

The AFL–CIO therefore calls for his immediate impeachment.

As we said in the convention resolution, "Impeachment is not a prospect we contemplate with pleasure. No decent American can derive any partisan satisfaction whatever from the misfortune of his nation. And surely the American labor movement is not interested in aiding any reckless attacks on the Presidency. We are especially concerned about the office of the Presidency in these times of grave danger on the international front.

"But the cause of peace and freedom in the world cannot survive a discredited Presidency. Our allies' best hope—mankind's best hope—lies in the strength of our democratic institutions.

"Justice must be done, the risks of not doing it being more than democracy can safely bear."

Richard M. Nixon must be impeached—now—because:

He has caused an erosion of public confidence in our democratic system of government.

He instituted in the name of national security a plan which violated civil liberties through domestic political surveillance, espionage, wiretapping, burglary, eavesdropping, opening of mail, and military spying on civilians.

He created a special and personal secret police, answerable only to the White House, to operate totally outside the constraints of law.

He and his subordinates interfered with the freedom of the press—which our Constitution guarantees—by means of wiretaps, FBI investigations, and threats of punitive action.

He secretly recorded conversations in his office without advising participants in those conversations that they were being recorded. He then sought to deny the evidence on those tapes to the courts.

He has violated the Constitution of the United States and his sworn obligation to see that the laws "be faithfully executed."

He has used the office of the Presidency to attempt to put himself above the law.

He has consistently lied to the American people.

He has, by his actions and through the actions of his subordinates—for which he has accepted responsibility—brought dishonor on the office of the Presidency.

He has repeatedly promised the American people full revelation of the facts in the Watergate affair—and he has repeatedly sought to keep those facts from the public, from the courts, from the Congress, and from the special prosecutor.

He has used the office of the Presidency for personal enrichment.

He secretly curtailed the FBI investigation of the Watergate break-in.

He involved the CIA in the coverup of the Watergate affair.

He sought to suppress—and for a time did suppress—the facts of the burglary of the office of Daniel Ellsberg's psychiatrist from the judge in the Ellsberg trial.

He interfered with the administration of justice by offering this judge the directorship of the FBI.

He intervened in the antitrust suit against International Telephone and Telegraph to impose a settlement agreeable to the corporation, after which the corporation agreed to underwrite $400,000 of the cost of the 1972 Republican National Convention.

He and his subordinates sought to use the power of the White House, the Justice Department, the Internal Revenue Service, the Securities and Exchange Commission and other government agencies to punish a list of political enemies.

Officials of his campaign committee and his personal attorney extorted illegal campaign contributions from corporations which were dependent on maintaining the good will of the government.

Officials of his campaign committee received large campaign contributions from the dairy industry, which was seeking and later received lucrative dairy price support increases and dairy import concessions.

Until Richard Nixon is removed from office, we will not be able to get Watergate behind us. We will not be able to proceed with sober and constructive solutions to our economic and social problems at home or to the dangers of war in the world.

The first step in the impeachment process already has been taken: resolutions calling for the impeachment of the President have been introduced in the House of Representatives and referred to the House Judiciary Committee. The next step is for the committee to investigate. If it recommends impeachment, the committee sends to the House floor a resolution and articles of impeachment which specify the charges against the President.

If the House by majority vote approves the articles of impeachment, they are sent to the Senate for trial. If two-thirds of the Senate, with the Chief Justice of the United States presiding, find the President guilty of any of the charges, he is removed from office.

What is now necessary is that the House of Representatives and the House Judiciary Committee be made aware of the need for urgency in voting the impeachment of the President. Toward this end, each union member should now write his Congressman AND Chairman Peter Rodino of the House Judiciary Committee—at the House Office Building, Washington, D.C. 20515—and urge their support of impeachment.

UNCLE SAM GETS THE COLD SHOULDER

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. GAYDOS. Mr. Speaker, we have seen in the events of recent weeks how well our policy of spending the hard-earned money of the American people to buy friends and increase our influence abroad has succeeded.

Where are these friends which cost us hundreds of billions of our dollars? What has become of the U.S. influence abroad? The answer was shown in the cold shoulder given to us when we asked help and cooperation for our policy in the Middle East.

Portugal was the only member nation of the NATO—our supposed allies—which permitted us to use its territory for stopovers by our planes in our efforts to resupply the Israelis as the war in the Middle East progressed. Other NATO members, when asked for similar rights, turned us down cold.

West Germany, where our troops stand guard, even protested formally against our planes taking off from that country for assigned missions to Israel. Turkey, which has received billions from us, let the Soviet Union fly arms for Egypt and Syria over its land but refused our request to do the same for Israel.

The rationale for this snubbing of Uncle Sam is that the NATO "partners" feared for their oil shipments from the Arab States. But the fact is that all of us—Europeans, Japanese, and Americans alike—are faced with the same oil crisis and that the vaunted cooperation of the Free world Nations, when the chips were down, failed to materialize.

The State Department admitted as much in these words:

We are struck by the number of our Allies going to some lengths to separate themselves publicly from us.

I ask, Mr. Speaker, if this is not the appropriate time, with all this new evidence of policy failure before us, to undertake corrective action? Why should we continue to pay millions upon millions annually to maintain U.S. forces in Central Europe for the defense of West Germany and other nations when these nations are not, in fact, allies, but free wheelers with no sense of gratitude or obligation to us? Let us bring our soldiers home.

Why, too, should we continue our multibillion-dollar aid programs, scattering our dollars over the globe, when we see so dramatically, how little our generosity means to our "friends" when we asked them for assistance. Even now the aid recipients, past and present, are refusing to join with us in plans to meet Arab oil cut-offs. Allied cooperation thus has turned out to be a myth—a very costly one to the American taxpayers.

It would be irresponsible on our part as Congressmen if we did not take time now to assess the meaning of this historic collapse of the basic premise of our foreign affairs—the notion that, by sharing our substance with others, we would fulfill the role of Free World leadership. It has not worked out and yet that illusion cost us billions which, if kept here, could have provided a good home for every American family, cleaned our air, solved our transport problems, rebuilt our decaying cities, furnished adequate medical care to everyone, raised our educational standards and filled other urgent needs.

I insist that the time is now for us to direct our thinking and our spending to our own problems—to place the American interest first and to write off as one of history's worst failures the idealistic, impractical foreign policy which we have followed so long and which now has flunked out so miserably.

THE ENIGMAS OF OUR POLICY TOWARD GREECE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ROSENTHAL. Mr. Speaker, when Greek Army leaders seized power illegally on April 21, 1967, the United States had an opportunity to reassert the importance of the North Atlantic Treaty Organization as an alliance of democracies. We lost that opportunity by accepting a specious assumption that the military and strategic advantages of maintaining close ties with a dictatorial Greek regime outweighed our long-term interests in seeing democracy restored in the country. The proof of our policy, the President indicated last July in a press conference, came in our conviction that "without aid to Greece and aid to Turkey you have no viable policy to save Israel."

The Greek Government's answer to our recent request through NATO for support in the Middle East crisis came in a public statement in Athens by Foreign Minister Palamas on October 15 in which he reaffirmed that "Greece's friendly relations with Arab countries exclude any participation either direct or indirect, in an eventual action against them."

If our policy of friendly relations with the Greek dictatorship is confounded by that government's behavior in the Middle East, what is the explanation? A disturbing possibility which emerges regularly is the role of certain American business interests in maintaining good relations with Greece where they have considerable private investments. And a key person in that Greek-American business community is Thomas A. Pappas who has also served as an official of the Republican Finance Committee and an important fund-raiser and contributor to the Republican Party at least since 1968.

Seth Kantor, of the Detroit News, has recently written an article outlining some of the associations between Pappas, the Nixon reelection campaign of 1972, and several Greek citizens who allegedly made sizable contributions to the President's reelection last year. I include that article below.

The Subcommittee on Europe, which I chair, has been aware of the foreign policy implications of these domestic political activities for some time. During our hearings in 1971 on "Greece, Spain, and the Southern NATO Strategy," the subject of the Pappas role in our foreign policy toward Greece was discussed. A memorandum was also submitted for the hearing record on Pappas' role by one of our witnesses, Mr. Elias P. Dematracopoulos.

The Subcommittee on Europe's interest obviously is directed to and limited by the foreign policy implications of any domestic political events. I have asked the subcommittee staff, in this respect, to continue to follow the production of additional information of the kind developed by Mr. Kantor in this important story.

There are still enigmas to be traced in the strange policies we continue to pursue toward Greece and I find these investigative efforts very helpful in our study.

The article follows:

GREEK CONTRACTOR'S DONATIONS TO NIXON VOTE FUND FACE PROBE

(By Seth Kantor)

WASHINGTON.—An influential Greek citizen made donations to President Nixon's reelection campaign last year, both before and after receiving a multimillion-dollar U.S. defense contract.

Contributions totaling $25,000 were made by the late Nikos J. Vardinoyiannis. They were in apparent violation of a federal law outlawing campaign funds from federal contractors.

Motor Oil Hellas Lube Oil Refinery of Athens, headed by Vardinoyiannis, was awarded a $4.7 million contract to refuel the U.S. Sixth Fleet. The Pentagon picked the Greek firm over several American bidders. A spokesman for the Navy at the Pentagon refused to say whether the Greek firm was the low bidder.

Sen. Philip A. Hart, a member of the Senate Judiciary Committee, has asked the Justice Department and General Accounting Office (GAO) to investigate the legality of the Vardinoyiannis transaction.

Hart also said he was disturbed that election campaign funds in America can come from foreign sources. The Michigan Democrat said he intends to turn over the findings of the Justice Department and GAO to Watergate probers and to the Senate Rules Committee, which handles campaign reform legislation.

Privately, GAO officials are concerned over an unpublicized Justice Department decision earlier this year to permit powerful foreigners to funnel cash into American political campaigns. The Justice Department said it made the ruling in April after receiving several inquiries during the 1972 political campaign about a U.S. law that prohibits contributions from foreign "principals."

The Justice Department quietly ruled that the term "principals" does not apply to foreign individuals, but rather means countries or companies.

Several contributions were made to the Nixon reelection campaign in 1972 from Greece-based industrialists.

Hart said in a statement that "by permitting foreign sources to contribute to political campaigns, we could open some large loopholes in laws governing political contributions, particularly with the growth of international corporations."

A key figure in the campaign gifts from Greece appears to be Thomas A. Pappas of Athens, who holds dual American and Greek citizenships. Pappas is on intimate terms with leaders of the Nixon administration, is a personal friend of the President and was one of the original eight members of the executive committee of the Committee to Reelect the President (CRP).

CRP reported that Pappas personally contributed $1,000 to it after April 7, 1972—the date a new federal law went into effect, forcing public disclosure of the names of contributors.

Before April 7, though, the CRP received $100,673 in undisclosed personal contributions from Pappas.

Subsequently, a federal lawsuit filed by Common Cause, the citizens' lobbying group, forced the CRP to make public the names of those who had made pre-April 7 contributions.

Among the names on that long list was Vardinoyiannis. CRP records show he donated $15,000 to the Nixon reelection campaign on Jan. 31, 1972.

Later in the year, Sept. 25, Motor Oil Hellas won the contract to refuel U.S. fighting ships in Greece. Then, on Nov. 10, 1972, just after Mr. Nixon's reelection, the CRP reported receiving another $10,000 from Vardinoyiannis.

Vardinoyiannis, 42, suffered a heart attack this summer and died. He had been a friend of Pappas, who was a major fund-raiser for the CRP.

Pappas, 74, was born in Greece and brought to Boston as a small boy. He became an American citizen and grew wealthy in the food and liquor importing business.

A decade ago Pappas returned to Greece to become a leading industrialist there. His investments are in oil, steel, cattle, chemical plants, shipping and the sole franchise to distribute Coca-Cola in Greece.

Another business associate of Pappas—Spyros A. Metaxa—did not think his name would be made public as a foreign national helping to re-elect President Nixon. Metaxa gave $10,000 to the CRP on April 4, 1972, just before the public disclosure law went into effect in the United States.

Metaxa is an operator of the company that produces a well-known brandy that bears his family name. The Pappas company in Boston is an importer of the Metaxa brandy.

Reached in Kifissia, Greece, by telephone, Metaxa, a Greek citizen, refused to answer questions about why he contributed to the American political campaign.

"Send me a letter on official stationery and I will ask my lawyer what I can answer you," said Metaxa.

The letter was sent on Oct. 4, but no answer has been received.

Though it is not presently known whether Pappas brought foreign contributions to the CRP from abroad, he made seven round trips by plane between April 27 and Dec. 13, 1972, from Athens to Washington on CRP business. In addition, Pappas was in Paris and Switzerland on CRP business only a week before the 1972 election in America.

Hart believes that political contributions from foreign sources should be prohibited by law.

"I tend to think they should (because) the test of a candidate's viability to run ought to rest on support from domestic sources alone," he said.

From information provided him by The News, Hart has posed a series of questions to be explored by Acting Atty. Gen. Robert Bork and by Comptroller General Elmer B. Staats of the GAO.

Staats is overall director of the GAO's watchdog Office of Federal Elections.

After advising Bork and Staats about the defense contract to Vardinoyiannis, Hart asked them to recommend "what changes in law would be required, if any, to prohibit such contributions (to American political campaigns from foreign sources) in the future?"

Specifically, Hart asked why Section 611 of the U.S. Criminal Code does not already cover cases such as the one involving Vardinoyiannis.

That's the section prohibiting contractors with the federal government from contributing to federal political campaigns. The penalty is a maximum of five years in prison or a fine of $5,000, or both.

Section 601 also makes it illegal to knowingly solicit contributions from contractors, which could bear directly on fund-raisers such as Papas, if he solicited such funds for the CRP.

Hart said that depending on the answers he gets from the Justice Department and GAO, he might pass on the information to newly-appointed Special Prosecutor Leon Jaworski and to the Senate Watergate Committee.

Concerned that large loopholes in the law could allow international businesses to secretly make illegal corporate donations through foreign sources to U.S. political candidates, Hart also said he might refer the matter for study to the Senate subcommittee on multinational corporations.

ORGANIZED LABOR LAUNCHES DRIVE FOR THE IMPEACHMENT OF PRESIDENT NIXON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. RANGEL. Mr. Speaker, once again, as has occurred so often in our history, the Nation's workers are providing the cutting edge of our national conscience. Recognizing that the President has in large measure forfeited his right to national leadership, the AFL–CIO has launched a nationwide campaign for the impeachment of President Nixon. As Members of the body to which this campaign will be addressed in the days and weeks ahead, we all should carefully consider the reasons which underlie this call by our Nation's largest labor union body. I place in the CONGRESSIONAL RECORD, for the attention of my colleagues, the AFL–CIO position on why Richard M. Nixon must be impeached—now:

WHY RICHARD M. NIXON MUST BE IMPEACHED—NOW

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"But the cause of peace and freedom in the world cannot survive a discredited Presidency. Our allies' best hope—mankind's best hope—lies in the strength of our democratic institutions.

"Justice must be done, the risks of not doing it being more than democracy can safely bear."

Richard M. Nixon must be impeached—now—because:

He has caused an erosion of public confidence in our democratic system of government.

He instituted in the name of national security a plan which violated civil liberties through domestic political surveillance, espionage, wiretapping, burglary, eavesdropping, opening of mail, and military spying on civilians.

He created a special and personal secret police, answerable only to the White House, to operate totally outside the constraints of law.

He and his subordinates interfered with the freedom of the press—which our Constitution guarantees—by means of wiretaps, FBI investigations, and threats of punitive action.

He secretly recorded conversations in his office without advising participants in those conversations that they were being recorded. He then sought to deny the evidence on those tapes to the courts.

He has violated the Constitution of the United States and his sworn obligation to see that the laws "be faithfully executed."

He has used the office of the Presidency to attempt to put himself above the law.

He has consistently lied to the American people.

He has, by his actions and through the actions of his subordinates—for which he has accepted responsibility—brought dishonor on the office of the Presidency.

He has repeatedly promised the American people full revelation of the facts in the Watergate affair—and he has repeatedly sought to keep those facts from the public, from the courts, from the Congress, and from the special prosecutor.

He has used the office of the Presidency for personal enrichment.

He secretly curtailed the FBI investigation of the Watergate break-in.

He involved the CIA in the coverup of the Watergate affair.

He sought to suppress—and for a time did suppress—the facts of the burglary of the office of Daniel Ellsberg's psychiatrist from the judge in the Ellsberg trial.

He interfered with the administration of justice by offering this judge the directorship of the FBI.

He intervened in the antitrust suit against International Telephone and Telegraph to impose a settlement agreeable to the corporation, after which the corporation agreed to underwrite $400,000 of the cost of the 1972 Republican National Convention.

He and his subordinates sought to use the power of the White House, the Justice Department, the Internal Revenue Service, the Securities and Exchange Commission and other government agencies to punish a list of political enemies.

Officials of his campaign committee and his personal attorney extorted illegal campaign contributions from corporations which were dependent on maintaining the good will of the government.

Officials of his campaign committee received large campaign contributions from the dairy industry, which was seeking and later received lucrative dairy price support increases and dairy import concessions.

Until Richard Nixon is removed from office, we will not be able to get Watergate behind us. We will not be able to proceed with sober and constructive solutions to our economic and social problems at home or to the dangers of war in the world.

The first step in the impeachment process already has been taken: resolutions calling for the impeachment of the President have been introduced in the House of Representatives and referred to the House Judiciary Committee. The next step is for the committee to investigate. If it recommends impeachment, the committee sends to the House floor a resolution and articles of impeachment which specify the charges against the President.

If the House by majority vote approves the articles of impeachment, they are sent to the Senate for trial. If two-thirds of the Senate, with the Chief Justice of the United States presiding, find the President guilty of any of the charges, he is removed from office.

What is now necessary is that the House of Representatives and the House Judiciary Committee be made aware of the need for urgency in voting the impeachment of the President. Toward this end, each union member should now write his Congressman AND Chairman Peter Rodino of the House Judiciary Committee—at the House Office Building, Washington, D.C. 20515—and urge their support of impeachment.

HOUSE OF REPRESENTATIVES—*Monday, November 12, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

With righteousness shall the Lord judge the world and the people with equity.—Psalms 98:9.

Eternal Father of our spirits, we thank Thee for the refreshment of sleep and the restoration of soul our rest provides that with renewed strength we may meet the challenging tasks of this new day.

Amid all the labors of these hours keep our hearts with Thee as we act on behalf of our beloved land facing national and international problems which tax our spirits to the utmost. Give to us and to all America the realization that whatever the future holds of marvel or surprise, goodness and truth, justice and mercy abide and that in Thee and in Thee alone is the strength of our Nation and the future of our world.

During these weeks which try men's souls save us from fear, deliver us from futility and make us worthy of these times which cry aloud for wisdom, integrity, and character.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2641. An act to confer jurisdiction upon the district court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes; and

S. 2645. An act to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, in order to get this place warmed up, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 573]

Alexander
Andrews, N.C.
Archer
Ashley
Baker
Beard
Bevill
Biaggi
Blackburn
Blatnik
Bolling
Brooks
Buchanan
Burke, Calif.
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Conte
Conyers
Crane
Culver
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dellums
Downing
Dulski
Flood
Flynt
Fuqua
Gray
Green, Oreg.
Griffiths
Hammerschmidt
Hanley
Hanna
Hays
Heinz
Hosmer
Huber
Hudnut
Jarman
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Keating
Kluczynski
Lehman
Lent
Macdonald
Mathias, Calif.
Matsunaga
McCormack
McEwen
McKay
Mills, Ark.
Minshall, Ohio
Mitchell, Md.
Moakley
Mosher
Murphy, N.Y.
Nix
O'Hara

Patman
Podell
Powell, Ohio
Price, Tex.
Rangel
Reid
Roberts
Rodino
Roncallo, N.Y.
Rosenthal
Rostenkowski
Ruth
Ryan
Slack
St Germain
Staggers
Stephens
Stokes
Symington
Teague, Tex.
Thornton
Ullman
Waldie
Walsh
Whitten
Williams
Wolff
Wright
Young, Ill.
Young, S.C.
Young, Tex.

The SPEAKER. On this rollcall 335 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 1081, AMENDING SECTION 28 OF THE MINERAL LEASING ACT OF 1920, AND TO AUTHORIZE THE TRANS-ALASKA PIPELINE

Mr. MELCHER. Mr. Speaker, I call up the conference report on the Senate bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. STEIGER of Arizona. Mr. Speaker, reserving the right to object, is it my understanding that Members will be protected if there is a motion to recommit the conference report pending the waiving of the reading of the report?

The SPEAKER. The Chair will advise that that comes after the previous question is ordered on the conference report.

Mr. STEIGER of Arizona. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of November 7, 1973.)

Mr. MELCHER (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The SPEAKER. The gentleman from Montana (Mr. MELCHER) will be recognized for 30 minutes, and the gentleman from Arizona (Mr. STEIGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Montana.

Mr. MELCHER. Mr. Speaker, the joint statement contains many detailed comments and explanations about specific provisions of the bill recommended by the conferees. I hope the Members have read the joint statement carefully.

The conference report was signed by all of the conferees from both the House and the Senate and represents many hours of work and reflects a genuine effort to compromise differences without sacrificing basic provisions in both the Senate bill and the House amendment. We wanted a strong bill, and I believe we have it.

With respect to the general law governing oil and gas rights-of-way, all of the statutory guidelines in the House amendment were retained and some additional guidelines from the Senate bill were added.

With respect to the trans-Alaska pipeline, the provisions of the House amendment and the Senate bill were very similar and a merger of the two was easy.

With respect to the provisions of the Senate bill that do not relate directly to oil and gas pipelines, the most controversial ones involve stripper wells, the authority of the Federal Trade Commission to enforce its own orders directly rather than through the Attorney General, and the authority of the independent regulatory agencies to collect the information they need in order to carry out their regulatory functions without hindrance from the Office of Management and Budget.

Under the conference report the Comptroller General will review requests for information to prevent duplication but will have no authority to determine whether the agency needs information.

Mr. Speaker, there is a question today that confronts the House as to whether or not we want to move the trans-Alaska pipeline bill to the President's desk. If there is a motion to recommit that would interfere with that, it is interfering with solving the problem of getting the bill finally on the President's desk.

There will be arguments made, I suppose, that the House conferees agreeing to the Senate language dealing with the Federal Trade Commission and the provision limiting the authority of the Office of Management and Budget are somehow not compatible with this bill. These are relevant matters to assist regulatory agencies to carry out their duties.

I would say to the House that the larger issue is to move the bill so that we can have a start on the construction of the pipeline and get moving on tapping the Alaskan vast crude oil supplies.

I think that is the issue facing the House today, and I urge all of the Members of the House to vote for the conference report as it is.

The campaign launched by the National Chamber of Commerce and industrial giants against the FTC provision in attempts to convince small business that they would be better served by the deletion of the FTC provision in this bill would be parallel if Goliath had been able to talk David into using a small pebble in a sling or better yet had conned David into throwing away his sling and meeting in hand-to-hand combat. The FTC provision would broaden the authority of the Commission to investigate conglomerate business and would add muscle to their traditional role of eliminating unfair competitive practices that stifle, strangle or eliminate small business operations.

The Office of Management and Budget's screening of questionnaires by regulatory agencies has delayed in many instances the regulatory agencies' ability to gather the information that they seek. These questionnaires in general are directed at big businesses and do not involve middle or small-sized businesses. Certainly the overwhelming majority of small businesses across the country are not involved in the questionnaires that are sent out by the regulatory agencies.

Very few of the requests to the Office of Management and Budget for clearance of questionnaires come from the independent regulatory commissions. Most of the clearance requests come from agencies of the executive branch. Under the provisions of S. 1081, OMB would continue its control over those executive branch agency questionnaires.

Senator METCALF has made available to me the data just provided him by the regulatory commissions on their experience with OMB questionnaire clearance. It shows the following:

REGULATORY REQUESTS FOR OMB CLEARANCE OF QUESTIONNAIRES PURSUANT TO FEDERAL REPORTS ACT

Agency	1973	1972	1971	1970	1969
(1) CAB (as of Oct. 3, 1973)	11	19	18	7	17
(2) FCC (as of Nov. 1, 1973)	10	12	18	14	17
(3) FPC (as of Oct. 29, 1973)	4	11	6	5	1
(4) FMC (as of Oct. 30, 1973)	1	1	0	1	0
(5) FTC (as of Sept. 13, 1973)	24	40	19	27	17
(6) ICC (as of Oct. 4, 1973)	2	6	5	3	3
(7) SEC (as of Oct. 4, 1973)	1	5	7	15	52
Total	53	94	73	72	107

Mr. Speaker, I shall elaborate briefly on the responses of the agencies.

CAB—None of its questionnaires were modified, delayed, or disapproved during any of these 5 years.

FCC—Fifteen of its questionnaires were modified during the 5 years. Nine of the 15 dealt with equal employment opportunity and employment. Three dealt with ownership of broadcast companies and CATV systems.

FMC—None of its four requests, made over a 5-year period, were disapproved or changed.

FPC—None of its questionnaires were disapproved outright. Several, reported the FPC, were suspended, and others were returned to the FPC after OMB consulted with industry advisers and other respondents. Then FPC revised them, after which they were usually approved by OMB. The figures listed above for FPC do not include routine extension of previously approved reporting forms.

ICC—OMB held up clearance of one of its forms, dealing with freight car ownership. The Association of American Railroads proposed changes which were accepted by the ICC and OMB.

SEC—The Securities and Exchange Commission reported only minor modifications to forms it proposed.

FTC—During the 5-year period 29 FTC forms were modified. Many of the modified questionnaires dealt with mergers, the enemy industry, questionable advertising, financial reporting of large companies, and the concentration of economic power. Those are big business matters, areas in which large companies used their influence with OMB's advisory committees to keep agencies from asking legitimate questions which the large companies do not want to answer. The issue is not the burden on small business—relatively few questions are asked of small businesses by the independent regulatory commissions. The issue is—shall we free the independent regulatory commissions from the control of OMB and its cozy corporate colleagues.

Although the hearings of the Committee on Interior and Insular Affairs did not cover these subjects of the FTC, OMB, and stripper wells in detail, the need for these provisions is well documented in our committee files and in voluminous correspondence from all sectors of the public. Moreover, I have been in touch with the standing committees of the House that would normally handle these subjects, and I believe there is a general consensus that the modified Senate provisions recommended by the conferees are appropriate for inclusion in S. 1081. These provisions are an important part of the package compromise that the conference committee regarded as necessary in order to complete action on the pipeline bill.

While these provisions could have been left for consideration by separate bills, the conferees regarded them as essential to the prompt enactment of a trans-Alaska pipeline bill, which is sorely needed, and to a general revision of the oil and gas pipeline legislation. Moreover, most of the conferees regarded these provisions as fully justified on their merits.

The Federal Trade Commission provision has been questioned because the authority of the Commission to represent itself in court will take away from the Attorney General the right to prevent the Commission from harassing the business community by unnecessary and unwarranted litigation and the issuance of subpenas for records. The short answer to that objection is that Congress has established the Federal Trade Commission as an independent regulatory agency to investigate and enforce the laws under its jurisdiction, and that the Attorney General is interfering with the Commission's legitimate activities. Congress never intended that the Attorney General would supervise the Commission and in effect veto its investigative and law enforcement activities. If the Commission should abuse its authority, corrective action should be taken by Congress, and not by the Attorney General.

Another answer to this objection is that there is no basis for a finding or assumption that the Federal Trade Commission will harass the business community. Congress expects the Commission to exercise its statutory authority in a responsible manner, and no evidence to the contrary has been offered. The charge is unsubstantiated speculation.

One of the objections to the amendment to the Federal Reporting Services Act is that the Office of Management and Budget needs the authority to control the information gathering activities of the independent regulatory agencies in order to protect the business community from unreasonable requests and unreasonable expense.

A short answer to that objection is that Congress requires regulatory agencies to act responsibly in the public interest without unduly burdening business, but Congress also expects the regulatory agencies to collect the information they need in order to carry out their statutory responsibilities. Congress did not expect the Office of Management and Budget to be an omniscient authority to decide what the agencies need. Again, any abuse of discretion by the agencies should be corrected by Congress rather than by a superexecutive in the executive branch.

I would like to address briefly the question of the relevance of sections 408 and 409 to the Alaskan pipeline measure. These provisions are in every way as relevant to a rational overall energy policy as the pipeline measure itself.

Within the past 6 to 8 months every Member of this Congress has received desperate pleas from the small independent businessman at every level of the petroleum industry. This past summer hundreds of independent gasoline marketers perished as a result of the petroleum shortage. This was a truly tragic event because the majority of these marketers up to the time of the shortage were efficient and profitable firms. And more important to all of us consumers, they were a consistent source of price competition in an industry that has a chronic tendency to behave like a cartel.

This winter hundreds of independent heating oil distributors may face the same fate. The demise of any significant number of these firms could have quite drastic consequences, since major oil companies do not have the present capability to take over their distribution functions.

In these circumstances the Alaskan pipeline bill is a welcome measure. It will, at least to some extent, alleviate the oil shortage. But it will not prevent the further cartelization of the petroleum industry. It will not prevent the shortage from being manipulated in order to drive out the independent refiners and marketers.

Of course, there are some who will say that these concerns for competition are outdated or at best irrelevant in times of drastic shortage. But this is nonsense. All that is necessary is to recall the classic objections to monopoly and monopolistic practices. They reduce output; they encourage inefficiency, and they raise prices. These, of course, are matters of even greater concern in times of extreme shortage. The shortage only makes monopoly and monopolistic practices all the more intolerable.

Competition can only be maintained by vigorous, informed, and intelligent application of the antitrust laws. And the agency which has developed the greatest expertise and shown consistent concern for competition in the energy area is the Federal Trade Commission. This was just recognized by this Congress when it appropriated a million dollars to enable the FTC to conduct a major study of the energy industry.

It is, therefore, wholly proper that, as part of our efforts to deal with the energy problem, we remove the unnecessary procedural roadblocks that hamper the FTC in acting in a quick and effective manner. And we must not only remove the roadblocks to quick adjudication of antitrust violations but also those which prevent the quick handling of the investigative tasks assigned by the Congress.

The disaster that befell the independent gasoline marketers this past spring is dramatic of why the FTC needs additional powers to enable it to act quickly. In fact, it was this event that gave a new sense of urgency to the effort to give the Commission the power to seek injunctions. As the gasoline shortage forced hundreds of independent refiners and marketers to close their doors or drastically curtail their business, the profits, prices, and market shares of the major oil companies soared.

Even the most blatant evidence that the shortage had been manipulated by the majors would have done the independents little good. There was simply no way that the Commission could have acted in time. The fact that the Commission can take an action that may in number of years stop the anticompetitive practices is small consolation to the man whose business is being destroyed today. For many small businessmen in the petroleum industry, it is already too late. But the lesson should not be repeated.

The FTC provision could very well be the best protection that we could assure small business people to avoid unfair competitive practices from conglomerate interests. The trend of conglomerates swallowing smaller businesses is by itself a long range policy that could eliminate competition in many areas and in many industries and businesses.

FTC officials have made comments on this subject.

The Federal Trade Commision has to exercise it powers as a friend of the small businessman.

ANTITRUST—GENERAL

Over the years the Federal Trade Commission has been particularly concerned with the welfare of the small businessman. Many of the Commission's specific statutory enforcement missions have as a major objective the protection and maintenance of a competitive climate in which opportunities for small businessmen to compete are preserved and fostered. The Commission has acted on behalf of the small businessman in a number of areas:

The Commission has challenged mergers which would have resulted in high industry concentration and high barriers to entry which would have made it more difficult for smaller competitors to compete in particular markets. The Commission has always been concerned about small independent businessmen being gobbled up by the large and dominant firms in a particular industry.

Similarly, in the area of industry concentration, the Commission also has been concerned lest one firm or a small number of firms become so large as to achieve a dominant share of a particular market through predatory or anticompetitive business practices, to the detriment of small independent businesses who must compete with them.

Finally, the Commission is on the lookout for predatory and anticompetitive practices which violate the specific statutes enforced by the Commission. For example, in the franchising area the Commission has acted against franchisors who coerced their franchisees—who often are small independent businessmen—to purchase unwanted products as a condition of keeping their franchise The Commission also has proceeded prices or allowances not available to their suppliers to grant them discriminatory prices or allowances not available to their smaller competitors. Such abusive actions are a violation of the Robinson-Patman Act and also of the Federal Trade Commission Act. The Robinson-Patman Act was enacted to provide equality of business opportunity for all businesses, small and large, and to protect small, independent businesses from the predatory activities of large buyers. The Supreme Court has noted:

> The Robinson-Patman Act was enacted . . . to curb and prohibit all devices by which large buyers gained discriminatory preferences over smaller ones by virtue of their greater purchasing power. *F.T.C.* v. *Henry Brock & Co.*, 363 U.S. 166.

In enforcing its statutory responsibilities the Federal Trade Commission thus has been in the forefront protecting the rights of small businessmen, and the proposed amendments will enable the Commission to do this job more effectively.

ANTITRUST—SPECIFIC EXAMPLES FROM CURRENT ACTIVITIES

We need only look at a number of current complaints filed by the Commission and several recent decisions handed down by the Commission to see that current Commission activities will have a very positive impact as far as the small businessman is concerned.

PETROLEUM INDUSTRY CASE

Perhaps the most significant complaint recently filed by the Commission is against eight major integrated oil companies, Exxon Corp., et al., docket 8934. The Commission's complaint charges that the respondent companies have combined to monopolize refining and have maintained monopoly power over refining.

This case is of tremendous significance to gasoline station operators who often are independent small businessmen. The complaint alleges for example that the eight companies have followed a common course of action in refusing to sell gasoline to independent marketers. One alleged effect is that the gasoline shortage has fallen with particular severity where independent refiners and marketers are primarily located. As a result many small independent marketers have been forced to close retail outlets and significantly curtail operations.

If the Commission's case is successful one expected effect is that entry barriers will be lowered and it will be easier for small independent marketers to compete with the large integrated oil companies.

TBA CASES

Another Commission action designed to benefit gasoline station operators is its case against Phillips Petroleum. The Commission's complaint in this matter alleges that Phillips' lease agreements with its dealers allow Phillips to arbitrarily cancel dealers on 10 days written notice. This cancellation provision enables the company to coerce its dealers to purchase Phillips' tires, batteries, and accessories—TBA—and to require stated minimum gasoline purchases. As a result, the complaint alleges that Phillips' dealers are coerced into contracts depriving them of control of their business operations and their choice of suppliers. If the Commission's action is successful, dealers will be protected against arbitrary cancellations and requirements that they deal exclusively in Phillips' TBA. The Phillips case is a continuation of a long series of Commission cases in the TBA area designed to protect station operators from being coerced into purchasing unwanted lines.

FRANCHISING

Also significant are the Commission's activities in the franchising area. For example, the Commission recently ruled that the Chock Full O'Nuts Corp. illegally restrained competition by requiring its franchisees to purchase various food items from Chock Full O'Nuts. The Commission's order will give the company's franchisees greater freedom in selecting their own suppliers and controlling their own purchases. The Commission also obtained a consent order involving related restrictions on franchisees in its action against the Tastee-Freez Co. These orders can be expected to have an important impact on franchisees, who usually are small businessmen.

SHOPPING CENTER CASES

Another area of Commission activity which will benefit the small businessman is the Commission's program in the shopping center area. The Commission has proceeded against anticompetitive lease provisions which give major tenants, usually large department store chains, the right to veto other tenants. The Commission has recently received many complaints from small independent businesses who were denied access to major regional shopping centers because of such restrictive lease provisions. It is the Commission's objective to eliminate such lease provisions and benefit small competitors through selective litigation and establishing important legal precedent regarding shopping centers.

XEROX

Other Commission actions if successful also may benefit the small businessman significantly. For example, one of the purposes of the Commission's suit against Xerox for alleged monopolization of the office copier market is to lower the cost of copiers. This will benefit businesses small and large as well as consumers.

RECIPROCITY CASES

The Commission's activities in the area of reciprocity also will aid small businesses to compete with large conglomerate firms which have in the past attempted to use their purchasing leverage in one market to generate sales for products sold in other markets. Small independent firms without such purchasing power were put at an unfair disadvantage. Illustrative is an order recently obtained by the Commission against the Southland Corp., which bans reciprocal dealing in the future. The Commission's complaint in this matter alleged that the company used the purchasing leverage of its 7-Eleven stores to obtain sales for its chemical division.

CONSUMER PROTECTION—GENERAL

Many Federal Trade Commission activities are aimed at encouraging competition by providing information in the marketplace. Whenever a large competitor, for example, the manufacturer of a major brand, attains an unfair advantage through advertising over smaller competitors, the Commission's actions to remove false and deceptive claims from that advertising, and to require comparative material information, directly aiding the small businessman.

A good example is the FTC's action in the three cases involving analgesic advertising. The complaints charge the manufacturers of Anacin, Bayer Aspirin, Bufferin, Excedrin, and Vanquish with: First, exaggerated claims of superiority; second, unfounded "mood claims"; third, misuse of scientific tests and studies; fourth, misuse of medical endorsements; and fifth, failure to disclose names of common ingredients. The FTC effort is directed at the largest companies. To the extent that FTC action alters the behavior of these large companies, smaller businessmen can more effectively function in the market.

CONSUMER PROTECTION—SPECIFIC EXAMPLES FROM CURRENT ACTIVITIES

PROPOSED RULE ON FRANCHISING

The enormous growth of franchising in the American economy can be attributed to the fact that many Americans still seek the opportunity to become self-employed small businessmen. According to the Department of Commerce in its report "Franchising in the Economy 1971–73," franchise sales of goods and services are expected to reach a record level of $156 billion in 1973 and will involve over 466,000 business establishments including over 80,000 franchisors and 385,000 franchisees. Retail franchising in 1973 is expected to account for about 30 percent of all retail sales in the United States.

Franchising is perceived as a way to attain self-employment by reducing the risk of failure frequently associated with starting a small business. The risk is reduced by the services and expertise provided by the franchisor.

It is important to note that franchisees or prospective franchisees are consumers who are in need of protection and assistance from public agencies such as the Federal Trade Commission. They are not sophisticated businessmen accustomed to dealing with complex contract matters or financial statements. Rather, they are small businessmen and businesswomen who will invest or have invested their savings and have incurred debt to purchase a franchise.

Prof. U. B. Ozanne and Shelby D. Hunt, of the University of Wisconsin, in their study entitled "The Economic Effects of Franchising," point out that the characteristics of the typical franchisee are persons of commendable energy but with limited financial resources. They can scarcely afford expensive legal or financial review of franchisor prospectuses during negotiation for the purchase of a franchise. It is this group which needs some help from agencies like the Federal Trade Commission.

While franchise ventures fail for a variety of reasons, such failures all too frequently occur because the franchisee does not have sufficient facts upon which to make a sound evaluation of the franchise prior to entering into the agreement, or because he does not fully understand the terms of the franchise agreement with its investment requirements, fees, sometimes oppressive cancellation clauses, and various other restrictions. Franchisees have come to the realization that the franchise agreement can be used by the franchisor as an instrument of abuse.

In order to put the prospective small businessman in the best position to invest and thereafter to operate successfully, the proposed rule would (1) require the franchisor to provide certain vital information which a prospective franchisee should have before him in analyzing whether a particular franchise arrangement is best for him, and (2) provide additional protection to investors, such as the provisions relating to cooling off, and the prohibition of the use of waiver of rights and defense clauses after the franchise agreement has been entered into.

BUSINESS OPPORTUNITIES PROGRAM

Sellers of business opportunities are a significant factor in encouraging the growth of small businesses in this country. Each year millions of Americans, many of whom are socially and economically disadvantaged and many of whom are possessed of such advantages, invest in opportunities to increase their earning power. The former invest in opportunities that are, by and large, virtually worthless while the latter invest in opportunities that are of some potential worth for future earnings but which may be unduly risky. High-pressure sales techniques involving misrepresentations as to earning potential and failure to disclose kinds of risk have resulted in substantial economic loss to small businessmen.

Several cases are aimed at the relatively small segment of this industry which sells virtually worthless business opportunities to low-income victims for sums ranging from $1,000 to $5,000 and ignores all laws until it is caught. Given the "fly-by-night" character of such firms and their general lack of stability, FTC's effort is targeted to secure significant relief. That relief includes affirmative disclosure of earnings, prospective restitution, and 10-day cooling-off periods. Examples of these cases are Koscot Interplanetary, Inc., et al., which is presently in litigation and Bestline, in which the staff is seeking civil penalties for violation of a final order.

In addition, the FTC has often taken enforcement action designed to protect the honest small businessman from his less ethical competitors. For example, the Commission recently moved against a number of carpet dealers which the Commission had reason to believe were using techniques such as "bait and switch" ads and deceptive pricing claims to lure customers away from honest advertisers. To do this more systematically, a comprehensive program has been initiated under which similar operations at the local and regional levels will be subject to scrutiny and action where warranted. The Commission's regional offices have been instructed to take action as soon as possible.

Finally, Mr. President, I want to assure Members of the House that I have inquired into a rumor which has concerned some Members that the Alaska pipeline matter was being investigated by the Watergate special prosecutor.

When this rumor first reached me, I wrote Assistant Attorney General Henry Peterson whether there was any truth in it. He assured me no such inquiry was underway.

I include in the Record my letter of inquiry to him and his reply:

October 26, 1973.

Hon. Henry E. Petersen,
Assistant Attorney General,
U.S. Department of Justice,
Washington, D.C.

Dear Mr. Petersen: This is an inquiry whether the Justice Department knows of or is investigating reports of any impropriety connected with the proposed Alaskan pipeline. As you know, the Alaska pipeline bill has passed both the House and the Senate and has been in conference for several weeks. The conference concluded their meetings last week and we are preparing the report of the members.

I have had inquiries from reporters whether the special prosecutor or grand jury is looking into some matter in connection with the pipeline.

As Chairman of the conference I wish to be certain before we act on the report in the House that there has been no cause to believe some impropriety may have occurred in connection with the proposed pipeline or pipeline bill. If anything has been brought to the attention of the Justice Department, Special Prosecutor Archibald Cox, or members of his staff, we need to know of it.

It is possible that the Conference Report will be considered in the House next Thursday. I would appreciate a reply from you prior to that time.

Best regards.
Sincerely,

John Melcher,
Chairman of the Conference Committee.

October 26, 1973.

Dear Congressman Melcher: In response to your inquiry of October 26 as to whether the Department of Justice or the Special Prosecutor's Force is investigating any alleged impropriety in connection with the proposed Alaskan pipeline, this is to advise you that there is no such investigation. Indeed, to my knowledge, there has been only one complaint which on preliminary examination of the complainant was considered to be without support.

Sincerely,

Henry Petersen,
Assistant Attorney General.

Mr. Speaker, I now yield 4 minutes to the distinguished gentleman from Florida, the chairman of the full committee (Mr. Haley).

Mr. HALEY. I thank the gentleman for yielding.

Mr. Speaker, we have come here today to determine whether you want to have a pipeline in Alaska or not.

I know there has been a good bit of misinformation about what this conference report will do, but, Mr. Speaker, the need for final action on the bill is urgent in order that the trans-Alaskan pipeline may be constructed without further delay.

Construction has been delayed for years by litigation, and our national interest now requires a clear-cut and unequivocal policy decision taken by Congress. This bill is a decision by Congress that the trans-Alaska pipeline shall be built at the earliest possible time. That decision is binding on the Federal courts and on the executive branch. Every effort has been made to forestall further litigation designed to thwart the will of the Congress.

The conference committee met many times, and it has produced a good compromise that preserves substantially all of the House amendment, which was in the nature of a substitute for the provisions of the Senate bill. A compromise, however, involves concessions by both sides, and the final product truly represents a melding of the Senate and House provisions.

The guidelines governing the grant of oil and gas pipeline rights-of-way across Federal lands spell out in statutory form policies that formerly were left to administrative determination.

The mandatory directions with respect to the trans-Alaska pipeline makes the congressional policy clear beyond any reasonable doubt.

Some of the provisions of the Senate bill that are not directly related to oil and gas pipeline rights-of-way were accepted by the conferees, with modifications, after careful examination of their merit. The most controversial of those provisions relate to the right of the Federal Trade Commission to represent itself in court—now, what is wrong with that, allowing an agency of the Government after it asks the Justice Department to take proper measures to get into court, if they do not do it, why should not that agency be able to go directly to the courts?

Plus the right of all independent regulatory agencies to collect facts they need without prior approval of the Office of Management and Budget. While these subjects could have been left for treatment in separate legislation, they were a part of the Senate bill as it came to the House, and they are a part of a carefully tailored compromise package. In my opinion, that package should be accepted. A rejection of any part of the conference report will reject the entire report, and the urgently needed pipeline legislation will be imperiled.

Mr. Speaker, I urge that the conference report be approved.

Mr. SIKES. Mr. Speaker, will the gentleman from Florida yield?

Mr. HALEY. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, as my distinguished friend, the gentleman from Florida (Mr. HALEY) knows, I have a great confidence in his recommendations. I know that the gentleman has studied this matter very carefully, but I believe that a number of us in the House have had a considerable number of communications from our constituents in our respective States and districts who are quite concerned about the possibility of additional Federal regulations, particularly over small businesses in our areas.

Would the gentleman from Florida tell us how much additional Federal regulations would be possible for the average business under this measure as agreed upon by the conferee?

Mr. HALEY. Mr. Speaker, may I say to my distinguished colleague, the gentleman from Florida, Mr. SIKES, that in my humble opinion there will be no great impact on small business. A great deal of thought has gone into this piece of legislation. I believe the gentleman from Florida knows who is in the situation here of trying to defeat this legislation, because this may cost them some money. The American people are entitled to know, and they should be protected, and agencies of the Federal Government should have the right to go into the courts and correct these things if necessary.

The SPEAKER. The time of the gentleman has expired.

Mr. MELCHER. Mr. Speaker, I yield 1 additional minute to the gentleman from Florida (Mr. HALEY), the chairman of the full committee.

Mr. SIKES. Mr. Speaker, would the gentleman yield further on that point?

Mr. HALEY. I yield to the gentleman from Florida.

Mr. SIKES. If I understand the answer given by the gentleman from Florida correctly, he feels there would be additional regulatory effect only on a very few major business concerns which are directly involved in the program; is that correct?

Mr. HALEY. That is correct. They have that right now. The only thing that this is going to take away from is if the Department of Justice does not move in a reasonable time, that agency can go into the courts and assert its rights and bring forth the facts.

Mr. MARTIN of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. HALEY. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. I thank the gentleman for yielding.

I am afraid the gentleman is a little bit mixed up here in his answer to the gentleman. He talks about the FTC Amendment, and I believe the gentleman from Florida was addressing himself to the amendment in regard to reporting businesses which would be affected.

Mr. Speaker, every business in the United States, from the pop and mom store up to A.T. & T. and all other corporations would be affected. I am sorry to differ with the gentleman, but that is the actual fact with regard to this amendment. It would affect small business and every business in the United States.

The SPEAKER. The time of the gentleman has expired.

Mr. STEIGER of Arizona. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I ask unanimous consent that the remarks of Mr. CRAIG HOSMER, ranking member-designate of the Committee on Interior, in support of the pending motion to recommit be inserted at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HOSMER. Mr. Speaker, I want to speak in general support of the conference report authorizing construction of the trans-Alaskan pipeline and updating our laws dealing with rights-of-way for oil and gas pipelines across Federal lands. But as much as I support the pipeline, I am unable to support it today as it has been intermixed with matter which, under these rules, would be nongermane.

I support a motion to recommit the conference report with instructions to delete the provisions extraneous to the pipeline issue. In doing so I trust and hope the other body will respond to these instructions and permit the Nation to get on with this sorely needed project promptly.

This country is in desperate need of the petroleum resources lying under Alaska's North Slope. The construction of this pipeline would provide no immediate relief for our substantial short-term energy crises. But it is a step in the right direction. It is tragic to think that, but for a small group of short-sighted people who doggedly roadblocked the pipeline, our country could already be using these much needed oil reserves. Had construction of the pipeline started in 1969 we would not now be thinking of closing schools, living in cold homes, and of unemployment resulting from lack of fuel for our factories.

The potential flow of oil from Alaska is upward of 2 million barrels per day. What does this mean in terms of the current Middle Eastern oil cutoff? In 1972, this country was importing slightly over 4 percent or 700,000 barrels per day of our domestic consumption from the Arab world. By country, this breaks down as follows:

	Barrels per day
Saudi Arabia	189,600
Iran	141,800
Libya	122,600
Algeria	92,500
United Arab Emirates	73,400
Kuwait	44,800
Bahrain	14,800
Egypt	8,400
Other Arab	12,000
Total	699,900

The figures for 1973 show that our imports from the Middle East and North Africa moved up to more than 8 percent of domestic consumption. While there is no breakdown immediately available, the U.S. Bureau of Mines estimates, for the first half of calendar year 1973, that we were filling our oil supply needs as follows:

	Percent
Domestic sources	74.3
Canada	8.9
Middle East and North Africa	8.1
Caribbean	2.1
Rest of the world	5.9
Total	100.0

There has been no need to subject this country to the oil blackmail of the Arab world. The importance of the North Slope oil seems rather elementary.

Despite the facts of this simple arithmetic there are those xenophobic few who will continue to fight construction of the trans-Alaskan oil pipeline by fair means and foul. I can understand the logic of those who want to build a pipeline to bring oil to the Midwest, but such a pipeline is further down the road. The conference has authorized and requested the President to proceed with negotiations with Canada on this matter. Further, the Secretary of the Interior is authorized and directed to determine the feasibility of a line through Canada.

What I cannot understand is the faulty logic of those who would relish the thought of winning the battle to leave the oil under the North Slope. To preserve the 7,680 acres that would be occupied by the pipeline seems an inordinate price to pay for fuel rationing, cold homes, cold schools, and blackmail by the Arab world.

I am certain we can be assured of added litigation to try to delay further the building of this much needed pipeline. We can also be assured of continual harassment as construction proceeds. We can only hope the intent of the Congress is clear in that we will direct this pipeline to be constructed and completed without further action under the National Environmental Policy Act of 1969. In the event the intent is not clear the conference report has spelled out the way such litigation is to be handled. There is incorporated a modified version of the House-passed language expediting the litigation to the Supreme Court.

If this pipeline can be started next spring, and we, as a nation, undertake reasonable energy conservation measures we can effectively weather the current fuel shortages. But this petroleum problem is only one aspect of the much broader problem we are facing in our energy policy. Perhaps this slow first step on the trans-Alaskan oid pipeline will cause us to take the subsequent steps needed to effectively use atomic energy powerplants, oil shales, deepwater ports, and our large coal reserves. The great hue and cry to preserve the environment has helped bring us to the point where we cannot travel to enjoy what we preserve, where soon we will have to close businesses and factories for lack of fuel, where we cannot adequately heat or light our homes and schools, where we have allowed those to whom we have given aid and made wealthy bring this great Nation to the brink of major crisis.

Finally, Mr. Speaker, I want to tell the House my specific differences with the report of the conference. The House has never adequately considered such matters as confirmation of the Director of the Energy Policy Office (sec. 404), it has not considered it at all, the same is true as to confirmation of the head of the Mining Enforcement and Safety Administration (sec. 405), the expansion of the authority of the Federal Trade Commission (sec. 408) or the authority it is proposed to transfer from OMB to GAO over collection of information sought by the independent Federal regulatory agencies (sec. 409). A conference report dealing with oil and gas pipeline is no place to try to enact such sweeping legislation. The provisions relating to the Federal Trade Commission and the reporting services for business information were amendments adopted on the floor of the other body and pertain to the economic, security, and welfare of the people of this great Nation. Propositions of this magnitude, which take the form of floor amendments, without full considerate and deliberate attention cannot be allowed.

If the House allows this urgently needed pipeline to be held hostage by the other body, we are, in effect, allowing the House to be blackmailed and this pipeline to be held hostage. This House passed a bill dealing with oil and gas pipeline rights-of-way and authorizing the immediate construction of an Alaskan pipeline. If we pass this conference report as it stands we will accede to this blackmail and will truly become a second-class body.

Mr. Speaker, I recall these words spoken by the great Winston Churchill:

> If you will not fight for the right when you can easily win without bloodshed, you may have to fight when there is no hope of victory because it is better to perish than to live as slaves.

In this case victory is no easy matter, but it is a necessary matter unless we intend again and again to submit to the will and the whims of the other body like slaves.

Perhaps the problems caused by these amendments from the other body will cause us to pass our own bills and send them over so we will not be asked to accept a lot of nongermane language from the conference. That is a stupid and unnecessary procedure. We must stand now for our rights.

I will support strongly passage of an Alaskan pipeline bill and amendments to our outdated rights-of-way laws across Federal lands. I just as strongly urge you to support the recommital motion instructing the conferees to delete the objectionable provisions.

Mr. STEIGER of Arizona. Mr. Speaker, there are, as with every issue that confronts us, particular ones that generate interest. There are several things at stake here that go beyond the phrasing of the language. Basically, Mr. Speaker, the reason we are confronted with this division within the House at this point is a very simple one. The Senate, in their haste to pass the pipeline bill, adopted some language which dramatically revised the Federal Trade Commission and its activities and dramatically revised the method of requiring small business, all business, to make reports to that Government agency. The Senate did so without any hearings, without any knowledge of what the language did, the importance of the language, and they did it because they knew that the pipeline was a critical piece of legislation that this Nation must have.

It is a simple case of the Senate sticking this language in here.

Mr. Speaker, the language that I will propose in the motion to recommit is very specific. It will not cause any delay in the process of the passage of the pipeline beyond that which has already been created, and it will assert once and for all the legislative sounding that I think everybody in this House wants. There have been no hearings in this body or the other body on the import of this language. This language is totally far reaching. It affects all business; it makes a totally autonomous agency under the Federal Trade Commission, an agency with no precedent, I might add.

Above all, I think the most important thing is that it was done with a certain knowledge that because of our concern over the energy crisis, we probably would not be concerned with what appeared to be innocuous language. I will tell the House exactly what happened. I will tell the House the business community was very late in being aroused over the problem. That is why we have been bombarded by the business community.

I will tell the chairman that they were late, but the language was inappropriate. It could not stand by itself. It will go down in defeat in an up or down vote in this House.

What I am going to ask the House to do is confirm language which would restore the FTC to its present status and restore the reported practice, with slight modification, to its present status. This is not a matter of parochial pride or House pride versus Senate pride. This is a very basic issue. Should the House accept a totally inappropriate amendment to a bill simply because that bill is desperately needed at this time of an energy crisis? The answer is, I will tell the Members, a resounding no.

By adopting this language which I propose to offer in the motion to recommit, then the Senate will know we are locked into this position. They want the pipeline bill as much as we do. Then we can proceed in an orderly fashion.

Mr. Speaker, I urge the Members to support the pending motion to recommit.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Ohio.

Mr. LATTA. I thank the gentleman for yielding.

Mr. Speaker, I think that the action taken by the majority of the conferees on this conference report is reprehensible. It is high time that this House takes steps to make certain that the rules of this House are not circumvented as they were in this case.

We have a serious parliamentary situation here and it needs correcting. The rules of the House were previously amended with the membership believing they would have an opportunity to vote on these nongermane Senate amendments brought back to the House by our conferees. To preclude the House from passing on these nongermane amendments, the conferees have substituted the Senate bill for the House-passed bill. At the present time, I am serving on a subcommittee of the Rules Committee which is delving into these devious methods of circumventing the rules of this House. Hopefully, we will report rules changes which will end these practices.

In the instant case, the House of Representatives passed this needed Alaskan pipeline legislation before we went on recess in August. I must ask the House now: Where has this legislation been all this time? Did my Democratic friends who were in the majority in this conference committee not know how important this bill was to the welfare of the country and that an energy crisis was fast approaching?

I think the American people will be asking this question. Why was this legislation not immediately agreed to by the conferees and returned to the House? It should have been so reported. Everyone knows this but do they know how the legislation was being held captive in order for some to insert antibusiness, anticonsumer amendments for reasons known only to the sponsors?

At the present time, American business spends too much of its time—and cost—in completing all too many duplicate reports requested by the Federal Government. This duplication costs money and the consumer must and is paying for it when he or she purchases an American-made product. Let us give the consumer a break and return this conference report to committee with instructions to delete these costly, nongermane amendments.

Mr. STEIGER of Arizona. I thank my friend, the gentleman from Ohio.

Mr. Speaker, I would like to explain to the House the rather unique position I find myself in, because the gentleman from Ohio has raised it. I am a signer of the conference report and I want to tell the House exactly why I signed it and why I now will offer a motion to recommit. We simply did not have the votes in the conference to take the offending language out. I thought the only remedy was to offer the motion to recommit to this whole House. I thought it was not fair to the Nation or to the House simply to arbitrarily hold up passage of the pipeline bill which I think is essential.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska, the ranking minority member of the Rules Committee (Mr. MARTIN).

Mr. MARTIN of Nebraska. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this body has been subjected for many years to amendments that are not germane to legislation under consideration, amendments which have been adopted by the other body. In 1970 in our Reorganization Act we attempted to correct this matter. We adopted a rule in the House that any nongermane amendment adopted by the other body and coming back in a conference report would require a separate vote on the floor of the House. Due to the parliamentary situation today, however, we are not allowed a separate vote on these nongermane amendments. That violates the spirit of the rules of the House. Unless the rules of the House are adhered to, the Congress, as an institution, is in its declining days.

Let me point out two of the major amendments. One is in regard to the FTC which provides that every time the Department of Justice does not act within 10 days on FTC cases, they automatically go over to the FTC for action.

The second amendment is an extremely important amendment to every businessman. I want the Members to mark this. It applies to every businessman—not only the large corporations in the country but it will apply from the mom-and-pop stores on up, because it amends a 1942 act, Mr. Speaker, and takes away from the OMB the power to review and approve requests from the agencies to send questionnaires out to all business. It transfers the power from the OMB to GAO but it omits from the present law the requirement that the OMB has to approve before the department or agency is to send the questionnaire out. So it means every agency of the Government and every department of the Government, at will, can request information from business without the approval of anyone. Under the present law approval is required of OMB.

In the recommittal motion I understand the conferees will be instructed to omit these two sections from the bill. Approval of the recommittal motion will not delay construction of the Alaskan pipeline. The recommittal motion will simply instruct the House conferees to not accept these two nongermane amendments. The conference can resume immediately and approve the bill without these two amendments in a matter of minutes. If delay occurs, it would rest solely on the chairman of the Interior Committee of the body, as well as the chief conferee of the House. I hope the recommittal motion is adopted.

Mr. MELCHER. Mr. Speaker, I yield myself 30 seconds.

The gentleman from Ohio and the gentleman from Nebraska who have just spoken are members of the Rules Committee which gave to the House the rule that brought the pipeline bill to the floor, so they were authors of the rule that made it in order to substitute the House language for the Senate-passed bill. I find nothing wrong with that procedure. It has been used by the same Rules Committee with these two gentlemen concurring for years. I find that their protesting now on nongermane amendments does not apply since this is the language that was in the Senate bill and all of the Senate passed bill became germane under the rules of the House.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. MADDEN).

(Mr. MADDEN asked and was given permission to revise and extend his remarks, and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, on August 2, about 3 months ago, the Congress defeated a crippling amendment to the Alaska pipeline bill by a vote of 221 to 198. The same day, the Congress voted final passage of the Alaska pipeline legislation by a substantial margin.

Our Nation is suffering the most critical energy crisis in its history. We have heard the President, on television last week, lay down stringent regulations to cope with the fuel scarcity for this coming winter. We may have to ration gasoline within the next few months.

Through the well-organized lobby of special interests which have no regard for the convenience and comfort of about 200 million Americans, these special interest groups are conducting a telephone, telegraph, and mail lobby on the Members of Congress to sidetrack the Alaska pipeline legislation, with the hope that eventually billions will be spent by our Government constructing a pipeline down through the central part of Canada and give Canada, and eventually Great Britain, something to say about the multibillions of barrels of oil in our own domain up in Alaska.

This pipeline should be constructed so that the world's great deposit of oil is under complete control of the United States. It is estimated that the U.S. energy needs will be increased almost 75 percent now and the next 15 years. The increase since 1962 for petroleum products alone has been 55 percent. It is also estimated that by the year 2000 the total energy needs will have increased 166 percent over 1972.

It is now necessary that we act immediately to take advantage of this mammoth discovery of petroleum in Alaska, and it will provide great relief for the United States within the next couple of years after this American-controlled Alaska pipeline is completed.

John W. Scott, prominent attorney of Washington, D.C., and former Assistant Attorney General of the United States, wrote me the following letter, dated September 6, 1973, which I hereby submit with my remarks:

WASHINGTON, D.C.
September 6, 1973.

Hon. RAY J. MADDEN,
House of Representatives,
Rayburn Building,
Washington, D.C.

DEAR RAY: May I suggest that the public interest urgently requires that the legislation relating to the proposed Alaskan Pipeline contain language which will assure the American people that the fuel so urgently needed in the United States will not be diverted elsewhere. In this regard, I believe the following language would accomplish this result:

"No petroleum, natural gas, liquid hydrocarbons or petroleum products or commodities of any kind transported by or moved through any pipeline constructed, owned or operated by any person, firm or corporation pursuant to the provisions of this Act shall be pledged, bartered, traded, sold, or otherwise disposed of, or made available to anyone for use other than within the States of Alaska, Hawaii, and the continental limits of the United States. It is the express legislative intention that the reserves of petroleum, natural gas and liquid hydrocarbons transported through any pipeline constructed pursuant to this Act shall be utilized solely within said States of Hawaii, Alaska and/or the Continental United States."

Trusting that you had a pleasant visit back in Indiana, I am with kind personal regards

Cordially,

JOHN W. SCOTT,
Attorney at Law.

I am also enclosing with my remarks a letter dated August 1, in the form of a statement by the AFL–CIO executive council on the Alaska pipeline:

STATEMENT—AFL–CIO

The Senate is to be commended for passage of S. 1081, introduced by Senator Henry M. Jackson, to clear the way for prompt construction of the Alaska pipeline and early development of one of our largest domestic reserves of petroleum—Alaska's North Slopes. The Jackson bill, as amended by Senators Gravel and Stevens, would hasten construction of the pipeline by obviating the necessity of further judicial review.

The Interior and Insular Affairs Committee of the U.S. House of Representatives has reported out favorably a bill (H.R. 9130) by Congressman John Melcher of Montana, which is similar to the Senate-approved measure. We urge the House to pass this bill this week.

It is imperative in the interests of the American economy, national security and America's balance of trade that this nation develop this domestic reserve of oil to reduce dependence on petroleum imports.

The AFL–CIO strongly supports construction of the trans-Alaska pipeline because it is the fastest, most economically feasible and most secure method of transporting oil from the North Slope fields to the rest of the United States.

This Congressional action is necessary to legalize many other oil and gas pipelines in all regions of the country which, as a result of a recent court decision, are technically illegal. Unless legal remedy is promptly provided, the pipelines could be enjoined and the energy crisis worsened.

H.R. 9130 would permit early start of work on the Alaska pipeline by solving the right-of-way problem while providing strict environmental safeguards and stringent liability requirements if damage should result from the pipeline authorization.

H.R. 9130 also deals with the problem of judicial review in provisions similar to the Senate version. Other provisions of the bill would insure that the Alaskan oil be used in America's domestic markets and would authorize a feasibility study of a second pipeline across Canada while construction proceeds on the Alaska line.

We urge passage of H.R. 9130 by the House so that American workers can get about the job of building the pipeline and related plant construction and U.S. shipyards can speed building of the 33 new U.S. flag tankers which would be manned by American seamen in the carriage of this oil which is so badly needed to relieve the nation's energy crisis.

Mr. Speaker, now is the time to pass this House-Senate conference report authorizing the Alaska pipeline, so that our Nation can immediately start releasing 206 million people from being blackmailed by the Middle East and provide sufficient energy fuel for generations to come. I have received hundreds of letters from my congressional district, 90 percent of which are urging that the United States have complete control over this Alaska pipeline investment and enact a bill as reported by the conference committee. Secretary of Interior Morton is 100 percent for passing the Alaska pipeline bill as reported by the conference committee.

Mr. MELCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, as chairman of the House Committee on Merchant Marine and Fisheries, I have a particular interest in section 204(c) of S. 1081, the trans-Alaska pipeline bill. This section establishes a structure of strict liability upon any vessel from which there occurs a spill of petroleum while engaged in the carriage of products from the Alaskan pipeline to the lower 48 States. I wish to commend the conferees for their foresight in addressing themselves to this problem, and I wish to compliment the chairman of the conference and the floor manager, Congressman MELCHER, for the inclusion of an insurable limitation of vessel liability, and for the inclusion in the conference report, on page 29, of language which expresses the hope that the appropriate committees of the House and Senate which will be considering the more general subject of marine liability will harmonize the liability provisions of section 204(c) with the liability provisions of any general legislation that may be developed.

Mr. Speaker, I wish to assure the House that our committee, at the appropriate time, will address itself to the problem as contemplated by the conference report to bring into harmony implementing legislation of any international conferences on pollution liability, together with existing Federal law in this area and the liability section of the bill before us today.

In the past several months, our committee and the Interior Committee have had many areas of mutual concern and we have worked these problems out in a very satisfactory manner. This is just one more example of committee cooperation. I want to thank Mr. MELCHER and the conferees for recognizing the legitimate areas of jurisdictional consideration of other committees and I again compliment Mr. MELCHER and the conferees on a job well done on a very difficult and controversial, yet necessary and critical piece of legislation.

Mr. MELCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO of Wyoming. Mr. Speaker, I find many things about the conference report which I do not like but I am going to vote for it anyway, and I ask others who have some similar feeling to vote for this also.

Mr. Speaker, I resent—I deeply resent the fact that at 10 o'clock today we did not even know what the language was to be of this recommittal. I got home to Wyoming about a month ago, and I recognized from the managers of the conference that the head of the OMB had injected himself into this matter and had asked that there be changes made in this legislation.

I announced in Wyoming and asked that Mr. Ash of OMB please not inject himself in legislative proceedings and let us pass this bill and get a pipeline built. I deeply resent the fact that he would not allow the Federal Trade Commission to continue its objective search for truth, which is to ferret out price fixing and other illegal practices, that might be engaged in by the major oil companies who will use this line.

Mr. Speaker, the people do not believe us any more. They do not believe the President. They do not believe the spokesmen for the oil companies, and they do not believe Mr. Ash, either. They want someone whom they do believe in, with guts, to tell the truth and pursue the facts today as to what is going on in Alaska.

Why can we not build a pipeline and allow the Federal Trade Commission to do its investigative job? I resent the Office of Management and Budget sticking its nose into my business, and if this conference report is returned, I will vote against the Alaska pipeline in objection to what Mr. Ash has done to our prerogatives.

Mr. STEIGER of Arizona. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN of Nebraska. Mr. Speaker, in response to the chairman of the Rules Committee, I would just like to correct a statement he made a few moments ago.

In introduced a resolution which would have provided the House with an opportunity to vote on four nongermane amendments in this bill two of which concern the Federal Trade Commission and the reporting amendments.

The gentleman refused to allow a vote in the Rules Committee because one Member was absent, and he advised the Committee on Rules that we would not have a vote because one member was out of town and could not be there, and had requested that he be protected on the rollcall.

I talked to the absent gentleman this morning, and he told me he did not know anything about the matter of being protected on the vote. We had a similar situation the following day in the Rules Committee, but I will not go into the details of what happened after that.

Mr. Speaker, again I want to urge the Members of the House to vote for the recommitment to remove the FTC sections from this bill, which properly belong to the Committee on Interstate and Foreign Commerce; and the reporting section, which belongs to the Committee on Government Operations.

Mr. MELCHER. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, this conference report was before the Rules Committee by a motion of Congressman MARTIN demanding a rule for a separate bill was brought up on a motion by Mr. MELCHER, and it was votes on two Senate additions and was tabled by a voice vote of 8 to 6 and sent back for the conference report to be voted approval on the floor of the House.

The gentleman must be mixed up with some other bill, I might say to my good friend from Nebraska.

Mr. MARTIN of Nebraska. Mr. Speaker, I demand time, because that is a complete misstatement of the facts. There was not any vote taken in the Rules Committee on my resolution.

Mr. Speaker, I include below a transcript of the Rules Committee meeting last Tuesday, November 6 when my resolution concerning separate vote on nongermane amendments to the Alaskan pipeline bill was discussed in the Rules Committee. You will note that there was no vote taken on my resolution:

TRANSCRIPT OF RULES COMMITTEE HEARING, NOVEMBER 6, 1973

Mr. YOUNG. Now let's take up something confusing.

The CHAIRMAN. Wait a minute. As far as this pipeline is concerned, like I stated before, Mr. Murphy's father is ill and he requested that we not take the matter up while he is absent. He will be back here the rest of this week, maybe. His father has had a heart attack and he is in serious condition.

Mr. Martin?

Mr. MARTIN. It seems strange to me, we have had half a dozen votes here this afternoon and there was no request on the gentleman's part from Illinois to be protected on these other votes.

It seems to me rather odd that this should be brought up at this time in view particularly of this conference report that has been brought up and can be called up at the floor at any time.

This matter of postponing it until next week means we will not be able to take any action on the resolution at all.

The Chairman. There is a bill down there now on the pipeline.

Mr. Martin. This was scheduled today. I think it should be taken up and discussed and voted on.

The Chairman. I would like to answer you on that. Mr. Murphy lives in Chicago. He is probably much interested in the fact that it is time for this country to get busy with the law that they passed here on creating a pipeline and start working on it and get some fuel down here because there will be millions of people in his area that probably will be freezing in the next few years if we don't get some fuel down here. That is why we would like to get the pipeline rolling. We have passed a bill on that.

Mr. Quillen. There was an election in New York and the gentleman from New York came down here to be at this meeting.

The Chairman. My gracious. I realize that.

Mr. Quillen. I remember when there was a death in Tennessee, nobody would protect me.

The Chairman. There will be no vote on it until Mr. Murphy releases me.

Mr. Martin. I move that the chairman's ruling be overruled. I make such a motion and call for a roll call vote.

Mr. Delaney. I don't like to vote on it, but if I have to, I will.

Mr. Latta. Roll call.

Mr. Quillen. I think we should have this pipeline bill. It is a national emergency situation.

The Chairman. Yes. Let me say this: Another reason why we should not vote on it, besides Mr. Murphy's situation, is this: We will read here in the morning paper, "Congressmen in general and the Rules Committee in particular, have been vigorously lobbied by the divided business community," House sources said yesterday.

"The Chamber of Commerce attacked the disputed provisions as highly objectionable and argued that they could impede the bill's final passage. The Administration—here is where the rival comes—the Administration is also divided. OMB Director Roy L. Ash said he would recommend a veto of the bill if it contains the provisions strengthening the FTC and weakening OMB."

Listen to this Congressman Pepper, "The Secretary of the Interior, he is the man in charge, not Ash, the Secretary of the Interior, Rogers C. B. Morton, said last week he disagrees and would recommend that the President sign the bill" if that bill is downstairs passed.

"There has been no indication from the White House that the President would veto the bill if it contains the disputed provisions. Capitol Hill sources say President Nixon's choice for Vice President, Leader Jerry Ford, has lent his support to the Conference Committee."

That bill is downstairs waiting to be voted on.

"Jerry Ford, Minority Leader, is for it, the next Vice President is for it, and it is the contention that there should be one vote, up or down, on the entire pipeline bill. So has Speaker Carl Albert, from these sources," and so on.

What is your motion?

Mr. Martin. I move to overrule the chairman's ruling in regard to a vote on this resolution on H. Res. 669.

The Chairman. Roll call.

Mr. Delaney. I ask Mr. Martin to reconsider that. It is a question of whether the ruling is up—

Mr. Sisk. I move to table it, Mr. Chairman.

The Chairman. All in favor of Mr. Sisk's motion signify by saying aye; those opposed? No.

The yeas have it.

Mr. Sisk. Is there any other business pending?

Mr. Long. I move that we adjourn.

The Chairman. We will meet at 2:00 o'clock on the Budget bill.

(Whereupon, at 1 p.m., the committee recessed, to reconvene subject to the call of the chair.)

Mr. STEIGER of Arizona. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I take exception to the remarks made by the gentleman from Montana (Mr. Melcher) to the effect that it is the fault of the Rules Committee that we have this problem before us today. Actually, he is one of the conferees that reported out this Alaskan pipeline bill with substantial nongermane amendments.

As far as my distinguished colleague, the gentleman from Indiana (Mr. Madden) is concerned, I want to say to him that if the Senate wants to put through legislation changing the FTC and changing business-reporting practices, let us allow them to be men and stand up and do it. Let us not resort to this subterfuge we are asked to accept here today.

Mr. Speaker, we are voting on the Alaskan pipeline bill, and there is no sense in letting the Senate hold this bill hostage. If we vote to strike these nongermane amendments, that will place the responsibility right where it belongs, on the other body. They can hold it up if they want to, and then they can take the blame from the American people.

Mr. STEIGER of Arizona. Mr. Speaker, I yield 7 minutes to the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. Mr. Speaker, I will say to my colleagues that we are faced today with a decision whether we are going to develop a source of oil delivered to the South 48 States in the next 3 years.

Now, I have heard comments on the floor about what the Senate did that was wrong and what the House did that was wrong, and we are casting blame on both sides. But the facts are that we need this oil.

Alaska needs a pipeline, and believe me, we all need the pipeline.

Now, some of my colleagues have said that because of these other provisions, the bill should go back to the conferees. I can assure the Members that if it does go back to the conferees, there is a good chance and a possibility that there will not be any action taken by the conference committee until possibly the middle of January.

Now, to many of us this may not seem like a long period of time. However, I have lived in the Arctic of Alaska. It is a reality that we will not proceed with the construction before March, which means a lead time of at least 3 months. We will lose a full year of construction time, which puts the oil on line 5 years from now and not 3 years from now. I do not believe this Nation can afford that, and I do not believe any of us can afford that.

Mr. Speaker, there have been many accusations made concerning what the Senate has done, and I will admit, because of an oversight, that we did accept the Senate's number and title and everything that is germane under the House rules.

The decisions will have to be made by the Members here today. Whether we are going to have Alaskan oil within 3 or 5 years, that is our decision.

I am thoroughly convinced that a recommitment motion, if it is adopted, will put us in the 5-year bracket.

Mr. Speaker, if the gentleman from Montana will answer a few questions which I would like to put at this time, I will appreciate it.

Mr. MELCHER. Mr. Speaker, I would be glad to respond, if the Gentleman will yield.

Mr. YOUNG of Alaska. Under section 28(D), is the Secretary or agency head required to conduct a hearing prior to making a finding that a right-of-way wider than 50 feet is necessary?

Mr. MELCHER. No.

Mr. YOUNG of Alaska. That section provides that the reasons for such a finding be recorded. It is my understanding that the Secretary may record his reasons in the right-of-way permit, the Bureau of Land Management public land records, an environmental impact statement, or any other public document.

Mr. MELCHER. That is correct.

Mr. YOUNG of Alaska. Is the final determination under section 28(H)(2) that a plan of construction, operation and rehabilitation submitted complies with section 28 within the sole discretion of the Secretary or other agency head?

Mr. MELCHER. Yes.

Mr. YOUNG of Alaska. Are the procedures for suspension and termination provided in section 28(O) applicable to the trans-Alaska pipeline?

Mr. MELCHER. Yes.

Mr. YOUNG of Alaska. Is my understanding correct that the common carrier requirement contained in section 28(R) is not intended to apply to the component parts of a pipeline system not directly involved in the transportation of oil or natural gas to market. For example, related facilities such as access roads, airstrips, electric lines, and fuel lines for supplying power to pumping stations, would not be subject to this requirement?

Mr. MELCHER. Yes.

Mr. YOUNG of Alaska. Is it correct that the regulations provided for in section 28(X)(1) specifying the extent to which holders of right-of-way would be liable to third parties is not meant to supersede or preempt State law with respect to third party liability but is intended only to apply to those lands, such as Federal enclaves, for which there is no applicable State law governing third party liability?

Mr. MELCHER. I would agree with your interpretation in general, but would state it a little differently. The second sentence of section 28(X)(L) applies only to geographic areas where the United States has exclusive legislative jurisdiction. Those are areas where the State laws do not apply. The law with respect to third party liability within such areas must therefore be provided by Federal legislation. This sentence will have no application in Alaska, because there are no exclusive jurisdiction areas in Alaska.

Mr. YOUNG of Alaska. Does the general preclusion of judicial review contained in section 203(D) cover not only the issuance and the procedures followed in issuing all rights-of-way, permits, leases, and other authorizations for the trans-Alaska pipeline system, but also any terms and conditions contained therein and any further authorizations, such as notices to proceed, which would be issued in the course of construction of the pipeline.

Mr. MELCHER. Yes.

Mr. YOUNG of Alaska. Would the liability imposed by section 204(A)(5) upon the holder of the permit or right-of-way for the trans-Alaska pipeline cease when construction under the rights-of-way and permits issued to the State is completed and the holder is no longer a contractor of the State?

Mr. MELCHER. Yes.

Mr. YOUNG of Alaska. Am I correct in understanding there is nothing in this report that precludes the Secretary of the Interior from granting to the State the necessary authorizations for the construction of airstrips and roads as mentioned in the environmental impact statement—pages 27, 28, 29, volume I, and elsewhere—that are necessary and related facilities of the pipeline?

Mr. MELCHER. Yes, you are correct.

Mr. YOUNG of Alaska. Am I correct that this bill does not intend to confer exclusive jurisdiction in any areas where the State would have traditional jurisdiction? Alaska may exercise its established and traditional powers as a sovereign State and as a landlord for the State portion of the pipeline route?

Mr. MELCHER. You are generally correct, but I would phrase the situation differently. This bill confers on the Federal Government no exclusive legislative jurisdiction in terms of jurisdiction over a geographic area. Moreover, the bill does not preempt any particular subject-matter field of legislation. Alaska may exercise its concurrent legislative jurisdiction over the land covered by the pipeline right-of-way, as determined by other principles of law, to the extent it does not conflict with this bill. In case of conflict, the Federal law with respect to the Federal right-of-way will prevail.

Mr. YOUNG of Alaska. I thank my good chairman of the Subcommittee on Public Lands and compliment him on his activities not only as chairman of that subcommittee but as chairman of the conference committee.

At this time I yield to the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. I take extreme exception to your timetable. You said that if we do not pass this bill the way it is, it will not be passed until some time next year.

Mr. YOUNG of Alaska. Just a moment for a correction. I did not say next year as far as the bill is concerned. I said as far as beginning construction of the pipeline is concerned.

Mr. WILLIAMS. When you come in with nongermane amendments adopted in the Senate, even though every Member of this House is in favor of building the pipeline, do you think the Members of the other body want to go home for their Thanksgiving Day recess and for a sine die adjournment, especially those Senators running next year, when they are holding up the pipeline? I say to you the answer is, "No."

Mr. YOUNG of Alaska. I say to you that I do not know what the other body is thinking at this time, because if they had been thinking, they might not have passed this legislation in this manner.

Mr. STEIGER of Arizona. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. Collier.)

Mr. COLLIER. Mr. Speaker, I thank the gentleman for yielding. I have one question. Is it true that the reporting provisions provided in the Senate bill which now included in the conference report, exempts, and I repeat, exempts in its application information that is sought by the Internal Revenue Service, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, the Division of Foreign Funds Control of the Treasury Department, information sought from banks by Federal Bank supervisory agencies, the General Accounting Office, all divisions of the District of Columbia, and it also excludes, does it not, any information that is requested by other independent regulatory agencies? In other words, are not all of these things excluded in what is required in filing this report?

Mr. STEIGER of Arizona. Mr. Speaker, if the gentleman will yield, I will respond to the question asked by the gentleman from Illinois by telling the gentleman that section 409 deals with the information as it appears in the conference report, and removes the prerogative of making a judgment as to whether the information is necessary for whatever agency is producing it. It removes that from the Office of Management and Budget, and places it in the hands of the GAO with no exemptions the gentleman from Illinois has recited.

I will also advise the gentleman from Illinois that under the law as it is now written before the adoption of the conference report the OMB had the prerogative of rejecting agency requests for information. GAO under this new authorization does not have the right to reject any requests by any agency of any business establishments, large or small. Therein I believe lies the dramatic difference between the existing law and the proposed law in the conference report, and the one that is going to do a great deal of harm to all of our constituents.

I will tell the gentleman from Illinois, and also the gentleman from Pennsylvania, that I disagree very strongly with the gentleman from Alaska (Mr. Young) as to the legislative delay that is going to be caused by the motion to recommit. I will also advise my colleagues that the Senate and House Members do not want to be responsibile for their constituencies being out in the cold this winter, so that I cannot imagine a delay of over a day or two at the most, so I do not believe that we would be holding for ransom the desires of our constituents and adopt language which would not be responsible language, to say the least. I do not know where the gentleman from Illinois got the idea that there were exemptions for the agencies the gentleman has recited, but the gentleman is in error.

Mr. COLLIER. I thought the act itself specifically did so.

Mr. STEIGER of Arizona. As it is now written?

Mr. COLLIER. Yes, that it specifically exempts from its application this information.

Mr. STEIGER of Arizona. If the gentleman will yield further, I am unable to respond to the question asked by the gentleman from Illinois because I do not know what the act is, as it is now written, even though I was a party to accepting the new language which amended it. And that, I submit, is the basic defect of this bill, that those of us on the conference committee had no idea what we were amending, so therefore we could not be responsible if we had the will or the wit to act.

Mr. COLLIER. Then the gentleman is saying that all of this information which may be required by existing law from all of these agencies that I have suggested, may now be asked to be duplicated by the Federal Trade Commission under this act?

Mr. STEIGER of Arizona. I will tell the gentleman that the act is entitled, in the conference report, "Information For Independent Regulatory Agencies." Now, I read that as meaning not only the Federal Trade Commission, but also the Federal Power Commission and all the other regulatory agencies, and my answer would be yes to the gentleman's interragatory. And I will tell the gentleman that those individual businesses would not now be exempt from those questions asked by the agencies the gentleman cited.

Mr. COLLIER. All these other agencies?

Mr. STEIGER of Arizona. All these other agencies.

Mr. COLLIER. I thank the gentleman.

Mr. STEIGER of Arizona. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York, the ranking minority members on the Committee on Government Operations (Mr. Horton).

Mr. HORTON. Mr. Speaker, I rise in support of the motion to recommit. I should like at the same time to say that I feel very strongly about getting the trans-Alaskan pipeline completed as quickly as possible. I voted for the bill after much soul-searching when it came to the House. I feel very strongly about supporting the bill that passed the House and building the pipeline as expeditiously as possible.

But I also feel that if we adopt this conference bill without the motion to recommit, we would be passing nongermane Senate amendments, amendments which ought to have gone through the

House and been handled by the appropriate committees of the House before we voted on them.

I should like to talk just a moment about section 409, which amends the Federal Reports Act.

Section 409 of this bill would allow the regulatory agencies to collect whatever information they desired from businesses or individuals. I think this provision would be most unwise, and should be deleted from this conference bill.

This provision, another of the nongermane Senate amendments, was never considered by the House. I doubt any of the conferees of the Interior Committees have ever studied this issue, since the Federal Reports Act which is being amended is within the jurisdiction of the jurisdiction of the Government Operations Committees. I am familiar enough with the issues involved to say to my colleagues that you would be opening Pandora's box by allowing this provision to go through.

The Federal Reports Act of 1942 sets up a system whereby agencies wishing to collect information from the public are required to justify their requests to an outside agency, the Office of Management and Budget. This review was required because we found the agencies often were collecting not only duplicative, but also unnecessary information. Since this review system has been established, my committee has been called upon to amend the law on several occasions. But we have always been called upon to further limit the number of information requests made by the Federal Government.

I can say to my colleagues that I have never been told that the present system allows too few requests for information. If Members have seen problems in the reports control system, they have always been that too many requests are permitted. Business, in particular, is going bankrupt trying to respond to all the requests for information being submitted by the Federal Government. Section 409 would only increase the burden imposed on business.

I do not mind criticizing OMB when it deserves it, but the evidence just does not support the charge that OMB is using the Federal Reports Act to stifle the regulatory agencies. If Members feel this is the case, I would be the first to insist that hearings be held on OMB's stewardship of this reports control function.

If OMB is no longer adequately performing this function, we should consider fundamental changes in the system. Certainly, though, I doubt very much my committee would recommend developing two duplicative bureaucracies to perform the function of determining whether reports would be duplicative. Nor do I believe my committee would recommend that this executive function be given to the General Accounting Office, which is an arm of the Congress. Changes may be necessary in the reports control function, but not the changes made by this conference bill.

Last Wednesday, November 7, I put in the CONGRESSIONAL RECORD at page 36311, a statement on the provisions in this conference bill that I felt had to be amended or deleted. Included in that material was an explanation of needed changes in sections 404 and 405 of the conference bill.

Section 404 of the bill, as reported by the conference, would require Senate confirmation of the Director of the Energy Policy Office. Section 405 would require Senate confirmation of the head of the Mining Enforcement and Safety Administration. Whether appointments to these two offices should be subject to Senate confirmation is not the issue here, because this bill will do much more than just require Senate confirmation. Since the incumbents would not qualify for their offices once Senate confirmation of their appointments is required, they would be removed from their offices upon enactment of this bill. Moreover, if an incumbent were nominated to fill his present office, he could be removed at any time by a majority vote of the Senate. I strongly recommend that these two provisions be either deleted or amended to apply only to future appointments of these offices.

Also included in that material was a letter from the Comptroller General discussing the proposed transfer of Federal reports control for the regulatory agencies to GAO.

The Comptroller General of the General Accounting Office wrote this:

> I am frankly disturbed about the provision because it would establish an executive function in the General Accounting Office. In the past the Congress has avoided placing operating responsibilities of this type in the GAO because of our responsibility for advising the Congress as to how the executive agencies carry out their responsibilities. We cannot carry out an operating function and, at the same time, provide the Congress with an evaluation of it which would be considered as objective and unbiased. I believe that is the situation we face in connection with this amendment.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

What the gentleman has apprised us of, has just occurred to me would be a very important point, and that is that this entire question may be unconstitutional, inasmuch as the General Accounting Office is an arm of the legislative branch of the Government. Here we have the Executive assigning the legislative branch a function in the administration of the law. Will the gentleman comment on that point?

Mr. HORTON. I certainly appreciate the gentleman's comments. I do not know whether it is constitutional or unconstitutional, but I do think it creates a problem. The appropriate committee of the House, the Committee on Government Operations, ought to have an opportunity to have witnesses come in and testify on this subject. But if we vote today on this bill without supporting the motion to recommit, we are just going to be acting, I think, haphazardly.

Now, today the administration has sent another letter, this time to the gentleman from Arizona (Mr. STEIGER), also objecting to the inclusion of the Federal reports control changes. Roy Ash said in this letter:

> The President shares the great concern expressed by Members of Congress regarding the need to begin construction of an Alaskan pipeline without further delay. The painstaking work by the Congress on a bill to permit immediate pipeline construction is an example of bipartisan cooperation at its best.
>
> It is precisely because your efforts so clearly reflect an appreciation of the urgent need for an Alaskan pipeline that we are concerned about the inclusion of provisions extraneous to the larger intent of this legislation. Moreover, I am convinced that these provisions have great potential for mischief, and as presently drawn, would alter in the most fundamental way the present regulatory process. This is a position of longstanding, and not an eleventh hour objection.
>
> We particularly believe that the amendments contained in Sections 408 and 409 of the proposed legislation should be considered separately and at length. We pledge our support and cooperation in the process; however, such a process should not be permitted to hamper the immediate passage of the Alaskan pipeline bill.
>
> In the spirit of compromise which has distinguished the proceedings on this legislation so far, I hope you will work out a bill without these extraneous provisions as soon as possible.

Mr. Speaker, the Federal Reports Act was intended to control the paperwork burden laid on the public by Federal agencies. The regulatory agencies want to be free to do as they wish, ask what they wish, of whom they wish, in any way they wish. If we allow them to do so, we will be creating a huge loophole in the Federal reports control system.

Mr. Speaker, I think it is fair to say that if we pass this conference bill as is, we will be pulling down the barriers to a paperwork avalanche.

I urge the Members to support the motion to recommit.

Mr. MELCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, I was one of those who opposed the construction of the Alaskan pipeline without the Nation first taking a good, hard look at the Canadian alternative. I think the country made a mistake in not looking at the Canadian alternative and in not going that route.

But I am here today to say that we are going to make a grave mistake if we support the motion to recommit and if we do not send this legislation to the Senate this afternoon and on to the White House for this signature.

I want to make just two or three points. I know a number of my friends who have been identified with the environmental movement, among whom there seems to be a feeling that maybe since they were opposed to the Alaskan pipeline, they can show it by supporting the motion to recommit and voting against the bill.

We will never get a better bill from the environmental standpoint. As the temperatures go down this winter, the pressure to cut further environmental protection standards is going to increase. We actually improved the environmental protection features of this legislation in conference. We have strict liability provisions written in now. We took out the "act of God" exemption which would have limited liability for earthquakes in a pipeline crossing the most earthquake-prone region of the world.

That great man, Mr. JOHN SAYLOR, who is no longer with us, was one of the strongest environmental supporters. He signed the conference report. In my opinion he would be here today voting against the motion to recommit.

Second, there is a lot of concern about small business. We have had telegrams saying we will make a serious mistake if we vote against the motion to recommit in terms of these new provisions. All we are doing in the bill is changing from the OMB—and I did not think there were many great admirers of the OMB here in the Congress—to the General Accounting Office, thus giving an arm of Congress the right to approve and make determinations as to the adequacy of these reporting requirements.

The gentleman from Illinois (Mr. FINDLEY) asked me about the effect of section 409 on the business community's right to comment on questionnaires and reports that may be required by the Federal Trade Commission—a right currently assured by OMB practice.

It is certainly my desire—and as far as I can tell the will of the conferees—that the GAO afford business organizations the opportunity to comment on proposed reports and questionnaires. The chairman of the FTC, Mr. Engman, recently stated in a letter to Senator JACKSON that "close coordination between OMB and GAO will be necessary," and that he sees "no reason to suspect that GAO will be less diligent in protecting the businessman than OMB has been." Moreover, he assured the Senator from Washington that the Commission is receptive to constructive suggestions for its line of business forms.

The FTC is trying to do something about too much monopoly in the oil business, is trying to meet the fears expressed in this country that the big oil businesses are using the shortage of gasoline to squeeze out the small independent retailers who have written letters to every Member of Congress asking that these provisions be retained in the bill.

Let me underline one other point. The gentleman from Alaska (Mr. YOUNG) stood in the well and asked for us to vote down the motion to recommit and send this bill off for final passage today. The point he made needs to be underlined. In Alaska we have a short construction season. If we vote this up for recommital today, the whole conference report, which contains a great many tradeoffs, will be open. The chairman of the Senate committee has indicated there is going to be a long, long new conference while we renegotiate all these complicated tradeoffs and the balanced agreements we made in this conference report. If we vote for recommital we are talking about bringing this bill back here in January or February and we are talking about the probable loss of 1 year of construction. We are not talking about losing a month's time but a year's time in construction.

So if Members are for action to meet the energy crisis, they will vote down the motion to recommit and they will vote for the conference report.

I would like to elaborate on why I take the position I do. First I believe the bill to be a stronger one than the House-passed. The bill does have some problem areas, but those are generally items that I opposed at the time they were considered in the House.

From the outset I realized that we must have the Alaskan oil and that the debate should instead focus on the safest and most practical route. I opposed the Alaskan route proposal because I did not believe that the Canadian alternative was given an adequate hearing. I still believe that the trans-Alaskan route was decided for us by the oil companies and the administration. I am deeply concerned about the conduct of our State Department regarding the Canadian Government's position and I firmly believe that this matter should be thoroughly investigated.

I am, however, encouraged by several improvements in the legislation that came out of the conference. First, we wrote a strong liability provision for the Alaskan pipeline and the marine leg from Valdez to other U.S. ports. Section 204 of the report provides that the Alaskan pipeline permit holder shall be strictly liable without regard to fault for all damages that result from a pipeline related incident along the right-of-way. This includes damages to Alaskan Natives for any losses they might sustain by disruptions in their subsistence economy that are caused by the pipeline. It will apply, for example, if the pipeline disturbs a caribou migration or if an oil spill in a river ruins a salmon run. The conferees set a limit of $50 million for liability of the pipeline permit holder to any third party for any one incident.

For the marine leg, from Valdez to ports in the lower 48 States, the conferees agreed that there should be strict liability for any spills. The first $14 million for clean up and damages is to be assessed against the ship owner and the rest—up to $100 million per incident—is to be paid out of a fund which will be created by a 5 cents-per-barrel levy on all oil transported through the pipeline.

This is a landmark provision for environmental protection and one that may well mark the standard for future oil spills everywhere. It is admittedly forcing a tougher liability standard on Alaskan oil than exists for other oil, but the House has consistently maintained that the environmental risks of transporting this oil were significantly greater. The oil companies have, in turn, consistently promised that both the pipeline and sea leg were safe. We are doing no more than holding them to this promise.

Second, the House conferees agreed to accept a compromise version of the Senate proposed amendments to expand the Federal Trade Commission's authority. The controversy over the oil shortages and the role the oil companies played in this brought to light the problems the FTC has had obtaining the information it needs to fulfill its statutory obligation and protect the public interest. Under section 408, as adopted by the conferees, the FTC will have subpena and injunctive power and will be able to initiate, prosecute, and appeal violations of the Federal trade laws. The FTC must first apply to the Attorney General who will have 10 days to act on the FTC's proposed action after which the FTC may act if the Attorney General chooses not to proceed. This is important, for the delays that occurred in investigating the practices of the oil companies during recent months severely limited the Commission's effectiveness.

The conference report also provides that Alaskan oil must be allocated equitably among the States. In short, this oil is not just to benefit the west coast, but the entire Nation.

Another provision gives the Senate authority to advise and consent in the selection of the Director of Energy Policy and the head of the Mining Enforcement and Safety Administration.

The report also:

Authorizes advance payments for Alaskan Natives out of revenues due them under the Alaskan Native Claims Settlement Act.

Exempts stripper wells producing less than 10 barrels per day from controls under the 1970 Economic Stabilization Act.

Requires implementation of Coast Guard regulations for vessel construction standards and directs the establishment of a vessel traffic control system for Valdez, Alaska.

Deletes the House buy American amendment.

Deletes the House provision prohibiting foreign labor on the pipeline.

Deletes the act of God defense to strict liability, thus insuring that the pipeline permit holder will be liable for earthquake caused damage.

Deletes the Senate bill's provision that would prevent the Secretary from requiring private power companies to wheel public power over power lines that cross Federal lands.

These provisions and deletions, in my opinion, strengthen the report. It is the product of long and deliberate discussions by the conferees under the able leadership of the conference chairman, Mr. MELCHER.

There are, however, provisions in the final bill that I do not agree with and which detract from its basic rationality.

Mr. Speaker, I find particularly disturbing the provisions in title II which attempt to override the National Environmental Policy Act of 1969. These provisions were approved by both Houses of Congress after bitter debate and thus the conferees were bound to include them in the final bill. Yet the end result is still unfortunate.

The congressional finding in section 203 that the Secretary need take no further action under NEPA is a serious mistake which casts a shadow over this act.

If we really wish to amend or limit the thrust of the National Environmental Policy Act, we should say so and do it openly.

Moreover, we are stating that NEPA has been satisfied, a finding that is properly left to the judicial branch. The fact is, Congress has never really scrutinized the Secretary's decision nor the voluminous impact statement to determine if NEPA had been satisfied. The clear issue that is still regretfully framed for decision in the courts is: Can Congress make such a determination that one of its laws has been complied with?

I understand, Mr. Speaker, our need to have the Alaskan oil as soon as possible and thus the need to prevent any further unnecessary delays. I do not favor, however, short circuiting the American judicial process and casting aside our well established system of judicial review in the process.

First, I point out that it was only 4 years ago that this Congress made the momentous policy decision that concern for the environment was to be a major consideration in all future Federal decisionmaking. Yet here we have the first real major test of our will to stand behind this historic law and we are found wanting—we are saying that the procedural and substantive safeguards that we have established in NEPA are to be brushed aside. I think we have overreacted.

Certainly the impact statement is formidable in its complexity and volume and most assuredly the possibilities of an alternative route through Canada were discussed in this statement. Yet we all know—as the House hearings discovered—that the Canadian route was not seriously considered by the administration. This, I submit, is the real reason—indeed, the necessity—of overriding NEPA. The pipeline boosters do not want a court examining the decisionmaking process and the consideration of alternatives. I have faith in the courts and in the wisdom of NEPA and I would like to have seen this Congress defend the policy decision it made in NEPA and to abide by the results in the courts.

There is much to be said for the Canadian route, not only because it does not include a sea leg through dangerous northern waters and is not within an area of high seismic activity, but because the oil would flow to the Midwest—the area that needs it most. I certainly hope that other major energy decisions we must make in the future will not be made in the same manner.

In addition to the NEPA issue, I am concerned about additional provisions of section 203 which are aimed at minimizing the possibility of judicial review.

Recognizing the constitutional problems and fearing they jeopardized the legislation, the administration urged during the conference that the total preclusion of judicial review be relaxed to include a review of due process claims and those claims alleging that the Secretary had acted outside the scope of his authority. Other than these claims—and any challenge to the constitutionality of this act, all of which must be filed in 60 days—judicial review of any decision approving the construction of the pipeline under any law is precluded. This is another dangerous precedent even if it withstands constitutional attack, for it effectively insulates from review all kinds of decisions that are yet to be made by any number of Federal officers about different aspects of the pipeline during its construction. I do not think Congress, in all its wisdom, can look ahead and make such a bold determination. Nor, do I think it is fair to make a potential litigant rush his case into court under the pressure of this unique 60-day statute of limitations.

The disruption of the normal judicial process does not, however, stop here. Section 203(d) places jurisdiction of any such claim in a single Federal district court. This provision was not in the House bill and the Senate bill contained no comparable provision. The language added in conference is ambiguous at best. It appears to narrow the choice of a forum and to preclude a suit—in the District Court for the District of Columbia, for example—if a claim is first filed elsewhere. It also would divest the District of Columbia District Court of its present jurisdiction over the case if a claim is filed elsewhere. It is no secret that corporate defendants would rather avoid the Federal bench in the District of Columbia whenever possible.

Even more objectionable is the fact that the only appeal from this Federal district court is directly to the Supreme Court, bypassing the circuit court of appeals. While the former House proposal for a three-judge court also received a good amount of well-deserved criticism, the single-judge, direct-appeal provision is almost unprecedented. It is a radical provision that the judiciary will surely criticize harshly, for it tampers with the appellate process and was done without any input by the judicial community or appropriate committees of the Congress.

Moreover, the report may not even provide for review by the Supreme Court. The language does not require review by the Supreme Court but is instead permissive. The only statute which requires direct review by the Supreme Court from a single district court does so only if that court has held that a Federal statute is unconstitutional. There is no guarantee that the Supreme Court must hear this case if the district court upholds the Congress. The Supreme Court does have the power to reach down for a case if in its discretion it chooses to do so, but this is a doubtful proposition. Thus, we have a situation where a single Federal judge may soon decide that this law is constitutional and the Supreme Court will not have to accept review. The language of section 203(d) does not, in my opinion, require they do so.

There is yet another controversial provision in section 203(d) of the bill. Language was added in conference, which was not in the House-passed bill, that prevents the Federal court that does hear a claim under this act from issuing any kind of temporary injunctive relief. My feeling is that this is an uncalled for and onerous departure from our normal judicial procedure. We are telling the Federal district court that it cannot, under any circumstances, use its inherent equitable powers to issue a temporary injunction. Again, I think we have gone too far.

These are all serious problems which detract from the rest of the bill. They are a product of the crisis atmosphere under which this legislation was considered. I for one do not believe the Alaskan timetable is justification for such a gross departure from our appellate process. It is clear that the oil will not be flowing for years and there is the very distinct possibility that antitrust litigation will further delay activities on the North Slope. The bill does not affect the antitrust laws and serious questions remain as to whether these laws have been violated.

A primary goal of this legislation—and one that took a back seat to the Alaskan right-of-way during deliberations in the House—was to amend the Mineral Leasing Act of 1920. It was this law that the court in Wilderness Society against Morton held had been violated and which in turn led to this legislation.

The act has been amended to do the following:

First. It gives the Secretary broader authority to grant rights-of-way across Federal lands. The important change is that the Secretary can grant a right-of-way wider than the previous 50-foot limit if he finds it necessary to do so for construction or environmental reasons. This change is to negate the narrow holding in the Wilderness Society decision.

Two. This act will apply to rights-of-way only for oil and gas pipelines across most Federal lands. The Secretary has broad authority to promulgate regulations concerning the issuance, duration, and termination of the permits. The environmental standards included in the original House bill are also returned.

Three. The costs of right-of-way applications will be borne by the applicant who must also provide a bond or other security where the Secretary deems it necessary.

Four. All pipelines and related facilities are to be considered common carriers and cannot discriminate as to oil and gas products carried whether produced on Federal or non-Federal land.

Five. The Secretary shall review the need for a system of right-of-way corridors which would minimize environmental damages and submit his findings to Congress.

Six. Existing right-of-way permits may be confirmed by the Secretary if they comply—to the extent practical—with this act.

Seven. The Secretary shall promulgate regulations as to liability standards for the permitholder's liability to the United States, including in his discretion, strict liability. Liability to third parties injured by pipeline incidents will be left to State law except on Federal enclaves under the exclusive jurisdiction of the Federal Government.

Eight. It provides for reporting annually to the Congress on the administration of this title and when an application for a right-of-way is made that will exceed 24 inches.

Nine. It also directs the Secretary of Transportation to inspect all pipelines and facilities on Federal lands annually for safety purposes and to report to Congress and the administration on any safety or environmental hazards.

Finally, the bill requests that negotiations with Canada be undertaken to explore the feasibility of other pipelines across Canada and the arrangements which must accompany any such agreements. The President is directed to report to Congress on the results of these deliberations.

This is an important provision and one welcomed by those of us in Congress that have felt all along that the Canadian route might well be the better alternative.

There were tradeoffs that necessarily had to be made in this legislation. Both Houses of Congress had decided that the need for oil far outweighed even any possible delays in getting it to our refineries and automobiles. The oil will be consumed and the North Slope fields some day depleted, but the Arctic wilderness will, of course, never be the same. Perhaps we are irrevocably committed by our industrial and mobile society to making these environmental sacrifices. I remain, however, optimistic that we can keep our perspective and search for alternatives that will be more in the spirit of the National Environmental Policy Act's promise that we "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations."

Mr. MELCHER. Mr. Speaker, I yield 2 minutes to the chairman of the Appropriations Subcommittee on Public Works and chairman of the Permanent Select Committee on Small Business, the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Speaker, I rise in support of the conference report on the Alaska pipeline bill.

As we all know, the Nation is facing a severe energy crisis which has been intensified by the cutback on oil exports.

The alternative route through Canada does not appear to be a reasonable solution to the problem since it is estimated that the use of this route would occasion a delay of 4 years, would involve construction of a pipeline twice as long as that to the coast and would also involve the payment of royalties to the Canadian Government.

There is a great and urgent need to get on with the task of developing the Alaskan oilfields and transporting the oil by the most direct and shortest route possible to the United States.

This conference report will accomplish this objective.

There has been some discussion of the so-called nongermane amendments included in this report by the Senate.

The Senate by its rule can adopt such amendments and after reviewing the amendments to this bill, I can find no solid basis for objection to the conference report at this time.

These miscellaneous provisions include an amendment to the Ports and Waterways Act of 1972 providing for vessel construction standards and establishment of a vessel traffic control system for the Port of Valdez—where the oil would be piped for water shipment to the continental United States.

This provision would provide additional protection for the environment and lessen the chances of oil spillage and pollution—I can see no objection to this provision.

Another Senate provision would require Senate confirmation of the Director of the Energy Policy Office and the Director of the Mining Enforcement and Safety Administration.

This provision which represents an attempt to restore some of the proper and appropriate powers and prerogatives of the Congress should be accepted.

Another Senate provision provides that the first sale of oil and gas from stripper wells—involving not more than 10 barrels a day—would be exempt from price restraints of the Economic Stabilization Act of 1970.

This appears to be a reasonable provision and hopefully would stimulate new oil and gas exploration and discovery.

One provision would provide for advancement payments to Natives under the Alaska Native Claims Settlement Act—this appears just and reasonable.

Another Senate amendment would strengthen the powers of the Federal Trade Commission to fight deceptive trade practices and would allow regulatory agencies to send questionnaires to business without approval of the Office of Management and Budget. Under the bill the General Accounting Office would provide advisory screening services of proposed questionnaires.

May I say that I have introduced simiiliar legislation to strengthen the powers of the Federal Trade Commission in its efforts to curb false and deceptive trade practices. It is manifestly untrue that these provisions represent the death knell of small business in America.

I see no justification for a budget bureau having censorship control over regulatory agencies which are creatures of the Congress—the GAO can provide ample screening and coordination of questionnaires.

Therefore, I favor the major thrust of the bill, the construction of the Alaska pipeline, because of the energy crisis.

And I support the conference report with the amendments, because they are reasonable, equitable, and serve the public interest.

Mr. MELCHER. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, we have heard a great deal today about the technicalities and the rules and so forth. I think it is time we hear just as much about the plight of the small businessmen.

As a member of the Permanent Select Committee on Small Business for several years, I have been exposed to example after example of anticompetitive and predatory practices on the part of big business against small businessmen in the oil business and the dairy business and other businesses.

A provision in this bill would permit the FTC to secure injunctions on their own as necessary. By the time the FTC goes through the procedure of the cease-and-desist order and obtains a final court order to that effect, these small businessmen are sometimes long since gone and they are out of business for 2 or 3 years. If we are going to preserve small business in this country it is time for us to do something now and do it in this bill instead of waiting another 10 years for the appropriate committees to report out that legislation—which they have not reported out in the last 10 years.

The Federal Trade Commission is charged by its statute with assuring fair, free, and honest competition in the marketplace, but their ability to do so has been limited. The primary tool they have been authorized to use is the cease-and-desist order. As a practical matter, a determined and aggressive corporate giant can postpone the final date of such an order for years after the first complaint is issued. During this period millions of consumers may be misled by its false advertising and honest competing businessmen are unlikely to survive unless they are possessed of resources of extraordinary size. Mergers may be completed and the merged companies and markets so changed that the competitive situation can never be restored. Small businessmen especially are at a great disadvantage.

The situation may be equally bad for dealers and franchisees who may see their life savings wiped out before the abuse is finally stopped. All of the areas within the Commission's jurisdiction support examples of anticompetitive and anticonsumer practices whose short range results are simply not reversible by the eventual cease-and-desist order issued months or even years after the practice has ceased to be necessary.

Without injunctive powers the Federal Trade Commission frequently is left with having to impose remedies that are conspicuously inadequate. Even in instances where the anticompetitive nature of the conduct is obvious, the FTC lacks the power to provide the sort of immediate remedy needed to insure the survival of small business. Even the consent order procedure takes time. And firms determined to pursue an illegal course of action are unlikely to consent to strong remedies. The Commission may rule the conduct illegal but during this operation the patient may die. A timely example is the spring curtailment of gasoline to independent marketers by the integrated oil companies. Though that action may ultimately be ruled illegal by subsequent court proceedings, there is little hope of saving the small independent gasoline dealers who already have been forced out of business. Armed with authority to seek injunctions at the incipiency of the curtailment the Commission would have been in a position to prevent the collapse of much of the independent sector of the retail gasoline industry.

There are innumerable areas where the Commission, with the aid of these powers, could halt anticompetitive practices at an early stage, preventing significant damage to small business. Large-scale predatory pricing in geographic markets has been a time-honored means by which large, subsidized companies eliminate effective competition from small business in a market. Dominant national producers of retail products have engaged in prolonged price wars, featuring sales below cost, extensive consumer and trade promotions, and massive advertising in order to either prevent the entry of new competitors or inhibit aggressive marketing by smaller regional and local producers. Their expensive campaigns cannot be matched by the smaller competitors, and the campaign frequently forces the smaller firm out of the market. An injunction during the initial stage of such campaigns is needed to save the smaller producers.

There are countless situations where this power would be used to benefit both the small businessman and the consumer. It is a common practice for cosmetic companies to force upon the small retail drug stores a "full line" of cosmetic items when the druggist only wants one high turnover, inexpensive cosmetic product. The coercive tying of the high-profit, inexpensive item with a "full line" of expensive, low-volume products clogs the druggist's shelf space and reduces his capacity to sell competing products of other cosmetic producers.

The local recreation equipment distributor who wishes to carry a certain brand of recreation equipment is forced to accept other parts and accessories which may be of low quality or too expensive for the distributor's purposes. A small producer may have his excellent product disparaged through the advertising of a dominant competitor with extensive national advertising which the small producer is unable to match. *L. G. Balfour Co.* v. *F.T.C.*, 442 F.2d 1 (7th Cir. 1971).

In the petroleum industry gasoline retailers are induced to carry only tires, batteries, and accessories produced by a company partially owned by a dominant oil company.

The practice in many sectors of enforcing suggested and artificial retail prices in situations where the retailer must reduce the price in order to be competitive, suggests the need for immediate action to stem the demise of the small, minimally financed retailer.

A last example is franchising, which now encompasses over 500,000 small businesses. Franchisees have been prey to many anticompetitive practices which unduly burden the small "Mom and Pop" business. For instance, it is common to require the franchisee not only to purchase the right to use the trade name, but to accept a variety of items from the franchisor which are expensive and could be purchased at a lower price from a third party.

The sophisticated means by which dominant sellers and buyers may injure small business and the consumer are almost limitless. Experience teaches that the cumbersome adjudicative processes of the Federal district court and the FTC are ill-suited to assist small business at its time of greatest peril—when larger, better financed competition seeks to destroy or hinder competition. The injunctive provisions of this bill provide a sorely needed means by which the small businessman can be aided at the incipient stage of such conduct.

The example of where this power is needed could be multiplied endlessly. The recent case of the advertiser who planned to enclose sample razor blades in the Sunday paper without adequate protection for children is typical of the protection consumers need. A cease-and-desist order against this advertiser would do nothing to aid the children injured by this thoughtless practice. False advertising campaigns usually have a "life expectancy" shorter than the proceedings necessary to order their cessation.

The very existence of the power to seek injunctions will halt many of these abuses. The inability of the Commission to do anything practical for their survival is at the heart of the failure of many small businessmen to complain or resist the predatory practices of their larger competitors and suppliers. The possibility of injunction should give serious second thoughts to those who plan a quick "killing" and withdrawal before retribution occurs.

Without this injunction power consumers have no protection at all during the pendency of the suit and competitors must have sufficient resources to survive or to finance the complex litigation necessary to assert their rights. Two recent cases, the IBM-Telex case in Texas and the ITT Continental-Homestead Baking case in Denver indicate the continuing existence of predatory practices in the American economy and the tremendous strain of such practices to even the most well heeled of competitors. In these cases the victims were sufficiently well off that they could afford the enormous legal costs necessary to assert their rights. There is no similar protection available to either consumers or less well heeled victims.

This is not to indicate that there will not be serious and careful checks upon the use of this injunctive power. The Commission itself will not be empowered to issue injunctions. It will have to go to a U.S. district court judge and establish a series of carefully delineated preconditions before the judge will be empowered to issue an injunction. Among these requirements is that the Commission must establish a probability of success before the injunction will issue. This requirement alone will prevent the power from being used in frivolous and insubstantial cases. It is only good sense that where there is a probability that the act will eventually be found illegal and the perpetrator ordered to cease, that some method be available to protect innocent third parties while the litigation winds its way through final decision.

For these reasons, I urge adoption of the conference report and defeat of the motion to recommit.

Mr. MELCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. JOHNSON), a member of the committee.

(Mr. JOHNSON of California asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. JOHNSON of California. Mr. Speaker, we have had this legislation before the House here for a number of years. It was brought to the Committee on Interior and Insular Affairs. We have worked on it since January this year and we are here today with the conference report that was worked out with the conferees. All conferees signed the report. Everything that is here before us today is germane under the rules of Congress.

We used the Senate bill. The Senate bill was brought to test here on the floor. We amended our House provisions into it and sent it back to them.

Now we have perfected a bill that would get the Alaskan pipeline on its way and allow for some oil to flow within a period of 5 years from Alaska into the 48 States.

I believe if we are going to recommit this today, we are going to go through the whole process all over again, because when we meet in a conference between the Senate and the House, there are certain things to compromise on.

I believe the FTC is an agency of our Government set up for certain purposes and the Office of Management and Budget is another agency of the Government. It does not have too much in the way of jurisdiction over the matters that the Federal Trade Commission actually has under its jurisdiction.

I believe placing this under GAO is going to give us a better operation to give better protection to the small businessman throughout the United States.

I do want to place at this point, Mr. Speaker, with unanimous consent, my analysis of section 408 and section 409 in the RECORD, as well as a letter from the Federal Trade Commission in support of the provisions that are in this bill.

My analysis is as follows:

ANALYSIS—SECTION 408 OF SECTION 1081

Subsections 408(a) and (b)—These subsections are prefatory, setting out in preamble form the findings and purpose which justify the need for the specific amendments contained in Section 408.

Subsection 408(c)—This subsection would amend Section 5(1) of the Federal Trade Commission Act by increasing from $5,000 to $10,000 the civil penalty for violation of final orders of the Federal Trade Commission. The proposed increased maximum fine is in the nature of a modernization rather than a revision, made necessary by twenty-five years of inflation since the $5,000 limit was prescribed in 1938. This provision in no way affects the Commmission's substantive authority.

Subsection 408(d)—This subsection is designed to eliminate the delays which are necessarily incident to the Commission's required reliance upon the Attorney General to represent the Commission in the Federal courts. It would leave undisturbed the Attorney General's present authority to represent the Commission in the courts, but would authorize the Commission to appear by its own attorneys and in its own name should the Attorney General not take the action proposed by the Commission within 10 days. Such representation would be authorized in all civil proceedings arising under the Federal Trade Commission Act and would include among other actions, petitions for injunctions pendente lite, actions to enforce subpoenas, and civil penalties for failure to furnish reports required by Commission orders entered pursuant to Section 208 of the Federal Trade Commission Act. For many years prior to 1968, when its authority to do so was put in doubt by the holding in *Federal Trade Commission* v. *Guignon*, 390 F. 2d 323 (8th Cir. 1986), the Commission enforced its own subpoenas in the Federal courts. The enactment of Section 408(d) would restore this subpoena enforcement power to the Commission. A number of other independent agencies (including the SEC, ICC, and CPSC) are already empowered to handle most or all of their own litigation.

Subsection 408(e)—This subsection would narrow the exemption from the Commission's investigative and information gathering autority which now applies to federally regulated banks and common carriers by providing that this exemption will not preclude such investigative activities where necessary to the investigation of a corporation, group of corporations, or industry which is not, or only incidentally, engaged in banking or common carrying. This provision could have been quite useful, for example, in the Commission's recent investigation of the petroleum industry, at it would clarify the Commission's authority to compel production of data from pipeline companies, notwithstanding their common carrier status.

Subsection 408(f)—This subsection would authorize the Commission to seek temporary or permanent restraints of imminent or actual violations of the laws under its enforcement cognizance. When vigorously contested, the Commission's cease and desist order proceedings must be measured in terms of years, despite the serious public injury which can continue during their pendency. In especially aggravated cases, it is essential that the Commission have authority to prevent the aggregation of serious public harm during the period required for the Commission to complete cease and desist order proceedings and attendant appeals. Prompt judicial determination of the relative merits of the respondent's right to continue a questioned course of conduct versus the public need for an immediate injunction has the further dual advantage of assuring due process to the respondent and, if the injunction is granted, of eliminating any incentive for action by a respondent taken for purposes of delay. Enactment of this section would provide the Commission with comparable authority to that already possessed by the Attorney General in antitrust cases.

Subsection 408(q)—This is a technical amendment which brings Section 16 of the Federal Trade Commission Act into conformity with subsection 408(d).

ANALYSIS—SECTION 409 OF S. 1081

Section 409—Under this section the General Accounting Office replaces the Executive Office of the President (Office of Management and Budget) as the screeening and clearinghouse authority for processing identical information gathering questionnaires directed to more than nine persons which are originated by the independent Federal regulatory agencies. Advice to such agencies concerning such questionnaires submitted to the GAO for clearance would be advisory rather than mandatory and the GAO would be required to communicate such advice within 45 days.

In amending the Federal Reports Act Section 409 is precisely tailored to eliminate undue delay and to remove control, or the appearance of control, by the Executive branch over the investigative and enforcement activities of the independent regulatory agencies without sacrificing the important goals which prompted the enactment of that Act in 1942. There will thus be no hiatus in the program to safeguard the business community from redundancy and arbitrariness in the collection of data by the Government, as the General Accounting Office will perform all of the functions of OMB which are necessary to achieve that end.

FEDERAL TRADE COMMISSION,
Washington, D.C., November 9, 1973.
Hon. HAROLD T. JOHNSON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN JOHNSON: In your letter of November 2, 1973, you asked for my views on the significance and practical impact of those provisions of S. 1081 which involve the authority of the Federal Trade Commission and the administration of the Federal Reports Act.

As I have previously stated, I believe that Section 408 of the bill, if enacted, would greatly enhance the Commission's effectiveness in discharging its Congressional mandate to prevent unfair and deceptive business practices and unfair methods of competition. The major provisions of this section would:

(1) authorize the Commission, after notifying and consulting with the Department of Justice, to represent itself in civil proceedings arising under the FTC Act, provided the Department does not take action proposed by the Commission within 10 days;

(2) authorize the Commission to go into federal court to seek temporary injunctions to prevent the continuation of particularly aggravated violations of the laws under its jurisdiction, pending the completion of the lengthy administrative proceedings and appeals which lead to a final cease-and-desist order; and

(3) increase from $5,000 to $10,000 the maximum civil penalty for violation of Commission orders—a modernization made necessary by 25 years of inflation since the $5,000 limit was enacted in 1938.

Each of these provisions is essentially a "gap-filling" measure; none would increase the Commission's substantive jurisdiction in any respect. This becomes evident when one realizes that a number of other independent agencies (including the SEC, ICC, and the CPSC) are already empowered to handle most or all of their own litigation, and that for many years prior to 1968, when its authority to do so was put in doubt by the holding in *FTC* v. *Guignon,* 390 F.2d 323 (8th Cir. (1968)), the Commission enforced its own subpoenas in the federal courts. In addition, the Commission already possesses the authority to seek preliminary injunctions under the FTC Act in cases involving the advertising of food, drugs, and cosmetics, and the Department of Justice, with whom the Commission shares responsibility for enforcing the antitrust laws, already has such authority under the Clayton and Sherman Acts. Each of these provisions has been the subject of hearings before Committees of both Houses of Congress, and each was incorporated, albeit in a more modest form, in S. 1219 and H.R. 6313, Administration proposal submitted to the 92d Congress.

In view of these facts, I consider the concern apparently being displayed by certain segments of the business community over Section 408 to be totally misplaced. While the added authority provided by this provision would undoubtedly increase the Commission's efficiency, I see no threat of any kind to the responsible businessman. To the extent that the Commission could be more effective in preserving free and open competition, this can only redound to the benefit of the entire system of free enterprise, and particularly to that of small business. It might be noted in this regard that the occasion for incorporating these provisions in the present legislation was the realization by yourself and other Members of Congress, at the time of the acute gasoline shortage last spring, that because it lacked the authority to seek preliminary injunctions the Commission would have been completely powerless to aid the small gasoline retailer, distributor, or refiner, even assuming there had been proof of the most blatant anticompetitive behavior by their major competitors.

Section 409 of the bill simply transfers from OMB to GAO the administration of the Federal Reports Act insofar as the independent regulatory agencies are concerned. While it is true that GAO would not have the veto power over agency requests for information currently possessed by OMB, I see in this omission no cause for alarm on the part of the business community. The Federal Reports Act was enacted to protect businessmen from duplicative and unnecessarily burdensome information requests from the federal government. Since the vast majority of such requests originate from within the Executive Branch, rather than the independent agencies, OMB will continue to bear the major responsibility in this regard. With respect to the independent agencies, it seems eminently reasonable, if they are to be truly "independent," that their proposed requests for information be passed upon by an agency responsible to the Congress, instead of by OMB. Close coordination between OMB and GAO will of course be necessary, but I see no reason to suspect that GAO will be less diligent in protecting the businessman than OMB has been.

As considerable attention has apparently been focused upon a particular FTC questionnaire with regard to which we have requested OMB approval, the proposed "line of business" form for reporting corporate financial statistics, I would emphasize not only that this questionnaire would go only to the largest of the nation's corporations, but also that the Commission is most receptive to constructive suggestions for modification of the form in order to insure that the costs of compliance will not be excessive.

In conclusion, I would reiterate that the provisions in question, while designed to close several long-overlooked gaps in the Commission's law enforcement authority, in no way extend its substantive reach, nor subject to sanctions any conduct or practice not already covered by the laws under the Commission's jurisdiction. If enacted, they will mean significant benefits for the American consumer and the small businessman, and a greater return on his dollar for the individual taxpayer.

Sincerely,

LEWIS A. ENGMAN,
Chairman.

Mr. MELCHER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I will vote to recommit the Alaska pipeline bill to the conference committee, and I urge my colleagues to do likewise. I would have preferred a separate vote on each nongermane amendment, but our leadership has found a way to deny us those votes. Therefore we have only the alternative of the motion to recommit.

Rarely a week ago this House faced a similar situation. A needed bill, the military authorization bill, came from conference with a nongermane Senate amendment. We yielded to the Senate, thereby flaunting our own rules and obviously encouraging the Senate to indulge in further whimsical activities.

Time after time we have been blackmailed into accepting nongermane Senate amendments to the debt ceiling bills.

Today we are asked to accept four Senate amendments, clearly nongermane, to a bill we all want passed as quickly as possible. The old Senate blackmail seems likely to triumph again.

If we vote to recommit, we can get a bill back today.

If we do not vote to recommit, we ratify, without debate or discussion, or even reading, nongermane matters pending before one of our committees which the House has not even considered. In the name of expediency we will be abdicating our responsibilities to legislate responsibly. Worse, we will have conceded our authority to the Senate.

In times when we bemoan the erosion, or the pilfering of our prerogatives, how dare we vote to throw them away ourselves? How can we tell our constituents that the legislative branch is carrying out its responsibilities if we cannot even following our own rules.

In this case, I believe the unworthiness of the amendments are less important than the need to uphold the prerogatives of the House. The pipeline bill itself is essential. I support the pipeline bill strongly on a basis of need, but the Senate amendments are lacking in merit.

Sections 404 and 405, which would allow the Senate to disapprove, or fire, the incumbent directors of both the Office of Energy Policy and the Mining Enforcement and Safety Administration are unpleasant enough. I seem to remember the House going through the motions on a similar OMB bill, not too long ago. These alone could cause major problems. But sections 408 and 409 are far more objectionable. Section 408 would authorize the Federal Trade Commission to take its enforcement actions directly into the Federal courts if the Justice Department does not act within 10 days. Presently the Commission is entitled to seek a preliminary injunction for situations where a threat to individual safety is raised by dangerous flammable products or false advertising of foods, drugs, and cosmetics. This bill would grant them the right to take action, which they alone would enforce, pending the outcome of their own internal administrative proceeding. The recommit motion provides 60 days, which makes more sense.

This section also grants the FTC the authority to examine and require reports from banks and common carriers in the course of investigations which are not directed at either banks or common carriers.

Section 408 should be considered on its own merits by a committee of this House. The Senate has already passed similar provisions on to us in this FTC warranties bill. S. 356 now H.R. 7917 is in markup in the Commerce Committee. We need that committee's recommendations.

Section 409 also has nothing to do with the construction of our badly needed pipeline; 409 transfers from the Office of Management and Budget to the Government Accounting Office the authority to review questionaires and report forms required of private industry by the independent regulatory agencies. Under the existing Federal Reports Act, the agencies coordinate with OMB.

To eliminate unnecessary reports, and to reduce the burden and cost of reporting, OMB's authority also includes the obligation to hold hearings and to solicit public reaction. In section 408 there are no provisions for holding public hearings, or rejecting conflicting or burdensome reports, or protecting confidential company data from foreign or domestic competitors. In this provision, GAO is only an advisory body. We are granting the agencies a license to run roughshod over our individual firms.

Many people seem to have the mistaken impression that this bill will only have serious effects upon our big business conglomerates. This is not so. The effect upon small business throughout the country could be drastic. In a Senate report of April 17, 1973, we note that as of December 31, 1971, there were 5,298 different types of these forms, and that various businesses were forced to allocate an estimated 130.5 million man-hours per year, not including tax forms, on Federal paper. And that it cost our small businesses an estimated $18 billion yearly to fill out these forms.

Mr. Speaker, I ask today that this body stand up today for itself. I ask that it not pretend it is a branch office of the other body. I ask it to stand up for its own rules. Senatorial courtesy may be a revered custom on the other side of this building, but it has no place in careful lawmaking. I hope this House votes to recommit. Let us prove that we are not content to be Senate doormats forever.

Mr. MELCHER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. Vigorito), a member of the committee.

Mr. VIGORITO. Mr. Speaker, I wonder if we realize how serious a problem we are facing today. We have a crisis. It is an energy crisis. It is an oil crisis, because oil provides 50 percent of our total energy needs as of today.

In 1970 we had a daily oil production of 11-million barrels.

In 1971 we had 10-million barrels daily production.

In 1972 we had 9.4-million barrels.

This year we are producing oil at the rate of 9.3-million barrels of oil. By the time we complete the Alaska pipeline, we may be down to 7-million barrels.

It is most urgent that we proceed now with the pipeline in Alaska.

Mr. MELCHER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Speaker, as my colleagues will recall, I opposed the legislation when it was before the House previously. I wish to announce to this body and to my colleagues that I intend to support the conference report, and that I intend to vote against the motion to recommit the conference report.

Mr. Speaker, I rise in support of the conference report (No. 93–617, Oct. 31, 1973) on S. 1081. It is tragic that the American people must forego environmental protection and safeguards afforded by the National Environmental Policy Act of 1969 and the judicial system under the threat of an oil crises. This crises has arisen, in part, because the shieks of the Middle East are trying to bludgeon us into supporting them 100 percent in their long struggle with Israel, and in part because this Government's energy policies and planning have been dictated by the oil and minerals industry and their handmaidens in the executive branch.

I shudder to think where we would be today if Congress had not passed NEPA and dedicated public-minded citizens had not looked at the judicial branch to force the oil-industry-dominated Interior Department to go slow on the approval of a pipeline across Alaska. Indeed, the safeguards and procedural requirements included in title II of the conference report would not have evolved, if it were not for NEPA and the courts.

I am not at all certain that title II of this conference report, particularly section 203, will survive a court test. But I am satisfied that Congress, at least, in rescuing the executive branch in this so-called energy crisis, has taken some giant steps to protect the public interest and our environment. Let us all hope that Interior's experts and those of the oil industry are correct that a pipeline can be built and operated safely.

Mr. Speaker, title I of the conference report is a vast improvement over earlier versions. This title, I am convinced, could not have been enacted in Congress with such haste if it were not for the fact that it is piggybacked on the Alaska pipeline title.

Section 28(a) authorizes pipeline rights-of-way across all "Federal lands," except National Park System lands, Indian trust lands, and OCS lands.

Thus, it is possible that such pipelines could cross National Wildlife Refuge System and Wilderness System lands. Section 28(b), however, requires, as to Federal reservations—which include, but are not limited to, lands of the above two systems, the National Forest System, the National Grasslands, Scenic Trails, and military reservations—a determination which quite clearly must be in writing and made available to the public that such right-of-way "would be inconsistent with the purposes of the reservation." This is helpful.

Sections 28 (f), (h), and (k) all provide for the issuance of regulations. These regulations are subject to the rulemaking procedures of 5 U.S.C. 553. The regulations must be published and promulgated before any new applications are considered.

Section 28(h)(1) contains a disclaimer that section 28 does not in any way affect the requirements of NEPA. Thus, NEPA applies to section 28 pipeline right-of-way applications and actions. In addition, the environmental impact statement requirements of section 102(2)(C) of NEPA also applies to such applications and actions where they meet the criteria of that section of NEPA.

Section 28(h)(2) requires applicants "for a new project which may have a significant impact on the environment" which includes any application for a right-of-way across any Federal reservation or part thereof shall "submit a plan of construction," et cetera. It is my understanding that the public will have an opportunity to review the plan and to comment on it in writing and at the public hearings concerning, among other things, its adequacy in terms of compliance with this section.

Sections 28 (i) and (j) relate to certain disclosure and technical and financial capability requirements. It is my understanding, based on the language of the conference report, that any data obtained under these two sections must be available to the public. Fortunately, there is no basis in the conference report for any claim by the Secretary of the Interior or the applicant that such data be kept confidential. I hope none is made.

Section 28(k) of the conference report, page 4 states:

> The Secretary or agency head by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local government agencies and the public adequate notice and an opportunity to comment upon right-of-way applications filed after the date of enactment of this subsection.

In discussing this section, the conferees note that it "does not require public hearings that would duplicate the public participation procedures required by" NEPA. The "public participation procedures" reference of the conferees is somewhat confusing, since NEPA itself does not require public hearings in connection with section 102(2)(C) of NEPA. But Executive Order 11514 (March 5, 1970) which implements NEPA requires all Federal agencies to develop "procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties." These "procedures" must include, "whenever appropriate, provision for public hearings." Thus, it is my understanding that, unless a public hearing is held pursuant to the NEPA environmental impact statement process, as supplemented by the above Executive order, in connection with a pipeline application, a public hearing on such application under section 28(k) will always be "appropriate."

At this juncture, I note that section 28(p) provides for the joint use of rights-of-way. This provision is quite timely and important, because I understand that there exists a proposal to transport natural gas by pipeline from Prudhoe Bay in Alaska to the lower 48 States. One company is preparing even now to apply to the Federal Power Commission for authority to construct such a line through a route that would pass through a national wildlife area in Alaska. Another company wants to run the line along the trans-Alaska pipeline route. It is my understanding that Interior officials are looking at five alternative routes, but these two companies have paid scant attention to all five, let alone thoroughly evaluating each one. Section 28(p) can quite properly be the basis for Interior or the public requiring both companies and Interior and the FPC to fully evaluate each route. We do not want or need another Alaska oil-pipeline debacle from the Interior Department.

Section 28(g) directs that Interior "shall impose" safety requirements for workers in the construction of all pipelines, including the Alaska pipeline, and for the purpose of protecting the public, including the environment. This provision applies to any ratification or confirmation of any existing right-of-way under section 28(t). I expect that Interior will consult with the Departments of Transportation and Labor regarding these safety requirements and will publish them for public comment before adoption and revision thereof.

Section 28(w)(3) requires annual inspection by DOT "of all pipelines and associated facilities" on Federal lands now and in the future and the prompt reporting of potential leaks and safety problems. Those reports will, of course, be available to the public. This is an important provision, and I intend to learn from DOT and Interior what procedures will be developed to fully carry it out and when the first inspections will begin.

Mr. Speaker, I note with great pleasure the provisions of titles III and IV of the conference report. Both of these titles are of extreme importance and I applaud the conferees for including them in the final version of the bill.

I am particularly pleased to see the provision which requires confirmation of the director of the Energy Policy Office and the head of Interior's Mining Enforcement and Safety Administration. I feel certain that at these confirmation hearings the Senate will have an opportunity to delve deeply into the operations of both of these officials. The Director of the Energy Policy Office has been called the Czar of Energy Policy within the executive branch, yet I understand that he has only 21 employees to carry out this function and to deal with the many agencies of government that have energy responsibilities. It is astounding to me that this director could carry out this function effectively with only 21 people. I am therefore asking Director Love to provide to me his estimates of the number of people needed to run the office properly and at the same time provide to me a statement of the number of people delegated from other Federal agencies on a temporary basis to run the Energy Policy Office.

I am also pleased to see the various provisions of this bill relating to the Federal Trade Commission. I note that the Director of the Office of Management and Budget has threatened veto on this bill because of this FTC provision and some other features of this legislation. It is my hope that the Congress makes it clear to the administration that should the President veto this bill the congressional deep freeze for the trans-Alaska pipeline bill may be more permanent than the permafrost in Alaska. In my opinion the merits of this bill would disappear rapidly if any of the provisions of title III and IV were excised. Such a veto would be a severe blow to the public and efforts to defuse the energy crisis.

Mr. Speaker, some Members of the House who are opposed to the FTC provisions in the Alaskan oil and gas pipeline conference report suggest that this legislation will somehow turn the FTC from a small independent agency with basic Federal antitrust and consumer protection responsibilities into the scourge of the small businessman. I am unable to discern how anything in this legislation could possibly have such an effect. The bill makes no changes whatever in the substantive powers of the FTC. It does, on the other hand, allow the Commission to exercise the powers it now has in a more efficient and less bureaucratic manner. It seems wholly irresponsible to trifle with the security of the Nation over such matters.

Indeed, I believe that the opposition to this particular part of this Alaska oil and gas pipeline legislation, specifically the proposal to recommit the bill in order to kill the FTC housekeeping improvements section, is based on a fundamental misconception about what is good for the small and medium-sized businesses which form the core of the American economy.

The antitrust enforcement efforts of the Commission have been helpful in protecting the small businessman from being swallowed up by the anticompetitive practices of many industrial giants in this country. I cannot imagine any small businessman opposing the work which the Commission has done in the antitrust field.

People who purport to represent the small businessman have suggested to me that the pipeline bill would allow the regulatory agencies to avalanche small businesses with new paperwork requirements by transferring the oversight responsibility of information demands from OMB to the GAO. Would anyone seriously portray OMB as the small businessman's representative? In fact, the OMB review procedure dealing with Federal data collection efforts has been dominated by big business interests. One look at the lists of representatives attending the past OMB review meetings, and the OMB advisory committees' implementation of the Federal Reports Act, will illustrate this point. Does anyone suggest that representatives from the Nation's giant corporations represent the small businessman?

What does this bill really do to the powers of the Federal Trade Commmission? It will permit the FTC to go to court and ask for injunctions to restrain violations of the laws it enforces. I am fully confident that the U.S. courts are capable of determining when an injunction may be necessary to protect the public.

The bill would allow the FTC to go to court on its own behalf, rather than through the Justice Department. The administration opposes this change because it would reduce the Department's control over Federal litigation. Since when is the Justice Department supposed to control the enforcement litigation of the independent regulatory agencies? Or are they supposed to be independent only until one of the regulated forces an issue into the courts?

It has also been argued recently that the powers of the FTC are somehow not germane to the Nation's energy crisis. Nothing could be further from the truth. This is precisely the time when we desperately need a strong and efficient FTC to insure that the antitrust laws are enforced in order to assure that no anticompetitve practices restrict output by the energy sector of the economy.

In summary, I believe that it would be irresponsible to recommit this measure for further consideration. No new issues have arisen. No new facts are known. The Nation's security deserves congressional action to solve the energy crisis, not more delay.

Mr. STEIGER of Arizona. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER. Mr. Speaker, if the House gives in to the Senate by accepting the nongermane amendments to S. 1081, the trans-Alaskan pipeline authorization conference report, it will have moved that much closer toward undermining the sound legislative procedures upon which we have operated and been guided by.

These amendments, sections 408 and 409, were never considered or voted upon when this bill was before the House. The other body stowed them on board the pipeline bill knowing how important that construction authorization is in meeting the Nation's energy needs in the very near future.

This take-it-or-leave-it proposition we are handed subverts the will of the House to the whim of the Senate. Surely it cannot be in the national interest for one House of Congress to be able to foist its will on the other. When laws are enacted, they should reflect a consensus of the Congress through its deliberate, thorough, and open debate. I am afraid the American people are being denied that here today by legislative bulldozing.

If the aim of the Congress is to fool the American people through slight-of-hand, then this conference report is a classic.

Mr. STEIGER of Arizona. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Speaker, there are very few Members of this House who desire to delay the construction of the Alaskan pipeline. I support the pipeline. It is my feeling, however, that the conference report contains a number of nongermane amendments that originated on the floor of the other body. This House has had no adeqate consideration of any of the matters contained in section 404, 405, 408 or 409 of the conference report.

I support the motion to recommit the conference report to the committee of conference with instructions to the Managers to insist on deletion of these four sections. Should this motion to recommit fail, however, I will support passage of the conference report.

I want to commend the conference committee for giving relief to the small stripper well operators. These producers operate well producing 10 barrels or less per day and would, under this legislation, be given relief from the price stabilization rulings of the Cost of Living Council. I offered a similar amendment to the oil allocation bill which came before the House Committee on Interstate and Foreign Commerce and was reported in September. That committee in its wisdom accepted my amendment.

I do not believe recommitting this conference report will endanger the Alaskan pipeline. The members of the other body are reasonable men and will not hold the pipeline hostage for these nongermane amendments. I support recommitting this conference report.

Mr. MELCHER. Mr. Speaker, I yield 30 seconds to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Speaker, the coal miners of the Nation support one of the nongermane Senate amendments requiring confirmation of the head of the Mining Enforcement and Safety Administration. This amendment was added in the other body by West Virginia's Senator ROBERT C. BYRD. Those supporting the motion to recommit would weaken certain provisions added by the other body to protect the consumers of this Nation.

I oppose the motion to recommit. I hope that motion will be defeated. I shall reluctantly support the final passage of the conference report, which is an improvement over the bill which originally passed the House.

Mr. STEIGER of Arizona. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would say in response to the earlier remarks by the gentlewoman from Missouri (Mrs. SULLIVAN) that the vessel liability provision was troublesome to many of the conferees. I, for one, felt that we were not fully aware of all of the implications of the provision or how it would affect pending international conventions. It certainly is my understanding that all of the conferees agreed that this area should be carefully reviewed by the appropriate committees when legislation implementing the pending conventions is considered to make sure that the liability imposed by that legislation will apply to all U.S.-flag vessels, including vessels carrying oil from Valdez, Alaska.

Mr. Speaker, again, if I may, and I know that everybody here recognizes the significance of the pipeline, the environmental, and the energy needs, but I hope that in the heat of the moment, and in the concerns of the day, we do not lose sight of what is at stake here in this motion to recommit.

Mr. Speaker, what we are doing here, in my view, is in the face of the absence of any testimony, any analysis, any study by staff or Member; we are asking the House, in accepting the conference report unamended, to accept language which it does not understand. It seems to me, Mr. Speaker, that on that basis alone we should adopt the motion to recommit, for the purpose of the integrity of the House, of the legislative process.

Mr. Speaker, it is entirely fallacious to state that to vote for the motion to recommit is to delay the pipeline for a year. That is simply not the case. We are talking about a day or two. This week we are going to resolve this thing, and we are not talking about any year's delay. They cannot get started until March anyway. We can have this thing on the President's desk by next week.

Please do not be seduced into opposing the motion to recommit on the basis of delay. I will guarantee that there will be a vote on the final passage of the conference report, for those who might be persuaded that, by voting for the motion to recommit, they will be interpreted as being opposed to the conference report. I can understand that political problem, and I assure the Members that there will be a vote on final passage of the conference report, win or lose the motion to recommit.

Mr. MELCHER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Speaker, I believe that in all of my experience I have never seen the people all over the Nation as concerned and as disturbed and as alarmed as they are today about so many things, and particularly about the fuel crisis or the energy crisis that confronts us.

We are being charged from every corner of this Nation with having been derelict in our duties to build an energy program that would make this Nation independent of the natural resources of other nations.

Finally, we came to the point this year of passing what is known as the Alaskan pipeline bill, and all of us are being told that the earliest that we can possibly see any flow of fuel, raw fuel, through this line is 3 years.

A few moments ago I listened to the gentleman from Alaska (Mr. YOUNG) say that in his opinion if this conference report is recommitted, it will delay the construction of the Alaskan pipeline from the estimated 3 years at the present time to not less than 5 years. Two years is an awfully long time to be cold or to have rationed gasoline.

Therefore, I have asked the gentleman from Montana to let me have the opportunity to say this and to put this question to him:

Does the gentleman from Montana have an opinion, and if he does have an opinion, what is it, concerning the delay of the Alaskan pipeline, as associated with a motion to recommit this conference report?

Mr. MELCHER. Mr. Speaker, I am delighted to answer the question which has been put to me by the gentleman from Georgia, and the answer, I will tell the Members, is as follows:

Further delay brought by the motion to recommit will mean more than a delay of days; it could mean a delay of weeks.

The inclusion of the amendments by the Senate constitutes part and parcel of the Senate-passed bill. They were in the bill when it came over to the House, and we in the conference committee have agreed to them, because they were in the legislation when it was passed. The other body is not going to back down from its decision quickly.

Whatever compromise could be arrived at in conference between the House and Senate conferees will not be resolved just between now and Thanksgiving or perhaps just between now and Christmas. We may be talking about weeks of delay, because there would have to be a compromise from the Senate's position.

That being the case, it could very well be, as the gentleman from Alaska has warned us, that there could be a delay of construction time of 6 months to a year on the start of construction on the pipeline in Alaska because of the necessity of starting when the permafrost is frozen this winter.

I urge the House to reject the motion to recommit and permit final passage of the bill to permit as rapid a start on the pipeline as possible.

Mrs. HOLT. Mr. Speaker, I rise to urge my colleagues to recommit S. 1081, the Trans-Alaskan Pipeline Authorization

Conference Report with instructions to delete sections 408 and 409.

Both of these nongermane amendments, in my opinion, suffer from serious substantive and procedural defects. Section 408 would dramatically expand the authority of the Federal Trade Commission by allowing it to take its enforcement actions directly into Federal courts if the Department of Justice does not act within 10 days. This will set a precedent for similar autonomy for all other Federal regulatory agencies and the end result of such autonomy will be haphazard and uncoordinated Federal litigation efforts.

The second amendment, section 409, would delete OMB authority under the Federal Reports Act of 1942 to review requests for business information by the regulatory agencies. This authority would be transferred to the General Accounting Office but the role of the GAO would only be an advisory one, with no power to prevent duplicative efforts by these agencies.

These amendments significantly expand regulatory agencies' powers in all areas. While all of us may support the concept of independent regulatory authorities, I think that it is important to recognize that a thin line separates proper regulation from bureaucratic overregulation. I strongly suspect that the implementation of sections 408 and 409 of this conference report would thrust us across this line into the area of overregulation.

My second objection to these amendments is the manner in which they arrived before this body for consideration. Despite the importance of these amendments, the appropriate committee has not had an opportunity to review them, nor have any hearings been held. It would seem to me that this body is doing a great disservice to itself and to the Nation if it allows far-reaching legislation of this nature to slip through without proper discussion and review, and if it permits the established legislative process to be circumvented in this manner.

These amendments should be given serious consideration on their own merits, and should not be attached to a bill as important as the Alaskan pipeline project. It would be a tragedy if these amendments cause construction of the pipeline to be further delayed.

I strongly urge my colleagues to join me in recommitting the conference report with instructions to delete sections 408 and 409.

Mr. HANRAHAN. Mr. Speaker, the importance of this legislative item which we are considering today cannot be emphasized strongly enough. The trans-Alaska pipeline will provide the Nation with resources on which it will heavily depend for the years to come. Energy-saving measures are important too; however, in the long run, we are going to need the ready and dependable oil from Alaska's North Slope.

I think the conferees have, for the most part, acted wisely. They have recognized the need for the immediate construction of the pipeline system, and the conference report reflects this wisdom. In the years to come the United States must become self-sufficient for its energy sources. Recent experience in the Middle East makes this necessity particularly clear. The Alaska pipeline is the soundest and most expedient way to assure this self-sufficiency. For this reason I am supporting today's conference report, as I did the original House bill. This support, however, should not be construed as representing 100 percent agreement with all the provisions of the conference report.

My most serious objection is to the section concerning "limitations on exports." This body was very deliberate in writing provisions to insure that Alaskan oil would not be sold abroad if it were needed domestically. Such insurance is only logical.

The mechanism in the House version to limit oil exports was a prohibition on all oil transported over rights-of-way through Federal lands unless affirmatively authorized by concurrent resolution. This was strong language, but strong language was necessary to prevent oil from being exported until Congress gave a definite "go-ahead." Under the basic Senate language adopted by the conferees, however, exports can proceed unless Congress disapproves by use of the concurrent resolution. This means that once the President has given notice that oil exports will not endanger the national interest or diminish the U.S. supply of oil, exports can begin and continue unless Congress disapproves. This scheme is another chapter in the continuing story of the erosion of congressional authority.

I bring this clause to the attention of my colleagues because I believe it will create the necessary opportunity for oil companies to export their product, an opportunity which I am afraid will be exploited too readily. With the prevailing worldwide demand for oil, richer, more lucrative markets will quickly be found outside the United States. And the losers will be the U.S. consumer who will be without sufficient oil.

One part of the problem is that hard and fast data on oil supplies is hard to come by; the industry itself is the primary collector and disseminator of such information. Based primarily on its estimates, the President will make the decision to allow oil exports.

A second aspect of the procedure which disturbs me is the fact that exports can take place immediately after the President gives notice of his intention to allow them. If Congress later decides to disapprove of these exports, much of the damage will already have been done. And if Congress does not act within 60 days, the damage will be even greater.

I am sincerely disappointed that the conferees did not choose to assert itself and allow Congress to assume some of its legitimate authority. Congress should retain authority to forbid exports unless, and until, it makes the determination that oil exports would not harm domestic supplies. This type of orderly procedure is clearly the most responsible, and the only type of action that our citizens will tolerate.

Mr. HOGAN. Mr. Speaker, I rise in support of the conference report on S. 1081, the trans-Alaskan pipeline authorization. This proposed legislation is a result of an extensive 2-year study conducted by the Department of Interior and has undergone an exhaustive deliberation of both the House and Senate Committees on Interior and Insular Affairs. This proposed legislation is by no means perfect and it may not satisfy each and every desire of every interest, but it is, like much of life today, a compromise between the demands of our Nation for its energy and the counterbalancing demands for ecological preservation.

The need for bringing fuels into the country and to increase our domestic production is conceded by all. Meeting projected demands will require both stern conservation measures and the maximization of resource acquisition. If we abandon the North Slope oil, or prolong indefinitely its delivery to market, there is no doubt in my mind that we will damage our economy and will further increase the energy dilemma in our country. This bill goes about as far as a bill can go in satisfying both demands, that for increased energy supply and that for minimum hazard to our environment.

The argument has been levied that further study and further advancement of engineering technology is necessary before the pipeline can be built to withstand the hazards of the North Slope. However, the study of the trans-Alaskan pipeline was the most extensive environmental study ever undertaken by the Government. The final environmental impact statement which was released in March 1972 required 175-man years of study by the Department of Interior and other agencies at a cost in excess of $9 million.

Congress has been kept fully appraised of the trans-Alaska pipeline system since its very conception when it was first considered 4 years ago. It is evident that Congress most now resolve this problem in a manner acceptable to the American consumer, after giving considerable attention to all necessary measures to protect the environment. I believe that this bill will meet the desired criteria that the Congress has been striving to achieve for the past 4 years.

Mr. Speaker, we are a Nation that is presently highly dependent upon fossil fuels. America's energy needs today are supplied overwhelmingly by fossil fuels, with oil and gas providing 77 percent. There are all kinds of estimates on fossil fuel reserves and a confusing array of predictions on how long they will last under varying degrees of husbandry. One thing is certain, fossil fuels are finite.

The construction of the Alaska pipeline will undoubtedly help to alleviate our short-term energy situation. The estimates call for at least 600,000 barrels per day to come through the pipeline in the first year, or 3 percent of our daily needs, and about 1,200,000 barrels per day will be pumped for the next 4 years working up to a capacity of 2 million barrels after 5 years.

While the construction of the pipeline

is essential to meet our present energy demands it should not be construed to mean it will solve our energy shortage or even attempt to solve it. Rather, it should serve to remind us that we must develop a national energy policy and should centralize all energy related research projects in one central agency. At least 9 of the 11 Cabinet departments presently are exercising varying degrees of regulation over the energy industries and as a result there have been instances of uncoordinated and sometimes contradictory actions.

The announced cut-off of Arab oil will drastically affect the lives of all Americans and repercussions are already being felt. Major airlines have begun to drop flight to save fuel. The administration is reviewing plans for rationing gasoline to motorists. Legislation has been proposed to impose 50 mile per hour speed limits on our highways. Efforts are being made to convert oil and gas burning powerplants to coal. All of these changes should tell us that we must devote our full attention developing alternate sources of energy.

Our country has the manpower and ability to achieve any goal it sets forth. This is best emphasized in the development of our space program and our desire to land a man on the Moon. On May 25, 1961, President Kennedy announced in a special message to the Congress on "Urgent National Needs," that the United States would make every effort to land a man on the Moon by the end of the decade. By redirecting and pumping new technology into our space program we achieved this historic event on July 21, 1969.

I firmly believe that the need exists today to centralize our energy research projects and coordinate a national energy policy. This should be one of the major goals of the 1970's. We as a Nation should accept this challenge and should do so with full force.

I am reminded of the words of the philosopher George Santayana who once wrote that—

> Those who do not understand history are doomed to repeat it.

Let us hope that we have learned that we cannot depend as heavily as we have in the past on one particular source of energy but that we must develop alternate sources which can be utilized to meet our increasing demands.

Mr. Speaker, the need for the construction of the trans-Alaska pipeline is evident and I urge the Members of this body to adopt the conference report as the initial step in meeting our energy needs. We must then strive to formulate a national energy policy and work to develop alternate forms of energy to release our dependence on fossil fuels.

Mr. RODINO. Mr. Speaker, I rise in support of the conference report (H. Rept. No. 93–617) on S. 1081. The amendments to the Federal Trade Commission Act and to the Federal Reporting Services Act that title IV of S. 1081 would effectuate, provide the Federal Trade Commission with some of the additional powers it needs to protect the public from antitrust violations and economic deceptive practices and from the disastrous impact these have on our free enterprise system.

Enactment of the proposed legislation is clearly in the public interest. During recent hearings before many House subcommittees, including my own Subcommittee on Monopolies and Commercial Law during its food price investigations, many have testified that more vigilant enforcement of the antitrust laws would have saved consumers moneys calculated in the billions of dollars. S. 1081, as reported by its distinguished conference committee, would reduce significantly procedural and organizational barriers presently hampering the effectiveness of the FTC in the discharge of its antitrust legislative mandates.

The FTC was selected by the Congress as one of the two major protectors of the public interest and national policies expressed in the antitrust laws. S. 1081 would equip the Commission with the means necessary to promote as well as to protect the important goals of our antitrust laws and the free enterprise system.

Moreover, as the energy and oil pipeline background and features of S. 1081 evidence, the legislation under consideration involves aspects of the public confidence in its representative form of government to cope with widespread and growing causes of critical shortages in food, newsprint, and other commodities, as well as in oil and petroleum products.

My distinguished colleague JOHN MELCHER and the conference committee that he chaired labored under difficult and pressure-laden circumstances. I believe that they are especially to be commended for the expeditious manner in which they have delivered this important legislation to the House.

Mr. BINGHAM. Mr. Speaker, when the Alaska pipeline bill was before this House on August 2, I voted against it. I was disturbed by a number of provisions in the bill which I felt should have been amended, especially the provision overriding the normal requirements of the National Environmental Policy Act and the failure of the legislation to require a high priority study of the trans-Canadian alternative route before proceeding with the trans-Alaska pipeline.

Today I shall vote for the conference report on the bill. I am doing so because the dimensions of the energy crisis have become clearer in the intervening months. The boycott by Arab oil-producing states has underlined the urgent need for the United States to achieve as rapidly as possible a position where it will no longer be dependent on oil supplies from such unreliable sources and will no longer be subjected to such outrageous attempted blackmail.

I am also less enthusiastic about the possibility of a trans-Canadian alternative than I was in August. During the intervening months, no practical proposal for a Canadian pipeline has been made. More important, the recent action by the Canadian Government drastically increasing the tax on oil for export has brought home the realization that Canada too has interests of her own which she may choose to pursue and which may not be the same as ours. In other words, the argument in favor of an all United States route for bringing down the badly needed north slope oil has been made to seem compelling.

I remain strongly opposed to the NEPA-override provision of the bill. This provision is not only unnecessary, but in my view may cause serious delays in the construction of the pipeline because of the almost inevitable challenge to this provision in the courts. However, a vote against the conference report on this ground at this late stage would seem to be a futile gesture.

An additional reason for supporting the conference report is that the bill now contains desirable provisions adopted in the Senate strengthening the powers of the Federal Trade Commission. I am of course opposed to any effort to delete these provisions from the bill.

Mr. ANDERSON of Illinois. Mr. Speaker, I intend to vote for the conference report on the trans-Alaskan pipeline authorization, and against any motion to recommit the bill to conference. I do want to make clear, however, that I had intended to support a rule for this bill which would have permitted separate House votes on the controversial sections of the bill which were added by the other body. Unfortunately, we were precluded in the Rules Committee from even voting on such a rule. I have, in the past, made quite clear my opposition to the practice by the other body of complicating conferences by the addition of what would have been nongermane amendments in this body. Ordinarily, we would have been permitted that opportunity on this conference report under clause 4 of House rule XXVIII. But, due to the manner in which the original House resolution on this bill was written, these controversial provisions are not technically considered nongermane, and thus, without a special rule providing for a separate vote on these provisions in the conference report, we are confronted with the unpallatable alternative of either voting the entire conference report up or down, or sending the bill back to conference with instructions to delete all four sections.

This puts us in a most difficult position, especially in view of the energy crisis and the need to begin immediate construction of the Alaskan pipeline. Sending this bill back to conference now with instructions on all four sections would not only make it difficult to resolve those issues with the other body, but would, in effect, open the entire conference report to renegotiation and further prolonged delays in the final enactment.

While it is conceivable that the conferees could resolve all these differences before this session adjourns, it is also conceivable that reopening the conference on the bill could involve a delay carrying into early next year. I am informed that a further delay in action on this bill could well result in setting back construction of the pipeline by a year due to seasonal and logistical problems connected with Alaska's severe winters.

I do not think we in the Congress want to bear the responsibility for delaying for another year our access to this vitally needed North Slope oil. If we send this bill on to the President now and the rights-of-way are granted by the Interior Department by the end of this year, the pipeline should be completed by sometime in 1977. If, on the other hand, we recommit this bill to conference, the pipeline may not be completed until sometime in 1978.

I very much regret that the provisions which are in dispute; namely, sections 404, 405, 408, and 409, will not be given full and thorough consideration in this body, both by the appropriate committees and the full House. This is obviously the orderly and responsible way to approach such substantial and controversial issues. I also deeply regret that we are not given an opportunity in the Rules Committee to at least vote on a rule which would have permitted a separate debate and vote on each of these issues in considering this conference report. And in this regard, I might add, I would hope our Rules Subcommittee, under the able leadership of the gentleman from California (Mr. SISK), will soon bring to us a revised rule which will plug the loophole under which these amendments were allowed to slip through conference without being subject to the procedures of clause 4 of rule XXVIII. But all this is now water under the bridge, and we must now decide on what are our overriding national responsibilities and priorities. For these reasons, I urge immediate adoption of the conference report.

Ms. HOLTZMAN. Mr. Speaker, it is with many substantial reservations that I will vote for the conference report on S. 1081, the Alaskan pipeline authorization. Although we are in the middle of an energy crisis it is not at all clear that the oil that will become available because of this pipeline construction will relieve the crisis in any meaningful way. For one thing, it will be many years before the oil is available. Also, the Alaska route will serve to increase the already abundant oil supply in our Western States and will offer little help to the oil-starved States in the Northeast and Midwest.

I feel the major problem with this bill is that it forecloses for the moment the alternative of the Canadian route for the pipeline that would be of benefit to the heavily populated Northeast. A second major problem is that this bill eliminates any judicial review of environmental considerations and I do not favor abandoning application of environmental standards lest we create environmental chaos.

Nevertheless, the conferees did make some improvements in this bill, such as strengthening the powers of the Federal Trade Commission by giving it authority to enforce subpenas and to seek preliminary injunctive relief to avoid unfair competitive practices. I was also pleased with an amendment to the Federal Reporting Services Act that would enable Federal regulatory agencies to gather information from the industries they regulate without having to obtain prior approval from the Office of Management and Budget.

Mr. HARRINGTON. Mr. Speaker, the conference report to the Alaska pipeline bill, which I will vote against, represents the kind of up-against-the-wall, shotgun approach which has regrettably come to characterize decisionmaking in the energy area. It is an approach which has been developed by the oil industry and perfected by the administration in order to force policies upon the Congress and the public, policies which otherwise would be given more careful scrutiny.

Although the passage of this bill will not ease our Nation's supply shortage this winter, or next winter, or even the winter after that, the measure has been presented to Congress as an immediate solution to an urgent problem.

Congress was not asked to formulate a policy but rather to rubberstamp a fait accompli. An examination of the pipeline's history bears out this analysis. A consortium of private oil companies determined the most profitable route for the pipeline; acquired the land; built the road along it; stacked hundreds of miles of pipe along the route; brought in millions of dollars of heavy equipment; made arrangements with the State of Alaska for payments of royalties; and then, and only then, asked Congress for permission to build the line.

The administration aided the consortium in its effort by refusing to examine any alternative routes to the one proposed by the private companies, and by misleading Members of Congress as to the willingness of the Canadian Government to participate in a joint venture.

Today's expected vote will not only reflect congressional acquiescence to private initiative in the name of expediency, but will also mirror the underlying problem chiefly responsible for the present energy crisis.

I am referring to the complete breakdown of the market system, which, when operating properly, assures the equitable allocation of resources at the best price to consumers. Construction of the pipeline violates free market principles. In a competitive market, supplies are channeled to areas of greatest demand. But the Alaska pipeline will not supply oil to the drastically undersupplied upper Midwest and east coast. It delivers to the more self-sufficient west coast. This will force the majority of Americans to remain dependent on foreign supplies which are both less dependable and more expensive, or force them to develop offshore reserves, at great environmental risk which might otherwise not be necessary.

A competitive market structure would channel low-cost supplies to areas where the need is greatest, and where the cost is highest. The Alaska pipeline does just the opposite. The east coast, where multimillion-dollar profits are being made, will remain dependent on high-priced oil.

The energy crisis was created by an industry structure out of touch with the marketplace, and by an administration acting without foresight and in the interests of the oil industry. It was not caused by a lack of resources, which we have in abundance, or by consumer demand, which has increased at a steady rate over the last 15 years.

Rather, as the Federal Trade Commission reported, the energy crisis was created through the market manipulation of the largest oil companies, acting in concert to keep supplies down and prices up. The building of the Alaska pipeline will only reinforce this problem.

Until the Congress realizes that basically cosmetic proposals like the Alaska pipeline will not solve the energy crisis, the American consumer can look forward to many years of getting less energy for more money. The crisis will only be solved when we take a hard look at the cause of the shortages and act to correct the institutional structure which created it.

There are a number of positive steps the Government can take to deal with the problem. We can authorize a U.S. fuel corporation—a publicly owned corporation to develop energy reserves on public lands—thereby assuring adequate supplies of energy and at the same time providing a yardstick against which the fairness of other energy prices can be measured.

We can set up an allocation system that will assure all regions of the country equitable supplies at equitable prices. We can institute anti-trust actions against the largest oil companies, thereby returning the industry to a more competitive posture. This, more than anything else, will solve the energy crisis.

In the meantime, we can demand from the oil industry complete and accurate information on the availability of energy supplies. Since we do not know how much oil and gas reserves we have and whether or not the oil companies are utilizing these resources to their fullest possible extent, any attempt we make at policy formulation is sheer guesswork—a situation which the oil industry takes great comfort in.

These then are some positive policies we can formulate to deal with the energy crisis. But in order to implement these policies the Congress must declare its independence from the oil industry. If we do not, the day will shortly come when, as in Alaska, the oil companies will haul their rigs to the beaches of the east coast, stack their pipes along our tidal marshlands, close the gas stations along our highways, and then say to us in Congress, "The time has come for you to decide to let us drill off our shores." And what choice will we have?

Mr. DRINAN. Mr. Speaker, I intend to vote today in favor of the Alaska pipeline bill (S. 1081) and against any effort to delete sections 408 and 409 of the bill.

Unfortunately, our need to obtain fuel from the north slope of Alaska is ahead of our knowledge of facts about fuel supply and production costs. The expected fuel shortage this winter, the Middle East crisis, Canada's recent announcement to tax oil exports to the United States at an increase of 400 percent, and the inadequate domestic oil reserves prompt me to vote in favor of this bill. The passage of the pipeline authorization bill today will authorize immediate construction of the Alaska pipeline, expand the minimum width of rights-of-way for oil and gas pipelines, and include important provisions designed to strengthen the powers of the Federal Trade Commission and limit the authority of the Office of Management and

Budget. These latter provisions are of special importance.

The Federal Trade Commission will be granted the authority to enforce subpenas issued by the Commission and to seek preliminary injunctive relief to avoid unfair competitive practices. Section 408 strengthens the Federal Trade Commission by providing it with the authority to represent itself in all civil proceedings connected with enforcement of the laws under its jurisdiction after notifying the Attorney General. This changes the current law, where the Federal Trade Commission must rely upon the Attorney General or the Justice Department whenever it needs to go to Federal court.

The bill also amends the Federal Reporting Services Act to enable Federal regulatory agencies to gather information from the industries they regulate without having to seek prior approval from the Office of Management and Budget. Presently, the Office of Management and Budget, which is an arm of the White House, is able to block Federal regulatory agencies from carrying out responsibilities delegated to them by Congress. OMB usually prevents the gathering of information from regulated industries after consulting with its powerful Business Advisory Council. This council consists of representatives of the industries from whom the information is being sought. The abuses of such a system are obvious. The present bill, in section 409, authorizes the General Accounting Office to index all available information and to review all proposed surveys. This procedure will prevent businesses, particularly small ones, from being burdened with unnecessary requests. It is not the intention of this legislation to create a great increase in burdensome paperwork, which would not be in the interests of the business community. The House and Senate conferees gave full and deliberate consideration to sections 408 and 409 before agreeing to these provisions. They are important to consumers in our country. They will enable regulatory agencies in general and the FTC in particular, to do the job which Congress intended for them without excessive dependence on the executive offices.

The oil from Alaska's north slope is of vital importance to the well-being of the American people. I have some very serious misgivings about this bill. I am not in total agreement with its provisions concerning proceedings under the National Environmental Protection Act and concerning the right of judicial review. I hope that the exception to the National Environmental Protection Act standards which we make in this legislation will not be considered a degradation of the vitally important environmental laws that have been developed by the Congress. I do not believe that the energy crisis sacrificing these environmental protection measures. I am, however, aware that recommittal of this bill to conference may result in the killing of important antitrust and consumer protection provisions, but will not improve the environmental sections. Accordingly, I cast my vote today in favor of the pipeline in this time of serious national energy crisis.

Mr. VANIK. Mr. Speaker, among the provisions in the conference report which we are considering today, is a section permitting independent agencies—such as the Federal Trade Commission—to seek information from businesses without prior approval from the Office of Management and Budget. The provision requires that the independent agency obtain the certification of the General Accounting Office that the information is not already available and that it is being obtained "with a minimum burden" upon business.

Mr. Speaker, I certainly support efforts to reduce the amount of Government paperwork required of the private sector, and in hearings this spring, I pointed out that there appeared to be a woeful lack of coordination between forms required by the IRS and the Census Bureau.

But it is also true that we need more information. The energy information sources of the FPC are unbelievably bad and must be improved. In areas of public policy, such as taxation and business growth patterns, the Federal Government and the Congress are operating hopelessly in the dark.

To obtain information on who is producing what—and what the production entails—the Federal Trade Commission has proposed an annual line of business report programs. In an age of mergers, conglomerates, and multinational corporations, it has become impossible to determine who is manufacturing and controlling product lines. Such information is vital for tax policy and effective antitrust and FTC policy.

On August 3, 1973, the FTC asked the Office of Management and Budget for authority to proceed with annual line of business information gathering. Despite the fact that this FTC effort will not burden small business in any way and will only involve some 2,000 of America's very largest corporations, the FTC request has not yet been approved.

The amendment in the conference report will permit faster action on these requests and remove these independent, quasijudicial agencies from the very political control of the Office of Management and Budget.

Mr. Speaker, the importance and benefit of information to the independent agencies is very well stated in the FTC's statement of purpose requesting authorization to proceed with the annual line of business report program:

II. Benefits of the Program

A. THE ROLE OF INFORMATION IN THE ECONOMY

Information plays a critical role in the efficient working of a free enterprise economy. Generally speaking, the greater the amount of information which is possessed by all the groups which are interested in a given market, the more efficiently the market will work. Other things being equal, then, society stands to reap benefits from the dissemination of information.

The benefits of the dissemination of information must be weighed against its cost, of course. One potentially serious cost of the uncontrolled disclosure of information is associated with the dampening of incentives by private parties to discover new basic knowledge or to innovate. This hazard is substantially mitigated by the protection afforded by the patent, copyright, and trademark laws.

Assuming that the ability to recoup the private costs of the discovery and development of new products and technologies is reasonably well protected by these laws, attention can be turned to some specific ways in which various groups in society may benefit from the data collection and publication activities of the LB Program.

B. POTENTIAL BENEFICIARIES OF LINE OF BUSINESS DATA

The first group of users of meaningful data on separate categories of goods and services are the buyers of those goods and services. With data on sales, costs, profits, and assets, buyers are able to form judgments concerning the appropriateness of price/cost margins and profit rates.

These data will also be of great value to small business firms. The size of the expenditure needed to acquire useful financial information means that large enterprises can better afford to engage in information search. To the extent that the search and reliability analysis of available public and private sources is productive of useful information, smaller firms, to whom this type of information service is essentially unavailable, are disadvantaged. If reliable data were available from a public source, on the other hand, small firms would be able to make use of them at minimal cost.

Established firms are significant users of published data on profitability and other aspects of performance for industry categories. Most of the 4,500 private individual subscribers of the QFR quarterly publication are corporations. The LB data will be extremely useful to these firms. It will be possible for a firm to compare the performance of each of its lines of business with the performance of lines of business of other firms which produce similar products. Potential competitors, both large and small, would benefit greatly from the LB data. Firms which have resources which they wish to invest in some activity, whether they are newly organized or already established, will seek those activities which offer the greatest return for the investment. Where data on the actual returns which established producers are earning in various industries are not available, or where the available data are of poor quality because of the intermingling of primary and secondary product data, incorrect choices of investment alternatives will be made. And that will result in an inefficient allocation of the total resources which are at the disposal of society.

The labor movement also has an interest in data on sales, costs, and profits for individual industry categories. The evaluation of the share of total sales or receipts which goes to labor can be performed efficiently only if such data are available. These data will also facilitate comparisons of labor's share among different industries. And finally, for those companies where laborers are organized on a product, or craft, basis, data on sales, costs, and profits on a line of business basis are essential to the efficient working of the bargaining process. Organized farm groups have the same need for information in dealing with suppliers and processors.

Mr. GUDE. Mr. Speaker, the issues before the House are complex and intertwined. There is the question of energy supplies and energy needs. There is the question of sections 408 and 409 of the conference version of S. 1081, which relate to the powers of the FTC, and other Federal agencies, vis-a-vis the business community and other departments and agencies of the Federal Government.

There is the serious question of the environment involved here.

I have fought long and hard with numerous of our colleagues over many months, indeed, over many years, in order to find the best way for America to obtain needed oil supplies from the Alaskan North Slope, and at the same time protect, to the fullest extent practical, the environment of Alaska, and of the west coast coastal areas.

The problems confronting us combine all of these, and add certain new twists. Sections 408 and 409 of the conference bill provide excellent consumer protective powers and should be left intact. In fact, it can be argued that, if the FTC had had such powers 6 months ago, many small, independent gasoline businesses would still be in business.

A vote against recommittal would be quite cut and dried on this point, if the legislation did not contain the provisions exempting the pipeline project from NEPA. While many of us would favor retention of sections 408 and 409, we would be pleased to see the anti-NEPA language removed.

However, the reality of the present situation is that, were the bill sent back to conference, we would be presented not only with the anti-NEPA language intact when it came back, but also with two strong consumer oriented sections deleted. Therefore, the best course available to us is to oppose sending the bill back to conference.

I believe that we can say that many of us have fought a good fight for the environment. I am distressed over certain provisions in the legislation which I believe set poor precedents which might well encourage future "end-runs" around NEPA. I shall continue to fight efforts which would seek case-by-case exemptions from some or all of the provisions of NEPA. However, we are now faced with the realization that, if we vote this bill down today, it will be back before us in the very near future in the same form, minus the consumer protective provisions.

The final passage of this conference report, in its present form is only preferable when one considers the alternatives.

Mr. MITCHELL of Maryland. Mr. Speaker, as we confront the energy crisis, let us make sure that all of our efforts to solve this crisis include strategies to maximize employment and enterprise opportunities for black citizens. The multimillion dollar trans-Alaskan pipeline project offers us a great opportunity to spur minority employment and minority enterprise. I am pleased to note that my colleague, Congresswoman Burke has already approached the Secretary of the Interior on this subject. I submit for the Record her recent letter to Secretary Morton. I wholeheartedly endorse her approach.

The letter follows:

Congress of the United States,
House of Representatives,
Washington, D.C., November 7, 1973.

Hon. Parren J. Mitchell,
Cannon House Office Building,
Washington, D.C.

Dear Congressman Mitchell: In response to your inquiry concerning my intention in offering the Equal Employment Opportunity amendment to S. 1081, the Trans-Alaskan Pipeline bill, I thought it would be helpful if I provided you with the following background information.

The Conference Report to S. 1081 contains this amendment in Section 403. It calls upon the Secretary of Interior to promulgate rules and regulations concerning the establishment and enforcement of an affirmative action program in all activities relating to the pipeline. I want to call your attention to the remarks which I made on the House floor during the debate of this bill regarding the intended scope and purpose of this bill. The statement appears in the *Congressional Record* of August 2, 1973 at Page 27652, and the relevant portions begin on Page 27654 thereof.

To summarize briefly my intent in proposing this amendment, I intended to have the Secretary of Interior develop regulations which would insure, among other things, that minorities and minority business enterprises were provided, to the maximum extent possible, opportunity to participate in all activities connected with the construction, operation, and maintenance of the pipeline.

This provision should also insure that minority owned construction firms, supply and material companies, transportation companies, contract consultants, engineering, architectural and managing consultating firms, as well as minority workers, will have an opportunity to participate fully in this venture. And there are many types of activities in which these enterprises should be allowed to participate, including both the actual construction, operation and repair of the pipeline, as well as the incidental and supporting activities. In the latter category, I had in mind a full range of activities including, but not limited to, storage refining and processing facilities, designing and management of logistical supply for all related facilities, worker residence transportation networks and facilities, office buildings, schools and medical facilities.

In developing the substance of these regulations, it is my intention to have the Secretary of Interior draw upon the full range of Federal affirmative action programs, adopting the broadest and most inclusive provisions possible.

I have listed a few of these programs in my August 2, 1973 Floor statement. These programs include, but are not limited to, affirmative action policies and programs under Executive Orders 11246 and 11625, Government Procurement Contracts, Minority Business Enterprises' subcontracting procedures, Small Business Set Asides and the like.

I also spoke about the enforcement procedures which were intended by my amendment. These should include the most flexible, but the most firm, enforcement procedures existing under Titles VI and VII of the Civil Rights Act of 1964, Executive Orders 11246 and 11625, and similar Federal enforcement mechanisms.

I hope this has provided you with a clearer understanding of the scope and purpose of this Equal Opportunity amendment to the Trans-Alaskan Pipeline bill. I hope that as the Secretary of Interior develops the appropriate rules and regulations implementing this section of the bill, he will call upon all parties affected by this amendment to receive their suggestions for implementing this provision.

If I may be of any further assistance to you regarding this matter, please do not hesitate to call upon me.

With best personal regards, I am
Sincerely yours,
Yvonne Brathwaite Burke,
Member of Congress.

Statement of the Honorable Parren J. Mitchell on the Declaration of Independence by the Guinea Government

Wire service reports claim today that PAIGC has declared independence from Portugal. Luiz Cabral, brother of the late Amilcar, is reported to head a fifteen member council of state.

If this information is correct, I would like to add my name; in fact place it at the top of the list, of those calling for United Nations recognition of the Cabral government. A first step for those of us in the United States who are concerned about the liberation of oppressed peoples throughout the world is to demand that our country be one of the first to recognize the new government.

This will not be easy. It would be a decision on the part of foreign policy-makers in this country to make clear to Portugal that the ideals of the American Revolution do still bear and have consequence on our relations with foreign states. It will not be easy because within the foreign policy establishment in our country, the race question is considered (when it is considered) to be a side issue one far down on the priority list that shapes national security.

Just as recently as two months ago, I charged, during the floor debate over the Mutual Development and Cooperation Act of 1973, that this country takes three times as much money out of Africa. We need to turn that situation around. Or at least get some parity going. A first step in that direction would be the recognition of the Cabral government. A second step would be bilateral discussions on development assistance.

The news of independence then should be accepted with a commitment to push for United States and United Nations recognition as well as with exhilaration. The PAIGC has been fighting for years for territory that is rightfully theirs. Our fight in this country to make America's ideals its practice has also been a long fight. The cry in Africa rightfully is "independence". The cry here in America can only be "recognition".

Mr. ROYBAL. Mr. Speaker, I rise in opposition to the conference report on S. 1081 known as the trans-Alaska pipeline bill. The passage of this bill could signal the beginning of the demise of the ecological movement whose continued growth is necessary for man's survival. The action we take here today is the culmination of a well planned, calculated lobbying effort that has completely overridden the processes of thought and rational deliberation that are usually found in this Chamber.

The most distressing aspect of this bill is the section that declares that the Interior Department's environmental impact statement on the pipeline satisfactorily complies with the requirements of the National Environmental Policy Act. This section bars a court review of the findings made in that report.

The action of Congress in barring a coordinate and coequal branch of Government from carrying out its constitutional functions is always suspect on its face. What is more disheartening in this case, is that both friend and foe to this legislation are sure that it will result in grave ecological damage to the land.

The proposed route of the pipeline crosses one of the most active and high risk earthquake zones in the world. Any violent movement of the earth's crust would rupture the pipeline and cause irreparable damage to the Alaskan tundra. Second, the oil will have to be carried on part of its journey by oil tankers. It is a statistical certainty that there will be oil spills and that the marine pollution will have catastrophic effects. The bill even admits this certainty by specifying that the oil companies will have absolute liability for the damages. But it is time for this Congress to learn that money will not repair the ecological damage that the oil will inflict on the land and sea.

Further this bill is being presented as a means of alleviating the energy crisis that is growing worse daily. Yet the truth of the matter is that even if we acted today, the first drop of oil would not pass through the pipeline until 1978 and it would not reach full capacity until 1980. The passage of this bill will not heat homes in New England this winter or next; it will not provide the gasoline to power the cars in cities such as Los Angeles in the near future. The pipeline will not end the energy crisis and it is time that the interest groups stop telling the people that this bill is a panacea to cure the ills of our society.

The Congress is doing nothing but ratifying the wishes of the oil groups. These special interest groups determined the most profitable route for the pipeline, acquired the land, built the road along it, stacked the pipe along the road and then as an after thought came to get congressional approval for the decision they had already made.

Congress has again been forced into a corner with a gun cocked at its head. It has decided to submit to the oil lobby rather than protect ecological interests.

Mr. MELCHER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. STEIGER OF ARIZONA

Mr. STEIGER of Arizona. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. STEIGER of Arizona. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. STEIGER of Arizona moves to recommit the conference report on the bill S. 1081 to the committee of conference, with instructions to the managers on the part of the House to insist on disagreement to title III and to sections 601 and 602 of the Senate bill.

Mr. MELCHER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. STEIGER of Arizona. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 162, nays 213, present 1, not voting 57, as follows:

[Roll No. 574]

YEAS—162

Abdnor
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Ashley
Baker
Bauman
Bray
Breckinridge
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
de la Garza
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dorn
Edwards, Ala.
Erlenborn
Esch
Fisher
Fountain
Frenzel
Frey
Froehlich
Gettys
Ginn
Goldwater
Gonzalez
Gross
Grover
Gubser
Guyer
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hillis
Hinshaw
Holt
Horton
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jones, Okla.
Kazen
Keating
Ketchum
Kuykendall
Landgrebe
Latta
Lott
Lujan
McClory
McCollister
McEwen
McKinney
McSpadden
Madigan
Mahon
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Milford
Miller
Mizell
Moorhead, Calif.
Mosher
Myers
Nelsen
Nichols
O'Brien
Parris
Passman
Pickle
Poage
Powell, Ohio
Preyer
Price, Tex.
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rogers
Rose
Rousselot
Runnels
Ruppe
Sarasin
Satterfield
Scherle
Schneebeli
Shuster
Sikes
Skubitz
Snyder
Spence
Steelman
Steiger, Ariz.
Steiger, Wis.
Stuckey
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Teague, Tex.
Thone
Thornton
Treen
Veysey
Waggonner
Wampler
White
Whitehurst
Wiggins
Williams
Wilson, Charles, Tex.
Wyatt
Wylie
Wyman
Young, Ill.
Zion
Zwach

NAYS—213

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Aspin
Badillo
Bafalis
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bowen
Brademas
Brasco
Breaux
Brotzman
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Fulton
Gaydos
Giaimo
Gibbons
Gilman
Goodling
Grasso
Gray
Green, Pa.
Gude
Gunter
Haley
Hamilton
Hansen, Wash.
Harrington
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hogan
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kemp
King
Koch
Kyros
Landrum
Leggett
Litton
Long, La.
Long, Md.
McCloskey
McDade
McFall
Macdonald
Madden
Mailliard
Mallary
Maraziti
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Obey
O'Neill
Owens
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Price, Ill.
Pritchard
Randall
Rangel
Rees
Reuss
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ryan
Sandman
Sarbanes
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Stratton
Stubblefield
Studds
Sullivan
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Tiernan
Towell, Nev.
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Walsh
Whalen
Widnall
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wydler
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Zablocki

ANSWERED "PRESENT"—1

Ware

NOT VOTING—57

Alexander
Beard
Bevill
Blackburn
Bolling
Brooks
Buchanan
Burke, Calif.
Chappell
Chisholm
Clark
Clausen, Don H.
Conte
Conyers
Davis, Wis.
Downing
Flynt
Fuqua
Green, Oreg.
Griffiths
Hammerschmidt
Hanley
Hanna
Hays
Hosmer
Huber
Hudnut
Jones, N.C.
Jones, Tenn.
Kluczynski
Lehman
Lent
McCormack
McKay
Matsunaga
Mills, Ark.
Minshall, Ohio
Murphy, N.Y.
Nix
O'Hara
Patman
Podell
Reid
Roberts
Roncallo, N.Y.
Rostenkowski
Ruth
St Germain
Stephens
Stokes
Symington
Ullman
Waldie
Whitten
Wright
Young, S.C.
Young, Tex.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mrs. Green of Oregon with Mrs. Griffiths.
Mr. Hays with Mr. Young of Texas.
Mr. Matsunaga with Mr. Hosmer.
Mr. Young of South Carolina with Mr. Downing.
Mr. Beard with Mr. Flynt.
Mr. Brooks with Mr. Huber.
Mr. Chappell with Mr. Hanley.
Mr. Clark with Mr. Fuqua.
Mrs. Chisholm with Mr. Waldie.
Mr. Reid with Mr. Hanna.
Mr. Podell with Mr. Blackburn.
Mr. Rostenkowski with Mr. Hudnut.
Mr. Kluczynski with Mr. Buchanan.
Mr. St Germain with Mr. Jones of North Carolina.
Mr. Stokes with Mr. Symington.
Mr. Conyers with Mr. Lehman.
Mr. Murphy of New York with Mr. Don H. Clausen.
Mr. Nix with Mr. O'Hara.
Mr. Alexander with Mr. Conte.
Mr. Bevill with Mr. Davis of Wisconsin.
Mrs. Burke of California with Mr. McKay.
Mr. McCormack with Mr. Lent.
Mr. Mills of Arkansas with Mr. Minshall of Ohio.
Mr. Roberts with Mr. Roncallo of New York.
Mr. Whitten with Mr. Jones of Tennessee.
Mr. Hammerschmidt with Mr. Patman.
Mr. Stephens with Mr. Ruth.
Mr. Ullman with Mr. Wright.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

Mr. MELCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 361, nays 14, present 1, not voting 57, as follows:

[Roll No. 575]

YEAS—361

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.

Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Badillo
Bafalis
Baker
Barrett
Bauman
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bowen
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brademas
Brasco
Bray
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kazen
Keating
Kemp
Ketchum
King
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Brien
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roy
Runnels
Ruppe
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Zablocki
Zion
Zwach

NAYS—14

Aspin
Brown, Calif.
Burton
Dellums
Edwards, Calif.
Harrington
Kastenmeier
Landgrebe
Long, Md.
Mink
Obey
Reuss
Roybal
Stark

ANSWERED "PRESENT"—1

Ware

NOT VOTING—57

Alexander
Beard
Bevill
Blackburn
Bolling
Brooks
Buchanan
Burke, Calif.
Carey, N.Y.
Chappell
Chisholm
Clark
Clausen, Don H.
Conte
Conyers
Davis, Wis.
Downing
Flynt
Fuqua
Green, Oreg.
Griffiths
Hammerschmidt
Hanley
Hanna
Hays
Hosmer
Huber
Hudnut
Jones, N.C.
Jones, Tenn.
Kluczynski
Lehman
Lent
McCormack
McKay
Matsunaga
Mills, Ark.
Minshall, Ohio
Murphy, N.Y.
Nix
O'Hara
Patman
Podell
Reid
Roberts
Roncallo, N.Y.
Rostenkowski
Ruth
St Germain
Stephens
Stokes
Symington
Waldie
Whitten
Wright
Young, S.C.
Young, Tex.

So the conference report was agreed to.

The Clerk announced the following pairs:

Mrs. Green of Oregon with Mr. Young of Texas.
Mr. Hays with Mr. Carey of New York.
Mr. Matsunaga with Mrs. Burke of California.
Mr. Murphy of New York with Mr. Mills of Arkansas.
Mr. Conyers with Mr. Lehman.
Mrs. Chisholm with Mr. Symington.
Mr. Waldie with Mr. Flynt.
Mr. Rostenkowski with Mr. Young of South Carolina.
Mr. Podell with Mr. Beard.
Mr. Brooks with Mr. Hudnut.
Mr. Chappell with Mr. Davis of Wisconsin.
Mr. Fuqua with Mr. Blackburn.
Mr. Hanley with Mr. Minshall of Ohio.
Mr. Hanna with Mr. Roncallo of New York.
Mr. Kluczynski with Mr. Hammerschmidt.
Mr. McCormack with Mr. Buchanan.
Mr. Alexander with Mr. Hosmer.
Mr. Reid with Mr. Don H. Clausen.
Mr. O'Hara with Mr. Lent.
Mr. Nix with Mr. McKay.
Mrs. Griffiths with Mr. Roberts.
Mr. Clark with Mr. Huber.
Mr. Bevill with Mr. Stephens.
Mr. Conte with Mr. Whitten.
Mr. Wright with Mr. Ruth.
Mr. Downing with Mr. Jones of Tennessee.
Mr. Stokes with Mr. Jones of North Carolina.
Mr. Patman with Mr. St Germain.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

NOVEMBER 9, 1973.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's office at 5:52 p.m. on Thursday, November 8, 1973, and said to contain a message from the President on energy.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.
By W. Raymond Colley.

REPORT ON THE ENERGY CRISIS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-187)

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee of the Whole House on the State of the Union, and ordered to be printed:

To the Congress of the United States:

As America has grown and prospered in recent years, our demands for energy have begun to outstrip available supplies. Along with other major industrialized nations, we are now faced with the prospect of shortages for several years to come.

Two years ago, in the first energy message ever sent to the Congress by a President of the United States, I called attention to the looming energy problem. Since that time, I have repeatedly warned that the problem might become a full-blown crisis, and seeking to minimize shortages, I have taken a number of administrative steps to increase supplies and reduce consumption. Earlier this year, I also sent more than a half dozen urgent legislative proposals to the Congress. While none of these has yet been enacted, I am hopeful at least several of the measures will be ready for my signature before year's end.

Unfortunately, the energy crisis that once seemed a distant threat to many people is now closing upon us quickly. We had expected moderate shortages of energy this winter, but four weeks ago, when war broke out in the Middle East, most of our traditional suppliers in that area cut off their shipments of oil to the United States. Their action has now sharply changed our expectations for the coming months.

Largely because of the war, we must face up to the stark fact that we are heading toward the most acute shortages of energy since the Second World War. Of the 17 million barrels of oil a day that we would ordinarily consume this winter, more than 2 million barrels a day will no longer be available to us. Instead of a shortage of approximately 2-3 percent that we had anticipated this winter, we now expect that our supply of petroleum will be at least 10 percent short of our anticipated demands—and could fall short by as much as 17 percent.

ADMINISTRATION ACTIONS TO MEET THE EMERGENCY

Faced with this emergency, I believe that we must move forward immediately on two fronts: administrative and legislative.

In a speech to the Nation last night, I announced a number of immediate actions:

First, industries and utilities which use coal—our most abundant resource—will be prevented from converting to oil. Efforts will also be made to convert powerplants from the use of oil to the use of coal.

Second, reduced quantities of fuel will be allocated to aircraft. This will lead to a cutback of some 10 percent in the number of commercial flights, but it should not seriously disrupt air travel nor cause serious damage to the airline industry.

Third, there will be reductions of approximately 15 percent in the supply of heating oil for homes, offices and other establishments. This is a precautionary measure to ensure that the oil now available not be consumed early in the winter, so that we shall have adequate amounts available in the later months. This step will make it necessary for all of us to live and work in lower temperatures. We must ask everyone to lower the thermostat in his home by at least 6 degrees, so that we can achieve a national daytime average of 68 degrees. In offices, factories and commercial establishments we must ask that the equivalent of a 10-degree reduction be achieved by either lowering the thermostat or curtailing working hours.

Fourth, there will be additional reductions in the consumption of energy by the Federal Government, cutting even deeper than the 7 percent reduction that I ordered earlier this year. This new reduction will affect the operations of every agency and department in the Government, including the Defense Department, which has already led the way in previous cutbacks. As one of the steps in this Federal effort, I have ordered that daytime temperatures in Federal offices be reduced to a level between 65 and 68 degrees. I have also ordered that all vehicles owned by the Federal Government be driven no faster than 50 miles per hour except in emergencies. This is a step which I have also asked Governors, mayors, and other local officials to take immediately with regard to vehicles under their authority.

Fifth, I have asked the Atomic Energy Commission to speed up the licensing and construction of nuclear plants, seeking to reduce the time required to bring nuclear plants on line from ten years to six years.

Sixth, I have also asked Governors and mayors to reinforce these actions by taking appropriate steps at the State and local level. Among the steps which I believe would be helpful are these: staggering of working hours, the encouragement of mass transit and carpooling, alteration of school schedules, and elimination of unnecessary lighting. I have also recommended to the Governors that, consistent with safety and economic considerations, they seek to reduce highway speed limits to 50 miles per hour. This step alone could save over 200,000 barrels of oil a day.

NEED FOR EMERGENCY LEGISLATION

As essential as these actions are to the solution of our immediate problem, we must recognize that standing alone, they are insufficient. Additional steps must be taken, and for that purpose, we must have new legislation.

I am therefore proposing that the Administration and the Congress join forces and together, in a bipartisan spirit, work to enact an emergency energy bill. Members of my Administration have been consulting with appropriate leaders of the Congress for more than 2 weeks on this matter. Yesterday I met with the bipartisan leaders of the House and Senate and found them constructive in spirit and eager to get on with the job. In the same manner, I pledge the full cooperation of my Administration. It is my earnest hope that by pushing forward together, we can have new emergency legislation on the books before the Congress recesses in December.

Based on previous consultations with the Congress, I have decided not to send a specific Administration bill to the Congress on this matter but rather to work with the Members in developing a measure that would be acceptable to both the executive and legislative branches. As part of that process, I think it would be helpful to call attention to those provisions that I think should be included in this emergency bill. At a minimum, I hope that the act would:

—Authorize restrictions on both the public and private consumption of energy by such measures as limitations on essential uses of energy (office hours, for instance) and elimination of nonessential uses (decorative lighting, for example).

—Authorize the reduction to 50 miles per hour of speed limits on highways across the country.

—Authorize the exemption or granting of waivers of stationary sources from Federal and State air and water quality laws and regulations. Such actions would be taken through the Administrator of EPA.

—Authorize the exemption of steps taken under the proposed energy emergency act from the National Environmental Protection Act (NEPA).

—Provide emergency powers for the Federal regulatory agencies involved in transportation to adjust the operations of air, rail, ship and motor carriers in a manner responsive to the need to conserve fuel.

—Empower the Atomic Energy Commission to grant a temporary operating license of up to 18 months for nuclear powerplants without holding a public hearing. Such actions would be subject to all safety and other requirements normally imposed by the Commission.

—Authorize the initiation of full production in Naval Petroleum Reserve #1 (Elk Hills, California) and the exploration and further development of other Naval Petroleum Reserves, including Petroleum Reserve #4 in Alaska.

—Permit Daylight Saving Time to be established on a year-round basis.

—And authorize the President, where practicable, to order a powerplant or other installation to convert from the use of a fuel such as oil to another fuel such as coal and to make such equipment conversions as are necessary.

In addition to the provisions above, all of which I believe must be enacted before December, there are a number of other authorities which should be provided as soon as possible and hopefully will be included in the emergency measure.

One such provision would grant the President additional authority to allocate and ration energy supplies. Under this new authority, the President could take such actions based solely upon energy considerations. It is my hope that rationing of energy products will never be required, but if circumstances dictate it, there should be no impediments to swift action. For contingency purposes, I have already directed that plans for gasoline rationing be drawn up and held in reserve.

Recognizing that a more efficient use of our transportation resources is necessary, we should also provide additional authority to encourage greater use of funds from the Federal-Aid Highway Act of 1973 for mass transit capital improvements.

In addition, we should provide the Federal Power Commission with authority, during the duration of the energy emergency, to suspend the regulation of prices of new natural gas at the wellhead.

Finally, I believe it would be wise if, on energy grounds, the President were empowered to exercise any authority now contained in the Defense Production Act, the Economic Stabilization Act and the Export Administration Act, even though those acts may have otherwise expired.

MEETING THE LONG-TERM CHALLENGE

As we act to deal with the immediate problem before us, we must not ignore the need for preventing such a crisis from recurring. The leadtimes required to meet our long-range energy needs dictate that we must move on them at once.

Legislation authorizing construction of the Alaskan pipeline must be the first order of business as we tackle our long-range energy problems. The American people are depending upon the Congress to enact this legislation at the earliest possible moment, and they are depending upon me to approve it. With passage apparently imminent, I would urge the Congress not to burden this legislation with irrelevant amendments. This is no time to hold the Nation's energy future hostage to other controversial interests.

I am also requesting early action on pending legislative proposals to:

—permit the competitive pricing of new natural gas;

—provide reasonable standards for the surface mining of coal;

—provide simplified procedures for the siting and approving of electric energy facilities;

—establish a Department of Energy and Natural Resources;

—and provide procedures for approving construction and operation of deepwater ports.

Because of the critical role which energy research and development will play in meeting our future energy needs, I am requesting the Congress to give priority attention to the creation of an Energy Research and Development Administration separate from my proposal to create a Department of Energy and Natural Resources. This new administration would direct the $10 billion program aimed at achieving a national capacity for energy self-sufficiency by 1980.

This new effort to achieve self-sufficiency in energy, to be known as Project Independence, is absolutely critical to the maintenance of our ability to play our independent role in international affairs. In addition, we must recognize that a substantial part of our success in building a strong and vigorous economy in this century is attributable to the fact that we have always had access to almost unlimited amounts of cheap energy. If this growth is to continue, we must develop our capacity to provide enormous amounts of clean energy at the lowest possible cost. Thus, irrespective of the implications for our foreign policy and with the implicit understanding that our intentions are not remotely isolationist, the increasing costs of foreign energy further contribute to the necessity of our achieving self-sufficiency in energy.

RICHARD NIXON.

THE WHITE HOUSE, *November 8, 1973.*

THE LATE HONORABLE ROBERT EWING THOMASON

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, I rise to announce the death of a former Member of the House, Judge Robert Ewing Thomason, of El Paso, Tex.

Mr. Thomason was elected to the House of Representatives in 1930 and he served for 16 years as a Representative in Congress from the El Paso area of Texas. Prior to his having been elected to the Congress he served as speaker of the Texas House of Representatives and later as mayor of his home city of El Paso. In 1947 Ewing Thomson, as we knew him and loved him, was appointed by President Harry Truman as a Federal judge for the western district of Texas. Judge Thomason passed away last Thursday, November 8.

Mr. Speaker, there are at this time 22 Members of the House of Representatives who served here with Ewing Thomason, and I see a number of them in the Chamber at this time.

In the Chamber at this time is the distinguished gentleman from El Paso, RICHARD WHITE, who ably serves the district once represented by Judge Thomason. I shall yield to him in a few moments and I am sure he will include in his remarks some detailed information in regard to the life and work of Ewing Thomason. In the meantime, I should like to add a few words.

In the tradition of Davy Crockett and Sam Houston, Ewing Thomason was born in Tennessee and soon moved to Texas, where his life was to be an example of love and duty to one's State and country. No finer man has served in Congress during my time than Ewing Thomason.

The Thomasons and the Mahons were the closest of friends, and that friendship continued throughout the years following the appointment of Mr. Thomason as Federal judge. It is difficult to describe the fine personality of this great Texan. He inspired the confidence of his fellows. He was highly respected by Democrats and Republicans. He and his wife Abbie had a multitude of friends, not only in Congress but in the executive branch of Government.

Mr. Thomason, as a senior member in point of service on the House Armed Services Committee, was a powerful force for a strong defense program in the Congress. His contribution to national defense was quite noteworthy. He was especially active during the years of World War II, and his leadership during this period meant a great deal to the Nation.

Mrs. Thomason, known as Abbie, was much beloved in her own right. She and all members of the family have our deepest sympathy at this time of great loss and bereavement.

I yield to the distinguished gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. I thank the distinguished gentleman from Texas for yielding to me.

Mr. Speaker, I, too, was one of the Members of Congress who were privileged to serve here with Ewing Thomason for many years. We both served on the former Military Affairs Committee of the House and became very close and warm friends.

He was a delightful gentleman and had a lovely family whose company I always enjoyed.

Ewing Thomason was a dedicated American and an outstanding individual, and the House was much the better for his having served here.

Mr. MAHON. Mr. Speaker, I thank the gentleman, and I now yield to the distinguished gentleman from El Paso who serves in Ewing Thomason's district, Mr. WHITE.

Mr. WHITE. Mr. Speaker, I thank the gentleman for yielding.

One of this Nation's longest and most distinguished and accomplished public careers came to an end on November 8 with the death of Judge Robert Ewing Thomason of El Paso. Judge Thomason was well past his 94th birthday at the time of his passing, and most of those years had been spent in dedicated public service in one form or another. He started his public career in 1902 with his election to the then combined office of county attorney and district attorney in Gainesville, Tex. He later moved to El Paso—which was to be his home for the remainder of his long life—and was elected to the Texas State Legislature in 1916. He was reelected to a second term and was honored by his colleagues with the speakership of the Texas House. During this second term, Judge Thomason was prevailed upon by friends and colleagues to seek election as Governor of Texas, and even though his campaign was hampered by two called special sessions of the legislature over which he had to preside as speaker of the house, he barely lost in a runoff for the Governor's chair. As it turned out, this was the only election he ever lost. Following a short period in private practice, Judge Thomason, in 1927, was elected mayor of El Paso, and was reelected to a second term without opposition. The records show that his 4 years as mayor of the city turned out to be one of the most fruitful periods of El Paso's development from a small border cow town to the dynamic metropolis it is today.

In 1930, the 16th District of Texas, then composed of 38 west Texas counties, elected Judge Thomason to the U.S. House of Representatives where he served uninterrupted until the summer of 1947 when he resigned his seat to accept an appointment by President Harry Truman to the Federal bench in El Paso. During his nearly 16 years in Congress, his influence and prestige became widely known. Though his accomplishments were widely dispersed through the legislative spectrum, if I were asked to identify his most singular actions I would refer to his impressive record as a member of the House Military Affairs Committee, and especially his service as vice chairman of the committee during the World War II years when he coauthored all of the major legislation necessary for the successful pursuit of the war and the ultimate victory. During his long tenure as U.S. district judge, he handled cases involving matters of small concern to some of the most famous including the intricately involved Billie Sol Estes case and the first airline hijacker case. No matter how small or how large the case before him, Judge Thomason gave each one the same detailed attention and deliberation. His philosophy of justice would serve as worthy guidelines for all jurists from rural justices to the Supreme Court. Of courts, he has recorded:

> The court house where justice is administered is bulwark of our liberties and the cornerstone of our institutions of democracy. The true administration of justice is the firmest pillar of our government.

And, his opinion of what makes a good judge:

> The greatest attribute of a good judge is humility. One cannot sit on the bench, with the flag of his country unfurled at his side, without being conscious of his power, duty, and responsibility. He must rule fairly and wisely to the end that every litigant, rich or poor, and regardless of color, creed, or nationality, shall be accorded justice. That is the only way for democracy to survive in this country. Our liberties and our way of life can only be preserved by a strict adherence to our Bill of Rights and a calm, dignified and unemotional running of our judicial system by men of character, goodwill, courage, loyalty, and sincerity.

Judge Thomason was an active jurist almost until the very hour of his death. He had removed himself from the day-to-day activities of the Federal bench in the El Paso district 10 years ago, but had maintained an active role in the district with the designation of Senior Judge. I consider myself a singularly fortunate person for having enjoyed the friendship and the valuable counsel of Robert Ewing Thomason for many years. The pain of his passing to his legions of friends and admirers throughout the land—and especially in his beloved west Texas—is eased somewhat with the understanding that his leadership and wisdom was allowed in our midst for nearly a century, and that his profound legacy will continue far into the future.

Mr. MAHON. Mr. Speaker, I now yield to the distinguished gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, I appreciate the opportunity to join the distinguished gentleman from Texas (Mr. Mahon) and others who are among our colleagues in expressing my sincere regret at the death of the Honorable Ewing Thomason.

During the early years of my service in the House it was my privilege to serve with Mr. Thomason on the House Committee on Military Affairs and later on the Committee on Armed Services. He was at that time one of the ranking members of the committee.

In that capacity he acquitted himself in an outstanding manner as an able and effective proponent of a sound and strong defense for America, particularly during the trying years of World War II.

I recall that he was always courteous, always responsive and responsible, and yet always effective in his work on the floor.

After he left this body to accept a Federal judgeship in his home State of Texas, I continued to follow his distinguished career with interest and I note that he continued to enjoy a reputation for outstanding service. Our Nation has been enriched by Judge Thomason's contributions.

I join in expressing sympathy to the members of his family in their bereavement.

Mr. MAHON. I now yield to the gentleman from Illinois (Mr. Price).

Mr. PRICE of Illinois. Mr. Speaker, I am one of the 22 Members who are still in the House who had the privilege and the honor of serving in the House of Representatives with the late Honorable R. Ewing Thomason.

As a freshman Congressman, I went on the Committee on Military Affairs, and Mr. Thomason was already a veteran member of that committee. I served with him on the Committee on Armed Services, and I also served with him on the Joint Committee on Atomic Energy. Mr. Thomason was one of the original appointees to that committee.

I join with my colleagues from Texas and other Members of the House in expressing my sympathy to the members of Mr. Thomason's family.

Mr. MAHON. I now yield to the distinguished Speaker, the gentleman from Oklahoma (Mr. Albert).

Mr. ALBERT. Mr. Speaker, I join the distinguished gentleman from Texas (Mr. Mahon) in paying tribute to a great former Member of this House, a great U.S. judge, and a great American.

I was a new Member of the House of Representatives during Judge Thomason's last term here some 27 years ago. I came to know him. I often visited with him. He had lived just south of the Red River at Gainesville, which is only 4 or 5 miles from my district, in his younger years. Last summer during the August recess I happened to be in El Paso, and a friend of mine recognized me and asked me to come up to one of the civic groups that was holding a meeting. Immediately Judge Thomason found out that I was in town, and I had the opportunity to visit a minute or two with a man I always admired, and probably got to know as well as I knew any other Member with that much seniority during my first term in the Congress of the United States.

I join the gentleman from Texas in his words of appreciation for a great American and a great man.

Mr. EVINS of Tennessee. Mr. Speaker, I want to join with and associate myself with the remarks of the distinguished gentleman from Texas (Mr. Mahon) and other Members from Texas in paying a brief but sincere tribute to the memory of our former colleague, Robert Ewing Thomason of El Paso, Tex., who passed away recently.

It was my great pleasure to serve in the House with this great and good man, Congressman Thomason. We had mutual interests as he was born in Shelbyville and Bedford County, Tenn., in the district which I am honored to represent in the Congress.

Certainly Ewing Thomason served his district, State and Nation faithfully and well during his 18 years in Congress—he resigned in 1947 to accept an appointment as a Federal judge, where he also served with distinction.

Judge Thomason had a distinguished career of public service—a triumphant career—beginning as prosecuting attorney, Congressman, and concluding as a judge, and including service as a member and speaker of the Texas Legislature and mayor of El Paso, Tex.

He lived a full and useful life and will be greatly missed.

I want to take this means of extending to members of his family this expression of my deepest and most sincere sympathy in their loss and bereavement.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in regard to the life and service of our late colleague, the Honorable R. Ewing Thomason.

The SPEAKER pro tempore (Mr. McFall). Is there objection to the request of the gentleman from Texas?

There was no objection.

A RESOLUTION TO IMPEACH RICHARD M. NIXON

(Mr. HAWKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAWKINS. Mr. Speaker, in concluding his radio-television energy crisis address to the Nation, President Nixon injected unscheduled and unexpected political remarks and declared he has no intention of resigning.

Again he offered no explanation but only further promises that everything will be answered at some unspecified time in the future.

If the President's credibility, innocence, and integrity can be cleared, he owes both the office and the people an explanation now. Otherwise, it can only be concluded he bears some guilt.

I am, therefore, introducing today an impeachment resolution which I will back all the way to the best of my ability.

Heretofore, I have concentrated on efforts to allow the President to resign, thereby sparing the Nation the embarrassment and disunifying experience of impeachment and a long trial in the Senate which would require a two-thirds vote for conviction.

As part of these efforts, I cosponsored House resolutions to investigate and officially document grounds for impeachment and the appointment of a Special Watergate Prosecutor independent of the President.

Some Members of Congress beholding to the White House may require further documentation before acting. As for me grounds already exist. My impeachment resolution includes these specific crimes and misdemeanor charges:

First. Refusal to produce tapes, documents, and other material for inspection as ordered by the court;

Second. Deprived the people of a full and independent investigation and prosecution of certain crimes committed by employees of the executive branch;

Third. Violation of first and fourth amendments by establishing a personal secret police, which engaged in criminal acts including burglaries, wiretaps, and perjury;

Fourth. Participated in obstruction of justice by offering a high Federal post to the presiding judge during the Ellsberg-Russo trial, and burglary of one of the defendant's psychiatrist's office; and

Fifth. Violated the Constitution and laws in ordering the dismantling of the Office of Economic Opportunity despite statutory authority extending this Office—and did impound more than $40 billion appropriated by Congress for domestic programs affecting the health, safety, and welfare of the American people.

VETERANS DAY DESERVES TO BE A MONDAY HOLIDAY

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, perhaps the best argument for retaining Veterans Day as a Monday holiday has been evidenced this year with the traditional November 11 Armistice Day falling on the second Sunday of November. According to my information very few communities or service organizations observed the November 11 date.

In the case of North Chicago High School, the Veterans Day observance occurred on Friday, November 9. The veterans organizations of North Chicago conducted their Veterans Day ceremonies on Saturday, November 10. In Waukegan, the American Legion and other veterans groups conducted their Veterans Day ceremonies on Sunday, November 11. Lake Forest, Ill., Veterans Day exercises are occurring today, Monday, November 12.

It is quite appropriate to recall that the armistice that ended World War I occurred at the 11th hour of the 11th day of the 11th month—giving particular significance to the November 11 date. However, for purposes of providing a time when all may join in a nationwide observance of the sacrifices which our veterans of all the wars have made, it is far more logical to designate a Monday holiday for this purpose. Federal employees and all who deal actively with our Federal agencies are able to arrange their schedules to participate in the Veterans Day observances on the fourth Monday of October. On that day, we can honor also the veterans of World War II which ended on September 2, 1945, the veterans of the Korean war which terminated on July 27, 1953, and the veterans of the Vietnam conflict which ended in January 1973, as well as the veterans of earlier wars which were concluded in various months of the year.

Mr. Speaker, is it not the veterans whom we are honoring on Veterans Day—and not a particular calendar date which must necessarily vary when that date falls on a Saturday or Sunday?

Mr. Speaker, it would be my suggestion that if the veterans organizations are interested in an appropriate day of the year for honoring all of the veterans—and wish to make this day uniform throughout the Nation, they might consider the second Monday in November as an appropriate Monday holiday Veterans Day which all might observe. Indeed, with November 11 falling on Sunday this year, it has seemed to me that the most logic has been demonstrated by those who have seen fit to observe the November 11 Veterans Day today, Monday, November 12.

Mr. Speaker, I should add that thoughtful consideration was given to this proposal when the fourth Monday in October was settled upon as the logical day for observing Veterans Day. The reason for not selecting the second Monday in November was that this day appeared to be too close to Thanksgiving, which, as we know, will be observed a week from Thursday—November 22. I might also observe that the fourth Monday in October was a much more pleasant time of the year than the second Monday in November. In general, the weather was cold and bleak on November 11—whereas on Veterans Day, the fourth Monday in October—October 22—the skies were bright and the weather was relatively warm and highly conducive to the traditional outdoor ceremonies which are part of the traditional Veterans Day observances.

Mr. Speaker, there are many vital and sensitive subjects to which veterans organizations are devoting their attention and concern. It would help to focus attention on those subjects if the controversy regarding Veterans Day could be harmoniously resolved. In the light of this year's confusion, and based upon the points to which I have made reference, it would seem well to move toward an enlightened resolution of this problem.

From my point of view, the reasons for retaining Veterans Day as a Monday holiday are so persuasive as to be overwhelming.

A DRIVE TO ESTABLISH NEIGHBORHOOD IMPEACHMENT CENTERS

(Mr. WIGGINS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIGGINS. Mr. Speaker, the following news item was reported in the Los Angeles Times on Sunday, November 11, 1973:

> A drive to establish "Neighborhood Impeachment Centers" in every southern California Congressional District was launched Saturday by the American Civil Liberties Union.

It is anomalous to me that an organization which purports to be the guardian of the civil liberties of all of our citizens should become a leader in an effort to deny to the President the enjoyment of his.

An impeachment proceeding is a process providing for the indictment and trial of civil officers of the United States for "treason, bribery and other high crimes and misdemeanors." The constitutional right to due process in these proceedings to a President should be no less than that to which all other persons are entitled as a matter of right.

The unique nature of an impeachment does not excuse the House of Representatives from its duty to act objectively based upon the evidence presented under oath for its consideration. It must disregard public hysteria, in order to insure due process to the accused.

Moreover, should the trial of an impeachment ensue in the Senate, it is the duty of that body to act judiciously based upon the evidence before it. Considerations of public pressure play no part in any judicial proceeding, whether the accused be the President of the United States or an alleged mass murderer.

This is what due process is all about and the ACLU should know it.

Several years ago the President improperly referred to Charles Manson as "guilty" at a time when Mr. Manson was on trial in a notorious murder case. The ACLU and much of the Nation's press roared its moral outrage at the insensitivity of the President to the fundamental right of an accused to a fair and unprejudiced trial. This same guardian of our civil liberties, it appears, is now setting up storefront offices to incite the public against the President and to prejudice his right to fair and impartial hearings of the charges against him.

The ACLU should have greater respect for its principles.

TRIBUTE TO THE LATE HONORABLE JOHN PHILLIPS SAYLOR

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House the Chair recognizes the gentleman from Pennsylvania (Mr. Schneebeli) for 60 minutes.

Mr. SCHNEEBELI. Mr. Speaker, I have requested this special order so that the House Members may all have an opportunity to eulogize our late colleague, John Saylor.

On Monday, October 29, I announced John's passing the day before and some of the Members had an opportunity to make some remarks; but since there had been no legislation scheduled for that day, there were many Members who requested an opportunity to make their expressions at a later date. Therefore, this special order.

John Phillips Saylor, Republican, of Johnstown, Pa., was born in Somerset County in 1908; attended Johnstown public schools and Mercersburg Academy; earned an A.B. from Franklin and Marshall College; an LL.B. from Dickinson Law School and an honorary LL.D. from St. Francis College. He was married to the former Grace Dorestler of Lancaster County, and they have two children and two grandchildren. John was also a former partner in the law firm of Spence, Custer and Saylor; member, Cambria County, Pa., and American Bar Associations. He served in the U.S. Navy during World War II, and was a captain, Naval Reserve (retired). He was the recipient of the Achievement Award of the Interservice Club of Johnstown, 1971; the Distinguished Service Award of the Americans for Constitutional Action, 1972; the John Muir Award of the Sierra Club, 1971; the Distinguished Service Certificate from the National Council of State Gardens Clubs, 1972; and the Silver Helmet Award of the American Veterans of World War II and Korea. He had also received the Watchdog of the Treasury Award from the National Federation Independent Business in each of the last four Congresses.

John was a member of St. John's United Church of Christ, Johnstown, former lay member, Synodical Council, Pittsburgh Synod of the Evangelical and Reformed Church; former member, Commission on Church and Economic Life of the Federal Council of Churches; lay delegate, Convention for the Merger of the Evangelical and Reformed Church with the Congregational Christian Church; 33d Degree Mason; member of the board of trustees, Massanutten Academy, Woodstock, Va.; board of regents of Mercersburg Academy; board of directors, Lee Hospital, Johnstown; and president of the Johnstown Federal Savings & Loan Association; member, board of directors, Capitol Hill Club; Boone and Crockett Club; and numerous other fraternal, sportsman and civic organizations, local and national.

When my good friend and colleague, John Saylor, died so unexpectedly of a heart attack in Houston on October 28, he was serving his 13th term in Congress, after having first been elected to the House of Representatives during the 81st Congress in a special election, on September 13, 1949, and reelected to each succeeding Congress. He ranked 35th in seniority of all members of the House and fourth among Republican members.

John and I had been friends for many years—we first met in 1924 when we were both undergraduates at Mercersburg Academy. In the intervening 49 years I had followed with great interest John's career, particularly after he came to Congress and my more recent and more intimate relationship was reestablished in 1960 when I first was elected to Congress. John and I maintained a close and respectful friendship ever since that time.

As we all know, John's leadership in the field of conservation was nationally recognized for many years—he was the recipient of many awards. As senior Repubican member of the House Interior Committee, he was credited with leading many endeavors to protect the Nation's scenic and natural resources. He was a sponsor of the Wilderness Act to save woods, water and wildlife. He also backed legislation to estabish the Office of Coal Research to find more uses for coal, and was a major supporter of the Coal Mine Health and Safety Act of 1969. For his moves in conservation, he and former Representative Wayne N. Aspinall, Democrat of Colorado, the other coauthor of the Wilderness Act, designed to save land from development, and the Land and Water Conservation Fund Act, received the National Wildlife Federation's "Conservationist of the Year" award for 1964.

Congressman Saylor fought against building dams in the Grand Canyon and for preserving the integrity of Dinosaur National Monument in Utah and Colorado. He was a member of the National Forest Preservation Commission and the National Parks Centennial Commission. In 1957, on a routine mission to visit the Scott Base at Antarctica, John became the first Congressman to fly over the South Pole. He was a supporter of statehood for Alaska and Hawaii.

In addition to his membership on the House Interior Committee, John was also a member of the House Veterans' Committee and well versed in veterans affairs. In World War II, he served in the Pacific and was communications officer of the U.S.S. *Missoula,* an attack troop ship when Iwo Jima was captured by the Americans. He gave the Marines the first American flag to be raised on Iwo Jima and when a photographer saw the flag-raising, he asked that it be done again and a second flag was raised, resulting in the famous photograph that is duplicated by the Iwo Jima statue near Arlington Cemetery.

But John's success and achievement of excellence covered many fields besides conservation—in the church, veterans' affairs, his service as a trustee of many private schools, hospitals and social fraternities. Significant with his interest in the church, one of John's last appearances before his colleagues was to address the House prayer breakfast less than a month ago and his discussion of the subject of "Hope" gave much inspiration to the Congressmen present. He was well regarded on both sides of the aisle for his light humor, especially in committee sessions when tempers got hot. His was a voice that roared—but roared with a purpose. He was a diligent worker in the House and recognized for his wit, which often eased what might have become tense situations.

Mrs. Schneebeli joins me in extending our deepest sympathy to John's family, his wife, Grace, to his daughter and son and two grandchildren. He was among the few remaining more colorful Members of Congress and all of his colleagues here in Washington shall miss him very much. Good and great men like John Saylor do not come our way very often.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Florida, the chairman of the illustrious committee on which the gentleman from Pennsylvania, Mr. Saylor, served for these many years and where he made such a fine record. I yield to the gentleman from Florida (Mr. Haley).

Mr. HALEY. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me at this particular time.

Of course the passing of John Saylor was to me quite a shock. I had served with John ever since I came to the Congress. He was the ranking minority member on the committee and he did well represent the minority views in all legislative matters. As a matter of fact, John Saylor was one of the most effective and outstanding legislators to serve in this House during my tenure here.

John Saylor was a man of his word, on whom one could always depend to do just exactly what he said on any matter that came before the committee or before the House. Above all, we knew exactly where John Saylor stood on all matters. He was able to express his views and there was no equivocation about it. He would let one know immediately what he was for or what he was against.

In all the time I knew John Saylor there was one thing I always had to recognize, which was that he was fair in debate and fair in committee always. He certainly was of tremendous assistance to me when I took over the chairmanship of the committee in this session of the Congress.

John was always considerate to everybody's views. He did not hold anything against anyone. If he did not agree with a Member, he was still a friend then and the next day.

All I can say, Mr. Speaker, is that Pennsylvania has lost one of its outstanding citizens. The Nation lost an able legislator. Mrs. Haley and I wish to extend to John's family our deepest sympathy in his untimely passing.

Mr. SCHNEEBELI. I thank the gentleman for his remarks.

Mr. Speaker, I now yield to the distinguished Speaker of the House.

Mr. ALBERT. Mr. Speaker, I could not pass this opportunity to state to the House the affection and admiration that I had for our late colleague from Pennsylvania, John Saylor. I knew John during all the years of his service in the House. John was not just one of a multitude. John Saylor was an individual, a man who stood out among his fellow men. He was strong. He was courageous. He was dedicated. He was industrious. He was independent when he thought he was right. He was always cooperative when he thought that the occasion demanded cooperation.

I shall miss this distinguished gentleman, this great American, who has made an extraordinary contribution to the legislation of our Nation and to the history of this House.

Mr. SCHNEEBELI. Mr. Speaker, I am sure the Saylor family is very grateful to the distinguished Speaker for his remarks.

I yield to the gentleman from Texas.

Mr. STEELMAN. Mr. Speaker, the people of the United States suffered a great loss with the death of John Saylor. Everyone who takes a hike in a Wilderness area, runs the rapids of the Colorado in the Grand Canyon, or has a picnic along the C. & O. Canal, owes John Saylor a debt of gratitude.

I first met John this January when I became a freshman member of the House Interior Committee. I was immediately impressed by his intelligence, integrity, sharp wit and dedication to the cause of conservation. He helped me find my way through the maze of Committee work and gave me timely and thoughtful guidance on a project of great importance to Texas, the Big Thicket National Biological Preserve.

He was the winner of many awards by environmental groups. As ranking Republican member of the Interior Committee, he was the rallying point for the conservation movement. His forceful, incisive and timely questioning and arguments in Committee set the tone in hearing after hearing.

Mr. Speaker, it has been my practice during the short time I have been a Member of this body to keep a daily log of happenings that made a particular impression on me.

On Thursday, October 31, the day that Members of the Committee on Interior and Insular Affairs and other Members of the body flew to Pennsylvania to attend the funeral of John, my plane was not able to land due to bad weather and I regret very much having missed the service.

I am sure the several verses I wrote that day will not do John's memory justice, but I would like to share them with the Members, because of the very deep feelings I had for him.

John Has Passed

But life goes on and is stronger and more vibrant because John Saylor lived.
John loved and respected all things living.

Because he lived and loved the trees, the water, the land and the sky,
And because he served in the United States Congress, we all will,
Because of his conservation efforts, likewise be able to live
And love the trees, water, and sky.

JOHN SAYLOR will be sorely missed by his family, the Congress, and the country.

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman for his observations.

Mr. Speaker, I now yield to the gentleman from North Carolina, the ranking Democratic member of the committee upon which JOHN served so long, Mr. TAYLOR.

Mr. TAYLOR of North Carolina. Mr. Speaker, we were all saddened to learn of the passing of our colleague from Pennsylvania. Not only had we lost a friend, but we lost an ally who had served his district and his Nation well.

My association with JOHN SAYLOR began when I came to Congress in 1960. As the ranking minority member on the Committee on Interior and Insular Affairs, he played an important role in our heavy legislative workload. While we might not always have agreed on an issue, JOHN always made his case and we never had to guess what his position would be.

Few members of this House supported the park program with as much enthusiasm as our friend from Pennsylvania. He worked diligently on so many projects that I dare not mention them all, but one of his greatest efforts was made to assure the protection of the view from Mt. Vernon. The area known as Piscataway Park on the Maryland banks of the Potomac River was under his constant surveillance and he fought an undertaking which threatened to impinge on or destroy the view from George Washington's home.

Congressman SAYLOR was always in the forefront on the major conservation issues of the day. All of the Members of the House are familiar with his leadership role when the Wilderness Act was under consideration, when the Redwood National Park was created, and when the Wild and Scenic Rivers Act was approved.

Of all the projects and programs which JOHN SAYLOR helped to create, however, probably the Land and Water Conservation Fund Act was the one which gave him the greatest amount of pride. Working with our chairman, the Honorable Wayne Aspinall, he helped develop the program which has made possible the great expansion of our national outdoor recreation potential. Not only has the land and water conservation fund been the sole source of funding for the land acquisition programs at our national parks, seashores, and recreation areas, but it has been a major inducement to State, local and regional units of government to expand their outdoor recreation programs.

Mr. Speaker, JOHN SAYLOR was a powerful person who will be missed in many ways. He was one of the most able, best informed, most dedicated, most colorful, most witty, and hardest working Members of the House. He was working for conservation before it became the popular thing to do, and in many ways, his shoes will never be filled.

We can take consolation in the fact that JOHN's life was a fruitful one. His ambitions were converted into effective action, and he used his energy and ability for constructive achievement. Our personal sadness at his passing cannot be diminished, but it is somewhat offset by the knowledge that his contribution to this country and to the well-being of his fellowman will endure.

Our deepest sympathy is extended to his wife, Grace, and to the members of his family. We share their grief in this time of sorrow.

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman from North Carolina for his observations.

I now yield to the gentleman from Idaho (Mr. HANSEN) a member of Mr. SAYLOR's committee.

Mr. HANSEN of Idaho. Mr. Speaker, I thank the gentleman for yielding to me. I too was profoundly saddened by the news of the loss of our late beloved colleague, JOHN SAYLOR. That sense of loss was shared by the people of my State of Idaho. We lost in the passing of JOHN SAYLOR a true friend and one of the most effective champions of the environment; one of the most effective and strongest guardians of our great natural resource heritage.

JOHN SAYLOR was no stranger to my State of Idaho. He was a frequent visitor to Idaho and the West. As a matter of fact, a few weeks prior to his passing, almost by chance, I came across JOHN on his way to Idaho on his own to investigate personally one of the projects which was the subject of pending legislation. He knew Idaho's lakes and streams and forests and mountains and open spaces better than most people who live in the State. He was well known and highly respected and had a great many friends and admirers in Idaho.

He shared with us a commitment to preserve and pass on to future generations our natural resources in as good a condition as we found them, if not better. He reminded us continually of our role as trustees of these great resources and of the obligations that come with the privileges we have to enjoy them. He also understood the need to put these great land and water resources to work to produce jobs and opportunities for people.

The Nation has lost in the passing of JOHN SAYLOR one of its most articulate voices and strongest leaders. In many ways he was almost the ideal lawmaker. He had courage, he had compassion, he had a deep understanding of the people's needs, a commitment to serve those needs, a keen intellect, the ability to express himself. A high sense of honor and integrity characterized his personal life and his public service. Along with that he had a sharp wit and a sense of humor. These are all qualities that are in great need in any lawmaking body, but, especially in this one in the days ahead.

Mr. Speaker, one of my more recent memories of JOHN SAYLOR was his appearance to address the House Prayer Breakfast group just a few days before he went into the hospital. I will never forget his talk and the eloquence and depth of insight and feeling with which he expressed himself on the subject of "hope."

In these rather discouraging and depressing days, we need that hope and the message of hope that JOHN SAYLOR brought to us.

We have lost an effective and a beloved colleague. We can honor his memory best by following the example he set and upholding the high standards that always characterized his service to this great body and to the country he loved so deeply.

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman for his very generous and fine remarks.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I will now yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I thank the gentleman for yielding.

I would like to join in the tribute to our distingushed former colleague, JOHN SAYLOR. I was not privileged to serve on the committee with him, although I once worked with him very closely in our efforts to preserve our national forests and woodlands, and he was a very able and energetic ally.

Mr. Speaker, generations of Americans who never heard his name nor looked upon his face will benefit from the fine work he did in this body.

Mr. SCHNEEBELI. Mr. Speaker, I now yield to a gentleman who probably was one of JOHN SAYLOR's closest friends in Congress, and was for many, many years. He is a gentleman who shared many characteristics with our colleague, JOHN SAYLOR. They have had about the same interests, the same joviality, and the same great personality, and along with being fellow conservationists, they were fellow hunters. And so I am very happy to yield now to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from Pennsylvania (Mr. SCHNEEBELI) for yielding to me.

I commend him and compliment him for paying tribute to our beloved dear late friend, JOHN SAYLOR. He has performed a high service to the House in this, as in all things, in giving the opportunity to us for remembering the greatness of spirit and the greatness of heart of JOHN SAYLOR.

JOHN SAYLOR was one of our most beloved colleagues; he was a man of courage, dedication, and energy, and he was a great conservationist. He was, as my dear friend from Pennsylvania indicates, not only a close friend of mine, but also a hunting companion and one with whom I shared the joys of the outdoors.

Mr. Speaker, it is with a great feeling of sadness that I recognize JOHN SAYLOR's mighty voice and great spirit will no longer be with us. However, it is with great pleasure that I recall the greatness of spirit and the wisdom and the goodness of this wonderful man.

He was a crusty individual; he had great strength and force of character, and to the younger members and those who first knew him these characteristics did not easily translate themselves into the warm and wholesome character that so enriched this body with the presence of John Saylor. But all of us remember with great affection, I think, when we got to know John, what a wonderful and warm and gentle and good person he was and how dedicated he was, not only to the interests of his district, but to the cause of conservation and to the betterment of this America.

I miss him. I loved him. I, just as my good friend from Pennsylvania who is now in the well, who kindly made this time available to all of us, pay a sad tribute to a great American. I rejoice that I did have the privilege and the pleasure of knowing John Saylor.

Mr. Speaker, I would like to pay tribute to one of America's great conservationists, our beloved deceased colleague, the Honorable John P. Saylor of Pennsylvania.

John Saylor was a warm, decent, dedicated and highly competent Member of this body. He labored tirelessly for the welfare of the people of his congressional district which he served so well and for the good of all of the people of the United States.

The great conservation legislation in the past 20 years bears the stamp of John Saylor's character and his dedication to the cause of a wholesale environment for all Americans.

The wilderness bill, full funding for water pollution abatement works, wild rivers legislation, prohibition of hunting from aircraft and scores of other conservation actions by this Congress are monuments to his courage, vigor, and service.

Mine safety and black lung legislation also are monuments to his particular concerns for the people he served.

His efforts to halt the wasting of the public lands and to prevent enactment of bad legislation bore fruit in defeat of the timber bill of the last Congress, and of iniquitous giveaways to the grazing and timber interests.

Programs for wise use and intelligent development of the natural resources for the good of all had his genuine and effective support.

As a close friend and admirer of this great American, I shall miss John Saylor; but the personal loss I feel is far overshadowed by the loss to this Nation and its people of one of the truly wise and farseeing legislators whose contributions to the public interest will be remembered by Americans everywhere.

Mr. Speaker, my remarks eulogizing the Honorable John P. Saylor could be much more extended but there are many Americans who have written and reported their thoughts of Congressman Saylor and I believe it is most appropriate at this time that the following biography of our late colleague, and the following radio commentary and editorials on this great American, deserve a high position among the remarks for our friend today:

Biographical Information on the Honorable John P. Saylor

(United States Representative in the Congress from the 12th District of Pennsylvania)

John Phillips Saylor, Republican of Johnstown, Pennsylvania; born in Somerset County, 1908; attended Johnstown public schools and Mercersburg Academy; A.B., Franklin-Marshall College; LL.B., Dickinson Law School; Hon. LL.D., Saint Francis College; married to the former Grace Doerstler of Lancaster County, they have two children and two grandchildren.

Former partner in the law firm of Spence, Custer and Saylor; member, Cambria County, Pennsylvania, and American Bar Associations. Served in the United States Navy during World War II, Captain, U.S. Naval Reserve (retired).

THE CONGRESS

Elected to the House of Representatives during the 81st Congress in a special election, September 13, 1949 and re-elected to each succeeding Congress. Ranking Republican Member of the Committee on Interior and Insular Affairs and Ex-Officio Member of all seven subcommittees; senior Republican in point of service on the Veterans' Affairs Committee and Member of the Hospitals, Compensation and Pensions, and Insurance Subcommittees.

Ranks thirty-fifth in seniority of all Members of the House and fourth among Republican Members. Senior Republican of the Pennsylvania Congressional Delegation and Vice-Chairman of the Pennsylvania Congressional Steering Committee.

AWARDS AND HONORS

First Member of Congress to receive the National Parks Association Award in recognition of distinguished services on behalf of the United States national parks and monuments, 1954; first recipient of the National Conservation Award presented by the six leading conservation organizations in America, 1958.

Citation for Meritorious Services from the Freeport American Legion Post 110, 1961; Conservationist of the Year Award from the National Wildlife Federation, 1964; Conservationist of the Year Award from the Pennsylvania Outdoor Writers Association, 1965; Gold Medal Award from the Veterans of Foreign Wars of the United States, 1966.

Received the Gold Medal of the Pennsylvania State Fish and Game Association, 1967; Trout Conservation Award from Trout Unlimited, 1967; Certificate of Appreciation from the Veterans of Foreign Wars, 1968; first recipient of the Bernard M. Baruch Laureate Award for contributing most to the field of conservation, 1967; the National Commander's Award from the Veterans of World War I, 1968; and the National Commander's Award from the Disabled American Veterans of the United States, 1968.

Holds the Silver Beaver Award of the Admiral Robert E. Peary Council, Boy Scouts of America, 1969; Award of Merit from the Pennsylvania Roadside Council, 1969; first recipient of the Conservation Award of the Sierra Club's Atlantic Chapter, 1969; and the "54" Founder's Award of the Izaak Walton League of America, 1970.

Received the Achievement Award of the Interservice Club of Johnstown, 1971; the Distinguished Service Award of the Americans for Constitutional Action, 1972; the John Muir Award of the Sierra Club, 1971; the Distinguished Service Certificate from the National Council of State Garden Clubs, 1972; and the Silver Helmet Award of the American Veterans of World War II and Korea. He has received the Watchdog of the Treasury Award from the National Federation of Independent Business in each of the last four Congresses.

MEMBERSHIPS—OFFICIAL

Member, Saint John's United Church of Christ, Johnstown; former lay member, Synodical Council, Pittsburgh Synod of the Evangelical and Reformed Church; former member, Commission on Church and Economic Life of the Federal Council of Churches; lay delegate, Convention for the Merger of the Evangelical and Reformed Church with the Congressional Christian Church; 33rd Degree Mason.

Member of the Board of Trustees, Massanutten Academy, Woodstock, Virginia; Board of Regents of Mercersburg Academy; Board of Directors, Lee Hospital, Johnstown; and President of the Johnstown Federal Savings and Loan Association.

Member, Board of Directors, Capitol Hill Club; Boone and Crockett Club; and numerous other fraternal, sportsman and civic organization, local and national.

The Twelfth Congressional District is composed of the Counties of Armstrong, Cambria, Indiana, Jefferson, Somerset, and the southwestern portion of Clarion (boroughs of Callensburg, East Brady, Foxburg, Rimersburg, and Saint Petersburg; the townships of Brady, Licking, Madison, Perry, Richland, and Toby). Population (1970) of 469,999.

Remarks of J. McCaffrey, WMAL–TV

(This is the TV commentary as nearly as I can reconstruct it. J. McCaffrey. Monday, 29 October, WMAL–TV)

I really don't need a script to say what I am going to say this evening . . .

This is a time when men and women are turned off by politics and politicians . . . The Nixon Administration scandals have cast suspicion on every man and woman in elective office.

I would like to offer testimony this evening to one of the best men I have known in public life . . .

John Saylor, who died yesterday.

I first knew John Saylor when he was elected as a Republican congressman from Pennsylvania back in 1949 in a special election.

He was probably the best conservationist in Congress . . . during the years he helped push through a great deal of conservation legislation—including the wilderness act and land and water conservation—he did yeoman work in getting statehood for Hawaii and Alaska . . .

He was an independent man . . . he voted himself . . . as he thought . . . his own people would want him to vote .. the party label was not a burden he carried on his back . . . he used it at election time . . . but as a Member of Congress he was an independent man.

He was an attorney, but in another and earlier age I imagine he would have been a woodsman . . . he carried in his car his fishing tackle . . . and he had fishing licenses for at least a half dozen jurisdictions, so that whenever he felt like it, he could pull his car over by the side of a brook and go fishing.

But the most important thing is that John Saylor was a man of integrity . . . a hard worker . . . a man devoted to his job and to his country. John Saylor was one of the many men and women on Capital Hill who allowed me to keep faith in the system.

[From the New York Times, Oct. 30, 1973]

Saylor, Conservationist

For two decades—and often despite disappointment and frustration—Representative John Saylor, who at his death was ranking minority member of the House Interior and Insular Affairs Committee, battled with good humor and tenacious spirit on behalf of the public interest.

This Pennsylvania Republican early recognized that the Interior Committee's responsibilities are not a provincial concern of Westerners. Rather, they affect the quality of life for all Americans. He strove valiantly to protect and expand the national parks, to conserve the wilderness and endangered species of animals, and to defend the people's heritage of land, water, forests, and scenic beauty. He had a refreshing idealism about public service and lovable human qualities. He will be greatly missed.

[From the Honolulu Star-Bulletin, October 30, 1973]

Loss of a Friend

There might be some argument about who was the best Congressional friend Hawaii ever had in its long Statehood fight, but a strong contender for that title would be Rep. John P. Saylor, who died Sunday at the age of 65 following heart surgery.

The Johnstown, Pa., Republican entered Congress via a special election in 1949, was soon assigned to the Interior and Insular Affairs Committee, which handled the Statehood question, and began battling right away to give statehood to Hawaii and Alaska.

Mrs. Elizabeth P. Farrington, whose husband was Hawaii's delegate to Congress in those days, and who became delegate herself upon his death in 1954, recalls that "John Saylor" was the only Congressman that Joe and I didn't have to convert."

Saylor's conversion had taken place 25 years earlier as a student at Mercersburg Academy when he was assigned to the affirmative side of a debate on whether Hawaii and Alaska should be states.

Saylor researched the topic so thoroughly that he convinced himself and reinforced this conviction when he was sent to the Pacific as a Navy officer in World War II.

Saylor's support of Statehood was both indefatigable and invaluable. He moved to the chairmanship of the territories subcommittee in 1953 and there had an even more direct involvement in the long struggle to get the bill enacted until it climaxed successfully in 1959.

A liberal Republican throughout his career, Saylor has been best known in recent years for his support of conservation and environmental protection. The Almanac of American Politics notes: "He pushed these concerns long before they became fashionable in the cities and universities of the East and West coasts. Here he has built up not only great expertise in matters pertaining to the environment, but also a good deal of legislative clout."

As a memorial to the legislator, a John P. Saylor Conservation Fund is being created. Contributions are being received at his former office in the Rayburn Building, Washington, D.C.

[From the Philadelphia Inquirer, Nov. 4, 1973]

Saylor Opposed Exploitation of Land—Congressman Was Concerned Over Rape of Wilderness

I first met John Saylor one fall day when he walked into the living room of my father's home in Punxsutawney with a beagle cradled under each arm.

The congressman who died last week in Houston, Tex., after undergoing heart surgery, had been hunting grouse in northern Jefferson County when he found the dogs, which were wandering around the woods, looking for some human companionship after having spent a night chasing deer.

Since the name on the dogs' collars was my father's, the good congressman drove out of his way to deliver the pair to our house.

Although the dogs were no longer ours (we had given them to a friend; we no longer had the time to give them enough hunting), we were overjoyed that they had been saved from possible starvation in the woods. The next day we took the dogs back to their new owners, who had been frantically searching the woods for the pair.

In the years to follow I came to know John Saylor well, both the politican and the person, and I came to like and trust him.

Oh, sure, John Saylor was slicker than a wet leaf on a slate rock, but you expect that from a politician.

He was a glad-hander, a thumper on the back, a "how are you doing, nice to see you" guy who could charm a vote out of a rock.

But in his private moments, moments around the fire at a deep camp or sitting in the soft meadow grass along a Montana trout stream, he was a different person. His public mask gave away to a private face that was filled with concern over conservation and the rape of the wilderness.

I recall a phone call to my father late one night from Washington. It was Saylor, who had just learned of a move on the part of a local Republican leader who objected to a project Saylor had been working long and hard on. A project that had won nearly-unanimous praise from responsible citizens of the area. Now that the project was almost assured, one man was threatening to halt it, and destroy in the process months of work by the congressman.

John Saylor broke down that night and wept, the frustration of months finally cracking the political shell and allowing human emotions to pour out. That was the day I realized that Saylor was, above all, a man, a man who took things personally. That was quite a discovery because I thought all politicians were machines.

It was in conservation that John Saylor did his most valuable work for this nation. Not just for Punxsutawney, or Jefferson County, or Pennsylvania, but for the nation.

He was the author of the Wilderness Act, which has saved untold millions of acres from exploitation; the ranking Republican member of the House Interior and Insular Affairs committee, a post he used to influence the acquisition of land for national parks and the protection of existing parks; and the leader who pushed innumerable conservation bills through the House.

He didn't go unrecognized for his work, receiving national awards from, among others, Trout Unlimited, Bernard Baruch Conservation Award Committee, National Parks Association, National Wildlife Association and the Izaak Walton League.

In a Congress and a committee dominated too often by exploitation—oriented congressmen, John Saylor was an important and fresh voice which railed against the destruction of our environment. He will be missed.

[From The Washington Post, Nov. 5, 1973]

John P. Saylor

Some Congressmen manage to linger in the House for many terms without ever raising their voices or advocating an important cause or leaving any imprint on the record of their times. Rep. John P. Saylor, who died last week, was emphatically not one of these, The Republican from the Pennsylvania hills had strong convictions and a personality to match. Gruff, sometimes caustic, uncommonly persistent, he was the best kind of opinionated man.

Rep. Saylor was a powerful and creative force in the field of conservation which he made his specialty. During his quarter-century in the House, seniority elevated him to the post of ranking Republican on the House Interior Committee, but it was his own energy and ideas which made him a dominant influence in that committee's work. Rep. Saylor was in the midst of nearly every major conservation battle of his day. He fought against the Hells Canyon dam. He opposed the Grand Canyon dams. He battled to create the national wilderness system and the Land and Water Conservation Fund laws which stand as permanent monuments to his vision and doggedness. Perhaps because he came from a region of scarred and battered hills, he had a keen appreciation of the need to keep some of the nation's natural resources unspoiled and available for the public to enjoy and use.

Rep. Saylor took a very particlular interest in the conservation problems of the Potomac Basin and the national capital area. He was a vigorous defender of Piscataway Park and the marshes on the Virginia shore below Washington. He scrapped for years to obtain a workable framework for Pennsylvania Avenue redevelopment. In partnership with the Maryland congressional delegation, he was a leader in the 17-year campaign which finally produced the Chesapeake and Ohio Canal National Historical Park. In these and other legislative battles, Rep. Saylor used his stature and voice to full effect. He was an outspoken, effective champion for a good cause.

Mr. SCHNEEBELI. Mr. Speaker, we all recognize the warm personal expression that we have had from our friend, the gentleman from Michigan, who was such a good friend of John Saylor's.

I now yield to the gentleman from New York (Mr. Smith) whom, I think, I have known almost as long as I have known John Saylor.

Mr. SMITH of New York. Mr. Speaker, I think the gentleman for yielding.

I wish to associate myself with the remarks that have been made with regard to our good friend, John Saylor, whose passing was sudden and was mourned by all of us.

When I came to the Congress about 9 years ago, much to my surprise I was assigned to the great Committee on Interior and Insular Affairs.

John Saylor became my boss and my leader on that committee because, of course, he was the ranking Republican member even then.

I will always remember with a great deal of gratitude and appreciation the kindness of John Saylor to his new members on his committee and the time that he spent with us and the patience he had with us in trying to induct us into some of the mysteries of the Committee on Interior and Insular Affairs.

I have followed John Saylor's presence here in the House for these many years. I want to echo the thought that has already been expressed that he was a great, strong voice.

I did not always agree with him, but I always knew exactly where he stood whether I agreed with him or not.

I know that we, in the Congress, and the people of his district and the people of the United States are going to miss John for his great human qualities and also because he was a strong voice standing up in this Congress for conservation and all of the things he believed were right.

Mr. MORGAN. Mr. Speaker, I rise to eulogize an outstanding American, a man whose dedication to his family, his constituents, and the American people is well known by all who had the privilege of serving with him in the House of Representatives.

John's manifold contributions to the

betterment of life in our country are evidenced by the significant legislation which he sponsored or supported; indeed, his legislative record stands as indelible and irrefutable proof of the excellence of his work in this great Chamber. The statehood for Alaska and Hawaii bills, the Wilderness Act, the Land and Water Conservation Act, and the Coal Mine Health and Safety Act are only a few of the major pieces of legislation which bear his imprint, and his support for conservation measures earned him the National Wildlife Federation's "Conservationist of the Year" award for 1964, as well as many other honors.

I have had the privilege of serving the residents of my district as their Congressman since 1945, and John served with me for all but 4 of those years. His congressional district was adjacent to mine, and we often worked together to solve common problems. He rose to become the senior Republican of the Pennsylvania congressional delegation and vice chairman of the Pennsylvania Congressional Steering Committee, and we in Pennsylvania have lost a valued and effective leader with his passing.

Mr. Speaker, I would like to take this opportunity to note the special human qualities of this distinguished gentleman which were so readily apparent to all who shared his company. Many people, for one reason or another, are often reluctant to vigorously express an unpopular or controversial opinion, but John Saylor was no such person. He and I often disagreed on the merits of legislation, but vibrant his personal qualities, dedication, and honesty were such that political differences never affected our friendship. Whether he was questioning witnesses at a committee hearing, debating the merits of a bill on the House floor, or responding to a query from a journalist, constituent, or colleague, John's overriding concern was to speak with honesty and clarity. This absolute integrity, in conjunction with his sensitivity to the needs of others, enabled him to command the complete respect of all of us in Congress.

Mr. Speaker, John Saylor was not only my colleague, but my friend as well, and I shall sorely miss his companionship and advice. My life has been richer for knowing him, and his memory will forever remain with me. Mrs. Morgan and I extend our heartfelt sympathy to his lovely wife, Grace, and his children, John, Jr., and Susan.

Mr. BAFALIS. Mr. Speaker, every American who is concerned about the environment—who wants to insure that future generations will have clean air and clean water—owes a debt of gratitude to the late John Saylor.

He began fighting to save our environment back in 1949, long before it was popular to do so.

In fact, every man, woman, and child who visits a wilderness area, who rejoices in land as nature made it, can give thanks to John Saylor. For he was the author of the Wilderness Act, the legislation which protected those areas from development.

And that is just one of the many pieces of important conservationist legislation adopted by the Congress which began with the dedication of John Saylor.

Unlike many of my colleagues, I did not have the pleasure of working with John Saylor for a great many years. But I was fortunate enough to be allied with him in the Big Cypress Swamp acquisition project, a project which will bring great benefits to my district.

It was a pleasure indeed to work with a man so knowledgeable about the environment and the need to protect it. And it was a pleasure I shall long cherish.

John Saylor will be missed by his colleagues. But more important, his wisdom and leadership will be missed by the American people.

Mr. O'NEILL. Mr. Speaker, I join my colleagues in this Chamber in paying a special tribute to John Saylor, whose tragic and untimely passing has left an irreplaceable void in the House of Representatives.

For, Congressman Saylor was known by his friends on both sides of the aisle as "Mr. Conservationist." Since 1949, when John first came to this House, he has been a distinguished leader in helping to shape national policies in the areas of conservation, preservation of our country's natural and wildlife resources and environmental quality.

As the ranking Republican member of the Interior Committee John coauthored with former Chairman Wayne Aspinall the Wilderness Act, that monumental legislation designed to save land from development, and the Land and Water Conservation Act. For all his tireless efforts and meritorious achievements in the field of conservation, Representative Saylor deservingly received the National Wildlife Federation's "Conservationist of the Year" award in 1964. Ten years earlier, he had been the first Member of Congress to receive the National Parks Association award in recognition of outstanding services on behalf of the U.S. National Parks and Monuments.

Congressman John Saylor's concern for conservation was not confined to natural resources. His greatest interest has been in the conservation of human life, and because of this concern, he has courageously persevered in the struggle for greater protection for coal miners and for increased benefits to victims of black lung disease.

To chronicle all John's legislative achievements in the field which has earned him the best claim in the House of Representatives to the title of "Mr. Conservationist" would certainly not do him the justice he merits in this area.

John Saylor was an aimable, popular Member of this Chamber, recognized for his sense of humor which often eased tense situations. I have known and appreciated Congressman John Saylor as a diligent and conscientious Member of the House, a man of great personal conviction, integrity, legislative responsibility and independence. And I have known John as a member who has served his constituents in the 12th District of Pennsylvania with great distinction, dedication, and purpose.

All of us who have served with Representative John Saylor are deeply saddened by his loss and my wife Milly joins me in extending our heartfelt sympathy and condolences to his family.

Mr. FLOOD. Mr. Speaker, all of us miss our late colleague from Pennsylvania, John Saylor, because he contributed so much to this body, his district, his State, and his Nation.

I served with him here for a quarter century and I know first-hand of his accomplishments in the difficult legislative field. He was an impressive legislative technician and highly dedicated to his responsibilities as the Representative from Pennsylvania's 12th Congressional District. He was one of the most respected public officials in our Government today. He was a man of great wit and humor, two characteristics which are in short supply during this period of our history.

He was a man who loved his friends and loved his country. He never stepped back from highly responsible tasks and assignments.

He was an outstanding Member of the House of Representatives, hard working, industrious, and when he addressed this body, as he often did, he spoke convincingly and with complete knowledge of his subject.

John Saylor had a large number of friends on both sides of the aisle, all of whom will miss his charm and great humor.

He was a big man in more than physical size as he was perhaps the greatest exponent of conservation in the Congress in recent years.

As the ranking member on the House Interior Committee, he took the lead in many endeavors to protect the Nation's natural resources and scenic beauty.

He was a sponsor of the Wilderness Act to preserve our forests, water, and wildlife. He also supported legislation to establish the Office of Coal Research to find more and better uses for coal. He was a major supporter of the highly important Coal Mine Health and Safety Act of 1969.

John Saylor left behind a fine record. He lived the good life which must be a great comfort for his wife, Grace, and his son and daughter.

We, in Pennsylvania, will always remember him as an outstanding native son who served his people with distinction and accomplishment. I shall miss him as I know his friends and constituents will also.

Mr. FASCELL. Mr. Speaker, I personally felt a deep sense of loss on learning of the death of Congressman John Saylor, and I know that my feeling is shared by our colleagues on both sides of the aisle. Our personal loss represents an even greater loss to the people of this Nation, for John Saylor was an exceptional, dedicated, and effective leader of our country's effort to preserve our natural resources and our environment.

Long before the environment was a fashionable concern and ecology a household word, John was leading the fight for conservation. As ranking minority member of the Interior and Insular Affairs Committee, John was instrumental in the creation and passage of legislation to protect the environment. As author of the Wilderness Act, his contribution to the future of our country is inestimable. Yet this was only one of his many achievements. The people I represent in south Florida owe a particular debt to JOHN for his help in our fight to authorize the Biscayne National Monument in 1968. Without his strong and unyielding support of that project the future of Biscayne Bay and the unique islands and coral reefs there might still be in danger.

JOHN SAYLOR was truly a pioneer in the conservation movement in the Congress. His leadership and commitment to that cause will be sorely missed, but his tremendous accomplishments will long remain with us, much to the benefit of the Nation.

JOHN SAYLOR'S contributions were certainly not limited to the area of conservation. He was a major backer of safety legislation for coal miners, and legislation on behalf of the American Indian. He coauthored legislation for the statehood of Alaska and Hawaii. Yet JOHN was able to combine his leadership on national issues with an intense devotion to the needs of his district and his State, both of which he served so well for 24 years.

I extend my deepest sympathies to Mrs. Saylor and her family. I trust that the knowledge of JOHN'S great contributions to the beauty of our national landscape will be as great a comfort to them as it is to the Nation.

Mr. SKUBITZ. Mr. Speaker, with other Members of this body, I attended the funeral service for our late beloved colleague, JOHN PHILLIPS SAYLOR, held in Johnstown, Pa., on November 1, 1973. It was, of course, a sad day for all of us.

It was my privilege on that occasion to hear a eulogy to our friend, delivered by Father Regis O'Brien, a professor at Saint Francis College in Loretto, Pa., a eulogy that impressed me greatly. The significance of what took place deserves comment, I believe, and is striking proof of the love and affection in which our colleague was held by the men and women of his congressional district. The funeral service was held in the United Church of Christ and was attended by his brethren in the Masonic fraternity since JOHN SAYLOR has achieved the singular honor of the 33d degree in that order. But also attending the services were two Catholic bishops amid hundreds of others of his friends. And when it came time for the eulogy, his long-time close friend and admirer, Father Regis O'Brien, widely known throughout the area, was the chosen speaker. That he spoke from the heart, that he voiced the warmth and the love and the emotion that all felt, was self-evident.

In due course, the remarks of JOHN SAYLOR'S friends and colleagues made on this floor will be bound into a volume of memorial addresses. That volume would not be complete without the eulogy of Father O'Brien. I therefore, Mr. Speaker, include Father O'Brien's address at this place in the CONGRESSIONAL RECORD:

ADDRESS

Reverend Smith, Honorable Members of the Congress of the United States, Secretary Morton, the dignitaries who came here from Washington to honour our good friend, Bishop Hogan, Bishop McGarry, Mayor Flaherty, Grace and your children, relatives of John, and friends of John.

No greater tribute can be paid John Saylor than this: his heart was as big as his frame. Anything other that I can say would be by way of anticlimax or as supporting evidence of this truth. John Saylor's magnanimous heart motivated him to fight injustice that he hated. From the day he set foot in Congress until that heart stopped on last Sunday when God called John home to Heaven he fought the exploitation of those who could not help themselves. John Saylor was a great man. He attained national, nay international fame, but he courted neither since they were forced upon him.

John Saylor was a great man, and as all great men, he had a disciplined beginning as a child and the encouragement of a faithful wife in later life. John Saylor's parents, Tillman and Minerva Saylor, were not pietistic Christians going about this way and that way. They were solid in Christian doctrine. They knew that marriage was a job and not a joyride. They knew that they were cooperators with God Almighty in bringing into existence their children. They realized that through their actual act of love they prepared the bodies into which God Almighty infused an immortal soul, and because of this they knew that their children were persons who one day would be accountable to God for their actions.

And it is our deduction from this basic truth that Tillman and Minerva Saylor knew that every child born into the world entered it with a three-fold right: a right to physical maturity, intellectual maturity, moral maturity. And since every right carries with it a corresponding obligation, Tillman and Minerva Saylor acquitted themselves nobly in the performance of their three-fold obligation. They provided sufficient nurture for their children so that they could develop well in body. They sacrificed many of the legitimate luxuries of life so that they could give their children a full education whereby they would know the world into which they were born and how to give of themselves to the world in which they were born. Just yesterday John's sister, Anne Catherine, said that they were trained to give. And lastly, the parents were uncompromising in the performance of their obligation to instill character and moral development in their children.

Indeed, go no further than John himself. With reverential pride, John would put on that characteristic Saylor smile and look in fancy at his father's character developer, his razor strap. I am not trying to be humorous. I am deadly serious. John Saylor was a great man because of his father's razor strap. In other words, John Saylor entered Congress because he practiced the principles inculcated at the end of that razor strap. He remained in Congress until God saw fit to reward him.

Because of the principles inculcated at the end of that razor strap, John Saylor was a unique politician. He made no empty promises, he would say no with the ease of yes. If he said yes, he meant yes. He would go to the utmost steps to try to secure that which he promised. If he could not, one could rest assured that it wasn't John Saylor's fault. John Saylor was not ambitious. Years ago he was considered timber for the governorship of Pennsylvania and for the United States senatorship. That magnanimous character would have none of it. The people of my District elected me and I will not desert them, was his view. He knew well that if he lost his seniority in Congress his District would suffer. "No, no, a thousand times no, I'll take my chances of running every two years in the Congress", he said more than once. John Saylor is responsible for many a couple and many a widow in this Congressional District and throughout the United States living a life of human dignity today because he fought long and hard for the black lung pension. He gave everybody to understand that this isn't a gift or a dole to the miners, but a right.

Early in his first administration he made a trip to the southwest. He entered a restaurant in which he saw a sign that read "neither dogs nor injuns are permitted". John came back from that trip infuriated. He said to me "I must remain in Congress. I'll never stop fighting the fight of the American Indians." And we know he did that.

In other words, John Saylor's heart and mind was always for the underdog, the downtrodden. Why? Because of his love for mankind and for his constituents. He was an overworked man, both he and his staff. Hundreds and hundreds of requests were made of John Saylor. His noble staff helped him secure answers so that today literally thousands in this area are indebted to him for countless courtesies.

Now, as we close the earthy life of John Saylor, we can evaluate his public career with one word—impeccable! This is the Feast of All Saints, it is thus a glorious day to admit the body of John to the eternal where the Saints will welcome him, I know. There is no room for sorrow, Grace; no room for sorrow, Phillip; no room for sorrow, Susan; no room for sorrow, Kay. This is a glorious occasion. Why? Because God called John Saylor home. To be remembered among these Saints we honor today, I extend John Saylor's blessing to you as he takes his leave. It is an old blessing that he loved: "May the Good Lord keep you in the palm of his hand."

Mr. CLARK. Mr. Speaker, the late JOHN P. SAYLOR was a man of outstanding ability and capacity for work. He was the embodiment of the higher qualities of statesmanship. His accomplishments in the field of conservation of our natural resources won him many awards and will long stand as a monument to his legislative endeavors. Where conservation was at stake, JOHN SAYLOR was neither Republican or Democrat—he was an American.

When I came to Congress as a freshman in 1955, JOHN SAYLOR had been serving his constituency for 6 years and already had demonstrated a capacity for work and leadership which eventually moved him to the top Republican slot on the important Interior and Insular Affairs Committee. In that capacity he worked indefatigably to protect our natural resources from depredation and despoilment.

He was a friend of all who needed friendship and his helping hand was not withdrawn for petty reasons. It was typical of the man that, though he was a prominent Protestant and an active Mason, he was a benefactor of St. Francis College, a Catholic institution in his district, which honored him with a doctorate degree. JOHN SAYLOR was, indeed, a great man and a great American.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today because I have lost a very dear and close friend. When JOHN SAYLOR was fatally stricken on the 28th of October, I was deeply saddened, not only because I had lost an extremely valuable friendship, but rather because the country is now poorer for the loss of such a visionary person.

JOHN served very ably on the Veterans Committee here in the House as well as being active in various civic, fraternal, and social organizations in his private life.

Also as ranking minority member on

the Interior and Insular Affairs Committee, JOHN was well-respected and known as a diligent, conscientious legislator, whose talent lay in formulating visionary legislation preserving the vast natural beauty of this great country. A leading conservationist and long an advocate of environmental quality JOHN coauthored such bills as the Wilderness Act and the Land and Water Conservation Fund Act for which he and former colleague Wayne Aspinall were cited as corecipients of the "Conservationist of the Year" award presented by the National Wildlife Federation in 1964. He coauthored legislation to bring the great States of Alaska and Hawaii into the Union so that Americans everywhere could share in their beauty, peace, and serenity.

JOHN SAYLOR will be remembered for his accomplishments—his memorial will be the natural beauty of this great and vast country he preserved for future American generations.

Mrs. Burke and myself extend sincerest condolences to Mrs. Saylor and her family and hope she will take comfort in her hour of great personal loss in the knowledge that her loss is shared by so many.

Mr. WARE. Mr. Speaker, it was my pleasure and good fortune to know JOHN SAYLOR before I came to Congress. It was a real privilege, however, and my far greater good fortune to be associated with him in this House, in which he served so ably and with such distinction. It also afforded me the opportunity to meet and become acquainted with his lovely and wonderful wife, Grace.

"BIG JOHN," as the Congressman was affectionately and respectfully called by many, had an enviable record of service to his constituents and the Nation. His record of integrity and fairness was outstanding throughout his career.

JOHN SAYLOR possessed great strengths including the power which came from his religious convictions which he had reaffirmed in his address to the House Prayer Breakfast group less than 2 weeks prior to his demise.

While he made no specific reference to Tennyson's poems, I am confident he embraced the thoughts so beautifully expressed by the poet in "Crossing the Bar":

Sunset and evening star,
  And one clear call for me!
And may there be no moaning of the bar,
  When I put out to sea,

But such a tide as moving seems asleep,
  Too full for sound and foam,
When that which drew from out the boundless deep
  Turns again home.

Twilight and evening bell,
  And after that the dark!
And may there be no sadness of farewell,
  When I embark;

For tho' from out our bourne of Time and Place
  The flood may bear me far,
I hope to see my Pilot face to face
  When I have crost the bar.

Mr. JOHNSON of California. Mr. Speaker, it is with great sadness and a deep feeling of loss that I rise to pay my last respects to a neighbor, to a fellow member of the Interior and Insular Affairs Committee, and a colleague for whom I had deep respect.

The mark of this man can be expressed, I believe, in the words of George H. Candler, whose poem "Now" was JOHN SAYLOR's favorite piece of poetry:

"The clock of life is wound but once,
  And no man has the power
To tell just when the hands will stop—
  At late or early hour.
Now is the only time you own:
  Live, love, work with a will.
Place no faith in tomorrow, for—
  The clock may then be still."

JOHN SAYLOR lived each day with a zest and determination which indeed demonstrated that he wished to accomplish his mission on Earth today.

He was one of the hardest working, most dedicated Member of Congress I have ever known. On occasion we disagreed on issues but never in this disagreement was there ever anything but an honest variance of opinions of how best to serve the Nation's needs and especially as they related to our natural resources. JOHN SAYLOR was a tiger when it came to a fight. A more dedicated, tenacious fighter I have not known but as in all of his endeavors he was straightforward, honest and his fights were touched with a sense of humor which came from deep within him.

A distinguished Capitol Hill Commentator said on the evening after his death:

> But the most important thing is that JOHN SAYLOR was a man of integrity—a hard worker—a man devoted to his job and to his country. JOHN SAYLOR was one of the many men and women on Capitol Hill who allowed me to keep faith in the system.

For JOHN SAYLOR the clock now is still but the Nation and its people are better off today for his devotion to the words of the poem "Now is the only time you own: Live, love, work with a will."

Albra joins me in expressing our deepest sympathy to his lovely wife, Grace, and their two fine children, but may they take comfort in the fact that JOHN was a good man, and his works, especially in the field of conservation, will stand for centuries to come as a monument to him.

Mr. REUSS. Mr. Speaker, I am deeply grieved by the tragic, unexpected death of Representative JOHN P. SAYLOR last month.

Congress, and the Pennsylvanians he represented so well for 24 years, have lost one of the ablest workers and most effective voices in the House. The Nation has lost a patriot.

I had many opportunities over the years to work with JOHN, and I shall dearly miss his friendship.

As ranking minority member of the Committee on Interior and Insular Affairs, he labored for years to warn us of the environmental crisis. Many of the programs now helping us to meet this challenge—the Wilderness Act, the land and water conservation funds, the Wild and Scenic Rivers Act—are the results of his legislation and leadership. JOHN never ran from a fight, as those who saw his battle to save the Potomac at Hunting Creek will remember.

JOHN received many awards and honors, such as the National Wildlife Federation's 1964 Conservationist of the Year Award, for this work, and the League of Conservation Voters noted last year that he was—

> A real friend of conservation at a time when friends were hard to find. Long before the issue became popular, he was a tireless defender of wildlife and wild places.

He also strived to alert us to the energy shortages confronting the Nation today. It was his legislation that established the Office of Coal Research in the Department of Interior to study how to see our vast coal resources without polluting the air.

A distinguished World War II veteran himself—he gave the Marines the first American flag raised on Iwo Jima—JOHN worked hard for all veterans.

He also coauthored the bills providing statehood for Alaska and Hawaii, and he fought throughout his life for the little guy and the disadvantaged. He pushed for the Coal Mine Health and Safety Act to protect miners, and he struggled to restore to the Taos Indians of New Mexico their rightful lands.

He was a man the Nation will never forget, and will always miss.

I extend my sincere sympathies to his wife, Grace; and his children, John Phillips Jr., and Susan.

Mr. ANDREWS of North Dakota. Mr. Speaker, I wish to join my colleagues in expressing my own personal feelings over the loss of a distinguished Member of the House and a dear friend. I met JOHN SAYLOR the very first day I was sworn in as Congressman in October 1963. I had been assigned to the Interior and Insular Affairs Committee where he was already a ranking and most respected member. His warm reception of me as a freshman member on the committee, his wise counsel, and his sharing of his vast knowledge in all areas of conversation is something I shall never forget. Even after I left his committee to go on Appropriations, I continued to seek his advice and judgment which he freely gave. He was a good friend, an outstanding conservationist, and a most distinguished Member of Congress. I shall miss him.

Mr. GAYDOS. Mr. Speaker, the House has been shocked and saddened by the untimely death of one of its foremost Members, the Honorable JOHN P. SAYLOR of Johnstown, Pa.

As a colleague from western Pennsylvania, I had come to know, admire, and respect this man who stood tall among his colleagues both in physical stature and in legislative accomplishment. He rose to be a leader among us and was dean of the Pennsylvania Republican delegation. He will be sorely missed as a friend, as a colleague and a legislator.

The most gifted of orators among us will experience difficulty in finding the appropriate words to truly express the depth of our feeling for JOHN P. SAYLOR. In a broader sense, however, the most fitting eulogy will come from future generations of Americans who will be able to enjoy the natural beauty of America which will be preserved in its natural state because of the Wilderness Act, legislation which was authored and so ardently supported by JOHN P. SAYLOR.

During his 24 years of service in Congress, JOHN P. SAYLOR authored many bills and has known the satisfaction of many accomplishments for the betterment of his fellow man. But particularly in the field of conservation has JOHN P. SAYLOR demonstrated his love for his country and his concern that all Americans can enjoy the rich heritage of the beauty of the majestic mountains, the dense forests, and the mighty rivers, which will be preserved for all time.

I join with my colleagues in extending my heartfelt sympathy to Mrs. Grace D. Saylor and her family.

Mr. WAGGONNER. Mr. Speaker, it is with deep regret and sorrow that I join with my colleagues today in reflecting upon the life of JOHN PHILLIPS SAYLOR, late a U.S. Representative from the State of Pennsylvania. However, it is only fitting and proper that we would pause to pay tribute to him, for few men who have served as Members of this body have done so in a more dedicated and truly distiguished manner as he.

JOHN served Pennsylvania's 12th District illustriously; and it was an honor and a privilege for me to have had, during my entire tenure of office here in the House, such an outstanding individual as JOHN SAYLOR both as a colleague and a friend. Needless to say, he will be greatly missed by me personally, as well as by others, for the sound and careful advice he so often offered to those of us who knew him and served along beside him.

While there is sadness in the Chamber as we mourn JOHN'S passing, the indelible stamp he left on the Congress will never be lost. His place on both the Interior and Insular Affairs Committee and the Veterans' Affairs Committee will be difficult, if not impossible, to fill. The loss of his knowledge and understanding of, as his dedication to, the field of conservation is immeasurable, particularly in light of the many problems in this area which presently face this Congress and this Nation.

JOHN SAYLOR will be missed; our respect and admiration for him and his life's work can best be shown by a firm dedication to those purposes to which he gave so much of himself.

Mr. ESHLEMAN. Mr. Speaker, I join my colleagues in expressing profound sorrow at the death of our good friend, JOHN SAYLOR.

As dean of the Pennsylvania Republican delegation and ranking minority member of the Interior and Insular Affairs Committee, he displayed a true zeal and dedication which made him a conscientious public servant and a great credit to his country. During his long and distinguished career, JOHN SAYLOR led the fight for conservation and environmental quality years before they became popular issues. His diligent efforts in seeking benefits for coal miners and the American Indian will remain an eternal plaudit to this outstanding legislator.

I shall always cherish his sprightly wit, tireless energy, and genuine willingness to extend the warm hand of friendship to his junior colleagues. On many occasions I was the benefactor of his vast experience and wise counsel.

JOHN SAYLOR will be sorely missed by the Nation, this body, and the people of Pennsylvania's 12th District. I extend my heartfelt condolences to his wife and family in their time of grief.

Mr. ANNUNZIO. Mr. Speaker, I join the members of the Pennsylvania delegation, and especially my colleague, HERMAN T. SCHNEEBELI, who has requested this special order, in paying tribute to Honorable JOHN P. SAYLOR, a great American and a distinguished Member of this Congress.

JOHN was a ranking minority Member of the House Interior and Insular Affairs Committee, and I got to know him when he appeared on numerous occasions before the House Administration Committee, on which I serve, with reference to legislation receiving consideration in the Commerce Committee. I always marveled over his intimate knowledge of the details of all of the bills before his committee and over his legislative expertise.

JOHN had a very real concern for conserving and preserving our Nation's natural resources, and he felt this way long before environmental quality became a fashionable issue. As a Member of the Interior Committee, he was a prime mover behind such landmark legislation as the Wilderness Act and the Land and Water Conservation Act.

He was also a member of the House Veterans' Affairs Committee, and has always been recognized for the deep interest he took in the welfare of those who fought in all of our wars. During his service in the Congress, he was a steadfast supporter of more adequate benefits for all our veterans. Many will recall that he gave the first American flag to be raised on Iwo Jima, and the raising of that flag has now been immortalized with the Iwo Jima statue near Arlington Cemetery.

JOHN SAYLOR was a popular Member of the House of Representatives, and I know that all of the Members of this body admired him for his sincerity and dedication to his responsibilities in the Congress. He was a patriotic American and a warm human being. He loved his country and contributed immeasurably to her continued strength and security.

His death has saddened all those who were privileged to know him. He will be missed by the people of Pennsylvania, whom he served so well for 25 years, by those of us in the Congress, and by his many friends.

Mrs. Annunzio joins me in extending our deepest sympathy to the Saylor family on their great loss.

Mr. SHUSTER. Mr. Speaker, some men seem to shrink in stature during the course of many years of public service, while others seem to grow and become more sensitive to the needs of their fellow man and more resilient to battle and adversity. JOHN P. SAYLOR was among the latter.

He served his fellow man with dignity and distinction. Rarely have I seen a man more dedicated to helping others; seldom have I seen a man more widely respected by friend and adversary alike and more sought-out for advice and guidance.

Today we mourn the death of JOHN P. SAYLOR, but we should also celebrate his life.

Born, raised, and educated in his beloved Pennsylvania, JOHN SAYLOR learned early in life the miracles of nature and the travesty of man. He witnessed the rape of thousands of acres of the earth's masterpiece, and felt the pain of helplessness known only to those who can see beyond the present. He suffered the nightmare of reality while reaching out for the seemingly impossible. But the impossible never stayed the way of JOHN SAYLOR.

JOHN SAYLOR became the patron of conservation long before conservation became a popular issue. He was incensed at man's abuse of nature, and in the face of vested opposition and mass disinterest, set about to rectify man's assault on the environment. This took rare courage and a strong conviction, especially mindful of the industrial makeup of his district, where steel and coal provided employment for thousands.

Among the long line of accomplishments in his public career, the ones in which he took the most pride were those that protected and preserved Mother Earth for future generations of Americans.

As a freshman Congressman, I regret that my friendship with JOHN SAYLOR could not have been longer. But as a freshman, I can attest to the warmth and compassion he exuded in helping to make my transition from private to public life much easier. I can attest to the courage and conviction he displayed as the dean of the Pennsylvania Republican delegation. I can attest to the concern and unselfishness with which he represented his congressional district.

The Congress and America were richer for having JOHN SAYLOR. The service he rendered to Pennsylvania and his congressional district is immeasurable. Rarely in a lifetime are we privileged to know one who possesses the qualities and attributes which mark great men. JOHN SAYLOR was such a man.

I pay tribute to this great American today. We shall all be wanting without JOHN P. SAYLOR.

Mr. REGULA. Mr. Speaker, I knew JOHN SAYLOR only 10 months, which, for a freshman Member, have been a period of frantic initiation, orientation, and readjustment. In this hectic session, when the time to consider the perplexing problems was meager, this man gave guidance to the novice and comfort to the initiate. Where my interest was real, he intensified it. Where I was lacking, he stimulated. As a member of the Committee on Interior and Insular Affairs, he gave to conservation a new dimension and imparted to his colleagues the zeal to develop that dimension. And more—he showed us all the sheer beauty of a life of integrity and dedication to public service.

Ten months, Mr. Speaker—I wish it had been 10 years.

Mr. CHAMBERLAIN. Mr. Speaker, the untimely death of a most respected colleague and friend, JOHN P. SAYLOR of Johnstown, Pa., will be felt deeply by all of us who have had the opportunity to serve with him in the Congress. His leadership in the field of conservation, which brought him national recognition from the National Wildlife Federation and the Izaak Walton League of America, earned him high esteem among his colleagues who looked to him for counsel. Although I have known and worked with JOHN SAYLOR for over 17 years, it is difficult to find words to convey my sympathy to his wife, Grace, and their children, Susan and John, Jr., for I know JOHN'S death brings such a great loss to both his family and the people of Pennsylvania whom he has served since 1949. I would say only that JOHN SAYLOR'S contribution to his constituents and his country has enhanced the role of all Congressmen indeed and gives praise to his stewardship in behalf of all the American people. While we share in his loss, we also share in an association that we will warmly remember and always be thankful for having known.

Mr. COUGHLIN. Mr. Speaker, to those of us who worked with and admired the Honorable JOHN P. SAYLOR, his death came as an unexpected and shocking blow at a time when his valued and dedicated services sorely will be missed by his constituents and by the Nation.

While the breadth and depth of his accomplishments are known in the Congress of the United States, I think his colleagues should be aware of the respect and esteem in which Mr. SAYLOR was held throughout Pennsylvania. For an individual Congressman to merit such widespread homage is indeed a remarkable tribute.

I am inserting in the CONGRESSIONAL RECORD editorials and columns which indicate the extent of the sentiment over the death of this wonderful man and great public servant:

[From the Pittsburgh Post Gazette, Oct. 30, 1973]

REPRESENTATIVE JOHN SAYLOR

Long before conservation gained its current popularity, Rep. John Saylor of Johnstown worked hard for the cause in Congress. The 65-year-old congressman, senior Republican member of Pennsylvania's delegation to Washington, died of a heart attack Sunday in Houston, Tex.

Mr. Saylor, while a stalwart Republican and a fiscal conservative, was his own man. He often differed with the "union line," yet enjoyed labor support at election time. He didn't hesitate to differ with his party, if necessary, on conservation matters or on benefits for his district (Cambria, Somerset, Indiana, Jefferson and Armstrong counties and a portion of Clarion).

A big man with a commanding presence and a strong voice, Mr. Saylor had a knack for endearing constituents to his work on their behalf. A combination tough guy and earthy congressman, he had an exceptionally good ear for the rustlings of his coal region constituency. Despite a slight Democratic edge in his district, he regularly racked up 2 to 1 majorities.

That often required a delicate balance on his positions (he usually ranked near the center in rating of both liberals and conservative groups). Yet Mr. Saylor always stated his case in the strongest possible terms. When others hemmed and hawed, he came out point-blank.

He could be the GOP's leading conservationist in the House, and at the same time advocate repeal of gun control laws. One of 15 in the House to vote against the Equal Rights amendment, Mr. Saylor demanded equal tax treatment for the unmarried as well as the married.

No one ever mistook him for one of your effete Easterners. He drove back and forth to Congress with the window rolled down in good weather and bad. His coal constituency won't see his like again.

[From the Johnstown Tribune Democrat, Oct. 30, 1973]

REPRESENTATIVE JOHN P. SAYLOR

In governmental and environmental circles of the United States, the death of Rep. John P. Saylor of Johnstown will certainly be felt. Even more so, however, will the people of his congressional district notice his absence.

Over the years since his first election to the House of Representatives back in 1949, Rep. Saylor has risen to the point where he was the fourth-ranking Republican member of the House in terms of seniority and 35th in rank overall; also, he was the dean of Pennsylvania's congressional delegation.

For years, he had been one of the nation's leading conservationists—a role that brought him prominence among environmental agencies and groups and even to serious consideration by President Richard M. Nixon for the post of Secretary of the Interior.

Those roles, though difficult to fill, eventually will be assumed by others in governmental and in private life.

It will be more difficult, though, to maintain Rep. Saylor's record of personal service to the people of this congressional district, the 12th, which covers Cambria, Somerset, Indiana, Armstrong and Jefferson counties and part of Clarion. Throughout his long tenure in the House, Rep. Saylor developed and solidified close ties to the electorate, the people, of his district.

[From the Johnstown Tribune Democrat, Oct. 30, 1973]

SAYLOR'S PASSING IS NATION'S LOSS

(By Clayt Dovey)

For Johnstown the weekend brought the shock of yet another of its leaders lost. This time it was Congressman John P. Saylor, taken suddenly and unexpectedly in death after surgery at St. Luke's Hospital in Houston, Tex. John Saylor's passing is a stunning loss to his family and friends who have always known him as an energetic and robust individual. To his constituency it marks the loss of an almost legendary representative in Washington, D.C. We haven't known any other congressman in this congressional district since 1949.

But, the Johnstown legislator's absence from the scene will be felt far beyond the limits of this political district. Saylor had established himself across the country as a friend of the land. By land I mean not just the nation which he served with distinction in and out of uniform, but the countryside. Saylor well understood the meaning of the word ecology decades before most of the grinding zealots who have been recently seized with the need to save the environment.

RECOGNIZED NEED

He loved the countryside from coast to coast and top to bottom, its mountains, prairies, seashores, timber, swamplands, lakes and rivers. He recognized the need to preserve much of its natural state, to develop a sound program of recreational use of it and to protect it from indiscriminate and wasteful exploitation by effecting a proper compromise between preservation and utilization.

John Saylor was a quarterback in conservation before there was a front line to protect him. His presence was felt across the United States in conservation matters. Every Cambria Countian, every Pennsylvanian and every American is indebted to Saylor and his compatriots for standing firm on environmental issues long before it was the vogue to do so. You had better believe that those of us who embrace the outdoors as a great treasure are the benefactors of his labors. And so will be our children, and their children, and theirs.

John Saylor never vacillated. He was consistently for conserving what was important to our national heritage. He will be sorely missed in sober environmental councils over the 50 states.

[From the Valley News Dispatch, Oct. 30, 1973]

REPRESENTATIVE JOHN P. SAYLOR

The sudden passing of Rep. John P. Saylor of Johnstown, who represented portions of the Alle-Kiski Valley in Congress for 25 years, leaves a big void in Pennsylvania's congressional delegation.

Mr. Saylor first entered congress a quarter century ago shortly after the end of World War 2. Eventually he became the senior congressman in the state delegation and one of the nation's foremost advocates of conservation. His position on a number of important committees in the House brought him to national attention.

He was the author of the Wilderness Act, designed to save land from development and he was an early backer of antipollution legislation. He also sponsored legislation establishing the Office of Coal Research, designed to find more use for coal. He was a prime mover in the Coal Mine Health and Safety Act of 1969.

Mr. Saylor also was the senior Republican member of the House Interior Committee. He was on the Veterans Committee, the National Parks Centennial Committee and the National Forest Preservation Committee.

As a politician he managed to survive in a district where organized labor is a potent force. He was able to attract and hold votes which often go to the Democrats. That he represented his district well is attested to by the fact that he was returned to the Congress so often.

While we did not always agree with Rep. Saylor—he was hawkish on the Vietnam war, for one thing—we believe on balance he was a good congressman who will be missed.

[From the Punxsutawney Spirit, Oct. 30, 1973]

WE LOSE A FRIEND

The unexpected death Sunday of Congressman John P. Saylor, of Johnstown, was a distinct shock to residents of the Punxsutawney area.

We have lost a good friend and a benefactor of note.

Saylor was instrumental in many of the achievements of the Jefferson County area in recent years. He helped cut through the red tape in Washington to make possible the housing projects in the county and principally the urban renewal project in this city.

The senior Republican in the Pennsylvania delegation in the House of Representatives and a veteran of 25 years in Congress, Saylor was known as one of the nation's first environmentalists. He was a retired U.S. Naval Reserve captain, a 33rd degree Mason and served with distinction the 469,000 persons in the 12th District composed of Cambria, Indiana, Armstrong, Clarion and Jefferson counties.

Veterans, particularly, may miss Saylor's aid in the nation's capitol. As a senior member of the Veterans' Affairs Committee he resolutely pursued increasing benefits for the men who fought in our country's wars. In recognition of his interest in the environment he was a member of the Interior and Insular Affairs Committee, the National Forest Reservation Committee and the National Parks Centennial Commission.

But it was a man and a personal friend that John Saylor counted most to the people of this area. A regular visitor to Punxsutawney he listened to his constituents with interest and compassion. The big and the small were all the same to him.

A special election will be required to fill the vacancy created by the loss of this leader. We can only hope that area politicians will, in selecting a successor, keep in mind the qualities of John Saylor and make an effort to find a replacement who can match his standards and elicit from the constituency the same strong support he enjoyed, and rightly so.

Filling Saylor's shoes will be a man-size Job. WOC.

[From the Indiana Evening Gazette, Nov. 2, 1973]

JOHN P. SAYLOR WILL BE MISSED

No man can receive greater honor than that bestowed by his peers.

The United States House of Representatives Monday morning made that supreme tribute to our Congressman, John P. Saylor.

Following the formal announcement to the House of Representatives of Congressman Saylor's passing last Sunday in St. Luke's Hospital in Houston, more than 30 of his colleagues rose to praise the deceased as a far-sighted conservationist, an effective legislator, a respected gentleman, and a genuine friend.

Forty-four of the members of the House of Representatives were named to attend Mr. Saylor's burial services yesterday in Johnstown.

Congressman Herman T. Schneebeli, of Williamsport, who first met Mr. Saylor while they were students at Mercersburg Academy in 1924, announced the Congressman's passing and expressed sorrow at the loss of a real friend.

House Minority Leader Gerald R. Ford likened our Congressman to a Teddy Roosevelt for his qualities as an individualist and an ardent conservationist.

Among the accomplishments achieved under Congressman Saylor's leadership during 25 years in the House were the Wilderness Act and the Land and Conservation Act as well as the Office of Coal Research and the Coal Mine Health and Safety Act. He was a cosponsor of the bills to admit Alaska and Hawaii as the 49th and 50th states.

"John Saylor," Mr. Ford continued, "followed in the footsteps of such great conservationists as Gov. Gilford Pinchot and President Teddy Roosevelt."

The fallen Congressman was praised for his concern for the needs of his constituents and at the same time being acutely conscious of the national interest.

And tributes were made by more recent members of the House, citing our Congressman as the one who welcomed them with warmth and assisted them in their early days as co-members in the House.

Congressman Saylor was honored in life by receiving such acclaim as the National Wildlife Federation's Conservationist of the Year Award for 1964 and the Izaak Walton League's Founders Award in 1970.

His service to the people of the Congressional District he represented was testified to time and time again when he was the most popular vote getter in election and after election.

The recitation of his work as a Congressman is a considerable tribute.

John P. Saylor's greatest tribute, however, may well come as untold millions of Americans enjoy the facilities of nature's wonders preserved because there was a "big man" in Congress who saw the need for conservation long before the word ecology came into the public's vocabulary.

He will be missed.

[From The Cresson-Gallitzin Mainliner, Oct. 30, 1973]

A DEVOTED REPRESENTATIVE

Congressman John P. Saylor who died Sunday morning in a Texas hospital of a heart attack was an able representative who served the people of this area well.

He was always available to discuss problems of his constituents. Despite his demanding schedule at the Nation's Capitol he would take time to communicate with his electors back home.

When necessary, he made trips into cities and municipalities served by him to personally check on matters requiring action by the federal government.

In addition he was a leading proponent of conservation and took a personal interest in veterans affairs and was responsible for much legislation in these fields.

In the true tradition of American politics, Rep. Saylor was a devoted and capable servant of the people during his nearly 24 years of public service.

SERVICE WAS HIS LIFE

Although the relationship of Cambria and Somerset counties is interlocking in many areas, it was not until this year that the two were in the same congressional district—at least within the memory of most of us.

The process of redistricting created the change, and when the results of the election were tallied, John P. Saylor became this county's representative-elect.

For more than two decades this man has been a part of the Pennsylvania delegation in Congress. In the brief time that he was Somerset County's representative, residents of this area have learned that he was always ready to serve.

Congressman Saylor was vitally interested in Route 219 and did all he could to bring to fruition this highway. When the idea of developing "priority" national highways was enacted, he was a prime mover in the plan to have route 219 included in the new designation.

Although the highway has been named the North Star Way, this newspaper would like to suggest that if ever a name change is considered, that it be called the John P. Saylor highway. It is not that we dislike the present designation, but that we feel the name change would be fitting because of the interest this man had in its being built.

Among Congressman Saylor's other interests was improving the environment, and to this end he was author of the Wilderness Act of 1969.

Coal mining is an important industry in Pennsylvania's Twelfth Congressional District, so it is not surprising, that he sponsored legislation to discover more ways to make use of this form of energy, which is so abundant in this area. That same year he was a prime mover in the passage of the Coal Mine Health and Safety Act.

Long tenure in Congress is not unusual, particularly when the representative is from a district which has a majority of the party which elected him.

In Congressman Saylor's case, however, he was a Republican from a district with a Democratic majority. His devotion to serving his district was such that members of both parties supported him, for they knew that he was a good man to represent them in Washington.

These words from President Nixon to Mrs. Saylor tell us why this unique situation developed: "His Pennsylvania constituents came to trust him implicitly for faithful representation of their interests and needs and we in Washington to count on him for unflagging legislative responsibility, independence and integrity."

No matter how efficient his successor may be, the fact remains that much time must pass before Somerset County will have a representative in Washington with as great an influence as we had prior to the time Congressman Saylor answered his last roll call.

At a critical time like this, his voice is needed, but instead of spending much time on our regrets about his departing this life, let us offer a word of thanks for the many years of service he rendered to those who were his constituents.

Mr. YATRON. Mr. Speaker, indeed today is a day of deep sorrow and grief, not only for those of us who had the privilege to serve with this great man in Congress, the Honorable JOHN P. SAYLOR, but also to the people of Pennsylvania and the Nation. For, the death of my friend and colleague, Congressman SAYLOR, marks the end of a distinguished career for one of America's truly great public servants.

Throughout a lifetime of dedicated service to his constituents, JOHN was an outstanding Member of Congress whose unwavering friendship and solid advice will always be treasured as much by me as any of those whose lives he touched during his 34 years of service in Washington. His legislative efforts in the fields of conservation, coal mine health and safety, and aid to the American Indian will forever remain as landmarks to progress in the Nation's history.

Today, as we celebrate his life and mourn his death, it is incumbent upon all of us to review with the deepest respect his many fine qualities, his years of service, his advice, friendship, diligent work, and unparalleled wit which characterized so well the life and memory of JOHN SAYLOR. He will certainly be missed in the House of Representatives, in our State of Pennsylvania and in his hometown of Johnstown.

Mr. Speaker, my wife, Millie, and I join the Congress of the United States and thousands of our fellow Americans in extending our deepest sympathy to JOHN's wife, Grace, his son, John P. Saylor, Jr., and his daughter, Susan.

Mr. SARASIN. Mr. Speaker, I join my colleagues in paying respect to the memory of JOHN PHILLIPS SAYLOR and extending my sympathies to Mrs. Saylor, his children John and Susan and his two grandchildren.

Those passing through the halls of the Rayburn House Office Building and those of us meeting in the House Chamber will definitely notice the absence of the congenial Representative from Pennsylvania. Those of us on the Hill will miss his quick wit and friendly presence, while those who did not have the opportunity to know him personally will miss the fruits of his legislative labors. All who have been involved in environmental affairs have heard mention of Representative SAYLOR, who coauthored the Wilderness Act as well as the Land and Water Conservation Act, and who was instrumental in the establishment of the Piscataway Park near George Washington's Mount Vernon residence.

Americans who have benefited directly from the work of Representative SAYLOR run the gamut from coal miners in Appalachia to American Indians in New Mexico, and of course residents of Alaska and Hawaii owe him thanks, as he was a prime factor in the drafting and passage of legislation calling for their statehood.

I consider it my good fortune to have served in the 93d Congress with Representative SAYLOR, and I appreciated the opportunity of working with him earlier this year during private pension reform hearings in Pittsburgh conducted by the General Labor Subcommittee of the House Committee on Education and Labor. I am certain that all Americans, particularly those of Pennsylvania, consider it most advantageous to have been so ably represented since 1949. We will miss him, but we will not forget the invaluable contributions he made to our Nation.

Mr. SIKES. Mr. Speaker, again I join with my distinguished friend, the gentleman from Pennsylvania, and other colleagues in expressing my sincere regrets at the untimely death of our beloved colleague, JOHN SAYLOR.

JOHN was a man who was truly outstanding in every sense of the word. He was a good Congressman in the best sense of the word. He was a man whose work will live on for many years to come, because he contributed greatly to the important and the enduring accomplishments of the Congress.

It was my privilege to share his friendship and to know him well during the entire period of his service here. I admired him greatly, and I, too, shall miss him very much. I knew the color and drama of his personality as well as the outstanding qualities and capabilities he possessed, both as a person and as a legislator. He was the living symbol of the quality of endurance, of ruggedness and forthright honesty, and of legislative leadership.

Representative SAYLOR was a leading conservationist and the ranking minority member of the House Interior and Insular Affairs Committee. We have heard from the distinguished chairman of that committee, the gentleman from Florida (Mr. HALEY) of his great dependence on the keen intellect, the sound judgment and the legislative ability of Mr. SAYLOR in the work of that committee. Many years before the issues of conservation, natural resources, and environmental quality came to be fashionable, Representative SAYLOR was helping to shape wide national policies for these vital concerns. The coauthor of such bills as statehood for Alaska and Hawaii, the Wilderness Act, and the Land and Water Conservation Act, Congressman SAYLOR also had pushed for benefits for coal miners and the American Indian.

He played an important role in the establishment of the C. & O. Canal National Park and the Piscataway Park in Maryland, across the river from Mount Vernon. Recently he was instrumental in the approval of legislation to restore and maintain the deteriorated Congressional Cemetery, where many Members of earlier Congresses and other notables of early America are buried.

Congressman SAYLOR was also a member of the House Veterans Committee and he was well versed in matters pertaining to veterans' affairs. He was one of the original members of the 1976 Bicentennial Commission, but had to give up his work because of the press of other duties. Nevertheless, he continued his strong support of the Commission for he very much wanted to see a creditable celebration in 1976.

For good reason his Pennsylvania constituents trusted him implicitly for faithful representation of their interests and needs, but his contributions was national in their scope. The House has lost one of its ablest and most respected Members.

My sympathy and my prayers are with Mrs. Saylor, and their family in their bereavement.

Mr. CRONIN. Mr. Speaker, I first worked with JOHN SAYLOR when I came to Congress last January. I went to Mr. SAYLOR, who was a member of the Committee on Committees trying to get his support for the committee assignment of my choice. He convinced me that with my background I should serve on the House Committee on Interior and Insular Affairs. He was most convincing and I agreed that Interior was indeed a better choice.

As time went on I found that the assignment was to provide me with the invaluable experience of working with one of the most dedicated men on Capitol Hill. As ranking member of the House Interior Committee, Congressman SAYLOR was not only a fine teacher of the intricacies of the Interior jurisdiction, but also provided the fatherly advice essential to the survival of any freshman. In the short period of our association JOHN SAYLOR helped me over the unpredictable course of my first months, he smoothed my rough edges, and probably saved my learning many lessons the hard way. He has taught me not only the lessons of the Hill, but also lessons of humanity that I shall always appreciate.

I offer at this time a tribute not only to a respected and capable Member of the U.S. House of Representatives, but also to a colleague whose many contributions to our committee and the Congress will be missed.

Mr. SEIBERLING. Mr. Speaker, the death of Congressman JOHN SAYLOR saddens all of us. As a new member of the House Committee on Interior and Insular Affairs, I found Mr. SAYLOR to be an outstanding example of what one person can do to help preserve the environmental quality of our country. He was a leader in conservation legislation. But, more than that, he was a leader in how to get things done. He was a man of vision and a man of action. He saw the need in our country for wilderness and he coauthored the bill to preserve it. He saw the need for outdoor recreation for our people, and he helped create the Land and Water Conservation Fund to assist in providing it. His interests were never parochial—he worked to preserve our country's heritage for all of the people and for our future generations.

Those of us who worked with Mr. SAYLOR on the House Interior Committee will miss his wit and wisdom, his wonderful way of punctuating a fierce fight with a gentle barb. I admired him professionally and liked him personally. His career was heroic; his achievements monumental.

Mr. SAYLOR's legacy is his legislation. His memorial is in the parks and wilderness areas of our country—and in the minds of those who knew him.

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to join with my colleagues today in paying respect to JOHN SAYLOR, whose untimely death has robbed us, and the Nation, of an outstanding public servant.

Congressman SAYLOR was held in universal high regard on both sides of the aisle. He was knowledgeable and personable, and had a well-deserved reputation for "doing his homework" on legislation before the House. He understood the workings of Congress, and he had a tremendous grasp of the legislative process.

His contituents, and the entire State of Pennsylvania, have lost a legislator who represented them with devotion and skill. His leadership in the cause of conservation dated back many years, before it became a popular issue. Every American who loves the outdoors owes a debt to Congressman SAYLOR, who dedicated himself to preserving the natural beauty of our land.

I extend my deep sympathy to John's wife and children, and to his host of friends, in their bereavement. I know their grief is tempered by the knowledge that he enjoyed a long and fruitful life.

Mr. ICHORD. Mr. Speaker, with the passing of JOHN SAYLOR, this body, the Commonwealth of Pennsylvania, and this Nation, lost a man of unparalleled personal and leadership qualities.

JOHN was a man of compassion, goodwill, and foresight. As a ranking minority member of the House Interior Committee, he led the Nation for a number of years in the fight to preserve our country's environment. He was known as Mr. Conservation and received a number of conservation awards for his fine efforts including the Conservationist of the Year Award from the National Wildlife Federation in 1964 and the Founders Award of the Izaak Walton League of America in 1970. JOHN played a leading role in enacting the Wilderness Act, the Land and Water Conservation Fund Act, and many other pieces of conservation and environmental legislation which today protects our forests, waters, and wildlife. He also assisted in establishing numerous national parks across this Nation and his service on the National Forest Preservation Commission and the National Parks Centennial Commission will remain as a lasting tribute to JOHN's hard work and deep concern for the environment.

JOHN's able leadership and legislative talents went far beyond the environment. As a member of the Veterans' Affairs Committee, he worked for national cemeteries for veterans and expanded medical care for veterans. JOHN himself ably served this Nation in World War II. The first American flag given to the marines at Iwo Jima, now memorialized in the Iwo Jima statue near Arlington Cemetery, was given to those marines by JOHN SAYLOR.

JOHN's mastery and knowledge of a variety of legislative issues was always impressive. In addition to his deep concern for the environment and veterans affairs, JOHN cosponsored the legislation establishing statehood for Alaska and Hawaii; worked long and hard for coal mine safety; deeply involved himself in Indian affairs; and was instrumental in including significant amendments to the Alaska pipeline bill.

Mr. Speaker, JOHN SAYLOR will be sorely missed by this body, and I join with many other Members of the House in extending my deepest personal regret at his death to his family and to his State of Pennsylvania.

Mr. HAMMERSCHMIDT. Mr. Speaker, I was shocked and saddened to learn of the untimely death of my good friend and colleague, JOHN SAYLOR.

As John and I pursued our common goal of perfecting a sound structure of veterans benefits as members of the Committee on Veterans' Affairs, I came to know him well. I have profited from his wisdom and experience. I have been enriched by his humaneness.

Those who knew John Saylor as the ranking Republican member of the Committee on Interior have recalled his ardent interest in ecology and the environment. He has been called Mr. Conservationist by those who are familiar with his leadership in this important field.

Those who are familiar with his efforts on behalf of the Nation's veterans know that John Saylor could well have been called Mr. Veteran. His aggressive articulation of his views made him a most effective champion of the veterans benefit program.

His efforts on behalf of the Nation's veterans have long been recognized by the major veterans organizations. Just a short time ago, the AMVETS presented their coveted Silver Helmet Award to John Saylor as the Member of Congress who had contributed most to the welfare of veterans. This award was richly deserved.

Mr. Speaker, the Nation's veterans have lost a great advocate, the Congress and the people of Pennsylvania's 12th District share the loss of a dedicated Representative and I have lost a dear friend.

To Mrs. Saylor and their children, I extend my heartfelt sympathy in their bereavement.

Mr. QUIE. Mr. Speaker, the House of Representatives will not be the same without our respected colleague, John Saylor. It was my good fortune to know John and to work with him on a number of legislative matters pertaining to conservation and natural resources.

Whenever one thought of a conservation issue, the next question was how did John Saylor feel about it. His opinion was widely respected. He was always in the forefront of those seeking better conservation practices and the enlargement of those lands set aside for future generations to enjoy.

His honesty, forthrightness and devotion to the causes he believed in are certainly worthy of emulation.

Mr. ARMSTRONG. Mr. Speaker, in a most literal sense, John Saylor was a leader—a man ahead of his time.

When he came to Washington, he was concerned with conservation, wilderness, and responsible land use and land policies. That was in 1949—long before the environment became the popular, sweeping movement it is today.

I would simply like to say that he was a man who did what he believed in, and believed in what he did. He was a man who could deal with the complexities of public land law.

I regret time did not allow me to be more than a brief acquaintance of such a man.

Mr. MONTGOMERY. Mr. Speaker, I commend my colleague, Congressman Schneebeli, for securing this time today in order that we might pay tribute to our departed friend and colleague, John Saylor.

John is probably best remembered for his outstanding contributions to the field of conservation in America. However, I will remember him best for his very sincere interest in our veterans. I had the privilege of serving with him on the House Committee on Veterans' Affairs and we also served on three of the same subcommittees. John Saylor always exhibited a deep and abiding concern for our veterans and always wanted to make certain that we were doing everything possible as a nation to benefit our former servicemen. During the height of the Vietnam war he joined with other members of the committee in an attempt to update our veterans laws in order to make sure that when these servicemen and women returned home they would receive the benefits to which they were entitled.

Mr. Speaker, I will miss John Saylor's leadership on the Veterans' Affairs Committee, but most of all I will miss him as a friend and adviser.

Mr. MATHIAS of California. Mr. Speaker, it is with deep sorrow that I join with my colleagues in paying tribute to John P. Saylor, one of the finest Members of the House of Representatives. He was a dedicated and conscientious Congressman who labored tirelessly to serve the people in his district and the Nation as a whole.

As one of the Nation's foremost conservationists, he helped to awaken the Nation to the need for conservation and was instrumental in leading the Congress to enact laws to protect and conserve our limited natural resources. He helped to lay the groundwork for the progress we are now making to protect the environment. All Americans owe John Saylor a vote of thanks for his leadership and dedication.

John Saylor will be remembered not only for his accomplishments in environmental matters but also for his compassionate concern for the welfare and security of all Americans.

My wife, Melba, and I extend our deepest sympathies to the Saylor family in their hour of sadness.

Mr. ZWACH. Mr. Speaker, conservation lost one of its brightest lights in the untimely and universally mourned death of the good friend of all mankind, Congressman John P. Saylor, ranking member of the House Committee on Interior and Insular Affairs.

It was my privilege to sit and work with him on the Veterans Affairs' Committee. He was far-sighted and dedicated to the needs of those who served their country.

But more than that, John Saylor was a conservationist of the highest order.

He spoke, practiced, and originated legislation for conservation, for the preservation of our natural resources, and recreational opportunities before some of today's vocal activists were born.

He has never relaxed his efforts nor surrendered his leadership.

As a mark of his effectiveness and the esteem with which he was regarded by his fellowmen, he was most justly named "Conservationist of the Year" by the National Wildlife Foundation in 1964.

I will miss the leadership and wise counsel of John Saylor. My colleagues, our Nation, and our entire planet will feel the loss of his passing.

Mr. GINN. Mr. Speaker, although this is my first year as a Member of Congress, in the short time that I was associated with John Saylor, I came to know him as a gentleman who had great love and respect for his country, family, colleagues, and all matters related with his work in Congress.

With the passing of John Saylor, it is a loss to us all because of the characteristics of hard work and genuine personal warmth which he possessed. His concern for the welfare of his constituents and his fellow Americans will be remembered by all of us in the House. The work and dedication which Congressman Saylor exhibited toward Interior and Insular Affairs has been progressive for all Americans concerned with adequate reccreational areas and the preservation of our natural resources. Conservation was a subject very near to John Saylor's work and very dear to his heart.

Throughout his life he was honored publicily for his unselfish work toward causes be believed in. Personally, I also respected his determination to do his best for the people of the 12th Congressional District of Pennsylvania and the citizens of our Nation. Today, I join with my colleagues in mourning his loss from our presence.

Mr. BOLAND. Mr. Speaker, the American people have lost a truly foresighted legislator with the passing of our respected colleague, John P. Saylor of Pennsylvania.

His constituents from the 12th congressional district will discover it a difficult task finding a man of his caliber and vigor to represent them in the House.

We who were his friends and fellow Members will remember with pleasure his wit and sound advice but feel his loss keenly for the absence of a sage and able intellect in our midst.

John Saylor was one of the few men who saw quite early the importance of preserving our wild and untouched lands against the erosion of commercial expansion.

He was the coauthor of the Wilderness Act, the Land and Water Conservation Act, and sponsored numerous other legislative initiatives to preserve and protect the untamed beauty of our natural resources.

He will also be remembered for his untiring efforts on behalf of veterans and for his compassion for miners and American Indians.

In fact, the aggressive, commonsense approach that this rugged American applied to all he did won him the respect of all those with whom he came into contact.

John Saylor served in Congress for nearly 25 years.

He served the Nation, his district and his colleagues in a manner which will bring everlasting credit to his name.

From this time onward his service will offer a model for those who will follow him and, in these troubled times, those whom he has left behind to pick up the fights that he fought.

Mrs. Boland and I wish to extend our

deep and heartfelt sympathies to Mrs. Saylor and her children during this time of sorrow.

Mr. FLYNT. Mr. Speaker, I join my colleagues in paying tribute to the memory of my friend and colleague, the Honorable John P. Saylor, late a Representative from Pennsylvania. In his more than 24 years in the House of Representatives, he gave to his constituents and our country dedicated and distinguished service.

John, in his concern and devotion to the American people, exemplified the model of the sincere, dedicated and conscientious public servant. Throughout his 24 years as a Member of this body, he continued his courageous drive for the betterment of the American people and the American way of life. This Nation is certainly a better place and our land and waters are in a cleaner and better condition today than they would have been without the knowledge and effective work of Representative Saylor.

He was a man of profound convictions and represented his district and the Commonwealth of Pennsylvania admirably. John earned and deserved the admiration and respect of all of us who served in the House of Representatives with him. He will be missed by the people of his district, his State, and his colleagues in the Congress.

To his wife and children, my family joins me in extending our condolences and heartfelt sympathy.

Mr. YOUNG of Florida. Mr. Speaker, I join with my colleagues in this tribute to the late John P. Saylor with a deep sense of sorrow and loss. The House has lost one of its finest Members, and millions of Americans have lost a hard-working champion of conservation.

In more than 20 years in the House, John worked hard and effectively to preserve our Nation's wilderness lands for future generations of Americans. He devoted himself to the environment long before it became a popular cause throughout the Nation, opposing massive public works projects which would have defaced great scenic treasures, and writing such landmark conservation measures as the Wilderness Act and the Land and Water Conservation Fund laws. He was the first Member of the House to win the National Parks Association award for distinguished service on behalf of national parks and monuments, and he was also honored with top awards by the National Wildlife Federation and the Izaak Walton League. There is not a State in the Union whose residents have not benefited from Representative Saylor's efforts as ranking Republican on the House Interior and Insular Affairs Committee.

Less known but equally effective were his activities on behalf of the miners of his district and the veterans of our Armed Forces. He sponsored legislation establishing the Office of Coal Research and was a leading supporter of the Coal Mine Health and Safety Act. Many veterans organizations have praised him for his service on the House Veterans Affairs Committee in helping to obtain increased benefits for war veterans.

Those of us in the House who had the privilege of working with John Saylor will long remember the expertise and dedication which served as an example to us all. And throughout America stand living memorials to his presence—the parks, wilderness areas, and scenic wonders which he loved and fought so hard to preserve.

Mr. CAMP. Mr. Speaker, I was shocked and saddened by the sudden, tragic death of my friend and colleague, John P. Saylor.

As a member of the House Committee on Interior and Insular Affairs, I had the privilege of working with John closely for the 5 years I have been in Congress. That he was an intelligent and effective Member of Congress goes without saying; he was an expert legislator, highly respected in the House and consistently looked to for guidance and expertise on matters relating to the conservation of our natural resources.

More than that, though, John was a warm, fine human being whom I was proud to call a friend. I was one of the Members who flew to Johnstown to attend John's funeral and offer the last respects of the House, only to be prevented from landing due to poor weather conditions. As the plane circled and we hoped for an opportunity to set down, our thoughts naturally turned to John Saylor. Though the occasion was a tragic one, we could not help but be heartened by considering his probable reaction to such a predicament. There was no question but that John would have had us all in high spirits.

John Saylor was a good man, large of stature, large of heart. He loved and served well his country and his countrymen and I believe that this love was returned.

To his wife, Grace, his daughter, Susan, and his son, J. Phillips III, I offer my heart felt condolences. We will all miss John greatly.

Mr. DELLENBACK. Mr. Speaker, it was with deep sorrow and great regret that I learned of the untimely death of our colleague from Pennsylvania, John Saylor. For the past 3 years it has been my pleasure to serve with him on the Interior Committee and in that time I came to appreciate him as a person and his effectiveness as a legislator. It was in his position of ranking minority member of this committee that he made some of his greatest contributions to the law of the land, including cosponsorship of the Wilderness Act and of the Land and Water Conservation Act.

I came to appreciate particularly keenly both his knowledge of conservation issues and his willingness to fight for the principles in which he believed when we worked together recently in committee on the Alaskan pipeline bill. His support of some of my proposed amendments in subcommittee, in full committee, and in the conference committee was instrumental in achieving the inclusion of significant parts of them in the final reported version of the legislation.

It is indeed a major loss for the Congress when it loses a Member like John. He was extremely knowledgeable and dedicated and was also able to maintain a sense of humor. I regret the death of our able colleague and offer my deepest sympathy to his family.

Mr. VANDER JAGT. Mr. Speaker, John Saylor was a great man who spent his life in service to others.

We all know of John's leadership in the field of conservation and of his endeavors to protect the Nation's scenic and natural resources. But in doing so, he looked first and foremost to the needs of the 12th District of Pennsylvania.

The Reverend Regis H. O'Brien, TOR, of St. Francis Seminary, Loretto, Pa., a long-time personal friend of our late colleagues, in delivering the funeral eulogy, in my mind expressed so accurately the feelings of all of us.

Referring to John's stature, he said, "the greatest tribute that could be paid to John is that his heart was as big as his frame."

"John Saylor," he said, "was a great man who achieved national and even international fame." The priest said our colleague was unique in politics because "he made no empty promises and took the utmost steps to secure that which he promised. His career could be described in one word—impeccable."

The grief of his devoted wife Grace, and of Phillips and Susan, is shared by all of us who had the privilege of knowing and working with John. May our profound respect for his memory sustain and comfort them in their great loss.

Mr. ROYBAL. Mr. Speaker, it is with a deep sense of personal loss that we take note of the passing of our friend and former colleague, the late John P. Saylor.

John Saylor served in the House for more than two decades and, during this time, he continually proved himself a dedicated representative both for the interests of his constituency in Pennsylvania and the Nation as a whole. As a freshman congressman, I had the privilege of serving with him on the Interior Committee and recall my high regard for his avid interest in the area of conservation, long before it had come to the fore as a matter of public concern.

John Saylor will long be remembered as one of our outstanding congressmen—one who brought to his office a wisdom and judgment that distinguished his career in the House of Representatives. To his family and friends I extend my sincere sympathy and condolences.

Mr. SMITH of Iowa. Mr. Speaker, I want to join with my colleagues today in paying tribute to the memory of our distinguished colleague from Pennsylvania, the late Honorable John P. Saylor. I speak with sadness of the shocking loss his death has been to me personally, as well as to his family and friends, and all those who have known and worked with John in these past years. It would be repetitious to cite the many, many instances when he has displayed creative leadership in the House, and his contributions in the field of conservation and the environment are of inestimable value to our Nation. Indeed, the Nation suffers when it loses such a man—a man whose imprint will be long felt across the land.

I feel very fortunate to have known John for more than 15 years, and to work with him. His memory will serve as an inspiration for many years to come.

My family and I extend our deepest sympathy to his wife and loved ones. JOHN P. SAYLOR will be deeply missed, for the House has lost a truly dedicated servant, a great man.

Mr. BROWN of Ohio. Mr. Speaker, all of us of this House are deeply saddened at the passing of our distinguished colleague, JOHN SAYLOR. For 24 years he has been faithful in the service of his country, devoting all his talents and energies to the competent fulfillment of his duties. It has been a distinct privilege to serve with him these several years in the House of Representatives. Mr. SAYLOR distinguished himself as the ranking member of the Committee on Interior and Insular Affairs, as well as a member of the Veterans' Affairs Committee. His presence on these committees and in this legislative body will be very much missed.

I extend to his family, friends and constituents my deepest sympathy. May they derive some consolation from the knowledge that their loss is shared by many friends and acquaintances.

Mrs. HANSEN of Washington. Mr. Speaker, today I join my colleagues in paying tribute to our very distinguished fellow Congressman, JOHN SAYLOR of Pennsylvania.

I had the privilege and pleasure of serving with Congressman SAYLOR on the Interior Authorizing Committee for 2 years and in the years following when he served on the Interior Appropriations Committee.

I was particularly pleased in having the advice, counsel, and good judgment of Congressman SAYLOR many times. He was an outstanding Member of this House, an outstanding public official, and his service to the Nation in the fields of conservation and resource management will be a permanent part of our national structure.

All Americans have lost a great citizen and worker for them. My deepest and sincerest sympathy to his charming widow and to the State of Pennsylvania for the loss of our very beloved friend.

Mr. CLEVELAND. Mr. Speaker, I wish to join today in tribute to JOHN SAYLOR, Member of Congress and friend. His death represents a personal loss and creates a great void in this body whose stature he enhanced by his service to the Nation.

JOHN SAYLOR had all the attributes of legislative leadership. He had the vision and informed concern which led him to espouse the cause of the environment long before it became fashionable. With these he combined a grasp of the facts, determination, and persuasive powers—rooted in the respect in which he was held by his colleagues—to see this concern translated into concrete accomplishment.

Thus he helped shape such legislative landmarks as the land and water conservation fund, the Office of Coal Research, the Wilderness Act, the Coal Mine Health and Safety Act, and a number of other measures dealing with conservation and the environment over the years.

He was the first Member of Congress to receive the National Parks Association Award, in 1954, and in 1958 was the first recipient of the National Conservation Award from six leading conservation organizations. In the years since he has been honored by such organizations as the National Wildlife Federation, the Izaak Walton League, and the Sierra Club.

I shall always value my recollections of working with JOHN in efforts ranging from legislation to project endangered wildlife species to the fight to retain user fees for recreational facilities on federally owned land. We lost that last one, but I understand that shortly before his death JOHN was preparing to reintroduce legislation to continue that fight.

Recognition accorded JOHN by the National Federation of Independent Business for his espousal of economy in government and by Americans for Constitutional Action demonstrates that his brand of conservationist convictions is wholly in keeping with conservatism.

The same may be said for his warmth as a person, and the compassion which he brought to his duties on the Committee on Veterans' Affairs, which also brought him due recognition.

JOHN also was keenly aware of the need for reforms in this body, and was unrelenting in his insistence that legislative committees be given a fair share of competent staff responsible to the minority.

Several Members have already spoken in the days since JOHN's death of his spirit of cooperation. I shall always recall with gratitude his willingness to travel at great inconvenience to Colebrook, N.H., and deliver a speech to a conservation group, at the request of this Member, so junior to him in terms of service. This readiness on the part of a senior Member to exert himself to lend assistance and encouragement to a newer Member was a source of warm regard JOHN could inspire.

Mr. Speaker, at the time President Nixon nominated GERALD FORD to the post of Vice President, I hailed that action as a most worthy choice. At the same time, I took that occasion to remark that it represented a too-rare instance of recognition of the capabilities and capacity for service among some career Members of the House. Too seldom is the attention of the Nation at large directed to our more outstanding Members, unless association with controversy thrusts them into the limelight. The works of the JOHN SAYLORS among us thus too often go unrecognized by the general public.

But those who record the real contributions of the two and a half decades he served in the Congress will mark his accomplishments. JOHN SAYLOR has honored his constituency, the Congress, and the country by his achievements.

Mrs. SULLIVAN. Mr. Speaker, the late Congressman JOHN SAYLOR of Pennsylvania was not only one of the most respected Members of the House of Representatives, he was also one of the most popular Members of this body because he was, above all, a fine and decent and warm-hearted human being.

He was generally regarded as one of the outstanding conservationists in the House, even before he became ranking minority member of the Committee on Interior and Insular Affairs. As chairman of the House Committee on Merchant Marine and Fisheries, which also has responsibility for much conservation legislation, I frequently consulted with JOHN SAYLOR on such issues, along, of course, with the Merchant Marine Committee's own legislative star in this field, Congressman JOHN D. DINGELL of Michigan.

But I will remember JOHN SAYLOR in many, many other ways as well—primarily as a man of deep humanitarian attitudes who had the courage to take strong and forthright and completely independent positions on legislation intended to help the poor and jobless and the disadvantaged people of his District and of this whole country. When it came to a choice between party regularity and human values—as it frequently did during the years that JOHN SAYLOR was in the House—he could usually be found voting for legislation to help those who most needed help, because he was acutely aware of the problems of the aged, the sick, the jobless and the helpless.

I shall never forget the day in 1957 when JOHN SAYLOR was the only Republican Member of the House of Representatives to vote on a crucial teller vote in support of a food stamp amendment I had offered to a pending agricultural bill, the first time this issue ever came to a vote in the House. Interestingly enough, it was JOHN SAYLOR's fellow conservationist, Congressman JOHN DINGELL, who "bent" the House rules just a bit that day to make a speech commenting on JOHN SAYLOR's lonely and courageous action as the only Republican to go through the line on tellers to vote in favor of a food stamp program. As the Members know, teller votes were not recorded in those days, and much good legislation could be killed in Committee of the Whole House on the State of the Union on anonymously cast teller votes.

JOHN SAYLOR not only voted for food stamp legislation in the days when every other member of his party in the House was opposing it, but he joined me in testifying before the House Agriculture Committee, which was generally hostile to the idea in those days, and he spoke on the House floor for my food stamp bill when it was defeated in 1958 and passed in 1959, and again in 1964 when the present program was finally authorized by law.

Prior to the enactment of the Food Stamp Act of 1964, President John F. Kennedy and Secretary of Agriculture Orville L. Freeman, in 1961, at my urging, instituted a small number of test food stamp projects; and, when this program began to prove its value and was expanded into other areas of the country, still on a pilot project basis, I was delighted to join JOHN SAYLOR in urging the White House and the Department of Agriculture to include the Johnstown, Pa., area of Mr. SAYLOR's district among the tests projects. And after watching this program in operation in his district, Congressman SAYLOR went before the Agriculture Committee and later before the House to describe in eloquent terms the differences in the effectiveness of food assistance when given under the food stamp program compared to the then widespread program of direct distribution of some surplus foods, such as powdered eggs and dried milk and canned lard and dried beans and an occasional tin of canned beef and gravy, and so on.

In later years, JOHN SAYLOR joined me in criticism of abuses which were often winked at under the program, and legislation which sought to turn the food stamp program into a substitute for adequate social welfare programs. He was softhearted but hardheaded, and a bitter foe of cheating and waste. And I admired him for that, too.

I shall miss a good friend and a conscientious public servant, a man we were privileged to have as a colleague.

Mr. MANN. Mr. Speaker, the sudden death of our friend and colleague, JOHN PHILLIPS SAYLOR, distinguished Representative from the State of Pennsylvania, has saddened us all and left a place in the House of Representatives that will be hard to fill.

JOHN will be remembered as "Mr. Conservation," as one of the leaders of an environmental movement the importance of which most of us were not as quick as he to recognize. As ranking minority member of the House Interior and Insular Affairs Committee, JOHN put long hours and dedicated effort into the Land and Water Conservation Fund Act, the Wilderness Act, and the preservation of national parks, including Piscataway Park in Maryland. The beauty of the land he helped to protect will be an appropriate memorial to him.

As a member of the Veterans' Affairs Committee, JOHN pushed through legislation providing national cemeteries and medical care for veterans. He also fervently supported the rights of the American Indians and Alaskan Natives, and was instrumental in the passage of the Coal Mine Health and Safety Act.

There is never enough time to do the things we want to do once we find them. But JOHN SAYLOR managed to accomplish more in his lifetime than many of us ever can, and I am grateful for the legacy he left us.

Mr. DE LA GARZA. Mr. Speaker, the loss of this House in the passing of JOHN PHILLIPS SAYLOR is a personal loss to me as to many other Members.

JOHN SAYLOR was my friend. He liked south Texas, the area I represent. He liked the people from my district who visited me here. He liked the deer head mounted in my office, although he was given to sly suggestions that if he had shot the deer it no doubt would have been a bigger one. And it probably would have been.

JOHN SAYLOR thought big. He was a big man—not only physically but also in his understanding of other people and their problems and concerns. As ranking minority member of the Committee on Interior and Insular Affairs, he often used his position to assist me in my efforts to bring about the construction of needed reclamation projects in my district. He was a tower of strength in helping handle legislation of great importance to the people of south Texas.

Before I came to Congress, where my friend had served since 1949, he had much to do with enactment of the small reclamation projects legislation during President Eisenhower's administration. This legislation has been a great boon to my area, as I told JOHN SAYLOR after I came here and knew him.

This was a man who made a tremendous contribution to his country, his good work extending far beyond the Pennsylvania district he represented so outstandingly. I miss JOHN SAYLOR and will always remember him as a good friend and a forceful legislator.

Mr. CONTE. Mr. Speaker, the untimely death of our beloved colleague JOHN P. SAYLOR has plunged us all into a darkness of spirit.

Long before "ecology" became a household word, JOHN SAYLOR was stepping to the tune of the different drummer that he heard, warning us of the wrong we did to our land in the name of progress.

It was my pleasure to put my shoulder behind many pieces of legislation sponsored by JOHN SAYLOR. Then, with shoulder to shoulder we fought many a legislative battle together.

Imbued with a deep sense of purpose and dedication, he was a "force" to be reckoned with as the ranking Republican member of the House Interior and Insular Affairs Committee. His hand was evident in every piece of legislation emerging from that committee.

The environment was only one of the concerns to which JOHN SAYLOR lent his great talents and boundless energy. Helping our Nation's veterans was another cause close to his heart. As one who shared his deep and abiding interest in assisting those who gave so much when called to the service of their country, I can only say, with profound sadness, that a strong voice on behalf of our former military men and women has been stilled with his death.

JOHN SAYLOR's hard work in those two areas and others was noted and appreciated. He was widely honored and cited. But nowhere was his dedication more greatly appreciated than in the 12th Congressional District of Pennsylvania where his constituents mourn his passing. There, as here in this Chamber, his loss is deeply felt.

At this time, I join with my colleagues in extending my deepest sympathy and that of my wife, Corinne, to JOHN's wife, Grace, and their children John and Susan, and the rest of the Saylor family.

Mr. BINGHAM. Mr. Speaker, at a time in American history when so many dedicated and talented people are needed to provide leadership and inspiration we can ill afford to lose men such as Congressman JOHN SAYLOR on the Committee on Interior and Insular Affairs in the 89th Congress and again in the 93d. His leadership on conservation matters was an inspiration to all of us on the committee. Moreover, his great fund of knowledge in the areas within the committee's jurisdiction was of enormous help to the less well informed members.

JOHN SAYLOR would have provided great wisdom to the Congress in the difficult decisions we now face, weighing the need to protect our environment against the exigencies of an energy shortage.

In short, JOHN SAYLOR will be sorely missed in the Committee on Interior and Insular Affairs and in the House itself.

Mr. FREY. Mr. Speaker, I had the pleasure to know the gentleman from Pennsylvania, JOHN SAYLOR, for the last 5 years. I admired and respected him greatly as did all Members of the House. His leadership in many areas—especially that of environment—set high marks for all of us. The legislation that he brought about will be a living memory to his ability, his dedication and the great respect with which all Members regarded him.

However, there was another side to the gentleman from Pennsylvania. As a younger Member, he appeared extremely gruff and hard-bitten to me. At first, I tended to shy away from him, not being certain as to his reactions. One day riding over in the subway I was smoking a cigar. The wind caught the ash and of all things, it landed on a new pair of double-knit trousers that JOHN was wearing. For a while I thought that my world was coming to an end. After much apologies, including a written letter to JOHN and an offer to get him a new pair of pants, I learned that there was indeed another side to the gentleman from Pennsylvania. He was gracious, kind, and had a wonderful sense of humor. Many times after that incident he would kid me about my nickel cigars and ask me if I was working for the garment industry. I learned, as many other younger Members had learned, that this was a true gentleman, a man who would fight for what he believed in but also someone who was very human.

All of us have lost a wonderful friend and a great Congressman. I am sure most of us in the Congress only hope that we can be half as well respected and half as well liked as the gentleman from Pennsylvania, JOHN SAYLOR. Marcia and I send our thoughts and prayers to his family.

Mr. GUYER. Mr. Speaker, I am certain there is a feeling of great regret and deep sorrow in the hearts of every Member of this body due to the untimely death of our dear friend and colleague, JOHN SAYLOR.

My deepest regret is that I did not get to know JOHN better in my short time here in Congress.

JOHN SAYLOR spent nearly a quarter of a century in service to his country. He will always be remembered as a distinguished legislator, an ardent conservationist, a prophetic innovator, a community stalwart, and a fine American.

The Statehood of Alaska will be his abiding memorial. His vision was great, his labors were unselfish and his dedication was complete. Such a man always stands tall in the eyes of his fellow Americans and such a man never dies.

Mr. UDALL. Mr. Speaker, JOHN SAYLOR is gone, but the influence of his wisdom and character on this country will be felt for decades to come.

It was my good fortune to be his friend, and to fight at his side in most of the major environmental battles of our time. The last time we shook hands was the week before his death; we had just finished the final meeting of the conference committee to decide the fate of the Alaska pipeline controversy.

In that meeting, as in every other he attended, he was a dominant and powerful presence. He had a direct—if sometimes salty—way of expressing himself; no one ever doubted where John Saylor stood. And he had a sense of irony and a natural wit which was a joy to experience. He could make his point with wit and occasionally biting humor. In his hands these were powerful weapons.

History will surely mark the 1960's as the time America awoke to the ravages to the environment. And when future generations list the men and women who led that awakening, John Saylor's name will be one of those at the top. Consider the landmark legislation of that time; the Land, Water and Conservation Act, the Water Quality Act of 1965, the Clean Air Act of 1963, the Clean Water Restoration Act of 1966, Clean Air Amendments and Solid Waste Disposal Act of 1965, the Air Quality Act of 1967, Wild and Scenic Rivers Act, the list of major measures in the fields of conservation and environment goes on and on, and John Saylor was a major sponsor of most of them.

John Saylor was no armchair sportsman. He loved the outdoors and liked nothing better than to enjoy firsthand the streams and woods he sought to save for future generations.

He possessed legislative skills, a keen legal mind and an ability to find compromise that could move an important bill forward when stalemate threatened. He was truly one of the finest legislators of this era.

This country owes John Saylor a great debt for his devoted public service. He leaves behind a tremendous legacy in the wilderness he worked so hard to preserve.

Mr. GOLDWATER. Mr. Speaker, the untimely death of our great friend and distinguished colleague, John Saylor, is a severe blow to the Congress and the Nation. While I did not know John as closely as many of my senior colleagues, I counted it a rare privilege to serve with him and observe his leadership in so many areas of national concern.

All of us are aware of the invaluable contributions that he made toward conservation and providing for a cleaner environment. While we are the beneficiaries of his leadership and counsel here in the House, those who will benefit most from his great works, will be future generations of Americans. As the ranking Republican on the Committee on Interior and Insular Affairs, there is no question that his dedication to a beautiful America, and a clean America is a legacy for our children and their children.

He indeed was a prophet in his own time, and he received awards and honors for his pioneer work in conservation and the environment too numerous to mention. He was richly deserving of this recognition. Certainly, those of us from the Western States will never forget his thoughtful concern for our conservation problems. We had many opportunities to thank him, and during this tribute to his memory, I want to thank him once again. Truly, when we think of John Saylor, it will be in the company of men like Theodore Roosevelt and Gifford Pinchot. When future recognition is given to America's great conservationists, another name is in order, that of John Saylor.

At this time, I want to extend my deepest sympathy to his wife and their children. They have lost a devoted husband and father, and his colleagues have lost a devoted friend.

Mr. PICKLE. Mr. Speaker, when the House of Representatives lost John Saylor, truly it lost one its giants.

John Saylor was driven by an intense desire to render big service to his country. We saw that desire fulfilled again and again through his continual and arduous efforts.

John Saylor was No. 1 when it came to conservation. It was a position he gained over years of dedication, not a shallow thing. We owe the existence of many of our wilderness and park areas as well as major conservation legislation to his efforts.

He also had a large concern for our veterans, and over the years was a continually successful leader in efforts to secure for our veterans things which were rightfully theirs.

John Saylor's big heart was evident in his battle for black lung legislation and other legislation concerned with helping people in need.

I had an opportunity to make a trip with John and his wife, Grace. In the long hours we spent together talking and relaxing, I saw again the depth and breadth of this man's concern. He was a warm human and a big man in every way. He was fearless, courageous, and strong willed. And he was a constant credit to the people of Pennsylvania, to this body of Government, and to his country.

I shall miss him greatly.

Mr. BRAY. Mr. Speaker, it was with great sorrow and sadness that I heard of John Saylor's death. He came to Congress, in a special election, 1 year before I did. We had much in common—his district and the district I had then had much coal mining. I learned much from him.

He was a strong, forceful man. Some say he was outspoken. Yes, he was; but he always was pleasant in making his point.

"Big John" was what we called him, and, indeed, a big man he was—physically and mentally.

The Congress and the American Republic are poorer because he is gone, and all who knew him will miss him.

Mr. COLLIER. Mr. Speaker, it is difficult to realize that our able colleague from Pennsylvania is no longer with us.

John P. Saylor had already been a Member of the National House of Representatives for 8 years when I took the oath of office for the first time. During the years that have elapsed since we became colleagues, I learned to respect him not only as an able, dedicated, and conscientious legislator, but as a good and loyal friend to whom one could always go for constructive counsel and worthwhile assistance.

After honorable service in the U.S. Navy during World War II, he continued to serve his community and his State as a businessman, an attorney, and a civic leader. During the crisis-filled years from 1949 to the present, almost a quarter of a century, he was a Member of this great body.

I had the privilege when I first came to Congress of serving with him on the Interior and Insular Affairs Committee, of which he became the ranking minority member. During that time the committee was working on the Alaskan and Hawaiian Statehood legislation. I thus developed early in my career a great respect for his ability and drive in getting things done. He fought hard in the Congress and as a member of the committee, not only for the conservation of our God-given natural resources, but for an equally important fiscal responsibility.

Mr. Speaker, the life and career of our departed colleague should serve as an inspiration to others. His loved ones can take consolation in the knowledge that he did his best for his community, State, and Nation.

Mrs. BURKE of California. Mr. Speaker, I was deeply saddened to learn of John Saylor's recent and untimely death. I know it is a real loss not only to his family, but to those of us who served with him and watched his many contributions to vital pieces of legislation.

As a freshman Congresswoman, I found John Saylor to be a wise and able teacher, one who was always ready to share his wisdom and the knowledge he had gained over his many years in the Congress. Graciously on many occasions, he was willing to take valuable time to assist me in pursuing legislation. I shall forever be grateful to him for his help.

I know that all of the members of the Committee on Interior and Insular Affairs will miss him dearly. The Congress and the country have benefited from his outstanding service and his high goals.

Mr. ANDERSON of Illinois. Mr. Speaker, we were all deeply saddened by the news of John Saylor's passing on October 28. Prior to entering the hospital in Houston for his operation, John went before his constituents on television to fully explain the nature of his illness and the operation. In reading the transcript of that announcement, I was particularly struck by John's strength, courage, and forthrightness in the face of this most serious problem. These were character traits which we had all come to recognize and respect in John Saylor during his long career of service in this body, and I think we all expected that these traits combined with his fighting spirit would carry him through this serious operation and return him to us. Indeed, we were all encouraged by the news of his condition and progress immediately following the operation and were therefore shocked when we received subsequent word of his heart attack and death.

Mr. Speaker, I have known John Saylor since I first came to the Congress in 1961, and my respect and admiration has grown over these last 13 years, as has our friendship. John had served this body with distinction since coming to the Congress in 1949. He was an imposing figure in physical stature and has left a tall mark in terms of his contributions to the Nation, particularly in the area of conservation. As the senior Republican on the House Committee on Interior and Insular Affairs, John was one of the most respected Members of this body, not by virtue of his seniority and power alone, but rather by virtue of the intellect, knowledge, and diligence he brought to that job and therefore the substantial contributions he was able to make in the area of legislation. John Saylor will perhaps best be remembered as a legislator for coauthoring the Wildernes Act and the Land and Water Conservation Act. He also sponsored legislation to establish the Office of Coal Research, and played a key role in the enactment of the Coal Mine Health and Safety Act. John Saylor's great contributions to conservation were recognized in 1964 when the National Wildlife Federation named him "Conservationist of the Year;" and in 1970 he received the Founders Award from the Izaak Walton League.

I will most remember John Saylor as both a bulwark of the Republican Party in the House and nationally, and as a man who recognized the need for bipartisanship in addressing national problems, especially in the areas of energy and the environment. I will also remember John as a good friend with a great abundance of good humor and amiability which go a long way toward explaining his effectiveness in this body and the large measure of respect he commanded on both sides of the aisle. We will all deeply miss his towering presence in the Congress.

Mr. MAZZOLI. Mr. Speaker, I join with our fellow Members in the House today in paying tribute to our late colleague, John P. Saylor of Pennsylvania.

It was my privilege to serve in this body with John Saylor for the past 2½ years. I was aware of his great dedication to conservation legislation almost from the beginning of my service.

It can be said that no Member of the 93d Congress can point to such an outstanding record of achievement in behalf of the ecology of this country as that compiled by John Saylor.

All Americans are indebted to him for his unwavering commitment to the preservation and proper development of our natural resources. It was unimportant to him where such resources existed—whether it was the Grand Canyon in Arizona; Dinosaur National Monument in Utah and Colorado; the C. & O. Canal National Historic Park in Maryland; or the Piscataway National Park across the Potomac from Mount Vernon. All these—and hundreds more—bear the imprint of his interest and efforts.

For all his dedication to conservation, however, Congressman Saylor never neglected his own constituents in the 12th District of Pennsylvania nor his other congressional responsibilities. As a member of the House Committee on Veterans' Affairs he actively supported the National Cemeteries Act which established a national policy for the burial of veterans.

John will be remembered, too, for cosponsoring the statehood bills for Alaska and Hawaii and working tirelessly for their passage. He worked diligently, also, for the improvement of Indian conditions and the safety and health of coal miners.

Unknown to the many thousands who visit the site annually, it was John Saylor who gave the marines the first American flag to be raised over Iwo Jima which led eventually to the creation of the famous monument near Arlington Cemetery.

Future generations will benefit from his untiring efforts in behalf of the Wilderness Act and the Land and Water Conservation Fund Act, both of which he coauthored and actively supported. Those of us who were privileged to serve with John in this and preceding Congresses will have benefited even more that he worked among us.

To his wife and the other members of his family, I join with my colleagues in extending our deepest sympathy.

Mr. STEIGER of Wisconsin. Mr. Speaker, in any organization made up of several hundreds of individuals, only a relative few stand out above their peers as authorities in an area of importance to all. The House of Representatives is no different. While all of us may be recognized for our accomplishments by our own constituencies, only a few House Members are readily identified with a particular cause of concern to all Americans.

One legislator who stood clearly apart was our late respected colleague, the Honorable John P. Saylor of Pennsylvania. The name John Saylor became synonymous with commitment to environmental quality for our Nation during his 13 terms as Representative of Pennsylvania's 12th District. As ranking Republican on the House Interior and Insular Affairs Committee, he constantly did his best to insure that the committee's legislation reflected a proper environmental course for the Nation. His efforts were of particular benefit in shaping legislation during the past several years when there was a critical need for sound leadership in meeting the country's ecological needs.

John Saylor was a man whose special talents made him the right man at the right time for the job that needed doing. All of us in Congress, all the American people, and those he so ably represented in Johnstown and all of his district, are grateful for all he did. He has left a rich legacy for future generations of Americans who, through his work, will live in an America which will retain and regain, where possible, the freshness, greenness, and beauty that first attracted Americans in earlier generations.

Mrs. Steiger joins with me in expressing our deep sympathy to Mrs. Saylor and John's family.

Mr. MURPHY of New York. Mr. Speaker, during this period of acute moral and political upheaval, few have provided as shining an example of what America stands for as did our late colleague, John Saylor. A wise, dedicated individual who directed his talents into any area which he deemed essential to the goodness of our great Nation, his presence is sorely missed by all of us.

John Saylor's achievements in the area of the environment began long before the current emphasis on ecology became fashionable. Strongly committed to the preservation and maintenance of our natural heritage, he pressed successfully for the Wilderness Act, the Land and Water Conservation Fund Act, the establishment of national parks, and other legislation of a similar vein. He also worked hard to gain statehood for Alaska and Hawaii, to establish national cemeteries for veterans, and for coal mining safety.

These actions constitute but the tip of the iceberg in any attempt to portray the lasting contributions John Saylor made to our country. Of more profound importance is the spirit of fair play, moral rectitude, and dedication to the welfare of the United States which permeated his entire life. He inspired all of us to reach for the highest goals.

My family joins me in extending to Mrs. Saylor and her family our deepest sympathy.

Mr. CARTER. Mr. Speaker, John Saylor was a man who knew fully the dimensions of his job, and he met his responsibilities with honor, distinction, and good humor. His devotion to the citizens of his district and of the Commonwealth of Pennsylvania will always be remembered by those he served and by those of us who served with him.

Today, we face the monumental problem of preventing our delicately balanced environment from becoming irreversibly damaged. John Saylor long ago recognized today's environmental difficulties. He actively sought measures to protect our environment from eventual destruction. Indeed, we owe a great debt to the foundation he built for environmental consciousness and for his far-reaching and productive efforts in this important area of concern.

We will deeply miss our good friend and colleague. The House has lost one of its finest Members. I join my colleagues in paying tribute to the life of John Saylor—a distinguished lawmaker and a truly great human being.

Mr. COLLINS of Texas. Mr. Speaker, we all lost a great friend when we lost John P. Saylor of Pennsylvania. He was more than a great Congressman. John was a friend and had a warm friendly smile for everyone on the floor.

Being from Texas, I have always been keenly interested in the Interior Committee. I have kept up with John's leadership for the development of our natural resources within this country. John Saylor was always 10 years ahead of the times while pushing for greater utilization of America's resources for the future.

We extend our warmest and deepest sympathy to his family. His firm voice and sound position will always be remembered by all of his colleagues in Congress. John P. Saylor has contributed so much to his country through the years that he served in the Congress of the United States.

Mr. RANDALL. Mr. Speaker, it is with regret that it was impossible for me to be on the floor yesterday afternoon to participate in the special order in eulogy to our departed colleague John Saylor. I was glad Mr. Schneebeli was thoughtful enough to get permission for all Members to extend their remarks on the life, character, and public service of our distinguished friend, John Saylor.

When I came to Congress in 1959, it was my privilege to be assigned to the two committees on which John Saylor served. With our identical committee service, on Interior and Insular Affairs and on Veterans' Affairs, I had the privilege of becoming well acquainted with our departed colleague.

On the Interior Committee as far back as 15 years ago, JOHN SAYLOR was ranking minority member. Of course we had difficulties and problems on that committee which called for differences by the minority from the majority viewpoint, but I distinctly recall that while JOHN SAYLOR was firm and straightforward he was not partisan. In those days committee membership included some well known personalities—the late Adam Clayton Powell, former Secretary of the Interior Stuart Udall, General Anderson of the Montana National Guard, and my seatmate of those days the distinguished QUENT BURDICK, now in the other body. JOHN SAYLOR was the committee leader of his side of the aisle. He contributed to all of the worthwhile legislation that was reported from that committee during the years of the 86th and 87th Congresses.

As a fellow member of the Veterans' Affairs Committee one of the highest and most exceptional tributes that can be paid to JOHN SAYLOR is that he was one member who talked exactly the same way when the door was closed for an executive session as he did at a public session when the committee was hearing representatives of the various veterans' organizations present their cases on veterans' legislation. The legislative representatives of all of our major veterans' organizations paid a tribute to JOHN SAYLOR when they described him as a man who never talked out of both sides of his mouth.

As I recall many days of pleasant association with JOHN SAYLOR, my mind goes back to a trip headed by our chairman, the gentleman from Colorado, Mr. Aspinall, and including some members of the old Mines and Mining Committee—the late Gracie Pfost, the late Judge Saund and others. We went over into the deep-pit coal mining area of east-central Pennsylvania. We all remarked at the insistence of JOHN that we had work to do. He seemed to be pushing the subcommittee all through the day to finish the job. Even in those far-away days his objective was to improve coal mine safety.

JOHN was a humanitarian in the finest sense of the word. He was liberal in the best usage of that term. I think he might have preferred to be described as a progressive legislator.

There are so many good and fine things that ought to and should be said about our dear departed friend: He was held in affection and admiration by all of us. We were all saddened by the news of the loss of our late beloved colleague. I happened to be one of those privileged to attend the memorial services in Johnstown. There I observed the best evidence of the high regard and great esteem for JOHN SAYLOR by his constituents. The church could hold only a fraction of those who came to honor him but the streets of that city were lined all through the business district by those who wished to pay him their last respects.

JOHN was a man of courage; he was independent; he did what he thought was right; he contributed much to the welfare of his district, his State, and his Nation. He was one of this country's great conservationists. I am glad that I have had the privilege to be a colleague of JOHN SAYLOR.

We extend our heartfelt sympathy to his gracious and lovely wife Grace and his children John Jr., and Susan.

Mr. BURKE. Mr. Speaker, I rise to pay tribute to my esteemed colleague, Representative JOHN P. SAYLOR. Those who love the natural beauty of this Nation lost a good friend and powerful voice when he was taken from us.

His concern for our environment preceded the hue and cry heard in recent years. Floridians have been aware of JOHN SAYLOR's conservation record for many years through his work to preserve Big Cypress Swamp as a watershed and scenic area. He is also know to Floridians for his concern for the ecological balance of the Everglades National Park when it was threatened by the proposed southeast Florida jetport. I personally know of his interest in conservation of the unique environment of Florida through his work to preserve the lovely beaches, and through legislation which both of us sponsored to protect the scenic beauty of the Oklawaha River in north Florida from use as part of the proposed Cross Florida Barge Canal.

Thus the Nation, Florida, and I will miss this champion of conservation who served so ably as the ranking minority member of the House Committee on Interior and Insular Affairs.

Mrs. Burke and I join with the many, many others, who knew JOHN SAYLOR, in lamenting his untimely death, and the loss of his voice from our midst.

Mr. HORTON. Mr. Speaker, it is with sorrow and a sense of personal loss that I join with my colleagues in paying tribute to our late colleague JOHN P. SAYLOR.

It has been a privilege and honor to serve with JOHN SAYLOR these past 11 years. He was a fine man, an effective legislator, and a friend for whom I felt the deepest affection.

Our country will best remember JOHN as a champion of conservation. Long before the word ecology assumed its current import, JOHN SAYLOR called on us to weigh the environmental consequences of our actions on future generations. Foresight is a rare quality among men and it earned for JOHN the admiration and gratitude of the Nation.

I will miss JOHN as an able colleague and trusted friend and I offer my deepest sympathy to his family.

Mr. BIAGGI. Mr. Speaker, I rise to voice my feelings of profound sorrow and deep loss over the death of our former colleague, JOHN PHILLIPS SAYLOR, who for 24 years served the people of Pennsylvania with both sagacity and dedication.

JOHN SAYLOR will undoubtedly be best remembered for his lifelong commitment to the preservation of the environment. Through his work as the ranking minority member of the Interior and Insular Affairs Commitee, he served to uphold the interest of conservation by his authorship of such important legislation as the Land and Water Conservation Act and the Wilderness Act.

Congressman SAYLOR's efforts were not limited to his constituents in Pennsylvania. Many people in the Washington metropolitan area owe a great deal to JOHN SAYLOR for his instrumental work in the establishment of the C. & O. Canal National Park, and Piscataway Park in Maryland. In addition, he was active in getting legislation to restore and maintain the Congressional Cemetery where many earlier Members of Congress are buried.

Congressman SAYLOR's work did not go unnoticed over the years. In 1964, he and the coauthor of the Wilderness Act, Congressman Aspinall, received the coveted Conservationist of the Year Award from the National Wildlife Federation. In addition, SAYLOR was the recipient of the Founders Award of the Izaak Walton League of America in 1970.

There were other aspects of JOHN SAYLOR's life which were equally as distinguished and worthy of notice. JOHN SAYLOR had the distinct honor of presenting the first American flag to be raised by the Marines at Iwo Jima. This presentation led to the famous photograph which is so beautifully duplicated by the Iwo Jima statue near Arlington National Cemetery.

Representative SAYLOR's sponsorship of legislation showed a consistent concern with the welfare of America and her people. He sponsored legislation establishing the Office of Coal Research, as well as being a major supporter of the Coal Mine Health and Safety Act. In addition, as a member of the Veterans' Affairs Committee, his expertise inspired many of the important pieces of legislation which have emerged from that committee over the last 24 years.

For many of us, JOHN SAYLOR represented the epitome of what a Congressman should be. His diligent work on behalf of the people of Pennsylvania earned him the respect and admiration of all his colleagues. He will be particularly remembered for his outstanding wit and colorful vocabulary.

The Congress will undoubtedly suffer from the loss of JOHN SAYLOR. His leadership both in the Interior Committee and on the floor as one of the senior Republican Members will be greatly missed.

As a fair and lasting tribute to JOHN SAYLOR, let us in the Congress continue his commitment to the preservation of the environment. In our quest toward solving our great energy problems let us not sacrifice environmental interests in the process.

The 12th District of Pennsylvania has lost one of its best friends. The State of Pennsylvania has lost one of its most distinguished members, and we in the House have been deprived of the services of an exemplary public servant.

Mr. JONES of Tennessee. Mr. Speaker, on Sunday, October 28, the Congress lost one of its finest and most dedicated Members with the death of the Honorable JOHN SAYLOR of Pennsylvania. Mr. SAYLOR was a Member of Congress for nearly 25 years, and in that time, not only served the people of Pennsylvania, but also served the interests and well-being of all American people.

JOHN SAYLOR was instrumental in much major legislation. He coauthored legislation for the statehood of Alaska and Hawaii and he pushed measures in behalf of the American Indian, but we will remember him particularly for his efforts concerning conservation. He was coauthor of both the Wilderness Act and the Land and Water Conservation Act.

Along with his work in conservation, John Saylor's achievements covered many other fields. He was involved in the church and veterans' affairs, and was a trustee of several private schools and hospitals.

I join with my colleagues in expressing my deep sympathy to his family. John Saylor was a distinguished Member of this body, and we shall all miss his presence.

Mr. ROGERS. Mr. Speaker, I rise to the memory of our late colleague, the Honorable John Phillips Saylor of Pennsylvania, who served so capably on the Committee on Interior and Insular Affairs.

Representative Saylor was most diligent in the discharge of his committee responsibilities. He will always be remembered for his meritorious service to our Nation, and particularly his contributions as an avid conservationist. His testimony before my Subcommittee on Public Health and Environment has helped us achieve enactment of laudable air pollution control legislation. His efforts on behalf of the Nation's National Park System earned him the distinction of being the first recipient of the National Conservation Award and the National Parks Association Award.

John Saylor was truly dedicated to public service, and lived up to the full measure of his responsibilities. He leaves rich memories for all of us in public office.

Mr. Speaker, Mrs. Rogers joins me in expressing our most profound sympathies to Mrs. Saylor and to John's children and grandchildren, with the hope that time may in some measure dim the grief they now feel.

Mr. de LUGO. Mr. Speaker, with the passing of John Saylor the Congress has lost an outstanding Member, the Nation has lost a distinguished and dedicated lawmaker, and the Virgin Islands have lost a very good friend.

Congressman Saylor was a leading figure in legislation important to the territory, including the 1954 Virgin Islands Organic Act, the bill providing for an elected Governor, and the congressional delegate bill. An editorial in the largest Virgin Islands newspaper, the Daily News, honoring the Congressman noted:

> While his critics were vocal in condemning him because of his stand in refining legislation that would allow for the rights of the minority political faction in the islands, he nevertheless continued to pursue his course of more self government for the islands, tempered with a sane approach on how it could be best accomplished in an orderly manner.

The editorial concluded:

> Although we have disagreed on some issues, The Daily News, friends of the Congressman, and even his critics, mourn his death, for he was a true friend of these islands, and one who was extremely active in helping to extend to these islands meaningful measures of self government.

I first met John Saylor in 1956 at which time I was serving as a member of the Virgin Islands Legislature. I will always remember, with the utmost gratitude, that upon my election to the Congress, he went out of his way to welcome me and to share his experience and knowledge as I took up my legislative duties. During the time it has been my privilege to know Congressman Saylor I was tremendously impressed by his commitment to the protection of our land and water resources, his coauthorship of the Alaska and Hawaii statehood bills, and the Wilderness Act, and his efforts on legislation which would benefit American Indians and coal miners.

As we memorialize his accomplishments and comfort his family, let us also draw inspiration from John Saylor's contributions to the preservation of our natural heritage, for this is a legacy which will enrich the lives of the American people for generations to come.

Mr. LUJAN. Mr. Speaker, the greatest eulogy to John P. Saylor is the distinguished record of hard work and accomplishment he leaves behind him in the House of Representatives. History will document that record in the context of time, placing it in perspective for future generations. We can, at best, add but a personal footnote to the history he helped write.

To those of us who knew him well, John was one of the strongest personalities in Washington. In every sense of the word, he was a "big" man. His physical stature, itself impressive, was augmented by his ramrod military bearing, his confident long-legged gait, his booming voice and his naturally grand manner that had a way of transforming even a simple greeting into a special occasion. Wherever he happened to be, whether in a meeting, a conversation, a discussion, or a debate, John P. Saylor of Pennsylvania was the commanding presence.

He was strong-willed, magnificently opinionated, and had a memory worthy of the pachyderm that symbolizes his party. He was the kind of man you instinctively wanted on your side of an issue, not only for the strength of his argument as he recalled background details and recited legislative history, but for the tenacious strength of his conviction as well.

He possessed both personal and political power; yet he was living proof of the saying that big men can afford to be gentle. He knew how to twist arms, all right, and his armtwisting was effective; but he also knew when to let up on the pressure. In trying to sway opinion he never compromised friendship nor infringed on personal dignity. He was, in short, a gentleman.

One of the lesser-known facets of his work in the Congress was his role in shaping the direction of America's relations with our Indian citizens. In my capacity as ranking Republican member of the Subcommittee on Indian Affairs, I developed a healthy respect and admiration for John Saylor's knowledge and deeply rooted convictions in this field.

In the early 1950's, he had been a Member of the House of Representatives just a few years when his own party developed and implemented the policy of "termination" of Indian tribes. He believed this policy to be wrong, and he fought it. He fought it in caucus, in committee, on the floor of this House and in the White House itself. At one time, he publicly criticized President Eisenhower, in person, for having supported the policy. And, although he lost the battle at that time, he lived to win the war.

I was present at an historic occasion, Mr. Speaker, on October 16, 1973, when John Saylor's judgment of that question was vindicated in this Chamber. Twenty years after the termination policy had been promulgated over his objections, I joined him here in successfully steering through a bill that repealed that policy and reinstated one of the tribes that had been grievously injured by it, the Menominee Tribe of Wisconsin. That bill was approved by a vote of 404 to 3, Mr. Speaker—and that was the last official action of the gentleman from Pennsylvania on the floor of this House.

In recognition of his long career of legislative work on behalf of the Indian people, the Menominee Tribe introduced a resolution at the national convention of the National Congress of American Indians in Tulsa, Okla., just a few days following his death. That resolution reads as follows:

> Whereas: The Honorable John P. Saylor, Congressman from Pennsylvania, passed away on October 21, 1973, and
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> Whereas: Congressman Saylor had been for 24 years an ardent and outspoken foe of the infamous termination policy, and
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> Whereas: Congressman Saylor in 1953 fought the adoption of House Concurrent Resolution 108, the Congressional expression of the termination policy, and pointed out that this policy was unjust, unworkable and a travesty on Indian rights, and
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> Whereas: Congressman Saylor in 1954 strongly opposed the adoption of the bill terminating the Menominee Tribe of Wisconsin, predicting on the floor of the House of Representatives that the bill would cause irreparable damage to the Menominee Tribe and would sooner or later have to be repealed, and
>
> Whereas: Nineteen years later, in 1973, Congressman Saylor co-sponsored a bill to repeal that termination act and to restore the Menominee Tribe to full federal recognition, and
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> Whereas: In his capacity as ranking Republican member of the House Committee on Interior and Insular Affairs, Congressman Saylor worked diligently for passage of this bill, and
>
> Whereas: On October 6, 1973, Congressman Saylor personally steered this bill to an overwhelming 404 to 3 vote of approval on the floor of the House of Representatives, thus fulfilling the prediction he had made in 1954, and
>
> Whereas: Congressman Saylor made it very clear that this vote represented not only an approval of the Menominee Restoration Act but a rejection once and for all of the policy of termination, and
>
> Whereas: The Menominee Restoration Bill was the last piece of legislation handled by Congressman Saylor before his untimely death,
>
> Now therefore be it resolved by the National Congress of American Indians in convention assembled: That we do hereby express our condolences to the family of Congressman John P. Saylor and do also express our gratitude, and the gratitude of all our peoples, to this public servant whose illustrious career has been of inestimable value to humankind in general and to Indian peoples in particular. We are grateful that he lived to see his predictions come true, and that he was granted the privilege in his final days of correcting the mistakes made by his peers two decades ago.

Mr. Speaker, I will add only that all of us will sorely miss John P. Saylor, and that in losing him we have lost one of the great fighters of our time.

Thank you.

Mr. FISHER. Mr. Speaker, I share the sadness expressed here by my colleagues concerning the untimely death of John Saylor. As we all know, he was regarded by his colleagues as a man of unquestioned integrity. He was an able and highly respected Member of this body. His sound judgment and his leadership on many legislative matters were recognized by Members of both parties.

As a legislator John Saylor excelled in the field of conservation. He wanted to keep rural America beautiful. He was an ardent lover of the American wilderness and its preservation.

It will be difficult indeed to fill the shoes of this distinguished American. His many years of faithful service in the Congress will leave an imprint that will last a long time. To John's survivors I extend my profound sympathy in their bereavement.

Mr. ROONEY of New York. Mr. Speaker, the totally unexpected and shocking passing on October 28 of our distinguished colleague, John Phillips Saylor, has deprived this great body of one of its finest Members and me of one of my closest friends.

John Saylor served his Commonwealth of Pennsylvania and his country well in many capacities over his long and fruitful life: as a young lawyer in Johnstown in 1934; as city solicitor of Johnstown in 1938; as a combat naval officer in the Pacific during the Second World War and finally as a Member of the House for the last quarter century.

As a representative of the people and his Commonwealth, John was a tireless and dedicated champion of their rights and interests.

His legislative record is highlighted by his support for the establishment of the Office of Coal Research and the passage of the Mine Health and Safety Act of 1969.

Long before conservation became as popular as it is today, Mr. Speaker, John Saylor realized its importance. He fought vigorously to prevent the building of dams in the Grand Canyon and for preserving the integrity of Dinosaur National Monument in Utah and Colorado. For his many efforts he was widely praised and honored with many important awards.

Mr. Speaker, it was a mark of the man and his life that Members here from both sides of the aisle held him in the highest esteem. It was my pleasure and singular honor to have served with John for all of his many years. I am sure his memory is cherished by all who knew him and that my sense of personal loss is shared by many in this Chamber as well as in the other body.

To Mrs. Saylor and the Saylor family I extend the Rooneys' deepest sympathy and prayers in their sad loss.

Mr. NIX. Mr. Speaker, with the passing of John P. Saylor, this House lost one of its most outstanding, dedicated, and conscientious Members.

During his nearly 25 years of service in this House, he always spoke with candor and a consistency of frankness. There was never a moment's doubt as to where he stood on a particular issue. It was my pleasure to converse with him frequently over the years and though we might have disagreed at times on particular issues. I could never have quarreled with his consistency and tenacity for a cause. Such attributes made John Saylor a strong force behind the issues he championed.

At this unsettled moment in our country's history, we will all miss the steadying influence of men such as John Saylor, a Congressman who had an unwavering concern for the people he represented and who saw fit to return him to every Congress since he was first elected in 1949.

He also found time to participate in and contribute to the activities and concerns of the Pennsylvania delegation in the House, of which group he was the senior Republican. Mr. Saylor also served as vice chairman of the Pennsylvania Congressional Steering Committee. In both these positions his advocacy was always on the side of what was good for the people of his home State, regardless of the stance of partisan politicians.

John Saylor served with great distinction on two committees of the House, including the Veterans' Affairs and Interior and Insular Affairs, the latter of which he served as ranking Republican. During his tenure he was recipient of numerous conservation awards and had long been noted for his leadership in ecological preservation.

Mr. Speaker, words are never enough to convey the sense of loss we feel at the passing of a man like our colleague from my own Pennsylvania delegation. There are others here who will express it more eloquently than I. I know, though, that each of us can say in this short time the few things that are most important in the hope that our words will preserve the spirit and ideals of the man, John P. Saylor.

Mr. OBEY. Mr. Speaker, I am pleased to join my colleagues in paying tribute to the gentleman from Pennsylvania, John Saylor.

I remember, as a freshman Congressman, working with him on legislation to protect the wolf. It did not take me long to realize that John Saylor was one of the most knowledgeable voices in the Congress on conservation matters. His dedication to those kinds of efforts was total, and his commitment to the protection of this Nation's heritage—its lands and its wildlife and its native Americans—is known throughout the country. I am especially grateful for his efforts, over a long period of time—in behalf of the Menominee Indians of Wisconsin.

I was honored to serve in the House with John Saylor for 4 years. He will be long remembered by those of us still here.

Mr. ADDABBO. Mr. Speaker, I join my colleagues in eulogizing our former colleague and friend, the Honorable John Saylor. For 24 years, Congressman Saylor served his constituents from the 12th District in Pennsylvania, his country, and his colleagues. He was a dedicated public servant who was a leader and a creative man.

It was my privilege to know John Saylor and to work with him in the House during the past 12 years. His special interests in the environment and veterans affairs had a marked impact on much legislation passed by Congress. As a result his efforts will be remembered by future generations.

I join his friends in extending personal sympathies to the family of our late respected colleague, John Saylor.

Mr. WHALEN. Mr. Speaker, the tributes being paid this afternoon to our late colleague John Saylor, indicate the high regard in which he was held by Members of the House. John was known by us, his colleagues, as he was by conservationists in all parts of the Nation, as a man dedicated to perserving our natural assets. The innumerable bills bearing his name which have been enacted into law are testimony to the diligence and leadership which he brought to that vital national concern for almost a quarter of a century. Certainly, our most meaningful tribute to John will be to build on his record of untiring efforts to conserve and enhance the natural qualities of our environment.

My admiration for John also stemmed from his forthrightness and conciseness. I recall the times I would briefly sit down with him to discuss his committee's legislation which was on the floor. He would succinctly summarize the good points as well as those parts with which he disagreed. I always appreciated his openness and frankness. It was a privilege to have known him and to have been his colleague.

Mr. Speaker, in behalf of Mrs. Whalen and myself, I extend our sympathy to Mrs. Saylor and her family.

May John rest in peace.

Mr. ROONEY of Pennsylvania. Mr. Speaker, it is with great sorrow that I note the passing of our colleague and my dear friend, John Phillips Saylor.

His long period of service to his country began in 1938 with his election as city solicitor of Johnstown, Pa., and continued with his years as an officer in the Navy during World War II. Upon his return from the Pacific theater he resumed private law practice, to be called upon again to serve his country, this time in the capacity of Republican candidate for a seat in the House of Representatives.

Because of his admirable candor, he won that special election easily, as he also won every subsequent election from the 82d through the 93d Congresses. His constituents must have seen what we in Congress saw; that John Saylor was a public servant dedicated to the best interests of his constituents and of all Americans.

From his position as ranking minority member of the Interior and Insular Affairs Committee he directed many conservation measures toward final passage. His deep concern for the conservation of our natural resources was particularly timely in this era when we are faced with a dwindling supply of energy resources and growing concern for the quality of our environment. John Saylor was a man who was deeply concerned about the kind of world he would bequeath to his children and grandchildren.

Mr. Speaker, perhaps the best tribute to him would be our rededication to the determination, courage, and sense of purpose which John Saylor so nobly exemplified.

Mrs. Rooney and I extent our deepest sympathy to his family. May their comfort be the knowledge that he served his country very capably.

Mr. VIGORITO. Mr. Speaker, the House of Representatives has lost one of its most respected members with the death of my friend and colleague from Pennsylvania, Congressman John Saylor.

I was greatly saddened to learn of his passing for he was a great inspiration to me and to many Members of this House for his work in the areas of conservation and preservation of our valuable natural resources. As the ranking Member of both the Pennsylvania delegation and the House Interior Committee on the Republican side, he was a source of leadership and admiration for his colleagues.

Congressman John Saylor will be sorely missed by those, including myself, who knew him well.

Mr. HANNA. Mr. Speaker, I join with my colleagues in honoring the memory of our friend, John Phillips Saylor, of Pennsylvania. He was a dedicated and hard-working public servant.

As ranking Republican on the Interior Committee, John developed and maintained a strong commitment to the preservation of our natural resources. His efforts in this regard should be appreciated and praised by all Americans, especially in this time of dwindling resources. Nowhere in the Congress was there a man more aware of the growing need for conservation nor more dedicated to meeting this need than John Saylor.

Our sorrow is compounded because in this time of national crises this country needs more men like John Saylor. We can ill afford to lose such men, who serve their country honestly and well.

Mrs. Hanna joins me in expressing our sympathy to the Saylor family.

Mr. BLATNIK. Mr. Speaker, I join with my colleagues in mourning the loss of one of our most distinguished House Members, and my close personal friend, John P. Saylor of Pennsylvania.

John was a man of rare vision and determination, whose legacy is written in countless clear-flowing streams, and in national parks and protected natural areas across America.

One of the Nation's foremost conservationists, he dedicated his life to preserving our natural resources. His career here in Congress is one of sustained effort and personal involvement in what he so clearly recognized as one of the Nation's highest priorities—preservation of our quality of life.

Back in 1956, when I was struggling to get the first national water pollution control bill through Congress, John understood the full urgency of this legislation long before the Nation as a whole had even recognized water pollution as a problem. He stood squarely beside me in those early days, when the going was toughest. And with each succeeding amendment, down to the 1972 Clean Water Act which revolutionized the program and charted the Nation's course toward clean water by 1985, John was our invaluable ally on the House floor.

My own State of Minnesota owes him a special debt of gratitude; for his deep personal commitment and direct, energetic involvement helped make Voyageurs National Park a reality on our Canadian border.

If I may indulge in personal reminiscences, I would like to put that story on record.

The bill to establish Voyageurs, the Nation's 37th National Park, came before the Interior Committee, on which he was ranking minority member, very late in the 91st Congress—too late, many felt, for action that year.

Backers of the park had spent literally years developing support at home, preparing the legislation, holding the hearings. We knew that if the bill did not pass that year, we would be hard put in the 92d Congress to recapture the momentum needed for passage.

I enlisted John Saylor's help in setting up the subcommittee and full committee meetings to approve the bill. As a result, Voyageurs was acted on, reported out of committee, and signed into law.

Incidentally, once the committee was back in session, the members also approved the Chesapeake and Ohio Canal National Historic Park. Washingtonians and Marylanders, and we whose families spend so much of our time in the Nation's Capital, are also indebted to John Saylor.

John was a great man for his time and for all time; a man who never lost sight of the fact that this country is only as great as the land which sustains us; its people only as strong as their determination to protect that land; its spirit worthy of world leadership only when it can be refreshed in the beauties of nature.

He has done far more than his allotted part in keeping America great and strong, and would have done much more had death not taken him.

In his passing, the Nation has sustained a great loss, mitigated only by the legacy of protected lands and clear waters which John P. Saylor leaves behind him.

Mr. EILBERG. Mr. Speaker, the Pennsylvania delegation and the House of Representatives lost one of their ablest and most admired members with the death of John Phillips Saylor on October 28. He was the senior Republican member of our delegation, but his friendships extended far beyond party lines, and his passing brought sorrow to all of his colleagues.

At the time of his death, he was a valued member of the House Veterans Committee and the ranking Republican on the Interior and Insular Affairs Committee, where he led conservation efforts long before protection of the environment became a popular issue.

He sponsored the Wilderness Act and the Land and Water Conservation Act. These measures have become landmarks in the struggle to save our woods, water and wildlife. He vigorously supported the bill which established the Office of Coal Research and was a major backer of the Coal Mine and Safety Act of 1969. He opposed the building of dams in the Grand Canyon and was a leader in the struggle to preserve the ecological integrity of Dinosaur National Monument in Utah and Colorado. He helped establish the Chesapeake and Ohio Canal National Park and the scenic Piscataway Park in Maryland, across the Potomac from Mount Vernon.

For his distinguished efforts in this field, he was presented with the Conservationist of the Year Award by the National Wildlife Federation in 1964. He was given the Bernard M. Baruch Prize, in 1969, for "contributing most to the field of conservation," and the Founders Award of the Izaac Walton League, in 1970. Mr. Saylor was an active member of the National Parks Committee and the National Forest Preservation Committee.

Born in Somerset County, Pa., he attended the public schools of Johnstown, and was graduated from Mercersburg Academy, Franklin and Marshall College, and Dickinson Law School. He practiced his profession with the firm of Spence, Custer, Saylor and Wolfe in Johnstown, where he maintained his home throughout his career.

During World War II, he served as a U.S. Navy communications officer in the Pacific. He took part in the invasions of Iwo Jima and Okinawa and was present in Tokyo Bay at the surrender of Japan. He later became a captain in the U.S. Naval Reserve.

In 1949, he won a seat in Congress in a special election to fill the seat of the late Representative Robert Coffey, who had been killed in a plane crash. At the time of John Saylor's election, his district was Pennsylvania's 26th, in the western part of the Commonwealth. His district later became the 22d, and, in 1970, the 12th. He gave unstinting service to the people in his district, just as he rendered unwavering loyalty and devotion to his country.

In a telegram to Mrs. Saylor, the Governor of the Commonwealth, the Honorable Milton Shapp, expressed the high regard for this legislative leader felt by all who had the good fortune to know him:

> Congressman Saylor was a great Representative of the people of his district and of the Commonwealth. I could always count on his support for any measure that would benefit the people of Pennsylvania.

John Saylor could indeed be counted on always to strive for the best interests of all Americans, just as he could be counted on to perform his legislative duties with ability and dispatch, counted on to treat his colleagues and constituents with unfailing courtesy, and counted on for good will and humor in trying circumstances.

His widow, Grace, his son, John, his daughter, Susan, and his two grandchildren, may take deep pride in the distinguished record of a life well lived by this eminent and beloved Pennsylvanian. My own family extends most heartfelt condolences.

Speaking personally, for a moment, I came to know John Saylor when I was a junior member of the "other" party. It was soon apparent that it mattered little on which side of the aisle I sat insofar as he was concerned. His offers of help and his thoughtful advice were not mere courtesies. They were as real and open as John Saylor himself, was strong and solid.

He was a unique being: large and outspoken and yet possessed of a depth of human feeling seldom seen in the fast paced life of Washington. He was an influential Member of this body not so much because of the power he possessed, nor solely due to his intellectual capacity, but most of all because of the substance of the man he was. This influence was a blessing among us and, I feel, it will remain with us long.

Words are inadequate tools of expression when someone you feel strongly about passes away. I am glad this good man touched my life. I respected him. I will miss him.

Mr. HOSMER. Mr. Speaker, each of us in our own way was profoundly sorrowed by the passing of John P. Saylor. Each of us lost a fine and gallant friend, a stout companion and a loyal and beloved associate.

In serving with John for 21 years I have been privileged to serve in the Congress I was associated intimately with him as a fellow member of the minority of the Interior and Insular Affairs Committee. He served that committee for more than 24 years, having been appointed to it when he entered Congress in 1949.

During those turbulent years the Interior and Insular Affairs Committee handled much legislation of great import to the Nation, its natural resources and its people. John Saylor was ever a leader in many debates which preceded the compromise and resolution of that legislation and the issues which unlay them. When I opposed him I found him a brilliant, resourceful and unrelenting opponent. When I shared the battle camp with him I found him a kind, able and congenial ally. But whichever side either of us found ourselves to be on, it was that side which our conscience told us was right.

Because of his zeal and devotion there are many lasting monuments throughout the United States to John Saylor's memory. There are great dams on our western river; there are reclamation projects pouring food to American markets; there are wildlife refuges and wild rivers preserved; there are wilderness areas for posterity to enjoy.

America's Indians are healthier and their lot today is a better and happier one because of John Saylor's devotion to duty. America's public land is better managed and its water and power resources better utilized for that very same reason. There exists for the benefit of our land and for arid lands throughout the world advanced desalting techniques and a healthy desalting industry because John Saylor ceaselessly and successfully insisted that there should be. It was John Saylor as much as anyone in or out of the Congress of the United States that saw to it that Hawaii and Alaska were transformed from territories to States by admission to the Union. And, so also he strived to improve the people and the land of the remaining territories of the United States and of those of the islands of Micronesia that the United States administers under trusteeship from the United Nations.

In addition, hallmark legislation was either written by John Saylor or improved by him before its passage in many areas affecting the Nation's environment and the utilization of its natural resources. John Saylor's last monumental task was to create and insure enactment of the Alaska pipeline legislation in which there was coalesced his lasting concern for the environment and his dedication to man's use of nature's resources. This legislation was a masterful creation which finely balanced each of these considerations and served them both.

There is another experience than the Congress which John Saylor and I shared and that is in the service of the U.S. Navy as fellow officers during World War II. Sometime in 1944 John found himself assigned the attack transport U.S.S. *Missoula* and I to a sistership, U.S.S. *Dickens*. These two ships were in turn assigned to the same division of assault transports taking part in the war in the Pacific. John's ship and my ship steamed in formation within 500 yards of each other for almost 2 years. We shared together the experiences of the battles of Iwo Jima and Okinawa. We steamed triumphantly together into Tokyo Bay on V–J Day to land the U.S. occupation forces on the beach.

It is ironic that operations were such in those World War II days in the Pacific that, even though John and I were so close together in experiences, we never actually met each other until we both were in Congress together. I wish we had. I could not miss him more, but I could have shared with him even morec losely the distant memories of those years of battle at sea.

Now that John Saylor is gone those who still remain will seek to follow his example and his leadership. That is the tribute he would want most. That is the tribute he will receive because he was an inspiring leader and a man of brillance.

Mrs. Hosmer and I are terribly sorry that John is gone. We will miss him sorely. We extend to his wife Grace and his fine family our most profound sympathies and our love. Although the burden that Grace bears because of John's passing is heavy, she must find solace in knowing that it is shared by so very many of her fellow citizens throughout the Nation who knew, loved, respected and admired John P. Saylor as a compassionate man and as a splendid servant of the people.

Mr. OWENS. Mr. Speaker, it is with a sense of deep personal sorrow that I join my colleagues in paying tribute to the late John Saylor of Pennsylvania. His able leadership and expertise in conservation matters will long be remembered by Members of Congress. The Americans who care about clean water, clean air, and an unspoiled nature owe John Saylor an immense debt.

He was a pioneer in conserving natural resources and protecting the environment. He was an "environmentalist" long before the word became a popular political slogan and he stood proudly by his leadership in that field even where it was not a popular political asset. He coauthored the Wilderness Act as well as the Land and Water Conservation Act to preserve our forests and streams. In 1964 he was presented the National Wildlife Federation's "Conservationist of the Year" award. My own State of Utah owes John Saylor a special vote of appreciation for his efforts to save the Dinosaur National Monument.

It was my privilege to serve with John Saylor on the House Interior Committee, where he was ranking minority Member, and where he for many years helped shape virtually every piece of legislation reported by that committee. His leadership transcended party lines and he was able, at times, to draw almost every committee member into an alliance to protect our country's wilderness areas.

As the most junior of members on the opposite political aisle on the Interior Committee, I found early that I could learn a great deal from John Saylor. And in committee meetings, I listened to him carefully, and agreed quite consistently with this remarkable man. I sought him out, regularly, on the floor of the House for private conversations. He was unique—a veteran of 25 years service, which made him wise—yet he remained in many ways a rebel, a new thinker, a man whose fertile mind was unfettered by institutional hangups. He understood the value of fresh thought in this great House. He sought out different approaches to problems and rejected an automatic response to anything. He laughed at himself—his keen sense of self-deprecating humor did not permit compliments on his achievements.

The last conversation I had with him was on the House floor some 3 weeks before his death when I sought his political advice—the only Republican whose thoughts I asked for. John spoke of the great respect for the institution of the House, which he called the democratic body. He was a real public servant. He will not be forgotten because his heritage here was genuine and will live on in wilderness areas throughout the country.

John Saylor was also a member of the Veterans' Affairs Committee. He worked tirelessly for the welfare of our veterans and was instrumental in passage of the National Cemeteries Act. I might add that it was John Saylor who gave the U.S. Marines the first American flag to be raised on Iwo Jima.

I offer my deepest sympathies and respect to his wife, Grace Saylor, and to his entire family, and suggest that they have a great deal of which they should be truly proud.

Mr. DULSKI. Mr. Speaker, it was with profound sorrow and a great sense of loss that I learned of the untimely death of our colleague, John Saylor.

John left a wonderful legacy to all of us—a legacy composed of service to his constituents for over a quarter of a century, unexcelled leadership in the conservation field, sincere dedication to solving the problems of his district and his Nation, and a genuinely warm capacity for friendship and loyalty.

Perhaps he was best known nationally for his achievements in conservation and through his work on the Interior and Insular Affairs Committee. Personally, I will always think of his equally fine work on the Veterans' Affairs Committee, where I had the privilege of serving with him for 15 years.

As a veteran himself—who had given the marines the flag raised over Iwo Jima, on the occasion later commemorated at Arlington Cemetery—he was both knowledgeable and concerned about veterans' welfare, and a champion of progressive veterans' legislation.

I am proud to say that JOHN SAYLOR was a personal friend. He invited me to speak in his district on several occasions, and I had the opportunity to meet his lovely wife and family.

He was a friend of the postal employees, and their friendship and gratitude toward him were evident at a gathering I addressed some time ago in Johnstown.

Another time I witnessed the mutual high regard of JOHN SAYLOR and ethnic groups, when he invited me to a Polish Constitution Day celebration in his district.

JOHN SAYLOR has left a place that will be hard to fill, but his legacy of accomplishment and friendship has permanently filled a space in the hearts of his constituents, his country, and his colleagues. Deepest sympathies go to his wife Grace and to his family. JOHN SAYLOR will be greatly missed.

Mr. DON H. CLAUSEN. Mr. Speaker, I find it difficult to express fully the friendship I have shared with JOHN SAYLOR for over a decade.

During my service in the Congress while JOHN SAYLOR was the ranking Republican member on the House Interior Committee, four major conservation areas in northern California have been added to the National Park System.

Point Reyes National Seashore, the Redwood National Park, King Range National Conservation Area and the Golden Gate National Recreation Area will remain for all time as tributes to the foresight, wisdom, and dedication to the cause of conservation of JOHN SAYLOR.

JOHN was his own man in every way. I do not think that anyone who ever met him has doubted his independence and his objectivity. JOHN would make up his own mind on every issue and when he had made his personal decision would pursue it effectively and fairly.

As an effective advocate for those principles in which he believed so strongly, he became a leader in the Congress and saw the realization of innumerable goals he had set for himself and his country.

For many men death marks an end to an era. JOHN SAYLOR's era is only just beginning. He has rightly been recognized as one who has been most responsible for bringing the need for conservation to the attention of the American public. To me, JOHN SAYLOR will stand alongside the great conservationists in our history, John Muir and Gifford Pinchot. Today the cause of conservation is bright because it has the attention of the public mind.

In every way JOHN SAYLOR leaves a legacy that insures he will never be forgotten. I will never forget his friendship. Like our giant redwoods, JOHN SAYLOR stood straight and tall. He was truly a giant in the forest of great men.

Mr. BRADEMAS. Mr. Speaker, evidence of the high regard in which our late and distinguished colleague, the Honorable JOHN P. SAYLOR, was held far beyond the boundaries of his home State of Pennsylvania is the following editorial of November 6, 1973, from the La Porte, Ind., Herald-Argus.

I insert the text of this editorial at this point in the RECORD:

> FOR NATURE FIRST
>
> Conservationists, and most assuredly the Indiana Save the Dunes people, should have stood in reverence for a moment last week upon learning that U.S. Rep. John P. Saylor, R-Pa., had died at the age of 65.
>
> Saylor was preaching conservation, anti-pollution legislation and preservation of the ecology long before these causes became so fashionable among Americans.
>
> He was the author of the Wilderness Act, designed to save unspoiled lands from commercial development.
>
> A resident of Johnstown, Pa., Rep. Saylor early recognized the changing role of coal mining, which had been a foundation of the economy of Pennsylvania.
>
> He sponsored the legislation that established the Office of Coal Research, and without him, the Coal Mine Health and Safety Act of 1969 probably would not have made it.
>
> How did Saylor, a Pennsylvania congressman, figure in the preservation of Indiana's Dunes?
>
> Save the Dunes people know the answer. Indiana's National Lakeshore proposal was not getting much support in Congress, particularly from those who should have been most interested—Indiana's congressmen.
>
> It was Pennsylvania's Saylor in the House who responded to Illinois' Paul Douglas' appeal from the Senate, and helped materially to steer the National Lakeshore park bill through its initial stages.
>
> Saylor had seen first-hand the devastation wrought upon Pennsylvania lands by mining practices undertaken without any plan for repairing the damage.
>
> He had also witnessed the sprawling urban growth after World War II, and the effects of that unplanned development around cities like Pittsburgh and Philadelphia.
>
> So it was that Pennsylvania's Johnny Saylor, like Illinois' Paul Douglas, could see the importance of saving the last remaining Great Lakes sand dunes.
>
> Rep. Saylor was one of the "out-of-staters" in Congress who battled to save the Indiana Dunes. Not many from Indiana, particularly in the lower house, would stand up to be counted for that cause.
>
> They wouldn't then. But they have since to their credit, had some second thoughts on the subject—most of them at least.
>
> We're grateful that Rep. Saylor responded to his principles and supported the cause of the dunes in Indiana, as he did many another conservation projects across the U.S.
>
> His stance did not make him particularly popular at the time with some of his Hoosier colleagues in the House. But he has been largely vindicated.

Mrs. GRASSO. Mr. Speaker, the untimely death of the Honorable JOHN P. SAYLOR has taken from this body a distinguished and respected public servant.

Since entering the Congress in 1949, JOHN SAYLOR has been in the vanguard of the conservation movement. Feeling at one with the land he loved, he helped educate the Congress and the American public in the need to protect our valuable natural environment long before the ecology movement gained popular support. Through his efforts as a member of the Interior and Insular Affairs Committee, important conservation bills such as the Wilderness Act, the Wild and Scenic Rivers Act, and the Land and Water Conservation Act were enacted into law.

Some of us remember other accomplishments of this dedicated man. For the past 3 years, I had the privilege of serving with JOHN SAYLOR on the Veterans' Affairs Committee. Throughout this time, he strongly advocated measures which would assist those Americans who have served in our Armed Forces. As a World War II naval officer, he knew the hardships and personal sacrifices which our veterans have faced and diligently worked for the best possible benefits for all of them, young and old.

While JOHN's constructive achievements and personal triumphs cannot mitigate our sadness at his passing, the knowledge that his contributions will endure should prompt others to continue the work which he started and helped along.

I join with my colleagues in mourning his passing and expressing my condolences to his family.

Mr. ROUSH. Mr. Speaker, I rise to pay tribute to a truly great Congressman, JOHN SAYLOR. He was held in high regard by Members on both sides of the aisle. He will be missed by not only his family and friends but by the Nation. He indeed served the Nation. His concern and interest in the cause of conservation brought to him a national reputation as one of the country's leading conservationists. He fought for popular and unpopular causes with equal vigor. If it meant serving the cause of conservation the fact that the advocacy was unpopular did not in any way deter him. He was admired and respected for his unwavering convictions. Indiana is indeed grateful to him for his strong and consistent support of the Indiana Dunes National Lakeshore. He viewed this project as one of national interest and concern and without hesitation joined in the fight to establish the Lakeshore over the objections of those who would have destroyed those beautiful Indiana Dunes for selfish economic reasons. But that was JOHN SAYLOR and we loved him and respected him for being what he was. We shall miss him as a colleague and as a concerned American.

Mr. BROTZMAN. Mr. Speaker, I felt a deep sense of loss and sadness on learning of the untimely passing of JOHN P. SAYLOR.

I have had the pleasure of knowing JOHN since 1963 when I first came to Congress. Since that time I have held the greatest respect for his strong leadership, and his dedication to the welfare of this country.

As ranking minority member on the Interior and Insular Affairs Committee, JOHN was a leading advocate of environmental quality. The State of Colorado owes a particular debt to JOHN SAYLOR for his outstanding work on the environment and his authorship of such major pieces of legislation as the Wilderness Act. Coloradans have always taken tremendous pride in the State's beautiful mountain ranges, vast wilderness areas, and crystal clear waters and streams. They have John to thank in large measure for his great work in assuring that this beauty will remain for many future generations to enjoy.

John Saylor will be sorely missed by all those who had the opportunity to know him and work with him. He left this Congress and this Nation with a fine example of honest leadership and forthright determination that we would be very wise to follow.

Mrs. Brotzman joins me in expressing our most deep and heartfelt sympathy to the family and friends of John Saylor.

Mr. EDWARDS of California. Mr. Speaker, John Phillips Saylor was a big man. Physically, he stood above the rest of us. His voice was always loud and clear, whether debating on the floor or in committee or expressing his generous sense of humor and sharp wit. He was also big when it came to fairness, integrity, dedication, and work. During his 24 years in the House as a Representative from Pennsylvania, he guided into law numerous pieces of landmark environmental legislation.

But most of all, John Saylor had a view of this country that was larger and more far reaching than that of most Americans. Many years before people were aware of their environment, when conservation was just a narrow concept involving birds and animals, and when few citizens could have explained the meaning of ecology, John was aware of the need to protect and preserve the natural resources of this Nation. He was an original sponsor of the Wilderness Act to save our woods, water and wildlife for future generations, and the Land and Water Conservation Fund Act. He fought against the construction of dams in the Grand Canyon and Hells Canyon, and to preserve Dinosaur National Monument. He was a defender of the Piscataway Park to protect the Potomac Basin and a leader in the struggle to create the Chesapeake and Ohio Canal National Historical Park here in Washington. His vision and hard work as an environmentalist brought him well-deserved national recognition and numerous awards.

Now as we find ourselves suffering from an energy crisis and from drastic pollution of our air and water, it is especially tragic that we should lose the leadership of John Saylor. If all of us had the kind of foresight and concern that he possessed, we might not be in this situation. However, we can certainly all learn from and remember his great contributions. His example of dedication to environmental protection should encourage us to strive to fill the large footprints he has left and to follow the path he forged toward preserving the natural resources of the country for future generations.

I extend to his wife, Grace, and to his children, Susan and John, Jr., my deepest sympathy.

Mr. BURTON. Mr. Speaker, I wish to express my sense of loss on the untimely death of our distinguished colleague, Congressman John P. Saylor.

Mr. Saylor's leadership in the field of conservation is well-known to all of us and to the Nation for which he did so much in the protection of scenic and natural resources. His 25 years of service of the Congress were marked by a foresight and zeal in the field of conservation that were truly inspirational to those of us privileged to serve with him on the House Interior and Insular Affairs Committee.

GENERAL LEAVE

Mr. SCHNEEBELI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late Honorable John Phillips Saylor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONGRESSIONAL WORK SCHEDULE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Frenzel) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, last week there was discussion on this floor as to whether it is appropriate for this House to adjourn for an extended Thanksgiving vacation at a time of alleged national and international crisis. On Thursday, after giving assurances of the timing of the Vice Presidential confirmation, and his intentions to handle other needed legislation prior to sine die adjournment, the majority leader said he would ask for, or move for, a 10-day recess with the agreement of the minority leadership.

I am pleased that the disagreement over the recess has produced a better definition of our work schedule for this year, but despite these assurances and this agreement, I still believe that our responsibilities are not being met by a 10-day vacation now.

The Minneapolis Tribune on Saturday carried a poll showing that 69 percent of Minnesotans believe Congress performance is only "fair" or "poor." The headline on the article said—

> Congress Gets Good Job Rating From Only 24%.

I doubt if a 10-day congressional rest period will cause the public confidence to increase. I think it would be especially unfortunate if the motion to adjourn for our vacation is slipped through without a recorded vote. I, for one, want a chance to vote against the 10-day recess.

FOREIGN LANGUAGE RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, last April I introduced a bill, H.R. 7310, that would establish a National Commission for the Preservation of Foreign Language Resources, as I have always believed that we should utilize to the fullest our linguistic and cultural heritages. At this time I would like to place in the Record an article by Dr. Jacques Wilson, chairman of Latin American Studies at the University of West Florida in Pensacola. Dr. Wilson's article emphasizes the need for passage of this legislation, especially now when our Nation is becoming more involved in the world community:

Nation Must Maintain Foreign Language Proficiency

(By Jacques Wilson)

Congressman Henry B. Gonzalez, D—San Antonio, Texas, recently introduced a bill in the House of Representatives calling for the establishment of a National Commission for the Preservation of Foreign Language Resources. This measure (H.R. 7310) would create a small consultative group to advise in the formulation of policies to identify, preserve and improve this nation's foreign language resources. In addition, it would evolve active programs for the conservation of these resources and serve as consultant and coordinator to national and state professional educational associations for the development and implementation of activities designed to preserve and identify these same resources. It will also develop and maintain what amounts to a data bank of this country's non-English language resources.

Congressman Gonzalez's proposal has never been more timely. Never before in this nation's history has there been such a pressing demand for individuals qualified to communicate with the world community in their native tongues. Man's destiny—indeed his very survival—is to an unprecedented degree dependent upon his ability to develop effective intercommunication in the family of nations. The vital questions of our time, as we have seen repeatedly, cannot be resolved by military force. Survival today depends increasingly on the ability to communicate effectively with other peoples in their native languages, on discussing problems and issues without the admittedly imperfect tools of translation and interpretation.

National interest forced us to utilize our non-English language resources to meet World War II commitments. Thousands of speakers of non-English languages were pressed into service to accomplish such tasks as teaching languages, preparing radio and press releases, intercepting radio transmissions, censoring mail, and hundreds of duties too numerous to mention here. The nation suddenly realized the value of this hidden resource possessed by our non-English speakers.

Concomitant with the utilization of the non-English language skills of these citizens, our nation's educators began to question the effectiveness of foreign language instruction at all levels of the educational structure. It became immediately apparent that the reading and translating objectives of foreign language instruction in high schools and colleges did not produce the skills and aptitudes needed by our nation. A rarity indeed was the foreign language student who developed the proficiency approximating that of a native speaker. Few were the high school students able to understand the foreign language they had studied when spoken by a native speaker. Fewer yet were those able to converse intelligently in a foreign language.

While we needed non-English language resources in Czechoslovakian, Bulgarian, Rumanian, Arabic, Portuguese, Swedish, Norwegian, Finnish, Italian, Tagalog, Mandarin and

Hindi to name but a few, we discovered that most secondary school and college curricula offered: Spanish, French and German. Very few school systems or institutions of higher education helped those who spoke non-English languages to preserve the linguistic and cultural heritage of the ethnic group to which they belonged. Our twentieth century educational philosophy was a reflection of an 18th and 19th century ideal—that the United States is a melting pot; that we embrace those who come to our shores as equals—but they must forget their past, their culture, their traditions, their heritage and become homogenized copies of Babbit on Main Street, U.S.A. Our 19th century culture developed what amounted to an ethic that the individual who spoke with a "foreign" accent (whatever that really means) had not quite become fully Americanized. Those who spoke a non-English language at home were looked at with suspicion and as slightly un-American.

Teachers and educators reflected the prevailing opinion by systematically discouraging pupils and students from using or preserving the language and culture of the ethnic group to which they belonged. The school's rejection of the home language, of those who spoke languages other than English, subconsciously denigrated their culture. Our local and state educational policies were monolingual and monocultural. We were a safe, secure continental island, separated from the rest of the world by broad oceans. In our dealings with those from abroad, we used English, and in many cases still do. Yet, as Joshua Fishman in his study "Language Loyalty in the United States" points out, at the national level America has rarely implemented policies to "hasten the linguistic and cultural enfeeblement of the immigrant groups. . . . Immigrant minorities were never forbidden to organize and maintain their own communities, organizations, schools, or publications."

After the end of World War II, the momentary recognition given those who possessed non-English language resources subsided. Some forward-looking educators and linguists, capitalizing on the advances in foreign language teaching methodology pioneered by the Army Language School and other such projects, began conducting research in the development of foreign language teaching materials, the training of foreign language teachers, and the updating of our school and college curricula. In general, foreign language teaching returned to the pre-World War II rut from which it had given promise to emerge. With the exception of a few cosmopolitan urban centers in the nation, our value systems still reflected a degree of mistrust of those who spoke another language than English. If not quite un-American, they certainly were not as "fully" American as those of Anglo-Saxon, English-speaking, protestant, ethnic origin. For most, the idea of cultural pluralism was an anomaly rather than an ideal.

The advent of the first Russian Sputnik jarred the nation's leaders from their complacency. Since then this country has made some significant advances in expanding its reservoir of foreign language skills. Under the authorization contained in the National Defense Education Act and other legislation, basic research into the nature of language and how it is learned was subsidized, and thousands of teachers received intensive upgrading of their own language proficiency. Thousands of scholars were given opportunities to pursue advanced study in hundreds of languages classified as "critical" or "exotic" in terms of national need.

The language teaching profession, Congress and the U.S. Office of Education worked together in the 1960's to expand our non-English language resources. Millions were spent developing and implementing well-designed programs. Many of the gains of the past decade face an uncertain future today as foreign language requirements in schools and colleges are lessened or eliminated. The roots of ethnocentricism are deep; the winds of neo-isolationism sweeping the country Valkyrian—nostalgically seducing many to the Valhalla of "Fortress America."

This nation has millions of individuals who speak other languages. Some are completely bilingual; others have yet to learn English. Each year many migrate to our shores and bring with them additional non-English language skills, language resources which are desperately needed. The nation's attitudes to these resources have changed but little since the 19th century. With the exception of a few bilingual schools, non-English, non-Anglo-Saxon ethnic groups are still pressured to forget the past, to forget their cultural heritage, to forget their language. No systematic program exists to identify and inventory these resources. No agency or branch of government is charged with the responsibility of encouraging social, educational and political associations, educational institutions and educational systems at the state and local level to develop programs to preserve these priceless resources in our national interest.

In a democratic society such as ours, educational policy, whether at the national, state or local level, should be based on the needs and well-being of the individual as well as the needs of the state. The failure to dignify the home language and culture of children from non-English speaking homes has damaged the self-concept of speakers of other languages. It has been repeatedly demonstrated that those who went through such an experience reach adulthood without acquiring literacy in their mother tongue. In such cases, the home language is practically useless for any professional or technical purpose where language proficiency is important. A valuable resource is wasted; but more importantly, an individual was psychologically damaged in the process. Instead of bicultural, bilingual children, we produced generations of citizens most of whom wind up as linguistic cripples, neither functional in their home culture nor the dominant culture of our nation.

It is my strong conviction that Congress should take the initiative, pass this legislation and establish a National Commission for the preservation of this nation's non-English language resources. Congresman Gonzalez's vision and foresight are to be applauded. Through the proposed commission's statements, policies and programs it can insure not only the preservation of an important strategic national resource, but serve as a valuable counterpart to existing programs for the development of foreign language skills. It can truly be said—it makes little sense to spend countless millions to teach people language skills in one segment of the population, while unwittingly our system works systematically to stamp out these same, as well as other non-English language skills, in other ethnic groups.

Can we be less than cultured men in supporting this legislation? As Matthew Arnold stated, "The great aim of culture is the aim of setting ourselves to ascertain what perfection is and to make it prevail."

BEYOND RHETORIC—THE REAL NIXON ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, it must be said that in a time of national crisis, a little bit of partisanship goes a long way. For that reason, I was disturbed that the latest Nixon energy message carried with it the suggestion that the Congress is really to blame. Such a suggestion is both a diversion from the kind of bipartisanship which should be sought now and an egregious falsehood.

For the fact is, as I stated on the floor last Thursday, this ostrich administration had pretended for 2 years that the energy crisis did not exist. Their defaults have put us in such a vulnerable posture that the Arab's "oil weapon" will inevitably have a devastating impact on our lives and our economy in the months immediately ahead.

For 2 years, the warnings of Congressmen of both parties were scorned by the White House. Administration "experts" scoffed at suggestions that we put the country on an energy diet. As late as this summer administration spokesmen, including Secretaries Morton and Shultz, delivered testimony before my subcommittee in opposition to a multi-billion-dollar energy research and development bill—the same program he now tells the country the Congress is holding up. The President's so-called Project Independence could have been law today but for his own intransigence.

A measure of Mr. Nixon's confused, wrongheaded approach to energy is that he has sent the Congress no fewer than four separate energy messages in a single year, each carrying different themes and vastly different conclusions. This is no policy; it is a nonpolicy which has prohibited meaningful legislative response.

Here is a summary of what the Nixon administration has told the American people and the Congress this year about our energy position.

THE 1974 BUDGET MESSAGE

In January, Mr. Nixon released figures which called for an energy research increase of only about 20 percent, or a mere $772 million, less than this country spends on the construction of a single aircraft carrier and less than one-tenth of the military research budget. His figures were greeted with howls by Congress, industry, and the utilities—all of whom begged for at least $100 million more.

ENERGY MESSAGE NO. 1—APRIL 18, 1973

With great fanfare, the President announced that energy R. & D. funding for 1974 would be increased by 20 percent over 1973. He added that we must apply our vast scientific and technological capacities both public and private to utilize our current energy resources more wisely and develop new sources and new forms of energy. Yet the proposed R. & D. funding was no larger than had been indicated in January in spite of strong criticism that it was inadequate. In particular, geothermal energy was barely increased at all to only $4 million, solar energy while tripled to $12 million was still a minimal amount compared with a vast potential and nonpolluting nature of the source, conservation of energy funding was only increased $2 million to $9 million total, and transmission and storage of energy was actually decreased from $6 million to $3 million.

ENERGY MESSAGE NO. 2—JUNE 29, 1973

In June, the President finally increased the energy R. & D. budget for 1974 by $100 million and declared that the answer to our energy difficulties lies in developing new forms of energy. The allocation of the $100 million additional was to be announced by September 1 in the study by the AEC. In fact, after the AEC made its recommendations, OMB then sat on the results until October 11, so that less than 8 months remained until the end of the year to spend the money which is clearly an insufficient time interval to expand the program. Much of the additional money thus will probably not be spent until later years due to all this delay.

The President also announced that a $10 billion, 5-year R. & D. program would be initiated. It soon became evident, however, that the $10 billion included present programs which would have been $5 or $6 billion anyway. This was the same program he had been attempting to kill in the Congress.

ENERGY MESSAGE NO. 3—OCTOBER 11, 1973

The details of the $100 million additional energy R. & D. funding were finally released on October 11. It turned out that energy R. & D. had been redefined so that vaguely related programs were now included in the R. & D. category, which bloated the total budget to $1 billion instead of about $870 million, and the incremental $100 million had thus become $115 million. This had the effect of increasing the presently projected energy research for present programs over the next 5 years so that the new money necessary to achieve a $10 billion program was reduced still further. By this time, Congress had already appropriated $90 million more for energy research so that the $115 million figure included only $25 million of new money. Other points to note include: First, it was announced that the nuclear fusion budget would be substantially increased, and only that week the President had suggested leap frogging the breeder reactor and going directly to fusion. However, in fact, the fusion budget presented cut the funding by $2 million from what Congress had already appropriated; second, solar energy which had been increased to $15 million by the AEC, from the originally suggested $12 million, was cut back to only $13 million. The logic behind cutting back solar energy research funds at a time when solar energy presented the prospect of unlimited nonpolluting energy is difficult to fathom.

ENERGY MESSAGE NO. 4—NOVEMBER 7, 1973

Spurred by the Arab oil embargo, the President finally admitted an energy crisis really existed. He suggested a series of steps to immediately conserve fuel, and asked for legislation which would permit more stringent actions later if necessary. Unfortunately for the country, he was wrong again. The immediate suggestions are inadequate; they are either too slow; that is, the conversion of industry to coal or an accelerated nuclear power program, or they are too modest; that is, 50-mile-an-hour speed limits for Government transport, and airline flight cutbacks of 10 percent which might have only 100,000 barrels per day effect, or voluntary actions which are not likely to be effective until monetary incentives to save are added.

This means that in the coming months as our supplies shrink due to limited imports, our consumption will continue at nearly normal rates, which will reduce inventories necessary for the winter quarter.

Some of the requested legislation has merit, such as limiting commercial hours, permanent daylight savings time, and higher gas taxes or gas rationing. But inexplicably his request was merely for standby authority, presumably not to be used until the gas pumps are dry and the pipes frozen. The point is that now is the time to cut back rather than allow all the shortage to accumulate in the first quarter of the year.

And so we are still faced with an administration that does not seem to perceive the full dimensions of the deep trouble we are in. The President is talking about a shortage of 2 to 3 million barrels of oil this winter. Nonsense; it will be far greater, perhaps 6 million barrels per day. A deficit of this magnitude has such grim consequences that all efforts should immediately be directed towards mandatory conservation, rather than wasted in bland assurances that we "face no suffering this winter."

The President had better get a grip on the problem; he has not yet after four separate energy messages. Shifting the blame to the Congress would not heat a single home or hospital or keep a plant open. And such an effort will further divide a country that wants leadership, not partisanship.

WHY NO U.S. AMBASSADOR TO SWEDEN?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker. Mr. Nixon has just decided to send an American ambassador to Cairo. This is a wise move. But why not also send an ambassador to Sweden?

In the last 10 years, the Egyptians have publicly insulted the United States on many occasions. Their head of state, for example, publicly advised the United States to "go drink from the sea." Sweden, while steadfast in its criticism of the U.S. presence in Southeast Asia, has remained a friend of this coutnry.

So let us send an American ambassador to Stockholm. Incidentally, Dr. Henry Kissinger could then look Liv Ullman in the eye again.

PUBLIC REACTION OVER ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, over the weekend I was both amazed and concerned by what I heard. There was the widespread belief that the current energy crisis was a sham and a political ploy devised by the President to divert attention from the Watergate and related matters. While I agree that the President's energy message, in part, was a response to Watergate charges, my own study and that of many other Members, indicates that he is on solid ground in projecting severe fuel shortages this winter. I just wish that this insight and his efforts began 1 year ago instead of waiting until the middle of October.

Knowing of this growing public cynicism about President Nixon's motivations, I called upon the President last week to set a good example. I told the President—

> Since success in meeting the energy crisis requires both effective governmental action and citizen participation, I am requesting that you remain in Washington and forgo the warm sunshine of Key Biscayne and San Clemente during this winter period. If our people must shiver this winter, our public officials cannot be expected to do less.

The importance of personal example and constructive governmental efforts were underscored by a perceptive column in the Sunday Hartford Times by Editor Charles Betts.

In response to Mr. Betts' call for action, I have today asked the Secretary of Defense to detail what war games, air shows, and nonessential maneuvers will be canceled in order to conserve fuel. Further, I have contacted Dr. James Fletcher, the head of NASA, asking him to stretch out the space program projects to get us over the current crisis.

I believe that my colleagues will benefit from reading Mr. Betts' column and I enter it at this point in the RECORD:

[From the Hartford (Conn.) Times, Nov. 11, 1973]

LET US ALL SACRIFICE AT THE TOP, TOO

(By Charles A. Betts)

Well, once again, my leaders in Washington are calling upon me to sacrifice so we can all get through the winter without freezing to death.

Pardon me if I look upon this heartfelt appeal with a certain degree of cynicism. Now, don't misunderstand me. I'm willing, indeed eager, to cooperate for the national interest when necessary, repeat necessary. And I think the vast majority of Americans are too.

We are, that is, with one big proviso. That is that the same ground rules apply across the board to everybody without regard to rank, stature, position or political pedigree.

In other words, I don't want to be sitting around shivering a little in my extra sweater with the thermostat down to 65 degrees and learn that Richard Nixon and his entourage are winging it to Camp David, Key Biscayne or San Clemente for a cozy week-end in the mountains of Maryland or some fun in the sun in California or Florida.

When Nixon asks the nation to cool it, literally, I for one want Nixon to keep his abode right there in the White House. For that matter what do you say we close down Camp David, San Clemente and Key Biscayne for the duration of the crisis?

I bring all this up specifically because I think government is all too prone to con us "general public" folks while government leaders and/or special interest people somehow seem to feel above the common herd.

Remember the beginnings of the wage-price freeze mess? Everybody was supposed to be frozen in salary and then raises were limited to 5.5 percent. But much of big labor told the Nixon Administration, "nothing doing." And so contracts were signed calling for increases far in excess of 5.5 percent while in many cases you were being told you couldn't get more than that figure.

I have a couple more ideas too, while I'm contemplating my 65-degree house and 50-mile-per-hour speed limit to conserve energy.

For starters, why do we have to go ahead with the Skylab program? Imagine the energy expended to prepare for those space missions, let alone run them off.

If the energy crisis is bad enough in this country, and apparently it is, for my President to ask me to go along with this whole emergency program, then I say it is bad enough to suspend the whole space program until things ease off.

In addition, I won't care particularly to read about any military exercises while I'm cooperating with my leader to save fuel. No rumbling of tanks around Europe in any NATO training. No big military air shows. No maneuvers for the National Guard. No fleets steaming around for kicks.

For that matter Air Force One, itself, can stay still for all of me save for necessary trips in the highest priority of national interest and security.

I sincerely hope we succeed in the President's goal to develop United States self-sufficiency in energy by 1980. I also sincerely hope that we don't have to backtrack too far in the gains we have made over the past few years in pollution control and overall protection of the environment.

From all I have heard about the energy crisis the ecology movement is in for back-seat treatment now and in years to come. I believe when the immediate crisis is over, we should strive again for a working balance between energy and environment.

Meantime, I'll gladly do my part. But I want no part of my leaders taking it out of my hide while they go on with an attitude that sacrifice is just for the peasants.

RAIL ORGANIZATION AND INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes

Mr. HAMILTON. Mr. Speaker, I am pleased that the House passed H.R. 9142, the Regional Rail Reorganization Act, last Thursday, November 8. I hope the Senate acts promptly on its version of this bill, so that we can keep the trains running. Rapid final congressional action on this bill is needed if severe reductions or even termination of rail service is to be avoided. Such a course of developments would be disastrous to the State of Indiana, as well as to the nation as a whole.

IMPORTANCE OF NORTHEAST RAILROADS

The facts of the situation are well known. Since 1967, six major northeastern railroads have filed for bankruptcy. One of them alone, the Penn Central, operates a 20,000-mile system covering 16 States, including Indiana. It accounts for 70 percent of the Nation's passenger service and 20 percent of its freight transportation, including everything from raw materials and heavy manufacturing goods to foodstuffs.

The importance of the northeast railroads to the Nation is enormous:

Forty-six percent of all intercity freight moves by rail, and more than 50 percent of that total originates or terminates in the Northeast.

Thirty-six percent of all manufactured products that move by rail originate in the Northeast.

While 9.8 percent of all agriculture products that move by rail originate in the Northeast, nearly 13 percent of such products terminate there.

THE BILL

As several of my colleagues pointed out in the RECORD on October 1, the declining fortunes of the Northeast railroads are not going to be reversed without some Government involvement. The extent of this involvement should be limited, but short-term assistance will be needed to keep the railroads operating until the long-term effects of restructuring the industry can take hold.

H.R. 9142 provides the type of short-term aid that is needed. A new agency, the Federal National Railway Association—FNRA—is created under the bill to act as the principal planning and financing vehicle for the reorganization and rehabilitation of the bankrupt northeastern railroads. After studies are made of these railroads' physical properties, financial position, competitive situation and other relevant matters, final determinations of the quantity and quality of rail service to be provided by these carriers are to be made and will appear in a final system plan.

In accordance with the principal objective of assuring adequate rail service in the region affected, the bill directs the planners to formulate a financially self-sustaining rail system and yet one that gives due consideration to the public services aspects of rail transportation. The system is to be operated by a new private, investor-owned carrier corporation that is to carry out the final system plan.

For the purpose of providing financial assistance to the new corporation, the FNRA is authorized to issue up to $1 billion of its obligations with the guarantee of the Secretary of Transportation. The bill also authorizes the appropriation of $85 million for the interim relief of bankrupt railroads pending implementation of the final system plan, and establishes principles of employee protection which are customarily found in mergers and consolidations in the railroad industry.

The Government financing in the bill is quite small when compared with the great economic importance of continued rail service. It is estimated that termination of Penn Central service alone would substantially increase national unemployment, reduce national productivity by 3 percent, and increase inflationary pressures throughout the Nation. The use of alternate transportation systems, especially trucking, would aggravate air pollution, further clog highways, and increase use of petroleum products at a time when fuel resources are already stretched thin.

IMPORTANCE OF BILL TO INDIANA

Indiana has more miles of Penn Central track—2,845—than any other State except for Pennsylvania and would, frankly, be crippled by a reduction or termination of service. This track constitutes 45 percent of the State's total.

The Penn Central network in Indiana services all of the major industrial regions of the State, and has a total employment of almost 11,000 Hoosiers. It serves almost 3,000 freight customers in Indiana, and had operating revenues in 1971 in the State of more than $206 million. Last year, it paid out wages and salaries to Hoosier employees totaling $103 million.

Obviously, Indiana has a vested interest in maintaining the operations of the Penn Central and other northeast railroads. Indiana's five most important industries—agriculture, steel, automobiles, mobile homes, and electricity—are all dependent on Penn Central service. According to a recent study of this matter by the Indiana Department of Commerce—

> The loss of the Penn Central could disrupt the Indiana economy enough to produce conditions of unemployment worse than those of the Great Depression.

A shutdown of just a month's duration is estimated to result in a loss of $138 million in manufacturing output and 300,000 unemployed—an unemployment rate of 23.5 percent—because of plant shutdowns and reductions.

Mr. Speaker, these are dramatic figures. They indicate the urgent need for enactment this year of regional rail reorganization legislation like that embodied in H.R. 9142. This bill provides a workable, balanced and comprehensive proposal for relieving the Northeast's rail crisis. We must not delay in providing this relief.

RULES OF EVIDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HUNGATE) is recognized for 5 minutes.

Mr. HUNGATE. Mr. Speaker, on Tuesday, October 6, 1973, the Committee on the Judiciary ordered favorably reported the bill H.R. 5463, to establish rules of evidence for certain courts and proceedings.

Pursuant to the provisions of clause 17 of the Addendum to the Rules of the Democratic Caucus for the 93d Congress, I am hereby inserting in the CONGRESSIONAL RECORD notice of my intention to request, following the expiration of 4 legislative days, the Committee on Rules to report to the House a resolution providing for a "modified closed rule" on the bill H.R. 5463. The rule I will be requesting would provide in effect that after an extensive period of general debate not to exceed 4 hours, on the bill, further consideration of the bill for amendment would be postponed to a time certain to give Members an opportunity to draft and to insert in the Record any amendments which they proposed to offer to the bill. Those amendments, if offered, would not be subject to amendment on the floor, and article V of the bill, the "Privilege" article, would not be subject to amendment. Such a rule would I believe, best permit the House of Representatives to work its will on this important and complicated piece of legislation.

Mr. **SMITH** of New York. Would the gentleman yield?

Mr. **HUNGATE**. I yield to the gentleman from New York.

Mr. **SMITH** of New York. I would like to echo the sentiments of the gentleman from Missouri. I hope the Committee on Rules will grant this kind of a rule on the very technical rules of evidence which the gentleman's subcommittee spent at least 9 months on. The proposed rule would in no sense restrict any Member who has an amendment to any section of the bill, but it would require advance notice of such an amendment. I think this is a very sensible rule to seek when the bill concerns such a technical matter as the codification of the Federal rules of evidence.

I thank the gentleman for yielding.

Mr. **HUNGATE**. I thank the gentleman from New York, who is the ranking Republican member on that subcommittee and who played a very active part in this legislation, for his contribution.

I would say, as he has said, that I would want to take an extensive period of debate so that all Members might have an opportunity to become familiar generally with what we have done and have an opportunity to question the committee.

Then put this over so that proposed amendments could go in the Record as to all sections except as to the privilege section, and we have pretty well left the law of privilege pretty much in its present state.

This is our intention, so that all Members may know what the committee has done, and they will have the opportunity to offer amendments to all sections except the privilege section, and yet it can be done in an orderly fashion because it is an exceedingly technical piece of legislation.

ON PERMANENT DAYLIGHT SAVING

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Sikes) is recognized for 5 minutes.

Mr. **SIKES**. Mr. Speaker, I am introducing a bill today to extend daylight saving time to the entire calendar year. This is one of the proposals recently advanced by the President for energy conservation. It seems to me that the benefits of extending daylight saving time far outweigh the continuation of the present system. I think it makes even more sense to have daylight saving time during the winter than it does for the summer months. People would be encouraged to shop after leaving work because of the additional hour of daylight. It would certainly be advantageous to schoolchildren. Greater use would be made of recreational and cultural facilities since outdoor activities could be continued for an extra hour.

As we look ahead to the increased demands upon our energy sources, the reasons for changing to year-round daylight saving time become all the more important. This would be one of the wisest energy conservation moves we could make and at no cost or loss to anyone. In fact at the moment the most significant effect of the daylight saving time extension is the potential for energy savings in the consumption of electricity.

According to the National Safety Council, the rate and severity of traffic accidents is the highest just after sundown. Therefore, when standard time is in effect, commuters are forced to return home during the hours of greatest hazard and at a time when they are more fatigued and least alert. With the extension of daylight saving time, that additional hour of daylight should make it possible during most of the winter months, for commuters to reach their homes before the onset of darkness.

Another key benefit would be the reduction in street crime. Statistics indicate that robbery, mugging, and purse snatching are most frequent during the early evening. With the extra hour of daylight saving time at a time when most of the work force is en route home, criminals would be less apt to threaten these individuals returning to their homes and families.

I urge early and favorable consideration of this legislation by the Congress.

LABOR-HEW CONFERENCE REPORT

(Mr. **PERKINS** (at the request of Mr. Melcher) asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. **PERKINS**. Mr. Speaker, tomorrow the House will consider the conference report on the Labor-HEW appropriations bill for fiscal year 1974. I support that conference report. In particular, I support the title I "hold-harmless" provision contained in that report.

The conference committee has done the best job it could in dealing with an outdated, inequitable formula and has brought us the best compromise possible for distributing title I funds this year. I would like to insert at this point in the Record two charts showing the increased grants for title I which will result if the conference report is adopted. The first chart shows the increases by States, and the second chart shows the increases for the 30 largest school systems in the country:

COMPARISON BETWEEN TITLE I LOCAL EDUCATIONAL AGENCY ALLOCATIONS IN FISCAL YEAR 1973 AND THE LABOR-HEW CONFERENCE AGREEMENT BY STATE

State	Fiscal year 1973	Conference agreement[1]
Alabama	34, 549, 166	36, 231, 420
Alaska	2, 415, 066	2, 757, 142
Arizona	8, 134, 242	9, 354, 378
Arkansas	20, 963, 618	21, 793, 010
California	111, 618, 375	128, 361, 131
Colorado	10, 237, 378	11, 680, 683
Connecticut	11, 747, 931	13, 510, 121
Delaware	2, 323, 748	2, 672, 310
District of Columbia	10, 096, 368	11, 610, 823
Florida	24, 111, 072	27, 433, 768
Georgia	40, 573, 812	42, 841, 265
Hawaii	3, 715, 263	4, 272, 552
Idaho	2, 719, 220	3, 062, 802
Illinois	69, 554, 901	79, 657, 703
Indiana	18, 773, 439	21, 241, 592
Iowa	14, 601, 661	15, 402, 643
Kansas	9, 147, 430	10, 166, 938
Kentucky	32, 212, 788	33, 817, 801
Louisiana	31, 322, 489	35, 609, 869
Maine	5, 633, 673	6, 478, 724
Maryland	19, 380, 669	22, 250, 234
Massachusetts	24, 893, 505	28, 627, 531
Michigan	51, 768, 916	59, 517, 077
Minnesota	20, 897, 155	22, 738, 709
Mississippi	35, 922, 629	37, 866, 737
Missouri	23, 367, 302	25, 209, 867
Montana	2, 865, 542	3, 235, 543
Nebraska	7, 187, 530	7, 797, 808
Nevada	923, 899	1, 040, 322
New Hampshire	2, 007, 413	2, 308, 525
New Jersey	44, 232, 287	50, 867, 130
New Mexico	7, 393, 185	8, 502, 163
New York	196, 835, 764	226, 356, 413
North Carolina	51, 556, 663	50, 634, 889
North Dakota	4, 101, 267	4, 360, 156
Ohio	42, 248, 122	48, 337, 485
Oklahoma	16, 629, 246	18, 435, 642
Oregon	8, 421, 321	9, 684, 519
Pennsylvania	64, 998, 125	74, 747, 843
Rhode Island	4, 873, 849	5, 604, 926
South Carolina	29, 853, 231	30, 881, 808
South Dakota	5, 470, 551	5, 713, 175
Tennessee	31, 273, 191	31, 659, 555
Texas	67, 675, 754	74, 232, 589
Utah	3, 894, 921	4, 447, 225
Vermont	2, 093, 957	2, 398, 856
Virginia	31, 522, 692	33, 229, 975
Washington	13, 445, 639	15, 462, 485
West Virginia	17, 319, 813	19, 241, 835
Wisconsin	17, 340, 875	19, 761, 936
Wyoming	1, 170, 817	1, 325, 974

[1] The conference agreement on H.R. 8877 provides for an appropriation for title I of $1,810,000,000 with a 90 percent State "hold harmless" to fiscal year 1972, a 90 percent LEA "hold harmless" to fiscal year 1973, and a 115 percent LEA maximum to fiscal year 1973.

COMPARISON BETWEEN TITLE I LOCAL EDUCATIONAL AGENCY ALLOCATIONS IN FISCAL YEAR 1973 AND THE LABOR-HEW CONFERENCE AGREEMENT FOR THE 30 LARGEST SCHOOL SYSTEMS IN THE COUNTRY

County or school district	Fiscal year 1973	Conference agreement
New York City	134, 740, 582. 14	154, 951, 669. 42
Los Angeles	45, 181, 297. 68	51, 958, 492. 33
Cook (Chicago)	43, 938, 358. 89	50, 529, 112. 72
Wayne (Detroit)	22, 254, 319. 17	25, 592, 467. 04
Philadelphia	20, 752, 432. 16	23, 865, 296. 98
Harris (Houston)	6, 314, 749. 31	7, 261, 961. 70
Dade (Miami)	3, 691, 322. 37	4, 162, 220. 72
Baltimore City	10, 592, 231. 38	12, 181, 066. 08
Dallas City	4, 168, 752. 92	4, 794, 065. 85
Cuyahola (Cleve.)	9, 792, 840. 15	11, 261, 766. 17
Washington, D.C	10, 096, 368. 00	11, 610, 823. 20
Pr. George's Co	1, 649, 999. 30	1, 897, 499. 19
Milwaukee City	5, 039, 171. 73	5, 795, 047. 48
San Diego City	5, 505, 345. 98	6, 331, 147. 87
Shelby (Memphis)	3, 809, 596. 13	4, 381, 035. 54
Baltimore Co	792, 571. 18	911, 456. 85
Duval (Jacksonville)	2, 197, 440. 74	2, 527, 056. 85
Fairfax Co., Va	466, 052. 09	535, 959. 90
Montgomery Co., Md	693, 519. 85	797, 547. 82
St Louis City	1, 099, 472. 92	1, 264, 393. 85
Orleans Par (No)	4, 306, 926. 30	4, 952, 965. 24
Franklin (Columbus)	3, 607, 667. 35	4, 148, 817. 45
Marion (Indianap)	3, 078, 421. 07	3, 540, 184. 23
Broward (Ft Laud)	1, 387, 232. 27	1, 595, 317. 11
Hillsborough (Tampa)	1, 865, 058. 26	2, 144, 816. 99
Denver	3, 256, 609. 66	3, 745, 101. 10
Suffolk (Boston)	7, 515, 927. 26	8, 643, 316. 34
Davidson (Nashville)	1, 473, 443. 71	1, 694, 460. 26
Jefferson (Louisville)	3, 197, 069. 83	3, 676, 630. 30
Atlanta	4, 538, 289. 34	5, 219, 032. 73
Fulton Co	3, 750, 862. 01	4, 313, 491. 31
De Kalb Co	787, 427. 33	905, 541. 42

It is my understanding that Congressman Quie will offer an alternative tomorrow to the committee's title I hold-harmless agreement. I believe that that alternative must be opposed on three grounds.

First, it will lead to great confusion among local school districts about their title I grants. We have already changed the allocations to local school districts twice this year, and the Quie amendment will change them again.

I believe that we should uphold the conference agreement which contains the same allocation as we made in the second continuing resolution. Half the school year is almost over, and it is not fair to change the local allocations again.

Second, the Quie amendment will lead to more funds going to wealthier areas. For instance, Fairfax County, Va., will double its title I allocation under the Quie amendment over what it will receive under the conference agreement. Montgomery County, Md., will have a 25-percent increase in its allocation. This increase to Fairfax County will be at the expense of the poor rural school districts in southwestern Virginia. The increase in Montgomery County will be at the expense of the poor rural areas on the eastern shore of Maryland. Fairfax County and Montgomery County obviously have need for additional money; but as some of the wealthiest school districts in the country, their needs should not be taken care of at the expense of some of the poorest school districts in the counrty.

Third, the Quie proposal will lead to the AFDC part of the formula being enormously influential this year in determining local school districts' title I allocations. Under the present law, school districts receive title I funds for children counted under the census who are from families with incomes under $2,000 a year and for children whose families receive over $2,000 a year in AFDC payments. Since only those children on AFDC whose families receive more than $2,000 a year are able to be counted as title I children, only the richest States in the country have been able to increase their numbers of title I children every year, while the poorest States are left with only the same numbers of children counted under the census. I would like to insert at this point in the Record a chart showing how the richest States have benefited from the AFDC part of the formula at the expense of the poorest States:

RELATIONSHIP BETWEEN A STATE'S WEALTH AND ITS RELIANCE ON AFDC UNDER TITLE I

	Per capita income		AFDC children under title I[1]		
	1970 census	Ranking	Fiscal year 1973	Percent	Ranking
New York	5,000	1	565,968	69.7	3
Connecticut	4,995	2	47,116	65.9	5
Alaska	[2] 4,875	3	4,723	46.6	18
Nevada	4,822	4	2,427	38.4	23
New Jersey	4,811	5	170,877	71.4	1
Illinois	4,775	6	207,393	62.9	6
Hawaii	4,738	7	13,902	60.2	7
Delaware	4,673	8	5,711	40.2	22
California	4,640	9	560,993	70.4	2
Massachusetts	4,562	10	118,674	69.4	4
Maryland	4,522	11	59,407	49.2	14
Michigan	4,430	12	194,106	59.4	8
Kansas	4,192	13	23,011	35.2	26
Ohio	4,175	14	137,774	45.7	19
Colorado	4,153	15	37,295	51.0	13
Pennsylvania	4,147	16	246,945	56.3	11
Washington	4,132	17	53,427	57.9	10
Rhode Island	4,126	18	18,208	58.3	9
Minnesota	4,032	19	45,154	35.4	25
Nebraska	4,030	20	15,812	30.8	28
Indiana	4,027	21	51,115	38.1	24
Oregon	3,959	22	26,326	48.7	16
Missouri	3,940	23	37,152	22.3	35
Florida	3,930	24	25,472	14.8	41
Wyoming	3,929	25	2,213	28.0	31
Arizona	3,913	26	17,624	30.3	29
Wisconsin	3,912	27	46,691	41.7	21
Virginia	3,899	28	50,142	22.3	35
Iowa	3,877	29	29,074	28.1	30
New Hampshire	3,796	30	6,698	47.4	17
Texas	3,726	31	79,326	16.4	39
Vermont	3,638	32	6,325	42.8	20
Montana	3,629	33	5,575	27.4	32
Georgia	3,599	34	45,995	15.9	40
North Dakota	3,538	35	5,150	17.6	37
Oklahoma	3,515	36	30,372	25.6	34
Utah	3,442	37	15,058	54.2	12
South Dakota	3,441	38	6,537	16.8	38
North Carolina	3,424	39	39,056	10.6	44
Idaho	3,409	40	6,570	34.0	27
Maine	3,375	41	19,730	49.1	15
Kentucky	3,306	42	32,334	14.1	42
Tennessee	3,300	43	0	0	48
New Mexico	3,298	44	13,975	26.5	33
West Virginia	3,275	45	14,553	11.8	43
Louisiana	3,252	46	18,778	8.4	45
South Carolina	3,142	47	4,561	2.2	46
Alabama	3,087	48	1,074	.4	47
Arkansas	3,078	49	0	0	48
Mississippi	2,788	50	0	0	48

[1] The first two columns under this heading show the actual numbers and percentages of title I children by State who are from families receiving AFDC payments in excess of $2,000 a year for fiscal year 1973. The last column shows the ranking by State of a State's portion of title I children who are from these AFDC families for fiscal year 1973.

[2] Reduced 30 percent to make purchasing power comparable to other areas of the United States.

EULALIA HOTZ—DEDICATED PUBLIC OFFICIAL

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, last Tuesday, a very good friend of mine, Miss Eulalia "Uke" Hotz, announced that she would not seek reelection next year as county clerk of Madison County, Ill., a position she has held for 32 years.

Uke Hotz's announcement, a complete surprise to me, is one which I deeply regret. She has been an outstanding county official who has the respect and affection of everyone who knows her. Uke Hotz has contributed a great deal to efficient county government.

First elected in 1942, Uke Hotz was the first woman to be elected to county office in Madison County. She had previously worked in the office for her father, Joseph Hotz, who was elected in 1922 and for her brother, Norbert Hotz, who took office in 1933. A tradition of 52 years in which the office of Madison County Clerk has been headed by a member of the Hotz family will end with Uke Hotz's retirement.

In 1969, Uke Hotz was the first woman elected president of the Illinois Association of County Officials and is on the Board of Directors of the International Association of Clerks, Treasurers, and Election Officials and of the National Association of Clerks and Recorders. She has been active in civic organizations and is vice-president of the Madison County Chapter of the American Cancer Society.

At this point in the Record, Mr. Speaker, I include a November 8 editorial from the Alton Evening Telegraph on Uke Hotz's outstanding service to the public:

Service Is Her Legacy

Madison County Clerk Eulalia "Uke" Hotz has given stability to an office in her 32-year tenure that most counties aren't fortunate enough to enjoy.

She is known and admired locally, statewide and nationally for her knowledge of election and other law, and her work as a member of the Illinois Election Laws Commission.

The professional staff she has developed through the years handles many complicated tasks with ease.

Uke admits to having educated and exposed many a lawyer, county official, election official, judge, and newsman, including this writer, to the intricacies of the taxing cycle, the government division of the courts, election procedure, county board procedure, and the political process.

Although these people are somewhat prepared for what's ahead Uke and her staff traditionally have taken the training from that point in a successful manner.

Uke's reign has been one of "outstanding service" to the public.

We wish her a happy retirement and hope her successor carries out the legacy of her office.

WILBUR R. L. TRIMPE, PRESIDENT, LEWIS & CLARK COMMUNITY COLLEGE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, this past week it was announced that my good friend, Wilbur R. L. Trimpe, longtime Madison County, Ill., school superintendent has been named president of Lewis & Clark Community College, effective November 20, 1973. The unanimous selection of Superintendent Trimpe by the five members of the college's board of trustees comes as no surprise to me. Long known as Mr. Education in Madison County, Wilbur Trimpe has earned the reputation of being one of the outstanding leaders in education in the State of Illinois.

Wilbur Trimpe has had significant impact at the national level. Because of his efforts, school districts throughout the country have been able to participate in the impact aid program that otherwise would not have been eligible to participate in the program.

Wilbur Trimpe has a bachelor's degree from Western Illinois University and a master's degree from the University of Illinois and has done work toward a doctorate at the University of Colorado.

He is a former school superintendent in Bethalto and Havana, Illinois.

He has taught psychology and education at the old Shurtleff College in Alton, Ill., school organization and administration at McKendree College in Lebanon, Ill., education and psychology at Western Illinois University, and school finance, school buildings, and school law at Southern Illinois University.

He is a former administrative assistant to the dean of education at University of Colorado and has taught school public relations, finance, law, and administration at Bradley University, Peoria, Ill., the past 10 summers.

Wilbur Trimpe now lives in Bethalto, Ill., and was active in the effort to form Lewis and Clark Community College in the late 1960's.

Mr. Speaker, at this point, I include the November 8 editorial from the Alton Evening Telegraph, praising the choice of Wilbur Trimpe.

CAPABLE, LOGICAL CHOICE

Knowing there was a strong possibility Wilbur R. L. Trimpe would be named president of Lewis & Clark Community College, we expressed reservations based on his age and the danger such a busy job may pose to his health.

We also feel a younger man with more years ahead could produce more continuity in the office.

However, we feel Trimpe is highly qualified as an administrator, educator, public relations man, and in his knowledge of school law. He is an excellent and obvious choice to be president of the college.

All of these skills were put in play in his tenure as County Superintendent, and in the promotion to establish Lewis & Clark College.

He has the awareness and knowledge to step into the post without the more lengthy break-in period an administrator from outside the area would require.

He knows the area, the political structure, the legislative process, and the junior college higher board procedure.

Wilbur Trimpe also is acquainted in his "nonpolitical" way with most residents of the area served by the college.

He has the capability to develop a first-rate administrative structure at Lewis & Clark which could eliminate the bickering, misunderstanding, and strife encountered in formative stages.

We join others in wishing President Trimpe success in his new post.

We look forward to a new attitude at the college which is certain to emanate from his enthusiasm and professional approach.

PUERTO RICAN PERSPECTIVES

(Mr. RODINO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, as one who has continually been aware of the problems experienced by our minorities, I try to study as much material as possible on the progress of our legislative programs in this area, on the needs and realities of the situation and on what better approaches we should pursue to accomplish our objectives. For this reason, I was particularly pleased that the following article by José A. Cabranes, published in volume 25 of the 1973 Journal of Legal Education was brought to my attention.

José A. Cabranes is an associate professor of law at Rutgers University Law School in my home town of Newark, N.J. In authoring "Careers in Law for Minorities: A Puerto Rican's Perspective on Recent Developments in Legal Education," for the Journal, Professor Cabranes provides a most excellent portrait of the background, feelings, distinctions, values, social, economic and educational difficulties and aspirations for his ethnic people.

As a resident as well as a Representative from New Jersey, I was quite disturbed to read that according to reliable accounts, New Jersey's Spanish-speaking population of more than 300,000 is served, at the present time, by only three Puerto Rican lawyers. I would also like to draw your attention to Professor Cabranes' explanation of the effect the designation "minority" has on blacks, Puerto Rican, and Mexican-Americans throughout our country. Mr. Cabranes' sensitivity to this issue and his understanding from the Puerto Rican perspective is extremely well expressed. I have found Professor Cabranes' article to be most informative and would like to share his remarks with all the Members of this Chamber this afternoon:

CAREERS IN LAW FOR MINORITIES: A PUERTO RICAN'S PERSPECTIVE ON RECENT DEVELOPMENTS IN LEGAL EDUCATION *

(By José A. Cabranes) **

I. WHO ARE THE PUERTO RICANS?

A request to comment upon Puerto Ricans in the American legal profession, and the prospects for careers for Puerto Ricans in the law in the years to come, invites a consideration of some fundamental questions about this increasingly visible and vocal "minority." Who, after all, are these people? And what do they want? These are common enough questions nowadays when confronting people with dissenting politics or merely differing lifestyles. As it happens, they are perfectly good questions—even when accompanied by expressions of bewilderment or exasperation. As far as I am concerned, they are questions too infrequently asked about Puerto Ricans, whose identity tends to be lost in the rhetoric of the "urban crisis" and the problems of the "minorities."

Who, indeed, are these newcomers? They come bearing a foreign culture and speaking a foreign tongue. However, that is hardly unusual in cities that have received earlier European migrations. Yet in two respects these newcomers do arrive under terms and conditions significantly different from those of other groups that preceded them: they are racially mixed and they are citizens of the United States. They are not grateful escapees from the oppression of distant lands to which they will never return. Rather, they are "colonials"—people from a territory that is not an integral part of the American Union, though it flies the American flag[1]—who reluctantly migrate from a Caribbean island for which they will always yearn and to which they may always return.

Like the "colonials" who have migrated to Britain in recent years the, Puerto Ricans' access to the metropolitan state is made possible by the technological revolution in air transportation and—most important of all—by the citizenship granted years ago by distant rulers who neither foresaw nor suspected the possibility of mass migration. Puerto Ricans inhabit many of the nation's urban centers today because earlier generations of Americans chose to experiment with colonialism after the Spanish-American War and, later, to grant colonial subjects United States' citizenship.

That grant of American citizenship was not intended to accord Puerto Ricans living in Puerto Rico the same rights and privileges as United States citizens residing in states of the Union. Indeed, Felix Frankfurter, serving in 1914 as Law Officer of the Bureau of Insular Affairs of the Department of War (which administered the island territories of the United States), described the then-proposed grant of citizenship as merely a means of recognizing the permanence of the relationship between the United States and Puerto Rico, which would remove "the great source of political unrest on the island" and give Puerto Ricans "a securer technical international standing." The United States Supreme Court held in 1922 that the major constitutional significance of the citizenship granted to Puerto Ricans five years earlier was the right to travel to the mainland of the United States and there enjoy all the rights and privileges of national citizenship.[2]

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*This article is the foreword to a book entitled "Careers in Law for Minorities: Blacks, Chicanos, Puerto Ricans." The views are the author's and not necessarily those of any person or group with whom the author is affiliated.

**José A. Cabranes is a member of the New York Bar and a resident of New York City. He is Associate Professor Law at Rutgers University Law School (Newark), where he teaches courses in international Law, Conflict of Laws and Administrative Law. He also has taught International Law at Queens College of Cambridge University.

Professor Cabranes was born in Mayaguez, Puerto Rico in 1940 and moved with his family to the South Bronx (New York City) in 1946, where his father was director of a settlement house. He is a graduate of New York's public school system, Columbia College (1961), Yale Law School (1965) and Cambridge University (1967). From 1967 to 1971 he was associated with a New York City law firm and engaged in a general corporate practice and a litigation practice before Federal regulatory agencies. Shortly after joining the law faculty at Rutgers in 1971, Professor Cabranes was elected Chairman of the Board of Directors of Aspira of New York, the Puerto Rican educational and leadership development agency. He also is a founding member (and a member of the executive committee of the Board of Directors) of the recently-organized Puerto Rican Legal Defense and Education Fund.

[1] For a convenient account of the acquisition of Puerto Rico after the Spanish-American War, and its political status under the American flag (until 1950), see Pratt, *America's Colonial Experiment: How the United States Gained, Governed and in Part Gave Away a Colonial Empire* (1950). With regard to the constitutional doctrine of territorial incorporation, see *Downes* v. *Bidwell*, 182 U.S. 244 (1901). See generally, Coudert, "The Evolution of the Doctrine of Territorial Incorporation," 26 *Colum.L.Rev.* 823 (1926). For a brief survey of the island's place in the American constitutional system, see my note, "The Status of Puerto Rico," 16 *International and Comparative Law Quarterly* 531–9 (1967).

The Puerto Ricans who exercised that right by migrating to the urban centers of the Northeast in the years following the Second World War came from a culturally defined, but politically and economically underdeveloped, society. Nearly a century before the settlement of Jamestown the ancestors of the Puerto Rican garment and restaurant workers of New York and the migrant agricultural laborers of New Jersey were building a cathedral in San Juan. However, the history of this creole civilization is one of political dependency under two flags. A certain docility before more powerful economic and political forces is a notable characteristic of a people who were Spain's last and most loyal colony in the New World. Today, Puerto Rico's reluctance to embrace national independence places this community of nearly three million people in a class by itself.

Puerto Rico's politics has been, and remains, a painful and seemingly interminable identity crisis—an agonizing personal and political struggle to find a national identity. "Identity" is a subject of pervasive significance in Puerto Rico; and it is equally significant for the migrant to the continental United States.

II. THE PUERTO RICANS IN THE CONTINENTAL UNITED STATES

How are Puerto Ricans faring on the mainland ("the continent")? And how are they faring in the American legal profession? Precise demographic information on Puerto Ricans in the continental United States has always been difficult to obtain. This is so largely because of the bureaucratic practices and demographic policies of the United States Census Bureau. Indeed, even the number of Puerto Ricans who now reside on the mainland is a matter of uncertainty and controversy.

The Census Bureau has tended to treat Puerto Ricans as it does other "foreign stock" ethnic groups: It counts as "Puerto Rican" only those who were born in Puerto Rico or who had at least one parent born on the island. There is simply no record of Puerto Ricans who are not part of the first or second generations—a fact that has generated considerable political controversy in New York and other parts of the country. For example, in October 1972 leaders of the Puerto Rican community of New York City—the largest of all mainland Puerto Rican communities—charged that as many as 250,000 Puerto Rican residents of that city were simply not recorded by the Census Bureau.[3]

The economic profile of those Puerto Ricans who *are* counted by the Census Bureau indicates that the Puerto Ricans are far and away the most severely deprived major ethnic group in the cities of America. Statistics on New York's enormous Puerto Rican community (about 1 million, or one-seventh of the city's population) suggest the dimensions of the social and economic problems of Puerto Rican communities from Chicago to Boston. For example, between 1960 and 1970 median family income among whites in New York City rose 26% (from $6,365 to $10,378) while among blacks the percentage increase was 24% (from $4,437 to $7,150). However, during this same period of time the median family income among Puerto Ricans rose by only half the rate of increase of non-Puerto Rican white families—13% (from $3,811 to $5,575.)[4]

The statistics on those living below the "poverty line"[5] provide additional evidence of the comparative economic positions of Puerto Ricans, blacks and non-Puerto Rican whites. In 1970, 8.9% of New York's non-Puerto Rican white population was certifiably poor. Twenty-four per cent of the black population of New York City qualified as poor. *And fully 35.1% of the Puerto Rican population—more than 300,000 persons—lived below the poverty line.*

The comparative socio-economic conditions of these three population groups is reflected in statistics on educational achievement. In 1970, 51% of the non-Puerto Rican white adults over 25 were high school graduates. Forty-one per cent of the comparable black population were high school graduates. *But only 20% of the comparable Puerto Rican population were graduated from high school.* The median years of schooling for New York's Puerto Ricans was more than two full grades less than New York blacks (eight and one-half grades for the Puerto Ricans, nearly eleven grades for blacks).

This portrait is mirrored in every available statistical index of social and economic condition. It should surprise no one, therefore, that only one Puerto Rican in a hundred (among adults over 25) had a college degree in 1970, in comparison with 13% and 4% of comparable non-Puerto Rican white and black population groups, respectively. Statistics concerning Puerto Ricans in the legal profession are even more shocking. Puerto Rican professional groups estimate that in New York state—with a Puerto Rican population of more than one million—there are less than seventy Puerto Ricans admitted to the practice of law. If that is an appalling item of information—and it is—one is at a loss for words to adequately describe the situation in neighboring New Jersey. According to reliable accounts, New Jersey's Spanish-speaking population of more than 300,000 is served by three—yes, three—Puerto Rican lawyers.

These dreary facts tell us a great deal about the current state of legal education in the Puerto Rican communities of the continental United States. However, other facts point to a substantially brighter future for careers in the law for Puerto Ricans. For example, there are now more Puerto Rican law students in the continental United States than there are practicing Puerto Rican lawyers. A 1971 survey of minority group students in legal education, conducted in behalf of the American Bar Association by Millard H. Ruud of the University of Texas School of Law, reported a total of 92 Puerto Ricans then enrolled in law school.[6]

If and when these Puerto Rican law students (and their successors) graduate and are admitted to practice, the rate of growth in Puerto Rican bar membership doubtless will seem quite spectacular—as it must always seem when one begins with such a small base. Reports that the number of Puerto Rican lawyers have "doubled" or "tripled" in a short period of time will undoubtedly circulate among bar association officials and law school administrators in the years to come. One can only hope that such reports will not be the occasion for a diminution of interest in the plight of the lawyerless Puerto Rican communities. The rate of growth of Puerto Rican law student enrollment has indeed been significant in recent years. But the Puerto Ricans' enrollment growth rate in the past four years (33%) has been considerably smaller than that of blacks (203%), Mexican-Americans (408%) and Native Americans (356%). Puerto Ricans may be "catching up"—but they apparently are doing so at a slower rate than other minorities. And it will be a long time before there are "enough" Puerto Rican lawyers in our cities. Accordingly, the Puerto Ricans, along with these other minority groups, will be a proper object of concern for the Bar and the law schools for the foreseeable future.

III. PUERTO RICANS AS A "MINORITY": WHAT DO THEY WANT?

The title of this book[6a] suggests the difficulty of generalizing about those groups which now are collectively styled "minorities." Its principal title—*Careers in Law for Minorities*—evokes a sense of identity of interests and goals among those whom it treats; however, the enumeration of the three groups in the sub-title properly suggests that the word "minority," standing alone, is an inadequate description of the communities which are the subject of the book. The editors have shown a remarkable, and altogether uncommon, sensitivity to the diverse perspectives of three groups whose principal common ground is a history of exclusion and a longing for social and economic justice.

As it happens, Puerto Ricans generally do not favor the term "minority." The unhappiness of Puerto Ricans with such broad terms or categories, which group them with other outsiders, is a matter of more than passing interest. The motives which underlie the notorious Puerto Rican reluctance to be a part of social and economic programs for "minorities" are complex and difficult to describe. However, it seems clear that they will in due course find expression in educational institutions which organize "minority" programs and include Puerto Ricans in them, including, of course, the law schools.

Why this apparent unhappiness with the word "minority?" Is this merely an attempt by Puerto Ricans to avoid identification with the other groups that are so identified? Does it express a parochial insensitivity to shared concerns and problems? The reasons *why* Puerto Ricans are troubled by the word "minority" reveal much about the Puerto Ricans as an ethnic group and about the general thrust of Puerto Rican community concerns.

In the current era, the term "minority" has become a code word for blacks, Puerto Ricans and Mexican-Americans. It has different and narrower meanings in different parts of the country. For example, in the Northeast, "minority" usually means blacks and Puerto Ricans. In California and the Southwest, it usually means blacks and Mexican-Americans. The term is offensive to Puerto Ricans, I believe, because it hurts the people it supposedly describes.

First, it divides groups with common interests. It identifies the "minorities" (including Puerto Ricans) as society's outsiders—as groups which, almost by definition, are entitled to something different from the dominant "majority." The Puerto Ricans who have migrated to the continental

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[2] *Balzac* v. *Porto Rico*, 258 U.S. 298 (1922).

[3] *N.Y. Times*, October 2, 1972, p. 1, cols. 4–5. If this claim is accurate, the political claims of the Puerto Rican community undoubtedly have been substantially underestimated. In any event, reasonable estimates of the number of Puerto Ricans now residing in the continental United States range from 1.5 to 2.5 million. (The 1970 census of Puerto Rico's population reveals that the island has 2.7 million inhabitants).

[4] These various statistics are collected in a comprehensive report of Census Bureau data, *N.Y. Times*, August 17, 1972, p. 37, cols. 6–8.

[5] Namely, a family of four with an income below $3,743. *Ibid.*

[6] Rudd, *1971 Survey of Minority Group Students in Legal Education* (Memorandum to Deans of Approved Law Schools, January 20, 1972).

[6a] The book of which this article is the foreword.

United States have done so because they have sought access to American society. In this sense, Puerto Ricans are in the great tradition of other immigrant groups. They have a keen appreciation of their own heritage and values, but share none of the separatist impulses of some militant black groups. Separatism may be a legitimate concern for those Puerto Ricans on the island who advocate national independence, but it is a *non-sequitur* for the communities composed of people who chose to leave their homeland in order to live on the continent.

The term "minority" also isolates currently certified "minorities" from members of other ethnic groups and encourages the pernicious notion that the white poor and lower-middle classes of "ethnic America" (the new would-be counterpoise to the "minorities") are so well established that they share a common interest with other white "majorities" in opposition to the aspirations of the new "minorities."

The word "minority" hides the peculiar identity and special needs of smaller groups within the "minorities" (such as the Puerto Ricans) and gives a false impression of unity among peoples that are really quite different from one another. The term "minorities" mistakenly suggests that blacks, Puerto Ricans and Mexican-Americans have completely identical interests and goals. The fact is that each of these groups is quite different from the other and each has substantially different historical experiences, cultural values, social problems and political expectations. For example, the preoccupation with race or negritude which is common in many programs for "minorities" is a source of confusion for Puerto Ricans, who are a racially mixed people not readily accustomed to a system which allocates rewards and punishments on the basis of race. If color lines are not wholly absent in Puerto Rican society, they are quite substantially blurred; the American experience with race is utterly foreign to Puerto Rico. Not surprisingly, the Puerto Rican experience with American racial classifications reinforces the Puerto Ricans' sense of identity. Moreover, a Puerto Rican may (and does) avoid the problems of racial classification by asserting the distinctiveness of the Puerto Rican people. Puerto Ricans of every shade are, first and last, Puerto Ricans; and the Puerto Ricans' identity is a source of insulation and protection from the neuroses of the American social environment. Therefore, a "minority program" in which racial conflict or racial exclusion—a strong and negative sense of "them"—is a predominant characteristic, holds little or no long-term attraction for Puerto Ricans.

In any event, as a practical matter the Puerto Ricans generally prefer to assert community claims in their own name because of a widespread belief that Puerto Ricans will be largely ignored in programs designed for "minorities" or "the poor." It is argued that programs which describe their intended beneficiaries in broad ethnic terms derive political and moral advantage—and, perhaps, an augmented "legitimacy"—from that apparent scope of such programs. Despite the use of the Puerto Ricans' numbers and their catalogue of deprivations, it is said that the returns to the Puerto Rican "constituents" of such programs are disproportionately low.

IV. "MINORITY" PROGRAMS IN THE LAW SCHOOLS

Law schools which establish special programs for "minorities" and intend to include Puerto Ricans within their scope would do well to bear in mind the Puerto Rican aversion to words and programs which suggest their inclusion but actually ignore Puerto Ricans as a discrete group. A "minority" financial aid and counselling program racial cast—for example, one that is administered only by blacks, or which is based in part upon an institutional role by a black law students' association or which is geared to the prevalent politico-racial values of blacks—invites Puerto Rican discontent and, invariably, demands for replication of the "minority" program in a parallel, wholly-Puerto Rican organization.

An alternative to *de-ethnicization* of academic and other programs for specially-admitted students is, of course, the establishment from the outset of distinct "minority" programs, in which the limited resources available for "minority" programs are divided on the basis of appropriate ethnic subclassifications. This approach causes a great deal of distress among educators and bureaucrats. ("Where will it all end?") Nevertheless, the rationalizations offered in the first place for a "minority" program—which are beyond the scope of this brief comment—are as readily applicable to claims for programs geared to ethnic subcategories. The Puerto Rican claim for Puerto Rican programs is simple and straight-forward, and merely a logical extension of practices adopted in behalf of (and in response to demands by) blacks: If government programs are indeed to be financed and operated on a racial or ethnic basis, the Puerto Ricans are entitled to their fair—and discrete—share. In other words, if there is merit in a "minority" program which speaks to the values, concerns and anxieties of blacks—and which is administered with these in mind—why should Puerto Ricans not feel that a similar program ought to be established for them? Puerto Ricans may be pardoned if, in these circumstances, they show little tolerance for those who fail to distinguish between them and other "minorities." Law school administrators may be pleasantly surprised to learn that the "politically expedient" solution to such ethnic rivalries is to implement the old-fashioned notion that educational programs at this advanced level ought to be completely color-blind.

Apart from the ethnic or racial complexion of "minority" programs in the law schools, it seems to me Puerto Rican students have rather conventional interests and concerns: they would like to be able to achieve academic success, in order to be able to make some contribution to their community and to share in the various perquisites of an American legal education. For all the reasons suggested above, Puerto Rican students will probably share the view of law school administrators who, according to a recent study, tend to favor remedial and retention measures which are voluntary, non-segregated and open to all law students.[7] Despite a readiness to participate in preferential admissions programs, Puerto Rican law students (and, indeed, all "minority" law students) have no genuine interest in preferential post-admission retention schemes—which can only serve to devalue their educational achievements and brand them as second-class members of the legal profession. The "minority" communities should be—and, I believe, are—properly horrified by any suggestion that ethnicity or race, rather than professional knowledge and skills, will ever be employed as a principal yardstick for measuring professional competence. As the leading Harlem newspaper, *The New York Amsterdam News*, has recently remarked in an editorial on appointments in the health field, "[W]e must insist that blackness, without competence, is no solution to any of our problems and we will not be satisfied with a sop, or idle gesture, in place of appropriate affirmative action * * *."[8] The "minority" communities—which supposedly are now the object of the solicitude of law school administrators—have the greatest possible stake in the quality of lawyers produced by American law schools. If law schools cavalierly graduate Puerto Rican (or black) law students who are incompetent to handle the affairs of clients, the victims will largely be drawn from their own communities. Those concerned with the protection of the lives and rights of Puerto Ricans (or blacks) will not tolerate for long the consequences of any post-admission retention policies which inflict harm upon those supposedly being served.

It should, therefore, be a matter of some concern to Puerto Ricans, blacks and other "minorities" that law school administrators have recently suggested that the programs to increase the number of "minority" lawyers in the United States have been less than successful. These programs, it is said, are at a critical stage. After a period of experimentation with standards of admission, we are informed, American law schools and the Bar must now approach the inevitable "agonizing re-appraisal" of these experiments.

Between 1971 and 1973, Dean Robert B. McKay of New York University Law School has reminded us, "We will see the first substantial number of students who may have been admitted on somewhat different standards graduating and taking the bar examination." As Chairman of the Committee on Minority Groups of the Association of American Law Schools, Dean McKay reported in April 1971 that we ought now to anticipate the proverbial "crunch"—that we ought to expect "a disappointing rate of success on the bar examinations and a substantial outcry at the failure—either of legal education, or of the bar examinations, or both."

One need not hold a brief for the bar examination system to suggest that if the prognosis for minority law graduates is as bleak as suggested by Dean McKay and others, the law schools will have to assume their fair share of the responsibility for the shattered expectations which they themselves aroused. After all, Dean McKay and others have indicated that inherently suspect practices and procedures in bar examinations are now relatively uncommon, and that the real problem confronting the law schools and the Bar is, in the last analysis, the rate of failure of minority students. This suggests that, regardless of the merits of the bar examination system in this country, minority students as a group may simply not be emerging from the law schools with training and skills comparable to their classmates. One obvious and simple solution to the problem will be to alter bar examinations (or the bar examination grading system) in ways that would make admission to practice more readily available to the graduating minority student. This solution has the obvious merit of permitting the law schools to avoid the kind of accountability which they properly owe to the legal profession and to the general community.

Despite the expected diversionary criticism of the bar examination, the law schools must now evaluate their own academic programs and must be ready to take the steps which may be necessary to assure the minority communities, and the community at large, that different or special *admissions* standards do not mean different or special *graduation* standards. The black, Mexican-American, Native American, and Puerto Rican communities are entitled to every possible assurance that those among them who graduate from law school—and to whom they will be expected to entrust their lives and property—will indeed be able to serve their needs. The provision of legal services to these communities was, after all, the ultimate rationale for special admissions programs; it is simply unthinkable that law schools should accept, even implicitly, the suggestion that their minority law graduates constitute a different, and lower, professional class. It is equally unthinkable that the law schools should admit a large number of minority students and dismiss most of them in due course.

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[7] Academy for Educational Development, *Legal Education Advancement Planning: An Introductory Study of Minority Student Development Potentials* (a study commissioned by the Law Students' Civil Rights Research Council) at 18-20 (December 1971).

[8] *N.Y. Amsterdam News,* October 21, 1972, p. A-4 (editorial).

What, then, is to be done? That is, of course, the question of the day—and one that can hardly be answered fully in this paper. My own initial suggestion is that law school faculties and administrators demonstrate the courage and candor shown by the minority law students themselves.[9] At a *Conference on Law Schools and the Retention of Minority* at the Association of the Bar of the City of New York, held on February 9, 1972 under the auspices of the Law Students Civil Rights Research Council (LSCRRC), minority law students readily acknowledged that the most important problems confronting the minority student in the law schools (apart from general financial problems and related family concerns) concerned underdeveloped language skills. The major problems were not, as some might imagine, that minority law students cannot "relate" to (or are incapable of coping with) "irrelevant" law courses. The suggestion that "hard law" courses are not "relevant" to the lives of racial and ethnic minorities is, of course, rubbish. It requires no great amount of wit to appreciate the fact that the past and future of Harlem and of El Barrio is bound up in courses such as debtor-creditor law, commercial transactions, negotiable instruments, property, torts and civil procedure—and, let it be said, administrative law, regulated industries and trusts and estates. There seems to be a widespread assumption in the law teaching fraternity that "innovative" law school curricula, which eliminate many of the traditional courses as requirements for graduation and give students a large role in determining the scope and direction of courses and "clinics," best serve the needs of minority students. Any such assumption seems to me to be quite unwarranted, albeit somewhat explicable: there is a tacit assumption that one who favors "freedom" in the political and social order necessarily hankers for "freedom" in education. I share some of the misgivings of an important symposium held in 1972 by persons concerned with access and power for blacks in higher education, which suggested that "innovative" curricula which provide students with great freedom of choice and flexibility may sometimes perform a disservice to minority students:

"The assumption that blacks have had such a rough time in the traditional system that they will be delighted with almost any innovation is unfounded. It will be years befor major innovations are perfected and popularized so that they can benefit the majority of black students. *Meanwhile, blacks want the traditional system to extend itself to be responsive to their needs.*

"*Innovative programs which reduce structure and greatly increase freedom leave many students feeling confused and worried.* This feeling is particularly intense among blacks who have trouble getting sound advice about curriculum choices and careers through informal channels. When you know it's likely that you'll get lost and you suspect that many of the people along the way aren't interested in helping you reach your goal, you probably aren't too eager to walk uncharted trails." [10]

The rhetoric of "relevancy," curricular innovation and bar examiners' perversity all too frequently are employed as escape devices to avoid facing the cruel, but simple and inescapable, fact that some law students (*including a great many non-Puerto Rican whites*) are not adequately prepared to read and write the language of the law. If that is indeed the case—and the testimony of senior colleagues, personal experiences and the views of minority students at the 1972 LSCRRC conference suggest that it is—the law schools would do well to ask some questions which they usually prefer to avoid. How can a law faculty provide remedial programs in language skills for those in need? Who should be expected to administer and conduct such programs? To what extent can law teachers properly be expected to do such jobs? If law teachers cannot, or will not, undertake remedial language skill programs, who should?

The answers to these mundane and somewhat unpleasant questions, I submit, will determine the success or failure of the well-intentioned and valuable efforts of the nation's law schools to increase the number of minority lawyers.

AMOS RUSIE "THE HOOSIER THUNDERBOLT"

Mr. BRAY. Mr. Speaker, the following article from the Indianapolis, Ind., Star magazine for October 21, 1973, speaks for itself. The name, unfortunately, is almost forgotten, but Rick Johnson, the author, has done a masterful job of bringing back to life this all-time baseball great.

Amos Rusie: "The World's Greatest Pitcher"

(By Rick Johnson)

Amos Wilson Rusie.

The name sounds rugged, individualistic—qualities of the man.

Today Rusie's name means something to only a handful of people. They recall him as a baseball superstar for the New York Giants in the Gas Light era.

He was the Colossus of Coogan's Bluff, Mr. New York Giant, a burly red haired, right-hander from Indianapolis, via Mooresville, who hurled a sphere of live steam from the pitcher's mound to the plate, in an awesome display of strength.

Restaurants in the Big Town named drinks in Rusie's honor, the vaudevillians, Weber and Fields, included a Rusie skit in their act. Lillian Russell, the belle of Broadway, clamored for an introduction to Rusie and DeWolfe Hopper, a stage performer, counted himself as one of Rusie's friends.

Youngsters saved their pennies to buy a pamphlet titled *Secrets of Amos Rusie: The World's Greatest Pitcher: How he Obtains his Incredible Speed on the Ball.*

Rusie was a man whose raw pitching power overjoyed the fans, made the turnstiles click, when National League teams and baseball were fighting for survival. Rusie made batsmen wince with his speed while his hot temper, stubbornness and desire to do battle, qualities which made him a great pitcher, often left his club owners frustrated and bitter.

Rusie pioneered the "holdout" and was one of the first players of the national game to take baseball management to court to win a point.

When Rusie started his major league career with Indianapolis in 1889, the pitching distance was 50 feet and the plate was a target 12 inches square.

Batters were terrified of Rusie's speed and in his first two years with New York he piled up 678 strikeouts and gave up 551 walks. For the 1893 season the pitcher's mound was moved back to 60 feet, 6 inches. The distance increase was attributed to Rusie's speed by writers of the era.

Rusie's speed was still fearful, but at the new distance his curve ball, which traveled at the same velocity as his fast ball, had time to break. His strikeout total lessened but so did his walks and his effectiveness was without question.

Neither baseball fans, nor players ever saw a man who could throw so fast. Rusie's catcher, to last an entire game, padded his glove with a thin sheet of lead and some sponge, thereby giving the collision of Rusie's pitch with the catcher's glove a distinct sound.

Rusie has been dead since Dec. 6, 1942. His playing career, in all reality, was over before the turn of the century. During that career he made indelible marks on the national game and in his 10 years in the major leagues he won 245 games and lost 174.

He piled up record after record but you won't find him listed in the Baseball Hall of Fame at Cooperstown, New York. An oversight?

Congressman William G. Bray (R-Ind.), a native of the Morgan County town where Rusie was born, long has wondered why fame has escaped the pitcher. So have surviving members of the speed-baller's family.

"From all I've been able to learn, Amos wasn't a friendly man, gruff in fact, and he made too many people mad during his career," says Bray. "But that is beside the point He could play baseball, he could pitch like few men before or since, and I'm going to find out why he is not in the Baseball Hall of Fame."

Bray recalls that once Rusie and Bray's father were members of a hunting party and Rusie picked up an old railroad spike, wound up and sent it piercing the side of a wooden boxcar.

John Rusie, a retired state police lieutenant and a nephew of Amos Rusie, has tried to get recognition for the pitcher. He has been supported by his three sisters, Rusie's nieces, Mrs. Jean Giesking and Mrs. Lois Smith, both of Indianapolis, and Mrs. Alice Marsh of St. Louis.

John, who lives in Mexico, a small town north of Peru, recalls that during World War II while he was stationed at the Brooklyn Navy Yard, he often went around the Polo Grounds to soak up atmosphere where his uncle had been a star.

"In one of the old taverns near the Polo Grounds, they were still serving a drink called the Rusie Cocktail," he recalls. "I've made studies of some of the pitchers who have been put into the hall. I've read the things which have been written about Amos and I don't see how Amos is always ignored.

"Once I got all the facts together and I was going to see what I could do. But I never found anyone to talk to and I finally just threw all the stuff away."

Mrs. Wanda Rusie Potts of Mooresville learned of his pitching strength through a story her father told. Wallace Rusie was Amos' uncle and once, before Rusie became a baseball star, he was showing Wallace how he could throw a ball.

"Dad said Amos threw a pitch to him he couldn't stop. The ball broke one of Dad's fingers and then cracked a board in the back stop. Dad's finger was permanently crooked and he said from that time he knew Amos would become a great pitcher," Mrs. Potts recalls.

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[9] See, for example, the comments by the author of the study prepared for the Law Student's Civil Rights Research Council (LSCRRC), *op. cit. supra* note 7 at 113.

[10] William M. Boyd, II (ed.), *Access and Power for Blacks and Higher Education* 19 (Report on a symposium of the Educational Policy Center, New York, July 1972).

But, in addition to doing some great pitching, Rusie also had some great rhubarbs with baseball management. His career ended in 1907 in a pathetic finale at Cincinnati. From there he migrated from one backbreaking job to another. Only once in his post-diamond years did he get back into the limelight.

He served as head grounds keeper at the Polo Grounds for a while, working for John McGraw.

McGraw, when he played for the Baltimore Orioles, had been the fellow who stood as three Rusie pitches struck him out and remarked: "You can't hit 'em if you can't see 'em."

In Mooresville, May 30, 1871, Mr. and Mrs. William A. Rusie celebrated the birth of their son, Amos. While Amos was still a toddler, William moved his family to Indianapolis, where there was plenty of work for tradesmen—he was a mason and plasterer.

Amos' brothers, William and John, were born in Indianapolis and the family lived in a brick home their father built on East New York Street, near the present Indiana Woman's Prison.

By the time Amos was a teen-ager he'd learned to love baseball but he hated school. He quit school when he was 16 and went to work at the Madden Lounge Factory. Nearly all of his free time was devoted to baseball.

For his age he was exceptionally large and he played the outfield in countless scrub games. He was a good hitter and his throws from the outfield, though sometimes erratic, were so hard and fast few base runners tried to beat them.

He played for one amateur team called the Sturm Avenue Never Sweats, then in 1886 he moved to a bit better team called the Orientals. In 1887 he began playing for the Grand Avenues, the best amateur team in town, and he was their star pitcher.

The Grand Avenue name did not come, as many believed, from the name of any street in Indianapolis. The name was used because the team members purchased uniforms from a disbanding St. Louis team which called themselves the Grand Avenue.

"I discovered I could throw a little," Amos once told a reporter, "and it aroused my interest. I worked hard to learn how to throw a curve ball, but I've got to confess it was years before I mastered it."

There are several versions of how Amos came to play with the Indianapolis baseball club, a member of the National League. One is that Indianapolis players saw Rusie and urged the club owner, John T. Brush, to give him a tryout. Another is that he got to play after hanging around the Indianapolis ball park, which was where Methodist Hospital is now.

Another is that a team called the Indianapolis Athletic Club used Rusie to replace a sick pitcher and, impressed with his performance, urged the National League squad to pick him up.

At any rate, in 1887 Rusie beat the Washington Senators and Boston in two exhibition games for Indianapolis and the next year bested the Chicago Maroons, a strong independent team, 30–0.

He got a contract, with his father's consent, for $300 a month—"That was more than I was making," said Rusie's Dad—played a few games for Indianapolis in 1888, was farmed out to Terre Haute for a while and in 1889 went to Burlington, Ia., for more seasoning.

In June, 1889 the Indianapolis team was scheduled against Jim Mutrie's Giants and Brush and Manager Frank Bancroft summoned Rusie to the Big Town. The perfect picture of a Rube—6 feet, 1 inch tall, 225 pounds, red hair, red flannel undershirt showing—Rusie prompted guffaws when he walked on the mound in New York. But when he fired the first pitch and the batter didn't even see it, the laughter trailed off.

The lead batter later said he never saw any of the three pitches Rusie threw to strike him out on the way to a 4–2 victory. Victories against Boston and Philadelphia followed.

The trip to Boston from New York was made by boat in those days and the veterans took full advantage of Rusie, the greenhorn. One by one the veterans sidled up to him, and in mock fear, told him of the dangers of traveling on a boat. Each teammate warned the only way to be safe was to sleep in a life preserver, which they intended to do.

That night a pair of the pranksters helped Rusie put on his life jacket and then left him sitting on his bunk. The life jacket was so bulky it prevented Rusie from lying down, so he spent a restless night trying to sleep in a sitting position. The next day a rumpled and red-eyed Rusie provoked his teammates to laughter but he took the ribbing with good grace.

By the time Rusie and the Indianapolis club made the circuit of the National League, thousands of words had been written about his ability to throw the fastest pitch ever seen. At St. Louis, after one of Rusie's streaks of steam whistled by the batter stepped out of the box and complained, "That guy ain't no pitcher. He's a cannon."

Rusie pitched 225 innings for Indianapolis in 1889, yielding 246 hits, 116 bases on balls and striking out 109. He finished his first full season in the National League with a 12 won, 10 lost record.

Before the 1890 season began, Amos married May Smith of Muncie. He was then 19 and determined to become a star for the Indianapolis club.

But Indianapolis and Washington were on the bottom rung of the league ladder. In financial trouble, clubs were adopting salary ceilings and National League directors favored reducing the circuit from 10 teams to eight. By 1890 it appeared certain Washington and Indianapolis would go and when, at a New York meeting, the directors decided to drop the Washington franchise, Brush decided to sell his Indianapolis club.

Eight players, including Rusie, went to the Giants for an estimated $60,000. Indianapolis was without a major league team, but Rusie was poised to make history.

For the rebuilt Giants of 1890, Rusie pitched in 67 games, won 29, lost 34, struck out 341, walked 289. He was second in the league in complete games, third in earned runs, fourth in wins, first in strikeouts, first in fewest hits per nine innings, second in total innings worked (549), second in complete games, second in most strikeouts per nine innings and second in games pitched.

In 1891 Rusie had a 33–20 record and the Giants finished in third place. July 31 that year Rusie pitched his only no-hitter against Brooklyn. His 337 strikeouts were tops in baseball, but so were the 262 walks. In other areas he was third or better in the league.

In 1892, Rusie had a 31–31 record, but the Giants slipped to eighth in a 12-team league. Rusie was second in almost all categories for the record book, except walks. He was tops with 267.

Rusie had a two-year contract for $4,500. But he and several other Giant players were released late in 1892. The club hoped to save paying them half a month's salary and an understanding was announced that no other clubs would pick up the players. Then, in 1893, the Giants would be free to renegotiate salaries.

But Cincinnati quickly offered Rusie $4,800 and Chicago offered $6,250 and a $2,000 bonus, which Rusie took. But, through further negotiations, details of which were not revealed, the Giants got Rusie back in 1893 for $6,250. They tried to count the $2,000 Chicago bonus as part of the salary, but Rusie reportedly fought this and kept all the money.

Before 1893 the pitcher could take two steps toward the plate, 50 feet away, before throwing. But for the 1893 season, the pitcher had to stay on the rubber 60 feet, 6 inches from the plate. Rusie won 31, lost 21, led in strikeouts, was fourth in wins and led in five other categories. But the Giants finished fifth.

In the spring of 1894 the Giants signed Charles (Duke) Farrel, an experienced catcher, and Jouett Meekin, a pitcher of doubtful quality from Louisville and Washington. Meekin was from New Albany, which put two Hoosiers on the Giant mound.

And he went on a winning binge beginning July 25 and ending with 11 straight victories. Hopeful, the Giants began a September road trip with a plea to Meekin and Rusie to pitch them into the Temple Cup Series, forerunner of the World Series. Bonuses of $600 were promised.

The effect was startling. Rusie won 36 games and lost 13 and Meekin won 33 against 9 losses. Rusie whiffed 195 and Meekin 133 and sportswriters dubbed them "the Iron Twins."

The effort earned the Giants a playoff with the Orioles for the cup. It was a prize donated to the National League by William C. Temple, Pittsburgh sportsman and former president of the Pittsburgh club.

After a dispute over gate receipts which nearly delayed the match, the playoff was devastating for the Orioles, captained by John McGraw and including Dan Brouthers, Hugh Jennings, Willie Keeler, Willie Robinson and pitching ace Sadie McMahon.

Rusie won the first game, 4–1, Meekin followed with a 9–6 victory. Moving from the Orioles' field to the Polo Grounds, Rusie duplicated with another 4–1 win and Meekin mopped up the meeting with a 16–3 slaughter.

Meekin said he never got his $600 bonus and refused an offered $100. There is no record on whether Rusie even was offered any extra cash.

When Rusie came to New York in 1895 to start training he was met at the station by bands and banners and thousands of cheering fans who remembered his 1894 tour de force. But Andrew Freedman now controlled the Giants and he was as unyielding as Rusie. A clash was inevitable and formed in subtle ways.

Rusie once explained, "Freedman turned over two young pitchers for me to tutor. One was a willing youngster and a good pupil, but the other was a smart aleck. I ignored him and concentrated on the one who wanted to work. It really made Freedman sore."

Rusie admitted he didn't keep a rigorous training schedule. "I found a glass or two of beer refreshing after a game. Beer is nothing that won't come out of your system with a bit of work. But a man can not play baseball and drink whisky," Rusie once said.

Freedman clamped a curfew on his players. Rusie and a teammate, shortstop, William (Shorty) Fuller, were room mates on the road. One evening at Baltimore Rusie went to get the room key and was told Fuller had the key and was gone. Rusie, scheduled to pitch the next day, took a key to another room and went to bed.

The next day Freedman got word Rusie had not been in his room the previous night and levied a $100 fine. Rusie declined to make an explanation for fear of causing trouble for Fuller.

Within days, while Rusie was pitching against Philadelphia, he reportedly thumbed his nose at Freedman from the mound. Freedman responded with another $100 fine and said Rusie wasn't trying to pitch.

Rusie struggled through the year, finishing 23 and 23. The Giants finished a dismal ninth. Meekin also slipped to a 16–11 mark in 1895.

Rusie led the league in strikeouts with 201, was third in innings pitched with 393, fourth in complete games with 42 and first in strikeouts per nine innings with 4.60. He appeared in 49 games for the Giants.

"Those two fines amounted to $200," Rusie said. "When they sent me a contract for 1896, I refused to sign it unless the fines were restored to me. This Freedman refused to do, so I wouldn't sign and stayed out all year."

Rusie appealed the fines to the directors of the National League. On June [illegible], 1896, the directors ruled the fines were proper. But Rusie refused to bow.

On November 13, 1896, it was reported that Rusie, after failing to obtain his release from the Giants, filed suit in Federal Court at Chicago, seeking an injunction against baseball's reserve clause.

This clause binds a player to the club which has him under contract and prohibits him from signing with another club until he is released. It also mandates him to honor trade agreements. Rusie asked his release, $5,000 in damages and charged Giant management deprived him of a livelihood.

Baseball management was aghast but Freedman refused to budge. The case was dismissed in Illinois and refiled in Federal Court at Trenton, N.J., and was set for arguments on various motions March 15, 1897.

Rusie was not without a friend in his dispute with the Giant management. In February, 1897, Brush, then president of the Cincinnati ball club, acknowledged that Rusie was putting baseball's reserve clause to a court test but he said even if the clause was declared illegal it would not jeopardize organized baseball.

"A club that lives up to its contract with its players will not suffer. It is the club that will not do what it agrees to do that will have trouble. The Cincinnati Club does not fear anything of the kind. We have always lived up to every condition in our contracts with the players. The New York Club violated its contract with Rusie. An exorbitant and unjust fine was taken out of Rusie's salary. It was but natural that he should protest. Had the New York Club showed any disposition to be conciliatory and do its part toward an adjustment of the trouble, instead of taking a dictatorial and arbitrary stand, it is quite likely that Rusie would have played last season."

Before the 1897 season started club owners, except Freedman and the Boston owner, met at Brush's home in Indianapolis, pooled $5,000 and settled the dispute out of court.

"After the settlement, Freedman still nursed resentment against me," Rusie recalled. "When I appeared in the clubhouse to join the Giants, Freedman had left orders not to allow me to put on a suit. So I watched that opener from the stands. About the middle of the game I went down to the New York dugout. Several fans recognized me and raised a terrific hubbub.

"The next day, Freedman allowed me to appear in uniform, but kept me from pitching for a while. Bill Joyce, our manager, couldn't do anything about it. Well, the club lost those early games and New York fans were in a mood to riot, as they knew about Freedman's fracas with me. Freedman finally relented and I took the hill and broke the losing streak. Freedman and I never spoke to each other after that," Rusie said.

Rusie and Meekin were once more the stars of the Giant pitching staff and the fans hoped for another brilliant season. Then came a mid-season road trip to Chicago.

Rusie, as usual was in control of the game. William (Little Eva) Lange had reached first base. Lange had stolen 84 bases the previous season and was a daring baserunner. Lange continued to sneak away from first base while Rusie worked on the batter. Rusie waited until Lange edged far enough away, and then snapped the ball to first. Lange was out, but Rusie had injured his right arm.

"I felt something snap in my shoulder," Rusie said, "as if a leader had torn loose. For a moment I thought my arm had become paralyzed. I stepped out of the box and the players came and gave my arm a good rubbing. After throwing a few to the catcher my arm felt so much better that I continued in the game. (He won 1–0).

"That night I could not lift my arm to remove my coat and for a few days I had to have assistance dressing. I took off five weeks. When I returned to the firing line, my arm felt okay. The zip in my fast one was still there and my curve cracked and snapped. For the rest of the season everything was fine," Rusie said.

Rusie finished the 1897 season with a 28–10 record, Meekin pitched 20 wins and suffered 11 defeats. New York finished third, 9½ games behind Boston.

Rusie was fifth in winning percentage at .737, second in wins, fourth in strikeouts with 135, second in fewest hits allowed per nine innings, 8.77, and first in earned run average, 2.54.

"The next year," Rusie recalled, "when I tried to pitch, my arm felt dead. I took my turn on the hill, but every effort was followed by nights of torture, during which I walked the floor."

With a dead arm, gutting it out, Rusie pitched 300 innings for the Giants and finished the season 20–11. Meekin slipped to 16–18 and the Giants finished in 10th place.

"Before," Rusie recalled, "I had never been able to get enough work to wear me out. After that game in Chicago I began to feel the strain. Then I regretted I had often gone in and pitched every other day in my earlier days with the Giants, because they could win when I pitched."

Rusie is listed as a holdout in 1899 and 1900, but why seems lost in history. Meekin, meanwhile won 12 and lost 17 for New York and Boston. In 1900 he lost two with no wins and his career was over. Back at New Albany he joined the fire department, retired at 71 and died six years later Dec. 14, 1944, after suffering a fall.

In 1901, Brush, owner of the Cincinnati club, engineered a swap with New York for Rusie in exchange for an unknown minor league player from the Norfolk, Va., team, named Christy Mathewson. Mathewson was to replace Rusie as a Giant legend with his pitching exploits.

Rusie's Cincinnati record was 0–1 in 22 innings. He recalled pitching one game for Cincinnati which ended in a 1-1 tie when it was called due to darkness. He claimed he reported to the club out of shape and was left at home when the club began a road trip and given 10 days to get in shape. Only three days after the club left, Rusie was ordered to report to New York for a Red-Giant series by manager Bud McPhee.

"I have always blamed Frank Bancroft, who was secretary of the club, for putting McPhee up to ordering me on to New York. He knew the New York fans still liked to see me pitch and figured I would draw a better crowd there than any other pitcher would for an opener.

"At any rate, I did not receive the consideration to which I was entitled and I refused to go to New York," Rusie said of his decision to quit the game.

Rusie and his wife went to Muncie where Amos went to work in a pulp mill. When the mill closed, about four years later, Amos, his wife and daughter moved to Vincennes where he took a job in a lumber yard. He then found a job at the old Central Foundry at Vincennes, lugging cast iron sewer pipe around for $1.50 per day. He also dug mussels from the mud of the Wabash River, occasionally discovering a saleable freshwater pearl. He sold the shells to a button factory to augment his income.

He played a few games of baseball for the Vincennes team in the Kitty League. Once Rusie was pitching for the Vincennes team against Princeton when he was knocked out of the box in the fourth inning. The Princeton crowd cheered.

A young reporter went to the Vincennes dugout and found Rusie. "That's life," Rusie told the reporter. "In New York they used to fight to buy me champagne and now nobody even offers me a glass of beer."

Before leaving Vincennes, Rusie said he had received several offers to return to New York to run one saloon or another, but he refused.

About 1911 he moved his family to Seattle, Washington, and learned to be a steamfitter.

In 1921, D. E. Dugdale, a Seattle baseball magnate, discovered Rusie and notified John McGraw in New York. McGraw quickly offered Rusie a job as special officer at the Polo Grounds and the Rusie family moved to New York.

Once more Rusie was the center of attention as writers and photographers hovered about him.

"It's like climbing out of your grave and going to a dance," Rusie remarked of the acclaim. For eight years he stuck to the job but he returned to the Seattle area in 1929 for his wife's health. He umpired a game or two but quit, calling it "an awful job."

Amos and May purchased a five-acre ranch near Auburn, Wash., added 1,000 chickens and settled down. But Rusie was injured in an auto accident July 8, 1934. He was unconscious four days, suffering a concussion and internal injuries. He never fully recovered.

When he returned to the ranch he was unable to resume his duties and could not afford to hire help. As he recuperated interest on the mortgage accumulated and went unpaid. Rusie confided in no one, sought no help and the mortgage was foreclosed.

Deep into the Depression, Rusie and his wife lost their ranch. Royal Brougham, sports editor of the Seattle Post-Intelligencer, spotted the foreclosure notice and through newspaper stories, succeeded in rounding up many of Rusie's friends who helped set Rusie up in a small home in Seattle, and assured him of a livelihood as caretaker of the Seattle ball park.

Once during an interview he told a reporter, "No man tried harder than I to make the game a success for the public. I went into every game to win. I regret that some of the changes now in force could not have come sooner. The pitchers were under too hard a strain in my day to last many years. In New York, especially, the practice prevailed of working a winning pitcher as much as he would stand. The crowd demanded it. I was young, I didn't think my arm ever would wear out and I even asked to be allowed to work sometimes when not called upon. Later I paid the price," Rusie said.

"If I could have lasted until the foul strike rule was made I might have been pitching alongside Cy Young, who started about the year I did.

(The foul strike rule was adopted in 1901 and specified that a foul ball not caught on the fly was a strike unless the batter has two strikes. In 1894 a batter was charged with a strike for a foul bunt and in 1895 a batter was charged a strike on a foul tip.)

"When I pitched a batter had to cleanly miss three of 'em," Rusie said.

During a 1939 interview, Rusie reached into an old trunk, in which he stored some of his souvenirs of the game, and revealed a discolored baseball. Handing the ball to the reporter, Rusie pointed out a series of dark stains on the cover.

"Those are blood stains," he said. "In the eighth inning of a game I pitched in 1893, I split two fingers, split 'em bad. Blood was running all over my pitching hand, but I finished the game. That's the ball I used."

Sometimes Rusie would use his reputation for wildness by putting three pitches just outside, trying to get the batter to bite. If that didn't work, and his control was working, he would send three blinding strikes down the groove. Sometimes Rusie did hit players with his wildness and it was deadly.

"If any other pitcher hit a man, the man swore, limped a moment and went to first base," said catcher Farrell. "If Rusie hit a man the man retired from the game and sometimes went to the hospital."

It happened to Arthur Ball of Baltimore, who put his head before a Rusie pitch in 1898. He was unconscious several hours, hospitalized two weeks and left the team when he got out.

Until he died in December, 1942, Rusie attracted little attention nationally. The Seattle newspapers published pictures of him periodically, showing various groups of youngsters how to grip the ball.

Lou Criger, a catcher for the legendary Cy Young once said of Rusie: "To my mind he was the greatest pitcher that ever stepped in the box and I never expect to see a better one. I am sorry he had to retire when he did, for he was a great drawing card and his work did much to boost the national game toward its present great popularity."

Frank Bancroft, who supervised Rusie's career on two occasions said , "He will go down in history as one of the greatest pitchers that ever stepped into the box."

Duke Farrell, one of Rusie's old catchers said, "Rusie was the fastest of them all. What a star he was and how few there are who will ever approach him. I have seen scores of pitchers come and go and none of them inspired the terror in a batsman's heart that was put there by Rusie."

Cy Young, who won 511 games in his glittering career, when asked to name the leading fast-ball pitchers of all time answered, "Amos Rusie, Bob Feller and me."

Kid Nichols who won 362 games in his 15 years as a pitcher, named Joe McGinnity, Young, Rusie and John Clarkson as the great pitchers of his era. All but Rusie are now in the Hall of Fame.

In a 1947 column Detroit News writer H. G. Salsinger said baseball men such as Connie Mack, Roger Breshnahan, John McGraw and Hugh Jennings always claimed that Rusie was the best fast ball pitcher of all time.

If Rusie died disillusioned, bitter or in despair, no one knew it. He did what he could to boost the game he loved, helping youngsters. Although he was gruff, stubborn and inflexible, he had a heart. He played the game half deaf, with a ringing in his ears, he played with split fingers and a sore arm, ailments which would have finished most athletes.

He loved and cared for a semi-invalid wife until she died in October, 1942. He worked in obscurity, at menial jobs and was uncomplaining. And then, after losing his beloved May, the fight in him was gone, the stubbornness dissolved.

He left behind a record which, by any standard of measurement, deserves better than a blank look and the lame comment: "Rusie. Wasn't he the guy who. . . ." Yes, he sure was.

CONFERENCE REPORT ON S. 1570

Mr. **STAGGERS** submitted the following conference report and statement on the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to proprovide for the delegation of authority to the Secretary of the Interior; and for other purposes:

CONFERENCE REPORT (H. REPT. No. 628)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Emergency Petroleum Allocation Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby determines that—

(1) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent;

(2) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods; and

(3) such hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the Executive branch of Government.

(b) The purpose of this Act is to grant to the President of the United States and direct him to exercise specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products or dislocations in their national distribution system. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of such shortages or dislocations on the American people and the domestic economy.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "branded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products pursuant to—

(A) an agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or

(B) an agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner),

but who is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in subparagraph (A) or (B)), and who does not control such refiner.

(2) The term "nonbranded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products, but who (A) is not a refiner, (B) is not a person who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), and (C) is not a branded independent marketer.

(3) The term "independent refiner" means a refiner who (A) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to the date of enactment of this Act, more than 70 per centum of his refinery input of domestic crude oil (or 70 per centum of his refinery imput of domestic and imported crude oil) from producers who do not control, are not controlled by, and are not under common control with, such refiner, and (B) marketed or distributed in such quarter and continues to market or distribute a substantial volume of gasoline refined by him through branded independent marketers or nonbranded independent marketers.

(4) The term "small refiner" means a refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with such refiner) does not exceed 175,000 barrels per day.

(5) The term "refined petroleum product" means gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

(6) The term "LPG" means propane and butane, but not ethane.

(7) The term "United States" when used in the geographic sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

MANDATORY ALLOCATION

SEC. 4. (a) Not later than fifteen days after the date of enactment of this Act, the President shall promulgate a regulation providing for the mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product, in amounts specified in (or determined in a manner prescribed by) and at prices specified in (or determined in a manner prescribed by) such regulation. Subject to subsection (f), such regulation shall take effect not later than fifteen days after its promulgation. Except as provided in subsection (e) such regulation shall apply to all crude oil, residual fuel oil, and refined petroleum products produced in or imported into the United States.

(b)(1) The regulation under subsection (a), to the maximum extent practicable, shall provide for—

(A) protection of public health, safety, and welfare (including maintenance of residential heating, such as individual homes, apartments, and similar occupied dwelling units), and the national defense;

(B) maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

(C) maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(D) preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

(E) the allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

(F) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;

(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of, fuels, and for required transportation related thereto;

(H) economic efficiency; and

(I) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

(2) In specifying prices (or prescribing the manner for determining them), such regulation shall provide for—

(A) a dollar-for-dollar passthrough of net increases in the cost of crude oil, residual fuel oil, and refined petroleum products to all marketers or distributors at the retail level; and

(B) the use of the same date in the computation of markup, margin, and posted price for all marketers or distributors of crude oil, residual fuel oil and refined petroleum products at all levels of marketing and distribution.

(3) The President in promulgating the regulation under subsection (a) shall give consideration to allocating crude oil, residual fuel oil, and refined petroleum products in a manner which results in making available crude oil, residual fuel oil, or refined petroleum products to any person whose use of fuels other than crude oil, residual fuel oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with, a rule or order of a Federal or State agency, or where such person's supply of such other fuels is unobtainable by reason of an abandonment of service permitted or ordered by a Federal or State agency.

(c)(1) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall be so structured as to result in the allocation, during each period during which the regulation applies, of each refined petroleum product to each branded independent marketer, each nonbranded independent marketer, each small refiner and each independent refiner, and of crude oil to each small refiner and each independent refiner, in an amount not less than the amount sold or otherwise supplied to such marketer or refiner during the corresponding period of 1972, adjusted to provide—

(A) in the case of refined petroleum products, a pro rata reduction in the amount allocated to each person engaged in the marketing or distribution of a refined petroleum product if the aggregate amount of such product produced in and imported into the United States is less than the aggregate amount produced and imported in calendar year 1972; and

(B) in the case of crude oil, a pro rata reduction in the amount of crude oil allocated to each refiner if the aggregate amount produced in and imported into the United States is less than the aggregate amount produced and imported in calendar year 1972.

(2)(A) The President shall report to the Congress monthly, beginning not later than January 1, 1974, with respect to any change after calendar year 1972 in—

(i) the aggregate share of nonbranded independent marketers,

(ii) the aggregate share of branded independent marketers, and

(iii) the aggregate share of other persons engaged in the marketing or distributing of refined petroleum products,

of the national market or the regional market in any refined petroleum product (as such regional markets shall be determined by the President).

(B) If allocation of any increase of the amount of any refined petroleum product produced in or imported into the United States in excess of the amount produced or imported in calendar year 1972 contributes to a significant increase in any market share described in clause (i), (ii), or (iii) of subparagraph (A), the President shall by order require an equitable adjustment in allocations of such product under the regulation under subsection (a).

(3) The President shall, by order, require such adjustments in the allocations of crude oil, residual fuel oil, and refined petroleum products established under the regulation under subsection (a) as may reasonably be necessary (A) to accomplish the objectives of subsection (b), or (B) to prevent any person from taking any action which would be inconsistent with such objectives.

(4) The President may, by order, require such adjustments in the allocations of refined petroleum products and crude oil established under the regulation under subsection (a) as he determines may reasonably be necessary—

(A) in the case of refined petroleum products (i) to take into consideration market entry by branded independent marketers and nonbranded independent marketers during or subsequent to calendar year 1972, or (ii) to take into consideration expansion or reduction of marketing or distribution facilities of such marketers during or subsequent to calendar year 1972, and

(B) in the case of crude oil (i) to take into consideration market entry by independent refiners and small refiners during or subsequent to calendar year 1972, or (ii) to take into consideration expansion or reduction of refining facilities of such refiners during or subsequent to calendar year 1972.

Any adjustments made under this paragraph may be made only upon a finding that, to the maximum extent practicable, the objectives of subsections (b) and (d) of this section are attained.

(5) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall not provide for allocation of LPG in a manner which denies LPG to any industrial user if no substitute for LPG is available for use by such industrial user.

(d) The regulation under subsection (a) shall require that crude oil, residual fuel oil, and all refined petroleum products which are produced or refined within the United States shall be totally allocated for use by ultimate users within the United States, to the extent practicable and necessary to accomplish the objectives of subsection (b).

(e)(1) The provisions of the regulation under subsection (a) shall specify (or prescribe a manner for determining) prices of crude oil at the producer level, but, upon a finding by the President that to require allocation at the producer level (on a national, regional, or case-by-case basis) is unnecessary to attain the objectives of subsection (b)(1)(E) or the other objectives of subsections (b), (c), and (d) of this section, such regulation need not require allocation of crude oil at such level. Any finding made pursuant to this subsection shall be transmitted to the Congress in the form of a report setting forth the basis for the President's finding that allocation at such level is not necessary to attain the objectives referred to in the preceding sentence.

(2)(A) The regulation promulgated under subsection (a) of this section shall not apply to the first sale of crude oil produced in the United States from any lease whose average daily production of crude oil for the preceding calendar year does not exceed ten barrels per well.

(B) To qualify for the exemption under this paragraph, a lease must be operating at the maximum feasible rate of production and in accord with recognized conservation practices.

(C) Any agency designated by the President under section 5(b) for such purpose is authorized to conduct inspections to insure compliance with this paragraph and shall promulgate and cause to be published regulations implementing the provisions of this paragraph.

(f)(1) The provisions of the regulation under subsection (a) respecting allocation of gasoline need not take effect until thirty days after the promulgation of such regulation, except that the provisions of such regulation respecting price of gasoline shall take effect not later than fifteen days after its promulgation.

(2) If—

(A) an order or regulation under section 203(a)(3) of the Economic Stabilization Act of 1970 applies to crude oil, residual fuel oil, or a refined petroleum product and has taken effect on or before the fifteenth day after the date of enactment of this Act, and

(B) the President determines that delay in the effective date of provisions of the regulation under subsection (a) relating to such oil or product is in the public interest and is necessary to effectuate the transition from the program under such section 203(a)(3) to the mandatory allocation program required under this Act,

he may in the regulation promulgated under subsection (a) of this section delay, until not later than thirty days after the date of the promulgation of the regulation, the effective date of the provisions of such regulation insofar as they relate to such oil or product. At the same time the President promulgates such regulation, he shall report to Congress setting forth his reasons for the action under this paragraph.

(g)(1) The regulation promulgated and made effective under subsection (a) shall remain in effect until midnight February 28, 1975, except that (A) the President or his delegate may amend such regulation so long as such regulation, as amended, meets the requirements of this section, and (B) the President may exempt crude oil, residual fuel oil, or any refined petroleum product from such regulation in accordance with paragraph (2) of this subsection. The authority to promulgate and amend the regulation and to issue any order under this section, and to enforce under section 5 such regulations and any such order, expires at midnight February 28, 1975, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight February 28, 1975.

(2) If at any time after the date of enactment of this Act the President finds that application of the regulation under subsection (a) to crude oil, residual fuel oil, or a refined petroleum product is not necessary to carry out this Act, that there is no shortage of such oil or product, and that exempting such oil or product from such regulation will not have an adverse impact on the supply of any other oil or refined petroleum products subject to this Act, he may prescribe an amendment to the regulation under subsection (a) exempting such oil or product from such regulation for a period of not more than ninety days. The President shall submit any such amendment and any such findings to the Congress. An amendment under this paragraph may not exempt more than one oil or one product. Such an amendment shall take effect on a date specified in the amendment, but in no case sooner than the close of the earliest period which begins after the submission of such amendment to the Congress and which includes at least five days during which the House was in session and at least five days during which the Senate was in session; except that such amendment shall not take effect if before the expiration of such period either House of Congress approves a resolution of that House stating in substance that such House disapproves such amendment.

ADMINISTRATION AND ENFORCEMENT

SEC. 5. (a) (1) Except as provided in paragraph (2), (A) sections 205 through 211 of the Economic Stabilization Act of 1970 (as in effect on the date of enactment of this Act) shall apply to the regulation promulgated under section 4(a), to any order under this Act, and to any action taken by the President (or his delegate) under this Act, as if such regulation had been promulgated, such order had been issued, or such action had been taken under the Economic Stabilization Act of 1970; and (B) section 212 (other than 212(b)) and 213 of such Act shall apply to functions under this Act to the same extent such sections apply to functions under the Economic Stabilization Act of 1970.

(2) The expiration of authority to issue and enforce orders and regulations under section 218 of such Act shall not affect any authority to amend and enforce the regulation or to issue and enforce any order under this Act, and shall not effect any authority under sections 212 and 213 insofar as such authority is made applicable to functions under this Act.

(b) The President may delegate all or any portion of the authority granted to him under this Act to such officers, departments, or agencies of the United States, or to any State (or officer thereof), as he deems appropriate.

EFFECT ON OTHER LAWS AND ACTIONS TAKEN THEREUNDER

SEC. 6. (a) All actions duly taken pursuant to clause (3) of the first sentence of section 203(a) of the Economic Stabilization Act of 1970 in effect immediately prior to the effective date of the regulation promulgated under section 4(a) of this Act, shall continue in effect until modified pursuant to this Act.

(b) The regulation under section 4 and any order issued thereunder shall preempt any provision of any program for the allocation of crude oil, residual fuel oil, or any refined petroleum product established by any State or local government if such provision is in conflict with such regulation or any such order.

(c) (1) Except as specifically provided in this subsection, no provisions of this Act shall be deemed to convey to any person subject to this Act immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

(2) As used in this subsection, the term "antitrust laws" includes—

(A) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.);

(B) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.);

(C) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(D) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9); and

(E) the act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(3) The regulation promulgated under section 4(a) of this Act shall be forwarded on or before the date of its promulgation to the Attorney General and to the Federal Trade Commission, who shall, at least seven days prior to the effective date of such regulation, report to the President with respect to whether such regulation would tend to create or maintain anticompetitive practices or situations inconsistent with the antitrust laws, and propose any alternative which would avoid or overcome such effects while achieving the purpose of this Act.

(4) Whenever it is necessary, in order to comply with the provisions of this Act or the regulation or any orders under section 4 thereof, for owners, directors, offices, agents, employees, or representatives of two or more persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual oil, or any refined petroleum product to meet, confer, or communicate in such a fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws, such persons may do so only upon an order of the President (or of an officer or agency of the United States to whom the President has delegated authority under section 5(b) of this Act); which order shall specify and limit the subject matter and objectives of such meeting, conference, or communication. Moreover, such meeting, conference, or communication shall take place only in the presence of a representative of the Antitrust Division of the Department of Justice, and a verbatim transcript of such meeting, conference, or communication shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission, where it shall be made available for public inspection.

(5) There shall be available as a defense to any action brought under the antitrust laws, or for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange crude oil, residual fuel oil, or any refined petroleum product, that such delay or failure was caused solely by compliance with the provisions of this Act or with the regulation or any order under section 4 of this Act.

(6) There shall be available as a defense to any action brought under the antitrust laws arising from any meeting, conference, or communication or agreement resulting therefrom, held or made solely for the purpose of complying with the provisions of this Act or the regulation or any order under section 4 thereof, that such meeting, conference, communication, or agreement was carried out or made in accordance with the requirements of paragraph (4) of this subsection.

MONITORING BY FEDERAL TRADE COMMISSION

SEC. 7. (a) During the forty-five day period beginning on the effective date on which the regulation under section 4 first takes effect; the Federal Trade Commission shall monitor the program established under such regulation; and, not later than sixty days after such effective date, shall report to the President and to the Congress respecting the effectiveness of this Act and actions taken pursuant thereto.

(b) For purposes of carrying out this section, the Federal Trade Commission's authority, under sections 6, 9, and 10 of the Federal Trade Commission Act to gather and compile information and to require furnishing of information, shall extend to any individual or partnership, and to any common carrier subject to the Acts to regulate commerce (as such Acts are defined in section 4 of the Federal Trade Commission Act).

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Senate bill, insert the following: "An Act to authorize and require the President of the United States to allocate crude oil, residual fuel oil, and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes."

And the House agree to the same.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
LIONEL VAN DEERLIN,
CLARENCE J. BROWN,
JAMES M. COLLINS,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
FRANK CHURCH,
LEE METCALF,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
PAUL FANNIN,
CLIFFORD P. HANSEN,
MARK O. HATFIELD,
M. W. COOK,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill.

The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the text of the bill. Except for clarifying, clerical, and conforming changes, the differences are noted below:

The conference substitute generally follows the provisions of the House amendment. A detailed description and explanation of the provisions of the House amendment from which the provisions of the conference substitute are derived may be found in the report of the House committee on Interstate and Foreign Commerce accompanying H.R. 9681 (House Report No. 93-531), which was substituted for the text of S. 1570 on the floor of the House.

Several general comments should be made concerning the overall pattern of this legislation agreed to by the conference committee. Initially, it should be said that the conferees are in unanimous agreement that due to various factors the self-regulatory laws of supply and demand are not currently operating in the petroleum market. It is imperative that the Federal Government now accept its responsibility to intervene in this marketplace to preserve competition and to assure an equitable distribution of critically short supplies. Toward this end, the conference substitute requires the President to promptly implement a mandatory allocation program which must be crafted so as to accomplish Congressionally defined objectives. These are set out principally in section 4(b) of the conference substitute. Very generally stated they establish guidelines for the priority uses of fuels covered by this Act and set forth standards of action concerning the competitive structure of the industry and general economic policy to be followed in the establishment of the fuel allocation program.

The listing of objectives in successive paragraphs (A) through (I) in section 4(b)(1) is not intended to establish any order of priority. There are collective goals, and the conferees have not attempted to discern an order of precedence or value one against another. It is fully recognized that, in some instances, it may be impossible to satisfy one objective without sacrificing the accomplishment of another. For example, the President could not totally allocate propane to agricultural and rural heating needs and at the same time give consideration to the identified objective of preserving and fostering competition in the petro-chemical industry. For this reason the direction to the President is qualified to permit the regulation to be constructed so as to accomplish the enumerated objective "to the maximum extent practicable". This qualification is intended to give the President administrative flexibility in marshalling short supplies and equitably assigning them to particular needs.

In meeting the objectives of section 4(b), the President may find it most convenient to rely on historical use and supply patterns. The conferees wish to emphasize, however, that the President *need not* base allocations on a historical period. The President is intended to have full flexibility in devising the most effective and efficient means of meeting the priority needs of the American people identified in section 4(b). There are, of course, many situations where priority users simply do not have a historical use pattern. For example, in this emergency period a high priority has been assigned to the maintenance of public services including those provided by government and utilities—whether privately, publically, municipally, or cooperatively owned. It is expected that the President will pay special attention to the need of continuing these services without disruption or interruption. Allocations to utilities, in particular, should be made to the extent necessary to preserve the reliability of our utility services in various parts of the country. It is understood that, in certain instances, these utilities have relied on their ability to obtain inexpensive natural gas. They have no historical pattern of using residual fuel oil or other covered fuels, but where natural gas is unavailable they must locate and make use of substitute fuels. The President's program must take into consideration this need and, where appropriate, provide for the necessary allocations. It is not the expectation of the conferees, however, that allocations of covered fuels would be made to utilities and others solely for the purpose of minimizing their costs of operation. The President would be expected to take into account on a case by case basis the availability to utilities of alternative fuels, such as coal.

In the face of the present shortage, large integrated oil companies understandably protect their own interests first. As shortages deepen—and all figures and analyses available seem to indicate that they will—it is unreasonable to expect businessmen to share their limited supplies with their competitors. Indeed, some have argued that it may be inconsistent with their obligations to shareholders to do so. Accordingly, this legislation requires the mandatory allocation program to be so structured as to prevent major oil companies from inequitably restructuring crude production for their own use or from favoring their directly owned outlets over independent marketers in the sale or distribution of refined petroleum products.

Allocations of crude are to be made to small and independent refiners and allocations of refined petroleum products are to be made to independent marketers (including small and independent refiners) in amounts *equal* to those which such refiners and marketers were able to obtain in calendar year 1972, if allocations in such amounts are practicable and consistent with the objectives of the Act. The independent marketer and small and independent refiner is not *guaranteed* supply at 1972 levels if to do so would be inconsistent with the Congressionally defined goals in sections 4 (b) and (d). Moreover, the President is given express authority to order departures from allocations based on 1972 historical patterns in cases where those departures are necessary to meet priority needs. For example, it would be expected that an independent marketer or small or independent refiner would be denied an allocation based upon calendar year 1972 in circumstances where the allocated fuel is not being put to a use which is consistent with the needs identified in section 4(b) or the requirements of section 4(d).

It should be noted that allocations are to be based on a corresponding period in calendar year 1972. The President is intended to have discretion to select within the calendar year the appropriate period or periods. Thus the corresponding period of 1972 could be the entire calendar year or the President could divide the year into quarters, months, or weeks. Moreover, it should be emphasized that the President is intended to have flexibility to depart from the calendar year 1972 altogether if it would be inconsistent with the Congressionally stated objectives to continue to rely on that base period. In such event the President would be expected to select some other appropriate historical period or some other mechanism or procedure for allocation which would be more suited to the accomplishment of the objectives of this Act.

The mandatory allocation program will operate to compel the allocation of product throughout the various levels of the petroleum market. It may be necessary, in selective cases, to compel the allocation of product to particular end-users, such as hospitals, units of government, or persons engaged in energy production and transportation; but it is not generally expected that the regulation promulgated by the President will be burdened with the complexities of assigning fuels to users unless such assignment is necessary to carry out the purposes of the Act. When required, however, it is intended that the President would have full authority under this Act to identify permissible uses of covered fuels and to restrict the amounts which may be made available to such uses.

FINDINGS AND PURPOSE

The House amendment and the Senate bill were grounded on similar findings and purposes with one exception: the Senate bill contained findings not found in the House amendment related to shortages of natural gas liquids. Also contained in the Senate bill, but not in the House amendment, was the admonition that no allocation plan, regulation or order, nor mandatory price, price ceiling or restraint, was to be promulgated whose net effect would be a substantial reduction of the total supply of crude oil or refined petroleum products available in or to markets in the United States.

Conference Substitute: The Senate recedes. By way of initial emphasis it should be noted that the bill which the Conference Committee reports today is not designed to and should not be interpreted as increasing supplies of critically short petroleum products. The shortage problem is the result of policies which have been in effect over a number of years, and it awaits a more far reaching and long ranged solution. Instead, this bill focuses on the short term objectives of seeing to it that during times of shortage our priority needs are met and that whatever limited supplies we have are equitably distributed throughout the nation to meet regional needs and preserve competition in the marketplace. Although specific language to this end was not included in the bill, it is the clear and firm understanding on the part of the Managers of both Houses that the mandatory allocation program called for in this legislation shall not be designed or implemented in a manner which would have the net effect of occasioning a substantial reduction in the total supply of crude oil, residual fuel oil or refined petroleum products. It is expected that the President in applying the mandatory controls called for in this legislation will assiduously avoid that result.

DEFINITIONS

House: Section 3 of the House amendment defined the term "branded independent marketer" to mean a person who engaged in the marketing or distributing of refined petroleum products pursuant to (A) an agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or (B) an agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner), but who is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in clause (A) or (B)) above, and who does not control such refiner.

The term "nonbranded independent marketer" was defined in the House amendment to mean a person who is engaged in the marketing or distributing of refined petroleum products, but who is not a refiner or a person (A) who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), or (B) who is not a branded independent marketer.

The term "independent refiner" was defined to mean a refiner who (A) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to the date of enactment of the bill, more than 70 per centum of his crude oil refinery input from producers who do not control, and are not controlled by or under common control with, such refiner, and (B) marketed or distributed in such quarter and continues to market or distribute (i) a substantial volume of gasoline refined by him through nonbranded independent marketers, and (ii) a substantial volume of other refined petroleum products refined by him directly to the ultimate user.

The term "refined petroleum product" was defined to mean gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel, and the term "LPG" was defined to mean propane and butane, but not ethane.

Senate: Sections 105(b) and 108(b) of the Senate bill contained defined terms. The terms defined in section 105(b) were meant for purposes of such sections, and the terms defined in section 108(b) of the Senate bill were for purposes of sections 108, 109, and 110 of the Senate bill.

The definitions in section 105(b) of the Senate bill dealt with sales to independent refiners and dealers. The term "base period" was defined as the period from October 1, 1971, to September 30, 1972, inclusive; the term "nonaffiliated" referred to a buyer (seller) who has no substantial financial interest in, is not subject to a substantial common financial interest in, and is not subject to a substantial common financial interest with, the seller (buyer) in question; the term "independent refiner" meant a refiner who produced in the United States less than one hundred thousand barrels per day of petroleum products during the base period; the term "independent dealer" meant a terminal operator, jobber, dealer, or distributor, at wholesale or retail, who obtains refined petroleum products either on term contract or in spot markets, and who purchased during the base period at least half of such products from nonaffiliated sellers.

Section 108 of the Senate bill contained definitions for purposes of sections 108 through 110 of the Senate bill. The term "base period" meant the period from October 1, 1971, to September 30, 1972. The term "market area" meant any State or any area so defined by the Secretary of the Interior.

The term "petroleum distributor" meant any person engaged in commerce in the sale, consignment, or distribution of petroleum products to wholesale or retail outlets whether or not it owns, leases, or in any way controls such outlets.

The term "petroleum refiner" meant any person engaged in the importation or refining of petroleum products.

The term "petroleum product" meant any liquid refined from petroleum and usable as a fuel.

The term "petroleum retailer" meant any person engaged in commerce in the sale of any petroleum product for purposes other than resale in any State, either under a franchise or independent of any franchise or who was so engaged at any time after the start of the base period.

The term "State" meant any State, the District of Columbia, the Commonwealth of Puerto Rico, and any organized territory or possession of the United States. This provision also defined "commerce", "franchise", "notice of intent" and "person".

Conference substitute: The conference substitute contains the provisions of the House amendment with the following changes:

(1) The definition of "independent refiner" is modified in three respects: First, the requirement that the refiner obtain 70 percent of his crude oil refinery input from producers not controlling, controlled by or under common control with the refiner is changed to a requirement that a refiner obtain either 70 percent of his refinery input of domestic crude oil, or 70 percent of his refinery input of domestic and imported crude oil, from producers who do not control, or are not controlled by and are not under common control with such refiner. Second, the requirement that he market or distribute a substantial volume of his gasoline through nonbranded independent marketers is changed to a requirement that a substantial volume be marketed through branded independent marketers or nonbranded independent marketers. Third, the requirement that a substantial volume of other refined petroleum products be marketed directly to the ultimate user is dropped.

(2) A definition of "small refiner" is added in the conference substitute. A small refiner is a refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with such refiner) does not exceed 175,000 barrels per day.

(3) The conference substittue contains a definition of the United States. The term, when used in the geographic sense, means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

In incorporating the term "independent refiner" from the House bill and in making some modifications thereto, the conference committee has sought to identify for certain purposes under this bill a refiner who is dependent upon others for the major portion of his crude demand and who has historically provided independent marketers (both nonbranded and branded) with gasoline supplies. The conferees are aware that refiners frequently exchange crude supply with one another for purposes of convenience and to minimize distribution costs. In instances where a refiner trades or exchanges crude supply which he had produced or which had been produced by an affiliated person of such refiner, the supply so obtained would be looked upon as if it were supply of the refiner's own production in determining his entitlement to "independent refiner" status. The Committee is aware that some independent refiners have historically been able to obtain foreign crude from persons who control are controlled by or are under common control with them. It would not be consistent with the objectives of this legislation to require allocations of crude to such refiners based upon their 1972 crude runs in amounts necessary to make up for a short fall in supply occurring because the refiner's parent or affiliate has cut off or reduced—without good reason—the refiner's supply of foreign crude. The President would be expected to take this into consideration in implementing the requirements of section 4(c).

Special mention should be made of the term "refined petroleum product" which is taken from the House amendment. This term is defined to mean kerosene, gasoline, distillates (including Number 2 fuel oil), LPG (as further defined to mean propane and butane), refined lubricating oils, or diesel fuel. The conference committee considers the term "kerosene" to also encompass jet fuel and the term "diesel fuel" to also refer to light commercial heating oil. It is understood that the term "distillates" when applied in a technical sense would encompass only Numbers 1, 2, and 4 fuel oils. It is the committee's intent, however, that this term also reach to include naphtha and benzene so as to require the allocation of these products as may be necessary to accomplish the objective of restoring and fostering competition in the petrochemical sector of industry. In this respect the conference committee wishes to emphasize that, in expressing congressional concern with fostering competition in the petrochemical industry, the committee intends to also identify petrochemical feedstock needs as important end-uses for which allocation should be made.

In singling out small refiners for certain purposes under this bill, the conference committee intends to offer a mantle of protection to those refiners who by reason of their relatively small size may be disadvantaged in competing with larger refiners in bidding for and obtaining adequate crude supplies.

The inclusion of the definition of the term "United States" is designed to make clear that the allocation program called for under this legislation is to reach beyond the States and the District of Columbia to the Commonwealth of Puerto Rico and the territories and possessions of the United States. The conference committee is aware that important refinery facilities are located in Guam and the Virgin Islands. It is expressly intended that allocations of covered fuels be made both to and from these refineries as may be required to carry out the purposes of this legislation.

MANDATORY ALLOCATION

A. The regulatory scheme

House: Section 4 of the House amendment set forth a mandatory allocation program which provided that not later than ten days after date of enactment, the President was to promulgate a regulation providing for the mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product, in amounts and at prices specified in (or determined in a manner prescribed by) such regulation and that such regulation was to take effect not later than fifteen days after its promulgation. The regulation was required, to the extent practicable, to be consistent with certain objectives described below. Section 4(b)(3) of the House amendment included the direction to the President to give consideration to allocating residual fuel oil and refined petroleum products to any person whose use of fuels other than crude oil, residual fuel oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with, a rule or order of a Federal or State agency.

Section 4(c)(3) of the House amendment provided that, to the extent practicable and consistent with the objectives of certain other provisions in section 4 of the House amendment, the mandatory allocation program established under the regulation under subsection (a) was not to provide for allocation of LPG in a manner which denied LPG to industrial users if no substitute for LPG was available for use by such industrial users.

Section 4(d) of the House amendment provided that the regulation under section 4 would have to require that crude oil, residual fuel oil, and all refined petroleum products (other than refined lubricating oils) which are produced or refined within the United States should be totally allocated for use by ultimate users within the United States, to the extent practicable and necessary to accomplish certain objectives discussed later.

Section 4(e) of the House amendment also stated no regulation under this section was to provide for allocation of, or specify (or prescribe a manner for determining) the price of, crude oil produced in a calendar month by any well, the average daily production of which did not exceed 10 barrels per day during the month preceding such calendar month.

Senate: Sections 104, 105, 108, 109, and 110 of the Senate bill contained the Senate bill's basic provisions with respect to the allocation of crude oil and refined petroleum products.

Sections 105 and 108 through 110 are discussed later in this statement.

Section 104 stated that within thirty days of the date of enactment of the bill, the President was, after due notice and public hearings, to cause to be prepared and published, priority schedules, plans, and regulations for the allocation or distribution of crude oil and any refined petroleum product which was or may be in short supply nationally or in any region of the United States in accordance with the objectives of the bill. The bill also stated that if the President found that on either a nationwide or regional basis a shortage had been reached, or may imminently reach, emergency proportions, he could order temporary allocations as necessary to accomplish the objectives of the section, pending promulgation of priority schedules, plans, and regulations as otherwise required by the bill.

The Senate bill further provided that in order to accomplish the objectives of section 102 of the bill, and subject to the provisions thereof, the President was directed to allocate or distribute or cause to be allocated and distributed, pursuant to the schedules, plans, and regulations required under the aforementioned provisions of the bill, any liquid fuel, whether crude or processed, and whether imported or domestically produced, then or prospectively in extraordinarily short supply nationally or in any region of the United States.

The Senate bill stated that the regulations required by the aforementioned provision was to include standards and procedures for determining or reviewing prices of fuels allocated by the President under the provisions of the bill to prevent (1) appropriation of private property without due compensation or (2) exorbitant price increases reflecting temporary shortage conditions.

Also, under the Senate bill, the President was directed to use his authority under the bill and under existing law to assure that petroleum and petroleum products were allocated in such a manner as to assure adequate production, processing, and distribution of food and fiber.

Conference substitute:

(1) General.—The conference substitute basically follows the House amendment to the Senate bill. It provides for the mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product produced in or imported into the United States.

(2) Effective dates.—The regulation requiring such allocation in amounts and at prices specified in (or determined in a manner prescribed by) such regulation is to be promulgated not later than fifteen days after the date of enactment of the bill and to take effect not later than fifteen days after its promulgation. The conference substitute allows the President in accordance with section 4(f) to delay the effective date of the regulation promulgated under section 4(a). This subsection permits delay only of the provisions of the regulation with respect to the allocation of gasoline and with respect to any allocation of products which are allocated under section 203(a)(3) of the Economic Stabilization Act of 1970 prior to promulgation of the regulation under the bill. No delay is permitted under this subsection in the provisions relating to price. Under subsection (f) the provisions of the regulation under section 4(a) respecting allocation of gasoline need not take effect until thirty days after the promulgation of such regulation. In addition, if an order or regulation under section 203(a)(3) of the Economic Stabilization Act of 1970 applies to crude oil, residual fuel oil, or a refined petroleum product and has taken effect on or before fifteen days after the date of enactment of the bill and if the President determines that delay in the effective date of provisions of the regulation promulgated under section 4(a) of the conference substitute relating to such oil or product is in the public interest and is necessary to effectuate the transition from the program under such section 203(a)(3) to the mandatory allocation program required under this program, he may in the regulation promulgated under subsection (a) of this section delay until not later than thirty days after the date of the promulgation of the regulation, the effective date of the provisions of such regulation insofar as they relate to such oil or product. At the same time the President promulgates such regulation he shall report to Congress setting forth his reasons for the action under this paragraph.

(3) Exemption Authority.—Section 4(g)(2) of the conference substitute permits the President, if he finds (A) that application of the regulation under section 4(a) to crude oil, residual fuel oil, or a refined petroleum product is not necessary to carry out the Act, (B) there is no shortage of such oil or product, and (C) exempting such oil or product from such regulation will not have an adverse impact on the supply of any other oil or refined petroleum products subject to the Act, to amend the regulation to exempt such oil or product from such regulation for a period of not more than ninety days. The President must submit the amendment and findings to the Congress. An amendment may not exempt more than one oil or product (but separate amendments may be submitted for different oils or products; and at the expiration of the 90 days that an amendment applies to an oil or product, a new amendment applicable to such oil or product could take effect). An amendment would take effect on a date specified in the amendment, but not before the end of a period which includes at least five days during which the House was in session and at least five days during which the Senate was in session. Either House of Congress before the expiration of the period could by simple resolution disapprove such amendment.

(4) Industrial Use of LPG.—The conference substitute accepts the provisions of the House amendment which directs the President to take steps to assure that, to the extent practicable and consistent with the objectives of this Act, he does not allocate IPG in a manner which denies an industrial user access to a fuel for which there is no available alternative. Propane is a liquified petroleum gas in critically short supply. People in rural areas need it to heat their homes; farmers use it to dry their crops; the petrochemical industry uses it as a feedstock; and the glass industry uses it as the only acceptable or feasible substitute for natural gas. In the allocation of propane, the President is going to have to find an equitable balance among these priority uses. Paragraph (5) requires the President in this situation, to the extent practicable and consistent with the objectives of the Act, to make sure that in allocating propane to farmers and others he does not force petrochemical and glass plants across the country to close their doors. In administering this program, the President must be ever watchful to discover the unintended and undesired consequences of his acts. Clearly it is not in the public interest to compel the allocation of covered fuels (including propane and other refined petroleum products) in such a way as to result in large scale closings of industry, significant unemployment or serious economic stress in specific areas or regions of this nation. The President must be ever vigilant to avoid that result.

Several points should be made concerning the amendments made by the conference substitute to the House provisions relating to the timing requirements for the issuance and implementation of the mandatory allocation program. First, it was decided to give the President 15 days instead of 10 days to promulgate the regulation providing for the mandatory allocation of covered fuels. This was done simply with the understanding that—although the Administration has for several months been engaged in the task of devising a workable allocation mechanism—a 15-day period is probably minimally required to fashion a program with the necessary requirements and modifications of existing procedures to accomplish the objectives stated in this legislation.

Second, the Conference substitute continues the House requirement that the regulation once promulgated take effect 15 days thereafter. However, additional flexibility has been given to the President to delay this effective date in the case of the applicability of the allocation requirements to gasoline and to products already subject to mandatory controls under orders issued pursuant to the President's Economic Stabilization Act authority. The President is permitted to delay the gasoline allocation on the premise that his full administrative energies may be required to focus on other refined petroleum products in the first days of implementing the program. It is the Committee's understanding that an allocation program, if it is to work at all, must be comprehensive in scope and therefore must include the major refined components of a barrel of crude oil. Gasoline simply must be brought within the program as soon as practicable if we are to avoid the disastrous dislocations of resources and effort which have occurred in the past year as a result of selectively applying controls to the petroleum industry. For this reason the President is not permitted to defer the effective date of the gasoline allocation controls beyond 30 days after promulgation of the initial regulation.

The authority to defer the effective date for allocations of products already subject to mandatory controls under orders issued by the President pursuant to his Economic Stabilization Act authority is founded on the desire to take every step to permit an orderly transition from those programs to the allocation requirements of this legislation. For example, allocation programs have been established for propane and so-called "middle distillates." Modifications in these programs will be required to conform them to accomplish the Congressionally defined objectives stated in this legislation. It would not be a reasoned result for these programs to be summarily terminated while necessary revisions are made. Accordingly, this legislation provides for their continuance up until the effective date of the regulation called for in this legislation and permits the President to defer that effective date when necessary to provide for an orderly transition.

(5) Users denied access to other fuels.—The conference substitute contains the provisions from the House amendment which direct the President to give consideration to allocating residual fuel oil and refined petroleum products to any person whose use of fuels other than crude oil, residual fuel

oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with, a rule or order of a Federal or State agency, and the conference substitute states that this consideration also be given where such person's supply of such fuels is unobtainable by reason of an abandonment of service permitted or ordered by a Federal or State agency.

The inclusion of the House provisions on this matter represents a determination by the members of the conference that there must be reasoned coordination of Federal and state policies which control or influence the energy requirements of our citizens and industry. It is the expectation that in fashioning the allocation program and ordering subsequent adjustments to it, the President shall be watchful of the need to allocate supply to those users, such as electric utilities, who contribute to the accomplishment of the objectives of this legislation in those circumstances where such users have been denied access to alternative fuels by actions taken by other Federal or state governmental authority.

(6) Exports.—The conference substitute contains in section 4(d) the House provision relating to the total allocation of crude oil, residual fuel oil, and all refined petroleum products which are produced or refined with the United States. However, the exception relating to refined lubricating oil has been removed.

An allocation of covered fuels totally within the boundaries of the United States would act to prevent the export of such substances. In this regard the conference committee wishes to emphasize the conditions upon which such exclusion would be based. Total allocations within the United States would be required *only* where practicable *and* where necessary to accomplish the objectives of section 4(b). It is not intended to interrupt or prevent exports of fuels which are consistent with those objectives. In this regard the conference committee is especially mindful of the potential hardship which would result from an interference with or disruption of the important fuel interchanges with Canada and Mexico.

Particular complexity and concern is raised with respect to maintenance of international transportation. Other nations faced with similar fuel shortages are also adopting fuel allocation and conservation measures. Without reciprocity and comity among nations, these measures, if discriminatory or retaliatory, could jeopardize international air, ocean, and surface transport regardless of what steps are taken by the United States to allocate equitably among its own carriers. It is thus essential in making fuel allocations to coordinate, to the extent necessary, with foreign governments and, consistent with principles of reciprocity and comity and as may be consistent with the objectives of this Act, meet the fuel needs of foreign carriers at United States' points served by them.

(7) Allocation at producer level.—The conference substitute contains in section 4 (e)(1) provisions which state that the provisions of the regulation under subsection (a) shall specify (or prescribe the manner for determining) price of crude oil at the producer level; but, if the President finds that to require allocation at the producer level (on a national, regional, or case-by-case basis) is unnecessary to attain the objectives of subsection (b)(1)(E) or the other objectives of subsections (b), (c), and (d) of section 4, such regulation need not require allocation of crude oil at such level. The conference substitute requires that any finding made pursuant to this subsection be transmitted to the Congress in the form of a report setting forth the basis of his finding that allocation at the producer level is not necessary to attain such objectives.

Several have argued that the compelled allocation of crude oil at the producer level would be administratively unworkable. Indeed, the Administration identified this problem as largely responsible for its opposition to the House bill. Others contend that producer-level allocations are absolutely essential if the objectives of the Act are to be accomplished. Unable to fully resolve the issue, the conference substitute seeks an accommodation of these opposing views. Under its terms, the President would be relieved of the necessity of applying allocation requirements to the producer level if he can make the finding that allocation at that level on a national, regional, or case-by-case basis is unnecessary to attain the objectives of the Act. Specifically noted is the objective contained in section 4(b)(1)(E) which calls for the allocation of crude in a manner which makes maximum utilization of our nation's total refinery capacity.

The conference committee wishes to emphasize that the President is to retain full authority to require allocation at the producer level on a national, regional, or case-by-case basis whenever he determines it is necessary to attain the objectives of the Act. It is expressly intended to give to the President flexibility to act selectively. Accordingly, he may apply controls to large but not small producers—thus avoiding administrative complexity. Also, it is expected that the authority to require allocations at the producer level on a case-by-case basis can be and would be exercised to prevent producers from withholding supplies from the market by capping wells or otherwise.

It is specifically intended that the allocation program operate at the refinery level to compel inter-refinery transfers and exchanges of crude oil. By this means, it is expected that allocations of crude would be made to assure the maximum utilization of the refinery capacity of the United States and, in particular, that low-sulfur crude will be allocated to those refineries which are limited in their ability to process crude oil of higher sulfur content or which are operating under environmental restrictions which prevent the processing of high-sulfur grade crude. While the President's authority does not expressly permit him to order refineries to adjust their product mix (i.e. crack the barrel at different fractions to produce more or less of a specific refined petroleum product), the President must, in allocating crude to different refineries, take into account the historical patterns of product mix so as to assure accomplishment of the Congressionally stated objectives. Moreover, in circumstances where additional supply of a particular product, such as home heating oil, must be obtained, it is expected that the President will withhold or divert the allocation of crude from any refinery which does not adjust his product mix to contribute to the development of such additional supply.

(8) Stripper wells.—The conference substitute contains a provision relating to stripper wells. This provision, found in section 4(e)(2) states that the regulation promulgated under subsection (a) of this section shall not apply to the first sale of crude oil produced in the United States from any lease whose average daily production of crude oil for the preceding calendar year does not exceed ten barrels per well. In order to qualify for the exemption, a lease must be operating at the maximum feasible rate of production and in accordance with recognized conservation practices. Any agency designated by the President under section 5(b) of the conference substitute for such purpose is authorized to conduct inspections to insure compliance with this paragraph and shall promulgate and cause to be published requirements implementing the provisions of this paragraph.

B. Objectives

House: Section 4(b)(1) of the House amendment set forth certain objectiveness which the regulation promulgated under that section was to the maximum extent practicable to provide for seven objectives. The House amendment's objectives included the maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority); the maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto; the preservation of an economically sound and competitive petroleum industry, including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, nonbranded independent marketers, and branded independent marketers; and the equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, nonbranded independent marketers, branded independent marketers, and among all users.

Senate: Section 102 of the Senate bill provided for the President to take such actions as are necessary to insure the attainment of the specified objectives in implementing the authority granted under the Senate bill. These objectives included the maintenance of all public services; the maintenance of all essential agricultural operations, including farming, ranching, dairy and fishing activities and services directly related to the cultivation, production and preservation of food; the preservation of an economically sound and competitive petroleum industry, including the competitive viability of the independent producing, refining, marketing, distributing, and petrochemical sectors of that industry; and the equitable distribution of fuels at equitable prices among all regions and areas of the United States and all classes of consumers with the proviso that priority shall be given to supplying essential activities in the public interest and to independent marketers, jobbers, and refiners who supply those priorities. Whenever possible, preference shall be given to independent refiners and marketers (1) in the carrying out of such priorities, and (2) in other cases where all other conditions are equal and a choice must be made between allocation of supplies to an independent or to a major company.

Conference substitute: The conference substitute basically follows the House amendment to the Senate bill with the following changes:

(1) The objective providing for protection of the public health, safety, and welfare, and the national defense specifies that public health, safety, and welfare includes the maintenance of residential heating, such as individual homes, apartments, and similar occupied units.

(2) The objective providing for mainte-

nance of all public services specified that such maintenance of public services included facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority. The conference substitute further specifies that this objective includes transportation facilities and services which serve the public at large.

(3) The conference agreement includes small refineries in the objective relating to the preservation of an economically sound and competitive petroleum industry.

(4) The conference substitute contains a new objective (E) relating to the allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity.

(5) The conference substitute includes small refiners in the equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry.

(6) The conference substitute contains a new objective (G) relating to the allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of, energy fuels, and for the required transportation related thereto.

Section 4(b)(1)(I) of the conference substitute requires special mention. This section emphasizes the objective of minimizing economic distortion, inflexibility and unnecessary interference in market mechanisms. The committee recognizes that mandatory allocation programs which compel the distribution and sale of fuels for particular uses at specified prices necessarily distort the economy and interfere with a free market mechanism. It is the intent of this legislation that that economic distortion and interference be minimized to the extent practicable. The President should assure himself that his actions interrupt existing supply mechanisms only when necessary to permit the accomplishment of the objectives stated in subsection (4). Moreover, while it is expressly recognized and intended that the allocation program would have the effect of abrogating contracts for the supply of fuels covered by the regulation, such abrogation should occur *only* to the extent necessary to accomplish the objectives of the Act. It is expected that the President's regulation will in most cases merely confirm existing supply relationships. For example, it is understood that in many circumstances small refiners own their own production or obtain it from affiliated sources. It is not expected that the President would disturb this relationship unless it were necessary to do so.

The conferees have included in section 4(b)(1)(B) specific mention of the need to allocate fuels to provide for the maintenance of transportation facilities and services which serve the public at large. The term "transportation services" is intended to identify those surface, rail or air facilities and services—whether public or privately owned—which serve the general public or which otherwise serve the objectives of this Act.

The petroleum fuel shortage threatens numerous areas of commerce. The jeopardy from shortage of these fuels impacts most directly on transportation. Without adequate petroleum fuel most United States' domestic and international transportation, with no option to convert to other fuels, potentially would be seriously disrupted. A significant reduction of transportation capability could adversely affect all other areas of commerce and the national economy. Thus, one of the primary objectives of the Act is to assure maintenance of transportation services.

C. Prices

House: The House amendment provided in section 4(b)(2) that in specifying prices (or prescribing the manner for determining them), the regulation under section 4 of the House amendment was to provide for a dollar-for-dollar passthrough of net increases in the cost of crude oil and refined petroleum products to all marketers or distributors at the retail level; and the use of the same date in the computation of markup, margin, and posted price for all marketers or distributors of crude oil and refined petroleum products at all levels of marketing and distribution.

Senate: Section 116 of the Senate bill provided that the Congress found and declared that, notwithstanding the imposition of mandatory controls by the Cost of Living Council on March 6, 1973, on the prices of crude oil and petroleum products, such prices had increased and were continuing to increase at an excessive rate and that in order to control inflation, promote a sound economy, and carry out the obejctives of the Senate bill as stated in section 102, the Congress urged the President immediately to take such further action as may be necessary to stabilize effectively the prices of crude oil and petroleum products.

Conference Substitute: The conference substitute contains the provisions of the House amendment with a change making the House provisions applicable to residual fuel oil.

The conference committee wishes to make several comments with respect to the pricing authority contained in this legislation. This has been included on the premise that it does no good to require the allocation of products if sellers are then permitted to demand unfair and unrealistic prices. It is not intended, however, that the pricing authority be exercised by establishing specific prices for products at each level in the distribution system. For example, the regulation could merely state an equitable method for determining price levels, such as permitting a specified percentage markup of base costs. The conference committee has decided to couple price controls with the mandatory allocation authority so as to focus in a single act decision-making authority and responsibility for dealing with the fuels shortage situation.

By requiring that both allocations and prices be covered in the regulation required to be promulgated and implemented under Section 4(a), Congress intends to force the Administration to rationalize and harmonize the objective of equitable allocation of fuels with the objectives of the Economic Stabilization Act. The committee wishes to emphasize that the pricing controls called for in this legislation may, in those circumstances where pricing controls established pursuant to other federal authority are consistent with the requirements and objectives of this Act, merely confirm those controls in the regulation to be promulgated under authority of section 4 of this Act. It is expressly contemplated, for example, that the price controls established by Phase IV under authority of the Economic Stabilization Act would continue in effect unless and until required to be modified by the price regulation required to carry out the purposes of this Act. As a matter of administrative convenience, the President may wish to continue to exercise federal pricing controls through the Cost of Living Council and may, pursuant to section 5(b), assign to that agency responsibility for administering the price controls called for in this Act.

The reference to equitable prices in the bill is specifically intended to emphasize that one of the objectives of the mandatory allocation program is to prevent price gouging or price discrimination which might otherwise occur on the basis of current shortages. On the other hand, it is contemplated that prices for allocated fuels will be set at levels or pursuant to methods which will permit adequate compensation to assure that private property is not implicitly confiscated by the government. Most importantly, the President must, in exercising this authority, strike an equitable balance between the sometimes conflicting needs of providing adequate inducement for the production of an adequate supply of product and of holding down spiraling consumer costs.

D. Allocation to independent refiners and marketers

House: Section 4(c)(1) of the House amendment provided that to extent practicable and consistent with the objectives of subsections (b) and (d) of section 4, the mandatory allocation program established under the regulation under subsection (a) of section 4 was to be so structured as to result in the allocation during each period during which the regulation applied of each refined petroleum product to each branded and each nonbranded independent marketer, and of crude oil to each independent refiner, in an amount equal to the amount sold or otherwise supplied to such marketer or refiner during the corresponding period of 1972, adjusted to provide a pro rata sharing among persons engaged in the marketing or distributing of a refined petroleum product of any amount of such product produced in excess of the amount produced in calendar year 1972, or a pro rata reduction in the amount allocated to such persons if lesser amounts are produced than those produced in calendar year 1972; and a pro rata sharing among refiners of any amount of crude oil produced in excess of the amount produced in calendar year 1962, or a pro rata reduction in the amount allocated to such refiners if lesser amounts are produced than those produced in calendar year 1972.

Section 4(c)(2) of the House amendment provided the President was authorized by order, to require such adjustments in the allocations of refined petroleum products and crude oil established under the regulation under subsection (a) of section 4 as may reasonably have been necessary in the case of refined petroleum products (i) to take into consideration market entry by branded independent marketers and nonbranded independent marketers subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of marketing or distribution facilities of such marketers; and in the case of crude oil (i) to take into consideration market entry by independent refiners subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of refining facilities of such refiners. Any adjustments made under section 4(c)(2) may have been made only upon a finding that, to the maximum extent practicable, protection of the objectives of subsections (b) and (d) of section 4 were attained.

Senate: Section 105 of the Senate bill stated that the President was directed to use his authority under the Senate bill and under existing law to assure that no petroleum refinery in the United States was involuntarily required to operate at less than its normal full capacity because of the unavailability to said refinery of suitable types or grades of crude oil.

Subsection (c) of section 105 provided that in order to achieve the objectives of the bill, (1) any producer or importer of crude petroleum and/or natural gas liquids who produced in the United States and/or imported more than two hundred thousand barrels per day of crude oil and natural gas liquids during the base period had to sell or exchange to nonaffiliated independent refiners or to any other reasonable and appropriate class of refiners established by regulation, in accordance with the objectives and priorities established under section 102(e) of the Senate bill, in the aggregate during each quarter during the effective term of the Senate bill a proportion of his domestic production and imports no less than the proportion he sold or exchanged to such refiners during the corresponding quarter of the base period. It also provided under such subsection that to the extent practicable, all such refiners previously supplied by such producer or importer were to continue to be supplied on an equitable basis taking into consideration past supply relationships and unused refinery capacity; and (2) all refiners or importers of petroleum products were to sell or exchange to nonaffiliated independent dealers or to any other reasonable and appropriate class of purchasers established by regulation, in accordance with the objectives and priorities established under section 102(e) of the Senate bill, in the aggregate in each quarter during the effective term of the Senate bill, a proportion of his refinery production and imports of said products no less than the proportion he sold or exchanged to such dealers during the correspondng quarter of the base period. It further provided that to the extent practicable, all such dealers previously supplied by such refiner were to continue to be supplied on an equitable basis taking into consideration past supply relationships.

Subsection (d) of section 105 stated that the allocation program established pursuant to section 105 may have been replaced or amended by, or incorporated into, the priority schedules, plans, and regulations promulgated under section 104 of the Senate bill.

Section 109 of the Senate bill stated that a petroleum refiner or a petroleum distributor was not to deliver or tender for delivery in any quarter to any petroleum distributor or petroleum retailer a smaller quantity of petroleum products than the quantity of such products delivered by him or his predecessor or predecessors during the corresponding quarter in the base period, unless he delivered to each petroleum distributor or petroleum retailer doing business in commerce the same percentage of the total amount as was delivered to all such distributors or retailers in the market area who were supplied by such refiner or distributor and that a petroleum refiner or a petroleum distributor was not to sell petroleum products to a nonfranchised petroleum distributor or petroleum retailer at a price, during any calendar month, which was greater than the price at which such petroleum products were sold to a similarly situated franchised petroleum distributor or petroleum retailer on the same level of commerce (wholesale or retail) in the market area except that a reasonable differential which equaled the value of the goodwill, trademark, and other protections and benefits which accrued to franchised distributors or retailers was not prohibited.

Enforcement of this provision is described below under the section relating to enforcement.

Section 110 of the Senate bill stated that a petroleum refiner or a petroleum distributor was not to cancel, fail to renew, or otherwise terminate a franchise unless he furnished prior notification pursuant to this paragraph to each petroleum distributor or petroleum retailer affected. Such notification was to be in writing and was to be accomplished by certified mail to such distributor or retailer; was to be furnished not less than ninety days prior to the date on which such franchise was to be canceled, not renewed, or otherwise terminated; and was to contain a statement of intention to cancel, not renew, or to terminate together with the reasons therefor, the date on which such action was to take effect, and a statement of the remedy or remedies available to such distributor or retailer under the Senate bill together with a summary of the provisions of this section.

Section 110 of the Senate bill further stated that a petroleum refiner or a petroleum distributor was not to cancel, fail to renew, or otherwise terminate a franchise unless the petroleum retailer or petroleum distributor whose franchise was terminated failed to comply substantially with essential and reasonable requirement of such franchise or failed to act in good faith in carrying out the terms of such franchise, or unless such refiner or distributor withdrew entirely from the sale of petroleum products in commerce for sale other than resale in the United States.

Conference substitute: The conference substitute incorporates the provisions of the House amendment with the following changes:

(1) Small refiners are given the same treatment as independent refiners.

(2) The provisions of subsection (c)(1) which provide for allocation of refined petroleum products to branded and nonbranded independent marketers based on amounts they received in 1972 are expanded to provide for allocation of such products to small refiners and independent refiners based on amounts they received in 1972.

(3) The provisions of sections 4(c)(1)(A) and (B) of the House amendment which required a pro rata increase in allocations of refined petroleum products and crude oil to marketers and refiners, respectively, to reflect increase in supply are deleted, and replaced in the conference substitute by a provision directing the President to report to the Congress monthly, beginning not later than January 1, 1974, with respect to any change after 1972 in the aggregate national or regional market shares of nonbranded independent marketers, branded independent marketers, and other persons engaged in the marketing or distributing of refined petroleum products. The provision further requires that if allocation of any increase of the amount of any refined petroleum product produced in or imported into the United States in excess of the amount produced or imported in 1972 contributes to a significant increase in any market share described above, the President must order an equitable adjustment in allocations of such product.

(4) The President is directed to order adjustments in the allocations of crude oil, residual fuel oil, and refined petroleum products as may reasonably be necessary to accomplish the objectives of section 4(b) or to prevent any person from taking any action which would be inconsistent with those objectives.

(5) In adjusting allocations to provide pro-rata decreases, the President is directed to consider aggregate decreases in domestic production plus imports, rather than considering only domestic production.

A great deal of the discussion in conference focused on the workings of section 4 (c). Under the terms of the House amendment, the mandatory allocation program was required to be so structured—to the extent practicable and consistent with the objectives of the Act—as to result in the allocation to branded independent marketers and non-branded independent marketers of amounts of refined petroleum product equal to what they were able to obtain in calender year 1972. Finding that many small refiners and independent refiners have historically also been bulk purchasers and marketers of refined petroleum products, the conference committee determined to in addition include such refiners within the formula so as to give to them an entitlement to refined petroleum products (to the extent practicable and consistent with the objectives of the Act) based upon 1972 allotments.

It is understood that a number of independent marketers, small refiners and independent refiners have been sold to or otherwise been acquired by others since 1972. It is the expectation of the conferees that where it is possible to trace the corporate or business history of an entity, the successor company shall be entitled to the base period allocation of its predecessor.

The committee has also made provision for the allocation of crude oil to small and independent refiners based upon their calendar year 1972 crude runs. Here, as in the case of refined petroleum products, it is expected that small and independent refiners who entered the market after calendar year 1972 and who acquired interests in refineries which had been in operation during that year would be entitled to claim an allocation based upon the 1972 crude runs of the predecessor refineries.

(1) Certain Contracts.—The conferees wish to comment specifically on the application of this section in circumstances where a successor company has acquired assets and made capital investments in reliance on a court decree issued in furtherance of a resolution of antitrust claims. As noted in an earlier portion of this report, it is intended that the allocation program minimize economic distortion and interference with market mechanisms. Also this legislation lists as a basic objective the need to promote and foster competition in the petroleum industry. It would be an anomalous result if the allocation program would be implemented in a manner which would frustrate or make impossible the accomplishment of a court-ordered decree whose objective was to create a viable competitive entity where there was none before. It is expected, therefore, that the President will take care to assure that the allocation program would not interrupt supply agreements, whose very terms had been ordered by a court to assure that an entity would be able to operate in a manner which offers meaningful competition. The Committee does not wish, however, to totally insulate such supply agreements. It is fully intended and expected that the President would have authority to abrogate such contracts if the President finds that he must do so in order to accomplish the objectives of this Act.

(2) Pro-rata Sharing of Shortfall.—In those circumstances where the aggregate amount of crude oil produced in or imported into the United States is less than the amounts produced or imported in calendar year 1972, the conference substitute requires a pro rata reduction in the amounts allocated among refiners. This provision is intended to assure an equitable sharing of the short-fall among small, independent, and other refiners including those which are owned and operated by major vertically integrated oil companies. A similar pro-rata sharing, as described above, is provided for shortfalls in refined petroleum products.

(3) Refinery expansion or new construction.—The conferees view the construction of new refineries, and the expansion of present refinery capacity, as critically important factors in maximizing the amount of petroleum products available to meet domestic demand. The conferees are concerned that refiners may be hesitant to make the

substantial investments, and other commitments required for the construction of new refineries and the expansion of existing facilities unless they are assured of adequate supplies of crude oil for their facilities. The provisions of section 4(c)(4)(B), are intended to provide the President with a means of affording that assurance.

Although the conferees have determined not to include the dealer protection provisions which were contained in the Senate bill, the committee wants to express its concern with the downsteam vertical integration of the major oil companies into the distribution and retail levels of the market. Major oil companies have begun to market secondary brands through wholly-owned distribution subsidiaries. The primary brands are to an increasing extent being marketed through so-called salaried or managed retail outlets. Branded independent marketers, already under short term lease and supply agreements, are finding that their agreements are not being renewed. Leases of one year's duration are being converted to thirty days. Representatives of branded dealers believe that this represents an attempt by the majors to force private entrepreneurs out of the retail market and to convert station operators to salaried employees. The committee believes that the agency administering this Act and the Congress should watch this development closely. Should it be shown to be progressing in a manner which cannot be dealt with under the allocation authority contained in this bill, it may be in order for the Congress to consider remedies such as proposed in the Senate bill or as may be appropriate in the formulation of tax, import and anti-trust policy.

ENFORCEMENT

House: Section 5(a) of the House amendment provided that the regulation under the House amendment would be enforced under sections 205 through 213 (other than 212(b)) of the Economic Stabilization Act of 1970 (as in effect on the date of enactment of the bill) except that the expiration of the Economic Stabilization Act would not affect any authority to amend and enforce the regulation or to issue and enforce any order under the House amendment.

Senate: The Senate bill authorized the head of the agency designated to implement the bill to require periodic reporting and to issue subpenas. The head of the agency (or his delegate) was authorized to request the Attorney General to bring an action in the appropriate district court of the United States to enjoin any act or practices constituting a violation of the bill (or order or regulation thereunder) and upon a proper showing a temporary restraining order or a preliminary or permanent injunction would be granted without bond. The court could also issue mandatory injunctions.

The Senate bill also contained special provisions providing a private remedy for the enforcement of the provision of section 109 which prohibit failing to sell petroleum products to petroleum distributors and retailers at prices and in quantities determined under that section. Section 109(b) authorized a petroleum retailer or a petroleum distributor to maintain a suit against certain refiners and distributors who engage in conduct prohibited by section 109 and whose products he purchases. The court was directed to grant such equitable relief to remedy the effects of the prohibited conduct, including declaratory judgment and mandatory or prohibitive injunctive relief. The court was also authorized to grant interim equitable relief, and punitive damages; and award the plaintiff a reasonable attorney's fee. Notice of intent to file suit was required to be filed with each defendant and with certain public officials. Similar enforcement provisions were provided for section 110 of the Senate bill.

Conference substitute: The Senate recedes.

ADMINISTRATION

Both the Senate bill and House amendment authorized the President to delegate any part of his authority under the bill to any Federal officer or agency. In addition, the Senate bill required designation of an agency to promulgate regulations and supervise compliance. The Senate bill also required establishment of an office to receive complaints from State and local governments respecting fuel oil and gasoline supplies and prices.

Conference substitute: The conference substitute follows the provisions of the House amendment with an amendment permitting the President to delegate functions under the bill to States (or to officers thereof) as well as to Federal officers and agencies.

EFFECT ON OTHER LAWS

Both the House and Senate versions of the bill provide generally that compliance with the bill and requirements imposed under the bill are a defense to the actions under the antitrust laws and for certain breaches of contract. The Senate bill, in addition, made such compliance a defense to State pricing or restraint-of-trade statutes comparable to the antitrust laws.

Conference substitute: The Senate recedes.

The conferees wish to make special mention of the limited antitrust defense created by the provisions of the conference substitute. Under its terms, certain meetings, conferences, or other communications which might otherwise be construed to violate the antitrust laws would be permitted provided that (i) the President issues an appropriate approving order, (ii) the meeting, conference, or communication takes place in the presence of a representative of the Antitrust Division of the Department of Justice, and (iii) a transcript is kept, and—together with a copy of any agreement resulting therefrom—placed in a public file. The conferees believe it is a reasoned interpretation of the application of these provisions to permit the Attorney General to exempt from these requirements classes or types of meetings, conferences, or communications, which are ministerial in nature and which occur subsequent to and in furtherance of agreements, decisions, and policies which are arrived at at meetings, conferences, or communications authorized by the President attended by a representative of the Department of Justice and appropriately transcribed. To be consistent with the requirements of this section, however, a written summary of any such meetings, conferences, or communications should be made, and, together with any agreement resulting therefrom deposited with the Attorney General and the Federal Trade Commission, where it shall be made available for public inspection.

MONITORING BY FEDERAL TRADE COMMISSION

House: The House amendment directed the Federal Trade Commission to monitor the program established under the regulation under section 4 during the first 45 days the regulation is in effect and not later than 60 days after the regulation takes effect to report to the Congress and the President respecting the effectiveness of the provisions of the House amendment and of actions taken pursuant to the provisions of the House amendment. The scope of the Commission's investigative authority, for this purpose, is augmented to encompass individuals, partnerships, and certain common carriers.

Senate: The Senate bill directed that the Attorney General and the Federal Trade Commission monitor the actions taken pursuant to the Senate bill by the agency designated to administer the provisions thereof and by persons subject to the provisions thereof, and report to the President and to the Congress any provision of the bill, action taken pursuant thereto, or condition created thereby, which would have tended to create or maintain anticompetitive practices or situations inconsistent with the antitrust laws or had a lasting adverse impact upon competition or upon any of the objectives set forth in section 102 (d), (f), or (g) of the bill.

The Federal Trade Commission was to prepare and transmit to the Congress, not later than thirty days after the enactment of section 112, an interim report on the following, and not later than six months after such date a report on the relationship between the structure, behavior, and operational characteristics of the petroleum industry (including the vertical integration of production, transportation, refining, and marketing; and joint ventures among petroleum companies) and the causes of the present shortages of crude oil and refined petroleum products; and a report on petroleum industry practices and trends in the marketing of gasoline and other petroleum products including the use of credit cards, the promotion of second and third brand name products, the terms and conditions of franchise agreements and the protection they afford the franchisee, and the role of the independent retailer. The scope of the Commission's authority to implement the aforementioned provisions was augmented to include all corporations including common carriers subject to the Act.

Conference substitute: The Senate recedes.

REPORTS TO CONGRESS

Senate: Section 106 of the Senate bill directed the President to submit to both Houses of Congress any schedules, plans, and regulations promulgated for implementing the provisions of the bill.

The Senate bill also directed the President to make to the Congress quarterly reports, and upon termination of authority under the bill a final report, including a summary and description of all actions taken under the authority of the bill, an analysis of their impact, and an evaluation of their effectiveness in implementing the objectives of section 102 of the bill.

House: The House amendment contained no comparable provision.

Conference substitute: The conference report contains no general requirement for periodic reports or for reports to Congress respecting regulations. See description of the mandatory allocation program contained in section 4 of the conference substitute for requirements for reports on specific matters.

HIGHWAY SPEED REDUCTIONS TO CONSERVE GASOLINE

Senate: Section 111 of the Senate bill stated that it was the sense of the Congress that, in order to conserve gasoline supplies which in some areas of the Nation were approaching critical shortages (1) speed limits for motor vehicles traveling on Federal-aid highways presently at or in excess of fifty-five miles per hour should be reduced immediately to fifty-five miles per hour, or ten miles per hour lower than the speed limit posted on the affected portion of such Federal-aid highway prior to the enactment of section 111, whichever is the greater; (2) Federal, State, and local governmental agencies should take appropriate actions to achieve and enforce such reductions in vehicle speed; and (3) Federal, State, and local governmental agencies should take such actions as may be necessary to increase public awareness of the need to conserve gasoline and the means for doing so, including the connection between decreasing gasoline consumption and decreasing vehicle speed, excessive idling, unnecessary travel, and abrupt acceleration and deceleration.

House: The House amendment contained no comparable provision.

Conference substitute: The Senate recedes.

NATIONAL VOLUNTARY ENERGY CONSERVATION PROGRAM

Senate: Section 113 of the Senate bill provided that in order to more effectively carry out the purpose of the Senate bill to solve a national energy crisis the President was to (1) develop a National Voluntary Energy Conservation Program calling for and suggesting means of terminating unnecessary use of energy for power or lighting, and (2) call upon State and local officials, public and private entities, and the public generally, by means of television, radio, newspaper, and other appropriate manner, to cooperate in promoting and carrying out such program.

House: The House amendment contained no comparable provision.

Conference substitute: The Senate recedes.

GOVERNMENT USE OF ECONOMY CARS AND LIMOUSINES; PROMOTION OF CARPOOLS

Senate: Section 114 of the Senate bill provided that, as an example to the rest of our Nation's automobile users, the President of the United States was requested to take such action as is necessary to require all agencies of Government, where practical, to use economy model automobiles, pickups, and trucks; that the President was to take action to require that no Federal official or employee below the level of cabinet officer be furnished a limousine because such automobiles are particularly expensive, gas consuming and pollution producing; and that the President was requested to take such action as was necessary to begin a national program of public information to inform the commuter of the benefits of carpools and economy cars and that the President was to report to Congress on legislative incentives to promote such a program.

House: The House amendment contained no comparable provision.

Conference substitute: The Senate recedes.

ESTABLISHMENT OF STATE FUELS AND ENERGY CONSERVATION OFFICES

Senate: Section 115 of the Senate bill expressed the sense of the Congress that each Governor of each State was requested to establish a State Office of Fuels and Energy Conservation, such office immediately to develop and promulgate a program to encourage voluntary conservation of gasoline, diesel oil, heating oil, natural gas, propane, other fuels, and electrical energy.

House: The House amendment contained no comparable provision.

Conference substitute: The Senate recedes. However, the conference substitute, in section 5(b), authorizes the President to delegate functions under the bill to States or officers thereof.

Harley O. Staggers,
Torbert H. Macdonald,
Lionel Van Deerlin,
Clarence J. Brown,
James M. Collins,
Managers on the Part of the House.
Henry M. Jackson,
Alan Bible,
Frank Church,
Lee Metcalf,
Warren G. Magnuson,
John O. Pastore,
Paul Fannin,
Clifford P. Hansen,
Mark O. Hatfield,
M. W. Cook,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. KLUCZYNSKI (at the request of Mr. O'Neill), for today and Tuesday, November 13, on account of official business of the Committee on Public Works.

Mr. MATSUNAGA (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Steelman) and to revise and extend their remarks and include extraneous matter:

Mr. Frenzel, for 5 minutes, today.
Mr. Hogan, for 60 minutes, today.

(The following Members (at the request of Mr. Stark) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.
Mr. Udall, for 5 minutes, today.
Mr. Reuss, for 5 minutes, today.
Mr. Cotter, for 5 minutes, today.
Mr. Hamilton, for 10 minutes, today.
Mr. Hungate, for 5 minutes, today.
Mr. Culver, for 5 minutes, today.
Mr. Sikes, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Rodino, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $209.

Mr. Bray, to extend his remarks in the body of the Record, notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $574.75.

Mr. Martin of Nebraska, immediately following his remarks in reply to the chairman of the Rules Committee to insert minutes of the transcript of the Rules Committee hearing which pertains to the resolution Mr. Martin introduced on the Alaska pipeline bill.

(The following Members (at the request of Mr. Steelman) and to include extraneous matter:)

Mr. Brown of Ohio.
Mr. Derwinski in three instances.
Mr. Winn.
Mr. Quie.
Mr. Archer.
Mr. Sarasin.
Mr. Steelman.
Mr. Wyman in two instances.
Mr. Ketchum.
Mr. Widnall.
Mr. Gilman.
Mr. Zwach.
Mr. Thomson of Wisconsin.
Mr. Shuster in two instances.
Mr. Carter in three instances.
Mr. Lott.
Mr. Bell.
Mr. Roncallo of New York.
Mr. Hogan.

(The following Members (at the request of Mr. Stark) and to include extraneous matter:)

Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Rangel in 10 instances.
Mr. McFall.
Mr. Seiberling in 10 instances.
Mr. Blatnik in 10 instances.
Mr. Annunzio in six instances.
Mr. Stokes in six instances.
Mr. Badillo.
Mr. Karth.
Mr. Johnson of California.
Mr. Fascell in two instances.
Mr. Gibbons.
Mr. Macdonald.
Mr. Hungate.
Mr. Nedzi in three instances.
Mr. Harrington in five instances.
Mr. Anderson of California in two instances.

(The following Members (at the request of Mr. Hungate) and to include extraneous matter:)

Mr. Yatron.
Mr. Mahon.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2641. An act to confer jurisdiction upon the district court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4771. An act to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia.

ADJOURNMENT

Mr. HUNGATE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 13, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1541. A letter from the President of the

United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the Pennsylvania Avenue Development Corporation (H. Doc. No. 93-186); to the Committee on Appropriations and ordered to be printed.

1542. A letter from the Deputy Secretary of Defense, transmitting two reports of violation of section 3679, Revised Statutes, and Department of Defense Directive 7200.1, "Administrative Control of Appropriations within the Department of Defense," pursuant to section 3679(i)(2), Revised Statutes to the Committee on Appropriations.

1543. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate, and under German Offset Agreement for the quarter ended September 30, 1973, pursuant to section 720 of Public Law 92-570; to the Committee on Appropriations.

1544. A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting the annual report of the Agency for fiscal year 1972, pursuant to section 15 of Public Law 79-592; to the Committee on the District of Columbia.

1545. A letter from the First Vice President and Vice Chairman, Export-Import Bank of the United States, transmitting a report covering the month of September 1973, on Export-Import Bank approved loans, guarantees and insurance in support of U.S. exports to Yugoslavia, Romania, the Union of Soviet Socialist Republics, and Poland, pursuant to section 2(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

1546. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to revise the boundary of the Golden Gate National Recreation Area, California, and for other purposes; to the Committee on Interior and Insular Affairs.

1547. A letter from the Comptroller General of the United States, transmitting a report on increasing foreign visitor travel to the United States under programs of the U.S. Travel Service, Department of Commerce; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Nov. 8, 1973, the following Report was filed on Nov. 10, 1973]

Mr. STAGGERS: Committee of Conference. Conference report on S. 1570 (Rept. No. 93-628). Ordered to be printed.

Mr. ULLMAN: Committee on Ways and Means. H.R. 11333. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes. (Rept. No. 93-627). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 11393. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK:

H.R. 11394. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. ASHBROOK (for himself, Mr. Aspin, Mr. Andrews of North Carolina, Mr. Badillo, Mr. Boland, Mr. Burke of Massachusetts, Mr. Cochran, Mr. Conte, Mr. Drinan, Mr. Fraser, Mr. Frelinghuysen, Mrs. Grasso, Mr. Helstoski, Ms. Holtzman, Mr. Howard, Mr. Koch, Mr. Lott, Mr. Metcalfe, Mr. Mizell, Mr. Montgomery, Mr. O'Hara, Mr. Pepper, Mr. Udall, Mr. Whitten, and Mr. Lujan):

H.R. 11395. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. BROYHILL of Virignia:

H.R. 11396. A bill to extend daylight saving time to the entire calendar year; to the Committee on Interstate and Foreign Commerce.

By Mr. CONABLE:

H.R. 11397. A bill to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 11398. A bill to reestablish November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 11399. A bill to amend title II of the Social Security Act to provide a special rule for determining insured status, for purposes of entitlement of disability insurance benefits, of individuals whose disability is attributable directly or indirectly to meningioma or other brain tumor; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 11400. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE:

H.R. 11401. A bill to provide for, and assure the independence of, a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado:

H.R. 11402. A bill to authorize the Secretary of the Interior to transfer certain lands in the State of Colorado to the Department of Agriculture for consolidation, to facilitate better management, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KETCHUM:

H.R. 11403. A bill to amend the provision of title 28 of the United States Code which deals with Federal tort claims to allow recovery in certain cases for injuries caused by the negligence of contractors performing services for the Government; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 11404. A bill to amend chapter 13 of title 44, United States Code, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc., shall be printed as a House document, and for other purposes; to the Committee on House Administration.

H.R. 11405. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 11406. A bill to amend chapter 59 of title 38, United States Code, to provide for the recognition of representatives of the Italian American War Veterans of the United States, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. O'HARA:

H.R. 11407. A bill to provide for the conservation of energy by amending the Internal Revenue Code of 1954 to permit a taxpayer an income tax deduction for insulation improvement or repair expenditures; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 11408. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 11409. A bill to amend the Clean Air Act to provide temporary authority to suspend certain stationary source fuel and emission limitations; to the Committee on Interstate and Foreign Commerce.

By Mr. SARASIN:

H.R. 11410. A bill to impose an embargo on the export of petrochemicals until price controls on petrochemicals are removed; to the Committee on Banking and Currency.

By Mr. SIKES:

H.R. 11411. A bill to extend daylight saving time to the entire calendar year; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN (for himself, Mr. Kyros, Mr. Podell, and Mr. Reuss):

H.R. 11412. A bill to authorize the Secretary of Transportation to make grants and provide technical assistance to units of general local government to implement programs which are designed to increase the use of carpools by commuters; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H. Con. Res. 377. Concurrent resolution expressing the sense of the Congress that the President, acting through the United Nations or other appropriate international organizations, should call for international conferences to consider the present world energy crisis; to the Committee on Foreign Affairs.

By Mr. ANDERSON of California:

H. Res. 691. Resolution creating a select committee to study the impact and ramifications of the Supreme Court decisions on abortion; to the Committee on Rules.

By Mr. HAWKINS:

H. Res. 692. Resolution impeaching Richard M. Nixon; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 11413. A bill for the relief of Do Van Du; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 11414. A bill for the relief of Norma Quinones Monge; to the Committee on the Judiciary.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section in the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1973:

NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
	(Mark one square only)			

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

A. John J. Adams, Suite 1060, 1730 Pennsylvania Avenue NW., Washington, D.C.

B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.

A. John J. Adams, Suite 1060, 1730 Pennsylvania Avenue NW., Washington, D.C.

B. Vepco, Seventh and Franklin Streets, Richmond, Va.

A. Altman, Kurlander & Weiss, Attn: Alan S. Finger, 125 South Clark Street, Chicago, Ill. 60603.

A. American Rivers Conservation Council, 324 C Street SE., Washington, D.C. 20003.

A. Scott P. Anger, 1725 K Street NW., Washington, D.C.

B. The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.

B. Motor and Equipment Manufacturers Association, 222 Cedar Lane, Teaneck, N.J. 07666.

A. Associated Builders & Contractors, Inc., P.O. Box 8733, Friendship International Airport, Md. 21240.

A. Associated Employers, Inc., 8107 Broadway, Suite 202, San Antonio, Tex. 78209.

A. Donald L. Badders, 2030 M Street NW., Washington, D.C. 20036.

B. TRW Credit Data, 2030 M Street, Suite 800, Washington, D.C. 20036.

A. Linda M. Billings, 324 C Street SE., Washington, D.C. 20003.

B. Sierra Club, 1050 Mills Tower, 220 Bush Street, San Francisco, Calif. 94104.

A. Charles Binsted, National Congress of Petroleum Retailers, 2945 Banksville Road, Pittsburgh, Pa. 15216.

A. John W. Black, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. Bank of America N.T. and S.A., Bank of America Plaza, San Francisco, Calif. 94137.

A. Boasberg, Hewes, Klores & Kass, 1225 19th Street NW., Washington, D.C. 20036.

B. Fans Inc., 1225 19th Street NW., Washington, D.C. 20036.

A. Helen Bremberg, 4515 South 31st Street, Apt. 202, Arlington, Va. 22206.

B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Bill Brier, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

A. J. Colvin Brown, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

A. Travis Taylor Brown, 2525 49th Street NW., Washington, D.C.

A. Carol Burris, 1345 G Street SE., Washington, D.C. 20003.

B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Burson-Marsteller, 1776 K Street NW., Suite 607, Washington, D.C. 20006.

B. Council for Responsible Nutrition, 1776 K Street NW., Suite 603, Washington, D.C. 20006.

A. Jerald R. Butchert, 201 Massachusetts Avenue NE., No. 216, Washington, D.C. 20002.

B. The Metropolitan Water District of Southern California, P.O. Box 54153, Los Angeles, Calif. 90054.

A. John W. Byrnes, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Cabot Corporation and Subsidiaries, 125 High Street, Boston, Mass., 02110.

A. Sharyn G. Campbell, 1620 I Street NW., Suite 603, Washington, D.C. 20006.

B. National BankAmericard, Inc., 555 California Street, San Francisco, Calif. 94126.

A. W. Dean Cannon, Jr., 1444 Wentworth Avenue, Pasadena, Calif. 91109.

B. California Savings & Loan League, 1444 Wentworth Avenue, Pasadena, Calif. 91109.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Independent Gas Producers Committee, c/o GHK Co./Gasanadarko, 1400 Fidelity Plaza, Oklahoma City, Okla. 73102.

A. Richard Caulfield, 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

A. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20002.

A. Nancy H. Chasen, 133 C Street SE., Washington, D.C.

B. Congress Watch, 133 C Street SE., Washington, D.C.

A. Girard P. Clark, 1155 15th Street NW., Washington, D.C. 20005.

B. American Federation of State, County, and Municipal Employees, 1155 15th Street NW., Washington, D.C. 20005.

A. Ronald D. Clements, 1016 20th Street NW., Washington, D.C. 20036.

B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Railroad Passenger Corp., 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. N.Y. Cocoa Exchange, Inc., 127 John Street, New York, N.Y.; N.Y. Coffee & Sugar Exchange, Inc., 79 Pine Street, New York, N.Y.; Commodity Exchange, Inc., 81 Broad Street, New York, N.Y.

A. Coalition of Concerned Charities, c/o John G. Milliken, Suite 1102, 1701 Pennsylvania Avenue NW., Washington, D.C.

A. Coalition to End Grand Jury Abuse, 23 Cornelia Street, New York, N.Y. 10014.

A. Grover B. Cobb, 1200 Travis, Houston, Tex. 77001.

B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

A. Jerry S. Cohen, 1776 K Street NW., Washington, D.C. 20006.

B. National Congress of Petroleum Retailers, 2945 Banksville Road, Pittsburgh, Pa. 15216.

A. Cohen & Uretz, 1730 M Street NW., Washington, D.C. 20036.

B. Commonwealth of Puerto Rico, c/o Mr. Jose A. Cabranes, 2210 R Street NW., Washington, D.C. 20008.

A. Lynn R. Coleman; Vinson, Elkins, Searles, Connally & Smith, 1701 Pennsylvania Avenue NW., Suite 1120, Washington, D.C. 20006.

A. William R. Corson, 1707 H Street NW., Washington, D.C. 20006.

B. Penthouse International, Ltd., 1707 H Street NW., Washington, D.C. 20006.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.

B. Orgalime (Organisme de Liaison des Industries Metalliques Europeennes), Brussels, Belgium.

A. Stephen I. Danzansky, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. P. M. Davison, Jr., 418 East Rosser Avenue, Box 938, Bismarck, N.D. 58501.

B. North Dakota Railway Lines.

A. Daniel P. Dawson, 200 East Randolph Drive, M.C. No. 3101, Chicago, Ill. 60601.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, M.C. No. 3101, Chicago, Ill. 60601.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.

B. National Cystic Fibrosis Research Foundation, 3379 Peachtree Road, NE., Atlanta, Ga. 30326.

A. Ronald B. Dear, 1225 Martha Custis Drive, No. 1216, Alexandria, Va. 22302.

B. American Conservation Union, 422 First Street SE., Washington, D.C. 20003.

A. Louis H. Diamond, 1120 Connecticut Avenue NW., Washington, D.C.

A. Steven P. Doehler, 1625 L Street NW., Washington, D.C. 20036.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.

A. John D. Doherty, Jr., 900 17th Street NW., Washington, D.C. 20006.

B. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.

A. Carol Ann Douglas, 3100 Connecticut Avenue NW., Apartment 204, Washington, D.C. 20008.

B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. H. Stewart Dunn, Jr., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Rochester Tax Council, 1100 Midtown Tower, Rochester, N.Y. 14604.

A. N. Boyd Ecker, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. Brock Evans, 324 C Street SE., Washington, D.C. 20003.

B. Sierra Club, 1050 Mills Tower, San Francisco, Calif. 94104.

A. R. Scott Faley, 1120 Connecticut Avenue NW., Washington, D.C.

A. Fans Inc., 1225 19th Street NW., Washington, D.C. 20036.

A. Lloyd Fillion, 1318 Girard Street NW., Washington, D.C. 20009.
B. National Committee Against Repressive Legislation, 555 North Western Avenue, Room 2, Los Angeles, Calif. 90004.

A. Tim C. Ford, 1800 K Street NW., Washington, D.C. 20006.
B. Glass Container Manufacturers Institute, Inc.

A. Foss Launch and Tug Co., 660 West Ewing Street, Seattle, Wash. 98119.

A. Joe H. Foy, 1200 Travis, Houston, Tex. 77001.
B. Houston Natural Gas Corp., 1200 Travis, Houston, Tex. 77001.

A. Alice Frandsen, 10311 Folk Street, Silver Spring, Md.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Gay H. Friedmann, 1025 Connecticut Avenue NW., Suite 206, Washington, D.C. 20036.
B. Lone Star Gas Co., 301 South Harwood, Dallas, Tex. 75201.

A. Joseph L. Gibson, 1660 I Street NW., Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., P.O. Box 8339, Chicago, Ill. 60680.

A. Frederick A. Gilbert, 293 Middlesex Road, Darien, Conn. 06820.
B. FMC Corp., 633 Third Avenue, New York, N.Y. 10017.

A. Jay W. Glasmann, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Rochester Tax Council, 1100 Midtown Tower, Rochester, N.Y. 14604.

A. Walter W. Goeppinger, P.O. Box 358, Boone, Iowa. 50036.

A. Ann Elena Gordon, 2300 McAuliffe Drive, Rockville, Md. 20851.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Stanley M. Gortikov, 9200 Sunset Boulevard, Los Angeles, Calif. 90069.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.

A. David B. Graham, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

A. Neal Gregory, 1155 15th Street NW., Washington, D.C. 20005.
B. American Federation of State, County, and Municipal Employees, 1155 15th Street NW., Washington, D.C. 20005.

A. Chellis O'Neal Gregory, Jr.
B. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20002.

A. Richard Greenspan, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

A. A. J. Harris II, 425 13th Street NW., Washington, D.C. 20004.
B. Securities Industry Association, 425 13th Street NW., Washington, D.C. 20004.

A. Henkel & Lamon, 2500 Peachtree Center, Cain Tower, Atlanta, Ga., 30303.
B. American Society of Pension Actuaries.

A. Lillie E. Herndon 525 North Treuholm Road, Columbia, S.C. 29206.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

A. Philip R. Hochberg, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. National Hockey League, 2 Pennsylvania Plaza, Suite 2480, New York, N.Y. 10001.

A. Houston Natural Gas Corp., 1200 Travis, Houston, Tex. 77001.

A. Independent Gas Producers Committee, c/o GHK Co./Gasanadarko, 1400 Fidelity Plaza, Oklahoma City, Okla. 73102.

A. Joseph S. Ives, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

A. Richard J. Jones, 1110 Davidson Street, Champaign, Ill., 60631.
B. Independent Grocers' Alliance, 300 West Adams Street, Chicago, Ill. 60606.

A. James J. Judge, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Robert E. Juliano, 1629 K Street NW., Suite 800, Washington, D.C. 20006.
B. Hotel and Restaurant Employees and Bartenders International Union, 120 East Fourth Street, 13th Floor, Cincinnati, Ohio 45202.

A. Marvin Kamensky, 120 South LaSalle Street, Chicago, Ill., 60603.

A. William J. Kennedy, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

A. Judith M. Kim, 1030 15th Street NW., Suite 408, Washington, D.C. 20005.
B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.

A. Susan B. King.
B. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20002.

A. Koob, Robert L., d./b./a. Koob Associates, 1155 15th Street NW., Suite 311, Washington, D.C. 20005.
B. IMCO Services Division, Halliburton Co., 2400 West Loop South, Houston, Tex. 77027.

A. David R. Lambert, 1616 H Street NW., Washington, D.C. 20006.
B. National Grange, 1616 H Street NW., Washington, D.C. 20006.

A. Monte Lazarus, 1825 K Street NW., Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Union Investment GmbH, Neue Mainzer Strasse 33–35, 6 Frankfurt am Main 16, Federal Republic of Germany.

A. Lincoln National Life Insurance Co., Fort Wayne, Ind. 46801.

A. Joseph Lippman, 133 C Street SE., Washington, D.C.
B. Congress Watch, 133 C Street SE., Washington, D.C.

A. James Rowland Lowe, Jr., 1100 17th Street NW., Washington, D.C.
B. Alaskan Arctic Gas Study Co., P.O. Box 979, Anchorage, Alaska 99510.

A. Russell E. MacCleery, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 320 New Center Building, Detroit, Mich. 48202.

A. Steven A. Martindale, 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Robert C. McCandless, 1725 I Street NW., Washington, D.C. 20006.
B. American Horse Protection Association, 629 River Bend Road, Great Falls, Va.

A. Robert C. McCandless, 1725 I Street NW., Washington, D.C. 20006.
B. Committee for Humane Legislation, 11 West 60th Street, New York, N.Y.

A. Robert C. McCandless, 1725 I Street NW., Washington, D.C. 20006.
B. National Association of Real Estate Investment Trusts, 1101 17th Street NW., Suite 712, Washington, D.C. 20036.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C.
B. Quaker State Oil Refining Corp., Oil City, Pa. 16302.

A. Harry G. McComas, 1016 20th Street NW., Washington, D.C. 20036.
B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.

A. Thomas M. Malone, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex.

A. H. Warren Mann, 1200 Travis, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

A. Dan V. Maroney, Jr., 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Guy R. Martin, State of Alaska Department of Law, 655 C Street SE., Washington, D.C. 20003.

A. Thomas A. Martin, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. Mayer, Brown & Platt, Suite 400, 888 17th Street NW., Washington, D.C. 20006.
B. Brunswick Corp., 69 West Washington Street, Chicago, Ill. 60602.

A. Ronald Michieli, Suite 1015, National Press Bldg., 14th and F Streets, Washington, D.C. 20004.
B. American National Cattlemen's Assn., 1001 Lincoln Street, Denver, Colo. 80202.

A. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Lincoln National Life Insurance Co., Fort Wayne, Ind. 46801.

A. Joseph A. Millimet, 1838 Elm Street, Manchester, N.H. 03105.
B. Massachusetts Bankers Association.

A. Louis R. Moore, 500 Electric Building, Billings, Mont. 59101.
B. High Crest Oils, Inc., 2640 One Calgary Place, 330 Fifth Avenue SW., Calgary, Alberta T2P OL4 Canada.

A. Motor and Equipment Manufacturers Association, 222 Cedar Lane, Teaneck, N.J. 07666.

A. Robert M. Mulligan, 1105 Barr Building, Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. Converse Murdoch, P.O. Box 949, Wilmington, Del. 19899.

A. Tom O. Murphy, 1156 15th Street NW., Washington, D.C. 20005.
B. U.S. Beet Sugar Association, 1156 15th Street NW., Washington, D.C. 20005.

A. D. Michael Murray, 1000 Connecticut Avenue NW., 1103, Washington, D.C. 20036.
B. National Council of Coal Lessors, Inc., 1425 H Street NW., Washington, D.C. 20005.

A. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.

A. National Committee Against Repressive Legislation, 555 North Western Avenue, Room 2, Los Angeles, Calif. 90004.

A. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D.C. 20037.

A. E. John Neumann, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

A. Lawrence L. O'Connor, 20 North Wacker Drive, Chicago, Ill. 60606.
B. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. James J. O'Neill, 22 Thames Street, New York, N.Y. 10006.
B. The Committee of Publicly Owned Companies.

A. Franz M. Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Leva, Hawes, Symington, Martin & Oppenheimer.

A. David E. Osterhout, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

A. William G. Painter, 324 C Street SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 324 C Street SE., Washington, D.C. 20003.

A. Ellen Pattin, 6907 Lyle Street, Lanham, Md. 20801.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Susan Pennington, 15 E Street NW., Washington, D.C. 20001.
B. American Parents Committee, 15 E Street NW., Washington, D.C. 20001.

A. Pennsylvania Independent Auto Dealers Association, 229 State Street, Harrisburg, Pa. 17101.

A. Howard Phillips, 4220 Linden Street, Fairfax, Va.
B. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill. 60605.

A. Grant C. Pinney, 610-A Kearsarge, China Lake, Calif. 93555.
B. China Lake Joint School District, Halsey Street, China Lake, Calif. 93555.

A. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. National Ski Areas Association, Inc., 99 Park Avenue, New York, N.Y.

A. Clarence B. Randall, Jr., 1625 I Street NW., Suite 321, Washington, D.C. 20006.
B. Associated Builders & Contractors, Inc., P.O. Box 8733, Friendship International Airport, Md. 21240.

A. John P. Roche, 150 East 42d Street, New York, N.Y.
B. American Iron & Steel Institute, 150 East 42d Street, New York, N.Y.

A. Millard H. Ruud, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.
B. Association of American Law Schools, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

A. Irene Saunders.
B. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20002.

A. Thomas H. Saunders, 1825 K Street NW., Suite 501, Washington, D.C. 20006.
B. The Dow Chemical Co., Midland, Mich.

A. Phyllis Schultz, 12224 Valerie Lane, Laurel, Md. 20810.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Sharon, Pierson, Semmes, Crolius and Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Alpena Wholesale Grocer Co., P.O. Box 475, Alpena, Mich.; Bozzuto's Inc., P.O. Box 340, Cheshire, Conn.; Carpenter Cook Co., P.O. Box 37, Menominee, Mich.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y. 10022.

A. James R. Sharp, 1108 16th Street NW., Washington, D.C.
B. Ametalco, Inc., 530 Fifth Avenue, New York, N.Y. 10036.

A. Barry M. Siegel, 22 Thames Street, New York, N.Y.
B. The Committee of Publicly Owned Companies.

A. Margaret Siegel, 1155 15th Street NW., Washington, D.C. 20005.
B. American Federation of State, County, and Municipal Employees, 1155 15th Street NW., Washington, D.C. 20005.

A. Silverstein, Sherman, and Damico, 1776 K Street NW., Washington, D.C.
B. Association for Advanced Life Underwriting, 1922 F Street NW., Washington, D.C.

A. Hugh H. Smith, Suite 606, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

A. J Kenneth Smith, Suite 820, 1800 K Street NW., Washington, D.C. 20006.
B. Sun Oil Co., 240 Radnor Chester Road, St. Davids, Pa. 19087.

A. Joseph L. Spilman, Jr., 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. Springs Mills, Inc., Fort Mill, S.C. 29715.

A. Fred Solowey, 412 Fifth Street NW., Room 708, Washington, D.C. 20001.
B. Coalition to End Grand Jury Abuse, 23 Cornelia Street, New York, N.Y. 10014.

A. Catherine Stirling, 7012 Beechwood Drive, Chevy Chase, Md. 20015.
B. Women's Lobby, Inc., 1345 G. Street SE., Washington, D.C. 20003.

A. Cynthia Day Stratton, 6300 Stratford Road, Chevy Chase, Md. 20015.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Roger J. Stroh, 777 14th Street NW., Washington, D.C. 20005.
B. United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.

A. Stroock & Stroock & Lavan, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States Banknote Corp., 200 Park Avenue, New York, N.Y. 10017.

A. R. Keith Stroup, 2105 N Street NW., Washington, D.C. 20037.
B. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D.C. 20037.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Agway, Inc., P.O. Box 1333, Syracuse, N.Y. 13201.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Massachusetts Mutual Life Insurance Co., 1295 State Street, Springfield, Mass. 01101.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. The Travelers Insurance Cos., One Tower Square, Hartford, Conn. 06115.

A. Philip Tierney, 711 Princess Street, Alexandria, Va. 22313.
B. Estate of Paul T. Stone, 515 King Street, Alexandria, Va. 22314.

A. Charles Richard Titus, 1619 Massachusetts Avenue NW., Washington, D.C.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 320 New Center Building, Detroit, Mich. 48202.

A. J. Drake Turrentine, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Leva, Hawes, Symington, Martin & Oppenheimer.

A. St. Clair J. Tweedie, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.

A. Joseph D. Tydings, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. United States Banknote Corp., 200 Park Avenue, New York, N.Y. 10017.

A. Wald, Harkrader & Ross, 1320 19th Street NW., Washington, D.C. 20036.
B. Springs Mills, Inc., Fort Mill, S.C. 29715.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Electric Co., Washington, D.C. 20005.

A. Judy Waxman, 19036 Canadian Court, Gaithersburg, Md.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Weisman, Celler, Spett, Modlin & Wertheimer, 1025 Connecticut Avenue NW., Suite 910, Washington, D.C. 20036.
B. National Football League Players Association, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

A. Daniel Kehr Weitzenfeld, 6450 Jones Road, Falls Church, Va. 22043.
B. Naval Employees' Association, Naval Air Station Alameda, P.O. Box 139, Alameda, Calif. 94501.

A. William Welsh, 1155 15th Street NW., Washington, D.C. 20005.
B. American Federation of State, County, and Municipal Employees, 1155 15th Street NW., Washington, D.C. 20005.

A. Whaley, MuCutchen, Blanton & Dent, 1414 Lady Street, Columbia, S.C.
B. Motion Picture Assoc. of America, Inc., 1600 I Street NW., Washington, D.C.

A. Donald F. White, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

A. Samuel M. Williams, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. Council for Responsible Nutrition, 1776 K Street NW., Washington, D.C. 20006.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. Marianas Political Status Commission, P.O. Box 825, Saipan, Mariana Islands 96950.

A. Barry Wolf, 631 North Carolina Avenue SE., Washington, D.C. 20003.
B. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D.C. 20037.

A. Leslie Wolfe, 5807 Bradley Boulevard, Bethesda, Md. 20014.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Sidney M. Wolfe, 2000 P Street NW., Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., Washington, D.C. 20036.

A. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Airbus Industrie, 160 Avenue de Versailles, Paris, 16e, France.

A. Dennis M. Yamamoto, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

A. Leslie A. McKnight Yates, 1215 Lawrence Street NE., Washington, D.C. 20017.
B. Washington Office On Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.

A. Donald P. Zeifang, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

A. Ziontz, Pirtle, Morisset & Ernstoff, 3101 Seattle First National Bank Building, Seattle, Wash. 98154.
B. Confederated Tribes of the Colville Indian Reservation, P.O. Box 150, Nespelem, Wash. 99155.

A. Ziontz, Pirtle, Morisset & Ernstoff, 3101 Seattle First National Bank Building, Seattle, Wash. 98154.
B. Lummi Tribe of Indians, P.O. Box 309, Marietta, Wash. 98268.

A. Ziontz, Pirtle, Morisset & Ernstoff, 3101 Seattle First National Bank Building, Seattle, Wash. 98154.
B. Makah Indian Tribe, P.O. Box 115, Neah Bay, Wash. 97357.

A. Ziontz, Pirtle, Morisset & Ernstoff, 3101 Seattle First National Bank Building, Seattle, Wash. 98154.
B. Northern Cheyenne Tribe, P.O. Box 128, Lame Deer, Mont. 59043.

A. Ziontz, Pirtle, Morisset & Ernstoff, 3101 Seattle First National Bank Building, Seattle, Wash. 98154.
B. Suquamish Indian Tribe, P.O. Box 556, Suquamish, Wash. 98382.

A. Thomas K. Zaucha, 1133 20th Street NW., Washington, D.C. 20036.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.

QUARTERLY REPORT*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the third calendar quarter 1973:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)

6. $--------TOTAL for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year

8. $--------TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------TOTAL now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	("Period" from Jan. 1 through ------------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures

9. $--------TOTAL for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year

11. $--------TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------TOTAL now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

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A. Clarence G. Adamy, 1725 I Street NW., Washington D.C.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.

D. (6) $300.

A. Ad Hoc Committee of Shipbuilders, 1200 18th Street NW., Washington, D.C. 20036.

D. (6) $8,500.

A. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.

D. (6) $8,263.90. E. (9) $8,263.90.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,150. E. (9) $2,079.75.

A. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.

E. (9) $624.

A. Aircraft Owners & Pilots Association, P.O. Box 5800, Washington, D.C. 20014.

A. Randolph H. Aires, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

D. (6) $200. E. (9) $35.

A. Air Traffic Control Association, Inc., Suite 409, ARBA Building, 525 School Street SW., Washington, D.C. 20024.

A. Alderson, Catherwood, Ondov & Leonard, 105 East Oakland Avenue, Austin, Minn. 55912.

B. Hormel Foundation, Austin, Minn. 55912.

A. Willis W. Alexander, 1120 Connecticut Avenue NW., Washington, D.C. 20036

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,500. E. (9) $5,676.44.

A. Donna Allen, 3306 Ross Place NW., Washington, D.C. 20008.

B. National Committee Against Repressive Legislation, 555 North Western Avenue, Room 2, Los Angeles, Calif. 90004.

D. (6) $1,040. E. (9) $1,610.13.

A. Nicholas E. Allen, 444 Shoreham Building, Washington, D.C. 20005.

B. Music Operators of America, Inc., 228 North LaSalle Street, Chicago, Ill.

D. (6) $1,125. E. (9) $38.85.

A. Altman, Kurlander & Weiss, c/o Alan S. Finger, 125 South Clark Street, Chicago, Ill. 60603.

D. (6) $11,025. E. (9) $1,255.08.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Ave., NW., Washington, D.C. 20016.

A. Amalgamated Transit Union, National Capital Local Division 689, 100 Indiana Ave. NW., No. 403, Washington, D.C. 20001.

A. American Academy of Family Physicians, 1740 West 92nd Street, Kansas City, Mo. 64114.

D. (6) $6,141.87. E. (9) $6,141.87.

A. American Association of Meat Processors, 224 East High Street, Elizabethtown, Pa. 17022.

D. (6) $203.93. E. (9) $37.85.

A. American Automobile Association, 1712 G Street, NW., Washington, D.C. 20006.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Illinois 60606.

D. (6) $1,736.83. E. (9) $1,736.83.

A. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $2,105.47. E. (9) $2,105.47.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.

D. (6) $6,331.68. E. (9) $6,331.68.

A. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $41,913. E. (9) $41,913.

A. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

E. (9) $59,764.24.

A. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.

D. (6) $110,295.13. E. (9) $2,192.68.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $2,915.55. E. (9) $3,473.20.

A. American Humane Association, 5351 South Roslyn Street, P.O. Box 1266, Englewood, Colo.

E. (9) $1,500.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.

D. (6) $34,848.88. E. (9) $34,848.88.

A. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.

D. (6) $3,550.08. E. (9) $4,309.41.

A. American Land Title Association, Suite 303, 1828 L Street NW., Washington, D.C. 20036.

E. (9) $2,346.83.

A. American Life Insurance Assoc., Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

E. (9) $868.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

E.(9) $29,509.54.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.

E. (9) $3,435.

A. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.

E. (9) $2,878.40.

A. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

D. (6) $7,552.57. E. (9) $7,552.57.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

E. (9) $766.64.

A. American Parents Committee Inc., 15 E Street NW., Washington, D.C. 20001.

D. (6) $17,780.44. E. (9) $6,988.79.

A. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $5,812. E. (9) $43,964.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.

D. (6) $7,917.84. E. (9) $7,917.84.

A. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.

E. (9) $4,197.28.

A. American Postal Workers Union AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.

D. (6) $1,226,160.46. E. (9) $106,853.99.

A. American Pulpwood Association, 605 Third Avenue, New York, N.Y. 10017.

A. American Rivers Conservation Council, 324 C Street SE., Washington, D.C. 20003.

D. (6) $309.45. E. (9) $322.76.

A. The American Society of Radiologic Technologists, 645 North Michigan Avenue, Suite 620, Chicago, Ill. 60611.

D. (6) $3,552.10. E. (9) $4,691.12.

A. American Surveys, Embassy Square (Suite 901), 2000 N Street NW., Washington, D.C. 20036.

B. National Customs Brokers & Forwarders Association of America, Inc., 1 World Trade Center—Suite 1109, New York, N.Y. 10048.

D. (6) $200. E. (9) $63.77.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $39.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.

D. (6) $19,049.05. E. (9) $19,049.05.

A. American Trucking Associations, Inc., 1616 P Street, NW., Washington, D.C. 20036.

D. (6) $10,290.06. E. (9) $54,583.49.

A. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Suite 502, Washington, D.C. 20036.

D. (6) $86,286. E. (9) $2,786.10.

A. Ted E. Amick, 1616 H Street, NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street, NW., Washington, D.C. 20006.

D. (6) $750.

A. Donald E. Anderson.

B. National Cable Television Association, 918 16th Street NW., Washington, D.C. 20006.

D. (6) $8,750. E. (9) $360.

A. J. Lem Anderson, 400 First Street, NW., Room 809, Washington, D.C. 20001.

B. Eastex Inc., 229 North Bowie Street, Jasper, Texas 75951.

D. (6) $900. E. (9) $315.75.

A. William C. Anderson, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $2,281. E. (9) $39.08.

A. Scott P. Anger, 1725 K Street NW., Washington, D.C.

B. The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.

A. Leonard Appel, Wilson Woods & Villalon, 425 13th Street NW., Suite 1032, Washington, D.C. 20004.

B. Everett Terminal Co., Inc., Hewitt Avenue Marine Terminal, P.O. Box 1478, Everett, Wash. 98206.

D. (6) $7,600. E. (9) $914.78.

A. George W. Apperson, 100 Indiana Avenue NW., #403, Washington, D.C. 20001.

B. Amalgamated Transit Union, National Capital Local Div. 689, 100 Indiana Ave. NW., #403, Washington, D.C. 20001.

A. Clarence A. Arata, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $15,000.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.

B. National Soft Drink Association, 1101 16th Street, NW., Washington, D.C. 20036.

D. (6) $150. E. (9) $1.70.

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark. 72201.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Petroleum Institute, 1801 K Street, NW., Washington, D.C. 20036.

D. (6) $5,417. E. (9) $369.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Realty Committee, 230 Park Avenue, New York, N.Y. 10017.

D. (6) $1,250. E. (9) $44.04.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Securities Industry Association, 20 Broad Street, New York, N.Y. 10005.

D. (6) $500. E. (9) $21.02.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. American Bottled Water Association, 1411 West Olympic Boulevard, Los Angeles, Calif. 90015.

D. (6) $400. E. (9) $22.50.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Fairchild Camera & Instrument Corp., 464 Ellis Street, Mountain View, Calif. 94040.

D. (6) $6,450. E. (9) $175.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Floor Covering Group, 919 Third Avenue, New York, N.Y. 10022.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Montgomery County, Md., Lawyers Association, c/o George Ballman, 3720 Farragut Street, Kensington, Md. 20795.

E. (9) $276.46.

A. Judith A. Assmus, 1763 R Street NW., Washington, D.C. 20009.

B. Washington Research Project Action Council, 1763 R Street NW., Washington, D.C. 20009.

D. (6) $1,374.84.

A. Associated Employers, Inc., 8107 Broadway, Suite 202, San Antonio, Tex., 78209.

D. (6) $9,356.54. E. (9) $5,831.76.

A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300. E. (9) $300.

A. Association for the Advancement of Invention and Innovation, Suite 301, Crystal Mall 1, 1911 Jefferson Davis Highway, Arlington, Va. 22202.

D. (6) $2,636. E. (9) $2,195.18.

A. Association of American Railroads, American Railroads Building, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $8,031.58. E. (9) $8,031.58.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

E. (9) $129.61.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

E. (9) $340.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.

E. (9) $1,000.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $125. E. (9) $47.50.

A. Richard W. Averill, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

D. (6) $800. E. (9) $301.

A. Nicholas R. Bach, 1500 Rhode Island Avenue NW., Washington, D.C. 20005.

B. National Paint & Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.

D. (6) $40. E. (9) $5.

A. Donald L. Badders, 2030 M Street NW., Suite 800, Washington, D.C. 20036.

B. TRW Credit Data, 2030 M Street NW., Suite 800, Washington, D.C. 20036.

D. (6) $1,400. E. (9) $800.10.

A. John C. Bagwell, 723 Investment Building, Washington, D.C. 20005.

B. Hawaiian Sugar Planters' Assoc., Honolulu, Hawaii.

A. George F. Bailey, Jr., Montgomery, Ala.

B. Alabama Railroad Association, Montgomery, Ala. 36104.

A. James F. Bailey, 101 Constitution Avenue NW., Washington, D.C. 20001.

B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

D. (6) $6,175. E. (9) $738.

A. Grace C. Braisinger, 2870 Arizona Terrace NW., Washington, D.C. 20016.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $791.60.

A. Thomas F. Baker, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association.

D. (6) $118.99. E. (9) $5.40.

A. Donald F. Bale, 995 L'Enfant Plaza North, SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $575. E. (9) $185.

A. Al J. Ballard, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $150.

A. Ernest L. Barcella, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

A. Thomas H. Barksdale, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $5,500. E. (9) $417.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Vincent Gerrard Barnett, Suite 400, 919 18th Street NW., Washington, D.C. 20006.

B. Committee of European Shipowners, 30–32 St. Mary Axe, London EC3A 8ET, England.

D. (6) $7,500. E. (9) $5,894.84.

A. Irvin L. Barney, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo.

D. (6) $4,563.

A. James C. Barr, 1156 15th Street NW., Washington, D.C. 20005.

B. National Association of Federal Credit Unions, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.

D. (6) $300. E. (9) $117.50.

A. Robert W. Barrie, 777 14th St. NW., Washington, D.C. 20005.

B. General Electric Co., 570 Lexington Avenue, New York, N.Y.

D. (6) $150.

A. T. Michael Barry, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $1,500. E. (9) $158.10.

A. Weldon Barton.

B. The Farmers' Educational & Co-Operative Union of America, P.O. Box 2251, Denver, Colo.

D. (6) $4,730.98. E. (9) $90.49.

A. Batzell & Nunn, 1523 L Street NW., Washington, D.C. 20005.

B. Independent Gasoline Marketers Council, 1523 L Street NW., Washington, D.C. 20005.

D. (6) $2,500. E. (9) $4,040.99.

A. Batzell & Nunn, 1523 L Street NW., Washington, D.C. 20005.

B. Independent Terminal Operators Association, 1523 L Street NW., Washington, D.C. 20005.

D. (6) $500. E. (9) $255.25.

A. Daniel S. Bedell, 1125 15th Street NW., No. 600, Washington, D.C. 20005.

B. International Union, United Automobile Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $4,492.92. E. (9) $369.61.

A. John H. Beidler, 1125 15th Street NW. No. 600, Washington, D.C. 20005.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $6,631.74. E. (9) $313.

A. Page Belcher, Suite 870, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $217.

A. Thomas S. Belford, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $199.98.

A. Max N. Berry, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.

A. Berry & Gipson, 1700 Pennsylvania Avenue NW., Suite 670, Washington, D.C. 20006.

B. Atalanta Corp., 17 Varick Street, New York, N.Y. 10013.

E. (9) $19.50.

A. Berry & Gipson, 1700 Pennsylvania Avenue NW., Suite 670, Washington, D.C. 20006.

B. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $450.

A. Robert L. Bevan, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $202.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Charles Binsted, 2945 Banksville Road, Pittsburgh, Pa. 15216.
B. National Congress of Petroleum Retailers.

A. Lydia Bitter, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. U.S. Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $350. E. (9) $350.

A. Neal R. Bjornson, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $1,250. E. (9) $30.20.

A. Brent Blackwelder, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $157.50.

A. Jerald Blizin, 1425 K Street NW., Washington, D.C.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York N.Y.

A. Blumberg, Singer, Ross, Gottesman & Gordon, 245 Park Avenue, New York, N.Y. 10017.
B. Cigar Manufacturers Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.
D. (6) $6,875.01.

A. Rebecca L. Bogard, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $270.

A. Theodore H. Bornstein, 2028 37th Street, Washington, D.C. 20007.
B. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $2,100. E. (9) $150.

A. G. Stewart Boswell, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C. 28281.
D. (6) $1,875. E. (9) $160.96.

A. Charles G. Botsford, 1730 M Street NW., Suite 609, Washington, D.C. 20036.

A. Albert D. Bourland, 1660 L Street NW., Suite 814, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $1,062.71.

A. Rodney A. Bower, 1126 16th Street NW., Washington, D.C. 20036.
B. International Federation of Professional & Technical Engineers, AFL–CIO, 1136 16th Street NW., Washington, D.C. 20036.
D. (6) $240. E. (9) $20.

A. J. Wiley Bowers, 415 Pioneer Building, Chattanooga, Tenn. 37402.
B. Tennessee Valley Public Power Association, 415 Pioneer Building, Chattanooga, Tenn. 37402.

A. Edward L. Bowley, 817 14th Street NW., Washington, D.C.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.
D. (6) $7,661.79. E. (9) $734.03.

A. Charles G. Bragg, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $2,692.31. E. (9) $331.61.

A. George E. Bradley, 1341 G Street NW., Washington, D.C. 20005.
B. Professional Employees of USDA, 1341 G Street NW., Washington, D.C.
D. (6) $900. E. (9) $25.

A. Wayne W. Bradley, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,500. E. (9) $900.

A. Charles N. Brady, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Helen Bremberg, 4515 S. 31st Street, Apt. 202, Arlington, Va. 22206.
B. Women's Lobby Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $117.96.

A. Bill Brier, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $1,282.04. E. (9) $29.18.

A. Edward J. Brenner, Suite 301, Crystal Mall 1, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention and Innovation, Suite 301, Crystal Mall 1, 1911 Jefferson Davis Highway, Arlington, Va. 22202.

A. Parke C. Brinkley, The Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association.

A. Wally Briscoe.
B. National Cable TV Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $135. E. (9) $16.50.

A. John Broadbent, 161 East 42d Street, New York, N.Y. 10017.
B. Recycled Paperboard Division of the American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.
D. (6) $600. E. (9) $166.64.

A. John Broadbent, 161 East 42d Street, New York, N.Y. 10017.
B. J. R. Timmins & Co., 37 Wall Street, New York, N.Y.

A. David A. Brody, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y. 10016.
D. (6) $375.

A. Michael D. Bromberg, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.
B. Federation of American Hospitals, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.
D. (6) $4,500.

A. W. S. Bromley, 605 Third Avenue, New York, N.Y. 10017.
B. American Pulpwood Association, 605 Third Avenue, New York, N.Y. 10017.

A. George Bronz, 888 17th Street NW., Washington, D.C.
E. (9) $18.20.

A. Joe B. Browder, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $750. E. (9) $142.18.

A. Charles H. Brown, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. J. Colvin Brown, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $100.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $300.

A. Brown, Vlassis & Bain, 222 North Central Avenue, Phoenix, Ariz. 85004.
B. Navajo Tribe, Window Rock, Ariz. 86515.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Housing Producers, Suite 308, 10920 Wilshire Boulevard, Los Angeles, Calif. 90024.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Franchise Association, 1025 Connecticut Avenue NW., Washington D.C. 20036.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Massachusetts Bankers Association, Inc., 125 High Street, Boston, Mass. 02110.
E. (9) $65.72.

A. Brownstein, Ziedman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobile Home Manufacturers Association, 14650 Lee Road, Chantilly, Va. 22021.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mortgage Guaranty Insurance Corp., MGIC Plaza, Milwaukee, Wis. 53201.

A. Lawrence E. Bruce, Jr., 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $2,250. E. (9) $1,319.

A. Marguerite E. Bryan, 400 First Street NW., Suite 700, Washington, D.C. 20001.
B. District No. 1, Pacific Coast District, Marine Engineers' Beneficial Association, 17 Battery Place, New York, N.Y. 10004.
D. (6) $900. E. (9) $68.98.

A. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. St. Paul Title Insurance Corp., 1650 W. Big Beaver Road, Troy, Mich. 48084.

D. (6) $50. E. (9) $45.

A. George S. Buck, Jr., P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Philip N. Buckminster, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Chrysler Corp., 12000 Oakland Avenue, Highland Park, Mich. 48231.

D. (6) $1,000. E. (9) $279.29.

A. Norman D. Burch, 1775 K Street NW., Washington, D.C. 20006.

B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill. 60601.

D. (6) $3,375. E. (9) $129.97.

A. David Burpee, Fordhook Farms, Doylestown, Pa. 18901.

A. Burley & Dark Leaf Tobacco Export Association, P.O. Box 860, Lexington, Ky. 40501.

E. (9) $644.95.

A. George Burnham IV, 1625 K Street NW., Washington, D.C. 20006.

B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

E. (9) $192.

A. Charles S. Burns, 1620 I Street NW., Washington, D.C. 20006.

B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.

D. (6) $1,200. E. (9) $351.30.

A. Robert D. Buehler, 1800 K Street NW., Suite 929, Washington, D.C. 20006.

B. The B. F. Goodrich Co., Akron, Ohio 44318.

D. (6) $220.

A. Phil Burnett, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $538.13. E. (9) $110.99.

A. Carol Burris, 1345 G Street SE., Washington, D.C. 20003.

B. Women's Lobby Inc., 1345 G Street SE., Washington, D.C. 20003.

D. (6) $700. E. (9) $286.

A. Business Executives Move for Vietnam Peace and New National Priorities, 901 North Howard Street, Baltimore, Md. 21201.

D. (6) $706.95. E. (9) $956.30.

A. Harry W. Buzzerd, Jr., 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $312.50. E. (9) $8.14.

A. John W. Byrnes, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Cabot Corporation and Subsidiaries, 125 High Street, Boston, Mass. 02110.

D. (6) $1,660. E. (9) $12.77.

A. Charles S. Caldwell, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $5,788.44. E. (9) $479.28.

A. David W. Calfee III, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $1,446.69. E. (9) $8.

A. Carl C. Campbell 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $107.31.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C. 20006.

B. Chamber of Commerce of the USA, 1615 H Street NW., Washington, D.C. 20006.

E. (9) $269.50.

A. Charles O. Campbell, 1712 G Street NW., Washington, D.C. 20006.

B. American Automobile Association, 1712 G Street NW., Washington, D.C., 20006.

A. W. Dean Cannon, Jr., 1444 Wentworth Avenue, P.O. Box R, Pasadena, Calif. 91109.

B. California Savings and Loan League, 1444 Wentworth Avenue, P.O. Box R, Pasadena, Calif. 91109.

D. (6) $1,500. E. (9) $555.28.

A. Marvin Caplan.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

D. (6) $3,097.25. E. (9) $96.16.

A. Ronald A. Capone, Kirlin, Campbell & Keating, Room 505, The Farragut Building, Washington, D.C.

B. Committee of European Shipowners, 30–32 St. Mary Axe, London EC3A 8ET, England.

D. (6) $7,034.62. E. (9) $452.28.

A. Michael H. Cardozo, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

B. Association of American Law Schools, Suite 370, One Dupont Circle NW., Washington, D.C. 20036.

A. Norval E. Carey, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Gulf Oil Corp., Pittsburgh, Pa.

D. (6) $1,000. E. (9) $375.

A. Philip Carlip, 675 Fourth Avenue, Brooklyn, N.Y. 11232.

B. Seafarers International Union.

D. (6) $2,500. E. (9) $1,615.83.

A. Elizabeth Carpenter, 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

D. (6) $507.22. E. (9) $25.

A. L. C. Carpenter, 201 South 7th Street, Columbia, Mo.

B. Midcontinent Farmers Association.

D. (6) $5,299.32. E. (9) $993.61.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C. 20015.

B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.

D. (6) $2,500.

A. David C. Carter, 1156 15th Street NW., Washington, D.C. 20005.

B. U.S. Beet Sugar Association, 1156 15th Street NW., Washington, D.C. 20005.

A. John L. Casey, 127 East 59th Street, New York, N.Y. 10022.

B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y. 10004.

B. South African Sugar Association, P.O. Box 507, Durban, South Africa.

D. (6) $25,000. E. (9) $5,693.58.

A. James Cassese, Sr., 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Maintenance of Way Employees.

D. (6) $3,600.

A. Frank R. Cawley, 511 Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va. 22201.

B. Agricultural Publishers Association, 511 Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va. 22201.

D. (6) $30. E. (9) $122.86.

A. Frank R. Cawley, Room 511, Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va. 22201.

B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.

D. (6) $60. E. (9) $87.10.

A. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20002.

D. (6) $43,812.88. E. (9) $21,345.85.

A. Central America Cooperative Federation, Inc., 400 World Center Building, 918 16th Street NW., Washington, D.C. 20006.

E. (9) $1,108.08.

A. Justice M. Chambers, 2300 Calvert Street NW., Washington, D.C. 20008.

B. Swaziland Sugar Association, P.O. Box 445, Mbabane, Swaziland.

D. (6) $7,500. E. (9) $1,004.71.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C. 20008.

B. Cordage Institute, 2300 Calvert Street NW., Washington, D.C. 20008.

D. (6) $937.50.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C. 20008.

B. Satra Corp., 475 Park Avenue South, N.Y., N.Y. 10016.

D. (6) $1,500.

A. Donald E. Channel, 1705 DeSales NW., Washington, D.C. 20036.

B. American Bar Association, 1705 DeSales Street NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $25.

A. James W. Chapman, 1625 I Street NW., Washington, D.C. 20006.

B. The Retired Officers Association, 1625 Eye Street NW., Washington, D.C. 20006.

D. (6) $1,411.

A. William C. Chapman, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,000. E. (9) $2,838.73.

A. Nancy H. Chasen, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $50.

A. Leslie Cheek III, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $250.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $3,000.

A. Cigar Manufacturers Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.

D. (6) $41,274.45.

A. Earl W. Clark, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee.
D. (6) $1,650. E. (9) $34.69.

A. Kimball Clark, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $270. E. (9) $30.75.

A. Richard W. Clark, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,500. E. (9) $488.03.

A. Robert M. Clark, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.

A. Clay Pipe Industry Depletion Committee, P.O. Box 6, Pittsburg, Kans. 66762.

A. Joan Claybrook, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $300.

A. Jacob Clayman, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $769.92.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Interbank Card Association, Suite 3600, 110 East 59th Street, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $19.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Oil Shale Corp., 680 Fifth Avenue, New York, N.Y. 10019.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Suite 224, Scarsdale, N.Y. 10533.
D. (6) $1,600. E. (9) $12.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. American Brands, Inc., 245 Park Avenue, New York, N.Y. 10017.
E. (9) $75.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Brown & Williamson Tobacco Corp., Louisville, Ky. 40201.
E. (9) $75.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Liggett & Myers Inc., 630 Fifth Avenue, New York, N.Y. 10020.
E. (9) $75.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Lorillard, Division of Loews Theatres, Inc., 200 East Forty-Second Street, New York, N.Y. 10017.
E. (9) $75.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Philip Morris Inc., 100 Park Avenue, New York, N.Y. 10017.
E. (9) $75.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C. 27102.
E. (9) $75.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Ronald D. Clements, 1016 20th Street NW., Washington, D.C. 20036.
B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
E. (9) $75.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Avco Corp., 750 Third Avenue, New York, N.Y. 10017.
D. (6) $375. E. (9) $76.50.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Conecticut Avenue NW., Washington, D.C. 20006.
B. National Basketball Players Association, 15 Columbus Circle, New York, N.Y. 10023.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Railroad Passenger Corp., 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. N.Y. Cocoa Exchange, Inc., 127 John Street, New York, N.Y., N.Y. Coffee & Sugar Exchange, Inc., 79 Pine Street, New York, N.Y., Commodity Exchange, Inc., 81 Broad Street, New York, N.Y.
E. (9) $5.50.

A. Larry D. Cline, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $30.60.

A. COALition Against Strip Mining, 324 C Street SE., Washington, D.C. 20003.
D. (6) $2,025. E. (9) $1,138.26.

A. Grover C. Cobb, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $3,000. D. (9) $400.

A. John M. Coffey, Suite 870, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Page Belcher, Suite 870, 1730 Pennsylvannia Avenue NW., Washington, D.C. 20006.

A. Jeffery Cohelan.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $933.33.

A. David Cohen, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $5,625. E. (9) $245.73.

A. Jerry Cohen, 470 Totten Pond Road, Waltham, Mass. 02154.
B. Ruetgerswerke Aktiengesellschaft, Frankfurt am Main, West Germany.

A. Jerry S. Cohen, 1776 K Street NW., Washington, D.C. 20006.
B. National Congress of Petroleum Retailers, 2945 Banksville Road, Pittsburgh, Pa. 15216.
D. (6) $2,000.

A. Timothy A. Colcord, 1620 I Street NW., Suite 603, Washington, D.C. 20006.
B. National BankAmericard Inc., Post Office Box 26673, San Francisco, Calif., 94126
D. (6) $7,291.66. E. (9) $7,996.72.

A. R. Michael Cole, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C.
D. (6) $4,500. E. (9) $78.50.

A. Robert E. Cole, 1619 Massachusetts Avenue, Washington, D.C. 20036.
B. Motor Vehicle Manufacturers Association of the U.S., Inc., 320 New Center Building, Detroit, Mich. 48202.
D. (6) $500.

A. Robert T. Cole, 1200 17th Street NW., Washington, D.C. 20036.
B. PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $2,500. E. (9) $117.67.

A. Robert T. Cole, 1200 17th Street NW., Washington, D.C.
B. H. H. Robertson Co., Two Gateway Center, Pittsburgh, Pa.
D. (6) $3,416.67. E. (9) $205.99.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee of American Tanker Owners, Inc., One Chase Manhattan Plaza, New York, N.Y. 10005.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Independent U.S. Tanker Owners Committee, 1612 K St., NW., Suite 510, Washington, D.C.
E. (9) $9,599.21.

A. William J. Colley, 1776 K Street, NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,400. E. (9) $1,200.

A. Collier, Shannon, Rill and Edwards, 1625 I Street, NW., Washington, D.C.
B. American Cylinder Manufacturers Committee, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $50.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. Bicycle Manufacturers Association of America, Inc., 122 East 42d Street, New York, N.Y. 10017.
D. (6) $500. E. (9) $100.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
E. (9) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.
B. Tool & Stainless Steel Industry Committee, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
D. (6) $1,250. E. (9) $525.

A. James F. Collins, 1000 16th Street NW., Washington, D.C. 20006.

B. American Iron & Steel Institute, 50 East 42d Street, New York, N.Y.

D. (6) $500. E. (9) $125.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo. 80202.

D. (6) $280. E. (9) $825.

A. Committee for Modern, Efficient Transportation, Suite 808, 910 17th Street NW., Washington, D.C. 20006.

D. (6) $7,000. E. (9) $10,527.39.

A. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.

E.(9) $7,152.70.

A. Committee of Copyright Owners, 1600 I Street NW., Washington, D.C. 20006.

D. (6) $27,362.41. E. (9) $23,254.63.

A. Committee on Strikes in Transportation, 1101 17th Street NW., Washington, D.C. 20036

D. (6) $89.32. E. (9) $89.32.

A. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $1,787,716.22. E. (9) $232,296.92.

A. Computer Industry Association, Inc., 16255 Ventura Boulevard, Encino, Calif. 91316.

D. (6) $153,733. E. (9) $7,392.

A. Harold B. Confer, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,493.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.

B. American Academy of Actuaries, 208 S. LaSalle Street, Chicago, Ill. 60604.

D. (6) $900. E. (9) $137.60.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.

B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $1,500. E. (9) $200.

A. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $1,465.50. E. (9) $1,465.50.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Texaco, Inc., 135 East 42d Street, New York, N.Y. 10017.

D. (6) $200. E. (9) $61.

A. Connecticut Bankers Association, 100 Constitution Plaza, Hartford, Conn. 06103.

D. (6) $1,313.58. E. (9) $1,313.58.

A. Robert J. Conner, Jr., 1100 Connecticut Ave. NW., Washington, D.C. 20036.

B. Chrysler Corp., 12000 Oakland Avenue, Highland Park, Mich. 48231.

D. (6) $500. E. (9) $250.

A. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.

A. Consulting Engineers Council/U.S., 1155 15th Street NW., Suite 713, Washington, D.C. 20005.

D. (6) $6,450. E. (9) $6,450.

A. Bernard J. Conway, 211 E. Chicago Avenue, Chicago, Ill. 60611.

B. American Dental Association, 211 E. Chicago Avenue, Chicago, Ill. 60611.

D. (6) $2,600.

A. Jack T. Conway, 2030 M Street, NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street, NW., Washington, D.C. 20036.

D. (6) $2,812.50.

A. Howard Lee Cook, Jr., 1776 K Street, NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,000. E. (9) $800.

A. Cook & Franke, 660 East Mason Street, Milwaukee, Wis. 53202.

B. Marshall & Isley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Eileen D. Cooke, 110 Maryland Avenue, NE., Washington, D.C. 20002.

B. American Library Association, 50 E. Huron Street, Chicago, Ill. 60611.

D. (6) $598.80.

A. Joshua W. Cooper, 626 S. Lee Street, Alexandria, Va. 22314.

B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H. 03801.

D. (6) $2,500. E. (9) $483.16.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.

B. Converse Rubber Co., Malden, Mass., Uniroyal, Inc., Naugatuck, Conn.

D. (6) $2,500. E. (9) $10.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.

B. Council of Forest Industries, 1025 W. Hastings Street, Vancouver 1, Canada.

D. (6) $3,000. E. (9) $2.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.

B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y. 10022.

D. (6) $6,000. E. (9) $22.68.

A. Darrell Coover, 1625 I Street NW., No. 812, Washington, D.C. 20006.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $2,000. E. (9) $197.

A. James T. Corcoran, 1025 Connecticut Avenue NW, Washington, D.C. 20036.

B. National Association of Motor Bus Owners, 1025 Connecticut Avenue NW, No. 308, Washington, D.C. 20036.

D. (6) $975. E. (9) $87.50.

A. Allan D. Cors, 1629 K Street NW, Washington, D.C. 20006.

B. Corning Glass Works, Corning, N.Y. 14830.

A. Bertram Robert Cottine, 2000 P Street NW, Suite 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW, Suite 708, Washington, D.C. 20036.

D. (6) $100. E. (9) $8.80.

A. Robert M. Coultas, 1612 K Street NW, Suite 508, Washington, D.C. 20006.

B. Institute for Rapid Transit,[1] 1612 K Street NW, Washington, D.C. 20006.

A. Council for the Advancement of the Psychological Professions & Sciences, 1725 I Street NW, Suite 606, Washington, D.C. 20006

D. (6) $11,559.30. E. (9) $4,540.03.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue, Washington, D.C.

D. (6) $710.52. E. (9) $710.52.

A. Paul L. Courtney, 1725 K Street NW, Washington, D.C.

D. (6) $300.

A. Roger C. Courtney, 1730 M Street NW, Washington, D.C. 20036.

B. American Optometric Association, % Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

D. (6) $295.68. E. (9) $312.30.

A. Covington & Burling, 888 16th Street NW, Washington, D.C. 20006.

B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW, Washington, D.C. 20005.

A. Covington & Burling, 888 16th Street NW, Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW, Washington, D.C. 20006.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 10006.

B. MGIC Investment Corp., 600 Marine Plaza, Milwaukee, Wis. 43201.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Eugene S. Cowen, 9024 Willow Valley Drive, Potomac, Md. 20854.

B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.

D. (6) $21. E. (9) $21.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Association of Research Libraries, 1527 New Hampshire Avenue NW., Washington, D.C. 20036.

D. (6) $140. E. (9) $2.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.

B. The National Collegiate Athletic Association, U.S. Highway 50 and Nall Avenue, P.O. Box 1960, Shawnee Mission, Kans. 66222.

D. (6) $3,783. E. (9) $122.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Standard Oil Company (Ohio) Midland Building, Cleveland, Ohio.

E. (9) $4.

A. Robert W. Crawford, 1625 I Street NW., Washington, D.C. 20006.

B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.

D. (6) $9,999.99. E. (9) $2,483.09.

A. W. J. Crawford, P.O. Box 2180, Houston, Tex. 77001.

B. Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex.

A. Hubert M. Crean, 1801 K Street, NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.

A. H. C. Crotty, Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich. 48203.

A. Jack A. Crowder, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C. 28281.

D. (6) $1,500. E. (9) $25.30.

A. Culbertson, Pendleton & Pendleton, 1 Farragut Square, South Suite 800, Washington, D.C. 20006.

B. Canned and Cooked Meat Importers' Association, c/o Deltec International, Ltd.,

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[1] An association of public agencies engaged in providing or planning urban mass transportation services and organizations which provide goods and services to such agencies.

2801 Ponce De Leon Boulevard, Coral Gables, Fla. 33134.
D. (6) $975. E. (9) $281.24.

A. William E. Cumberland, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $538. E. (9) $1,655.

A. Frank Cummings, Gall, Lane & Powell, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Institute of Electrical and Electronics Engineers, 345 East 47th Street, New York, N.Y. 10017.
D. (6) $3,500.

A. John T. Curran, 905 16th St. NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $8,250. E. (9) $3,287.95.

A. William Daines, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,100. E. (9) $210.

A. Thomas A. Daly, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association.
D. (6) $34.90. E. (9) $5.

A. Stephen I. Danzansky, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $4,741.55.

A. John C. Datt, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $1,719. E. (9) $39.10.

A. Philip J. Daugherty.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $3,012.75. E. (9) $69.10.

A. John B. Davenport, Jr., 2000 Florida Avenue, NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $80.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill. 60605.
B. American Meat Institute, 50 East Van Buren Street, Chicago, Ill. 60605.
D. (6) $100. E. (9) $117.24.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. Bankers Life & Casualty Co., 4444 Lawrence Avenue, Chicago, Ill. 60630.
D. (6) $320. E. (9) $5.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill. 60606.
D. (6) $225.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.
E. (9) $896.26.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill. 60604.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. United Insurance Company of America, 1 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $355. E. (9) $5.

A. Claire Davis, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. R. Hilton Davis, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20006.

A. Walter L. Davis, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $750.

A. P. M. Davison, Jr., 418 East Rosser Avenue, Box 938, Bismarck, N. Dak. 58501.
B. North Dakota Railway Lines.
E. (9) $475.52.

A. Daniel P. Dawson, 200 East Randolph Drive, M.C. No. 3101, Chicago, Ill. 60601.
B. Standard Oil Co., (Indiana), 200 East Randolph Drive, M.C. No. 3101, Chicago, Ill. 60601.
D. (6) $665. E. (9) $426.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. National Cystic Fibrosis Research Foundation, 3379 Peachtree Road NE., Atlanta, Ga. 30326.
D. (6) $3,750. E. (9) $389.89.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $4,500. E. (9) $791.12.

A. Charles W. Day, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $325. E. (9) $245.

A. Ronald B. Dear, 1225 Martha Custis Drive, #1216, Alexandria, Va. 22302.
B. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.
D. (6) $576.93.

A. Tony T. Dechant.
B. The Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.
D. (6) $4,000. E. (9) $47.80.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Clairol, Inc., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $210.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo. 64105.
D. (6) $140.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $200.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. Delta Group, Ltd., 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
B. National Committee for Effective No-Fault, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
D. (6) $800.

A. Vincent A. Demo, 25 Broadway, New York, N.Y. 10004.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $7,500. E. (9) $660.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.
B. Alyeska Pipeline Service Co., P.O. Box 576, Bellevue, Wash. 98009.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.
B. American Society of Composers, Authors & Publishers, 1 Lincoln Plaza, New York, N.Y. 10023.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.
B. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.
B. Merrill Lynch, Pierce, Fenner & Smith, Inc., 1 Liberty Plaza, New York, N.Y. 10006.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.
B. Shipping Tieups Over Permanently, P.O. Box 4437, Honolulu, Hawaii 96813.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.
B. Washington Citizens for World Trade, 101 West Fifteenth, P.O. Box 301, Olympia, Wash. 98507.

A. C. H. DeVaney, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $2,281. E. (9) $55.84.

A. R. Daniel Devlin, 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.

A. Ralph B. Dewey, 1150 17th Street NW., Suite 1109, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $1,584. E. (9) $850.90.

A. Louis H. Diamond, 1120 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $8,300.

A. John M. Dickerman, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Lumber & Building Material Dealers Association, 1990 M Street NW., Suite 350, Washington, D.C. 20036.
D. (6) $6,029.76. E. (9) $94.49.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $47,125.58. E. (9) $47,125.58.

A. Disabled Officers Association, 1612 K Street NW., Washington, D.C. 20006.
E. (9) $3,140.

A. William H. Dodds, 1125 15th Street NW., Suite 600, Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $6,538.24. E. (9) $732.54.

A. James F. Doherty.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $4,208.30. E. (9) $3,784.65.

A. Patrice M. Doherty, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.
D. (6) $600. E. (9) $85.

A. Robert C. Dolan, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $348.75. E. (9) $160.02.

A. Edward V. Donahue, 1900 L Street NW., Washington, D.C. 20036.
B. Graphic Arts International Union, 1900 L Street NW., Washington, D.C. 20036.
D. (6) $1,691. E. (9) $1,741.

A. Jack Donahue, 1725 I Street NW., Suite 606, Washington, D.C. 20006.
B. Council for the Advancement of the Psychological Professions and Sciences, 1725 I Street NW., Suite 606, Washington, D.C. 20006.
D. (6) $1,002. E. (9) $324.25.

A. Leo J. Donahue, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Gary W. Donnelly, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc. 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $31.75.

A. James A. Dorsch, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $407. E. (9) $162.60.

A. C. L. Dorson, Suite 529, Munsey Building, Washington, D.C. 20004.
B. Retirement Federation of Civil Service Employees of the U.S. Government, Suite 529, Munsey Building, Washington, D.C. 20004.
D. (6) $3,038.55. E. (9) $270.

A. Richard Morgan Downey, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $200.

A. F. Raymond Downs, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East 6th Street, Cincinnati, Ohio 45202.

A. Harry J. Doyle, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill., 61602.
D. (6) $677.74. E. (9) $606.10.

A. Robert H. Doyle, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $4,031.25.

A. David S. Dreyer, 4111 Backmeyer Road, Richmond, Ind. 47374.
B. Indiana Conservation Council, 2128 East 46th Street, Indianapolis, Ind. 46205.
D. (6) $740.39. E. (9) $3.06.

A. Wilbur B. Dronen, 100 NE. Adams Street, Peoria, Ill. 61602.
B. Caterpillar Tractor Co., 100 NE. Adams Street, Peoria, Ill. 61602.
D.(6) $670. E. (9) $669.80.

A. Dean W. Drulias, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.
D. (6) $333.20. E. (9) $440.41.

A. Franklin B. Dryden.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $120. E. (9) $120.

A. Evelyn Dubrow, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
D. (6) $4,329. E. (9) $2,306.79.

A. Hugh G. Duffy, 1750 New York Avenue NW., Washington, D.C. 20006.
B. National Consumer Center for Legal Services, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $4,900.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $60.

A. Norman Duncan, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $320. E. (9) $139.25.

A. R. Michael Duncan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Pauline B. Dunckel, 1901 North Fort Myer Drive, Suite 900, Arlington, Va. 22209.
B. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Suite 900, Arlington, Va. 22209.

A. Louise C. Dunlap, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $2,850. E. (9) $42.

A. Lesley Gerould Dunn, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $2,418.

A. J. D. Durand, 1725 K Street NW., Washington, D.C. 20006.
B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.
E. (9) $340.

A. J. Frederick Durr, Rural Road No. 2, Sheridan, Ind. 46069.
B. National Association of Farmer Elected Committeemen, Rural Road No. 2; Sheridan, Ind. 46069.
E. (9) $31.50.

A. Roy W. Easley, 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc.
D. (6) $69.

A. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $426.66.

A. N. Boyd Ecker, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $250.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Safety Belt Council, Inc., New Rochelle, N.Y.
D. (6) $2,500. E. (9) $236.61.

A. Arthur B. Edgeworth, Jr., 1709 New York Avenue NW., Washington, D.C. 20006.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $500.

A. J. Rodney Edwards, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York N.Y. 10016.

A. Macon T. Edwards, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $350.25. E. (9) $23.03.

A. J. C. B. Ehringhaus, Jr., 1600 South Eads Street, Arlington, Va. 22202.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. John Doyle Elliot, 5500 Quincy Street, Hyattsville, Md. 20784.

A. Ruth Bowdey Elliot, 5500 Quincy Street, Hyattsville, Md. 20784.
D. (6) $3,197. E. (9) $3,538.72.

A. Frank Ellis Associates, Inc., Suite 400, 1730 N. Lynn Street, Arlington, Va. 22209.
E. (9) $195.10.

A. Roy Elson, 1771 N St., NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $4,200. E. (9) $600.

A. Emergency Commitee for the American Offshore Service Industry, 2000 Southwest Tower, Houston, Tex. 77002.
E. (9) $459.50.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $32,772.50. E. (9) $36,135.69.

A. Richard W. Emory, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

E. (9) $5.48.

A. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.

E. (9) $719.50.

A. Lowell J. Endahl, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $200.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.

B. York Barbell Co., York, Pa.

D. (6) $1,625. E. (9) $220.53.

A. Grover W. Ensley, 200 Park Avenue, New York, N.Y. 10017.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $276.

A. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $11,499.11. E. (9) $16,593.80.

A. Glenn R. Erickson, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,200. E. (9) $250.

A. Russell G. Ernest, 1025 Connecticut Avenue NW., No. 1014, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.

A. John D. Fagan, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the United States.

D. (6) $3,000. E. (9) $24.75.

A. Robert R. Fahs, 1030 15th Street NW., Washington, D.C. 20005.

B. Cargill, Inc., 1200 Cargill Building, Minneapolis, Minn. 55402.

D. (6) $2,500. E. (9) $24.50.

A. R. Scott Faley, 1120 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $8,300.

A. Farmers Educational and Cooperative Union of America, P.O. Box 2251, Denver, Colo.

D. (6) $91,737.50. E. (9) $33,139.68.

A. Edward J. Farrell, 888 17th Street NW., Washington, D.C.

B. George Bronz, 888 17th Street NW., Washington, D.C.

E. (9) $1.

A. Robert C. Farrow, 1707 H Street NW., Suite 607, Washington, D.C. 20006.

B. The Labor-Management Committee for Fair Foreign Competition, 1499 Bayshore Highway, Burlingame, Calif. 94010.

D. (6) $2,100. E. (9) $970.

A. Penelope S. Farthing, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,500. E. (9) $175.

A. Federation of American Hospitals, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.

E. (9) $4,500.

A. Fruzsina H. Fedlam, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $550.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C. 20036.

B. Council of Forest Industries of British Columbia, 1500/1055 West Hastings Street, Vancouver 1, British Columbia, Canada.

D. (6) $8,793.42. E. (9) $193.40.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C. 20036.

B. Joint Committee of Printing and Publishing Industries of Canada, 321 Bloor Street East, Toronto 5, Ontario, Canada.

D. (6) $999.99. E. (9) $77.

A. Francis S. Filbey, 817 14th Street NW., Washington, D.C. 20005.

B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.

D. (6) $5,360.85.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $7.50. E. (9) $4.

A. James W. Finley, 1015 18th Street NW., Suite 303, Washington, D.C. 20036.

B. Crown Zellerbach Corp., 1 Bush Street, San Francisco, Calif. 94119.

A. Firearms Lobby of America, 319 Fifth Street SE., Washington, D.C. 20003.

D. (6) $7,013.90. E. (9) $8,362.50.

A. William J. Flaherty, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $7,250.

A. David M. Fleming, 1155 15th Street NW., Washington, D.C. 20005.

A. Roger Fleming, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $1,875. E. (9) $23.04.

A. Carl J. Fleps, 1000 16th Street NW., Washington, D.C. 20036.

B. The Greyhound Corp., Greyhound Tower, Phoenix, Ariz. 85077.

D. (6) $300. E. (9) $34.

A. Florida Citrus Mutual, P.O. Box 89, Lakeland, Fla. 33802.

A. Florida Citrus Production Managers Association, c/o C. D. Kime, Jr., Waverly, Fla. 33887.

E. (9) $700.

A. John F. Fochtman, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,000. E. (9) $800.

A. Gordon Forbes, 207 Union Depot Building, St. Paul, Minn. 55101.

B. Minnesota Railroads Association.

D. (6) $500. E. (9) $497.29.

A. James W. Foristel, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,300. E. (9) $800.

A. John S. Forsythe, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $10.

A. David H. Foster.

B. National Cable TV Association, Inc., 918 16th Street NW., Washington, D.C.

D. (6) $2,500. E. (9) $237.50.

A. John G. Fox, 2000 L Street NW., Washington, D.C. 20036.

B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y. 10007.

D. (6) $121.86.

A. Alice Frandsen, 10311 Folk Street, Silver Spring, Md.

B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

E. (9) $47.45.

A. Donald A. Frederick, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $218.75. E. (9) $12.46.

A. Robert M. Frederick, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $5,200.

A. James O. Freeman, 1709 New York Avenue NW., Washington, D.C. 20006.

B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,187.50. E. (9) $6.

A. Benjamin W. Fridge, 1900 South Eads Street, Arlington, Va. 22202.

B. National Rifle Association of America, 1600 Rhode Island Avenue, Washington, D.C. 20036.

D. (6) $3,750. E. (9) $1,727.56.

A. Susan Fridy, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $500. E. (9) $52.21.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.

D. (6) $100.

A. Gay H. Friedmann, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Lone Star Gas Co., 301 South Harwood, Dallas, Tex. 75201.

D. (6) $2,500. E. (9) $100.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $34,342. E. (9) $11,467.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C. 20006.

B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.

D. (6) $382.50. E. (9) $1,508.15.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $350.

A. David C. Fullarton, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW, Suite 307, Washington, D.C. 20037.

D. (6) $150.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council of Independent Laboratories, Inc., 1725 K Street NW., Washington, D.C. 20036.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Council of Professional Services Firms in Free Enterprise, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. James E. Gaffigan, 777 14th Street NW., Washington, D.C. 20005.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $240.40. E. (9) $39.60.

A. Robert E. Gallamore, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D..C 20036.

D. (6) $1,656.24.

A. Galland, Kharasch, Calkins & Brown, 1054 31st Street NW., Washington, D.C. 20007.

B. Foss Launch and Tug Co., 660 West Ewing Street, Seattle, Wash. 98119.

D. (6) $950. E. (9) $25.

A. Peter N. Gammelgard, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. Nicole Gara, 1735 New York Avenue NW., Washington, D.C. 20006.

B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $3,368.33.

A. William B. Gardiner, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $6,375.

A. John W. Gardner, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $1,875. E. (9) $1,055.12.

A. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

E. (9) $870.

A. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.

E. (9) $1,938.49.

A. William T. Gibb III, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Wayne Gibbens, 1800 K Street NW., Washington, D.C. 20006.

B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

D. (6) $450. E. (9) $270.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio 45219.

B. International Union of United Brewery, Flour, Cereal, Soft Drink, and Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio 45219.

E. (9) $1.25.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio 43215.

B. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio 43215.

E. (9) $356.91.

A. Dave Givens, 916 Nashville Trust Building, Nashville, Tenn. 37201.

B. Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn. 37201.

E. (9) $213.02.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.

B. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.

D. (6) $5. E. (9) $1.58.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.

B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.

D. (6) $166.67. E. (9) $10.31.

A. Don A. Goodall, 1625 I Street NW., Suite 614, Washington, D.C. 20006.

B. American Cyanamid Co., Wayne, N.J. 07470.

D. (6) $143. E. (9) $20.50.

A. Vance V. Goodfellow, 828 Midland Bank Building, Minneapolis, Minn. 55401.

B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn. 55401.

D. (6) $6,000.

A. Ann Elena Gordon, 2300 McAuliffe Drive, Rockville, Md. 20851.

B. Women's Lobby Inc., 1345 G Street SE., Washington, D.C. 20003.

E. (9) $2.90.

A. Frederick D. Goss, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

D. (6) $130.

A. Edward Gottlieb & Associates, 485 Madison Avenue, New York, N.Y. 10022.

B. Florists' Transworld Delivery Association, 900 West Lafayette Boulevard, Detroit, Mich. 48226.

A. Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $12,831.56. E. (9) $5,555.62.

A. David B. Graham, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $120.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $396.52. E. (9) $39.94.

A. Graphic Arts International Union, 1900 L Street NW., Washington, D.C. 20036.

A. Warren Graves, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

E. (9) $245.

A. Cornelius R. Gray, 1712 G Street NW., Washington, D.C. 20006.

B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. James A. Gray, 7901 Westpark Drive, McLean, Va., 22101.

B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

D. (6) $12,132.51. E. (9) $178.27.

A. Robert K. Gray, 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

D. (6) $2,175. E. (9) $373.

A. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C. 20008.

B. Citizens Committee for UNICEF, 110 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $197.50. E. (9) $125.49.

A. Samuel A. Grayson, 611 Idaho Building, Boise, Idaho 83702.

B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebr. 68102.

E. (9) $847.66.

A. Wayne Green, Peterborough, N.H. 03458.

B. Institute of Amateur Radio, Inc., Peterborough, N.H. 03458.

A. Dale Greenwood, 302 Hoge Building, Seattle, Wash. 98104.

B. Washington Railroad Association, 302 Hoge Building, Seattle, Wash. 98104.

E. (9) $458.14.

A. Chellis O'Neal Gregory, Jr.

B. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20005.

D. (6) $923.25.

A. William G. Greif, 1155 15th Street NW., Washington, D.C. 20005.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

D. (6) $500.

A. Fred J. Greiner, 910 17th Street NW., Washington, D.C. 20006.

B. Evaporated Milk Association, International Association of Ice Cream Manufacturers, Milk Industry Foundation, 910 17th Street NW., Washington, D.C.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $8,926.28. E. (9) $8,926.28.

A. James J. Gudinas, 1712 G Street NW., Washington, D.C. 20006.

B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Kenneth J. Guido, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $662.49.

A. Jerome R. Gulan, 1225 19th Street NW., Washington, D.C. 20036.

B. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $4,500. E. (9) $1,200.

A. Matthew Hale, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,500. E. (9) $400.

A. Harold T. Halfpenny, 111 West Washington Street, Chicago, Ill. 60602.

A. J. G. Hall, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $4,500. E. (9) $1,906.28.

A. Keith Halliday, 1725 K Street NW., Washington, D.C. 20006.

B. Associated Third Class Mail Users, 1725 K Street NE., Washington, D.C. 20006.

D. (6) $300.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. The Business Roundtable, 888 17th Street NW., Washington, D.C. 20006.

D. (6) $250.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. The Hardaway Co., 11th Street and Third Avenue, Columbus, Ga. 39102.

D. (6) $500. E. (9) $100.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. National School Supply & Equipment Association, 1500 Wilson Boulevard, Arlington, Va. 22209.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y. 10022.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,106.24. E. (9) $50.84.

A. Donald K. Hanes, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,174.99. E. (9) $49.52.

A. Eugene J. Hardy, 1133 15th Street NW., Washington, D.C. 20005.

B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $2,500. E. (9) $629.71.

A. Thomas E. Harman, 1025 Connecticut Avenue NW., room 515, Blake Building, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., room 515, Blake Building, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $250.

A. William B. Harman, Jr., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $320. E. (9) $127.25.

A. John H. Harper, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $209.25. E. (9) $50.75.

A. Otto R. Harrison, Room 1909, 800 Bell Avenue, Houston, Tex. 77001.

B. Exxon Co., U.S.A., P.O. Box 2180. Houston, Tex.

A. William C. Hart, 1625 I Street NW., Washington, D.C. 20006.

B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

D. (6) $3,359.70. E. (9) $5,414.55.

A. Rita M. Hartz, 1737 H Street NW., Washington, D.C. 20006.

B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.

D. (6) $5,683.20.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C. 20036.

B. National Tank Truck Carriers, Inc., 1616 P Street, NW., Washington, D.C. 20036.

A. Walter A. Hasty, Jr., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P St. N.W., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $831.77.

A. Sidney G. Hawkes, 800 17th St. NW., Suite 501, Washington, D.C. 20006.

B. The Mead Corp., 118 West First Street, Dayton, Ohio 45482.

D. (6) $650. E. (9) $380.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $23.25. E. (9) $144.92.

A. Bruce R. Hawley, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $150. E. (9) $3.55.

A. Robert T. Hayden, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $3,754.16. E. (9) $1,196.33.

A. Kit H. Haynes, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $2,281. E. (9) $62.35.

A. Patrick J. Head, 1660 L Street NW., Washington, D.C.

B. Montgomery Ward & Co., Inc., P.O. Box 8339, Chicago, Ill. 60680.

D. (6) $558. E. (9) $708.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $11,987.23. E. (9) $11,987.23.

A. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

D. (6) $179.71. E. (9) $179.71.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $300. E. (9) $62.25.

A. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y. 10017.

B. American Parents Committee Inc., 15 E Street NW., Washington, D.C.

A. John F. Heilman, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $4,375.

A. Spencer H. Heine, 1660 L Street NW., Washington, D.C.

B. Montgomery Ward & Co., Inc., P.O. Box 8339, Chicago, Ill. 60680.

D. (6) $84.83. E. (9) $234.83.

A. Robert B. Heiney, 1133 20th Street NW., Washington, D.C. 20036.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $875. E. (9) $513.12.

A. Barbara Heller, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $212.50.

A. Ross E. Heller, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

D. (6) $600.

A. Leslie P. Hemry, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y. 10017.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.

D. (6) $1,500. E. (9) $473.82.

A. Lillie E. Herndon, P.O. Box 6213, Columbus, S.C. 29260.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

D. (6) $18,276.97. E. (9) $791.60.

A. Andrew I. Hickey, Jr., 1133 15th Street NW., Washington, D.C. 20005.

B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.

D. (6) $9,500. E. (9) $406.38.

A. M. F. Hicklin, 720 Bankers Trust Building, Des Moines, Iowa 50309.

B. Iowa Railway Association, 720 Bankers Trust Building, Des Moines, Iowa 50309.

A. J. Thomas Higginbotham, 1725 K Street NW., Washington, D.C. 20006.

B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $1,158.42.

A. J. Eldred Hill, Jr., 720 Hotel Washington, Washington, D.C. 20004.

B. Unemployment Benefit Advisors, Inc.

D. (6) $2,000. E. (9) $2,000.

A. James J. Hill, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C., 20016.

A. Richard Hinds, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Harry R. Hinton, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,500. E. (9) $900.

A. Donald E. Hirsch, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $2,687. E. (9) $49.43.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $360.

A. Claude E. Hobbs, 1801 K Street NW., 9th Floor, Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $900. E. (9) $195.

A. Glen D. Hofer, 1030 15th Street NW., Washington, D.C. 20005.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Dale Curtis Hogue, 1100 17th Street NW., Washington, D.C. 20036.

B. Specialty Equipment Manufacturers Association, 11001 East Valley Mall, Suite 204, El Monte, Calif. 91734.

E. (9) $300.

A. Thomas P. Holley, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Henry W. Holling, 100 Northeast Adams Street, Peoria, Ill. 61602.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria Ill. 61602.
D. (6) $500. E. (9) $590.

A. Lee B. Holmes, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $3,178. E. (9) $8,571.

A. John W. Holton, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,750. E. (9) $28.

A. Hormel Foundation, Austin, Minn. 55912.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.
B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill. 60501.

A. Thomas Howarth, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $1,655.53. E. (9) $1,655.53.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. Charles L. Huber, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $9,375. E. (9) $21.90.

A. The Human Life Amendment, The Bellevue Hotel, 15 E Street NW., Washington, D.C.
D. (6) $928.50. E. (9) $1,169.33.

A. David J. Humphreys, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill. 60018.
D. (6) $15,000. E. (9) $143.13.

A. Richard M. Hunt, 1660 L Street NW., Washington, D.C. 20036.
B. NL Industries, Inc., 111 Broadway, New York, N.Y. 10006.
D. (6) $562.

A. James L. Huntley, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $6,483.23. E. (9) $431.64.

A. David Ignatius, 133 C Street SE., Washington, D.C. 20003.
B. Public Citizen, Inc., Dupont Circle Building, Washington, D.C.
D. (6) $120.

A. Frank N. Ikard, 1801 K Street NW., Washington, D.C.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. Bernard J. Imming, 777 14th Street NW., Washington, D.C. 20005.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $437.50. E. (9) $1.22.

A. Independent U.S. Tanker Owners Committee, 1612 K Street NW., Suite 510, Washington, D.C. 20006.
D. (6) $9,300.78. E. (9) $10,076.25.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $8,137.16. E. (9) $8,137.16.

A. Timothy H. Ingram, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Council for a Livable World.
D. (6) $2,499.99.

A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C. 20006.

A. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill. 60603.
D. (6) $13,402.75. E. (9) $540.

A. International Brotherhood of Painters and Allied Trades, 1750 New York Avenue NW., Washington, D.C. 20006.
E. (9) $4,411.06.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
E. (9) $15,802.40.

A. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson, Detroit, Mich. 48124.
D. (6) $115,600. E. (9) $115,600.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $3,213.45.

A. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.
E. (9) $1,086.25.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, Saint Paul, Minn. 55101.
D. (6) $7,073.36. E. (9) $10,003.71.

A. Ronald A. Jacks, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $100.

A. Robert C. Jackson, 1150 17th Street NW., Suite 1001, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $2,750. E. (9) $168.65.

A. Robert L. James, 1800 K Street NW., Suite 920, Washington, D.C. 20006.
B. Bank of America N.T. and S. A., Bank of America Plaza, San Francisco, Calif. 94137.

A. Japanese American Citizens League, 22 Peace Plaza, Suite 203, San Francisco, Calif. 94115.
E. (9) $200.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C. 20004.
B. Smith Kline Corp., 1500 Spring Garden Street, Philadelphia, Pa. 19101.
E. (9) $595.

A. David M. Jenkins II, 1800 K Street NW., Suite 622, Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Jersey Central Power & Light Co., Madison Avenue At Punch Bowl Road, Morristown, N.J. 07960.
E. (9) $336.

A. Anita Johnson, 2000 P Street NW., No. 703, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., Washington, D.C. 20036.

A. Jess Johnson, Jr., Suite 300, 1700 K Street NW., Washington, D.C. 20006.
B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Rady A. Johnson, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $910.31. E. (9) $4.25.

A. Reuben L. Johnson.
B. Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.
D. (6) $5,453.50. E. (9) $108.84.

A. Charles N. Jolly, 1775 K Street NW., Suite 315, Washington, D.C. 20006.
B. Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514.
E. (9) $4,195.27.

A. Allan R. Jones, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $367.02.

A. H. Daniel Jones III, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.
D. (6) $55. E. (9) $30.

A. L. Dan Jones, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $16.

A. Oliver H. Jones, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $719. E. (9) $12,336.

A. Richard J. Jones, 1110 Davidson Street, Champaign, Ill., 60631.
B. Independent Grocers Alliance, 300 West Adams Street, Chicago, Ill., 60606.
D. (6) $175.

A. Ronald K. Jones, 8209 Carrleigh Parkway, Springfield, Va. 22152.
B. Mobile Homes Manufacturers Association, P.O. Box 201, Chantilly, Va. 22021.
D. (6) $4,875. E. (9) $181.50.

A. Carl D. Jordan, 408 East Maple Street, Fremont, Mich. 49412.
B. Gerber Products Co., 445 State Street, Fremont, Mich. 49412.
D. (6) $360. E. (9) $75.

A. Francis M. Judge, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20006.

A. Robert E. Juliano, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Hotel and Restaurant Employees and Bartenders International Union, 120 East Fourth Street, 13th Floor, Cincinnati, Ohio 45202.

D. (6) $4,999.98. E. (9) $2,199.90.

A. Mrs. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va. 22030.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $8.95.

A. Marvin Kamensky, 120 South LaSalle Street, Chicago, Ill. 60603.

E. (9) $1,100.

A. Roger P. Kaplan, 1341 G Street, NW., Suite 512, Washington, D.C.

B. National Association of Government Employees, Inc., 285 Dorchester Avenue, Boston, Mass. 02127.

D. (6) $2,500. E. (9) $50.

A. Gerald M. Katz, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

E. (9) $5.48.

A. Carleton R. Kear, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. The Retired Officers Association, 1625 I Street NW., Washington, D.C.

D. (6) $170.

A. William J. Keating, 725 15th Street, NW., Washington, D.C. 20005.

B. National Grain Feed Association, 725 15th Street NW., Washington, D.C. 20005.

A. Howard B. Keck, 555 South Flower Street, Los Angeles, Calif. 90071.

B. Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.

E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

B. Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.

E. (9) $275.

A. Charles C. Keeble, P.O. Box 2180, Houston, Tex. 77001.

B. Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex.

A. Patricia Keefer, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $4,500.

A. Eugene A. Keeney, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $80.

A. James C. Kelley, 1500 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $7,916.64. E. (9) $1,460.10.

A. Harold V. Kelly, 720 Hotel Washington, Washington, D.C. 20004.

B. Unemployment Benefit Advisors, Inc.

A. John T. Kelly, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association.

A. George Kelm, One First National Plaza, Suite 5200, Chicago, Ill. 60670.

B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.

A. R. G. Kendall, Jr., Montgomery, Ala. 36104.

B. Alabama Railroad Association, Montgomery, Ala. 36104.

A. I. L. Kenen, 1341 G Street NW., Washington, D.C. 20005.

B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.

D. (6) $833.32.

A. Harold L. Kennedy, 420 Cafritz Building, Washington, D.C. 20006.

B. Marathon Oil Co., Findlay, Ohio 45840.

E. (9) $362.20.

A. Jeremiah J. Kenney, Jr., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

E. (9) $41.80.

A. Thomas P. Kerester, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., Pittsburgh, Pa. 15230.

D. (6) $925. E. (9) $200.

A. Kenneth L. Kimble, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $250. E. (9) $50.

A. Mrs. Walter G. Kimmel, 1715 25th Street, Rock Island, Ill. 61201.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $256.02.

A. Charles L. King, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $33.

A. Susan B. King.

B. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20002.

D. (6) $5,760.

A. John M. Kinnaird, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $498.

A. Kirkland, Ellis & Rowe, 1776 K Street NW., Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Ernest A. Kistler, 2 North Ninth Street, Allentown, Pa. 18101.

B. Pennsylvania Power & Light Co., 2 North Ninth Street, Allentown, Pa. 18101.

D. (6) $737.80. E. (9) $544.69.

A. James D. Kittelton, 7901 Westpark Drive, McLean, Va. 22101.

B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

D. (6) $6,875.01. E. (9) $64.55.

A. Ralph W. Kittle, Room 700, 1620 I Street NW., Washington, D.C. 20006.

B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $900. E. (9) $500.

A. Douglas E. Kliever, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Paul R. Knapp, 1511 K Street NW., Washington, D.C. 20005.

B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.

D. (6) $875.

A. Philip M. Knox, Jr., 1211 Connecticut Avenue, NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

D. (6) $500. E. (9) $100.

A. Bradley R. Koch, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $153.

A. Robert M. Koch, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $47.10.

A. Horace R. Kornegay, 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

D. (6) $1,000. E. (9) $175.

A. Paul A. Korody, Jr., 1725 I Street NW., Washington, D.C. 20006.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.

E. (9) $500.

A. Kenneth S. Kovack, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $4,616.41. E. (9) $1,164.10.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $100.

A. Lawrence E. Kreider, 1015 18th Street NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

A. James S. Krzyminski, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,140. E. (9) $29.39.

A. William J. Kuhfuss, 225 Touhy Avenue, Park Ridge, Ill. 60068.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $1,050.

A. Lloyd R. Kuhn, 1725 De Sales Street NW., Washington, D.C. 20036.

B. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.

D. (6) $7,092. E. (9) $1,246.08.

A. Norman G. Kurland, 2027 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $2,400. E. (9) $2,462.74.

A. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C.

E. (9) $13,909.36.

A. Labor Bureau of the Middle West, 1155 15th Street NW., Washington, D.C. 20005.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $9,273. E. (9) $8,381.

A. Nick L. Laird, Suite 300, 1700 K Street NW., Washington, D.C. 20006.

B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. A. M. Lampley, 40 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

E. (9) $250.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.

B. Sportsman's Paradise Homeowners Association, 10612 Dalerose Avenue, Inglewood, Calif. 90304.

E. (9) $188.49.

A. Asger F. Langlykke, 1913 I Street NW., Washington, D.C. 20006.

B. American Society for Microbiology, 1913 I Street NW., Washington, D.C. 20006.

A. James J. LaPenta, Jr., 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of North America. AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.

E. (9) $496.41.

A. Clifford C. LaPlante, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $575. E. (9) $175.

A. Glenn T. Lashley, 1712 G Street NW., Washington, D.C. 20006.

B. American Automobile Association, D.C. Division, 1712 G Street NW., Washington, D.C. 20006.

A. Lawyers Committee to End the War. 1 Wall Street, 25th floor, New York, N.Y., 10005.

E. (9) $2,229.33.

A. Monte Lazarus, 1825 K Street NW., Washington, D.C. 20006.

B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.

D. (6) $500. E. (9) $203.87.

A. William Lazarus, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,500. E. (9) $70.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.

B. American Association of Nurserymen, Inc., 230 Southern Building, Washington, D.C. 20005.

A. Robert W. Lee, 1028 Connecticut Avenue NW., No. 1004, Washington, D.C. 20036.

B. The John Birch Society, Inc., 395 Concord Avenue, Belmont, Mass. 02178.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $172. E. (9) $1,204.40.

A. Robert J. Leigh, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

A. Gilbert LeKander, 910 17th Street NW., Suite 501, Washington, D.C. 20006.

B. Montana Power Co., 40 East Broadway, Butte, Mont. 59701; Washington Water Power Co., P.O. Box 3727, Spokane, Wash. 99220.

D. (6) $450.

A. Nils A. Lennartson, 801 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.

D. (6) $649.70.

A. Gilbert B. Lessenco, 2021 L Street NW., Washington, D.C. 20036.

B. General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, Minn. 55440.

D. (6) $6,040. E. (9) $503.53.

A. S. R. Levering, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $690.

A. Morris J. Levin, 1620 I Street NW., Washington, D.C. 20006.

B. Association of American Railroads, American Railroad Building, Washington, D.C. 20006.

D. (6) $1,000.

A. Harry LeVine, Jr., 777 14th Street NW. Washington, D.C.

B. General Electric Co., 570 Lexington Avenue, New York, N.Y.

D. (6) $250.

A. J. Stanly Lewis, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,215.21.

A. Robert G. Lewis.

B. The Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.

D. (6) $1,615.38. E. (9) $132.30.

A. Ronald L. Leymeister, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $204.39.

A. Herbert Liebenson, 1225 19th Street NW., Washington, D.C. 20036.

B. National Small Business Association, 1225 19th Street NW., Washington, D.C.

D. (6) $4,500. E. (9) $1,200.

A. Russell B. Light, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash., 98124.

D. (6) $270. E. (9) $123.40.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 Southwest Broadway, Portland, Oreg. 97201.

B. Master Contracting Stevedore Association of the Pacific Coast, Inc., San Francisco, Calif.

D. (6) $960.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 Southwest Broadway, Portland, Oreg. 97201.

B. National Maritime Compensation Committee, 1331 Southwest Broadway, Portland, Oreg. 97201.

D. (6) $3,234. E. (9) $1,680.34.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 Southwest Broadway, Portland, Oreg. 97201.

B. Pacific Rim Trade Association, 222 Southwest Harrison Street, Suite GA 2, Portland, Oreg., 97201.

D. (6) $2,784.83. E. (9) $2,156.27.

A. Lester W. Lindow, 1735 DeSales Street NW., Washington, D.C. 20036.

B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

D. (6) $23.54.

A. John E. Linster, 2000 Westwood Drive, Wausau, Wis. 54401.

B. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.

D. (6) $500.

A. Joseph Lippman, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $50.

A. Charles B. Lipsen.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.

D. (6) $11,442.34. E. (9) $487.

A. Zel E. Lipsen, Suite 1100, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Robert G. Litschert, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $316.05. E. (9) $167.24.

A. Laurence London, 25 Broadway, Room 1012, New York, N.Y. 10004.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $200.

A. Sheldon I. London, 1025 Vermont Avenue NW., Washington, D.C. 20005.

B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill., 60654.

D. (6) $400. E. (9) $455.

A. Philip J. Loree, 25 Broadway, Room 1012, New York, N.Y. 10004.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $450.

A. James F. Lovett, 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $700. E. (9) $200.

A. James P. Low, 1101 16th Street NW., Washington, D.C. 20036.

B. American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20036.

A. Otto Lowe, 888 17th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $1,050.

A. Charles Emmet Lucey, 1701 Pennsylvania Avenue NW., Suite 500, Washington, D.C. 20006.

B. Catholic Press Association, 432 Park Avenue South, New York, N.Y. 10016.

D. (6) $500. E. (9) $10.

A. Charles Emmet Lucey, 1701 Pennsylvania Avenue NW., Suite 500, Washington, D.C. 20006.

B. Massachusetts Cooperative Bank League, 225 Franklin Street, Boston, Mass. 02110.

D. (6) $3,500. E. (9) $10.

A. Lumbermens Mutual Casualty Co., Long Grove, Ill., 60049.

E. (9) $1,550.

A. Milton F. Lunch, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Ebasint International Inc., One Penn Plaza, New York, N.Y. 10001.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960.

D. (6) $336.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg. 97204.

A. Clarence T. Lundquist, 4822 Tilden Street NW., Washington, D.C. 20016.

B. Menswear Retailers of America, Room 390, National Press Building, Washington, D.C. 20004.

D. (6) $600.

A. Lusk-Evans Ltd., 1120 Connecticut Avenue NW., Suite 940, Washington, D.C. 20036.

E. (9) $13.35.

A. James H. Lynch, Jr., 1325 Massachusetts Avenue, NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $5,835.90. E. (9) $122.84.

A. Mark H. Lynch, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $200.

A. LeRoy E. Lyon, Jr., 11th and L Building, Sacramento, Calif. 95814.

B. California Railroad Association, 11th and L Building, Sacramento, Calif. 95814.

A. Shane MacCarthy, 1730 North Lynn Street, Arlington, Va. 22209.

B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.

D. (6) $950. E. (9) $1,554.25.

A. James E. Mack, 1225 19th Street NW., Washington, D.C. 20036.

B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill. 60603.

D. (6) $11,250. E. (9) $903.63.

A. Kenneth MacKenzie, 1660 L Street NW., Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., P.O. Box 8339, Chicago, Ill. 60680.

D. (6) $54. E. (9) $204.

A. Thomas J. Mader, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $1,875. E. (9) $20.

A. Andre Maisonpierre, 666 11th Street, Washington, D.C. 20001.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $495.

A. Ben J. Man, 400 First Street NW., Suite 700, Washington, D.C. 20001.

B. Marine Engineers' Beneficial Association, District No. 1, Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.

D. (6) $1,638. E. (9) $331.67.

A. Management Communications, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Council on Foundations, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) 450. E. (9) $15.70.

A. Management Communications, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Potters Industries, Inc., Industrial Road, P.O. Box 14, Carlstadt, N.J. 07072.

D. (6) $450.

A. Management Communications, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Recycled Paperboard Division of the American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

D. (6) $350. E. (9) $21.90.

A. Carter Manasco, 8932 Chesterbrook Road, McLean, Va. 22101.

B. National Coal Association, 1130 17th Street, NW., Washington, D.C. 20036.

D. (6) $7,217.50. E. (9) $104.40.

A. Mike Manatos, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

D. (6) $71.49. E. (9) $219.44.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $5,000. E. (9) $3,000.

A. John V. Maraney, 324 East Capitol Street, Washington, D.C.

B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C., 20003.

A. Marine Engineers' Beneficial Association, District No. 1, Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.

E. (9) $5,174.58.

A. Rodney W. Markley, Jr., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

A. Ralph J. Marlatt, 640 Investment Building, 1511 K Street NW., Washington, D.C. 20005.

B. National Association of Mutual Insurance Agents, 640 Investment Building, 1511 K Street NW., Washington, D.C. 20005.

E. (9) $1,170.00.

A. Edwin E. Marsh, 200 C Street SE., No. 401, Washington, D.C. 20003.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.

D. (6) $4,638. E. (9) $665.84.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street, NW., Washington, D.C.

A. J. Paull Marshall, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) 286.68. E. (9) $162.55.

A. Marshall & Ilsley Bank, 770 North Water Street, Wilwaukee, Wis. 53202.

A. Guy R. Martin, State of Alaska, Department of Law, 655 C Street SE., Washington, D.C. 20003.

D. (6) $7,875. E. (9) $7,878.36.

A. Richard E. Martinez, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

D. (6) $994.98. E. (9) $1,114.10.

A. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21993.

E. (9) $5.48.

A. Mike Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. American Japanese Trade Committee, 2021 L Street NW., Washington, D.C. 20036.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.

D. (6) $1,000.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. Nisei Lobby, 2021 L Street NW., Washington, D.C. 20036.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.

D. (6) $500.

A. Guy B. Maseritz, 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006.

B. American Life Insurance Association Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Paul J. Mason, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Walter J. Mason, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

B. Building & Construction Trades Department, AFL-CIO, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

D. (6) $5.499.91. E. (9) $940.

A. P. H. Mathews, Suite 212, 300 New Jersey Avenue SE, Washington, DC. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $502.66. E. (9) $546.70.

A. John J. L. Matson, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 320 New Center Building, Detroit, Mich. 48202.

D. (6) $400.

A. Barry D. Matsumoto, 1730 Rhode Island Avenue NW., Suite 204, Washington, D.C. 20036.

B. Japanese American Citizens League, 22 Peace Plaza, Suite 203, San Francisco, Calif. 94115.

D. (6) $200.

A. Charles D. Matthews, 1100 17th Street NW., Washington, D.C. 20036.

B. National Ocean Industries Association, 1100 17th Street NW., Washington, D.C. 20036.

D. (6) $562.50. E. (9) $127.50.

A. Robert A. Matthews, 801 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.

D. (6) $320.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.

B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.

B Joint Government Liaison Committee, 1 North LaSalle Street, Chicago, Ill.

D. (6) $200. E. (9) $177.70.

A. Arnold Mayer, 100 Indiana Avenue NW., Room 410, Washington, D.C. 20001.

B. Amalgamated Meat Cutters & Butcher Workmen of North America (AFL–CIO), 2800 North Sheridan Road, Chicago, Ill. 60657.

D. (6) $5,780. E. (9) $850.

A. Mayer, Brown & Platt, 231 South LaSalle Street, Chicago, Ill. 60604.

B. L. M. Williams and Clayton Burch families, c/o Continental Illinois National Bank & Trust Co., Trustee, 231 South LaSalle Street, Chicago, Ill. 60693.

A. William J. McAuliffe, Jr., 1828 L Street NW., Suite 303, Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Suite 303, Washington, D.C. 20036.

E. (9) $20.

A. Michael J. McCabe, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Michael J. McCabe, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. William C. McCamant, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300.

A. Robert C. McCandless, 1725 I Street, NW., Washington, D.C. 20006.

B. American Horse Protection Association, 629 River Bend Road, Great Falls, Va.

D. (6) $600. E. (9) $10.50.

A. Robert C. McCandless, 1725 I Street, NW., Washington, D.C. 20006.

B. Committee for Humane Legislation, 11 West 60th Street, New York, N.Y.

D. (6) $2,300. E. (9) $50.

A. Robert C. McCandless, 1725 I Street, NW., Washington, D.C. 20006.

B. National Association of Real Estate Investment Trusts, 1101 17th Street NW., Suite 700, Washington, D.C. 20036.

D. (6) $150. E. (9) $10.

A. John A. McCart, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Government Employees Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,019.38.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

E. (9) $70.25.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Gulf & Western Industries, Inc., One Gulf, Western Plaza, New York, N.Y. 10023.

E. (9) $141.85.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Magnavox Co., 1700 Magnavox Way, Fort Wayne, Ind. 46804.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Mobil Oil Corporation, 150 East 42d Street, New York, N.Y. 10017.

E. (9) $105.02.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Montgomery Coca-Cola Bottling Co., Inc., North Perry and Jefferson Streets, Montgomery, Ala. 36103.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Alfred P. Slaner, 640 Fifth Avenue, New York, N.Y. 10019.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Tidewater Marine Service, Inc., 3308 Tulane Avenue, New Orleans, La. 70110.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. United Artists Corp., 729 Seventh Avenue, New York, N.Y. 10019.

A. John L. McCormick, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $1,875. E. (9) $8.

A. E. L. McCulloch, Room 819, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.

D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, 777 14th Street NW., Washington, D.C. 20005.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $506.80. E. (9) $95.05.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

E. (9) $896.26.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

E. (9) $37.66.

A. Robert E. McGarrah, Jr., 2000 P Street NW., Suite 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich. 48203.

D. (6) $7,080.

A. Marshall C. McGrath.

B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $700. E. (9) $102.30.

A. Peter E. McGuire, 400 First Street NW., Washington, D.C. 20001.

B. National Association of Retired & Veteran Railway Employees, Inc., Post Office Box 6069, Kansas City, Kans. 66106.

D. (6) $500. E. (9) $500.

A. Clifford G. McIntire, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $2,750. E. (9) $24.85.

A. Clarence M. McIntosh, Jr., 400 First Street NW., Washington, D.C.

B. Railway Labor Executives Association, 400 First Street NW., Washington, D.C. 20001.

D. (6) $681.67.

A. W. F. McKenna, 3435 Wilshire Boulevard, Los Angeles, Calif.

B. First Federal Savings & Loan Association of Phoenix, Tucson Federal Savings & Loan Association.

A. William F. McKenna, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

D. (6) $247.41.

A. C. A. Mack McKinney, Suite 609, 1400 North Uhle Street, Arlington, Va. 22201.

B. Marine Corps League, National Headquarters, Suite 317, 933 North Kenmore Street, Arlington, Va. 22201.

E. (9) $10.50.

A. C. A. Mack McKinney, Suite 609, 1400 North Uhle Street, Arlington, Va. 22201.

B. Non-Commissioned Officers Association of the United States, Post Office Box 2268, San Antonio, Tex. 78298.

D. (6) $2,600. E. (9) $2,411.92.

A. John S. McLees, 1615 H Street NW., Washington, D.C. 20006.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20006.

D. (6) $150.

A. William F. McManus, 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 570 Lexington Avenue, New York, N.Y. 10022.

D. (6) $575. E. (9) $295.40.

A. C. W. McMillan, Suite 1015, National Press Building, 14th and F Streets NW., Washington, D.C. 20004.

B. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.

D. (6) $1,500.

A. Ralph J. McNair, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C. 20006.

B. American Dredging Co., 12 South 12th Street, Philadelphia, Pa. 19107; Great Lakes Dredge & Dock Co., 228 North LaSalle Street, Chicago, Ill. 60601; Dunbar & Sullivan Dredging Co., 22720 Michigan Avenue, Dearborn, Mich. 48124.

D. (6) $7,000. E. (9) $1,553.27.

A. Harry C. McPherson, Jr., Suite 1100, 1660 L Street NW., Washington, D.C.

B. Montgomery Ward, Inc., 619 West Chicago Avenue, Chicago, Ill. 60607.

D. (6) $700. E. (9) $50.

A. George G. Mead, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $488.55.

A. Carl J. Megel, 1012 14th Street NW., Washington, D.C. 20005.

B. American Federation of Teachers, AFL–CIO, 1012 14th Street NW., Washington, D.C. 20005.

E. (9) $10,880.

A. Louis L. Meier, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. American Society of Civil Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

D. (6) $430. E. (9) $598.06.

A. R. Otto Meletzke, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Ellis E. Meredith, 1611 North Kent Street, Arlington, Va. 22209.

B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

E. (9) $1,958.61.

A. Lawrence C. Merthan, 1425 K Street NW., Washington, D.C.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y.

D. (6) $1,527. E. (9) $327.19.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

A. George F. Meyer, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.

D. (6) $392.

A. James G. Michaux, 1801 K Street NW., Washington, D.C. 20006.

B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio 45202.

D. (6) $500.

A. Ronald Michieli, Suite 1015, National Press Building, 14th and F Streets, Washington, D.C. 20004.

B. American National Cattlemen's Assn., 1001 Lincoln Street, Denver, Colo. 80202.

D. (6) $1,000.

A. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

D. (6) $20.13. E. (9) $732.59.

A. A. Stanley Miller, 910 16th Street NW., Room 302, Washington, D.C. 20006.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $100.

A. Anne Miller, Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $75. E. (9) $10.91.

A. Edwin Reid Miller, Union Pacific Building, 1416 Dodge Street, Omaha, Nebr. 68179.

B. Nebraska Railroad Legislative Committee, Union Pacific Building, 1416 Dodge Street, Omaha, Nebr. 68179.

D. (6) $6,550.02. E. (9) $1,222.10.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill. 60610.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $875.

A. Luman G. Miller, 620 S.W. Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

B. Oregon Railroad Association, 620 S.W. Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

E. (9) $245.04.

A. Jack Mills, 1776 K Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $250.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C. 20003.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $4,000.

A. Thomas F. Mitchell, 1735 I Street NW., Washington, D.C. 20006.

B. Georgia-Pacific Corp., 900 S.W. Fifth Avenue, Portland, Oreg. 97204.

E. (9) $250.

A. Mobile Homes Manufacturers Association, P.O. Box 201, 14650 Lee Road, Chantilly, Va. 22021.

D. (6) $1,681.50. E. (9) $1,681.50.

A. John S. Monagan, Whitman & Ransom, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Connecticut Bankers Association, 100 Constitution Plaza, Hartford, Conn. 06103.

D. (6) $1,250. E. (9) $63.58.

A. Montgomery Ward & Co., Inc., 1660 L Street NW., Suite 1001, Washington, D.C. 20036.

E. (9) $2,421.83.

A. G. Merrill Moody, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $71.89. E. (9) $81.02.

A. Joseph E. Moody, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.

D. (6) $10,000. E. (9) $6,986.

A. O. William Moody, Jr., 815 16th Street NW., Room 501, Washington, D.C. 20006.

B. Maritime Trades Department, AFL–CIO, 815 16th Street NW., Room 501, Washington, D.C. 20006.

D. (6) $2,500. E. (9) $1,144.75.

A. Donald L. Morgan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Donald L. Morgan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Jo V. Morgan, Jr., 815 15th Street NW., Washington, D.C. 20005.

B. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.

D. (6) $1,500.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Suite 900, Washington, D.C. 20006.

B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y. 10017.

A. Gene P. Morrell, 1025 Connecticut Avenue NW., Suite 206, Washington, D.C. 20036.

B. Lone Star Gas Co., 301 South Harwood, Dallas, Tex. 75201.

D. (6) $1,500. E. (9) $580.

A. James M. Morris, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $2,500. E. (9) $1,238.79.

A. Jack Moskowitz, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW.,

D. (6) $7,500. E. (9) $139.42.

Washington, D.C. 20036.

A. Lynn E. Mote, 1132 15th Street NW., Suite 503, Washington, D.C. 20005.

B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $2,000.

A. David J. Muchow, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. Central Gulf Steamship Corp., New Orleans, La.

A. David J. Muchow, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. National Association of Secondary Materials Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.

A. David J. Muchow, Smathers and Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. Sugar Distributors of Venezuela, Edif de la Luz Electrica de Venezuela, Av. Urdaneta, Seventh Floor, Caracas, Venezuela.

A. William G. Mullen, 491 National Press Building, Washington, D.C. 20004.

B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.

E. (9) $269.64.

A. John J. Murphy, 416 Shoreham Building, 806 15th Street NW., Washington, D.C. 20005.

B. National Customs Service Association.

D. (6) $1,154.88. E. (9) $1,154.88.

A. Richard E. Murphy, 900 17th Street NW., Washington, D.C. 20006.

B. Service Employees International Union, AFL–CIO, 900 17th Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $100.

A. Richard W. Murphy, 1200 18th Street NW., Suite 1109, Washington, D.C. 20036.

B. Merck & Co., Inc., Rahway, N.J. 07065.

D. (6) $500.

A. Tom O. Murphy, 1156 15th Street NW., Washington, D.C. 20005.

B. United States Beet Sugar Association, 1156 15th Street NW., Washington, D.C. 20005.

A. D. Michael Murray, 1000 Connecticut Avenue NW., No. 1103, Washington, D.C. 20036.

B. Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 516 West Jackson Boulevard, Chicago, Ill. 60606.

D. (6) $120. E. (9) $173.

A. D. Michael Murray, 1000 Connecticut Avenue NW., No. 1103, Washington, D.C. 20036.

B. The Cleveland-Cliffs Iron Co., 1460 Union Commerce Building, Cleveland, Ohio 44115.

D. (6) $100. E. (9) $137.

A. D. Michael Murray, 1000 Connecticut Avenue NW., No. 1103, Washington, D.C. 20036.

B. National Association of Industrial Parks, 1800 North Kent Street, Arlington, Va. 22209.

D. (6) $120. E. (9) $192.13.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $185.

A. Thomas H. Mutchler.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $500. E. (9) $23.65.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. John J. Nangle, 1626 I Street NW., Suite 812, Washington, D.C.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,000. E. (9) $500.

A. Bonnie Jane Naradzay, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $87.50.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Suite 711, Washington, D.C.
D. (6) $4,475. E. (9) $6,430.60.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.

A. National Association for Humane Legislation, Inc., 675 Pinellas Point Drive South, St. Petersburg, Fla. 33705.
D. (6) $119. E. (9) $314.24.

A. National Association of Electric Companies, 1140 Connecticut Avenue NW., Suite 1010.
D. (6) $1,259.81. E. (9) $7,917.46.

A. National Association of Farmer Elected Committeemen, c/o J. Frederick Durr, Rural Route No. 2, Sheridan, Ind. 46069.
D. (6) $227.05. E. (9) $227.05.

A. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
D. (6) $300. E. (9) $300.

A. National Association of Insurance Agents, Inc., 85 John Street, New York, N.Y. 10038.
E. (9) $26,932.42.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,886,904.84. E. (9) $30,392.58.

A. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $7,966.32. E. (9) $7,966.32.

A. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
D. (6) $3,588.13. E. (9) $3,588.13.

A. National Association of Realtors, 155 East Superior Street, Chicago, Ill. 60611.
E. (9) $17,509.07.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va., 22030.
D. (6) $6,768.97. E. (9) $7,009.69.

A. National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C. 20005.
D. (6) $300. E. (9) $300.

A. National Building Granite Quarries Association, Inc., 202 South Second Street, Cold Spring, Minn.
E. (9) $9,042.68.

A. National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $764,877.61. E. (9) $3,774.68.

A. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $448,590.19. E. (9) $3,258.72.

A. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif. 90004.
D. (6) $720. E. (9) $2,046.65.

A. National Committee for Effective No-Fault, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
D. (6) $800. E. (9) $800.

A. National Consumer Center for Legal Services, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,72[illegible]. E(9) $5,200.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $36,275.84. E. (9) $36,275.84.

A. National Council for a Responsible Firearms Policy, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $153.25. E. (9) $30.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $31,646. E. (9) $32,258.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. American Blood Resources Association, 308 State Street, Albany, N.Y. 12210.
D. (6) $1,125. E. (9) $87.50.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Cenco, Inc., 2600 S. Kostner Avenue, Chicago, Ill.
D. (6) $2,750. E. (9) $92.27.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $833.33. E. (9) $51.02.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Wheat Users Committee, 1700 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $9,000. E. (9) $300.14.

A. National Cystic Fibrosis Research Foundation, 3379 Peachtree Road NE., Atlanta, Ga. 39326.
E. (9) $12,080.69.

A. National Electrical Contractors Association, Inc., 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y. 10017.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $328,390.44. E. (9) $18,100.16.

A. National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.
B. National Grain and Feed Association.

A. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $121,600.19. E. (9) $11,670.

A. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill. 60654.
D. (6) $400. E. (9) $455.

A. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $9,811.52. E. (9) $504.41.

A. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
D. (6) $16,894.80. E. (9) $16,894.80.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Bldg., Omaha, Nebr. 68107.
D. (6) $4,707.96. E. (9) $4,707.96.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
E. (9) $3,394.91.

A. National Organization for the Reform of Marijuana Laws, 1237 22d Street, NW., Washington, D.C. 20037.
D. (6) $2,772.30. E. (9) $600.

A. National Patent Council, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.
D. (6) $3,575.50. E. (9) $800.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C. 20005.
D. (6) $2,347. E. (9) $1,458.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
E. (9) $3,556.50.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $2,562.52.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $12,500. E. (9) $14,004.82.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $15,675.50. E. (9) $4,406.75.

A. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.
E. (9) $880.

A. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $100. E. (9) $100.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $14,866. E. (9) $6,533.53.

A. Alexander W. Neale, Jr., 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $1,395.

A. Allen Neece, Jr., 512 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Companies, 512 Washington Building, Washington, D.C. 20005.
D. (6) $300.

A. Frances E. Neely, 245 2d Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 2d Street NE., Washington, D.C.
D. (6) $1,792.

A. Stanley Nehmer, Suite 800, 1101 17th Street NW., Washington, DC. 20036
B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $750. E. (9) $500.

A. Robert R. Nelson, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

A. Robert W. Nelson, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $160.

A. Ivan A. Nestingen, Suite 700, 1010 16th Street NW., Washington, D.C. 20036.
B. American Nursing Home Association, 1200 15th Street NW., Washington, D.C. 20005.
D. (6) $1,200. E. (9) $228.95.

A. Robert B. Neville, 1155 15th Street NW., Suite 505, Washington, D.C. 20005.
B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.
D. (6) $2,362. E. (9) $90.82.

A. Louis H. Nevins, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $2,000. E. (9) $547.80.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $13,500. E. (9) $20,370.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C. 20036.
B. National Clay Pipe Institute, 350 West Terra Cotta Avenue, Crystal Lake, Ill. 60014.
D. (6) $150.

A. Richard Ney, Watergate South, 700 New Hampshire Avenue NW., Washington, D.C. 20037.
B. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
D. (6) $4,500. E. (9) $3,366.69.

A. Charles E. Nichols, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $850. E. (9) $473.30.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18332.
B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $2,432.45. E. (9) $538.70.

A. Patrick J. Nilan, 817 14th Street NW., Washington, D.C.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.
D. (6) $8,273.79. E. (9) $833.58.

A. NL Industries, Inc., 111 Broadway, New York, N.Y. 10006.
E. (9) $562.

A. Charles M. Noone, 1225 Connecticut Avenue, Washington, D.C. 20036.
B. National Association of Small Business Investment Companies, 512 Washington Building, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $150.98.

A. Robert H. North, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.
E. (9) $1,256.41.

A. Seward P. Nyman, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
D. (6) $650.

A. Lawrence J. O'Connor, Jr., 1801 K Street NW., Suite 1021, Washington, D.C. 20006.
B. The Standard Oil Co., Midland Building, Cleveland, Ohio 44115.
E. (9) $844.42.

A. O'Connor, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. American Transit Association, 465 L'Enfant Plaza West SW., Suite 2900, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $179.

A. O'Connor, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. Upper Mississippi Towing Corp., 7703 Normandale Road, Room 110, Minneapolis, Minn. 55435.
D. (6) $2,500. E. (9) $133.40.

A. John B. O'Day, 11 East Adams Street, Chicago, Ill. 60603.
B. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill. 60603.
D. (6) $300.

A. James O'Dea, 1341 G Street NW., Washington, D.C. 20005.
B. National Association of Government Employees, Inc., 285 Dorchester Avenue, Boston, Mass., 02127.
D. (6) $2,000. E. (9) $190.

A. John A. O'Donnell, 1001 Connecticut Avenue, No. 716, Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $1,500.

A. John A. O'Donnell, 1001 Connecticut Avenue, No. 716, Washington, D.C. 20036.
B. Philippine Sugar Institute, Box 978, Manila, Philippines.
D. (6) $500. E. (9) $250.

A. Jane O'Grady, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing Workers of America, AFL–CIO, 15 Union Square, New York, N.Y. 10003.
D. (6) $4,529.98. E. (9) $1,483.24.

A. Bartley O'Hara, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $4,999.98.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C. 20005.
B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill 60601.

A. Richard C. O'Hare, 1511 K Street NW., Washington, D.C. 20005.
B. Savings Banks Association of Massachusetts, 50 Congress Street, Boston, Mass. 02109.
D. (6) $5,000.

A. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio 43215.
E. (9) $356.91.

A. Alvin E. Oliver, 725 15th Street NW., Washington, D.C. 20005.
B. National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.

A. Edward W. Oliver, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Michael S. Olson, P.O. Box 2776, Raleigh, N.C. 27602.
B. Carolinas Association of Mutual Insurance Agents, P.O. Box 2776, Raleigh, N.C. 27602.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Samuel Omasta, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $45.25.

A. Charles T. O'Neill, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $168.16.

A. Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $2,730.26. E. (9) $1,944.49.

A. John L. Oshinski, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $4,673.49. E. (9) $786.26.

A. Juris Padegs, 127 East 59th Street, New York, N.Y. 10022.
B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.
B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. Norman Paige, 538 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Council of the United States, Inc., 538 Pennsylvania Building, Washington, D.C. 20004.

A. William G. Painter, 324 C Street SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 324 C Street SE., Washington, D.C. 20003.
D. (6) $266.66.

A. Edward J. Panarello, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $6,483.23. E. (9) $602.20.

A. Frederick Panzer, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street, NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $250.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $190.23.

A. Kenton Pattie, 3150 Spring Street, Fairfax, Va. 22030.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.
D. (6) $1,418.18.

A. Ellen Pattin, 6907 Lyle Street, Lanham, Md. 20801.
B. Women's Lobby, Inc., 1345 G Street SE, Washington, D.C. 20003.
E. (9) $17.10.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.

B. American Imported Automobile Dealers Association, 1129 20th Street NW, Washington, D.C. 20036.
D. (6) $1,142.50. E. (9) $47.12.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.
B. American Maritime Association, 17 Battery Place, New York, N.Y. 10004.
D. (6) $650.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.
B. Boating Industry Association, 401 North Michigan Avenue, Chicago, Ill. 60601.
D. (6) $1,200. E. (9) $33.57.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.
B. Central American Sugar Council, 1200 17th Street NW, Washington, D.C. 20036.
E. (9) $41.35.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.
B. Chippewa-Cree Tribe, Rocky Boy Route, Box Elder, Mont. 59521.
D. (6) $1,670. E. (9) $294.61.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.
B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y. 10005.
D. (6) $3,400. E. (9) $48.77.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.
B. Institute of Scrap Iron and Steel, Inc., 1729 H Street NW, Washington, D.C. 20006.
D. (6) $240. E. (9) $944.15.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.
B. International Snowmobile Industry Association, 5100 Edina Industrial Boulevard, Minneapolis, Minn. 55435.
D. (6) $1,200.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Machinery Dealers National Association, 1400 20th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Marcor, Inc., 619 West Chicago Avenue, Chicago, Ill. 60607.
D. (6) $590.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Moody's Investors Service, Inc., 99 Church Street, New York, N.Y. 10008.
D. (6) $150.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Nestle Co., 100 Bloomingdale Road, White Plains, N.Y., 10605.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. New Process Co., 220 Hickory Street, Warren, Pa. 16365.
D. (6) $2,000.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.
D. (6) $2,100.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.
D. (6) $4,000.

A. Patton, Boggs & Blow, 1200 17th Street N.W., Washington, D.C. 20036.
B. Tax Corporation of America, 2441 Honolulu Avenue, Montrose, Calif. 91020.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y. 10022.
B. Warner Brothers Inc., 4000 Warner Boulevard, Burbank, Calif. 91505.
D. (6) $8,941.90. E. (9) $778.56.

A. Jack Pearce, Suite 808, 910 17th Street NW., Washington, D.C. 20006.
B. Committee on Modern, Efficient Transportation, Suite 808, 910 17th Street NW., Washington, D.C. 20006.
D. (6) $8,400. E. (9) $2,127.39.

A. John J. Pecoraro, 1750 New York Avenue, Washington, D.C. 20006.
B. International Brotherhood of Painters and Allied Trades, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,556.28.

A. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.
E. (9) $6,268.

A. D. V. Pensabene, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
B. Standard Oil Co. of California, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $50. E. (9) $25.

A. J. C. Perkins, 1700 K Street NW., Washington, D.C. 20006.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $1,000.

A. J. Hardin Peterson, Sr., P.O. Drawer BS, Lakeland, Fla. 33802.
B. Florida Fruit and Vegetable Association, P.O. Box 20155, Orlando, Fla. 32814; Florida Citrus Mutual, P.O. Box 89, Lakeland, Fla. 33802; Florida Citrus Production Managers Association, c/o C. D. Kime, Jr., Waverly, Fla. 33877.
D. (6) $1,448.68. E. (9) $10.

A. Richard W. Peterson, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500.

A. Roger J. Phaneuf, 1825 K Street NW., Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $800. E. (9) $125.50.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. John P. Philbin, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500. E. (9) $53.50.

A. Howard Phillips, 4220 Linden Street, Fairfax, Va. 22030.
B. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.
D. (6) $3,000.

A. Daphne Philos, 3150 Spring Street, Fairfax, Va. 22030.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.
D. (6) $1,525. E. (9) $1,750.78.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C. 20036.
B. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.
D. (6) $3,333.33. E. (9) $90.64.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill. 60605.
D. (6) $1,000.

A. James H. Pipkin, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $350. E. (9) $1,200.

A. Political Action Committee for Engineers and Scientists, Suite 1100, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Frederick T. Poole, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $475. E. (9) $2.42.

A. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $4,680.

A. Ramsay D. Potts, 910 17th Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $3,000. E. (9) $29.45.

A. Ramsay D. Potts, 910 17th Street NW., Washington, D.C. 20006.
B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.
D. (6) $1,055. E. (9) $31.25.

A. Richard M. Powell, 7315 Wisconsin Avenue, Washington, D.C. 20014.
B. International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Carlton H. Power, 1918 North Parkway, P.O. Box 12285, Memphis, Tenn.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $549.78. E. (9) $70.77.

A. William C. Prather, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States Savings and Loan League, 111 East Wacker Driver, Chicago, Ill. 60601.
D. (6) $500. E. (9) $137.65.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $312.60.

A. Arnold J. Prima, Jr., 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,200. E. (9) $2,868.73.

A. Prod, Inc., Suite 511, 2000 P Street NW., Washington, D.C. 20036.
E. (9) $44.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $50. E. (9) $50.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $720.

A. William A. Quinlan, Route 8, Box 238, Annapolis, Md. 21401.
D. (6) $1,516. E. (9) $424.48.

A. Thomas H. Quinn, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. Committee for Study of Revenue Bond Financing, 1200 18th Street NW., Washington, D.C. 20036.
D. (6) $1,666.50. E. (9) $344.56.

A. James H. Rademacher, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,204.72.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $393.12.

A. Raymond Raedy, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street, NW., Washington, D.C.
D. (6) $51.70. E. (9) $14.92.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $10,692. E. (9) $10,692.

A. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $2,000. E. (9) $2,000.

A. D. Michael Rappoport, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $143.75. E. (9) $160.17.

A. G. J. Rauschenbach.
B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C. 20024.
D. (6) $1,500. E. (9) $650.

A. Timothy J. Redmon, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.
D. (6) $20. E. (9) $30.

A. Dwight C. Reed, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association.
D. (6) $100.96. E. (9) $2.

A. David J. Reedy, 6S430 Huntington Circle East, Naperville, Ill. 60540.
B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill. 60501.
D. (6) $1,600

A. Lawrence D. Reedy, 602 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $1,250. E. (9) $600.

A. Robert S. Reese, Jr., 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. John A. Reilly, 59 Maiden Lane, New York, N.Y. 10038.
B. Estate of Bert N. Adams, Emma Giambald, George Hallingby.
E. (9) $25.

A. W. W. Renfroe, 69 Fountain Place, Wilkinson, Street, Capital Plaza, Frankfort, Ky. 40601.
B. Kentucky Railroad Association, 69 Fountain Place, Wilkinson Street, Capital Plaza, Frankfort, Ky. 40601.
E. (9) $382.61.

A. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $1,973.

A. Retirement Federation of Civil Service Employees of the U.S. Government, Suite 529, Munsey Building, Washington, D.C. 20004.
D. (6) $4,982.68. E. (9) $8,043.12.

A. William L. Reynolds, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.
B. National League of Insured Savings Associations, 1200 17th Street, Suite 500, Washington, D.C. 20036.
D. (6) $175. E. (9) $82.

A. Austin T. Rhoads.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $350.

A. Theron J. Rice, 1130 17th Street NW., No. 420, Washington, D.C. 20036.
B. Continental Oil Co., High Ridge Park, Stamford, Conn. 06904.

A. Maxwell E. Rich, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $625.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La. 70427.
B. Louisiana Railroads, 335 Austin Street, Bogalusa, La.

A. Mark Richardson, 1611 North Kent Street, Arlington, Va. 22209.
B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $270. E. (9) $250.

A. Robert R. Rickett, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert R. Rickett, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Rosalie Riechman, 120 Maryland Avenue NE., Washington, D.C. 20002.
B. Women's International League for Peace and Freedom, 1213 Race Street, Philadelphia, Pa. 19107.
D. (6) $1,575.

A. Stark Ritchie, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. William Neale Roach, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $145.07.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $294.57.

A. John P. Roche, 150 East 42d Street, New York, N.Y.
B. American Iron & Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $210.

A. Thomas G. Roderick, 1101 16th Street NW., Washington, D.C. 20036.
B. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Registered Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.
D. (6) $750.

A. Frank W. Rogers, Suite 793, 1801 K Street NW., Washington, D.C. 20006.
B. Western Oil & Gas Association, 609 South Grand Avenue, Los Angeles, Calif. 90017.
D. (6) $750.

A. Walter E. Rogers, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $1,000.

A. Rogers & Wells, 1666 K Street NW., Suite 900, Washington, D.C. 20006.
B. The Deltona Corp., 3250 Southwest Third Avenue, Miami, Fla. 33129.
D. (6) $1,102.50.

A. Rouss & O'Rourke, Lawyers Building, 231 East Vermijo Avenue, Colorado Springs, Colo. 80903.
B. Union Nacional de Productores de Azucar, S. A. de C. V., Balderas 36, Mexico, D. F. Mexico.
D. (6) $2,900. E. (9) $939.81.

A. John Forney Rudy, 1800 K Street NW., Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $6,978.46. E. (9) $814.46.

A. Wally Rustad, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.
B. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $400. E. (9) $1,336.83.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.
B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $986.46.

A. E. M. Ryan, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $100. E. (9) $45.55.

A. Sachs, Greenebaum & Tayler, 1620 I Street NW., Washington, D.C. 20006.

B. Ontario Corp., 1200 West Jackson Street, Muncie, Ind.
E. (9) $1.50.

A. Carl K. Sadler, 1325 Massachusetts Avenue, Washington, D.C. 20005.
B. Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $7,046.20. E. (9) $7,521.16.

A. Irene Saunders.
B. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20002.
D. (6) $2,400. E. (9) $155.81.

A. Ruth M. Saxe, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $300.

A. Kenneth D. Schanzer, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $1,249.98. E. (9) $346.90.

A. Eric P. Schellin, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.
B. National Patent Council, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.
D. (6) $800.

A. Jacques T. Schlenger, 1800 Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.
E. (9) $5.48.

A. Stephen I. Schlossberg, 1125 15th Street NW., Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $7,573.74. E. (9) $726.75.

A. Donald H. Schwab, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the U.S.
D. (6) $1,821.88. E. (9) $26.10.

A. Sydnee M. Schwartz, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $844. E. (9) $18.

A. John W. Scott, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $5,000.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Suite 802, Washington, D.C. 20036.
B. Jefferson Pilot Corp., P.O. Box 21008, Greensboro, N.C. 27402.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Suite 802, Washington, D.C. 20036.
B. Provident Life & Accident Insurance Co., Chattanooga, Tenn. 37402.

A. Durward Seals, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $312.50. E. (9) $37.14.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $306. E. (9) $13.85.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., No. 302, Washington, D.C. 20036.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.
D. (6) $125. E. (9) $25.

A. Theodore A. Serrill, 491 National Press Building, Washington, D.C. 20004.
B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.
E. (9) $152.07.

A. J. Richard Sewell, 1725 I Street NW., Washington, D.C. 20006.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
E. (9) $500.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $435. E. (9) $120.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Albright Title & Trust Co., American Title Insurance Co., Chelsea Title & Guaranty Co.
D. (6) $2,248.90. E. (9) $785.51.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C.
B. Howard Allington, Estate of Robert P. Anninger, Henry Arnhold.
E. (9) $47.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. American National Cattlemen's Association, Denver, Colo.
E. (9) $106.50.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y. 10022.
D. (6) $1,200. E. (9) $193.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Independent Grocers Alliance, National Institutional Food Distributors Associates, Inc., Topco Associates, Inc.
D. (6) $7,813.52. E. (9) $2,263.99.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y. 10022.
E. (9) $114.25.

A. James R. Sharp, 1108 16th Street NW., Washington, D.C. 20036.
B. American Fur Merchants Association, 224 West 30th Street, New York, N.Y.; Fur Conservation Council of America, Inc.
D. (6) $1,000. E. (9) $114.50.

A. James R. Sharp, 1108 16th Street NW., Washington, D.C. 20036.
B. Ametalco, Inc., 530 Fifth Avenue, New York, N.Y.

A. Shaw, Pittman, Potts & Trowbridge, Barr Building, 910 17th Street, NW., Washington, D.C. 20006.
B. Doubleday & Co., Inc., 277 Park Avenue, New York, N.Y. 10017.

A. John J. Sheehan, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $6,195.25. E. (9) $4,864.78.

A. W. Lee Shield, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Edward L. Shields, 666 11th Street NW., Washington, D.C. 20001.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,210.

A. Harvey A. Shipman, 1725 K Street NW., Suite 1103, Washington, D.C. 20006.
B. Penn Central Transportation Co., Six Penn Center Plaza, Philadelphia, Pa. 19104.
D. (6) $180. E. (9) $1,356.30.

A. Lucien J. Sichel, 1730 M Street NW., Washington, D.C. 20036.
B. Abbott Laboratories, North Chicago, Ill. 60064.

A. David Silver, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Gilbert Simonetti, Jr., 1620 I Street NW., Washington, D.C. 20006.
B. American Institute of CPA's, 666 Fifth Avenue, New York, N.Y. 10019.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
E. (9) $235.26.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee.
D. (6) $1,650. E. (9) $101.40.

A. Julian H. Singman, 724 14th Street NW., Washington, D.C. 20005.
B. International Longshoremen's Association, AFL–CIO, 17 Battery Place, Suite 1530, New York, N.Y. 10004.
D. (6) $5,000. E. (9) $1,246.27.

A. Carstens Slack, 1825 K Street NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. William L. Slayton, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Stephen Slipher, 1709 New York Avenue NW., Washington, D.C. 20006.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $4,062.50. E. (9) $4.

A. Smathers, Merrigan & Herlong, 888 17th Street NW., Washington, D.C. 20006.
B. American Horse Council, Inc., 1776 K Street NW., Washington, D.C.
D. (6) $6,250. E. (9) $1,006.50.

A. Smathers, Merrigan & Herlong, 888 17th Street NW., Washington, D.C. 20006.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $6,250. E. (9) $90.80.

A. Donald E. Smiley, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex.
E. (9) $202.67.

A. Arthur J. Smith, 1700 K Street NW., Suite 300, Washington, D.C. 20006.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Everard E. Smith, Jr., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $320. E. (9) $264.25.

A. Gordon L. Smith, 1145 19th Street NW., Washington, D.C. 20036.
B. Edward Gottlieb and Associates, Ltd., 485 Madison Avenue, New York, N.Y. 10022.

A. James R. Smith, 1250 Connecticut Avenue, Suite 502, Washington, D.C. 20036.
B. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Suite 502, Washington, D.C. 20036.
D. (6) $2,250.

A. Robert William Smith, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $374. E. (9) $302.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C. 20004.
B. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.
D. (6) $500. E. (9) $104.

A. Wayne H. Smithey, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $2,465. E. (9) $1,170.40.

A. Arthur V. Smyth, 1625 I Street NW., Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $500. E. (9) $100.

A. Frank B. Snodgrass, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
B. Burley and Dark Leaf Tobacco Export Association, P.O. Box 860, Lexington, Ky. 40501.
D. (6) $550. E. (9) $94.95.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,941.

A. J. R. Snyder, 400 First Street NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
E. (9) $400.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.
D. (6) $3,849.87. E. (9) $2,963.01.

A. Carl A. Soderblom, One East First Street, Room 803, Reno, Nev. 89501.
B. Nevada Railroad Association, One East First Street, Room 803, Reno, Nev.
E. (9) $604.67.

A. Charles B. Sonneborn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago, Ill. 60611.

A. Wilbur D. Sparks, 1815 North Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning and Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $624.

A. William W. Spear, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co., 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $733.04. E. (9) $3.28.

A. Frank J. Specht, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. William C. Spence, Box 683, Houston, Tex. 77001.
B. Columbia Gulf Transmission Co., Box 683, Houston, Tex. 77001.
D. (6) $290. E. (9) $70.89.

A. Larry N. Spiller, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
B. Consulting Engineers Council, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
D. (6) $1,650. E. (9) $50.

A. Sportsman's Paradise Homeowners Association, 10612 Dalerose Avenue, Inglewood, Calif. 90304.
E. (9) $246.75.

A. Squibb Corp., 40 West 57th Street, New York, N.Y. 10019.
E. (9) $72.

A. John M. Stackhouse, The Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association.

A. Lynn Stalbaum, 400 World Center Building, 918 16th Street NW., Washington, D.C. 20006.
B. Central America Cooperative Federation, Inc., Room 400, 918 16th Street NW., Washington, D.C. 20006.
D. (6) $2,892.50. E. (9) $82.84.

A. The Standard Oil Co. (Ohio), 1801 K Street NW., Suite 1021, Washington, D.C. 20006.
E. (9) $844.42.

A. Melvin L. Stark, Sr., 1025 Connecticut Avenue NW., Suite 211, Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 211, Blake Building, Washington, D.C. 20036.
D. (6) $3,000. E. (9) $350.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Council for a Responsible Firearms Policy, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

A. William M. Stephens, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $55.

A. Steptoe & Johnson, 1250 Connecticut Avenue, Washington, D.C. 20036.
B. Robert College of Istanbul, Turkey, 305 East 45th Street, New York, N.Y. 10017.
D. (6) $100. E. (9) $4.

A. B. H. Steuerwald, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railroad Signalmen, 2247 West Lawrence Avenue, Chicago, Ill.

A. Wynne A. Stevens, Jr., 1901 North Fort Myer Drive, Arlington, Va. 22209.
B. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $870.

A. Travis B. Stewart, 1775 K Street NW., Washington, D.C. 20006.
B. Hoffman-La Roche Inc., 340 Kingsland Street, Nutley, N.J. 07110.
D. (6) $550. E. (9) $100.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW, Suite 1215, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW, Suite 1215, Washington, D.C. 20036.
D. (6) $1,625.

A. Catherine Stirling, 7012 Beechwood Drive, Chevy Chase, Md. 20015.
B. Women's Lobby, Inc., 1345 G Street SE, Washington, D.C. 20003.
D. (6) $700.

A. Francis W. Stover, 200 Maryland Avenue NE, Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE, Washington, D.C. 20002.
D. (6) $6,039.35. E. (9) $399.25.

A. William M. Stover, 1825 Connecticut Avenue NW, Washington, D.C. 20009.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW, Washington, D.C. 20009.
D. (6) $1,000. E. (9) $100.

A. Cynthia Day Stratton, 6300 Stratford Road, Chevy Chase, Md. 20015.
B. Women's Lobby, Inc., 1345 G Street SE, Washington, D.C. 20003.
D. (6) $1. E. (9) $27.50.

A. John D. Stringer, 666 11th Street NW., Washington, D.C. 20001.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,730.

A. Roger J. Stroh, 777 14th Street NW, Washington, D.C. 20005.
B. United Fresh Fruit and Vegetable Association, 777 14th Street NW, Washington, D.C. 20005.
D. (6) $193.74. E. (9) $16.50.

A. Michael E. Strother, 1315 16th Street NW, Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW, Washington, D.C. 20036.
E. (9) $20.10.

A. R. Keith Stroup, 2105 N Street NW, Washington, D.C. 20037.
B. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW, Washington, D.C. 20037.
D. (6) $450.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill. 60601.

B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $2,250. E. (9) $681.26.

A. Richard L. Studley, 1400 20th Street NW., P.O. Box 19128, Washington, D.C. 20036.

B. Machinery Dealers National Association, 1400 20th Street NW., P.O. Box 19128, Washington, D.C. 20036.

A. Walter B. Stults, 512 Washington Building, Washington, D.C. 20005.

B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.

D. (6) $600.

A. Sullivan, Beauregard, Meyers & Clarkson, 1200 18th Street NW., Washington, D.C. 20036.

E. (9) $613.05.

A. Sutherland, Asbill & Brennan, 1666 K Street N.W., Washington, D.C. 20006.

B. Retail Credit Co., P.O. Box 4081, Atlanta, Ga. 30302.

E. (9) $80.

A. Glenn A. Swanson, 1725 DeSales Street NW., Suite 905, Washington, D.C. 20036.

B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.

D. (6) $13,894.63. E. (9) $2,508.69.

A. Irving W. Swanson, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association.

A. Noble J. Swearingen, 128 C Street NE., Suite 61, Washington, D.C. 20002.

B. American Lung Association, 1740 Broadway, New York, N.Y. 10019.

D. (6) $1,000.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

D. (6) $7,500.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C. 20036.

B. Bethlehem Steel Corp., 701 East Third Street, Bethlehem, Pa. 18016.

D. (6) $400. E. (9) $318.50.

A. Ronald E. Sweet, 1126 16th Street NW., Washington, D.C. 20036.

B. International Federation of Professional and Technical Engineers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

D. (6) $350. E. (9) $20.

A. Russell A. Swindell, P.O. Box 2635, Raleigh, N.C. 27602.

B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.

D. (6) $307.68. E. (9) $131.58.

A. Charles P. Taft, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. Legislative Committee, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 2036.

A. Charles C. Talley, 100 Agnes Court, Charlottesville, Va. 22901.

B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill.

A. David Tarr, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20038.

D. (6) $225.

A. Tax Reform Research Group, 733 15th Street NW., Suite 426, Washington, D.C. 20005

D. (6) $515.15. E. (9) $515.15.

A. Richard M. Tempero, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $343.74.

A. L. D. Tharp, Jr., 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $300.

A. J. Woodrow Thomas Associates, Inc., Suite 600, 734 15th Street NW., Washington, D.C.

B. Hart Metals, Inc., Tamaqua, Pa. 18252.

D. (6) $2,250.

A. J. Woodrow Associates, Inc., Suite 600, 734 15th Street NW., Washington, D.C. 20005.

B. REA Express, Inc., 219 East 42d Street, New York, N.Y. 10017.

D. (6) $4,500.

A. Joseph F. Thomas, 1735 New York Ave. NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Ave. NW., Washington, D.C. 20006.

D. (6) $1,000.

A. William D. Thompson, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Blvd., Detroit, Mich. 48202.

D. (6) $3,000. E. (9) $3,621.57.

A. Cyrus C. Tichenor III, 822 Connecticut Avenue NW., Washington, D.C. 20006.

B. A. H. Robins Co., 1407 Cummings Drive, Richmond, Va. 23220.

D. (6) $5,250. E. (9) $1,280.89.

A. Paul J. Tierney, 1101 17th Street NW., Washington, D.C. 20036.

B. Transportation Association of America.

A. Philip Tierney, 711 Princess Street, Alexandria, Va. 22313.

B. Estate of Paul T. Stone, 515 King Street, Alexandria, Va. 22314.

A. J. R. Timmins & Co., 37 Wall Street, New York, N.Y. 10005.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. Tobacco Associates, Inc., 1101 17th Street NW., Washington, D.C. 20036.

E. (9) $1,666.

A. Patrick F. Tobin, 1341 G Street NW., Room 304, Washington, D.C. 20005.

B. International Longshoremen's & Warehousemen's Union, 150 Golden Gate Avenue, San Francisco, Calif.

D. (6) $4,510.

A. H. Willis Tobler, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $1,000. E. (9) $200.25.

A. David R. Toll, 1140 Connecticut Avenue, No. 1010, Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $513.94. E. (9) $219.06.

A. Christine Topping, Suite 614, 1800 K Street NW., Washington, D.C. 20006.

B. Bipartisan Committee on Absentee Voting, Inc., Suite 614, 1800 K Street NW., Washington, D.C. 20006.

D. (6) $2,600. E. (9) $229.70.

A. John P. Tracey.

B. American Bar Association, 1705 De Sales Street NW., Washington, D.C. 20036.

D. (6) $400. E. (9) $50.

A. Transportation Association of America, 1101 17th Street NW., Washington, D.C. 20036.

E. (9) $577.43.

A. Matt Triggs, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $2,688. E. (9) $40.91.

A. Glenwood S. Troop, Jr., 1709 New York Avenue NW., Washington, D.C. 20006.

B. U.S. Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $5,625. E. (9) $78.50.

A. Galen Douglas Trussell, 1133 15th Street NW., Washington, D.C. 20005.

B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $792. E. (9) $175.

A. St. Clair J. Tweedie, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.

D. (6) $358.10. E. (9) $25.80.

E. (9) $1,000.

A. Joseph D. Tydings, 1120 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $8,300. E. (9) $1,000.

A. Joseph D. Tydings, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John D. Tyson.

B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $163.20. E. (9) $91.75.

A. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

E. (9) $14,387.05.

A. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.

D. (6) $2,218.25. E. (9) $2,218.25.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

E. (9) $8,647.11.

A. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.

E. (9) $294.77.

A. U.S. Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.

E. (9) $50,503.35.

A. Universal Development Consultants, Inc., 425 13th Street NW., Washington, D.C. 20004.

B. Mortgage Bankers Association of America.

D. (6) $625.

A. Ted Van Dyk Associates, Inc., 1720 I Street NW., Suite 400, Washington, D.C. 20006.

B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.

E. (9) $274.74.

A. Lois Van Valkenburgh, 1673 Preston Road, Alexandria, Va. 22302.

B. Citizens Committee for UNICEF, 110 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $108. E. (9) $3.75.

A. John A. Vance, 1150 17th Street NW., Suite 1109, Washington, D.C. 20036.

B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106

D. (6) $565.75. E. (9) $431.69.

A. Richard E. Vernor, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $63. E. (9) $14.75.

A. L. T. Vice, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.

B. Standard Oil Co. of California, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.

E. (9) $95.

A. Elizabeth Alderman Vinson, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $650.

A. Robert E. Vinson, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $28.30.

A. Walter D. Vinyard, Jr., 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $250.

A. Bruce E. Vogelsinger, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.

B. Consulting Engineers Council, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.

D. (6) $1,500. E. (9) $50.

A. Donn L. Waage, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Registered Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.

D. (6) $157.25. E. (9) $15.70.

A. Paul A. Wagner, 1125 15th Street NW, Washington, D.C. 20005.

B. International Union, United Automobile, Aerospace and Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $4,338.24. E. (9) 1,345.68.

A. E. F. Waldrop, Jr., 300 New Jersey Avenue SE., Suite 212, Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $379.75.

A. John S. Walker, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Glidden-Durkee Division of SCM Corp., 5601 Eastern Avenue, Baltimore, Md. 21224.

D. (6) $100.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Allied Chemical Corp., P.O. Box 1057R, Morristown, N.J. 07960.

D. (6) $1,000. E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Aluminum Co. of America, Washington, D.C. 20036.

D. (6) $238.10.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.

E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.

D. (6) $1,238.10. E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. General Electric Co., Washington, D.C. 20005.

D. (6) $1,238.10. E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. General Motors Corp., General Motors Building, Detroit, Mich. 48202.

E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. 97204.

E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Gulf Oil Corp., Washington, D.C. 20036.

D. (6) $238.10.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Steel Corp., 2800 Grant Building, Pittsburgh, Pa. 15219.

D. (6) $1,000. E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Procter & Gamble, Cincinnati, Ohio 45201.

D. (6) $238.10.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Time, Inc., Time & Life Building, Rockefeller Center. New York, N.Y. 10020.

D. (6) $300.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Camp Corp., 1600 Valley Road, Wayne, N.J. 07040.

D. (6) $1,000. E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

D. (6) $1,000. E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Weyerhaeuser Co., Tacoma, Wash. 98401.

D. (6) $1,000. E. (9) $80.22.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Jack A. Waller, 1750 New York Avenue NW., Washington, D.C. 20006.

B. International Association of Fire Fighters, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $5,869.

A. Franklin Wallick, 1125 15th Street NW., Washington, D.C. 20005.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $5,068.44. E. (9) $915.37.

A. Charles S. Walsh.

B. National Cable TV Association, Inc., 918 16th Street NW., Washington, D.C.

D. (6) $127.50. E. (9) $15.

A. William A. Walton, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans. 66612.

B. Kansas Railroad Committee, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans. 66612.

A. Richard D. Warden, 1125 15th Street NW., Washington, D.C. 20005.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $5,063.52. E. (9) $516.65.

A. Jack Ware, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $5,247. E. (9) $580.

A. Washington Research Project Action Council, 1763 R Street NW., Washington, D.C. 20009.

D. (6) $5,000. E. (9) $4,320.42.

A. George B. Watts, 1155 15th Street NW., Washington, D.C.

B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $300.

A. Ray Wax, Rural Route No. 2, Sheridan, Ind. 46069.

B. National Association of Farmer Elected Committeemen, c/o J. Frederick Durr, Rural Route No. 2, Sheridan, Ind. 46069.

E. (9) $41.10.

A. Clyde M. Webber, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $12,999.70. E. (9) $1,603.75.

A. Fred Wegner, 1750 K Street NW., Suite 1190, Washington, D.C. 20006.

B. Retired Persons Services, Inc., 1750 K Street NW., Suite 1190, Washington, D.C. 20006.

E. (9) $10.50.

A. Clarence M. Weiner, 575 Madison Avenue, New York, N.Y. 10022.
B. Cigar Manufacturers Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.
D. (6) $10,000.

A. Weisman, Celler, Spett, Modlin & Wertheimer, 1025 Connecticut Avenue NW., Suite 910, Washington, D.C. 20036.
B. Lawrence N. Brandt & Co., 4201 Connecticut Avenue NW., Washington, D.C. 20008.
D. (6) $1,450.

A. Bernard J. Welch, 1800 K Street NW., Washington, D.C. 20006.
B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.
E. (9) $108.12.

A. Frank J. Welch, 3724 Manor Road, Chevy Chase, Md. 20015.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Paul S. Weller, Jr., 1129 Twentieth Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,949.99. E. (9) $57.64.

A. Fred M. Wertheimer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) 260.25.

A. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
E. (9) $500.

A. Harry H. Westbay III, 1625 I Street NW., Suite 805, Washington, D.C. 20006.
B. St. Regis Paper Co., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $300. E. (9) $150.

A. Clyde A. Wheeler, Jr., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Oil Co., 240 Radnor Chester Road, St. Davids, Pa. 19087.
D. (6) $7,000. E. (9) $1,785.

A. Edwin M. Wheeler, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. Robert Y. Wheeler, Box 185, Tilden, Tex., 78072.
B. Ernest G. Herman, 9538 Brighton Way, Beverly Hills, Calif. 90210.

A. Wheeler, Van Sickle, Day & Anderson, 25 West Main Street, Madison, Wis. 53703.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Donald F. White, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,600. E. (9) $70.

A. John C. White, 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., Room 1008, 1101 17th Street NW., Washington, D.C.

A. John S. White, 420 Cafritz Building, Washington, D.C. 20006.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $708.43.

A. Robert L. White, 7315 Wisconsin Avenue, Washington, D.C. 20014.
B. National Electrical Contractors Association, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Douglas Whitlock II, 1660 L Street NW., Suite 1005, Washington, D.C. 20036.
B. Zale Corp., 1660 L Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $150.

A. Alan J. Whitney, 1341 G Street NW., Suite 512, Washington, D.C. 20005.
B. National Association of Government Employees, Inc., 285 Dorchester Avenue, Boston, Mass. 02127.
D. (6) $5,000. E. (9) $400.

A. Robert E. Wick, 1800 K Street NW., Washington, D.C.
B. Pan American World Airways, 1800 K Street NW., Washington, D.C.
E. (9) $55.10.

A. Leonard M. Wickliffe, 11th and L Building, Sacramento, Calif. 95814.
B. California Railroad Association, 11th and L Building, Sacramento, Calif. 95814.
D. (6) $3,125. E. (9) $3,979.12.

A. Richard J. Wiechmann, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Claude C. Wild, Jr., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa. 15230.
D. (6) $1,000. E. (9) $250.

A. David Wilken, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
E. (9) $120.

A. Francis G. Williams.
B. American Frozen Foods Institute, 919 18th Street NW., Washington, D.C. 20006.

A. Harding de C. Williams, 1825 K Street NW., Washington, D.C. 20006.
B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif. 94119.
D. (6) $500. E. (9) $50.

A. Robert E. Williams, 1825 K Street NW., Washington, D.C. 20006.
B. United Air Line, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $1,250. E. (9) $434.84.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Auto-Train Corp., 1801 K Street NW., Washington, D.C. 20006.
E. (9) $10.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Bankers Association of Puerto Rico, c/o Wender, Murase & White, 350 Park Avenue, New York, N.Y. 10022.
E. (9) $5.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. C. Brewer Co., Ltd., P.O. Box 3470, Honolulu, Hawaii.
E. (9) $20.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. IU International Management Corp., 1501 Walnut Street, Philadelphia, Pa. 19102.
D. (6) $900. E. (9) $200.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. National Council for Health Care Services, 407 N Street SW., Washington, D.C.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Ward Industries, Inc., P.O. Box 849, Conway, Ark. 72032.
E. (9) $200.

A. Williams & King, 1620 I Street NW., Washington, D.C. 20009.
B. National Nutritional Foods Association, 7727 South Painter Avenue, Whittier, Calif. 90602.
D. (6) $2,500. E. (9) $502.16.

A. Williams & King, 1620 I Street NW., Washingon, D.C. 20006.
B. Noranda Mines Ltd., P.O. Box 45, Commerce Court West, Toronto, Ontario, Canada.
D. (6) $5,000. E. (9) $278.

A. Kenneth Williamson, 2130 LeRoy Place NW., Washington, D.C. 20008.
B. Seventh-day Adventist Hospital Association, 6840 Eastern Avenue NW., Washingon, D.C. 20012.
D. (6) $1,500. E. (9) $166.85.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. American Basketball Association 1700 Broadway, New York, N.Y. 10019.
D. (6) $247.43. E. (9) $138.66.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washingon, D.C. 20006.
B. Council for Responsible Nutrition, 1776 K Street NW., Washington, D.C. 20006.
E. (9) $10.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. Oil Investment Institute, 2500 Dunstan, Houston, Tex. 77005.

A. W. E. Wilson, 623 Ockley Drive, Shreveport, La. 71106.
B. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77005.
D. (6) $1,200. E. (9) $50.

A. R. J. Winchester, 900 Southwest Tower, Houston, Tex. 77002.
B. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.
D. (6) $3,000. E. (9) $2,018.

A. Richard F. Witherall, 702 Majestic Building, Denver, Colo. 80202.
B. Colo. RR Assn., 702 Majestic Building, Denver, Colo.
D. (6) $280. E. (9) $825.

A. Barry Wolf, 631 North Carolina Avenue SE, Washington, D.C. 20037.
B. National Organization for the Reform of Marijuana Laws, 1237 22d Street N.W., Washington, D.C. 20037.
D. (6) $180. E. (9) $20.

A. Peter L. Wolff, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.
B. Association of American Law Schools, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C. 20006.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $8,308.80. E. (9) $563.08.

A. Kenneth D. Wollack, 1341 G Street NW., Washington, D.C. 20005.
B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $1,250.

A. Women's International League for Peace and Freedom, 1213 Race Street, Philadelphia, Pa. 19107.
D. (6) $9,543.54. E. (9) $6,935.95.

A. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

D. (6) $6,056. E. (9) $5,260.

A. William E. Woods, 440 National Press Building, Washington, D.C. 20004.

B. The National Association of Retail Druggists, 1 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $750. E. (9) $150.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.

B. The Flying Tiger Line Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.

B. The Signal Companies, Inc., 9665 Wilshire Boulevard, Beverly Hills, Calif. 90212.

A. Perry W. Woofter, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $6,000. E. (9) $311.

A. George M. Worden, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

D. (6) $700. E. (9) $45.

A. Wyatt, Saltzstein, Minton & Howard, 1300 Wyatt Building, Washington, D.C. 20005.

B. American Business Press, Inc., 205 East 42d Street, New York, N.Y. 10017.

D. (6) $2,250. E. (9) 52.58.

A. Gerald L. Wykoff, 7315 Wisconsin Avenue, Washington, D.C. 20014.

B. National Electrical Contractors Association, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Airbus Industrie, 160 Avenue de Versailles, Paris, 16, France.

D. (6) $250. E. (9) $11.35.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Alaska Federation of Natives, Inc., 1675 C Street, Anchorage, Alaska 99501.

D. (6) $150.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

D. (6) $450.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Copyright Owners Negotiating Committee, c/o Phillips, Nizer, Benjamin, Krim & Ballon, 477 Madison Avenue, New York, N.Y. 10022.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Embassy of the Government of the Republic of Korea, 2320 Massachusetts Avenue, NW., Washington, D.C. 20008.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. City of Palm Springs, 3200 Tahquitz-McCallum Way, Palm Springs, Calif. 92262.

D. (6) $250.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Petersen Publishing Co., 8490 Sunset Boulevard, Los Angeles, Calif. 90069.

A. Leslie A. Yates, 1215 Lawrence Street NE., Washington, D.C. 20017.

B. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $681.

A. Charles S. Yerrid, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

D. (6) $691.44. E. (9) $935.62.

A. John H. Yingling, 905 16th Street NW., Washington, D.C. 20006.

B. First National City Bank, 399 Park Avenue, New York, N.Y. 10022.

D. (6) $200. E. (9) $57.99.

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1973 were received too late to be included in the published reports for that quarter.

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

A. Albert E. Abrahams, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 155 East Superior Street, Chicago, Ill.
D. (6) $2,850. E. (9) $79.45.

A. Action for Legal Rights, 1346 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $7,828.30. E. (9) $11,299.66.

A. Actors Equity Association, 165 West 46th Street, New York, N.Y.
D. (6) $2,500. E. (9) $2,500.

A. Air-Conditioning and Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
E. (9) $624.

A. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $8,442.19. E. (9) 8,442.19.

A. George Alderson, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street, SE, Washington, D.C. 20003.
D. (6) $1,200.

A. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.
D. (6) $21,742.53. E. (9) $8,090.99.

A American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $5,873.82. E. (9) $5,873.82.

A. American Maritime Association, 17 Battery Place, New York, N.Y. 10004.
E. (9) $1,950.

A. American Nurses' Association, Inc., 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $57,552.10. (9) $57,552.10.

A. American Rivers Conservation Council, 324 C Street SE., Washington, D.C. 20003.
D. (6) $470.10. E. (9) $359.23.

A. American Society of Consulting Planners, 1750 Old Meadow Road, McLean, Va. 22101.
E. (9) $1,249.98.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.
D. (6) $19,768.16. E. (9) $19,768.16.

A. J. Lem Anderson, 400 First Street NW., Room 809, Washington, D.C. 20001.
B. Eastex Inc., 229 North Bowie Street, Jasper, Tex. 75951.

A. Robert E. Ansheles, Suite 718, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. CITC Industries, Inc., 1 Park Avenue, New York, N.Y. 10016.
D. (6) $200. E. (9) $68.75.

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark. 72201.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Franklin Life Insurance Co., Franklin Life Square, Springfield, Ill. 62705.
E. (9) $2.50.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601.
D. (6) $1,020. E. (9) $14.85.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Powell Lumber Co., Lake Charles, La.
D. (6) $475. E. (9) $25.69.

A. Associated Builders & Contractors, Inc., P.O. Box 8733, Friendship International Airport, Md. 21240.
D. (6) $5,000. E. (9) $2,250.

A. Gary D. Avery, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $294. E. (9) $113.44.

A. Charles W. Bailey, 1990 M Street NW., Suite 400, Washington, D.C. 20036.
B. National Right to Work Committee, 1990 M Street NW., Washington, D.C. 20036.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Peter M. Balitsaris, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $3,396.11. E. (9) $143.55.

A. Markham Ball, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Cooperative for American Relief Everywhere, Inc., 660 First Avenue, New York, N.Y.
D. (6) $1,500. E. (9) $36.

A. Al J. Ballard, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. William B. Barton, 632 Shoreham Building, Washington, D.C. 20005.
B. Associated Builders & Contractors, Inc., P.O. Box 8733, Friendship International Airport, Md. 21240.
D. (6) $500. E. (9) $5.

A. Davis M. Batson, 1155 15th Street NW., No. 611, Washington, D.C. 20005.
B. Ethyl Corp., 1155 15th Street NW., No. 611, Washington, D.C. 20005.

A. Winston Everett Bell, P.O. Box 1718, Las Vegas, Nev. 89101.

A. C. Thomas Bendorf, 1620 I Street NW., Washington, D.C. 20006.
B. Association of Trial Lawyers of America.
D. (6) $3,403.17. E. (9) $3,000.

A. H. Michael Bennett, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Action for Legal Rights, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,500.

A. Linda M. Billings, 324 C Street SE., Washington, D.C. 20003.
B. Sierra Club, 1050 Mills Tower, 220 Bush Street, San Francisco, Calif. 94104.
D. (6) $2,700. E. (9) $246.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. Ad Hoc Coalition for Cemetery Care, 6216 South Stanford Way, Whittier, Calif. 90601.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. Occidental Life Insurance Co., 12th Street at Hill, Los Angeles, Calif. 90054.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. The Paul Revere Corp., Worcester, Mass. 01608.
D. (6) $100.

A. S. G. Bishop, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $160.

A. D. A. Bobo, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $160.

A. Melvin J. Boyle, 1125 15th Street NW., Washington, D.C. 20005.
B. International Brotherhood of Electrical Workers, AFL–CIO–CLC, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $6,333.

A. Helen Bremberg, 4515 South 31st Street Apt. 202, Arlington, Va. 22206.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $46.40.

A. Cyril F. Brickfield, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $1,613.05.

A. George Bronz, 888 17th Street NW., Washington, D.C.
E. (9) $20.56.

A. Teresa A. Brooks, 5205 Leesburg Pike, Suite 209, Bailey's Crossroads, Va. 22041.
B. American Osteopathic Hospital Association, 930 Busse Highway, Park Ridge, Ill. 60068.
D. (6) $1,800. E. (9) $250.

A. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $21,741.10. E.(9) $21,741.10.

A. W. F. Broxterman, 1730 Rhode Island Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,495.36. E.(9) $167.85.

A. Marguerite E. Bryan, 400 First Street NW., Suite 700, Washington, D.C. 20001.
B. Marine Engineers' Beneficial Association, District No. 1, Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.
D. (6) $900. E. (9) 105.98.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y. 10019.
D. (6) $900. E. (9) $300.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $3,000. E. (9) $300.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $700.

A. Norman D. Burch, 1775 K Street NW., Washington, D.C. 20006.
B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill. 60601.
D. (6) $3,375. E. (9) 134.24.

A. George J. Burger, 250 W. 57th Street, New York City, N.Y.

B. Burger Tire Consultant Service, 250 West 57th Street, New York City, N.Y.

A. George J. Burger, 30 Clinton Place, New Rochelle, N.Y. 10801.
B. National Federation of Independent Business, New Rochelle, N.Y. 10801.
D. (6) $4,249.98. E. (9) $366.30.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.
B. The Montana Power Co., Butte, Mont. 59701.

A. Carol Burris, 1345 G Street SE., Washington, D.C. 20003.
B. Women's Lobby, Inc., 1345 G Street NW., Washington, D.C. 20003.
E.(9) $100.

A. Paul M. Butler, Jr., 53 Wall Street, New York, N.Y. 10005.
B. Citicorp Leasing International, Inc., 399 Park Avenue, New York, N.Y. 10022.
D. (6) $2,500.

A. Paul M. Butler, Jr., 53 Wall Street, New York, N.Y. 10005.
B. Schlumberger Ltd., 277 Park Avenue, New York, N.Y. 10017.
D. (6) $15,000.

A. Paul M. Butler, Jr., 53 Wall Street, New York, N.Y. 10005.
B. White, Weld & Co., Inc., One Liberty Plaza, New York, N.Y. 10006.
D. (6) $1,500.

A. Charles R. Carlisle, Suite 903, 1701 K Street NW., Washington, D.C. 20006.
B. Lead-Zinc Producers Committee.
D. (6) $2,115. E. (9) $6,646.80.

A. Carolinas Association of Mutual Insurance Agents, 706 Raleigh Building, P.O. Box 2776, Raleigh, N.C.

A. Blue Carstenson, Carstenson & Associates, Room 509, 1730 Rhode Island Avenue NW., Washington, D.C.
E. (9) $7.00

A. Donald E. Chanell, 1705 DeSales Street NW., Washington, D.C. 20036.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $30.

A. Chapman, Duff and Lenzini, 1709 New York Avenue NW., Washington, D.C. 20006.
B. The Fouke Co., Route 1, Box 168, White Horse Road, Greenville, S.C. 29611.

A. Leslie Cheek III, 1025 Connecticut Avenue NW., Suite 515 Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515 Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Albert T. Church, Jr., 1625 K Street NW., Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $57.50. E. (9) $2.76.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Suite 712, Washington, D.C. 20036.
D. (6) $6,305. E. (9) $6,575.85.

A. Citizens for Control of Federal Spending, 1629 K Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $102,350. E. (9) $30,335.04.

A. Coalition of Concerned Charities, c/o John G. Milliken, Suite 1102, 1701 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $17,834.56. E. (9) $9,266.22.

A. Coalition to Tax Pollution, 620 C Street SE., Washington, D.C. 20003.
D. (6) $3,700. E. (9) $3,876.19.

A. Carl A. S. Coan, Jr., 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $7,124.99. E. (9) $785.47.

A. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.
D. (6) $14,350. E. (9) $608.73.

A. Jeffery Cohelan, 1717 Massachusetts Avenue NW., No. 800, Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $900.

A. Cohen and Uretz, 1730 M Street NW., Washington, D.C. 20036.
B. McDonnell Douglas Finance Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90801.
D. (6) $3,824.83. E. (9) $139.18.

A. C. S. Coleman, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $120.

A. Colson & Shapiro, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Committee for the Martin Report, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $8,000. E. (9) $1250.20.

A. Colson & Shapiro, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Vance Sanders & Co., Boston, Mass.; Federated Investors, Inc., Pittsburgh, Pa.; Fidelity Management & Research Co., Boston, Mass.

A. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y. 10023.
D. (6) $22,331.85. E. (9) $23,583.56.

A. Committee for Modern, Efficient Transportation, Suite 808, 910 17th Street NW., Washington, D.C. 20006.
D. (6) $5,500. E. (9) $10,325.09.

A. The Committee of Publicly Owned Companies, 22 Thames Street, New York, N.Y. 10006.
D. (6) $202,375. E. (9) $80,221.

A. Connole & O'Connell, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Alyeska Pipeline Service Co., P.O. Box 576, Bellevue, Wash. 98009.

A. Council of AFL-CIO Unions for Scientific, Professional and Cultural Employees, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $1,250. E. (9) $1,250.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Adhesive & Sealant Council, 1410 Higgins Road, Park Ridge, Ill. 60068.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C. 20005.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Classroom Periodical Publishers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Industrial Diamond Association of America, 2017 Walnut Street, Philadelphia, Pa. 19103.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Jewelers Vigilance Committee, 156 East 52d Street, New York, N.Y. 10022.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Kohler Co., Kohler, Wis. 53044.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla. 33140.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Casualty & Surety Agents, 5225 Wisconsin Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. National Association of Printing Ink Manufacturers, 101 Executive Building, Elmsford, N.Y. 10523.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. National Glass Dealers Association, 1000 Connecticut Avenue, Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Optical Manufacturers Association, 30 East 42d Street, New York, N.Y. 10017.

A. John A. Couture, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $4,687.50. E. (9) $297.47.

A. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $4,500.59. E. (9) $967.07.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.
B. American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.
D. (6) $9,000. E. (9) $398.49.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.
B. Central Railroad Co. of New Jersey, 1100 Raymond Boulevard, Newark, N.J.
D. (6) $5,000. E. (9) $57.08.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.
B. National Office Machine Dealers Association, 1510 Jarvis Avenue, Elkgrove Village, Ill. 60007.
D. (6) $3,000.

A. Stephen I. Danzansky, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $133.92.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $320. E. (9) $239.70.

A. John B. Davenport, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Assoc., 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. Claire C. Davis, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. P. M. Davison, Jr., 418 East Rosser Avenue, Box 938, Bismarck, N. Dak. 58501.
B. North Dakota Railway Lines.
E. (9) $1,455.92.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Opticians Association of America, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. Air Transport Association, 1709 New York Avenue NW., Washington, D.C.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. Association of Plaintiffs Trial Attorneys for Metropolitan Washington, D.C., Inc., 910 17th Street NW., Washington, D.C. 20005.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah. 84101.
D. (6) $4,500. E. (9) $1,186.56.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. Dealer Bank Association, P.O. Box 479, Wall Street Station, New York, N.Y. 10005.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. Leslie E. Dennis, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $850. E. (9) $256.

A. R. J. Devlin, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $140.

A. Steven P. Doehler, 925 15th Street NW., Washington, D.C.
B. National Association of Realtors, 155 East Superior Street, Chicago, Ill.
D. (6) $1,187.50.

A. James F. Doherty, 1717 Massachusetts Avenue NW., No. 800, Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 800, Washington, D.C. 20036.
D. (6) $4,125. E. (9) $9,956.33.

A. Carol Ann Douglas, 3100 Connecticut Avenue NW., Apt. 204, Washington, D.C. 20008.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $62.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electronic Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $60.

A. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.
D. (6) $90.75. E. (9) $28.40.

A. Hope Eastman, 410 First Street SE., Washington, D.C. 20003.
B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.
D. (6) $36,067.10. E. (9) $36,067.10.

A. Frank Ellis Associates, Inc., Suite 400, 1730 North Lynn Street, Arlington, Va. 22209.
E. (9) $195.10.

A. D. A. Ellsworth, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $5,790. E. (9) $1,383.26.

A. Lowell J. Endahl, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. Ethyl Corp., 1155 15th Street NW., No. 611, Washington, D.C. 20005.

A. Edward J. Farrell, 888 17th Street NW., Washington, D.C.
B. George Bronz, 888 17th Street NW., Washington, D.C.
E. (9) $10.

A. James I. Fender.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61602.

A. Fensterwald & Ohlhausen, 910 16th Street NW., Washington, D.C. 20006.
B. Committee for Humane Legislation, Inc.
D. (6) $4,500. E. (9) $2,383.60.

A. Frank C. Fini, 2020 Brooks Drive, Apt. 618, Suitland, Md. 20028.
B. Air Force Sergeants Association, 6101 28th Avenue SE., Marlow Heights, Md. 20031.

A. David M. Fleming, 1155 15th Street NW., Washington, D.C. 20005.

A. J. C. Fletcher, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $140.

A. Florida Fruit and Vegetable Association, P.O. Box 20155, Orlando, Fla. 32814.
D. (6) $301.32. E. (9) $301.32.

A. Forest Farmers Association, 4 Executive Park East NE., Atlanta, Ga. 30329.
D. (6) $241.69. E. (9) $241.69.

A. Fortas & Koven, 1054 31st Street NW., Washington, D.C. 20007.
B. Committee of Publicly Owned Cos., 22 Thames Street, New York, N.Y. 10006.
D. (6) $22,500.

A. Alice Frandsen, 10311 Folk Street, Silver Spring, Md.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $74.73.

A. Ronald C. Frankis, 1730 Rhode Island Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,096.56. E. (9) $162.40.

A. Charles L. Frazier, 485 L'Enfant Plaza SW., Washington, D.C. 20024.
B. National Farmers Organization, Corning, Iowa 50841.
D. (6) $1,950. E. (9) $2,307.78.

A. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $7,600. E. (9) $3,800.

A. Frosh, Lane and Edson, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Institute of Housing Consultants, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Frosh, Lane and Edson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Institute for Government Assisted Housing, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $900.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Section 23 Leased Housing Association, Suite 707, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $450.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Independent Laboratories, Inc., 1255 K Street NW., Washington, D.C. 20036.
D. (6) $100.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Council of Professional Services Firms in Free Enterprise, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $500.

A. Thomas R. Garrett, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $975.

A. Gas Supply Committee, 1725 DeSales Street N.W., Washington, D.C. 20036.
D. (6) $260,825. E. (9) $116.

A. Leo J. Gehrig, One Farragut Square South, Washington, D.C. 20006.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $2,404.96. E. (9) $313.49.

A. Louis Gerber, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

E. (9) $2,929.26.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.

B. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.

D. (6) $5. E. (9) $6.87.

A. Glassie, Pewett, Beebe & Shanks, 1819 H. Street NW., Washington, D.C. 20006.

B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.

D. (6) $166.67. E. (9) $32.81.

A. Jack Golodner, 1225 19th Street NW., Washington, D.C. 20036.

B. Actors Equity Association, 165 West 46th Street, New York, N.Y. 10036.

D. (6) $2,500. E. (9) $310.

A. Jack Golodner, 1155 15th Street, NW., Washington, D.C. 20005.

B. Council of AFL–CIO Unions for Scientific, Professional and Cultural Employees, 1155 15th Street NW., Washington, D.C.

D. (6) $1,000.

A. Robert K. Gray, 1425 K Street NW., Washington, D.C.

B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y.

D. (6) $1,418.80. E. (9) $320.

A. Harold H. Griffin, 9250 15th Street NW., Washington, D.C.

B. National Association of Realtors, 155 East Superior Street, Chicago, Ill.

D. (6) $1,875. E. (9) $124.81.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 800, Washington, D.C. 20036.

D. (6) $14,981.33. E. (9) $14,981.33.

A. James M. Hacking, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $24.40.

A. Hubert D. Hagen, Suite 1800, 500 North Broadway, St. Louis, Mo. 63102.

B. Arch Mineral Corp., Suite 1800, 500 North Broadway, St. Louis, Mo. 63102.

D. (6) $880. E. (9) $859.84.

A. James E. Hanson, Ron Ahern & Associates, 121 Second Street NE., Washington, D.C. 20002.

B. Puget Sound Tug & Barge Co., 1102 Southwest Massachusetts Street, Seattle, Wash. 98134.

D. (6) $30.

A. Franklin Hardinge, Jr., 1444 Wentworth Avenue, P.O. Box R, Pasadena, Calif. 91109.

B. California Savings & Loan League, 1444 Wentworth Avenue, P.O. Box R, Pasadena, Calif. 91109.

D. (6) $1,800.

A. Andrew E. Hare, 1990 M Street NW., Suite 400, Washington, D.C. 20036.

B. National Right To Work Committee, 1990 M Street NW., Washington, D.C. 20036.

D. (6) $820. E. (9) $203.25.

A. Donald L. Harlow, 310 Riley Street, Falls Church, Va. 22046.

B. Air Force Sergeants Association, Inc., 6101 28th Avenue SE., Marlow Heights, Md. 20031.

A. Thomas E. Harman, 1025 Connecticut Avenue NW., Room 515, Blake Building, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Room 515, Blake Building, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $250.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $21,381.52. E. (9) $21,381.52.

A. Richard A. Henneges, 925 15th Street NW., Washington, D.C.

B. National Association of Realtors®, 155 E. Superior Street, Chicago, Ill.

D. (6) $1,125. E. (9) $55.88.

A. Leslie P. Hemry, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $58.50. E. (9) $2.

A. Lillie E. Herndon, 525 North Trenholm Road, Columbia, S.C. 29206.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

D. (6) $28,277.19. E. (9) $470.39.

A. Ralph D. Hodges, Jr., 1619 Massachusetts Avenue NW., Washington, D.C.

B. National Forest Products Association.

E. (9) $1,821.34.

A. Thomas P. Holley, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Douglass C. Horstman, 1612 K Street NW., Washington, D.C. 20006.

B. Northern Textile Ass'n. Maytag Co.

D. (6) $1,250. E. (9) $125.

A. Valerie C. Howard, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

E. (9) $355.68.

A. Peter W. Hughes, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $527.46.

A. Gregory A. Humphrey, 1012 14th Street NW., Washington, D.C. 20005.

B. American Federation of Teachers, AFL–CIO, 1012 14th Street NW., Washington, D.C. 20005.

E. (9) $391.

A. Bernard J. Imming, 777 14th Street NW., Washington, D.C. 20005.

B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.

D. (6) $437.50. E. (9) $12.50.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

E. (9) $50.

A. Independent U.S. Tanker Owners Committee, 1612 K Street NW., Suite 510, Washington, D.C. 20006.

D. (6) $2,500.

A. Institute for Government Assisted Housing, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $900. E. (9) $900.

A. Raymond M. Jacobson, 1819 H Street NW., No. 550, Washington, D.C. 20006.

B. American Society of Consulting Planners, 1750 Old Meadow Road, McLean, Va. 22101.

D. (6) $1,249.98.

A. Japanese American Citizens League, 22 Peace Plaza, Suite 203, San Francisco, Calif. 94115.

E. (9) $200.

A. Janice C. Johnson, 1611 North Kent Street, Suite 803–A, Arlington, Va. 22209.

B. American Osteopathic Association, 1611 North Kent Street, Suite 803–A, Arlington, Va. 22209.

D. (6) $600. E. (9) $120.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C. 20036.

B. Dresser Industries, Inc., 1100 Connecticut Avenue, Washington, D.C. 20036.

A. James J. Judge, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $300.

A. George J. Kelley, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Blue Cross Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,000. E. (9) $400.

A. James J. Kennedy, Jr., 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $5,294.40. E. (9) $881.

A. R. I. Kilroy, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

E. (9) $100.

A. Peter M. Kirby, 1709 New York Avenue NW., Washington, D.C. 20006.

B. Air Transport Association.

D. (6) $750. E. (9) $569.35.

A. John D. Knodell, Jr., 200 112th Avenue NE., Bellevue, Wash. 98004.

B. Alyeska Pipeline Service Co.

A. John S. Knox, Jr., 1666 16th Street NW., Atlanta, Ga. 30318.

B. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.

D. (6) $75.

A. Bradley & Koch, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $140.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $128.12.

A. Laurence F. Lane, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons/National Retired Teachers Association,

1225 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $404.33.

A. Leonard Lee Lane, 620 C Street SE., Washington, D.C. 20003.
B. Coalition to Tax Pollution.
D. (6) $2,209.74.

A. Reed E. Larson, 1990 M Street NW., Suite 400, Washington, D.C. 20036.
B. National Right to Work Committee, 1990 M Street NW., Washington, D.C. 20036.
D. (6) $70. E. (9) $12.

A. Monte Lazarus, 1825 K Street NW., Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $500. E. (9) $302.19.

A. Charles W. Lee, 148 Duddington Place SE., Washington, D.C. 20003.
B. Full Funding of Education Programs, 148 Duddington Place SE., Washington, D.C.
D. (6) $90. E. (9) $30.

A. Richard J. Leighton, 1701 K Street NW., Washington, D.C. 20006.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Donald Lerch & Co., Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Shell Chemical Co., 2401 Crow Canyon Road, San Ramon, Calif.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Cooperative for American Relief Everywhere, Inc., 660 First Avenue, New York, N.Y. 10016.
D. (6) $1,500. E. (9) $36.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. General Cable Corp., 730 Third Avenue, New York, N.Y. 10017.
D. (6) $800. E. (9) $4.50.

A. Morris J. Levin, 1620 I Street NW., Washington, D.C. 20006.
B. Association of American Railroads, American Railroad Building, Washington, D.C. 20006.
D. (6) $1,000.

A. J. M. B. Lewis, Jr., 308 Shenandoah Building, P.O. Box 2887, Roanoke, Va. 24001.
B. National Council of Coal Lessors, 317 Southern Building, Washington, D.C. 20005. Iron Ore Lessors Assoc., 1500 First National Bank Building, St. Paul, Minn.
D. (6) $6,250.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C.
D. (6) $18,886.80. E. (9) $21,657.65.

A. J. Patrick Logue, 1030 15th Street NW., Washington, D.C. 20005.
B. American Nurses' Association, Inc., 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $4,331.39.

A. Ronald E. Madsen, 962 Wayne Avenue, Room 802, Silver Spring, Md. 20910.
B. Park Mobile, Inc., 61 Broadway, New York, N.Y. 10006.
E. (9) $20.

A. Ben J. Man, 400 First Street NW., Suite 700, Washington, D.C. 20001.
B. Marine Engineers' Beneficial Association, District No. 1, Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.
D. (6) $1,638. E. (9) $192.38.

A. Dallace E. Marable.
B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y. 10017.
D. (6) $680. E. (9) $665.

A. John V. Maraney, 324 East Capitol Street, Washington, D.C. 20003.
B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C. 20003.

A. Marine Engineers' Beneficial Association, District No. 1, Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.
E. (9) $5,180.93.

A. William J. Marschalk, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,600. E. (9) $187.

A. Edwin E. Marsh, 200 C Street SE., No. 401, Washington, D.C. 20003.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $4,638. E. (9) $809.81.

A. Guy R. Martin, State of Alaska Department of Law, 655 C Street SE., Washington, D.C. 20003.
D. (6) $5,611.50. E. (9) $1,980.91.

A. Craig Mathews, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Leva, Hawes, Symington, Martin & Oppenheimer.
D. (6) $200.

A. Albert E. May, 1625 K Street NW., Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $95. E. (9) $2.08.

A. Frank W. Mayo, 1809 23d Street, Manhattan Beach, Calif.

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union.
D. (6) $2,035. E. (9) $227.50.

A. Robert C. McCandless, 1725 I Street NW., Washington, D.C. 20006.
B. American Horse Protection Association, 629 River Bend Road, Great Falls, Va.
D. (6) $1,200.

A. Robert C. McCandless, 1725 I Street NW., Washington, D.C. 20006.
B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y.
D. (6) $2,200. E. (9) $37.02.

A. Robert C. McCandless, 1725 I Street NW., Washington, D.C. 20006.
B. National Association of Real Estate Investment Trusts, 1101 17th Street NW., Suite 712, Washington, D.C. 20036.
D. (6) $300. E. (9) $28.50.

A. John L. McConnell, 1800 K Street NW., Suite 1100, Washington, D.C. 20006.
B. New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005.
D. (6) $1,200. E. (9) $225.

A. Barbara D. McGarry, 15 E Street NW., Washington, D.C. 20001.
B. American Parents Committee, Inc., 15 E Street NW., Washington, D.C. 20001.

A. Myles F. McGrail, 1825 K Street NW., Suite 501, Washington, D.C. 20006.
B. The Dow Chemical Co., Midland, Mich. 48640.

A. Peter E. McGuire, 400 First Street NW., Washington, D.C. 20001.
B. National Association of Retired & Veteran Railway Employees, Inc., P.O. Box 6069, Kansas City, Kans. 66106.
D. (6) $500. E. (9) $500.

A. Stephen J. McKenna, 1620 I Street NW., Washington, D.C. 20006.
B. C. Thomas Bendorf, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $224.30.

A. Charles R. McNeill, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $4,161.02.

A. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y. 10017.
D. (6) $4,125. E. (9) $1,607.70.

A. Jack R. Miller, 5417 Kirkwood Drive, Washington, D.C. 20016.
B. American International Reinsurance Co., Hamilton, Bermuda.
D. (6) $5,000.

A. Lester F. Miller, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $264. E. (9) $8.

A. Joseph A. Millimet, 1838 Elm Street, Manchester, N.H. 03105.
B. Massachusetts Bankers Association.
D. (6) $1,030. E. (9) $177.51.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C. 20003.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $4,000.

A. John G. Mohay, 734 15th Street NW., Washington, D.C. 20005.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $383.85.

A. Charles Morgan, Jr., 410 First Street SE., Washington, D.C. 20003.
B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.
D. (6) $36,067.10. E. (9) $36,067.10.

A. Motorists United for Ecology, Inc., 3477 New Ridge Drive, Palos Verdes, Calif. 90274.
D. (6) $100. E. (9) $32.91.

A. Richard E. Murphy, 900 17th Street NW., Washington, D.C. 20006.
B. Service Employees International Union, AFL–CIO, 900 17th Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $100.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. George E. Myers, 1730 Rhode Island Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $832.77. E. (9) $174.67.

A. J. Walter Myers, Jr., 4 Executive Park East NE., Atlanta, Ga. 30329.
B. Forest Farmers Association, 4 Executive Park East NE., Atlanta, Ga. 30329.
D. (6) $70. E. (9) $171.67.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $14,134.96. E. (9) $14,278.05.

A. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $1,500.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $36,948.83. E. (9) $36,481.52.

A. National Association of School Bus Contract Operators, 4616 Lawn Court, Fairfax, Va. 22030.
D. (6) $625.

A. National Building Granite Quarries Association, Inc., 202 South Second Street, Cold Spring, Minn.
E. (9) $91.75.

A. National Citizens Committee for Revenue Sharing, 707 National Press Building, Washington, D.C. 20004.

A. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill., 60611.
D. (6) $28,277.19. E. (9) $470.39.

A. National Council of Technical Service Industries, 888 17th Street NW., Suite 601, Washington, D.C. 20006.
D. (6) $500. E. (9) $579.31.

A. National Federation of Independent Business, Inc., 920–922 Washington Building, Washington, D.C.
D. (6) $11,449.23. E. (9) 11,449.23.

A.. National Housing Conference, Inc., 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $26,525.67. E. (9) $30,080.38.

A. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $1,191.35. E. (9) $2,599.60.

A. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D.C. 20037.
D. (6) $3,381.82. (9) $600.

A. National Parking Association, 1101 17th Street NW., Washington, D.C.
E. (9) $825.

A. National Right to Work Committee, 1990 M Street NW., Suite 400, Washington, D.C. 20036.
D. (6) $3,928.45. E. (9) $3,928.45.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
E. (9) $4,027.36.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $5,042. E. (9) $4,229.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $24,129. E. (9) $7,063.26.

A. Navajo Tribe, c/o Controller, Window Rock, Ariz. 86515.

A. E. J. Neal, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $160.

A. Robert W. Nelson, 2000 Florida Avenue, NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue, NW., Washington, D.C. 20009.
D. (6) $160.

A. Ivan A. Nestingen, 1000 Connecticut Avenue, NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $300. E. (9) $421.95.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. R. Norton, 400 First Street, NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $160.

A. Raymond D. O'Connell, 400 Madison Avenue, New York, N.Y. 10017.
B. National Cable Television Association, Inc., 1634 I Street NW., Washington, D.C. 20006.
D. (6) $3,000. E. (9) $2,940.95.

A. Charles T. O'Neill, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $187.69.

A. James J. O'Neill, 22 Thames Street, New York, N.Y. 10006.
B. The Committee of Publicly Owned Cos., 22 Thames Street, New York, N.Y. 10006.
D. (6) $4,146. E. (9) $3,564.

A. Franz M. Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Leva, Hawes, Symington, Martin & Oppenheimer.
D. (6) $600. E. (9) $4.50.

A. Claude E. Olmstead, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $264. E. (9) $10.

A. J. F. Otero, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $160.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.
B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. William G. Painter, 324 C Street SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 324 C Street SE., Washington, D.C. 20003.
D. (6) $266.60.

A. Lawrence Parachini, 1717 Massachusetts Avenue NW., Suite 403, Washington, D.C. 20036.
B. Communities in Action Together, 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $7,741.58.

A. Lew M. Paramore, P.O. Box 1160, Kansas City, Kans. 66117.
B. Mo-Ark Basins Flood Control and Conservation Association, P.O. Box 1160, Kansas City, Kans. 66117.

A. Carol Ames Parker, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $1,050.

A. Robert A. Parrish, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $140.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $382.40.

A. Kenton Pattie, 3150 Spring Street, Fairfax, Va.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va.
D. (6) $1,190.77.

A. Ellen Pattin, 6907 Lyle Street, Lanham, Md. 20801.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $30.75.

A. E. L. Patton, 200 112th Avenue NE., Bellevue, Wash. 98004.
B. Alyeska Pipeline Service Co.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 1775 K Street NW., Washington, D.C. 20006.
B. Alaska Federation of Natives, 1689 C Street, Anchorage, Alaska 99501.
D. (6) $75.

A. Jack Pearce, Suite 808, 910 17th Street NW., Washington, D.C. 20006.
B. Committee on Modern, Efficient Transportation, Suite 808, 910 17th Street NW., Washington, D.C. 20006.
D. (6) $7,857.22. E. (9) $2,467.87.

A. Pepper, Hamilton &. Scheetz, 1701 Pennsylvania Avenue NW., Washington, D.C.
B. Coalition of Concerned Charities, 1701 Pennsylvania Avenue NW., Washingthon, D.C. 20006.
D. (6) $9,266.22. E. (9) $1,101.84.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn. 55402.
B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn.
D. (6) $2,500. E. (9) $1,692.84.

A. Roger J. Phaneuf, 1825 K Street NW., Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $800. E. (9) $149.

A. R. B. Pike, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $120.

A. James H. Pipkin, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $350. E. (9) $1.200.

A. S. Z. Placksin, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 Road, Rosemont, Ill. 60018.
E. (9) $160.

A. Judy Pope, 620 C Street SE., Washington, D.C. 20003.
B. Coalition to Tax Pollution.
D. (6) $795.50.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $720.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. The Department of Tourism, Hamilton, Bermuda.
D. (6) $1,666.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. Sea-Land Service, Inc., P.O. Box 1050, Elizabeth, N.J.
D. (6) $900.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. Stimson Lumber Co., and Miller Redwood Co., 315 Pacific Building, Portland, Oreg.
D. (6) $125.

A. Rial M. Rainwater, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $264. E. (9) $7.

A. Clarence B. Randall, Jr., 1625 I Street NW., Washington, D.C. 20006.
B. Associated Builders & Contractors, Inc., P.O. Box 8733, Friendship International Airport, Md. 21240.
E. (9) $250.

A. G. J. Rauschenbach.
B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C. 20024.
D. (6) $1,500. E. (9) $1,260.

A. Recording Industry Association of America, Inc., One East 57th Street, New York, N.Y. 10022.
D. (6) $155,011.77. E. (9) $9,642.62.

A. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill. 60018.
E. (9) $15,049.90.

A. John T. Reggitts, Jr., R.D. No. 2, Boonton Avenue, Boonton, N.J. 07005.

A. Reserves Officers Association of United States, 1 Constitution Avenue NE., Washington, D.C.
D. (6) $1,117.19. E. (9) $353.15.

A. Theron J. Rice, 1130 17th Street NW., No. 430, Washington, D.C. 20036.
B. Continental Oil Co., High Ridge Park, Stamford, Conn. 06904.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.
B. The Kellogg Co., Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.
B. W. K. Kellogg Foundation, Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.
B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y. 10017.

A. John Riley, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $703.13. E. (9) $28.18.

A. Kenneth Roberson, 2 Dubonnet Road, Valley Stream, N.Y. 11581.
B. Meat Importers Council of America, Inc., 708 3d Avenue, New York, N.Y. 10017.
D. (6) $32. E. (9) $10.

A. William S. Roberts, 2000 Florida Avenue NW., Washington, D.C. 20009
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $50.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.
B. American Iron & Steel Institute, 1000 16th Street NW., Washington, D.C. 20036.
E. (9) $541.13.

A. Nathaniel H. Rogg., 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $2,437.50. E. (9) $84.78.

A. Ann M. Roosevelt, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $1,125.

A. Wally Rustad, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. Jerome D. Schaller, 1750 Pennsylvania Avenue NW., Suite 1100, Washington, D.C. 20006.
B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101.
E. (9) $2,488.69.

A. Kenneth I. Schaner, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Leva, Hawes, Symington, Martin & Oppenheimer.
D. (6) $1,500. E. (9) $36.

A. Arlie Schardt, 410 First Street SE., Washington, D.C. 20003.
B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.
D. (6) $36,067.10. E. (9) $36,067.10.

A. A. Cleve Schneeberger, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Portland Cement Association, Old Orchard Road, Skokie, Ill. 60076.

A. Milton W. Schober, 1775 K Street NW., Suite 220, Washington, D.C. 20006.
B. Massachusetts Consumer Bankers Group.

A. Phyllis Schultz, 12224 Valerie Lane, Laurel, Md. 20810.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $34.65.

A. Durward Seals, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruits and Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $312.50. E. (9) $38.41.

A. Ronald C. Seeley, 1357 Nicolet Place, Detroit, Mich. 48207.
B. Estate of Bert N. Adams, 1461 West 16th Place, Yuma, Ariz.
E. (9) $420.30.

A. W. O. Senter, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $110. E. (9) $6.

A. Leo Seybold, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association.
D. (6) $1,479. E. (9) $482.75.

A. Norman R. Sherlock, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association.
D. (6) $865. E. (9) $558.57.

A. A. Z. Shows, Suite 904, 2600 Virginia Avenue NW., Watergate Office Building, Washington, D.C. 20037.
D. (6) $4,134. E. (9) $3,777.47.

A. Barry M. Siegel, 22 Thames Street, New York, N.Y. 10006.
B. The Committee of Publicly Owned Cos., 22 Thames Street, New York, N.Y. 10006.
D. (6) $2,292. E. (9) $408.

A. Gilbert Simonetti, Jr., 1620 I Street NW., ninth floor, Washington, D.C. 20006.
B. American Institute of CPA's 666 Fifth Avenue, New York, NY. 10019.

A. Hall Sisson, 1925 K. Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
E. (9) $2,991.33.

A. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va. 22207.
B. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Suite 712, Washington, D.C. 20036.
D. (6) $2,184.60. E. (9) $1,003.15.

A. Wilbur D. Sparks, 1815 North Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning and Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $624.

A. Frank J. Specht, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. J. Gilbert Stallings, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.
D. (6) $50. E. (9) $50.

A. Catherine Stirling, 7012 Beechwood Drive, Chevy Chase, Md. 20015.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
D. (6) $500. E. (9) $41.25.

A. Roger J. Stroh, 777 14th Street NW., Washington, D.C. 20005.
B. United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $193.74. E. (9) $21.41.

A. R. Keith Stroup, 2105 N Street NW., Washington, D.C. 20037.

B. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D.C. 20037.

D. (6) $450.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Retail Credit Co., P.O. Box 4081, Atlanta, Ga. 30302.

E. (9) $35.

A. Gerald Toppen, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

E. (9) $140.

A. J. P. Trainor, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $3,500. E. (9) $1,441.63.

A. W. M. Trevarrow, 601 National Press Building, Washington, D.C. 20004.

B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232.

D. (6) $3,750. E. (9) $137.50.

A. Trustees for Conservation, 251 Kearney Street, San Francisco, Calif. 94108.

E. (9) $128.89.

A. Joseph D. Tydings, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $261.36.

A. United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.

D. (6) $2,200.17. E. (9) $2,200.17.

A. Veterans of World War I, USA, Inc., 916 Prince Street, Alexandria, Va. 22314.

E. (9) $1,066.65.

A. Walter D. Vinyard, Jr., 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $250.

A. Wald, Harkrader & Ross, 1320 19th Street NW., Washington, D.C. 20036.

B. Ina Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. DeMelt E. Walker, 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison Wis.

D. (6) $775.90. E. (9) $40.20.

A. James A. Warren, 5500 Friendship Boulevard, Chevy Chase, Md. 20015.

B. REA Express, Inc., 219 East 42d Street, New York, N.Y. 10017.

D. (6) $450. E. (9) $75.

A. George A. Watson, Suite 800, 1612 K Street NW., Washington, D.C. 20006.

B. The Ferroalloys Association, Suite 800, 1612 K Street NW., Washington, D.C. 20006.

E. (9) $1,562.61.

A. Judy Waxman, 19036 Canadian Court, Gaithersburg, Md.

B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

E. (9) $30.

A. Fred Wegner, 1750 K Street NW., Suite 1190, Washington, D.C. 20006.

B. Retired Persons Services, Inc., 1750 K Street NW., Suite 1190, Washington, D.C. 20006.

E. (9) $10.50.

A. Janet H. Wegner, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

A. Bernard J. Welch, 1800 K Street NW., Washington, D.C. 20006.

B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.

E. (9) $124.16.

A. Whaley, McCutchen, Blanton & Dent, 1414 Lady Street, Columbia, S.C. 29211.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C.

D. (6) $5,000. E. (9) $5,000.

A. Robert Y. Wheeler, Box 185, Tilden, Tex. 78072.

B. Ernest G. Herman, 9538 Brighton Way, Beverly Hills, Calif.

A. Thomas E. Wheeler, 1425 K Street NW., Suite 900, Washington, D.C. 20005.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Suite 900, Washington, D.C. 20005.

E. (9) $24.

A. Robert E. Wick, 1800 K Street NW., Washington, D.C.

B. Pan American World Airways, 1800 K Street NW., Washington, D.C.

E. (9) $94.20.

A. Harry D. Williams, 1660 L Street NW., Suite 204–205, Washington, D.C. 20036.

B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.

D. (6) $250.

A. Robert E. Williams, 1825 K Street NW., Washington, D.C. 20006.

B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.

D. (6) $1,250. E. (9) $725.90.

A. Williams & King, 1620 I Street, NW., Washington, D.C. 20009.

B. National Nutritional Foods Association, 7624 South Painter Avenue; Whittier, Calif. 90602.

D. (6) $2,500. E. (9) $329.

A. Frederick L. Williford, 10010 Green Forest Drive, Adelphia, Md.

B. National Federation of Independent Business, 921 Washington Building, 15th and New York Avenue, NW., Washington, D.C. 20005.

E. (9) $2,688.61.

A. Wilmer, Cutler & Pickering, 900 17th St., NW., Washington, D.C. 20006.

B. Dealer Bank Association, P.O. Box 479, Wall Street Station, New York, N.Y. 10005.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.

B. J. C. Penny Co, Inc., 1301 Avenue of the Americas, New York, NY. 10019.

D. (6) $578.50. E. (9) $30.25.

A. Earl Wilson, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline, and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

E. (9) $140.

A. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

D. (6) $2,897. (9) $2,062.85.

A. Burton C. Wood, 1625 L Street NW., Washington, D.C. 20036.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $5,343.75. E. (9) $547.88.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Robert C. Zimmer, 1775 K Street NW., Suite 220, Washington, D.C. 20006.

B. Massachusetts Consumer Bankers Group.

E. (9) $468.17.

A. John L. Zorack, 1709 New York Avenue NW., Washington, D.C. 20006.

B. Air Transport Association.

D. (6) $1,415. E. (9) $372.52.

EXTENSIONS OF REMARKS

CONNECTICUT REALTOR OF THE YEAR

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. SARASIN. Mr. Speaker, this week the largest professional organization in the Nation, the National Association of Realtors, is holding its annual convention in the Nation's Capital. I am happy to note that among those in attendance are a number of realtors from Connecticut and my own Fifth District.

I would particularly like to call to my colleagues' attention the participation of Mr. Emil J. Morey of Danbury, Conn., a constituent of mine who has the distinction of being "Connecticut Realtor of the Year," the highest statewide honor conferred by this organization.

Mr. Morey was nominated for this honor by the Danbury Board of Realtors, which had already chosen him as their realtor of the year. The requirements for this award are established by the National Association of Realtors and include realtor spirit, civic activity, business accomplishments, local board activity, and support of State and national association activity.

In presentation of the State award to Mr. Morey, the judging committee pointed out his many accomplishments and service to his community. Among these were his successful leadership of the fight to defeat increased State conveyance taxes and his support for efforts to upgrade the qualifications for real estate salesmen and brokers licensed in Connecticut.

Mr. Morey is a past president of the Danbury Board of Realtors, a director of the multiple listing service, a member of the professional standards committee, chairman of the realtors legislative committee, and regional vice president of the Connecticut Association of Realtors.

He is truly a credit to his profession and richly deserves these honors, which I commend to your attention.

NATION'S DOCTORS MOVE TO POLICE MEDICAL CARE

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. McFALL. Mr. Speaker, inasmuch as the Federal Government has embarked upon an experimental program providing review of physicians' work by their local peers, I wish to call the Members' attention to an article from the New York Times of October 28, titled "Nation's Doctors Move To Police Medical Care."

Peer group review is a new program established by the Congress and is designed to provide a realistic method of controlling health care costs, as well as providing quality care for our citizens.

The people of San Joaquin County, whom I am privileged to represent, have benefited since 1954 from the local peer group organization of physicians which is based in Stockton, Calif.

Founded and still headed by Dr. Donald C. Harrington, the San Joaquin Foundation for Medical Care has successfully evolved as a cornerstone in making the peer group review concept work for the benefit of our medical practitioners and the patients they serve.

Following is the article from the Times which I am sure will provide additional information and perspective on this important concept which is being put into practice throughout our Nation.

The article follows:

NATION'S DOCTORS MOVE TO POLICE MEDICAL CARE

(By Nancy Hicks)

STOCKTON, CALIF.—American doctors are quickly developing a new nationwide system to police the quality and cost of the medical care they dispense.

Pushed by demands from Congress and the public for more economical use of the billions of tax dollars spent on health services, doctors throughout the country will eventually be engaging in the type of performance analysis that was started here in the northern California county of San Joaquin almost 20 years ago.

In medicine, such analysis of a doctor's work by other doctors is called peer review. Although the idea has been catching on of its own accord and is already actively practiced in dozens of locations, a new Federal law that goes into effect next Jan. 1 has put doctors on notice that they must systematically regulate themselves or face Federal regulations within two years.

"It doesn't quite have the ring of certainty now accorded death and taxes—not yet. But peer review as now mandated by Federal law is fast becoming inevitable," writes Dr. Leonard Rubin, coordinator of medical education for the Oakland-based Kaiser-Permanente Plan, which covers 1.5 million people.

The Kaiser plan has its own form of peer review, as do the Foundation for Health Care Evaluation in Minnesota, the San Joaquin Foundation for Medical Care here, and a network of federally funded experiments—widely differing organizations whose common experience is often called on to show that the peer review concept is workable.

Yet at the center of each of these diverse systems is the belief that more control must be placed on the physician, whether he is a solo practitioner, a member of a private group, or on the staff of a clinic or hospital. And this is another irritant to American doctors, many of whom are already unhappy about increasing "bureaucratic restrictions" imposed on them by publicly sponsored health porgrams such as Medicaid and Medicare.

Nonetheless, peer review is supported by the American Medical Association, the National Medical Association, which represents the nation's black physicians, and by many medical societies. And the new Federal legislation has made the idea something that doctors will have to deal with whether they want to or not.

The statute, a last-minute change in the massive package of Social Security amendments passed a year ago, requires that all medical cases paid for by Medicaid or Medicare—the Federal programs for the indigent and elderly, respectively—be reviewed for "appropriateness". The review is to be performed by self designated local doctor groups that will be called Professional Standards Review Organizations, or P.S.R.O.'s.

The legislation, sponsored by Senator Wallace F. Bennett, Republican of Utah, is supposed to see that the money spent for Medicaid and Medicare—programs that accounted for $16.4-billion or about 20 per cent of the total $83.4-billion of national health expenditures for the fiscal year 1972—buys medical care of the highest quality and the lowest cost.

And while the statute is limited specifically to Medicaid and Medicare, it is seen by doctors and politicians alike as the possible framework for any future medical review system enacted as part of a national health insurance program.

PURPOSES OFTEN CONFLICT

The purposes of peer review are often conflicting.

One goal of the law is for doctors who control such things as laboratory tests, hospital admissions and length of hospital stay to become just as mindful of cost as a housewife in the supermarket.

This concept of conserving basic medical resources, very much a part of medical care in developing countries such as China, is hard for American medicine to accept, given the country's high degree of medical technology.

Some practicing physicians find it absurd, for instance, to spend more than $50,000 on one kidney transplant case and then skimp on giving a blood test routinely to another patient. Yet it has been shown that unneccessary routine medical procedures push up the cost of medical care.

"Vitamin B–12 and estrogen shots alone pay the doctor's rent and put his kids through college," said Dr. George J. Williams, one of the pioneers in the San Joaquin Foundation for Medical Care.

Dr. Williams, a general practitioner in Lodi, about 10 miles from Stockton, said that the foundation's scrutiny of the need for such injections had reduced them significantly. Such injections make up only about 2 per cent of physicians' income in San Joaquin rather than the 30 per cent common in some places, Dr. Williams said.

The second goal—quality care—is more subtle, less easily defined, more difficult to achieve.

While American medical education prides itself on its heavy scientific base, the actual practice of medicine consists of about one-third science and two-thirds "art", according to Dr. John A. Cooper, president of the Washington-based Association of American Medical Colleges. And the science is ever-changing.

"SIGNIFICANT PROBLEM"

Physicians are, after all, human. They make mistakes. They have differences of opinion. Their performances does not always reflect their knowledge.

The peer review system of the Kaiser-Permanente Plan of Northern California, for instance, found "significant problems" in one of every eight clinic charts it looked over and in 95 per cent of the hospital records it reviewed, according to Dr. Rubin of the Kaiser Plan.

And last year, after the United Store Workers Union in New York City, which administers its own health insurance plan, had begun requiring that members have a second doctor review each recommendation for surgery, 19 per cent fewer operations were performed than were initially recommended.

Whether this reduction of services represents quality care is still a matter of debate in the medical field. More controversial is whether cost and quality control can be reconciled in one review system.

"Many physicians doubt whether P.S.R.O.'s can obtain the two stated goals, for in many ways they are incompatible," Dr. Claude E. Welch, a nationally prominent Boston surgeon, wrote in an article in The New England Journal of Medicine.

Still, some experts feel that quality care with strong peer review will, in fact, increase health care costs.

In any case, such professional organizations as the Joint Commission on the Accreditation of Hospitals and the American Hospital Association are not counting on the review organizations to insure quality medical care. Both organizations have developed a so-called "medical audit" system for hospitals to measure their care in such terms as the rate of postoperative complications—infections, for instance—rather than the number of days a patient stays in the institution.

From the consumer's standpoint peer review may upgrade the quality of health care, but it will not provide evidence to support malpractice suits. "Malpractice suits will still be the external quality control for individual patients," said Charles M. Jacobs, a lawyer who is assistant director of the Joint Commission on Accreditation of Hospitals.

From a philosophical point of view, some experts feel that peer reviewing will take the country one step closer to Government regulation of health services, and they wonder if direct regulation is the best route for American medicine to take.

"The Government, step by step, is being dragged into the regulation of health care and is doing so with no set policy, and P.S.R.O. is just the latest step," said Dr. Walter McClure, an astophysicist who is also a health care specialist at Interstudy, the Minneapolis "think tank" that originated the Health Maintenance Organization scheme at the center of President Nixon's 1971 health message.

"The Government," he went on, "is drifting with just one goal in mind—cost control. But you just can't go about controlling costs. It's like trying to cure a symptom without having a diagnosis."

And politically, peer review is highly controversial.

Dr. William I. Bauer, who resigned as the first head of the P.S.R.O. office in the Department of Health, Education and Welfare, charged that the Administration had not come forth with the promised $34-million to enact the new legislation. He has been replaced by Dr. Henry E. Simmons, formerly of the Food and Drug Administration.

OPPOSITION DEVELOPS

Some state medical societies—those in Texas and Louisiana for instance—are actively opposing the legislation, and one association of private practitioners, the Chicago-based Society of Physicians and Surgeons, has filed suit against it on the ground that it is unconstitutional.

Individual doctors, too, have protested. One Beverly Hills physician expressed his sentiments in a terse letter to Senator Bennett. "I oppose peer review, I have no peer," the doctor wrote.

Yet because of consumerism, which has brought about a general distrust of professionals, as well as the cost factors in health care, peer review is now appropriate, according to most professional medical organizations.

"Within the physician community, some still argue about whether the physician shall be accountable for his performance," said Dr. Richard E. YaDeau, a surgeon who is chairman of the board of the Minneapolis-based Foundation for Health Care Evaluation.

"As we physicians continue to debate this, the rest of the world has long since assumed that physicians are accountable—an assumption virtually unanimous throughout the nonphysician community," he continued. "Actually, the issue is no longer accountability, but: by what standards shall physicians be measured and who will be their architect?"

QUESTION OF "HOW" REMAINS

The question of who will do the reviewing has been settled; the doctors will do it. But the question of how it will be done remains unanswered.

Most existing peer review systems are in individual hospitals—in the form of utilization review committees that check admissions to make certain they are medically justified or tissue committees that examine human tissue removed during surgery to see whether the operations were justified.

It is because these hospital-based systems have not worked in the past, politicians and physicians agree, that a new national system is being assembled. But ask whether a new national system superimposed on the existing one will do a more responsive job. Theoretically, the national system could take over the hospital-based ones and monitor them, but the mechanism for doing this has not been worked out.

"We're moving into a totally uncharted area," Dr. Charles Edwards, Under Secretary for Health of H.E.W., conceded in an interview. "Neither the Congress nor I know where we're going or what we can achieve. We'd like to upgrade the level of health care in the country. But the question is, how do you do that?"

By Jan. 1, the country will be divided up geographically into P.S.R.O. areas in which at least 300 physicans practice.

Once this is done, local groups of doctors—not the medical socities—will petition the Department of Health, Education and Welfare to become the local reviewing agency, the P.S.R.O. This group of doctors will set standards for care for its geographic location and will check to make certain that variations from that norm are medically justified.

Physicians who are found to be chronic offenders against the locally set norms will be subject to several sanctions: They can be denied payments of claims; they can be declared ineligible to participate in the Medicaid and Medicare prorgams; they can be fined up to $5,000; they can have their questionable professional behavior made public. Fees will not be regulated, however.

If the system does not work to the Government's satisfaction by 1976, doctors will lose control of the program.

The peer review law is based on several models, some financed by the Federal Government. The oldest and best known, however, is the San Joaquin Foundation for Medical Care based here in Stockton.

The foundation was set up in 1954 by Dr. Donald C. Harrington, an obstetrician-gynecologist who is still its head.

As Dr. Harrington recalls, "I was going along happily practicing medicine when my brother who was president of the boilermakers union, called to tell me that the union was negotiating with the prepaid Kaiser-Permanente Plan for care."

Kaiser employes its own physicians, and their patients pay one monthly fee for all their health needs.

Dr. Harrington's brother said that his union members were satisfied with the care they were getting from Stockton doctors, but that this new Kaiser plan was economically more attractive.

SEPARATE GROUP SET UP

To combat this competition, Dr. Harrington set up an association of local physicians separate from the medical society.

For the dues they paid, they agreed to work for a set fee for most procedures, and in some cases would also offer prepaid services to groups of subscribers.

They named their organization the San Joaquin Foundation for Medical Care. The term foundation was chosen because Kaiser was sponsored by a foundation and, Dr. Harrington said, he wanted the concepts to be parallel in peoples' minds.

Today, there are 76 medical care foundations across the country. About half of them review claims. The other half also provide medical services.

For the San Joaquin Foundation, peer review came as an afterthought.

"We set up a comprehensive program with a reasonable fee schedule for doctors. But without review, it was like writing a blank check," Dr. Harrington said.

The foundation then realized that it could not do peer review unless outpatient insurance coverage was good enough to keep doctors from hospitalizing patients to treat them. Hospital care is expensive—running to almost $200 a day in some metropolitan New York hospitals—but it is covered by health insurance. Most health insurance policies do not cover the same procedures performed in a clinic or doctor's office at a fraction of the hospital cost.

The foundation, therefore, now sets a minimum standard of insurance that can be sold in San Joaquin and the four other counties under its jurisdiction: Alameda, Amador, Calavaras and Tuolumne.

It has virtually total control of health services in the area. Ninety-seven per cent of the 330 practicing physicians in the area are members, Dr. Harrington said. Membership means the doctors are willing to accept as payment in full fee schedules, set by the foundation, averaging about $8 for each 10 minutes spent with a patient. Reviewers scrutinize the number of visits, based on diagnosis, time spent with the patient, lab work and injections. About 8 per cent of all claims reach the review committee.

In addition to providing care on a prepaid basis for 47,000 MediCal (California's Medicaid program) and 37,000 Medicare patients, the foundation reviews claims for the 130,000 subscribers to other insurance programs. This means that two-thirds of the population in the area is covered in some way by the foundation, according to Boyd Thompson, executive director of this foundation and of the American Association of Foundations for Medical Care.

"We have total control of health services for the area because we control the flow of dollars," Dr. Harrington said. "We write the checks, not the insurance companies."

The foundation can and does impose strict sanctions for physicians of questionable performance. It can reduce the physician's fee, and he is not allowed to bill the patient for the extra amount.

In a few cases, doctors thought to be doing unnecessary surgery were required to have their diagnoses confirmed by other physicians before the operation could be performed. The 11 hospitals in the area know that when the foundation imposes their rules, and the hospital does not comply, the institution is not paid for the time the patient stays in the hospital.

Once or twice, the foundation has required the supervision of a doctor during surgery, Dr. Harrington said.

A COMMON PRINCIPLE

The principle behind peer review here is the same as in any group pressure situation—the same one, for instance, that has almost every 13-year-old wearing equally faded jeans with a regulation cuff.

"There are maybe a handful of marginal doctors and being a reviewer has made work very hard at not being considered one of them," explained Dr. Bryant B. Williams, a pediatrician who is one of 30 physician review and one of Stockton's four black doctors.

In his case, he said, peer review has not decreased his income but increased it—by making MediCal payments competitive with those paid in the community at large. As a result of this factor, about 90 per cent of the doctors in the area will take patients from MediCal and Medicare—a much higher than normal percentage.

The model in San Joaquin works, Dr. Harrington said, because the community is small enough for doctors to know one another. It would not be transferable to Boston, Baltimore or New York, he admits.

Larger scaled, less controlling models exist in other places, such as the foundation in Minnesota in which Dr. YaDeau is involved.

Unlike the San Joaquin foundation, the Foundation for Health Care Evaluation does not dispense medical care. It reviews the most expensive insurance claims—the top 15 per cent—for local companies, an activity that began in Hennepin County in 1968 and is now performed statewide.

REVIEWS ADMISSIONS

It reviews hospital admissions for 17 of the 35 hospitals in the seven-county area. And in the Bethesda Hospital in St. Paul, of which Dr. YaDeau is medical director, the foundation is studying the records of every patient treated in the hospital in the first quarter of the year.

About 90 per cent of the 2,000 doctors in the seven-county area belong to the foundation.

"They pay $10, and for that $10 they have their fees cut if they're too high," Dr. YaDeau said.

The activities of the foundation have been felt in the area. For instance, 58 per cent of those expensive claims reviewed by the foundation in 1972 were reduced, Dr. YaDeau said. For the first nine months of 1973 the fee reduction rate was 66 per cent.

A study of hospital bed utilization has resulted in a reduction in the average length of hospital stay from 8.7 days to 6.9 days at Bethesda Hospital. When the program was started, the average length of stay had dropped to 6.1 days, then came back up.

"This was the original fright of doctors who felt they had to send patients home because a norm had been set. Then the doctor realized that he did not have to send the patients home. All he had to do was say why the patient had to stay longer," Dr. YaDeau said.

Altogether, utilization review at Bethesda Hospital in St. Paul has reduced the cost of care for each hospitalized patient. And, the hospital no longer has a waiting list for elective surgery and it has closed down about 80 of its 300 hospital beds, turning that space into doctors' offices.

But the paradox in this—one that makes peer review unrelatable to many doctors and hospital administrators—is that the hospital is beginning to lose money by economizing.

In 1971, the hospital took in $9-million in income and realized an operating surplus of $450,000, or 5 per cent. In 1972, the first full year of utilization review, the gross income was a little higher, but the operating surplus was only $4,000, four-tenths per cent—one hospital employe's salary. This year, the hospital may run a deficit.

The way this paradox is resolved will determine whether peer review proves the strength or the bane of future health care reform.

FEDERAL CIVILIAN EMPLOYMENT, SEPTEMBER 1972

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. MAHON. Mr. Speaker, I include a release highlighting the September 1973 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, SEPTEMBER 1973

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in September was 2,782,244 as compared with 2,810,468 in the preceding month of August—a net decrease of 28,244. Total pay for August 1973, the latest month for which actual expenditures are available, was $2,961,752,000. These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in September, as compared with the preceding month of August and with August a year ago, follows:

	Full-time in permanent positions	Change	Temporary, part-time, etc.	Change	Total employment [1]	Change
Current change:						
August 1973	2,396,610		370,359		2,766,969	
September 1973	2,403,480	+6,870	335,779	−34,580	2,739,259	−27,710
12 month change:						
September 1972	2,471,364		296,493		2,767,857	
September 1973	2,403,480	−67,884	335,779	+39,286	2,739,259	−28,598

Some highlights with respect to Executive Branch employment for the month of September are:

Total employment of Executive agencies shows a decrease of 27,710 during the month of September to a total of 2,739,259. Major decreases were in Defense with 11,843, Interior with 4,071, Agriculture with 3,936, Postal Service with 2,278 and General Services Administration with 1,005.

The 27,710 decrease in total Executive agency employment reflects a usual decline in *regular seasonal* employment and *temporary summer* employment in federal opportunity programs for the disadvantaged.

In September there were 32,469 youths employed in federal opportunity programs for the *disadvantaged*. This is a decrease of 19,683 from last month. Employment under this program reached its peak in the month of July when 63,331 youths were reported in temporary and part-time positions.

The *full-time* employment level of 2,403,480 reported for the month of September shows an increase of 6,870 as compared with the previous month of August and it is 67,881 under the total reported a year ago.

Of the 6,870 increase in full-time permanent employment during September *major increases* were reported by Postal Service with 3,048, Treasury with 1,511, Defense with 1,113 and Veterans Administration with 1,016.

During the *first quarter of fiscal year 1974* there was a net increase of 8,480 employees in full-time permanent positions. This represents an increase of 11,182 among the civilian agencies and a decrease of 2,702 in Defense agencies.

A comparison of total employment among the civilian and military agencies follows:

	September	August	Change
Civilian agencies	1,711,819	1,727,686	−15,867
Military agencies	1,027,440	1,039,283	−11,843
Total, civilian employment	2,729,259	2,766,969	−27,710

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in September totaled 34,123, a decrease of 638 as compared with the preceding month of August, while employment in the Judicial Branch totaled 8,862, an increase of 124 since August.

UNIFORMED MILITARY PERSONNEL

In the Department of Defense uniformed military personnel totaled 2,231,938 for the month of September and civilian employment totaled 1,027,440.

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during September 1973, showing comparisons with June 1972, June 1973, and the budget estimates for June 1974:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1972	June 1973	September 1973	Estimated June 30 1974 [2]
Agriculture	82,511	81,715	79,182	78,800
Commerce	28,412	28,300	27,776	28,400
Defense:				
Civil functions	30,585	29,971	28,234	30,800
Military functions	1,009,548	957,310	945,688	[3] 956,000
Health, Education, and Welfare	105,764	114,307	117,415	[4] 101,800
Housing and Urban Development	15,200	15,820	15,487	13,900
Interior	56,892	56,771	56,199	56,900
Justice	45,446	45,496	46,762	47,100
Labor	12,339	12,468	12,254	12,400
State	22,699	22,578	22,445	23,400
Agency for International Development	11,719	10,108	9,759	9,900
Transportation	67,232	67,885	67,351	69,400
Treasury	95,728	98,087	98,932	104,000
Atomic Energy Commission	6,836	7,145	7,241	7,400
Civil Service Commission	5,260	5,911	5,976	6,000
Environmental Protection Agency	7,835	8,270	8,270	9,200
General Services Administration	36,002	35,721	35,340	37,800
National Aeronautics and Space Administration	27,428	25,955	25,814	25,000
Panama Canal	13,777	13,680	13,690	14,000
Selective Service System	5,791	4,607	3,577	3,900
Small Business Administration	3,916	4,050	3,990	4,100
Tennessee Valley Authority	14,001	13,995	13,709	14,000
U.S. Information Agency	9,255	9,048	8,929	9,100
Veterans Administration	163,179	170,616	170,575	170,000
All other agencies	33,499	34,610	33,839	35,800
Contingencies				5,000
Subtotal	1,910,854	1,874,424	1,858,434	1,874,100
U.S. Postal Service	594,834	547,283	545,046	564,500
Total [5]	2,505,688	2,421,707	2,403,480	[3][4] 2,428,600

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[1] Included in the total employment shown on table 1, beginning on p. 3.

[2] Source: As projected in 1974 budget document. It should be noted that the President has ordered reductions in the projected 1974 level, but information is not yet available.

[3] Excludes increase of 31,000 for civilianization program.

[4] Excludes increase of approximately 15,000 in adult welfare categories to be transferred to the Federal Government under Public Law 92-603.

[5] September figure excludes 1,175 disadvantaged persons in public service careers programs as compared with 1,257 in August.

THE COST OF LIVING COUNCIL

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. THOMSON of Wisconsin. Mr. Speaker, the Cost of Living Council recently proved once again that they know nothing about agriculture. You would think that with the chick slaughter and the beef supply interruption, among other things, the Cost of Living Council would go out of its way to avoid previous blunders. Yet just last week the CLC pulled another dandy by persuading the White House to permit the importation of millions of pounds of subsidized butter.

I realize I am beginning to sound like a broken record, but American dairymen can favorably compete with their European counterparts in a free trade situation. The butter deal, however, is far from free trade; rather, it represents a condition where the United States is at least temporarily abolishing our quotas while Europe continues to engage in the unfair practice of export subsidies.

The Cost of Living Council argued that the price of domestic butter was high, so an increased supply of "cheap" butter would bring down prices. Of course, they chose to ignore the fact that butter had just dropped about 12 cents per pound. I have consistently warned, however, that such thinking is shortsighted. It does not consider the fact that these imports are not cheap, but subsidized, and that this subsidy will not continue once American producers are driven from the market.

I believe the data surrounding the butter deal confirm my argument. Currently, the target—support—price for manufactured milk in the EEC is $6.79 hundredweight; Government butter purchases keep the price at no less than 96.3 cents per pound. American producers would drool at the thought of these prices, yet the very difference is an outstanding indicator of the greater efficiency of our dairymen and the need for subsidies if the Europeans are going to compete with them.

I find it significant that the Europeans have already demonstrated their intention of lowering the export subsidy as soon as there no longer is a domestic industry to compete with. In late August or early September, vague rumors began to float around Washington that large butter imports were in the making. I could not substantiate these rumors for almost a month, but the Europeans did not need confirmation. Already considering somewhat reducing export subsidies on butter, the EEC dropped its subsidy, effective September 7, to the United States, Puerto Rico, Canada, and Mexico by nearly 22 cents per pound, from 60.19 cents per pound to 38.30 cents per pound. Subsidies for butter exports to other countries dropped less than 6 cents per pound, from 60.19 cents to 54.72 cents, effective October 13.

This action raises several questions. Why did the EEC lower subsidies for North America 3½ times more than for the rest of the world when the old ones had been equal? Why were the new subsidy rates effective on two different dates? Was it coincidental these new rates for North America became effective September 7, after the rumors about butter imports began?

It appears all too clear that the Europeans understood they would virtually have a guaranteed sale. That meant such large subsidies would not be needed. But the subsidy retained—38.3 cents per pound—had to be just enough to undersell the American producer. The result would be lowering the price minimally to the American consumer, but it also would have the effect of accelerating the already shocking decrease in domestic milk production. Once the current emergency situation is relieved, the butter price rise due to milk shortages and the whole process will begin again until such time as we have nothing but expensive imports.

I do not blame the Europeans; they are smart businessmen. What I want to know is where all that Yankee ingenuity has gone or, more probably, have we minor leaguers at the Cost of Living Council playing in the majors? If the latter is the case, it might be good to farm them out for a little seasoning.

PATROLMAN COOPER SAVES CHILD'S LIFE

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. KETCHUM. Mr. Speaker, I am pleased and proud to call the attention of my colleagues to an inspiring and meritorious action taken by one of my constituents, Patrolman Phillip L. Cooper, of Grover City, Calif.

On August 13, 1973, Patrolman Cooper, trained in Red Cross first aid, was dispatched to the scene of a near drowning of a 16-month-old child. On arrival he found the victim with no viable life signs. Immediately Patrolman Cooper, assisted by the child's mother, began to administer artificial respiration and other supportive measures, which he continued until the child's breathing was restored. The victim was taken by ambulance to a hospital and later recovered completely. Without doubt, Patrolman Cooper's use of his first aid skills and knowledge saved the life of the child.

In recognition of this lifesaving action, Patrolman Cooper has been awarded the Red Cross Certificate of Merit. This is the highest award given by the American Red Cross to a person who saves or sustains a life by using skills learned in a Red Cross first aid, small craft, or water safety course. The certificate bears the original signatures of the President of the United States, honorary chairman, and Frank Stanton, Chairman of the American National Red Cross.

Surely Patrolman Cooper is deserving of such an award, as well as the thanks and praise of his fellow citizens. The saving of a child's life is among the noble deeds that a man can perform, and I am sure that the Members of the House join me in expressing our admiration for Patrolman Cooper's action.

TRY IT ON

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ZWACH. Mr. Speaker, the 22d amendment to the Constitution of the United States provides that no person shall be elected to the office of the President more than twice—thus limiting the term to 8 years.

Most of us agree that this is a good amendment, but I raise the question, why put this limit only on the term of the President? Perhaps it would be a good idea also to limit the terms of Members of the Senate and the House of Representatives.

Margery Burns, a weekly newspaper columnist in our Minnesota Sixth Congressional District, wrote a very interesting article on this matter which I would like to share with my colleagues by inserting it in the RECORD:

TRY IT ON

If you're feeling groggy because of all the disturbing things that go on and have gone on in our government, you should start thinking about what we can do to lighten those dark stretches.

What can be done? What should be tried?

Along with the other ideas you're thinking about, here's one you should consider too.

What do you think about limiting the number of terms for all elected officials? The most important official in the world, the President, can only serve 8 years. Perhaps all the other offices should be limited to 8 years too.

Now, before you yell that it wouldn't work; that it wouldn't be efficient; that it would dump a lot of good people; that nobody would run for office; and besides, Congress and the Legislators would never dream of voting themselves out of office—before you shout it's a crazy idea, why don't you look at it a little bit. Maybe you're right and it wouldn't work, but don't step on it without talking it over.

Of course, we have only one example of limited terms—the Presidency. So far, its been better for the country than having one President keep the job for many, many years and turn in into a monarchy or dictatorship.

The argument that a limited term would hurt efficiency in getting things done is silly when you think about the inefficient things that are showered on us the way it is now. If you believe that it takes long years to learn the ropes, then you aren't voting for the smartest people. And it's imperative that we have intelligent and honest people running our government. And then, maybe a little honest inefficiency would be better than a lot of efficient, dishonest governing.

It's true that it would put some good people out of office, but it would dump some very incompetent people too. Fortunately, there are many good people to choose from.

Then, of course, the built-up pressures from different groups on elected officials would be cut off at an early date. The folks who use money and gifts to sway officials would have a tougher time trying to pin down new officials every few years. The constant turn-over would break that build-up of power over officials. There would be so many new officials all the time that it could cancel out a lot of graft and kick-backs.

The constant search for new and good candidates would keep the political parties from getting too complacent and sitting back with a 20 or 30 year term official who isn't too sharp. Of course, this would be a lot of work and worry. But why shouldn't the parties work to find good and honest candidates?

Now, maybe you're coming up fast with many arguments against this idea, but when you've finished that exercise, then think up some for it too.

What we need are some good safe-guards for giving us the best government there is. Of course, the whole thing comes down to you—you're the one who must take an interest in your government.

ARCHIBALD COX DISBARMENT

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. SHUSTER. Mr. Speaker, when Archibald Cox was dismissed as special prosecutor for the Justice Department, he was widely lauded as a man of conviction, one who put principle above politics, one whose integrity was more important than compromising his estimate of justice, indeed, Chesterfield Smith, president of the American Bar Association, glowingly praised Cox at that time, stating:

> He emphasized to the people of this Nation that—he is a lawyer who honors and cherishes the tradition of the legal profession and—(he) properly and without hesitation puts ethics and professional honor above public office.

Mr. Speaker, it is evident now that these plaudits were totally without foundation.

Cox, by his confessed disclosure of confidential information to polititcal cronies, has betrayed the Congress and the American people, and seriously offended the integrity of the legal profession. I am appalled that such a blatant violation of both criminal statute and professional ethics can go virtually unnoticed in the legal profession.

This situation is so serious that I have personally written to the president of the American Bar Association and the president of the Massachusetts Bar Association asking for an immediate and thorough investigation of the Archibald Cox incident, leading to possible disbarment, censorship or any other action deemed appropriate by those professional associations.

Mr. Speaker, it is incumbent on these associations to take appropriate action in order to uphold the integrity of the legal profession, which may well be held in abeyance pending final disposition of this grave matter.

Mr. Speaker, I insert my letter to Chesterfield Smith in the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, D.C., November 7, 1973.

MR. CHESTERFIELD SMITH, ESQ.,
President, American Bar Association,
Chicago, Ill.

DEAR MR. SMITH: Mr. Archibald Cox, Special Prosecutor for the Justice Department, has, by his self-confessed actions relating to an executive communication, seriously broken faith and trust with the Congress and the American people, and, in my opinion, grievously jeopardized his standing in the American Bar Association.

By disclosing certain information regarding a federal investigation revealed to him by former Attorney General Richard G. Kleindienst, Cox clearly violated 28 U.S. Code 509, § 50.2 of Part 50 of Chapter 1 of Title 28 of the Code of Federal Regulations. Additionally, this conduct was inconsistent with the spirit of the Code of Professional Responsibility, governing all officers of the court.

I am appalled at this blatant misuse and abuse of office. The reputation of all officers of the court may well be held in abeyance pending proper disposition of this matter.

Therefore, I believe it is incumbent on you, as President of the American Bar Association, to begin an immediate and thorough investigation into the potential criminal and certainly unethical activities of Archibald Cox, leading to possible disbarment, censorship or other action deemed appropriate by your organization.

In your statement following the dismissal of Cox as Special Prosecutor, you applauded him, stating he ". . . emphasized to the people of this nation that . . . (he is a) lawyer who honors and cherishes the tradition of the legal profession and . . . (he) properly and without hesitation puts ethics and professional honor above public office." It is clear now that this statement was without foundation. I hope that now, in light of the confession of Cox casting a long shadow on your plaudits, you will denunciate him with the same vigor and forcefulness with which you acclaimed him.

I wish to emphasize that my actions are completely segregated from any other ongoing investigations or Congressional or legal proceedings. I am merely attempting, as a concerned American and as a representative of nearly a half-million people, to insure that the same standards and rules apply across the board—to the investigators as well as the investigated.

If the integrity of our system of judicial process is to be upheld, no man can place himself above the law—not the President, not any duly appointed officer of the Court, not the average citizen, and not Archibald Cox.

I consider this to be a matter of utmost importance and urgency. Your cooperation is essential.

Sincerely,

E. G. SHUSTER,
Member of Congress.

CANADA ADMONISHED FOR TREATMENT OF UNITED STATES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. DERWINSKI. Mr. Speaker, the news developments pertinent to the energy crisis, that have been emphasized recently, has resulted in a cutoff from the Middle East oil supply and now an increase in tax on the Canadian flow. This has caused a political division in Canadian and U.S. relations.

In my judgment, the matter has suffered sufficient media coverage as noted in the Chicago Tribune in a very timely column by Eliot Janeway. The article discusses the Canadian decision which seems to take advantage of the situation of the United States.

CANADA ADMONISHED FOR TREATMENT OF UNITED STATES

(By Eliot Janeway)

NEW YORK, Nov. 11.—Canada has done it to America again. The second tax increase in two months on the flow of Canadian crude oil to the northern tier American cities dependent on it is the form her latest unilateral declaration of economic war has taken.

I yield to no citizen of the United States in the warmth of my friendship for Canada, in the range and breadth of my Canadian friendships, and in the practicality of my concern for this closest and most natural and reciprocally rewarding of American partnerships. Three times in these last two troubled months, I have written columns warning of the consequences looming for both countries if America's present distress and Canada's continuing weakness are allowed to strain this genuinely special relationship beyond the point of negotiating accommodation.

Admittedly, the temptation for Canada to tweak Uncle Sam's whiskers is great. They are tattered. Canada's increasingly strident nationalists are confident of scoring points politically every time they make big uncle squeal and like it; altho I am not less sure than they that demagogic anti-U.S. swaggering will not pay off as claimed after Canadians of practical bent discover that they are hurting themselves every time they hurt their good, if wounded, neighbor to the south.

Admittedly, too, America's incompetent handling of her own affairs has invited the treatment Canada has given her. Oil is the only one of three parallel horror stories. With Washington fresh out of negotiating ploys to prevent the Arab and Venezuelan hosts of the American international oil companies from putting the squeeze on, Canada is not leading the parade but following it.

Newsprint is another horror story for which America has herself to blame. More precisely, she is overdue to blame the economic pundits who theorized about the advantages dollar devaluation would assure her.

In my column of Sept. 10, I warned that the prospect of earning cheaper U.S. dollars would give Canada's newsprint producers an irresistible incentive to divert increasing quotas of their premium product overseas. At $200 a ton, allowing 4 per cent for the cost of insurance against further weakness for the Nixon dollar, the Canadian newsprint managements are bound to reckon each ton shipped across the border as earning them $8 less than every ton shipped to stronger currency countries.

Washington's failure to play America's formidable auto bargaining chips is the third horror story. Washington has been giving Canada a free ride into a sizeable portion of America's mass market since 1965. Canada needs it more than ever; and this year finds America less able to afford playing "good time Charlie" than in a long time. Taking it away with unilateral harshness would be no wiser for America than Canada's provocative tactics are for her. But there's no substitute for bargaining between partners as their mutual protection against excesses—and we have no bargaining.

This second oil tax crackdown of Canada has hit America on two exposed nerves at once. The first is located domestically and centered in her slackened consumer economy. The other is located in the no-man's-land separating America from her one-time dependents who have long since gone into business for themselves as her successful competitors and harsh creditors.

The oil and gas dollar is petty change for American consumers alongside the food, rent, and tax dollar. But soaking them for big new fuel costs will rile them up more than the beef squeeze did.

All the foreign powers in the world scrutinizing America, as well as all the weaklings, are bound to be impressed by the one-way trip thru the meat grinder that Ottawa is giving Washington. Kicking Dick Nixon around is a paying business internationally, and every politician in every foreign capital is following Trudeau into it.

GRAND OLD LADY OF POLITICS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. JOHNSON of California. Mr. Speaker, an old friend of mine has decided to retire and thereby has brought to an end one of the most effective, colorful volunteer political careers I have ever known.

Alice Border, who will reach 79 years this month, has been known as "Mrs. Democrat" in the eastern Shasta County area for at least a decade and a half. It was in 1958 that she organized the Burney Democratic Women's Club and as she stepped down as its president this year, club members decided to regroup under another name, because it would not be the same without Alice Border.

One of the remarkable efforts sponsored annually by the club was a quilt sale, which has been a tradition in Burney. It was through the making of quilts and their sale that the club raised its funds for its most effective efforts.

Alice and her husband, Ted, who himself is an active, dedicated representative of the Democratic Party, together demonstrate the importance of participation by all our citizens in our Government regardless of party. Their work on behalf of their party, their State, and the Nation will stand for years to come as an example which should and must be followed not only by the people of Burney but of all our State of California and our Nation if we are to continue a free democratic society.

An announcement of the retirement of this "Grand Old Lady of Politics" was published recently in the Inter Mountain News of Burney, Calif., and I insert in the RECORD the article entitled "Grand Old Lady of Politics Is Retiring":

ALICE BORDER AT 79—GRAND OLD LADY OF POLITICS IS RETIRING

BURNEY.—The lady known as "Mrs. Democrat" in the Burney area is resigning. Mrs. Alice Border, who will turn 79 in November, has announced her retirement as president of the Burney Democratic Women's Club, effective November 1.

Mrs. Border was responsible for the organization of the club in 1958 and has been active ever since. She organized the club with the help of Kathryn Browand and Edna Barrington and Emma Timone.

The first president of the club was Jeanette Messinger. A year later Mrs. Border was appointed secretary-treasurer and she has held a top office in the club every year since then. She served as president for ten years and has been president for the past six years.

CLUB WILL BECOME INACTIVE

With the retirement of their president, the other members of the club decided not to continue an active club. However, in order to keep their identity and bank account, they will elect officers for 1974 on November 5. The club will also assist in the 1974 election in a small way.

Mrs. Border's political activity includes a TV appearance in Redding on behalf of John F. Kennedy when he was running for president in 1960, and on radio in Redding in 1964 on behalf of Pauline Davis.

She has served as Eastern Shasta County chairman for Don Rose when he was running for Secretary of State, Pauline Davis when she was running for the Assembly, Virgil O'Sullivan, State Senator, and Jess Unruh for Governor.

Mrs. Border has been on Bizz Johnson's Shasta County campaign committee, and on Senator John Tunney's campaign committee since each was first elected.

In addition, she has served the past nine years as Eastern Shasta registration chairman.

But perhaps her first love is music. Mrs. Border is the composer of several songs for the club and other music. She says, "Maybe now that I am retired, I'll have more time to play the piano and write music."

With all the activities of Mrs. Border, Mr. Ted Border is not left out of the picture at all. In fact, she said, "He has been the good right arm of the club since 1960 and has received a plaque as an honorary member of the club."

Ted Border, also known as "Mr. Democrat," retired from the then Scott Lumber Mill in 1956 and started his own business, Ted's Upholstery. He hopes to retire from this sometime next spring and open a rock shop. He has been a member of the Democratic Central Committee since 1962 but does not plan to run for the office next year.

QUILT SALE WILL BE THE LAST

The annual quilt sale that is almost a tradition with the Borders will be held this year on October 26 and 27, "But this will be the last," said Mrs. Border. "It has just gotten to be too much." Most of the quilt work is done by Mrs. Border herself.

"I'm not retiring from life, remember," Mrs. Border said. "I plan to spend more time enjoying the beautiful area we live in. I've traveled a lot, but there's no place like this area."

ENERGY CRISIS

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. MACDONALD. Mr. Speaker, I would like to call to the attention of my colleagues the President's latest energy message which he delivered to the American people on television last week. I find myself in complete accord with the President when he spoke of the present energy crisis as a very serious one confronting all the people of this country. But that is about the only point in his message on which we agree.

For unlike this administration, the Congress has foreseen this grave situation and has been working diligently in an attempt to develop constructive and effective solutions to the complex problems relating to our Nation's energy needs.

There is also little doubt that the energy crisis has been heightened by the Arab States, who, in the practice of "oil diplomacy," have chosen to cut back oil exports to the United States. However, it is wrong to imply, as the President seemed to suggest, that the recent outbreak of hostility in the Middle East is alone responsible for creating our energy problems. These problems have been with us as a nation for a long, long time. They have been exacerbated by such artificial policies as the oil import quota system and others which have served the special interests rather than the public interest.

I agree fully with the President when he speaks of the need for bipartisan cooperation in overcoming the grave energy problems which now face us. I am reminded of the commitment made by the late President Kennedy to land a man on the Moon within the decade of the 1960's. When President Kennedy first made this commitment in 1961 there were few who believed that this lofty goal could be achieved. It was only through the spirit of cooperation between the President and the Congress, and between scientists and private industry, that we were able to make what first seemed no better than a dream become an almost commonplace reality. Meeting the energy needs of the people of this Nation will require a similar sense of purpose and dedication on the part of both the President and the Congress. Even more important it requires leadership on the part of the President to produce a willingness to cooperate on the part of Congress. It is precisely for this reason that I was sorry that the President, at the very moment when leadership and cooperation are so necessary, chose to lay the blame for the energy crisis at the door of the Congress. In so doing he was seriously misleading the American people.

It is important to examine the President's previous energy messages to the Congress. His message of 2 years ago was an enunciation of high goals and purposes but without specific recommendations. As the energy squeeze grew worse, Congress was led to believe that the President planned a comprehensive legislative program for which he would seek congressional approval. When his second message was finally sent to Congress, in April of this year, it proposed legislation which, at best, could only have a long-range effect. There is no evidence that any of the seven pieces of legislation which he recommended in April would have better enabled the country to survive the shortages and the suffering which are undoubtedly in store for this winter. In addition, most of the legislation he proposed was extremely controversial and was the kind of legislation which Congress needed to examine carefully, although with all diligent speed.

For example, the President recommended deregulation of the price of natural gas at the wellhead. This has become, it seems, the holy grail of this administration. I am not convinced that the deregulations of natural gas prices will produce any more energy for this country. What clearly would result from such deregulations is an immediate and substantial increase in the price of this fuel to the consumer, without the needed exploration for new sources of natural gas. I know that you will be as shocked as I was when I was informed by representatives of the major oil companies sitting as a group in my office that they would not promise to use this new-found money for exploration for new gas. For as they said, "Our first responsibility is to our stockholders." And when pressed as to what they would do with the windfall increase, they replied, "If the return was greater in real estate we would invest in real estate." Until and unless there are assurances that the new money will be used for exploration for new gas, the Congress should remain reluctant to pad the pockets of the major oil companies at the further expense of the consuming public.

However, despite the controversial nature of this legislation and the others proposed 6 months ago by the President, Congress is going forward with the consideration of these proposals and will act when it is convinced that the national interests are indeed being served. The Alaskan pipeline conference report which we will vote on today is an example of this process.

In his energy message of last week, the President again urged Congress to act swiftly in extremely important areas. For example, he has asked Congress to roll back existing environmental protection laws which are the product of a decade of concern on the part of the American people. In many other respects, he has asked the Congress to grant him broad energy powers which he would use to meet the current energy crisis.

As chairman of the Subcommittee on Power, I can assure the President that Congress will act on his proposals where we agree that the power is necessary and will be used wisely. But the Congress will not be rushed into precipitous action simply because the President claims that he needs special authority in order to act. Many of the proposals made by the President last week could have been implemented 6 months ago or even 2 years ago by the stroke of his pen. Others could have been adopted after consideration by the Congress before things reached the crisis proportions of today.

In effect, the President appears to be playing a kind of shell game with the American people by attempting, through a sleight-of-hand, to demonstrate that he has had a program to meet the energy crisis all along. In reality, the President has not even utilized the authority already granted to him by the Congress.

In April of this year, Congress, in the Economic Stabilization Act Amendments of 1973, gave the President authority to order mandatory fuel allocations. In May, I, in conjunction with Senator JACKSON and Senator KENNEDY, introduced mandatory allocation legislation.

The purpose of my bill is to provide a method to assure an equitable distribution of fuel sources to all regions of the country. It also assures that the independent marketer of petroleum products will not be forced out of business at the whim of the major oil companies. In addition, such an allocation program will insure that domestically produced fuel oil is utilized to meet domestic needs as the highest priority. Implementation of a similar program by the President under the authority given to him by Congress could have prevented what is reported to be an increase in the exportation of domestically produced fuel oil by the major oil companies at a time when our needs here at home should be overriding. The enactment of the mandatory allocation legislation which I introduced, and which was agreed to last week by House-Senate conferees, specifically prohibits such exports in the future. However, I would like the President to explain why he has allowed these exports to rise over the past 6 months in a time of increasing shortages.

The voluntary allocation program which the President announced last May failed to meet the needs of the country. It should have been clear at that time that the only workable solution was a mandatory program.

Typical of administration foot-dragging attitude in face of the energy crisis has been their reluctance to change from a voluntary to a mandatory allocation program. On July 10, appearing before the Commerce Committee to testify on my mandatory allocation bill, Deputy Treasury Secretary William Simon, who was Chairman of the President's Oil Policy Committee, promised administration action on a mandatory program within 7 days. Needless to say, no action was forthcoming, and it was in this period that Secretary Simon was replaced as "energy czar" by former Colorado Gov. John Love. I requested Governor Love's position on mandatory allocations but was told that he was unavailable to testify. On July 25, in my remarks in this Chamber, I expressed "a sense of regret and disappointment" at the lack of resolve on the part of the administration to take the steps necessary to implement a mandatory program. The following day Governor Love telephoned me and promised a decision within "a few days." Again, the promise was an empty one.

As a result, Commerce Committee action on H.R. 9681 was completed quickly and the bill was passed by the House overwhelmingly, 337 to 72. The conference report is scheduled for final approval by Congress this week.

What is important to note is that at no time during the period in which Congress was readying this legislation did the President exercise the authority we had given him in April to achieve the same goal. It is difficult to lay the blame for delay at Congress door in this instance.

In closing, I would agree with the President that now is the time for all of us to work together and to put aside partisan and personal differences for the sake of the American people. I can assure the President that he will have my subcommittee's complete cooperation to this end. However, I can only hope that the President will be able to follow his own advice and that he will stop taking bad advice himself from the major international oil companies.

THE MULTINATIONALS

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. GIBBONS. Mr. Speaker, a group of us from the House met recently with a group of European parliamentarians here in Washington for 3 days of discussions on United States-European relations and other matters of mutual interest, including trade, investment, development, and energy policies.

During one of these sessions it was my privilege to present a discussion paper on the issues involved in the worldwide operations of multinational corporations—MNC's.

There was a great deal of agreement among those present at that session on the nature of the problems for governments which are associated with MNC operations. We agreed that at our next meeting, in March, we would discuss the specific points which could be included in a new international agreement on the taxation, standards of conduct and implications for competition of MNC operations.

I would like to insert my discussion paper on MNC's in the RECORD at this point and ask for comments which might be helpful to us in drawing up a proposed international agreement on this important subject:

THE MULTINATIONAL CORPORATION: ITS REGULATION, TAXATION AND STANDARDS OF OPERATION

(By Congressman SAM M. GIBBONS)

Prepared for presentation at a discussion meeting of U.S. Congressmen and European Parliamentarians, October 30, 1973, Washington, D.C.

The Honorable George Ball, former U.S. Under Secretary of State, once said this about the multinational corporation:

"The multinational corporation not only promises the most efficient use of world resources, but as an institution, it poses the greatest challenge to the power of a nation-state since the temporal position of the Roman Church began its decline in the 15th century."

Truly, it is fitting and most necessary that we focus our attention on the development of the multinational corporation (MNC)—now perhaps the dominant force in economic relations between nations—for we as representatives of the people of the world can continue to neglect this subject only at our mutual peril.

There is no denying the fact that the multinational corporation, as an instrument for greatly increasing commerce among nations, carries with it the potential for increasing greatly not only our standard of living but also the prospects for peace and understanding on this fragile planet.

The multinational corporation can be one of the most efficient economic units ever known to man. It has integrated world resource markets with great success, especially labor and capital markets. It has been the same kind of boon to the world economy as the domestic corporation was to the United States in the 1880s and 1890s when it integrated the various regional markets and resources of the country.

The development of the corporation in the United States was not without its problems, however, just as the development of the MNC is not. The most notable reaction by the U.S. government to the excesses of the corporation was the creation of the U.S. antitrust laws. Unfortunately, a similar reaction to the excesses of the MNC has not been so rapid and definite in appearing.

As so often happens in the case of rapid new developments, the governments of the world have, it seems, been tardy in recognizing the significance of the MNC and our common interest in keeping the operations of the MNC responsive to nationally and internationally agreed upon goals.

As far as effective monitoring or action regarding the development of the MNC goes, the nations of the world really have been "drifting" in their policies.

MAKING THE MNC ACCOUNTABLE

No multinational corporation in its right mind would of course voluntarily submit to government regulation. A Dow Chemical Company official admits to a continuing dream of "buying an island owned by no nation, and of establishing the world headquarters of the Dow Company on the truly neutral ground of such an island, beholden to no nation or society."

Anthony Sampson, author of the book, "The Sovereign State of ITT," observes that MNCs invariably regard governments, like other obstacles to management, as nuisances to be circumvented or overcome."

In the United States, the Federal Trade Commission brought suit against the Xerox corporation. At first, the company would not even meet with representatives of the Commission. Their response was "We don't believe that the Federal Trade Commission is the appropriate forum for the resolution of the problems of multinational corporations."

By what right should any MNC feel that it is or should be responsible to no one?

After World War II we were careful to set up agreements and institutions promoting agreement on divisive world issues—the United Nations, the International Monetary Fund, the General Agreement on Tariffs and Trade (GATT)—but we failed to realize that the MNC would become a force and a problem to be reckoned with in its own right. Though we now seem to have recognized this fact, we are in large part still failing to deal rationally with the MNC, either as individual countries or on an international basis.

We have generally failed to make realistic accountings of the costs and benefits of the multinational corporation and have failed to make the MNC really responsible to anyone or any organization.

Thus, we face the real prospect that our individual and common social, economic and political goals and policies will be frustrated by the day-to-day operations of the giant MNCs—that individual corporate managers will make decisions that can overrule the decisions of national governments.

We face the likelihood that the MNC will continue to exploit its supranational advantages to escape a just burden of taxation, as well as to avoid our efforts to curb monopolies, moderate inflation, and so forth. The MNCs' great power to avoid the desires and rulings of national governments simply by shifting their production or their capital—and thus jobs and tax revenues—to other jurisdictions is an awesome power which cannot go uncurbed.

If we do not cooperate as governments to make the MNC accountable for its actions, we run the risk that the MNC, world-wide in outlook and understandably self-serving, will continue to promote its own supranational goals, such as profits maximization and market enlargement, with little legal obligation to consider other factors, such as national social goals.

While the conscience of the MNC businessman and public pressure can have some effect on this situation, they are obviously no substitute for an orderly and detailed assessment of the effects of MNC operations and national and international policies and laws designed to deal with these effects.

Very recently, a number of different groups have undertaken studies of the MNC. These include the United Nations, the OECD, the International Labor Organization, the European Commission staff, and the U.S. Congress. Although necessarily fragmented, these efforts should continue to have our strong support and their results should be studied very carefully.

Nonetheless, this question remains: Is not the importance and urgency of the problems associated with MNC operations so great that we ought to be pursuing, right now, a new international agreement and creation of a new institution, perhaps similar to the GATT? Would it not be wise to centralize and focus our efforts regarding the MNC and related problems in a new international body—perhaps a kind of general Agreement on Tax and Investment Policies?

It would certainly be appropriate for the United States and the European Community to exercise leadership in establishing such a new legal framework designed to promote cooperation between countries in resolving problems and disputes not now handled by any one institution or agency of an institution.

Whether this were an entirely new body or an adjunct of an existing organization, it would serve a most useful purpose in centralizing the collection of information and serving as a forum for discussions and consultations on mutual problems and concerns relating to the MNC. It could spell out generally agreed upon principles where possible and aid harmonization of policies where general agreement was not possible.

After all, efforts divided are efforts defeated. And surely it never was prudent for any of the countries of the world to believe that our best defense against the excesses of the MNC was to have more MNCs based in our country than the other countries had. This kind of competition, like unreasonable competition between the less developed countries for MNC investment (which erodes their tax base), can too easily result in the benefit of the MNC itself at the expense of all countries.

Some actions can of course be taken by individual countries on a unilateral basis to moderate the operations of the MNC.

In the case of the United States, for instance, it is the view of many who have studied this subject that we have encouraged U.S. foreign direct investment and the growth of the MNC, unnecessarily and at least to some extent, by certain provisions of our tax laws and by the operation of the insurance programs of our Overseas Private Investment Corporation (OPIC).

What benefit has all of this brought to the United States? While we know that it has helped enrich some of those associated with U.S. MNCs, we have not even required these companies to supply us with the detailed information on their operations which would give us the opportunity to try to determine accurately whether these tax subsidies by the American taxpayer to the U.S. based MNCs has been of any general benefit to the United States or to other commonly agreed upon goals, such as that of development in the less developed countries of the world.

At the very least, our various national policies should aim at neutrality in our tax policies with regard to investment decisions—especially in the absence of strong evidence that tax subsidies in the form of tax forgiveness for certain kinds of business activities are really efficient in promoting vital national goals. Recent studies by the joint Economic Committee of the U.S. Congress confirm the view that the tax subsidy has been a very poor means for trying to promote national economic and social goals.

In like manner, our investment policies should be as neutral as possible, avoiding either subsidies or restrictions wherever possible. We are pursuing studies of the effects of these distortions on investment patterns within the U.S. government and also in the OECD. However, a new international institution, such as the General Agreement on Tax and Investment Policies suggested above, could be most helpful in centralizing our efforts and harmonizing investment policies, as well as tax, antitrust, and other policies toward the MNC.

Timely completion of our efforts to reform the international monetary system is, of course, vital to all of this.

THE NEED FOR MORE INFORMATION

Our first need to make us able to come to more prudent policy decisions toward the MNCs and toward foreign direct investment is for more complete and current data on the operations of the MNC. Although what we do know about the size and operations of the MNC is impressive, it is hardly detailed enough for good decision making.

Indeed, we haven't even been asking the right questions about MNC in many cases. In the United States, we've focused our attention on whether MNC operations were good or bad for our employment rate or for our balance of payments. While these issues should be considered, other very serious questions about the effect of the MNC on resource use, market concentration, income distribution, and tax policies simply have not been studied.

For Americans, one of the most disturbing indications that there are serious gaps in our knowledge about the MNC came to light in connection with the massive Tariff Commission Report to the Senate Finance Committee in February of this year. This report, "Implications on Multinational Firms for World Trade and Investment and for U.S. Trade and Labor," is generally considered to be one of our best sources of information on the MNC. Yet, in the letter transmitting this report to the Finance Committee, the Chairman of the Tariff Commission stated:

". . . Further, the difficulties imposed by the procedures involved in the use of an unlike data base for the two bench-mark years were increased by the failure of the respondents to answer fully with respect to certain key data. In turn, these difficulties were magnified for the reason that such data were reported to the BEA in confidence and, to prevent unauthorized disclosure, were released to the Commission in many cases only in the form of incomplete aggregated estimates.

"Data on 1970 employment by the MNCs, for example, were lacking or only partially available for about 600 of the foreign affiliates and for about 30 of their parents in the sample; about a third of the total data reported in 1970 was subject to disclosure considerations which necessitated numerous estimations."

Ralph Nader, the tireless spokesman for the American consumer and taxpayer, has submitted this list of what information MNCs should report to the United Nations for publication in the public interest:

1. Who owns what land, mineral and other resources in each country;
2. The amount, origin and nature of new investment;
3. The firm's total income;
4. Payments received on royalties, patents, licenses and management contracts from foreign affiliates;
5. Ties and interlocks with other financial, industrial and government corporations together with credit and debit relationships;
6. The amount of taxes paid by country;
7. All mergers and acquisitions and their terms;
8. Special governmental incentives to firms to settle where they did, including subsidies and other state-granted privileges and immunities;
9. All patents held and cross-licensing agreements;
10. Wages and benefit levels;
11. Occupational casualty and disease data;
12. Environmental pollution and depository data; and
13. Judicial and regulatory actions and judgments which are of public record.

Others have suggested that, at least for the immediate future, this kind of reporting will have to be done on a confidential basis and only to the government of the country in which the MNC is based—the government which has legal jurisdiction over the company and is able to enforce laws on it.

In any case, it is clear that a start must be made now toward requiring more complete reporting from MNCs. Also, the cooperation which has begun between governments such as the United States and European countries in exchanging this information for legitimate purposes, such as that of taxation, should be expanded. Nearly all governments have much to gain in this regard.

"Laissez-faire" is not an appropriate policy for any business operations having such far reaching effects as those of the MNCs. Any claims to confidentiality or privacy made by the MNCs in this connection will have to be weighed carefully against the very strong public interest in having access to certain of this information.

CHARACTERISTIC OF THE MNC

What we do know about the size and operations of the MNC should give us a healthy respect for its power and its potential.

The MNCs are indeed giants, both in size and in influence on the world economy. Attached at the end of this paper is a table showing the sales, foreign sales and subsidiaries of the 15 largest multinational corporations. (Table 1)

The MNCs are growing twice as fast as the 5 percent per year growth of the world economy. If MNC sales are compared to the gross national products of various countries, 51 of the world's 100 largest money powers are MNCs and 49 are countries.

The MNCs are now doing about $500 billion worth of business a year. This is nearly one-sixth of the world's production, or more than the gross national product of Japan. Each of the top 10 MNCs has annual revenues larger than the gross national product of two-thirds of the countries of the world.

The foreign investment of MNCs has surpassed trade as the main means of international economic exchange and has blurred national borders. It has caused some economists to literally rewrite their theories about the economic effects of trade and commerce among nations.

Germany apparently has more capital invested today in textile and chemical plants in the State of South Carolina in this country than anywhere else in the world outside of that country. Switzerland's largest corporation, Nestle Alimentana S.A., does 98 percent of its business outside of Switzerland. U.S. MNCs control something like 90 percent of Europe's production of microcircuits.

U.S. MNCs account for something like 50–60 percent of all foreign direct investment. MNCs based in the U.S., the U.K., Germany and France control 80 percent of the foreign operations of MNCs.

The United States has been the traditional home of the MNC. The book value of U.S. direct investment abroad increased from $12 billion in 1950 to more than $86 billion in 1971. Americans tend to think of this investment as being mostly in less developed countries. However, Western European and Canadian markets were early targets for this investment and today about 60 percent of this investment lies in these two areas of the world, with about one-third in Europe and more than one-fourth in Canada. Latin American investments account for about one-sixth of U.S. MNC investments.

Nonetheless, it is somewhat unlikely that U.S.-based MNCs will retain their dominance in the world economy. Two hundred non-American firms are now on the Fortune magazine list of the world's 500 largest corporations. European and Japanese foreign direct investment has been increasing rapidly. For instance, Japanese investment abroad has been increasing by more than 30 percent per year in recent years.

Many economists believe that it was not only the health of the American economy after World War II and the American technological lead in certain areas which contributed to the rise of the U.S.-based multinational corporation, but also the overvalued dollar of recent years. This phenomenon made it comparatively much cheaper than it should have been to use dollars to buy up plants and other facilities abroad.

Foreign investment in the United States amounts to less than half of our investment abroad. Further, direct investment, such as in plants and other facilities, amounts to only 28 percent of this investment in the United States, as compared with 74 percent of U.S. investment overseas. Portfolio holdings account for 60 percent of foreign investment here as compared with only 19 percent of U.S. investment abroad.

Our embassies are actively encouraging direct investment in the United States. The more realistic exchange rates which have prevailed recently seem to be a factor in promoting this investment.

Foreign companies are also investing in facilities here to serve their U.S. markets. In some cases, this is also being done to avoid any possible resurgence of protectionist U.S. trade policies. In this connection, the president of the United Auto Workers has expressed his approval of the building of a Volvo plant in the United States which will employ 1,500 workers. However, proponents of the protectionist Burke-Hartke trade and investment bill seem to be voicing as much objection to this kind of direct investment by foreign-based MNCs in this country as they did to the supposed export of American jobs by investment abroad by American-based MNCs.

MNC operations have generally been quite profitable. A Senate Finance Committee study reports that 21 of 30 U.S. multinational firms made higher profits abroad than at home.

Earnings from the foreign operations of U.S.-based MNCs now contribute 20–25 percent of U.S. corporate after-tax profits. Thus, they have become a rather important element in promoting the growth of the U.S. economy.

1965–68 figures for U.S.-based MNCs show returns of 7.9 percent for developed country investment (9.6 excluding petroleum) and 17.5 percent for developing country investment (11 percent excluding petroleum). In this latter category, investment in Asia yielded 34.7 percent return (11.7 excluding petroleum).

There is of course a great difference in return for different investments. One study of return on net worth for 15 U. S. drug subsidiaries in Latin America shows returns ranging from 44.2 percent to 962.1 percent, with the average being 136.3 percent.

NATIONAL RESTRICTIONS ON THE MNC

The phenomenal rise of the MNC has prompted reactions to it. Even without cooperating with one another, nations are not of course completely defenseless against the MNC. Perhaps their first line of defense is to prevent the MNC from investing in their country.

The Andean Group has come up with very stringent regulations on any foreign investment. These are designed to insure that this investment benefits the host country and does not lead to further dependence on other countries. Mexico has adopted new foreign investment laws and Canada—with fully half of her capital assets now owned by U. S. or British-based MNCs—and Australia are also moving in this direction.

Some of the less developed countries are requiring that a certain percentage of the goods sold in a country be produced locally, while a special kind of "investment code" or local participation requirement is now forcibly being put into effect by the Arab oil-producing countries.

Expropriation is another power that the host country retains in connection with the investments of an MNC. Expropriations, especially in Latin America, have been on the rise in recent years. Hopefully, national investment codes will set the ground rules for foreign direct investment more specifically and both expropriations and home country attempts at remedy, such as OPIC, will become much less common in the future.

Most countries of the world, including the United States and the Europeans, seem to be rethinking their attitudes toward the costs benefits of the MNC. This is as it should be. The result has generally been more restrictive policies toward the MNCs, or at least the consideration of this kind of change.

Nonetheless, it would be unfortunate if this change in direction resulted in unnecessarily restrictive policies toward the MNCs, for our goal would seem to be that of harnessing the great potential of these giants and making them responsible to public policy rather than putting them all out of existence.

Two of the most troublesome problems in relation to the MNC are (1) how to assess and enforce a just burden of taxation on the MNC and (2) how to limit the monopolistic oligopolistic tendencies of these giants so that their operations do not have serious adverse effects on competition and on prices in world markets.

TAXING THE MNC

One day this summer the New York Times carried an article noting that the staff of the European Commission, in a working paper, had singled out taxation as the area in which MNCs were in sharpest conflict with host states. The working paper noted that:

> Even leaving aside any problems with tax evasion, it is undoubtedly true that domiciliation in various countries, each with its own methods and rates and with independently conducted audits, . . . provides openings for tax avoidance.

The prices charged in a group's intercompany transactions and fees for industrial property or management can be used as a means of reducing the tax assessment basis or of consistently moving profits to countries with favorable tax systems.

Heads of multinational undertakings freely admit, however, that if tax avoidance is not their raison d'etre or their main source of profit, nevertheless they do logically operate a tax strategy that best serves the interests of their firm.

Merely by being true to themselves, the multinationals thus come into conflict with the [host] states.

Thus, for instance, a Belgian subsidiary of a U.S.-based MNC might help the MNC take advantage of the lower tax rate in Switzerland by charging a higher than reasonable price for management services rendered to the Swiss subsidiary of the same MNC, thus reducing its own income proportionately—income which would have been taxed at a higher rate than the Swiss subsidiary's income will. Some would call this just another phase of the company's tax planning.

U.S. Finance professor Sidney Robbins was quoted in Fortune magazine as saying "there is enormous potential for saving taxes by adjusting prices within the corporate structure" but that the MNC had not yet fully exploited transfer pricing.

U.S. Treasury officials have indicated that they are pleased with the progress which has been made by the United States and Germany in combatting the problem of transfer pricing by setting forth rules to be used by the MNC's for transactions "not at arms length." This problem needs to be pursued, however, to involve the cooperation of other countries.

If the MNC is to pay its fair share of the social costs of its operation, effective means must be worked out by governments to allocate the income of the MNC fairly among the different countries in which MNC subsidiaries may be located. The governments of the world have a great deal of work to do in tightening up their tax rules and their cooperation with one another if this is to be done—cooperation in such areas as the exchange of information, the enforcement of tax laws, the discussion of disputes, and so forth.

While the developed countries have made some good progress in these areas, and in achieving some harmonization of tax laws through means such as the tax treaty and consultations in the OECD, a great deal remains to be done both in this field and with regard to agreements between developed countries and developing countries.

Undue competition for the benefits of MNC home bases or foreign direct investment, as through tax forgiveness provisions or tax holidays, can only hurt the countries of the world by eroding their tax base to the advantage of the MNC. In all of these tax areas—including the consideration of border or value-added taxes in some countries, as well as the possible adverse implications for foreign investment of European steps toward integrating the corporate and personal income tax but allowing tax credit only to domestic investors—a General Agreement on Tax and Investment Policies, with a permanent secretariat, could serve a very useful function.

It has been estimated that the average effective tax rate for the United States on foreign operations of U.S.-based MNCs is 5 percent. This compares with a statutory tax rate of 48 percent for U.S. corporations. While it is perhaps reasonable that much of the taxes paid by a corporation should go to the taxing jurisdiction where the company's operations are located, the United States is obviously quite generous in our tax treatment of foreign source income. For instance, the tax treatment for a company establishing a subsidiary operation in Mexico is likely to be quite a bit more favorable than if that same company established a new operation in the United States. Also, in case after case, an American MNC has made use of a tax haven operation or certain provisions of the U.S. tax law to escape much of what would have been a fair burden of taxation.

For instance, the U.S. government does not levy a tax on any U.S.-based MNC earnings until they are repatriated to the United States. This "deferral" of taxes allows the company to reinvest earnings abroad indefinitely and, as many tax lawyers point out, to really escape taxation completely.

It is little wonder that representatives of foreign governments express the hope that we will not eliminate deferral, since it encourages re-investment in their countries and produces jobs and tax revenues. But why should we do this when there is no accounting of exactly what benefits there are for the United States from all of this, or for such goals as development in less developed countries?

Even though the U.S. government does not tax foreign source income on a current basis—when earned—we are rather generous in underwriting the losses of U.S.-based MNCs abroad. Generally, 48 percent of any loss incurred, even by an expropriation not covered by insurance, is allowed as an immediate deduction against U.S. tax liability.

Even by most conservative estimates, our tax breaks for foreign operations abroad—deferral, DISC (providing deferral for export-related operations), the Western Hemisphere Trade Corporation allowance (a reduced tax rate for these investments; 34 percent) and others—cost the U.S. government at least $675 million a year in lost tax revenues.

We may never know how much the U.S. government has forgone in tax revenues in connection with the U.S. investments in Middle East oil, virtually all of which are now being nationalized.

Several committees of the U.S. Congress are now or will soon be taking a very close look at whether these tax subsidies to foreign investment—much of which would undoubtedly be made even if there were no subsidies—are justified. For instance, how can it be argued that we must provide further tax breaks for domestic investment in order to encourage additional capital formation in this country when, at the same time, we are subsidizing the export of our capital, both through a bias in our tax laws in favor of foreign investment and through the OPIC insurance program?

Minimal U.S. tax reform proposals would eliminate deferral and DISC and tighten up the foreign tax credit, which is the U.S. vehicle for preventing double taxation of foreign source income. Other proposals would actually penalize foreign investment by treating the foreign tax credit only as a deduction. The U.S. Treasury has proposed certain revisions in the tax laws relating to allowances for foreign losses and for operations in foreign tax havens.

MNC'S AND THE CONCENTRATION OF ECONOMIC POWER

The second major field of concern regarding the MNCs is the control of their vast economic power. While this is basically a problem of jurisdiction and the application of antitrust laws, the unique and growing economic power of the MNCs is of course at the heart of our concern about the political power of these giant companies.

In this area perhaps more than others the governments of the world have been tardy in acting. There is strong evidence that harm has already been done in the form of lessened competition, higher prices and lower quality, and that now is the time to act to recoup lost ground.

As the attached table (table 2) shows, much of the growth of the U.S.-based MNCs abroad is attributable not to new facilities but to mergers and acquisitions of existing companies. While bigness may mean economic efficiency, it may also mean "improper advantage of a dominant position," as the Treaty of Rome puts it.

Americans have been pleased at recent reports that the European Commission is aggressively enforcing the European "competition policy." We have not been so happy with European rules on government procurement, which favor European companies and give little regard to price competition. While our own less stringent "Buy American" laws have popular appeal, there is a severe questioning of their prudence with regard to costs and benefits by many U.S. Congressmen and government officials.

Americans have also been pleased at reports that our own government is taking a stronger stand against monopolistic practices in this country. IBM, the world's 6th largest MNC, has been found guilty under U.S. antitrust laws of trying to monopolize the market for peripheral devices for its computers and is likely to pay millions of dollars in treble damages for this. Also the Justice Department's Antitrust Division has been reorganized with a view to more attention to matters involving trade and MNC operations.

Nonetheless, U.S. efforts to apply our antitrust laws to subsidiaries of U.S. MNCs have met with resistance. This is another area in which care must be taken to avoid the MNC's possible escape from any governmental jurisdiction.

In 1970, the OECD warned that, with the rise of the MNC,

"The competitive pressures which have come from the dismantling of trade barriers may gradually weaken and there is a danger that international mergers and growing financial links between large companies in different countries may lessen competition between foreign and domestic suppliers.

"While the growth of multinational corporations and links across national frontiers have been a major factor promoting rationalization and higher productivity, they also provide increasing scope for monopolistic and oligopolistic practices."

Economists such as Stephen Hymer are warning that "direct foreign investment tends to reduce the number of alternatives facing sellers and to stay the forces of international competition."

Americans tend to think that we have a very competitive "free enterprise" system in this country, whereas the European and Japanese governments permit various cartel arrangements and even support them. This is of course not exactly the situation. The U.S. government provides a great number of de facto subsidies to its industries. However, it is very important that all governments realize and realistically assess the dangers of the MNC as far as reducing competition and raising prices goes. Another serious problem in this area is the control by MNCs of alternative technologies, such as giant oil company control of coal and uranium supplies as well. In view of the implications of this fact, and the existing problem of world-wide inflation, the need for attention to this area cannot be over-emphasized.

General Motors is the largest corporation in the world. It is a multinational corporation, with about one-fifth of its sales abroad.

In its U.S. operations, controlling such auto "divisions" as Chevrolet, Buick, Pontiac, Oldsmobile and Cadillac, it has long enjoyed an extremely dominant position, verging on monopoly, in the U.S. automobile industry, which has become a large segment of the U.S. economy. If it had not been for the availability of Volkswagens, Toyotas, and other small car imports, there would have been no pressure on GM to produce any small cars at all—since small cars yield GM less profit. Therefore, without the competition of the foreign imports, there would be even fewer choices of relatively small cars on the U.S. market today than there are. Further, our gasoline consumption and air pollution problems would be even worse than they are.

Certainly there has traditionally been little real competition for GM from the other members of the U.S. auto industry oligopoly, Chrysler and Ford. It is easy to see how a further take-over by GM or another giant auto company of world-wide auto production could put consumers even further at the mercy—choice-wise and price-wise—of the MNC and the decisions of its corporate managers.

To make matters worse in its U.S. operations, GM also controls mass transit divisions which make buses and other such vehicles. How could one expect much progress in the mass transit area from GM when its bread and butter comes from selling more and bigger cars?

A solution suggested by some is to break GM into its independent component divisions especially in the case of its mass transit operations. Unfortunately, this suggestion has not been accepted by many government officials.

Yet, given the resource limitations of this plant, which are daily becoming more and more obvious, can this government and the other nations of the world afford any longer not to cooperate in making vast vested business interests such as GM accountable to the public good?

MNC'S AND MONETARY DISRUPTIONS

The Tariff Commission report cited above notes that at the end of 1971 private corporations controlled some $268 billion in short term liquid assets, with the lion's share controlled by multinational firms and banks headquartered in the United States. This was "more than twice the total of all international monetary institutions in the world at the same date."

The massive economic power of the giant MNCs is reflected in their holdings of short-term liquid assets. Even unintentionally, a movement of only a small fraction of these holdings from weak currencies to stronger ones could create a real crisis in the international monetary system.

This fact of life has made even more urgent the reaching of an early agreement on a more flexible international monetary system with adequate means for financing large short-term capital flows among countries.

MNC'S AND DEVELOPMENT

With the current backsliding among the rich countries of the world in their commitment to aid the developing countries, private foreign investment has assumed a new importance for the developing nations.

There would seem to be further steps the United States and other countries could take to promote the kind of investment in developing countries which will really be of benefit to those countries as well as to the MNC, such as the huge new agribusiness project under way now in Senegal. Thus far, some of the tax and aid steps the United States has taken with regard to development have not been very selective in their effect. The U.S. government and private businesses as well could be helpful to developing countries by providing technical assistance to these countries. One area that would seem to be ripe for action is assistance to representatives of these countries in the mechanics of negotiating with the skillful representatives—lawyers, accountants, economists, etc.—of the MNC. This kind of aid could benefit the MNC, by reducing suspicions and the likelihood of future action against foreign holdings, as well as the host country.

Like the area of antitrust, the role of the MNC in promoting development is a sorely neglected area. Narrowing the income gap between nations is absolutely essential if any of us are to enjoy peace and prosperity in the future. It would be most unfortunate if we are not able to harness the potential of the MNC for promoting development, rather than its potential for exploiting low wage rates and low environmental standards to its own advantage.

NEED FOR ATTENTION AND ACTION

As has been emphasized throughout this paper, the magnitude and significance of the issues relating to the operations of the multinational corporation are far too great for us to do anything but turn our immediate attention to better cooperation among our countries to resolve these issues.

A good way to start on this would be for us to set a date for an international conference on the creation of a General Agreement on Tax and Investment Policies.

TABLE 1.—THE TOP 15 MULTINATIONAL COMPANIES

Company	Total 1971 sales [billions of dollars]	Foreign sales as percentage of total	Number of countries in which subsidiaries are located
General Motors	28.3	19	21
Exxon	18.7	50	25
Ford	16.4	26	30
Royal Dutch/Shell	12.7	79	43
General Electric	9.4	16	32
IBM	8.3	39	80
Mobil Oil	8.2	45	62
Chrysler	8.0	24	26
Texaco	7.5	40	30
Unilever	7.5	80	31
ITT	7.3	42	40
Gulf Oil	5.9	45	61
British Petroleum	5.2	88	52
Philips Gloeilampenfabrieken	5.2	NA	29
Standard Oil of California	5.1	45	26

Data: United Nations.

TABLE 2.—187 U.S. MULTINATIONAL CORPORATIONS: METHOD OF ENTRY INTO HOST COUNTRY

[Number of affiliates and percentage]

	Total affiliates			Acquisitions [1]			Acquisitions as percentage of total		
	Pre-1946	1946–57	1958–67	Pre-1946	1946–57	1958–67	Pre-1946	1946–57	1958–67
Developed market economies:									
Canada	537	414	639	158	187	370	29.4	45.2	57.9
Western Europe	1,105	693	2,754	256	194	1,193	23.2	28.0	43.3
Southern hemisphere [2]	152	185	511	30	57	240	19.7	30.8	47.0
Japan	17	43	198	5	17	53	29.4	39.5	26.8
Developing countries:									
Western hemisphere	508	735	1,309	110	157	477	21.7	21.4	36.4
Asia and Africa [3]	103	176	491	17	23	109	16.5	13.1	22.2
Total	2,422	2,246	5,898	576	635	2,442	23.8	28.3	41.4

[1] Acquisition refers to purchases by U.S. corporations of domestic companies previously under local control.

[2] Including Australia, New Zealand, Republic of South Africa, Rhodesia.

[3] Excluding Rhodesia.

Source: Center for Development Planning, Projections and Policies of the Department of Economic and Social Affairs of the United Nations Secretariat, based on James W. Vaupel and Joan P. Curhan, "The Making of Multinational Enterprise" (Boston, 1969).

REMARKS OF REPRESENTATIVE G. V. MONTGOMERY AT LAUNCHING OF U.S.S. SPRUANCE

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. LOTT. Mr. Speaker, on November 10, 1973, a historical event occurred at Pascagoula, Miss. The first of the proposed 30 *Spruance* class DD–963 destroyers was launched. This multipurpose destroyer, with its sleek lines, vindicated the supporters of the "shipyard of the future." As it touched water by modern launching techniques, Congressman G. V. "Sonny" Montgomery delivered the principal address and very succinctly put the launching in its proper perspective.

REMARKS OF REPRESENTATIVE G. V. MONTGOMERY

Thank you, Admiral Zumwalt, for that very generous introduction. It is not often one has the honor and privilege of being introduced by the Chief of Naval Operations. It has been my good fortune on several occasions to talk with Admiral Zumwalt during appearances before our House Armed Services Committee and in less formal situations. I have always found him to be a man of immense capabilities and knowledge. One trait exhibited by you, Admiral, that is especially appreciated is your willingness to always speak your mind and let the chips fall where they may. You have been an inspiration to the officers and men serving under you and they should be grateful for the many changes you have instituted on their behalf.

Congressman Lott, Admiral Kidd, Admiral Johnston, Admiral Payne, Mr. O'Green, Mr. Marandino, Mrs. Spruance, Mrs. Bogart, my fellow Mississippians, ladies and gentlemen.

Before beginning I would like to express on behalf of Senator John Stennis his very deep regrets that important business pending before the Senate and especially the Senate Armed Services Committee prevented his being with us today. He really hated to miss this important event.

This occasion has been billed as the launching of the first of a new fleet of multimission U.S. Navy destroyers. Actually, it is much more than that. This event represents the beginning of an entire new naval concept to preserve the integrity of the high seas and ensure the defense of the free world. It also represents a revolutionary concept in shipbuilding made possible by the dedication and hard work of my fellow Mississippians and Alabamians that will result in a savings for the taxpayers over the long run.

Equally as important, this launching reminds us of the many men and women who fought bravely and against superior forces at times during World War II in order that the free world might remain free.

Mrs. Spruance, I believe your late husband would have been very pleased to have known that the first of the DD-963 class of destroyers is being named in his honor. In fact, the entire complement of 30 ships will be known as the Spruance Class. As a former commander of the first true destroyer, the *USS Bainbridge,* Admiral Spruance might be a little surprised to find that his namesake is twice as long as the *Bainbridge* and can displace 7,800 tons fully loaded as compared to a loaded displacement of only 590 tons for the *Bainbridge.*

Of course, the *USS Spruance* has many other firsts. As I mentionued earlier, it is a new class of Navy destroyers developed to maintain America's strength on the world seas and deter war into the 21st century. This will be the first major combat ship in the U.S. Navy to be powered with four marine gas turbine engines making it possible to travel at speeds in excess of 30 knots. The *Spruance* will have the most advanced surface ship sonar operational in the Navy today. In addition to its major responsibility of antisubmarine warfare, this ship can be assigned to bombard shore positions, support amphibious assaults, escort military and merchant ships convoys, perform surveillance and trailing of hostile surface ships, establish blockades and undertake search and destroy operations. This class of destroyer will certainly strengthen our position in keeping the sea lines open for much needed oil coming to the U.S.

Of importance to the cost conscious taxpayers of America is the fact that Litton technology and expertise produced a ship that will require a crew of only 250 officers and enlisted men. This is less than 80 percent of the crew required for modern combat ships of similar size and lesser capability. The reduction in personnel alone is expected to save the Navy more than a billion dollars at today's prices during the life of these new ships.

Nor have the creature comforts of the men assigned to the *Spruance* and future DD-963 destroyers been forgotten. The ship is almost self-maintaining and the living and recreation quarters for the men will be the most modern and comfortable available, including carpeting and pleasing color schemes.

Much of this must sound like a scene from a Jules Verne tale or some kind of miracle ship. It is not science fiction, but it is part of a major nationwide defense effort.

As noted by Ned Marandino, from the time that the smallest component part was produced to the time of launching, people from 35 States, the District of Columbia and 2 foreign countries have had a part in producing this vessel.

Even though Ingalls has the total responsibility of producing these new destroyers, many of the component parts were subcontracted to firms throughout the Nation. So it's really not a completely true statement to say that Ingalls Shipbuilding was awarded the contract for the Spruance class of destroyers. The contract was actually awarded to American industry under the direct responsibility and supervision of Ingalls, and I can't think of a better company to handle this challenge.

Let me digress for a moment to comment further on Ingalls Shipyard in view of the unjustified criticism that has come its way.

Most of the critics have never been to Ingalls shipyard and as far as I know have never even taken the time to discuss their charges with any of the officials of Ingalls or Litton.

I don't deny anyone the right to make any charges they want to or bemoan the fact that Ingalls received the contract for the DD-963 destroyers and LHAs. But I am sick and tired of political office holders picturing our defense contractors as highway robbers. Nor do I appreciate the fact that they play on the lack of knowledge of the American taxpayers when they know full well that only a very few people fully understand the complexities of military procurement. The contracts held by Ingalls and its subcontractors throughout America are a perfect example of an extremely complex defense agreement.

While making these statements, I full well realize that Ingalls has experienced problems in meeting part of their contract on the LHA. But these have not been insurmountable problems and are problems that can be expected on the shakedown cruise of any new facility such as this new and modern shipyard.

In fact, the USS Spruance is five and one-half months ahead of the contract milestone for launch.

In conversations I have had with Mr. O'Green and Mr. Marandino, they have made known to me their concern and the concern of their company. But what is important is that they have taken steps to solve the problems of the past and improve on the efficiency of the yard.

In addition to the leadership being provided by company management, I think it is also important to stress the dedication of the 18,000 person labor force. They are a true example of the hard work and dedication that American industry has come to expect of Mississippians, and those from neighboring states.

These men and women are not so many time cards that have to be punched each day. They are flesh and bone with an emotional involvement in their craftsmanship. I would match their abilities with the work performance of people in any other State in the Nation. I am proud of them and I am proud of the role they are playing in our Nation's defense.

I would like to quote a part of a statement made by Senator John Stennis concerning the LHA and DD-963 contracts following an on-the-ground inspection made by the Senator last December. I quote:

"I want to emphasize that these contracts come under a new method of building ships. There is some trial and error in it, there always is in new things.

"There may be some added costs—there always is in things that are new. But I see clear evidence the Ingalls is not only building these ships, but they are going to demonstrate to the American people and to the world that this is a sound way to build ships. I think it will prove to be the best way to build them at the least cost. These contracts are going to be carried out in such a way as to clearly prove that this yard and this system is a great asset to the Navy and therefore to the Nation—the American people—and to the entire free world."

Since no one, absolutely no one, is able to question the objectivity of Senator Stennis in matters dealing with military procurement, I feel his statement is ample evidence that Ingalls and Litton are performing in a manner consistent with their 35 years of outstanding shipbuilding experience.

In closing, I would like to elaborate briefly on one of the original points I made. That is this launching represents the beginning of an entire new naval concept to preserve the integrity of the high seas and ensure the defense of the free world.

I might point out, Admiral Zumwalt, my comments will be obviously familiar to you since they closely parallel the very strong testimony you gave before the Senate Armed Services Committee this past April. I am pleased that we share mutual views on national defense and naval power.

In an era when the perception of national power will carry great weight at the negotiating tables of the world, the military position of that national power must remain strong.

Our economic and political interest demand that we maintain a posture such that no enemy will question our ability to protect the vital sea lines of our commerce.

Nor must our enemies or adversaries question our resolve to support our allies and their sovereignty or our intention to work for world peace from a position of benelovent strength. To achieve these goals we must have a modern naval force of adequate size and composition to offset the growing capabilities of our major potential adversary—Russia.

Detente with Russia and China is a constructive beginning toward a generation of world peace. But the words on paper outlining detente must be backed-up by the men and equipment signifying our determination not to be bullied into a position of weakness. Therefore, we must have the national will to provide these men and equipment within the financial capabilities of the United States. For by speaking from a position of strength, we will be able to translate the pledges of peace into the realities of peace.

The ship we launch today meets part of our requirements for men and equipment to make detente work.

Mrs. Spruance, I am truly sorry that I never had the opportunity to meet and know your husband personally. I know that he was a great officer and a great American and most of all a great husband and father. Just as Admiral Spruance fought to regain freedom in World War II, the USS Spruance will play a leading role in preventing World War III and maintaining America's position as a strong and free nation.

ROBERT EWING THOMASON

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. PICKLE. Mr. Speaker, any person who has served in Congress in the depression years and the years that immediately followed, knows that Robert Ewing Thomason served the Congress with great distinction. I believe he was considered one of the top 10 Congressmen in the United States, and his achievements were so outstanding and his abilities so recognized that he was appointed Federal judge.

Over the years, I have heard many stories about this outstanding jurist. I have read his autobiography, and it is a heartwarming American story that proves that every young man has a chance if he applies his abilities.

As a Member of Congress, I have also heard many stories about this great judge, and I have pointed this out to many audiences in my district. The story goes that when a critical vote presented itself on the floor of the House, Ewing Thomason would rise and remind his colleagues of the difficult vote just a few minutes off. Then he would say:

> The leaders of the Congress on this committee tell us that this is a good bill and that it is needed. The leadership of the House has likewise examined this bill carefully and have given it their approval. I am not an expert in this particular field, and I do not know all the facts related to it; but in a vote like this, I am going to put my faith in my committee and my leadership. I believe we reach a point in government where we must believe in somebody or someone. Because I do believe in my leaders, I believe also in my country, and though I may have doubts, I am going to vote for the bill because I want to believe in my country.

Mr. Speaker, in this day and time, that story must be told over and over. We must believe in someone. We must believe in our leaders. We must believe that proper study has been given. The words of Ewing Thomason were true then and are true today.

When Judge Homer Thornberry was sworn in as U.S. district judge in El Paso, I flew to that happy occasion where Judge Thomason presided. It was obvious that everyone in the courtroom and in El Paso loved this man. He was pleasant, witty, thoughtful, and deeply philosophical. He was a great American.

PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ARCHER. Mr. Speaker, the great advances in communication and travel have indeed made the world smaller. The increased contact between the American people and citizens throughout the world has led to an effective form of diplomacy. This "new diplomacy" was emphasized in a recent speech delivered to the Rotary Club of Houston by Mr. Alan A. Reich, Deputy Assistant Secretary of State for Educational and Cultural Affairs. I enter this excellent talk in the RECORD at this point:

PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

(Remarks of Deputy Assistant Secretary of State for Educational and Cultural Affairs Alan A. Reich)

Diplomacy has gone public. Foreign relations is no longer the exclusive domain of the professional diplomat. In almost every country of the world, foreign affairs communities, in varying degrees, have opened their ranks to public participation. It is a privilege to meet with the Rotary Club of Houston, which, I understand, is the largest Rotary Club in the world, because you play an important role in Houston's international outreach and leadership.

I shall talk today about the importance of people-to-people diplomacy, the interest of the State Department in furthering it, and comment on the significant contribution of your Rotary work.

Many Americans ask why we should concern ourselves with international problems when we have so many serious domestic concerns demanding attention. There are several good reasons for our getting "involved with mankind": First of all there is common charity. Then there is a sense of common humanity. In addition, there is common sense. Modern transportation and communications, not to speak of modern weapons, have brought our neighbors' problems to our doorstep. We have no choice but to become involved, because if the problems next door are ignored, they soon become our problems.

Poverty, illiteracy, hunger and disease recognize no nation's borders and travel under no country's passport. It is not a matter of the world's poor getting poorer while the rich get richer. The poor are getting richer, too. But their lot is improving so slowly that the difference—the gap—between rich and poor is widening, not closing. Unless some way can be found to reverse this trend, those who are better off must one day suffer the horrible consequences. Neither we nor our children will have the luxury of working on our domestic problems if we do not succeed in bringing about a climate of peaceful cooperation throughout the world during the next few years. Whether we cooperate with our international neighbors because it is good, or right, or necessary, we must get on with it *while* we are improving the quality of life at home. We can also take some solace in knowing that the job is not ours to do alone. Many other nations share with us the desire and the capacity to help close this gap between the have and have-not peoples of the world. The facts of international life today are that common sense and common survival dictate common action to solve common problems.

The geometric increase in citizen involvement in world affairs has special significance for the diplomat. It is a fundamental, irreversible, and irresistible influence for peace. Nations are less likely to deal with their differences in absolute terms when their citizens communicate and cooperate with each other freely and frequently.

When people-to-people bonds and communications networks are more fully developed, there will be a greater readiness to communicate, to seek accommodation, and to negotiate. The likelihood of international confrontation will diminish, and prospects for peaceful solutions will be enhanced. This rationale governs the interest of the State Department in the furtherance of meaningful people-to-people exchange.

DEPARTMENT-SPONSORED EXCHANGES

When you think of the State Department's conduct of our international affairs, the exchange-of-persons program does not come immediately to mind. It is, nonetheless, a significant and important activity of the Department. The Bureau of Educational and Cultural Affairs works constantly and quietly to improve the climate for diplomacy and international cooperation. The exciting, challenging job of the Bureau is to utilize its modest funds and manpower to reinforce the work of American individuals and organizations who want to help construct, a little at a time, the foundation of better relationships with the rest of the world. It also coordinates, as necessary, the activities of other government agencies with international exchange programs in substantive fields such as health, education, social welfare, transportation, agriculture, military training, and urban planning.

Having come not too long ago from the business world, I have a great appreciation for what is being done for an investment of some $45 million annually. There are several major elements of the Department's exchange program:

The Fulbright-Hays exchange program over 25 years has engaged more than 100,000 people in academic exchanges. Annually, some 5,400 professors, lecturers, and scholars are exchanged to and from the United States.

The international visitor program brings to the United States about 2,000 foreign leaders and potential leaders annually for one- or two-month orientation programs. This includes nonacademic leaders and professionals, from Cabinet officers to journalists. One out of every 10 heads of state in the world today has been a State Department exchange visitor, as have some 250 Cabinet ministers of other nations.

The Department of State sends abroad annually several leading performing arts groups and athletic stars; for example, in the past year under this program the San Francisco Symphony Orchestra and the New York City Ballet toured the Soviet Union; one of America's leading popular singing groups, the Fifth Dimension, performed in Eastern Europe; Robert Lee Elder and the Morehouse College Glee Club visited Africa; and the United States basketball and swimming teams just returned from tours to the People's Republic of China.

Some 150 prominent U.S. lecturers went abroad for six-week lecture tours in 1972.

Nearly 500 United Nations specialists selected by their home countries and funded by the U.N., are programmed annually by the State Department through 30 other government agencies for six- to nine-month training programs in the United States.

The commitment to these programs is substantial. They are administered, in cooperation with thousands of volunteers and many private organizations, by Bureau personnel in Washington and at our reception centers in Honolulu, Miami, New Orleans, New York, and San Francisco. Abroad they are administered, in cooperation with the United States Information Agency, by the cultural affairs officers in our embassies. In 50 countries there are binational commissions which have responsibility for supervising the academic exchange program.

The State Department's small but catalytic exchange-of-persons program with 126 countries stimulates constructive communication among leaders and future leaders in many fields here and abroad. It creates durable reservoirs of information, understanding, and empathy. It develops rewarding and lasting contacts of key people of other countries with their counterparts here.

THE CONTRIBUTION OF SERVICE ORGANIZATIONS

In government and in the private sector, there is much to be done. Service organizations, such as Rotary International, through its people-to-people programs, are doing an outstanding job. Rotary's international youth exchange, involving 700 youths throughout the world annually, is a model program with considerable impact.

The Rotary Club matching program, which links Rotary Clubs in 150 countries with counterpart clubs for direct Rotarian-to-Rotarian relationships and shared service projects, is equally impressive. Rotary's world community service program has helped people throughout the world. Through Rotary International's small business clinic program, many individuals in less developed countries have been helped to self-sufficiency and community contribution.

Two other elements of the overall Rotary International outreach are especially meaningful. First, the mere existence of Rotary joining 750,000 leaders around the world is a potent force for mutual understanding. As your new Rotary International president, William C. Carter, stated at the Lausanne Congress last month, "No country or empire in the world ever had in its embassies and consulates, so many outlets as Rotary International has in its 15,659 clubs in 150 countries and geographical areas of the world." Rotary is made up of leaders from all segments of society; this fraternal relationship—professional to professional, businessman to businessman, and so on—generates good will among millions throughout the world.

CRIME CONTROL NO. 7

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. LANDGREBE. Mr. Speaker, far more than the police, who in most instances can act only after a crime has been committed and they have been notified by the victim or witnesses, an armed citizenry acts as a deterrent to crime and a force for the apprehension of criminals. Should guns be confiscated from private citizens, this enormously effective peacekeeping force would be gone, and, in all probability, a wave of crime would wash over the Nation, In order to illustrate the law-enforcement capability of privately owned guns, I ask that this article from the Tennessean, "Armed Neighbors Thwart Burglary," be printed in the RECORD.

The article follows:

ARMED NEIGHBORS THWART BURGLARY

(By George Watson Jr.)

Three burglars discovered yesterday that it doesn't take police to cause them trouble.

A group of neighbors—all armed with guns—also can be bad news.

Mrs. Nancy Cooley, of 4020 Bernard Road, Joelton, said she and her husband, Flem, had gone to work early yesterday when three men pulled into the driveway of their home and began their work.

"Mrs. Dot King, my nextdoor neighbor, saw them carry out my color television, a black and white TV, a radio and vacuum cleaner," said Mrs. Cooley. "Mrs. King then called my husband and Carl Tinsley, a neighbor who runs a service station up the street."

While the burglars went about their work, about 9:30 a.m., carrying the merchandise out of the Cooley home and putting it into their car parked in the driveway, Tinsley—armed with his pistol—headed to the Cooley home in a wrecker from his service station.

"As the men came out of the driveway and started up the street, Tinsley and another man blocked the street with their wrecker and so the men started backing down the street," explained Mrs. Cooley.

Mrs. Cooley, who pointed out that she lives on a deadend street, said the three men then "threw out all the merchandise over a hillside at the end of the street."

Meanwhile, a number of other neighbors armed with pistols and shotguns came up to the wrecker to join Tinsley and one of his workers.

"When the guys started back up the street," said Mrs. Cooley, "all my neighbors held their guns on them until the police arrived."

ALBERT IS AGAINST POTENTIAL COUP

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. DERWINSKI. Mr. Speaker, in my judgment, the deliberate delay in the confirmation of Vice Presidential-designate GERALD FORD which has been the result of political thinking of the majority party in both Houses, is clearly against the public interest.

A very interesting theory as to the reason for this delay is the subject of an article by columnist Frank van der Linden which I noted in the October 14 issue of the South Harvey Illinois Star Tribune. This article was written a month ago yet some of the points are still very pertinent.

The article follows:

ALBERT IS AGAINST POTENTIAL COUP

(By Frank van der Linden)

WASHINGTON.—House Speaker Carl Albert is moving vigorously to block a scheme proposed by radicals in his own Democratic party to make him President of the United States by a Congressional coup d'etat.

The Oklahoma Democrat is appalled by the idea that the Democrats controlling Congress could place him in the White House by first impeaching President Nixon before there could be a vote on confirmation of Vice Presidential-designate Gerald Ford.

It is not an entirely preposterous plot. Since the forced resignation of Vice President Spiro T. Agnew on October 10, the Speaker has been next in the line of succession to the Presidency. He will remain there as long as Ford's nomination is stalled in committee; and any tragedy befalling the President would make Albert automatically the next chief executive.

The Democratic majority of the House Judiciary committee is taking its own sweet time about considering Ford, and the Senate Rules committee isn't moving much faster. Now the same House committee is driving ahead with a stack of resolutions to impeach the President, making the most of the nation-wide roar of outrage that ensued when Nixon fired special prosecutor Archibald Cox.

Albert has publicly cautioned the Judiciary panel against holding Ford as a "hostage" while the impeachment campaign rolls on. But Chairman Peter W. Rodino, the finest flower of the Newark (N.J.) Democratic machine, is under intense pressure from Nixon-haters, in Congress and out, to "get" Nixon first and let Ford wait.

Rodino won re-election last year against two black opponents in his district, where white voters have been reduced to a minority. He is hearing threats that a strong black candidate will try to take his House seat away next year unless he goes along with the impeach-Nixon drive, which is being pushed by the Americans for Democratic Action, the Democratic Study group in the House, and allied groups.

So Rodino, although anxious to co-operate with the Speaker's efforts to cool off the radicals, is only a figurehead carried along by the violent partisans on his own committee. Rep. Tom Railsback, Illinois Republican on Judiciary, has protested that the Democrats on the panel are pressing their probe of "Watergate-related" matters and other issues concerning "the President's conduct" without bothering to consult the minority members.

The Speaker, who was born 65 years ago at Bug Tussle, a hamlet in the "Little Dixie" region of Southeast Oklahoma, has no desire to be President. He has a heart ailment, and is unhappy in his role as "the man only a heartbeat away from the Presidency." In times past he has had a problem resulting from too many Washington cocktail parties.

How could his health stand up to the pressures of being the commander-in-chief in a confrontation with the nuclear power of the Soviet Union? How, for instance, could he meet with the National Security council at 3 o'clock in the morning, as Nixon did when he placed the U.S. armed forces on the alert to checkmate Soviet troops from intervening in the war in the Middle East?

The radicals pushing Albert for President don't care about that problem. Once he is in the White House, he can nominate some good liberal—perhaps Sen. George McGovern of South Dakota—as his Vice President and then resign. Thus the Democrats, although overwhelmed by Nixon in the 1972 election, would seize the White House at last.

BAN THE HANDGUN—I

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. BINGHAM. Mr. Speaker, day after day the press reports felonious deaths by firearms. Most of these senseless homicides could be prevented by the adoption of strict gun controls. The New York Times on Sunday, November 4, included three such instances, the New York Post two. The clips follow:

[From the New York Times]

FAMILY DISPUTE ATTRACTS GANG; ONE DEAD TWO SHOT

(By Linda Greenhouse)

A family dispute in the South Bronx early yesterday morning spilled out into the street and ended with one man shot to death, another wounded, one 16-year-old gang member shot by a police officer, and three gang members under arrest for murder.

The police were looking for four other youths, reportedly members of the Black Stage gang, and trying to reconstruct the events that led the gang members to shoot at two men as they stood arguing in front of 607 West 140th Street.

According to the police, the dead man, Frederick Scott, 25 years old, of 1305 Amsterdam Avenue, had gone to the West 140th Street apartment of his sister, Minnie LaGrath, to try to make peace between her and her estranged husband, James.

ARGUMENT STARTS

At the apartment, Mr. Scott and Mr. LaGrath found Mrs. LaGrath's boyfriend, Joe L. Saunders. The three men started arguing, and soon after midnight Mr. Scott and Mr. Saunders went outside.

There, according to the police, they became involved in a dispute with seven teen-aged gang members. Mr. Scott was shot fatally in the heart and Mr. Saunders was wounded slightly in the back.

Witnesses to the shooting hailed a passing police patrol car. The officer, Thomas Murray, chased three youths into an alley. When one of them, John Martin, 16 years old, of 1910 Marmion Avenue in the Bronx, allegedly made a threatening gesture, Officer Murray fired twice, wounding the boy in the back. He was admitted to Jacobi Hospital.

Officer Murray arrested the wounded youth and two others, Lawrence Brown, 16 years old, of 614 East 140th Street in the Bronx, and John Johnson, also 16, of 285 Cypress Avenue. All three were charged with homicide.

[From the New York Times, Nov. 4, 1973]

FROM THE POLICE BLOTTER

One man was shot and killed and another wounded in the attempted holdup of Club 83, 151 Lenox Avenue, near 118th Street. The police said the dead man, James Thomas, 43 years old, of 559 West 158th Street, was in the restaurant when two men wearing ski masks and brandishing pistols entered and announced a holdup. Mr. Thomas struggled with the gunmen and several shots were fired, one of which struck him in the head, killing him instantly. Another shot wounded Alexander Brown, 30, of 987 Union Avenue, the Bronx, in the abdomen. The police said Mr. Brown was holding a .45-caliber revolver. He was taken in custody to Harlem Hospital, where he was listed in critical condition. . . . Donald Moses, 26, of 221-43 114th Road, Cambria Heights, Queens, allegedly shot his wife, Marlene, in the chest with a shotgun, then held off the police for more than two hours before surrendering under a tear-gas attack. His wife was reported in fair condition at Queens General Hospital.

[From the New York Post]

NEW JERSEY MAN FOUND SHOT TO DEATH ON HIGHWAY

ALLAMUCHY TOWNSHIP, N.J.—The death of a man found with bullet holes in his head on a highway here was under investigation today.

State Police said they identified the man through finger-prints as Dominick Reo, 48, of Paterson.

BRONX STORE OWNER KILLED IN A HOLDUP; SUSPECT IS SEIZED

The owner of a dry cleaning business near the Bronx Zoo was shot and killed early yesterday morning in an apparent holdup attempt.

The two gunmen, who were waiting for their victim when he arrived to open his store at 4:45 A.M., fled after the shooting. Yesterday afternoon, dctectives of the Ninth Homicide Squad said they had one suspect in custody.

The dead man was Joseph DiGioia, 47 years old, of 4160 Digney Avenue in the Wakefield section of the north Bronx. He had operated a dry cleaning business at 2143 Prospect Avenue, at East 181st Street, for about five years.

The police said he had been shot once in the leg and twice in the head and that he might have been tortured with his own knife, which was found at the scene.

The police found Mr. DiGioia's body in the middle of the store, but also found blood at the back of the room near a hidden safe. They theorized that the gunmen had tried to force Mr. DiGioia to open the safe and that he had refused.

A woman in the apartment house next to Mr. DiGioia's store said that crime had been increasing recently and that there had been four robberies in her building in the last month. Asked for the name of the neighborhood, she replied: "I don't know, I just call it a bad neighborhood."

Mr. DiGioia, along with his wife, 16-year-old stepson, and 3-year-old daughter, had moved to Digney Avenue from the South Bronx about a year ago. Their new home was the top floor of a two-family house in a pleasant neighborhood near the Westchester county line.

A neighbor there said that violence was virtually unknown in the area and that everyone on the street was shocked and saddened by Mr. DiGioia's murder.

UTILITY SYSTEM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the Johnson Space Flight Center in Houston, Tex., has undertaken an important project in the conservation of energy. Applying the expertise of the national space program, this project is designed to provide new means to conserve and utilize resources in our daily living. Because of the importance of this article, I am including it in the RECORD for the review and consideration of my colleagues and the general public:

NASA TO DEVELOP AND TEST INTEGRATED UTILITY SYSTEM

Next spring the Johnson Space Flight Center in Houston will hook up the first integrated utility system. The laboratory scale test system is designed to assess the feasibility of large-scale modular integrated utility systems. These systems could serve highly concentrated population centers, such as hi-rise residential and commercial buildings and high-density housing projects.

The laboratory model, called MIST (for modular integrated system test), is being built by the Hamilton Standard Division of United Aircraft Corp. under a $700,000 contract awarded by the National Aeronautics and Space Administration.

NASA and other government agencies, such as the Atomic Energy Commission and the Environmental Protection Agency, are cooperating in a broad-scale project with the Department of Housing and Urban Development to develop and promote the concept of a modular integrated utility system (MIUS).

Such systems envision the integration of water supply and sewage processing, solid-waste incineration, electric power generation and heating and cooling from a self-sustaining network. Utility subsystems would be mechanically integrated in modules that could function independently of area-wide municipal utility networks and with a minimum of external energy requirements.

MIUS has evolved as the ultimate or inevitable result of separate projects backed by the various agencies involved where waste treatment has been integrated, say, with heat generation. HUD recently began operation of a Total Energy system plant in Jersey City, N.J., which will provide electricity, heat, hot water and air conditioning for a planned community project embracing some 488 residential apartment units, schools and commercial facilities. Experience gleaned from the Jersey City demonstration will be fed into the more ambitious MIUS effort.

HUD officials emphasize that the MIST unit will not be a prototype MIUS. It is a small-scale effort to integrate the necessary hardware and mechanical processes to provide the desired outputs at a level sufficient to meet the needs of about 100 people.

The system is to be installed in a laboratory at the Johnson Center where the necessary typical inputs are available, such as solid and liquid wastes. As tests progress, new parameters will evolve for a second phase, the actual design, construction and demonstration of a full-scale MIUS.

Government engineers involved in the MIUS project have long held the idea to be technologically feasible. HUD's MIUS project director, Jerry Leighton, pointed out that no new technology is needed for MIUS. Each element within the conceptual network has already been proved feasible.

Leighton came to HUD from NASA where he had been a project engineer on the Apollo program. He noted that the challenges arising in the Apollo project did not involve the development of new technology. Like MIUS, the Apollo project was the integration of existing technology.

Government officials are understandably elated about the MIUS concept. By utilizing energy generated from waste, MIUS would make minimal demands on outside energy resources. At the same time MIUS will consume wastes that might otherwise pose an environmental pollution threat.

Economists point out that even if MIUS proves to be a technological success, the biggest hurdle to overcome in realizing the benefits will be in commercializing the concept. To be commercially feasible, MIUS will have to overcome both regulatory and financial barriers built into the existing public and investor-owned utility systems.

RECOMMIT THE LABOR-HEW APPROPRIATIONS BILL TO OBTAIN EQUITY FOR TITLE I CHILDREN

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. QUIE. Mr. Speaker, as I have indicated, I intend Tuesday to offer a motion to recommit the Labor-HEW conference report to conference with instructions to return to the House with a better formulation for the distribution of funds under title I of the Elementary and Secondary Education Act. Specifically, I will ask that the language contained in amendment 32 in the conference report be deleted and that the conferees be instructed to report back a bill giving local school districts 90 percent of the amount they received in 1973 and permitting local school districts to receive as much as they are entitled to providing that States in the aggregate not receive more than 120 percent of the amounts they received in 1973.

This change in the formula will permit the changes in population which have taken place since 1960 to be more accurately reflected both between States and within States. For the interest of Members, I am reproducing below a table which compares how much each of several major counties would receive under the provision in H.R. 8877 compared with how much they would receive under the provision contained in my motion to recommit.

TITLE I—ESEA

[All figures are in thousands of dollars]

County and State	Fiscal year 1973	H R 8877 provision	Quie proposal
Mobile, Ala	$1,876	$2,158	$2,356
Maricopa, Ariz	3,557	4,090	4,226
Los Angeles, Calif	45,181	51,958	55,156
San Diego, Calif	5,505	6,331	7,348
Denver, Colo	3,256	3,745	3,942
New Haven, Conn	3,459	3,978	4,187
New Castle, Del	1,481	1,703	1,899
Dade, Fla	3,619	4,162	5,132
Fulton, Ga	3,750	4,313	4,636
Cook, Ill	43,938	50,529	56,590
St. Clair, Ill	3,722	4,280	4,370
Lake, Ind	3,920	3,358	4,289
Polk, Iowa	1,221	1,404	1,612
Sedgwick, Kans	1,706	1,962	2,361
Jefferson, Ky	3,197	3,676	4,434
Orleans, La	4,306	4,952	6,845
Cumberland, Maine	943	1,084	1,274
Prince Georges, Md	1,649	1,897	2,352
Dukes, Mass	2,506	2,882	3,179
Wayne, Mich	22,254	25,592	27,430
Hennepin, Minn	4,404	5,065	6,679
Jackson, Miss	2,273	2,614	3,092
St. Louis City, Mo	5,074	4,835	6,852
Cascade, Mont	299	344	379
Douglas, Neb	1,956	2,249	2,437
Clark, Nev	540	621	733
Essex, N.J	10,996	12,645	13,262
Bernalillo, N. Mex	1,361	1,565	2,167
Bronx, N.Y	37,241	42,827	50,269
Kings, N.Y	57,507	66,134	73,035
Cass, N. Dak	180	207	225
Cuyahoga, Ohio	9,792	11,261	14,283
Summit, Ohio	1,912	2,199	2,567
Oklahoma, Okla	2,349	2,701	2,827
Multnomah, Oreg	2,557	2,940	3,107
Philadelphia, Pa	20,752	23,865	31,375
Providence, R.I	3,564	4,099	4,178
Pennington, S. Dak	257	296	401
Bexar, Tex	5,177	5,953	6,279
Harris, Tex	6,314	7,261	8,686
Salt Lake, Utah	1,666	1,916	2,078
Fairfax, Va	466	535	1,060
Richmond, Va	2,304	2,649	2,831
King, Wash	3,728	4,288	4,724
Milwaukee, Wis	5,039	5,795	7,395
Laramie, Wyo	171	197	283

Note: Col. 1 is based on actual 1973 HEW allocation of $1,600,000,000. Cols. 2 and 3 are based on $1,800,000,000, the amount contained in conference report on H.R. 8877.

The provision contained in the conference report on the Labor-HEW appropriations bill has some very strange effects. By holding local districts to 115 percent of the amount they received in 1973 after the first continuing resolution had no LEA ceiling, only a State hold harmless, some school districts will receive virtually no funds during two quarters in fiscal 1974. The provision in my motion to recommit will provide a great deal more equity. For example, here is what would happen to a selected number of counties:

County and State	1st quarter allocation	H.R. 8877 provision	Quie amendment
Comanche, Okla	915,000	450,000	708,000
Hennepin, Minn	6,800,000	5,000,000	6,700,000
Dakota, Minn	498,000	292,000	484,000
Crockett, Tex	31,000	15,000	27,000
Dallas, Tex	6,400,000	4,800,000	5,500,000
Kent, Tex	24,000	12,000	21,000
Chattahoocee, Tenn	77,000	20,000	58,000
Elmore, Idaho	88,000	43,000	88,000

RESULTS OF FOURTH ANNUAL PUBLIC OPINION POLL

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. YATRON. Mr. Speaker, I have today released the results of my annual public opinion poll which had been sent to the residents of the Sixth Congressional District. The questionnaire requested the opinions of my constituents on current issues facing the Congress and Nation. More than 47,000 responses have been received.

This response, which is well above the number who usually participate in polls of this kind, clearly indicates that the people of Berks, Schuylkill and Northumberland Counties are deeply interested in the major issues of the day and are eager to convey their views to their elected officials. Of the many thousands who replied, hundreds amplified their answers with comments detailing the reasons for their responses.

It was evident from this questionnaire that inflation is of high concern. In addition to the preference of the people of the Sixth District that inflation is a problem of the highest priority, separate comments on this subject were extraordinary. I could not agree more with the residents of the Sixth District and have sponsored many efforts to reduce the inflation which has been reducing the income of all Americans.

We know that the strength of our Government is dependent upon the existence of procedures to promote the regular exchange of views between Government representatives and their constituents. This questionnaire is one of my many efforts to involve everyone in this process.

I interpret the results of the poll as follows:

Significant numbers approved inflation, tax and welfare reform, crime, and consumer protection as the top priority items with education, drug abuse, mass transit, military defense, and rural development receiving the lowest priority votes.

A full 88 percent feel that the United States should not provide economic assistance for the rebuilding of North Vietnam.

Sixty-two percent feel that mass transit facilities would provide a partial solution to the energy crisis and that they would use these services.

Nearly three-quarters feel that construction of the Alaskan oil pipeline should proceed.

An overwhelming majority of 82 percent feel that capital punishment of criminals should be adhered to strictly.

Forty-seven percent would be willing to pay more for products if their manufacture, use and packaging could be made pollution-free.

Forty-six percent feel that Congress should approve Federal tax credits to defray the cost of tuition paid by parents whose children attend nonpublic schools, while half disapproved of such a tax deduction.

A full 61 percent feel that the Federal Government should help the Nation's railroads stay in operation.

Regarding the economy, 59 percent believe that no Government regulation is necessary since supply and demand should determine wages and prices under a completely free market economic system.

Sixty-seven and fifty-eight percent respectively feel that the United States should discontinue foreign military and economic aid, while 68 percent feel that we should continue foreign humanitarian aid programs.

A full 60 percent feel Federal funding should be approved for day-care and child development programs.

Fifty-seven percent believe that the Federal Government should approve a national health insurance program for all Americans.

A full 70 percent feel that the United States should continue to enter into economic and cultural trade agreements with China and Russia.

Eighty percent feel that legislation should be enacted to limit the President's warmaking powers in undeclared wars.

Regarding the energy crisis, top priority action included a search for new energy sources, more efficient use of fuel by machines and increased usage of coal while increased atomic powerplant construction, increased crude oil imports, and fuel rationing received the lower priority ratings.

A phenomenal 94 percent feel that a wage earner's investment in his private pension plan where he works should be protected by Federal legislation.

Eighty-five percent feel that Congress should increase its efforts to help the handicapped while only 45 percent believe that veterans should be allowed to use GI bill education benefits at any time during their lives.

This public opinion poll has proved to be extremely useful in measuring more precisely the attitudes of my constituents on some of the major problems facing Congress. I know it will help me provide the people of the Sixth Congressional District with effective representation in the weeks and months ahead.

While it is not expected that everyone will agree on every issue, it is hoped that we can all agree that the process of exchanging views is healthy and should be encouraged. I feel that, through my newsletters and questionnaires, this goal is reached and everyone's interests are served while permitting me to be more responsive to the needs of the people in the sixth congressional district.

Reproduced below are the full questionnaire results:

RESULTS OF THE POLL

RECONSTRUCTION AID

Should the United States provide economic assistance for the rebuilding of North Vietnam? Yes, 7%; No, 88%; Undecided, 5%.

MASS TRANSIT

As a partial solution to the energy crisis, would you use a mass transit system to travel to and from work? Yes, 62%; No, 28%; Undecided, 10%.

ALASKAN OIL PIPELINE

Would you support Congressional action to authorize the construction of the Alaskan oil pipeline? Yes, 72%; No, 13%; Undecided, 15%.

CAPITAL PUNISHMENT

Do you favor a Constitutional amendment to permit passage of state laws reinstating capital punishment? Yes, 82%; No, 11%; Undecided, 7%.

CONSUMER PRODUCTS

Would you be willing to pay more for products if their manufacture, use and packaging could be made pollution-free? Yes, 47%; No, 35%; Undecided 18%.

NON-PUBLIC SCHOOLS

Do you favor federal tax credits to defray part of the cost of tuition paid by parents to send their children to non-profit, non-public elementary and secondary schools? Yes, 46%; No, 51%; Undecided, 3%.

RAILROADS

Should the federal government, through increased financial assistance, help the nation's railroads stay in operation? Yes, 61%; No, 26%; Undecided, 13%.

PRIORITIES

1st, Inflation; 2nd, Tax Reform; 3rd, Welfare Reform; 4th Crime; 5th, Consumer Protection; 6th, Drug Abuse; 7th, Education; 8th, Military Defense; 9th, Mass Transit; 10th Rural Development.

ECONOMY

Which of the following courses do you think the federal government should pursue regarding the economy?

59% feel we should let supply and demand determine wages and prices under a completely free-market economic system.

14% feel we should continue with temporary wage/price freezes like those we have had since August 1971.

27% feel we should begin a price control program where government determines fair wages and prices periodically.

FOREIGN AID

Should the federal government continue:

a. foreign military aid programs? Yes, 20%; No, 67%; Undecided, 13%.

b. foreign economic aid programs? Yes, 30%; No, 58%; Undecided, 12%.

c. foreign humanitarian aid programs? Yes, 68%; No, 22%; Undecided, 10%.

CHILD CARE

As a means of providing mothers presently on welfare with an opportunity to become self-supporting, do you favor the proposal that the federal government fund day-care and child development programs for preschool and school-age children? Yes, 60%; No, 33%; Undecided, 7%.

HEALTH CARE

Health care costs have increased dramatically in recent years to the level paying for adequate health care is beyond the reach of many people. Should the federal government consider a National Health Insurance Program to cover all Americans? Yes, 57%; No, 34%; Undecided, 9%.

TRADE

Do you favor further economic and cultural trade with China and Russia? Yes, 70%; No, 21%; Undecided, 9%.

WAR POWERS

Our Federal form of government is based upon the Separation of Powers between the three branches of government—the Judicial, the Legislative, and the Executive. Do you favor legislation which would restore this balance by prohibiting the President from committing American combat forces beyond a period of 120 days without the consent of Congress? Yes, 80%; No, 14%; Undecided, 6%.

ENERGY CRISIS

What do you think the government should do to combat the energy crisis?

1st, search for new sources of energy, such as solar energy;

2nd, try to eliminate wastefulness by increasing the efficiency of machines which use petroleum products for fuel;

3rd, use more coal, America's most abundant resource, in the best possible way;

4th, increase atomic energy plant construction;

5th, increase crude oil importation; and

6th, begin a program of fuel oil and gasoline rationing.

PENSIONS

Should the Congress approve legislation to protect a wage-earner's investment in his private pension plan and allow him to take his contribution when he leaves the employment of one company to begin work in another? Yes, 94%; No, 3%; Undecided, 3%.

HANDICAPPED

Should the Congress increase its efforts to help the handicapped by providing more funds for rehabilitation and vocational education programs? Yes, 85%; No, 6%; Undecided, 9%.

VETERANS

Should the time-limit on the use of education benefits for Vietnam veterans under the GI Bill be eliminated so that veterans could go back to school with federal assistance at any time during their lives? Yes, 45%; No, 46%; Undecided, 9%.

THE MILITARY MAW—PART VII

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mrs. SCHROEDER. Mr. Speaker, in her last speech before the United Nations as Sweden's top disarmament negotiator, Mrs. Alva Myrdal blamed the United States and the Soviet Union for lack of progress toward genuine disarmament at the 1973 session of the Conference of the Committee on Disarmament. She also warned of dangers to world peace in the development of tactical nuclear weapons and binary nerve gas weapons.

In August, I attended the CCD and felt the same frustrations expressed by Mrs. Myrdal. While I was there Mexico, Sweden, and Brazil all publicly criticized the Conference for failing to produce any kind of agreement in the 2 years of its life. The SALT talks should make it clear agreements can be reached only if this country shows the way. Unless we begin to contribute some positive proposals, particularly in the area of chemical weapons, it appears our attendance at future sessions of the Conference will merely be an empty gesture.

Following is a report from the New York Times on Mrs. Myrdal's speech:

MRS. MYRDAL, LEAVING U.N., WARNS OF NEW WEAPONS

(By Kathleen Teltsch)

UNITED NATIONS, N.Y., Nov. 10.— Mrs. Alva Myrdal gave her last speech as Sweden's top disarmament negotiator this week, blaming the United States and the Soviet Union for lack of progress toward genuine disarmament.

In response, she received a chorus of tributes including two from her main targets.

"I bear many scars testifying to her effectiveness," Joseph Martin Jr., the chief United States negotiator, told members of the General Assembly's Political Committee. And Aleksei A. Roshchin, the Soviet member, recalled that he had differed with her on many occasions, but that her contributions had been appreciated.

Mrs. Myrdal was the "conscience of the disarmament movement," Masahiro Nishibori, the Japanese delegate, declared.

The 71-year-old diplomat and her husband, the economist Gunnar Myrdal, are going to the Institute for Democratic Studies at Santa Barbara, Calif., each to write a book.

Mrs. Myrdal, who held the rank of Minister of State, has been Sweden's representative on the 25-member disarmament conference, which ended its 1973 session in Geneva with most members complaining that it had reached virtual paralysis because of a deadlock between the Soviet Union and the United States.

Mrs. Myrdal, speaking in the committee, said that there had been disquieting reports that the two superpowers were about to develop tactical nuclear weapons that could be used in much the same way conventional arms are used by infantry and artillery units.

"Such a development would drastically aggravate the nuclear threat against nonnuclear weapon states everywhere," she said.

"Most important as a question of principle, is, of course, that an introduction of such mininuclear weapons would blur the distinction between conventional and nuclear weapons," Mrs. Myrdal said. "We are strongly of the view that an absolute 'firebreak' must be kept between nuclear and conventional war."

Mrs. Myrdal said she was encouraged that the United States was moving toward ratification of the Geneva protocol that prohibits the use of all biological and chemical weapons. But she also expressed concern over reported American plans to produce a lethal nerve gas by a new method that "might escape all attempts at control."

She said she was referring only to such reported plans for production of binary nerve gas in the United States because the United States was the most open of the major powers in disclosing its plans, suggesting that other countries might also be considering such production.

The new method mixes two nonlethal gases when they are fired in a shell, producing a lethal gas.

"We must issue a call for fresh action in the United Nations against the development of binary chemical weapons," Mrs. Myrdal said.

Her recurrent theme, however, was that superpowers should agree to "qualitative disarmament"—freezing the development of new weapons. This is the real key to disarmament, she said, adding: "May I end this last official statement of mine by asking my colleagues: When is some action for disarmament to start in earnest?"

WHY THE PRESIDENT SHOULD RESIGN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. RANGEL. Mr. Speaker, last Tuesday I introduced House Resolution 684 calling upon President Nixon to resign. I am pleased that many of my colleagues have publicly announced or privately informed me of their support for this resolution. I will soon be reintroducing the resolution with cosponsors and I hope that it will receive serious consideration by the House of Representatives as a way out of our present crisis of national leadership.

I do not use the word "crisis" lightly. On Wednesday the President indicated that he would not quit because his mother told him never to quit. As admirable as this advice may have been, the President certainly did not pass it on to former Vice President Spiro Agnew when it became clear that for Mr. Agnew to remain in office under the cloud of criminal indictment would be an unpatriotic act because of the harm that would be caused the office of Vice President. How much more harm is being caused our Nation by the cloud that now hangs over the office of President? Yet Mr. Nixon refuses to resign.

I believe the American people, in their mail to the Congress, through the Gallup poll, and in the voting booths last Tuesday, have declared their loss of faith in Mr. Nixon and his administration. We have begun impeachment proceedings in the Committee on the Judiciary, but this process will of necessity move slowly. Positive action on my resolution would show the President that his resignation would be in the greater national interest than a lengthy impeachment proceeding. I place the text of my resolution in the RECORD at this point accompanied by an article which I wrote for the New York Amsterdam News setting forth the reasons which motivated my introduction of the resolution:

RESOLUTION

Resolved, Whereas the President's action in summarily dismissing the Special Prosecutor caused an unprecedented outpouring of public demand for impeachment; and

Whereas the President of the United States is presently under investigation to determine his possible involvement in impeachable offenses; and

Whereas impeachment resolutions and resolutions of inquiry into grounds for impeachment have been introduced into the House of Representatives with the cosponsorship of more than 100 members of the House; and

Whereas the Judiciary Committee is presently investigating to determine whether the President has violated his oath of office and engaged in high crimes and misdemeanors; and

Whereas the name of Gerald Ford was submitted by the President prior to the initiation of impeachment proceedings by the House; and

Whereas the order of priority for the consideration of impeachment and the consideration of confirmation of the Vice Presidential nominee by the Committee on the Judiciary has not been Constitutionally established; and

Whereas Gerald Ford has publicly indicated that he does not desire to serve as President; and

Whereas the impeachment, resignation or the incapacity of the President to continue in office would cause the succession to the Presidency of the Speaker of the House, Carl Albert, a member of the Democratic Party whose Presidential nominee was defeated in the last National election; and

Whereas the facts and circumstances surrounding the investigation of impeachable conduct by the President of the United States has adversely affected the ability of the President to effectively lead both at home and abroad; and

Whereas this ability will be further impaired during prolonged impeachment proceedings;

Therefore, be it resolved by the House of Representatives that it is the judgment of the House that the President should resign from office.

Be it further resolved that prior to said resignation, the President send forthwith to the House of Representatives a candidate other than Gerald Ford to be considered as a nominee to succeed him as President upon confirmation by both the House of Representatives and the United States Senate.

THE NIXON CHOICE: RESIGN OR BE IMPEACHED

Congressman Charles B. Rangel, representative for Harlem and the West Side, is a member of the House Judiciary Committee which will conduct any investigation into impeachment proceedings against the President of the United States.

This article is the first of a series concerning impeachment which Congressman Rangel is writing for the Amsterdam News.

(By Charles B. Rangel)

Last week the Judiciary Committee of the House of Representatives met to decide on procedures to be followed in its consideration of the several impeachment resolutions that have been referred to the Committee. To date, 97 members of the House Of Representatives have either introduced or cosponsored resolutions calling for the impeachment of the President.

In a series of votes that went strictly along party lines (the 21 Democrats on the Committee for, the 17 Republicans on the Committee against) the Committee voted to give chairman Peter Rodino full subpoena power to pursue all evidence related to the impeachable offenses charged against the president.

Although some of us on the Committee felt that our investigation of impeachment should come before any action on the President's nomination of Gerald Ford, all of the Republican members and some of the Democrats urged swift action on the Ford nomination and the Committee voted to proceed with both simultaneously.

LENGTHY PROCESS

As I look at what promises to be a lengthy process, with the need to review all of the evidence on the President's activities collected by the Senate Watergate Committee, the evidence uncovered by Special Procecutor Archibald Cox before he was fired, and the evidence which is now coming forth from other sources, it is clear that although the Judiciary Committee is now committed to the impeachment process, it will take some time, maybe several weeks, given anticipated delaying tactics by those on the Committee opposed to impeachment, for the Committee to decide on whether it should report a bill of impeachment to the House of Representatives.

POLITICAL FACT

Yet it is a political fact that the President has already been effectively impeached by the judgment of the people. My mail, running to 5,000 letters in the past two weeks was 99 per cent in favor of impeachment, predicted the results revealed this past week end in the nationwide Gallup poll that showed only 27 per cent of the American people in support of the President. It is now clear that the people have lost their confidence in the President. They are no longer willing to buy his evasion, divisionary tactics and out-right lies; they are demanding impeachment.

DESIRABLE ROUTE

Our system is based most fundamentally upon the consent of the governed. It cannot, and should not, operate in a climate of such widespread distrust of our national leadership.

The people have just as surely rejected Mr. Nixon as they elected him last November, and we have reached a point where President Nixon, like former Vice President Agnew, must decide that his resignation is required in the national interest.

If he does not resign, impeachment proceedings will go forward in the Judiciary Committee. But his resignation now appears to be the most immediate and desirable route to resolving this national crisis.

NEEDS OF SENIOR CITIZENS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. GAYDOS. Mr. Speaker, the Allegheny County Housing Authority in western Pennsylvania once again has visibly demonstrated its awareness and concern for the needs of the senior citizens.

The authority, under the able leadership of Mr. James Knox, executive director, recently dedicated its eighth high-rise apartment building for elderly residents, the Franklin D. Roosevelt Apartments, in Homestead, Pa., located in my 20th Congressional District.

I had the privilege of participating in the dedication of this new 11-story high structure, built at a cost of some $2 million, which includes 60 efficiency and 40 1-bedroom units as well as a large, bright community room.

Despite its impressiveness, the building itself is not important. What it represents is important. That structure, constructed of brick and mortar and steel, is a monument to what can be done for people if government at all levels, local, county, State, and Federal, work together to serve those they represent. Believe me, gentlemen, the look on the faces of those who will live in that new building left no doubt in my mind that this is the way government should work.

The Allegheny County Housing Authority has compiled an enviable record in this area. It now manages 30 housing communities in the county, comprising approximately 3,500 housing units to meet the needs of families and senior citizens.

I take great pride in bringing to the attention of my colleagues the people who took part in the dedication ceremonies: Frank Watson, president of the building's Tenant Council; George McGregor and Daniel O'Brien of Post 373, VFW; the Steel Valley High School Band, directed by Thaddeus Wawro; the Reverend John Little of Park Place AME Church; Thomas R. Finlon, chairman of the housing authority board; Stephen A. Zappalla, vice chairman; Thomas A. Nauman, secretary; Wayne P. Kelly, treasurer; Carol A. Tucker, assistant secretary-treasurer; Mayor James Armstrong of Homestead; County Commissioner Thomas J. Foerster; William Voekler of the North Borough's Men's Club; William Wardle, president of Crump, Inc.; Mr. and Mrs. William Martin, first key to the building; Mrs. Patricia Meyers, regional housing manager, and the Reverend Aloysius Jezewski, of St. Anthony's Roman Catholic Church.

Mr. Speaker, on behalf of these dedicated people and my colleagues here in the House I extend to the new residents of the Franklin D. Roosevelt Apartments my best wishes for a long and happy life in their new home.

TRIPLE PLAY BY RUSSIANS

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. RONCALLO of New York. Mr. Speaker, on Monday of last week, I received advance information about a truly awesome story to be published in the Aviation Week and Space Technology magazine. I immediately brought the story to the attention of the chairmen of the Senate and House Committees on Armed Services and on Tuesday, after publication of the article, I issued a press release on the subject.

The subject is indeed a frightening one. A triple-prong Soviet threat has been revealed with the presence of nuclear warheads on the Russian Scub missiles in Egypt aimed at Tel Aviv; a beefing up of Russian artillery in Guantanamo Bay and Cuban patrol boats outfitted to carry Russian Styx surface-to-surface antiship missiles; and the massing of 194,000 North Vietnamese troops and 750 Soviet tanks at Quang Tri.

While national security will probably not merit a detailed elaboration of this story, I do feel the terrible potential of these actions should be known and borne in mind. To this end, I am including an excellent column by Joseph Alsop which appeared in the Washington Post on November 9, 1973, which substantiates the facts as given in the magazine article:

THREATS ON THREE FRONTS

(By Joseph Alsop)

At the moment, Fidel Castro and his Cubans have thoughtfully prepared positions for the troops and artillery that would be needed to attack the historic American base in Cuba, Guantanamo Bay.

At the moment, again, it appears downright likely that the North Vietnamese will fairly soon tear up whatever remains of the truce agreement so painfully negotiated by Secretary of State Henry A. Kissinger and Le Duc Tho. Hanoi's minimum objective, as indicated by massive military preparations in flat, violation of the truce agreement, would appear to be tearing away from South Vietnam the northernmost quarter of the South's total territory, Military Region I.

At the moment, finally, there is still an all too serious chance of renewed war in the Middle East, with the Soviets actively aiding in the destruction of Israel. As those words are written, in fact, the intelligence community is riven by an argument about why the Soviets have greatly diminished their airlift of supplies for the Arabs in the last couple of days. This could mean that the Kremlin has wished to cool off President Anwar Sadat and the Egyptian high command, so that they would negotiate more seriously with Secretary Kissinger. But it could also mean that the Kremlin wants to be ready for prompt intervention in a renewed Mideastern war, with the big Soviet air transports revved up on the southern Russian airfields where the Soviet airborne forces are now on alert.

In sum, you may be careless of the most solemn U.S. commitments in Southeast Asia; but you still have to begin your calculations with Israel's future, and to end at Guantanamo Bay. These ugly signs are in fact cited in inverse order of importance. For the Cubans are highly unlikely to use their prepared attack-positions, unless this country has other, large troubles some where else.

You may also be in a righteous fever for President Nixon's impeachment. But you still have to include in your calculation the Watergate horror's hideous effect on the U.S. world position. All the foregoing threats are unquestionably Watergate-connected.

In truth, these ugly threats would either not exist, or they would not be such serious threats, if those making the threats had not begun to scent how badly Watergate has weakened the President, who has so often in the past proved his toughness and courage in threatening situations overseas. If you are in the currently fashionable fever of righteousness, you will, of course, say that if the President has been weakened, it is all his own fault. It is an arguable view.

But it is even more arguable that righteousness is less urgently important than the vital U.S. interests that are now threatened. So even the Congress and the famous media might well reflect a bit on what disasters may ensue for the American future, when you have public gloating in both Moscow and Hanoi because the President of the United States has been politically crippled.

As a guide to the calculations above-suggested, it is best to take the most important case—which is of course the Middle East. Before these words can be printed, Secretary Kissinger may have pulled a negotiating rabbit out of the hat in Cairo. Pray God he manages to do so. But you have only to examine the alternative to see what desperate trouble this country is now in, partly because Watergate is now viciously inter-acting with our neglect of our power.

If there is renewed war, and the Soviets intervene, Israel is likely to be humbled and at least half-crushed. Yet if this horrible result is avoided, no more than a couple of years will be gained for the United States to gather its wits again and to restore its lost standing of a serious giant power, by rearmament and in other ways.

The reasons for this bleak outlook are bleakly simple. The best imaginable settlement that Secretary Kissinger can negotiate will eventually involve Israeli withdrawal from most of a demilitarized Sinai, plus the subsequent re-opening of the Suez Canal. This best settlement will therefore permit the Soviets to pose as the Arabs' revenge-givers and to pour their evergrowing naval power into the Red Sea, the Indian Ocean and the Persian Gulf. For this, the Kremlin needs the canal re-opened.

Consider, then, the kind of states that own the crucial oil resources of the Arabian peninsula. The Soviets, as revenge-givers, will have their impact, even in Saudi Arabia. They will have infinitely greater impact, however, if the rulers of Arab oil almost all wake up one morning to find themselves looking down the throats of scores of missile-launchers on Soviet guided missile cruisers, with one of the new Soviet aircraft carriers in the immediate offing as well.

In other words, this game's stake is control of the oil-tap, which is now the jugular of the western world. If there is a settlement, the United States may have time to avert Soviet control of the oil-tap by really drastic measures. If there is no settlement, and Israel is humbled, Soviet control of the oil-tap will be prompt and automatic. These are not pleasant thoughts.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 44

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. HARRINGTON. Mr. Speaker, John Lindsay, the mayor of New York City, has often made his position in favor of gun control quite clear. In a speech before the American Society of Criminology this month, Mayor Lindsay made the point that in Tokyo where owning a handgun is illegal, there were only three handgun murders in 1972. No major city in the United States can boast such a small number of handgun murders.

The statistics also indicate that in southern cities where gun control laws are lax, the murder rate is higher than in cities with stricter gun control laws.

It seems to me that reducing the murders in this country could be accomplished by eliminating handguns from their present easy accessibility.

Included below are two articles—one from the Boston Globe of November 4 quoting Mayor Lindsay and another from the October 31 New Jersey Courier News describing another tragic and preventable handgun murder.

The articles follow:

[From the Boston Globe, Nov. 4, 1973]

Lindsay Says United States Needs Federal Gun Control Law

New York.—Mayor John V. Lindsay yesterday called for Federal gun control laws, asserting that nationwide permissiveness on the issue, particularly in Southern states, is "threatening the safety of police officers and citizens in New York City."

In remarks before the American Society of Criminology, Lindsay said: "It is illegal to own a handgun in Japan. And so in Tokyo, there were 217 murders in 1972, and only three of them were committed with handguns. In Detroit, with one tenth the population of Tokyo, there were more than twice as many murders in 1972."

Lindsay said Southern states, particularly South Carolina, have the most permissive gun legislation in the country, and their law affects people elsewhere.

"In one case, for example," he said, "one man in South Carolina purchased 600 handguns in one day so that he could resell them in northern cities.

"That," Lindsay asserted, "is obviously a Federal problem of the highest order."

Lindsay also criticized the gun industry, saying, "If these firms were also producing heroin, there would be Federal action and national outrage. But their outpouring of guns, which annually kills far more people than drug addiction, barely causes a stir in Washington."

"This country was founded on cherished ideals, not guns," Lindsay said. "The frontier was conquered by plows and axes and hope—not gun-slinging."

[From the New Jersey Courier News, Oct. 31, 1973]

Shooting Victim Found in Flames

Camden.—John Clark, an interior decorator who had been shot in the head and set afire, died Tuesday after firemen found him on fire on the floor of his south Camden home.

Police said it appeared that Clark, 28, had been burned in an attempt to camouflage the shooting.

Firemen answered an anonymous call Monday night and found Clark on the floor, with burning newspapers stuffed under him.

He died three hours later. Police said he had been shot in the head with a .38 caliber revolver.

ROGERS AND HEALTH AND ENVIRONMENT SUBCOMMITTEE INTRODUCE BILL TO PRESERVE CLEAN AIR ACT AND AVERT ENERGY SHORTAGE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ROGERS. Mr. Speaker, today, I and nine of my colleagues on the Subcommittee on Public Health and Environment, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT, introduced legislation designed to insure an adequate supply of fuel to this country this winter, and also to preserve the purposes of the Clean Air Act. The specifics of the bill are as follows:

First. Authorizes the Administration of the Environmental Protection Agency to temporarily suspend any fuel or emission limitation with respect to stationary sources. This authority would cease May 15, 1974.

Second. Authorizes the Administrator to grant a second suspension for any period beginning after May 15, 1974 and ending no later than June 30, 1977. This second suspension would be made contingent upon the sources having entered into a contractual obligation to obtain an emission reduction system determined by the Administrator to be adequately demonstrated, if the suspension is based upon the fact that compliance with the limitations is not feasible because of an unavailability of clean fuels. Authority is given to the Administrator to establish priorities under which manufacturers of emission reduction systems shall provide their systems to users.

Third. Requires EPA to submit a detailed report to the Congress by March 31, 1974, with respect to the impact of the Clean Air Act on fuel shortages, the availability of "scrubber" technology and other matters.

Fourth. Preempts States and localities from enforcing requirements which are at variance with an EPA award of suspension or its determination of priorities for emission reduction systems.

Fifth. Requires the Administrator to conduct a thorough study of State implementation plans and if he determines that, by reason of the award of temporary suspensions, any plan must be revised in order to achieve primary or secondary standards, then he must require revisions in the plan in order that the standards may be met. Plan revisions must be submitted no later than July 1, 1974.

Mr. Speaker, the energy crisis is real and must be dealt with, but we must be certain that we do not act precipitiously and do damage to our national health through vitiating the laudable and necessary purposes of the Clean Air Act. I believe this legislation accomplishes this purpose and look forward to its prompt consideration by the Committee on Interstate and Foreign Commerce.

BUILT SUCCESS THE HARD WAY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. STARK. Mr. Speaker, I am honored to have the opportunity to insert these words of approbation into the CONGRESSIONAL RECORD for one of my constituents, Mr. Jose "Joe" Aceves, of whom it can be said, without fear of overstatement, "built his success the hard way."

I can relate somewhat with Joe because I, too, built a successful business career through participation in the free enterprise system. But there the similarity ends, because Joe had to overcome obstacles that are uncommon for most Anglos. First of all, he is Mexican-American, a minority in this country. Second, he lacked education, having migrated from Guadalajara, Mexico, as a farm laborer.

Joe's ambition to succeed drove him from the fields of California into professional boxing, then into industry, and back to school. He had only an eighth grade education, but his aptitude for mathematics and mechanics stood him well at Laney and Chabot Colleges, where he studied machine shop practice, tool design, mechanical engineering and drafting. He became a machinist, learned moldmaking and die work, and eventually founded his own business, the only Mexican-American-owned machine shop in the bay area.

Today Joe Aceves, age 40, is president of Aceco Tool Corp., fulfilling contracts for the aerospace and commercial industries. He also owns Pronto Tool and Supply Corp. and holds interests in several other businesses.

His seemingly unlimited energy has carried him into other endeavors designed to help Latinos succeed in society and the business world. He feels, as I do, that it is possible for everyone to succeed in our system, but he also recognizes the added handicaps borne by members of minority groups.

This realization led him to found the Latin American Manufactures Association, a minority nonprofit business association, industrially oriented, designed specifically for the betterment of Latino businessmen. He is also active in other business, community service, social and cultural activities benefiting Latinos in San Leandro, Hayward, and other parts of the bay area, and Nation.

I am proud to be among those who can congratulate Jose "Joe" Aceves for winning the Latino of the Year Award presented tonight at the Bay Area Congress for Mexican American Affairs' third annual awards dinner.

Thank you.

AMERICAN LABOR SUPPORTS ISRAEL

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. BADILLO. Mr. Speaker, I wish to call to the attention of my colleagues the very strong support of the American labor movement for the State of Israel and the close kinship between our AFL-CIO and Histadrut, Israel's unique General Federation of Labor.

The support and encouragement Israel has received from the AFL–CIO throughout its turbulent 28-year existence has been substantial. This close relationship is documented in a recent article by Les Finnegan, writing for Press Associates, Inc. This feature, which has been widely distributed to the American and Canadian labor press, deserves the attention of our colleagues and I present it herewith for inclusion in the RECORD:

CLOSE KINSHIP: AMERICAN LABOR HAS HUGE STAKE IN ISRAEL AND ITS VERY SURVIVAL

(By Les Finnegan)

(NOTE.—The author of the following article has visited Israel twice and has personally observed many of the activities of the American labor movement in that country.)

WASHINGTON.—The AFL–CIO swift announcement of all-out support for the State of Israel and for Histadrut, Israel's unique General Federation of Labor, immediately after the Arabs launched the "Yom Kippur War" came as no surprise to those familiar with American labor history.

If, as it is sometimes said, the State of Israel was a creation of Histadrut (the labor federation was founded in 1920, 28 years before Israel's independence), then American labor had much to do with the creation of Histadrut.

The extent of the moral and ideological support that U.S. trade unionism has given Israel and Histadrut, before and after the achievement of independence in 1948, is well known.

What is almost completely unknown is the amazing extent of American labor's economic and financial assistance to the country and its democratic labor movement.

That assistance might well prove the difference between life and death for Israel now that this "oasis of democracy in the Middle East" is once again fighting for its very existence.

Unpublicized have been these two impressive facts:

Since 1947, U.S. unions have contributed a total of $17,662,663 to Histadrut;

Since 1952, U.S. unions have purchased more than $800,000,000 worth of Israel bonds.

Just as impressive as these cash outlays and perhaps even more crucial to Israel's survival today are the more than 100 hospitals, clinics, trade schools, medical training facilities, children's homes and other structures built by American unions. They include the following:

In Nazareth, the George Meany Sports Stadium, one of Israel's largest, with seats for 30,000 spectators, has been a major center of athletics and physical fitness programs.

In Beersheba, the ILGWU (North Negev) Hospital, constructed by the Int'l. Ladies Garment Workers Union, AFL–CIO, serves all of the vast Negev desert area including the nomadic Bedoins. It has trained the first Bedoin doctor in 2,000 years.

In Haifa, the modernistic, marble-faced Histadrut headquarters is the William Green House, a memorial to the late president of the AFL.

In Elath, on the Gulf of Aqaba, adjoining three Arab nations, scores of thousands of Israeli workers and soldiers have enjoyed the intellectual and recreational advantages of the Philip Murray Cultural Center, named after the late president of the CIO and built in desert surroundings of large, rugged, native stone.

In Holon, the Walter Reuther Children's Home, an imposing memorial to the late president of the United Auto Workers, has made possible a healthy growth and adolescence for many Israeli youngsters.

In Ein Kerem, the independent International Brotherhood of Teamsters erected the Teamsters Children's Home, a beautiful, long, low, two-story haven for children from broken homes and a treatment center for asthmatic youngsters.

In the Druze village of Isaphia, set on the slopes of Biblical Mt. Carmel, the SEIU Medical Clinic is a therapeutically priceless gift of the Service Employees International Union, AFL–CIO.

In Hatikvah, the Hotel and Restaurant Employees International Union, AFL–CIO, built the highly-valued Ed Miller Youth Center as a tribute to the union's president.

In Haifa, the ILGWU Trade School, filled with modern machinery, trains young Israelis not only for jobs and careers in the garment industry but also for skilled jobs in the construction industry and other fields.

In the Kfar Blum Kibbutz, the Painters Union Rest Home was constructed by the International Brotherhood of Painters, AFL–CIO.

In Krait Shmona, near the Lebanese border, a $200,000 cold storage plant was built by the Amalgamated Meat Cutters and Butcher Workmen, AFL–CIO, which also raised another $50,000 to repair damages caused by Arab shelling.

In Bnai Brak, the most modern and beautifully-equipped multi-purpose clinic in Israel, the five-story Potofsky Health Center, was recently dedicated in tribute to the former president of the Amalgamated Clothing Workers, AFL–CIO.

OTHER LABOR CONTRIBUTIONS

However, these American trade union edifices that dot the Israeli landscape from the Lebanese frontier on the north to the Red Sea on the south, by no means exhaust the evidences of U.S. labor aid to Israel and Histadrut.

For example, the United Steelworkers, AFL–CIO, Scholarship Fund helps 24 Israeli boys and girls to obtain university educations each year. Other U.S. unions have established similar educational funds.

What makes these American labor contributions all the more significant is that no comparable relationship has ever flowered between U.S. unions and any other nation at any time.

Part of the answer, probably, is the traditional American admiration for the underdog, the fact that the infant levantine nation was trying to build a new democracy where democracy had never before taken root, in a barren land of desert and rock, a tiny strip of Mediterranean coastline about the size of New Jersey, devoid of natural resources.

Another part of the explanation for American labor's admiration and affection for Israel lies in the pleased recognition that Israel, like America, has been a "melting pot," an ingathering of the tired, the poor, the "huddled masses yearning to breathe free . . . the homeless tempest-tossed" as Emma Lazarus, a Jew, wrote for the pedestal of the Statue of Liberty.

HISTORIC BACKGROUND

The State of Israel was only a distant dream for Jews of the diaspora around the world when the Pittsburgh convention of the AFL in 1928 took its first historic stand on

Histadrut. The delegates could hardly have foreseen the birth of Israel 20 years later when they passed an eloquent resolution lauding Histadrut and praising its protection of the workers of the Holy Land against exploitation.

After that there was never a convention of the AFL or CIO, and seldom a convention of their affiliates, that did not support the vision of a free and independent homeland for the Jews. But the AFL and CIO, and later the AFL–CIO, did not rest with ephemeral convention resolutions. In Congress after Congress and in countless state legislatures, national and state labor bodies won support for a free Israel and the right of Jews everywhere to migrate to the Holy Land.

Later that huge lobbying and educational campaign took on a new character—Israel's desperate need for weapons with which to defend itself against Arab attacks and the equal urgency of shaping world opinion against Israel's enemies.

Both Israel and Histadrut, down through the years, have been generous in their acknowledgment of American labor's contributions to the young nation's creation, survival and development.

The merged AFL–CIO was only four years old when its 1959 convention was addressed by Histadrut's General Secretary Pinhas Lavon. Lavon was given a standing ovation as he concluded his speech with these words:

"Many institutions in Israel, in city and village, have been built for the welfare of the worker and his family thanks to the generosity of your hearts, a generosity which is common to American labor and the American people as a whole.

"We achieved all the things that Israel has achieved by the pioneering efforts of two generations of men and women," the Histadrut leader emphasized. *"But of course we could not have done it without the generous help given to us by our kindred and brethren in the free world and by the American labor movement."*

Standing on the AFL–CIO platform and listening to wave after wave of cheers and applause, Lavon may well have been thinking back to the very first international statement made by George Meany following his election as president of the merger labor movement.

MOSCOW MANEUVERS

"It should be obvious to our government and to our allies," said Meany, "that Moscow is maneuvering to instigate aggression and to provoke the catastrophe of war in the Middle East. The Communists have already ignited the fuse to the powder keg. The free world must act immediately to stamp out that sputtering fuse and safeguard peace.

"As the first step," declared the AFL–CIO chief, "the AFL–CIO recommends that the United States provide arms for defense of Israel."

And then in a 1956 prediction that came true in 1973, Meany said, "The growing imbalance in military strength against Israel will inevitably bring about war."

The AFL–CIO appeal for Israel's defense was no mere gesture. One month later, on the eighth anniversary of Israeli independence, the Federation asked President Eisenhower to "seek advance authority from Congress" to send arms "for the defense of Israel."

Solemnly Meany warned the President and Congress: "If we do not act now, Israel may become another Korea."

Of all the unions of free labor around the world, the AFL–CIO has been the most vocal and least compromising in attacking Arab aggression. The Arab warmongers, Meany said, represent "a part of the world where there is no such thing as democracy; where feudalism still reigns; where within a very few miles human beings are still sold into slavery, a part of the world that could very well be called the most backward area of the world."

Meany, himself the son of immigrants, emphasized the U.S.-Israeli kinship by reminding American working men and women: "We too are a nation of foreigners. We are a nation of people descended from those who came to America to find a haven from persecution and from oppression—economic, political and religious."

Nor has the AFL–CIO hesitated to side with Israel against United Nations resolutions critical of Israeli actions. One UN decision was blasted as contradicting the Eisenhower doctrine for the Middle East. The AFL–CIO said it "supports this (Eisenhower) doctrine which pledges our country to be in readiness to resort to force if need be, and to halt aggression in that part of the world."

Meany proved, too, that he had an acute eye for military eventualities when he told Prime Minister Golda Meir, "The one bit of territory I would never give back would be the Golan Heights to Syria."

Meany summed it up for American union members on Dec. 17, 1972, when he declared:

"There is no disagreement within the American labor movement when it comes to the State of Israel. In supporting Israel we are not only defending the bastion of democracy in the Middle East—we are defending our own principles, the principles of free trade unionism; and nothing is closer to us than that."

GILMAN CALLS FOR RETURNING VETERANS DAY TO NOVEMBER 11

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. GILMAN. Mr. Speaker, today I am introducing legislation reinstating the observance of Veterans Day on November 11 instead of on the fourth day of October.

Veterans Day observances began back in 1919 as Armistice Day with the beginning of a cease-fire over the battle lines of a war-ravaged Europe. The significance of that cease-fire coming at the 11th hour of the 11th day of the 11th month was crystallized into a national holiday initially honoring the veterans of World War I. With the increased service of our men overseas, Armistice Day in 1954 was renamed Veterans Day and its celebration was continued on the 11th day of November each year as a day honoring all of our veterans until legislation establishing 3-day holidays took effect in 1971.

Veterans Day is an important day—a day far too significant to be casually noted as part of a 3-day October holiday. We must not let our Nation forget the sacrifice, the courage, and the loyalty of our veterans for their country. It is altogether befitting that we set aside a special date in recognition of their unselfish devotion to their Nation.

With the advent of the 3-day holidays, Veterans Day observances have been met with apathy and have been sacrificed to the commercialism of holiday shopping. Recognizing this, 32 States have already moved their State celebrations of Veterans Day back to November 11.

By Congress reestablishing November 11 as Veterans Day, we will be giving added significance to the immortal, heroic deeds of our service men and women who gave so much for their Nation.

Mr. Speaker, I invite my colleagues to join me in sponsoring this measure changing Veterans Day back to November 11 and respectfully request that the text of this measure be included in this portion of the Record:

A bill to reestablish November 11 as Veterans Day

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective upon the date of enactment, subsection (a) of section 6103 of title 5, United States Code, as amended by the Act of June 28, 1968 (Public Law 90–363), is amended by striking out "Veteran's Day, the fourth Monday in October" and inserting in lieu thereof "Veteran's Day, November 11".

SOKOL ASSOCIATION—TRADITIONS AND LIVING IDEALS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. CULVER. Mr. Speaker, I would like to pay tribute to the Sokol Association of Cedar Rapids. This organization, founded and supported by Czechoslovakian people of the Second District in Iowa, has contributed much to the Cedar Rapids community. I recently had the pleasure of addressing the Sokol Association as it celebrated its 100th anniversary. I think the spirit and achievements of this group are worthy of wide notice, and I would, therefore, like to include the text of my remarks in the Record at this time:

Remarks by Representative Culver

It is a pleasure for me to participate in the 100th anniversary celebration of the Cedar Rapids Sokol Association.

Sharing close ties with the Cedar Rapids community, we all know the importance of maintaining involvement in a group such as this one, both to strengthen the fabric of our community and to heighten our awareness of our heritage and its cultural diversity.

Many nationalities make America what the country is today. The contribution of each nation's culture, its ideas, customs and talents helped build this nation and contribute to its greatness. Being proud to be Americans involves being proud of our heritage. Sokol is an excellent example of how we can keep alive the smaller community within the larger one.

If we had more such active groups, with stress on family, participation, physical fitness, and community involvement, perhaps we would be better able to solve and even end some of the problems in society today. As all of you here this evening know so well, young people particularly benefit from their involvement in this organization, as hopefully, their enthusiasm and interest here will lead to their strong development as future parents, citizens and leaders.

In a time of accelerated change and of changing moods, ideas, and institutions, it is heartening to see this group celebrate its 100th anniversary. As you look ahead to another century of development and growth, and share your interests with others in the community and nations, we can take renewed hope that the traditions and living ideals of this country will have as much permanence as this organization.

A TURN TO GOVERNMENT FOR HELP

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ALEXANDER. Mr. Speaker, the citizens of Brinkley, Ark., are working to breathe new life into the community. Mr. Albert L. Rusher, a concerned citizen, forwarded to me an article from the U.S. News & World Report entitled "A Turn to Government for Help." I commend it to my colleagues for their consideration:

A TURN TO GOVERNMENT FOR HELP

TOCCOA, GA.—Carl McCurry says he's getting customers in his men's shop in downtown Toccoa that he's never seen before. To him, that indicates that this town of 6,971 in the red-clay hills of Northeast Georgia is on the move again.

For years, the clothing merchant had seen the same faces—but fewer and less seldom—as the business district declined and young people left town to seek jobs in Atlanta.

"We were dying, like so many other small towns," recalls Mr. McCurry. "We had seven empty buildings in two blocks."

Until 1964, Toccoa had been on the main highway linking Atlanta and Greenville, S.C. But an expressway was built 17 miles to the south. Almost immediately, 11 service stations, two truck stops, a small hotel and two restaurants closed.

The community tried to attract industry. It built an industrial park adjoining the town in 1967, but the space went three years without a single tenant.

City Commissioner Lucius Alewine relates the town's efforts to lure business by using volunteer local leaders.

"We tried and tried; we used every gimmick you can think of, but we got nowhere. It was like a high-powered race car spinning its wheels and then running out of gas."

START: A MALL

Then, suddenly, the turnaround began.

First, downtown businessmen—desperate for off-street parking but unable to afford it—turned to the city and then to the Federal Government for help. The solution was a 1.8-million dollar downtown pedestrian mall, financed 75 per cent by federal funds.

Second, city leaders decided they could never attract industry without professional help. So in 1968 they hired Robert H. Evans from the Spartanburg, S.C., chamber of commerce to head a local chamber and development authority.

New Shopping Center in Toccoa, Ga., Is a Sign of Growth. Community Leaders Credit Professional Help for Spurring Expansion

"Any community attempting to evolve out of a state of stagnation cannot do it without full-time professional leadership," says Roy E. Gaines, a radio-station executive and city commissioner.

Within a year, Toccoa landed Thiokol Chemical Corporation, in the town's industrial park. However, by late 1969, the company's market for carpet-backing it produced in Toccoa vanished, and Thiokol was forced to shut down.

The plant sat idle for months until Mr. Evans negotiated its sale to a textile manufacturer, the Deering Milliken, Inc., which now employs workers turning out double-knit fabric. Later, Thiokol opened a smaller plant in the town's industrial park.

On another occasion, Mr. Evans heard of a business-form printer looking for a site with a building in Georgia. Toccoa had the site but no building. So Mr. Evans persuaded an Atlanta contractor to put up the building and landed the company, Uarco, Inc., of Barrington, Ill.

This kind of success re-awakened interest throughout the town's business community. For example:

A customer in Mr. McCurry's men's shop one day mentioned that he was a baker with a major Atlanta hotel, but wanted to move to a small town. Mr. McCurry thought the town needed a bakery, so he left the customer he had never seen before alone in the store for about two hours while the merchant went out to find a real-estate agent to lease the baker a site.

GROWING AGAIN

There are numerous signs that Toccoa is growing again. Two new shopping centers are under construction; a 100-bed hospital was occupied in 1968; a library was opened in 1970; and a 3-million-dollar high school and vocational school was dedicated in 1971.

In addition, the water and sewer system has been expanded at a cost of 3.7 millions. And since 1968, eight new industries creating 900 jobs have come to town.

"Not one of them has a smokestack," says Mr. Evans.

Downtown business is booming. The pedestrian mall started attracting curious shoppers almost as soon as the first spadeful of dirt was turned. Retail sales climbed even though rain during the autumn and winter of construction made a quagmire of streets and sidewalks.

Grocer J. R. Mitchell, downtown since 1935, says, "March was the best month we have had in a long time." John Mullinax, a jeweler who headed the Downtown Merchants Association during the initial search for off-street parking that led to the mall, says business now is the best ever.

"I've had a very nice increase in sales since completion of the mall, and an increase every month except one during its construction," he says.

While the mall was being built, 19 warehouses, pool halls, and other structures were demolished to provide off-street parking. Stores now have two entrances—one facing the mall and another leading to parking lots.

The pedestrian mall covers only one block, but it is spurring businessmen outside the block to renovate. Notes Commissioner Alewine:

"The surrounding area was pretty dilapidated but you'd be surprised how people several blocks away are sprucing up their buildings. The attraction rubs off."

Community leaders generally believe the town now is retaining its young. Mayor Troy L. Bowen says his son, a Georgia Tech graduate "is coming back to Toccoa to live. If it weren't for these new industries, he wouldn't be here.

Mr. Alewine offers another example of the interest of young people in the town, saying:

"Every Sunday, two to three young people join the church and that is good for the community."

FUEL OIL EXPORTS UP 350 PERCENT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ASPIN. Mr. Speaker, despite a mounting nationwide oil crisis, the latest figures show the U.S. exports of fuel oil rose about 350 percent in the last month reaching 642,000 barrels in September.

According to the U.S. Bureau of the Census U.S. fuel oil exports climbed from 200,000 barrels in August to 692,000 barrels in September. It is bad enough that we are exporting any fuel oil at all, but to increase the exports by 350 percent as the shortage worsens is an outrage and frankly incomprehensible.

As many of my colleagues know, I have introduced legislation (H.R. 8828) that will prohibit all fuel oil exports during the current shortage as well as overseas shipments of gasoline and propane.

During the shortage, there is absolutely no excuse for exporting any fuel oil overseas. The largest shipments during September were to Great Britain, the Netherlands, and Venezuela.

Last week I released results of the investigation by the Cost of Living Council which showed the fuel exports are expected to go up 284 percent in 1973.

Congress must bring this abuse to a halt by passing legislation to prohibit all petroleum exports during the shortage.

TRIBUTE TO MR. AND MRS. CHARLES WORTHAM

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ANDERSON of California. Mr. Speaker, when the objective eye of history records the actions and deeds of America, I would hope that the criteria used to judge our Nation is the quality of our people—our morality, our intellect, and our perseverance.

Ralph Waldo Emerson said it best:

> The true test of civilization is, not the census, nor the size of cities, nor the crops—no, but the kind of man the country turns out.

By this standard, our place in history should be assured. And, of those who could best serve as examples of American morality, intelligence, and perseverance—with an added touch of humor—I would include Mr. and Mrs. Charles Wortham—two of the finest people I have been privileged to know.

Born in 1884, Charley Wortham settled in Redondo Beach, Calif., on July 4, 1932, where he was in the rental housing business.

In this community, he made his mark as an active participant in civic and cultural affairs, serving as the campaign chairman of the South Bay March of Dimes, the president of the South Bay-Torrance Symphony Association, and chairman of the American Field Service.

In addition, Mr. Wortham is a member of the Redondo Beach chapters of the Elks, Masons, and Eagles. He also serves on the Redondo Beach Roundtable, and is a life member of the coordinating council. Presently, Charley serves as the president emeritus of the South Bay Chapter of the City of Hope.

MAYOR OF REDONDO BEACH

His great interest in community affairs naturally carried over to governmental affairs, and he was elected councilman in 1941, and then mayor in 1947, where he served until 1953. Currently, Mr. Wortham serves on the appeals board.

Charley Wortham's leadership and dedication led to his selection as a delegate to the 1948 Democratic National Convention in Philadelphia which nominated Harry S. Truman. Then, in 1952, he was a delegate to the convention in Chicago which nominated Gov. Adlai Stevenson.

In 1965, at the age of 81, he had the distinction of serving on the Los Angeles County Grand Jury, as the oldest person ever to do so in county history.

Referred to as "Mr. Redondo Beach" by the South Bay Daily Breeze, Charley Wortham was named Man of the Year in 1967 by the Redondo Beach Chamber of Commerce, and has received honors from the Elks and the Eagles.

ALMA WORTHAM

No mention of Charley would be complete without acknowledging and paying tribute to his lovely and charming wife Alma. In addition to her job as a housewife and mother, she, too, has been active in democratic politics, helping to form the countywide Democratic Women's Forum. She and Charley are the proud parents of five children, the grandparents of 19 grandchildren, and the great-grandparents of 30 great-grandchildren.

Mr. Speaker, the Worthams are the kind of people that all of us can be proud of—the kind of people who have built America and made this the great country she is.

JERRY MICKELSEN

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mrs. BURKE of California. Mr. Speaker, I would like to take this opportunity to give recognition and say thank you to one of Los Angeles' distinguished citizens for a job well done.

So often, individuals provide services to the community in an exceptional manner or go above or beyond the call of duty and receive no thanks for their efforts. I feel that these citizens deserve a word of praise and encouragement.

Jerry Mickelsen is assistant ticket manager for the Los Angeles Rams. In this position, Mr. Mickelsen handles season ticket sales, individual game sales, and all related work dealing with distribution of tickets for the Rams. I am sure that at one time or another we have all endured the frustrations of attempting to obtain tickets for a professional football game to no avail. With pro football being one of America's favorite pastimes, it is virtually impossible, in most cities, to get tickets to the games if you are not a season ticketholder and in some cities it is impossible even to get season tickets. Jerry Mickelsen has done a fantastic job of trying to eliminate some of the frustrations of Rams fans in virtually impossible situations. On numerous occasions, he has helped me and so many other Ram supporters obtain tickets to home and away games when they were difficult to obtain.

A native of St. Paul, Minn., Jerry worked in the Los Angeles Dodgers box office prior to starting with the Rams in 1968. He and his wife Lora Ann are the parents of two sons, Gregory and Kenneth.

To Jerry Mickelsen, I say thank you for myself, my family, and thousands of other Los Angeles Rams supporters.

IMPEACHMENT: TWO LEGAL VIEWS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. VAN DEERLIN. Mr. Speaker, I have now received more than 1,500 letters and telegrams calling for resignation or impeachment of the President. Most of these have been brief and pointed.

My attention was drawn to two more substantial statements from practicing attorneys in San Diego County, Louis S. Katz and Charles C. Renshaw. I have been acquainted with each of them at least a dozen years. Each stands high in the legal profession.

Messrs. Katz and Renshaw have separately pondered both the law and the facts touching on the impeachment issue, and reached similar conclusions. I offer both assessments for the RECORD:

NOVEMBER 8, 1973.

HON. LIONEL VAN DEERLIN,
Member of Congress, House Office Building, Washington, D.C.

DEAR VAN: I have heard some talk that since the President agreed to turn over the Watergate tapes impeachment has now lost its appeal to many people in Congress and to the United States citizens as well.

For the following reasons I believe impeachment is still important and that President Nixon is not above the law, Congress or the people of this country and that immediate action should be taken to hold hearings on the President's impeachment.

The following items, in my opinion, are illegal and improper activities by a President:

(1) On July 23, 1970 the President personally approved a plan for political surveillance by use of burglary, wiretapping, eavesdropping and spying on students by the CIA and other agencies.

(2) In 1971, the President established with the White House a personal secret police force that engaged in burglary, illegal wiretaps, espionage, and perjury.

(3) While Daniel Ellsberg was facing trial in a Federal Court in Los Angeles, his psychiatric records were removed from the office of his doctor by White House aides who burglarized the doctor's office and who were acting under the direction of the President. At the same time and at the direction of the President, a White House aide discussed the directorship of the FBI with the judge presiding over the Ellsberg trial.

(4) Private detectives were hired by White House aides to spy on the sex life, drinking habits, and family problems of political opponents.

(5) A special list was made up of "enemies" who were opponents of President Nixon and supporters of possible presidential opponents. These names were placed on a special list and targeted for harassment by the Internal Revenue Service.

(6) During three days in May 1971, over 13,000 people were arrested in Washington, D.C. These arrests were declared unconstitutional by the courts and at that time a White House spokesman, William Rehnquist, invented the doctrine of "qualified martial law."

(7) In 1973, the President ordered bombing of Cambodia, a neutral country, without the authorization of Congress. We learned later that he had been authorizing the bombing in Cambodia for three years and and deliberately concealed the bombing from Congress and from the people, thereby usurping the war making powers of the Congress. Not only that, but when the President found that the deception had been uncovered, he said he would do the same thing under similar circumstances.

(8) Lastly, and most important, is the loss of the two tapes that carry key information about the President's advice to Mr. Dean and the Attorney General in areas that, if verified by the statements of these two witnesses before the Watergate Committee, would show that the President had acted improperly and unethically. For this reason alone, the "loss" of these two tapes is highly suspect and can lead me to believe only that President Nixon intentionally destroyed them or misplaced them so that his language could not be quoted to the nation.

To protect our system of individual rights under the law, and to restore the integrity of the Bill of Rights, for us and our children, as well as to make the lesson clear to all future Presidents in whose hands we place our lives, Richard Nixon must stand trial before the Senate. If he does not stand trial, what he has done will be done by others. I therefore strongly urge you to support impeachment of President Nixon.

I would appreciate your responding to my letter and giving me your views on this subject.

Very truly yours,

LOUIS S. KATZ.

NOVEMBER 7, 1973.

HON. LIONEL VAN DEERLIN,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR VAN: We received your response to our recent cry of outrage, and I must say that we concur in the views you expressed.

God knows, as California democrats, neither Ely or I have any reason to think kindly of Nixon. However, we both felt, for many long months, that he was entitled to all the presumptions of innocence due any citizen, and beyond this, by virtue of his office, perhaps greater restraint was due the President. These considerations, plus the national agonies that would be generated by impeachment, led Ely and me to feelings of ambivalence. The Cox incident, and subsequent events, eliminated all of our misgivings and we fully support your views.

I hope these next thoughts will not be inappropriate, but as a lawyer I have listened to the legal arguments advanced by the administration as to why the files, tapes, etc., relative to Watergate should not be made available to the Senate Select Committee and to the Special Prosecutor. These arguments are, in my opinion, without merit. As I understand it, two basic premises have been raised:

(1) Maintenance of the doctrine of separation of powers between the Judiciary, Legislative and Executive branches; and

(2) Confidentiality of Presidential communications.

The first position does not apply to the Watergate situation because while there is no argument that the founders of our republic expressly provided for three co-equal branches of government they also provided that all three branches were, and are, subordinate to the law of this land, and every member of these respective branches is required, as a part of his oath of office, to swear to uphold that law. Simply put, it is the people of this country, in whom the ultimate law of the land resides, that are paramount to the government, not the reverse. Furthermore, at least as it relates to the Special Prosecutor, the issue is one solely within the Executive Branch and does not raise a conflict with either the Judiciary or Legislative.

The second argument is a bogus attempt to blanket everything that citizen Nixon does with the immunity given President Nixon. This is not, and never has been, the law. I think it entirely proper that the confidential communications, whether written, oral, or otherwise, of a President, that relate to the functions of his office and the performance of his duties as President, be kept confidential. However, this does not apply to the communications of citizen Nixon that relate to his activities, his private activities, for reelection to national office. Furthermore, as with any other legal privilege, if an otherwise confidential communication is disclosed to some third person, not otherwise within the orbit of confidentiality, then the privilege no longer exists. This certainly applies to the tapes that Haldemann was allowed to listen to when he was no longer a member of the Presidential family.

Frankly, after analyzing Nixon's position, I came to the conclusion that it is a cleverly designed smoke screen that has at least been partially successful in hoodwinking the public. I have really hoped to see someone prick that balloon in a simple, concise statement.

Anyway, again our appreciation for your letter, and our best wishes to you in what cannot be happy times.

Very truly yours,

C. C. RENSHAW.

THE TARNISHING OF THE PRESIDENT'S ENERGY SPEECH

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. NEDZI. Mr. Speaker, when after long delay the President made his energy speech to the Nation last Thursday he began by setting forth the problem in a temperate and satisfactory manner.

It was unfortunate, therefore, even though seemingly characteristic, that the President's speech was then marred by a gratuitous slap at Congress.

Obviously, the national interest simply demands that the executive and legislative branches must work together in confronting the energy shortage. A conciliatory and cooperative tone would have been appropriate for the Chief Executive, especially in view of the administration's vulnerability on the issue and the fact that the occasion provided an opportunity for a positive gesture.

A very interesting article on this matter appeared in today's Evans-Novak column:

MR. NIXON'S POLICY ON ENERGY: BLAME CONGRESS

(By Rowland Evans and Robert Novak)

An elite group of 32 businessmen invited to the White House last Wednesday for an advance peek at the new energy program also became witnesses to a momentary clash between President Nixon and his domestic counselor, Melvin R. Laird, which reveals much about both the administration's handling of the energy crisis and its general strategy.

Laird was listing energy legislation now in the congressional pipeline when he was interrupted by an obviously irritated President. "But there's nothing on my desk now, is there?" Mr. Nixon asked his counselor. The impression given the businessmen: While Laird was trying to solve the fuel shortage in close cooperation with Congress, the President wanted to blame Congress for causing the crisis.

This contrast between the President and his counselor transcends the energy crisis. But in this case, the presidential attempt to lay blame on Congress particularly infuriates Democratic leaders on Capitol Hill who believe their early warnings about the energy crunch were ignored by the White House. In truth, key administration officials admit the President delayed until it was too late to prevent disaster. Even at this eleventh hour, the administration's handling of the crisis seems fuzzy and uncoordinated.

Sen. Henry M. Jackson (D-Wash.), chairman of the Senate Interior Committee, can claim to be the leading Cassandra. His June 13, 1972, letter to the President warning about U.S. dependence on Middle Eastern oil was ignored. So was Jackson's Dec. 10, 1972, call for Mr. Nixon to name an energy adviser.

One reason why Jackson's warnings went unheeded was that domestic policy chief John D. Ehrlichman then tightly controlled decisions on energy, as on everything except foreign affairs. Besides being spread thin by trying to monopolize domestic policy, Ehrlichman was busy attempting to keep from going down with the Watergate wreck, when energy decisions were needed.

When Erlichman finally fell last April, the dominant administration voice in the energy field became Deputy Secretary of the Treasury William Simon. A Wall Street investment expert, Simon at first opposed mandatory fuel allocations but later was convinced by Jackson and other congressional leaders of their necessity.

But on June 29 Gov. John Love of Colorado was appointed energy adviser and quickly ruled against mandatory allocations, delaying for weeks what Democrats in Congress long had been urging. Meanwhile, Simon disappeared from the energy picture along with his valuable expertise. As the crisis deepened last week, Simon was in Nassau attending a Time, Inc. seminar.

Love, popular and well regarded as governor, has been an almost totally unrelieved disappointment here. Even administration officials admit he lacks the background, temperament and governmental powers to be energy adviser. In fact, he does not want the power. One proposal to consolidate the government's scattered energy policymaking functions under him was killed by Love.

There is, therefore, a one-word answer to the question of who is running the government's energy policy: nobody. The consequence is a sloppy, sluggish performance by the administration which scarcely supports Mr. Nixon's attempts to blame the crisis on Congress.

When Jackson on Oct. 17 unveiled his legislation for fuel self-sufficiency, Love's office replied it would soon send up its own bill. But one week later, Laird informed Jackson that the many government departments involved had not agreed on anything. That same day, Love told the Senate Interior Committee the administration had no contingency plans in case of an Arab oil cut-off.

Mr. Nixon might not have avoided the crunch even had he heeded Jackson's first warnings. In any event, it is too late now to avoid terribly painful economic consequences resulting from the Arab cut-off. ("It's going to be wild in a few weeks," predicted one consultant who advises the administration.)

Nevertheless, almost everybody concerned believes Mr. Nixon should belatedly put somebody in charge of the crisis to at least minimize the economic dislocation. In business circles, Secretary of the Treasury George Shultz is talked about as the best choice. But Shultz, overburdened now as Mr. Nixon's economic adviser, does not want the job and probably won't get it.

Besides, the White House seems more interested in goading Congress. Rep. Torbert Macdonald (D-Mass.), chairman of the House subcommittee handling energy legislation and a critic of the President's energy policies, was not invited to last Wednesday's briefing. Macdonald said nothing publicly but, in private, trumpeted his rage in unprintable language. Although the snub to Macdonald might well be the product of new familiar incompetency at the Nixon White House, it also coincided with Mr. Nixon's desire for a cold war with Congress while a fuel-short nation faces a freezing winter.

CANADIAN WRITER APPRECIATES U.S. ASSISTANCE TO OTHER COUNTRIES

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. BROWN of Ohio. Mr. Speaker, recently one of my constituents, Mrs. Weldon McNeal of Prospect, Ohio, sent me an article from the September 1973 edition of Country Living magazine. The article is written by a Canadian who is appreciative of the efforts of the United States in assisting the other nations of the world in overcoming natural disasters, monetary crises, and war devastation. In a time when the United States seems to reap only criticism of its international role, I would like to share this article with my colleagues:

[From Country Living magazine, September 1973]

U.S. HELP TO OTHERS IN TIME OF NEED

EDITOR'S NOTE: So we've problems! Dollar devaluation, energy shortages, Watergate skullduggery, galloping inflation, pollution and, at your Co-op, rising costs and the daily struggle of keeping up with the demands for service.

Newspaper columnist Jim Bishop says, "There is another side to the coin of crisis. America will survive it. America was stunned, yes—but not stupefied, rocked but not wrecked, puzzled but not paralyzed."

It is a tribute to the strength of the youthful vigor of the U.S. that the penicillin of our system heals wounds quickly.

In this summer of 1973 men harvested crops, appeared in offices on time or punched shop timeclocks regularly, and housewives went about their daily tasks.

Meanwhile, Gordon Sinclair took to the air over Radio Station CFRB, Toronto to editorialize about Americans. We appreciate Mr. Sinclair's thoughts—do you?

The United States dollar took another pounding on German, French and British exchanges this morning, hitting the lowest point ever known in West Germany.

It has declined there by 41 percent since 1971, and this Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least appreciated people on all the earth.

As long as 60 years ago, when I first started to read newspapers, I read of floods on the Yellow River and the Yangtze. Who rushed in with men and money to help? The Americans did.

They have helped control floods on the Nile, the Amazon, the Ganges and Niger.

Today the rich bottomland of the Mississippi is under water and no foreign land has sent a dollar to help.

Germany, Japan and, to a lesser extent, Britain and Italy were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts.

None of those countries is today paying even the interest on its remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up, and their reward was to be insulted and swindled on the streets of Paris.

I was there. I saw it.

When distant cities are hit by earthquake, it is the United States that hurries in to help. Managua, Nicaragua is one of the most recent examples. So far this spring 59 American communities have been flattened by tornadoes. Nobody has helped.

Why does no other land on earth even consider putting a man or woman on the moon?

You talk about Japanese technocracy and you get radios. You talk about German technocracy and you get automobiles.

You talk about American technocracy and you find men on the moon, not once but several times . . . and safely home again.

You talk about scandals and the Americans put theirs right in the store window for everybody to look at.

Even their draft dodgers are not pursued and hounded. They are here on our streets. Most of them, unless they are breaking Canadian laws, are getting American dollars from Ma and Pa at home to spend here.

When the Americans get out of this bind . . . as they will . . . who could blame them if they simply forgot the rest of the world. If they let someone else buy the Israel bonds. Let someone else build or repair foreign dams or design foreign buildings that won't shake apart in earthquakes.

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are still broke.

I can name to you 5,000 times when the Americans raced to the aid of other people in trouble.

Can you name me even one time when someone else raced to the Americans in trouble?

I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone, and I'm one Canadian who is tired of hearing them kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.

I hope Canada is not one of these.

SOLAR ENERGY—A PRACTICAL SOLUTION TO THE ENERGY CRISIS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. BROWN of California. Mr. Speaker, tomorrow through Thursday the Science and Astronautics Subcommittee on Energy will hold hearings on H.R. 10952, the Solar Heating and Cooling Demonstration Act of 1973. This bill, if enacted into law, will provide for a $50 million research, development, demonstration and evaluation program over a period of 5 years that will be extremely valuable in helping us to meet the challenge posed by the energy crisis.

I would like to point out, however, that we in the Congress, as usual, are following rather than leading the way—at least to some extent. There are many private citizens who have been looking into the potential uses of solar energy during the past several years, without governmental assistance, and their experience may prove valuable to us as we embark on the program that this bill will create, assuming that we in the Government are foresighted enough to pass this important piece of legislation. I wish to enter in the RECORD at this time an account of one such private citizen, Homer W. Davis, of Phelan, Calif., Quentin Foley, a reporter for the San Bernardino Sun-Telegram, in an article published on November 4, describes Mr. Davis' project. His article reads as follows:

FORTRESS OF SOLAR ENERGY: SUN TO PROVIDE WARMTH TO HOME

(By Quentin Foley)

PHELAN.—Hot rocks will heat the retirement home of Homer W. Davis in the San Gabriel Mountain foothills near here.

His 2½ acres is just off State Highway 138 at an altitude of 4,200 feet where foot-deep snows are not uncommon in the winter.

"But the air is smog free and the sun is almost always shining, so that is why I chose solar energy," Davis explained.

Unusual features have been designed into the solar energy house.

The concrete block walls are a foot thick and filled top to bottom with concrete, abundantly laced with reinforcing steel.

"It will be strong as a fortress," Davis boasted. "The thick walls of solid concrete give it excellent insulation, preserving energy, and increase its stability in case of earthquakes."

The San Andreas earthquake fault runs right past his front door.

After 32 years of teaching at Chaffey Junior College, what got him interested in building a solar energy house?

"It is a hobby and health activity," he explained.

His doctor prescribed exercise after he suffered a heart attack a few years ago and he decided to build a house to have something more to show for his effort than some old golf scores.

"And it has led to many friendships," Davis added.

You possibly think it would take an engineering professor to undertake building a home from the ground up. Not so. Davis teaches speech.

He learned how to build a house by reading all he could find in the library about masonry, carpentry and all the other skills it would take to do the job.

This will be his second effort. During the housing shortage years after World War II, he built the family residence in Claremont where he and his wife, Gladys, reared three daughters.

Rigging a Maytag washer motor to an old cement mixer, Davis has been working weekends on his house 3½ years and estimates he has 4½ years to go before it will be completed.

"I have had a ball," he said.

"And I've made a lot of friends."

The solar energy, possibly backed up by some wind generated power, will be used in a 12 volt electrical system in the house, but just to be on the safe side he has left room for 110 and 220 volt systems as well.

He plans to collect heat from the sun in either black boxes or black plastic tubes located outside the house in what will be the solar energy field.

Heat from these will be transferred to a rock bed under the front porch by hot air conduit and from there the heat will circulate through the house. The cooled air will return to the rock bed constantly for reheating.

"We are so high here, we don't have an air conditioning problem as we have few really hot days," Davis said.

Just to make sure, however, he has designed a series of louvers in the attic rafters to let hot air out of the house and to keep hot air from building up inside. At the lower level, cooler air circulates in through another series of louvers.

Since water retains heat longer than rock, he has a 500-gallon water tank in the rock bed where water is heated.

At one end of the living room is a fireplace and the circulating pipes pass beneath the hearthstone to pick up heat from it. Davis plans to use a steel Hetalator fireplace and pass the circulating water system through it. When a valve is turned, the water can be superheated.

Another valve will enable Davis to install radiant heat in the floor, if he wishes.

He even plans to cook with solar energy in an outdoor solar cooker, using a reflector to generate intense heat. You can cook a roast or broil a chicken with reflected solar heat.

"Solar energy can be stored in batteries for use on cloudy days," Davis said. He estimates he will be able to go seven or eight days without seeing the sun before his solar energy supplies run out.

"Wind power generating conditions should be excellent during such times," he said.

Davis believes he can power all the electrical needs of his house, with the possible exception of a TV, by solar energy.

"I'd like to see every home in this valley heating at least their water supply by solar energy," he said. "Water heating is a major energy cost and one that is most easily done by solar energy. Just leave a garden hose out in the sun for a while, then feel the temperature of the water in it."

He is building his retirement home entirely with his own funds, but would like to attract some foundation grants.

"This could become a sort of laboratory where people could come to try out new ideas and learn how to use solar energy," Davis said.

He has the walls up now, and as soon as he gets the roof on he can start with the finishing work. If all goes well, he should be finished well before he retires in five years.

"I'm a little ahead of schedule right now," he said.

And he poured another bucket of concrete into those foot-thick walls.

ENVIRONMENTAL RELIEF SOUGHT THROUGH COMMONSENSE REGULATION OF DDT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. RARICK. Mr. Speaker, the House Committee on Agriculture ordered the bill H.R. 10796 reported today by unanimous vote.

This legislation is designed to authorize and direct the Administrator of the Environmental Protection Agency to issue a permit for the use of DDT on forests and other agricultural lands whenever the Secretary of Agriculture deems it necessary because of a major threat to our environment, forests or agricultural lands due to a major insect infestation.

This legislation does not authorize uncontrolled use of DDT; rather, it is an exception to the existing law and would apply only to emergency situations and only then to be dispensed by licensed applicators.

This legislation is deemed essential because of the arbitrary refusal of the Environmental Protection Agency to grant the Secretary of Agriculture's petition to authorize emergency use of DDT to combat the massive infestation of our Nation's forest lands from the ravages of the Gypsy and Tussock moth.

The unimaginable extent of this damage from infestation to our forest was described in the testimony of Robert W. Long, Assistant Secretary for Conservation, Research and Education, U.S. Department of Agriculture, before the Subcommittee on Forests, on October 23, 1973:

> H.R. 10796 results from concern about damage caused by infestation of the tussock moth in the Pacific Northwest and gypsy moth in the northeast. An estimated 690,000 acres, up to date, of forest land in Oregon and Washington and an estimated 125,000 acres in northern Idaho have been defoliated in varying degrees by the tussock moth. Small areas of tussock moth damage have been discovered in Southern Idaho, Montana, Nevada, and New Mexico; however, the damages in these locations are not yet considered serious. This year the gypsy moth defoliated an estimated 1,773,000 acres within an area including New England, and the States of New York, New Jersey, and Pennsylvania.

It was brought out repeatedly in hearings before our Forests Subcommittee that severe secondary environmental damage that threatened all forms of vegetation and animal life was occurring. As a result of insect infestation on epidemic proportions it simply does not make sense to allow our forest environment to be destroyed by an insect epidemic when they can be successfully controlled through the supervised application of DDT.

At present the damaged forest areas must either be clear cut for salvage or the defoliated and dead timber constitutes a major fire threat, both constituting a secondary threat to wild life and the natural balance desired in our environment.

DDT was banned under the theory of protecting our environment. Now we must understand that by banning DDT without exception or reason we are damaging the environment. There must be room for moderation and flexibility in both the use and banning of DDT. Because EPA exerts its authority as a prohibitive agency rather than a regulatory agency, the Congress must act.

Mr. Speaker, so that our colleagues might know the extent of this threat to our forest lands and the resulting environmental repercussions, I insert the related information in the RECORD at this point:

GYPSY MOTHS DEFOLIATE 1,773,846 ACRES IN 1973

WASHINGTON, Oct. 4.—Leaf-eating gypsy moth caterpillars defoliated an estimated 1,773,846 acres of woodland in nine northeastern states this summer, the U.S. Department of Agriculture (USDA) reports. This is an increase of about 400,000 acres over the 1972 defoliation.

Leo G.K. Iverson, deputy administrator of USDA's Animal and Plant Health Inspection Service (APHIS), said the pest now is spreading from the New England area and heading through Pennsylvania. APHIS scientists also point out that the pest is moving from an area of less-favored food to a region where its favorite hardwood trees are more prevalent.

Pennsylvania was the hardest hit northeastern state this year with approximately 856,710 defoliated acres. Other states with defoliated acres include an estimated 333,215 in Connecticut; 254,865 in New Jersey; 248,441 in New York; 43,970 in Massachusetts; 35,925 in Rhode Island; 490 in Maine; 200 in Vermont, and 30 in New Hampshire.

Mr. Iverson said the Pocono region of eastern Pennsylvania was particularly hard hit. In several counties, 70 percent of the trees were almost completely stripped.

The gypsy moth was brought into this country in 1869 for scientific experiments, but accidentally escaped. A single 2-inch caterpillar can eat a square foot of leaves every 24 hours. In infested areas the pests annually attack foliage of trees in forests, homesites, parks and recreational areas.

THE DOUGLAS-FIR TUSSOCK MOTH—A CONTINUING PROBLEM IN NORTHEASTERN OREGON

INTRODUCTION

An outbreak of the Douglas-fir tussock moth developed in northeastern Oregon and southeastern Washington in 1972. About 172,000 acres were defoliated in the Blue Mountains of the two states.

Requests by the State of Oregon, State of Washington, and the U.S. Forest Service to use DDT to control the tussock moth were denied by the federal Environmental Protection Agency in the spring of 1973. The outbreak continued through this summer until over 500,000 acres have now been defoliated in varying degrees.

DAMAGE

Duglas-fir, white fir, and subalpine fir are the preferred hosts of the moth. The caterpiillars (larvae) feed on the new needles in the spring. Older needles are eaten as the larvae increase in size. Infested trees begin to turn reddish-brown in June. By mid-July, entire trees may be defoliated and may die in following years. Sometimes, only tops of trees are attacked. These tops may die or a spiked top may develop.

LIFE CYCLE

Eggs hatch between mid-May and early June. Young larvae are ⅛" long and have long hairs. Their long hair and light weight allows them to be transported long distances by the wind. Full-grown larvae are about 1¼" long. They have two, long, dark tufts of hair just back of the head and a similar tuft on the other end. Four dense tussocks of hair grow along the middle of the back. The larvae feed through July until they enter the pupal or "resting" stage. This period lasts from 10 to 18 days when the moth emerges. The winged male and the wingless female tussock moth mate at that time. One female lays an average of 250 eggs on the cocoon from which she emerged.

CONTROL

Natural control

The Douglas-fir tussock moth has many natural enemies. These include a virus and insect parasites. The more important of these is the virus. It can kill large populations of the moth. Natural control normally lags several years behind the outbreak.

There was hope that the natural virus would control the tussock moth during this summer, but this has not happened.

Introduction of the virus artificially was one of the controls tested this year. There was some success, but the applications need more testing.

Chemical control

Aerial applications of ¾ pound of DDT in one gallon of fuel oil on an acre has been used to control past infestations of the tussock moth. Studies during and after past applications in the Northwest have uncovered little known impact from DDT on the environment in and near spray areas. Currently there is no insecticide registered by the Environmental Protection Agency for use on the tussock moth.

During 1973, four new chemicals were tested on 12,000 acres. One may hold promise as a future control, but a final evaluation is still underway.

PLANS FOR THE FUTURE

Control

Two important jobs will be completed by next summer to provide knowledge to foresters planning control of the tussock moth. By October 1973, a population survey will be completed of egg masses that will produce next year's moths. The presence of the natural virus will not be known until studies are made next spring.

Based on this information, the State of Oregon and others will reevaluate their need for chemical control. A renewed request for emergency use of DDT may be made to the Environmental Protection Agency.

Fire protection

Increased fire protection is needed now in the infested areas. The 6,130 acre fire that burned at the edge of La Grange in August 1973 was aided in its spread by tussock moth-killed timber. Added protection will be needed for 3 to 5 years.

Salvage

Over 40 million board feet of timber were killed in 1972 on private lands. Another 140 million board feet were killed in 1973. A larger amount was killed both years on national forest lands. Salvage of the killed timber was started this summer and will need to continue at a fast pace to remove the timber before checking, insects, and disease make it unmerchantable. Over 300 individual forest landowners have been affected.

Reforestation

Many acres of the Blue Mountains will need reforestation once salvage is completed and the tussock moth is controlled. Department of Forestry service foresters and other foresters are developing plans to assist private landowners. A major problem will be having an adequate supply of seedlings of native species available for planting.

SALUTE TO A MEANINGFUL TELEVISION DRAMA

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. BELL. Mr. Speaker, it is worthy of note that the television industry, essentially designed in its prime time programing to bring entertainment into the homes of millions of Americans, frequently also achieves something meaningful, a program of contemporary importance and of inspiration.

The latest such accomplishment will be seen in homes throughout our Nation on Wednesday night, December 12. It is a simple story called "Joie," to be presented by Paramount television on the "Love Story" anthology series on the NBC television network.

One might not expect to find such a story on a program presented weekly under such a broad, all-encompassing title as "Love Story"—yet, it could not be more fitting. Because, love is the key to the young man named "Joie"—a handsome youth in his early twenties, yet a child in so many ways.

"Joie" is retarded.

There are many young people like him, some younger and some not so young, in special schools and classes, in centers and foundations throughout our country. These are organizations staffed by men and women dedicated to helping the retarded and emotionally disturbed children and adults.

To the observer, "Joie," like many of the young people being aided by such organizations, does not appear to be handicapped. To be sure, there is an occasional slowness of speech, a hesitation. He cannot read, or add, multiply, or subtract. But, much of the time, you are not aware that he is different.

Around him, there is an air of hope, not hopelessness. And love.

It is reflected in "Joie" himself. He wants so much to be a man. And, through love and the patient understanding and teaching of a volunteer in a foundation devoted to exceptional children, he develops an unsuspected talent as an artist. He learns he can look forward to a happy life, one to which he, too, can make his contribution.

As children are doing every hour, every day in schools and organizations across the United States, he responds to love and dedicated care.

It reminds that a few weeks earlier on this same "Love Story" program, another inspiring drama dealt with a young paraplegic. It has resulted in requests for special screenings at rehabilitation centers and hospitals, as a means of encouraging and aiding paraplegics in their struggle to resume a useful life.

Such television shows are not successfully produced by accident. They appear on our home screens as the result of the efforts of hard-working, talented men and women who not only strive to bring us entertainment but also to say something worthwhile. They start with the inspiration to inspire us and those less fortunate. They research their subject thoroughly in order to present it truthfully.

They and the companies who make it all possible are deserving of our commendation. Thus I feel it fitting that the Congress and the TV viewers of the Nation should salute those responsible for "Joie"—television's most distinguished award winner and the executive producer of "Love Story," George Schaefer; the former Academy Award winning director, Delbert Mann; the writer of the fine teleplay, Don Appell; the series' associate producer, Philip L. Parslow, its story editor, Esther Shapiro, and the outstanding cast headed by Kim Darby, John David Carson, and the Tony Award winning actress from Broadway, Sada Thompson.

To Frank Yablans, president of Paramount Pictures and Paramount Television and to the other executives of Paramount Television including Emmet G. Lavery, Jr., executive vice president; Bruce Lansbury, vice president, creative affairs, and Richard J. Winters, national director of publicity, advertising and promotion—and to the NBC television network—also should be expressed our appreciation for excellence and the tasteful treatment of a themes of such significance.

The program to be presented on December 12 is one of which the television industry can be proud, a dramatic entertainment that carries with it a hope and an encouragement for the unfortunate retarded and for their families.

Much is being done for them. Much more can be done.

"BLACKS ARE SLAVES TO THE DEMOCRATIC PARTY"

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. STOKES. Mr. Speaker, George Anthony Moore, of the Cleveland Press, published in the November 9 edition of the paper, a most perceptive column on the need for black people to search beyond party labels, when election time comes around, and study the men who request their votes.

Mr. Moore's observations, while specifically concerned with the recent election in Cleveland, have a universal relevance not only to black voters in other parts of the country, but to politicians and would-be candidates in every part.

I hope my colleagues in the House gives Mr. Moore's message sober attention.

The column follows:

"BLACKS ARE SLAVES TO DEMOCRATIC PARTY"

(By George Anthony Moore)

It had been my belief until this week after the general elections that black voters were becoming more sophisticated. But when I look at the results in which Mrs. Mercedes Coiner carried all of the black wards, I found it frightening because it was apparent that in those wards the people voted blindly on the basis that the candidate was a Democrat.

There could have been any other name picked at random and they would have voted for that person. The tragedy of this observation is that blacks in this city have not learned how to vote selectively. They have become slaves to party labels. In this case, the Democratic Party.

In other parts of this country, the mentality is that you evaluate each candidate and yet quiz him or her on the goals that you think the constituency in that community wants or needs and if they measure up, you give your stamp of approval. Party labels are only incidental.

I heard this philosophy confirmed several months ago at the National Urban League Convention in Washington, when six top black women politicians participated in a panel titled Women In Politics.

Cong. Shirley Chisholm was among those present. I was surprised when she came here to campaign for Mrs. Coiner since she contradicted the things that were agreed to on that panel discussion. Particularly when I learned that as a councilman Mrs. Coiner voted against fair housing legislation. Her defense was that she didn't think the time was right.

This has been the story of black people in this country; we have been standing in the wings, waiting until someone says the time is right.

The black voters I admire are those who were perspective enough to vote for Mayor Perk again. Not because they wanted to be on the winning side, but because they obviously made a candid appraisal of the mayor's past performance. I am not shilling for Mayor Perk, nor do I believe that he has done a spectacular job, but he has put the city on a basis of fiscal responsibility.

His minority employment record is good, although not necessarily spectacular. It's the rare public official whose minority employment record cannot stand improvement.

I was particularly pleased when Mayor Perk said he was going to be the mayor of all the people. It sounded good. But I'm from Missouri, he'll have to show me.

I don't feel that any member of a minority group can be wedded to either the Democratic or Republican Party, nor even a third party if you choose, since periodically there is talk about such. The key is the candidate and where his head is on certain vital issues.

This is what the 21st District Congressional Caucus is all about. Selective voting. And, as you know, its membership is not restricted to minorities. I have no illusions about the organization, it is far from perfect, but it is on the right track. The message is simple: Exercise your vote, don't sell it, don't let anyone commit it for you and above all know your candidates.

SURVEY RESULTS RELEASED

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. WINN. Mr. Speaker, in August, I mailed a questionnaire to every resident of the Third Congressional District of Kansas asking for their views on a variety of topics.

Today, I would like to share with my colleagues in Congress the results of this questionnaire. I feel they show the residents of the Third District to be vitally concerned with day-to-day issues which they must deal with directly as taxpayers and citizens.

At this point, I insert in the RECORD the findings of this survey:

SUMMER QUESTIONNAIRE RESULTS

	Voter responses (percent)			
	Male		Female	
	Yes	No	Yes	No
1. Do you feel that Federal or public employees should have the right to strike?	32	63	34	62
2. Do you favor combining single-purpose Federal programs into block grants for the States and localities to use according to their needs, within prescribed guidelines?	65	28	65	22
3. According to the recently signed peace agreement, the United States agreed to contribute to the post-war reconstruction of Indo-China, including North Vietnam. Do you agree with this provision?	24	74	21	74
4. Do you support the Administration's efforts to lower Federal spending through freezing (impounding) funds appropriated by Congress?	52	44	41	50
5. Do you feel that recently announced phase IV economic controls should be imposed:				
a. On a temporary basis?	52	34	51	28
b. For an extended period of time?	18	50	14	54
c. On a permanent basis?	5	66	4	63
6. Do you agree with the recent Supreme Court decision which bars Federal aid to private and parochial schools?	63	35	61	36
7. Should a news reporter have the right to refuse to reveal the name of the source of a news story:				
a. If national security is involved	42	54	50	43
b. If criminal activity is involved	44	45	44	45
c. If no injury to others is apparent	74	24	73	24
8. In the case of young men who have left this country to evade military service, would you favor:				
a. Unconditional amnesty and pardon	13	67	14	66
b. Prosecution of those who return	56	32	45	37
c. Amnesty or pardon, if they agree to an alternative type of public service	46	42	53	34
9. Rising gasoline and fuel prices, and the apparent shortage of fuel supplies is of concern to everyone. Would you support legislation to:				
a. Relax auto pollution requirements	47	44	30	53
b. Move ahead with the construction of the Alaskan pipeline	78	15	79	19
c. Urge the reduction of speed limits on Federally-financed highways	57	34	68	24
d. Establish mandatory fuel distribution programs	40	46	39	41
The House Ways and Means Committee is considering tax reform legislation calling for the following things. Would you favor:				
a. Reduction of the oil depletion allowance	41	41	36	38
b. Reduction of the Federal tax exemption on municipal bonds	41	43	38	35
c. Reduction of the capital gains tax	39	51	41	44
d. Institution of a property tax credit for the elderly	80	11	80	9
11. Do you agree with the recent Supreme Court decision regarding the liberalization of abortion laws	62	33	63	37

OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART XIII

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ASHBROOK. Mr. Speaker, as I have indicated in the past I am especially interested in the nomination now before the Senate of Helmut Sonnenfeldt as Under Secretary of Treasury because of its relationship to the extensive hearings which the House Internal Security Committee has been conducting since 1971 concerning the Federal civilian employee loyalty-security program. A good illustration is the handling of Presidential appointments such as Mr. Sonnenfeldt's by various departments as required by the Federal program.

In testimony before our committee State Department representatives indicated that such appointments are investigated by the FBI and the initial evaluation of the investigative material is evaluated by State's Division of Evaluations of the Office of Security. In his letter to me of August 7, 1973, Secretary of Treasury Shultz stated that "pursuant to normal procedures" in all cases involving President appointments requiring Senate confirmation security and conflict of interest reviews are initiated and conducted by the White House. In the case of the State Department, according to the testimony, the initial evaluation is made at State whereas Treasury was not involved at all in the case of Mr. Sonnenfeldt who was nominated to hold a high Treasury position.

Also, as I have indicated before, neither Treasury or the Civil Service Commission, in listing the investigations of Mr. Sonnenfeldt, made mention of an investigation in the 1960–61 period in which Mr. Sonnenfeldt was questioned by State security investigators, submitted to a lie detector test and had his phone tapped. In addition, the list of investigations by the two departments differed in part as to the dates of the investigations, each citing an investigation omitted by the other.

In obtaining necessary information the Congress must rely heavily on the accuracy of data supplied by the executive branch departments and agencies. If congressional committees do not have independent sources of information to check with, they are largely at the mercy of the executive branch data. The Sonnenfeldt case has become a matter of controversy precisely because independent sources were available to question the executive's presentation of the case. One such source is Mr. John Hemenway, a former Foreign Service officer who worked with Mr. Sonnenfeldt at the State Department. His testimony on May 15 of this year before the Senate Finance Committee was the initial statement in opposition to the Sonnenfeldt nomination.

Additional hearings on October 1 and 2 brought forth other witnesses, unassociated with the executive branch, who questioned the nomination. Had these sources been unavailable or unwilling to testify, many questions involving the Federal civilian employees loyalty-security program would not have been raised. As knowledgeable sources are not always available to question executive branch presentations, one can appreciate the importance of having an efficient and reliable Federal security program.

I insert at this point the letter of Mr. Hemenway to Senator MANSFIELD of November 12, 1973, a copy of which I have received, indicating the complexity of this case to date:

WASHINGTON, D.C., *November 12, 1973.*

MAJORITY LEADER OF THE SENATE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Today's *Newsweek* discloses a massive cover-up in the *Sonnenfeldt* Case. (See: "Wheeling and Dealing, Senate Style" in "Periscope", page 23, *Newsweek*, November 12, 1973, enclosed.)

This matter is called to your attention because the report published in *Newsweek* calls into question the integrity of the entire Senate and its leadership, if true. I am not able to evaluate the report myself, but I am not aware that anyone in a responsible position has repudiated it as inaccurate. It seems to me that the question of honest parliamentary proceedings is raised by the article.

You will recall that, on November 1, I wrote to you concerning the Sonnenfeldt Case. I alerted you to the fact that numerous key witnesses in the matter have not been called and that there is a great deal of evidence that perjury has been committed, all available in the Hearing Transcript, now published. (*Congressional Record* of November 1, 1973, page 35705.)

On November 7, 1973, I also wrote to Senator Long detailing a long list of important witnesses whose evidence was not in the Hearing Record, simply because those witnesses have never been called to be heard. (*Congressional Record* of November 8, 1973, page 36461.)

Subsequently, I learned that Secretary of the Treasury Shultz, to his great credit, put a "hold" on the Sonnenfeldt nomination until he can get the facts concerning the "wheeling and dealing" that went on behind his back without his permission or knowledge in order to secure Senate confirmation for Helmut Sonnenfeldt as Under Secretary.

The chronology in this matter is as follows:

May 15, 1973—John Hemenway testifies that Helmut Sonnenfeldt is unfit to be Under Secretary of the Treasury.

Oct. 1, 1973—Stephen Koczak testifies *under oath* on details of Sonnenfeldt's leaking highly classified information to agents of a foreign power.

Oct. 2, 1973—Otto Otepka testifies *under oath* on further details of Sonnenfeldt's propensity to "leak" classified information and other violations of the law.

May 15, Oct. 1, 2—Mr. Sonnenfeldt denied the above accusations *under oath;* the Committee reported the matter out of Committee "unanimously" with the following senators absent: Sen. Talmadge, Sen. Byrd (Va.), and Sen. Mondale.

November 1, 1973—John Hemenway writes to the Attorney General, U.S. Attorney for the D.C. and to Sen. Mansfield (See: Con. Record Nov. 1, '73, p. 35705) noting that the published hearing transcript establishes commission of perjury and other high crimes during the Sonnenfeldt Hearing.

November 7, 1973—John Hemenway writes to Sen. Long to report numerous matters left unresolved by the Hearing Transcript, including more than 15 witnesses not called who would corroborate the Hemenway/Otepka/Koczak testimony in matters capable of proof where issues are simple.

November 12, 1973—*Newsweek* publishes "Wheeling and Dealing, Senate Style" (p. 23, "Periscope" in the *Newsweek* of November 12, 1973.) The report suggests a Watergate-type deal made between Sonnenfeldt supporters and senators in a position to influence the Senate leadership's handling of the Sonnenfeldt confirmation. Reportedly, a voice-vote would remain unrecorded, attenuating blame against individual senators. Sonnenfeldt would then resign and go to work for Dr. Kissinger at State requiring confirmation, if any, by the Foreign Relations Committee.

Subsequent to Nov. 12 issue of *Newsweek*—Secretary of the Treasury Schultz orders a "hold" on the Sonnenfeldt nomination until matters reported in *Newsweek*—unknown to him personally—are cleared up and made a matter of public record.

Senator Mansfield, the purpose of this letter is to alert you, the leader of the United State Senate, to the scandalous series of events noted above. No one in the U.S. Senate should treasure and guard the respected reputation of that great body more than you; in fact, it is your responsibility to be jealous and vigilant of the Senate's reputation. The American people can expect you to do your duty in this matter, of that I am confident. To do less, in the shadow of Watergate would seem hypocritical.

Sincerely yours,

JOHN D. HEMENWAY,

WHEELING AND DEALING, SENATE STYLE

The long-delayed confirmation of Helmut Sonnenfeldt as Treasury Under Secretary was the result of delicate dickering—and a deal—between Sen. Russell Long and the White House. Charges that he had leaked classified information had held up the appointment of Sonnenfeldt, a longtime colleague of Henry Kissinger, in Long's Senate Finance Committee for five and a half months. The deal that broke the jam called for approval by voice vote (which is noet recorded), plus an "understanding" that Sonnenfeldt will resign shortly and move to Kissinger's State Department. "And if the new job requires confirmation," Long says, "let the Foreign Relations Committee worry about it."

ESEA, TITLE I

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. MICHEL. Mr. Speaker, in view of the announced effort on the part of the gentleman from Minnesota (Mr. QUIE) and the gentleman from Connecticut (Mr. GIAIMO) to recommit the conference report on the Labor-HEW appropriation bill when it is brought to the House floor tomorrow, I thought my colleagues might be interested in taking a look at a recent letter from the Commissioner of Education, John Ottina, spelling out the problems facing us under the terms of the current formula for ESEA Title I. Keep in mind that the language in the continuing resolution, to which Dr. Ottina refers, is identical to the language in the conference report which will come before us tomorrow.

I urge the Members to take a few minutes and read this letter, because it is important background for the debate that will occur tomorrow:

DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., November 2, 1973.

Hon. DANIEL J. FLOOD,
Chairman, Subcommittee on Labor-Health, Education, and Welfare, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. FLOOD: The Under Secretary informed me of his telephone conversation with you on the Title I, ESEA, situation in 1974.

As you are aware, the problems which have currently surfaced due to language in the continuing resolution are a result of a more fundamental problem with the Title I formula. The formula we are using for distribution of funds includes the use of a $2000 low-income level which was an equitable definition of poverty in 1960 but is inadequate for the distribution of funds using 1970 Census data. We had hoped to have a new formula in place for the Fiscal Year 1974 distribution using the new data, but this was not accomplished. The problem we face now is working with a makeshift arrangement to achieve the most equitable possible distribution of funds until Title I, ESEA.

School districts have been operating on an annual allocation made during the first quarter of Fiscal Year 1974 based upon the first continuing resolution, P.L. 93–52. These allocations did contain the provision to guarantee each State 100 percent of what it received in Fiscal Year 1972. The effect of the 100 percent State hold harmless was to partially mitigate changes among States which resulted from the use of the 1970 Census data for the first time in the 1974 Title I, ESEA, formula. Without the 100 percent State hold harmless at the Fiscal Year 1972 level, allocations to the large suburban/urban States would have increased substantially above the 1973 level and the rural States would have experienced severe reductions below the 1973 operating level. *Within* States, the overall effect of the new allocation generally was to shift Title I money from rural areas to suburban/urban areas. Some areas deserved these increases or decreases; others apparently did not. However, lacking a better definition of poverty, the actual equity of changes is difficult to assess.

The present continuing resolution, P.L. 93–124, will minimize the dramatic differences between 1973 and 1974 and restore allocations in the rural school districts to at least 90 percent of their 1973 allocation and restrict the maximum amount a large, suburban/urban school district could receive to 115 percent of its 1973 allocation. The language of the continuing resolution also guarantees that each State in aggregate will receive no less than 90 percent of the amount that State received in 1972.

With second-quarter allocations now long overdue, the Office of Education will have to make allocations no later than November 9 in accordance with the provisions of P.L. 93–124 unless a final appropriation bill is enacted into law or alterations are made in the continuing resolution.

One major difficulty with the provisions of P.L. 93–124 is that the allocation to the State of New Mexico cannot be made in accordance with the provisions of the law. If New Mexico is given its entitlement of $8,666,553 which is 90 percent of the Fiscal Year 1972 State amount. Its LEA's will be above the 115 percent Fiscal Year 1973 LEA ceiling. If the LEA's are held at the 115 percent LEA ceiling, New Mexico only receives 88 percent of the $8,666,553.

In addition, I want to call to your attention problems which will arise as a result of satisfying the language of the law. The impact of the change between 1973, the first quarter of 1974 and what will result under the continuing resolution is shown for a sample of States and selected counties within each State in Enclosure A. One table illustrates these differences at the Fiscal Year 1974 appropriation level of $1,810,000,000; the other is shown at the Fiscal Year 1974 operating level of $1,629,000,000. These tables provide a comparison between the 1973 operating level, the allocations under the first and second continuing resolutions, and the effects of lifting the 115 percent ceiling.

From our analysis, we believe that the large southern cities which have had population gains are penalized by the 115 percent ceiling and thus the allocations do not recognize the 1970 Census data. In contrast, rural counties which lost population and money have their losses minimized when brought up to 90 percent. In the northern cities, the results are not the same, although the outcome for the northern areas is similar for both the $1,810,000,000 and $1,629,000,000 levels.

An analysis of several different options was undertaken to determine whether a more equitable distribution could be achieved. The following variations were analyzed:

1. the present continuing resolution—

LEA's at 90 percent of 1973 and no more than 115 percent of 1973, and the State at 90 percent of 1972;

2. the effects with no LEA ceiling—

all LEA's at 90 percent of 1973 and the States at 90 percent of 1972;

3. all States at 90 percent of 1972; and

4. all local education agencies at 90 percent of 1973.

The results indicate that there are no completely satisfactory solutions, although certain ones do minimize some of the disruptions which will result between the first- and second-quarter allocations but also let the Census data take effect in counties where substantial gains have occurred. The results are shown by State in the enclosed table (Enclosure B) which compares Fiscal Year 1972, and 1973 operating levels, and the annual rate upon which first-quarter allocations were calculated for Fiscal Year 1974 under P.L. 93–52 by the four variations above.

From my analysis, it would appear that the disruption between the first and second-quarter could be reduced if the 115 percent ceiling were removed. The major effect of eliminating the ceiling is that the remainder of the funds which were previously concentrated in and perhaps artificially inflated the counties between 90 and 115 percent of 1973 now is more evenly distributed to all counties over 90 percent by the rate of their entitlement.

Although not totally true in every case, the counties which reflect the greatest gains appear to be those which have the largest numbers of children in families with incomes under $2000 and children in families with incomes above $2,000 receiving AFDC assistance. Most southern cities seem to be the gainers here as is partially illustrated in Column 4 of Enclosure A. The counties held harmless at 90 percent of the Fiscal Year 1973 allotment remain the same and the counties between 90 percent and 115 percent of the Fiscal Year 1973 allotment will lose some money as a result of the ceiling being lifted. For example, Somerset County in Pennsylvania (Enclosure A, Exhibit 1, $1,310,000,000) dropped by approximately 50 percent between 1973 and the first quarter of 1974. The continuing resolution then brings the rate to $731,490 from $322,451. The $731,490 represents 115 percent of 1973 because the concentration of funds in those counties between 90 percent and 115 percent has tended artificially to elevate the amount this county will receive. Without the ceiling, this county stays at 90 percent of 1973, which is $572,000. Somerset is one type of county which appears to sacrifice some gain when there is no ceiling in order that those counties which would be above the ceiling are partially funded. Also, cities in the large, urbanized and northern States do appear in most cases to gain slightly without the ceiling under the $1,810,000,000 level. With the $1,629,000,000 amount, this trend is less evident since fewer funds are available for redistribution after the 90 percent county and State floors are satisfied.

Consideration should be given to the possible effects of lifting the 115 percent LEA ceiling with regard to any new Title I formula which is enacted into law for Fiscal Year 1975. A revised formula may result in different State and county allocations, however, without the new formula we cannot be certain of the effects.

In summary, I believe that the least disruptive formula is the option that States receive 90 percent of 1972 and counties are guaranteed 90 percent of 1973 with no 115 percent county ceiling. While we have not proposed dropping the floor, we believe that equity would support a 75 or 80 percent floor instead of the current 90 percent. Since a floor would not represent a severe hardship in most cases since the districts benefitting from the floor have already faced more severe potential cuts. Census shifts would certainly justify at least a 20 percent change under "hold harmless" circumstances. A lower floor would provide greater equity for those districts between 90 and 115 percent which now bear the brunt of the adjustment penalties when the 115 percent ceiling is dropped.

My staff and I stand ready to assist you in any way possible.

Sincerely,

JOHN OTTINA,
U.S. Commissioner of Education.

THE AGNEW CASE: PRISONS ARE NOT FOR VICE PRESIDENTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. RANGEL. Mr. Speaker, many of us who are truly concerned about law and order with justice in this society as opposed to those who merely used the term "law and order" as rhetoric to mask political, moral and criminal atrocities perpetrated against the American people, continue to be appalled by the cynical deal by which former Vice President Agnew was allowed to trade his office for an escape from justice.

Prof. Leroy Clark of New York University School of Law, writing in a recent edition of the New York Amsterdam News, points out that the Agnew deal was based on a double standard of justice that should not be permitted in our society. I commend Professor Clark's article to the attention of my colleagues:

[From the Amsterdam (N.Y.) News, Nov. 3, 1974]

PRISONERS ARE NOT FOR VICE PRESIDENTS

(By Leroy Clark)

The mild treatment of instant ex-convict Spiro Agnew is an insult to the American people and a mockery of criminal justice.

Facing charges of income tax evasion, bribery, and extortion, in which he stole over $100,000, the ex-Vice-President bargained himself into a minor plea of "nolo contendere" to tax evasion, with a $10,000 fine and three years of unsupervised probation.

While many in the white press feel obliged to "go easy" on Agnew for fear that right-wingers will claim vindictiveness because of Agnew's prior attacks on the press, the Black community should not hesitate to denounce the man and feel deeply affronted by the powder-puff penalty he received—which no Black person, politican or otherwise, would have gotten under similar charges.

AGNEW IS A HUSTLER

The cold, hard story of Agnew is that he was a calculating, hypocritical hustler of public anxiety—and it is the Black press that should tell this story since 85 per cent of Black voters were wise enough to reject the Nixon-Agnew gang last year.

The rest of those who elected Nixon-Agnew by a landslide must feel particularly stunned and impotent since they cannot vent their disappointment on either official.

Nixon has been arrogant enough to fire his special prosecutor, despite the fact that the Congress clearly wanted the prosecutor to be independent, and it is unlikely that Congress will impeach him. Now, Agnew, facing a possible 20 years in prison, in a case against him which prosecutors have claimed was "air-tight," receives the functional equivalent of exoneration.

Mr. Agnew used a successful tactic of threatening Nixon and the Republican Party with a long legal battle which would have jeopardized their chances in upcoming elections.

DEVICE TO CONFUSE

Mr. Agnew was not required to plead guilty, but was permitted to plead "nolo contendere." The "nolo contendere" is technically the equivalent of a guilty plea, but this form of plea was accepted as a device for confusing a lay public about the extent of his guilt.

The major reason that defendants plead "nolo contendere" is that it cannot be used against them in any subsequent civil proceedings, but this was not a concern of Mr. Agnew. Mr. Agnew's recent sanctimonious speech to the Nation was an attempt to capitalize on the nolo plea in the interest of "the Nation," "his family," and anyone else you can name, except himself.

PLEA-BARGAINING AT WORK

Furthermore, permitting Agnew these assertions can only deprive Agnew's plea process of its prime value: namely to warn other politicians with similar extortion intentions and to educate the public to be skeptical of crooks in law-and-order clothing. The judge would be well advised now to vacate the plea and to require a trial or a plea which cannot be instantly repudiated.

Note that Mr. Agnew is permitted to plead to the tax evasion charge which the public will obviously see as less serious than bribery and corruption. The tax evasion charge is also weaker evidence should a bar association ever get around to disbarring Agnew from law practice, since it, unlike the other charges, is not a crime involving "moral turpitude."

Despite the fact that Mr. Agnew could now be tried in Maryland for state criminal charges, their State Attorney General says that he does not plan to prosecute. The Justice Department has created an impression that it is part of an arrangement to bar the state charges because it will not give the state the evidence it has, and Eliot Richardson, before resigning, openly advised the state prosecutors not to prosecute.

QUESTIONABLE MOVES

Both moves are highly questionable. Federal law enforcement officials have always actively cooperated with state officials, especially where some major public interest is at stake. (Obviously, the public interest is only threatened by the Black Panthers, the Weathermen, etc., and not by thieving politicians.)

Secondly, it may not only be unprecedented, but improper, for a federal official to tell a state official how and whether to enforce his state laws. Thirdly, Richardson's announcement might hamper the state should it prosecute Agnew because jurors, having been told by a high federal official that a prosecution is needless, would see it only as vindictive.

Richardson's explanation of the unprecedented leniency accorded Mr. Agnew is patently transparent. He claimed that the loss both of the Vice-Presidency and a future political career was punishment enough.

In the first place, the Vice-President does not have important executive powers, a fact which Mr Richardson's office itself argued in its brief asserting that the Vice-President, unlike the President, could be indicted by a grand jury.

Also, unlike a cloud over the President, the Nation and its institutions are not likely to be seriously disrupted because the person occupying this largely ceremonial office is under charges.

Secondly, Mr. Agnew's potential for the Presidential nomination in 1976, if not eclipsed by his association with the group that brought us the Watergate "horrors," was certainly ended by leaks, perhaps from Richardson's own department, that they had solid evidence against Agnew. So what, in terms of political future, did Mr. Agnew give up?

This is not a blood-thirsty call for revenge or imprisonment. However, it is offensive for a man to callously abuse the public trust and, solely on the basis of high position and "pull" to receive a light penalty.

This is especially true when we know that one-third of our federal prison population is Black and many are there for offenses that are far less serious. In addition to all the usual inhumanity persons experience in prison, they can only be more bitter when they learn of this perversion of justice.

ESPECIALLY GALLING

Mr. Agnew's case is especially galling since he tried to manipulate the anti-Black racial signal of "law and order" to build a safe, silent (white) majority for the Republican Party. He harangued us during the last five years with speeches about criminals, radicals, students, and other "rotten apples" as a device for projecting himself as a righteous, virtuous figure.

And when caught knee-deep in bribery, corruptions and income tax evasion, his only explanation is that his was an American, and not an un-American crime. (As he said, it was a "long-established pattern" for Maryland State officials to take money under the table from contractors.)

Mr. Agnew's case must stand as one of the most outrageous deals ever to be made, and the lesson that an all-too cynical public may learn is that if you want to steal $100,000, spend no time in jail, and come out $90,000 ahead because you are fined only $10,000, then you better get elected Vice-President of the United States.

THE PHONY CURE OF CONTROLS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. DERWINSKI. Mr. Speaker, as I voted against the legislation which gives standby economic controls and have consistently voted against that authorization, I direct to the attention of the Members a column in the Washington Star-News of Saturday, November 10. The article by Jenkin L. Jones which very effectively describes the pitfalls involved in the controls placed on rising prices.

The article follows:

THE PHONY CURE OF CONTROLS

(By Jenkin Lloyd Jones)

In the evil old days when patent medicine manufacturers could get away with anything, it was customary to lace "consumption cures" with large dollops of opium. The results were marvelous.

The coughing stopped, for the cough mechanism was effectively anesthetized. The astonished and delighted patient fired off a glowing testimonial. Sometimes he had time to write two before lung congestion took him to the undertaker. By interrupting nature's effort to remove infection, the medicine provided a brief appearance of health, and then zap!

Price controls are like the old consumption cures. They "cure" inflation. Prices suddenly cease going up. The consumer is delighted. But generally the producer, caught in a cost squeeze, stops producing. The controlled commodity vanishes from the shelves. So the buyer does without or hunts up a black market.

A classic example is what happened to housing in Germany and France following World War II. The French sought to ease rising rents by slapping on stiff ceilings. It became uneconomical to build housing. Rents were cheap enough, but you had to practically inherit an apartment. Today, 28 years after the war's end, the urban Frenchman is still scrambling for a place to live.

Most German cities were largely destroyed. People were living in cellars, boxes, tents. But the Germans didn't put on controls. Rents rose astronomically. It was so profitable to produce rental space that the building business roared. Everyone rushed to bulldoze up the rubble and clean the bricks for re-use. The cement mixers churned.

In consequence, within five years the housing crunch vanished. People could become choosy and rents slipped back.

Cheaper beef is no good if there's no beef. We found that out last August. Still, there remains the wistful hope that if some bureaucrat writes a magic number on a price tag, without regard to demand, supply and production incentives, the consumer will be served.

Efforts to fix prices for everything go back 41 centuries to the kings of ancient Sumer. They probably caused the invention of counters so that business could be carried on under them.

It is a sad fact of life that free prices remain steady only as long as supply and demand are in perfect equilibrium. When inventories are drawn down, prices edge up, and when things gather dust in the stockroom, cut-rate sales are offered.

These fluctuations distress everyone, but they are nature's corrective. For, in general, higher prices encourage more production, which meets demand, which softens the market, which causes prices to fall, which increases demand, which strengthens prices.

But what we are beginning to run into in this country is the phenomenon of shortages we never felt before. In a time of higher-than-ever personal incomes, spaghetti-eaters upgrade to ground round and ground round eaters go for sirloin.

If there were limitless pasturage and limitless grain for feed yards, supply would eventually catch up to demand. But the number of head of cattle you can carry on any given acreage is not easily expanded, and the whole world is bidding for our grain supplies. So meat goes up. To artificially hold down the price and thus discourage breeding is nut-house economics.

The cheap energy days are drawing to a close in America. For years it was the Federal Power Commission's policy to hold down the price of natural gas. So most of America threw away its coal shovels and oil burners and hurried to tap into this lovely clean source of instant heat.

As the odds against hitting a good gas well went up and the cost of drilling went up and the price stayed the same, the chances for profitably exploring for gas went down. So wildcatting languished as the market soared. And now we have a gas crunch.

How much better off we would be if we had let the mechanism adjust itself—higher prices, slower conversion from more plentiful fuels, less incentive to waste this most versatile hydrocarbon in inefficient fireboxes, more incentive to find new reserves and a more gradual and orderly adjustment toward the inevitable day when natural gas is gone.

Monkeying with prices seems irresistible to Washington. But a rigged priced is not the same as a true value. And value eventually triumphs. The kid who traded a $1,000 dog for two $500 cats stayed happy only until he tried to sell the cats.

SENATE—*Tuesday, November 13, 1973*

The Senate met at 10 a.m. and was called to order by Hon. JAMES ABOUREZK, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, the light of the hearts that see Thee, the life of the souls that love Thee, the strength of the minds that serve Thee, from whom to turn is to fall, to whom to turn is to rise, and, in whom to abide is to stand fast forever, grant that as we turn to Thee we may have light for our hearts, life for our souls, strength for our minds. As we pray for ourselves so we pray for our Nation that it may be born again of the spirit, redeemed by Thy grace, stand secure upon Thy word, and henceforth be obedient to Thy law that it may fulfill Thy purposes in this time of trouble.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 13, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES ABOUREZK, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ABOUREZK thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore (Mr. ABOUREZK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment.

The message also announced that a bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States; to designate a system of essential rail lines in the northern region; to provide financial assistance to certain rail carriers; and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4771) to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia.

The ACTING PRESIDENT pro tempore (Mr. ABOUREZK) subsequently signed the enrolled bill.

HOUSE BILL REFERRED

The bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States; to designate a system of essential rail lines in the northern region; to provide financial assistance to certain rail carriers; and for other purposes, was read twice by its title and referred to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 9, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 464 up to and including No. 470.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE COMMITTEES EMPLOYEES PAY

The Senate proceeded to consider the bill (S. 2315) relating to the compensation of employees of Senate committees which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

> That section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended and as modified by the Order of the President pro tempore of the Senate of October 4, 1973, is amended as follows:
>
> (1) In paragraph (1), strike out "ranging from $18,525 to" and insert in lieu thereof "at not to exceed":
>
> (2) In paragraph (2)(A), strike out "8,265 to" each place it appears therein and insert in lieu thereof "not to exceed".
>
> (3) In paragraph (2)(B), strike out "$18,240 to", "$14,250 to", and "$8,265 to" and insert in lieu thereof in each place "not to exceed".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COVERAGE OF U.S. NATIONALS

The bill (H.R. 3801) to extend civil service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government, was considered, ordered to a third reading, read the third time, and passed.

TRAINING REPORT REQUIREMENTS

The bill (H.R. 5692) to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308 was considered, ordered to a third reading, read the third time, and passed.

ADMINISTRATION OF FEDERAL EMPLOYEES LEAVE SYSTEM

The Senate proceeded to consider the bill (H.R. 1284) to amend title 5, United States Code, to improve the administration of the leave system for Federal employees which had been reported from the Committee on Post Office and Civil Service with amendments on page 2, in line 23, strike out "subsections (b) and (d)," and insert "subsections (b), (d), and (e)"; on page 3, line 2, after the word "new" strike out "subsection;" and insert "subsections:"; in line 5, after the word "when", strike out "such" and insert "the"; in line 8, after the word "when", strike out "such" and insert "the"; in line 10, after the word "when", strike out "such" and insert "the"; in line 23, after the word "this", strike out "title."." and insert "title."; after line 23 insert:

> "(e) Annual leave otherwise accruable after June 30, 1960, which is lost by operation of this section because of administrative error and which is not credited under subsection (d)(2) of this section because the employee is separated before the error is discovered, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within 3 years immediately following the date of discovery of the error. Payments shall be made by the agency of employment when the lump-sum payment provisions of section 5551 of this title last became applicable to the employee at the salary rate in effect on the date of the lump-sum provisions became applicable.".

On page 6, in line 12, after the word "Notwithstanding", strike out "any other provision of law," and insert "other statutes,"; in line 16, after the word "was", strike out "forefeited" and insert "forfeited"; and in line 18, after the word "status.", strike out "Such payment" and insert "Payment".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the passage of Calendar 467, S. 1284, be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, the passage of the bill is vitiated.

Mr. MANSFIELD. And that the bill be restored to the calendar.

The ACTING PRESIDENT pro tempore. The bill is restored to the calendar.

PRIVILEGES AND IMMUNITIES FOR THE ORGANIZATION OF AFRICAN UNITY

The bill (H.R. 8219) to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity was considered, ordered to a third reading, read the third time, and passed.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973

The bill (S. 2681) to authorize appropriations for the United States Information Agency was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Information Agency Appropriations Authorization Act of 1973".

Sec. 2. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1974, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $188,124,500 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $4,125,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", of which not to exceed $1,000,000 shall be available solely for the Eighth Series of Traveling Exhibitions in the Union of Soviet Socialist Republics; and

(3) $1,000,000 for "Acquisition and construction of radio facilities".

Amounts appropriated under paragraphs (2) and (3) of this subsection are authorized to remain available until expended.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated without fiscal year limitation for the United States Information Agency for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $7,200,000 for increases in salary, pay, retirement, or other employee benefits authorized by law; and

(2) not exceed $7,450,000 for additional overseas costs resulting from the devaluation of the dollar.

Sec. 3. Section 701 of the United States Information and Educational Exchange Act of 1948 is amended to read as follows:

"PRIOR AUTHORIZATION BY CONGRESS

"Sec. 701. (a) Notwithstanding any provision of law enacted before the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, no money appropriated to carry out this Act shall be available for obligation or expenditure—

"(1) unless the appropriation thereof has been previously authorized by law; or

"(2) in excess of an amount previously prescribed by law.

"(b) To the extent that legislation enacted after the making of an appropriation to carry out this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

"(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.".

LOUISIANA LAND TRANSFER

The bill (S. 2477) to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of State university was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey, without monetary consideration, to the State of Louisiana, for the use of Louisiana State University, all right, title, and interest of the United States in and to the real property at Robson, Caddo Parish, Louisiana, containing 99.956 acres in section 19, township 16 north, range 12 west, and sections 24 and 25, township 16 north, range 13 west, Caddo Parish, Louisiana, being a part of lot 3 (Martin survey) Robson Plantation and described as follows:

Beginning at a point 260 feet south and 230 feet west of northwest corner section 30, township 16 north, range 12 west, thence north 42 degrees 37 minutes each, 2,986 feet to Harts Island Road, thence along road north 44 degrees 55 minutes west, 1,381 feet to intersection with Robson-Forbing Road; thence along latter road south 30 degrees 25 minutes west, 523 feet south 51 degrees 40 minutes west, 832.5 feet south 48 degrees 15 minutes west, 1,008.4 feet south 24 degrees 40 minutes west, 572 feet (all courses along both roads being a distance of 40 feet from centerlines of said roads); thence south 35 degrees 20 minutes east, 467 feet along Bayou Pierre; thence south 1 degree 30 minutes east along Bayou Pierre 530 feet; thence south 85 degrees 02 minutes east along drainage canal 641 feet to place of beginning.

SEC. 2. The real property conveyed pursuant to this Act shall be used consistent with the purposes of Louisiana State University, including, but not limited to, the maintenance of a pecan production research station.

NOMINATION OF SENATOR SAXBE OF OHIO TO BE ATTORNEY GENERAL

Mr. HUGH SCOTT. Mr. President, I believe that the Committee on Post Office and Civil Service is meeting this morning to consider the emoluments bill reducing the salary of the Attorney General to the amount which was authorized prior to the recent increase.

I hope that the committee will promptly report the bill so that we may dispose of it.

If it is necessary to have the Judiciary Committee hold any hearings, I hope that the hearings will be held in 1 day. I would not want to see a bill which would empower one of our colleagues to serve in the President's Cabinet held hostage for any other legislation. I would not want to see any partisan or political division arising from this nomination. I think we have some obligation to one another in the Senate.

I would feel, on behalf of our colleague from Ohio, that a considerable disappointment would arise in the Senate itself if this otherwise routine bill were made a vehicle for anything other than what it purports to accomplish. So I should like us to keep any partisan or political consideration apart and treat the nomination for what it is. Then if Senators wish to express themselves on the forthcoming confirmation of the nomination of our colleague, the distinguished Senator from Ohio (Mr. SAXBE), to be Attorney General, we can discuss that as an issue on the merits.

I hope that we will not let partisanship or political considerations interfere with a routine bill; I do not think it would be fair to do so. It would hardly be comity. If I were our colleague from Ohio, I would simply say, if that is the kind of behavior we have in the Senate, "You can have the job," and forget it.

Mr. ROBERT C. BYRD. Mr. President, may I say in response to the distinguished Republican leader, with respect to the bill that will be reported by the Committee on Post Office and Civil Service permitting the appointment of our distinguished colleague from Ohio (Mr. SAXBE) to the office of Attorney General, it will be my intention, as I indicated last Friday, to move to refer that bill to the Committee on the Judiciary, so that that committee might have an opportunity to consider the constitutional aspects that are involved.

I wish to assure the distinguished Republican leader that my purpose in moving to send the bill to the committee will not be one of partisanship; it will not be one of obstructionism. It is not with any political consideration in mind that I would take that action.

I also want to say for the record that in speaking to Senator SAXBE a few days ago, I indicated to him that I did not feel at that time that the legislation would present any problem.

But subsequent to my talking with him, I have given considerable thought to the pertinent constitutional provision. I have done considerable research in that regard, and I am convinced in my own mind that a very serious constitutional question is involved here.

My purpose in moving to send the bill to the committee, therefore, is clear. I think we would be remiss in our duties in the Senate if we failed to send this bill to the Judiciary Committee and if the House of Representatives should itself decide to look at the constitutional aspects when we had ignored such a question. A failure to face up to the constitutional question, in my opinion, would make the Senate look bad.

I realize that we do have the considerations that have been mentioned by the distinguished Republican leader. The fact that it is one of our colleagues who is being considered makes it difficult for me to take upon myself the burden of moving to send the bill to the Judiciary Committee. I am sorry that this has to occur.

I certainly want to assure the distinguished Republican leader and the distinguished Senator from Ohio (Mr. SAXBE) that nothing personal is involved, and that nothing partisan is involved. So far as I am concerned, I would be willing to send the bill to the Judiciary Committee with the understanding that it be reported back within a certain time, 2 or 3 days, or a week or whatever amount of time is necessary to hear some of the constitutional experts in regard to the bill.

Personally, I have no desire to attach any extraneous matter to the bill; but I just do not think that we, as Members of this body, can avoid the possible constitutional issue here, and I believe there is one. Many of us may have resolved it already in our own minds. I may be wrong in my own viewpoint. But I do not think we can avoid the constitutional issue simply because, in this case, it happens to involve a colleague of ours.

Moreover, I must respectfully disagree with the distinguished Republican leader's characterization of this bill as an "otherwise routine" bill. I do not think this bill is otherwise routine at all. Only one instance of this kind has occurred in this century, and that was the appointment of Senator Knox to be Secretary of State in 1909. There was legislation, of course, enacted in that instance, but I am going to discuss that particular case more fully at a later time. Suffice it to say that in that instance, the bill was sent to the Judiciary Committee, although at that time in our Nation's history we did not have the delineation of jurisdiction over legislation, with respect to the various Senate committees, that we now have. But, at least, that historical precedent indicates that the bill in that instance was sent to the Judiciary Committee.

I can give no stronger assurances than those I have given already. I have no motive in mind other than that I think the Judiciary Committee has a responsibility in this area. I think the Judiciary Committee should conduct a hearing on the bill; because if there are serious constitutional questions that cannot be resolved in favor of the bill, then the full Senate ought to make a decision in this regard, and I think it should be with the benefit of a record of hearings by the Judiciary in regard to any constitutional question.

As I say, in closing my remarks—and I will be glad to yield to the distinguished Republican leader—I think we would be making a mistake if we in the Senate did not take a look at the constitutional aspects of this problem, and if they would be raised in the House of Representatives. I am almost sure that they would do just that in the other body.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HUGH SCOTT. If we do not have enough time, I will ask that the time of the distinguished assistant minority leader be transferred.

I thank the Senator for clarifying something here, because we are really talking about two things. What the Senator is talking about is his concern about the constitutionality. What I am talking about is the risk which anyone here will take in holding this bill hostage for any other purpose.

I have discussed this matter with the distinguished assistant majority leader, and he has indicated to me that perhaps one day of hearing may do. I do not know whether it will. But I would have no personal objection to referring it to the Judiciary Committee, if the chairman and the ranking member of the Committee on Post Office and Civil Service have no objection, with instructions to report back promptly, in order that we may consider the bill. Perhaps that is the right way to do it.

I have no personal concern about the constitutionality, because we have one precedent, and a good one. Senator Knox was appointed, I believe, by President Taft to be Secretary of State. The salary of the office had been raised from the magnificent sum, I believe, of $8,000 to $12,000, and Congress discovered that it would have to reduce the salary to $8,000 in order for Senator Knox to accept the job.

There was a great deal of debate in the Congressional Record about it at the time, and I have had occasion to look it up on an earlier date, and I think it settles the matter.

This is the concern I have about constitutional experts: Frankly, I doubt that there are really any constitutional experts in this country who know the Constitution any better than many Senators do. I am very wary of constitutional experts, because I remember Shakespeares' adjuration:

> O judgment! thou art fled to brutish beasts,
> And men have lost their reason!

There is so much hatred afoot at Yale and Harvard in the law schools and there is so much hatred afoot in other universities that these people have already prejudged their ability to judge. Most of them have signed fiery statements to indicate that the President should either resign, or be impeached or leave town. They have been, in considerable part, the same ones who were the activists in the demonstrations against the war.

Most of them are now on record as indicating their thorough disapproval of anything this President does. Now we ask them to come in and give us an impartial, fair judgment on whether or not this investigation can go ahead. Well, I know what they are going to say.

I hope some impartial deans of law schools exist. I really do. I would like to find them. I think that, like Diogenes, I would need a lantern. But, I think I would find that their lanterns are all red lights, with not a green light among them.

So I mistrust these men. As one who has been a former teacher himself, I know how bias seeps into the mind and from the mind into the student and from the student into the street. I have seen it too often.

So, yes, let us get them, but let us not tell them that they know more constitutional law than we do; because we practice constitutional law every day of our lives here, and we know the Constitution, and we live by it and have taken an oath to support and defend it. I really believe that we can be trusted to do our duty.

Let us examine what happens. I am not talking about what the distinguished assistant majority leader wants. He is on the right track, and we ought to have some kind of assurance, if he needs it—I do not. If he or others need it, let us have it. But let us not regard it as the word of God handed down on the tablets from the mountain, because it is not. It is merely an opinion of some professor who does not like Nixon, and we ought to recognize that. And how they have lined up in parade formation, lances tipped with venom, erupting their hatred and their prejudice and their ill will.

So let us define them for what they are. Impartial? I hope so. If we can find one, we will get the red carpet out all the way from the committeeroom to the street. But let us not assume that they are impartial.

I am talking about another thing. I am talking about holding this bill hostage in order to get some other legislation through. We have special prosecutor legislation. It will be brought up in the Judiciary Committee today. We have not finished the hearings, but that does not stop some people who cannot wait for the hearings, if it serves their purpose, to say, "Oh, we do not need hearings; report the bill out." So we will debate that in the Judiciary Committee this morning. I do not want this bill held hostage. I do not want the Senator from Ohio to say that his colleagues are playing games with him; that they are hanging every bill they can think of on him, on his willingness to lose $25,000 a year as a reduction in salary, unless and until Congress can restore it. That is what is involved here. He is entitled to better treatment than that.

Mr. President, if you want an investigation, for God's sake, let us have an Attorney General; if you want an investigation, let us let Jaworski go ahead and see what he can find out; if you want a special prosecutor, let us debate it. Let us put so many prosecutors around that they get under each other's feet and into each other's hair so no one knows what he is doing. That is as good a way to defeat the purpose and in the end say, "We could not get anything done."

But I do not want it said that it was the Senate that made it impossible. I do not want it said that the Senate would not even let the Attorney General be named. I do not want it said that the Senate allowed its feelings or its attitudes in other matters to prevent the administration from going on with an investigation, because if this investigation is delayed by the action of Congress in failing to act on the appointment of an Attorney General I know who will be responsible for it, and I am going to take that issue to the country and I know how to take an issue to the country; believe me, I will.

All I suggest is that we try to work out what the distinguished assistant majority leader has suggested. I am not for it, but it is reasonable, and it is fair, and if we can do it, that is all right. But I hope the distinguished assistant majority leader will agree with me that he and I know more constitutional law than some of the witnesses we call.

Mr. ROBERT C. BYRD. I am not sure about that for myself.

Mr. HUGH SCOTT. The Senator is so modest and I am so lacking in modesty I reassert it. Let us, by all means, consider proceeding along the lines the distinguished assistant majority leader proposes, and that is not to add anything to the bill, not to hold it hostage, not to play games with colleagues, not to do things we will be ashamed of. Let us play it straight and say to the administration, "We will give you the tools, and if you have not done the job, we will tell you so," because in some respects they have not done the job; I am anxious for them to do it, and for that to be corrected.

That is the burden of my song today. Perhaps I have not kept to the beat, but that is my humor, that is my tenor, and that is my refrain. I thank the distinguished assistant majority leader.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. ROBERT C. BYRD. As I understood it, the distinguished Republican leader had gotten the permission of the distinguished assistant leader to be recognized on Mr. Griffin's time.

Mr. HUGH SCOTT. That is correct.

The ACTING PRESIDENT pro tempore. He controls 15 minutes. Without objection, that time is transferred.

Mr. HUGH SCOTT. I yield back the remainder of my time unless the Senator wishes to proceed.

Mr. ROBERT C. BYRD. I would like to make a further comment and then the distinguished Republican leader may also have a further comment.

Mr. HUGH SCOTT. Yes, I yield.

Mr. ROBERT C. BYRD. The distinguished Republican leader, as always, is able to quote bountifully from Shakespeare, and the Bible, and from other great literature, and he has done so this morning. If I may be pardoned for quoting from that Great Book, the Bible, there is a passage therein that states:

> The wicked fleeth when no man pursueth.

Mr. HUGH SCOTT. "But the righteous are as bold as a lion."

Mr. ROBERT C. BYRD. That is right, but let us stay with the wicked for a moment.

May I say most respectfully to the distinguished Republican leader that this talk I heard from him this morning about "holding" something "hostage" is completely the product of his own imagination, as far as I am concerned. I think he made it clear in his statement that he did not suspect me of that motive.

Mr. HUGH SCOTT. I did so intend.

Mr. ROBERT C. BYRD. Yes. I have no desire to hold that bill hostage. As far as adding amendments to that bill to provide for a special prosecutor, I doubt we could do that in the Judiciary Committee. Because if we do not have the votes in committee to report out a specal prosecutor bill, we would not have the votes in the committee to attach such an amendment to the bill we are talking about here.

Now, I want to say also for the Record, so that my friend from Ohio (Mr. Saxbe) can know my thoughts, I am not playing any "games," to use the Republican leader's words, I want to assure the distinguished Republican leader with regard to his reference to "colleagues playing games." This colleague is not playing games. I am interested in one thing only here, and that is in having the Judiciary Committee take a look at this bill and conduct whatever hearings are necessary on its constitutionality.

Now, whether or not 1 day's hearings will be sufficient, I cannot say. I do not know how much time it would take to gear up for something like that, but as far as I am concerned, the bill could be reported back in a week, because any member of that committee can exercise his rights anyhow under the 7-day rule. I have no desire to hold up the bill. I have only a desire to have a hearing on it and let the Judiciary Committee reach a judgment on it and report it out and then let the Senate debate it.

I do not want it said that this Senate, simply because it is one of our colleagues who is being appointed to an important office, summarily passed legislation without taking a look at the constitutional question. I think we would be remiss in our duties. That is, I think, an appropriate explanation of the action which I will take in moving to send the bill to the Judiciary Committee on tomorrow. I hope we can reach an agreement whereby it can be reported back in a reasonable length of time.

Mr. HUGH SCOTT. I fully support what the Senator proposes. While I do not think it is necessary, I do not quarrel with it, because it is eminently reasonable, and perhaps we can work it out. Let us try it when the report comes in from their committee.

Mr. ROBERT C. BYRD. Very well. I thank the distinguished Republican leader.

Is the Senator going to yield back the remainder of his time?

Mr. HUGH SCOTT. I am glad to yield to the distinguished asssistant majority leader.

Mr. ROBERT C. BYRD. I do not need more time. I thank the able Senator.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRIFFIN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished Republican leader (Mr. Griffin) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of Mr. Griffin on tomorrow, I be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the recognition of Senators under the orders previously entered, there be a period for the transaction of routine morning business tomorrow of not to exceed 15 minutes, with statements limited therein to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE COMMITTEE REPORT ON S. 2589, THE NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. JACKSON. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight tonight to file its report on S. 2589, the National Energy Emergency Act of 1973.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Abourezk) laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation by the Attorney General

A letter from the Acting Attorney General, transmitting a draft of proposed legislation to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969 (with an accompanying paper). Referred to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. 1398. A bill to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes (Rept. No. 93–496).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2589. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes (Rept. No. 93–498).

ANNUAL REPORT OF SUBCOMMITTEE ON SEPARATION OF POWERS—(S. REPT. NO. 93–497)

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I ask unanimous consent to file the annual report of the Subcommittee on Separation of Powers pursuant to Senate Resolution 256, section 17, 92d Congress, 2d session.

The PRESIDING OFFICER. The report will be received and printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

William H. Donaldson, of New York, to be Under Secretary of State for Coordinating Security Assistance Programs;

Carlyle E. Maw, of New York, to be Legal Adviser of the Department of State; and

John M. Thomas, of Iowa, a Foreign Service officer of class 1, to be an Assistant Secretary of State.

The above nominations were reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. FULBRIGHT. Mr. President, as in executive session, I also report favorably sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations ordered to lie on the desk are as follows:

Gori P. Bruno, of Texas, and sundry other persons for promotion in the Diplomatic and Foreign Service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JAVITS:

S. 2687. A bill to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CHILES:

S. 2688. A bill for the relief of Alvin V. Burt, Eileen Wallace Kennedy Pope, and David Douglas Kennedy, a minor. Referred to the Committee on the Judiciary.

S. 2689. A bill requiring studies to be

made prior to leasing military facilities for oil drilling or exploration, and for other purposes. Referred to the Committee on Armed Services.

By Mr. MUSKIE (for himself and Mr. CHURCH):

S. 2690. A bill to amend title XVIII of the Social Security Act to liberalize the conditions under which posthospital home health services may be provided under part A thereof, and home health services may be provided under part B thereof. Referred to the Committee on Finance.

By Mr. MONDALE (for himself, Mr. HUMPHREY, Mr. NELSON, and Mr. PROXMIRE):

S. 2691. A bill to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

By Mr. CASE:

S. 2692. A bill to provide emergency security assistance authorizations for Israel and Cambodia. Referred to the Committee on Foreign Relations.

By Mr. SPARKMAN:

S. 2693. A bill for the relief of Miss Patricia J. Basbas. Referred to the Committee on the Judiciary.

By Mr. COOK (for himself, Mr. BAKER, and Mr. BARTLETT):

S. 2694. A bill to establish an Energy Research, Development, and Demonstration Administration, and to reorganize, consolidate, and supplement within it, Federal responsibility, authority, funding, and financing for conducting a national program for scientific research, development, and demonstration in energy and energy-related technologies designed to resolve critical energy shortages. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHURCH

S. 2695. A bill to amend the Public Health Service Act to provide for the making of grants to assist in the establishment and initial operation of agencies and expanding the services available in existing agencies which will provide home health services, and to provide grants to public and private agencies to train professional and paraprofessional personnel to provide home health services. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S.J. Res. 171. Joint resolution relating to U.S. support of United Nations activities in maintaining international peace and in providing and coordinating international disaster relief. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS:

S. 2687. A bill to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped and for other purposes. Referred to the Committee on Labor and Public Welfare.

AMENDMENTS TO JAVITS-WAGNER-O'DAY ACT

Mr. JAVITS. Mr. President, I introduce for appropriate reference legislation suggested by the administration to amend the Javits-Wagner-O'Day Act in three ways:

First, to shorten the name of the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped to "Committee for Purchases From the Blind and Other Handicapped." It is my intention to further amend the administration's bill by adding the word "Severely" before "Handicapped";

Second, to expand the definition of "direct labor" to include services, as the present definition pertains primarily to commodities; and

Third, to provide authorizations beyond the current fiscal year.

In introducing this administration measure, I wish to make clear that I retain freedom of action with respect to the consideration of other proposals to amend existing law which might be desirable.

By Mr. MUSKIE (for himself and Mr. CHURCH):

S. 2690. A bill to amend title XVIII of the Social Security Act to liberalize the conditions under which post-hospital home health services may be provided under part B thereof. Referred to the Committee on Finance.

By Mr. CHURCH:

S. 2695. A bill to amend the Public Health Service Act to provide for the making of grants to assist in the establishment and initial operation of agencies which will provide home health services. Referred to the Committee on Labor and Public Welfare.

HOME HEALTH MEDICARE AMENDMENTS OF 1973

Mr. MUSKIE. Mr. President, I introduce today the Home Health Medicare Amendments of 1973, a bill to provide increased home health benefits under the medicare program.

This legislation would clarify and expand the definition of home health care medicare benefits to meet the needs of the elderly for nursing and personal care in their own homes. It would also bring under medicare the homemaking services so necessary to maintain the independence of the patient who requires continued care, but not institutionalization. And it would increase from 100 to 200 the number of home health care visits covered by medicare.

This bill is a companion to a bill introduced today by Senator CHURCH, the Home Health Services Act of 1973, which provides "startup" funds for home health agencies and funds for training home health personnel. Together, these bills would give new Federal emphasis to the critical needs of home health care.

In July, I conducted 2 days of hearings on home health care as chairman of the Subcommittee on Health of the Aging. Witnesses representing such diverse groups as the Gray Panthers and the American Medical Association endorsed home care.

Yet it was also brought out at these same hearings that home health agencies are relegated to an almost insignificant provider role under medicare—receiving less than 1 percent of medicare expenditures. In fact, payments for home care under medicare declined from $115 million in fiscal 1970 to $69 million in fiscal 1972.

In addition, a paper on the current status of home health services prepared by Brahna Trager for the committee reported a decline in the number of certified home health agencies: 2,350 in 1970 compared to 2,221 in 1972. and many of these agencies are having financial trouble.

There is general agreement as to the reason for the decline in home health services under medicare. Our witnesses agreed that it is due not to the lessening in the need for such services, but to a narrowly restrictive policy applied under the medicare program.

Thomas Tierney, Director of the Bureau of Health Insurance for the Social Security Administration, admitted that beginning in 1969 the interpretation of the language of the law has become increasingly restrictive "in application and practice." Yet he also stated that "one of the greatest breakthroughs that medicare made was that it was the first program of any size that ever really recognized a home health service as a covered benefit."

Mr. Tierney asserted that the restrictive policy toward the home health benefit was caused by congressional concern about the overall high costs of the medicare program compared to original estimates.

The result of this approach was evaluated by Dr. Andrew Jessamin, speaking for the American Hospital Association. He said that SSA policy on home health benefits has become so restrictive that few patients can qualify.

He added:

> Apparently concern over opening the door too wide has kept the door so tightly shut that very little light and air could get in and few home care services could get out.

Another witness, Dr. Henry Smith, director of the Nebraska Department of Health, spoke of the "double standard" in reimbursement policy which makes it much easier to justify institutional services than to justify alternative care under medicare reimbursement procedures. He suggested that a more affirmative attitude, among other things, would be helpful.

This reimbursement double standard was affirmed by other witnesses and the experiences of many agencies. The hospital stay seems to sanctify claims while home care is subject to the most piercing and technical scrutiny.

I have received letters from agencies all over the country detailing medicare denials and delays of reimbursement and the subsequent effects on home health agencies. A feeling of terrible frustration and concern for their elderly patients is expressed again and again in these letters.

One Indiana agency wrote:

> The abuses of Medicare on the home care level have been practically non-existent. The on again off again policies of the federal government and SSA are making orderly development of home health care services practically impossible. Board, staff and patients are confused and disgusted. Many patients go without needed care because their right to Medicare coverage of health care services has been denied them.

The restrictive policy of medicare administrators also puts an unfair burden on concerned agencies who feel obligated to provide care even though the patient cannot afford it. As one administrator, a nun, succinctly put it:

> Do we refuse to give these patients the care they need, or do we give them the care without third-party reimbursement?

When care is given without third-party

reimbursement, agencies may be faced with a financial crisis. Then agencies are faced with the cruel choice of either not taking care of the elderly poor or becoming poor themselves.

This is an intolerable situation unworthy of a nation which professes to have a system of medical care for the elderly.

Therefore, it is imperative that the medicare law be amended to provide a home care benefit that truly meets the needs of the aged and provides a real alternative to institutional care. The Congress must reaffirm its intention that home care be a viable medicare benefit.

Mr. President, the legislation which I am introducing today would make the following changes in current law: First, delete the restriction that only "skilled" nursing care or physical or speech therapy may be reimbursed as home health services under medicare, and the requirement that home health treatment be related to the condition which required previous hospitalization; second, include full homemaker services in medicare coverage; and third, increase from 100 to 200 the number of home health services covered by medicare. Each of these changes remedies a barrier to the effectiveness of home health services which has been identified by witnesses testifying in hearings we have held.

The "skilled" nursing-physical-or-speech-therapy requirement has been one of the main barriers to the provision of needed home care to the elderly since it has in effect limited the home care benefit primarily to those who are acutely ill and need rehabilitation. It does not cover, and thus bars from medicare coverage, a wide range of situations when the patient's condition has stabilized or when the patient requires something less than the level of "skilled" nursing care as defined by the Social Security Administration. All nursing care performed by a nurse is skilled, but the term has come to have a very narrow meaning.

As an example of what is not covered, SSA cites the following in its intermediary letter No. 395, which defines skilled nursing care:

> A stroke patient whose condition is stabilized and has no more potential for rehabilitation may require help in getting in and out of bed, getting meals and meeting other activities of daily living. A nurse would visit this patient to evaluate his personal care needs and, subsequently, to assure that the home health aide is performing necessary duties and that the patient's social and personal care needs continue to be met.

Such a situation, I repeat, is not covered. And one of the managers of a home health agency commented on this type of denial as follows:

> In receiving Medicare denials, I have often wondered just how much rehabilitation can be done for an 88 year old person who has perhaps had a stroke or some other debilitating disability and is being cared for by a spouse of equal age. It would almost seem that the provisions of Medicare could more appropriately be applied to a 21 year old, where rehabilitation potential is naturally higher and health problems for long-term chronic disease disability are very low. Medicare, however, is specifically for our senior citizens. Therefore, it ought to be realistic about the health care needs and problems of geriatrics. Under the present restrictions it certainly is not fulfilling that realistic need.

In order to meet that very common and even desperate need, this bill would make a patient eligible when he needs, on an intermittent basis, nursing care or any other home health services listed in the law. These other home health services include: Physical, occupational or speech therapy; medical social services; medical supplies or the use of medical appliances; and part-time or intermittent services of a home health aide. The need for nursing care or other necessary services would make the patient eligible if directed by the doctor. Thus, a patient could need only the services of a home health aide for bathing, dressing, et cetera and would qualify if the service was approved by a doctor and carried out under appropriate supervision.

The bill also deletes the requirement that the home health care treatment must be related to the condition which required hospitalization. This requirement has resulted in the denial of many home health care claims because the condition requiring home treatment is different from the one which was originally diagnosed as a cause of hospitalization. As one witness testified:

> Frequently we get patients with four to five or more diagnoses, and if hospitalized for one of these diagnoses and then sent home to home care, we should be treating the reason for hospitalization in order to have Medicare coverage. This condition perhaps was resolved in the hospital, but the other chronic problems appear now to be more disabling. This should be covered under Medicare but usually is not.

By deleting this requirement, this bill makes no change in the requirement that home health services are only covered if they follow a medicare-covered hospitalization.

My bill would also expand medicare coverage of the important service of homemakers. Homemaker services are not now listed in the law as one of the services which may be provided by a home health agency, and the services of the home health aide are narrowly defined in terms of personal care. As a result, aged persons who live alone may be forced to remain in a hospital longer than necessary for the lack of a few simple supportive services such as cleaning or shopping. They may be forced from their own homes and communities into an institution earlier than necessary.

The testimony which I received pointed out again and again the great need for homemaking services by medicare patients. And the report to the committee by Brahna Trager stated:

> The assumption [by Medicare] that others in the home are available to provide the essential supportive services of daily living is not generally applicable to the age of living arrangements of the insured group. It is far more likely that the patient who lives alone or with an elderly spouse will be able to achieve his 'personal care' services independently, than that he will be able to maintain a decent environment and get the laundry in.

Since homemaking services are so often essential to the continued independence of the ailing elderly, my amendment would include the part-time or intermittent services of a homemaker in the list of services that may be provided by a home health agency.

Finally, the Home Health Medicare Amendments I introduce today would increase the number of home health visits covered by medicare from 100 to 200. The limitation on visits to 100 under both parts A and B is a hardship to persons requiring extended home care visits. Relatively few medicare recipients need more than 100 home health visits. But those who do should not be cut off from necessary home health services, and possibly forced back into the hospital. Establishing a limit of 200 visits would grant coverage to almost all qualifying home health patients.

Mr. President, medicare is now very much oriented to post-hospital acute-illness care, and is not meeting the needs of many of our elderly. These Home Health Medicare Amendments would make medicare more responsive to the need for home care for patients with chronic and stabilized conditions.

These liberalizations are not costly in terms of the medicare program as a whole. And in the long run it is possible that they may save money by substituting home care for more expensive institutional care.

In fiscal year 1975, for instance, it is estimated that my amendments would raise home care expenditures under medicare from approximately $100 million to between $275 and $300 million. This would be about 2 percent of the total projected medicare benefit expenditures.

These actuarial estimates do not take into account any savings that could be made by the shortening of a hospital stay and the avoidance of hospitalization and nursing home admittance. And these savings could be substantial. The General Accounting Office, for example, has stated that 25 percent of the patient population are treated in facilities which are excessive to their needs.

Home care can normally be provided at a fraction of the cost of inpatient care. The exact ratio is dependent upon the level of care provided. There are no definitive national cost figures. Under the medicare hospital insurance program, however, the amount reimbursed per claim in 1972 was $844 for inpatient hospital care, $398 for skilled nursing facilities and $91 for home health care or roughly 9 to 1 and 4 to 1. These figures give only a very rough idea of cost ratios, for medicare does not necessarily cover total costs, particularly in the case of home care.

Other estimates from the National Association of Home Health Agencies state that home care is 3½ times less expensive per case than hospitalization and four to five times less expensive per day than skilled nursing home care.

Home health services not only cost less than institutional services, but from a communitywide perspective these services can lessen the pressure to build expensive new facilities. And it is from the community perspective that we must view home care—not from the narrow perspective of the cost analyst who may see the home care benefit "cost more" because of this legislation.

Dr. Charles Edwards, Assistant Secretary of Health, stated at the subcommittee hearings that in order to contain the costs of health care we must "encourage the service that will push health care away from the institution and closer to home."

I see an expanded home care benefit as a cost effective and humanitarian device that will help take care of the people in the way that they want to be taken care of and at the least possible cost. It is time to quit paying lip service to home care and make it a viable supplement and alternative to institutional health care for older Americans under medicare.

Mr. President, on behalf of the distinguished chairman of the Committee on Aging, Frank Church, and myself, I ask unanimous consent that the text of the bills we introduce be printed in the Record following his remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

STIMULATING HOME HEALTH CARE

Mr. CHURCH. Mr. President, I introduce for appropriate reference legislation (S. 2695) to stimulate the expansion of home health agencies and services.

These bills are part of a twofold legislative package being introduced by the distinguished chairman of the Subcommittee on Health of the Elderly of the Committee on Aging, Senator Edmund Muskie, and myself as chairman of the committee. This legislation would open up the home health care benefit for the elderly under the medicare program and at the same time expand the services available from home care agencies.

We are just beginning to realize that there are many illnesses that can be better treated at home if they do not really require the specialized and very expensive services of a hospital. Often an older person can be happier at home in familiar surroundings than in an institution and it will be far less expensive.

Institutional costs have continued to soar upward dramatically and they constitute the great bulk of costs under the medicare program. I think it is about time to reverse this trend and enlarge the home care aspect of the program.

Home care is nowhere more needed than in rural areas where institutional facilities are sparse and there are large proportions of elderly people. I recently chaired a field hearing at Coeur d'Alene, Idaho, as part of the "Barriers to Health Care for Older Americans" series and a witness testified that the home health agency was the only link between the patient and distant physician. This was in an area without public transportation and an elderly population with limited incomes.

Many rural areas, however, have no home health agencies or agencies that can provide only limited service. About half of the agencies certified under the medicare program offer nursing plus one other service, usually physical therapy. These agencies cannot provide the range of professional and supportive services which will encourage physicians to utilize and depend upon home care.

Now no mechanism exists for agencies to expand or for new ones to be established in communities without such services. Home health agencies do not have sufficient funds to finance the expansion of services since their fees for services performed barely cover operating costs. One agency wrote the committee of being asked to expand into two neighboring counties without any home care services. It was hesitant to do so, because of the possibility of incurring increased costs which surpass income.

Mr. President, because of the need to expand home care agencies, particularly in rural areas, my bill would provide funds for public and nonprofit agencies in areas without such agencies. It would also authorize funds to expand services in existing agencies.

In addition, the proposed legislation would provide grants to public and nonprofit private agencies and institutions for training programs for home health personnel. Professional and paraprofessional personnel would be trained to staff expanding agency services.

Under the companion legislation which Senator Muskie and I have also introduced, homemaker and home health aid services would be made more available under medicare. Therefore it is anticipated that many more aides will be required. Now we have only about one homemaker-home health aide for every 7,000 population and the aides are clustered primarily in urban areas of the eastern seaboard. Just how inadequate this supply of aides is can be judged by the fact that the White House Conference on Aging recommended a ratio of one homemaker-home health aide per 100 older persons.

Mr. President, this legislation would make it possible for home health agencies to begin to expand their services and to reverse a downward trend caused in part by a too narrow interpretation of the medicare home care benefit. Other legislation which I have cosponsored would liberalize this benefit and allow coverage for desperately needed home services. The bill I am introducing now would insure that comprehensive home care services are available not just in a few urban areas, but to all of the elderly wherever they may be.

Mr. President, I urge early adoption of this legislation and ask unanimous consent that the bills be printed in the Record at this point.

EXHIBIT 1

S. 2690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1814 (a) (2) (D) of the Social Security Act is amended to read as follows:

"(D) in the case of post-hospital home health services, such services are or were required because the individual is or was confined to his home (except when receiving items and services referred to in section 1861 (m) (7)) and needed nursing care on an intermittent basis or any of the other items or services referred to in section 1861(m); and a plan for furnishing such services to such individual has been established and is periodically reviewed by a physician; or".

(b) Section 1835(a) (2) (A) of such Act is amended to read as follows:

"(A) in the case of home health services, such services are or were required because the individual is or was confined to his home (except when receiving items and services referred to in section 1861(m) (7)) and needed nursing care on an intermittent basis or any of the other items or services referred to in section 1861(m); and a plan for furnishing such services to such individual has been established and is periodically reviewed by a physician;".

(c) The amendments made by subsections (a) and (b) shall be effective only with respect to services provided in calendar months after the calendar month which follows the month in which this Act is enacted.

Sec. 2. (a) (1) Section 1812 (a) (3) of the Social Security Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(2) The first sentence of section 1812(d) of such Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(b) (1) Section (a) (2) (A) of such Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(2) The first sentence of section 1834(a) of such Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(c) the amendments made by subsection (a) shall be applicable in the case of home health services provided under part A of title XVIII of the Social Security Act on visits which occur in one-year periods (described in section 1861 (n)) of such Act which begin, in the case of any individual, after the date of enactment of this Act. The amendments made by subsection (b) shall be applicable in the case of home health services provided under part B of such title XVIII in calendar years which begin after the date of enactment of this Act.

Sec. 3. (a) Section 1861(m) (4) of the Social Security Act is amended to read as follows:

"(4) part-time or intermittent services of a home health aid and of a homemaker,".

(b) The amendment made by subsection (a) shall be applicable only in the case of services furnished in calendar months after the calendar month which follows the calendar month in which this Act is enacted.

S. 2695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Home Health Services Act of 1973".

Sec. 2. Title VI of the Public Health Service Act (42 U.S.C. 201) is amended by redesignating Part D as Part E and inserting after Part C the following new Part:

"Part D—Establishment and operation of home health agencies

"Sec. 635. (a) For the purpose of assisting in the establishment and initial operation of public and nonprofit private agencies (as defined in section 1861(o) of the Social Security Act) which will provide home health services (as defined in section 1861(m) of the Social Security Act) in areas in which such services are not otherwise available, the Secretary may in accordance with the provisions of this section, make grants to meet the initial costs of establishing and operating such agencies and expanding the services available in existing agencies, and to meet the costs of compensating professional and paraprofessional personnel during the initial operation of such agencies or the expansion of services in existing agencies.

"(b) No part of any grant made under this section shall be used for the construction of facilities, and no recipient of an initial grant under this section shall be eligible for further assistance under this section.

"(c) In making grants under this section, the Secretary shall consider the relative needs of the several States for home health services and preference shall be given to areas in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or both.

"(d) Applications for assistance under this section shall be in such form and contain such information as the Secretary shall prescribe by regulation.

"(e) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments as the Secretary may determine.

"(f) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary. Funds appropriated under this subsection for any fiscal year shall remain available until expended.".

Sec. 3. (a) Part D of title VII of the Public Health Service Act (42 U.S.C. 201) is amended by inserting after section 767 the following new section:

"GRANTS FOR TRAINING OF PERSONNEL TO PROVIDE HOME HEALTH SERVICES

"Sec. 767A. (a) From the funds appropriated to carry out this section, the Secretary is authorized to make grants to public and nonprofit private agencies and institutions to assist them in initiating, developing, and maintaining programs for the training of professional and paraprofessional personnel to provide home health services (as defined in section 1861(m) of the Social Security Act).

"(b) Applications for grants under this section shall be in such form and contain such information as the Secretary shall by regulations prescribe.

"(c) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments as the Secretary shall determine.

"(d) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary. Funds appropriated under this section shall remain available until expended.".

(b) The caption for Part D of title VII of such Act is amended by adding at the end thereof:

"AND TRAINING OF PERSONNEL TO PROVIDE HOME HEALTH SERVICES".

By Mr. MONDALE (for himself, Mr. Humphrey, Mr. Nelson, and Mr. Proxmire):

S. 2691. A bill to designate the Kettle River, in the State of Minnesota, as a component of the National Wild and Scenic Rivers System. Referred to the Committee on Interior and Insular Affairs.

Mr. MONDALE. Mr. President, I am today introducing a bill to designate the Kettle River in the State of Minnesota as a component of the National Wild and Scenic Rivers System.

The Kettle is one of the few still primitive rivers in the United States which lie within easy access of a major population center. It is a river of extraordinary scenic beauty, located midway between Duluth and the Twin Cities metropolitan area. More than 2 million people—or over half the population of Minnesota—could reach this untouched scenic and recreational area by 1 hour's drive.

Since the mid-1960's the tremendous potential of the Kettle for river-related recreational opportunities has been recognized by the State of Minnesota. It was first designated by the Minnesota Department of Conservation as a State canoe route, and earlier this year the Kettle was among those rivers cited for study under the new Minnesota Wild and Scenic Rivers Act. The Minnesota Department of Natural Resources is currently conducting a study of the Kettle to identify methods to protect this unique natural resource for future generations.

But with limited State resources, I believe Federal help is necessary to insure an effective preservation program. There is a strong Federal interest in seeking to safeguard the Kettle, an interest that is intensified by the fact that it is a tributary of the St. Croix River, a component of the National Wild and Scenic Rivers System.

On its own merits, however, I have no doubt that the Kettle would qualify for protection under the criteria set forth in the National Wild and Scenic Rivers Act.

The Kettle is a fascinatingly wild and picturesque river with rapids interspaced with long pools providing a challenge as well as a chance for relaxation and quiet reflection to its visitors.

The glacial geology of the area, as reflected in the river corridor, is also a strong point of interest. Moraines, glacial outwash plains, gorges, kettle holes, and caves can be seen along the river.

Wide varieties of wildlife roam the riverway. Deer, beavers, muskrats, herons, and hawks all inhabit the area. Fishing is excellent, especially for walleyes, sturgeon, and small mouth bass. Northern pike, red horse, suckers, and trout are also caught in the Kettle's clear waters.

The Kettle River has its headwaters in Carlton County and flows in a generally north-south direction, crossing Pine County and emptying into the St. Croix roughly 53 miles away.

Along the northern part of the river, for the first 6 miles, the river flows through an area of glacial moraine. Pools and rapids are closely spaced and do not exceed 50 yards in length. The rapids are very difficult to canoe even in high water.

The river banks are gravel with heavy forests of small aspen and birch and with an occasional stand of larger Norway pine, white pine, and black spruce. The magnificent forest growth extends very near the water's edge enclosing the river.

Starting at mile 6.9 a large open field on the left bank signifies a change in the river's characteristics. The mouth of the Kettle widens so that pools and rapids become longer—100 yards—and deeper. Rapids are more easily traversed because of the gravel bottom, and the banks of the river are higher and grassy, leveling out on top.

From mile 10 to 13 the river broadens out among islands, grass areas with low banks of sand and gravel. Distinguishing the main channel is difficult. Maple and elm are the dominant species of hardwoods, but there are a few pine visible. At mile 12.8 the Moose River joins the Kettle contributing a great deal of water which could be the reason for the strange behavior of the Kettle River directly above.

Below the confluence with the Moose River, the Kettle becomes entrenched and narrows down once more. Pine are intermingled with hardwoods; farmland extends down to the edge of the river. The open woods, caused by grazing, are peaceful and scenic. There are no rapids in this stretch.

Beginning at mile 21, the Kettle River widens to more than 150 feet with the average depth about 4 feet. The banks slope up and away from the river and are covered with pine and hardwoods. At mile 23.9 a short set of rapids with a speed pitch occurs and running them in high water is possible. A magnificent rock outcrop stands more than 10 feet above the water on the right bank, and there is a campsite on top of the rock outcrop. Directly below these rapids, interstate 35W crosses the river, but there is no road access to the river. Downstream, high hills begin to appear, and the river's characteristics remain much the same until entering Banning State Park.

The Kettle River flows through Banning State Park in a gorge approximately 130 feet deep, which forms the Hells Gate Rapids. These rapids are about 1 mile long and consist of four major drops of about 5 feet each. There is no portage and running the rapids is exciting and challenging. The river remains entrenched for more than 100 feet until it reaches the remains of the Kettle River Dam 33 miles from its northern beginning.

Below the Kettle River Dam, the river passes through several short rapids of moderate difficulty and through numerous pools, one of which is more than 20 feet deep. At mile 36.1 skillful, swiftly flowing rapids about one-half mile long appear.

From mile 37 to 46 the river once again, becomes more than 200 feet wide and placid: Flood plains develop on both sides with open hardwood forests. At this point the lower Kettle River Rapids begin. These rapids are moderate in difficulty and very popular with canoeists. They are, however, wide and shallow and, like other Kettle rapids, cannot be run in low water.

The Kettle basin is largely in the central and northern part of Pine County, but headwaters are partly in Carlton County and to a lesser degree in Aitkin and Kanabec Counties. There are some farms, but roughly two-thirds of the basin is forested. Pine County in 1964 included nearly 2,000 farms, predominantly in the southern part, outside the Kettle basin. Forest industries are important, but there is no national forest.

There are several communities near the river—Sandstone and Moose Lake each have populations of about 1,500 persons. Barnum and Willow River, each less than 500, and Kettle River, about 230. In addition to the St. Croix State Park near the mouth of the river, Banning State Park, a tract of about 2,700 acres near Sandstone, was added in 1963. There are three small municipal parks with a few picnic tables; one or more of these parks provide access to the Kettle. There are monuments to historic events, surrounded by numerous trout streams, northern pike spawning areas, and five official fish and game areas.

By nature it is an excellent recreation area, not yet overdeveloped. Pine County in the mid-1960's contained 5 hotels, 6 motels, and 19 resorts. The area is thinly populated and has not begun to reach its recreational potential.

There are 17 homes located along the river's edge although only 5 may be seen from the river. Two of the five are old farmsteads while the remainder are homes which have penetrated the wilderness setting. Fourteen bridges and two trestles cross the river.

There are developed access points at

miles 21, 33, 40.5, and 47; however, access is also possible at other bridge crossings. There are no developed campsites on the Kettle River.

Approximately 26 miles of the Kettle River are already in public ownership of one form or another. The Gen. C. C. Andrews State Forest abuts on the east side of the river from mile 13 to mile 15.2. The undeveloped Banning State Park abuts both sides of the river from mile 24.2 to mile 30.8. The Sandstone Game Refuge abuts the east side of the river from mile 31.5 to mile 40.5.

Chengwatan State Forest and St. Croix State Park abut the river from mile 42.6 to mile 51. Other stretches of the river are within the municipalities of Kettle River, Rutledge, and Sandstone. Finally, the State and county own small parcels of land on the river, which have not been declared parks, game refuges, et cetera.

This description can hardly touch upon the actual beauty of the Kettle, but it is a truly magnificent river which deserves the protection of the wild rivers system.

In too many cases, escalating pressures for development have ruined natural areas before local citizens and Government agencies have been able to respond. With the Kettle I believe action by the Federal Government, cooperation with the State of Minnesota and units of local government, can prevent such a tragedy. The bill I offer today is designed to achieve this objective, and I am hopeful of its favorable consideration by the Senate.

By Mr. CASE:

S. 2692. A bill to provide emergency security assistance authorizations for Israel and Cambodia. Referred to the Committee on Foreign Relations.

Mr. CASE. Mr. President, I introduce legislation to provide $2.2 billion to replace equipment lost by Israel in the recent fighting.

The bill authorizes the President to use the funds for emergency military assistance grants or for military sales credits, or for both as the President may determine. This is in accordance with President Nixon's recommendation. Identical legislation has been introduced in the House of Representatives.

The purpose of the measure is to restore the balance of forces in the Middle East, without which peace is impossible. It will not, when enacted, expand Israel's military capacity beyond that level.

The full extent of Israel's losses still remains unknown. We do know that many jet aircraft and tanks were either destroyed or damaged during the conflict. Personnel carriers, trucks, communications equipment, and other military items were damaged or destroyed. A U.S. military mission is now on the scene assessing the damage and estimating what must be replaced and what can be repaired. It is expected this mission will be reporting in a matter of days and it is my hope hearings can then be held by the Senate Foreign Relations Committee.

All of us are enormously encouraged by what appears to be progress in moving toward a peace settlement in the Middle East. This does not, however, take away the necessity of maintaining military balance in the area and insuring that Israel can defend herself. Indeed, maintenance of the balance is the essential condition for continuing progress in reaching a settlement.

By Mr. COOK (for himself, Mr. BAKER and Mr. BARTLETT):

S. 2694. A bill to establish an Energy Research, Development, and Demonstration Administration, and to reorganize, consolidate, and supplement within it, Federal responsibility, authority, funding, and financing for conducting a national program for scientific research, development, and demonstration in energy and energy-related technologies designed to resolve critical energy shortages. Referred to the Committee on Interior and Insular Affairs.

Mr. COOK. Mr. President, I am cosponsor of S. 1283, introduced by Senator JACKSON, an energy conservation measure. On review, however, I find that this bill makes no permanent requirements for funding, thus leaving it to Congress to appropriate at any level of funding after the first year, or at no level of funding at all.

Second, it fragments the research as follows:

Coal gasification, $6 million per year for 10 years.

Coal liquification, $7,500,000 per year for 12 years.

Geothermal, $8 million for 15 years.

Advanced power cycle development, $6,500,000 per year for 10 years.

Shale oil development, $5 million per year for 8 years.

Each category has its own corporation and functions independently of the others. On reflection then, the Jackson bill has two serious shortcomings:

First. No trust is established, and funding is thus left to succeeding Congresses.

Second. Separate corporate structures to accomplish the same end is cumbersome, and will not work.

We in this country solved our highway problems with the highway trust—no one doubts that this would never have been accomplished without such a trust.

R. & D. in the energy field will never solve the problems of this Nation without the essentials of a uniform facility to attack the problem and a specific energy trust to allow such a massive program to unequivically meet a deadline of absolute accomplishment.

Therefore, Mr. President, on July 13 of this year for myself, Senator ROBERT BYRD and Senator HOWARD BAKER, I introduced S. 2167, a bill to accelerate energy research and development by providing adequate funding over a continuing period of time through the creation of an energy research and development fund. The fund would draw its support from those moneys received by the Federal Government from its lease sales of public lands on the Outer Continental Shelf. I reasoned that as it was the shortage of energy which now enhanced the value of these public assets, this new revenue should in turn be used to find relief to the energy problem itself. I still believe that this reasoning is sound and am more than ever convinced that we will never achieve our R. & D. goals by year to year financing and must adopt some type of trust fund concept. However, there is good argument for broadening the base of this fund by including receipts from Federal lease sales and all other sales or grants of development rights of energy sources on Federal lands.

It has now been 4 months since I introduced this bill and while I have been promised by the chairman of the Senate Interior Committee that hearings will be held at an early date, this date has as yet not been set.

In my original concept I envisioned that the fund would be managed and coordinated by the Interior Department. However, in my introductory remarks, I recognized that new organizational concepts were being considered and suggested that should the President's reorganization reach fruition, that there may be a new office better suited for this purpose.

In his address to the Nation last Wednesday, the President put forward several programs to deal with the immediate energy problems we face today. I support his intent and applaud the rapid action being taken by the Interior Committee to develop the necessary legislation to implement these programs. However, as necessary as these programs are, they are all in the form of a fire fighting stop gap nature and do not address the long-term problem which this Nation must solve.

One program advanced by the President is of particular interest to me and this is the creation of an Energy Resource and Development Administration to control the Nation's efforts in this area. The idea is not new as it is found in the President's earlier program to create a Department of Natural Resources. What is new is the suggestion that we remove R. & D. from the proposed department and create a new independent administration. I think this is sound and I support it.

The President has compared the need for such an effort to the Manhattan project of World War II, which made this Nation the major nuclear power at that time. He also compared this need to the space program of the 1950's which made America the first nation to put a man on the Moon.

I might say there is one that he forgot, Mr. President, and that is that when World War II started, we all thought there was not going to be an automobile in the country that could get any more rubber tires.

It took this Nation 1 year to come up with synthetic rubber, and the only thing we care about rubber trees for today is that they give somebody shade somewhere in the world.

As the President expressed it:

> Whenever the American people are faced with a clear goal and they are challenged to meet it, we can do extraordinary things.

This then is the backdrop for the initiation of "project independence." However, much as I agree with the stated objectives of energy sufficiency by 1980, I am not convinced that the proposal as now being considered can attain this goal. I still hold that we need the energy trust fund. I believe that we need an independent agency to manage this fund and insure that we direct our efforts to programs ranging from the exotic—such as wind and tidal or ocean current power, to the realizable—such as coal gasification and liquefaction whether our goal is energy self-sufficiency by 1980 or 1985, this Nation's efforts must be wide-ranging and broad in scope. We must not overlook any possibility, however remote or far fetched it may seem.

Accordingly I am today introducing a bill which will accomplish these long-range goals and at the same time incorporate the vital trust fund concept contained in S. 2167. I go one step further, because I do not think that we can reach our goals by research and development alone. I believe that we must include the all important demonstration step in the process.

From my own personal experience I have found that when the R. & D. phase of energy production has been reached there is not adequate provision to support the demonstration phase so necessary to prove or disprove the R. & D. scale model. I suggest that with the creation of the Energy Research Development and Demonstration Administration—ERDDA—supported by adequate trust fund we have a fighting chance of locking our energy problems.

I ask unanimous consent that the bill along with the brief explanation attached be printed at the conclusion of my remarks. I solicit the support of my colleagues and urge that the Senate take prompt action to effect this legislation.

There being no objection, the bill and explanation were ordered to be printed in the RECORD, as follows:

S. 2694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Research, Development, and Demonstration Administration Act."

TITLE I

STATEMENT OF FINDINGS AND DECLARATION OF PURPOSE

SEC. 101. The Congress hereby finds—

(a) The nation is currently suffering a critical shortage of environmentally acceptable forms of energy.

(b) A major reason for this energy shortage is our lack of an aggressive research, development, and demonstration (referred to hereinafter as "research and development," in accordance with Section 117) effort to develop a national capability for energy self-sufficiency by proper utilization of our large reserves of domestic fossil fuels, nuclear fuels, and geothermal energy, and the potentially unlimited reserves of solar power, nuclear, and other unconventional sources of energy.

(c) Many current uses of our limited basic energy resources, including the conversion of basic energy to an alternate form are highly inefficient.

(d) Current levels of funding by the Federal Government for energy research and development are inadequate and too fragmented to develop a program of the scope needed to insure efficient use of existing sources and to identify and develop the most technically, environmentally and economically feasible methods for utilizing energy from domestic resources.

(e) The capital requirements of a total energy research and development program of the magnitude needed are beyond the means of private sources.

(f) The nation's critical energy problems can be timely solved only if a national commitment is made now to accord the highest priority, to dedicate the necessary financial resources, and to enlist our unequaled scientific and technological capabilities to meet the national energy needs, conserve vital resources, and protect the environment.

SEC. 102. (a) The general welfare, the common defense, and security urgently require and it is Congress' purpose here to undertake a national commitment to resolve the energy shortages and provide the means for achieving a national capability for energy self-sufficiency through socially and environmentally acceptable methods for producing, conserving, and utilizing all forms of energy.

(b) To effectuate that commitment it is Congress purpose to consolidate and strengthen existing and initiate new Federal programs for energy research and development, in an Energy Research, Development, and Demonstration Administration, established hereinbelow and authorized and charged with exercising central responsibility for policy planning, coordination, support, and management of research and development programs, including commercial-sized demonstration plants, and respecting all forms of energy sources.

(c) The Congress further declares and finds that it is in the public interest that responsibility for all Federal energy research and development programs be transferred to the Energy Research, Development, and Demonstration Administration, and that this transfer be effected in an orderly manner assuring adequacy of technical and other resources necessary for the performance of such programs.

TITLE II

ESTABLISHMENT AND ORGANIZATION OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ADMINISTRATION

SEC. 103. There is hereby established, as an independent establishment of the executive branch of the Government of the United States, the Energy Research, Development, and Demonstration Administration (hereinafter referred to as the "Administration" or "ERDDA").

BOARD OF GOVERNORS

SEC. 104. (a) The management and direction of all the affairs and interests of ERDDA shall be vested in a Board of Governors (hereinafter referred to as "the Board" or "the Governors"), composed of 15 members.

Eight of the Governors shall be Government officials, as follows:

1. As Chairman of the Board, the official designated by the President as having primary responsibility for energy policy (subject to Senate confirmation if not already confirmed for his primary office);

2. The Director of the National Science Foundation;

3. An Assistant Administrator of the National Aeronautics and Space Administration, designated by the Administrator of that Administration;

4. An Assistant Secretary of Defense, designated by the Secretary of Defense;

5. A member of the Atomic Energy Commission (proposed hereinbelow to be renamed the "Nuclear Energy Commission"), designated by that Commission;

6. A member of the Federal Power Commission, designated by that Commission;

7. A member of the Council on Environmental Quality, designated by that Council;

8. The Administrator of ERDDA, appointed to that position in accordance with Section 107(b) below.

Seven Governors shall be appointed by the President with the advice and consent of the Senate, as follows:

1. A person with high qualifications and responsibilities in the coal industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the coal industry;

2. A person with high qualifications and responsibilities in the nuclear power industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the nuclear power industry;

3. A person with high qualifications and responsibilities in the natural gas industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the natural gas industry;

4. A person with high qualifications and responsibilities in the petroleum industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the petroleum industry;

5. A person with high qualifications and responsibilities in the electric industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the electric industry;

6. A representative from the public at large with high qualifications and responsibilities for environmental concerns; and

7. A representative from the public at large with high qualifications and responsibilities for consumer concerns.

(b) The terms of the government members of the Board shall coincide with their terms in the offices here qualifying them to serve on the Board. The terms of the seven non-government members shall each be for 4 years subject to prior removal by the President, for cause, except that in order to provide staggered terms, the terms of 2 initial Governors, designated by the President, shall be for 3 years, the terms of 2 shall be for 2 years, and the term of 1 shall be for 1 year. Any Governor appointed to fill a vacancy occurring before the expiration of the term for which his predecessor had been appointed shall serve for the remainder of such term. Each Governor shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board.

(c) 1. The Board shall meet quarterly and on call.

2. Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board.

3. The Board shall act upon majority vote of those members who are present, and any eight members present shall constitute a quorum for the transaction of business by the Board; except that a favorable vote of an absolute majority of the Governors in office shall be required for the approval of annual budgets, and for the appointment, removal, and setting of compensation for the Administrator and Deputy Administrator.

ADMINISTRATOR; DEPUTY ADMINISTRATOR

SEC. 105. The Administrator of ERDDA, appointed pursuant to Subsection 107(a) below, shall serve as the Chief Executive Officer of the Administration, in accordance with Subsection 107(c) below. The Deputy Administrator, appointed under Subsection 107(a) below, shall be the alternate Chief Executive Officer. He shall act for and exercise the powers of the Administrator during his absence or disability.

GENERAL COUNSEL; ASSISTANT ADMINISTRATORS

SEC. 106. There shall be within the Administration a General Counsel, and such number of Assistant Administrators as the Board shall consider appropriate. The General Counsel and the Assistant Administrator shall be appointed by, and serve at the pleasure of the Administrator.

TITLE III

FUNCTIONS

SEC. 107. (a) The Board shall appoint the Administrator of ERDDA from a list of people recommended by the National Science Foundation, the National Academy of Science, and the National Academy of Engineering as highly competent to administer the important and complex energy research and development responsibilities of ERDDA. The Board shall also appoint the Deputy

Administrator, and it shall have the power to remove the Administrator and the Deputy Administrator, and it shall fix their pay and terms of service.

(b) The Board may delegate its authority to the Administrator under such terms, conditions, and limitations, including the power of redelegation, as it deems desirable, and it may establish such Committees as it determines appropriate to carry out its functions and duties; such delegations shall be consistent with other provisions of this Act, shall not relieve the Board of full responsibility for carrying out its duties and functions, and shall be revocable by the Board in its exclusive judgment.

(c) The Administrator, as Chief Executive Officer of the Administration, shall be responsible to the Board for implementation of this Act and administration of ERDDA. He shall present an annual budget to the Board of Governors for their review and approval. After the Board has approved a budget, the Administrator may obtain specific moneys within it, from the fund established in Section 114 hereinbelow, by notice to the Secretary of the Treasury that such moneys are needed as of a certain date to carry out the program and budget approved by the Board.

(d) The Administration shall exercise central responsibility for policy planning, budgeting, initiation, coordination, support, and management of research and development programs respecting all forms of energy sources, including but not limited to those specified in Subsection (e) below. It shall be responsible for assessing the requirements for research and development in regard to various forms of energy sources in relation to near-term and long-range needs, for policy planning, and for budgetary and expenditure control to meet those requirements, for retaining, supporting, and where needed, strengthening effective existing programs, and for initiating new programs as needed for the optimal development of all forms of energy sources, from research through commercial-sized demonstrations, for providing appropriate priority and balance among nuclear, fossil fuel, geothermal, solar, and other energy research and development responsibilities, for managing such programs, for terminating them when their purpose has been accomplished or when they are no longer feasible, and for disseminating information resulting therefrom.

(e) The Administration shall have all the authority incidential, necessary, or appropriate to implementing its responsibilities, including without limitations, authorization:

1. to ensure that full consideration and adequate support is given to advancing energy research and development of efficient and environmentally acceptable energy sources, technologies, and techniques including but not limited to:

(i) coal gasification;

(ii) coal liquefaction;

(iii) solvent refined coal;

(iv) improved extraction methods and *in situ* conversion of fuels;

(v) advanced power cycle development;

(vi) shale oil development;

(vii) geothermal energy;

(viii) thermally-actuated heat pumps;

(ix) fuel cells and other direct conversion methods;

(x) solar energy;

(xi) hydrogen as an energy form;

(xii) nuclear breeder processes;

(xiii) fusion processes;

(xiv) magnetohydrodynamics;

(xv) use of agricultural products for energy;

(xvi) utilization of waste products for fuels;

(xvii) cryogenic transmission of electric power;

(xviii) electrical energy storage methods;

(xix) alternative to internal combustion engines;

(xx) wind power;

(xxi) tidal power; and

(xxii) ocean current and thermal gradient power;

2. to prescribe such policies, standards, criteria, procedures, rules, and regulations as it deems necessary or appropriate.

3. to enter into such contracts and agreements, including grant agreements, with public agencies and private organizations and persons; to make payments therefor (in lump sum or installments, and in advance or by way of reimbursement, and with necessary adjustments on account of overpayments and underpayments).

4. to engage in joint projects of a research, developmental, and demonstration nature with public agencies and private organizations or individuals in the organizational form deemed appropriate, and to perform services with or for them on matters of mutual interest, the cost of such projects or services to be apportioned equitably by the Administration.

5. to acquire any of the following described rights if the property acquired thereby is for use by or for, or is useful to, the performance of functions vested in the Administration:

(i) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;

(ii) licenses under copyrights, patents, and applications for patents;

(iii) releases, before suit is brought, for past infringement of patents or copyrights; and

(iv) use of Federal lands (except lands preempted for other use by Federal statutes) which contain energy sources which ERDDA determines are necessary to carry out its research and development functions and programs. The responsible officials of such other departments or agencies which have jurisdiction over Federal lands are hereby authorized and directed to make such lands available to ERDDA under terms and conditions promulgated by them to protect the environment and other resource values of lands involved.

6. to make special studies concerning matters within the special competence of the Administration; to prepare from the records of the Administration special compilations, lists, bulletins, or reports; to furnish transcripts or copies of such studies, compilations, and other records; to provide copies of charts, maps, or photographs, and to provide services incident to the conduct of the regular work of the Administration. The administration shall require payment of the actual or estimated cost of such special work in accordance with regulations prescribed by the President.

7. to exercise, in relation to the functions transferred herein, to the extent necessary or appropriate to perform such functions, any authority or part thereof available by law, including appropriations Acts, to the official or agency from which such functions were transferred.

(f) The Administration shall utilize or acquire the facilities of existing Federal scientific laboratories engaged in energy research and development; it shall also establish and operate additional facilities and test sites; and it shall utilize such services of contract agencies as it considers necessary to effectuate the purposes of this Act.

(g) The Administrator shall, as soon as practicable after the end of each fiscal year, submit a Report to the Board, and the Board shall submit a Report to the President for transmittal to the Congress, on the activities of the Administration during the preceding fiscal year, with a full accounting of receipts and expenditures, projects terminated and initiated, and plans and progress made in developing new energy supply and in attaining the capability of energy self-sufficiency from domestic resources.

(h) The President, in the ninth year after the effective date of this Act, shall report to the Congress his evaluation of progress under it and his recommendation for continuance of the Federal energy research and development programs.

TITLE IV

TRANSFERS

SEC. 108. There are hereby transferred to and vested in the Administration such Federal energy research and development functions and programs as are essential to ERDDA's fulfilling its obligations under this Act. Without limitation, such transfer shall include:

(a) All energy research and development functions and programs of the Atomic Energy Commission and of the Chairman and members of the Commission except those pertaining to nuclear weapons or military use of nuclear power. The Atomic Energy Commission's research and development functions related to such military purposes shall be transferred to the Department of Defense, and the Secretary of Defense and ERDDA shall establish a special liaison committee to provide coordination, cooperation, and economy between the Department of Defense and ERDDA as to their respective research and development programs.

The remaining functions of the Atomic Energy Commission shall continue as provided in Section 115 below.

(b) All energy research and development functions and programs of the Secretary of the Interior, the Department of the Interior, and officers and components of that Department.

(c) The energy research and development functions and programs of such other Federal departments or agencies, including without limitation those in the Departments of Commerce, Transportation, Housing and Urban Development, and those in independent agencies such as the General Services Administration, the National Aeronautics and Space Administration, the National Science Foundation, and the Tennessee Valley Authority, as in ERDDA's judgment are necessary or appropriate for it to fulfill its responsibilities under this Act.

(d) Authority for reviewing and coordinating all other energy research and development functions and programs in Federal departments or agencies in the Executive Branch.

(e) Unexpended balances of appropriations, authorizations, allocations, and other funds relating to the functions transferred hereby to ERDDA shall be transferred as determined by the Director of the Office of Management and Budget in accordance with Section 109 below and with Section 202 of the Budget and Procedures Act (31 USC 581 (c)).

SEC. 109. (a) During the transition of transfers every effort shall be made to not in any way impede or impair the progress of current Federal energy research and development programs.

(b) Transfer of nontemporary personnel shall not cause any such employees to be separated or reduced in grade or compensation for one year after such transfer.

TITLE V

SAVINGS PROVISIONS

SEC. 110. All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this Act, and which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator, or other authorized officials, a court of competent jurisdiction, or by operation of law.

SEC. 111. (a) The provisions of this Act shall not affect any proceedings pending at the time it takes effect before any department or agency, or component thereof, functions of which are transferred by the Act, but to the extent such proceedings relate to functions so transferred, they shall be continued. Orders shall be issued in such proceedings, appeals taken therefrom, and payments made pursuant to such orders, as if the Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing herein shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if the Act had not been enacted.

(b) Except as provided in Subsection (d)—

1. the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and

2. in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if the Act had not been enacted.

(c) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency whose functions are transferred by the Act shall abate by reason of enactment of the Act. No cause of action by or against any department or agency, functions of which are here transferred, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official as may be appropriate and, in any litigation pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter any order which will give effect to the provisions of the Act.

(d) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit involving any function of such department, agency, or officer transferred by this Act to the Administration, then such suit shall be continued as if this Act had not been enacted, with the Administration substituted.

(e) Final orders and actions of any official or component in the performance of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if there had been no transfer. Any statutory requirements relating to notices, hearings, action upon the record, or administrative review that apply to any function transferred hereby shall apply to the performance of those functions by the Administration, or any officer or component.

SEC. 112. With respect to any function transferred by the Act and performed after its effective date, reference in any other law (including reorganization plans) to any department or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Administration or officials thereof in which this Act vests such functions.

SEC. 113. Nothing herein shall be construed to limit, curtail, abolish, or terminate any function of the President which he had immediately before the effective date of the Act; or to limit, curtail, abolish, or terminate his authority to perform such function; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

TITLE VI

FUNDING

SEC. 114. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the Federal Energy Research, Development, and Demonstration Trust Fund (referred to herein as the "fund"). The fund shall consist of such amounts as may be credited or appropriated to it as provided in this section, and moneys so credited or appropriated are hereby made available to ERDDA for carrying out the purposes of this Act including the administration thereof, without fiscal year limitations.

(b) Commencing with the fiscal year ending June 30, 1974, and each fiscal year thereafter, all revenues (except so much thereof as may be already obligated under the provisions of other legislation such as Section 2(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) due and payable during each such fiscal year to the United States for deposit in the Treasury as receipts from Federal lease sales of all energy sources, as well as royalties and other revenues derived from operations on, or the use of, such Federal leases, shall, up to $2,000,000,000, be credited to the fund.

(c) In addition to the moneys credited to the fund pursuant to Subsection (b) of this section, there is authorized to be appropriated to the fund for the fiscal year ending June 30, 1974, and each fiscal year thereafter, such amount as is necessary to make the income of the fund $2,000,000,000 for each such fiscal year.

(d) (1) It shall be the duty of the Secretary of the Treasury to manage the fund and (after consultation with appropriate officials of ERDDA) to report to the Congress not later than the first day of March of each year on the financial condition and the results of the operations of the fund during the preceding fiscal year and on its expected condition and operations during each fiscal year thereafter. Such report shall be printed as a Senate and House document of the session of the Congress to which the report is made.

(2) It shall be the duty of the Secretary of the Treasury to invest such portion of the fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (A) on original issue at the issue price, or (B) by purchase of outstanding obligations at the market price. The purpose for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(3) Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par from the sale or redemption of, any obliga- plus accrued interest.

(4) The interest on, and the proceeds tions held in the fund shall be credited to and form a part of the fund.

TITLE VII

NUCLEAR ENERGY COMMISSION

SEC. 115. (a) The Atomic Energy Commission shall retain its functions pertaining to uranium and thorium reserve assessment, and its functions pertaining to the licensing and related regulatory functions of the Chairman and members of the Commission, the General Counsel, and other officers and components of the Commission performing such functions, which functions, officers, and components are not included in the transfer to the Administrator by section 108 above.

(b) The Atomic Energy Commission is hereby renamed the Nuclear Energy Commission.

TITLE VIII

EFFECTIVE DATE AND INTERIM APPOINTMENT

SEC. 116. The provisions of this Act dealing with title II (sections 103, 104, 105, and 106) shall take effect on the day of enactment. All other provisions shall take effect thirty days thereafter. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administration by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

TITLE IX

DEFINITIONS AND ADMINISTRATIVE PROVISIONS

SEC. 117. (a) As used herein references to:

1. "function" or "functions" include references to duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be;

2. "perform" or "performance" when used in relation to functions, include the exercise of power, authority, rights, and privileges;

3. "research and development" include all phases of Federal energy research, development, and demonstration, ranging from the conception of scientific and engineering principles appropriate for attaining a particular technological objective through the demonstration of their practical utility on a commercial scale, except to the extent they are for military purposes;

4. "demonstration" refers to that stage of a research and development program which typically follows the pilot plant stage and the objective of which is to establish the commercial feasibility of a particular process before it is put into commercial use;

5. "energy sources" include fossil fuels, geothermal energy, nuclear energy, solar energy, tidal energy, and other unconventional sources of energy;

6. "person" includes any individual, association, institution, corporation, or other entity, any state or political subdivision, or agency or institution thereof, and any Federal department or agency;

7. "the Act" or "this Act" refers to the "Energy Research, Development, and Demonstration Act" enacted herein;

8. "the Administration" or "ERDDA" refers to "the Energy Research, Development, and Demonstration Administration" established herein; and

9. "fund" refers to the Federal Energy Research, Development and Demonstration Trust Fund established herein.

Any reference to any provision of law shall be deemed to include, as appropriate, references thereto as now or hereafter amended or supplemented.

(b) The Administrator is authorized to accept, hold, administer, and utilize gifts, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Administration. Gifts and bequests of money and proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Administrator. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest. For the purpose of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift or bequest to the United States.

(c) The Administration shall cause a seal of office to be made of such device as the Board shall approve, and judicial notice shall be taken of such seal.

TITLE X

SEPARABILITY

SEC. 118. If any provisions of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

A BILL TO ESTABLISH AN ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ADMINISTRATION

The attached proposed legislation is based on the conviction that a substantially increased centralized, and sustained energy research and development program, including demonstration, is indispensable to development of the nation's domestic energy sources, and thereby its energy self-sufficiency, through socially and environmentally accepted methods for producing, conserving and utilizing all forms of energy. Accomplishment of this vital effort requires a fresh new organization independent of existing organizations and procedures, and charged with overall and specific accountability for coordination, streamlined administration, and results.

The bill accordingly provides for the establishment of a new independent agency, the Federal Energy Research, Development, and Demonstration Administration ("ERDDA"). Responsibility is consolidated therein for coordinating and administering all existing, and for initiating, coordinating and administering extensive new, energy research and development functions and programs applicable to all forms of energy—except those undertaken for military purposes. Commensurate authority extends from overall policy planning and budget control, to all stages of particular projects, from initial conception through design, construction, operation and maintenance of commercial-sized dmonstration plants, such opreations to be carried on internally with ERDDA's own facilities, or by suitable arrangement with contract agencies.

A 15-member Board of Governors, composed of Government Officials qualified in energy and energy research and development, and of experts from the private sector, is responsible for overall supervision of ERDDA. The daily operations of ERDDA are to be directed by an "Administrator," who must be outstandingly qualified in those fields, and their management. He will serve as Chief Executive Officer responsible to the Board for carrying out the Board's policies consistent with the objectives and purposes of the Act.

To carry out this effort, the bill provides for funding through a special trust fund composed of receipts from Federal lease sales and all other sales or grants of development rights of energy sources on Federal lands, up to $2 billion a year. The payments to the Federal Government for energy development rights thus earmarked for development of new energy sources would provide the sustained continuity indispensable to a project of this nature.

By Mr. MATHIAS:

S.J. RES. 171. Joint resolution relating to U.S. support of U.N. activities in maintaining international peace and in providing and coordinating international disaster relief. Referred to the Committee on Foreign Relations.

Mr. MATHIAS. Mr. President, an uneasy truce lies with uncertainty in the Middle East. Only now, almost 3 weeks after a truce had been agreed to, have the Israelis and the Egyptians agreed, on the basis of Dr. Kissinger's diplomatic efforts, to permit the United Nations to dispatch peacekeeping forces to the Middle East to assist in observing whether the cease-fire terms agreed to are being respected. Once again, the United Nations is the last resort to keep the peace. Once again the United Nations has been called into action when the situation is almost hopeless.

When the U.N. Charter was written just after World War II, peacekeeping forces composed of units from all member states was seen to be a rational solution to the problem of maintaining the peace and reducing the need for large national standing armies. This rational ideal has never been realized despite the fact that the U.N. has successfully resolved very serious threats to the peace such as the wars in Cyprus and the Congo.

I introduce today a resolution calling for U.S. support of U.N. activities in maintaining international peace and providing for coordinating international disaster relief. I ask unanimous consent that the joint resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES 171

Whereas Congress has urged that there should be developed permanent organization and procedures to "enable the United Nations promptly to employ suitable United Nations forces for such purposes as observation and patrol in situations that may threaten international peace and security" (H. Con. Res. 373, Eighty-fifth Congress, second session); and

Whereas the need for such forces has been demonstrated by past experience and will be even greater in the future; and

Whereas United Nations impartial peacekeeping forces will continue to be a major instrument for the maintenance of international peace and security; and

Whereas the United Nations has established a permanent Office of Disaster Relief Coordination, to provide and coordinate disaster relief, which Office can be an important instrument in maintaining international stability; and

Whereas the same personnel could be utilized by the United Nations in its peacekeeping activities and its activities in providing disaster relief: Now, therefore, be it

Resolved by the Senate and House of Representative of the United States of America in Congress assembled, That the Congress reaffirms its support for the United Nations peacekeeping and peacemaking and urges that—

(a) the United States Government—

(1) encourage and support the earmarking and specialized training of units by United Nations member states from their national forces for employment in United Nations peacekeeping operations;

(2) be prepared to make available to the United Nations, in accord with Constitutional processes, transport, communications, logistical, and other technical personnel and facilities; and

(3) be prepared to advocate or support, in accord with constitutional processes, proposals for guidelines to govern the financing, training, and equipping of peacekeeping forces for effective use; and

(b) as part of the long-range development of the United Nations as a more effective instrument for building and keeping peace, the United States Government encourage and support the creation of a permanent force under United Nations command to keep the peace as provided by the United Nations Charter.

SEC. 2. (a) The Congress urges the President to instruct the United States delegation to the United Nations to prepare and submit to the United Nations General Assembly an offer to furnish, in concert with other members of the General Assembly, support to the United Nations Office of Disaster Relief Coordination which was established to provide and coordinate disaster relief to any country or region of the world which has been affected by a disaster and solicits such relief.

(b) Such offer should include support to the Office so that the Office may achieve the following objectives:

(1) the prevention, prediction, and control of disasters;

(2) predisaster planning and preparedness, including stockpiling, training, and assistance from abroad;

(3) contingency plans for each country of the world or of geographic regions with a history of disasters of severe or frequent nature;

(4) rehabilitation and reconstruction;

(5) international organizational arrangements necessary to effect appropriate relief; and

(6) financial arrangements necessary to effect such relief.

SEC. 3. (a) In affirming the belief of the United States that providing and coordinating disaster relief through the United Nations Office of Disaster Relief Coordination is an essential element in any workable plan for world peace, there is established within the Department of Defense a permanent unit of not to exceed 5,000 technical and noncombatant personnel of the Department. Such unit shall be known as the First Brigade—Forces for International Relief on Standby. Upon a call of the United Nations Disaster Relief Coordinator, the First Brigade, or such members thereof as are called for by the Coordinator, shall be detailed to the Office, in accord with constitutional processes. Members of the First Brigade, while so detailed, shall be considered for all purposes as personnel of the United States Government.

(b) In submitting to the United Nations General Assembly the offer referred to in section 2 of this Act, the United States delegation to the United Nations shall also communicate to the General Assembly that the United States has established the First Brigade as evidence of its support of the Office and of its faith in the United Nations and its principles.

SEC. 4. To carry out the responsibilities of the United States as a member of the United Nations to participate in the peacekeeping activities of the United Nations, upon a call of the United Nations for personnel for its peacekeeping forces, the First Brigade, or such members thereof as are called for, shall be detailed to the United Nations, in accord with constitutional processes. Members of the First Brigade, while so detailed, shall be considered for all purposes as personnel of the United States Government.

Mr. MATHIAS. The resolution I have introduced urges the U.S. Government to earmark specially trained units from U.S. Armed Forces for use in U.N. peacekeeping operations in accord with our constitutional processes. In addition, my resolution urges the Executive, again in accord with constitutional processes, to make available to U.N. peace-keeping forces transport, communications, logistical, and other technical personnel and facilities.

This special force earmarked for service with the U.N. peace-keeping forces should the occasion arise and should our constitutional processes authorize, would, in effect, be a "first brigade" to keep the peace.

The "first brigade" would also assist to meet natural disasters which have plagued the world in the past and will afflict the world in years to come.

It is my view that an effective U.N. peace-keeping force could do much to prevent future wars and would be an invaluable tool in the resolution of disputes between nations which have resulted so often in disasterous hostilities. I ask unanimous consent that this resolution be referred to the Foreign Relations Committee for consideration and action.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS

S. 203

At the request of Mr. TAFT, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 203, to amend the Internal Revenue Code of 1954 to permit the exclusion from gross income of a portion of the compensation received by full-time law enforcement officers and firemen employed by State and local governmental instrumentalities.

S. 483

At the request of Mr. TAFT, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 483, to amend the act of October 15, 1966, relating to the preservation of certain historic properties in the United States.

S. 2052

At the request of Mr. CHURCH, the Senator from West Virginia (Mr. RANDOLPH) and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 2052, to amend the Public Health Service Act to provide for training programs which will train nurse practitioners to serve as physicians' assistants in extended care facilities.

S. 2347

At the request of Mr. BEALL, the Senator from Nevada (Mr. BIBLE), the Senator from Kansas (Mr. DOLE), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 2347, to amend the Internal Revenue Code of 1954 to encourage the preservation and rehabilitation of historic buildings and structures and the rehabilitation of other property, and for other purposes.

S. 2518

At the request of Mr. MONDALE, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 2518, the Women's Educational Equity Act.

S. 2531

At the request of Mr. CHILES, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 2531, to amend title II of the Water Pollution Control Act Amendments of 1972.

S. 2589

At the request of Mr. JACKSON, the Senator from Alaska (Mr. STEVENS), the Senator from Nevada (Mr. BIBLE) and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 2589, the National Energy Emergency Act of 1973.

SENATE RESOLUTION 201—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE REPORT OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

(Referred to the Committee on Rules and Administration.)

Mr. BURDICK submitted the following resolution:

S. RES. 201

Resolved, That there be printed for the use of the Committee on the Judiciary one thousand additional copies of the Report of the Commission on the Bankruptcy Laws of the United States.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 200

At the request of Mr. AIKEN (for Mr. HUMPHREY), the Senator from Utah (Mr. Moss) and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 200, relating to the national security of the United States, which was adopted by the Senate on Friday, November 9, 1973.

NATIONAL EMERGENCY ENERGY ACT OF 1973—AMENDMENTS

AMENDMENT NO. 649

(Ordered to be printed and to lie on the table.)

Mr. MOSS submitted an amendment intended to be proposed by him to the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

AMENDMENT NO. 650

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE. Mr. President, on behalf of myself and the Senator from North Carolina (Mr. HELMS), I submit an amendment to S. 2589, the emergency energy bill, which would outlaw the use of limousines, heavy and medium sedans by government officials and which would also deny funds to pay for the drivers and chauffeurs who spend countless hours driving high officials around Washington. I ask that the amendment be printed, appropriately referred, and made available for action when S. 2589 comes before us shortly. I also ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 650

At the proper place insert the following new section:

SEC. . (a) No funds made available under any Act may be used for the purchase, hire, or operation and maintenance of passenger motor vehicles (other than passenger motor vehicles of the types generally available in motor pools of Government agencies on the date of enactment of this Act) or for the salaries or expenses of chauffeurs or drivers to operate passenger motor vehicles.

(b) No funds made available under any Act may be used for the purchase, hire, or operation and maintenance of any passenger motor vehicle for the transportation of any Government officer or employee between his dwelling and his place of employment, except in cases of medical officers on outpatient medical service and except in cases of officers and employees engaged in field work in remote areas, the character of whose duties make such transportation necessary, and only when such exceptions are approved by the head of the department concerned.

(c) Subsections (a) and (b) shall not apply with respect to the purchase, hire, operation, and maintenance of (1) one passenger motor vehicle for use by the President, or (2) of passenger motor vehicles operated to provide regularly scheduled service on fixed routes.

ENERGY CRISIS

Mr. PROXMIRE. Mr. President, the country faces a grave energy crisis. At the same time literally hundreds of officials of this Government are provided, at taxpayers expense, with huge gas-guzzling limousiness with drivers and chauffeurs to wheel themselves to and from home, around town, to various social and official functions, and for a variety of other purposes both official and unofficial.

These are heavy, high horsepowered cars, with power steering and power brakes, air conditioning, and other excessive energy using devices. The chauffeurs routinely earn between $14,000 and $17,000 a year and the total cost of car and driver is at least twice the family income of the average American family.

My amendment would do away with both the limousines and the chauffeurs.

WHAT AMENDMENT DOES

Here is what it does.

First, it outlaws the purchase, hire, operation, and maintenance of limousines, medium and heavy sedans in the Government as a whole.

Second, it outlaws the payment of salaries or expenses for chauffeurs or drivers.

Third, it states that no funds can be

used for the purchase, hire, maintenance, or operation of any passenger vehicle for the transportation of any Government official to and from home.

The only exceptions to these prohibitions are the President of the United States who is allowed one passenger motor vehicle of the type otherwise forbidden, medical officers on outpatient duty and employees engaged in fieldwork hundreds of miles from their offices, who are allowed to drive an ordinary passenger car to and from home and their place of work, and drivers of Government motor vehicles who provide regularly scheduled service on fixed routes.

No one but the President can have a big car.

No one but the President, medical officers on outpatient duty, and officials on fieldwork are allowed to use a car to drive to and from home.

No one but the President is allowed to have a chauffeur or driver. And the only reason the President is excepted is for his security and safety on the rare occasions when he uses a car instead of a plane or helicopter.

That is what my amendment does.

Everyone else drives his own car, drives a small Government pool car on official business—and drives it himself—but not to and from home, or takes a shuttle, taxi, or walks.

I believe this action is long overdue. And the energy crisis brings it to a head. We must act now. There is no excuse for further procrastination.

GAS GUZZLING MONSTERS

How can any responsible Government official in good conscience insist on being driven around Washington in gas guzzling monsters when this Nation desperately needs every gallon of gasoline it can get for essential purposes?

We have dozens of officials who would rather keep their limousines than they would the substance of their programs. But how confused can our priorities be when Government officials call on the people to surrender our hard earned clean air because fuel is short and then show their selfish contempt by insisting on having the last word in personal, custom-designed gas wasting limousine service?

It is true of course that the amount saved by taking every Federal limousine out of service would be very small indeed. But the example given by Federal officials who make the decisions that impose sacrifices on all the American people are of the greatest importance.

Are those who administer gas rationing going to ride around in chauffeured limousines?

Are military officials who say we need emergency action in the interests of our national security going to keep the hundreds of chauffeur driven limousines they now have while the American housewife and the American breadwinner are denied gasoline and heating oil to drive to and from work or the store or to heat their homes?

I believe the answer will be a resounding "No" when this amendment is voted on.

HERE IS WHAT OFFICIALS CAN DO

Under my amendment here is what officials can do.

First, instead of having a big chauffeured limousine driven to pick them up in the morning and to take them home at night, they can join a carpool, preferably with their under secretary and their assistant secretaries who all tend to live in the same areas of Bethesda-Chevy Chase, McLean, Arlington, or Alexandria.

Second, for truly "official purposes," the small GSA cars can be used instead of the gas guzzlers.

Third, these pool cars can be driven by the officials themselves. They all know how to drive. Thousands of Government employees already drive Government cars. So why should not the Secretary of HUD or the Administrator of NASA or the Chief of Naval Operations or the Chairman of the Home Loan Bank Board or the U.S. Representative to the Advisory Committee on the Ryukyu Islands—all of whom now have cars and chauffeurs which drive them to and from home—join a carpool and drive themselves or take a taxi or ride the shuttle service from the Pentagon or their office to Capitol Hill when they have to get around Washington? In an emergency, they might even walk.

OFFICIALS MUST SET STANDARDS

How can American citizens take seriously the plea of our Government to reduce nonessential driving and to prepare patriotically for gas rationing when every Tom, Dick, and Harry bureaucrat cruises around the Nation's Capital in his own private gas guzzler furnished at taxpayer's expense?

Out of compassion for our long-suffering taxpayers, public officials should already have given up the snobbish symbol of arrogance that the chauffeured limousine has become.

NO TIME TO WAIT FOR STUDY

It is true that a congressional study is now underway that may curtail the use of limousines next year. But the gasoline and energy crisis is here now. What we need is some sensitivity on the part of those calling for sacrifices. Why should not they make a modest sacrifice of their own?

With the grave threat of gasoline and fuel oil shortages, the time to abandon the luxury of limousines has come.

Mr. President, I ask unanimous consent that two articles, one from the Los Angeles Times of November 8, 1973, entitled "VIP's Fuel the Crisis" and the other from the New York Times for November 12, 1973, by William Safire entitled "Deroyalization" be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

VIP'S FUEL THE CRISIS

WASHINGTON.—One by one, the long, sleek automobiles drove through the White House gate and eased to a stop.

They were big cars, powerful cars—Cadillacs, Lincolns, Imperials and Mercurys. They were carrying dignitaries to an important conference in the Cabinet Room—fifteen governors, three mayors and three county supervisors.

For over an hour, the officials met with the President and his men, where they were told of the severe energy crisis gripping the nation. And outside, throughout the meeting, the engines of the big cars idled quietly, just enough to keep the motors warm and the interior heaters functioning.

DEROYALIZATION

(By William Safire)

WASHINGTON, November 11.—The imminence of gasoline rationing provides political figures with a golden opportunity: to shuck off some of the antidemocratic luxuries that encrust and demean the seats of power.

When the President summoned up the spirit of self-sacrifice and voluntary belt-tightening in his energy speech last week, he sought to set an example by placing speed restrictions on a half-million Federal vehicles.

A question arises: what is the Federal Government doing with a half-million vehicles, anyway? Further research shows that the Fed fleet drives three billion miles a year, slurping up 300 million gallons of gasoline and costing, exclusive of original purchase, $359 million every year.

There are 238,000 civilian cars in the Fed fleet; the 12,500 buses do not bother me, and I will grant the need for 33,000 ambulances, but what is the need for 76,000 sedans, and 800 "heavier-type" cars—the euphemism for limousines?

To a Federal official, the sweetness of life is reflected in being transported by chauffeured car "from domicile to place of employment," as one of the delicious exceptions to the "no unofficial employment purposes" strictures of the trampled-upon Administrative Expenses Act of 1946.

The Defense Department, which is permitted by the Office of Management and Budget to be by far the worst violator of the act, permits an Assistant Secretary of the Army to be carted back and forth like the Nizam of Hyderabad at an annual cost I estimate at $30,000 a year (nobody at O.M.B. or the Defense Department is going to get caught making that estimate). Such an after-tax expense would give a millionaire pause; no single act of waste more offends the ordinary man than the automotive pampering of officialdom.

And for what purpose? Valuable time is not saved, nor is safety a factor. When the Government gets out of the taxicab business, the taxpayer will save money, the nation will conserve fuel, and—most important—the debilitating lordliness will be removed from the upper echelons of bureaucracy.

Ordinarily, railings like these would go unnoticed, but under the changed circumstances of a fuel shortage, perhaps a trend could be set in motion that would help reduce the "insolence of office," and a conservation of power could be used to cut down the arrogance of power. The examples could come from the top, at all levels:

New York City's new Mayor, Abe Beame, could announce plans to travel from Gracie Mansion to City Hall every morning on the Lexington Avenue Express. The choice of subway over limousine, of course, is a publicity stunt permitted only at a time when symbolic actions to inspire public conservation are needed—but it would cost the new Mayor no time, exposure to the public twenty minutes a day might even prove beneficial, and the cost of lengthening one subway strap would be minimal.

Governor Rockefeller, in that spirit, could dispense with New York State's limousine fleet. If the Governor started using a small car and even drove it himself, the pressure on other state officials to follow suit would be irresistible.

And President Nixon, in a grand gesture of fuel frugality, could mothball Air Force One for the duration of the shortage, with the exception of overseas visits. Can you imagine the President traveling to San Clemente this winter on a regularly-scheduled commercial jet? The Secret Service could handle it, and it would do the President and the country good. (No coach seats though—Presidents should ride first class.)

Sounds ridiculous, right? But it only sounds ridiculous because we now surround the citizens we elect with royal trappings, against all propriety and American tradition. In the fell clutch of pomp and circumstance, we turn their heads and then wonder why they lose touch with "the people."

Only if we use the fuel shortage to our advantage can we awaken the spirit of the newly-inaugurated Jefferson waiting for his place at table. The President need feel no awkwardness at "showboating," since symbolism of sacrifice at the top is expected when the reality of sacrifice at the bottom is asked.

If the Commander in Chief ostentatiously saves fuel, the message might even get through to the Pentagon. The other day, New York Times reporter John Finney noticed the arrival at the Pentagon helipad of Brig. Gen. Jessie M. Allen, the tactical air command's Deputy Chief of Staff for Plans.

General Allen had spurned the use of a waiting car at Andrews Air Force Base, preferring to use the waiting helicopter instead, which used about 30 gallons of jet fuel on the round trip to the Pentagon, saving the busy general twenty minutes each way.

The reason for the general's trip to Washington, the urgent need for the helicopter? You guessed it—he hurried here to confer about the Air Force's plans to conserve energy.

EXTENSION OF DEBT CEILING—AMENDMENT

AMENDMENT NO. 651

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. HART, Mr. MATHIAS, Mr. MONDALE, Mr. SCHWEIKER, Mr. HUGH SCOTT, Mr. STAFFORD, and Mr. STEVENSON) submitted an amendment to H.R. 11104, an act to extend the debt ceiling.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a joint statement of the nine Senators may be printed in the RECORD. I also ask unanimous consent that the text of the amendment may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NINE SENATORS PROPOSE JOINT AMENDMENT FOR PUBLIC FINANCING OF PRESIDENTIAL PRIMARIES AND CONGRESSIONAL CAMPAIGNS

Nine Senators—five Democrats and four Republicans—announced today that they will seek to add an amendment to the Debt Ceiling Act to provide public financing of Presidential primaries and Senate and House general elections.

The amendment was introduced jointly today by Senators Cranston, Hart, Kennedy, Mathias, Mondale, Schweiker, Hugh Scott, Stafford, and Stevenson, all of whom are sponsors of major public financing proposals. The Senators issued the following joint statement:

The package combines five major bills introduced earlier this year. It contains key portions of the Kennedy-Scott bill for public financing of Senate and House general elections by extending Senator Russell Long's check-off to such races; and the Mondale-Schweiker bill for public financing of Presidential primaries through matching grants for small contributions and for strengthening the role of the dollar check-off in Presidential general elections. It also contains major concepts and key provisions set forth in the Hart bill for public financing of Congressional elections, the Stevenson-Mathias bill for public financing of general elections and the Cranston bill for comprehensive public financing of all federal elections. In a real sense, therefore, the package we are now proposing is the "highest common denominator" of the bills the nine of us have previously sponsored.

This joint amendment is a significant breakthrough. While there is widespread support for the principle of public financing of campaigns, there have been divergent views on exactly how it should be accomplished. The agreement we have reached on this amendment is a clear sign that a consensus has formed on major elements of public financing. This consensus provides a framework within which any remaining differences can be resolved.

Our political system has reached the point of no return in the area of campaign financing. The one indelible lesson of this year of Watergate is that things cannot go on as they are now in our system of private financing. Today, we have the best political system that special interest money can buy, and it is a disgrace to every basic principle on which the nation stands.

The insidious and corrupting power of private money has degraded the proud profession of politics, and no one in public life can ignore the problem. Republicans and Democrats alike, we ask the Congress to take a deep breath and act immediately to pull up the roots of Watergate, so that the 1974 Congressional races, the 1976 Presidential election, and every future Federal election can be financed free of taint.

The reform we need is obvious—it is the most comprehensive feasible use of public financing for political campaigns. Only in this way can we hope to eliminate corruption and the appearance of corruption in public life.

Nine Senators who have previously sponsored legislation in this area have now agreed on a common package of public financing reforms. We believe the package is realistically capable of enactment into law now, before this session of Congress adjourns.

The package will go first to the Senate Finance Committee for consideration as an amendment to the Debt Ceiling Act. Senator Mondale, one of the principal sponsors, serves as a member of the Finance Committee. If the Joint Amendment providing public financing for both Presidential and Congressional elections is unsuccessful on the Senate floor, an amendment will be offered covering only Presidential elections. This amendment will contain the essential provisions of the Mondale-Schweiker Presidential Campaign Financing Bill.

Introducing this proposal, we emphasize our debt to Senator Russell Long, the father of public financing. The reason the road to reform is so obvious now is that he blazed the trail with his dollar check-off in the past.

Public financing is here to stay. It is the best single investment the American taxpayer can make for the future of our country, and it is also our best hope to rebuild the people's shattered confidence in the integrity of the American system of government.

Attached is a detailed explanation of the amendment.

OUTLINE OF PUBLIC FINANCING AMENDMENT TO THE DEBT CEILING ACT, PRESIDENTIAL PRIMARIES; SENATE AND HOUSE GENERAL ELECTIONS

PURPOSE

1. The amendment builds on existing law, which provides public financing for Presidential general elections, by extending its provisions to include public financing for Presidential primaries and the Senate and House general elections.

EXISTING LAW

2. The existing law is Senator Russell Long's "Presidential Election Campaign Fund Act," known as the dollar check-off. The Act, as passed by Congress in 1971 and amended in 1973, establishes public financing for Presidential general elections. Except as provided in this summary, the provisions of the proposed amendment are essentially identical to the provisions of the dollar check-off now applicable to Presidential general elections.*

GENERAL PROVISIONS ON PUBLIC FINANCING

3. The amendment establishes a Federal Election Campaign Fund on the books of the Treasury as an expanded version of the existing Presidential Election Campaign Fund, to be funded through the dollar check-off and general appropriations acts of Congress. Payments from the Fund will be made to eligible major and minor party candidates, according to specified entitlements. Amendments to the check-off on the Debt Ceiling Act of July 1, 1973, have now eliminated the so-called "Special Accounts" in the existing Fund, and have left only a "General Account," to be allocated by formula among Presidential candidates. Under the proposed amendment, the General Account would be broadened to provide funds for Presidential primaries and for Senate and House general elections.

4. The amendment increases the amount of the dollar check-off from the existing level of $1 ($2 on a joint return) to $2 ($4 on a joint return).

5. It modifies the check-off to require taxpayers to indicate that they do *not* want their tax dollars paid into the Federal Election Campaign Fund.

6. It authorizes Congress to appropriate funds to make up deficits left in the General Account after the operation of the dollar check-off.

7. Like the dollar check-off, the program will be administered by the Comptroller General. The Comptroller General certifies a candidate's eligibility for payments, and is responsible for conducting a detailed post-election audit and obtaining repayments when necessary.

8. There are heavy criminal penalties for exceeding the spending limits, and for unlawful use of payments, false statements to the Comptroller General, and kickbacks and illegal payments.

9. The provisions of the amendment will go into effect for the 1974 Congressional elections and the 1976 Presidential primaries.

10. The cost of the public financing provisions of the amendment is estimated at $200 million in a President election year and $100 million in the off-year Congressional elections. Thus, the total cost of the program over the four-year election cycle is $300 million, yielding an average cost of about $75 million a year.

PRESIDENTIAL GENERAL ELECTIONS

11. Apart from increasing the amounts available to be checked off on tax returns, the principal change made by the amendment in the case of public financing for Presidential general elections is that the bill bars the option of private financing for such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below). Under the existing dollar check-off, public financing is available as an alternative to private financing for such elections, and candidates

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*See the "Presidential Election Campaign Fund Act," P.L. 92-178, 85 Stat. 497, 562-575 (December 10, 1971), as amended by the Debt Ceiling Act, P.L. 93-53, 87 Stat. 134, 138-139 (July 1, 1973).

electing public financing may not also use private financing, except in cases where the available public funds are insufficient to meet the candidate's full entitlement. Thus, the amendment will prevent a situation in which one candidate for President runs on public funds in the general election, while the other runs on private funds. Under existing law, the level of spending is 15c per voter, or approximately $21 million for each Presidential candidate of a major party.

PRESIDENTIAL PRIMARIES

12. Each candidate in the Presidential primaries is entitled to matching payments of public funds for the first $100 received from each individual contributor.

13. Payments begin 14 months prior to the date of the general election for President.

14. Any contribution made in connection with the candidate's campaign for nomination, in whatever year it occurs, is eligible for matching. However, all such contributions are aggregated, and no more than $100 from any contributor may be matched.

15. Candidates must accumulate $100,000 in matchable contributions before matching payments of public funds begin. To meet this requirement, a candidate may accumulate 1,000 contributions of $100 each, or 2,000 contributions of $50 each, etc. Once this threshold requirement is met, the first $100,000 in contributions will also be eligible for matching payments.

16. No candidate may receive total matching payments in excess of 5c for each person over the age of 18 in the United States (approximately $7 million). The 5c figure will be adjusted for future increases in the cost of living.

17. No candidate may spend more than $15 million in his campaign for the Presidential nomination.

18. Matching payments may be used only for legitimate campaign expenses during the pre-nomination period, and unspent payments must be returned to the Treasury.

SENATE AND HOUSE GENERAL ELECTIONS

19. The amendment provides public funds for general and special elections for the Senate and the House, but not for primaries or run-off elections.

20. As in the case of Presidential general elections, the amendment makes public financing mandatory for Senate and House elections. Thus, it bars the option of private financing by major party candidates in such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below).

21. The amendment follows the basic formula in the existing dollar check-off for allocating public funds among candidates of major, minor and new parties. An independent candidate is entitled to public funds on the same basis as a candidate of a party.

22. A "major party" is a party that received 25% or more of the total number of popular votes received by all candidates for the office in the preceding election, or the party with the next highest share of the votes in a case where only one party qualifies as a major party on the basis of the preceding election.

23. A "minor party" is a party that received more than 5% but less than 25% of the popular vote in the preceding election. A "new party" is a party that is not a major party or a minor party.

24. In Senate elections and Statewide Congressional elections, a candidate of a major party is entitled to receive public funds in the amount of 15¢ per eligible voter or $175,000, whichever is greater. The 15c figure, which will be adjusted for future increases in the cost of living, coincides both with the entitlement of Presidential candidates in the existing dollar check-off and with the spending ceiling in the Senate-passed version of S. 372. The $175,000 figure coincides with the spending floor in S. 372 for candidates in Senate and Statewide Congressional elections.

25. In House elections in States with more than one Representative, the entitlement of a major party candidate is $90,000. This figure coincides with the spending floor in S. 372 for such candidates.

26. A candidate of a minor party is entitled to receive public funds in proportion to his share of the vote in the preceding election. A candidate of a minor party may increase his entitlement on the basis of his performance in the current election.

27. A candidate of a new party is entitled to receive public funds in proportion to his share of the popular vote in the current election, if he receives more than 5% of the vote in the election.

28. Public funds will be available for expenditures made by a candidate of a major party during the period beginning with the date on which the party nominates its candidate and ending 30 days after the election. Public funds will be available for candidates of other parties during the longest period in which they are available to a candidate of a major party.

OTHER PROVISIONS

29. As an incentive to small contributions, the amendment doubles the existing tax credit and tax deduction for such contributions. The tax credit would be increased to one-half of any contribution up to $50 ($100 on a joint return), and the tax deduction would be increased to $100 ($200 on a joint return). The cost of this provision, based on figures for the 1972 Presidential election year, is $18 million.

30. Individuals or committees not authorized by a candidate may not spend more than $1,000 during the campaign on behalf of the candidate, if he is eligible for public funds.

31. In order to assure the continuity of normal functions of political parties, to provide a role for the parties in the general election, and to preserve a limited opportunity for small private contributions, the national committees of major political parties are entitled to spend a total of 2¢ per voter of their own funds collected from private contributions on behalf of Presidential, Senate, and House general election candidates, and the state committees of such parties are entitled to spend a total of 2c per voter of such funds on behalf of Presidential, Senate, and House general election candidates within their states.

32. As noted, the public financing provisions of the amendment prohibit direct private financing of Presidential, Senate, and House general elections, although indirect and limited private financing is permitted through the major parties. To limit the undue influence of large contributions in primaries, and to limit the size of private contributions channeled through the parties in the general election, the amendment incorporates the $3,000 and other contribution limits already approved by the Senate in S. 372—see the proposed new 18 U.S.C. 615 in Section 20 of S. 372 as passed by the Senate.

AMENDMENT No. 651

At the end of the Act, add the following new sections:

PUBLIC FINANCING OF FEDERAL ELECTIONS

SEC. 2. (a) Subtitle H of the Internal Revenue Code of 1954 is amended to read as follows:

"Subtitle H—Financing of Federal Election Campaigns
"Chapter 95. Federal Election Campaign Fund
"Chapter 96. Federal Election Campaign Fund Advisory Board
"Chapter 97. Presidential Primary Matching Payment Fund"

CHAPTER 95—Federal Election Campaign Fund

"Sec. 9001. Short title.
"Sec. 9002. Definitions.
"Sec. 9003. Conditions for eiligibity for payments.
"Sec. 9004. Entitlement of eligible candidates to payments.
"Sec. 9005. Certifications by Comptroller General.
"Sec. 9006. Payments to eligible candidates.
"Sec. 9007. Contributions and expenditures by national and State committees of political parties.
"Sec. 9008. Examinations and audits; repayments.
"Sec. 9009. Information on proposed expenses.
"Sec. 9010. Reports to Congress; regulations.
"Sec. 9011. Participation by Comptroller General in judicial proceedings.
"Sec. 9012. Judicial review.
"Sec. 9013. Criminal penalties.

"SEC. 9001. Short title

"This chapter may be cited as the 'Federal Election Campaign Fund Act'.

"SEC. 9002. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'Federal office' means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

"(2) The term 'Federal election' means a general special election for Federal office.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'authorized committee' means, with respect to a candidate of a political party for Federal office, any political committee which is authorized in writing by such candidate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(5) The term 'candidate' means, with respect to any Federal election, an individual who (A) has been nominated for election to Federal office by a major party, or (B) has qualified to have his name on the election ballot in the geographical area in which the election is to be held, or (C) in the case of a Presidential election, has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to the office of President or Vice President of the United States in 10 or more States. For purposes of this chapter, an independent candidate shall be considered a candidate of a political party. For purposes of paragraphs (8) and (9) of this section and purposes of section 9004(a)(2), the term 'candidate' means, with respect to any preceding Federal election, an individual who received popular votes for Federal office in such election.

"(6) The term 'eligible candidate' means a candidate of a political party for Federal office who has met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

"(7) The term 'fund' means the Federal election campaign fund established by section 9006(a).

"(8) The term 'major party' means, with respect to any Federal election, (A) a political party whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office, or, (B), if only one party qualifies as a major party on such basis, the party with the next highest percent of such votes in such election.

"(9) The term 'minor party' means, with

respect to any Federal election, a political party whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(10) The term 'new party' means, with respect to any Federal election, a political party which is neither a major party nor a minor party.

"(11) The term 'political committee' means any individual, committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal office.

"(12) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office, (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, (iii) by the candidate of a political party for other Federal office to further his election to such office, or (iv) by an authorized committee of a candidate of a political party for Federal office to further the election of one or more such candidates to such office.

"(B) incurred within the expenditure report period (as defined in paragraph (13)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of a candidate of a political party for Federal office also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidate for Federal office in such proportion as the Comptroller General prescribes by rules or regulations.

"(13) The term 'expenditure report period' with respect to any Federal election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or, if earlier, with the date on which such major party nominated its candidate for election to Federal office, and ending 30 days after the date of the election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the longest expenditure report period for such election under subparagraph (A).

"Sec. 9003. Conditions for Eligibility for Payments.

"(a) In General—in order to be eligible to receive any payments under section 9006, a candidate of a political party in a Federal election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought;

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request;

"(3) agree to an audit and examination by the Comptroller General under section 9007 and to pay any amounts required to be paid under such section; and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) Major Parties—In order to be eligible to receive any payments under section 9006, a candidate of a major party in a Federal election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of those incurred under section 9007 and the aggregate payments to which he will be entitled under section 9004; and

"(2) no contributions to defray qualified campaign expenses (other than those received under section 9007) have been or will be accepted by such candidate or any of his authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006 (d), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002 (12) have been or will be accepted by such candidate or any of his authorized committees.

Such certification shall be made within such time prior to the day of the Federal election as the Comptroller General shall prescribe by rules or regulations.

"(c) Minor and New Parties—In order to be eligible to receive any payments under section 9006, a candidate of a minor or new party in a Federal election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidate of a major party is entitled under section 9004; and

"(2) such candidate and his authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidate and his authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidate out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the Federal election as the Comptroller General shall prescribe by rules or regulations.

"(d) Except as provided in subsections (b) (2) and (c) (2) of this section and in section 9007 of this chapter, no candidate of a major party, minor party, or new party, or any of the authorized committees of such candidate shall accept contributions to defray qualified campaign expenses.

"Sec. 9004. Entitlement of Eligible Candidates to Payments.

"(a) In General—Subject to the provisions of this chapter—

"(1) An eligible candidate of a major party in a Federal election shall be entitled to payments under section 9006 equal in the aggregate to the greater of—

"(A) 15 cents multiplied by the voting age population of the geographical area in which the election for such office is held, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971;

"(B) $175,000, if the Federal office sought is that of Senator; or

"(C) $90,000, if the office sought is that of Representative.

"(2) (A) An eligible candidate of a minor party in a Federal election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for such office of the minor party, as such candidate, in the preceding election for such office bears to the average number of popular votes received by the candidates for such office of the major parties in the preceding election for such office.

"(B) If the candidate of one or more political parties (not including a major party) for Federal office was a candidate for such office in the preceding election for such office and received 5 percent or more of the total number of popular votes received by all candidates for such office, such candidate, upon compliance with the provisions of section 9003(a) and (c), shall be treated as an eligible candidate entitled to payments under section 9006 in an amount computed as provided in paragraph (1) or in subparagraph (A), as the case may be, by taking into account all the popular votes received by such candidate for such office in the preceding election for such office. If an eligible candidate of a minor party is entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) An eligible candidate of a minor party or a new party in a Federal election whose candidate in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for such office in such election shall be entitled to payments under section 9006 in an amount computed as provided in paragraph (1) or (2), as the case may be, on the basis of the numbers of popular votes cast in such election. In the case of an eligible candidate entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under this paragraph exceeds the amount of the entitlement under paragraph (2).

"(b) Limitations—The aggregate payments to which an eligible candidate of a political party shall be entitled under subsections (a) (2) and (3) with respect to a Federal election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidate and his authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidate and such committees, or

"(2) the aggregate payments to which the eligible candidate of a major party is entitled under subsection (a) (1), reduced by the amount of contributions described in paragraph (1) of this subsection

"(c) Restrictions—An eligible candidate of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidate or his authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or such committees) used to defray such qualified campaign expenses.

"(d) Cost of Living Adjustment—

"(1) For purposes of paragraph (2);

"(A) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(B) The term 'base period' means the calendar year 1973.

"(2) At the beginning of each calendar year (commencing in 1975), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Federal Election Commission and publish in the Federal Register the per centum difference between the price index for the twelve months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under subsection (a)(1) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

"Sec. 9005. Certifications by Comptroller General.

"(a) Initial Certifications.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9008, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which such candidates are entitled under section 9004.

"(b) Finality of Certifications and Determinations.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9008 and judicial review under section 9012.

"Sec. 9006. Payments to Eligible Candidates

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the Federal Election Campaign Fund. The Secretary shall, as provided by appropriation Acts, transfer to the fund an amount not in excess of the sum of the amounts designated to the fund by individuals under section 6096 and such additional sums as Congress may appropriate to insure that moneys in the fund will be adequate to meet the entitlements of eligible candidates under this chapter and chapter 97 of this subtitle.

"(b) Transfers to the General Fund.—The Secretary is authorized to transfer to the general fund of the Treasury such amounts of moneys in the fund as he determines from time to time are in excess of the amounts which eligible candidates are or will be entitled to receive.

"(c) Payments From the Fund.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Comptroller General. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) Insufficient Amounts in Fund.—If at the time of a certification by the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary or his delegate determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary or his delegate determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement.

"Sec. 9007. Contributions by National and State Committees of Political Parties.—

"(a) Notwithstanding any other provisions of this chapter, the national committee of a major party may receive contributions and make expenditures in connection with a Federal election; and a State committee of a major party, including subordinate local committees of such committee, may accept contributions and make expenditures in connection with a Federal election in such State. Contributions received by such national or state committee under this section shall be subject to the limitations provided in section 9037 of chapter 97 of this subtitle and any other limitations provided by law.

"(b) Expenditures made under this section by a national committee, or by a State committee, including subordinate local committees of such committee, shall not exceed for each national or state committee a total of 2¢ multiplied by the voting age population of the geographical area in which the committee is authorized to make expenditures, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971.

"Sec. 9008. Examinations and Audits; Repayments.

"(a) Examinations and Audits.—After each Federal election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for Federal office.

(b) Repayments.—

"(1) If the Comptroller General determines that any portion of the payments made to an eligible candidate of a political party under section 9006 was in excess of the aggregate payments to which the candidate was entitled under section 9004, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that an eligible candidate of a political party and his authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which an eligible candidate of a major party was entitled under section 9004, he shall notify such candidate of the amount of such excess and such candidate shall pay to the Secretary an amount equal to such amount.

"(3) If the Commission determines that an eligible candidate of a major party or any authorized committee of such candidate accepted contributions (other than contributions under section 9007, or contributions to make up deficiencies in payments out of the fund on account of the application of section 9006 (d)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidate of the amount of the contributions so accepted, and such candidate shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to an eligible candidate of a political party under section 6096 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

he shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(5) No payment shall be required from an eligible candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 9006.

"(c) Notification—No notification shall be made by the Comptroller General under subsection (b) with respect to a Federal election more than three years after the day of such election.

"(d) Deposit of Repayments—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"Sec. 9009. Information on Proposed Expenses.

"(a) Reports by Candidates—A candidate of a political party for Federal office in a Federal election shall, from time to time, as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by him and his authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

"(2) the qualified campaign expenses which he and his authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the Federal election and at least twice during the week preceding such day.

"(b) Publication—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"Sec. 9010. Reports to Congress; Regulations.

"(a) Reports—The Comptroller General shall, as soon as practicable after each Federal election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) Regulations, Etc.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9008(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"Sec. 9011. Participation by Comptroller General in Judicial Proceedings.

"(a) Appearance by Counsel—The Comptroller General is authorized to appear in and defend against any action filed under section 9012, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) RECOVERY OF CERTAIN PAYMENTS—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9008.

"(c) DECLARATORY AND INJUNCTIVE RELIEF.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) APPEAL.—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"SEC. 9012. JUDICIAL REVIEW.

"(a) REVIEW OF CERTIFICATION, DETERMINATION, OR OTHER ACTION BY THE COMPTROLLER GENERAL.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within 30 days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) SUITS TO IMPLEMENT CHAPTER

"(1) The Comptroller General, the national committee of any political party, and individuals eligible to vote in an election for Federal office, are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"SEC. 9013. CRIMINAL PENALTIES.

"(a) Excess Campaign Expenses—

"(1) It shall be unlawful for an eligible candidate of a political party for Federal office in a Federal election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of those incurred under Section 9007 and the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. "(b) Contributions—

"(1) It shall be unlawful for an eligible candidate of a major party in a Federal election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses (other than those received under section 9007), except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(d), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(12).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a Federal election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than 1 year, or both.

"(c) UNLAWFUL USE OF PAYMENTS.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d) FALSE STATEMENTS, ETC.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this subtitle; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e) KICKBACKS AND ILLEGAL PAYMENTS—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

"(f) UNAUTHORIZED EXPENDITURES

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party for Federal office in a Federal election knowingly and willfully to incur expenditures to further the election of such candidate, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, in an aggregate amount exceeding $1,000.

"(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c), which is exempt from tax under section 501(a) in communicating to its members the views of the organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000 or imprisoned not more than 1 year or both.

"(g) UNAUTHORIZED DISCLOSURE OF INFORMATION.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"Chapter 96—FEDERAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"SEC. 9021. ESTABLISHMENT OF ADVISORY BOARD.

"(a) Establishment of Board.—There is hereby established an advisory board to be known as the Federal Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Federal Election Campaign Fund Act.

"(b) Composition of Board.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leaders of the House of Representatives, who shall serve ex officio;

"(2) two members representing each political party which is a major party (as defined in section 9002 (8)), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the sixtieth day after the date of the first Presidential election following January 1, 1976, and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the sixty-first day after the date of a Presidential election and expire on the sixtieth day following the date of the subsequent Presidential election. The Board shall elect a Chairman from its members.

"(c) Compensation.—Members of the Board (other than members described in subsection (b)(1)) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including traveltime, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) Status.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States, be considered as service as an officer or employee of the United States."

"Chapter 97—PRESIDENTIAL PRIMARY MATCHING PAYMENT FUND

"Sec. 9031. Short title.
"Sec. 9032. Definitions.
"Sec. 9033. Creation of fund.
"Sec. 9034. Entitlements.
"Sec. 9035. Limitations.
"Sec. 9036. Examinations and audits; repayments.
"Sec. 9037. Limitations on contributions by individuals and on expenditures by certain other persons.
"Sec. 9038. Criminal penalties.

"Sec. 9031. Short Title.

"This chapter may be cited as the 'Presidential Primary Matching Payment Fund Act'.

"Sec. 9032. Definitions.

"For purposes of this chapter—

"(1) The term 'qualified campaign expense' means an expense—

"(A) incurred by a candidate for nomination for election to the office of President to further his nomination for such office, or by an authorized committee of such candidate to further his nomination to such office,

"(B) incurred within the matching payment period (as defined in paragraph (2)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or the State in which such exercise is incurred or paid. An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee.

"(2) The term 'matching payment period' means the period beginning 14 months prior to the date of the general election for President and ending on the date on which the national convention of the party for whose nomination the candidate is campaigning nominates its candidate for President.

"(3) The term 'authorized committee' means, with respect to a candidate for nomination for election to the office of President, any political committee which is authorized in writing by such candidate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidate with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"Sec. 9033. Creation of Fund.

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the United States, as part of the Federal Election Campaign Fund established by Chapter 95 of this subtitle, a special account to be known as the 'Presidential Primary Matching Payment Fund' (hereinafter referred to in this chapter as the 'fund'). The Secretary shall transfer to the fund such amounts in the Federal Election Campaign Fund as may be necessary to meet the entitlements of candidates under this chapter.

"(b) Report to Congress.—The Secretary of the Treasury shall be the trustee of the fund and shall report to the Congress not later than March 1 of each year on the operation and status of the fund and of the Federal Election Campaign Fund during the preceding year.

"Sec. 9034. Entitlements.

"(a) Matching Payment for Contributions of $100 or Less.—Any candidate for nomination for President, or his authorized committee, is entitled, upon certification by the Comptroller General, to payments from the fund for qualified campaign expenses beginning 14 months prior to the date of the general election for President in an amount equal to the amount of each contribution received by such candidate or committee (disregarding any amount of contributions from any person to the extent that such amount exceeds $100).

"(b) Voucher.—To be eligible for the entitlement established by subsection (a), such candidate shall submit to the Comptroller General, at such times and in such form and manner as the Comptroller General may require, a matching payment entitlement voucher. Such voucher shall include the full name of any person making a contribution together with the date, the exact amount of the contribution, the complete address of the contributor and the occupation and principal place of business, if any, for contributors of more than $100.

"(c) Determination and Certification by Comptroller General.—The Comptroller General shall—

"(1) make a determination, according to such procedures as he may establish, as to whether each contribution enumerated on such voucher is consistent with the provisions of section 9034 (a) and 9035 of this chapter; and

"(2) certify for payment by the Secretary to such candidate an amount equal to the sum of the contributions enumerated on such voucher which meet the requirements of subsection (c) (1).

"(c) Payment by Secretary.—Promptly upon certification, the Secretary shall make a payment from the fund to such candidate in the amount certified by the Comptroller General.

"(e) Authorized Committee.—For the purposes of this section, the authorized committee of any candidate for nomination for President may submit an entitlement voucher pursuant to subsection (b) in behalf of such candidate, listing contributions received by such committee eligible for payment under this chapter.

"Sec. 9035. Limitations.

"(a) Certification by the Comptroller General.—The Comptroller General shall not certify pursuant to section 9034 (c) (2) any portion of any contribution made by any person to a candidate or committee entitled to payments under this chapter—

"(1) which, when added to other contributions made by such person to such candidate or committee in connection with the nomination of such candidate for President, exceeds $100; or

"(2) if payment from the fund of an amount equal to the amount of such contribution, or portion thereof, when added to any other payment from the fund to such candidate or committee during the matching payment period, is in excess of 5 cents multiplied by the voting age population of the United States (as certified to by the Comptroller General by the Secretary of Commerce pursuant to section 104 (a) (5) of the Federal Election Campaign Act of 1971).

"(b) Payment by the Secretary.—The Secretary shall make no payment to a candidate or committee entitled to payments from the fund—

"(1) until the Comptroller General has certified contributions submitted by such candidate or committee, pursuant to section 9034 (b), in an aggregate amount of $100,000; and

"(2) earlier than 14 months prior to the date of the general election for President.

"(c) Qualified Campaign Expenses.—A candidate shall be eligible for payments from the fund only—

"(1) to defray qualified campaign expenses incurred by such candidate or his authorized committee, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or committee) used to defray such qualified campaign expenses.

"(d) Return of Unused Funds.—Amounts received by a candidate from the fund may be retained for the liquidation of all obligations to pay qualified campaign expenses incurred during the matching payment period for a period not exceeding 6 months after the end of the matching payment period; and all obligations having been liquidated, that portion of any unexpended balance remaining in the candidate's accounts which bears the same ratio to the total unexpended balance as the total amount received from the fund bears to the total of all deposits made into the candidate's accounts shall be promptly repaid to the fund.

"(e) Rules and Procedures.—The Comptroller General shall make such rules and establish such procedures as may be necessary to carry out the purposes of this chapter. All such rules and procedures shall be published in the Federal Register not less than 30 days prior to their effective date, and shall be available to the general public.

The Comptroller General shall publish and make available forms for the making of such reports and statements as may be required, and a manual setting forth uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter.

"Sec. 9036. Examination and Audits; Repayments.

"(a) Examinations and Audits.—After each matching payment period, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates receiving payments from the fund.

"(b) Repayments.—

"(1) If the Comptroller General determines that any portion of the payments made to a candidate from the fund was in excess of the aggregate payments to which such candidate was entitled under sections 9034 and 9035, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that any amount of any payment made to a candidate from the fund was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses, he shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(c) Notification.—No notification shall be made by the Comptroller General under subsection (b) with respect to a matching payment period more than 3 years after the end of such period.

"(d) Deposit of Repayments.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"Sec. 9037. Limitations on Contributions by Individuals and on Expenditures by Certain Other Persons.

"(a) No individual shall make any contributions during any calendar year to or for the benefit of any candidate which is in excess of the amount which, when added to the total amount of all other contributions made by that individual during that calendar year to or for the benefit of a particular candidate, would equal $3,000.

"(b) No individual shall during any calendar year make, and no person shall accept, (1) any contribution to a political committee, or (2) any contribution to or for the benefit of any candidate, which, when added to all the other contributions enumerated in (1) and (2) of this subsection which were made in that calendar year, exceeds $25,000.

"(c) (1) No person (other than an individual) shall make any expenditure during any calendar year for or on behalf of a particular candidate which is in excess of the amount which, when added to the total amount of all other expenditures made by that person for or on behalf of that candidate during that calendar year, would equal $3,000.

"(2) This subsection shall not apply to the central campaign committee or the State campaign committee of a candidate, to the national committee of a political party, to the State committee of a major political party, or to the Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee.

"(d) The limitations imposed by subsection (a) (1) and by subsection (c) shall apply separately to each primary, primary runoff, general, and special election in which a candidate participates.

"(e) (1) Any contribution made in connection with a campaign in a year other than the calendar year in which the election to which that campaign relates is held shall, for purposes of this section, be taken into consideration and counted toward the limitations imposed by this section for the calendar year in which that election is held.

"(2) Contributions made to or for the benefit of a candidate nominated by a political party for election to the office of Vice President shall be held and considered, for purposes of this section, to have been made to or for the benefit of the candidate nominated by that party for election to the office of President.

"(f) For purposes of this section—(1) the term 'political party' means a political party which in the next preceding presidential election, nominated candidates for election to the offices of President and Vice President, and the electors of which party received in such election, in any or all of the States, an aggregate number of votes equal in number to at least 10 per centum of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in such election; and

"(2) The definitions in section 591 of title 18 shall be applicable.

"(g) For purposes of the limitations contained in this section, all contributions made by any person directly or indirectly on behalf of a particular candidate, including contributions which are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate, shall be treated as contributions from that person to that candidate.

"(h) Violation of the provisions of this section is punishable by a fine of not to exceed $25,000, imprisonment for not to exceed five years, or both.

"Sec. 9038. Criminal Penalties.

"(a) Excess Campaign Expenses.—

"(1) It shall be unlawful for any candidate for nomination for election to the office of President or any of his authorized committees knowingly and willfully to incur any expenses in connection with such nomination in excess in the aggregate of $15,000,000.

"(2) Any person who violates paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(3) At the beginning of each calendar year (commencing in 1975), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. The limit on campaign expenses in paragraph (1) shall be increased by such percent difference. The limit so increased shall be the amount in effect for such calendar year.

"(A) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(B) The term 'base period' means the calendar year 1973.

"(b) Unlawful Use of Payments.—

"(1) It shall be unlawful for any person who receives any payment from the fund, or to whom any portion of any payment received from the fund is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(c) False Statements, Etc.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(d) Kickbacks and Illegal Payments.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of a candidate receiving payment from the fund or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of a candidate or his authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

(b) The amendments made by subsection (a) of this section shall take effect on January 1, 1974.

Sec. 3. Designation of Income Tax Payments to Federal Election Campaign Fund.

(a) Effective with respect to taxable years ending on or after December 31, 1973, section 6096(a) (relating to designation of income tax payments to the Federal Election Campaign Fund) is amended to read as follows:

"Sec. 6096. Designation by Individual.

"(a) In General.—For every individual (other than a nonresident alien) whose income tax liability for the taxable year is $2 or more, the amount of $2 shall be paid over to the Federal Election Campaign Fund in accordance with the provisions of section 9006(a), unless the individual designates that $2 shall not be paid over to the Fund. In the case of a joint return of husband and wife having an income tax liability of $4 or more, the amount of $4 shall be paid to the Fund, unless they designate that $4 shall not be paid over to the Fund.

(b) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1972. Any designation made under section 6096 of the Internal Revenue Code of 1954 (as in effect for taxable years beginning before January 1, 1973) for the account of the candidates of any specified political party shall, for purposes of section 9006(a) of such Code, as amended, be treated solely as a designation to the Federal Election Campaign Fund.

Sec. 4. Increase in Tax Credit and Tax Deduction for Political Contributions.

"(a) Section 41(b) (1) of the Internal Revenue Code of 1954 (relating to maximum credit for contributions to candidates for public office) is amended to read as follows:

"(1) Maximum Credit.—The credit allowed by subsection (a) for a taxable year shall not exceed $25 ($50 in the case of a joint return under section 6013)."

(b) Section 218(b)(1) of the Internal Revenue Code of 1954 (relating to amount of deduction for contributions to candidates for public office) is amended to read as follows:

"(1) Amount.—The deduction under subsection (a) shall not exceed $100 ($200 in the case of a joint return under section 6013)."

(c) The amendments made by subsections (a) and (b) shall apply with respect to any political contribution the payment of which is made after December 31, 1973.

ADDITIONAL STATEMENTS

CBS MORNING NEWS

Mr. ROBERT C. BYRD. Mr. President, on Monday, November 5, 1973, I was interviewed by Barry Serafin on the CBS Morning News. I ask unanimous consent that the transcript of that interview be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Quinn. Senator Robert Byrd, a Democrat from West Virginia, is the Senate Democratic whip, and a member of the Senate Rules Committee which is holding the first Congressional hearings in history on the selection of a Vice President.

Senator Byrd is particularly concerned with Vice Presidential-designate Gerald Ford's attitude toward executive privilege. He's with Barry Serafin this morning in our Washington studio to talk about that and other subjects. Good morning, gentlemen.

Barry Serafin. Morning, Sally. Senator Byrd, Gerald Ford came into the hearings Friday, described as the most investigated individual for such an office in this country's history. And yet most of the questions didn't seem to be based on all that FBI raw data we were hearing about. Was there nothing in the FBI file or were other questions just simply more important?

Senator Robert Byrd. Most of the data had been checked out pretty thoroughly and the questions which remained, as you've indicated, went mostly to his philosophy with respect to executive privilege and so on. He has been very thoroughly investigated. And I think this is probably going to be the secret as to why the hearings will not last very long: the investigation preceding the hearings was very thorough—and I think that the nomination will proceed without undue haste, but certainly without undue delay—and as soon as the members of the committee have been satisfied with respect to the answers to their questions I would say that the nomination will move to the floor.

Serafin. How long do you think the hearings will go on?

Byrd. I don't think the hearings will go on beyond this week, unless something unforeseen develops.

Serafin. Where do you think the questioning will focus today?

Byrd. It's hard to say. Each member has his own area of questioning.

Serafin. What's on your mind today?

Byrd. I will ask Mr. Ford some questions about his position vis-a-vis foreign relations, that is, if other members preceding me on the committee don't get into that area first. I will also ask him his feelings with respect to the FBI and the use of the FBI, and so on.

Serafin. I gather you don't anticipate any real obstacles to the Ford confirmation.

Byrd. I don't foresee any at the present time. I should think that the confirmation should be through the Senate—I hope it will be—provided there's no unforeseen development, by Thanksgiving.

Serafin. Senator, at first there was some speculation that the Ford confirmation might be held up for a while, pending Watergate developments and so on, now there's been some talk lately, that maybe the confirmation will be speeded up, if anything, as a first step toward possible impeachment of the President so that a successor will be in place. Is there anything to that? Is there that kind of a feeling on the Hill?

Byrd. In my judgment there should not be. There may have been some expressions to that end. I think that the Vice Presidential nomination should be confirmed, provided there's nothing that would militate against confirmation, simply because we need a Vice President. And it's our responsibility, under the Constitution, to act.

Serafin. What about the question of impeachment, Senator? What do you think the chances are that Mr. Nixon will be impeached?

Byrd. As of now—of course, this is a matter for the House of Representatives to decide. As of now, I don't think impeachment is confronting the House and Senate—certainly not the Senate, immediately. I would think that perhaps resignation may, if anything, be more probable than impeachment—the way it looks at this time.

Serafin. Well, a number of the President's former supporters, as well as some of those who've not supported him, are now calling on him to resign. Do you join in that?

Byrd. I do not. I think that this is a matter that the President's political friends, his advisers in his own party, and public opinion will ultimately decide.

Serafin. So you don't share the feeling that some of these people have expressed that he has lost his moral authority or his ability to govern.

Byrd. I do share the opinion that he has lost a great deal of his ability to govern. I feel sorry for the President. And I think he has done a lot of good for the country: he got us out of Vietnam; I personally liked his appointments to the Supreme Court; and I think he has done well in foreign affairs. But there's no question but that public confidence has been eroded. I would like to see it all go away. I'd like to see the President be able to do something to retrieve this confidence. But based on his past performance with respect to the Watergate situation and related affairs, he has not been able to do this—and it seems that every day and every new statement have eroded confidence further.

Serafin. What about this latest matter of the missing Watergate tapes? The White House has now offered several reasons why those tapes are missing. How bad is this for the President?

Byrd. Coming on the heels of the firing of Mr. Cox and the apparent violation of a court order during that three-day period, concerning which the President later reversed himself and said that he would turn over the tapes—coming on the heels of those developments, plus all of the other developments over the past several months extending beyond a year, the missing tapes have hurt the President badly. The explanation for the missing tapes could be very plausible; but coming on the heels of all of these other developments, they have a very hollow ring, and it has gotten to the point where the people can't recognize the truth when they see it.

Serafin. Senator, you're still holding out for the idea of an independent special Watergate prosecutor, appointed by the court. How viable is that possibility now that Mr. Nixon has appointed his own prosecutor? And what's going to happen to the Saxbe nomination for attorney general as a result of all this?

Byrd. To begin with, I think the suggestion with respect to a special prosecutor appointed by the District Court of the District of Columbia is a viable suggestion and the appropriate one. I think that the American people will never be fully satisfied with respect to the results of any investigation unless they're convinced that that investigation was an independent and fair and objective one. After all, the purpose of the investigation would be to determine not only the guilt but also the innocence of persons who have been charged. And if the people are going to believe that the personages are innocent, they're going to have to feel that the investigation was an independent one. There may be some constitutional questions involved but I think when we get to those constitutional questions, I think that they'll come down on the side of the constitutionality of the appropriateness of the action by Congress, if it is able to enact this legislation, to vest the authority for the appointment of the special prosecutor in the court.

As to Mr. Saxbe's nomination, he will be asked some very, very hard questions regarding the investigation, regarding his position vis-a-vis a special prosecutor. And there's also, I think, a fairly serious constitutional question involving Mr. Saxbe's nomination, in view of the fact that he is a member of the Senate and that during the time for which he was elected, the emoluments of the office of attorney general have been increased. And under the Constitution, Article I, Section VI, Clause II, no Senator or Representative shall be appointed to any office, any civil office under the authority of the United States if the emoluments of that office have been increased during his term.

Serafin. We have just a couple of seconds left—are you saying he—there's a good chance he may not be confirmed as attorney general?

Byrd. I'm not saying that, but I'm saying there is a constitutional question. There's precedent for getting around this by legislation—in the case of Secretary Knox in 1909—but the strict constructionists in the House of Representatives, in those days, said that the constitutional provision militating against such appointment could not be gotten around by a mere majority of both Houses.

Serafin. Senator Byrd, thank you very much for being with us this morning.

Byrd. Thank you.

PRESIDENTIAL TELEVISION

Mr. HUGH SCOTT. Mr. President, I call to the attention of the Senate the following commentary by Dr. Stephen Hess who reviews the book, "Presidential Television." While I do not necessarily subscribe to all of Dr. Hess's proposals, I believe his article is a thoughtful discussion about a subject that is very much of concern to the Nation.

I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Presidential Television

(By Stephen Hess)

Since the opening of the political television era, circa 1952, a popular belief has been that "media manipulation" threatens to package and sell candidates and concepts as effectively as breakfast foods. (Fred Dutton claims we are in the midst of a "neo-Orwellian revolution.") Another popular belief, growing out of our national disillusion with the Vietnam war, has been that the presidency is too powerful. (Barbara Tuchman proposes replacing a single president with a rotating committee.)

Now these two ideas have been joined in a Twentieth Century Fund Report, *Presidential Television*, by Newton N. Minow, John Bartlow Martin and Lee M. Mitchell. The authors contend that television "is the most effective communicator of ideas and images, with the greatest potential for influencing public opinion, that political man has yet developed" and that "presidential television (i.e., a president's use of it) threatens to tilt the constitutional balance of power in favor of the president."

The trouble with the All-Powerful-Television and All-Powerful-Presidency notions is that they fit some of the facts, but not quite all of them. The presidency is not simply too powerful; it is too powerful in certain areas and situations, such as making war. It is not too powerful in the implementation of domestic policy, for example. Television is not too powerful as a propaganda vehicle, given its present structure; it is simply viewed by a great many people, which is not necessarily the same thing.

Critics of television, from Agnew to Minow, have tended to measure "power" in terms of numbers, leaving the question of "impact"—or the ability to change political behavior—largely unaddressed. Even in this study, which gives us the best summaries to date on presidents' use of television and the laws affecting political usage, there is no new data on its impact in presidential politics, nor, most regrettably, is there any review of the scholarly work in the field, such as the measurements of television coverage during the 1972 presidential election by Syracuse University professors McClure and Patterson, which conclude that "television news could not have contributed to voter change on most campaign issues." Rather, Minow-Martin-Mitchell make their case by quoting from the many prominent people who agree with them. Yet the views of Fred Friendly, knowledgeable as he is, are not "proof."

A more balanced assessment of what has been the effect of television on presidential politics would have to deal frontally with such questions as these:

Why is it that television has not produced a different type of presidential candidate than we had before? The authors write that "citizens in the television age expect their leaders to be reasonably pleasing to the eye and to be capable of a confidence-inspiring television presentation." Why then have our most recent presidents looked and sounded like Lyndon Baines Johnson and Richard Milhous Nixon? The authors cite John Lindsay as a politician with "a favorable television image." Why then, despite heavy emphasis on television in the 1972 Florida and Wisconsin primaries, was Lindsay so ignominiously defeated?

Why has television failed to cause the nomination of a single presidential contender or the election of a single president? (Kennedy in 1960, some feel, was elected as a result of the "Great Debates," but the authors certainly do not believe that debates are threatening or not in the public interest.)

If a president's control of the medium is so overwhelming, why has dissatisfaction with the presidency grown—not lessened—during the television era? Why, for example, have the Vietnam policies not received greater support, given presidents' obvious access to air time?

There are many explanations, none of them dealt with in this study. The argument, for instance, that candidates for president can be sold like breakfast foods is based on the assumptions that "media manipulators" know how to sell candidates, that voters are receptive and that candidates are willing to be sold. All are dubious propositions at best.

Among the reasons that might be given for the limited impact of television on political behavior is that it is primarily an entertainment vehicle, presenting relatively little news (in some years news constituted only two per cent of total network prime-time programing), most of it as a series of 100-second items. Also, that television, as a government-regulated industry, tends to present the news in a blander fashion than other media; that as our most mass medium it may aim for a common denominator that is pretty common indeed; and that television as a visual medium is predisposed toward news that focuses on actions rather than ideas. How do you present a moving picture of the "gold drain" or "impoundment"?

This is not to say that television is without impact. Far from it. But the type of impact that translates into political action, I suspect, only comes from very sustained exposure, as with the Nixon trip to China or the Ervin committee hearings on Watergate. And this sort of presentation is the exception, not the rule.

Even though the authors have overstated their case, I believe they have proposed four quite reasonable and constructive reforms.

Four times a year "Congress . . . should permit television cameras on the floor of the House and Senate for the broadcast of specially scheduled prime-timed evening sessions at which the most important matters before it each term are discussed, debated, and voted on."

"The national committee of the opposition party should be given by law an automatic right of response to any presidential radio or television appearance made during the ten months preceding a presidential election or within the ninety days preceding a congressional election in nonpresidential years."

There should be national debates "between spokesmen for the two major parties with agreed topics and formats quarterly each year."

Free prime time—six 30-minute periods—should be given to major party presidential candidates during the month before the election. (Personally I prefer public campaign financing, which would allow the contenders to choose how they wish to reach the voters, but I would support a "services package," including free television time, as a fallback position.)

Despite the authors' claims for their proposals, they are really very modest and attainable. Thus it is not necessary to share fully their concerns over presidential television in order to agree with their conclusions.

POSTAL RATE INCREASES

Mr. BIDEN. Mr. President, the U.S. Postal Service has requested an across-the-board increase in postal rates which would boost the price of first class from 8 to 10 cents and air mail from 11 to 13 cents. These increases, including rises of between 6 and 39 percent for other classes of mail, will go into effect temporarily on January 5 until the Postal Rate Commission, which regulates mail prices, makes a decision.

Postmaster General Elmer T. Klassen, who announced the increases, cited "severe inflationary pressures" as a major reason for the rate hikes. He stated that the new structure would bring in about $2.1 billion additional revenue annually.

I realize that in this time of spiraling inflation the cost of just about everything has gone up tremendously. However, it is very hard for people to justify rate increases at a time when many perceive our mail service to be deteriorating. Although it may be very difficult to iron out the many problems which face the Postal Service, steps must be taken to insure our citizens a more efficient mail operation.

On July 10, 1973, I introduced S. 2134, a bill to provide for annual authorization of appropriations to the U.S. Postal Service. It has been cosponsored by 10 of my colleagues, and was overwhelmingly passed in the House of Representatives earlier this year

At present the authorization for the Postal Service is permanent. This bill would compel postal officials to come before Congress annually to detail and justify their budget requests. It would also afford an excellent opportunity for them to publicly explain the reasons for erratic service, and how it relates to their own methods of management.

As it stands now, the Postal Service is an independent entity in the executive branch, yet its top management operates independently on the Chief Executive. Only the Governors of the Postal Service can appoint or remove the Postmaster General. Its management is directly accountable to no elected official in the entire Federal Government. This bill, therefore, insures that Congress will have specific oversight over the Postal Service, without hampering its day-to-day operations. It provides for specific periodic examination rather than the present permanent authorization, thus compelling Congress to exercise its legislative prerogatives with more authority.

I strongly urge quick and positive action on this important measure.

Mr. President, I ask unanimous consent that an article from the Washington Post of September 25, 1973, identifying these new rate increases, and an editorial which appeared in the Wilmington Evening Journal on September 26, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POSTAL RATE INCREASE OF 2 CENTS PROPOSED

(By Claudia Levy)

The U.S. Postal Service will ask today for an across-the-board increase in postal rates that would boost the price of first-class stamps from 8 to 10 cents and air mail stamps from 11 to 13 cents.

The increases, including rises of between 6 and 38.6 per cent for other classes of mail, would go into effect temporarily Jan. 5 until the Postal Rate Commission, which regulates mail prices, makes a decision. The new rates would then have to be approved by the board of governors of the Postal Service.

The price increases' first challenge, if any, would have to be made by the Cost of Living Council, which has authority to approve or disapprove them during the next 30 days, a spokeswoman said.

Postmaster General Elmer T. Klassen, in announcing the rate proposals at a National Press Club luncheon yesterday, said his quasi-governmental corporation is under "severe inflationary pressures."

In another announcement, Klassen pledged that the Postal Service will strive for overnight delivery of at least 95 per cent of the air mail destined for major cities within a radius of 600 miles, as well as overnight air mail service between some 500 specific major cities regardless of distance.

"All other air mail destined for anywhere in the continental United States will be delivered within 48 hours after we get it," he said.

"This marks the first time that mail users have been told publicly and specifically in what time frame a letter or parcel should be delivered," he said. "We have had internal standards for years but today we are going public."

Klassen said the new rate structure would bring in some $2.1 billion additionally each year and added that the "cost-price squeeze has affected us just as much as it has affected the entire economy."

The Postal Service's last rate boost, raising the price of a postage stamp from 6 to 8 cents, was made in 1971 and was finally approved by the Postal Rate Commission in June, 1972.

Under the latest proposal, new rates for most second through fourth-class mail would be spread out over the remainder of a 5 to 10-year phasing program that Congress approved two years ago.

As outlined yesterday, the Postal Service plans to:

Raise by 38.6 per cent the cost of mailing second-class material, primarily magazines and newspapers.

Raise the third-class bulk mail rate, used for much direct mail advertising, as well as other circulars, catalogs and small parcels under 16 ounces, from 4.8 to 6.1 cents for the first 250,000 pieces mailed in a year and from 5 to 6.3 cents for all mail above that volume.

Raise the price of a postcard from 6 to 8 cents and air mail cards from 9 to 11 cents.

Increase fourth-class parcel post, used principally for merchandise, to 6 cents a pound for packages 16 ounces and over. Special rate fourth-class mail would go up from 21 to 30 cents for the first pound, with 30 cents remaining in effect for each additional pound.

Publishers fought the service's last rate—amounting to about 125 per cent for magazines and other publications over five years—on the grounds that it would drive many magazines out of business.

"I don't see why any enterprise should expect some sort of subsidy," Klassen said yesterday in answer to a question. ". . . I realize there's great sentiment about (the magazine rate issue. But the only way to look at this is that we're running the Postal Service like a business organization."

POSTAGE: HALF WAY TO 1984

Sen. Gale McGee, the Wyoming Democrat who is chairman of the Senate Post Office Committee, gave everyone the shudders last March with talk of a 38-cent First Class rate by 1984. The senator did predict that if the Postal Service were able to maintain strict controls on its operations and continue the pace of mechanization until 1984, the First Class minimum might have to be only 20 cents.

Here it is only 1973, and the American mailer is all but officially halfway there. Postmaster-General E. T. Klassen has announced plans to seek across-the-board increases in postal rates to take effect next January.

Anyone who doubt that approval of that request is a foregone conclusion is reminded that the U.S. Postal Service was reported stockpiling 10 cent stamps earlier this month. Even the Cost of Living Council, which is still trying to hold the line against inflation, is being counted on to "see the light," as Gen. Klassen said. "The light" amounts to the Postal Service's need for a 25-cent-per cent increase in the cost of mailing a letter First Class; an 18-per-cent increase in the basic cost of an Air Mail letter, to 13 cents from the current 11 cents; a 39-per-cent increase in the rate for Second Class mail; a 25-per-cent increase for Third Class mail, and a 6-per-cent increase for Fourth Class.

It probably is beating a dead horse to point out that the last rate increase—which put First Class stamps at 8 cents each, only became official in June of last year. It was, of course, collected on a "temporary" basis for the 18 months from the rate request in January 1971 until approval in 1972.

Gen. Klassen anticipates something of the same situation, since he predicts the effectiveness of the proposed new rates on a temporary basis beginning in January.

As irresistible as the Postal Service's rising cost appear to be, it does seem necessary to point out at least some of the hazards of this most recent rate increase. Gen. Klassen conceded with some displeasure last June that private mail companies were giving the Postal Service real concern with competition, despite legal limitations on their operations.

United Parcel was handling more parcels at that time than was the parcel-post operation of the Postal Service. These latest proposals are unlikely to turn that situation around, despite Gen. Klassen's announcement of new equipment to improve parcel handling and reduce what appeared to be inordinate damage.

There also is a very real threat to mail-circulated newspapers, magazines, books and records. The proposed rate increases announced this week are on top of similar increases that took effect, after a Cost of Living Council delay, earlier this month.

Those increases put the cost of mailing a news magazines at 3.4 cents; a rate for books and records rose two cents to 16 cents per pound for the first pound and one cent to 8 cents a pound for each additional pound.

It is no longer crying "Wolf!" to point out that the cost of mailing represents a genuine threat to the mass-circulation magazines surviving today. If Postal Service trends continue, the same may be said for the business letter, the love letter and the "Dear John" letter. That may be of no concern to the compulsive telephoner but it is a bitter new pill to swallow for those Americans who grew up on the myth of efficient postal service at minimum cost.

COPERNICUS EXHIBIT

Mr. STAFFORD. Mr. President, I am very pleased and I ask unanimous consent to place a feature article in the RECORD which describes the events in Springfield, Vt., honoring the memory of Nicolaus Copernicus.

It is especially fitting that Springfield honor this most distinguished scientist of early times by a Copernicus exhibit in the Springfield Town Library and by the presentation by Dr. Vernon Reyman, professor of humanities, Vermont Community College, on June 20, as well as the exhibit which Dr. Reyman also prepared at the library concerning Copernicus.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COPERNICUS EXHIBIT IN LIBRARY

The Springfield town library is featuring, until December 14, an exhibit honoring the man whose ideas caused a revolution in the thinking of all men: Nicolaus Copernicus.

Springfield takes special note of Copernicus since the area has such a large Polish population. It is also the Birthplace of Amateur Telescope Making (Stellafane since 1925) and as such recognized as the world center of amateur astronomy.

The exhibit features beautiful foreign posters, pictures and books of interest to all, some of which have been given especially for this exhibit through the courtesy of Poland's Deputy Foreign Minister, Stanislaw Trepcznski.

It is hoped that the schools in the area will take advantage of this special presentation and inform their students since it links our own space explorations as a direct result of Copernicus's revolution.

The exhibit also contains von Braun and Sikorsky autographs.

Copernicus lectures, seminars and festivities have been going on worldwide and in the United States by such distinguished organizations as the Smithsonian Institute, the National Academy of Science, most major universities, the Hayden Planatarium in New York and numerous other institutions.

A stamp has been issued on April 23, 1973, a number of medals have been struck in his honor, Congress has approved a one million dollar, Academy of Science sponsored good will gift by America for a Copernicus astronomical research center in Warsaw, dedicated to the study of the universe.

On August 21, 1972 the heaviest and most complex U.S. un-manned Space Orbiting Astronomical Observatory was launched from the Kennedy Space Center—after which orbit was achieved the observatory was named "Copernicus" in honor of the 500th anniversary of his birth.

Copernicus lived in an age of discovery. He was 20 years old when Columbus discovered America; he was 25 when Vasco de Gama sailed around Africa to reach India and he was 49 when Magellan's last ship returned from a voyage around the world, proving that the world was round.

The exhibit has been arranged by Dr. Vernon Reyman, who also teaches a course in the Humanities for the Vermont Community College, and concludes (as far as is known) Vermont's recognition of this outstanding Astronomer-Humanist.

This began with a Proclamation by Governor Thomas P. Salmon followed by a lecture given last summer as part of a Special Events program sponsored by the Vermont Community College. Also shown was an unusual presentation of slides (from Poland) showing places where the great creator of the heliocentric theory was born, where he lived, worked and studied: Terun, Krakow, Frauenburg Cathedral (where he is buried) Warsaw, Bologna and Padua.

Arrangements to see the slides can be made by contacting Mrs. Hudson at the Springfield town library.

CAMPAIGN FINANCING REFORM—A GOOD INVESTMENT FOR BUSINESSMEN

Mr. BIDEN. Mr. President, I have been actively urging campaign financing reform throughout the past year. In testimony before the Senate Rules Committee and in public speaking engagements, I have advocated public financing of congressional and Presidential campaigns as a means of cleansing our national political system of many of the abuses to which "big money" contributes.

An essential factor for the enactment of effective campaign financing reform is the willingness of those who participate in and benefit from the present system to set aside narrow self-interest and actively support the much-needed changes. Thus, the incumbents and those who contribute large sums in an effort to determine the outcome of national elections and the subsequent direction of national policy hold the key to reform. The recent disclosures and scandals emanating from campaign financing improprieties which have destroyed the careers of a few and tarnished the image of politicians and contributors in general argue effectively that it is in the enlightened self-interest of all involved to reform campaign financing.

Mr. Robert M. Kaufman, chairman of the Special Committee on Campaign Expenditures of the Association of the Bar of the City of New York, writing in the October 25, 1973, edition of the Wall Street Journal, outlines the critical role of businessmen in the reform effort. He argues that businessmen have a "glorious opportunity" to exercise their influence to secure the enactment of reform and thereby rebuild their image and free themselves of the costly and sordid campaign practices in which the present system has involved them. At one point Mr. Kaufman writes:

The same businessmen who came up with the bulk of nearly $100 million raised for presidential candidates in the last election may be the only group with enough clout to see that it never happens again—that meaningful reform of election financing is enacted while the country is in the mood for it.

Mr. President, I believe support for campaign financing reform may be one of the best investments American businessmen can make for themselves and our political system.

I ask unanimous consent that Mr. Kaufman's article, "The Need To Curb Dollar Politics," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEED TO CURB DOLLAR POLITICS

(By Robert M. Kaufman)

A glorious opportunity lies waiting for the businessmen throughout the country who contributed, willingly or otherwise, to the 1972 election campaign.

The same businessmen who came up with the bulk of nearly $100 million raised for presidential candidates in the last election may be the only group with enough clout to see that it never happens again—that meaningful reform of election financing is enacted while the country is in the mood for it.

These big businessmen and many not-so-big businessmen for years have contributed either from a sense of duty to support the party or the candidate they felt would do the country the most good, or out of fear. To the average businessman, government decisions are an ever-increasing factor in the earnings performance of his company. A phone call from a fund-raiser known to represent powerful political forces is a mighty hard thing to ignore.

But the reputation of the business community as a whole has unquestionably been tarnished by the actions of a sizable minority who have made contributions seeking direct political influence in matters affecting their business interests. The $200,000 Vesco contribution and the contributions by the dairymen's funds and by Howard Hughes appear to have such motivations. And it is hard to believe any other explanation for the actions of the seven major corporations that broke the law by making contributions totaling half a million dollars to the Nixon fund.

A NEW CHANCE

The great majority of businessmen who want to clear the name of business in politics after these excesses have their chance to do so in the present Congress. There is increasing evidence that without some urging from the businessmen who contributed to their election, congressional leaders may twiddle their thumbs for quite some time. After all, many incumbents are counting on heavy financial support in congressional elections coming up next year.

The Common Cause study of congressional campaign spending has shown that, like the President, the incumbent Congressmen raised a record amount of money in the last campaign (about $525,000 for the average Senator, and $60,000 for the average Representative—in both cases about double the amount raised by their challengers). To ask people who are supported that well by the system to take the initiative in tearing down the system is asking quite a lot.

A start was made nonetheless during the summer when the Senate passed the first bill in American history putting a ceiling on individual or political committee contributions to presidential and congressional candidates ($50 cash, $3,000 in cash and checks, and a $25,000 limit to contributions for all candidates in one year). While this bill has some flaws, it would be a big step forward.

A companion bill passed by the Senate would create a new Commission on Federal Election Reform to study more fundamental changes in law with respect to more basic issues such as the philosophy of campaign financing, tax laws applicable to campaign financing, nomination procedures and even the length of the terms of federal officials.

The trouble with long-term solutions to campaign financing reform is that if we put limits on campaign contributions, which is such a simple thing to do, we must immediately find some alternative way to raise money for election campaigns. It would certainly be impossible to run a presidential campaign in 1976 without again tapping huge sums from the business community unless an alternative is found.

The currently favored alternative is federal subsidizing of election campaigns. This idea is embodied in a bill sponsored by Representatives Udall and Anderson in the House, under which the Treasury would match the first $50 of private contributions, which would be limited to $1,000 for congressional candidates and $3,000 for presidential candidates.

The idea of such federal subsidizing of election spending has drawn mixed reactions in the business community, according to a recent Chamber of Commerce survey. This is scarcely surprising in the light of the business community's traditional resistance to further intrusion of federal power in areas where business is accustomed to enjoying the freedom to look after its interests. One can only hope that the abuses of that freedom by a significant minority will dampen the enthusiasm of the great majority of businessmen for playing their chips in the political world on the scale they did in 1972.

The immediate and important problem is that there is no sign that the House will act quickly, either on limiting contributions or on finding an alternative. House Administration Committee Chairman Wayne L. Hays of Ohio is presently proceeding at a pace which belies no sense of the urgency of the problem. Yet, unless action on these bills is taken promptly, the problems that faced the business community in the 1972 presidential campaign will be repeated all over again in the 1974 congressional campaign.

That is why the businessmen who are and will otherwise continue to be the chief targets of political fund raisers have every reason to be concerned with this problem. As the parties most likely to be affected, they should enter actively into the discussion of this legislation that would both limit their ability to influence future elections and substitute other sources of funds for such purposes.

ANTICIPATE THE FUTURE

Reform of campaign financing is another one of those public issues—like equal opportunity and pollution—that will backfire on the business community if it is too myopic to anticipate the future. There can be no doubt that the black eyes that businessmen got as the abused victims of fund-raisers in the excesses of the last presidential campaign did harm to the image of business in general with the public.

Watergate and other recent disclosures taught us all a lesson about the corruptibility of ordinary mortals—a lesson that apparently has to be repeated at least once every generation. Since human nature is unchanging, the best thing for the nation to turn its attention to is changing the system that makes corruption so easy in a society where so many have so much money to throw around for such purposes.

Business leadership in getting this job done would go a long way towards clearing the bad reputation business has acquired from the sequence of shabby misdeeds that has come to light in the aftermath of Watergate. It will be fascinating to see whether business has the foresight to wield its power for reform before getting itself trapped again in the conditions that led to the abuses of the 1972 election.

THE ENVIRONMENTAL IMPACT OF GEOTHERMAL DEVELOPMENT

Mr. FANNIN. Mr. President, this week the Interior Committee held hearings on S. 2465, the Geothermal Energy Act of 1973, and I am hopeful that we can act quickly on this legislation. Our current fuel shortage demonstrates how essential it is that the United States develop every possible economically desirable source of energy.

The more that I have explored the subject, the more I have become convinced that geothermal resources can make a meaningful contribution toward achieving and maintaining energy self-sufficiency in the future.

Delay in the development of this resource has come because questions have been raised as to whether it could result in environmental damage. With each passing day we are gathering more data which would indicate this is not so.

Some interesting articles have been written by Richard G. Bowen, an economic geologist in the State of Oregon Department of Geology and Mineral Industries. One of the points he makes is the very limited environmental impact that geothermal development will have if properly instituted.

Mr. President, it is my desire that my colleagues have an opportunity to read an excellent article and a speech written by Mr. Bowen. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the article and speech were ordered to be printed in the RECORD, as follows:

10. ENVIRONMENTAL IMPACT OF GEOTHERMAL DEVELOPMENT

(By Richard G. Bowen)

The motive force of our industrial-technological society is the use of stored energy. Within the United States, where about 6 percent of the world's population uses 35 percent of the world's energy, many are beginning to question whether all of this expenditure of nonrenewable resources is necessary. For although it would be catastrophic to prohibit the use of energy stored in fossil fuel or in fissionable material, it would be equally catastrophic to use energy at its projected potential rate of increase, which finds electric-power production doubling every 10 years.

A running confrontation has ensued between those whose projections call for more production and consumption of electricity and those who insist that past values and practices have brought us to the brink of disaster, that the price for "more" is too high. Arguments have also revolved around claims and counterclaims of the proponents and opponents of the various methods of producing electricity, each faction claiming its method is the "cleanest." Because the power plants proper are salient in the public eye, the controversy has centered on them, almost to the exclusion of the other steps of the fuel cycle, some of which have much greater environmental impact. To render valid judgment on the environmental effects of the several means of producing electric power, it is necessary to look beyond the power plant to the total fuel cycle.

The geothermal plant is unique in that all of the steps in the fuel cycle are localized at the site of the power-production facilities. At the other end of the power spectrum is the nuclear-reactor plant, in which the actual power-production facilities are a small fraction of a cycle requiring a complex industrial-support system for each reactor. Intermediate in complexity, and varying somewhat in rank with the type of fuel used, are the fossil-fuel plants. Thus in all instances except geothermal the environmental impact of the fuel cycle extends far beyond the bounds of the power-generating plant.

CHARACTERISTICS OF GEOTHERMAL-ENERGY PRODUCTION

Like other thermal power plants, the geothermal plant involves the production and use of steam, expanding it through a turbine and condensing it at the turbine exhaust. The geothermal plant differs from the conventional-fuel or nuclear plant in its method of steam production and the quality of its steam. At the geothermal plant the steam is produced in nature's own boiler by the natural circulation of water coming into contact with hot rocks in the depths of the earth. Depending upon conditions within the reservoir, the geothermal fluids may be in the form either of slightly superheated dry steam or of pressurized hot water. The condition of the fluid in turn controls the method of utilization and the potential environmental impact from its production.

The most desirable type of geothermal field, and the only kind that has proved to be economically viable with existing technology in the United States, is the dry-steam field, with its sole example that at The Geysers, California. But projects are under way that will utilize the more prevalent hot-water fields in other parts of the country, and the environmental effects of the various power-production cycles employed must be examined.

Dry steam and hot water differ chiefly in the quantity of geothermal fluid that must be brought to the surface to produce a given amount of electric power. At The Geysers, it takes about 20 pounds of steam to produce 1 kwh of electricity. In a dry-steam field the total well production can be utilized in the power cycle; of this 20 pounds, approximately 15 is evaporated in the cooling system and the remaining 5 is disposed of by returning it to the production reservoir. Aside from the aesthetic impact of the simple presence of the geothermal power plant, the only release of products is the venting of modest quantities of noncondensable gases entrained in the steam. More will be said about the nature and quantity of these gases.

There are two possible methods of producing power from hot-water fields. One is to flash water to steam at reduced pressures and then treat the steam in the same manner as the dry-steam power plant. This is the method successfully used in New Zealand and Mexico. The other method, the vapor-turbine cycle, described by Anderson (this volume), uses heat exchangers and a turbine with a separate working fluid.

Because of the lower enthalpy of hot water, both of these methods bring much greater quantities of fluid to the surface than dry-steam fields produce, per kwh of electricity produced. The actual amount is dependent upon the water temperature and the flashing pressure, but in actual conditions it ranges normally between 75 and 150 pounds per kwh of electricity (Hansen, 1964). With the simple flashing method, utilizing the steam condensate for cooling, the disposal of 60 to 135 pounds of geothermal water is required. This can be done in many ways, but in the United States injection into the producing reservoir is probably most desirable. The vapor-turbine cycle requires less water than the flashing method per kwh of electricity, but all of the geothermal fluid must be disposed of, since it is not used for cooling.

Except in their manner of returning fluids to the geothermal reservoir, both the simple flashing system and the vapor-turbine cycle have proved successful in basic concept. The problem with reinjection lies in the fact that most geothermal hot waters contain some dissolved solids, and the lowered pressures and temperatures may cause salt precipitation, which in turn might reduce porosity or plug fractures in the reservoir. The net result could be a decrease in permeability and capacity for accepting further reinjection fluids—to the inevitable detriment of productivity. In dry-steam fields, where reservoir steam is of high purity, injection is practiced successfully. In this case the injected steam condensate is essentially distilled water and contains only a few parts per million of salts.

An advantage of the vapor-turbine cycle is that it entails no release of noncondensable gases; the geothermal fluid is contained under pressure and not allowed to expand at any time. Without the need for expansion, the noise level at the field is much lower than that of the hot-water flashing system, which can generate considerable noise during the test phase (though during the production phase everything is contained and inaudible). A commensurate disadvantage in the vapor-turbine cycle is the need for a supplementary source of cooling water, since steam condensate is not directly available.

To gain proper perspective on the environmental impact of producing electricity from a geothermal plant, it is necessary to understand the basic character of its various manifestations and to compare the relative impact of other thermal power cycles—nuclear and fossil-fuel—since each produces its own effects. The kinds of effects produced may be categorized by their impact on the land, on the air, and on the water.

IMPACT ON THE LAND

Natural steam is produced by drilling wells to a depth of 300–2,700 m (1,000–9,000 ft) until a productive steam aquifer is tapped, as is done in the production of natural gas. The pressure of the steam causes it to flow to the surface, where it is collected in insulated pipes and delivered to turbines. At The Geysers field, where individual wells have an average production about 7 Mw, about 150 wells are required for a 1,000-Mw plant. With the present spacing at The Geysers this would amount to about 12 square miles of land. And additional acreage must be set aside for new wells, to maintain the needed steam supply as production from existing wells declines (see Budd, this volume).

The wells, pipelines, and power plants of the producing geothermal field, such as that at The Geyser, modify the existing terrain. This aspect of geothermal development is one of the main objections voiced by environmental groups. But the development of a geothermal field need not be out of harmony with the surroundings. The geothermal field at Larderello, Italy, has been compatible with many other land uses during its 60 years of development and production. Because the wells, gathering lines, and power plant use only small patches and strips of the field most of the land is being used for varied agricultural industry, with many farms, vineyards, and orchards interspersed among the pipelines and wells (see Figs. 1 and 2).

Another example of multipurpose utilization is The Geysers field. Prior to its development as a producing power resource, The Geysers area was a wilderness, with much of the land owned by private hunting clubs that devoted the land to forage for deer. This use, along with cattle grazing, continues at The Geysers field.

The impact of the construction of wells, pipelines, and power plants is most evident during the development period, and for a large field this could extend over several years.

Drilling operations in a geothermal field are comparable to construction activities in noise impact and are equally episodic in nature. The noise problem is associated mainly with drilling operations and steam escape during testing. Once the field is in production the noise level declines to that of other power plants. The drilling of dry steam wells requires special techniques; at the present time, drilling into the production zone uses air, rather than mud, for the circulating fluid that removes the drill cuttings from the hole. This results in a "controlled blow-out" of the well during the time the steam zone is penetrated, amounting to only a few days out of the total drilling time. There is no danger involved because the pressures are relatively low and the blow-out can be quenched at any time by pumping water down the drill string. When the well is completed it must again be allowed to blow until the accumulated dust and rocks are removed from the bore hole. This constitutes the clean-out period, and until it is completed the wells cannot be completely muffled. Mufflers now in use at The Geysers field during drilling and testing operations have significantly lowered the noise level in the field, and new developments promise further decline of the noise levels.

Land subsidence and seismic effects are other potential effects of geothermal development. The possibilities of these two environmental hazards were raised by the Department of the Interior in its Environmental Impact Statement for the Geothermal Leasing Program (1972), and by the Sierra Club. But neither at the Iarderello field, where production has been carried on for 60 years and on a relatively large scale for 30 years, nor at The Geysers, with its 12 years of operating experience, have subsidence or seismic effects been observed. Although these phenomena have been noted under special circumstances in certain oil fields, there is no reason to relate such problems to the dry-steam geothermal field, where the geologic conditions are entirely different. Hot-water fields, however, could present a problem, as we shall see.

Subsidence can occur whenever support is removed from beneath the ground. It has been noted in oil fields, in mines, and from the pumping of subsurface waters. In most cases where subsidence is caused by the removal of ground waters the pumping is from a relatively shallow depth. In oil fields the fluids have come from greater depths and subsidence occurs only under special conditions, i.e., when the fluids being removed are at greater than normal pressures for the depth of the reservoir. These conditions constitute an "over-pressured" reservoir, the fluids providing support to the overlying column of rock. Removal of this support may lead to subsidence. Injection of water around the periphery of the field replaces the petroleum with water, thus alleviating the problem.

Because of the geologic circumstances under which dry-steam fields develop, subsidence should not be expected to occur.

The production reservoir of a dry-steam geothermal field consists of fracture zones, solution channels, or other permeable cavities filled with vapor, possibly from the "boil-off" of a deeper hot-water reservoir. A unique characteristic of the dry-steam geothermal fields is the near-constant pressure of the vapor wherever measurements are made throughout the vertical section of the reservoir. At The Geyers and the other dry-steam fields so far discovered in the world, the steam temperatures and pressures are about 240°C (465°F) and 34 kg/cm^2 (480 psia). White, Muffler, and Truesdell (1971) discuss the reservoir thermodynamics that explain this phenomenon. This near constancy of pressure, even at depths greater than 2,500 m (8,200 ft), where hydrostatic pressures would normally be about 280 kg/cm^2 (4,000 psia), indicates that for a dry-steam field to exist the host rocks must be competent and therefore not subject to subsidence from the removal of vapor.

Hot-water fields, by contrast, could behave more like an unconsolidated petroleum reservoir, and unless pressures are maintained by fluid return there may be subsidence. Indeed, this has occurred in Wairakei, New Zealand (Hatton, 1970), where the water is not returned to the reservoir. Much has been learned about subsidence from the exploitation of petroleum reservoirs, and with the proper understanding and practices, any geothermal area where this could be a problem can be stabilized.

In relating the exploitation of geothermal resources to seismic hazards it must be considered that the unstable conditions in the Earth's crust leading to the presence of geothermal phenomena are also those conditions producing faults and earthquakes. Thus geothermal and seismic phenomena are geographically inseparable. In fact, the presence of high seismic incidence is one of the exploration clues used in the search for geothermal reservoirs (Clacy, 1968). However, the intensity of individual shocks within the thermal areas and associated with volcanic activity (the source of geothermal heat) is usually of a relatively low order, much lower than that associated with major crustal movements along faults (Ward, 1972). There is much to be learned about the interrelationship of thermal and seismic phenomena, and the drilling and exploitation of geothermal fields should add new information to this field of knowledge. But there is no evidence that geothermal production has increased the seismicity of an area.

Concern over seismic hazards arises in part from the process of reinjection of the spent geothermal fluids. Incidents of seismic activity relating to the injection of fluids in waste-disposal operations, such as that at the Rocky Mountain Arsenal near Denver (Evans, 1966), and to water-flooding operations to repressurize declining oil fields (Raleigh et al., 1970, 1971), have involved injection at pressures exceeding hydrostatic. In such instances, reinjection could open and lubricate preexisting fractures and zones of weakness or extend the fracture pattern, causing increased seismic activity and perhaps structural damage. But geothermal reservoirs are at subnormal pressures and the return of fluids merely maintains preexisting pressures in the reservoir and would not cause the increasing seismicity noted in other conditions. The low pressure existing in geothermal reservoirs facilities the reinjection of fluids into the fields in two ways: first, because reservoir pressure is less than hydrostatic, the water's weight produces sufficient head to ensure its entry into the formation without pumping; second, the returning water seeks the area of lowest pressure, thus minimizing the chances of geothermal fluids' migrating into other aquifers.

In order to compare the impact on the land from geothermal operations with the effects occasioned by the nuclear-fuel and the fossil-fuel cycles, all of the steps in the production of fuels should be considered. Mining, milling, refining, enrichment, conversion, and fabrication must be performed before the nuclear-fuel cells enter the reactor. Mining is the first major step. Over its 30-year active life, a 1,000-Mw reactor will need about 1,000 tons of enriched uranium (Westinghouse Electric Corporation, 1968, p. 45). Using the enrichment ratio required by the present generation of pressurized water reactors, this would require the production of 6,000 tons of natural uranium. The current grade of uranium ore mined in the United States, and the figure usually used for reserve projections, amounts to about 4 pounds of uranium per ton, but over the life of the plant the grade of ore is expected to decline and will probably average 3 pounds per ton. This would require the mining of 4,000,000 tons of ore over the life of the plant, or an average of 133,333 tons per year.

The U.S. Atomic Energy Commission reports (1972, p. 51) that the uranium-mining industry currently holds more than 19 million acres of land for mining and exploration. Not all of this land will be mined out, but the considerabe amount of uranium ore that must be extracted to supply projected needs will constitute a major impact on the land.

The milling of uranium ore also creates a substantial impact on the land. Of the many millions of tons of ore that have been milled in the United States to date, most of it is still standing in large waste dumps adjacent to the mills. These waste dumps not only are an eyesore but in some cases represent a landslide hazard, as do the waste dumps from other types of mines. More seriously, they carry the threat of radionuclide contamination to the environment.

Another impact of the nuclear-fuel cycle is the massive construction required by the various steps in the conversion cycle. Of particular significance are the gaseous-diffusion enrichment plants. Three of the plants currently in operation were built originally to supply the uranium needed for weapons, but they are now being used to process nuclear fuels for commercial reactors. These three plants, built at a cost of over 2 billion dollars (Hogerton, 1964, p. 14), consume tremendous amounts of electricity in their operation; in 1962, for example, they consumed 47 billion kwh of electricity or about 5 percent of the total amount of electric power generated in the United States (Westinghouse Electric Corporation, 1968, p. 14). The increasing demand for nuclear fuels will make necessary the construction and operation of new enrichment plants, and the consumption of large blocks of electricity for this purpose.

The transportation and handling of nuclear fuels, especially the spent fuels, is a potential environmental hazard. The isolation and storage of the high-level fission wastes from the several reprocessing plants, whose volume is estimated by the AEC to be about 60 million gallons by the year 2000, requires large, guarded disposal sites. In addition to these high-level wastes, there are large volumes of low-level wastes, such as tailings and various wastes from other steps in the fuel cycle, that must be isolated or diluted and dispersed into the environment. Each of these exigencies uses or compromises occupied land. The high-level wastes may indeed require permanent protection from entry into the environment.

And although it is not possible to estimate the amount of subsidiary land that may be required by each reprocessing plant, a considerable amount of surface and/or underground storage facilities may be needed.

Fossil-fuel generating plants, particularly those fired by coal, require a vast acreage of land for mining, railroad yards, and fuel handling. A coal-fired plant of 1,000-Mw capacity would require about 70 million tons of coal over its 30-year life (U.S. Congress, 1969, p. 125). With a ratio of 2:1 overburden to coal, this would amount to the movement of about 200 million tons over the life of the plant. Moreover, land is required to accommodate the washing and shipping of the coal and to dispose of the fly ash and clinkers. Coal-fired electric power plants usually require more land than do nuclear plants for the plant site proper, but because of the simplicity of the fossil-fuel cycle and because its wastes do not require guarded isolation, the total land requirements are less than those for the nuclear plant.

Oil- and gas-fired thermal plants generally create less local impact than the coal plant bacause the fuel is most often delivered by pipeline or barge, and little area is required for fuel storage. All of the problems created by combustion are present, but generally to a lesser extent than with the coal-fired plant, since oil and gas contain fewer deleterious elements. Natural gas is the cleanest fuel available, but because supplies are diminishing rapidly and new sources appear to be extremely expensive it will probably not be considered for base-load plants, but only for peaking purposes. Again, as in the case of coal and nuclear plants, land in other areas must be devoted to producing, processing, and transporting the fuel.

In summary, a geothermal power plant, particularly during its developmental period, appears to incur more impact of the land than do other thermal plants; but all of the components of the total geothermal system are at a single site. With nuclear power, the thermal reactor and power-generating facilities are a small part of the power cycle—the top of the iceberg. The fossil-fuel cycle is intermediate in simplicity and land use between the geothermal system and the nuclear cycle.

IMPACT ON THE AIR

Gases are rejected to the air from each type of thermal power plant. But because the geothermal plant operates without combustion, the volume of noxious gases produced is far less and is of a different nature than that from a fossil-fuel plant. The natural steam is predominantly water vapor; that at The Geysers, for example, yields 99.5 percent water vapor. The noncondensable gases are about 80 percent carbon dioxide, with lesser amounts of methane, hydrogen, nitrogen, ammonia, and hydrogen sulfide (Bruce, 1971). Of these, hydrogen sulfide presents the most serious environmental problem. At The Geysers, hydrogen sulfide runs about 2 to 6 percent and averages 4.5 percent of the noncondensable gases from the producing wells (Goldsmith, 1971, p. 31), or about 225 parts per million of the steam.

Because of the remoteness and the relatively small size of the power plants at The Geysers, and because of the lower release per unit of power than from fossil-fuel plants, the hydrogen-sulfide emission has not caused the producers much concern. However, the expansion of the field and the increasing awareness of the necessity for minimizing all releases have caused the power company and the steam producers to begin studies to lower the hydrogen-sulfide emission. Their studies show that most of the noncondensable gases are drawn from the direct-contact condenser. A part of the hydrogen sulfide, however, goes into solution in the condensate, where it is converted to sulfates and elemental sulfur. Materials-balance calculations (McCluer, 1972) indicate that 30 percent of the hydrogen sulfide is oxidized and retained at the cooling towers or injected with the condensate as sulfates and elemental sulfur. Laboratory tests have shown that by altering the chemistry of the condensate by the addition of sulfur dioxide the oxidation of hydrogen sulfide to sulfur and water can be accelerated. If the field tests of this process are successful, it may be possible to overcome this environmental problem (Barton, 1972, p. 33).

To place the release of hydrogen sulfide from geothermal plants in its proper perspective, the release should be compared to that of fossil-fuel plans. Using for comparison a 1,000-Mw plant fired by coal with 1 percent sulfur and the steam conditions at The Geysers, the fossil-fuel plant would release 140 tons of sulfur dioxide per day (U.S. Congress, 1969, p. 115). By comparison, the geothermal plant with a flow of 430 million pounds of steam per day containing 0.0225 percent hydrogen sulfide would bring to the surface 48.4 tons of hydrogen sulfide per day. If 30 percent is returned to the reservoir with the steam condensate, as seems to be the ratio now, the total release would be 33.9 tons or about one-fourth the sulfur dioxide from the coal plant. This constitutes the release without pre-treatment. If the method described by Barton (1972, p. 33) is successful, the hydrogen-sulfide release can be lower.

Carbon dioxide, the major component of the noncondensable gases in the natural steam, would total about 860 tons a day from a 1,000-Mw plant. The fossil-fuel plant of the same electrical capacity produces about 20,000 tons of carbon dioxide a day (Holdren and Herrera, 1972), or more than twenty times that of the geothermal plant. And the geothermal plant releases no oxides of nitrogen, smoke, fly ash, or other aerosols.

Radioactivity of the gases and steam is at or very near natural background. Tests have shown that The Geysers steam has an alpha radiation level of 0.015×10^{-7}mCi/ml, well below the U.S. Public Health Service permissible concentration for drinking water (Bruce and Albritton, 1959).

A nuclear reactor has less total release to the air than a geothermal power plant, but when the complete nuclear-fuel cycle is considered the total impact on the air is many times that of the geothermal plant. Dust, smoke, and radionuclides are released from the mining operations at the outset of the cycle, and each step of the cycle produces various new releases. Although most of the individual releases are minor, the sum total of their effects is considerable, especially that from the fuel-reprocessing plants.

Another factor of air pollution to be weighed in the nuclear-fuel cycle is the total gases produced from hydrocarbon fuels by the machinery necessary to mine, mill, and process the uranium, and to transport it. Currently, the ore is mined and milled in the Rocky Mountains and shipped to the Midwest and South for refining, enrichment, and conversion; the fuel units are fabricated in California, shipped to a reactor in, for example, Oregon, then to a fuel-reprocessing plant in New York; and the wastes are shipped to a storage site in, say, Washington or South Carolina.

Fossil-fuel plants employing the combustion of coal, oil, or natural gas produce large amounts of carbon dioxide, nitrogen oxides, sulfur oxides, and, especially with coal, fly ash. These products create visible air pollution as well as other effects that have been the object of most of the complaints against fossil-fuel plants.

IMPACT ON THE WATERS

The natural thermodynamic constraints placed on any steam cycle require the rejection of 60 to 70 percent of the total energy produced. This is normally done by circulating cooling waters through the condenser to pick up this reject heat and dissipate it into a larger body of water such as a river, lake, or ocean. Rejection of heat into the body of water can cause local environmental degradation, or at least a change in the biota, and is generally described as thermal pollution. It is inherent in the energy conversion of the thermal-electric plant, and is present in all of the new types of power-production methods being used and considered, including fusion and magnetohydrodynamics. One way to alleviate thermal pollution is to reject the waste heat directly to the atmosphere and not through an intermediate body of water, as is now the practice. Cooling towers will accomplish this transfer, but require large quantities of low-cost water, or, in the case of the dry cooling tower, an extremely large capital investment. With the present system of producing electricity from the dry-steam fields, which is technologically feasible for the flashed hot-water fields as well, all of this waste heat is either returned to the producing reservoir or rejected directly to the atmosphere via the cooling towers, thus creating no thermal pollution. The closed-cycle vapor-turbine system, as described by Anderson (this volume) will require the same heat-rejection system as conventional thermal plants.

The necessity for large quantities of water is becoming one of the limiting factors in the location of thermal-generating plants. In the Rocky Mountains, where there are large coal resources, there is already a shortage of surface and ground water for other uses. Adding the load of several new thermal plants will cause a severe strain on the available water resource. So great are the requirements for cooling water that at a recent national AAAS symposium on "Power Generation and Environmental Change" it was estimated that by 1980 one-sixth of the fresh-water runoff in the United States will be used to cool power plants, increasing to one-third by the year 2000 (Holcomb, 1970). Dry cooling towers and condensers are a partial answer to the problem, but they add significantly to the capital costs of the plants and lower their efficiency.

The geothermal plant, which relies on natural steam at lower temperatures and pressures (and therefore bearing less usable heat) than those of the manufactured steam of the fossil-fuel or nuclear plant using the same cooling system, will evaporate more water than the other types of plants. With cooling towers, a 1,000-Mw geothermal plant evaporates 30 to 35 million gallons of water a day; a nuclear plant, 25 to 30 million; and a fossil-fuel plant, 15 to 20 million gallons a day. These volumes are closely related to the respective thermal efficiencies of the plants, which are about 14 to 16 percent for the geothermal plant, 32 to 34 percent for the nuclear plant, and 36 to 40 percent for the fossil-fuel plant.

But thermal efficiency as so measured is a characteristic of the power plant, not of the total cycle. Indeed, the thermal efficiency of the nuclear-fuel cycle should be based on more than just the conversion of fission energy to steam energy; it should consider as well the energy requirements of each step of the conversion of uranium ore to enriched reactor fuel, and the energy required for transporting, handling, and guarding the wastes!

By contrast, geothermal plants do not require a supplementary source of cooling water when using natural steam or the flashed cycle. The natural steam, after passing through the turbine, is condensed, piped to the cooling towers, and then recirculated back to cool the condenser. By this method the field at The Geysers produces about 20 percent more condensate than is evaporated. This surplus is then returned to the reservoir where it originated, thus prolonging the useful life of the field. A geothermal plant is the only type of thermal power plant that does not compete with other uses for our dwindling supplies of water.

HAZARDS TO GROUND-WATER AQUIFERS

One of the questions raised about geothermal power development is its potential to contaminate surface and ground waters. True, in the early days of the exploration and development of geothermal resources in this country, several improperly cased wells blew out during drilling, allowing geothermal fluids to enter shallower aquifers or nearby streams. Also used to illustrate the danger from thermal waters are the wells drilled in the Salton Sea region. Here the extremely saline brines, which contain about 33 percent dissolved solids after flashing, constitute a hazard if allowed to enter and mix with the irrigation waters in the region. But hypersaline brines are probably restricted to the Salton Sink proper and are not present elsewhere in the Imperial Valley; they are in fact found in only a few places in the world. Geothermal waters generally carry higher percentages of dissolved solids than do nonthermal waters, because their higher temperatures have increased the rate of dissolution of the more volatile chemicals of the host rocks. But in many cases the thermal waters are of sufficient purity to be used for agricultural and industrial purposes. For example, in Klamath Falls, Oregon, the geothermal waters are used directly for stock watering (Peterson and Groh, 1967), and in Boise, Idaho, the geothermal waters are used for domestic hot waters (Wells, 1971). In Iceland there is a long history of geothermal-water utilization for both heating and domestic use.

The hazard of surface-water contamination has delayed the development of hot-water geothermal fields in the United States. Although this type of geothermal field has been developed successfully elsewhere—notably at Wairakei, New Zealand, and Cerro Prieto, Mexico, where the effluent is rejected into the surface streams—attempts to develop a field in the Imperial Valley have thus far been slowed. The main deterrents are the high salinity of the geothermal fluids found in the area, the extremely precarious water situation existing in the Valley, and the high cost of the farmland. A development planned by the Bureau of Reclamation is outlined by Laird (this volume). This plan would allow multiple use of the geothermal resources of the Imperial Valley and answer many of the questions raised concerning the environmental hazards of hot-water fields.

Although the development of the hot-water fields has been delayed in the United States, mainly because of the problem of disposing of the large volumes of water, there is every reason to believe that hot water will be utilized in the future, for it does have several advantages over dry-steam systems. Primarily, it appears to be much more abundant and is producible from shallower depths, which would make it particularly useful for space heating and for industrial and agricultural purposes. In fact, the hot waters are already used extensively for heating purposes in Hungary, the Soviet Union, Iceland, New Zealand, and Japan, as well as in the western United States and in the multipurpose development in the Imperial Valley.

Hot-water wells can be drilled by conventional drilling techniques using mud as the circulating fluid rather than air. This cuts down the noise level and the escape of steam and dust from drilling that characterize the dry-steam wells. In areas where the pressures are not excessive it is common practice to drill hot-water wells even within cities (Klamath Falls, Oregon; Boise, Idaho; Rotorua, New Zealand; and Budapest, Hungary). This would be extremely difficult, if not impossible, to do with a dry-steam well.

Dry-steam fields, such as those at The Geysers and Larderello, do not pose the problem of saline-water diposal, since these salts are not transported in the steam phase. Most of the foreign material in natural steam is in the gaseous state, in the form of noncondensable gases, as discussed above. However, a certain amount of deleterious material is present, usually amounting to a few parts per million of boron and ammonia. These form salts that persist in the condensate and are injected back into the producing reservoir, along with that fraction of condensed cooling water that is surplus to the needs of the plant. Consequently there is no release of either thermal waters or chemical contaminates into the surface waters or other usable water sources from the present production of geothermal energy.

Most of the potential hazards to the waters from the dry-steam geothermal operation occur during the development of the field, when drilling muds are required and construction upsets the normal water pattern of the area. With proper care these operations do not present an environmental hazard. And in any event, the hazard is brief and negligible compared to the hazards created by the extensive construction required by the competing power sources and more dramatically from mining, which must continue over the entire life of the nuclear or fossil-fuel power plant.

CONCLUSIONS

The environmental impact of any power-production system is reflected in the number and complexity of the steps in the fuel and production cycle. Because geothermal power plants utilize naturally occurring steam, they need no complex steam-generating equipment or extensive mining, processing, storage, or transportation facilities, as do other thermal power plants.

The chief impact from the use of geothermal power occurs during the period of development of the field and construction of the steam-gathering lines and power plants, but the impact is limited to the area of the field and poses nothing like the vast disruptions of the landscape concomitant with mining the fuels for other thermal power plants. During the productive lifetime of the geothermal field, which can extend over many decades, most of the area can be used for other purposes. At Larderello, for example, where natural steam has been used to produce electricity for 60 years, farms, orchards, and vineyards cover much of the land surface.

Natural steam does contain a small percentage of noncondensable gases that are vented to the air. But compared to the amounts dissipated by fossil-fuel plants, these gases—mostly carbon dioxide but also nitrogen, hydrogen, methane, and hydrogen sulfide—are minor. Compared to the total gaseous release from all steps in the nuclear-fuel cycle, the overall volume and toxicity of gases from the geothermal plant is, again, minor.

Dry-steam geothermal developments pose no hazard to water supplies. Moreover, dry-steam and flashed-steam power plants supply their own cooling water by condensing their steam, and are therefore independent of the sources of condenser cooling water that are needed by other types of thermal plants. Hot-water geothermal systems will have an effect on the waters, but in most cases it will be to bring into use waters that are below the economic drilling depths of water that is currently in use, or to upgrade the quality of currently unusable waters, thus making these waters themselves a valuable resource. The multi-purpose development planned in the Salton Sea region is an imaginative scheme that could well be duplicated in other areas.

The simplicity of the geothermal-steam cycle enhances its reliability, another factor that needs to be considered when assigning priorities of development. Because the geothermal-power cycle is self-contained, it needs no outside support to maintain the production of electricity; there are no railroads or mines or complex processing facilities to be put out of service by a strike or natural catastrophe; and the reliability of nature's own boiler is paramount.

Geothermal Potential in Oregon

(By Richard G. Bowen)

I am sure that most of the people in the audience here today have heard it said that geothermal energy is in the same stage of development as the oil industry was a hundred years ago. That just isn't true, we know a great deal more about the earth, its processes and resources than we did a hundred years ago, or even 20 years ago. We have had many years of experience in the production of geothermal resources, some experience in exploration and a very large background of exploration experience in searching for petroleum, techniques that are really quite similar to exploring for geothermal fluids.

There is also a widely publicized opinion that geothermal resources are limited to a few places—mainly those areas where it is being produced today. Actually, geothermal resources can be expected to be present under large segments of the earth, and will be found under many conditions, just as oil and gas, uranium, and many other minerals that were first found under certain geologic conditions were later, when new ideas came to bear, found in areas never before considered to have potential. The presence of usable geothermal energy depends upon the presence of three things: heat, water, and a geologic trap which consists of relatively impermeable rocks overlying a more permeable reservoir rock. None of these three things are particularly unique. We know that underlying about a quarter of the earth's surface, high temperatures will be encountered whenever you drill a few thousand feet, and in many regions these high temperatures have been found at much shallower depths. Many competent scientists have made calculations of the amount of heat in storage in the first few miles of the earth, and one thing they all agree on is that amounts are far greater than all the heat stored in fossil fuels and fissionable materials combined.

There is an assumption that the so-called "dry steam" or vapor-dominated fields are unique, but it is these "dry steam" fields that are producing most of the geothermal energy in use today. They are only unique in that successful oil and gas wells are also unique—there are many more dry holes scattered over the world than there are successful wells, and it is necessary to drill dry holes to gain information to find the productive one. Most of these geothermal exploration wells that are drilled near hot springs find hot water, so the natural assumption is that there is a great deal of hot water—and I will agree. But it is the steam wells that are the prize and our efforts should be devoted to finding them.

I sometimes wonder what would have happened a hundred years ago if our ancestors, upon the discovery that many more holes were barren than were capable of producing oil or gas, had gone to the government to ask for funding to somehow extract energy from the dry holes rather than pressing on to explore new areas.

You will hear divergent ideas from geothermal "experts". One says there is a tremendous amount of energy in hot dry rocks and in the vast reservoirs of hot water that could be utilized if research and development could be brought to bear on the problems. The other group says that a certain percentage of the geothermal fields will contain dry steam that can be utilized very well by the present technology—if we have land upon which to explore and customers who say they will purchase the steam when it is found. If industry has those two necessities, land and a customer, we will have the development of geothermal resources. I would support the need for studies of "hot dry systems" and hot water systems, but it is the desirable "dry steam" systems that our major effort should be devoted to developing.

But, let's get on to the area under consideration today, Oregon. We are right in the heart of the "Ring of Fire" that surrounds the Pacific Ocean, and we have extensive evidence there is much heat underlying the eastern two-thirds of the state. How is this energy localized to get useful quantities? Basically, the heat energy is transferred to water, and when it is restrained from its normal upward movement a geothermal system is developed.

The question we all want answered is how many and how large are these geothermal systems. Using knowledge of geothermal systems found in other areas and applying the techniques for estimating resources developed in the petroleum industry, I believe it is reasonable to expect that something in the neighborhood of 20,000 megawatts of dry steam will be found during the next 15 to 20 years in Oregon. For those of you who are not too familiar with numbers relating to electrical capacity, that is about the present capacity of all the hydroelectric power plants in the Northwest, or another comparison would be 20 Trojan nuclear power plants. That is a lot of power, and it would supply our increasing needs for many years.

To explain how I developed this number, I am basically using the petroleum industry's technique for estimating resources in unknown regions from experiences in known regions. We know that Oregon has in the neighborhood of 200 hot springs and wells. I believe these could easily represent 100 separate geothermal systems. So far, world-wide experience shows that one out of eight, or about 12%, of these are "dry steam" systems which can be developed with present technology. If only a quarter of these systems are the size of the The Geysers steam field, that alone could account for 10,000 to 12,000 MW. If the other three-quarters of the fields are from a quarter to a tenth the size of The Geysers, another 8,000 to 10,000 MW could be expected.

For those of you who think that geothermal power is only a small thing, take another look at The Geysers. You will see that although only a small part of the field is under development, PGE has scheduled 1,000 MW to be in production by the next four years. The original estimates of a capacity of 200 MW for The Geysers have been scaled up to between 3,000 and 5,000 MW.

Since Dr. Cortez is going into the subject of the costs of producing geothermal resources I will try not to overlap, but I will go into costs of exploration and development, or what it takes to deliver the steam to the plant. Again, it is possible to apply the well-developed technology of the petroleum industry because the exploration techniques are nearly identical. The first cost is to develop some prospects, and you can do that by hiring geologists, geophysicists, and geochemists and getting into the exploration business yourself; or you can form joint ventures with brokers, independent exploration companies, or development companies who are looking for partners. Your costs here to develop a prospect will range from a minimum of $50,000 up, but $250,000 is probably a reasonable figure for 2,000 to 20,000 acres, enough to be considered a good prospect. You had better plan on at least two wells to evaluate the prospect, and these in the neighborhood of $350,000 each. This means you have spent a million dollars to put together and evaluate a prospect. If you evaluate ten of these prospects, you should expect to have at least one and possibly two geothermal fields. That amounts to 10 million dollars and a lot of money, but let's put it into perspective. If you spend 10 million dollars before striking usable steam, then your exploration costs, assuming they are amortized at 15% per year, for a 1,000 MW field would be 0.187 mills/kwh. Not a very significant figure when you consider fuel costs have been escalating at 1 to 2 mills per year. From the experience at The Geysers, in order to produce sufficient steam for your 1,000 MW plants, (and this would probably consist of a mix of 100 and 200 MW stations) you will have to drill 150 to 175 wells at an average of $150,000 each for a total investment in wells of about $25,000,000. Steam transmission lines would be expected to be another $15,000,000, roads and landscaping $5,000,000. By this time there would be a total investment of about $55,000,000 in the field.

Amortized at a rate of 15% a year, you would have fixed charges of $8,250,000 per year. Royalty to landowners at 0.5 mills/KWH would be $4,000,000 per year, and $5–6,000,000 would probably be necessary for field operating and maintenance costs. That gives a total energy cost of about $17,000,000–$18,000,000 a year at 8,000 hours of operation a year; this amounts to between 2.2 and 2.5 mills/KWH.

The following tables show the costs for developing the steam field (Figure 1) and the costs of steam per kilowatt hour of electricity produced (Figure 2).

Figure 1: Total steam costs, 1,000 MWe geothermal field

Exploration	$10,000,000
Developmental wells (150–175 wells at $150,000)	25,000,000
Steam transmission lines (at $15/KW)	15,000,000
Roads, landscaping, et cetera	5,000,000
	55,000,000

Figure 2: Steam cost per KWH, 1,000 MWe geothermal field

	Mills KWH
Fixed charges: $55,000,000 at 15% = $8,250,000/year, $8,250,000/$8\times10^9$KWH	1.03
Royalties to landowners	.5
Field operating and maintenance costs, $5,500,000/$8\times10^9$	.67
	2.2

PGE is currently paying around 3.5 mills at The Geysers, but I understand that new contracts are being negotiated in the range of 5 mills for steam delivered to the power plant.

The question I find most frequently asked by those not familiar with geothermal development is, "what is the life of the field?". That can be best answered by explaining what we know about geothermal fields from experience developed in petroleum reservoir technology. That is, that steam in the reservoir behaves just as do other natural gases—according to well known physical laws. To give you an example, at The Geysers the biggest problem faced by the developers was to prove there was sufficient steam for PGE to amortize their plants over the normal 30-year period. The early practice was to drill all the wells necessary to supply the proposed plant and run lengthy tests to see how much draw-down was caused by the freely flowing wells. The result of this practice was to show steam performed quite similar to natural gas, and this practice is no longer being followed. The procedure now is to drill two wells in the region where a new plant is planned, and from that the size and character of the reservoir can be ascertained. This method has been much more satisfactory to the producers, as they do not have their capital tied up in many wells awaiting construction of the plant, but can start drilling production wells while the power plant is under construction.

Experience has shown that the wells do decline with time but that the individual wells last 10 to 20 years, and when production declines to the point that they can no longer produce all the steam required by the plant, new wells are drilled between the original ones, thus restoring production. It is now the practice at The Geysers to drill wells on a 40-acre spacing with the intention of filling in as production declines. All of the work to date shows this decline is predictable and the fields will last long enough to allow amortization of the plants.

In closing let me emphasize what has to be done to get geothermal developments underway:

1. Federal lands must be made available at reasonable terms. By reasonable terms I mean with conditions and costs no more restrictive than those for other fuels—oil and gas, coal, and uranium. It is the vast acreage of Federal lands in southeastern Oregon, Nevada, and the other western states that will ultimately contain most of the geothermal resources. It is possible to start exploration on available private and state acreage, but if geothermal resources are to provide significant power, the Federal lands must be available.

2. Power companies and heavy power users must encourage developers by either assuring them a market or in joining with them in joint ventures. The old disclaimer that geothermal power is so far away from load centers as to make it uneconomical just isn't true—especially with the Bonneville grid to wheel it around the system.

3. For those of you who are interested in getting the most favorable costs for your customers, joint participation in searching for dry steam is still the most attractive economically and environmentally and can be brought on the line rapidly with today's technology.

4. Finally, you will never have a more reliable power source than nature's own boiler. It is not affected by labor problems, transportation breakdowns, vagaries in the weather, foreign political influences, nor natural catastrophe. The reliability of nature's own boiler is paramount.

IMPROVING FEDERAL REGULATION OF FUTURES TRADING

Mr. McGOVERN. Mr. President, Members of this body and Members of the House are actively working on legislation which would change the method of Federal regulation of commodity exchanges.

I have introduced legislation which would create an independent, five-member Commodity Exchange Commission with expanded regulatory powers, and I am currently working on a number of improvements in that bill.

Two newspapers in my State have commented editorially on the need for firmer regulation of trading on commodity exchanges. On November second, the Madison Daily Leader endorsed the concept in an editorial entitled, "Regulating Commodity Markets." And on November fourth, the Sioux Falls Argus-Leader published a thoughtful editorial entitled, "Commodity Markets Need More Controls."

Mr. President, I ask unanimous consent that the texts of these fine editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Regulating Commodity Markets

Sen. George McGovern has introduced legislation to tighten rules for commodity speculation in the U.S., saying that the exchanges are now largely self-governing and need more careful supervision.

We couldn't agree more. The futures markets allow wild speculation on slim margins, and wild swings of prices could leave a string of bankrupt traders and losses by farmers and processors.

There is a danger in all this, however, of taking a "cheap shot" at speculators and blaming rising or falling prices on them. On the contrary, speculators serve a useful purpose by making the futures market and hedging by farmers, ranchers and food handlers would be difficult if not impossible.

Our rising prices this summer were caused by increased demand, particularly foreign demand. The sharp drop of farm prices in October (the largest in 25 years and virtually ignored by the TV networks) is probably due to increased production.

Let's not make speculators the scapegoat for fluctuating prices, but let's make sure the commodity markets are carefully regulated.

Commodity Markets Need More Controls

Richard Wilson, the able Washington correspondent of the Des Moines Register, points out that the commodity exchanges of this country handle an annual business which is 25 per cent greater than the total transactions on the New York Stock Exchange.

Yet federal regulation of price hedging for future transactions is in the hands of only 160 people. Wilson says they "are presently so overwhelmed by the magnitude of the problem that they are finally confessing the truth to Congress."

Wilson makes these other points about the nation's commodity markets:

A few people or firms, sometimes as few as four, can get effective control of the entire market in some major commodity and send the prices skyrocketing.

The market is subject to foreign invasion on a grand scale from governments with billions in resources to manipulate prices for what they want for their own advantage. The American consumer gets what is left at higher prices.

Four large grain concerns handle almost all of a multi-billion dollar export business, often huddling secretly with buyers from foreign governments in huge transactions the U.S. government knows very little about.

RED VERSUS YANKEE TRADER

Commodity markets have come in for a great deal of attention this year, in the wake of this country's huge sales of grain to the Soviet Union and Red China. In the case of the transactions with Russians, the Yankee trader did much better than his government. The Russians showed that communistic traders know their capitalism. American farmers didn't get the benefit of the higher prices in the initial transactions, and the federal government underwrote some of the costs of the grain with its subsidy payments.

Higher prices for grain are welcome news for South Dakota farmers, but their impact on livestock feeding when doubled or quadrupled, Wilson says, "eventually shows up at the supermarket in higher prices for beefsteak and for the myriad of food and consumer products made of wheat, corn, and soybeans."

NEW AUTHORITY SOUGHT

Congress is now holding hearings on legislation which would create a new independent

Commodity Exchange Authority. It would be similar to the Securities Exchange Commission for the stock exchanges.

The House Agriculture committee voted last week to develop legislation for a stronger Commodity Exchange Authority, but to leave over-all responsibility in the Agriculture Department. A bill introduced by U.S. Sen. George McGovern, D-S.D., calls for an independent Commodity Exchange Commission.

Wilson envisions a new commodity exchange authority as only the beginning of "a system of government and market control influenced by consumer and producer interests not only for food but other commodities such as lumber, plywood, silver, copper, and so on. Beyond that greater export control looms, and over all, steadily advancing government supervision of the marketing of the necessities of life."

No one seriously suggests that government controls of the stock exchanges are too tight to protect the public interest. Obviously, the government's supervision of commodity exchanges is hampered by lack of personnel and authority to do what is necessary to safeguard the country's and citizens' interests. Congress should do what is necessary to accomplish this.

More effective regulation of commodity exchanges by the federal government will help the entire public. But it should be of especial benefit to South Dakota and the nation's farmers in their newly-found prosperity of higher prices. It should help the farmer to realize a greater percentage of return from what he produces than he has obtained in the past.

SMALL BUSINESS ADMINISTRATION

Mr. JAVITS. Mr. President, as ranking minority member of the Senate Select Committee on Small Business, I am deeply concerned with recent activities within the Small Business Administration. I am informed that the Justice Department as well as the House Banking and Currency Subcommittee on Small Business chaired by Congressman STEPHENS of Georgia is currently investigating widespread allegations as to the misuse of various SBA lending programs; and that criminal charges may be in the offing.

These events are most deplorable. But I am convinced that with the cooperation of the SBA's Administrator and former Congressman from North Dakota, Mr. Thomas Kleppe, the Department of Justice and the House Committee will be able properly to investigate the allegations and if there has been any wrongdoing the culpable individuals will be brought to justice.

The concern I wish to express today, Mr. President, is also a concern for the thousands of honest and loyal SBA employees throughout the United States whose continuing efforts seem somehow to be overshadowed by these revelations. Administrator Kleppe has expeditiously handled the developing situation since it was first brought to his attention in October of this year and his turning over the pertinent files to the Justice Department. Furthermore Administrator Kleppe has expressed a strong desire to testify before the investigating House committee to clarify the factual situation surrounding the allegations, most of which have appeared in the news media in this area. I note that just yesterday, in an effort to avoid possible aggravation and embarrassment to the agency, Administrator Kleppe reassigned the Philadelphia regional director and the Richmond, Va., district director to the Washington SBA office.

But the most imminent crisis is not that faced by employees of the SBA, not even those charged, but by the hundreds of thousands of small businesses throughout the Nation which without the aid provided through the SBA may not be able to survive.

Mr. President, the SBA which just this past summer celebrated its 20th anniversary, has an important responsibility in meeting the needs of the small business community. Small business comprises over 90 percent of our business in the United States, accounts for nearly 40 percent of the gross national product and provides over 50 percent of the jobs in our Nation's economy. The concern I express today is for those like the small retailer in New York City, the wholesaler in Colorado, the struggling electronics manufacturer in California and the growing construction firm in Omaha. My concern is that these firms and others like them throughout the Nation are dependent upon the SBA for their survival.

We here today, Mr. President, find this Nation in the midst of a major energy crisis. At a time like this it seems unthinkable to me that small businesses should be placed in the untenable position of not being able to call upon that Federal Agency that is capable of providing the assistance they need and have come to depend upon.

Mr. President, Members are aware of the many programs administered by the SBA. They not only include direct lending, bank guarantees, bonding guarantees, lease guarantees, and economic opportunity loans but also the full range of services including the licensing and regulation of small business investment companies, the issuance of certificates of competency, and providing technical and management assistance to small businessmen located throughout the United States.

Mr. President, recently the Senate by an overwhelming majority passed a bill to increase the SBA ceiling by $2.3 billion, from $4.3 billion to $6.6 billion. That bill now is on the table in the House Small Business Subcommittee. I am led to believe that our colleagues in the House of Representatives may wish that bill to remain in committee until the pending investigations are concluded. If my understanding of the pending allegations and current investigations is correct this may take several months.

I hope, Mr. President, we will not let this agency, which has and continues to serve this vital segment of our business community, cease its major operations while we consider the culpability of persons in the agency. I commend my colleagues in their investigatory effort and I do not mean in any way to minimize the allegations but it is simply too dangerous to the small business community and the SBA to hold the necessary ceiling increase hostage pending the outcome of the investigations currently underway and I feel my colleagues will give this state of facts their every consideration.

VIETNAM VETERANS NEED HELP

Mr. BIDEN. Mr. President, prevailing congressional sentiment has suggested that the benefits available to Vietnam do not compare favorably to those granted earlier veterans of armed conflicts. Veterans' Administrator Donald E. Johnson, at the request of Congress, commissioned a study that was designed to enable comparison. The results of the study conducted by the Educational Testing Service—ETS—are now available, and, unfortunately, confirm congressional fears. The ETS report depicts the dismal situation of today's veteran as compared to his father. At one point in the study, ETS reports:

> The five-fold increase in the average tuition of a four-year private institution by 1973, coupled with the costs of books and supplies, requires the Vietnam veteran with current benefits of $1980 to raise an additional $136 just to meet educational costs—leaving literally nothing for subsistence.

Mary McGrory, writing in the Boston Globe on September 24, 1973, discusses veterans' benefits and the results of the Educational Testing Service's study. As Ms. McGrory concludes:

> The hope that the veterans will receive at least the benefits being promised those who join the volunteer army rests probably with the veterans in Congress, those who . . . remember that it was the GI bill that made it possible for them to get where they are today.

The apparent disregard for veterans has been exhibited in the past by the VA's attempt to reduce compensation ratings for specific disabilities. Although this proposal generated sufficient public reaction to compel the VA to retract its statement, it has become apparent that Vietnam veterans are being shortchanged in other areas as well. Armed with the initiative of the spring and with the concrete data provided by the ETS, I hope my colleagues will continue the attempt to provide the Vietnam veteran with comparable benefits, enabling him to receive the best education those he defended can afford.

Mr. President, I ask unanimous consent that the full text of Mary McGrory's article, "When Less Is Not More for Veterans," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHEN LESS IS NOT MORE FOR VETERANS

(By Mary McGrory)

WASHINGTON.—Veterans Administrator Donald E. Johnson faces the unhappy task tomorrow of explaining to the House Veterans Affairs Committee a study which refutes the familiar Nixon Administration contention that "less is more" in the case of Vietnam veterans.

The study is one that Johnson commissioned at the behest of Congress, some of whose World War II veterans suspect that the "nothing-is-too-good-for-our-boys" philosophy that enfolded them on their return from battle has been seriously eroded by the budget-balancers.

The Educational Testing Service, a Princeton, N.J., organization has told Johnson the "real value" of the education allowance available to veterans of World War II "was greater than the current allowance being paid to Vietnam era veterans." Johnson insists that today's benefits, based on the Consumer Price Index, are comparable to those of other days.

A special Veterans' Opportunity Committee, which conducted hearings under the auspices of the League of Cities and the US Conference of Mayors, advocates that the GI Bill be rewritten so the government pays 80 percent of all tuition and fees and makes separate subsistence payments of at least $220 a month.

"It might cost a billion dollars," says VOC Chairman Rep. Silvio Conte (D-Mass.), who got his entire education under the World War II bill. "But what if it does? I remember those annual appropriations of $25 billion every year for the war. Nobody called them inflationary."

The Educational Testing Service report gives a somber picture of today's veteran as compared with his father.

"The five-fold increase in the average tuition of a four-year private institution by 1973, coupled with the cost of books and supplies, requires the Vietnam veteran with current benefits of $1980 to raise an additional $136 just to meet educational costs—leaving literally nothing for subsistence," the study says.

The Vietnam veteran's disability must be rated at 30 percent or more to qualify for benefits, the ETS report points out. Nor is he eligible for VA loans to enlarge or establish a business, as were earlier veterans.

The World War II veteran got special preference in housing under a Federal emergency housing program. "The present Administration has suspended or cut back on all Federally supported housing projects—adversely affecting those in need of housing," the ETS says.

As for those special programs to meet the "remedial and motivational needs" of the unemployed or underemployed Vietnam era veteran, some 40,000 were served by some 67 programs during fiscal 1973. "These programs are expected to terminate in June 1974 under Administration budgetary plans," the study adds.

The Nixon Administration's abandonment of the "grateful nation" concept while denying it, is largely possible because the country wants to forget about Vietnam. And the more crucial problem is that the Vietnam veterans do not have a lobby. The older veterans' organizations have attracted few members from this war. They support increased benefits, but out of pity.

The most visible Vietnam veterans group has been the Vietnam Veterans Against the War, which organized—not to get money—but to stop the war. The VVAW incurred the instant and undying hostility of the Nixon Administration when it camped on the Mall in 1971.

The hope that the veterans will receive at least the benefits being promised those who join the volunteer army rests probably with the veterans in Congress, those who, like Conte, remember that it was the GI bill that made it possible for them to get where they are today.

WILLIE MAYS: A BASEBALL IMMORTAL

Mr. BUCKLEY. Mr. President, a superb column written by Arthur Daley of the New York Times, Thursday, September 27, 1973, has recently come to my attention. It reminds us of the truly extraordinary baseball career of Willie Mays. This outstanding ballplayer has always had a special place in the hearts of New Yorkers, although he played for the San Francisco Giants for many years. He began his major league career in New York and it is fitting that he has chosen to end it there, where his skills have always been applauded by millions of fans.

Mr. President, there have been only a handful of individuals in any profession who have brought the kind of excellence, spirit, and sincere love of the game that Willie Mays brought to baseball. He is an incomparable figure in the history of American sports.

Mr. President, I respectfully request that this article be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ECHOES ROLLED IN FROM THE PAST

(By Arthur Daley)

"The Willie Mays play I remember most," said Joe DiMaggio reflectively, "was the one that knocked Mickey Mantle out of the 1951 World Series."

It was a night for memories and they kept rumbling in like distant echoes from the past, the men and the events that provided flashbacks of illuminating glimpses of a spectacular career. This was fan appreciation night for Willie Mays, an occasion supercharged with emotion. This was an outward manifestation of the unashamed love affair that has lasted for 22 years between Willie the Wonder and the New York fans.

On hand to join in the tribute were such as DiMadge, Stan Musial, Bobby Thomson, Ralph Branca, Pee Wee Reese, Duke Snider, Vic Wertz and others. They dropped into the clubhouse before the ceremonies to visit the man of the hour and bid him Godspeed in his retirement.

"They sure bring back memories, don't they?" said Willie, holding court in front of his locker. No regal robes did he wear. He was clad only in his shorts.

There was a particular poignancy to the one that DiMadge evoked. The Yankee Clipper, always a perceptive man, had a better understanding than most of what Willie was going through because the incident he recalled had comparable status to the current situation, a superstar on the verge of retirement.

THE OVERLAP

"Not everyone remembers," said Joe, "that my career came to an end in that World Series. But 1951 was the year when both Willie and Mickey began their big league careers. At any rate this was about the middle of the second game. I was playing center field at the Yankee Stadium and Mickey was in right when Willie hit a ball between us.

"'Go ahead, Mickey. You take it,' I called out to him as we converged. Suddenly he went down as if shot. He had stepped into a drainage hole and wrenched his knee. Luckily, I was still close enough to make the catch, but poor Mick was out for the rest of the Series."

A beaming Vic Wertz, his bald head glistening in the lights, dropped by for a congratulatory handshake. In the 1954 World Series, Vic was the victim of one of baseball's greatest defensive plays when Willie raced to the distant bleacher wall, 450 feet away, and made an impossible, over-the-shoulder catch.

"I saw that play again on television the other night, Willie," said Vic, now able to laugh about it, "and I still can't believe my eyes. Every time I see it, you always catch the ball."

"Willie always seemed to catch the ball and hit it," said the suave Musial, an ardent admirer.

MAN WITHOUT A BAT

"Willie, you killed us too often for me to remember anything specific," said Reese, "although I guess the throw you made on Billy Cox had to be the best play I ever saw you make."

"I never can forget the first game we ever played in Los Angeles," said Snider, the erstwhile Duke of Flatbush. "It was the Giants and Dodgers again, but it wasn't the Polo Grounds or Ebbets Field. This was the Coliseum, a monstrosity, where the left-field wall pressed against the left fielder's back and the right-field fence was in the next county."

"I remember," said Willie, starting to laugh. "We took batting practice first and you fellas hadn't even seen the ball park. I kept saying, 'Where's the Duke?' I couldn't wait for you to arrive."

"You were so impatient," said the Duke, "you ran into the runway as we left the clubhouse and pointed to the right-field fence that wasn't even in home run range. 'Hey, Duke,' you said. 'They just took away your bat.' Damned if they hadn't. My homer total went from 40 to 15."

When Branca and Thomson dropped by, it almost seemed that Willie shuddered ever so slightly, as if trapped by another memory. As every schoolboy should know, Branca was the Dodger pitcher in the last inning of the last playoff game between Giants and Dodgers in 1951. It was Thomson who hit "the shot heard 'round the world," the three-run homer that gave the Giants a 5–4 victory and the pennant.

During that hysteria not many were aware of the fact that the Giant batsman kneeling in the on-deck circle was Willie Mays, a totally scared 20-year-old rookie. He didn't waste that kneeling time. He prayed. "Please God," he implored, "don't let me have to come to bat. Just make sure that Bobby hits one to end it for us." This just shows how enormous is the power of prayer.

No scared kid was Willie when he delivered his farewell talk on his night to remember the evening before last. He was a man of polish and distinction and dignity and eloquence. His baseball exit was an elegant one.

THE "SOUTH DAKOTA SATELLITE"

Mr. McGOVERN. Mr. President, a recent article in the Farmers Union Herald, which has a wide circulation in the upper Midwest States, described the Earth Resources Orbiting Satellite program which is the center of attention in South Dakota.

The EROS Data Center of the U.S. Geological Survey is located near Garretson, S. Dak. This data center is the hub of a program which contains enormous potential for the United States in helping meet the world food challenge.

Because of the importance of this program, I ask unanimous consent that the article by Mary Ann Hanson from the November 5, 1973, issue of the newspaper be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

EROS

(By Mary Ann Hanson)

Planet Earth has a new library located in the rolling farmland just northeast of Sioux Falls, near Garretson, South Dakota.

It's known as EROS Data Center. Dedicated August 7, the facility, when fully operational, will house and process for public access countless photographic images of the earth's surface taken from satellites and airplanes. The facility also will provide a study center for world scientists.

EROS stands for Earth Resources Orbital Systems, a program under the Department of Interior designed "to inventory the earth's natural resources from space altitudes through spacecraft systems," according to Don Orr, chief of applications assistance at the center.

Currently there's only one satellite providing a constant chronicle of the earth's happenings, another is planned in 1974 or 1975. ERTS—Earth Resources Technology Satellite—is an experimental satellite 565 miles high launched by the National Aeronautics and Space Administration in 1972. It circles the earth 14 times a day and passes over the same area every 18 days.

ERTS transmits its pictorial data back to three U.S. stations and one in Brazil. U.S. stations are the Goddard Space Flight Center in Greenbelt, Maryland; Gold Stone, California, and one in Alaska. The information is processed at Goddard, transported to EROS, stored and made ready for distribution around the world.

Geography is the biggest reason for EROS locating in South Dakota, says Orr, because the center eventually plans a receiving station of its own. Sioux Falls is "very close to the center of the conterminous U.S. so we can receive images directly over most of the land area."

Its rural location is to avoid electrical interference which would be a problem in an urban setting. Finally, says Orr, "the people of South Dakota gave a lot of support and participated in raising funds and making land available to us." The building is owned by the Sioux Falls Development Foundation and leased to EROS.

While the program is still in largely experimental stages, expectations for it are high. Among agricultural applications of the data, Orr lists monitoring crop production and stresses, locating ground water, flood prevention and monitoring pollution.

Using the satellite for inventorying crops would provide a more accurate overall picture, he feels. In South Dakota this year, for instance, "there were areas heavily stressed due to drought. You can report this through conventional means such as the weather service and ACS, but you can't put axact boundaries on it."

With EROS data, "we could say, 'Here's an area of 200 square miles where the production is going to be down because of drouth.' Then this would be used to modify the estimates of production. Maybe then," he adds, "we wouldn't get into another wheat deal like we did."

Digging test wells for ground water can be an expensive undertaking for farmers. Orr says, however, that a satellite image of a particular area in the hands of a competent hydrologist or geologist could indicate likely spots for wells. In like manner, exploration zones for other natural resources—oil, copper, gold, silver, uranium—can be indicated by study of an area's geological formations.

It's a matter of "knowledge of earth processes and identifying certain geological patterns," he says. The information is there on the pictures, it just has to be extracted by the human interpreter.

ERTS was used to keep track of the Mississippi flood this spring and, according to Orr, research is currently going on at the state level in western South Dakota on surface runoff and drainage problems. "We don't want to stop rain," he says, "but perhaps through these types of studies, runoff can be controlled at various points to prevent major reservoirs filling up. Farmers who operated along the middle and lower Mississippi Valley lost tremendous amounts of money in the flood. There's a fairly good system of reservoirs clear up to the head of the Mississippi Valley—it was just one of those situations where more precipitation runoff occurred than the reservoirs could handle."

Scientists are currently working on ways of utilizing ERTS data in agricultural and forestry problems. "We've got a long ways to go," says Orr, "but I think eventually we'll get a handle on this research."

ERTS also has great import for lesser-developed countries. This June, Orr conducted a two and a half week training session for 28 people representing 11 foreign countries.

Five were from Afghanistan where now "they're very short on foodstuffs," said Orr. "One of their natural resources they'd like developed is agriculture." And that means the location of water supplies.

So much time was spent in teaching the team to identify ground features that would indicate likelihood of water. "If nothing else," he says, "it's good just for them to make maps that show where there's hard rock, drainage and wind-blown sand. People in lesser-developed countries may know a lot about their local area, but very little about their whole country." Arranging satellite images into a map of the whole country creates "a very powerful tool for planners at the national level" concerned with decisions such as where to place roads, for example.

There are many areas in which ERTS data is applied. In the lobby of the new, modern, three-acre building, a series of panels depict uses already being made of the data. Among them—land use, urban expansion, crop conditions, natural resources, forests, water management, surface and near-surface mineral deposits, soil types, topographic features, geologic formations, water storage in snow packs irrigation, plant growth, air and water pollution, vegetation health, cloud cover, insect infestation, sea surface temperature, fish feeding areas and many others.

"There are so many areas that it's hard for our small staff to stay on top of it," says Orr. The nearly 100 employes are presently busy settling in the new facility after moving from their former, temporary headquarters in downtown Sioux Falls. Once that is completed, the staff should grow to about 150, he says. As demand for imagery and data grows, the number could climb to full capacity of 500.

Currently, some 600 orders for data are processed each week. This is expected to increase to almost a million copies per month as EROS begins to receive Skylab data for distribution. Primary area in the center is, therefore, the photo lab, which has been described as "the cleanest, most efficient and largest photo lab in the civilian sector of government."

The other arm of EROS is professional services, Orr's department. This department's function is to keep an eye on the uses being made of the imagery and to train people in those uses. "We don't ever envision a large, permanent staff here," he says. "We'd rather have visiting scientists work with us here for a year at a time—scientists not only from the U.S. Geological Survey, but other government agencies, private citizens and even foreign scientists.

"We will provide office space, equipment and will support them any way we can," Orr says. "What we ask then is the results of their studies so we can keep our training up to date."

The scientific community is just becoming aware of the possibilities in space photography, he says. "That's why we're having such a large demand for training."

GERALD FORD SPEAKER AT TESTIMONIAL DINNER FOR REPUBLICAN LEADER HUGH SCOTT

Mr. SCHWEIKER. Mr. President, on Monday, November 5, 1973, the distinguished Senate Republican Leader HUGH SCOTT, was honored in Philadelphia as the recipient of the 1973 Pennsylvania Distinguished Republican Award. It has been a privilege for me to serve as a colleague from Pennsylvania with the Republican leader. He has been a leading Republican in Pennsylvania and the Nation for many years, and is highly deserving of this award and recognition for his service.

The principal speaker at this testimonial dinner was the Republican leader of the House of Representatives and Vice-President-designate, GERALD R. FORD. He praised Senator SCOTT for his long-time dedication to human dignity and human rights. He also addressed himself to the question of his own responsibilities if he is confirmed as Vice President.

Mr. President, I believe Congressman FORD's comments will be of interest to all my colleagues, and I request unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY VICE-PRESIDENT-DESIGNATE GERALD R. FORD

In twenty-five years in the United States Congress you go to a lot of testimonial dinners. It's an unofficial part of the job, and a part that I have always enjoyed.

For a quarter of a century now, I have worked with the men and women of the United States Congress and my respect for my colleagues has grown—not diminished—with the passing of time. So this kind of gathering, paying tribute to an honored public servant, is always a pleasure.

Tonight, however, is something special—something more than the usual opportunity to offer some well-earned praise to an honored colleague.

This evening is unique because the man we honor this evening is himself unique. His learning, wit, intellect and dedication make him so, as well as his remarkable record of public service—a record unequalled in the annals of this proud State of Pennsylvania.

For over thirty years Hugh Scott has given his State and his country the two things they need the most—able leadership and unquestioned integrity.

In the process, because of our shared responsibilities as the minority leaders of the Senate and the House, he has also become a man I am proud to claim as a valued personal friend. Hugh's advice, his encouragement, and his unfailing good humor have helped us both through a lot of tough decisions and a lot of important work for America.

Besides, he is the only man in the United States Congress you can go to for really knowledgeable advice about Chinese Art.

Another of Hugh Scott's unsung virtues is his pioneer work in making the moustache respectable in modern American politics. After Tom Dewey lost the presidential race for a second time in 1948, the moustache fell into a long decline. Only Hugh Scott stood between the moustache and total political oblivion. In those days he was a prophet without honor.

Today, thanks largely to Hugh, the moustache has regained respectability and has reappeared along with sideburns in both Houses of the Congress. I call it the graying of America.

When historians look back on the troubled years of the mid-twentieth century, they will remember our guest of honor tonight as the man who made the moustache safe for democracy.

In a much more serious vein, there is something else that Hugh Scott pioneered for which posterity will be eternally grateful. Long before most people had given a thought to the whole civil rights issue, Hugh Scott was fighting vigorously for the cause of human dignity.

As a crusading Philadelphia district attorney, Hugh Scott championed the rights of

Italian Americans, black Americans and other minority groups decades before civil rights had become a fashionable cause or a political asset.

What Hugh did, he did out of compassion and belief in human dignity. And those for whose rights he fought have not forgotten him, as I can see from looking out into this audience tonight.

I don't think there is another man alive today, in or out of the Congress, who has done as much for the advancement of human rights—the fundamental liberties of all Americans—as the senior Senator from Pennsylvania, my friend Hugh Scott.

Nearly every civil rights bill that has passed the Congress since Hugh entered it carries his imprint. Millions of Americans today are at long last living their lives as first class citizens because this man of principle led the crusade for human dignity for more than a generation.

Speaking of justice and law enforcement, I happen to know that Hugh's advice also helped the President in his successful search for a new Attorney General of unquestioned ability and integrity, Hugh's colleague from Ohio, the Honorable Bill Saxbe.

If there ever was a man who tells it like it is, that man is Bill Saxbe. As Attorney General I am confident that he is going to do a great job helping to restore trust and respect to a shaken Justice Department.

This is the same task I have set for myself as Vice President. I hope to do my part in restoring the trust that our people once had and deserve to have again in the American system of government.

As far as I am concerned, this is the first order of business today for all of us—whether we serve as Vice President, Senate minority leader or a precinct chairman in Pennsylvania. And I deeply believe that, if we all pull together, we can and will do it.

In his farewell State of the Union Address a great adopted Pennsylvanian by the name of Dwight Eisenhower left us a prayer—a prayer that all Americans can share, especially at this troubled time.

"Let us pray," Ike said, "that leaders of both the near and distant future will be able to keep the nation strong and at peace, that they will lead us on to still higher moral standards, and that, in achieving these goals, they will maintain a reasonable balance between private and governmental responsibility."

As we look at the world today—and I realize that you have to pierce through a lot of immediate gloom to do so—but if you do look at the broader picture today, you see that part of Ike's prayer has already been answered.

For despite some very sore testing, our leadership—President Nixon's leadership—has kept America strong and restored the peace. Not only that, but for the first time in living memory, we can actually look to a future in which a full generation of peace is no longer an empty dream but a potential reality.

This is no small accomplishment. In fact, it is an accomplishment that, like our guest of honor tonight, is unique. And our guest of honor had a lot to do with it.

For without the support of men like Hugh Scott, President Nixon could never have achieved his great breakthroughs for world peace.

Working together, the President and men of conscience and ability in the Congress have accomplished this great work.

A new chapter in the search for peace was written just a few days ago, when for the first time in the long and bitter history of the Arab-Israeli conflict, both sides agreed to direct talks—the kind of talks that may eventually remove this menace to world stability.

This is a record that we can be proud of as Republicans and as Americans.

I recognize this, you recognize this, and I believe that most Americans recognize this. But we also realize that, today as never before, we face another problem—the problem of morality and standards that Ike addressed himself to in the second part of that prayer of his.

Rightly or wrongly, a cloud of doubt hangs over Washington as we are gathered here this evening. It is a cloud that must be cleared away for the sake of our country.

The question is, how do we do it?

I am sure no one expects an easy answer to that question. There isn't one. But I would like to suggest an answer that flows from my own experience.

Last Thursday I appeared before the Senate Committee on Rules and Administration, which was inquiring into my fitness to be Vice President of the United States.

In making my opening statement to the committee, I said: "Truth is the glue that holds government together, and not only government, but civilization itself."

I believe that most deeply. Truth is a tie that binds human beings together in a drive toward noble goals, and truth is the bond that links people to their government with feelings of faith and trust.

Without that bond of faith and trust, government cannot function. And so today there is an urgent need for all Americans to rededicate themselves to truth, and to honesty and to fair dealing and to plain speaking.

I have always felt that if you communicate with the American people and—to employ a cliche which everyone understands—lay the facts on the line, they will respond and the country will move forward.

This is the important ingredient in the glue of truth—that we communicate with one another, with complete candor and openness.

My experiences since being nominated for the Vice Presidency also compel me to make some comment about the ladies and gentlemen of the press.

A number of investigative reporters have been digging to see if they can find anything in my past conduct which would tend to disqualify me for the high office of Vice President.

I do not object to this. That is their job, and they should do it the best they know how. They are seekers after truth. They are motivated by the same emotions that inspire the rest of us—love of country and dedication to what's right.

Last weekend the Washington Post failed to publish because of a printers' work stoppage. I keenly missed reading my Washington Post. The experience brought freshly to mind the comment made by Thomas Jefferson in a letter dated Jan. 16, 1787, a letter which rings with just as much wisdom now as then.

"The basis of our government being the opinion of the people," Jefferson wrote, "the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

There are times, of course, when newspapers engage in an excess of zeal. So, too, do members of the Congress. In this highly charged and emotional atmosphere of the moment, it is the duty of all Americans—particularly those in public office and those in the news media—to exercise the utmost caution. Those of us in these honored fields of endeavor have a special responsibility.

To preclude a breach of that trust, self examination is helpful. That is exactly what I engaged in last week as I was preparing for my confirmation hearings. As a result, I said to the committee: "I am not a saint, and I'm sure I have done things I might have done better or differently or not at all. I have also left undone things that I should have done. But I believe and hope that I have been honest with myself and with others, that I have been faithful to my friends and fair to my opponents, and that I have tried my best to make this great government work for the good of all Americans."

That is what I will continue to do if the Congress sees fit to confirm me as Vice President—join hands with Republicans and Democrats of good will to make our great government work for the good of all Americans. I will work for a new spirit of cooperation between the White House and the Congress, and for a rededication to truth on the part of all Americans.

My job—hard as it is going to be—will be made a lot easier thanks to men like Hugh Scott, this man of conscience, this man of conviction, this man of conciliation.

Hugh Scott doesn't like labels very much, and I agree with him. Labels tend to limit people, to force them into narrow corners and artificial categories. But there is one label Hugh has never rejected—the label of moderate. Always, he has been a moderate in the best sense of the word—a man of moderation and fairness, a man with a fierce sense of justice and an equally strong spirit of conciliation.

That is what makes Hugh Scott an outstanding Republican, not just this year, but every year. And that is why I consider it a special honor to be a part of this tribute to him tonight.

DR. MARCUS A. FOSTER

Mr. TUNNEY. Mr. President, the city of Oakland is commemorating the life of Dr. Marcus A. Foster, superintendent of schools and the Oakland School District. The entire community was shocked and saddened last week of the senseless killing of this outstanding educator and administrator.

Dr. Foster was admired by all for his steadfast dedication to the youth of the Oakland area. I have been deeply impressed personally by his sensitivity, commitment, and ability to bring the east bay communities together.

He will be sorely missed by those not only in the field of education, but also in numerous other fields where his skills as an educator and leader were utilized.

I hope his tragic death will serve as a reminder that the education of our youth is vital to bring about the kind of society for which Dr. Foster stood—a society in which these acts of violence will not occur.

AIR FORCE ASSOCIATION—MAXWELL A. KRIENDLER

Mr. JAVITS. Mr. President, the September issue of Air Force magazine, the official publication of the Air Force Association, took notice of the 26th anniversary of that organization. Sadly, the anniversary issue also noted the passing of Maxwell A. Kriendler, was a founder and the first president of the Iron Gate Chapter of the Air Force Association and known to a host of New York national and world figures as the "Mac" of "21." One of the outstanding chapters of the Air Force Association, the Iron Gate Chapter contributed hundreds of thousands of dollars to charities in large part due to the energy and compassion of Mac Kriendler. Mr. President, I ask unanimous consent that a most deserving tribute to Mac Kriendler be printed in the Record.

There being no objection, the tribute was ordered to be printed the Record, as follows:

MAXWELL A. KRIENDLER

The Air Force Association is young as organizations go, and time has thinned its ranks but little. Hence, when any stalwart falls he leaves a bigger than ordinary gap. The phenomenon is compounded when the man himself is extraordinary—when he is Mac Kriendler.

Maxwell Arnold Kriendler died in New York City's Mt. Sinai Hospital on August 7, 1973. He had been grievously ill with cancer for the past two years, although the proximate cause of death was pneumonia. He was sixty-five.

Those are the bare statistics. Behind them lie a complicated, warmhearted, generous person who gave more to each of the three enthusiasms in his lifetime than the average man is able to devote to one.

Enthusiasm number one—his business life, in which family, social, and personal relationships were inextricably entwined. It centered around the best-known restaurant in the country, the "21" Club, at 21 West 52d Street in New York—an internationally known watering place that began as a speakeasy, under the aegis of Mac's late brother, Jack Kriendler, and their cousin, Charlie Berns. Mac joined "21" in 1929, following graduation from St. John's Law School, and served as its president from 1947 to 1955. In that year, he moved next door as president and treasurer of 21 Brands, a liquor distributor and importer of, among other fine spirits, Ballantine's scotch and Hines cognac. He later served as chairman of its board.

Enthusiasm number two (only Mac could have said what should be the proper order)—the United States Air Force. The "21" Club is full of souvenirs of the Air Force, in which Mac rose to the rank of lieutenant colonel during World War II, being discharged in 1945 as chief of management control, Eastern District, Air Technical Service Command. He remained active in the Air Force Reserve and retired as a colonel in February 1968. Associated decorations include the Exceptional Service Award, highest civilian decoration of the Air Force, Legion of Merit, and Air Commendation Medal.

Enthusiasm number three—the Air Force Association, including AFA's Aerospace Education Foundation, the Iron Gate Chapter of New York, and the Annual Air Force Salute, sponsored by the Chapter. His service to AFA was endless and tireless. He was the first President of the Iron Gate Chapter when it was chartered on September 21, 1961. That same year he was elected to AFA's National Board of Directors, on which he served until his death, excepting only the years 1964–66. His tenth term in 1972 made him a permanent member of the Board. For nine years, beginning in 1965, he was a member of AFA's Finance Committee. He received AFA's Medal of Merit in 1961 and its Exceptional Service Plaque in 1962. In 1964, Mac was named AFA's "Man of the Year."

Also in 1964, he became a member of the Board of Trustees of the Aerospace Education Foundation, on which he served until his death. In 1966 and 1967, he was Treasurer of the Foundation.

Mac Kriendler—genial host, successful businessman, devoted Air Force officer, dedicated AFA leader—but most of all a generous and unselfish friend. His life was so full because he was so full of life. He will be missed but never replaced.

LAND USE LEGISLATION

Mr. McGOVERN. Mr. President, I ask unanimous consent that the following article by Mr. Luther J. Carter in the November 16, 1973, issue of Science be printed in the Record. This very thoughtful and well-written article on land use legislation is timely, and provides keen insight into one of the major issues before the Congress.

There being no objection, the article was ordered to be printed in the Record, as follows:

LAND USE LAW—I: CONGRESS ON VERGE OF A MODEST BEGINNING

For nearly 4 years now, land use policy legislation has been gestating in Congress, and, if all goes as expected, it will be enacted into law by sometime early next year. The Land Use Policy and Planning Assistance Act of 1973, as the measure has been dubbed, is meant to add a major new dimension to the structure of environmental protection policies which has been emerging since the early 1960's. Indeed, there is scarcely any aspect of the problem of maintaining environmental quality—whether the trouble at hand be air pollution, water pollution, strip mining, promiscuous public works undertakings, or whatever—that can be coped with effectively in the absence of enlightened land use policies.

And, of course, such policies are concerned with much more than protection of the environment, for they have to do with the nation's physical—and hence social and economic—development. Although not resting on so broad a concept as "growth policy," land use policy will necessarily be a critical component of any strategy for guiding or redirecting patterns of growth. Therefore, few issues are more important, more complex, or more charged with political tensions than this matter currently before Congress of establishing a foundation on which sound land use policies can be built. Viewed against the magnitude of the problem addressed, the pending legislation represents a constructive but modest beginning.

Because this legislation hardly can be understood apart from the background of land use practices and planning in the United States, it is essential to examine that background.

The first zoning ordinance in this country was adopted by New York City in 1916 to prevent the garment district from expanding into the fashionable Fifth Avenue shopping area. Note well the negative emphasis here. The New York ordinance, which many cities would soon be following in letter or spirit, had to do simply with keeping what were deemed incompatible uses from occurring within the same area.

This ordinance and the subsequent trend of local zoning which it characterized represented a narrow, limited approach to regulating the use of land in the interest of environmental quality. The zoning official was, in effect, a policeman rather than the instrument of a policy based on natural and humanistic values which would not have allowed much of the urban setting to become a barrens of concrete and steel.

The local governments were, of course, creatures of the state governments, but during the 1920's the states began delegating responsibility for zoning to the municipalities. At the time, this was seen as a reform. The Standard State Zoning Enabling Act published in 1922 by the U.S. Department of Commerce—then headed by Secretary Herbert Hoover—served as a model. According to its terms, the local governments would assume the police powers necessary for zoning and other land use regulations and would not have to look repeatedly to rural-dominated legislatures for special acts. A state's enactment of the model law was then regarded by progressive-minded urbanites as an encouraging step toward "home rule."

BOOST FOR PLANNING PROFESSION

Land use planning as a profession received an enormous boost from the passage in 1954 of the Urban Planning Assistance Act that provided for the so-called "701 program" under which large sums ($100 million in fiscal year 1972 alone) of federal money have gone into state, local, and regional planning activities (with local and regional entities getting the great bulk of the money). Substantial funds for planning also have come from various other federal programs, and, at least in terms of the increase in numbers of planners and planning entities, progress has been spectacular. In the early 1950's there were fewer than 250 active planning professionals in the United States; by mid-1972, there were more than 6200. Furthermore, over the same period more than 200 metropolitan planning agencies were established and some 4000 comprehensive development plans prepared.

The proliferation of plans and planning agencies has not, however, resulted in a general reform of zoning and land use practices. Planning activities have generally been off in a corner away from the hurly-burly of the political process, whereas zoning has been in the thick of that process. Applicants for zoning changes and variances have often come on strong with campaign contributions (and sometimes outright bribes), together with the backing of banks, insurance companies, labor unions, and other local or outside interests having both a stake in the outcome and plenty of clout.

If in recent years some city councils, county commissions, and local zoning boards have been more resistant to such pressures, this has been due less to the influence of professional planners than to an increasing environmental awareness and militancy on the part of many citizens in states such as Florida and Colorado where the pressures of growth and development are intense. Further, it can be said that a strong "antigrowth" attitude among the citizens of a particular community may be no better justified than a recklessly permissive attitude, and may reflect no more favorably on the effectiveness and influence of established planning and zoning programs.

The current interest in land use policy is in part an outgrowth of what, in many places, is clearly a genuine land crisis. To be sure, there is anything but a shortage of land in the United States, taking the nation as a whole. But the year 2000 urban regions will, according to projections prepared for the Commission on Population Growth and the American Future (Table 1), cover some 487,000 square miles, as opposed to the 197,000 square miles contained within such regions in 1960. But this will represent only 16.4 percent of all land in the United States, excluding Hawaii and Alaska. Vast areas will remain thinly populated, and even the urban regions will not constitute a single supercity but rather—in the words of the Population Commission—"a regional constellation of urban centers and their hinterland."

Yet, while there is no general shortage of land, there is widespread abuse and misuse of land, both in urban regions and in regions still largely undeveloped. The several categories of problems resulting from such abuse and misuse include the following:

A decline of environmental quality within urban regions. "Urban sprawl" is one of the weariest of clichés, but the problems capsulized by this term are still very much with us and, in some places, become more aggravated by the day. New subdivisions are still often being built far beyond the reach of established urban services, in areas where efficient sewage collection and treatment are necessarily absent and where existing roads are inadequate to handle heavy new traffic flows.

Strip development along highways—a problem long recognized and long neglected—continues to occur, with the hamburger and fried chicken driveins, the pizza parlors, the used car lots and the shopping centers proliferating endlessly. The scarcity and hence the extraordinarily high value of sizable tracts of strategically placed undeveloped land in urban areas generates powerful economic and political pressures to convert such land to high intensity use even though the crying need may be for open space and public parkland (of this, the accompanying article about the controversy in Yonkers, New York, over a huge shopping center proposed for land owned by the Boyce Thompson Institute provides a prime example).

In general, the standards of urban development have been so lax and so uneven that many people have come to regard land development as just another form of pollution. For instance, owners of single family homes generally oppose the construction of high-rise, multi-family apartment or condominium buildings in their neighborhoods. They assume, often correctly, that the developer will try to maximize his profits by squeezing as many living units as possible onto the land rather than take advantage of the fact that, if properly designed, high-rise development can offer the distinct environmental advantage of allowing much of the site to be left as green space or as a neighborhood park. One can all too easily find examples of such problems as have been described here in practically any fast-growing urban region, whether it be the San Francisco Bay area, southern California, the Colorado Front Range, peninsular Florida, or the expanding metropolises of the East and Midwest.

Suitable and convenient sites for necessary utilities and public facilities are being lost—and environmentally unsuitable ones are still sometimes being selected. With foresight and planning on the part of public officials and utility executives the sites that will be needed for airports, highway rights-of-way, reservoirs, power plants, and so on, can either be acquired in advance or zoned for uses (such as farming or forestry) that will not preclude the eventual development there of the essential facilities. The fact is that such foresight generally has not been exercised, with the result that desirable sites are being preempted by housing or other forms of development that could just as well have gone elsewhere. Utilities have sometimes secretly bought sites against long-term needs, but, as repeated controversies over power plant siting have shown, there is no proper substitute for having the selection of such sites either made or ratified (and at an early stage) by public officials.

Just as appropriate sites for public facilities are often lost through lack of advance planning and zoning, the sites finally chosen and used for such facilities are sometimes highly inappropriate, at least from an environmental standpoint. A classic case in point was the Dade County (Florida) Port Authority's decision, joined in by the Federal Aviation Administration and assented to initially by officials of the National Park Service and a number of state agencies to select a 39-square-mile site in the Big Cypress Swamp for a pilot training facility that might ultimately become one of the world's great jet-ports. The controversy arising from that decision led in early 1970 to a demand by the Nixon Administration that the training facility be removed from the Big Cypress—with the result that now the jetport, if it is ever actually built, will (while avoiding the Big Cypress) intrude deeply into an Everglades water conservation area near Miami.

The jetport dispute was one of the more significant factors causing the President's Council on Environmental Quality to come forward in 1971 with a land use policy bill. This controversy was also among several disputes over the siting of major facilities which led Senator Henry M. Jackson (D-Wash.), chairman of the Senate Interior Committee, to begin work on such legislation in 1969.

Promiscuous development of vacation homes is causing degradation of wild and scenic areas that should be protected for general public benefit and enjoyment. Whether one looks to the Big Cypress Swamp in South Florida, the Adirondack Mountains of upstate New York, the coastal reaches of Maryland and Virginia, the alpine areas of the Rockies, or the deserts of New Mexico and Arizona, the land sales companies have been eagerly buying up land to be subdivided and sold on installment to buyers susceptible to high pressure sales tactics—and who may themselves be naive small-fry speculators. The growth of the land sales business has been astonishing; the total number of lots sold in 1971 (by some 10,000 subdividers) runs to an estimated 625,000. In Florida alone about 200,000 lots are registered each year with the state land sales agency, and, while some of the lots are in well-planned retirement home subdivisions, many are in places such as the Green Swamp and the Big Cypress, both being areas important for wildlife and for aquifer recharge.

Outright fraud is practiced by some of these purveyors of vacation home lots, with purchasers discovering belatedly that the lots probably can never be used, either because of inaccessibility or because they are in an area prone to flooding, mud slides, or other natural hazards. In other cases, the land can be used, but only after alterations—draining swamps, scarring mountainslides (with the deep cuts and fills necessary for road building), or filling coastal wetlands—that do severe harm to regional hydrologic and ecologic systems. Although it has proved a grossly inadequate remedy, the Land Sales Full Disclosure Act of 1968 was meant to protect the land buyer. Essentially nothing has been done to cope with the ultimately more serious problem of protecting the land itself.

TABLE 1.—POPULATION AND LAND AREA OF URBAN REGIONS, 1920 TO 2000

	1920	1940	1960	[1] 1980	[1] 2000
Number of urban regions	10.0	10.0	16.0	24.0	25.0
Population:					
Millions	35.6	53.9	100.6	164.6	219.7
Percent of total U.S. population	33.6	40.8	56.1	73.4	83.1
Land area:[2]					
Square miles	60,972.0	94,999.0	196,958.0	395,138.0	486,902.0
Percent of total U.S. land area[3]	2.1	3.2	6.6	13.3	16.4
Gross population density of people per square mile	584.0	568.0	511.0	417.0	451.0

[1] Based on Census Bureau series E population projection (based on a fertility assumption of 2.1 births per woman).

[2] Excludes urban region of Oahu Island, Hawaii.

[3] Coterminous U.S. excluding Alaska and Hawaii.

Source: Jerome Pickard, "U.S. metropolitan growth and expansion 1970-2000 with population projections," prepared for the Commission on Population Growth and the American Future at the Urban Land Institute, Washington, D.C., December 1971. [Reprinted with permission from ULI-Urban Land Institute, Washington, D.C.]

Prime farmland is being lost to development activities that could be required to use land of little agricultural potential. Statistics reported by the U.S. Department of Agriculture in its National Inventory of Soil and Water Conservation Needs, 1967 indicate that, as of 6 years ago, about 10 percent of the class I, II, and III land in the United States (land in classes IV through VIII is either marginal or useless for growing ordinary field crops) had been "built up" or otherwise converted to urban use. If, as prophesied by consultants for the Commission on Population Growth and the American Future, urban regions are to embrace more than twice as much land by the year 2000 as they did in 1960, the loss of prime farmland to development could increase correspondingly.

The modest loss of farmland to date has been far more than offset by increases in farm productivity resulting from improved seeds and other advances in agricultural science and technology. Yet, while the gains in productivity continue (though at a slower rate than in the past), future production may not be sufficient to satisfy effective demand at acceptable prices. The rapidly rising demand abroad for American wheat, soybeans, feed grains, and other farm commodities, together with increasing consumption of farm products at home, may herald an end to the old problem of crop surpluses.

During discussions of land use legislation on the Senate floor this year, Senator George Aiken (R-Vt.) observed that land use policy should be viewed as highly relevant to both farm policy and energy policy. The United States, he said, should take full advantage of its ability to produce farm surpluses for export in order to earn the money to pay for what is expected to be its greatly increasing importation of foreign oil.

And, quite apart from such considerations of national policy as this, some will argue that the preservation of certain farmlands uniquely suited to specialty crops can be justified simply in terms of keeping such crops available to Americans at reasonable prices. Here, it is relevant to note that, from December 1969 to December 1971, citrus acreage in Orange County, Florida—where the Disney World project was then being built—declined by some 8 percent, or 5400 acres (freeze losses were a major factor, but the feverish speculation in land spurred by the Disney development may help explain why more freeze-stricken groves were not replanted). The value of the citrus groves of Orange County and the rest of Florida's central highlands goes far beyond that of the fruit produced. These groves are highly scenic, and they represent a productive use that is compatible with the highland region's vital function in the recharging of the state's great Floridan aquifer.

In sum, by 1970, when general land use policy bills first came to be seriously considered in Congress, there was abundant evidence of the need for legislation in this field. Furthermore, several existing laws had pointed up the importance of effective land use regulation without actually bringing about much movement in that direction. Going back a number of years, the laws governing various federal grant-in-aid programs—for redevelopment and housing, highways, airports, and the like—had required that the projects benefiting from federal assistance be consistent with general land use plans of local governmental bodies. The Intergovernmental Cooperation Act of 1968 required that applications for federal grants related to a long list of purposes, from mortgage insurance to sewer construction and flood control projects, be reviewed and commented upon by planning agencies at the metropolitan, regional, and state levels. For such requirements for planning coordination in the case of specific projects to serve their purpose, it obviously was essential that the states and localities have general plans and policies which really governed land use practices. The same was true of the requirements of new federal air and water pollution laws that land use planning and regulation be employed as a major tool for achieving or maintaining prescribed air and water quality standards.

A major aim of the land use policy bill tentatively developed in 1970 by Senator Jackson (D-Wash.) and his colleagues on the Interior Committee was to have the states reassert the authority over land use which they had so freely delegated to the local governments back in the 1920's and 1930's. This initial Jackson bill would have made each state government responsible for having a *comprehensive* state land use plan prepared and faithfully observed.

One state, Hawaii, had long before, in 1961, adopted a land use law that called for establishing four zoning districts—conservation, agricultural, rural, and urban. Every part of the state was to be placed in one of these districts. No other state had enacted such a law, however, and most still had no broad state-administered land use control program of any kind. Hawaii was atypical, probably because of its small size and the importance of preserving its very limited amount of arable land.

FOCUSING ON THE "BIG CASES"

The Nixon Administration, in its land use bill submitted to Congress in 1971, was in full accord with the idea of having the states reassert authority but disagreed with Senator Jackson in his emphasis on statewide comprehensive planning. The Administration measure followed the concepts contained in the draft Model Land Development Code prepared by the American Law Institute (ALI). That code called for the states to take a highly selective approach focusing on land use questions of more than local significance, or on the "big cases," to use the term employed by Richard F. Babcock, the Chicago attorney who led in the code's formulation. According to Babcock, under the ALI code some 90 percent of all land use questions would continue to be disposed of by the localities without interference from state government.

Whatever difficulties there might be with this approach, it clearly offered one indisputable advantage—it held out to the local governments an assurance that their authority in land use matters would remain largely intact, thus making them more amenable to the proposed new role for the states. Any land use bill opposed by municipal and county governments across the nation would be a dead duck.

In 1972 the Senate Interior Committee came around essentially to accepting the Administration bill, and the selective, "big cases" approach was the one spelled out in the measure reported from the committee this year and passed by the Senate in June. The Senate bill, which runs to 80 pages and is too complex to be easily summarized, would have the states establish a land use control program concerned with several categories of "areas and uses of more than local concern," as broadly defined below.

(1) "Areas of critical environmental concern," for example, historic areas, significant wildlife habitat, beaches, flood plains and other "natural hazard" areas, and "renewable resources lands," such as farmlands, forests, watersheds, and aquifer recharge areas.

(2) "Key facilities," such as major airports, highway interchanges and frontage access highways, sports arenas, and facilities for the generation or delivery of energy.

(3) "Large-scale development," as in the case of an industrial park or major subdivision.

(4) "Public facilities or utilities of regional benefit," as in the case of a public housing project, a power plant, or a waste disposal facility which might be arbitrarily excluded from a locality by exclusionary zoning.

(5) The location of new communities and the control of land use around such communities.

(6) "Land sales or development projects," defined as any subdivision or housing project of 50 or more lots or dwelling units located 10 miles or more from the nearest urban region or from the nearest local jurisdiction certified by the governor as capable of regulating such a project.

The act sets forth two methods by which the states are to implement the new land use program, these to be employed either singly or in combination. One method would be for the state itself to undertake direct planning and regulation. The other method, and the one preferred by the Interior Committee, would be for the state to establish guidelines and criteria by which local governments would implement the program, subject to the state's review and approval. A few states—Maine, Vermont, and California among them—have over the past few years established programs whereby certain kinds of development are regulated directly by the state. The facts of political life being what they are, however, most states are likely—at least initially—to adopt the method of indirect control favored by the Interior Committee.

Under the Senate bill, the federal government would assume the obligation of keeping all its activities on non-federal lands (as in public works projects carried out or supported by federal agencies) consistent with the state land use programs; exceptions could be justified only for reasons of "overriding national interests," as determined by the President. Federal lands would ordinarily be managed in coordination with the management of adjacent non-federal lands, an important matter in western states where federal and non-federal lands often exist in a complex checkerboard pattern.

Also, the federal government would support the new state and local land use control program with grants made to the states, the total to come to $100 million annually over an 8-year period. The states would bear 10 percent of program costs during the first 5 years and a third of the costs thereafter. To remain eligible for continued financial assistance a state would be expected to develop, within 5 years, a program of land use controls for coping with the kinds of problems earlier described. Administration of the act would be the responsibility of an office of land use policy in the Department of the Interior, assisted by an interagency advisory board and (in cases where a state's eligibility for continued assistance is in question) by an ad hoc hearing board that would include a governor among its three members.

The land use policy bill that the House Interior Committee is expected to report out before the end of the year is likely to be generally similar to the Senate measure. In spite of opposition from the political right and from many land developers, such legislation now appears to have won the support (or, in some cases, at least the grudging acceptance) of a variety of interests, including resource user groups, local and state officials, and environmentalists.

This has come about through the elimination of both the more controversial provisions of the original draft legislation and some which various senators and representatives wished to add. Especially notable in this regard was the Senate's rejection, by a vote of 52 to 44, of a provision favored by Senator Jackson which would have allowed federal authorities to withhold up to 21 percent of a state's allotted highway, airport, and land-and-water conservation funds pending its adoption of an acceptable program of land use conrtol.

With few exceptions, the governors had strongly opposed this sanction, and the surprising thing is that it received as much support among the senators as it did. The land use bill pending in the House still contains a sanctions provision, but it is expected to be dropped.

Another thing that has kept the bill from miring in deep controversy was the decision not to attempt to have it prescribe a *national* land use policy. Last fall, when an earlier version of the land use bill was under debate, the Senate turned a deaf ear to a proposal by Senator Edmund Muskie (D-Maine) to include substantive policies in the bill which, among other things, would have required that the states ordinarily exclude development from areas such as prime farmlands, flood plains and wetlands, and wild areas. The general policy would have been to favor redevelopment of existing communities and urban areas

Although the Senate bill calls for special protective policies for areas of critical environmental concern, the states would be permitted wide discretion in defining the extent of those areas and the nature of permitted uses—and, indeed, with the sanctions provision eliminated, a state would be free not to adopt any program of land use controls whatever. By way of specific environmental standards the bill does little more than say that air and water quality standards prescribed under existing law must be observed and that land sales projects must not be located in natural hazard areas or built in such a way as to destroy natural values.

As pointed out in the report of the Senate Interior Committee, "there is virtually no consensus on the possible substance of national land use policies." Senator J. Bennett Johnston (D-La.) had, for instance, no doubt spoken for many when he disputed Senator Muskie's proposition that development must be excluded from flood-prone areas (Johnston contended that such a policy might apply to as much as a third of the land in his home state). To cite another example, the concept of preserving prime farmlands arouses much disagreement, not least among farmers, many of whom cherish the right to sell their land to developers for a handsome capital gain.

The one major point on which a consensus exists is that there is a need to establish a *process* of state land use regulation. The Senate bill does provide that, 3 years following its enactment, the Interagency Advisory Board will recommend to Congress such legislation as it may deem necessary for the establishment of national land use policies. In this endeavor the board will be aided by reports from the Council on Environmental Quality and the states.

If the pending land use legislation does soon become law, as seems likely some improvement in land use practices should result. The legislation, however, has a number of inherent weaknesses. In 1972, the Florida Legislature, by passing the Florida Environmental Land and Water Management Act, anticipated the proposed national land use law to a remarkable degree, for both the new Florida law and the national legislation are based on the ALI model code. Some major problems that appear to be arising under the Florida law will be examined in a second article.

DR. MARCUS A. FOSTER

Mr. SCHWEIKER. Mr. President, I was shocked and saddened to learn of the death late last Tuesday of Oakland school superintendent, Dr. Marcus A. Foster. Dr. Foster and his assistant, Deputy Superintendent Robert Blackburn, were gunned down by assailants as they left a school board meeting in Oakland, Calif. Fortunately, Mr. Blackburn will survive. But the void created by the death of Marcus Foster will be hard to fill.

Dr. Foster was well known to Philadelphians as associate school superintendent for community affairs. Prior to holding that position, he was principal of Simon Gratz High School in Philadelphia. In January 1969, Dr. Foster was presented the Philadelphia Award for his "outstanding public service to the community" when he was principal of Simon Gratz High School. He was cited, in particular, for his "Go for Gratz" program which brought school services closer to the community, and for forming an advisory council on career development to coordinate school efforts with the needs of industry. Only 18 of Gratz' graduates pursued higher education the year Marcus Foster became principal, in March 1966. After 2 years of his administration, 180 graduates continued their education, many with scholarship aid totaling $166,000.

In May 1969, Dr. Foster was named an associate superintendent of the Philadelphia school system. He was selected to fill a vacancy on the board of trustees of Delaware County Community College in June 1969, and was the first black ever nominated to that post. A month earlier he was named to the board of trustees of the University of Pennsylvania. Members of the Greater Philadelphia Chamber of Commerce named Dr. Foster "Man of the Month" in November 1969, and the educational task force of the Philadelphia Urban Coalition honored him at a testimonial dinner. He left Philadelphia to become superintendent of the Oakland, Calif., school system.

Mr. President, the shooting of Marcus Foster was a senseless act, and verbal tributes to him are somehow inadequate. However, at this point in the RECORD I ask unanimous consent to print an article by Elizabeth A. Williams which appeared in the Philadelphia Evening Bulletin. This article is significant, because it contains the tributes of the Philadelphia educators who knew Marcus Foster best. I join in their sentiments. In addition, I ask unanimous consent to print the foreword from Dr. Foster's book published in 1971 and entitled "Making Schools Work." The foreword was written by Alex Haley and aptly sums up much of Dr. Foster's philosophy.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOSTER "SORELY NEEDED," EDUCATION LEADERS SAY

(By Elizabeth A. Williams)

Marcus Foster's murder in Oakland, Calif., was mourned today by Philadelphia school leaders who worked with him here.

Superintendent of Schools Matthew W. Costanzo spoke of him as a man whose example was sorely needed.

Mark R. Shedd, former superintendent, said Foster was one of the nation's great educators.

William Ross, president of the Board of Education, said, "He was a star."

"We are all terribly shocked and saddened by the loss of a very respected administrator and a much loved colleague," said Costanzo.

"There's no question that Marcus made an impact on the education of the children of Philadelphia while he was here."

(Foster became principal of Simon Gratz High School in 1966 and was an associate superintendent when he left here for Oakland.)

"Through his performance as principal of Gratz and as an administrator, he helped tremendously to raise the aspirations of Gratz pupils.

"Here is a man who was a product of the Philadelphia public school system. His example was sorely needed in the midcity.

"This even defies your wildest imagination. I just don't know who would want to do this to a man like Marcus Foster."

"This is a very tragic thing, a very amazing thing," said Ross.

"He was a very fine educator and an extremely constructive person in our educational system. I was extremely sorry to see him leave Philadelphia for Oakland.

"At Gratz, there was a great deal of absenteeism and very low morale. Marcus Foster turned all that around. He was a very fine all-round man."

Shedd, who appointed Foster principal at Gratz, was reached at his Cambridge, Mass., home. He now is a professor in the graduate school of education at Harvard University. Shedd said of Foster: integrity and enormous commitment to the kids and people of the community.

"I can't help but feel shock from the incredibility and senselessness of what has happened. When do we establish a climate when people don't seek to solve problems through murder, violence and brutality?"

MAKING SCHOOLS WORK

(Foreword by Alex Haley)

Freshmen nowadays in already-troubled colleges exclaim, "Wait till the high school kids get here!" That only adds a wider dimension of value to this book's contents, which Marcus Foster has somehow found the time to share. All educators, working at whatever level, have a very real stake indeed in what Making Schools Work has to say; but it is on the precollege firing line that Marcus Foster's brilliant career is being carved out, and that is where he has gained his dues-paid expertise. The tone of the book mirrors the man whom I have become privileged to know and for whom I feel a deep respect. With his natural-born matter-of-factness and affableness he will hit a ghetto street, ringing doorbells ("Hello, I'm the principal from Gratz"), or will cross the country on a midnight plane to exchange dialogue with other erudite educators. Therefore, far from being lofty rhetoric, this book is simply Marcus Foster's offering, in his own warm way, of forthright views derived from the problems he has faced. He offers for colleagues' consideration action he has taken in volatile circumstances—actions that bear the authority of having worked.

The authority is cumulative. Time and again, Marcus Foster has been rushed into troubled schools as a ninth-hour general; and threatened violence has been averted, to be replaced by creative progress. ("As I see it, when there has to be violence to get something done, then we know that the democratic process is failing us.") He describes graphically the confrontations he himself experienced in the hot seat of troubleshooter and school principal. We see him siding in a particular instance with students correctly demanding school changes to what they felt was "relevant." On other occasions we see how he weathers the tensions of an emotionally aroused community, a critical metropolitan press, an adamant school board, and a teachers' union ready to strike. Then we can read about the direct, practical, corrective steps that *worked*. And when the confrontations were at last defused and diffused, there came the healing, building actions which saw anger's energies channeled into constructive programs. We follow him through the long, hard, trying months of struggle to improve a historically maligned high school, "down" in every way imaginable, until gradually there begins a visible rising. The reader can share vicariously Marcus Foster's emotions when he says, "As Gratz began to climb upward, we could literally feel the surging energy and joy."

Marcus Foster goes farther—he takes us behind the scenes with insights into why various actions worked.

He helps us look into the welter of fears and uncertainties occurring today wherever pupils, black or white, or being used to achieve racial mixes; or wherever once lily-white residential school communities are rapidly darkening. Marcus Foster holds up a candid mirror to educators, students, parents, school boards, and communities, so that all who are involved may look at themselves.

Again, his insights help us understand the loudly lamented "nonreading" and "nonverbal" student—by offering fresh new perceptions of that young human being. We read of measures that have lured out and have *motivated* even their uneducated parents to see that there *are* ways in which they can aid their children's education ("I never met a parent, no matter how poor, who didn't prize education and know that education is what his children need.")

Here are made graphic the diverse dangers that accompany any administrative tactics to stall, balk, or outright ignore the demands voiced by students. ("If it makes sense to you, say so . . . . The kids need to know where you stand, whether you're with them or against them.") And like a litany, this book calls parents and the general community to become, and to be kept, genuinely involved with their schools. ("A school insulated from its community never was a good idea. Nowadays it is impossible!")

Marcus Foster urges that there be no more VIP principals within sacrosanct offices. He champions those whose open-door (and open-*ear*) policies obviously keep them closely attuned to whatever is going on. (In my own two years of interviewing for and writing THE AUTOBIOGRAPHY OF MALCOLM X, I cannot remember Malcom ever more impassioned than when he recalled his hurt and disillusionment followed by bitterness after a white eighth-grade counselor told him that, because he was black, he should strive to be a carpenter, not a lawyer, as Malcolm wanted.) Foster bemoans the huge metropolitan high schools which may have as many as four thousand students, and he wishes particularly that he could somehow alleviate in such schools "the anonymity a child feels . . . Anything you can do to overcome it has to be worthwhile."

The next book by Marcus Foster may very

well be about the diverse challenges with which he will surely be dealing as he continues in his present post as the first Black Superintendent of Schools in racially charged Oakland, California. The public reactions when he arrived ranged from sympathy for whoever would undertake the job, to hyper-militant dubiousness that the touted "mouthmatician" from Philadelphia could last even the traditional "honeymoon" year. As he entered his second year, however, it was accepted by all that Marcus Foster certainly seemed determined to revitalize comprehensively a troubled metropolitan school system. He was ready to "retool" by any means necessary, to provide better, more relevant education for the multi-ethnic students and community the school serves.

He concludes this book most appropriately with his first speech to the staff—whom he advised, "The reward system will work for those who dare to take risks." I feel no risk at all in reiterating that there are no American educators, or members of school boards, or student bodies, or parents, or concerned citizens, who will not find enlightenment and wise counsel about the administration of schools in our present, testing times through reading of this book.

TRADEMARKS PROMOTE U.S. ECONOMIC GROWTH

Mr. EAGLETON. Mr. President, the president of the U.S. Trademark Association is a most distinguished St. Louis attorney, Mr. Thomas J. Carroll.

He has written me a letter, excerpts from which I ask unanimous consent to have placed in the Record along with a pamphlet prepared by the U.S. Trademark Association.

There being no objection, the material was ordered to be printed in the Record, as follows:

Excerpts

This brief pamphlet presents 7 cogent reasons why the United States trademark system is so vital to the vigor and growth of the United States economy.

The USTA feels quite strongly that since the founding of our country, and certainly since the age of the industrial revolution, trademarks have been the very backbone of our economy. Unfortunately, today their importance to everyday living and protection of the consumer is frequently lost in continuing efforts of others to present other concepts and philosophies. These efforts are being utilized in some instances by well-meaning individuals and even government bureaus. However, I don't really think they have thought through what the end results of their efforts to promote other concepts and philosophies will be.

The USTA is going to forward to each congressman and senator a copy of the pamphlet in the very near future. So it is our hope that should you grant my request to read the pamphlet into the Congressional Record, it will not be an unfamiliar subject to your colleagues.

Trademarks Promote U.S. Economic Growth

Trademarks have helped build the American economy to its leading position in the world today. No other economy has ever matched its record of innovativeness, productivity or ability to raise the entire standard of living of a major nation.

Why is the trademark system so vital to the vigor and growth of the U.S. economy? Here are seven reasons why:

1. ENCOURAGES MARKET COMPETITION

Market and merchandisers competition in America depends on the ability of competing producers to identify their goods and services. Without trademarks to differentiate the source of one product from another, an important incentive to offer superior quality is lost.

2. FIXES RESPONSIBILITY

Trademarks act as a major deterrent to careless manufacturing. Dissatisfied consumers can instantly identify products that failed to live up to claims or expected standards of quality.

3. STIMULATES INNOVATION

Continuous new product development in a free society requires a trademark system to guarantee the innovator his goods can be recognized and rewarded if they prove successful.

4. LOWER COSTS

The economies of mass production and mass distribution depend on trademarks to develop and hold large markets. Without trademarks, cost-saving distribution techniques such as self-service supermarket merchandising would be impaired. Nor would producers have the confidence of repeat sales to package products at the rate of millions of units per week.

5. SAVES CONSUMER TIME

Fast product identification saves valuable time for consumers. The average American food shopper today spends only 30 minutes per week selecting 50 different products on a typical trip to the supermarket.

6. GIVES CONSUMER A CHOICE

Trademarks make it possible for consumers to tell one product from another, choose their favorites and reject the brands they don't like.

7. CREATES FOREIGN MARKETS

American companies foreign trade has played a major role in building the U.S. economy. Trademarks make it possible for American producers to create worldwide markets for their products.

PROBLEM OF SECURING STABLE ENERGY SUPPLIES

Mr. HATFIELD. Mr. President, may I take this opportunity to bring the words of the great Senator from West Virginia (Mr. Randolph) to the attention of my colleagues. He is addressing today a convention of the American Petroleum Institute, and his subject is the problem of securing stable energy supplies for our country.

Few people can speak with the authority of Senator Randolph on this subject. We remember that years ago he began urging the Congress to focus attention on our developing energy problems. He is the father of the wide-ranging Senate study of U.S. energy policies begun in the 92d Congress and continuing in the 93d. The clarity of his vision in the examination of the many facets of our current energy situation is still unmatched.

Time will prove the assertions that Senator Randolph makes today. Let us not waste time by failing to act upon his recommendations.

I ask unanimous consent to have the text of Senator Randolph's address appear in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Speech by Senator Jennings Randolph

You have been reading about it and you have been living with it—and so have I. Reference here is, of course, to the fuels and energy crisis.

I have not at any time discounted the seriousness of the shortages as they have grown into crisis proportions.

But, after numerous critical meetings with N.A.T.O country legislators in the latter part of October—and all last week with my Senate colleagues, with Administration spokesmen, and with leaders of energy industries—I say with sadness that we have a real crisis now, not a contrived crisis. And a more serious extension of the crisis is in the making, largely as a result of the Arab-Israeli war and our country's involvements.

So, continuing our high standard of living in America is possible only through having available—and consuming—significant quantities and, for the foreseeable future, increasing amounts of energy resources. But, consumption must slacken because supply is not keeping pace in any commensurate degree with demand.

Recent—and growing—shortages in gasoline and propane—and now in heating oil—and a falling off of coal production, all combine to raise serious questions regarding our country's capability to sustain even limited economic growth without any frills attached.

In 1960, our energy demands, when converted to a common base in terms of oil or an "oil equivalent", were 21 million barrels of oil per day. In 1970, this figure had reached 34 million barrels per day—and is projected to increase to 48 million a day by 1980.

In 1960, each American annually consumed the equivalent of 44 barrels of oil; by 1970, it was 60 barrels annually; and, for 1980 it probably will reach 77 barrels per person each year.

Under such circumstances, energy self-sufficiency will not materialize automatically; indeed, at such rates of consumption, we will surely be in a deep energy deficit.

Our country's present hodge-podge of energy policies is synonymous with a National Oil Policy, but more synonymous with an Imported Oil Policy. If recent projections made before the Arab-Israeli war were to materialize by 1980, it would have meant that almost half of our oil supplies would be coming from the Middle East.

As more recent and continuing events have been demonstrating, this proposed dependence on the Middle East is thoroughly unrealistic, even for the short-term. But, we have not taken any substantial and necessary steps to assure alternate domestic supplies.

Japan and Western Europe have no other choice than a significant reliance on imported energy supplies. However, the United States, like Russia, has the potential to achieve energy self-sufficiency through reliance on domestic resources. I have been making this assertion for more than 30 years—and I will continue to urge a stronger determination to achieve greater degrees of American self-reliance.

I repeat and reemphasize:

The United States only option that is in our long-term interest is energy self-sufficiency.

This means a greater development of nuclear electric power, and, more importantly, a significantly increased reliance on domestic coal resources for gasification and liquefaction.

The benefits to be derived from reliance on domestic energy supplies would be felt by all segments of society. Employment would increase. Individual incomes would rise. Profit opportunities would improve. Government revenues would grow. And the Nation would be more secure.

A National Fuels and Energy Policy dedicated to energy self-sufficiency will require:

First, realistic consideration of expanded environmental concerns;

Second, reorganization of the Federal Government to promote more efficiency and coordination in Administration of Federal energy programs;

Third, a national energy conservation policy;

Fourth, a concented Federal energy research and development policy;

Fifth, promotion of the development of domestic energy supplies—oil, natural gas, and coal; and

Sixth, energy prices which reflect the costs of developing replacement supplies—including synthetics—for depleted reserves.

But, it is clear to me that we cannot achieve these goals under the old order or under the traditional methods.

There must be a reordering of priorities, a re-thinking of concepts, and a development of new energy technologies.

I am not implying, however, that we accept extreme concepts or proposals that would destroy more of the free enterprise system than it would rectify. Believe me, ladies and gentlemen, there are some very debatable—if not destructive—schemes lurking behind the scenes, including some which perhaps will be proposed as amendments to the Natural Gas Act.

It seems to me to be inescapable that secure energy supplies—perhaps we should say "all energy supplies" from now on—will involve higher prices to be paid all the way from producer through to consumer. Oil, natural gas, and coal—and derivatives—cannot help but feel the impact of rising costs.

World-wide oil shortages, made all the shorter by recent and on-going Arabic oil country production curtailments, naturally drive petroleum prices upward.

Natural gas prices, historically and even today under regulation by the States' regulatory agencies and by the Federal Power Commission, must have more flexibility.

Regulation, it has been said, was established to protect the consumer and guarantee that he will have this valuable energy resource for a cheap price.

Instead, this energy supply has been priced out of plentiful availability. As a consequence, regulation can be said to have restricted the industry. This has created a condition of scarcity and, therefore, the consumer has been done a disservice.

Regulation to protect the consumer has resulted in his "over-protection" because it has developed scarcity which has distorted the whole energy supply picture. There must be better ways to safeguard the consumer. We must find them and implement them, and not delay doing so.

I know as you do that exploration for and production of natural gas, just like the search for oil, are risky businesses. All of the easy-to-find gas probably has been found. Gas becomes increasingly difficult and more costly to discover when it means having to go the Outer Continental Shelf—to Alaska—and to depths greater than 15,000 feet. Some of this extra-deep drilling is in my home state of West Virginia.

Such expensive exploration requires substantial capital. But it is necessary to bring it to bear on the problem if we are to have adequate supplies of natural gas and oil for the consumer.

Everyone here surely knows that I am an advocate of making substantial capital expenditures for gasification of coal to create commercial supplies of pipeline quality coal gas to augment natural gas.

If shortages of gas and oil continue to intensify, we will indeed have cold showers, cold food, cold homes, and cold feet. And, before we have to resort more and more to the candle for warmth and light, we should be mindful that candles, too, are derivatives of petroleum.

And, because of the cost-price squeeze, coal mines are not producing even at normal levels; certainly not at the accelerated pace which total energy conditions indicate coal should meet in the best interests of the country.

To be sure, we read last week that the National Petroleum Council projects that domestic demand for coal is expected to increase by 3½ percent a year through 1985—and that coal exports will rise by 4½ percent annually.

This would seem to be good news for the coal industry and the miners—as well as for the economy of such States as West Virginia, Kentucky, and others with much coal production.

But, we must realize that a rapid stepping up of production will not come about with ease. Conceivably, any new coal production might be thwarted.

Here are some reasons why this is true:

One coal executive has informed us of extraordinary developments, as follows:

(1) Evidently the Federal Power Commission has asked numerous Eastern United States electric utilities to go back to burning coal as a result of the oil crisis, which was accentuated by the Middle East war last month.

(2) Eastern United States coal mines supplying steam coal at the present time are unable to fill the orders on hand. Production is somewhat below normal because of health and safety law stringencies and because of market problems induced by the Clean Air Act and regulations under it—plus, of course, the anti-pollution laws and regulations of the States and major metropolitan areas.

(3) Notwithstanding, the Eastern utilities have been attempting to move back into the Eastern coal market at an unprecedented rate during the past week.

(4) But, everything considered, the coal producers do not find any sound financial way to increase coal production under the Federal price control system as presently in effect.

Clearly, just as oil has had the depletion allowance and other incentives to stimulate investment in exploration, and just as natural gas needs realistic relief from the present regulatory system, so does coal require more realistic price consideration by the Cost of Living Council. Unless price regulation in its present form is removed, no new mine capacity will come about.

Clearly, our fossil fuels industries need better understanding of their problems by Congress—and by the Executive Branch, as well—especially by the Cost of Living Council.

Moreover, as a country we must be prepared to pay costs that reflect the stringencies of environmental quality controls, as well as the burdens of occupational health and safety laws and regulations.

To date, we have not done well in finding a suitable and equitable balance between energy and the environment.

Rather, it seems that we have adopted a national posture of energy versus the environment, to the substantial disadvantage of domestic energy supplies—especially to the disadvantage of coal and oil.

The challenge is there; the question is one of acceptance and a solid commitment to meeting our country's energy needs in ways consistent with our national environmental policies. Both can be achieved if the approachment of our national capability to solutions is reasonable and not fanatical.

In this context, as provided in our Constitution, the Congress is responsible—and accountable—for the formulation of our country's priorities and programs. The Executive Branch, in turn, must implement and administer statutory policies or recommend their modification.

In this connection, we have been finding more and more that, in addition to the lack of anything approaching an integrated and viable national fuels and energy policy, there is sluggish and uncoordinated response by Federal energy agencies to serious fuel shortage problems.

This underscores the need to overhaul Federal energy organization.

The prospect of unprecedented peacetime fuel shortages in the next few months and years poses an extraordinary challenge to the Federal Government.

Those of us associated with the Senate Fuels and Energy Policy Study are in agreement with Chairman Jackson that—skillful management of major new programs for energy conservation and fuels allocation will be required. At the same time, major programs to develop new fuel sources must be placed on an urgent basis. Yet, there is little evidence that the Executive Branch, even at this late date, is properly organized to respond to these needs.

Clearly, Congress cannot wait too long to create new organizations—with new mandates—to develop and manage coherent and rational fuels and energy policies.

We need to create more and better technology to expand our country's energy supplies and move farther down the road toward domestic energy self-sufficiency. We have really not performed up to our American potential in this respect. Hence, we are a long way from being energy self-sufficient.

Yes, the United States must develop alternative supplies to increase flexibility in our negotiatons with overseas oil countries. To be sure, this will call for higher energy prices, which is naturally not domestically popular. But the alternative would be to curb domestic consumption. The Middle East war has vastly complicated our energy picture and our ability to bring it better into focus.

As I view the situation today, our greatest challenge is the willingness to come to grips with the fact that the industrialized and militarily powerful countries are really too much at the mercy of the small and the economically developing countries. Yet, for some time to come Western Man will have to rely substantially on such oil-rich countries.

Few of our traditional policies can accommodate this turn of events in an era of intense nationalism—especially Arabic nationalism.

Hence, seldom before has there been such a need for new, imaginative United States foreign policy. Consequently, we must have an international—a world—not just a United States perspective with respect to foreign policy.

In the absence of the degree of domestic self-sufficiency in energy that we should have tried harder to achieve, I believe that: Our foreign policies in the Middle East do not reflect our growing dependence on that part of the world for energy supplies. Our foreign policies must be modified so as to reduce tension and better stabilize the oil supply system.

For too long, perhaps, our policies toward the Arab countries have been too generally synonymous with the policies of the international oil companies. In the past, this had some degree of acceptability. But, now—and in the future this will not be in the best interest of our country. I cannot believe any longer that the financial interests of the international oil companies are inherently the same as the interests of the people of the United States.

Our Government must henceforth undertake diplomatic approaches, on our country's behalf, with the Organization of Petroleum Exporting Countries (O.P.E.C.). The overriding concern of our Government must be secure and stable energy supplies.

I repeat and reemphasize:

We are too far from being domestically self-sufficient to ignore the O.P.E.C. countries or to neglect our relations with them.

Now, I return to a brief focus on the need for aggressive domestic actions:

For the past quarter of a century, one Administration after another has failed to create or even address the need for a National Fuels and Energy Policy. Each Administration seems to have been content with a hodge-podge of policies. The Congresses have done no better. We are really trying harder in this Congress, but we are having to do it under crisis conditions.

Now we are paying for this neglect!

Our present National Administration suffers even worse from indecision, delay, lack of candor, and an understatement of domestic problems. In short, this Administration is content, it seems, to react too much after the fact rather than take bold and necessary steps beforehand.

As I come toward the closing of these remarks, I make it clear that I believe, in the final analysis, that any long-term strategy for increasing our domestic energy self-sufficiency must rely on traditional institutions that have served us well. This means, in my view, that our principal reliance must continue to be on industry and the market place for our energy supplies. But the staid old ways of the past will not see us through the problems we face now and those we will confront in the future.

There needs to be a blending of youth in your establishments with the wealth of experience within your corporate structures.

You may not realize how much or how often it is true, but young lawyers and economists you pass over in your recruitment and replacements in favor of the "experienced" lawyers and economists are coming to the staffs of the Committees of the Congress. And you should know that many of the laws under which you live are written by these young people in committees.

I urge you to be more interested in young professionals who can join you in the representations you make to Congress and to the departments and agencies and commissions of government.

Recruit them; orient them carefully; train them skillfully; and use their services wisely. It is in your several corporate best interests that you do so. At least this is my view as I observe events as they occur on the national scene.

Again, as I said at the outset, I emphasize my belief that there is nothing but falsity in the allegations and implications that the energy shortages—the increasingly serious energy shortages—are fictitious or concocted. Not only are the allegations of fictitiousness false, they are causing confusion at a time when a national commitment is needed. I speak of commitment in terms of meeting the need for positive programs.

You must believe it; there is a severe energy crisis. It is real. It will come down on us with heavy impact this winter and I fear it will be with us for several years—not in the U.S.A. alone, but worldwide.

TAX OVERPAYMENTS BY OLDER AMERICANS

Mr. CHURCH. Mr. President, low income in retirement continues to be the No. 1 problem confronting older Americans.

More than 5 million persons 65 and above have incomes below the poverty lines: approximately $2,100 a year for elderly single persons and $2,640 for aged couples.

Recent changes in our tax laws—many of which I have either sponsored or actively supported—exempt low-income older Americans from the burden of filing a Federal tax return. For example, an individual 65 or older is excused from this requirement if his adjusted gross income is under $2,800. An aged couple filing jointly is exempt from Federal income tax if their adjusted gross income does not exceed $4,300.

However, a surprisingly large number of older Americans still have a sufficient amount of income to file a tax return. According to the most recent information, 6.9 million returns were filed by elderly persons in 1970.

Unfortunately, many of these individuals may now be paying more taxes than the law requires for several reasons, including:

First. All too often, the elderly taxpayer is simply unaware of helpful deductions, credits, and exemptions which can substantially reduce his or her taxes.

Second. The complexity of the tax law may serve to camouflage tax benefits.

Third. The tax form with the accompanying instructions is full of linguistic subtleties which are not readily understandable by the average taxpayer.

To help protect the elderly against overpayment of income taxes, the Senate Committee on Aging—of which I am chairman—has taken several steps. For example, we have published a list of common deductions which are frequently overlooked by taxpayers who itemize their allowable expenditures. Additionally, the committee has a supply of the publication entitled "Tax Benefits for Older Americans." This helpful pamphlet can be obtained by interested elderly taxpayers by writing the committee.

Another helpful item, it seems to me, is a recent article—entitled "Tax Breaks: Older Citizens Overlook Savings"—appearing in the National Observer.

This account provides a very clear and concise explanation of some of the major tax relief provisions for the elderly.

Mr. President, I commend this article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX BREAKS—OLDER CITIZENS OVERLOOK SAVINGS

(By Morton C. Paulson)

For many people the twilight years are a time of budget-watching or penny-pinching. And yet many older Americans pay more taxes than necessary, the U.S. Senate Committee on Aging has found. The reason is that they aren't aware of various deductions and exemptions allowed the elderly by the Federal Government and many states.

Here are some of the main tax breaks. Additional information on these and others can be obtained from a tax consultant, a local office of the Internal Revenue Service (IRS), state tax offices, or special publications on the subject.

EXEMPTION FOR AGE

If you are 65 or older, you get a $750 Federal income tax exemption *in addition* to the $750 personal exemption everyone is entitled to. You can claim the age exemption even if you won't be 65 until Jan. 1, 1974; the IRS considers you to be 65 on the day *before* your birthday.

BENEFITS FROM SALE OF RESIDENCE

If you sell or exchange your home during the tax year, you can avoid taxes on all or part of any profit you make. The entire gain may be excluded if the adjusted sales price—the amount you receive after paying selling commissions and certain allowable fixing-up expenses—is $20,000 or less. If the adjusted sales price is more than $20,000, part of the gain may be excluded.

To be eligible for either of these exclusions, you must have owned the home at least eight years and used it for your principal residence for at least five of those years. Also, you or your spouse must be 65 or older at the time of the sale.

Finally, the exclusion can be used only once in a lifetime.

RETIREMENT INCOME CREDIT

Up to 15 per cent of certain retirement income may qualify as a credit against your tax bill. The maximum credit is $228 for a single taxpayer and $457 for a couple filing jointly.

If you're retired, but under 65, you can count as retirement income only taxable proceeds from a pension or annuity from a public retirement system. If you're 65 or older, you can include income from interest, dividends, and certain rents—in addition to pensions and annuities.

The credit is claimed on Schedule R. To calculate it you subtract certain tax-free benefits such as Social Security or railroad retirement income, plus part of any earnings you receive if you are under 72, and then take 15 per cent of what remains as the credit.

There are several conditions, however. You're not entitled to a credit, for instance, if you received more than $1,524 ($2,286 for couples figuring the credit together) from tax-free sources, such as Social Security. Neither could you qualify if you're under 62 and earned $2,424 during the year or between 62 and 72 and earned $2,974 or more. Other qualifications could likewise eliminate or reduce the credit.

INSURANCE EXCLUSION

Part of life-insurance proceeds paid in installments may be excluded from your taxable income. To determine how much, divide the amount held by the insurance company by the number of installments due you.

Example: Say you receive $40,000 in proceeds in 10 annual installments of $4,000, plus $400 interest. You may exclude from your gross income $4,000 (40,000 divided by 10) as a return of principal. The $400 balance is taxable as gross income unless you're a widow or widower; then up to $1,000 annual interest can be excluded.

STATE TAX BREAKS

The tax laws of many states favor the elderly. For example, people moving to Hawaii after 65 pay income taxes on income from Hawaiian sources only. Minnesota exempts most public retirement benefits. Some states, including Florida, Maryland, and Massachusetts, have special exemptions for older homeowners. For information about your state's setup, check with the state tax office.

Determining the full extent of your potential tax benefits—and computing many of them—will take some time and research. It may be advisable to consult a tax expert, or get help from the nearest IRS office.

And these publications, all free, will fill you in on the details:

"Tax Benefits for Older Americans" (IRS publication No. 554). Describes the Federal tax rules affecting older people, tells how to compute your tax, and gives numerous example. Copies can be obtained from any IRS office.

"Retirement Income Credit" (IRS publication No. 524). Explains the credit and tells how to compute it. IRS offices have this one too.

"1973 Tax Facts for Older Americans." This 57-page booklet outlines the tax set-up in each state and itemizes special benefits for the elderly. Available from the American Association of Retired Persons, 1225 Connecticut Ave. N.W., Washington, D.C. 20036.

THE ENERGY CRISIS AND BITUMINOUS COAL

Mr. DOMINICK. Mr. President, it is ironic that while the Nation literally is trying to muster all its available energy to cope with the crisis brought on by the Arab oil embargo, Congress is still considering a surface mining bill which would foreclose our prospects of mining some of the largest deposits of our only truly available energy source—bituminous coal.

I would remind the Senate that when we voted a few weeks ago to approve S. 425, the surface mining bill, the Nation already faced a critical energy shortage. Now the oil embargo has escalated this to a real energy emergency. On October 8, the Senate adopted the Mansfield amendment by a vote of 53 to 33. This emergency makes it more apparent than ever that the Senate acted unwisely in approving this amendment which bars the surface mining of federally owned coal reserves where the Federal Government does not own the surface above the coal. The effects of this amendment, which I opposed, if it becomes law, will be to prohibit the mining of not just a few tons of coal, but thick seams which contain literally billions of tons of low-sulfur fuel. There have been varying estimates of the amount of coal affected in the West by this amendment, but the very lowest of these that I have seen is in excess of 14 billion tons. Other estimates range as high as 37.5 billion tons.

Mr. President, even though we are accustomed to dealing with the Federal budget, it is hard to visualize what the loss of even 14 billion tons of coal from our resources would mean to a Nation which is crying for additional energy. This amount of coal would supply electricity for my State of Colorado for 2,500 years at the present rate of generation.

It was apparent during the debate, Mr. President, that some Senators believed that the enormous seams of strippable coal could be mined by underground methods if we prohibited surface mining. Others thought the Nation could safely set aside this essential resource and replace it with coal mined from deeper seams by underground methods. Both of these assumptions are false. I have received a letter from Dr. Guy McBride, the distinguished president of the Colorado School of Mines, who has written me and other members of the Colorado delegation to express his personal concern and give his professional opinion of these theories. Dr. McBride supports the general concept of the bill, that land should not be surface mined unless it can be reclaimed effectively, and that such reclamation should be mandatory, but he gives his professional opinion that the strippable reserves of coal in the West cannot be mined by underground methods because the strata above them will not support the mine roof. He also points out that underground mining will require much more manpower, which the industry does not have available. Finally, he gives his expert opinion that underground mining of the very thick seams of coal, which abound in the West, even where it is technologically feasible, is an extremely wasteful process, recovering only one-third to one-fourth of the total coal in the seam. As he points out, this would be a severe sacrifice of our national coal resources. Ultimately, we will have to mine the deeper deposits of coal, but this should be delayed until we have methods, which do not now exist, for fuller recovery of this resource.

Mr. President, I commend Dr. McBride for his courage and public spirit in pointing out the fallacy of some of the suppositions on which the Senate apparently was operating when it enacted S. 425. I hope that the House, when it considers its version of surface mining legislation next year, will pay heed to his words and refuse to incorporate the Mansfield amendment in its bill. And, finally, Mr. President, I hope that the Senate conferees will bear in mind the far-reaching and disastrous effects of this provision.

I ask unanimous consent, Mr. President, that Dr. McBride's letter be printed in the RECORD, and I urge all Members of both the House and the Senate to consider its implications carefully.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COLORADO SCHOOL OF MINES,
UNIVERSITY OF MINERAL RESOURCES,
Golden, Colo., November 2, 1973.

Senator PETER DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: I am writing to you, and to the other members of our State's Congressional delegation as well, to support the general concept of S. 425 "Surface Mining Reclamation Act of 1973" that lands should not be surface mined unless effective reclamation is both possible and mandatory.

But I wish at the same time to express my personal concern, based on a study of Congressional Record and public media reports, that the Act itself, and more particularly the Mansfield amendment relating to Sec 216 thereof, seem to have been adopted by the Senate on the understanding that most if not all of the so-called "strippable" reserves in our Western states can be mined at acceptable costs by underground methods. I firmly believe this is simply not the case for the reason that if the strata of earth and relatively weak and unconsolidated rock overlying the coal are thin enough to offer an economically feasible stripping ratio then they are incompetent to be the roof of an underground mine.

There are two other matters which appear not to have been given adequate consideration in deciding between underground and surface mining: First, related to surface mining, underground operations are labor intensive and will require miners and engineers in numbers which we shall not be able to supply.

Second, underground operations in thick seams, even where technically feasible, recover only one-fourth to one-third of the total coal and thus entail a severe sacrifice of our national resources.

It is my understanding that the Mansfield amendment, if finally adopted in its present form, will in fact effectively prohibit the surface mining of a very large fraction of otherwise economically and technically strippable reserves in Montana and Wyoming. Although it may be sound public policy to do just this, I would not like to see it done on the specious theory that underground mining of these reserves is a sound alternative.

Please let me know if I or any of my colleagues here can be of help in your further consideration of these important matters.

Yours sincerely,

GARY T. MCBRIDE, Jr.

WENDA MOORE—NEW REGENT OF UNIVERSITY OF MINNESOTA

Mr. MONDALE. Mr. President, several days ago, Gov. Wendell R. Anderson made an outstanding appointment to the University of Minnesota Board of Regents. He selected Mrs. Wenda Moore, an individual with superb academic credentials and experience in public service. Mrs. Moore has worked with great dedication in State government in the field of education and has actively participated in community affairs.

An editorial, which appeared in the November 4, 1973, edition of the Minneapolis Tribune, praises the selection of Mrs. Moore, both for her fine personal qualifications and as evidence of Governor Anderson's commitment to assure that women and minorities have an opportunity for representation on the board of regents.

I wholeheartedly agree with the viewpoint expressed in this editorial, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECOED, as follows:

THE UNIVERSITY'S NEW REGENT

We welcome Wenda Moore to the University of Minnesota Board of Regents. Gov. Anderson, in our opinion, has made an excellent choice to replace Josie Johnson, who is leaving the state. Mrs. Moore will bring to the board an academic background in political science and a history of involvement in civic affairs, much of it centering on education.

In addition, Mrs. Moore—like Mrs. Johnson—is a black woman. In announcing Mrs. Moore's appointment, the governor said he rejects the idea of quotas for the board and did not select her because she is black. Nonetheless he acknowledged that women and minorities have not been adequately represented in the past.

The governor is right about the patterns of the past. Mrs. Johnson was the first black to serve on the board, and she was one of two women on it. We are glad that the governor found a well-qualified candidate to replace her—but we are also glad that he found one who will at least hold the line on the small gains that have been made in the representation of heretofore overlooked segments of Minnesota's population.

HOWARD PHILLIPS

Mr. BUCKLEY. Mr. President, while there are those who may disagree with his views and actions, there is no one who can doubt that Howard Phillips is a man of unswerving principle. In his time as Acting Director of the Office of Economic Opportunity he gained a number of enemies, but he also gained a great number of friends, who found his personal honesty and integrity admirable and who were inspired both by his dedication to the principles of individual liberty and the right of the individual to participate in decisions affecting his life.

On September 21, 1973, the friends of Howard Phillips held a testimonial dinner in his honor. At that dinner Mr. Phillips delivered a thoughtful and moving address on the issues and tasks facing America and Americans. He said:

> We are in the forefront of the continuing debate about the nature of man—his rights, his obligations, his very future on this planet. . . . We, who fancy ourselves free men and women, have a special responsibility to rivet our attention on this central issue: the struggle to determine whether the individual will master institutional forces or be mastered by them.

He observed further that—

> This is not a new issue. It has been with us, in various forms, throughout the history of mankind. But it is an issue which always remains to be decided.

Mr. President, I ask unanimous consent that Mr. Phillips' remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY MR. HOWARD PHILLIPS

Thank you very much. I am deeply grateful to each of you who is here tonight and for the work which so many people put into this dinner.

It is unfortunately not possible to mention by name each of those whom I would like to particularly thank for their loyalty, dedication, and friendship, so I will not attempt it.

But, in expressing my appreciation for the success of tonight's event, I would be remiss if I failed to extend thanks to two people in Washington who did so much to boost ticket sales—Jack Anderson and Nicholas Von Hoffman. Jack Anderson did a column earlier this week in which he stated that a testimonial dinner was being planned for one of the most "unpopular" men in Washington—me. This time, he was right. I am unpopular in this city—and I'm proud of every enemy I've made.

Judging from tonight's attendance, so are you. We worked hard for each and every one. As I look out among the audience, I feel a little bit like that famous TV commercial for Listerine—I've got the taste you hate—twice a day.

But, seriously, I admire the courage of each person who has been willing to be publicly identified with me. You have nothing to gain from it, since I have no present capacity to reward or punish. It is an honor for me to be in the company of people like you, who have enough nerve to risk incurring the wrath of Richard Nixon's enemies *and* his friends, or at least some of them.

Earlier this evening, during the reception, I even heard a rumor that the White House Counsel, Leonard Garment, has already sought out a copy of tonight's attendance list—so he can leak it—to the Justice Department.

But I want to assure those members of the White House staff who are present tonight that my friends are no more responsible for what I do or say than the President is for what his appointees do and say. By all accounts, that makes all of us totally innocent.

While expressing my appreciation, I must also observe that I am deeply in the debt of the national press corps for its work during the past year in increasing my name recognition—which, in this day and age, is very important to anyone in public life.

As my homestate friends can attest, when I ran for Congress in Massachusetts in 1970, I had almost no recognition. Now, thanks to the coverage I've received, they barely recognize me at all.

To demonstrate my gratitude for the contribution they have made to my career, I spent some time this week searching for words adequate to convey my level of regard for the devoted scribblers of the Fourth Estate.

Failing in this task, I consulted the writings of a man whom I greatly admire. Thomas Jefferson. This great libertarian put it in words far more clear than any I would venture, saying in 1807 that quote ". . . a suppression of the press could not more completely deprive the nation of its benefits than is done by its abandoned prostitution to falsehood. "Nothing," Jefferson continued, "can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle."

Jefferson had more to say on the subject, but my wife has urged me not to repeat it in polite company.

I am personally not yet prepared to be so discouraged as was Mr. Jefferson by the inadequacies of the press, perhaps because, in our era, they represent only one of many subjects for deep concern. We are beset on all sides, not merely by Big Media, but also Big Business, Big Education, Big Labor, Big Government, Big Foundations, and all the other decadent bureaucratic megalopolies which restrict individual self-determination.

Throughout our society, where once we had diversity, there is now uniformity; in place of identity, we have anonymity; for individualist variety, we have substituted collective homogeneity and standardization; in evermore areas, public and private, monopoly practices have replaced market systems; the very competition and flow of ideas is threatened as we rely on fewer and fewer sources for more and more information.

As Richard Nixon observed, two and one-half years ago, "Things are in the saddle and ride mankind." The individual appears to become less important in the scheme of things, with accordingly reduced power to direct even his own destiny, let alone that of his family, community, and nation.

We, who fancy ourselves free men and women, have a special responsibility to rivet our attention on this central issue; the struggle to determine whether the individual will master institutional forces or be mastered by them.

This is not a new issue. It has been with us, in various forms, throughout the history of mankind. But it is an issue which *always* remains to be decided.

Tonight's dinner celebrates a brief contemporary chapter in that struggle in which some of us were privileged to participate. Some have despaired that we have not yet won our cause. Others, and I among them, rejoice that we have at last entered the contest, which, at its heart, concerns the future of Western Civilization. It is not simply an ideological struggle, or even principally political, although its manifestations take political form. We are in the forefront of the continuing debate about the nature of man—his rights, his obligations, his very future on this planet.

The likelihood is that, for our era, the debate will be resolved in America, by Americans. Since the time of our national independence, we have had a special role to play in the world—blessed with immense resources, gifted leadership, and unprecedented material progress. Yet, without discounting these benefits, our importance has derived more from what we have believed and stood for, than from what we have possessed.

Today, as we approach our 200th anniversary, things have changed. Many of our resources are becoming inadequate, economic growth has slowed, and our leadership does not seem quite so gifted. Of greater concern still, we are less clearly the instrument of individual freedom that we once were.

Reflecting on this, some years ago, Whittaker Chambers said that, for us, the central question is not whether Western Civilization can be saved, but whether it should be saved.

It remains for Americans to affirmatively answer both of those questions in each generation, proving worthy, as a people, of the heritage with which we were entrusted.

No civilization or society can be cured of its illnesses unless it has the desire for health, a sense of national self-worth, and a will to survive.

We must be wise enough to understand how our strength has been eroded so that we don't seek to cure by administering an additional dose of that which caused the disease.

We must recognize the forces which have eroded the position of the individual in American society:

The decline of the family—the basic instrument through which we conserve and give value to that which is personal;

The erosion of community—that anchor of Republican government which gives citizens a sense of places and enables them to influence the course and nature of their society:

An increasing job-centered mobility—which accords excessive weight to our economic roles, at the expense of our more individual and, if you will, human roles in family and community;

The secularization of religious faith, undermining the personal moral link with God which assures us the strength to assert our independence from social control.

In the midst of these changes, our values have been under sharp challenge by movements which assault the central idea of Western man: the spiritual worth and moral integrity of individual human existence. Individual worth is degraded not just by cultural promiscuity, the impersonality of technology, and criminal disdain for life and property.

In a more civilized way, it is denied by those who seek to judge men, reward and punish them, not on the basis of merit or achievement, but, for example, by quotas which assess our worth on the basis of characteristics acquired at birth. What greater denial could there be of human value and individual responsibility. It's not unlike the stoneage wizards who decided men's fates by reading animal entrails. Astrologers and entrail readers alike should know that our faults, like our strengths, lie less in our stars, than in ourselves.

Individuality is also threatened when we surrender personal responsibility to the collective authority and determination of others in bureaucracies public and private.

Bureaucracies, as collective entities, are hardly capable of making moral decisions, which are intrinsically individual. The collective interest of the group or "public interest" of the state can never be expected to wholly coincide with the private, distinct interests of each citizen. Collective decisions have the added disadvantage of increasing our dependency and institutionalizing our mistakes. Political solutions especially are to be avoided whenever possible, since, by definition, they rely, at root, on the power of the state to compel and enforce.

And so our Federal Republic has gradually yielded to a centralized megastate, substituting concentration of power and collective control for decentralization and diversity, sometimes seeming to have more in common with other megastates than with the principles of liberty on which it was founded.

Chambers said: "The West believes that man's destiny is prosperity and an abundance of goods. So does the Politburo."

Is that all there is? Are we in fact prepared to purchase detente at the price of Sakharov and Solzhenitsen?

George Roche, the President of Hillsdale College, observed that "Freedom is the highest goal of a civilization. A man denied the chance to be a freely choosing moral agent is in effect being denied the exercise of precisely that quality of his nature which distinguishes him as a man."

Our goals and beliefs are not material. We believe that our nation has more to be proud of than its productivity, that there is more at stake in our negotiations with the Soviet Union than mere questions of scale between corporate liberalism and bureaucratic collectivism.

Those who harbor an individualist faith must therefore reject a "most favored" relationship in which Brezhnev finds it convenient to downplay Soviet reaction to Watergate, in the hope that our officials will reciprocate by overlooking his domestic embarrassments, preferring that no irrelevant consideration of individual liberty in the Soviet Union interfere with their larger objectives of peace and profit. But the point is that, for us, there can be no larger objectives. Ralph Waldo Emerson said: "God offers to every mind its choice between truth and repose . . . You can never have both." You must choose. That is a fact which all free men must grasp.

At OEO, we were often required to observe that "You can't save America, unless people want to be saved."

Time and time again, we were ready to bite the bullet and make unpopular, but right, decisions, which required only that the local people, or the governor, or the board member who had done the complaining be willing to stand up in public for the view they conveyed so vehemently in private.

But, time after time, with some notable exceptions, despite our urging and our willingness to absorb the principal "heat", they found it easier to let the outrage continue, rather than endure conflict. (I might point out that we did manage to make a few unpopular decisions anyway, but the point holds.) You can't save them, unless they want to be saved. Silence is easier. Acquiescence is easier. But as Emerson said, you can't have it both ways.

If you value liberty, you must be prepared to suffer unpleasantness, to persist, to bleed a little.

This month, President Nixon will face one of those tough decisions, about OEO.

As we approach the expiration of OEO's current funding on September 30, he must decide whether to sidestep the prospect of liberal criticism and let that agency's operations continue further, or to exercise his power of veto and, with the stroke of a pen, supported by more than one third of the members of the House, put OEO out of business.

Such was his original plan—set forth to me last January. On June 30, without any need or intent to impound funds, in accordance with the President's Fiscal Year 1974 budget, OEO would have gone out of business, so long as the President refused to sign into law any further appropriation for the agency.

When June came, because of Watergate and the widespread liberal attack on him, the President decided to avoid a head-on fight at that time with OEO's friends. So he signed into law a continuing appropriation.

Now, as September 30 draws near, those of us who favored his original determination watch hopefully to see whether his Administration has regained the will and the capacity to carry forward the business of the people who supported his reelection.

With more acute concern, because the opportunity for corrective action, may not, in this case, soon recur, we will watch to see whether the power of veto is effectively used to prevent enactment of a legal services program which has for its goal political change, rather than client-responsive representation.

History's verdict on the Nixon Administration is not yet in; but those of us here tonight will help to write it.

A free people is obliged to keep their public servants accountable to those from whom they derive their grant of authority, their legitimacy in office, and the tax resources with which they underwrite their activities.

Free society requires a free people, imbued to the core with the spirit of liberty and independence from organizational control. We get only what we deserve and what we insist upon. We have only ourselves to blame for institutions which decry our values, rather than reposit and convey our heritage.

We are to blame for a generation of other-directed men and women, governed by relative norms, rather than absolute standards, who derive identity and personal esteem not from their achievement or adherence to self-defined values, but by adjustment to and acceptance by the group.

Individuals can change history. Conservatives especially should understand and appreciate that.

We can reconvert our hyphenated class-conscious hordes of critics and spectators back to a nation of individualist builders and participants.

We can produce a generation of politicians who will gain favor by opposing politicization and bureaucratization of decision-making. Learning from the mistakes of the past, we can expose the specious reasoning of a liberal establishment which pathologically projects itself in the role of underdog, justifying its perpetuation in power by alternately denouncing or obscuring the very failures for which it is responsible.

We too can help expose the false notion that conservative causes prosper on mythical doses of private wealth, all the while the organizational arms of the liberal establishment thrive on the profits of government protected business and automatic check-offs of cash from students, union members, professional people, and, of course, taxpayers.

We can also help expose that hypocrisy which, in the name of liberalism tramples the civil liberties of heretics against the new orthodoxy, by resort to innuendo, character assassination, guilt by association, and conviction by reliable source.

In seeking to shape history, we must also have a sense of history which affords us the humble recognition that we are part of a pattern which transcends our brief moment in time and rejects the present-oriented denial of our debt to the nation's past or our duty to her future.

At the same time, while acknowledging our relative insignificance in the span of a thousand years, let us act with the awareness that there *is* something special about America's role, which demands something extraordinary from us.

Jefferson said: "We feel that we are acting under obligations not confined to the limits of our own society. It is impossible not to be sensible that we are acting for all mankind."

At OEO, we ended many of our senior staff meetings with the admonition to stay on the offensive. Marshal Foch observed during World War I "Our left flank is battered. Our right flank is falling. Let us attack." There is wisdom and success in that advice. The outcome is determined by those with a vision of the result they seek, a plan for attaining it, and a boldness of execution. It is within your power and mine to shape the outcome of the events in which we now take part.

And in so doing, let us remember that what was true for Jefferson is at least as true today: We act, not just for ourselves, but for all mankind.

THE AMERICAN CRISIS

Mr. CHURCH. Mr. President, on November 2, it was my pleasure to address the North Idaho Chamber of Commerce, meeting in Sandpoint, Idaho.

I spoke, not from a text, but from notes. However, the speech was tape recorded, and later transcribed.

Inasmuch as the speech focuses on the most serious internal political crisis since the days of President Andrew Johnson, I ask unanimous consent that the edited transcript of this address be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

The American Crisis

(By Senator Frank Church)

I'm glad to be here with you in such a beautiful place. I'm not going to speak at great length today because I would like to give you a chance to ask questions for a few minutes following these remarks.

But I do feel constrained to speak to you about a subject that faces us all. It's not a pleasant subject, but it is something that we must concern ourselves with, and face up to. I refer to the very serious internal political crisis that faces this country.

I speak today not as a Democrat and not as a partisan. After all, there is no difference among us, Democrats and Republicans alike, when it comes to the issue of honest government. So I speak to you as a fellow American concerned by the very sobering turn of events that has taken place in this country.

Thomas Paine said of the troubled days before the American Revolution that "these are times that try men's souls." The same could be said of this year of our Lord, 1973. It has been an incredible year, in which we have seen everything come apart at the seams. Each time that I have thought that things were as bad as they could get, they've simply gotten worse.

I wish you could read the mail I have received from Idaho during the past week. For then you would agree with me that we are in deep trouble. Idaho, as you know, is a conservative State; if it leans one way or another, it has traditionally leaned toward the Republican Party. Our people are not given to extremism in their views; they are sound people. Yet, during the past week, I have received nearly a thousand letters, telegrams and communications from Idaho alone, and they are running about 20 to 1 against the President. Most of them call for his impeachment. Meanwhile, the House of Representatives, as you know, has announced, through the Chairman of the House Judiciary Committee, that hearings will soon begin to determine if there are grounds for an impeachment proceeding. This is where we stand today.

Viewing the shambles, I can't help but ask myself how such an incredible turn of events has occurred within the short span of 12 months since the last election, when the President received an overwhelming landslide victory at the polls. If you will remember, the public knew before the last election about the Watergate break-in and the wire-tapping of the Democratic headquarters. And though these activities were illegal, and though it was then known that they had been traced to the Committee to Re-elect the President, the public disregarded the Watergate incident as a prank. The press, at that time, generally described it as an escapade. Spokesmen for the White House dismissed it as "just politics." The trial of those apprehended at the Watergate was put over until after the elections. It seemed, in view of the tremendous victory that the President won at the polls, that this was an incident—an episode—that would soon die.

That was the state of affairs in January. But when the trial of the "Watergate Seven," so called, was actually held, a very remarkable man, Judge Sirica—a Republican, incidentally, if that matters—who presided over the trial, was determined that his court would not become the scene of a great injustice. The lid was really blown off by Judge Sirica who handled the case in such a way as to frustrate the attempt then being made to limit the prosecution to the men at the bottom. Judge Sirica was determined that if crimes had been committed, not only should the men at the bottom be held accountable, but that those above who had paid for and solicited the crimes should be held accountable, as well. That was in line with the tradition of justice in this country: we don't have one law for those at the bottom, and another law for those at the top.

And so began to unfold the extraordinary disclosures and events of this traumatic year, a year which led with the resignation of Attorney General Kleindienst, and the appointment of Elliott Richardson, who promised the Senate that his chosen Special Prosecutor, Archibald Cox, would be given a free hand to fully investigate and prosecute the Watergate case. The Senate, meanwhile, created the Senate Select Committee on Presidential Campaign Activities—the so-called Watergate Committee—which was charged by resolution to inquire into and expose whatever scandals had occurred, with a view toward corrective legislation.

Since then, the former members of the President's cabinet—Mr. Mitchell and Mr. Stans—have been indicted by a grand jury in New York on charges of seeking to improperly influence an investigation before the Securities and Exchange Commission. The acting director of the FBI, Mr. Gray, has resigned in disgrace after admitting that he burned evidence concerning the Watergate investigation then underway by the FBI. Several former White House aides, including Mr. John Dean, former counsel to the President, have pleaded guilty in Federal Court to charges stemming from the coverup of the Watergate crimes. Dean has directly accused the President of complicity in that coverup. A number of corporate executives have pleaded guilty to the violation of election laws and have been fined, and we are told that there will be others to come.

Mr. Ehrlichman and Mr. Haldeman, two of the most highly placed of the President's staff in the White House, have resigned, and criminal proceedings are pending against them, with an indictment already issued against Mr. Ehrlichman. The Vice President of the United States, Mr. Agnew, has resigned, pleading no contest to charges of evading income taxes, and the Justice Department has published a long list of other charges, including bribery and extortion, which it was prepared to bring against him in a criminal proceeding.

As for the President himself, he has for months opposed orders of the Federal Court to turn over certain tapes of conversations that the Court held to be pertinent to the grand jury's investigation of possible crimes committed. The President held that he was immune from the Court's order; that he stood in a privileged position, beyond the reach of the Court's decree.

On this proposition, his own Justice Department rebelled. Attorney General Richardson resigned rather than fire Mr. Cox, the Special Prosecutor. The President finally had to turn to the Solicitor General, Mr. Bork, to discharge Mr. Cox.

Then at the eleventh hour, faced with a storm of indignation from the people and rumblings of impeachment in the Congress, Mr. Nixon reversed himself and agreed to submit the tapes. Yet now we are told that the two conversations thought to be most incriminating were never taped: one having not been recorded in the first place, and the other having not been picked up because the supply of tape allegedly ran out!

That's where we stand today—at the brink of the most serious internal political crisis since the days of Andrew Johnson, the only American President ever impeached by the House of Representatives. I do not know how this crisis will be resolved. But I do know that there are dangerous misconceptions growing up that, for the sake of the Republic, must be dispelled.

I suggest that the worst of these is the "so what?" syndrome—the belief that "all politicians do it; this bunch just got caught."

In the first place, all politicians don't do it! In the second place, all politicians are not the President or Vice President of the United States! As a matter of fact, politicians have gotten a bum rap out of Watergate, and I say this as much for my Republican brethren as I say it for Democrats. The truth of the matter is that in all of this investigation of an unprecedented scandal—a scandal that seems to have no sides or bottom—there haven't been any elected officials involved at all, save for the White House itself. The people who have been principally involved, in the course of all of the hearings and all of the investigation, have not been men and women elected to public office. They have not been politicians. They have been appointed members of the President's own staff and of the Committee to Re-elect the President!

I can appreciate why Senator Biden, in Chicago this week, felt compelled to say that Mr. Nixon has done for politicians what the Boston Strangler did for door-to-door salesmen!

The second misconception stemming from this tragedy, one that is assiduously cultivated these days, is that the press is somehow the real culprit for exposing the scandals. This is tantamount to blaming the messenger for the message. That's as old as history. Atilla the Hun used to cut off the heads of messengers who brought him bad news. Surely we are more sophisticated than that. The question to ask is this: has the press misinformed the public? That's the question. And on the record, I submit the press has not. Rather, it has performed faithfully and well through this difficult year, under great pressure and with few exceptions. Its charges and revelations have been borne out almost in their entirety by subsequent investigations of the facts. We should be thankful we have this kind of a free press working in this country. If we didn't have it, the United States wouldn't long stay free!

Next, there is the misconception, also being pushed hard these days, that Watergate is being blown up out of all proportion, distracting us from more important things, and that as a result, government is paralyzed and unable to cope with our more pressing problems. This argument sounds plausible enough—until one addresses himself to it seriously, scrutinizes it, and tests it against the events of this year. And then it becomes an argument without substance. I say this as a member of the Senate: the truth is that Congress has not bogged down under the Watergate investigation. Only one Committee in the Senate deals with this investigation. While it has been holding its hearings, all the other Congressional Committees have been at work. As a matter of fact, in 17 years in the Senate, I can recall few years when we've been busier, across the whole broad spectrum of the legislative front. Congress hasn't been bogged down, and neither has the Executive Branch. We have just come through a most difficult and dangerous crisis in the Middle East. American diplomacy functioned, and functioned effectively and well, every day and every hour of that crisis. No, the Federal government has not been paralyzed by Watergate.

Finally, let me emphasize that it is completely untrue that Watergate and related scandals don't really matter that much. If we're going to preserve our system of government, nothing could be more mischievous than such a belief. I commenced these remarks by mentioning the deluge of letters and telegrams that have inundated my office in the past week. They betray, if you were to read them, a complete disillusionment with the government. Confidence is evaporating, and in a country which depends upon the people, free government cannot long endure without a broad measure of public confidence and support.

That is our predicament. It won't go away. I wish it would. But it won't until it is cleared up and cleaned up and the public is satisfied that the government has been purged of wrongdoing. Only then will public confidence be restored in our governmental institutions.

I would close these remarks by saying that, like you, I don't know what lies ahead. I don't know what will turn up next. But I do know that in a State like Idaho—where we are blessed with business that conducts itself openly and above-board; where we are blessed with labor that is not plagued with gangsterism; and where our politics are conducted in an honest and honorable way—an obligation falls upon us to do everything we can to bring our influence to bear at the national level, in order to advance in the country as a whole the same conditions of life that we know in Idaho. In the end, our fate depends entirely upon our nation's fate.

So we must join with all other people who want to see this scandal cleared up, who want to see public confidence in the government restored, who believe in the American system, and who are determined that it shall be preserved.

Nothing less will suffice.

WILDERNESS—A QUESTION OF PURITY

Mr. HATFIELD. Mr. President, questions relating to the administration of the 1964 Wilderness Act have been raised ever since its passage.

The question of just how pure an area must be to be designated wilderness has been particularly troubling in my State of Oregon. In one instance, after the Mount Jefferson Wilderness Area was created, the Forest Service quickly took steps to remove existing primitive facilities from the area. In another, the Forest Service steadfastly opposed my legislation to add the Minam River drainage area to the Eagle Cap Wilderness Area because of some horse logging which took place there in the early years of this century. I have long believed that such a rigid purist interpretation of the Wilderness Act is inappropriate.

Mr. Jeffrey Foote, chairman of the wilderness and forestry committee of the Oregon Environmental Council, recently addressed the Sierra Club Biennial Conference in Boulder, Colo. His topic was "Wilderness—A Question of Purity." Because I believe his paper accurately reflects the views of many of the conservation groups, I ask unanimous consent that it be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

Wilderness—A Question of Purity

(By Jeffrey P. Foote)

Since its passage in 1964, the Wilderness Act has become a most significant piece of legislation for those of us involved in the preservation of public lands. Although the Act certainly has its shortcomings, it has provided an effective and viable method for setting aside lands which we love and cherish. Now, 9 years later, the viability of that law as an effective preservation tool is endangered by an unwarranted, and unnecessarily strict interpretation of its vital definitional provisions. Sadly enough, the main adversary is that agency charged by law with its management.

FOREST SERVICE INTERPRETATION

The U.S. Forest Service is espousing a wilderness "purist" position that is, not only contrary to the Act itself and its legislative history, but is contrary to its earlier actions as well. Regardless of the provisions of the Act, the Forest Service policy has been to oppose wilderness designation to areas that have been intruded on by man. This nonvirtuous concept of purity has become an effective anti-wilderness tool. It is important for us, as wilderness advocates, to understand the Wilderness Act and how this interpretation is being used against wilderness.

The key phrases in the Wilderness Act definition over which the conflict is centered, are that the earth and its community of life are "untrammeled by man" and that the imprint of man's work is "substantially unnoticeable."

I understand from my research that the original drafters of the first Wilderness Bill were very troubled over the word untrammeled because it appeared to have a rather archaic usage. But, it was used because it is the word that appropriately describes their concept of wilderness. The word means: Not confined or limited, not hindered, free and easy. It does not mean undisturbed, or untrampled, as some would suggest.

The words substantially unnoticeable should be treated as a flexible working definition of wilderness. The phrase is ambiguous, but with purpose. It allows for a feeling for the overall character of the land, not one insignificant intrusion. This idea of a flexible working definition is borne out by the legislative history of the Act.

The Forest Service does not treat the words as a working definition. They instead look to them as a rigid and inflexible requirement. For example, two Southeastern Regional Foresters, in a proposal for a Wild Lands East Program, claim that: "We are persistently reminded that there are simply no suitable remaining candidate areas for wilderness classification in this part of the National Forest System." This is not a decision for that agency to make; it is a Congressional decision. But it is easy to see how such a decision could be reached when you consider the Forest Service criteria.

Chief John McGuire in his February 21 statement on the Eastern Wilderness Bill, S. 316, revealed what standards the agency uses. "In interpreting the Wilderness Act the Forest Service has placed emphasis on areas which have almost entirely retained their primeval character and influence, rather than those areas which have been restored to a natural appearance. Prior to the Wilderness Act and now under its definition, we considered 'Wilderness' as a unique, non-renewable, predominately undisturbed natural resource." There is absolutely no basis for this policy in the Act or in any of its legislative history. Nowhere does the Act say that a wilderness must be unique, or undisturbed. The words again are, untrammeled and substantially unnoticeable. Nowhere does the Act say that a wilderness cannot have been restored to its natural character. In fact, this position lacks support even in the Agency's earlier policies. On May 13, 1964, four months before the Wilderness Act was signed into law, the Forest Service, knowing that it would automatically be included in the National Wilderness Preservation System, established the Shining Rock Wild Area in North Carolina. The following language is found in their Wild Area proposal:

"In determining the best and most logical boundaries for the Wild Area, it was necessary to include a portion of the drainage of Ugly Creek covered by a timber sale contract which expires December 20, 1963. About 500 MBF are left to be cut and the operation will be completed this year. The skid trails and log landings will be revegetated and otherwise treated as necessary to hasten natural recovery and prevent vehicular access."

AN ILLUSTRATION: THE MINAM RIVER

The dispute over the Minam River in the Wallowa-Whitman National Forest in Oregon serves as a good illustration of the conflict over Wilderness purity. A portion of this beautiful area was opposed for Wilderness mainly on the purity question. The situation is this: First of all, there are two guest or dude ranches within the area. These ranches are well within the proposed Wilderness with no roads leading to them. But the Wilderness Act allows for inholdings or private rights. Section 4(c) says: "Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise or permanent road. . . ." Senator Church discussed the matter on the floor of the Senate prior to the passage of the 1964 Act. He said, in reply to a question concerning condemnation, that ". . . there are in my state in holdings—ranches—which were homesteaded many years ago and lie within primitive areas. We want to be perfectly sure that the owners of these ranches were guaranteed the customary usage of their property for ingress and egress according to the customary ways." This statement certainly indicates that ranches, such as those on the Minam, are acceptable as private right inholdings within the Wilderness. As a matter of fact there exist in the adjoining Eagle Cap Wilderness on Aneroid Lake, a small general store and five small cabins. With this sort of precedent, inclusion of the ranches in the Wilderness is certainly within the framework of the Wilderness Act, as contemplated by the Congress that passed it.

A second objection raised by "purists" is that this area is unsuitable for Wilderness because a small portion of it was logged. This logging only involved 1,600 acres and was done by horse prior to 1924. The cutting was selective and stands of large trees are present throughout the area. Compare this to 80,000 acres of the Bob Marshall Wilderness that was horse-logged after 1900.

Another objection to inclusion of this area is a small field used as an airstrip by the dude ranches. Purists claim this is not of the Wilderness character. On the contrary, it is specified in the Act that "within Wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue. . . ." There is now, for example, an airfield in the Bob Marshall Wilderness in Montana. The Wilderness Act, as applied in the past by Congress, certainly allows the entire Minam River area entry into the National Wilderness Preservation System.

AGENCY PROTECTION: THE CASE OF FRENCH PETE

The Wilderness Act is a tool to afford absolute protection to these "questionable" areas before they are irreparably abused. This is protection of law, not agency protection, which is all that is offered under any Forest Service classification scheme. This distinction is important. If an area carries only agency protection, it can be withdrawn at the discretion of that agency, without public approval. The shortcomings of administrative protection have been driven home to Oregonians with the symbolic case of French Pete.

The French Pete Valley is a 19,200 acre watershed, 55 miles east of Eugene, Oregon, on the Willamette National Forest. It is one of the last valleys in the western Cascades that has not been roaded or logged. Its values as a Wilderness area are beyond question. Yet, this area has been the center of controversy since the early 1950's.

At that time French Pete was part of the Three Sisters Primitive Area. When the Forest Service reclassified the area to Wilderness, they excluded about 55,000 acres. Part of the exclusion was the French Pete Valley. This decision was met by strong public opposition. A public hearing was held in February, 1955 in Eugene. A great majority opposed the decision of the Forest Service.

The exclusion was also opposed by the majority of the Oregon Congressional delegation, including Senator Richard Neuberger and Senator Wayne Morse, as well as Representatives Charles Porter, Edith Green, and Al Ullman.

Despite this opposition, the Forest Service plan stood intact. Senator Neuberger and Senator Morse each made strong statements before the Senate in 1957. Senator Neuberger's remarks are especially significant in that they were made in his comments as he joined Senator Humphrey in introducing the first Wilderness bill.

"Mr. President, the urgent need for some form of Congressional action to safeguard these scenic realms has just been indicated by the decision of the Department of Agriculture to remove from the Three Sisters Wilderness Area of Oregon some 53,000 acres of majestic forest canyons and ridges. . . .

"I am not assailing, or attacking, or criticizing anyone in the Forest Service or in the Department of Agriculture for the Three Sisters decision. What I am saying is this: Such a decision is virtually for eternity . . . So final a verdict, Mr. President, ought to be reviewed by the Congress of the United States and it should not be merely within the fiat of the executive agency. The Congress, after all, is the supreme policymaking agency of the American people, to whom these national forest solitudes actually belong."

Now, fifteen years later, after administrative appeals and Congressional legislation, the battle still rages in the fight to save French Pete.

This is only one example of what agency protection has meant to conservationists in the past. The lasting protection is that of law, which only Congress can erase.

EASTERN WILDERNESS: S. 316 AND S. 938

The whole conflict over the definition is coming to a climax in this Congressional session. The Senate has two Bills before it dealing with Eastern Wilderness. One is the Jackson Bill, S. 316, the other is the Administration Bill, S. 938. It is in consideration of these opposing measures, that Congress will probably settle this particular controversy. S. 316 would establish 18 new wildernesses in the Eastern United States, within the definition of Wilderness found in the 1964 Act. S. 938 would amend the 1964 Act to set up separate classification systems for the East and West.

S. 938 allows the Secretary to consider for wilderness review those areas in the Eastern United States ". . . where man and his own works have once significantly affected the landscapes but are now areas of land (1) where the imprint of man's work is substantially erased; (2) which has generally reverted to a natural appearance; and (3) which can provide outstanding opportunities for solitude or a primitive and unconfined type of recreation."

The effect of this provision is not to change the definition of Wilderness as in the

1964 Act, but to prohibit the Secretary from considering areas in the West which conform to this separate list of characteristics. Thus, an area in the West where man and his own works have once significantly affected the landscape, where the imprint of man's works is substantially erased, and which has generally reverted to a natural appearance would not be considered for review by the Secretary. This language does not lower the standards for wilderness in the East. Rather, it creates a new and purer standard of wilderness in the West. By limiting the Secretary's authority to consider for review such less than pure areas in the West, the proposed amendment would exclude, even from consideration as wilderness, many Western areas which fully qualify, under the definition specified in the 1964 Wilderness Act.

A close analysis of this separate Eastern definition indicates that it is within that definition in the 1964 Act. It is important, to maintain the integrity of the National Wilderness Preservation System, that S. 316 be enacted into law, and S. 938 be rejected.

This "purity" position can be used by the Forest Service and others as an anti-wilderness tool. An illustrative case was discussed in the hearings on S. 316 by Senator Mark Hatfield.

Discussing the Marion Lake area of the Mt. Jefferson Wilderness the Senator said:

"After the legislation was signed into law, the Forest Service moved quickly to remove existing basic amenity facilities such as outdoor toilets because, in the words of the Forest Service, they were 'wholly inconsistent with the wilderness experience.' I point out this issue of privy type toilets because the lake itself—not the amenities—is a magnet which attracts people. Removal of the toilets, as well as a primitive pump for water, increases the potential for disease of such a heavily used area.

"Primitive fire rings which minimize fire danger were also removed. I would not have expected the Forest Service to construct these facilities after the area was designated Wilderness, but I was amazed at the removal of all these amenities. It was almost as if the Forest Service was determined to get back at Congress for passing the Bill."

The cross-examination of Chief McGuire revealed his rationale for the Forest Service position. Discussing his distinction between the two Bills (S. 316 and S. 938) he stated:

"A restored lands definition of wilderness for all national forest lands could markedly reduce the management options for a greater portion of the national forests in the West."

Senator Floyd Haskell, the Subcommittee Chairman, attempted to alleviate the Chief's fears. He said: "I think the cat is now out of the bag. What I gather now is that you are afraid all of the area that qualifies under the definition will be designated as wilderness. You seem to fear that just because an area meets the definition it will be included." Senator Church underscored this when he directed the Chief to "bring the proposals up here, Congress is the final judge of what goes into wilderness and what does not."

CONCLUSION

The Forest Service, and others who follow the "purist" interpretation of the Wilderness Act, are ignoring the writing on the wall. This position is being used solely as an anti-wilderness tool. The timber industry does not want a wilderness in heavily forested areas because this gives the area the enduring protection of law, reversible only by Congress. It is no secret that it is much easier for the Forest Service to manage an area without the Wilderness classification even though one of the purposes of the Act was to take away this discretionary power from the agency and give it back to Congress.

It is important to secure many of these "impure areas" for wilderness due to a shortage of wilderness acreage. The Wilderness Act is a tool to afford absolute protection to these areas before they are irreparably abused.

The Forest Service has different programs designed to give these areas protection, but only agency protection, not the protection of law. Examples are back country and special interest areas. These proposals are not adequate. They can only lead to more unpopular decisions and more French Petes. The Forest Service amendments to the Wilderness Act, S. 938, are also quite inadequate. They place, in a special Eastern Wilderness category, areas that are already qualified for wilderness in the 1964 Act. The effect of this would be to disqualify many areas in the Western United States that are presently qualified.

A better alternative is to look to the legislative history of the Wilderness Act for support and allow these areas, such as those in the Eastern United States, into wilderness. S. 316 is one vehicle to accomplish that purpose. In time, these impure intrusions will be referred back to the natural scene. Senator Frank Church put it this way: "This is one of the great promises of the Wilderness Act, that we can dedicate formerly abused areas where the primeval scene can be restored by natural forces so that we may truly have a national Wilderness Preservation System."

TRIBUTE TO RICHARD STROUT

Mr. MONDALE. Mr. President, a recent article in the Wall Street Journal has given deserved recognition to one of the deans of the Washington press corps, Richard Strout.

For over 50 years, Dick has been recording and commenting on the feats and foibles of Washington politics. Writing for both the Christian Science Monitor and—as TRB—for the New Republic, Dick has consistently demonstrated a style and grace that are rare and engaging. His comments on politicians of all persuasions have been perceptive and often biting; his influence has been substantial.

I urge my colleagues to read this profile of a most remarkable man. Mr. President, I ask unanimous consent that the article from the Wall Street Journal be printed at the conclusion of my remarks in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WITNESS TO HISTORY—REPORTER DICK STROUT HAS SEEN PRESIDENTS, SCANDALS COME AND GO

Harding, Teapot Dome were news when he hit capital; but "Watergate is worse"—no sex or cash, just power

(By Ronald G. Shafer)

WASHINGTON.—Reporter Dick Strout doesn't have to dig through the history books for parallels between the Senate Watergate hearings and those into the old Teapot Dome scandal. He was there—50 years ago this fall—sitting in the same Senate caucus room and writing as he does today, for The Christian Science Monitor.

Obviously, some things have changed, Mr. Strout notes. For one thing, the subject is campaign dirty tricks instead of oil leases and bribes. And there's the conspicuous presence of that newfangled medium called television.

But "except for the hot lights, you would almost think you were back in 1923," reminisces the 75-year-old newsman.

Thanks to Watergate, Richard Lee Strout's ringside perceptions of history are in fresh demand. But his reputation is built on far more than longevity. He has covered more major news events than any other reporter in the Monitor's 65-year history. And for 30 years now, he has also been probably the most influential anonymous columnist in the business—for Richard Strout is the author of the column called "TRB From Washington" in The New Republic magazine.

As a result, Dick Strout's reputation "is very high indeed, because he's got a combination of qualities that very few people have," says James Reston of The New York Times. "First of all, the guy is a beautiful writer. And he must have an extra gland because he still runs around like a kid."

Admirers agree that Dick Strout has a rare ability to explain complex issues with clarity, insight and homespun humor. He writes with the descriptive style of a novelist. People in Strout stories come alive with "owlish" faces, "fierce" mustaches, "carbuncle" noses and "spidery" frames.

About two decades ago he wrote a critical column about a man with a creased-leather face and an ego as big as the Washington Monument. The man's name was Lyndon B. Johnson, and he promptly hauled Mr. Strout into his ornate Capitol Hill office to complain. The Senate majority leader was seated behind "the biggest desk in the world, with pushbuttons like an organ," Mr. Strout remembers, "and every time he pushed a button, someone would appear."

AN IMAGINARY BABY

For an hour, TRB received the full LBJ treatment. At one point Johnson complained that he was being treated "like a motherless child," and suddenly, the columnist recalls, "he jumped out of his chair and strode up and down the room, rocking an imaginary baby in his arms." Mr. Strout left unconvinced that he was wrong but amazed that a powerful politician "would waste an hour of his time trying to convert me."

As the episode indicates, Dick Strout is a tough-minded but unassuming newsman. He is—as he might put it—a tall, lean and lively man with fierce bushy eyebrows, an unfierce gray mustache and a weathered bald head. He speaks with a gruffness in his voice, but there is a twinkle in his eye. "Beneath that crusty exterior is a real softie," confides a friend, "but we'd never tell *him* that."

Mr. Strout was born in Cohoes, N.Y. After graduating from Harvard, he worked for a while on newspapers in England, then began his American journalism career with the old Boston Post in 1921. After two days, he switched over to the Boston home office of the Monitor. And about two years later—having by now picked up a Harvard M.A. in economics—he was driving his Model T Ford down to the Monitor's Washington bureau.

"All of a sudden, there I was over there in that big house," Mr. Strout says with a wave of his hand at the White House as he sits dining on his daily liverwurst sandwich and milk shake on a park bench across the street. And there was President Harding, dressed in knickers and telling reporters assembled for a press conference: "Take it easy on me, boys, I want to get out and play some golf."

BACK IN THE CAUCUS ROOM

Since then, reporter Strout's career reads like an on-the-job history course. He has attended the press conferences of nine Presidents. He was on one of the first cross-country airplane flights. He reported from Normandy Beach during the D-Day invasion. He accompanied Russian Premier Nikita Khrushchev when he toured the U.S. in 1959. And he wrote the Monitor's front-page story when Spiro Agnew resigned as Vice President.

But the U.S. Senate, and particularly its historic hearings in the cavernous caucus room, have provided some of Mr. Strout's biggest stories. Teaport Dome, the Kefauver hearings into organized crime, the Army-McCarthy hearings, the Bobby Baker inquiry—he has witnessed them all. Now it's Watergate, and Mr. Strout is back in the caucus room again.

He sees similarities to Teapot Dome: "Letters to the editor in 1924 charged that the press was carrying things too far," and "readers shrugged and said both parties were alike and it was all just politics." But he is outraged by what he perceives as a crucial difference.

Watergate "is more disturbing and dangerous" because it "is a special kind of corruption without greed," he wrote in a TRB column. "No sex, no dollars. Just power, it doesn't strike at oil leases, it strikes at democracy."

The weekly column provides Mr. Strout—who, as one press scholar puts it, "shows no hint of his own leanings" in news stories—an outlet for his personal views. He took it over in 1943 from Kenneth Crawford, who later became a Newsweek columnist. "He told me it would be easy," Mr. Strout says. "All you have to do is get mad at somebody once a week and spit in their eye."

Mr. Strout inherited the column signature, TRB. It was dreamed up by a New Republic editor who simply reversed the initials of the subway line that then carried copy of a Brooklyn printer—the Brooklyn Rapid Transit (BRT). But Mr. Strout still refers to TRB as "The Rover Boys" because the column sometimes was—and on occasional weeks still is—written by more than one man. The New Republic pays him $175 a column.

Even today many New Republic readers don't know the identity of the man behind the initials. In September TRB received a letter from a reader who, assuming the current writer took over only about five years ago, wrote reassuringly to say "how much better your prose is" than at first, and how "it has been especially in the last year that your writing has seemed to solidify."

Under Mr. Strout, "TRB from Washington" has become The New Republic's most-read feature, and now it also is syndicated in 35 newspapers. The column reflects Mr. Strout's generally liberal views, though he steers an independent course. In 1968 when the magazine refused to endorse Hubert Humphrey for President because of his ties to Johnson administration war policies, TRB—an early war critic—backed HHH anyway.

"In the past 10 years or so, I've let myself go more about using the first-person singular," says Mr. Strout. And he often uses personal recollections to make points, as in this TRB column a few years ago:

"When I was a child at my grandfather's farm, they used to kill pigs in the fall. They tied them up by their hind legs shrieking and squealing before they slit their throats. Once we children bitterly protested, but the hired man was reassuring.

" 'They like it,' he said firmly.

"Today he's in Congress, voting against the poverty program."

Such views spark strong reactions from conservatives. A few write nasty letters like: "You sewer rat, may you be cursed with all plagues." But most are more respectful.

"I disagree with most of TRB's columns," says conservative columnist James J. Kilpatrick. "But I follow his stuff regularly. There's a good deal of wisdom there. He always puts it pleasantly, with just enough lemon juice."

So far, nobody is being groomed as Mr. Strout's successor. "He's unmatchable, I don't think we'll ever find anybody quite like him," says Gilbert Harrison, The New Republic's editor-in-chief. "But I'm not concerned about it. I think he'll live forever. If anything, his writing is livelier than it ever was."

Whether as TRB or as a Monitor reporter, Mr. Strout has been an eyeball-to-eyeball observer of Presidents for more than 50 years. Each, he says, had his own style.

Calvin Coolidge, for example, answered only written questions. So one time Mr. Strout and 11 other reporters tried to pin down the President by craftily submitting identical questions: Would he be a candidate in 1928? "Coolidge looked at the first question and put it aside," recalls Mr. Strout. "He went from the second to the 11th. At the 12th, he paused, read it (silently) and went on dryly—'I have a question on the condition of the children in Poland.' " The President answered the nonexistent question and, with that, concluded the press conference.

Mr. Strout has his private presidential evaluations. "I rate Roosevelt first without a doubt," he says, and President Truman "was as brave as they come." Lyndon Johnson "in many ways was a son of a bitch, but he had a compassionate heart." The latter is evaluation favorably colored by Mr. Strout's lasting admiration for LBJ's "We Shall Overcome" voting rights speech to Congress in 1965.

A WILLINGNESS TO AGGRANDIZE

Mr. Strout is reluctant to evaluate President Nixon yet. But his writings make it clear he's no fan of the man he has called "the most aloof President in history."

He worries that "presidential power has grown enormously"—largely because Congress has been "too lazy" and Presidents only too willing to aggrandize their office. "There's a feeling that once you sleep in Lincoln's bed, you become deified," he says. "It's a dangerous thing."

Mr. Strout, who is not a Christian Scientist but a Unitarian, works out of a small office in the modern, fortress-like Monitor headquarters here. Despite the modern decor, he continues to use a wooden roll-top desk he inherited from a former Monitor Washington bureau chief. The desk has an indented pearl button on its right-hand side. "When you push it," he explains, "nothing happens."

He continues to put in a full workweek at the Monitor, with the understanding that he is free to write his TRB column there on Wednesdays. Nowadays, he specializes in "color," or feature, stories for the Monitor itself, and maintains that he's still there only because "I've become sort of a holy cow." He suggests that this article merely report: "The old reporter says modestly that all he has been is a good competent hack."

His co-workers disagree with that assessment. "He's still here because he pulls his weight as well, or better, than anyone in this office," asserts Godfrey Sperling, the Monitor's Washington bureau chief. "He can move fast on a story. Boom."

"He can on occasion be grumpy, too," says an ex-Monitor staffer with a chuckle. "If he thinks somebody is putting forth 'utter claptrap,' he'll get up and leave."

SHUNNING THE SOCIAL CIRCUIT

Instead of personal contacts, Mr. Strout relies on reading everything he can get his eyes on, then attends congressional hearings and makes "first-hand observations" for additional material. He shuns the Washington social circuit; for relaxation he attends plays or reads aloud to his wife, Ernestine.

Mr. Strout used to drive to work in his Model T, which he parked on the ellipse behind the White House. Nowadays he commutes by bus from his four-bedroom home in Northwest Washington. The house was purchased over 30 years ago with proceeds from his 1939 best-selling book, "Maud," based on his mother-in-law's diary.

The house seems somewhat empty now since the five Strout children have grown and scattered around the world. They include a son and two daughters by Mr. Strout's first wife, Edith, who died in 1932. He married Ernestine in 1939, and they had two more daughters. None of the children have gone into journalism, but they have "enough degrees to start a university," he says proudly.

Journalism isn't a career that Mr. Strout recommends lightly. He advises young people to "stay clear of it unless they have a passion and dedication. The pay is not very good, and the excitement is apt to pall after a while. The sustaining element is the commitment, the feeling that you are doing some good in the world."

After more than a half-century on the job, friends say Dick Strout has lost none of his passion and that he still gets excited as a cub reporter over big news events. At a 50-year anniversary celebration two years ago, when the Monitor presented Mr. Strout with a round-the-world airplane ticket, Godfrey Sperling summed up his colleague this way: "He is the Monitor's oldest reporter; he is also the youngest."

COMMUNICATIONS SATELLITES

Mr. MOSS. Mr. President, almost 30 years ago Arthur Clarke, the visionary British writer, saw synchronous communications satellites as one of the major benefits of a space program. His prediction was made far in advance of what was to be the beginning of communications satellites.

Although much scientific discussion took place before 1958, real effort in this field began with the founding of the National Aeronautics and Space Administration. Years of NASA research have been punctuated by debate on the merits of various technical approaches. Learned experts and major American corporations became involved in controversy over complex concepts such as low altitude versus synchronous satellites and passive versus active satellites. Through all of the debate NASA management and technological know-how provided a focal point for the necessary research to enable selection of optimum approaches.

By 1962 the vast potential of communications satellites became recognized to the point that, after extended consideration and debate in the Congress, the Communications Satellite Act of 1962 was passed. This act created a corporation for the establishment, ownership, operation and regulation of a commercial communications satellite system.

NASA has engaged in a vigorous research and development effort for the past decade and a half in communications technology. The first successful NASA synchronous communications satellite, SYNCOM 2, was launched July 26, 1963. Under present plans, the last launch of a NASA satellite primarily involved in communications experiments will be the launch of the ATS–F satellite next spring. With that launch, significant NASA effort in communications satellites will end on the premise enunciated by the executive branch, that private industry is now in a position to carry forward the research and development necessary for future communications satellites.

Leaders of the U.S. aerospace industry voiced great concern over the future of communications satellites to the Committee on Aeronautical and Space Sciences during hearings held on September 26 and 27.

The purpose of the hearings was to inquire into our future capabilities of obtaining the objectives specified in the National Aeronautics and Space Act of 1958.

During the testimony of the eight witnesses, recognized leaders of industry, five cited communications satellites as a prime example of the positive applications of space technology. Two of these knowledgeable gentlemen specifically highlighted their opinion that NASA should retain responsibility for basic science and technology including that in communications satellites. They favored NASA emphasis on mission management and the science and applications technologies, allowing industry to assume fuller responsibility for design and development.

These same two witnesses were concerned about the executive branch decision, announced last January, to remove NASA from communication satellite research and development.

They feel that the past success of the industry in commercial exploitation of communications satellites was rapid and successful only because of the early work by NASA on flight hardware and multiple approaches to the problems that had to be solved. NASA operational evaluation reduced technical risk to an acceptable level for commercial development.

The potential technological advancement in communications satellites is great. Potential commercial customers want communications channels with guaranteed life based upon well proven technology. In the present environment of a rapidly expanding market, aerospace spokesmen say that the private sector cannot afford the gamble of providing advanced research in such a vast field. Since this is the case, the desired level of international competition may be difficult to maintain.

There is disagreement as to how much responsibility NASA should retain, but I support NASA involvement in continued research in communications satellites as basic to their responsibilities under the National Aeronautics and Space Act of 1958 and the Communications Satellite Act of 1962. Unless that responsibility is maintained, the United States could quickly fall behind in this important field. This is particularly true when one recognizes the vigor with which many other nations are supporting such research in an effort to gain a greater share of the potential rewards or themselves.

I do not believe that the United States must be the world leader in every area of technology. But especially in those areas where we now have a clear lead, we should carefully examine whether we want to casually abandon our lead by conscious default.

There is great interest by industry to pick up many of the NASA research programs, and develop them into useful products and systems. I am confident this can be done.

But if NASA does not resume its pioneering technology work in the communications satellites, I am convinced we will be faced with a serious shortfall of communications technology in the future.

Mr. President, the testimony of our witnesses so clearly expresses the need for NASA to maintain this basic responsibility that I ask unanimous consent to print a portion of their comments in the RECORD at the conclusion of my remarks.

I strongly urge the administration to reconsider the decision to abandon our research in this area, which holds such promise for the betterment of mankind.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE STATEMENT OF DR. WERNHER VON BRAUN BEFORE THE SENATE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES, SEPTEMBER 27, 1973

I also cannot emphasize too strongly how unfortunate I feel it is that budget limitations seem to be forcing NASA to abandon its fiifteen-year involvement in the further development of advanced technology for communications satellites. Caught in a budget pinch, even inside NASA the argument has been made occasionally that communications satellites have developed into such an industrial success story that private enterprise should be able to raise enough R & D money to experiment with more advanced but still unproven communications technologies. From my new vantage point in a private corporation which is deeply involved with advanced communications satellites, let me assure you, gentlemen, that this is wishful thinking. Customers, whether domestic or international, want satellite communications channels with a guaranteed revenue-producing life of seven years or more, and they don't care a hoot what technology you use, as long as it is well-proven. On the other hand, the potential of technological advancement in this new field, whose surface we have hardly scratched, is almost unlimited. There is great potential in the use of higher frequencies, in laser beams communication, in switching satellite beams by ground signal from one ground target to another, in increasing satellite transmitting power so the cost of ground stations can be drastically reduced, to name just a few. In the fiercely competitive environment of the rapidly expanding communications satellite market, no private company can take the gamble of offering unproven technologies to its customers. The few commercial giants in the communications fields may indeed be the only ones who can afford to sink a few million dollars here and there in a little experimentation with new-fangled ideas, but their overall record in advancing the field of communications satellites has been so disappointing that the Federal Communications Commission wisely decided to open up the field to a pack of lively, smaller and less sated competitors. If NASA were to permanently discontinue its pioneering technology work in the communications satellite area, it would virtually reverse that FCC policy and give the game back to the established monopolies who, in view of their vast investments in old-fashioned wire communications, never had much of an incentive to explore the satellite potential in the first place.

The space program has done a lot of wonderful things for the human spirit, for the advancement of science and for the direct benefits of man. Only history can properly assess the lasting significance of these contributions to the human spirit and to science. When it comes to the direct benefits, however, we can make some judgment now, and I would give the highest rating to the communications satellite.

EXCERPT FROM THE STATEMENT OF MR. DANIEL J. FINK, VICE PRESIDENT AND GENERAL MANAGER, SPACE DIVISION, GENERAL ELECTRIC CO., BEFORE THE SENATE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES SEPTEMBER 27, 1973

We are not comforted by the recent decision to remove NASA from communication satellite R. & D., on the assumption that industry and common carriers are now ready to take on the full burden of R. & D. with no further government stimulus. This seems to us to be an illusion, fostered by the phenomenal success of these operational systems. What is forgotten is that in the early 1960's NASA went into flight hardware with multiple approaches to the problem: The Echo passive reflectors, the Relay low-altitude repeater, and Syncom. Commercial exploitation was rapid only because this relatively expensive three-way evaluation, paid for by NASA, reduced the technical risk to an acceptable level. Thus U.S. companies gained viable footholds in international markets. Similarly, NASA exploratory flights of competitive technologies have led to more advanced operational systems through the late 1960's and now into the 70's.

Now, Canadian, Japanese and European organizations, with heavy government backing, have technical capability approaching that of the U.S. are willing to take high risks. In this environment, we can expect a U.S. publicly owned company to risk $50 to $100 million for developments in the arena of Direct Broadcast Satellites or other more distant capabilities on which the payoff may not come for ten years? Since this R. & D. has heavy technical and market risks, in addition to high costs, a more likely outcome is that the on-going, foreign government-sponsored programs, and not U.S. private industry, will assume the R. & D. prerogative. As a byproduct, leadership in new technology would pass from this nation by the end of this decade, because technology will move forward whether we choose to move with it or not. If NASA ten years ago had been subjected to the pressures for quick commercialization that now exist, it is doubtful that either the communications satellites or meteorological satellites would be in their present advanced state of development.

What we may have seen here is a loss of perspective in determining the most efficient way to remain viable in a highly competitive international marketplace. NASA has shown great resourcefulness in assuming the front-end risks in communications satellites, leaving commercial companies and common carriers free to devote maximum resources to competition in the services and markets they know best. In communications satellites, we may have seen the end of this productive relationship.

We know that foreign companies also have high capabilities in the technologies for environmental, meteorological, and earth resources satellites. We can expect them to be highly competitive in these fields. If the U.S. charter for continuing research and development in these systems, and its cost and risk burdens, pass too quickly from NASA to user hands, the U.S. could lose its competitive position. With it would go most of the basic R. & D. investment which NASA alone was willing and able to make during the costly gestation periods of these developments.

THE NEED FOR AN INDEPENDENT PROSECUTOR

Mr. BAYH. Mr. President, a number of Washington's most distinguished lawyers have addressed an open letter to the Congress expressing their deep concern about the current circumstances where the President is now, in effect, investigating himself. They express the strong view that the constitutional provision commands that the President "take care that the laws be faithfully executed" requires that the President disqualify himself from investigation into alleged misconduct within his own office, and they call upon us to "move swiftly to end this crisis before it saps our national spirit," and to provide by statute for a independent prosecutor to be appointed by the courts. I ask unanimous consent that the text of their statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO THE CONGRESS FROM GROUP OF CONCERNED LAWYERS, OCTOBER 26, 1973

The undersigned members of the District of Columbia bar urge immediate enactment of legislation reestablishing the Office of Special Prosecutor as an independent agency insulated from the Executive Branch.

Under the rule of law, no man may be judge or prosecutor in his own case. An investigation which may uncover evidence that the President or his associates have obstructed justice, or committed other crimes cannot be entrusted to officials subservient to him.

The Constitution commands the President to "take Care that the Laws be *faithfully* executed." Surely this mandate, under the rule of law, requires the President to disqualify himself from investigation into alleged misconduct within his own office.

It was for these fundamental reasons that the Senate Judiciary Committee, reflecting the conscience of the public and the Congress, called for the creation of an independent Office of Special Prosecutor with authority to pursue the truth wherever it led. It is for these same reasons that the President's dismissal of the Special Prosecutor and abolition of his Office present a grave threat to the rule of law.

A society based on law must maintain public trust in the integrity and impartiality of the processes of justice. The President's recent actions have shaken that trust. The legal profession, above all, must speak out.

It is not enough that the President, under an avalanche of protest, decided not to defy court orders. A shocked and fearful country needs certain assurance—in the form of an Act of Congress—that the investigation will go forward without delay or impediment; that all leads will be pursued; that all relevant evidence will be sought and promptly produced, and none shielded behind a wall of executive privilege; and, most vitally, that prosecuting officials will not be subject to the authority or control of the President. No prosecutor within the Executive Branch, however able or vigorous or honorable, can satisfy this need.

We call upon the Congress to move swiftly to end this crisis before it saps our national spirit. The United States District Court for the District of Columbia should be empowered to appoint a Special Prosecutor with express authority to sign indictments as attorney for the government. The functions, personnel, and files of the deposed Office of Special Prosecutor should be transferred to the new statutory Special Prosecutor, whose tenure and full powers of investigation and prosecution should be explicitly defined in the statute.

The law we urge would indeed be extraordinary, but not more so than the circumstances requiring its enactment. Its constitutionality is beyond serious question. Article II, Section 2, provides that "the Congress may by Law vest the Appointment of such inferior Officers, *as they think proper*, in the President alone, *in the Courts of Law*, or in the Heads of Departments." In the present situation of actual or apparent conflict of interest within the Executive Branch, vesting appointment of the Special Prosecutor in the courts is proper. It is also necessary; nothing less will restore the people's confidence that ours is still a government in which no official is above the law.

Respectfully,

Frederick B. Abramson, Jerome Ackerman, Albert E. Arent, Frederick A. Ballard, John Bodner, Jr., Edward Burling, Jr., Edmund D. Campbell, Austin F. Canfield, Jr., Mortimer M. Caplin, Manuel F. Cohen, Mitchell J. Cooper, Lloyd N. Cutler, John W. Douglas Charles T. Duncan, Philip Elman, Ben C. Fisher, Eugene Gressman, John B. Jones, Jr., Robert H. Kapp, John E. Nolan, Jr., John H. Pickering, E. Barrett Prettyman, Jr., Daniel R. Rezneck, Franklin M. Schultz, Robert L. Wald.

SMALL TOWNS FACE UNCERTAIN FUTURE IN THE UNITED STATES

Mr. SPARKMAN. Mr. President, in the Birmingham News in its Sunday issue of November 4 there was a most interesting article entitled "Small Towns Face Uncertain Future in the United States." Believing that all of us are interested in the future of the small towns of America, I ask unanimous consent to have it printed as a part of my remarks in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMALL TOWNS FACE UNCERTAIN FUTURE IN THE UNITED STATES

(By Al Stanton)

The population experts say that by the year 2000, 18 counties in North Alabama will make up approximately the 15th largest "urban region" in the U.S.

It will be in the 1–10 million urban region class, which, in fact, it already is, with a population of 1,108,795.

Similarly, Mobile and Baldwin counties and the western Florida Panhandle will be in the fourth largest urban region, stretching along the Gulf Coast to about midway between Houston and Corpus Christi.

This is not to say that the Alabama counties will grow all that much.

Alabama's population is growing at a much smaller rate than that of the U.S. But the urban areas of the U.S. generally are growing faster than the small towns and cities of under 50,000 population.

And where does this leave the small towns?

The population experts aren't sure. Some small towns will grow, others will stand still and others will stagnate.

The question was explored at a recent seminar for newspaper people at Oak Ridge, Tenn., sponsored by the Southern Newspaper Publishers Association.

Some 30 newsmen and women interested in the future of small towns attended. Most of them were from the Southeast.

A NUMBER OF MYTHS REMAIN

The experts are trying to find reasons for the "agglomeration" or concentration of large populations. They also are trying to discover what is happening to the small towns. Some confess that despite extensive study the answers remain unknown.

Although there have been extensive studies, a number of myths remain about our population movement, and the experts find disagreement even here.

Selim A. Kublawi, an economist for the Appalachian regional Commission in Washington, says that one myth is that people have been moving to the large cities because they wanted to.

"Most surveys show that the majority of Americans prefer to live in medium-sized cities and small towns," he says. "They live in large cities and around them because of the economic necessities (jobs)."

On the other hand, Kenneth D. Rainey, a Columbus, Ohio, planner, says that people do not really want to return to the small towns, as the surveys show.

"Most of these expressions of desire to get back to the rural areas of the smaller communities must be classed with the expression of intent to cut down on the number of cocktails one drinks," Rainey says.

Still another myth is generated by attempts to treat the small town problem as one that is uniform across the U.S., says Rainey, who is an associate at the Academy for Contemporary Problems at Columbus.

The academy was established jointly by the Batelle Memorial Institute and Ohio State University to study urgent social and environmental problems.

"Averages can be deceiving," he says.

"They can be like the man who has one foot in boiling water and one on a cake of ice. On the average, he is comfortable."

"REASONABLY BRIGHT" FUTURE

Problems vary from place to place, says Rainey.

"In many areas the future for towns of 10–25,000 seems reasonably bright. On the other hand, there are areas where we can only see a continuing emptying out and a continuing difficulty in providing acceptable levels of public service," Rainey says.

Seminar leaders pointed out that there are probably more than 1,000 federal government programs to help small towns.

But the government can't do the job, even if it were desirable to cure all the small town ills.

"There is not enough federal money to prop up these towns even if we didn't spend a nickel on defense," Rainey said.

The out-migration from rural areas is mostly by the young, leaving fewer and longer-educated children, better educated working women and more older people.

Michael I. Foster of the Tennessee Valley Authority, another seminar participant, says the small town under these circumstances still can improve itself.

It needs a "starter" group, most usually a group of downtown businessmen whose interests are threatened or whose ambitions are frustrated by lack of downtown progress, Foster says.

The starter group is stimulated to act by leakage of trade to adjacent larger cities, the growth or threat of suburban shopping centers and the desire to attract more industrial jobs, Foster says.

Foster is director of the TVA Division of Navigation Development and Regional Studies at Knoxville.

UNITED STATES PROVIDES SOME ASSISTANCE

Some assistance is available from the federal government.

The Rural Development Act of 1972 provides for loans to small towns up to 10,000 population for more than 20 community facilities.

These include ambulance services, industrial parks, public buildings, streets, roads, sewers, even cable TV and nursing homes.

But although more than $5 billion was appropriated this year by Congress, the money is not enough.

Along this line, experts also disagree on the government's responsibility to small towns.

Kublawi says, "The small town cannot succeed by itself. Public policy, at the federal and state level, is essential to enhance the viability of the small town's economy."

On the other hand, Rainey says, "It is not likely that the future of small town America will be decided by any monolithic government policy.

"As has been the case in the past, the growth of small towns will be the result of millions of decisions made in an inconsistent and highly pluralistic environment," Rainey said.

As to where do we go in regard to small towns, he says:

". . . We have behind us 15 to 20 years in experimentation in regional economic development.

"We have tried the local development efforts, the chamber of commerce activity, a broad range of local financing schemes to lure industry into depressed areas and smaller towns.

"We have tried a wide range of state and federal subsidies and grants-in-aid.

"We have tried multistate regions. We have tried multi-county development corporations.

"In short, we have tried most of the ideas surfaced since World War II."

What should we do?

Rainey says he doesn't know.

COMMISSION ON THE PRESIDENCY?

Mr. MONDALE. Mr. President, in a recent Senate speech I discussed a number of aspects of the institution of the Presidency, which have contributed to a decline in the responsiveness of that institution to the Congress and the American people. Certainly, events of recent weeks should focus our attention even more closely on those steps which must be taken—by both the President and the Congress—to restore a balance of power between the branches of Government and make both the executive and legislative branches more responsive to the American public.

In this connection, a recent editorial from the St. Louis Post-Dispatch, commenting on the proposals which I have advanced, effectively discusses a number of these important issues. I ask unanimous consent, Mr. President, that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the St. Louis Post-Dispatch, Oct. 16, 1973]

Commission on the Presidency?

The feeling is rather generally held across a broad spectrum of national leadership that no matter what President Nixon does or does not do to regain the confidence of the people his Administration is doomed to ineffectiveness. This impression emerges strongly from a series of interviews conducted by Thomas Ottenad of the *Post-Dispatch* Washington Bureau. One top Democratic leader was blunt: "This Administration is a dead duck," he said.

If the Nixon Administration is fated to act in a caretaker capacity for the next three years, does this not offer the country an opportunity to take a good look at the institution of the presidency, with a view to reforms? We think it does, for as *The New York Times* observed some time ago, even before Watergate brought the Nixon Administration into disrepute "there had been widespread concern that the office of the presidency had somehow become bloated, unresponsive, unduly secretive, out of touch with the people and perhaps even with reality."

Since the end of World War II the Chief Executive has acquired power that he never had before. A president now controls nuclear weapons and heads of military establishment 20 times the size it was at the beginning of that war. There are big new bureaucracies in Washington; and technological advances enable a president to roam the world by jet and be seen in millions of living rooms through television. But nothing has been done to tailor the office to the new conditions.

It is this background that lends interest to a proposal by Senator Walter F. Mondale, a Minnesota Democrat. He believes that over the last three or four decades "the presidency has become larger than life and larger than the law." And he further believes Watergate has imbued the nation with a new resolve to meet national problems, the greatest being the protection of liberty "against a government that would diminish it."

So Mr. Mondale has recommended several specific steps that need to be taken promptly, and he has proposed in a Senate resolution that for the longer range there should be established a Commission on the Office of the Presidency, whose purpose would be to examine what has happened to the office, why it has happened, and what can be done to make sure the office remains open and accountable to Congress and the people. The commission would be composed of members of the Executive and Legislative branches and distinguished private citizens.

The work of the group would not be intended to delay reforms that must be undertaken as soon as possible to end the abuses of power revealed by Watergate and require a more open and responsive presidency, one nearer "life size." But a commission such as Mr. Mondale suggests might be a constructive spin-off from Watergate (even though, we suspect, the idea of another governmental commission will produce a few yawns among the populace).

Mr. Mondale is a capable young man who has presidential ambitions himself, and his proposal may be tied to his personal objectives. Yet that need not detract from its merit. Such a commission could well articulate standards that would benefit the presidency and the country in the future; Mr. Mondale's resolution ought to be adopted.

A LACK OF CONFIDENCE

Mr. CHURCH. Mr. President, we all know of the outpouring of protest from the American people at the activities of the President in recent weeks—including the firing of Special Prosecutor Archibald Cox; the initial attempt by the President to defy an order of the Federal courts; and the new revelations that two of the most pertinent of the Presidential tapes are missing.

My own mail has run 20 to 1 against the President, with more than 1,000 letters, telegrams, and phone calls received—the vast majority of them urging impeachment of the President.

Meanwhile, in Idaho, the leading newspapers of the State—most of which supported the President's reelection last year—have become extremely critical of the manner in which the President has handled the Watergate crisis.

Mr. President, I ask unanimous consent that a sampling of editorial opinion from Idaho, including editorials from the Idaho Statesman in Boise; the Idaho State Journal in Pocatello; the Lewiston Morning Tribune; the Daily Idahonian in Moscow; and the Times-News in Twin Falls, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Idaho State Journal, Oct. 22, 1973]

An Act of Power

No matter how President Nixon attempts to explain it, fairly or unfairly his firing of special Watergate investigator Archibald Cox comes across to the public as meaning only one thing: Cox was getting too close to the truth, and thus was sacked.

That firing and subsequent resignations of Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus are another shattering blow to what public confidence remains in the Nixon administration.

Firing Cox was an act of naked power, and one which seems unnecessary. Nixon did it because Cox said he would challenge the President's compromise offer to produce transcriptions of the Watergate tapes as failing to meet the order of the U.S. Court of Appeals. That court had ruled Nixon should make tapes of private conversations available to Judge John Sirica, who might then decide what information from them should be given to Cox. The court might well have accepted Nixon's offer in order to avoid further confrontation, and Cox would have been forced to abide by the court's decision.

Ironically, Nixon's offer met with generally favorable reaction in Congress and with constitutional authorities. But his vengeful firing of Cox immediately stirred serious new talk of impeachment, and chills once more the recently-thawing relations between Congress and the White House. By the same token, the added slippage in public support means the President's ability to govern at home and deal in foreign affairs will be further undermined.

It seems doubtful that Congress will impeach the President. There still is great reluctance to subject the nation to that wrenching ordeal.

But is there then any alternative means of satisfying the public as to whether the President was involved—as his former counsel John Dean claims—or innocent—as Mr. Nixon insists—in coverup of the Watergate break-in of Democratic national headquarters? The prospect seems dim.

Even if Sen. John Stennis is permitted to hear portions of the private tapes, and even if transcriptions of the recordings are made available to the court, it will not be the same as simply producing the tapes. Too many questions will remain unanswered.

And Nixon's promise that the Watergate investigation will continue "with full vigor" under the Justice Department has a very hollow ring, in view of Mr. Cox's fate. Rumors of planned mass resignations within the Justice Department followed news of the firing. Indeed, continuation of the Watergate investigation would be a hypocritical sham which no self-respecting Justice Department prosecutor should undertake.

When Archibald Cox was hired as special prosecutor, Atty. Gen. Richardson said Cox "will be aware that his ultimate accountability is to the American people." Richard Nixon obviously felt differently. And he, apparently, is accountable to no one.

[From the Lewiston Morning Tribune, Oct. 22, 1973]

You Won't Have Cox To Kick Around Any More

The appointment of a special Watergate prosecutor was always a sticky wicket. Technically it amounted to a demonstrably untrustworthy administration investigating the extent of its own transgressions. But there was hope that a respectable investigation and prosecution could be accomplished if:

1. The special prosecutor was a man of impeccable integrity.

2. The special prosecutor would be given absolute independence of the administration he was investigating.

3. The administration would disqualify

itself from its technical right to arbitrarily overrule the special prosecutor in the event that his results were deservedly unpleasant for the administration.

The appointment of Archibald Cox as special prosecutor was a success only on the first of the three requirements. It turned out that Cox was a man of such unquestionable integrity, such moral courage and such sharply focused legal indignation that he stands today several miles higher in public esteem than the pathetic president who has fired him.

But the second and third requirements for a thorough and honest investigation have now proven vain hopes in the climate of a White House which so obviously never wanted and indeed feared the truth, the whole truth and nothing but the truth.

The demand by Cox for the whole truth and for all the relevant information contained in secret White House tapes threatened the President with unpleasant consequences. So he snuffed out Cox and the special Watergate prosecuting unit Cox headed.

It is now plain that Cox never really had full independence because it was impossible to be truly independent if he could be independent only so long as he did not begin getting at the truth or stepping on the President's toes.

All the reasons given for firing Cox are rhetorical window dressing. Cox was the man appointed to investigate the President and the President's associates. Cox was fired not because he wasn't doing his job well but for exactly the opposite reason. Cox was fired because he was, in the Nixon view, doing his job too well for White House comfort.—B.H.

[From the Idaho Statesman, Oct. 24, 1973]

A Man of Principle

Former Atty. Gen. Elliot Richardson did not pass judgment on President Nixon at his press conference Tuesday, but reaffirmed his support of former Special Prosecutor Cox and his investigation.

From the beginning, he indicated, his position has been that an independent special prosecutor was necessary in the Watergate case, to restore faith in the integrity of the government.

Given his convictions and the President's decision to fire Cox, Richardson had no choice but to resign. His resignation added to his already considerable stature. It was inspiring, because it offers evidence that there are men in government who will not compromise on basic principles.

The Nixon administration has suffered from a shortage of such men. When former Interior Secretary Walter Hickel let his disagreements with the President become known, he was sacked. Some others were forced out early this year at the beginning of the second Nixon term.

Richardson did not chastise the President nor indulge in any sour grapes recriminations. He simply stated the sequence that led to his decision, and the convictions that prevented him from remaining in the office.

The applause given Richardson by Justice Department employes was a fine tribute to him, and apparently to the position that his resignation represents.

A Victory for the People

President Nixon's capitulation to the order of a federal court for nine Watergate-related tapes should stop the drive to impeach him that had followed last weekend's Justice Department shakeup.

The President's move was a major conciliatory step, in the face of public and congressional outrage. It was a victory for the people.

Some issues are unresolved—including the status of the former Cox investigation, the violation of an administration agreement with the Senate in firing Cox, other tapes and documents, and the possible content of the Watergate Tapes themselves.

An investigation by an independent special prosecutor should continue. Cox should be reinstated. Former Atty. Gen. Elliot Richardson suggested Tuesday the appointment of a new special prosecutor. It would be simpler to reappoint the old one. Richardson should also be invited to return.

One of the greatest concerns of people angered by the President's actions of Saturday was that of an executive claiming excessive powers. The impeachment mechanism offers a remedy in the case of abuse of power by a president.

The resignations that accompanied the Cox removal helped build the fires of indignation. There were critical statements from Republicans as well as Democrats. The telegrams poured in to Washington.

On Tuesday before the President announced his decision Judge John Sirica notified the Watergate grand jury that it would continue to operate. And Richardson conducted his press conference at which he upheld Cox, the Cox investigation and spoke out for the necessity of an independent investigation to restore faith in the integrity of the government.

All of these things might have contributed to the President's decision. The events of recent days suggest that there is power in the attitude of the public, and in the Congress.

The expressions of outrage and the call for an impeachment proceeding in the House served notice on the White House that the President could not bulldoze his way through this situation.

So it appears that the tapes decision represents a victory for the people and the Congress, as well as for the courts. There were so many people speaking out for the rule of law, for limitations on presidential power, for an independent investigation, that a president was forced to back down.

Now that he has taken a major conciliatory step the President should move further. He should reinstate the former special prosecutor and invite the former attorney general to return. With those steps he could undo much of the remaining damage left in the wake of the Saturday explosion.

[From the Twin Falls (Idaho) Times and News, Oct. 23, 1973]

Impeachment

Impeachment used to be a whispered word—now it is mentioned in Congress as often as "yes" and "no."

The turmoil stirred up by the President in his most recent action is a disaster in public relations. He is going down a road on which there is no return. He is finding few who agree with him in this instance and many members of Congress—and thousands of private citizens—believe he is digging his own political grave.

There is something wrong with his actions and it will all come out into the open at some point in time. Now we're not sure why such action was taken. Without a doubt, his action was ill-advised and it now places greater responsibility on Congress and the Courts to uphold the principal that no man is above the law.

As we see it—no man is above the law, even if he is the President of the United States.

Impeachment action must, under law, be brought in the House but it is in the Senate where the final action will be taken—the final decision will be made. The ultimate test in Congress will be what the conservative Republicans decide to do.

[From the Moscow (Idaho) Daily Idahonian, Oct. 22, 1973]

The Firings by the President

The TV Movie of the Week last night was a charming story of an Eskimo boy who had to take a long and perilous canoe trip to get help for an injured mountain climber. It was full of the old virtues, humility before man and nature, self reliance, a respect for the legends and traditions of the past, and a belief in man's ability to meet challenges boldly and successfully.

The papers this weekend were full of a not-so-charming story containing almost none of the old virtues. It's a story of a President—still fighting the release of tape recordings that large numbers of ordinary citizens think should be made public—firing two dedicated public servants and accepting the resignation of a third while working frantically to avoid complying with what had appeared to be a reasonable court order.

Again the President has focused on the legal aspects of the situation while disregarding the common-sense aspects that appear so obvious to the public at large.

Legally, the President is probably within his rights in firing special Watergate prosecutor Archibald Cox, a distinguished lawyer and teacher. And legally the President may be correct in contending that releasing the tapes of his conversations with several leading Watergate conspirators would violate his right to keep information confidential. And legally it may be true that bowing to court orders would make the exceutive branch of government subservient to the judicial branch, contrary to the intent of the Constitution.

But the nation's best legal minds are divided on the legalities of many of the issues, and in each case the legal line runs strongly counter to the common sense line that underlies much current public opinion.

Certainly, Cox is an employee of the executive branch. He is also, however, a special prosecutor specifically appointed to make a thorough and independent investigation into the Watergate mess. To fire him for being fierce in the pursuit of his duties makes a mockery of the appointment.

Perhaps the President should have the right to keep certain information confidential. The tape recorded conversations of most of the people who have come into Nixon's offices since the recording equipment was installed should probably be kept confidential.

In fact, they shouldn't have been recorded in the first place. But the tapes of those talks with the Watergate conspirators would go a long way toward answering the questions that have been raised. It's absurd that they weren't released immediately when their existence became known.

And certainly the executive, judicial and legislative branches of government should be equal, as set forth by the Constitution. But complying with the court order much less likely to upset that balance than refusing to comply, an action that appears to place the executive above the other branches of government.

Perhaps if the President had run a business on Main Street here in Moscow before moving to the White House he might be more inclined toward the common sense approach to these problems that says, let's get everything out on the table and get the whole thing settled. A lot of people who run businesses here and across the country, and a lot of their customers, wish that had been the President's approach from the beginning. As it is, who now can believe that he wants the public to know the truth about Watergate.

[From the Moscow (Idaho) Daily Idahonian, Oct. 22, 1973]

Nixon's Lack of Trust

A couple of other points might be made about these issues. The President continues to demonstrate his distrust in the public and its institutions. If his proposal on the tapes is fair and workable, Judge John Sirica will accept it. The President could then have ignored Cox's complaints, which would have become academic, and let Cox get on with his investigation, which gave promise of doing what it was designed to do.

Cox may have reacted overly strongly to the Nixon compromise. The deal suggested by the President is for him to summarize the disputed tapes and give that summary to the Senate Watergate Committee, meanwhile letting a man chosen by the President, Democratic Sen. John Stennis of Mississippi, hear the tapes and confirm the accuracy of the summary. Cox reacted by saying he wouldn't be a party to such a deal and by threatening to try to have Nixon cited for contempt of court for failing to comply with the court order to give Sirica the tapes. But Nixon's reaction was overly strong, too.

If Judge Sirica rejects the compromise, as he probably should in the interest of truth, then the President's action in driving three good men out of office becomes even more unfortunate.

And finally, if President Nixon had released the tapes promptly, the whole question of a Constitutional confrontation over them would never have arisen.

THE BOMBING OF THE UNIVERSITY OF WISCONSIN

Mr. HOLLINGS. Mr. President, yesterday a powerful editorial appeared in the Charleston, S.C., News and Courier. It concerned the homicidal bombing of a University of Wisconsin research building in 1970, and subsequent events. You will remember, I am sure, that a physicist working in the building was killed in the explosion. Several weeks ago, the perpetrator of this heinous crime was sentenced to 25 years in prison.

His attorneys, however, managed to obtain a mitigation-of-sentence hearing for the guilty party. In arguing for mitigation, Attorney William Kunstler managed the presentation, which included arguments that the war in Vietnam was immoral, therefore, any action designed to impede the conduct of the war was legitimate and moral.

The editorial in the News and Courier exposes this kind of reasoning very forcefully. A civilized society cannot survive according to the law of the jungle that Attorney Kunstler and the others advocate.

The accused individual was charged with murder, and he was convicted of murder. There is no other word to describe his crime. The judge who heard the mitigation hearing fortunately had the good sense to deny the spurious arguments of Kunstler et al.

Mr. President, I ask unanimous consent that the editorial, "A Small Act," which appeared in the November 11, 1973, Charleston, S.C., News and Courier, be printed in its entirety in the Record. The column deserves to be widely distributed and read.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Small Act

In the early hours of Aug. 24, 1970, Karleton Lewis Armstrong, a student opposed to United States participation in the Vietnam war, expressed his views by exploding a bomb in the University of Wisconsin Army Mathematics Research Center. It happened that working there at the time, alone, was a physicist, Robert Fassnacht. The explosion killed him.

Armstrong first was charged with murder. Several weeks ago he pleaded guilty to reduced charges of second degree murder and four counts of arson stemming from attacks on several military installations. He was sentenced to 25 years in prison. With the aid of Attorney William M. Kunstler, defender of many anti-war activists, Armstrong obtained a mitigation-of-sentence hearing, hoping to have his prison term reduced.

The hearing was held in Madison, Wis., before Circuit Court Judge William C. Sachjen. Parading before the judge came a strange collection of historians, scientists and political activists in Armstrong's behalf. The war in Vietnam, they argued, was "illegal," and therefore all acts of resistance against it were justified—including the killing of Robert Fassnacht.

"You knew, and I knew," Attorney Kunstler told the judge, "we were cowards We did not do what Karl Armstrong did because we were middle-aged, perhaps, or because our positions were secure and we didn't want to jeopardize them." Melvin Greenberg, another defense attorney, said that the bombing of the research center was "a small, minute act of violence done to stop that huge, great violence" of the Vietnam war. He criticized what he called the "double standard" which permitted those who directed the Vietnam war to go free, while others like Armstrong were subject to criminal proceedings.

Robert Fassnacht was dead. Judge Sachjen rightly ignored the fiery defense oratory about the Vietnam war. His decision did not mention it. He imposed concurrent sentences on the murder and arson charges, cutting only two years from the original 25-year sentence, presumably allowing for the almost two years Armstrong already has been imprisoned after being captured, on the run, in Toronto by the Royal Canadian Mounted Police.

It seems strange that, at this late date, Attorney Kunstler and the activists whom he and others defend still do not know for whom the bell tolls. It tolls not only for those who gave their lives seeking to defend freedom, but also for the Robert Fassnachts who no longer are among the living.

NEW PROSECUTOR MUST BE FREE OF NIXON HAND

Mr. MONDALE. Mr. President, although Mr. Leon Jaworski has assumed his duties as the special prosecutor appointed by the President, I remain of the view that Congress must act to establish a truly independent prosecutor. The prosecutor must not be appointed by the President, must not be removable at the will of the President, must be truly independent, and must possess all necessary power to go to court to seek relevant evidence.

This country has been repeatedly shaken by the Watergate affair and its aftermath. Public confidence in Government and Government officials is at an all-time low. The first step back on the path to restoration of confidence is to bring those guilty of criminal offenses to justice through a thorough investigation. It is by establishing a truly independent prosecutor that we insure that this will be done.

In a recent editorial, the Pioneer Press of St. Paul, Minn., expressed the view that "the special prosecutor's office should be taken completely out of his—the President's—sphere of influence." The editorial continues:

> President Nixon's record of obstructionism against the Cox investigation speaks for itself. The American people are entitled to a full and absolutely independent conclusion of the work begun under Cox. It is the responsibility of Congress to see that this is provided.

Mr. President, I ask unanimous consent to have printed in the Record the editorial entitled "New Prosecutor Must Be Free of Nixon Hand" published in the Pioneer Press of November 5, 1973.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

New Prosecutor Must Be Free of Nixon Hand

President Nixon is now trying to derail congressional efforts to assure a fully independent special prosecutor to carry on the Watergate prosecutions and investigations begun by Archibald Cox.

Because of Mr. Nixon's shocking discharge of Cox after he began digging into matters embarrassing to the White House, strong sentiment developed in Congress to establish a special prosecutor's office responsible to the courts and not to the President. This is an eminently fair and reasonable approach. Since the presidency itself is the subject of investigation, and in view of Mr. Nixon's past obstructive actions, the probe should not again be put in charge of anyone subject to dismissal by the President.

Yet this is what Mr. Nixon wants. He authorized his acting Attorney General, Robert Bork, to announce the appointment of Leon Jaworski, a conservative Texas Democrat, to replace Cox as the new special prosecutor. To soften congressional opposition, Bork said Mr. Nixon has promised he will not interfere with Jaworski and will not fire him without the consent of a selected group of congressional leaders from both parties.

Mr. Nixon's record in the Watergate investigations makes such assurances unacceptable. He has denounced the Cox staff as being loaded with hostile lawyers. And at his last press conference he promised cooperation with a new special prosecutor, "but not by having a suit filed by a special prosecutor within the Executive branch against the President of the United States."

Regardless of President Nixon's new assurances, the special prosecutor's office should be taken completely out of his sphere of influence.

Fifty-three members of the Senate are sponsoring legislation which would do this. Their bill would have the special prosecutor appointed by and responsible to federal Judge John Sirica. This legislation, or some reasonable modification, should be enacted, regardless of Mr. Nixon's self-serving opposition.

Nixon might veto such a bill. But Sen. Walter Mondale of Minnesota has an answer to such a threat. He says Mr. Nixon's nominee for a new Attorney General, Sen. William Saxbe, R-Ohio, should not be confirmed by the Senate until the President signs the independent prosecutor measure.

The Senate did not confirm Elliot Richardson as Attorney General until the Nixon Administration had promised not to interfere with Cox's work as special prosecutor. Those promises became "inoperative" (to use a White House term) when Mr. Nixon fired

Cox and thus forced the resignation of Richardson, who refused to concur in the President's action.

President Nixon's record of obstructionism against the Cox investigations speaks for itself. The American people are entitled to a full and absolutely independent conclusion of the work begun under Cox. It is the responsibility of Congress to see that this is provided.

GENOCIDE: MISUNDERSTOOD

Mr. PROXMIRE. Mr. President, some people who oppose American ratification of the Genocide Convention do so because they believe that the convention's definition of the word "genocide" dangerously distorts the true meaning of the term. They maintain that article II of the treaty would require each signatory to prosecute any person demonstrating the intent to destroy or harm a single member of a specified ethnic, racial, or religious group. They consider this mandate too broad.

This concern is unwarranted. First, article II of the treaty explicitly states that only the intent to destroy the "whole" or part of such groups would require government action. In 1950 Deputy Under Secretary of State Dean Rusk drew the distinction between crimes of genocide and homicide by noting that the former designated the intent for large-scale violence against members of a specific group while actions against one or two members of a racial or ethnic group would fall in the latter category.

Further, ratification of the Genocide Convention would not increase the number of prosecutions for violence against individuals because the U.S. legal system already considers such violent actions to be criminal offenses. Violence and persecution in any form has long been abhorrent to those upholding the principles of freedom and democracy for all men. Ratification of this document would merely reaffirm our commitment to those principles. After more than 20 years of debate such a reaffirmation is more important than ever.

Mr. President, I ask the Senate to ratify the Genocide Convention as quickly as possible, and make clear America's position against mass violence.

ENERGY CRISIS AND THE CREDIBILITY CRISIS

Mr. MOSS. Mr. President, the lack of credibility of the President of the United States brought about by the ever-widening scourge to which we refer with the generic term, "Watergate," is bringing us within spitting distance of disaster in our energy battle.

The patterns of communication with the public on Watergate and on the energy crisis are strikingly similar. Do you recall, less than a year ago, the initial indignant denials of his knowledge of events surrounding the break in and then each of his later explanations gradually admitting more knowledge, thereby conceding each previous explanation to have been at least partly false.

Now we have had three "energy messages" from the President in less than a year—and each one exposes a little bit more, and levels with the public a little bit more. But it is almost too late.

A skeptical public will not voluntarily follow the dictates of a President who has strained its faith in his office beyond repair.

Even now, some of our citizens, when offered the President's voluntary energy program the other evening are saying "Let him stay home and go to work and save the jet fuel" and "Let's see an example of Nixon's personal conservation."

Hobart Rowen said it very well—"Nixon sidesteps bold measures on energy"—and I ask unanimous consent that the article from the Washington Post of November 11, 1973 be printed in the RECORD for the use of the Senate.

The President's April message on energy was considered a disappointment even by industry.

The President, I submit, is playing politics with energy and is judging the crisis against how the people will react. He is afraid to endanger his 32 percent rating by telling them the truth about energy and moving drastically to correct the problem.

I say it is time he stopped insulting the intelligence of American citizens and leveled with them.

The Senate, in a bipartisan effort led by Senator JACKSON, under the Fuel and Energy Study has been working long and hard for almost 3 years on the energy shortage. Legislation is forthcoming.

As Rowen says, the Nation cannot wait.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON SIDESTEPS BOLD MEASURES ON ENERGY

(By Hobart Rowen)

President Nixon's latest stab at an energy program is a step beyond his previous inadequate efforts, but it still falls far short of the mark.

It is nearly unbelievable, at this stage of the crisis, that the President could not find the authority to make a nationwide speed limit of 50 miles per hour mandatory.

Would that the President had been so circumspect in seeking out legal authority when he set up the plumbers' group in the White House!

As Gov. John Love admitted to reporters, a speed limit—which would save more energy than any other single step—"needs a national push." It can't be left to the states or to voluntary compliance by citizens.

Well-informed sources indicate that it was only in response to insistent demands by many state governors that the President, at the last minute, agreed to ask for congressional approval for the use of daylight saving time throughout the year.

It is clear to everyone who has studied the energy problem that in the short run, the most hopeful prospect of reducing wasteful consumption of energy is in the curtailment of the private use of automobiles.

This requires much more than appeals to the public to use car pools and mass transit. It requires tough measures to force the auto industry and the buying public toward producing and using smaller and lighter cars.

Yet, the administration steadfastly refuses to consider a tax on high-horsepower cars and, according to Gov. John Love at the White House press briefing Wednesday night, a substantial additional tax on gasoline itself.

It perpetuates the notion that somehow gasoline rationing may yet be avoided. The reaction by Sen. Henry Jackson (D-Wash.) is more realistic: gasoline rationing is inevitable—and so are some industrial shutdowns that will have painful economic implications.

The Nixon administration's rationale for staying away from higher gasoline taxes is that they are regressive—they would hit lower-income people harder than the wealthy. But there are ways to solve that problem. And there certainly can be no worry about the regressivity of a penalty tax on the huge gas guzzlers.

The point is that bold ways have to be pursued to cut down on the 50 per cent of U.S. oil refinery production that is now devoted to the production of gasoline, mostly for autos. This would permit higher refinery runs for heating oils, and for the special fuels used by railroads and airlines.

The halfway measures outlined in the President's speech suggest that some policy makers must be clinging to the hope that Kissinger's magic touch in Mideast diplomacy will soon have Arab oil flowing again.

But if there is more than rhetoric in the President's call for a "Manhattan Project" sense of urgency, if he really intends for the nation to be independent of Mideast oil needs, there is a distressing lack of commitment so far to development of alternative sources of energy.

Prof. Ernest Frankel of M.I.T. points cut that production of petroleum from either coal or oil shale in a "socially acceptable way" would come to about $6 a barrel in the early 1980's, compared to median predictions of around $7 a barrel for petroleum by that time. (Some estimates for Mideast and South American oil run much higher.)

As the technology improves, oil from shale or coal would probably become cheaper. Thus, says Frankel, "There is not only an alternative but an economically and politically attractive solution," since U.S. coal and shale deposits are larger than the world's total oil reserves.

Beyond that, there is nuclear and solar energy. Is Mr. Nixon giving enough attention to their potential? A concerted effort should seriously be made to look into microbiological sources of energy. Many scientists suggest that this is an unplowed field: for example, methane can be produced from animal waste and urban sewage. Hydrogen and ethyl alcohol can also be produced from microbiological sources.

The kind of commitment that would demand every possible conservation measure in the short run, and every possible exploration of alternative sources for the long haul, is still lacking.

The Nation shouldn't wait until next summer to ration gas; it ought to cut back sharply on gasoline supplies now, and get more out of the refineries for home heating and essential industry.

The nation must also be assured that in its drive to boost energy supplies, it will prevent the oil companies from making windfall profits. Some price increases will be inevitable, but this is not the time to throw controls out the window, making the consumer the scapegoat for short-sighted planning by industry and government over the past several years.

It is also not a time for the Western world to allow itself to become divided by the Arab strategy of embargo. Appeasement, as Leonard Silk pointed out in the New York Times the other day, won't work any better in the Mideast than it did in Munich.

One can understand the concerns in Western Europe and Japan, which get the bulk of their oil supplies from the Arab countries. But this country, Europe and Japan badly need to come together, share existing resources and develop new ones. If they don't, the Arab countries will pick off one consuming country after the other, and $12 oil will look cheap.

JOHN P. FRANK, OF PHOENIX, ARIZ.

Mr. BAYH. Mr. President, Mr. John P. Frank, of Phoenix, Ariz., one of the country's most distinguished attorneys, has for many years provided expert guidance to the Senate on a number of legal issues and particularly in the area of judicial ethics. Mr. Frank has forwarded to me a statement of his views on the constitutional issues surrounding the currently pending legislation providing for the appointment by the courts of an independent prosecutor. I ask unanimous consent that Mr. Frank's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN P. FRANK

My name is John P. Frank. By way of qualification, in 1942, I was law clerk to Mr. Justice Hugo L. Black. From 1946 to 1954, I taught constitutional law and matters relating to federal courts at Indiana and Yale Universities. From 1954 I practiced in Phoenix, Ariz., with frequent involvement in constitutional matters. In addition to numerous articles, I am the editor of two case books on constitutional law, the author of a frequently used work on the Supreme Court, and the author of two biographies of Supreme Court justices. From 1960 to 1970 I served on the Advisory Committee of the Supreme Court to Civil Procedure, and am a member of the Executive Committee of the Advisory Council on Appellate Justice.

Also of some relevance here, I am the author of numerous articles on disqualification of judges. I have three times appeared before this Committee or one of its subcommittees at the committee's invitation as an expert on disqualification, and I had a material hand in the disqualification act just passed by the Senate.

From this background, I express opinion on two points involved in this bill:

1. There is no constitutional impropriety in asking a court to appoint counsel in a case or group of cases. Courts do it all the time. I have just completed a year and a half of service on a major matter representing all prisoners in the Arizona State Prison by appointment of the Federal District Court. I have been representing the plaintiffs against the state before the judge who appointed me, and the proceedings have dealt with a hundred or more criminal sentences.

All such court appointed attorneys are subject to removal for gross improprieties. The court may not superintend the prosecution and then try the case; but there is no constitutional objection to appointment or discipline of attorneys who are in any case always officers of the court.

I must confess that I cannot see even a serious issue on this question.

2. The Senate has just unanimously passed, at the unanimous recommendation of this Committee, a new statute on the disqualification of judges. While the act does not bear directly here, its spirit is very much in point.

The debates on the Senate floor as well as in this Committee have constantly reiterated the proposition that courts must avoid not merely impropriety, but the appearance of impropriety.

This generalized aphorism is a way of restating among many other things, an ancient maxim of Blackstone that no man shall be a judge in his own case. That principle was reiterated by the Supreme Court in Chief Justice Taft's time in the famous case of *Tumey* v. *Ohio*, holding that a judge who might be affected by the penalty could not try a criminal case. It was reiterated in the recent *Commonwealth Coatings* decision of the Supreme Court now firmly embraced in the recent legislation here.

These principles apply directly to the selection of a prosecutor in the immediate matters. This is a prosecution which reaches Cabinet officers and top staff of the President. We are grimly aware that the tide may reach even higher, and come to the President himself. I do not prejudge the matter in raising this spectre. The point is that we deal with a perfectly serious possibility.

In these circumstances, the President cannot make the appointment of a prosecutor and cannot remove a prosecutor, without being a judge in his own case.

Certainly he cannot do so without *appearing* to be a judge in his own case. I do not mean here easily to knuckle under to appearances; judges must be of sufficiently sturdy stuff not to yield to merely mischievous accusations and appearances. I have expressed concern over the possibility of paying overly deferential heed to the appearance of impropriety in writings on file with this Committee.

But here we are not dealing with a marginal or trumped up appearance. The removal of Mr. Cox at a moment when, from all outward appearances, the flames grow hot about the appointing power, has truly alarmed the whole country. We would be hard put to find an instance of a greater appearance of impropriety.

Let me express my high regard for Mr. Jaworski, a leader of my profession. He might well be chosen as a special prosecutor by an independent appointing source. To accept the office under these present auspices however, is to doom the enterprise from its beginning. It would be hard to conceive of a more flagrant defiance of the principle of maintaining the appearance of propriety than thus permitting the President to judge his own case.

WILLIAM A. SPARROW—STAR FARMER OF AMERICA

Mr. NUNN. Mr. President, in October of this year, an outstanding young Georgian, William A. Sparrow of Unadilla, was named Star Farmer of America for 1973 by the Future Farmers of America, the first Georgian to be so honored since 1956.

Bill's dedication, hard work, and endless achievements in the field of agriculture provide an inspiration to us all. This award is a fitting tribute to the outstanding contributions he has made to his community, his State, and his Nation.

It is my pleasure to share with my colleagues an excellent editorial which was aired recently by WSB radio in Atlanta on "A Great Young American"—Bill Sparrow. Mr. President, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WSB VIEWPOINT

"A GREAT YOUNG AMERICAN"

William A. Sparrow is a young Georgia farmer. He owns 289 acres on Rt. 1, Unadilla, and he recently exercised an option to purchase 700 more.

This 22-year-old son of the soil raises peanuts, soybeans, oats, cotton and cattle.

A few years ago as a freshman vocational agricultural student at Unadilla High School, he developed an interest in crop production. As a teen-ager, he started to maintain a small farm on which he raised two acres of peanuts, two of cotton, two of watermelons, and one of cantaloupes. And he found time to also operate a small cattle and swine enterprise, and to study enough to make good grades in all his classes.

But that was only a starter. He also was president of the Unadilla chapter of the Future Farmers of America, president of his church's Sunday School, vice-president of the Junior Class, captain of the football team, Scoutmaster of the local Boy Scout Troop. And recently he completed six years of service with the Georgia Army National Guard.

Bill Sparrow explains his phenomenal record this way: "The reason I was able to do so much was that I worked each afternoon after school, on Saturday and all summer. My father never paid me in cash, but allowed me to have an acre of this-and-that in exchange for my labor."

Perhaps it was inevitable. But at the 1973 Future Farmers of America convention in Kansas City, William A. Sparrow was named the Star Farmer of America, a tremendous recognition that carries with it a $1,000 cash award.

At a time when millions of American youngsters complain that they are bored with life and disillusioned by lack of opportunity, the saga of Bill Sparrow needs to be told over and over again.

The Star Farmer of America has never had time or inclination to become a juvenile delinquent. He's much too busy to be despondent and far too successful to be discouraged.

Here is a young citizen farmer who is making things happen. He's growing food for hungry mouths. He's being useful, creative and productive. And he's prospering for all of his efforts.

He's an inspiration to all who know about him and his achievements.

He's a splendid Georgian and a great young American.

We need many more youngsters like him.

EXPLANATION OF THE NATIONAL FOOD BANK ACT

Mr. McGOVERN. Mr. President, last month I introduced the National Food Bank Act, S. 2577. Inasmuch as it is an important piece of legislation designed to assist areas in need of emergency food assistance, I would like to explain the purpose of the bill, and I ask unanimous consent that the text of S. 2577 be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, unknown to most Americans, there is a growing problem in the area of domestic emergency food assistance primarily due to the phasing out of the commodity distribution program run by the Department of Agriculture.

We Americans are now running a serious risk of being caught offguard in an emergency. Historically, this country has always produced enough food to feed everyone—and whatever shortages occurred were generally the result of the inability of some elements of the population to purchase food because they could not afford it, rather than because there was no food to buy at any price.

But the world has been eating more food than it has been growing since 1969—5 long lean years. There is no early prospect for relief, and population continues to grow, bringing increasing pressure on food producers everywhere. America's immense food reserves—commonly but mistakenly called surpluses—are all but gone. The planned phaseout of the commodity distribution program is not so much the result of planned intent, but the inevitable result of present shortages in worldwide production; there simply are no commodities to distribute.

It has been my view for some time that creation of a national food reserve and U.S. support for a worldwide grain reserve is a crucial priority for American policy. Recently, along with my Republican colleague from Vermont, GEORGE AIKEN, I introduced a resolution calling for this.

But America must also prepare itself to meet the threat of shortages of food during emergencies right here in our own country. As it stands now, a real emergency—a major flood or hurricane—might find us without a cushion to fall back on.

Historically, during natural disasters, USDA has used the foods stored for the family commodity food program and the school lunch program to give to the American Red Cross and other voluntary organizations for distribution to needy families. And of the two programs, the stocks of the family commodity distribution program have proved the most versatile due to the sizes of the packages and the varieties of commodities purchased for that program. Juices, for example, which are in great demand during any disaster which affects the water supply, are purchased almost exclusively for the family commodity program.

Because of a shortage of food supplies for the commodity program, however, the Congress has mandated a nationwide food stamp program by July 1, 1974, which effectively phases out the family commodity distribution program.

I believe that this is a sound nutritional step. However, it is incumbent upon the Congress to insure that in the process of phasing out the commodity program other programs, which although smaller are no less important, are not prejudiced. The emergency food program is potentially such a program.

It is for these reasons that, along with Senator MAGNUSON of the State of Washington, I have introduced the National Food Bank Act.

The National Food Bank Act would authorize the Secretary of Agriculture to purchase such amount and varieties of food as he deemed nutritionally adequate to be used as emergency stocks during natural disasters. The Secretary would also be authorized to set up regional warehouses to store the food wherever it was believed convenient and accessible.

Red Cross officials have indicated in testimony before the Nutrition Committee that the current phasing down of USDA's commodity distribution program of family assistance is already creating difficulties for food distribution during natural disasters, and that the scheduled complete phaseout of the program in July 1974 may create a significant threat of actual food shortages during a major natural calamity, such as a hurricane on the order of Agnes in June 1972.

The existence of the family distribution program, with its prepared packets of packaged foodstuffs already broken down into family-sized components provided a valuable asset to local disaster relief officials who could simply pass these out to affected families after the initial emergency was over, but before the local food distribution system and local economy returned to normal.

This was especially helpful in reducing paperwork. It was not necessary for disaster victims who would soon be back on their feet on their own to go through the conventional redtape attendant to application for welfare assistance. It is this system which is now breaking down.

In the April floods in Houston, Tex., and local disasters in Illinois and Oklahoma, Red Cross officials found their requests for food through the schools rejected for the first time. Local officials knew that USDA did not have reserves of surplus meat, cheese, and other essential nutrients to replenish community stocks. They therefore did not permit the Red Cross to distribute or utilize their own stocks of these foods, for fear that they could not be replaced.

These local situations did not become tragedies only because the scale of the disasters was small, and it was possible to purchase food directly from commercial sources near the disaster. In a large scale emergency, however, the Red Cross indicates that serious problems could arise, especially if the commercial system itself was disrupted as is generally the case in a major earthquake or hurricane. Once the commodity program is phased out, there will be no stockpiled source of family-style food to distribute. Furthermore, as supplies of commodities purchased for other programs decline, there will be no actual food owned by the Government to distribute at all.

The planned utilization of food stamp distribution, in the view of the Red Cross, represents an inadequate substitute for this purpose. First, these officials note that in some areas local programs are requiring disaster victims to meet all the income and other qualifications of their State programs. The disaster victims are required to fill out forms and must wait in some instances as long as three weeks before they can get their initial books of stamps. This system thus does not assist the Red Cross during the initial days of the diaster at all. The second drawback is that food stamps do not always work in disaster situations if commercial outlets are not available. In last year's heavy snowfall on Indian reservations in several Western States, food packets from the family commodity program were airdropped to stranded families who could not reach stores.

With a very modest investment of approximately $6 million of section 32 funds we in the Congress can insure that the step forward that was achieved by the mandating of a nationwide food stamp program does not result in two steps backward during a natural disaster.

I strongly urge my colleagues in the Congress to endorse the National Food Bank Act prior to the phasing out of the commodity distribution program—next July 1, to allow for a smooth transition. Too often we in the Congress are not given the opportunity to act prior to an emergency, but are forced to act under the gun without the time to investigate all the alternatives. With the National Food Bank Act we have the opportunity to prevent a potential nightmare for millions of Americans instead of trying to cure the ill after the fact.

S. 2577

A bill to provide for the storage of food commodities in geographically dispersed areas of the United States for use during any major disaster in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Food Bank Act".

SEC. 2. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized and directed to provide for the storage of food commodities in geographically dispersed areas of the United States so that such commodities will be readily and conveniently available for distribution in any area of the United States which suffers a major disaster (as determined by the President under the Disaster Relief Act of 1970).

SEC. 3. The Secretary shall utilize funds appropriated under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to purchase food commodities necessary to provide adequate supplies for use in any area of the United States in the event of a major disaster in such area. The Secretary shall determine the quantities and kinds of food commodities to be stored in any area, taking into consideration the kinds of food needed to provide a nutritionally balanced diet and the storability of such commodities.

SEC. 4. The Secretary shall, to the maximum extent practicable, utilize storage facilities provided by the Secretary for the storage of food commodities necessary to carry out the program established under this Act for the storage of food commodities used in carrying out other programs administered by the Secretary, including, but not limited to, the school lunch program (carried out under the National School Lunch Act) and the school breakfast program (carried out under the Child Nutrition Act of 1966).

SEC. 5. The Secretary is authorized to take such action as he deems necessary to maintain fresh, nutritious supplies of food commodities and to provide for the periodic turnover of such commodities to avoid spoilage thereof.

SUPPORT FOR HIGHER EDUCATION

Mr. MONDALE. Mr. President, at a recent meeting of the Committee for Corporate Support of American Universities, Mr. David Packard, former Deputy Secretary of Defense, urged corporations to stop making unrestricted gifts to colleges and universities.

The implications this proposal has for the integrity and independence of higher education are extremely disturbing. A recent editorial in the New York Times correctly termed this proposal a "call for corporate retreat from enlightenment."

I share the deep concern this thoughtful editorial expressed about the Packard proposal, and ask unanimous consent that it be printed in the RECORD at the close of my remarks. To begin insisting on some specific return or result for every corporate contribution would impose a serious and unnecessary limitation on the freedom and autonomy of our higher education institutions.

There being no objection, the editorial

was ordered to be printed in the RECORD, as follows:

Times Mon. Oct. 29

NOT FOR SALE

In urging corporations to put a stop to the practice of making unrestricted gifts to colleges and universities, David Packard is attempting to turn the clock of education and social progress back by twenty years. It was in 1953 that Frank W. Abrams, then chairman of the board of Standard Oil of New Jersey, established the legitimacy of unrestricted corporate gifts to higher education. A test case instigated by Mr. Abrams culminated in a landmark decision in the New Jersey Superior Court hold that corporations are not only entitled but actually have an obligation to support higher education—without strings attached—as the engine of economic and social progress.

It is against such an enlightened policy that Mr. Packard, chairman of the Hewlett-Packard Company and former Deputy Secretary of Defense, now pits his view of the relationship between campus and industry. He sees university governing boards no longer as safe and respectable carbon copies of corporate boards of directors but rather as untrustworthy assemblies of a motley crowd of "students, faculty, alumni, various ethnic groups, etc."

Mr. Packard's vision of what has happened to university boards in the aftermath of the rebellious nineteen-sixties is a figment of panicky imagination. The conservative serenity of such bodies has, unfortunately, been little shaken by the admission of an occasional member who has yet to celebrate his fiftieth birthday.

His distorted view has spawned Mr. Packard's belief that a new breed of trustees would spend industrial donations in ways the corporations could not defend to their stockholders. If Mr. Packard prevails, the only legitimate way for such benefactions to be distributed would be by first making certain that they "contribute in some specific way to our individual companies, or to the general welfare of our free enterprise sytsem."

Higher education owes no *quid pro quo* to any donors—private, corporate or governmental. A campus that bartered away its autonomy would very soon cease to supply the nation—and the corporations—with any human product worth the price of the degree.

Ironically, Mr. Packard issued his call for corporate retreat from enlightenment before a meeting of the Committee for Corporate Support of American Universities—an audience of top-level business executives and of academic presidents. These university spokesmen could do much to shore up the American people's faith in the integrity and future independence of higher education by forthrightly disassociating themselves from the pernicious doctrine that their institutions are for sale.

IMPOUNDED FUNDS, AS OF SEPTEMBER 30

Mr. METCALF. Mr. President, the 93d Congress has been properly interested in restoring its position in the budgetary process. Some progress is being made.

Earlier this session, the Congress approved a measure that would require Senate confirmation of the incumbent Director and Deputy Director of the Office of Management and Budget. The President vetoed that bill. The Senate voted to override the veto. The House effort to override failed. Subsequently, the Senate Committee on Government Operations reported S. 37, which would provide for the confirmation of all future Directors and Deputy Directors of OMB. That bill was passed by the Senate on June 25. It is currently pending before the House Committee on Government Operations.

Provisions, in the Alaskan pipeline bill, which would remove OMB's control over the information requests of independent regulatory commissions, have been approved by both the Houses and Senate.

The Senate Committee on Government Operations has approved budget control legislation. The House Rules Committee is nearing completion of similar legislation.

Some of us have sought for years to restrict executive impoundment. Legislation in this area has been approved by both Houses and differences can be resolved in conference.

In previous years the only way Members received impoundment figures was to extract the information, after considerable delay, from OMB officials. The Federal Impoundment and Information Act, approved a year ago, now requires public, quarterly reports of all impoundments.

The most recent Executive report on impoundments shows that approximately $7.446 billion in "budgetary reserve" exists as of September 30, 1973. It shows that funds are impounded in every Cabinet-level department except the State Department, and also in the Atomic Energy Commission, General Services Administration, NASA, Veterans' Administration, National Science Foundation, and the Small Business Administration.

Mr. President, each Member should carefully review this unheralded, yet vital, report. I ask unanimous consent that the October 15 report, along with Director Ash's letter of transmittal, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 15, 1973.

Hon. JAMES O. EASTLAND,
President pro tempore,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EASTLAND: The enclosed report is submitted pursuant to the Federal Impoundment and Information Act, as amended. In accordance with that Act, the report is being transmitted to the Congress and to the Comptroller General of the United States, and will be published in the Federal Register.

Sincerely,

ROY L. ASH,
Director.

Enclosure.

BUDGETARY RESERVES AS OF SEPTEMBER 30, 1973

INTRODUCTION

The Director of the Office of Management and Budget, under authority delegated by the President, is required to apportion funds provided by the Congress. The apportionments are required under the Antideficiency Act (31 U.S.C. 665) and generally are for the current fiscal year. Under the law, such apportionments limit the amounts which may be obligated during specific periods.

The Antideficiency Act authorizes the withholding of funds from apportionment to provide for contingencies; or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. In cases where the law specifies by year the amount of contract authority available a year in advance, a distinction is made in the report between the 1974 and 1975 programs. There are other specific provisions of law which provide that funds should be available over a period longer than one year; in such cases, the funds generally are not fully apportioned in the current year, and the unapportioned part is withheld, to be released later for use in the next year or years. Thus, some amounts are withheld from apportionment, either temporarily or for longer periods. In these cases, the funds into apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by all recent administrations as a customary part of financial management.

On occasion the Congress has explicitly required that an amount be placed in reserve pending an administrative determination of need (e.g., the 1973 Agriculture-Environmental and Consumer Protection Appropriation Act—Public Law 92-399). Most reserves, however, are established upon the initiatives of the Executive Branch based on an operational knowledge of the status of the specific projects or activities. For example, when the required amount of work can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

From time to time additional reserves are established for such reasons as the necessity to conform to the requirements of other laws. An example is the executive's responsibility to stay within the statutory limitation on the outstanding public debt.

The total of reserves for the 1974 program as of September 30, 1974, is 2.8% of the total estimated budget outlays for the year. Since the report as of June 30, 1973, the total of reserves has been reduced by nearly $300 million. As shown in the report, reserves of nearly $1.5 billion established in FY 1973 which were being held for FY 1974 programs have been released to provide or to supplement available budgetary resources for 1974 programs. Reserve actions have been initiated in some programs and amounts in reserve increased in others to await the development of 1974 program and project plans, to meet contingencies during the 1974 program year, and, in the case of programs which have been provided obligational authority beyond the current fiscal year, to ensure that funds will be available beyond FY 1947.

REPORT REQUIRED BY LAW

This report is submitted in fulfillment of the requirements of the "Federal Impoundment and Information Act," as amended, which provides for a report of "impoundments," and certain other information pertaining thereto. This report lists the budgetary reserves which were in effect as of September 30, 1973.

The Antideficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be made or reserves be established, modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer to item Number 5 of the Federal Impoundment Information Act, the period of time during which funds to be in reserve is dependent upon the results of such later review.

The remainder of this report lists, by agency, all accounts for which some funds are reserved. An asterisk (*) identifies those accounts added to the listing since the last report (i.e., such accounts contained no reserves on June 30, 1973). The listing:

Presents the amount currently apportioned for the fiscal year 1974;

Presents the amount in reserve as of September 30, 1973;

States whether the amount reserved will be legally available for obligation in fiscal year 1975;

Indicates the date of the reserve action and the effective date of the current reserve;

Presents a code which relates to the reason for the current reserve action, without necessarily exhausting all possible reasons.

Presents a code which indicates the estimated fiscal, economic, and budgetary impact of the current reserve.

Codes used in the remainder of this report relating to the reasons for and estimated fiscal, economic, and budgetary impact of the reserve actions are described on the following pages. In some cases, the standard explanations given have been modified slightly from those used in previous reports. Such modifications have been made for the sake of clarity. The codes and footnotes listed for each entry relate to conditions which were in effect as of the date of the reserve action.

REASON FOR CURRENT RESERVE

Code 1. "To provide for contingencies" (31 USC 665(c) (2)).

Code 2. "To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such (funds were) made available" (31 USC 665(c) (2)).

Code 3. To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 USC 665(c) (1)). This explanation includes amounts anticipated to be used to absorb or partially absorb the costs of recent pay raises grant pursuant to law.

Code 4. "To achieve the most effective and economic use" of funds available for periods beyond the current fiscal year (31 USC 665 (c) (1)). This explanation includes reserves established to carry out the Congressional intent that funds provided for periods greater than one year should be so apportioned that they will be available for the future periods.

Code 5. Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) to apportion the funds properly and to insure that the funds will be used in "the most effective and economical" manner (31 USC 665(c) (1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.

Code 6. The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, section 3):

Code 6a. Obligation at this time of the amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.

ESTIMATED FISCAL, ECONOMIC, AND BUDGETARY EFFECT

I. Same effect as set forth in the most recently submitted budget document, of which this item is an integral part.

II. The reserve action will bring the budgetary impact of this program to a level nearer or equal to that contemplated in the most recently submitted budget document and contribute to the reduction of inflationary pressures.

III. The change from the previous reserve is expected to contract the budget impact of this program and contribute to the reduction of inflationary pressures.

IV. The release or reduction of the previous reserve will facilitate use and expenditure of the available funds consistent with current program needs and economic conditions in the area affected.

V. Other. See footnote for each item so coded.

VI. Not applicable or no explanation required. (In most cases where a previous reserve has been apportioned in its entirety.)

SUMMARY OF BUDGETARY RESERVES, 1974 PROGRAM

[In millions of dollars] [1]

Agency	Amount as of June 30, 1973	Amount as of Sept. 30, 1973
Executive Office of the President	2	
Funds appropriated to the President	126	96
Department of Agriculture	1,316	1,173
Department of Commerce	140	63
Department of Defense—Military	1,618	1,143
Department of Defense—civil	33	1
Department of Health, Education, and Welfare	21	23
Department of Housing and Urban Development	460	456
Department of the Interior	478	162
Department of Justice	36	14
Department of State	6	
Department of Transportation	2,885	3,838
Department of Treasury	22	22
Atomic Energy Commission	118	27
General Services Administration	262	258
National Aeronautics and Space Administration	2	2
Veterans Administration	44	43
Other independent agencies:		
National Science Foundation	62	4
Small Business Administration	50	31
All other	51	90
Total	7,732	7,446

[1] Details may not add due to rounding.

SUMMARY OF BUDGETARY RESERVES, 1975 PROGRAM

[In millions of dollars]

Agency	Amount as of Sept. 30, 1973
Department of the Interior	75

BUDGETARY RESERVES AS OF SEPT. 30 1973

[In thousands of dollars]

[Amounts in parentheses ( ) indicate actions superseded by later apportionment actions. An asterisk * indicates an account added to the list since the last report. An account without an entry in the amount apportioned column indicates no apportionment has been made for fiscal year 1974.]

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, and budgetary effect (see code)
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Commission: Appalachian regional development programs	(209,000)	(225,000)	Yes	June 29, 1973	July 1, 1973	5, 6c	I
	320,395	40,000	Yes	Sept. 12, 1973	Sept. 12, 1973	5, 6c	I
Agency for International Development: Prototype desalting plant	(1)	20,000	Yes	Apr. 7, 1972	July 1, 1973	5	I
The Inter-American Foundation: Inter-American foundation	5,000	35,652	Yes	June 12, 1973	July 1, 1973	4	V [2]
DEPARTMENT OF AGRICULTURE							
Agriculture Research Service: Construction		1,520	Yes	June 29, 1973	July 1, 1973	4, 6b	I
Foreign Agricultural Service: Salaries and expenses, special foreign currency program	1,000	1,240	Yes	May 23, 1973	July 1, 1973	4	I
Agricultural Stabilization and Conservation Service:							
Rural environmental assistance		210,500	Yes	Jan. 26, 1973	July 1, 1973	6b	I
Water Bank Act program		11,391	Yes	Jan. 26, 1973	July 1, 1973	6b	I
Rural Electrification Administration: Loans		456,103	Yes	Jan. 26, 1973	July 1, 1973	2, 6b, 6c	I
Farmers Home Administration:							
Rural water and waste disposal grants		120,000	Yes	Jan. 26, 1973	July 1, 1973	6b, 6c	I
Rural housing for domestic farm labor grants	( )	(1,621)	Yes	Jan. 31, 1973	July 1, 1973	5, 6b	I
	750	1,831	Yes	Sept. 10, 1973	Sept. 10, 1973	5, 6b	V [3]
Mutual and self-help housing grants		832	Yes	Sept. 22, 1972	July 1, 1973	4	I
Rural Housing Insurance Fund		133,000	Yes	Jan. 26, 1973	July 01, 1973	4	I
Agricultural Marketing Service:							
Marketing services, no year	(1,422)	(818)	Yes	June 11, 1973	July 01, 1973	4	I
	1,812	818	Yes	Sept. 26, 1973	Sept. 26, 1973	4	I
Perishable Agricultural Commodities Act Fund	1,416	58	Yes	June 11, 1973	July 01, 1973	4	I
Forest Service:							
Forest roads and trails and roads and trails for States	(—)	(278,398)	Yes	Mar. 29, 1973	July 01, 1973	4, 6b	I
	117,164	208,934	Yes	July 16, 1973	July 16, 1973	4, 6d	I
Brush disposal	18,657	26,601	Yes	June 08, 1973	July 01, 1973	5	I
Forest fire prevention	275	109	Yes	June 08, 1973	July 01, 1973	4	I
DEPARTMENT OF COMMERCE							
Social and Economic Statistics Administration:							
1974 census of agriculture	(—)	(1,360)	Yes	Nov. 24, 1972	July 01, 1973	2, 4	I
			Not available	Sept. 13, 1973	Sept. 13, 1973	10	VI

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, econom.c, and budgetary effect (see code)
Domestic and International Business: International activities, inter-American Cultural and Trade Center	292	5,067	Yes	June 26, 1973	July 01, 1973	4, 5	I
Office of Minority Business: Minority business development, no-year	(..........)	(16,768)	Yes	Jan. 26, 1973	July 01, 1973	4, 6b	I
	9,080	14,330	Yes	July 24, 1973	July 24, 1973	5	I
National Oceanic and Atmospheric Administration:							
Research, development, and facilities	(..........)	(31,005)	Yes	June 28, 1973	July 01, 1973	2, 4, 6b	I
	(29,868)	(2,392)	Yes	July 19, 1973	July 19, 1973	2, 4, 6b	I
	30,082	2,178	Yes	Sept. 26, 1973	Sept. 26, 1973	2, 4	I
Satellite operations		727	Yes	June 28, 1973	July 01, 1973	5	I
Promote and develop fishery products and research pertaining to American fisheries	(7,191)	(3,159)	Yes	Mar. 29, 1973	July 01, 1973	4, 5, 6a	I
	7,336	3,111	Yes	July 26, 1973	July 26, 1973	4, 5, 6a	I
National Bureau of Standards:							
Plant and facilities		1,850	Yes	Nov. 24, 1972	July 01, 1973	2, 4, 6b	I
Research and technical services, no-year		3,812	Yes	May 07, 1973	July 01, 1973	5, 6b	I
Construction of facilities		740	Yes	Jan. 26, 1973	July 1, 1973	4, 6b	I
Maritime Administration:							
Ship construction	(..........)	(34,000)	Yes	June 29, 1973	July 1, 1973	4	III
	9,137	24,863	Yes	July 27, 1973	July 27, 1973	4	IV
Research and development		5,000	Yes	Jan. 18, 1973	July 1, 1973	4, 6b	I
State Marine schools		127	Yes	Nov. 24, 1972	July 1, 1973	4	I
Federal Ship Financing Fund *	2,582	1,446	Yes	June 27, 1973	July 1, 1973	5	I
DEPARTMENT OF DEFENSE—MILITARY							
Salaries and Expenses: Cemeterial expenses, Army *	14,448	2,053	Yes	Sept. 14, 1973	Sept. 14, 1973	5	I
Procurement:							
Missile procurement, Army, 1973–75	(..........)	(2,500)	Yes	Feb. 5, 1973	July 1, 1973	4	I
	163,382		NA	Sept. 11, 1973	Sept. 11, 1973	10	VI
Procurement of aircraft and missiles, Navy, 1973–75	(..........)	(13,281)	Yes	June 29, 1973	July 1, 1973	5	I
	946,747	13,281	Yes	Sept. 6, 1973	Sept. 6, 1973	5	I
Aircraft procurement, Air Force, 1972–74*	415,551	143,492	No	Sept. 7, 1973	Sept. 7, 1973	5	I
Aircraft procurement, Air Force, 1973–75*	1,076,916	160,556	Yes	Sept. 7, 1973	Sept. 7, 1973	5	I
Shipbuilding and conversion, Navy, 1971–75	(..........)	(145,672)	Yes	Nov 24, 1972	July 1, 1973	4	I
	892,655		Not available	Sept. 11, 1973	Sept. 11, 1973	10	VI
Shipbuilding and conversion, Navy, 1972–76	(..........)	(427,212)	Yes	Nov. 24, 1972	July 1, 1973	4	I
	738,000	148,081	Yes	Sept. 11, 1973	Sept. 11, 1973	4	I
Shipbuilding and conversion, Navy, 1973–77	(..........)	(763,300)	Yes	June 29, 1973	July 1, 1973	4	I
	992,000	408,512	Yes	Sept. 11, 1973	Sept. 11, 1973	4	I
Military Construction:							
Military construction, Army	(..........)	(70,304)	Yes	June 27, 1973	July 1, 1973	5	I
	648,440	90,954	Yes	Aug. 16, 1973	Aug. 16, 1973	5	I
Military construction, Navy	(..........)	(68,133)	Yes	June 27, 1973	July 1, 1973	5	I
	385,805	65,858	Yes	Aug. 14, 1973	Aug. 14, 1973	5	I
Military construction, Air Force	(..........)	(51,607)	Yes	June 27, 1973	July 1, 1973	5	I
	(130,860)	(49,773)	Yes	July 20, 1973	July 20, 1973	5	I
	141,224	39,409	Yes	Aug. 14, 1973	Aug. 14, 1973	5	I
Military construction, Defense Agencies	(..........)	(58,415)	Yes	Feb. 15, 1973	July 1, 1973	5	I
	8,000	58,215	Yes	Aug. 23, 1973	Aug. 23, 1973	5	I
Military construction, Army National Guard	(..........)	(102)	Yes	June 14, 1973	July 1, 1973	5	I
	3,051		Not available	Aug. 16, 1973	Aug. 16, 1973	10	VI
Military construction, Air National Guard	(..........)	(17)	Yes	May 29, 1973	July 1, 1973	5	I
	5,256	17	Yes	Sept. 6, 9173	Sept. 6, 1973	5	I
Military construction, Army Reserve	(..........)	(7,109)	Yes	Mar. 8, 1973	July 1, 1973	5	I
	25,423	7,109	Yes	Sept. 10, 1973	Sept. 10, 1973	5	I
Military construction, Nava. Reserve	(..........)	(3,943)	Yes	May 3, 1973	July 1, 1973	5	I
	17,640	1,842	Yes	Aug. 8, 1973	Aug. 8, 1973	5	I
Military construction, Air Force Reserve	(..........)	(850)	Yes	June 20, 1973	July 1, 1973	5	I
	2,415	850	Yes	Sept. 6, 1973	Sept. 6, 1973	5	I
Special Foreign Currency Program:							
Defense, 1972–74	(..........)	(2,477)	Yes	Dec. 18, 1972	July 1, 1973	5	I
	3,169	2,051	No	Aug. 31, 1973	Aug. 31, 1973	5	I
Defense, 1973–75	(..........)	(400)	Yes	Dec. 4, 1972	July 1, 1973	5	I
	2,998	400	Yes	Sept. 6, 1973	Sept. 6, 1973	5	I
DEPARTMENT OF DEFENSE—CIVIL							
Corps of Engineers:							
General investigations	(..........)	(150)	Yes	June 29, 1973	July 1, 1973	1, 5	I
	65,084	150	Yes	Sept. 15, 1973	Sept. 15, 1973	1, 5	II
Construction	(..........)	(783)	Yes	June 29, 1973	July 1, 1973	1, 5	I
	(9,100)	(333)	Yes	July 27, 1973	July 27, 1973	1, 5	I
	(9,175)	(258)	Yes	July 30, 1973	July 30, 1973	1, 5	I
	1,114,829	258	Yes	Sept. 15, 1973	Sept. 15, 1973	1, 5	II
Flood control, Mississippi River and tributaries	(..........)	(750)	Yes	June 29, 1973	July 1, 1973	1, 5	I
	151,819	750	Yes	Sept. 15, 1973	Sept. 15, 1973	1, 5	II
Panama Canal: Canal Zone Government, capital outlay	(..........)	(700)	Yes	Sept. 8, 1972	July 1, 1973	5	I
	7,436	85	Yes	Sept. 14, 1973	Sept. 14, 1973	1	V[4]
Wildlife Conservation:							
Army	598	107	Yes	June 14, 1973	July 1, 1973	1	I
Navy	60	8	Yes	June 14, 1973	July 1, 1973	1	I
Air Force	124	40	Yes	June 14, 1973	July 1, 1973	1	I
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Health Services and Mental Health Administration: Indian Health Facilities	3,482	848	Yes	June 27, 1973	July 1, 1973	5	I
Office of Education:							
Higher Education, no-year		1,889	Yes	Nov. 30, 1972	July 1, 1973	5	I
Educational activities overseas, special foreign currency program		16	Yes	Apr. 6, 1972	July 1, 1973	5	I
Social Security Administration: Limitation on construction (trust fund)	(..........)	(12,095)	Yes	Apr. 27, 1972	July 1, 1973	4, 5	I
	12,679	19,973	Yes	Aug. 21, 1973	Aug. 21, 1973	4, 5	I
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing production and mortgage credit: Nonprofit sponsor assistance		6,520	Yes	Apr. 15, 1973	July 1, 1973	5, 6b, 6c	I
Community development:							
Open space land program		27,730	Yes	Mar. 8, 1973	July 1, 1973	6b, 6c	I
Grants for basic water and sewer facilities		400,175	Yes	Jan. 26, 1973	July 1, 1973	6b, 6c	I
Public facility loans		20,000	Yes	Jan. 26, 1973	July 1, 1973	6b, 6c	I
Office of Interstate Land Sales Registration: Interstate land sales	1,460	1,981	Yes	June 20, 1973	July 1, 1973	4	I

BUDGETARY RESERVES AS OF SEPT. 30, 1973—Continued

[In thousands of dollars]

[Amounts in parentheses ( ) indicate actions superseded by later apportionment actions. An asterisk * indicates an account added to the list since the last report. An account without an entry in the amount apportioned column indicates no apportionment has been made for fiscal year 1974]

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, and budgetary effect (see code)
DEPARTMENT OF THE INTERIOR							
Bureau of Land Management:							
Public lands development roads and trails	4,000	8,961	Yes	June 8, 1973	July 1, 1973	6d	I
Oregon and California grant lands		1,150	Yes	June 8, 1973	July 1, 1973	4, 5	I
Bureau of Indian Affairs:							
Road construction per 1974 program	57,060	20,000	Yes	Sept. 12, 1973	Sept. 12, 1973	6d	II
Road construction per 1975 program		75,000	Yes	Sept. 12, 1973	Sept. 12, 1973	6d	II
Bureau of Outdoor Recreation: Land water conservation	208,168	61,422	Yes	June 8, 1973	July 1, 1973	6b	I
Geological Survey: Payments from proceeds, sale of water, Mineral Leasing Act of 1920	(5)	27	Yes	June 6, 1973	July 1, 1973	4, 5	I
Bureau of Mines: Drainage of anthracite mines	200	3,575	Yes	June 8, 1973	July 1, 1973	4, 5	I
Bureau of Sport Fisheries and Wildlife:							
Migratory bird conservation account (receipt limitation)	(9,000)	(981)	Yes	June 8, 1973	July 1, 1973	4	I
	12,000	981	Yes	Aug. 23, 1973	Aug. 23, 1973	4	I
Federal Aid in wildlife restoration	45,300	7,863	Yes	June 8, 1973	July 1, 1973	4, 5	I
Federal aid in fish restoration and management	14,565	2,339	Yes	June 8, 1973	July 1, 1973	4, 5	I
National Wildlife Refuge Fund	4,620	4,003	Yes	June 8, 1973	July 1, 1973	4, 5	I
Proceeds from sales, water resources development projects	15	4	Yes	June 8, 1973	July 1, 1973	4, 5	I
National Park Service:							
Parkway and road construction	16,338	34,610	Yes	June 8, 1973	July 1, 1973	6d	I
Construction	28,100	14,500	Yes	July 30, 1973	July 30, 1973	4	I
Operation, management, maintenance, and demolition of federally acquired property*.	17	65	Yes	June 8, 1973	July 1, 1973	4, 5	I
Bureau of Reclamation:							
Construction and Rehabilitation	(16,970)	(1,055)	Yes	June 8, 1973	July 1, 1973	5, 6b	I
	226,857	1,055	Yes	Sept. 15, 1973	Sept. 15, 1973	5, 6b	I
Operation, maintenance, and replacement of project works, North Platte project	(6)	100	Yes	June 6, 1973	July 1, 1973	6e [7]	I
Upper Colorado River Basin fund	(9,072)	(1,390)	Yes	June 8, 1973	July 1, 1973	5	I
	64,911	1,164	Yes	Sept 15, 1973	Sept 15, 1973	5	I
DEPARTMENT OF JUSTICE							
Bureau of Prisons: Buildings and facilities	(----------)	(36,441)	Yes	Jan. 26, 1973	July 1, 1973	5, 6b	I
	45,823	13,594	Yes	Sept 19, 1973	Sept 19, 1973	5, 6b	I
DEPARTMENT OF TRANSPORTATION							
Office of the Secretary: Transportation, planning, and research and development	(----------)	(5,300)	Yes	June 30, 1973	July 1, 1973	4, 6b	I
	34,353		Not applicable	Sept 14, 1973	Sept 14, 1973	10	VI
U.S. Coast Guard: Acquisition, construction, and improvements	(30,946)	(10,609)	Yes	July 12, 1973	July 12, 1973	4, 6b	I
	109,168	12,099	Yes	Sept 14, 1973	Sept 14, 1973	4, 6b	II
Federal Aviation Administration:							
Civil supersonic aircraft development termination	(----------)	(3,575)	Yes	Jan 23, 1973	July 1, 1973	4, 6b	I
	3,600	3,033	Yes	Sept 10, 1973	Sept 10, 1973	4	I
Civil supersonic aircraft development	(----------)	(2,153)	Yes	Jan. 18, 1973	July 1, 1973	4, 6b	I
	800	2,755	Yes	Sept. 10, 1973	Sept. 10, 1973	4	I
Grants-in-aid for airports (Airport and Airway Trust Fund)*	13,000	2,000	Yes	Sept. 14, 1973	Sept. 14, 1973	5	I
Facilities and equipment (Airport and Airway Trust Fund)	(----------)	(207,631)	Yes	Jan. 18, 1973	July 1, 1973	4, 6b	I
	293,075	261,919	Yes	Sept. 12, 1973	Sept. 12, 1973	4	I
Research, engineering, and development (Airport and Airway Trust Fund)	(----------)	(10,000)	Yes	Jan. 18, 1973	July 1, 1973	4, 6b	I
	(----------)		Not available	Sept. 14, 1973	Sept. 14, 1973	10	VI
Federal Highway Administration:							
Highway beautification	(41,977)	(11,521)	Yes	June 29, 1973	July 1, 1973	4, 5	I
	50,000		Not available	Sept. 15, 1973	Sept. 15, 1973	10	VI
Darien Gap Highway	(----------)	(545)	Yes	Jan. 18, 1973	July 1, 1973	4, 5	I
	17,661		Not available	Sept. 14, 1973	Sept. 14, 1973	10	VI
Highway-related safety grants*	(10,459)	(7,897)	Yes	June 29, 1973	July 3, 1973	4, 5	I
	13,229		Not available	Sept. 15, 1973	Sept. 15, 1973	10	VI
Federal-aid highways/1974 program	(1,617,000)	(2,791,841)	Yes	June 29, 1973	July 2, 1973	4, 5, 6a, 6c	I
	6,742,497	3,414,149	Yes	Sept. 14, 1973	Sept. 14, 1973	6a, 6c	I
Federal-aid highways/1975 program	[8] 6,010,000						
Rail-crossings-demonstration projects *	22,322	3,053	Yes	Sept. 15, 1973	Sept. 15, 1973	5	I
Territorial highways *	4,000	1,602	Yes	June 29, 1973	July 1, 1973	4, 6c	I
Trust fund share of other highway programs *	(6,973)	(15,793)	Yes	June 29, 1973	July 3, 1973	4, 5	I
	28,120		Not available	Sept. 15, 1973	Sept. 15, 1973	10	VI
Forest highways trust fund *	(24,000)	(47,604)	Yes	June 29, 1973	July 1, 1973	2, 4, 6c	I
	26,000		Not available	Sept. 14, 1973	Sept. 14, 1973	10	VI
Public lands highways *	(5,000)	(27,000)	Yes	June 29, 1973	July 1, 1973	2, 4, 6c	I
	5,000	5,000	Yes	Sept. 14, 1973	Sept. 14, 1973	4, 6c, 6d	I
Right-of-Way Revolving Fund	48,000	74,782	Yes	June 29, 1973	July 2, 1973	4, 5	I
National Highway Traffic Safety Administration:							
State and community highway safety*	(26,993)	(1,290)	Yes	July 2, 1973	July 2, 1973	1	I
	66,771		Not applicable.	Sept. 13, 1973	July 2, 1973	10	VI
Traffic and highway safety	56,068	2,000	No	Sept. 14, 1973	Sept. 14, 1973	5	I
Construction and compliance facilities	[9](----------)	(9,018)	Yes	Jan. 19, 1973	July 1, 1973	4, 5	I
	[9]	18	Yes	Sept. 14, 9173	Sept. 14, 1973	5	V
Trust fund share of highway traffic safety programs	(16,848)	(2,580)	Yes	July 2, 1973	July 2, 1973	1, 5	I
	96,167		Not applicable.	Sept. 13, 1973	Sept. 13, 1973	10	VI
Federal Railroad Administration:							
Emergency rail facilities restoration*	27,100	7,648	Yes	July 27, 1973	July 27, 1973	2	I
High-speed ground transportation research and development	(----------)	(15,000)	Yes	Jan. 19, 1973	July 1, 1973	4, 6b	I
			Not applicable.	Sept. 14, 1973	Sept. 14, 1973	10	VI
Grants to the National Railroad Passenger Corporation	(----------)	(10,000)	Yes	Jan. 19, 1973	July 1, 1973	4, 6b	I
	54,900	48,100	Yes	Sept. 13, 1973	Sept. 13, 1973	4, 6b	V [10]
Urban Mass Transportation Administration: Urban Mass Transportation Fund	(941,300)	(210,853)	Yes	July 6, 1973	July 6, 1973	4, 6b	I
	985,550		Not available	Sept. 14, 1973	Sept. 14, 1973	10	VI
DEPARTMENT OF THE TREASURY							
Office of the Secretary: Construction, Federal Law Enforcement Training Center	383	21,517	Yes	June 6, 1973	July 1, 1973	5	I
ATOMIC ENERGY COMMISSION							
Operating expenses	3,164,739	16,900	Yes	Sept. 15, 1973	Sept. 15, 1973	5	I
Plant and capital equipment	(48,470)	(1,830)	Yes	June 8, 1973	July 1, 1973	5	I
	637,577	9,750	Yes	Sept. 15, 1973	Sept. 15, 1973	5	I

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, and budgetary effect (see code)
GENERAL SERVICES ADMINISTRATION							
Real Property Activities:							
Sites and expenses, public building projects		22,205	Yes	Jan. 26, 1973	July 1, 1973	4	
Construction, public building projects		234,309	Yes	Jan. 26, 1973	July 1, 1973	2, 4	I
Property Management and Disposal:							
Operating expenses, sale of rare silver dollars	(..........)	(4,000)	Yes	Nov. 30, 1972	July 1, 1973	4	I
	3,400	1,386	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Operating expenses, special fund	(..........)	(850)	Yes	June 26, 1973	July 1, 1973	4, 5	I
	....	....	Not available	Aug. 16, 1973	Aug. 16, 1973	10	VI
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Research and development		2,200	Yes	June 8, 1973	July 1, 1973	5	I
VETERANS' ADMINISTRATION							
Medical prosthetic research		3,648	Yes	Feb. 15, 1973	July 1, 1973	5	I
Construction, major projects		34,710	Yes	June 13, 1973	July 1, 1973	5	I
Construction, minor projects		5,000	Yes	Dec. 20, 1972	July 1, 1973	5	I
OTHER INDEPENDENT AGENCIES							
District of Columbia:							
Loans for Capital Outlay, Metropolitan Area Sanitary Sewage Work Funds	(..........)	(300)	Yes	Aug. 7, 1972	July 1, 1973	4	I
	3,900	5,300	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Loans for Capital Outlay, Sanitary Sewage	(..........)	(4,285)	Yes	Aug. 7, 1972	July 1, 1973	4	I
	29,000	24,035	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Loans for Capital Outlay, Water Fund	(..........)	(2,360)	Yes	Aug. 7, 1972	July 1, 1973	4	I
	8,000	7,460	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Loans for Capital Outlay, Highway Fund*	11,900	5,956	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Loans for Capital Outlay, General Fund	(..........)	(6,758)	Yes	Jan. 26, 1973	July 1, 1973	4	I
	176,500	29,526	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Foreign Claims Settlement Commission: Payment of Vietnam and U.S.S. Pueblo prisoner of war claims.	9,125	7,229	Yes	July 12, 1973	July 12, 1973	5	I
American Revolution Bicentennial Commission: Commemorative Activities Fund		5,690	Yes	Nov. 28, 1972	July 1, 1973	5	I
National Science Foundation: Salaries and expenses	56,900	3,500	Yes	June 8, 1973	July 1, 1973	2	I
Railroad Retirement Board: Limitation on Railroad Unemployment Administration Fund	8,578	4,822	Yes	July 1, 1973	July 1, 1973	4	I
Small Business Administration: Business Loan and Investment Fund	(173,100)	(41,316)	Yes	June 29, 1973	July 1, 1973	2, 4, 6b	I
	(178,100)	(48,294)	Yes	Aug. 31, 1973	Aug. 31, 1973	2, 4	I
	348,700	31,094	Yes	Sept. 27, 1973	Sept. 27, 1973	2, 4	I
Water Resources Council: Water resources planning	8,611	27	Yes	Aug. 24, 1973	Aug. 24, 1973	2	I

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[1] Funds have not been apportioned while awaiting the completion of negotiations with the Government of Israel.

[2] The amount apportioned is consistent with the limitation on the Foundation's activities according to P.L.93–52 as amended.

[3] The amount apportioned in this account is required to finance a loan approved at the end of FY 1973.

[4] Reserved by request of the Canal Zone Government as a contingency for possible future inspection services.

[5] The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.

[6] No improvements are currently necessary (see footnote [7].)

[7] 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project works and to defray annual operating and maintenance expenses when necessary.

[8] This amount is potentially available for use under 1975 contract authority; the amount to be made available to each State for obligation in 1975 is anticipated to be announced by the Department of Transportation on July 1, 1974.

[9] $9,000,000 was rescinded in the 1974 Department of Transportation Appropriation Act. It is now included in the Traffic and Highway Safety account.

[10] The amount apportioned is the full amount legally available until action is taken on the amendment to the Rail Passenger Service Act of 1970.

Statement of Frank G. Zarb, Assistant Director, Office of Management and Budget, Before the Subcommittee on Federal Procurement of the Senate Committee on Government Operations on S. 2510, Creating an Office of Federal Procurement Policy Within the Executive Office of the President

October 31, 1973.

Mr. Chairman and Members of the Subcommittee: Thank you for giving us this opportunity to appear before your subcommittee to present the views of the Office of Management and Budget on S. 2510, a bill "to create an Office of Federal Procurement Policy within the Executive Office of the President, and for other purposes."

This proposed legislation grows out of the long hard work of the Commission on Government Procurement. I want to take this opportunity on behalf of OMB to respectfully commend you and Senator Gurney as members of that Commission for the most significant contribution which the Procurement Commission has made to our knowledge of the problems and opportunities for improvement in the numerous important areas which the Commission's report covered. I believe that this report will undoubtedly be the central reference point for many years to come for those who seek to improve Federal government procurement. Many people from the departments and agencies of the Executive Branch lent their energies and insights to the formulation of the report, and we are already well along on a major Executive Branch effort to determine how to implement its recommendations.

S. 2510 which your committee is now considering, confines itself to the first of the Procurement Commission recommendations calling for creation of an Office of Federal Policy. The Commission obviously felt strongly that the issue of central direction and control in Federal Procurement matters was of paramount importance, and chose the route of recommending a separate independent agency to serve this purpose. The report stated that it recommended

". . . an Office of Federal Procurement Policy, high in competence and small in size, established by law and responsive to Congress, and placed in the Executive Branch at a level where it can oversee the development and application of procurement policy. The contracting agencies should continue to be charged with clear responsibility for individual procurement actions."

I emphasize that the major thrust of the Commission's report was what it felt to be a lack of an effective focal point for procurement policy leadership in the Executive Branch. The report defined what it felt should be the major attributes of that central office:

"1. It should be independent of any agency with procuring responsibility.

"2. It should operate on a plane above the procurement agencies and have directive rather than merely advisory authority.

"3. It must be responsive to the procurement policy decisions of the Congress.

"4. It should consist of a small highly competent cadre of seasoned procurement experts."

Mr. Chairman, I think there is little debate over the need for improvement in the central procurement leadership in the Executive Branch. I would like to recommend to you this morning, a way to properly get on with the real interests of all concerned, that is, implementing many of the Commission's recommendations. There are currently two central agencies of the Executive Branch—OMB and GSA—who have been and can continue to be primarily responsible for procurement matters. OMB is primarily concerned with policy leadership on behalf of the President in three significant ways:

First, with respect to the very important budget and resource allocation aspects of procurement in all agencies.

Second, with respect to the effectiveness of the line programs themselves which involve procurement of goods and services through contract.

Third, with respect to policies and practices which govern the procurement process itself and the professional procurement talent who carry this responsibility.

The General Services Administration has long standing responsibility in the Federal establishment for a wide range of procurement matters under the Federal Property and Administrative Services Act, including the maintenance of the Federal Procurement Regulations (FPR's). And, the Secretary of Defense presently establishes policy for the military departments under the separate provisions of the Armed Services Procurement Act.

Now, one organizational option is to create a third independent Office of Federal Procurement Policy. This option could result in further confusion, duplication, and competition for authority among three agencies, rather than a clarification of roles and a focusing of leadership which the Procurement Commission sought to achieve. The Commission itself did not attempt to define, in detail, what it felt the role of OFPP should be, nor was there much guidance in the Commission report which told us how OFPP would, in fact, relate to the responsibilities which OMB and GSA would, of necessity, continue to exercise as central agencies of government.

In our assessment, the best method for moving forward now with work suggested by the Commission is to improve the present alignments of organization and place responsibility for performance with OMB and other appropriate agencies and hold it accountable for results. To put it another way, the solution to our problems is not so much an organization solution as it is a revitalization of the structure we already have and a commitment to get on with the task of improvement of Federal procurement along the road which the Procurement Commission has already pointed out to us.

Both the needed improvements and the commitment for progress are within the capability of the agencies to achieve, and several new initiatives have already been taken to make these improvements:

1. OMB is committed to the appointment of a Deputy Assistant Director for Procurement Policy, and we have been actively recruiting for a recognized, widely experienced procurement expert to fill this role, and I believe we are close to success with this goal. Until that person is on board, I will act as head of the Office.

2. On May 22, 1973, the President announced the assignment to the General Services Administration of a broader management role to become the President's principal instrument for development of unified effective administrative systems in support of all Executive Branch activities. To assist in performing this role, the President, by Executive Order 11717, transferred to GSA certain staff functions previously performed by OMB in the areas of financial management, systems development, procurement, contracting, property management and automatic data processing management. As a result of these Presidential actions, GSA, under broad OMB policy oversight, is now shouldering a large share of Executive Branch responsibility to carry out an effective review of the Commission's report and recommendations.

3. We will be discussing with GSA and other agencies a complete plan of implementation for these recommendations and other issues which need resolution or further initiatives which should be undertaken. We are using better means of interagency coordination and communication both in connection with the implementation of the Commission report and on procurement matters generally.

I believe the important thing now is to continue the upgrading of the procurement responsibilities which we have already begun in both OMB and GSA and to work with other agencies in a partnership in order to get effective implementation of the Procurement Commission recommendations. I believe that this is the best way of achieving the greater central leadership and focus of procurement policy responsibility which we agree is necessary: What's more important, it will help us focus attention on the main job and not use up time in effort to construct a new organization and work out a new set of relationships.

I think that the main message which the Procurement Commission report conveys to us is that our procurement process does tend to develop problems which need a stronger central leadership and guidance than we have provided in the past. We believe that the central mechanism which I have described is sound and in accord with the spirit of the Commission report and that it is realistically superior to creation of an OFPP, both in terms of the speed and effectiveness with which it can act. We are already committed to moving ahead as effectively as possible with procurement systems improvement.

I do not offer these plans as the final answer in the management of the very complex problems of procurement in the Executive Branch, but rather to demonstrate that we can meet the needs of the government for central leadership without the statutory creation of yet another agency to function in this arena. After several months of work on this basis, we would like to return and discuss with you our direct, early results and the possible need for further legislation to help strengthen Federal procurement policies and priorities.

Thank you, Mr. Chairman, for the opportunity to present our views on this important matter. I will be happy to respond to any questions.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business having expired, morning business is concluded.

RIGHTS-OF-WAY ACROSS FEDERAL LANDS—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on S. 1081, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of Nov. 7, 1973, at pp. 36242.)

Mr. JACKSON. Mr. President, I ask unanimous consent that William Van Ness, Mike Harvey, Jim Barnes, Harrison Loesch, Fred Craft, and David Stang, of the staff of the Committee on Interior and Insular Affairs, be accorded the floor privileges during the consideration and the vote on the conference report on S. 1081, the trans-Alaska pipeline bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I make the same unanimous-consent request for Lyell Rushton and Mike Todd of my staff.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, the House of Representatives has agreed to the report. Favorable action by the Senate today will clear the way for Presidential signature and construction of the trans-Alaska oil pipeline. The current energy shortage points up the critical need to begin construction of the pipeline as soon as possible so that the vast oil resources on the North Slope of Alaska will be available to help meet our urgent energy needs and reduce our growing dependence on uncertain, insecure, and politically motivated foreign sources of crude oil.

Mr. President, the Senate and House conferees worked long and hard to resolve the differences between the two bodies. I believe that the conference report is a fair and reasonable compromise of those differences although I feel that many features of the Senate-passed bill are superior to the House amendment and the conference report.

The joint statement of the managers explains the conference report in some detail. I will simply highlight the most significant features.

1. REVISION OF LAW FOR OIL AND GAS PIPELINE RIGHTS-OF-WAY

The Senate bill enacted a completely new system for granting rights-of-way across Federal lands. It applied to rights-of-way for many different purposes.

The House amendment applied only to rights-of-way for oil and gas pipelines. It took the form of an amendment to section 28 of the Mineral Leasing Act of 1920, which is the principal authority for granting oil and gas pipeline rights-of-way across public lands.

The conferees adopted the House approach, but expanded it to include pipelines for oil, gas, synthetic liquid or gaseous fuels and refined products therefrom in anticipation of developments in coal gasification and liquefication, oil shale, and tar sands.

The conferees agreed that broader rights-of-way legislation will be made a part of the organic act for the Bureau of Land Management which I expect will be enacted by Congress.

2. GUIDELINES FOR RIGHTS-OF-WAY

The conferees combined and adopted the guidelines governing the grant of rights-of-way that were contained in the Senate bill and in the House amendment. The two sets of guidelines, while different in some respects, were compatible. They spell out in greater statutory detail policies that were formerly left to administrative determination.

3. AUTHORIZATION OF ALASKA OIL PIPELINE

Both the Senate bill and the House amendment provided for the immediate grants of a trans-Alaska oil pipeline right-of-way without further proceedings under the National Environmental Policy Act and with only a limited right of judicial review. The conferees merged the provisions of the two Houses without making major substantive changes.

4. NEGOTIATIONS WITH CANADA

Both the Senate bill and the House amendment provided for further study and negotiations with respect to possible additional oil and gas pipelines from the North Slope of Alaska, through Canada, to the Midwest. The conferees merged the provisions of the two houses without making substantial changes.

5. LIABILITY OF RIGHT-OF-WAY HOLDER

The Senate bill and the House amendment had different provisions regarding the liability of the owner or operator of an oil pipeline for damages resulting from its construction and operation.

The conferees adopted modified versions of all of these provisions.

GENERAL LIABILITY RULES

One provision is of general application and appears in section 28(x). It requires the Secretary or agency head to specify the extent to which the holder of a right-of-way or permit shall be liable to the United States for damage or injury incurred in connection with the right-of-way. Strict liability without regard to fault may be imposed, but a maximum dollar limitation must be stated, and liability in excess of this amount may be determined under ordinary rules of negligence.

TRANS-ALASKA PIPELINE LIABILITY

The second provision is in section 204. It relates only to the trans-Alaska pipeline, and is in three parts. Subsection (a) imposes on the holder of the right-of-way or permit strict liability without regard to fault, and without regard to ownership of the land or resource involved if the land or resource is relied upon for subsistence or economic purposes, for damages or injury in connection with or resulting from activities along or in the vicinity of the pipeline right-of-way. Strict liability is limited to $50,000,000 for any one incident, and liability for damages in excess of that amount will be determined in accordance with ordinary rules of negligence.

Subsection (b) imposes on the holder of a right-of-way or permit liability for the full cost of control and removal of the pollutant of any area that is polluted by operations of the holder.

MARINE LEG LIABILITY

Subsection (c) imposes on the owner or operator of a vessel that is loaded with any oil from the trans-Alaska pipeline strict liability without regard to fault for damages sustained by any person as the result of discharges of oil from such vessel. Strict liability is limited to $100,000,000 for any one incident. The owner or operator is liable for the first $14,000,000. A trans-Alaska pipeline liability fund, which is created by the bill, is liable for the balance of the allowed claims up to $100,000,000. The portion of any valid claim not payable by the fund may be asserted and adjudicated under other applicable Federal or State law.

The fund will accumulate and maintain not less than $100,000,000 from the collection of a fee of 5 cents per barrel of oil transported through the trans-Alaska pipeline and loaded on tankers.

6. LIMITATION ON EXPORTS OF CRUDE OIL

Both the Senate bill and the House amendment contained provisions limiting the export of crude oil and making such exports subject to congressional oversight. The Senate bill applied only to oil from the North Slope of Alaska. The House amendment applied to all oil transported over rights-of-way through Federal lands. The conferees adopted the House language.

7. EXEMPTION OF STRIPPER WELLS FROM PRICE CONTROLS

The conferees adopted the provisions of the Senate bill exempting the first sale of oil and gas from stripper wells from the price restraints of the Economic Stabilization Act of 1970, and from any allocation program. A stripper well is defined as a well with an average daily production during the preceding month of not more than 10 barrels.

8. PAYMENTS TO ALASKA NATIVES

The Senate bill provision amending the Alaska Native Claims Settlement Act to provide for advance payments to Natives was adopted, after first, reducing the amount of the advance payments from $7,500,000 each 6 months to $5,000,000; second, delaying the starting time for the payments from the beginning of fiscal year 1975 to the beginning of fiscal year 1976, and third, deleting the provision making the advance payments a gift if transportation of oil through the pipeline does not commence by December 31, 1976.

9. FEDERAL TRADE COMMISSION AUTHORITY

The Senate provision amending the Federal Trade Commission Act was adopted, with amendments. It increases the civil penalty for violating a final order of the Commission, gives the Commission broader authority to initiate injunction actions and enforce subpenas, and gives the Commission authority to represent itself in court if the Attorney General fails to do so after 10 days notice.

10. REGULATORY AGENCY QUESTIONNAIRES

The Senate provision amending the Federal Reporting Services Act was adopted. It substitutes the Comptroller General for the Office of Management and Budget in reviewing questionnaires proposed to be issued by independent Federal regulatory agencies. The regulatory agency will determine whether it needs the information, but it may not send its questionnaire if the Comptroller General determines that the information is already available from another source within the Federal Government.

11. EQUITABLE REGIONAL ALLOCATION OF CRUDE OIL

The Senate provision giving the President broad authority to take any action necessary to insure an equitable allocation of crude oil and petroleum products among the various regions and States was adopted after it was amended to require the President to use his existing authority to accomplish that objective.

Mr. President, there is no need to discuss the conference report at length. The Nation absolutely needs the oil from this pipeline as soon as the pipeline can be built, and I urge that the Senate move expeditiously to agree to the conference report.

Mr. President, I ask unanimous consent to have printed in the Record a letter that I sent to the President with reference to the question raised regarding the Federal Trade Commission amendments, signed by me, by John Melcher, chairman of the House-Senate Conference on the Alaska Pipeline, and by Mike Gravel, ex-officio member of the House-Senate Conference on the Alaska Pipeline, together with a letter that I received from the Federal Trade Commission Chairman, Mr. Lewis A. Engman, supporting the amendments adopted by the Senate and adopted by the conference.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Interior and
Insular Affairs,
Washington, D.C., November 9, 1973.

The President,
The White House.

Dear Mr. President: As the principal sponsors and floor managers of S. 1081, the Alaska pipeline bill currently pending before the Congress, we write to ask your support for our efforts to achieve enactment of this measure without further delay.

After months of painstaking work by members of Congress and the Administration, the major provisions of this legislation have been approved by both Houses, and, after a long and difficult conference, the differences have been successfully resolved.

At the eleventh hour, however, an effort is being mounted by certain private interests and by some members of your Administration to send the measure back to conference for deletion of two provisions which they find objectionable. The general effect of these provisions would be to grant modest but much-needed new authority to the Federal Trade Commission to enable it to enforce more efficiently the laws under its jurisdiction, and to transfer from OMB to GAO the administration of the Federal Reports Act insofar as the independent regulatory agencies are concerned. The merits of these provisions, both from the standpoint of the individual taxpayer and businessman—and particularly the small businessman—who stand to benefit, and from that of sound governmental organization, seem obvious. However, even more obvious to us is the fact that should the campaign to recommit the bill to conference succeed, many questions which were previously settled will inevitably be reopened, and we will be faced with the likelihood of substantial delay in obtaining final passage of the entire bill.

We are confident that you share our view that such further delay at this time would be intolerable. As you stated in your remarks to the nation on November 7, ". . . it is time to act now on vital energy legislation that will affect our daily lives for years to come."

Prompted by the desire to move forward

in the solution of one of the most critical peacetime problems we have ever faced, and convinced that recommittal of the Alaska pipeline bill to conference for any purpose would be irresponsible, we urge your active support for our efforts to obtain Congressional passage of this legislation without further delay.

Sincerely yours,

HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee.

JOHN MELCHER,
Chairman, House-Senate Conference on the Alaska Pipeline.

MIKE GRAVEL,
Ex Officio Member, House-Senate Conference on the Alaska Pipeline.

FEDERAL TRADE COMMISSION,
Washington, D.C., November 9, 1973.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You have asked for my frank assessment of the significance and practical impact of those provisions of S. 1081 which involve the authority of the Federal Trade Commission and the administration of the Federal Reports Act.

As I have previously stated, I believe that Section 408 of the bill, if enacted, would greatly enhance the Commission's effectiveness in discharging its Congressional mandate to prevent unfair and deceptive business practices and unfair methods of competition. The major provisions of this section would:

(1) authorize the Commission, after notifying and consulting with the Department of Justice, to represent itself in civil proceedings arising under the FTC Act, provided the Department does not take the action proposed by the Commission within 10 days;

(2) authorize the Commission to go into federal court to seek temporary injunction to prevent the continuation of particular aggravated violations of the laws under its jurisdiction, pending the completion of the lengthy administrative proceedings and appeals which lead to a final cease-and-desist order; and

(3) increase from $5,000 to $10,000 the maximum civil penalty for violation of Commission orders—a modernization made necessary by 25 years of inflation since the $5,000 limit was enacted in 1938.

Each of these provisions is essentially a "gap-filling" measure; none would increase the Commission's substantive jurisdiction in any respect. This becomes evident when one realizes that a number of other independent agencies (including the SEC, ICC, and the CPSC) are already empowered to handle most or all of their own litigation, and that for many years prior to 1968, when its authority to do so was put in doubt by the holding in *FTC* v. *Guignon*, 390 F.2d 323 (8th Cir. (1968)), the Commission enforced its own subpoenas in the federal courts. In addition, the Commission already possesses the authority to seek preliminary injunctions under the FTC Act in cases involving the advertising of food, drugs, and cosmetics, and the Department of Justice, with whom the Commission shares responsibility for enforcing the antitrust laws, already has such authority under the Clayton and Sherman Acts. Each of these provisions has been the subject of hearings before Committees of both Houses of Congress, and each was incorporated, albeit in a more modest form, in S. 1219 and H.R. 6313, Administration proposals submitted to the 92d Congress.

In view of these facts, I consider the concern apparently being displayed by certain segments of the business community over Section 408 to be totally misplaced. While the added authority provided by this provision would undoubtedly increase the Commission's efficiency, I see no threat of any kind to the responsible businessman. To the extent that the Commission could be more effective in preserving free and open competition, this can only redound to the benefit of the entire system of free enterprise, and particularly to that of small business. It might be noted in this regard that the occasion for incorporating these provisions in the present legislation was the realization by yourself and other Members of Congress, at the time of the acute gasoline shortage last spring, that because it lacked the authority to seek preliminary injunctions the Commission would have been completely powerless to aid the small gasoline retailer, distributor, or refiner, even assuming there had been proof of the most blatant anticompetitive behavior by their major competitors.

Section 409 of the bill simply transfers from OMB to GAO the administration of the Federal Reports Act insofar as the independent regulatory agencies are concerned. While it is true that GAO would not have the veto power over agency requests for information currently possessed by OMB, I see in this omission no cause for alarm on the part of the business community. The Federal Reports Act was enacted to protect businessmen from duplicative and unnecessarily burdensome information requests from the federal government. Since the vast majority of such requests originate from within the Executive Branch, rather than the independent agencies, OMB will continue to bear the major responsibility in this regard. With respect to the independent agencies, it seems eminently reasonable, if they are to be truly "independent," that their proposed requests for information be passed upon by an agency responsible to the Congress, instead of by OMB. Close coordination between OMB and GAO will of course be necessary, but I see no reason to suspect that GAO will be less diligent in protecting the businessman than OMB has been.

As considerable attention has apparently been focused upon a particular FTC questionnaire with regard to which we have requested OMB approval, the proposed "line of business" form for reporting corporate financial statistics, I would emphasize not only that this questionnaire would go only to the largest of the nation's corporations, but also that the Commission is most receptive to constructive suggestions for modification of the form in order to insure that the costs of compliance will not be excessive.

In conclusion, I would reiterate that the provisions in question, while designed to close several long-overlooked gaps in the Commission's law enforcement authority, in no way extend its substantive reach, nor subject to sanctions any conduct or practice not already covered by the laws under the Commission's jurisdiction. If enacted, they will mean significant benefits for the American consumer and the small businessman, and a greater return on his dollar for the individual taxpayer.

Sincerely,

LEWIS A. ENGMAN,
Chairman.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. STEVENS. Mr. President, today the United States finds itself at a pivotal point in its history, facing perhaps one of the most crucial problems ever to confront America—the energy crisis.

But today, our Nation also has the opportunity to meet this national crisis with an equally important and crucial answer—final passage of the trans-Alaska pipeline amendment.

The need for the pipeline has been known for years, and I have continued to warn my colleagues of the absolute necessity of the trans-Alaska pipeline as the energy crisis has grown more and more severe—not only here in the United States, but throughout the world.

Events of recent weeks have proved the validity and the urgency of my warnings. The Arab nations have cut off oil to the United States and we have no indication of when shipments might be resumed.

Mr. President, America does not have to be subject to the actions of those nations who have hooked us on the habit of foreign oil. We can take care of America's energy problems in America if we will only act now.

But we need not look as far as the Middle East to witness a cutback of oil exports to our fuel hungry Nation. Canada, our neighbor to the North has said that it can no longer afford to supply oil to us at previously expected levels because Canada is now faced with her own energy problems. But the worst may be yet to come. The Canadians plan to extend one of their pipelines to Montreal which will curtail about 500,000 barrels of oil a day to the Middle West. The Canadian Minister of Energy, Mines and Resources said recently that a decision to go ahead on the pipeline to Montreal should be notice to the United States that Americans will have to look elsewhere for much of the Canadian oil that previously served U.S. markets.

Last week in his talk to the Nation on the energy crisis, President Nixon accurately described our acute energy shortage when he said that we must face the stark fact that we are heading for the most acute shortage of energy since World War II.

But President Nixon has launched a bold program toward achieving U.S. self sufficiency in energy by 1980. President Nixon's "Project Independence" is a call for us to begin an intensive effort to solve our energy problems. Passage of the trans-Alaska pipeline amendment is an important first step in making our goal of energy self-sufficiency a reality.

What is of vital importance here is that passage of this landmark bill signals a new era for our country in realizing its potential—the potential of Alaska's vast natural resources can help assure America of a progressive energy plan. But this important bill also marks the embarkation of a new era in the utilization of man's technological resources to meet our energy needs and in a manner that is complimentary with our environment.

Since the richest oil strike in the history of the North American Continent was made at Prudhoe Bay in 1968, the State of Alaska has had the ability and the desire to share this precious resource with the "Lower 48 States." Unfortunately, delay after delay and obstruction after obstruction has resulted in paralyzing this important project while our Nation hungers for petroleum with the energy shortage spreading like an epidemic throughout the industrialized world.

Mr. President, I would point out that had construction been commenced in 1970, this year, 1973, Alaskan oil would now be delivered at west coast ports at the rate of 600,000 barrels a day. That is just about our shortfall right now. By next year, delivery would be at the rate of 2 million barrels a day, and our expected shortfall for next year is 2.1 million barrels a day. I think those who have opposed this project over the years ought to take their share of the responsibility for the crisis the country will face next year.

Today we have before us the vehicle to set a new course. Passage of the bill before us offers us a new lease on our energy life and will help provide the needed catalyst to place the United States in a positive energy position.

Construction of the trans-Alaska pipeline not only means more energy for America—in a time when energy is crucial, but it also means a stronger economy both at home and abroad and assures a firm place for the United States in the society of nations reducing our susceptibility to petroleum blackmail.

Winter is quickly approaching and with it the real spectre of severe fuel shortages that not only threaten the warmth of our homes but also endanger the very futures of many U.S. industries and the jobs of thousands of American workers. It is incumbent upon us to act today in order to safeguard America from energy problems in the years to come.

Mr. President, we cannot afford to bury our heads in the snow and freeze, nor must we allow our economy and the jobs of thousands to be endangered while we stand by idly.

We are grappling with a real crisis and now is the time for action—there is simply no more time for the vacillation that has already cost America dearly. This Nation is looking for the Congress to take action, and the passage of the trans-Alaska pipeline amendment is a call to action. With the passage of this critical legislation we can now begin to get on with the business of solving this energy crisis.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HASKELL. Mr. President, has the Senator from Alaska completed his statement?

Mr. STEVENS. I have. I thank the Senator very much.

Mr. HASKELL. Mr. President, I should like to make a brief statement on the conference version of S. 1081. As a member of the conference committee, I wish to go on record in support of the final version of the bill.

As the President and my colleagues know, I did not favor mandating a specific route for the transportation of the North Slope Alaskan oil to the lower 48 States. In fact I felt it was more desirable to have an impartial 9-month study to determine whether the economics demanded that the line end up in Chicago, having gone through Canada, rather than at Valdez, and then shipping the oil by tanker to the West Coast. But once the Senate had decided that question, I felt, as a member of the conference committee, that that problem was behind us.

The ACTING PRESIDENT pro tempore. Will the Senator suspend briefly until order is restored? The Senate will come to order. Senators will please clear the aisle and remove their conversations from the Senate Chamber, so that the Senator from Colorado can be heard.

Mr. HASKELL. Mr. President, I feel that the bill as it emerged from conference has substantial pluses over section 28 of the Mineral Leasing Act of 1920. For example, for the first time, those who use public lands for pipelines are required to pay compensation to the Government for the use of that land. As another example, the owners of a pipeline crossing public lands must not only carry the oil produced on adjacent Federal lands but also carry the oil produced on adjacent non-Federal lands. This can be a definite advantage to the owner of a field on private land. Additionally, the Federal Trade Commission provisions, which were mentioned by the distinguished chairman of the committee, the Senator from Washington (Mr. Jackson), are a definite forward step. They allow the FTC to seek preliminary injunctions to stop deceptive or unfair trade practices.

So, all in all, Mr. President, it seems to me the bill is a step forward in regulating pipelines on public lands and I would support it.

I would, however, invite attention to one provision which I voted against in conference and which I think went beyond the will of the Senate and the will of the House. That section prohibits judicial review not only under NEPA but also under any other law whatsoever pertaining to the issuance of a permit, a lease, or anything else, in connection with the construction of the line. Judicial review is cut off unless a constitutional question is raised or unless an official takes an act beyond the scope of his authority.

I have serious question as to whether this is constitutional. But, whether it is constitutional or not, I think it is bad practice not to have administrative officers subject to judicial review.

But, with this one exception, Mr. President, I would say that the bill is eminently satisfactory and resolves competing interests. I would urge my colleagues to vote for it.

Mr. JACKSON. Mr. President, will the Senator from Colorado yield?

Mr. HASKELL. I yield.

Mr. JACKSON. I want to take this opportunity to express my appreciation, of course, to the Senator from Colorado for the searching way in which he went into this whole issue raised by the Alaska pipeline. It is a real contribution to the end product, which I hope and trust will be a good law and which will help—looking down the road—to provide some answers for the long-range shortages that exist in the area of petroleum products.

I want to commend the Senator for the lawyerlike way and the outstanding way in which he went into all aspects of the issue raised by the pipeline controversy. It touched on just about everything. It was a great help to all members of the committee to have his continuous interest in the matter.

Mr. HASKELL. Mr. President, I wish to thank the distinguished Senator from Washington for those comments and also for his unfailing courtesy both in conducting the markup sessions in the conference.

Mr. FANNIN. Mr. President, I am very much pleased that this day has come and that we shall be voting on this very important legislation.

I want to pay tribute at this time to the chairman of the committee for his excellent work in bringing this legislation to a conclusion.

Mr. JACKSON. Mr. President, if the Senator will allow me to interject there, he is being very generous, but I want to say that we had very fine bipartisan support for this long and, shall we say, protracted discussion in connection with this legislation.

The distinguished senior member of the committee on the Republican side, Mr. Fannin, was most helpful and most cooperative not only in the long drawn-out hearings but also in the long drawn-out conferences.

I can say the same for both Senators from Alaska (Mr. Stevens and Mr. Gravel). Senator Stevens was familiar with this problem, not only as a Senator from Alaska by reason of his service in the Senate, but also by reason of his service in the Department of the Interior and his input both prior to his leaving the committee and subsequent to his leaving the committee. The Senator from Alaska (Mr. Stevens) participated in the arrangements that we have made in connection with the various aspects of the legislation both in the committee and in the conference.

The Senator from Alaska (Mr. Gravel), of course, served on the committee and took a long and keen interest in the matter. He sponsored one of the major amendments regarding expedition of adjudicatory processes, which is a major part of this legislation. He, too, participated during the course of the discussions in the committee and as an ex officio member with Senator Stevens in the conference.

Mr. FANNIN. Mr. President, I want to add my praise to the work of the members of the committee, both on the Democratic side and on the Republican side, for their dedication, their determination, their patience and understanding, and for being willing to listen to all the arguments pro and con on the different amendments. Some of us were in favor of amendments that were not accepted. Some of us were not in full agreement with some of the provisions in the bill. At the same time, we do have a bill before us which will greatly assist in alleviating some of the problems we have in this Nation so far as the oil shortage is concerned.

I want especially to pay tribute to Senators HANSEN and HATFIELD on my side for their work in bringing about the passage of this legislation. Senator HANSEN is extremely well versed in the problems of the oil industry and many of the facets of oil production and transportation. Senator HATFIELD is a dedicated environmentalist, and a broad-minded and good-thinking person so far as those matters are concerned. I praise both Senators, because they were willing to go forward on the subjects in the legislation about which they had hesitancy, but for the best interests of the Nation they were willing to accept some of the provisions.

Mr. President, the day is long past due when we, in the United States, can sit comfortably on our resources. Resources are of no value unless we can put them to work for the good of man.

The legislation we are voting on today is, in a sense, already 3 years overdue. Were it not for unfortunate obstacles, we could be utilizing the Alaskan North Slope oil today to alleviate the shortage we are facing.

There is no way for us to amend the past, but now that we have this legislation I would hope that construction of the pipeline can be expedited.

Our current energy demands require the importing of 6 million barrels of oil each day. As we all know, this oil simply is not available to us at this time and is not likely to be available in the immediate future.

We desperately need the 2 million barrels of oil that the Alaskan pipeline will deliver daily.

Mr. President, when I speak of the pipeline, I also want to pay tribute to a Senator who is not on the committee but acted in an ex officio manner and gave us counsel and guidance on the different provisions that pertained to Alaska. I refer to Senator STEVENS. He was of great assistance. His expertise in this field is due to his background and his work in the Interior Department, as just stated by the chairman, and his studious activities over the years in the State of Alaska in determining how best to provide for the transportation of crude oil from his State of Alaska and making it available to the lower 48.

As I stated earlier, some provisions were objectionable so far as I was concerned, but I feel that, in the overall, we have an excellent bill.

It is with some anguish that I note it has taken 4 months to move this bill from the initial Senate debate into final passage. Progress has been painfully slow despite the obvious need, I might even say the desperate need of our country.

It is also distressing that at the time we are trying to take a step forward by increasing our fuel supply, we take a step backward by increasing the capacity for the Federal bureaucracy to impede American industry.

The provisions attached to this bill, giving additional powers to the Federal Trade Commission and allowing the bureaucracy to load commerce down with additional paperwork, are very unfortunate. It is a sad commentary that when the broad interests of the Nation are threatened that the narrow interest of a few will insert such provisions in legislation which we must have.

We can only hope that the powers granted here—powers which can virtually destroy American industries if improperly used—will not be abused.

If the energy situation were not so dire, I would oppose this legislation because of these very unwise provisions.

As it is, we must have the Alaskan oil both to meet our national energy needs and to cut down on our balance-of-payments outflow. The Alaskan oil also is high grade with low sulfur, meaning that it will produce less air pollution than some oils currently in use.

This pipeline has been planned and studied now for more than 4 years. I am confident that it will be safe, secure, and efficient.

We are told that it can be put into operation about 3 years after the start of construction and initially will deliver up to 600,000 barrels per day. By 1980 it will reach the 2-million-barrel level.

Mr. President, I am pleased that the Congress finally recognized the wisdom of building this pipeline across Alaska where our Nation can maintain full control.

As we have seen in recent weeks, without control of source and delivery system there is no energy security for the United States.

We are good friends and good neighbors with Canada, and I trust that we always shall be, but we saw what happened when the energy crunch really hit. The tax on oil delivered to the United States from Canada jumped from 40 cents per barrel to $1.90 per barrel. Venezuela also hiked its tax.

As a firm believer in the capitalist system and the forces of supply and demand, I cannot blame producer nations for raising the price when they know that we must pay it.

We learned from the Arab oil cutoff that if we become dependent upon imported fuels we will become subject to political blackmail. And we learned that when a strategic product like oil becomes scarce even good friends are not going to pass up the chance to make a good profit at our expense.

I would hope that this legislation is just the beginning of our efforts to develop our own energy self-sufficiency. Now we must rapidly find out exactly what the potential of the Alaskan fields is, and begin the planning to put this resource fully to work for our Nation.

There has been extensive discussion, and we have been working in the Interior Committee on legislation to meet the energy crisis. Much of our attention has been focused on ways to curtail energy usage and to spread shortages equitably.

We must have legislation which will enable us to put our abundant resources to work—to expand or at least maintain our own energy supplies. This means the fullest use not only of petroleum reserves in Alaska, but also off-shore and continental shelf drilling. It means additional use of our vast coal reserves, oil shale conversion, development of geothermal areas, quicker construction of nuclear plants, and continued efforts to make solar energy economically feasible.

This legislation, however, will be the first bill we have passed which actually will result in expansion of our energy resources. It is an important step toward reaching the goal of self-sufficiency by 1980 which was proclaimed by President Nixon.

Mr. President, I should like to commend all my colleagues who have worked diligently on this bill. I also want to pay tribute to the staff and to express my gratitude to the staff and commend them for the excellent work they have done. Both the majority and minority staff members have contributed greatly to the successful bringing of this bill to the Senate today for final action.

I am very pleased to have had the opportunity to work with the chairman of the committee, and I again express my commendation to him for the way this bill has been brought to a conclusion.

Mr. JACKSON. Mr. President, I again want to express my appreciation to the able senior Senator from Arizona for the splendid bipartisan cooperation we had in working out the final details of this bill. Before we conclude, I believe I should make a few comments in connection with this matter.

I hope and trust that the bill which will be placed on the President's desk by nightfall will not be vetoed. There have been rumors that Mr. Roy Ash is going to recommend a veto. I may say, Mr. President, that Mr. Ash was very active on the Hill and elsewhere in expressing his opposition to the Federal Trade Commission amendments I sponsored in the Senate. This is his right. But implicit in his comments was that if we did not take out the Federal Trade Commission amendments, which were adopted by a 7-to-1 margin in the Senate and approved in conference, he would recommend a veto.

At a time when we need the kind of bipartisan support that I think is essential to bring this country through its most difficult domestic crisis in the economic area probably since World War II, we need to have the kind of confidence expressed on both sides of the political aisle in the executive branch that we have been able to obtain in the legislative branch.

I shall be sorely disappointed, and will say to the President that if the bill is going to be vetoed, I do not know when we are going to get to it. However, I cannot believe that the rumors are true, because I think there are some level heads in the administration who will not follow that course of action, especially after the House rejected the attempt to recommit the bill to conference for the purpose of deleting the Federal Trade Commission amendment.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. STEVENS. I am happy to have the firm support of our chairman. I should like to be certain that the record is clear, and I wonder whether the chairman would object if we were to place in the Record at this point the provisions of subsection (m) of section 408 as they appear in the final version of the bill, and the provision of that subsection as it was reported from the conference committee.

I should like to make certain that people realize that we have returned to the Senate version of this provision that pertains to the power of the Federal Trade Commission to represent itself in the courts in civil actions.

The chairman of the committee knows that the Parliamentarian of the House interpreted broadly the original conference committee provision with reference to the Federal Trade Commission and said it could be interpreted to permit the Federal Trade Commission to prosecute criminal actions. Having returned to the original version as it passed the Senate, the provision applies only to civil actions. It requires notification to the Attorney General within 10 days to permit action by the Commission. We have substantially compromised on the provision that originally raised the ire of Director of the Office of Management and Budget, to make certain that they understand the provision they are objecting to. I do not think they did.

Mr. JACKSON. I might suggest that that provision be placed in the Record. I have no objection to quoting that section.

Mr. STEVENS. Mr. President, I ask unanimous consent that subsection (m) and subsection (m) of the final version of the conference report be printed in the Record.

There being no objection, the sections were ordered to be printed in the Record, as follows:

Original Conference Provision

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) The Commission shall have the power to initiate, prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction through its own legal representative, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

Final Conference Provision

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) Whenever in any civil proceeding involving this Act the Commission is authorized or required to appear in a court of the United States, or to be represented therein by the Attorney General of the United States, the Commission may elect to appear in its own name by any of its attorneys designated by it for such purpose, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

Mr. JACKSON. Mr. President I simply wanted to make this statement because other people in the administration have been most cooperative in connection with the expedition of the bill. I think it is regrettable that Mr. Ash saw fit to inject himself into the Federal Trade Commission aspects of the matter which held up action on the pipeline bill in the House. I would hope that from here on out we could get a little better cooperation in connection with urgent matters that are so vital to all Americans whether they are Republicans or Democrats.

I want to say that on the legislative side—and I repeat it—we have had the finest bipartisan cooperation in getting action on these matters.

To point out the criticality of the energy situation as it relates to petroleum at the present time, let me cite some figures that I received on a confidential basis just before I came to the Chamber.

It is now estimated that at the present time the shortage for the Nation in connection with petroleum production will run 17 percent; for gasoline it is going to be 21 percent; for distillates, and by that we mean heating oil, fuel oil, and kerosene, 13 percent; and for residual oil, 24 percent.

What I am about to say is the most significant aspect of the whole problem. Unless a solution is found on transportation, the logistics problem, in connection with the oil industry, the east coast will suffer a doubling of these figures. So instead of a shortfall overall of 17 percent, it will be 28 percent, and that is for all petroleum products. But for the east coast it will be 42 percent for gasoline; for distillates it will be 26 percent, and for residual fuel oil, so essential in the operation of electric power industries, it will be 48 percent.

This means that one of the most serious problems facing the industry and the Nation is transportation, the ability to move it from one area of the country to the other. Mr. President, it is almost reminiscent of the early days of World War II before we built the Little Inch and Big Inch pipelines. At that time we were moving the oil by tankers from Texas and Louisiana up the east coast. After the outbreak of the war the tankers were being sunk one after another and our supplies to the east coast were almost cut off. Now we face a transportation crisis which is just as important as meeting the necessary shortages of the fuel itself.

This points out the critical situation we face nationwide, but the critical problem especially that we face on the east coast unless transportation solutions can be found and the National Energy Emergency Act that we reported out of committee yesterday and on which a report will be filed tonight, is acted on; and I hope we will be able to bring it up tomorrow. It will give emergency authority to the President to deal with this particular problem in the transportation area.

I am hopeful that with expeditious action the President will have the necessary authority and the tools to do the job.

Mr. STEVENS. Mr. President, I am certain that my colleagues who have studied the conference report have discovered that the construction, operation and maintenance of the Trans-Alaska pipeline will be subject to a series of responsible standards intended to protect the environment, create liability where necessary, and protect the public interest. The specific requirements of the law will be further developed by stipulations and regulations, and the final result will be a series of specific and essential Federal guidelines for this project to insure that it will be completed as safely and efficiently as possible.

I would like my colleagues to also know at this time that the State of Alaska shares these concerns, and that the State clearly recognizes its obligation to provide, from the perspective of the people who will live with the pipeline, its own standards to protect the environment, set measures of liability and provide otherwise for the proper progress of this project in the public interest.

In addition to the State law which already covers various areas of concern with regard to the pipeline and its related activities, the State intends to consider and enact laws and standards compatible with Federal standards to protect its air, water, fish, and wildlife, and other public resources; to deal with the hiring, health, and safety of the pipeline-related worker; to provide for comprehensive surveillance of the pipeline at all stages to insure that this unprecedented construction project, and all its associated aspects are properly controlled from the State perspective. All of these measures, Mr. President, are contemplated within the traditional and well-established jurisdictional powers of the States, and within the jurisdictional power given Alaska in this instance as the landlord respecting pipeline activities. We are hopeful practical Federal-State relations can be worked out to minimize the time and costs involved in applying both the Federal and State measures.

I make these points, Mr. President, to assure my colleagues that the State of Alaska sees its responsibilities at this time quite clearly, and to solicit your assurance that nothing in this bill in any way limits the exercise of the State's legal and jurisdictional power to carry out these responsibilities.

Mr. JACKSON. I appreciate your statement, and the fact that the State is so keenly aware of its responsibility. Let me assure the gentleman from Alaska that the bill in no way limits the exercise of State responsibility he has suggested. Nor does it limit the Federal Government's jurisdiction over Federal lands. I hope the State and Federal Governments can reach practical arrangements that will protect Federal and State interests with minimum cost and minimum delay in construction time.

As you will note, in section 204(c)(9), a stated disclaimer of preemption is made, and made there only to emphasize the point even in that comprehensive liability section. I believe the conference report anticipates the appropriate exercise of State power and responsibility to make certain that this large and important project is completed and operated in the public interest, and I thank the gentleman for raising the point here and having it clarified.

Mr. STEVENS. Under section 28(d), is the Secretary or agency head required to conduct a hearing prior to making a finding that a right-of-way wider than 50 feet is necessary?

Mr. JACKSON. It is not intended that section 28(d) requires a specific hearing and a finding under this section can be made without a hearing. Of course, section 28(k) provides for a hearing on rights-of-way applications where appropriate. As pointed out in the conference report, we do not contemplate that duplicate hearings will be required to comply with NEPA, and since the Alaska oil pipeline is specifically authorized by title II, no further hearings are required for that right-of-way.

Mr. STEVENS. That section provides that the reasons for such a finding be recorded. It is my understanding that the Secretary may record his reasons in Bureau of Land Management public land orders, an environmental impact statement, or any other public document.

Mr. JACKSON. That is correct.

Mr. STEVENS. Section 28(h)(2) requires an applicant for a new project which may have a significant impact on the environment to submit a plan of construction, operation, and rehabilitation. As stated in the conference report, it is not intended that such a plan be a final one since all details cannot be known at the time of application. Is it contemplated that the Secretary or agency head will have the sole discretion to determine if a submitted plan is satisfactory?

Mr. JACKSON. Yes. This, like every other discretionary determination which the Congress has authorized the Secretary to make; it is not intended that such a determination be the subject of judicial review on any grounds other than an abuse of discretion.

Mr. STEVENS. Mr. President, section 28(l) of title of S. 1081 as reported by the conference committee will require applicants and holders of permits to reimburse the United States for costs incurred in processing applications for rights-of-way across Federal lands and in monitoring construction and operation of pipelines on Federal lands. As my colleagues know, the State of Alaska owns the one-eighth royalty interest in the Prudhoe Bay discoveries and thus has a real interest in the cost of transporting North Slope oil to market, a cost which will be affected by these reimbursable costs. In addition, as a member of the Appropriations Subcommittee which will oversee collection of these costs, I feel our legislative record should clearly show Congress' intent that the costs to be reimbursed under this subsection are only those direct and identifiable costs of processing applications and monitoring pipeline construction and operation which are reasonable and necessary for those purposes. I understand it is not the intent of the conference committee that applicants and holders be charged with costs incurred by Federal agencies in activities not related to approving the application for a permit or related to enforcing its terms during construction, operation, or termination of the pipeline. I will be grateful if the esteemed chairman of the Senate conferees would comment on this.

Mr. JACKSON. Mr. President, the Senator is correct. The conferees intend this provision, like the Senate-passed provision, to require reimbursement of all reasonable administrative and other costs incurred in processing an application and in inspection and monitoring of construction, operation, maintenance and termination of a pipeline across Federal land. The conferees contemplate that the Secretary will promulgate regulations establishing a schedule for reimbursement according to standards which are fair and equitable and as uniform as practicable, taking into consideration the direct and indirect cost to the Government, the value to the recipient, the public policy in public interest served and other pertinent facts. In the case of the trans-Alaska pipeline permit it is anticipated that the Government will be reimbursed for all money that has been, or will be, appropriated and spent as a line item under this subject.

Mr. STEVENS. Mr. President, I note that section 28(o) of title I as reported by the conference committee would establish conditions and procedures for suspension and termination of rights-of-way across Federal lands. I believe these provisions apply to all pipeline rights-of-way across Federal land which will be granted under the new act, including the trans-Alaska pipeline. I would inquire of the chairman whether I am correct in this understanding.

Mr. JACKSON. Mr. President, the Senator is correct. Section 203(c) of title II requires that rights-of-way and other authorizations for the trans-Alaska pipeline be subject to the provisions of section 28 of the Mineral Leasing Act as amended by title I with certain exceptions which do not include section 28(o). That latter section will therefore apply to the trans-Alaska pipeline.

Mr. STEVENS. I thank the chairman, Mr. President and ask him further whether the provisions for judicial review under the Administrative Procedure Act incorporated by section 28(o) will be afforded to all holders of such rights-of-way, including the holders of the trans-Alaska pipeline.

Mr. JACKSON. Mr. President, again the Senator is correct. The conferees have provided in section 28(o) that an administrative proceeding under the Administrative Procedure Act must be accorded all holders of such rights-of-way prior to suspenson or termination of the right-of-way. This does not mean, of course, that a hearing is required when the Secretary or his representative acts under 28(o)(2) temporarily to suspend activities within a right-of-way or permit area, as distinguished from terminating or suspending the permit itself, any final suspension or termination order—even the temporary suspension of activities—is subject to judicial review.

Mr. STEVENS. Is my understanding correct that the common carrier requirement contained in section 28(r) is not intended to apply to the component parts of a pipeline system not directly involved in the transportation of oil or natural gas to market. For example, related facilities such as access roads, airstrips, electric lines and fuel lines for supplying power to pumping stations, would not be subject to this requirement?

Mr. JACKSON. Yes.

Mr. STEVENS. The second sentence of section 28(x)(1) authorizes the promulgation of regulations specifying the extent to which holders of a right-of-way shall be liable to third parties where the right-of-way "involves lands which are under the exclusive jurisdiction of the United States." It is my understanding that this provision is only applicable to Federal enclaves which are not subject to State law governing third party liability. Is that correct?

Mr. JACKSON. Yes. We do not intend to supersede or preempt State law on third party liability wherever State law is applicable. There are unique Federal areas, however, where a State has no legislative jurisdiction. This provision would only apply to those so-called Federal enclaves. In addition the provisions of section 28(h)(2)(D) authorize strict liability provisions for Alaska oil and gas pipelines (other than TAPS) with respect to persons who rely on natural resources for subsistence purposes.

Mr. STEVENS. Section 203(d) precludes judicial review of the actions of Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for the trans-Alaska pipeline system. What types of actions would be covered by this provision?

Mr. JACKSON. This provision is intended to cover all actions of all Federal officers necessary to get this pipeline built and on-stream at maximum capacity. Such actions include the issuance and the procedures followed in issuing all necessary authorizations; it includes the imposition of terms and conditions; and it includes subsidiary authorizations, such as notices to proceed, which will be issued in the course of construction of the pipeline.

Mr. STEVENS. Mr. President, section 204(A)(5) in title II would impose strict liability on the holder of the right-of-way for the trans-Alaska pipeline for its activities conducted pursuant to rights-of-way and permits issued to the State of Alaska. I would inquire of the chairman whether such liability will cease when those activities under the rights-of-way and authorizations issued to the State have been completed?

Mr. JACKSON. The answer to the Senator's question is "Yes." During hearings it was brought out that the pipeline contractor will also serve as contractor for the State of Alaska in constructing the State highway and airports. It is the intent of this section that strict liability during construction of these facilities will cease once the facilities are built and turned over to the State.

Mr. STEVENS. Mr. President, I note that the conference report has eliminated the reference to the State highway and three public airports for which the State of Alaska has made application and which were specifically authorized in S. 1081 as passed by the Senate. I would like to ask my colleague, the chairman of the Senate conferees, if the conference report is intended to authorize the construction of these facilities as proposed by the State of Alaska as discussed on pages 27 and 28 and elsewhere in the environmental impact statement on the pipeline.

Mr. JACKSON. Mr. President, the answer to the Senator's question is "Yes." Section 206 of S. 1081, as reported by the conference provides that a right-of-way or permit granted under title II for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for construction of a public road or airstrip. Since the proposed State highway from the Yukon River to Prudhoe Bay and three proposed State airports along the right-of-way route are necessary for and related to the construction, operation and maintenance of the pipeline system, issuance of the necessary authorizations to the State of Alaska for these facilities is directed by title II.

Mr. GRAVEL. I have a question which I would like to propound to the chairman of the Committee regarding what will become subsection (h) (2) (D) of section 28 of the Mineral Leasing Act under the conference bill.

In section 28(h) (2) (D) the conference adopts a provision which was included in S. 1081 as reported by the Senate Committee on Interior and Insular Affairs. That provision states that the Agency head, prior to granting a right-of-way, shall issue regulations or impose stipulations which shall include "requirements to protect the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistance purposes." In commenting on that provision, the report of the Senate Interior and Insular Affairs Committee made clear that in the case of pipelines in Alaska, that provision was intended to require the inclusion of a stipulation imposing absolute liability upon the holder of the permit in favor of such persons. Does the chairman agree that section 28(h) (2) (D) of the Mineral Leasing Act as agreed upon by the conferees carries that meaning?

Mr. JACKSON. The distinguished Senator from Alaska is correct. It is intended to give that provision the meaning indicated by the Senate committee report as described by the gentleman in his question.

Mr. GRAVEL. I thank the distinguished chairman of the Senate Committee on Interior and Insular Affairs. Am I further correct in understanding, then, that in the case of permits for pipelines in Alaska such absolute liability provisions in favor of the persons described in section 28(h) (2) (D) would be required even though Section 28(x) appears to be cast in discretionary terms?

Mr. JACKSON. The Senator is correct in the understanding. Section 28(x) was not intended to relieve the head of the Agency from the responsibility intended to be imposed by section 28(h) (2) (D) to include an absolute liability stipulation in the case of any Alaska pipelines other than the trans-Alaska pipeline.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. JACKSON. I yield.

Mr. ROBERT C. BYRD. Mr. President, the Senate has no other business today, once it acts on the pending conference report. It is anticipated that the conference report on the HEW Appropriation bill will come over from the House, perhaps after 5 o'clock this afternoon. This would mean that on tomorrow the Senate could meet and take up the HEW conference report, the State and Justice Appropriation conference report, and possibly begin action on the energy bill. But the latter remains to be seen, because some Senators may wish to invoke the 3-day rule. I hope they will not, the energy crisis being what it is. In any event, the mandatory oil allocations conference report will not be acted on today by the House, I understand. This means that after the action on the conference report now pending before the Senate is completed, there will be no other business before the Senate.

Now, my question is: Would it be possible to agree at this time on a time to vote on the adoption of the conference report, say at 12 o'clock noon or later today?

Mr. JACKSON. It is agreeable with me, and I will be finished in 1 minute. I think that my colleague and I agree. We wanted the yeas and nays.

Mr. ROBERT C. BYRD. Yes. My only reference to 12 o'clock noon is the desire to let committees, now meeting, complete their meetings by 12 o'clock noon.

Mr. STEVENS. Mr. President, will the Senator yield

Mr. JACKSON. I yield.

Mr. STEVENS. As I mentioned to the majority whip, my good friend from West Virginia, I did anticipate that the vote would take place sometime around 2 o'clock today, and there are Senators concerned with that time. I do not know why we could not wait 2 hours for those people.

Mr. JACKSON. The only problem I see with respect to 2 o'clock is that we have Senators leaving at 12 o'clock. It was announced in the notice and in the RECORD that we were coming in at 10 o'clock today. I did not see how we would go into the afternoon. As far as I am concerned, it is up to the Senate. But if we postpone it, then Senators who were notified to be here at 10 o'clock will not be treated fairly and had there not been the notice that we were coming in, and it was in the RECORD for 10 o'clock Tuesday for this purpose, I would not hesitate, but I would just hope that we could vote at noon.

Mr. FANNIN. Mr. President, I cannot disagree with the Chairman. I understand there are Senators scheduled to leave and we have to try to be as fair as we can with all Senators involved. But with respect to Senators leaving we cannot treat them differently than Senators coming in. So it is only right that we go ahead and try to accommodate as many Senators as we can.

Mr. ROBERT C. BYRD. What is the desire of the distinguished manager of the conference report and the distinguished Senator from Arizona?

Mr. JACKSON. 12 o'clock noon.

Mr. STEVENS. 12 o'clock.

Mr. FANNIN. I understood some Senators were leaving at 12 o'clock.

Mr. JACKSON. 12 o'clock noon is fine.

Mr. ROBERT C. BYRD. Very well. It appears that 12 o'clock noon is agreeable on both sides.

Therefore, Mr. President, I ask unanimous consent that the vote on the pending conference report be held at 12 o'clock noon today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. That will be a yea-and-nay vote, once enough Senators are on the floor to sustain a demand for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. JACKSON. We will make the request as soon as we have enough Senators on the floor.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. JACKSON. Mr. President, I just have one final comment to make and that is, as I have indicated earlier, and I wish to reiterate now, if after the first of the year I find that the Alaskan pipeline matter is tied up in litigation and we are going to be litigating through next year it is my intention then to introduce and push through Congress as fast as I can legislation to authorize the Federal Government to build this line. The shortage is critical in the petroleum area, and it is coming home to all Americans. We have been warned for over 2 years now. We must make sure that construction starts on this pipeline by March of 1974 so that we can complete it by 1977 and have the oil moving.

I yield to my distinguished colleague.

Mr. FANNIN. Mr. President, I wholeheartedly agree with the Senator from Washington, the chairman of the committee. We do face an emergency. The weatherman is going to determine how soon that comes about. I feel that the President must have some flexibility in dealing with the energy emergency. I also feel very keenly about the problems posed in connection with some of the amendments referred to by the distinguished manager of the bill.

Unfortunately, the FTC and the reporting of amendments are characteristic of the zeal with which certain Members of Congress have sought to solve the energy crisis by excessive regulation. I question the viability of these procedures in light of the energy emergency. Until Congress recognizes that we need less, rather than more, regulation, there will be little hope to expand energy supplies. Until we recognize this we will then only continue to spread shortages around and as a result, people across this Nation will be cold. I heard the distinguished Senator talk about spreading shortages around.

I am making reference to the provisions in the bill that the President referred to. He called for immediate action of the pipeline bill and referred to the FTC and Reporting Act provisions as unnecessary and extraneous. That is why I did oppose those amendments in the conference and on the floor of the Senate. I do not think very many Senators were observant of just exactly what was involved when they voted on the FTC regulation amendment. So it was passed by an over-overwhelming vote. I think if Members of the Senate had been given an opportunity to study the effect it may have on what we are trying to do, the vote would have been different.

Nevertheless, we have a bill before us today and certainly it is the important matter.

Again I say, we must go forward with this legislation. We will hope that, in a very short time, the pipeline will be under construction and we will have oil flowing from Alaska to the lower 48 States.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. JACKSON. Mr. President, I am happy to yield to the able Senator from Alaska.

Mr. STEVENS. Mr. President, I want, on behalf of the people of Alaska, to express our appreciation not only to the Senator from Washington and the Senator from Arizona, but also to all of the members of the conference committee who worked so diligently on this legislation.

I think once the decision was made on the floor of the Senate to proceed with the Alaska pipeline after the historic vote, in which the former Vice President cast his vote to break the tie on a motion to table the reconsideration of that vote, we have all proceeded with one thing in mind, and that is that the amendment should be the best possible amendment in view of the circumstances. I am satisfied that this amendment, which limits the right to judicial review, should withstand any attack in court.

I am particularly grateful to our able staff members: Bill Van Ness, Dave Stang, Mike Harvey, Harrison Loesch, and Lyell Rushton, and Max Gruenberg of my staff, who worked very diligently, and Lewis Sigler, counsel for the House Interior Committee, who likewise has done yeoman work. I think they should be recognized for the great service they performed.

I am particularly delighted that the Senator from Washington (Mr. JACKSON) and the Senator from Arizona (Mr. FANNIN) agreed to allow my colleague and me to be ex officio members of the conference committee, so I might be present and assist in the deliberations pertaining to this tremendous project for my State.

I do not know whether it has been repeated on the floor, but I want to repeat that this is the largest single project ever attempted by private enterprise in the history of man. I do not think there has ever been a project that has been studied, restudied, analyzed, and reanalyzed more than this project has been. It is the first project of its type that has been so completely planned, reviewed, and discussed at all levels of Government before its initiation.

I am hopeful that we will have a project that is engineeringly and environmentally sound and will deliver our oil to the markets of the south 48 as rapidly as possible.

Does the Senator from Oklahoma wish the floor?

Mr. BARTLETT. Yes.

Mr. STEVENS. I yield to the Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I wish to commend the Senator from Alaska and the Senator from Arizona for their tremendous efforts in the passage of the amendment which legislated the Alaskan pipeline and all those who supported it and voted for it. I commend also the chairman for his efforts to remedy the right-of-way-width problem which was created by court action.

I rise to express my support of and encourage the acceptance of the Alaskan pipeline bill, S. 1081. Although there are some provisions to the bill which individually I would not support, such as the FTC provisions, the legislating of the building of the Alaskan pipeline has been too long delayed already.

The Alaskan pipeline bill is the first constructive piece of legislation dealing with increasing our available energy supplies. In the past, Congress has been content merely with spreading out the shortages.

I want to issue a warning, however: The Alaskan pipeline is not the solution to the energy crisis. It is no panacea. Additional legislation to encourage the development of energy in the short term and the long term must be acted on expediently.

The earliest possible date that Alaskan oil might reach the lower 48 States is late in 1977—4 years from now. And even then it would not be flowing full capacity. Many steps must be taken to increase domestic production between now and late 1977. I would hope that just because we have the Alaskan pipeline bill we will not become lax in our responsibility to the people of the United States. They deserve more than sacrificing because of shortages—they deserve action to alleviate those shortages.

I would like to point out that there is one provision in the Alaskan pipeline bill that will help to alleviate the current shortage.

The "stripper well" amendment which I introduced will achieve results this year that will help the crude oil shortage problem. This amendment will help to maintain domestic crude oil production that now exists, but is on the brink of being lost forever. We need every last drop of producible crude oil. We cannot afford to let price controls or mandatory allocation force economically marginal oil wells to be shut in. The stripper well provision will help to stretch out the life of the so-called stripper well.

A stripper well is a low productivity, marginally economic well. It can produce just enough oil to remain above the breakeven point. By definition a stripper well averages 10 barrels of oil per day or less. They provide approximately one-eighth of our daily domestic supply of crude oil.

Eliminating the stripper well would eliminate a substantial part of our country's producible oil reserves. Currently stripper wells have reserves of almost 5 billion barrels of oil—that's equivalent to about one-half the estimated reserves on the North Slope of Alaska. There were 359,471 stripper wells in 1972. The average stripper well produced 3.13 barrels per day of crude oil. If the average production of each well were to increase only 1 barrel per day per well this would mean an overall production increase of 359,000 barrels per day. This is the equivalent to the production that could be expected from three major domestic oil field discoveries. The Senate, in its wisdom, passed the "stripper well" amendment with only one descending vote.

If and when the Alaskan pipeline bill is signed into law—which I know it will be soon—for the first time Congress will have initiated in the stripper well amendment a constructive action to increase domestic energy supplies.

I hope that my colleagues will continue to work diligently to approve other measures such as the deregulation of natural gas prices and the removal of price controls upon crude oil which also will act to increase supplies of greatly needed energy.

I must express my extreme reluctance to accept the provisions of S. 1081 that broadly extend the powers of the FTC and other agencies. The ensuing holocaust of inquiries and paperwork always places an undue burden on the smaller businessman. It seems when legislation is drafted with the large corporations in mind, it always tends to hurt the small fellow worse and run a few more people out of business.

Irregardless, the importance of the Alaskan pipeline overshadows my apprehensions toward the uncalled-for FTC provisions, which incidentally I voted against when it was voted on upon the floor of the Senate, and I will vote to accept the conference report on S. 1081.

Mr. President, I yield back the remainder of my time.

Mr. GRAVEL. Mr. President, I rise to support the conference report, as other Senators have done.

I would like to thank the Senator from Washington (Mr. JACKSON) for the distinguished leadership he has provided over the years in what has turned out to be quite an involved issue. The Senator from Washington has acted quite ably.

I would also like to commend Representative MELCHER who, in the course of the House deliberations and during the conference committee, conducted himself in a very creditable manner. He provided a great deal of leadership on this matter, and I commend him for his accomplishments.

Mr. President, I would like to recapitulate for a moment to place the matter in perspective. The discovery of oil on the Alaskan Slope occurred in 1968 and 1969. Had the Nation and its leadership acted wisely at that time, we could have vigorously undertaken the study, the engineering and design, and the building of a safe pipeline which would have brought this product to the United States by 1973. We could have had that oil at this time. It probably would have supplied a million barrels a day right now. That would have alleviated the shortfall we are projected to experience this winter, which will be about 2.3 million barrels per day.

It is necessary to underscore this because often we suffer from our bad judgment and mistakes. This mistake is so large it can be a lesson and guide to future action. This is where industry and the environment clashed. This was the big experiment of our industrial-environmental confrontation.

I think we have weathered that storm. No longer will we see industry thinking it can bull through its desires, unmindful of the total ecological needs of our society.

Similarly, I think that we will not see a continued Government reaction to that pressure, with the hope that the problem will go away. Environmental problems cannot and will not go away.

I first felt that we were ready as a Nation to begin construction of the Alaskan pipeline when I made the decision to push for the pipeline amendment that was agreed to in the Senate by one vote.

As we look back at that very short 3-month span, it seems light years away. If we had a similar vote at the present time, in the light of what is going on in the Mideast, and in the light of the shortfalls we are experiencing, that issue would not win approval by just one vote, but would win overwhelmingly. There is now much greater realization of how erroneous was the criticism that the vote was an effort to circumvent the matter of environmental awareness.

I think the facts will bear out the statement that the Alaskan pipeline is the environmental position to take with respect to the transportation of oil. This is the new high-water mark. I think that all of our modes of transportation will have to emulate it. I dare say that the new design and the other environmental protections have probably increased the cost of the pipeline by about one-third. By the same token, the strip mining bill will increase the cost of mining coal. That merely means we as a society determine the total cost of our activities at the beginning rather than concentrate only on profits, expecting the Government to pay the damages that come about as a result of our action. I think the Alaskan pipeline will be a model for industry and will be a new high point that other industries must reach for.

Mr. President, let me add that the Alaskan pipeline not only meets the problem of bringing to the lower 48 States 2 million barrels of oil a day, oil which is most vitally needed, but it also signifies a more important development, that of opening up the storehouse of resources that lies in the Arctic.

All during the pipeline controversy the construction of the Trans-Alaskan pipeline was suspended, and we experienced a hiatus of activity in oil and other extractive activities that could have helped mitigate the needs of our country today.

What will happen as we begin to understand the problems of the energy crisis—and the problems are extreme—underlines the severity of the situation. We are not talking about an energy crisis that will be over this winter. We are talking about an energy crisis that will have a duration of 10 or 15 years. We are talking about an energy crisis that is dwarfed by the attendant financial crisis.

Some of the things we are experiencing this year—a lowering of the thermostats and the interest in the purchase of small automobiles—are not so significant as the threat to our economic system that will result from a recession which these things may augur.

I think one of the great tragedies is that if we pay much more attention, as politicians, to the pipeline, as though it were more important to get the oil, we will not pay sufficient attention to the other problems of the Nation. And it will make very little difference whether a person has oil available. The problem will be whether he has the ability to buy the heating oil, the small car, or the gasoline.

Mr. President, this is an area to which we have given less attention. It will be the most important problem that will face the country. If we experience a recession, this will be a most serious problem, which will occur 5 years down the road. I think that we could very easily be thrown into a depression by the economic repercussions of what has taken place in the Mideast.

Leaving that matter aside, the requirements of importation will cause such a hemorrhage of dollars outside of this country that we will likely be visited by a depression. In any event, we will lose control of our economic system. We had a minor example of this when the administration lost control over the economic system last February.

But with the hemorrhaging that will take place just to maintain the standard of living that we have come to enjoy, we will throw into a tailspin our entire free enterprise system.

There are many answers. One is to bring about the investment of these dollars. The other is to increase commercialism, to export more. I think these are very small answers to the total problem. The real answer is very simple: We cannot spend more than we have. So if we want to maintain the standard of living we have come to enjoy, what we have to do is begin to produce more.

When I talk about unlocking the storehouse of Alaska, I talk of figures that can reach anywhere from 6 to 10 million barrels of oil per day. I observe that the Committee on Interior and Insular Affairs, in its deliberations under the able leadership of its chairman, went from a concept of an Alaska pipeline versus a Canadian pipeline to the realization that we need both pipelines.

I think that issue is somewhat altered because of the rapidly changing dynamics of what is going on in Canada today. I doubt that we can integrate within the Canadian economy an oil pipeline and a gas pipeline. I think the best we will be able to do will be to request the Canadians to sell us a strip of ground so that we can transport Alaskan products directly to the United States, without involvement at all within the Canadian economy.

I would say that could bring to the United States another 2 million barrels of oil. There is no question in my mind that we will talk about 2 million barrels of oil through a pipeline through Canada, and probably the equivalent of 1 million barrels through Alaska. This involves negotiation with the Canadians for the Northwest Passage. I think, with the changing economics, there is no question that any reasonable person will agree that the great experiment of Humble with the *Manhattan* through the Northwest Passage is economically viable, and that the sooner we get to building the environmentally safe super ports on the east coast, the sooner we will be able to ply those waters. And if we are blessed, as we are in Alaska, with those reserves, then we can see the acceleration of shipment to the east coast of the United States of something on the order of 2 million to 4 million barrels a day.

This is the promise that is unleashed by the action we will finally take today. I think our Nation, through the free enterprise system, can respond to the problem as it begins to confront our society. I think we can respond favorably. I only hope we do not overreact and create a bureaucracy and a governmental infrastructure that does violence to the functioning of this free enterprise system. In my short tenure of office, I have come to realize that government does not always afford answers, and that many times, as we try to solve economic and social problems by the use of government, we displace the checks and balances without our system—checks and balances which have really provided a discipline to keep us all in check, whether we are government employees or profit-motivated individuals in the marketplace. I have found that unless these checks and balances are automatic, they are most difficult to employ, because the person who is least able to realize the need for the checks and balances is, of course, the person who needs them the most.

With that consideration, and with the realization that later on this week we will be taking up emergency legislation, I yield the floor, giving due note to the fact that my State, the great State of Alaska, which has been unusually blessed with this great wealth, is also more than sufficiently equipped with human beings of character and responsibility to handle that wealth. They can meet the challenge that lies before them—to build, under very difficult circumstances, a prototype society, for not only the rest of the United States to emulate, but possibly the entire world.

Mr. McGOVERN. Mr. President, I understand that the White House has threatened to veto the Alaskan pipeline bill because certain provisions of the bill would:

First, permit the Federal Trade Commission to seek injunctions against unfair or deceptive practices on its own instead of going through the Justice Department;

Second, allow independent regulatory agencies to seek the information they need to do their jobs without the consent of the Office of Management and Budget;

Third, require Senate confirmation of the heads of the Office of Energy Policy and the Mining Enforcement and Safety Administration.

Frankly, I find these positions hard to understand. For months now the administration has been stressing the urgency of this legislation as vital to our energy policy. Apparently, the White House now views keeping independent regulatory agencies under tight political rein more important than the development of Alaskan oil.

When this matter was initially before the Senate, I supported the Mondale-Bayh amendment and opposed the present bill because the Canadian route provided a better alternative. Pumping Alaskan oil through the Mackenzie Basin would have provided oil where it is needed most—in the Midwest—and at the cheapest cost to both our economy and our environment.

But Senators Mondale, Bayh, Humphrey, and I lost that fight; a majority of the Congress has adopted the plan advocated by the administration and the major oil companies. History will show whether our warnings that the Alaskan route will result in an oversupply on the west coast and the siphoning off of 25 percent of Alaskan oil to Japan were correct.

But since the choice has been made, we should now get on with the job of building the pipeline. On that basis I will support the conference report and hope that the development of Alaskan oil will not be further delayed by a Presidential veto.

Mr. METCALF. Mr. President, in approving the conference report on the Alaska pipeline bill, the Congress is sending to the President what is, I believe, the first restriction on excessive power of the Office of Management and Budget to be enacted into law by the 93d Congress.

I refer to the provisions in the Senate bill, agreed to by the House, to remove from OMB its control over the questionnaires sent to business firms by Federal regulatory commissions. The agreed upon language gives the General Accounting Office authority to review these questionnaires and submit suggestions. But GAO will not be permitted to delay, delete or kill questionnaires of independent Federal regulatory commissions as OMB and its predecessor, the Bureau of the Budget, have done through the years, whatever administration was in power.

OMB and the old Bureau of the Budget exercised this control through their big business advisory committee apparatus and the administrative procedures inherent in both OMB and agency proceedings. These procedures militate against representation of the viewpoint of users of information collected from business by the agencies. These advisory committees and administrative procedures are still being applied to questionnaires submitted to executive departments. What the Congress is saying, in approving the pipeline bill provisions, is that an agency of the Congress, the GAO, will review the questionnaires submitted by the independent regulatory commissions which are not a part of the executive branch. But these commissions, creatures of the Congress, have the final say.

So this is a move to upgrade the status of these important commissions, some of which have been so demoralized by executive branch leverage over their actions that they have not even attempted to run questionnaires through the gauntlets.

This constructive change, this realinement of the legislative-executive relationship, also puts an additional responsibility upon the independent commissions. Executive branch dilution and delay of questionnaires can no longer be pleaded as an excuse for inaction by the commissions. In sum, the commissions now will have an excellent opportunity to review their information collection practices, including the quality and clarity of information which they display in their public files and disseminate to the public. I urge the commissions to undertake this review now. And I suggest to the GAO that, consonant with its new responsibilities, it participate in this evaluation.

Mr. President, the conference and the House have also agreed upon another important proviso to upgrade and enhance the independence of regulatory commissions. I refer to that provision which permits the Federal Trade Commission to take its enforcement actions in its own name into Federal Courts, instead of being dependent on the Justice Department, whose insufficient attention to the needs of the FTC has, upon occasion, led to undue delays in obtaining legal remedies. On this point I shall, at the conclusion of my remarks, insert in the Record the chronology of a case—involving a company disputing FTC authority to collect certain information from it—which has dragged on for 10 years.

Mr. President, the legislative history of the section of the pipeline bill relating to questionnaire procedures was written by the House Government Operations Committee and its Legal and Monetary Affairs Subcommittee, as well as the Senate Government Operations Committee and its subcommittees. I want especially to note the contribution and cooperation of Chairman Holifield of the House Government Operations Committee and the leadership of former Congressman John Monagan, who was the leading House sponsor of legislation which became Public Law 92-463, the Federal Advisory Committee Act.

Mr. President, I ask unanimous consent to insert at this point in the Record the chronology of the FTC legal action to which I have referred.

There being no objection, the material was ordered to be printed in the Record, as follows:

Puritan Fashions Corporations, et al. versus FTC, Civil Action N. 70-64, U.S. District Court, D.C.

CHRONOLOGY

1. January 18, 1962: Resolution of Commission ordering investigation of sale and distribution of specialty items.

2. September 25, 1963: Order to Puritan Fashions to file Special Report.

3. October 8, 1963: Letter from Attorney for Puritan Fashions asking if the FTC had obtained clearance from the Office of Management and Budget pursuant to the Federal Reports Act.

4. October 16, 1963: Commission replies that no clearance had been obtained.

5. November 9, 1963: The Commission directs Puritan Fashions to comply with Order.

6. November 1963: Petition filed by Puritan Fashions to vacate and set aside Order of September 25, 1963.

7. December 9, 1963: Petition denied and time to file extended to January 26, 1964.

8. January 10, 1964: Puritan Fashions files complaint in U.S. District Court for the District of Columbia seeking to enjoin Order of the Commission.

9. January 22, 1964: Commission stays order of September 25, 1963, as amended.

10. February 1964: Commission files motion for Summary Judgment.

11. April 22, 1970: Puritan Fashion Files interrogatories.

12. March 6, 1973: Motion for Summary Judgment denied.

13. March 19, 1973: Puritan Fashion permitted to seek discovery in a reasonable period of time (no date set) with an estimated completion date to be supplied by it.

14. May 17, 1973: Commission given 30 days to answer complaint.

15. May 8, 1973: Puritan Fashion moves to depose Henry I. Lipsky.

16. August 30, 1973: Henry I. Lipsky gives testimony.

Mr. ROBERT C. BYRD. Mr. President, I wish to commend Senator Jackson and the other Senate conferees for the excellent job which they have performed in developing and reporting this legislation, gaining Senate passage thereafter, and for their diligence which resulted in resolving the differences between the House and Senate versions of the measure we are considering today.

I particularly want to express my appreciation to the conferees for their retention of my amendment—section 405 of the trans-Alaska pipeline bill—which provides for Senate confirmation of the Director of the Mining Enforcement and Safety Administration within the Department of the Interior. My amendment, as revised and adopted by the conference committee reads as follows:

> SEC. 405. The head of the Mining Enforcement and Safety Administration established pursuant to Order Numbered 2953 of the Secretary of the Interior issued in accordance with the authority provided by section 2 of Reorganization Plan Numbered 3 of 1950 (64 Stat. 1262) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

I originally introduced this measure as a separate Senate bill, S. 1828, on May 16, 1973, and that bill was referred to the Senate Committee on Interior and Insular Affairs. I later decided that it would be more expeditious to include it as an amendment to S. 1081, which I felt would be acted upon during this session of Congress. Therefore, on July 12, 1973, I introduced it as an amendment to the trans-Alaska pipeline bill, and it was adopted by a rollcall vote of 93 to 2.

Mr. President, a vigorous and fair enforcement of the Coal Mine Health and Safety Act and the Metal and Nonmetallic Mine Safety Act is a necessity to provide vitally needed protection and safeguards to the mineworkers of the United States. I have taken action to require the Director of the Mining Enforcement and Safety Administration to be subject to Senate confirmation because I want to take every step possible to insure that, whatever administration is in office, whether it be Democratic or Republican, it will be encouraged to appoint the most qualified and competent individual available to fill this post.

Since Congress developed and enacted the Coal Mine Health and Safety Act, I believe that we should also take all action possible to insure that this act is effectively but fairly enforced. I believe my amendment is a forceful step in that direction and I again thank the conferees of both Houses for their cooperation which made possible its inclusion in the pending measure.

Mr. HART. Mr. President, as I have stated in the past, I have serious problems with the provisions in this bill which set aside environmental protections in order to rush through the building of the Alaska pipeline. Also, I have some very strong antitrust concerns about the ownership of the resources in Alaska and of the proposed pipeline. In fact, I believe that had the Department of Justice completed its investigation, by now they would have been compelled to file suit for divestiture and that would have resulted in the pipeline not being built to serve California. Rather, it would have been going to the Midwest via the Canadian route.

If this bill pertained only to the pipeline, I would vote against accepting the conference report and for instructing the conferees to add environmental protections to the bill.

However, I will not so vote today, for I am convinced that if the bill went back to conference, the only thing that is likely to be changed in it would be to eliminate the FTC amendments. And that would be a further blow for consumers.

The FTC amendments, which allow the Commission to get preliminary injunctions and to directly enforce its subpenas in Federal court, and which allow all independent regulatory agencies—arms of the Congress—to obtain information necessary to their investigations without fear of an OMB veto, is a great plus for consumers.

They are equally important as a protective measure for small business against predatory and anticompetitive conduct by business giants. For example, independent gasoline retailers may be saved from arbitrary cutoffs.

Contrary to the arguments of the Chamber of Commerce, small businesses will not be encumbered with an avalanche of forms to fill out from regulatory agencies. Rather, big business will be put on the same basis as small business with disclosure requirements.

These amendments are still in the bill despite frantic lobbying activity against them.

Special words of thanks should go to the cochairmen of the conference committee, the distinguished Senator from Washington (Mr. JACKSON) and Congressman MELCHER, for leading the effort in support of the amendments. But this was clearly a bipartisan effort and all the conferees, leaders on both sides of the aisle and relevant committee chairmen, deserve praise.

Indeed, I am most delighted to add my thanks to the many they will receive for their fine work.

Because of the FTC amendments, I will vote for this bill—in order to give the Commission tools to do properly the job which Congress has assigned them. I urge my colleagues to do the same.

Mr. EAGLETON. Mr. President, despite reservations which led me to vote against this bill when it was before the Senate, I will support the conference report to permit immediate exploitation of our Alaskan oil reserves. No domestic program today has greater priority, in my opinion, than dealing with our deepening energy crisis.

The Arab embargo of oil sales to this country, while not itself the cause of the problem, has sharply aggravated energy shortages which have been in prospect for some time. This winter we could fall as much as 20 percent short of what we require.

No longer can we talk about fuel problems in terms of inconvenience to motorists or higher prices at the gas pump. Today, quite literally, the economic and social well-being of this Nation is on the line.

Even before the Middle East boycott, a study by the Stanford Research Institute concluded that "without immediate action on the energy front, there could be an ominous flattening of the economic growth rate of the United States between 1975 and 1980" from the 4.2 percent needed for a healthy economy to a mere 1.6 percent. That could mean a depression rate of unemployment in the range of 10 to 12 percent.

Early warning signs of such an economic impact are already present. In the last 3 weeks, my office alone received complaints from 20 Missouri companies warning of shutdowns or cutbacks unless they can be assured of adequate supplies of gas and other fuels.

As one constituent put it, "What good does it do for me to have an allocation of heating fuel for my home if I don't have a job so I can pay the bill?"

The energy emergency we now face might have been ameliorated had the administration heeded congressional warnings of more than a year ago when Missouri suffered fuel shortages. The attitude then was that it was a temporary and localized problem, not requiring Federal action. That was the position, too, when the administration opposed my fuel allocation amendment last spring.

In the days ahead, the American people will be asked to make many sacrifices and Congress will have difficult decisions as it attempts to balance competing objectives. Among other things that will mean rethinking some of the requirements and timetables of our environmental program.

In the long run, I am convinced that with wise use of existing energy resources and a concerted program to develop new ones we can avoid some of the calamitous events being predicted. But it will take the best we have as a people to meet the challenge.

Mr. HOLLINGS. Mr. President, I wish to commend the distinguished chairman of the Committee on Interior and Insular Affairs, Senator JACKSON, for his leadership and diligent work which led to this conference report on the Alaska pipeline bill.

One of the more significant achievements of the Senate and House conferees was approval of provisions relating to vessel liability for marine pollution.

It is a well-known fact that numerous large oil tankers will be transporting crude oil from Valdez, Alaska, to the rest of the United States. The potential danger from such heavy traffic of tankers, including the very large crude carriers—VLCC's—is such that the conferees recognized the need for special mechanisms to protect the marine environment.

Section 204(c) addresses this issue by establishing strict liability and limiting it to no more than $100 million for any one single incident. The owner and operator of the vessel shall be liable for the first $14 million in damages, with the balance to be provided from a Fund to be established in accordance with this subsection.

It is the intention of the Committee on Commerce, which provided assistance in drafting this provision, that further attention be paid to this matter in the future. On page 29 of the conference report, it is stated:

> The Conferees hope that the appropriate committees of the House and Senate which are considering the more general subject of

marine liability will harmonize the liability provisions of the Trans-Alaskan Pipeline Authorization Act and the liability provisions of any general legislation that may be developed.

We certainly recognize and welcome our further responsibility on this matter, Mr. President. It has been pointed out correctly that there is no such liability requirement elsewhere in coastal areas of the United States. One of the methods the Committee on Commerce is considering to rectify this shortcoming would be legislation creating three separate funds to deal with oil pollution liability for vessel owners and operators—one on the west coast, one on the east coast and one in the Gulf of Mexico.

Presently pending before the Committees of Commerce and Foreign Relations is legislation implementing an international convention establishing an oil pollution compensation fund and limiting vessel owner-operator liability to $14 million. In addition, the Intergovernmental Maritime Consultative Organization—IMCO—would set up and maintain a fund increasing total liability to $32.4 million. This fund would be provided from assessments levied against receivers of oil in signatory States.

As to liability provisions affecting coastal trade in the United States, between States, it was felt that the limitation of the proposed international compensation fund was insufficient. Moreover, should we enact legislation implementing the international fund into domestic law, the International Convention on Civil Liability for Oil Pollution Damage would supersede conflicting Federal and State laws then in effect. Clearly, the provisions of the pipeline bill as to liability were drawn to fit into the international mechanism.

As I noted several years ago, during hearings on this legislation the civil liability convention—

> Takes important steps toward international agreement in this area, and that these steps should be positively acknowledged by the Senate. At the same time, the limitation of liability provisions are inadequate and should not be affirmed until a supplemental international compensation fund for oil pollution damage can be negotiated, signed, and submitted for ratification.

It is now clear, Mr. President, that our present international conventions are inadequate to the task. The danger is much greater today than it was back in 1971. Tankers are much, much larger, and the volume of ocean transportation of crude oil has taken a quantum leap.

For this reason, I believe it is important that we consider legislation to broaden the scope of domestic compensation funds so that the case in Alaska will not be different from the case in Florida or Maine or Louisiana. In this way, we can recognize and participate in international agreements, but take adequate measures to provide even greater protection for our marine and coastal environment here in the United States.

Mr. MONDALE. Mr. President, I will reluctantly vote for approval of the conference report on S. 1081, the Alaska pipeline bill.

This past summer Congress made clear its determination that the Alaska pipeline should be built through the State of Alaska and not across Canada as many of us had suggested.

It has always been my position that we need Alaskan oil and that this oil should flow to the lower 48 States as quickly as possible, consistent with environmental safeguards and the greatest benefit for the entire country. During the course of debate on the pipeline bill this summer, I believe I demonstrated that a trans-Canadian pipeline alternative—which could have been thoroughly but swiftly studied under an amendment which I and the distinguished Senator from Indiana (Mr. BAYH) offered—would have offered greater overall benefits to the country than an Alaska pipeline. It would have provided the flexibility for Alaska oil to reach all parts of the country through an existing network of pipelines, without significant delay in bringing this oil to American markets.

The Congress, however, has decided that this pipeline should be built across the State of Alaska and this is now the only alternative open to the Congress if we are to begin receiving this oil as quickly as possible.

The Congress also made its will known that this pipeline should be constructed without further challenges under the National Environmental Policy Act of 1969. I strongly opposed this provision last summer, and I strongly oppose it now. It could set the type of precedent which would nullify one of the most important pieces of environmental legislation ever enacted by the Congress. And it could do so in a manner which would encourage private interests to seek congressional relief whenever this law threatened to reduce the profitability of their own ventures.

I do not believe that we in Congress should bend to this sort of pressure. However, we must recognize the fact that the Alaska pipeline will be built, and recognize the many excellent provisions contained in the conference report. In particular, those provisions allowing the Federal Trade Commission to initiate injunctive proceedings to halt deceptive business practices if the Justice Department fails to act within 10 days, and the provision allowing regulatory agencies to bypass OMB in seeking data from businesses are most valuable. These will be valuable tools for the Federal Government in stopping fraud on the marketplace and in attempting to acquire the type of data needed to undertake effective regulatory policies.

The balancing between the extremely harmful provisions relating to NEPA and the exemplary provisions relating to the FTC and other regulatory agencies is a difficult one. I would have greatly preferred had this legislation not attempted to circumvent NEPA in our rush to get the pipeline moving. We all want Alaskan oil; our country needs as much of it as we can possibly get. But we should have allowed the orderly processes of law to unfold, rather than upsetting the law for some temporary advantage.

In the end, however, Congress has decided that this pipeline should be built across Alaska. I hope and trust that as a result of the efforts of those groups concerned with our Nation's environment, this pipeline will be built in as safe a manner as possible. And I hope that in the future, we can plan legislation with such a major effect on our environment in a manner which will recognize the energy needs of our country without circumventing the law.

Mr. GRIFFIN. Mr. President, there has been considerable discussion about the possible alternative of an oil pipeline across Canada to the Midwest.

I want to make clear for the RECORD why a Michigan Senator, who is deeply concerned about the need for energy in the Midwest, believes it is necessary and desirable to support this trans-Alaska pipeline legislation.

The energy shortage in Michigan and the Midwest is serious. Our area boasts the greatest concentration of industrial manufacturing capacity in the world. The very lifeblood of our economy in Michigan is energy—energy which is translated into jobs for our people as well as comfort in their homes. A lack of energy means economic stagnation, fewer jobs; it means more unemployment and individual hardship. Needless to say, Michigan winters can get very cold.

I have carefully considered the arguments for a proposed oil pipeline across Canada. But I am convinced that the needs of the Midwest would be better served by moving now to begin construction of the Alaska oil pipeline.

Time is a big factor. The trans-Alaska line is ready now to be built. All of the prepermit work has been accomplished. It will be only 789 miles long. Construction time is estimated at 3 years.

By contrast, almost no preliminary work has been accomplished for construction of a trans-Canada line. Such a line would be 3,400 miles in length.

Opting for a trans-Canada route could mean a delay of 5 years or more before any oil would begin to flow.

I do not want to leave the impression that I am opposed to the construction of a trans-Canada oil pipeline. As new reserves are developed, I believe the day will come when it may be feasible to have both a trans-Canada and a trans-Alaskan oil pipeline.

While most attention has focused on the importance of moving oil from the North Slope, I want to indicate that a major consideration in my decision relates to the importance of getting natural gas moving to the Midwest.

Proved reserves of natural gas in Alaska are 31.5 trillion cubic feet and additional potential supplies—undeveloped up to now—are estimated at 327 trillion cubic feet.

By comparison, total proved natural gas reserves in the lower 48 States at the end of 1972 were 234.5 trillion cubic feet, according to Federal Power Commission reports. Thus, the proved reserves in Alaska are approximately 13 percent of the proved reserves in the rest of the Nation and the potential is enormous.

There is a critical need for this gas. I am fully aware of disputes that have arisen over the accuracy of natural gas reserve figures, but the fact of the matter is that the national growth in energy demand—and the shrinkage of Middle Eastern oil imports—make it imperative that all gas possible be brought to market as quickly as possible.

The curtailment of natural gas deliveries by interstate pipelines as reported by the Federal Power Commission—nearly 1 trillion cubic feet this summer—emphasizes the vital importance of developing new supplies for the consumer. The curtailment figure this summer is a 64-percent increase over last year, and estimates are that curtailments this coming winter will be 18 percent more than last year. These reductions, compounding the oil shortage, underscore the need for prompt action to bring more natural gas to market.

The quickest means of initiating natural gas production from the North Slope is to begin construction of the trans-Alaska oil pipeline. To insist upon a trans-Canada oil pipeline route would actually delay natural gas deliveries by 5 years or more, because of a number of complicating factors other than construction time. These include the problem of amassing capital to build both an oil line and natural gas line across Canada, the availability of men and materials to construct two such lines at relatively the same time, and the impact on the Canadian economy of two multibillion dollar projects.

A group of 26 major United States and Canadian gas companies have organized and prepared plans for looking toward construction of a 48-inch gas pipeline from Prudhoe Bay through the Mackenzie basin across Canada to American market centers, primarily in the Midwest. This line could deliver 4 billion cubic feet of natural gas a day, or more than 1 trillion cubic feet a year—more than 5 percent of our present total interstate consumption.

The reserves in the North Slope of Alaska are the "anchor" for this project, but the potential goes far beyond. There is gas in the Arctic islands, in the Northwest Territories of Canada and elsewhere in the far north which will become available once the initiative is taken to move supplies to market.

I understand that this group of American and Canadian companies has already spent $25 million to date on feasibility and environmental studies and other preparations necessary for construction of the gas pipeline. According to experts, such a gas pipeline will be easier to construct, less costly, and will have far less environmental impact than an oil pipeline.

There are obstacles to overcome before a natural gas pipeline of this magnitude can be constructed. Agreements must be reached with Canada which, I am sure, will have to take into account the interest of Canadians in adequate energy supplies. Permits will have to be obtained from both the Canadian and United States Governments.

When completed, this new gas pipeline across Canada to the Midwest would bring to the United States nearly five times as much natural gas as the Great Lakes region will be short during the natural gas shortages projected for the winter of 1973–74.

In addition, the trans-Alaska oil pipeline will deliver to the lower 48 States nearly 50 percent more oil than we have been importing from the Middle East.

My conclusion, therefore, based on an examination of all factors, including projections of Midwest energy needs into the 1980's, is that two steps should be taken as quickly as possible. One is to construct the trans-Alaska oil pipeline; and the other is to construct a natural gas pipeline across Canada. Construction of both pipelines should proceed as expeditiously as possible.

Mr. MAGNUSON. Mr. President, I wish to join my colleagues in the Senate in congratulating the Senate Committee on Interior and Insular Affairs and particularly Senator Henry Jackson, chairman of that committee, and their House counterparts for their exemplary work in obtaining legislation on the Alaska pipeline which, I believe, strikes the best balance possible between the energy needs of the country and our environmental concerns. As we all know too well, this process has not been an easy one. While I personally do not support everything in the bill, I feel that, when viewed in total, this is the best bill possible on this controversial issue.

As the original proponent of two amendments which have been incorporated into the conferee adopted version of S. 1081, and as a Senator who represents a State which will receive some of the oil from the pipeline, I have particular interest in this bill. My concern has centered on the safety and environmental soundness of the marine leg of the pipeline—the tankers which must move the oil to ports on the west coast.

The Alaska tanker traffic is unprecedented, both in size and number of ships. Compared to other transocean oil routes, it is quite hazardous. This route is hazardous because there are frequent movements into and out of narrow passages and crowded harbors. Consequently, I offered amendments relating to the marine leg which have become section 401, vessel construction standards; and section 402, vessel traffic control, of S. 1081, to enhance the safety of this portion of the Alaska pipeline system.

Section 401 will have the effect of accelerating the applicability of tanker construction standards now being devised by the Coast Guard. These standards would cover only the coastwise trade. It was my belief that the sooner the standards were promulgated, the sooner vessel owners could comply and the greater the protection of our marine and coastal environment.

In connection with section 401, I am pleased to report that the 1973 Conference on Marine Pollution From Ships has just concluded. The conference has developed a new, comprehensive treaty aimed at eliminating pollution of the sea by oil and other noxious substances originating from vessels. The treaty includes provisions setting worldwide tanker construction standards. The Commerce Committee has scheduled a hearing on this new treaty and will hear testimony from Russell E. Train, chairman of the U.S. delegation attending the conference, and Adm. Chester Bender, the vice chairman. Preliminary reaction to the specifics of this new international agreement has been favorable—from the administration, from environmental groups, and from the shipping industry. Some say it is one of the best agreements yet devised on this subject.

The path is now clear to implement this treaty and to issue regulations pursuant to the Ports and Waterways Safety Act. The tanker construction industry has been experiencing considerable uncertainty in this transition phase from old to new construction standards. Section 401 will assist in removing this uncertainty.

Section 402 is a simpler provision. It would merely mandate the creation of a vessel traffic control system for the Valdez vicinity so that it would come on line at the same time the oil begins to flow through pipeline.

As chairman of the Senate Commerce Committee, I wish to comment on one other provision of S. 1081—section 204 (c), the provision on vessel liability. For several years, the question of the adequacy of compensation for oil pollution damages caused by vessels has been discussed. Section 204(c) should considerably enhance the availability of compensation to injured parties without disrupting existing Federal law, State law, or international treaties.

The Commerce Committee, when considering implementing legislation on the International Conventions on Civil Liability and the Compensation Fund (S. 841), fully intends to harmonize the provisions of S. 1081 and S. 841. Our staff assisted the conference committee in drafting section 204(c) so that the two bills could be made compatible and so that further steps to universalize the limits of liability could be taken.

Mr. BAYH. Mr. President, I remain committed, as I was when this legislation originally came before the Senate, to the earliest responsible use of Alaskan oil and natural gas. The recent worsening of our energy shortage has merely reaffirmed something that has long been obvious—America must seek to develop to the maximum extent possible all domestic energy resources to reduce our dependence on foreign energy sources and to lessen the energy shortfall which will be with us for some time.

But the present bill is fatally defective in two major respects. One is the proposed location of the pipeline, bringing vast quantities of oil to the section of the country that needs it least and, almost inevitably, making available millions of barrels for export to Japan. Not only that, the route itself is environmentally defective—so much so, in fact, that proponents of the bill had to attach an amendment exempting it from the provisions of the National Environmental Policy Act.

That, Mr. President, is the second fatal flaw in the bill now before us, and I shall return to it shortly. Let me first, however, stress again those points about the Alaskan land-and-sea route which led me to argue for the alternative, Canadian, route.

In the first place, the simple, unassailable economic facts of the situation demonstrate that new supplies of oil are needed much less along the west coast than in the East and Midwest. As the information we offered the Senate last

July conclusively proved, oil prices will be 50 to 100 percent higher in the Midwest and East than in the Far West if the Alaskan pipeline is built. That cost differential is so large and so unnecessary that all the official arguments in favor of the Alaskan route collapse in the face of it.

The only explanation that can possibly account for the extraordinary lobbying effort on the part of the big oil companies in favor of the present bill is that the oil companies themselves expect to profit massively by it. And the source of their profit can only come from large exports at premium prices. In other words, Mr. President, the Alaskan route is almost certain to result in a substantial diversion of this scarce resource to foreign markets. Stripped of all the self-serving rhetoric and phony arguments against the trans-Canada route, that is the nub of the matter. And that is why I cannot, in good conscience, cast my vote in favor of so improvident and inequitable a measure.

To be sure, I am a Midwestern Senator. But, I am a U.S. Senator first. I do not believe a vote on a matter of this importance should be cast on a purely regional basis. Alaskan oil should be available on a national basis—not a Midwest or a west coast basis. The facts are that the present conference report will make Alaskan oil available only to the west coast. The trans-Canadian pipeline approach which I have supported permits the Alaskan oil to be piped to Edmonton and Chicago, and from there the oil can be directed east or west as the supply and demand of our Nation dictates is in the national interest.

The environmental arguments against the Alaskan route are also weighty. The National Environmental Policy Act was enacted into law precisely in order to insure that our Nation would not have to pay the price of long-term catastrophes for the benefit of short-term gains. Setting aside the provisions of that act for the sake of speeding construction of the Alaskan pipeline by 1 year—only 1 year—represents the worst kind of shortsighted policymaking. What is more, it offers the clearest kind of evidence that the Alaskan route's proponents themselves recognize how defective from an environmental standpoint their project must be. For if it were not, they surely would not have pushed so hard—indeed, so desperately—to establish so ominous a precedent.

Good public policy always requires the need to balance worthy goals which are seemingly irreconcilable. The goals of adequate energy supply and a clear environment present such a challenge. In times of critical energy shortages, such as existing today, particular attention must be given to energy and fuel needs. But I have confidence that the energy crisis can be met without completely forsaking progress toward a healthy environment. In short, policy makers should insist that necessary energy requirements be met by utilizing the alternative which is least injurious to a healthy environment. But the present conference report does not follow this strategy of adequate fuel and energy supply with least damage to environment. Rather the suggested approach is one of no—absolutely no—attention to a healthy environment whatsoever. This approach is not only shortsighted, it also underestimates the capacity of American industry, science and technology to accept challenge.

The fact is, Mr. President, full compliance with the terms of the NEPA would mean that Alaskan oil would be available, at least in the Western United States, in 1978 instead of 1977. It would by no means solve this year's, or next year's, or the year after next's or even the year after that year's energy crisis. By what rationale, then, can we possibly justify establishing an antienvironmental precedent that will return to haunt us again and again?

Here, too, the only explanation must be that the Alaskan route could in all probability not survive the sort of impact-statement analysis that present law requires. Hence, the truly dangerous provision in this conference report sets aside a long and carefully considered act of Congress. Hence, too, my vote against this conference report.

Let me stress again, Mr. President, that the issue is not whether we shall or shall not have Alaskan oil in the contiguous 48 States. If it were that stark a choice, I should have had a far more difficult time determining my vote today. But in fact the issue is Alaskan oil brought here at an uneconomic price to most Americans, over an environmentally defective route, with the likelihood that much of it will be lost to domestic use through spillages and foreign sales—all this as against a trans-Canadian route that will bring us the same oil, in greater quantities and at lower prices, and without dealing a possibly ruinous blow to national environmental policy.

Mr. President, I cannot support this dangerously misguided legislation, and I can only urge my colleagues to reconsider it prayerfully and thoughtfully today and join me in opposing it.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Haskell). Without objection, it is so ordered.

The hour of 12 o'clock having arrived, the question is on agreeing to the conference report on S. 1081.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CLARK (when his name was called). On this vote I have a pair with the distinguished Senator from West Virginia (Mr. Randolph). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Hampshire (Mr. McIntyre), the Senator from Wisconsin (Mr. Nelson), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Nevada (Mr. Bible), the Senator from Kentucky (Mr. Huddleston), and the Senator from Minnesota (Mr. Humphrey) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. Bible), the Senator from Minnesota (Mr. Humphrey), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Rhode Island Island (Mr. Pell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate on official business.

The Senator from Oklahoma (Mr. Bellmon), the Senator from Arizona (Mr. Goldwater), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

If present and voting, the Senator from Oklahoma (Mr. Bellmon), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 80, nays 5, as follows:

[No. 479 Leg.]

YEAS—80

Abourezk
Aiken
Allen
Baker
Bartlett
Beall
Bennett
Bentsen
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—5

Bayh
Biden
Brooke
Hughes
Proxmire

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Clark, against.

ANSWERED "PRESENT"—1

Buckley

NOT VOTING—13

Bellmon
Bible
Curtis
Goldwater
Huddleston
Humphrey
McIntyre
Nelson
Pell
Percy
Randolph
Saxbe
Stennis

So the conference report was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUCKLEY. Mr. President, once again I have had to vote "present" on the Alaskan pipeline issue because of my family's ownership of certain rights in a shallow drilling technique that may be utilized in connection with the construction of the pipeline. I feel, however, that on an issue of this significance, it is incumbent on each Member of the Senate to record his position.

Had I been free to vote, I would have voted, however reluctantly, in favor of the bill. I say reluctantly, because there are a number of features about the final decision on the Alaska route that I consider unfortunate, and because of provisions in the legislation that grant various governmental agencies a busybody right of intrusion into private business matters which are irrelevant to the question of the granting of a right-of-way over Federal lands.

My great regret is that there was not a more thorough, bona fide, and timely investigation of a trans-Canadian route. Had such an investigation been initiated, there would have been adequate opportunity to explore the relative environmental, economic, and security merits of the two alternatives, and we could have been assured of a far wiser decision. The time, however, has now passed when this can be done with any expectation of beginning deliveries of the energy resources of the North Slope to the lower 48 States within the time frame dictated by our urgent present needs.

I have studied the question of the Canadian alternative with very great care and have consulted with individuals in Canada and elsewhere who have extensive experience with the problems involved with the financing and construction of major pipelines. I am convinced that even if a go-ahead could be secured for a Canadian line within the next year, we still could not afford the inherent delays, especially as they would affect the ultimate deliveries of North Slope gas. What has been too little appreciated and largely ignored is the fact that the sheer size of this pipeline project is such that work on a gas pipeline from Prudhoe Bay across Canada could not commence until virtual completion of the oil pipeline. The reason for this is that the oil pipeline project will preempt too large a portion of the available pipeline equipment and work force, and will place too great a strain on capital markets to permit the simultaneous financing of a second huge line. Thus, the added time required to build a Canadian oil line will delay by that period the ultimate delivery of North Slope gas to the Midwest, where this source of energy is so vitally needed.

Under all the circumstances, and despite the undesirable accretions that have been tacked on the bill in the way of unnecessary governmental regulation, I feel there is no responsible alternative but to proceed with the building of the Alaskan pipeline. I am satisfied—thanks to the enormous efforts of concerned environmentalists—that every environmental precaution will, in fact, be taken in the construction and operation of the line. Thus, while some environmental risks undoubtedly continue to exist, they will be kept to a minimum and, under the circumstances, will have to be assumed.

Mr. PERCY. Mr. President, I regret that due to a commitment in Chicago, I was unable to be present for the vote on the Alaska pipeline conference report, S. 1081. I had expected the vote to be this afternoon and I had planned to be present.

I have been recorded as favoring enactment of S. 1081. I believe it is now imperative that construction on the Alaska pipeline begin as soon as possible, so that our Nation can begin to make use of the vast energy resources of the North Slope.

There have been delays in beginning the construction, and I believe the pipeline will be safer and less damaging to the environment as a result of the careful scrutiny it has been given.

We have had a full debate in both Houses of Congress on this bill. We have had close votes on environmental issues, and I was on the losing side of some of those votes.

But now I believe we must proceed with dispatch to get the pipeline built and get the oil flowing. The President has warned that we face a 10- to 17-percent shortage of petroleum this winter. While the pipeline will not help us through this winter or even the next three winters, we must have that oil to help insure that our Nation will not be faced with a perpetual shortage of energy. I am hopeful that the Alaska pipeline can soon be followed by a Canadian pipeline, which will bring oil directly from the North Slope to the Midwest and Northeast, where it is needed most. I am assured by my colleague, Senator STEVENS, that the North Slope resources are adequate to support both pipelines.

Mr. President, I strongly support the Senate's action today in approving the conference report on S. 1081, and I hope the President will sign the bill into law immediately.

PROGRAM

Mr. HUGH SCOTT. Mr. President, I rise to inquire of the distinguished majority leader what the program is for the remainder of the day, if any, and what the program is for the remainder of the week.

Mr. MANSFIELD. Mr. President, in response may I say that there will be no further votes today.

However, it is anticipated that tomorrow we will take up Calendar No. 467, H.R. 1284, an act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees. I understand that an amendment is being prepared having to do with the rights of returned prisoners of war, which I understand is noncontroversial. So this bill, which was passed today, and on which the action was then vitiated, will be called up tomorrow.

As to the rail transportation system in the Midwest and Northeastern regions, Calendar No. 344, S. 2188, I am unable at this time to state when that measure will be brought up, because of differences between the House and the Senate bills.

It is the intention of the leadership to call up Calendar No. 388, S. 1868, a bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome, and so forth, at least on one track by next Monday.

It is hoped that the emergency energy bill which the Interior Committee will file tonight, and which is of such transcendent importance can be taken up tomorrow, because it might entail, I believe, up to 2 or 3 days' debate.

Then, during the course of the day tomorrow, we hope to consider and dispose of the State-Justice-Judiciary conference report and the HEW conference report both of which are being considered in the House today. There will be a yea-and-nay vote on at least one of these conference reports.

We would also hope to get the mandatory oil allocation conference report over from the House as well, and it will be considered in the Senate shortly after its receipt from the House.

As far as the military construction authorization is concerned, I am informed of difficulties beyond control of the Senate that might make it impossible to obtain final approval of this bill until after Thanksgiving Day. Under the rules, the House must act first and failure to act can hold up the bill which the Senate Appropriations Committee has had ready to report to the Senate as soon as the appropriation bill is received from the House. I hope the House will proceed on the Appropriations Act independently.

The District of Columbia home rule bill conference report has been delayed in the House, until Thursday, so I assume that it will not be taken up in the House until after Thanksgiving.

The Alaskan pipeline bill has passed both Houses and is on its way to the White House.

In connection with the conference report on the health maintenance bill the House has to act first.

I do not think it will be possible to get up the Ford nomination this week. I wish it were, but I understand the Committee on Rules and Administration will hold further hearings tomorrow. This was arranged some days ago, but if there is a chance the leadership will try to do otherwise.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HUGH SCOTT. I hope we will find a way to do it this week, or if not, at the very beginning of next week, before we begin to lose attendance.

Mr. MANSFIELD. The Senator will have my full support in that regard. The sooner the better.

Then, the matter of the Saxbe pay bill will likely be reported from the Committee on Post Office and Civil Service, but there will be a move made, if that is reported and called up, to have it referred to the Committee on the Judiciary. I think the Senate is on notice on the basis of statements made today by the distinguished assistant majority leader.

Mr. HUGH SCOTT. In that connection, I would like to say that by unanimous consent the Committee on the Judiciary this morning agreed it would request that the bill be referred to them for 1 day less than 1 week, and to be reported back to the Senate not later than next Tuesday night following such hearings as the distinguished assistant majority leader wishes to suggest, and that the bill be reported back without extraneous matter or nongermane amendments, the idea being that it not be loaded with extraneous matters but rather considered on its merits.

Mr. ROBERT C. BYRD. Mr. President, in that respect, I ask unanimous consent that the Committee on Post Office and Civil Service may have until midnight tonight to file its report on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. SYMINGTON. I wish to say to the distinguished majority leader that there is no holdup on the military construction bill. We have agreed on a conference with the House. Under the rules we have to wait until the House passes on their conference. I understand there are parliamentary problems over there that they have to solve before that can be done.

Mr. MANSFIELD. I understand, and I understand there is good reason for it, but I wanted to indicate the schedule as best I can.

Then, we have the Legal Services Corporation report filed with the Senate, Calendar No. 471, S. 2686. When that will come up has not been determined at this time, because there are a number of holds on that bill.

But I hope it will be possible, in support of proposals made by the President of the United States last week, and because of the intensive amount of work performed by the Interior Committee in reporting this bill tonight, for the Senate to take up the emergency energy bill tomorrow. It is vital; it is mandatory; it is needed.

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished Senator from Washington (Mr. Jackson) whether he, as the manager of the bill, is prepared to proceed with the bill tomorow.

Mr. JACKSON. I am prepared to proceed tomorrow on the emergency petroleum bill. The report is in process of completion. It will be filed by midnight tonight. Copies will be available the first thing in the morning.

This is an emergency bill. The President has asked that we move with expedition. The committee is moving, I think, the fastest in its history. I would hope that tomorrow—at least by the end of the day, after the conference reports have been acted on—we can lay the bill before the Senate and come in very early on Thursday, so that we can complete action on the bill within a day.

Mr. MANSFIELD. Would the distinguished Senator from Washington, the chairman of the committee, assure us that he will consult with the ranking minority members of the committee with a view to removing any possible objection?

Mr. JACKSON. I have already consulted with the ranking minority member of the committee, the distinguished Senator from Arizona (Mr. Fannin). He wants to move along. I would hope that we will confine amendments to the specific emergency. We have removed from the bill the sections dealing with the deregulation of natural gas and the regulation of intrastate gas. We cut both issues out of the proceedings. I do not want to take up deregulation or the regulation of intrastate gas in the emergency bill.

Mr. MANSFIELD. Mr. President, is it true that the distinguished Senator's colleague, the distinguished senior Senator from Washington (Mr. Magnuson), is at present holding hearings on these matters, which he hopefully will be able to report to the Senate some time late this week?

Mr. JACKSON. The Senator is correct. We have taken care of everything in the bill of an emergency nature except an amendment with respect to clean air, as to which the distinguished Senator from Maine (Mr. Muskie) held hearings yesterday. That will come up separately later, I believe, this week.

Therefore, I am most anxious to have the emergency bill passed, in light of the problems we have, the most serious being the need for gasoline rationing. Every day we delay in settling the matter, the greater the shortfall.

I gave to the Senate earlier today a statement on the critical shortage. I want again to repeat that this is particularly a problem on the east coast. We anticipate, according to the figures given out this morning, that there will be a national shortage of gasoline of 21 percent; of distillates—that is, the fuel oil or heating oil—of 13 percent; and of residual oil, 24 percent—that is, for electric utilities. For the east coast, because of a lack of transportation, all of these figures will be doubled. For the eastern United States, it will mean a shortage of 42 percent; of distillates, 26 percent; of residual oil, 48 percent; unless transportation facilities are available. This means using tankers and other modes of transportation to bring in the oil.

The situation is critical. Every day of delay on this legislation to set in motion authority to deal with gasoline rationing in particular, the greater the shortfall will be in the period ahead. It is that simple. That is why time is of the essence.

Mr. MANSFIELD. Will the Senator give to the Senate and the American people his approximation as to when he thinks it is quite likely that gasoline rationing may become effective?

Mr. JACKSON. I would hope that the administration will start printing the tickets right now. It should have been begun yesterday. The machinery to give local control is outlined in the emergency bill. The pattern is being set up. I would hope that gasoline rationing could be put into effect prior to January 1.

Mr. MANSFIELD. Mr. President, will the Senator yield further ?

Mr. JACKSON. I yield.

Mr. MANSFIELD. When is the last tanker from the Middle East due in this country?

Mr. JACKSON. Less than 2 weeks.

Mr. MANSFIELD. Less than 2 weeks, and that is the end of oil from the Middle East?

Mr. JACKSON. That is correct.

Mr. MANSFIELD. I would like to ask the Senator a question. This is from the Great Falls, Mont., Tribune, and I received a great deal of mail as a result of this small article from the Associated Press, which states:

> A government report released Wednesday—

That is last Wednesday—

> indicates that fuel oil exports in 1973 will drastically surpass 1972 despite a serious shortage in this country.

How does the Senator account for a 248-percent increase this year in our shortage over 1972? Has the Senator seen the story?

Mr. JACKSON. Yes, I have seen the story. We are asking for a complete report on this particular story.

As my colleagues may undoubtedly know, we do have reciprocal arrangements. We do export into Canada in connection with certain of the requirements on the Eastern part of the United States. They import into the United States. There are export situations that serve to our overall benefits.

I think the real question that must be answered is, "Is there a net inflow as a result of exports by the United States to other countries and into the United States, in the end?" We are dealing with the logistics of the oil industry, which is extremely complicated, and the major problem on the east coast stems from a lack of transportation. The oil that they get and use I think runs as high as 70 or 80 percent imported. This is a major problem.

We will have a response, may I say, in detail for the Senate when this matter comes up tomorrow.

Mr. MANSFIELD. Mr. President, I want to thank the distinguished chairman of the committee, who has been most active in bringing forth this emergency legislation, and I point out that the Senator from Washington (Mr. Jackson) has been advocating what he has just been talking about for at least the last year and a half. I think he has performed a great service in a time of need and emergency, and I am delighted that, in response to the question raised by the distinguished Republican leader, he has been able to get together with the ranking Republican member of the Interior and Insular Affairs Committee, the distinguished Senator from Arizona (Mr. Fannin). I am hopeful that it will be possible for all of us to work together to get this legislation to the floor and dispose of it as quickly as possible.

Mr. BROOKE. Mr. President, will the Senator yield for a brief question?

Mr. JACKSON. Yes, if I have the time.

Mr. MANSFIELD. I yield.

Mr. BROOKE. This colloquy has been most informative and helpful.

Will the Senator give some indication as to what the prospects will be if the negotiations between the Arab countries and the State of Israel are successful? Can we have any hope, say, in the months ahead?

Mr. JACKSON. May I respond to my good friend from Massachusetts in this way? Even if all of the oil had moved—if we had had a normal flow of oil—the prewar September projections had called for a shortfall, a shortage, of up to 300,000 barrels daily of heating and fuel oil for the country. Now, that was based on a cold winter. Of course, who knows what the winter is going to be like? But even in a normal winter, we would have had a shortfall of at least 100,000 barrels per day and it would strike particularly hard at New England, because it is in that area of the country where there is a substantial shortage in connection with the heating oil problem.

I do not believe that we can ever again—and I hope that this emergency will be a blessing in disguise—put ourselves, Western Europe, and Japan, in a situation in which the Persian Gulf countries can hold the jugular vein of the Western World in one hand and turn off our vital oil imports when they want to. I do not think the American people would want that sort of thing. I think it would be unwise to assume that something of a magical nature is going to happen in the Middle East that will resolve the terrible problem that we face of trying to ration our shortages.

Mr. BROOKE. I quite agree with the Senator that that certainly should not be our posture, but I think many American people who are reading the papers daily now are getting great hope out of the magnificient work of Secretary of State Kissinger and are hopeful that the Arab-Israeli negotiations will be successful, and are expecting——

Mr. JACKSON. May I give the Senator the real reason why I think it would be unwise?

Mr. BROOKE. Yes, certainly.

Mr. JACKSON. I saw a projection of the Persian Gulf countries' surpluses of dollars over and above what they can spend by 1975. They will have $100 billion over and above what they can spend. As one of them told me when I was in Saudi Arabia a year ago this month:

> Senator, can you think of a better investment than just keeping it in the ground?

The point I want to make, Mr. President, is that I do not think, even with a settlement, there is going to be any great incentive to them to export at an accelerated rate as long as they adhere to that philosophy. That is my premise, and I think we would be foolish to rely on an assumption that if a settlement occurs, they will suddenly allow an increase in their output.

Without an increase, we are certain to have problems, because we had looked to this area to provide for our growth requirements.

Our job is to get conservation measures into effect at once, and then to handle, on an emergency basis, coal conversion, stepped up coal and oil production, and, if necessary, to analyze the long-term strategic energy requirements.

Mr. BROOKE. I thank the Senator, because I fear many people are having false hopes as a result of the success they expect to come from negotiations between the Arabs and the Israelis. We certainly in New England, as the Senator so well pointed out, depend a lot upon oil which is imported into the country. Thank God we now have the Allocation Act that has been passed, and we will get some relief from that.

May I just ask one further question along the lines of the conservation measures? Is there any expectation that the Commerce Committee—and this question is addressed to the majority leader—will report to the Senate a bill on daylight saving time this week?

Mr. MANSFIELD. Yes; I am informed that that is so. I will yield to the Senator from South Carolina for a reply on that.

Mr. HOLLINGS. We are meeting at 2 o'clock this afternoon and hope to report the bill out of committee today.

Mr. MANSFIELD. Can the Senator indicate when the gas deregulation bill and the like should be reported?

Mr. HOLLINGS. That should be reported out of committee no later than Thursday. It could be reported out tomorrow.

If the distinguished leader would yield at that particular point, I would make the very important point that the exchange between the Senator from Washington and the majority leader brought up the need for an energy policy in this Government. We passed a bill on that subject last April with only 12 dissenting votes. Since then we have had Governor Love appointed as energy czar, but he has only 10 or 12 men on board to try to develop a policy. What we are in essence doing, as we stand here on the floor, is that the Senator from Washington pulls out a yellow sheet and he has a few statistics, and he says these are the facts, and the logistics problems are difficult. The statistical information is scattered.

I have withheld placing that bill on the emergency measure, but whenever a conservation bill comes up, we have agreed within the Commerce Committee to attach it on that particular measure, because we last week—and this is my point—listened with great interest to our distinguished President. He talked of a measure last year and once in April this year, but the distinguished President missed the point of changes in policy. Only a year ago today, we almost had the appointment of the Assistant Secretary of the Interior, Kenneth Lay, who was to be the energy czar. This was after the election. Kenneth Lay was going to be the energy czar.

Then in preparing the method, Under Secretary of State Dr. James Akron was appointed in December as the energy czar.

Thereupon, in January in return for a message to the Congress, the President changed again and said that we must have a super Cabinet post, and Secretary Butz, the Secretary in charge of the Department, would be the energy czar.

That was three times in 3 months.

Thereupon, the energy bill came to the floor of the Senate, and the administration changed one more time and said that what we would have would be a three-man committee and that they were thereby appointing Dr. Kissinger, Mr. Ehrlichman, and Secretary Shultz.

We started working with them, and then Mr. Bono, who was hired to submit an energy paper, was hired after he had submitted that paper.

Then we began working with the Assistant Secretary of the Treasury, Mr. Simon.

Then in June came the appointment of Governor Love. So we have had seven energy czars in the last year. We have yet to have one establish a policy. As was pointed out in the hearings, we had a sort of two-man committee.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate? There are too many conversations going on. The Senator from South Carolina is trying to address the Senate.

The PRESIDING OFFICER. The Senate will please come to order. Senators will please take their seats, and conversations will cease.

Mr. HOLLINGS. Mr. President, we then had Secretary Morton and Governor Love, but if we could have put that off we would have in that bill the appointment by the President of the same distinguished czar, Mr. Love, and have him correlate the information. There would then be a promulgation of national policy and we would have one place in which to find out what the policy is, rather than having the intermittent introduction of bills on the floor of the Senate.

Mr. GRAVEL. Mr. President, if the Senator would yield, is the committee going to release the regulation of oil bill?

Mr. HOLLINGS. They could bring before the Senate the deregulation bill. However, I do not believe that would be this week. The other bill is still in the committee.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I only wish to ask a question of the Senator from Washington. I thought he left the impression, in response to a question from the Senator from Massachusetts, that it was not really very important whether we get a settlement of the war in the Mideast and a resumption of the production of oil by the Arab countries. I think it might be true that the United States, with our resources and with conservation methods, might be able to cope better with that situation than other countries. However, does the Senator from Washington not think that Japan and the countries of Western Europe are much more dependent upon the Persian Gulf oil than we are? Unless we succeed in having the war in the Mideast settled, the whole world is going to be disrupted and we cannot escape the consequences of the failure of the Arab countries to produce, even though Western Europe and Japan would be much worse off than we would be. The Senator left the impression that it was not really important whether we got a settlement and the resumption of the production of oil.

Mr. JACKSON. Mr. President, that was not my intention. I was trying to be responsive to the question of the Senator from Massachusetts who had the impression, I thought, that if we had a settlement of the Israeli-Arab dispute, the oil would start to flow to the United States almost at once and that would make a great difference in what we had been discussing on the floor with reference to the oil shortage in the Northeast. That is not true. However, a settlement is important, not only to the United States, but also to the whole world. The United States can survive even with a cutoff in the Mideast. However, Europe gets 80 percent of its supply from the Mideast. They would be in serious trouble. Japan gets 90 percent of its supply from the Mideast, and they would be in even more trouble.

I did want to emphasize that there is a new school of thought in the Mideast about not stepping up the production of their petroleum output. They are looking down the road to the point where, they say, just by selling everything they can produce over there, they will suddenly be piled mountains high with dollars and currency which they could not invest. They would rather have a lower output for a longer period than had previously been projected by our experts.

I think this is a significant development. And we would be deluding ourselves if we were to presume that we will get an increase in oil from the Persian Gulf over what had previously been projected. In other words, we should not think that Saudi Arabia will be doubling their output by 1978. I do not think that this will happen, even with the best settlement that could possibly be worked out.

Mr. FULBRIGHT. I just wanted to make the point, and I think the Senator has answered that he agreed that it is extremely important that a settlement—a real settlement and not just a ceasefire—be brought about and that we cannot escape the effect of the reduction in the flow of Arab oil. We will be seriously affected by it, even though it will be worse for Japan and the countries of Western Europe.

Furthermore, I had the impression that the Senator meant that it was not very important as to whether a real settlement of the Mideastern situation is brought about. I think it is very important. We should encourage the Secretary of State to do everything he possibly can to bring about a negotiated settlement.

Mr. McCLURE. Mr. President, if the Senator will yield, I want to underscore what the Senator has had to say. I think the facts would indicate that our shortfall, which may be 20 percent nationwide now, would be reduced to something in the neighborhood of 5 percent. Our ability to take emergency conservation measures to meet that shortfall could be very greatly enhanced if our shortfall were only 5 percent, as it would be after the resumption of shipments from the Arab countries to our country. However, there would certainly be a time lag. We cannot assume that the emergency would be over immediately after the cessation of hostilities in the Mideast.

I commend the Senator from Arkansas for bringing out the fact that it is extremely important to this country and to our allies, Japan and the countries of Western Europe, that the conflict be brought to a successful cessation.

Mr. FULBRIGHT. Mr. President, I would also like to point out that Canada has been receiving a very large amount of oil from the Mideast. In turn, the Canadians are the largest single exporters of oil to our country. We get more oil from Canada than from any other country; more than 1.5 million barrels a day. If oil is unavailable from Canada, we will be in serious trouble.

I thought the impression was given that whatever the Arab countries do would not seriously affect us.

I think it is very important, and we are the key country. The United States and the Soviet Union have to agree, along with the Arabs and Israelis, on the settlement—a negotiated settlement based on the general principles of the United Nations Security Council resolution we have accepted as a basic guideline.

So I hope Congress will not undercut the Secretary of State's efforts to achieve a détente. I hope that we will support those efforts and not leave the country under a false impression that a settlement is not extremely important to us.

Mr. McCLURE. Will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. McCLURE. I think we have to couple that with the argument that without resumption of the flow of Arab oil to the United States and to our allies, emergency conservation measures alone cannot cover the shortfall. We will have severe shortages.

Mr. FULBRIGHT. That is right.

Mr. McCLURE. And the statistics which the Senator from Washington (Mr. JACKSON) read to us just a few minutes ago are certainly evidence of the fact that we cannot easily cope with a 40-percent shortage in New England, for instance, which will be the result if we do not get some kind of an accommodation that will result in the continuation of supplies from the Middle East. I think it is a matter of extreme urgency to us.

I thank the Senator for permitting me to comment.

Mr. FULBRIGHT. I agree with the Senator. I think it is extremely urgent.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after I am recognized tomorrow, the distinguished majority leader be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

ADDITIONAL APPROPRIATIONS FOR WORLD BANK

Mr. HARRY F. BYRD, JR. Mr. President, the President of the United States has asked Congress to approve an appropriation of $1.5 billion in additional funds for the International Development Association. This is a subsidiary of the World Bank. This request came to Congress last week.

I must be frank to say that I cannot support this proposal. It is an additional appropriation to the soft loan window of the World Bank.

In order to obtain the funds to give to the World Bank, the U.S. Government must go out on today's market and pay 8 percent interest. Then it plans to turn that money over to the World Bank at the soft loan window, which will then loan this money to other countries at three-fourths of one percent interest, over a 40-year period.

Mr. President, I submit that somewhere down the line this country has got to stop giving away—this Congress has got to stop giving away—funds taken out of the pockets of the hard working wage earners of this Nation.

What has Congress done already this year in regard to international financial institutions?

In the present budget is $2,250,000,000 to go to international financial institutions to make up for the devaluation of the American dollar.

How does that work?

The American taxpayer, being the generous person that he or she is, has contributed funds to international financial organizations. Then we devaluated the dollar, twice. As a result of those devaluations, the American dollar is worth less. So these financial institutions come back to Congress and say, "Well now, because the dollars you gave us are worth less, we want you to increase your contribution to make up for that difference"—which Congress has done. It did that to the tune of $2,250,000,000.

Now the President comes in with another proposal to give an additional $1.5 billion to the soft loan window of the World Bank.

As I have already said, I submit that, somewhere down the line, we must call a halt.

Mr. SYMINGTON. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I am glad to yield to the able Senator from Missouri.

Mr. SYMINGTON. I am very much impressed with what the able senior Senator from Virginia is saying. As he knows, for some years the soft loan window has been a matter of grave apprehension with me.

May I ask the Senator, how was this request for the one billion and a half made?

Mr. HARRY F. BYRD, JR. It was made in a statement from the President to Congress.

Mr. SYMINGTON. What committee will it come before? Will it be a supplemental or a continuing resolution?

Mr. HARRY F. BYRD, JR. So far as I can determine, it would of course come before the Appropriations Committee. Whether it would come before the Committee on Foreign Relations for authorization, that I am not certain of.

Mr. SYMINGTON. That was the thrust of my question. The able Senator has stated what I was worried about. If it comes in as an additional appropriation, that simply means it is a matter of money and not of legislative history as to whether it is justified on the basis of an analysis of our relationships with other countries.

That is the reason I asked the question and I thank the able Senator for bringing this up. I am now going downstairs to ask the Committee on Foreign Relations whether anything has been said on it to that committee.

Mr. HARRY F. BYRD, JR. I thank the Senator from Missouri very much. I might say it was the distinguished senior Senator from Missouri (Mr. SYMINGTON) who first brought to the attention of the Senate this matter of the soft loan window of the World Bank. It was because of his comments on the floor of the Senate that the Senator from Virginia became interested in this subject. I might also say that I have been following the leadership of the distinguished Senator from Missouri on this very vital matter.

Mr. SYMINGTON. I hope that the American people realize the care and diligence the able Senator from Virginia is using in trying to prevent this incredible outflow of dollars to foreign countries which has had so much to do with the deterioration of our own economy.

Mr. HARRY F. BYRD, JR. I appreciate the Senator's comments. He is certainly right about the outflow of dollars to foreign countries.

I hold in my hand the new requests for authorizations and/or appropriations for foreign aid and assistance contained in the fiscal 1974 budget document, the budget that Congress is now considering. It shows that new requests for foreign aid and assistance total $18 billion.

I repeat, $18 billion.

Included in that $18 billion is approximately $8 billion for the Export-Import Bank. That is in a little different category from the other $10 billion. But even if we leave out the amount for the Export-Import Bank, it still means that in the current budget there is more than $10 billion for foreign aid assistance.

Mr. SYMINGTON. The difference is really one of nomenclature instead of actuality, because I can remember when the question of the soft loan windows came up and, as the able Senator has pointed out, there is no repayment of the principal for 10 years, and in many cases, if not most, no interest—just a carrying charge. It really is a gift. Yet, because it is put as a loan, the expenses are far greater than if it was a gift because we have to follow it up like a loan. As one of those involved in it said, "They made the AID agency the greatest bank in the world. The only trouble is, no one in the agency knows anything about banking."

So again I congratulate the able Senator from Virginia on his remarks.

Mr. HARRY F. BYRD, JR. I appreciate the Senator's bringing out those points.

I might say in that connection that the subcommittee of which I am chairman, the Subcommittee on International Finance and Resources, established last week that 108 different countries owe money to the United States.

I repeat, 108 different countries—for a total of $58 billion. Thus, we have been very generous. Besides that amount, we have given away to foreign countries—not loaned, $58 billion outstanding on loans—more than $130 billion since the end of World War II.

Now, Mr. President, if Congress were to approve this $1.5 billion additional for the International Development Association, the government does not have the money so that it must go out into the open market and borrow it. As I mentioned earlier in my comments, the Government today is paying 8 percent—actually, in today's newspaper it is listed as 8.3 percent—for the money.

In September, the Government of the United States paid over 9 percent to borrow funds to operate the Government. So I say it is certainly not reasonable or logical or right to dip further into the pockets of the wage earners of our Nation for money to turn over to these international banking institutions, which in turn lend this money at very low interest rates, with the principal to be paid over a 40-year period.

Incidentally, the principal is not repaid to the United States. That is what many persons overlook when they consider these international financial institutions.

That money never comes back to the United States. If it comes back at all, it comes back to the international financial institutions.

The only place the United States can obtain money, the only place Congress can obtain money, the only place the President of the United States can obtain money is out of the pockets of the people who work, out of the pockets of the wage earners, through taxes.

In light of all the funds we have already appropriated and spent for the benefit of foreign nations, I do not believe that we should go into another big program of $1.5 billion in additional appropriations to the World Bank. This is a tremendous amount of money.

In my judgment, our country is in a very desperate financial situation.

Frankly, my view is a minority view among my colleagues in Congress. I hope that the majority of my colleagues are correct, that we do not need to worry as much as I am worrying about the Government's financial situation.

But I am convinced that they are not correct, and I am convinced that I am correct in my assertion that we are facing a very severe situation in the huge deficits that the Government has been running over a long period of time.

I will give an example. Let us take the last five budgets. In 1970, the Federal funds deficit was $13.1 billion; in 1971, it was $30 billion; in 1972, it was $29.2 billion; in 1973, the year which ended last June, it was $24.9 billion; and the projected deficit for the current fiscal year, ending June 30, 1974, is $18.8 billion.

The accumulated deficit in that 5-year period totals $115 billion, and it represents 25 percent of the total national debt.

Stated another way, 25 percent of the total national debt has been incurred during the 5-year period ending next June.

The interest on the national debt in this year's budget is $27.5 billion. That is just the interest on the debt, the interest charge.

The figure of $27.5 billion is twice as much money as this Government will spend this year on its entire weapons systems acquisition program. The measure passed by the Senate and by the House of Representatives and agreed to in conference for weapons acquisitions in the procurement bill is, in round figures, $13 billion. The difference between the $21 billion in the procurement bill and the $13 billion—the additional $8 billion—is for research and development.

So I submit, Mr. President, that when we are running these smashing deficits—and they are smashing deficits—we would be very unwise to approve the President's request for an additional $1.5 billion for the World Bank. There must be an end to this generosity somewhere, and I think now is the time to call a halt.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a table giving in detail the new requests for authorization and/or appropriation for foreign aid and assistance contained in the fiscal year 1974 budget document. This table was prepared by the Subcommittee on Appropriations of the Committee on Foreign Operations of the House of Representatives, headed by Representative OTTO E. PASSMAN, of Louisiana.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

New requests for authorization and/or appropriation for Foreign Aid and Assistance contained in the fiscal year 1974 budget document

1. Foreign Assistance Act (includes military assistance)	$2,428,850.000
2. Overseas Private Investment Corporation	72,500,000
3. Foreign Military Credit Sales	525,000,000
4. Inter-American Development Bank	693,380,000
5. International Development Association	320,000,000
6. Asian Development Bank	100,000,000
7. Asian Development Bank (proposed)	108,571,000
8. Asian Development Bank (maintenance of value)	24,000,000
9. International Development Association (maintenance of value)	161,000,000
10. Inter-American Development Bank (maintenance of value)	510,000,000
11. Internat'l Bank of Reconst. & Dev't. (maintenance of value)	774,000,000
12. International Monetary Fund (maintenance of value)	756,000,000
13. Maintenance of Value Adjustment	25,000,000
14. Receipts and Recoveries from Previous Programs	394,464,000
15. Military Assistance (in Defense budget)	1,930,800,000
16. International Military Headquarters	85,800,000
17. MAAG's, Missions and Milgroups	168,100,000
18. Permanent Military construction-Foreign Nations	190,700,000
19. Export-Import Bank, Long-term Credits	3,850,000,000

20. Export-Import Bank, Regular Operations	$2,200,000,000
21. Export-Import Bank, Short-term Operations	1,600,000,000
22. Peace Corps	77,001,000
23. Migrants and Refugees	8,800,000
24. Public Law 480 (Agricultural Commodities)	653,638,000
25. Contribution to International Organizations	199,787,000
26. Education (Foreign and Other Students)	59,800,000
27. Trust Territories of the Pacific	$56,000,000
28. Latin America Highway (Darien Gap)	30,000,000
Grand total	18,003,191,000

NOTE.—Total appropriation requests for maintenance of value amount to $2,250,000,000.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent to have printed in the RECORD three tables I have had prepared, showing the deficits in Federal funds and interest on the national debt, and various other financial information dealing with the U.S. Government, some of it going back for a 20-year period.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1955–74 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1955	$58.1	$62.3	−$4.2	$6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.3
1958	66.6	69.7	−3.1	7.8
1959	65.8	77.0	−11.2	7.8
1960	75.7	74.9	+.8	9.5
1961	75.2	79.3	−4.1	9.3
1962	79.7	86.6	−6.9	9.5
1963	83.6	90.1	−6.5	10.3
1964	87.2	95.8	−8.6	11.0
1965	90.9	94.8	−3.9	11.8
1966	$101.4	$106.5	−$5.1	$12.6
1967	111.8	126.8	−15.0	14.2
1968	114.7	143.1	−28.4	15.6
1969	143.3	148.8	−5.5	17.7
1970	143.2	156.3	−13.1	20.0
1971	133.7	163.7	−30.0	21.6
1972	148.8	178.0	−29.2	22.5
1973	161.3	186.2	−24.9	24.2
1974 [1]	181.0	199.8	−18.8	27.5
20-year total	2,056.2	2,270.6	−214.4	273.4

[1] Estimated figures.

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

Sources: Office of Management and Budget and Treasury Department.

[In billions of dollars]

	Fiscal year—						
	1968	1969	1970	1971	1972	1973	[1] 1974
Receipts:							
Individual income taxes	$69	$87	$90	$86	$95	$103	$116
Corporate income taxes	29	37	33	27	32	36	42
Total	98	124	123	113	126	139	158
Excise taxes (excluding highway)	10	11	10.3	10.5	9.1	9.9	9.9
Estate and gift	3	3.5	3.6	3.7	5.2	5.0	5.4
Customs	2	2.3	2.4	2.6	3.2	3.2	3.5
Miscellaneous	2.5	3.0	3.4	3.9	3.5	3.9	4.2
Total Federal fund receipts	116	143	143	134	149	161	181
Trust funds (social security, retirement, highway)	$38	$44	$51	$54	$60	$71	$85
Total	154	188	194	188	209	232	266
Expenditures:							
Federal funds	143	149	156	164	178	186	200
Trust funds	36	36	40	48	54	61	69
Total	179	185	196	212	232	247	269
Unified budget surplus (+) or deficit (−)	−25	+3.1	−2	−24	−23	−15	−3
Federal funds deficit	27	6	13	30	29	25	19

[1] Estimated figures.

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
Dec. 31, 1957	22.8	24.8	15.8
Dec. 31, 1970	10.7	14.5	47.0
Dec. 31, 1971	10.2	12.2	67.8
Dec. 31, 1972	10.5	13.2	82.9
Mar. 31, 1973	10.5	12.9	90.9

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

Source: U.S. Treasury Department.

PROHIBITION ON THE IMPORTATION OF RHODESIAN CHROME

Mr. HARRY F. BYRD, JR. Mr. President, the distinguished majority leader announced to the Senate today that probably next Monday, Calendar 388, S. 1868 will be called up for action by the Senate. This is a bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome to the United States. It was introduced by the distinguished Senator from Minnesota (Mr. HUMPHREY).

The legislation Senator HUMPHREY's proposal would repeal says this:

The President may not prohibit the importation of a strategic material from a non-Communist country if such material is imported from a Communist-dominated country.

Except for the fact that the United Nations does not like it, and Russia does not like it—what is the matter with the existing legislation, which was passed by the Congress, signed by the President, and upheld by the courts?

I believe that the proposal by Senator HUMPHREY needs very careful consideration. It needs careful consideration in a number of different areas.

First, I think there should be full discussion as to whether it is wise to repeal legislation which Congress enacted 2 years ago, legislation which had the support and the affirmative vote of representatives from 46 of the 50 States.

The proposal offered by the distinguished Senator from Minnesota (Mr. HUMPHREY) would repeal legislation which the Senator from Virginia sponsored 2 years ago. As I say, that legislation was enacted—when we take the votes of the Senate and the House of Representatives—by the affirmative votes of representatives from 46 of the 50 States. I think that is a significant fact that should be given careful consideration.

Second, the legislation proposed by the Senator from Minnesota (Mr. HUMPHREY) would amend the United Nations Participation Act. This brings up the question of what other amendments should be presented at this time to an act which was passed 28 years ago. The Senate, I should think, would want to consider in some detail the entire question of the United Nations Participation Act, and undoubtedly Senators will want to present amendments thereto.

Third, during consideration of the proposed legislation, the Senate, I should think, would want a full-scale debate on the United Nations itself. The membership of the United Nations has changed drastically since the Senate authorized participation in 1945.

At that time there were 51 member nations; now there are 135 member nations.

Fourth, I believe the Senate will wish to discuss the background of the United Nations action against Rhodesia. It will be of interest to inquire as to how a small, land-locked African nation, which has attacked no one, was officially declared by the U.N. Security Council to be "a threat to the peace," when no such action was taken against North Vietnam during its long aggression in Southeast Asia, or against the Soviet Union and the Warsaw Pact nations at the time of the 1968 invasion of Czechoslovakia.

Fifth, I would hope that the managers of the bill presented by the Senator from Minnesota would be prepared to discuss in some detail the governments and potential contributions of the new members—namely, those admitted to membership after the original 51. The Senate and the Nation, I believe, would be interested in just what types of governments these new United Nations members have.

Sixth, I should think the Senate and the people of our Nation would have great interest in the financial aspects of the United Nations. Most certainly, we should know, and consideration of the proposed legislation would present a good opportunity to get a full accounting, just how much money the United States has contributed to the United Nations since it was organized in 1945. We need to know not just the regular assessments—the dollar amount and percentages, and so forth—but also the various voluntary contributions with dollar amounts, percentages, and so forth.

These are a few thoughts that come to my mind, and undoubtedly other Senators will have many other areas that should be explored during consideration of the proposed legislation.

It has been many years since there has been a full-scale discussion in the Congress as to the role of the United Nations and its many ramifications.

Now would be a good time to give full consideration to the various matters I have mentioned above.

I hope when this legislation is called up, possibly next week, that the Senate would enter into a full-scale discussion of the United Nations, the many problems concerning that world organization, and the financial contributions of the United States to it.

I end as I began:

The legislation Senator HUMPHREY's proposal would repeal says this:

The President may not prohibit the importation of a strategic material from a non-Communist country if such material is imported from a Communist-dominated country.

Except for the fact that the United Nations does not like it, and Russia does not like it—what is the matter with the existing legislation, which was passed by the Congress, signed by the President, and upheld by the courts?

ORDER FOR AGREEMENT TO COMMITTEE AMENDMENTS TO S. 2589 AT THE TIME OF ITS CONSIDERATION

Mr. JACKSON. Mr. President, in line with the desire of all of us to expedite action on the emergency energy bill, S. 2589, which has been reported by the Committee on Interior and Insular Affairs, I ask unanimous consent that when the Senate proceeds to the consideration of S. 2589, the committee amendments be considered as having been agreed to en bloc and that the bill as amended be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M.

Mr. HARRY F. BYRD, JR. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 1:25 p.m., the Senate adjourned until Wednesday, November 14, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 13, 1973:

DEPARTMENT OF JUSTICE

Evan LeRoy Hultman, of Iowa, to be U.S. attorney for the northern district of Iowa for the term of 4 years. Reappointment.

IN THE NAVY

Rear Adm. Eli T. Reich, U.S. Navy, retired, for appointment to the grade of vice admiral on the retired list pursuant to title 10, United States Code, section 5233.

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designed by the President under subsection (a) of section 8066, in grade, as follows:

To be lieutenant general

Maj. Gen. Royal N. Baker, [redacted]FR (major general, Regular Air Force), U.S. Air Force.

HOUSE OF REPRESENTATIVES—*Tuesday, November 13, 1973*

The House met at 12 o'clock noon.

Rev. Edward M. Gladden, St. Andrew's Methodist Church, Salisbury, Md., offered the following prayer:

Our Father, inspire the Members of this body, and the people of this Republic, to fulfill their destiny as a nation that Thou hast blessed; here they have come citizens from every race. Here they have found refuge; here they built homes; and here they invested their lives. We thank Thee for those who were heroic in times of peril, and gave freely to the last full measure of devotion. Let us not waste their sacrifice. Teach us to bring durable peace out of war, order out of chaos, brotherhood out of conflict. So may our people learn to do justly, love mercy, and walk humbly with Thee.

We commend the Congress of our great Nation to Thy loving care and fatherly goodness. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE REVEREND EDWARD M. GLADDEN

(Mr. BAUMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. BAUMAN. Mr. Speaker, the Reverend Mr. Edward M. Gladden comes to us today from the United Methodist Church of Salisbury on the Eastern Shore of Maryland. A distinguished member of his community, he was born in Chance, Somerset County, Md., which is the mother county of that great area of the Free State. He has pastored several churches on his native Eastern Shore and his pastorate now includes St. Andrew's in Salisbury and Melson's near Delmar, with more than a thousand souls.

After elementary and high school, he attended Wesley College in Dover, Del., and Duke Divinity School, Duke University, Durham, N.C. He has had pastorates at Galestown and Newark, Md., and on beautiful Smith Island, out in the Chesapeake Bay, one of the most picturesque communities in my district.

I know all the Members welcome Reverend Gladden here today and thank him for his inspirational prayer which has opened our session.

THANKSGIVING RECESS

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, the program which has been announced for the next few weeks calls for a 10-day recess over Thanksgiving. I cannot in good conscience agree with such a schedule. The Congress has work to do. We still have three appropriations bills to pass in the House and numerous others to deal with by way of conference reports. The confirmation vote on Vice-President-designate GERALD R. FORD, is of the utmost importance. The appointment of a special prosecutor is legislation which by all means deserves immediate attention. The trade bill, the pension bill, the social security bill, and numerous other pieces of legislation demand attention. We are living in a period of crises. For the Congress to leave Washington at a time when the country and, indeed, the world is in a period of crisis is neither wise nor prudent. I believe our people will not look approvingly on a congressional 10-day recess. I suggest we stay on the job.

FROM DEPENDENCY TO INDEPENDENCY IN ENERGY

(Mr. HANNA asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, I have been very impressed by the responses that have come from the administration and the work that is being done by the Congress on the crisis of energy. I am disturbed, however, that we have very little other than a crisis response.

I should like to point out to the House that the most important thing that we can do is to look at the constructive things that are going to be required to meet the long-range thrust of what a movement from dependence to inpendence in energy will mean. I am very disturbed that there is not being addressed to this House plans and projects predicated on a reality of knowing where the money is going to come from, where the manpower is going to come from, and where the materials are going to come from to establish these new projects and these new sources that will support the economy of the United States.

Mr. Speaker, I sorely am afraid that we are looking at an increase in unemployment in the dimensions of 6 percent next year, and, if we do not act affirmatively and effectively, perhaps as much as 13-percent unemployment in the next 3 years.

ANNOUNCEMENT OF RECESS FROM NOVEMBER 15 TO NOVEMBER 26, 1973

(Mr. O'NEILL asked was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I take this time to make an announcement. Upon the conclusion of the legislation which is now being managed by the gentleman from New York (Mr. ROONEY), I will offer a concurrent resolution that when the House adjourns on Thursday, November 15, 1973, it stand adjourned until 12 o'clock meridian, Monday, November 26, 1973.

APPOINTMENT AS MEMBER OF FEDERAL COUNCIL ON ARTS AND HUMANITIES

The SPEAKER. Pursuant to the provisions of section 9(b), Public Law 89-209, as amended by section 2(a)(8), Public Law 93-133, the Chair appoints as a member of the Federal Council on the Arts and the Humanities the gentlewoman from Connecticut (Mrs. GRASSO).

CONFERENCE REPORT ON H.R. 8916, DEPARTMENTS OF STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. ROONEY of New York. Mr. Speaker, I call up the conference report on the bill (H.R. 8916) making appropriations for the Departments of State, Justice, Commerce, the Judiciary, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 576]

Ashley
Blackburn
Burke, Calif.
Chappell
Chisholm
Clark
Clausen,
  Don H.
Conlan
Conte
Davis, Wis.
Dellums
Diggs
Du Pont
Edwards, Calif.
Esch
Gonzalez
Gray
Gubser
Hébert
Heckler, Mass.
Jarman
Jones, Okla.
Keating
Kluczynski
Lent
McKay
Mathias, Calif.
Mizell
Murphy, N.Y.
Nelsen
O'Hara
Powell, Ohio
Rees
Reid
St Germain
Skubitz
Steele
Stephens
Teague, Tex.
Thompson, N.J.
Tiernan
Young, S.C.

The SPEAKER. On this rollcall 391 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CONFERENCE REPORT ON H.R. 8916, DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, 1974

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement.

(The conference report and statement, see proceedings of the House of November 8, 1973.)

Mr. ROONEY of New York (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The gentleman from New York (Mr. ROONEY) is recognized for 30 minutes, and the gentleman from Michigan (Mr. CEDERBERG) is recognized for 30 minutes.

The Chair now recognizes the gentleman from New York.

(Mr. ROONEY of New York asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, the pending bill (H.R. 8916) which makes appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1974, and for other purposes, as agreed to by the House-Senate conferees, contains a total of $4,466,012,000 in new obligational authority plus $221,515,000 for liquidation of contract authorizations.

The bill before you is $313,066,000 above the bill as originally passed by the House. However, the other body considered estimates totaling $287,821,000 which were not considered by the House.

This bill is $56,889,000 below the total of the budget estimates, and it is $2,313,081,850 below the total new obligational authority for fiscal year 1973.

Mr. Speaker, I should like at this time to express my appreciation to all of the members of the subcommittee as well as the full committee for their cooperation and assistance in connection with this year's bill. I especially want to commend the distinguished and highly capable gentleman from West Virginia (Mr. SLACK) for so ably chairing the subcommittee during my illness.

Mr. Speaker, at this time I ask unanimous consent to insert in the RECORD a table giving by departments and agencies the details of the bill as agreed to by the conferees, and also that I may be permitted to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

(The material referred to follows:)

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, 1974

						Conference action compared with—			
Department or agency (1)	New budget (obligational) authority, fiscal year 1973 (2)	Budget estimates of new (obligational) authority, fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conference action (6)	New budget (obligational) authority, fiscal year 1973 (7)	Budget estimates of new (obligational) authority, fiscal year 1974 (8)	New budget (obligational) authority recommended in House bill (9)	New budget (obligational) authority recommended in Senate bill (10)
Department of State	$587, 185, 650	$633, 050, 000	$595, 571, 000	$606, 482, 750	$618, 559, 000	+$31, 373, 350	−$14, 491, 000	+$22, 988, 000	+$12, 076, 250
Department of Justice	1, 778, 078, 000	1, 860, 824, 000	1, 808, 112, 000	1, 844, 262, 000	1, 842, 262, 000	+64, 184, 000	−18, 562, 000	+34, 150, 000	−2, 000, 000
Department of Commerce	1, 612, 074, 500	1, 210, 992, 000	961, 804, 000	1, 227, 852, 000	1, 223, 578, 000	−388, 496, 500	+12, 586, 000	+261, 774, 000	−4, 274, 000
The Judiciary	193, 642, 600	205, 529, 000	202, 364, 000	204, 514, 000	203, 442, 000	+9, 799, 400	−2, 087, 000	+1, 078, 000	−1, 072, 000
American Battle Monuments Commission	3, 711, 000	3, 800, 000	3, 800, 000	3, 800, 000	3, 800, 000	+89, 000			
Arms Control and Disarmament Agency	10, 000, 000	7, 735, 000	6, 935, 000	7, 935, 000	7, 735, 000	−2, 265, 000		+800, 000	−200, 000
Commission on American Shipbuilding	550, 000	205, 000	205, 000	205, 000	205, 000	−345, 000			
Commission on Civil Rights	4, 948, 000	5, 814, 000	5, 566, 000	5, 814, 000	5, 700, 000	+752, 000	−114, 000	+134, 000	−114, 000
Commission on the Organization of the Government for the Conduct of Foreign Policy	200, 000	1, 100, 000		1, 100, 000	1, 050, 000	+850, 000	−50, 000	+1, 050, 000	−50, 000
Department of the Treasury, Bureau of Accounts: Fishermen's Protective Fund	3, 000, 000					−3, 000, 000			
Equal Employment Opportunity Commission	32, 000, 000	46, 934, 000	40, 000, 000	46, 934, 000	43, 000, 000	+11, 000, 000	−3, 934, 000	+3, 000, 000	−3, 934, 000
Federal Maritime Commission	5, 679, 000	6, 040, 000	6, 000, 000	6, 000, 000	6, 000, 000	+321, 000	−40, 000		
Foreign Claims Settlement Commission	16, 943, 000	810, 000	800, 000	800, 000	800, 000	−16, 143, 000	−10, 000		
International Radio Broadcasting	39, 670, 100	49. 934, 000	45, 000, 000	45, 000, 000	45, 000, 000	+5, 329, 900	−4, 934, 000		
Marine Mammal Commission		825, 000	412, 000	825, 000	412, 000	+412, 000	−413, 000		−413, 000
National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance		332, 000	332, 000	332, 000	332, 000	+332, 000			
National Commission on Fire Prevention and Control	450, 000					−450, 000			
National Tourism Resources Review Commission	400, 000					−400, 000			
Small Business Administration	2, 273, 530, 000	248, 273, 000	248, 123, 000	248, 123, 000	248, 123, 000	−2, 025, 407, 000	−150, 000		
Special representative for trade negotiations	1, 014, 000	1, 550, 000	1, 500, 000	1, 500, 000	1, 500, 000	+486, 000	−50, 000		
Subversive Activities Control Board	350, 000					−350, 000			
Tariff Commission	6, 000, 000	7, 300, 000	7, 000, 000	7, 300, 000	7, 100, 000	+1, 100, 000	−200, 000	+100, 000	−200, 000
United States Information Agency	209, 668, 000	231, 854, 000	219, 422, 000	200, 699, 500	207, 414, 000	−2, 254, 000	−24, 440, 000	−12, 008, 000	+6, 714, 500
Total, new budget (obligational) authority	6, 779, 093, 850	4, 522, 901, 000	4, 152, 946, 000	4, 459, 478, 250	4, 466, 012, 000	−2, 313, 081, 850	−56, 889, 000	+313, 066, 000	+6, 533, 750
Appropriations to liquidate contract authorizations	(232, 000, 000)	(221, 515, 000)	(221, 515, 000)	(221, 515, 000)	(221, 515, 000)	(−10, 485, 000)			

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I am happy to yield to my friend, the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman from New York for yielding. I would like to say at the outset that I am more than pleased to see my friend, the gentleman from New York, back, I might say, at the old stand handling this bill on the House floor. I am happy to see the gentleman has recovered from his illness, and I hope that the gentleman from New York will be with us for a long, long time. While the gentleman from New York has been ably represented by the vice chairman, the gentleman from West Virginia (Mr. SLACK), it has not been quite the same in the absence of Mr. ROONEY. It is good to have him back.

Mr. Speaker, I should like to ask a question concerning a favorite topic when a State Department appropriation bill comes before the House, and that is the increase for representation allowances. Does that mean that booze and food, as indulged in by the State Department, has increased in price, or more of it is being consumed, or is this due to the devaluation of the dollar?

Mr. ROONEY of New York. I should like to say to my distinguished friend, the gentleman from Iowa (Mr. GROSS), that I thank him for his kind remarks. I have always had high regard for the gentleman personally. The gentleman has always been my friend, even though we have disagreed at times. I think that together we have accomplished some significant things over the many years in saving the taxpayers' money.

In response to the inquiry of the gentleman from Iowa, may I say that the amount approved by the conferees would not allow over a gill more than they presently have in alcoholic beverages. However, we must realize that the price of Coca-Cola and Pepsi-Cola has advanced to such an extent over a good part of the world that it became necessary to allow this slight increase in this item for representation allowances.

The House conferees did succeed in saving some money by helping to make up for this increase in other boards and commissions where the other body allowed funds to do quite a bit of entertaining.

Mr. GROSS. Is the gentleman from New York saying that Pepsi-Cola and Coca-Cola have become heavy items of consumption in the State Department these days?

Mr. ROONEY of New York. Oh, they always have been.

Mr. GROSS. Is that due to the influence of our new Secretary of State?

Mr. ROONEY of New York. No, the consumption started quite a few years back. They have had to drink Coca-Cola exclusively in many countries where alcoholic beverages are not permitted.

Mr. GROSS. Does the gentleman think that the Department of State will be content and satisfied with $1,200,000 for what my friend, the gentleman from New York, has been pleased to call tools of the trade?

Mr. ROONEY of New York. I should think they should be.

Mr. GROSS. I thank the gentleman for his response.

With respect to the payments for the International Center in Washington, D.C., an item of $2,200,000, was there such an item in the original House bill?

Mr. ROONEY of New York. It was not authorized at the time that this bill was before the committee.

Mr. GROSS. But it is now authorized; is that correct?

Mr. ROONEY of New York. It is presently authorized.

Mr. GROSS. I thank the gentleman.

Mr. CEDERBERG. Mr. Speaker, the

distinguished chairman of our subcommittee, the gentleman from New York (Mr. ROONEY), has adequately explained this conference report. I just want to say that I am sure I can speak for all of the members of the subcommittee and the Members of the House that we are delighted to see that the chairman is back and feeling well, and to note that when he was in conference with the Members of the other body, he was the same JOHN ROONEY we have always known.

Mr. ROONEY of New York. Will the distinguished gentleman from Michigan yield?

Mr. CEDERBERG. I yield to the gentleman from New York.

Mr. ROONEY of New York. I sincerely thank the gentleman. I will tell the gentleman one thing: I would feel much better if there were some heat in this Chamber. I think there is no sense in our coming here and spending all day in this temperature. I have been told not too many months ago that if I get another cold, I am in trouble.

Mr. CEDERBERG. May I say to the distinguished gentleman we will wind this up in a real hurry. The rumor is they turned on the air-conditioning so we could get the temperature down to 65. With all of the hot air in here, sometimes it is hard to keep it as cool as it has been.

Mr. Speaker, I should just like to say I have no further requests for time, and I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of the conference report on H.R. 8916, making appropriations for the Departments of State, Justice, and Commerce and related agencies for fiscal year 1974. I specifically single out the appropriation of $245 million for the programs under the Economic Development Administration.

As my colleagues know, the administration at the beginning of the year opposed the extension of EDA and requested only termination funds for this program. I am pleased that Congress saw fit to extend this valuable act despite these objections. The President reconsidered and signed the 1-year extension.

Since these events took place during the consideration of H.R. 8916, this body did not have the opportunity to consider any program appropriation request for EDA. Consequently, conferees could only review action taken by the other body which acted on the administration's recommendations for EDA funds. I am pleased that all moneys appropriated by the Senate have been retained in conference.

However, the $245 million is considerably less than previous years' appropriations. Additionally, vital programs under EDA have received no funding whatsoever. Title III district funds are lacking. Title II business loans have been eliminated. I am confident, though, that funds for districts, totaling $6.5 million will be included in a supplemental appropriation bill now in committee and expected later this month. This program deserves our extended support. Districts are a proven workable tool to deliver the Federal dollar to meet the local need.

Additionally, the supplemental could fill any dollar gap created by the early commitment of fiscal year 1974 EDA funds. I hope EDA considers itself in full operation for the entire fiscal year, and does not attempt to terminate operation at the beginning of the 1974 calendar year.

I urge passage of this conference report.

Mr. McCLORY. Mr. Speaker, it appears that the conference report in making appropriations for the Department of Justice—accompanying H.R. 8916—includes funds totaling $870 million for the Law Enforcement Assistance Administration—LEAA.

Mr. Speaker, it is my understanding that of this sum, the National Institute on Law Enforcement and Criminal Justice will receive approximately $40 million for fiscal year 1974. This sum should enable the National Institute to make a substantial start in fulfilling its important roles of research and training, as well as the numerous other related activities for which this important agency is responsible.

Mr. Speaker, I have been favorably impressed with the expanded authority granted to the National Institute, and I have been tremendously impressed by its Director, Jerry Kaplan. I hope that substantial progress in behalf of the vital assistance to the local and State law enforcement agencies and all others concerned with law enforcement and criminal justice will occur during the coming year.

Mr. RAILSBACK. Mr. Speaker, I am pleased to add my vote in favor of passage of the conference report on H.R. 8916, State, Justice, Commerce, and judiciary appropriations for fiscal year 1974.

Last June when the legislation was considered by the House, I offered an amendment to the judiciary appropriations section of H.R. 8916 which would have the effect of restoring 170 probation officers.

Members of Subcommittee No. 3, on which I serve as ranking Republican, have had an opportunity to investigate many prisons. We had the opportunity to hear the testimony of people who are expert in the field of corrections, including people with the administration and people outside of the administration.

Time after time, expert witness after expert witness made the point that something is wrong in this country when we have a recidivism rate that points out nearly three-fourths of our first-time youthful offenders who have gone to prison are going to be back in prison within a 5-year period. Our entire criminal justice system could and should be indicted on that particular statistic alone.

Of some encouragement is that various probation systems have provided the exoffender with the support to become a meaningful part of society. However, unfortunately, the probation caseload is expanding so rapidly that a probation officer may have a caseload as high as 80 or more.

The witnesses the committee heard stated that a good caseload would be about 35 cases per caseworker. I would suggest to all of you that if we really want to do something about crime—if we really want to do something about the rates of recidivism—we cannot cut the funding of our probation officers.

My amendment, adopted by the full House membership earlier in the year, appropriated $83,372,000 for supporting personnel. This figure was increased to $83,522,000 by the Senate, and the joint House-Senate conference has set that figure at $83,450,000. I am convinced this is a fair figure, and I would hope there would be no delay in passage of the conference report today on H.R. 8916.

While there are quite obviously many other important sections of the legislation, I am particularly concerned that we provide funds to assist the young offender—for he has the potential to become either tomorrow's law-abiding citizen or tomorrow's costly liability caught in the revolving door of recidivism. I strongly believe that a dollar spent on rehabilitation of the young offender is the best investment we can make, and the legislation before us will go a long way in providing the needed resources.

I urge immediate passage of the conference report on H.R. 8916, the State, Justice, Commerce, and judiciary appropriations bill for fiscal year 1974.

Mr. ROONEY of New York. I thank the gentleman.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 394, nays 11, not voting 28, as follows:

[Roll No. 577]

YEAS—394

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bowen
Brademas
Brasco

Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
King
Koch
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Brien
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—11

Archer
Byron
Collins, Tex.
Conyers
Crane
Gross
Ichord
Landgrebe
Rarick
Shuster
Symms

NOT VOTING—28

Blackburn
Bolling
Burke, Calif.
Clausen, Don H.
Conlan
Conte
Davis, Wis.
Dellums
du Pont
Gray
Gubser
Keating
Kluczynski
Kuykendall
Lent
Mailliard
Mathias, Calif.
Mizell
Murphy, N.Y.
Nelsen
O'Hara
Patman
Powell, Ohio
Reid
Rousselot
St Germain
Stephens
Stuckey

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Murphy of New York with Mr. Gubser.

Mr. Kluczynski with Mr. Davis of Wisconsin.

Mr. O'Hara with Mr. Conte.

Mr. Reid with Mr. Conlan.

Mr. Gray with Mr. Blackburn.

Mrs. Burke of California with Mr. du Pont.

Mr. Stephens with Mr. Don H. Clausen.

Mr. St Germain with Mr. Dellums.

Mr. Stuckey with Mr. Kuykendall.

Mr. Patman with Mr. Lent.

Mr. Mailliard with Mr. Mizell.

Mr. Rousselot with Mr. Nelsen.

Mr. Powell of Ohio with Mr. Mathias of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24; page 23, insert the following:

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including hire of passenger motor vehicles; payment in advance for special tests and studies by contract; not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed 344 passenger motor vehicles (of which 210 are for replacement only) for police-type use without regard to the general purchase price limitation for the current fiscal year; payment of rewards; payment for publication of technical and informational material in professional and trade journals; purchase of chemicals, apparatus, and scientific equipment; payment for necessary accommodations in the District of Columbia for conferences and training activities; lease, maintenance, and operation of aircraft; employment of aliens by contract for services abroad; research related to enforcement and drug control; $107,230,000, of which not to exceed $4,500,000 for such research shall remain available until expended.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26: Page 25, line 5, insert the following: ": *Provided*, That notwithstanding the provisions of this section, not to exceed $7,821,000 from any funds in the Treasury of the United States to the credit of the District of Columbia shall be available for reimbursement to the United States pursuant to this section."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 27: On page 26, line 12, insert the following:

ADMINISTRATION OF ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For necessary expenses of administering the economic development assistance programs, not otherwise provided for, $19,000,000, of which not to exceed $800,000 may be advanced to the Small Business Administration for proccessing of loan applications: *Provided*, That none of the funds appropriated in this Act or otherwise available for expenditure by the Department of Commerce shall be used to discontinue or phase out the economic development assistance programs (including Regional Action Planning Commissions) undertaken under the Public Works and Economic Development Act of 1965, as amended.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 30: On page 28, line 6, insert the following:

DEVELOPMENT FACILITIES

For grants and loans for development facilities as authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 266; 83 Stat. 219; 84 Stat. 375, 85 Stat. 166), $159,000,000 of which not more than $25,000,000 shall be for grants and loans to Indian tribes, as authorized by title I, section 101(a) and title II, section 201(a) of such Act: *Provided*, That upon the enactment of the Indian Tribal Government Grant Act the unobligated balances of the amounts appropriated for Indian tribes under title I, section 101(a) and title II, section 201(a) shall be transferred to carry out such purposes of the Indian Tribal Government Grant Act: *Provided further*, That none of the above amounts shall be subject to the restrictions of the last sentence of section 105 of the Public Works and Economic Development Act of 1965, as amended.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

DEVELOPMENT FACILITIES

For grants and loans for development facilities as authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 266; 83 Stat. 219; 84 Stat. 375; 85 Stat. 166), $159,000,000 of which not more than $25,000,000 shall be for grants and loans to Indian tribes, as authorized by title 1, section 101(a) and title II, section 201(a) of such Act: Provided, That upon enactment of the Indian Tribal Government Grant Act the unobligated balances of the amounts appropriated for Indian tribes under title 1, section 101(a) and title 11, section 201(a) shall be transferred to carry out such purposes of the Indian Tribal Government Grant Act.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37: On page 33, line 1, insert the following:

COASTAL ZONE MANAGEMENT

For carrying out the provisions of Public Law 92-583, approved October 27, 1972, $15,000,000, to remain available until expended. This appropriation shall be in addition to the appropriations otherwise made to the National Oceanic Atmospheric Administration by this Act and expenditures of such other appropriations shall not be reduced on account of expenditures of this appropriation: *Provided*, That States eligible for grants under the requirements of section 305 or 306 of Public Law 92-583 shall be entitled to receive a pro rata share of the amounts appropriated for uses according to the provisions of such sections of such Act. No finding of invalidity or absence of rule or regulation promulgated pursuant to such Act shall be construed to prevent obligation or expenditure of funds appropriated under this Act to such eligible States: *Provided further*, That this appropriation shall not be used by a recipient coastal State for areas outside its coastal zone which it has included in an application for Federal financial assistance under a national land use policy and planning assistance Act which may hereafter be enacted.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert the following: "$12,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 39: On page 40, line 16, insert the following: *Provided*, That not to exceed $75,000 of the unobligated balance of the appropriation under this head for the fiscal year 1973 is hereby continued available until June 30, 1974.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 46: On page 47, line 18, insert the following:

COMMISSION OF THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Organization of the Government for the Conduct of Foreign Policy, authorized by title VI of the Foreign Relations Authorization Act of 1972, $1,100,000 to remain available until June 30, 1975, and of which not to exceed $6,000 may be expended for official reception and representation expenses.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Organization of the Government for the Conduct of Foreign Policy, authorized by title VI of the Foreign Relations Authorization Act of 1972, $1,050,000 to remain available until June 30, 1975.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50: On page 50, line 1, insert the following: "of which not to exceed $1,725, shall be available for expenses incurred in fiscal year 1973."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to, and that the committee may insert tables and other such matter in explanation of the conference.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON MILITARY CONSTRUCTION APPROPRIATIONS, 1974

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the military construction appropriation bill for the fiscal year ending June 30, 1974, and for other purposes.

(Mr. CEDERBERG reserved all points of order on the bill.)

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR ADJOURNMENT FROM THURSDAY, NOVEMBER 15 TO MONDAY, NOVEMBER 26, 1973

Mr. O'NEILL. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 378) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 378

Resolved by the House of Representatives (the Senate concurring), That when the

House adjourns on Thursday, November 15, 1973, it stand adjourned until 12 o'clock meridian, Monday, November 26, 1973.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER. The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FREY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 215, nays 190, not voting 28, as follows:

[Roll No. 578]

YEAS—215

Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Arends
Aspin
Badillo
Baker
Barrett
Bergland
Biaggi
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clawson, Del
Clay
Cleveland
Collins, Ill.
Collins, Tex.
Conlan
Conyers
Corman
Crane
Cronin
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Delaney
Denholm
Dent
Derwinski
Dingell
Dorn
Downing
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Fulton
Gaydos
Gettys
Gibbons
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Grover
Haley
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hawkins
Hays
Hébert
Helstoski
Henderson
Hicks
Holifield
Holt
Horton
Howard
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Koch
Landrum
Leggett
Lehman
Long, La.
Long, Md.
McCormack
McFall
McKay
Macdonald
Madden
Mahon
Martin, Nebr.
Martin, N.C.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pike
Podell
Preyer
Price, Ill.
Quillen
Rangel
Rarick
Rees
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Roncallo, N.Y.
Rooney, N.Y.
Rose
Rosenthal
Rostenkowski
Roybal
Sarbanes
Satterfield
Scherle
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stokes
Stratton
Stubblefield
Sullivan
Symms
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Udall
Vanik
Vigorito
Waggonner
Ware
Whalen
White
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wydler
Young, Ga.
Young, S.C.
Zwach

NAYS—190

Abdnor
Abzug
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard
Bell
Bennett
Bevill
Biester
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burleson, Tex.
Burton
Butler
Camp
Clancy
Cochran
Cohen
Collier
Conable
Cotter
Coughlin
Culver
Daniel, Robert W., Jr.
Davis, S.C.
de la Garza
Dellenback
Dennis
Devine
Dickinson
Donohue
Drinan
Duncan
du Pont
Edwards, Ala.
Esch
Eshleman
Evans, Colo.
Findley
Fish
Flynt
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Giaimo
Gilman
Ginn
Goldwater
Goodling
Grasso
Gross
Gude
Gunter
Guyer
Hamilton
Hammerschmidt
Hanrahan
Harsha
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holtzman
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Johnson, Colo.
Jones, Okla.
Karth
Kemp
Ketchum
King
Kuykendall
Kyros
Landgrebe
Latta
Litton
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McKinney
McSpadden
Mailliard
Mallary
Mann
Maraziti
Mathis, Ga.
Michel
Miller
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moorhead, Calif.
Mosher
Murphy, Ill.
Nix
O'Brien
Parris
Pettis
Peyser
Pickle
Poage
Price, Tex.
Pritchard
Quie
Railsback
Randall
Regula
Riegle
Robison, N.Y.
Rogers
Roncalio, Wyo.
Rooney, Pa.
Roush
Roy
Runnels
Ruppe
Ruth
Sandman
Sarasin
Schneebeli
Schroeder
Sebelius
Shoup
Shriver
Shuster
Skubitz
Spence
Steele
Steelman
Steiger, Wis.
Studds
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Veysey
Waldie
Walsh
Wampler
Whitehurst
Wiggins
Winn
Wyatt
Wylie
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, Tex.
Zablocki
Zion

NOT VOTING—28

Ashley
Blackburn
Burke, Calif.
Clausen, Don H.
Conte
Davis, Wis.
Dellums
Diggs
Gray
Gubser
Keating
Kluczynski
Lent
Madigan
Mathias, Calif.
Mills, Ark.
Mizell
Murphy, N.Y.
O'Hara
Powell, Ohio
Reid
Rousselot
Ryan
St Germain
Stark
Stephens
Stuckey
Yates

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 8877, DEPARTMENTS OF LABOR, HEW, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 8, 1973.)

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) is recognized for 30 minutes and the gentleman from Illinois (Mr. MICHEL) is recognized for 30 minutes. The Chair recognizes the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since this involves only $33 billion we should have a little order in the House, at least a little better order than we have.

Mr. Speaker, here it is, here is the big one. The conference report which we are considering today appropriates—Members should wait until they hear this—$32,926,796,000 for the Departments of Labor, Health, Education, and Welfare, and related agencies for the fiscal year 1974. This is $1,376,843,000 more than the budget request, and, hear this, $712,575,000 less than the appropriation for fiscal year 1973.

Now, put that in your pipe and smoke it. It is $110,329,000 more than the bill which passed the House last June 26. June 26—that is important, we passed this June 26—but it is $469,583,000 less than the Senate bill, almost a half-billion dollars less than the Senate bill.

As these figures indicate, Mr. Speaker, the conference agreement is much, much closer in total to the House bill than to the Senate bill.

I suppose the most important thing about this appropriation bill in the eyes of many people is that it exceeds the President's budget request by over $1.3 billion. That is not a surprise to anyone who has been following the history of this bill. The House bill is $1.2 billion over the budget. The Senate bill was $1.8 billion over the budget request.

It is very interesting to note that no money amendments, not a dime, no money amendments to this bill were adopted here in the House or in the Senate in floor debate. Now, that is something. That is the first time that has happened in a long, long time.

In other words, there is nothing in this bill, as far as dollars are concerned, which was not recommended by the Committees on Appropriations of the House or the Senate, after months of hearings. Members should keep that in the backs of their heads.

We are not dealing here with any of those large so-called package amendments of the type which have been attached to this bill in previous years. Remember those? Not this time; those package amendments were the results of very extensive lobby operations; not this time, not here.

Mr. Speaker, I have never been one who believed that every line in the President's budget should be considered as sacred and untouchable. The people who put budgets together downtown, believe it or not, are only human. They really are, they are only human. Sometimes even they make mistakes.

Nevertheless, we owe it to the Members here in the House who are concerned about fiscal responsibility—and really that means all of us—the Members rate an explanation from us as to why this bill appropriates $1.3 billion more than the President asked for. How come? What is the answer to that? That is what is in the back of the heads of all Members here.

Now, what do we do here? The simple fact is that the budget proposed to cut back, phase out, or eliminate many of the health and education programs which are funded in this bill.

Both Houses of Congress by overwhelming votes—overwhelming votes, you remember, we were all a part of it—refused to agree to the elimination or drastic cutbacks of these programs.

What were they? Some were your prize pigeons, the Hill-Burton hospital construction grants, remember that? That was right in our backyard. Being against that is like being against motherhood.

All right, we listened to you—appropriations, regional medical programs. Remember that? All the while you were knocking on my door day and night, "Do not reduce the regional medical programs. Oh, boy, do not touch that."

This one, community mental health centers; how much mail did you get on that? Stacks of it saying, "Do not cut that out."

Aid for schools to train health professionals. Ho, ho, do not touch that.

Support for medical research. Remember the AMA, all your medical programs back home, local county medical societies, universities, and colleges, "Do not cut out aid to medical research." You asked this. OK, we put it back in.

That is why there is the $1.3 billion over the budget, because we put these things back that were cut out, phased out. Now, the budget request for education programs was based on what they call special revenue sharing. That proposal would have cut Federal support for elementary and secondary education. Ever hear of that? Cut it by half a billion below the 1972 level, and almost $1 billion below the 1973 appropriation.

As we all know, the budget proposed to stop the funding for the community action agencies and abolish the Office of Economic Opportunity. This is what happened, we took your word, we looked at your votes, and that is why we acted the way we did. So, keep that in mind now—you asked for it—you asked for it.

Most of the increase over the budget request provided in this bill is required simply to maintain the funding for health. Are you against that? Education; are you against that? And the antipoverty programs. There is no big deal, just the current funding level.

The figures which illustrate this point, which is that the increases over the budget result primarily from the restoration of proposed cutbacks are given in great detail, keep this in mind for your people back home—we have this in complete detail in a table which was a terrific job by the staff.

Mr. Speaker, I ask unanimous consent to insert these figures in the RECORD at the conclusion of my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, in summary—but remember; I repeat, remember all that information is here for you, and it is some information; it is detailed, because you are going to need it.

In summary, the bill provides $4,881,756,000 for health programs, excluding medicare and medicaid, an increase of $453,744,000 over the budget. It has $6,210,986,000 for education programs, an increase of $945,745,000 over the budget. It has $346,300,000 for the Office of Economic Opportunity, an increase of $202,500,000 over the budget. These increases are partially offset by decreases below the budget request for certain other programs which we have outlined for you.

So much for the figures.

I suppose most of the discussion here today will center around amendment No. 32. Now, we have all heard this before. This goes on like Tennyson's brook. It relates to the distribution of funds under title IA of the Elementary and Secondary Education Act.

Now, on this amendment, the procedure is this: This amendment we have reported in technical disagreement, and there will be a separate vote on it.

The motions which I shall offer at the proper time will provide that no State shall receive less than 90 percent of the amounts due and made available for local educational agencies within the State in the fiscal year 1972 and no local educational agency shall receive less than 90 percent nor more than 115 percent of the amount received—remember, this is "local" now—of the amount received in fiscal year 1973.

Now, do not get mixed up between this "State" and "local" business. Now, I want the Members to listen. Some of the Members do not understand this. If we do not understand this, we will be running around this floor with all kinds of figures—just like the Folies Bergere—all over the place.

Some of the Members may be worried. They may say, "What about my State?" Now, I have heard this five times around here.

Do not forget that the important thing is the local community, the county, and the local school board. Do not get mixed up with all these figures that are flying around here.

Just so the Members will know this again, this provision I am speaking of is identical to the compromise which was worked out earlier with the Senate and which is incorporated in the continuing resolution presently in effect.

Now, after careful consideration—and by that, Mr. Speaker, I mean hours of careful consideration, because none of us did this off the top of our head—the conferees concluded that it is still the best alternative which has been suggested.

Now, we have data here showing the effect of the provision on the allocations to every State and to every county in the United States. We have it right here. We have it for every State, No. 1, and for every county, No. 2—the entire Nation.

Now, obviously there is no perfect solution to this problem. This is a can of worms, make no mistake about that. To put it in the colloquial, "There ain't no solution."

No matter what formula is worked out or by whom, there will be some school districts that are going to gain, and there will be some that are going to lose.

Las Vegas could never beat this operation; it just cannot be done.

Mr. Speaker, nobody regrets more than I—and I repeat, we do not like this—that it is necessary to include this so-called "hold harmless" provision in the appropriation bill. It should not be there; it does not belong here; it has no place here. This is an appropriation bill. It should be out in the yard someplace. But anyway, here it is. It should be incorporated in substantive legislation extending the Elementary and Secondary Education Act. That is where it belongs, and we all know it.

I am not criticizing anybody; I am just repeating for the purpose of emphasis, and all the Members know this as well as I do.

Unfortunately, such legislation has not been enacted. Almost 5 months have elapsed, as I mentioned earlier.

Now, allocations for the school districts in the first quarter have been made. We all know this; we must know it. Allocations for the first quarter back home have already been made, and the allocations for the second quarter back home are now a month overdue. We cannot fool around with this thing 5 minutes longer. This is murder.

This issue, Mr. Speaker, should be settled now, and I should mark that with an exclamation point. There must not be any further delay toward the enactment of this $33 billion Health, Education, and Welfare bill.

Just think of the uncertainty of the school districts back home and what this means as to the amount of money available to them. What is going to be available to them during the remainder of the school year? They do not know. I do not blame them for being uneasy.

Therefore, Mr. Speaker, I urge the adoption of this conference report right now. It is already late. I also urge adoption of certain motions which I shall subsequently offer in connection with the amendments in disagreement.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1974 (H.R. 8877) NEW BUDGET (OBLIGATIONAL AUTHORITY—CONFERENCE SUMMARY

TITLE I—DEPARTMENT OF LABOR

Agency and item	1973 appropriation	1974 Budget estimate	1974 House bill	1974 Senate bill	1974 Conference agreement	Conference agreement compared with 1973	Conference agreement compared with Budget 1974	Conference agreement compared with House	Conference agreement compared with Senate
MANPOWER ADMINISTRATION									
Salaries and expenses	($63, 277, 500)	($67, 830, 000)	$41, 032, 000	[1]				−$41, 032, 000	
Trust fund transfer	*(26, 989, 000)*	*(26, 090, 000)*	*(26, 090, 000)*	[1]				*(−26, 090, 000)*	
Manpower revenue sharing	(1, 549, 416, 000)	(1, 340, 000, 000)	[1]	[1]	[1]				
Manpower training services				$40, 000, 000					−$40, 000, 000
Emergency employment assistance	1, 250, 000, 000					−$1, 250, 000, 000			
Federal unemployment benefits and allowances	475, 000, 000	365, 000, 000	365, 000, 000	365, 000, 000	$365, 000, 000	−110, 000, 000			
Advances to the extended unemployment compensation account	120, 000, 000					−120, 000, 000			
Federal grants to States for employment services	65, 556, 500	64, 400, 000	64, 400, 000	64, 400, 000	64, 400, 000	−1, 156, 500			
Limitation on grants to States for unemployment insurance and employment services	*(840, 300, 000)*	*(817, 400, 000)*	*(817, 400, 000)*	*(817, 400, 000)*	*(817, 400 000)*	*(−22, 900, 000)*			
Total, Manpower Administration	1, 910, 556, 500	429, 400, 000	470, 432, 000	469, 400, 000	429, 400, 000	−1, 481, 156, 500		−41, 032, 000	−40, 000, 000
LABOR-MANAGEMENT SERVICES ADMINISTRATION									
Salaries and expenses	25, 677, 700	23, 500, 000	23, 500, 000	23, 500, 000	23, 500, 000	−2, 177, 700			
EMPLOYMENT STANDARDS ADMINISTRATION									
Salaries and expenses	50, 749, 500	52, 050, 000	52, 410, 000	52, 410, 000	52, 410, 000	+1, 660, 500	+$360, 000		
Special benefits	108, 292, 000	141, 250, 000	141, 250, 000	141, 250, 000	141, 250, 000	+32, 958, 000			
Total, Employment Standards Administration	159, 041, 500	193, 300, 000	193, 660, 000	193, 660, 000	193, 660, 000	+34, 618, 500	+360, 000		
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
Salaries and expenses	69, 874, 800	69, 836, 000	69, 318, 000	73, 400, 000	70, 408, 000	+533, 200	+572, 000	+1, 090, 000	−2, 992, 000
BUREAU OF LABOR STATISTICS									
Salaries and expenses	44, 784, 000	47, 400, 000	47, 400, 000	47, 400, 000	47, 400, 000	+2, 616, 000			
DEPARTMENTAL MANAGEMENT									
Salaries and expenses	24, 196, 000	23, 225, 000	23, 225, 000	23, 322, 000	23, 322, 000	−874, 000	+97, 000	+97, 000	
Trust fund transfer	*(797, 000)*	*(797, 000)*	*(797, 000)*	*(797, 000)*	*(797, 000)*				
Special foreign currency program	100, 000	200, 000				−100, 000	−200, 000		
Total, Departmental Management	24, 296, 000	23, 425, 000	23, 225, 000	23, 322, 000	23, 322, 000	−974, 000	−103, 000	+97, 000	
Total, new budget (obligational) authority, Department of Labor	2, 234, 230, 500	786, 861, 000	827, 535, 000	830, 682, 000	787, 690, 000	−1, 446, 540, 500	+829, 000	−39, 845, 000	−42, 992, 000

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency and item	1973 appropriation	1974 Budget estimate	1974 House bill	1974 Senate bill	1974 Conference agreement	Conference agreement compared with 1973	Conference agreement compared with Budget 1974	Conference agreement compared with House	Conference agreement compared with Senate
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION									
Mental health	$803, 823, 000	$1, 281, 731, 000	$795, 475, 000	$845, 475, 000	$815, 975, 000	+$12, 152, 000	−$465, 756, 000	+$20, 500, 000	−$29, 500, 000
Saint Elizabeths Hospital (indefinite)	36, 941, 000	38, 000, 000	38, 000, 000	38, 000, 000	38, 000, 000	+1, 059, 000			
Health services planning and development	479, 073, 000	103, 081, 000	388, 520, 000	388, 520, 000	388, 520, 000	−90, 553, 000	+285, 439, 000		
Health services delivery	751, 295, 000	832, 030, 000 (19, 500, 000)	832, 030, 000 [1]	875, 380, 000 [1]	853, 280, 000 [1]	+101, 985, 000	+21, 250, 000	+21, 250, 000	−22, 100, 000
Trust fund transfer	*(4, 719, 000)*	*(5, 419, 000)*	*(5, 419, 000)*	*(5, 419, 000)*	*(5, 419, 000)*	*(+700, 000)*			
Preventive health services	159, 872, 000	125, 080, 000	127, 080, 000	141, 780, 000	134, 565, 000	−25, 307, 000	+9, 485, 000	+7, 485, 000	−7, 215, 000
National health statistics	18, 514, 000	22, 821, 000	22, 821, 000	19, 335, 000	19, 335, 000	+821, 000	−3, 486, 000	−3, 486, 000	
Retirement pay and medical benefits for commissioned officers (indefinite)	$29, 163, 000	$34, 103, 000	$34, 103, 000	$34, 103, 000	$34, 103, 000	+$4, 940, 000			
Buildings and facilities	19, 457, 000	12, 000, 000	9, 500, 000	9, 500, 000	9, 500, 000	−9, 957, 000	−$2, 500, 000		
Office of the Administrator	13, 408, 000	14. 304 000	14, 304, 000	7, 304, 000	12, 000, 000	−1, 408, 000	−2, 304, 000	−$2, 304, 000	+$4, 696, 000
Total, Health Services and Mental Health Administration	2, 311, 546, 000	2, 463, 150, 000	2, 261, 833, 000	2, 359, 397, 000	2, 305, 278, 000	−6, 268, 000	−157, 872, 000	+43, 445, 000	−54, 119, 000
Consisting of—									
Definite appropriations	2, 245, 442, 000	2, 391, 047, 000	2, 189, 730, 000	2, 287, 294, 000	2, 233, 175, 000	−12, 267, 000	−157, 872, 000	+43, 445, 000	−54, 119, 000
Indefinite appropriations	66, 104, 000	72, 103, 000	72, 103, 000	72, 103, 000	72, 103, 000	+5, 999, 000			

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1974 (H.R. 8877) NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Agency and item	1973 appropriation	1974			Conference agreement compared with			
		Budget estimate	House bill	Senate bill	Conference agreement	1973	Budget 1974	House	Senate
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	492, 205, 000	500, 000, 000	522, 383, 000	580, 000, 000	551, 191, 500	+58, 986, 500	+51, 191, 500	+28, 808, 500	−28, 808, 500
National Heart and Lung Institute	300, 000, 000	265, 000, 000	281, 415, 000	320, 000, 000	302, 915, 000	+2, 915, 000	+37, 915, 000	+21, 500, 000	−17, 085, 000
National Institute of Dental Research	46, 991, 000	38, 452, 000	44, 131, 000	47, 000, 000	45, 565, 500	−1, 425, 500	+7, 113, 500	+1, 434, 500	−1, 434, 500
National Institute of Arthritis, Metabolism, and Digestive Diseases	167, 316, 000	133, 608, 000	155, 894, 000	163, 000, 000	159, 447, 000	−7, 869, 000	+25, 839, 000	+3, 553, 000	−3, 553, 000
National Institute of Neurological Diseases and Stroke	130, 672, 000	101, 198, 000	120, 073, 000	125, 000, 000	125, 000, 000	−5, 672, 000	+23, 802, 000	9 +4, , 27, 000	
National Institute of Allergy and Infectious Diseases	113, 414, 000	98, 693, 000	112, 744, 000	114, 000, 000	114, 000, 000	+586, 000	+15, 307, 000	+1, 56, 000	
National Institute of General Medical Sciences	183, 171, 000	138, 573, 000	175, 778, 000	183, 500, 000	176, 778, 000	−6, 393, 000	+38, 205, 000	+1000, 000	−6, 722, 000
National Institute of Child Health and Human Development	130, 429, 000	106, 679, 000	125, 254, 000	135, 254, 000	130, 254, 000	−175, 000	+23, 575, 000	+5, 000, 000	−5, 000, 000
National Eye Institute	38, 562, 000	32, 092, 000	36, 631, 000	46, 631, 000	41, 631, 000	+3, 069, 000	+9, 539, 000	+5, 000, 000	−5, 000, 000
National Institute of Environmental Health Sciences	30, 956, 000	25, 263, 000	28, 879, 000	28, 879, 000	28, 879, 000	−2, 077, 000	+3, 616, 000		
Research resources	75, 073, 000	88, 632, 000	133, 322, 000	134, 000, 000	133, 472, 000	+58, 399, 000	+44, 840, 000	+150, 000	−528, 000
John E. Fogarty International Center for Advanced Study in Health Sciences	4, 666, 000	3, 586, 000	4, 767, 000	4, 767, 000	4, 767, 000	+101, 000	+1, 181, 000		
Subtotal, NIH research institutes	1, 713, 455, 000	1, 531, 776, 000	1, 741, 271, 000	1, 882, 031, 000	1, 813, 900, 000	+100, 445, 000	+282, 124, 000	+72, 629, 000	−68, 131, 000
Health manpower	740, 728, 000	382, 180, 000	706, 841, 000	731, 916, 000	710, 795, 000	−29, 933, 000	+328, 615, 000	+3, 954, 000	−21, 121, 000
National Library of Medicine	28, 568, 000	24, 994, 000	25, 871, 000	25, 871, 000	25, 871, 000	−2, 697, 000	+877, 000		
Buildings and facilities	8, 500, 000	8, 000, 000	8, 000, 000	8, 000, 000	8, 000, 000	−500, 000			
Office of the Director	12, 042, 000	12, 000, 000	12, 000, 000	12, 000, 000	12, 000, 000	−42, 000			
Scientific activities overseas (special foreign currency program)	25, 619, 000	1, 912, 000	1, 912, 000	1, 912, 000	1, 912, 000	−23, 707, 000			
Payment of sales insufficiencies and interest losses	4, 000, 000	4, 000, 000	4, 000, 000	4, 000, 000	4, 000, 000				
General research support grants	(60, 700, 000)	(2)	(2)	(2)	(2)				
Total, National Institutes of Health	2, 532, 912, 000	1, 964, 862, 000	2, 499, 895, 000	2, 665, 730, 000	2, 576, 478, 000	+43, 566, 000	+611, 616, 000	+76, 583, 000	−89, 252, 000
EDUCATION DIVISION									
OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION									
Salaries and expenses, assistant secretary for education	1, 495, 000	1, 852, 000	1, 722, 000	1, 722, 000	1, 722, 000	+227, 000	−130, 000		
Postsecondary innovation		15, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	+10, 000, 000	−5, 000, 000		
Subtotal, Assistant Secretary for Education	1, 495, 000	16, 852, 000	11, 722, 000	11, 722, 000	11, 722, 000	+10, 227, 000	−5, 130, 000		
OFFICE OF EDUCATION									
Education revenue sharing		2, 520, 205, 000	(3)	(3)	(3)		−2, 520, 205, 000		
Elementary and secondary education	2, 024, 393, 000	76, 000, 000	2, 105, 393, 000	2, 139, 893, 000	2, 121, 893, 000	+97, 500, 000	+2, 045, 893, 000	+16, 500, 000	−18, 000, 000
School assistance in federally affected area	661, 405, 000	60, 500, 000	610, 000, 000	633, 800, 000	610, 000, 000	−51, 405, 000	+549, 500, 000		−23, 800, 000
Emergency school assistance	270, 640, 000	270, 640, 000	258, 193, 000	258, 193, 000	258, 193, 000	−12, 447, 000	−12, 447, 000		
Education for the handicapped	157, 409, 000	93, 609, 000	143, 609, 000	159, 069, 000	152, 404, 000	−5, 005, 000	+58, 795, 000	+8, 795, 000	−6, 665, 000
Occupational, vocational and adult education	643, 460, 000	45, 000, 000	600, 641, 000	651, 558, 000	614, 903, 000	−28, 557, 000	+569, 903, 000	+14, 262, 000	−36, 655, 000
Higher education	1, 693, 010, 000	1, 747, 914, 000	1, 808, 914, 000	2, 025, 914, 000	1, 889, 414, 000	+196, 404, 000	+141, 500, 000	+80, 500, 000	−136, 500, 000
Library resources	264, 857, 000		176, 209, 000	176, 709, 000	171, 709, 000	−93, 148, 000	+171, 709, 000	−4, 500, 000	−5, 000, 000
Educational development	344, 055, 000	120, 375, 000	161, 110, 000	163, 670, 000	157, 170, 000	−186, 885, 000	+36, 795, 000	−3, 940, 000	−6, 500, 000
Educational activities overseas (special foreign currency program)	3, 000, 000	3, 000, 000	2, 000, 000	1, 000, 000	1, 000, 000	−2, 000, 000	−2, 000, 000	−1, 000, 000	
Salaries and expenses	82, 265, 000	88, 118, 000	83, 118, 000	86, 747, 000	86, 747, 000	+4, 482, 000	−1, 371, 000	+3, 629, 000	
Student loan insurance fund	46, 640, 000	57, 883, 000	57, 883, 000	57, 883, 000	57, 883, 000	+11, 243, 000			
Payment of participation sales insufficiencies	2, 921, 000	2, 948, 000	2, 948, 000	2, 948, 000	2, 948, 000	+27, 000			
Subtotal, Office of Education	6, 194, 055, 000	5, 086, 192, 000	6, 010, 018, 000	6, 357, 384, 000	6, 124, 264, 000	−69, 791, 000	+1, 038, 072, 000	+114, 246, 000	−233, 120, 000
NATIONAL INSTITUTE OF EDUCATION									
National Institute of Education	92, 082, 000	162, 197, 000	142, 671, 000	75, 000, 000	75, 000, 000	−17, 082, 000	−87, 197, 000	−67, 671, 000	
Total, Education Division	6, 287, 632, 000	5, 265, 241, 000	6, 164, 411, 000	6, 444, 106, 000	6, 210, 986, 000	−76, 646, 000	+945, 745, 000	+46, 575, 000	−233, 120, 000

Agency and item	1973 appropriation	1974				Conference agreement compared with			
		Budget estimate	House bill	Senate bill	Conference agreement	1973	Budget 1974	House	Senate
SOCIAL AND REHABILITATION SERVICE									
Grants to States for public assistance	$13,958,770,000	$12,891,048,000	$12,891,048,000	$12,864,279,000	$12,853,279,000	−$1,105,491,900	−$37,769,000	−$37,769,000	−$11,000,000
Work incentives	340,498,000	534,434,000	384,434,000	340,443,000	340,443,000	−55,000	−193,991,000	−43,991,000	
Social and rehabilitation services	283,582,000 (698,182,000)	264,032,000 (700,096,000)	291,717,000 (1)	307,217,000 (1)	298,917,000 (1)	+15,335,000	+34,885,000	+7,200,000	−8,300,000
Research and training activities (special foreign currency program)	8,000,000	4,000,000	2,000,000			−8,000,000	−4,000,000	−2,000,000	
Salaries and expenses	60,215,000	78,800,000	78,800,000	70,000,000	72,200,000	+11,985,000	−6,600,000	−6,600,000	+2,200,000
Trust fund transfer	*(600,000)*	*(600,000)*	*(600,000)*	*(600,000)*	*(600,000)*				
Total, Social and Rehabilitation Service	14,651,065,000	13,772,314,000	13,647,999,000	13,581,939,000	13,564,839,000	−1,086,226,000	−207,475,000	−83,160,000	−17,100,000
SOCIAL SECURITY ADMINISTRATION									
Payments to social security trust funds	2,475,485,000	3,110,181,000	3,110,181,000	3,110,181,000	3,110,181,000	+634,696,000			
Special benefits for disabled coal miners	1,520,222,000	967,868,000	967,868,000	967,868,000	967,868,000	−552,354,000			
Supplemental security income program	77,207,000	2,211,636,000	2,211,636,000	2,211,636,000	2,211,636,000	+2,134,429,000			
Limitation on salaries and expenses	*(1,403,047,000)*	*(1,887,898,000)*	*(1,887,898,000)*	*(1,887,898,000)*	*(1,887,898,000)*	*(+484,851,000)*			
Limitation on construction	*(1,000,000)*					*(−1,000,000)*			
Total, Social Security Administration	4,072,914,000	6,289,685,000	6,289,685,000	6,289,685,000	6,289,685,000	+2,216,771,000			
SPECIAL INSTITUTIONS									
American Printing House for the Blind	1,696,500	1,817,000	1,817,000	1,817,000	1,817,000	+120,500			
National Technical Institute for the Deaf	6,609,000	6,487,000	6,487,000	6,487,000	6,487,000	−122,000			
Model Secondary School for the Deaf	4,625,000	3,975,000	3,962,000	3,975,000	3,975,000	−650,000		+13,000	
Gallaudet College	14,446,000	10,599,000	10,492,000	10,599,000	10,599,000	−3,847,000		+107,000	
Howard University	58,881,000	58,784,000	57,873,000	58,784,000	58,784,000	−97,000		+911,000	
Total, Special Institutions	86,257,500	81,662,000	80,631,000	81,662,000	81,662,000	−4,595,500		+1,031,000	
OFFICE OF CHILD DEVELOPMENT									
Child development	415,706,000	443,800,000	419,100,000	450,100,000	434,600,000	+18,894,000	−9,200,000	+15,500,000	−15,500,000
OFFICE OF THE SECRETARY									
Office for Civil Rights	14,909,000	17,943,000	17,943,000	17,943,000	17,943,000	+3,034,000			
Trust fund transfer	*(1,180,000)*	*(1,253,000)*	*(1,253,000)*	*(1,253,000)*	*(1,253,000)*	*(+73,000)*			
Departmental management	57,434,000	122,198,000	120,198,000	107,898,000	107,898,000	+50,464,000	−14,300,000	−12,300,000	
Trust fund transfer	*(6,875,000)*	*(7,890,000)*	*(7,890,000)*	*(7,890,000)*	*(7,890,000)*	*(+1,015,000)*			
Total, Office of the Secretary	72,343,000	140,141,000	138,141,000	125,841,000	125,841,000	+53,498,000	−14,300,000	−12,300,000	
Total, new budget (obligational) authority, Department of Health, Education, and Welfare	30,430,375,500	30,420,855,000	31,501,695,000	31,998,460,000	31,589,369,000	+1,158,993,500	+1,168,514,000	+87,674,000	−409,091,000
Consisting of—									
Definite appropriations	30,364,271,500	30,348,752,000	31,429,592,000	31,926,357,000	31,517,266,000	+1,152,994,500	+1,168,514,000	+87,674,000	−409,091,000
Indefinite appropriations	66,104,000	72,103,000	72,103,000	72,103,000	72,103,000	+5,999,000			
TITLE III—RELATED AGENCIES									
Action (domestic programs)	$42,788,260 (51,588,000)	$43,004,000 (49,395,000)	$43,004,000 (1)	$43,004,000 (1)	$43,004,000 (1)	+$215,740			
Cabinet Committee on Opportunities for Spanish-speaking People	(1,000,000)	(1,000,000)	(1)	(1)	(1)				
Corporation for Public Broadcasting	[4]35,000,000	[4]45,000,000	(1)	[4]55,000,000	[4]50,000,000	+15,000,000	+$5,000,000	+$50,000,000	−$5,000,000
Federal Mediation and Conciliation Service	10,818,000	10,960,000	10,960,000	10,960,000	10,960,000	+142,000			
National Commission on Libraries and Information Science	406,000	406,000	406,000	406,000	406,000				
National Labor Relations Board	50,456,000	55,050,000	55,050,000	55,050,000	55,050,000	+4,594,000			
National Mediation Board	2,888,000	2,867,000	2,867,000	2,867,000	2,867,000	−21,000			
Occupational Safety and Health Review Commission	5,979,000	4,890,000	4,890,000	4,890,000	4,890,000	−1,089,000			
Office of Economic Opportunity	790,200,000	143,800,000	333,800,000	358,800,000	346,300,000	−443,900,000	+202,500,000	+12,500,000	−12,500,000

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1974 (H.R. 8877) NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY—Continued

TITLE III—RELATED AGENCIES—Continued

Agency and item	1973 appropriation	1974 Budget estimate	1974 House bill	1974 Senate bill	1974 Conference agreement	Conference agreement compared with 1973	Conference agreement compared with Budget 1974	Conference agreement compared with House	Conference agreement compared with Senate
Railroad Retirement Board:									
Payments for military service credits	$21,645,000	$22,478,000	$22,478,000	$22,478,000	$22,478,000	+$833,000			
Limitation on salaries and expenses	*(20,982,000)*	*(21,330,000)*	*(21,330,000)*	*(21,330,000)*	*(21,330,000)*	*(+348,000)*			
Soldiers' and Airmen's Home (trust fund appropriation):									
Operation and maintenance	12,276,000	13,326,000	13,326,000	13,326,000	13,326,000	+1,050,000			
Capital outlay	2,309,000	456,000	456,000	456,000	456,000	−1,853,000			
Total, new budget (obligational) authority, related agencies	974,765,260	342,237,000	487,237,000	567,237,000	549,737,000	−425,028,260	+$207,500,000	+$62,500,000	−$17,500,000
Grand total, new budget (obligational) authority	33,639,371,260	31,549,953,000	32,816,467,000	33,396,379,000	32,926,796,000	−712,575,260	+1,376,843,000	+10,329,000	−469,583,000
Consisting of—									
Definite appropriations	33,568,267,260	31,472,850,000	32,744,364,000	33,319,276,000	32,849,693,000	−718,574,260	+1,376,843,000	+1105,329,000	−469,583,000
Indefinite appropriations	71,104,000	77,103,000	72,103,000	77,103,000	77,103,000	+5,999,000		+5,000,000	

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[1] Not considered.

[2] Included in "Research resources" in 1974.

[3] This item is presently not authorized by law.

[4] Includes indefinite appropriation of $5,000,000.

Mr. MICHEL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, you will note that Mr. CEDERBERG, our ranking member on the full Committee on Appropriations, Mr. ROBINSON of Virginia, of our subcommittee, Mrs. GREEN from the majority side, and I did not sign the conference report.

Mr. CONTE, the gentleman from Massachusetts, did sign it with a reservation with respect to the title I formula and the National Institutes of Education item.

This indicates that there was some serious division of thought within our subcommittee which represented you in the conference with the other body.

Mr. Speaker, as our chairman has pointed out, this conference report comes back to you $1,376 million over the budget. Members will recall that when the bill was considered in the House it was reported at a level of $1.2 billion over the President's budget. I offered a package of amendments that totaled something like $629 million of reductions from that which was recommended to the House. Had we adopted that amendment to cut the increase over the budget in half, we would have been in a much better position today. We lost the vote 213 to 184 but that was very respectable considering all the popular items that were at issue. The fact that there was considerable support in this House for a lower figure persuades me to speak as I do today. Conditions have not changed all that much.

The other body in its usual fashion ballooned the House figure up to the point where the bill was $1.8 billion over the President's budget. Your House conferees, I will say quite frankly, did a good job in striking a better bargain than our counterparts for, as the chairman indicated, the conference report comes back to you and is $110 million over the House-passed bill and $469 million under the Senate bill.

As I said earlier, it is still $1,376 million over the President's budget, and that is far too much for me to digest.

Mr. Speaker, our chairman in his remarks made mention of the fact that the conference report is $712 million less than the appropriation for fiscal year 1973. Members will recall we ended up with no bill and operated throughout the year on a continuing resolution. The key to this is in HEW alone for the conference report figure is $2.8 billion over the spending level for fiscal year 1973. That is the thing we have to be talking about here today.

What are we actually spending today and what would we be spending under the increases built into this conference report? I am concerned about our busting the budget this way and every Member preaching economy ought to feel the same way. The President is attempting to hold down Federal spending to combat inflation and he ought to be supported.

We hear a lot of talk in the other body and in this House about the Congress taking hold of the entire budget process and putting our financial house in order. This is our chance to match our talks with a vote. Just a week or 10 days ago many Members were voting against an increase in the Federal debt limit. How can Members vote against an increase in the debt limit in good conscience and then vote for a $1.3 billion increase over the President's budget by adopting this conference report?

It is rather significant that the Committee on Rules today should be reporting out its overall budget reform legislation with an anti-impoundment provision in it which forces the President to spend.

We cannot have it both ways here. I suggest that here is a good opportunity and a very significant one, to show your true mettle.

Mr. Speaker, Mr. QUIE, Mr. GIAIMO, and I suspect Mrs. GREEN of Oregon and others will want an opportunity to speak on the conference report with respect to their reservations about title I and the distribution of the elementary and secondary education funds.

That same language which appeared in the continuing resolution is involved here today, so it is a matter for discussion. All of you will want to know a little bit more about it I'm sure.

As I said at the very outset, I did not sign the conference report, and that should come as no surprise to Members who knew of my position when we first considered the bill here in the House.

The SPEAKER. The time of the gentleman has expired.

Mr. MICHEL. Mr. Speaker, I yield myself 2 additional minutes.

When my package of amendments failed, I was one of those 58 Members who voted against the bill on final passage.

I certainly support the gentleman from Minnesota (Mr. QUIE) and the gentlewoman from Oregon (Mrs. GREEN) and several others in what they are attempting to do here to revamp this title I formula of the Elementary and Secondary Education. Act. So I would hope that during the remaining time in this debate those Members who have questions about the conference report would be frank to ask those questions, and we will also be glad to yield time to those who would like to speak either for or against the adoption of the conference report.

Mr. FLOOD. Mr. Speaker, does the gentleman from Illinois (Mr. MICHEL) have further requests for time?

At this point I have no further requests for time.

Mr. MICHEL. Mr. Speaker, I do have requests for time.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I urge my colleagues to recommit this bill back to conference with a change in the title I formula.

When the last continuing resolution went through the House in early October we had assurances that the hold-harmless limitation in that continuing resolution would be reconsidered in the conference on the Labor-HEW appropriations bill. I see that the appropriations conferees are now coming back proposing that we accept the same 90-90-115 hold-harmless provisions that were in the continuing resolution.

Mr. FLOOD. Mr. Speaker, if the gentleman will yield, of course the gentleman does know that we did reconsider this.

Mr. QUIE. I know that it was reconsidered, but the conferees are now coming back proposing that we accept the same formula. And why is this not acceptable? Because the only reason I went along with the continuing resolution in October was because we were on the last day of the old resolution. At midnight that night the Federal Government would have been without spending authority. Also, if we had gone back for an extension of what had been in the first continuing resolution we would have held every State harmless at 100 percent of what they got in 1972.

Now the conferees come back with a proposed change that is no change at all. It is wrong to have a State held harmless at 90 percent of 1972; 1972 was 2 years ago. There was some shift in poor population between 1972 and 1973 the way it is counted under the formula. There is no reason why we should take a State back to 1972. Besides, it is the local education agency that is important. I am willing to accept the raise of 5 percent from the 85 percent LEA hold-harmless I proposed in October up to the 90-percent LEA hold-harmless as proposed in this legislation. I cannot accept the limitation that no local education agency go higher than 115 percent of that which it received in 1973.

In 1973 it was based on the 1960 census information. If an LEA has doubled its poor population based on the 1970 census, why should it be held to 115 percent?

If we limit every local education agency to that, it means we have no chance to make any significant adjustment in the State, and a dramatic shift of poor population has occurred within States, to say nothing of what has occurred between States.

If we look at the figures of what happened to a number of children from families with incomes below $2,000—forget about AFDC—based on the 1960 census, we see some things that are significant. Iowa, for instance, had 71,000 children from families below $2,000 in 1960. If we double the income amount to $4,000, Iowa only has 58,000 children from families of that income in 1970. When we compare that with New Jersey, New Jersey in 1960 had 59,000 children from $2,000 incomes and below, but in 1970 had 128,000 children from families with income below $4,000. So there is double the number of children from families with double the income in New Jersey. We can compare a couple of other situations—North Carolina had 325,000 children from incomes less than $2,000 in 1960, and only 246,000 children from families of less than $4,000 income in 1970.

But New York, which had 200,000 children from families below $2,000 income in 1960 now has 434,000 children from families of less than $4,000. Four times as many children in New York.

Let me give comparisons of two more States. West Virginia went from 106,000 children from families of less than $2,000 income in 1960, to 78,000 from $4,000 families in 1970, as compared with California which had 206,000 children from $2,000 incomes or less in 1960, all the way up to 488,000 in 1970 from $4,000 income families or less; 2½ times as many in 1970. That indicates only the shifts of poor children that have occurred between States. It does not take into consideration the shifts that have occurred within each State.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The gentleman mentioned Iowa. I will point out that under the gentleman's proposal and under the committee proposal both, Iowa gets the same percentage of national totals.

Mr. QUIE. What I am talking about in the proposal that you bring here, is that the local education agencies that have had a dramatic increase in low-income children are not able to receive more money than 115 percent of their 1973 allotment.

The SPEAKER. The time of the gentleman has expired.

Mr. MICHEL. Mr. Speaker, I yield 3 additional minutes to the gentleman from Minnesota.

Mr. QUIE. I thank the gentleman.

When the money is taken from all the local education agencies that are entitled under the formula to more than 115 percent of what they received in 1973, and given to all those local education agencies that are to be brought up to 90 percent of their 1973 allotment and then used to bring all the States that still were below 90 percent of what they received in 1972 up to that level, there was still some money left over. Since we are appropriating $1,810 million for title I ESEA, the money remaining after the above distribution is made is then distributed among the local education agencies that were between 90 percent and 115 percent of their 1973 allotment. Those LEA's would be more than they ever were entitled to under any fair and equitable formula. That is how bad the proposal is which the conference committee is recommending that we accept.

The most peculiar of all was New Mexico where 90 percent of the amount they received in 1972 is higher than the 115 percent limit on the amounts any local school district may receive.

We just cannot work out the distribution of funds unless my formula is accepted. That is why I recommend that we hold each local education agency harmless at 90 percent of what they received in 1973, and then put a 120-percent limit on each State, so that the local education agencies within the State which have had a substantial increase in the number of low-income children will be able to receive the funds they need to finance their compensatory education programs.

The title I programs that started getting financing in the first quarter of this year, at a higher level because of this big increase in low-income children now would be cut way back by the committee proposal. I refer Members to the second chart on page 36729 in Monday's Record.

Those are the basic reasons why we ought to recommit the bill and get a hold harmless and limitation for this fiscal year 1974. This is within reason and that gets money to kids who need services. It is interesting that if we adopt my proposal, 32 States including the District of Columbia will get more money; 19 States will get less money. That really shows how unreasonable the formula is that is proposed by the committee, when 19 States are benefited by that formula and 32 States suffer.

I think that the Members ought to be able to support my proposal, so I call on my colleagues to send this bill back to conference. We have a continuing resolution that is operating. Let the conference committee come out with something that is better than what they are proposing to do today. In that way the title I compensatory education programs can be more effective than would be the case if the committee's recommendations were adopted.

Mr. Speaker, I yield the remainder of my time back to the gentleman from Illinois (Mr. Michel).

Mr. FLOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. Mahon) the chairman of the Committee on Appropriations.

ACTION ON APPROPRIATIONS AND EXPENDITURES FOR THE SESSION

Mr. MAHON. Mr. Speaker, under the 1-minute rule today I made a statement as to what apparently will be the fiscal situation with respect to appropriations and expenditures for this session. In the House tomorrow I thall elaborate further in regard to the fiscal situation.

Mr. FLOOD. I yield to the gentleman from Florida (Mr. Rogers), who is chairman of the Public Health and Environment Subcommittee of the Committee on Interstate and Foreign Commerce for a question.

Mr. ROGERS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, may I say, before I propound a question, that I have been very much concerned about rumors that the Secretary of Health, Education, and Welfare wants to institute a policy of requiring payment from those people who are admitted to the clinical center at NIH even though those patients are admitted for research only.

The question is: Would the gentleman not agree that it has been our intent in formulating our programs on research and in funding those programs that people be admitted to the NIH clinical center for research purposes without charge to those people?

Mr. FLOOD. I certainly agree with the gentleman from Florida.

Mr. ROGERS. I thank the gentleman from Pennsylvania, the chairman of the committee.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Goodling).

Mr. GOODLING. Mr. Speaker, I asked for this time simply to point out what we are doing in amendment No. 4 on page 7 of this report. Amendment No. 4

appropriates $70,408,000 to the questionable Occupational Safety and Health Administration. This amount provides for both salaries and 800 positions for compliance inspection. If all the House Members have had as many complaints on OSHA as I have had, I submit to the Members we could be spending the $70 million far more profitably than it is being spent by this administration.

Mr. FLOOD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Kentucky (Mr. PERKINS), the chairman of the Education and Labor Committee.

Mr. PERKINS. Mr. Speaker, I rise in support of the conference committee's action on the title I "hold-harmless" provision. The adoption of this conference agreement will help us immensely in the authorizing committee in our efforts to work out a fair formula for title I for next fiscal year and for the succeeding years.

Yesterday, I inserted in the RECORD on page 36652 tables showing the breakdown of appropriations by State which would result from the adoption of this conference agreement. I also inserted a table showing the gains which each of the 30 largest school districts in the country would achieve under this conference agreement.

There are three basic reasons why I believe the conference agreement must be upheld. The first reason is that we have already caused local school districts enough confusion this year by changing their title I allocations twice. And it makes little sense to me to cause still more confusion by changing them a third time as proposed in the Quie amendment. This is especially true at this late time when one-half the school year is almost over.

The second reason why we must uphold the conference agreement is that it provides for a fair distribution of funds among the States. The largest States are given very substantial increases in funds. But these increases occur in such a way so as not to cause great disruptions in local title I programs in other States.

New York State, for instance, gains $30 million under the conference agreement over what it had last year. California gains $17 million. Illinois gains $10 million. Pennsylvania gains $10 million. Texas $7 million. But none of these increases severely cripple programs in other States.

The Quie proposal, on the other hand, will take away very substantial amounts from the 19 poorest States in the country and will cripple their title I programs. These shifts will occur under the Quie proposal because these States are not wealthy enough to make high AFDC payments which qualify them to count more title I children.

The increases under the Quie amendment do not occur because of shifts in population. They only occur because of the very inequitable AFDC part of the formula.

Let me give an example to illustrate this point. Connecticut had a slight gain in population from 1960 to 1970. It went from having 1.4 percent of the total population to 1.5 percent. Texas also had a gain—but it was twice as much as Connecticut's—from 5.3 percent to 5.5 percent. However, under the Quie amendment, Connecticut will gain approximately $600,000 while Texas will lose approximately $4 million.

The Quie amendment is not allowing funds to follow population shifts. Rather, it is rewarding Connecticut for having high AFDC payments and penalizing Texas which had twice as much growth in population.

The last reason I oppose the Quie amendment is that it will result in some of the richest areas in the country receiving increased grants at the expense of some of the poorest areas in the country. For instance, Fairfax County, Va., one of the richest counties in the country, would double its allocation under the Quie amendment. Montgomery County, Md., also one of the wealthiest counties, would increase its allocation by 25 percent.

I fully recognize that those areas have need for additional funds, but increases to them should not be at the expense of the poorest counties in their States which occurs under the Quie amendment.

Mr. Speaker, the conference committee has come back to us with a reasonable compromise. I believe that we must uphold its action and reject the Quie amendment.

Mr. FLOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Speaker, I rise to urge Members to vote to recommit this conference report to the conference committee, primarily because of the controversy over amendment 32, which deals with the distribution of funds for educational purposes and concerning the formula for the allocation of said educational moneys.

We have debated this matter several times before these past few months and there has been much controversy. We hear that one State, such as my own, will gain moneys and another State, such as perhaps Texas, will lose money.

The fact is that there are 32 States which under the present formula in the committee bill will lose money which otherwise they would be entitled to because of the fact that the committee bill continues an inequitable formula for fund allocations based on the outdated 1960 census formula.

This is an appropriation bill. This matter should be straightened out by the Committee on Education and Labor.

That committee should come up with an equitable formula so that States which have an increase in child population would get their fair share of the moneys, but the fact is that year in and year out, the authorizing committee has failed to come up with an equitable formula. If we do not remedy this inequitable situation here in the only vehicle before us, the Appropriations Committee bill, we will continue the inequity.

The inequity is that because of using 1960 figures and because of the fact that there have been mass migrations since 1960, States which no longer have the children living in them are being paid excessive educational moneys because they are allowed to count in their formula children who no longer live in those States and have in fact moved to the more populous and urban States; and those Urban States, because of the inequity in the formula, are being deprived of moneys which they should have because the increased numbers of children are now living there.

Mr. Speaker, this charade has gone on long enough. I submit to the Members that if they do not act now and recommit this bill to the conference committee, I submit that the Education and Labor Committee will not be disposed to come forward with an equitable formula, and we will continue once again this inequity.

Mr. Speaker, I urge the recommittal of this bill.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SARASIN).

Mr. SARASIN. Mr. Speaker, I join my colleagues in support of recommital of the Labor-HEW Appropriations conference report with instructions to the conferees to resolve the problems attendant to the formula for title I of the Elementary and Secondary Education Act.

At present, the language of H.R. 8877 concerning the title I formula provides that each school district receive not less than 90 percent of the amount it received in 1973 nor more than 115 percent of this amount. It also provides that each State would receive not less than 90 percent of the amount they received in 1972.

This provision is simply not acceptable. It is against the principles of not only title I but also those which supposedly underlie the very purpose of government—to address needs that truly exist in the most effective and efficient manner based on the most current data available—the 1970 census figures. If we do not adhere to this approach, we will continue to perpetuate the imbalance that now exists between our resources and our needs.

I urge that the arbitrary ceiling on the amount a local school district can receive be removed. The only limitation that should be incorporated would be that States in the aggregate could not receive more than 20 percent above the amount they received in 1973. Such an approach would allow necessary flexibility in the design of a new formula to meet the needs of the 1970's while permitting changes to be reflected within and between States.

We can never underestimate the fact that our children are most important, that our future rests in their hands. Their needs must be addressed forthrightly—wherever they exist—if we are to honor our commitment to the people of America to meet needs with the full impact of our resources.

Mr. FLOOD. Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, I could not sign the conference report on this bill because it seems to me, as a matter of conscience, this House should not be using, in the fiscal year 1974, the 1960 census figures as far as children in school are concerned, when we think that we have had migrations from State to State at the rate of 500,000 to 600,000 people per year during several of the years of the sixties.

Then within every single congressional district there have been migrations from one school district to another. In many congressional districts—because of the formula, there will be one school district being paid for children who moved away 6 or 8 years ago and another school district will not receive money for children who are occupying desks now—because they weren't there according to the 1960 census figures still being used.

I do want to tell the gentleman from Pennsylvania, the distinguished chairman of the subcommittee, that I think he made every effort to try to work out something, and we simply are hampered because the Committee on Education and Labor itself refuses to come out with a change in the formula that meets the current situation of the mid-seventies.

Now, a few moments ago I heard it said that the only issue here is the AFDC payments. I suggest that is not the case and that there are at least three major issues, and several other minor ones also.

It is not fair for some of the States who have some of the highest AFDC payments to receive more than their share of funds while other States which cannot make these high AFDC payments do not get as much under title I. I agree on that. But it is also true that there are statistics that have been passed around the House by which one can prove any point one sets out to prove.

I suggest that if we use AFDC alone and use low funding, we come out with one figure, and if we use high funding we come out with another figure on that AFDC factor alone.

The second thing that is of major importance is the migration, and it is unconscionable, in my opinion, to use 1960 census figures; this has been stated before: Unless this motion today to recommit is passed, it is my judgment that the authorizing committee simply will be happy, or at least some of them, those who have great power on that committee, to have the same formula used for the next 10 years.

Mr. Speaker, that is not fair to most of the States and to most of the school districts.

The third factor, which is certainly very unfair, is to use the figure of $2,000 as the poverty level cutoff. According to the 1960 census figures, there were more than 4 million families in the United States that were at the $2,000 or less poverty figure. In the 1970 census figures there were 2 million families plus, in other words, about a 50-percent change in this particular factor.

Now, as I said, one can put any statistics together and come up with any position that one wishes to defend.

The SPEAKER. The time of the gentlewoman from Oregon (Mrs. GREEN) has expired.

Mr. MICHEL. Mr. Speaker, I yield 5 additional minutes to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, it seems to me that the best thing to do today is to vote for the motion that is being supported by the gentleman from Connecticut (Mr. GIAIMO) and the gentleman from Minnesota (Mr. QUIE) to refer this back to the conferees, to make it abundantly clear that we cannot go on year after year after year giving some school districts money for children who have not lived there for perhaps 5 or 8 years and then not give money to other school districts and other States for children who actually are in attendance at that school. And that is really the major issue.

Now, I would not argue that the particular formula that the gentleman from Minnesota (Mr. QUIE) is supporting is the fairest formula in the world. In fact, I do not think it is.

However, I think it is far better than what we are doing in the conference report.

It seems to me that the members of the Committee on Education and Labor ought to examine a lot of formulas.

I might say, Mr. Speaker, that if I had my druthers, I would do away entirely with this formula we have been operating under, and I would consider as a factor average daily attendance so we would give the money to every school district for the youngsters who are actually enrolled and attending there. I would have that as one of the factors.

Then I would use the wealth of the State as a factor, because if some of the States are far wealthier than others, they ought to contribute more for the education of their children.

Then I think there ought to be an effort index.

I have not looked at studies in the last year, but I have looked at them in prior years.

In every previous study I have looked at, for example, the State of Mississippi, which is not by any means one of the wealthiest States, makes a greater effort to support education in their State than New York State. A formula based on these three factors might be used and after the allocation to States and school districts, the funds could still be used for the purposes of title I. There are other formulas that would undoubtedly be more fair than the present one.

Mr. Speaker, in conclusion I urge that this House support the motion that will be made by the gentleman from Minnesota (Mr. QUIE) or the gentleman from Illinois (Mr. MICHEL) and that this be referred to the conference committee and that they try to come back with some kind of a change which at a minimum comes closer in paying school districts for the youngsters who are there and who are enrolled and being educated there and not pay the school districts for youngsters who have not lived there for many, many years.

Mr. MICHEL. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH).

(Mr. SMITH of Iowa asked and was given permission to revise and extend his remarks and include extraneous matter and a table.)

The table is as follows:

TITLE I, PT. A, ELEMENTARY AND SECONDARY EDUCATION ACT ESTIMATED COMPARATIVE DISTRIBUTION OF LOCAL EDUCATIONAL AGENCY GRANTS

	Fiscal year 1973 operating level	Fiscal year 1974 continuing resolution [1]	Percent [2]	Percent [3]	Percent [4]	Quie	Percent of national pupil population (1970 ADA)
Total, LEA grants	$1, 316, 037, 468	$1, 444, 116, 298	100. 0	100. 0	100. 0	100. 0	100. 0
Alabama	34, 549, 166	36, 231, 421	1.5	2.7	2.5	2.2	1.8
Alaska	2, 415, 064	2, 777, 324	.2	.2	.2	.2	.2
Arizona	8, 134, 242	9, 354, 378	.7	.8	.6	.7	.9
Arkansas	20, 963, 618	21, 793, 010	.8	1.6	1.5	1.3	1.0
California	111, 618, 375	128, 361, 130	10.6	7.5	8.9	9.1	10.5
Colorado	10, 237, 378	11, 772, 985	.9	.8	.8	.8	1.2
Connecticut	11, 747, 931	13, 510, 121	1.3	.8	.9	1.0	1.5
Delaware	2, 323, 748	2, 762, 310	.2	.2	.2	.2	.3
Florida	24, 111, 072	27, 727, 733	2.0	3.1	1.9	2.0	3.1
Georgia	40, 573, 812	36, 516, 431	2.0	2.9	2.5	2.7	2.4
Hawaii	3, 715, 263	4, 272, 552	.4	.2	.3	.3	.4
Idaho	2, 719, 220	3, 127, 103	.2	.2	.2	.2	.4
Illinois	69, 554, 901	79, 988, 136	6.5	4.9	5.5	5.7	5.0
Indiana	18, 773, 439	21, 589, 455	1.3	1.3	1.5	1.4	2.8
Iowa	14, 601, 661	13, 918, 193	.8	.8	1.0	1.0	1.5
Kansas	9, 147, 430	10, 519, 544	.7	.7	.7	.7	1.1
Kentucky	32, 212, 788	33, 418, 715	1.5	2.2	2.3	2.1	1.5
Louisiana	31, 322, 489	33, 117, 401	2.0	3.1	2.3	2.3	1.8
Maine	5, 633, 673	6, 478, 724	.5	.4	.4	.5	.5
Maryland	19, 380, 669	22, 287, 769	2.0	1.5	1.5	1.6	1.9
Massachusetts	24, 893, 505	28, 627, 531	2.5	2.0	2.0	2.0	2.7
Michigan	51, 768, 916	59, 534, 253	5.1	3.9	4.1	4.2	4.7

TITLE I, PT. A, ELEMENTARY AND SECONDARY EDUCATION ACT ESTIMATED COMARATIVE DISTRIBUTION OF LOCAL EDUCATIONAL AGENCY GRANTS—Continued

	Fiscal year 1973 operating level	Fiscal year 1974 continuing resolution [1]	Percent [2]	Percent [3]	Percent [4]	Quie	Percent of national pupil population (1970 ADA)
Minnesota	$20,897,155	$23,204,280	1.4	1.3	1.6	1.6	2.1
Mississippi	35,922,629	37,866,737	1.4	2.7	2.6	2.2	1.3
Missouri	23,367,302	24,352,345	1.4	1.8	1.7	1.8	2.2
Montana	2,865,542	3,295,373	.2	.3	.2	.2	.4
Nebraska	7,187,530	7,905,410	.4	.5	.5	.5	.8
Nevada	923,899	1,062,484	.1	.1	.1	.1	.3
New Hampshire	2,007,413	2,308,525	.2	.2	.2	.2	.3
New Jersey	44,232,287	50,867,130	4.5	3.5	3.5	3.6	3.1
New Mexico	7,393,185	8,502,163	.6	.8	.6	.6	.6
New York	196,835,764	226,361,130	18.9	15.5	15.7	16.1	7.4
North Carolina	51,556,663	50,634,889	1.8	3.1	3.5	3.2	2.6
North Dakota	4,101,267	3,844,063	.2	.3	.3	.3	.3
Ohio	42,248,122	48,585,340	3.7	3.1	3.4	3.5	5.3
Oklahoma	16,649,246	17,243,236	.9	1.3	1.2	1.1	1.3
Oregon	8,421,321	9,684,519	.8	.7	.7	.7	1.0
Pennsylvania	64,998,125	74,747,844	5.7	4.9	5.2	5.3	5.2
Rhode Island	4,873,849	5,604,926	.4	.3	.4	.4	.4
South Carolina	29,853,231	30,881,808	1.2	2.0	2.1	1.9	1.4
South Dakota	5,470,551	5,639,443	.3	.4	.4	.4	.4
Tennessee	31,273,191	32,659,556	1.2	2.5	2.3	2.0	2.0
Texas	67,675,754	67,124,681	4.0	6.1	4.6	5.0	5.8
Utah	3,894,921	4,479,159	.4	.3	.3	.3	.7
Vermont	2,093,957	2,408,051	.1	.1	.2	.2	.2
Virginia	31,522,692	30,423,187	1.8	2.2	2.1	2.3	2.4
Washington	13,445,639	15,462, 85	1.3	1.2	1.0	1.1	1.8
West Virginia	17,319,813	18,472,046	.9	1.1	1.3	1.1	.9
Wisconsin	17,340,875	19,942,006	1.5	1.3	1.4	1.4	2.1
Wyoming	1,170,817	1,346,440	.1	.1	.1	.1	.2
District of Columbia	10,096,368	11,610,823	1.0	.5	.8	.8	.3

[1] Based on HEW estimated distribution as of Oct. 11, 1973.

[2] Percent of national total under existing authorization which excludes children from poverty families earning between $2,000 and $4,000 annually but includes all AFDC.

[3] Percent of national total that school districts in each State would receive if all poverty families with incomes under $4,000 are included and all AFDC regardless of income.

[4] Percent of national total that school districts in each State would receive this year under committee compromise and current continuing resolution (90 percent minimum and 115 percent maximum of 1973 level).

Note: Title I grants are made to individual school districts and within every State some would receive less and some would receive more than last year. The above figures represent the aggregate for each State.

Mr. SMITH of Iowa. Mr. Speaker, I agree very much with most of what the gentlewoman from Oregon said, but I do not agree with her conclusion. I think she reached the wrong conclusion.

I agree that one cannot tell what the situation is in a local school district by looking at the dollar totals for States in tables that have been floating around here. That is why I got the Library of Congress to work up a table dealing with the percentages of whatever dollar level is used.

Most of these allocations are on the basis of local school districts, but the table I have will, on the State level, provide something to compare it with.

In using percentage figures, if we use the average daily attendance in Alabama, they have 1.8 percent of the total children in the United States in average daily attendance, but this law is not based on ADA. The bill allocates for disadvantaged children, and it is supposed to be based on the number of children from low-income families. Alabama has 2.7 percent of the children from low-income families based on a $4,000 a year income total, whether the income is from AFDC or earned or both.

The law without the amendment in the committee bill uses 1960 figures and $2,000 a year as a low-income definition. We passed a minimum wage bill here that would not just double the minimum wage over 1960, but it was three times that of 1960.

If one uses a fair table, it has to be on the basis of $4,000, and under and consider those people to be low-income families. So Alabama should be entitled to a total of 2.7 percent and under our bill they receive 2.5 percent, and under the Quie proposal they would be cut to 2.2 percent.

Now, in California, the committee would allocate a total of 8.9 percent, but they have 7.5 percent of the poor children. They should not complain about that.

Then we come to Connecticut. Connecticut should receive 0.8 percent of the total allocation, but we give them 0.9 percent, and the Quie proposal gives them 1 percent. We are already giving them 12.5 percent more than they deserve, but the Quie bill would give them 25 percent more than would be fair.

Then we come to Illinois. We would give them 5.5 percent, and they deserve 4.9 percent, and the Quie proposal gives them a total of 5.7 percent.

Massachusetts and Iowa would get the same under both proposals.

New York has only 7.4 percent of all the children in average daily attendance. We give them 15.7 percent of the money. That is double the amount it would be if it were based on an average daily attendance basis. Now, under a fair proposal based on low income and AFDC, they would receive 15.5 percent. The bill provides 15.7 percent total for New York.

Some of the Members from New York are not satisfied with receiving 12 percent more than they deserve. I do not mind people getting a bonanza if it is floating by, but to be greedy is something else. We should keep this allocation to districts within reason this year so that the authorizing committee can report out a bill and we can get a fair proposal adopted. If some districts are so far out of kilter, we will never get them back in line.

Now let us take a look at Virginia which tells more of the story. They should receive 2.2 percent of the total. Under our committee bill they receive 2.1 percent. The Quie proposal gives them 2.3 percent, but that is the State total. Here is what happens within the State. The committee bill would give them $535 million to Fairfax County, but the Quie proposal gives them over $1 million. Although the state total remains nearly the same, the Quie amendment would double the amount for wealthy Fairfax County. Now take one of the poorer counties—Bedford County, Va.

Under our proposal they get $196,000. Under the Quie proposal they are reduced to $176,000.

So, you see what really happens here under the Quie proposal is to reward those who have the money to match more ADC funds, and if they have a higher percentage of the people on ADC, then they receive more education money. The ADC, but we would also give them a bigger share of title I.

That is not the fair way to do it. The way we should do it is to try to keep the distribution as close to a fair amount as possible until the authorizing committees come out with a proposal.

I agree with the gentlewoman from Oregon (Mrs. GREEN) that none of these proposals are exactly fair, but we did the best we could do and the committee proposal is more fair than the Quie amendment. The Members can take a look at these tables that I have placed in front of the Members, and they can see that the proposal we have is a much more fair proposal than the Quie proposal. So I urge the Members to stick with it.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Speaker, would the gentleman from Illinois (Mr. MICHEL) yield me additional time?

Mr. MICHEL. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The Chair will state to the gentleman from Illinois that he has 3 minutes remaining.

Mr. MICHEL. Mr. Speaker, I yield 2 additional minutes to the gentleman from Iowa (Mr. SMITH), and I will reserve the remaining minute for my concluding remarks.

Mr. SMITH of Iowa. Mr. Speaker, I really appreciate the gentleman from Illinois yielding me this additional time.

Mr. Speaker, I want to point out that the bill is probably going to be vetoed. The Education Department was ready Friday to make the second allocation under the continuing resolution. If the formula is changed by the Quie amendment and this bill is vetoed, the Department will not be able to make that allocation because they will not know what the formula will be under which they are supposed to allocate the money. First they had an allocation in September, and then it was changed by the continuing resolution. Now, the Quie amendment would require them to change it a third time, and they would have to wait if this bill is vetoed. I say that these local school districts are entitled to more stability in this school year. I think the best thing we can do is stick with the same formula that was in the continuing resolution and which is in the committee bill until we can get this thing worked out by the proper authorizing legislation.

So I certainly urge the Members to vote against the motion to recommit based upon the bill being too large, and to support the committee on the amendment affecting title I.

Mr. MICHEL. Mr. Speaker, I made the point earlier during the discussion on this conference report that I thought the figure of $1.376 billion over the budget was a good and sufficient reason to recommit this conference report. Now that I have heard all the discussion with regard to the controversy on title I, the allocation formula, I think there are additional good grounds for recommitting this conference report, and letting the conferees go back and try to work out a much better agreement. I would like to see a good vote for our position here this afternoon to indicate to the other body that we mean business, too.

When the Quie amendment was first adopted it carried by a vote of 269 to 94 and when my amendment was offered to hold the spending level more than $700 million below this conference report figure there were 184 Members voting for it—far in excess of the number needed to sustain a veto.

I hope the message we give here on this vote is a clear one. Let us vote down this conference report.

Mr. CEDERBERG. Mr. Speaker, if the gentleman will yield, I think there is another excellent reason because of the action of the Committee on Rules today in passing out a budget control bill. By recommitting this bill to the conference again, we will be giving the country some indication as to whether we believe in budget control or whether we do not.

Mr. FLOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on that very point, I tried my very best to make it clear to the House that we have made a strong effort in the conference, we worked day and night on this thing. The Members know the other body as well as I do, and that they will not accept this proposal, and that we will be just dancing around the Maypole over there if we send this back to conference with instructions. They made it very clear. It is very clear to me. If we send this back, they have no intention to do otherwise. Time is of the essence. We are going to recess on Thursday until the 26th. It will take weeks and weeks and weeks to pass this bill.

The school boards back home are screaming now, "Where is the money?" Be very careful about this. This is a $33 billion bill. Do not hang this thing up. That is not necessary. This is a $33 billion bill. Let us not get this thing mixed up in a can of worms. This is an appropriation bill.

Mr. CONTE. Mr. Speaker, this conference report represents the capstone to an enormous amount of work accomplished by both Chambers of Congress since first we received the President's budget message many months ago. It represents literally months of preparation—hearings, debates, and compromises. We have worked long and we have worked hard. We have brought out what is, basically, a good measure here.

I would like to compliment the chairman and the rest of my colleagues in the conference who labored day after day on this bill. This measure is complex; I daresay you could find no one who would like everything about it. But it remains a commendable effort. We have pared-off $469 million of the Senate increases which were written into its version of the bill. However, we are now over $110 million over the House version, and over $1.3 billion over the administration's budget request. Even in the face of what appears to be an enormous appropriations overrun, I must emphasize that this bill signifies a great deal of study. Piles of money were not heaped on to special interest projects, nor were vital programs indiscriminately axed.

It would serve little purpose to run through all the many agencies and programs funded within this bill. Suffice it to say that they run the gamut of vital and immediate initiatives affecting the lives of millions of people.

I must, however, express my discontent with two of the amendments reported here. The first is amendment No. 32 dealing with title IA funding of the Elementary and Secondary Education Act. Put as briefly as I can, it makes absolutely no sense to give school districts more funds for fewer title I children. In the decade between 1960 and 1970, many rural areas have lost population while many urban areas have gained population. This transition has carried with it a tremendous exchange of title I eligible children between the rural and urban population centers.

Although the formulation worked out in conference allows a more equitable distribution of funds that was available under the "100 percent State hold harmless" provision, it does not go as far as it could toward the targetting of these moneys to school districts which have already accepted additional title I children. This is where the money is needed the most.

Twenty-eight States are in the predicament of losing a portion of their potential funding, which should be rightfully theirs because of the emigration of eligible children into their boundaries over this past decade. These States, so disadvantaged, are represented by a total of 288 Members of the House of Representatives and 58 Members of the Senate.

I am in full concert with my colleagues in conference in looking upon this measure as purely an "interim" solution to a very complex problem. Our House Committee on Education and Labor is, at the moment, holding full committee hearings on the subject and we all anxiously await the results of their study. I would like to particularly commend the ranking minority member of that body, my good friend from Minnesota, for his tireless efforts in this regard.

I must also take exception to the drastic reductions for the National Institute of Education. I, myself, am not entirely pleased with the track record of this Agency, but I feel strongly that such displeasure should not justify the clobbering that this project took in the Senate and in conference. To slice off $68 million, to eliminate over 50 percent of the administration's request is, I believe, going the extra mile unnecessarily. I can still recall the testimony of the Director of NIE when he appeared before the House Subcommittee on Labor-Health, Education, and Welfare. He said:

> The Institute will emphasize efforts to develop methodological techniques to get at those possible problems, so that we can improve our understanding of why programs seem to work and why they seem not to work. We hope, in sum, to learn more about how to learn from our apparent failures.

It was with these thoughts in mind that I sought vainly to restore, at least, $25 million to their programs.

In total, this bill bespeaks of a conscientious effort to deal with the welfare of the American public. I think it has been an overall worthwhile effort, and I urge my colleagues to support the adoption of the conference report.

Mrs. HOLT. Mr. Speaker, I rise to express my support for the motion to recommit the conference report of H.R. 8877 with instructions to amend the formula for the distribution of funds under title I of the Elementary and Secondary Education Act.

The gentleman from Minnesota (Mr. QUIE) has proposed that the ceiling in the title I formula be increased from 115 to 120 percent with no change in the 90-percent "hold harmless" provision.

This proposed formula is, in my opinion, an equitable one which recognizes two important facts. Federal funds under the title I program should be channeled to those school districts which serve the children of low-income families. An increase in the maximum funding to 120 percent of what was received in fiscal year 1973, will aid us in achieving this objective. However, we must also bear in mind that these programs have been in operation since September. School districts which planned their programs on the basis of funds available during previous years must be protected from sudden cutbacks this late in the semester. The 90 percent floor on payments will afford such protection.

The implementation of the proposed formula will allow a gradual shift away from the 1960 census data without imposing drastic curtailment in funds for school districts which currently have programs in operation.

Mr. Speaker, Labor and HEW programs have been operating on a continuing resolution since the end of fiscal year 1972. I am sure we are all aware of the burdens this has placed on State and local governments. The unpredictability of levels of funding has seriously impaired their planning and programing abilities.

The conference report before us today contains sound, needed legislation. I urge that it be swiftly adopted with the modification of the title I formula.

Mr. GONZALEZ. Mr. Speaker, again the House has been confronted with the dilemma it has been facing intermittently in the case of the continuing resolution on appropriations with respect to educational programs. For several years I have been decrying our erratic and cruel way of financing the established and needed ongoing programs to provide education.

I have advocated what I call "hold harmless" provisions in the law so that administration of local school systems, as well as State agencies, will not undergo the recurring anguish of planning for a school year based on congressional authorizations that are either not forthcoming or reduced, or reneged upon. This has caused every school district in my area to raise taxes—some as high as 28 percent others to the maximum rate allowable under the constitution.

Adding to the punishment has been Presidential impoundment and confused and vengeful withdrawal from ongoing programs and commitments.

The great promise of Federal aid, visualized in the landmark legislation of the last 12 years, has turned into bitter wormwood and a gutted House of Education.

This is wrong—it is sinful. Let us correct it.

Mr. EDWARDS of California. Mr. Speaker, I join my colleagues from California in support of the motion offered by Congressmen Quie and Giaimo to recommit the conference report H.R. 8877 with instructions to arrive at a better allocation of ESEA, title I funds. This motion would provide the State of California with $5.5 million more than the conference report would provide to educate the thousands of new title I schoolchildren we have gained since 1960.

However, I would also like to point out that this motion has greater significance than only putting the money where the need exists—although that seems to me to be an eminently desirable goal. This measure is representative of both the urgent need for new and better ways of allocating moneys for education and the valiant efforts made by the Education and Labor Committee, particularly the General Education Subcommittee, to work out a solution to the problem. While the formula offered by Mr. Quie and Giaimo is certainly not the ultimate answer, it is definitely a step in the right direction. It makes no sense to provide money to States which have lost title I eligible children at the expense of States which have educational responsibilities for increased numbers of such children. I urge my colleagues therefore to join me in support of this amendment.

Mr. HANRAHAN. Mr. Speaker, the ethnic groups that have contributed so much to our national greatness deserve the opportunity to preserve the uniqueness of their individual contributions to our society. For this reason, it is imperative that a program such as the Ethnic Heritage Studies Act be implemented in America's elementary and secondary schools and institutions of higher learning.

Obviously, my colleagues agree with me that this program is important, since they passed a bill authorizing $15,000,000 to implement the studies in 1972. The fiscal year 1973 budget, however, contained no funds. Now, we have an opportunity to decide if the fiscal year 1974 budget will contain $2.5 million—a mere fraction of the original appropriation, but certainly better than no funds at all.

It is extremely important that a program such as the Ethnic Heritage Studies Act be allowed to foster a greater understanding and respect for the contributions of America's many ethnic groups.

Mr. BIAGGI. Mr. Speaker, I rise in strong opposition to the conference report to the bill H.R. 8877, and intend to vote in favor of any motion offered to recommit.

Inherent in my opposition to this report is that if it is adopted, many of our major cities and metropolitan areas stand to receive woefully inadequate funding for certain vital educational programs, with tragic consquences for the children of America.

My strongest opposition to the report is directed at amendment 32 which seeks to continue an arbitrary, archaic, and grossly outdated method of distributing funds under the title I program of the Elementary and Secondary Education Act. According to the formula in the report, no school district would be entitled to any more than 115 percent of their fiscal year 1973 title I funds.

Not only does this set an unrealistic and unnecessary ceiling on these important funds, but even more importantly, the method of determining populations as a basis for these funds continues to be computed on the 1960 census figures. By using these figures, major cities such as New York stand to be tragically underfunded due to dramatic increases in the numbers of title I children, without a matching increase in funds.

Since the motion by my distinguished colleague from Minnesota (Mr. Quie) will be ruled nongermane to the bill, I will support a motion to recommit on the simple grounds that we must provide a fairer and more up to date method of determining the distribution of title I moneys.

I disagree with the contentions of some of my colleagues that this report represents the best possible compromise solution. I voted against the conference report to House Joint Resolution 727 speaking out in opposition to a 115-percent ceiling proposed on funds for local educational agencies contained in that measure. Those Members who did vote in favor of the report received assurances from the conferees considering the Labor-HEW appropriations bill that modifications would be made. These apparently were not done, the 115-percent ceiling remains, and I stand opposed to this report as well.

Mr. Speaker, this report should be recommitted and revised so that title I allocation formulas use the 1970 census figures. Anything less than this will represent a disgraceful compromise and sell out at the expense of the millions of poor and disadvantaged children in the United States who count on these funds to fulfill their fervent hopes for a decent education.

Mr. ECKHARDT. Mr. Speaker, the allocation proposed by Mr. Quie would have this effect as between the have and have-not States: Of the 25 States having the highest per capita income rankings—New York, No. 1, through Wyoming, No. 25—all but 2—Nebraska and Indiana—would receive more under Mr. Quie's allocations. Of the 25 States having the lowest per capita income rankings—Arizona, No. 26, through Mississippi, No. 50—all but 8—Arizona, Wisconsin, Virginia, New Hampshire, Montana, Utah, Maine, and New Mexico—would receive less under Mr. Quie's amendment. Thus, the poor States would get less and the rich State more. Only 4 States under the ranking of 30th in per capita income would receive more under the Quie allocation. All the rest would be cut from the level contained in the conference report.

With the exception of Virginia—which ranks above Texas in per capita income—Texas ranks 31—every Southern State takes a cut from the level of the conference report.

Mr. Speaker, we cannot in good conscience continue to widen the gap of educational opportunity between Mississippi children and New York children. What Mississippi and Alabama lose is about what New York gains—in round numbers, $10 million. What Louisiana, the fifth poorest State loses, Connecticut, the second richest State gains—in round numbers $2.4 million. What South Carolina, West Virginia, and Kentucky lose is picked up by two of the three biggest rich States, California and Illinois—in round numbers $9.4 million.

But there is no great wonder that the Quie allocation is popular. We tend to look at a schedule of gains and losses under various formulas and vote our State's pocketbook. Again the poor, the minority, loses. For all the six biggest States except Texas gain under the Quie formula. These States alone have 154 Representatives in the House. All of the States that lose under the Quie formula together have less votes—only 126 or 29 percent of the voting strength of the House.

Federal aid to education was originally conceived as a means of equalizing educational opportunity as between children whose opportunities were low because the tax base from which their educational needs were provided was low and, on the other hand, children whose educational opportunities were high for the converse reason. That is why Senator Robert Taft finally swung to the side of Federal aid to education, and the initial act was then passed because it could muster bipartisan support.

If Federal aid begins to be envisaged as a pork barrel, with each Member vying for advantage through a formula deemed most favorable to him, the whole rationale for Federal aid to education will be undermined, and we will either rapidly return to a situation in which Federal funds will have no equalizing effect at all, or they will supplant State and local funds completely. What then happens to the local independence of our educational system?

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and insert extraneous material, in connection with the conference report on the Health, Education, and Welfare appropriations bill now under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. All time has expired. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. QUIE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Quie moves to recommit the Conference Report on H.R. 8877 to the Committee of Conference with the following instructions to the Managers on the Part of the House:
>
> That the House recede from its disagreement to the amendment of the Senate numbered 32 and agree to the same with an amendment, as follows:
>
> In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "That the aggregate amounts made available to each State under title I-A of the Elementary and Secondary Education Act for grants to local educational agencies within that State shall not be more than 120 per centum of such amounts as were made available for that purpose for fiscal year 1973, and the amount made available to each local educational agency under said title I-A shall not be less than 90 per centum of the amount made available for that purpose for fiscal year 1973".

POINT OF ORDER

Mr. FLOOD. Mr. Speaker, I make a point of order against the motion to recommit.

The SPEAKER. The gentleman will state his point of order.

Mr. FLOOD. Mr. Speaker, I make the point of order against the motion to recommit on the ground that it instructs the conferees to include matter in the conference report which is not otherwise in order. This provision described in the instructions we just heard is clearly legislation on an appropriation act. Therefore, it is not eligible for inclusion in a conference report under provisions of clause 2, rule 20 and clause 2, rule 21.

The SPEAKER. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. QUIE. Yes, Mr. Speaker.

The language that I propose to instruct the conferees was language, albeit legislation on an appropriation bill, which was in both the House bill and in the Senate bill, and the language on the disagreement is language which is neither in the House bill nor the Senate bill, but an amendment itself, so I proposed it here and agree with the instructions on the language that the committee has already come back with. Therefore, it seems to me that it would be in order.

The SPEAKER. The Chair is prepared to rule.

The gentleman from Pennsylvania (Mr. Flood) makes a point of order that the motion to recommit with instructions is in violation of the rules of the House and is not in order.

The motion to recommit directs the House conferees to recommend that the House recede from its disagreement to Senate amendment No. 32 and concur therein with an amendment. Senate amendment No. 32 was reported from conference in disagreement because, under clause 2 of rule XX, the House conferees had no authority to agree to that amendment, since it contained legislation on an appropriation bill and would have been subject to a point of order. The Chair notes that on June 26, 1973, Chairman Holifield sustained a point of order against an amendment offered by the gentleman from Minnesota (Mr. Quie), on the grounds that the amendment added additional legislation to legislative language which had been permitted to remain in the bill by a resolution waiving points of order.

Under the precedents of the House, a motion to instruct conferees, or to recommit a bill to conference with instructions, may not include instructions directing House conferees to do that which would be inadmissible if offered as an amendment in the House—Cannon's Precedents, volume VIII, section 3235.

The Chair would like to point out two of the syllabi in section 3235:

> Instructions to managers of a conference may not direct them to do that which they might not do otherwise.
>
> A motion to instruct conferees may not include directions which would be inadmissible if offered as a motion in the House.

In the instant situation the Chair is of the opinion that the instructions included in the motion to recommit would, if offered in the House as an amendment to the language of the Senate amendment, add legislation thereto. As was the case in Chairman Holifield's ruling of June 26, 1973, the language would constitute a change in the allotment formula contained in the language of the Senate amendment. The Chair therefore holds that the motion to recommit is not a permissible motion within the meaning of clause 2, rule XX, and sustains the point of order.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. MICHEL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Michel moves to recommit the conference report on H.R. 8877 to the committee of conference.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

RECORDED VOTE

Mr. MICHEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 272, noes 139, not voting 22, as follows:

[Roll No. 579]

AYES—272

Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Barrett
Bauman
Bell
Bennett
Biaggi
Biester
Bingham
Boland
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Butler
Byron
Carey, N.Y.
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clawson, Del
Clay
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Findley
Fish
Fisher
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Frey
Gaydos
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Guyer
Haley
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hawkins
Hays
Heckler, Mass.
Heinz
Helstoski
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Kastenmeier
Kemp
Ketchum
King
Koch
Kuykendall
Kyros
Landgrebe
Latta
Leggett
Long, Md.
Lujan
McClory
McCollister
McEwen
McKinney
Macdonald
Madigan
Mailliard
Martin, Nebr.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Moakley
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Nedzi
Nelsen
Nix
O'Brien
Owens
Parris
Patten
Pettis
Peyser
Pike
Podell
Price, Ill.
Price, Tex.
Quie
Railsback
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Rousselot
Roybal
Runnels
Ruppe
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Shuster
Sisk
Smith, N.Y.
Snyder
Stanton, J. William
Stanton, James V.
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik

Veysey
Vigorito
Waldie
Walsh
Wampler
Ware
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson,
  Charles H.,
  Calif.
Wolff
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Zion
Zwach

NOES—139

Abdnor
Adams
Alexander
Andrews, N.C.
Andrews,
  N. Dak.
Badillo
Beard
Bergland
Bevill
Blatnik
Boggs
Bowen
Brademas
Breaux
Breckinridge
Brooks
Broyhill, N.C.
Buchanan
Burleson, Tex.
Burlison, Mo.
Camp
Carney, Ohio
Carter
Casey, Tex.
Chappell
Cleveland
Cochran
Collins, Tex.
Culver
Davis, Ga.
Davis, S.C.
de la Garza
Denholm
Dingell
Dorn
Eckhardt
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Fountain
Froehlich
Fulton
Fuqua
Gettys
Gilman
Ginn
Gonzalez
Gunter
Hamilton
Hammer-schmidt
Hansen, Wash.
Hastings
Hébert
Hechler, W. Va.
Henderson
Hicks
Ichord
Jarman
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kazen
Landrum
Lehman
Litton
Long, La.
Lott
McCloskey
McCormack
McDade
McFall
McKay
McSpadden
Madden
Mahon
Mallary
Mann
Maraziti
Martin, N.C.
Mathis, Ga.
Mezvinsky
Mills, Ark.
Mitchell, Md.
Mizell
Mollohan
Montgomery
Natcher
Nichols
Obey
O'Neill
Passman
Patman
Pepper
Perkins
Pickle
Poage
Preyer
Pritchard
Quillen
Randall
Rarick
Roberts
Rogers
Rooney, N.Y.
Rose
Roush
Roy
Ruth
Sebelius
Shriver
Sikes
Skubitz
Slack
Smith, Iowa
Spence
Staggers
Stark
Stokes
Stubblefield
Taylor, N.C.
Thone
Thornton
Treen
Waggonner
Whalen
White
Whitten
Wilson,
  Charles, Tex.
Winn
Wright
Wyatt
Young, S.C.
Young, Tex.
Zablocki

NOT VOTING—22

Blackburn
Bolling
Burke, Calif.
Burton
Clausen,
  Don H.
Conte
Danielson
Davis, Wis.
Dellums
Fraser
Gubser
Keating
Kluczynski
Lent
Mathias, Calif.
Murphy, N.Y.
O'Hara
Powell, Ohio
Reid
St Germain
Steed
Stephens

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

Mr. Murphy of New York with Mr. Danielson.

Mr. Conte with Mr. Lent.

Mr. Reid with Mr. Gubser.

Mr. O'Hara with Mr. Don H. Clausen.

Mr. Dellums with Mr. Fraser.

Mr. Burton with Mr. Davis of Wisconsin.

Mrs. Burke of California with Mr. St Germain.

Mr. Kluczynski with Mr. Blackburn.

Mr. Stephens with Mr. Steed.

Mr. Powell of Ohio with Mr. Mathias of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1081) entitled "An act to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment."

PERMISSION TO FILE CONFERENCE REPORT ON S. 2408, THE MILITARY CONSTRUCTION AUTHORIZATION BILL

Mr. PIKE. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on S. 2408, the military construction authorization bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 93-634)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $2,525,000.

Fort Devens, Massachusetts, $2,749,000.

Camp Drum, New York, $1,099,000.

Fort Eustis, Virginia, $4,782,000.

Camp A. P. Hill, Virginia, $535,000.

Indiantown Gap Military Reservation, Pennsylvania, $1,657,000.

Fort Knox, Kentucky, $7,305,000.

Fort Lee, Virginia, $18,326,000.

Fort George G. Meade, Maryland, $5,924,000.

Camp Pickett, Virginia, $476,000.

(Third Army)

Fort Benning, Georgia, $12,404,000.

Fort Bragg, North Carolina, $32,400,000.

Fort Campbell, Kentucky, $51,881,000.

Eglin Air Force Base, Valparaiso, Florida, $2,950,000.

Fort Gordon, Georgia, $23,154,000.

Fort Jackson, South Carolina, $2,902,000.

Fort McClellan, Alabama, $19,505,000.

Fort Rucker, Alabama, $3,987,000.

Fort Stewart, Georgia, $264,000.

(Fifth Army)

Fort Bliss, Texas, $6,087,000.

Fort Benjamin Harrison, Indiana, $3,893,000.

Fort Hood, Texas, $9,824,000.

Fort Sam Houston, Texas, $11,738,000.

Fort Polk, Louisiana, $29,276,000.

Fort Riley, Kansas, $30,943,000.

Fort Sheridan, Illinois, $762,000.

Fort Sill, Oklahoma, $9,447,000.

Fort Leonard Wood, Missouri, $44,482,000.

(Sixth Army)

Fort Carson, Colorado, $5,651,000.

Hunter-Liggett Military Reservation, California, $7,776,000.

Fort Lewis, Washington, $8,327,000.

Fort Ord, California, $9,812,000.

Presidio of San Francisco, California, $3,074,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $7,472,000.

Aeronautical Maintenance Center, Texas, $6,284,000.

Anniston Army Depot, Alabama, $3,745,000.

Frankford Arsenal, Pennsylvania, $73,000.

Fort Monmouth, New Jersey, $8,401,000.

Natick Laboratories, Massachusetts, $466,000.

Picatinny Arsenal, New Jersey, $255,000.

Pine Bluff Arsenal, Arkansas, $294,000.

Redstone Arsenal, Alabama, $4,971,000.

Sacramento Army Depot, California, $412,000.

Savanna Army Depot, Illinois, $113,000.

Sierra Army Depot, California, $380,000.

Tobyhanna Army Depot, Pennsylvania, $456,000.

White Sands Missile Range, New Mexico, $3,843,000.

Yuma Proving Ground, Arizona, $6,472,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $6,832,000.

Fort Ritchie, Maryland, $1,394,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $30,145,000.

CORPS OF ENGINEERS

Cold Regions Laboratories, New Hampshire, $597,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Oakland Army Terminal, California, $343,000.

Sunny Point Army Terminal, North Carolina, $1,628,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska, $3,060,000.

Fort Richardson, Alaska, $2,140,000.

Fort Wainwright, Alaska, $2,715,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii, $9,592,000.

Fort Shafter, Hawaii, $1,233,000.

POLLUTION ABATEMENT

Various locations, Air Pollution Abatement, $7,295,000.

Various locations, Water Pollution Abatement, $6,799,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, various locations, $8,095,000.

UNITED STATES ARMY, PACIFIC

Korea, various locations, $1,568,000.

PUERTO RICO

Fort Buchanan, Puerto Rico, $517,000.

KWAJALEIN MISSILE RANGE

National Missile Range, $1,029,000.

UNITED STATES ARMY SECURITY AGENCY

Various locations, $1,434,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various locations, $2,097,000.

UNITED STATES ARMY, EUROPE

Germany, various locations, $12,517,000.

Various locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $80,000,000: Provided, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $3,000,000.

SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules if the Secretary of Defense determines that deferral of such constuction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: Provided, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 104. (a) Public Law 92–545 is amended under the heading "INSIDE THE UNITED STATES," in section 101 as follows:

With respect to "Military Ocean Terminal, Bayonne, New Jersey," strike out "$3,245,000" and insert in place thereof "$3,603,000."

With respect to "Walter Reed Army Medical Center, District of Columbia," strike out "$13,161,000" and insert in place thereof "$15,866,000".

(b) Public Law 92–545 is amended under the heading "OUTSIDE THE UNITED STATES—UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND" in section 101 as follows: with respect to "Various Locations," strike out "$1,412,000" and insert in place thereof "$1,649,000".

(c) Public Law 92–545 is amended by striking out in clause (1) of section 702 "$441,704,000"; "$117,074,000"; and "$558,778,000" and inserting in place thereof "$444,767,000"; "$117,311,000"; and "$562,078,000," repectively.

SEC. 105. (a) Public Law 92–145, as amended, is amended under the heading "OUTSIDE THE UNITED STATES" in section 101 as follows:

With respect to "Germany, Various Locations," strike out "$1,946,000" and insert in place thereof "$2,553,000".

(b) Public Law 92–145, as amended, is amended by striking out in clause (1) of section 702 "$41,374,000" and "$404,500,000" and inserting in place thereof "$41,981,000" and "$405,107,000", respectively.

SEC. 106. (a) Public Law 91–511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows: With respect to "Fort Benning, Georgia", strike out "$2,855,000" and insert in place thereof "$3,383,000".

(b) Public Law 91–511, as amended, is amended by striking out in clause (1) of section 602 "$181,306,000" and "$266,503,000" and inserting in place thereof "$181,834,000" and "$267,031,000", respectively.

SEC. 107. (a) Public Law 90–110, as amended, is amended under the heading "UNITED STATES ARMY, ALASKA" in section 101 as follows: With respect to "Fort Richardson, Alaska," strike out "$1,800,000" and insert in place thereof "$2,100,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (1) of section 802 "$288,055,000" and "$391,448,000" and inserting in place thereof "$288,355,000" and "$391,748,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine, $135,000.

Portsmouth Naval Shipyard, Portsmouth, Kittery, Maine, $2,817,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $6,158,000.

Naval Underwater Systems Center, New London Laboratory, New London, Connecticut, $3,600,000.

Military Ocean Terminal, Bayonne, New Jersey, $1,806,000.

FOURTH NAVAL DISTRICT

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $180,000.

Naval Air Development Center, Warminster, Pennsylvania, $215,000.

NAVAL DISTRICT, WASHINGTON

Naval Research Laboratory, Washington, District of Columbia, $4,655,000.

Naval Academy, Annapolis, Maryland, $4,334,000.

Naval Medical Research Institute, Bethesda, Maryland, $6,372,000.

Naval Ordnance Station, Indian Head, Maryland, $1,528,000.

Naval Air Test Center, Patuxent River, Maryland, $560,000.

Naval Hospital, Quantico, Virginia, $484,000.

FIFTH NAVAL DISTRICT

Fleet Combat Direction Systems Training Center, Atlantic, Dam Neck, Virginia, $6,581,000.

Naval Amphibious Base, Little Creek, Virginia, $3,211,000.

Naval Air Station, Norfolk, Virginia, $2,525,000.

Naval Station, Norfolk, Virginia, $18,183,000.

Navy Public Works Center, Norfolk, Virginia, $567,000.

Nuclear Weapons Training Group, Atlantic, Norfolk, Virginia, $2,470,000.

Naval Air Station, Oceana, Virginia, $3,386,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, $11,133,000.

Naval Weapons Station, Yorktown, Virginia, $1,327,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $3,636,000.

Naval Air Station, Ellyson Field, Florida, $75,000.

Naval Air Station, Jacksonville, Florida, $14,366,000.

Naval Training Center, Orlando, Florida, $4,628,000.

Naval Coastal Systems Laboratory, Panama City, Florida, $3,663,000.

Naval Air Station, Pensacola, Florida, $2,699,000.

Naval Communications Training Center, Pensacola, Florida, $10,690,000.

Naval Air Station, Whiting Field, Florida, $3,586,000.

Naval Aerospace Regional Medical Center, Pensacola, Florida, $1,084,000.

Naval Home, Gulfport, Mississippi, $9,444,000.

Naval Air Station, Meridian, Mississippi, $4,532,000.

Charleston Naval Shipyard, Charleston, South Carolina, $252,000.

Naval Station, Charleston, South Carolina, $1,498,000.

Naval Air Station, Memphis, Tennessee, $4,478,000.

EIGHTH NAVAL DISTRICT

Naval Hospital, New Orleans, Louisiana, $3,386,000.

Naval Support Activity, New Orleans, Louisiana, $13,880,000.

Naval Air Station, Chase Field, Texas, $2,875,000.

Naval Air Station, Kingsville, Texas, $3,040,000.

NINTH NAVAL DISTRICT

Naval Complex, Great Lakes, Illinois, $15,148,000.

ELEVENTH NAVAL DISTRICT

Naval Weapons Center, China Lake, California, $3,163,000.

Long Beach Naval Shipyard, Long Beach, California, $6,808,000.

Naval Hospital, Long Beach, California, $878,000.

Naval Air Station, Miramar, California, $1,454,000.

Naval Air Station, North Island, California, $2,415,000.

Fleet Combat Direction Systems Training Center, Pacific, San Diego, California, $1,118,000.

Naval Electronics Laboratory Center, San Diego, California, $3,518,000.

Naval Station, San Diego, California, $11,996,000.

Naval Training Center, San Diego, California, $2,944,000.

Navy Public Works Center, San Diego, California, $2,471,000.

Navy Submarine Support Facility, San Diego, California, $3,920,000.

Naval Weapons Station, Seal Beach, California, $807,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Alameda, California, $3,827,000.

Naval Air Station, Lemoore, California, $3,266,000.

Naval Air Station, Moffett Field, California, $3,150,000.

Naval Hospital, Oakland, California, $5,839,000.

Mare Island Naval Shipyard, Vallejo, California, $1,874,000.

THIRTEENTH NAVAL DISTRICT

Naval complex, Adak, Alaska, $4,615,000.

Puget Sound Naval Shipyard, Bremerton, Washington, $2,300,000.

FOURTEENTH NAVAL DISTRICT

Naval Air Station, Barbers Point, Hawaii, $4,306,000.

Naval Ammunition Depot, Oahu, Hawaii, $457,000.

Naval Station, Pearl Harbor, Hawaii, $4,060,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $2,562,000.

Navy Public Works Center, Pearl Harbor, Hawaii, $1,985,000.

Naval Communication Station, Honolulu, Wahiawa, Hawaii, $2,324,000.

MARINE CORPS

Marine Corps Air Station, Quantico, Virginia, $831,000.

Marine Corps Development and Education Command, Quantico, Virginia, $1,541,000.

Marine Corps Base, Camp Lejeune, North Carolina, $8,902,000.

Marine Corps Air Station, Cherry Point, North Carolina, $1,821,000.

Marine Corps Air Station, New River, North Carolina, $3,245,000.

Fleet Marine Force Atlantic, Norfolk, Virgina, $686,000.

Marine Corps Supply Center, Albany, Georgia, $5,204,000.

Marine Corps Air Station, Beaufort, South Carolina, $126,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $2,580,000.

Marine Corps Air Station, Yuma, Arizona, $1,634,000.

Marine Corps Supply Center, Barstow, California, $3,802,000.

Marine Corps Base, Camp Pendleton, California, $10,920,000.

Marine Corps Air Station, El Toro, California, $747,000.

Marine Corps Recruit Depot, San Diego, California, $3,825,000.

Marine Corps Base, Twentynine Palms, California, $2,992,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $5,988,000.

TRIDENT FACILITIES

Various Locations, Trident Facilities, United States, $118,320,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $27,636,000.

Various Locations, Water Pollution Abatement, $51,112,000.

Outside the United States

TENTH NAVAL DISTRICT

Naval Complex, Puerto Rico, $1,707,000.

Naval Facility, Grand Turk, the West Indies, $1,145,000.

ATLANTIC OCEAN AREA

Naval Air Station, Bermuda, $3,010,000.

Naval Complex, Guantanamo Bay, Cuba, $8,376,000.

Naval Station, Keflavik, Iceland, $6,092,000.

EUROPEAN AREA

Naval Support Office, Athens, Greece, $1,948,000.

Naval Detachment, Souda Bay, Crete, Greece, $4,153,000.

Naval Air Facility, Sigonella, Sicily, Italy, $3,086,000.

Naval Security Group Activity, Edzell, Scotland, $778,000.

Naval Station, Rota, Spain, $85,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $1,192,000.

Naval Complex, Guam, Mariana Islands, $10,988,000.

Naval Complex, Subic Bay, Republic of the Philippines, $278,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $3,995,000.

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permament or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000; *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 203. The Secretary of the Navy is authorized to acquire, under such terms as he deems appropriate, lands or interests in land (including easements) in approximately fourteen thousand acres of privately owned property contiguous to the airfield and approach corridors of the Marine Corps Air Station at Yuma, Arizona, as he considers necessary for the safe and efficient operations at such station. Acquisition of such land or interests in land shall be effected by the exchange of such excess land or interests in land of approximately equal value, as the Secretary of Defense may determine to be available for the purpose. If the fair market value of the land or interests in land to be acquired is less than the fair market value of the Government property to be exchanged, the amount of such deficiency shall be paid to the Government.

SEC. 204. (a) In order to facilitate the relocation of the ship-to-shore and other gun fire and bombing operations of the United States Navy from the island of Culebra, there is hereby authorized to be appropriated the sum of $12,000,000 for the construction and equipage of substitute facilities in support of such relocation.

(b) The relocation of such operations from the northwest peninsula of the island of Culebra is expressly conditioned upon the conclusion of a satisfactory agreement to be negotiated by the Secretary of the Navy, or his designee, with the Commonwealth of Puerto Rico and reported to the Committees on Armed Services of the Senate and the House of Representatives prior to execution of such agreement. The agreement shall provide, among other things, that the Commonwealth of Puerto Rico shall insure that (1) Commonwealth lands suitable for carrying out operations of the type referred to in subsection (a) will be made available for the long term continued use of the Atlantic Fleet Weapons Range and Fleet Marine Forces training areas by the Navy, including, but not limited to, present areas and facilities on the island of Vieques, and (2) any proposed facility or activity which would interfere with the Navy training mission will not be undertaken, including the proposed deep water super-port on the island of Mona, in the event that such agreement includes the use by the Navy of such island or the area adjacent to such island.

(c) Notwithstanding any other provisions of law, the present bombardment area on the island of Culebra shall not be utilized for any purpose that would require decontamination at the expense of the United States. Any lands sold, transferred, or otherwise disposed of by the United States as a result of the relocation of the operations referred to in subsection (a) may be sold, transferred, or otherwise disposed of only for public park or public recreational purposes.

(d) The funds authorized for appropriation by this section shall remain available until expended.

SEC. 205. (a) Public Law 90–408, as amended, is amended under the heading "Inside the United States", in section 201 as follows: With respect to Navy Mine Defense Laboratory, Panama City, Florida, strike out "$7,411,000" and insert in place thereof "$9,397,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (2) of section 802, "$239,682,000" and "$246,547,000" and inserting in place thereof "$241,668,000" and "$248,533,000", respectively.

SEC. 206. (a) Public Law 91–511, as amended, is amended under the heading "Inside the United States", in section 201 as follows: With respect to Naval Weapons Laboratory, Dahlgren, Virginia, strike out "$530,000" and insert in place thereof "$779,000".

(b) Public Law 91–511, as amended, is amended by striking out in clause (2) of section 602 "$246,955,000" and "$274,093,000" and inserting in place thereof "$247,204,000" and "$274,342,000", respectively.

SEC. 207. (a) Public Law 92–145 is amended under the heading "Inside the United States", in section 201 as follows:

With respect to Naval Station, Norfolk, Virginia, strike out "$19,316,000" and insert in place thereof "$22,716,000".

With respect to Naval Air Station, Meridian, Mississippi, strike out "$3,266,000" and insert in place thereof "$3,859,000".

(b) Public Law 92–145 is amended by striking out in clause (2) of section 702 "$266,068,000" and "$321,843,000" and inserting in place thereof "$270,061,000" and "$325,836,000", respectively.

SEC. 208. (a) Public Law 92–545 is amended under the heading "Inside the United States" in section 201 as follows: With respect to Naval Ammunition Depot, McAlester, Oklahoma, strike out "$6,336,000" and insert in place thereof "$8,778,000".

With respect to Naval Air Station, Miramar, California, strike out "$4,372,000" and insert in place thereof "$5,144,000".

(b) Public Law 92–545 is amended by striking out in clause (2) of section 702 "$474,450,000" and "$515,667,000" and inserting in place thereof "$477,664,000" and "$518,881,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

Inside the United States

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $7,843,000.

Tyndall Air Force Base, Panama City, Florida, $1,020,000.

AIR FORCE COMMUNICATIONS SERVICE

Richards-Gebaur Air Force Base, Grandview, Missouri, $3,963,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah, $8,343,000.

Kelly Air Force Base, San Antonio, Texas, $6,101,000.

McClellan Air Force Base, Sacramento, California, $2,572,000.

Robins Air Force Base, Warner Robins, Georgia, $4,628,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $11,787,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $13,277,000.

AIR FORCE SYSTEMS COMMAND

Edwards Air Force Base, Muroc, California, $889,000.

Eglin Air Force Base, Valparaiso, Florida, $7,039,000.

Satellite Control Facilities, $654,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Biloxi, Mississippi, $8,786,000.

Lackland Air Force Base, San Antonio, Texas, $6,509,000.

Laughlin Air Force Base, Del Rio, Texas, $4,635,000.

Lowry Air Force Base, Denver, Colorado, $20,350,000.

Mather Air Force Base, Sacramento, California, $310,000.

Randolph Air Force Base, San Antonio, Texas, $1,463,000.

Reese Air Force Base, Lubbock, Texas, $4,211,000.

Sheppard Air Force Base, Wichita Falls, Texas, $2,753,000.

Vance Air Force Base, Enid, Oklahoma, $371,000.

Webb Air Force Base, Big Spring, Texas, $3,154,000.

Williams Air Force Base, Chandler, Arizona, $347,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $1,557,000.

Various Locations, $7,101,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $16,639,000.

Bolling Air Force Base, Washington, District of Columbia, $1,500,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $1,078,000.

Dover Air Force Base, Dover, Delaware, $2,558,000.

McGuire Air Force Base, Wrightstown, New Jersey, $1,698,000.

Norton Air Force Base, San Bernardino, California, $1,283,000.

Scott Air Force Base, Belleville, Illinois, $3,092,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $7,331,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $1,200,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $232,000.

Dyess Air Force Base, Abilene, Texas, $730,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $514,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming, $5,834,000.

Grissom Air Force Base, Peru, Indiana, $1,500,000.

Kincheloe Air Force Base, Kinross, Michigan, $2,430,000.

Malmstrom Air Force Base Great Falls, Montana, $1,507,000.

McConnell Air Force Base, Wichita, Kansas, $1,042,000.

Offutt Air Force Base, Omaha, Nebraska, $617,000.

Pease Air Force Base, Portsmouth, New Hampshire, $526,000.

Plattsburgh Air Force Base, Plattsburgh, New York, $286,000.

Vandenberg Air Force Base, Lompoc, California, $220,000.

Whiteman Air Force Base, Knob Noster, Missouri, $3,892,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $616,000

Various Locations, $1,988,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $2,273,000.

Cannon Air Force Base, Clovis, New Mexico, $162,000.

England Air Force Base, Alexandria, Louisiana, $183,000.

Holloman Air Force Base, Alamogordo, New Mexico, $1,524,000.

Langley Air Force Base, Hampton, Virginia, $503,000.

Little Rock Air Force Base, Little Rock, Arkansas, $1,165,000.

Luke Air Force Base, Glendale, Arizona, $2,986,000.

MacDill Air Force Base, Tampa, Florida, $2,657,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $253,000.

Nellis Air Force Base, Las Vegas, Nevada, $2,588,000.

Shaw Air Force Base, Sumter, South Carolina, $2,501,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $483,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $6,115,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $3,689,000.

Various Locations, Water Pollution Abatement, $5,381,000.

AIR INSTALLATION COMPATIBLE USE ZONES

Various Locations, $18,000,000.

OUTSIDE THE UNITED STATES

AIR DEFENSE COMMAND

Naval Station Keflavik, Iceland, $1,355,000.

PACIFIC AIR FORCES

Various Locations, $7,950,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $5,181,000.

United Kingdom, $3,788,000.

Various Locations, $800,000.

UNITED STATES AIR FORCE SOUTHERN COMMAND

Howard Air Force Base, Canal Zone, $927,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations, $221,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $750,000.

WORLDWIDE COMMUNICATIONS

Various Locations, $330,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $1,000,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $10,000,000; *Provided,* That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Section 301 of Public Law 92–145 is amended under the heading "INSIDE THE UNITED STATES" as follows: Under the subheading "STRATEGIC AIR COMMAND" with respect to Malmstrom Air Force Base, Great Falls, Montana, strike out "$522,000" and insert in place thereof "$735,000".

(b) Public Law 92–145 is further amended by striking out in clause (3) of section 702 "$226,484,000" and "$247,347,000" and inserting in place thereof "$226,697,000" and "$247,560,000", respectively.

SEC. 305. (a) Public Law 92–545 is amended under the heading "INSIDE THE UNITED STATES" in section 301 as follows:

With respect to Keesler Air Force Base, Biloxi, Mississippi, strike out "$4,454,000" and insert in place thereof "$5,654,000".

(b) Public Law 92–545 is amended under the heading "OUTSIDE THE UNITED STATES," in section 301 as follows: Under the subheading "UNITED STATES AIR FORCES IN EUROPE" with respect to Germany, strike out "$11,422,000" and insert in place thereof "$18,755,000".

(c) Public Law 92–545 is amended by striking out in clause (3) of section 702 "$232,925,000"; "$32,565,000"; and "$284,150,000" and inserting in place thereof "$234,125,000"; "$39,898,000"; and "$292,683,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies of the following acquisition and construction:

DEFENSE NUCLEAR AGENCY

Kirtland Air Force Base, Albuquerque, New Mexico, $374,000.

Atomic Energy Commission Nevada Test Site, Las Vegas, Nevada, $200,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, $1,188,000.

Defense Depot, Mechanicsburg, Pennsylvania, $2,048,000.

Defense Depot, Memphis, Tennessee, $360,000.

Defense Depot, Ogden, Utah, $250,000.

Defense Depot, Tracy, California, $757,000.

Defense General Supply Center, Richmond, Virginia, $2,653,000.

Defense Logistics Services Center, Battle Creek, Michigan, $160,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $560,000.

Regional Office, Defense Contract Administration Services, Chicago, Illinois, $404,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $8,156,000.

TITLE V—MILITARY FAMILY HOUSING AND HOMEOWNERS ASSISTANCE PROGRAM

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and mobile home facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the Senate and the House of Representatives, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units:

(1) The Department of the Army, five thousand three-hundred sixty-nine units, $153,170,000.

Fort Carson, Colorado, two hundred units.

Eglin Air Force Base, Florida, twenty-five units.

United States Army Installation, Oahu, Hawaii, six hundred units.

Fort Riley, Kansas, nine hundred one units.

Fort Campbell, Kentucky, one thousand units.

Fort Polk, Louisiana, five hundred units.

Fort Bragg/Pope Air Force Base, North Carolina, one hundred thirty-six units.

Tobyhanna Army Depot, Pennsylvania, eighty-six units.

Fort Hood, Texas, nine hundred units.

Red River Army Depot, Texas, twenty-one units.

Fort Belvoir, Virginia, seven hundred units.

Fort Eustis, Virginia, three hundred units.

(2) The Department of the Navy, three thousand six hundred ten units, $109,397,000.

Marine Corps Base, Camp Pendleton, California, eight hundred units.

Naval Complex, San Diego, California, three hundred twenty-five units.

Marine Corps Base, Twentynine Palms, California, two hundred units.

Naval Station, Mayport, Florida, four hundred units.

Naval Complex, Oahu, Hawaii, four hundred units.

Naval Complex, New Orleans, Louisiana, one hundred units.

Construction Battalion Center, Gulfport, Mississippi, one hundred units.

Naval Home, Gulfport, Mississippi, five units.

Naval Complex, South Philadelphia, Pennsylvania, three hundred fifty units.

Naval Complex, Charleston, South Carolina, two hundred seventy units.

Naval Complex, Guam, Marianas Islands, five hundred ten units.

Naval Station, Keflavik, Iceland, one hundred fifty units.

(3) The Department of the Air Force, one thousand seven hundred units, $52,646,000.

Blytheville Air Force Base, Arkansas, one hundred units.

Avon Park Weapons Range, Florida, fifty units.

Eglin Air Force Base, Florida, two hundred fifty units.

United States Air Force Installations, Oahu, Hawaii, four hundred units.

Andrews Air Force Base, Maryland, three hundred units.

Grand Forks Air Force Base, North Dakota, one hundred units.

Sheppard Air Force Base, Texas, two hundred units.

Andersen Air Force Base, Guam, Marianas Islands, three hundred units.

(b) Mobile home facilities:

(1) The Department of the Army, eight hundred twenty-five spaces, $3,300,000.

(2) The Department of the Navy, one hundred spaces, $400,000.

(3) The Department of the Air Force, four hundred fifteen spaces, $2,000,000.

Sec. 502. (a) Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures.

(b) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $27,500 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) No family housing unit in the area specified in subsection (b) shall be constructed at a total cost exceeding $44,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utiilties.

(d) When family housing units are constructed in areas other than that specified in subsection (b) the average cost of all such units shall not exceed $37,000 and in no event shall the cost of any unit exceed $44,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

Sec. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost of not to exceed—

(1) for the Department of the Army, $28,160,000.

(2) for the Department of the Navy, $10,600,000.

(3) for the Department of the Air Force, $23,750,000.

Sec. 504. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed prior to the date of enactment of this Act.

Sec. 505. The Secretary of Defense or his designee, is authorized to construct, or otherwise acquire, in foreign countries, twelve family housing units. This authority shall include the authority to acquire land and interests in land. The authorization contained in this section shall not be subject to the cost limitations set forth in section 502 of this Act, but the cost shall not exceed a total of $520,000 for all units nor $60,000 for any one unit, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilites.

Sec. 506. (a) Section 610(a) of Public Law 90–110 (81 Stat. 279, 305), as amended, is amended to read as follows:

"(a) None of the funds authorized by this or any other Act may be expended for the improvement of any single family housing unit, or for the improvement of two or more housing units when such units are to be converted into or used as a single family housing unit, the costs of which exceed $15,000 per unit including costs of repairs undertaken in connection therewith, and including any costs in connection with (1) the furnishing of electricity, gas, water and sewage disposal; (2) roads and walks; and (3) grading and drainage, unless such improvement in connection with such unit or units is specifically authorized by law. As used in this section the term 'improvement' includes alteration, expansion, extension, or rehabilitation of any housing unit or units, including that maintenance and repair which is to be accomplished concurrently with an improvement project. The provisions of this section shall not apply to projects authorized for restoration or replacement of housing units damaged or destroyed."

(b) The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $15,000 limitation prescribed in section 610(a) of Public Law 90–110 as follows:

Elmendorf Air Force Base, Alaska, one unit, $35,800.

Marine Corps Base, Twentynine Palms, California, one unit, $17,000.

Fort McNair, Washington, District of Columbia, five units, $165,000.

Naval Complex, New Orleans, Louisiana, four units, $119,600.

Ramstein Air Base, Federal Republic of Germany, one unit, $26,500.

Sec. 507. (a) Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is further amended to read as follows:

"Sec. 515. During fiscal years 1974 and 1975, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities for assignment as public quarters to military personnel and their dependents, without rental charge, at or near any military installation in the United States, Puerto Rico, or Guam if the Secretary of Defense, or his designee, finds that there is a lack of adequate housing at or near such military installation and that (1) there has been a recent substantial increase in military strength and such increase is temporary, or (2) the permanent military strength is to be substantially reduced in the near future, or (3) the number of military personnel assigned is so small as to make the construction of family housing uneconomical, or (4) family housing is required for personnel attending service school academic courses on permanent change of station orders, or (5) family housing has been authorized but is not yet completed or a family housing authorization request is in a pending military construction authorization bill. Such housing facilities may be leased on an individual unit basis and not more than ten thousand such units may be so leased at any one time. Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: For the United States (other than Hawaii), Puerto Rico, and Guam an average of $210 per month for each military department, or the amount of $290 per month for any one unit; and for Hawaii, an average of $255 per month for each military department, or the amount of $300 per month for any one unit."

(b) The average unit rental for Department of Defense family housing acquired by lease in foreign countries may not exceed $325 per month for the Department and in no event shall the rental for any one unit exceed $625 per month, including the costs of operation, maintenance, and utilities; and not more than seven thousand five hundred family housing units may be so leased at any one time. The Secretary of Defense, or his designee, may waive these cost limitations for not more than three hundred units leased for: incumbents of special positions, personnel assigned to Defense Attaché Offices, or in countries where excessive costs of housing would cause undue hardship on Department of Defense personnel.

Sec. 508. Section 507 of Public Law 88–174 (77 Stat. 307, 326), as amended, is further amended to read as follows:

"Sec. 507. For the purpose of providing military family housing in foreign countries, the Secretary of Defense is authorized to enter into agreements guaranteeing the builders or other sponsors of such housing a rental return equivalent to a specified portion of the annual rental income which the builders or other sponsors would receive from the tenants if the housing were fully occupied: *Provided*, That the aggregate amount guaranteed under such agreements entered into during the fiscal years 1974 and 1975 shall not exceed such amount as may be applicable to five thousand units: *Provided further*, That no such agreement shall guarantee the payment of more than 97 per centum of the anticipated rentals, nor shall any guarantee extend for a period of more than ten years, nor shall the average guaranteed rental on any project exceed $275 per unit per month, including the cost of maintenance and operation."

Sec. 509. (a) Chapter 159 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"Section 2684. Construction of family quarters; limitations on space

"(a) In the construction of family quarters for members of the Armed Forces, the following are the maximum space limitations:

"Pay grade:	*Number of bedrooms*	*Net floor area (square feet)*
0–7 and above	4	2,100
0–6	4	1,700
0–4 and 0–5	4	1,550
	3	1,400

0–1 through 0–3; W–1 through W–4; and E–7 through E–9	5	1,550
	4	1,450
	3	1,350
	2	950
E–1 through E–6	5	1,550
	4	1,350
	3	1,200
	2	950

As used in this section 'net floor area' means the space inside the exterior walls, excluding: basement; service space instead of basement; attic; garage; carport; porches; and stairwells.

"(b) The maximum limitations prescribed by subsection (a) are increased by 10 per centum for quarters of the commanding officer of any station, air base, or other installation, based on the grade authorized for that position.

"(c) The maximum limitations for family quarters constructed for key and essential civilian personnel are the same, as those for military personnel of comparable grade, as determined by the Secretary of Defense.

"(d) The maximum net floor area prescribed by subsection (a) may be increased up to 5 per centum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the Government to permit award of a turnkey construction project to the contractor offering the most satisfactory proposal. Any increase made under subsection (b) when combined with an increase under this subsection may not exceed an aggregate of 10 per centum."

(b) The analysis of such chapter 159 is amended by adding at the end thereof the following:

"2684. Construction of family quarters; limitations on space."

(c) Chapter 449 of title 10, United States Code, is amended by repealing section 4774, except for subsection (d) thereof, which subsection remains with the "(d)" deleted; and by revising the catchline of such section and the corresponding item in the analysis to read: "Construction: limitations".

(d) Chapter 649 of title 10, United States Code, is amended by repealing sections 7574 and 7575 and by striking out the corresponding items in the analysis.

(e) Chapter 949 of title 10, United States Code, is amended by repealing section 9774, except subsection (d) thereof, which subsection remains with the "(d)" deleted; and by revising the catchline of such section and the corresponding item in the analysis to read: "Construction: limitations".

SEC. 510. Notwithstanding the provisions of any other law, the Secretary of the Air Force is authorized to settle claims regarding repairs and improvements to public quarters at F. E. Warren Air Force Base, Wyoming, in the amount of $41,221.92.

SEC. 511. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of mobile home facilities, and planning, an amount not to exceed $345,246,000; and

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $826,793,000.

SEC. 512. (a) Notwithstanding any other provision of law, the Secretary of the Army, or his designee, is hereby authorized to convey to the State of Hawaii, subject to the terms and conditions hereafter stated, and to such other terms and conditions as the Secretary of the Army, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to certain land, with improvements thereon, within the Fort Ruger Military Reservation, Hawaii, as described in subsection (c).

(b) In consideration for the conveyance by the United States of the aforesaid property, the State of Hawaii shall provide for, convey, or pay to the United States, either in facilities and services or money or a combination thereof, as determined by the Secretary of the Army, a sum equal to the appraised fair market value of the property to be conveyed. The facilities and services so provided shall be utilized, and money so paid shall be credited to applicable accounts which shall then be available, for site preparation and improvement of the Aliamanu Military Reservation, Oahu, Hawaii, including roads and streets, utilities, and other community facilities suitable for the support of a military family housing development. The site preparation and improvements shall be in accordance with plans and specifications to be approved by the Secretary of the Army or his designee.

(c) The lands authorized to be conveyed to the State of Hawaii as provided in subsection (a) comprise approximately fifty-seven acres with improvements thereon as generally depicted on maps on file in the Office of the United States Army Engineer, Pacific Ocean Division, Honolulu, Hawaii. The exact description and acreage of the land to be conveyed shall be determined by an accurate survey as mutually agreed upon between the State of Hawaii and the Secretary of the Army, or his designee.

(d) Notwithstanding any other provision of law, the cost of the site preparation, roads and streets, utilities, and other support facilities borne by the State of Hawaii, as provided herein shall not be considered in arriving at the average cost of any family housing units or the cost of any single family housing unit to be constructed on the property.

(e) Public Law 91–564, approved December 19, 1970, is hereby repealed.

SEC. 513. (a) There is authorized to be appropriated for use by the Secretary of Defense for the purposes of section 1013 of Public Law 89–754 (80 Stat. 1255, 1290), including acquisition of properties, an amount not to exceed $7,000,000.

(b) Such section 1013 is further amended by adding the following new subsection:

"(m) In addition to the coverage provided above, the benefits of this section shall apply, as to closure actions in the several States and the District of Columbia announced after April 1, 1973, to otherwise eligible employees or personnel who are (1) employed or assigned either at or near the base or installation affected by the closure action, and (2) are required to relocate, due to transfer, reassignment or involuntary termination of employment, for reasons other than the closure action."

TITLE VI

GENERAL PROVISIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V shall not exceed—

(1) for title I: Inside the United States, $485,827,000; outside the United States, $107,257,000; section 102, $3,000,000; or a total of $596,084,000.

(2) for title II: Inside the United States, $511,606,000; outside the United States, $58,833,000; or a total of $570,439,000.

(3) for title III: Inside the United States, $238,439,000; outside the United States, $21,302,000; section 302, $1,000,000; or a total of $260,741,000.

(4) for title IV: A total of $10,000,000.

(5) for title V: Military family housing and homeowners assistance, $1,179,039,000.

SEC. 603. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 605. As of October 1, 1974, all authorizations for military public works, including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of October 25, 1972, Public Law 92-545 (86 Stat. 1135), and such authorizations contained in Acts approved before October 26, 1972, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part, before October 1, 1974, and authorizations for appropriations therefor;

(3) notwithstanding the repeal provisions of section 705(b) of the Act of October 25, 1972, Public Law 92-545 (86 Stat. 1135, 1153), all authorizations for construction of family housing, including mobile home facilities, all authorizations to accomplish alterations, additions, expansion, or extensions to existing family housing, and all authorizations for related facilities projects under said Act are hereby continued and shall remain in effect until October 1, 1974; and

(4) notwithstanding the repeal provisions of section 705(a) of the Act of October 25, 1972, Public Law 92-545 (86 Stat. 1135, 1153), authorizations for the following items which shall remain in effect until October 1, 1975:

(A) Enlisted women's barracks construction in the amount of $437,000 for Fort Rucker, Alabama, that is contained in title I, section 101, under the heading "INSIDE THE UNITED STATES" of the Act of October 27, 1971 (85 Stat. 394, 395), as amended.

(B) Airfield expansion in the amount of $882,000 for the United States Army Security Agency, that is contained in title I, section 101, under the heading "OUTSIDE THE UNITED STATES" of the Act of October 27, 1971 (85 Stat. 394, 395), as amended.

(C) Environmental Health Effects Laboratory in the amount of $4,500,000 for the Naval Medical Research Institute, Bethesda, Maryland, that is contained in title II, section 201, under the heading "INSIDE THE UNITED STATES" of the Act of October 27, 1971 (85 Stat. 394, 397).

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index 1.0:

(1) $28.50 per square foot for permanent barracks;

(2) $30.50 per square foot for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable. Notwithstanding the limitations contained in prior military construction authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded prior to the date of enactment of this Act.

SEC. 607. Section 709 of Public Law 92-145 (85 Stat. 394, 414), as amended, is amended to read as follows:

"SEC. 709. Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law, but the Secretary of the Navy, or his designee, may, with respect to such lands, grant leases, licenses, or easements pursuant to chapter 159 of title 10, United States Code, and section 961 of title 43, United States Code."

SEC. 608. Chapter 159 of title 10, United States Code, is amended as follows:

(1) Section 2674(f) is amended by striking out the phrase "every six months" in the second line and inserting "annually" in place thereof.

(2) Section 2676 is amended by adding at the end thereof a new sentence as follows: "The foregoing limitation shall not apply to the acceptance by a military department of real property acquired under the authority of the Administrator of General Services to acquire property by the exchange of Government property pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)."

SEC. 609. The Secretary of Defense is authorized to use any unobligated funds, not in excess of $1,500,000, heretofore appropriated to carry out the provisions of section 610 of the Military Construction Authorization Act, 1971 (84 Stat. 1224) for the purpose of assisting communities near Malmstrom Air Force Base, Great Falls, Montana, to pay their respective shares of the cost under any Federal program providing assistance for the adoption, to the needs and uses of such communities, of the water system, and appurtenances thereto, installed to support the Safeguard Antiballistic Missile site near such air force base.

SEC. 610. (a) Notwithstanding any other provision of law, the Secretary of Defense, in consultation with the National Capital Planning Commission and other interested agencies, but without being subject to the approval of such Commission or any other agency, is directed, within available authorizations and appropriations, to proceed with the further planning, development, and construction of the Bolling-Anacostia Complex. The Secretary shall use as a guide to such further planning and development the Bolling-Anacostia Base Development Concept included with the final environmental impact statement filed with the Council on Environmental Quality on July 26, 1973, under the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969.

(b) Section 607(b) of Public Law 89-188, as amended, is amended by deleting "January 1, 1975" wherever it appears, and inserting in lieu thereof "January 1, 1980".

SEC. 611. (a) The Secretary of the Army, or his designee, is authorized to convey to the San Antonio Country Club, subject to such terms and conditions as the Secretary of the Army, or his designee, may deem to be in the public interest, all rights, title, and interest of the United States, except as retained in this section, in and to certain two parcels of land containing, in the aggregate, 2.39 acres, more or less, situated in the county of Bexar, State of Texas, being part of the Fort Sam Houston Military Reservation, and more particularly described as follows:

PARCEL NO. 1

From boundary marker numbered B-88 for Fort Sam Houston, said point being a northeast corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes east, 48.3 feet to boundary marker numbered B-87;

Thence north 15 degrees 11 minutes east, 546.15 feet to a point in the common line between said San Antonio Country Club and United States of America properties, said point being located north 78 degrees 10 minutes west, 298 feet from boundary marker numbered B-81;

Thence north 04 degrees 36 minutes east, 623.49 feet to a point in the common line between said San Antonio Country Club properties for the point of beginning, said point of beginning being located north 68 degrees 59 minutes west, 695 feet from boundary marker numbered B-79;

Thence along the common line between said San Antonio Country Club and United States of America properties as follows: north 68 degrees 59 minutes west, 300 feet to boundary marker numbered B-78;

Thence north 00 degrees 32 minutes west, 1197.6 feet to boundary marker numbered B-77 for the corner common to said San Antonio Country Club and United States of America properties, situated in the south right-of-way line for Burr Road;

Thence departing from said common line, along the south right-of-way line for said Burr Road, north 89 degrees 58 minutes east, 50 feet to a point;

Thence south 00 degrees 32 minutes east, 1028.08 feet to a point;

Thence south 21 degrees 26 minutes east, 114.79 feet to a point;

Thence south 48 degrees 05 minutes east, 254.90 feet to the point of beginning, containing 1.73 acres, more or less.

PARCEL NO. 2

From boundary marker numbered B-88 for Fort Sam Houston, said point being a northwest corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes east, 48.3 feet to boundary marker B-87 for the point of beginning;

Thence along the common line between said San Antonio Country Club and United States of America properties as follows: north, 102.2 feet to boundary marker numbered B-86;

Thence north 07 degrees 15 minutes east, 117.4 feet to boundary marker numbered B-85;

Thence north 12 degrees 30 minutes east, 88.1 feet to boundary marker numbered B–84;

Thence north 07 degrees 10 minutes west, 168.4 feet to boundary marker numbered B–83;

Thence north 51 degrees 05 minutes east, 104.4 feet to boundary marker numbered B–82;

Thence south 78 degrees 10 minutes east, 50 feet to a point;

Thence departing from said common line, south 15 degrees 11 minutes west, 546.15 feet to the point of beginning, containing 0.66 acre, more or less.

(b) In consideration for the conveyance by the United States of America of the property described in subsection (a), the San Antonio Country Club shall convey to the United States, for incorporation with the Fort Sam Houston Military Reservation, a parcel of land containing 6.47 acres, more or less, being described as follows:

From boundary marker numbered B–88 for Fort Sam Houston, said point being a northwest corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes east, 48.3 feet to boundary marker numbered B–87;

Thence north 15 degrees 11 minutes east, 546.15 feet to the point of beginning, situated in the common line between said San Antonio Country Club and United States of America properties, said point of beginning being located south 78 degrees 10 minutes east, 50 feet from boundary marker numbered B–82;

Thence north 04 degrees 36 minutes east, 623.49 feet to a point in the common line between said San Antonio Country Club and United States of America properties, said point being located south 68 degrees 59 minutes east, 300 feet from boundary marker numbered B–78;

Thence along said common line as follows: south 68 degrees 59 minutes east, 695 feet to boundary marker numbered B–79 for a re-entrant corner for said United States of America property and a northeast corner for said San Antonio Country Club property;

Thence south 44 degrees 07 minutes west, 333.7 feet to boundary marker numbered B–80;

Thence south 42 degrees 04 minutes west, 261 feet to boundary marker numbered B–81 for a re-entrant corner for said United States of America property and a southeast corner for said San Antonio Country Club property;

Thence north 78 degrees 10 minutes west, 298 feet to the point of beginning containing 6.47 acres, more or less.

(c) The legal descriptions in subsections (a) and (b) may be modified as agreed upon by the Secretary, or his designee, and the San Antonio Country Club, consistent with any necessary changes which may be disclosed as a result of accurate survey.

(d) The conveyance of property authorized in subsection (a) of this section shall be subject to the following provisions, conditions, and reservations, which shall be incorporated in the deed of conveyance to be executed by the Secretary of the Army:

(1) Reservation to the United States of rights-of-way for any existing utility lines or access roads.

(2) Provision that the grantee, in accepting the deed, shall agree (A) to relocate fences between its property and the boundary lines of Fort Sam Houston, at no expense to the United States, and (B) to hold the United States harmless from any damage that may result from drainage from the property conveyed to the United States under subsection (b).

(e) All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the provisions of this section shall be borne by the San Antonio Country Club.

SEC. 612. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1974".

TITLE VII

RESERVE FORCES FACILITIES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $29,900,000.

(b) Army Reserve, $35,900,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserve, $21,458,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $16,000,000.

(b) Air Force Reserve, $9,000,000.

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 703. With respect to the preceding authorization contained in section 701 for the Army Reserve, no portion of such authorization or any other prior Army Reserve authorization granted by the Congress may be utilized to construct replacement facilities for Army Reserve units at Fort DeRussy, Hawaii, at any location other than Fort DeRussy.

SEC. 704. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1974".

And the House agree to the same.

F. EDW. HÉBERT,
OTIS G. PIKE,
CHARLES E. BENNETT,
SAMUEL S. STRATTON,
WILLIAM G. BRAY,
CARLETON J. KING,
G. WILLIAM WHITEHURST,
Managers on the Part of the House.
JOHN C. STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
SAM J. ERVIN, Jr.,
HOWARD W. CANNON,
HARRY F. BYRD, Jr.,
JOHN G. TOWER,
STROM THURMOND,
PETER H. DOMINICK,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, submit the following joint statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying report:

LEGISLATION IN CONFERENCE

On September 13, 1973, the Senate passed S. 2408 which is the fiscal year 1974 military construction authorization for the Department of Defense and Reserve components.

On October 11, 1973, the House considered the legislation, amended it by striking out all language after the enacting clause and wrote a new bill.

On October 16, 1973, the Senate asked for a conference and on the same date, the House agreed to the conference.

COMPARISON OF HOUSE AND SENATE BILLS

S. 2408, as passed by the House of Representatives, provided new construction authorization to the military departments and the Department of Defense for fiscal year 1974 in the total amount of $2,715,924,000. However, in accordance with the recommendations of the Committee on Armed Services, the House reduced the overall amount authorized for appropriation by $64,697,000 to a total of $2,651,227,000.

The bill as passed by the Senate provided new authorizations in the amount of $2,835,444,000.

SUMMARY OF RESOLUTION OF DIFFERENCES

As a result of a conference between the House and Senate on the differences in S. 2408, the conferees agreed to a new adjusted authorization for military construction for fiscal year 1974 in the amount of $2,773,584,000.

The Department of Defense and the respective military departments had requested a total of $2,992,513,000 for new construction authorization for fiscal year 1974. The action of the conferees reduces the departmental request by $218,929,000.

CONSTRUCTION IN ICELAND

Included in this bill are five items totaling $7,447,000 for construction in Iceland. Two of these items, in the Navy program, total $6,092,000 and are for the construction of a Bachelor Enlisted Quarters and a Bachelor Officers Quarters.

These items were included in the House bill but deleted from the Senate bill because of clear indications that the government of Iceland may seek to have the United States withdraw its military installations from that country. After thorough discussion, these items have been retained by the Conference Committee in order to allow the Executive branch reasonable leeway to negotiate with the government of Iceland. These negotiations, we are advised, are presently under way.

The Conference Committee, while authorizing appropriations at this time, is unalterably opposed to the funding of these projects unless the United States is assured that it will not be asked to abandon its facilities in Iceland in the foreseeable future.

*Total authorization granted fiscal year 1974**

Title I (Army):	
Inside the United States	$493,327,000
Outside the United States	107,257,000
Classified	3,000,000
Subtotal	603,584,000
Title II (Navy):	
Inside the United States	519,106,000
Outside the United States	58,833,000
Subtotal	577,939,000
Title III (Air Force):	
Inside the United States	238,439,000
Outside the United States	21,302,000
Classified	1,000,000
Subtotal	260,741,000
Title IV (Defense Agencies):	
Inside the United States	17,100,000
Subtotal	1,459,364,000

Title V (military family housing and homeowners assistance)	$1,179,039,000
Deficiency authorizations:	
Title I (Army)	4,735,000
Title II (Navy)	9,442,000
Title III (Air Force)	8,746,000
Subtotal	22,923,000
Title VII (Reserve Forces facilities):	
Army National Guard	29,900,000
Army Reserve	35,900,000
Naval and Marine Corps Reserves	21,458,000
Air National Guard	16,000,000
Air Force Reserve	9,000,000
Total	112,258,000
Grand total granted by titles I, II, III, IV, V, and VII	2,773,584,000

*These totals are for specific projects authorized for construction. However, the amounts authorized for appropriation have been reduced in Title VI as follows: Title I—Army $7,500,000; Title II—Navy—$7,500,000; Title IV—Defense Agencies—$7,100,000; a total of $22,100,000.

TITLE I—ARMY

The House had approved construction authorization in the amount of $587,963,000 for the Department of the Army. However, the House only authorized for appropriation $572,963,000 for the Department of the Army because of a recently conducted study of the utilization of training installations and small single-mission posts. It was felt that pending completion of the study, there would be a substantial number of projects which would be held in abeyance and at least a total of $15 million of such projects might never be put under contract.

The Senate approved construction for the Army in the amount of $620,088,000. This amounted to a reduction by the House from the Senate figure of $47,125,000. The conferees agreed to a new total for Title I in the amount of $603,584,000. However, the amount authorized for appropriation for the Army in Title VI is $596,084,000.

Fort Benning, Georgia

One of the items included by the House, but not included in the Senate bill, was a project for the first increment of a barracks complex at Fort Benning, Georgia in the amount of $9.5 million. This project was not requested by the Department of the Army but was added by the House Committee over and above the budget request.

In conference, the Senate conferees were adamant in their position that this project would not be included in the final bill. Their justification was the fact that the Department of the Army had advised the Senate conferees, as well as the House conferees, that this project was still in the early design stage and even if authorized and funded, it could not be put under contract in fiscal year 1974. The project is scheduled for the Army's fiscal year 1975 program in the total amount of approximately $21 million.

In view of this information and the position insisted on by the Senate, the House conferees reluctantly receded.

Fort Hood, Texas

At Fort Hood, Texas, there was a request for $5,270,000 to improve Gray Army Airfield. The project was to upgrade airfield aprons to include widening apron and taxiways. Also, it was to provide new refueling facilities and fuel storage. The project was deleted by the House but included by the Senate.

In conference, the House conferees insisted that the present facilities were not in such condition that this particular project could not be postponed for one year. The House conferees further insisted that due to fiscal restraints placed on the Services, this project could safely be deferred and the Senate conferees reluctantly receded.

SELF-HELP GARAGES

Two automotive self-help garages were requested by the Army within their community support program. They were denied by the House, but included in the Senate bill. These facilities were strongly supported by the Service as high utilization activities, extremely popular with the soldiers. The Committees recognize the high morale value and troop interest in automotive self-help garages. However, it is felt these facilities should be supported from nonappropriated funds.

The Senate receded.

Among the major items originally deleted by either the House or Senate and restored by the conferees were the following:

Fort Gordon, Georgia—Commissary, $2,924,000

The House deleted this particular project believing that the present facility could be utilized at least one more year and because downtown Augusta, Georgia is only twelve miles away. However, the Senate conferees pointed out that the amount of business generated in the commissary at Fort Gordon, Georgia had steadily increased over the past several years and the deplorable condition of the existing commissary makes it unsafe for continued use.

The House receded.

Hunter-Liggett, California—EM Barracks Complex, $7,776,000

The House deleted the Army's request for this particular EM barracks complex believing that due to fiscal restraints, the present facilities could be utilized for another year. Further, the House conferees felt that this particular installation, being a sub-post of Fort Ord, California, had been on the "suspect" closure list for several years and that it could very well be that the training now being conducted at Hunter Liggett might be completely eliminated.

However, the Senate conferees pointed out that the Army reclama placed this particular project very high on its priority list indicating that the facility was not in danger of immediate closure or major reduction.

In view of the information furnished by the Army and after thorough discussion of the situation, the House receded.

Aero MTCE, Texas—Supply and Storage Building, $5,196,000

The House deleted the Army's request for this supply and storage building in Corpus Christi, Texas believing that the realignment study presently under way might result in an adverse impact on this particular installation and that the buildings now in use could be utilized for another year.

However, the Senate conferees pointed out that a new facility would make possible considerable savings to the taxpayer and that this facility was unique, making it an unlikely candidate base for major reduction or closure. Further, the Senate conferees insisted that denial of this project could compound problems in supply operations.

The House receded.

Fort Shafter, Hawaii—Medical-Dental Clinic, $1,233,000

The House deleted the Army's request for this medical-dental clinic feeling that it could be safely deferred as a relatively low priority item.

The Senate conferees pointed out that the present facilities are in temporary buildings, scattered and in poor physical condition, and are seriously lacking in interior lighting, ventilation, and sanitary facilities. Further, the continued maintenance and operation of the temporary structures are very uneconomical.

After a thorough discussion of the problems, the House receded.

Reduction in Amount Authorized for Appropriation, $15,000,000

The Senate conferees pointed out to the House conferees that the $15,000,000 reduction in the amount authorized for appropriation, in view of today's inflationary construction cost, might adversely affect the fiscal year 1974 program. The unobligated balances were said to be insufficient for this size cut and other programs authorized in the present bill would be drastically affected.

The House conferees agreed with the Senate conferees and a reduction of $7.5 million in the amount authorized to be appropriated was agreed upon.

The House receded with an amendment.

TITLE II—NAVY

The House approved $554,933,000 in new construction authorization for the Department of the Navy. However, the House only authorized for appropriation the sum of $539,933,000. The Senate approved $602,022,000.

The conferees agreed to a new total in the amount of $577,939,000. However, the amount authorized for appropriation is $570,439,000.

Among the major items originally deleted by either the House or Senate and restored in the conference were the following:

Naval Underwater Systems Center, New London, Connecticut—Engineering Building, $3,600,000

The House deleted this particular project believing that it was of relatively low priority in this year's Navy program. The Senate approved the project.

In conference, the Senate conferees pointed out that the World War II temporary buildings now in use are deficient in size, dispersed, functionally inadequate, fire hazardous, and have been flooded on numerous occasions. Further, electronic equipment and machine tools valued over $7 million are housed in these buildings.

After a thorough discussion of the problem, the House receded.

Naval Complex, Adak, Alaska—Commissary, $1,920,000

This project was deferred by the House without prejudice to a future year's program. The Senate approved the project.

In conference, the Senate conferees pointed out that the present inadequate facility is of wood construction, was built in 1944, and is the only retail food outlet in Adak. The nearest offbase community capable of providing grocery sales service is 1,150 miles distant. Major structural deterioration with severe cracking in all beams and columns, rotten floor and roof characterize this facility.

The House receded.

MC Recruit Depot, San Diego, California—Dispensary, $3,825,000

The Senate deleted this project believing that it was of relatively low priority and could be safely deferred for at least a year. The House approved this project.

In conference, the House conferees pointed out that the existing facility is a substandard facility constructed in 1922 as a barracks. The utilities and plumbing are outmoded and require an excessive amount of maintenance. The existing dispensary is adjacent to exchange facilities and permanent personnel facilities and is three-quarters of a mile from the recruit health records building. The House conferees insisted that to continue operations in the present outdated and degenerated facilities could only compound the existing discrepancies and further degradation of the medical services now provided.

The Senate receded.

Naval Hospital, Orlando, Florida—Hospital, $20,981,000

One of the major items in dispute in Title II was the Naval Hospital, Orlando, Florida which was included by the Senate in their consideration of the bill but deleted by the House.

The House deleted this project believing that sufficient hospital and clinic space was available in the State of Florida to satisfy current and projected future needs for active duty military and their dependents. The Senate included this hospital in their bill.

It was pointed out during the hearings that the present hospital was a cantonment type World War II hospital and was constructed in 1943. The House Committee felt, however, that the present facility program, a 150-bed dispensary which is less than three years old, could satisfy the projected workload. Further, the House conferees pointed out that there is presently located in the State of Florida thirteen military hospitals and five facilities of the out patient clinic type and this should be sufficient to satisfy the foreseeable needs.

After much discussion, the Senate receded.

Reduction in Amount Authorized for Appropriation, $15,000,000

The Senate conferees pointed out to the House conferees that the $15,000,000 reduction in the amount authorized for appropriation, in view of today's inflationary construction cost, might adversely affect the fiscal year 1974 program. The unobligated balances were said to be insufficient for this size cut and other programs authorized in the present bill would be drastically affected.

The House conferees agreed with the Senate conferees and a reduction of $7.5 million in the amount authorized to be appropriated was agreed upon.

The House receded with an amendment.

Culebra Island (Section 204)

The Senate included in their bill authorization for $12 million to relocate the ship-to-shore and other gunfire and bombing operations of the U. S. Navy from the Island of Culebra. The provision was added during the Committee mark-up without any hearings or testimony being taken in support thereof. The House bill contained no such provision.

This provision in the Senate bill caused much discussion and debate among the conferees regarding the feasibility of relocating this activity from Culebra to the Islands of Desecheo and Monito. This issue has been the subject of considerable concern in both the House and the Senate for the last several years. The House conferees were privileged to have a conference with the Governor of Puerto Rico, the Resident Commissioner, and the Mayor of Culebra prior to the final conference with Senate conferees.

The restrictive language included in Section 204 is a result of the discussion with the Governor and others and the conferees believe it provides sufficient protection to the Navy upon the relocation of the ship-to-shore gunfire operations from Culebra to the other Islands mentioned.

The House receded with an amendment.

TITLE III—AIR FORCE

The House approved $246,656,000 in new construction authorization for the Department of the Air Force. The Senate approved $274,747,000.

The conferees agreed to a new total in the amount of $260,741,000.

Among the major items in conference which were resolved after much deliberation are:

Kelly AFB, Texas—A/C Engine Fuel System Overhaul, $3,166,000

The Senate approved, but the House denied, $3,166,000 for an Engine Fuel System Overhaul facility. The project includes jet fuel system repair and test area, administrative, storage, toilets and mechanical equipment rooms. The existing facilities, the House felt, could continue to be utilized for at least the next year.

The Senate conferees pointed out that the requested space is required to accommodate the new workload which requires additional test stands to work the advanced technological system on the new F–100–PW engines and fuel system controls that are to be assigned to Kelly AFB for depot repair and test. It was further pointed out that the present facilities are far too small and do not have environmental control to assure quality controlled production.

The House receded.

Tinker AFB, Oklahoma—Addition to and Alteration of Composite Medical Facility, $3,879,000

The House Committee deferred this project without prejudice because it was felt that the project could be deferred to a future program without impinging upon the Air Force. The Senate bill included this project.

The House deferred this project because the outpatient visits per year at this facility have dropped from 210,000 to 190,000 and the base population is predicted to drop by at least 2,000 by fiscal year 1976.

After a thorough discussion about medical needs in the Air Force, the conferees agreed that the medical needs of this military community could be served by the existing facility.

The Senate receded.

Wright-Patterson AFB, Ohio—Aircraft Fuels and Lubricants Laboratory, $4,857,000

The Senate bill included this project, but the House Committee deferred it without prejudice.

In conference, the Senate conferees pointed out that the project is for the construction of laboratory space for exploratory and advanced development in aerospace fuels and lubricants, hazards detection, and fire suppression systems. The Senate further argued that the existing laboratory space is totally inadequate and widely scattered.

However, the House conferees pointed out that the mission is presently being performed in the facilities now available and the Air Force has no plans to destroy the facilities upon completion of the new laboratory, but they would be used for other purposes. Therefore, the House conferees insisted that the present facilities could be continued in use for at least one more year.

The Senate receded.

Maxwell AFB, Alabama—Addition to and Alteration of Composite Medical Facility, $4,900,000

The Senate approved, but the House denied, $4,900,000 for addition and alteration of the Maxwell AFB hospital. The main purpose of this project was to provide enlarged outpatient clinics and ancillary support space and four dental treatment rooms.

The Senate conferees argued that this is a regional hospital and provides inpatient and outpatient consultant services and specialty care to three other Air Force bases.

The House conferees were adamant in their position pointing out that this hospital was completed less than ten years ago and contained 225 beds. The Air Force later rearranged the rooms and cut the bed capacity to 200. The House conferees further argued that this construction appeared to be more for retirees than active duty personnel and until a further study could be made, the project could be deferred.

The Senate receded.

Cape Newenham, Alaska—Composite Support Facilities, $5,403,000

The House Committee deferred this project without prejudice due to the apparent high cost of the first phase of a two phase facility. The House conferees further argued that there are only 114 military personnel stationed at Cape Newenham AFS and this item should be restudied.

The Senate conferees were adamant in their position that the Conference Committee should include this project in its final bill. They pointed out to House conferees that the aircraft control and warning activities are now accommodated in twenty-two widely scattered buildings, most of which are over twenty years old and were designed with a life expectancy of less than ten years. Severe weather conditions make operating from these old buildings most difficult. Maintenance and repair requirements have increased beyond the station's ability to effectively operate.

The House reluctantly receded.

TITLE IV—DEFENSE AGENCIES

The Secretary of Defense requested $17,100-000 to provide for the construction of new facilities and rehabilitation of existing facilities for the Defense Agencies at 12 named installations. The Senate approved all projects as requested. However, the House deferred the Defense Fuel Supply Center in the amount of $2,403,0000 at the Defense Supply Center, Richmond, Virginia. Further, the House did not authorize any amount for appropriations under the Defense Agency's account. The Committee was informed that there was some $24,000,000 in the Defense Contingency Fund which would not be required in FY–74 and believed it could be applied against the new authorization for projects under Title IV in the amount of $14,697,000.

In conference the Senate conferees argued that the Congress had required that in order to use the monies in the Contingency Fund, there must be a certification by the Secretary of Defense that the project or projects to be funded must be "vital to the security of the United States." After a thorough discussion by the conferees, the House receded on the project for the Defense Fuel Supply Center and the conferees agreed to authorize $10,000,000 for appropriation against $17,-100,000 in authorization.

The House receded with an amendment.

TITLE V—FAMILY HOUSING

The Department of Defense presented an authorization request for appropriations for military family housing and the Homeowners Assistance Program totaling $1,257,567,000. This was for 11,688 units of new construction, improvements to existing housing, operation and maintenance, debt payment, etc. Also included in the family housing request was an increase in the statutory average unit cost limitation on the construction of military family housing from $24,000 to $27,500 average cost for the United States and from $33,500 average unit cost outside the United States and Alaska and Hawaii to $38,000. The Department's new construction request reflected cost increases due primarily to continued cost escalation and secondarily to proposed increases to square foot limitations for high ranking Noncommissioned Officers and Junior Officers.

The House authorized 12,413 units but limited the number to be constructed to 9,725 units. Further, the House only authorized new funding for 9,000 units. The Senate authorized construction of 11,032 units of new construction, a reduction of 656 units from the departmental request and they authorized funding for all units authorized. The

House approved increases in the average unit cost limitation from $24,000 to $28,500 for the United States (except Alaska and Hawaii); and from $33,500 to $38,000 average cost in other areas. The Senate approved average unit cost increases from $24,000 to $27,000 for the United States (except Alaska and Hawaii); from $33,500 to $37,000 average cost in other areas. Further, the Senate approved $7,000,000 for Homeowners Assistance which was omitted from the House bill.

In conference the conferees agreed to authorize 10,679 family housing units at an average cost of $27,500 per unit as originally requested by the Department for inside the United States (other than Alaska and Hawaii). The conferees agreed that the statutory cost limitations for outside the United States, Alaska and Hawaii would be $37,000 average and maximum of $44,000 per unit.

The conferees agreed to a new total for the Family Housing program in the amount of $1,179,039,000. The amount approved includes $7 million for Homeowners Assistance and is $22,429,000 below the Senate figure and $21,345,000 above the House figure.

The Defense Department did not propose any changes in the Domestic Leasing Program and both committees approved the continuation of this program in section 507.

However, the Senate Committee found it necessary to add section 507(b) which imposes limitations on the Department's Foreign Leasing authority which heretofore has been general in nature. Section 507(b) as developed by the Senate Committee centralizes control of the program at the Secretary of Defense level and imposes cost limitations of $325 per month average rental cost and a maximum cost of $625 per unit per month. A numerical limitation of 7,500 is also imposed. However, recognizing that a certain number of leases must exceed these cost limitations, the committee has included authority for the Secretary of Defense to waive such cost limitations for up to 300 units in cases of rentals for incumbents of representational positions, personnel attached to DAOs (Defense Attache Officers) and in cases of hardship. It is expected by the conferees that the Department of Defense will closely monitor and control the Foreign Leasing Program with a view to reducing the cost of leases that are not included in the cost limitation and apprise the Committees on Armed Services of the House and Senate as to the progress being made in this area.

The House receded.

The Senate added a provision (Sec. 512) which would repeal Public Law 91–564 which authorized the Secretary of the Army to convey approximately 57 acres of land and improvements at Fort Ruger Military Reservation, Hawaii, to that State in exchange for the conveyance by the State of Hawaii to the United States of approximately 259 acres of land adjacent to the Tripler Army Hospital. The land adjacent to the Tripler Hospital was to be used as a site for additional family housing. Because of the difference in land values of parcels involved in the exchange, the Act also provided for the State to do certain site preparations on the land to be conveyed to the United States.

Subsequent evaluations determined that development of the land to be conveyed to the United States was too costly for military housing; therefore, the section (512 of Senate Bill) as proposed would continue to permit the Secretary of the Army to convey the Fort Ruger properties to the State of Hawaii, but in lieu of the State conveying land to the United States as heretofore provided, the State would provide for, convey or pay to the United States, either in facilities and services or money, or a combination thereof, a sum equal to the appraised fair market value of the Fort Ruger property to be available for site preparation for military family housing at the Defense-owned Aliamanu Military Reservation, Oahu. The cost of the site preparation, roads and streets, utilities and other support facilities borne by the State would not be considered in arriving at the average cost of any family housing units or the cost of any single family housing unit to be constructed within the boundaries of the Aliamanu Military Reservation, Oahu, Hawaii.

Inasmuch as there appears to be no better alternative to the proposed legislation, and in light of the situation now facing the Department of the Army as a consequence of an inadequate previous evaluation, the conference committee approves of the proposed action with sincere hope that this legislation will prove sufficient to provide adequate housing to military personnel and their dependents.

The House receded.

TITLE VI—GENERAL PROVISIONS

Under section 604 of the General Provisions all contracts for military construction are required to be awarded on a competitive basis to the lowest reasonable bidder insofar as practicable. This year the Department proposed an amendment to permit awards on a competitive basis by Turnkey One-Step Procedures. This is now permitted by statute for military family housing and in some areas has proven quite successful and economical. The proposed amendment would extend the practice to other common-type military construction projects such as hangars, commissaries, etc. The Senate approved the amendment but it was denied by the House. The House Committee felt that to award such construction contracts on other than a competitive low-bid basis would be a mistake and could possibly lead to contracts being awarded on human judgments rather than mathematical bids.

During the conference the House conferees were adamant in their position and persuaded the Senate conferees to omit this proposed amendment by the Department of Defense.

The Senate receded.

Section 606 provides statutory limitations on the square foot cost of bachelor housing.

Both the Senate and House approved an increase from $27.00 to $28.50 per square foot for barracks and from $29.00 to $30.50 for bachelor officers quarters. This factor controls the cost of bachelor housing.

The House added a provision to require a planned occupancy for permanent barracks of a minimum of four persons per room for Enlisted Grades E4 and below and no fewer than two persons per room for Enlisted Grades E5, E6, and E7. Based on the progress the services have made on the design of this year's bachelor enlisted quarters projects and the increased costs that would result as a consequence of a change at this time, the House reluctantly receded from the inclusion of this provision this year. However, the Secretary of Defense is directed to make a study of a planned occupancy for permanent barracks with a minimum of four persons per room for Enlisted Grades E4 and below.

This study should provide by Service, the one-time costs for changing criteria, the construction cost savings that will accrue in the FY 1975 Military Construction Program, an estimate of the construction cost savings for the next four Military Construction Programs, impact on morale of personnel, the impact on recruitment of personnel under an All-Volunteer Force and the flexibility of room assignments. This study will be submitted to the Committees on Armed Services of the House and Senate prior to February 1, 1974.

In order to avoid delays in the design of FY 1975 Bachelor Enlisted Quarters projects, the Committees on Armed Services of the House and Senate will determine whether to include a 4 men to the room provision in the FY 1975 Authorization Act and will notify the Department of Defense of its decision within a reasonable time after receipt of the study.

The House receded.

Section 608(3) of the bill, as submitted to the Congress, would give the Secretary of Defense authority to acquire land if he considers deferral for consideration in a future military construction to be inconsistent with the interest of national defense. The Department now has authority to acquire land up to $50,000, and to acquire options on land.

The House approved this provision, which the Senate disapproved on the basis that existing authority is sufficient.

After a thorough discussion, the House receded.

Section 609 was added by the House to ensure that the Bolling-Anacostia complex in the District of Columbia would be retained for defense purposes. It would also permit previously authorized construction, which has been held up because of lack of approval of the National Capitol Planning Commission to proceed with or without the approval of the NCPC.

No such provision was included in the Senate bill. This particular point was the subject of considerable discussion and debate among the conferees. The House provision was finally approved with general agreement among the conferees that in the next session of the 93rd Congress both the House and the Senate Committees would conduct hearings to determine the feasibility of the defense retention of all of the lands now comprising the Bolling-Anacostia complex.

The Senate receded.

TITLE VII—RESERVE FORCE FACILITIES

The House added above the budget $2.6 million for the Navy and Marine Corps Reserves to compensate for a like amount of construction funds diverted from other projects in the FY-73 authorization to complete the consolidation of Naval Reserve Headquarters. This was not considered by the Senate. However, after a thorough discussion the Senate receded.

The House added section 703 to preclude the use of any funds authorized currently, or in past years, for the replacement of any Reserve facilities now located on Fort DeRussy, Hawaii, at any location other than Fort DeRussy.

This matter was discussed at length by the conferees with the House conferees pointing out that to destroy permanent facilities now located on Fort DeRussy and relocate them elsewhere on the Island of Oahu would be extremely unwise and very wasteful.

The Senate receded.

F. Edw. Hébert,
Otis G. Pike,
Charles E. Bennett,
Samuel S. Stratton,
William G. Bray,
Carleton J. King,
G. William Whitehurst,
Managers on the Part of the House.

John C. Stennis,
Stuart Symington,
Henry M. Jackson,
Sam J. Ervin, Jr.,
Howard W. Cannon,
Harry F. Byrd, Jr.,
John G. Tower,
Strom Thurmond,
Peter H. Dominick,
Managers on the Part of the Senate.

PERMISSION TO CONSIDER CONFERENCE REPORT ON S. 2408, MILITARY CONSTRUCTION AUTHORIZATION BILL, ON THURSDAY NEXT

Mr. PIKE. Mr. Speaker, I ask unanimous consent that the conference report on S. 2408, Military Construction Authorization, may be considered by the House on Thursday of this week.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DISCUSSION OF MOTION TO RECOMMIT LABOR-HEW CONFERENCE REPORT

(Mr. QUIE asked and was given permission to address the House for 1 minute.)

Mr. QUIE. Mr. Speaker, I want to make certain that nobody misunderstands that the vote on the motion to recommit, and a number of Members have talked to me about that. That motion to recommit carried because of the effort I was going to make to provide instructions on the title I formula which was knocked out on a point of order. It is the intent of this body that a different title I formula be adopted than that which was included in the last continuing resolution. The House will not accept what the committee proposed in amendment 32 reported in technical disagreement. That I believe is the reason a majority voted for that motion to recommit. I think everybody who is on that conference committee ought to bear that in mind. Stated simply—the House will not accept a State hold harmless at 90 percent of 1972 nor a local educational agency limit of 115 percent of 1973.

IMPEACHMENT RESOLUTIONS

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, for the information of the Members of the House, I have today introduced House Resolution 693 which will provide to the Committee on the Judiciary a sum of not to exceed $2 million for such staff work and other investigative work as they will need in order to conduct their hearings on the Vice-Presidency and on the virtually innumerable resolutions relating to impeachment. This will be handled in the usual manner.

I would like to assure those on the minority side that due consideration, as has been our practice, will be given to their staff needs.

CONCERNING THE VOTE TO RECOMMIT THE CONFERENCE REPORT ON LABOR-HEW

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, for further edification of the vote on the motion to recommit, it would be well to study the rollcall on that motion. My interpretation is that the major reason for the motion to recommit, which carried, was because the Republican side objected to the conference report for being over the budget. That was the reason the majority of Republicans did not sign the conference report. If the conference report had been adopted there would have been a separate vote on amendment No. 32, which involved title I.

So, what really was at issue on the rate to recommit was whether we reduce the appropriations in the bill—take some money out of the Health and Education before bringing it back here. I think if the Members will study the vote that that is what was at issue.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will state that there will be additional business later, but in the meantime, pending that, the Chair will be glad to receive unanimous-consent requests, but that in doing so this would not be prejudicing the business of the House.

THE VOTE ON THE MOTION TO RECOMMIT THE LABOR-HEW CONFERENCE REPORT

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, since we are apparently waiting for other reports, I take this moment to say that I feel compelled to take exception to a comment that was made a few moments ago that those Members who refused to sign the conference report on the Labor-HEW appropriation bill did so only because they wanted to cut the funds, the total amount in that appropriation bill.

Since I was one of those who did not sign the conference report I wish to state my reason for not signing the conference report was that I could not as a matter of conscience continue to support the formula under title I of ESEA any longer because it seems unsound and unfair to school districts to use figures that are 14 years old. Any study of those who voted for or against the motion today will find that the majority are the ones who supported the Quie motion of about a month ago where the sole issue was allocation of funds under title I. It is really not quite fair to assign other motives.

CLARIFICATION OF MR. GERALD R. FORD'S USE OF THE WORD "MOB"

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, I should like to address these remarks in part to our distinguished and esteemed friend, the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) for whom I fully expect, as I am sure does practically every Member of this House, to cast a confirming vote when the time comes.

It was with that heartfelt intent in mind that I felt it only appropriate that I give the distinguished minority leader an opportunity to clarify remarks which he appeared to make on the "Today" show this morning. I guess it was a film of a previous press conference in which he had been asked if the editorials and other communications from the public recommending resignation would have any impact on the President. If I am not mistaken, the minority leader said he did not think either editorials or "the mob" would sway the President.

I know my esteemed friend could not have considered letters such as I and other Members have been receiving beginning with, "I have been a lifelong Republican, but" and often going on to say, "Hurry up and confirm GERRY FORD," as emanating from a "mob."

These folks are good Americans, and the minority leader did not intend that. This would give him a chance to clarify for the RECORD and for any interested persons what, indeed, he did mean.

Mr. GERALD R. FORD. Mr. Speaker, I shall be very glad to respond, if the gentleman from Missouri will yield.

Mr. SYMINGTON. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. I believe that the remarks were made at a press conference in New York late yesterday afternoon. The question came up because some members of the press asked me, Would the President resign? I have heard him say not once, but a number of times, both in private and in public, that he would not resign and that he intended to continue on the job for which he was elected.

In response to a number of persistent questions, "Will he resign? Will he resign?" I said, "The editorials and the mob"—I used "the mob" in a figurative sense, not in a literal sense—"would not sway his mind." I am sure that the editorials will not change his mind. I am sure that the letters that I am receiving, as the gentleman from Missouri is receiving, are not going to change his mind. He intends to continue, and I was simply responding to the questions that were asked by using as forceful language as I could, and it was because I wanted to emphasize the point.

Mr. SYMINGTON. I certainly understand the gentleman's clarification. The word "mob" tends to carry a pejorative meaning, and a good many thousands of people who watch the show, who may have written letters of that kind, and even urged such action, may have felt designated in that way. I do not think that is what the gentleman had in mind.

Mr. GERALD R. FORD. If the gentleman would like a further clarification, I think that was in my mind was those people who are marching up and down in front of the White House carrying placards, some of which I think are quite abusive and not in good taste.

Mr. SYMINGTON. I thank the gentleman.

INCREASING AUTHORIZATION FOR APPROPRIATIONS TO ATOMIC ENERGY COMMISSION

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 694, Rept. No. 93-630), which was referred to the House Calendar and ordered to be printed:

H. RES. 694

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11216) to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 11216, it shall be in order to take from the Speaker's table the bill S. 2645 and to consider the said Senate bill in the House.

Mr. BOLLING. Mr. Speaker, I call up House Resolution 694 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry. The request of the gentleman from Missouri was to suspend the rules?

The SPEAKER. It was to consider the resolution. The request is necessary because it takes a two-thirds vote. Otherwise the resolution will have to wait.

Mr. GROSS. It is because the rule was voted on only today?

Mr. BOLLING. If the gentleman will yield, the gentleman is correct.

Mr. GROSS. I thank the Speaker and the gentleman.

The SPEAKER. The question is, Will the House now consider House Resolution 694?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Does this require a two-thirds vote?

The SPEAKER. The gentleman is correct.

Mr. GROSS. I thank the Speaker.

The question was taken; and [two-thirds having voted in favor thereof], the House agreed to consider House Resolution 694.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, this rule was called up in a highly unusual way, because as far as we know there is absolutely no controversy on the rule or the bill that it makes it in order.

I have said things like that before and they turned out to be controversial; but I have checked with some care on this and I do not believe there is even any controversy in a body other than this body on this particular subject.

I believe that everybody in a bipartisan and unanimous way is in agreement that we ought to pass the rule and consider the bill. My understanding is that unless something new arrived, they are going to unanimously pass the bill.

Mr. Speaker, I reserve the balance of my time, unless my friend from Iowa wishes me to yield.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question or two?

Mr. BOLLING. I yield to the gentleman from Iowa.

Mr. GROSS. Is this an open rule?

Mr. BOLLING. Yes, it is.

Mr. GROSS. I did not hear all of the rule read.

Mr. BOLLING. It is a completely open rule. There are no tricks in this rule that I can detect. It just is absolutely straight forward.

Mr. GROSS. I am sure there are no tricks within the estimable Rules Committee, but I am glad to have that further assurance.

Mr. BOLLING. The gentleman is absolutely correct. There are no tricks that I could detect. I am not going to say the gentleman is wrong in that, but he is certainly correct about the Rules Committee.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the distinguished gentleman from Missouri (Mr. BOLLING) has explained, I know of no controversy on the rule.

The purpose of H.R. 11216 is to provide a supplemental authorization to the Atomic Energy Commission in the amount of $10,700,000 for operating expenses and $30,000,000 for plant and capital equipment.

There are no departmental letters or minority views in the committee report. However, the report does indicate that this bill provides the amounts requested.

I urge the adoption of the rule.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INCREASING AUTHORIZATION FOR APPROPRIATIONS TO ATOMIC ENERGY COMMISSION

Mr. PRICE of Illinois. Mr. Speaker, I call up the bill (H.R. 11216) to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 11216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) of Public Law 93–60 is hereby amended by striking therefrom the figure "$1,740,750,000," and substituting the figure "$1,751,450,000".

SEC. 2. Section 101(b) of Public Law 93–60 is hereby amended by adding to subsection (b)(1) the following words: "Project 74–1–i, additional waste concentration and salt cake storage facilities, Richland, Washington, $30,000,000".

Mr. PRICE of Illinois. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I yield myself such time as I may consume.

This bill amends Public Law 93–60, the AEC Fiscal Year 1974 Authorization Act, by providing a supplemental authorization for appropriations of $10,700,000 for operating expenses and $30,000,000 for plant and capital equipment. The committee has carefully considered the bill and the committee's recommendations are founded upon the testimony received in executive hearing held on October 30, 1973.

The bill is in two sections. Section 1 would amend subsection 101(a) of Public Law 93–60 by providing an increase of $10,700,000 for operating expenses in the AEC's nuclear weapons program. The Atomic Energy Commission and the Department of Defense testified that this increase is required to provide warheads to meet required production rates of tactical and strategic weapon delivery systems and to produce weapons with security systems of improved design. Although the specific weapons and weapons systems involved have been classified for security reasons, it can be stated that the systems involved do not include the two new artillery-fired atomic projectiles which were requested in the originally proposed AEC fiscal year 1974 authorization bill which were not authorized by the Congress.

The Joint Committee is convinced that the funds requested by the AEC are necessary to fulfill requirements placed on the AEC by the Defense Department to meet national security objectives, and, therefore, recommends that the entire $10,700,000 in supplemental funds requested be approved.

Section 2 of the bill would amend Public Law 93–60 by adding to subsection 101(b)(1) a construction project of $30,000,000 which would provide additional waste concentration and salt cake storage facilities at AEC's Hanford, Wash., site.

A program to convert the Hanford high-level radioactive wastes generated in the nuclear weapons program to the more stable solid form has been underway since 1965, and, thus far, 70 million gallons of liquid have been removed from the waste tanks, with an accumulation of 22 million gallons of solidified waste. This represents approximately half of the estimated final volume of solidified waste at this site. The proposed project would permit this waste solidification program to proceed on an accelerated schedule.

The committee, over the years, has placed the highest priority on assuring that maximum protection to the health and safety of the public and the environment is provided for in the conduct of

AEC operations. The AEC has indicated that prompt initiation of the proposed project would significantly minimize the potential for future leaks at the Hanford site. While there is no evidence that the past leaks have resulted in any hazard to the population or to the water table beneath the Hanford site, it is obvious that the conversion of the remaining wastes into the more stable solid form at a faster rate is a prudent action. Accordingly, the committee recommends that the entire $30.0 million in supplemental funds requested for this project be approved.

Mr. Speaker, I urge favorable consideration of this bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. Do I understand that this would require a supplemental appropriation of $41 million?

Mr. PRICE of Illinois. Mr. Speaker, the gentleman is correct in that. Because of the urgency of passing this legislation today, these items are in the supplemental appropriation bill now under consideration by the Appropriations Committee.

Mr. GROSS. And did the gentleman say that it is approximately $41 million?

Mr. PRICE of Illinois. That is correct.

Mr. GROSS. What is the meaning of "salt cake storage facilities?"

Mr. PRICE of Illinois. These are facilities which pertain to the handling and storage of waste materials that come from the operation of nuclear facilities at Hanford, Wash. They are radioactive waste materials.

Mr. GROSS. That is known as "salt cake?"

Mr. PRICE of Illinois. That is correct, the final form of the waste product is known as "salt cake." It is all waste material which the Commission has the obligation to dispose of in a fashion so that there will be no harmful effects to the environment or to the people of the area. It is a waste storage area, and these facilities are a necessary part of the program.

Mr. GROSS. The gentleman said, as I understood him, that this supplemental appropriation is made necessary by virtue of national security. Could the gentleman add to that in any way? How does this add to national security?

Mr. PRICE of Illinois. There is an addition to the nuclear weapons program of $10,700,000. That is the weapons portion of the bill.

Mr. GROSS. The weapons feature of it?

Mr. PRICE of Illinois. That is section 1 of the bill.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. MARTIN of Nebraska. Mr. Speaker, would the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. Mr. Speaker, I understand in the report that the executive branch of the Government requested these additional funds to be authorized in the supplemental in its letter to the committee of October 23, 1973. Therefore, it appears that the administration is solidly behind this legislation. Is that correct?

Mr. PRICE of Illinois. The gentleman is correct.

Mr. HANSEN of Idaho. Mr. Speaker, I am pleased to support the statement of the distinguished chairman of the Joint Committee on Atomic Energy and to join him in urging a favorable vote on H.R. 11216.

I believe that Mr. PRICE has effectively conveyed to you the content of this supplemental authorization request. The committee has carefully reviewed both the request for additional funding for the nuclear weapons program and for construction project 74-1-i, waste concentration and salt cake storage facilities at Richland, Wash.

As the committee has stated in its report, it is convinced that the funds requested by the AEC are necessary to fulfill requirements placed on the AEC by the Defense Department to meet national security objectives.

With respect to the construction project, I would observe that the wastes to be processed by and stored in the proposed facilities are primarily those resulting from the conduct of our nuclear weapons program. A very small portion, less than 1 percent, of these wastes have come from the processing of civilian nuclear power fuel.

The civilian nuclear power program is growing rapidly and significant quantities of wastes from that program need to be processed, placed in interim storage, and ultimately disposed of. The Commission has underway a program of study and development intended to devise appropriate methods for both interim and long-term storage of waste resulting from the civilian power program. This program is an entirely separate one from the program to process and store the very large accumulation of wastes which have accumulated over the past 25 years from the conduct of our nuclear weapons program. The early funding of project 74-1-i will permit an acceleration of the necessary concentration, solidification, and storage program for this byproduct of our weapons program.

As noted by Chairman PRICE, H.R. 11216 has been reported out by the Joint Committee without dissent. I join him in urging its passage.

Mr. PRICE of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, pursuant to the provisions of House Resolution 694, I call up for immediate consideration the Senate bill—S. 2645—to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 2645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) of Public Law 93-60 is hereby amended by striking therefrom the figure "$1,740,750,000" and substituting the figure "$1,751,450,000".

Sec. 2. Section 101(b) of Public Law 93-60 is hereby amended by adding to subsection (b)(1) the following words: "Project 74-1-i, additional waste concentration and salt cake storage facilities, Richland, Washington, $30,000,000."

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, may I ask, is the Senate bill verbatim with the bill the House has just considered?

Mr. PRICE of Illinois. Mr. Speaker, it is an identical bill.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11216) was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 11333, INCREASE IN SOCIAL SECURITY BENEFITS

Mr. MATSUNAGA, from the Committee on Rules, reported the following privileged resolution (H. Res. 695, Rept. No. 93-631), which was referred to the House Calendar and ordered to be printed:

H. Res. 695

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 4, Rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means and an amendment proposing to strike out the provisions on page 11, lines 11 through 22 of said bill, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I call up House Resolution 695 and ask for its immediate consideration.

The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 695?

The question was taken; and, two-thirds having voted in favor thereof, the House agreed to consider House Resolution 695.

The SPEAKER. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, as in the case of the preceding rule, I realize that we are employing an unusual procedure, calling up the rule on the day that it was reported out by the Committee on Rules. But we are here dealing with an urgent matter, a matter which, unless acted upon, will mean the postponement of the effective date of the increase for social security beneficiaries. Such postponement would mean continued undue hardship for millions of Americans on fixed income who have been unable to cope with the increased cost of living during the last few months.

We have before us a proposal of a two-step increase, a 7 percent increase beginning March of 1974, and an additional 4 percent increase coming in June of 1974. Unless the bill is passed before we go into the Thanksgiving recess, it may mean a postponement of several months of desparately needed additional benefits. We have been assured that the proposed increase is actuarially sound. It was because the Committee on Ways and Means had assured the Committee on Rules that the pending bill would be expeditiously reported to the House that a previous proposal on another bill by way of an amendment was turned down. We now have the opportunity to pass the awaited bill, H.R. 11333.

I wish to inform my colleagues that only the rule will be taken up today. The bill itself, H.R. 11333, will be debated sometime tomorrow and the vote on it will be taken on Thursday because it was scheduled for Thursday.

Mr. Speaker, the resolution before us provides for a modified closed rule, permitting only committee amendments and an amendment to be offered by the gentlewoman from Michigan (Mrs. GRIFFITH) to strike out lines 11 through 22 on page 11 of the bill. All other amendments would be subject to a point of order.

Mr. Speaker, I urge the adoption of the pending resolution so that the House may begin consideration of H.R. 11333 tomorrow.

I now yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN of Nebraska. Mr. Speaker, House Resolution 695 provides for 3 hours of debate on H.R. 11333, a bill to increase social security benefits. It waives points of order to comply with the provisions of clause 4, rule XXI, dealing with appropriations in a legislative bill. It permits one amendment to be made, I understand, by the gentlewoman from Michigan (Mrs. GRIFFITHS) to the bill.

The bill would increase benefits to start next March 4, 1974, by 7 percent and effective June 1, 1974, by 4 percent. It also provides for an increase in supplemental social security income from $130 to $140 for a single individual and from $195 to $210 for a couple, effective January 1974.

That is one of the reasons why the gentleman from Hawaii (Mr. MATSUNAGA) called up this resolution so that we could get the bill up before the Thanksgiving recess later this week, because it takes the Social Security Administration, with its computer system, at least 60 days in order to make change-overs. If this bill is not acted upon before the Thanksgiving recess this week, it would not be possible to put this part of the program into effect on the 1st of January.

In addition, it provides for additional pay-ins to the social security fund by those on the payroll on which taxes are paid into the fund, from a maximum earning amount of $12,600 to $13,200 as of January 1, 1974.

Mr. SYMMS. Will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman.

Mr. SYMMS. I would like to ask a couple of questions.

Would this rule allow a person under age 72 to offer an amendment to increase the earnings limitation placed on social security recipients be able to do so?

Mr. MARTIN of Nebraska. It would not be in order.

Mr. SYMMS. It would not be in order?

Mr. MARTIN of Nebraska. That is right.

Mr. SYMMS. Could the gentleman further tell me, if he will yield further, if the members of the Committee on Ways and Means who have proposed this legislation in that committee have had an opportunity to know this rule is being debated here now?

Mr. MARTIN of Nebraska. I could not answer the gentleman's question on that. We were notified in the Committee on Rules that this rule would come back, and whether members of that committee were notified I do not know. I understand the bill will not be debated until tomorrow.

Mr. SYMMS. I was wondering if the gentleman from Hawaii would know if the members of the Committee on Ways and Means are aware of the fact that this rule is now being debated.

Mr. MATSUNAGA. This is a rule requested by that committee. I take it there is no objection to the rule itself. As I stated earlier, the bill itself will not be debated today.

Mr. SYMMS. If the gentleman will yield further, I happen to know the gentleman from Texas (Mr. ARCHER) wrote a very intelligent and enlightened minority view about this particular piece of legislation, and he is not here.

CALL OF THE HOUSE

Mr. SYMMS. With that in mind, Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 580]

Adams
Armstrong
Blackburn
Brademas
Brown, Ohio
Buchanan
Burke, Calif.
Butler
Carey, N.Y.
Chappell
Clark
Clausen,
  Don H.
Clay
Cohen
Conte
Crane
Davis, Ga.
Davis, Wis.
Dellenback
Dellums
Diggs
Dingell
Donohue
Esch
Evins, Tenn.
Fraser
Frenzel
Gray
Gubser
Hanna
Hansen, Wash.
Harsha
Holifield
Jarman
Jones, Ala.
Keating
King
Kluczynski
Landrum
Lent
Mann
Mathias, Calif.
Mills, Ark.
Murphy, N.Y.
Nichols
Nix
O'Hara
Patman
Powell, Ohio
Railsback
Reid
St Germain
Shipley
Steiger, Wis.
Stephens
Stuckey
Sullivan
Teague, Tex.
Tiernan
Young, Alaska

The SPEAKER. On this rollcall 373 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL EXPLANATION

Mr. DAVIS of Georgia. Mr. Speaker, I had my hand up and I was in the Chamber on this past rollcall, but I was not recorded.

The SPEAKER. The gentleman's statement will appear in the RECORD.

The Chair under the present practices of the House is without authority to change the vote or announcement of a quorum after the result is announced.

Mr. DAVIS of Georgia. I had my hand up, Mr. Speaker.

The SPEAKER. The Chair apologizes if he did not see the gentleman, but the Members make their presence known by addressing the Chair. That is the only manner in which the Chair has a right to recognize a Member.

Mr. DAVIS of Georgia. Mr. Speaker, that is the manner this Member followed.

The SPEAKER. Did the gentleman take the microphone and address the Chair?

Mr. DAVIS of Georgia. No. I did not take the microphone. I was in the Chamber. I do not know of any rule that requires the Member to take a microphone.

The SPEAKER. The gentleman must address the Chair.

Mr. DAVIS of Georgia. I did.

The SPEAKER. The Chair went 3 minutes beyond the 15-minute minimum time. The Chair does not have the authority to recognize the gentleman to make this request.

Mr. DAVIS of Georgia. There is no rule.

The SPEAKER. The precedent has been established with respect to numerous Members of the House under both the old rollcall system and the new electronic system. The gentleman can state that he was present and the House knows the gentleman was present and his statement will appear immediately following the announcement of the Members recorded as present.

Mr. DAVIS of Georgia. Mr. Speaker, is there anything in the rules about a microphone?

The SPEAKER. It is only for the purposes of facilitating the action of the House, that is all, so that the Chair will see Members, but the Chair looked around the Chamber before announcing the result.

Mr. DAVIS of Georgia. I will state this Member had his hand up.

The SPEAKER. The gentleman's remarks will appear in the RECORD.

Mr. DAVIS of Georgia. That is not important, I was in the Chamber. I tried to answer the roll.

Mr. Speaker, I will not be intimidated by regular order requests. I was in the Chamber.

The SPEAKER. The gentleman's remarks that he was in the Chamber, that he was holding up his hand in the Chamber, that he was seeking recognition of the Chair, will appear in the RECORD; but the gentleman cannot be recorded, nor can any other Member, under the practices of this House, if he is not recorded before the vote or rollcall is announced. The Chair has announced this policy on numerous occasions—including April 18, May 10, and June 6 of this year.

The Chair is bound by those rulings and the Chair is going to stand by this ruling, unless overruled by the House. The gentleman's statement will appear in the RECORD.

PROVIDING FOR CONSIDERATION OF H.R. 11333, INCREASE IN SOCIAL SECURITY BENEFITS

Mr. MARTIN of Nebraska. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Speaker, first I would like to state that I think, given the time constraints, that the Committee on Ways and Means has enacted essentially a very thoughtful set of changes to the Social Security Act. However, there is one aspect of this procedure that is potentially disturbing, so that the record can be clear in this one respect, I would like to pose a question to the distinguished gentleman from Oregon (Mr. ULLMAN) the acting chairman of the committee. The question I pose is this:

As I understand the rules of the majority party caucus, there are certain procedures clearly delineated to be followed in the event a closed rule is to be sought. As I understand, the gentleman from Oregon indicated to the Rules Committee that because of this unexpected time crunch and for that reason only, that the seeking and obtaining of a closed rule in this one instance is not intended in any way, nor should it be considered to be a precedent for any future such effort by any committee to seek a closed rule without complying with whatever the ground rules as explicitly stated in the caucus recommends.

Is that essentially a fair statement of the situation?

Mr. ULLMAN. Mr. Speaker, let me say to my friend from California that the sole motivation of the Committee was to meet the timetable that was before the Congress. It certainly is not our intention to change any rules or procedures of any institution in this body, but we were under a time frame of action that demanded that we go to the Rules Committee and get a rule immediately.

I say to the gentleman that we have no present intention but to get this bill passed just as expeditiously as possible.

Mr. BURTON. Mr. Speaker, as I understand the gentleman's response, it is in no way his intention, nor should it be construed by anyone in terms of establishing a precedent in overriding the rule I referred to earlier, is that correct?

Mr. ULLMAN. Yes.

Mr. FROEHLICH. Mr. Speaker, will the gentleman from Hawaii yield for a question?

Mr. MATSUNAGA. I yield to the gentleman from Wisconsin.

Mr. FROEHLICH. Mr. Speaker, as I understand this rule, it is really a closed rule. Will the bill itself prevent a reduction in veterans benefits because of the social security increase in the bill?

Mr. MATSUNAGA. Mr. Speaker, I will say to the gentleman that we are not here proposing a strict, closed rule. It is truly a modified closed rule, we are asking. Amendments may be offered by the direction of the Committee on Ways and Means along with the Griffith amendment which is specifically made in order. All other amendments will be ruled out of order.

Mr. FROEHLICH. Mr. Speaker, as I understand the bill, it does not include a saving clause of veterans benefits because social security is being increased, and an amendment to that effect will not be in order because this is a closed rule?

Mr. MATSUNAGA. Such an amendment will not be in order.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, the gentleman knows of course his problem does not lie within the jurisdiction of the Ways and Means Committee. As a matter of fact, in July when we were faced with a very similar problem in conference, we brought up an amendment to the floor which created a great problem with the Committee on Veterans Affairs, which does have jurisdiction. I would point out that there is a time factor involved that gives this body plenty of time for the Committee on Veterans Affairs to bring a bill to bear on the problem. I will say that I very much hope and trust that it will be done, because the gentleman and I both want veterans who are receiving veterans benfits to receive this increase.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I would like to ask what effect this will have on revenues for the current fiscal year.

Mr. MATSUNAGA. Mr. Speaker, the House earlier in the year approved an extensive saving of $268 million, that will permit increased spending.

Mr. MAHON. As the gentleman knows, we are operating under the so-called unified budget. My question is to what extent will increased spending be taken care of by increased revenues that will accrue as a result of this bill?

Mr. MATSUNAGA. It is my understanding, as reported to the Rules Committee by the chairman of the Ways and Means Committee, that the increases will not in any way disturb the actuarial basis, and the increases are within sound actuarial bounds.

Mr. MAHON. Mr. Speaker, I am not asking the question as to whether or not the fund will be actuarially sound. What I am asking is, will this bill increase spending in this fiscal year by about the same amount as the revenue it will produce?

Mr. MATSUNAGA. Mr. Speaker, I might say this to the gentleman from Texas: We are not now considering matters pertaining to the bill itself; we are considering only the rule now. The bill will not be taken up until tomorrow.

So if there are any questions as to the merits of the bill, I would appreciate the withholding of such questions until the bill is taken up tomorrow. There is no objection to the rule itself from any of the Members of the Committee on Ways and Means.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, I would say in response to the question asked by the gentleman from Texas that the fiscal impact on the 1974 budget is $1.1 billion.

Now, I would also point out that this is only because we have a unified budget. The trust funds are contributing surpluses to the overall budget situation this year.

As a matter of fact, it is only because of the trust fund contributions that we have covered up a $15 billion Federal deficit, which is what we had in the current budget, even though it should come out pretty well balanced.

But the deficit is not caused by the trust funds.

We have been very careful to make sure that this is actuarially sound. As a matter of fact, we are putting social security on a much sounder footing than we would if we would not enact this.

In answer to the question, yes, there will be a $1.1 billion impact on the 1974 budget.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, let me be sure I understand this.

Does the gentleman mean it will increase the deficit by $1.1 billion for this fiscal year?

Mr. ULLMAN. The gentleman is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Iowa. However, if the gentleman has any questions pertaining to the bill itself, I would appreciate his postponement of those questions until tomorrow.

Mr. GROSS. Mr. Speaker, I question the remarks that were directed to the rule, and I will not take but a moment.

I listened carefully to the colloquy between the gentleman from California (Mr. Burton) and the gentleman from Hawaii with respect to the precedent which this rule would or would not create.

Mr. Speaker, it will not create a new precedent, because this is a precedent that has been in effect for altogether too many years, for the last 10 or 15 years. The precedent is already established that the Committee on Ways and Means, for some reason known only to the Lord himself, always gets a closed rule on the amendments approved by the omnipotent Committee on Ways and Means to be considered on the floor.

Of course, this does not create a precedent. The precedent is already established. This is just perpetuating a bad precedent, a very bad precedent.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MATSUNAGA. Mr. Speaker, I am glad the gentleman answered his own question. There will be no need for my answering the question, except that I disagree with the answer. What the gentleman from California (Mr. Burton) was referring to is the relatively newly established requirement that the chairman of a committee must publish notice in the Congressional Record whenever he intends to seek a closed rule from the Rules Committee. Such notice was not published in this case. However, because of the urgent nature of H.R. 11333, the Rules Committee decided to grant the requested rule. This was done with the complete and unmistakable understanding that the action of the Rules Committee was in no way to be taken as setting a precedent. We are dealing with a purely isolated case calling for emergency treatment.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. Symms).

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to ask a question of the chairman of the Committee on Ways and Means.

Although it is not related specifically to the rule, I would like to ask the chairman, will an amendment pertaining to the social security earnings limitation be in order under this rule?

Mr. ULLMAN. Mr. Speaker, the answer is: No, not under the rule.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for his answer. I am sorry it is no.

I think under those circumstances I intend to vote against the rule, because I would like to see this particular part of the social security legislation addressed by the House, and I see no other way to handle this without getting an open rule which would allow an amendment to increase the earnings limitation, on earnings which are so meager, for people who are trying to retire on social security, and can not—but are willing to work and are punished because they engage in productive human activity—known as work.

Mr. Speaker, this is indeed a sad, sorry situation and certainly is not in the best interests of the American people.

They should have an opportunity, I think, to earn more money in order to be able to draw more social security, so I will vote against the rule.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Peyser).

Mr. PEYSER. Mr. Speaker, I thank the gentleman for yielding.

I would like to address a question again to the gentleman from Hawaii. I want to be clear on one thing dealing with the question of veterans benefits, without getting into the rule itself.

Under the veterans benefits will there be time before this social security goes into effect for the Committee on Veterans' Affairs to make the necessary changes to protect the veterans? In other words, will we have an overlap here, as you see it, where veterans will not get the benefits that they are entitled to?

Mr. MATSUNAGA. Not being a member of the Committee on Veterans' Affairs and not having communicated with the chairman of that committee in that regard, I am not able to answer the gentleman's question.

Mr. PEYSER. I do not mean in any way to be critical of the gentleman.

Mr. MATSUNAGA. I may say this to the gentleman: the Committee on Veterans' Affairs will have until next March to do this.

Mr. PEYSER. In other words, that legislation would have to be passed prior to the March date?

Mr. MATSUNAGA. Prior to the effective date of this act.

Mr. PEYSER. At this time I will say I hope the House will stay in session long enough to get this legislation passed and not do it the way it did the last time when veterans ended up being penalized. This is a typical example of why I feel we should not be taking our 11-day Thanksgiving vacation. This and other vital legislation needs to be finished.

Mr. MATSUNAGA. I am in full sympathy with the gentleman's views.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield such time as he may use to the gentleman from Wisconsin (Mr. Froehlich).

Mr. FROEHLICH. Mr. Speaker, although I am not going to oppose this rule at this time, because of the great need for an upward adjustment of social security benefits, I am, for the record, going to express my strong opposition to the closed rule being used in this instance. What we need is an open rule, with a waiver of germaneness as to veterans' benefits, so that the following could be accomplished on the floor by amendments:

First, an increase of more than 7 percent and 4 percent in the benefits paid at the lowest level, or a straight across-the-board increase to all beneficiaries in lieu of a percentage increase, in order to give extra assistance to the elderly people who need additional income most;

Second, an increase in or a total elimination of the earnings limitation on the earned incomes of social security beneficiaries so that earned income will be treated substantially the same as dividends, interests, and rents, in order to aid those who are without assets and must work to supplement their social security benefits;

Third, a contribution to the trust fund, on an actuarial basis, from the general fund, to cover the cost of the increased benefits to those already retired, and those soon to be retired, so that enrollees in the social security program who are presently employed would not have to pay the full cost of increases in benefits for those already retired; and,

Fourth, a protection for veterans and their beneficiaries against reductions in pensions and losses of pensions as a result of increases in social security benefits.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE A REPORT AND RULE ON H.R. 7130

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight Wednesday to file the rule and the report on the bill H.R. 7130.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5874, FEDERAL FINANCING BANK

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 58) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, how much different is this bill from that which has come back from the Senate?

Mr. ULLMAN. If the gentleman will yield, in no major respect. There are two elements in question. We are hoping that our view will prevail.

Mr. ROUSSELOT. What are those differences?

Mr. ULLMAN. The main point in contention is the one of the guaranteed loans. The other body wanted to include that under the new office of a Federal Financing Bank. It is our judgment that guaranteed loans should not be included at this time, but, rather, at some later time when we may bring them in. We feel rather strongly about that. As far as I am concerned, the House conferees will insist on that.

Mr. ROUSSELOT. What is the other point in contention?

Mr. ULLMAN. They had another agency that they had exempted. I do not have the details on it, but there is another Federal agency.

Mr. ROUSSELOT. You mean it would be exempt from it?

Mr. ULLMAN. From the bill.

Mr. ROUSSELOT. Could we know what that agency is? One of the big reasons for this was to make sure the Treasury Department and this agency under it would control all of this loose financing that is now going on.

How much is that?

Mr. ULLMAN. I would hope the gentleman from California would not hold me to that, but to the best of my knowledge it is the Farm Credit Administration that they want to exempt from the provisions of this bill.

Mr. ROUSSELOT. How much financing do they do in the open market?

Mr. ULLMAN. I am afraid I am not in a position to respond to the request of the gentleman. But I can reassure the gentleman again that the House feels quite strongly on this measure, and we will try to uphold the position of the House.

Mr. ROUSSELOT. In other words, the position of the House will be to include this Agency, Is that correct?

Mr. ULLMAN. As far as I know, the bill that we did pass in the House included the Agency. They are attempting to take the Agency out from under the bank.

Mr. ROUSSELOT. And the House, if this motion prevails, the House will be insisting on that position?

Mr. ULLMAN. All we are doing here now is going to conference.

Mr. ROUSSELOT. I understand that.

Mr. ULLMAN. When we appoint the conferees we will certainly attempt to uphold the position of the House.

Mr. ROUSSELOT. As the gentleman knows, I am not too excited about the creation of this additional bureaucracy, and I firmly believe we could give the authority to the Treasury and it could accomplish most of what we have tried to do. But if the gentleman will assure me that he will make every effort to make sure that we do not have a lot of exclusions from this particular attempt to coordinate, I would appreciate that.

Mr. ULLMAN. The gentleman from California understands that I can only speak for myself as a conferee, but certainly as a member of the conference I will do my very best to uphold the position of the House.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman for those comments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? The Chair hears none, and appoints the following conferees: Messrs. ULLMAN, BURKE of Massachusetts, Mrs. GRIFFITHS, and Messrs. SCHNEEBELI and COLLIER.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, in announcing the schedule for tomorrow, may I say that the social security bill will be up tomorrow, and we will do as much of the general debate as we possibly can, but the vote on it will be taken on Thursday.

We are following along with the schedule as announced, except that we have already taken care of the AEC, which has already been taken up and is now out of the way.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman was not following the announced schedule when the AEC was called up. The social security bill was programed for Thursday.

Mr. O'NEILL. I understand that, and I stated that when we complete the schedule for tomorrow we will bring up for general debate the social security bill with the vote being taken on the social security bill on Thursday.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from California.

Mr. GROSS. Mr. Speaker, if the gentleman would yield further to me so that I might complete my inquiry.

Mr. O'NEIL. I will again yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, may I ask the gentleman from Massachusetts why the vote on the social security bill would be postponed then?

Mr. O'NEILL. Because we do not anticipate that we can finish the bill by tomorrow. As the gentleman from Iowa knows, it had originally been scheduled for Thursday, and thus that the vote would be taken on Thursday, and so the vote will be taken on Thursday.

I now yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, may I ask the gentleman from Massachusetts how many more surprises we are going to have? Will we have things coming in under suspension of the rules, and other things? I know that there are a lot of the Members who are anxious to wind things up, but I think in deference to the Members of the House having adequate notification of these matters, I wonder how much more of this procedure can we expect.

Mr. O'NEILL. Of course, as the gentleman from Califfornia knows, the Labor-HEW conference report was sent back to conference today, and that left the House with 2 or 3 hours available. So it was thought best, from the leadership on both sides of the aisle, that we could utilize that time. Some of the matters were not of tremendous import, and while some were of importance, we felt that they could readily be brought before the House in an effort to use part of the time available. We did so by a two-thirds vote. We knew of no objections, and there were no objections, and for that reason we brought the matters up. I do not believe that this was so serious.

Mr. ROUSSELOT. Are there going to be any further major bills that we will have for consideration here by surprise, or under suspension of the rules?

Mr. O'NEILL. We will attempt to follow the schedule as announced, exactly.

Mr. MARTIN of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. I should like to ask the gentleman when may we expect to have the military construction appropriation bill up, then—on Thursday?

Mr. O'NEILL. Thursday.

EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the Senate bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. HAYS. Mr. Speaker, reserving the right to object, I should like to ask the distinguished gentleman from West Virginia a question. There is not anything in his bill about rationing of gasoline?

Mr. STAGGERS. No, sir.

Mr. HAYS. This is a mandatory allocation of what—fuel oil?

Mr. STAGGERS. Fuel oil and petroleum distillates and propane gas.

Mr. HAYS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of November 10, 1973.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, how many changes have we got here?

Mr. STAGGERS. I intend to elaborate on the differences.

Mr. ROUSSELOT. Will there be elaboration on all the circumstances?

Mr. STAGGERS. There are very few changes. It is mostly the House bill as we had it in the House.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER. The gentleman from West Virginia is recognized.

Mr. STAGGERS. Mr. Speaker, with relatively few substantive amendments, the committee of conference has agreed to accept the House bill. Let me comment briefly on the most significant matters agreed to in conference.

As the Members will recall, the House bill proposed to require that the President implement a comprehensive mandatory allocation program providing for the compelled distribution of crude oil, residual fuel oil, and refined petroleum products in a manner which comports with certain congressionally defined objectives. This was to be accomplished within a very short time frame; the President was required to promulgate the program within 10 days of enactment and implement it 15 days thereafter. Your conferees have agreed to a number of amendments which relax the rigid timing requirements contained in the House bill. For example, the President would be given an additional 5 days in order to promulgate the proposed program. Moreover, the President will be permitted to delay the effective date of the program for an additional 15 days with respect to gasoline and with respect to those products already subject to mandatory controls under the Economic Stabilization Act in circumstances where delay is necessary to permit an orderly transition to the allocation program called for in this legislation.

A number of amendments have been made to permit the President additional flexibility in implementing this program. Most important of these is the addition of authority to exempt a product from the mandatory allocation program should the President find that it is no longer in short supply. Under the mechanisms worked out by the conferees, however, provision is made to allow either House of the Congress, by resolution, to override the President's determination and prevent the exclusion from the allocation program of a particular product.

Another amendment deserves special comment. When the House bill was considered on this floor, several Members argued that the program would be unnecessarily complex and administratively burdensome if it were to require allocations of crude oil from producers. Others suggested that such allocations would be necessary to make the program work. A great deal of time in the conference was dedicated to arriving at a resolution of these opposing views. Your conferees believe that the substitute contains a workable compromise.

By its terms, the President would not be required to compel allocations at the producer level if he makes a positive finding that allocations at that level—whether on a national, regional, or case-by-case basis—are unnecessary to accomplish the objectives of the act. The President would, nevertheless, be required to establish equitable prices at the producer level and is given clear authority to compel allocations at that level should he determine, at any time, that it is necessary for him to do so.

Mr. Speaker, I believe the committee of conference has reported a good bill. As I noted, it departs in only minor ways from the House-passed bill and these are principally designed to build in a little more flexibility into the statutory program. In my opinion it does no violence to the clearly defined objectives of this legislation. I strongly urge the House to agree to the conference report.

Mr. COLLINS of Texas. I want to emphasize this. That while I was sitting in the conference I observed that all of the House conferees were very much concerned with whether the House provisions prevailed or the other body's provisions would be the basis of the bill. The chairman of our conference was the chairman of our House Interstate and Foreign Commerce Committee and he did an excellent job as chairman. In the final conference bill we have about 97 percent of the House version. Some excellent changes, were made that came from the Senate, just as the gentleman from West Virginia has said. All changes strengthened the bill because they provided much needed flexibility, which is absolutely necessary.

As everyone knows, this particular bill does not provide one single additional barrel of oil. This is nothing but an allocation bill, and because it allocates shortages it has many, many problems.

One conference improvement is to provide more flexibility in allocation of the crude oil right at the well. Another major improvement was language to help the refineries. Refineries are the basic place for oil assembly, processing and allocation. This bill provides for interrefinery adjustments to take care of the smaller refineries and in places where we had confrontations it basically meets the issue.

This oil allocation is going to be a most difficult process. I do not know whether all our colleagues realize fully what we will be facing within the next 6 months, but one thing that was raised in our conference is something I think we should think about. One of our colleagues in the other body said he thought the emphasis should be on residential fuel oil being given top priority. This is a basic question as we get into oil allocations. Will we, in turn, give emphasis to the fuel oil for residences at the expense of jobs in industry?

This bill does not in any way solve these oil shortages. This House yesterday took a tremendous step forward when we passed the Alaska pipeline bill and we will pass other bills from time to time to provide encouragement for more domestic oil production. We should give larger tax depletion allowances, plus removal of price control at the wellhead for new gas discoveries.

I was completely opposed to this oil allocation bill when we passed it in the House and I still am. But I want to say this is the best bill that could have come out of our conference. I was amazed and enthused as I never anticipated that we would have such a successful conference report to submit to you. Members of the House as well as the other body are all to be congratulated on this conference report on oil allocation.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Texas.

Mr. KAZEN. Was it my understanding from the remarks made by the chairman awhile ago that this bill gives the President authority to set prices?

Mr. COLLINS of Texas. If the gentleman will yield, the price situation I think continues as it was.

Mr. STAGGERS. The answer is that it required equitable prices to be set.

Mr. KAZEN. Does it give them any taxing authority?

Mr. COLLINS of Texas. I never heard that question raised.

Mr. STAGGERS. If the gentleman will yield, it does not.

Mr. KAZEN. It does not. I thank the gentleman.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, I would like to direct a question to the chairman of the full committee. When this legislation was considered on the floor last October the chairman submitted a question to the industries which must obtain natural gas or propane gas for survival. I listened to the amendment when it was offered and it was a very valuable amendment. Is that still in the conference report?

Mr. STAGGERS. It is still in the conference report. The Senate receded. It is still in the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Is there anything in this bill that is not germane?

Mr. COLLINS of Texas. As far as I know, everything is completely germane.

Mr. STAGGERS. That is correct. We did not accept things that were not germane.

Mr. COLLINS of Texas. I may say our chairman was very firm about that with the other body. Our colleagues supported him.

Mr. SCHERLE. Mr. Speaker, will the chairman yield for a question?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. SCHERLE. I wonder if the chairman can tell me why we are still in the process of sending fuel and oil overseas? In the present critical situation in the United States are we making allocations for countries overseas?

Mr. STAGGERS. I would say this, that the bill I think takes care of the situation. We say all crude oil, residual oil, and refined petroleum products must be totally allocated within the United States to the exclusion of exports if domestic requirements are not satisfied. So this would preclude any oil being shipped out unless such exports were consistent with the objectives of the bill.

Mr. SCHERLE. Mr. Speaker, will the chairman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. SCHERLE. I am primarily interested in how much oil produced here in the United States is now being shipped outside the continental limits.

Mr. STAGGERS. I do not know, but I do know that all that is produced in this country will be allocated to meet our needs.

Mr. MACDONALD. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. MACDONALD. There is a flat prohibition in the bill that oil cannot be exported from the United States during this period, a flat prohibition in the bill. Under our relations with Canada, it must be exchanged now and then, but the exporting of oil from the United States to a foreign country because it is more profitable is flatly prohibited.

Mr. SCHERLE. How about foreign oil products?

Mr. MACDONALD. It is the same thing.

Mr. STAGGERS. It is the same thing.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Georgia.

Mr. FLYNT. I was interested in that portion of the colloquy between the gentleman from West Virginia and the gentleman from North Carolina (Mr. TAYLOR) about the mandatory allocation of natural gas and propane gas to industries and companies to whom such allocation would be necessary if they are to survive.

My question is this. There is at least one company and probably others that I know of which require a certain amount of distillates in order to remain in business. The one company that I have particular reference to at this time is one which uses distillates, a large quantity of distillates in welding processes.

I wonder if the company could show that a continued source of supply of distillates is necessary to economic survival of that company, if they could be guaranteed the necessary amount of distillates under this bill?

Mr. STAGGERS. We have retained in the conference substitute exactly what we had on that when the bill passed the House.

For instance, in the allocation of propane gas under the Stabilization Act, the President did not take into consideration the petrochemical industry's needs. I think this is a question that Mr. TAYLOR addressed himself to—we have changed that and we make it mandatory that they would be taken into consideration. The President's program would have to be modified appropriately. I am not sure whether this is what the gentleman was talking about.

Mr. FLYNT. The distillates would be covered as well as natural gas and propane gas?

Mr. STAGGERS. Not natural gas, but propane gas.

Mr. FLYNT. Distillates are included?

Mr. STAGGERS. Yes. Distillates must be allocated under this bill to accomplish defined objectives including the protection of the public welfare and the minimization of economic distortion. It is expected that the President in allocating distillates and other products under the bill will take care to assure that the allocation program will not result in large scale closings of any industry, significant unemployment or serious economic stress.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Tennessee.

Mr. FULTON. Mr. Speaker, I want to ask whether the needs of the petrochemical industry are taken into consideration in the conference substitute. Could the gentleman tell me where this language was included in the conference report?

Mr. STAGGERS. All I can say, this bill does require these needs to be considered. The President must find an equitable balance in allocating products to meet this industry's needs and to otherwise accomplish the objectives of this act.

I yield 5 minutes to the gentleman from Texas (Mr. PICKLE), a member of the committee.

Mr. PICKLE. Mr. Speaker, I appreciate the chairman yielding me this time. The presentation of this conference report comes a little earlier than most of us thought it would be, and I think it caught the chairman by surprise. I find that I am being allocated some time just like they will be allocating on fuel.

However, I do have a question or two to ask, because with all my deep concern about the way this bill originated and the position taken when the House voted on this measure recently. The gentleman from Arkansas (Mr. HAMMERSCHMIDT) had offered an amendment which said, in effect, that where a person or a municipality was cut off from the normal supply of fuel due to an order of a State or Federal agency, that the President may in his discretion take into consideration this fact and make available such fuels as might be required to run that municipally or investor-owned facility.

That would apply to a great many situations of Arkansas or the Midwest area, but it does not cover situations which have happened in my city of Austin, Tex., where we have been on curtailment now off and on all last winter. We are entering into the same curtailment now.

I noticed in the report on page 12 that the committee makes comment about the situation, and in effect it is saying that the President is expected to also make fuel or oil available to a municipality or to a river authority where, even though it had not been brought about by an order of a State or Federal agency, but because they had been cut off, because of an unreliable supplier and the effect is the same, that that city would not be limited to their base at the base period of 1972; and then the President can take into consideration that they have no history of fuel oil, as my city did, except for only 1 month of 1972, and we therefore must be given some relief.

Now, is that the intent of the report? I was hoping it would be made stronger.

Mr. STAGGERS. Mr. Speaker, that is true. It was considered by the conferees and discussed before the conference.

Mr. PICKLE. Mr. Speaker, I hope this is clearly understood by all the conferees, because here we are talking about Colorado River Authority, and the cities of Austin and San Antonio being cut off, because they have no history, and unless they do get it, they would be just as badly hurt as the cities in the Midwest for whom it was intended.

Mr. Speaker, I would also make one other comment, which is that I am pleased to see some change was made with respect to allocating on the producer levels. It does not cover the subject in the manner in which my original amendment to the committee was offered; yet it does give some discretion for the consideration of how we would handle the allocation at the producer level. I think this is an improvement. Obviously, it would have been absolutely impossible to manage producer level allocation with 10,000 or 15,000 small producers. I believe it is a good step. I would have made it stronger and some would have made it weaker, but at least it is a recommendation the administration would be able to handle, so I think it is a good step. I commend the committee for that.

Mr. Speaker, I would say in conclusion, as far as my point is concerned, I have not looked with favor upon allocation of petroleum, or refined petroleum products. I have seen where the difficulties have arisen in the economic controls. I prophesy that the same thing is going to happen in this particular area. I remind the House that we have given the President already full authority to carry out every one of these provisions. I think that they should have done this months ago if this need was as real and obvious as it is today.

The point is, though, that this legislation will not increase the supply of oil by one barrel. This is the weakness of this bill. Throughout the debate, Member after Member has addressed our committee's distinguished chairman, Mr. Staggers, and the distinguished member from Massachusetts (Mr. Macdonald), asking if this industry or this group would be taken care of under the bill. Unfortunately the bill will not solve anyone's problems 100 percent. Everyone is going to be short. Hopefully, false hopes have not been created by this bill.

I can see that the House is going to vote this bill, even though I think that it could have been handled in a better approach. At least, the conference report recognizes some aspects of the problem faced in the oil and gas industry, and I commend the chairman for this recognition and for giving some relief in this conference report.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I will be happy to yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, I just want to clarify one thing.

Apparently this new allocation program is not aimed at charging the present allocation program that is now in force?

Mr. STAGGERS. It would require the President to modify his existing programs to take into consideration many of the things that we felt needed to be taken into consideration, and had it continued the way it was, many industries would have to close, many industries in different categories across America.

Mr. DENT. Mr. Speaker, does the gentleman by this provision still limit so-called allocation to a State in accordance with the consumption of 1972?

Mr. STAGGERS. No. No; we do not. We do not limit it.

Mr. DENT. Mr. Speaker, I will say this to the gentleman from West Virginia (Mr. Staggers):

The thing that is very serious, taking into consideration all the homes in our State, is that because of the economic condition, thousands of our citizens are living in trailers, and they have already been told by the retailers and the fuel oil agencies that they are not going to get any allocation.

We have had some very cold weather. We have had some emergency cases already in the State.

Another thing is that they are not taking into consideration contracts on roadbuilding.

We have a brand new factory under construction for the Chrysler Corp., a multimillion dollar contract that has been let. They have been allocated 5500 gallons a month, and the contractor requires 75,000 gallons a month to finish the contract within the contract limitation time.

How do we get around that? Can we do it under these new regulations?

Mr. STAGGERS. Under our new regulations we give the President authority in any emergencies, and especially in heating oil for homes—and this is a home the gentleman is speaking about—to do just what the gentleman is requesting to be done.

Mr. DENT. Does the gentleman know how it is done now. If we have an emergency, these homes have to go to the Government, but they have had no guidelines. They have to send it into Washington, and we have not heard from them yet.

Mr. STAGGERS. I know. This, however, requires a different allocation procedure than at present in effect the Presidents allocation program for middle distillates and propane.

Mr. DENT. Mr. Speaker, I am satisfied that the gentleman is trying to do the right thing about it.

Mr. LONG of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Louisiana.

Mr. LONG of Louisiana. Mr. Speaker, I will ask the gentleman, would the emergency power granted under this proposal relieve this situation?

The Federal Power Commission is requiring industries such as cotton gin industries and seasonal industries, as well as other manufacturing industries, to cut back on the use of natural gas and go to fuel oil. Naturally, they have no historical base on the use of fuel oil, and consequently it is going to take an emergency action on the part of the executive branch to remedy this situation or it will cause very serious damage.

Mr. STAGGERS. Mr. Speaker, in answer to the gentleman, I will say that in situations when, for instance, natural gas has been taken away, the President is required under the program here and under the rules we have set up, to take into consideration all of these industries and try to allocate the fuel as fairly as possible in order to keep industry running.

Mr. LONG of Louisiana. Under the proposed legislation the President would have the authority to do this for industries which have had, as a result of a Federal Power Commission order, to switch from natural gas to fuel oil?

Mr. STAGGERS. We would not only say he may do that, but he would be required to take this into consideration.

Mr. TREEN. Mr. Speaker, will the gentleman yield on the same point?

Mr. STAGGERS. I yield to the gentleman from Louisiana very briefly, because I believe we have answered most of the questions.

Mr. TREEN. Mr. Speaker, I was trying to get the gentleman's attention a while ago when the gentleman from Texas asked about those users of other fuels such as natural gas who were not required by some Government agency to go to another fuel.

Is it the gentleman's understanding under this bill that the intent would be that the President would be required to say to the users, for example, of natural gas, that because they could see a natural gas crisis coming or that natural gas would be an unreliable source, and because he is more or less under compulsion but not required to change to another fuel, that they would be treated just as if a Government order had required them to change to a different fuel?

Mr. STAGGERS. Mr. Speaker, in reply to the gentleman, I will say that he is required to take into consideration the equities here and to make allocations as he determines.

Now, we do not say to him how much, we do not set out any hard and fast rules. I do not believe we could do that for every industry and for every product in America. It would be impossible. It is not up to us to do that. The administration is required to develop the expertise, the knowledge to do this properly and they can get the expertise from all over America. We ask them to take into consideration this situation you are speaking of and take appropriate action.

Mr. TREEN. Mr. Speaker, I thank the gentleman.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr STAGGERS. I yield to the gentleman from Tennessee.

Mr. FULTON. Mr. Speaker, the conference report emphasises that "in expressing congressional concern with fostering competition in the petrochemical industry, the committee intends to also identify petrochemical feedstock needs as important end-uses for which allocation should be made."

I assume this means that petrochemicals in short supply, such as ethane, ethylene, and vinyls, which are important feedstocks for various industries. For some industrial uses as you know, there are no substitute materials that can be utilized in place of these scarce petrochemicals.

In the production of sound recordings, for example, there is no substitute for vinyls. Inability to obtain vinyls which is so essential to produce recordings, could result in great economic loss to my State of Tennessee.

I assume my interpretation of this section of the report is correct.

Am I right in assuming the interpretation of this section of the report is correct?

Mr. STAGGERS. I may say to the gentleman this bill identifies the petrochemical industry as important end-users of petroleum products. This bill requires the allocation of propane and other refined petroleum products including naptha and benzene when necessary to preserve and foster competition in the petrochemical industry. These are important feedstocks; but the bill does not go so far as to require specific allocation of derivative products such as propylene, xylene and ethylene. We tried to take care of the industry he is interested in. The record industry is a member of the petrochemical industry for which this bill seeks to obtain equitable treatment in a mandatory allocation program.

Mr. FULTON. I thank the gentleman.

Mr. WOLFF. Will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. WOLFF. Do I understand this bill will cover the question of allocations of propane to bring some order out of the chaos that exists in that industry today where only under conditions of extreme hardship will there be allocations made and a definition of extreme hardship will be detailed and outlined? As it is now there are plants throughout this country that are closing, because they cannot get an allocation of propane, whereas beauty parlors and retail establishments are getting their allocations.

Mr. STAGGERS. That is one of the prime purposes of this bill. We did take into consideration certain uses of propane which were not provided for in the allocation order by the President under the Economic Stabilization Act. We included these needs because we realized that if they were not in there and not taken into consideration properly in the allocation program, there would be many industries that would have to close throughout America.

Mr. WOLFF. I thank the gentleman.

Mr. COLLINS of Texas. Mr. Speaker, I yield such time as he may use to the gentleman from New York (Mr. McEWEN).

Mr. McEWEN. I thank the gentleman for yielding.

I would like to inquire of the chairman of the committee as to one subject.

My own district has experienced a drastic shortfall in petroleum products, because of the June 15 embargo that Canada placed on these products. I have been critical of Canada, and I shall be before one of our committees tomorrow with some testimony that I will offer on the subject. I want to be sure in this bill we are not doing the same thing.

The gentleman from Massachusetts (Mr. MACDONALD) said something on this earlier. Are we still permitting the movement of petroleum products to Canada? We are not arbitrarily going to do what they did to us, are we?

Mr. MACDONALD. If the gentleman will yield, I will say the answer to that question is no. We are not prohibiting it. If you will look at page 21 of the report, you will see we put in specifically there the point that the gentleman is making so that the present economic relationships with regard to fuel and energy between both Mexico and Canada will not be disturbed. It will continue as it is now.

Mr. McEWEN in other words, there are areas in Canada and Mexico where traditionally they have gotten the products from this country?

Mr. MACDONALD. That is right.

Mr. McEWEN. And they will be protected on that?

Mr. MACDONALD. The energy aims of the United States, Mexico, and Canada will go on as they have in the past, because it is to our mutual benefit, to the benefit of both Mexico, Canada, and our own country. We specifically keep it in this bill as shown in the report on page 21.

Mr. McEWEN. I thank the gentleman.

Mr. COLLINS of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I wish to just take a minute to thank the chairman and the other conferees for retaining the provision in the House bill that was put in by an amendment that I offered, and which was subsequently adopted by the House. It does recognize that there must be full coordination between the Federal and State policies which control our energy so that the energy requirements of all of our citizens and industries can be protected.

Mr. STAGGERS. Mr. Speaker, I have no further requests for time.

Does the gentleman from Texas have further requests for time?

Mr. COLLINS of Texas. Mr. Speaker, I have no further requests for time.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. COLLINS of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 348, nays 46, answered "present" 3, not voting 36, as follows:

[Roll No. 581]

YEAS—348

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brasco
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kemp
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Litton
Long, La.
Long, Md.
Lott
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Macdonald
Madden
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steiger, Ariz.
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NAYS—46

Archer
Armstrong
Beard
Bray
Breaux
Burgener
Burleson, Tex.
Camp
Casey, Tex.
Clawson, Del
Cochran
Collins, Tex.
Conlan
de la Garza
Goldwater
Gonzalez
Hammerschmidt
Hébert
Jones, Okla.
Kazen
Ketchum
Landgrebe
Lujan
McCloskey
McSpadden
Mahon
Milford
Miller
Passman
Pickle
Price, Tex.
Rarick
Rousselot
Runnels
Steed
Steelman
Steiger, Wis.
Symms
Thornton
Treen
Waggonner
Wiggins
Wilson, Charles, Tex.
Wright
Young, S.C.
Zion

ANSWERED "PRESENT"—3

Bell
Schneebeli
Ware

NOT VOTING—36

Anderson, Ill.
Blackburn
Brademas
Brown, Ohio
Burke, Calif.
Clausen, Don H.
Conte
Crane
Danielson
Davis, Wis.
Dellums
Dorn
du Pont
Fascell
Frey
Gubser
Keating
King
Kluczynski
Lehman

Lent
Madigan
Mathias, Calif.
Mills, Ark.
Mink
Murphy, N.Y.
Nix
O'Hara
Powell, Ohio
Reid
Roberts
St Germain
Shipley
Sikes
Stephens
Sullivan

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Reid with Mr. Mathias of California.
Mr. Murphy of New York with Mr. Powell of Ohio.
Mr. Sullivan with Mr. Madigan.
Mr. Sikes with Mr. Lent.
Mr. Fascell with Mr. King.
Mr. Brademas with Mr. Davis of Wisconsin.
Mrs. Mink with Mr. Keating.
Mr. Nix with Mr. du Pont.
Mr. St Germain with Mr. Dellums.
Mr. Kluczynski with Mr. Gubser.
Mr. Mills of Arkansas with Mr. Anderson of Illinois.
Mr. O'Hara with Mr. Crane.
Mr. Shipley with Mr. Blackburn.
Mr. Stephens with Mr. Conte.
Mrs. Burke of California with Mr. Lehman.
Mr. Danielson with Mr. Brown of Ohio.
Mr. Dorn with Mr. Obey.
Mr. Roberts with Mr. Don H. Clausen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FISCAL SITUATION AT THE END OF 93D CONGRESS, 1ST SESSION

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAHON. Mr. Speaker, we have now progressed at this session to a point where we can predict rather well what the fiscal situation may be on the date of adjournment.

It is rather clear to me at this time that on appropriation bills handled by the Appropriations Committees of the House and Senate we will be about even with the budget estimates. With respect to spending mandated by the nonappropriation bills, we will be about $5 billion above the January budget. I would point out that the President on October 18, presented an amended budget estimate modifying his January estimate.

My best estimate is that Congress will be over the President's current estimate of $270.6 billion by about $2.5 billion at the end of this session.

On tomorrow I hope to speak in more detail in regard to the fiscal situation.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, does this take into consideration what the gentleman anticipates will be appropriated in the defense appropriation bill?

Mr. MAHON. This takes into account my estimate of all appropriation bills including military construction which will be up later this week, the defense appropriation bill, and the final supplemental, and including foreign aid.

Mr. QUIE. I thank the gentleman from Texas.

VETERANS EDUCATION AND TRAINING ALLOWANCES

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DORN. Mr. Speaker, the veterans education and training program for Vietnam veterans is at its peak. Approximately 1,400,000 veterans are in training in over 14,000 educational institutions and 118,000 more in apprentice and on-job training program. The veterans education program is the Nation's greatest Federal scholarship undertaking.

When the fall enrollment period arrives the Veterans' Administration is confronted with an enormous problem of getting veterans programed so that they will receive their education and training allowance. Some problems are cropping up in parts of the country. Our Committee on Veterans' Affairs is making a spot check. Fortunately, the problem does not appear to be serious in every regional office, but there are some problem areas.

We are pinpointing a procedural failure in the new advance pay system. The problem has to do with the addressing and method of delivery of the checks. We plan to take this up with the VA with the hope that the advance pay program can be improved for the next enrollment period.

Of course, there are always some problem cases and we are working on them. Members can help by transmitting names of veterans who have delayed checks to the Veterans' Administration or to our committee. There is an emergency pay procedure that can be used if necessary. Veterans have a right to expect to receive their payment on time so they can properly plan their personal finances.

I am requesting a comprehensive report from the Veterans' Administration as to the status of the advance payment program, as well as information on the number of problem cases currently before VA regional offices throughout the country. We are working closely with the VA regional office in Columbia to handle problem cases which have been reported from South Carolina schools.

Mr. Speaker, we have found that office and the VA throughout the country cooperative and dedicated to solving this problem.

POSTAL EMPLOYEES DAY

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, today I am introducing a resolution establishing February 20 of each year as Postal Employees Day.

In this age of rising complaints about the quality of the Nation's mail service, we tend to ignore the fact that the Postal Service is staffed by hundreds of thousands of dedicated employees who are giving the American people their best to see that the mail is delivered.

When the Postal Reorganization Act was passed in 1970, it was accompanied by loud hosannas proclaiming the dawn of a new age. The magic wand was going to be waved; all of our mail service problems were going to melt away by magic; and we would be on a break-even basis.

Some, including myself, did not believe this. While we supported reorganization of the Post Office, we felt that the immediate benefits of reorganization had been seriously oversold to the American public. It was simple logic. The postal problems generated by a decade of neglect could not be whisked away overnight no matter how good reform might look on paper.

Therefore, we felt that there would be a rising indignation over poor service from a public led to believe that the impossible could be achieved overnight. Recent experience has proven us correct.

Oscar Wilde, while traveling through the United States almost a century ago, reported seeing a sign over a bar which said:

> Please don't shoot the piano player. He is doing his best.

That is what I say when I receive complaints:

> Please don't shoot the Postal Employee. He is doing his best.

And I believe it, too. Most of the current problems are not caused by the frontline troops of the Postal Service. I have said it before and I will say it again. This country is fortunate to have the services of the dedicated employees of the Postal Service who process and deliver the mail. Working against sometimes overwhelming odds, they do their dead level best.

To a certain extent, present postal problems were inherited. We are still laboring in thousands of outdated buildings which should have been demolished or renovated years ago. New facilities cannot be built or financed overnight, and this effort will take many years to reach fruition. And, the habits of management are often difficult to change.

But our criticism should not fall on the shoulders of the rank and file. I have visited many post offices since I have been in Congress, and I have never failed to be impressed by the hard work performed by the men and women in the thousands of post offices throughout the country. If it were not for them, the mail would not be delivered at all.

On February 20, 1792, George Washington signed the act which created a permanent Post Office Department under the new Constitution. This day of a new beginning in a new country is a fitting day to honor our postal employees. This resolution will show unequivocally that Congress and the people of this great Nation appreciate the magnificent job which they perform.

"NO" TO HIGHER GAS TAXES

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, the President's Energy Adviser, Governor Love, has indicated gasoline rationing may become necessary next spring.

There may be no other short-range solution in the face of oil shortages. If so, we can enthusiastically support controls.

But let us make sure that whatever we do protects the person of modest income. A system of rationing that is both equitable and effective should be possible—imposing proportionate reductions in fuel consumption against rich and poor alike.

At the same time, let us take a long look at another of the administration's stated options, an increase in the tax on gasoline aimed at curbing consumption.

Such a tax would in a real sense be retrogressive, imposing the greatest burdens on those least able to pay. The Cadillacs would continue to roll, while less affluent drivers would be sidelined.

The price of gas is already high anyway, and continuing to rise. In my home area of San Diego the cost of a gallon has gone up by as much as 3 cents in the past 2 months, all following the easing of restrictions by the Cost of Living Council. Generally, these increases reflect markups in the price which dealers must pay wholesalers for the gasoline they sell.

Possibly we will all be called upon to make sacrifices in response to the energy crisis. With just 6 percent of the world's population, the United States today uses 33 percent of the world's energy. Evidence is mounting that we cannot long continue living in that style.

And so, Mr. Speaker, let us make sure that no one is unduly penalized simply because his means are modest.

A 50-MILE-AN-HOUR SPEED LIMIT IS TOKENISM—MORE WASTEFUL THAN GAINFUL

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, a 50-mile-per-hour national speed limit sounds like a good gas saver, but it is tokenism. Worse still, a nationwide speed limit at this level will be more wasteful than it will be gainful. Why?

Because of time factors involved, for one thing. At 50 miles per hour for example, from Chicago to Boston it will take three trucks on the road to do the work of two at 70 miles per hour on the Interstate System. Contracts still have to be met. And this is to say nothing of the economic waste in time and salaries of the drivers.

The stated reason for a national 50-mile-per-hour limit is a mythical saving of 200,000 barrels of oil daily. But the right hand of the Government does not seem to know what its left hand is doing, because at the same time it would impose the reduced speed to save an alleged 200,000 barrels daily, the same Government is requiring excessively high automobile emissions controls that waste better than a million barrels of oil each day and will waste even more as the standard goes higher.

Cars so equipped get sharply reduced gas mileage. Any citizen with a late model car knows this all too well.

If our people are to be asked to suffer this significant inconvenience in their speed of operation, they deserve at the very least from their Government a responsible legislative program to meet the energy crunch. Congress should reduce auto emissions control levels from 96 percent required by present law to 90 percent. My bill to do this still languishes in the Commerce Committee without an assist from either EPA or the administration.

This action alone would save better than four times the oil claimed to be saved from a 50-mile-an-hour limitation—which itself is illusory as well as a darned nuisance to millions of our citizens.

REPEAL PSRO LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, the great costs of the medicare and medicaid programs have resulted in a desire by many to put some type of controls on their expenditures. One forecast states that over the next 25 years the excess of costs over estimates on medicare alone will reach $242 billion. The Professional Standards Review Organizations—PSRO—was viewed by many as an answer to this problem. While I agree that, when possible, costs must be limited, it is also necessary that quality medical care be available to those who depend upon medicare and medicaid. Unfortunately it seems that the PSRO's may adversely affect the quality and amount of care so provided. It also violates the promise Congress made that the Federal Government would not interfere in the doctor-patient relationship.

The legal basis for PSRO is found in sections of the Social Security Act. In this act the stated purpose of the PSRO is to "promote the effective, efficient, and economical delivery of health care services." This goal is one with which few can disagree. The means prescribed to achieve this goal do raise serious questions.

Provision is made in the legislation that medicare and medicaid payments will be made only if the PSRO determines those services to be medically necessary. The condition of medically necessary leads to a strong possibility that there will be a restriction in the quality of care available to patients under medicare and medicaid. This restriction could result from an inhibition on the part of the physician to give his patient optional or supplementary treatment particularly if such treatment is not the usual procedure.

Another provision of the legislation necessitates the use of the most economical type of facilities. The physician would seem to be called upon to provide the least expensive care rather than the best. The legislation would make physicians handling medicare and medicaid cases dependent on following federally approved standards. Official guidelines could very easily take the place of a physician's judgment. Through provisions of the PSRO legislation, it would be necessary to apply computerized averages as a primary evaluations factor in the care, diagnosis, and treatment of patients. This raises a serious problem as medical care deals with human beings who have unique physiological and psychological needs.

The legislation allows the PSRO's to examine a doctor's patient-care records. This is totally offensive. Also, the Secretary of Health, Education, and Welfare can request review records. It would seem that the confidential nature of the doctor-patient relationship for those relying on medicare and medicaid could be seriously compromised.

Other provisions of the law would seem to create more bureaucratic regulations, more requirements for doctors to be concerned with recordkeeping than with patient care and less ability for a physician to prescribe treatment or medication that may be required by a patient. We must tread very carefully when the issue is of such a basic nature as medical care and the doctor-patient relationship.

For the reasons outlined above I have introduced a bill—H.R. 11394—to repeal those sections of the Social Security Act which mandate PSRO. I do think that ways must be found of controlling the rapidly increasing costs of medicare and medicaid, but these means cannot be at the expense of the elderly and others who depend upon medicare and medicaid for their medical treatment. This legislation setting up PSRO's was well-intentioned. Nonetheless, it has caused and will cause more difficulties than it has solved.

The language of the bill follows:

H.R. 11394

A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title XI of the Social Security Act (as added by section 249F of the Social Security Amendments of 1972) is repealed.

SEC. 2. Title XI of the Social Security Act is further amended—

(1) by striking out "AND PROFESSIONAL STANDARDS REVIEW" in the heading; and

(2) by striking out "PART A—GENERAL PROVISIONS" immediately before section 1101.

EXPLANATION OF H.R. 11394

H.R. 11394 is currently in Ways and Means Committee. It would repeal that section of the 1972 Social Security Amendments by which the Congress authorized the establishment of professional standards review organizations—PSRO's—to oversee the care given by physicians and health care facilities for which the Federal Government will be financially responsible. The portion which would be repealed—Section 249F of Public Law 92-603—begins on page 101 of the published act and includes sections 1151 through 1170 of the Social Security Act as amended.

Public Law 92-603 was passed as the Social Security Amendments of 1972 and the PSRO section—249F—received little attention. The bill was introduced in the Senate by WALLACE BENNETT of Utah. Implementation is to be completed by January 1, 1974, with the designation by that date of certain groups which are to serve as Professional Standards Review Organizations.

The American Medical Association vigorously opposed the passage of PSRO legislation, contending that it would standardize health care at the level of the lowest denominator.

To date there has been a marked lack of success by the Department of Health, Education, and Welfare in getting regulations drawn and adopted. This is due to first, intragovernmental squabbling between HEW's Office of Professional Standards Review—OPSR—and the Social Security Administration over control of the program, and second, complaints that OPSR is understaffed to meet its obligation. These factors contributed to the recent resignation of Dr. William Bauer as head of OPSR. Dr. Charles Edwards, assistant secretary, has stated, however, that HEW is fully committed to meet its olbigation to have PSRO's designated and regulations established by January 1.

There is increasingly vocal opposition to PSRO legislation within the medical profession as the date for implementation approaches. It is the current position of the American Medical Association—which still vigorously opposes the law—that the profession itself should cooperate in implementing the law "so doctors can control it" as much as possible. There is some question, however, whether the AMA's constituency is willing to go even that far.

Mr. Speaker, it was the stated purpose of the PSRO section of the social security amendments to "promote the effective, efficient, and economical delivery of health care services."

Following is an itemizing of problem areas in the PSRO section of the social security amendments, together with my "criticism" which explains what the problem is. H.R. 11394 is the only practical way of meeting these serious objections:

First. Medicare and medicaid payments are to be made only if Professional Standards Review Organization determines the services to be "medically necessary." Section 1151(1).

CRITICISM

It is contended that limitation of health services to those determined to be "medically necessary" will restrict the quality of care available to patients by inhibiting a physician in the exercise of his best judgment with respect to the use of optional or supplementary treatment. If the form sheets state that procedure A is the accepted usual procedure, a physician may hesitate to use procedure B, which he favors, for fear that either he or the patient will not be reimbursed. In addition, it is argued that, by definition, medical progress can result only from a physician's use of techniques or procedures not currently standard.

Second, medicare and medicaid payments to health-care facilities will be made only when, and for such periods as, such services cannot be provided as well on an outpatient basis, or more economically in a different type of facility. Section 1151(2).

CRITICISM

This provision places a burden on the physician always to provide the least expensive care, rather than the best. If he provides hospitalization, extended hospitalization, or enrollment, in a more expensive facility than the least expensive available, he would be required to demonstrate in each case that the care available otherwise would be of lower quality. Otherwise neither he nor the patient would be reimbursed.

Third. The Secretary of HEW shall appoint professional standards review organizations to determine that the provisions of the law are fulfilled. Prior to January 1, 1976, such organizations must be drawn from professional medical or osteopathic associations; after January 1, 1976, the job of reviewing professional medical standards may be given to any other public or private nonprofit group if the Secretary decides the medical group is not performing to the Department's satisfaction. Section 1152(c) (2) (C).

CRITICISM

Although the bill provides that, at first, review shall be in the hands of medical practitioners, the duty of those practitioners will be to apply federally-approved standards, and if they do not do so, they may be removed. Thus, the medical practitioners who make up PSRO's will be merely enforcement officers and will not actually control the review of their peers.

Fourth. An organization of doctors that requests to serve as a PSRO may be awarded a contract to do so unless 50.1 percent of the practitioners in the area object to the organization as unrepresentative of the doctors in that area. Section 1152 (f) (2).

CRITICISM

Half of the doctors in an area could respond that a group of physicians who have been appointed to the PSRO function do not represent the physicians of the area, and the objection would be insufficient. Already a number of groups of doctors—not medical societies—are forming into foundations or other structures for the purpose of assuming the PSRO contract.

Fifth. Each PSRO shall have the authority to determine in advance whether it will authorize reimbursement for any elective admission to any hospital or other health care facility, or for any extended or costly treatment. Section 1155(a) (2).

CRITICISM

A physician might determine that he wishes to have a patient hospitalized because his professional judgment warns that a certain procedure should be performed—even if the case is not yet at a critical point—or he might determine that a patient should be placed in a facility with nursing attention because of possible complications due to the individual nature of the patient. If such procedure is not authorized by the Department's official guidelines, he may be effectively denied the right to these or similar services for the patient by being told he will not be paid for the treatment and that the patient will not be reimbursed for bills sent directly to the patient.

Sixth. The PSRO will have authority to examine a practitioner's patient care records and inspect the practitioner's office. Section 1155(b) (3) (4), and the PSRO will make its review records available to the Secretary of Health, Education, and Welfare at his request. Section 1155(f) (1) (B).

CRITICISM

A patient tells his doctor many things of a confidential nature—about his job, his income, his sex life, et cetera. The law has always recognized the confidential nature of the doctor-patient relationship. This law not only requires third parties—the PSRO's—to investigate the records, but to turn them over, at request, to the Federal Government.

Seventh. Each PSRO shall apply professionally developed norms of care, diagnosis and treatment based upon typical patterns of practice in its regions—including typical lengths of stay for institutional care by age and diagnosis—as principal points of evaluation and review. Section 1156(a).

CRITICISM

First. Although each patient is physiologically and psychologically unique, and each will thus respond differently to different modes of treatment, each PSRO is required by law to apply computerized averages as the primary evaluation factor. Second, limitation of these points to the "principal points" of evaluation leaves a loophole for approval or disapproval based on availability of less expensive care.

Eighth. The PSRO shall apply regional, rather than local, standards, and unless approved by a national council may not apply, instead, the actual norms for the area. Section 1156(a), and no Federal funds shall be used in payment for care given which did not meet the regional standards if—the PSRO has notified the patient who was provided, or to whom the doctor proposed to provide, the questioned services. Section 1158(a) (2).

CRITICISM

In addition to refusing to pay for the care, the PSRO will notify the patient that the care he was given was not consistent with Federal standards. In such a case a physician, even though he may have been exercising sound judgment and providing good care, will be made to look bad in the eyes of his patient or prospective patient. Thus a physician's reputation may be greatly damaged, undeservedly.

Ninth. If the amount of money in contention is less than $100, there is no provision for appeal from the ruling of a statewide PSRO council; if the amount is more than $100 and less than $1,000, there is provision for appeal to the Secretary of Health, Education, and Welfare. Only for amounts greater than $1,000 is there provision for judicial review.

CRITICISM

In the great majority of cases, the ruling of the PSRO or the Secretary will be final and unappealable.

Tenth. A practitioner or hospital shall be responsible for seeing to it that the medical necessity of treatment rendered can be documented, evidentially. Section 1160(a)(1).

CRITICISM

This will require already overworked doctors to assemble supporting data to defend treatments rendered. This will effectively force physicians to limit their care to the standards prescribed by the Department.

Eleventh. A hospital shall have the responsibility not to admit a patient unless it determines that the care to be provided is medically necessary and cannot be provided more economically elsewhere. Section 1160(a)(2).

CRITICISM

A hospital will be hesitant to admit a patient if the care is not standard; even though a physician may be willing to proceed, and the patient may agree, the care may be effectively blocked by a hospital's refusal to admit. The hospital, usually run by lay administrators, not doctors, is placed in a position of being able to second-guess proposed medical treatment and, in practical effect, to force a physician to render treatment consistent with the hospital's judgment rather than his own.

Twelfth. If a physician "flagrantly" violates his obligation to perform care in keeping with the national standards, even one time, he may be excluded from reimbursement under social security—this is, for medicare and medicaid—or may be fined up to $5,000.

CRITICISM

These harsh penalties—especially for a physician in an area largely populated by the elderly—will effectively force physicians to provide care in keeping with national computerized norms because the penalty for failure to do so will be too severe to risk.

Mr. Speaker, there seems to be no end that the bureaucracy will not go to bring about control of medical services. The promise of the Congress when medicare was enacted that the Government would never be involved in setting fees or intrude in the doctor-patient relationship has been broken. The Congress must take affirmative action to reverse the paper shuffling trend in Federal bureaucracy which can do nothing but reduce the standard of medical service. H.R. 11394 will be a first and decisive step in the direction of freeing American medicine to go on and do the job it has always done, that of providing the highest standard of medical care in the world.

OUR MIA'S MUST BE ACCOUNTED FOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, in July, after returning from my third trip to Southeast Asia, I stated that my personal visit to the area had reinforced my determination that we must not rest until each MIA is either accounted for or returned to his family. Today, 4 months later and 10 months after the signing of the Paris Peace Agreement, the families of 1,233 American servicemen and 20 newsmen still face the day-to-day anguish of not knowing the fate of their loved ones.

Mr. Speaker, I have received the following letter from one of these MIA mothers, which describes as no one else possibly could, the suffering of our MIA families:

> DEAR CONGRESSMAN KEMP: I read in the Congressional Record your ideas on the question of our men missing in action. No one can know what the families are going through. We find ourselves wondering about our Bob and because they were never able to land and look for him our lives are not worth living. Time doesn't help any. If we had lost someone in death and had a burial things would be different and learning to cope would come in time. We live like a yo-yo, we are up and down but never settled down to accept what happened because we don't know for sure. Some days he is alive and we plan his return with lists of things to tell him and then we realize if he lives his suffering may be too much and we have no right to hope. With other children to raise it is necessary to try to pretend all is normal. Our little daughter who is 12 years old stopped learning the day her brother was missing and has had to go to special classes. I have gone to a mental health clinic and have totally forgotten how to make patterns which as a dressmaker my days of making a living are over and I used to have two shops and employ 12 people.
>
> This country must do all they can to make life liveable for 2400 families and the only way it can happen is to find their loved ones remains and bring them home or of course alive would be wonderful. I believe our country owes us this. The boys were the cream of our youth and could have gone to Canada instead. Let's prove all that they believed in was worth it.
>
> Sincerely,
>
> MARJORIE PICKETT.

Mr. Speaker, how could this Nation ever raise a military force again, if we forget those who are still unaccounted for?

Mr. Speaker, Secretary Kissinger was recently questioned by Senator CHURCH concerning the accounting of our missing men. I believe his answer is worth noting:

> I do not believe, Senator, that any of them have been accounted for adequately. It has been one of the unsatisfactory aspects of the implementation of the agreement. If they have been accounted for, it has been through the testimony of prisoners who could give us some account of, say, the death of a person who was missing, or some other disposition. The North Vietnamese were supposed to permit American teams to go to the grave sites and to exhume bodies and to give us other information.
>
> When I was in Hanoi in February, I brought some 80 files of individuals who, we had reason to believe, had been captured. In some cases, these included pictures of individuals who looked like the missing persons, who had been seen being captured or in some prisoner group. In other cases, we gave very detailed circumstances. They told us they would make an immediate investigation. So far we have not had any results of that. Other files have been turned over to them of the best information we have. The only cooperation we have received is the visit to one grave site of, I think, some 23 Americans who died in captivity in North Vietnam. I am not absolutely sure that that number is correct. It has been one of the most unsatisfactory aspects of the implementation of the agreement. In Laos, actually, we have more reason for concern, because the ratio of prisoners to those that we have reason to believe parachuted is smaller than it is in any other part of this area. We have been promised that, upon conclusion of the agreement which is now in the final stages of being negotiated, we would be given the opportunity to search in Laos.
>
> It may be somewhat easier to do it there because the agreement should produce, or is designed to produce a central government not under North Vietnamese control.
>
> But the answer to your question, Senator, unfortunately, is that we are extremely dissatisfied with the results of the implementation of that part of the agreement, and that it is one of the reasons why we cannot proceed in certain other areas such as economic aid negotiations.

Secretary Kissinger has also stated that search teams from the Joint Casualty Resolution Center located in Thailand have conducted operations in Government-controlled areas in South Vietnam and have found some remains on the basis of which some cases may be resolved. Regrettably, however, the other side has refused to cooperate in this effort and has effectively barred the JCRC from searches in Communist-controlled sections of South Vietnam as well as in Laos and North Vietnam.

On June 13, 1973, in a joint communique signed by the Democratic Republic of Vietnam and the United States, the two parties reaffirmed their solemn commitment to implement fully the January agreement, including in particular the provisions for accounting of all the missing in action throughout Indochina.

On July 29, 1973, the U.S. Government delivered a diplomatic note to the Democratic Republic of Vietnam strongly protesting the continuing failure of North Vietnam and its allies to fulfill their obligations and calling for prompt action by the Communist side.

When the Paris agreement was signed, North Vietnam agreed to assume responsibility for the release and accounting of all missing and captured Americans—and members of allied forces—throughout Southeast Asia. Article 8B of the agreement also stipulates that all parties to the agreement will "help each other" obtain information about the missing, determine the location of graves of the dead, and facilitate the exhumation and repatriation of remains of the dead.

But even though the U.S. Government has given the other side complete lists of missing American personnel and newsmen and requested information about these men, no information has been provided. Similarly, the U.S. Government has repeatedly sought to arrange the repatriation of remains of the 60 Americans the other side claims died in captivity. But not one body has been returned.

Why have the bodies of the 60 men the other side identified as having died in captivity not been returned to their families? Why cannot immediate arrangements be completed to return these bodies? Why?

Mr. Speaker, when the Communists listed the Americans who were to be repatriated, the list included only 47 men to be repatriated out of a total of 1,334 missing in action. Ten other men previously identified as missing also were included on the list of those who died in captivity. This means a total of 57 MIA's, or less than 4 percent of all of the missing, were accounted for.

What happened to all of the others? The men Hanoi claimed to capture are either still alive or they are dead. If alive, they are still being held captive. If dead, there would be no apparent reason for the other side not to list them among the 60 other Americans who they admit died in captivity. But one thing is certain: Since some of the men were photographed in captivity; since the North Vietnamese took ID cards from other men; and since Hanoi claimed the capture of other specific individuals—Hanoi has to know if they are alive or dead.

And what happened to all of the other "missing"—the American servicemen and journalists? When they disappeared under circumstances that pointed to the strong possibility of their capture—and their bodies were not recovered in subsequent searches of the area—it is difficult to believe they just disappeared into thin air.

Where are those men who were captured, and who were not returned to us, who were not listed among the dead, and about whom the other side has furnished absolutely no accounting of any kind? Where are they?

Where are the more than 300 men listed as missing in Laos, about whom we have no information of any kind? Why has no information been provided on those taken prisoner in Laos and of whom we have capture-photographs—the strongest possible evidence that they were, indeed, captured? Where are they?

Why are our search and investigating teams being denied the right to enter areas where most of the missing disappeared? Why cannot they be given immediate access to these areas where the men were last seen alive?

A number of my colleagues and I—in a bipartisan effort—have introduced a resolution which calls upon the United States to request other nations to join in a demand that the Communists live up to the Paris Peace Agreement, for the resolution to be considered for adoption at the next session of the United Nations General Assembly and to express congressional support for the President to demand that North Vietnam comply with the agreement.

It has been stated that there is little that we in the Congress can do to help resolve the question of our MIA's and bring to an end the suffering of their families. Mr. Speaker, this is one thing we can do. We can speedily pass this resolution to show the world we will never give up until every one of our MIA's is accounted for.

Mr. Speaker, the recently signed Laos accords, which require the release of all prisoners captured and held in Laos, hold forth new hope to the families of the many missing in action in that area.

This week, I met with Col. Scott Albright, executive director of the National League of Families of American Prisoners and Missing in Southeast Asia, and he reported to me that during the period of October 8 to the 22, 53 members of the league visited Bangkok and Vientiane, Laos, for the purpose of establishing a family "vigil."

Eleven MIA family members from my State of New York were among the delegation: George Brooks, Barbara, Josephine, and Vincent Christiano, Verna Creed, Mrs. Mafalda DiTommaso, Peter and Florence DeWispelaere, Linda and Kathleen Fanning, and George W. Shine.

The MIA families wanted to be in Vientiane on the 14th of October, the deadline under the September protocol at which time both sides were to exchange numbers of prisoners held by nationality and a list of those who had died in captivity.

Unfortunately, the schedule slipped and the lists have not yet been exchanged. Delegations from the families group were able, however, to meet with representatives from the Russian, Chinese, and North Vietnamese Embassies, the Pathet Lao, the ICC, and the International Red Cross.

In Bangkok, the delegation met with the South Vietnamese Ambassador and the new Thai Foreign Minister. Members of the group flew to places such as Savannakhet, Pakse, and Luang Prabang, where they talked with refugees from the areas where many of the crashes took place.

Although the group was unable to find out about specific individuals, Colonel Albright tells me that the feeling was that the trip was a success in many ways in that contacts were established which might prove to be very valuable in the future.

Mr. Speaker, our Government must make clear to the Pathet Lao our country's strong interest in the release of all remaining U.S. prisoners, with fullest possible information on the missing, both at the earliest possible date.

In Cambodia, vigorous efforts must continue to satisfactorily resolve the fate of the 20 missing newsmen, including Welles Hangen, Sean Flynn, and others.

Mr. Speaker, the National League of Families of Prisoners and Missing in Southeast Asia, the Committee to Free Journalists Held in Southeast Asia, the Youth Concerned for the 1,300 Missing in Action and other responsible organizations, whose dedicated members have been working untiringly on behalf of the missing Americans and their families, need, and deserve, our unqualified support.

We owe to the families of the MIA's the same debt that we owe to the families of the POW's and to those who gave their lives in combat. This debt must not be left unpaid.

Mr. Speaker, I include for the Record and commend to the attention of my colleagues a Washington Post article by Patricia Hangen, "They Take Risks To Get Us the Facts," the story of the newsmen still missing in Cambodia:

[From the Washington Post, July 30, 1973]

THEY TAKE RISKS TO GET US THE FACTS

(By Patricia Hangen)

Among the hundreds of men still missing in Southeast Asia as a result of the Vietnam war is a group of international journalists who were not directly involved in that war but were reporting its events to the world. They were unarmed non-combatants, trying to get at the truth of what was happening. They disappeared in the midst of their story and no word has been heard of them since.

Now evidence has come that these journalists, most of whom have been missing in Cambodia for more than three years, are indeed alive and are being held prisoner in Cambodian jungle camps.

At least, some of them are alive. They were seen. They were heard. And, most important, they are being complained about. Whenever you hear a good solid gripe, you can be sure there is something substantive behind it.

These new reports come mostly from returned South Vietnamese ARVN prisoners who were held in camps near the newsmen. They were told that "foreign journalists" were in other areas of the compounds. They say they saw bearded "long-nosed" Caucasians doing roadwork and tending pigs. They complained that these foreigners were getting better food and better treatment. It made the South Vietnamese angry.

The new sightings excite and encourage the rest of us because they tell us that our men live. Or were alive in March this year, at least, before the bombing resumed over Cambodia.

Twenty international newsmen are missing in war-torn Cambodia. Seventeen disappeared in the spring of 1970. They were reporting the war's expansion for television, international wire services, radio and magazines. Three are American, including my husband Welles; seven are Japanese, four French, one German, one Austrian and one Swiss. Last year, two more Americans and an Australian disappeared. (Other Americans missing are Alexander Shimkin of Newsweek; Terry Reynolds, United Press International; Dana Stone, CBS News; and Sean Flynn, Time.)

Other than the important knowledge that most of our men were seen captured alive, we have had nothing to go on except for an occasional sighting without description or identity, for 37 months.

But now we have new facts. They are slim, but they are solid.

One returned ARVN Vietnamese soldier says that he was walking on Route 7 about 17 miles south of Snoul in eastern Cambodia a year ago along with 120 other ARVN prisoners, guarded by 30 North Vietnamese, when two Honda motorcycles pulling wooden carts, country-taxi fashion, passed by an unobstructed distance of a few yards. He saw six long-haired bearded Caucasians under guard in the two motorcycle taxis. The soldier asked his North Vietnamese guard if the men were American advisers and was told: "No, they are correspondents of the imperialist side."

Another ARVN prisoner relates a conversation he had with a Vietcong captain during his detention in a camp near Mimot in eastern Cambodia in July 1972. The captain said that the Vietcong had captured and were holding American, Japanese and French journalists. He even said that some of the journalists had cameras.

A Cambodian national who spent 15 days of June 1972 in a guerilla camp run by Prince Sihanouk's FUNK soldiers in eastern Cambodia says he saw 10 Caucasian detainees who were identified to him by camp guards as foreign journalists. The camp was situated in a former Royal Cambodian Army compound adjoining an unused airstrip just south of Route 13 in Kratie Province. Our informant says he believes the camp was being used as a regional headquarters of the Sihanouk forces and not primarily as a prison camp. He was able to watch the Caucasians at various times from a distance of a few yards and says that they were well treated by the Cambodian guerrilla forces and had adequate medical care and food. He reports that the 10 alleged journalists were housed in a long stucco building and was told that each man had his own partitioned compartment. There were 28 Cambodian prisoners held in the same camp but none was allowed to mingle with the Caucasians. This informant also says that he was told repeatedly by camp guards that the Caucasians were foreign journalists.

Another report comes to us as recently as March of this year. An ARVN soldier then detained by the North Vietnamese also in eastern Cambodia says he was told by one of his guards that foreign journalists were being held somewhere in the area. It is interesting to note that although these ARVN soldiers were captured in South Vietnam, they were taken to prison compounds in Cambodia for detention. All of our information concerning the missing journalists comes from Cambodia. We believe, therefore, that our men are still there.

Full credit for bringing these facts to light goes to the Committee to Free Journalists Held in Southeast Asia, a group headed by Walter Cronkite. One member, a young American newsman named Zalin Grant, travelled to Saigon and Phnom Penh and interviewed over 3,000 ARVN returnees and others to get this information. Thanks to Grant's zealous search for his colleagues, we now can say: "We now know that our men are alive and being held prisoner. We want to know why. We want them located. We want them released and we want them home."

For three years, journalists, statesmen and concerned individuals and groups in many countries have probed steadily for information and prodded for the release of the missing newsmen. Never before have journalists been detained, with no word of confirmation of their capture or explanation of their fate. All over the world voices have been raised demanding answers. Detention of newsmen deprives people on every side of the political spectrum from getting the facts. Silencing reporters stifles the truth. Or, in this case, diminishes—at least for a while—the number of voices bringing us the truth.

Why this infringement of freedom of information? Why were these newsmen on the spot in the first place? Why did they take the risks that whole life work has been devoted to one belief; a belief in the right of the world's people to be accurately informed about the events which affect us all. He believes that truthful information gives each the knowledge necessary to assess the rights and wrongs of what goes on around us, to determine the responsibility each has to strike out against the wrongs. We can't get all the truths ourselves. But good, dedicated newsmen and women can and do, for us.

We were together in Phnom Penh the week before Welles disappeared. We talked a lot about the dangers of reporting a war especially where information is not easily available and newsmen must go into the countryside and see for themselves.

"We always ask," Welles explained to me. "When we drive along a road, we ask in every village, at every checkpoint. If there's hostility around, we go back. Nobody's looking for trouble."

But on May 31, 1970, they found it anyway. Welles and NBC cameramen Yoshihiko Waku and Roger Colne slowed their car at a Cambodian army checkpoint on Route 8 leading toward Takco to ask their usual questions, but they were waved through. With no warning, they drove straight into an ambush. But we know they survived and were taken prisoner by Vietcong soldiers. They were seen being led off into the jungle. We have heard nothing specific since—until now.

No one knows which newsmen may be those seen by Zalin Grant's returnees. I pray that all 20 are involved. We know, in any case, that some are indeed alive and are being held prisoner. We must help them to come back.

Certainly most reporters who involve themselves in covering foreign wars, and indeed our own problems and scandals at home, share Welles' belief. Each day they take risks to get us the facts we need. Without such facts we would feel helpless and consequently apathetic. But with them we can make up our own minds about what is right and what is wrong and do something about it.

If we don't, if each of us doesn't do his own part to make our world better, then the 45 newsmen who died in Southeast Asia while trying to supply us with the knowledge they considered it our right to have—and the 20 newsmen who are still waiting in Cambodian jungle camps for release and the opportunity to continue reporting the truths we *need*—will have died—or waited—in vain.

I plead for their release. Even more, I plead for each of us to understand the responsibilities these men have been trying to make clear to us, and to do what we can to act. Nothing will please Welles and the other missing newsmen more when they return than to know that we have been doing this, and that these three years have not been entirely wasted.

VOTE ON THANKSGIVING RECESS—AN EXPLANATION AND A PLEA FOR REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, I have taken this special order to discuss my reasons for voting in favor of the resolution to recess Congress for the Thanksgiving week. Out of respect for those who have voted not to recess, I want to express my reasons for voting in favor of the resolution.

Two or three weeks ago, this RECORD indicated that the leadership planned to recess for Thanksgiving week. With this information at hand, I made plans to hold office hours and meetings in areas in my district that I believe require my presence because of problems that exist in those areas.

There have been many weeks in which we have not been in session on a Friday or a Monday, or sometimes both. But the days when we are not working in Washington are never announced in advance, which make it impossible for a Member to make effective use of them for planned visits in his district.

I have long felt that a major weakness of Congress has been the failure of the leadership to schedule our work in Washington more definitely, and further in advance. This is strengthened by my belief that a very important function of a United States Representative is to make himself available in his district at stated times and places, and to do this with reasonable frequency.

I have long deplored year-round sessions of Congress. Many people in this country feel that government is remote and we only compound this by remaining in Washington as long as we do. This is particularly so in view of the fact that many of our working days here as far as legislation on the floor or committee hearings are concerned are very brief.

Mr. Speaker, to give my colleagues some idea of the plans I was able to make, having had advance knowledge of the recess, and in support of my reasons for voting for it, I offer the following:

Beginning on the evening of Thursday, November 15, I will be in Nashua, N.H., for the dedication of the new arts and sciences building. On Friday, I will attend a meeting of the White Mountain Region Association in northern New Hampshire at Loon Mountain to attend a symposium on wilderness legislation. On Saturday, I plan to be in Lebanon, N.H., to discuss a proposed sewer line extension to an industrial park financed under the Economic Development Act. On Sunday, I will attend the dedication of a new home for senior citizens in Claremont, N.H.

On Monday, I have scheduled radio appearances and will hold office hours in the city of Keene, N.H. On Tuesday, I have announced office hours and several appearances in the Berlin-Gorham area of my district. On Wednesday, I will speak to classes and hold office hours in Salem, N.H. On Friday, I will be in Concord, N.H., at my district office and to attend a Presidential wreath-laying ceremony at the grave of the 13th President of the United States, Franklin Pierce.

In addition, Mr. Speaker, I have made arrangements to meet with several constituents who have problems they wish to discuss with me. Mr. Speaker, I mention this series of scheduled appearances simply to underscore the point I previously tried to make—for Members of Congress to properly serve their constituents, it is essential that we have definite and advance scheduling. If we are going to meet in year-round sessions, a practice I deplore, the least we can do is arrange for Members to have periodic recesses with sufficient notice so they can schedule appearances in their districts and better represent their constituents.

THE PEANUT AND RICE ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. BAKER) is recognized for 10 minutes.

Mr. BAKER. Mr. Speaker, on November 6, 1973, I introduced H.R. 11259, the Peanut and Rice Act of 1973. This bill would establish new programs effective for the next 4 years, beginning with the 1974 crop. This legislation would put peanut and rice production under the target price concept and mechanism recently enacted for wheat, feedgrains, and cotton. A free market situation would be established where growers can plant for the market, and their rewards would come from the marketplace.

There are abundant uses for peanuts, and under an orderly market situation, prices should remain at an attractive level. The demands for rice on the world market are substantial and our production of rice here in our country would go far toward supplying food for the emerging underdeveloped nations of the world.

In moving away from the rigid quota and acreage allotment systems of the past, the new Peanut and Rice Act would free some 3.5 million additional acres of land for its best possible use. The old programs are out of date. They require the planting of certain acreages regardless of needs—and these needs have certainly changed in the past 35 years. Under this new bill individual farm planting and management decisions would be placed in the hands of farmers.

Mr. Speaker, let me cite for my colleagues some of the practical reasons for the need of new legislation. Presently a national minimum peanut allotment must be proclaimed of not less than 1,610,000 acres. This is the acreage planted in 1941. Today with increased yields per acre the same amount of peanuts can be produced on less than one-half of that acreage. Also, peanuts are now mandatorily supported between 75 and 90 percent of parity. Consequently, the higher yields have produced an oversupply, so the support level has been at the mandatory floor for the last several years. The price support is provided through the Commodity Credit Corporation loans to producers. Government losses under the present program occur when CCC then sells its stock at distress prices. Annual losses have been as high as $125 million.

Many of the same program principles apply for rice as well as peanuts. Again there is a minimum allotment under this present law—1,652,596 acres for rice. The cost to the taxpayer shows up in two categories: losses under the CCC for domestic feeding programs and funding for the Public Law 480 program.

The Peanut and Rice Act of 1973 (H.R. 11259) that I have introduced establishes target price for peanuts at $200 per ton. Target price for rice is $4.75 per hundredweight. Adjustment machinery is included in the bill so the target price can be adjusted to reflect the index of increased costs of production for the 1976 and 1977 crops.

Under this bill a national acreage allotment for peanuts would be based on estimated domestic consumption and net exports, with authority to adjust for certain factors. This national acreage allotment—which would serve as a basis for distributing deficiency payments—if any—to past producers—producers of history—would not be less than 1,800,000 acres.

Also, marketing quotas would be suspended. New producers could enter into peanut production, and previous producers could get or expand production if they so desire. The price support level would be established at 90 percent of the estimated world price, with authority to adjust to maintain competitiveness and avoid an excessive buildup of stocks.

For rice a similar allotment would be based on estimated domestic consumption and net exports, with authority to adjust for certain factors. This national acreage allotment, which would serve as a basis for distributing deficiency payments to producers of history, would not be less than 1,836,000 acres.

Here marketing quotas also would be suspended; old producers could expand or terminate rice production and new producers could enter into rice production. An identical price support loan level as that for peanuts would be established for rice.

Mr. Speaker, the Department of Agriculture is forced to administer these two programs with out-dated laws that were put in the statutes as far back as 1938. These programs are completely incompatible with the present demand for food. Second, the housewife is forced to pay twice for the supplies of peanuts or rice that may be on the shelf. First, she pays taxes that go to support prices to the middleman and the farmer, and lastly, she pays for it in higher priced rice or peanut products which could be more plentiful under the provisions of my bill. It is time, Mr. Speaker, that we as the taxpayers' representatives put a stop to this "double payment" and let the farmer grow what he wants and what the public needs.

THE CASE OF BLUMA AND LEON TAVIEV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STEELMAN) is recognized for 5 minutes.

Mr. STEELMAN. Mr. Speaker, although I submitted this statement yesterday as part of the Mills-Vanik-Jackson vigil it did not appear in the RECORD. Therefore I resubmit it today to insure that the continuum is complete and the resolve of the Congress is reiterated.

Mr. Speaker, this Nation was founded by men who sought freedom, and as a Nation, we shall always identify with freedom seeking people everywhere. After decades of discrimination, and suppression of cultural and religious expression, the Jews of the Soviet Union are seeking the freedom to emigrate. But emigration from the Soviet Union is not free.

It has come to my attention that 70-year-old Leon Taviev of Riga, Latvian SSR, has not seen his sister Rakhil Taviev of Ramat Aviv, Israel, in almost 40 years. They are sick and elderly now, and Rakhil has no family except the Tavievs of Riga.

When Premier Kosygin declared that the reunification of families policy would also apply to Jews who sought to emigrate, Rakhil Taviev sent affidavits to the four members of the Taviev family in Riga. They all looked forward to a speedy reunion.

But, in April 1972, their applications to emigrate were denied. Bluma, Leon Taviev's wife, traveled from Riga to Moscow to find out why they were refused. She was told that she had worked in a censorship office during the years 1945–47. Bluma could not accept this absurd reason, and demanded that the family be given emigration permits. This action resulted in arrest and a 15-day jail sentence. She also was threatened with a 3-year prison sentence if she again demanded emigration permits.

As a result, 59-year-old Bluma Taviev suffered a heart attack. The ailing couple have been completely intimidated by these threats, and dare not apply again.

The case of the Taviev family illustrates the callous, brutal attitude of OVIR—the passport office—and is but one of a host of instances where the Soviet Union has failed to abide by its stated policy.

Mr. Speaker, Congress must pass the Mills-Vanik amendment; this will make it possible for those who want to leave the Soviet Union to exercise a universal human right—the right to emigrate.

CPA AT IRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, we shall soon consider on the floor of this House, proposals for creation of a Consumer Protection Agency which will advocate the interests of consumers in Federal decisionmaking. In the last Congress when similar bills were considered there was much confusion concerning the powers and effects of the proposed CPA. I wish to continue my efforts to avoid a recurrence of that confusion.

As you know, I have asked those Federal agencies which would be subject to the CPA's advocacy rights to list, and to delineate by the several categories set forth in the bills, their 1972 proceedings and activities which would be subject to CPA action.

A Government operations subcommittee on which I serve, is now considering three CPA proposals. The bills are H.R. 14 introduced by Congressman ROSENTHAL, H.R. 21 introduced by Congressmen HOLIFIELD, HORTON, and others, and H.R. 564 introduced by Congressman BROWN of Ohio and myself.

The major difference among the bills is that H.R. 14 and H.R. 21 would both authorize the CPA to appeal the final decisions of other agencies to the courts, while the Fuqua-Brown bill would not grant to this nonregulatory agency so extraordinary a power.

Today I wish to call to your attention the proceedings and activities of the Internal Revenue Service which would be subject to the CPA's power under the proposed bills.

The Commissioner of IRS, in his reply, has stated that the Service held no formal rulemaking proceedings during calendar year 1972. However, he has provided a list of IRS proposals subject to the notice and comment provisions of the Administrative Procedure Act, 5 USC 553. The CPA under each of the three bills could participate in such proceedings by oral or written presentation. Under the Fuqua-Brown bill the CPA could in addition have the last word by filing written comments on the information and arguments submitted by other participants.

The Commissioner suggests that it may be inappropriate for a CPA to intervene in confidential taxpayer matters. He also questions whether the IRS should be encompassed in CPA legislation. The IRS is not exempted from any of these bills.

Under each bill it is the determination of the CPA, not the forum agency, that the interests of consumers may be substantially affected that authorizes CPA participation in agency activities. Under H.R. 14 and H.R. 21, but not under H.R. 564 which authorizes no judicial appeal, it is a similar determination by the CPA that authorizes the CPA to appeal final agency action to the courts for review.

While the CPA would likely not find a sufficient consumer interest in all proceedings or activities of the IRS, the technical legal power to participate and to appeal to the court final agency action, or the refusal to take action, would be granted by two of the CPA proposals. Only the Fuqua-Brown bill would limit that CPA power.

Mr. Speaker, for these important reasons, I insert in the Record the reply of the Commissioner of the Internal Revenue Service listing some of the proceedings of the IRS which would be subject to the CPA advocacy powers as proposed in the various bills now in subcommittee.

Department of the Treasury,
Internal Revenue Service,
Washington, D.C., September 26, 1973.
Hon. Don Fuqua,
House of Representatives,
Washington, D.C.

Dear Mr. Fuqua: This is in further response to your letter of September 7, 1973, requesting information concerning operations of the Internal Revenue Service, for use in connection with hearings on three bills (H.R. 14, 21, and 564) to create an independent Consumer Protection Agency.

Your questions, and our responses, follow:

Question 1. What regulations, rules, rates, or policy interpretations subject to 5 USC 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Answer: See Attachment A for list of regulations proposed during 1972.

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer: None.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty, or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer: None.

Question 4. What adjudications under any provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty, or forfeiture were proposed or initiated by your agency during calendar year 1972?

Answer: None. Actions to impose a fine, penalty, or forfeiture, taken by the Internal Revenue Service in connection with tax liabilities, are pursuant to Title 26 of the U.S. Code.

Question 5. Excluding proceedings subject to 5 USC 554, 556 and 557, what proceedings on the record after an opportunity for hearings did your agency propose or initiate during calendar year 1972?

Answer: None.

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Answer: See Attachment B for a list of hearings on proposed regulations which were held by the Internal Revenue Service during 1972.

Question 7. Excluding actions designed primarily to impose a fine, penalty, or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer: Essentially all actions taken by the Internal Revenue Service with respect to tax liabilities, such as assessments and disallowances of claims for refunds, are appealable to the courts under the provisions of Title 26 of the U.S. Code.

As my responses to your questions illustrate, I think there may be some question as to whether the actions of the Internal Revenue Service in administering the Federal tax laws are intended to be encompassed by the proposed bills to create a Consumer Protection Agency. As you know, Congress by statute—and the Internal Revenue Service by administrative policy—have exercised great care in assuring taxpayer rights to contest determinations of their tax liability. Furthermore, the importance of protecting the confidentiality of taxpayer dealings with the Internal Revenue Service may suggest that it would be inappropriate for a Consumer Protection Agency to intervene in such matters. Of course, any party may offer comments or criticisms of regulations proposed by the Internal Revenue Service which interpret the tax statutes.

I should note that the above answers do not include activities of the Bureau of Alcohol, Tobacco and Firearms, which was a part of the Internal Revenue Service for the first 6 months of 1972, but which is now a separate agency in the Treasury Department. Nor have we attempted to fit our economic stabilization activities into the context of your questions, since those activities pertain to enforcement of policies and determinations made by the Cost of Living Council.

I trust that this information will be of assistance to you in your hearings on these bills.

With kind regards,
Sincerely,

Donald C. Alexander.

ON INTRODUCTION OF THE NEW ENGLAND REGIONAL POWER AND ENVIRONMENTAL PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Harrington) is recognized for 10 minutes.

Mr. HARRINGTON. Mr. Speaker, today, I am reintroducing a bill first introduced in the 92d Congress to create a New England Regional Power and Environmental Protection Agency. The purpose of the agency is to assure adequate and reliable low-cost electric power to the people of New England, while at the same time protecting and enhancing the environment, and providing a vehicle for research and development programs.

I first introduced this bill in August of 1972. At that time, no one realized just how serious the energy crisis was. However, the need for legislation to assure adequate energy supplies at prices which consumers can afford has been clearly demonstrated by recent events.

As our oil and gas supplies begin to run out, the Nation will have to rely more on electricity, which can be generated through a wide variety of means—many not requiring the use of fossil fuels. It is estimated that by 1985, the percentage of the Nation's energy demand filled by electricity will rise from 25 to 36 percent. The actual amount of electrical generation will double in the next 12 years.

In my opinion, the present utility structure in New England cannot provide the citizens of the region with the clean, reliable, and reasonably priced electricity we will need in the years ahead.

New England is one of the few regions of the country without a significant Federal power system. The TVA, Bonneville, Southwestern, Southeastern, and Alaskan Power Authorities, and the Bureau of Reclamation provide consumers across the Nation with reliable and low-cost power. The average customer of the Bonneville system, for example, pays approximately $70 a year less for electricity than the average Massachusetts customer.

These savings are possible because of the large economies of scales of the public agencies together with their access to low-cost financing. Since the price of electricity affects the price of everything we buy, these savings are especially significant.

A study of the cost of electricity in New England published in 1972 estimated that a public agency, such as the one I have proposed, would save consumers an estimated $70 million a year. We are now becoming accustomed to yearly, or even twice yearly rate increases by the region's private utilities. At the present time, $216 million in rate requests are pending before the Massachusetts Department of Public Utilities alone. When one considers that we will be using twice as much electricity in 1985 than we are presently using, it becomes clear that we cannot continue to tolerate these ever-increasing electric bills.

In addition to saving consumers millions of dollars each year in electric bills, a public agency in New England will better protect the region's environment. As more and more powerplants are needed, environmental considerations will become increasingly important. Under the present system, the environment and safety factors take second priority to the profit motive. Under the legislation I am introducing today, environmental protection is the first priority of the agency.

Any facilities constructed by the agency would have to meet both Federal and State environmental standards. The agency would have to draw up a master plan for the building of facilities after holding public hearings. In addition, the plan would have to conform with the land use plans of the States.

The agency would also have to conduct a program of research and development, with particular emphasis on the environment and problems unique to the New England region.

In addition, the agency would be required to return 10 percent of its gross revenues to States and municipalities. Five percent of gross revenues would be made available to the States according to the percentage of generating capacity located in each State. Five percent of revenues would be allocated to local governments according to the same formula.

Because the agency will be financed by revenue bonds, the agency, in the long run, will not cost the Federal Government any money. However, it will save consumers in the New England region millions of dollars each year, and will provide increased protection for the region's environment.

In dealing with the energy crisis, the Congress will have to be creative. A solution which simply calls for consumers paying higher and higher bills to oil companies and electric utilities is not a creative solution.

For years, Americans across the Nation have reaped the benefits of public power. As our energy difficulties become more severe, New Englanders should be allowed to share in the advantages such a system provides.

Mr. Speaker, I ask unanimous consent to include below an outline of the bill.

SUMMARY OF THE NEW ENGLAND REGIONAL POWER AND ENVIRONMENTAL PROTECTION AGENCY

TITLE I

Sec. 101—Definitions.

Sec. 102—Authorizations for the Agency and outline of its powers and responsibilities.

Sec. 103—Requirement for regional siting studies and planning.

Sec. 104—Requirement for research and development.

TITLE II—GENERAL PROVISIONS

Sec. 201—Appointment of the Board of Directors.

Sec. 202—Appointment of Officers and Employees.

Sec. 203—Corporate Powers Generally.

Sec. 204—Accounts and Contracts.

Sec. 205—Authorization for bond financing for power programs.

Sec. 206—Condemnation Proceedings.

Sec. 207—Payments in Lieu of Taxes.

TITLE III—ENVIRONMENTAL PROTECTION

Sec. 301—The Agency shall be subject to Federal and State environmental standards.

Sec. 302—The Agency is not exempt from the provisions of the National Environmental Policy Act of 1969.

Sec. 303—The Agency is required to obtain all necessary licenses for construction of facilities.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

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A REAL FUEL SHORTAGE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I wish to direct my comments toward the current shortage of petroleum products in the United States. A shortage that bodes to get worse before it gets better. Unfortunately, some people in the country are treating the crisis as a sham and a hoax. They either fail to see, or refuse to believe an acute shortage, affecting all Americans, could be just over the horizon. Thank God there are thoughtful, farsighted men in positions of authority at the television stations in the First District of South Caroline—men who can write and deliver the following message to the viewers of the low country. This message was delivered on the 4th of November, 4 days before the message by President Nixon. Carter Hardwick, general manager for WCBD–TV read the editorial on the air. It was written by news director Andreas Wagener Evans, who is better known in the low country as "Red" Evans. I commend the editorial to the attention of my colleagues.

This past week Governor West called on all South Carolinians to reduce their energy consumption to help in the effort to conserve one of the Nation's most important resources. In spite of the vast amount of publicity that the energy crisis has received, many people have not really begun to accept the fact that there is truly a shortage. The Trident Chamber of Commerce recently took steps to further make people aware of the seriousness of the situation. The chamber's "energy task force" (of which I am a member) held a seminar in hopes of explaining what steps can be taken to reduce the energy consumption in Charleston. A disappointing few people showed up.

Earlier this week "eyewitness news" interviewed people on the street—again the results were disappointing. On the other hand, a service station operator and president of the State Association of Service Station Operators, said he "was scared". He expressed concern at having to let some people go and cut back on his "open hours".

But it was the governor that put the problem in perspective—he said turning down thermostats, dimming lights, and reducing speeds can mean the difference between comfort and crisis this winter. Here at channel 2 we are trying to do our part. We have reduced our energy consumption to the lowest possible level, and the many types of equipment that use energy are turned off when not in use.

Many people take the attitude that the major oil companies or other industries or utilities are in some way responsible for the shortage. We choose to believe at this time that such is not the case. But for right now the question is how to conserve energy until the crisis is over. After that the causes and where the responsibility lies can be dealt with. We urge you as a responsible citizen of this community to reduce your speed on the highways, turn off your lights at home when a room is not in use, reduce your travel to only really important purposes, and operate your thermostat at home and at work at a few degrees lower than you normally do. If everyone does his part to conserve energy, this winter will be as comfortable as every other. If not, there may be some long cold nights and some cars on the highway out of gas.

I realize like you that it's hard to imagine that this great United States with all of it's resources can be faced with a shortage of any kind. But it's here . . . and we have to accept it . . . and more importantly believe it. Maybe the crisis will prove to us once and for all that we can no longer use up our resources "willy-nilly" without regard to the future. But for now, let's handle the energy crisis with the usual American spirit—face it squarely and beat it! We'll come out of it a wiser, stronger and less wasteful Nation.

THE VICE-PRESIDENT-DESIGNATE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, the nomination by President Nixon of our colleague, Mr. FORD, to become Vice President is now before Congress. That the nomination falls to one of our own brings a warm feeling, especially because GERRY FORD is a colleague respected for his integrity, energy, and affability.

The task which falls on us to vote on his nomination cannot be discharged, however, solely on the basis of our personal relationship with the nominee.

Our task is to share with the President responsibility for choosing the person who stands next in line for the presidency. The discharge of that responsibility requires that we look beyond personal qualities to the political philosophy of the nominee as disclosed by the record.

The views of a nominee on civil rights, on issues of war and peace, on the manner in which government should legislate for the common welfare, and on basic constitutional issues involving civil liberties, the independence of the judiciary, and the responsibilities—as well as the authority—which attach to the office of President are not mere partisan concerns. These matters are fundamental to the well-being of the United States.

Joseph Rauh, national vice chairman of Americans for Democratic Action, has prepared testimony setting forth the views of Americans for Democratic Action on Mr. FORD's nomination. The issues raised by Mr. Rauh must be faced by us.

I therefore submit to the House Mr. Rauh's testimony in order to help us focus on the relevant considerations affecting the nomination before us:

TESTIMONY OF JOSEPH L. RAUH, JR.

I am Joseph L. Rauh, Jr., a vice-chairman of Americans for Democratic Action, and I appear here today on behalf of ADA. We appreciate the opportunity to express the views of ADA on the nomination of Gerald R. Ford as Vice President of the United States. I am accompanied by Mrs. Lynn Pearle, legislative representative of ADA.

Americans for Democratic Action opposes the confirmation of Mr. Ford as Vice President of the United States. ADA's position was adopted by a unanimous vote of its National Board at a special meeting on October 14, 1973. My purpose here today is to furnish this Committee with the detailed reasons underlying ADA's decision.

Mr. Chairman, the central question before this Committee and the Congress can be simply stated: Putting aside all partisan considerations, is Mr. Ford qualified to be President of the United States? Or the question can be stated another way: Putting aside all partisan considerations, is Mr. Ford among the group of persons that a majority of the members of both Houses of Congress want to see as President of the United States? For the reasons set forth below, ADA believes the answer must be "No."

I

The first step in weighing the qualifications of Mr. Ford for the Presidency must be to determine the standard by which the nominee is to be judged. At the outset of its inquiry, Congress must clarify its responsibilities under the 25th Amendment to the Constitution. The 25th Amendment merely states that a new Vice President will take office "upon confirmation by a majority vote of both Houses of Congress." Since the amendment does not provide the standard to be used by Congress in determining whether to confirm a nominee, Congress must define the standard for itself. We repeat: The appropriate standard is whether Mr. Ford is qualified to be President of the United States and whether he is among the group of persons that a majority of the members of both Houses of Congress want to see as President of the United States.

The 25th Amendment gives the President the right to nominate a new Vice President, but it gives Congress a duty in connection with confirmation far different from its obligation in any other confirmation proceeding. The subject of confirmation (a potential President) and the confirmers (the full Congress rather than the Senate) are both unique in our history. And the President and Congress are acting together here not to nominate and confirm an executive or judicial appointee, but rather to choose, *in lieu of the electorate,* a man who must have the qualifications for President of the United States. This would be true in any event since the only significant attribute of the Vice Presidency is the possibility of succession to the Presidency. But it becomes doubly true in the present circumstance where the calls for impeachment of, or resignation by, the present incumbent grow daily.

Under the 25th Amendment, Congress is an equal partner with the President in the approval of a Vice President. The 93d Congress (all of the House and one-third of the Senate) was elected along with the President in November 1972. The President's act of submitting Gerald Ford's name as Vice President-designate thus raises no presumption that Congress should confirm him. In determining who shall be next in line for President, Congress has a stake equal to the President's.

All this is quite clear from the legislative history of the 25th Amendment. When Congress addressed itself to the problem of filling a vacancy in the Vice Presidency, two concerns were dominant. On the one hand was the concern that the President be able to name a Vice President who is of his own party and compatible with the President. On the other hand was the concern that the members of Congress, as the elected representatives of the people, were in the best position to select a new Vice President. Indeed, Senator Ervin introducd a resolution (S.J. Res. 147, 88th Cong., 2d Session) that would have placed full responsibility on the Congress to both nominate and elect the Vice President.

At a hearing before the Senate Subcommittee on Constitutional Amendments on January 22, 1964, Senator Bayh, who largely authored the 25th Amendment, asked Senator Ervin if he would have any objection to letting the President nominate a person whom the Congress would then reject or elect. Senator Ervin voiced his general agreement to this approach in *Hearings on Presidential Inability, and Vacancies in the Office of the Vice Presidency*, p. 21. Out of that meeting of the minds arose the solution that is reflected in the final form of Section 2.

When the resolution that was to become the 25th Amendment was on the floor of the Senate, Senators Bayh and Ervin engaged in a colloquy which casts further light on the responsibilities of Congress under the Amendment. Mr. Chairman, I ask permission that the excerpt from the Congressional Record of February 19, 1965 be included in the record at this point.

I draw your attention to Senator Bayh's statement that:

> . . . by combining both presidential and congressional action we were doing two things. We were guaranteeing that the President would have a man with whom he could work. *We were also guaranteeing to the people the right to make that decision.*

It is clear from this colloquy that Section 2 of the 25th Amendment contemplates a greater degree of Congressional scrutiny than is exercised in the advice and consent confirmation of Presidential appointments to the executive and judicial branches. Indeed, Senator Bayh specifically said that the advice and consent provisions of the Constitution, although somewhat analogous to the procedure of Section 2, are not exactly on point with the Amendment. In choosing a new Vice President, Congress acts as the surrogate of the electorate. The Congress is charged not merely with approving the President's selection, but rather with an active role in making the selection and in ensuring that the nominee is of the highest calibre. As Congressman Peter Rodino said on the floor of the House during debate on the 25th Amendment, "The requirement of congressional confirmation is an added safeguard that only fully qualified persons of the highest character and national stature would ever be nominated by the President."

The situation before Congress in confirming a Vice Presidential-designate is far different from one involving the confirmation of a cabinet or sub-cabinet officer. There Congress is asked to confirm someone who will be a subordinate of the President responsible for translating *his* policies into action. A cabinet or sub-cabinet officer is a member of *his* team. The President has a right to choose these subordinates, and in the confirmation process there is clearly a presumption in favor of the President's choice. The role of Congress is largely, if not wholly, to examine such a candidate for moral and ethical suitability for office.

A Supreme Court or other federal judge is much more independent of the President who selects him, and while he or she may be chosen for an anticipated compatibility with the President's political or judicial philosophy, a judge is clearly not a member of the President's team. The role of Congress in confirming a Supreme Court or other federal judge is thus not only to reject those who fail to meet moral or ethical standards, but also to examine the philosophy of such a nominee to anticipate how he will perform in his independent role. Clement F. Haynsworth, Jr. and George Harrold Carswell were rejected by the Senate in large part because of their anti-civil rights philosophies as expressed in their judicial decisions. As we shall show, Mr. Ford's record as expressed in his legislative decisions is no less anti-civil rights; indeed he compares unfavorably to Haynsworth and Carswell when one considers his northern surroundings and the southern background of the two nominees which the Senate so recently rejected.

Congress is not here confirming a spear carrier for the President. What Mr. Ford does as Vice President is not important; what he will do as President may determine the future of the nation. A Vice President's only significant role is that of a potential replacement for the President. Congress may legitimately ask that the first man in our history who may become President without any action by the people meet not only a moral and ethical standard, but that he be a man of Presidential stature and competence, experienced in both foreign and domestic affairs, and that his personal philosophy and ideology be compatible with the Presidential role. A nominee for Vice President should be measured by such a standard most particularly now when he has been nominated by a President whose own tenure is in jeopardy.

Congress, as surrogate for the voters, is obligated to use the tests the voters use—stature, competence, experience and philosophy. Congress must exercise its independent judgment unaffected by any presumption in favor of a presidential nomination. As the legislative history makes clear, Congress must weigh every factor except partisan considerations. To determine whether a nominee is of Presidential stature is an awesome task, but as the constitutionally-designated surrogate for the people, the 93rd Congress can do no less.

II

Congressman Ford's record on civil rights is sufficient *in and of itself* to disqualify him for the Presidency. At a time when the nation needs a healer, the nominee is a divisive influence who has fought civil rights legislation at every turn. Considering only recent history, the years since 1965, in which Mr. Ford has been in a position of responsibility in the Congress as Minority Leader, he has voted over and over again to gut or weaken legislation which was in the interest of minorities.

On July 9, 1965, Mr. Ford voted to recommit the Voting Rights Act of 1965 to the Judiciary Committee with instructions to report back a substitute crippling the provisions for federal registrars and omitting the protection against intimidation and coercion.

On July 25, 1965, Mr. Ford voted against bringing to the floor the proposed civil rights bill.

On August 9, 1966, Mr. Ford voted to recommit the proposed civil rights bill in order to delete its fair housing provisions.

On October 6, 1966, Mr. Ford voted to nullify Title VI of the 1964 Civil Rights Act as applied to aid to elementary and secondary education.

On April 10, 1968, Mr. Ford voted against accepting the Senate amendments to the House-passed civil rights bill and in favor of sending the bill to conference where the housing provisions would have been emasculated or killed.

On December 11, 1969, Mr. Ford led the fight and voted to gut the extension of the Voting Rights Act of 1965 by substituting for the simple five-year extension proposed by the House Judiciary Committee a bill which deleted the basic provision in the 1965 law preventing states and localities from nullifying minority votes.

On September 16, 1971, Mr. Ford voted to delete the major provisions of the bill to strengthen Title VII (the Equal Employment Opportunity Title) of the Civil Rights Act of 1964, including provisions which would have given the EEOC the cease and desist powers generally available to federal regulatory agencies.

On October 10, 1973, Mr. Ford voted to deny the citizens of the District of Columbia, largely black, the right to vote for their own mayor.

Even today Mr. Ford supports a constitutional amendment which, justified as anti-busing, in fact turns back the clock a whole decade on school desegregation.

Thus, Mr. Ford's record during his period as Minority Leader is one of seeking to cripple every major civil rights legislative advance and then voting for the final product when passage became certain. The real struggle over civil rights legislation is never in final passage, but in resisting earlier attempts to gut the bills. In those difficult struggles, Mr. Ford has always been a powerful force against the side of civil rights. If this Congress were to confirm a Northern congressman with such a civil rights record for a post leading to the Presidency, it would owe an apology to both Judge Haynsworth and Judge Carswell and to the millions of your fellow citizens, black and white, who yearn for a leadership which embraces the goals of justice and equal opportunity.

The present Administration has refused to enforce the civil rights laws of the nation. The reports of the U.S. Commission on Civil Rights, the hearings of the Edwards Subcommittee of the House Judiciary Committee and the decisions of the courts are replete with examples of such non-enforcement of the civil rights laws. The record of Congressman Ford in this area gives promise of exacerbation, not amelioration, of this divisive and polarizing situation.

III

You are asked to confirm a potential President for *all* the people in a time of economc turmoil. Congressman Ford's voting record reveals that in his 25 years on the national scene he has developed little sense of the world beyond his district. His record shows that he consistently has opposed programs to help working and disadvantaged people, and includes votes against food stamps, legal services and child care, minimum wages, education, Medicare, OEO, public housing, public works programs, and rent subsidies. He was one of the leaders in killing a $2 million rat extermination program. Mr. Chairman, we have prepared a more complete voting record and ask that at this point it be inserted in the transcript.

Congressman Ford has remained wholly insensitive to the diverse problems facing this country. A failure to develop understanding of the needs of the disadvantaged speaks not only in terms of intellect but of compassion—and compassion is especially essential to leadership when, as now, a sense of bitterness pervades the government, citizens are apathetic and skeptical of government, and both public and private sectors are retreating to a cynical philosophy of self-interest.

Today our social goals too often are defined in terms of opposing forces, pitting class against class and geographic region against geographic region; middle America's needs too often are defined in terms of opposition to programs for the poor and the disadvantaged. What we need now is a leader who can rise above parochial interests and give a sense of unity to the entire country. Compassion for those who have the least, rather than favors for those who have the most, is the first ingredient of such leadership.

IV

If one single act can disqualify a man for the Presidency of the United States, Mr. Ford's April 15, 1970 attack on the independence of the federal judiciary was just such an act. Here Mr. Ford demonstrated his faithlessness to the underlying constitutional concept of separation of powers just as he had so long demonstrated his insensitivity to the constitutional concept of human equality.

On April 8, 1970, the Senate rejected G. Harrold Carswell for the Supreme Court of the United States by a vote of 51–45. One week later Mr. Ford took the floor of the House to seek impeachment of Supreme Court Justice William O. Douglas. I was particularly struck by the enormity of this action by Mr. Ford at a testimonial dinner for Justice Douglas earlier this month. The only living Chief Justices, Warren Burger, appointed by one Republican President, and Earl Warren, appointed by another Republican President, paid tribute to this great man in the highest terms. Chief Justice Burger referred to the "great and unique career" which Justice Douglas had made on the highest bench. And Chief Justice Warren said there had been "no greater Justice in the history of the Court." Only extreme partisanship and reckless disregard of constitutional principles could have impelled Mr. Ford's impeachment attack on a Supreme Court Justice with the longest and most consistent civil-rights-civil-liberties record in history.

But even worse than Mr. Ford's partisan impeachment attempt are the legal and factual "justifications" he gave for his action.

Although the Constitution permits impeachment only for "treason, bribery or other high crimes and misdemeanors," Mr. Ford told the Congress that "an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history." Not only is this a distortion of the plain language of the Constitution, but it is reckless and irresponsible doctrine. Under Mr. Ford's theory, the independence of the judiciary would be a thing of the past. Any defender of civil liberties at a time of stress could be removed from the bench by the passions of the day; the Bill of Rights would go down for want of independent judicial defenders.

Mr. Ford's factual basis for impeachment raises more questions about Mr. Ford than it does about Justice Douglas. The attacks on Justice Douglas' extra-judicial writings distort the Justice's thoughtful arguments and serve to highlight Mr. Ford's lack of devotion to the First Amendment. The effort to tie Justice Douglas to gamblers through the Parvin Foundation was guilt by association thrice removed. The effort to tie Justice Douglas to Bobby Baker was a fraud. The effort to smear him through his connection with the Center for the Study of Democratic Institutions, headed by Dr. Robert Hutchins, becomes ludicrous for those 3,000 people who attended the sessions of that organization here in Washington last month, sessions addressed not only by the Secretary of State but by most of the leading members of the United States Senate.

We ask permission at this point to insert in the transcript a comparison of the allegations in Mr. Ford's April 15th impeachment speech, the response to those allegations as set forth in the fact brief submitted to the committee investigating impeachment by Justice Douglas' distinguished attorney, Simon Rifkind, and the findings by that committee. These documents are found in the First and Final Reports by the Special Subcommittee on H. Res. 920 pursuant to H. Res. 93. The gross discrepancies between Mr. Ford's allegations and the committee's findings underline the recklessness of Mr. Ford's act on April 15th.

Unfortunately, Mr. Ford was not questioned about any of these mis-statements. We hope this matter is examined fully by this Committee before it acts on the nomination. How did Mr. Ford come to make such slanderous insinuations? Who assisted in the preparation of the speech? Was it part of a John Mitchell effort to drive a liberal Justice from the bench?

V

Congressman Ford is totally lacking in experience in foreign affairs. What is known of his views is his consistent support of U.S. involvement in the Indochina war. Even at the very end of U.S. involvement, when most of the country and most of the Congress had turned against the war, Congressman Ford continued to give it his unqualified support.

At a time when a foreign policy mistake might mean war and could mean nuclear holocaust, Mr. Ford's lack of experience in this area is an extremely serious disqualification.

VI

A priority task of the next President will be to restore the trust and confidence of the American people in their government and its leadership. This can be done only by following the Watergate and Watergate-related scandals wherever they may lead. Mr. Ford's public statements prior to his nomination have made it clear that this is something he cannot do.

Even after the Dean disclosures and the Haldeman and Erlichman resignations, Mr. Ford stated publicly, "I have the greatest confidence in the President and *am positively positive he had nothing to do with this mess.*" And when the President fired Special Prosecutor Archibald Cox—even though the Nixon Administration had promised Congress that Mr Cox would be independent—Mr. Ford announced that Mr. Nixon had "no other choice" but to dismiss Cox. Indeed, as late as November 5th, Mr. Ford stated before this committee that he considers the President "completely innocent" of any wrongdoing in the Watergate affair.

The next President must restore respect for the rule of law in America and this can be accomplished only by following every avenue wherever it may lead. This cannot be done by one who had prejudged the case in favor of Mr. Nixon.

VII

Americans for Democratic Action is independent of both political parties and fully supports President Nixon's right under the 25th Amendment to nominate a Republican Vice President who must be considered on his or her merits by a Congress free of partisan bias. But we do not insult the Republican Party with the belief that Mr. Ford is the only candidate the Party has to offer. He has never been considered as a candidate by his party; many others have. If the Congress rejects Mr. Ford's nomination, we are confident the Republican Party can provide a man or woman of Presidential stature who can unite the nation.

The Congress may want to consider reenacting the statute—which was in force for a century—providing for a new election in the absence of both a President and Vice President. ADA has not taken a position on such a statute. I mention the point only to suggest that there are alternatives to Mr. Ford available either through a new appointment or through a new election.

It is the availability of these alternatives that makes the unseemly haste of this Committee all the more tragic. To those who say that Congress must act at once to confirm Mr. Ford as a precondition of President Nixon's resignation or impeachment, Americans for Democratic Action gives this answer: We do not believe our nation is bounded on the East by Richard Nixon and on the West by Gerald Ford. Our sights go beyond these two to a man or woman who, as President of the United States, will bind up the nation's wounds at home and restore it to its place of honor abroad.

Nor is there any reason to believe that Mr. Ford's confirmation will hasten the day of Mr. Nixon's resignation or impeachment. On the contrary, Mr. Ford's unsuitability for the Presidency can only have the opposite effect—to solidify Mr. Nixon's position through the obvious lack of experience of his successor in foreign affairs and lack of stature at home.

VIII

Mr. Chairman, we urge that before voting on Mr. Ford's confirmation, you ask yourself these questions:

Is Mr. Ford among the men and women whom you believe should be President of the United States?

Should the next President be a divisive force between majority and minorities in this nation?

Should the next President be one who lacks compassion for those who need help and has devoted himself to the protection of those who do not?

Should the next President be one who sought to destroy the independence of the federal judiciary by a reckless attack upon a Supreme Court Justice?

Should the next President be wholly inexperienced in foreign affairs?

Can Mr. Ford, wholly inexperienced in any administrative activities, control the massive authority of the Presidency in the interest of democratic government at home and a stable world relationship?

Should the next President be one who has prejudged the Watergate scandals?

Are there not alternatives to Mr. Ford within the Party of Lincoln who can lead this Nation back to its rightful place of leadership and honor?

We put these questions to you. The matter is now on your conscience and in your hands.

VOTING RECORD OF GERALD R. FORD

CIVIL RIGHTS

Voted to weaken Fair Employment Practices bill, February 22, 1950.

Voted to cripple Voting Rights Act of 1965, July 9, 1965.

Voted against bringing 1966 Civil Rights Act to floor, July 25, 1966.

Voted to recommit 1966 Civil Rights Act to delete fair housing provision, August 9, 1966.

Voted to nullify Title VI of 1964 Civil Rights Act as applied to aid to elementary and secondary education, October 6, 1966.

Led fight to gut Voting Rights Act of 1965, December 11, 1969.

Voted against accepting Senate's open housing amendments to Civil Rights Act of 1968, April 10, 1968.

Voted to gut EEOC bill, September 16, 1971.

Voted for all anti-busing amendments including April 7, 1971; November 4, 1971; March 8, 1972; August 17, 1972. Supports "freedom-of-choice" school desegregation plans and constitutional amendment to ban school busing.

Voted to weaken D.C. Home Rule bill, October 10, 1973.

SOCIAL PROGRAMS

Voted against public housing, June 29, June 29, 1949; May 10, 1950; May 4, 1951; March 21, 1952; July 21, 1953; April 2, 1954; July 29, 1955; May 21, 1959; June 22, 1960.

Voted against increasing funds for hospital construction, May 26, 1953; June 25, 1970.

Voted against establishing national food stamp program, August 21, 1957.

Voted to weaken unemployment compensation law, August 16, 1950; May 1, 1958.

Voted against aid-to-education bill, August 30, 1960.

Voted against public works programs, May 4, 1960; August 29, 1962; April 10, 1963; April 22, 1971; July 19, 1972; March 15, 1973.

Voted to cripple food stamp legislation, April 8, 1964; June 8, 1967; December 30, 1970.

Voted against final passage of Economic Opportunity Act of 1964, August 8, 1964.

Voted against funds for elementary and secondary education, March 26, 1965; July 31, 1969.

Voted against Medicare, April 8, 1965.

Voted against creating HUD, June 16, 1965.

Voted to kill rent subsidy program, June 30, 1965; May 10, 1966.

Voted to reduce OEO funds, July 22, 1965; November 15, 1967.

Voted to delete Model Cities funds, May 17, 1967.

Voted to turn OEO over to states, December 12, 1969.

Voted against providing unemployment compensation to farm workers, July 23, 1970.

Voted against child care conference report, December 7, 1971.

Voted against increasing education appropriation, April 7, 1971, June 15, 1972.

Voted to cripple Legal Services bill, June 21, 1973.

Voted to reduce Labor-HEW appropriation, June 26, 1973.

LABOR

Voted for Wood (D-Ga.) bill containing worst features of Taft-Hartley, May 4, 1949.

Voted to weaken Minimum Wage bills, August 10, 1949; June 30, 1960; March 24, 1961; May 26, 1966; May 11, 1972; June 6, 1973.

Voted to use Taft-Hartley Injunction to end steel dispute, June 26, 1952.

Voted for Landrum-Griffin over bill limited to internal union reform, August 13, 1959.

Voted against repeal of Sec. 14(b) of Taft-Hartley Act ("right-to-work" laws), July 28, 1965.

Voted to weaken Occupational Health and Safety bill, November 24, 1970; June 15, 1972.

Voted to deny food stamps to strikers, July 19, 1973.

CIVIL LIBERTIES

Voted for Anti-Subversive bill, August 29, 1950.

Voted against requiring prior court approval for wiretaps, April 8, 1954.

Voted to upset the Supreme Court's Mallory Decision regarding admissible evidence, July 2, 1958.

Voted funds for HISC, April 29, 1971; March 1, 1972; March 22, 1973.

Voted for constitutional amendment allowing school prayers, November 8, 1971.

ENVIRONMENTAL

Voted against federal aid to states for prevention of water pollution, June 13, 1956; February 25, 1960.

Voted to kill mass transit legislation, June 25, 1964.

Voted against AEC funds to fight water pollution, October 8, 1969.

Voted for SST, March 18, 1971.

Voted against deleting funds for Cannikan nuclear test, July 29, 1971.

Voted against strengthening Pesticide Control Act, Novembr 9, 1971.

Voted against strengthening Federal Water Pollution Control Act amendments of 1972, March 28, 1972.

Voted against allowing Highway Trust funds for mass transit, October, 5 1972; April 19, 1973.

INDOCHINA, DEFENSE AND FOREIGN POLICY

Voted against all attempts to limit or end U.S. involvement in Indochina, including the Cooper-Church amendment (July 9, 1970), the Nedzi-Whalen measure (June 17, 1971), the Hamilton-Whalen measure (August 10, 1972) and the Addabbo amendment (May 10, 1973).

Voted for the Safeguard ABM program, October 3, 1969.

Voted against all attempts to lower military spending, voting against cutbacks amendments October 3, 1969; June 16, 1971; November 17, 1971; September 14, 1972; and July 31, 1973 (the Aspin ceiling amendment).

Voted to override Presidential veto of McCarran bill making immigration more difficult, June 26, 1952.

Voted to bar U.S. sale of surplus goods to Poland and Yugoslavia (Sept. 3, 1964) and to kill wheat sales to USSR and Hungary by barring credits (Dec. 16, 1963).

Voted against war powers legislation, July 18, 1973.

THE JUSTICE WILLIAM O. DOUGLAS IMPEACHMENT CASE: A COMPARISON OF REPRESENTATIVE GERALD FORD'S APRIL 15, 1970 SPEECH, JUSTICE WILLIAM DOUGLAS' FACT BRIEF, AND THE SUBCOMMITTEE'S DISPOSITION OF CHARGES

1. POINTS OF REBELLION

Ford Speech: "Its title is *Points of Rebellion* and its thesis is that violence may be justified and perhaps only revolutionary overthrow of 'the establishment' can save the country . . . Should a judge who sits at the pinnacle of the orderly system of justice give sympathetic encouragement, on the side, to impressionable young students and hard-core fanatics who espouse the militant method? I think not." (First Report, pp. 35–36.) [1]

Douglas Fact Sheet: "Rather than refer to the actual language of Justice Douglas' book, another critic has chosen generally to 'paraphrase.' His 'paraphrase' is not a fair one. Whereas the central message of the book is the warning that peaceful change is essential if we are to escape revolutionary violence, and law must be made 'responsive to human needs,' the critic manages to see the opposite. In his own words (obviously not the Justice's), the thesis is 'That violence may be justified and perhaps only revolutionary overthrow of 'the Establishment' can save the country.' And he suggests that although the book distinguishes between lawful procedure and violent revolution as ways to redress grievances, Justice Douglas has somehow given 'sympathetic encouragement' to those who 'espouse the militant method.' As the foregoing materials abundantly demonstrate, the book's message is precisely the contrary." (Final Report, pp. 393–4) [2]

Committee Finding: "The content of *Points of Rebellion* speaks for itself. Analysis by the Special Subcommittee indicates that Justice Douglas' critics have misinterpreted the meaning of the book. *Points of Rebellion* does not call for violent overthrow of established order in this country. It does not sanction rebellion. The book is not a neutral document; it has a clearly defined thesis. Far from advocating violence, the book urges a reordering of priorities through the traditional legal channels to avoid the violence which the author believes is inevitable if the established order does not accommodate to the needs of disillusioned segments of the society." (Final Report, p. 160)

2. THE EVERGREEN REVIEW

Ford Speech: "This article is authored 'by the venerable Supreme Court Justice' William O. Douglas. It consists of the most extreme excerpts from this book, given a somewhat more seditious title. And it states plainly in the margin: Copyright 1970 by William O. Douglas * * * Reprinted by permission . . . But you cannot tell me that an Associate Justice of the U.S. is compelled to give his permission to reprint his name and his title and his writings in a pornographic magazine with a portfolio of obscene photographs . . . His blunt message to the American people and their Representatives in the Congress of the U.S. is that he does not give a tinker's dam what we think of him and his behavior on the Bench." (First Report, p. 37)

Douglas Fact Brief: "It is charged that Mr. Justice Douglas published an article, consisting of a section from his book *Points of Rebellion*, in the April 1970 issue of *Evergreen Review*, where it immediately followed an artist's caricature of the President and a portfolio of allegedly obscene pictures. The fact is that Justice Douglas did not authorize the publication of the article in *Evergreen Review*, and had nothing to do with where it appeared and what materials accompanied it . . . In short, Justice Douglas played no role in Random House's decision to permit a portion of his book to appear in *Evergreen*, he had no right under his contract to take any position on the matter, and he was not consulted." (Final Report, pp. 397–8)

Committee Finding: "The Special Subcommittee concludes that Justice Douglas had no knowledge of or control over either the placement, or the manner of placing, the article 'Redress and Revolution' in *Evergreen Review*." (Final Report, p. 175)

3. THE AVANT GARDE ARTICLE

Ford Speech: "Ralph Ginzburg's magazine *Avant Garde* paid the Associate Justice of the U.S. Supreme Court the sum of $350 for his article on folk singing . . . However, Mr. Justice Douglas did not disqualify himself from taking part in the Goldwater against Ginzburg libel appeal . . . Writing signed articles for notorious publications of a convicted pornographer is bad enough. Taking money from them is worse. Declining to disqualify one's self in this case is inexcusable." (First Report, pp. 34–5)

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[1] First Report by the Special Subcommittee on H. Res. 920 of the Committee on the Judiciary, House of Representatives, Ninety-first Congress, Second Session, Pursuant to H. Res. 93, June 20, 1970.

[2] Final Report by the Special Subcommittee on H. Res. 920 of the Committee on the Judiciary, House of Representatives, Ninety-first Congress, Second Session, Pursuant to H. Res. 93, September 17, 1970.

Douglas Fact Brief: "The Justice has never had any dealings with Ralph Ginzburg, and had no occasion to recuse himself from the January case involving Mr. Ginzburg's *Fact* magazine . . . And it is well settled that publishing a single article in a newspaper or magazine does not disqualify the author from later hearing a case involving the publisher." (Final Report, p. 386)

Committee Finding: "Under the facts of this case, Justice Douglas was not required to disqualify himself from participation in the *Goldwater* v. *Ginzburg* petition for a *writ of certiorari.* That Mr. Ginzburg was the owner of *Avant Garde,* Justice Douglas had known since February 28, 1969. But existence of knowledge of the relationship is not the test for disqualification. 28 U.S.C. 455 requires disqualification if there is a substantial interest in a case, or a relation or connection, that, in the justices' opinion made it improper for him to continue to sit. The $350 payment certainly is *de minimis* and the relationship between Justice Douglas and Ralph Ginzburg through *Avant Garde* was virtually nonexistent. Clearly it was not extensive, not intimate, not continuing and failure to disqualify was not improper." (Final Report, p. 47)

4. ALLEGED PRACTICE OF LAW

Ford Speech: ". . . the foundation was incorporated in New York, and Mr. Justice Douglas assisted in setting it up, according to Parvin. If the Justice did indeed draft the articles of incorporation, it was in patent violation of title 28, section 454, U.S. Code . . . There is additional evidence that Mr. Justice Douglas later, while still on salary, gave legal advice to the Albert Parvin Foundation on dealing with an Internal Revenue Investigation." (First Report, pp. 38–9)

Douglas Fact Brief: "Justice Douglas at no time 'practiced law' for the Foundation, which from the outset retained expert outside counsel to handle both its routine and special legal problems. He did not, as alleged, draft the Foundation's Articles of Incorporation. He did not, as alleged, give tax advice or any legal advice regarding any tax investigation. Nor did he serve as counsel to the Foundation or to anyone associated with it with respect to any legal matters." (Final Report, p. 404)

Committee Finding: "The Special Subcommittee has examined records of the Albert Parvin Foundation, the files of Albert Parvin, Justice Douglas, Robert Hutchins, Harry Ashmore, and the Internal Revenue Service for information concerning the allegation that Justice Douglas drafted the Articles of Incorporation for the Albert Parvin Foundation. The documentary materials obtained in this file examination show that Justice Douglas did not draft the Articles of Incorporation of the Albert Parvin Foundation or provide legal services as its President." (Final Report, p. 80)

"All of the documents obtained in this investigation reprinted here and in the Committee's files relative to the conduct of Justice Douglas in administering the officers of the Foundation have been examined to determine the character and the purpose of the services provided by Justice Douglas to the Albert Parvin Foundation. These materials establish that Justice Douglas was not engaged in the practice of law in connection with his association with the Albert Parvin Foundation. His communications and actions relative to the tax investigation are consistent with his administrative responsibilities as President and Director of the Albert Parvin Foundation. Justice Douglas did not practice law." (Final Report, pp. 115–6)

5. ALBERT PARVIN FOUNDATION

Ford Speech: "What would bring an associate Justice of the Supreme Court into any sort of relationship with some of the most unsavory and notorious elements of American society?" (First Report, p. 38)

"In April 1962 the Parvin Foundation applied for tax-exempt status. And thereafter some very interesting things happened. On October 22, 1962, Bobby Baker turned up in Las Vegas for a 3-day stay. His hotel bill was paid by Ed Levinson, Parvin's associate and sometime attorney. On Baker's registration card a hotel employee had noted—'is with Douglas.' Bobby was then, of course, majority secretary of the Senate and widely regarded as the right hand of the then Vice President of the United States. So it is unclear whether the note meant literally that Mr. Justice Douglas was also visiting Las Vegas at that time or whether it meant only to identify Baker as a Douglas associate." (First Report, p. 39)

"Also on hand in Santo Domingo to celebrate Bosch's taking up the reins of power were Mr. Albert Parvin, President of the Parvin, Dohrmann Company, and the President of the Albert Parvin Foundation, Mr. Justice William O. Douglas of the U.S. Supreme Court." (First Report, p. 39)

Douglas Fact Brief: "The Foundation had no connection with the 'international gambling fraternity' . . . Justice Douglas does not know the alleged underworld persons named in the attacks upon him. He was not in Las Vegas when it was insinuated he was, he has never been associated with Bobby Baker, and he did not attend the inauguration of President Bosch as alleged." (Final Report, p. 387)

Committee Finding: "There is no indication that Justice Douglas personally has been involved in, or ever participated in, organized gambling. In fact, there is no evidence that Justice Douglas ever associated with or even met the individuals that have been named by critics of Justice Douglas in the April 15, 1970 speech or in H. Res. 922, who are identified underworld characters or members of some organized gambling fraternity. All such associations are indirect and are imputed to Justice Douglas only through his activities in connection with the Albert Parvin Foundation and his association with Albert Parvin. (Final Report, p. 176)

"The April 15, 1970 speech alleged that on October 22, 1962, Robert Baker was in Las Vegas for a three day stay, that his hotel bill was paid by Edward Levinson, and that on Baker's hotel bill a hotel employee had noted 'is with Douglas.' It was also alleged that Robert Baker and Edward Levinson were in the Dominican Republic with Justice Douglas, Albert Parvin and Harvey Silbert. The investigation of the Special Subcommittee has found that neither of these charges is accurate. According to the documents in the Committee's files, Justice Douglas left New York on October 21, 1962 for Santiago, Chile, and returned on October 30, 1962 after visiting Peru, Ecuador and Bolivia. Justice Douglas' first visit to Las Vegas was in November 1964, at which time he spoke at an Israel Bond Drive Dinner at the Sahara Hotel. Justice Douglas was not in the Dominican Republic at the same time that Robert Baker and Edward Levinson were there. Robert Baker attended President Bosch's inauguration on February 27, 1963. Justice Douglas, although invited to attend, was unable to do so. Justice Douglas was in the Dominican Republic in connection with the Foundation's Literacy Program on March 5th to 7th, 1963; and a second visit was made March 14–17, 1963. (Final Report, p. 320)

"Not only was Justice Douglas not in Las Vegas at the time charged, but neither was Robert Baker. The Department of Justice has supplied information, including the hotel records apparently referred to by the April 15, 1970 speech. The Documents supplied by the Department of Justice include a copy of a registration card for the Beverly Hills Hotel in Beverly Hills, California. This registration card shows that Robert Baker occupied Room 359 from October 22–25, 1962. The records show that Mr. Levinson was billed for Room 359. The registration card does bear a notation 'with Douglas—move 176/7'. The person who is the subject of the notation is not disclosed by the documents, and apparently this aspect of the matter either has not been investigated by the Department of Justice or has not been supplied to the Subcommitteee. It is obvious however, that such person could not be Associate Justice William O. Douglas who was not in Los Angeles during this period." (Final Report, p. 320)

6. CENTER FOR THE STUDY OF DEMOCRATIC INSTITUTIONS

Ford Speech: ". . . Mr. Justice Douglas moved immediately into closer connection with the leftish Center for the Study of Democratic Institutions . . . the Center was the site of a very significant conference of militant student leaders. Here plans were laid for the violent campus disruptions of the past few years, and the students were exhorted by at least one member of the Center's staff to sabotage American society, block defense work by universities, immobolize computerized record systems and discredit the ROTC." (First Report, p. 42)

Douglas Fact Brief: "The Center is an eminently respectable American educational institution which has enlisted the participation, support and cooperation of such distinguished Americans as Chief Justice Warren Burger, and a score of Congressmen." (Final Report, p. 424)

Committee Finding: "The Center is the sole activity of the Fund for the Republic, a nonprofit corporation created by the Ford Foundation in 1952. The Center was established in Santa Barbara in 1959. The Chief Executive Officer of the Center is Dr. Robert M. Hutchins, formerly Dean of the Yale Law School and former President of the University of Chicago. The President of the Center is Harry Ashmore, formerly Executive Editor of the *Arkansas Gazette* and former Editor-in-Chief of the *Encyclopaedia Britannica.* Associated with the activities of the Center are such notables as the economist, Rexford G. Tugwell; the environmentalist, Paul Ehrlich; the political theorist, Bertrand de Jouvanel; the educator, Clark Kerr; the theologian, Rheinhold Neibuhr; and Nobel laureate, Isidor I. Rabi. (Final Report, p. 177)

"Since its establishment in 1959, the Center has conducted conferences, seminars and symposia on a variety of issues. It publishes a magazine to encourage the study of international relations and public questions. One of the primary activities of the Center is daily dialogue sessions aimed at obtaining a diversity of viewpoint on a multitude of topics. During these sessions the entire spectrum of American thought and argument are invited to participate." (Final Report, p. 178)

THANKSGIVING RECESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 5 minutes.

Mr. DULSKI. Mr. Speaker, it occurs to me that our distinguished colleagues from the other side of the aisle are playing a frivolous game of "follow the leader."

While the President is inaccurately trying to place the blame for his administration's inaction on the energy crisis on Congress, the members of his party in Congress are trying to make political hay out of a 3-day recess next week.

We already had one display of demagoguery on this subject last Thursday, and I do not think another one is necessary.

In the first place, the so-called 10-day recess is a misnomer. There is a span of 10 days from adjournment until the next meeting. However, four of these days are weekends, 2 days are Fridays, on which we do not normally schedule sessions—and I have not heard any strenuous objections from the other side of the aisle over unscheduled Fridays this year—and 1 day is the Thanksgiving holiday. That leaves 3 days in which we could hold sessions, but I submit those days could better be spent in our district. I plan to spend the time in Buffalo, as I usually do.

The irony of the situation is that some of the conscience-stricken Members have already planned vacations for those days, while many of us who intend to visit with our constituents would find it no hardship to report to Washington November 19, 20, and 21. Congress has evolved into an 11- to 12-month session each year, anyway.

Actually, very little of substance has been said in this series of pious speeches by the Republicans. Democrats have been accused of lagging behind on legislation to ease the energy crisis. In fact, the President, as the Republicans are well aware, was given authority for emergency fuel allocation last April, and is only acting now.

The mandatory fuel allocation conference report was filed Saturday—and it was delayed time and again by administration request to await the President's emergency energy plan. In spite of the fact that his energy legislation proposals have been far behind his promises to submit them, we have been steadily working on numerous aspects of energy problems. We passed the Alaska pipeline authorization yesterday—after nearly a week's delay caused by a Republican objection. My Republican friends might consider talking with their objectors instead of trying to lay the blame on Democrats.

Further, the Judiciary Committee has announced its scheduled hearings on Representative Ford's confirmation, and the leadership has scheduled the House vote for December 3. The Senate Interior Committee yesterday reported out the emergency energy legislation requested by the President last week—legislation which had, incidentally, been introduced before the request was finally sent to Congress—and the Interstate and Foreign Commerce Committee begins hearings on it tomorrow. The Senate Commerce Committee has concluded hearings on implementation of year-round daylight saving time, and the House committee began hearings today. As an early advocate and sponsor of this legislation, I am confident the Democratic Congress will pass the bill in the near future.

I have great respect for my Republican friends, but believe that instead of attacking the House leadership, they might better their time utilizing the 3-day recess talking to their constituents—unless the recent election results made Washington more appealing than coming home to visit with their constituents. They could also usefully try to convince the President not to carry out the threatened veto of urban mass transit or Alaska pipeline legislation.

There is one bright side to all the oratory about unfinished business—it is the strongest indication we have had all year that the Republicans are anxious to cooperate in passing reform legislation.

AD HOC ADVISORY GROUP ON PUERTO RICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico (Mr. Benitez) is recognized for 5 minutes.

Mr. BENITEZ. Mr. Speaker, the President of the United States and the Governor of Puerto Rico created on September 20, 1973, a new ad hoc advisory group pursuant to the 1967 plebiscite on the status of Puerto Rico. The group has 14 members—7 appointed by the President of the United States of America and 7 appointed by the Governor of the Commonwealth of Puerto Rico.

The Presidential appointees of the ad hoc advisory group are: Senator Marlow W. Cook, Senator J. Bennett Johnston, Senator James L. Buckley, Representative Don H. Clausen, Representative Thomas S. Foley, Richard B. Ogilvie, Esq., Mr. Paul N. Howell.

Puerto Rico's representation included former Gov. Luis Muñoz Marín, as well as the president of the senate, the speaker of the house, the secretary of state, a leading senator from the opposition, a former secretary of finance and myself.

Mr. Speaker, I should like to report that the new advisory group held its first public meeting in the Capitol Building of the Commonwealth, in San Juan, Puerto Rico, on November 11, 1973.

The seven Puerto Rican members submitted a proposal concerning the nature, and the goals of Commonwealth status.

The proposal, reproduced here in full, was received and accepted by the whole group as its first working paper and basic agenda.

Public hearings on the specific items included in the proposal will be held in Puerto Rico during the next meeting of the committee on December 7, 8, and 9, 1973.

Mr. Speaker, I should also like to take this occasion to express the appreciation of the people of Puerto Rico, not only for the personal commitment, but also for the hard work already put in by the Presidential appointees this last weekend in the Commonwealth.

Senator Marlow Cook and I will continue to report to our respective bodies on the progress of the advisory group, so that Members on both sides of the aisle can be periodically advised of our progress toward the further development of the Commonwealth concept and reality. Perhaps our work here may even serve as a useful point of reference for working out viable relations between "stronger" and "weaker" nations throughout the whole world.

The proposal follows:

Puerto Rico's Proposal

The Puerto Rican members of this Advisory Group wish to identify for their United States colleagues the matters they feel deserve the main attention of the Joint Advisory Committee. It is hoped that once a consensus on such matters has been reached—both as to their nature and as to the general perspective—we may jointly agree on an expeditious and satisfactory *modus operandi* to guide our deliberations, studies, and recommendations.

The Charter of this Committee declares that:

The President of the United States and the Governor of Puerto Rico, "in order to implement the will of the people of Puerto Rico freely expressed in the plebiscite of 1967" appointed seven (7) members each to constitute the Advisory Group. That plebiscite held on July 23, 1967, pursuant to P.R. Law No. 1, December 23, 1966 submitted to the Puerto Rican electorate the status alternatives of Commonwealth, Statehood and Independence, the electorate decided, "to develop the Commonwealth in accordance to its fundamental principles to a maximum of self-government and self-determination within the framework of Commonwealth."

The Commonwealth slot in the ballot defined the framework of association or union between Puerto Rico and the United States as: "a common defense, a common market, a common currency, and the indissoluble link of the United States citizenship."

Notice that the Charter of the Ad Hoc Committee reproduces the exact language of the plebiscitary mandate. The recommendation on holding a plebiscite to determine the will of the Puetro Rican people has historic roots in our tradition. It was originally proposed—unsuccessfully—to adjudicate the questions resulting from the Hispanic American War raised by Article 9 of the Treaty of Paris: "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

Before and after the ratification of the Treaty, Eugenio María de Hostos, an illustrious Puerto Rican patriot, recommended a plebiscite on status to President McKinley. The Unionist Party, the dominant Puerto Rican party from 1904 to 1924, adopted a plebiscite resolution on September 1914. The Speaker of the Puerto Rico House of Delegates, José de Diego, was its leading proponent. The plebiscite proposal remained dormant after the Organic Act of 1917 and De Diego's death in 1918 .

Following an extensive process of democratic consultation Commonwealth status for Puerto Rico was established on the 25th July 1952. That process involved on Puerto Rico's side the status program submitted in the general elections of 1948 by the Popular Party, a referendum in 1951 approving Public Law No. 600, the election of a Constitutional Convention and the final ratification of the Constitution and of the whole process in a second referendum. On the Federal side it included two congressional enactments, both of them subject upon approval by Puerto Rico, so as to take effect.

However, the subsistence in the Puerto Rican Federal Relations Act of what were called "colonial vestiges" and the continued claim of minority groups for Statehood and for Independence led the then Governor of Puerto Rico, Luis Muñoz Marin and the late President John F. Kennedy "both as a matter of fairness to all concerned and of establishing an unequivocal record" to recommend a further examination of the United States-Commonwealth relationship. The final outcome of that interchange was the creation of the U.S.-Puerto Rico Commission on the Status of Puerto Rico. This Commission also arises on the basis of legislation approved parallel in Congress and the Legislature of the Commonwealth. (Public Law 88–271, February 20, 1964 and Law No. 9, April 13, 1964.)

After two years of extensive studies, researches and hearings the Status Commission renewed the plebiscite recommendation reporting that: "The Commission's major conclusion is that all three forms of political status—the Commonwealth, Statehood, and Independence—are valid and confer upon the people of Puerto Rico equal dignity with equality of status and of national citizenship. Any choice among them is to be made by the people of Puerto Rico, and the economic, social, cultural, and security arrangements which would need to be made under each of the three status alternatives will require the mutual agreement and full cooperation of the Government of the United States. A first step toward any change in political status must be taken by the Puerto Rican people acting through constitutional processes."

The final recommendation followed: "If the people of Puerto Rico should by plebiscite indicate their desire for Statehood or Independence, a joint advisory group or groups would be constituted to consider appropriate transition measures. If the people of Puerto Rico should maintain their desire for the further growth of the Commonwealth along the lines of the Commonwealth Legislative Assembly's Resolution No. 1 of December 2, 1962, or through other measures that may be conducive to Commonwealth growth, a joint advisory group or groups would be convened to consider these proposals."

In the light of the above summary as well as of the terms of its own Charter, the task of this Advisory Group centers on the further development of Commonwealth. *The Estado Libre Asociado de Puerto Rico,* to use the Spanish designation which seems more precise for our present purposes reflects a creative effort to establish a free permanent relationship voluntarily entered into between Puerto Rico and the United States that is mutually satisfactory and whereby the social and political freedoms inherent in the fundamental values of democracy, citizenship and the cultural identity of Puerto Rico can be effectively enjoyed by our people. The Preamble of the Constitution of the Free Associated State summarizes its purposes:

"We, the people of Puerto Rico, in order to organize ourselves politically on a fully democratic basis, to promote the general welfare, and to secure for ourselves and our posterity the complete enjoyment of human rights, placing our trust in Almighty God, do ordain and establish this Constitution for the Commonwealth which, in the exercise of our natural rights, we now create within our union with the United States of America.

"In so doing, we declare:

"The democratic system is fundamental to the life of the Puerto Rican community:

"We understand that the democratic system of government is one in which the will of the people is the source of public power, the political order is subordinate to the rights of man, and the free participation of the citizen in collective decisions is assured:

"We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges; our loyalty to the principles of the Federal Constitution; the coexistence in Puerto Rico of the two great cultures of the American Hemisphere; our fervor for education; our faith in justice; our devotion to the courageous, industrious, and peaceful way of life; our fidelity to individual human values above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles."

Article I of the Constitution entitled "Commonwealth" reads:

"Section 1. The Commonwealth of Puerto Rico is hereby constituted. Its political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America.

"Section 2. The government of the Commonwealth of Puerto Rico shall be republican in form and its legislative, judicial and executive branches as established by this Constitution, shall be equally subordinate to the sovereignty of the people of Puerto Rico."

The plebiscite mandate of 1967 reaffirms the existence of a distinct body politic—The Free Associated State of Puerto Rico.

This mandate and the considerations expressed above call for the following criteria to serve as guiding principles in our task.

1. Commonwealth status should be developed within its own framework to the maximum of self-government and self-determination compatible with a common defense, a common market, a common currency, and the indissoluble link of United States citizenship.

2. The government of the United States should exercise with reference to Puerto Rico such powers as are essential to the basic elements of the permanent union between the United States and Puerto Rico.

3. As respects such powers as will be exercised by the United States under (2) above, alternate forms of participation in federal decisions affecting Puerto Rico ought to be considered together with the Presidential Vote recommended by the first Ad Hoc Advisory Group.

4. The principles of self-determination, self-government and government by specific consent of the governed.

The Puerto Rico Federal Relations Act and related legislation are not an adequate embodiment of the constitutional relationship between Puerto Rico and the United States. Together with very many desirable and essential provisions pertaining to the meaning and purposes of The Free Associated State, the Federal Relations Act retains anachronic, deleterious, and confusing expressions held over from the Foraker Act of 1900 and the Jones Act of 1917, as amended. Such expressions have no place in a declaration of permanent union or association.

In order to reduce the proposals under consideration to the bare minimum, Public Law 600 limited itself to preserve the basic scheme of relationship via retaining the old section numbers under the new generic title *Puerto Rico Federal Relations Act.* Under this arrangement several indispensable provisions remain intertwined with thoroughly objectionable expressions.

A few instances serve to illustrate the point:

The Puerto Rico Federal Relations Act retains the initial clause of the Organic Act of 1917. It declares: "That the provisions of this Act shall apply to the island of Puerto Rico and to the adjacent islands *belonging to the United States,* and waters of those islands." The underscored clause is, of course, objectionable and has been used over and over again at the United Nations and elsewhere to argue that Puerto Rico "is a colony of the United States".

Section 10 provides, "That all judicial processes shall run in the name of United States of America, as, the President of the United States". This provision completely lacks use or justification.

Other provisions go beyond questions of form. Outstanding among them is Section 9, which includes a double negative which has been the source of many legal perplexities and confusions. It provides, "That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, except the internal revenue laws." Besides engendering a multiplicity of doubts concerning which of the statutory laws of the United States are actually in force in Puerto Rico and to what extent; it is essentially incompatible with the norm pertaining to a maximum of self-government.

In keeping with the charge that, "The Advisory Group will inquire into and report and recommend on the extent to which of the statutory laws . . . of the United States should apply in Puerto Rico", it will be indispensable for the whole Puerto Rico Federal Relations Act to be reexamined and rewritten. This will be necessary not only to strike out surplusages and to bring it up to date, but also to clarify the basic nature of the relationship between Puerto Rico and the United States.

This involves the elimination of provisions that impinge on self-government as well as the inclusion of such language as may be necessary to safeguard the basic framework of the Free Associated State relationship. It will be necessary also to explore diverse ways of participation on matters pertaining to that basic framework of union with the United States as defined both in the plebicite and in the Charter of the Committee. In short, that the Federal Relations Act in its present form does not constitute a truly organic body of law governing the terms of Puerto Rico's free association to the United States. On the contrary there are many other provisions of law governing such relationship. The Act must be revised so that, at least, the basic outline of the relationship be established in a single and coherent statute that replaces the Federal Relations Act and related legislation in harmony with present realities, and the plebiscitary mandate.

The end result of this task will naturally have to reflect recommendations obtained in connection with other matters which the Advisory Group from time to time may decide to consider. Initially, we recommend among other matters it ought to examine the following:

1. Revision of the Federal Relations Statute.

2. Acquisition, retention and disposition of federal property in Puerto Rico.

3. Common defense;

4. Ways in which Puerto Rico may participate in federal decisions affecting the Island and the applicability of federal laws to Puerto Rico;

5. Immigration of aliens;

6. Navigable waters;

7. Coastwise shipping laws;

8. Minimum wage and other labor matters;

9. Tariff policy and external trade matters;

10. Financial laws;

11. Laws relating to ecological matters;

12. Laws relating to planning;

13. Laws relating to communications;

14. Transportation matters;

15. New forms of federalism or association. Participation of the Associated Free State of Puerto Rico in international affairs in ways compatible with its permanent union or association to the United States.

SAN JUAN, PUERTO RICO, NOVEMBER 11, 1973

Hon. Luis Muñoz Marín, former Governor of Puerto Rico, Co-Chairman.

Hon. Jaime Benítez, Resident Commissioner from Puerto Rico to the United States.

Hon. Juan Cancel Ríos, President of the Senate of Puerto Rico.

Hon. Justo Méndez, Member of the Senate of Puerto Rico.

Hon. Victor M. Pons, Jr., Secretary of State for Puerto Rico.

Hon. Luis Ernesto Ramos Yordán, Speaker of the House of Representatives of Puerto Rico.

Mr. Angel Rivera, President of Banco Crédito Ahorro Ponceño.

ADMINISTRATION'S FUEL ALLOCATION PROGRAM ALL BOTTLED UP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, without going into the question of how a nation such as ours could be so totally unprepared for the energy situation we face when we have been warned and have known for months, even years, that it was coming I would like to express my complete dismay and consternation at the way the present mandatory fuel allocation is being mishandled.

While I make no claim at having a complete picture of this bungled job on a nationwide basis, I have it on rather good authority that what is happening in my particular region, the Southeast, reflects the picture for the entire United States.

As you know distributors are supplying middle distillate fuels, kerosene, jet fuel, home heating oil, diesel fuel, and others, on the basis of 1972 volume received by customers. However, under this program there immediately arose some glaring inequities.

Individuals or firms which had no contract with their present distributor in 1972 were informed they could expect no more fuel.

Certain businesses which used an unusually smaller amount of fuel in 1972 because of weather or other factors beyond their control find now they are cut back to well below average operating requirements.

There are just two examples.

One firm in my district was trapped in a situation similar to these and called on me for aid. Following the advice received last week at a briefing given by the Office of Oil and Gas we referred him to the Atlanta regional office.

Immediately I was contacted by him again saying he could not get through to the Atlanta office by phone.

Mr. Speaker, that was Thursday, November 1. Since that time my office has attempted to call the Atlanta regional office on an average of five to six times a day. The result is either a busy signal or no answer.

The Atlanta office has three numbers. Two of them never answer. A third sometimes rings busy or does not answer.

Yesterday, after six morning calls which rung without answer, my office called the office of Oil and Gas in Washington to inquire as to whether or not there was anyone actually in the Atlanta office and whether or not the number we were using was correct. On each count the answer was affirmative. Still nothing was done to help me reach Atlanta nor was any help offered other than the explanation that the staff in Atlanta might be in conference.

To make matters even worse my office called the Washington office of Oil and Gas again about noon to seek additional assistance. When told the official in charge at the office was out to lunch we asked to speak to an assistant. We were told he was out to lunch. When we asked if anyone were in with whom we could speak we were told the entire office was out to lunch.

However, Mr. Speaker, I do not want to leave the impression that I or my staff are unresourceful. We knew there was a way to reach the Atlanta regional office if we just kept tyring.

Now I believe we have discovered the secret. Though I have not tried it yet but I am told by one who has that it works. What is necessary is to call the Forest Service in Atlanta. That office is just across the hall from Oil and Gas. You leave word of an emergency and Mr. Don Hammonds, the Oil and Gas regional administrator, may call you back.

To be truthful, Mr. Speaker, I am somewhat hesitant to try this approach. What would happen if I actually reached the regional office? If the confusion and inability to function there is as great as I am led to believe then I fear there would be no relief available, only failure in success.

Mr. Speaker, business are closing down because their owners and operators cannot get fuel. Workers are being laid off just at the beginning of the Christmas season because their employers cannot get fuel.

All of this because the Federal Government is not functioning. It is not necessary, I do not believe, to harangue about this situation. It is so deplorable that it speaks loudly for itself.

And to further add insult to injury the necessary Government forms for relief applications are not yet distributed.

Should it be necessary to ration fuel, it is my fervent hope that the administration will finally learn that meeting the fuel emergency requires more than asking America to turn down its thermostats and drive 50 miles an hour. It requires long and careful planning. It requires contingency programs and it requires leadership.

The administration's mandatory fuel allocation program demonstrates a complete and utter absence of any of these ingredients.

This is an unexcusible disgrace and a good many Americans are going to suffer needlessly because of it.

THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. CLARK), is recognized for 5 minutes.

Mr. CLARK. Mr. Speaker, one of our Nation's greatest assets—an integral ingredient supporting and, indeed, fueling our progress to the position we now hold in the world—had been our ability to supply an ever-enlarging source of energy for our people.

Now, the energy crisis is upon us and we are searching out ways to slow down our progress, impede our growth, and conserve our energy supplies, so as not to create a national disaster which would leave people without light and heat for their homes, and leave industry without the power to turn the wheels of progress.

There is no doubt that this must be done. There is no doubt that it can be done. There is no doubt in my mind that it will be done through the cooperative effort of government, business, and industry and the people of our country because everyone knows the power of the American people to unite and accomplish a task of national emergency.

But implicit in our goal to conserve energy must be some evaluation of how this crisis came about. And I would like to submit that more than a small part has been played by overzealous protectors of the environment who have, through well-intentioned but misguided effort, succeeded in putting handcuffs on the busy hands of our industrial might, bringing about the threat of economic strangulation and feeding the flames of rampant inflation.

As a Representative of a State which has beneath its surface large deposits of energy in the form of coal, I would like to state for the record my irritation and frustration at the rules and regulations promulgated by environmental enthusiasts which prohibit the use of coal to fire electric powerplants, steel mills, blast furnaces, and other industrial plants because that vast source of energy, in greater supply than any other within our shores, has a sulfur content which these self-appointed experts feel is damaging to the health and well-being of our people.

And at the same time when any and all sources of energy are desperately required to meet energy needs, coal is being criticized for not being available and the coal industry is being scrutinized and chastised for not having the productive capacity to bring about mining and distribution miracles that would bring about plentiful supplies of coal at locations spread far and wide around the country. That would take, I submit, a wave of an industrial wand.

There is no industrial wand. The past 5 to 7 years have seen the implementation of environmental rules and regulations at both State and Federal levels which have discouraged rather than encouraged energy producers like coal companies from bringing about solutions to the energy crisis from which we are now suffering.

Right now, sulfur content regulations for all fuels are so stringent that we will have to go through the process of deregulation—a complicated and time-consuming procedure—in order to clear the way for coal to aid in solving our energy crisis complications.

I trust that this will be done. But I pray at the same time that we will not allow continued and further intervention by environmentalists which will delay or prohibit the production and distribution of coal. The vast quantities of this valuable resource should be mined and distributed in a climate of technical and economic encouragement. The men and machines required to produce the resource should be supported by legislation which will complement rather than frustrate coal mine operators. Legislation encouraging the utilization of coal in powerplants and industrial plants should be speeded and passed and finally, environmental concern should be looked at in a rational perspective for, while no one wants deliberate degradation of our natural environment, we have clearly overreacted, overregulated, overemphasized, overprophesied and overdramatized environmental protection to the stage where we have begun to strangle the energy lifelines which have given this Nation the standard of living and the astounding progress we have achieved.

The time has come for clear thinking members of Congress to recognize that dark streets, cold homes and silent factories are not America's destiny, that we have abetted foolish fuel fallacies with pitiful policies and must rectify our errors with thoughtful, consistent, enlightened action that puts the energy needs of people at least alongside if not ahead of the myopic environmentalists who can only see the bosom of Mother Nature. We cannot cure the admitted industrial pollution that has accumulated over the 200 years of our Nation's history, in 1 or 2 years of regimented enforcement that could bring this nation to its economic knees and make us prey for old-world domination that we so successfully escaped in 1775.

The administration dreamers have come up with still another gimmick in "Project Independence," designed, the President says, to make America self-sufficient in a few short years. Words are a dime a dozen and this administration has coined more phrases than the government has bureaus, while bowing to every whim of all the various cults of the Friends of the Earth, but what we are in drastic need of now—is action. "Project Independence" will not get off the ground if we do not free up the only resource America has in abundance—and that is coal, gentlemen. We have wasted so much time already that I hate to mention the word again, but a time reference is necessary if we are to put the coal situation into proper perspective; if we passed every law that is necessary to free coal from environmental shackles, it would take at least 24 months to get into the production that would be necessary to substantially ease the energy crisis.

THE NOMINATION OF GERALD R. FORD

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I would like to speak briefly about the nomination of the minority leader of the House, Gerald Ford, of Michigan, to the Office of Vice President.

It is in the best interest of the country that the office be filled just as soon as reasonable men can do so following the procedures prescribed by the 25th amendment. I know the House Judiciary Committee will move with all due speed, without in any way sacrificing a thorough investigation, to report their findings and the nomination to the floor for full House debate and consideration.

At a time when the resignation or impeachment of the President is an open question, it is essential to the security of the Nation that the question of succession be settled. Particularly in view of the serious international tensions of recent weeks, America and the world must know that our deeds and commitments, especially in the Middle East, are meaningful; that the stands and policies of our Government are not threatened by instability.

We are faced with the twin specters of an energy crisis and Soviet designs in the Middle East. The future of our country and that of Israel, our close friend and ally for over 25 years, are inextricably entwined. If we stand firm in our commitment to conservation and self-sufficiency, if we resist economic blackmail which would force us to sacrifice our principles and our friends, then America can emerge from the present crisis as a truly great Nation. At a time such as this trust and leadership are crucial.

The American people and the nations of the world must know that the firm policies of the present administration in regard to the preservation of peace in the Middle East and the protection of Israel do not depend on any one man, even if that man is now the President. The world must also know that at such a time the Congress will not play partisan politics by seeking to thwart the nomination of Representative Ford.

Mr. Ford has been a true friend of Israel throughout the years, understanding both our moral commitment to that young country as well as the vital role that commitment plays in the defense of the free world.

Politically Representative Ford and I are different animals. In the normal course of events there is precious little in domestic politics we agree on. During the years we served together we have been almost uniformly on the opposite side of the legislative fence. But Mr. Ford faithfully represents the political philosophy espoused by President Nixon in the 1972 Presidential election and so deserves confirmation.

The nomination of Mr. Ford was greeted with wide approval in both Houses of Congress. That is due in large part to his record of 25 years in the House of Representatives. He is known here, and liked, for his open, straightforward approach in legislative matters. He is not consumed by ambition, nor obsessed by power, of which he has had considerable at his disposal during his tenure as minority leader. He is personable, a good listener and highly trained in the legislative arts. He would bring to the administration something that it has been lacking for the last 5 years, an understanding of the governmental process, the legislative process, and the intricate workings of Congress.

The striking similarities in the basic political philosophy of the minority leader and the administration suggest a harmonious relationship at the White House that may be reflected on the administration's legislative program. Yet that is not to say Mr. Ford is not his own man. He was not hurriedly tailored for the job. The similarities in the philosophy of the two are sincere, not contrived.

It is with these thoughts in mind that I urge House confirmation of the nomination with all due speed, if a fair and thorough assessment on the nomination by the Judiciary Committee discovers no information that might cast doubt on his qualifications.

I believe Gerald Ford will be a strong Vice President and if called upon a strong President in the difficult times ahead.

H.R. 9142, NORTHEASTERN RAILROAD SYSTEM

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, last Thursday the House passed H.R. 9142, a bill to restructure and revitalize the Northeastern railroad system. I supported this bill because I considered it a well-balanced, well-constructed approach to an extraordinarily complex situation. I feel that the labor protection provisions, abandonment clauses and the general approach to restructuring the rail system in the Northeast provide a solid basis for restoring quality rail service in that area. The House is to be commended for its speedy action, which should have the effect of eliminating the threat of economic turmoil that liquidation of the bankrupt railroads in the Northeast would have caused.

We should note, however, that one of the main reasons for committing massive amounts of the taxpayers' money to reorganizing the rail system in the Northeast, was the bankruptcy of the Penn Central. On June 21, 1970, the Penn Central Railroad, formed just 2 years and 4 months earlier in the largest merger in American corporate history, became the largest company in American history to declare bankruptcy. A subsequent 2-year investigation by Chairman Wright Patman and the Banking and Currency Committee, in which I participated, opened a Pandora's Box of dubious management practices, inside selling of Penn Central stock and various acts of questionable legality. Actions by the executive staff of the Penn Central were so flagrant and varied that within the short span of 16 months the Justice Department of the United States, under prodding by Chairman Patman, launched a vigorous and thorough investigation into allegations of illegal misconduct by the executive management of the Penn Central Railroad.

The investigation by the Justice Department was so vigorous that today, some 23 months later, not one single indictment has been handed up. It has now been 41 months since the Penn Central went bankrupt, leaving the trustees of the railroad with the impossible task of trying to reorganize a railroad on the verge of not only financial but physical collapse. I have written several times this year to the Justice Department requesting action on this case only to learn that, yes, indeed, "the investigation is continued." One can only wonder if the statute of limitations will run out before the Justice Department gets around to a vigorous pursuit of this case, a case a freshman law student could probably crack, despite its complexity.

I must apologize for my caustic remarks, for I am sure there are many fine, dedicated people working on the Penn Central case, but when I think of the untold economic disruption and expense to the Nation I cannot help but think of what the taxpayer feels about all this. I think of the average citizen who dutifully pays his taxes, and struggles to support his family, one whose only crime is an occasional traffic ticket, which he promptly pays. What does this person think when he sees the rich, the powerful, the affluent breaking the law with impunity, without fear of the law, while the Department of Justice seemingly is incapable of action.

I believe that if we are to allow the corporate criminal to go unpunished or to drag out the proceedings as we have seen in the prosecution of the Penn Central case, the respect and love the average citizen has toward his system of government will crumble into disillusionment. If the Justice Department seems unwilling to take action in the case, then it must be the duty of the Congress to push aggressively for a resolution of the matter. I have strongly urged several times that the House of Representatives open an investigation into the Justice Department's conduct of this matter. I again repeat this request and hope you will join me in this effort to restore respect to our system of criminal justice.

CONGRESSMAN JAMES M. HANLEY'S ADDRESS AT THE DEDICATION OF THE NEW YORK STATE GRANGE HEADQUARTERS IN CORTLAND, N.Y.

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, on Sunday, October 21, 1973, the New York State Grange dedicated its new $3.4 million headquarters building on Grange Street in Cortland, N.Y. During the 1960's I had the pleasure to represent Cortland County in Congress. The State Grange would have been hard pressed to find a more appropriate location than Cortland County. For years it has been one of the most viable and productive agricultural areas in the Northeast, especially in terms of dairy farming.

The Grange has long been a symbol of dedication to family, community, and country. These attributes are less easily found in the present day than ever before. Yet one man who strongly personifies this dedication to family, community, and country in his own person was the keynote speaker at that dedication, our beloved colleague, the gentleman from New York (Mr. Hanley), who now represents Cortland County in Congress.

I also feel strongly, Mr. Speaker, that Congressman Hanley's very pertinent remarks at that dedication deserve the attention of every Member of this Congress. For that reason, under leave to extend my remarks, I include the full text of Congressman Hanley's speech. Also I include a news article from the Cortland Standard setting forth further details of this happy occasion.

The items follow:

Congressman Hanley's Remarks

Ladies and gentlemen of the New York Grange, I congratulate you on the beauty of your new state headquarters, and I welcome you to Cortland. This building is a fine symbol of the vitality of the Grange. It is also a symbol of the vitality of Cortland.

I am really deeply grateful to your master, Bob Drake, for this opportunity to participate in this dedication, and I express my best wishes to all of you.

The Grange's dedication to family, community, and country was once expressed in this fashion. First, a higher and better manhood and womanhood among ourselves. Second, never being afraid of grace and beauty which will protect and enhance our environment, our homes and our communities. Third, increasing our individual wisdom, that we may in a reasonable measure match the fabulous growth in the world's total knowledge, characterizing our day with a reasonably comparable growth in ourselves. Fourth, raising the standards of our own moral, cultural, and social achievements, that we may deserve, and in due course, command the respect of our neighbors.

I wish those were my words, but they are really yours. They were given to you six years ago when the Grange observed the 100th Anniversary of service to its members and its country.

The words came from the heart and mind of a great man—a tough fighter—a kindly and considerate gentleman—a man whose patriotism was measured by boundless enthusiasm and unlimited energy. Your national master, Herschel Newsom, so described the program and the policy of the grange when it reached its hundredth birthday.

It was characteristic of Herschel that on that occasion he looked ahead. And characteristic also of Herschel in the true grange pattern of husband and wife, family, and community, his wife Blanche worked closely with him and with the grange.

It seemed fitting and proper to take this time to note the contributions of Herschel and Blanche to the grange and to their country.

I think that it is also fitting and proper to take advantage of this occasion to discuss a matter of serious, national importance to you and me.

The United States has need of a sound and consistent economic policy, squarely based on the realities of modern domestic and international life as they relate to agriculture. This country has learned to its sorrow that eleventh hour, stop-gap decisions to ease one crisis in the economy only tend to make the total situation worse.

Helped along by two devaluations of the U.S. dollar, which had the effect of providing the foreign buyer with a 20% discount on American farm products, we are now experiencing a substantial expansion in the sale of farm production to other countries.

Unfortunately, this expansion comes when the United States is keeping farm land out of production, and response to the foreign demand for American food and fiber is slow. In 1972, the American people were treated to the spectacle of a Russian purchase of one quarter of the American wheat crop at bargain prices with a great line of credit. The U.S. supply of wheat, artificially limited and reduced by the forces of nature, went overseas.

It was a great success for the Russians and for the giant grain dealers who arranged the sale, but it was a serious, although temporary disaster for nearly everyone else involved. I say temporary because I believe that we can learn much from this event.

If the United States is going to have the opportunity in the foreseeable future to sell its agricultural production throughout the world, then sound economic policy dictates that we stop holding land out of production. Why pay for nonproduction at a time when demand for American food and fiber is at an all time high?

Artificial limits on production, without controls on exports, force the American housewife to compete with her sisters in other countries who are willing to pay much more for food than she is.

Let me hasten to add that I support the effort to increase farm income because increased farm income is the only logical way to keep large numbers of Americans in agriculture. I am committed to keeping American agriculture in the hands of the millions, not the few. Whether they fully appreciate it or not, the housewife and the small farmer share a common interest in this matter.

Serious shortages of agricultural production cause artificial price increases of substantial proportions, while overproduction results in sharp declines in farm income. Understandably so, we have been concerned about the adverse effects of overproduction in the past. However, I believe that agricultural policy for the years to come should be based as much on our best understanding of what the world marketplace will buy as on our recollections of the past.

Consider for a moment some of the dilemmas Congressmen face because the country has no consistent economic policy. We helped to wipe out the national reserves of feed grains because central New York dairy farmers lost their crops due to bad weather last year. I found myself supporting legislation to impose controls on the foreign sales of feed grains and wheat at the same time I was urging the President to life import restrictions on oil. I fought against a policy which encouraged imports of dairy products to meet domestic demand at a time when the Government was doing little to encourage an increase in the domestic production of dairy products.

I happen to believe that it is possible for the United States to adopt an economic policy toward agriculture which will promote strong farm income, encourage sufficient production to meet foreign demand, and still keep the price of a loaf of bread below fifty cents.

If some of the positions I have outlined above seem inconsistent, it is because there is no consistent economic policy designed in the short and long run to balance the economic realities of our time. For example, Americans discovered that price controls on agricultural products did not work because they were not addressed to the causes of the price increases. Controls only served to create shortages. And yet today we find the Cost of Living Council trying to hold down the price of fertilizer and the price of milk without action on the factors producing the rising costs.

The United States must end the practice of running from one hole in the total economic dike to another, trying to hold back the tide. The economic dislocations we are dealing with cannot be cured by emergency, almost frantic, solutions of a temporary nature.

Ladies and gentlemen, I submit that the time is long past due for the President to call on his team to work together in support of a sound and consistent policy. What a spectacle we have with the Secretary of Agriculture, the Secretary of Commerce, the Director of the Cost of Living Council, the Secretary of the Treasury, and the Council of Economic Advisers, all going off in their separate directions. Someone has to make a decision about what policy is best for the country as a whole. Someone has to determine the common good, and then bring the troops into line in pursuit of that goal.

I know that you understand and appreciate the need for stability and consistency in the economy, and this means that all segments and all competing forces in the economy must be brought together.

Again, I appreciated having this opportunity to share in this festive occasion. This new building is ample proof of the truth of the words of the then national master, James Draper, who told the Grange in 1886, "for this great work the Grange was organized, and it was not born to die nor will it fail in the accomplishment of its purpose".

Thank you.

Congressman Hanley Will Speak at Grange Building Dedication

New York State Grange will dedicate its $3–4 million new headquarters building here, on a new street, Grange Place, Sunday, starting at 3 p.m. Principal dedication address will be given by 31st District Congressman James M. Hanley of Syracuse.

Serenaded by the Homer High School Band and welcomed by Master of Ceremonies Richard A. Church of Dryden, the group will also hear from State Senator Tarky Lombardi Jr., Syracuse; Assemblyman L. S. Riford Jr., Auburn; and C. Jerome Davis, Ramsey, Ind., High Priest of Demeter of the National Grange.

A number of presentations will be part of the ceremonies:

Official opening of the new city-built street by Cortland Mayor Morris Noss.

Formal presentation of the new building flagpole by William A. Duncan, director of public relations and advertising for Brockway Motor Trucks.

Gift of a new American flag flown over the U.S. Capitol by Junior Grange Prince and Princess Vernon Smith and Barbara Stepf for East Clay Junior Grange (Onondaga County).

Gift of a Grange emblem flag by the State Grange youth director, Mr. and Mrs. Donald Drake, Cherry Valley, with Prince and Princess Barry Griffith and Phyllis Gleason assisting.

Keys to the building extended by Architect Karl Wendt, Cortland.

Gift of a grand piano from Cortland County Granges presented by Pomona Master Roland Oaks.

Gift of furnishings for the State master's office in the building by Oswego Pomona Grange presented by Oswego Grange Deputy Andrew Porter, Sandy Creek.

A brief dedication ceremony will be solemnized by State Grange Master Robert S. Drake, Woodhull; Lecturer Mrs. Howard Reed, Sauquoit; Secretary Morris J. Halladay, Groton; and Chaplain Bert S. Morse, Marathon.

State officers will be presented by Grange Service and Hospitality Chairman Mrs. Cecelia Pilc, Cowlesville, State Master Drake, assisted by Junior Grange Prince and Princess Philip Rhodda and Ann Emerson, will cut a ribbon, followed by an officers' reception.

Other Grange participants include Francis Robbins, Schuylerville, leading the National Anthem, and Grange Young Couple Nelson and Mary Eddy, Black River, leading the Pledge of Allegiance.

The principal speaker, Congressman Hanley, has served the 31st District in Congress since 1964. He is a graduate of St. Lucy's Academy, Syracuse, and a member of St. Patrick's Parish. He is married and the father of two children, Christine, 19, and Peter, 17. He is a member of the House Post Office and Civil Service Committee and the House Banking and Currency Committee.

As a first term legislator he had his own bill passed by the House of Representatives. The Hanley bill, of the 89th Congress, provides for expanded benefits for dependent parents and children of servicemen who died of service-connected injuries. The 90th Congress created a new standing subcommittee of the House Post Office and Civil Service Committee, entitled "Subcommittee on Employee Benefits," and Congressman Hanley was elected as its chairman. On February 16, 1970, the House of Representatives passed the Job Evaluation Policy Act of 1970, culminating three years of efforts on the part of the Subcommittee.

During his first term in office, Mr. Hanley was a strong supporter of Medicare and authored an amendment which substantially improved the legislation.

In 1965, the Congressman was instrumental in obtaining funds enabling Le Moyne College, Syracuse, to develop a pilot program, known as "Upward Bound" designed to alleviate the problem of high school dropouts by providing a program allowing underprivileged area students to participate in a summer higher education program at the college. This program has proven most successful and is now administered on a nationwide basis through the Office of Education.

Congressman Hanley has taken a leading role in focusing federal attention on the necessity of a program designed to rehabilitate America's destroyed small lakes. He introduced legislation which would make available Federal money and resources to save the Nation's dying urban lakes, and he was successful in having his legislation approved by the House in the 90th Congress. Although the Senate failed to act on that measure, he reintroduced it in the 91st Congress and it was approved by both Houses.

The Congressman served two terms on the House Veterans' Affairs Committee, and in 1969 was elected to the Banking and Currency Committee. He is a member of the Subcommittees on Urban Mass Transit, Small Business, and Insurance and Bank Supervision.

In 1973, he was elected Chairman of the Subcommittee on Postal Service, which has all jurisdiction over the U.S. Postal Service except labor management relations and facilities.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Peyser) and to revise and extend their remarks and include extraneous matter:)

Mr. Kemp, for 10 minutes, today.

Mr. Cleveland, for 5 minutes, today.

Mr. Baker, for 10 minutes, today.

(The following Members (at the request of Mr. Steelman) to revise and extend their remarks and include extraneous material:)

Mr. Steelman, for 5 minutes, today.

Mr. Roncalio of Wyoming, for 60 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Patman for 30 minutes, tomorrow, and to revise and extend his remarks and include extraneous matter.

Mr. Ashbrook for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Ryan) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Harrington, for 10 minutes, today.

Mr. Davis of South Carolina, for 5 minutes, today.

(The following Members (at the request of Mr. Andrews of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. Fraser, for 5 minutes, today.

Mr. Dulski, for 5 minutes, today.

Mr. Benitez, for 5 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Clark, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Roush.

Mr. Mahon, his remarks today.

Mr. Eckhardt, his remarks preceding the vote on the Labor-HEW appropriations conference report today.

Mr. Rogers in five instances, and to include extraneous material.

Mr. Biaggi, his remarks prior to the vote on the motion to recommit on the Labor-HEW conference report today.

Mr. Gray in two instances, and to include extraneous material.

Mr. Fraser, and to include extraneous matter notwithstanding the fact that it exceeds 4½ quarter pages of the Congressional Record and is estimated by the Public Printer to cost $888.25.

The following Members (at the request of Mr. Peyser) and to include extraneous matter:

Mr. Brown of Ohio.

Mr. Derwinski in two instances.

Mr. Kemp in four instances.

Mr. Kuykendall in two instances.

Mr. Young of Alaska.

Mr. Eshleman.

Mr. Broyhill of Virginia.

Mr. Arends.

Mr. Wyman in two instances.

Mrs. Holt.

Mr. Shuster.

Mr. Bob Wilson in two instances.

Mr. Hudnut.

Mr. Smith of New York.

Mr. Maraziti.

Mr. Zwach.

Mr. Steiger of Wisconsin in two instances.

Mr. Symms.

Mr. Taylor of Missouri in two instances.

Mr. Shriver.

Mr. Lott.

Mr. Hosmer in two instances.

Mr. Burke of Florida.

Mr. Michel in five instances.

Mr. Froehlich.

Mr. Huber.

Mr. Collier in five instances.

(The following Members (at the request of Mr. Steelman) and to include extraneous material:)

Mr. Roncallo of New York in three instances.

Mr. Hogan.

Mr. Pritchard in five instances.

Mr. Broyhill of North Carolina.

Mr. Zion.

Mr. Spence.

Mr. Mizell.

(The following Members (at the request of Mr. Ryan) and to include extraneous matter:)

Mr. Sisk.

Mr. Cotter in 10 instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Minish.

Mr. Holifield.
Mr. Waggonner.
Mr. Mahon.
Mr. Harrington in five instances.
Mr. Badillo in two instances.
Mr. Koch.
Mr. Adams.
Mr. Van Deerlin.

(The following Members (at the request of Mr. Andrews of North Carolina) and to include extraneous material:)

Mr. Stark in 10 instances.
Mr. Symington.
Mr. Lehman.
Mr. Stokes.
Mr. de la Garza.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1081. An act to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 4771. An act to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia.

ADJOURNMENT

Mr. ANDREWS of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p.m.) the House adjourned until tomorrow, Wednesday, November 14, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1548. A letter from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the Supreme Court (H. Doc. No. 93–188); to the Committee on Appropriations and ordered to be printed.

1549. A letter from the President of the United States, transmitting a proposed supplemental appropriation for fiscal year 1974 for the Department of Labor (H. Doc. No. 93–189); to the Committee on Appropriations and ordered to be printed.

1550. A letter from the Administrator, Agency for International Development, Department of State, transmitting a report on the implementation of section 620(s) of the Foreign Assistance Act of 1961, as amended, during fiscal year 1973; to the Committee on Foreign Assistance.

1551. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to improve and extend the Public Health and National Health Service Corps scholarship training program; to the Committee on Interstate and Foreign Commerce.

Received From the Comptroller General

1552. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Federal Home Loan Mortgage Corporation for calendar years 1971 and 1972, pursuant to 12 U.S.C. 1452; to the Committee on Government Operations.

1553. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Export-Import Bank of the United States for fiscal year 1973, pursuant to 31 U.S.C. 841 (H. Doc. No. 93–190); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLATNIK: Committee on Public Works. Senate Joint Resolution 155. Joint resolution authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol (Rept. No. 93–629). Referred to the Committee of the Whole House on the State of the Union.

Mr. SIKES: Committee on Appropriations. H.R. 11459. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes. (Rept. No. 93–638.) Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. S. 2503. An act to name a Federal office building in Dallas, Tex., the "Earle Cabell Federal Building". (Rept. No. 93–637). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 6862. A bill to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building". (Rept. No. 93–635). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 9430. A bill to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building", and for other purposes. (Rept. No. 93–636). Referred to the House Calendar.

Mr. PIKE: Committee of conference. Conference report on S. 2408 (Rept. No. 93–634). Ordered to be printed.

Mr. BOLLING: Committee on Rules. House Resolution 694. Resolution providing for the consideration of H.R. 11216. A bill to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 93–630). Ordered to be printed.

Mr. MATSUNAGA: Committee on Rules. House Resolution 695. Resolution providing for the consideration of H.R. 11333. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes (Rept. No. 93–631). Ordered to be printed.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 700. A resolution providing for the resolution (H. Res. 128) expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes (Rept. No. 93–632). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 701. A resolution waiving points of order against the consideration of the bill (H.R. 11459) and waiving points of order against unauthorized items of appropriation in said bill (Rept. No. 93–633). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 11415. A bill to amend section 6334 of the Internal Revenue Code of 1954 to exempt from levy 90 percent of an individual's wages or salary; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Roncallo of New York, and Mr. Won Pat):

H.R. 11416. A bill to provide for the establishment within the Department of Health, Education, and Welfare of a National Center on Child Abuse and Neglect; to provide a program of grants to States for the development of child abuse and neglect prevention and treatment programs; and to provide financial assistance for research, training, and demonstration programs in the area of prevention, identification, and treatment of child abuse and neglect; to the Committee on Education and Labor.

By Mr. COLLINS of Texas:

H.R. 11417. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. DELANEY:

H.R. 11418. A bill to amend title II of the Social Security Act to eliminate the earnings test and reduce the age of eligibility for benefits under the OASDI program, and to amend title XVIII of such act to eliminate all deductibles and coinsurance and provide coverage for drugs, eyeglasses, dentures, hearing aids, and other items under the medicare program; to the Committee on Ways and Means.

By Mr. DULSKI (by request):

H.R. 11419. A bill to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969; to the Committee on Post Office and Civil Service.

By Mr. FORSYTHE:

H.R. 11420. A bill to exclude from gross income the first $1,000 of interest received from savings account deposits in home lending institutions; to the Committee on Ways and Means.

By Mr. FRENZEL (for himself, Mr. Brown of Ohio, Mr. Andrews of North Dakota, Mr. Archer, Mr. Burgener, Mr. Butler, Mrs. Chisholm, Mr. Fisher, and Mr. Widnall):

H.R. 11421. A bill to amend the Federal Election Campaign Act of 1971 and the Communications Act of 1934 to provide for more effective regulation of elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HARRINGTON:

H.R. 11422. A bill to establish a New England Regional Power and Environmental Protection Agency for the purpose of assuring adequate and reliable low-cost electric power to the people of New England, protecting and enhancing the environment, and providing a vehicle for research and development programs; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS:

H.R. 11423. A bill to amend title 44 of the

United States Code to designate the Daniel Reed Library at the State University College of Fredonia in Fredonia, N.Y., as a depository library; to the Committee on House Administration.

By Mr. HAYS:

H.R. 11424. A bill to authorize appropriations for the U.S. Information Agency; to the Committee on Foreign Affairs.

By Mr. HECHLER of West Virginia:

H.R. 11425. A bill to amend the Duck Stamp Act and other laws to prohibit the charging of any Federal fee to any individual who has attained age 65 for the privilege of hunting, trapping, or fishing; to the Committee on Merchant Marine and Fisheries.

By Mr. HUDNUT:

H.R. 11426. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

By Mr. KEMP:

H.R. 11427. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Louisiana:

H.R. 11428. A bill to provide housing for persons in rural areas of the United States on an emergency basis and to amend title V of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. McCOLLISTER (for himself, Mr. Ware, and Mr. Frey):

H.R. 11429. A bill to amend the Clean Air Act to provide temporary authority to suspend certain stationary source fuel and emission limitations; to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Mazzoli, Mr. Thone, Mr. Stark, Mr. Won Pat, Mr. Treen, Mr. Foley, Mr. Obey, Mr. McCloskey, Mr. Forsythe, Mrs. Green of Oregon, Mr. Sarbanes, Mr. Lujan, Mrs. Collins of Illinois, Mr. Cohen, Mr. Ullman, Mr. Lehman, Mr. Alexander, Mr. Owens, Mr. Shoup, Mr. Snyder, and Mr. Culver):

H.R. 11430. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Johnson of California, Mr. Sarasin, Mr. Yatron, Mr. Fulton, Mr. Michel, Mr. Hamilton, Mr. Boland, Mr. Wyman, Mr. Patten, Mr. Bafalis, Mr. McKay, Mr. Nedzi, Mr. Rarick, Mr. McEwen, Mrs. Holt, Mr. Rodino, Mr. Jones of Oklahoma, Mr. McClory, Mr. Hinshaw, Mr. Byron, and Mr. Young of Florida):

H.R. 11431. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. du Pont, Mr. Huber, Mrs. Grasso, Mr. Ryan, Mrs. Boggs, Mr. Seiberling, Mr. Skubitz, Mrs. Burke of California, Mr. Rinaldo, Mr. Runnels, Mr. Rhodes, and Mr. Casey of Texas):

H.R. 11432. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Ullman, Mr. Duncan, Mr. Bowen, Mr. Carney of Ohio, Mr. Obey, Mr. Roush, Mr. Moss, Mr. Eshleman, Mr. Jones of Oklahoma, Mr. Fisher, Mr. Mazzoli, Mr. Edwards of California, Mr. Studds, Mr. Burgener, Mr. Leggett, Mr. Cleveland, Mr. Baker, Mr. Steiger of Wisconsin, Mrs. Heckler of Massachusetts, Mr. Corman, and Mr. Rees):

H.R. 11433. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Ryan, Mr. Mitchell of New York, Mr. Rhodes, and Mr. Casey of Texas):

H.R. 11434. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Murphy of New York, Mr. Fulton, Mr. Podell, Mr. Ware, Mr. Robinson of Virginia, Mr. Eckhardt, Mr. Conte, Mr. Huber, Mr. Fraser, Mr. McKay, Mr. Blackburn, Mr. Helstoski, Mr. Johnson of Colorado, Mr. Yatron, Mr. Ketchum, Mr. Hogan, Mr. Matsunaga, Mrs. Grasso, Mr. Preyer, Mr. Carney of Ohio, and Mr. Hamilton):

H.R. 11435. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Tiernan, Mr. Thomson of Wisconsin, Mr. Fish, Mr. Melcher, Mr. Annunzio, Mr. Van Deerlin, Mr. Poage, Mr. Denholm, Mr. Shoup, Mr. Lujan, Mr. McDade, Mr. Kemp, Mr. Schneebeli, Mr. Forsythe, Mr. Hicks, Mr. Derwinski, Mr. Rodino, Mrs. Collins of Illinois, Mr. Pepper, Mr. Boland, and Mr. Wright):

H.R. 11436. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. MARAZITI:

H.R. 11437. A bill to cease exports of oil and oil products from the United States; to the Committee on Banking and Currency.

H.R. 11438. A bill to cease all foreign aid to those Middle East nations that reduced the export of oil and oil products to the United States as a punitive reaction to U.S. support of Israel; to the Committe on Foreign Affairs.

By Mr. MOAKLEY (for himself and Mr. Helstoski):

H.R. 11439. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 11440. A bill to provide for Federal control over foreign banks and other foreign persons establishing, acquiring, operating, or controlling banking subsidiaries in the United States (including its possessions); to the Committee on Banking and Currency.

By Mr. PERKINS (for himself, Mr. Quie, Mr. Hawkins, Mr. Steiger of Wisconsin, Mr. Brademas, Mr. Bell, and Mr. Meeds):

H.R. 11441. A bill to postpone the implementation of the Head Start fee schedule; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 11442. A bill to prohibit discrimination on account of sex or marital status against individuals seeking credit; to the Committee on Banking and Currency.

By Mr. QUILLEN:

H.R. 11443. A bill to amend title 38, United States Code, to provide veterans a 10-year delimiting period for completing educational programs; to the Committee on Veterans' Affairs.

By Mr. RARICK (for himself, Mr. Treen, Mr. Landgrebe, Mr. Hudnut, Mr. Symms, Mr. Whitehurst, Mr. Collins of Texas, and Mr. Lehman):

H.R. 11444. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. REES:

H.R. 11445. A bill to provide emergency security assistance authorizations for Israel; to the Committee on Foreign Affairs.

By Mr. RODINO:

H.R. 11446. A bill to assure opportunities for employment and training to unemployed and underemployed persons; to the Committee on Education and Labor.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Roy, and Mr. Carter):

H.R. 11447. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide a mechanism to obtain information bearing on the adulteration or misbranding of food; to the Committee on Interstate and Foreign Commerce.

H.R. 11448. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide increased assurance against adulterated or misbranded food; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK:

H.R. 11449. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 11450. A bill to direct the President to take action to assure through energy conservation, rationing, and other means, that the essential energy needs of the United States are met, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois (for himself, Mr. PEPPER, and Mr. THONE):

H.R. 11451. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. CAREY of New York:

H.R. 11452. A bill to correct an anomaly in the rate of duty applicable to crude feathers and downs, and for other purposes; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 11453. A bill to amend the Consumer Credit Protection Act to provide full disclosure of contents of report to consumers; to the Committee on Banking and Currency.

H.R. 11454. A bill to amend the "Freedom of Information Act" to require consent of subject individuals before disclosure of personally identifiable information in certain circumstances; to the Committee on Government Operations.

H.R. 11455. A bill to protect the privacy of statistical reporting or research system subjects; to the Committee on the Judiciary.

By Mr. PRITCHARD:

H.R. 11456. A bill to extend daylight saving time to the entire calendar year for a 3-year period, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES:

H.R. 11459. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

By Mr. HECHLER of West Virginia:

H.J. Res. 822. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans' Day; to the Committee on the Judiciary.

By Mr. HANLEY:

H.J. Res. 823. Joint resolution to provide for the designation of February 20 of each year as "Postal Employees Day"; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.J. Res. 824. Joint resolution designating November 11 of each year as "Armistice Day"; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H. Res. 693. Resolution to provide funds for the Committee on the Judiciary; to the Committee on House Administration.

By Mr. BINGHAM (for himself and Mr. MOAKLEY):

H. Res. 696. Resolution to establish as part of the congressional internship program an internship program for senior citizens in honor of John McCormack, and for other purposes; to the Committee on House Administration.

By Mr. FROEHLICH (for himself, Mr. KEATING, Mr. RONCALLO of New York, Mr. BAUMAN, Mrs. HOLT, Mr. HUBER, Mr. HUDNUT, Mr. LANDGREBE, Mr. LOTT, Mr. MAZZOLI, Mr. MINSHALL of Ohio, Mr. O'BRIEN, Mr. POWELL of Ohio, Mr. REGULA, Mr. ROE, Mr. ST GERMAIN, Mr. SEBELIUS, Mr. SHOUP, Mr. THONE, Mr. VANIK, Mr. WALSH, Mr. WHITEHURST, and Mr. WON PAT):

H. Res. 697. Resolution creating a select committee to study the impact and ramifications of the Supreme Court decisions on abortion; to the Committee on Rules.

By Mr. KEMP:

H. Res. 698. Resolution creating a Standing Committee on Small Business in the House of Representatives; to the Committee on Rules.

By Mr. O'NEILL (for himself and Mr. BROWN of Michigan):

H. Res. 699. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

326. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to observance of daylight saving time year-round; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DELLENBACK:

H.R. 11457. A bill for the relief of Il Kwon Yang; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 11458 A bill for the relief of Arsenia Daitol Hingpit; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

352. The SPEAKER presented a petition of the Board of Commissioners, Sarasota County, Fla., relative to its confidence in and support of the President of the United States; to the Committee on the Judiciary.

353. Also, petition of Phillip B. Anderson, Pittsburgh, Pa., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

DRUG ABUSE PREVENTION WEEK

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, November 13, 1973

Mr. SCHWEIKER. Mr. President, as you know, October 21–27 was Drug Abuse Prevention Week. As sponsor of the original Senate resolution proclaiming this week, I regret the official observance may have been somewhat lost amid the clamor of recent events. However, the significance of Drug Abuse Prevention Week can never be lost for those whose lives it touched.

The message of this fourth annual Drug Abuse Prevention Week was unique, and it is one we badly needed to hear. The message was not the authoritarian "Don't use drugs." Nor was it the factual message about the chemical properties of various drugs. Rather, the focus of the week was on the specific reasons why people are using drugs in the first place. The message was that drug abuse is a sensitivity problem, and a symptom of loneliness, frustration, despair, and that persons who use drugs, whether as experimenters or addicts, are attempting in their own way to communicate that they have a deeper problem. Finally, the proclamation of Drug Abuse Prevention Week sought to shed light on the fact that communication must be viewed as one way of overcoming many of these human problems.

The main theme of Drug Abuse Prevention Week 1973 was "There's a brand-new language we're using"—a language of caring and of trying to bridge the gaps and misunderstanding that divide us. One of the booklets prepared for use by families during and after Drug Abuse Prevention Week states:

> Openness and genuine interaction between people is what the family process is all about. Where drugs are concerned, it's the kind of behavior that can help people find alternatives to handling their problems with chemicals.

Drug Abuse Prevention Week is not just a week of formal observances followed by oblivion. It is an ongoing program which I sincerely hope will be put into action in every community in the country.

Mr. President, I ask unanimous consent that the drug abuse prevention workbook for families, entitled Coming Home: A Thoughtbook for People, be printed in the RECORD. I am confident this book can shed light on ways in which we can all help prevent drug abuse.

There being no objection, the booklet was ordered to be printed in the RECORD, as follows:

COMING HOME: A THOUGHT BOOK FOR PEOPLE

INTRODUCTIONS

During the past few years, I have travelled coast to coast dozens of times, talked to thousands of people in state after state, met with audiences in tiny basement meeting rooms and huge auditoriums.

People have asked me: what about drug abuse? What about your own family's tragedy? How can we help prevent the spread of abuse?

If there were enough hours in the day, or enough time in the lives of all the people who have been so concerned, I would go back to the groups I met years ago and tell them: I didn't have all the facts. None of us did. There are things we should have talked about that we didn't, and my "answers" to drug abuse prevention today are not what they were when I set out to do something about it a few years ago.

Drug abuse and the problems people have with drugs are not very mysterious, but we used to think they were. Back then, we were overwhelmed by the headlines that seemed to menace us every day with talk of this or that mind-altering drug, and new drug-taking behavior among young people, housewives, businessmen, rich, poor, all across the board.

There seemed to be new drugs, and new drug problems around every corner. Panic and frustration took the place of reasonable response; I recall vividly thinking, and probably saying publicly, that if only we spent all our time and resources sweeping the streets of every drug and every drug-user, things would be all right.

Now, I know that drug abuse problems are not so mysterious or special, except sometimes in the ways they work themselves out in people's lives. What's happening is that people fail in one way or another to cope with life's difficulties and obstacles. They fail to adapt, and in their search for help, they turn to drugs to fill in for what they can't do on their own. We don't have solutions to the problems associated with this kind of behavior (smoking, excessive use of alcohol, overeating are other manifestations of the same difficulty) but at least now we know better than to run away from them. We also know better than to put all the blame, all the emphasis, on the drugs used—because people, after all, is what we care about.

Drug abuse prevention depends on many things, but it seems to me that primarily it depends on helping people work things out without turning to artificial experiences or supports. People can help people best, if they learn how to relate effectively, interact compassionately and honestly, and draw strength from the relationships they build with each other. This booklet describes some of the ways that people can begin to reach out; as a collection of ideas and suggestions, it ought to make you pause a moment and consider the potential in working and sharing with others.

If I could meet again with those early audiences, I would offer some of the suggestions contained in this booklet. But I would repeat what I have said since the days when I learned, painfully and relentlessly, what drug abuse is really all about: there is no substitute for love and understanding, openness and caring, between people—none at all. Whatever else we may do to prevent drug abuse, we will have done nothing if we fail to reach out for that goal.

The first step towards drug abuse prevention is not much of a step at all, and it is everything. It is the hand that reaches out to touch another.

ART LINKLETTER,
Member, National Advisory Council for Drug Abuse Prevention.

This is a book about how people act with each other. It is not a book telling parents how to understand kids; it is not a book asking kids to have patience with the old folks. Instead, it's ideas and suggestions that might help people share with each other wherever they are: in a family, in a community center, on the street, whatever path they walk through the world.

It's been said that when people learn to trust each other, share experiences, communicate, they will be able to deal more effectively with their own lives, their own problems, and not depend too much on drugs or other hazardous experiences. Theories are fine, but these things have to be worked out in your home, on the street, on a people-to-people basis. No theories, no books, can substitute for life experiences in a family or group context.

When we talk about "family," it's not just the traditional mother-father-children cluster: we believe "family" means a *process* that happens when people are drawn together and interact because of common needs or interests. It *might* happen in a home where parents and children live together, or it might happen on the block when neighbors help each other out . . . or at a youth center . . . or between a Big Brother and his favorite kid . . . or at a halfway house where people are trying to kick a drug habit and get back to living.

And why is this book being distributed in conjunction with Drug Abuse Prevention Week 1973?

In every family, every group that pulls together for common needs or interests, there is the potential for help and respect and outlets for frustration and deep feelings. If you want to reach out to other people, it doesn't matter who you are, or what kind of "family" you come from, or any of that—race, income, where you work, how you play—none of it matters. We hope this book will have some ideas for you.

One of the ways people have been able to deal with drug abuse is to try and work things out with other people, not with more drugs. The process we call "family" has helped many people who were caught. Maybe it can help keep others from getting caught in the first place.

Families can often solve very tough problems themselves when they work at it together—but not always—even in very strong families. For these too-tough problems (sometimes including drug abuse problems), there are treatment and rehabilitation programs all over the country which are prepared to help. There are also many helping programs not specifically related to drug abuse. Help is usually in your neighborhood, and certainly in your community.

This booklet is simply a reminder that for many people, in many different situations, help is no farther away than the nearest friend or companion, relative or stranger, who will be there to work things out.

ROBERT L. DUPONT, M.D.,
Director, Special Action Office for Drug Abuse Prevention.

DIFFERENT KINDS OF LOVE AND WAR

There is nothing routine about getting along with other people. In fact, we probably get into trouble when we turn human encounters into rehearsed and predictable routines. The act and art of being human is something we work on all the time. The writer D. H. Lawrence described the goal:

"I am part of the human race . . . part of the great human race, as my spirit is part of my nation. In my own very self, I am part of my family."

Being together, caring about each other, feeling a sense of belonging, usually brings people closer together and helps them cope with problems.

Out on the streets, kids have been demonstrating the power of "belongingness" for a long time. There have always been youth gangs. Gang members talked about how it was great to be a part of the gang—to belong to a family. The political protests and rock concerts and street "happenings" of the 1960's were examples of the pulling together, the shared experience and communion that comes when people create a common bond. Urban gangs in the early 1970's—even though they sometimes work out their images in destructive ways—are demonstrating, again, how much we all need to belong.

And of course, it isn't all destructive. It has been youth "gangs," working together and sharing a common concern, that has sparked Earth Days, environmental clean-ups, community health projects and many more.

The "family feeling" crops up in unexpected places. Some kids sitting on a curb in San Francisco told why they share a dirty needle when they shoot heroin:

"A feeling of fraternity . . . a feeling of belonging . . . I feel very attached . . . I like the close feeling . . . it made it more on a family thing . . . it's a lot better when you're in a group."

We might say those kids are killing each other slowly, and what kind of togetherness is that? You can argue either point. There are all kinds of sharing and all kinds of harm we do to each other—and sometimes one gets confused with the other.

A big mistake some people make is to judge human relationships based on the setting, the environment in which people find themselves. Here's an illustration:

In a crowded urban neighborhood, there's a kid who lives with his mother and her common-law husband. The man is never home, and the mother works long hours. The kid has no brothers or sisters, and spends a lot of time out on the streets. He lives in a neighborhood where drugs are plentiful, authority is determined by who's toughest, and on a hot summer night there's not much to do.

Sounds like a classic set-up for a kid in trouble—but he isn't. He and his mother are each other's best friend, and the communication between them is honest and spontaneous. She talks, he listens; he talks, she respects his point of view. They take each other seriously, and don't cop out by complaining about how tough things are or how there's nobody who cares. Because *they* care, and as members of a family, they work at making it stick.

Do broken families, single-parent homes, working mothers or absent fathers necessarily mean trouble for the family? Or are there ways for people in those situations to build bridges and keep the contacts alive?

And what about the "other kind" of family, the one that seems to be ideal? In a wealthy suburb, there's a family of seven: successful father, attractive mother, five sons. Big house, cars, private schools for the boys. There's an air of solidity, security about the family, but it's a fake. The oldest son and the father can't talk to each other; the kid has run away four or five times; the mother is ready to split; and when you get to know them, you find out that there is tension throughout the house.

We are in the middle of an age of mixed blessings. The family in the suburb has more money and material success than the family in the urban neighborhood, but what about peace of mind? How to measure it? The world is full of things to do, places to go, adventures and encounters; but does all the running sometimes pull families apart, split up people, make us strangers to each other?

Kurt Vonnegut, Jr., is a popular writer who understands this phenomenon. In an interview recently, Vonnegut talked about his view of the family, of the things that pull us together or push us apart:

"This is a lonesome society that's been fragmented by the factory systems . . . People don't live in communities permanently anymore. But they should: communities are very comforting to human beings.

"Until recent times, you know, human beings usually had a permanent community of relatives. They had dozens of homes to go to . . . if a kid got so fed up with his parents that he couldn't stand it, he could march over to his uncle's for a while. And this is no longer possible. Each family is locked into its little box.

"It's one of the weaknesses of our society that so few people are willing to be father, to be responsible, to be the organizer, to say what's to be done next . . . The standard behavior pattern in our society now is for the father to deny he's father as soon as he possibly can, when the kid is 16 or so.

"After I'm gone, I don't want my children to have to say about me what I have to say about my father: "He made wonderful jokes, but he was such an unhappy man"."

UNDERSTANDING: THE HAPPY ACCIDENT

How well do we really know each other? Even in tightly-knit, "solid" families, how well does each family member know the others? Do we sometimes make judgments about people, label them and assume things about them, based only on surface impressions? (Kids with long hair are automatically "hippies and freaks," and adult men in business suits are automatically "stuffy, uptight and materialistic.")

Part of the secret of interacting effectively with people is to learn to see individual strengths and unique attributes. When you fail to do this, you tend to lump all people in categories—and that blocks out some of the good relationships that might develop. "Blanket" impressions lead to blanket judgments about people:

"I would like to suggest that you don't use speed, and here's why: It is going to mess up your heart, mess up your liver, mess up your kidneys, rot your mind. In general, this drug will make you just like your mother and father."—Frank Zappa, rock musician, leader of the Mothers of Invention.

All mothers and fathers aren't blighted the way Zappa implies, but maybe he knew one or two such people when he made his statement, and since we tend to fall into the habit of generalizing about people, all mothers and fathers take their lumps. A key to breaking through these walls of misunderstanding is for all of us to try to see each other clearly, for what we really are, not just what we seem to be.

Another important aspect of getting across is being clear about what *you* are all about. It's hard—practically impossible—to communicate ideas, feelings, worries or opinions unless you've got them straight in your head and really know what you mean to say. All of us fail sometimes to be strong in our convictions; what's even more frustrating, but easier to correct, is to fail to be clear in our message-making. If it's in you to be said, *say* it.

Dr. Eric Berne, author of "Games People Play," put his finger on the process by which we build bridges, make contacts between us. In "What Do You Say After You Say Hello?" Dr. Berne says: "To say Hello rightly is to see the other person, to be aware of him as a phenomenon, to happen to him and to be ready for him to happen to you." Openness and genuine interaction between people is what the family process is all about. Where drugs are concerned, it's the kind of behavior that can help people find alternatives to handling problems with chemicals.

To be authentic with each other—to resist the temptations to manipulate, to deceive, to play games and tricks—is the way to build trust and understanding. Characteristically, one hears about communication in terms of what you should *say*. Instead of saying anything, why not think of communicating by *listening*—by opening up some "windows" on the world, and particularly on the people who are with you and a part of your life.

Many of us have let too much clutter, too much mental "trash," get in the way of this kind of openness. By clearing away the clutter, and seeing things and people as they really are, we can begin to get to know each other, understand why we act the way we do, and savor human relationships for the good that is in them.

SOME IDEAS FOR TODAY, AND MAYBE TOMORROW

This booklet doesn't offer "how-to" suggestions; it offers "maybes," things to try or ways to think that might be worth a chance or two on your part.

THE REACH QUIZ

The Boy Scouts of America decided that parent and child could use some help getting the communication channels open again, so they devised the Reach Quiz. Here are some excerpts:

1. When was the last time you and he had a serious discussion? What was it about?

2. Can you tell, without his telling you, when he's feeling angry? How? What about when he's feeling happy? Proud? Guilty? Sad? Afraid? How do you express those feelings?

3. If you could change his appearance in any way, what would you do? Cut his hair? Throwaway his tie-dyed jeans? Make him stand straighter? What do you think *he* would change in his appearance? What do you think he would change in yours?

4. You've worked very late for about two weeks in a row. All you can think of tonight is a good, long sleep. But he reminds you it's his Little League championship game. Or, you get a surprise bonus vacation, but it has to be taken while he's in school. What do you do? How does your family handle a legitimate conflict of interests? Do you compromise? Does the one with the most desperate need have it his way? Does the one who gets his way promise to make up for it in the future?

5. What do you think he *really* wants to do when he starts a career? Do you approve? Would you approve of anything he wanted to be? A circus roustabout? A nuclear physicist? A poet? What do you think he thinks of your career?

6. Do you think he knows what your *real* interests are? What do you think he thinks? Do you think he approves?

7. Do you think he has any special talents? What? What do you think he feels his special talents are? What do you think he feels yours are?

8. Name two things you think make him feel most angry. Happiest. Proudest. Guiltiest. Saddest. Most afraid. What do you think he thinks provokes these feelings in you?

9. Do you think he has any major shortcoming? What? What do you think he feels they are? What do you think he feels yours are?

10. Do you think he likes you? Not loves, son-to-parent style, but *likes?* Do you think he would choose you as a friend if you weren't his parent? Would you choose him?

THE DOCTOR'S QUESTIONS

She is Dr. Phyllis Harrison-Ross, pediatrician and child psychiatrist, member of the National Advisory Council for Drug Abuse Prevention. She is black, and wrote *"The Black Child: A Parents' Guide."* Chapter 39 is a series of notions (we'll make them questions) for parents. How would you handle these as a parent—how would you want them handled as a kid?

1. Does a parent discipline a child to punish or to prevent future errors?

2. Do people learn how to manage themselves through discipline?

3. Does adult behavior influence a child's decisions and impulses?

4. Is it possible for parents and children to spend 15 minutes a day talking to each other? What would you do with those 15 minutes? How about with a very small child?

5. How about a family full of children—can parents split up the time?

6. Do you know how to talk to someone to find out why he did something wrong?

7. Are there ways to expand the contacts between parent and child—make them richer?

8. Did you ever have a talk about a movie you saw with somebody else—like your child, or your parent(s)?

Have you ever talked about what rock music is all about?

9. Is television watching an individual thing in your house, or are there shows that people watch together?

10. Have you ever been on either side of a real dialogue between young and old?

11. Did drugs ever get into the lifestyle of someone in your family?

12. Parents: do you know who your kid's friends are? Kids: do you want them to?

13. Do you know the limits of your own personality? Do you know the limits of your own mortality?

14. Drugs may get you to feel good quicker than working things out with people—but is quicker and easier necessarily better?

15. What kinds of examples do you set for the people around you who look to you for guidance?

ALTERNATIVES

People misuse and abuse drugs partly because they are trying to fill up a void inside them, or inside their world. There's something they want but can't quite get, so they take drugs to satisfy the urge.

Maybe there are other ways for you and the people you care about to satisfy urges:

Physical needs (energy, no pain, relaxation)—How about new diet . . . dance . . . Oriental martial arts training . . . a family jog every evening . . . a shape-up club for the block.

Emotional outlets—Maybe classes on the values you live by . . . counseling sessions with a local clergyman, teacher, social worker . . . acting out problems by taking roles . . . one-to-one honesty about real fears, real dreams.

Relating to other people—Small group discussions and raps on things that matter . . . organized community activities . . . sex counseling . . . big brother helping little brother to get to know the neighborhood . . . temporary substitutes for real-life families.

Learning and knowing—Read a tougher book than you've ever read . . . invent games . . . be the best at the games you invent . . . get some more education.

Creating things—Sing a song . . . paint a picture on a wall . . . try writing a play . . . try playing all the parts in the play . . . pull together a neighborhood arts center.

Feeling good—Maybe fasting . . . daydreams . . . foolishness like kids used to do.

Changing things—Community service at a personal level, where it counts . . . teaching younger people what they need to know to survive and prosper . . . community organizing for power . . . tutoring.

Spiritual satisfaction—Meditation . . . yoga . . . prayer and quiet contemplation . . . songs and dances of other religions, other peoples.

"Why Not Do Drugs?"—Why not go hiking . . . see if you can paint a room . . . learn how to speak another language . . . make the toaster work . . . get the money together to buy a toaster . . . be the only one on the bar car who doesn't have just one more.

(Thanks to Dr. Allan Y. Cohen, at John F. Kennedy University and the National Clearinghouse for Drug Abuse Information for these ideas.)

MINE, YOURS, OURS

Play this game with someone you care about. Make up your own lists and play it with *lots* of people you care about. In the middle are words, terms, ideas; first fold the paper on line (b) and write your responses in the left hand column. Then fold it on (a), hide your answers and let the other person write his or her responses. Compare notes and try to figure out why you answered the way you did.

The way I know somebody loves me is . . .

I'm uptight a lot about just one thing:

The dumbest thing I ever saw you do was . . .

My definition of drug abuse is . . .

I'd trust you a lot more if you would only . . .

Which is better, to be dependent or independent?

Kids out grow foolish behavior—what do adults do?

I know when I'm being fooled and conned, by paying attention to . . .

The toughest, most together person I ever saw was . . .

A CREDO FOR PARENTS AND KIDS

Dr. Thomas Gordon, in a book called "Parent Effectiveness Training," lays down a formal credo for getting along. Sometimes rules help; it isn't always easy living up to expectations (yours or somebody else's). This is the way Dr. Gordon frames it, and maybe it makes sense for your situation.

"You and I are in a relationship that I value and want to keep. Yet each of us is a separate person with his own unique needs and the right to try to meet those needs. I will try to be genuinely accepting of your behavior when you are trying to meet your needs or when you are having problems meeting your needs.

"When you share your problems, I will try to listen acceptingly and understandingly in a way that will facilitate your finding your own solutions rather than depending upon mine. When you have a problem because my behavior is interfering with your meeting your needs, I encourage you to tell me openly and honestly how you are feeling. At those times, I will listen and then try to modify my behavior, if I can.

"However, when your behavior interferes with my meeting my own needs, thus causing me to feel unaccepting of you, I will share my problem with you and tell you as openly and honestly as I can exactly how I am feeling, trusting that you respect my needs enough to listen and then try to modify your behavior.

"At those times when either of us cannot modify his behavior to meet the needs of the other and find that we have a conflict-of-needs in our relationship, let us commit ourselves to resolve each such conflict without ever resorting to the use of either my power or yours to win at the expense of the other losing. I respect your needs, but I also respect my own.

"Consequently, let us strive always to search for solutions to our inevitable conflicts that will be acceptable to both of us. In this way, your needs will be met, but so will mine—no one will lose, both will win."

NOW, YOUR TURN

These bits and pieces about the family process, about people living with other people, have been put together for you to think about. We hope they help. Rights, wrongs, good guys, bad guys, past successes or failures don't count here. All we're after is some attention being paid to the caring and opening up that we call "family".

In your community, there are some people and resources you might like to know about if you want some more ideas. There are government officials, school people, law enforcement specialists and other community leaders who will help you work things out. These people can work with you to get things going, and if you have an urgent problem, they can help find answers. Television and radio stations are also ready to work with you. Maybe there are some things you'd like to see or hear about—now's a good time to talk to the local broadcaster about it. Write letters to the editor of the paper, too—they'll listen.

At the back of this book are some names and addresses, and the titles of a few other things worth reading. Why not explore some of them?

Philip Slater's book "The Pursuit of Loneliness" sums up, as well as anything around, what this little exercise of family thinking is all about. He says that modern America frustrates three basic human desires: to be part of a trusting community; to deal directly with problems; and to control one's own life. Perhaps, just perhaps, it is possible that by learning to cherish each other, we will find the key to unlock these dreams.

THERE'S A BRAND NEW LANGUAGE

(By James DeFrates)

Wake up, wake up, wake up
The sun is shining through
I finally made it through to you
Let me see that same soft smile
I know its been quite a while

It's a brand new language we're using
Of touch, feeling, sight and sound
A simple melody
So I say what I've got to say
I don't hold it all inside
Cause I know tomorrow I can't let it slide
That's why I've come to you
You are on my mind
I've got a whole lot to tell you
Oh but it's taking some time

Wake up, wake up, wake up
The sun is shining through
I finally made it through to you

It's a brand new language we're using
Of touch, feeling, sight and sound
A simple melody

APPENDIX—RESOURCES FOR FAMILIES AND GROUPS

See

"We Have an Addict in the House," 30-minute 16mm color/sound film examines the role of the family in preventing drug abuse. Available from: Doubleday Multimedia, 1371 Reynolds Avenue, Santa Ana, California, 92705.

Read

"You, Your Child and Drugs," book giving emphasis to rational discussion between parents and children. Available from: Child Study Association of America; 9 East 89th Street; New York, New York 10028.

"Understanding Drug Use; An Adult's Guide to Drugs and the Young" by Peter Marin and Allan Y. Cohen, outlines approaches to communication and understanding within the family. Harper & Row.

"The Black Child: A Parent's Guide" by Dr. Phyllis Harrison Ross and Barbara Wyden, a manual for parents of black children and for white parents who seek understanding.

"Drugs At My Doorstep" by Art Linkletter, story of what Art Linkletter has learned from his national crusade against drug abuse.

Do

"Valuing in the Family," a Workshop Guide for Parents, helps families work out important value orientations. Available from: Permanent Press, c/o Progressive Playthings, Inc., San Diego, California 92120.

"The Junkie Game" Available from: Haight-Ashbury Films, 701 Irving Street, San Francisco, California 94122.

NOTE FROM THE SPECIAL ACTION OFFICE:

This booklet asks a lot of you, the reader. It assumes many things about your readiness to join in the fight against drug abuse.

You have a right then to ask "what is the Federal Government doing about drug abuse?" What is the Special Action Office for Drug Abuse Prevention, and what has it done about the problem?

The Special Action Office for Drug Abuse Prevention was created by an Executive Order by President Nixon's Executive Order 11599 on June 17, 1917. Its priorities and resources were further developed by Congress in the Drug Abuse Office and Treatment Act of 1972 (Public Law 92–255). It was created to pull together existing Federal anti-drug planning and management; to identify those areas of most urgent need; and to find ways to bring new resources to the work at hand. This year on July 1, 1973, President Nixon reorganized the law enforcement effort in drug abuse prevention into one single agency—the Drug Enforcement Administration. This new agency brings an equally effective and coordinated effort to the supply side of drug abuse.

Both agencies have the primary responsibility to meet the challenge of drug abuse through a balanced and comprehensive program attacking four major facets of this problem. Internationally, we are cooperating with many other governments in a narcotics control program that aims at halting the international traffic in illicit drugs. Domestically we have developed strong new laws and tough new law enforcement efforts, backed by more money and greater manpower. We have also emphasized new and more effective treatment and rehabilitation programs for the victims of drug misuse and we are rapidly expanding these efforts so that no person seeking treatment will be turned away. Wide-scale education and training programs are now providing reliable information on drug abuse not only to those young people who may be attracted by dangerous drugs, but also to those who most directly influence young people, including their parents, religious leaders, youth workers and teachers.

The battle against drug abuse is a complex and difficult one, but there are many encouraging signs that substantial progress at last is being made. A greater proportion of drug victims are under treatment than ever before. More and better methods of treatment are becoming increasingly available. Treatment programs have been expanded all across the country—more treatment capacity was developed by Federal agencies over the past two years than in the preceding 50 years. More illegal drugs are being seized, both in this country and abroad. More nations around the world are joining with us in an effort to stop the international drug traffic. Drug abuse within the military has been reduced and controlled and a system of early identification and treatment has been created that is unique in that it quickly spots new major outbreaks and permits rapid response. New management and funding mechanisms were developed that increased overall program efficiency at the same time that they permitted Federal agencies to turn more decision-making over to the States and local governments. Research in every area has been accelerated and intensified—new pharmacological agents to treat heroin addiction have been made available to researchers and treatment programs across the country. Finally and perhaps most importantly, more and more Americans are becoming personally involved in this effort in their communities, their churches, their schools and their homes.

In the end, our greatest asset in this struggle will be the energy and spirit of the American people. One of the most important lessons we have learned in the fight against drug abuse is the immense value of the one-to-one relationship—the bond of trust between the drug victim and someone who cares enough to help that individual.

The deep personal involvement of countless individual Americans is the key to success to drug abuse prevention. Government programs can provide a means for encouraging such involvement and for providing other necessary resources, but without the concern and commitment of our people in their communities the problems of drug abuse cannot be alleviated.

There are clear limits to what governments can do about drug abuse and still preserve the essential values of a free society. It is unlikely that the problems associated with non-medical use of drugs will ever be wholly eliminated or that we will reach consensus on the most effective ways to reduce the costs of such behavior. Serious problems remain, but even as we adjust our priorities to meet the new realities, we can take pride in having made a contribution to the progress to date.

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THE 25TH ANNIVERSARY AS RECTOR

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. RONCALLO of New York. Mr. Speaker, one of my neighbors on Long Island is the Reverend John Haight, who is now marking his 25th anniversary as rector of the Grace Episcopal Church in Massapequa, N.Y. Reverend Haight has not only been a spiritual leader in my home town, but has been active in many of the civic projects of our community.

I wish to share with my colleagues the story of the good this man has done for our community and so I am having printed below an article which appeared in the Massapequa Post this week:

Rev. John Haight Observes 25 Years

A special service of choral evensong and a reception will be held on Sunday honoring Rev. John Malcolm Haight on his 25th anniversary as rector of Grace Episcopal Church.

The service will be held at 4 p.m. followed by the reception in the Parish House. Rt. Rev. Johnathan G. Sherman, bishop of the diocese of Long Island, will be guest preacher for the occasion.

Rev. Haight was ordained in December 1936 following his graduation from Kenyon College in Ohio and General Theological Seminary, N.Y.

His first position was curate at Trinity Church in Princeton, N.J. and from there he went to St. Bernard's College in Bernardsville, N.J. as rector where he remained for nine years, three of which were spent on leave as a chaplain in the U.S. Air Force during World War II.

Soon after leaving the service where he attained the rank of major he married Marjorie Callaghan, daughter of Supreme Court Justice Stephen H. Callahan and Mrs. Callahan.

On All Saints Day, Nov. 1, 1947, Rev. Haight began his ministry at Grace Church and under his spiritual leadership Grace Church has grown from a small country-type parish to one of the largest Episcopal churches in the diocese and the nation.

In coming to Massapequa, Father Haight returned to the area where he spent his earlier years. He had lived in Hempstead as his father was Rector of Old St. George's Church for many years and his mother was born in Brooklyn. While in the seminary he had also served at St. John's Church in Lattingtown.

The new modern Grace Episcopal Church was built and opened for services in 1960 replacing the original smaller church located across Merrick Rd. Old Grace Church is still standing and used for some church services.

In addition to ministering at Grace Church, the rector also conducted services at Grace Chapel, now St. Christopher's Church on Hicksville Rd. in No. Massapequa, a separate parish.

As for community affairs, Fr. Haight helped found the Massapequa Public Library in 1952 and served as its chairman for nine years. He was also a member of the Ethics Committee for the Town of Oyster Bay for several years.

He is now chairman of the Diocesan Ecclesiastical Court and a member of the Board of Managers of Church Charity Foundation in addition to being a member of several other Diocesan committees.

REPORT ON MIDDLE EAST OIL AND THE UNITED STATES

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ZION. Mr. Speaker, last week the President in his message to the Nation on the energy emergency said:

> Unfortunately, our expectations for this winter have been sharply altered by the recent conflict in the Middle East. . . . We must, therefore, face up to a very stark fact. We are heading toward the most acute shortages of energy since World War II.

The Republican Task Force on Energy and Resources has prepared a report on "Middle East Oil and the United States" which details the flow of the Arab oil to the United States. The report looks at the international oil market and the domestic needs of the United States and attempts to determine what needs exist in this country for Arab oil. The report found that over 14 percent of the oil consumed by the United States in the first half of 1973 was from the Middle East.

The report also contains a list of recommended actions which should be considered if the United States is ever going to get out of the present energy crisis.

This report was prepared by John Nugent, the Director of the Task Force on Energy and Resources. Mr. Nugent studied at the American University of Beirut in Lebanon and has worked for government and private organizations on the Middle East and energy issues:

Report on Middle East Oil and the United States—Part I

(By the House Republican Task Force on Energy and Resources, House Republican Conference, November 9, 1973)

(Members: Roger H. Zion, Indiana, Chairman; James Abdnor, South Dakota; William Armstrong, Colorado; LaMar Baker, Tennessee; John N. Camp, Oklahoma; Thad Cochran, Mississippi; James M. Collins; Texas; Paul W. Cronin, Massachusetts; Benjamin A. Gilman, New York; Robert P. Hanrahan, Illinois; Elwood Hillis, Indiana; Robert C. McEwen, New York; Clarence F. Miller, Ohio; Wilmer Mizell, North Carolina; Ronald A. Sarasin, Connecticut; Floyd Spence, South Carolina; Alan Steelman, Texas; Steven D. Symms, Idaho; Gene Taylor, Missouri; David C. Treen, Louisiana.)

MIDDLE EAST OIL AND THE UNITED STATES

The Arab oil boycott arising out of the fourth Arab-Israeli war could not have come at a worse time for the United States. Prior to the outbreak of the war and the oil embargo, the U.S. faced a situation where even with imports growing, domestic petroleum production and refining capacity were unable to keep pace with demand. Since the late 1960's, the specter of an energy crisis had been growing more real with each passing year until by mid-1973 the fact that the U.S. was experiencing energy shortages was apparent to most people.

The Arab oil producers in October 1973 unilaterally increased the price of their oil, reduced oil production and implemented oil boycotts against those countries considered to be unfriendly to the Arab side in the Middle East crisis. For the most part this boycott has been directed at the United States and one or two smaller nations, with the intent of reducing U.S. oil imports and thereby further aggravating the already present energy crisis. The primary purpose was to "obtain a more even handed policy" towards the Middle East. Although these actions were not expected to have a dramatic effect on the immediate situation in the U.S., the effects on the economy could be very damaging within a matter of months.

A great deal of controversy exists over the degree to which the U.S. depends on Arab oil. Figures often quoted indicate that the Middle East and North Africa supply from five to seven percent of the total U.S. oil consumption. Using these figures, numerous theories have been proposed to explain how the U.S. can with relatively little pain return to a situation much like that which existed up to the late 1960's, when the U.S. had little direct need for the Arab oil. Such circumstances would mean such advantages as greater freedom of action in the Middle East, net earnings of foreign exchange once again by the U S. Middle Eastern oil companies, and a general reduced dependence on a recurring trouble spot.

The fact is, however, that the U.S. must have substantially large quantities of Middle Eastern oil if it is to continue to function without economic dislocations due to major energy shortages. As of mid-1973 at least 14% of the total U.S. consumption was Middle Eastern oil or oil largely subject to Arab pressures. In fact, the trends showed a very definite pattern of increasingly larger U.S. imports of Arab oil up to the point the Arab oil producers restricted the flow. In regard to the boycott announced by many of the Persian Gulf and North African oil states it should be pointed out that it is not entirely clear at this time how the boycott will be implemented, so that determining its effects with any precision is at best a guessing game. But, enough is known about the oil market to speculate on the potential effects.

THE IMPORTANCE OF MIDDLE EASTERN OIL

To diagnose the role Middle East and North African oil plays in the major industrial economies of the world and the United States in particular, it is important to look at several interrelated factors. The first is that Western Europe and Japan are almost totally dependent on oil imports. Western Europe imports roughly 88% of its petroleum needs with more than 80% of the imports coming from the Middle East and North Africa. Japan imports virtually all of its petroleum. Over 80% comes from the Persian Gulf and the remainder from Far Eastern sources, primarily Indonesia. Neither of these areas is capable of continuing its economic pace without continued reliance on massive amounts of Arab oil, for neither area can replace its reliance on Middle Eastern oil with imports from other areas or in the near future replace oil with another energy source.

Second, the United States has become a large net importer of oil and this is not likely to change in the near future (10 years). For the past ten years, the U.S. has been importing increasingly larger portions of the oil it consumes (see table No. 1). For the period 1962–1972, U.S. oil consumption increased an average of 4.5% per year but our domestic oil production increased at only 2.9% per year. Exports for the same period increased by an average of 2.6% per year while the rate of increase in imports was 8.6% per year, over three times as great.

TABLE 1.—U.S. FOREIGN TRADE TRENDS

CRUDE OIL

[In thousand barrels per day]

Year	Exports	Imports	Net imports
1947	126	268	142
1948	110	353	244
1949	90	422	332
1950	96	488	392
1951	79	490	411
1952	74	575	501
1953	55	649	594
1954	38	658	619
1955	33	781	748
1956	79	937	848
1957	137	1,022	885
1958	11	953	942
1959	8	964	946
1960	8	1,019	1,011
1961	8	1,047	1,038
1962	5	1,126	1,121
1963	5	1,132	1,126
1964	3	1,203	1,200
1965	3	1,238	1,235
1966	5	1,225	1,219
1967	74	1,129	1,055
1968	5	1,293	1,288
1969	3	1,408	1,405
1970	14	1,323	1,310
1971		1,682	1,682
1972[1]		2,181	2,107
PETROLEUM PRODUCTS			
1947	323	170	153
1948	260	162	91
1949	236	225	19
1950	211	364	153
1951	342	353	11
1952	362	381	19
1953	348	386	38
1954	318	397	79
1955	337	466	129

PETROLEUM PRODUCTS—Continued

Year	Exports	Imports	Net imports
1956	353	504	151
1957	430	551	125
1958	263	748	488
1959	205	814	609
1960	195	803	608
1961	164	871	707
1962	164	956	792
1963	203	992	789
1964	200	1,063	863
1965	184	1,230	1,074
1966	195	1,348	1,153
1967	236	1,408	1,173
1968	227	1,553	1,326
1969	227	1,756	1,529
1970	247	2,096	1,849
1971	225	2,247	2,022
1972	219	2,504	2,285

[1] Preliminary.

Reference: International Economic Report of the President, March 1973.

The five-year picture, however, (1967–1972) differs significantly and provides a clear indication of the forces of change which have built up in the world's oil market and what can be expected in the near future. During the 1967–1972 period, the average yearly increase in U.S. oil consumption was 5.4% while production increased at only 1.8%. Exports during this period showed a 6.6% yearly decrease while imports gained by a tremendous 13.3% per year (see table No. 2).

TABLE 2.—TRENDS IN U.S. PETROLEUM PRODUCTION, CONSUMPTION, EXPORTS, AND IMPORTS

[Thousand barrels daily]

	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	Yearly change [1] (percent) 1972 over 1962	Yearly change [1] (percent) 1972 over 1967
Production:													
Crude oil	7,330	7,540	7,615	7,806	8,265	8,810	8,625	9,240	9,635	9,465	9,456	+2.6	+1.5
Natural gas liquids	1,020	1,100	1,155	1,210	1,225	1,410	1,565	1,590	1,680	1,665	7,733	+5.3	+4.1
Consumption [2]	10,235	10,550	10,815	11,300	11,860	12,280	13,623	13,615	14,350	14,846	15,880	+4.5	+5.4
Exports	170	210	200	160	200	310	288	230	260	220	228	+2.5	−6.6
Imports	2,030	2,126	2,260	2,478	2,578	2,540	2,810	3,176	3,420	3,938	4,748	+8.5	+13.3

[1] Based on weight.

[2] U.S. processing gain has been deducted from total domestic product demand.

Source: British Petroleum Statistical Review of the World Oil Industry, 1972, British Petroleum Company, Ltd.

The general trend over the past ten years can be traced to a domestic energy consumption growth rate in excess of the domestic production and refining capabilities. The very rapid deterioration in the trend after 1967 is the cumulative effect of the sharply climbing energy demand in the 1960's coupled with the relative decline in domestic production. These forces have been further aggravated by governmental regulations, a decline in domestic natural gas and petroleum reserves, decreasing use of coal (for both economic and environmental reasons), environmental programs and the slow pace at which new and improved energy sources are brought on the market. The resulting inelasticity in the total U. S. energy market has forced the U.S. to go abroad to meet the demands. Until 1967 the user had a certain ability to switch within the domestic market from one fuel to another depending on economic factors. Since 1967, this flexibility has largely disappeared in both the U. S. and the international market.

Third, oil production patterns throughout the world have been changing. In the past, the U. S. bought most of its oil imports from areas in the Western Hemisphere. Since the mid-1960's these sources, such as the Caribbean, South America and Canada have been experiencing a peaking out of production rates or shifts in domestic demands which necessitate a greater internal use of their domestic production.

The fact that areas which had traditionally supplied the U. S. with most of its oil imports could no longer keep pace with the U. S. demand pushed the U. S. on to the Persian Gulf and North African market. This shift towards reliance on Arab oil was not unique to the U. S., and the end result was that the large importing nations were looking to the Persian Gulf for the major increases in supplies. This trend was reinforced by the fact that oil has become the chief contributor to incremental energy supply worldwide. The net effect of the U. S. entrance into the oil market as a large importer was to remove the last vestiges of supply elasticity.

This brings us to the fourth point, that with oil the only energy resource capable of anything near filling the gap between supply and demand worldwide, the location of reserves or future production capabilities are a very important consideration. By a quirk in the world's geological formation the major known oil reserves are heavily concentrated in one geographic area: the Persian Gulf and to a lesser extent along North Africa. At the end of 1972, the world's published proved oil reserves (oil in the ground which can reasonably be expected to be recovered under existing economic and operating conditions) was a total of 667 billion barrels (569 billion barrels if the USSR, East Europe and China are excluded).

TABLE 3.—*World oil reserves*

Area:	*Billion barrels*
Middle East:	
Abu Dhabi	27.768
Bahrain	.375
Dubayy	2.0
Iran	65.0
Iraq	[1] 29.0
Israel (excluding Sinai)	.009
Kuwait	64.9
Neutral Zone	16.0
Oman	5.0
Qatar	7.0
Saudi Arabia	138.0
Syria	[2] 7.250
Turkey	.550
Area total	355.852
Africa:	
Algeria	47.0
Angola	1.2
Congo-Brazzaville	5.0
Dahomey	0.001
Egypt (includes Sinai—approximately ½ of total. Sinai production est. 120 thousand b/d)	5.2
Gabon	1.1
Libya	30.4
Morocco	.001
Nigeria	15.0
Tunisia	1.0
Zarie	.5
Area total	106.402
Sino-Soviet:	
Russia	75.0
China	19.5
Hungary	1.0
Other	2.5
Area total	98.0
Western Hemisphere:	
United States	37.0
Canada	10.0
Argentina	4.9
Colombia	[1] 1.5
Ecuador	5.75
Mexico	[2] 2.8
Trinidad and Tobago	2.0
Venezula	13.7
Other	2.35
Area total	80.0
Asia Pacific:	
Indonesia	10.0
Australia	2.0
Malaysia	1.5
Other	1.5
Area total	15.0
Europe:	
United Kingdom	[3] 5.0
Norway	2.0
Yugoslavia	3.5
Other	[3] 1.5
Area total	12.0
World total as of end of 1972	667.0

[1] Tremendous undeveloped potential with immediate prospects.

[2] 1972 average daily production 120 thousand b/d. Reserves in 1970 were 1.2 billion barrels.

[3] North Sea.

Source: Oil and Gas Journal.

Today the Middle East alone accounts for over 53% of the world's total reserves and if North Africa is included, the figure exceeds 65%. For comparison purposes, if the Communist nations' reserves are excluded, the respective percentages are 63% and 77%. The Communist nations have almost 15% of the reserves, the Western Hemisphere 12%, the Asian Pacific 2.2% and Europe 1.8%.

When the gross figures are looked at on a country basis, they show that not only is the world dependent for most of its oil on the Middle East/North Africa area, it is actually dependent on a few countries within this area. Saudi Arabia has by far the largest reserves, estimated at over 138 billion barrels or roughly 21% of the world's reserves, while Algeria, Iran, Iraq, Kuwait, and Libya together have an additional 236 billion barrels. By comparison Russia has 75 billion barrels, China 19 billion barrels, Indonesia 10 billion barrels, the U. S. 37 billion barrels and Canada 10 billion barrels. Six Middle Eastern and North African countries have over ½ of the known petroleum reserves.

When looked at from the prospective of production, the Middle East/North African countries accounted for almost ½ of the average daily production of petroleum in the non-communist nations (see table No. 4).

TABLE 4.—WORLDWIDE CRUDE PRODUCTION

[Daily average in thousands of barrels]

	8-month average			
	Daily production, 1972	Daily production, 1973	Change from	
			Volume	Percent
Western Hemisphere:				
Argentina	429.0	418.0	−11.0	−2.6
Bolivia	41.0	47.0	6.0	14.6
Brazil	155.0	168.0	3.0	1.8
Canada	1,483.0	1,794.0	311.0	21.0
Chile	34.0	32.0	−2.0	−5.9
Colombia	201.0	193.0	−8.0	−4.0
Ecuador	22.0	201.0	179.0	813.6
Mexico	441.0	459.0	18.0	4.1
Peru	66.0	67.0	1.0	1.5
Trinidad	140.0	165.0	25.0	17.9
United States	9,457.0	9,229.0	−228.0	−2.4
Venezuela	3,194.0	3,359.0	165.0	5.2
Total	15,673.0	16,132.0	459.0	2.9
Western Europe:				
Austria	47.0	49.0	2.0	4.3
Denmark	2.0	4.0	2.0	100.0
France	31.0	27.0	−4.0	−12.9
West Germany	139.0	131.0	−8.0	−5.8
Italy	22.0	20.0	−2.0	−9.1
Netherlands	31.0	30.0	−1.0	−3.2
Norway	35.0	35.0		
Spain	3.0	19.0	16.0	533.3
United Kingdom	2.0	2.0		
Yugoslavia	62.0	71.0	9.0	14.5
Total	374.0	388.0	14	3.7
Middle East:				
Abu Dhabi	1,001.0	1,345.0	344.0	34.4
Behrain	72.0	63.0	−4.0	−5.6
Dubai	132.0	234.0	102.0	77.3
Iran	4,862.0	5,810.0	948.0	19.5
Iraq	1,383.0	1,942.0	559.0	40.4
Israel	100.0	100.0		
Kuwait	3,234.0	3,060.0	−174.0	−5.4
Oman	282.0	288.0	6.0	2.1
Qatar	452.0	588.0	136.0	30.1
Saudi Arabia	5,731.0	7,742.0	2,011.0	35.1
Syria	117.0	120.0	3.0	2.6
Turkey	65.0	65.0		
Total	17,431.0	21,362.0	3,931.0	22.6
Asia-Pacific:				
Afghanistan				
Australia	303.0	417.0	114.0	37.6
Burma	19.0	20.0	1.0	5.3
Brunei-Malaysia	268.0	319.0	51.0	19.0
India	151.0	149.0	−2.0	−1.3
Indonesia	1,061.0	1,288.0	272.0	26.8
Japan	15.0	15.0		
Pakistan	9.0	9.0		
Taiwan	2.0	2.0		
Thailand	.2	.2		
Total	1,783.2	2,219.2	436.0	24.5
Africa:				
Algeria	1,055.0	1,106.0	51.0	4.8
Angolia	12.0	14.0	2.0	16.7
Cabinda	123.0	134.0	11.0	8.9
Congo	6.0	38.0	32.0	533.3
Egypt	216.0	209.0	−7.0	−3.2
Gabon	124.0	140.0	16.0	12.9
Libya	2,240.0	2,256.0	16.0	.7
Morocco	.3	.3		
Nigeria	1,779.0	1,977.0	198.0	11.1
Tunisia	82.0	79.0	−3.0	3.7
Total	5,637.3	5,953.3	316.0	5.6
Communist:				
China	570.0	610.0	40.0	7.0
Romania	275.0	275.0		
U.S.S.R	7,805.0	8,273.0	468.0	6.0
Other	90.0	105.0	15.0	16.7
Total	8,740.0	9,263.0	523.0	6.0
World total	49,638.5	55,317.5	5,679.0	10.3

Source: The Oil And Gas Journal, Oct. 29, 1973.

Fifth, no energy source in use today or even projected for use in the near future is expected to substantially reduce the need for petroleum within the next ten years. The U.S. does have abundant coal resources, which in a crash program barring any major dislocations could reduce, but not free, the U.S. from a need for Middle Eastern oil. The massive use of coal, however, would have very real implications for the environment. Further, gasification and liquification programs which envision the use of coal to produce "clean" fuels are at present relatively expensive and are not expected to be in full production until later in this decade. Alaskan oil and gas reserves will probably not be ready for heavy use for several more years, and even when in full production they will not relieve the need for imports. Much talk is heard of using the renewable energy sources (solar, geothermal and fusion). However, none of these can reasonably be expected to act as substitutes to any large degree for imported oil during this decade. This will be particularly true if the U.S. energy consumption continues to grow at anything near the current rates and research and development on these energy sources continues at its present pace.

The final factor is that the U.S. oil consumption pattern for the first half of 1973 indicates a very sizable dependence on Middle East and North African oil. When the current petroleum import figures are analyzed, they show that of the average daily oil consumption in the U.S. from Jan-June 1973 of 17.3 million barrels/day (mb/d), some 14% is oil either directly imported from the Middle East area or indirectly related and subject in varying degrees to Arab foreign policy decisions in part dictated by the ongoing Arab-Israeli conflict and U.S.-Arab relations.

COMMENTS BY WILL ROGERS STILL RELEVANT TODAY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. CARTER. Mr. Speaker, on August 15, 1935, Will Rogers and Wiley Post were killed in a plane crash at Point Barrow, Alaska. All America was saddened by the death of this great humorist. His words are extremely meaningful today and we would do well to observe the commonsense which he embodied in his comments.

I should like to emphasize particularly two paragraphs from an article which appeared in the Washington Post on November 11, 1973. They are especially apropos today. They are:

I don't care how little your country is, you got a right to run it like you want. When the big nations quit meddling, then the world will have peace.

Now if there is one thing that we do worse than any other nation, it is try and manage somebody else's affairs.

I include the article from the Post:

WILL ROGERS: HIS COMMENTS STILL RELEVANT

(By Jerry R. Wilson)

Will Rogers was a special sort of man. He could chew gum and twirl a rope simultaneously better than any man before or since. He was an expert horseman and in the years between World Wars I and II he was America's number one ambassador of goodwill.

Above all, the legend of the cowboy humorist centers around his political commentaries and his views on life and the times in which he lived—views which even today stand the test of time. In fact, to read what Will Rogers told the world a half century ago seems uncannily appropriate for the events of the 1970s.

On Aug. 15, 1935, Will Rogers and another famous Oklahoman, aviator Wiley Post, were killed in a plane crash at Point Barrow, Alaska. Will was 55, and the world mourned his passing as it has mourned few men.

In a time he undoubtedly would have found fascinating, it seems appropriate to see how his comments of four and five decades ago shed light on circumstances he might have understood better than any of us. There are many examples:

CAMPAIGN CORRUPTION

"The Democrats are having a lot of fun exposing the Republican campaign corruptions, but they would have a lot more fun if they knew where they could lay their hands on some of it themselves for next November" (1920s).

DEMOCRATIC PARTY SPLITS

"If the Democrats never split in their lives there would be no such thing as a Republican" (Aug. 1, 1925).

"It takes nerve to be a Democrat, but it takes money to be a Republican" (Feb. 10, 1929).

CAMPAIGN CONTRIBUTIONS

"You can't make the Republican Party pure by more contributions because contributions are what got it where it is today" (1920s).

THE PRESIDENCY

"I have always maintained that no President can be as bad as the men that advise him" (January, 1933).

COVER-UPS

"You can't believe a thing you read in regard to an official's statements. The minute anything happens connected with official life, it's just like a cold night—everybody is trying to cover up" (Oct. 4, 1925).

PUBLIC OPINION OF POLITICIANS

"People's minds are changed through observation and not through argument" (March 16, 1932).

"The American people are generous and will forgive almost any weakness with the exception of stupidity" (Feb. 24, 1934).

PRESIDENTIAL POPULARITY

"There is no country in the world where a person changes from a hero to a goat and a goat to a hero, or vice versa, as they do with us . . . It's not our public men you can't put your finger on, it's our public. We are the only fleas weighing over 100 pounds. We don't know what we want, but we are ready to bite somebody to get it" (June 19, 1935).

POLITICAL SCANDALS

"We've been staggering along now about 155 years under every conceivable horse thief that could get into office and yet here we are, still going strong. I doubt if Barnum's circus has housed as many different kinds of species as has been in our government employ during its existence. As bad as they are they can't spoil it and as good as they are they can't help it. So as bad as we are, we are better off than any other nation. So what's the use to worry?" (Nov. 16, 1930).

THE PUBLIC'S ELECTIVE POWER

"Every time we have an election, we get in worse men and the country keeps right on going. Times have proven only one thing and that is you can't ruin this country even with politics" (Nov. 4, 1928).

"Things in our country run in spite of government. Not by aid of it" (1930s).

"On account of us being a democracy and run by the people, we are the only nation in the world that has to keep a government four years, no matter what it does" (1930s).

"It's just got so that 90 per cent of the people in this country don't give a damn. Politics ain't worrying this country one-tenth as much as parking space" (1920s).

"We shouldn't elect a President; we should elect a magician" (1930s).

CONGRESSIONAL INVESTIGATIONS

"Everybody wants to hear accusations and nobody wants to hear denials" (April 6, 1924, speaking of a Senate investigation).

"The American people would trade 10 investigations for one conviction" (June 6, 1924).

THE AMERICAN IMAGE

"It will take America 15 years steady taking care of our own business and letting everybody else's alone to get us back to where everybody speaks to us again" (1926).

"You often hear it said we need diplomats. We don't need diplomats, we need a keeper or a warden" (1930s).

". . . Our slogan will be now: Have your civil wars wherever and as far away as you want, but on the opening day we will be there" (1920s).

"It takes quite a sense of humor for these people to understand us shaking hands with one hand and shooting with the other."

"I don't care how little your country is, you got a right to run it like you want. When the big nations quit meddling, then the world will have peace."

"Now if there is one thing that we do worse than any other nation, it is try and manage somebody else's affairs" (1920s).

WOMEN'S LIBERATION

"If women must insist on having men's privileges, they have to take men's chances" (Nov. 1, 1925).

"I'll bet you the time ain't far off when a woman won't know any more than a man" (1925).

COST OF GOVERNMENT

"Lord, the money we do spend on government, and it's not one bit better than the government we got for one-third the money 20 years ago" (1920s).

Only a little more than two years before his death, Will Rogers capsulized his thoughts about his country, and on people: ". . . In all it's a great country. It's the best and the worst one I ever lived in . . . When I die, my epitaph or whatever you call those signs on gravestones, is going to read: 'I joked about every prominent man of my time, but I never met a man I didn't like.' I am so proud of that I can hardly wait to die so it can be carved. And when you come to my grave you will find me sitting there, proudly reading it."

WATERGATE: A SLIGHTLY SATIRICAL VIEW

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Ms. ABZUG. Mr. Speaker, one of the liveliest and best social commentaries appearing in the legal profession today is the Reporter, monthly publication of the Passaic County Bar Association, Paterson, N.J. Under the editorship of attorney Daniel Crystal, it combines a dedication to constitutional rights with excellent reportage on national issues.

In the September and October 1973 issues, Mr. Crystal has discussed the implications of Watergate for the legal profession and our Nation as a whole. He has also written some parodies that highlight the absurdities of Watergate along with its dangers to our traditional freedoms. I commend Mr. Crystal for the excellent legal and literary standards of the Reporter and insert an article by Clyde Burns from this fine publication:

THE GANG THAT COULDN'T SPY STRAIGHT

(By Clyde Burns)

The Watergate hearings, even more than the Pentagon Papers trial, prove once again that neither Broadway nor Hollywood can possibly match a real trial or legal confrontation for dramatic intensity.

Not since those long-ago days when that redoubtable Boston attorney Joseph Welch, took on a political bully named Joseph McCarthy and deftly cut him down to size has the nation watched a show matching the excitement of the Watergate hearings.

The shock (and guilty delight) of Watergate is that it far surpasses our wildest fantasies. Only a paranoid, or one who had pondered on what had happened in other countries, where one-man rule took over, could have possibly dreamed up the elaborate cast of those who have been swept up in the Watergate scandal—two former Cabinet officers indicted, possible indictments hanging over the President's chief of staff and chief aide for domestic affairs, the acting Director of the FBI disclosed to have destroyed crucial evidence, involvement in various degrees of the President's White House counsel, his personal counsel, and other close associates; top leaders of the CIA revealed to have agreed to CIA help for a burglary within the United States, the Chairman of the SEC resigning in the wake of the Vesco scandal—the list is endless and new names keep being added.

Our January 1971 issue had an article called Gilbert and Sullivan, We Need You Today in which we chuckled about the goings-on in Washington, D.C. when J. Edgar Hoover told a Congressional committee that some priests and nuns had plotted to kidnap Henry Kissinger. There was, of course, nothing funny about the subsequent trial of the Berrigans and others. But what are we now to make of the accusation by a top FBI official that the late J. Edgar Hoover had been mentally incompetent before his death, and, further, that he maintained himself in autocratic power by the gentle art of blackmailing high government officials? And what are we to make of charges that conspiracies to commit burglary, political espionage, slander, libel, sabotage of political campaigns, perjury, and other blatant violations of law were worked out at high levels in both the White House and the Department of Justice?

We find nothing comic about the threat to constitutional freedom and the very fabric of American democracy in what has been generically termed the Watergate scandal. Our sense of humor is not tickled by the one man cult which President Richard Nixon lamely used to justify the supposed excess of zeal in those of his aides who burglarized and bugged the Watergate. We don't want this country to come to the point where some Martian can say seriously, "Take me to your Leader."

We find it deeply disturbing to be as close as we were to a frightening extension of one-man rule. We haven't forgotten that only a few short months ago, then Attorney General Kleindienst was up on Capitol Hill, arrogantly telling a Congressional Committee that executive privilege was being extended to every single government employee, and if Congress didn't like it, Congress could sue the President in the Supreme Court or impeach him.

At the same time, we freely recognize that there are comic aspects to Watergate that make the scandal a strange hodge-podge of high intrigue and low comedy. It is as if the Marx Brothers had somewhere been written into the somber lines of Shakespeare's Richard the Third, Julius Caesar, or Macbeth.

There is, for example, E. Howard Hunt, wearing a red wig loaned to him by the CIA. His posturing in that red wig cries out for a Harpo Marx to recreate the role. So far, Watergate hasn't produced anything so angelic as a harp for any of its cast to play, but since just about everything else has turned up in this fantastic script, our comment is what people in Washington, D.C. say about the weather: If you don't like it just now, wait a minute.

Watergate in some aspects is so farcical that the Paterson News on April 30 carried a story by Jack Anderson with the intriguing title, Watergate Follies, Set to Music, Seen as Possible Comic Opera.

Consider, for example, how the Watergate burglary was uncovered. These CIA-trained burglars were so impudent and arrogant (presumably having seen too many re-runs of Mission Impossible) that they taped up a door which a night watchman had relocked.

The whole history of the country appears to have taken a decisive turn because this alert night watchman, discovering the further tampering with the door, simply called the police who came in with pistols at the ready, and caught the burglar-buggers red-handed. We don't know if CIA-trained operatives take a test for proficiency in burglarizing, but we're inclined to think that Hunt, Liddy, et al. would have flunked such a course.

The arrest of the Watergate burglars, and the eventual unfolding of the whole lurid tale of bugging, skullduggery in high places, and office safes crammed full with hundreds of thousands of dollars in new hundred dollar bills received from such friendly folk as financier Vesco, has distant echoes of one of Shakespeare's tragicomedies, Much Ado About Nothing.

But there are other rib-tickling aspects of Watergate that go hand in hand with its grim seriousness for the future of our country.

SPY IN A CLOSET

Jack Anderson informs us that whodunit writer, E. Howard Hunt, one of the major Watergate conspirators, was assigned to reconnoiter the Watergate layout. He tried to enter through a dining room, but couldn't get a connecting door open without alarming a guard.

So the ex-CIA agent remained locked in the dining room all night sleeping in a closet. He finally escaped at 7 a.m. after the office building was opened and began to fill with people. It's clear that, whatever his rating with the CIA, he passed his initiation test for the Gang that Couldn't Shoot Straight.

SHOWING OFF FOR GIRLS

We've all heard the line "Cherchez la femme". (Freely translated that means, go look for a woman if you want to find what the men are up to.) It's laugh-provoking, if incredible, that girl-watching played its part in Wategate too. G. Gordon Liddy, the Watergate ringleader, tried to impress a couple of girls in Detroit by holding his hand over a flaming candle. He burned his hand so badly in this demonstration of machismo, and little-boy-showing-off-for-girls, that it almost spoiled the elaborate Watergate presentation that he made before Attorney General John Mitchell, White House counsel John Dean and campaign head Jeb Stuart Magruder in Mitchell's office on February 4, 1972. (Our source is the Jack Anderson column in the News of April 30).

Liddy brought along huge, fancy charts to illustrate the bugging operation and precisely how he was going to perform this bit of extra-legal breaking and entering. Because he couldn't carry the cumbersome charts in his injured right hand, he juggled them awkwardly in his left. This trouble with the charts, Jack Anderson reports, detracted from his otherwise slick, Madison Avenue-style presentation of the Watergate crime there in the very citadel of law and order.

WHAT'S YOUR LINE, MR. SPY?

The Watergate Follies of 1972 had its three stooges, Liddy, Hunt, and McCord. It is clear from the testimony released thus far that these three unlikely rejects for Marx Brothers re-makes that they took elaborate precautions to conceal the nefarious activities for which they were, in classic bureaucratic fashion, turning in vouchers and expense accounts. Hunt's patrician face peered out from the preposterous red wig so kindly loaned to him by the CIA. All three used assumed names, carried false identifications, communicated stealthily by pay phones, and exchanged cryptic messages. It was all out of the approved CIA manual for aspiring spies.

How elaborately they carried out all this Hallowe'en mish mash of spying and disguises is revealed by G. Gordon Liddy's successful use of a semi-pseudonym, "George", the kicker in the tale being that George was the real first name he never used. One day, another Watergate conspirator, Bernard Barker, called Liddy's White House office and asked for "George." Puzzled, Liddy's secretary said there was a phone call for "George." "Just who is George?" demanded George Gordon Liddy.

The last time we heard anything resembling that line it was, "Spiro who?"

The whole zany series of escapades resulting in the arrest of this gang that couldn't spy straight reminds one of a hoary old chestnut, which we've dusted off and put into modern dress.

Berman, an American Spy, was ordered by the Central Intelligence Agency, to cross over into the Soviet Union and contact another CIA spy named Shapiro. The password with which they would identify each other was, "The sun is shining."

Under the cover of night, a U.S. Air Force plane dropped Berman by parachute into the woods on the outskirts of Moscow. Our hero buried the parachute as the CIA had instructed him to do, and then skulked into the city, keeping to the shadows and moving stealthily as befits a high class CIA espionage agent carefully trained by the likes of Hunt, Liddy, and McCord.

He had carefully memorized Shapiro's address, but when he reached the appointed place he found to his chagrin that it was a four-story apartment building. A resourceful person, Berman consulted the letterbox in the hallway, where he found not one but two Shapiros listed. True to his CIA training, he tried ringing the doorbell of the first one.

When the occupant opened the door, Berman asked in his best Moscow accent, "Are you Shapiro?"

"Yes, I am," said the man.

"All right, the sun is shining," said the American agent portentiously, giving the password.

"Oh, no!" said the other. I'm Shapiro the butcher. You want Shapiro the spy—he's on the third floor!"

BUGGING ON CREDIT

There's a possible civil law suit kicking around for some attorney who wants to make legal history. Add to things they never taught us in law school the muddled state of affairs as to who pays the supplier of the electronic equipment used in the Watergate bugging. Even though President Nixon's fund raisers apparently stashed millions of dollars in campaign boodle all over the country, the Committee to Re-elect the President still owes $13,600 to Michael Stevens, whose Chicago company supplied the Watergate buggers with sophisticated electronic devices. Some of the equipment was actually in use at Watergate, but six custom-made, high frequency transmitters and receivers, four of them suitable for bugging rooms, the other two for intercepting phone conversations were ordered but never picked up from Mr. Stevens.

One of the conspirators, James McCord, did surreptitiously come for some of the equipment at 3 A.M. one morning, (or was it night?).

Through his attorneys, McCord acknowledged the purchases and said he paid $5,400 in cash, leaving the balance due. Devan Shumway, spokesman for the President's Committee, told Jack Anderson "it would be inappropriate to pay any such bill for equipment allegedly used for illegal purposes."

Our personal memo to those studying for the bar exam is to bone up on the issues of law concealed in that question. It's a natural for the next exam.

THE JOKES THEY TELL IN WASHINGTON, TRALA:

If Watergate didn't have its own funny moments, the wags in the nation's capital are working overtime dreaming up Watergate jokes. Since this is a family magazine, we'll pass up the more lurid and unprintable ones. But here's a representative sampling of what the Washington wits are dining out on now.

One clown on the Washington cocktail circuit has it that Mr. Nixon's troubles can be traced to the fact that he hired all those Germans on his staff. What he should have done instead was to hire Japanese—for these three good reasons:

The Japanese are better at electronics.

When the Japanese make a mistake, they admit it.

After they admit it, they commit harakari.

Another jokester (obviously a Democrat) says that the Republicans should alter their campaign chant: Four more years—or maybe 10 to 20.

Our own Washington spy has sent a carrier pigeon to us with a message in secret ink (milk); (we remember some spy techniques from our own boyhood days) telling us that the Democrats are buying up and wearing the campaign buttons the Republicans distributed in 1968. The buttons carry the words: "Nixon's the One."

The same confidential source advises us that there are other buttons that are being worn these days in the District of Columbia:

"Don't blame me—I voted for McGovern."

"Free the Watergate 500."

A Washington cab driver tells his fares this story: He was driving by the White House some hours before President Nixon gave his TV and radio speech to the nation giving his version of Watergate. He saw a man running around frantically on the White House lawn, shouting, "Where's my dog? Checkers, where are you? Come here, Checkers. Good old dog, come here, Checkers."

It is solemnly reported in Washington that Connally has signed on as a cabin boy on the S.S. Titanic.

Mark Russell, a professional political comedian in Washington, welcomes his audiences at the Shoreham Hotel by saying: "You tourists should be careful when you visit the White House. So much has been swept under the rug that you might hit your head on the ceiling."

So there's a lot of comic relief to Watergate, mixed in with the sheer living drama of the whole incredible tale of how the nation woke up at the eleventh hour to find that a cesspool of political sabotage and corruption has been concealed behind the austere facade of the present Administration. The genius of a Shakespeare is needed to give the proper intensity to the dark shadings of this bewildering, complex plot that is being explored by Senator Sam Ervin and his select committee.

And what keeps the nation glued to its seats is the tension of waiting to find if the President himself will be proved to have been implicated in either the Watergate bugging and subsequent cover-up, the sabotage of the campaigns of the Democratic candidates, or the hot money that came repeatedly into the campaign from Vesco, and other sources. So far there has been only hearsay and circumstantial evidence—enough perhaps for the court of public opinion, but most certainly not enough yet to overcome the presumption that a man is innocent until proven guilty.

It's worth noting, however, that in addition to the President's direct appearance in the startling offer of the FBI directorship to Judge Matt Byrne in the middle of the Pentagon Papers trial, there is one other bit of hard fact linking the President directly to some of this Watergate business—at least, in establishing a modus operandi.

In 1962, Richard M. Nixon ran against Pat Brown in the gubernatorial campaign in California. The Republicans surreptitiously sent out a phony post card mailing (to the tune of $70,000) ostensibly coming from Democrats and calling Brown an extremist. After the election, the Democrats filed suit against the fictitious Committee for the Preservation of the Democratic Party in California. In an unreported judgment given in open court, October 30, 1964, Judge Byron Arnold of the Superior Court of California (San Francisco), sitting without jury, made a finding of fact that the postcard "was reviewed, amended, and finally approved by Mr. Nixon personally in the form" in which it was finally sent out, and that, further:

"Nowhere in Exhibit A (the fictitious postcard) or letters mailed by defendant Committee was it stated that the defendant Committee and its mailing of Exhibit A were supported and financed by the Nixon for Governor Finance Committee. Mr. Nixon and Mr. Haldeman approved the plan and project as described above, and agreed that the Nixon campaign committee would finance the project."

The judgment was inserted into the Congressional Record on May 7, 1973 by Senator Haskell. It's printed at pp. 14490 to 14496. We find nothing funny whatsoever about the judgment.

But, seriously as we take Watergate and what it has revealed, this has by no means throttled our ability to laugh. Some one once said that history tends to repeat itself; the first time as tragedy, the second time as farce. Much of Watergate proves the wisdom of that perceptive remark.

THE AFL–CIO'S IMPEACHMENT DRIVE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. MICHEL. Mr. Speaker, last week on the floor of the House, I addressed myself to the question of the President's resignation or possible impeachment and made the point that to suggest his resignation was ridiculous and unwarranted.

On the question of impeachment, those of us who have the privilege to serve in this House must take great pains not to be influenced or caught up in an emotional, orchestrated drive for impeachment by certain groups and individuals in our society who would stop at nothing in their desire to remove this President from office.

In that regard, I should like to call to the attention of my colleagues a column by Mr. Richard Wilson appearing in yesterday's edition of the Washington Star-News, entitled "The AFL–CIO's Impeachment Drive":

The AFL–CIO's Impeachment Drive

(By Richard Wilson)

Having already broken with President Nixon, the AFL–CIO leadership has concluded it has nothing to lose by lobbying for his impeachment. Before it is all over this may prove to be a tactical error of serious proportions because it makes impeachment into a partisan issue.

Labor leadership generally does not come into the court of public opinion with the cleanest hands on the matter of malfeasance in office. Hundreds of labor leaders have been convicted of racketeering and misuse of funds on a large scale. George Meany's reluctance in responding to the problem dates back 20 years to his original coolness toward the McClellan labor racketeering inquiries which ballooned into a national sensation.

Meany ultimately went along, dragging his feet all the way, but now he is overcome by righteous indignation with a President whose reluctance to clean house was not much greater than Meany's own reaction to corruption in the ranks of labor.

Meany has now marched in where the Democratic leadership is hesitant to tread. The qualified Democratic leaders have been careful not to prejudge the issue of impeachment for the reason that they do not wish it to be perceived as a partisan issue.

Not Meany. He is about to deluge Congress and the nation in a typical labor pressure campaign to roust the President from office.

It is useless to point out that this is scarcely the function of organized labor, which long ago became the most important action agency of Democratic partisanship. Meany lost no time after sitting out the presidential election in showing his disrespect for Nixon. Now his ever-present lobbyists will be roaming the halls of Congress scrounging votes for the impeachment and conviction of a President who thwarts the AFL-CIO's political and economic objectives.

Meany is not the first seeker of justice to veer off the tracks. The civil rights movement began to founder after Martin Luther King insisted on linking it with opposition to the Vietnam war. The late Mine Worker chieftain, John L. Lewis, fell on his face trying to bring down Franklin D. Roosevelt.

It is hard to imagine what could reactivate Nixon's shaky residual support more effectively than the prospect of labor's top leadership hounding him out of office. The traditional opponents of labor's power-grab would reawaken to where their interests lie, and their scruples over Nixon's behavior would be correspondingly numbed.

Making impeachment into a political issue, with liberal and left-wing Democratic interests on one side and traditional Republican and Democratic interests on the other, is the kind of power play people are sick of. But that is what it will come down to if the AFL-CIO leaders persist in trying to settle the matter as if it were a presidential recall election.

The case against Nixon has been wholly prejudged by the AFL-CIO leaders They have issued their own 19-point bill of impeachment before Nixon's case has been heard in full. They want him up to the wall for execution forthwith.

Meany's power play has some other pitfalls. While it may be that he can get away with lobbying for a vote of impeachment in the House of Representatives, doing the same in the Senate to get a conviction could easily bring him into contempt of the Senate's juridical function.

REPORT ON MIDDLE EAST OIL AND THE UNITED STATES

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SPENCE. Mr. Speaker, last week the President in his message to the Nation on the energy emergency said:

Unfortunately, our expections for this winter have been sharply altered by the recent conflict in the Middle East. . . . We must, therefore, face up to a very stark fact. We are heading toward the most acute shortages of energy since World War II.

The Republican Task Force on Energy and Resources has prepared a report on "Middle East Oil and the United States" which details the flow of the Arab oil to the United States. The report looks at the international oil market and the domestic needs of the United States and attempts to determine what needs exist in this country for Arab oil. The report found that over 14 percent of the oil consumed by the United States in the first half of 1973 was from the Middle East.

The report also contains a list of recommended actions which should be considered if the United States is ever going to get out of the present energy crisis.

This report was prepared by John Nugent, the Director of the Task Force on Energy and Resources. Mr. Nugent studied at the American University of Beirut in Lebanon and has worked for Government and private organizations on the Middle East and energy issues:

Report on Middle East Oil and the United States—Part II

(By the House Republican Task Force on Energy and Resources, House Republican Conference, November 9, 1973)

(Members: Roger H. Zion, Indiana, Chairman; James Abnor, South Dakota; William Armstrong, Colorado; LaMar Baker, Tennessee; John N. Camp, Oklahoma; Thad Cochran, Mississippi; James M. Collins, Texas; Paul W. Cronin, Massachusetts; Benjamin A. Gilman, New York; Robert P. Hanrahan, Illinois; Elwood Hillis, Indiana; Robert C. McEwen, New York; Clarence E. Miller, Ohio; Wilmer Mizell, North Carolina; Ronald A. Sarasin, Connecticut; Floyd Spence, South Carolina; Alan Steelman, Texas; Steven D. Symms, Idaho; Gene Taylor, Missouri; David C. Treen, Louisiana.)

A BOYCOTT IN A SELLER'S MARKET

Before discussing U.S. imports a look at today's international oil market will show that several basic changes have taken place which are likely to make this current boycott different from past Middle East oil crises (starting with Mossadeq in Iran in the early 1950's, through Suez in 1956 to the 1967 war). Since 1970 the oil market has very definitely been a seller's market. Shortly before this period, the demand curves for oil of the major industrial nations experienced sharp increases in part due to restrictions on other fuel sources and a rapid growth in energy consumption caused by expansion of the economies. The result was a growth in the worldwide demand for oil imports. When, in the late 1960's the U.S. became a large net importer of oil, thereby rapidly increasing the demand for oil on the world market, the result was an imbalance in the supply and demand equation. During the 1960's areas outside the Persian Gulf began to experience a peaking out of production. In addition to shifting the emphasis to the Persian Gulf producers, this peaking out came at a time when the market was experiencing this increasing demand. Finally, as the buyer's market shifted to a seller's market, prices began to rise and the producers in the Persian Gulf began to experience problems with a surplus of foreign capital which was susceptible to devaluations and inflation. Therefore, unlike the nationalization attempts, embargos, slow downs and dislocations of the past where the buyer was able to circumvent the effects, today's market no longer has the required flexibility.

Related to this switch from a buyer's to a seller's market are several factors which are shaping the form of the current Arab oil states' actions. Although the Arab oil producing nations have a need for a continuous inflow of capital to build and diversify their economies as well as pay for the day-to-day operations, they have found that large capital inflows which can not be immediately digested are not always desirable or profitable. This economic consideration exerts a certain pressure to reduce oil output as the price rises, especially when the internal demand for capital is relatively small and investment opportunities abroad are limited. The Arab states are also concerned that production rates dictated by the importer's demand for oil would soon exhaust their reserves. Several Arab states prior to this conflict curtailed production rates for conservationist reasons.

On the political side, reductions and embargos are visible signs that the producer nations are taking an active part in the struggle while making known to the rest of the world the seriousness with which they view the situation. The producer states realize that any action they take will affect Western Europe and Japan first, areas which the Arabs consider to be at least neutral in the Arab-Israeli conflict. The statement issued by the Organization of Arab Petroleum Exporting Countries (OAPEC) in Kuwait on October 17, 1973 said:

"The conferees are aware that this reduction should not harm friendly states who assisted or will assist the Arab states actively and materially. Such countries would receive their share (of Arab oil) as they did before the reduction. This exceptional treatment will be extended also to any other countries which might take active steps against Israel in a way to force Israel to end its occupation."

However, weighted against this is a producer state realization that pressure may induce them to provide diplomatic aid to the Arab cause or stay neutral and that it will be very difficult to bring pressure directly to bear on the U.S. without putting pressure on the oil market as a whole. Again, the statement issued from Kuwait stated:

"Unless the world community corrects the situation by forcing Israel to withdraw from our occupied territories and by making the U.S. realize the high price, European industrialized countries will pay as a result of the unlimited American support for Israel."

The declaration of a boycott against the U.S. by the Arab oil producing nations does not necessarily mean that they will be able to stop completely Arab oil from reaching the U.S. The oil market is very complicated, with oil occasionally passing through many hands, even if sometimes only on paper, before it reaches its final destination. Saudi Arabia for instance is currently producing roughly 8.5 mb/d of which the U.S. imports directly only 349,000 b/d. The American Arabian Oil Company (Aramco-Saudi Arabia, 25%; Standard Oil of California, 22.5%; Exxon, 22.5%; Texaco, 22.5%; and Mobile Oil, 7.5%) is the major producer operating in the country at the present time and handles over 90% of the Saudi Arabian oil production. Recent shipments to various parts of the world by Aramco break down as follows:

	Percent
Europe	56.5
Asia (Japan 1.2 mb/d)	29.1
South America	6.0
North America (U.S. 349,000 b/d)	4.5
Africa	3.2
Australia	0.7

Thus what Saudi Arabia must do is either halt all Aramco shipments or require the shipper to designate for whom the product is intended. The first policy would obviously hit at Japan and Western Europe much harder than the U.S. The second policy, although it almost certainly would significantly reduce the supplies reaching the U.S., would probably not completely cut off the flow and would be difficult if not impossible for Saudi Arabia to monitor.

This pattern exists to one degree or another throughout the oil producing areas of the world. It is further compounded by the fact that the registry of an oil tanker does not necessarily indicate where the product is going. Thus, unless the Arab oil producers are willing to follow each tanker and take action against those carrying oil to the U.S., the embargo will be somewhat ineffective. However, the Arabs by making a distinction between friends who can buy their oil and those who can not, no matter how symbolic this action may be, are hoping that it will put pressure on the Western Europeans and the Japanese to help enforce the boycott.

THE U.S. NEED FOR MIDDLE EASTERN OIL

What is the actual need in the U.S. for oil from the Middle East and North Africa? First, is should be recalled that there are no energy sources available today to replace oil on a large scale and this is likely to remain so for the next several years. Second, oil is in short supply on the market and sizable amounts are not available to replace supplies coming in as imports and particularly those from the Arab areas. Third, demand is increasing and can be expected to push supply rather than the opposite. Therefore, at least for the present, the U.S. will be hard-pressed to change the trend toward a growing need for Middle Eastern oil although it may be slowed somewhat. Further, any actions taken to embargo oil shipments to the U.S. are likely to produce serious shortages in the U.S. although it may take several weeks before they become readily apparent. As the following analysis of U.S. oil imports will show, a boycott strenuously enforced by the Arab states could mean that within a matter of months the U.S. economy would be faced with oil shortages amounting to 14% or more. Reductions on this order would mean serious dislocation and possibly economic recession.

Oil import figures for the first six months of 1973 show that the U.S. imported 34.7% of the oil it consumed. To determine the Middle East portion, this oil must be analyzed from two angles. The first is the imports coming directly from the Persian Gulf and North African nations to the U.S. The second category is much harder to define in terms of barrels per day. This category includes oil that is sold by one country (not an Arab nation) as an export to the U.S. while that country is importing Middle Eastern oil to meet some of its needs. This is done primarily for economic reasons. Another type of resale occurs when a country imports Middle Eastern crude and exports refined products. Between the two types, the direct imports and the second country sales, or re-exports, at least 14% of the current U.S. consumption is Middle Eastern and North African oil.

In the first six months of 1973 the U.S. imported 6.0 mb/d of oil while in 1972 oil consumption was 16.2 mb/d. This represents over a 30% increase in imports in one year.

DIRECT IMPORTS OF MIDDLE EASTERN OIL

In the January to June 1973 period the U.S. imported 3,043,000 b/d of crude oil and the remainder in refined products. The figures for refined products on a break down by source are available only for the first quarter of 1973 when imports of refined were running 3,425,000 b/d. The first quarter figures have been used although the use of these figures does not affect the total picture materially.

A geographical breakdown of U.S. crude oil imports in 1973 looks like this:

Source	Average daily imports (barrels per day)	Percent of 1973 crude imports
Canada	1,056,000	34.7
Africa	785,000	25.8
Middle East	630,000	20.7
Latin America	386,000	12.7
Far East	186,000	6.1
Total	3,043,000	100.0

Over 90% of the U.S. crude imports came from only eight countries. Four of the eight are in the Middle East/North African area and three of the four have announced embargos against the U.S. The fourth country is Iran which has traditionally stayed on the sidelines during Arab-Israeli conflicts although it has quickly implemented new price levels and participation agreements which have arisen out of the Arab producer states confrontations with the oil companies. The eight countries which supply 90% of U.S. crude imports are:

Country and average daily imports

	Barrels per day
Canada	1,056,000
Nigeria	422,000
Saudi Arabia	349,000
Venezuela	272,000
Indonesia	185,000
Iran	161,000
Algeria	154,000
Libya	143,000
Total	2,742,000
Total crude imports	3,043,000

In addition to the three countries mentioned above, several other Arab nations provide the U.S. with sizable crude imports. The two biggest are the United Arab Emirates (which include Abu Dhabi and Dubai) and Kuwait both of which have already announced boycotts. Bahrain, although not an exporter to the U.S., has asked the U.S. Naval force based on that island to leave. This means that unless the U.S. can find a base somewhere else in the Persian Gulf, it will have to give up its permanent presence there or operate from bases outside the area. The fact that Bahrain has asked the U.S. to withdraw this force may be an indication of severity of Persian Gulf reactions to U.S. arms shipments to Israel. King Faisal of Saudi Arabia has until now been a strong supporter of the U.S. and had approved of the U.S. keeping this force in the Persian Gulf following the British withdrawal in 1971. Further, King Faisal, as the major U.S. client among the Arab oil producing states and one who until several weeks ago had indicated a strong desire to maintain the close relationship, has apparently been a leader in escalating the degree to which the Arabs will embargo oil shipments to the U.S.

Total crude imports directly from the Middle East and North Africa (excluding Iran and Israel) alone account for 4.6% of the U.S. oil consumption (See table #5 for total crude imports by country). The crude imports from the Middle East and North Africa are:

Country and average daily imports

	Barrels per day
Saudi Arabia	349,000
Iran	161,000
Algeria	154,000
Libya	143,000
United Arab Emirates	71,000
Kuwait	45,000
Tunisia	19,000
Egypt	16,000
Israel	2,000

Country and average daily imports

	Barrels per day
Iraq	2,000
Qatar	1,000
Total	963,000

TABLE 5.—IMPORTS OF FOREIGN CRUDE OIL [1]

[Thousands of barrels]

P.A.D. district and country of origin	January–June (inclusive) 1973	1972
All districts:		
Algeria	27,830	9,967
Angola	5,796	867
Australia		327
Canada [2]	191,209	153,454
Colombia	484	196
Ecuador	8,533	
Egypt	2,908	1,041
Indonesia	33,429	28,254
Iran	29,146	21,589
Israel	309	
Iraq	307	827
Kuwait	8,068	5,390
Libya	25,891	23,370
Malaysia	234	305
Mexico	247	
Nigeria	76,341	37,952
Qatar	185	677
Saudi Arabia	63,227	32,654
Trinidad	11,120	2,461
Tunisia	3,480	1,235
U.S.S.R.		323
United Arab Emirates	12,853	11,266
Venezuela	49,276	45,305
Total [2]	550,873	377,460

[1] Reported to the Bureau of Mines.
[2] Includes some Athabasca hydrocarbons.

Source: Mineral Industry Surveys, U.S. Department of the Interior; June, 1973; pps. 16–17.

U.S. refined petroleum imports in the first quarter of 1973 amounted to 3,429,000 b/d. Approximately 70% of this was residual fuel, with distillates and jet fuels next by size followed by gasoline, unfinished products, plant condensates with several other products making up the rest (See table #6). This pattern is particularly important because residual, distillates and gasoline are three refined products of which there is a shortage in the U.S. and a lack of refinery capacity to make up for their loss (See table #7).

The U.S. refined imports by source look like this:

Source	Average daily imports (barrels per day)	Percent of refined products
Western Hemisphere	2,819,000	84.8
Western Europe	336,000	10.1
Middle East	52,000	1.6
Africa	52,000	1.6
Other	170,000	5.1
Total	3,429,000	

TABLE 6.—IMPORTS OF FINISHED PETROLEUM PRODUCTS INCLUDING RECEIPTS FROM PUERTO RICO, THE VIRGIN ISLANDS, AND CUBA BY P.A.D. DISTRICTS

[Thousands of barrels]

	January to June (inclusive) 1973	1972
ALL DISTRICTS		
Motor gasoline, total	16,963	11,653
Receipts from Puerto Rico	9,019	9,410
Other	7,944	2,243
Naphtha-type jet fuel, total	4,064	4,525
Bonded aircraft fuel	1,505	1,254
Other	2,559	3,271
Kerosine-type jet fuel, total	29,783	29,977
Bonded aircraft fuel	28,099	29,317
Receipts from Puerto Rico	214	361
Other	1,470	299
Liquefied petroleum gases	24,663	16,651
Kerosine, total	36	27
Receipts from Puerto Rico		
Other	36	27
Distillate fuel oil, total	69,262	32,479
Bonded ships bunkers	3,120	2,954
Receipts from Puerto Rico	4,628	5,201
No. 2 fuel oil	43,107	7,100
No. 4 fuel oil	18,407	17,224
Residual fuel oil, total	342,519	322,627
Bonded ships bunkers	23,294	21,181
For military offshore use	1,441	2,527
Other	317,764	298,919
Petrochemical feedstocks, total	1,987	1,512
Receipts from Puerto Rico	430	106
Other	1,557	1,406
Special naphthas	61	395
Lubricants	959	6
Wax	519	27
Asphalt	2,453	3,370
Total	493,269	423,249

IMPORTS OF PLANT CONDENSATE [1] AND UNFINISHED OILS

Plant condensate,[1] total	19,272	12,599
Unfinished oils, total	23,368	21,991

[1] Includes natural gasoline.

Reference: Mineral Industry Surveys, U.S. Department of the Interior, June 1973, pp. 18–19.

TABLE 7.—WORLD REFINING CAPACITY

[In percent]

	Distribution of World refining capacity, 1972	Average annual increase, 1967–72
Western Europe	28.8	+5.4
North America	26.6	+4.5
United States	(22.6)	+(4.1)
Communist countries	16.1	+7.7
Japan	7.4	+15.1
Caribbean	6.9	+6.8
Middle East	4.1	+4.7
South America	3.0	+10.9
Other	7.1	
World total	100.0	+8.0

THE SIXTH DISTRICT SPEAKS OUT: TWO CRISES: BUSING AND ENERGY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BRAY. Mr. Speaker, from my poll taken earlier this year, I have received more responses than ever before. One very good reason for this is due to the first question asked, on busing schoolchildren. This issue exploded in the district after the questionnaire was mailed. For this reason I have taken a major share of time to reply to questions raised on busing. However, for the RECORD, here are the results in percentages of the replies to the questionnaire:

YOUR OPINION, PLEASE—1973

1. If busing schoolchildren for racial reasons is not banned by the Supreme Court, would you favor a constitutional amendment? Yes, 90%; no, 10%.
2. Do you believe that, in order to curb inflation, wage and price controls are preferable to a tax increase? Yes, 82%; no, 18%,
3. Do you favor national health insurance paid by increased social security and other taxes? Yes, 24%; no, 76%.
4. Do you think the energy crisis (power, gas, oil shortages) has passed pollution in importance? Yes, 64%; no, 36%.
5. Do you feel world tensions are relaxed to the point where we can afford major cutbacks in our defenses? Yes, 25%; no, 75%.
6. Some say there are "victimless" crimes—marijuana, prostitution, pornography, for example—that should not be considered as crimes and existing penalties on them should be repealed. Do you agree? Yes, 13%; no, 87%.

BUSING—THE MAJOR ISSUE

Shortly after the poll cards were mailed, the busing issue took on new importance in my district based on Federal court actions. Increased interest in and much hostility was generated on the whole busing coniept. In addition to the poll cards, I received literally hundreds of postcards and letters, written separately, on busing. These continue to arrive; since they did bear on a poll question, I felt I should delay final tabulation and reporting of the returns.

Typical questions were: Why are children being bused away from their neighborhood school? What can be done to stop the busing of schoolchildren? Why does not Congress not stop this busing when the public is bitterly opposed to it? These letters range from well-reasoned queries to letters filled with bitterness and even hatred. I can well understand the feelings of parents who are devoting their lives to the care and well-being of their children.

To see their children bused miles away from their neighborhood schools by court order is, to say the least, upsetting. Their children are removed from their scope of care, from activities and participation in their own neighborhood. Many parents sincerely believe that this action will adversely affect the future of their children's lives and so expressed themselves in no uncertain terms. These letters express bitterness against the courts and against a society, generally, which would take such action involving their children. These letters demand to know why effective action is not being taken that will stop this busing. Such demands are understandable. The public is entitled to an answer. This is especially true when these same questions will be asked in every community of the United States where forced mass busing is attempted.

On the 3d day of October 1973, the Indianapolis City-County Council passed by a vote of 17 to 1 a proposal for a special resolution concerning public school matters which petitioned:

> The Congress of the United States to act without further delay on pending legislation to remove education from the jurisdiction of the Federal Courts and to prohibit, by constitutional amendment, the assigning of children to schools on the basis of race.

The busing question has been asked two times in the last 3 years in my polls, counting 1973. Once I had to devote almost the entire poll response to the busing question because, even though, I did not ask it, the busing issue flared up in the Sixth District while the poll was being taken. It brought so much mail and attention that I felt it could honestly be considered a part of the poll.

Many of us foresaw the dangers in the trend toward busing several years ago. I have spoken against busing many times. In remarks delivered to the House of Representatives on this subject on July 30, 1969, entitled, "Education or Social Experimentation," I strongly attacked the idea of busing to obtain racial balance.

On October 7, 1970, I made further remarks in the House on busing, entitled, "Classroom for Chessboard, Pupils for Pawns."

It is interesting to note that other polls—other than the ones I took—showed the same results; not in figures but in feeling and attitude. One was a poll taken for the U.S. Commission on Civil Rights, by an independent, nationwide polling organization. However, the Commission took the attitude that people were "seriously misinformed" about busing. The report of the Commission—which approves busing—showed 70 percent opposed busing for desegregation; 21 percent favored it; 9 percent had no opinion.

A Gallup poll taken late in the summer and reported in September 1973, showed, and I quote from the New York Times of that date:

> A majority of Americans continue to favor public school integration, but few people—black or white—think that busing is the best way to achieve it.

Only 5 percent chose busing; 9 percent black, 4 percent white were the figures by race. The 5 percent was the overall national figure. Only 27 percent—white, black, and nationwide—even favored changing school boundaries.

Now, this Gallup poll also showed the almost total lack of any so-called racial bias on the part of the respondents. Busing opposition was not based on racial feeling. What bothered people was the infringement of personal liberties, worry about busing children to schools in different neighborhoods, and worry that busing would increase local school taxes. The school board, school officials, teachers, parents and pupils, black and white, are against busing.

In every location where the pupils are being forcibly bused away from neighborhood schools to achieve a racial balance, that action has met with overwhelming opposition. As yet, the busing enthusiasts have only attempted forced busing in a relatively few localities such as the area around Indianapolis and certain areas in Virginia and Michigan.

While the general public is overwhelmingly against this busing, only a few neighborhoods have, as yet, been so personally affected as to actively and aggressively fight the bureaucrats and courts who would bus their children away from the neighborhood schools.

In answering the questions as to busing pupils to obtain a racial balance, it is well to understand the actions which brought about this recent movement of forced busing.

In States where segregation of races was practiced there was, unfortunately, busing for admittedly racial reasons. Such busing was morally wrong. However, the so-called Civil Rights Act of 1964, which became law on July 2, 1964, was intended to stop the assignment of students for racial reasons. Article b of section 401 states:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

This legislation clearly forbids what the busing enthusiasts are forcing on the people today.

Despite this civil rights legislation of 1964, an early architect of this busing away from neighborhood schools to obtain a racial balance was Harold Howe II who served as Federal Education Commissioner from February 1965, to January, 1968. The weapon that Commissioner Howe used to obtain his educational utopia was the destruction of the neighborhood school. A Wall Street Journal story of August 12, 1966, roughly explained Commissioner Howe's goal. The headlines were as follows:

> Integrating Classes—Federal Officials Now Favor End to Tradition of Neighborhood School—New Education Commissioner Calls for Busing.

While Howe is no longer Commissioner of Education, many of his probusing enthusiasts are still at the Department of Education.

Perhaps the greatest injustice in busing is that it assumes that one race is inferior to another race and that pupils must be bused so that they can be with a superior race. Such a philosophy is alien to every principle of our country and is degrading to the pupil, causing the pupil to lose confidence in himself and his right to be a free man or woman.

It is true that busing reduces the effectiveness of the school and is wasting money badly needed for education.

The greatest wrong in busing, however, is to the pupil. At a period of life when a child should become interested in adjusting to school and community, he is being forcefully bused into an alien atmosphere. The pupil, in a sense, is not a citizen of either community; where he lives or to where he is bused. This period in a child's life should be filled with participation in many things: athletics, school clubs, band, orchestra, drama, music and scores of other activities to build him into a responsive and well-adjusted citizen. Busing denies him this opportunity for the normal development of blending school, home and community into a part of his growing life. The parents are denied a part in the school, emergency health care of their children, and the community school activities.

A prominent probusing school official argued that children have been bused to school for many years. It is true that children have been riding buses for many years—riding to neighborhood schools—not away from neighborhood schools.

Another argument used for present-day busing is that pupils are being transported to a better school. That may sound very fine, but what of the pupils who are left behind and what of other pupils who are bused from a "superior" school to this "inferior' school? The goal of American education should be to make all schools the very best possible. There is also something else. With a fuel crisis, and talk of gas rationing, how about a moratorium on busing—which requires staggering amounts of extra gasoline?

The remedies to stop this type of busing are both legal and legislative. Many of these "far out" court busing decisions are being appealed and it is hoped that soon some of these cases reach the Supreme Court, resulting in a favorable decision that will stop busing for racial balance. However, until such a decision is reached, the community involved should push toward a legislative decision—that is, the passage of legislation that will stop this type of busing.

The Indianapolis City-County Council, less than a month ago, on October 3, 1972, by a vote of 17 to 1 asked Congress to take appropriate legislative action. Almost 100 bills have been introduced in Congress to accomplish this; to wit, to stop this kind of busing. However, before the Congress can vote on this legislation, it is necessary to get these bills passed out of the Judiciary Committees of both the House and Senate. To the present, both of these committees have neglected the matter and refused to act. Several Members of the House, including myself, have introduced two types of legislation. On February 27, 1973, I introduced House Joint Resolution 379, proposing an amendment to the Constitution of the United States relative to neighborhood schools which briefly states:

> No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

This resolution was referred to the House Committee on the Judiciary. Again on September 12, 1973, I introduced a bill, H.R. 10223, to limit certain legal remedies involving the involuntary busing of schoolchildren. In part, it stated:

> That no court established by or under the Constitution of the United States shall have jurisdiction or order the transfer or transportation of any student to carry out a plan for the desegregation of any public educational facility if such facility is operated in good faith on an open enrollment basis by a local educational agency which operates its system of free public education on an exclusively open enrollment basis.

Similar legislation was introduced by other Members of Congress and by myself in previous sessions of Congress. These were also bottled up in the Judiciary Committee.

Public opinion is rising against busing to a degree never seen before. There may, as I have noted, be favorable action by the Supreme Court. If not, then the best and only remedy left is through the national legislative process. It is going to be up to elected Federal officials—Members of the U.S. Congress—to not only keep the issue alive, keep legislation introduced and push it, but to work for its successful passage.

Public sentiment has more to do with this than many people think. I am not saying for a moment that bureaucratic or Federal Court decisions are going to be set aside overnight by congressional action, but I believe that if the Supreme Court does not act, this congressional action will come.

This is the only way. I have been aware of it, have worked and spoken out on the issue and done everything in my power to remove this social evil, the busing of schoolchildren for racial balance, from the American scene. I have been at it for almost 5 years and I will continue until there is favorable action.

ENERGY AND ECOLOGY—SAME COIN, TWO SIDES

The looming energy shortage is far more serious today than it was at the time of the mailing of my 1973 questionnaire, yet it is interesting that 64 percent of those answering the questionnaire said that "the energy crisis has passed pollution in importance." The President, on the evening of November 7, 4 months after my questionnaire was mailed, in a national broadcast, recognized this fact when he called for emergency action in our present energy crisis.

He stated that he was:

> Directing that industries and utilities which use coal which is our most abundant resource be prevented from converting from coal to oil. Efforts will also be made to convert power plants from the use of coal—of oil to the use of coal.

The Clean Air Act of 1970 and the manner of its implementation and enforcement was, I fear, a case of "legislate in haste, repent at leisure." The power companies were forced to shift from coal to gas or oil, a low sulfur oil whose principal source of supply is the Near East. Arab retaliation in the Middle East war has added to our increasing energy shortage, when they cut their supply of oil to the United States. Japan and Europe are being injured to a much greater degree than is the United States by rapidly mounting energy crises of their own.

Millions of barrels of oil, that today would be heating homes, driving automobiles, airplanes and trucks, is now generating power that should have been generated by coal. If power in the United States today was being generated by coal there would be no energy shortages. The United States has about 6 percent of the world population but consumes over 30 percent of the energy in the world.

The President's address called for actions on behalf of the country, States and the individual, actions which properly taken and adequately implemented will bridge us over the present energy crisis with a minimum of problems and discomfitures.

We have adequate supplies of coal for some centuries to come and with proper curbing of smoke and gases, the use of coal will cause but little inconvenience to the public.

The Alaskan pipeline, which has been needlessly delayed, when completed will add greatly to our source of energy as will the increased use of nuclear reactors and the development of solar energy. The utilization of great supplies of oil, coal and gas still untapped on land and under the sea should be encouraged. The American people will cooperate in times of a national emergency and, in addition, the alternative of being cold, hungry and in the dark is not appealing.

The situation is analogous to when World War II began. Japanese drives into Southeast Asia cut us off from about 90 percent of our supply of natural rubber. So what happened? Industry developed synthetic rubber.

The great American ability called know-how can and will solve this energy crisis, but it must be allowed to do so.

The State of Indiana is one of the first three States to do something to solve this problem.

Already there is an office in Indianapolis, set up by the Indiana State government, that citizens having any fuel difficulties can call: (317) 633–4008.

THE BALANCE OF THE QUESTIONNAIRE

The other four topics, to some degree, are still unresolved and up in the air. Due to the intense interest shown in the first two it has become necessary to cut down the space allotted to the other four.

WAGE AND PRICE CONTROLS, OR MORE TAXES?

Neither are popular; my mail made that clear. But I had been informed, personally and in mail, by a significant number of people, that they would prefer higher taxes to cure inflation to further controls.

As it stands now, I do not see general higher income taxes. This could be wrong, but congressional sentiment is against it. For continuance of controls, it seems as if they may be removed within the next 3 to 4 months. There will almost certainly be some selective removal, if not scrapping them completely. There is strong sentiment in high administration councils to abolish them and let the free economy work. These controls have not worked very well so far; no one likes them; at best, they were a stopgap measure.

NATIONAL HEALTH INSURANCE

Opposed, as the poll indicates, estimated figures on what it would cost vary, concerning coverage. Complete coverage? Billions—there is no doubt about it. And such a program, make no mistake about it, would mean much higher taxes, probably both on social security—which will likely rise anyway next year—plus general income taxes, to pay for it out of the General Treasury fund.

At this time there is nothing of substance going on in Congress. There will be nothing this year, and, next year, it is questionable. The strongest backers of national health insurance admit there are many, many questions to be resolved first.

DEFENSE

The Sixth District does not believe that the world is settled to the point where we can let defense matters slide. I know, in some quarters, it is popular to talk about what we could do with the money if we did not spend it on defense. Well, it is not that simple.

The so-called détente and various trade agreements—controversial and a cause of concern to many; I understand that—do not mean an era of world peace is at hand. In fact, in all recorded history, there have been relatively very few years when we had such.

The question boils down to "What are our interests?" Well, let us consider what Lord Palmerston told the House of Commons in 1848:

> It is a narrow policy to suppose that this country or that is to be marked out as the eternal ally or the perpetual enemy. . . . We have no eternal allies and we have no eternal enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow.

VICTIMLESS CRIMES?

The new Director of the FBI, Clarence M. Kelly, a long-time law-enforcement officer who knows what he is talking about, had this to say about the idea:

> There is too much chance for hoodlums to take over, and neglect by the police merely serves to milk the public dry. . . . When crimes without victims become an open field, it can become a playground for hoodlums.

Those who say there are "victimless crimes" maintain that some things are harmful to the individual, and not to society at large. To that I would respond with the famous remark of the Englishman John Donne, in 1924:

> No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friends or of thine own were; any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee.

REPORT ON MIDDLE EAST OIL AND THE UNITED STATES

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. MIZELL. Mr. Speaker, last week the President in his message to the Nation on the energy emergency said:

> Unfortunately, our expectations for this winter have been sharply altered by the recent conflict in the Middle East. . . . We must, therefore, face up to a very stark fact. We are heading toward the most acute shortages of energy since World War II.

The Republican Task Force on Energy and Resources has prepared a report on "Middle East Oil and the United States" which details the flow of the Arab oil to the United States. The report looks at the international oil market and the domestic needs of the United States and attempts to determine what needs exist in this country for Arab oil. The report found that over 14 percent of the oil consumed by the United States in the first half of 1973 was from the Middle East.

The report also contains a list of recommended actions which should be considered if the United States is ever going to get out of the present energy crisis.

This report was prepared by John Nugent, the Director of the Task Force on Energy and Resources. Mr. Nugent studied at the American University of Beirut in Lebanon and has worked for government and private organizations on the Middle East and energy issues:

REPORT ON MIDDLE EAST OIL AND THE UNITED STATES—PART III

(By the House Republican Task Force on Energy and Resources, House Republican Conference, November 9, 1973)

(Members: Roger H. Zion, Indiana, Chairman; James Abnor, South Dakota; William Armstrong, Colorado; LaMar Baker, Tennessee; John N. Camp, Oklahoma; Thad Cochran, Mississippi; James M. Collins, Texas; Paul W. Cronin, Massachusetts; Benjamin A. Gilman, New York; Robert P. Hanrahan, Illinois; Elwood Hillis, Indiana; Robert C. McEwen, New York; Clarence F. Miller, Ohio; Wilmer Mizell, North Carolina; Ronald A. Sarasin, Connecticut; Floyd Spence, South Carolina; Alan Steelman, Texas; Steven D. Symms, Idaho; Gene Taylor, Missouri; David C. Treen, Louisiana.)

INDIRECT IMPORTS OF MIDDLE EASTERN OIL

Direct imports from the Middle East and North African area (excluding Iran and Israel) amount to 5.2% of the total U.S. consumption—not an alarming figure but not a complete one either. When the exports to the U.S. of the major non-Persian Gulf and North African suppliers are analyzed, it becomes apparent that without Arab oil they would be unable to continue the current levels of exports to the United States.

Canada, for instance, is a net exporter of crude oil through its sale of oil to the U.S. Canada sells oil to the U.S. from its fields in the western part of the country, gains foreign exchange and then buys oil which it imports on its eastern coast. Canada relies on 850,000–900,000 b/d of imports to meet its total demand of 1.6 mb/d. 53% of the imports come from Colombia and Venezuela, 25% from Arab sources, 14% from Iran and 8% from Nigeria. With the Venezuelian production declining and Canadian domestic demand increasing, the trend in Canada is toward importing increasingly more crude oil from the Persian Gulf and North Africa. Estimates vary, but at a minimum some 400,000 b/d of Canadian exports of crude oil to the U.S. could be affected by a Middle Eastern boycott. The U.S. will be effected in two ways. If Canada, during an embargo, continues to get most of the oil it needs through competitive bargaining and higher prices, the reductions of exports to the U.S. will likely be lower. However, the price to the U.S. will be considerably higher. Further, Canada might require the U.S. to replace Canadian western exports with U.S. oil shipments to the Montreal area. Lastly, Canada might be tempted to find other markets for its oil either within the country or as exports to nations other than the U.S., possibly Japan.

Should Canada decide to move away from the U.S. market, she will face some potentially serious dislocations and will have to measure her own interests and the price she is willing to pay both economically and diplomatically against the pressure the U.S. will bring to continue the present patterns. Recent actions by Canada indicate she is seriously considering such a move. In April 1973, Canada imposed export controls on crude shipments to the U.S. and as late as September, Prime Minister Trudeau announced he would seek measures to protect against Middle East cut-off including a pipeline from the west to Montreal. (This pipeline could cut Canadian exports to the U.S. by an estimated 550,000 b/d.) As a result of the restrictions of world crude supplies, Canada has been increasing the crude oil tanker shipments between the Interprovincial Pipeline terminal in Ontario and Montreal with the shipments expected to reach 50,000 b/d in November. There are other instances of this second country sales in crude although they are nowhere near as massive or as easy to demonstrate.

In the area of refined imports to the United States, second country sales are much more prevalent. Of the 2.8 mb/d of refined products from the Western Hemisphere some 1.6 mb/d come from the Caribbean and roughly 50% or some 500,000 b/d of this are products refined from Middle Eastern and North African crude oil. Of the Canadian refined products exported to the U.S. it is estimated that 100,000 b/d are related to the Middle East. In addition, the whole of Europe's 336,000 b/d is dependent on supplies of crude oil from the Middle East. Thus, the refined imports to the U.S. which originate as Middle Eastern or North African crude oil are in the neighborhood of 900,000 b/d. As in the case of crude imports only, the cases that involve amounts large enough to be easily measured have been included although others exist.

The total imports from the Middle East and North Africa for both the direct imports and the second country transactions amount to 14% of the oil consumed in the U.S. The figures for both types of imports are as follows:

PETROLEUM IMPORTS DIRECTLY FROM THE MIDDLE EAST/NORTH AFRICA

Source	Average daily imports (barrels per day)	Percent of total U.S. consumption
Crude imports: Middle East/North Africa	961,000	
Refined imports: Middle East/North Africa	104,000	
Subtotal	1,065,000	6.1

PETROLEUM IMPORTS INDIRECTLY RELATED TO THE MIDDLE EAST/NORTH AFRICA[1]

Crude: Canadian	400,000	
Refined:		
Europe	336,000	
Canada	100,000	
Other Western Hemisphere	500,000	
Subtotal	1,336,000	7.7
Total	2,401,000	13.8

[1] Estimate of oil likely to be affected within the first few months of major reductions in Middle East/North African oil exports.

BOYCOTT RESULTS: ESTIMATE OF EFFECT

When considering the question of a Middle Eastern oil embargo and the world-wide oil picture, it is important to remember that only Saudi Arabia has the capabilities to increase production significantly for an extended period of time. Iran would be very hard pressed to make up for even 5% reductions in Persian Gulf production. Iran has plans for expansion but is very conscious of its oil reserves and the need to plan production to meet the Shah's internal development plans. Thus, Iran would be very reluctant to greatly expand production although for a short period it is not unreasonable to expect some moderate increases. Russia is the other country often mentioned as having the capability to make up for losses of Persian Gulf and North African oil. Russia does have considerable potential for expansion and could definitely increase exports for a short time. However, the amounts are not felt to be large enough to offset a serious Arab embargo lasting any considerable time. Further, political considerations could possibly dictate that Russian oil would go to the Western Europeans rather than the U.S. This might be the case if the Soviets did not want to risk embarrassment in the Arab world and were willing to risk weakening of detente with the U.S. In addition, by most estimates, Russia will have become a net importer of petroleum by the 1980's, if she is to meet the energy demands of her expanding industries and public consumption. Any shortages that are caused by an Arab embargo are going to be real rather than relative shortages which can be compensated for from another area.

Counting stockpiles and company supplies in Western Europe, Japan and the United States, which range from weeks to months it will be a month or more before the effects of an embargo become serious, provided the embargo lasts that long. However, should the Arabs continue their actions, several changes can be expected in the world oil market. These changes could possibly cause further decreases in the oil available for import to the U.S. beyond the 2.4 mb/d mentioned previously. Faced with the prospect of significant oil shortages, Western Europe and Japan would probably move from cooperation to competition with the U.S. in the oil market. This is particularly so if they view with disfavor U.S. diplomatic actions and the arms shipments to Israel which led to the embargo. In bidding for the petroleum supplies of the remaining producers, plus possible Arab oil sold to them based on their support for the Arab cause, the price is almost certain to rise and potentially a portion of the oil now going to the U.S. would go to them at this higher price. Another possible side effect is that all exporter-importer countries, not just the ones mentioned previously, would have to restrict their sales thus causing a ripple effect in the refined product market. Japan could also be expected to enter the oil market with its own companies at an accelerated rate. Currently, Japan gets 70–80% of its oil from the major oil companies none of which are Japanese. To correct this Japan has created the Japan Petroleum Development Corporation to assist Japanese companies in exploration and development. This process would certainly be increased bringing Japan into the market as a major independent competitor.

It is not certain that the Arab nations will be able to enforce a boycott or continue one over a long period of time. What is certain is that the U.S. dependence on Middle Eastern and North African oil has been growing and is likely to continue. As long as the Arab-Israeli crisis continues, oil will be used as a political tool not only for economic gains but also for achievement of foreign policy goals.

1973 may in many ways be a turning point. If the Arab nations see the embargo as successful in pressuring the U.S. to modify its position toward or in bringing about a settlement of the Arab-Israeli dispute, and if the much higher prices unilaterally set during the crisis become permanent (Indonesia and others have followed the Arab example and raised their prices), the Arabs will have won significant gains from the oil companies and the major importing nations. The 1970's and the 1980's may be the decades of the oil exporters as the 40's and 50's were ones of dominance of the oil market by the major oil companies. Provided that the Arab-Israeli crisis is solved and the exporting and importing nations can put their dealings on a more businesslike footing, this period of dominance of the oil market by the seller need not be a particularly troublesome time.

RECOMMENDATIONS

What should the United States do to balance its needs for oil with domestic economic needs and foreign policy objectives? The nature of the energy crisis facing the U.S. is such that domestic actions must be taken to improve the relative imbalance in the U.S. with regard to energy consumption and petroleum fuels. Also, the implications of the recently announced oil boycott for the U.S. energy picture make it imperative that serious consideration be given to the U.S. foreign policy objectives in the Middle East and in the international economic community.

Some of the factors and actions which the U.S. may want to consider in its attempts to solve its energy problems are listed below. No attempt has been made to rank them by priority or to place them in perspective with regard to the time frame implied by each suggestion. Further, the listing of these proposed actions does not imply endorsement of a proposed course of action and in a few cases the suggestions may even be in conflict. The attempt here is more to outline the possibilities and give an indication of the range of choices rather than define a course of action.

First, in the *foreign policy and international economics area* the following approaches to the problem might be taken:

(1) Apply pressure on all parties and work together with the Soviet Union to achieve a just and acceptable settlement to the Arab-Israeli conflict. The temptation to stop with a cease-fire should be resisted; in the past these have proved only temporary and have not so far led to peace negotiations.

(2) Work with the oil exporting nations to assure that their goals can be met without seriously upsetting economic progress in other areas. This will include establishing oil contracts that adequately account for currency fluctuations and inflation. Further investment incentives should be available to make oil production worthwhile. Unless it is profitable to increase production or even produce the oil, exporters are likely to curtail production. These investment opportunities may result in closer economic ties between the producer and the importer states making future embargoes less likely. In addition, the major industrial nations should provide investment opportunities for the growing foreign currency holdings of the oil states with the aim of preventing strains on the international monetary system and helping to alleviate the drains on revenues and the chronic instability due to balance of payments disequilibrium.

(3) The major industrial nations should cooperate for the purpose of furthering research and development in all fields of energy research. This cooperation might extend to establishing limited programs to assist each other during oil shortages, possibly through the sharing of reserves. However, to view this cooperation as an anti-OPEC organization or as a bargaining tool would be unwise. Japan would be most unlikely to join as would most Western European nations.

(4) The U.S. should work with Canada to assure that both countries' economic needs are met to the fullest extent possible. The consequences of an economic realignment by Canada away from the U.S., particularly in the area of oil, would present the U.S. with some very severe problems.

(5) The U.S. should reevaluate its foreign policy and military needs to determine the value of increasing stockpiles.

In the area of *domestic economic policy* the U.S. should recognize that it has an energy problem with or without an Arab boycott of oil. Boycotts by the Arab oil producers may aggravate the crisis but they did not cause it. Further, it is entirely possible that for the foreseeable future the U.S. will remain dependent on oil imports for a sizeable proportion of its domestic energy needs. With this goes the obverse, mainly that without drastic changes in the economic picture the U.S. is not likely to be self-sufficient in energy reserves for at least the next decade or more. This is not to imply that the U.S. should not take every action to reduce dependence on imports. The U.S. very definitely should, but recognizing the needs for imports opens up new approaches to the U.S. energy problems. (Just as a brief note, most projections into the long range period indicate a shift away from the fossil fuels towards the renewable energy sources. The trick is to be prepared for the shift before the shortages are induced by depletion rather than man made.)

The following are suggested approaches which might be taken in the U.S. to alleviate energy problems:

(1) Increase the domestic capabilities to produce more fuel resources. Exploration and development of all natural gas and petroleum deposits should be undertaken both onshore and offshore and U.S. refinery capacity should be greatly expanded. Increase the use of coal in an environmentally acceptable way. Increase the use of nuclear energy as an addition to and substitute for fossil fuels. This increased use includes not only new production but also more efficient ways of producing and using our current resources.

(2) The U.S. should build the facilities necessary to handle increased imports. This includes deepwater ports, super tankers, new refineries and additional pipelines and storage facilities.

(3) The U.S. should provide investment opportunities for the oil producing nations that are compatible with U.S. economic growth and mutually beneficial with the view towards increasing production, easing the balance of payments drain, and preventing oil revenues from being used at some future time against the international monetary system or the U.S. dollar.

(4) Every reasonable effort should be put into R & D activities to insure that the U.S. has enough energy resources to meet its projected needs. The range of projects dealing with fossil fuels include: ways to use coal that minimize the dangers to the environment, gasification and liquification programs to produce fuels from coal, tar sands and oil shale and increasing the recovery capabilities of the oil and gas reserves as well as assuring their most efficient use. In the renewable energy resource area geothermal, solar, and nuclear energy are the foremost prospects.

(5) Coordinated programs to conserve energy in all phases from production to consumption should be adopted. The method of compliance could range from voluntary to enforced programs with monitoring systems to assure implementation.

(6) Contingency plans should be developed which go beyond the current allocation programs. The ultimate step would be a rationing mechanism for all important energy sources.

(7) The U.S. government should be recognized to place offices with a working responsibility for energy under one body. This would facilitate R & D, coordinate energy policy spanning all sources and insure that energy policies are implemented in a fashion which takes into account the numerous sources.

(8) At least during the next few years some of the environmental regulations may be modified to allow the use of fuels which are now banned such as coal and high sulphur oil. This could be done on an individual case basis or through a modification on a general scale to existing laws. The modification may be in either the primary or secondary areas.

WOMEN AND CREDIT DISCRIMINATION—THE MYTHS, THE FACTS, AND THE NEED FOR LEGISLATION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Ms. ABZUG. Mr. Speaker, this morning I had the privilege of testifying before Representative Leonor Sullivan's Subcommittee on Consumer Affairs of the House Banking and Currency Committee. The subject of the hearing was discrimination of the extension of credit to women by reason of sex or marital status. I would like to take this opportunity to insert in the Record the text of my testimony.

Testimony of Bella S. Abzug Before the House Banking and Currency Committee, Consumer Affairs Subcommittee

Representative Sullivan, members of the Committee, I would like to commend and thank you for holding these hearings on the issue of women and credit. I wish to commend the Chairwoman also for her leadership in consumer protection, as a member of the National Commission on Consumer Finance, and as a leading advocate here in the House of the Consumer Credit Protection Act. I know that you and the Subcommittee have spent a great deal of time investigating the practices of our federal agencies and commercial firms in the administration of existing consumer protection legislation and the need for new legislation.

My legislation HR 9110 (The Equal Credit Opportunity Act) attempts to remedy the widespread problem of discrimination on the basis of sex or marital status in the granting of credit to women. The unavailability of credit to women was documented during hearings held by the National Commission on Consumer Finance, again in Federal Deposit Insurance Corporation hearings and in many letters to my office and I am sure to the offices of other members of the Committee. The five discriminatory acts documented by the Commission were summarized as follows:

1. Single women have more trouble obtaining credit, especially mortgage credit, than single men.
2. Creditors generally require a woman who has credit to reapply for credit when she marries, usually in her husband's name. Similar reapplication is not asked of men when they marry.
3. Creditors are often unwilling to extend credit to a married woman in her own name.
4. Women who are divorced or widowed have trouble reestablishing credit. Women who are separated have a particularly difficult time since their accounts may still be in the husband's name.
5. Creditors are often unwilling to count the wife's income when a married couple applies for credit.

HR 9110 recognizes that there is a need to insure that the various financial institutions engaged in the extension of credit exercise their responsibility to make credit available with fairness, impartiality, and without discrimination on the basis of sex or marital status.

Economic stabilization would be enhanced and competition among the various financial institutions engaged in the extension of credit would be strengthened by an absence of discrimination on the basis of sex or marital status, as well as by the informed use of credit which Congress has heretofore sought to promote. It is the purpose of this Act to require that financial institutions engaged in the extension of credit make that credit equally available to all creditworthy customers without regard to sex or marital status.

I am sure that others before me and others after me will bring forth statistics about working women in America. Not to be redundant but to again stress the importance of putting to rest the shibboleths about women, that have served to deny credit to women, let me set the facts straight.

One shibboleth is that although some women may work they don't work for long. The fact is that 43% of all women work, making up some 38% of the nation's labor force. That equals some 35 million women workers. The average work life expectancy of single women is 45 years, actually two years longer than the average for men. The widowed, divorced, or separated woman at age 35 can expect to work for another 28 years, just six months less than the work-life expectancy of a man at age 35. Even the married woman with children who reenters the labor market at age 35 can anticipate another 24 years of work which is just under 4 years less than a man of 35.

Another shibboleth is that women move from job to job. However, according to a U.S. Department of Labor study done in 1968, the difference between the quit rate for men and women factory workers was 4 per thousand. The factors determining layoff rates are not sex or marital status. They are such factors as seniority and skill.[1]

It is also interesting to note that beyond the proverbial three C's—character, capacity, and collateral—the lending institutions have not shown much hard data about their criteria of creditworthiness nor have they specified what is the chief determinant of poor risk loans.

The Veterans Administration and the Federal Housing Administration did a study in 1970 of mortgage delinquency (Home Mortgage Delinquency and Foreclosure, Herzog and Earley). This study indicates that loans, if they are defaulted, default in the first five years, especially in the 2nd through 5th year. It also shows that the average length of a consumer loan is 18 months. If I were a lender, I would have to draw the conclusion from this report, that I should not be so concerned with the long term employment pattern of women but with the short term credit worthiness of this particular loan or mortgage applicant. In fact, one of the variables used by Herzog and Early was marital status. They concluded, "marital status was not a statistically significant variable in any of the equations." [2]

I understand that some of the lending institutions have testified that they would have no objection to legislation prohibiting discrimination on the basis of sex but would raise objection to marital status being included in the ban.

Let us examine some of the marital status categories and the working pattern of women in them.

Most single women are employed. Although many of these women will eventually marry, that decision is being postponed. In 1960, 28% of all women between the age of 20 to 24 had never been married. By 1970 this figure increased to 37% of the age category.[3] If this woman remains single she can expect to work longer than the average man.[4]

If and when this woman does marry she is likely to remain in the labor force. 55% of all women maintain their job when the husband is under 35 years of age.[5] According to a survey done by *Bride*'s magazine and reported in the *Merchandizing Week*, May 15, 1972, 94% of brides-to-be plan to work after marriage, compared to an 89% figure five years ago.

The divorced or separated women constitute 11% of the women's workforce.[6] The comparable figure for men is 5%. Lenders cannot justify their discrimination against divorced or separated women or widows by claiming that their incomes decline or they do not work as long as men. Divorced women who are working at age 35 can be expected to work another 29 years. A widow working at age 35 can expect to work for another 27 years.[7]

These women work out of economic necessity. As of March, 1971, 70% of all divorcees, including those who were not family heads, and 50% of all separated women were in the labor force. In fact, divorced women with pre-school children had twice the labor force participation of married women.[8]

Let us also examine the statistics concerning married women. Well over 40% of American families have both husband and wife working. Married women with no children are likely to be in the labor force: 72% of all childless wives between the ages of 20–24 and two-thirds of those between the ages of 25 and 34.[9] 50% of all married women with school age children are in the labor force.[10]

We can see that there is little truth in the myth that divorced, widowed and separated women and married women with children, are unreliable. But the lenders ask, what about young wives. At this point we must look at another group of statistics, those dealing with projected and actual birth-rates. The Census Bureau reports that women between the ages of 18 to 24 expect to have only 2.1 births. The length of time between the first and subsequent birth has also been on the decline. As of 1965 the average span between births has been 2½ to 3 years.[11] Thus, we can see that young wives are having fewer children, closer together in age. In addition many mothers of pre-schoolers are staying on the job. In 1969, 44% of all mothers with children under the age of six were working.[12]

I put these statistics before you to illustrate that credit must not be denied to women on the basis of shibboleths, myths and misconceptions. To base a determination of creditworthiness on a class, be it sex or marital status, makes no sense. It must be on the basis of an individual determination of creditworthiness.

In May, 1972 when I introduced legislation that would prohibit discrimination on the basis of sex or marital status it was the first such legislation that covered retail and consumer credit and mortgages. Also in 1972 Rep. Hechler secured the inclusion in the Housing Act of 1972 a provision which prohibited discrimination in mortgage credit by reason of sex or marital status. My measure now has 74 co-sponsors, including some members of this distinguished committee. I was particularly gratified that the Senate in July of this year adopted an equal credit opportunity title to S. 2101 which is similar to my legislation.

HR 9110 (which is also numbered HR 8163, 9111, 9112) amends the Truth-in-Lending Act by the addition of a new chapter 4 to Title I.

SEC. 151. Prohibited Discrimination. This section makes it unlawful to discriminate on account of sex or marital status in the extension, denial or terms of credit.

SEC. 152. Civil Liability. This section provides that any person who violates this Act shall be liable for not less than $100 or more than $1000 in an individual action, or greater than $100,000 in a class action. It also provides for punitive damages such as the court may allow and reasonable attorney's fee. It further provides for this action to be heard in the district courts of the United States.

There are three additional provisions which appear in HR 9110 that do not appear in S. 2101. The first appears in Sec. 152, Civil Liability. My bill allows the court to set punitive damages for violations of this Act. The other two differences occur in Section 5 of HR 9110. Section 5 amends Sec. 121 of the Consumer Protection Act by adding a new subsection. The new subsection would require that each creditor and card issuer disclose clearly and conspicuously the criteria upon which judgments of creditworthiness are made.

Studies done by the Pennsylvania Commission on the Status of Women, the Oregon Student Public Interest Research Project and the Durham, North Carolina NOW chapter show that loan and credit policies of banks, retail stores and national card issuers differ even within branches of the same store in the same city. I think you may have heard of the case of the New York bank vice-president who, upon reading in the newspaper of a couple denied a mortgage on the basis of sex and marital status discrimination, sent them a loan application only to be told by the couple that his bank had already refused them.

The record is replete with stories of credit discrimination against women and I will not tax the energies of this committee by repeating them now. I am annexing my testimony before the National Commission on Consumer Finance of May 23, 1972 which gives some examples of this type of discrimination. Should the Committee request I shall be glad to submit additional examples.

Section 5 of this Act further provides that every person who is denied credit be informed of the specific basis that denial in writing. This is consistent with the type of consumer information policy that the chairwoman and this subcommittee have recognized by providing consumer access to credit bureau files in other consumer protection legislation.

Committee counsel asked for information about existing New York State law effecting property and credit rights of women. In New York single women have the same rights and obligations as men to make contracts, be sued, buy and sell property, both real and personal. Married women's rights are covered under New York Domestic Relations Law, Section 50, Property of Married Women. It reads: "Property, real or personal, now owned by a married woman or hereafter owned by a woman at the time of her marriage, or acquired by her, as prescribed in this chapter, and the rents, issues, proceeds and profits thereof shall continue to be her sole and separate property as if she were unmarried and shall not be subject to her husbands control or disposal or liable for his debts." New York Executive Law 296 prohibits the denial of mortgage credit on the basis of sex or marital status. In my opinion nothing in HR 9110 is in conflict with existing state law.

In any case, I have dealt with this question in Section 153 of the Act. Sec. 153. Effect upon state laws. This law would not require the granting of credit to anyone not financially eligible for it. It would supercede a state or local law or custom requiring or permitting discrimination on the basis of sex or marital status. Where a state or local statute makes assets unavailable as a matter of law because the earnings or property of a married women are not in the control it would not at this time require that such assets be considered in determining her creditworthiness. (I hope however, that such state laws which deny women such economic power will soon go the way of laws denying them the vote.) Section 153 would also not alter existing state law relating to prohibition against discrimination except to the extent that such laws are inconsistent with the provisions of this chapter and then only to the extent of such inconsistency.

The final issue and the most important is the necessity for this legislation. The National Commission on Consumer Finance recommended that each state review its own laws to end discriminatory practices. Although I believe that is necessary I do not think it will suffice to answer the problem.

Credit is often a nationwide system. Many banks, small loan companies, the national card issuers and many of the leading retail stores have branches and outlets all over the country. 50 or more different systems would not simplify or correct this problem but would serve to confuse and complicate it.

It is time that women exercise their right to take part in all aspects of American economic life. There is no rational reason for any sort of obstacle to women in their use of economic power.

I will conclude by urging this subcommittee to report out HR 9110 which I believe to be more effective than S. 2101 in remedying the abuses delineated. In any case I look forward to the committee reporting out a bill that accomplishes the purpose of eliminating credit discrimination by reason of sex or marital status.

Footnotes at end of article.

FOOTNOTES

[1] U.S. Department of Labor, Women's Bureau, Facts About Women's Absenteeism and Labor Turnover. August, 1969.

[2] Home Mortgage Delinquency and Foreclosure. John P. Herzog and James S. Earley, National Bureau of Economic Research, New York, 1970.

[3] New York Times, February 17, 1972, p. 25.

[4] U.S. Department of Labor, "Work Life Expectancy and Training Needs of Women", Manpower Report, No. 12, May, 1967, p. 4.

[5] Josephine McElhone, Economist, Federal Home Loan Board, in testimony before the National Commission on Consumer Finance, May 22, 1972.

[6] "Marital and Family Characteristics of the U.S. Labor Force", Elizabeth Waldman, Monthly Labor Review, May, 1970, p. 20.

[7] "Work Life Expectancy and Training Needs of Women", p. 4.

[8] "Marital and Family Characteristics of the Labor Force," Elizabeth Waldman and Kathryn Gover, Monthly Labor Review, April, 1972, p. 7.

[9] Waldman, Monthly Labor Review, May, 1970, p. 19.

[10] Chart, p. 46, Monthly Labor Review, March 1971.

[11] U.S. Bureau of the Census, Current Population Reports, Series P-23, No. 36, "Fertility Indicators: 1970", p. 36.

[12] Washington Post, March 5, 1972, p. D6.

GAO CITES NEED FOR IMPROVED ATOMIC PLANT SECURITY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. FRASER. Mr. Speaker, the administration's reliance upon nuclear fission power as a solution to the energy crisis gives pause for reflection and concern. Thus far our national program for energy research and development has concentrated overwhelmingly on nuclear fission power.

Many scientists are seriously troubled by the grave safety problems associated with production of this kind of power. The Ford Foundation's energy policy project will soon publish a study on sabotage, which sets forth the possibility of theft of fissionable material for illegal weapons' production. With more atomic plants coming on line, this danger will increase.

In his latest energy message, the President has asked us to shorten by 4 years procedures for licensing and construction of nuclear plants. In the rush for new and needed energy sources, we must insist on adequate safety precautions.

With this in mind, I call Members' attention to a report just released by the General Accounting Office on needed improvements in the Atomic Energy Commission's program for protection of "special nuclear material"—the fissionable uranium or plutonium used as fuel for nuclear power reactors.

A digest of the GAO report follows:

IMPROVEMENTS NEEDED IN THE PROGRAM FOR THE PROTECTION OF SPECIAL NUCLEAR MATERIAL

WHY THE REVIEW WAS MADE

Special nuclear material is fissionable plutonium or uranium used principally in nuclear weapons and as fuel for nuclear power reactors. The Atomic Energy Act charges the Atomic Energy Commission (AEC) with the responsibility for developing regulations, in the interest of national defense and security, for protecting such material against loss or diversion.

Because of the potentially dangerous consequences from a single diversion of special nuclear material, an effective program for its protection is essential. Therefore, GAO reviewed AEC's program for in-plant protection of such material held by organizations authorized to possess it.

FINDINGS AND CONCLUSIONS

About 600 organizations are authorized to possess special nuclear material. Ninety-five are required to comply with AEC's requirements for protecting the material.

AEC has determined that the remaining organizations are exempt from these requirements because they hold small amounts or because it does not consider the material to be of high strategic importance. These exempt organizations, however, must provide the normal protection afforded radioactive material for health and safety reasons.

Persons with the requisite technical expertise and the necessary resources can make a crude nuclear weapon from about 17 kilograms of uranium or 6 kilograms of plutonium. A kilogram is approximately 2.2 pounds.

AEC has stated that it was not aware of any diversion of special nuclear material from authorized uses. However, it recognized that the probability of the material being stolen, unexplainably or accidentally lost, diverted from authorized use, or used or disposed of in unauthorized ways increases as the quantity and number of organizations authorized to hold such material increases. According to AEC the annual domestic requirement will be over 1 million kilograms by 1980.

AEC's Director of Regulation is responsible for the adequacy of the protection of special nuclear material held by licensees. AEC's General Manager has a similar responsibility for such material held by AEC and AEC contractors. (See p. 7.) A private firm can be both an AEC licensee and an AEC contractor (licensee/contractor).

Physical security systems

GAO reviewed the in-plant protection systems of three licensee/contractors holding confidential and unclassified special nuclear material. GAO noted several conditions at two of the plants which significantly limited the holders' capability for preventing, detecting, and effectively responding to a possible diversion or diversion attempt.

GAO noted such conditions as—

Weak physical security barriers;

Ineffective guard patrols;

Ineffective alarm systems;

Lack of automatic-detection devices; and

Lack of an action plan in the event of a diversion of material.

The extent to which any one of these conditions violated AEC requirements was difficult to assess because AEC's requirements did not always specifically define the type or degree of protection which should be given to special nuclear material. Nevertheless, the capability of the protection systems at these two facilities was so limited that the material was inadequately protected.

AEC agreed that these systems were not adequate and stated that they did not meet its requirements. AEC told GAO that actions had been or were being taken to correct these protection systems.

Examples of physical protection conditions found at one of the facilities were:

Guards did not vary times or routes when touring the plant.

Fencing around the plant had broken locks on gates, holes large enough for a person to gain access to the plant, and several other weaknesses.

Material was stored in a prefabricated steel structure which could be breached easily.

AEC's physical protection program

In September 1971 AEC completed an internal study of its physical protection program for special nuclear material, which contained a number of recommendations aimed at strengthening the program. But AEC was slow in implementing them. During GAO's review the Director of Regulation and the General Manager had taken or had begun to take actions to strengthen the program.

AEC's Director of Regulation:

Developed broad objectives for protecting special nuclear material, and

Published in the Federal Register, for industry comments, proposed amendments to the protection requirements.

AEC's General Manager (1) drafted revisions to clarify and increase the protection requirements for classified material and (2) in June 1973 issued new requirements for unclassified material held by contractors.

AEC needs to define in greater detail the expected capability of a protection system by providing more specifics relating to its prevention, detection, and response capabilities.

Such a definition should—

Place holders in a better position to know what their systems must be capable of doing, and

Place AEC in a better position to assess the adequacy of the holders' systems.

Differences in protection requirements

There are differences between the proposed requirements to be imposed on licenses and the recently revised rquirements imposed on contractors for the protection of unclassified material.

For example, a licensee would be *required* tot search all individuals, packages, and vehicles entering a protected area or leaving an area containing special nuclear material. On the other hand, individuals, packages, and vehicles at contractors' plants are *subject to* search.

AEC should impose the same requirements on both types of facilities or should justify the differences. AEC told GAO that it is doing so.

Inspection practices

AEC monitors the adequacy of holders' protection of special nuclear material principally through onsite inspections. GAO noted two matters relating to AEC's inspection program which needed improvement:

The responsibility for assessing the adequacy of the protection at licensee/contractor facilities was divided; i.e., the Director of Regulation assessed the protection of unclassified material held under the licensee and the General Manager assessed the protection of classified material held under the contract.

The inspections for the most part were compliance inspections concerned mainly with determining whether AEC's requirements were met rather than with the overall effectiveness of the physical protection systems.

AEC's plans call for a number of improvements in its inspection program.

AEC has taken a number of actions aimed at strengthening its protection program for special nuclear material. However, more needs to be done to strengthen the in-plant physical protection over unclassified and confidential special nuclear material and to provide a better basis for assessing the adequacy of the protection afforded such material.

RECOMMENDATIONS

AEC should—

Expedite the formal issuance of the proposed changes to its protection requirements.

Define in greater detail the expected capability of a protection system designed to prevent, detect, and effectively respond to a possible diversion or diversion attempt and strengthen the protection requirements to the extent necessary.

Impose the same protection requirements on licensees and contractors holding unclassified material or justify the differences.

Improve its inspection practices, as planned, by (1) conducting one overall evaluation of the protection measures employed at licensee/contractor plants covering both classified and unclassified material and (2) developing new inspection procedures which will place increased emphasis on evaluating the effectiveness of the protection at licensed facilities.

AGENCY ACTIONS AND UNRESOLVED ISSUES

AEC generally agreed with GAO's recommendations and said that it has taken, or is taking, actions to implement them.

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report informs the Congress of AEC actions needed or being taken to improve the in-plant physical protection of unclassified and confidential special nuclear material.

WHEN THE FROST IS ON THE PUNKIN

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. CARTER. Mr. Speaker, this weekend it was my good fortune to be in Kentucky where the frost was on the pumpkin and the fodder's in the shock. The trees were a riot of color from dark crimson to pink, gold, yellow, and brown. It seemed as if a magic carpet covered the towering mountains.

It was also my pleasure to partake of some of the bountiful harvest which the people throughout Kentucky have just gathered in. It brought to mind a poem by James Whitcomb Riley, "When the Frost Is on the Punkin," and I include this for the Record:

WHEN THE FROST IS ON THE PUNKIN

(By James Whitcomb Riley (1849–1916))

When the frost is on the punkin and the fodder's in the shock,
And you hear the kyouck and gobble of the struttin' turkey-cock,
And the clackin' of the guineys, and the cluckin' of the hens,
And the rooster's hallylooyer as he tiptoes on the fence;
O, it's then's the times a feller is a-feeling' at his best,
With the risin' sun to greet him from a night of peaceful rest,
As he leaves the house, bareheaded, and goes out to feed the stock,
When the frost is on the punkin and the fodder's in the shock.
They's something kindo' harty-like about the atmusfere
When the heat of summer's over and the coolin' fall is here—
Of course we miss the flowers, and the blossoms on the trees,
And the mumble of the hummin'-birds and buzzin' of the bees;
But the air's so appetizin'; and the landscape through the haze
Of a crisp and sunny morning of the airly autumn days
Is a pictur' that no painter has the colorin' to mock—
When the frost is on the punkin and the fodder's in the shock.
The husky, rusty russel of the tossels of the corn,
And the raspin' of the tangled leaves, as golden as the morn;
The stubble in the furries—kindo' lonesome-like, but still
A-preachin' sermuns to us of the barns they growed to fill;
The strawstack in the medder, and the reaper in the shed;
The hosses in theyr stalls below—the clover overhead!—
O, it sets my hart a-clickin' like the tickin' of a clock,
When the frost is on the punkin and the fodder's in the shock.
Then your apples all is getherd, and the ones a feller keeps
Is poured around the celler-floor in red and yeller heaps;
And your cider-makin's over, and your wimmern-folks is through
With their mince and apple-butter, and theyr souse and saussage, too! . . .
I don't know how to tell it—but if sich a thing could be
As the Angels wantin' boardin', and they'd call around on *me*—
I'd want to 'commodate 'em—all the whole-indurin' flock—
When the frost is on the punkin and the fodder's in the shock.

IMPEACHMENT NEEDS LEGAL GROUNDS

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. WAGGONNER. Mr. Speaker, while many people are going around these days rationalizing about Watergate, there are some who deal in plain, hard facts with regard to that subject. I doubt that many of our colleagues have had the opportunity to see an editorial which appeared in the Fort Worth Star-Telegram for Sunday, November 11, 1973, entitled "Impeachment Needs Legal Grounds." Therefore, I am including it in the Record following my remarks.

I urge all of our colleagues to read it carefully. The author is our own Dale Milford, who represents the 24th District of Texas. Dale is as fairminded a man as I know, and he has presented us with an incisive analysis of the impeachment question. The article follows:

IMPEACHMENT NEEDS LEGAL GROUNDS

(By Congressman Dale Milford)

Beginning with the firing of Special Prosecutor Archibald Cox, every congressman's office has been bombarded with hundreds of wires, phone calls, post cards and letters demanding the impeachment of the President.

A significant portion of these messages contain only the words: "Impeach Nixon" or "Impeach the President." No reasons are given, no charges specified.

Over 2,000 messages received in this office reflect deep concern and strong emotional feelings on the part of the senders. People are disturbed. Yet, not one out of the 2,000 addresses itself to the real problems and practical aspects of an official impeachment action. Congress must face these problems and people need to understand what is being done and why.

No responsible member of Congress is attempting to promote an impeachment proceeding, nor is he trying to avoid one. Catastrophic as it might be, if impeachment proceedings are legitimately warranted, these members will have no reluctance to initiate them. However, the responsible members insist, that any impeachment proceedings be held in accordance with our Constitution and laws.

Many congressmen beileve that the people demanding impeachment do not really understand the national consequences of a formal impeachment action. Do most people really want to impeach the President of the United States? Or, is the cry of "impeachment" really a manifestation of frustration because people have a gut feeling that their President has not been completely honest with them? And, furthermore, do they feel that no one is officially doing anything about it?

Congressmen are reading their mail! A preponderance of the letters are not the type usually received in a congressional office. These are not the usual form letters, special-interest mail, petitions, and letters from persons who constantly correspond on political matters.

The majority of the mail is coming from people who have never written an elected official before. The letters reflect very troubled emotions of the writers. Almost every one reveals deep feelings of anger, hurt, disappointment and sorrow. Only a very few make references to political parties. The feelings reflected are personal rather than political.

In the House of Representatives, only 35 members (out of 435) have formally introduced impeachment resolutions. None of the resolutions contains the necessary bill of particulars required—by law—to execute formal impeachment proceedings. The prime purpose of these resolutions appears to be for personal and political gain. They serve as vehicles for some members to make impassioned floor speeches and to garner headlines.

Some citizens apparently do not fully understand the involvement and effects of a formal impeachment procedure. For example, an impeachment proceeding is a trial—not at all unlike a criminal trial in a court of law. In such a proceeding one must produce specific charges, specific elements of proof, sworn testimony from eye witnesses and other legally acceptable evidence.

While many citizens and members of Congress suspect that the President may have committed certain illegal acts, formal impeachment proceeding cannot be held until such time as the necessary legal evidence is developed by investigative agencies. While the emotional feelings of each may be very strong, feelings alone are not grounds for impeachment. The national press, with heavy daily coverage, keep these emotions at a high level.

However, everyone must stop to consider that TV, radio and other press reports are instantaneous impressions of observers. The observer, or reporter, is more interested in the momentary emotions of people than in the legal and constitutional rights of the individual concerned. The slow-but-sure and fair tact of a prodding investigation does not make good news copy.

Congressional consideration of a formal impeachment action must take into consideration other factors. For example, a formal impeachment proceeding—whether successful or not—would be a catastrophe for the United States.

All three branches of the government virtually would be paralyzed for a period of three to six months. The executive branch would be out of action because the President would be on trial. The chief justice of the Supreme Court would be tied up as presiding judge. The House of Representatives would be the prosecutor and the Senate would be the jury. Our nation would be leaderless.

Foreign policy and international relations could become chaotic. Economic and monetary exchange problems could throw the international market completely out of balance. Without an active leader, this nation would be in a very poor position to react to vital international situations, such as the recent Middle East conflict.

Some members of Congress, this writer included, believe that the massive cry for impeachment is really a call for action. In other words, people are saying: "Do something—now!" They are tired of the never-ending press reports detailing alleged wrong-doers in our government. They can see very little in the way of official corrective action.

Something is being officially done. Furthermore, it is being done at the fastest possible pace, consistent with fairness and justice. Grand juries are at work, the House Judiciary Committee is actively investigating, a Senate investigative committee is at work, a new special prosecutor has been appointed and our Justice Department is still intact.

All of these investigative processes are slow. The people involved are forbidden, by law, from making their work public before it is completed. Their work is meticulous and involves a multitude of details. Each of these investigative agencies is working independent of each other, thereby providing a check system. All are legal and all work within the dictates of our national heritage and our system of justice.

I think Will Rogers may have had the answer when he said, "This country is not where it is today on account of any one man. It is here on account of the real common sense of the Big Normal Majority."

BAN THE HANDGUN—II

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BINGHAM. Mr. Speaker, today's edition of the New York Times contains a story describing a shooting which occurred in the Manhattan Criminal Court building. This shocking story illustrates the dangerous consequences of widely available handguns, and underlines the importance of establishing strict gun controls. Without such restrictions, easy access to these deadly weapons will continue to lead to such killings and maimings as the following:

DEFENDANT SHOOTS COMPLAINANT, THEN WOUNDS HIMSELF IN COURT

(By Arnold H. Lubasch)

A 39-year-old defendant critically wounded a woman and apparently shot himself in the head with a .22-caliber revolver in Manhattan Criminal Court yesterday as the presiding judge ducked under the bench and screaming spectators scurried for cover in the crowded courtroom.

The gun-wielding man was identified as William Spruill, a Bronx mechanic who was in court for arraignment on a complaint by Lois Ann Lockhart, a legal secretary who charged that he had threatened to kill her last month unless she resumed their relationship.

The man and the woman were sitting together in the last row of the courtroom at 12:30 P.M., waiting for him to be arraigned, according to eyewitnesses, when Mr. Spruill pulled out a long-barreled gray revolver and fired at least three shots hitting Miss Lockhart in the head twice and himself once.

In another courthouse shooting yesterday a deputy police inspector suffered a slight head wound when he stepped off an elevator in the lobby of a court and office building in lower Manhattan and was struck by a stray bullet fired by one of two men in a tenant dispute.

In the shooting in which the two persons were wounded, a .32-caliber pistol was found in Miss Lockhart's handbag at Beekman Downtown Hospital, according to the District Attorney's office. Both Mr. Spruill and Miss Lockhart were reported in critical condition.

Judge Richard A. Brown, who was the city's legislative representative in Albany until Mayor Lindsay appointed him to the Criminal Court bench on Oct. 1, provided an eyewitness account of the shooting in his ground-floor courtroom at 100 Centre Street.

"I saw a man who stood up in the back of the courtroom and pointed a silver-colored gun down at a woman beside," Judge Brown said.

"He whipped out a revolver and pointed the revolver at the woman and fired at her," the judge recalled, "and after he fired at the woman, he raised the gun toward the rest of the courtroom, and at that point I went under the bench."

TWO MORE SHOTS HEARD

The short, affable, 41-year-old judge said that he heard two more shots, apparently fired by a policeman, while he remained lying face down on the floor in his black robes under the bench for two or three minutes.

"After the shooting," Judge Brown continued, "the court was in some trouble—a lot of people milling around and running around. And, as I say, I was under the bench during most of that time until the court officers took me out. We recessed the court."

The judge noted that several court officers and policemen had been present in the arraignment courtroom which contained about 100 people, but there was no procedure to search people who entered because courtroom searches were conducted only under special circumstances.

"Security in the courtroom is a difficult problem that a lot of us are going to have to review," Judge Brown added.

"As the Mayor's legislative assistant," he remarked after the shooting, "I have come to experience a fair amount of combat, but not like this."

Judge Brown said that he "was slightly shaken" by the shooting, but that he was resuming the arraignment court as usual later in the afternoon, although the proceedings were moved to a nearby courtroom while the police studied the scene of the shooting.

Robert L. Ferraro, a lawyer with offices at 401 Broadway, said he had been in the adjoining clerk's office with William Raines, a court officer, when the shots were fired.

"Gee, that sounds like firecrackers," Mr. Ferraro recalled having said to the court officer.

When they dashed into the courtroom, the lawyer added, they saw several policemen with drawn guns swarming toward the gunman in the back row near a six-foot-high wooden barrier.

The court officer quickly hoisted himself over the wooden barrier and kicked the revolver out of the wounded gunman's hand, according to Mr. Ferraro, who characterized the courtroom scene as chaotic.

Mr. Ferraro described the gunman as a tall, thin, drably dressed man with close-cropped hair. He was slumped on the courtroom floor in a pool of blood.

The lawyer added that the wounded woman remained leaning against the wooden seat, clutching a scarf to stem the flow of blood from behind her left ear, until she was removed in a wheel chair from a nearby courtroom.

The District Attorney's office said that the wounded woman was 32 years old, lived at 1696 Davidson Avenue in the Bronx and had complained to the Seventh Police Precinct that the defendant had accosted her on the Lower East Side on Oct. 31, forcing her into a car at knife-point and threatening her life if she failed to resume a close relationship with him.

The defendant, whose address was given as 422 East 169th Street, the Bronx, was originally charged with reckless endangerment and directed to appear for yesterday's arraignment.

Shortly before the shooting, Assistant District Attorney Warren Murray listened to Miss Lockhart's account in an adjoining complaint room and raised the reckless endangerment misdemeanor to felony charges of kidnapping, menacing and possession of a weapon.

In the other shooting, a .32-caliber bullet grazed the left cheek and ear of Deputy Inspector Charles K. Sibon, the director of police personnel services, as he left his offices in the New York Life Building, 346 Broadway, at Catherine Lane, shortly after 1:30 P.M.

The police said the shot had been fired by 35-year-old Curtis Brown of 336 West 95th Street in an argument with Norman Wallace, 42, of the same address. They were to appear in Criminal Court, just off the lobby, in a harassment proceeding stemming from a tenant dispute.

Mr. Brown, seized without a struggle by policemen with the inspector, was later booked for attempted murder, assault and possession of a gun. Inspector Sibon, 50, was held overnight at Beekman Downtown Hospital, where his condition was listed as good.

PLOWSHARE AND THE LIVER EATERS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. HOSMER. Mr. Speaker, there follows my remarks made Monday to the Civil Explosive Section of the American Nuclear Society during its annual meeting yesterday in San Francisco:

REMARKS BY REPRESENTATIVE CRAIG HOSMER

Despite the benevolent hopes with which people such as Edward Teller, Jerry Johnson, Glenn Werth and myself regard peaceful nuclear devices, due to some regrettable lack of communication, a vocal minority's attitude toward them can be summed up by the slogan: "Impeach Plowshare." You saw them in action at Rio Blanco and watched the disappointment on their faces when the sky didn't fall in after the shot. However, all that may change considerably during the next few months after the citizens of the U.S.A. have struggled through a cold, dark, miserable, energy short winter. It should become apparent by then that had we embraced Plowshare early in the game, our lot today with respect to energy and other scarce natural resources would be considerably better.

In a 1968 speech here in San Francisco at the Commonwealth Club, I said that the technical problems involved in the applications of peaceful nuclear explosives are straightforward. They require research and development, but they do not require any new inventions. As a matter of fact, R&D at the Livermore and Los Alamos Laboratories is steadily giving us cleaner, more flexible and less radioactive Plowshare explosives. Meanwhile, several successful underground experiments have given American industry a feel for the Plowshare business and the know-how it needs to proceed with it on a grand scale. It is abundantly clear that the forces blocking Plowshare are not technical ones. On the contrary, our ultimate ability to bring the benefits of Plowshare to the people promised in Article V of the Nuclear Non-Proliferation Treaty depends primarily on the solution of a maze of real and imagined problems primarily emotional in nature.

Some of these stem from the timidity with which the Limited Test Ban of 1964 is being interpreted—an interpretation which I believe was never intended, but which has resulted in a virtual ban on the use of nuclear explosives for large excavation projects. The interpretation originated in our own State Department and at the Arms Control and Disarmament Agency. It holds that you cannot release even one single radioactive atom beyond your own national boundaries. As early as 1969 the proposal for a joint U.S.-Australian Plowshare effort to create a harbor at Cape Keravdren foundered upon it and later the Panama Canal nuclear study too. In that case conventional construction costs along the Sasardi-Morti alternate route exceed $3 billion, but with nuclear explosives they would run out at less than one third that amount.

It doesn't make sense to deny mankind in general the peaceful benefits of nuclear explosives, and to deny them particularly to the less advanced countries who need them so badly. This is an area where cost-versus-benefit and risk-versus-return ratios drastically favor their use. Talks with the Soviets and other conversations last year at Geneva IV indicated to me that Moscow's attitude in this area is quite relaxed compared to our own—and I hope that it is contagious, because the globe is speckled with places where a little geographic cosmetology by Plowshare could do wonders for people.

For example:

Great hydropower resources and favorable climate changes could result in Egypt by building a canal from the Mediterranean sea to the great Quattara Depression which lies 200 feet below sea level.

Many coastal areas of South America, Africa and Australia are awaiting economic development if only harbor facilities can be excavated with nuclear explosives.

In South America the Hudson Institute has conceived a remarkable plan to develop half a continent which lies in the vast, rich Amazon Valley. It is based on the availability of Plowshare devices to build the dams and waterways and do the other extensive geological face-lifting required.

The Thai businessman K. Y. Chow has a plan for industrial and maritime development centering around a 40-mile canal through the Kra Peninsula. It would create a passageway for shipping between the Indian Ocean and the South China Sea. The Straits of Malacca could be bypassed.

Mr. Chow figures his conventional costs at $5.8 billion, but lowers that to $3.8 billion if nuclear explosives can be made available. In my view, that $2 billion difference is probably the difference between no Kra Canal at all and one of the most imaginative and politically stabilizing projects that has ever been conceived for the benefit of Southeast Asia.

Such potentialities as these are the stuff that Plowshares dreams are made of. Perhaps someday they will become realities. I recall a promise made by President Lyndon Johnson on June 12, 1968, just after the Non-Proliferation Treaty was negotiated. It seemed to legitimize such hopes and aspirations in these words spoken at the United Nations:

"We shall continue our research and development into the use of nuclear explosions for peaceful purposes. We shall make available to the non-nuclear treaty partners—without delay and under the treaty's provision—the benefits of such explosions."

But, despite these bold words, today, five years later, not only are timid interpretations of the Non-Proliferation Treaty a roadblock but disarming talk about making the Limited Test Ban Treaty into a total test ban treaty also paralyzes progress in this area.

When Mr. Chow visited me recently about his Kra Project I could suggest only a couple of avenues for him to pursue to get things off dead center:

First, to contact the Russians—maybe if they start showing an interest in his project, the knee jerk response on our side will be to do the same. And,

Second, in anticipation of the five year review conference of the Non-Proliferation Treaty scheduled next year in Geneva, to kick up a storm amongst the non-nuclear nations who could immensely benefit from Plowshare. Maybe the have nots can exert enough pressure to see that Lyndon's promises are kept.

For, at the present moment even things with Plowshare underneath the surface of the earth and out of sight are not remarkably better than they are in the excavation area I just talked about. I almost hated to come here today for that reason. The only thought that sustains me is the old idea that things may be blackest just before the dawn.

But for the moment the nice start we made toward releasing the 3.7 trillion cubic feet of natural gas, worth upward from $100 billion, cemented in hard, unproducible shales in the Rocky Mountain area alone, seems not to have unleashed a Plowshare drilling boom. As a matter of fact, in gas stimulation we progressed with continuing technical success and safety from Gas Buggy to Rulison and then on to Rio Blanco. And our constant companions along the way have been nuclear nervous nellies and ecological purists, ever raging louder and more hysterical against Plowshare natural gas stimulation which could bring us fire to heat and light our homes and run our factories.

As a matter of fact, when I speak of fires I recall to you that throughout history it has been one of man's greatest boons. And, in our times, the invention of nuclear energy and its manifold uses for the benefit of mankind fully equals the importance of fire.

Now you will recall that fire was given to man as a great gift by the god Prometheus, who loved man.

But the leader of the gods, Zeus, hated man. He became enraged with Prometheus over this act of kindness to humans.

As punishment Zeus had Prometheus tied on a mountain top where vultures ate out his liver.

And, so it is today: the liver eaters are at it again!

But events are changing around us and, just as they eventually calmed the liver eaters with respect to fire, so may they do it regarding nuclear as well—And soon, we hope.

For example, let us look at Rio Blanco. On May 17th, three simultaneous 30 KT blasts in gas-bearing sandstone were triggered, 1¼ miles deep. The surface reaction was so mild that only around $31,000 in claims resulted. After cool down and reentry on October 25th a two hour flow test produced a whopping 400,000 cubic feet of gas from a five inch hole.

Just about now a 10 day flow test is in progress and such small amounts of tritiated water as may come up with it, will be reinjected in a nearby disposal well for permanent isolation from the biosphere. The liver eaters have made an issue about this tritiated water, estimating 55,000 acre feet of it will be brought up in the process of recovering those trillions of cubic feet of natural gas in the Green River, Piceance and Uinta Basin formations. Actually, this is a niggardly amount of water, even in the arid West where I come from. It will emerge during a 100-year period from an estimated 5,680 stimulation wells. Its capture, disposal and isolation in deep impermeable and static formations is a nonproblem. It will be confined there for 1,000's of years. Contrast that to the 12.3 year half-life of tritium, and it means that the decay of radioactivity in the tritiated water to harmless levels will occur over the comparatively short span of about 60 years.

When the flow tests prove up this well, and I am certain they will, there should be ample incentive for Austral Oil, Continental Oil, Equity Oil, Cergeonuclear, El Paso Natural Gas and others to develop the field commercially. They and their associates deserve our gratitude for pioneering this splendid work. They did it back when the price of gas was 15 or 20 cents per million BTU's. But now more enlightened Federal Power Commission pricing policies that bring better returns are starting to make it worthwhile to carry through on these pioneering efforts in natural gas stimulation.

Shortages and higher prices make the same thing true in several other potential areas of Plowshare application.

Copper is scarce and prices are rising—and along with that the AEC, Interior Department and Kennecott Copper are taking another look at Project Sloop which would leach copper by chemical solutions pumped into underground ores broken up by powerful, peaceful and safe to handle nuclear explosives.

There is even talk around of the possibility of getting Plowshare gold. With the price up from $35 an ounce to around $100, and Livermore Laboratory optimistic about its work on *in situ* leaching techniques for gold recovery, I would not be surprised to hear of someone soon wanting to move in this direction. Just think of it. You pump the solution down, let it dissolve the yellow stuff out and pump it back up. That is what I would call getting your money out of a pump—which, of course, is where many people's wives think it comes from anyway.

Geologists tell us that there still remains more gold in place than has even been mined in the entire history of the United States, including the California and Alaska gold rushes. What is left, I'm told, amounts at least to $40 or $50 billion worth of it—quite a treasure.

There are many other valuable minerals—silver, molybdenum, uranium, just to name a few—to which the same *in situ* leaching techniques are applicable—if only we determine to move ahead aggressively with Plowshare.

The recovery of oil from shale probably will not be accomplished by leaching techniques, but by *in situ* retoring. Here, too, it is unlikely that much progress can ever be made without a combination of Plowshare and hydrofracturing techniques to break the stuff up underground so it can be retorted there. A fire would be started in the fractured material and kept going by pumping in air. The heat produced will enhance the permeability and porosity of the shale and raise the viscosity of the oil sufficiently to allow it to escape and be brought to the surface.

Two very compelling esthetic and ecological reasons exist to point researchers toward the idea of *in situ* shale oil recovery in preference to strip mining and processing it on the surface.

One is the very extensive damage strip mining can do unless properly policed wherever practiced for whatever product. The other is that, in the case of removing oil from shale, the volume of the throw away by-product is about 25% greater than the shale itself before it is processed. It was expanded to provide passageways for the oil to escape. On the surface that stuff would present a monumental disposal problem. In place, within a Plowshare cavity, it would never be noticed.

Mention also should be made of the recent enactment of legislation permitting geothermal leasing on public lands. It opens up a new vista for Plowshare enthusiasts. Geologic formations where geothermal heat lies close to the surface and water is available to percolate into them naturally are few and far between. Most geothermal areas of the world are dry and many of them are exceedingly hot. It is not difficult to imagine the idea of creating Plowshare cavities into which water can be induced and steam removed and put to work driving the turbines of large electric generators.

In listing these various possibilities for peaceful, productive Plowshare applications

I am plowing old ground with most of this audience. I suppose I do so mostly to acquaint people like Mr. Chow as well as ordinary citizens with it, hoping he and they will respond by putting on the pressure for policies which will approve and promote the use of peaceful nuclear explosives and which will cause to be abandoned the policy we now follow which seems to be to try to disinvent them with treaties.

We need public approval and public support to get us off dead center. With such factors I believe we can start to move because within the last year or two several events have taken place in the United States pointing toward Plowshare and starting things going for us that we never had before.

For example:

The terrible shortage of energy in all forms which gives us a compelling reason to domesticize our energy load growth.

Our awesome balance of payments deficits which give us every reason to avoid any possible imports of fuels or raw materials; and

The current events in the Mideast which starkly impress upon us the strategic national defense vulnerabilities consequent from dependence upon the whims, avarice or hostility of unpredictable, but petroleum rich foreign countries.

At this point you might say, "well, isn't all that enough to make the Wagonwheel turn and transform all these other things I've talked about from pie in the sky to Plowshare heaven on earth?" Unfortunately, the answer is "no." There are many little and medium size roadblocks that have to be removed first. Some of them are relatively simple and straightforward—like developing the AEC Plowshare store and stocking its shelves with a modest line of safe, economical and convenient nuclear devices.

These adjectives, perhaps, are not normally used as terms to describe what amounts to nuclear bombs. But the pertinence of such semantics is demonstrable—Listen—

First, safety—this comes about from the predictability of effects and the demonstrated know-how in handling Plowshare devices we have acquired after over 300 underground nuclear test explosions already fired at the Nevada test site and elsewhere.

Second, economy—where else can you buy the explosive effect of a whole ton of TNT for about 30 cents?

Third, convenience—this is evidenced by imagining how else you could physically emplace 30,000 tons of TNT a mile deep at the bottom of a 12-inch hole.

In that context I think it is both timely and possible to talk in a rational way about using this safe, economical and convenient package which will hurt nobody but can benefit many millions of people.

It is just as simple as that and let's not let the liver eaters spook us about it.

Aside from quieting their harassment and taking away the smaller roadblocks I mentioned, there still remain three major obstacles in the path of Plowshare to be removed.

One is to spawn some rather general enthusiasm for it amongst the business community and particularly amongst the investment bankers whose purse strings must loosen in appropriate and timely amounts. The overall price and supply factors affecting raw materials and energy sources I mentioned earlier will help with that effort. Also the President's plan for Project Independence by 1980 from foreign energy sources will be a boon. I talked with him about it at the White House last Wednesday morning before he announced it publicly. And, at this meeting there was talk of expediting the domesticization of U.S. energy resources by R&D support and other appropriate means. All that will help. However, we must remember that in the end, the success of any program, including Plowshare, will depend on the enthusiasm of those who take part in it. Extra effort by the ANS and AIF to develop and sustain such enthusiasm will be needed.

Then the healthy climate of Plowshare support and approval it creates will enable us to get the other two obstacles out of the way.

The first is simple—to set up a proper legal structure for a commercial Plowshare industry. It will set the rules and criteria for licensing and conducting projects in a businesslike manner with due regard for public health and safety. In the past I have introduced bills which would do these things, the Joint Committee has held hearings on them, but has not passed them into law. This year I have not yet put this legislation in the hopper, because I first wanted to see more support for it. The way things are going that may be in hand by the time Congress returns to work next January. I hope so. We'll see.

The last obstacle is a somewhat similar one. It is to get the AEC to establish regulations and procedures to license Plowshare produced products—natural gas and anything else—for public use. I don't think this will be too difficult. Right now it is more or less in the "which came first category, the chicken or the egg" category. Industry seems to feel that the AEC should act on its own initiative while the AEC believes there is no reason to set up the procedures and print license forms until industry asks for them. I suppose, when Rio Blanco's success is established, this will be resolved by industry taking the initiative and doing the asking. In any event, industry and government have always worked closely together in the program and I do not foresee any deterioration of the relationship.

Today I have made no effort to conceal or gloss over the difficulties that have to be worked away before we can avail ourselves of the bountiful benefits of peaceful nuclear explosives. But I do know that the kind of men I speak to today have the strength, wisdom and determination it takes to work them away and I see the forces of history starting to coalesce on their side.

Thus, I look forward confidently to the early development of a healthy and prosperous Plowshare industry and I thank you for allowing me the proud privilege of playing a small part in it.

MADAM MARIA JERITZA SEERY—MY DEAR AND DISTINGUISHED FRIEND

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. RODINO. Mr. Speaker, so long as there is a world of music, the echo of Madame Maria Jeritza's glorious voice will continue to resound. Her powerful style, her tremendous sense of drama, the personality and interpretation which she has brought to her roles, clearly distinguish this renowned opera star as one of the outstanding divas of our time.

People today follow Madam Jeritza with heartfelt adoration and deep awe. It is often said when she enters the Lincoln Center complex, an added glow reflects the eminence of her presence. While audiences are no longer blessed with the privilege of viewing her stage performances, within the world of art and music, Madam Jeritza remains a most inspiring spirit.

Madam Jeritza is indeed a moving figure—both in her ceaseless dedication to keep alive the world of music and culture through a concentrated appreciation of the opera experience, and in her selfless works to bring hope, freedom and peace to men, women, and children throughout the world. She has sheltered political refugees. She has reached her hand behind the Iron Curtain to support convents and churches trying desperately to maintain their existence. She alone was responsible for rebuilding the Cathedral of St. Stephens in her native Vienna after the ravages of World War II.

As an American citizen, she opened up her home as a convalescent center for wounded soldiers during World War II. She has received the highest award ever bestowed by the American Red Cross. The "Golden Ring of Vienna," a recognition given only to Presidents Kennedy and Eisenhower before her, is shared by this remarkable woman. Known to the greats of the world, Cardinals Spellman and Cooke have been numbered among her friends, and she has been honored by Pope Pius X, Pope Pius XII, Pope John XXIII, and Pope Paul VI for her intense dedication to worldwide charities.

Most recently, on Sunday, evening, November 3 (in commemoration of the 35th anniversary of the Bayley Seton League of New Jersey's Seton Hall University), a woman was singled out whose life embodied all the qualities and objectives of this service organization's ideals. And, not surprisingly, Madam Jeritza was selected as "The Distinguished Lady of the Year." On hand for the special occasion were such important church, community, and educational leaders as Archbishop Boland, Bishop Dougherty, Monsignor Fahy, Monsignor Kelley, Monsignor Ryan, Monsignor Gilhooly, and Father Murphy.

My wife, Ann, my family, and I deeply cherish Madam Jeritza's friendship, warmth, and great affection. It was quite a privilege to share in this most deserved tribute to so dynmaic and vital a distinguished lady 10 days ago. And, it is my hope that Madam Jeritza will continue to inspire, and to bring joy and inspiration to the citizens of our many lands for a long time to come.

PEANUT PRICE-SUPPORT PROGRAMS

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. KUYKENDALL. Mr. Speaker, one of the most knowledgeable critics of the peanut program, as it must be operated under long-obsolete laws, is the overseer Congress itself relies on—the General Accounting Office.

The GAO has now twice recommended that a program be developed to control peanut production more effectively. In April of this year the GAO made a report to the Congress titled "Need Intensifies To Amend Legislation To Reduce Government Losses on the Peanut Price-Support Program."

The title is an understatement.

The report points out that the law requires a minimum national acreage allotment of no less than 1,610,000 acres—

but that since 1955, the amount of peanuts needed to satisfy commercial demand could have been produced on fewer than 1,610,000 acres.

It points out that advances in farm technology have resulted in far greater yields per acre than were anticipated when the allotment was established. In fact, the average yield has almost doubled.

The GAO report points out that 5 years ago it presented findings and recommendations that revisions be made in the law governing the peanut price support program—and at that time the GAO said changes were needed to forestall the need for even more extensive changes at some future time.

The Congress did not respond. And now we are at that time when even more extensive changes are indeed needed.

Under the present program, the Commodity Credit Corporation has to buy more and more surplus peanuts, then sell them at prices significantly less than the costs of buying them. The U.S. Department of Agriculture projects losses from 1973 to 1977 at $537 million, a 92-percent increase over the losses for the 5 years ended in 1971.

All this and more is included by the GAO in its report to the Congress last April. It is time to heed this report—time to enact legislation that would provide peanut growers with incentive for efficient, high-production farming at greatly reduced cost to the taxpayers of this country.

CRIME CONTROL NO. 8

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. LANDGREBE. Mr. Speaker, I wish to call the attention of my colleagues to a news story which appeared in the Grand Rapids, Mich., Press, and which illustrates what private citizens can do to control crime when the right to own guns is respected by the Government:

MODERN-DAY WILD BILL IN CAR GETS HIS MEN

(By Linda Hendershot)

Wild Bill didn't have a horse Sunday, but that didn't stop him from getting his man.

William Patterson, owner of Wild Bill's Western Store, 5564 West River Rd. NE, returned from a northern hunting trip about 5:30 p.m. and drove by his store. He spotted an unfamiliar car backed up to the business and stopped to take a look.

No one was near the auto, but two men walked out from behind a travel trailer Patterson had parked near the store. The pair told him they were looking for a deer hunting buddy, but he got their license number before they left.

A quick check of the trailer revealed a smashed window, Patterson said, and he and his hunting partner, Paul Howard, gave chase in Wild Bill's sport van.

They caught up with the auto near the US131 freeway entrance, but couldn't get the occupants to stop. Wild Bill said the driver ignored their signals and flashing lights.

Howard apparently convinced the two to stop by pointing a .12-gauge shotgun out the window. "The bird dog was lying on top of the gun case and we really had a time," Patterson said.

The car finally pulled into a service station and Howard went to call sheriff's deputies while Wild Bill held the two at bay with the shotgun.

The driver started the auto, however, turning the wheel toward Patterson. He jumped, but was brushed by the vehicle. He tried to get the keys through the driver's window, but the man grabbed his arm.

"I broke loose and shot at one tire." Patterson said. The auto continued around the station and Wild Bill fired at another tire when the car came back from the station's rear. "It was only fine birdshot and it didn't blow the tire," Wild Bill said.

Grand Rapids Police Department Richard Saur, alerted by a radio broadcast describing the men and their car, spotted the vehicle about 6:15 p.m., heading south on N. Division Ave. near Lyon St.

Saur asked for help and followed the auto, stopping it when other officers arrived. The two 41-year-old occupants, one from Florida and the other from Mississippi, were arrested. Their auto, the left rear tire peppered with shotgun pellets and losing air, was impounded.

Detective Jack Christensen said the two would be charged with attempted burglary and possibly with assault.

"The only thing that could have made it wilder is if I would have been on a horse," Patterson said.

He is president of the Michigan Trap Shooting Association and is a past skeet and trap shooting champion, both state and local.

DRUG ABUSE PREVENTION WEEK

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. YOUNG of Alaska. Mr. Speaker, Drug Abuse Prevention Week was designated just recently, in an effort to bring us up to date on the reality of the problems our country faces with drug abuse and to inspire us all to greater efforts to overcome them.

One of the saddest experiences any of us can have is the realization that our own children are seriously threatened by the widespread sale of hard drugs. Drug abuse is a very real problem in Alaska, and I am very disturbed over its increase in the last few years.

I recently received a letter from a teenager in Anchorage, Alaska, who was concerned about the possible discontinuance of a methadone program in which he had been enrolled. Because I believe his experiences are those of many young people today, and it is important that these young people be heard in their requests for help, I include this letter in the RECORD:

DRUG PROGRAM

I am a patient at Langdon Psychiatric Clinic. I am with the Drug Program. When I was 17 years old I fell into drugs and got into heroin. I lived in southern California when all of my drug problems started. I never found help or anybody that would help me out with my drug problem. I was constantly going to jail for theft. My thefts were to pay for drugs. I come from a decent family. I shouldn't be that kind of person from my background.

I have a very big problem with reading and writing. I came to Alaska with my parents five years ago. I stayed away from drugs at first because I didn't know anyone. I worked with my father and made a fair wage. I wanted to do something with my money because for so long everything had gone for drugs. Eventually though, I fell back into the drug scene. All my money again went to drugs. Before this I took care of myself. My family started noticing that I was falling off. I was in the drug scene here for two years.

I had a friend that told me about the Langdon Clinic. I came and talked to Dr. Langdon and he understood my problem and took me into the drug program. The drug program helped me so much that it gave me a change of life. They are helping me with my reading problem. I've never felt this good since before I took heroin.

I am finally learning to read. They give me so much of their time which they don't really have to give, but they really want to help me.

If this program is taken over by someone else I will feel that I don't know a soul. I finally got to know and trust these people. Without the clinic's help I will lose my reading appointments, and that is what I need to make my life go.

I hope you consider my problem and keep the drug program at the Langdon Clinic.

My teacher is writing this for me because I'm not that good at reading or writing yet. I have a third grade reading level. When I came here I could not read anything. I love these people and have much respect for them.

Sincerely,

PATIENT NO. 3693.

OUR LADY OF THE VALLEY CENTENNIAL

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. MINISH. Mr. Speaker, last weekend I was privileged to attend an observance of the 100th anniversary of the founding of Our Lady of the Valley Church in Orange, N.J.

The clergy and laity of Our Lady of the Valley are justifiably proud of the work they and their forebears have performed to make their parish one of the most outstanding in the country.

At this point, I insert in the RECORD a history of Our Lady of the Valley Church:

OUR LADY OF THE VALLEY CENTENNIAL, NOVEMBER 10, 1973

Saturday's concelebrated Mass of Thanksgiving at 11 o'clock in Our Lady of the Valley Church in Orange will bring to a close the year-long centennial celebration in the parish. Following the Mass which will be celebrated by the pastor, Rev. Francis J. Finn, former pastor Monsignor John J. Feeley, Rev. Thomas J. O'Leary, Rev. Francis F. Boland, and Rev. Joseph T. Paterek, a luncheon will be served in the high school gymnasium. Archbishop Thomas A. Boland will deliver the homily at the Mass which will be attended by church and civic dignitaries, and many of the former priests, sisters and parishioners.

The parish of Our Lady of the Valley was organized on September 8, 1873 by its first pastor, Rev. G. A. Vassallo. Services were held in what had been the Orange Valley Congregationist Church, a small but elegant stone structure on the corner of Valley and Nassau Streets. The Rev. James A. Walsh and Rev. Walter M. Fleming succeeded to the pastorate in 1874 and 1877, respectively, but it was not until the advent of Rev. William M. Callan in 1879 that constructive steps were taken along educational lines. Through Father Callan's efforts the Sisters of Saint Joseph of Chestnut Hill took up residence in the area and opened an elementary school which has continued in operation since 1882.

The present grammar school was built during the pastorate of Rev. Thomas A. Wallace but its original function was to provide recreational pursuits for the youth of the parish, and the building was called "The Lyceum". Basketball and bowling facilities were provided and, in addition, plays were presented by dramatic groups for many years. As the parish grew and flourished Rev. John F. Boylan took over pastoral duties in 1903 and it was during his tenure that the present Church and Rectory were built. Twelve Sisters of Saint Joseph were in residence by this time and the school enrollment had reached an unprecedented six hundred pupils.

Father Boylan was succeeded in 1928 by Rev. James A. Smith who immediately set to work on building a new school complex which resulted in the opening of the present High School in September, 1929. The total number of high school graduates from Our Lady of the Valley now number well over 3,000. Father Smith left in 1938 and was replaced by Father Michael A. Mechler, later a Monsignor, and the latter first enterprise was to provide a suitable dwelling for the faithful Sisters of Saint Joseph. The present convent was completed and occupied in November, 1939, after formal cornerstone ceremonies presided over by Archbishop Boland.

Continuing his great work, Monsignor Mechler had the Church interior redecorated with beautiful murals commemorating the heroism of the young men of the parish who served in World War II and those who gave their lives in the historic struggle. A new white Carrara marble pulpit, designed by Professor Roggi of Seton Hall, was installed and the new renovated Church was subsequently consecrated by the late Bishop James McNulty. The same year—1948—the Diamond Jubilee celebration was held with Bishop McNulty as celebrant at the Mass. In 1952 new carillon chimes were installed in the church belfry in memory of Mrs. Anne Flaherty, and, in 1954, the High School celebrated its 25th year with appropriate ceremonies.

Monsignor Mechler died in 1955 and his successor, Rev. George Strack, served only five weeks before being called to his eternal reward. The Rev. John J. Feeley, executive vice-president of Seton Hall University, then assumed the pastorate and inaugurated a series of improvements which included a new kitchen and cafeteria in the high school, conversion from coal to oil heat in both the church and school, the introduction of varsity football, a band, and cheerleaders in the high school, and the erection of a modern gymnasium behind the elementary school building.

Father Feeley was subsequently named Papal Chamberlain and, later, Domestic Prelate, with the title Right Reverend Monsignor. It was during this period that Mother Rose Josephine, who had spent twenty-five fruitful years in the Valley, was transferred to Philadelphia, being succeeded by Mother Mary Thomas.

In March, 1966 the present pastor, Rev. Francis J. Finn, replaced Monsignor Feeley. Father Finn has served 25 years at Seton Hall Preparatory School as a teacher of Latin and Religion, as gymnasium procurator, and the athletic director. He had also served as assistant director of the Divinity School and as a Pro-Synodal Judge in the Marriage Tribunal. In recognition of his extensive background in education, Father Finn served on the Archdiocesan Board of Education for three years and is presently a trustee and President of the Board of Trustees of the Orange Public Library.

Father Finn's tenure has shown a remarkable reduction of almost $600,000 in the parish debt, extensive renovations to the church roof, a repainting of the church interior, redesign of the side altar into a Chapel of the Blessed Sacrament, an increase in the capacity and tone of the church organ, air-conditioning of the high school auditorium and cafeteria, a new school library, new science laboratories, audio-visual aids for both elementary and secondary schools, improvement of the entire elementary school area and equipment, and the addition of numerous new high school courses.

Mother John Eudes replaced Mother Mary Thomas as superior in 1964 and she, in turn, was replaced in 1968 by Mother Louis Mary. Sister John Anita, present high school principal, took over as superior in 1971, being succeeded this year by Sister Charles Immaculate.

Today, Our Lady of the Valley Church serves some 1600 families in a one square mile area embracing Orange, West Orange and South Orange. Many former students return periodically for holy day services and for the many sports events and reunions at the high school. A total education program includes, in addition to the elementary and secondary schools, a pre-school age establishment for ages 3½ to 6, CCD classes for public school students, adult discussion clubs, pre-Cana, active Rosary Altar and Holy Names Societies, a high school Booster Club, an annual high school play, ecumenical encounters, a parish library, special Lenten lecture series, and the recent formation of a Religious Education Center under the direction of Rev. Charles J. Miller.

The Rev. Joseph T. Paterek is the senior curate, assisted by Rev. George D. Connolly and Father Miller. Father Connolly also serves as high school athletic director and all three curates are members of the high school Religion Department. In the past seven years three young women of the parish have entered the Convent, three men of the parish have been ordained, and three deacons have trained in the parish preparatory to being ordained.

MRS. ANNETTE GOLDMAN

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BADILLO. Mr. Speaker, it is with great sadness that I call to the attention of our colleagues the death yesterday of Mrs. Annette Goldman, Superintendent of Community School District 19 in the East New York area of Brooklyn.

Mrs. Goldman was widely recognized both as an outstanding educator and educational administrator. She was constantly striving for improvement—for her schools, her community, and herself. At her death, she was enrolled in a doctoral program in urban studies at Fordham University.

Most recently, Mrs. Goldman led a thus-far unsuccessful effort of protest against an arbitrary and, in my judgment, unlawful requirement by the U.S. Office of Education that District 19 participated in a testing program as a condition precedent for receiving nearly $1 million in assistance under the Emergency School Assistance Act. Her courageous stand was backed fully by the president of the board of education and by the chancellor of the city school system.

Mrs. Goldman was appointed Superintendent of District 19 in January, 1972, after having served as Acting Superintendent for 15 months. Among the many innovations credited to her were the seven John F. Kennedy Centers, serving students from fourth grade through young adulthood with funded education in the performing arts, basic skills such as reading and mathematics, and special enrichment programs. A matter of very specal interest to me, she also initiated the district's first program in bilingual education.

I share the deep sense of loss felt by Mrs. Goldman's colleagues, her many friends and the children of District 19. Her leadership and inspiration will be missed.

ON ENVIRONMENTAL EDUCATION: WHAT ONE CONSERVATION CLUB CAN DO

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ROUSH. Mr. Speaker, a few weeks ago this body passed an extension to the Environmental Education Act of 1970. The debate on this bill called attention to the important role that education plays in developing an environmental ethic among young people so that they can carefully weigh the environmental impact of the actions they will take later in life.

One of the most important aspects of environmental education is outdoor education—the actual acquainting of students with the interrelationships of nature. The following article from "Hoosier Conservation," the publication of the Indiana Conservation Council, Inc., demonstrates the fine work of the Monroe Township Conservation Club in Delaware County, Ind., in the field of outdoor education of young people. The article follows:

SOMETHING EVERY CONSERVATION CLUB CAN DO FOR THE ENVIRONMENT

A few days ago, Joe Wright, the environmental education consultant for the Indiana Department of Public Instruction, sent us an article about the activities of one conservation club in the field of environmental education which he felt might serve as a model to other clubs.

We were especially delighted to receive it because the article dealt with the efforts of the Monroe Township Conservation Club, home club of ICCI District XII Director Charlie Holt. It seems that Joe has worked with the Monroe Township club for some time now in setting up teacher seminars and so forth, and he felt that the story of their success might serve as an inspiration to other clubs.

We wholeheartedly agree, and here is Joe's article:

"In a section of Delaware County, a small group of conservationists have joined together to plan activities and programs for improving conservation education practices. The Monroe Township Conservation Club has purchased approximately 40 acres and constructed a club house on the site which is used for meetings, outings, classes, and seminars. The 40 acres is also used effectively as an outdoor classroom for school classes and teacher workshops.

"Realizing that many teachers have not been prepared to teach environmental education, the club visits the local schools and conducts conservation classes, shows environmental films, provides teachers with the latest teaching materials, and conducts in-service training programs.

"A major project of the club is to sponsor an Environmental Fair each school year. All elementary students are encouraged to participate. Teachers, parents, and conservationists are amazed at the amount of talent displayed in the many projects entered. The fair demonstrates to the public that young people are concerned and have the necessary energy and talents to produce solutions to many pollution problems.

"Because of this outstanding support, Cowan Schools have been encouraged to introduce environmental education concepts in all grade levels and curricula. This school district has also developed an excellent outdoor classroom and a special course dealing with man's interaction with his environment.

"Although Mr. Jack Cronin, chairman of the club's education committee, feels that his club is the most active one in Indiana, he believes other conservation clubs could accomplish just as much. During a recent visit with Jack, he commented, "There are clubs in Indiana which have many more resources than ours, and we need every club's involvement in helping the schools and youth of our state. Our club members feel the destiny of this country lies in the hands of our youth. If young people aren't educated properly about their environments, how can we expect them to be interested?" Funding for education projects is provided by the club through dues and by money making projects such as turkey shoots, skeet shooting, and other activities.

"The club is also affiliated with the National Wildlife Federation through their membership in the Indiana Conservation Council. Ranger Rick, National Wildlife, and International Wildlife, outstanding magazines published by the Federation, are provided to the students and staff of Cowan schools. Mr. Douglas Shock, biology teacher in Cowan schools, reports that he and his students enjoy all three environmental publications. "Those fellows are dedicated conservationists. They have enabled me to become a better teacher by equipping my classroom with magazines and other necessary materials needed to adequately teach ecology," remarked Mr. Shock during a recent visit to his classroom.

"Hopefully this article will stimulate other conservation clubs in Indiana to get actively involved in environmental education programs. The reward for doing this will be an environment fit for life and fit for living."

We hope so, too, Joe, and thank you for your article.

VOTES, NOT VOLUME

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. KUYKENDALL. Mr. Speaker, the Dallas Morning News has focused properly on one area of concern in the current clamor for the head of our President. I would like to share it with my colleagues, through the pages of the Congressional Record:

VOTES, NOT VOLUME

The people of the United States choose their president by vote. One year ago they chose Richard Nixon by one of the most overwhelming vote majorities in our history. That being the case, The News believes that their choice should not allow himself to be driven out of office by nothing more substantial than the volume of his critics' voices.

In this era of mass communications, ordinary citizens and politicans alike sometimes forget that the most important decisions of the Republic are supposed to be made by the people, not by the accumulated weight of headlines, press releases, network commentaries or self-interested speeches.

A democratic decision, made by the American voters in their millions, is a majestic event and one whose outcome should not be dismissed lightly by governmental insiders or nullified later by the uproar produced by professional critics.

Listen to the decibels of criticism cut through the waves of charges and denunciations against the President and you will find, The News believes, that none of the evidence yet produced justifies impeachment, let alone conviction.

But even if grounds for impeachment had been produced along with all that anti-Nixon verbiage, the President would still have a duty to those who named him and to the country as a whole, a duty that would not be discharged by resigning under fire.

There are those, even among the President's own supporters, who urge him to quit, to announce that all the charges and criticism have destroyed his ability to govern.

If the President takes that advice and resigns now, he will leave to his successor a country torn asunder, perhaps irreparably so. Tens of millions of Americans will view his departure from office by this route as evidence of a successful political murder, carried out by those who conducted a vendetta against him. That would deny his successor any hope of gaining even that minimal support that is necessary to govern. In our opinion, a substantial number of Americans would be convinced, rightly or wrongly, that the legitimate elected leader had been overthrown and a democratic vote nullified by a propaganda coup d'etat.

For this reason and others, The News believes that the President should stand his ground and force his opponents to put up or shut up. If they have a legal basis for removing him from office, let them use the avenues of recourse provided in the system. Let them draw up specific charges, present their evidence for those charges and give him the opportunity to defend himself against those charges.

In brief, The News believes that if his legions of constant critics have solid reasons to impeach and convict Richard Nixon, they must be required to present those reasons through due process, not through the mass media. If they are determined to drive him from office, they must convince not only the House and the Senate, but the entire electorate that Richard Nixon is guilty of "treason, bribery or other high crimes and misdemeanors."

If that is true, that must be proved to the nation. If that is not true, then the fact that it is not true must be proved.

For the President to quit now would prove neither case. But it would indicate to millions that the votes of the citizens now weigh less on the democratic balance than the volume of criticism that can be brought to bear against those the citizens elect.

RESEARCH AND DEVELOPMENT ON FUEL CELL TO RELIEVE ENERGY CRISIS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. COTTER. Mr. Speaker, I have periodically criticized industry for being myopic when it comes to wasteful use of our diminishing resources, particularly energy resources. So it is with pleasure that I acknowledge two companies in Connecticut's First Congressional District who have made a rather farsighted commitment to the development of new energy resources.

The Pratt & Whitney Aircraft Division of United Aircraft Corp. in East Hartford will spend over $75 million—60 percent from the utility industry and 40 percent from Pratt & Whitney Aircraft—for research and development during the next 3 years on a fuel cell which will generate electricity in a cleaner and more efficient manner than coal or oil fired generators.

This privately funded R. & D. effort has great promise and could well result in commercial production by the end of this decade.

Without going into technical details let me tell you briefly how the fuel cell works. Basically, it is a process whereby hydrogen and oxygen are converted into electricity. But since quantities of hydrogen are not available commercially yet, the first generation of fuel cells will have a "fossil fuel reformer subsystem" which will extract hydrogen from gas or oil.

Northeast Utilities, one of the public utilities which has committed money to Pratt & Whitney Aircraft's fuel cell project is going one step further, investing money in a research effort designed to develop a method to produce commercially useful hydrogen.

Abundant and cheap quantities of hydrogen would not only eliminate the need to use fossil fuels in the fuel cell electric generators but will play an important role in another new technology resource, coal gasification and coal liquification.

I wish both companies much success in these two socially useful ventures.

IF THE WEST FREEZES, LET THE ARABS STARVE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BRASCO. Mr. Speaker, of late, Arab nations have filled the air with a series of blood-curdling threats, all having to do with withholding petroleum from Western nations showing any sympathy for Israel. Whoever opposes their fourth effort in 25 years to drive the Jews into the sea, we are informed, will run an imminent danger of having all Arab oil supplies held back until they see fit to act otherwise.

Such threats have been implemented by most Arab oil-producing nations. Boycott efforts, however, have been openly aimed mainly at the United States. Perhaps the American people are not fully aware of how thorough this worldwide Arab undertaking has been. Perhaps the average American is unaware that the boycott has been aimed at other countries providing the United States with significant quantities of refined petroleum products.

Nations such as Japan, Britain, France, and other formerly great powers have caved in like so many noodles fresh from the pot under Arab threats.

The Common Market countries issued a strong pro-Arab statement last week. Of France, we can say it is no surprise. However, a few observers felt that the English had remaining to them some shred of self-respect. Obviously, this is no longer the case.

Americans, however, do have a real choice. We have noted these Russian clients in burnooses dashing about, waving threats of oil cutoffs at us. Several of these countries are mere collections of fishing villages clinging to the littoral of the Persian Gulf, still harboring acute addictions to dictatorship, slavery, and similar harmless pursuits. By the accident of history, they are now squatting on oil reserves the world must have. It is long past time that the world reminded them that their shrill cries of boycott can and will result in retaliation. Here is the only language I believe they comprehend, and the American people can and will applaud a strong, vigorous response to their blackmail threats.

For a start, let us find out what they need and import. Behold their Achilles' heel—food. And where do they obtain so much of that food? By sheer coincidence, from the United States. And a large proportion of that food is given by this country to these fabulously wealthy oil nations for either a pittance or for nothing at all under the Public Law 480 program. I do not know how long any society or group of people can do without full supplies of petroleum. However, it is a matter of medical fact that most human beings perish after doing without food for about 1½ months.

If the world is in an oil and energy squeeze, as oil company ads tell us, then this is serious, indeed. After all, the oil industry is never wrong, even when publishing ads disclaiming its role in causing shortages, while claiming tax deductions on such ads. But the food shortage is also worldwide and is far more pressing.

In no way do I advocate creation of suffering for innocent people. Nevertheless, when the blackmail initiative is taken by the Arabs and their threat is forthwith implemented to the best of their ability, we have little option remaining but retaliation in kind. The Dutch, bless them, are helpless; but, we are not.

Just as the Arabs seek to worsen our energy crunch by cutting off oil feedstocks to nations refining and selling finished products to the United States, so we can implement a similar policy in food. Many Arab States either obtain grain and other basic foodstuffs from the United States or from nations shipping them grain because they in turn receive other grain or foodstuffs from America. We are, in short, materially contributing to their favorable balance of trade and the well-being of those threatening us with oil boycott.

Our distinguished colleague from Pennsylvania, WILLIAM A. BARRETT, has already introduced a resolution, House Resolution 357, expressing the sense of the House that the President "should curtail exports of goods, materials and technology to any nation that restricts the flow of oil to the United States in a quantity which is proportionate to the quantity of such restriction of oil." I wish to associate myself with that resolution at this time and call the attention of other House Members to its message.

Right now the Arab States, by their oil boycott, are in violation of their obligations under the articles of GATT—General agreement on tariffs and trade—their treaties of friendship and so-called U.N. resolutions. Egypt and Kuwait are members of GATT. Algeria, Bahrain, and Qatar are de facto members. Article II of that agreement states that:

> No prohibitions or restrictions other than duties, taxes or other charges—shall be instituted or maintained by any contracting party on the importation of any product or on the exportation or sale for export of any product destined for the territory of any other contracting party.

While neither Saudi Arabia nor Iraq are GATT members, the United States has a treaty of friendship with Saudi Arabia going back to 1933, and a similar treaty with Iraq dating from 1940. Discriminatory boycotts violate the spirit of such treaties, indicating to us again what it would mean if we ever became truly dependent upon such nations for a life-or-death supply of oil. No agreement in memory has been honored by them. Recently, their unilateral breaking of one agreement after another with oil companies and one another are indications of what we could expect if they ever got their paws on America's energy windpipe.

Turning from the ominous to the humorous, there is even a 1970 U.N. General Assembly resolution on friendly relations between states, declaring:

> No state may use or encourage the use of economic, political or any other type of measure to coerce another state in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind.

Although everyone knows such a rule would never be enforced by the so-called U.N. against the Arabs, or for that matter, against any nation or nations seeking to harm Israel, we can dismiss this rule as we would the babblings of any asylum inmate. However, it is noteworthy to point out that the statute is on the books, and is being ignored by both Arab nations and the U.N. in the current situation.

The Department of Agriculture has made available information showing Saudi Arabia is 100-percent dependent on imports for wheat and feed grains. Kuwait is 100-percent dependent on imported feed grains. Iraq is 38-percent dependent on wheat imports. Egypt, Jordan, Lebanon, and Syria also import foodstuffs.

An article published in "Foreign Agriculture" quite recently predicted U.S. agricultural exports to the Middle East will jump 50 percent in 1973–74, and that the area will rival India and China as a market for our grain. Also, that Iraq and Syria have had poor crop years and that U.S. food exports to these nations will total $300 million.

In fiscal year 1972, our agricultural exports to 15 Arab States exceeded $250 million, including private sales, food grants, sales and loans under Public Law 480 and AID programs. Is it not intriguing that Arab oil States, bulging with dollars, as reports indicate, are receiving large supplies of American food for nothing. Can they not afford to purchase such foodstuffs with the vast financial resources oil exports bring in? What will the average American, scrabbling for fuel oil and gasoline, think of that?

Some apologists will dash forward, pleading that we do not want to make matters between the Arabs and the United States worse. Nonsense. The entire situation has been brought to a head by sneak attack, unilateral boycott and outrageous public threats against the United States, uttered and reiterated by Arab States in question.

The world has little spare food. If the United States retaliated, or even threatened to do so, some hard thinking would be done on the Arab side. Let us note that the Arabs are getting false bravado from Russian backing and because of craven capitulation by Western nations. Consumer states will not band together against them. So retaliation is the only tool we have left with which to lever them to more sensible positions. Russia can resupply their arsenals, but not their granaries.

Undoubtedly, some humanitarian groups will also emerge, wringing their hands over such hard talk. One can easily predict who they will be; the same organizations which have condemned Israel for so long, crying over the plight of Palestinian refugees. The same refugees, mind you, which their brother Arabs have not allowed to settle in host countries in a permanent status. The Arab States have preferred to maintain them in a precarious state of existence so they could be utilized as a photogenic publicity tool to excite Western sympathy. Just as many Jews became refugees from Arab lands, but were taken in and resettled by Israel.

These same groups, bubbling over with brotherly love from a goodly distance for such refugees, will no doubt be the loudest humanitarian voices questioning any U.S. withholding of foodstuffs from Arab oil States now unilaterally boycotting the United States.

Logic will not, in the future as in the past, be their strong point.

Nonetheless, we should and must consider this policy. If one chooses to deliver a blow, as the Arabs did against Israel and now against the West, they should expect one in return, which they received from the Jewish state, and which, I hope, we shall also deliver.

IS NIXON RESIGNATION THE ANSWER? THINK AGAIN

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. HUBER. Mr. Speaker, in the present time of great heat in Washington over the possibility of President Nixon resigning, a little light would be helpful in my view. This light, in the form of a column by Judd Arnett in the Detroit Free Press of November 6, 1973, was supplied. His column, above all, provides a little perspective on the issue. It points out how many persons and many groups in times past have loudly called for the scalp of the President and how history had judged it was wise that he stayed in office. I, therefore, commend this article to the attention of my colleagues:

[From the Detroit Free Press, Nov. 6, 1973]

IS NIXON RESIGNATION THE ANSWER? THINK AGAIN

(By Judd Arnett)

One is tempted to comment on the weekend pontifications of competing publications. In a burst of activity, editorialists here and elsewhere seized the initiative and told us how the nation might most conveniently escape the aggravations and horrors of Watergate. The formula is very simple: All that needs doing is for the President to resign his office, bag and baggage. Why didn't someone think of this before?

Imagine the trauma and turmoil which might have been spared the Republic had this logic been followed through the years. With a few flicks of the pen, you can rewrite history and have enough space left over on the editorial page for a lengthly dissertation on the evils of the school hot-lunch program. Like this . . .

Abraham Lincoln, faced with civil war because his policies were unacceptable to the South, should have pulled his stovepipe hat down over his ears and slunk back to Springfield, Illinois.

What this would have meant to the nation in peace and tranquility is beyond comprehension. But let us bring a tiny portion of what might have been down to this very moment: In Detroit today, we would not be confronted with the question of whether or not an uppity black man, Coleman Young, is fit to be our next mayor. Mr. Young, if not planting cotton in Alabama, would be at most a shiner of shoes, grateful for a nickel tip and looking forward to an evening repast of grits and hawg jowls.

In 1937, fresh from carrying everything except Maine and Vermont, Franklin D. Roosevelt would have gone back to Hyde Park after stirring the country to a frenzy over the Supreme Court and losing his reform bill in the Congress. This would have put John Nance Garner, who was somewhat to the right of Andrew Carnegie, in the White House, thus plowing under the New Deal. We might also have wound up on the side of Adolf Hitler in World War II, and that would have turned things around a bit, wouldn't it? There were other times during FDR's tenure when the editorialists wanted him to resign, but he was a bull-head who just wouldn't listen to reason.

After firing General Douglas MacArthur, who had some definite ideas as to how the war in Korea should be conducted, Harry Truman's popularity dropped so low that the pollsters could hardly find it with a stethoscope. There were countless patriotic calls upon ol' Harry to chuck the job and retire to his piano in Missouri, but he was swell-headed about his importance to the country. His quaint carryover notion that there should be civilian control over the military was tested again during the Vietnam adventure, and this may have kept us from straightening things out for once and all in Southeast Asia by fighting the Red Chinese, the Russians and anyone else who wanted a piece of the action. Now we will never know how that war would have ended had we gone all-out, will we?

When you poke around in history you discover that there has rarely been a president who has not been called upon to resign by someone with access to a printing press. If all of those screams and hollers had been heeded the White House would have worn out five sets of revolving doors by this time.

But it seems to be typical of the occupants of the office that once they get entrenched, they are reluctant to accept the advice of publishers, editorialists, columnists and, lately, television commentators. There must be something about the job that deafens the holders of it to the clarion calls of the patriots of the Fourth Estate.

Else why would Richard Nixon hesitate for even a moment in responding to the supplications offered with the most heroic of intentions—by Time Magazine and The Old Gray Lady Down The Street, among others? Good gravy, all they want him to do is quit and turn it over to Gerald Ford. Is that too much to ask, especially among friends of long standing?

The President should be impressed that this is the first time in 50 years that Time has run an editorial. Think of how frustrated they will be if, after storing all of that ammunition, nothing happens. Ppppfffffffftttt, so to speak. Oh, the ignominy of it all. As for The Old Gray Lady, surely she is entitled to consideration after having haughtily looked down her nose at Watergate during the early months of its festering.

What a clean way to end it all. Mr. Nixon quits and we pass on to Mr. Ford. One can hardly wait.

NIXON DESERVES BETTER

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SHUSTER. Mr. Speaker, how quickly we forget.

It has been less than a year since we have been extracted from Vietnam. Many of the former prisoners of war are still struggling to readjust following their ordeal in Southeast Asia. The ravage of war is still apparent to anyone visiting the towns and villages of Vietnam. Yet it is all but forgotten, it would seem.

President Nixon, through his firm and decisive leadership, achieved a peace in Vietnam many thought was impossible. Were it not for the present occupant of the White House, we could still be fighting—and dying—in that tragic war.

President Nixon is being crucified for his mistakes while being ignored for his great accomplishments. Whatever else the history books may say, President Nixon will be known as a great peacemaker.

The following editorial from the Waynesboro, Pa. Record Herald reminds us of the real "cost" of that tragic war—a "cost" that could still be escalating without the courage, conviction, and leadership of Richard M. Nixon.

Mr. Speaker, the President deserves better than he is getting.

The editorial follows:

NIXON DESERVES BETTER

The Indochina war will have cost American taxpayers a total of $676 billion by the time we finish paying for it.

So claims Thomas Riddell, a Bucknell University economist, whose study of the economic effects of the Vietnam conflict has been published in The Progressive magazine.

Riddell's figure includes not only the actual wartime outlay for weapons and materiel and expected future expenditures for Vietnam veterans and their dependents, which will go on well into the next century. He expands it by including U.S. support of the French effort in Southeast Asia, beginning in 1950, as well as his estimate of "human resources" costs.

The latter include wage losses suffered by draftees, the dollar price to society of drug addiction among veterans and the value of lifetime production lost to the economy because of casualties.

But while it is not easy to minimize the costs of this terrible war, neither is it difficult to exaggerate them to prove a point. Riddell, for example, does not offset the wage losses of draftees—which cannot really be known—with an estimate of the increased earning power of other veterans who may possibly have acquired skills and trades useful in civilian life.

In any event, it is hopeless to try to pin down a final figure for something that has to be spoken of in terms of hundreds of billions of dollars, by any reckoning. Forget the money. Consider the other costs of the Vietnam war, which Riddell also mentions.

More than 56,000 men killed and more than 303,000 injured; almost 23,000 double amputees; more than 2,500 quadraplegics and paraplegics; about 260,700 veterans receiving disability payments; more than 1,300 Americans still listed as missing in action.

BOTANIC GARDEN

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. DE LA GARZA. Mr. Speaker, the Botanic Garden immediately west of the Capitol Grounds is a familiar sight to all Members, but I wonder if many of us have a full realization of the remarkable things that go on there. I recently learned about some of them from Mr. Jimmie L. Crowe, assistant manager of the Botanic Garden.

Work is constantly going on to develop new varieties of flowering plants to gladden the eye of the beholder. New for this year are nugget marigolds that bloom throughout the summer until frost, variegated pepper as a border plant, carefree coleus, a variety of Southern Belle hibiscus, and numerous others. Also new this year are the flower beds in front of the conservatory, which through the spring and summer added to the beauty of Capitol Hill.

Coming as I do from a south Texas area where beautiful plants abound, I have a special feeling for the Botanic Garden and what is being done there.

A man to whom the conservatory represents his life's work is Mr. Albert T. DePilla, the Botanic Garden horticulturist. Mr. DePilla started work as a laborer 50 years ago when he was 16 years of age. Under the tutelage of the late assistant director of the conservatory, Mr. Wilbur Pagel, he was trained in botany and became an expert in that field.

He was not content simply to grow flowers. He painstakingly experimented with them to develop new and improved varieties. He attended them and cared for them as a father does his children. He is always striving to inspire others with his own love of plants and flowers.

Mr. DePilla recently was awarded by the Architect of the Capitol a certificate for his 50 years of service with the U.S. Government. He is a man who numbers many Members and their wives and children among his devoted friends. All of us are indebted to him for his efforts to bring beauty into our lives day after day. Albert DePilla is one of the outstanding assets of the Nation's Capitol.

TRIBUTE TO THE LATE HONORABLE ROBERT EWING THOMASON

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. PATMAN. Mr. Speaker, like so many historic Texans of revered memory, and I need mention only two of many great names, Sam Houston and Sam Rayburn, Judge Robert Ewing Thomason came to us from the great State of Tennessee. It is truly a measure of his enormous distinction that his accomplishments reflect such high and ample honor both upon the State of his birth and upon Texas which, from early childhood, was his beloved home.

Commencing his congressional career in 1931, Ewing Thomason represented the people of the 16th District of Texas with impressive fidelity and dedication, being overwhelmingly responsive to the needs of his constituents, as well as to our national requirements during periods of domestic and international stress. I remember Judge Thomason with abiding affection and respect. His integrity was so real and perceptible that it came as no surprise to his many friends that our great President, Harry Truman, appointed him a Federal judge for the western district of Texas, a position in which he served from 1947 almost until the day of his death last Thursday.

No jurist has received more solid and sincere acclaim by both trial attorneys and legal scholars than Judge Thomason. Indeed, his long and remarkable career included experience as county and district attorney, member of the Texas Legislature, speaker of the Texas House, and Mayor of El Paso, as well as eminent practitioner of the law.

I join with my colleagues in expressing a deep sympathy to Judge Thomason's beloved wife, Abbie, and to their fine family. Judge Thomason exemplified his own precepts. He brought the same qualities of fairness and wisdom to all who came before him. He believed in democracy, in the liberties that are the birthright of Americans, and in the essential dignity of human beings. We have lost a friend and a champion, and his life gives all of us courage and rededication to the ideals of public service, of statesmanship, of loyalty, and of devotion to God and country.

TRIBUTE TO MAYOR FRANK TERRAZAS OF PICO RIVERA, CALIF.

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. HOLIFIELD. Mr. Speaker, the soul and vitality of our great country rests in the success of local government. Local government, whether it be a city, county, or district level is the leaven that insures progress for our Nation and happiness for our people. Of course, it goes without saying that local government is only as good as its elected officials.

I rise today in tribute to one of these local officials, Mayor Frank Terrazas of the city of Pico Rivera, Calif., a portion of the district which I have the honor to represent. Mayor Terrazas is an exemplification of the type of local official that has made our country the envy of all who see it. Mayor Terrazas is one of those selfless citizens who has dedicated his life to community service. Personal reward has never been his objective, as most of the service on a local level is voluntary; the only reward is the satisfaction in community progress.

Mayor Terrazas came to California in 1921, 1 year later than I arrived. Although our paths did not cross for many years, we lived in neighboring areas; he lived in East Los Angeles and I lived in Montebello, contiguous areas in the Los Angeles suburbs.

Long before his entry in local office, Frank Terrazas demonstrated his devotion to the welfare of the community. For years he was active in the International Association of Machinists, as befits his position as a master painter for the Lockheed Corp. But, while raising and supporting his family, consisting of his wife, Lydia, and his three daughters, Christina, Lydia, and Maria, he was also active in affairs of public concern. For many years he was active as a member of the Los Angeles County Democratic Central Committee, many times occupying the position of district chairman. He has held many other positions of authority in the Democratic Party, the latest is his membership on the Democratic State Central Committee, to which it was my honor to appoint him.

In 1962 the citizens of Pico Rivera elected Mayor Terrazas to the city council. He has been reelected twice since that time. During the 11 years he has served on the city council, he has been elected three times to serve as mayor.

A recitation of all of the positions of public trust that Mayor Terrazas has held would take hours. I would just like to mention a few, Mr. Speaker, to illustrate the devotion this man has to local government and the commonwealth.

When the OEO first began, Frank Terrazas was called upon to be the president of the Eastland Community Action Council. His fellow mayors have elected him to the executive board of the committee of mayors. The Los Angeles District Attorney has asked him to serve on his advisory council and he has held office in the California Contract Cities Association since 1962.

Mayor Frank Terrazas, an American of Mexican extraction, seeing the need for an organized approach to solving the problems of the large numbers of citizens of similar background, set about to organize the Asociacion Californiana of Elected Representative Officials, an organization of elected officials of Mexican heritage. He served as charter president of this group.

Of course, in addition to his other activities, Mayor Terrazas has been involved in numerous other community groups, such as the Boy Scouts, Campfire Girls, American G.I. Forum, and the Optimists Club. Mr. Speaker, we have in Mayor Frank Terrazas a living example of why our country is great. I rise in tribute to Frank Terrazas and in behalf of myself and the other citizens of the 19th Congressional District, thank him for his work on our behalf, and wish him many more years of community service.

THE AIR FORCE ACADEMY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BROWN of Ohio. Mr. Speaker, in a recent edition of the Denver Post, an article by Mr. Robert Pattridge appeared that describes the current climate of the Air Force Academy. The academy is building men for peace as well as defense, men of intellectual superiority rather than mediocrity, men of honor and not dishonor, and men who are leaders and not folowers. I thought that my colleagues would be interested in the article, and I therefore, submit it for the RECORD:

[From the Denver Post, Oct. 7, 1973]

AFA GIVES US MEN TO MATCH OUR MOUNTAINS

(*Our men are our walls.—Sparta, ancient Greek city.*

We will not lie, steal, or cheat, nor tolerate among us anyone who does.—Air Force Academy Cadet Honor Code, 1973.)

Air Force Academy—Parallels abound between Sparta, ancient Greek city, and today's Air Force Academy.

Sparta's laws, drafted by Lycurgus, were characterized by rigidness. Rigidity is part of life at the Academy.

The Spartan was essentially a soldier trained to obedience and endurance; he lived in a barracks and ate at a common mess. That is generally true of the Academy cadet.

A study of history unfolds other parallels between the Academy and Sparta, capitol of Laconia and most powerful state of the Peloponnesus.

History also shows, however, that men and nations do not survive on military might alone. Today's Academy has many qualities of ancient Sparta plus qualities of its own. The Academy process fosters review and change.

Currently, the U.S. military forces are the bad guys. Uneasy peace reigns in the world with detentes in trade, troop reductions and unclear weapon controls. Thank God for that. However, should the world atmosphere alter, our media and the public will clamor: "Where is the military?"

Part of that military is at the Air Force Academy. There are hundreds of officers, enlisted men and cadets on the 18,000 acre site north of Colorado Springs who believe in discipline, and practice it. They also exhibit human understanding and compassion for fellow man.

Negative news about the Academy has a way of bursting onto front pages and the television screens around the world. A reader or viewer may question: "What is going on there?"

The answer is simple—education. Much of that education, unreported, is positive.

An example: For an average of four hours daily, Brig. Gen. Hoyt S. Vandenberg Jr., 45, commandant of cadets, counsels and raps with the 3,980 cadets in groups and individually.

Among other problems, General Vandenberg seeks out "rumbles." That is Academy jargon for the cadet who is "rumbling"—pondering resignation. It is a serious problem. The dropout rate in the 1974 class is a shade over 40 per cent.

There is counseling galore for the "rumbles." Available are fellow cadets, cadet leaders, the 580 faculty members, General Vandenberg, a special team of officers, chaplains, psychiatrists and even Lt. Gen. Albert P. Clark, the 60-year-old Academy superintendent who looks 45.

General Clark recognizes that cadets have special troubles. They have come from a permissive society where alcohol, cars, women and drugs are available. Suddenly they are in the Spartan atmosphere of the Academy. The physical and academic demands are tough.

Concentrating on three areas of concern is a goal of General Clark:

The cadet's environment. Improve it and allow a minimum of the "Mickey Mouse" harassment that is so irritating to young men of today.

Don't bring in cadets who won't make it at the Academy. Greater counseling and care in selection of carets is part of this goal.

Orient the cadet candidate completely as to what he can expect and what is expected of him. He will last, adjust and quit less frequently.

Certain standards will not change under General Clark's superintendency. They include courage, loyalty, character, leadership and self-discipline (a subject General Clark knows well, having spent nearly three years as a prisoner of war in Germany during World War II).

"The way you capture a young man's loyalty is not the same as in Frederick the Great's time," General Clark says.

You have to reach a cadet with understanding, he believes, but without lowering academic or moral standards.

The task is not easy in 1973 with the social, political and military turmoil. But General Clark's worries are not his own. Besides his competent staff he is assisted with recommendations by the Academy Board of Visitors and the Academy Advisory Council, both comprised chiefly of civilians.

The Academy also has been enriched by the Air Force Academy Foundation. Private funds donated through the foundation created the 50,000-seat Falcon football stadium and the 18-hole Eisenhower Golf Course.

In worrying about the dropout rate, and the money spent to educate a cadet, General Clark is realistic. "When you shake the tree, some bad apples will fall."

The number falling concerns him, although it is best for cadet and Academy if the dropout is weeded early in his career rather than later.

There is satisfaction for the general in the number and quality of the AFA graduates. Since Congress authorized the Academy in 1954, a total of 7,900 men have graduated. Only 38 have embarrassed the Air Force in any manner. The Academy also leads the three service institutions in number of graduates who remain on active duty following completion of military commitments.

An oft-repeated charge against the Academy is that hawkish robots are being manufactured. "Nothing is further from the truth," contends General Clark. His words are backed in random conversations with cadets.

The cadets exhibit abundant free wills and intellects. They are the ones deciding to stay or leave the Academy. They are the ones offering advice to the Academy administration on matters as diverse as "Mickey Mouse" harassment and changing the curriculum.

It is the cadets voicing a variety of recommendations in discussions with Generals Clark and Vandenberg, other officers and cadet leaders. Cadets appreciate that the officers seek out ideas for change. And the cadets run the honor code—not the officers. The cadets hear the evidence in honor code cases and make decisions on resignations.

If the cadets are robots, they are well-informed robots. General Clark invites a wide range of speakers to address the cadets. They range from comedian Dick Gregory to a Communist. There was a seminar for minorities. Speakers with various views are presented under an open policy.

Classroom discussion is frank, energetic and refreshing.

The Academy attracts the cream of the nation's youth. They are the scholars, athletes, the leaders of all colors and creeds from hundreds of high schools—including the Academy's own Preparatory School. Taking this quality and leading the way to an education for the "whole man" is Brig. Gen. William T. Woodyard, 54, dean of the faculty.

A scholar who has served at the Academy since its founding, General Woodyard aims at "establishing a total environment conducive to training."

He needs no Pentagon reminder that "we are here to support the Air Force." Yet, he is the type officer who hosts cadets in his home and hears plenty of "feedback."

General Woodyard isn't pushing only science, mathematics and military training. Literature, philosophy, languages, music, art, history, athletics, political science, all have a place at the Academy.

Holder of a doctor's degree in higher education from the University of Denver, General Woodyard is especially proud the Academy ranks fourth nationally in the number of graduates who have won Rhodes scholarships.

The Academy also is a leader in winning National Collegiate Athletic Association scholarships—a measure of the "whole man" concept.

General Woodyard is also proud of the accreditation record in engineering and other fields of Academy education.

The three generals and Col. William R. Jarrell Jr., 51, director of admissions and registrar, point out a few variables in the dropout rate.

There are no transfer students into the Academy upper classes as in other non-military institutions. There is a 2 to 3 per cent attrition among cadets due to physical problems. General Vandenberg grieves for the cadet, determined to be a pilot, who suddenly develops eye trouble and drops out because flying was his only "thing."

Also, like civilian youth, cadets have problems with girl friends, families, studies, the physical training and assorted other troubles.

Yet, Colonel Jarrell reports applications are streaming in at a high rate. More than 8,000 young men applied as cadets for the 1,500-member class admitted this year. Some are motivated by a free education but watching them march, train, dine, learn and relax, you have to concur with General Vandenberg: "An amazing bunch of young men."

They are young men with their shoulders back, heads up and living a life packed with motivation, achievement and goals. Besides pilots, they are destined to be Air Force doctors, lawyers, scholars and various other career occupations.

The cadets don't put you on with idle praise for the establishment. Most are mighty happy when the physical and academic demands of that initial year are behind. As is the military's habit, the upper classmen and officers lead by example and the new cadet is impressed.

There are no boys at the Academy—all are men. They live by the honor code of no lying, cheating or stealing. For most, it is an honor code for life.

Many cadets—and officers—expect women will some day be enrolled at the Academy. This will require some changes in training when it happens.

Also in the future here will be more headlines from politicians blasting the Academy. The General Accounting Office may be critical of Academy spending. There will be more dropouts. Training (such as a prisoner of war camp) will be debated. There will be criticism from ex-cadets and ex-faculty members.

In measuring time, the Academy is an infant. It is less than a quarter century old compared with the centuries of Sparta.

But like Sparta, the Academy has strength in its men—its cadets and officers. Due to this strength, the Academy is changing man's flight through life.

While Sparta's race of resolute, ascetic warriors eventually expired, the Academy shows no such signs.

The Academy men—like Sparta's—are also walls; hopefully walls for peace as well as defense, hopefully walls of intellectual superiority rather than mediocrity, hopefully walls of leaders rather than followers, hopefully walls with honor and not dishonor.

If the nation doesn't want those qualities ingrained at the Air Force Academy, Congress had best give a new mandate to the Air Force and its Clarks, Vandenbergs, Woodyards, Jarrells and the proud Academy Cadet wing.

THE ROLE OF LABELS IN SELF-MEDICATION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ROGERS. Mr. Speaker, in 1927, Congress passed the Federal Caustic Poison Act, beginning a series of bills to establish ever greater consumer protection. As a result there exists today the right of the individual to have access to information relating to his or her health and well-being. It is for this reason that labels presently appear on most all potentially harmful products, providing both warning and direction.

The case of prescription and over-the-counter medicines is of especial concern since these labels provide information that is essential for safe and effective self-medication. The industry is aware of the crucial role the individual must play and usually makes special mention of the importance of reading and following directions in its advertisements. However, the fact of the matter is that many of us disregard or ignore medicine labels; thus creating a serious and unnecessary threat to the Nation's health.

To counteract this tendency, the

Council on Family Health is sponsoring an advertising campaign to make the public more aware of the importance of following label directions. It consists of television, radio, and printed materials; and is aptly keyed on the slogan, "Medicines cannot help you if you do not take them right." The advertising firm of Wells, Rich, Grene, Inc., has created the initial elements on a nonprofit basis and has done an excellent job.

The objectives of the Council's efforts have been endorsed by the board of directors of the Advertising Council. Additional encouragement has been received from the National Association of Broadcasters and the three major networks. However, as is the case with all public service campaigns, the individual medium must make the ultimate decision. Having viewed the materials, I find them very effective and urge their extensive use. The Council on Family Health is to be commended for taking the initiative in this area.

A LONG NIGHT'S JOURNEY INTO DAY FOR MIA'S WIFE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. KEMP. Mr. Speaker, the National League of Families of Prisoners and Missing in Southeast Asia, the Committee To Free Journalists Held in Southeast Asia, the Youth Concerned for the 1,300 Missing in Action, and other responsible organizations, whose dedicated members have been working untiringly on behalf of the missing Americans and their families, need and deserve our unqualified support.

We owe to the families of the MIA's the same debt that we owe to the families of the POW's and to those who gave their lives in combat. This debt must not be left unpaid.

Mr. Speaker, two of my good friends, a neighbor in Hamburg, Maj. Robert E. Rausch, and a college teammate, Maj. Don Lyon, are on the list of those missing in action in Laos.

After the legal declaration of her husband's death, Barbara recently remarried. As she begins her new life, those of us who have admired her bravery throughout the terrible ordeal of these recent years, wish her every possible happiness.

Mr. Speaker, I include for the RECORD and commend to the attention of my colleagues, an October 18, Buffalo, N.Y., Evening News column by Bob Curran concerning Barbara Rausch, "A Long Night's Journey Into Day for MIA's Wife."

A LONG NIGHT'S JOURNEY INTO DAY FOR MIA'S WIFE

(By Bob Curran)

You're 32 years old and for you on the morning of April 16, 1970, God's in his heaven and all's right in the world. You are proud to be a military wife and you know when they are old enough your three youngsters will also be proud of their father, who is flying an Air Force fighter plane in Southeast Asia.

Then the doorbell rings and suddenly you find yourself in a scene that you have pictured many times. The men at the door are from the Air Force and one of them is saying, "We regret to inform you that your husband is missing in action in Southeast Asia."

The rest of the day is a strange dream in which you have the feeling that you are listening to someone else talk as you tell your loved ones and friends the news. You move from the dream to reality when it is time to tell your oldest boy that his father is missing in action. And you fight to control your voice as you say, "Not dead. Missing in action."

Those are words you will say many times in the next few months. They will be the last words you will say at night before blessed sleep comes and the first words you will say when you awake to face another day that might bring more news. They are words that you will say when you and the children look through the album that is filled with pictures of him.

The good news never comes. The liaison officer the Air Force has assigned to you tells you again and again that they have had no reports that he was seen after his plane went down. And all the packages you send to him come back from North Vietnam with the message that there is no man by that name in their prison camps.

You now fear the worst, but you hide your feelings, and when you meet friends and families of other prisoners you always manage to have your chin tilted bravely in the air. And after awhile you become very active in the National League of Families of American Prisoners and Missing in Action in Southeast Asia.

Eventually, you become a director of the Western New York Concerned Families of Prisoners of War and Missing in Action in Southeast Asia and then a director of the national group. And the people who watch you in admiration are sure that you still feel that your husband is alive.

But to some of us who have become close to you, you say that there is no reason to believe that he is alive. But you still work with the other families some of whom have learned that their loved one is alive.

Sometimes you go to Washington to help search out information for the others. Always you are on call to make a talk to a high school or civic group.

One night you speak at a Reserve Officers Association meeting and afterwards you are invited to attend the annual ball. And you consent to be escorted by a bachelor officer.

In late January the list of living men is released and what you have known and lived with for so long is now official.

As you begin to face your new life you begin to date the officer who escorted you to the Reserve Officers ball. And one day you accept his proposal of marriage.

You thought you knew what sort of flak that would draw when the news leaked out but you found it is worse than you had imagined. Eighty per cent of the wives in the league want the Air Force to make a determination on their husband's status. Most of the parents involved wanted their sons to continue to be listed as "missing in action."

Fortunately, your in-laws believed that life must go on and they give you their blessing. So does your mother and your close friends.

Then come the technicalities that when reported in the paper make you sound like a crass person. To have your husband's will probated he must be declared dead and that brings criticism from those who want you to cling to the past.

After that you must ask the Air Force for a determination. And one day an Air Force car comes to your house and a chaplain tells you that so far as the Air Force is concerned, your husband is dead. Though you have been sure of this for a long time, you find that the sight of the car outside your house brings on chills that were as icy as those you felt on April 17, 1970.

On Tuesday of this week you have a memorial service for your husband. Among those present are the children Mike, 13; David, 9, and Betsy, 5. And you explain to a man who asks about it that "it's best that they know it is all over."

And you feel a jolt of joy when your mother-in-law calls from Florida to say, "One thing must end before another thing is to begin."

The "other thing" will be your marriage on Saturday to Major Robert Rackley, a gentleman who has won the respect of all who have met him.

You can be sure that those of us who had the good fortune to see you fight the good fight through the terrible years will be rejoicing for you as you start your new life.

Hang tough, Barbara Rausch.

RONCALLO STATES POSITIONS ON RECENT VOTES

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. RONCALLO of New York. Mr. Speaker, yesterday I was attending a meeting of the Savings Bank Association of New York State as a member of the Banking and Currency Committee and was unable to be on the floor when votes were taken on the trans-Alaska pipeline conference report. As no pairs were available, I would like to state my position for the Record.

I do not believe that sections 408 and 409, relating to expanded Federal Trade Commission and General Accounting Office authority, respectively, belong in a pipeline bill. The first encourages internecine warfare between segments of the executive/regulatory branch of Government, which this country could well do without. The second could add greatly to the reporting requirements imposed on our already overworked small businesses. For these reasons I would have voted for recommittal of the conference report with instructions to delete the two offending sections.

Despite the above I would have voted "yea" on final passage of the pipeline bill due to the overriding need to bring Alaska's North Slope oil down to the lower contiguous 48 States as soon as possible. This will help us to meet our energy needs ourselves and free us that much more from the blackmail of the oil-producing Arab nations.

Today I voted to recommit the conference report on Labor-HEW appropriations. Most of the bill was good legislation continuing very valuable Federal aid programs. The formula for allocation of funds under the Elementary and Secondary Education Act, however, did not keep faith with what had been promised earlier this year during the debate on the second continuing appropriations resolution. The result is that the two counties I represent, Nassau and Suffolk Counties of Long Island, N.Y., would have received nearly $400,000 less under the conference report than under the alternative formula proposed by the gentleman from Minnesota (Mr. QUIE). I hope the conference committee will report the bill promptly with the agreed-upon formula and that I will soon be able to vote for final passage of this vital legislation.

FORMULAS FOR CONSERVING OIL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ANDERSON of California. Mr. Speaker, obviously, to meet the energy crisis we must either increase the supply of oil or decrease the demand. Since increasing the supply of oil without bowing to the Arabs is virtually impossible in the short term, our only recourse is to conserve oil.

The administration's response seems to be a rationing program, similar to that which existed during World War II. Darrell Trent, the Director of the Office of Policy Development in the Department of Commerce, has estimated that such a system would cost nearly $200 million per year and would require a staff of 12,000 people.

Rather than establish an elaborate system for rationing gasoline that would discriminate against many individuals, I believe that an increased Federal gasoline tax—with stipulations for rebates to low- and moderate-income taxpayers—would be a reasonable alternative. An increase of 10 cents per gallon in the tax would both stifle the waste of gasoline, and produce an additional $9 billion to the Federal Treasury—funds which could be used to establish efficient and effective mass transit systems to offer people an alternative to their automobiles.

In addition to this tax, a lid must be placed on oil company profits so that the huge majors do not unduly prosper at a time of national crisis. For example, so far this year, Exxon has made over $1.5 billion in after-tax profits—up around 80 percent since last year. Gulf Oil reported a gain of 91 percent, and Mobil's profits have increased by 64.1 percent over last year.

Mr. Speaker, at this point I insert in the Record an editorial that appeared in the Washington Post on November 12, which offers alternatives that should be proposed before we get into a rationing program:

FORMULAS FOR CONSERVING OIL

The next step, in the national effort to save fuel, is to raise the penalties on waste. Three measures in particular deserve immediate action, and President Nixon might usefully add them to the proposals that he has already submitted to Congress. All three ought to be tried out before the administration resorts to consumer rationing of gasoline and fuel oil. Energy prices in this country are still tilted to encourage consumers to squander fuel and power. It is time to tilt them the other way.

A surtax on gasoline is now necessary. The price of all oil products will inevitably go up sharply over the coming months. A stiff surtax would apply the brakes at once. The President's adviser on energy, John P. Love, said last week that the surtax might have to be as high as 30 cents a gallon to have any significant effect. That figure sounds high. Estimates made earlier this year for the Energy Project, an independent research organization here, suggest that a surtax of 10 cents would cut sales by a good deal more than the 500,000 barrels a day that, according to the White House, we are currently short. Since no one can say with precision what the effects will be, that is all the more reason to begin experimenting now.

Mr. Love added that he is also worried by the regressive impact of a gasoline surtax on low-income families. But that objection can be very easily met by any of a number of adjustments in other taxes. The best solution would probably be a standard credit on the personal income tax.

Another necessity is rewriting the utility rates. Most electric companies give lower rates to homeowners who use a lot of power. The first kilowatt hour is the most expensive one, and the last is the cheapest. The President can usefully call on the state regulatory agencies to turn the rates around to discourage overuse by charging higher rates to families that consume more.

The President also has an opportunity now to use market pressure in behalf of clean air. Taking the sulfur out of fuel oil is technically possible. But it takes money, and most companies will naturally burn high-sulfur oil as long as it is cheaper. Some of the air pollution rules will have to be relaxed because of foreign oil boycotts. The proper response, to protect the atmosphere, is a federal tax on the sulfur content of fuel oil. It should be set just high enough to make it a little more expensive to burn dirty oil than to take the sulfur out of it. No industry would be threatened with a shutdown if clean oil disappears from the market, but refiners would have an incentive to install desulfurizing processes.

Very cheap fuel in this country has, over the years, made it increasingly easy to be careless. Higher prices are a powerful level for conservation. It is important to remember that, while the necessary economies are substantial, they do not involve any drastic changes in our style of living. If the foreign boycotts cut our supplies as much as 17 per cent, as the President warned they might, we would still have as much oil to burn as we had in 1969. That was a pretty good year. The economy was prosperous, houses were warm, and there were cars on the roads. Going back to the 1969 level in one sudden jump will be a nuisance for most of us, but hardly a tragedy. What we need now is caution, and there is nothing better than a gasoline surtax to induce it.

TRANS-ALASKAN PIPELINE BILL

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. HUDNUT. Mr. Speaker, Monday, November 12 was celebrated as Veterans Day in Indiana and because of longstanding engagements with this observance, I was unable to be present when the votes were taken on the conference report on S. 1081, the trans-Alaskan pipeline authorization. However, I want to make my position clear that I support the pipeline and certainly do not want any delay in its construction.

However, I would have voted for the recommittal motion offered by the distinguished gentleman from Arizona (Mr. Steiger) because the amendments added by the Senate, sections 408 and 409, have nothing to do with the pipeline construction. These nongermane amendments enlarge FTC powers and also increases the requirements for reporting on the part of business. The House has not had an opportunity to consider these matters thoroughly.

In view of the failure of the House to adopt the recommittal motion, I would have voted for the conference report on final passage. It is most urgent that we proceed with the pipeline as soon as possible.

LIFTING WAGE-PRICE CONTROLS COULD SOLVE ENERGY CRISIS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SYMMS. Mr. Speaker, common sense tells us that freedom and liberty have been proven as the best way to allocate resources. I inclose the following article by Henry Hazlitt which makes so much common sense.

I would urge Mr. Hazlitt's solution to the energy crisis as better than any that the Government can come up wtih.

The article follows:

LIFTING WAGE-PRICE CONTROLS COULD SOLVE ENERGY CRISIS

(By Henry Hazlitt)

The President's broadcast proposals for dealing with the energy crisis left out the most important step of all. This would be to remove immediately, at every level, all price controls on gasoline and other petroleum products.

No other measure proposed by the President compares in urgency with this. Look at the effect on demand. A rise in the price of fuel oil and gasoline, as a result of the shortage, will put immediate pressure on practically every consumer to conserve its use and reduce his consumption. This applies to profit-seeking and loss-avoiding corporations as well as to the overwhelming majority of private car drivers. There could be a prodigal here and there who will not change his habits; but this will be of minor quantitative importance. There is no other form of rationing as quick and efficacious as rationing by the market or by the purse.

Now let us look at the effect on supply. It is being generally assumed that in the present oil and gasoline crisis an increase in prices (and so in profit margins) cannot increase the supply. This is quite wrong. It can speed up transportation and deliveries. It can lead to the re-opening and working of marginal wells that did not pay out at lower prices. It can stimulate exploration. It can also stimulate and help to provide the funds for new refining capacity.

Above all, it can enable Americans to compete on at least equal terms with the nationals of other countries in bidding for the available supplies of oil from abroad. The higher the price they can get, the more oil the producing countries will be tempted to explore for, pump and export. This applies even to the Arab countries that are threatening to shut us off. If they carry out their threats in full, they will be cutting off their own noses. The higher world prices go, moreover, the more the Arab lands will be tempted to double-cross each other.

Let's say countries A, B, C, D and E together produce 40 per cent of the world's annual petroleum supply. They can raise world prices only by reducing their annual output. They can do this by entering into a pact in which each agrees to reduce his production by a uniform percentage. They can get the higher world price, but each country has less oil to sell. Meanwhile, oil producers in countries outside the area of the pact also have the advantage of the higher price rise, but can in addition sell at that price all the oil they are capable of producing.

It occurs to nation A, a member of the pact, that if it secretly fails to cut its production by the amount it agreed to, it can sell more oil at the higher price brought about by the restricted output of countries B, C, D and E. But this idea may occur to any one of the five. In any case, Americans ought to be allowed to bid for foreign oil without restriction, and not merely to pass on the higher cost, but to make whatever profit a free competitive market will allow.

If oil and gas prices continue to be held down by arbitrary controls, however, most of the "voluntary" measures that the President recommends—driving cars less, reducing speeds, forming car pools, lowering temperatures in the homes by six degrees—may meet with negligible compliance. Excellent advice for the other fellow, nearly every one will agree; I hope he follows it.

Some of the President's advice itself is needlessly confused. "We must ask everyone to lower the thermostats in your home by at least six degrees." Taken literally, this would mean that if you previously kept your home at 78, you should lower it to 72, but if you previously kept it at 68 you should lower it to 62.

Again, the advice to drive less and form car pools may not carry as much weight as otherwise to listeners who have followed Mr. Nixon's flights every few days to one or another of his homes in California, Maryland and Florida.

(The weekend before his oil conservation talk, Mr. Nixon suddenly, according to the New York Times account, "rushed from the White House (with only a minimum support staff of about a dozen Secret Service agents and other personnel) and got on the helicopter which took him to Andrews Air Force Base to board his Boeing 707 jet before the press office could assemble the pool . . . the press plane—a chartered commercial jet—left two and a half hours later." It has been calculated that the President's official plane burns 2,000 gallons of jet fuel each hour of flight.

The President has proposed heating oil rationing and contingency plans for gasoline rationing. Some temporary allocation system may prove unavoidable. But compulsory rationing can tend to have the opposite effect from that intended. It merely shifts competition from the market to the political arena. Every pressure group frames plausible arguments for special treatment. Everybody buys up to his quota for fear he may later be cut off.

What is most disheartening about some of Mr. Nixon's new proposals is that once more they call for the solving of a problem by throwing more money at it—more government spending, more government intervention, the creation of still another army of bureaucrats. Do we really need a new government department or agency to tell us that we ought to increase our refining capacity, use more coal, develop more nuclear power, and all the rest? Would it immediately decrease or increase our energy supplies to force electric utilities to convert from oil to coal?

The best part of Mr. Nixon's proposals are those that call for less rather than more government intervention—such as relaxing environmental standards, allowing the Alaska pipeline to be built, ending government regulation of natural gas prices, and the like.

Past experience suggests that government intervention can be counted on to do precisely the wrong thing. In 1959, when it was argued that American-produced oil was selling too low because too much oil was being produced internationally, President Eisenhower imposed a restrictive quota on oil imports by sea. That quota remained in effect until a year or two ago.

When we should have been conserving our domestic oil supplies, increasing our shortage capacity and refinery capacity, and importing, refining, storing and burning foreign oil (which we could have gotten much cheaper) we did the exact opposite. Let's be careful that we do not act with equal folly now.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 45

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. HARRINGTON. Mr. Speaker, handgun murders, like many things, seem far removed from us until we see one committed, or know a person who is involved.

The following article by Nathan Cobb may help to give those who have not seen a murder a better understanding of why strict handgun legislation must be passed by the Congress.

The article from the June 11th Boston Globe is included at this point:

GLOBE REPORTER SEES MAN SLAIN

(By Nathan Cobb)

For the last two Sundays, I have written extensive stories for The Globe on handguns and handgun crime.

They have been mainly statistical, documenting the startling connection between handgun production and handgun violence in the United States. Until this weekend, the figures did not seem very real to me.

Late Saturday night, however, I was walking through Boston's North Station with the early edition of the Sunday paper under my arm. The headline on the front page, over my name read: "Every 13 seconds, a sale—and every 58 minutes, a killing."

Suddenly, two sharp cracks cut through the station, and seconds later the statistics became human and horrifying.

There, on the dirty floor before me, a young man lay dying. He had been shot in the chest, and I was the first person to reach him. He rolled over on his back, and his legs jerked convulsively.

I bent over and lifted back his brown coat and saw blood beginning to ooze from a small hole in his shirt, near his heart.

"Polizia," he cried out, and his dark eyes looked very vacant and far away. "Polizia." He was speaking Italian.

Then he stopped twitching, and I didn't see him move again.

I had written that 8991 Americans were murdered with handguns in 1971, an 87-percent jump in five years. The increase in death closely parallels the increase in handgun production, which has quardrupled in 10 years. There is now one handgun for every 1.5 families in America.

But these were statistics, not bodies like the one in front of me. Now the statistics were real.

The man, whom I later would learn was Donald J. Raineri, of 2 Henry St., Medford, died at Massachusetts General Hospital 20 minutes after he was shot. He was 21 years old.

I now know that when someone is shot the sound is not menacing at all. In fact, because some kids upstairs at a Boston Garden rock concert I had just covered had set off a few firecrackers, I thought that was what I was hearing.

So when I heard the shots, coming from around the corner a few feet away, I just kept walking through the station. Even when I glanced to my left, around the corner and into a small indoor alley that runs next to a bar, I almost kept walking.

Drunks fall down all the time, I thought as I looked at the man rolling on the floor. He'll be all right.

But then, after a second glance, I made the connection—those weren't firecrackers and that man isn't drunk.

Other people walking in and out of the station stopped to look at this man on the floor, a few feet away. But no one, myself included, moved for at least 10 seconds. Some of us stood and stared. Others walked away. We had not seen the killer. Whoever had done the shooting had not run out the alley toward us, so he or she was probably still at the other end, in the bar. Perhaps this thought stopped us from moving closer.

There were still a lot of kids from the concert hanging around waiting for trains. One of them started toward the man, then changed his mind and came back.

"Is he all right?" an elderly woman asked me, looking very frightened.

"I don't think he is," I said, starting towards the man at last.

"Polizia," the man said as I moved closer. His legs moved. His face looked strangely calm. His eyes were open.

The eerie, frozen tableau faded quickly. As I ran for help, a young, uniformed police officer moved quickly into the alleyway. He looked at the man and hurried to a telephone. Soon, several patrolmen were running into the building. The crowd, mainly kids, pushed closer.

"A man's been shot, Sharon!"

"Oh, wow, who did it?"

"Shot. Was that guy shot?"

"Oh, my God."

They wheeled him out quickly, but they looked grim. One policeman shook his head.

Donald Raineri would live 15 minutes at the most. I was the last person to whom he had spoken.

As I walked out of North Station, I recalled a conversation I had held recently with Det. Lt. Jerome P. McCallum, acting head of Boston's homicide bureau. We had been discussing how murders, particularly handgun murders, happen.

He had said: "Someone is drinking . . . there's an argument . . . a handgun is somewhere nearby . . . someone reaches for it . . . and a killing occurs."

Today, McCallum's bureau is trying to determine if that's what happened to Donald Raineri of Medford. Today Raineri is a statistic, like 10,000 others across America will be this year.

THE WAR POWERS BILL

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ARENDS. Mr. Speaker, last week the Congress voted to override the President's veto of House Joint Resolution 542, the war powers resolution. Some of us had serious doubts about this legislation at the time. So does noted columnist and political observer William S. White, who expressed his thoughts on the subject in a column in the Washington Post on November 10, 1973. In case any of our colleagues missed it, the column follows:

THE WAR POWERS BILL: "A FLAGRANT SHAM"

(By Williams S. White)

Eight times this Congress had marched up the hill to override a presidential veto and eight times it had marched down in defeat. The score in the matter of veto contests had thus stood: Richad Nixon 8, Congress 0.

Now the scoreboard must be altered. Now, it is Richard Nixon 8 and Congress—er, what? In short, Congress has now managed to override Mr. Nixon's objections to a bill to "reclaim war powers" of a kind Congress never had in the first place and won't have now, either.

Assuming that this current President or any other even bothers to take this extraordinary piece of paper to the Supreme Court, it is scarcely conceivable that the court would hold it constitutional—assuming that the court could manage to make out what this piece of paper really says anyhow. If, Heaven forbid, it ever should be validated by that court, the Commander in Chief of the armed forces of the United States would be no longer the President but rather the Congress of the United States—all 535 of them.

What the congressional Democrats have managed to do, with much Republican help, is to make a law—if indeed it can actually be called a law—to this effect:

(1) The President would be required to report to Congress in writing "within 48 hours"—why not eight or 88 hours?—after he had committed our armed forces to combat anywhere abroad.

(2) This combat would have to end, within 60 days, regardless of any military circumstances, unless Congress approved or unless, alternatively, Congress "authorized" some further fighting—but only, mind you, for 30 more days. (How long would the debate require in Congress and would the enemy in the meantime quit shooting?)

(3) Nevertheless, and never mind the military situation, whenever, wherever and however American troops were involved Congress could step in at any time and say nay to any further shooting by our troops. Enemy troops might not listen too well.

Since it is possible under the Constitution either to add to or to subtract from the President's powers as Commander in Chief, the plain fact is that this so-called law is the most flagrant sham ever to emerge from Congress in my 40 years of close observation of that body. For scores and scores of times American Presidents have committed American troops in emergencies without asking Congress anything about it. They acted because they had to.

For nearly 200 years Congress has had one—and only one—lawful recourse if it did not like what was afoot. It could cut off money, supplies and ammunition. It could "bring the boys home" in this fashion, but never once has it done so.

What incredibly, we are seeing now is an attempt by Congress to repeat its actions in the American Civil War of a century and more ago. A congressional "Committee on the Conduct of the War" sought to replace Abraham Lincoln as Commander in Chief. The experiment, apart from being unconstitutional, was the best—and about the only—break the South ever had.

Does any reasonable man believe that if any President committed our troops for the national interest without a formal declaration of war by Congress—and 90 per cent of our wars have been fought without such declarations—any Congress would really dare simply to blow the whistle at the end of the first quarter and announce that the fighting must now be called off?

TITLE I FORMULA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. KEMP. Mr. Speaker, in the interests of obtaining an appropriations bill for the Departments of Labor and Health, Education, and Welfare which is responsive to the needs of our school-age population and, in particular, of saving New York schools from being unfairly penalized, I supported the motion to recommit H.R. 8877 to conference.

This conference report includes formula restrictions on title I of the Elementary and Secondary Education Act which will deprive many local educational agencies of the level of funding to which they are properly entitled. By denying each school district more than 115 percent of the amount it received in fiscal year 1973, even if the number of eligible children in the school district has increased by more than 15 percent, this bill sets in stone old census data which no longer accurately reflect the needs of our school children.

My own State of New York stands to lose $10 million should this conference report be enacted in its present form. Just since 1965, the number of eligible children in New York State has increased by 140 percent. On this basis, New York deserves an increase in funds of about 40 percent.

By recommitting this bill to conference, I am hopeful that a final bill will emerge which upholds the principles of title I. The purpose of title I, ESEA program is to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families to initiate, expand and improve their educational programs to meet the needs of educationally deprived children. If we are to adhere to the intent of title I, then we clearly must distribute funds in a manner which reflects migrations of disadvantaged children, as measured by the 1970 census.

To provide a smooth transition and to allow States a reasonable period to adjust their budgets to the new census data, I believe the formula should provide that every school district will receive not less than 90 percent of the amount it received in fiscal year 1973. While States in the aggregate should be limited to receiving no more than 20 percent above the amount received in fiscal year 1973, there should be no ceiling on the amount a local school district might receive.

To assure that the funds in this bill will be directed to where they are currently and urgently needed, H.R. 8877 must be recommitted to conference.

REESTABLISH THE POST OFFICE DEPARTMENT AS A DEPARTMENT OF THE EXECUTIVE BRANCH

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SISK. Mr. Speaker, I am today introducing a bill to abolish the present Postal Service and reestablish the Post Office Department as a department of the executive branch of the Government.

I do this reluctantly because I was among those of us who supported the Postal Reorganization Act of 1970 in the hope of improving our then deteriorating postal service.

Now, complaints about the Postal Service and poor mail delivery make up the larger and more constant part of the mail from my constituents.

People are angry, and they tell me so in no uncertain terms. The fact that the new Postal Service has been put under a "more efficient, more businesslike" semiprivate corporation was well publicized in advance and has been retold in many newspaper and magazine articles, yet people are astonished to learn the Post Office is no longer part of the Federal Government.

Congress still votes the money which is officially designated "for the purpose of putting postal operations on a self-supporting basis." Frankly, that purpose does not appear to be about to be achieved. The postal corporation keeps making excuses, but it is obvious the moneysaving measures it has instituted are not working. The sophisticated machines that were supposed to electronically sort the mail at superhuman speeds either do not work or they break down easily and repairs are both expensive and time consuming. Probably even more expensive is the slump in the morale of postal workers, many of whom are begging their Congressmen to rescind the charter of the corporation and take back control of the post office.

The biggest bargain in the world used to be the tiny 2-cent stamp. In the days when letter mail cost 2 cents, residential deliveries were twice daily and letters went coast-to-coast in a week. Now, letter mail costs 8 cents, delivery is once-a-day, and you are lucky if your letter goes coast-to-coast in a week. We have airmail which takes 13 days to go from San Francisco to Long Beach—not usually, of course, but the fact this can happen at all is an indictment of the service.

The effect of the Postal Service on our economy is almost beyond calculation. Prompt communication is the lifeblood of business. A few hours lost can cost thousands of dollars in factory downtime, can cause a business deal to fall through, can cause contract defaults and penalties. Multiply these instances by the thousands, and mail delays can cost millions. Far more, in fact, than the postal deficits which caused the shift in management. On the positive side—prompt, reliable mail delivery can help make our economic system function more efficiently. I am inclined to believe we should treat the post office as we treat any other Federal department. None of the others are required to be self-supporting, and they contribute far less.

The older, more experienced employees were encouraged to take early retirement. As overtime piled up, many overworked employees simply quit. At the same time, mail volume was growing toward the 100 billion pieces mark—there were 87.1 billion last year, and the 100 billion mark is forecast for the late 1970's. It is obvious some changes have to be made, or the whole system will 3,475 sacks of Christmas rush mail lay break down as it did in Charleston when untouched for weeks after the holidays.

The more complex a machine or a system is, the more parts it has to break down, short-circuit, or wear out. Engineers know the secret of reliability is to simplify. The fewer parts, the better. The more direct the solution, the better it works—and keeps working. What we need to do is simplify our system. For instance, three standard sizes of envelopesvelopes instead of 50 could save huge sums on handling and on machines that sort mail.

Congress no longer controls the post office. Some of you, my colleagues, though your patience is wearing thin, appear willing to give the corporation a few more years in which to make good. Can we afford it? I do not think so.

EQUAL CREDIT FOR WOMEN

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. PEYSER. Mr. Speaker, I am today introducing the Equal Credit Act, a bill which I hope will end the discrimination that exists against women who try unsuccessfully to get an extension of credit for housing, education, jobs, and consumer products. It would be unlawful for any creditor or credit card issuer to discriminate on account of sex or marital status. This is an area that has been long neglected, and the result has been a serious denial of equal status to many women.

I would like to point out some of the findings of the National Commission on Consumer Finance, which took a careful look at this problem and concluded:

(1) Single women have more trouble obtaining credit than single men.

(2) Creditors generally require a woman, upon marrying, to reapply for credit—usually in her husband's name. This is not true for men.

(3) Creditors often do not count a wife's income when a married couple applies for credit.

(4) Creditors often will not extend credit to a married woman in her own name.

(5) Widows or divorced women often have trouble re-establishing credit.

There is no apparent financial reason for credit companies to deny credit to women who meet the same requirements as men. But they do. Most evidence suggests that women are at least as good credit risks as men. David Durand concluded back in 1941 that women are better credit risks than men. He also concluded that there is no difference in risk between married and single persons. In the meantime, a woman's credit rating is often hampered by the fact that many States will not grant her the legal status to contract debts in her own name.

The denial of equal credit opportunities to women, married or single, hurts the entire economy. It affects mobility, educational opportunities, life style, product sales, job opportunities. For a married woman, it affects her family's status as well as her own. As more and more women become part of our permanent work force, it is imperative that they be able to use credit equally with the other half of the population.

It is a very serious matter in our society today when a person is unable to obtain credit, especially when they are entitled to it. People use credit cards or loans to buy cars, houses, clothes, gas to get to work, or even finance an education. Any woman who cannot lawfully obtain credit in her own name has a large disadvantage in trying to improve her lot in life.

Mr. Speaker, the legislation which I have introduced today is strong action, but strong action is required so that women may obtain their lawful rights and we can strengthen our economy. I hope Congress will see fit to act quickly on this bill and end this form of discrimination.

The text of the bill follows:

A BILL TO PROTECT DISCRIMINATION ON ACCOUNT OF SEX OR MARITAL STATUS AGAINST INDIVIDUALS SEEKING CREDIT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Equal Credit Act".

PROHIBITION OF DISCRIMINATION ON ACCOUNT OF SEX OR MARITAL STATUS

SEC. 2. (a) (1) It shall be unlawful for any creditor or card issuer to discriminate on account of sex or marital status against any individual with respect to the approval or denial or terms of credit in connection with any credit sale, any loan or mortgage, or any other extension of credit, or with respect to the issuance, renewal, denial, or terms of any credit card. It shall be unlawful for any lessor of real or personal property to discriminate on the basis of sex or marital status against any individual entering into a lease agreement with respect to such property.

(2) For the purpose of extending credit or issuing, renewing, denying, or determining the terms of any credit card—

(A) with respect to a married couple or either spouse, any creditor or card issuer shall take into account the combined incomes of both spouses if both spouses are obligated; and

(B) with respect to any individual, any creditor or card issuer may not rely on the probability or assumption that—

(i) the income of such individual may be diminished because of the sex or marital status of such individual; or

(ii) the rate of increase in the income of such individual may be affected by the sex or marital status of such individual.

(b) (1) Any creditor or card issuer who discriminates against any individual in a manner prohibited by subsection (a) is liable to such individual in an amount equal to the sum of—

(A) in the case of an individual action, not less than $100 nor more than $1,000; or

(B) in the case of a class action, not more than the greater of $50,000 or 2 per centum of the net worth of the creditor or card issuer, as the case may be, as of the end of the creditor's or card issuer's fiscal year immediately preceding the fiscal year in which the discrimination occurred; and

(C) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(2) Any action under this section may be brought in any court of competent jurisdiction during the one year period commencing on the date of occurrence of the violation.

ADMINISTRATIVE ENFORCEMENT

SEC. 3. (a) Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), by the Board of Governors of the Federal Reserve System;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;

(D) banks (other than cooperative banks) which are not insured by the Federal Deposit Insurance Corporation, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i), and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions and any building and loan, savings and loan, or homestead association, or cooperative bank which is not subject to any of those provisions;

(3) the Federal Credit Union Act, by the Director of the Bureau of Federal Credit Unions in the case of any credit union, whether or not insured in accordance with the provisions of such Act.

(b) For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of this Act or any regulation prescribed by such agency under this Act shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with this Act, any other authority conferred on it by law.

(c) Except to the extent that enforcement of this Act is specifically committed to some other agency under subsection (a), the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of this Act or any regulation prescribed by the Federal Trade Commission under this Act shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with this Act, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

(d) Any agency referred to in subsection (a) and the Federal Trade Commission shall prescribe regulations to effectuate the provisions of this Act.

CRIMINAL SANCTION

SEC. 4. Whoever willfully and knowingly violates any provision of section 2 or any regulation prescribed to enforce the requirements imposed under such section shall be fined not more than $5,000 or imprisoned not more than one year, or both.

DEFINITIONS

SEC. 5. For purposes of this Act, the term—

(1) "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(2) "Credit sale" refers to any sale with respect to which credit is extended or arranged by the seller.

(3) "Creditor" means any person who extends, or arranges for the extension of, credit in connection with loans, sales of property or services, or otherwise, whether or not a finance charge or late payment charge is required.

(4) "Credit card" means any card, plate, coupon book, or other credit device existing for the purpose of obtaining money, property, labor, or services on credit.

(5) "Card issuer" means any person who issues a credit card, or the agent of such person with respect to such card.

(6) "Mortgage" means that term as defined by section 201 of the National Housing Act.

(7) "Lessor" means one who grants use and possession of real or personal property in consideration of something to be rendered.

EFFECTIVE DATE

SEC. 6. This Act shall take effect on the ninetieth day after the date of its enactment.

SPEECH BY DR. EDWARD J. ANDERSON

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mrs. HOLT. Mr. Speaker, the education of our youth is of supreme importance to all of us who have the responsibility of holding public office.

When new and innovative educational concepts are put forward by respected professionals in that field, they become a matter of great interest to those of us who must make critical policy decisions regarding new programs.

In a recent address, Dr. Edward J. Anderson, superintendent of the Anne Arundel County schools in my district, outlined a program that I feel warrants our attention.

I will not attempt to paraphrase his articulate exposition of this interesting proposal. I, therefore, submit the full text of his speech for consideration by my colleagues:

SPEECH BY DR. EDWARD J. ANDERSON

I am pleased to be here with you this evening to talk with you about the relationships of the public schools and the organizations you represent.

Before I finish this evening, I should like to make a proposal that I hope will be of some interest to you. Briefly, the proposal is that we develop a joint effort for the education of youth between the schools of Anne Arundel County and the businesses and the governmental institutions within the County. Or, in other words, between the schools and you who employ the product of the schools.

I believe this proposal is of some consequence. It is not a new idea. In fact, this idea proposes to build on a beginning which is already here. That we utilize knowledge which we have already acquired to improve the education of our youth.

I am sure that everyone in this room has read considerably during the last few years about the problems of the school systems, not only of Anne Arundel County but of the Nation. You are well aware that there are critics who believe that the public school system has been a failure, and that it needs a drastic overhauling. There are those who would go so far as to do away with the public school system.

I have sharp disagreement with their point of view and I should like to take an opposing position that the public school system of this Nation, and Anne Arundel County specifically, has been extremely successful. At the same time, I should like to make the point that the school system does, indeed, need to alter its direction and provide more realistically for the education of people.

In order to make those changes which should be made in the school systems of this nation and Anne Arundel County specifically we will have to work cooperatively with you. The school system cannot go it alone. Without going into specifics we would have to admit that the public school system of this nation, and therefore of this county, have been successful. The economy of this nation, the industrial might of this nation, the technological advancements of the people of this nation—and even the standards of living of the people of this nation are what they are today mainly because of the public school system of this nation. Without the public school system this nation would not have been the first to place men upon the moon.

One of the great achievements of this nation has been our ability to produce an ever increasing abundance of food by fewer and fewer people. The public school system has played a major role in the development of agri-business and through that development has freed its people from the land, therefore making it possible for the computer age to burst upon us. Were it not for our system of public education the world would not be what it is today.

Instead of being apologetic about the success of the public school, each of us should be proud of what we have done. Despite our successes there are still youth and adults who cannot read effectively and who cannot adjust to this highly sophisticated society our educational system has been responsible for creating.

We do need to update our educational concepts—we do need to improve public education for youth, and I believe that the public school system has attempted to do too much on its own and that public education should delimit its activities, rather than to expand them. Did you know that the Anne Arundel County public school system runs a transportation system which moves over 100,000 passengers a day and provides more than 350,000 lunches a month?

This is only a sample of the things we do before we get to our task of educating young people. There are those who would add to our programs—who would have us take care of the health of the people, even take care of the rearing of children, almost from infancy. The public school system cannot be all things to all people. It can only be one of the institutions responsible for the welfare of the nation and the education of its people.

I would now suggest to you that you who employ the products of the school system also must now become an integral part of the education of youth, and I would add—adults. No longer can any firm which employs the product of the school system expect that system to produce workers equipped to carry out the complex duties you expect from them.

Quite seriously, I would like to propose to you this evening that we set the stage here in Anne Arundel County for the development of a joint venture between you and the school system to plan and implement a concept of education and work which will truly meet the needs of human beings.

I should like to support my proposal with some data. At the present time, in our school system, we have approximately 5,000 youth in each of our three top grades. These are young people of 16, 17 and 18 years of age who will soon be coming into the job market.

At the present time we have a co-op student census of 2,393 students. Many of you here employ students today in our cooperative work study program. As a matter of fact, as of this time, 293 firms are presently employing 697 students. Specifically, in automated data processing 161 students; in cooperative office education 134 students; in cooperative occupational programs 165 students; in distributive education 146 students—in health occupations 38 students; and in trade and industry 53 students. These students are currently employed by the county, state and federal governments—by the Treasury Department, the Motor Vehicle Administration, the Defense Department, fire department, telephone company, automobile dealers, savings banks, insurance companies, retail and department stores, doctors, hospitals, pharmacists, nursing homes, engineering firms, hotels, motels, and restaurants, and others. This is an extensive array of employees which has the possibility for providing the basis for the development and implementation, for what could be, in my opinion, a most exciting and effective education program.

The proposal I make to you this evening is one that takes the concept of work and broadens it into an extensive program of school and work far beyond our modest co-op program.

It appears to me that the concept of work is one which must become an integral part of the public educational system. As a point of interest, one of the goals of the public school system of Anne Arundel County is that no young person should finish twelve years of schooling in the county schools without having the capability of earning a living. Toward this end the Board of Education has developed and is presently implementing an extensive concept of career education. This concept of career education begins in the elementary schools and will be expanded through all levels of the school system. The attempt is to have youngsters at all ages become familiar with the concept of work, to understand why work is important to every person, and to try to understand the great variety of job opportunities which will be available to them as they grow up. The concepts of work are being integrated into the schools' curriculum. The young person begins to realize that reading and arithmetic are related to work at an early age. The young persons realize that reading is an important tool which will be needed throughout their lives. There is a realization that the school system must provide human beings with the tools for self-education and those basic tools are no different now than they were many centuries ago. Those tools being reading, arithmetic and the ability to express one's self orally and in writing—the ability to listen and to understand, and the ability to get along with one's fellow man.

There is today in our schools a realization that the school cannot provide real life situations which are so absolutely necessary for the development of youth if youth is to assume its place as adults in our society in an orderly manner. The oftentimes tragic events of the last decade have demonstrated this point to us in the most dramatic ways. Now we have legally reduced the age of maturity to age 18, and this act will most certainly have an impact on all of us.

We recognize that the youth need to engage in productive activities with older persons. Youth have been isolated from adults in our society for these many years and there is no question but that in recent years those people working in education are coming to realize many of our problems spring from this point alone. The young people are drawing their models from other young people. During the last decade we have seen the result of very active youth using other youth for models. Those persons who study youth and its needs appear to agree that it is essential for our society to provide adult models for youth. Such an adult model is necessary for the development of human beings as they progress from youth into adulthood.

One extremely important aspect of education is gradually being recognized, and that is that education should be an appendage for work, and work should not be the appendage of education, and that it may well be that the most effective and efficient way to provide the needed adult model for youth is through the concept of work.

Let us expand on this point for a moment. Work is whatever a human being does for a living. All of us here work. Too often, for young people, work and vocational education have been equated to blue collar jobs. To me, work is whatever the young person should select as a means of earning a living.

The proposal I make to you this evening is one which would take into consideration the goals, interests and abilities of youth. The details of such a proposal cannot be developed here. Indeed much planning is yet to be done. In broad general terms school and work would cover a twelve month period of time. It would not be limited to our present short term work-study program but the work part of the program would cover a minimum of from two to three years of the student's educational program. The kind of work and study schedule would be adapted to the needs of the students and the employer. It may well be that there would be no regular school year as we now know it.

It will be necessary to set up safeguards to prevent the exploitation of youth, for we would never want to go back to the days when children were exploited for commercial gain. The exploitation of children has been a black mark on humanity. On the other hand, we have moved too far in the direction of no work for youth, and it is necessary to make some adjustments so that youth can have their place in adult life. There would also have to be safeguards to protect the jobs of adult workers. For we are not proposing the replacement of the adult worker with the youth worker.

We would also need to work out arrangements with you concerning the many details which become obvious as we plan this joint venture. We would have to set up a task group to explore the potentials of our proposals and develop a set of operational guidelines. Cognitive skills would probably be the primary task of the school. Job oriented skills might well be the primary task of the employer. Schools such as our vocational-technical center would certainly be used in the training of skills in certain areas for both youth and adults. That excellent facility could serve to provide advanced training for adults already on the job. The staff to teach the youth, both in the school and in the service of the employer, would need to work together and plan together to insure a proper education in both cognitive and job skills.

I would like to hazard a guess that when we mount such a program there will be major benefits for all—the student, the employer, and the adult employee. And that youth will take its place in society without disrupting society. Adults, also, would profit from the vitality of youth and the relationship with youth. This proposal is neither radical nor unique. I believe it is the result of the evolutionary process of education.

I should like to call to your attention a report that is going to be released very shortly by the National Institute for Education. The report is titled "Youth, Transition to Adulthood". It was prepared by a panel on youth of the President's Science Advisory Committee. This panel was chaired by Dr. James Coleman, of Johns Hopkins University. The report focuses on the problems of youth, education and the process for assimilating youth into the adult society. This is an absolutely essential process, for each of us was once a youth and the youth of today will become adults. That is an inevitable process.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the Record each month the monthly calendar of the Smithsonian Institution. The November calendar of events follows:

NOVEMBER AT THE SMITHSONIAN

THURSDAY, NOVEMBER 1

Free Film Theatre.—*The Congo*. Narrated by Julian Bond, this film traces 1500 years of Congo history through its art and culture, and includes the music and dance of the Watusi Wagenia, Bakuba and Bapende, 12:30 p.m., History and Technology Building auditorium. First in a series on Black African Heritage sponsored by the Smithsonian Associates Women's Committee.

FRIDAY, NOVEMBER 2

Exhibition.—*Shaker*. Commemorating the 200th anniversary of the arrival of the Shakers in this country. The Shaker achievement is summed up in this three-part exhibition of Shaker furniture and objects from the Faith and Edward Deming Andrews Collections; textile and costume renderings from the Index of American Design; and inspirational drawings that include "The Tree of Life," the Shaker symbol. The Renwick Gallery, through April 7, 1974.

Exhibition.—*Tribal Costumes of Southern Africa—Watercolor Portraits by Verda V. Peters and Olemara Peters*. Over 400 watercolors documenting the colorful originality of the clothing of the peoples of Southern Africa. Museum of Natural History.

SATURDAY, NOVEMBER 3

Films for Kids.—*World Without Sun*, by Jacques Cousteau—one of the great documentary films. 2 p.m., Baird Auditorium, Natural History Bldg. $3 general, $2 Associates. Call 381-5157.

Rehabilitation Medicine Films.—*Candidate for a Stroke; Making a Difference*. Shown in conjunction with the current exhibition *Triumphing over Disability: 200 Years of Rehabilitation Medicine in the United States*. Other related films are shown each Friday, 12:30–2 p.m., History and Technology Building auditorium. Sponsored by the Smithsonian Division of Medical Sciences.

SUNDAY, NOVEMBER 4

Lecture/Discussion.—*Uses of African Architecture in Black America*, by Gregory S. Peniston, Professor, Howard University Department of Architecture, 3 p.m., Anacostia Neighborhood Museum, 2405 Martin Luther King Jr. Avenue, S.E.

OPEN HOUSE

National Collection of Fine Arts. A behind-the-scenes look at the Conservation Laboratory, Library research facilities, Graphics Workshop, Print and Drawing Department, Frame Shop, Silkscreen Shop, and shipping and storage areas; talks by the curators; tours of the collections. Refreshments will be served. 2–5 p.m.

Homage to George Gershwin & Todd Duncan.—Celebrating the 75th anniversary of the birth of composer George Gershwin and the 70th birthday of singer Todd Duncan. Guest of honor Duncan, who played *Porgy* on Broadway, is joined by singer Joan Morris, composer William Bolcom on the piano and author Kay Halle in a tribute to Gershwin. Reception follows. Tickets: $7.50 general, $6 Associates, 8 p.m. The film Porgy and Bess, will be shown at 3 p.m. Film tickets $2 general, $1.50 Associates. Call 381-5157 for information.

MONDAY, NOVEMBER 5

Lecture/Discussion.—*African Traditional Medicine*, by Nana Kwabena Brown, 7 p.m., Anacostia Neighborhood Museum.

Art Lecture.—*Sculpture at the Philadelphia Centennial, 1876*. Dr. David Sellin, post-doctoral fellow at the National Collection, will discuss the character, background and significance of the sculpture of the Centennial Exposition of 1876—the mid-point in our national history and a turning point in American Art. First in a series of four lectures on American sculpture covering the period 1830–1930. 12:30 p.m., National Collection of Fine Arts. Remaining lectures: Nov. 12, 19, 26.

WEDNESDAY, NOVEMBER 7

Slides.—*African Children*. Travelogue about black children in Nigeria and Gambia. Created especially for children by Fletcher Smith of the museum staff, the program is accompanied by various artifacts that can be touched and handled. 10 a.m., Anacostia Neighborhood Museum.

Free Film Theatre.—*The Bend of the Niger*. Narrated by Ossie Davis, this film follows one of the continent's great rivers from West Africa to the Atlantic Ocean, and contrasts the nomadic and river peoples. 12:30 p.m., History and Technology Building auditorium.

THURSDAY, NOVEMBER 8

Free Film Theatre.—*The Bend of the Niger*.—Repeat. See November 7 for details.

Creative Screen.—*Autumn: Frost Country*—the poetry of Robert Frost, the music of Erik Satie and the photography of Fred Hudson combine to create a *cinepoem*. *Glass—Its Design, Shape and Color*—the manufacture of handmade glass at the Kosta Glasbruk in Sweden; *A Search for Form with Harvey Littleton*—Littleton discusses technique and esthetics in his studio and demonstrates his personal way of working with glass; *Glas-leerdam*—hand craftsmanship and mechanized mass production compared in a Dutch factory. Four-film program begins 11 a.m., 12:15, 1:30 p.m. The Renwick Gallery.

FRIDAY, NOVEMBER 9

Rehabilitation Medicine Films.—*So They May Walk*—distributed by the Sister Kenny Institute; *Help for Young Hearts; Back on the Job*—distributed by the Washington Heart Association. 12:30 p.m., History and Technology Building auditorium. Sponsored by the Division of Medical Sciences.

SUNDAY, NOVEMBER 11

String Bands Old and New.—*Bill Monroe*, father of blue grass music, presents the first concert in the series, along with his group, the *Blue Grass Boys*, and two guest fiddlers, *Charles Smith* and *Tater Tate*. Free workshop—4:30 p.m. Concert—8 p.m. $5.50 general admission; $5 Associates. Series subscription (3 concerts), $15. Baird Auditorium, Natural History Building. Call 381-5395 for reservations. Sponsored by the Division of Performing Arts.

Contact Africa.—An afternoon of dances, songs and games of Africa directed by Kojo Baden, of Ghana. 3 p.m., Anacostia Neighborhood Musuem.

MONDAY, NOVEMBER 12

Art Lecture.—*The Public Monument in American Sculpture*, 1880–1930. Michael Richman, Assistant to the Director, National Portrait Gallery, lectures on the numerous portrait statues and memorials now considered an important American art form. 12:30 p.m., National Collection of Fine Arts.

Concert.—*Janos Scholz* performs sonatas by J. S. Bach, Brahms, and Debussy on the viola da gamba and cello, with *Helen Hollis* of the Smithsonian Division of Musical Instruments, on harpsichord and piano. Reception follows. 9 p.m. Hall of Musical Instruments, History and Technology Building, $8 general, $6 Associates. Call 381-5157 for ticket information.

Audubon Lecture.—*Wildlife by Day and Night,* by Karl Maslowski. 5:30 and 8:30 p.m., Baird Auditorium Natural History Building. $2.50 general admission; $1.50 members. Children's tickets $1.50 and $1. Co-sponsored by the Audubon Naturalist Society and the Smithsonian Resident Associates. Call 381-5157 for ticket information.

TUESDAY, NOVEMBER 13

Oriental Art Lecture.—*Two White-Robed Kannon in the Freer Gallery,* by Yoshiaki Shimizu of Princeton University. 8:30 p.m., Freer Gallery of Art. Exhibition galleries open prior to the lecture at 6:30 p.m.

WEDNESDAY, NOVEMBER 14

Tie-Dye Demonstration by James Campbell, exhibits specialist. Persons attending may bring an object and participate in a workshop. 10 a.m., Anacostia Neighborhood Museum. For more information, call 678-1200.

Free Film Theatre.—*The Slave Coast*—an exploration of the Southern part of West Africa with visits to the Yoruba, with their distinctive art and talking drums, and to the Ashanti, renowned for their use of gold in ceremonial objects. Narrated by Maya Angelou. 12:30 p.m., History and Technology Building auditorium

American Aviation Historical Society. 8 p.m., National Air and Space Museum conference room. Public is invited.

THURSDAY, NOVEMBER 15

Free Film Theatre.—*The Slave Coast.* Repeat. See November 14 for details.

National Capital Shell Club.—Monthly meeting and program. 8 p.m., Room 43, Natural History Building. Public is invited.

Exhibition.—*Boxes and Bowls: Decorated Containers by 19th Century Haida, Tlingit, and Tsimshian Indian Artists.* Eighty carved, painted, bone-and-shell, inlaid-wood and carved stone boxes, and dippers of horn. Second exhibition in a series of significant creative work by Indians of North America. The Renwick Gallery through November 1974.

Lecture.—*The Rococo in English Pottery and Porcelain.* J. V. G. Mallet, Deputy Keeper, Ceramics Dept., Victoria and Albert Museum, discusses the effect of 18th century imported Rococo style on the English porcelain industry. 8 p.m., Old Smithsonian "Castle" Building. $3 general; $2 Associates. Call 381-5157.

FRIDAY, NOVEMBER 16

Rehabilitation Medicine Films.—*The Person Within*—distributed by the Clark School for the Deaf; and a film on the Burke Rehabilitation Hospital in New York. 12:30 p.m., History and Technology Building auditorium. Sponsored by the Division of Medical Sciences.

Exhibition.—*Air Traffic Control.* The history and techniques from the need and early concepts as they developed in the 1920's to the introduction of radar and up through the sophisticated equipment and personnel used in present-day systems that control millions of passengers, and vast mail and freight service. Exhibit includes realistically simulated air traffic control operations and simulated flight with slides and movies shown in an airliner cabin "theatre" to tell the story of behind-the-scenes happenings of air traffic control and controllers. Arts and Industries Building.

SATURDAY, NOVEMBER 17

Story of Ram.—Indian scholar *Suvira Kapur* relates the timeless Hindu epic of Ramayana, in a program designed for young people. 11 a.m. National Collection of Fine Arts. $3 general, $2 Associates. Call 381-5157 for tickets.

SUNDAY, NOVEMBER 18

Poetry/Song/Dance.—*360° of Africa,* performed by *The People's Poets.* Special guests include Joan Hillsman and the Hillsman Gospel Singers, and Lisa Woolfolk, Miss Black D.C. of 1971. Maurice Watson will M.C. 5 p.m., Anacostia Neighborhood Museum.

Jazz Heritage Concert.—Earl Hines, father of jazz piano, opens this series with a rare solo performance. 8 p.m., Baird Auditorium, Natural History Building. $4.50 general admission, $4 Associates. Series subscription (8 concerts), $32. Call 381-5395 for reservations. Sponsored by the Division of Performing Arts. Free workshop, 4:30 p.m.

MONDAY, NOVEMBER 19

Kerala Kalamandalam Kathakali.—India's greatest theatrical company presents two evenings of acting, dancing and music, with elaborate make-up, colorful costumes and bejewelled headdresses. 8 p.m., Baird Auditorium, National History Building. Prices: $5.50 general admission, $5 Associates, $4 students and senior citizens. Call 381-5395 for reservations. Sponsored by the Division of Performing Arts.

Performing Arts Lecture.—*James DePriest,* Associate Conductor, National Symphony Orchestra, discusses past, present and future of the symphony. 7:30 p.m. $6 general, $5 Associates. Call 381-5157 for ticket information. Sponsor-Resident Associates.

Art Lecture.—*Modern Tendencies in American Sculpture 1910-1930.* Roberta Tarbell, currently doing research under a Smithsonian fellowship, will speak on the development of modern American sculpture in the early 20th century, and the innovators who were influenced by cubism and primitive African and archaic Greek sculpture. 12:30 p.m., National Collection of Fine Arts.

TUESDAY, NOVEMBER 20

Kerala Kalamandalam Kathalkali.—Second evening of performance. See November 19 for details.

WEDNESDAY, NOVEMBER 21

Luncheon Forum.—*Early History of the Space Age.* Informal discussion led by Dr. Eugene M. Emme. 12 noon. Room 449, Smithsonian Institution "Castle" Building. Sponsored by the National Air and Space Museum.

FRIDAY, NOVEMBER 23

Rehabilitation Medicine Films.—*Kevin Is Four,* a young boy learns to use an artificial arm and leg; *Better Odds for a Living,* distributed by the Washington Heart Association. 12:30 p.m., History and Technology Building Auditorium. Sponsored by the Division of Medical Sciences.

SATURDAY, NOVEMBER 24

The American Music Group.—19th Century American Music performed by 35 singers under the direction of Neely Bruce. A Longfellow poem, a child's fairy tale, and a theater piece are included, all set to music by American composers. 8:30 p.m., Hall of Musical Instruments, Museum of History and Technology. $3.50 general admission, $3 Associates. Series subscription (13 concerts), $25. Call 381-5395 for reservations. Sponsored by the Division of Musical Instruments, Friends of Music at the Smithsonian and the Division of Performing Arts.

SUNDAY, NOVEMBER 25

Anacostia Neighborhood Museum.—A varied afternoon program that will include a slide presentation on *African Influences on Afro-American Art,* and a sampling of authentic Ethiopian food for refreshment. Stanley Anderson, a native Anacostian, former member of the City Council and a founder of the Neighborhood Museum, will be honored. 3 p.m., Anacostia Neighborhood Museum.

MONDAY, NOVEMBER 26

Art Lecture.—*American Neoclassical Sculpture in the National Collection of Fine Arts. Russell Burke,* currently with the NCFA, will speak on the production process and the patronage that encouraged the 19th century American sculpture. Final lecture in this series. 12:30 p.m., National Collection of Fine Arts.

WEDNESDAY, NOVEMBER 28

Museum Careers Seminar.—Practical demonstrations by the staff of the skills used in the museum world. 10 a.m., Anacostia Neighborhood Museum. Will continue on November 29.

Free Film Theatre.—*Africa's Gift.* The history, culture, and beauty of Africa and its profound and direct influence on American culture. Narrated by Gordon Parks. 12:30, 1:30 p.m. History and Technology Building Auditorium. (This film will not be repeated on Thursday.)

The Ascent of Man.—*Lower Than the Angels*—first in a series of 13 films produced by BBC TV and Time-Life Films featuring Dr. Jacob Bronowski and his personal views of the history of man seen through a history of science. Sponsored by the Smithsonian's Free Film Theatre and the Office of Seminars. Remaining films are scheduled for 12 successive weeks. All films begin 8 p.m., Wednesdays, Baird Auditorium, Natural History Building and are repeated 12:30 p.m., Thursdays, History and Technology Building auditorium.

Ascent of Man.—*Lower Than the Angels.* 12:30 p.m., History and Technology Building auditorium. Repeat. See November 28 for details.

Creative Screen.—*Autumn: Frost Country; Glass—Its Design, Shape and Color; A Search for Form with Harvey Littleton; Glas-leerdam.* Repeat. See November 8 for details.

Exhibition.—*Modern American Woodcuts.* Survey of 20th century American woodcuts reveals the expressiveness and attractiveness of this art form that began in ancient times. Artists represented include Milton Avery and Leonard Baskin. National Collection of Fine Arts, through January 27, 1974.

Rehabilitation Medicine Films.—*Sunrise at Campobello,* distributed by Warner Brothers, Inc. 12:30 p.m., History and Technology Building auditorium. Sponsored by the Division of Medical Sciences.

OTHER EVENTS—SPONSORED BY THE SMITHSONIAN RESIDENT ASSOCIATE. FOR FURTHER INFORMATION—CALL 381-5157

Fall Film Trips.—Some of the most outstanding independent films being made in the country today. Nov. 4, 11, 18 and 25-5:30 p.m., History and Technology Building auditorium. $1.25 general; $.75, Associates; $1 students.

Art Series.—*Pop, Minimal and Conceptual.* Max Protetch discusses the art of Andy Warhol, Robert Morris, and Christo, and the movements with which they are associated. Nov. 7, 14, Dec. 5. Series—$16 general, $12 Associates.

The Women's Movement—Nov. 8—Phillis Schlafly, opposition leader to Equal Rights Amendment; Nov. 15—Midge Decter; Nov. 29—Robin Reisig. 8 p.m., History and Technology Building auditorium. Individual lectures: $8 general; $6 Associates.

Sonnets and Lyrics.—Two evenings with four major American poets. Nov. 9—John Ashbery; Josephine Jacobson. Dec. 7—Lucille Clifton; Michael Lally. 8 p.m. Series tickets $9 general; $7 Associates. Individual tickets, $5 and $4.

Luncheon Talks With Museum Directors.—Nov. 14—Wilbur Harvey Hunter, Director, Peale Museum, Baltimore. Nov. 28—James Biddle, President, The National Trust for Historic Preservation. 12 noon. Individual tickets, $12.50 general; $11.50 Associates. Cocktails and buffet included.

Chinese Art Seminar.—Two-day intensive survey. Joan Stanley-Baker, art historian and author, covers the development of Chinese painting and calligraphy, from the dawn of artistic awareness to the present. Nov. 17 and 18 (10 a.m. and 11 a.m.). $30 general; $20 Associates. Tea, refreshments included.

DEMONSTRATIONS

Museum of History and Technology

Steam Engines. Wednesday through Friday, 1-1:30 p.m. 1st floor.

Machine Tools. Wednesday through Friday, 1–2 p.m. 1st floor.

Spinning and Weaving—Tuesday through Thursday, 10 a.m.–2 p.m. 1st floor.

Printing and Typefounding: Monday, Tuesday, Thursday, Friday, 2–4 p.m., 3rd floor.

Musical Instruments. A selection of 18th and 19th century instruments, and American folk instruments, Hall of Musical Instruments, 3rd floor, 1:30 p.m. Mondays and Fridays—keyboard; Wednesdays —lute and guitar; Thursdays—folk.

Music Machines—American Style. Mechanical and electronic music machines. Monday through Friday, 1 p.m., 2nd floor. As part of this exhibit, excerpts from musical films are shown continuously.

Dial-a-Museum.—737–8811 for daily announcements on new exhibits and special events.

PUPPET THEATRE

Arts and Industries Building

Patchwork.—An original anthology of children's songs, poems and stories performed by the puppets and people of Allan Stevens and Company. Wednesdays-Fridays, 10:30, 11:30 a.m., Saturdays and Sundays, 11:00 a.m., 12:30 and 2:20 p.m. Admission: $1.25 children or adults; $1 Smithsonian Associates; 75 cents, groups of 25 or more. For reservations call 381–5395. Tickets, as available, will be sold at the time of performance. No holiday performance.

Experimentarium

Experimental prototype of the Spacearium that will open in 1976. Demonstration show simulates an Apollo launch, explains the different colors of stars, describes pulsars and shows an imaginary quasar on the edge of the universe. Half-hour demonstrations—Monday through Friday, 4:30 p.m.; Saturday and Sunday, 11 a.m., 12 noon, 1, 2, 3 and 4 p.m. This is a developmental facility and a testing ground for new effects. Shows may be cancelled for revisions or reprogramming. To verify schedule, call 381–6264.

Deadline for December calendar entries: November 5. The Smithsonian Monthly Office of Public Affairs. Editor: Lilas Wiltshire.

Calendar requests.—Mail to Central Information Desk, Great Hall, Smithsonian Institution Building, Washington, D.C. 20560. For changes of address, include mailing label.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for November:

4th—*The Smithsonian Collection of Classic Jazz,* Part I, with Martin Williams, Director, Smithsonian Jazz Studies Program, spotlighting a new album issued by the Division of Performing Arts.

11th—*The Smithsonian Collection of Classic Jazz,* Part II.

18th—*Renewing the Environment,* with anthropologist Margaret Meade and John Milton of Thershhold, a new environmental organization; *Beetle-mania.* Prof. Carl Lindroth of Sweden and Dr. Terry Erwin, Smithsonian, explain why they study beetles and what they've learned.

25th—*Exploring Astronomy.* Dr. George Field, Director, Center for Astrophysics of the Smithsonian and Harvard College. *Protecting a Paradise.* John Hayden, Governor of American Samoa, and Smithsonian botanist Arthur Dahl look at efforts to protect the environment of that area.

HOURS

(Open 7 days a week)

Arts and Industries Building, Freer Gallery of Art, National Collection of Fine Arts, National Air and Space Museum, National Museum of History and Technology, National Museum of Natural History, National Portrait Gallery, The Renwick Gallery, Smithsonian Institution Building—10 a.m.-5:30 p.m.

Anacostia Neighborhood Museum—10 a.m.-6 p.m. Monday through Friday; 1-6 p.m. weekends.

National Zoo Buildings—9 a.m.-4:30 p.m.

Domestic Study Tours.—for further details write Mrs. Kilkenny, Room 106-SI, Smithsonian Institution, Washington, D.C. 20560.

Big Cypress Swamp and Everglades National Park: Nov. 11–18.

Hawaiian Islands: Jan. 17–31, 1974.

Sturbridge Village, Massachusetts: Jan. 25–27.

Baja California Whale Observation Cruise: Feb. 4–11, 1974.

Georgia Mound Builders: Feb. 18–24.

(Due to circumstances beyond our control, some October calendars were not delivered. We hope this did not inconvenience you.)

Dial-a-phenomenon.—737–8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

Use of funds for printing this publication approved by the Director of the Office of Management and Budget, June 3, 1971.

LOCAL MAN GETS MEDAL

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ESHLEMAN. Mr. Speaker, I would like to make my colleagues aware of the accomplishments of my valued constituent, Antonio Palumbo, who recently was honored by the Italian Government with the decoration of "Cavaliere" in the Order of the Star of Italian Solidarity.

The Italian Republic conferred the award on Mr. Palumbo for his aid to victims of natural calamities in Italy, his work to uphold the prestige of the Italian people and his activities that resulted in strengthening the relations of deep friendship between the United States and Italy.

While it is the Italian Government that singled out Mr. Palumbo for this recognition, it is his adopted country, the United States, that truly owes him a vote of thanks. Much of his work over 60 years has centered on helping fellow Italians to attain American citizenship. We have all profited from that work because our Nation has been the beneficiary of the skills, the intellect, and the love of country that these immigrants he helped brought with them.

The Lancaster New Era told Mr. Palumbo's story in an excellent article, and I would like to place that article in the RECORD at this point:

LOCAL MAN TO GET MEDAL: ITALY HONORS PALUMBO FOR HIS CIVIC WORK

(By Sam Taylor)

Antonio Palumbo is a little like those brokerage house advertisements—he's "bullish on America."

The 77-year-old Italian-American has lived in Lancaster for nearly 60 years. In that time he has embraced his adopted land with a fervor unknown to a lot of native-born Americans, but he has never forgotten the land of his birth.

Ever since he crossed the ocean as a steerage passenger and passed through the terrifying and bewildering process of entry through Ellis Island in 1914, he's been a firm believer in perpetuating the "good" in his Italian heritage and applying it to the "good" he found here.

GETS SURPRISE

It may have been a surprise to the soft-spoken and intense little man when the mailman dropped a letter in the box at his home at 626 Race Ave. one morning in September.

But the contents of that letter was certainly no surprise to his friends, many of them fellow Italians he helped over the rough road of transition to American citizenship, many of them the successful sons and daughters of fellow countrymen he helped teach the American way.

The letter, from the Italian Counsel General in Philadelphia, summed up three score years for Palumbo.

BESTOWS MEDAL

"I have the honor," wrote the official, "to inform you that the Presidente of the Italian Republic has been pleased to confer upon you the decoration of 'Cavaliere' in the Order 'Star of Italian Solidarity', as a token of appreciation for the support you have given in many activities aimed at aiding victims of natural calamaties in Italy, at upholding the prestige of the Italian people, and at strengthening the relations of deep friendship so happily uniting our two beloved countries."

"I wasn't just surprised, I was stunned," Palumbo's says of the letter.

"I was surprised because I have always felt that I had never been able to do much for the country I love and live in, or the country from which I came."

The Order was created by the Italian government in 1948. As an expression of gratitude to Italians living abroad, or foreigners who have been most active in contributing to the reconstruction of Italy after the devastation of World War II, and who are most active in contributing to friendly relations between Italy and their countries.

The President of the Italian Republic is the head of the Order and the decoration is in the shape of a star.

Palumbo has not received the decoration yet—presentation is awaiting the formation of an appropriate testimonial program.

Palumbo was born in the village of Pentidattilo in the Province of Reggio, Calabria. Before emigrating to America he completed junior high school studies in Melito, Italy.

"When I arrived in New York," he said, "I was just short of 18, didn't know a word of English," said Palumbo who speaks his adopted tongue like a native with the patina of Italian accent.

He has been a naturalized citizen of the U.S. since 1919, and served in the U.S. Armed Forces the same year.

For a time after his arrival here, he attended classes at Boys' High School, and completed the correspondence course of study in electricity from the Industrial Training Institute in Chicago.

UPHILL ROAD

While he won't admit it to this day, learning to be an American was an uphill road.

"I had to learn a language as well as get an education," he said.

Palumbo began the activities which led to the honor he has received in 1923.

It was on a visit to his parents that he noted that the old ruin of a school house, a frame building built in 1908 as a temporary structure after an earthquake, was still standing and still in use.

HELPED BUILD SCHOOL

"The townspeople," he said, "came to me and asked me to help them find a way to build a new fire-proof school building.

"Then," he said, "they appointed me to the school building committee to raise the funds. I put on a drive among the local people, and interested a Milan newspaper in the drive.

"I had to stay there 11 months," he said with a grin, "but we raised 40,000 lira and the school was built in 1924."

HOME FOR CLUB

Back home, this interest in his fellow countrymen was growing, and in 1935, he obtained the first home for the Italian-American Citizens Club at 151 N. Queen St.

A large loose-leaf notebook tells the story of his efforts on the behalf of fellow countrymen in obtaining citizenship.

There are letters straightening out tangles on birth certificates, correcting mistakes on preliminary applications, and other problems encountered by the new citizens.

In many cases he visited the homes of the new citizens to stress the importance of their filing for citizenship, and often he would drag out his portable typewriter and fill out the necessary papers on the spot.

NEVER CHARGED

One of the beneficiaries of his volunteer work said this week that "he never charged any of us for any of his time, and he worked long hours to see to it that we became citizens."

While working in this field, he found time to organize and direct an Italian language school for the sons and daughters of the immigrants.

"I thought," he said, "it was important for the American children to learn their heritage language."

HEADED CLUB

In 1940 as chairman of the Italian-American Citizens Club committee on naturalization he joined forces with the Daughters of the American Revolution in the sponsorship of a non-citizens class for aliens in the city, held at the Stevens Elementary School.

Palumbo has one hope now to immortalize one of his lifetime heroes, Christopher Columbus, with a statue of the explorer to be placed in Lancaster Square.

He broached the subject in a letter to the mayor a couple of years ago, has preliminary sketches in his possession, and is waiting to carry the project further.

MET WIFE

While he was working long hours to help the newer American, Palumbo was also busy making a living as an electrician for himself, his wife, Dorotea whom he met and married in his native village on a visit in 1927, a son Frank and a daughter Porsia, both of whom are now teachers in local school systems.

His first job was as an electrician with the Pennsylvania Railroad. He served for a time with the Armstrong Cork Co. in the research department.

For 17 years he was employed in the electrical department of the Burnham Boiler Co., spent a year as an aircraft electrician at Olmsted Air Force Base, and then served for 18 years as an electrician at the Lancaster plant of RCA.

When he received his first Italian passport he says there was a note attached to it that enjoined him to "obey the laws of the country to which I was going, be a good citizen, and do nothing to reflect against my homeland."

Antonio Palumbo has faithfully fulfilled that injunction in service to both his native and his adopted country.

A DECADE BEFORE EUREKA: THE DISCOVERY OF HIGH-PROTEIN SORGHUM

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. LANDGREBE. Mr. Speaker, 10 years ago the staff of the Indiana Agricultural Experiment Station at Purdue University initiated a research project to test various amino acid patterns in strains of corn in an effort to improve the biological composition of this important cereal crop. Their research efforts uncovered an amino acid pattern, opaque-2, which has substantially improved the quality of protein in corn. Their discovery provided the impetus for further research in cereal protein improvements.

Ten years later, the Purdue agricultural staff has discovered two lines of high lysine genes which would double the protein quality of the world's fourth most important cereal crop, sorghum. Sorghum is the principal diet of millions of people in Africa and in Asia. This important discovery has profound implications for the diets of peoples in the State of Indiana, the Nation, and the world.

Therefore, Mr. Speaker, I direct your attention and the attention of my colleagues, to two articles published in the Journal and Courier, Lafayette, Ind., Mr. Gregory Deliyanne, publisher. The articles follow:

High-Protein Sorghum Discovered: Purdue Find To Fight Hunger

Climaxing a search started in 1966, Purdue University plant researchers have identified sorghum lines containing twice as much lysine (improved protein quality) as average sorghum.

The discovery is expected, in time, to lead to a better diet for protein-deficient people in areas of the world where sorghum is the principal cereal.

After screening nearly 10,000 sorghum varieties, Purdue scientists found the high-lysine gene in two Ethiopian lines. This gene can be easily incorporated into commercial varieties since the high-lysine trait is simply inherited. Furthermore, the two lines are available in the world sorghum bank.

Announcement of the discovery was made today at Purdue and also in Washington by the U.S. Agency for International Development (AID), which funded the research. At Purdue, the project is administered by the Division of International Programs in Agriculture.

Geneticists, biochemists and animal nutritionists in Purdue's agricultural departments of agronomy, biochemistry, and animal sciences contributed to the breakthrough and continue to be involved in the project.

Dr. John D. Axtell, geneticist and project director, and Dr. Rameshwar Singh, his former graduate student from India, are credited with much of the effort. The project was initiated at Purdue by Dr. R. C. Pickett, an authority on sorghum breeding.

High lysine has become a revered word throughout the world since Purdue biochemist Dr. Edwin Mertz and planet geneticist, Dr. Oliver Nelson first discovered the opaque-2 gene (high lysine) in certain corn lines 10 years ago.

Comparing the mutant gene in sorghum with that in opaque-2, Axtell said, "Both have a high lysine content, are inherited as a single gene, and improve the biological value of the grain substantially."

Sorghum is the fourth most important cereal crop in the world, topped only by wheat, rice and corn. In Africa and much of Asia, it is the principal diet for millions of people.

"Compared to other major cereals, the nutritional quality of most sorghums now being consumed by humans is relatively poor," Axtell said.

In tests conducted by the researchers, the high-lysine sorghum already has proved three times as effective in promoting growth in rats. Researchers say similar dietary growth improvement can be expected in humans.

In the U.S. and Latin America, sorghum is produced chiefly as livestock feed. Results of the research should be beneficial to U.S. agriculture in areas where sorghum is utilized, Axtell stated.

Purdue President Arthur G. Hansen and Purdue Dean of Agriculture R. L. Kohls, today commented on the sorghum discovery:

Dr. Hansen—"I want to congratulate Dr. Axtell and his fellow scientists who have worked on the project for such a long time and have made such a very remarkable discovery. I think it illustrates the point I have been trying to make for quite some time—why we need a research university like Purdue. The contribution that it makes to the state, to the nation and to the world are inestimable, and for this reason alone its support and its encouragement are worth every penny that we are receiving in support."

Dr. Kohls—"I am extremely proud of this accomplishment of the scientists of the Indiana Agricultural Experiment Station here at Purdue. This is just one more indication of the high status of Purdue among the agricultural, educational and scientific organizations of the world. All Hoosiers should share in this pride. Such discoveries as this not only make significant contributions to the solution of the world food problem, but also have direct and practical implication to Indiana farmers and consumers."

In announcing the discovery at a Washington news conference, AID Administrator John A. Hannah hailed the work of the Purdue research team as a "breakthrough of the first magnitude."

"When we recall that sorghum is the principal subsistence cereal for more than 300 million people—indeed the poorest people in the world's poorest countries—improving its protein quality will amount to a gift of life, especially for children," he said.

A second and related major discovery by the Purdue sorghum researchers was the recognition that tannin compounds present in some sorghum lines interfered with protein availability. In essence, the release of protein is blocked in high-tannin lines.

Working with biochemists and animal nutritionists, Dr. Dallas Oswalt, agronomist and assistant project leader, co-ordinated research.

Tannins are in the thin outer layers of the kernel. Their presence is due to a single dominant gene, thereby making it easy to correct genetically. Removal of the tannin, however, leaves the sorghum more susceptible to hungry birds.

Purdue Sorghum Research Began Decade Ago With Corn

Discovery of two lines of high lysine sorghum by Purdue University agricultural scientists had its roots in research at Purdue a decade ago.

Announcement of the sorghum lines, which contain twice as much lysine (improved protein quality) as average sorghum, was made today.

Dr. Edwin T. Mertz and Dr. Oliver E. Nelson Jr., Purdue staff members, working as a team for several years, began testing the amino acid pattern of several strains of corn. They found that one, called opaque-2, displayed an unusual amino acid balance. It contained more than twice as much lysine as normal corn and substantially more * * *.

Their discovery 10 years ago encouraged plant breeders to search for genetic alterations that would improve the level and quality of protein in other important cereal grains.

Dr. Merzt, who continues to work actively on both the Agency for International Development project on opaque-2 corn and the AID sorghum project, commenting on the sorghum discovery, said:

"It is a great satisfaction indeed to have Purdue research workers identify two high lysine lines of sorghum. The potential benefits from this discovery in a world chronically short of good quality protein are tremendous.

High lysine sorghum should have a good market in this country in animal rations and could vastly improve the diets of humans in parts of Africa and Asia where this crop is consumed as a human food."

The mutant, opaque-2, had been known for about 30 years by plant breeders, but was used only as a genetic marker. Mertz and Nelson believed that if the unusual amino acid proportions could be maintained, high lysine corn would have protein with far superior feed value than ordinary corn.

In subsequent tests they demonstrated that the mutant gene could substantially improve the quality of corn protein. They found it was superior to normal corn for livestock rations and other scientists found it was twice as good as normal corn in certain human diets.

First nutrition tests at Purdue in 1964 showed that weanling rate tripled their growth when fed high lysine corn. Then weanling pigs fed the higher protein quality corn gained more than three times faster than pigs fed regular hybrid corn when corn supplied all of the protein.

Sensing the potential of the discovery for improving human nutrition, scientists tested children in Guatemala and graduate students on Purdue's campus. The studies in Guatemala showed that protein quality of the high lysine corn was as high as protein quality of milk. At Purdue, trials with the students proved that corn protein could be effectively used by adults.

After publication of the opaque-2 discovery, Rockefeller Foundation scientists in Colombia requested seed from Purdue as a means of obtaining a weapon to fight Kwaskiorkor, a protein deficiency disease of children.

Children who were admitted to hospitals received diets in which 100 per cent of the protein came from opaque-2 corn. They made satisfactory recovery. Commercial companies in Colombia now are producing a food for humans containing opaque-2 corn.

It is estimated that more than one million acres of hybrid opaque-2 corn will be planted by midwest farmers in 1974.

SESQUICENTENNIAL CELEBRATION

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. JONES of Tennessee. Mr. Speaker, it is my pleasure as Congressman from the Seventh Congressional District, to announce the sesquicentennial celebration of Dyer County, Tenn., which was held during the month of October.

Dyer County was first inhabited by the Chickasaw Indians who utilized this general area as a hunting ground. In 1785, 3 years after the close of the Revolutionary War, Henry Rutherford and a small party of settlers ventured up the Forked Deer River by way of the Cumberland, Ohio, and Mississippi Rivers, to survey several tracts of land granted to men who had served in the Revolution.

In 1818, persuaded by Andrew Jackson and Issac Shelby, the Chickasaws signed a treaty to give up this land which subsequently became a part of the State of Tennessee.

Soon after Henry Rutherford's settlement, many families began to make their way into this new land and by 1823, the State general assembly passed an act establishing the settlement as Dyer County.

The first official county court was moved in 1826 from a small cabin to a two-room log building in Dyersburg. At about this same time Alexander Russell opened the first dry goods store, and several mills, powered by water and horses, were opened.

Dyer County's first school was established in 1830, and in 1833 a log schoolhouse was built, in Dyersburg, on what is now referred to as College Hill. In 1836, the log schoolhouse was replaced by a one-story frame building and Dyer County became incorporated.

From 1833 to 1850 the population of Dyer County went from 100 to 200 inhabitants and a two-story brick courthouse was erected in the public square.

The people of Dyer County are proud of this heritage and I am proud to represent such a productive and progressive county in the U.S. Congress.

DAYLIGHT SAVINGS TIME MEANS PROBLEMS FOR AM BROADCAST STATIONS

HON. JOSEPH J. MARAZITI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. MARAZITI. Mr. Speaker, the energy crisis and the move of Congress to adopt the President's request for year around daylight savings time brings with it a serious economic problem for about half of all the AM broadcast stations in the United States.

Because of treaty agreements we have with Canada, Mexico, and the Bahamas; many daytime stations would not be able to go on the air early enough to serve the early morning commuter audience that normally constitutes the "bread and butter" economic income that small stations rely on to stay in business.

In New Jersey these daylight broadcast stations would not be able to go on the air until 8:15 a.m. in December, 8:30 a.m. in January, and 8 a.m. in February. There are from 300 to 400 of these stations across the Nation with this problem.

Stations with presunrise broadcast authority would also be in trouble. There are 1,900 of them in the Nation. Instead of signing on at 6 a.m., they would sign on at 7 a.m.

This morning I contacted the Federal Communications Commission to see what might be done to solve this problem through the rulemaking process. I have been advised that they are trying to work something out for those stations with clear channels within the boundaries of the United States. However, the fate of those stations like the ones in New Jersey, which I am fortunate to represent, will depend on the type of diplomatic negotiations and agreement we are able to work out with Canada under the Uniform Time Act.

Since Canada is this Nation's major supplier of imported crude oil, the problem will not be an easy one for our State Department to iron out, especially since the daylight savings time plan is designed to conserve on fuel and energy to get us through the winter without crippling shortages.

If Canada agrees to work with the United States on this matter, it will be a concession for Canadian broadcast stations. They cannot help but be affected by a new agreement with the United States.

We cannot change the cycle of the sun, or the ionic conditions in the ionosphere that makes radio interference clear up when the sun rises. There are not enough radio frequencies to meet demand. Therefore I urge my colleagues to write the Chairman of the FCC and urge him to negotiate modified Uniform Time Act agreements with Canada, Mexico, and the Bahamas so adversely affected AM radio stations in the United States can survive economically.

I am doing so in the hope that our neighbors will cooperate with us until we have our energy problems solved.

PUBLIC FINANCIAL DISCLOSURE BY MEMBERS OF CONGRESS AND CERTAIN EMPLOYEES OF CONGRESS

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. HUDNUT. Mr. Speaker, I am introducing today a bill, similar to one suponsored by the distinguished gentleman from Florida (Mr. FREY) and others requiring annual public financial disclosures to be made by each Member of the House of Representatives, the Senate, and congressional employees who receive an annual salary of more than $22,000.

In my opinion, we should all be gravely concerned about the suspicion that far too many citizens have toward Members of Congress. Unfortunately, conflicts of interest, in which a very few Members have been engaged over the years, have led to this suspicion and cynicism by the public toward public officials. The bill I am introducing would, I feel, go a long way toward helping regain confidence in Government by the electorate.

This legislation would require annual reports to be filed with the Comptroller General and made available to the public. The reports require the listing of the amount and source of each item of income, reimbursement for any expenditure and any gift or aggregate of gifts from the same source received by him or by him and his spouse jointly during the year.

The reports also require the listing of any fee or other honorarium for speaking or writing and the monetary value of subsistence, entertainment, travel and other facilities received by him. Additionally, the bill calls for the itemization of each asset held by him and by him jointly with his spouse if the value is $5,000 or greater. Furthermore, the bill requires the reporting of each liability of $5,000 or more. The public reports will also include any business transaction, including the sale, purchase or transfer of securities of any business entity, commodity, real property or any other asset or any interest therein by him or by him and his spouse jointly or by any person acting on his behalf if the aggregate amount involved in each transaction exceeds $5,000.

It seems to me that rules must be applied and followed if we are to restore the public's confidence in its government. Certainly appropriate steps must be taken to stop the suspicion and jabs at congressional integrity which have become prevalent over the past few years. The health and vitality of our democracy depend in large measure upon the openness, candor, honesty, and integrity of public officials, both elected and appointed, and I strongly believe that enactment of this bill would constitute a good effort in the right direction.

NO LONGER SUPERIORITY NAVY FLEET

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

U.S. Naval Edge Over Russia No Longer Complete

London.—The U.S. Navy can no longer count on complete superiority over the Soviet navy but would still probably have the advantage as an intervention force, such as in the Middle East, the editor of Jane's Fighting Ships said Saturday.

"In a confrontation situation, the U.S. Navy has the edge," Capt. John E. Moore said in a interview.

He said this was because the U.S. aircraft carriers, particularly the nuclear-propelled ones, are pre-eminent. "No other navy in the world can match them at the moment and no other navy is ever likely to match them," Moore said.

But he cautioned that the Soviet navy holds the advantage over the United States in a number of important fields. The Russians have the largest submarine fleet, and they have the most modern navy afloat—more ships less than 10 years old than any other nation.

It is possible, Moore said, to conceive of situations where the Soviet navy would have the edge—for example, placing its ships in an area first, either through earlier intelligence readings or because the Russians were manufacturing a local crisis.

"On balance, there is no way to tell which navy is the strongest overall," Moore said. "You are not comparing like with like. Strong points in one navy are lacking in the other and vice versa."

This was not always true. Moore thinks that ships and weapons systems introduced by the Soviets, particularly since 1967, have made the difference. Before that the U.S. Navy was seen as superior over all. Since then the situation has been less clear.

Moore thinks the next five years are likely to be decisive in determining which way naval superiority goes, possibly with China, Japan and the Western Europeans joining the United States and the Russians as formidable sea powers:

The next two to three years, he says, could be crucial in determining whether the Soviet navy can overcome severe training and manpower problems on increasingly complex ships.

Moore says the United States has the advantage today to varying degrees over the Soviet navy in these fields: aircraft carriers, air cover for the fleet, amphibious forces, submarine detection, replenishment-at-sea facilities, nuclear surface ships, anti-submarine capability and training facilities.

GOVERNMENT BY LAW

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ADAMS. Mr. Speaker, I am attaching for publication in the Record a copy of a resolution made available to me by the board of trustees of the Young Lawyers Section of the Seattle-King County Bar Association. They are very concerned about the discharge of the Special Prosecutor Archibald Cox and have passed this resolution as a statement of their support for a reaffirmation of the principle that we are a society governed by laws and not by the whims of men:

Young Lawyers Section,
Seattle-King County Bar Association,
Seattle, Wash., Ooctober 29, 1973.

RESOLUTION

The Young Lawyers Section of the Seattle-King County Bar Association, through its Board of Trustees acting at its regular meeting on October 29, 1973, and pursuant to its By-Laws, hereby adopts the following resolution.

RESOLVED that the following statement of principles is hereby adopted and approved by this Section:

STATEMENT OF PRINCIPLES

The facts of what has become to be called "Watergate" and its developing aftermath require a reaffirmation of basic principles by every concerned citizen. Such principles fundamentally involve the rule of law as controlling this coutry's affairs and the need for forthrightness in communicating about those affairs. In the context of Watergate, expression of these principles includes the following:

1. The President of the United States, in his actions and in what he says about those actions, must be the prime exemplar of those principles;

2. The rule of law should determine what evidence related to Watergate in the possession or the control of the White House is relevant to the issues and should be turned over to appropriate agencies or branches of the government;

3. The constitutional powers of the Executive, Judicial and Legislative Branches of the government should be employed effectively to develop the whole truth with regard to whether and to what extent obstruction of justice, corruption or other lawlessness was involved in Watergate and to take all means to effect whatever remedies may be required to honor the rule of law.

4. A Special Prosecutor, independent of the Executive Branch, should be established, funded, equipped, and staffed promptly to continue the work, momentum and investigations already begun by Special Prosecutor Cox.

Further resolved, that the Chairperson of this Section in consultation with such officers, trustees and members as she deems advisable, is authorized to take all actions that she deems necessary or appropriate to articulate, publicize and implement the foregoing statement of principles.

Further resolved, that this Section strongly supports the efforts of American Bar Association President Chesterfield Smith and of other bar associations, national, state and local, that are being or may be taken to reaffirm and implement the foregoing principles, and authorizes the Chairperson as she deems advisable on behalf of this Section to join with the American Bar Association and other bar associations in the articulation, publication and implementation of the foregoing principles and in such statement of principles and actions that may be adopted or taken from time to time that are substantially similar to or in accord with the principles and premises of this resolution.

Betty Bracelin,
Chairperson, Young Lawyers Section, Seattle-King County Bar Association.

WHY THE PRESIDENT SHOULD RESIGN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. RANGEL. Mr. Speaker, last Tuesday I introduced House Resolution 684 calling upon President Nixon to resign. This resolution was motivated by my belief that our Nation cannot long survive the type of crisis of credibility in our national leadership which presently exists. The Watergate revelations, the resignation of Vice President Agnew to save himself from a felony indictment, and the obstruction of Justice by the President have led the people to lose faith in their Government. The effect of this loss of faith and confidence in the Government are examined by Vernon E. Jordan, director of the National Urban League, in his syndicated column that appeared in the November 9, 1973 issue of the New York Voice. I place this column in the Record for the attention of my colleagues:

At the Brink

(By Vernon E. Jordan, Jr.)

When Secretary of State Henry Kissinger called a news conference to explain why the armed forces had been placed on alert, he wound up having to insist that the country was faced with a real international crisis, and that it wasn't just a White House ploy to take the heat off its political difficulties.

Now that is an extraordinary situation! I can't ever remember a time that so many people simply assumed their leaders were playing a dangerous international game because of political reasons at home. It's the knid of thing we expect in corrupt little dictatorships, not in a stable democracy.

Yet, as Dr. Kissinger stated, such questions are symbolic of the deep mistrust and suspicion that envelop the public's view of governmental leaders and institutions. No nation can survive such doubt. Whether the answer lies in impeachment, as some suggest; in Congressional activism, or in an Administration house-cleaning to restore confidence, it is clear that this terrible situation has to be resolved—and soon.

GOVERNMENT PARALYSIS

The creeping paralysis at the heart of government came after a long, unrelieved succession of scandals, cover-ups, resignations, and illegal and unconstitutional acts. High officials are under criminal indictment and the Vice President was forced out of office and convicted as a felon.

Then, just as some confidence was being restored in the integrity of the investigative process, along came the tapes of controversy, with the possibility that the President would be held in contempt of court; the firing of the special prosecutor and the deputy Attorney-General, and the principled resignation of Elliot Richardson, the Attorney General.

At that, the dam burst. The public demanded impeachment. Lawyer's associations, deans of prominent law schools, the AFL–CIO, the UAW and members of Congress joined the call. Surrender of the tapes hasn't muted the situation; Congress is investigating whether it should impeach a President.

The result is that the government stands impotent, its ability to govern in question. And there is a lack of confidence in governmental institutions and in the political process that is frightening to behold.

Let no one suppose that black people are transported with joy by the crises that have enveloped an Administration universally considered opposed to our interests. Rather, our cause is made even more difficult by the crisis gripping the government.

REFORMS THREATENED

The reforms we seek and the goals we are fighting for depend in large part upon governmental stability, public faith in the governing process, and in the integrity of the courts and the governing institutions. Weaken these, and you weaken the prospects for change.

That the integrity of the government has been weakened was apparent to black citizens long before the current crisis, and even before Watergate. It became obvious in the not-so-distant days of "benign neglect" and the attempt to use the legitimate aspirations of black people for equality as a wedge to split the country and frighten white people into rolling back the gains made in reecnt years.

The ultimate fate of the proposals for impeachment depend on public opinion and on the Congress. Meanwhile, we are threatened with governmental paralysis and a period of lurching from one constitutional crisis to the next.

However, it is resolved, it should be recognized that this nation cannot long endure if men are placed above laws, if group is pitted against group, and if the ruling concerns are of grasping power instead of building trust and fostering progressive reforms in our system.

RESPONSE OF MR. FORD ON "TODAY SHOW" NEEDS CLARIFICATION

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SYMINGTON. Mr. Speaker, this morning on the "Today Show," our good friend, the distinguished minority leader, Mr. Ford, was shown responding to questions put to him a day or so ago. As one among many here, who fully expects to cast a vote in favor of the confirmation of our esteemed colleague as Vice President of the United States, I do feel compelled to request clarification of one of the responses he gave. It was to an inquiry of his views concerning the impact of editorials and communications from the public calling for the resignation or impeachment of the President. If my senses did not deceive me, our friend, Mr. Ford, said that the President would not be much moved either by such editorials or, "the mob." A moment later he reemphasized that little attention would be paid to "the mob."

Mr. Speaker, my reason for bringing this matter to the attention of the House in this way is principally to give Mr. Ford an opportunity to clarify for the record what he meant by "the mob." Such clarification would prove useful, perhaps essential, in allaying the doubts of many thousands of good citizens who have written calling for one or the other of the referenced actions, and whose sentiments and their expression are most certainly not of the "mob" variety. Nearly one-third of the letters I have received on the subject begin:

I am a lifelong Republican, but . . .

And a high proportion call for the early confirmation of Mr. Ford himself. At this delicate juncture, it does not behoove any of us to lose sight of the distinction between the people and "the mob." This is particularly so when one realizes the differences in persuasion techniques required by the two. And since the winter months will be both cold and long, I do feel justified in asking for the reassurance all Americans need, regardless of their views on the matter, to be trusted and respected.

FARM SHARE OF FAMILY FOOD COST DROPS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ZWACH. Mr. Speaker, when food prices go up, the producer gets the blame, but when prices to the producers drop, those consumer prices generally do not follow.

This is a fact that I try to impress upon my colleagues and my constituents.

Gordon Duenow, editor of the St. Cloud Times, in our Minnesota Sixth Congressional District, recently treated with this matter in his editorial column.

With your permission, I would like to share his editorial with my colleagues by inserting it into the Congressional Record:

Farm Share of Family Food Cost Drops

Some time ago Secretary of Agriculture Earl Butz remarked that although farm prices move up and down, prices that consumers pay usually stay up. Government figures on the annual retail cost of food released last week substantiated that statement.

According to these government figures, the farmer's share of the market basket drooped to $744 from the August peak of $839 a decline of $95 or 11.3 per cent in one month.

But the figures showed that middlemen, including processors, wholesalers and retailers, widened their share of the annual food bill by $71 or 8.5 per cent from August.

It cost a typical household $31.33 a week for U.S. farm-produced groceries last month, down 46 cents a week from the August rate.

If the middlemen had passed along all the price cut-backs absorbed by farmers for raw products, the saving from August to September would have been $1.82 a week.

However, when comparing the annual market basket rate of $1,325 in September 1972, which was about 23 per cent lower than last month, the middlemen look a little better. In the 12-month period, market basket costs rose $304 with farmers accounting for $205 of the gain and middlemen $99.

As computed by the Agriculture Department, the cost of an entire year's food supply for a theoretical household of 3.2 persons was $1,629 in September, down 1.5 per cent from the record of $1,653 in August. G.E.D.

EX-WRITER ON CANCER RESEARCH SEES OTHER SIDE AS PATIENT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. DULSKI. Mr. Speaker, the view from the "other side of the desk," it is often said, can be fully appreciated only if one actually makes the complete shift.

This very often—and in some cases, thankfully—is not easy to come by, whether it involves investigators, newspaper reporters, indeed, anyone trying to see both sides of a picture.

Mary Beth Spina formerly was a medical writer for the Buffalo, N.Y., Courier-Express. In that role, she had many occasions to visit and write about Roswell Park Memorial Institute.

Roswell Park, which marked its 75th anniversary this year, is not only the oldest cancer institute but also is one of the largest in the world.

Mary Beth Spina has recounted her experience from the other side of Roswell Park—as a cancer patient in the hospital in contrast to her earlier role as a reporter.

Mr. Speaker, I commend her account as worthwhile reading, a perspective very much needed. The text follows:

[From Buffalo (N.Y.) Courier-Express, Nov. 8, 1973]

A Patient's View of Roswell Park, It's Not Just Any Hospital

(By Mary Beth Spina)

Cancer, as a medical writer, I wrote about it. I had interviewed research investigators and physicians at Buffalo's world-famous cancer research hospital, Roswell Park Memorial Institute, about advances being made against it.

And yet none of this knowledge prepared me for the day I, like thousands of others, would be told I had cancer. I spent days afterward in fear and disbelief. I would later learn most cancer patients go through these stages of emotion. And, like them, I, too, would accept it.

I was fortunate. I had early diagnosis (revealed by a routine Pap test which all women should have once a year) and a relatively slow-growing type. But even knowing this, I was terribly afraid.

As a former Courier-Express reporter, I was familiar with Roswell Park. I had been struck then with the fact that it was not "just another hospital." It was an attitude. Contrary to the grim, cheerless place most people would expect a cancer hospital to be, Roswell Park boasted cheerfulness and exuded optimism. From the physicians to the patients, positive attitudes and straightforwardness was the rule—not the exception.

WHY IS IT DIFFERENT?

I had always thought, how can this be? What makes this hospital different?

So this year, I entered Roswell Park—this time as a patient, not a reporter. In Admitting, the clerk was pleasant as she took information for the myriad forms. She was patient as I fished my physician's telephone number and other pertinent information from the bottom of my purse.

While waiting my turn to go upstairs to

my room, I chatted with a man who told me the doctors had "worked wonders" with him. "One thing you can say about **this place,** they don't give up on you," he said. As my name was called, we said goodby and wished each other good luck.

Once on 3 West, the gynecology floor (floors are reserved according to the part of the body affected by cancer), I began to discover part of the atmosphere was due to the patients.

Few allowed themselves the luxury of self-pity when they could see others sicker than they. Patients ate in the dining room adjacent to our floor lounge unless they were forbidden to get out of bed by doctor's orders. Name tags on the tables were reshuffled periodically, so every patient eventually knew all others on the floor by name and condition.

PATIENTS SWAP STORIES

As a new patient, the others were interested in "what kind of cancer" you had and what procedures you were to undergo.

Stories of past experience with the illness were swapped, and those fearful of radiation or surgery were bolstered by those who'd already been through it. Nobody talked about dying.

Since the doctors made "rounds" each afternoon between 4 and 6, dinnertime conversation buzzed with who had gotten "good" news and "bad" news. Those with "good" news were congratulated and those with "bad" were cheered up.

Roswell Park physicians tell it like it is. Each patient is fully informed as to diagnosis and medical procedures to be done. Forms fiilled out upon admission, and others completed before specific procedures are done are detailed. Each patient knows the odds if certain procedures are done. Some are given a choice of treatments (depending upon their type of cancer and its severity). But in all cases, patients are given complete facts on which they can base intelligent decisions.

The resident assigned my case drew so many pictures of the cervix and uterus (attempting to fulfill the form's question which asked the "procedure and condition be explained to the patient in layman's language") that I kiddingly suggested he should be a medical illustrator.

PATIENT MUST GIVE CONSENT

Contrary to the belief held by many, no "experimental" procedures may be done without informed consent of the patient. Most people don't realize that hospitals and physicians dealing in clinical research must be more careful than most in fulfilling the legal and ethical responsibility to the patient. At Roswell Park the patient participates in the decisions which are to be made about his body. This makes him, in a sense, a partner with the medical team—not a bystander.

Since I had not had surgery before, I was apprehensive over the business of being "put to sleep". The morning of my surgery, two patients came to sit with me while the pre-op shots were taking effect. One, who was to undergo surgery later in the week, explained she thought I would "like company" while I waited to be taken "down the hall" to the operating room. And the doctors promised they would be around to tell me what they found after I awoke from the anesthesia. They did—and the news was "good."

Later, several patients came by to say they were glad to hear all went well. And at dinner, I discovered some of them had checked around to see how my surgery had gone so they'd know "what to say" to me. Several of us dropped in to see another patient whose exploratory surgery had revealed an inoperable tumor. The doctors were going to use radiation to remove it.

CHEERING ONE ANOTHER

Although her news wasn't the best, we told her things could have been worse. After all, she was in one of the top cancer hospitals in the country, and everyone was trying to help her.

I learned part of Roswell Park's great patient morale is based on the working theory that patients can help each other. Dr Steven Piver, associate chief of the Department of Gynecology, says the staff and physicians are aware of the benefit of patient interaction.

"Many patients are terrified to come to Roswell Park. They really don't know quite what to expect—but after a couple of days, they get into the spirit of the hospital," he said. Since the average length of stay is two weeks, there's plenty of time for everyone to get acquainted and feel at home.

With no telephones or television sets in the patient rooms unless requested, patients are more likely to seek each other's company to pass the time. Many patients are not from the Buffalo area, so the constant stream of visitors per patient—evident at most general hospitals—is virtually nonexistent at Roswell Park. This, too, tends to bring the patients closer.

The floor lounge—which is the center of patient activity—is seldom empty. Patients usually busy themselves watching television, playing cards, knitting, reading or talking. They talk about their families, their jobs, their illness and sometimes about their apprehensions. They also talk about their hopes.

MUCH GROUP ACTIVITY

Going to X-ray, radiation and other departments off the patient floors is usually a group affair. It's a familiar sight to see a group of patients headed down a corridor for treatments. It's not unusual to see a patient taking a walk, hanging onto a wheelchair for support. Some patients, receiving medication intravenously, can be seen walking to the lounge, pushing their I. V. stands along. And nobody stays in bed unless the person is forbidden to be up and around.

Much of the credit for the successful patient-to-patient contact goes to the staff. Nurses and dietary personnel, who are around patients most, know them by name. The atmosphere—while certainly professional—is more relaxed than I've found in most hospitals.

Patients are free to leave their floor and take long walks to visit such places as the art gallery on the second floor. Staff physicians, and the residents on each service, make rounds Monday through Sunday. The patients know them all by name and are free to ask questions of them.

One resident is on duty on each floor 24-hours-a-day, should a doctor be needed in the middle of the night.

As a 3 West nurse said, "This place is different. Some of our patients are here for several weeks at a time. Even when they go home, they may be back for future treatment or checkups. We know them better because we have longer to get acquainted. It's almost like a family."

PATIENT PSYCHOLOGY

At Roswell Park, the patient who cares about others minimizes his own fears. The patient who strengthens another's hopes builds his own. The patient who helps others feel more independent and secure.

A psychiatrist explained "the more independent a patient is encouraged to be, the less fearful he becomes." It must be true.

As a writer, I had seen Roswell Park as a place where many were actively seeking cures for cancer on a day-to-day basis. They refused to give up on cases, while knowing some were sure to be lost.

"Cancer is just a word," says Dr. John C. Patterson, a Roswell Park physician and director of the Lakes Area Regional Tumor Registry. "When caught in the early stages, many types can be cured. Even those in whom the disease has progressed are being saved through surgery, chemotherapy (cancer drugs) radiation or a combination of these.

"Many patients who would have been termed hopeless even a few years ago are getting additional years despite their condition."

As a patient, I have seen Roswell Park's staff refuse to give up. And they encourage their patients to fight, too. For every battle lost, others are won. And they look to the day when none must be lost.

EUROPE PAYS THE PRICE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ROSENTHAL. Mr. Speaker, Joseph Kraft has written an excellent column in this morning's Washington Post about the oil implications of the recent Middle East war. Based on his recent visit to Cairo, Mr. Kraft's article points out that the Europeans, by showing a lamentable weakness in facing a threatened oil boycott by the Arab countries, excluded themselves from the political arena. The Europeans, he also notes, are threatened by the independent national policies which asserted themselves over the still-fragile unity of the European Community. Hopefully, the lesson of the oil crisis—to be recognized by the United States as well as by the Europeans—is that European unity is not an option of debatable merits but a necessity for the future of healthful and mature relations across the Atlantic.

That such unity was lacking and that the consequent political response from Europe was compounded weakness should be the prod for action by both Europeans and Americans. If this happens, a real Year of Europe will have just begun.

The article by Mr. Kraft follows:

[From the Washington Post, Nov. 13, 1973]

ARABS FORCE EUROPE TO PAY OIL BLACKMAIL

(By Joseph Kraft)

PARIS.—The failure of Western Europe in the latest Mideast crisis is particularly striking to me in view of a visit I have just made to Cairo. For the Europeans paid oil blackmail in a visible way bound to inspire further Arab demands.

They also excluded themselves entirely from the diplomacy of ceasefire and possible settlement. So the Mideast crisis provides a case study in how not to bring Europe back into the world arena.

The paying of oil blackmail was especially evident in the resolution put out by the nine European Common Market countries a week ago. Among other things, the nine gave the wet mitten to Holland which, for the same noble reasons that inspired the Dutch wartime resistance to the Nazis, had refused to pay oil blackmail. In a sharp break with the community spirit of the Common Market, the other eight refused to make bits of their own oil stocks available to compensate for Arab retribution against the Dutch.

Before that the Europeans had divorced themselves entirely from the American effort to match Soviet supplies to the Arab states with assistance to Israel. Except for Portugal, all the NATO countries denied overflight rights to the planes of the American airlift. Britain even refused to allow American reconnaissance planes to use her Mediterranean bases.

The Arabs, not surprisingly, interpreted the European reaction as an expression of total weakness. It was even reported in Cairo—quite falsely I found out here in Paris where the weather has been fine—that Europe was in the grip of a cold spell. The Common Market resolution was seen as a mere apple-polishing device. "The Europeans," one official close to President Anwar Sadat of Egypt told me, "are running around trying to collect good conduct certificates from us." Given that attitude it is hard to believe the oil weapon will not be used to extract still further concessions.

Since the Europeans had played no part in containing the Russian push, moreover, there was no opening for them in the diplomatic follow-through. President Sadat and Secretary of State Henry Kissinger tied up their deal on a ceasefire and future peace conference without even keeping the Europeans informed. About the only concession to form was a dinner invitation extended to four leading European ambassadors for the final banquet offered to Dr. Kissinger in Cairo.

Since the Europeans were totally innocent of what was going on they could barely even make conversation. As one of the European ambassadors said of the occasion: "The company included 10 Egyptians, five Americans and four European imbeciles."

The absence of the Europeans from the Mideast scene is perhaps not so tragic. But getting the Europeans to play a more responsible role in other matters is important. So it is useful to ask what went wrong in the Mideast.

The answer, I believe, is that Europe is belatedly paying the price of General de Gaulle. At the general's insistence progress toward joining political institutions was arrested in favor of a Europe of individual states. Inevitably, these states now jockey for position one against another—whether in dealing with the Mideast or the Soviet Union.

Moreover, the fight to get by the French veto exhausted British interest in the European community. Prime Minister Edward Heath has to seek immediate dividends from Europe. To have as a first consequence of the new association an oil shortage and rationing would have made joining Europe look like a total failure. So Mr. Heath has been under the strongest pressure to pay any price for oil the Arabs demanded.

What all this suggests is that it does no good simply to lecture the Europeans on their responsibilities. The right American tactic is to begin anew the slow painful and dull work of fostering European unity. That responsibility should be felt with particular keenness by Secretary of State Henry Kissinger. For after all he played no small part in lending respectability to the Gaullist follies which have done so much to reduce Europe to its present pitiable condition.

INTERIOR'S IMPACT STATEMENT ON GARRISON RECLAMATION PROJECT "UNACCEPTABLE" FROM INTERNATIONAL STANDPOINT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. VANIK. Mr. Speaker, this summer, the late Congressman John Saylor and I attempted to delete further funding of the Bureau of Reclamation's Garrison Diversion Unit project.

Our opposition to this North Dakota project was based on the heavy budget and environmental costs of the program as well as the human costs: Large groups of farmers—the people who will have to live with and use the project—are opposed to it. Finally, we were deeply concerned about the fact that the project will result in a degradation of the flow of water from North Dakota into Canada, with the result that the American taxpayers would be forced to take expensive corrective actions—actions similar to those recently taken on the Mexican border to restore the quality of the Colorado River flowing into Mexico.

The problems caused by the Garrison Diversion Unit are described in the CONGRESSIONAL RECORD on June 27, June 28, July 12 on page 23682, and August 3, on page 28311.

I have just obtained a copy of a letter from Christian A. Herter, Jr., Special Assistant to the Secretary for Environmental Affairs—and also a member of the Canadian-American International Joint Commission—to the Department of the Interior concerning the Garrison project.

As the letter points out:

> The Department of State feels that the draft impact statement does not adequately address the serious international problems of an environmental nature raised by this proposal, and that *the statement is therefore unacceptable from this standpoint*. (Emphasis added)

Because of the importance to the taxpayer of this issue, I would like to enter the full text of the letter in the RECORD at this point:

BUREAU OF INTERNATIONAL
SCIENTIFIC AND TECHNOLOGICAL AFFAIRS,
August 16, 1973.

MR. LAURENCE E. LYNN, Jr.,
Assistant Secretary,
U.S. Department of the Interior,
Washington, D.C.

DEAR MR. LYNN: The Department of State has reviewed the draft environmental impact statement, dated April 5, 1973, prepared by the Bureau of Reclamation concerning the Garrison Diversion Unit. In the course of our review, we have given particular attention to those sections of the impact statement that relate to the return flows that would be discharged to Canada via the Souris and Red Rivers.

Our review of the impact statement has proceeded, in large part, from an awareness of the obligations that the U.S. has assumed under Article VI of the Boundary Waters Treaty of 1900 together with our recognition of the strong endorsement the United States gave to Principle 21 of the Declaration on the Human Environment at the Stockholm Conference. These obligations, in our view, place a special responsibility on U.S. federal agencies to assure that federal actions which may affect the Canadian environment are carefully and fully assessed prior to final action.

The Government of Canada, has, as you know, expressed its concern several times to the United States Government regarding the adverse environment effects that return flows from the project would have on Canadian waters. The impact statement alludes to this problem in several places, summarized Canada's concerns very briefly and notes that this matter is now under discussion and study between the two governments. However, given the gravity of Canada's concern and the importance of the political and legal issues involved, we believe the draft statement's discussion of this aspect of the project is inadequate. As it now stands, the statement notes that the water flowing into Canada will be "somewhat degraded" and it summarizes Canada's concerns on page IV–52 very briefly without commenting on these points item by item. In contrast, we would urge that the statement be expanded to include a fuller and more quantitative assessment of the possible adverse as well as beneficial effects the project might have on Canada, taking into account the various studies on flows, salinity, and other water quality parameters (pesticides, nitrates, trace metals, temperature, sediments, etc.) that we understand the Bureau of Reclamation has underway.

Moreover, we believe the section of the report (page VIII–36) dealing with alternatives for handling the flows should be expanded to spell out more precisely the financial and environmental costs associated with alternate ways to deal with this problem. The current section dealing with alternatives, in our view, presents conclusions but does not offer detailed supporting data to enable the reader to judge independently the validity of the assertions being made. Also, while the impact statement acknowledges that the problem of the Souris is being discussed with Canada, the reader, at this uncertain stage in the deliberations, necessarily has not insight as to how this aspect of the project will really come out and whether, in fact, a mutually satisfactory resolution will be found. Thus, an important aspect of the project admittedly remains in doubt from an environmental standpoint and, we, therefore, question whether the Executive Branch can take final action on this aspect of the Unit, pending further developments.

Under these circumstances, the Department of State feels that the draft impact statement does not adequately address the serious international problems' of an environmental nature raised by this proposal, and that the statement is therefore unacceptable from this standpoint. We also would suggest that any final action on this aspect of the project should be deferred until further and intensive efforts are made to achieve a satisfactory accommodation following which a revised or separate draft environmental statement covering the Souris and Red Rivers might be prepared and circulated. In the meantime, any continuance of other aspects of the project should not prejudice the outcome of the further studies of this question.

We fully appreciate that the Bureau of Reclamation is making every effort to carry on informative and mutually constructive discussions with the Canadians. We stand ready to provide all assistance in bringing the outstanding problem with Canada to a mutually satisfactory resolution.

Sincerely yours,

CHRISTIAN A. HERTER, Jr.,
Special Assistant to the Secretary for Environmental Affairs.

OIL AND FOOD

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BINGHAM. Mr. Speaker, in recent weeks we have heard a great deal about U.S. dependence on Arab oil. We have heard very little about Arab dependence on U.S. agricultural exports. While the dollar value of the food we export to the Arab world may be small compared to the value of the oil we import, the significance of such food shipments should not be overlooked.

On November 8, I brought to my colleagues' attention figures published by the Department of Agriculture revealing the amount of grain that we exported to the Arab States in fiscal 1973. The response to this information indicated great interest in the subject.

Because of that interest, I include herewith data on U.S. exports of foods other than grains to the Arab States participating in the oil embargo:

U.S. AGRICULTURAL EXPORTS TO THE ARAB STATES PARTICIPATING IN THE OIL EMBARGO AGAINST THE UNITED STATES—FISCAL YEAR 1973—EXCLUDING GRAIN

(Value in thousands)

1. Qatar:	
Animals and animal products	$22
Fruit	9
Nuts	4
Vegetables	21
Oilseeds and products	19
Seeds—Field and garden	24
Other vegetable products	127
Total	226
2. Bahrain:	
Animals and animal products	237
Fruit	72
Nuts	16
Vegetables	281
Feeds and fodders (except oilcake)	67
Oilseeds and products	63
Seeds—Field and garden	12
Other vegetable products	413
Total	1,162
3. Iraq:	
Animals and animal products	508
Fruit	4
Vegetables	36
Feeds and fodders (except oilcake)	5
Oilseeds and products	4
Seeds—Field and garden	247
Other vegetable products	391
Total	1,194
4. Kuwait:	
Animals and animal products	413
Fruit	285
Nuts	39
Vegetables	675
Feeds and fodders (except oilcake)	413
Oilseeds and products	1,388
Seed—Field and garden	13
Other vegetable products	1.649
Total	4,875
5. Saudi Arabia:	
Animals and animal products	1,422
Fruit	520
Nuts	194
Vegetables	1,723
Feeds and fodders (except oilcake)	1,258
Oilseeds and products	1,653
Essential oils and resinoids	21
Other vegetable products	2,302
Total	9,301
6. Algeria:	
Animals and animal products	4,901
Vegetables	1,116
Oilseeds and products	187
Tobacco	98
Cotton	709
Seeds—Field and garden	90
Other vegetable products	118
Total	7,219
7. Libya:	
Animals and animal products	351
Fruit	122
Nuts	45
Vegetables	194
Feeds and fodders except oilcake)	27
Oilseeds and products	92
Tobacco	2,708
Essential oils and resinoids	3
Seeds—Field and garden	118
Other vegetable products	293
Total	3,953
Animal and animal products	7,854
Fruit	1,012
Nuts	298
Vegetables	4,046
Feeds and fodders (except oilcake)	1,770
Oilseeds and products	3,406
Tobacco	2,806
Cotton	709
Essential oils and resinoids	24
Seeds—Field and garden	504
Other vegetable products	5,293
Total (by product)	27,722

NOTE.—Figures concerning agricultural exports to Abu Dhabi, a member of the United Arab Emirates and a participant in the oil embargo, are not separately available and thus are not included.

NOTE.—Other Vegetable Products includes: Coffee, drugs, herbs, roots, syrups, extracts, honey, nursery stock, seeds except oils, and spices.

SOURCE.—U.S. Department of Agriculture.

INDIANA FARMER PROPOSES COW MANURE GAS AS NEW ENERGY SOURCE

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ROUSH. Mr. Speaker, in this time of great concern over the future energy sources that we will need, much exploration of new sources is being undertaken. I thought this body would be intrigued with the approach of Mr. John Shuttleworth of Redkey, Ind., as reported in this article from the Fort Wayne Journal Gazette:

REDKEY ECOLOGIST DEMONSTRATES: KEY TO ENERGY CRISIS

(By Dell Ford)

REDKEY.—It's no big deal to watch someone fry an egg over a gas flame. Or look at a gas-fired water heater or refrigerator. Or listen to the purr of a 1948 gas-fed Chevy engine.

No big deal? Not true. Because the gas providing the oomph for all of the above "jobs" came directly from cow manure.

The demonstrations of methane gas produced from animal waste were conducted Friday afternoon on the Richard Shuttleworth farm four miles south of Redkey. Among the numerous interested onlookers were media members including representatives of Time magazine and NBC-TV.

John Shuttleworth, Richard's 36-year-old son and the guiding force behind The Mother Earth News and its companion publication, Lifestyle!, matter-of-factly observed there's nothing new about methane from a manure.

"What is news," the bearded ecology enthusiast pointed out, "is what we're trying to show here. That there is no energy crisis if we start living an ecologically sound life."

An intense, articulate young man, he insisted "there's no need to wait for a crash program. To wait for the government or business or labor to make some big breakthrough." Emphasizing that "we're just raping the planet of energy," he said nature is "a self-righting force. If we cooperate with nature, we can survive."

Continuing his evaluation of what really was news in the Friday demonstrations on his father's 144-acre farm, the younger Shuttleworth said "it's news that on a farm in Indiana, with no big research lab or no big government grant—with ordinary hardware like garden hose, discarded storage tanks and an old gas stove—you can produce a supposedly exotic fuel which will run a gas engine, gas lights."

Warming still further to his subject, he maintained "it's so old that it IS new. It goes on around us all the time. It's a natural process. For instance, swamp gas. Why not harness it?" "The big news," he grinned, "is there is no news. It's so easy."

Easy? Here's how:

Shuttleworth explained that what his father did was pump the manure from 36 head of cattle into a tank 9 feet tall and 4 feet in diameter. "The anaerobic bacteria in that manure," he said, "WANTS to work for you. It eats the waste and produces methane gas and a very nitrogen-rich fertilizer."

He said his father filled the tank with manure in mid-July, the production of methane got under way on the third day and that daily production has been 41 cubic feet—enough gas, he claims, to heat his parents' 10-room house all winter.

Although the methane-from-manure did power the Chevy engine (the gas was piped from the digester tank to the engine via garden hose which also was used to take the gas from the tank to the stove for the egg-frying demo), Shuttleworth said it is not practical as auto fuel because the low mileage per gallon would necessitate too large a gas tank.

Shuttleworth, who, with his wife, Jane, launched The Mother Earth News four years ago "with $1,000 and a kitchen table in Madison, Ohio—on the shores of polluted Lake Erie," said "we don't care if General Motors or General Electric or General Mills or all the industrial generals want to come in and steal our idea and make a bundle. We're PR people for the planet."

It's his emphatic contention that "if we keep trying to do business in the old way, there's an energy crisis. We're saying 'Behold, damn it! There IS no energy crisis."

The next 15 years, according to ecologist Shuttleworth, "are going to make or break this planet. You think we have shortages now? Wait another five years—all kinds are coming down the road." He cited copper "and almost any basic mineral you can name."

The Mother Earth News people, he said, "are very little people trying to do big things. Trying to wake people up. All we want to do," he smiled slyly, "is change the world completely. It's very simple."

In connection with the demonstrations everyone had come to see, Shuttleworth's pointed observation was, "Relax, white man. It doesn't have to be done with multimillion dollar investments and some machine with electronic controls and transistorized panels!"

And darned if he wasn't batting a perfect 1000 on that comment. Cow manure, a big old discarded tank, a garden hose and other odds and ends and some hungry bacteria. Hardly a million dollars worth of equipment. But gas? For sure!

RECOMMENDS STUDY ON ABORTION

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. FROEHLICH. Mr. Speaker, I am today reintroducing House Resolution 585 to create a select committee to study the impact and ramificatons of the Supreme Court's decisions on abortion.

I am very proud to be joined in this resolution by 22 cosponsors. They are Mr. Keating, of Ohio and Mr. Roncallo of New York, who cosponsored my original resolution, and Mr. Bauman, of Maryland; Mrs. Holt, of Maryland; Mr. Huber, of Michigan; Mr. Hudnut, of Indiana; Mr. Landgrebe, of Indiana; Mr. Lott, of Mississippi; Mr. Mazzoli, of Kentucky; Mr. Minshall of Ohio; Mr. O'Brien, of Illinois; Mr. Powell of Ohio; Mr. Regula, of Ohio; Mr. Roe, of New Jersey; Mr. St Germain, of Rhode Island; Mr. Sebelius, of Kansas; Mr. Shoup, of Montana; Mr. Thone, of Nebraska; Mr. Vanik, of Ohio; Mr. Walsh, of New York; Mr. Whitehurst, of Virginia; and Mr. Won Pat, of Guam.

This honor roll of distinguished Members believes as I do that the issues raised by the Supreme Court's unprecedented decisions on abortion last January 22 are too important to be shelved by the Judiciary Committee or ignored by Congress.

Surely, the House has not become so timid that it is unwilling even tc review the impact of two court decisions that struck down laws in every jurisdiction in the country and fashioned an unlimited right to abortion during the first 3 months of a woman's pregnancy. Whatever the merits of these decisions, they have had profound social, economic, and moral consequences that fully deserve the attention of the Nation's highest legislative body.

Once again, there would be no clear need for a select committee if the Subcommittee on Civil Rights and Constitutional Rights of the House Committee on the Judiciary scheduled public hearings on abortion. But the subcommittee has not taken this course. Indeed, from all indications, the subcommittee's leadership has long since decided that action will not be taken if it can be avoided. All the amendments and bills to modify the Supreme Court's decisions are apparently to be pigeonholed indefinitely.

Mr. Speaker, the issues at stake are too vital to America for us to sit back and permit a few Members to thoroughly frustrate the legislative process. I believe the House wants to act on abortion. House Resolution 585 provides a sound, sensible way to secure action.

I have been deeply gratified by the support I have received for this approach from concerned citizens throughout the country. I earnestly hope that people who support House Resolution 585 will advise the members of the Committee on Rules and their elected Representatives.

Mr. Speaker, I insert at this point an editorial from the November 7 issue of the Michigan Catholic:

Congress Too Busy To Consider Life?

(By Fr. William X. Kienzie)

Bureacracies deal in frustration and committees of bureaucracies deal in absolute frustration. The truth of this axiom was never more evident than in today's Washington merry-go-round. If one wants to get nothing done, Washington's the place to do it.

Republican Representative Harold Froehlich of Wisconsin has been trying his best to get some action from the House Judiciary Committee on proposed legislation and amendments to reverse the Supreme Court's recent ruling on abortion. At best, such legislation faces an uphill climb as legislators wonder whether the folks back home favor such a law.

But, as things stand now, the Judiciary Committee is busy with someother matters. Like: The possible impeachment of the President, the possible appointment of a special prosecutor to replace Archibald Cox and the confirmation of a new Vice-President.

As honest as are these concerns, those among us who are interested in life grow more despairing as abortion begins to replace birth control as a means of family planning. We know the nation is in deep trouble, but so are unborn children who continue to die by the thousands because the law allows them to be destroyed if they are inconvenient.

We in Michigan have ample proof that an informed electorate prefers life to death; it said as much in soundly defeating a liberal abortion proposal last year. But that is no consolation to the unborn who die today because their death is the law of the land.

It is clearly possible for Representatives and Senators to think of more than one item at a time. So it is possible for our legislators to conduct the serious and pressing business of clearing up Watergate and satellite matters while, at the same time, talking action to save the unborn.

Each of us has it in his or her power to inform our legislators that we want action limiting the massacre that abortion has become. After all, they really did not seem to be that interested in impeachment until they heard the ground swell of public opinion.

Perhaps, if they hear it again, they will turn to life, the most precious gift God has to give.

A VERY UNTIMELY RECESS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SHRIVER. Mr. Speaker, the leadership has announced its intention to recess the House of Representatives for 10 days surrounding the Thanksgiving Day holiday. In view of the critical problems and issues now facing our Nation, this recess would be extremely untimely and unwise.

More than a month ago, the President sent to Congress his nomination of Gerald R. Ford to be our new Vice President. The Senate has scheduled action on this nomination before Thanksgiving, but the House will be in recess.

To meet an urgent crisis, the President has requested immediate action on energy legislation. But the House will be in recess.

A tenuous cease-fire has been worked out in the Middle East by our own Secretary of State. The President's request for emergency assistance to Israel to maintain the balance of power is pending in Congress. But the House will be in recess.

We are faced with a crisis of confidence in our Government. But the House will be in recess.

I strongly urge the majority party leadership to reconsider this ill-timed recess or, at least, to give the House membership an opportunity to vote it up or down. Our Nation needs and deserves to have Congress in session during these crucial days.

LHA'S AND THE "SHIPYARD OF THE FUTURE"

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. LOTT. Mr. Speaker, when the first of the proposed 30 Spruance class DD-963 destroyers was launched last weekend at Litton's "Shipyard of the Future" in Pascagoula, Miss., many of the shipyard's most severe critics acknowledged that the new yard had, indeed, passed an acid test of its skills. For those who still doubt Litton's ability to build ships, please allow me to direct their attention to the yard's early December launching of the first of the new multi-purpose amphibious assault ships, or LHA's.

Because the LHA's have concerned so many of us here in the Congress, I want to insert in the Record an article featured in the November edition of "Sea Power," the official publication of the Navy League of the United States:

The Navy, the Marines and the Nation Take a Giant Step Toward New Amphibious Capabilities With Launch of First LHA

(By James D. Hessman and Bernadine M. Kopec)

Sometime in early December USS TARAWA, first of the new multi-purpose amphibious assault ships, or LHAs, will be launched in Pascagoula, Miss., and the science of sudden warfare will be given a dramatic new dimension.

For the Navy the long-awaited day will mean the arrest, temporarily, at least, of the long decline in U.S. amphibious capability, which has seen the on-board inventory shrink from a Vietnam peak of 165 ships to only 65 operational as of October 26, 1973.

For the Marine Corps it will mean the ability, for the first time, to launch a coordinated, concentrated, lethal, and extremely swift air and sea attack all from one ship.

And for the builder, the Ingalls Shipbuilding division of Litton Industries, it will mean at least partial vindication, after understandable start-up problems, of the big corporate gamble taken several years ago to bring aerospace production techniques and technologies to the neglected American art of shipbuilding. The company's west bank yard was useless swamp only five years ago; today it is perhaps the most valuable chunk of real estate in the entire state of Mississippi.

The LHA, or "Landing Helicopter Assault" ship, is usually billed by the Navy as a "combination of several ships," including the amphibious assault ship (LPH), the amphibious transport dock (LPD), the attack cargo ship (AKA), and the dock landing ship (LSD).

That description is a modest one, however. With a full 820-foot flight deck as well as a hangar deck and the ability to carry, maintain, and operate approximately 30 troop helicopters, or a mix of helicopters and V/STOL (vertical/short takeoff and landing) fixed-wing aircraft, USS TARAWA is also part aircraft carrier.

With a mind-boggling array of computers, radars, external and internal communications systems of all types, and numerous other associated supporting systems, equipments, and display consoles, she can also serve as a command, control, and communications ship par excellence.

Finally, USS *Tarawa* and her sisters (*Saipan, Philippine Sea, Leyte Gulf*, and *Khe Sanh*—LHAs 2, 3, 4, and 5, respectively) will be tigers with real teeth, more powerfully armed than many destroyers: three 5-inch

54-caliber guns, six 20mm machine guns, and two Basic Point Defense Missile System (BPDMS) launchers, as well as the helicopters and/or V/STOLs and a full load of over 1,800 combat-ready Marines.

THE PANAMA CANAL AND CHRISTOPHER COLUMBUS

As might be expected, any ship as powerful, as complex, and as versatile as the LHA is necessarily also going to be a very large ship. *Tarawa* is, in fact, at 39,300 tons (full load), some 6,500 tons bigger and, with a 106-foot beam, three feet wider than the Navy's workhorse ESSEX-class aircraft carriers. She is not as fast as a carrier, but with a maximum speed of 24 knots (as estimated by "Jane's Fighting Ships") she will be the fastest amphibious ship ever built and could, if she wanted to, literally run rings around most of the ponderous World War II types she is destined to replace.

The truly immense size of the ship, in an age of superstatistic saturation, is best illustrated for landlubbers, perhaps, by a couple of homely comparisons taken from Navy/Litton LHA data sheets:

Tarawa's 106-foot beam is, by design, "three feet slimmer than the narrowest part of the Panama Canal."

Her tallest mast, 221 feet above the keel, is too tall to permit the ship to pass under the Brooklyn Bridge. Ship designers solved the problem for Brooklyn fans by equipping *Tarawa* with a tiltable mast which when folded cuts the height of the mast by 23 feet.

Even grade schoolers could understand another far-out comparison: if Christopher Columbus had had a fleet of 27 ships the size of his flagship *Santa Maria*, they could all fit on the flight deck of USS *Tarawa* without touching one another.

USS *Tarawa* will be powered by only two boilers—but they're the largest ever manufactured in the United States, as well as the largest of any in current Navy service. They will generate 400 tons of steam per hour and develop 140,000 horsepower, or the equivalent of about 700 automobiles—if all that energy were converted to electrical power it could supply a city of about 160,000 population.

KEEPING COOL IN COMBAT

Veterans of the World War II island-hopping campaigns of the South and Central Pacific would probably appreciate most one distinctive feature of the LHA: the ship is equipped with 1,200 tons of air-conditioning—enough to cool many of the equipment areas, as well as all crew, troop, and hospital facilities. That means, in other words, air conditioning systems sufficient to environmentally control an office building of 800,000 square feet.

Habitability has not been neglected in other respects, either—a most important factor for the approximately 262 officers and 2,543 enlisted personnel (109 NCOs and CPOs, 762 enlisted crew members, and 1,672 troops) which *Tarawa* is designed to carry. The ship's library, troop and crew recreation rooms, hobby shops, and comfortable modern messing and berthing spaces all represent a quantum advance over the hot, crowded, noisy, and uncomfortable quarters which are the way of life on most amphibs. Even office spaces have been "civilianized" with bulkheads much like conventional office walls, thanks to extensive use of aluminum and vinyl-faced honeycomb bulkheads, the first in the Navy.

Just in case the troops get too comfortable, however, the LHA is also equipped with a speical 5,000-square-foot troop training and acclimatization room where landing forces can be "exercised in a controlled environment simulating that on which they will land."

Of special importance to personnel, as well as to the ship and mission, is the extra dimension of safety provided by the various fire, smoke, and carbon dioxide detection and extinguishing systems and alarms scattered throughout the ship.

Also several giant steps ahead of their predecessors are the ship's interior communications system, closed circuit TV sytsem, and helicopter/landing craft offload facilities.

The Interior Voice Communication System, or IVCS, includes 558 dial phones and 132 net phones tied into two switching centers (equipped with emergency switchover capabilities). To make it even more difficult for anyone to get lost there's also a six-net Man on Move system, or MOM, which interfaces with the IVCS and which, through six "base stations," can keep in touch—via short-range radio sets built into helmets—with as many as 65 individuals or personnel parties on the move throughout the ship.

The closed circuit TV system, or CCTV, is used for: (1) surveillance of sensitive spaces (nine cameras, eight monitors, two video recorders); (2 briefings (five cameras, 14 monitors, 14 audio stations); and (3) entertainment and training purposes—for which there are 48 receivers, 120 outlets, and a complete TV studio with 16mm film, slide display, and video recorder equipment.

The helicopter/landing craft offload system is designed to get a "balanced assault payload" ashore in the fastest possible time, and features a complex but well designed cargo and personnel movement plan, with a flow scheme similar to that of a multi-level parking garage, which permits simultaneous lift and offland of troops, trucks, armored vehicles, and other equipment by the 30 helicopters and four LCU–1610 type landing craft carried.

A specially designed "bowthruster" permits the ship to hold its position in the water and/or move laterally at low speeds when the main propulsion equipment is idled to permit offloading of landing craft from the well deck aft. Another key feature of the offland plan is the ship's deliberately redundant elevator system: five freight and cargo elevators, two vertical conveyors, two aircraft elevators, and two personnel and medical elevators.

Other special and innovative features worthy of individual mention are a ballast system big enough to hold 12,000 tons of sea water, a fuel transfer system capable of transferring 360,000 gallons of oil per hour, a virtually 100 per cent do-it-yourself industrial repair capability (among the ship's 1,400 compartments are 50 mechanical and electrical shops), and a pollution prevention/abatement system which includes three sewage treatment plants (capable of supporting 900 people) and sewage waste tanks numerous enough and big enough to hold 1,400 tons of sewage and human waste.

NIXON DOCTRINE REDUCTIONS

The LHAs do not come cheap. At an estimated (by "Jane's") $210 million per copy, in fact, they will be the highest priced amphibious ships ever built. But quality never comes cheap, and costs are relative. On a per-ton basis the LHA will be only half as expensive as CVN 70, the Navy's long-pending fourth nuclear attack aircraft carrier, and only about one-twentieth as expensive as the new Trident ballistic missile submarine.

More important than absolute dollar costs, of course, is value received. And, just as CVN 70 and Trident might someday well mean for the United States the thin margin of superiority in any major confrontation with the Soviet Union (or other future superpowers), the LHA—with its unique combination of the best capabilities of several different types of ships which undoubtedly would collectively cost more than the LHA if built separately—could mean, in less traumatic battle scenarios, the difference between protracted conflict and an early end to the fighting, the difference, for beleaguered U.S. allies, between their rapid reinforcement and their equally rapid capitulation, perhaps even the difference, merely because of its muscular presence, between war and peace.

One factor which undoubtedly contributed to the overall cost of the LHA program was an Administration decision on January 20, 1971, to cut the planned buy from nine to five ships. The cutback, which caused considerable disquietude at Marine Corps Headquarters, was described as being consistent with the then-new Nixon Doctrine (which requires more use of indigenous troops, less reliance on U.S. manpower), but it is suspected the immediate dollar savings achievable were an important factor in the decision.

At any rate, the cutback meant payment by the government to Litton of a $109.7 million "cancellation fee"—as prescribed in the original contract. The Navy and Litton both took an unfair rap for many months thereafter for having to spend so much money "on ships that will never be built."

At least partially offsetting the cost of the cancellation fee are savings realized through multi-ship production of the entire LHA line at Litton's assembly-line Pascagoula yard, sometimes referred to as the "shipyard of the future." Because of its modular production system the yard is able to work on several ships in a series simultaneouly, using an intricate track system to move increasingly larger components and subcomponents of a ship forward in easy stages to waterside, where, in the case of the LHAs, the three major sections—bow, stern, and midships—are finally married together prior to launching. Well publicized initial delays in gearing up for the first LHA caused early slippage in the program, but the soundness of the system is indicated by a schedule which now programs all five LHAs for commissioning within the short space of the two-year 1975–76 period.

One final cost factor is worth noting: using a "lifetime cost" approach, Navy and Defense Department decisionmakers consciously opted wherever possible in favor of automated equipment (reducing long-term manpower costs), improved and advanced—and, therefore, in most cases, costlier—paints, pipings, and special metals (reducing short- and long-term maintenance costs), and other state-of-the-art innovations such as special tie-down features for vehicles (reducing repair costs). The end result is higher initial costs for the taxpayer, but lower costs overall.

TWO HERE, TWO THERE, ONE IDLE

LHA deployment plans haven't been announced, but it is logical to speculate that at any one time two will be overseas—one in the western Pacific and one in the Mediterranean—in a full state of readiness, two will be stateside (one on each coast) with all vehicles and equipment abroad, but troops ashore, and one will be either in the yard for periodic maintenance and overhaul, or available as a swing ship to reinforce either coast.

Given such deployment, the potential value of the LHAs to future U.S. military decisionmakers is incalculable. Thanks to their speed, unprecedented for the amphib Navy, the LHAs could be as much as 300 miles away from a trouble area at dusk, steam at maximum speed through the night, and be on the scene of battle in time to make a dawn landing. The hope is, of course, that with the LHA and other American ships in the area potentail trouble spots will cool down before hostilities start—it would only take one such war that never happens to justify the cost of the entire LHA program, perhaps of the entire U.S. Navy.

Another possible use for the LHA which even the most dovish of Congressmen would approve: as an emergency assistance ship for use in major disasters such as earthquakes in Nicaragua, floods in Pakistan, famine in Biafra. In the "generation of peace" forecast by President Nixon, that truly would be a new and most benevolent projection of American sea power for the good of all mankind.

SEA POWER: THE ANCHOR OF FREEDOM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BOB WILSON. Mr. Speaker, at no time in world history has there been peace without strength on the part of those preserving peace. This has been an iron rule of history and yet we continue to see a decline in the strength of U.S. naval forces while the Soviet Union continues to build up its fleet as a faster pace than ever. We owe it to future generations of Americans not to allow this grim situation to continue.

This is pointed out so clearly in an article by Rear Adm. Ernest M. Eller, who recently retired as Director of Naval History and is author of the book "The Soviet Sea Challenge."

I insert Admiral Eller's article, which appeared in the November issue of Sea Power magazine to be printed in the Record for the benefit of our colleagues at this point:

Sea Power: The Anchor of Freedom—Threatened by Soviet Drive for Oceanic Supremacy

(By Ernest M. Eller)

(Note.—Rear Admiral Ernest McNeill Eller, former Director of the Naval History Division, retired from the Navy in 1970, ending a distinguished 48-year career. Currently, he is serving his second year as National Historian of the Navy League. Author of the book "The Soviet Sea Challenge," Admiral Eller has been an anxious observer of the Soviet Union's expanding military might, especially on the oceans of the world. These are his views.)

Some three years ago, shortly before his death, Mendel Rivers gravely warned Congress: "All Americans have been given the blessed and priceless heritage of freedom—a freedom which . . . is in terrible jeopardy. The Soviet Union is now one of the world's two leading sea powers . . . possibly the leading power . . . I can only warn the members of this House that we are on the brink of disaster and I have never before been as concerned in all the years I have served in the Congress."

Conditions have worsened dreadfully since then. In the face of phenomenal Soviet gains at sea that some observers, such as Captain John Moore, editor of "Jane's Fighting Ships," believe make the USSR the number one sea power in the world, and despite the fact the gap between Soviet and U.S. strength widens daily, the United States continues to cut back its defense spending. In late August the Navy Department announced it would slash deep into muscle once again, dropping the fleet to 518 active ships by the end of the fiscal year.

The United States is already weaker, in a relative sense, than in 1939 when unpreparedness in the West helped bring on the catastrophe of World War II. Friend and foe recognize this. Consequently, the latest shift of the balance of power at sea to the USSR has already brought her far-reaching political gains which highlight with frightening import the deterioration of U.S. influence abroad following her decline afloat.

Today the shadow of the Bear looms over even the Caribbean, no longer a safe sea frontier. Cuba, long considered critical to U.S. security, becomes, despite occasional signs of independence, more and more a Soviet political and military outpost. According to underground reports Cienfuegos is not the only Cuban port under development as a potential Soviet naval base, and the Kremlin continues to add guided missile vessels to the Cuban fleet.

Communist agents fan out from Cuba throughout Latin America, where in recent years leftist parties have increased in numbers and aggressiveness. When they gain power—as they had in Chile (once, like Cuba, a close friend of the United States)—they scream "Yankee go home," confiscate American property, and embrace the Soviets.

FROM ICELAND TO EGYPT

Iceland, a keystone of North Atlantic defense, tells a similar sad story. Her present government is seeking withdrawal of American forces—primarily U.S. Navy aviation units conducting surveillance flights over the adjacent waters through which the Soviets submarine fleet debouches into the Atlantic. Nor are her relations with her NATO neighbor to the south more harmonious. For several months Iceland and Britain have been engaged in a "Cold War" over fishing rights. If the dispute is not resolved to Iceland's liking, it will not be surprising if she moves further from the Western alliance.

The Sixth Fleet once defended freedom uncontested in the Mediterranean. Now the Soviet "Sixth Fleet" often outnumbers it. Most of North Africa leans toward Muscovy and is closed to visiting American warships. Where once the Stars and Stripes waved, the hammer and sickle dominates. As one example of what this change means, Libya last summer expropriated all foreign oil corporations, taking majority ownership. Most of the oil and natural gas for an energy-hungry world that would flounder without it lies in Muslim North Africa and the Middle East. The leaders there well know this, as does the USSR, now the leading "outside" power in that part of the world.

The eastern Mediterranean south of Turkey is almost a Soviet lake. Seeing which way the wind blows, Turkey also has made accommodations with Moscow. Long under British protection, Egypt now welcomes Soviet assistance. Because of internal intrigue, President Sadat in July 1972 ordered Soviet "advisers" and troops to leave the country. But this was only a temporary squall, no doubt in part for political effect. Egypt is still in the Bear's claws, as October's events made clear, and depends on the USSR for arms, economic strength, and her own military viability. The Kremlin has gained what Peter the Great vigorously sought long ago, a foothold in the Middle East.

Just as the Russian Bear has the Suez Canal within reach, so does he grasp for control of the southern approaches to the Red Sea. Britain's departure from Aden left a vacuum the Soviets eagerly filled. Through military and economic aid they have gained predominance in countries on both flanks of the Gulf of Aden. They seek the same influence in the Persian Gulf area, from which an ever-increasing stream of tankers flows to feed the insatiable economies of the West and Japan. For centuries the tsars sought control of the Middle East. Now, almost overnight, it seems, Soviet influence flows by air and sea through this area of overwhelming economic and strategic value.

THE LOST VACUUM

Perceptive men long ago urged the United States to increase her own small Middle East Force to fill the Indian Ocean vacuum—a vacuum which, of course, no longer exists. When England began to withdraw her forces from east of Suez, the United States dallied, and Soviet warships sailed in. Besides their own Indian Ocean fleet, USSR combatants serve in India's Navy, and the Kremlin has helped "neutral" India build a submarine base. In summer 1971 Moscow and Delhi signed a mutual assistance security pact. It seems to some observers no coincidence that not long afterwards Indian troops invaded East Pakistan to "liberate" the natives. Russian backing of the venture may well have prompted India's attack; gifts of Russian arms undoubtedly insured its success. With fleets in the Mediterrean and Indian Ocean, and with the mounting dependence of many nations upon Iron Curtain aid, the USSR has become the leading force in the whole seething area.

Admiral Sergei Gorshkov, Commander-in-Chief of the Soviet Navy, and members of the Politiburo have heeded facts that America has ignored. Perceiving the immense gains resulting from deployment of their fleets around the world, Soviet leaders continue to expand their worldwide capabilities. The recent addition of aircraft carriers to the Soviet fleet is only a small part of the buildup, but indicates how the Soviets have learned their lessons.

Yet, even as the USSR builds carriers in her furious expansion of sea power, the U.S. fleet dwindles. In fiscal year 1974 scheduled slashes will drop the U.S. Navy to 518 ships, some 45 per cent less than in January 1969. Even the infamous attack on Pearl Harbor did not reduce the U.S. fleet to the low levels now projected.

Had a powerful foe decimated America's naval strength in battle, the nation would have risen in a frenzy of anger and fear. Instead, Americans, heedless that national survival is at stake, complacently accept their Navy's new status as number two sea power. There are those who rationalize, saying the addition of new ships gives the smaller fleet a lower average age with more modern equipment. This is true. The fleet will be younger—but still much older than the Soviet fleet.

But these sophists are playing ostrich. The Navy was stretched to the elastic limit in 1968 trying to carry out her world duties. Except for the Vietnam war (in which many smaller vessels were deployed), obligations have not lessened. Furthermore, if, as has actually happened, an opponent openly bent on outdistancing the United States adds two or three new ships for every new ship built for the dwindling U.S. Navy, whose annual losses (through retirement of older ships) have consistently outnumbered gains in recent years, there is no way the U.S. fleet could be growing stronger in comparison with the Soviet Navy.

Nearly two years ago, Admiral Elmo R. Zumwalt, Jr., Chief of Naval Operations, responding to a question from Congress, spelled it out quite clearly: "The U.S. Navy has lost strength in the last year both absolutely and relatively to the Soviet Union." His warning was unheeded. At the close of 1973, Admiral Zumwalt's assessment of the military situation would have to be: "We have disastrously lost more ground at a faster pace. The Soviets have passed the U.S. Navy in strength—and continue to build furiously to widen the lead."

THE LIFE PRESERVER

U.S. naval strength has declined, moreover, despite constant proof that maritime strategy is a sure preserver of democracy. America grew to greatness under the umbrella of *Pax Britannica*, which allowed other nations to prosper under the various forms of government they preferred. Then, with uncontested superiority afloat after VJ Day, the United States carried on this live-and-let-live policy, helping less fortunate peoples to resist aggression in Korea, in Vietnam, and in the Middle East. Today, in 1973, however, the short-lived *Pax Americana* swifty wanes, and is being succeeded by the graveyard peace of *Pax Sovietica*.

There never, at any time in world history, has been peace without strength. Nor is there any reason to believe the present generation can reverse this iron rule of history. America's present relative weakness at sea may very well encourage the Soviets to act more boldly. It certainly weakens the resolution of America's friends and, if unchecked, will inevitably undermine U.S. will and wisdom in foreign policy decisions—if it has not done so already. It could, in short, lead to another Munich with loud proclamations of "Peace in our time."

U.S. weakness at sea also could lead to another Korea, because lack of power might once again result in America's drawing a perimeter of defense, as in 1950, that clearly left defenseless a people threatened by communist aggression. The United States still, of course, has a vast reservoir of goodwill in South Korea, whose people understand the sacrifices this country made in order that they might have control of their own destiny and attain the peace denied for generations by aggressive neighbors. On that belaguered Asian peninsula, as elsewhere, the United States alone of the great powers has given much of herself and asked for nothing in return.

GENERATION GAP

But the record of the past generation notwithstanding, there are today some Korean leaders in the South who fear the United States will not, for lack of capability if not for lack of will, be as strong an ally in the future, and for this reason have reluctantly assented to the recent unification talks with North Korea. Their fears may be well-founded. For the next confrontation between East and West could very well be set in a climate of nuclear blackmail, making it impossible for America's inferior naval strength to be streached to a foreign shore.

History's bitter lesson, repeated time after time throughout the ages, is that it costs far less to prevent war by keeping strong than to fight it. And the reason the lesson is so often repeated is that it is apparently a most difficult lesson for good men to learn—they either never learn it at all, or they quickly forget it.

Tens of thousands of American servicemen gave their lives in the grim hills of Korea. The money "saved" by the budget cuts of the late 1940s was exacted a thousandfold. The United States managed to ultimately save South Korea but only because no Russian navy of consequence then existed. Would the outcome be the same today? Could the other dozens of brilliant U.S. peacekeeping operations—Lebanon and the Cuban missile crisis, to cite two examples—be repeated in the 1970s?

Future generations will wonder how the American public could shut its eyes to history's warnings on unilateral disarmament. No weapons race in itself causes war; a one-country "race" by an aggressor, with the peaceseeker idly watching, does. Such a race is taking place today, and the consequences are frightening to contemplate. The fearful shift in relative maritime strength to the Soviet Union, if unchecked, could mean an early eclipse of the United States as world leader.

The richest nation, the most generous, idealistic, and philanthropic, the leader of freedom—but a freedom which depends irrevocably upon superior sea power—seems prepared, in short, to abandon her leadership. America's friends throughout the world, and they are still quite numerous, are puzzled. They ask if a nation much less capable than the United States, under tyranny and with half the U.S. economic capability, can make such great gains, what is wrong with the American system? Why cannot Americans understand that when an expanding empire gains control of the oceans it also gains control of nations which border those oceans? Surely, it would seem, if a weaker government can concentrate resources to dominate the great waters that join all shores, the United States should be able to mount wisdom and resolution enough to match the effort. And surely some luxuries and domestic social experiments, however desirable in themselves, could be postponed for essentials to save the future.

Every American may well heed the words of former Representative Durward Hall of the House Armed Services Committee: "I'm scared to death. . . . The Soviets will have a military force, and particularly strategic forces, strong enough . . . to checkmate the United States. . . . The crucial question is what the American people will do when the communists says: 'We've got you checkmated. Now dance to our tune.' "

There may still be time for the United States to reverse the downward trend, but the opportunity is fading more swiftly than the setting sun. In the English-French wars of the 18th century the sea-girt isles did reverse their decline in naval strength in time to meet Napoleon's threat. Thus, possibly, history might be saying, the United States has a chance. Even the term "possibly" may be too hopeful, however, because the point of no return may already have passed. Today's margin for action, and for error, is but a slim fraction of what it was two centuries ago when men did not have to deal with aircraft, ICBMs, and submarine missiles streaking over the horizon bearing nuclear warheads. There will be no time this time to rebuild neglected strength. Today's warships take years to construct, but only minutes to destroy—by enemy action or, more often, by legislative fiat.

LATE MEANS NEVER

If the United States is not ready at sea when the crisis comes, there will not be time to get ready. U.S. military forces are far weaker, compared to the forces of the Soviet Union, than at any time since the Bolsheviks came to power. Already the U.S. Navy faces an almost impossible job of coping with the huge Russian submarine force. As the Soviets achieve superiority in the number of nuclear ballistic missiles deployed in submarines (and that superiority is inevitable, given the present shipbuilding programs of the two countries) nuclear blackmail of the most vicious type would be easy to contemplate.

To illustrate: in one not altogether fanciful scenario suggested by think-tank strategists, whose job it is to think the unthinkable, Moscow would once again—as she apparently started to do in late October—dispatch air, ground, and naval forces to intervene in the Middle East. Simultaneously, a "hands off" ultimatum would flash from the Kremlin. With it would come notice that Soviet submarine missiles and ICBMs were zoned in on U.S. cities, and any move to intervene would trigger them. The United States would not, it is generally believed, initiate a nuclear exchange. Indeed the real question is whether she would even risk the possibility of such an exchange, even though much of the future of the Free World depends upon the Middle East.

American idealists, and there are many of them, scoff at such a possibility. Their reasoning seems to be that, because the United States would not resort to such blackmail, neither would the enemies of the United States. This is much like saying that because good citizens would not break the law, neither would criminals. It is extremely important to recognize the fallacy of such idealistic and well intentioned theories. Because, unless the United States acts promptly and with vigor to reverse course, the possibility for such blackmail, which already exists, will become almost irresistible.

The Soviets drive with unmistakable purpose to achieve ascendancy at sea; peaceful reversal will require "blood, sweat, and tears" from the American people, and a high order of leadership on the part of the President as well as Congress. Each day a solution to the problem becomes more difficult. Unless the United States quickly goes beyond the steps now underway—which are in the right direction, but halting and slow—she soon will have passed the last turning point.

Survival of the American way of life depends upon the will of the American people to preserve it. It depends upon the wisdom and integrity of national political leaders. Preservation demands superior strength, especially at sea. There is no alternative, and "detente" is no substitute.

Man has moved far since few were masters and most were slaves. He has farther yet to go if the United States and allies have but the sagacity to choose the right course and the fortitude to steer it. Charts marking the course clearly read: "Be strong at sea or die."

BLACKS SPEAK OUT IN SUPPORT OF ISRAEL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. RANGEL. Mr. Speaker, during the past few weeks, when the very survival of the little State of Israel was threatened, Americans from all walks of life from the Congress to the grass roots of our communities, rallied to urge our Government to provide Israel with the military assistance needed to repel its attackers and maintain its right to exist.

Black Americans like other Americans, recognize the moral responsibility, indeed obligation, of the United States to preserve the State of Israel and the freedom of the Israeli people. Two examples of the support among black Americans for the Israeli cause are the editorial which appeared in the Oklahoma Eagle, a leading black newspaper published in Tulsa, Okla., on November 1, 1973, and the statement issued by 74 prominent black unionists in mid-October that was placed in the New York Times by the A. Philip Randolph Institute of New York City.

I place the editorial and a news story describing the statement by the black unionists from the New York Voice of November 9, 1973, in the RECORD at this point for the information of my colleagues:

ISRAEL NEEDS SUPPORT

Some of these days we will have peace in the Middle East. But that will only come when it becomes apparent that the Jews are there to stay and when the oil companies on the one hand and the Russians on the other, either by innuendo or implied consent or by outright advocacy, quit encouraging the Arabs to promiscuous adventures and really work for detente between the Jews and the Arabs.

There has been enough tragedy there to fill a life time and enough blood spilled to assure Israel's right to existence and the need of the Arabs to recognize the reality of that existence.

Whatever motivated the western powers to grant Israel a homeland in 1948, the fact is, that now they have more than paid for the right to the land by the age long rules of international law which even the Arabs subscribe to—right of possession by conquest. That's how the Arabs got Palestine in the first place. They are certainly not historically indigenous to the area and therefore have no more "right" to it than the Jews whose ancient possession of the area is a matter of historical record.

Therefore, the president acted wisely in sending aid to Israel to help her maintain her national integrity in the face of continued relentless pressures from the Arabs and others who seek only to profit from the oil and other resources in the area.

It is to be hoped that the greed, hatred and culpability which brought on the present crisis will be overcome by fairness and firmness.

It is also to be hoped that the boundaries eventually agreed upon will be those which will not permit Israel to be exposed to the adventurous whims of her neighbors. Only the U.S. is likely to assume the burden of this responsibility and we not only should—we must.

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BLACK UNIONISTS URGE SUPPORT FOR ISRAEL

Leading Black trade unionists from across the country have issued an appeal for the support of Israel.

"We appeal to our government to provide Israel with whatever support it requires to defend itself in this hour of need," declared a statement published in The New York Times.

The statement, which was signed by 74 prominent Black unionists, was sponsored by the A. Philip Randolph Institute. Among those signing the statement were A. Philip Randolph, the pioneer Black trade union leader, and Frederick O'Neal, president of the Associated Actors and Artists, both of whom serve as vice presidents of the AFL–CIO.

"We have no doubt whatsoever that the defeat of Israel in battle would mean the destruction of Israel as a state and the annihilation of its population. This must not happen," said the statement.

In asking the Arab states to end their hostilities, the Black unionists declared: "The Arab people will gain nothing from the continuation of this conflict but more death, suffering and deprivation. This tragedy will only end when the Arab states agree to sit down with Israel and negotiate a peace. When this happens, it will be a joyous day, not only for Jew and Arab, but for all mankind. It will also be a joyous day for Blacks, whose fate is inseparably linked with the fate of Jews, as it is with the fate of all oppressed minorities."

Now that a cease-fire has been achieved and the elements of a peace agreement between Egypt and Israel appear to be emerging, we see greater prospects for real peace in the Middle East than at any time since the 1967 war. This peace, however, if it is to be viable, must be based on a mutual respect for the rights of all the parties to exist. We hope that the peace agreement now being negotiated will remove the need for Israel to ever again fight for her life.

ABSENT FROM QUORUM CALLS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. LEHMAN. Mr. Speaker, yesterday I was absent for quorum call No. 573, and for rollcalls Nos. 574 and 575 due to commitments I had in my district.

Had I been present and voting, I would have voted "nay" on rollcall No. 574 and "yea" on rollcall No. 575.

HOUSE OF REPRESENTATIVES—*Wednesday, November 14, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Who shall ascend into the hill of the Lord? Who shall stand in His holy place? He that hath clean hands and a pure heart; who hath not lifted up his soul unto vanity nor sworn deceitfully.—Psalms 24: 3, 4.

Draw near to us, our Father, as we stand in this circle of prayer. Cleanse our minds from fear, our hearts from malice, and our spirits from all desires unworthy of our best selves. As we pray do Thou take our lives and lift them to loftier levels of living, permeate them with higher hopes, make them throb with nobler impulses, and lead them to greater moral goals.

Let Thy kingdom come in our land and in all lands. Make the power of men to reside in goodness of heart, in the attitude of good will, in the spirit of justice and in the understanding of intelligent minds.

Bless Thou our President, our Speaker, and Members of Congress. With strong hearts, free hands and open minds lead them onward in the path of duty as they keep their faith in Thee, in our fellow men and in the ultimate triumph of all that is right. To the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3801. An act to extend civil service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government;

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308;

H.R. 8219. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; and

H.R. 9295. An act to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2315. An act relating to the compensation of employees of Senate committees; and

S. 2681. An act to authorize appropriations for the U.S. Information Agency.

PROPOSED SOCIAL SECURITY INCREASE

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, we have concentrated this year in trying to look at the budget in the context of overall spending to a greater extent than heretofore.

I am not speaking in opposition to the proposed social security increase which the House will consider today. In fact, I expect to vote for it. I seek to put the increase in perspective as it relates to overall Government spending.

According to the discussion in the House on yesterday, the proposed social security increase will increase spending and the totality of the Federal debt this year by $1.1 billion. This will become a part of the $5 billion in congressional add-ons this year to the Presidential January spending budget.

I will discuss the fiscal situation in greater detail at another point in today's RECORD.

ENERGY CRISIS—ECONOMIC CRISIS

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, with all of the discussions about the energy crisis we had better realize that it has a partner called the economic crisis. In the changes that this situation will inevitably bring about there will be many losers and a few great gainers.

It has been the tradition of democracy that we try to bring equity and that we try to spread our largess as well as we can but also spread the suffering wherever we can. I think this puts a great burden on us in the House to look at programs that will meet the economic crisis, because life in America 5 years from today will be an entirely different life. In that situation there will be great travail, and we in the Congress must be ready for it. Next year, if we have not shown the American people a better program than we have up to now, there will not only be a cry of impeach the President but a cry of sack the Congress.

BIPARTISAN EFFORT CALLED FOR

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO of Wyoming. Mr. Speaker, we have heard much from our people about getting on with the Nation's business at this time and forget Watergate. I would like to note for the benefit of the Members that I understand this morning there was another

Republican conference with the President and Members of Congress, with the result that one Member who came back to the Committee on Interior and Insular Affairs an hour late, had certain amendments requiring unanimous consent, and then, in a pique, called for a quorum, which is, of course, his legal right, but he thereby disrupted the committee and set us back on our work schedule.

I hope those of us on the majority side will have the patience, and understanding required in this time of stress, but I also hope that the minority will not abuse their rights in the use of legal processes as I saw them abused in the Interior Committee this morning.

DISABILITY COMPENSATION FOR VETERANS

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, today I have introduced a bill which would provide for approximately a 15 percent increase in rates of disability compensation for disabled veterans. Service-connected disabled veterans received their last increase in compensation on August 1, 1972.

Unfortunately, inflation has had a serious impact on the adequacy of this program, and it will be necessary that the Congress consider proposed increases in service-connected compensation needed to stay abreast of the changes in the cost-of-living index. We are receiving many inquiries from the disabled veterans regarding the subject and I thought it would be useful to Members to know that it is the plan of the Committee on Veterans' Affairs to take up this legislation early next session.

The program of compensation for disabled veterans is a large and important program. There are presently 2,205,809 disabled veterans from the Nation's various wars receiving disability compensation. The annual outlay in the Veterans' Administration budget for this purpose is approximately $2.2 billion.

DEVELOPMENT OF OIL SHALE

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, today I am introducing legislation to provide for a Manhattan-type project for a program for the development of gasification of coal and for extraction of oil from the billions of tons of oil shale we have in this country. I submit that such a program should be launched immediately with determination, dedication, and sufficient funding so that we can depend upon ourselves for our energy supplies and keep internally and eternally strong.

My colleague and good friend, FRANK ALBERT STUBBLEFIELD, of the First District of Kentucky, joins me in cosponsoring this legislation. There are vast coal deposits in Montana; but there is one drawback, a shortage of water. There are also large coal deposits in Kentucky; fortunately, Kentucky has surplus water which can be used in coal gasification.

I would hope, Mr. Speaker, that this would be helpful to our own State of Kentucky and to the Nation.

AUTHORIZING APPROPRIATIONS FOR U.S. INFORMATION AGENCY

Mr. HAYS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11424) authorizing appropriations for the U.S. Information Agency.

The clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill as follows:

H.R. 11424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Information Agency Appropriations Authorization Act of 1973".

SEC. 2. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1974, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $194,839,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $5,125,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", of which not to exceed $1,000,000 shall be available solely for the Eight Series of Traveling Exhibitions in the Union of Soviet Socialist Republics; and

(3) $1,000,000 for "Acquisition and construction of radio facilities".

Amounts appropriated under paragraphs (2) and (3) of this subsection are authorized to remain available until expended.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated without fiscal year limitation for the United States Information Agency for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $7,200,000 for increases in salary, pay, retirement, or other employee benefits authorized by law; and

(2) not exceed $7,450,000 for additional overseas costs resulting from the devaluation of the dollar.

SEC. 3. Section 701 of the United States Information and Educational Exchange Act of 1948 is amended to read as follows:

"PRIOR AUTHORIZATION BY CONGRESS

"SEC. 701. (a) Notwithstanding any provision of law enacted before the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, no money appropriated to carry out this Act shall be available for obligation or expenditure—

"(1) unless the appropriation thereof has been previously authorized by law; or

"(2) in excess of an amount previously prescribed by law.

"(b) To the extent that legislation enacted after the making of an appropriation to carry out this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

"(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.".

SEC. 4. The United States Information Agency shall, upon request by Little League Baseball, Incorporated, authorize the purchase by such corporation of copies of the film "Summer Fever", produced by such agency in 1972 depicting events in Little League Baseball in the United States. Except as otherwise provided by section 501 of the United States Information and Educational Exchange Act of 1948, Little League Baseball, Incorporated, shall have exclusive rights to distribute such film for viewing within the United States in furtherance of the object and purposes of such corporation as set forth in section 3 of the Act entitled "An Act to incorporate the Little League Baseball, Incorporated", approved July 16, 1964 (78 Stat. 325).

Mr. HAYS. Mr. Speaker, several weeks ago the President vetoed the authorization bill for the U.S. Information Agency. He objected to the inclusion of a provision that I had introduced on the floor dealing with access to information in the possession of the Agency.

The effect of the President's action was to kill the USIA authorization measure. I am not going to argue the constitutional principle involved. Let me say at the outset that that provision does not appear in this bill.

In the interval since the President's veto several things have happened. The Senate committee has introduced and the Senate has passed a bill that picks up many of the provisions that appeared in the original bill and has also reduced the authorizations. The conference agreement of the House and Senate on the appropriations bill for USIA has been passed. And the Agency has been bugging me to get out a bill.

Yesterday I introduced H.R. 11424, the bill now before the House. Briefly it retains some of the authorized amounts in the original bill for radio facilities, for employee benefits, and for devaluation.

The most important change is in the item for "Salaries and expenses." The conferees had agreed on a figure of $196 million to which would be added $7,161,000 from the devaluation item, resulting in an authorization for this purpose of $203,161,000. Since there was no authorization in law to add $1 million to the item on "International exhibits" for the purpose of funding the special exhibit in the Soviet Union to which the President and Mr. Brezhnev agreed last June, the appropriation bill omitted that.

The Senate bill reverted to their much lower authorization for "Salaries and expenses" and omitted the authorization for the special exhibition in the Soviet Union.

What I have done in my bill is to recommend an authorization of $194,839,000 for "Salaries and expenses." When $7,161,000 from the devaluation item is added to that the total is $202 million—exactly the amount appropriated. I see no reason to go over the appropriation figure. I think the Senate conferees will agree to that.

Section 3 is intended to assure that in the future the Agency will not be able to obligate or expend money unless it has been previously authorized in law.

Finally, the conferees had agreed in the original bill to the inclusion of a provision permitting Little League Baseball, Inc., to purchase copies of USIA's film "Summer Fever" for nonprofit showing in connection with Little League baseball. I have retained this provision in the bill now before the House.

Mr. Speaker, this is simply a retread bill that the House and the Senate had acted upon earlier. It omits, as I said, the provision to which the President objected. It brings the authorization figures into line with the appropriation bill for USIA.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. HAYS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2681) to authorize appropriations for the U.S. Information Agency.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 2681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Information Agency Appropriations Authorization Act of 1973".

SEC. 2. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1974, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Education and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $188,124,500 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $4,125,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", of which not to exceed $1,000,000 shall be available solely for the Eighth Series of Traveling Exhibitions in the Union of Soviet Socialist Republics; and

(3) $1,000,000 for "Acquisition and construction of radio facilities".

Amounts appropriated under paragraphs (2) and (3) of this subsection are authorized to remain available until expended.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated without fiscal year limitation for the United States Information Agency for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $7,200,000 for increases in salary, pay, retirement, or other employee benefits authorized by law; and

(2) not exceed $7,450,000 for additional overseas costs resulting from the devaluation of the dollar.

SEC. 3. Section 701 of the United States Information and Educational Exchange Act of 1948 is amended to read as follows:

"PRIOR AUTHORIZATION BY CONGRESS

"SEC. 701. (a) Notwithstanding any provision of law enacted before the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, no money appropriated to carry out this Act shall be available for obligation or expenditure—

"(1) unless the appropriation thereof has been previously authorized by law; or

"(2) in excess of an amount previously prescribed by law.

"(b) To the extent that legislation enacted after the making of an appropriation to carry out this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

"(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.".

AMENDMENT OFFERED BY MR. HAYS

Mr. HAYS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYS: Strike out all after the enacting clause of the Senate bill S. 2681 and insert in lieu thereof the provisions of H.R. 11424, as passed by the House.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 11424, was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2681, AUTHORIZING APPROPRIATIONS FOR THE U.S. INFORMATION AGENCY

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 2681, and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? The Chair hears none, and appoints the following conferees: Messrs. HAYS, MORGAN, ZABLOCKI, MAILLIARD, and THOMSON of Wisconsin.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT WEDNESDAY, NOVEMBER 21, 1973, TO FILE A RULE AND REPORT ON H.R. 7130, BUDGET CONTROL ACT OF 1973

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight next Wednesday, November 21, 1973, to file the rule and the report on the bill H.R. 7130, which is the Budget Control Act of 1973.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT SATURDAY, NOVEMBER 24, 1973, TO FILE REPORTS ON THE BILLS, H.R. 5463, TO ESTABLISH FEDERAL RULES OF EVIDENCE, AND H.R. 11401, TO PROVIDE FOR, AND ASSURE THE INDEPENDENCE OF, A SPECIAL PROSECUTOR

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight of Saturday, November 24, 1973, to file reports on the bills, H.R. 5463, a bill to establish Federal rules of evidence, and H.R. 11401, a bill to provide for, and assure the independence of, a special prosecutor.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. HOGAN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT, SATURDAY, NOVEMBER 24, 1973, TO FILE REPORT ON H.R. 5463, TO ESTABLISH FEDERAL RULES OF EVIDENCE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight of Saturday, November 24, 1973, to file House report on the bill H.R. 5463, "A bill to establish the Federal Rules of Evidence."

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SENSE OF THE HOUSE OF REPRESENTATIVES WITH RESPECT TO ACTIONS BY MEMBERS CONVICTED OF CERTAIN CRIMES

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 700 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 700

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 128) expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Standards of Official Conduct, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 30 minutes to the minority, to the distinguished gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. MURPHY of Illinois. Mr. Speaker, House Resolution 700 provides for an open rule with 1 hour of general debate on House Resolution 128, a resolution expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes.

House Resolution 128 expresses the sense of the House that Members who are convicted of a crime carrying penalties of 2 or more years' imprisonment should attend committee and subcommitee sessions but should not vote in those sessions, and should also refrain from voting on the floor of the House of Representatives.

Any effect of the resolution would be reversed upon a reinstatement of a presumption of innocence such as a reversal of the conviction upon appeal or a remanding of the case to the trial court. The effect of the resolution also would be reversed if the Member is reelected to the House of Representatives after the date of the conviction.

Mr. Speaker, I urge the adoption of House Resolution 700 in order that we may discuss and debate House Resolution 128.

The SPEAKER. The gentleman from Tennessee (Mr. QUILLEN) is recognized.

Mr. QUILLEN. Mr. Speaker, House Resolution 700 provides for the consideration of House Resolution 128, sense of the House of Representatives with respect to actions by Members convicted of certain crimes, under an open rule with 1 hour of general debate.

The purpose of House Resolution 128 is to state, as the sense of the House, that any Member convicted of a crime for which a sentence of 2 or more years imprisonment may be imposed, should refrain from committee activities and from voting on the floor of the House. However, if judicial or executive proceedings result in a reinstatement of the presumption of innocence, or the Member is reelected in spite of the conviction, then this resolution ceases to apply.

This resolution is an internal House action not requiring Senate approval or Presidential signature.

The goal of this resolution is to state a policy so that all concerned may be on notice and to show publicly a concern for the reputation of the House and its Members.

Mr. Speaker, I urge the adoption of this resolution in order that the House may begin debate on this important piece of legislation.

Mr. Speaker, I have no requests for time, but I reserve the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I should like at this point to remark that my colleagues, the gentleman from Illinois (Mr. PRICE) and the gentleman from Tennessee (Mr. QUILLEN) will lead the discussion here.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that the resolution (H. Res. 128) expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes, be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution as follows:

H. RES. 128

Resolve, That it is the sense of the House of Representatives that any Member of, Delegate to, or Resident Commissioner in, the House of Representatives who has been convicted by a court of record for the commission of a crime for which a sentence of two or more years' imprisonment may be imposed should refrain from participation in the business of each committee of which he is then a member and should refrain from voting on any question at a meeting of the House, or of the Committee of the Whole House, unless or until judicial or executive proceedings result in reinstatement of the presumption of his innonence or until he is reelected to the House after the date of such conviction. This resolution shall not affect any other authority of the House with respect to the behavior and conduct of its Members.

Mr. PRICE of Illinois. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this resolution was reported out of the Committee on Standards of Official Conduct by unanimous vote.

As is our committee's policy, because of the sensitive matters with which we treat, we bring this resolution before the House only after a thorough study and much deliberation.

We believe the resolution offers the House an opportunity to erect guideposts that would serve the House well in dealing promptly with the kind of situations at which the resolution is aimed. While our committee would like to hope that no such situations would arise, we think it wise to be prepared, for the sake of the House's integrity, to arm the House with the means of considering prompt action should the need occur.

In our committee's view, experience points to a need for such an implement as the pending resolution provides.

If the House were to take no notice of such matters until the final conclusion of judicial proceedings—a step which might not be reached until after termination of a Member's 2-year term—such lack of action might well be interpreted in the public mind as indifference by the House toward a very serious matter.

In seeking a rule for consideration of this resolution, I told the Rules Committee while our proposal involves only a sense-of-the-House action, with no specific enforcement authority, it seems to our committee that any Member who became subject to the resolution's provisions, and who ignored those provisions, would risk subjecting himself to the introduction of a privileged resolution relating to his conduct, in accordance with other provisions of House rules.

While the Committee on Standards of Official Conduct has no intention of abandoning its deliberate course in dealing with the sensitive matters which come before it, the committee is unanimous—I repeat—in urging adoption of the pending resolution which would make it the sense of the House that a Member convicted of a crime carrying a possible sentence of 2 or more years' imprisonment should refrain from participation in the business of each committee of which he is a member and refrain from voting on any questions in the House.

I now yield to the ranking minority member of the Committee on Standards of Official Conduct.

Mr. QUILLEN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I thank my chairman and endorse the case he has made for the resolution now before the House.

My experience as a member of the Committee on Standards of Official Conduct from its beginning has convinced me that there is a definite need for the step now proposed.

This measure gives the House an immediate opportunity to act in cases of Members who are convicted of certain crimes.

While I pray for an absence of such crimes, I know—as do all other Members of the House—that there are occasional—if rare—infractions of the law, or alleged infractions, which reflect on Congress as a whole.

The resolution now before the House would provide a useful weapon, in my opinion, for treatment of future cases of the kind.

This resolution is designed to show that the House of Representatives is not indifferent to cases in which Members are convicted of statutory crimes. If the House were to ignore such cases pending the outcome of the appeal process, such inaction might be interpreted as indifference. The pending resolution, unanimously recommended by the committee, is designed to eliminate the basis for any such impression.

But, let me emphasize, this resolution

would become null and void when and if a Member were exonerated in the appeal process in the courts. In such instances, the Member in question automatically would regain full privileges in the House. The same restoration of such rights would occur in the case of a Member who is reelected after being convicted of such a crime. As stated in the committee's report, well established precedents hold that the House will not act in any way against a Member for any actions of which his electorate had full knowledge at the time of his election. Our committee holds these precedents inviolate.

I urge approval of the pending resolution for the sake of the integrity of the House of Representatives.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

I should like to ask the gentleman from Illinois what really prompted this legislation?

Mr. PRICE of Illinois. There is no particular incident that prompts this. It is a resolution that the committee reported out in the last session last year. However, a rule was not granted and it was not considered in the House.

I believe this is an orderly manner in which to handle a situation that could occur. We have had instances in the past and the House was not equipped at the time to meet those situations. This provides an orderly procedure for dealing with such situations.

Mr. GROSS. It would apply to that period or interim between conviction and the exhausting of appeal?

Mr. PRICE of Illinois. The gentleman is correct.

Mr. GROSS. During appeals to the courts?

Mr. PRICE of Illinois. Yes. Upon conviction, a man is presumed to be guilty. During that period he shall step aside and not vote in the House or participate in committee action. On appeal, if a guilty verdict is reversed, the presumption of innocence would return and the Member could resume his duties.

Mr. GROSS. There is no reason, however, to assume that the number of Members who might find themselves prosecuted on criminal charges is going to increase?

Mr. PRICE of Illinois. I hope not.

Mr. GROSS. I thank the gentleman.

Mr. ROUSH. Mr. Speaker, I move to strike the last word.

Mr. Speaker, a few years ago I was involved in a recount for a seat in this body. For a period of some 5½ months the seat was vacant. During that time there was a storm of protest from people back home that there was no representation for that district.

Although I commend the committee for its action here, I am wondering if perhaps in their attempts to chastise the guilty Member they are not really punishing a constituency of people and that those people by this action would be effectively deprived of representation in the House of Representatives. Would it not be better for the House to bite the bullet and expel the guilty Member, rather than to take this kind of approach?

Mr. PRICE of Illinois. The gentleman from Indiana raises a question that has been of great concern to the committee during the last several years. We gave much thought to it during consideration of this resolution.

With this approach, we would not be depriving his constituency of any other service, except the Member's vote. He could continue to perform other services as a Member.

The expulsion resolution is something that is very, very drastic. His conviction might later be reversed by the court and there would be no tool, except another election in his home district, to restore him to office.

We considered the matter of expulsion, but that is a last resort—a step which the House might not want to take until a person's right of appeal has been exhausted.

Mr. ROUSH. I appreciate the dilemma that the committee found itself in; however, I still have a question in my own mind, and that is the fact that the constituency of the Member would in effect be without representation.

We have had several votes in these last couple months that have been carried or lost by just one vote in this House. Such a situation could create, I believe, a serious problem. It could affect, indeed, the history of this country if one man was deprived of his vote.

Mr. PRICE of Illinois. As I say, I appreciate the concern of the gentleman from Indiana, but I am certain that unless the House adopts a pattern such as this to deal with a situation which we hope would not occur, the route would be that of a privileged resolution on expulsion.

I believe this is a more desirable manner in which to resolve a very unhappy situation.

Mr. ROUSH. Mr. Speaker, as I said, I support the resolution of the committee. I just think it does not go far enough in dealing with matters which affect the integrity of the House of Representatives.

Mr. DRINAN. Mr. Speaker, the resolution before us proposes to inhibit participation in committee and on the floor of the House of Representatives by any Member of Congress after he has been convicted of a crime. The problems of a civil libertarian and constitutional nature which this resolution raises are sufficiently grave to cause me to cast my vote against this Resolution.

Article I, section 5, paragraph 2 of the Constitution provides that:

> Each House may punish its Members for disorderly Behavior, and, with the Concurrence of two-thirds, expel a Member.

The power to punish a Member has generally been exercised for behavior which takes place on the floor of the House or for conduct connected with the legislative function. I believe the sanction of no participation in votes in committee or on the floor in this bill to be far more severe than any authorized by the Constitution.

This bill would in effect authorize the suspension of an elected Member of the House of Representatives who has been convicted of a crime. Any such drastic action as suspension should derive only from his action as a Member and not for ordinary criminal offenses. The Supreme Court of the United States in the Powell case (*Powell* v. *McCormack,* 395 U.S. 486) decided that exclusion could be based only on considerations of age, citizenship, and inhabitancy as those matters are stated in the Constitution. And, the power of expulsion has been determined by the Judiciary Committee of the House to be unusable for an offense alleged to have been committed even against a preceding Congress.

My basic difficulty with this resolution is that the presumption of innocence is removed immediately after conviction. I think the better rule would be that the presumption of innocence is removed only after a congressional criminal defendant has exhausted all avenues of appeal, at least for the purposes of participation in the House of Representatives. It may indeed be perfectly proper for a Member of Congress to voluntarily agree not to vote during the pendence of his appeal. This was, I believe, the case with Congressman Dowdy who, in the last Congress, was convicted of bribery, perjury and conspiracy, and who refrained from voting either in committee or on the floor. Similarly, Congressman Zihlman of Maryland refrained voluntarily after his indictment in the 71st Congress, and Congressman Langley, of Kentucky, after his conviction in the 68th Congress, from voting in the House.

However proper and praiseworthy may be the actions of Congressmen Zihlman, Langley and Dowdy, I do not believe it is within the constitutional power of the House to enforce such a resolution as is before us today. Indeed, if a Member voted after conviction and during the pendency of his appeals, I do not believe that he or she could be censured, suspended or expelled for so voting.

There appears to be no constitutional or decisional law supporting expulsion from Congress on the basis of conviction for an ordinary crime. The resolution before us amounts to the suspension of a Member for which there appears to be no precedent.

Generally, expulsion has been restricted to matters which occur in the House, and during a Congress. Early in this century, two Senators from South Carolina were suspended for a few days for fistfighting on the floor of the Senate. Similarly, there may be some cause for censure, suspension or expulsion for a Member who has violated a law which reflects directly on his oath, such as treason. The Senate expelled, for example, Senator William Blount, of Tennessee, in 1797, for treason.

I am reluctant to vote in favor of this resolution, because I believe that the more than 400,000 members of each congressional district have a right to be represented by their elected Representative unless there is a constitutional impediment to do so. I find no such constitutional authority. Accordingly, I cast my vote against this resolution.

Mr. PRICE of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER.** The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RONCALIO of Wyoming. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 388, nays 18, not voting 27, as follows:

[Roll No. 582]

YEAS—388

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
King
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion

NAYS—18

Breckinridge
Burton
Crane
Dingell
Drinan
Eckhardt
Edwards, Calif.
Ford, William D.
Harrington
Landgrebe
McCloskey
Macdonald
Moss
O'Neill
Stark
Tiernan
Yates
Young, Ga.

NOT VOTING—27

Anderson, Ill.
Ashley
Aspin
Bingham
Blackburn
Blatnik
Brasco
Burke, Calif.
Culver
Davis, Wis.
Dellums
Esch
Gray
Gubser
Keating
Kluczynski
McClory
Madden
Mills, Ark.
Nichols
O'Brien
Podell
Rooney, N.Y.
Rostenkowski
St Germain
Stuckey
Zwach

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Ashley.
Mr. Brasco with Mr. Aspin.
Mr. Gray with Mrs. Burke of California.
Mr. Blatnik with Mr. Anderson of Illinois.
Mr. Bingham with Mr. Dellums.
Mr. Kluczynski with Mr. Blackburn.
Mr. Madden with Mr. Davis of Wisconsin.
Mr. St Germain with Mr. Esch.
Mr. Rostenkowski with Mr. Zwach.
Mr. Stuckey with Mr. Gubser.
Mr. Mills of Arkansas with Mr. Keating.
Mr. Culver with Mr. McClory.
Mr. Nichols with Mr. O'Brien.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. BINGHAM. Mr. Speaker, on rollcall No. 582, I am listed in the CONGRESSIONAL RECORD, as not voting. I was on the floor at the time of the voting and intended to vote aye. Apparently the electronic device did not properly record my vote. I ask unanimous consent that this statement be inserted in the permanent RECORD following the record of the vote.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE A PRIVILEGED REPORT

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

INCREASING MONTHLY RATES OF DISABILITY, DEATH PENSIONS, DEPENDENCY AND INDEMNITY COMPENSATION

Mr. DORN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9474) to amend title 38 of the United States Code to increase the monthly rates of disability and death pensions, and dependency and indemnity compensation, and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That (a) subsection (b) of section 521 of title 38, United States Code, is amended to read as follows:

"(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $143. For each $1 of annual income in excess of $300 up to and including $800, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $800 up to and including $1,200, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,200 up to and including $1,600, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,600 up to and including $2,000, the monthly rate shall be reduced 6 cents; for each $1 of annual income in excess of $2,000 up to and including $2,400, the monthly rate shall be reduced 7 cents; and for each $1 of annual income in excess of $2,400 up to and including $2,800, the monthly rate shall be reduced 8 cents. For annual income of $2,800 through $3,000, the rate shall be $8. No pension shall be paid if annual income exceeds $3,000.".

(b) Subsection (c) of such section 521 is amended to read as follows:

"(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is $500 or less, the monthly rate of pension shall be $154 for a veteran and one dependent, $159 for a veteran and two dependents, and $164 for three or more dependents. For each $1 of annual income in excess of $500 up to and including $800, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $800 up to and including $2,200, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $2,200 up to and including $3,200, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $3,200 up to and including $3,800, the monthly rate shall be reduced 5 cents; and for each $1 of annual income in excess of $3,800 up to and including $4,200, the monthly rate shall be reduced 6 cents. No pension shall be paid if annual income exceeds $4,200.".

(c) Subsection (b) of section 541 of title 38, United States Code, is amended to read as follows:

"(b) If there is no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $96. For each $1 of annual income in excess of $300 up to and including $500, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $500 up to and including $1,500, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,500 up to and including $2,500, the monthly rate shall be reduced 4 cents; and for each $1 of annual income in excess of $2,500 up to and including $2,900, the monthly rate shall be reduced 5 cents. For annual income of $2,900 through $3,000, the rate shall be $4. No pension shall be paid if annual income exceeds $3,000.".

(d) Subsection (c) of such section 541 is amended to read as follows:

"(c) If there is a widow and one child, pension shall be paid according to the following formula: If annual income is $700 or less, the monthly rate of pension shall be $114. For each $1 of annual income in excess of $700 up to and including $1,100, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,100 up to and including $2,500, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $2,500 up to and including $3,400, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $3,400 up to and including $4,200, the monthly rate shall be reduced 4 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child's rate. No pension shall be paid if the annual income exceeds $4,200.".

Sec. 2. Section 541(d) of title 38, United States Code, is amended by striking "17" and substituting in lieu thereof "18".

Sec. 3. (a) Section 542(a) of title 38, United States Code, is amended by striking the figures "42" and "17" respectively, and substituting in lieu thereof the figures "44" and "18", respectively.

(b) Section 542(c) of such title is amended by striking out "$2,000" and inserting in lieu thereof "2,400".

Sec. 4. Section 4 of Public Law 90–275 (82 Stat. 68) is amended to read as follows:

"Sec. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 hereafter shall be $2,600 and $3,900, instead of $2,200 and $3,500, respectively.".

Sec. 5. (a) Subsection (b) of section 415 of title 38, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is $800 or less, the monthly rate of dependency and indemnity compensation shall be $110. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,100 up to and including $1,500, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,500 up to and including $1,700, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,700 up to and including 2,000, the monthly monthly rates shall be reduced 6 cents; for each $1 of annual income in excess of $2,000 up to and including $2,300, the monthly rate shall be reduced 7 cents; and for each $1 annual income in excess of $2,300 up to and including $2,700, the monthly rate shall be reduced 8 cents. For annual income of $2,700 through $3,000, the rate shall be $4. No dependency and indemnity compensation shall be paid if annual income exceeds $3,000.

"(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula.".

(b) Subsection (c) of such section 415 is amended to read as follows:

"(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is $800 or less, the monthly rate of dependency and indemnity payable to each shall be $77. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $1,100 up to and including $1,400, the monthly rate shall be reduced 3 cents for each $1 of annual income in excess of $1,400 up to and including $2,300, the monthly rate shall be reduced 4 cents; and for each $1 of annual income in excess of $2,300 up to and including $2,700, the monthly rate shall be reduced 5 cents. For annual income of $2,700 through $3,000, the rate shall be $6. No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds $3,000.".

(c) Subsection (d) of such section 415 is amended to read as follows:

"(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is $1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be $74. For each $1 of annual income in excess of $1,000 up to and including $1,200, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,200 up to and including $2,900, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $2,900 up to and including $4,000, the monthly rate shall be reduced 3 cents. For annual income of $4,000 through $4,200 the rate shall be $5. No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds $4,200.".

Sec. 6. Section 3203(a)(1) of title 38, United States Code, is amended by striking out "30" and inserting in lieu thereof "50".

Sec. 7. (a) Subsection (b) of section 3010 of title 38, United States Code, is amended by inserting "(1)" immediately after "(b)", and by adding at the end of said subsection the following new paragraph:

"(2) The effective date of an award of disability pension to a veteran shall be the date of application or the date on which the veteran became permanently and totally disabled, if an appliaction therefor is received within one year from such date, whichever is to the advantage of the veteran.".

(b) Subsection (a) of this section shall apply to applications filed after its effective date, but in no event shall an award made thereunder be effective prior to such effective date.

Sec. 8. (a) Any veteran who was dishonorably discharged from the United States Army as the result of an incident that occurred in Brownsville, Texas, on August 13, 1906, and who was not subsequently ruled eligible for reenlistment in the Army by a special Army tribunal decision dated April 6, 1910, shall, upon application made to the Administrator of Veterans' Affairs together with such evidence as the Administrator may require, be paid the sum of $25,000.

(b) Any unremarried widow of any veteran described in subsection (a) of this section shall, upon application made to the Administrator of Veterans' Affairs together with such evidence as the Administrator may require, be paid the sum of $10,000 if such veteran died prior to the date of enactment of this Act or if such veteran failed to make application for payment under subsection (a) after such date of enactment and prior to his death.

(c) Payment authorized to be made under this section in the case of any veteran or widow shall be made by the Secretary of the Army, out of funds available for the payment of retired pay to Army personnel, upon certification by the Administrator of Veterans' Affairs of the entitlement of such veteran or widow to receive such payment. In no case may any payment be made to any veteran or widow under this section unless application for such payment is made within five years after the date of enactment of this Act.

Sec. 9. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

Amend the title so as to read: "An Act to amend title 38, United States Code, to increase the monthly rates of disability and death pensions and dependency and indemnity compensation and to increase income limitations relating thereto and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina (Mr. Dorn)?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, and I do not plan to object, I would yield to the distinguished gentleman from South Carolina for the purpose of hearing the distinguished chairman explain the Senate amendments.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from South Carolina.

Mr. DORN. Mr. Speaker, the bill, H.R. 9474, passed the House on July 30, 1973, and was returned by the Senate under date of August 2 with an amendment substituting the text of the Senate pension bill, S. 275.

At this point, Mr. Speaker, I am delighted to yield to our chairman of the Subcommittee on Compensation and Pension, the distinguished former chairman of the Committee on Veterans' Affairs, the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Speaker, the original House version of this bill extended a minimum cost-of-living increase of 10 percent in pensions payable to veterans, widows and children, and dependency and indemnity compensation to dependent parents. In some instances, an increase higher than 10 percent was authorized. The income limits of $2,600 a year for the single person or $3,800 for the person with dependents were not changed. Further, consistent with a request from the administration, we placed a ceiling of $3,600 on the annual earned income of spouses for exclusion in determining the income of the pensioner. In connection with retaining the present income limits, we were assured by the Veterans' Administration that the bill would restore practically all of the reductions in pensions which occurred as a result of the social security increase last year.

With regard to the rate increases, the Senate version of the bill as returned to the House applied a 10-percent factor in such manner as to assure that no rate was increased in any greater degree. The House amendment to the Senate amendment represents a reasonable liberalization of the Senate approach but slightly more conservative than the original House rate structure. The Senate version also increased the income limitations for both single persons and persons with dependents by $400 in each case. The present House amendment reverts to the original approach with respect to holding the line on income limitations as contained in the original bill. It is our position that the present income limits are already so high as to reflect unfavorably when compared to the service-connected compensation program. Further increase would distort in an unacceptable fashion the relationship between non-service-connected pension and service-connected compensation.

Since the committee plans further review of the non-service-connected pension program next year and expects to receive some additional recommendations from the administration in this connection, it appears that it would be better to defer action on further income limit increases so that this subject could be viewed in light of the total package recommended by the administration.

As we are in the final stages of passing this bill increasing non-service-connected pension rates, the Congress also has under consideration an increase in social security which would affect veterans' and widows' incomes next year. The Veterans' Administration has already sent out its income questionnaire cards. Obviously, when veterans and widows return these cards, and some are already being returned, they will have no way of knowing what their increased income from social security next year will be. In view of this, it would appear appropriate that the Veterans' Administration observe the end of the year rule with respect to this increase.

With regard to consideration of a spouse's earned income, as the Members are aware, under existing law all of such income is excluded from considering the income of the pensioner. While we felt that this aspect of the House bill was a reasonable and realistic modification, the present amendment takes cognizance of certain pension reform principles advocated by the Administration and believes that further legislative study should be made of the extent to which a spouse's earned income should be a factor in determining pension entitlement. Accordingly, rather than approaching the subject on a piecemeal, arbitrary basis, we have concluded that for the time being the existing law in this connection should be retained. This policy decision coincides with the approach on this aspect taken in the Senate version of the bill.

The House amendment includes a new provision added by the Senate providing for the lump sum payment to any surviving veteran or the unremarried widows of any such veteran of the infamous Brownsville, Tex., incident of 1906. The subject matter of this provision was contained in a separate bill considered by our committee (H.R. 4382) on which testimony in support thereof was received by the sponsor, Mr. HAWKINS, of California, and also from Senator HUMPHREY, of Minnesota. The purpose of that bill was to confer a pensionable status on veterans and the survivors of veterans involved in the Brownsville incident. Since the objective of the Senate amendment is substantially the same as contained in the separate bill before our committee and is now in a form approved and recommended by the Department of the Army and the administration, the Committee on Veterans' Affairs believes it is entirely appropriate to include such a provision in the House amendment.

We are cooperating with the Senate committee in working out the differences between the House and Senate versions. The Senate committee has been most cooperative in discussing the differences and assisting in finding mutually suitable compromises. I am quite hopeful that the Senate will be able to agree to this amendment expeditiously and send the bill to the White House.

Mr. Speaker, I now yield to our chairman, the gentleman from South Carolina, who wishes to revise and extend his remarks concerning the Brownsville provision of the bill.

Mr. DORN. Mr. Speaker, at the hearing held by our Subcommittee on Compensation and Pension on H.R. 4382 and the Brownsville incident, it was clearly demonstrated that the action taken by the Army against 167 unidentified black soldiers in a mass punishment following a 10-minute shooting in Brownsville, Tex., on August 13, 1906, was not only completely unjustified but unconscionable in the extreme. Although a few of the soldiers were exoneraetd by a special Army tribunal in 1910, the majority of the soldiers concerned have had to live during all of the succeeding years and under the dark cloud of a "discharge without honor." It was not until 1972 that at long last the Secretary of the Army cleared the records of all the soldiers concerned and issued them honorable discharges. The relief proposed by the Senate amendment in the nature of a lump sum pension is a long overdue recognition of the Government's obligation arising out of the injustices and injuries suffered by these men as a result of their wrongful and illegal removal from the Army of the United States.

Mr. Speaker, I include in the RECORD at this point copies of agency reports to our committee on the original Brownsville bill together with an exchange of correspondence on the subject between the chairman of the House Committee on Armed Services and myself.

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR
OF VETERANS' AFFAIRS,
Washington, D.C., May 22, 1973.

Hon. WM. JENNINGS BRYAN DORN,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to respond to your request for a report on H.R. 4382, 93d Congress.

This bill would confer a special nonservice-connected pensionable status on certain veterans (or their widows, children, and grandchildren) involved in the Brownsville, Tex., incident of August 13, 1906, and would require the Administrator of Veterans' Affairs to make certain compensatory payments to such veterans or their heirs.

On November 9, 1906, as the result of an incident which occurred on Aug. 13, 1906, in Brownsville, Tex., 167 members of the U.S. Army were discharged without honor. By reason of an amendment dated September 22, 1972, to the 1906 special order of the War Department, persons involved in the incident were declared to be honorably discharged from the U.S. Army.

The first section of the proposal provides that for the purposes of Veterans' Administration pension benefits, the designated persons are deemed to be veterans of the Mexican border period, to have met the service requirements under the pension laws, and to have had no annual income. The no-income presumption is equally applicable to a widow or any child of such veteran. This section would authorize continuing monthly payments of pension for persons eligible thereunder, from date of application therefor filed after enactment.

Section 2 of the proposal would additionally authorize a lump-sum payment of $20,000 in each case, or a sum with 6 percent interest equal to the amount of pension which would have been payable to the veteran under the pension laws during the period beginning on the date such veteran attained age 65 and ending on the date of enactment of this bill, whichever sum is higher. This section would give similar pension entitlement to the widows, children, and grandchildren of deceased veterans in the designated group. A veteran would not be entitled to the special pension benefit if he was ruled eligible for reenlistment by the special Army tribunal decision of April 6, 1910.

Section 3 of the proposal directs the Administrator to pay out of the current appropriations for the payment of pension a total amount of $40,000 to living veterans of the specified type or their heirs. This sum is described as being "in full settlement of the claims of the person concerned against the United States for the mental pain and suffering and social hardship associated with loss of reputation, and the economic hardship (including loss of military benefits and privileges), resulting from the unwarranted discharge without honor" given to the particular veterans.

The veterans with whom this bill is concerned were discharged in 1906, during peacetime. It is noted that veterans who received an honorable discharge in 1906 were not entitled to any pension benefit unless they had service in the Spanish-American War and then, not until 1920 at the earliest. Pension benefits are generally limited to persons with wartime service. The effect of enactment of this bill would be to make 1906 peacetime service wartime service so as to qualify the persons concerned for pension benefits available to veterans of the Mexican border period (1916–17) and their widows and children. No reason is apparent as to why such preferential treatment should be afforded these persons. To do so would be discriminatory and could be urged as a precedent as regards other peacetime veterans.

Section 3010(i) of title 38, United States Code, provides that whenever a disallowed claim for benefits is allowed because of correction of military records, such benefits may be awarded from the date on which an application was filed for the correction of military records, or the date of disallowance of the claim, whichever date is later; but in no event may the award of benefits be retroactive for more than 1 year from the date of reopening of the disallowed claim. Inasmuch as H.R. 4382 could result in these veterans receiving benefits retroactively for more than 1 year, it is clearly discriminatory respecting other veterans who have had or will have entitlement to benefits established by virtue of having their military records corrected.

Grandchildren of veterans have never been eligible for pension benefits and the provision which would include them as possible beneficiaries for the special pension benefit is also discriminatory and precedential. Another discriminatory and precedential feature is the presumption of no income for pension purposes. The pension program is intended to provide a measure of assistance to wartime veterans and their surviving dependents who are in need. Need has been largely measured by income. The no-income provision would constitute a radical departure from this long established policy and would be manifestly unfair to millions of otherwise eligible veterans and widows whose income places them beyond the statutory need levels.

In lieu of regular pension, a lump-sun payment of $20,000 is authorized by the proposal, where greater. This again, is clearly discriminatory as the public law providing pension makes no similar provision for corrected discharge cases. Incidentally, this lump-sum, rather than regular pension, would undoubtedly be paid in most cases, as pension for Mexican border service veterans was first provided as of January 1, 1971.

As noted, section 3 proposes a $40,000 lump-sum payment, based on appropriate certification by the Secretary of the Army, to living veterans or their heirs for mental pain and suffering and social hardship, et cetera. The proposed payments are in no way related to the stated purposes of pension or other benefit programs administered by the Veterans' Administration. We see no need for Veterans' Administration involvement in the administration of, or payments proposed by, section 3. Accordingly, we defer to the Department of Defense on the merits of this section.

We have insufficient data upon which to base a worthwhile estimate of the cost of the measure, if enacted.

In the light of all of the foregoing, the Veterans' Administration opposes enactment of the first two sections of H.R. 4382, as well as section 3, insofar as Veterans' Administration participation is concerned.

Advice has been received from the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

Donald E. Johnson,
Administrator.

Department of the Army,
Washington, D.C., June 13, 1973.
Hon. Wm. Jennings Bryan Dorn,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense on H.R. 4382, 93d Congress, a bill to confer pensionable status on veterans involved in the Brownsville, Tex., incident of August 13, 1906, and to require the Administrator of Veterans' Affairs to make certain compensatory payments to such veterans and their heirs. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

The title of the bill states its purpose.

The Department of the Army on behalf of the Department of Defense has considered the above mentioned bill. Inasmuch as sections 1 and 2 of the bill would be administered by the Veterans' Administration, the Department of Defense respectfully defers to that Agency as to the merits of those sections.

With respect to section 3 of the bill, it would require the Secretary of the Army to certify to the Administrator of Veterans' Affairs the name of each living individual who was discharged without honor on November 9, 1906, in connection with the incident which occurred in Brownsville, Tex., on August 13, 1906, and who by reason of the amendment dated September 22, 1972, to paragraph 1 of Special Orders 266, War Department, dated November 9, 1906, was declared to have been honorably discharged from the U.S. Army. Further, in the case of deceased individuals, the Secretary of the Army would be required to certify their heirs to the Administrator of Veterans' Affairs. The Department of the Army on behalf of the Department of Defense is opposed to this section.

As the incident occurred over 66 years ago, few of the individuals involved can reasonably be expected to have survived; the Army is aware of only two. Unless the survivors initiate an inquiry, the Secretary of the Army has no way of locating those that may be still living. The situation is compounded in the cases of spouses or heirs of deceased members both as to their existence and as to the establishment of proof of their relationship. The burden of proof to establish that a claimant is in fact a spouse or heir of a deceased member should be placed on that individual.

In view of the foregoing the Department of the Army on behalf of the Department of Defense is opposed to section 3 of H.R. 4382.

The Department of the Army believes that some compensation to surviving members of the Brownsville incident or their widows is a fair objective through legislation. A lump-sum payment should be considered through legislative enactment to those men involved who are still living and who were not ruled eligible for reenlistment by the special Army tribunal decision of April 6, 1910, or to their unremarried widows. Such legislation should provide for payment from appropriations currently available to the Department of Defense for military retired pay.

The fiscal effects of this legislation are not known to the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

Howard H. Callaway,
Secretary of the Army.

July 30, 1973.

Hon. F. Edward Hébert,
Chairman, Armed Services Committee,
Washington, D.C.

Dear Mr. Chairman: The Committee on Veterans Affairs has held hearings on H.R. 4382, a bill relating to benefits for individuals involved in the so-called "Brownsville Incident". In the course of the hearings a favorable report was received from the Department of Defense indicating that settlement of this issue should be made from military retirement funds. Since the Committee on Veterans Affairs has no jurisdiction over these funds, the Committee voted to have the bill re-referred to the Committee on Armed Services.

We of course realize that your Committee would not consider H.R. 4382 in its present form, so in effect we are tranferring the subject matter to your Committee because of the recommendation of the Department of Defense. We are in the process of printing our hearings and these will be made available to your Committee at the earliest possible time.

Congressman Teague is Chairman of the Compensation and Pension Subcommittee that held hearings on the subject, and both he and I will be glad to be of assistance in any way possible.

With best wishes, I am,

Sincerely,

Wm. Jennings Bryan Dorn,
Chairman.

August 9, 1973.

Hon. F. Edward Hébert,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Further reference is made to my letter of July 30, 1973 concerning the re-referral to your Committee of H.R. 4382, a bill relating to benefits for individuals involved in the so-called "Brownsville Incident" and their survivors. As you have no doubt noted, the bill was formerly re-referred to your Committee on July 31, 1973.

To give you the background and purpose of this legislation, I am enclosing a copy of the Transcript of Hearings held on this bill by our Subcommittee on Compensation and Pension June 14, 1973, together with a copy of Senator Humphrey's statement on the bill and a press release issued by Congressman Augustus F. Hawkins, sponsor of the legislation.

Subsequently, the Senate reported a veterans' pension bill, S. 275, Section 8 of which deals with this same subject matter. After S. 275 was passed by the Senate August 2, the House pension bill, H.R. 9474, was taken up, amended by substituting the text of the Senate bill and passed. We hope to take appropriate action on the pension bill shortly after returning from the summer recess. Prior thereto, we will coordinate with you with respect to what position the House should take on the Brownsville provision of the bill.

Sincerely,

Wm. Jennings Bryan Dorn,
Chairman.

September 20, 1973.

Hon. F. Edward Hébert,
Chairman, Committee on Armed Services,
House of Representatives,
Washington, D.C.

Dear Mr. Chairman: I call your attention to recent correspondence between you and Chairman Dorn concerning legislation proposing certain benefits for individuals involved in the so-called "Brownsville Incident" and their survivors.

As you are aware, H.R. 4382, a bill proposing certain relief in this area, was re-referred to your Committee on July 31, 1973 for reasons outlined in Mr. Dorn's letter of

July 30th. Your letter of August 3, 1973 expressed a concurrence in this action.

Subsequently, as the Chairman advised you on August 9, 1973, the Senate, on August 2, passed a veterans' pension bill, S. 275, Section 8 of which deals with the same subject matter as the Brownsville bill, H.R. 4382. That section appears to authorize statutory relief in accordance with the recommendation of the Department of Defense and the Office of Management and Budget. We have just received copies of letters of the Chairman of the Senate Committee on Veterans Affairs from the Department of the Army and the Office of Management and Budget (copies enclosed) expressing approval of the legislative approach embodied in Section 8 of S. 275 as that bill is now pending before the House.

You will recall that in your letter to Chairman Dorn of August 16th, you expressed your assurances with respect to advising our Committee as to action that might be taken by your Committee on this legislation. As you will note from the enclosed clipping from the Washington Post of September 19th, one of the two known survivors of the Brownsville Incident of 1906 recently died. Accordingly, if any of the few surviving beneficiaries of remedial legislation are able to secure some relief, I am sure you will agree that immediate legislative action is imperative.

It is my belief that further House action on S. 275, as passed by the Senate, will be taken in the near future. In that connection, I perceive at this time no objection to Section 8 of the bill dealing with the Brownsville Incident. On the other hand, consistent with our position from the outset that the subject matter is primarily of concern to your Committee, Chairman Dorn agrees that we should defer to your wishes as to the appropriate further legislative procedure.

In view of the foregoing, I will appreciate your advising our Committee (1) whether, in connection with House consideration of the pension bill, S. 275, in the near future, you will waive any jurisdictional objection with regard to the Brownsville provision of the bill (Sec. 8) or (2) whether your Committee is prepared to expedite action on a separate proposal having the same objective. I am sure it is apparent to all of us that time is truly of the essence if we are going to provide effective legislative relief for the surviving tragic cases involved in the Brownsville Incident.

Sincerely,

OLIN E. TEAGUE,
Chairman, Subcommittee on Compensation and Pension.

SEPTEMBER 26, 1973.

Hon. OLIN E. TEAGUE,
Chairman, Subcommittee on Compensation and Pension, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have reference to your letter dated September 20, 1973, concerning pending legislation proposing certain benefits for certain individuals involved in the so-called "Brownsville Incident" and their survivors.

Your letter advises that on August 2, 1973, the Senate passed a Veterans Pension Bill, S. 275, of which Section 8 deals with the same subject matter as the Brownsville bill, H. R. 4382. Section 8 of the Senate bill, in accordance with your letter, appears to authorize statutory relief in accordance with the recommendation of the Department of Defense and the Office of Management and Budget.

In view of this circumstance, you have suggested that my Committee may wish to waive any jurisdictional objection with regard to the Brownsville provision of the bill, Section 8 of S. 275, so as to enable the Veterans Affairs Committee to act expeditiously on both the Brownsville provision of the bill and the balance of the Veterans Pension Bill, S. 275.

I appreciate your desire to expedite resolution of the so-called "Brownsville Incident", and in view of the unusual circumstances present in this case, I am sure that the Committee on Armed Services, including the Ranking Minority Member of the Committee, Mr. Bray, would have no objection to the Veterans Affairs Committee acting on this matter.

Sincerely,

F. EDW. HÉBERT, *Chairman.*

Mr. Speaker, it is estimated that the additional cost of the House amendment for the first full fiscal year would be $238.9 million and the increase in pension rates would be effective January 1, 1974. I strongly urge approval of the amendment and express the hope that the other body will follow suit on the measure so that our veterans and their dependents will be able to receive pension relief before the next session of this Congress.

Mr. HAMMERSCHMIDT. Mr. Speaker, I will support the motion of the distinguished gentlemen from South Carolina, the chairman of the Committee on Veterans' Affairs, to concur in the Senate amendment to H.R. 9474 with a further amendment. Members will recall the House passed this pension bill on July 30. The bill as it passed the House of Representatives had a first full year cost of $246 million. It provided for a minimum 10-percent increase in the monthly rates of pension. In some instances, the percentage increase was considerably greater than 10 percent. It also provided that a spouse's earned income in excess of $3,600 annually would be counted as the veteran's income for pension purposes. This bill, Mr. Speaker, was designed to neutralize or offset to a great extent the adverse effect of last year's social security increase upon veteran's pensions.

The Senate amendments to this bill, Mr. Speaker, authorized a maximum 10-percent increase in all pension rates. Additionally, the Senate amendments increased maximum income limitations of existing law by $400. The House bill had been silent on this provision. In addition, the Senate amendment authorized the payment of a lump sum pension to any surviving veteran or to the unremarried widow of any such veteran of the infamous Brownsville, Tex., incident of 1906. This incident, widely publicized, resulted in the Army giving dishonorable discharges to 167 unidentified black soldiers in a mass punishment following a 10 minute shooting. The guilt of the 167 soldiers was not established and the punishment was completely unjustified. In 1972, the Secretary of the Army cleared the records of all the soldiers concerned and issued them honorable discharges. The Senate amendment would authorize a $25,000 lump sum payment to surviving veterans and $10,000 for the unremarried widows.

The amendment offered by the chairman will authorize increases that are more generous than the original Senate scale and slightly more modest than the original House version. It will retain, however, the laudable objective of offsetting to a great extent the adverse effect of last year's social security increase.

It will preserve the income limitations of existing law, but will remove the limitation on spouse's earned income that were contained in the original House passed bill.

Finally, Mr. Speaker, the amendment will accept the Senate language authorizing a lump sum payment to survivors of the Brownsville incident and their unremarried widows.

I support the gentleman's amendment, Mr. Speaker, because it represents a reasonable compromise with the Senate version of the bill. I urge that it be passed.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BRINKLEY. Mr. Speaker, as a member of the Veterans' Affairs Committee, I was pleased to join with Chairman DORN as a cosponsor of H.R. 9474 which we passed today overwhelmingly.

By increasing monthly non-service-connected disability and death pension rates for veterans, their widows and children and the dependency and indemnity payments to dependent parents by a minimum of 10 percent, this legislation will help eliminate the see-saw effect which plagues so many. In my opinion this bill will, in the great majority of cases, help to offset some of the veterans benefits which were lost because of the last 20 percent social security increase.

Mr. Speaker, because of the drastic spiraling increases in our cost of living, I strongly urge our colleagues in the other body to consider H.R. 9474 at an early date so that the benefits provided by this legislation can reach the intended recipients, many of whom are in great need, as soon as possible.

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of H.R. 9474 and urge its unanimous approval by my colleagues. As we all know, this measure will provide for a 10-percent across the board increase in the pension benefits being received by our non-service-connected veterans and the widows and children of non-service-connected veterans. This increase will help to minimize the impact of the social security increase which became effective this past January.

I realize that this is a stopgap measure as far as our non-service-connected veterans are concerned, but hopefully it will help to alleviate their financial problems during these times of rising prices. It is unfortunate but true that each time we raise social security benefits, the non-service-connected veteran suffers a loss in his pension which means his monthly income remains virtually static. By passing this measure, we will make it possible for the non-service-connected veteran to realize a modest increase in his or her monthly income.

Mr. Speaker, I urge passage of H.R. 9474 as amended by the Senate and further amended by the House.

MOTION OFFERED BY MR. DORN

Mr. DORN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DORN moves that the House concur in the Senate amendment to the text with an amendment as follows: Strike out all after the enacting clause and insert:

That (a) subsection (b) of section 521 of title 38, United States Code, is amended to read as follows:

"(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $143. For each $1 of annual income in excess of $300 up to and including $800, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $800 up to and including $1,300, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,300 up to and including $1,600, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,600 up to and including $2,200, the monthly rate shall be reduced 6 cents; for each $1 of annual income in excess of $2,200 up to and including $2,500, the monthly rate shall be reduced 7 cents; and for each $1 of annual income in excess of $2,500 up to and including $2,600, the monthly rate shall be reduced 8 cents.

"No pension shall be paid if annual income exceeds $2,600.".

(b) Subsection (c) of such section 521 is amended to read as follows:

"(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is $500 or less, the monthly rate of pension shall be $154 for a veteran and one dependent, $159 for a veteran and two dependents, and $164 for three or more dependents. For each $1 of annual income in excess of $500 up to and including $800, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $800 up to and including $2,600, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $2,600 up to and including $3,200, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $3,200 up to and including $3,700, the monthly rate shall be reduced 5 cents; and for each $1 of annual income in excess of $3,700 up to and including $3,800, the monthly rate shall be reduced 6 cents. No pension shall be paid if annual income exceeds $3,800.".

(c) Subsection (b) of section 541 of title 38, United States Code, is amended to read as follows:

"(b) If there is no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $96. For each $1 of annual income in excess of $300 up to and including $600, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $600 up to and including $1,400, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,400 up to and including $2,600, the monthly rate shall be reduced 4 cents.

No pension shall be paid if annual income exceeds $2,600.".

(d) Subsection (c) of such section 541 is amended to read as follows:

"(c) If there is a widow and one child, pension shall be paid according to the following formula: If annual income is $700 or less, the monthly rate of pension shall be $114. For each $1 of annual income in excess of $700 up to and including $1,100, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,100 up to and including $2,500, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $2,500 up to and including $3,400, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $3,400 up to and including $3,800, the monthly rate shall be reduced 4 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child's rate. No pension shall be paid if the annual income exceeds $3,800.".

SEC. 2. Section 541(d) of title 38, United States Code, is amended by striking "17" and substituting in lieu thereof "18".

SEC. 3. (a) Section 542(a) of title 38, United States Code, is amended by striking the figures "42" and "17" respectively, and substituting in lieu thereof the figures "44" and "18", respectively.

SEC. 4. (a) Subsection (b) of section 415 of title 38, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is $800 or less, the monthly rate of dependency and indemnity compensation shall be $110. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,100 up to and including $1,500, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,500 up to and including $1,700, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,700 up to and including $2,000, the monthly rate shall be reduced 6 cents; for each $1 of annual income in excess of $2,000 up to and including $2,300, the monthly rate shall be reduced 7 cents; and for each $1 annual income in excess of $2,300 up to and including $2,600, the monthly rate shall be reduced 8 cents.

No dependency and indemnity compensation shall be paid if annual income exceeds $2,600.

"(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula."

(b) Subsection (c) of such section 415 is amended to read as follows:

"(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is $800 or less, the monthly rate of dependency and indemnity payable to each shall be $77. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $1,100 up to and including $1,400, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,400 up to and including $2,300, the monthly rate shall be reduced 4 cents; and for each $1 of annual income in excess of $2,300 up to and including $2,600, the monthly rate shall be reduced 5 cents.

No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds $2,600.".

(c) Subsection (d) of such section 415 is amended to read as follows:

"(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is $1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be $74. For each $1 of annual income in excess of $1,000 up to and including $1,200, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,200 up to and including $2,900, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $2,900 up to and including $3,800, the monthly rate shall be reduced 3 cents.

No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds $3,800.".

SEC. 5. Section 3203(a)(1) of title 38, United States Code, is amended by striking out "30" and inserting in lieu thereof "50".

SEC. 6. (a) Subsection (b) of section 3010 of title 38, United States Code, is amended by inserting "(1)" immediately after "(b)", and by adding at the end of said subsection the following new paragraph:

"(2) The effective date of an award of disability pension to a veteran shall be the date of application or the date on which the veteran became permanently and totally disabled, if an application therefor is received within one year from such date, whichever is to the advantage of the veteran.".

(b) Subsection (a) of this section shall apply to applications filed after its effective date, but in no event shall an award made thereunder be effective prior to such effective date.

SEC. 7. (a) Any veteran who was dishonorably discharged from the United States Army as the result of an incident that occurred in Brownsville, Texas, on August 13, 1906, and who was not subsequently ruled eligible for reenlistment in the Army by a special Army tribunal decision dated April 6, 1910, shall, upon application made to the Administrator of Veterans' Affairs together with such evidence as the Administrator may require, be paid the sum of $25,000.

(b) Any unremarried widow of any veteran described in subsection (a) of this section shall, upon application made to the Administrator of Veterans' Affairs together with such evidence as the Administrator may require, be paid the sum of $10,000 if such veteran died prior to the date of enactment of this Act or if such veteran failed to make application for payment under subsection (a) after such date of enactment and prior to his death.

(c) Payment authorized to be made under this section in the case of any veteran or widow shall be made by the Secretary of the Army, out of funds available for the payment of retired pay to Army personnel, upon certification by the Administrator of Veterans' Affairs of the entitlement of such veteran or widow to receive such payment. In no case may any payment be made to any veteran or widow under this section unless application for such payment is made within five years after the date of enactment of this Act.

SEC. 8. This Act shall take effect on January 1, 1974.

Mr. DORN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The motion was agreed to.

MOTION OFFERED BY MR. DORN

Mr. DORN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DORN moves that the House concur in the Senate amendment to the title of the bill with an amendment as follows: Amend the title so as to read "a bill to amend title 38, United States Code, to increase the monthly rates of disability and death pensions and dependency and indemnity compensation and for other purposes."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. DORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks, and to include extraneous matter, on the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

SOCIAL SECURITY BENEFITS INCREASE

Mr. ULLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Oregon (Mr. ULLMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11333, with Mr. DINGELL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Oregon (Mr. ULLMAN) will be recognized for 1½ hours and the gentleman from Virginia (Mr. BROYHILL) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, the purpose of H.R. 11333 is to provide increased payments for social security beneficiaries and needy aged, blind, and disabled adults who will start receiving payments under the new Federal supplemental security income program—SSI—which will go into operation at the beginning of 1974.

As recently as last July legislation was approved to increase the benefits of these same individuals. Public Law 93-66 enacted in July of 1973 would provide a 5.9-percent cost-of-living increase applicable only to social security benefits payable for June 1974 through December 1974. This benefit increase was enacted as an advance payment of a portion of the first automatic benefit increase which would be in effect for January 1975.

Let me say that this bill relates to two separate programs. One is the social security program, and the other is the supplemental security income program which Members will recall was enacted in 1972 to replace the Federal-State grant-in-aid program for the aged, the blind, and the disabled. In Public Law 93-66 this year we also provided for some additional payments in SSI recipients. Under the original law the new SSI program would go into effect in January, but earlier this year we provided for an increase in SSI payments that would go into effect in July of 1974.

What we are doing in that respect in this bill is stepping up the time for these increases from July of 1974 to January of 1974. Remember, these are for the aged, the blind, and the disabled. This is the supplemental security income program. I will in a few minutes point out the problem in connection with that program as it relates to State supplemental payments which create some difficulty, and I will point out how I think we properly have solved it in this bill.

The second measure that this bill relates to is of course the cost-of-living increases in the social security system which were to have gone into effect on January 1 of 1975 but concerning which earlier this year we provided a special 5.9-percent-benefit increase effective in July of 1974. What we are doing in this legislation is moving that increase on up to the earliest possible date when it can be put into effect, and that is March of this year, payable in the April checks.

Since the enactment of Public Law 93-66 early in July the cost-of-living index, particularly those elements which have the greatest effect on individuals not in the labor force, such as the price of food, has risen more rapidly than at any time since the post-World War II period. This is why we are here before the House today.

Note this: In the 3 months time, July, August, and September, the index has risen at a seasonally adjusted annual rate of 10.3 percent and the food component of the index has risen at a seasonally adjusted annual rate during those 3 months of 28.8 percent. This is the most phenomenal increase in the cost of food that any of us has experienced in our time and this is the reason we are here to try to relate that cost of living to the benefits that are received by the aged under these programs.

It is evident, therefore, that Congress should act now both to provide assurances to beneficiaries that the social security and supplemental security income programs are responsive to changing needs by improving benefits as quickly as possible and also to maintain confidence in the fiscal integrity of the social security system by improving the actuarial soundness of the program.

I believe it is extremely important that we keep the social security program actuarially sound and in this measure we have taken the necessary steps to bring the program back into actuarial soundness, so that we can go home to our constituents and explain to them that the social security fund is on a sound basis.

The committee's bill would provide for a flat 7 percent social security benefit increase for March, 1974, which will be reflected in the checks received early in April, which would be a partial advance payment of a permanent 11 percent benefit increase effective for June, 1974, reflected in the checks payable early in July.

Let me explain why the committee chose to make the first part of the increase in social security benefits effective for March. I just will explain that this is absolutely the earliest possible date that even a flat increase could be put into effect, according to the testimony presented to our committee by the Social Security Administration experts.

The Social Security Administration informed the committee that it did not have the ability to implement the new SSI program and at the same time recompute the benefits of all social security beneficiaries in the manner that social security benefit increases have been made in the past, which is on a so-called refined or precisely exact basis, and to reflect such a benefit increase in the checks received by social security beneficiaries prior to the checks issued in May, issued May 3, 1974.

Mr. Chairman, at this point I will insert into the RECORD a statement prepared by the Social Security Administration explaining why it would not be possible to include a social security benefit increase in social security checks prior to April 1974:

WHY IT ISN'T POSSIBLE TO PAY A SOCIAL SECURITY BENEFIT INCREASE IMMEDIATELY

Given the fact that the Social Security Administration employs tens of thousands of workers and is one of the world's largest users of computers, it would seem, on the surface that it would be a simple matter to include any benefit increase in the very next check following a decision by the Congress and the President to provide the increase.

As it turns out, it is a difficult and time-consuming task—one that requires a great deal of planning and preparatory work. While computers can calculate benefit increases very quickly, preparing them to make those calculations is a very complex undertaking. The complexity also limits the number of people who can be assigned to this work at any given time. Following are some of the reasons why the process takes so much time.

The computers can easily be used for the relatively simple chore of multiplying current benefits by the rate of the increase for less than half of the 29 million beneficiaries who receive checks each month.

For the remaining beneficiaries—some 17 million people—the computers must be programmed to apply a vast number of complex rules required to increase the amount of a person's check correctly. For example, a complex calculation is required for beneficiaries who retired before age 65, and for those who are widows.

Last year, the Social Security Act was amended to include many changes which greatly complicate benefit calculations and increase the number of variables that must be taken into account. Computer programs and payment systems are still being revised to work those legislative changes into the system. These changes have rendered useless computer programs and special systems used by the Social Security Administration to execute previous benefit increases.

Last year's Social Security Amendments also authorized a new Federal Supplemental Security Income program calling for the Social Security Administration to begin making cash assistance payments to some 6 million needy aged, blind, and disabled people in January 1974. This new program adds a significant workload for the Social Security Administration. The requirement to install the Supplemental Security Income program and to increase social security benefits at the same time complicates both processes—particularly because the two programs affect each other and must be carefully coordinated.

The combination of all of these factors makes the preparation required to correctly increase 29 million social security checks more difficult than ever before. The best estimate of the Social Security Administration is that the complete process, from beginning of planning to delivery of an increased benefit check, will require about 6 months.

Following is a summary of some of the steps that are required to complete preparations, calculate the increase, and deliver a higher check to social security beneficiaries:

Step 1. The planning for and preparation of new computer programs and changes in the check processing system require about 12 weeks.

Step 2. Testing and checking these programs and systems changes require another 2 weeks.

Step 3. A master benefit record must be kept on the 29 million people now receiving checks. Correct benefit payments cannot be made unless it is maintained and updated accurately. Thus, the new computer programs and systems changes must be tested to be certain that they do not produce errors in the master benefit record. This step is very important, otherwise future benefits could be in error, to the disadvantage of millions of social security beneficiares. This step takes another 2 weeks.

Step 4. The actual process of updating the master file and calculating the benefit increase then takes place. It is this step that produces a massive computer tape which will be used by the Treasury Department as a basis for writing the benefit checks themselves. This step takes about 5 weeks.

Step 5. Using the tape prepared by the Social Security Administration, the Treasury Department prepares the actual checks—over 29 million of them. This requires about 3 to 4 weeks. The process of preparing regular monthly social security checks goes on routinely, month in and month out. Three weeks out of every month is always devoted to Treasury processing.

Step 6. The checks are mailed by the postal service. This is the quickest step. It only takes about 3 days.

To carry out all these steps takes about 6 months.

The Social Security Administration is anxious to deliver proper checks, including new benefit amounts, at the levels authorized in law—as quickly and as accurately as possible. Benefit increases have occurred with some frequency during recent years, and the Social Security Administration has gained a great deal of experience in preparing for and dealing with them. In the case of past benefit increases, SSA has begun a number of the required steps even ahead of actual changes in the law, in anticipation of final action by the Congress. In other words, the agency has anticipated the changes and thus reduced the elapsed time between final enactment of the benefit increase and the delivery of the check. However, it can begin its work only as soon as there is reasonable assurance of what the Congress intends to do. Assuming the Congress will complete its action by December 1, the above schedule would result in the delivery of accurately computed benefit increase checks in May of 1974—at the earliest.

POSSIBILITY OF A FLAT "UNREFINED" INCREASE

The above process can be speeded up if the law authorizing the benefit increase calls for a simple multiplication of the current benefit for each and every beneficiary by the percentage increase. In other words, by ignoring all the variables that now exist for more than 17 million beneficiaries, the process can be shortened. On this basis, a benefit increase can be paid in the April check. However, such an unrefined increase would mean that about 12 million people would receive an amount somewhat lower (usually about $1) than they would receive under a refined increase. Nevertheless, these people would receive more than they now receive.

Under this kind of arrangement, it would be necessary later to refine all the records and calculate all the variables for 17 million people in order to begin paying checks in the correct monthly amount.

With respect to the 7-percent benefit increase payable for March through May of 1974, the reported bill therefore provides for a simplified benefit increase. When the full 11 percent goes into effect in June, payable in July, it will be a "refined" 11 percent; so at that time the increases will be in full conformity with all the complexities and technicalities of the social security law and will be precisely accurate for all classes of beneficiaries.

Let me turn now to the financing, because I believe this is extremely important. The bill would also bring the long-range actuarial deficit of the system within acceptable limits by increasing the annual amount of earnings subject to tax and creditable for benefits and by making adjustments in the social security tax schedule.

Let me tell the Members here that until 1981 there will be no increase of rates in the combined social security and hospital insurance tax schedules. There will be some adjustment between the HI portion and the social security portion, which I also will explain. However, the bill would raise the social security taxable wage base for calendar year 1974 from $12,600 to $13,200.

The adjustments in the social security tax rates, as I have indicated, involve increases in the tax rates on a long term basis to provide additional funds for this social security cash benefit program and decreases in the tax rate for the hospital insurance program. There will be no increase, as I have indicated, in the total tax rate when we combine the tax rates of both of these programs until 1981. At that time there would be a 0.15-percent increase in the total tax rate involving an increase from 6.15 percent to 6.30 percent at that time, in 1981. There would also be an increase in the total combined tax rate in subsequent years. Mr. Chairman, at this point I will insert in the Record memorandums prepared by the office of the actuary relating to the financial soundness of the Social Security System as modified by H.R. 11333, and also a table setting forth social security tax rates under the present law and as they would be modified by the committee bill. These matters are covered very carefully in the committee report, and I would recommend these tables to the attention of the Members.

General Memorandum

From: Francisco Bayo, Deputy Chief Actuary, SSA.
Subject: Margin of Variation in the Long Range Actuarial Balance of the OASDI System.

Historically, there has been a range or margin of variation that has been regarded as acceptable in the financing of the OASDI system. The margin has been predicated mostly on the basis that the actuary cannot project future costs with exact precision and partly on the fact that the tax rates are rounded to the nearest 0.10 percent of taxable payroll.

In the early 1960's, it used to be that the system would be considered in actuarial balance if the deficit (or surplus) was not over 0.30 percent of taxable payroll. This permissible margin of variations was later reduced to 0.10 percent of taxable payroll, when the 1965 Advisory Council recommended that the estimates be prepared over a 75-year period rather than over perpetuity. The change to a shorter period of valuation brought more certainty into the cost projections. The latest Advisory Council recommended that the estimates be based on increasing earnings and benefits assumptions rather than the static ones that had been used in the past. The projection of costs on the basis of possible future increases in wages and in Consumer Price Index makes the long-range cost more uncertain and, therefore, subject to a wider margin of variation. This new margin of variation could be established at a relative level of about 5 percent of the cost of the system, or at about 0.57 percent of taxable payroll for the present OASDI system.

The bill reported out by the Ways and Means Committee, H.R. 11333, has an actuarial balance of −0.51 percent of taxable payroll, and it is within a permissible margin of 5 percent of the cost of the system.

The present system has an actuarial balance of −0.76 percent of taxable payroll, which is outside the permissible range of variation. However, the Ways and Means Committee bill provides for an improvement in the financing of about ¼ of one percent of taxable payroll, thus bringing the system into closer actuarial balance.

Ideally, the preferred financing would yield an exact actuarial balance, that is, no long-range deficit or surplus, but due to the variations in future cost and to the rounding of the tax rates, a margin of deficit or surplus is acceptable.

Francisco Bayo.

General Memorandum

November 13, 1973.

From—Francisco Bayo, Deputy Chief, Actuary, SSA.
Subject—Financial Soundness of the Social Security System.

The financial or actuarial soundness of the Social Security system is generally established on the basis of the long-range cost of the system. This is done by comparing the average-cost of the system over 75 years into the future with the average tax collections that are expected over the same period. If in this comparison the costs and taxes are close to each other (no more than 5 percent apart), the system is regarded as being financially sound.

As examples of the above, it could be indicated that the present Social Security system needs additional taxes in order to be actuarially sound, since the tax collection projected under present law falls short by about 7 percent of projected cost. On the other hand, the bill reported out a few days ago by the House Committee on Ways and Means, H.R. 11333, can be regarded as financially sound since there is a difference of only 4 percent between the projected taxes and the projected costs. This bringing of the Social Security system back into actuarial soundness is a result that the Committee wanted to accomplish in the bill.

In a program like the Social Security system, there is no need to keep on hand enough funds to pay for all future benefits. The test is whether all future income, in addition to the funds on hand, would come close to covering all future outgo. It is, however, important (but not essential) that the funds on hand increase during the early years, i.e., that the use of the present funds to pay benefits in the near future should be avoided. Under the bill reported out by the Ways and Means Committee, the funds would increase in the early years from about $46 billion at the end of 1974 to about $54 billion at the end of 1978. The reverse would be true under present law, since the funds would decrease from $47 billion in 1974 to $46 billion in 1978.

FRANCISCO BAYO.

SOCIAL SECURITY TAX RATES FOR EMPLOYERS, EMPLOYEES, AND SELF-EMPLOYED PERSONS UNDER PRESENT LAW AND COMMITTEE BILL

[In percent]

	Present law						Committee bill					
	Employer and employee, each			Self-employed			Employer and employee, each			Self-employed		
	OASDI	HI	Total	OASDI	HI	Total	OASDI	HI	Total	OASDI	HI	Total
1974 through 1977	4.85	1.00	5.85	7.0	1.00	8.00	4.95	0.90	5.85	7.0	0.90	7.90
1978 through 1980	4.80	1.25	6.05	7.0	1.25	8.25	4.95	1.10	6.05	7.0	1.10	8.10
1981 through 1985	4.80	1.35	6.15	7.0	1.35	8.35	4.95	1.35	6.30	7.0	1.35	8.35
1986 through 2010	4.80	1.45	6.25	7.0	1.45	8.45	4.95	1.50	6.45	7.0	1.50	8.50
2011 plus	5.85	1.45	7.30	7.0	1.45	8.45	5.95	1.50	7.45	7.0	1.50	8.50

The committee bill also makes some modifications in the provisions of the Social Security Act with respect to increasing benefits automatically to keep pace with future increases in the cost of living.

Under present law, the cost of living for the automatic benefit increase provisions is measured from the second quarter of one year to the second quarter of the next year, with any benefit increase payable for the following January. This results in a 7-month lag between the end of the period which is used to determine the rise in the cost of living for an automatic benefit increase and the payment for such increase. The January check is actually received in February, 7 months after the close of the second calendar quarter.

The committee felt that an increase under the automatic benefit adjustment provision of the law should reflect the rise of the cost of living as nearly as possible to the date of implementation. In order to achieve this purpose, the bill would change the automatic adjustment provisions of the law to provide that future benefit increases be computed on the basis of the Consumer Price Index for the first calendar quarter rather than the second calendar quarter of the year, as under present law, and also that the resulting automatic benefit increase be effective for June of the year in which a determination to increase benefits is made.

This would reduce the lag between the end of the calendar quarter used to measure the rise in the cost of living and the payment of the resulting benefit increase from 7 months to 3 months. It would also mean that the automatic benefit increases in the future would be payable in the month in which any revised premiums under the supplemental medical insurance program would be effective, thus providing the opportunity to make both adjustments in the benefit checks at the same time. So we think this is an overall simplification of the act and one that will make it work more effectively.

Since the 11 percent benefit increase provided for in the bill approximately reflects the estimated rise in the cost of living into the second calendar quarter of 1974, the bill provides specifically that for purposes of determining the first automatic benefit increase effective for June, 1975, the increase in living cost would be determined from the second calendar quarter of 1974 to the first calendar quarter of 1975.

These changes would not affect automatic adjustment provisions relating to the contribution and benefit base and the earnings limitation except that these increases would occur periodically in January following a June benefit increase rather than with the same month for which benefits would be increased as under present law.

The bill specifically provides that the 11 percent benefit increase for June 1974 provided for in the bill shall be considered for purposes of permitting an automatic increase in the contribution and benefit base and the earnings limitations beginning effective January 1975.

Mr. Chairman, in making these changes in the automatic benefit increase provisions of the law, we have attempted to provide a mechanism for moving from these legislated increases that we have had to make because of the tremendous increase in cost of living. The bill will make it possible to work into the automatic cost-of-living procedures.

Under the bill we have provided for an 11-percent benefit increase effective in 1974 and then provided a new base period whereby we can move automatically into another cost-of-living increase payable in July of 1975. So it is the hope of the committee that there will be no need for any further legislation to get us into the automatic cost-of-living benefit increase procedures.

This bill will take fully into consideration all of the cost-of-living increases that will have taken place and will give that cost of living to the beneficiaries as rapidly as possible as the cost-of-living increase occurs.

Therefore, we think that this is the kind of tidying legislation that is absolutely essential to get the cost of living into a meaningful posture.

I think, very importantly, as I have indicated before, we have also corrected the actuarial imbalance in the program, and I think that is something that we should all note.

Let me turn to the matter of SSI benefits, because this will create some controversy in the program that we are presenting, and I think it is the only controversy.

The bill provides that SSI benefits would be increased from $130 to $140 for a single individual and from $195 to $210 for a couple, effective in January of 1974. That would be reflected in the checks received in January.

Remember, this is a new program, and this is when it goes into effect, in January. But we will increase that amount from the amount scheduled originally, as I have indicated.

A further increase of $6 for single individuals and $9 for couples would be effective in July 1974, as reflected in the checks received for July.

Now, Mr. Chairman, there is a provision that we will hear more about. The bill contains what has been referred to as a "pass-along provision" which will affect the benefits payable in some States which make the supplementary payments to recipients receiving benefits under the new Federal SSI program.

This is a rather complicated matter.

As all of us know, the rationale for the SSI program is to eliminate the grant-in-aid and cost-sharing provisions for the aged, blind, and disabled that we have always had and to make this a Federal program—in other words, to federalize the adult category.

But in the original bill as passed, we did make provision for the States that had supplemental payments, because some States have a higher cost factor, and they feel that their aged people cannot survive on the basis of these Federal limits. And so we put into effect what we call a hold harmless provision, and that hold harmless provision is what gives us problems here.

The present law, in effect, provides that if the average amount of income actually received by aged, blind, and disabled welfare recipients under State programs in January of 1972 was higher than the level of Federal payments under the supplemental security income program the States may add enough to new Federal benefits to make up the difference, with the assurance that their total expenditures will not exceed the expenditures for those programs from non-Federal sources in the calendar year 1972.

The States may add enough to increase the Federal benefits to make up the difference with the assurance that their total expenditures will not exceed expenditures from these programs from non-Federal sources in calendar year 1972. That is the "hold harmless" provision. If the State exceeds the 1972 expenditures, then the Federal Government will make up the difference. Any increases made since January 1972 are at the State's expense. It means that when the Federal benefit is increased, as it is in this bill, the State's supplemental payments must be decreased by the same amount or the State must provide additional funds of its own if it wishes the beneficiary to have the benefits of this increase.

The first SSI payment will be made on January 1, 1974. Because of the fear that States could not make the necessary adjustments in their law or make the necessary plans or financing by that time, this bill provides that the Federal increase on January 1 may be passed on to recipients during the calendar year 1974 at no additional expense to the States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Chairman, I yield myself 4 additional minutes.

In other words, what we have done is provided for 1 year—and only 1 year—a hold harmless provision for these increases. Remember that we had a hold harmless provision for all of the differential when we first initiated the program.

As an example of how this will work, assume a State's payment, together with income, averaged $200 per recipient in January 1972. The State made plans to provide supplemental payments of $70 with the Federal payment of $130, which is the amount that has been in the law, and the amount we would increase it to is $140.

Without this amendment the State has two options: it can reduce the $70 to $60 so that the income to the beneficiaries will be the same, or else it can provide $10 of its own funds and thus make a $70 payment to the beneficiary and provide the same increase in total income as there is in the Federal benefit.

The committee was very much afraid some States would not be able to make either of these choices in the time available and accordingly provided temporary relief to the States, so that to the extent they have problems they would not be put in an impossible situation on January 1.

These are the principal provisions of the bill.

I would like to assure Members of the House that, as always, we thoroughly considered this matter and have come to you with a reasonable package designed to treat social security beneficiaries fairly and maintain the social security program on a sound actuarial basis.

I strongly urge that the House pass the legislation.

Mr. Chairman, I will include supplemental material at this point in the RECORD.

TABLE 1.—ESTIMATED EFFECT OF SPECIAL BENEFIT INCREASE OF 7 PERCENT, EFFECTIVE MARCH 1974 AND THE PERMANENT 11 PERCENT INCREASE EFFECTIVE JUNE 1974, ON AVERAGE MONTHLY BENEFIT AMOUNTS IN CURRENT-PAYMENT STATUS FOR SELECTED BENEFICIARY GROUPS

Beneficiary group	Average monthly amount: Before 7 percent increase	After 7 percent increase	After 11 percent increase
1. AVERAGE MONTHLY FAMILY BENEFITS			
Retired worker alone (no dependents receiving benefits)	$162	$173	$181
Retired worker and aged wife, both receiving benefits	277	296	310
Disabled worker alone (no dependents receiving benefits)	179	191	199
Disabled worker, wife, and 1 or more children	363	388	403
Aged widow alone	158	169	177
Widowed mother and 2 children	390	417	433
2. AVERAGE MONTHLY INDIVIDUAL BENEFITS			
All retired workers (with or without dependents also receiving benefits)	167	178	186
All disabled workers (with or without dependents also receiving benefits)	184	197	206

TABLE 2.—ASSETS AT THE BEGINNING OF THE YEAR[1]

[Percent]

Calendar year	OASDI: Present law	OASDI: Modified system	HI: Present law	HI: Modified system
1973	80	80	36	36
1974	75	72	64	64
1975	70	68	83	74
1976	64	64	95	78
1977	59	63	103	77
1978	56	62	105	72

[1] As a percentage of expenditures during the year for the OASI and DI trust funds, combined, and for the hospital insurance trust fund, under present law and under the system as it would be modified by the committee bill.

TABLE 3.—PROGRESS OF THE OASI AND DI TRUST FUNDS, COMBINED, UNDER PRESENT LAW AND UNDER THE SYSTEM AS IT WOULD BE MODIFIED BY THE COMMITTEE BILL, CALENDAR YEARS 1973-78

[In billions]

	Income: Present law	Income: Modified system	Outgo: Present law	Outgo: Modified system	Net increase in funds: Present law	Net increase in funds: Modified system	Assets, end of year: Present law	Assets, end of year: Modified system
Calendar year:								
1973	$54.8	$54.8	$53.4	$53.4	$1.4	$1.4	$44.2	$44.2
1974	61.4	63.1	58.9	61.2	2.6	1.9	46.8	46.1
1975	66.5	68.5	66.6	67.6	−.1	.8	46.7	46.9
1976	72.6	74.8	72.7	73.1	(1)	1.7	46.6	48.6
1977	78.4	80.9	78.5	77.8	−.2	3.1	46.5	51.7
1978	82.0	85.5	82.3	83.7	−.3	1.9	46.2	53.6

[1] Outgo exceeds income by less than $50,000,000.

TABLE 4.—PROGRESS OF THE HOSPITAL INSURANCE TRUST FUND UNDER PRESENT LAW AND UNDER THE SYSTEM AS IT WOULD BE MODIFIED BY THE COMMITTEE BILL, CALENDAR YEARS 1973-78

[In billions]

	Income: Present law	Income: Modified system	Outgo (same under present law and modified system)	Net increase in funds: Present law	Net increase in funds: Modified system	Assets, end of year: Present law	Assets, end of year: Modified system
Calendar year:							
1973	$11.4	$11.4	$8.1	$3.4	$3.4	$6.3	$6.3
1974	13.1	12.1	9.8	3.3	2.3	9.6	8.6
1975	14.3	13.1	11.5	2.8	1.5	12.4	10.1
1976	15.7	14.3	13.0	2.7	1.2	15.1	11.3
1977	17.1	15.4	14.7	2.3	.7	17.5	12.0
1978	22.0	19.4	16.6	5.5	2.8	22.9	14.9

TABLE 5.—*Effect of H.R. 11333 on unified budget for fiscal year 1974*

[In billions]

Additional outgo:	
Social security benefit increase	$.9
Supplemental security income benefit increase [1]	.2
Total	1.1
Additional income:	
Social security earnings base	.1
Net additional outgo	1.0

[1] Cost of "hold harmless" provision already included in the budget. Without the amendment in the bill, expenditures under the "hold harmless' provision would be about $100 million less than provided for in the Fiscal Year 1974 budget.

Mr. CAMP. Will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman.

Mr. CAMP. I believe the gentleman stated the increased cost of living percentagewise was about 28.8 percent.

Mr. ULLMAN. For the time frame I mentioned the food costs had gone up at a 28.8 percent annual rate. That is right. The across-the-board living cost had gone up 10.3 percent.

Mr. CAMP. I wonder if the gentleman can tell us how much the social security payments percentagewise have gone up.

Mr. ULLMAN. What we have done in this legislation is try and keep exactly abreast of the cost-of-living increases that have occurred and to tide the program over during this interim period so that we can actually have cost-of-living benefit increases coming into effect at the time nearest to the cost-of-living increases so that they can help the beneficiaries. The actual result is here that the increases we have afforded during this year and through next year until the automatic cost-of-living adjustments come into effect will very closely match the actual costs of living that have taken place.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the gentleman from Oregon (Mr. ULLMAN) has delivered a very thorough explanation of the bill. Therefore, I will attempt to merely summarize essential points of the measure and to make a few additional observations on it.

The bill provides for a 7-percent "flat" social security benefit increase payable in the April 3, 1974, paychecks, and for a further increase in the July 3, 1974, paychecks, bringing the combined increase for the year to 11 percent across the board.

And very importantly, Mr. Chairman, the bill also provides for a quick return to the cost-of-living increase concept in the automatic escalator provision of existing law.

In effect, the action taken under this measure would preempt the first cost-of-living increase, due to take effect in January 1975, but as pointed out by the gentleman from Oregon, H.R. 11333 does provide for a prompt return to the cost-of-living concept. The first automatic increase would be payable in July 1975, and succeeding increases would be payable each July thereafter, if warranted by increases in the cost of living totaling 3 percent or more, based on comparisons between the first quarter of one year and the first quarter of the next.

To finance the 11 percent benefit increase in 1974, the taxable wage base would be raised from its present level of $10,800 to $13,200 in 1974. I might point out that the wage base would go up to $12,600 anyway next year, under current law.

The bill also provides for a transfer of money from the health insurance trust fund equal to one-tenth of 1 percent of payroll, over to the old age, survivors and disability trust funds starting next year. This would be a temporary shift. In 1981 the contribution rate for hospital insurance would be back on the schedule set under current law.

In addition, H.R. 11333 provides for further rate adjustments in future years to keep the trust funds within recommended actuarial bounds.

Finally, the bill advances the increases already provided for the supplemental security income program. SSI payments would be raised under current law $10 per individual and $15 per married couple in July of next year. The bill would advance these raises to January 1, 1974, when the program starts, and would provide for further increases of $6 for individuals and $9 for couples effective on July 1, 1974.

We adopted this portion of the bill without too much disagreement in committee, except for one provision, the so-called hold-harmless provision, under which it is contended that 10 States could raise their SSI benefits at Federal expense. Over the years we have had a discriminatory situation in which the Federal Government has been paying more to the poor in some States than in others, due to the varying amounts that the States were putting into the program in supplemental payments. This was an uneven practice which we attempted to correct when we adopted the SSI program.

The ultimate aim was to make the same Federal payment in all instances, but we included in the original SSI legislation a hold harmless provision to insure that States which were paying benefits above the new Federal payment levels could continue doing so without incurring higher welfare costs than they were incurring in 1972. This was intended to be a temporary provision. But it has been pointed out that we are perpetuating that discrimination in this legislation by permitting 10 States to increase their benefit levels by the amounts of the increases provided in the bill and still come under the old hold harmless provision.

The CHAIRMAN. The gentleman has consumed 5 minutes.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, the Committee on Rules has permitted the gentlewoman from Michigan (Mrs. GRIFFITHS) to offer an amendment to eliminate the hold-harmless provision of this bill, even though it would be extended only for 1 more year. Everyone here knows that once that year is up, a further extension will be sought, and we are establishing a precedent for extension in H.R. 11333. I intend to support the amendment of the gentlewoman from Michigan when she offers it, and I hope it will have the unanimous support of Members on this side of the aisle.

Mr. Chairman, we had a lot of problems in writing this legislation, but those problems did not arise from differences among us with respect to our concern for the aged, poor, and disabled. All of us recognize the necessity to deal with those particular needs, and all of us share equally in our desire to do so.

It is unfair, if not intellectually dishonest, Mr. Chairman, for anyone to claim more compassion or sympathy than others for the aged. This is not just a simple matter of determining who can bid highest in providing additional social security benefits. We are charged with the responsibility of preserving the financial integrity of the system, not only for the present but for the future. This involves providing adequate financing and, of course, it is the taxpayer who must pay the price. Specifically, it is the wage earner in the lower income brackets.

This also involves a problem of fiscal impact. As we know, inflation hurts the poor a great deal more than it does the rest of the population; therefore, we must minimize as much as we can the inflationary fiscal impact which such legislation will have.

Mr. Chairman, every time a social security bill comes up for consideration, there is much debate as to what we want the social security system to be. Do we want it to be a welfare program, or do we want it to be an insurance program? It was intended originally to be a social insurance program, wherein wage earners can contribute to the system during their earning years, and then, during their years of retirement, receive benefits based on those contributions. But because of our concern for the elderly and the disabled, we have attempted repeatedly to meet their financial needs by raising benefits without due regard to the impact such actions might have on the insurance aspect of the system.

More often than not, Mr. Chairman, we have increased benefits the highest for those who have contributed the least to the system. We have provided the greatest percentage increases to those who have other investments and other income. For example, many people who have spent most of their working lives in civil service, retire and receive benefits under that system, then work under social security for a few years and receive minimum benefits under this system also. Social security benefits are heavily weighted in favor of those with lower covered earnings, on the basis of social need. But whenever we increase benefits across the board, this ironically has the effect of helping not only those with the greatest need, but those with the least, as well.

In the meantime, we are soaking wage earners to pay for liberalized benefits.

Mr. Chairman, some of us feel that taxes on wage earners have reached acceptable limits. In fact, one of my colleagues on the committee stated the other day that he felt we might be on the verge of a wage earners' revolt.

Many of these wage earners do, indeed, have severe problems. Those who are at the beginning of their earning years are likely to be in the process of trying to buy a home, trying to raise a family, trying to educate their children, and hopefully trying to put something away for a rainy day. Many of the retirees who benefit greatly from these social security increases do not have such problems. In many instances the social security beneficiaries have paid for their homes, their children are grown and educated, and they have been fortunate enough to have put something aside for themselves.

In this bill, we are raising the wage base to $13,200 a year. The wage earner who is earning that much in 1974 will be paying $772.20 annually into the social security system. That is $140.40 more than he is paying this year. When we add the equal contribution made by his employer—and it should be noted that the employer's contribution is basically chargeable to the employee because it is a fringe benefit that the employee would likely receive in another form if the employer did not have to pay the tax—it brings the total contribution to the trust funds on behalf of the $13,200-a-year wage earner up to $1,544.40 a year, and that is not "peanuts."

In fact, most of the workers covered under social security earn less than $13,200 a year, and many of them now pay more in social security taxes than they do in Federal income taxes.

And the rate of social security taxation is going to continue to go up in future years. We provide for it in this bill. From 5.85 percent of taxable earnings next year, it will go as high as 7.45 percent if Congress does not enact further adjustments. Of course, we might say that a person paying into social security will get his money back later. He will if he lives long enough, and if the system lasts that long.

I submit, Mr. Chairman, that the trust funds are only marginally sound. Contribution rates and taxable earnings are based on actuarial assumptions that are considered questionable by many experts, yet we have modified those actuarial assumptions to suit our convenience.

In 1972 we modified them drastically in order to justify a 20-percent increase. In this switch we shifted to current cost financing. And we already are violating the new guidelines, current cost financing foregoes a large buildup of funds in early years that would provide interest earnings to the trust funds. The latest Social Security Advisory Council recommended that under this new financing assets in the trust funds should be equivalent to about 1 year's benefit payments. The Council said the law should be changed to require the trustees of the funds to report to Congress whenever any of the funds might fall below 75 percent of the amount of the following year's expenditure or would rise above 125 percent of such expenditure.

But what do we have at the present time in the OASDT trust funds? We have a ratio of assets to the following year's benefit payments of under 80 percent, and this is expected to decline, under the bill, to 62 percent. In short, we will have assets declining below two-thirds of 1 year's benefit expenditure.

We also came up with a new set of actuarial assumptions based on "dynamic earnings." This assumes we are going to have an increase in average covered earnings of 5 percent every year and an increase in the cost of living, based on the Consumer Price Index of 2¾ percent annually. With those assumptions and with the increases in benefits throughout the years, it has been contended that the system will remain actuarially sound if we can keep expenditures in line with the income within a tolerance of about minus 0.5 percent of taxable payroll.

However, when we used more conservative assumptions, based on level wages and prices, we were told by the system's actuaries that actuarial soundness called for a tolerance of about minus 0.1 percent of taxable payroll.

Under this bill, we would have a tolerance, or an actuarial imbalance, of an estimated minus 0.51 percent of taxable payroll, which is 5 times greater than the tolerance we once said to be safe. If this figure of minus 0.51 percent of payroll is maintained over a period of 5 years, it will amount to a total deficit of several billions of dollars. So the actuarial soundness of this system at the present time seems to me to be questionable at best.

Mr. Chairman, we can make this system more generous or more liberal, if we provide the money for it. This money has got to come from taxes. There is no other source.

Increases based on the cost of living are proper and fair. But past increases we have provided have far exceeded increases in the cost of living. Since 1950 the cumulative increase in the consumer price index has amounted to 202.8 percent, while the cumulative increases in social security benefits have amounted to 342 percent. Since January of 1970, we have provided a 15-percent increase, then a 10-percent increase, and then a 20-percent increase, for a cumulative benefit increase of 51.8 percent, yet over the same period the cumulative increase in the cost of living has amounted to 23.4 percent.

So social security benefits clearly have not lagged behind cost-of-living increases.

What about the fiscal impact of this bill? This should be the concern not only of the committee, but of all of us.

By providing for a March 1974 increase, we also provide a deficit estimated at $1.3 billion in fiscal 1974.

The committee did consider an alternative, providing for a 10-percent increase effective in July 1974, with a further increase to a combined total of 13 percent in January 1975, and this would have no fiscal impact whatsoever on fiscal 1974.

The committee at one point approved that alternative by a vote of 13 to 12. But the following day, after a motion to reconsider, the committee came out with the bill that we have before us today.

I will say, Mr. Chairman, although I am reluctant to be overly enthusiastic about it, that I believe this is possibly the best compromise we could have come up with. It provides for a deficit in fiscal year 1974 of $1,115 million, but it also provides an adequate cost-of-living increase next year and adequate cost-of-living increases in the future, if Congress will only let the automatic escalator provision take effect.

Let me say briefly in conclusion, Mr. Chairman, that this social security system certainly does not provide a bonanza. It is not a perfect system. I hope we can do a great deal to improve it. We have urged in the committee report, that the next Social Security Advisory Council reevaluate the system, and our committee staff is going to do likewise.

And on the basis of these reevaluations, I hope our committee will take the time to give the program the thorough review and revision which are so badly needed.

In the meantime, Mr. Chairman, I think we should stop threatening the fiscal integrity of the system, by taking ad hoc action.

Mr. Chairman, I yield to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I thank the gentleman for yielding to me. I want to commend him and the minority on the committee on the fact that we were able to arrive at a compromise position that would accommodate the senior citizens and would keep the system responsible.

I did not want there to be any misunderstanding. The existing system, the gentleman from Virginia I am sure will agree, without any increases at all would have an imbalance of minus 0.76.

Mr. BROYHILL of Virginia. That is correct.

Mr. ULLMAN. And what we have done, we have given the increases and brought the system back into an imbalance of minus 0.51, which is just about the target, the outer limit where we could afford to be, so one of the most significant features of this bill is that it does bring the social security system back into the right kind of actuarial balance, tolerance we can stand.

Mr. BROYHILL of Virginia. Mr. Chairman, I thank the gentleman for helping me to emphasize my point. It is correct, the action we took in 1972, providing for a 20-percent increase, did throw it out of balance by minus 0.76 of 1 percent. This bill does bring it closer to balance by minus 0.51, but we do not leave ourselves any margin for error on the low side.

Mr. Chairman, I yield such time as he may consume to the ranking minority member of the Committee on Ways and Means, the gentleman from Pennsylvania (Mr. SCHNEEBELI).

Mr. SCHNEEBELI. Mr. Chairman, I expect to vote for H.R. 11333 with reservations.

Let me emphasize that my reservations has nothing to do with granting increases to social security beneficiaries as soon as feasible in the light of rapid advances in the cost of living. I strongly support such action. But that is not the real issue here.

As a matter of fact, we already have provided for automatic increases in benefits equal to increases in the cost of living, and the legislation before us today merely accelerates that process.

Under the automatic escalator provision of current law, beneficiaries would be eligible by January 1975 for an estimated benefit increase of 11.5 percent which they would receive in two installments: A 5.9 percent down payment in July of 1974 and the remainder, about 5.6 percent, 6 months later.

Under the bill before us, beneficiaries would receive a total benefit increase of 11 percent next year, also payable in two installments: A flat 7 percent in April and the remainder in July. Under this proposal, the automatic escalator provision would be suspended temporarily and would not pay off again until July of 1975.

The essential difference lies in the timing of the increases, and my reservation is not primarily based on this.

My disagreement with this legislation is based upon the way in which this measure has been considered. We have followed what has become an unfortunate pattern—set by the other body—of hastily legislating substantial increases in benefits without taking the time to review with care the impact of such action on the social security program in general and on the workingman who pays the taxes in particular.

We have, for example, enacted one benefit increase after another without looking closely at other possible program needs, such as providing greater equity for workingwomen who pay a higher proportionate of benefit costs without a commensurate return.

We have changed radically the actuarial methodology underlying the financial structure of the system, without any committee consideration of the consequences.

And we have added greatly to the burden borne by the nearly 100 million Americans who make the current contributions which are necessary to pay current benefits. This bill alone would increase the maximum tax for each covered employee and employer by 22 percent from this year to the next.

The weight on these taxpayers is already heavy. A man with a wife and two children and an income of $7,000 a year now pays more social security taxes than he does in Federal income taxes. The more we add to the costs of the social security system, the more we add to the tax load on the back of this family.

In fairness to those who have so much invested in the social security system, and to those who will invest in years to come, we simply must take the time in the future to weigh new program costs against the burdens they will impose on the taxpayer. We owe it to them.

Mr. Chairman, these are the bases of my reluctance. I will vote for this bill, because I believe that the nearly 30 million social security beneficiaries do need the assistance it provides. I only hope that the other body will show restraint and not add to its cost. The sooner the automatic escalator can become operative, the better it will be for both taxpayer and beneficiary.

Mr. KETCHUM. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count; 42 Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 583]

Anderson, Ill.
Ashley
Bell
Blackburn
Blatnik
Bolling
Brademas
Brasco
Burke, Calif.
Carney, Ohio
Chappell
Chisholm
Clark
Clay
Collins, Ill.
Conlan
Culver
Davis, Wis.
Dellums
Diggs
Duncan
Erlenborn
Esch
Evins, Tenn.
Fraser
Giaimo
Gray
Hanna
Hansen, Wash.
Hastings
Hébert
Horton
Keating
Kluczynski
Kuykendall
Leggett
Long, La.
McClory
McKinney
Madden
Melcher
Mills, Ark.
Mitchell, Md.
O'Brien
O'Hara
Peyser
Rees
Reid
Rostenkowski
St Germain
Slack
Smith, N.Y.
Stephens
Stokes
Stuckey
Teague, Tex.
Udall
Wolff

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11333, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 375 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair announces the time remaining as 1 hour and 6 minutes for the majority, 1 hour and 10 minutes for the minority.

Mr. ULLMAN. Mr. Chairman, I yield 15 minutes to the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, I apologize for offering this amendment. I should have offered it in the committee itself, but I thought we were going to have another day before we had a firm commitment. Nevertheless, I should like to thank the members of the Committee on Ways and Means and the members of the Committee on Rules for permitting me on this occasion to offer the amendment, because I feel that the amendment is not only necessary, but I feel in addition it will help explain these income maintenance programs to everyone, and the total inequity of all programs.

The amendment that I will offer tomorrow is to strike lines 11 through 22 on page 11 of the bill, H.R. 11333. The issue in this amendment which relates to the so-called hold harmless provision seems complicated in its ins and outs, but it is very simple in principle.

As Federal legislators, there is at least one principle that we can all agree to. This principle is that as far as the Federal Government is concerned, a poor, aged, blind, or disabled person has the same claim on the Federal Treasury, no matter where he lives. Someone's health and comfort should not be worth more in one State and less in another in terms of Federal dollars.

The bill reported out of committee which we are considering today would negate this very principle, a principle which we adopted when we enacted SSI. It would allow up to 10 States to pass along to their residents the increase in SSI which the committee has proposed, and thereby add to their already generous State benefits with full Federal funding. My amendment would restore the principle of equal Federal dollars for equally needy people.

As we know, now in our Federal and State welfare programs we put Federal dollars on the stump and let States claim various amounts, depending on their fiscal capacity and their generosity. As a result, an old person with no other income gets as small a check as $75 per month in Mississippi and as much as $239 per month in New York.

When we adopted SSI last year, we said that this approach was wrong and that the Federal Government should be more evenhanded, so we established SSI as a national program with a uniform basic benefit level to be fully funded by the Federal Treasury. And we specifically ended Federal matching of State benefits. But we did not feel we could arbitrarily turn our backs on States that already pay more than SSI will pay, and that could be hurt financially under SSI by maintaining current benefit levels. So under SSI we adopted a hold harmless provision. This provision insures that States can continue to pay benefits at about the same levels they were paying in 1972 and not suffer higher welfare costs than they incurred in 1972. States were specifically to be protected against caseload growth if such growth would require greater outlays than in 1972, but benefit increases were to be their own financial responsibility.

We knew that if we increased SSI in the future this would help the poorest recipients and it would also take over more of the cost in States which supplement the basic SSI benefits. Now under H.R. 11333 we are proposing to start the SSI programs with higher benefit levels than orginally planned, but the Ways and Means Committee has proposed to allow States to raise their benefit levels by the amount of the January SSI increase and still come under the hold-harmless provision. That is, as many as 10 States could raise their benefit levels largely or wholly with extra Federal expenditures.

Where we pay $15 into Ohio, that is, we could pay as much as $30 into Michigan or into Wisconsin. This departs from the principle that the Federal Government is going to be more even-handed among recipients.

When we look at the benefit levels some of these 10 States already pay and intend to pay under SSI we can see the folly of using Federal funds to raise them even further. These are the States we are talking about helping: Michigan, my own State; California; Hawaii; Massachusetts; New York; Nevada; New Jersey; Pennsylvania; Wisconsin; and possibly Rhode Island. Everybody else would pay Federal taxes to help finance their increases.

Many of these States already pay benefits well above the poverty line, and every one of these States, but Wisconsin is paying the full need of any of their recipients and Wisconsin pays 98 percent.

I hope all Members will listen to this. This provision would allow California to raise its payment amount for an aged couple from $394, which is 76 percent over the poverty line, to $409 a month. The average social security payment for a retired worker and dependent spouse in California is $243.20, but we are going to pay under SSI and State supplement $409 a month to a couple in California under this committee provision.

Massachusetts would go from $340.30 to $355.30 for a couple and their average social security for a retired worker and spouse is $249. Wisconsin would go from $329 to $344 for a couple, and their average social security is $245.18. New York would go from $294.51 to $309.51 for a couple, with an average social security of $259.08.

Michigan is one of the few States that now has a higher social security average payment to a retired worker and spouse than they would have on welfare. Meanwhile, couples in States such as Arkansas, Indiana, North Dakota, Ohio, Utah, West Virginia, Missouri, Montana, Texas, Wyoming, Delaware, Georgia, Connecticut, and others will probably be getting only the basic SSI benefit of $210 a month.

These differences in State payment levels are far greater than the differences in the cost of living between these States. I have researched this question specifically. The differences more truly reflect differences in State standards of living, and so using Federal money to increase State variations is wrong. This optional benefit-increase pass along means we would be paying for benefit increases above the SSI level in Detroit but not in Chicago, but the cost of living is higher in Chicago. We would pay for higher than SSI benefits in Milwaukee, that is the Federal Government would pay it, but not in Minneapolis, and the cost of living is higher in Minneapolis; in Honolulu but not in Miami Beach; in Boston, New York, and Philadelphia, but not in Baltimore and Norfolk.

I want the Members to look with me at a specific case. The highest benefits now and the highest supplemental level under SSI is in California.

Under the committee provisions California could have the Federal Government pay for the entire cost of increasing its payment for an old couple from $394 to $409 per month.

I want to point out that the average retired worker and dependent spouse in California gets only $243.20 a month from social security and the maximum in social security that anybody can get in the entire United States now for a man and wife is $399.20. But under this committee provision we are going to pay on SSI and State supplements, $409. Why pay taxes?

California's current payment level is only $5 now below the maximum social security benefit anywhere in the country. So we would be helping California pay more in welfare than a retired worker and his wife can get now from social security anywhere.

Theoretically, any person drawing social security which is less than the SSI benefit, will be given some SSI benefit or State supplement; but some social security beneficiaries would not get it, because they could not pass the asset test. Because of the asset limitations in SSI itself, it is entirely possible that the average social security retired worker and his dependent wife in California drawing $243 only could be excluded from SSI and from State supplementary payments.

This situation cries out for correction much more than raising California's benefit levels.

We cannot have someone who never saved, never contributed to social security, walking away with handsome social security benefits while a frugal social security beneficiary cannot qualify for welfare, with the result of much less income.

If we want to spend $175 million, let us correct the asset test to present recipients, whether social security or welfare, on an equal basis.

Now, look at a retiree and his wife who get the minimum social security benefit of $126.80 a month. Even without the pass-along in California's benefit level in January of 1974, this couple will have a total income from social security, SSI, and State benefit supplements, of $414 a month, because SSI and the State must ignore $20 in social security in computing welfare benefits. With the pass-along, California would guarantee this couple the grand total of $429 a month and, if this couple had average medical expenses, they would have medicaid reimbursement of $908 a year, for a grand total of $6,056 per year.

Think back to what aged couples will get in your State if you are not one of these 10 States. Most are going to get $210, or they may get only social security, which is even less, because of the asset test. Ask whether you think this optional pass-along provision benefiting only a few rich States is a wise and fair use of Federal funds. If we compare the $6,056 in cash and medical benefits that the minimum social security and SSI and State supplement beneficiary can get in California with the average payment to an aged couple under social security in California which is $243 per month——

The CHAIRMAN. The time of the gentlewoman from Michigan has expired.

Mr. ULLMAN. Mr. Chairman, I yield 5 additional minutes to the gentlewoman from Michigan.

Mrs. GRIFFITHS. You will also realize that that person drawing only $243.20 will have to pay $12.60 per month for part B medicare coverage, and he will pay for every pill he takes outside of a hospital. For the State supplement and SSI beneficiary, it is all free.

Nobody wants to see our elderly, blind or disabled citizens living in shameful conditions. So we must channel the Federal dollars where they will do the most good, raising the SSI levels generally and not helping the richest States to do what is relatively easy for them to do on their own. If they want to raise their benefit levels, let them do it, but if the Federal Government is to provide the funds for them, let us do it for every State.

Some people apparently feel that their State legislatures will not be generous and automatically pass on the SSI increase. They may be right, but it is not fair to pass the buck to this body and say, "You do what my legislature will not do, including pay for it."

Now, let me point out to the Members that while we would raise it to $409 in California, in Illinois, Ohio, Minnesota, Iowa, Virginia, and all other States outside of the 10, the minute they go over $210, they have got to pay every dime of it themselves, every penny, but what the rich States want is to raise it to almost twice what the poor States have guaranteed to these recipients and they want the Federal Government to pay for it.

Now, some say that this pass-along provision would apply only for 1 year and we should not worry about it. We all know that once special provisions and protections get written into the law, it is always easy and convenient just to continue them. So, if we continue this provision we would be locking ourselves into this special hold-harmless arrangement for only a handful of States.

Some people are apparently upset by the thought that States below their hold-harmless levels, especially those with modest benefit levels, will reap fat savings, because of SSI in general and the SSI increase in particular. In fact, however, because of caseload growth and certain mandatory medicaid requirements under SSI, these States will be paying out much more for medicaid than they ever did in the past, and there has not been one proposal that we help these States.

In summary, Mr. Chairman, we should follow the turnabout in Federal policy that we achieved by enacting SSI.

We are Federal legislators whose responsibility it is to determine priorities in the use of Federal funds. I submit that the optional pass-along is not a priority use of Federal funds, and I urge my colleagues to support my amendment, which I will offer tomorrow, striking it from the bill.

Mr. Chairman, I would like to point out to the Members that the best we can figure out is that the total cost of the pass-along arrangement next year will be $175 million, and 70 percent of it would go to two States: California and New York.

Mr. BURTON. Mr. Chairman, will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, first I would like to commend the gentlewoman from Michigan, particularly on the one point she expressed, on which I hold full agreement.

One of the inequities resulting from the SSI legislation is the assets limitation—that discriminates against some low income aged, blind, and disabled. It is an unfairness which I hope some day will be corrected.

The gentlewoman made the point that an assets test, a so-called resource test, is really irrelevant and inequitable. She is correct on this point.

The CHAIRMAN. The time of the gentlewoman from Michigan (Mrs. Griffiths) has expired.

Mr. ULLMAN. Mr. Chairman, I yield 4 additional minutes to the gentlewoman from Michigan (Mrs. Griffiths).

Mr. BURTON. Mr. Chairman, will the gentlewoman yield further?

Mrs. GRIFFITHS. I yield further to the gentleman from California.

Mr. BURTON. So, Mr. Chairman, I would hope some day that the Committee on Ways and Means would look objectively at the assets test and, hopefully, that they would reach the conclusion which apparently has been reached by the gentlewoman from Michigan, that point being that a good income test should be the sole yardstick, such as we have in the veterans' pension program, and we ought to dismantle this very cumbersome and expensive-to-administer, so-called assets test.

Mr. Chairman, the situation is even more unfair than the gentlewoman indicated. It is not just considering the person living on social security in a State where the benefits may be a little higher than the average. There are people receiving social security benefits at the minimum level who are ineligible for SSI only because they may not have the assets in some form that is contemplated in the regulations, the regulations I might say which are promulgated by the Department of Health, Education, and Welfare and that are in themselves onerous and burdensome.

Mr. Chairman, there is one additional point I would like to establish, if I may, while the gentlewoman has the time, and that is this: That point, simply stated, is that under the current law every State in the Nation is entitled to no less than 50 percent matching for the adult public assistance program, and this scale graduates up to, I believe, 83 percent in the lower per capita income States. But all the States today have matching ranging from 50 percent up to 83 percent.

This financing is completely rearranged, under the new SSI program, ultimately to protect the Federal interests and the Federal taxpayer.

The new SSI financing arrangement will work as follows: In more than half of the States, the existing matching is increased from the current 50 to 83 percent, to, starting in January, a 100-percent Federal program, resulting in a cost reduction, therefore, of from 17 to 50 percent for more than half of the States.

However, in the instance of the higher cost of living, higher grant States, the matching for those States is no longer 50 percent, their percentage of Federal assistance has not increased. To the contrary, it has been effectively reduced to something on the order of from 50 percent down to 30 percent.

Mrs. GRIFFITHS. Mr. Chairman, right there I cease to yield to the gentleman.

The truth is that there is no State that is now getting less than 50 percent under the $210 figure, or old-aged assistance. The gentleman is discussing his total welfare bill, State supplements, and so forth. They will continue to get 50 percent until it reaches $220. So there is no trouble from this. You are getting more money and saving money.

Perhaps I should point out that many States are not included. California and New York are switching their general assistance recipients, some so-called "disabled" and AFDC people onto this SSI program.

There are savings going on all through this. You are really not being hurt.

Mr. BURTON. I am sure the gentlewoman wants to correct her remarks in the Record, because I am sure she would not want the Record to reflect that every State gets more than 50 percent matching until the benefits get over $210 or $420. I am certain the gentlewoman does not want that absolutely incorrect statement to appear in the Record.

Mrs. GRIFFITHS. I want it shown that the gentleman's State gets more money out of this than they ever had before. So please do not say I am incorrect. I am correct.

The CHAIRMAN. The time of the gentlewoman has again expired.

Mr. ULLMAN. I yield the gentlewoman 1 additional minute.

Mr. BURTON. Will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the gentleman.

Mr. BURTON. May I complete my question of the gentlewoman?

If the gentlewoman will yield, as I stated earlier, come January the higher cost of living or the higher grant States, whichever you choose to call it, have their effective Federal matching reduced from 50 percent down to roughly 30 percent.

Mrs. GRIFFITHS. Oh, no. I refuse to yield any further.

Mr. BURTON. I have not made my point yet.

Mrs. GRIFFITHS. It is not true at all. It is absolutely not true.

I yield back the balance of my time.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. Clancy).

Mr. CLANCY. Mr. Chairman, I rise in support of H.R. 11333, which provides for a social security benefit increase that social security beneficiaries need and that is appropriate in view of the inflation that has occurred since the last increase.

The bill provides a two-stage social security benefit increase totaling 11 percent to approximately 30 million Americans, and makes an important modification in the timing of the automatic cost-of-living benefit increase provision in existing law. The bill provides a flat 7-percent social security benefit increase effective in March of next year, payable April 3, and an additional 4 percent in June of 1974, payable on July 3. The combined increase will be 11 percent by June of next year.

The cost of living has increased since September of last year—the date of the last social security increase—until September of this year by 7.4 percent. It is estimated that when this 11-percent increase is fully effective, the 7.4 percent figure will have increased to around 11 percent. This bill will, therefore, keep benefits up to date with the cost of living. This is particularly important for social security beneficiaries since most of them have been affected significantly by increases in the price of food, which has increased much faster than other components of the Consumer Price Index. Many social security beneficiaries spend a higher proportion of their income on food than other groups in the population.

While admitting the necessity to deal with the immediate need this benefit increase addresses, it is also critical, in my opinion, for the Congress to avoid this kind of ad hoc action in the future. This can and must be accomplished by insuring that the provisions enacted in Public Law 92–336 and amended by this bill providing for automatic increases in social security benefits based on rises in the cost of living become operative as soon as possible.

Under present law, the cost of living for the automatic benefit increase provisions is measured from the second quarter of one year to the second quarter of the next year with any benefit increase payable for the following January. This legislation changes those time periods to the first quarters of each year and makes any resulting automatic benefit increase payable for the following July.

Under this change, the first automatic cost of living benefit increase will be possible for July of 1975. This is a meaningful step toward the goal of eliminating the need for ad hoc benefit increases,

I agree with many of my colleagues that the committee should at the earliest opportunity conduct a fundamental review of the social security system, giving particular attention to the financing aspects of the program. While the system as amended by the bill is actuarially sound, significant changes adopted in recent years must be carefully reviewed by the committee to assure the long run health of the program. In this connection, the committee has ordered the staff to conduct a study and expressed the hope that the new Advisory Council on Social Security will be promptly appointed. These will be valuable resources to the committee when we conduct our review, which I hope will be at the earliest possible time.

Mr. Chairman, this bill is an appropriate response to the present circumstances and I support it.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. Brotzman).

Mr. BROTZMAN. Mr. Chairman, I support H.R. 11333. The social security benefit increases which the bill provides for calendar 1974 are in line with cost-of-living advances, up-to-date and projected, under the automatic escalator provision of current law. The measure, in effect, speeds up the payment of these benefits, and I think this clearly is warranted because of the rapid rises in the cost of living in recent months.

The substance of the bill has been described in detail by other members of the Committee on Ways and Means, and I will not belabor these points now. Suffice it to say the measure provides a two-step benefit increase next year totaling 11 percent, with the first installment, equaling a flat 7 percent, payable in April social security checks, with the remaining 4 percent, payable in the July checks. The bill also provides for resumption of the triggering mechanism in 1974 in order that the first automatic escalator increase could be paid in July of 1975, which is only 6 months later than would be the case under present law. I feel strongly that both program beneficiaries and taxpayers would be better off in the long run under the automatic escalator and I hope it can become operational according to the schedule set through this bill.

I also hope that the Committee on Ways and Means can undertake next year a full-scale review of the social security program with a view toward bolstering its individual equity aspect. This should be done in fairness to the many millions of Americans who are now making contributions in the expectation of receiving commensurate benefits in the future.

Mr. Chairman, while the financing of the program under the law as amended by this bill leaves the system on an actuarially sound basis, we have made fundamental changes in the program in recent years. I agree with my colleagues that at the earliest opportunity the Ways and Means Committee should carefully review the changes in actuarial methodology that we have adopted. In this connection, we also should review the relation of social security to other private income security mechanisms. I hope we will have an opportunity to make this study in this Congress, and that the staff work ordered by the committee report as well as the studies conducted by the new Advisory Council will be commenced immediately so that they are available to assist the committee in its deliberations.

Mr. Chairman, I believe the bill before us is responsive to a real need and I join in support of the measure.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Gilman).

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 11333, providing for an 11-percent increase in social security benefits for our older Americans.

Escalating prices over the past few months has made living more difficult for all of us, but has taken the greatest toll on our senior citizens, many of whom barely subsist on inadequate incomes.

Poverty is a constant threat to our senior citizens. Over one-fourth of our 29 million older Americans fall far below the poverty level. As the costs of housing, transportation, health care, food, and clothing continue to skyrocket, the burdens upon our senior citizens, living on fixed incomes, forces them more and more into poverty-level existence.

In traveling around my congressional district I am continually confronted with the distressing fact that many of our elderly simply cannot absorb any more additional costs. They find themselves faced with the alternative of scrimping on food, health care, and other basic necessities. In our prosperous Nation, this is shameful.

To illustrate my point, permit me to read a letter I recently received from an older American in my district:

> Dear Congressman Gilman: I am a 77-year-old widower trying to live this life as best I can. My social security check is $181.70 a month. I pay $75.00 a month for rent and I don't have all the facilities, not even a shower or bathtub. My food payment is very restricted and not less than $17 to $18 a week and when the month has five weeks my food costs a little over $80.00. I need to have a phone in case of emergencies and my monthly bill is a little over $10.00. My light and gas bill is about $11.00 to $12.00. I have not too much house insurance, still I pay a little over $6.00 a month. Medicare is going up, so from July on I pay $6.30 a month and for Blue Cross and Blue Shield $1.70 a month. All this adds up to $190.00 a month. What am I going to do if I need to buy a pair of shoes or stockings or a shirt or any other things which a person needs.

This pathetic letter and dozens like it underscores the dire need for increased social security benefits so that our older Americans can afford to purchase that "pair of shoes or stockings or shirt" or other essential items.

Social security benefits and public assistance programs provide senior citizens with over 50 percent of their incomes. While the increases we are considering today, 7 percent effective in March of 1974 and an additional 4 percent in June of 1974, are in no way exorbitant, these increases will provide some measure of relief to our elderly whose fixed incomes have not kept pace with the increased cost of living.

For some time now I have been urging an increase in social security benefits for our elderly by appealing to the Ways and Means Committee and by introducing legislation identical to the bill we are now considering. I implore my colleagues, in casting your votes on this bill, to consider the plight of our senior citizens who are caught in the crunch of high prices. I urge the immediate and resounding adoption of this measure.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Collier).

Mr. COLLIER. I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, I should preface what I am about to say by assuring Members of this body that I am certainly a strong supporter of the social security system. I feel it was one of the great landmarks of social legislation since the turn of the century.

At the same time, in making an evaluation of the program as it is on the one hand and recognizing the fact that you do reach what might be called the outer limits in terms of the future, I am constrained to remind Members of the House as we move along and increase social security benefits that we cannot do so blinding ourselves to the direction in which we are traveling. We cannot do so blinding ourselves to what the cost of the program is and how it will fall upon the young people who today are going into the labor market.

Perhaps it is not politically expedient to look at the program in these terms, but indeed, as intelligent people, we must.

The social security program, as I am sure most of the Members know, began in 1937 and, I repeat, it was a landmark piece of social legislation that certainly must be preserved as a way of life in this country. Since that time the social security payroll tax upon the employee, excluding the matching contribution which the employer properly pays, has gone up nearly 1,000 percent. It will go up, under this proposal, to a tax of $742.50 on the average working man, the average employee, and creates a situation, to get it into perspective, where more people will be paying more in social security taxes than indeed they will in income taxes.

Now let us see—and this should shake your eyeteeth—what would happen if the employee took his own contribution which, under this bill, will involve in combination with the employer contributions, $1,544 a year. Compounding his portion at interest—and if you do not believe this is accurate, then get a computer and computerize it, as I have done—compounding the interest, assuming that we did not increase the payroll taxes one thin dime after next year. The fact is that employee would have in his own account merely by putting this into a savings account each year at a rate—and we are going to assume that not even interest rates will go up—of 6 percent. That employee would have in his account at the age of 65, assuming he went into the labor market at the age of 23, $119,311.

Now, if that same annual investment, the combined contributions of the employee and the employer, were saved at a modest rate of 6-percent interest per year, at the end of those 42 years in that account, would be $221,863.

Those are the figures. I leave that with you because I believe, most sincerely, that as we must recognize the problems of our elder citizens, and we certainly must and as I said before, without blinding ourselves to the tax and cost factors. Can we proceed on our present course in the light of these figures? I leave it to my colleagues for thought.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. Archer).

Mr. ARCHER. Mr. Chairman, it is with a desire to protect the soundness of the social security fund upon which retired Americans depend, and at the same time give consideration to the working taxpayer who provides the necessary dollars, that I rise to speak against some of the far-ranging provisions of H.R. 11333.

In the last 3 years Congress has enacted pervasive changes in the financing of the social security system with inadequate regard to the impact these measures have on present and future generations of Americans.

The social security program has provided economic security for nearly all Americans for more than one-third of a century. But hastily considered changes of the most fundamental nature can only undermine the protection against loss of income that those paying social security taxes rightly expect.

Last July when the committee provided a 20-percent across-the-board benefit increase, dramatically different assumptions were adopted in measuring the actuarial soundness of the program. The most significant of these changes involves the assumption of "dynamic earnings," whereby the actuaries make projections about future earnings levels throughout the entire 75-year period covered by the estimates. This new system subjects cost estimates to vicissitudes that the actuaries have not had to deal with in the past. It is a complex new methodology, and it is not without controversy.

The former Chief Actuary of the Social Security Administration, Mr. Robert J. Myers, who has more experience with this system than any other human being and is widely regarded as one of the foremost actuarial experts on social security, stated that "this would be an unsound procedure." He went on to state:

> What it would mean, in essence, is that actuarial soundness would be wholly dependent on a perpetually continuing inflation of a certain prescribed nature—and a borrowing from the next generation to pay the current generation's benefits, in the hope that inflation of wages would make this possible.

In view of this admonition by a leading expert who has devoted his whole life to the program, the Committee on Ways and Means and the House of Representatives should have carefully examined these new assumptions in 1972, but did not because the bill came up late in the session and passed rapidly on the floor of the House. We should certainly at this time have examined these new assumptions carefully before providing an additional benefit increase. However, the committee reported the bill without serious examination of this new methodology.

In response to my questioning, the Chief Actuary, Mr. Frank Bayo, made it clear to the committee that the new methodology represents "a fundamental change," that "it is more difficult to make estimates on the new basis than it was in the past," and that estimates are now "subject to wider variations on the basis of actual experience."

In the past it was assumed that actual experience would vary from the estimates by no more than 1 percent of the projected level costs of the system. The actuaries tell us that under the new methodology, including the "dynamic earnings" concept, actual experience will vary by as much as 5 percent. But in spite of a greater degree of actuarial uncertainty the committee has made it clear that while 1 percent was as much of an imbalance as could be tolerated in the past, they will now tolerate an imbalance of 5 percent. Put another way, although the estimates are subject to experience variations five times as great as in the past, the committee will now tolerate a deficit in the system five times as great as in the past, and makes no provision downstream in these 75-year estimates for that deficit to be picked up.

The committee in effect has said that because the actuary's projections are less precise and will vary greater, that we can have a greater deficit in the program. In view of this new actuarial imprecision the committee should have provided for a 5-percent surplus to assure that if a mistake on the downhill side occurs we will still have enough money in the fund, but instead the committee has provided for a planned 5 percent deficit in the fund.

Let me tell my colleagues what this 5-percent deficit means. It means that during the projected 75-year period the fund will accumulate $225 billion less than is necessary to pay the benefits which we are promising to our retired older Americans. That is the amount of deficit that the committee bill permits to exist in the program. Furthermore, if the actuary's projections are off, as he says they might be, by a minus 5 percent, there will be an additional $225 billion deficit, resulting in a possible cumulative shortage of nearly one-half trillion dollars during the 75-year estimate period. These are truly astronomical figures.

I refer the Members of the House to my dissenting views in the committee report for a more detailed evaluation of my concerns as to the soundness of the new basis on which we are planning the future of the social security fund.

Additionally, in 1971 the Social Security Advisory Council recommended to the Ways and Means Committee that assets in the trust fund should at all times equal approximately 1 year's benefit expenditures but despite this recommendation the committee in this bill has placed its conscious seal of approval on a program that will result in a reduction of the fund to only 62 percent of 1 year's benefits.

Now, let us talk about the cost of living. I share the committee's desire to see that increases in benefits keep up with inflation. Retired Americans need and deserve this consideration. The facts show that we have been doing more than is necessary to achieve this goal.

From January 1, 1970, through September 30, 1973, the latest figures available at this time—social security benefits have risen by 51.8 percent, and yet during the exact same period the cost of living has increased by only 19.6 percent. We have also already enacted this year, with my support, an additional 5.9 percent increase effective next June. When the expanded 11-percent increase in this bill takes effect next June the benefits will have been increased since January of 1970 by 68.5 percent, and the inflation during that period is estimated to be 24.4 percent.

Let me also provide figures back to 1968. From January 1, 1968, until January 1, 1973, the cost of living has gone up by 25.1 percent but the social security benefits have gone up by 71.5 percent during that same period of time.

I am concerned that the cumulative benefit increases in recent years, combined with the increase in this bill, are requiring too large a rise in the already heavy payroll tax burden borne by the workers of this Nation. It is alarming to note that over 50 percent of our wage earners now pay more in social security taxes than in income taxes. If this bill passes, in January of next year the taxable wage base will go from $10,800 to $13,200 per year. This means that those employees earning over $10,800 will face a tax increase of as much as $280.40, including the employer's contribution; and that the total maximum combined employer-employee tax will now be $1,544.40 for each worker. This bill also levies on the self-employed earning over $10,800 an increase in annual taxes of up to 20.7 percent or $178.80. And a maximum total annual tax of $1,042.80. There are 20.5 million people in the United States who are making over $10,800 and this group of people is singled out to bear the brunt of the cost burden for the entire across-the-board increases in this bill.

In addition to increasing the taxable wage base from $10,800 to $13,200, there is a subtle increase in the tax rate, which will apply to everyone in 1981. At that time the tax burden will rise to 12.6 percent of covered payroll. Even with this added tax we still leave the fund with a projected actuarial deficit of 5 percent.

Another objection to this bill is that it delays the effective date of cost of living benefit increases provided in the 1972 law from January 1, 1975, to July 1, 1975.

Now, if we consider the burden we are already imposing on today's workers, we should stop postponing the automatic benefit increases provided in the 1972 law and let the escalator clause begin working. By postponing the operation of the system the committee creates the danger that benefits will be continually increased on a political basis rather than a cost-of-living basis. Before even tasting the cake we baked in 1972 we are now putting it back in the oven to bake it again, and running a grave risk of burning it up.

I have other reservations, Mr. Chairman, about this bill.

We should examine elimination of the retirement test so that older people who have paid in their money to social security can still draw their benefits when they desire to continue working. Beginning in January, a recipient cannot earn more than $2,400 a year without suffering a loss of his social security benefits which he rightly deserves. This puts him in a different position than people retiring on most every other type of program in the country. I think it is greatly unfair.

We have talent in our older people, talent that is being prevented from implementation in our system through this limitation. If individuals pay into the system all of their lives in order to receive wage-related benefits as a matter of right when they retire at age 65, they should receive these benefits and not be penalized because of the individual life style they prefer to follow in their later years, that is, if they prefer to work.

For further reservation about this legislation, I associate myself with the comments of the gentlewoman from Michigan (Mrs. GRIFFITHS), who has done an outstanding job in pointing out objectionable provisions for Federal funding of supplemental State benefits under SSI. Under this bill, for example, Texas taxpayers would be asked to pay a portion of the cost of higher welfare payments in the State of New York.

Let me talk again about the matter of inflation. The impact of this legislation will cause a unified budget deficit in fiscal year 1974 of $1.1 billion and an additional deficit of $1.15 billion in fiscal year 1975. These deficits will have a further inflationary impact across the board for all Americans.

On top of that this bill sets up an administrative burden of implementation unprecedented in the history of this country. Never before have we passed two separate social security increases effective in one calendar year. Yet this bill does.

Compounding this administrative problem the committee has added two increases in the same calendar year on SSI—supplemental security income—Federal welfare payments. The effect of double increases in both social security and SSI will result in extra administrative costs of over $4 million to HEW in computing and delivering accurate benefit checks.

In conclusion, Mr. Chairman, we must strengthen the insurance basis of the social security system if it is not to simply become another welfare program. Such a result would be a tragedy to millions of Americans who pay social security taxes during their working years with the expectation that they will receive benefits as a matter of right when they retire.

I am also concerned that the increase in expansion of social security may unduly impinge on private economic security measures. Social security is an important part of the retirement plans of nearly all Americans, but they should remain free to express individual preferences about current consumption and savings. When they choose to save they should have alternatives to a compulsory Government program.

Mr. Chairman, there comes a time when we must ask ourselves, "Where are we going?" There comes a time when we must be concerned about the degree to which we are mortgaging our children's earnings, when we must be concerned with the tax burden on the workers of today and when we must be concerned with the soundness of the fund which all retired persons depend upon for their later years in life. In my opinion, that time is now.

I do not think this bill makes us stop and take a thorough inventory of where we are going, not when we are consciously reducing the fund to only 62 percent of 1 year's projected benefits, not when we are subjecting the fund to a possible deficit of one-half trillion dollars during the 75-year period covered by the estimates.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I wish to compliment my colleague from Texas for his very thoughtful and rational presentation of some substantial defects in this legislation. I know it is not easy, and that the social security system has become a sacred cow; but no one is really willing to take a hard look to see if the kind of problems the gentleman has suggested are real or unreal.

I know it takes a special kind of courage to do this. I compliment the gentleman. I believe he has made some very rational points.

My colleague Mr. ARCHER has reviewed the following facts:

First. This House with this bill H.R. 11333 will have increased the benefits by 68.5 percent since January 1970, while the Consumer Price Index has only gone up 19.6 percent in the same period.

Second. This represents a tax increase for 20 million middle-income Americans who tend to bear more and more of the burden of government.

Third. The committee has failed to properly evaluate the actuarial assumptions with the end result that the cost will undoubtedly be much more—in billions of dollars—which means more deficit financings; that is, more tax dollars for interest charges for debt.

He has made it clear that he does not want to destroy the system, but improve it and eliminate unnecessary compulsion. I think he is to be complimented for trying to bring this to the attention of the House.

Mr. ARCHER. Mr. Chairman, I thank the gentleman from California for his comments.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Chairman, I am pleased to rise in support of this bill, H.R. 11333.

To briefly summarize the legislation, it provides for a 7 percent increase in social security benefits in April 1974, and an additional 4 percent increase in July 1974. To pay for the raise in benefits, the bill would also provide for a broadening of the wage base for social security taxes.

I am also pleased that H.R. 11333 includes an automatic cost of living increase to begin in June 1975, should costs rise more than an annualized rate of 3 percent for the previous three or four calendar quarters.

For my own part, in my congressional district and as a member of the House Republican task force on aging. I have found that many older Americans encounter difficulty living in the comfort and dignity to which they are entitled after productive lives as wage earners and parents. The recent tremendous increases in the cost of living have made this even more apparent, and I believe if we in Congress had waited until next July to make a social security benefit increase effective, the Nation's senior citizens would have found it even harder to live on their small annuities.

After paying taxes all their lives, our older Americans have the right to be as independent and active as possible. Additional social security payments will assist them in this respect. The sad plight that many of them face must not be forgotten. This is why I am supporting this bill, and urge my colleagues to do likewise.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I expect to vote in favor of this social security increase. I do so with reservations and with concern about the future of the social security system. I am not sure my vote is correct and in the best interests of all the people who depend increasingly on the social security system for financial protection during their retirement years. We are all concerned about the difficulties old people have in making ends meet as inflation reduces the effectiveness of their resources, and this concern has been translated into politically motivated legislative action repeatedly increasing social security benefits across the board. Any single vote to do this can be justified in a vacuum, but at some point in this repeated response to natural sympathy for the elderly some responsible agency of Government must put the process in a long time perspective which reflects the obligation we must meet to the soundness of the system. Frankly, nobody is worrying about where we are headed with social security. We would better not put off a careful review much longer if we are to face the next generation with as much sympathy as we are here showing to the last generation. Ninety million people now paying payroll taxes as an investment in their retirement income have a right to consideration, too.

I want to pose some questions, today. They are only questions, because I don't know the answers. If I knew the answers, perhaps I would not vote for this bill—or perhaps I would think it inadequate. Anyway, I want these answers before we go through this vaguely degrading exercise and vote an across the board increase again, probably sometime before the next election. I would think every person in this Chamber would feel the same way. Here are the questions I want answered, and the reasons I think they are appropriate:

First. How far can we expand our payroll tax wage base without seriously undercutting the voluntary private pension plan movement? This bill puts the wage base at $13,200 as of next January 1. It will go up again to finance cost of living escalations already built into the law, and because our tax rate is already so high, will doubtless be raised to finance future benefit increases also. There will be no "cushion" to finance future benefit increases under the existing tax structure because we changed the actuarial assumptions last year—without study—to assume the increasing wage level and annual inflation which gave us windfalls in the past. Ever higher wage bases put social security in competition with the middle area pension and profitsharing funds with which industry rewards its midde group of employees. Maybe we do not want to encourage use of voluntary private pension in industry: certainly we could not discourage them more effectively than by expanding the social security wage base and resulting social security benefits into the same salary and retirement levels. Should we not continue to encourage pluralism in this field? Do we really want to put all our eggs in the social security basket?

Second. Are not some basic reforms increasingly needed to keep social security in the real economic world, rather than in the world of the past? To do equity without reducing anyone's benefits costs money, and in a closed system like social security money spent for an across-the-board increase cannot be used to make the system fairer. For instance, how long can we ignore the plight of the working wife? Forty-three percent of the work force is female—up sharply from the days when social security was organized—but unless an employed wife makes more money than her husband her contributions in payroll tax cannot enhance her pension in the normal situation, and from her point of view it is a lost payment, subsidizing higher pensions for somebody else.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. Yes; I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, I congratulate the gentleman. This is an extremely important point the gentleman is bringing out, and I do hope he continues on this point.

I would like to point out that with the base going to $13,200, we are going to have millions of couples in this country who are going to be paying in on a $25,000 income, neither one of whom, as a survivor, will ever draw as much as the widow of the man who paid in at $13,200.

Mr. Chairman, we need to reform social security.

Mr. CONABLE. Mr. Chairman, I would like to thank the gentlewoman for her contribution.

I must say that the gentlewoman's interest in this field is well known, and her reputation is very well deserved.

Mr. Chairman, because it's politically expedient to give an across-the-board increase as we are today, we turn our back on the working wife and ignore other possibilities for the equity which can result only from continuing reform.

Third. Who are the people at the bottom of the social security scale? Are they poor, or beneficiaries of some other system who moonlighted enough to get a minimum social security pension? At this point we do not know who they are, but they get more in relation to their contribution than anyone else, and apparently we have not cared enough to find out if this is socially justifiable. So we go on assuming they are the poorest of the poor, giving the whole system a bias in their direction on that assumption and to that degree eroding the wage-related assurances we have given those who year after year pay substantial sums into the system. To get more money to these assumed poor, we pump up the whole system, sapping its strength and stability.

In effect, what we are doing is shifting more and more of the burden of welfare onto the backs of the wage earners and off those whose taxes reflect unearned income. Our new SSI system, due to take effect January 1 and greatly reducing the allegedly demeaning impact of welfare for the aged, could be an alternative for the truly poor which would transfer the welfare functions of social security back to the general taxpayer. But that will take some doing, and in the meantime we talk about the poor to justify social security increases far beyond not only the cost-of-living increases but also actuarial, fiscal, and economic stability.

In addition to these basic questions, there are countless other areas which a basic study of the system must probe before we plunge on down the road which leads we know not where. How high a payroll burden is economically justifiable, and what is its relation to our chronically high unemployment rate? How sound is the system actuarially, and can we justify a higher imbalance now when our new assumptions of last year reduced the margin of safety in the figures? When the ripple effect of a social security increase has an economic impact far beyond other types of government spending—since the elderly have little incentive to save—should not we worry more amout economic timing and less about political timing? How big a trust fund should we have, and has trust fund manipulation possible under the unified budget system encouraged unsound fiscal policy? Is the earned income ceiling realistically related to the current benefit question needs to be answered. We cannot go on embarrassedly pretending they are not there and that we can afford continuing knee-jerk reaction to an opportunity to vote a benefit increase.

Having raised all these questions, and having voted against the 20-percent benefit increase last year, I owe my colleagues some explanation of why I intend to vote for this particular increase regardless of administration attitude, as yet unexpressed. There are several reasons: First, administration spokesmen appeared before my committee and indicated their satisfaction with proposals which did not differ markedly from this one, although they eased its fiscal impact in fiscal 1974. The Social Security Advisory Council has not been functioning, although we are assured it will be soon reconstituted, and so the administration is not in a position now to come forward with carefully prepared recommendations.

Next, I am satisfied that a substantial benefits increase is indicated at this time following the big runup of food prices this spring. Old people pay much more of their fixed income for food than do other age groups.

But lastly, I want to say that the procedure followed by the acting chairman of my committee has left me much less reason to protest than was true at the time of the 20-percent increase last year. While we did not have time to probe the basic questions I have suggested, Mr. Ullman did arrange for the committee to have several days of discussion of the proposal, which was not then attached to a veto-proof vehicle like the debt-ceiling increase. I want to express my gratitude for leadership which permitted us this degree of understanding. I am sure, also, that our conferees will not permit the other body to victimize us with the usual numbers-game type of bidding which has been possible with other procedures.

In summary, Mr. Chairman, I intend to vote for this bill, although I have no way of proving even to my own satisfaction that it is a proper vote in a long-term sense. It will surely be a wrong vote unless some responsible agency of the Congress follows with a careful study of where we go from here. I call upon the majority leadership of this House to insure that such a study takes place.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Chairman, I would like to take this time to ask our distinguished colleague from Oregon, the acting chairman of the Committee on Ways and Means, as to the problem which developed when some of the members of the committee—and I was among them—endeavored to bring about a program which would make the social security benefit increase available as early as January 1. Will the gentleman from Oregon, the distinguished acting chairman of the Ways and Means Committee, tell the committee about the leadtime that is now required by the Social Security Administration in order to bring about a payout of benefits commensurate with the cost-of-living increases?

Mr. ULLMAN. Will the gentleman yield?

Mr. VANIK. I yield to the gentleman.

Mr. ULLMAN. I would respond by saying that I was shocked, and I think most of the members of the committee were shocked, when the administration told us there would be a minimum time of 5 months to implement a refined benefit increase. This compares with the previous 3-month timelag that existed a year or a year and a half ago.

I am putting in the Record an explanation from the Social Security Administration giving us their rationale and their reasons as to why it takes this much additional time.

However, they insisted on their position, saying that there was no way they could implement it in less than a 5-month time frame.

Mr. VANIK. I thank our distinguished chairman.

I want to say, Mr. Chairman, this disclosure about the leadtime required to implement the social security benefit came after we had had several days of hearings and discussions on this problem. It came as a shock to me as it did to our distinguished acting chairman and to other members of the committee.

I felt that the information had some relationship to the administration's desire, perhaps, to hold back on the social security increase throughout fiscal year 1974. Under the circumstances in which discussions began to take place in the Senate and in this body on the social security increase, it was certainly incumbent upon the Social Security Administration to advise the Committee on Ways and Means and the Finance Committee of the Senate that a leadtime of perhaps 5 or 6 months would be required in order to bring about the increased benefit payouts.

When I discussed the problem of the leadtime required by the Social Security Administration to pay higher benefits with one of my constituents, Mr. Thomas C. Westropp, president of the Women's Federal Savings & Loan Association of Cleveland, he wrote me as follows:

> Recent statements carried by the news media have indicated that the Social Security Administration would be unable to comply with any forthcoming Congressional mandate to increase benefits until next May or June, because of necessary computer reprograming. In view of the fact that these benefits are sorely needed by a great number of our citizens it would seem that some emergency measures should be taken to overcome the mechanical difficulties.
>
> One such approach that seems feasible to us would be the issuance of a schedule to all financial institutions authorizing them to pay incremental sums above the face amount of the checks by making simple monetary adjustments. For example: If the recipient receives a check for $100 and the value of the new benefits is $107, the financial institutions can be authorized temporarily to pay $107 and so indicate the disbursed amount above the endorsement on the check. Reimbursement of the sum to the paying agency would be accomplished through the clearinghouse.
>
> This authority for an interim of time only would allow Congress and the Social Security Administration to respond immediately to the critical needs of people benefiting from these payments.

This very meritorious suggestion indicates a method by which social security benefit increases might be immediately paid out.

I want to say that while I favor a much earlier benefit payout than is possible under this legislation, I feel the committee responded as best it could to the problem of adjusting social security payments to the higher benefit levels.

I am pleased to support this legislation. I regret, however, Mr. Chairman, that we have failed to do something that ought to have been done about the social security retirement income test, that part of the income which is exempt. I think that the case is well made today for an exempt income retirement test of no less than $3,000. I think people who are on social security with no other form of income, without any other form of support, are in a rather distressing situation, and need to supplement their social security payments by some outside income. As I understand it, the social security actuaries estimate that under the present system of automatic changes the annual income exempt under the retirement test will be $2,400 for 1974, $2,520 for 1975, $2,640 for 1976, $2,880 for 1977, and $2,880 for 1978. So what we see in this projection is an even wider gap between the amount of social security received by those in the lower echelons and the rising cost of living. I think that an adjustment of the retirement test must be included in legislation next year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, I thank the gentleman from Ohio for yielding. I am just curious to know whether there was any testimony offered as to why those lower levels of income earnings had to be kept at this level? Is there some rationale for this?

Mr. VANIK. I would yield to my chairman, Mr. ULLMAN, for a reply to that inquiry. We had some testimony from the actuaries.

Mr. ULLMAN. Mr. Chairman, if the gentleman would yield, this is one of the highest cost items in the system. And we are, as the gentleman from New York knows, trying to improve the base for the social security system, and therefore it was felt at this time we could not make that additional benefit because of the cost factor.

Mr. PEYSER. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ULLMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I support this bill, and am opposed to the amendment offered by my colleague, the gentlewoman from Michigan, because it would make it impossible for poor old people, the disabled and the blind in this country to live within this income.

Under Public Law 93-66 and sections 4(a) and (b) of this bill all SSI recipients in the 20 States with current aid to the aged, the blind, and the disabled payments below the $130 level per month for individuals and $195 per month for couples will receive increases equal to the full $16 and $29 per month, respectively, provided in these amendments. These increases will be entirely at Federal expense.

Section 4(c), of this bill, allows those States that are supplementing the Federal minimum to pass on to recipients, at Federal expense, 62.5 percent of these increases.

The elimination of 4(c) would provide not $1 of increased benefits to SSI recipients in New York State as well as recipients in California, Hawaii, Massachusetts, Michigan, Nevada, New Jersey, Pennsylvania, Wisconsin, and possibly Rhode Island. Instead of receiving a cost-of-living increase, New York State's SSI recipients remain frozen at 1972 payment levels unless the State accepts the entire cost of increased supplementation.

When Public Law 92-603 was passed we wrote into it protection for the State's against the cost of supplementing the increased Federal caseload by limiting a State's fiscal liability for supplementation to actual calendar 1972 State and local assistance outlays for the replaced categorical programs if supplementation is federally administered and State benefits do not exceed average actual assistance and food stamp benefits in the State in January 1972. This is the "adjusted payment level."

Because of the arithmetic of State supplementation State and local governments in New York would not save $1 if we pass sections 4(a) and (b) without 4(c).

In New York there will be 271,000 people starting to receive SSI benefits in January. These are people who are trying to make ends meet in a period of continually escalating cost. In the last 3 months alone the cost of living has increased at an annual rate of 10.2 percent and the food component of the cost of living has gone up an astronomical 28.8 percent in that period. We are not talking about giving people thousands of dollars but of allowing people an extra $10 per month. It is simple justice.

I urge the adoption of this bill as reported by committee.

Mr. ROSENTHAL. Mr. Chairman, today we are voting on legislation for a two-step 11-percent increase in social security benefits to be paid next spring and summer.

Frankly, I must admit I am disappointed with the delay. This increase is supposed to meet the rise in the cost of living for the year ending June 1973, but payment is being delayed nearly a year.

Social security recipients should not have to wait until next year to meet last year's inflation. Especially in light of the soaring increase in the cost of living and the worst inflation in our history. America's 21 million elderly citizens need our help now, not a year from now.

More than 2 months ago, I introduced H.R. 10236 with nearly 110 cosponsors. My bill would have made next year's social security increase effective immediately. The Senate promptly enacted this measure in early September.

I have received hundreds of calls, visits, and letters from my district and from around the country in support of this legislation. It is abundantly clear to me that most Americans are in a desperate plight because of drastically higher prices for food and other essential items. Shoppers have had their incomes practically drained because of rapidly accelerating rises in the cost of living.

While the administration has been lax in its restrictions on the big firms which are showing tremendous profits, its misguided economic policies have forced the elderly into a precarious position which has become intolerable.

The Agriculture Department predicts food prices alone will rise at least 20 percent this year and wholesale prices already have reached their highest level in history. Those hardest hit by such developments are the poor and the elderly, persons who traditionally live on small.

fixed incomes and spend 30 percent of their disposable income on food.

There is nothing inflationary about giving these persons a few extra dollars a month. The average retired individual gets $162 a month; his benefits will go to $173 in March and $181 in June. The aged couple now receiving $277 a month will get $296 after March and $310 a month starting in June.

Nearly 3 out of every 4 Americans over the age of 65 have annual incomes below $3,000, including 2.5 million persons with no income at all.

Mr. Chairman, we must not stop here. This 11-percent increase in benefits will be helpful, but our elderly citizens on social security need much more. That is why I have introduced H.R. 6958, a bill to raise cash benefits by 35 percent and to make other needed improvements in the social security program.

Features of this bill include:

First, payment of benefits to married couples will be on their combined earnings record, thus ending discrimination against the working wife;

Second, extension of social security coverage, including medicare, to Federal, State, and local employees, at their option, including postal workers;

Third, removal of the limitation on outside earnings; social security is insurance which the worker paid for, and he should not be denied the benefits because he has provided for other income in his old age;

Fourth, improvement and expansion of medicare coverage;

Fifth, lower the age of eligibility for men and women to 60.

The administration wants the elderly to pay an additional $1.9 million in their medicare costs in an effort to establish a cost awareness on the part of the medical care consumer. This is absurd. Cost-consciousness is not a trait we need to teach our older citizens. It is a trait we should learn from them. Yet, the administration is telling people who must count out pennies for a newspaper or nickels for a quart of milk that they must hold the line on costs. I wish the President would show such cost-consciousness for the multi-billion-dollar cost overruns in the Pentagon.

My bill would not increase the burden on medicare recipients as the President proposes, but reduce it by:

First, eliminating the coinsurance payment requirement for supplemental part B coverage for persons with a gross annual income below $4,800;

Second, providing home-care prescription drugs under supplemental coverage;

Third, reducing to 60 the age of entitlement to medicare benefits;

Fourth, offering free annual physical examinations for the elderly;

Fifth, eliminating the 100-day limit on post-hospital extended care services;

Sixth, extending coverage to all disabled persons, regardless of age.

On the average, an elderly person pays $791 a year for medical bills, and the price keeps going up. Hospital and doctor costs are rising rapidly, well ahead of the overall cost of living.

My bill provides optional free annual physical examinations for the elderly in order to encourage preventive care rather than rely on crisis treatment. Not only will this measure contribute to a healthier population but it also will save more money in the long run than would the administration's shortsighted method of creating a cost-consciousness by raising the price of coverage.

Not only should we promote inhospital and posthospital care for the aged, but we must also resolve to ease the financial burdens of necessary prescription costs. The elderly spend about three times more per capita on prescription drugs than the rest of the population. In 1970, that came to $50.94, compared to $16.29 for persons under 65.

My bill would extend medicare coverage to include out-of-hospital drugs. This is something I have long advocated and which has been endorsed by the White House Conference on Aging, the President's own task force on aging, the 1971 Social Security Advisory Council and the Department of Health, Education, and Welfare's task force on prescription drugs.

This specific proposal, I believe, will have a significant side benefit. Many times the elderly must be admitted to hospitals in order to qualify for medicare coverage of drug purchases that could otherwise be prescribed on an outpatient basis. This proposal will not only eliminate this unfortunate use of much needed hospital space, but will avoid the potentially tragic psychological impact that a hospital stay can have on older people. This is a price that the elderly should no longer be expected to pay.

Every part of this bill affords effective, tangible and solvent ways of correcting the question it deals with. We all face a common aging problem. We must provide and plan for a retirement period of indeterminate length and uncertain needs. In 50 years, 15 percent of all Americans will be over 65, a third of these, 15 million, will be over 75. My bill will help eliminate many of the spiraling problems that have plagued our country's aged. It must be kept in mind that social security is not charity, but insurance bought and paid for by American workers.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I agree with my colleague that it would be well worth our while to devote a substantial amount of time to a complete overhaul of the social security system. The fact of the matter is we have taken some new steps which are going to make that easier to do.

For years, many poor people in this country have been living only on their social security pensions. In our humane effort to give them some slight increase in their living standard, we kept increasing their social security minimum. This was done to help those persons who lived in States where there was inadequate supplementation for the aged, the blind, and the disabled.

On January 1, 1974, we begin a Federal program providing minimum benefits for what we called the adult category, paving the way to remove the former social security minimum and making social security benefits reflective of the amount paid in by a worker. I hope we do that. It is the only way we will be able to adjust the maximum social security benefits upward so that they will reflect what an employee has been paying over the years.

Regarding this proposal, there was some discussion whether or not it is actuarially sound. I suggest to the Members that it is. We recognize that the social security tax rate is a great imposition upon low-income workers. It is a real cost of 11 percent on the first dollar anybody earns. It is paid half by the employer, but it is money that probably would go to the employee.

In this proposal, we avoided a rate increase by increasing the wage base and still keeping the program actuarially sound. That means for anyone who earns $10,800 or less, there will be no social security tax increase. Those who will feel the bite are the ones earning from $10,800 to $13,200. Those earning substantially over $13,200 probably will not miss the dollars quite as much as those who are right at that level. It seemed to the committee that the increase in the wage base is the only reasonable way to finance a desperately needed benefit increase.

The administration made great objections to any increase that would be paid out in this fiscal year—for one simple reason: The President wants to borrow money from the trust fund to finance his general budget. The fewer benefits we pay out this year, the more he can borrow from the trust fund. This increase means that there will be about $1.1 billion less for him to borrow from the Social Security Trust Fund. He will have to go out and borrow the billion-plus someplace else.

Briefly, about the Griffiths amendment: when the committee looked at what we ought to try to do now for the aged, blind, and disabled—those who are really the poorest of all the poor people in this Nation, and when we looked at the terribly high cost of living, especially the cost of groceries, which is by far the biggest item in their budget, we said they just have to get more money and we have to get it to them as quickly as possible.

At the time we enacted the SSI program for the aged, blind, and disabled, we set the Federal minimum payment to go into effect January 1, 1974 at $130 a month for a single person and $195 for a couple, and we thought that was a reasonable floor. For those States that were paying the aged, blind, and disabled more than the Federal minimum—and they are primarily the 10 larger States where most of these people live—we agreed to hold the States harmless from any increase in State costs if they retained their existing benefit levels.

All we are saying in the legislation under discussion today is that the $130 is too low; that we are going to move it up to $140; and for those States that supplement, if they will still supplement the total dollars they spent in 1972—we will let them pass on the additional $10 to their aged, blind, and disabled. It is the only way we can get the $10 increase to these very needy people.

It is not a matter of States being rich or poor—or of States being willing or unwilling to meet that need. The fact is that it is the only way we can get the extra $10 to these aged, blind, and disabled in January 1974.

There are two competitors in this matter: On the one hand, the Federal Treasury; on the other hand, the poorest of the aged, blind, and disabled people of this Nation. What we are talking about on the Federal Treasury side is $175 million. On the other side, we are talking about 33 cents a day for an aged, or blind, or disabled person, or 50 cents a day for a couple.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Chairman, I yield 3 additional minutes to the gentleman from California.

Mr. CORMAN. I thank the gentleman for yielding time.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of my distinguished colleague, the gentleman from California. He has really zeroed in on the problem here. What we are dealing with here is the blind, the disabled, and the elderly, the very poorest of the poor, and it seems to me that this great and affluent Nation of ours should not be zeroing in on economy at the expense of these poor and unfortunate people who are faced with the spiraling cost, the high cost of living, the escalation of prices, food prices, and now fuel prices, and all the dreaded costs that are going to be heaped upon them come January 1.

I certainly wish to be associated with my colleague, the gentleman from California, and I commend him for his statement.

Mr. CORMAN. I thank the gentleman from Massachusetts.

I would like to make two points. First, let us look at what the hold harmless means as far as California is concerned. It applies identically to all ten of the States involved.

If we do not retain the committee's position, the Federal Government will give $10 more to each single aged, blind or disabled person in 40 States—and $15 more to a couple—but not an additional penny to the aged, blind, or disabled in the 10 States where most of these people live.

California is spending its own money in trying to give a reasonable living standard to these persons in the State, but what does that standard mean for them? For a single person living alone now, it means $211 a month, plus $10 worth of food stamps. I cannot feed my family on $221 a month, and I doubt that any Member here can. There is rent to pay, and utilities, and clothing to buy, if there is anything left for clothing. What we are really talking about here is rationing—out of $221 a month—for food, for clothing, for shelter, for other essentials to keep body and soul together. What I am trying to get us to do is merely to increase that person's food rationing 33 cents a day.

In New York, the average payment to a single aged, blind, or disabled person presently is $207, including food stamps. In Michigan it is $200; In Pennsylvania $146 plus a bit for food stamps; and in Massachusetts $207. In these States, as well as in the other affected States, if we do not vote down the Griffiths amendment, those of the aged, blind, and disabled who also get small social security checks, are going to be hearing about an 11-percent social security increase and about a $10 increase in the basic Federal SSI payment when they are transferred into the new Federal program—but they will end up receiving the same amount of dollars as if we had not increased social security or SSI. And these are the persons hurt most by increasing costs of food, rent—and now, even fuel oil to heat their houses. These are the persons also hurt most by the devaluations of the dollar the Nation has experienced over the past couple of years. And to neither situation—inflation nor devaluation—have they contributed; they are only the victims.

The question is not the Federal Government versus the rich States. The question is the Federal Treasury versus the poorest of the aged, blind, and disabled people of this country. There is no Federal expenditure we will make in the 93d Congress that will be more meaningful than to assure these people that they will also get a pitifully small $10 increase to buy food.

I urge the Members to support the committee's recommendation and to vote down the Griffiths amendment when it comes up for a vote.

Mr. ULLMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, while I applaud the increase in benefits in this bill I have some questions about the financing aspects of it.

Mr. Chairman, I rise in support of this bill's provision for a two-step, 11-percent cost-of-living increase in social security benefits. Last year the Congress committed itself to maintaining the dollar value of a social security pension by providing for automatic cost-of-living increases in benefits, effective in January 1975. It is now painfully clear that the interim 5.9-percent cost-of-living increase, scheduled to take effect next June as an advance payment toward the first automatic increase, will be wholly inadequate.

While I applaud the provision of an 11-percent increase in benefits, I have some questions about other provisions of the bill affecting the financing of the social security system and about the actuarial assumptions on which those changes are based.

Under the bill, the tax rate for hospital insurance—now a flat 1 percent—would be reduced in 1974 to 0.90 percent and stay there through 1977. In 1978, the medicare rate would rise to 1.10 percent—instead of the 1.25 percent provided under present law—and stay there through 1980.

By virtue of this change, the health insurance trust fund would forgo $1 billion in income in calendar 1974. For the fiscal years 1974 through 1979, according to the committee report, the health insurance trust fund will receive $9.8 billion less income than it is expected to receive under present law. Over the course of those 6 fiscal years, nearly $10 billion will in effect have been transferred out of the health insurance trust fund and into the old-age and survivors and disability insurance trust funds.

It is hard to get used to this idea, for two reasons. First is that the health insurance trust fund used to be ailing. It is the one that was underfinanced and headed for bankruptcy. Now, suddenly, it is in the pink of health, thanks to a combination of factors, including an increase in the health insurance contribution rate this year from 0.60 percent to an even 1 percent and the restraints that the economic stabilization program have imposed on medicare costs. In the short run, in fact, the health insurance trust fund is now regarded as overfinanced, since its estimated reserves at the end of 1977 would amount to more than 100 percent of the following year's estimated outgo.

The other reason is that I have introduced legislation—now cosponsored by 111 other Members of this body—to provide an outpatient prescription drug benefit under medicare. This would be a much needed maintenance drug program for the elderly who suffer from certain specified chronic illnesses. The official cost estimate for this program, made last year for the Senate Finance Committee, was $740 million for the year beginning July 1, 1973.

In previous year, when I was proposing a comprehensive outpatient prescription drug program, the principal objection I heard was that it would be too expensive. Then, when the proposal was scaled down and tailored to the elderly who are most in need, I was told that there was not enough money in the trust fund.

Suddenly, when it appears that the health insurance trust fund will have more than enough money to finance a maintenance drug benefit, that income is diverted for OASDI purposes. As far as I am able to determine, no one has given any thought to the possibility of keeping that money in the fund to finance a maintenance drug program. Ironically, I received a letter only yesterday from a constituent whose husband, 63, suffers from Parkinson's disease. They spend $120 a month for prescription drugs.

What I want to question is the committee's contention that the old-age, survivors, and disability insurance program now shows a serious actuarial imbalance that must be corrected by increasing the income of the OASDI trust funds. Here is the chronology of progressively more bleak actuarial projections:

July 16: The 1973 annual report of the trustees of the OASDI trust funds says current estimates show a long-range actuarial imbalance of minus 0.32 percent of taxable payroll, a deficit of about 3 percent of the long-range cost of the program.

Next, according to the gentleman from Texas (Mr. ARCHER), it was increased to minus 0.42 percent when we enacted the 5.9 percent benefit increase to take effect next June.

October 30: Again according to Mr. ARCHER, a pamphlet prepared for the committee said the OASDI program was out of balance by minus 0.68 percent. A few days later, he notes, committee members were given another estimate indicating it was out of balance by minus 0.76 percent of payroll.

I know that we all want the trust funds to be actuarially sound, given the new dynamic actuarial methodology we are using. I also note this statement in the report of the trust funds' trustees:

> Variations in the actuarial balance (in either direction) arising from short-term fluctuations in consumer prices and average covered earnings are inherent in the actuarial methodology now employed. Over the 75-year period of the estimates short-term fluctuations could be expected to be in both directions and somewhat offsetting, and relatively small deviations from exact actuarial balance should not call for changes in the contribution schedule.

Mr. Chairman, I do not want us to jeopardize the future health of the Social Security System. But I would be more comfortable if I knew that the financing changes proposed by this bill are in accord with this bit of advice from the trustees of the trust funds, and that we are not unnecessarily diverting money from the health insurance trust fund that could and—in my view, anyway—should be used to finance an outpatient drug program.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I would hope that the proposal advanced by our distinguished colleague, the gentlewoman from Michigan (Mrs. GRIFFITHS), will be rejected. I do that for the following reasons:

As we all know, in January, a few months from now, we are moving into a new program providing a federally established minimum payment to the aged and the blind and the crippled of our country, and that program also carries with it a very thoughtful and much improved financing arrangement that ultimately redounds to the benefit of the Federal Treasury.

Let us contrast the law today with the law as it will be in effect in January. As of today all of the States receive at least 50 percent Federal matching for welfare payments made to aged and blind and disabled persons, and a number of the States receive some larger percentage, up to approximately 83 percent.

After the new law takes effect, a majority of the States will receive an increase, in effect, of their Federal matching funds, that is currently from 50 percent to 83 percent, to 100 percent Federal matching. But for some States, some 10 or more who today receive 50 percent Federal matching, the effective matching for these States is reduced as a percentage from 50 percent to perhaps one-third or perhaps 25 percent.

Now although it is very difficult without the utilization of visual aids, permit me to describe I hope in simple and understandable terms its application in at least the State of California.

As of today California's average grant is $120 a month or so in the aged program. California today receives 50 percent matching or $60 a month on the average for each recipient receiving aged aid.

In January, taking the new financing arrangement and applying it to that same older person whose benefits must be maintained because we have passed a law requiring their benefits not to be reduced, the following is the Federal commitment to California:

The Federal Government is obligated as of now to provide an assured level of income of $130; but all outside income, and that is mainly social security, is used to reduce the Federal commitment.

Under this bill the proposal is that the $130 assurance per month is to be raised to $140, so let us stay with that latter figure for purposes of this illustration. After the social security increases in the bill, the average income for an aged recipient in our State will be, approximately $100 a month of outside income, so under the new financing arrangement in California that aged person for whom we shall receive $60 Federal contribution in December, we shall receive $140, less the $100 on the average, or an average of $40 for that same recipient. Mrs. GRIFFITHS has pointed out—and she is correct—that this does not take into account the $20 per month disregard which is available to some 75 to 80 percent of our adult recipients.

(At the request of Mr. ULLMAN and by unanimous consent, Mr. BURTON was allowed to proceed for an additional 3 minutes.)

Mr. BURTON. Mr. Chairman, so where, as in December, we shall have really on the average a $60 Federal contribution, we shall after the effective date of the increases receive on the average a $40 contribution. Obviously, that is a result that could not pass political muster.

So the distinguished chairman of the Committee on Ways and Means constructed the cheapest and most efficient method of seeing that States like California were not discriminated against by having their effective matching reduced by one-third—which I have now restated for the fourth time and stand on—by providing that there be a hold-harmless provision. It is the operation of the hold-harmless provision that results in the restoration effectively to the higher cost-of-living or higher grant States of, roughly, the 50 percent.

This proposal suggests increasing the Federal commitment by $10—$10 I might note will come virtually entirely out of Federal funds. Under the wise financing, constructed by Chairman MILLS, all of the offsetting increased social security income will be used to reduce the Federal General Fund obligation to meet this Federal commitment of $140 a month.

The increase of $10 to all in the lowest grant States is entirely Federal money and all of us in the higher cost-of-living States applaud—do not decry—that the person in the lower income States receives this increase as a matter of full Federal financing. But do not deny to us the same option to receive and pass through to our elderly poor the equivalent $10 increase, because we have given up, in the process of the new financing, the 50 percent savings that otherwise would have redounded to the higher grant States because of the social security increase, by acceding to Chairman MILLS' thoughtful and wise request that all that increased income will be used to offset the Federal cost to pay the Federal minimum.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, the gentleman continues to invoke the name of the Chairman. Chairman MILLS was present when we guaranteed that the gentleman's State and mine would not have to pay more because of SSI, which would go into effect next January 1, than they paid in 1972. That is what is, in effect. It has not been repealed.

The only thing your hold harmless does now is protect you and me from the increases way above that $210 that are now being voted. Mr. MILLS was not present when this was even talked about in the committee, so he had nothing to do with it.

But in addition, while the gentleman keeps talking about this, he fails to note that there are two social security raises going into effect next year. No State has ever held harmless an SSI recipient against a social security raise.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. ULLMAN. Mr. Chairman, I yield 3 additional minutes to the gentleman from California (Mr. BURTON).

Mrs. GRIFFITHS. And you do not intend to do that either. There is nothing in here that would hold you harmless. There is nothing in here that will hold you harmless.

Mr. BURTON. Mr. Chairman, I decline to yield further for the purposes of this point: The overwhelming majority of States have disregarded, for their adult recipients, social security increases, to the extent permitted by the Federal Social Security Act, and that is a fact.

Mrs. GRIFFITHS. No, I talked with every State. They do not protect against social security, do not protect against the veterans increases. What the gentleman is asking here is for a one-shot increase, for SSI only. He is not saving harmless against the social security increases or the second SSI increase.

I am saying to the gentleman again, he is not protecting the poorest people. The poorest people are the people who are getting social security minimums or small amounts and who, because of some small asset, are not eligible for any SSI. Those are the poorest people.

Mr. BURTON. Mr. Chairman, I decline to yield any further because I have so little time.

Mrs. GRIFFITHS. I know it hurts.

Mr. BURTON. Mr. Chairman, I fully agree with the gentlewoman that there are limitations on assets that are irrelevant, and I would also like to have the record be made clear, if I have left any inference to the contrary, I do not assume that the chairman of the Ways and Means Committee adopts any portion of what I am saying.

What I do mean to state is that there was a radical rearrangement, a wise one, of how these programs are to be financed; and I do assert further that in the Federal budget approved by the House Appropriations Committee, the administration has, for the first 6 months of this fiscal year, overstated—by from 6 to 7½ percent the costs of the current adult welfare program. HEW estimated an average caseload of 3.4 million aged, blind, and disabled recipients, when, in fact, the average caseload for July–December 1973 is going to be about 3.150 million or 250,000 caseload months less than the projected 3.4 million caseload average for that 6-month period.

For the last 6 months of this fiscal year, the administration estimated that there will be an additional 3 million recipients, on the average for the last 6 months of this fiscal year, due to the new social security insurance program.

I will stand here right now and say that I will eat cotton if there is any more than a third of that, on the average, increase for the balance of this fiscal year. Therefore, the committee bill including the hold-harmless language, is within the parameters of the administration's sought budget amount and this general revenue amount will not be exceeded even with the enactment of the recommendation of the Ways and Means Committee.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from California.

Mr. CORMAN. Mr. Chairman, I do want to point out concerning the original hold-harmless, that in the State of California, it would have to grandfather in certain recipients, and that cost the State of California $22 million, which it was perfectly willing to pay and which was mandated by this House in the summer of this year. Additionally and voluntarily, the State of California has added $56 million to their cost-of-living requirements to try to take care of them, so they have moved that State supplement from $381 million, which is the Federal requirement, to $459 million. If we do not have the hold-harmless, they can get——

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. ULLMAN. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. BURTON. Mr. Chairman, I yield further to the gentleman from California (Mr. Corman).

Mr. CORMAN. Unless the hold-harmless provision stays in, only the States which did not supplement and paid the minimum will get the $10. States with supplementing will not get it because the Federal Government will give it per capita, but let them hold harmless.

And so the competition is truly between the Federal budget and the budget of the very poor. It seems that what we are worried about is really who are the poorest of the poor? The test of the situation for everybody is, if one has no assets and no income, one gets a minimum, throughout this entire Nation, of $130 and, as proposed now, $140. In the State of California one gets $211 because the State pays the difference.

Mr. BURTON. Mr. Chairman, I fully agree with my distinguished colleague, Mr. Corman. If I may conclude in the very few seconds I have left, if we want to look at this matter in terms of equity among the several States, simply stated, it is this:

A great number of us willingly supported a change in the financing, even though it resulted in an increase percentagewise to the majority of the States in this country from 17 to 50 percent of their previous matching.

We did that willingly. All we are asking is that they do not change the ground rules on us, so that we may get our piece of the action for our poor elderly, blind, and disabled.

Mr. ULLMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Mrs. Griffiths).

Mrs. GRIFFITHS. Mr. Chairman, what this does, in fact, is to say that California and nine other States—and my State is one of them—will have the Federal Government come in and help them raise their payments way above the $210 for a couple, over and above what the other States have. But if you are in one of the other States, such as Ohio, Indiana, Michigan, Illinois, Connecticut, Maine, Vermont, Florida, or Texas, any of those States, and you raise it one cent above $210, you will pay every penny of it yourself, every penny, and you will also help us raise ours above $394 or whatever our individual payment is. Now, I would like to have someone tell me where that is equitable.

If we have that kind of money to spend, let us spend it on a Federal priority, not helping the rich get richer.

Mr. ULLMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. Mahon).

BUDGET IMPACT OF SOCIAL SECURITY INCREASE

Mr. MAHON. Mr. Chairman, the record of the proceedings of today will contain much helpful information. This debate has been of great interest, I think, to the Congress and will be of interest to the country generally. The record, which contains this discussion, should also contain certain overall information in regard to the Federal budget.

As has been pointed out several times in the debate, this bill will increase the national debt this year by $1.1 billion and will increase the deficit by $1.1 billion. That is not to say that the bill should not pass. I intend to vote for it.

However, I believe we should also bear in mind that this will add an additional billion dollars above the January spending budget of $268.7 billion. The House earlier in the year approved an expenditure ceiling of about $267 billion. Including this social security bill, the Congress will probably be at the end of the session, about $5 billion over the January budget in expenditures.

The President revised his budget on October 18 from $268.7 billion up to $270 billion. The President having approved congressional actions above the budget at that time in the sum of $2.4 billion embraced those increases in his new budget estimate. Having signed these bills into law, he has taken them into account in revising his expenditure budget up from $268.7 billion to $270 billion.

In addition, the President has submitted the budget amendment for assistance to Israel, which brings the most recent administration spending estimate to $270.6 billion.

In actions subsequent to October 18, including the $1.1 billion increase being considered today, the Congress will add another $2.6 billion in spending. In percentage terms this amounts to less than 1 percent of the $270.6 billion estimate.

Of course, it is true that the fiscal picture has improved dramatically not as a result of reduced spending or reduced appropriations but as a result of a $14 billion unanticipated increase in revenues which has occurred since the January budget was submitted.

I would like to say again, as I have said many times on the floor, that the budget-busting problem of this Congress does not lie with appropriation bills from the Committee on Appropriations. It seems clear now that the appropriation bills in this session of Congress will be in total at the level or below that of the President's budget. Our difficulty generally in trying to hold Federal spending within the budget comes from backdoor spending or spending mandated by nonappropriation bills.

I thought it was appropriate to bring this up under the circumstances, and I shall ask unanimous consent at a later time to revise and extend my remarks on this matter. At another place in the body of the Record of today, I shall present a fuller discussion of fiscal matters.

Mr. ULLMAN. Mr. Chairman, I yield to the gentleman from Texas (Mr. Milford) such time as he may use.

Mr. MILFORD. Mr. Chairman, I want to join my colleagues who are supporting this drastically needed updating of social security benefits.

It is imperative that the retired people in our Nation who have devoted their lives to productivity and citizenship responsibility be assisted at this time.

I know of no other group of people who have felt the crunch of our galloping inflation more than these folks. Their income is fixed. And until this bill, it has taken an act of Congress to increase their income—social security payments.

I find this bill to be one of the most promising pieces of legislation coming out of this law-making body, because it will provide for increases based upon cost-of-living indexes computed annually.

Up to this time, we have been in the position of asking our retired and disabled persons to shrink their stomachs and to do without needed medical prescriptions while we debate their needs. Until now, there has been no way to increase their income in marching rhythm with rising prices and diminished dollar purchase power.

If we act now on this bill, we can put

7 percent more money—or an average of $11 a month for an individual—in their hands with the April social security checks. And, another increase—up to 11 percent, or a total average increase of $19 for an individual—by the July checks.

I would like to impress upon my colleagues that for 20, 30, or 40 years or more, these individuals—whose income we are now legislating—have poured money into our economy and into this fund over which we hold the purse strings.

It is time we let the economic situation and demands release this hold in the prudent and sound manner set forth in H.R. 11333.

Mr. ULLMAN's bill addresses itself to the immediacy of the crisis of senior citizens by calling for their receipt of the increase in April.

I would like to call attention to some Department of Labor budget statistics for a retired couple. The national average cost for people in the lowest budget is $3,442 a year. This is $118 a year more than the average couple is receiving in social security benefits. But let me make you aware of this fact: these are 1972 budget figures. If we add in the 4.7 cost-of-living increase, over the first 7 months of this year, this same couple will need $3,604 to make it.

Our bill would almost bridge this gap in April and would take care of the increase by July if—if the costs of surviving, such as food, shelter, medicine and transportation, do not rise higher than September figures.

And since that is the impossible dream, I urge the immediate enactment of H.R. 11333, so that social security income can be computed comparably with cost hikes.

I feel strongly about this issue, and as most of you know I have strongly advocated cautious and prudent budget spending. However, this bill will enable us to help the grandparents of this Nation, yet remain prudent and cautious by paying its way by raising the social security taxing maximum wage base to $13,200, and retaining the same 5.85 percent tax rate until 1977.

Because this is a compassionate bill, because it will alleviate a pressing crisis for retired people, and because it is economically sound, I would urge my colleagues to vote yes. Thank you.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, in the light of what the distinguished chairman of the Committee on Appropriations just said, I believe it is in order to remind this House that in June of this year, 6 months after we enacted legislation to provide a 20-percent increase in social security benefits, we did, in fact, enact legislation for an additional increase. It included the cost-of-living escalator plus the raise in benefits to have become effective on July 1. We did this because in the interests of being fiscally responsible we thought at that time—and the House, I repeat, did approve it—that we ought to wait until July of 1974. This would have provided a period in the interim 6 months for us to accumulate through an increase in the taxable base the trust fund income to accommodate the additional burden of the July 1 increase.

However, because, as is so often the case, the second shot increase was hung on as a rider to a totally unrelated piece of legislation, the debt ceiling bill, we were then forced into what you might call an emergency situation to foreclose an even further problem facing us to move this legislation.

So I pass this on to you because I think the action we took last June, which we have now rescinded only 4 months later, represented a far more responsible approach than is the course which we are now taking.

Mr. DENNIS. Will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. DENNIS. I cannot help but wonder, in view of what the gentleman from Illinois says and what the distinguished chairman of the Committee on Appropriations had to say, why this distinguished committee that brought this bill in did not bring it in under a rule which would have permitted an amendment which would have perhaps gone back along the road we were trying to go last June.

Mr. COLLIER. I had no voice in the rule that was granted.

Mr. ULLMAN. Mr. Chairman, I yield myself 1 minute.

I want the record to be clear that it is only because we have a unified budget concept that this has an impact. The reason should be absolutely clear, that the trust funds are paying a substantial surplus into the unified budget.

There is in fact a $15 billion or more Federal funding deficit, but in the unified budget that is offset by the surpluses from the various Government trust funds.

Without these surpluses from the trust funds, including the social security trust funds, the budget would show a deficit of the same amount. Omitting trust fund operations is the concept of the administrative budget, which was abandoned a few years ago when the present unified budget was adopted. Some people believe that the unified budget is more a bookkeeping operation than a true measure of Federal fiscal requirements. For all intents and purposes, the administrative budget is the portion of the budget which is subject to the debt ceiling. The operations of the trust funds, on the other hand, do not affect the debt ceiling. I think it is important that the trust funds be allowed to operate consistent with the purposes of the programs under which the individual trust funds were set up. These programs should not be unduly influenced by considerations arising solely from the unified budget.

This is a responsible package, and one that I urge the House to support.

Mr. Chairman, I would ask my friend, the gentleman from Virginia (Mr. BROYHILL) if the gentleman has any additional requests for time?

Miss JORDAN. Mr. Chairman, I rise in support of H.R. 11333 which provides an 11-percent increase in social security benefits and which increases supplemental security income benefits.

This bill provides for a two-step increase in social security benefits. The first step will be a 7-percent increase which will be received in early April 1974. The second step will be an additional 4-percent increase which will be received in July 1974. The bill also raises the basic supplemental security income payments for an aged individual to $140 in January 1974 with an additional $6 increase in July 1974; and for an aged couple to $210 in January 1974 with a further increase of $9 next July.

Many of my colleagues have also risen to support this bill today. Their support for social security increases at this time attests to the success of the program. Social security keeps some 10 million people out of poverty. Poverty due to death of the breadwinner in the family has been virtually eliminated due to social security.

Social security is more than a retirement program. It is the largest life insurance program, the largest disability insurance program, the largest health insurance program, as well as the largest retirement program in the Nation. Social security is well accepted by the American people because it is a universal program providing benefits to eligible recipients as a matter of statutory right with a minimum of administrative discretion, covering the rich as well as the poor, irrespective of race, color, creed, or sex. As the board of directors of this enterprise, Congress has steadfastly kept the social security program on a financially sound basis. The long-range financial schedule in the law gives as much stability to the program as is possible in this uncertain world.

In addition, many of my colleagues in the House have joined in supporting this bill due to the astronomical price increases which have occurred over the past few months. Food prices alone have risen almost 30 percent in the past 3 months. An individual receiving a fixed check from social security cannot absorb these price increases from one week to the next.

More importantly, the social security increases provided for in this bill are desperately needed not only because of the price increases which have occurred in the past, but because of the price reductions which are not expected to occur in the future. The higher cost of eating is here to stay. Food prices are not expected to go down in the near future; they may level off, but in doing so they will remain at their highest levels ever.

Food prices will not go down because demand is up both in this country and abroad. Foreign buyers have money to pay for the food they need. They have money because they have the advantage of two devaluations of the dollar in a 15-month period. To the American consumer food prices have risen 30 percent, but to the foreign buyer food prices remain approximately the same as they were a year ago.

Food prices will not go down because supplies will not catch up with demand. Although additional acreage for corn and soybeans is being put into production both here and abroad, most of the productive land is already being used. Meat supplies will not dramatically increase for the basic reason that it takes 9 months to produce a calf and 2 years to raise a market-ready head of cattle. Even if our supply of livestock were to be increased, it would mean less meat now as ranchers withheld stock from the market for breeding purposes.

Food prices will not go down because wholesalers and retailers will be catching up from last summer when their margins were held down by price controls.

I am particularly gratified that the members of the Committee on Ways and Means provided for increases in supplemental security income benefits beginning in January 1974.

Since the constitution of the State of Texas prohibits the State from supplementing the basic SSI benefits, the increases provided in this bill will assure that no one in Texas will receive less money under SSI than they now receive from the State under the old age, blind, and disabled program.

Last September I introduced legislation which would have provided for a 7-percent increase in social security benefits effective January 1974, I applaud the distinguished chairman of the Ways and Means Committee for providing the leadership necessary to deal with this subject in committee and to report expeditiously a bill to the House. In many ways, the committee has improved upon my original bill. It is my hope that the bill will prevail in conference with the other body and will be signed into law by the President. I urge my colleagues to give this bill their wholehearted support.

Mr. BINGHAM. Mr. Chairman, tens of millions of Americans have a direct stake in the outcome of our deliberations here today. These are the 29 million social security beneficiaries who have been bearing the brunt of this administration's disastrous inflation. Since the last benefit increase in September 1972, the Consumer Price Index has already increased 9.3 percent, with some consumer costs much higher. For example, food costs have gone up 23.5 percent in this period, but social security beneficiaries have received no additional income to meet these added costs. When Congress enacted the last effective increase, we also established an automatic cost-of-living increase, but delayed its implementation until 1975. This year we were able to accelerate the date of the first of these increases to July 1974, but even this is clearly not soon enough.

Beginning in September, I undertook a number of efforts to win congressional approval of speedier increases, since I have been convinced that the elderly should not have to wait until next year to be compensated for this year's inflation. In October, 112 of my colleagues joined me in sending letters to the acting chairman and the ranking minority member of the House Ways and Means Committee urging them to act on the immediate 7-percent across-the-board increase in social security benefits. This expression of widespread support for such an increase was clearly influential in focusing the attention of the committee on the increasingly desperate needs of the elderly. When the committee continued to delay action, however, I joined with Representatives REUSS, VANIK, FULTON, and THOMPSON in urging the Rules Committee to accept a combined social security increase and tax reform amendment to the debt limit bill. The Rules Committee accepted our proposal in the belief that both of these measures deserved consideration in this session of Congress. Adding these measures to the debt limit bill would have been attractive, since the administration would have been reluctant to veto such critical legislation despite its announced opposition to both the social security increase and the tax reform proposals.

The Rules Committee action startled the Ways and Means Committee, and led to the postponement of the debt limit bill and the decision to give separate and early consideration to the bill before us today.

H.R. 11333 provides a two-step, 11-percent cost-of-living increase in social security benefits. The first step would be a 7-percent increase effective March 1974, reflected in the checks received early in April, with the full 11-percent increase effective in June 1974, reflected in the checks received early in July. The minimum benefits would be increased from $84.50 to $90.50 a month for March through May 1974 and to $93.80 per month for months after May 1974. The average old-age benefit payable for March would rise from $167 to $178 per month and then to $186 a month for June 1974, and the average benefit for a couple would increase from $277 to $296 per month for March and to $310 for June 1974. Average benefits for widows would increase from $158 to $169 for March and to $177 for June 1974. Henceforth, benefits would be automatically adjusted each year in which there is at least a 3-percent increase in the cost of living over the previous year. I am disappointed by three aspects of the committee's bill. I have been urging an increase in social security benefits which would take effect no later than January 1974. I could not believe that social security recipients should have to wait any longer to be compensated for 1973's galloping inflation. However, the Social Security Administration has made it clear that they could not compute and process increased benefit checks any earlier than April 1974, since the agency is already hard pressed to implement the new supplemental security income program. I only regret that the Congress did not respond more quickly to our urgings for speedy action on social security increases which have been made repeatedly beginning this past summer. Earlier congressional action would have allowed an earlier effective date for increased benefits.

Second, I am disappointed that the committee decided it was necessary to raise the amount of annual earnings subject to social security taxes from $12,600 to $13,200, and in future years to increase the tax rate itself. This 22 percent increase in the effective social security tax rate for those earning $13,200 or more each year is intended to cover the additional costs to the social security trust fund attributable to the benefit increase of $900 million in fiscal year 1974 and $1.7 billion in fiscal year 1975. The seven percent increase effective in January 1974 which I advocated would not have required any increase in social security taxes as it could have been paid out of existing surpluses in the social security trust fund.

Finally, I am deeply disturbed that the committee bill has not grappled with the vexing problem of insuring that these social security increases will not be offset by reductions in other forms of Federal financial assistance. This is the so-called "pass-through problem". It is caused by the fact that social security increases in many cases make many social security recipients ineligible for, or cause payment reductions in, veterans pensions, medicaid, public housing, food stamps and public housing programs. Many of my own constituents have seen social security increases offset by reductions in other programs or have even suffered reductions in their total monthly benefits. No one should have to pay this kind of penalty simply because of the perverse operations of overlapping, uncoordinated Federal programs, thereby making consideration of this problem as well as others out of order. I am concerned that unknown numbers of social security recipients across the country will not receive the benefits of the increases we are considering today because the "pass-through problem" has been ignored once again. I urge the Ways and Means Committee and the Committee on Veterans' Affairs to act on legislation I have introduced before the effective date of these social security increases next March, so that these increases will be disregarded in determining eligibility for other Federal assistance programs.

Despite these problems, Mr. Chairman, I will vote in favor of this bill. It promises much needed relief to millions of social security recipients whose health and comfort have been steadily eroded by constant inflation. I hope the bill's shortcomings will be corrected in short order, so that millions more will receive the full benefit of the increases this bill will make possible. Finally, I hope the Congress will stand fast against the predictable opposition of this administration to the enactment of this legislation. We cannot expect the elderly to shoulder the full burden of fighting inflation when they are the most severely affected by that inflation. I urge my colleagues to support H.R. 11333.

Mrs. HOLT. Mr. Chairman, the rapidly escalating cost of living has deeply eroded the purchasing power of many Americans; it has had especially disastrous effects on those who are forced to make ends meet while living on a fixed retirement income. These older Americans with limited financial resources have no means to supplement their small annual incomes; their ability to live out their remaining years in dignity is directly dependent on the people of this country.

The bill before us will provide increases in social security cash benefits and supplemental security income payment levels. Older Americans are caught in a vicious squeeze between rising prices and fixed income. Each increase in the cost of living has the net effect of a reduction in income for these people. The immediacy of this problem is aptly described by the statement of the National Council of Senior Citizens that older Americans "cannot wait until July to pay today's prices."

Mr. Chairman, we have a very serious problem facing this body to which we must turn our attention. I am deeply concerned that the day of reckoning is rapidly approaching for the social security system. Since January 1970, social security benefits have increased 51.8 percent; the passage of H.R. 11333 will drive this figure up to 68.5 percent. These benefit increases have been financed primarily by increases in the taxable wage base.

We must begin to consider carefully the long run effects of our actions. Increases in employer contributions to the system will naturally raise the cost of doing business and will ultimately be passed on to the consumer in the form of higher prices. The prospect of another round of spiraling inflation is very real.

In addition, there is a finite limit on what the American taxpayer can afford or will be willing to pay to support this system. Many of my constituents are extremely disturbed by the rapidly increasing bite social security taxes are taking in their pay checks. We cannot continuously vote increases in benefits without carefully reviewing the long run impact on the program. I strongly maintain that the time has come for a comprehensive review of the entire program. We must clarify its objectives and quantify its current and future abilities to meet these objectives.

Mr. Chairman, if we are not careful we are going to kill, yes, really kill, the goose that laid the golden egg.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of this proposal which would provide a 7 percent increase in social security benefits beginning in March 1974, and an additional 4 percent increase beginning in June 1974.

While I strongly feel that the 30 million recipients of social security should receive an increase in benefits beginning in January, and I introduced a measure with 78 cosponsors which would have accomplished that aim, I believe the bill before us today is a belated, though necessary step in the right direction.

This increase is necessary merely to catch up with the skyrocketing cost of living which has been eating into the already limited income of the elderly. For example, during July, August, and September of this year, the cost of living rose by over 10 percent. And food costs rose by an astounding 28.8 percent.

As a result, those on retirement incomes have been particularly hard hit, and are having an even harder time making ends meet, especially since a quarter of their income goes for food. Thus, the elderly, who have a great need for a nutritious diet to maintain their health, are forced to eat less and suffer more.

This measure would result in a two-step increase in benefits with a total increase of $19 per month going to the retired worker, with no dependents, and $33 per month going to the retired couple.

It is our responsibility to insure that the elderly live out their remaining years in good health, without fear of want, and in dignity. In that regard, this measure will help, and I urge my colleagues to join with me in supporting this bill.

Mr. DORN. Mr. Chairman, the question has been asked as to the effect of the social security increases under discussion here on veterans' pensions.

Let me point out that earlier this afternoon we agreed to certain amendments and sent back to the Senate H.R. 9474, which will provide a 10-percent increase in nonservice-connected benefits effective January 1, 1974. This bill will provide about $240 million in additional benefits to veterans and dependents and will do a great deal to offset the impact of the 20-percent social security increase which became effective earlier this year.

Now, insofar as the 7-percent increase under discussion here is concerned, which may become effective next March or April, this increase would have no impact on veterans benefits for the remainder of the calendar year 1974 because we have a rule that income which becomes effective during the year will not be counted for pension purposes until the beginning of the following year. There is some debate in the Veterans' Administration as to proper application of this rule, but we are urging that the Veterans' Administration use the end of the year rule in dealing with this 7-percent increase so that it would not have an impact on veterans' pensions until January 1, 1975.

In the meantime, the administration is planning to send up a rather comprehensive package of amendments relating to the pension program and both our committee and the Senate committee has agreed to consider these proposals. They could result in substantial increases of pensions to certain individuals, particularly low income individuals.

In other words, we will be considering the pension program again before the impact of the 7-percent social security increase is felt. The committee has followed the practice in the past of raising veterans' pensions from time to time, based on cost-of-living changes and in general this has kept up, or in some instances, exceeded the changes in the social security program. I feel sure that as we make adjustments from time to time, based on cost-of-living changes, that we will be successful in the future as we have been in the past in keeping the veterans' pension program abreast of social security changes.

Mr. BADILLO. Mr. Chairman, I rise in support of H.R. 11133, the Social Security Act amendments, and urge speedy passage since inaction on the measure would mean a considerable delay in the implementation of the scheduled social security benefit increases and cause severe hardship for our senior citizens.

As my colleagues are aware, the extraordinary inflationary pressures experienced by our economy spell hardship for all American families, while the astronomically steep increase in food prices mean near disaster for those in the low and low-middle income categories who customarily spend a large portion of their disposable cash for this item. Such individuals and families are forced to devote increasing proportions of their budgets to food and in many cases are having to do without such other necessities as replacement clothing.

Since the majority of our senior citizens are on low, fixed incomes, their plight is particularly severe. Unable, in most instances, to increase their earnings, they are living in dire poverty. All of us are aware of news accounts featuring increased incidents of shoplifting among the elderly, who are reduced to stealing to secure some of the necessities of life. This Nation's failure to safeguard the welfare of those who have borne the brunt of the depression in the 1930's and can take credit for the tremendous advances in growth and prosperity made by this Nation during the past decades will remain a shameful blot on our history. If the level of a civilization can truly be measured by its care and concern for the weakest of its members then we have a long way to go. The scheduled 7 percent increase in March and the additional 4 percent effective in June will alleviate some of the hardships, but they will bring no comfort during the bleak, cold months ahead. I realize that the committee has done its utmost and that even the present compromise is opposed by the administration, but I wish that we could do more, effective immediately, for our senior citizens.

I am, however, pleased to see the cost of living provision in this bill which will cut the time lag in providing increases from 7 to 3 months.

But, while I urge the speedy and overwhelming passage of the bill, I am unhappy with some of the problems that remain in it. I refer here particularly to the language which permits States to include, under the hold-harmless provision, the scheduled $10 increase in supplemental security income grants. The bill extends the protection of the hold-harmless for 1 year only in this regard, which means that while States can, without prejudice and without revising their grant schedules, add this amount to payments going to beneficiaries effective January 1974, by January of 1975 they will have the option of either falling back to their 1972 payment levels and reducing payments to beneficiaries, or finding funds in their budgets to cover the entire amount of the increase. Recipients of these grants should be assured of the highest possible level of payments, payments adequate to enable *them* to live a decent life, payments subject to adjustment only to assure that they more fully meet the needs of the beneficiary.

Mr. HOGAN. Mr. Chairman, I rise in support of the bill, H.R. 11333, which would provide a 7-percent increase in social security benefits beginning in March 1974 and an additional 4-percent increase beginning in June 1974.

Congress, earlier this year, recognized its responsibility to our elderly citizens by enacting Public Law 93-66, which would increase social security benefits by 5.9 percent effective June 1, 1974. However, it is apparent that the cost of living will have increased far in excess of the 5.9-percent rise by June of 1974.

I do not want to deliberate on our spiraling inflation and the dent that it is putting into everyone's pocketbook. And it takes little imagination to appreciate the impact that this inflation has on those with limited fixed incomes.

Currently, the average annual benefit for retired recipients amounts to $165 per month. For 1 out of 7 aged couples and 2 out of every 7 elderly single persons, this amount represents 90 percent of their total income.

Under the bill before us, the average monthly social security benefits would be increased from $165 to $177 for retired workers; from $274 to $293 for aged couples; and from $158 to $169 for elderly widows.

This increase in social security benefits would be especially helpful to those people in Prince Georges County, Md., which covers the larger part of my district. The rental rates for senior citizens' housing in Prince Georges County is based on 25 percent of the residents' adjusted gross income. In essence, these people will have to set aside 25 percent for rent regardless of the amount of increase in their social security benefits. Therefore, an increase of 7 percent would be a minimal amount to meet the escalating increase in the cost of food and other essentials.

It is our responsibility as legislators, and as human beings, to reverse the trend of neglect, and instead insure that the elderly live out their remaining years in good health without fear of want, and in dignity knowing that a grateful society appreciates their years of service and dedication to building a better America.

Mr. HARRINGTON. Mr. Chairman, more than one-quarter of the 20 million Americans over the age of 65 have incomes below the officially established poverty line. Millions of older Americans in our Nation, many of whom are living on fixed incomes, have been victimized by rampant inflation since the date of the last increase in social security benefits—the 20-percent increase that took effect in September of 1972. Since that time, consumer prices have risen by more than 7 percent, and in recent months, the consumer price index has risen at a seasonally adjusted rate of more than 10 percent, with food prices—of critical importance to elderly Americans—climbing at a rate of nearly 29 percent.

In light of the compelling needs of our elderly citizens, I appreciate the opportunity today to rise in support of legislation that will increase social security benefits by a total of 11 percent over the next 9 months. This bill, H.R. 11333, also contains important provisions which will improve the supplemental security income—SSI—program, scheduled to take effect in January of the coming year. While I support this legislation, it has a number of shortcomings which I believe should be addressed.

I cannot conceal my dissatisfaction, however, with the manner in which this legislation was brought before the House. I have consistently opposed the granting of "closed rules" for legislation, whereby a bill can be brought to the floor for consideration, but under which no Member can offer or support amendments, however desirable, and however many of us support such amendments. Frankly, I believe this procedure is undemocratic. It forces the House of Representatives simply to act as a rubber stamp, either voting a proposal up or down.

As the closed rule is almost exclusively used by only one committee, and it is used primarily on bills of critical national importance, it deprives all Members of the House other than those 25 on the committee a meaningful voice in shaping legislation of great and often enduring importance.

This procedure gives a stranglehold on key legislation to a handful of Congressmen. It frustrates the will of the House, and is at odds with the principles of representative government. Time and time again, this House considers complex legislation, where there are considerable differences of opinion, on a take-it-or-leave-it basis. While the Ways and Means Committee, which I commend for its diligence and competence, almost always produces responsible and worthwhile legislation, I nonetheless believe that the "closed rule" is an unnecessary and undesirable straitjacket on the workings of this House.

Early in the 93d Congress the Democratic Caucus took a most responsible action when it enacted restrictions governing the use of the closed rule. One caucus rule requires that whenever a committee chairman seeks a closed or modified rule, he must give to the House four legislative days notice. This rule is being skirted today—H.R. 11333 has been brought before the House without the specified notice. While I agree that the urgency of this legislation requires its prompt consideration by the House, it is my view that this exception to the caucus rule should not be considered a precedent for future actions.

BENEFIT INCREASE NEEDED NOW

The principal fault of this bill is that the increases in social security benefits will not even begin to take effect until next April—6 months from now. America's senior citizens need these benefit increases today—not months in the future. I cannot accept the argument of the Social Security Administration that they are physically unable to implement benefit increases until the March checks that will be received in April, 1974.

Were this bill open for amendment, I would support changing the legislation to provide an immediate 7-percent increase in social security benefits. But the closed rule ties my hands—as well as those of the remaining Members of this House, a majority of whom I believe would support making the benefit increase effective now.

THE NEEDS OF ELDERLY AMERICANS

There are 5 million Americans over the age of 65 who are poor. Some 234,000 elderly Americans in New England—110,000 of these in Massachusetts alone—have incomes below the poverty line. Proportionally, the elderly bear a heavy share of our Nation's poverty. While the elderly comprise about 10 percent of our total population, nearly 20 percent of our country's poor are over the age of 65. In Massachusetts, nearly one-quarter—23.5 percent—of the States poor are elderly.

The poverty of our Nation's senior citizens is a national tragedy and a national disgrace. In 1972 the median income of families headed by an individual over the age of 65 was $5,968—half that of younger families. In the same year, 91,000 elderly families had yearly incomes below $1,000. Another 5 percent of our senior families, 402,000 Americans, had incomes of less than $2,000, and 1.2 million older families had incomes smaller than $3,000.

The plight of the elderly person living alone or with nonrelatives is equally distressing. One-half of the 6.2 million older people living alone or with nonrelatives had incomes of less than $2,397 in 1972. Nearly 450,000 individuals over the age of 65 had incomes of less than $1,500. Even worse is the plight of elderly black families and women over the age of 65.

According to reports published by the Department of Health, Education, and Welfare, the proportion of black elderly families living in poverty is more than three times that of white families.

THE IMPORTANCE OF SOCIAL SECURITY

These grim statistics require a concerted effort by our Government to better the lives of elderly Americans. Social security is increasingly the key component of the income situation of Americans over the age of 65. In 1967, one-quarter of the total income of older Americans came from social security, ranking social security second only to employment earnings—30 percent—in importance. And, the proportion of dependence on social security is increasing. Earnings from employment have been in decline over the past 15 years. During the decade between 1958 and 1967, for example, the proportion of income arising from employment earnings dropped from about 38 percent to a level of 30 percent in 1967.

Government income-maintenance programs are rapidly becoming the critical element in providing for the health and welfare of our Nation's elderly. Yet the development of the social security system clearly has not kept pace with the increasing importance of social security income to our Nation's elderly. Until July of this year, when Congress enacted Public Law 93-66, there was no provision in the social security law which tied benefit levels to the cost of living. As a result, the social security system has been continually plagued by sporadic and haphazard congressional attempts to bring social security payments in line with the increases in the cost of living—attempts, not always successful but always made after the fact. The adequacy of the social security system has been questionable, and millions of older Americans who depend on social security for their welfare have on far too many occasions seen benefit increases obscured in internecine struggles within the Congress and between the Congress and the executive branch.

Clearly, the social security system must be structured so that the needs of the elderly are met without being obstructed as part of political turmoil. The cost-of-living provision of Public Law 93–66 was a step in the right direction, but an incomplete one. It promses senior citizens with a 5.9-percent increase in benefits for June of 1974—11 months after the date of enactment. In the interim, older Americans have been fighting a losing battle against higher prices—a battle they cannot win without greater and more immediate Government help.

The bill now being considered, H.R. 11333, makes further improvements, but still falls short of the mark. A 7-percent increase in social security benefits is to be provided beginning in March of 1974—the check would be received in April—and an additional 4-percent cost-of-living increase will be made for checks received in July. As a result of these increases, 30 million Americans will be eligible for an additional $2.4 billion in social security benefits. The average old-age benefit will rise from $167 to $178 per month as part of the first step in the benefit increase, and will rise further to $186 a month when the second part of the increase becomes effective. The average benefit to disabled workers will rise from the current $184 per month, first to $197 and then to $206 per month. The bill will also make improvements in the cost-of-living adjustment formula so that the time lag between computation of an automatic increase and actual payment to beneficiaries will be cut from 7 months to 3.

These are worthwhile improvements. But it should be reemphasized that by the time that these benefit increases are actually received, they will probably have no more effect than to bring most recipients back to the point they were at when the current wave of inflation began. And, senior citizens will have endured more than a year and a half without any additional compensation for the financial difficulties of soaring prices. Improvements in the social security system should do more than maintain a perilously low status quo of income. The social security system should be restructured so that increases in benefits translate to real increases in income, and subsequent improvements in the lives of elderly Americans depending on social security.

THE PAYROLL TAX

As has been typical of all increases in social security benefits the one proposed today will be financed by increasing the payroll tax. Presently, the first $10,800 of every American wage earner participating in the social security system is taxed at the rate of 5.85 percent. Congressional actions already taken raise the payroll tax wage base to $12,600 in January, and this bill would further increase the taxable income to $13,200. And, the social security tax rate on wages would begin to rise in 1977.

I believe that the time has come to question the whole manner in which the social security system is now financed. What seemed to be a proper method of financing a very limited program when the social security system started in 1936 may no longer be appropriate when the program's importance, and goals, have expanded greatly.

In recent years, the Federal tax system has become less progressive, primarily because of the regressive social security payroll tax. In 1949, the payroll tax was at a 2-percent rate, applying only to the first $3,000 of covered income, with a maximum tax of just $60. Under present law, the taxable earnings have jumped to $12,600, the maximum tax rate to 11.7 percent, and the maximum tax—which is paid by most middle-income families, has risen to $1,263.60. In the 3 years—1972 through 1974—the contribution of the social security tax to total Federal revenues has jumped from 25.8 percent to 30.5 percent, and in terms of dollar receipts, the last 3 years have shown a jump in social security tax revenues of $24 billion—or 45 percent.

The social security tax is regressive because the burden falls most heavily upon those who can least afford it. Beginning next January, an individual earning $13,200—assuming enactment of H.R. 11333—will pay exactly the same tax as an individual earning, for example, six times as much—$79,200. The effective tax rate for the individual earning $13,200 will be 5.85 percent, while the rate for the individual earning $79,200 will be less than 1 percent.

The time has come to reject the idea that the justification for the regressive payroll tax is, as argued, that "those who pay most heavily are those that stand to benefit." Put simply, there is no relation between the payroll taxes paid by any individual and whatever benefits he may receive years later, because the social security system is emphatically not an insurance program of the classical type. The benefits now being received by elderly and disabled Americans are being paid for by the current contributions of all working Americans. Thus, for example, when a worker earning $10,800 annually receives a paycheck at the end of this month, with $52.65 deducted for social security, he is not paying for his own benefits at all. He will never pay for his own benefits—instead they will be paid for by wage earners in the years hence when today's worker is a social security benefit recipient.

It seems to me that the cost of a program to help the poor, the aged and the disabled should be paid out of the income of the whole society, not just out of the first $10,800—or $13,200—of covered income. At the least, the social security tax itself should be revised so as to cover more earned income, but with progressive tax rates and complete exemptions for the very poor wage earner. More appropriately, it seems to me, Congress should consider financing a portion of the costs of social security out of general revenues—which are derived from the generally progressive personal income tax structure and from corporate taxes.

SUPPLEMENTAL SECURITY INCOME (SSI)

H.R. 11333 also contains important improvements in the supplemental security income—SSI—program, some of which are controversial. When Congress passed the Renegotiation Act—now Public Law 93–66—it provided for an increase in SSI benefits of $10 for individuals and $15 for couples, to become effective on July 1, 1974. H.R. 11333 would implement this increase on January 1, when the SSI program takes effect, and would further increase benefits on July 1, 1974, by $6 for individuals and $9 for couples. As a result, on January 1, 1974, monthly SSI benefits would be increased to $195 for individuals and $210 for couples, and 6 months later these benefits would rise further to $201 and $219.

The SSI program provides for Federal assumption of the costs of assistance programs to the aged, blind, and disabled. More than 1.8 million recipients of old-age assistance, 78,000 recipients of aid to the blind, and 1.2 million recipients of aid to the permanently and totally disabled stand to be helped by the SSI program. Federal minimum payment levels have been established, and in many States these levels exceed existing assistance payments, so that benefit levels within these low-payment States will increase markedly.

However, in other States, such as Massachusetts, the current State benefit levels for the same categories of assistance are far above the Federal benefit level under the SSI program.

Public Law 93–66 provides, in States where current State benefits exceed SSI benefits, that those 8 to 10 States will be "held harmless" to the levels of State expenditures for the affected programs in fiscal year 1972. In other words, the "hold harmless" provision assures those States with high benefit levels that implementation of the SSI program will cost them no more, in State funds, than what had been previously expended under the old matching-grant program. However, the law provides that when a State wants to increase its benefit levels above the levels of 1972, then these additional costs must be paid for entirely by the State.

The increases in benefit levels for SSI recipients contained in both Public Law 93–66 and H.R. 11333 could work to the inequitable disadvantage of these high-payment States. Increasing SSI benefit levels greatly increases the amount of Federal funds that will flow to those States whose previous benefit levels had been below the federally guaranteed SSI minimums, while not improving assistance benefits to recipients in high-benefit States, such as Massachusetts, at all, because these States already pay benefits in excess of even the increased SSI payment level.

Commendably, the Ways and Means Committee has included in H.R. 11333 a provision which would restore balance to SSI assistance to States and which would give assistance recipients in high-benefit States the same effective increases in benefits that will be received by SSI recipients in those States with low benefits, where the SSI benefit level is what the recipient will actually get. This provision would allow for a "one-shot" increase in the allowable State benefits, the cost of which would be entirely assumed by the Federal Government under the "hold harmless" provision. This one-shot increase will allow States, like Massachusetts, at no cost to themselves, to increase their benefits by the same amount of the SSI benefit increases also contained in H.R. 11333—$10 for individuals and $15 for couples. This provision of H.R. 11333 would increase Federal grants to the affected States by $100 million.

My distinguished colleague, Congresswoman GRIFFITHS, has argued against this provision of H.R. 11333, and has announced her intention to offer an amendment which would delete this section from the bill. I intend to vote against this amendment. It is argued, in favor of the amendment, that the Nation's taxpayers should not have to bear an additional $100 million cost, the benefits of which will be received by those few States which already have assistance benefits in excess of both the national norm and the SSI levels. However, without this provision, the taxpayers from some of our most populous States—including Massachusetts, California, New York, Michigan, New Jersey, Pennsylvania, and Wisconsin—will be footing a large part of the bill for very substantial increases in SSI benefits that do nothing for their States at all. Further, why should those States which have, in a progressive character, been paying comparatively good assistance benefits, be penalized for their achievements? Why should not assistance recipients in those high-benefit States receive the same benefit increases that will go to individuals in every other State of the Union?

I believe that, as a matter of equity, the States which have been generous in their assistance payments to the aged, blind, and disabled should receive the same benefits of the SSI program that will accrue to those States which, for a variety of reasons, have had less generous assistance programs. I urge that my colleagues defeat this amendment.

NEED FOR A PASS-THROUGH PROVISION

Perhaps the most critical shortcoming of H.R. 11333 is that it fails to insure against the possibility that increases in social security and SSI benefits will result in corresponding decreases in the benefits that recipients receive from other assistance programs. This problem, recurrent in congressional efforts in recent years to increase social security benefits, is not adequately addressed in this bill.

When Congress passed a 20-percent social security benefit increase in 1972, one of the more unfortunate results was that many individuals received social security benefit increases that raised their incomes to the point that they were no longer eligible for other assistance programs—such as Veterans Assistance, to name but one. In many cases, in fact, the increase in social security benefits left the recipient in worse shape, in terms of total income, than he or she had been before the 20-percent social security boost. There is no reason to believe that a similar misfortune will not befall many Americans as a result of enactment of this bill.

Congress should not take away with the one hand what it gives with the other. The intent, as I have noted, of our assistance programs to our elderly and to our needy should be increased to genuinely provide the financial means through which the standard of living of the elderly and the needy can be improved. The illusion of help is not good enough. It is my view that as a matter of highest priority, the Congress should rapidly enact legislation to guarantee that the increases in social security and SSI benefits contained in H.R. 11333 should not result in any reduction in the benefits of other programs.

While clearly not a perfect bill, H.R. 11333 is nonetheless legislation which will improve the lives of millions of Americans, those receiving social security assistance as well as those eligible for the supplemental security income program. Congress now has an opportunity to show that it can and will act to help millions of elderly, poor, handicapped and disabled Americans. Now is the time to pass this bill.

Mr. BROYHILL of Virginia. Mr. Chairman, we have no additional requests for time.

Mr. ULLMAN. Mr. Chairman, we have no additional requests for time, and I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill H.R. 11333, and to include extraneous material, and tables, and further, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 11333.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 378. Concurrent resolution providing for an adjournment of the House from November 15 to November 26, 1973.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1570) entitled "An act to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7746) entitled "An act to establish the American Revolution Bicentennial Administration, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8916) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agrees to the House amendments to the Senate amendments Nos. 30, 37, and 46 to the foregoing bill.

CONFERENCE REPORT ON S. 2408, MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1974

Mr. PIKE. Mr. Speaker, I ask unanimous consent to call up the conference report on the Senate bill (S. 2408) to authorize certain construction at military installations, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall not object—I should like to ask the gentleman from New York to explain the conference report.

Mr. PIKE. Mr. Speaker, if the gentleman will yield, I certainly intend to explain the conference report. I also would like to say to the gentleman from Iowa that yesterday I asked unanimous consent that this particular bill be brought up on Thursday, and it was our intention to bring it up on Thursday. However, because of the fact that we have finished consideration of the other legislation so early, I thought that it would be a convenience to the Members to bring it up at this time. But I assure the gentleman from Iowa that we will explain the conference report.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PIKE. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 13, 1973.)

Mr. PIKE (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with in view of the fact that both the conference report and the joint statement of the managers have been printed and are available to the Members, and they are printed in the CONGRESSIONAL RECORD of November 13, 1973, on pages 36848 through 36859.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The gentleman from New York (Mr. PIKE) is recognized for 30 minutes, and the gentleman from Indiana (Mr. BRAY) is recognized for 30 minutes.

Mr. PIKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on September 13, 1973, the Senate passed the fiscal year 1974 military construction authorization bill (S. 2408) in the total amount of $2,835,444,000.

On October 11, 1973, the House considered this legislation and provided new authorizations in the total amount of $2,715,924,000.

As a result of a conference, House and Senate conferees worked out the differences and agreed to a new adjusted authorization for military construction for fiscal year 1974 in the amount of $2,773,584,000.

The amount of new authority approved is $220,120,000 below the amount requested by the Department of Defense. A further reduction of $22.1 million was made in the amount of new funding authorized. This was made possible by applying unobligated balances against new authority granted to the Army, Navy, and defense agencies.

I am pleased to state that insofar as the monetary differences between the two Houses were concerned, there was about an even split.

The total authority granted is approximately $57.7 million above that granted by the House, and about $61.8 million below the Senate figure.

There were over 140 differences in the House and Senate versions. However, we were able to arrive at an agreement on each one. I will not go into a lot of detail because the Statement of Managers explains the action of the Conferees.

The most difficult problem encountered in the conference with the Senate was on the subject of bachelor enlisted quarters. The House added a provision to require a planned occupancy for permanent barracks of a minimum of four persons per room for enlisted grades E-4 and below and no fewer than two persons per room for enlisted grades E-5, E-6, and E-7. Based on the progress the services have made on the design of this year's bachelor enlisted quarters projects and the increased costs that would result as a consequence of a change at this time, the House reluctantly receded from the inclusion of this provision this year. However, the Secretary of Defense is directed to make a study of a planned occupancy for permanent barracks with a minimum of four persons per room for enlisted grades E-4 and below.

This study should provide by service, the one-time costs for changing criteria, the construction cost savings that will accrue in the fiscal year 1975 military construction program, an estimate of the construction cost savings for the next four military construction programs, impact on morale of personnel, the impact on recruitment of personnel under an all-volunteer force and the flexibility of room assignments. This study will be submitted to the Committee on Armed Services of the House and Senate prior to February 1, 1974.

However, we were able to retain many projects not included in the Senate version. In other words, we had to do some plain old horse trading. Section 610 was added by the House to insure that the Bolling-Anacostia complex in the District of Columbia would be retained for defense purposes. It would also permit previously authorized construction, which has been held up because of lack of approval of the National Capital Planning Commission to proceed with or without the approval of the NCPC.

No such provision was included in the Senate bill. This particular point was the subject of some discussion and debate among the conferees. The House provision was approved with general agreement among the conferees that in the next session of the 93d Congress both the House and the Senate committees would conduct hearings to determine the feasibility of the defense retention of all of the lands now comprising the Bolling-Anacostia complex.

Therefore, after giving a little here and taking a little there, your conferees did the best they could and believe that they have brought to the House a good bill that will provide adequately for the construction needs of the military during this fiscal year.

I want to thank the gentleman from New York (Mr. KING) for his dedication and assistance during our hearings and more especially in the conference. Also, I want this House to know that all members of your conference committee worked hard to bring this conference report before you, and I urge its adoption.

Mr. KING. Mr. Speaker, my colleague, the distinguished chairman of the Military Construction Subcommittee, has explained the details of our conference with the Senate. Therefore, I will not go into the matters he has discussed with you.

As in all conferences, it was necessary to compromise on individual line items requested by the services, and in some instances valid items were left out of the program we bring to the House today.

I want to congratulate my colleagues on conference committee for their dedication and efforts to bring this report to the House. Also, I especially want to point out to the Members of the House the excellent leadership provided by the gentleman from New York (Mr. PIKE).

Mr. Speaker, I cannot let this opportunity go by without paying a well-deserved tribute to the very capable and hard-working staff of the Committee on Armed Services and on the subcommittee which handled this legislation. The staff was invaluable in the markup of both the bill and the conference report.

Mr. Speaker, I urge the adoption of the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield for two questions?

Mr. PIKE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, may I assume that all amendments adopted in conference are germane to the bill?

Mr. PIKE. All amendments adopted in conference, I can assure the gentleman, are germane to the bill.

Mr. GROSS. Was there any money inserted in the conference to fund the President's unilateral action in intervening in the Middle East war?

Mr. PIKE. No, the action of the President had taken place after either the House or Senate acted and there is no such money.

Mr. GROSS. I thank the gentleman.

Mr. BRAY. Mr. Speaker, I have no request for time.

Mr. PIKE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PIKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just passed (S. 2408).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR ADJOURNMENT OF CONGRESS OVER THE THANKSGIVING HOLIDAY

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 378) providing for an adjournment of the House from November 15 to November 26, 1973, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment: On page 1, line 4, strike out "1973." and insert: "1973, and that when the Senate adjourns on Wednesday, November 21, 1973, it stand adjourned until 12 o'clock meridian, Monday, November 26, 1973."

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MOTION OFFERED BY MR. O'NEILL

Mr. O'NEILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. O'Neill moves to concur in the Senate amendment.

The motion was agreed to.

The title was amended so as to read: "Concurrent resolution providing for an adjournment of the Congress over the Thanksgiving holiday."

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 7446, ESTABLISHING AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Mr. DONOHUE submitted the following conference report and statement on the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93–639)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 4, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 7. (a) (1) There are hereby authorized to be appropriated annually to carry out the provisions of this Act, except for the program of grants-in-aid established by section 9(b) of this Act, not to exceed $10,000,000, of which not to exceed $1,375,000 shall be for grants-in-aid pursuant to section 9(a) of this Act.

"(2) For the purpose of carrying out the program of grants-in-aid established by section 9(b) of this Act, there are hereby authorized to be appropriated such sums, not to exceed $20,000,000, as may be necessary, and any funds appropriated pursuant to this paragraph shall remain available until expended, but no later than December 31, 1976."

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 9. (a) The Administrator is authorized to carry out a program of grants-in-aid in accordance with and in furtherance of the purposes of this Act. The Administrator may, subject to such regulations as he may prescribe—

"(1) make equal grants of appropriated funds in each fiscal year of not to exceed $25,000 to Bicentennial Commissions of each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor;

"(2) make grants of nonappropriated funds to nonprofit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) For the purpose of further assisting each of the several States, the Territories, the District of Columbia, and the Commonwealth of Puerto Rico in developing and supporting bicentennial programs and projects, the Administrator is authorized, out of funds appropriated pursuant to section 7(a)(2) of this Act, to carry out a program of grants-in-aid in accordance with this subsection. Subject to such regulations as may be prescribed and approved by the Board, the Administrator may make grants to each of the several States, Territories, the District of Columbia, and the Commonwealth of Puerto Rico to assist them in developing and supporting bicentennial programs and projects. Each such recipient shall be entitled to not less than $200,000 under this subsection. In no event shall any such grant be made unless matched by the recipient."

And the Senate agree to the same.

HAROLD D. DONOHUE,
JAMES R. MANN,
M. CALDWELL BUTLER,
Managers on the Part of the House.
JOHN L. MCCLELLAN,
EDWARD M. KENNEDY,
ROMAN HRUSKA,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Conferees agreed to the language of Senate Amendment No. 1 amending Section 4 of H.R. 7446. This language is consistent with the basic principle of the legislation in encouraging State and local participation in the Bicentennial observance. The Senate language further implemented this purpose in providing that the Administrator is to coordinate his activities to the extent practicable with those being planned by State, local and private groups. He is further authorized to appoint special committees with members from among those groups to plan such activities as he deems appropriate.

The Senate amended Section 7(a)(1) of the House bill by placing a ceiling of $10,000,000 annually for the expenses of the Administration. Included in that amount was an authorization of not more than $2,475,000 for annual grants of $45,000 to each State, Territory, the District of Columbia and the Commonwealth of Puerto Rico. The provision for the $45,000 grants was contained in a parallel amendment to Section 9 of the bill which authorized the Administrator to make equal grants from appropriated funds of not more than $45,000 to each of the recipients.

The Conferees agreed to reduce the $45,000 figure to $25,000 per entity and the annual authorization for this grant program to $1,375,000.

Section 7(a)(2) as added by the Senate authorized an appropriation of not more than $20,000,000 for grants-in-aid on a matching basis to the several states to assist them in developing and supporting bicentennial programs and projects as provided in the new Section 9(b) as added by the Senate, the amount to remain available until expended but no later than June 30, 1976.

The Conferees changed this date to December 31, 1976, because of the continuing celebrations and commemorations anticipated throughout the calendar year of 1976.

The language of Section 9(b) as contained in the Conference Report is the revised language agreed to by the Conferees. The Senate language provided that the amounts received under Section 9(b) by any State could not exceed $400,000 per state on a matching basis. In Conference, it was agreed to change this language so that each recipient would be entitled to not less than $200,000 in grants on a matching basis under the Subsection. In addition, the District of Columbia, the Territories and the Commonwealth of Puerto Rico were included as eligible recipients. The Conferees recognized that each jurisdiction would, therefore, be assured of the right to participate in this grant program up to the amount of $200,000. The language of the Subsection makes it clear that these grants are subject to regulations prescribed and approved by the Board. The $200,000 amount is available for grants to each jurisdiction and considered obligated for that purpose, which, if not used, would lapse. It is not intended that the unused portion of the $200,000 minimum earmarked for each jurisdiction will be available for distribution to any other jurisdiction or for any other purpose. The remaining funds under the $20,000,000 authorization are automatically available for grants to any eligible jurisdiction that presents a program found acceptable to the Administration.

The Conferees retained Senate Amendment No. 4. It is merely a conforming amendment made necessary by the renumbering changes in Subsection (a) of Section 9.

The Senate Conferees receded from Senate Amendment No. 6 which would have provided that the Administrator would serve as Chairman of the American Revolution Bicentennial Board and the Vice Chairman shall be elected by members of the Board from members of the Board. The Conferees agreed to retain the original House language providing that the Chairman and Vice Chairman shall be elected by members of the Board from members of the Board other than the Administrator.

The Conferees intend that the regulations provide a reasonable period for applications for grants by eligible entities.

HAROLD D. DONOHUE,
JAMES R. MANN,
M. CALDWELL BUTLER,
Managers on the Part of the House.
JOHN L. MCCLELLAN,
EDWARD M. KENNEDY,
ROMAN HRUSKA,
Managers on the Part of the Senate.

PROVIDING FOR CONSIDERATION OF H.R. 11459, MILITARY CONSTRUCTION APPROPRIATION FOR 1974

Mr. McSPADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 701 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES 701

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of rule XXI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the

State of the Union for the consideration of the bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes and the provisions of clause 2, rule XXI are hereby waived with respect to any appropriation contained in such bill.

The **SPEAKER**. The gentleman from Oklahoma is recognized for 1 hour.

Mr. **McSPADDEN**. Mr. Speaker, I yield the usual 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA) pending which, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 701 provides for a waiver of the provisions of clause 6 of rule XXI of the Rules of the House of Representatives—the 3-day rule—in order that the House may consider the bill H.R. 11459, a bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974.

House Resolution 701 also provides for a waiver of the provisions of clause 2, rule XXI of the rules of the House—prohibiting unauthorized appropriations.

H.R. 11459 makes appropriations for military construction and family housing for the Department of Defense for the fiscal year ending June 30, 1974. The bill recommends new budget authority of $2,609,090,000, an increase of $285,869,000 above the amount provided in fiscal year 1973 and $335,810,000 below the requests of fiscal year 1974.

H.R. 11459 includes appropriations for construction in support of the Trident submarine and underwater-launched ballistic-missile systems.

Mr. Speaker, I urge the adoption of House Resolution 701 in order that we may discuss and debate H.R. 11459.

Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. **LATTA**. Mr. Speaker, I agree with the statements just made by the gentleman from Oklahoma.

House Resolution 701 provides for the consideration of H.R. 11459, the military construction appropriation bill, 1974. This resolution waives the 3-day rule in order that we may consider the bill this week, and also waives points of order with regard to clause 2, rule XXI.

The purpose of this legislation is to make appropriations for military construction and family housing for the Department of Defense for fiscal year 1974.

The committee has recommended new budget authority of $2,609,090,000, which is an increase of $285,869,000 above the appropriations for fiscal year 1973, and a decrease of $335,810,000 in the request for fiscal year 1974.

The increase is due to several large programs. Most important is the construction in support of the Trident submarine and underwater-launched ballistic missile systems. This construction, to be initiated in fiscal year 1974, is a net increase of $112,320,000 over fiscal year 1973. Additionally, the cost of operating and maintaining military family housing has increased, therefore, there is an increase of $94,131,000 to meet these costs. Also, the Army has increased its bachelor housing program.

The reduction of $335,810,000 is due primarily to the announced and pending base closure actions on the military construction and family housing programs. Also, because of these announced closures, there have been a number of projects canceled at these bases.

Mr. Speaker, I urge the adoption of this rule.

Mr. **GROSS**. Mr. Speaker, will the gentleman yield?

Mr. **LATTA**. I will be happy to yield.

Mr. **GROSS**. This is a most unusual procedure. Not 5 minutes ago the House approved the conference report on the authorization bill and 5 minutes later we are called upon to take up a rulemaking in order for a bill that provides funds for the authorization measure.

How the Committee on Appropriations could know what the House would do with the conference report is a mystery.

Mr. **LATTA**. Let me say to my good friend from Iowa, this shows that this body can act with expedition if it really wants to.

Mr. **GROSS**. Yes; if it does not show anything else, it does show that.

Mr. **McSPADDEN**. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. **SIKES**. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours, one-half the time to be controlled by myself and one-half by the gentleman from California (Mr. TALCOTT).

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

The **SPEAKER**. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 11459, with Mr. ANNUNZIO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN**. The Chair recognizes the gentleman from Florida (Mr. SIKES).

Mr. **SIKES**. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, this bill comes to you under a rule which waives the 3-day requirement and waives the necessity for completion of the authorization process. We in the committee have no desire to circumvent the authorization process. The bill is brought to you in this manner because of the prospect for delays in the completion of the authorization process. There is no nongermane material in the bill.

It is the desire of the leadership that we expedite all essential legislation in every way that we can. This is one of the last remaining appropriations bills and it is deemed important to clear it in the House so that this part of our legislative program can be advanced as far as possible prior to the Thanksgiving recess and in that way help to avoid the logjam of uncompleted legislation which might build up early in December.

First let me express my very great appreciation to the members of the subcommittee and to the staff. I have highest commendation of this able group for the dedicated and conscientious manner in which they carried on the difficult work of the Subcommittee on Military Construction. It is an exacting task because hearings must be conducted day after day and week after week as line items are examined and witnesses are questioned on the requirements for funding proposals which are submitted by the various departments.

Understandably, there is not full agreement within the committee on some items, but the net result is a sound and workable package which I can strongly recommend to the House.

Again, let me say that I do so with appreciation for the outstanding contributions of my fellow members and the staff of the subcommittee.

The committee recommends that you approve new budget authority in the amount of $2,609,090,000 for military construction for fiscal year 1974. The original estimate submitted by the Department of Defense was for $2,944,900,000. An additional $35,400,000 was requested subsequently but was not approved by the authorizing committees and could not be considered by this subcommittee. The figures which I will cite for authorization reflect the effect of authorization action on new budget authority and are not necessarily the same as the totals shown in the authorizing bill.

Conferee agreement on the authorizing bill was in the amount of $2,723,711,000, a cut of $221,189,000. Your committee has made further cuts of $114,621,000 below the recommendations of the Armed Services Committees of the House and Senate. This is a total cut of $335,810,000.

Broken down by services, we have the following figures.

For the Department of the Army, the total request was $740,800,000. The authorization is for $684,394,000. Your committee recommended $627,475,000.

For the Department of the Navy, the total request was $705,700,000. The total of the authorization is $661,049,000. Your committee recommended $610,541,000.

For the Department of the Air Force the request was for $321,900,000. The committee authorized $294,096,000. We recommend funding of $269,702,000.

For family housing, the request was for $1,181,500,000 for 12,688 units. The committe is recommending $1,094,372,000 which will permit construction of 10,691 units, and which is approximately the amount authorized.

For your information, the funding for family housing includes much more than the construction of housing units. Costs in addition to construction of new units include modernizing, relocating, operating, maintaining, and leasing military family housing, as well as debt principal and interest payments on military family housing indebtedness. Also covered are construction of trailer spaces, minor construction, acquisition of Wherry housing, planning, furniture procurement, payments under the rental guarantee and section 809 which is armed services housing for essential civilian employee housing programs, payments to the Commodity Credit Corporation for housing built with funds obtained from the surplus commodity program, and servicemen's mortgage insurance premiums. Still other costs associated with housing miiltary families are carried in the military personnel appropriations. Housing allowances and cost of transportation of personnel and of household goods are examples.

To some extent, savings resulting from cancellation of prior-year projects as the result of base closures or other changes in requirements can be applied to finance the fiscal year 1974 program. Sufficient funds have been provided to allow for the construction of adequate units for those projects which remain valid in the fiscal year 1972 and 1973 family housing programs.

For defense agencies the total request was $19,100,000. The amount authorized is $10,000,000. We find available revenues are sufficient to finance this program through fiscal year 1974 so no new appropriation is approved.

This year's reduction in authorization is much higher than usual. However, your committee has recommended additional cuts as indicated. I can assure you there is no justification for other cuts. The Nation is moving into a peacetime force status—the level-off period when there are no longer requirements for participation in the conflict in Southeast Asia—and we begin with what we hope will be a long period of relative stability for our forces at strength levels based on worldwide treaty commitments.

Most base closures and realinements have now been finalized and are in process of being carried out. That means we are dealing primarily with permanent bases. We also are seeking to achieve an all-volunteer force. To do these things successfully we must attract a high-level type of personnel. Modern, sophisticated equipment demands personnel who are capable of manning and maintaining it. This also requires training facilities which are modern and barracks and homes which are livable. Providing these is a slow process. Construction is now very costly. Inflation continues to exact a heavy toll and the military construction budget is never large in comparison with other defense costs or domestic budgets. So this can be accepted as a modest program for an essential requirement.

"TRIDENT" PROGRAM

You will note from the report that we are embarking in a sizable way on the Trident program. It is discussed in the report before you on page 5. The Trident is a new, improved ballistic missile submarine which is larger and more survivable than any other submarine in the world. It has new, long-range missiles. As antisubmarine weapons are improved and as land-based missiles become more fearsome, we must have a new trump card which has a better prospect for survival in the years ahead. The Trident promises to give us such a weapon, one which the Soviets will know they cannot expect to knock out with a first strike. The Trident will increase the possible worldwide patrol area of our submarine fleet six-fold over that of current submarines. That means they can wait and watch just about anywhere in the world. We hope to assure maximum time for the submarines on station and minimum time undergoing repair and overhaul. Present plans call for the support facility for 10 Tridents at Bangor, Wash., with essential operational capability for the system in the late calendar year 1978, 5 years hence. The Navy originally requested $125,000,000 for military construction for this program. The request was revised to $118,000,000. We have cut it by $6,000,000. We expect a total cost of more than a half billion dollars for Trident construction. This is a new program and a big one, but it is for America's survival.

BASE CLOSURES AND REALINEMENTS

Your committee devoted much time to the question of base realinements. Substantial base closures and realinements were announced earlier this year. The announcement came late. It has resulted in significant delays in the preparation of this bill and it is unfortunate we did not have the announcement earlier. The Department of Defense has identified large savings associated with these realinements and closures, but it must be realized there will also be significant first costs. This is the shakedown period during which realinements are taking place and closure proceedings are being initiated—274 specific actions to consolidate, reduce, realine, or close military installations in the United States and Puerto Rico have been announced. This is expected to save $3.5 billion over the next 10 years and to result in the elimination of 42,800 military and civilian positions.

There is the possibility of a few additional closures or realinements, particularly it appears in the Army. However, the committee has taken into consideration all of the announcements to date in the preparation of this bill and we have carefully sought to identify possible weak bases which are likely to be found in any remaining closure or realinement actions. We seek to avoid funding new construction for bases which will not remain operational.

The committee also has consistently urged that a strong effort be made to utilize existing facilities during realinements rather than to undertake the construction of new facilities.

REDUCTIONS IN OVERSEAS BASES

There is a subject of particular concern to the committee. We did not feel that the Department of Defense is pursuing a cutback of unnecessary functions overseas and the reduction or closure of excess overseas facilities with the same determination that has been applied to functions and installations in the United States. The committee realizes that it would be a grave mistake to be too hasty in removing U.S. combat units overseas thereby undermining the military and political strength of the United States and the allies. We know there must be adequate facilities for the troops who are stationed overseas. In most areas land is scarce and once a base is given up, there is little likelihood of getting it back. However, taking all the factors into account, it appears there is room for reductions in our base structure overseas and wherever this could be accomplished, it would save money. We just do not feel the Department of Defense is giving adequate consideration to base closures or realinements overseas.

NATO INFRASTRUCTURE

In the report the committee has gone quite fully into the NATO infrastructure program. It begins on page 13 of your report. I recommend that you give it careful thought. Infrastructure has provided a flexible and useable instrument. It has made possible $3.4 billion worth of installations in support of the common defense of Europe. It represents a very fine example of cooperation and realistic cost sharing between the NATO allies.

We have from time to time noted disappointing delays by our own representatives and by our allies in taking full advantage of the opportunities provided by the NATO infrastructure toward saving money for the United States. Nevertheless, we are consistently gaining ground in that the NATO allies are providing year by year for an increasing share of the cost of the facilities which are a common requirement for the military defense of Europe. As a matter of fact, in 1951 we were paying 43 percent of the joint cost of the program. Now we are paying less than 20 percent.

This bill contains $40 million for our contribution to the NATO infrastructure. The figure of $95,650,000 which is carried on page 55 of your report may appear contradictory. That figure represents the total NATO infrastructure program—$20 million of this amount is in reimbursements from NATO allies and the remainder is transferred from other accounts such as Safeguard.

The committee is mindful of the uneasiness expressed in some quarters about the stability of the NATO alliance. This results from incidents occurring during the war in the Middle East. It is not the business of this subcommittee to analyze the future of NATO. Our job is to fund the U.S. part of its construction requirements. However, it is my personal opinion that the NATO alliance is a strong and viable organization and that when danger threatens within Western Europe, it will function as planned and anticipated. The war in the Middle East brought questions about the supply of oil which is essential to Europe and about transfers of equipment which had been prepositioned in Europe for the defense of Europe. These questions would not arise if Europe were threatened militarily.

HOUSING FOR BACHELOR PERSONNEL AND MILITARY FAMILIES

The committee is continuing its support for improved housing for bachelor personnel and for military families. We have departed from the old idea of open bay barracks with their noise and lack of privacy which was the standard for so many years. It is the policy now to provide uniform rooms with bath for not more than three men per room for the lower grades of enlisted personnel, up to one man per room for the highest grades of enlisted personnel.

The family housing has improved accordingly. Quarters are now on a par with the average of those in private communities although it is not possible under present funding limitations to provide some desirable amenities such as garages and additional recreational space. However, there has been a steady effort on the part of the commtitee to insure the availability of more of the things which housewives very much want in their homes and on which until recent years they were not even consulted when military housing was designed. The bachelor housing program is proceeding in a very satisfactory manner. Family housing in this year's program has suffered a setback because of the limitations imposed by the authorizing committees.

By the use of the turnkey program, it has been possible to get more originality in the housing program and in most instances to save money by encouraging the contractor to develop his own designs and plans in competition with other bidders.

HOMEPORTING FOR THE NAVY

The committee is continuing to support homeporting for the Navy. The program is still somewhat small but it gives to a limited number of Navy families an opportunity to live where their men are stationed. The Army and the Air Force have long been able to accomplish this by allowing dependents to live overseas. Navy families could not enjoy the same privilege and this has meant additional family separations. One of the chief problems for retention of skilled and desirable personnel in the Navy is the simple fact that the family has been separated for such long periods from the man in uniform. In a partial effort to offset this, the Navy has transferred personnel so frequently the transfer costs have been excessively high.

COMMISSARY FUNDING

It should be noted that the committee has denied funding in a number of cases for commissaries. This action should not be construed as a policy decision. We realize the commissary facilities are a traditional part of military benefits. Our action is intended to stimulate the military toward devising other means of providing such facilities without coming to the Congress for public moneys. This could be done through a surcharge with which to establish a building fund for commissaries. The Government is subsidizing the commissary program at a level of nearly $300 million a year. They do not pay taxes. Their overhead is low. They are important to the military program but less so than in the days when military pay scales were very low and adequate shopping facilities were limited near the average military base. Now there are food stores and shopping centers around nearly all bases.

SOUTHEAST ASIA FUNDS

The end of hostilities in Southeast Asia left some unused funds which have been appropriated in prior years. At the beginning of the fiscal year there still remained in Southeast Asia funds for military construction $59.9 million. Of that amount $29.2 million is programed for use during fiscal years 1974 and 1975. This is for facilities for South Vietnam, Thailand, and other areas. Nothing is planned for Laos and Cambodia. In the main this is for roads and bridges and there is some vertical construction.

The means $30.8 million of the remaining SEA funds is not programed for expenditure at this time. Accordingly the committee has recouped $15 million of this amount and applied it to other projects. The remainder is available in case of unexpected emergencies.

AIR AND WATER POLLUTION

I am very glad to report to the House the continuing support and significant progress in both air and water pollution control programs. We are now well over the hump in these two essential programs. The committee recognizes their importance and has given solid support to them.

STATUS OF SAFEGUARD PROGRAM

There are no construction funds requested for the Safeguard program in fiscal year 1974. However, some $35,650,000 has been reprogramed from the Safeguard reserve to meet requirements which were generated in the NATO infrastructure account as the result of dollar devaluation.

A summary of the present funding situation of the Safeguard program follows:

The total amount of appropriation available to the Safeguard program is $646.8 million.

Against this, the current total estimated cost of the construction program including claims is $597.1 million.

Prior to the reprograming to NATO infrastructure, the Safeguard reserve was $59.7 million.

Transfer to NATO, $35.6 million.

Remaining Safeguard reserve is $14.1 million.

Obligations as of September 30, 1973, $568.8 million.

Expenditures as of September 30, 1973, $485.3 million.

DECENTRALIZATION OF FACLITIES

For a number of years this subcommittee has pressed the military services to decentralize some of the military programs away from Washington. Progress has been slow and tedious and results are minimal. It should be obvious the concentration of additional military activities in and around our Nation's Capital makes it a more inviting military target. It also means that personnel are being moved to one of the highest cost areas in the land. It means further congestion in an already congested area. Yet everyone wants to be close to the throne. Everybody wants to be in a position to influence the powers that be and impress the admirals and generals. We have even withheld appropriation but rental space is available.

I have to confess that during the year immediately preceding we have made less progress than in prior years. Some of this has been due to the large turnover of individuals in the Secretariat. It has been hard in recent months to find someone to talk to in these positions who was still there 3 or 6 months later. Nevertheless this committee wants it understood that we are very displeased at the comparative indifference to efforts to decentralize military programs away from the Capital. This is one good way to achieve revenue sharing. Certainly there is no reason why more of the activities and the funding which now come to Washington should not be in various States and cities throughout the country.

The committee has spent weeks and months in a dedicated effort to bring to the Congress a bill in which unnecessary projects are eliminated. In some cases, we may have been over zealous but I can assure you the committee is not prejudiced toward any project which may have been deferred. If a stronger case can be made in the Senate and the project is retained there, we shall give it a fresh look and an unbiased one when we go to conference. We feel that we have a good program, one that will help to meet the requirements for a strong defense program in the years ahead and one which will help to provide adequate living quarters, training facilities, research facilities and all the other things which are essential to a modern defense. We believe you can safely place your confidence in this bill.

Mr. BARRETT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 584]

Abdnor
Anderson, Ill.
Archer
Baker
Blackburn
Blatnik
Brasco
Brown, Ohio
Buchanan
Burke, Calif.
Chisholm
Clancy
Clark
Clawson, Del
Collins, Ill.
Davis, Wis.
Dellums
Devine
Diggs
Edwards, Calif.
Fascell
Fraser
Goodling
Gubser
Hays
Hébert
Holifield
Howard
Jarman
Karth
Kastenmeier
Keating
Kluczynski
Lehman
Madden
Martin, Nebr.
Mills, Ark.
Minshall, Ohio
Murphy, N.Y.
O'Brien
Pike
Reid
Roberts
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
St Germain
Schroeder
Seiberling
Sisk
Spence
Stuckey
Teague, Tex.
Udall
Waggonner
Wyatt
Young, S.C.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ANNUNZIO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11459, and finding itself without a quorum, he had directed the electronic device, whereupon 375 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the journal.

The Committee resumed its sitting.

The CHAIRMAN. The chair recognizes the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I do not intend to reiterate what the gentleman from Florida (Mr. SIKES) has already told the House but there are a few comments I think would be pertinent.

First of all, our subcommittee was unanimously in favor of this bill. We have mixed feelings about the bill, of course. We have some definite differences of opinion about the bill, of course.

Nevertheless we were able to work out an agreement. The committee has had to work long and conscientiously over a very difficult and tedious subject. There are many installations involved.

There are hundreds of special interests involved, there are various priorities, and there are constant, continuing changes. The entire Defense Department is in a state of turbulence, with the changes we have undergone, the winding down of the war in Southeast Asia, as an example. There has been a dramatic reduction in forces; there is considerable development of new weaponry. There are the needs of the Volunteer Army, which have to be considered.

There have been many base closures and realinements. There is a shifting from wartime to peacetime activities, which has required many changes in many facilities.

Mr. Chairman, there is a new emphasis on responsible family men in the service rather than bachelor draftees and adventurers.

There is considerable construction which had to be delayed during the Vietnam war. There is a good deal of maintenance and repair that was neglected.

So we have tried to pare down to the low-dollar figure, without jeopardizing the morale or the readiness of our forces. We have tried to develop those projects which are essential to the modernization of our defense forces. We have tried to cut or defer those projects which have not been justified or which might not fit into the new programs of base relocations.

However, our cuts have been selective. Because of the turbulence and indecision of the Defense Department, our committee has spent more than 50 percent more time last year in hearings.

There are three increases that amount to $336 million which I think are important. These are as follows: $112 million for Trident; $94 million for family housing, the maintenance and operation of family housing; and $130 million for bachelor housing. These figures amount to $336 million of increases.

Even so, this budget is below the budget proposed by the President.

Mr. Chairman, we have made cuts in various other areas, mainly in those which affect the changes in base utilization plans.

There are three items which I would like to mention that have been neglected in our military construction program.

One pertains to language teaching. Language teaching has been neglected in our military forces. It may be more important than missiles in the future Army and in our defense and peacekeeping efforts. I believe we need to pay more attention to language teaching.

We have neglected our maintenance and repair of all our installations. Any private landlord or private operator would spend a good deal more on maintenance and repair than we have spent in protecting our military facilities.

Mr. Chairman, the hospital at West Point may be one of the most outdated, neglected, medical facilities in the forces. I think that we deferred this hospital because of the exorbitant price and some concern over the plans that were presented by the Army.

I happen to believe that they need to look into this matter quickly, review it quickly, and present to the committee and the Congress next year the plans and the appropriation for the medical facility there.

The gentleman from New York (Mr. GILMAN) has made a very persuasive presentation concerning this. He is one of the most knowledgeable Members of the Congress on this subject, and he urges us to do it. We deferred it, but I hope that we can get to it next year.

Mr. Chairman, I think the cut of $335 million reflects a degree of fiscal restraint which is responsible and appropriate at the present time. It is a prudent and selective bill in terms of the increases which are approved and those which are denied.

I think we have approved those projects which are truly necessary for national security. An example is the $112 million which is allowed for Trident construction to be initiated this year. We need the Trident system to assure our deterrence capability toward the end of this decade, and if we are to have these larger submarines and missiles, we must start acquiring the facilities to support them this year.

We have, hopefully, where it was possible, allowed additional amounts to cover increased costs. An example of this is in the family housing area where, of the total increase of approximately $127 million allowed, $94 million is merely to meet the increased cost of performing adequate operation and maintenance. Also, the allowed unit cost of new housing has increased by an average of $3,500 each from that allowed 2 years ago, and this is not really sufficient to meet the increases in construction costs which have occurred and are projected. We had to provide additional funds to meet these costs.

A third and very important area in which a significant increase of $130,084,000 has been provided is the Army barracks construction and modernization program. For years, testimony before our subcommittee has indicated that enlisted personnel were growing increasingly unhappy with open bay bachelor housing. We have worked with the military departments to encourage them to upgrade their standards for bachelor housing, and they have done so. The Army's fiscal year 1974 request, which has been very largely approved, reflects both the additional cost of building adequate bachelor housing and the size of the construction program which is needed to provide modern, permanent, adequate barracks at the Army's hardcore installations.

When one considers just these 3 increases for Trident, $112 million; family housing operation and maintenance, $94 million; and bachelor housing for the Army, $130 million; their total, $336 million exceeds the amount of the increase which is recommended over last year, which is approximately $286 million.

Obviously, there have had to be compensating savings and reductions elsewhere in the program. One factor which has brought about these reductions is the emphasis on base realinements which has been apparent in the past year. The administration has taken steps to reduce unnecessary costs of maintaining more military bases than are needed. As a result, many projects for which funds had been provided in prior years are no longer needed. Also, in an environment in which base utilization plans are changing, the requirements for construction projects do not, in many cases, become clear until force deployments have settled down. As a result, many projects are held in abeyance or deferred. In some cases, the original decisions reflect inadequate planning and require further study. The Army is currently engaged in such a study of its smaller bases now, and there will doubtless be further reductions in some of these bases in the future. In this situation, it seems unwise to proceed with construction projects at many of these bases.

One area in which I have become particularly concerned about the adequacy of the Army's planning is in language training. They seem to regard this very critical program as something which can be moved around the country whenever a barracks building or two is vacated at any location. Anyone familiar with education in general and with language training in particular should realize that this is not the case, that the heart of such training lies in its dedicated professionals and its academic traditions which cannot be duplicated at just any place where there happens to be space available.

To some extent the budget request this year is lower than it might have been because expensive programs such as the Safeguard antiballistic missile have been dropped. One cannot but regret the large amounts that have been spent and largely wasted upon this program. One can, however, be glad that, to some extent, our pushing ahead with this program, with the considerable cost and waste that that entailed, enabled the strategic arms limitation agreements to come about. As a result of that, enormous costs in this and in other strategic weapons programs can be kept within bounds, provided the letter and the spirit of this agreement is maintained. Funds appropriated for Safeguard in prior years which are not required to cover claims and necessary work have been reapplied to other programs to reduce new budget authority to the extent that the committee feels is prudent at this time.

In addition, many of the projects which were requested, which were nice to have, but not necessary, or which were badly planned, have been eliminated from the bill by both the authorizing action and committee's recommendation. There are so many examples of the former that I will not offend anyone by simply pointing out a few projects. But, most of the projects which can be deferred, which should be restudied, or which may be at weak installations have been deleted.

One project which I feel I should mention and which confronted the committee with a real dilemma was the request for $25 million for a new hospital at the U.S. Military Academy at West Point, N.Y. I have seen the existing facility. It is certainly a hospital that needs to be replaced sometime in the near future. It may be the most inadequate medical facility in the Services. On the other hand, the Army's plans for providing a new hospital were so expensive as to be shocking. The hospital, for instance, was to be a 100-bed hospital at a cost of $25 million. We have built 400-bed hospitals for considerably less in recent military construction programs in other areas of the country, of course. Furthermore, 100 beds seem to be too many for the actual or projected workload for cadets at West Point. Finally, moving the hospital away from its present location, paradoxically, may make it harder to provide for cadets' medical needs without further large expenditures. All of this is spelled out in the committee's report and in our hearings. I feel that we had to defer this hospital at this time to force the Army to really restudy their plans for this facility. I hope our review can be completed promptly, because a new hospital is direly needed at West Point—and before the costs escalate even more.

The gentleman from New York (Mr. GILMAN) has made a persuasive presentation—he is the most knowledgable member concerning this hospital need.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MCEWEN), a member of the committee.

Mr. McEWEN. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from California (Mr. TALCOTT) concerning the hospital at the U.S. Military Academy at West Point.

Mr. Chairman, I had the opportunity of visiting this hospital just this past week, and I would confirm everything that the gentleman from California has said. This is an old, obsolete facility, with a great deal of maintenance that has been deferred, and deliberately deferred, in anticipation of the construction of a new facility.

I do not suggest, Mr. Chairman, that I know all of the answers on exactly the location or the size that the proposed new facility should be, but from my own viewing of the existing facility I know it is obsolete and I know of the need for a new facility.

I would like to say that the gentleman from New York (Mr. GILMAN) has been most industrious in bringing to the attention of all of us on the subcommittee the need for this hospital.

I was pleased at having the opportunity to see it. Everything Mr. GILMAN told us has been confirmed; namely, that the existing hospital is obsolete and the need for a replacement is great.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from New York (Mr. MCEWEN) for his thoughtful remarks concerning the long-needed West Point hospital proposal and appreciate the concern of the Subcommittee's distinguished chairman (Mr. SIKES).

I am hopeful that the deletion of funds for this project from the committee bill will only be temporary, and I am confident the Army will respond in the days ahead to the objections raised by the subcommittee. The Army has demonstrated its concern for the high costs of this and other construction projects at the Academy and has consistently and conscientiously tried to keep costs as low as possible.

Impressive documentation has been presented supporting the need for this new 100-bed hospital facility. The present hospital, already more than 50 years old, serves a large and growing community, both on the Academy grounds and in the surrounding region. Its archaic systems, extremely limited space and poor location have all been cited as major deficiencies. These obstacles have hindered the delivery of first-rate medical service to the thousands of patients who are served annually.

As these deficiencies become more acute with the passage of time, the costs of construction increase to even higher levels.

The Army Corps of Engineers has exhaustively examined alternative proposals in an effort to find a way of providing the needed improvements in medical service at the lowest possible cost.

All of the alternative proposals have been found wanting. The construction of a smaller facility or renovation of the existing hospital would result in only a nominal saving, if a saving at all, as compared with an entirely new 100-bed facility. But more important, the end result would still be a marginal facility that would not have the approval of the Army Surgeon General or the Assistant Secretary of Defense for Health and Environment. Sacrificing efficiency and the complete utilization of the latest medical technology would be false economy.

Twice in recent years, Congress has authorized this project, including current approvals by both the House and Senate in connection with the military construction authorization bill. This clearly demonstrates a legislative recognition of the necessity for a new West Point hospital.

I know the Army will now approach the committee's concerns with the same thoroughness and diligence that it has previously displayed in documenting the need for this facility. I trust there will yet be an opportunity to resolve these concerns as the other body prepares to consider the military construction appropriation.

One of the finest military institutions in the world is deserving of a first-rate hospital.

Mr. SIKES. Mr. Chairman, I yield 10 minutes to the distinguished resident commissioner of Puerto Rico (Mr. BENITEZ).

Mr. BENITEZ. Mr. Chairman, I rise once again, this time hopefully to help rectify a deplorable situation which affects the good name of the United States, the good name of those of us who in Puerto Rico defend the United States and identify ourselves with its basic values and perhaps more importantly to defend the right of the people of a very small island in Puerto Rico to live, work, and go about without the constant threat, danger and perturbation of bombardment.

I refer to the issue of Culebra. This is a very small Puerto Rican island on our eastern shore which for a number of years has been the subject of special discussion and debate here and throughout the Hemisphere. A week ago, we thought in Puerto Rico that the matter had been adjudicated finally. We felt that the action of the conferees of the House and the Senate on the military construction authorization, fiscal year 1974, the report of which we approved just 30 minutes ago, would forestall any additional delay. However, that report has been completely ignored in the appropriations bill now before us for our consideration.

Members of the Appropriations Committee have been surprised to discover that the military construction bill authorizes according to the recommendation of the conferees the necessary funds to settle the Culebra issue; but nonetheless no appropriation ensues in the bill now under consideration. Why?

In the conference report which we received half an hour ago it is stated specifically in section 204(a):

> SEC. 204. (a) In order to facilitate the relocation of the ship-to-shore and other gun fire and bombing operations of the United States Navy from the island of Culebra, there is hereby authorized to be appropriated the sum of $12,000,000 for the construction and equipage of substitute facilities in support of such relocation.

This section continues, establishing a number of conditions and requirements to insure that the Navy will have full occasion and opportunity to protect the vital national interests that might be involved, making as a prerequisite to the disbursement of any appropriations, a mutually satisfactory agreement.

Under the circumstances which, I may say, motivated and required the appearance here on three separate occasions of the Governor of Puerto Rico to give assurances at different moments before Members of the other body, before the chairman of the Committee on Armed Services of the House, and afterward before the House conferees on the military construction authorization fiscal year 1974, full satisfaction was accorded to the conferees on both our willingness and even eagerness to meet all reasonable conditions required and presented. And then we, to our amazement, find that your committee's appropriation bill lacks any recommendation of funds for these purposes.

I would like, Mr. Chairman, to point out that three successive Secretaries of Defense, Secretary Laird, Secretary Richardson, and Secretary Schlesinger, reported publicly in answer to the request of Governors of the people of Puerto Rico, that the Navy operations at Culebra would be terminated no later than July 1, 1975.

I may say that this morning at breakfast, I had the opportunity to talk to Secretary Schlesinger and to express to the Secretary my amazement that the

Navy, having requested this course of action necessitating more funds apparently had made no such funding request—at least in a timely way—to the Committee on Appropriations. Mr. Schlesinger was, I am sure, surprised at this, and indicated to me that he would study the matter and help to rectify what he thought had been an oversight.

I wish to add that this pledge was first made to the former Governor of Puerto Rico, Governor Ferré, several times, and was used as an electoral commitment. Governor Ferré's pledge was negated 6 weeks thereafter by Secretary Laird.

But former Secretary Richardson promised to review the policy in his confirmation hearings after consulting several voluminous studies prepared by the Defense Department at the direction of Congress. He conducted extensive discussions with Navy officials and obtained personal assurances from the Government that a transfer of the operations from this small inhabited island of Culebra would not be impeded in any way, should it be made anywhere in the uninhabited islands of Puerto Rico.

Mr. Richardson made the commitment that was afterward echoed by Mr. Schlesinger.

Here we stand after 3 years of commitments concerning Culebra, with the dignity and welfare of our people profoundly involved with a final approval obtained from this House on the conference committee recommendations on the authorization bill and now we are to return home to be expected to say all this was in jest.

Mr. BADILLO. Mr. Chairman, will the gentleman yield?

Mr. BENITEZ. I yield to the gentleman from New York.

Mr. BADILLO. Mr. Chairman, I want to commend the distinguished Resident Commissioner of Puerto Rico on the statement. As he indicates, we have been talking about this issue for years. This is not a case merely of failing to have an appropriation. If there is no appropriation to follow the authorization, we are failing to keep a promise not only to the people of Puerto Rico but a promise that affects the credibility of the United States of America.

Mr. Chairman, I call upon the conferees to see to it when they go to the Senate that this matter is rectified and that appropriations are made for the relocation of the facilities.

Mr. BENITEZ. I thank the gentleman from New York.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. BENITEZ. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I want to commend my friend, the gentleman from Puerto Rico, on the statement he has made. Certainly we visited together on the beach at Culebra and looked at the installations there and talked to the mayor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIKES. Mr. Chairman, I yield 1 additional minute to the gentleman from Puerto Rico.

Mr. BENITEZ. I thank the gentleman for yielding.

I yield to the gentleman from California.

Mr. LEGGETT. Certainly this has been a matter where the gentleman has been very, very aggressive to try to fulfill the commitments of the three Secretaries of Defense that he mentioned, but we do have a problem where these funds were not requested at the outset by the Navy. We had inserted them in the Senate in the authorization bill. We later had, through the gentleman's aggressiveness, I guess, the conference committee approve the item, so we have the matter authorized. But still there is nothing before the Committee on Appropriations, I guess, to date. I would certainly hope that the Committee on Appropriations would consider the matter and that this has come about in an irregular way.

If the Senate chooses to act on this matter and be a little more aggressive than we have, I certainly hope that we can favor the Secretary's recommendations in a positive way in conference.

Mr. Chairman, I should like to direct the question to the chairman of the subcommittee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIKES. Mr. Chairman, I yield myself 1 minute. I had not intended to engage in this discussion at this time. The fact is that the committee has had no request for funds. The request for funding went to the Senate after we had completed our work, and it has not yet come to this committee.

There is another side to this case which I expect to discuss in detail if an amendment is offered. At the moment let me say that if the matter is taken up and considered favorably in the Senate, we will look at it carefully with an open mind. We are not prejudiced against the project.

Mr. LEGGETT. I thank the gentleman.

Mr. SIKES. Mr. Chairman, I yield 1 additional minute to the gentleman from Puerto Rico.

Mr. BENITEZ. I thank the gentleman.

I wish to say that I appreciate and understand the explanations given by the distinguished chairman of the subcommittee and wish to say that I trust the Members understand perfectly well that our interest is not only the interest of the people of Culebra, but this House's common interest in making clear to everyone in Puerto Rico and outside of Puerto Rico that these commitments pertaining to human beings will be observed. I trust that this will be the case, and I would continue to pledge my support to the processes that will make it possible.

Mr. TALCOTT. Mr. Chairman, we have no further request for time.

Mr. SIKES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Maryland (Mr. Long), a member of the subcommittee.

Mr. LONG of Maryland. Mr. Chairman, as a member of the committee I support this bill.

The bill does represent a substantial cut below the authorization. The authorization, it is fair to say, cut quite substantially below the budget request, with the net result that we do have a very substantial cut here below the budget request. While this is a bigger bill than last year, it is a bigger bill roughly by the factor of inflation only.

I wish we could have cut more. I have been one of those who have been fighting for years to cut the military spending particularly after the war in Vietnam. But, let us face it, the cold war is heating up. I have not always been convinced by the warnings of the hawks and I am still not entirely, but it is better to be safe than to be sorry.

The sums of money involved in what we are doing are relatively small in relation to the tremendous dangers this country faces in the perilous world in which we live today.

There are some problems of military construction I have felt some concern about. I do think the military is often asking us for new buildings or is often leasing when it could be using old buildings which are perfectly serviceable buildings. There is a vacant base in my district, Fort Holabird, which the Army has appraised as having buildings good until 1994. Although they are not beautiful they are serviceable. It is a great mistake to walk away and leave that money there.

In connection with some of the overseas bases I have had some concern but we have found ourselves in something of a dilemma. A great deal of our overseas housing is in very bad shape, yet we are not replacing it now because it is not clear how long we are going to be at those bases.

I think we should have taken more into account the lack of combat readiness of certain National Guard units. Some of them are in a C-4 category. They are just not ready and the buildings are not going to make them ready. Combat readiness depends on other factors than buildings.

I have some concern about the construction for Trident because we are putting all our eggs in one basket at one base in one place in Bangor, Wash. A single bomb could knock out a very large part of the Trident. Should we be putting so much investment in one spot.

I have some concern about emergency funds. But the sums are not great and this is a matter on which reasonable people can come to some sort of agreement.

On the matter of Culebra I would like to point out to the gentleman from Puerto Rico that no one can commit the Congress of the United States to move a base from anywhere. Congress is not at the beck and call of the Secretary of Defense or any other administrative agency that wants to tell some area that we plan to move out.

I hope Congress and these other people keep that in mind. There are other things that bother me, but nevertheless, I think this is a reasonably prudent bill.

I want to commend Congressman Sikes, who has been a very distinguished chairman. He is always tolerant and understanding and listens to the views of everybody on the committee.

I think this is a reasonably prudent bill, which is a reasonable compromise, and I ask my colleagues to vote for it.

Mr. SIKES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Chairman, I would

like to ask the chairman about one item in the military construction bill providing for funds for the construction of one facility in my particular district, a commissary at Bergstrom Air Force Base. We have been waiting for the authorization of this project for over 30 years. Finally, after waiting this period of years, it was authorized. I am advised that the bill before us now does not provide the funds in this instance. Is that correct?

Mr. SIKES. Yes. I will be glad to respond to the distinguished gentleman. I commend him for his interest in his own district and the military installations there.

The facility which the gentleman refers to, the commissary, is an authorized item. It is one of several commissaries deleted by the Appropriations Committee. The committee went rather fully into this subject, and the majority of the members of the committee felt that the Department of Defense should take a new look at commissaries in general. It is costing the Government nearly $300 million a year in personnel costs to operate the commissaries. They do not pay any taxes. Their overhead is low. They obtain land, and in many cases facilities, without charge. A surcharge is added to the commissary prices to pay for overhead expenses. In many cases this has been used to construct new commissaries or to rehabilitate existing ones.

The majority of the members of the committee felt that this procedure might be a rational way for the construction of this and other commissaries to be funded.

We are not prejudiced against commissaries. We accept the fact they are important to the military programs. The committee feels however, that the need may not be as great as it was in prior years when the military pay scale was very low and when there were very few good shopping facilities and food stores in the vicinity of most bases. That picture has changed. The committee felt that the Department of Defense should take a new look at the commissary structure. That does not mean that we are asking that the commissaries be eliminated, but that consideration be given to having commissaries carry more of the costs which are now borne by the taxpayers.

Mr. PICKLE. I believe the gentleman would understand that this action catches many Members by surprise, because we had assumed that once the authorization was in this year and without any notice of difficulty, that it would not be taken out. Will this matter now go to conference?

Mr. SIKES. This bill now goes to the Senate and, of course, if the Senate restores the commissaries, including that of the distinguished gentleman, I assure the gentleman that I as one member of the subcommittee will view the matter with an open mind. I am not prejudiced against any of the commissaries.

Mr. PICKLE. I appreciate that very much. It will be a harsh act to deprive that base the funds we have been waiting for during these 30 years.

Mr. SIKES. Mr. Chairman, I have no further requests for time.

Mr. TALCOTT. Mr. Chairman, with respect to the Atlantic Fleet Weapons Range and its activity on the property owned and developed by the U.S. Navy on the island of Culebra, the one criterion by which this activity should be judged—the one question that we should put above all others: "Is this activity essential to the defense requirements of the United States?"

We cannot seek the answer to this question from unqualified critics, self-serving interests, inconsolable instigators, political opportunitists, and kibitzers from afar.

But seeking an honest answer to the question: "Is this activity essential to the defense of my country?" ought to be the overriding consideration for every patriotic American, whether he is wearing the uniform of this country, whether he has the honor and responsibility of high public office, whether he is selling newspapers in San Juan or real estate from New York or beer to the white hats in the little town of Dewey (Culebra).

Every American is expected to make needful sacrifices for the security of his country, certainly when it is a matter of his convenience compared to the preparedness of the forces first committed to lay down their lives in a challenge to our national interests.

The good citizens of Puerto Rico would be deeply insulted—and rightly so—to have it suggested that they would be less willing than their fellow citizens of any other part of these United States to bear their share of the burden of eternal vigilance.

Communities across the country daily endure a much greater burden of annoyance and inconvenience for the sake of their military neighbors—without nearly the perfect record of safety which Culebra can claim.

So we go back to the basic question—disregarding for the moment even the arguments of the dollar cost to our taxpayers or the convenience of the naval services—"Is this activity essential to the defense requirements of these United States?"

And I refer you to the testimony of Rear Adm. A. R. Marschall, CEC, USN, Commander, Naval Facilities Engineering Command, on page 907 of the hearings on this bill—and let only those better qualified contradict him—"Is this range on Culebra essential?"

Admiral Marschall's answer:

> Most essential, Sir.

Mr. RONCALIO of Wyoming. Mr. Chairman, I would like to take this opportunity to express my thanks to Chairman Robert Sikes of the Subcommittee on Military Construction Appropriations and the other members of the subcommittee for recommending favorable action on the construction of a composite medical facility at F. E. Warren Air Force Base in Cheyenne, Wyo.

As noted in the hearing record on the legislation, Warren's medical facilities were built in 1887 and have outlived their usefulness as a base hospital. I heartily agree with the subcommittee that it is time for newer facilities to meet the new demands of modern medical science.

I might point out that as well as serving the more than 4,400 officers, enlisted men, and civilians at the base, this facility will provide medical treatment to the thousands of retired servicemen living in the State of Wyoming. I thank the subcommittee and its chairman for not only the men serving at Warren but for the people of Wyoming.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

Mr. SIKES (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. BARRETT

Mr. BARRETT. Mr. Chairman, I offer an amendment.

(The portion of the bill to which the amendment refers is as follows:)

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $587,641,000, to remain available until expended.

The Clerk read as follows:

Amendment offered by Mr. Barrett: Page 2, line 12, strike the figure "$587,641,000" and insert in lieu thereof "$582,437,000".

Mr. BARRETT. Mr. Chairman, this is an amendment to reduce the appropriations of funds for Navy construction by the sum of $5.204 million, for the construction of a building at Albany, Ga., which is intended to house the administrative functions of the Marine Corps supply activity now located in Philadelphia, Pa.

Mr. Chairman, many of us from Pennsylvania have had extensive discussions with the military—the DOD, Navy, and Marine Corps—concerning this proposal. We are firmly convinced that it is ill-conceived and totally unwarranted. Further, it is a needless expenditure of funds.

The Marine Corps supply activity serves as the single inventory control point for the corps in support of the operating forces and the supporting establishments. It is also the sole activity providing provisioning to support the introduction of all new or modified end items of equipment and systems, cataloging of all items of supply including the preparation of all Marine Corps stock lists and central computation and validation of prepositioned war reserve requirements, including the forced issue in support of contingency withdrawal plans.

This proposal was first presented in April of this year to the employees. It was explained at that time, that the proposed relocation would ultimately result in an annual savings to the Federal Government of $2.6 million—primarily through the reduction of maintenance cost and to a lesser degree through the reduction of overall personnel cost. A critical scrutiny of this proposal, and the rationale which supports it, refutes the reliability of these anticipated economies.

The fact sheet prepared by the Marine Corps states that there are no facilities available at Albany, Ga., for this function and the initial estimate of construction is $5.2 million. It was noted that the age of the Philadelphia buildings had resulted in increasing annual maintenance costs and programmed requirements of $4,924,000 were currently identified. Thus it was argued, the continued maintenance cost and out-year military requirements exceeded 50 percent of the cost to construct a new administrative building at Albany, Ga. In fact, the total funds expended in fiscal year 1972 for the maintenance and repair of the present facility in Philadelphia was only $357,703.35. The programed requirements of almost $5 million are based almost exclusively on fiscal year 1968 estimate of the cost of complete central air conditioning of the Philadelphia complex. This plan was never implemented since 40 percent of the administrative areas of the command are effectively air conditioned by individual air conditioning units. Actual time lost in administrative shutdowns due to excessive heat has been negligible. Specifically a portion of the workforce has lost a total of 5 hours over the last 6 years ending June of this year.

Mr. Chairman, the initial cost estimate has been set at $5.2 million by the military. We know what these initial estimates have been in the past. They have amounted to the camel getting his nose under the corner of the tent. These estimates are already several years old and we know that the costs of construction have increased greatly in the past several years. There is no doubt in my mind that once they get started on this building they will be back asking for additional funds.

The Marine Corps has expressed concern over the availability of family housing units for the marines in Philadelphia. It should be pointed out however, that less than 6 years ago over 800 marines and their families were adequately housed and there are currently less than 200 marines, eligible for housing, onboard. I doubt that serious problems of military housing now exist.

The Marine Corps fact sheet frequently refers to the proposed relocation as a "consolidation of functions." The fact is that the proposed move does not in any way involve a change to the current mission of the activity. There is no change or modification planned for any functions now performed in Philadelphia and thus there is no planned major modification to the number and type of occupational specialists who now accomplish the assigned mission. This in itself is significant. An inventory control point is responsible to perform a variety of duties in the management of equipment. Most of these responsibilities require a professional expertise greater than that of a purely clerical nature. The Marine Corps inventory control point is unique in that it manages all commodity areas; electronic, missile, automotive, engineer, ordnance, general property and clothing. Highly qualified technical people are required to analyze the design of a radar system or truck or refrigerator or missile to determine which repair parts should be acquired and the proper quantities for continued support. Technical people are required to analyze engineering drawings for these repair parts in order to properly catalog them. These are but a few of the functions performed by the center. The opinion of those who have visited Albany, Ga., on other business for the Marine Corps, there is a warehouse located there, is generally that the area will not provide for a future labor market of the type required. In fact, inquiry has disclosed that there are currently considerable vacancies at Albany for technical positions which they have not been able to fill from the local labor market.

Mr. Chairman, technically capable people are vital to the function of this military facility. The Marine Corps itself states that out of the present 1034 civilian positions in Philadelphia only 184 are to be abolished by the proposed move to Georgia and these are fringe jobs not related to the basic function of the inventory control operation.

They propose to move 984 positions. The Corps itself estimates that of this number from 250 to 350 personnel are expected to relocate. The employee group indicates that this is an optimistically high figure. The large minority complement in Philadelphia will probably not relocate because of area and the higher housing costs compared to their present situation.

It has been admitted that the present Albany, Ga., labor market is unable to supply the needed personnel to fill technical positions presently vacant in the area. The Marine Corps is unable to respond to the question and problem which would result if this move takes place—namely, where would the technical personnel come from?

In conclusion, Mr. Chairman, I submit that this proposal by the Marine Corps is not a consolidation in any sense of the word and will not save the taxpayers any money. It is a relocation which may well jeopardize the efficient operation and functioning of this activity and will surely cost the taxpayers of this country additional dollars in taxes.

I urge my colleagues to support my amendment.

Mr. EILBERG. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the Marine Corps plan to move the supply activity now located in Philadelphia to Albany is an ill-conceived, poorly planned operation.

I believe the decision was made simply to show some activity on the part of the Marine Corps in response to public demands for a reduction in military spending. It is also my opinion that the cost-savings figures presented in support of this plan do not represent the true cost to the taxpayers of this project.

The Marine Corps states that it will have to construct a completely new facility in Albany, Ga., for $5.2 million. It justifies this expense by stating that the annual maintenance and programed requirements of the present facility in Philadelphia are $4.9 million.

However, the fact is that in the last fiscal year the maintenance and repair costs to the Philadelphia plant were only $375,703. The remaining $4.55 million would be for the proposed air-conditioning of the entire facility which was first suggested in 1968. This plan was never implemented and 40 percent of the areas which should be air-conditioned are already serviced by individual air-conditioning units and estimates for taking care of the remaining areas are considerably lower than the original $4.9 million.

Additionally, Mr. Chairman, the Marine Corps has not figured into its cost projections the effect of this move on the economy of the city of Philadelphia and the surrounding suburbs.

The loss in much needed revenue to our public transportation system which serves the Marine facility will eventually have to be made up by other Federal agencies along with the reduction in payments to our school systems now made through impacted aid grants.

As I said before, this is an ill-conceived, poorly planned decision and I urge my colleagues to support Congressman BARRETT's amendment to strike funds for this project from the military appropriations bill.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, we have heard something here today about saving money, and I can tell the Members that one of the best ways by which we can save $5.2 million plus is to adopt the amendment offered by the gentleman from Pennsylvania (Mr. BARRETT).

The Marine Corps supply activity is located at Broad and Washington Streets in Philadelphia. It is in no part of my district. However, I visited there, and they have substantial buildings, with a very low maintenance cost. I do not understand why they want to air-condition parts of the building in which only uniforms and things of that nature will be stored. The fact of the matter is that the building is now 40 percent air-conditioned.

Now, as far as the Broad and Washington Street location is concerned, the railroads run right into the Marine Corps supply activity, the truck terminals are right there, and 14 blocks away there is the Delaware River, one of the biggest ports in the country. So if the Marine Corps wants to ship anything any place in the world, they can.

Mr. Chairman, the irony of this whole thing is that just about 12 blocks away from this spot there is the Tunn Tavern, where it is reported the Marine Corps was founded. And now, after spending substantial sums of money on modernizing these buildings in Philadelphia, they want to turn around and spend $5.2 million some place else for new buildings.

I can tell the Members that this $5.2 million figure was developed almost a year ago, and since that time building expenses have increased by some 30 percent. So if we want to save some money, without taking anything away from anybody, and keeping an installation in a very strategic location where all forms of transportation are readily available to it, we should adopt the amendment offered by the gentleman from Pennsylvania (Mr. BARRETT) and keep the Marine Corps supply activity in Philadelphia.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first let me state that I rise reluctantly to oppose the amendment of my distinguished friend, the gentleman from Pennsylvania. Mr. BARRETT is a distinguished and able Member, a very kindly gentleman, and a warm personal friend. I know that this is a matter of great concern to him. I applaud him for the zeal with which he fights for the interests of his own district.

Now I must give to the House the justification submitted by the Department of the Navy in support of the proposed transfer of supply activities from Philadelphia to Albany, Ga. The subcommittee went carefully and fully into the proposal. It is the Navy's position that by this move the Marine Corps will be able to effect significant personnel strength reductions and cost savings.

By this move the Marine Corps will reduce 184 civilian and 50 military personnel commencing in fiscal year 1976, when the move will take place, the Government will experience $1.2 million in savings because of these personnel cuts. Thereafter the annual personnel savings will amount to $2.6 million each year.

Mr. Chairman, the old Marine Corps facility in Philadelphia consists of buildings which date back to 1908, which were not designed for their present use and needs. By this transfer we shall avoid $4.9 million in improvement costs which are absolutely necessary to the Philadelphia installation.

The committee supports the move for these reasons:

Colocation of the inventory control and data processing installations and the materiel which is at Albany.

The naval air station at Albany is closing at the end of this year. We can use facilities and quarters there for the incoming people. The individual marine can live on post, not subsist out on the Philadelphia community as he must now.

There is a very large and relatively new facility now in existence in Albany. This is a proposal to consolidate a small facility with a larger one. Consolidation of the two facilities is realistic. Albany can accommodate the move. The Navy asks for one administration building to be constructed at Albany which costs $5.2 million.

I urge the amendment of the gentleman from Pennsylvania be defeated.

Mr. BARRETT. Will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. I would like to point out to the gentleman that we have given long study to this relocation with the Department of Defense, the Navy, and the Marine Corps and have searched out every possible facet as to its maintenance and durability. The gentleman spoke very kindly about the need of substantial maintenance in another 2 years. I would like to inform the gentleman that there will be no need of substantial maintenance to the Marine Corps building in Philadelphia for the next 15 or 20 years. It is a very fine structure; the exterior and interior architecture are comparable to that of any building. I just cannot see why the Government wants to spend $5.2 million at this time when we are clamoring for economy.

Mr. SIKES. If I may respond, this building was constructed in 1908 and Navy witnesses said that substantial renovation will be required if it will continue to be used. I am giving you the information that was given to my committee in support of the move. They estimate these costs would be more than $4 million, which is very close to the cost of the new facility at Albany. I am sure their analysis of the cost was made carefully and that they are considered accurate.

Mr. MATHIS of Georgia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it also gives me a great deal of pain to rise in opposition to the amendment offered by my friend from Philadelphia, who is an eloquent spokesman for his district and State, but the facts outlined by the distinguished chairman of the subcommittee speak for themselves.

There will be substantial savings effected by this move from Philadelphia to Albany, Ga. The chairman touched on those very briefly and effectively, I think.

The chairman mentions and I think I should emphasize that there are at the present time 630 Capehart housing units that are among the best available anywhere which will be available immediately for the military people being transferred to Albany, Ga.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. MATHIS of Georgia. I will be delighted to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I would state to the gentleman from Georgia that we have made a very, very thorough check on this, and our findings indicate to us that they do not have the personnel involved who would be capable of performing the services comparable to what they have been doing here in Philadelphia for the last close to 150 years.

Mr. MATHIS of Georgia. May I say to the gentleman from Pennsylvania, with all due respect, that I think if the gentleman would check that he would certainly find personnel in Georgia who are just as capable as personnel in Philadelphia, Pa.

I do not want to boil this down to a fight between districts, because I have too much respect for my friend, the gentleman from Pennsylvania.

Let me also say to my friend that I am losing a military installation in my district in Albany, Ga., which is being implemented, and I may say that this gives me a great deal of pain to lose that facility because there are a number of military personnel involved in it. But I must say that the bulk of the activities are being transferred to Key West, and I do not feel that it is my responsibility to raise an issue, or to try to block the move of the Navy from Albany, Ga., to Key West.

So, as I say, I do not want to break this down as to an issue concerning the capabilities of the workers in Georgia versus the workers in Pennsylvania.

I simply think that the committee has done its homework, the Marine Corps has done its homework, and I would urge the defeat of the amendment.

Mr. BARRETT. Mr. Chairman, if the gentleman would yield further, I am sure the gentleman from Georgia would certainly defend the relocation of an installation where there was going to be a savings to the taxpayers of $5.2 million. I believe that the gentleman from Georgia is a good Congressman, and I have great respect for the gentleman, but where the gentleman could save $5 million the gentleman would do it. And I am quite sure we can save the taxpayers $5.2 million.

Mr. MATHIS of Georgia. I would say to the distinguished gentleman from Philadelphia that we have been told that we are going to effect a savings of $2.6 million annually based solely on the personnel, and it would not take very long at annual savings of $2.6 million to make up the $5.2 million of new construction authorization.

Again I urge defeat of the amendment.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, I would like to call to the attention of the chairman of the subcommittee that the gentleman has been furnished erroneous information by the Navy. In a similar move we were told it would cost $28 million, and when we informed them they left out $6 million, they promptly reduced the cost to $20.1 million. Anyone knows that one cannot build a building for $5.2 million and at the same time save $2.6 million on personnel.

It is quite true that this building was built in 1908, but the Members should see the construction of that building, the all masonry construction. It was built to last for at least 100 years, and substantial sums have already been spent in the renovation of this building in Philadelphia.

As far as savings are concerned, they are entirely fictitious, because they are not going to save $2.6 million in salaries over this period of time. In fact, with the enlisted personnel that we have there it would not permit anywhere near a savings of $2.6 million.

The gentleman has given us the Navy case. I must say to my distinguished colleague, the gentleman from Florida (Mr. SIKES) that we questioned the Navy, and they have not been able to substantiate their figures. And in the other similar move which I previously mentioned, they came down $8 million when they should have been going up $6 million.

So, all that I can say is that if we want to save money and use what we have already now in the facility, that is being used very, very efficiently, then do not waste the money on building new buildings some place else, even if you want to build them in my own district in Pennsylvania, which is not Philadelphia.

Let us use what we have now and let us stop throwing our money away on military programs where it can be used more helpfully in other ways by the military or by other agencies.

Mr. Chairman, I yield back the balance of my time.

Mr. TALCOTT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I share the respect that the chairman of the committee indicated for the gentleman from Philadelphia and those who are interested in the Philadelphia installation. I should just like to say that the reason our subcommittee and our full committee made this proposal was to save money, to consolidate facilities, to improve working and living conditions, and to permit better management of the Marine Supply Services. We were trying to consolidate facilities wherever we could and to do it in the most efficient manner. We were told that the renovation and modernization at Philadelphia was simply not economical or practical. At least, that was the information given to us. We were told that this inventory control function would be more effective and less costly at Albany. There are existing data processing and other supporting functions there that are necessary to the materiel and supply functions and which will allow considerable reductions in overhead costs.

We were only trying to save money and improve the services.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman from Iowa.

Mr. GROSS. As a compromise, why not move the installation out to Iowa? We do not have any military installations and we will not feed them grits and fat pork.

Mr. TALCOTT. I think the gentleman from Iowa may have a good idea.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. I thank the gentleman for yielding.

In answer to the question that was asked about the necessary personnel, when the new Clinton Industries Shipyards were being built in Mississippi or Louisiana—whichever they were—where do the Members think they were recruiting their personnel? At the Philadelphia Naval Shipyard, at the Sun Shipbuilding Co., and in the areas around Philadelphia. We have those highly skilled personnel there right now. Let us keep them there, and let us save at least $8 million by adopting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. BARRETT).

The question was taken; and on a division (demanded by Mr. BARRETT) there were—ayes 21, noes 54.

Mr. BARRETT. Mr. Chairman, I demand a recorded vote.

Mr. Chairman, I withdraw my request for a recorded vote and I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred eight Members are present, a quorum.

Mr. BARRETT. Mr. Chairman, surely I can make a request for a recorded vote again.

Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to ask the chairman of the subcommittee a question or two concerning this bill. On the face of it, it appears to call for $2,609,000,000 which is an increase of approximately $286 million over expenditures for military construction in 1973, the last fiscal year. What precisely causes this increase over last year, this increase of $286 million?

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, a great deal of the additional cost of this bill is the result of increased family housing operating and maintenance costs and additional costs of construction. Inflation has entered very strongly into all the construction programs. Then there are several new programs such as Trident for which construction funds are provided in the amount of $112 million and an increase of $130 million for Army bachelor quarters which amount for the rest of the increase. We feel that the increase over last year is a modest one.

I think what is of the greatest significance is that this bill as a result of the action of the authorizing committees and the House Appropriation Committees is cut $335 million below the total request of $2,944 million. That is a very significant reduction and I believe it is all that can be cut.

Mr. GROSS. Can the gentleman give us a figure as to the added cost of this bill in terms of the devaluation of the dollar?

Mr. SIKES. I think the gentleman can figure that as well as I can but it has had its effect and of course it means everything is costing more.

Mr. GROSS. I understand that but I just wondered how much more was added to this bill by virtue of devaluation.

Mr. SIKES. With the exception of two or three small items added in the authorizing bill, no funds were added to the bill by the committee as a result of devaluation.

Mr. GROSS. It is mentioned in the report on the bill that devaluation has added to the cost.

Mr. SIKES. Devaluation has.

Mr. GROSS. But there is no figure given.

Mr. SIKES. Devaluation has added to the cost but no substantial amount of money was added because of that.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I might point out to the gentle man from Iowa he should ask where are the savings that were made as a result of all those closings in Massachusetts and Rhode Island? They were cited as saving hundreds of millions of dollars in their claims, but in looking over the budget for the next year I see they are coming in and asking for millions of dollars more for housing down in Norfolk that they have to build to provide housing for personnel. Every time they close an installation the cost goes up.

Mr. GROSS. The gentleman has raised an excellent question. I fail to see anywhere any result by way of savings from the closings of bases and other installations.

Mr. SIKES. If the gentleman will yield further, I will again call to his attention figures which were used in my discussion earlier, in which I did discuss the base closure picture and the amount of savings which the Government anticipates will result. It is anticipated that the savings will be $3.5 bililon over the next 10 years. These actions would result in the elimination of 42,800 military and civilian positions.

Obviously, there is not going to be a great deal of savings in the first year. This is the first year. It may even cost more in the first year because of the relocation of personnel and the cost of closing bases. But, in the next 10 years the Department will save $3.5 billion.

Mr. GROSS. Apparently inflation is feeding on itself, as evidenced by this bill. If inflation continues I would hesitate to predict whether there would be any savings on the closing of these bases in the next 10 years.

Mr. SIKES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ANNUNZIO, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes, had directed him to report the bill back to the House, with the recommendation that the bill do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 366, nays 29, not voting 38, as follows:

[Roll No. 585]

YEAS—366

Abdnor
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hawkins
Hays
Hébert
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kazen
Kemp
Ketchum
King
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, Tex.
Zablocki
Zion

NAYS—29

Badillo
Barrett
Bingham
Chisholm
Clay
Conyers
Drinan
Edwards, Calif.
Eilberg
Green, Pa.
Gross
Harrington
Hechler, W. Va.
Heckler, Mass.
Holtzman
Kastenmeier
Mitchell, Md.
Moakley
Nix
Rangel
Sebelius
Skubitz
Stark
Studds
Symms
Thompson, N.J.
Waldie
Young, Ga.
Zwach

NOT VOTING—38

Abzug
Anderson, Ill.
Blackburn
Blatnik
Brasco
Brown, Ohio
Buchanan
Burke, Calif.
Chamberlain
Clancy
Collins, Ill.
Davis, Wis.
Dellums
Dingell
Fraser
Harvey
Hunt
Keating
Kluczynski
Latta
Mills, Ark.
Murphy, N.Y.
O'Brien
Patman
Reid
Roberts
Rooney, N.Y.
Rosenthal
Rostenkowski
St Germain
Schroeder
Spence
Stuckey
Teague, Tex.
Tiernan
Udall
Waggonner
Young, S.C.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Stuckey.
Mr. Brasco with Mr. Young of South Carolina.
Mr. Blatnik with Mr. Anderson of Illinois.
Mr. Kluczynski with Mr. Davis of Wisconsin.
Mr. St Germain with Mr. Brown of Ohio.
Mr. Rostenkowski with Mr. Blackburn.
Mr. Mills of Arkansas with Mr. O'Brien.
Mrs. Burke of California with Mr. Reid.
Mr. Dellums with Ms. Abzug.
Mrs. Collins of Illinois with Mr. Rosenthal.
Mr. Dingell with Mr. Patman.
Mrs. Schroeder with Mr. Fraser.
Mr. Hunt with Mr. Chamberlain.
Mr. Spence with Mr. Clancy.
Mr. Waggonner with Mr. Buchanan.
Mr. Murphy of New York with Mr. Harvey.
Mr. Teague of Texas with Mr. Keating.
Mr. Tiernan with Mr. Latta.
Mr. Roberts with Mr. Udall.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

NUTRITION FOR THE ELDERLY

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on September 26, together with the distinguished gentleman from Florida (Mr. PEPPER) introduced H.R. 10551, a bill to extend the nutrition program for the Elderly Act for 3 years.

Evidence of the overwhelming bipartisan support enjoyed by this program, Mr. Speaker, is that since that date 137 Members of the House, on both sides of the aisle, have joined the gentleman from Florida and me in cosponsoring this legislation.

Mr. Speaker, the nutrition program for the elderly began as a demonstration program under the Older Americans Act of 1965, and last year it evolved into an ongoing service when Congress overwhelmingly approved the nutrition program for the Elderly Act as a separate title of the Older Americans Act.

Because of several presidential vetoes of Labor-HEW appropriations bill, which included funds for the nutrition program, the act is only now beginning to be implemented.

But the program, Mr. Speaker, is not a partisan issue. For Congress has demonstrated its support for the nutrition program by appropriating funds for it, and the President, as well, has evidenced his backing by requesting $100 million to implement nutrition programs across the land.

Mr. Speaker, when this program is fully implemented, nutrition centers will be able to provide one hot, nutritious meal a day, 5 days a week, for thousands of Americans aged 60 and over in every State.

And the meals can be served not only in community centers, such as schools and churches, but also directly in the homes of elderly shut-ins.

Mr. Speaker, the bill, H.R. 10551, which Mr. PEPPER and I have introduced, would authorize $150 million for 1975, and $175 million and $200 million, respectively, for 1976 and 1977.

Surely, Mr. Speaker, we can afford these modest increases in this program which is, even now, assisting the elderly poor, who, living on fixed incomes, are now the victims of the worst inflation in a generation.

Mr. Speaker, just 2 days after the gentleman from Florida and I introduced this bill, an excellent article, which cogently describes the problems faced by older citizens experiencing higher prices for food, appeared in the Chicago Sun-Times.

And the article, "Inflation Means Hunger to the Forgotten Elderly," describes the plight of 65-year-old Asmund Bodin, who must pay $85 a month for his hotel room and $6.30 for medicaid, out of his $107 monthly social security check.

Says the article:

> The rising food prices mean he does not eat enough; he skips meals. "It's a bad thing" he says. "I eat a can of this, a can of that. I keep margarine, tea and bread in my room, and I make toast on a hot plate."

But, Mr. Speaker, the article goes on to quote Florence A. Smith, a nutrition specialist, who said at a recent conference:

> When anyone decreases his food intake to tea and toast, he literally commits himself to the cruelest method of biological destruction.

Last month, Mr. Speaker, Asmund Bodin enjoyed, for the first time in months, a meal of roast beef, salad, green beans, and fruit, at a nutrition center on north Michigan Avenue in Chicago—a center funded under the provisions of the nutrition program for the Elderly Act.

The center, one of 35 such sites sponsored by Mayor Richard J. Daley's office for senior citizens, offers nutritious meals at a cost of from 45 cents to 90 cents depending upon the person's income.

Mr. Speaker, the article I have cited goes on to document other shocking instances of our society's neglect of the elderly.

I was, in particular, touched by the description of 63-year John Leske, who can no longer work as a painter because of a disability.

Said Mr. Leske at the nutrition center:

> I don't eat much anymore. I can't afford it. I lost 25 pounds this summer. I just go to sleep sometimes instead of eating. . . .

Mr. Speaker, quite apart from the nutritional good which comes from this program, there are, of course, other benefits, some difficult to measure.

I speak, of course, of the improved health of the elderly, as well as the opportunity such programs provide for older people to have a chance to meet and chat with others of their generation, who share their interests.

Mr. Speaker, because I believe that all of my colleagues will be interested in the article to which I have alluded, I ask unanimous consent to insert it at this point in the Record.

INFLATION MEANS HUNGER TO THE FORGOTTEN ELDERLY

The 1970 census listed 516,000 persons living in Chicago 60 years of age and older—15 per cent of the city's population. With most of them in retirement on small, fixed incomes from pension plans, Social Security and other annuities, inflation has been particularly difficult, in many cases devastating.

Three elderly women are enjoying the sun on a bench in Margate Park on the North Side. "I get by," says one. "I have $111 a month from Social Security and I pay $33.25 a month rent. We have learned to tighten our belts. We shop for food very strictly. I buy hamburger mostly and a lot of beans."

In a recent speech to a conference of the National Council on Aging, Sen. Charles H. Percy (R-Ill.) said, "The emphasis in this country is still placed on youth. Or perhaps I should say, 'still misplaced.' "

There are 20 million elderly persons in the United States; by the year 2000, there will be 33 million. The percentage will rise also. Today, 1 out of 10 Americans is over 65; by the year 2000, it will be 1 in 9.

Asmund Bodin is 65 years old. He lives in a hotel at 516 N. Clark. From his $107 monthly Social Security check, $85 goes for rent and $6.30 is taken out for Medicaid. The rising food prices mean he does not eat enough; he skips meals.

"It's a bad thing," he says. "I eat a can of this, a can of that. I keep margarine, tea and bread in my room, and I make toast on a hot plate."

Florence A. Smith, a federal nutrition specialist, said at the recent conference on aging: "When anyone decreases his food intake to tea and toast, he literally commits himself to the cruelest method of biological destruction."

On Thursday Asmund Bodin was enjoying a meal of roast, salad, green beans and fruit at a nutrition center at 209 N. Michigan that is one of 35 such sites sponsored by the Mayor's Office for Senior Citizens.

Depending on a person's income, the meals cost from 45 to 90 cents. The nutrition centers serve 15,000 meals a month under federal and city funding. Any Chicago resident over 60 may eat at any of the centers, most of which are located in churches, YMCAs, schools and Chicago Housing Authority buildings. In November, the centers are to begin providing a meal a day for five days each week.

Not all those who use the service are in severe financial straits but all are affected by the financial squeeze that inflation causes.

A white-haired 74-year-old schoolteacher, still agile and with bright blue eyes, says she tries to eat balanced meals but that it is not easy.

"It's bad," she said. "If things keep up this way, old people won't be able to eat by next year. I'm partial to fruits, but even half a cantaloupe costs 28 cents. It's no joke to be old."

"I like a fried egg now and then," Bodin said. "But I haven't had eggs for quite a long time. I have a friend who works in the Loop. He gives me some cheese sometimes."

Jerome Fredericks, 68, lives alone on $130 a month from Social Security and pays $45 a month rent. "I'm ashamed to say the address," he said. His address is on W. Madison. He gets his clothes from the Salvation Army and has a hot plate in his room where he cooks soup and pork and beans.

John Leske is 63 and can no longer work as a painter because of a disability. "I don't eat much anymore," he said. "I can't afford it. I lost 25 pounds this summer. I just go to sleep sometimes instead of eating, and I snitch a meal whenever I can.

"Know where I ate yesterday? A guy here told me to come with him to a church. They took us to a real high-class restaurant. We went first to the basement of the church. They never asked us anything. At the restaurant, they had real good soup, meat loaf, vegetables, potatoes, bread and butter. We even got a second cup of coffee. I went back to the church to thank them, but the door was locked."

In his speech to the aging conference, Percy said, "In the 1960s we built new colleges and classrooms for the young people from the 'baby-boom' of World War II. We poured federal monies into massive social programs to improve their lives.

"Indeed, the whole structure of American life was changed to accommodate them. We are left now, as they grow into adulthood with more than enough facilities for the young and not enough for the old."

One of the three elderly women on the bench in Margate Park says, "Maybe the government will begin paying more attention to the old people, but that will take time. What is the answer now?"

CASE OF MILIA LAZAREVICH FELZENSHTEIN

(Mr. COUGHIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COUGHLIN. Mr. Speaker, during the course of this vigil on behalf of the Mills-Vanik amendment, it has been stressed that freedom of emigration is a universal human right which the Soviet Union endorses in principle but ignores in practice.

It is especially disconcerting to me that Soviet officials have distorted and acted capriciously in interpreting their policy regarding the reunion of families. On October 3, 1966, at a Paris press conference, Soviet Premier Alexei Kosygin declared that "if any families which come together or wish to leave the Soviet Union, for them the road is open, and no problem exists here.

However, this has not been the case in fact. In December 1972, Milia Felzenshtein, a World War II hero from the city of Kharkov, and his family applied for permits to emigrate to Israel, expressing a desire to be reunited with Milia's father and sister. He was certain that this request qualified under the reunion of families policy. Furthermore, since Felzenshtein is a pensioner, his wife and daughter are minor bank employees, and his son a mere schoolboy, he did not anticipate that his family's applications would present any problems.

But Kharkov OVIR, the passport office, rejected the application on two grounds: first, Felzenshtein's father and sister were not considered to be members of his family. Second, as a hero of the Soviet Union, a title of honor conferred by the Soviet Government, Felzenshtein was told that his emigration to Israel was considered undesirable.

Appealing to Premier Kosygin for a reconsideration of his application, Milia argued for the fundamental right of human beings to emigrate and pointed out that he and his family were being penalized for his heroic deeds on the battlefield in World War II.

Mr. Speaker, the plight of the Felzenshtein family is not unique. Last year I was able to speak by telephone with a Jewish woman living in Moscow who, along with her husband and two children, was attempting to emigrate to Israel. She related to me the many hardships, including the loss of her job and her husband's, which they encountered following their application for permission to leave the country. She stressed that their misfortune was not an isolated example of Soviet harassment but rather one of many similar cases.

The time has come for Soviet leaders to revise their stand on emigration. It is time for Congress to pass the Mills-Vanik amendment.

THE NUECES RIVER PROJECT

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, last week the Water and Power Resources Subcommittee of the House Committee on Interior and Insular Affairs held a hearing in my district, the 15th Congressional District of Texas, on a project of immense importance to a large south Texas area. This is the Nueces River project, and the hearing was held at Three Rivers near the site of the Choke Canyon Dam and Reservoir.

The hearing was conducted by the Honorable BIZZ JOHNSON, chairman of the subcommittee. Also participating was the Honorable KEITH SEBELIUS, a member of the subcommittee. My friend, the Honorable JOHN YOUNG, although not a member of the panel, was very actively present, his district being included in the area that will benefit from this tremendous water development project. The subcommittee's able staff members contributed greatly to the success of the hearing.

As host Congressman, I was privileged to welcome my colleagues. I insert as part of my remarks what I said on this auspicious occasion:

> Mr. Chairman, on behalf of the people of the 15th Congressional District, I welcome you to South Texas.
>
> I hope and believe you have already been made to feel welcome at the reception arranged in your honor last night in Corpus Christi by my friend and colleague, John Young, and the people of that city.
>
> I trust the overflow attendance of interested and concerned citizens will assure you that Three Rivers and the surrounding area welcome you here. This is truly a splendid turnout.
>
> We owe special thanks to the Honorable John Bright, mayor of Three Rivers, for making arrangements for this session. The Three Rivers Independent School District has cooperated one hundred percent and to those responsible we are deeply grateful.
>
> My colleague, I will tell you that the reception accorded you since you arrived in South Texas is typical of the kind of hospitality our people extend to visitors from other less fortunate regions.
>
> We're delighted that you are here. We hope you enjoy every minute of your stay. We cordially invite you to come again.

THE NEED TO PROHIBIT MASS TRANSIT FARE INCREASES

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, with the energy crisis upon us, it seems to me it is now more essential than ever before that we provide operating subsidies for mass transit and that we bar mass transit fare increases across the country. We all know that public transportation consumes far less fuel than the private automobile per passenger mile. And so, in a time of an energy crisis, it is imperative that we encourage more people to ride public transportation and leave their automobiles at home.

Unfortunately, the effect of today's economic pressures is to send fares up. And with every fare increase, transit ridership declines with a consequent increase in automobile usage.

Therefore, I am introducing a joint resolution with our colleague from New York (Mr. BRASCO) to prohibit any transit company from increasing its fare beyond the level existing today. This freeze on fares would be effective for 2 years during which time the bill would provide $400 million annually in mass transit operating assistance in the same manner as provided by H.R. 6452, passed by the House on October 3. Thus, while freezing transit fares, the Federal Government would recognize its responsibility in helping to make up the deficits that would be incurred as a result of the fare freeze in the face of concomitant increases in operating costs. At the same time, the bill includes the original objectives of H.R. 6452—and that is to utilize these Federal funds to encourage local transit systems to improve their service and attract more passengers to their systems, objectives that certainly are consistent with energy conserving efforts now underway in other public sectors; thus, the resolution I am introducing today would require that localities provide a comprehensive service improvement program before receiving Federal aid. The resolution also provides the guidelines established in H.R. 6452 for the distribution of aid. The distribution formula is based on three factors given equal weight: population of the area served, revenue passengers carried by a system, and the vehicle miles in the system.

Mr. Speaker, to date President Nixon has opposed Federal assistance to assist transit systems in meeting the everyday costs of operating their buses, subways, and commuter railroads. He has done so even though a report made by the Department of Transportation in 1971 acknowledged that the farebox can no longer finance all transit operating costs if fares are to be maintained at a reasonable level. With the evolution of first the pollution crisis and now the energy crisis, coupled with the continual mobility problems of our cities, the importance to all members of the public of having efficient and highly utilized mass transit is amplified. If more people ride mass transit, more fuel will be available for other uses; if pollution is reduced because of a decrease in automobile traffic, a healthier environment will be provided for all of us; and if there are fewer cars on the road, traveling for those who have no choice but to use private automobiles will be easier and quicker.

In October 1972 the Office of Emergency Preparedness issued a report entitled "The Potential for Energy Conservation." One of the recommendations in this report was that the country seek to "stimulate the development of sufficiently fast, safe, inexpensive, comfortable, convenient, and reliable mass transit systems to draw passengers away from automobiles and airplanes—short trips in particular." In making this recommendation the Office of Emergency Preparedness went on to make the following pertinent points:

> The program of subsidies, tax incentives and regulatory standards designed to accomplish this must take into account tradeoffs between energy consumption and attributes such as speed and service on which demand will depend.

The President is imposing a number of limitations on fuel usage. Increasing transit use is an obvious means of fuel conservation and one that does not require the bureaucratic—and often ineffective—redtape of federally imposed controls on consumption.

The need to make the most efficient use of our energy resources is apparent. In addition, the fuel shortage is a national problem and so we cannot expect localities alone to bear the burden of maintaining—and ideally lowering—transit fares.

I recommend the resolution to our colleagues and I urge the President to incorporate a freeze on transit fares coupled with Federal mass transit operating assistance in his plans for energy conservation.

BILINGUAL EDUCATION AT THE CROSSROADS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. COHEN) is recognized for 10 minutes.

Mr. COHEN. Mr. Speaker, I am introducing today legislation to amend title VII of the Elementary and Secondary Education Act of 1965 to extend, improve, and expand programs of bilingual education, teacher training, and child development.

The right of a non-English-speaking child to a meaningful education is currently an issue with which all three branches of the Government are concerned. Recently, the Office of Education held hearings on new rules and regulations it was proposing to the Bilingual Education Act, title VIII ESEA. In the Congress, the House Committee on Education and Labor continues its markup sessions to extend and amend ESEA, and the Senate Subcommittee on Education has completed hearings on two bilingual education bills introduced by Senators CRANSTON, KENNEDY, and MONTOYA. Finally, the U.S. Supreme Court is scheduled this term to hear the case of Lau against Nichols, which will decide whether non-English-speaking children have the constitutional right to special help enabling them to gain an equal educational opportunity. Certainly, we can assume that there would not be such a concerted effort within the Federal Government to find ways to better our treatment of the non-English-speaking or bilingual child, if this was not also an issue of national prominence in the minds of the American public itself.

When the Bilingual Education Act expires next year, we will clearly be at a crossroads. Critical decisions must be made about the scope of the program and the goals it should embrace. On the first point, continuing and expanding the size of the program is, in my opinion, imperative. Fortunately, our decisions need not be made in a void. In the areas where bilingual programs have been established, the results have been very good. However, there is still an enormous gap between what we are doing and what we need to do. While over 5 million children in this country are in need of bilingual education, only 147,000 will be reached this year. We profess to believe in the availability of an equal educational opportunity for everyone. Yet, for all our idealistic rhetoric, the remaining 4,853,000 children are still denied that opportunity. If a child is provided with the same facilities, textbooks, teachers, and curriculum as other children, but that child cannot understand the medium in which the material is taught, he is effectively excluded from the educational process. Though such action by a school appears neutral on its face, it constitutes a case of fundamental discrimination.

What does this men in actual fact? In my State, it is estimated that 21 percent of all elementary and secondary pupils are familiar with French; yet in one area surveyed, where the concentration of pupils who speak French is 96 percent, only 2 percent ever enter college. In the State as a whole, 51 percent go to college. Results from a 3-year survey at one school show the dropout rate among Franco-Americans is 12 percent higher than the national average.

Furthermore, some 500 children of the State's Passamaquoddy Indian tribe speak a dialect of the Algonquin language at home, and learn English as a second language only when they enter school. Tests indicate that by the time these children reach secondary school one-third of them are two grade levels behind other children their age. No wonder interest in formal education wanes. This is expressly exemplified by one of the Passamaquoddy schools where 27 percent of the children were absent at least 77 days during 1 academic year. I know many of my colleagues could cite similar examples from their own States.

We have an obligation to make good on the promise of equal education to all schoolchildren, and a strengthened bilingual education program is a vital element in achieving that goal. I believe that passage of several of my amendments will move us in this direction.

First, a most serious discovery we are making is that we do not have the teachers, or even the teacher-training programs, to handle a program of the magnitude of bilingual education. The Office of Education has found in a study of 76 of its own programs that some or all of the teachers involved were not adequately prepared to teach bilingual programs. In my own State, the lack of adequate staff has had the effect of closing down one project. Since I feel that a quality teacher is a program's most important feature, the amendment I offer today will begin to provide more realistically for the teacher need. It earmarks one-third of all bilingual appropriations in excess of $35 million for teacher training programs in order to produce a core of experienced and qualified bilingual professionals and paraprofessionals.

Second, the amendments initiate an incentive program for State supervision of bilingual programs. To encourage the States to assume an authority over the bilingual programs which will continue after Federal sponsorship has ended, an additional 5 percent of the aggregate amount the Federal Government is paying to the local educational agencies for bilingual education would be provided at the State level.

Although State and local governments are encouraged to assist in funding bilingual projects, there has been no matching requirement with the Federal Government. Consequently many programs have failed after the initial 5 years of the program because no State commitment has been developed for continuation.

Only 11 States now have any form of bilingual education plans and only 4 are making use of them: Texas, New Mexico, California, and Massachusetts. Massachusetts has gone farther than any State by requiring every district with more than 20 non-English-speaking students to provide them with a bilingual education. Unless the Federal Government plans to continually subsidize these projects, which is not the intent of Congress, the States must be motivated to develop bilingual programs of their own.

Third, my bill upgrades the administrative structure for the bilingual education program within the Office of Education of establishing a Bureau of Bilingual Education. I feel the additional administrative authority is necessary to carry out the functions of this increasingly important program.

Fourth, the bill provides for supportive services from the National Institute of Education. Under this provision, research can be carried out to develop new books, new testing materials, new visual aids and equipment, and new curriculum plans.

Fifth, an amendment creates a new 15-member National Advisory Council on Bilingual Education to replace the old Advisory Council. The composition of the Council will stress participation from the bilingual community. The Council will have the responsibility to review and evaluate the bilingual education program.

Earlier, I spoke of the need for decisions about the goals the bilingual education program should embrace. Those of us who are fully assimilated into our traditional American society find it hard to appreciate the difficulties and barriers our great melting pot society creates for those with different languages and cultural backgrounds. In the past, we have tended to view our educational process partially as a means of enabling—or perhaps even forcing—such ethnic peoples to become an indistinguishable part of our society. We have done so by ignoring or even suppressing their cultural heritage. To many, even our program of bilingual education is defined as a means to accomplish the annihilation of foreign cultures.

More recently, we have discovered that this restrictive view of our melting-pot philosophy can have serious adverse effects on students. Educators have learned that exclusion from one's own cultural heritage and history, from one's language and community, can be so destructive to the self-confidence of a student that he gradually loses his ability to learn. Ethnic students must be able to relate their mother tongue to their personal identity, because language and the culture it carries are at the very core of a child's self-concept. Destroy this self-concept and you can destroy the child. The children who drop out of school and become part of our unemployment, welfare, and crime statistics because their heritage and special language abilities are ignored, are an economic burden which this Nation can ill afford.

Several of the amendments contained in the bill I am introducing relate specifically to the need to use bilingual education as a means to instill within the non-English-speaking child a permanent appreciation of and attachment to his cultural and linguistic heritage.

First, the language in the original legislation encouraged the idea that bilingual education was a form of "remedial" education, another method of correcting a defect in the child. The bilingual child was so abused by this "remedial" doctrine that the former Director of HEW's Office of Civil Rights, J. Stanley Pottinger, issued a memorandum which prohibited school districts from assigning non-English-speaking students to classes for the mentally retarded on the basis of criteria which essentially measured or evaluated English language skills.

The amendment I propose would eliminate the phrase "children of limited English-speaking ability." The fact that a child does not speak English does not mean necessarily that his training is inadequate. A phrase which more properly reflects the attitude promulgated today is "children who speak primarily a language other than English." By such a change, we are recognizing the fact that children who enter school with the ability to speak a language other than English have an educational asset which can be built upon and should not be discarded or destroyed.

Second, my legislation provides that an English-speaking child can participate on an elective basis in the bilingual activities offered at his school. When the bilingual education program was initiated, we were looking only at the specific needs of children who were being educationally handicapped because they did not speak English. However, it seems time to broaden our outlook on the program to recognize that children who would like to participate in the programs should have the opportunity to utilize the multiple language and cultural resources of their communities. Such flexibility, I believe, would assist in recognizing the common interests among neighbors and students which transcend cultural differences. In an age where our relations with other countries and cultures are becoming much more extensive, such educational opportunities could prove vital to English-speaking students as well as non-English-speaking students. Certainly, in a democratic country where multiple cultures and heritages are our pride, we should be making every effort to encourage that kind of voluntary opportunity for all our children.

Third, present legislation requires that the families of children eligible for bilingual programs must have incomes below $3,000 or be receiving public assistance. Seen in a wider perspective, however, this restriction is not logical. The fact that a child primarily speaks a language other than English in no way means that the child is also poor. Likewise, the fact that a child is poor does not imply that the child primarily speaks a langugae other than English. Nobody should be excluded from receiving help in overcoming those difficulties, whatever his income. Under present law, the poor are able to improve their lot through the bilingual program, while the not-so-poor may receive an inferior education. Any child who could benefit from a bilingual program should have the opportunity to participate.

It is time for us to seize the initiative and meet the needs of this new movement toward cultural pluralism. Because of our diversity, a fully functioning program of bilingual education will bring a great renaissance to the United States. The intent of the bilingual program should reflect the renovation of this diversity, and thus the enrichment of America's culture.

ERNEST PETINAUD: A FRIEND INDEED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 10 minutes.

Mr. MILLER. Mr. Speaker, last evening, I had the pleasure of joining over 300 persons in paying tribute to one of Capitol Hill's most distinguished citizens, Mr. Ernest Petinaud.

After more than 40 years of service to the Members of the House of Representatives, Ernie Petinaud is retiring. I fully expect to see him welcoming Members to the dining room out of habit after his retirement date has passed. I know that the many people who dine there will expect to see Ernie wheeling around the corner with a smile on his face, a warm handshake and a hearty "hello."

Long after leaving the Congress and the hustle and bustle of Washington, my wife, Helen, and I will long remember the thoughtfulness of Ernie and his charming wife Jeannette. More than the maitre d' of the Members' dining room, Ernie himself is an institution. Always on the job, always responsive and cordial, he seems to take the greatest pleasure in doing things for others.

His consideration for the Members of Congress, their families, our staffs, and the thousands of visitors to the Capitol building is unmatched in sincerity and I know that I echo the sentiments of all who know Ernie well, or who have met him only once, in saying that we appreciate his hard work, his personality and his perserverance. He is one in a million.

Talking with Ernie today, I asked him what he would miss most.

He answered without hesitating, "I will miss the atmosphere of friendship." Paraphasing Will Rogers, Ernie commented that he has "never met a Member he did not like."

At the same time, it goes without question that I have never met a Member—or anyone else, for that matter—who does not like Ernie.

During his brief remarks at the reception honoring Ernie last evening, he said:

> To the Committee and friends who planned this fine affair for me, thanks sincerely.
>
> In the course of human events, this is the greatest tribute that I will ever have the pleasure of enjoying.
>
> Never has so much appreciation and kindness been expressed by so many for my wife Jeannette and I and for this I am duly grateful.
>
> And if I should live a thousand years, this affair will remain in my memories as my finest hour.
>
> This, my friends, is the end of an era—a time that had a certain element of people who believed and cemented the principle that a member of Congress was highly regarded.
>
> I am proud to have been and still am a member of that dedicated group of people. To me whenever a man or woman is elected to the Congress, he instantly becomes my friend, regardless of his or her race, creed, or political persuasion. I have continued to maintain that feeling through the years of my service in the House of Representatives Dining Room and thank God I have never had to regret that attitude and manner.
>
> And so tonight on the eve of the beginning of the end of my wonderful years on Capitol Hill, I am reaping the harvest of my labor and the compensations of my dedications.
>
> Again, I say thanks a million and may God's blessings be with all of you and in abundance. Good night and good luck from my dear wife and I to each and everyone of you.

Ernie called his retirement an "end of an era" and said that he would miss Capitol Hill deeply.

The truth is, it is he who will be missed most of all.

TRIBUTE TO JOHN P. SAYLOR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I feel a tremendous sense of loss as a result of the recent death of our colleague from Pennsylvania, John Saylor.

For several years I have known Mr. Saylor through our work on the Veterans' Affairs Committee. Not only did he hold the respect and confidence of the committee members for his capable service, but he also received the admiration of all the veterans organizations who have honored him with awards or trophies at one time or another. Shortly before his death he received the coveted Silver Helmut Award from the AMVETS for distinguished service to all American veterans.

A spellbinding orator, John Saylor could hardly complete a sentence at a veterans' affairs hearing without the interruption of strong applause from veterans present who enjoyed his sentiments, his wit, and his sense of humor. He was especially interested in assisting our Vietnam veterans through their difficult period of readjustment and continually urged our national veteran organizations to orient themselves to the new problems facing our young veterans.

In addition to his outstanding work in behalf of our veterans, Mr. Saylor was a powerful and creative force in the area of conservation as the ranking member of the House Interior and Insular Affairs Committee where he consistently championed his conservation causes. Many Members of the House would not cast a vote on a conservation issue without seeking out John Saylor's opinion of the measure. I am extremely saddened by the death of this dear friend and respected colleague and extend my deepest sympathy to his beloved wife, Grace, and to his children, Susan and Phillips.

CANADIAN FUEL OILS TO FLOW ONCE AGAIN TO THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, I am pleased to announce to this body that the Department of State has just notified me that negotiations have produced a relaxation in the Canadian Energy Board's recent directive to curtail oil exports to the United States.

The problem is not wholly resolved, for the Canadian Government must continue, understandably, its review of its own domestic supplies and needs and its capabilities for future exports to the United States. But, those particular American corporations which had already bought Canadian oil and were storing it in Canada, but whose supplies were intercepted and denied export to the United States by the board's directive, have been assured that, on a monthly allocation basis, that oil will now be shipped to the United States. This will meet immediate demands for November. More importantly, it reflects a continuation of the spirit of cooperation between the United States and Canada—so essential to obtaining future allocations.

Mr. Speaker, a firm posture has always been an effective instrument of foreign policy.

This was proved to be true once again, as the United States—both the administration and concerned Members of Congress—initiated such a firm policy with respect to the Canadian Energy Board's decision to trim the export of those home and heavy industrial heating oils to the United States.

To those Americans, from Maine to Alaska, who have enjoyed close economic interdependency and cooperation with the Canadian Government and people over the decades, it was both distressing and a heavy burden to bear when the Canadian Government, albeit, acting out of apparent self-interest, curtailed further exports of heating oils to the United

States. That action was not consistent with the close spirit of cooperation which has traditionally pervaded United States-Canadian relations. Millions of Americans along the border, principally in the major industrial cities of Buffalo and Detroit, were faced with an immediate crisis—grossly insufficient supplies of oil with which to heat homes and to heat and operate plants.

Jobs were at stake.

Economic production was at stake.

Public health, safety, and welfare were at stake.

And, the vitality of Western New York was soon to be put to the test.

Prompt—yet, prudent—action had to be the order of the day, if we were to succeed, first, in obtaining a relaxation of the Canadian Energy Board's directive, and, second, in preserving harmonious United States-Canadian relations essential for future cooperation. Sincere, candid, firm, and decisive appeals were to produce within a few days the relaxation sought in the board's policy. I am satisfied that without these personal initiatives, that relaxation might not have come as quickly as it did—or, perhaps, not at all.

On November 8—after receiving new information from a major distributor of No. 6 oil in western New York, whose supplies were already reaching the critical stage—I appealed to the Secretary of State, Dr. Henry Kissinger; to former Colorado Gov. John A. Love, presently the chief of the White House's Office of Energy Policy and principal adviser to the President on energy matters; and, to the Honorable Donald S. McDonald, Minister of Energy, Mines, and Resources, in Ottawa. A copy of my appeal to Minister McDonald follows:

NOVEMBER 8, 1973.

Hon. DONALD S. MCDONALD,
Minister of Energy, Mines, and Resources, Ottama, Ontario.

DEAR SIR: As a Member of Congress from Western New York State, I respectfully direct your attention to the current emergency situation affecting our area and all of New York State as a result of the curtailment of exports of No. 6 industrial heating oil from Canada.

The President of the R. B. Newman Fuel Corporation in Buffalo, New York, for instance, informed me today that his firm, which supplies 25 percent of the industrial oil to our area, is literally on a day-to-day basis with *his* customers which include hospitals, school systems, heavy industrial manufacturers, Buffalo Sewer Authority and the Main Post Office.

The Ashland Petroleum Company, I am told, is in a similar, critical position with regard to its ability to supply Canadian exported industrial oil to its customers.

It is my understanding, Sir, that the Canadian Energy Board's curtailment is in conjunction wtih your Government's current assessment of Canadian demands. In that connection, I am deeply aware of the concern you must have, in light of curtailments by the Arab States and other adverse conditions.

However, at a time when we in New York State are confronted with severe community and economic dislocations, it is incumbent upon me to apprise you of our situation with the hope that you can lend whatever assistance is practical and available and in the best interests of our traditional beneficial trade.

Sincerely,

JACK KEMP.

The following day, I went "straight to the top" and appealed to Prime Minister Pierre Trudeau:

DEAR PRIME MINISTER: On behalf of the hospitals, school systems, public authorities, heavy industrial and commercial operations of Western New York, and in the spirit of cooperation which has traditionally characterized matters of mutual Canadian-U.S. concerns, I urgently appeal to you to relay the Energy Board's current directive trimming exports of No. 6 industrial heating fuel to U.S. distributors.

I appreciate the need of the Canadian Government to review, in light of its own domestic consumption demands, its exports to U.S. firms, but the intensity of the immediate crisis in Western New York compels me to ask for a relaxation of the Board's directive even during the period in which future policies are being reviewed. Some major users we have been advised, have less than one full day's supply remaining, with only a minority of heavy users having sufficient supplies for the next two weeks. One major distributor has stopped delivery to major users this day.

In the spirit of cooperation which has pervaded Canadian-American relations, I urge this relaxation.

Very sincerely,

JACK KEMP,
Member of Congress.

While continuing efforts through the Department of State and the administration, I initiated similar efforts through the Congress. On Monday, November 12, I submitted formal testimony to the Subcommittee on Interior and Related Agencies of the prestigious Committee on Appropriations, stressing the ever-increasingly urgent nature of this crisis. And, we kept the people most effected thoroughly informed:

KEMP ASKS FIRM DIPLOMACY TO GET CANADA TO SHIP OIL

WASHINGTON.—Rep. Jack F. Kemp, R-Harrisburg, exhorted the Nixon administration Monday to employ "the strongest sort of diplomatic effort" with Canada to get vitally-needed fuel oil into the Buffalo area to stave off imminent closings of schools, factories and hospitals.

* * * * *

Kemp's comments were made in testimony Monday before the House subcommittee on interior and related agencies. He also appealed to top State Dept. officials to exert pressure on the Canadian Energy Board to permit resumption of shipments of No. 6 industrial heating oil to the Buffalo area from Canada.

Canada, faced with an energy crisis of its own, has curtailed shipments of the oil to the United States, and Kemp warned that a variety of Buffalo-area institutions might be forced to close if the oil isn't forthcoming quickly.

Kemp identified those institutions as schools, hospitals, industries and possibly the main Post Office and the Buffalo Sewer Authority.

"What good does it do to slow down to 50 miles an hour if, when you reach your destination, your place of employment is closed or the school door is locked," Kemp asked.

IMMEDIATE SOLUTION NEEDED

"As I said last week after the President's address on the energy crisis, the proposals are worthy of support and in the right direction. But they are too late and too little if we can't solve this immediate problem.

"We must deal just as hard with our friends in Canada as we do with the Soviet Union where it comes to trade bargaining. We must remind our friends to the north that they are highly dependent on U.S. exports for agricultural and other products, and that their present curtailment of critical oil supplies is jeopardizing nearly 200 years of traditional and mutual beneficial relations," Kemp told the subcommitee.

"The President told us Wednesday that 'to be sure that there is enough oil to go around for the entire winter, all over the country, it will be essential for all of us to live and work in lower temperatures.' "

"I am confident Americans are willing to make sacrifices. But they also expect their government to exercise the strongest possible efforts to alleviate the type of critical situation we have in our community and avoid outright closings, loss of wage-earning opportunities and other critical situations," Kemp said.

On Tuesday, November 13, I submitted testimony to the Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs:

STATEMENT OF THE HONORABLE JACK KEMP

Mr. Chairman and Members of the Subcommittee: As a Member of Congress from Western New York, I am greatly aware of the impact of the Canadian Energy Board's current policy of curtailing exports of No. 2 and No. 6—home and industrial heating fuels, respectively—to the United States during that Board's reassessment of its domestic inventory and demand.

This impact is not potential; it is real:

Some 1700 employees of the Dunlop Tire & Rubber Corporation plant in Tonawanda, N.Y., were notified on Monday, November 12, that production activities may be closed at the end of this week because two suppliers—Ashland Oil, Inc., and R. B. Newman Fuel Corporation—can no longer obtain sufficient exports of No. 6 fuel from Canada.

Other Buffalo area institutions and firms confronted with immediate shortages of No. 6 oil include—

Children's Hospital;

Millard Fillmore Hospital;

Sisters' Hospital;

The school systems of Niagara Falls, Amherst, West Seneca, and Tonawanda;

The Main Post Office;

The Buffalo Sewer Authority;

The plants of General Mills, Goodyear, Calspan, Carborundum, Allied Chemical, Bell Aerospace; and

American Airlines.

Suppliers have been operating on a day-to-day basis during the past two weeks because of the unavailability of Canadian supply, coupled with the small reserves of domestic suppliers now being overextended and not capable of additional allocation.

Relations between the United States and Canada particularly with respect to matters of mutual economic concern, have always been good. One can appreciate and understand the need, from their perspective, for the Canadian Government to order an assessment of its own domestic inventory and needs; this is nothing more than national self-interest. Yet, as a result of this close economic cooperation in the past, we have become, particularly along the border, interdependent as to supply and demand. The Canadian people buy vast amounts of agricultural and other products from the United States; the United States buys large amounts of goods from Canada. It would be an unfortunate consequence of the present fuel shortage—over which neither nation had a great deal of control—to have relations between Canada and the U.S. strained, but we are fast reaching that point.

In furtherance of my responsibilities to the people of Western New York, I have been active in trying to secure an immediate relaxation of the Canadian Energy Board's curtailment of fuel to the United States. I have made personal appeals to former Governor John A. Love, chief of the White House's office of energy policy and principal adviser to the President on energy matters, and to the Secretary of State, Dr. Henry Kissinger. I realize the Department of State has some other priority problems on its hands—not the least of which is resolving the Middle East crisis itself—but I do not think that the Administration has responded adequately to date in helping to secure a relaxation of the Canadian Government's decision.

Immediately upon learning last Friday from a major distributor that some major users of No. 6 fuel in Western New York had only a few days supply remaining, I dispatched an urgent telegram to Pierre Trudeau, the Canadian Prime Minister.

Yesterday, I called the critical urgency of this shortage to the attention of the Subcommittee on Interior and Related Agencies of the prestigious and powerful Committee on Appropriations.

The long-range solution to the energy crisis lies in a fuller development of domestic crude oil, a development which has been slowed in recent years by the failure to act promptly on the request for construction of the trans-Alaskan pipeline, by a failure to construct offshore facilities for the development of untapped reserves on the continental shelf, and by a failure of government to remove various disincentives to exploration, recovery, and refining. It is because of the unforeseen Middle East war that this crisis, which could in time have been alleviated by gradual increases in supply to have met gradually increases in demand, has been brought to a head. I do not think either the Canadian government or our government can be faulted for not having foreseen a war in the Middle East, but we can both be faulted for not having acted more promptly to develop independent sources.

Mr. Chairman, I request this Committee's immediate assistance with whatever means are readily available, including support for the strongest sort of diplomatic effort, to get the Canadian Government to relax its Energy Board's policy. Such a relaxation should help give us adequate time within which to develop other sources of these important fuels.

In an editorial today in the Buffalo Evening News, that influential paper called upon the Canadian Government to "keep those oil lines open." A copy of that editorial follows:

Keep These Oil Lines Open

The peril of imminent shutdown of Buffalo-area schools and plants certainly points up the urgency of Washington's diplomatic exertions to assure a prompt resumption of the crucial heating oil shipments recently embargoed by the Ottawa government.

Canada's export restriction reflects understandable anxieties felt in Ottawa about the energy pinch in eastern provinces heavily dependent upon oil imports from Venezuela and the Arab producers.

The fact remains, however, that for Buffalo, Detroit and other metropolitan areas along the border, the action by our Canadian neighbors dramatizes the risk of intolerable disruptions of vital public services or industries at the mercy of oil-delivery shutdowns beyond their control.

Surely any restriction generated by a Canadian concern for protecting its own energy needs should take proper account of the grossly disruptive impact of a sweeping embargo on vital public institutions on the American side—an impact which we hope the Ottawa energy officials simply did not foresee in this case.

While a prompt decision to lift an unfair restriction would hopefully stave off an immediate fuel crisis this winter, no one can derive much comfort from such a chilling reminder of the dependence of the Western New York economy on oil supplies in Canada that can be shut off at will.

This is not to suggest that the main pipelines through Canada serving this area are in any imminent danger of a shutdown. The economies of the U. S. and Canada are too interdependent and too intertwined for any such follies. Nevertheless, the latest episode, coupled with Canada's self-protective action in jumping the export tax on oil from 40 cents to $1.90, does point up the timely need on both sides of the border to hasten the development of sensible, co-operative policies for dealing with continental energy shortages on a rational basis.

Apart from the international overtones of this latest energy crisis, the further lesson that it vividly illustrates is the absolutely urgent need for federal and local decision-making mechanisms that can insure proper priority in the emergency allocation of heating fuels to schools, hospitals, and similar facilities.

The energy measure now moving through Congress will presumably include the standby authority sought by President Nixon for the rationing of oil and gas. The White House energy office appears to be moving reluctantly toward a mandatory allocation plan to relieve critical shortages of heating oil. With the impact of Middle East oil embargoes falling so heavily on New York State and the East Coast, we see no alternative to having ready a mandatory plan to insure a fair distribution to homes and vital public services.

I am, therefore, most pleased to have been able to announce to this body today's relaxation of the board's directive. I trust that the ultimate resolution of the problem will be equally satisfactory.

FOREIGN TENDER OFFERS DOUBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Dent) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, last week, 13 colleagues joined with me in introducing H.R. 11265, the Foreign Investors Limitation Act. This bill would require foreign investment in the United States in a manner consistent with the national security, the conservation of national resources, and the protection of the economy of the United States. One way of determining the extent of foreign interest in the United States is to analyze tender offers made by foreign groups to American corporations. In a recent communication, I asked the Securities and Exchange Commission to provide me with a list of all foreign originated tender offers filed with the SEC. I am submitting the results of that request, as well as explanatory information for the information of my colleagues. It is worthwhile to point out that tender offer bids in fiscal year 1973-74 will undoubtedly double those made in fiscal year 1972-73. It is also necessary to distinguish tender offers from foreign direct investment:

Securities and Exchange Commission,
Washington, D.C., October 23, 1973.

Hon. John H. Dent,
House of Representatives,
Washington, D.C.

Dear Mr. Dent: This is in response to an October 11, 1973, request made by Ms. Julie Domenick, of your staff, for a list of all foreign originated acquisitions and tender offers filed with the Securities and Exchange Commission since the adoption of the Williams Act, which amended the Securities Exchange Act of 1934, on July 29, 1968.

Attached hereto is a recently compiled list of foreign bidder tender offers filed with the Commission since July 1, 1972. The list was originally prepared because of the growing interest in tender offers by foreign entities and will be maintained so long as there is a continuing interest therein.

Although Ms. Domenick requested that the compilation include all foreign originated tender offers and acquisitions filed with the Commission since 1968, such a list would involve a very considerable amount of staff time to prepare. Our experience in preparing the attached list, which started with the 1972-1973 fiscal year, showed that it was necessary to thoroughly examine each of the 75 tender offers filed with the Commission during the 1972-73 fiscal year because some of the tender offers were made by foreign bidders through wholly-owned or controlled subsidiaries in the United States. This review required many man-hours, many of which were spent on the staff member's own time. In light of the time spent reviewing those 75 tender offers, it is obvious how difficult, costly and time-consuming it would be to review the 3,012 acquisition statements and the 272 tender offers filed since July 1968.

As you know, on December 22, 1970, the Williams Act was amended, extending the coverage to encompass acquisitions of and tender offers for equity securities of insurance companies and extending the disclosure provisions to acquisitions and tender offers for amounts in excess of 5%, instead of 10%, of a class of equity security. Thus, a review of all the filings since July, 1968 will not reflect a standard minimum percentage of ownership and will not include the same types of target companies.

Since the Williams Act filing requirements are triggered by a percentage of ownership of a class of equity security which is registered pursuant to Section 12 of the Exchange Act, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in Section 12(g) (2) (G) of the Exchange Act or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, a review of the Williams Act filings will omit all tender offers or acquisitions involving securities of companies which do not fall within these categories. Similarly, such a review will not cover those acquisitions and tender offers which are exempt from filing under the Williams Act. Accordingly, the preparation of a complete list of foreign ownership and control would require, in addition to the review of the Williams Act filings, an examination of the several hundred thousand Forms 3 and 4 filed pursuant to Section 16(a) of the Exchange Act and Rule 16a-1(a) promulgated thereunder. Form 3 (the initial report) and Form 4 (the current report) are required to be filed by every person who owns more than 10% of a class of equity security registered pursuant to Section 12 or who is a director or an officer of an issuer of such security. It should be noted that none of the filings whether pursuant to tender offers, acquisitions, or Forms 3 and 4 are filed according to the nationality of the person filing the statement.

With the present heavy workload and limited staff, we would have great difficulty in complying with your request. However, if you should desire information in addition to that enclosed, please feel free to contact me again.

Sincerely yours,
George A. Fitzsimmons,
Secretary.

FOREIGN BIDDERS

Number and target	Bidder	Foreign country	Tender offer or acquisition	Date filed
1973–74 FISCAL YEAR				
2. The Conrex Corp	Chloride Group Ltd	England	Tender offer	July 10, 1973
3. Texasgulf Inc	Canada Development Corp	Canada	do	July 24, 1973
4. Dearborn Storm Corp	Trafalgar House Investments Ltd	England	do	Aug. 7, 1973
7. The Signal Companies, Inc	John L. Loeb Group	United States, Italy, Canada, France, England.	do	Aug. 8, 1973
5. Sonesta International Hotels Inc	Morris Saady	England	Acquisition	Aug. 10, 1973
6. Sea Containers Inc	Bankers Trust International	do	do	Aug. 13, 1973
1. Travelodge International Inc	Trust House Forte Ltd	do	Tender offer	Aug. 17, 1973
8. GRI Computer Corp	Eastern International Investment Trust Ltd	do	Acquisition	Aug. 20, 1973
9. Lewis Refrigeration Corp	Toromont Industrial Holdings Ltd	Canada	Tender offer	Sept. 5, 1973
10. Whitney Fidalgo Seafoods, Inc	Kyokuyo Co. Ltd	Japan	do	Sept. 10, 1973
11. Western Decalta Petroleum Ltd	Anglo American Corp. of Canada Ltd	Canada	Acquisition	Sept. 12, 1973
12. United Brands Company	Rederi Ab Salenia	Sweden	do	Sept. 24, 1973
13. I-T-E Imperial Corporation	IFI International S.A. (whose largest stockholder—Italian).	Luxembourg	do	Sept. 26, 1973
14. Indian Head Inc	Thyssen-Bornemisza Group, N.V	Netherlands	Tender offer	Do.
15. Allied Aero Industries, Inc	Audi S/A	Brazil	Acquisition	Oct. 9, 1973
1972–73 FISCAL YEAR				
1. Akzona, Inc	Akzo N.V	Netherlands	Tender offer	July 20, 1972
2. Kings Lafayette Corp	Edmond J. Safra	Switzerland	do	Aug. 8, 1972
3. General Host Corp	Triumph American Inc	England (sub)	do	Mar. 15, 1973
4. Mercantile Industries Inc	Kay Corp	do	do	Apr. 24, 1973
5. Certain-teed Products Corp	Compaigne de Saint-Gobain-Pont-a-Mousson	France	do	May 3, 1973
6. Franklin Stores Corp	Slater Walker of America, Ltd	England (sub)	do	May 11, 1973
7. Ronson Corp	Liquigas S.P.A. and Lifquifin	Italy and Liechtenstein	do	May 31, 1973
8. Gimbel Brothers, Inc	Brown and Williamson Tobacco Corp	England (sub)	do	June 11, 1973

CPA AT AEC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, I wish to continue sharing with the Members material I have been receiving concerning the effect of the proposed Consumer Protection Agency on various Federal agencies mentioned in our hearings as major targets for CPA advocacy.

There are three CPA bills now pending in a Government Operations Subcommittee on which I serve—H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD, HORTON and others, and H.R. 564 by Congressman BROWN of Ohio and myself.

The principal difference among the bills is that H.R. 14 and H.R. 21 would grant the CPA the right to challenge in court the final actions of other agencies, including their decisions not to act on given matters. The Fuqua-Brown bill would not grant the CPA court appeal power, an extraordinary power for a nonregulatory agency.

As we prepare for a potentially difficult winter due to the energy crisis, the question of CPA's role in the various agencies associated with power supply becomes a critical one. I have already introduced into the RECORD material from the Tennessee Valley Authority and the Federal Power Commission. Another important agency in the power community is the Atomic Energy Commission. I shall introduce material on the AEC today.

The AEC, of late, has been beseiged by environmentalists and consumerists, including Ralph Nader who has expressed deep concern over the safety of nuclear reactors. In our hearings this year on the CPA bills, the American Bar Association used the AEC to illustrate how the CPA would appeal final agency actions under the two bills which would allow such CPA action.

In regard to the question of CPA appeals, I should note that the General Counsel of the AEC reports the following with respect to areas technically subject to CPA appeal under all the bills except the Fuqua-Brown bill:

> As you know, in addition to Regulatory authority, the AEC has the responsibility for opertaing a number of Government installations and national laboratories. These operations, under the direction of the General Manager, involved in 1972 over two billion dollars. Substantially, all actions taken by him could be tested in the courts.
>
> In addition, every issuance, modification, denial, etc. of a licensing or enforcement decision, and every adoption of a regulation by the Director of Regulation is also subject to court review (Representative types can be found in the answer to questions 1, 3 and 4).

There are literally millions of actual annual final agency actions subject to CPA court appeal under the bills, and perhaps billions of such actions if we consider that inaction is final action under the CPA bills which would grant the CPA the power to take its sister agencies to court. No one can say whether the CPA will decide to challenge any of these actions, because the bills which would allow CPA appeals leave this up to the CPA's discretion.

I personally think granting the nonregulatory CPA the right to challenge in court the final decisions of regulatory agencies in an abdication of Congressional responsibilities. If we lodge the duty of making a final decision for the Government in one agency, we should not create another agency with a countervailing right to remove that duty and place it on the overburdened courts. The Fuqua-Brown bill, therefore, would grant the CPA the right to seek a rehearing at the administrative agency level, but not at the court level.

For the important reason of preventing confusion when a CPA bill comes to the floor this Congress—and, we experienced considerable confusion when such a bill came to the floor last Congress—I now continue to share with the Members material submitted to me by key federal agencies.

This material divides the AEC's 1972 activities into the various areas in which the CPA would act as an advocate under the bills now pending. I place it in the RECORD with the hope that it will be reviewed by all Members who are interested in creating a responsible CPA:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., November 9, 1973.

Hon. DON FUQUA,
House of Representatives.

DEAR MR. FUQUA: Your letter of September 7, 1973 to Chairman Ray has been referred to me for reply. The information you have requested follows:

Question 1. Regulations (or proposals) issued in accordance with 5 USC 553 during 1972 included:

1. Unclassified Activities in Foreign Atomic Energy Programs (37 F.R. 92, 14872 and 23953; 01/05/72, 07/26/72 and 09/05/72; 10 CFR Part 110).

2. Licensing of Production and Utilization Facilities—Effluents from Light Water Cooled Nuclear Power Reactors; Supplemental Notice of Hearing (37 F.R. 287; 01/08/72; 10 CFR Part 50).

3. Facilities and Materials Licenses—Proposed Fee Schedules (37 F.R. 1121; 01/25/72; 10 CFR Part 170).

4. Licensing of Production and Utilization Facilities—Information Requested by Attorney-General for Antitrust Review of Facility License Applications (37 F.R. 7810; 04/20/72; 10 CFR Part 50).

5. Financial Protection Requirements and Indemnity Agreements—Indemnity Locations (37 F.R. 9227; 05/06/72; 10 CFR Part 140).

6. Rules of Practice; Licensing of Production and Utilization Facilities—Restructing of Facility License Application Review and Hearing Processes and Consideration of Environmental Statements. (37 F.R. 9331; 05/09/72; 10 CFR Parts 2, 50).

7. Operators' Licenses—Requirements for Renewal (37 F.R. 11785; 06/14/72; 10 CFR Part 55).

8. Requests for Declassification Review (37 F.R. 15624; 08/03/72; 10 CFR Part 9).

9. Fees for Licenses Issued to Government Agencies for Nuclear Power Plants—Removal of Exemption (37 F.R. 20871; 10/04/72; 10 CFR Part 170).

10. Standards for Protection Against Radiation—Posting of Enforcement Correspondence at Licensee's Facilities (37 F.R. 21652; 10/13/72; 10 CFR Part 20).

11. Environmental Effects of the Uranium Fuel Cycle—Notice of Proposed Rulemaking (37 F.R. 24191; 11/15/72; 10 CFR Part 50).

12. Grand Junction Remedial Action—Proposed Criteria (37 F.R. 22391; 10/19/72; 10 CFR Part 12).

13. Permits for Access to Restricted Data—Data Concerning the Separation of Uranium Isotopes (37 F.R. 26344; 12/09/72; 10 CFR Part 25).

Question 2. None.

Question 3. Administrative adjudications proposed or initiated in 1972 included the following licensing actions:

Materials Licenses—none.

Facility Licenses.

1. Construction Permit Applications:

Plant—Notice of Hearing

Zimmer 1, Mar. 7, 1972.
Arkansas 2, Apr. 13, 1972.
Hatch 2, July 18, 1972.
San Onofre 2 and 3, Aug. 10, 1972.
Waterford 3, Aug. 16, 1972.
Forked River, Aug. 16, 1972.
Nine Mile Point 2, Sept. 23, 1972.
Susquehanna 1 and 2, Sept. 23, 1972.
Summer 1, Sept. 27, 1972.
Watts Bar 1 and 2, Sept. 27, 1972.
Hanford 2, Sept. 28, 1972.
Harris 1, 2, 3 and 4, Sept. 29, 1972.
North Anna 3 and 4, Oct. 4, 1972.
LaSalle 1 and 2, Oct. 6, 1972.
Beaver Valley 2, Nov. 28, 1972.
Catawba 1 and 2, Dec. 1, 1972.
Grand Gulf 1 and 2, Dec. 12, 1972.

2. Mandatory Hearings for Reactors Under Construction in accordance with Appendix D, 10 CFR 50.

Plant—Notice of Hearing

North Anna 1 and 2, February 22, 1972.
Diablo Canyon 2, December 27, 1972.
Trojan, December 29, 1972.

3. Operating License Applications.

Plant—Notice of Consideration of Issuance of Operating License

Calvert Cliffs 1 and 2, March 25, 1972.
Surry 2, March 28, 1972.
Ft. St. Vrain, May 4, 1972.
Ft. Calhoun, May 12, 1972.
Kewaunee, June 22, 1972.
Cook 1 and 2, June 29, 1972.
Zion 1 and 2, June 30, 1972.
Three Mile Island, July 7, 1972.
Oconee 2 and 3, August 10, 1972.
Midwest Fuel, August 11, 1972.
Browns Ferry 1, 2 and 3, September 20, 1972.
Arnold, September 30, 1972.
Fitzpatrick, October 3, 1972.
Peach Bottom 2 and 3, October 3, 1972.
Millstone 2, October 11, 1972.
Prairie Island 1 and 2, October 11, 1972.
Arkansas 1, October 12, 1972.
Cooper, October 13, 1972.
Crystal River 3, October 14, 1972.
Rancho Seco, October 18, 1972.
Hatch 1, October 19, 1972.
Salem 1 and 2, October 20, 1972.
Indian Point 3, October 25, 1972.
Brunswick 1 and 2, November 3, 1972.
Beaver Valley 1, November 10, 1972.

4. Opportunity for Hearing for Reactors with Operating Licenses in accordance with Appendix D, 10 CFR 50.

Plant—Notice of Opportunity for Hearing

Point Beach 1, July 7, 1972.
Monticello, August 25, 1972.
Millstone 1, November 28, 1972.
Oyster Creek 1, November 28, 1972.
San Onofre 1, December 1, 1972.
Nine Mile Point 1, December 5, 1972.
Ginna, December 8, 1972.

Question 4. During 1972 there were no hearings held which resulted in the imposition of civil penalties. There were, however, four occasions when monetary civil penalties were imposed in which payment was remitted without a request for a hearing. The firms so affected were: Pittsburgh Testing Laboratory; New England Nuclear Corporation; Interstate Industrial Laundry and Decontamination Services and Universal Testing Corporation.

Question 5. None.

Question 6. Representative public and nonpublic activities proposed or initiated by the AEC during 1972 included:

1. Proceedings concerning the health and safety, environmental and antitrust aspects of construction permits and operating licenses for nuclear reactors including power plants, test facilities and research reactors, as well as fuel cycle facilities.

2. Proceedings relating to the issuance of licenses for possession and use of special nuclear material, source material and byproduct material, including licenses for the disposal of radioactive waste material and radioactive waste burial, some licenses to manufacture products containing radioactive material, and some licenses for shipment of radioactive material.

3. Contractor selection actions.

4. Contract awards.

5. Assignments of a given portion of research and development to a particular organization.

6. Establishment of AEC prices for special nuclear material, toll enrichments, etc.

7. Inspection of licensed facilities.

8. Contract negotiations and positions to be taken concerning negotiations.

9. Telephone conversations between AEC staff and outsiders concerning any subject under Commission consideration.

Question 7. As you know, in addition to Regulatory authority, the AEC has the responsibility for operating a number of Government installations and national laboratories. These operations, under the direction of the General Manager, involved in 1972 over two billion dollars. Substantially, all actions taken by him could be tested in the courts.

In addition, every issuance, modification, denial, etc. of a licensing or enforcement decision, and every adoption of a regulation by the Director of Regulation is also subject to court review (Representative types can be found in the answer to questions 1, 3 and 4).

If we can be of further assistance, please let us know.

Sincerely,

MARCUS A. ROWDEN,
General Counsel.

FIFTY-FIFTH ANNIVERSARY OF LATVIAN INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on November 18 the United Latvian Associations of Chicago will commemorate the 55th anniversary of Latvian independence at the River Forest High School, 201 North Scoville Avenue in Oak Park, Ill.

An organization active in making the facts about Latvia and the Latvian nation available to people in the free world who are interested in the Baltic problem, and dedicated to the preservation of Latvian cultural awareness, the United Latvian Associations of Chicago is headed by capable leaders: Rolands Kirsteins, president; Alberts Raidonis, vice president; and Rudolfs Arums, secretary.

Although Latvia has been occupied by foreign powers throughout most of its history, the people of this nation have maintained their language and cultural identity. In November of 1918 they had their chance for freedom and proclaimed their independence.

The new state, with a population of slightly over 1 million was in a precarious position from the beginning as it was surrounded by more powerful neighbors. However, Latvia survived and the interwar years marked a renaissance of Latvian politics and culture. For 22 years the Latvian Government functioned on the basis of a true proportional representation. Numerous political parties, of all opinions, existed and actively contested free and open elections. Latvia was a model democracy. Because the basis of a healthy democracy is an enlightened electorate, Latvians spent over 15 percent of their national budget on education. Free public schools were open to all and by 1940 the literacy rate was over 90 percent.

The vitality of the Latvian people was also indicated in their economic accomplishments. Latvia was one of the first European countries to reform its currency and financial system. The land reform law of 1920 distributed land of the old feudal estates on a democratic basis.

All segments of Latvian society participated in its economic life. By 1937 there were 5,717 industrial enterprises in Latvia and some 70,000 farmers were enrolled in 2,300 educational societies. Latvian trade was almost completely with the West, being carried on Latvian ships.

On February 5, 1932, Latvia and the Soviet Union signed a treaty of nonaggression which absolutely forbade Russian intervention in Latvian affairs. But, soon afterward, in violation of their written promise, the Communists began to undertake the active subversion of free Latvia.

In August of 1939 Latvia's fate was sealed by the infamous Nazi-Soviet Pact. It was indeed a dark day when Joseph Stalin, in open violation of international law and the nonintervention treaty, unleased the Red army to invade Latvia in accordance with the terms of the Nazi-Soviet Pact.

When Hitler invaded the Soviet Union in 1941, there was a change in the status of the people of Latvia, but only in that their destiny was transferred from the hands of one totalitarian regime into the hands of another. For 2 years Latvians were subject to Nazi control, but as Hitler's army retreated, the Red army and its legions of political agents returned to subjugate Latvia anew. After the war, the Russians consolidated their hold on Latvia by incorporating it into the Soviet Union.

At the end of World War II, approximately 100,000 persons emigrated from Latvia and later were dispersed throughout the free world.

Today, statistics show that, through three generations, many hundreds of this number are true scholars of higher learning in the humanities, as well as in the technical sciences. The numerical majority are of the younger generation, who attained their success in emigration, and this shows the strength of vital creativity in these people even during difficult times.

The Latvian people and their great endeavors fit into the pattern of the "mosaic of America." They have brought their hopes of freedom to this great country in addition to their ethnic heritage and culture, arts, science, history, and knowledge, and have contributed much to this great country of America.

The liberty that we enjoy in America, however, has been denied those who remain in Latvia. On this 55th anniversary of Latvian Independence Day, I am honored to join Latvian-Americans in the 11th Congressional District, which I am proud to represent, in the city of Chicago, and all over this Nation in their fervent hope that the people of Latvia will soon achieve their freedom once again. Let the people of Latvia know full well of our uncompromising support for their unquenchable thirst for liberty.

Mr. Speaker, at this point in the RECORD I would like to include a statement unanimously adopted by the Association of the Latvian Societies in the United States at their meeting in Grand Rapids, Mich., on October 20 and 21, with reference to the 55th anniversary of the proclamation of Latvian independence. The statement follows:

STATEMENT

The Association of the Latvian Societies in the United States, at their meeting on October 20 and 21, 1973 in Grand Rapids, Michigan, unanimously adopted the following statement:

1. On the Eve of Latvia's 55th Anniversary of the proclamation of Independence, we thank again the United States government for not recognizing the forcible incorporation of Latvia and other Baltic States into the Soviet Union.

2. We implore the government to aid the cause of freedom and self-determination in the Baltic States. The freedom of speech and intellectual creativity is being stifled since the occupation of 1940. We express our hopes that the government of the United States will actively proclaim the need to restore the lost freedoms in Latvia, Estonia and Lithuania in the European Security Council and other world forums.

3. The proposed new economic regions in the USSR essentially announce intensification of the campaign to russify the non-Russian people in the Soviet Union. We urge the United States government to interfere with this plan in Latvia and other Baltic states.

4. With deep concern we are following the policy of the United States government regarding the detente with the Soviet Union. The United States and the Soviet Union has signed 52 agreements of which the Soviet Union so far has kept only 2.

5. We have not been in favor of and we are not supporting the economic help to the Soviet Union at the taxpayers expense until freedom and humanity is restored in Latvia, Estonia, Lithuania and other Captive Nations. We have reasons to believe that the Soviet Union's imperialistic policy has not been changed and will not be changed, and the economic assistance will only help the Russians to reach their goal—world domination.

6. Since the year of 1973 has been proclaimed as Europe's year, we urge the United States government to use its influence to end the occupation of the Baltic States by the Soviet Union.

This statement is to be forwarded to the President of the United States, Secretary of State, United States Senators and Members of the House of Representatives.

TEAPOT DOME AGAIN REVISITED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Moss) is recognized for 5 minutes.

Mr. MOSS. Mr. Speaker, a few weeks ago, in a floor statement, I revealed the contents of a letter I had sent the President and appropriate Cabinet members over a situation pertaining to two naval petroleum reserves, Elk Hills, Calif., and Teapot Dome, Wyo.

In that letter and accompanying statement, I made public the fruits of certain researchers I have been conducting into how private interests, with knowledge of several government agencies, have been extracting oil for a number of years under the most questionable circumstances from the environs of these reserves, set aside for national defense. Naturally, there has been significant reaction. It is my purpose today to deal with comments emanating from the State of Wyoming, where Teapot Dome is located.

In the case of that reserve, we find a longstanding Federal regulation against drilling by private interests on Federal land within a 1-mile buffer zone any reserve boundary has been violated as a result of actions taken by the Bureau of Land Management. At Teapot, BLM allowed an oil company to drill within 50 feet of the actual reserve boundaries, despite Navy protests. This has been going on for years, and is corroborated by documents in my possession, starting with a GAO report, a document provided by the Navy's Office of Petroleum Reserves and GAO testimony before the House Armed Services Committee. Any Member of Congress, private citizen and member of the media may inspect these papers to verify their existence and contents.

Regrettably, some few critics refuse to accept such facts as truth. I have been in receipt of a letter from the Governor of Wyoming, the Honorable Stanley K. Hathaway, admonishing me to "validate your allegations before releasing them to the press." He enclosed a letter sent him by a Mr. Donald B. Basko, Wyoming's State oil and gas supervisor, purporting to disprove both my revelations and accompanying evidence.

Taking the Governor at his word, I have indeed "validated my allegations," and have sent them to him in the form of a letter, citing chapter and verse from government documents I earlier referred to. Knowing they will be of intense interest to the Governor, Mr. Basko, the American public, the media and of course the people of Wyoming, I now take the step of making them known to the widest possible audience as a means of protecting the public interest against further damage to the Reserve, and to accelerate the move towards a full, formal investigation of what has been going on.

Therefore, I take the liberty of including Governor Hathaway's letter, Mr. Basko's communication and my response, which, by courtesy, has already reached the Governor. With unanimous consent, I include them here in my remarks at this point, in the humble hope that enlightenment is but the prelude to reform.

WYOMING EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., October 31, 1973.
Hon. JOHN E. MOSS,
Members of Congress, House Office Building, Washington, D.C.

DEAR CONGRESSMAN MOSS: Your recent allegations that Naval Petroleum Reserves are being depleted by the major oil companies in Wyoming does not appear to be borne out in fact.

The enclosed letter from the Supervisor of the Wyoming Oil and Gas Conservation Commission provides information with respect to the Teapot Naval Petroleum Reserve in the State of Wyoming. Perhaps it would be well for you to validate your allegations before releasing them to the press.

Very truly yours,
STAN HATHAWAY.

THE STATE OF WYOMING,
Casper, Wyo., October 26, 1973.
Hon. STANLEY K. HATHAWAY,
Governor of Wyoming, State Capitol Building, Cheyenne, Wyo.

DEAR GOVERNOR HATHAWAY: On Thursday, October 25, 1973, the Casper radio stations carried a report that Representative John E. Moss from California had written to President Nixon alleging that major oil companies were depleting Naval Petroleum Reserves in California and Wyoming by locating and producing wells adjacent to the Reserve boundaries. It is my understanding that this story also appeared in the Laramie newspaper on Friday, October 26, 1973.

Representative Moss claimed in his statement that this was resulting in "windfall" profits to major oil companies and that the situation paralleled the Teapot Dome scandal in magnitude, and that something should be done to remedy the situation immediately.

The facts of the matter are that the Teapot Naval Petroleum Reserve No. 3 is adjoined on the East by producing wells operated by Union Oil Company of California and Teapot Oil & Refining Company, a very small independent. The Reserve is bordered on the Northwest by Terra Resources, Inc., the operator of the South Salt Creek Unit. Almost the entire West flank and North and South boundaries have no wells that are producing outside of the Petroleum Reserve. Wells which are operated by Terra Resources, Inc. on the Northwest flank are alternated with water injection wells, which effectively prevent the migration of oil across the boundary line.

The following is a statistical review of the volumes of fluid which have been produced during August of 1973:

Union Oil Company of California:
No. of producing wells: 11.
No. of shut-in wells: 66.
Oil: 1,722 bbls.
Water: 23,954 bbls.
Gas: None.
Teapot Oil & Refining Company:
No. of producing wells: 40.
No. of wells shut-in: 21.
Oil: 2,435 bbls.
Water: 2,123 bbls.
Gas: None.
Terra Resources, Inc.:
No. of producing wells: 7.
No. of wells shut-in: 6.
No. of active injection wells: 8.
Oil: 3,840 bbls.
Water: 2,637 bbls.
Gas: None.
U.S. Navy:
No. of producing wells: 75.
No. of wells shut-in: 60.
Oil: 12,930 bbls.
Water: 207,104 bbls.
Gas: 8,029 MCF.

This situation has prevailed for a considerable length of time, and it is my opinion that the substantial imbalance of total fluid withdrawals from within the Reserve over that from offsetting properties precludes any possibility of drainage from the Reserve to offsetting property. Conversely, if drainage is occurring, it is more likely to be toward the Reserve and to the benefit of the U.S. Navy.

This information is furnished for your consideration and disposition as you see fit.

Very truly yours,

DONALD B. BASKO,
State Oil and Gas Supervisor.

CONGRESS OF THE UNITED STATES,
Washington, D.C. November 12, 1973.
Hon. STAN HATHAWAY,
Governor, State of Wyoming, Cheyenne, Wyo.

DEAR GOVERNOR: I am in receipt of your letter of October 31, accompanied by an enclosure purporting to contradict evidence I have made available to the President regarding the Teapot Dome Naval Petroleum Reserve. Perhaps the following information and citations will illuminate the situation for you regarding how certain private interests have been allowed to drain oil from and damage the Teapot Dome Reserve.

To substantiate your disagreement with my public position, you included a letter sent you by Mr. Basko, Wyoming's State Oil & Gas Supervisor, purporting to develop factual material. If anything, that communication further reinforces my position that private oil interests have been allowed by government agencies to violate Federal regulations, and have drilled wells against Navy protests, damaging Teapot Dome and forcing the Navy to drill offset wells within the Reserve to prevent further drainage.

As Basko's letter points out, drilling around boundaries of Teapot has been going on since 1958. The U.S. Geological Survey bears the onus of having allowed an exception to a Federal regulation forbidding drilling of wells by private operators within 200 feet of a Naval Petroleum Reserve. Title 30, Part 221.20, Code of Federal Regulations.

This situation was conclusively revealed by a report to the Congress from the Comptroller General of the United States and his General Accounting Office. That report, dated October 5, 1972, No. B-66927, is entitled: "Capability of the Naval Petroleum & Oil Shale Reserves to Meet Emergency Oil Needs." I refer you specifically to pages 26 and 27.

Private drilling in the Shannon Sand, on the eastern boundary of Teapot, created a drainage problem for the Navy in 1968. As a result, Navy has drilled some 104 offset wells within the Teapot Dome Reserve in a period of three years.

The next drainage problem occurred northwest of the reserve in the Second Wall Creek Sand in October of 1965, causing the Navy to drill 18 offset wells between that time and 1967. The Shannon case involved MKM Co. The Second Wall Creek Sand case involved a subsidiary of American Metal Climax; a company named Amax, later bought out by Consumers Refining Association, which was in turn purchased by Terra Resources. Amax received an exception from the Geological Survey, allowing it to violate the Federal regulation over Navy protests, and to drill within 200 feet of the Teapot boundary. This occurred in 1965.

In the Shannon Sand case, from December 9, 1958, to January 1, 1973, 2 and ½ million barrels of oil have been taken out by the Navy through offset wells and disposed of through Western Crude Refining Co.; oil the Navy would rather not produce, preferring instead to keep it in the ground for national defense purposes. In the case of the Second Wall Creek Sand, the Navy has had to produce 1.1 million barrels from September of 1965 to January 1, 1973. This makes a total of 3.6 million barrels of oil reserved for national defense produced and sold because of the Survey's actions. It is known that private operators have produced 1.8 million barrels of oil up to January, 1973, from the area known as B-1, Salt Creek South Unit, Second Wall Creek Sand. This comes to a grand total of 5.4 million barrels of oil taken out, to the best of my knowledge, by both private operators and the Navy, from Teapot and its environs, all in violation of Federal regulations.

Activities by private operators have caused water from the process used to invade the Teapot Reserve, damaging its wells and eroding their produceability. To get oil out, the Navy must drill more wells and extract water. All such damaging activities were going on with full knowledge and permission of the Bureau of Land Management of the Interior Department.

To further enlighten you and Mr. Basko let me quote from a second document verifying this situation. Entitled: "History of Naval Petroleum & Oil Shale Reserves," and dated October 1 1973, it was prepared by the Office of Naval Petroleum & Oil Shale Reserves of the Department of the Navy. Quoting from pages 11 and 12:

"Operators on the eastern boundary of the reserve obtained commercial oil production from the shallow Shannon Sand by use of the then new oil production technique called 'sand fracturing'. This again opened the question of drainage. Operations of these adjacent operators were placed under surveillance and data were assembled to permit an engineering study. Both Geological Survey and Navy's engineering consultants concluded that drainage from the Reserve was probably occurring."

"All information obtained indicated production (inside the reserve) was necessary to prevent drainage of oil from the Reserve." "To date some 104 Shannon wells have been drilled to protect 4 and ½ miles of common boundary."

"Private operators on the northwest border of the reserves initiated a secondary recovery project in October, 1965 by injecting water into portions of the Second Wall Creek formation. Offset production by Navy became necessary after efforts to persuade the private operators to change their flood pattern failed. With the concurrence of another government agency the private operators drilled water injection wells 50 feet from the reserve boundary which compelled the Navy to commence a costly offset drilling and producing program in order to protect the Reserve from most of the damaging effects of the invading waters."

Returning to Mr. Basko's letter, we can note that he has apparently overlooked the illegality of activities at taxpayer and national defense expense, while acknowledging they have been going on. If he has documentation refuting what the Navy and U.S. General Accounting Office have published, by all means let him enlighten me. I hope this communication has helped clear up questions you have had about this situation. I know you share my concern over what has occurred and will join in seeking a full investigation.

Sincerely,

JOHN E. MOSS,
Member of Congress.

TRIBUTE TO THE PROGRESSIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, the editors of the magazine The Progressive have written an editorial statement followed by a draft bill of impeachment in the December issue that I commend to the attention of my colleagues. I am today introducing these articles of impeachment. The high crimes and misdemeanors presented form the most concise yet comprehensive statement I have seen on the need to begin impeachment proceedings:

A CALL TO ACTION

(By the Editors of The Progressive)

Crisis. The word has been overworked by all of us, and particularly by those engaged in reporting, analyzing, and interpreting the news. We have been recording monthly, weekly, daily crises for longer than we care to remember—foreign and domestic crises, military and political crises, economic, moral, and cultural crises. A headlined crisis no longer generates alarm, or even profound concern. Ho hum, another crisis. . . .

But the crisis that grips America today is of another, higher magnitude—one that deserves, perhaps, a new term that has not been eroded by abuse. It swirls, of course, around the person of the President of the United States, but it impinges on every facet of the national life and character. We are confronted, suddenly and dramatically, with fundamental questions about our national community—questions that demand swift and decisive answers.

Are we prepared, after almost 200 years, to abandon our experiment—intermittently successful but always hopeful—in enlightened self-government? Will we permit our highest and most powerful office—an office whose occupant can literally decide the future and even the survival of the nation and the world—to remain in the hands of a man who has, in the words of the American Civil Liberties Union, "made one thing perfectly clear: He will function above the law whenever he can get away with it"? Will we refrain, because of our timidity or sheer inertia, from availing ourselves of the remedies provided by the Constitution of the United States for precisely such an emergency?

Three years remain in Richard M. Nixon's second Presidential term—time enough for him to compound and render irreversible the catastrophic damage he has already done. It is understandable that the President may feel that if he can survive in office for those three years, he will have achieved a measure of vindication. But his vindication will be our indictment and conviction. If we, the American people, knowing what we now know about this President and his Administration, permit him to serve out his term, we will stand condemned in history for the grave offense of murdering the American dream.

These pages go to press amidst a chorus of demands for Mr. Nixon's resignation. The demands emanate not only from Mr. Nixon's long-standing critics—his "enemies," as he would doubtless style them—but from many who were, until recently, among his most enthusiastic supporters. The editors of Time, in the first editorial of the magazine's fifty-year history—at least the first so labeled—called on him to "give up the Presidency rather than do further damage to the country." The same suggestion has been advanced by newspapers which, only a little more than a year ago, were unreservedly advocating his re-election and which, only months ago, were minimizing the gravity of the Watergate disclosures; by Republican politicians who fear, not without justification, that the President is now an intolerable burden to their party; by businessmen who no longer can vest their confidence in Mr. Nixon as the chosen instrument of corporate prosperity.

Mr. Nixon would derive some obvious benefits if he were to heed this advice and relinquish his office. Unlike his recently departed Vice President, Spiro T. Agnew, he would not have to couple his resignation with a guilty plea to any crime. Like Mr. Agnew, he could continue to proclaim his innocence—and to denounce his "enemies"—in perpetuity. He has always relished the role of victim, and he could carry it to oblivion.

At the same time, the Congress would be spared from exercising a responsibility which it clearly does not welcome—the responsibility of impeaching the President of the United States. And the American people, the people who only a year ago gave the President an unprecedented mandate and whose disenchantment has now reached unprecedented depths, could breathe a deep sigh and go about the business of restoring a measure of order and hope to their national affairs.

But the decision to resign is, ultimately, the President's alone to make, and the word from the White House at this writing is that he will not be moved (or removed). He has "no intention whatever of walking away from the job I was elected to do," he told the nation on November 7.

It is our judgment, and we believe it is the American people's judgment, that the job he has done is enough.

Until and unless the President changes his mind about resigning, the decision to resolve the crisis that grips the nation will be ours to make—for only by exerting immense and unremitting pressure can we convince the Congress that it must discharge its constitutional responsibility. Public opinion has already persuaded some legislators to abandon their customary vacillating stance. Public opinion, forcefully applied, can move the requisite number of Representatives to embark on the process of impeachment.

The first order of business confronting Congress is to fill the vacancy in the Vice Presidency. Mr. Nixon's designee, Representative Gerald R. Ford of Michigan, would hardly be our first (or thousandth) choice; he is, in our view, unsuited intellectually and politically to hold the nation's highest office. But given the choice—and it is the choice we are given—between mediocrity (Mr. Ford) and moral disgrace (Mr. Nixon), we have no difficulty choosing the former. America has muddled through with mediocre leadership before, but it cannot go on much longer with leadership that is morally bankrupt.

Once a Vice President has been installed, the "engine of impeachment"—James Madison's term—can be set in motion. It is an engine that the leaders of the House and Senate clearly would prefer not to start, but it can be ignited by any member of the House of Representatives who chooses to take the floor and declare: "Mr. Speaker, I rise to a question of constitutional privilege. . . . I impeach Richard M. Nixon, President of the United States, for high crimes and misdemeanors."

RESOLUTION

Whereas there is substantial evidence of President Richard M. Nixon's violation of his oath of office, the Constitution and laws of the United States, and his unlawful usurpation of power: Now, therefore be it

Resolved, That President Richard M. Nixon be impeached for high crimes and misdemeanors under article II, section 4, of the Constitution of the United States; and be it further

Resolved, That the articles agreed to by this House, as contained in this resolution, be exhibited in the name of the House and of all the people of the United States, against Richard M. Nixon, President of the United States, in maintenance of the impeachment against him of high crimes and misdemeanors in office, and be carried to the Senate by the managers appointed to conduct the said impeachment on the part of the House.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States, charging him with high crimes and misdemeanors in office.

ARTICLE I

That Richard M. Nixon, President of the United States, through his personal acts and those of his appointees and aides, has fostered, tolerated, and attempted to conceal the worst political scandals in this nation's history, thereby paralyzing the Government, inviting the contempt of the American people, and casting discredit on our country and its leadership throughout the world.

ARTICLE II

That he is, and must be held accountable for the crimes committed by many of his subordinates, for it is his responsibility, as Madison observed, "to superintend their conduct so as to check their excesses." If he was aware of their offenses, he is criminally culpable; if he was unaware, he is criminally inept.

ARTICLE III

That he has attained and retained the high office he now holds through the use of illegal means, to wit: His agents have extracted secret and unlawful campaign contributions from various special interests in return for pledges of favorable government action in their behalf; they have authorized and commissioned snoopers and second-story men, styled "plumbers," to burglarize and spy on his political opponents, in violation of the common criminal statutes; they have hired saboteurs to employ various "dirty tricks" to disrupt a political campaign.

ARTICLE IV

That he has attempted to undermine, circumvent, or annul the guarantees of the Bill of Rights—particularly the rights to privacy, freedom of speech, and freedom of the press—by: mounting an unprecedented campaign of harassment and vilification against the media of news and information; employing illegal wiretaps to spy on journalists and critics of his Administration; encouraging his aides to devise means of intimidating the media by use of governmental powers; embarking on political trials designed to silence those who dissented from his policies.

ARTICLE V

That he has arrogated to himself powers not conferred by the Constitution, or powers expressly reserved to Congress, to wit: He has secretly, illegally, and deceptively ordered the bombing of a nation—Cambodia—without the knowledge or consent of the American people and their elected representatives; he has unlawfully impounded Federal funds totaling many millions of dollars that were duly appropriated by Congress in legislation he himself had signed; he has invoked a nebulous and dubious doctrine of "executive privilege" to withhold from the people information about the people's business.

ARTICLE VI

That he has employed fraudulent schemes to muster—or create an appearance of—public support for his Administration's major policies, especially with respect to the unlawful invasion and bombing of Cambodia. These schemes have involved the placement of newspaper advertisements concocted in the White House, the generation of inspired letters and telegrams of support, and the manipulation of public opinion polls.

ARTICLE VII

That he and his associates have conspired in sundry schemes to obstruct justice by: attempting to withhold evidence in criminal cases pertaining to the Watergate Affair; dismissing the Special Prosecutor, Archibald Cox, when he proved determined to do his job; tendering bribes to defendants and witnesses to induce them to remain silent or offer perjured testimony; persuading the former director of the FBI to destroy evidence; invoking "non-existing conflicts with CIA operations" to thwart an FBI inquiry; attempting to influence the judge in the Pentagon Papers trial; ordering the Attorney General not to press a series of antitrust actions against the International Telephone and Telegraph Corporation.

ARTICLE VIII

That he has subverted the integrity of various Federal agencies by sanctioning efforts to: bring about a reversal of the Agriculture Department's policy on dairy price supports to accommodate major campaign contributors; involve the CIA and the FBI in unlawful operations associated with the operations of the "plumbers;" exert pressure on independent regulatory agencies to hand down decisions favorable to his friends and supporters; employ the Internal Revenue Service to punish his "enemies."

ARTICLE IX

That he has conducted his personal affairs in a manner that directly contravenes the traditional Presidential obligation to demonstrate "moral leadership," to wit: He has used substantial amounts of the taxpayers' money to pay for certain improvements and maintenance of his private homes—expenditures that can in no way be related to security requirements or any other public purpose; he has taken advantage of every tax loophole permitted by law—and some of doubtful legality—to diminish his own tax obligations; he has entered into questionable arrangements with his friends to acquire large personal property holdings at minimal cost to himself; he has publicly and emphatically defended one of these friends, C. G. (Bebe) Rebozo, at a time when various Federal agencies were conducting supposedly impartial investigations into his financial affairs.

ARTICLE X

That he has attempted to deceive the American people with respect to virtually every particular cited in this Bill of Impeachment, by withholding information and evidence; by misstating the facts when they could no longer be totally suppressed; by constantly changing his version of the facts, so that the people could no longer place any credibility whatever in statements emanating from the Chief Executive of their Government, to the point where it now seems doubtful that he would be believed even if he were to begin, miraculously, to tell the truth.

HEALTH CURES ARE NOT THROWAWAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CAREY) is recognized for 5 minutes.

Mr. CAREY of New York. Mr. Speaker, today in America there are over 100,000 sufferers from hemophilia—100,000 Americans, young and old, who cannot live the kind of active, productive, and secure life you and I and our children are privileged to live. These 100,000 of our fellow citizens live in a kind of physical limbo, never knowing when next they may be struck with crippling pain and possible death. For the hemophiliac routine dental care is extremely dangerous—surgery can be fatal.

The efforts in research for cancer and heart disease have been accelerated in the past several years. We expect to be spending close to a billion dollars a year in seeking to conquer cancer alone. This is not only necessary and good, it is the least the world, and the civilizations this globe bears, should expect from a Nation whose wealth and power have been the wonder of the world.

But Mr. Speaker, there is no need to look further for a cure to hemophilia. While research is needed, and needed very badly, to improve the therapeutic agent and to make it more effective and available, still the treatment cure is now in our hands. We have it in hand and it works. A parallel can be drawn between the effectiveness of insulin in the treatment of diabetics, and the effectiveness of Factor VIII in the treatment of hemophiliacs.

Yet, the parallel between Factor VIII and insulin collapses when you discuss availability. Insulin is affordable to the average family; treatment for the hemophiliac with Factor VIII costs approximately $6,000 per year. Obviously, the average family cannot afford to pay this $6,000 per year—a small amount when you realize it permits a hemophiliac to live a normal life, but such a large amount when it means draining the economic life from a whole family, depriving other children of higher education, cutting off the family from pleasures and educational experiences they cannot ever afford, plaguing the parents and the child with needless guilt.

That is why I say to this honorable House that we must not permit the scientific breakthrough that controls hemophilia to become a "throw-away." We must not and cannot see the lives of these Americans thwarted because the economic means are not to be found in the private sector to permit these Americans to live sound and productive lives—contributing to the economic and social mainstream of the Nation and their neighborhoods.

Mr. Speaker, it is for this reason that today I introduce legislation to make treatment available to every hemophiliac, to stimulate scientific research to make this treatment accessible without any outside financial assistance, and to help assure that these Americans are able to live lives of self-respect and self-support.

Hearings are scheduled to begin tomorrow on companion legislation in the Senate before the Health Subcommittee, chaired by Senator Kennedy. I am pleased to join with the distinguished chairman of the Senate Labor and Public Welfare Committee, Senator Williams, in introducing the Hemophilia Act of 1973.

It is my understanding that early next year, the distinguished chairman of the House Public Health and Environment Subcommittee, Congressman Rogers, plans to hold hearings on the Nation's needs for a coordinated and more efficient blood-collecting, processing and distribution policy and system.

I am pleased to hear that the legislation I introduce today will be part of the subject matter considered at these hearings. I find this very gratifying, not only because of my determination to push for passage of hemophilia legislation, but because the legislation I introduce today, through its provisions for treatment and fractionating centers, can make a signal contribution to whatever national policy and system Chairman Rogers and the Subcommittee on Health devise.

Mr. Speaker, just a few moments ago, I was privileged to meet and host a luncheon for the Hemophilia Poster Child. Andrew Thorne, the 7-year-old son of Mr. and Mrs. Lawrence Thorne of Upper Saddle River, N.J., and his brother Stephen, and sister Suzanne, visited the Capitol with their parents today, and were able to spend some time visiting with me and other Members of Congress.

I welcome Andrew Thorne, the Hemophilia Poster Child to the Nation's Capitol. I am sure I express the feelings of the entire membership of the House when I wish Andrew and his brother, Stephen, who is also a hemophiliac, the best of everything. And, clearly, Mr. Speaker, the legislation I introduce today will help make that possible not only for Andrew and Stephen, but for the tens of thousands of young boys across the Nation, who will be able to live and grow as your son and my sons are able to live and grow.

Mr. Speaker, at this point in the Record I include the text of the bill:

H.R. 11479

A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hemophilia Act of 1973".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. (a) Congress finds and declares—

(1) that there are a significant number of individuals residing in the United States who suffer from hemophilia;

(2) that there exists today the technology and the skills to enable such individuals to lead productive lives;

(3) that the high cost of such technology and skills are in most cases denying the benefits of such advances to individuals suffering from hemophilia.

(b) It is therefore the purpose of this Act to guarantee individuals suffering from hemophilia their entitlement to care commensurate with the technology and skills that are available.

Sec. 3. Title XI of the Public Health Service Act (42 U.S.C. 201) is amended by adding at the end thereof the following new part:

"PART C—HEMOPHILIA PROGRAMS

"DEFINITIONS

"Sec. 1121. As used in this part the term—

"(1) 'hemophilia diagnostic and treatment center' means an entity which provides the following:

"(A) access for all individuals suffering from hemophilia who reside within the geographic area served by the center;

"(B) programs for the training of professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment;

"(C) a program for the diagnosis and treatment of individuals suffering from hemophilia who are being treated on an outpatient basis;

"(D) a program for association with providers of health care who are treating individuals suffering from hemophilia in areas not conveniently served directly by such center but which is more convenient (as determined by the Secretary) than the next geographically closed center;

"(E) programs of social and vocational counseling for individuals suffering from hemophilia;

"(F) individualized written programs for each person treated by or in association with such center; and

"(G) complies with guidelines for treatment established by the National Hemophilia Advisory Board, under this part.

"ENTITLEMENT TO TREATMENT

"Sec. 1122. (a) Any individual suffering from hemophilia may file a claim for benefits under this part with the Secretary in such form and containing such information as he may reasonably require.

"(b) Benefits under this part shall be paid to, or on behalf of a claimant, in an amount equal to 100 per centum of the actual cost of providing blood, blood products, and services associated with the treatment of hemophilia, less—

"(1) amounts payable by third parties (including governmental agencies), and

"(2) amounts determined by the Secretary (in accordance with subsection (c)) to be payable by the individual suffering from hemophilia.

"(c) In determining the amount which may be payable under subsection (b) (2) the Secretary, after consultation with the Secretary of the Treasury, shall establish a schedule of cost sharing by such individual based upon the adjusted gross income of such individual.

"(d) Any claim submitted under this part shall contain a certification that treatment provided to the claimant is in accord with the guidelines promulgated by the National Hemophilia Advisory Board pursuant to the authority granted under this Act.

"(e) There are authorized to be appropriated for the fiscal years beginning July 1, 1973, and ending June 30, 1976, such sums as may be necessary to carry out the purposes of this section.

"TREATMENT CENTERS

"Sec. 1123. (a) The Secretary shall provide for the establishment of no less than fifteen new centers for the diagnosis and treatment of individuals suffering from hemophilia.

"(b) (1) In carrying out the purposes of subsection (2) the Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities for projects for the establishment of hemophilia diagnostic and treatment centers as defined in section 1121.

"(2) No grant or contract may be made under this part unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner and contain such information as the Secretary shall by regulation prescribe.

"(3) An application for a grant or contract under this part shall contain assurances satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it to effectively serve.

"(c) In establishing such centers the Secretary shall—

"(1) take into account the number of persons to be served by the program supported by such center and the extent to which rapid and effective use will be made of funds by such center; and

"(2) give priority to programs operating in areas which the Secretary determines have the greatest number of persons in need of the services provided under such programs.

"(e) There are authorized to be appropriated to carry out the purposes of this section $5,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1124. The Secretary shall establish a program within the Public Health Service to provide for diagnosis, treatment, and counseling of individuals suffering from hemophilia. Such program shall be made available through the facilities of the Public Health Service to any individual requesting diagnosis, treatment, or counseling for hemophilia.

"BLOOD FRACTIONATION CENTERS

"SEC. 1125. (a) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities and individuals to establish blood fractionation centers, for the purpose of fractionating and making available for distribution blood and blood products, in accordance with regulations prescribed by the Secretary to hemophilia treatment and diagnostic centers.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976.

"ADVISORY BOARD FOR HEMOPHILIA TREATMENT STANDARDS

"SEC. 1126. (a) There is hereby established in the National Institutes of Health a National Hemophelia Advisory Board (hereinafter in this section referred to as the 'Board') to be composed of twenty members as follows:

"(1) the Secretary and the Director of the National Institutes of Health; and

"(2) Eighteen members appointed by the President.

The persons appointed to the Board shall be appointed from among persons who are among the leading scientific or medical authorities outstanding in the study, diagnosis, or treatment of hemophilia or in fields related thereto.

"(b)(1) Appointed members shall be appointed for six-year terms, except that of the members first appointed, six shall be appointed for a term of two years, and six shall be appointed for a term of four years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Appointed members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) A vacancy in the Board shall not affect its activities, and eleven members thereof shall constitute a quorum.

"(4) The President shall designate one of the appointed members to serve as Chairman for a term of two years. The Board shall meet at the call of the Chairman, but not less often than four times a year.

"(c) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities conducted under this part.

"(d) Members of the Board who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the duties of the Board compensation at rates not to exceed the daily equivalent of the annual rate in effect for GS-18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Director of the National Institutes of Health shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

"FUNCTIONS OF THE BOARD

"SEC. 1127. It shall be the function of the Board to (1) establish guidelines for the diagnosis and treatment of persons suffering from hemophilia; and (2) submit a report to the President for transmittal to the Congress not later than January 31 of each year on the scope of activities conducted under this part.

"RECORDS AND AUDIT

"SEC. 1128. (a) Each recipient of a grant or contract under this part shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant under this title which are pertinent to any such grant.".

ADMINISTRATION SPOKESMEN DISPLAY LACK OF DIRECTION ON ENERGY POLICY OR: WHO'S IN CHARGE DOWN THERE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, yesterday I spoke to my colleagues about the need for leadership, contingency preparations, and careful planning to meet the current fuel emergency and future energy supply problems.

Today I read in the evening paper the following statements from leading administration spokesmen:

Mr. Herbert Stein, Chairman of the Council of Economic Advisers, is reported as saying we need sharp fuel price increases and new taxes to relieve the energy shortage.

Mr. Melvin Laird, the President's Chief Domestic Adviser, is quoted as saying Tuesday that we need fuel rationing and a tax system that would give the proper incentive for energy conservation.

Mr. George Shultz, the Treasury Secretary, says rationing should be used only as a last resort and that "if we are intelligent about it—rationing—we should be able to avoid it."

In the meantime Gov. John Love, the President's Energy Adviser, says he believes rationing will be necessary but he does not know when.

Mr. Speaker, is there any wonder that the people of this Nation are confused, concerned, and growing irate about this energy mess?

The administration is not only not speaking with one voice on this emergency it is not even speaking with two or three voices.

I suppose the best assessment of this demonstrated and flagrant lack of policy was given yesterday by Mr. Bob R. Dorsey, president and chief executive officer of the Gulf Oil Corp. While the statement was not made in the context of reply to these statements cited above I believe it is most appropriate. Mr. Dorsey said:

> If we are deprived of Mideast oil to take care of growth, it will take us 10 years to develop the nuclear plants, the coal mines—that's the horrible thing. I don't think the public realizes the gravity of the situation today and the possible gravity of the situation 10 to 15 years from now.
>
> Anytime we start, we've got a 10-year program in front of us, and we haven't started yet. We won't start it until the public and the federal government believe that. Mr. Dorsey added, and I don't think the federal government believes it yet.

Nor do I believe the Federal Government believes it yet, Mr. Speaker, at least the executive branch. There is no unanimity of opinion downtown as to how to meet the current challenge. There is not even unanimity of opinion as to how to approach the problem.

As I said yesterday—

> It is my fervent hope that the Administration will finally learn that meeting the fuel emergency requires more than asking America to turn down its thermostats and to drive 50 miles an hour. It requires long and careful planning. It requires contingency programs and it requires leadership.

The need for these is just as great today and, judging from the statements in today's news, it is still unfilled.

DRINAN SUPPORTS AID TO ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 10 minutes.

Mr. DRINAN. Mr. Speaker, the request of the President for emergency aid in the amount of $2.2 billion for Israel cannot and must not be delayed.

Despite the fact that Israel has been "victorious" in the recent tragic war the grim reality is that Israel now confronts problems perhaps more severe than at any moment in the 25-year history of this heroic nation.

Among the severe problems confronting Israel are the following:

First. In the recent conflict the number of nations that lined up against Israel is appalling. Among them were the Warsaw Pact nations, all Moslem countries, India, and several other Asian and African nations. The Government of mainland or Red China lent uncritical support to the onslaught of the Soviet Union which, of course, must have been the prime force in planning the date, the strategy, and the unprovoked assaults by Egypt and Syria on October 6, Yom Kippur.

Second. In addition to the hostility of at least two-thirds of humanity, Israel's traditional friends in Europe have adopted a policy of neutrality. The Common Market nations, anxious about the oil from Arab States, gave the impression that they would be prepared to allow Israel to go down to defeat rather than jeopardize their sources of oil in Arab nations.

Third. Israel could not secure replacement parts for Centurion tanks from England nor could she obtain equipment for Mirage jets from France. In addition Yugoslavia allowed Soviet military transports to refuel on Yugoslavian soil while Spain denied similar requests for U.S. military planes to refuel in that nation. Only Portugal gave some assistance to the United States as it transported to Israel on an emergency basis military equipment worth almost $1 billion.

Fourth. During the recent war one-half of all the nations of the world blamed Israel for starting the 1973 war when it was overwhelmingly clear that Egypt and Syria were the clear aggressors.

Fifth. As Israel mourned for the 1,854 Israeli soldiers who died in the war it became clearer every day that the Soviet involvement in the war of 1973 was even greater than the participation of the U.S.S.R. in the 6-day war in 1967. The massive intervention of Russia in the war that began on October 6, was novel even by Soviet patterns. It is also very clear that Russia has continued to furnish military equipment to the Arab nations even after the cease-fire.

Sixth. In the Security Council, Israel finds a body of 15 nations, 8 of which do not even have diplomatic relations with Israel. Two of these nations—the U.S.S.R. and mainland China—always vote against any resolution unless it has the full support of the Arab States.

In the United Nations there are 12 members of the Soviet bloc, 18 of the Arab bloc, 41 in the African bloc, and 75 in the nonalined group. Each of these blocs takes an anti-Israel position. In addition, the Arab bloc can also dominate the 41 African votes because it provides financial assistance to the Africans. The nonalined group of nations has a voting record that is so consistently against the United States that it practically conforms with the voting pattern of the Soviet bloc in its stand against Israel.

As a result, Israel can count only on the votes of a handful of northern and western European countries along with a few Latin American and Asian countries with Australia.

This contemporary situation is entirely different from the picture some years ago when Israel was looked upon in the family of nations as a young and hard-working country that was struggling to win its liberation.

In recent years African countries, yielding to Arab pressures, have reluctantly broken off relations with Israel. Liberia and Kenya were the latest to yield. At this time Israel has 5 diplomatic nations in black Africa whereas 18 months ago Israel had formal diplomatic nations in 31 African nations.

Seventh. The oil lobby in America and, indeed, in the entire world continues to be critical of Israel. In the United States where the oil lobby has access to the highest level of Government it has experienced a new strength by the manufactured link between the Arab-Israeli conflict and the oil shortage.

Texaco, Mobil, and other oil companies have sought to link the energy crisis with the Arab-Israel war and are subtly working to modify or even reverse the bipartisan commitment which the Congress of the United States has always implemented toward Israel since 1948.

It is significant to note that Egypt and Kuwait are members of GATT—General Agreement on Tariffs and Trade—and thus subscribe to article 11 of GATT which states that—

> No prohibitions or restrictions other than duties, taxes or other charges . . . shall be instituted or maintained by any contracting party on the importation of any product or on the exportation or sale of any product destined for the territory of another contracting party.

Although Saudi Arabia and Iraq are not members of GATT the United States has treaties of friendship with Saudi Arabia and Iraq going back, respectively, to 1933 and 1940. Discriminatory boycotts violate at least the spirit and probably the letter of these treaties. In addition a resolution adopted by the U.N. General Assembly in 1970 spells out the friendly relations and cooperations which nations adhering to the United States should follow. The resolution states that—

> No state may use or encourage the use of economic, political or any other type of measures to coerce another state in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind.

I have yet to see any reference by commentators to the illegality of the threatened embargo on oil by the Arab nations.

Eighth. The recent war cost Israel an estimated $7.1 billion. This sum is astronomical when one considers that the entire annual budget of the small State of Israel comes to $5 billion.

The direct and indirect loss to Israel is, moreover, also astronomical. Israel was compelled to mobilize 35 percent of its labor force during the recent war. Building activity came to a halt. Tourism, a major industry in Israel, fell off catastrophically. Israel's annual growth rate which prior to the war had averaged 9.9 percent over the years will in the present fiscal year be substantially reduced. Complicating the export-import problems of Israel this nation is now under an Arab blockade which cuts off access to the Indian Ocean and to the Orient.

There are many reasons in addition to the above, Mr. Speaker, why the Congress should act promptly to guarantee the $2.2 billion grant to Israel. If this sum proposed in H.R. 11088 is enacted for Israel it will be the first substantial sum ever given by the United States to Israel for military purposes. It is astonishing, Mr. Speaker, that between 1946 and 1972, according to the Agency for International Development—AID—the United States provided to foreign countries grants and military assistance totaling approximately $55 billion. None of this grant military assistance ever went to Israel.

What does détente mean after what Russia did to Israel in October 1973?

It is self-evident that the Arab nations would never have started the recent war unless they had Soviet support and encouragement, Soviet training and equipment, and Soviet diplomatic backing. The Soviets, in short, have provided the weapons, the incentive, and the powder keg. Since 1970, the Soviet Union has engaged in one of the largest military buildups in its entire history. A constant flow of tanks, aircraft, missiles, and guns has been directed at Egypt and Syria. All of this was clearly in violation of the agreement entered into on August 7, 1970, between the United States, the Soviet Union, Egypt, and Israel.

That agreement stipulated that none of the parties to the agreement would introduce any new military installations in a zone extending 30 miles on either side of the Suez Canal. That agreement was broken almost immediately after it was entered into by the placing of surface-to-air missiles in forbidden places. The Israeli Air Force paid a high price in the recent war for the failure of the United States to insist that Egypt and the Soviet Union adhere to the terms of the agreement which they made in August of 1970. It would seem that the Russians by the illegal buildup of SAM's sought to bring about circumstances that would leave the Soviets in possession of the Suez Canal. The Russian objective was presumably to make the Suez Canal a highway for the Soviet navy and merchant fleet.

One of the fundamental purposes of the proposed $2.2 billion grant for Israel is to inform the Arab nations and the Soviet Union that Israel will remain militarily invulnerable and that any further attempt by the Arab nations, armed to the teeth with sophisticated military hardware from Russia, will end in disaster for the aggressors.

The proposed $2.2 billion to Israel will be a sign to the Soviet Union that we want détente but at the same time we are making it unmistakably clear that we expect to continue to assist Israel to retain defensible borders and to keep itself invulnerable to any external attack. The $2.2 billion would state categorically to Russia that we will not allow the Soviet Union to continue to rush missiles into the Suez area and to transform the Middle East into a shooting gallery where the Jewish people and the State of Israel are used as a target for the testing of the most sophisticated weapons. The $2.2 billion proposed for Israel would signify a thunderous proclamation to Russia that the United States is not going to allow the U.S.S.R. to consolidate its territorial gains in the Middle East just as it conquered and subjugated the countries of Eastern Europe during and after World War II.

Israel's war of 1973 demonstrates once again overwhelmingly that Israel is a an enormous strategic disadvantage because it has so little space for a nation surrounded by neighbors who openly swear to destroy it. Prior to 1967, Egyptian forces were within 10 minutes walking distance of Israeli villages; today they are at least 250 miles away. Prior to 1967, the Jordanian army was 10 minutes from Tel Aviv and was actually inside Jerusalem. Today Jordan's nearest troops are 55 miles from Tel Aviv and 25 miles from Jerusalem. Prior to 1967, the borders between Israel and Arab nations that were dangerous to Israeli citizens totalled 350 miles; today these borders number 185 miles. Prior to 1967, virtually all of Israel was within enemy artillery range; today no significant part of Israel can be reached by enemy artillery group

It is understandable, therefore, that Israel is resisting pressures to withdraw to its pre-1967 borders or to the pre-1973 borders.

The Government and the people of Israel would be delighted to withdraw from the burdens of the vast lands which they have occupied in the wars of 1967 and 1973. But Israel knows that Egypt has some 220 Russian-supplied Mig-21 interceptors, 120 Su-7 fighter bombers, 180 helicopters, and at least 130 surface-to-air missile batteries. On the other side of Israel, Syria has about 30 Su-7 fighter bombers, 100 Mig-29 interceptors, and 8 surface-to-air missiles.

In addition to all of these hideous weapons Israel knows that the armies of Saudi Arabia, Jordan, and Lebanon, when combined with the armies of Egypt and Syria, bring the vast army that surrounds Israel to about 500,000 ground troops.

Mr. Speaker, Israel needs assistance in the immediate future. I hope that the Congress will furnish this assistance even before all of the Israel POW's are returned along with the POW's from the Arab nations. At this time Egypt holds about 350 Israel prisoners while Syria has approximately 130. According to an official Israel defense spokesman Israel holds 8,239 prisoners of war from Egypt, Syria, Iraq, and Morocco.

There is ghastly evidence that Syria and Egypt are not complying with the 1949 Geneva Convention with respect to the humane treatment of prisoners of war. The Soviet Union appears to have repudiated its agreement with the United States to the effect that an immediate exchange of POW's would be carried out after the cease-fire. It is lamentable that the Soviet Union was the sole country among the 15 members of the Security Council to block a statement on behalf of the Security Council President and the U.S. Secretary General calling for the cooperation of all parties with the International Red Cross regarding the POW's.

The agonizing question of the POW's is but one of the several problems besetting Israel at this time. As this nation of 3 million seeks to return to normalcy and to prepare for its general elections on December 31, 1973, it deserves to have, and I hope that it will have, a commitment by the United States that, despite the abandonment of Israel by so many nations of the Earth, the United States will continue and, in fact, deepen the commitment which this Nation has had to Israel since its establishment in 1948. I hope, Mr. Speaker, that Congress can demonstrate its continued commitment to Israel by enacting prior to the adjournment of Congress on December 15, 1973, the President's proposed grant of $2.2 billion for Israel.

U.S. DISTRICT COURT RULES COX'S DISMISSAL ILLEGAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, this afternoon Judge Gerhard A. Gesell of the U.S. district court for the District of Columbia ruled favorably in a lawsuit filed by Ralph Nader, Senator Frank E. Moss, Congressman Jerome R. Waldie, and myself against Acting Attorney General Robert Bork for his dismissal of Special Prosecutor Archibald Cox. The court noted that Mr. Cox served subject to congressional rather than Presidential control, and that Congress had the power to limit the circumstances under which Mr. Cox could be discharged and to delegate that power to the Attorney General.

As for Mr. Bork's abolition of the Office of Special Prosecutor on October 23 only to reinstate it less than 3 weeks later, Judge Gesell stated:

> It is clear that this turnabout was simply a ruse to permit the discharge of Mr. Cox without otherwise affecting the Office of the Special Prosecutor—a result which could not legally have been accomplished while the regulation was in effect under the circumstances presented in this case. Defendant's Order revoking the original regulation was therefore arbitrary and unreasonable, and must be held to have been without force or effect.

This decision represents an impressive victory for all the American people who were gravely shocked and disturbed at the resignations of former Attorney General Elliot Richardson, Deputy Attorney General William Ruckelshaus, and the arbitrary discharge of Mr. Cox, all precipitated by a President who considers himself above the law. Since Mr. Cox's dismissal, I have received thousands of letters, telegrams, and phone calls demanding the impeachment of the President for this illegal act. Resolutions calling for the impeachment of the President or calling for an inquiry into impeachment have been submitted by a number of Representatives, including myself, citing the dismissal of Cox as an impeachable offense. Today, the court has ruled that Cox's dismissal was indeed illegal. This decision should leave no doubt in the minds of Members of Congress and the American people that serious grounds for impeachment do, in fact, exist, and should hasten the Judiciary Committee's reporting out a bill of impeachment.

This decision also makes it imperative that the Congress defer action on the nomination of Congressman Ford as Vice President until such time as the Congress decides one way or another on impeachment. It would be unthinkable that, if a simultaneous vacancy does come into being, the American people should be governed by an appointed Chief Executive. The Congress should therefore defer action on the nomination, and enact legislation creating a special Presidential vacancy.

I insert the full text of Judge Gesell's memorandum and order in the Record:

[In the United States District Court for the District of Columbia, Civil Action No. 1954-73]

Ralph Nader, Senator Frank E. Moss, Representative Bella S. Abzug and Representative Jerome R. Waldie, Plaintiffs, Versus Robert H. Bork, Acting Attorney General of the United States, Defendant

MEMORANDUM

This is a declaratory judgment and injunction action arising out of the discharge of Archibald Cox from the office of Watergate Special Prosecutor. Defendant Robert H. Bork was the Acting Attorney General who discharged Mr. Cox. Plaintiffs named in the Amended Complaint are as listed above.

Some issues have already been decided. The matter first came before the Court on plaintiff's motion for preliminary injunction and a request that the trial of the action on the merits be consolidated with the preliminary injunction pursuant to Rule 65(a) of the Federal Rules of Civil Procedure. Defendant filed opposition papers, and a hearing was held on the detailed affidavits and briefs filed by the parties. The Court determined that the case was in proper posture for a determination on the merits at that time.

All injunctive relief requested in the proposed preliminary injunction tendered at the hearing and in the Amended Complaint was denied from the bench. The effect of the injunctions sought would have been to reinstate Mr. Cox as Watergate Special Prosecutor and to halt the Watergate investigation until he had reassumed control. It appeared to the Court that Mr. Cox's participation in this case was required before such relief could be granted. *See* Rule 19(a) of the Federal Rules of Civil Procedure. Yet Mr. Cox has not entered into this litigation, nor has he otherwise sought to be reinstated as Special Prosecutor. On the contrary, his return to prior duties at Harvard has been publicly announced. Moreover, a new Watergate Special Prosecutor was sworn in on November 5, 1973, and the Court felt that the public interest would not be served by placing any restrictions upon his on-going investigation of Watergate-related matters.

Plaintiffs continue to press for a declaratory judgment on the only remaining issue to be resolved: the legality of the discharge of Mr. Cox and of the temporary abolition of the Office of Watergate Special Prosecutor. To this end, it must initially be determined whether plaintiffs have standing and whether a justiciable controversy still exists.

Defendant Bork contends that the congressional plaintiffs lack standing[1] and that the controversy is moot. This position is without merit. The discharge of Mr. Cox precipitated a widespread concern, if not lack of confidence, in the administration of justice. Numerous bills are pending in the Senate and House of Representatives which attempt to insulate the Watergate inquiries and prosecutions from Executive interference, and impeachment of the President because of his alleged role in the Watergate matter—including the firing of Mr. Cox—is under active consideration.[2] Given these unusual circumstances, the standing of the three congressional plaintiffs to pursue their effort to obtain a judicial determination as to the legality of the Cox discharge falls squarely within the recent holding of the United States Court of Appeals for the District of Columbia Circuit in *Mitchell* v. *Laird*, No. 71-1510 (D.C. Cir. March 20, 1973). Faced with a challenge by a group of congressmen to the legality of the Indo-China War, the Court recognized standing in the following forceful terms:

"If we, for the moment, assume that defendants' actions in continuing the hostilities in Indo-China were or are beyond the authority conferred upon them by the Con-

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Footnotes at end of article.

stitution, a declaration to that effect would bear upon the duties of plaintiffs to consider whether to impeach defendants, and upon plaintiffs' quite distinct and different duties to make appropriations to support the hostilities, such as raising an army or enacting other civil or criminal legislation. In our view, these considerations are sufficient to give plaintiffs a standing to make their complaint. . . ." *Id.* at 4.

Unable to distinguish this holding, defendant Bork suggests that the instant case has been mooted by subsequent events and that the Court as a discretionary matter should refuse to rule on the legality of the Cox discharge. This view of the matter is more academic than realistic, and fails to recognize the insistent demand for some degree of certainty with regard to these distressing events which have engendered considerable public distrust of government. There is a pressing need to declare a rule of law that will give guidance for future conduct with regard to the Watergate inquiry.

While it is perfectly true that the importance of the question presented cannot alone save a case from mootness, *Marchand* v. *Director, United States Probation Office*, 421 F.2d 331, 333 (1st Cir. 1970), the congressional plaintiffs before the Court have a substantial and continuing interest in this litigation. It is an undisputed fact that pending legislation may be affected by the outcome of this dispute and that the challenged conduct of the defendant could be repeated with regard to the new Watergate Special Prosecutor if he presses too hard,[3] an event which would undoubtedly prompt further congressional action. This situation not only saves the case from mootness, *see United States* v. *Concentrated Phosphate Export Assoc.*, 393 U.S. 199, 203–04 (1968); *Friend* v. *United States*, 388 F.2d 579 (D.C. Cir. 1967), but forces decision. The Court has before it an issue that is far from speculative and a strong showing has been made that judicial determination of that issue is required by the public interest. Under these circumstances, it would be an abuse of discretion not to act.

Turning then to the merits, the facts are not in dispute and must be briefly stated to place the legal discussion in the proper context.

The duties and responsibilities of the Office of Watergate Special Prosecutor were set forth in a formal Department of Justice regulation,[4] as authorized by statute.[5] This regulation gave the Watergate Special Prosecutor very broad power to investigate and prosecute offenses arising out of the Watergate break-in, the 1972 Presidential election, and allegations involving the President, members of the White House staff or presidential appointees. Specifically, he was charged with responsibility to conduct court proceedings and to determine whether or not to contest assertions of Executive privilege. He was to remain in office until a date mutually agreed upon between the Attorney General and himself, and it was provided that "The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

On the same day that this regulation was promulgated, Archibald Cox was designated as Watergate Special Prosecutor.[6] Less than four months later, Mr. Cox was fired by defendant Bork. It is freely admitted that he was not discharged for an extraordinary impropriety.[7] Instead, Mr. Cox was discharged on the order of the President because he was insisting upon White House compliance with a Court Order which was no longer subject to further judicial review. After the Attorney General had resigned rather than fire Mr. Cox on this ground and the Deputy Attorney General had been discharged for refusing to do so, defendant Bork formally dismissed Mr. Cox on October 20, 1973, sending him the following letter:[8]

DEAR MR. COX: As provided by Title 28, Section 508(b) of the United States Code and Title 28, Section 0.132(a) of the Code of Federal Regulations, I have today assumed the duties of Acting Attorney General.

In that capacity I am, as instructed by the President, discharging you, effective at once, from your position as Special Prosecutor, Watergate Special Prosecution Force.

Very truly yours,
ROBERT H. BORK,
Acting Attorney General.

Thereafter, on October 23, Mr. Bork rescinded the underlying Watergate Special Prosecutor regulation, retroactively, effective as of October 21.[9]

The issues presented for declaratory judgment are whether Mr. Cox was lawfully discharged by defendant on October 20, while the regulation was still in existence, and, if not, whether the subsequent cancellation of the regulation lawfully accomplished his discharge. Both suppositions will be considered.

It should first be noted that Mr. Cox was not nominated by the President and did not serve at the President's pleasure. As an appointee of the Attorney General,[10] Mr. Cox served subject to congressional rather than Presidential control. *See Myers* v. *United States*, 272 U.S. 52 (1926). The Attorney General derived his authority to hire Mr. Cox and to fix his term of service from various Acts of Congress.[11] Congress therefore had the power directly to limit the circumstances under which Mr. Cox could be discharged, *see United States* v. *Perkins*, 116 U.S. 483 (1886), and to delegate that power to the Attorney General, *see Service* v. *Dulles*, 354 U.S. 363 (1957). Had no such limitations been issued, the Attorney General would have had the authority to fire Mr. Cox at any time and for any reason. However, he chose to limit his own authority in this regard by promulgating the Watergate Special Prosecutor regulation previously described. It is settled beyond dispute that under such circumstances an agency regulation had the force and effect of law, and is binding upon the body that issues it. *Accardi* v. *Shaughnessy*, 347 U.S. 260 (1954) ("*Accardi I*"); *Bonita* v. *Wirtz*, 369 F. 2d 208 (D.C. Cir. 1966); *American Broadcasting Co.* v. *F.T.C.*, 179 F. 2d 437 (D.C. Cir. 1949); *United States* v. *Chapman*, 179 F. Supp. 447 (E.D. N.Y. 1959). As the Ninth Circuit observed in *United States* v. *Short*, 240 F. 2d 292, 298 (9th Cir. 1956):

"An administrative regulation promulgated within the authority granted by statute has the force of law and will be given full effect by the courts."

Even more directly on point, the Supreme Court has twice held that an Executive department may not discharge one of its officers in a manner inconsistent with its own regulations concerning such discharge. *See Vitarelli* v. *Seaton*, 359 U.S. 535 (1959); *Service* v. *Dulles, supra*. The firing of Archibald Cox in the absence of a finding of extraordinary impropriety was in clear violation of an existing Justice Department regulation having the force of law and was therefore illegal.

Defendant suggests that, even if Mr. Cox's discharge had been unlawful on October 20, the subsequent abolition of the Office of Watergate Special Prosecutor was legal and effectively discharged Mr. Cox at that time. This contention is also without merit. It is true that an agency has wide discretion in amending or revoking its regulations. *United States* v. *O'Brien*, 391 U.S. 367, 380 (1968). However, we are once again confronted with a situation in which the Attorney General voluntarily limited his otherwise broad authority. The instant regulation contains within its own terms a provision that the Watergate Special Prosecutor (as opposed to any particular occupant of that office) will continue to carry out his responsibilities until he consents to the termination of that assignment.[12] This clause can only be read as a bar to the total abolition of the Office of Watergate Special Prosecutor without the Special Prosecutor's consent, and the Court sees no reason why the Attorney General cannot by regulation impose such a limitation upon himself and his successors.

Even if the Court were to hold otherwise, however, it could not conclude that the defendant's Order of October 23 revoking the regulation was legal. An agency's power to revoke its regulations is not unlimited—such action must be neither arbitrary nor unreasonable. *Kelly* v. *United States Dept. of Interior*, 339 F. Supp. 1095, 1100 (E. D. Cal. 1972). *Cf. Grain Elevator, Flour and Feed Mill Workers* v. *N.L.R.B.*, 376 F. 2d 774 (D.C. Cir.), *cert. denied*, 389 U.S. 932 (1967); *Morrison Mill Co.* v. *Freeman*, 365 F. 2d 525 (D.C. Cir. 1966), *cert. denied*, 385 U.S. 1024 (1967) In the instant case, the defendant abolished the Office of Watergate Special Prosecutor on October 23, and reinstated it less than three weeks later under a virtually identical regulation.[13] It is clear that this turnabout was simply a ruse to permit the discharge of Mr. Cox without otherwise affecting the Office of the Special Prosecutor—a result which could not legally have been accomplished while the regulation was in effect under the circumstances presented in this case. Defendant's Order revoking the original regulation was therefore arbitrary and unreasonable, and must be held to have been without force or effect.

These conclusions do not necessarily indicate that defendant's recent actions in appointing a new Watergate Special Prosecutor are themselves illegal, since Mr. Cox's evident decision not to seek reinstatement necessitated the prompt appointment of a successor to carry on the important work in which Mr. Cox had been engaged. But that fact does not cure past illegalities, for nothing in Mr. Cox's behavior as of October 23 amounted to an extraordinary impropriety, constituted consent to the abolition of his office, or provided defendant with a reasonable basis for such abolition.

Plaintiffs have emphasized that over and beyond these authorities the Acting Attorney General was prevented from firing Mr. Cox by the explicit and detailed commitments given to the Senate, at the time of Mr. Richardson's confirmation when the precise terms of the regulation designed to assure Mr. Cox's independence were hammered out. Whatever may be the moral or political implications of the President's decision to disregard those commitments, they do not alter the fact that the commitments had no legal effect. Mr. Cox's position was not made subject to Senate confirmation, nor did Congress legislate to prevent illegal or arbitrary action affecting the independence of the Watergate Special Prosecutor.

The Court recognizes that this case emanates in part from congressional concern as to how best to prevent future Executive interference with the Watergate investigation. Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular Court. As Judge Learned Hand

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Footnotes at end of article.

warned in *United States* v. *Marzano*, 149 F.2d 923 926 (1945):

"Prosecution and judgment are two quite separate functions in the administration of justice; they must not merge."

This Memorandum contains the Court's findings of fact and conclusions of law. The rulings made are set out in the attached Final Order and Declaratory Judgment.

GERHARD A. GESELL,
United States District Judge.

November 14, 1973.

FOOTNOTES

[1] At the injunction hearing, the Court dismissed Mr. Nader as a plantiff from the bench, it being abundantly clear that he had no legal right to pursue these claims. *Flast* v. *Cohen*, 392 U.S. 83, 102 (1968).

[2] Referring to various bills pending in the Senate, Senator Moss stated, "I am severely hampered in my ability to discharge my duties because of uncertainty which exists with respect to the legality of Special Prosecutor Cox's dismissal and the abolition of his office." Affidavit of Sentaor Frank E. Moss, dated October 29, 1973. Congressman Waldie is a member of the House Judiciary Committee and both he and Congresswoman Abzug have introduced resolutions calling for the impeachment of the President because of the Cox dismissal and other matters.

[3] The regulation from which the present Watergate Special Prosecutor, Mr. Leon Jaworski, derives his authority and his independence from the Executive branch is virtually identical to the original regulation at issue in this case. *See* note 13 *infra*. It is therefore particularly desirable to enunciate the rule of law applicable if attempts are made to discharge him.

[4] 38 F.R. 14688 (June 4, 1973). The terms of this regulation were developed after negotiations with the Senate Judiciary Committee and were submitted to the Committee during its hearings on the nomination of Elliot Richardson for Attorney General. Hearings Before the Senate Comm. on the Judiciary, 93rd Cong., 1st Sess. 144–46 (1973).

[5] *See* U.S.C. § 301.

[6] Justice Department Internal Order 518–73 (May 31, 1973).

[7] *See* Defendant's Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction, at 13.

[8] Exhibit 12 to the Affidavit of W. Thomas Jacks.

[9] 38 F.R. 29466 (Oct. 23, 1973).

[10] *See* 38 F.R. 14688 (June 4, 1973).

[11] 5 U.S.C. § 301; 28 U.S.C. §§ 509–10.

[12] *See* 38 F.R. 14688 (June 4, 1973): "The Special Prosecutor will carry out these responsibilities with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself."

[13] The two regulations are identical, except for a single addition to the new regulation which provides that the Special Prosecutor may not even be discharged for extraordinary improprieties unless the President determines that it is the "consensus" of certain specified congressional leaders that discharge is appropriate. *Compare* 38 F.R. 30738 (Nov. 9, 1973) *with* 38 F.R. 14688 (June 4, 1973).

RALPH NADER, SENATOR FRANK E. MOSS, REPRESENTATIVE BELLA S. ABZUG AND REPRESENTATIVE JEROME R. WALDIE, PLAINTIFFS, v. ROBERT H. BORK, ACTING ATTORNEY GENERAL OF THE UNITED STATES, DEFENDANT

[In the United States District Court for the District of Columbia, Civil Action No. 1954–73]

FINAL ORDER AND DECLARATORY JUDGMENT

On the basis of findings of fact and conclusions of law set forth in an accompanying Memorandum filed this day, it is hereby

Ordered and decreed that:

(1) Plaintiff's motion for leave to file an Amended Complaint and add additional plaintiffs is granted.

(2) Plaintiff's motion for preliminary injunction is denied, and the trial of the action on the merits is advanced and consolidated with the hearing on said motion.

(3) Mr. Ralph Nader is dismissed as plaintiff for lack of standing.

(4) All injunctions prayed for in the Amended Complaint are denied.

(5) The Court declares that Archibald Cox, appointed Watergate Special Prosecutor pursuant to 28 C.F.R. § 0.37 (1973), was illegally discharged from that office.

GERHARD A. GESELL,
United States District Judge.

November 14, 1973.

PROJECTION OF FISCAL SITUATION AT THE END OF 93D CONGRESS, 1ST SESSION

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, the President in his January budget proposed an expenditure ceiling for this fiscal year of $268.7 billion, an increase in spending over the prior fiscal year in the sum of $18.9 billion. He proposed a unified deficit in the sum of $12.7 billion which would translate into a debt increase in the fiscal year of $29.7 billion.

CONGRESSIONAL SPENDING TOTALS

The House in the anti-impoundment bill approved a spending ceiling of $267.1 billion and the Senate in a similar bill approved a ceiling of $268 billion. The House reduced by $2.3 billion a debt limit bill that was based on spending of $270 billion. These bills have not been enacted into law.

CURRENT ADMINISTRATION ESTIMATE OF SPENDING

During this session of Congress, the President has signed into law certain congressional add-ons to the budget. There has been a sharp increase in the estimated interest on the national debt and other fiscal developments. The President has—as of October 18—revised his January budget upward to the figure of $270 billion. That figure includes $2.4 billion in congressional increases signed into law by the President. The aid to Israel budget amendment raised the estimate to $270.6 billion.

CONGRESSIONAL BUDGET INCREASES

We can now see rather clearly what the overall fiscal outcome of this session will be. Actions by Congress have already added to the estimated spending above the January budget by about $2.4 billion. I estimate that by the end of the session, Congress will have added an additional sum of $2.6 billion to the amended spending budget, resulting in a total of about $5 billion over the January budget.

APPROPRIATION BILLS WITHIN THE BUDGET

I estimate that in appropriation bills handled by the Appropriation Committees, the amounts approved will not exceed the President's budget for new spending authority. We should be at about the level of the President's budget.

BUDGET INCREASES IN NONAPPROPRIATION BILLS

I wish to say again what I have said so many times before, that budget busting does not result in the overall from actions by Congress on appropriation bills. Budget busting results from actions by Congress on nonappropriation bills which mandate spending. Here is a partial list of mandated spending in nonappropriation bills which have been approved at this session:

	(In millions)
Food Stamp Amendments (P.L. 93–86)	$+724
Repeal of "bread tax" (P.L. 93–86)	+400
Federal employee pay raise, Oct. 1, 1973 (S. Res. 171)	+358
Welfare-medicaid amendments (P.L. 93–66)	+122
Unemployment benefits extension (P.L. 93–53)	+116
Veterans' national cemeteries (P.L. 93–43)	+110
Social security—liberalized income exemption (P.L. 93–66)	+110
School lunch amendments (H.R. 9639)	+100

In and out of Congress there is a great deal of talk about getting a better handle on Government spending. The principal remedy lies in better control of spending provided in nonappropriation bills.

FEDERAL BORROWING

The President estimated on October 18 that it appeared that the unified budget for this year would be in balance as a result of a dramatic increase in revenues of $14 billion over the January estimate.

Putting it another way, and with more reality, the most recent administration estimate is that for this year the Federal funds deficit will be $15 billion, and the National debt will increase this year by about $19 billion. This inconsistency is explained by the fact that the Treasury borrows from the excess social security and other trust funds but fails to count these borrowings as part of the unified budget deficit even though the borrowed funds must be repaid with interest.

THE DEBT LIMIT AND TOTAL SPENDING

It is difficult to calculate what may develop as a result of increases approved for spending this year and the debt ceiling of $475.7 billion recently approved by the House. The administration debt limit estimate of $480 billion and the committee recommendation of $478 billion were based on total outlays of $270 billion in fiscal year 1974. My current estimate of total outlays is about $273 billion, including the aid to Israel budget amendment and congressional increases subsequent to October 18. Funds cannot be expended which would up the debt ceiling above the authorized amount. Whether this will be used by the Office of Management and Budget this fiscal year as it was last year to justify impoundment of funds made available by Congress remains to be seen.

RESPONSIBILITY FOR FISCAL SITUATION

The responsibility for our fiscal situation must be borne jointly by the executive and legislative branches. The Congress continues to approve budgets badly out of balance, and the executive continues to approve congressional initiatives in excess of the budget.

BUDGET CONTROL BILL

The issue clearly points up the necessity of better congressional control of all spending, especially so-called backdoor spending. Hopefully a large part of the answer will be found as Congress pushes to final enactment the proposed budget control measure.

At this point I will place in the RECORD a table setting forth more details on the spending estimate for fiscal year 1974.

Fiscal year 1974 spending estimate

Current estimate of fiscal year 1974 spending:	*Billions*
Administration October 18 estimate	$270.0
Aid to Israel budget amendment	0.6
Congressional increases subsequent to Oct. 18	2.6
Total	273.2
Expenditure impact of congressional actions on January budget:	
Detail on major completed actions (estimated fiscal year 1974 outlay impact):	
1. Appropriation bills:	
Regular bills:	*Millions*
Agriculture	+$250
Interior	+75
Public Works	+20
Transportation	−30
District of Columbia	−14
Legislative	−16
Treasury-Postal Service	−42
HUD-Space-Science-Veterans	------
1973 Supplemental bills (1974 outlay impact)	+557
Subtotal, appropriation bills	+799
2. Legislative bills—backdoor and mandatory:	
Food stamp amendments (P.L. 93–86)	+724
Repeal of "bread tax" (P.L. 93–86)	+400
Federal employee pay raise, Oct. 1 1973 (S. Res. 171)	+358
Welfare—medicaid amendments (P.L. 93–66)	+122
Unemployment benefits extension (P.L. 93–53)	+116
Veterans national cemeteries (P.L. 93–43)	+110
Social security—liberalized income exemption (P.L. 93–66)	+100
Winema forest expansion (P.L. 93–102)	+70
Veterans dependents' health care (P.L. 93–82)	+65
Airport development (P.L. 93–44)	+15
REA—removed from budget (P.L. 93–32)	−146
School lunch amendments (H.R. 9639)	+100
Civil service retirement items	+37
Subtotal, legislative bills	+2,071
Total, 1974 outlay impact of completed congressional action	+2,870
Detail on major pending actions:	
1. Appropriation bills:	
Labor-HEW	—800
Defense	
Foreign aid	
State-Justice-Commerce-Judiciary	
Military construction	

	House	Senate
2. Legislative bills—backdoor and mandatory:		
Civil service minimum retirement	+172	+200
Mass transit operating subsidies		+400
Federal employee health insurance	+234	
Veterans pensions	+208	+172
Trade reform—readjustment costs	+300	
Veterans drug treatment		+144
Social security	+1,100	+1,400
Total		+2,100

3. Possible Inactions: The net effect on outlays of inaction on legislative proposals that would reduce budget outlays in fiscal year 1974 and on legislative proposals that would increase outlays for fiscal year 1974 could be about $800 million	+$800
Total—Congressional increases over January budget	+5,000

[In billions]

The October 18 $270 billion outlay estimate for 1974:	
Includes the effect of the following major developments:	
1. Net increase of $2.4 billion due to congressional action through October 18.	
2. Significant increases in estimates for certain uncontrollables:	
Interest	+2.9
Medicaid cost increases	+0.6
Disaster assistance	+.6
Veterans readjustment benefits	+.4
3. Significant decreases in estimates for certain uncontrollables:	
Outer Continental Shelf rents and royalties (offset against outlays)	−2.9
Farm price supports	−1.0
Stockpile sales	−0.9
Interest received and other offset payments	−.7
Unemployment trust fund	−.5
Excludes the effect of the following major developments:	
1. Assistance to Israel budget amendment	+0.6
2. Congressional increases subsequent to October 18	+2.6

IVAN DZYUBA: A UKRAINIAN HERO

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I rise to bring to my colleagues' attention the most recent illustration of the brutal policies of the Soviet Government toward its own citizens. It is the case of Ivan Dzyuba, a prominent Ukrainian writer and critic of Soviet policy on domestic nationalities. In January 1972, Mr. Dzyuba was arrested and held incommunicado until he was sentenced in March of this year to 10 years of prison and exile. His crime was his ardent defense of the cultural independence of religious and national groups within the Soviet Union. The Soviet Government knows of this man's long record of courage in opposing cultural coercion. Dzyuba's concern has not been confined to his Ukrainian brothers and sisters. His universal feeling for ethnic and religious freedom is reflected in this eloquent statement he delivered on the 25th Anniversary of the Babi Yar massacre of 40,000 Jews: "Let the Jews know the Jewish history, the Jewish culture, and the Yiddish language and be proud of them."

Today's New York Times reports that Dzyuba has been pardoned from his sentence. He has been quoted by Tass as having said that he now "unequivocally condemns" his previous work and is now writing a new book to correct his "past fallacies." Again the world is being asked to believe that the atmosphere of a Soviet prison has opened the mind of an intellectual to the truths that had previously eluded him. What Tass does not reveal is that Dzyuba is suffering from tuberculosis. According to the Times, other Soviet dissidents, have expressed doubts that he would be able to survive a full term of 5 years in penal camp and 5 years in exile.

It is reasonable to believe that Dzyuba was given a choice between his life and the integrity of his beliefs. It is the choice imposed upon countless other Soviet citizens who have dared take exception to State policies. Such a dilemma must be especially cruel to a man who has defended the intellectual and cultural diversity of his countrymen against government demands of conformity.

If we cannot expect Russia to reverse its habits of oppression, surely we can do all that is peaceably possible to encourage it to allow those subject to brutalization to leave. This is the clear intent of the Jackson-Mills-Vanik Trade Amendment. Certainly we need no further revelations of mental and physical violence against religions, nationalities and intellectuals to demonstrate the need for this kind of economic sanction against the Soviet Union. As the Dzyuba case shows, this is not simply a Jewish issue. There is no indication that any group in Russia wishing to maintain its freedom of thought is exempt from reprisal. As the Ukrainians also know, all Soviet citizens must face the real possibility that hypocrisy may become necessary for life itself. Those forced into this position deserve our understanding and support.

TRUCK POLLUTION: EPA RESPONDS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on October 23 I wrote to Russell E. Train, Administrator of the Environmental Protection Agency stating my view that according to newspaper reports, it would not be possible until 1977 or even 1980 that sufficiently stringent antipollution measures for trucks would be operative. In the RECORD of October 25 I raised the problem for the benefit of our colleagues.

In addition, I made the suggestion that the Environmental Protection Agency might consider New York City's testing methods as temporary measures until better ones were perfected by EPA in the near future. Most of all, I stressed that it was intolerable that center cities should increasingly submit to pollution emissions from trucks. It was estimated that 80 percent of central Manhattan's air pollution would derive from trucks by 1980.

I am glad to report that the response of the Assistant Administrator for Air and Water programs of EPA, Mr. Robert L. Sansom, made clear that the Agency was at work on more relevant test procedures to regulate stringent antipollution measures. Mr. Sansom also reported that EPA is considering accelerating the schedule for stricter emission standards for trucks. If the EPA decides to do so, Mr. Sansom has stated that full consideration will be given "to the feasibility of utilizing the standards developed by New York City."

The correspondence between Mr. Sansom of EPA and myself follows:

U.S. House of Representatives,
Washington, D.C., October 23, 1973.
Hon. Russell B. Train,
Administrator, Environmental Protection Agency, Waterside Mall, Washington, D.C.

Dear Mr. Train: I was distressed to read in the accompanying *New York Times'* article the prediction by Deputy Assistant Administrator Eric Stork that new antipollution regulations for trucks would not be in effect until 1977 or 1978 and that some officials of EPA do not expect new standards until 1979 or 1980.

This delay is intolerable for cities such as New York, where Department of Air Resources Commissioner Fred C. Hart has estimated that by 1980, 80% of central Manhattan's air pollution will derive from trucks if new standards are not soon imposed. In addition, the delay in creating viable antipollution standards will make it virtually impossible for New York City and many other cities to comply with EPA's clean air standards.

New York City has devised test standards for trucks which however imperfect, is better than nothing. Is it not possible for the EPA to establish test procedures by which truck anti-pollution levels could be created according to the current state of the technological art? If established now, to be in effect in one year's time, modifiable with increased knowledge, these regulations will serve to substantially reduce the presently intolerable air pollution our cities suffer.

Sincerely,
Edward I. Koch.

U.S. Environmental
Protection Agency,
Washington, D.C., November 9, 1973.
Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Mr. Koch: This is in response to your request for our comments on an article that appeared in the October 13 issue of the New York Times. In that article it was suggested that the trucking industry "had pulled off a coup on the EPA" by escaping stringent anti-pollution regulations on their vehicles.

Heavy duty engines used in trucks and buses have been subject to Federal emission control requirements, including smoke limitation requirements, since the 1970 model year. Effective with the 1974 model year, these requirements have been made more stringent. Particularly as regards smoke, there is no reason today for a well maintained and properly operated post-1970 model truck or bus to emit significant quantities of visible smoke. The key phrase in the foregoing is "well maintained and properly operated." If the operator of a diesel powered heavy duty vehicle "lugs" that vehicle, i.e., if he fails to shift to a lower gear and thus attempts to get more power out of the engine than it can reasonably be expected to deliver for sustained periods of time, the engine will burn substantially more fuel (in relation to air) than it should, and thus will smoke. As regards maintenance, when an engine in a heavy duty vehicle is not properly maintained, it is very likely that vehicle will emit visible smoke.

In addition to emission control standards that have already been imposed on trucks and buses, the Environmental Protection Agency is at work on the development of new and more valid emission test procedures, and on the evaluation of the feasibility of more stringent emission control for heavy duty engines. We fully expect as a result of this work to propose even more stringent standards for heavy duty engines than apply currently.

As regards your question as to whether test standards devised for trucks for New York City which, however imperfect, may be better than nothing, could be adopted for the interim until final emission standards for such vehicles can be developed, we are currently making another review to determine whether or not the schedule for imposing more stringent emission standards for trucks can be accelerated. In that evaluation, we will give full consideration to the feasibility of utilizing the standards developed by New York City.

Sincerely yours,
Robert L. Sansom,
Assistant Administrator for
Air and Water Programs.

A DEATH IN CHILE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I have been very concerned over the barbaric acts perpetrated by the military junta that now rules in Chile. The still unexplained slaying—apparently by summary military execution—of one of my constituents, Charles E. Horman, has driven home the brutality of this regime. In addition, the allegations cited by members of Charles Horman's family describing the indifference, incompetence, or brutal callousness of the American Embassy in Santiago, raises the most serious ethical questions.

I believe that the allegations of Edmund Horman, father of Charles, which I placed in the Congressional Record of October 31, and those of Joyce Horman, Charles' widow, which are set forth in this statement, warrant a full investigation by the House Foreign Affairs Committee. I have urged Chairman Thomas E. Morgan of that committee to make such an investigation.

The letter of Mrs. Joyce Horman to Senator Fulbright, a copy of which was sent to me, follows:

New York, N.Y. *November 7, 1973.*
Hon. J. William Fulbright,
Chairman, Foreign Relations Committee,
U.S. Senate, Washington, D.C.

Dear Senator Fulbright: I returned to New York City on October 21st, after spending a tortourous month in Santiago, Chile, looking for my husband, Charles Horman, who was taken from our home on September 17th, and summarily executed on September 18th by the Chilean military.

I hope that the treatment to which I was subjected both by the Chilean military and by the U.S. Embassy/Consulate will never be experienced by any person ever again. I realize that I have little hope of influencing the Chilean military's brutal abuse of human rights and civil liberties, but I hope that my statement and the statements of others can help remedy the callous, uncaring treatment which we received from the U.S. Embassy/Consulate in Santiago.

The three points which I wish to emphasize in this letter are:

1. the slow, inadequate steps taken by the Embassy/Consulate personnel during the first crucial days after Charles was taken.

2. the general lack of concern for and irritation with the U.S. citizens who sought aid and protection of the Embassy/Consulate at this time.

3. the use of rumors and intimidation on the part of this same personnel and by the U.S. State Department to cover and excuse their non-action.

In the case of my husband, Charles Horman, the most irresponsible non-action of the Consulate took place on September 18th. The Consulate received two telephone calls early that day stating that my husband was in the hands of the Chilean military. Purdy states in a written report that he telephoned "pertinent" local police stations on that day.

Why did he not go directly to the National Stadium?

Why did he not contact the Navy?

Why did he not contact the Army—the Air Force—the Military Intelligence Service?

I feel that rapid, forceful action at this time could have saved Charles' life. In a meeting with Ambassador Davis, Col. Hon. Edmund Horman (Charles' father) and me on October 5, Consul Fred Purdy denied knowledge of telephone calls to the consulate. I reminded him that both calls had been noted on the Consulate cards being kept concerning my husband's case. He checked the cards and confirmed that the calls had been noted.

In the interviews I had with the Consulate concerning Charles' case, it seems to me that the consulate staff established a line of questioning for the purpose of ascertaining a justification for Charles' seizure—(Was he politically involved? What were Charles' activities? What kind of things were his friends doing?)—rather than being sufficiently interested in the facts and details of his seizure. It was necessary for me to reconfirm and repeat at various interviews that Charles had been taken from our home by the Chilean military on September 17th and that telephone calls had been made by the Military Intelligence Service to friends on September 18th, asking about Charles' character.

The attitude which I encountered in the Embassy/Consulate personnel was one of irritation and annoyance with U.S. citizens seeking the Consul's aid during this time of emergency. For example, after a meeting with Mr. Purdy, he followed me out of his office to the outer office where two friends were waiting for me. He asked for Charles' passport number. I was present when the passport number was telephoned to Mr. Purdy's office by an Embassy official earlier that week. I asked if he had not already received it. He suggested that perhaps it had been sent through the mail. I said incredulously "the mail?" To this Mr. Purdy responded, "Mrs. Horner (sic) . . . I mean the Embassy mail. Now listen, you can read anything you like into what I say, but if you people don't think I've been doing my job . . . I haven't had a good lunch with my friends for the past 11 days . . . and I missed my baby's birthday on the 18th and I've worked late two nights." One of my friends gave him Charles' passport number and my friends and I left the consulate.

Another example of the attitude of the embassy personnel was shown at a meeting on September 26th in Ambassador Davis' office. Ambassador Nathaniel Davis and Captain Ray Davis were present at this meeting. Captain Davis was asked by the Ambassador to report on Charles' case. Afterwards, the Ambassador asked me, "What more can we do for you?" I said, "Well—has anyone from this Embassy gone into the stadium? I understand that other Embassy representatives have gone to the Stadium, and have gotten their people out. Is it possible that it be arranged that someone from this Embassy or that I go to the Stadium and look? It seems possible that his (Charles') records may be lost, and that he's misplaced, and I would like to look.

Ambassador Davis said that we don't want to ask favors of this government. If we get favors, everyone else will expect to get them too. Then he said something to the effect that we do not wish to do possible damage to our relations with this new Chilean government.

I repeated my question and he said, "Now just what did you wish to do at the stadium? Would you like to look under all the bleachers and into all the corners?" I replied, "Yes—why shouldn't I?" At this point Captain Davis changed the subject and we ended on the note that the Embassy/Consulate would telephone Col. Espinoza (the officer in charge of the stadium) and ask him if Charles' name was on any of the new lists. He also told me that I should be patient and that they would do their best to find Charles.

The two examples described above illustrate the irritation and unwillingness to act which I encountered in the Embassy/Consulate in Santiago.

The third point I wish to illustrate involves the use of rumors by the State Department in Washington. When I returned to New York, a friend reported to me that she had spoken with other friends and members of the press who had called or visited the State Department to obtain information about Charles' case. These people received inaccurate, derogatory and prejudicial information. One example appeared as follows in the *New York Post*:

"State Dept. officials said they had requested an investigation of Horman's death. They said they were not convinced he was not killed by left wing groups masquerading as soldiers and 'parading around in uniforms' after the coup.

"If it were people on the Left, it would have to be really wicked people who would kill him just to make the military look bad," said State Dept. spokesman Kate Marshall."

Before Charles' death was made official, a rumor reportedly came from the State Department suggesting that Charles was in hiding. This covered and confused the fact that the Chilean military had him and that the Embassy/Consulate had not located him.

I want to relate a conversation which I had with my husband after he returned from five days in Vina, (trapped by the coup). He and Terry Simon, who was visiting us from New York City conversed with and were entertained by U.S. military personnel in Vina. Charles told me that the U.S. military officials exhibited much enthusiasm about the success and "smooth operation" of the coup. He also told me that they expressed a high level of antagonism towards the former Allende regime. He said he had been told by the same military personnel that the Chileans were expecting aid from the United States, to be channeled through the North American Naval Mission.

What is the significance of these remarks? Do they reflect a point of view shared by the Embassy/Consulate personnel? Would such a point of view affect the treatment of Americans in Chile who were not connected with the Embassy? Who is responsible for the unwillingness to act and irritation which I encountered at the Embassy/Consulate? Is the Ambassador responsible for setting the tone of Embassy/Consulate personnel? Was it Ambassador Davis' decision to set the tone which I encountered? Did orders come down to him from elsewhere? Is it possible that the kind of people representing the United States in Santiago were chosen because of their attitudes? Were they selected for a purpose? Who are these people? Who brought them together?

The cooperation of the Embassy/Consulate improved somewhat during the last two weeks of my search for Charles. I feel that this was due to inquiries about Charles made by U.S. Senators, Congressmen, the White House, the United Nations, prominent U.S. citizens, and the arrival of Charles' father, Edmund Horman, in Santiago.

Nevertheless, the facts stand that Charles was taken from our home by the Chilean Military, and killed in the National Stadium the day after he was seized. There were no charges against him. Why was my husband brutally executed?

Sincerely,

(Mrs.) CHARLES E. HORMAN.

WORLD CONGRESS OF PEACE FORCES FOR INTERNATIONAL SECURITY AND DISARMAMENT

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, as chairman of the House Committee on Internal Security, I have on several occasions in the past called attention to the continuing efforts of Communist groups and organizations to exploit the peace movement in this country. On those occasions, I have noted that much of the preliminary planning for the violent antiwar protest demonstrations in this country in recent years was done at international conferences sponsored by the World Peace Council. In view of this, I believe it is important that all Members of Congress and the American public be informed of a meeting of the World Congress of Peace Forces for International Security and Disarmament which was held in Moscow, U.S.S.R. from October 25–31, 1973, under the sponsorship of the World Peace Council.

Described as "the largest such gathering in history," the Congress was opened in the Kremlin's Palace of Congresses. Romesh Chandra, the Secretary General of the World Peace Council, who is also the leader of the Indian—pro-Soviet—Communist Party, was elected to be the chairman. Over 2,000 delegates from some 140 countries were represented at the Moscow Congress, with the U.S. delegation of over 150 being among the largest.

The World Peace Council is an international Communist front which came into existence in 1948 and currently embraces "national peace committees" in over 80 countries. From its inception, the World Peace Council has defended the policies of the Soviet Union and has attacked those of the Western Powers. In recent years, the World Peace Council's activities have focused primarily upon "U.S. aggression" in Southeast Asia and support of the Soviet call for a new European security system. Other activities of the World Peace Council have included the organizing of mass protests against U.S. involvement in Southeast Asia; chartering a ship to collect medical goods for the North Vietnamese; waging a boycott of U.S. firms supplying war materials and campaigning for the granting of political asylum in any country for U.S. military deserters.

It is not surprising that a U.S. delegation would participate in this October 1973 Moscow meeting in view of the fact that the chairman of the U.S. delegation, Carlton Goodlett, is a member of the Presidential Committee of the World Peace Council. Goodlett, who has a long record of affiliation with Communist front groups, was once a teacher at the Communist-run California Labor School. Other prominent members of the U.S. delegation were Helen Winter and Hyman Lumer, both of whom are members of the Political Committee of the Communist Party, USA. The attendance of CPUSA delegates at this international gathering should help to dispel the notion in some quarters that the CPUSA acts in isolation and makes its own decisions in complete independence of the world communist movement.

I have received a firsthand report of what transpired at this conclave from a member of the U.S. delegation who has just returned to the United States. My source tells me that the U.S. delegation was given a hearty welcome upon its arrival in Moscow and was treated royally. In fact, some members of the U.S. delegation were somewhat embarrassed in that they were afforded better treatment than that received by other delegations.

On the first day of the Moscow Congress, Leonid Brezhnev, General Secretary of the Communist Party of the Soviet Union, delivered a lengthy welcoming speech to the Congress, which was termed by U.S. delegation chairman Carlton Goodlett as "an unforgettable moment in history."

Profaning the very meaning and spirit of peace, the delegates to the Moscow Congress declared that V. I. Lenin, the architect of the Soviet power apparatus, had been a foremost proponent for peace, and honored Lenin's memory by visiting his mausoleum.

The Congress received a message of greetings from U.S. industrialist Cyrus Eaton, who is well known for his frequent public statements extolling the virtues of the Soviet Union while at the same time attacking what he has characterized as the "anti-Russian belligerence of the United States." Eaton, in his message to the Moscow Congress, expressed his delight over the recent agreements expanding trade between the U.S.S.R. and the United States.

I have been informed by my source that although the U.S. delegation was composed of various groups, the CPUSA was actually in control of the delegation and gave it leadership and direction. This appeared to be obvious when the CPUSA organ, Daily World, reported in its October 30, 1973 issue that the U.S. delegation had expressed its indignation upon hearing that the U.S. Government had declared a state of alert to its Armed Forces. The U.S. delegation, according to the Daily World, endorsed a statement by the Soviet news agency TASS which declared that the alert was "an effort to intimidate the Soviet Union but that such tactics could never succeed."

The Moscow Congress set up 14 work commissions which included those devoted to peaceful coexistence and international security; Indochina; the Middle East; Disarmament; National Liberation; Chile; and Struggle Against Colonialism and Racism. It is significant to note that CPUSA official Hyman Lumer chaired the Middle East Commission, and CPUSA official Helen Winter played a leading role in the work of the Chile Commission.

The Reverend Paul Mayer, a Catholic priest and longtime antiwar activist, tossed a bombshell into the Moscow Congress when he submitted a document titled "On Soviet Dissidents." This document, according to the Daily World, adopted the position on Soviet citizens Alexander Solzhenitsyn and Andrei Sakharov that has long been promoted by anti-Soviet forces desperately seeking to block détente. Reverend Mayer was charged with having violated the congress' rules of procedure which directs that documents should first be presented for discussion to fellow members of the participant's delegation.

It was interesting to note that Reverend Mayer's document caused a great deal of consternation and embarrassment of the CPUSA members of the U.S. delegation. CPUSA member Pauline Rosen, a member of the U.S. delegation's steering committee, declared that Reverend Mayer's comments were "uncorroborated" and called his document as a whole "devisive." Mrs. Rosen was instrumental in having the steering committee quickly draw up a resolution to the full U.S. delegation completely disavowing Reverend Mayer's document.

The Daily World was particularly incensed that Reverend Mayer's plan to submit his document had been told in advance to the New York Times and Washington Post. The Daily World, in a published statement, declared that:

> The biased positions of these two papers on Solzhenitsyn and Sakharov and on Soviet international affairs are notorious all over the world.

"U.S. imperialism" was singled out by the Moscow Congress as the main enemy of peace and social progress and the "peace forces" were urged to unite in a common struggle against imperialism.

Among the actions decided on by the Moscow Congress were the following:

First, the spirit of détente affords an opportunity to rouse the public conscience in all countries to advance disarmament;

Second, the peace of humanity is jeopardized by Israeli aggression backed by U.S. forces. The occupation of Arab land by Israel is unacceptable and all political parties, mass movements and public organizations in all countries are to mobilize public opinion to insure an immediate implementation of the resolutions of the U.N. Security Council for settlement of the Middle East conflict; and

Third, peace forces in all countries are to give the widest possible support to the struggle of the Chilean people. Peace forces are urged to set up National Solidarity Committees in all countries and to launch a campaign for an end to terror in Chile.

The steering committee of the U.S. delegation in a press statement at the conclusion of the Moscow Congress stated that it had learned of "continuing bloodshed in Indochina, similar struggles in Africa and Latin America and of movements and people fighting apartheid, racism and colonial rule so often supported by the government which acts in our name." The steering committee also commented that the U.S. delegates have vowed to return to the United States with new vigor and will join together in the continuing struggle for peace.

My source has advised that primarily through the efforts of the CPUSA members of the U.S. delegation, Mrs. Salvatore Allende, wife of the late Chilean Marxist leader, was persuaded to make a speaking tour in the United States. Tentative plans call for Mrs. Allende to deliver her first Communist propaganda tirade in San Francisco on November 17.

I was particularly interested in the comments of my source who indicated that there were a great number of Soviet police everywhere the U.S. delegation went. My source noted that the Soviet citizens appeared to be terrified of the police.

Mr. Speaker, it is clear that the Moscow Congress sponsored by the World Peace Council is not one motivated for peace but rather by a desire to arouse emotional hatred against the United States and its democratic society. Communists masquerading as prophets of peace must be placed in proper perspective for our citizens. Maneuvering under the appealing label of peace, they serve only to help achieve Communist objectives. Their self-proclaimed objective may be peace, but always on Communist terms.

The World Peace Council, operating on the international level, has demonstrated once again in Moscow that it views the struggle against the United States as one of worldwide scope. This gathering shows that the strategy and tactics to be used in protest against the United States are continuing to be mapped out on an international scale with the World Peace Council calling the shots.

The decisions made at the Moscow Congress calling for actions by "peace" groups around the world for mounting pressure of the governments of their nations opposing their cooperation with the United States takes on an entirely different significance when viewed in this light. It may well be projected that these "peace" forces will continue to seek to build a strong political movement spurred on by a continuous propaganda barrage to alter U.S. policies and to demean the United States in the eyes of the world.

COMMUNIST PROPAGANDA

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, several of my colleagues have recently called to my attention that they have received through the mail a copy of the magazine, Korea Focus, which apparently has been sent unsolicited to Members of Congress.

Korea Focus is self-identified as an official publication of the American-Korean Friendship and Information Center in New York City. The 1971 Annual Report of the House Committee on Internal Security described the American-Korean Friendship and Information Center as a "recently formed Communist Party, U.S.A. front group" that reflects the Party's current attempt to unite the issues of withdrawal from Vietnam with that of withdrawal from Korea. The committee's report noted that literature disseminated by the AKFIC bears union printing label 209, the label of the Prompt Press, a New York firm that has officially been cited by the Attorney General of the United States as being owned by the CPUSA and which traditionally prints material for party front groups. Further, the key leadership positions in the AKFIC are in the hands of identified CPUSA members. The executive director and editor of Korea Focus, for example, is CPUSA National Committee Member Joseph Brandt, and the secretary is George B. Murphy, Jr., identified as a member of the CPUSA in sworn congressional committee testimony in 1956. The vice chairmen include two current members of the CPUSA National Committee: Dr. Herbert Aptheker, party theoretician, and Jarvis Tyner, head of the party's youth group, the Young Workers Liberation League. At least 27 of the 54 initial sponsors of the AKFIC have been identified at various times as members of the CPUSA and the party has given highly favorable publicity to the activities of the organization in its press.

The concern and indignation expressed by some of my colleagues over the receipt of this unsolicited Communist propaganda is certainly understandable. Propaganda has become the Communist Party's most powerful single weapon. No segment of our population and no sphere of activity in this country has been overlooked or neglected by the Communists as targets for their propaganda.

V. I. Lenin, the principal theorist and organizer of the world Communist movement, many years ago, while stressing the importance of the distribution of what he termed "illegal literature" by his band of secret Communist revolutionaries, pointed out the difficulties which the opponents of communism would find in coping with it. Lenin said:

> The police will soon come to realize the folly and futility of setting the whole judicial and administrative machine into motion to intercept every copy of a publication that is being broadcast in thousands.

Under the circumstances the remedy and antidote for the poison of Communist propaganda, such as that published in Korea Focus must finally be, as in the case of other propaganda, the counter-dissemination of knowledge and truth. This can be most effectively accomplished through the educational process, by which our citizens are alerted to the import and purpose of Communist propaganda. Educational programs, by which our citizens are fully informed of Communist tactics and objectives, will generally nullify any possible adverse effect achieved by the dissemination of Communist literature, and will further serve to strengthen our democracy and its democratic processes.

ADMINISTRATION PLANS ENDANGER VOCATIONAL REHABILITATION

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on August 3 of this year the Select Subcommittee on Education, which I have the honor to chair, conducted an oversight hearing on the future directions of the rehabilitation program for handicapped Americans.

I convened this hearing, Mr. Speaker, because of my concern, following two Presidential vetoes of rehabilitation legislation, as well as the administration's announced intentions of cutting back on rehabilitation training and research, that this universally acclaimed program to assist handicapped adults might be drifting aimlessly.

Imagine our surprise, Mr. Speaker, when it became apparent at that hearing that the Administration was seriously considering a proposal to "cash out" the highly successful 52-year vocational rehabilitation program.

I refer, Mr. Speaker, to a June 28 planning memorandum, written by William A. Morrill, Assistant Secretary for Planning and Evaluation of the Department of Health, Education, and Welfare.

So alarmed did Corbett Reedy, Acting Commissioner of the Rehabilitation Services Administration, become over the implications of the memorandum, that on July 18, 1973, he wrote to James Dwight, Administrator of the Social and Rehabilitation Service, warning that the memorandum proposed the "fractionation and dissolution of the State-Federal program" of vocational rehabilitation.

Mr. Speaker, let me take a few moments to advise my colleagues of the contents of the Morrill proposal.

For what he proposed was a series of options, any one of which would have had the effect of crippling the highly successful 52-year-old program to provide rehabilitation services to handicapped men and women.

And among those options, Mr. Speaker, the one which appeared to find the most favor with Mr. Morrill was a proposal to disband the State-Federal rehabilitation and replace it with a cash assistance scheme which would enable the disabled recipient to purchase the services he needed.

On what basis was that startling proposal put forward?

The basis, I suggest, was almost entirely an ideological one—namely, that government is best which governs least.

Listen, Mr. Speaker, to the sentence with which Mr. Morrill began to justify his proposition:

> The following discussion is based upon the tenet that any given governmental function should be carried out at as decentralized a level as possible.

And, continued Mr. Morrill:

> This assumption is made for a variety of reasons, including:
>
> A belief that decentralized government can better address specific problems of a specific area; and
>
> A concern for the potential loss of personal liberties brought on by strong centralized government.

And, Mr. Speaker, while I do not accept the narrow and simplistic assumptions on which Mr. Morrill rested this highly important public policy proposal, I did not become overly distressed with the Morrill document until it became apparent that Mr. Morrill proposed not new legislation to accomplish his objectives, but rather, he suggested implementing his proposals behind the back of Congress.

For Mr. Morrill acknowledged that Congress would not sit idly by while he eviscerated this program.

But, he said, no matter, for:

> An alternative is to administratively implement this option under current legislation.

And, he continued:

> Specifically, DHEW rhetoric should reinforce strict observance by the states but SRS management efforts should be focused upon reducing unnecessary restrictions, reporting requirements, data collection, et cetera, by the states.

And, finally, Mr. Speaker, I should quote to you the following interesting language from Mr. Morrill's document. He said:

> In general, the programs in this area have not held up well under critical scrutiny of their performance.

And he said this was true for a number of reasons, including:

> The program objectives are vaguely defined, or conflicting objectives are held by various actors in the process. For example, the Federal goal for vocational rehabilitation is to obtain employment for the physically handicapped; at the individual counselor level that goal tends to translate into "classify as rehabilitated as many eligible persons as possible."

But if we turn to Mr. Reedy's July 18th memorandum to Mr. Dwight, in defense of the rehabilitation program, we hear a different conclusion. Mr. Reedy says, not so:

> There is general goal congruence within the State-Federal VR Program. Traditionally, the Federal role has included leadership, transfer of resources, and capacity building.

And, Mr. Reedy continued:

> As we move into the rehabilitation of the more severely disabled, the Federal role becomes more crucial in these areas, particularly in capacity building in special disability areas.

And Mr. Reedy continued to label as incorrect any notion that the handicapped person is generally able to purchase the services he needs without counseling assistance. Said he:

> The assumption behind the proposal to substitute cash assistance for the current VR program is that the disabled individual is capable and motivated to plan his rehabilitation program and to seek from vendors the services which he needs to implement that program, and further that such services are readily available for purchase. Generally, this is not the case. Normally, the disabled individual has little knowledge as to his specific rehabilitation needs or of the availability of essential services.

And, concluded Mr. Reedy:

> This is where the VR counselor plays a critical role in providing professional advice in helping the individual develop an appropriate rehabilitation plan tailored to his needs, while preserving the client's freedom of choice.

Now, I know, Mr. Speaker, that any of my colleagues who had the opportunity to attend the oversight hearing conducted by the Selected Education Subcommittee last August, or who have had a chance to read the transcript of that hearing, are aware that Mr. Morrill was simply unable to answer these objections on the part of Mr. Reedy.

SUPPORTING RHETORIC

Nor, Mr. Speaker, was Mr. Morrill able to tell us how his criticisms of the effectiveness of the rehabilitation program could be reconciled with the following statement:

> The Vocational Rehabilitation program is among the successful in HEW. A number of benefit-cost analyses have been made. They differ with respect to methods and assumptions, but agree on an important point: the benefits of the program are many times its cost. Conservative estimates of the ratio of benefits to costs have ranged between 8 to 1 and 35 to 1.

Whose words are those? They are those of none other than Caspar Weinberger, Secretary of the Department of Health, Education, and Welfare, spoken before the Senate Labor and Public Welfare Committee earlier this year during his confirmation hearings.

And, continued Mr. Weinberger:

> I can assure you there is not the slightest question as to the Administration's support of the vocational rehabilitation program, nor is there on my part.

Mr. Speaker, I should point out that we did, indeed, hear such supportive rhetoric for the rehabilitation program during the oversight hearing at which the planning memorandum came to light.

For, said Mr. Dwight in his opening statement:

> I would like to state at the outset my strong belief in the goals and activities of the rehabilitation program. It is one of the oldest and certainly one of the most successful of the Federal human resources programs.

And Mr. Morrill, himself, at that hearing went out of his way to endorse Mr. Dwight's statement, saying: "the evidence I have seen clearly supports that judgment."

And the evidence Mr. Morrill had—if we are to believe the testimony of Secretary Weinberger—clearly did support that judgment, Mr. Speaker.

But Mr. Morrill clearly was not interested in pursuing that evidence. For, as he admitted to me under questioning:

He had not consulted the rehabilitation experts in the field with respect to his plans; and

He had no evaluation to back up his contention that the rehabilitation program was ineffective.

In short, he had no evidence, but only ideology, to back up the drastic proposals with respect to rehabilitation which his memorandum outlined.

And when I asked Mr. Morrill how he could possibly reconcile the radical and unsupported attack on the rehabilitation program represented in his memo with the high praise for the program which he expressed before our subcommittee, he implied that the planning memorandum was only a kind of academic exercise requiring tough questions so that he could get straight answers.

REHABILITATION UNDER NIXON

But that kind of explanation really does not hold water, Mr. Speaker—at least it does not with me, and it did not with my subcommittee.

For the Morrill memorandum comes to light not in a vacuum, but in the context of a long and continuous history of active opposition on the part of the administration to the rehabilitation program.

Consider that in the last 4 years we have seen:

Repeated vetoes of the Labor-HEW appropriations bill providing funds for the rehabilitation program;

Two vetoes of legislation to extend the vocational rehabilitation program;

Adamant hostility to the construction of facilities in the rehabilitation field;

The rehabilitation research budget cut in half from fiscal 1972 to fiscal 1973;

An attempt to kill the rehabilitation training programs after fiscal 1974.

We have seen the growth of the State programs virtually ground to a halt while the States are beginning to pull their own weight;

And we have seen the Rehabilitation Services Administration submerged more and more within the Social and Rehabilitation Service, while RSA staff is being reduced, and RSA research funds are diverted into other areas.

And I am sure that many of you recall the image of John Ehrlichman last March—then at the height of his powers as the President's Domestic Counselor—brandishing 15 bills, including the Rehabilitation Act, before the television cameras, and describing them as "budget-busters." Mr. Ehrlichman said:

> These bills represent a $19 billion herd of Trojan horses that are thundering our way out of the Congress, brightly painted and outfitted with very attractive accessories.

So in the context of that attitude, and that history, Mr. Speaker, the emergence of this planning document is evidence, to me in any event, that this administration is now attempting to implement by administrative fiat what it has been unable to obtain by the passage of legislation.

In brief, I suspect that if this administration has its way, it will seek to render the Rehabilitation Act of 1973 inoperative.

Mr. Speaker, I have already cited the favorable statistics on vocational rehabilitation quoted by Secretary Weinberger during his confirmation hearings before the Senate Labor and Public Welfare Committee.

But I have recently come across additional evidence, from the State of Texas, which indicates the enormous value of this program which Mr. Morrill so carelessly suggested we "cash out."

I refer, Mr. Speaker, to the Texas Rehabilitation Commission's 1972 Report to the Governor, which indicated that in 1971–72 the commission services helped 2,254 individuals, receiving $3.4 million in welfare payments, to obtain employment worth $6.3 million in wages.

And the commission estimated, Mr. Speaker, that the dramatic turn-around was a contribution of $8.6 million to the economy of the State of Texas.

For the State saved $2.1 million in public assistance payments, as well as $405,000 in medicaid premium payments, in addition to the $6.3 million earned by the 2,254 individuals rehabilitated.

HUMAN FACTOR

But what I want to stress to my colleagues, today, Mr. Speaker, is that these figures, encouraging as they are, often hide the appalling human tragedies to which this legislation is addressed.

And I think, Mr. Speaker, that no better illustration of these problems could be found than a letter from 15-year-old Jeanette Larson to the Texas Rehabilitation Commission.

For Jeanette, though disabled in body, is not handicapped in spirit, and her letter describing her difficulties, and her hopes, expresses far better than I the great courage, as well as the great needs, exhibited by our handicapped fellow citizens.

I include her letter, Mr. Speaker, at this point in the Record:

> Dear Sir: My name is Jeanette Larson. I am fiftheen (sic) and one half years old. I am in the ninth grade in Del Rio, Texas. The school I attend is called San Felipe Del Rio consolodated (sic) Freshmen School.
>
> Your name was given to me by a D.P.S. officer because I am handicapped and interested in finding a school that specializes in helping handicapped people depend upon themselves and not on others all the time.
>
> My handicapps (sic) are my height because I am three feet and 10 inches tall. My legs are only 18 inches long and are curved where the kneed should be. Even though my legs don't bend I can still walk and run pretty good. (Not fast but fast enough for me.) My other handicapps (sic) are my hands. Both hands are bent inward. I only have three fingers and one thumb on each hand. I am interested in learning how to drive a car, and also learning some kind of work that I can do so I can go out and get a job so I won't always have to depend on someone else to take care of me.
>
> I stated earlier that I am in nineth (sic) grade well I think I should tell you more about what kind of education I have had so here it goes: When I was 6 years old special education class—speech class, 1½ years.
>
> 7 yrs. old, 1st grade (regular), speech class 1 yr., 1 yr. 1st grade.
>
> 8 yrs. old, 2nd grade (regular), speech class 1 yr., 1 yr. 2nd grade.
>
> 9 yrs. old, 3rd grade (regular), speech class 1 yr., 1 yr. 3rd grade.
>
> 10 yrs. old, 4th grade (regular), speech class 1 yr., 1 yr. 4th grade.
>
> 11 yrs. old, 5th grade (regular), speech class 1 yr., 1 yr. 5th grade.
>
> 12 yrs. old, 6th grade (regular), speech class 1 yr., 1 yr. 6th grade.
>
> 13 yrs. old, 7th grade (regular), spanish class ½ yr., 1 yr. 7th grade.
>
> 14 yrs. old, 8th grade (regular), spanish class 1 yr., 1 yr. 8th grade.
>
> 15 yrs. old, 9th grade (regular), Homemaking class, 1 yr., 1 yr. 9th grade.
>
> I worked at babysitting from 8:00 to 4:00 every day last summer taking care of my niece (sic) who was 2 to 4 months old. In October 1971 I started selling Avon in my spare time. I am still babysitting on weekends and I am still selling Avon.
>
> My father died when I was about seven years old. My mother has given me permission to write you myself because she feels I can tell you more about what I am interested in than she can.
>
> Any help or information you could send us would be greatly appreciated. If it would help us to find out more about one of these schools we would be more than willing to come to Austin to talk to you. So if you want to you can make the appointment and then write us and let us know and we will come down there or do whatever has to be done.
>
> Sincerely,
>
> Jeanette Larson,
> Bessie D. Larson,
> *Mother.*
>
> P.S.—Our address is: 909 Ave. D., Del Rio, Texas 78840, Ph. 775-3993, Area Code 512.

Mr. Speaker, the Jeanette Larsons of this great land of ours need our continued support of the rehabilitation program.

I urge my colleagues to oppose the proposals so thoughtlessly drafted by high ranking officials of the Department of Health, Education, and Welfare.

DRUG PROGRAM EDUCATION PROGRAM EFFECTIVE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, during the recent debate on the bill to extend the Drug Abuse Education Act, several of my colleagues expressed a concern that drug abuse education programs actually do more harm than good since they arouse the curiosity of students about dangerous drugs.

Several of us, however, Mr. Speaker, pointed out that the studies which had reached that conclusion evaluated, not educational programs, but the kinds of false and misinformed information programs which the Office of Drug Abuse Education does not support—and was not intended to support.

Mr. Speaker, a recent study has come to my attention which confirms that genuine educational efforts about the dangers of drugs can have a positive effect in changing drug-using behavior.

I refer to an evaluation of the SPARK—school prevention of addiction through rehabilitation and knowledge—drug abuse education program, recently completed by GEOMET, Inc., for the Special Action Office for Drug Abuse Prevention.

The SPARK program, Mr. Speaker, is operated by the New York City Board of Education, and Mr. Eugene P. Visco, a senior analyst for GEOMET, wrote that his study indicated:

> An almost amazing relationship between participation in the SPARK program and behavior; such consistent results rarely appear in studies such as these. Further, the regression of the behavior of the students in the control population (non-participants in the SPARK program) is equally consistent and equally startling.

Mr. Speaker, because I believe that Mr. Visco's letter, and his study, speak for themselves, I insert them at this point in the Record:

GEOMET, Inc.,
Rockville, Md., October 31, 1973.
Bernard R. McColgan,
Special Action Office for Drug Abuse Prevention, Executive Office of the President, Washington, D.C.

Dear Bernie: I am enclosing three copies of the preliminary report of Phase I of the SPARK analysis. The report is preliminary because data from only two schools were available for the initial analysis and because pairing of the experimental subjects with control subjects has not yet been done. The report is issued at this time in accordance with our contractual agreement with you and because of your expressed immediate need for the information. I hope you will find it useful.

Briefly, the report provides a gross comparison between an experimental sample and an unmatched (as yet) control sample, with data representing high school students' behavior during the period of time: September 1971 to June 1972 and September 1972 to June 1973. The results indicate an almost amazing relationship between participation in the SPARK program and behavior; such consistent results rarely appear in studies such as these. Further, the regression of the behavior of the students in the control population (non-participants in the SPARK program) is equally consistent and equally startling.

We will continue to process the data, adding the information from the third school, carrying out the matching effort, and subjecting the comparisons to a variety of statistical tests. A complete report on Phase I will be issued when those analyses are completed.

I am prepared to discuss the information with you at your convenience. I will be out of town from 1 through 8 November, but can be reached through the office.

Sincerely,

Eugene P. Visco,
Senior Operational Analyst.

GEOMET Report, October 31, 1973

(Preliminary report, phase I of SPARK program analysis, for Special Action Office for Drug Abuse Prevention)

INTRODUCTION

Background

This is the first report on the analysis of data representing the performance of the SPARK (School Prevention of Addiction through Rehabilitation and Knowledge) drug abuse program. The analysis is being carried out under the Basic Ordering Agreement 73–2 between the Special Action Office for Drug Abuse Prevention and GEOMET, Incorporated.

The New York City SPARK Program is: "The Nation's largest school-based program (approaching) addiction education and preventing through group and individual counseling, training of a peer leadership cadre, home visits, parent workshops, parent/child group sessions, community involvement, curriculum development, and in-service training for teachers."

Four major program goals have been established:

"Establishing a setting within each school where young people can go to learn to like themselves and cope with one another;

"Helping students to make decisions, solve problems, and in the process, to grow;

"Providing young people intellectual, social cultural and recreational alternative to drug abuse; and

"Improving communication with the existing services within each school."

The program is operated by the New York City Board of Education within the school system. Doctrine, guidance and staff recruitment, training, and assignment, as well as overall coordination is the responsibility of the SPARK Program Management group, an element of the Board of Education. The direct on-the-scenes activity of the program, in the 94 high schools making up the New York City secondary school system is the responsibility of the individual high school principals. The SPARK teams located in the schools are members of the individual school faculty and are supervised by the principal.

Three different types of SPARK teams are represented in the school system. They are:

One Drug Education Specialist (DES) at each of 45 schools;

One DES and one Instructor/Addiction at each of 40 schools; and

One DES, two Instructors/Addiction, and three additional professionals (usually including a psychologist, guidance counselors, or attendance teachers) at each of the remaining nine schools.

The last type of team configuration is responsible for the operation of an intervention and prevention center.

The program got underway about 1970. A full description of its development, organization, and operations will be included in a subsequent report. It is sufficient to state here that a brief analysis carried out early this year under the auspices of the New York Addiction Services Agency (ASA), the general delegate agency for drug abuse funds, indicated striking changes in behavior among the students who participated in the SPARK program. A major limitation of that analysis was that it sampled only SPARK enrollees and did not include observations of behavior among students who were not associated with SPARK. The analysis included SPARK involvement data for only the first semester of the 1972–1973 school year, compared with "baseline" data on the same students for a comparable semester (the previous year) before they became involved in the SPARK program.

To augment the observations of the ASA-sponsored analysis and to probe somewhat deeper into the performance of the SPARK program, SAODAP asked GEOMET to carry out "an evaluation of the SPARK high school drug abuse program in New York City in terms of changes in the functional behavior of students in an experimental group, as compared with a control group."

Technical approach

The basic approach is to compare the behavior of students in the SPARK program with students not in the SPARK program. Behavior is represented by four parameters: referrals for drug-related activity, instances of misbehavior (referred to as "acting-out behavior"), truancy, and classroom grades. Samples of students have been drawn from three of the nine schools that have intervention and prevention centers. The objective sample distribution is 100 SPARK students per school for a total sample size of 300 "experimental" subjects and 100 non-SPARK students per school for a total of 300 "control" subjects. The control samples are to be matched or "paired" with the experimental samples. The matching will be done in terms of the four behavior variables plus sex (gender) on the basis of data representing the students during the period September 1971 to June 1972 (before the SPARK population enrollment). The students are selected from the populations who were in the 9th and 10th grades during the baseline period; thus, they are in the 11th and 12th grades as of the beginning of the present school year. The matching will be done by computing the distributions of the various variables for the experimental group for the period prior to the group's entry into the program. Control samples will be selected on the basis of one-for-one pairing in terms of the same behavior characteristics for the same time period. In order to facilitate the data collection effort (carried out by members of the SPARK intervention and prevention center teams at the three schools), the same baseline period and first "treatment" period data were drawn for the experimental sample (100 students) and the larger control sample at the same time. The first "treatment" period is the period September 1972 to June 1973, or the first year of SPARK involvement for the experimental group.

Comparisons will be carried out covering the present school year (September 1973 to June 1974); plans also call for an interim data point at the end of the first semester (January 1974).

The behavior variables specifically represents:

The number of referrals for drug-related behavior from a wide range of sources including school security guards, professional staff members, family, and other students; and

The number of reported instances of misbehavior including fighting, abusive oral language, and stealing;

The total number of absences, unexcused absences, class cuttings, and tardiness events; and

Grades on at least the five basic courses generally required.

Since the data to be used are as filed in the various schools and some variations in data recording systems is expected, the analysis will be adjusted to make maximum use of the data in their original form.

STATUS AS OF OCTOBER 31, 1973

Three basic sets of data have been drawn, using random procedures, by the SPARK school staffs and are being processed at GEOMET. The data generally consist of the following information:

A student identification number (so the longitudinal data can be correctly drawn in the future);

Indication of the sample category (experimental or control);

The student's sex;

Whether or not the student is presently enrolled (for the data now in hand, all are still enrolled);

The number of referrals for drug-related behavior from: police, security guard, professional staff, self, family, other students, emergency room, other medical facility.

The number of events of acting-out behavior, categorized as: fighting with other students, fighting with staff, abusive oral language, disrupting classroom activities, inappropriate conduct in lunch or recreational areas, damaging school property, stealing from school, other students, or faculty, setting fires, setting false alarms.

The number of events associated with truant behavior as represented by: total absences, unexcused absences, classes cut, tardiness.

Final grades on six courses.

Data were not available on all elements at all schools. For example, there appear to be no (or very few) instances of "setting fires" or "false alarms." Similarly, information on unexcused absences is not filed at some schools. The composition of the samples is indicated in Table 1 below:

TABLE 1.—SAMPLE SIZE AND COMPOSITION

Group	School 1		School 2		School 3	
	Male	Female	Male	Female	Male	Female
Experimental	42	58	54	46	30	70
Control	111	90	81	75	60	140

As of this report, the data are in computer accessible form. The matching process, a somewhat tedious task, is underway. Initial frequency distributions have been computed for all the groups for Schools 1 and 2; the data for School 3 (slightly delayed) has only recently been prepared for entry into the computer and the distributions are not yet available. The preliminary results are presented in the next section.

PRELIMINARY RESULTS: TWO SCHOOLS

This section presents the tentative results obtained by analysis of the available data for two schools.

The results of principal concern are those that indicate the change in the experimental group over time. In interpreting these results it is important to recognize that the control population has not yet been matched. Thus, on the basis of the statistics computed from the entire population, results are only preliminary. It may be expected that the differences between the experimental and control groups for the first "treatment" period (September 1972 to June 1973) will change, given that the two groups are about the same (matched) for the baseline period. Tables 2 through 5 summarize the observations and display the summary data by school, by time period, and by sample group.

TABLE 2.—AVERAGE NUMBER OF REFERRALS FOR DRUG-RELATED BEHAVIOR (ALL SOURCES)

Group	School 1		School 2	
	1971–72	1972–73	1971–72	1972–73
Experimental	3.88	2.83	3.31	1.33
Control	1.31	1.86	1.79	4.91

TABLE 3.—AVERAGE NUMBER OF MISBEHAVIOR EVENTS (ALL TYPES OF ACTING-OUT BEHAVIOR)

Group	School 1		School 2 [1]	
	1971–72	1972–73	1971–72	1972–73
Experimental	12.84	6.06	14.28	3.89
Control	4.05	7.68	7.11	15.13

[1] Includes suspensions; data not available for Schoo. 1.

TABLE 4.—AVERAGE NUMBER OF TOTAL ABSENCES

Group	School 1		School 2	
	1971–72	1972–73	1971–72	1972–73
Experimental	21.15	19.16	17.87	12.06
Control	23.96	33.52	28.24	33.90

TABLE 5.—AVERAGE GRADES (5 COURSES)

Group	School 1		School 2	
	1971–72	1972–73	1971–72	1972–73
Experimental	64.18	69.32	60.86	70.29
Control	60.46	48.48	52.38	40.73

The preliminary data indicate that the number of referrals for drug related activity for members of the experimental group (in the SPARK Program) decreased, while the number of referrals for members of the control group (not in the SPARK Program) increased from the baseline period to the 1972–73 period. The same is essentially true for the number of absences. In the case of average grades, the grades for the members of experimental group were higher during the period they were in the Program than before, while the grades for the control group members dropped during the same period.

Although there are many factors that may influence the results presented here, we can tentatively conclude that there is an association between participation in the SPARK Program and improvement in the attributes of socially desirable behavior. In turn this result may mean that there is some "treatment" to which the SPARK-enrolled students are exposed that affects their behavior in a positive or "good" manner. Correspondingly, there is some influence or treatment to which the non-SPARK students are exposed that has the opposite effect. The data indicate these observations without exception. Such consistancy is quite rare in analyses of the present type.

* * * * *

ARREST RECORD INFORMATION IN JEOPARDY

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, the conference report on H.R. 8916, the appropriations bill for the Departments of State, Justice, Commerce, the judiciary and related agencies, contains language which seriously jeopardizes the authority of the Federal Bureau of Investigation to disseminate arrest record information to State and local governments.

For the past 2 years the Justice Department with the help of the House Appropriations Committee has been attempting, by an appropriations order, to reverse the decision in the case of *Menard* v. *Mitchell*, 328 F. Supp. 718 (1971). This decision prohibited the FBI's dissemination of arrest and fingerprint records to nonlaw-enforcement agencies. Riders were added to both the fiscal year 1972 and 1973 appropriations bills which would temporarily suspend the rule of the Menard case. When the fiscal year 1973 appropriations measure came before the House, I was sustained on a point of order striking the rider since such a rider was in violation of the House rule prohibiting the inclusion of substantive legislation in an appropriations bill. The conference report on that bill reinserted compromise language which again temporarily suspended the Menard order. However, when the administration presented its fiscal 1974 budget, it took the position that the language contained in the fiscal year 1973 appropriations measure had the effect of making the rider into permanent legislation and that the Menard order has been permanently repealed by enactment of the appropriations measure.

The idea that the rider accompanying the fiscal year 1973 appropriations measure is permanent legislation was, this year, rejected by both the Senate Appropriations Committee and the full Senate when both bodies voted to include the Bible-Ervin rider in this year's appropriations bill. The Bible-Ervin rider sought to rectify this situation by providing a definite legislative foundation for the FBI's dissemination of arrest record information and by distinctly defining the scope of the FBI's authority to disseminate this information. Since the Bible-Ervin rider was deleted by the conference, it would appear that the issue is once again unresolved and that the entire FBI fingerprint and arrest record operation has once again been placed in a state of limbo.

This year's conference report states that—

> The conferees understand that this matter is before the Judiciary Committees of the House and the Senate and urge expeditious consideration thereof.

Since the conference has clearly asked that the Judiciary Committees of both Houses move quickly to resolve the legal ambiguity surrounding this matter, I am today proposing legislation which will temporarily resolve the controversy created by the conference committee's action. This legislation would, in effect, enact the Bible-Ervin rider into substantive law, but only until the end of the current Congress. This legislation is intended to give only temporary authority because I believe that more comprehensive legislation, such as my own H.R. 188 is need to deal with the issue of dissemination of information from law enforcement data banks and information systems. However, in the interim, I believe that temporary corrective legislation is needed in order to safeguard the FBI fingerprint operation from adverse court decisions which might result from the conflicting authorities created by the Menard decision and the confusing legislative history of the appropriations riders.

OKLAHOMA'S TEACHER OF THE YEAR

(Mr. ALBERT (at the request of Mr. STARK) was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. ALBERT. Mr. Speaker, I wish to call the attention of my colleagues to an interesting article which appeared in the November 1973 issue of the Oklahoma Teacher, the magazine published monthly by the Oklahoma Education Association, about Oklahoma's 1973 Teacher of the Year. Mrs. Valerie Carolina of Wewoka, Okla., is the first black teacher to receive the State honor. I salute her. The article follows:

VALERIE CAROLINA—OKLAHOMA TEACHER OF THE YEAR

(By Patty Anderson)

A living example of honesty, integrity and commonsense is Oklahoma's 1973 Teacher of the Year, Mrs. Valerie Carolina of Wewoka.

Mrs. Carolina, who teaches the second grade at Wewoka Elementary School, has engaged herself in boundless activities not only in the Wewoka school system but also the community.

Among her many activities are memberships in several professional organizations. She holds memberships in the OEA–NEA and the state ACT where she has served as ACT Vice-President. Mr. Carolina is also a member of the American Association of University Women (AAUW) and the Oklahoma Reading Council.

Her participation in community activities include a variety of humanistic projects. She is a member of the St. Paul Baptist Church where she is an adult leader for teenagers that go to church camp each year. During her tenure as president of the Penny Unit of the Federated Clubs, she was a great influence in organizing groups to render programs for the aged.

Rev. E. C. Walters, pastor of the St. Paul Baptist Church describes Mrs. Carolina as "a person whose love for people is exemplified through her many acts of kindness to all with whom she is associated—young and old alike, and through many Christian acts to those who are less fortunate."

A woman who is endowed with an abundance of energy, knowledge, love for children, know-how and initiative are words used by Carl Roblyer, superintendent of Wewoka City Schools, to describe Mrs. Carolina's abilities.

Camilla Nash, principal of Wewoka Elementary School, says "Mrs. Carolina has that rare ability to take a slow child and somehow convince him that he is as smart as anyone in the room. Once she has convinced him of this, he is on his way to becoming just that."

One of the best ways to describe Mrs. Carolina is to quote a parent of one of her children when he said, "Mrs. Carolina has made my child believe that he is the most important child in her room. I'm sure all the other children feel the same way."

The Teacher of the Year award is given to the outstanding teacher selected from more than 100 teachers nominated by local units of the OEA. The event is co-sponsored by the Oklahoma Education Association, the Oklahoma City Chamber of Commerce, the State Fair of Oklahoma and the Oklahoma City Hotel and Motor Hotel Association.

Mrs. Carolina, the first black teacher to receive the state honor, and other nominees were honored at a Chamber of Commerce Luncheon held in the Myraid Convention Center.

Being a winner of the State Teacher of the Year award, Mrs. Carolina becomes eligible to compete for the title of "National Teacher of the Year".

Mrs. Carolina has devoted 27 years to the teaching profession. She has taught eight years at Wewoka. Previously, she taught 14 years at New Lima, two years at Poteau, two years at Spiro, and one year at San Angelo, Texas. She holds a bachelor's degree in English from Langston University, and a master's degree in education from Oklahoma University.

The best way to describe how the Wewoka community feels about Mrs. Carolina can be quoted from the Seminole County OEA unit that nominated her. "We think our community is a better place to live because Valerie Carolina lives here."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KLUCZYNSKI (at the request of Mr. O'NEILL), for today, on account of official business of the Committee on Public Works.

Mr. DELLUMS (at the request of Mr. O'NEILL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. GREEN of Oregon, for 60 minutes, on Thursday, November 15, 1973, and to include extraneous material.

(The following Members (at the request of Mr. PEYSER) and to revise and extend their remarks and include extraneous matter:)

Mr. COHEN, for 10 minutes, today.

Mr. MILLER, for 10 minutes, today.

Mrs. HECKLER of Massachusetts, for 10 minutes, today.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. STARK) and to revise and extend their remarks and include extraneous matter:)

Mr. DENT, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MOSS, for 5 minutes, today.

Mr. STARK, for 5 minutes today.

Mr. CAREY of New York, for 5 minutes, today.

Mr. FULTON, for 5 minutes, today.

Mr. DRINAN, for 10 minutes, today.

Ms. ABZUG, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES to revise and extend his remarks and include extraneous matter and tabulations.

(The following Members (at the request of Mr. PEYSER), and to include extraneous matter:)

Mr. BROYHILL of Virginia in two instances.

Mr. ESCH.

Mr. STEIGER of Wisconsin.

Mr. SARASIN.

Mr. ERLENBORN.

Mr. HOSMER in two instances.

Mr. HUBER in three instances.

Mr. GOODLING.

Mr. DERWINSKI in three instances.

Mr. CRANE in five instances.

Mr. FROEHLICH.

Mr. DICKINSON.

Mr. HUDNUT.

Mr. BURGENER.

Mr. ROUSSELOT.

Mr. MCCLORY in two instances.

Mr. RAILSBACK.

Mr. LENT in five instances.

Mr. BAUMAN in two instances.

Mr. BEARD in two instances.

Mr. HOGAN.

Mr. KING in two instances.

(The following Members (at the request of Mr. STARK) and to include extraneous material:)

Mr. MCSPADDEN in two instances.

Mr. PICKLE in 10 instances.

Mr. DRINAN.

Mr. HARRINGTON in five instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. MOSS.

Mr. KARTH.

Mr. OBEY in three instances.

Mr. STOKES.

Mr. ROONEY of Pennsylvania in three instances.

Mr. LEHMAN.

Mr. ADDABBO.

Mr. ST GERMAIN in five instances.

Mr. WALDIE in two instances.

Mr. ROE in five instances.

Mr. VANIK in three instances.

Mr. KASTENMEIER.

Ms. ABZUG in 10 instances.

Mr. BRINKLEY.

Mr. HAWKINS.

Mr. MILFORD.

Ms. HOLTZMAN in 10 instances.

Mr. ROONEY of New York.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2315. An act relating to the compensation of employees of Senate committees; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3801. An act to extend Civil Service Federal Employees Group Life Insurance and Federal Employees Health Benefits coverage to United States nationals employed by the Federal Government;

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308;

H.R. 8219. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; and

H.R. 8916. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1570. An act to authorize and require the President of the United States to allocate crude oil, residual fuel oil, and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes; and

S. 2645. An act to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

ADJOURNMENT

Mr. STARK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, November 15, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1554. A letter from the Secretary of Health, Education, and Welfare, transmitting the third annual report on the Department's administration of the black lung benefits program, pursuant to section 426(b) of Public Law 91–173 (30 U.S.C. 936(b)); to the Committee on Education and Labor.

1555. A letter from the Acting Secretary of State, transmitting reports of the Secretary of Commerce and the Acting Secretary of the Interior on the implementation of the international program of the Marine Mammal Protection Act of 1972, pursuant to section 108(a)(6) of the Act (16 U.S.C. 1361); to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DONOHUE: Committee of conference. Conference report on H.R. 7446; with amendment (Rept. No. 93–639). Ordered to be printed.

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on the role of small business in franchising (Rept. No. 93–640). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 702. Resolution to provide funds for the Committee on the Judiciary; with amendment (Rept. No. 93–641). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California (for himself, Mr. Adams, Mr. Badillo, Mr. Brasco, Mrs. Burke of California, Mrs. Collins of Illinois, Mr. Cotter, Mr. Dellums, Mr. Dulski, Mr. Gilman, Mrs. Grasso, Mr. Harrington, Mr. Helstoski, Mr. Leggett, Mr. Moakley, Mr. Moss, Mr. O'Hara, Mr. Rosenthal, Mr. Roybal, Mrs. Schroeder, Mr. Seiberling, Mr. Charles H. Wilson of California, Mr. Wolff, and Mr. Won Pat):

H.R. 11460. A bill to improve the service which is provided to consumers in connection with escrow accounts on real estate mortgages, to prevent abuses of the escrow system, to require that interest be paid on escrow deposits, and for other purposes; to the Committee on Banking and Currency.

By Mr. BROYHILL of Virginia:

H.R. 11461. A bill to protect the consumer against worthless money orders, and for other purposes, to the Committee on Banking and Currency.

H.R. 11462. A bill to provide for the licensing by the District of Columbia of the business of selling, issuing, or delivering checks, drafts, and money orders as a service or for a fee or other consideration in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DON H. CLAUSEN (for himself, Mr. Armstrong, and Mr. Rinaldo):

H.R. 11463. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for other purposes; to the Committee on House Administration.

By Mr. COHEN:

H.R. 11464. A bill to amend title VII of the Elementary and Secondary Education Act of 1965 to extend, improve, and expand programs of bilingual education, teacher training, and child development; to the Committee on Education and Labor.

By Mr. COLLIER:

H.R. 11465. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. CORMAN (for himself, Mr. Rinaldo, Mr. Whalen, and Mr. Hicks):

H.R. 11466. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. DENNIS (for himself, Mr. McClory, Mr. Hutchinson, Mr. Smith of New York, Mr. Sandman, Mr. Mayne, Mr. Hogan, Mr. Butler, Mr. Cohen, Mr. Lott, Mr. Moorhead of California, Mr. Mezvinsky, and Mr. Flowers):

H.R. 11467. A bill to define the powers and duties and to place restrictions upon the grounds for removal of the Special Prosecutor appointed by the Acting Attorney General of the United States on November 5, 1973, and for other purposes; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 11468. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

By Mr. DORN:

H.R. 11469. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRASER (for himself, Mr. Meeds, Ms. Mink, Mr. Moakley, Mr. Mollohan, Mr. Mosher, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Ms. Schroeder, Mr. Seiberling, Mr. Studds, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Whitehurst, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Young of Georgia, and Mr. Gaydos):

H.R. 11470. A bill to limit the medicare inpatient hospital deductible; to the Committee on Ways and Means.

By Mrs. GRASSO (for herself, Mr. Ashley, Mr. Badillo, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Carney of Ohio, Mr. Cohen, Mrs. Collins of Illinois, Mr. Dellums, Mr. Drinan, Mr. Edwards of California, Mr. Fascell, Mr. William D. Ford, Mr. Froehlich, Mr. Green of Pennsylvania, Mr. Gunter, Mr. Hamilton, Mr. Harrington, Mr. Helstoski, Mr. Hicks, Mr. Lehman, and Mr. McDade):

H.R. 11471. A bill to limit the medicare inpatient hospital deductible; to the Committee on Ways and Means.

By Mr. GRIFFITHS (for herself, Mr. Corman, and Mr. Moakley):

H.R. 11472. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. GUNTER (for himself, Mr. Rinaldo, and Mr. Whitehurst):

H.R. 11473. A bill to prohibit the importation into the United States of meat or meat products from livestock slaughtered or handled in connection with slaughter by other than humane methods; to the Committee on Agriculture.

By Mr. ICHORD:

H.R. 11474. A bill to change Veterans' Day to November 11; to the Committee on the Judiciary.

By Mr. SATTERFIELD:

H.R. 11475. A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during model year 1975 and thereafter; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H.R. 11476. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

H.R. 11477. A bill to provide for the conservation of energy by amending the Internal Revenue Code of 1954 to permit a taxpayer an income tax deduction for insulation improvement or repair expenditures; to the Committee on Ways and Means.

By Ms. ABZUG:

H.R. 11478. A bill to authorize and direct the President to develop and implement certain federally sponsored incentives relating to mass transportation; to the Committee on Public Works.

By Mr. CAREY of New York:

H.R. 11479. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER:

H.R. 11480. A bill to establish an Energy Management and Conservation Corporation, and for other purposes; to the Committee on Interior and Insular Affairs

By Mr. CLARK:

H.R. 11481. A bill to prohibit the export of the energy resources of the United States; to the Committee on Banking and Currency.

By Mr. DELANEY:

H.R. 11482. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce

By Mr. EDWARDS of California:

H.R. 11483. A bill to protect the constitutional rights of the subjects of arrest records and to authorize the Federal Bureau of Investigation to disseminate conviction records to State and local government agencies and for other purposes; to the Committee on the Judiciary

By Mr. FULTON:

H.R. 11484. A bill to amend section 101 (1)(3) of the Tax Reform Act of 1969 in respect of the application of section 4942(d) of the Internal Revenue Code of 1954 to private foundations subject to section 101 (1)(4) of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 11485. A bill to prohibit the export of domestically extracted crude oil, and any petroleum products made from such oil, unless Congress first approves such exportation; to the Committee on Banking and Currency.

By Mr. HANLEY:

H.R. 11486. A bill to protect the public health and welfare by providing for the inspection of imported dairy products and by requiring that such products comply with certain minimum standards for quality and wholesomeness and that the dairy farms on which milk is produced and the plants in which such products are produced meet certain minimum standards of sanitation; to the Committee on Agriculture.

By Mr. HANRAHAN (for himself and Mr. Coughlin):

H.R. 11487. A bill to provide that daylight savings time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 11488. A bill to amend title 35 of the United States Code to provide a remedy for postal interruptions in patent and trademark cases; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 11489. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. McKINNEY (for himself and Mr. Walsh):

H.R. 11490. A bill to amend the Federal

Food, Drug, and Cosmetic Act with respect to dietary supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 11491. A bill to amend the Urban Mass Transportation Act of 1964 to permit financial assistance to be furnished under that act for the acquisition of certain equipment which may be used incidentally for charter or sightseeing purposes, and for other purposes; to the Committee on Banking and Currency.

H.R. 11492. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself and Mr. BRASCO):

H.J. Res. 825. Joint resolution prohibiting urban mass transportation systems from raising their fares above present levels during a 2-year period, and providing for the payment of operating subsidies to urban mass transportation systems which incur deficits as a result of such prohibition; to the Committee on Banking and Currency.

By Mr. POWELL of Ohio:

H.J. Res. 826. Joint resolution authorizing the President to proclaim the period from February 17 to February 23 as Sertoma Freedom Week, and to call upon the people of the United States and interested groups and organizations to observe such period with appropriate ceremonies and activities; to the Committee on the Judiciary.

By Mr. WHITEHURST (for himself and Mr. DENNIS):

H.J. Res. 827. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. FUQUA:

H. Con. Res. 379. Concurrent resolution calling for the President to curtail exports of goods, materials, and technology to nations that restrict the flow of oil to the United States; to the Committee on Banking and Currency.

By Mr. HUDNUT (for himself and Mr. ECKHARDT):

H. Con. Res. 380. Concurrent resolution expressing the sense of Congress concerning the use of chauffeur driven limousines by the Federal Government; to the Committee on Government Operations.

By Mr. THOMPSON of New Jersey:

H. Res. 702. Resolution to provide funds for the Committee on the Judiciary; to the Committee on House Administration.

By Mr. STARK:

H. Res. 703. Resolution impeaching Richard M. Nixon, President of the United States for high crimes and misdemeanors; to the Committee on the Judiciary.

SENATE—*Wednesday, November 14, 1973*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, amid the confusion of our times, we pause to open our hearts and minds to Thy presence. Give us the wisdom to discern the spirits—whether they be of God or of the enemy of man's soul. Above all other voices may we hear Thy clear voice saying "This is the way, walk in it." Support the President and the Congress in all righteous endeavors. From troubled times make triumphant souls and in difficult days wilt Thou produce dividends of character and grace. Guide those whose labor makes for peace and justice in the world. May Thy will be done and Thy kingdom be nearer its fulfillment because we serve Thee here.

In His name who is King of Kings and Lord of Lords. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of November 13, 1973, Mr. McGEE, from the Committee on Post Office and Civil Service, reported favorably, without amendment, on November 13, 1973, the bill (S. 2673) to insure that the compensation and other emoluments attached to the office of Attorney General are those which were in effect on January 1, 1969, and submitted a report (No. 93–499) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 13, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed without amendment the Senate bill (S. 2645) to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 24, 26, 27, 39, and 50 to the bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate numbered 30, 37, and 46, and concurred therein severally with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 5874) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ULLMAN, Mr. BURKE of Massachusetts, Mrs. GRIFFITHS, Mr. SCHNEEBELI, and Mr. COLLIER were appointed managers of the conference on the part of the House.

The message further announced that the House had agreed to the concurrent resolution (H. Con. Res. 378) providing for an adjournment of the House from November 15 to November 26, 1973, in which it requests the concurrence of the Senate.

The message also informed the Senate that pursuant to the provisions of section 9(b), Public Law 89–209, as amended by section 2(a)(8), Public Law 93–133, the Speaker appointed Mrs. GRASSO a member of the Federal Council on the Arts and Humanities.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1081. An act to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes; and

S. 2645. An act to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROVIDING FOR THE CONVEYANCE OF CERTAIN LANDS TO THE STATE OF LOUISIANA

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9295.

The PRESIDENT pro tempore laid before the Senate H.R. 9295 which was read by title as follows:

H.R. 9295, an act to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill be considered as having been read twice by its title and that the Senate proceed to its immediate consideration. It is identical to S. 2477 which the Senate passed on yesterday.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the bill, H.R. 9295, was considered, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the passage yesterday of S. 2477 be reconsidered and that the bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if the distinguished Republican leader would not mind, I should like to yield to him at this time if he has any remarks to make.

THE WHITE HOUSE TAPE OF MARCH 21

Mr. HUGH SCOTT. Mr. President, I just want to say briefly, for clarification of the record, there has been so much talk about the tapes that one of the facts that should be more widely known, I think, is that it is a reasonable conclusion the tape of March 21 will show Mr. Dean made some reference—and I do not know his exact words because I have not heard the tape—Mr. Dean made some reference to the President along the lines of "This is the first time I have told you about these things," and that after a summation of some very deplorable behavior, the President expressed shock and dismay.

If that is borne out in the hearing before Judge Sirica—and I hope later publication—it will also make false the statement by Mr. Dean that he had spoken to the President earlier on this matter, in the previous September and on March 13.

I make this statement simply because I believe it is impossible or very hard to have much notice given to it. It is probably the crucial point in all the discussions of Watergate. That is my judgment, my best information, about what will appear. I make the statement again for that reason.

I hope the proceedings on the relevancy of the tapes and of the material which can be submitted to the grand jury will be acted upon promptly by the Federal district court. I have great respect for the judge of that court. I believe he would be eager to expedite these proceedings. I know it is in the interest of the country that they be expedited so that the truth can be made available not only to the grand jury, but also to the American people as soon as possible—and the sooner the better.

COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF ATTORNEY GENERAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 474, S. 2673.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 2673) to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I take it that the assistant majority leader is going to exercise the use of the 15 minutes which the Senate granted to him yesterday. If that is not sufficient time, I should like permission to transfer my 15 minutes to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader. I ask unanimous consent that I now be recognized under the order, without prejudice to the distinguished Senator from Michigan (Mr. GRIFFIN), who also has an order.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 2673 be referred to the Committee on the Judiciary with instructions that the bill be reported back to the Senate not later than the hour of midnight on Tuesday next, and without amendments.

Mr. HUGH SCOTT. I have no objection.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Republican leader.

ANALYSIS OF THE EFFICACY OF REMEDIAL LEGISLATION TO REMOVE AN OFFICE HOLDING DISQUALFICATION IMPOSED BY ARTICLE I, SECTION 6, CLAUSE 2 OF THE CONSTITUTION

Mr. ROBERT C. BYRD. Mr. President, the nomination of Senator WILLIAM SAXBE to the Office of Attorney General has raised a question whether he is eligible for appointment under article I, section 6, clause 2 of the Constitution. That provision states:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; . . .

The background of the situation is as follows: Under Public Law 90–206, 2 U.S.C. 351, et seq., approved December 16, 1967, Congress established the Commission on Executive, Legislative, and Judicial Salaries. The Commission is required to make recommendations to the President, at 4-year intervals, on the rates of pay for Senators, Representatives, Federal judges, Cabinet officers and other executive, legislative, and judicial officials. The law requires that the President, in the budget next submitted by him after receipt of a report of the Commission, set forth his recommendations with respect to the exact rates of pay he deems advisable for those offices and positions covered by the law. The President's recommendations become effective 30 days following transmittal of the budget, unless in the meantime other rates have been enacted by law or at least one House of Congress has enacted legislation which specifically disapproves of all or a part of the recommendations.

Pursuant to section 225(h) of the act, 2 U.S. Code section 359(h), President Nixon transmitted to the Congress on January 15, 1969, recommendations which, inter alia, proposed raising the salary of the Attorney General from $35,000 to $60,000 per year. On February 4, 1969, the Senate debated Senate Resolution 82, which would disapprove the Presidential recommendation. The resolution was defeated, with Senator SAXBE, whose term began on January 4, 1969, voting with the majority; CONGRESSIONAL RECORD, volume 115, part 2, page 2716. The pay raises became effective shortly thereafter.

It seems clear to me from the above that, under the present circumstances, any Senator who was elected or reelected in 1968 is ineligible for appointment as Attorney General until the end of his term on January 3, 1975, since it is an office the compensation of which has been increased during that 6-year term in office. However, on November 5, 1973, the House and Senate received from the Acting Attorney General a draft of proposed legislation which would roll back the compensation and other emoluments of the Attorney General to what they were on January 1, 1969, prior to the raise.[1] Daily CONGRESSIONAL RECORD, November 5, 1973, page 35884.

The question squarely put then is whether the constitutional disqualification, once applicable, may be rendered inoperative or satisfied thereafter by remedial legislation. Analysis of the origins of the constitutional provision, and subsequent precedents, leads to considerable doubt that, once the constitutional condition exists, that is, an increase in the compensation of an office, Members of Congress may be appointed to the office for the remainder of their term and that the prohibition may be lifted for the benefit of a potential appointee by a subsequent legislative act nullifying the disqualifying condition.

CONSTITUTIONAL DEBATES OF 1787

A review of the Philadelphia debates concerning the emoluments clause reveals almost universal agreement as to the general purpose underlying it, to wit, that some protection was necessary against possible corruption of members of the legislature resulting from the lure of civil office. The framers saw two potential sources of evil: first, that legislators might view their election to the Congress as a stepping stone to some lucrative public office and utilize their positions in the legislature as a means of creating or increasing the compensation of such sought-after offices; and, second, that an unscrupulous executive might use the enticement of public office to influence members of the legislature. Although there was general agreement on the underlying potential evil, there was a divergence of opinion as to how best to express the disqualification necessary to effect the prohibition. Significant here is that the few statements against imposing any disqualification apparently were not based on the belief that the apprehended evil was unwarranted or irrational. Rather it was founded on the view that the legislature would attract the best men in the Nation and it would be unwise to make ineligible for public office the most able men in the Republic. The prohibition, therefore, actually represents a compromise in an area in which there was agreement both as to the evil to be contained and on disqualification as the method of containment, but disagreement as to the duration of the disqualification. The evolution of the clause during the course of the convention illustrates these points.[2]

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[1] The proposed legislation would provide: "That the compensation and other emoluments attached to the Office of Attorney Genenral shall be those which were in effect on January 1, 1969, notwithstanding the provisions of the Salary Recommendations for 1969 Increases transmitted to the Congress on Jan. 15, 1969.

First mention of the prohibition appears in Randolph's resolutions—Virginia plan—of May 29, Nos. 4 and 5 of which would have rendered members of both houses "to be ineligible to any office established by a particular State, or under the authority of the United States, except those peculiarly belonging to the functions of—each branch—during the term of service, and for the space of—unspecified years—after its expiration." Farrand, volume 1, pages 20–21. On June 12 the period of ineligibility was fixed at 1 year after expiration of members' term of office. Farrand, volume 1, pages 217; 228–229. Thereafter, several attempts to remove the disqualification clause in its entirety, or to modify it, were defeated. Farrand, volume 1, pages 375–377, 379–382, 386–390, 391–394. The leading advocate for modification was Madison. On June 22 and 23 he proposed that disqualification attach only where an office was created or the compensation of an old office was increased. Essentially, proponents of total disqualification resisted modification out of fear that a lesser restriction would be too easy to evade. On July 26 the following language was referred to the Committee on Detail:

> That the Members of the [first and] second branch of the Legislature of the United States ought to be ineligible to, and incapable of holding, any office under the authority of the United States (except those peculiarly belonging to the functions of the [first and] second branch) during the term for which they are elected, and for one year thereafter. (Farrand, vol. 2, pp. 129–130).

On August 6 the Committee on Detail reported out the provision, then embodied in article I, section 9, as follows:

> The members of each House shall be ineligible to, and incapable of holding, any office under the authority of the United States during the time for which they shall respectively be elected; and the Members of the Senate shall be ineligible to, and incapable of holding, any such office for one year afterwards. (Farrand, vol. 2, p. 180).

At that point, then, the only change found necessary by the committee was to eliminate the additional 1-year disability for House members. The discrimination against the Senate would appear to relate to the key role given it in the nomination and confirmation process.

On September 3 the final debate on the provision took place. The language agreed to is similar to that ultimately adopted. Farrand, volume 2, pages 489–492. The debate appears as follows:

> Mr. Pinkney moved to postpone the Report of the Committee of Eleven (see Sept. 1) in order to take up the following,
>
> "The members of each House shall be incapable of holding any office under the U— S— for which they or any other for their benefit, receive any salary, fees or emoluments of any kind, and the acceptance of such office shall vacate their seats respectively." He was strenuously opposed to an ineligibility of members to office, and therefore wished to restrain the proposition to a mere incompatibility. He considered the eligibility of members of the Legislature to the honorable offices of Government, as resembling the policy of the Romans, in making the temple of virtue the road to the temple of fame.
>
> On this question
>
> N. H. no. Mas. no. Ct no— N— J. no. Pa ay. Md. no Va. no N.C ay SC—no Geo. no. [Ayes—2; noes—8.]
>
> Mr. King moved to insert the word "created" before the word "during" in the Report of the Committee. This he said would exclude the members of the first Legislature under the Constitution, as most of the Offices wd. then be created.
>
> Mr. Williamson 2ded. the motion,[9] He did not see why members of the Legislature should be ineligible to *vacancies* happening during the term of their election,[10]
>
> Mr. Sherman was for entirely incapacitating members of the Legislature. He thought their eligibility to offices would give too much influence to the Executive. He said the incapacity ought at least to be extended to cases where salaries should be *increased*, as well as created, during the term of the member. He mentioned also the expedient by which the restriction could be evaded to wit: an existing officer might be translated to an office created, and a member of the Legislature be then put into the office vacated.
>
> Mr. Govr. Morris contended that the eligibility of members to office wd. lessen the influence of the Executive. If they cannot be appointed themselves, the Executive will appoint their relations & friends, retaining the service & votes of the members for his purposes in the Legislature. Whereas the appointment of the members deprives him of such an advantage.
>
> Mr. Gerry though the eligibility of members would have the effect of opening batteries agst. good officers, in order to drive them out & make way for members of the Legislature.
>
> Mr. Gorham was in favor of the amendment. Without it we go further than has been done in any of the States, or indeed any other Country. The experience of the State Governments where there was no such ineligibility, proved that it was not necessary; on the contrary that the eligibility was among the inducements for fit men to enter into the Legislative service.
>
> Mr. Randolph was inflexibly fixed against inviting men into the Legislature by the prospect of being appointed to offices.
>
> Mr. Baldwin remarked that the example of the States was not applicable. The Legislatures there are so numerous that an exclusion of their members would not leave proper men for offices. The case would be otherwise in the General Government.
>
> Col. Mason. Instead of excluding merit, the ineligibility will keep out corruption, by excluding office-hunters.
>
> Mr. Wilson considered the exclusion of members of the Legislature as increasing the influence of the Executive as observed by Mr Govr Morris at the same time that it would diminish, the general energy of the Government. He said that the legal disqualification for office would be odious to those who did not wish for office, but did not wish either to be marked by so degrading a distinction—
>
> Mr. Pinkney. The first Legislature will be composed of the ablest men to be found. The States will select such to put the Government into operation. Should the Report of the Committee or even the amendment be agreed to, The great offices, even those of the Judiciary Deparment which are to continue for life, must be filled whilst those most capable of filling them will be under a disqualification
>
> On the question on Mr. King's motion
>
> N— H. ay. Mas. ay— Ct. no. N. J. no. Pa. ay. Md. no. Va. ay N— C. ay. S— C. no. Geo— no. [Ayes — 5; noes — 5]
>
> The amendment being thus lost by the equal division of the States, Mr. Williamson moved to insert the words "created or the emoluments whereof shall have been increased" before the word "during" in the Report of the Committee
>
> Mr. King 2ded. the motion. &
>
> On the question
>
> N— H— ay— Mas— ay— Ct. no. N— J. no. Pa. ay. Md. no. Va. ay. N— C. ay. S. C. no. Geo— divided. [Ayes — 5; noes — 4; divided — 1.]
>
> The last clause rendering a Seat in the Legislature & an office incompatible was agreed to nem: con:
>
> The Report as amended & agreed to is as follows.
>
> "The members of each House shall be ineligible to any Civil office under the authority of the U. States, cerated, or the emoluments whereof shall have been increased during the time for which they shall respectively be elected — And no person holding any office under the U. S. shall be a member of either House during his continuance in office."
>
> Adjourned

The ultimate version of the clause represents a victory for the view of Madison, who had led a number of previous attempts to amend the provision in a like manner. His remarks are therefore important to an overall understanding of the scope of the prohibition and demonstrate that the compromise he sought to effect was designed to pinpoint certain potential major abuses for absolute prohibition while maintaining encouragement for legislative service. Following are excerpts from the June 23 debates:

> Mr. M(adison) renewed his motion yesterday made & waved to render the members of the 1st. branch "ineligible during their term of service, & for one year after—to such offices only as should be established, of the emoluments thereof, augmented by the Legislature of the U. States during the time of their being members." He supposed that the unnecessary creation of offices, and increase of salaries, were the evils most experienced, & that if the door was shut agst. them, it might properly be left open for the appointt. of members to other offices as an encouragmt. to the Legislative service.

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[2] All page references to the debates are from Farrand, "The Records of the Federal Convention of 1787," 4 vols. (Yale University Press, 1966).

Mr. Alex: Martin seconded the motion.

(Mr. Butler. The amendt. does not go far eno' & wd. be easily evaded)

Mr. Rutlidge, was for preserving the Legislature as pure as possible, by shutting the door against appointments of its own members to offices, which was one source of its corruption.

Mr. Mason. The motion of (my colleague) is but a partial remedy for evil. He appealed to (him) as a witness of the shameful partiality of the Legislature of Virginia to its own members. He enlarged on the abuses & corruption in the British Parliament, connected with the appointment of its members. He cd. not suppose that a sufficient number of Citizens could not be found who would be ready, without the inducement of eligibility to offices, to undertake the Legislative service. Genius & virtue it may be said, ought to be encouraged. Genius, for aught he knew, *might*, but that virtue should be encouraged by such a species of venality, was an idea, that at least had the merit of being new.

Mr. King remarked that we were refining too much in this business; and that the idea of preventing intrigue and solicitation of offices was chimerical. You say that no member shall himself be eligible to any office. Will this restrain him from availing himself of the same means which would gain appointments for himself, to gain them for his son, his brother, or any other object of his partiality. We were losing therefore the advantages on one side, without avoiding the evils on the other.

Mr. Wilson supported the motion. The proper cure he said for corruption in the Legislature was to take from it the power of appointing to offices. One branch of corruption would indeed remain, that of creating unnecessary offices, or granting unnecessary salaries, and for that the amendment would be a proper remedy. He animadverted on the impropriety of stigmatizing with the name of venality the laudable ambition of rising into the honorable offices of the Government; an ambition most likely to be felt in the early & most incorrupt period of life, & which all wise & free Govts. had deemed it sound policy, to cherish, not to check. The members of the Legislature have perhaps the hardest & least profitable task of any who engage in the service of the state. Ought this merit to be made a disqualification?

Mr. Sherman, observed that the motion did not go far enough. It might be evaded by the creation of a new office, the translation to it of a person from another office, and the appointment of a member of the Legislature to the latter. A new Embassy might be established to a new court & an ambassador taken from another, in order to *create* a vacancy for a favorite member. He admitted that inconveniencies lay on both sides. He hoped there wd. be sufficient inducements to the public service without resorting to the prospect of desireable offices, and on the whole was rather agst. the motion of Mr. Madison.

Mr. Gerry thought there was great weight in the objection of Mr. Sherman. He added as another objection agst. admitting the eligibility of members in any case that it would produce intrigues of ambitious men for displacing proper officers, in order to create vacancies for themselves. In answer to Mr. King he observed that although members, if disqualified themselves might still intrigue & cabal for their sons, brothers &c, yet as their own interest would be dearer to them, than those of their nearest connections, it might be expected they would go greater lengths to promote it.

Mr. Madison had been led to this motion as a middle ground between an eligibility in all cases, and an absolute disqualification. He admitted the probable abuses of an eligibility of the members, to offices, particularly within the gift of the Legislature. He had witnessed the partiality of such bodies to their own members, as had been remarked of the Virginia assembly by (his colleague) (Col. Mason). He appealed however to (him) in turn to vouch another fact not less notorious in Virginia, that the backwardness of the best citizens to engage in the legislative service gave but too great success to unfit characters. The question was not to be viewed on one side only. The advantages & disadvantages on both ought to be fairly compared. The objects to be aimed at were to fill all offices with the fittest—characters, & to draw the wisest & most worthy citizens into the Legislative service. If on one hand, public bodies were partial to their own members; on the other they were as apt to be misled by taking characters on report, or the authority of patrons and dependents. All who had been concerned in the appointment of strangers on these recommendations must be sensible of this truth. Nor wd. the partialities of such Bodies be obviated by disqualifying their own members. Candidates for office would hover round the seat of Govt. or be found among the residents there, and practise all the means of courting the favor of the members. A great proportion of the appointments made by the States were evidently brought about in this way. In the general Govt. the evil must be still greater, the characters of distant states, being much less known (throughout the U. States) than those of the distant parts of the same State. The elections by Congress had generally turned on men living at the seat of (the fedl) Govt' or in its neighbourhood.—As to the next object, the impulse to the Legislative service, was evinced by experience to be in general too feeble with those best qualified for it. This inconveniency wd. also be more felt in the Natl. Govt. than in the State Govts as the sacrifices reqd. from the distant members wd. be much greater, and the pecuniary provisions, probably, more disproportiate. It wd. therefore be impolitic to add fresh objections to the (Legislative) service by an absolute disqualification of its members. The point in question was whether this would be an objection with the most capable citizens. Arguing from experience he concluded that it would. The Legislature of Virga would probably have been without many of its best members, if in that situation, they had been ineligible to Congs. to the Govt. & other honorable offices of the State.

(Mr. Butler thought Characters fit for office wd. never be unknown.)

Col. Mason. If the members of the Legislature are disqualified, still the honors of the State will induce those who aspire to them, to enter that service, as the field in which they can best display & improve their talents, & lay the train for their subsequent advancement.

(Mr. Jenifer remarked that in Maryland, the Senators chosen for five years, cd. hold no other office & that this circumstance gained them the greatest confidence of the people.)"

On the question for agreeing to the motion of Mr. Madison. Massts. divd. Ct. ay. N. Y. no. N. J. ay. Pa. no. Del. no. Md. no. Va. no. N. C. no. S. C. no. Geo. no. [Ayes—2; noes—8; divided—1.]

Mr. Sherman movd. to insert the words "and incapable of holding" after the words "eligible to offices" wch. was agreed to without opposition.

The word "established" & the words "Natl. Govt." were struck out of Resolution 3d;

Mr. Spaight called for a division of the question, in consequence of which it was so put, as that it turned in the first member of it, "on the ineligibility of the members *during the term for which they were elected*"—whereon the States were, Massts. divd. Ct. ay. N. Y. ay. N. J. ay. Pa. no. Del. ay. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. no. [Ayes—8; noes—2; divided—1.]

On the 2d. member of the sentence extending ineligibility of members to one year after the term for which they were elected (Col. Mason thought this essential to guard agst—evasions by resignations, and stipulations for office to be fulfilled at the expiration of the legislative term. Mr. Gerry had known such a case. Mr. Hamilton. Evasions cd. not be prevented ÷ as by proxies—by friends holding for a year, and them opening the way &c. Mr. Rutlidge admitted the possibility of evasions but was for controuling them as possible.)" Mas. no. Ct. no. N.Y. ay. N. J. no. Pa. divd. Del. ay. (Mard. ay.) Va. (no)" N. C. no. S. C. ay. Geo. no.

[Ayes—4; noes—6; divided—1.]

Mr. Madison. My wish is that the national legislature be as uncorrupt as possible. I believe all public bodies are inclined, from various motives, to support its members; but it is not always done from the base motives of venality. Friendship, and a knowledge of the abilities of those with whom they associate, may produce it. If you bar the door against such attachments, you deprive the government of its greatest strength and support. Can you always rely on the patriotism of the members? If this be the only inducement, you will find a great indifferency in filling your legislative body. If we expect to call forth useful characters, we must hold out allurements; nor can any great inconveniency arise from such inducements. The legislative body must be the road to public honor; and the advantage will be greater to adopt my motion, than any possible inconvenience.

In summary, it may be fairly concluded from the course of the debates that it was the concensus of the framers that some prohibition had to be placed on the eligibility of Members of Congress for executive office in order to guard against the possibility of office seeking and executive influence; and that the compromise ultimately reached was based primarily on a fear that a total disqualification during a term of office and for 1 year thereafter would materially affect the supply of able men available to move to executive positions and also the ability of the Legislature to attract capable persons to run for office in the first place.

It seems apparent that the prohibition finally agreed to was meant to be absolute. Nothing has been discovered in the debates which leads to a contrary conclusion; and the remarks as to its potential for easy evasion through indirect means lends weight to the view that at least the minimum sought to be accomplished by the ultimate compromise was to prevent a direct and blatant grant of legislative or executive favor. Stated differently, the price of the compromise, which was sought to insure the availability of high caliber talent to the executive, was the possibility of indirect evasion. The alternatives were a complete bar on officeholding during a Member's tenure, thereby cutting off a source of talent, or no bar at all, which would leave open the door to the perceived evil. The latter alternative does not appear to have been seriously considered.

Thus, the nature of the compromise effected at the convention—that is, the fact that the prohibition was scaled down from an absolute disqualification during tenure plus 1 year to a disqualification upon the occurrence of certain alternative conditions, and the fact that it was not a compromise vis-a-vis a proposal for no bar at all—the nature of the evil sought to be remedied, and the clear and certain terms of the provision, point strongly toward the conclusion that the disqualification of a member was meant to be absolute during his term of service upon the happening of either condition. Contemporary commentaries and subsequent legal opinions appear to support this view.

POST-CONVENTION COMMENTARIES

For comments of both Madison and Hamilton in their papers supporting the adoption of the Constitution tend to support both the purpose and scope of article I, section 6, clause 2 as adduced above.

In Federalist Paper No. 55, Madison sought to meet the argument that the proposed House of Representatives had too few Members to be entrusted with the great powers granted it. In rebutting the contention Madison commented on the emoluments clause as follows:

> Is the danger apprehended from the other branches of the federal government? But where are the means to be found by the President, or the Senate, or both? Their emoluments of office it is to be presumed, will not, and without a previous corruption of the House of Representatives cannot, more than suffice for very different purposes; their private fortunes, as they must all be American citizens, cannot possibly be sources of danger. The only means, then, which they can possess, will be in the dispensation of appointments. Is it here that suspicion rests her charge? Sometimes we are told that this fund of corruption is to be exhausted by the President in subduing the virtue of the Senate. Now, the fidelity of the other House is to be the victim. The improbability of such a mercenary, and perfidious combination of the several members of government, standing on as different foundations as republican principles will well admit, and at the same time accountable to the society over which they are placed, ought alone to quiet this apprehension. But, fortunately the Constitution has provided a full further safeguard. The members of the Congress are rendered ineligible to any civil offices that may be created, or of which the emoluments may be increased, during the term of their election. No offices therefore can be dealt out to the existing members but such as may become vacant by ordinary casualties; and to suppose that these would be sufficient to purchase the guardians of the people, selected by the people themselves, is to renounce every rule by which events ought to be calculated, and to substitute an indiscriminate and unbounded jealousy, with which all reasoning must be vain. The sincere friends of liberty who give themselves up to the extravagancies of this passion are not aware of the injury they do their own cause. As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form. Were the pictures which have been drawn by the political jealously of some among us faithful likenesses of the human character, the inference would be that there is not sufficient virtue among men for self-government; and that nothing less than the chains of despotism can restrain them from destroying and devouring one another.

In Federalist No. 76, Hamilton defended the integrity of the Senate in the nomination and confirmation process from speculation that undue influence would be brought to bear on the body by the President. His defense rested, in part, on the disqualification clause:

> To this reasoning it has been objected that the President, by the influence of the power of nomination, may secure the compliance of the Senate to his views. The supposition of universal venality in human nature is little less an error in political reasoning than the supposition of universal rectitude. The institution of delegated power implies that there is a portion of virtue and honor among mankind, which may be a reasonable foundation of confidence. And experience justifies the theory. It has been found to exist in the most corrupt periods of the most corrupt governments. The venality of the British House of Commons has been long a topic of accusation against that body in the country to which they belong, as well as in this; and it cannot be doubted that the charge is, to a considerable extent, well founded. But it is as little to be doubted that there is always a large proportion of the body which consists of independent and public-spirited men who have an influential weight in the councils of the nation. Hence it is (the present reign not excepted) that the sense of that body is often seen to control the inclinations of the monarch, both with regard to men and to measures. Though it might therefore be allowable to suppose that the executive might occasionally influence some individuals in the Senate, yet the supposition that he could in general purchase the integrity of the whole body would be forced and improbable. A man disposed to view human nature as it is, without either flattering its virtues or exaggerating its vices, will see sufficient group of confidence in the probity of the Senate to rest satisfied, not only that it will be impracticable to the executive to corrupt or seduce a majority of its Members, but that the necessity of its co-operation in the business of appointments will be a considerable and salutary restraint upon the conduct of that magistrate. Nor is the integrity of the Senate the only reliance. The Constitution has provided some important guards against the danger of executive influence upon the legislative body. It declares that "No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office."

In both of the quoted references the implication is that executive influence in the form of offers of civil office, or an enriched office, would not be effective during the term of individual members.

Similar confirmation of the purpose and scope of the provision is to be found in Joseph's Story's Commentaries on the Constitution of the United States (Da Capo Press Reprint Edition, 1970):

> § 864. The next clause regards the disqualifications of members of congress; and is as follows: "No senator or representative shall, during the time, for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time. And no person, holding any office under the United States, shall be a member of either house of congress during his continuance in office." This clause does not appear to meet with any opposition in the convention, as to the propriety of some provision on the subject, the principal question being, as to the best mode of expressing the disqualifications.[2] It has been deemed by one commentator an admirable provision against venality, though not perhaps sufficiently guarded to prevent evasion.[3] And it has been elaborately vindicated by another with uncommon earnestness.[4] The reasons for excluding persons from offices, who have been concerned in creating them, or increasing their emoluments, are to take away, as far as possible, any improper bias in the vote of the representative, and to secure to the constituents some solemn pledge of his disinterestedness. The actual provision, however, does not go to the extent of the principle; for his appointment is restricted only "during the time, for which he was elected;" thus leaving in full force every influence upon his mind, if the period of his election is short, or the duration of it is approaching its natural termination. It has sometimes been matter of regret, that the disqualification had not been made co-extensive with the supposed mischief; and thus have for ever excluded members from the possession of offices created, or rendered more lucrative by themselves.[1] Perhaps there is quite as much wisdom in leaving the provision, where it now is.
>
> § 865. It is not easy, by any constitutional or legislative enactments, to shut out all, or even many of the avenues of undue or corrupt influence upon the human mind. The great securities for society—those, on which it must for ever rest in a free government—are responsibility to the people through elections, and personal character, and purity of principle. Where these are wanting, there never can be any solid confidence, or any deep sense of duty. Where these exist, they become a sufficient guaranty against all sinister influences, as well as all gross offences. It has been remarked with equal profoundness and sagacity, that, as there is a degree of depravity in mankind, which requires a certain degree of circumspection and distrust; so there are other qualities in human nature, which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher form, than any other.[1] It might well be deemed harsh to disqualify an individual from any office, clearly required by the exigencies of the country, simply because he had done his duty.[2] And, on the other hand, the disqualification might operate upon many persons, who might find their way into the national councils, as a strong inducement to postpone the creation of necessary offices, lest they should become victims of their high discharge of duty. The chances of receiving an appointment to a new office are not so many, or so enticing, as to bewilder many minds; and if they are, the aberrations from duty are so easily traced, that they rarely, or never escape the public reproaches. And if influence is to be exerted by the executive for improper purposes, it will be quite as easy, and in its operation less seen, and less suspected, to give the stipulated patronage in another form, either of office, or of profitable employment, already existing. And even a general disqualification might be evaded by suffering the like patronage silently to fall into the hands of a confidential friends, or a favourite child or relative. A dishonourable traffic in votes, if it should ever become the engine of party or of power in our country, would never be restrained by the slight network of any constitutional provisions of this sort. It would seek, and it would find its due rewards in the general patronage of the government, or in the possession of the offices conferred by the people, which would bring emolument, as well as influence, and secure power by gratifying favourites. The history of our state governments (to go no farther) will scarcely be thought by any ingenuous mind to afford any proofs, that the absence of such a disqualification has renedered state legislation less pure, or less intelligent; or, that the existence of such a disqualification would have retarded one rash measure, or introduced one salutary scruple into the elements of popular or party strife. History, which teaches us by examples, establishes the truth beyond all reasonable question, that genuine patriotism is too lofty in its honour, and

too enlightened in its object, to need such checks; and that weakness and vice, the turbulence of faction, and the meanness of avarice, are easily bought, notwithstanding all the efforts to fetter, or ensnare them.

At the risk of belaboring the point, it should be emphasized that one of Story's criticisms of the prohibition is that it did not go far enough in simply restricting a Member from appointment to civil office during his term of office. Significantly, this left "in full force every influence upon his mind if the period of his election is short, or the duration of it is approaching its natural termination," thus implying that if evasions were to take place they would have to take effect after a Member's term expired.

FOOTNOTES

[1] Mr. Doddridge's Speech in the case of Houston, in May, 1832; Mr. Burges's Speech, Ibid.

[2] Journ. of Convention, 214, 319, 320, 322, 323.

[3] 1 Tuck. Black. Comm. App. 198, 214, 215, 375.

[4] Rawle on the Const. ch. 19, p. 184, &c.; 1 Wilson's Law Lect. 446 to 449.

[1] Rawle on the Constitution, ch. 19. See 1 Tuck. Black. Comm. App. 375.

[1] The Federalist, No. 55.

[2] 2 Elliot's Debates, 279.

SUBSEQUENT LEGAL OPINIONS AND AUTHORITIES

No Federal court has passed upon scope of the inhibition of article I, section 6, clause 2. The question was raised in a court suit emanating from the appointment of Justice Hugo Black to the Supreme Court. Prior to this appointment, Congress passed legislation improving the financial positions of justices retiring at age 70. At the time Black was a Senator from Alabama. The situation gave rise to the case of *Ex parte Albert Levitt*, 302 U.S. 673 (1937), which the Supreme Court dismissed for lack of standing on the part of the petitioner without passing on the merits.

Two Attorney General opinions considering the issue have found the literal language of the provision to be controlling. The first, 17 Op. Atty. Gen. 365 (1882), involved the attempted appointment of a former Senator to an office created after he had resigned his Senate seat but before his term of office had expired. The facts were as follows: Kirkwood was elected as Senator from Iowa for a term expiring on March 4, 1883. He resigned in March 1881 to become Secretary of the Interior and in that same year resigned as Secretary and returned to private life. In 1882 the office of Tariff Commissioner was created by Congress and Kirkwood was proposed as the nominee. However Kirkwood's eligibility was questioned and at the request of the President, Attorney General Brewster rendered an opinion in which he held that Kirkwood was indeed ineligible for appointment.

> It is unnecessary to consider the question of the policy which occasioned this constitutional prohibition. I must be controlled exclusively by the positive terms of the provision of the Constitution. The language is precise and clear, and, in my opinion, disables him from receiving the appointment. The rule is absolute, as expressed in the terms of the Constitution, and behind that I cannot go, but must accept it as it is presented regarding its application in this case. I caused careful search through the opinions of the Attorneys General for a precedent upon this question, but none has been found. No opinion is recorded in which the subject is considered. Neither is there any record of published cases in the reports of the United States that touch upon this point. Among the decisions of the State courts four cases only were found in which a like constitutional prohibition has been considered. They are not directly in point here, and I can obtain no help from them to avoid the conclusion I have before expressed. They maintain in effect the same principle and adopt the same rule of interpretation which I here submit disables Governor Kirkwood from receiving this appointment.

A later opinion by Acting Attorney General Conrad, on facts analogous to that raised in the situation now in question, is in agreement. That opinion, reported in 21 Op. Atty. Gen. 211 (1895), involved Senator Matthew W. Ransom of North Carolina, who was elected to a term beginning March 4, 1889. In 1891, during his term, Congress raised the salary of the Ambassador to Mexico. On February 23, 1895, Ransom was nominated to be the envoy to Mexico and was confirmed the same day. Ransom took the oath of office on March 4, after his senatorial term had expired, and received his commission on March 5. Thereafter, the auditor for the State Department refused to pay his salary because of the apparent conflict with article I, section 6, clause 2.

The Acting Attorney General found that the constitutional prohibition is directed against appointment and held that since the appointment occurred on February 23, during the senatorial term, it was a nullity due to Ransom's ineligibility.[3]

THE APPOINTMENT OF PHILANDER C. KNOX

There exists one precedent involving legislation designed to skirt the inhibiting feature of the emoluments clause. The incident arose in 1909 with the announcement of the intended appointment of Senator Philander C. Knox as Secretary of State. It was thereafter discovered that Knox was constitutionally ineligible, the salary of the Secretary's office having been increased by a law passed while he was a Senator.[4] Knox's term was not due to expire until March 3, 1911. To remedy the situation, legislation was introduced in the Senate (S. 9295) reducing the salary in question to what it had been before the increase. The constitutionality of the action was vigorously debated. A minority report accompanying the bill (House Rep. No. 2155, 69th Cong., 2d sess.) stated:

> We do not believe that a provision of the Constitution that is so clear and emphatic should be sought to be annulled or suspended in the manner attempted by the passage of this bill. The emoluments of the Secretary of State were increased by the Fifty-ninth Congress. The occupant of that office has been regularly receiving these emoluments. We believe that the mischief undertaken to be provided against by this provision of the Constitution clearly embraces the act of appointing one of the said United States Senators to the office of the Secretary of State. It might be said, and truly, that this mischief is remote in any event; however this may be, it contained sufficient danger for the framers of the Constitution to provide against it. If the Constitution prohibits it, surely it can not be argued that if this prohibition can be so easily overcome by the device of reducing the salary below what in the judgment of the Congress should be, with the hope which in this case is almost a certainty, of the salary being restored to its present amount, that that would not be clear evasion of the plain provision of the Constitution. The office of the Secretary of State will be probably held for eight years by its next incumbent, and a designing Senator, which the Constitution seeks to provide against, could reasonably anticipate, that although his salary would be temporarily reduced in the closing years of his senatorial term, at the expiration of that term it would, through his influence, be restored to the amount to which it was placed by Congress of which he was a member, and thus he would receive the higher salary from at least two to probably eight years.

The debates on the floor of the House were particularly heated, as the following excerpts demonstrate. Representative Clayton spoke in favor of the bill, arguing the mere recission of the pay increase satisfied the constitutional prohibition. His speech was followed by a series of opposition statements by Members covering a wide variety of legal and practical objections. At the heart of the opposition's contentions was the view that the legislation would effectively amend the Constitution. (43 CONGRESSIONAL RECORD 2390–2404).

> Mr. CLAYTON. Mr. Speaker, the bill under consideration, and which has just been read at the Clerk's desk, in and of itself in nowise offends against any provision of the Constitution. No one has said—and, I take it, no one will contend—that the enactment of this particular measure will be in violation of the organic law, but the most that is urged against it is that it is an attempt to avoid an alleged ineligibility which may arise hereafter in a possible case. This bill simply seeks (1) to repeal that part of the act of June 30, 1908, which relates this composition at the rate of $8,000 per annum, which was the former statute covering the subject; (2) to provide that there shall be no emoluments attached to the office of Secretary of State other than those in force on the 1st day of May, 1904; (3) and stipulates that the pending measure, if enacted, shall be in force from and after March 4 next. It seems to me too plain for argument, and therefore a waste of time, to say that there can be no constitutional obstacle to the passage of this bill.
>
> Undoubtedly this is true, unless we look beyond the terms of this measure and consider as inseparably related to it the possibility of the appointment of Senator Knox to the office of Secretary of State. If we were permitted to follow the example of a good lawyer before a court, we would confine ourselves to the case at bar, to the particular question before the tribunal, rather than seek for a moot case, and discuss a question that might arise before some other tribunal in some other case at some future time.
>
> Mr. Speaker, in considering the pending measure I believe we have nothing to do with what may be the question presented to the Senate in the near future upon the happening of a possible contingency. To put it plainer, I do not believe that in considering the measure now before the House we have anything to do with a decision of the question which will be presented to the Senate when that body sits as a part of the appoint-

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[3] See also Hill v. The Territory of Washington, 2 Wash. Terr. Repts. 147, where the court invalidated the election of a county treasurer on the ground that at the time of his election he was ineligible (he held a reserve commission in the U.S. Army) under then-existing law to hold office and that an amendment of the law subsequent to the election which lifted the disqualification was ineffective to validate his election.

[4] 34 Stat. 948 (1907).

ing power to consider the nomination of Senator Knox as Secretary of State, which nomination is now probable, with every prospect of being made a certainty on the 4th of next month.

I have no objection to urge against this bill which reduces the salary of the Secretary of State. By its very terms it does not relate to any other matter. If I had the opportunity I would vote to reduce the salary of every other Cabinet officer to $8,000. I do not believe that any man has ever accepted a place in any presidential cabinet on account of any salary inducement. It seems to me that $8,000 per annum is enough salary for such a position. Therefore, because this bill does not violate any provision of the Constitution and does reduce the salary of the Secretary of State, I shall vote for it.

I concede, Mr. Speaker, that many of my associates here, whose opinions I value highly, do not agree with the line of argument that I have pursued; so, out of deference to them and for the sake of further argument, I shall consider as best I can in the brief time allowed me the question of the eligibility of Senator Knox for the portfolio of Secretary of State in the Cabinet of the incoming President.

The second paragraph of section 8 of Article I of the Constitution of the United States is in the following language:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office.

To correctly understand any provision of law it is essential to know that good which it is intended to provide and the evil which it is intended to prevent. The rule is stated by an eminent authority to be as follows:

> The mischief intended to be removed or suppressed or the cause or necessity of any kind which induced the enactment of a law are important factors to be considered in its construction. The purpose for which the law was enacted is a matter of prime importance in arriving at a correct interpretation of its terms.

Again Judge Story says.

> The reason and spirit of the law, or the causes which led to its enactment, are often the best exponents of the words, and limit their application.

And again he says:

> The rules then adopted are, to construe the words according to the subject-matter, in such a case as to produce a reasonable effect, and with reference to the circumstances of the particular transaction. Light may also be obtained in such cases from contemporary facts or expositions; from antecedent mischiefs, from known habits, manners, and institutions; and from other sources almost innumerable, which may justly affect the judgment in drawing a fit conclusion in the particular case. (Story on Const., vol. 1, pp. 305–307.)

These rules apply in the construction of any part of a constitution as well as they do in the construction of a statute. A reference to the debates in the convention which framed our Constitution will reveal the fact that there was a twofold purpose in rendering Senators and Representatives ineligible to offices created, or the emoluments of which were increased during the time for which they were elected. It is worthy of note that when this provision was under discussion in that convention, it was attempted to make the bar against Senators and Representatives perpetual, and that this was defeated. This provision was designed in the first place to protect the people from such Senators and Representatives who might be willing to create offices or increase salaries in order that they might enjoy them; and, in the second place, it was designed to remove Congress as far as possible from the influence which such appointments might give the executive over the legislative branch of the Government. If the object was to prevent Senators and Representatives from increasing the salaries of offices and then becoming the beneficiaries of such increase by executive appointment, it obviously follows that the repeal of the law which increased the salary of the Secretary of State would remove the case of Senator Knox from the reason of the rule, and I think it manifest that it would also remove his case from the operation of the rule.

There can be no dispute that, by repealing the law which increased the salary and restoring the old salary, Senator Knox, as Secretary of State, would not be benefited by the law passed while he was a Member of the Senate; and therefore the reason which prompted the framers of the Constitution to adopt that provision rendering Senators and Representatives ineligible to certain offices pointed out in the provision which I have read would no longer be applicable. The maxim that "When the reason ceases the rule itself ceases" is not of universal application, and it must be conceded that no matter what the reason of the rule may be, if the rule itself still applies to a given case, then the rule must be followed. Those who contend that the repeal of the law increasing the salary of the Secretary of State will not render Senator Knox eligible base their contention on the clause which declares, "or the emoluments whereof shall have been increased during such time." Reading that language in the light of the purpose which it was intended to serve, it seems plain to me that it contemplates a continuing condition, and applies, therefore, in a case only where the officer would enjoy the increased emoluments. In the event of the enactment of this bill and the appointment of Senator Knox he will not "be appointed to any civil office * * * the emoluments whereof shall have been increased." This bill does not attempt to repeal a fact, as is tritely stated, but it seeks to repeal a condition created by a legislative enactment, and it is not to be denied that if Congress has created it can remove the condition. The power to create carries with it the power to destroy.

I venture the opinion that this provision was not intended to apply to a case where an act was passed by Congress, and afterwards, for any reason, repealed, thus reporting the old status. This view is sustained by the rule of construction, that when a statute has been repealed it is the same as to future consequence as if it had never been enacted, unless in the repealing act there is some saving clause.

It is a well-known doctrine applied in construing penal statutes, that if a statute denouncing a given act as a crime has been repealed there would be no warrant or authority for the prosecution of a person for the offense denounced by that statute, even though the offense was committed before the statute was repealed. The prosecution in such a case could not proceed except under the law existing at the time of the trial.

"The general rule is that when an act of the legislature is repealed without a saving clause it is considered, except as to transactions past and closed, as though it had never existed." (Section 282 (162), Lewis Sutherland, Statutory Construction and cases cited.)

"The repeal or expiration of a statute imposing a penalty or forfeiture will prevent any prosecution, trial, or judgment for any offense committed against it while it was in force, unless the contrary is provided in the same or some other existing statute. * * *

"There can be no legal conviction for an offense unless the act be contrary to law at the time it is committed; nor can there be judgment unless the law is in force at the time of the incitement and judgment."

Section 286 (166), Lewis Sutherland, Statutory Construction and cases cited.

If this be the true rule, then we may say that for a stronger reason, we must conclude, that in testing the right to an office, the law as it exists when the test comes ought to govern.

We speak of this question as a constitutional disqualification, but it must be remembered that the Constitution does not prohibit, in a case like that under consideration, proprio vigore, that there must be some statute enacted before the constitutional disqualification can attach; and it seems to me that, when called upon to decide the question of eligibility vel non, the decision must be made under the Constitution and upon the statutory law existing at the time of the decision. Ineligibility is made up of the constitutional provision and a statutory enactment. If the statute has been repealed before the question of ineligibility arises, there is then no law to which the constitutional provision can be applied.

On account of his high character, eminent ability, and long and successful experience in public life, Senator Knox will doubtless be nominated by the President to the Senate on March 4 next for Secretary of State. There will then be no existing statute increasing the emoluments of that office enacted while he was a Senator, and I doubt not that the Senate will confirm him. That great body is fully capable of interpreting any provision of the Constitution. Perhaps it is not too much to say that the interpretation of this provision of the Constitution in such a case is confided to the Senate as a part of the appointing power. In my judgment that tribunal will not "stick in the bark" and say that there was at one time a statute increasing the emoluments of the Secretary of State, enacted while Mr. Knox was a Senator, but will go deeper and put their decision upon the ground that on the 4th of March next, there is no statuture increasing the emoluments of the office of Secretary of State, enacted during the time for which Senator Knox was elected, and therefore no constitutional disqualification arises.

It is evident, and it is complimentary to that distinguished gentleman, that when he was selected, conceding that he has been selected, by Mr. Taft as the ranking member of his official family, the matter of salary was not thought of by him, and therefore this question as to his eligibility never occurred to him. Had the salary been any inducement to him the question discussed here today would naturally have presented itself for his learned consideration. [Applause.]

Mr. Gillespie. Mr. Speaker, as I understand it, in this case we have no reason, no right, to refer to the constitutional convention and what occurred there, because the provisions of the Constitution in question are plain, they are emphatic, they are unequivovocal. The salary of the Secretary of State has been increased. The increased salary has been received for two years. The constitutional prohibition is complete. Mr. Speaker, what attitude would we be in here if we were considering the passage of a statute like this?

"Be it enacted, etc., That any Senator or Representative may, during the time for which he was elected, be appointed to any civil office under the authority of the United States the emoluments whereof shall have been increased during the time for which he was elected: *Provided, however,* That such Senator or Representative shall not receive the increased salary, but shall only receive such salary as was fixed by law before the said increase."

What would we be attempting to do? To amend the Constitution of the United States by legislative enactment, and that is the purpose of this bill. Mr. Speaker, I do not know how others feel, but for myself I will forever feel humiliated if this Congress in this way deliberately passes this act to override the

Constitution of the United States. I believe it not only violates the letter of the Constitution, but it violates the spirit of the Constitution. Are we going to say that the United States Senators or Members of the House may engage in these evil machinations and schemes, in these designs which always involve the increase of other salaries, and then pass a bill like this, temporarily reducing the salary, as an avenue of escape? This is not a question of reducing a salary, and everybody here knows it. If the question were upon its merits of reducing the salary of the Secretary of State, I believe that there would not be 10 per cent of the Members of this House who would vote to reduce the salary of the Secretary of States from $12,000 to $8,000. I myself would vote tomorrow to restore this salary to $12,000. No; it is not a question of reducing a salary, and we can not shield ourselves behind that proposition. Any Senator or Member would know, if appointed under such circumstances, that his influence within his party, if it is strong enough to enable him to be appointed Secretary of State, would be strong enough to have this salary restored. It is true the bill says that no future Congress shall restore this salary. This is only another absurdity of this bill. We can not control future Congresses. Absurdities accumulate in this bill. The salary of the Secretary of State is too low now, and that is what nearly all of us believe. You are voting upon this bill upon the other proposition, and not upon the merits of the proposition incorporated in the bill. I do not charge that anything of evil entered into the raising of the Secretary of State's salary. I do not believe that such was the case, but I say all the possible mischief that the Constitution undertakes to protect the country from lives in this act. It is a violation of both the letter and the spirit of this provision of the Constitution. Mr. Speaker, when the temperance people come here for legislation, they are told the Constitution is in their way; when labor demands legislation, its representatives are told the Constitution is in their way. Let us live up to the Constitution. If it applies to one let it apply to all. [Applause.]

Mr. HARDWICK. Mr. Speaker, the gentleman from Alabama [Mr. CLAYTON], who opened the debate and favors the bill, is both ingenious and candid in his presentation of the question.

He is ingenious in beginning his argument by calling attention to the fact that no gentleman can base his opposition to the pending measure upon constitutional objections to the Senate bill itself, because everyone must readily concede that Congress has the undoubted power to either increase or decrease the salary of the Secretary of State. The gentleman is not willing, however, to maintain a disingenuous position, so he candidly concedes that the question that is really behind the measure, and from which the motive for its passage springs, is not economy, but an attempt to so modify existing law as to render it possible for the distinguished Senator from Pennsylvania [Mr. KNOX] to accept the high office of Secretary of State in the Cabinet of our incoming President, for which distinguished honor it is authoritatively stated that he has been selected.

Let me say, before I enter into the argument I wish to make, that I have no wish to annoy or embarrass our incoming President, or his administration, particularly with reference to the selection of a Cabinet.

The rules of propriety and good taste would forbid that such a course should be adopted by any member of the opposing party, save upon the most important grounds and for the gravest reasons. Besides, it happens, in this particular matter, that few Members of this body more freely concede and more sincerely admire the great ability of Senator KNOX as a lawyer and as a statesman than I. I believe that he would make a great Secretary of State, and I regret that constitutional objections, as I understand the question, forbid it.

In 1904 Mr. KNOX was elected by the legislature of Pennsylvania to be United States Senator from Pennsylvania for the term beginning March 4, 1905, and ending March 4, 1911. He accepted the office, and from March 4, 1905, up to the present moment has been engaged in the performance of its duties. By the act of February 26, 1907, during the term for which Mr. KNOX was elected Senator and while he was actually serving as such Congress increased the salary of the Secretary of State from $8,000 to $12,000 per annum.

Paragraph 2, section 6, Article I, of the Constitution of the United States provides:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time, etc."

Now, on February 26, 1907, "during the time for which" Mr. KNOX was "elected" Senator, the "emoluments" of the office of Secretary of State were increased. So it appears, from the plain words of the Constitution itself, that on February 26, 1907, Mr. KNOX became constitutionally ineligible to appointment as Secretary of State, and that such ineligibility, in the very words of the Constitution itself, continued "during the time for which he was elected" Senator, to wit, up to March 4, 1911. It seems to me that the question is so simple that to merely state it in the very words of the Constitution is all that is required to carry conviction. But able lawyers in the House and elsewhere have either intentionally or unintentionally sought to complicate the question and to muddy the waters by an entirely irrelevant and wholly useless discussion of the "meaning" of this paragraph of the Constitution, the evil it sought to remedy, and the motives that actuated its framers.

No gentleman on this floor, no lawyer here or elsewhere, is better acquainted than I am with the well-settled doctrine that in construing organic law, or statutory law, either for that matter, all of these matters ought to be taken into consideration, under some circumstances, so that the law may be properly understood; but, until the discussion over this bill and the question behind it arose, I never heard of a lawyer of respectable ability, anywhere, seriously contending that reference ought to be made to these sources of information, to these rules of construction, unless the language to be construed is of doubtful meaning or uncertain significance. That this doctrine of construction, sound enough and wise enough when applicable, should first be distorted and then invoked in order to create a doubt where none exists and to afford an opportunity to evade by "construction" constitutional language so plain that it speaks for itself, says what it means, and means what it says is equally shocking to my judgment as a lawyer and my common sense as a man. I do not believe that either lawyer or layman can accept such a doctrine.

Under the Constitution of the United States Senator KNOX is now ineligible to hold the office of Secretary of State, and will be until March 4, 1911, and no act of Congress, and no number of acts of Congress, can remove the constitutional bar which attached to him on the 26th day of February, 1907, when the Congress of which he was a Member, during the term for which he was elected, increased the salary of the Secretary of State.

The constitutional provision in question does not mean, as our opponents in this debate would have the House and the country believe, that no Member of Congress shall be appointed to an office the salary of which is higher at the time of such appointment than it was when his congressional service began. If it had meant that, it would have been a very simple matter to have said just that, and in fewer words than were employed in the provision that was adopted.

But the gentlemen who favor this bill insist that if Senator KNOX does not receive as Secretary of State greater compensation than attached to that office when his term as Senator began the "spirit" of the Constitution will have been complied with. Let us examine this argument for just a moment. Suppose Mr. KNOX becomes Secretary of State, and suppose at some time between March 4, 1909, and March 4, 1911, at which latter date the term for which Mr. KNOX was elected Senator expires, Congress should again increase the compensation of the Secretary of State above $8,000; then who can deny that not only the letter of the Constitution would have been disregarded, but its spirit, even as that "spirit" is understood and defined by the friends of the Senate bill?

If the construction which the friends of this bill contend for is sound, and the status of the salary at the very date of appointment is to be alone considered, how easy it would be to reduce this salary from $12,000 to $8,000 on the 3d day of March, 1909, let Senator Knox qualify as Secretary of State on the 4th day of March, 1909, and then on the 5th day of March, after he had been appointed and confirmed as Secretary, restore the salary to $12,000. In the event procedure of that kind were had, what would become both of the letter and the "spirit" of the Constitution? And the fact that such procedure is possible under the "construction" contended for by the advocates of this bill is the plainest demonstration of the unsoundness of their contention and the surest warning against the danger of such tampering with the Constitution.

It is my earnest hope that when the President-elect and the distinguished gentleman whom he has selected to head his Cabinet examine into this question carefully, and with the great legal ability for which both of them are so justly distinguished, that, regardless of any action of Congress on this salary matter, neither of them will be willing to signalize the new administration's advent by so patent, so palpable a violation of the Constitution they have sworn to support. It will be most unfortunate if these gentlemen do not rise not only to the proprieties but to the duty of the occasion.

So far as I am concerned, my course in this matter is easy enough. I believe the Constitution says exactly what it means and means precisely what it says. I am convinced that Mr. Knox will not be eligible to appointment as Secretary of State until March 4, 1911, and that no "enabling act" of Congress can override, repeal, or modify the Constitution so as to make him eligible. I shall not, therefore, lend myself to this scheme to override the Constitution and to disregard its plain, simple, and unambiguous language.

Mr. GAINES of West Virginia. I decline to be interrupted further.

But, Mr. Speaker, constitutional propositions should not be construed in so technical a manner. In 12 Wallace, the Supreme Court of the United States says:

"Nor can it be questioned that when investigating the nature and extent of the powers conferred by the Constitution upon Congress, it is indispensable to keep in view the business for which those powers were granted. This is a universal rule of construction—"

Says that court—

"applied alike to statutes, wills, contracts, and constitutions. If the general purpose of the instrument is ascertained the language of its provisions must be construed with reference to that purpose and so as to subserve it."

Now, can anybody doubt that if we put this office in a position where there will have been no increase of salary, where it can not by any possible construction be held that there was a hope held out to any Senator in voting for the increase that he might get that increase, if we put it back to where it was, destroying the possibility that any such purpose should have animated him in voting for the increase, have we not complied with this rule of construction and subserved the purposes of the Constitution?

And, says the Supreme Court, there are more urgent reasons for looking to the purpose sought to be accomplished in examining the powers confererred by a constitution than there is in construing a statute, will, or contract. We do not expect to find a constitution minute in details.

In connection with the rule of construction laid down by the Supreme Court of the United States just cited, let us see what the object is of the constitutional provision which we are considering.

The reason for excluding persons from office, says Story, who have been concerned in creating them, or increasing their emoluments, is to take away, as far as possible, any improper motive in the vote of the Representative, and to secure to his constituents some solemn pledge of his disinterestedness.

The object of the Constitution is plain to everybody. I have taken the trouble, however, to cite this great authority for the statement of the purpose of the Constitution.

Now, then, if we take away that increase of salary, will we not have strictly complied with the Constitution? Gentlemen talk as if there was a constitutional ineligibility on the part of the distinguished Senator from Pennsylvania. On the contrary, Mr. Speaker, the only ineligibility is created by statute; and that ineligibility which Congress has by law created Congress can by law remove.

Mr. Speaker, this is not a new question. It has been passed upon twice—once, at least, in the National Government and once in the State of New Jersey. In the case of Senator Lot M. Morrill, of Maine, the very question was involved; and because the statute which had increased the salary of Cabinet officers, and which had been passed during the term for which he had been elected, had also been repealed, Senator Morrill was eligible to appointment in the Cabinet, although the time for which he had been elected Senator had not expired.

The New Jersey case was that of Ex-Governor George T. Werts, who was appointed to the supreme court, although his term as senator had not expired and during that term the salary had once been increased. But because the salary had been again reduced to what it had formerly been, he was deemed to be eligible to the appointment, notwithstanding a provision in the New Jersey constitution similar to the one we are now considering.

Also introduced into the debates was an "Unofficial Opinion of Assistant Attorney General Russell" which supported the validity of the proposed method of lifting the disqualification. The text of the opinion follows:

APPENDIX

UNOFFICIAL OPINION OF ASSISTANT ATTORNEY-GENERAL RUSSELL

FEBRUARY 10, 1909.

The question has been submitted for my unofficial opinion whether a Member of the present Senate of the United States could be appointed, after the 4th of March next, but prior to the expiration of the period for which he was elected, to the office of Secretary of State, the salary of which was increased since his election, provided Congress should in the meantime restore the salary to what it was when he entered the Senate. The question involves the construction of the Constitution of the United States (Art I, sec. 6. par. 2), which reads as follows:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office."

It is a well-recognized principle of construction, frequently applied by the Supreme Court to the laws and the Constitution—as, for example, in the Legal Tender cases, the income-tax decision, and in a case (143 U.S., p. 457) involving the question whether a minister contracting to remove to the United States was prohibited from entry by the contract-labor law—that a thing may be within the law and yet without the letter of the law, and vice versa. In the decision of the first-mentioned case the Supreme Court said (12 Wall., 531):

"Nor can it be questioned that, when investigating the nature and extent of the powers conferred by the Constitution upon Congress, it is indispensible to keep in view the objects for which those powers were granted. This is a universal rule of construction, applied alike to statutes, wills, contracts, and constitutions. If the general purpose of the instrument is ascertained, the language of its provisions must be construed with reference to that purpose and so as to subserve it. In no other way can the intent of the framers of the instrument be discovered. And there are more urgent reasons for looking to the ultimate purpose in examining the powers conferred by a constitution than there are in construing a statute, a will, or a contract. We do not expect to find in a constitution minute details. It is necessarily brief and comprehenive."

In the contract-labor case concerning the minister the Supreme Court used this language:

"It is a case where there was presented a definite evil, in view of which the legislature used general terms with the purpose of reaching all phases of that evil; and thereafter, unexpectedly, it is developed that the general language thus employed is broad enough to reach cases and acts which the whole history and life of the country affirm could not have been intentionally legislated against. It is the duty of the courts, under those circumstances, to say that however broad the language of the statute may be, the act, although within the letter, is not within the intention of the legislature, and therefore can not be within the statute."

Applying this familiar principle to the language of Article I, section 6, should we regard that language as prohibiting the appointment of a Senator to an office the salary of which, during the term for which he was elected, has been increased and afterwards diminished, so that at the time of his proposed appointment it is no greater than when he was elected Senator?

Is the general purpose of the language of section 6 such that to prohibit an appointment under those circumstances comes within that purpose, or, on the other hand, does the suggested appointment fall outside of the purpose and therefore outside of the law?

An examination of commentaries on the Constitution and of the debates in the convention which framed it leaves no doubt that the purpose, and the sole purpose, of paragraph 2, section 6, Article I, was to destroy the expectation a Representative or Senator might have that he would enjoy the newly created office or the newly created emoluments. (See Rawle on the Constitution, 2d ed., p. 189; Story on the Constitution, sec. 667; First Tucker's Blackstone, appendix, p. 375; Supp. to Elliott's Debates on the Constitution, pp. 189, 229, 375–378, 503–506, and 559.)

The reasons why the framers of the Constitution sought to destroy that hope was to prevent the vote of the Representative or Senator from being influenced by it. However that may have been, those in favor of the provision and those opposed to it concurred in understanding, what is manifest on the face of the provision itself, that the object, and sole object, to be accomplished was to destroy that hope.

Now, if in the case supposed here there could be no such hope, that object can not be accomplished by preventing the appointment. And certainly no such hope can exist, because, if the increase is made and continued, the Representative or Senator can not be appointed. If, on the other hand, it is made and then unmade, he can not get, or hope for, anything more than if there had been no such increase.

In my opinion, therefore, the case presented falls outside of the purpose of the law and is not within the law.

CHARLES W. RUSSELL,
Assistant Attorney-General.

The bill passed by a vote of 178 to 123, and the law became effective on March 4, 1909. (35 Stat. 626.)

As the above excerpts indicate, the debates were intense and the ultimate decision was reached by a close partisan vote. Although the Knox appointment stands as an important legislative precedent, it, of course, did not resolve the constitutional question involved. Cf. *Myers* v. *United States*, 272 U.S. 52, 175 (1926), where the legislative decision of the First Congress regarding the removal power of the President was deemed to have constitutional significance.

ANALYSIS AND CONCLUSIONS

The basic argument in support of the constitutional efficacy of remedial legislation designed to remove the disqualification imposed by article I, section 6, clause 2 is that such legislation does not violate the intent and spirit of the constitutional inhibition since the very reason for the principle of the provision has been removed. As succinctly stated by Representative Clayton during the 1909 debates:

> If the object was to prevent Senators and Representatives from increasing the salaries of offices and then becoming the beneficiaries of such increase by executive appointment, it obviously follows that the repeal of the law which increased the salary of the Secretary of State would remove the case of Senator Knox from the reason of the rule, and I think it manifest that it would also remove his case from the operation of the rule. (42 CONGRESSIONAL RECORD 2391).

Resolution of the issue, however, would not appear to be so simple. In the search for the meaning or intent of constitutional provisions the common rule of construction is that first resort is made to the words of the provision in question, and where they are clear and unambiguous and not in conflict with other provisions of the document, the search for meaning goes no further. Thus in *Lake County* v. *Rollins*, 130 U.S. 662, 670–671 (1889) the Supreme Court expressed the rule as follows:

> The object of construction, applied to a constitution, is to give effect to the intent of its framers, and of the people in adopting it. This intent is to be found in the instrument itself; and when the text of a constitutional provision is not ambiguous, the courts, in giving construction thereto, are not at liberty to search for its meaning beyond the instrument.
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> To get at the thought or meaning expressed in a statute, a contract or a constitution, the first resort, in all cases, is to the natural signification of the words, in the or-

> der of grammatical arrangement in which the framers of the instrument have placed them. If the words convey a definite meaning which involves no absurdity, nor any contradiction of other parts of the instrument, then that meaning, apparent on the face of the instrument, must be accepted, and neither the courts nor the legislature have the right to add to it or take from it. *Newell* v. *People,* 7 N. Y. 9, 97; *Hills* v. *Chicago,* 60 Illinois, 86; *Denn* v. *Reid,* 10 Pet. 524; *Leonard* v. *Wiseman,* 31 Maryland, 201, 204; *People* v. *Potter,* 47 N. Y. 375; Cooley, Const. Lim. 57; Story on Const. § 400; *Beardstown* v. *Virginia,* 76 Illinois, 34. So, also, where a law is expressed in plain and unambiguous terms, whether those terms are general or limited, the legislature should be intended to mean what they have plainly expressed, and consequently no room is left for construction. *United States* v. *Fisher,* 2 Cranch. 358, 399; *Doggett* v. *Florida Railroad,* 99 U. S. 72.
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> There is even stronger reason for adhering to this rule in the case of a constitution than in that of a statute, since the latter is passed by a deliberative body of small numbers, a large proportion of whose members are more or less conversant with the niceties of construction and discrimination and fuller opportunity exists for attention and revision of such a character, while constitutions, although framed by conventions, are yet created by the votes of the entire body of electors in a State, the most of whom are little disposed, even if they were able, to engage in such refinements. The simplest and most obvious interpretation of a constitution, if in itself sensible, is the most likely to be that meant by the people in its adoption.
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> Such considerations give weight to that line of remark of which *The People* v. *Purdy,* 2 Hill, 31, 36, affords an example. There, Bronson, J., commenting upon the danger of departing from the import and meaning of the language used to express the intent, and hunting after probable meanings not clearly embraced in that language, says: "In this way . . . the constitution is made to mean one thing by one man and something else by another, until in the end it is in danger of being rendered a mere dead letter, and that, too, where the language is so plain and explicit that it is impossible to make it mean more than one thing, unless we lose sight of the instrument itself and roam at large in the boundless fields of speculation."
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> Words are the common signs that mankind make use of to declare their intention to one another; and when the words of a man express his meaning plainly, distinctly and perfectly, we have no occasion to have recourse to any other means of interpretation.

The provisions of article 6, section 2, clause 2 admit of no uncertainty. In plain terms they state that ineligibility for appointment to an office attaches to all Members of Congress during the remainder of their terms if a new office is created or if the compensation of an old office is increased during the term in which they are serving. No exception is apparent. Indeed, reference to the last clause of section 2, "and no person holding any office under the United States, shall be a Member of either House during his continuance in office," lends further support to such construction. Taken as a whole, the section reads as a consistent, unqualified prohibition against office holding under strictly specified circumstances. Interpolation of an exception after the words, "or the emoluments shall have been increased," which would in effect read "except in individual cases where Congress deems it necessary to waive the disqualification," plainly renders the emoluments clause meaningless.

The applicability of the above-stated rule of construction would also appear to be particularly pertinent in the instant situation since we are not dealing with the grant of an amorphous power ("to regulate commerce") or the prohibition of a particular type of action ("no bill of attainder or ex post facto law shall be passed.") which requires reference outside the confines of the constitutional instrument for meaning. The reason for the rule of construction is to prevent resort to sources of information which would make doubtful and uncertain, or intrude exceptions, where words are clear and unambiguous and admit of no exception. Avoidance of the rule in such circumstances would appear to nullify the attempt at certainty made by the framers. To repeat Attorney General Brewster's admonition regarding the proper manner of construing this provision:

> It is unnecessary to consider the question of the policy which occasioned this constitutional prohibition. I must be controlled exclusively by the positive terms of the provision of the Constitution. The language is precise and clear, and, in my opinion, disables him from receiving the appointment. The rule is aboslute, as expressed in the terms of the Constitution, and behind that I can not go, but must accept it as it is presented regarding its application in this case. 17 Op. Atty. Gen. 365, 366.

Notwithstanding the foregoing, as indicated earlier, reference to the intent of the framers would appear to support the plain language rather than to inject a doubt as to the scope of the prohibition. The initial prohibition proposed at the Convention was absolute in nature. The compromise ultimately effected was based on a desire not to foreclose the availability of able men to hold executive offices or to discourage competent individuals from seeking legislative office. There was full recognition that the compromise meant that the entire extent of the perceived evil—office seeking and executive influence—would not be covered. Specific instances of indirect evasion were mentioned, including the possibility that a Member nearing the end of his term could accept an office and with certainty expect the compensation of that office to be raised in a subsequent session of Congress. See, for example, Farrand, volume 1, page 390; Cf. Story, volume II, page 332. The purpose of the framers appears to have been to inhibit all attempts at direct evasions, with the thought that the inclusion of this perhaps halfway measure would serve as a guiding moral principle and reminder for cases not covered. In the words of Rutledge on this very point—

> I admit, in some cases, it may be evaded; but this is no argument against shutting the door as close as possible. Farrand, vol. 1, p. 394.

Returning now to the instant situation, it would seem that, if the emoluments clause does not preclude removal by legislative act of a disqualification previously imposed by it, the provision is easily obviated. During the 1909 Knox debates, it was argued that by decreasing the salary of the Secretary of State to what it had been prior to the beginning of Knox's term, there could be no possible aggrandizement to Knox, thereby removing the reason for the constitutional inhibition. But it is to be noted that the provision does not require an inquiry into the purpose of legislation creating an office or raising the compensation of an old office. The legislation itself triggers the disqualification and this would seem to be the case even if, hypothetically, the original triggering legislation raised the compensation of an old office to a level which was still below that being received by Members of Congress themselves. A disqualification arises under the emoluments clause upon the performance of a legislative act, not as a result of a particular legislative purpose. It would seem doubtful that even the loftiest legislative purpose may serve to remove a disqualification.

An argument may also be raised that the action of the 60th Congress in passing similar remedial legislation on behalf of Senator Knox is a controlling constitutional precedent in the present instance. The Supreme Court's decision in *Powell* v. *McCormack,* 395 U.S. 486 (1969), would appear to negative that contention.

Powell raised the question whether a Congressman could be constitutionally denied his seat on grounds other than his failure to meet the standing requirements of age, citizenship, and residence contained in article I, section 2, of the Constitution, requirements which the House specifically found Powell had met. The Court held that in judging the qualifications of its Members under article I, section 5, Congress is limited to the standing qualifications expressly prescribed by the Constitution in article I, section 2, and that Powell was entitled to a declaratory judgment that he was unlawfully excluded from the 90th Congress. Of significance here is the Court's rejection of respondent's argument that Congress own understanding of its power to judge qualifications, as manifested in many past cases in which it had excluded Members who had otherwise met the constitutionally prescribed qualifications, should be controlling. The Court held that such precedents, even if they had been consistent, were not controlling. They were only relevant insofar as they aided in gaining insight into the framers' intent but impliedly even then their value as precedents is lessened the further removed they are from the Convention of 1787. Moreover, the Court further held—

> [A]n unconstitutional action . . . taken before does not render that same action any less unconstitutional at a later date.

The relevant portion of the Court's opinion states (395 U.S. at pp. 546–547):

> Had these congressional exclusion precedents been more consistent, their precedential value still would be quite limited. See Note, The Power of a House of Congress to Judge the Qualifications of its Members, 81 Harv. L. Rev. 673, 679 (1968). That an unconstitutional action has been taken before surely does not render that same action any less unconstitutional at a later date. Particularly in view of the Congress' own doubts in those few cases where it did exclude members-elect, we are not inclined to give its precedents controlling weight. The relevancy of prior exclusion cases is limited largely to the insight they afford in correctly ascertaining the draftsmen's intent. Obviously, therefore, the precedential value

of these cases tends to increase in proportion to their proximity to the Convention in 1787. See *Myers* v. *United States*, 272 U.S. 52, 175 (1926). And, what evidence we have of Congress' early understanding confirms our conclusion that the House is without power to exclude any member-elect who meets the Constitution's requirements for membership.

As previously indicated, the 1909 Knox debates were heated and partisan. They were preceded by 122 years in which there had been no substantial precedent other than the two above-cited Attorney General's opinions which appear contrary to the legislative action taken. In light of Powell, therefore, the 1909 precedent may not be deemed controlling.

It is, therefore, concluded that there is substantial doubt that remedial legislation to rescind an increase in the compensation for the office of Attorney General in order to remove the disqualification of the proposed nominee for that office is in accord with the letter and intent of Article I, section 6, clause 2 of the Constitution and that it would serve to lift the disqualification.

Mr. President, I personally like our colleague, Senator SAXBE, and I am very sorry to have to raise a constitutional question concerning this proposed appointment. When Senator SAXBE's nomination was first made public, I did not feel that there was any problem of this nature involved, and I so told him. I vaguely remembered the Knox precedent, to which I have alluded, and it was at first my belief that that precedent had laid to rest any doubts about the constitutional provision here involved. However, upon careful reflection and considerable study, I have come to the conclusion that it is my duty—in accordance with my oath to uphold and defend the Constitution—to at least raise the constitutional question. It is for this reason that I urge the Senate and the Judiciary Committee to evaluate the matter and make a determination as to the constitutionality of the appointment. We have a responsibility as Members of a legislative body to consider constitutional questions when we seriously believe, and have ample reason to believe, that they are present. I think we have even more reason to consider the constitutionality of an appointment to a high Cabinet post of one of our esteemed colleagues. There is nothing personal in my taking this position. I have no intention to delay this legislation, and, as a matter of fact, last week, when this bill was first introduced, I at that time asked unanimous consent, to which an objection was made, that the bill be jointly referred to the Committee on Post Office and Civil Service and the Committee on the Judiciary, so that consideration and study could go forward concurrently within both of those committees.

I do believe, however, that the Senate, as one of the guardians of the people's liberties, will be severely judged by the people if it does not view the appointment of one of its own respected Members with the same objectivity that it would view a nominee who is not one among us.

I may be wrong in my opinion that this appointment is unconstitutional. I try to remember always that I can be mistaken and often am. It is for this reason that I want to know what the opinions are of some of the people in this country, who are constitutional experts—whether they be law professors, constitutional lawyers, or other persons well versed in the Constitution and the historic debates that occurred during the Constitutional Convention.

It may be difficult, with the brief period of time we have in which to report the bill back, and on such short notice, to insure the attendance before the Judiciary Committee of many of these eminent authorities, but I would at least hope that some would appear and that others would submit statements which could be included in the hearings record.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. MANSFIELD. I want to commend the Senator for the course which he has taken on this particular matter. I want to assure the Senate that it is a question of constitutionality which motivates the distinguished assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD). I think it is far better to settle the question before, rather than to have it come up afterward.

It is my hope that this matter can be settled satisfactorily within the time period to which the Judiciary Committee unanimously agreed, which has the full approval of the distinguished Republican leader, the Senator from Pennsylvania (Mr. HUGH SCOTT).

Only until this matter is disposed of, I understand, will it be possible for the White House to forward to the Senate the nomination of Senator WILLIAM SAXBE to be Attorney General of the United States.

I agree also that, as far as our own membership is concerned, they should not be given preferential or special treatment, but should be considered on the same basis as any other nominee for a position which requires Senate confirmation.

We all know BILL SAXBE. We all like him. We think he is a good Senator. But what this will do is serve to protect Mr. SAXBE rather than to serve as a deterrent to his consideration for the office to which the President of the United States has nominated him.

So I want to say that I support the stand of the distinguished assistant majority leader 100 percent. I think he is doing the right thing. And I think that the Senate, when it thinks about it, will agree unanimously with him, and that as far as the nomination is concerned, it will not hold that up except for a very small period of time. So the Saxbe nomination is not being held as a hostage, but the Senate, I think, is observing the rule of law as it applies to confirmations and nominations. That is as it should be and that is as it will be.

I again commend the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD).

Mr. ROBERT C. BYRD. Mr. President, I thank my very distinguished majority leader.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged against the order.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I am informed that the Senator from Michigan (Mr. GRIFFIN) does not want to utilize his time under the order. I, therefore, ask unanimous consent that the order be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10.30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later in the day this order was modified to provide for the Senate to convene at 9 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD AND FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN), and I each be recognized for not to exceed 15 minutes and in that order, and that there then be a period for the transaction of routine morning business for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on the Judiciary, with amendments:

S. 663. A bill to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes (Rept. No. 93–500).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 126. A joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday in May of each year as "Grandparents Day" (Rept. No. 93–501); and

S.J. Res. 168. A joint resolution to authorize the President to designate the period from February 10, 1974, through February 16, 1974, as "National Nurse Week" (Rept. No. 93–502).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with an amendment:

S. 1418. A bill to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions of the Organization of the Executive Branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace (Rept. No. 93–503).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted.

By Mr. EASTLAND, from the Committee on the Judiciary:

Henry A. Schwarz, of Illinois, to be U.S. attorney for the eastern district of Illinois;

John H. deWinter, of Maine, to be U.S. marshal for the district of Maine;

John L. Bowers, Jr., of Tennessee, to be U.S. attorney for the eastern district of Tennessee;

John J. Twomey, Jr., of Illinois, to be U.S. marshal for the northern district of Illinois;

Leonard F. Chapman, Jr., of Virginia, to be Commissioner of Immigration and Naturalization;

Charles H. Anderson, of Tennessee, to be U.S. attorney for the middle district of Tennessee;

Leigh B. Hanes, Jr., of Virginia, to be U.S. attorney for the western district of Virginia;

R. Jackson B. Smith, Jr., of Georgia, to be U.S. attorney for the southern district of Georgia;

Jack V. Richardson, of Kansas, to be U.S. marshal for the district of Kansas;

Rex Walters, of Idaho, to be U.S. marshal for the district of Idaho;

Rex K. Bumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia;

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee;

James T. Lunsford, of Alabama, to be U.S. marshal for the middle district of Alabama;

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the eastern district of Tennessee;

George R. Tallent, of Tennessee, to be U.S. marshal for the western district of Tennessee; and

James E. Williams, of South Carolina, to be U.S. marshal for the district of South Carolina.

The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. MAGNUSON. Mr. President, as in executive session, I report favorably sundry nominations in the Coast Guard which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PASTORE:

S. 2696. A bill to amend title 38 of the United States Code to provide pension benefits for widows and children of certain persons whose inservice death occurred not in the line of duty. Referred to the Committee on Veterans' Affairs.

By Mr. ERVIN (for himself, Mr. Mathias, Mr. Kennedy, Mr. Mansfield, Mr. Brooke, Mr. Burdick, Mr. Hruska, Mr. Young, and Mr. Pastore):

S. 2697. A bill to protect the constitutional rights of the subjects of arrest records and to authorize the Federal Bureau of Investigation to desseminate conviction records to State and local government agencies, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 2698. A bill for the relief of John J. Egan. Referred to the Committeee on the Judiciary.

By Mr. MUSKIE (for himself, Mr. Fulbright, and Mr. Metcalf):

S. 2699. A bill to amend section 315 of the Communications Act of 1934, in order to require the furnishing of equal opportunities in the use of a broadcasting station to the national committee of the major opposition political party in certain cases when the President uses such station. Referred to the Committee on Commerce.

By Mr. MONDALE (for himself, Mr. Javits, Mr. Nelson, Mr. Stafford, Mr. Williams, Mr. Randolph, Mr. Kennedy, Mr. Cranston, Mr. Montoya, Mr. Hughes, Mr. Hathaway, Mr. Pell, Mr. Schweiker, Mr. Brooke, and Mr. Ribicoff):

S. 2700. A bill to postpone the the implementation of the Headstart fee schedule. Referred to the Committee on Labor and Public Welfare.

By Mr. PELL:

S. 2701. A bill to require the establishment of safety standards for snowmobiles, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself, Mr. Cannon, Mr. Cotton, Mr. Hollings, Mr. McIntyre, Mr. Pastore, Mr. Pell, Mr. Stevenson, and Mr. Tunney):

S. 2702. A bill to provide that daylight saving time shall be observed on a year-round basis. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PASTORE:

S. 2696. A bill to amend title 38 of the United States Code to provide pension benefits for widows and children of certain persons whose inservice death occurred not in the line of duty. Referred to the Committee on Veterans' Affairs.

Mr. PASTORE. Mr. President, I send to the desk a bill to amend title 38 of the United States Code to provide pension benefits for widows and children of certain servicemen whose inservice death occurred not in the line of duty.

Recently a Veterans' Administration claim for benefits was called to my attention involving constituents, a widow of a deceased military officer and their five children, who, because of an inequity in the Veterans' Administration law, were refused compensation. The officer, although he had a distinguished military career, did not die in line of duty.

Under the law, if a commissioned officer is killed not in the line of duty, the Veterans' Administration has no discretion whatsoever with respect to granting benefits to his surviving wife and children.

However, in the case of a career enlisted man who should die under the same circumstances—not in the line of duty—his spouse and children would receive benefits, because the deceased enlisted man would be treated as a veteran.

This quirk in the law arises, because an enlisted man reenlists for several tours of duty until he accumulates sufficient time to retire.

However, a commissioned officer is considered to serve constantly from the date of his commission until he either retires or dies on duty or not in the line of duty. In either event, the deceased officer cannot be treated as a veteran under the Veterans' Administration law, whereas an enlisted man who is killed under similar circumstances would be treated as a veteran insofar as survivor's benefits are concerned.

The bill I have introduced would provide that the surviving spouse and family of an officer, who dies not in the line of duty, and who has completed at least 2 years of honorable service, would be treated in identical fashion as the family of a deceased enlisted man and would be entitled to non-service-connected VA benefits.

I think it is only equitable that the widow and surviving children of a commissioned officer be treated the same as the widow and surviving children of an enlisted man. After all, whether an officer or an enlisted man on active duty dies in line of duty or through his own negligence, the ones who really suffer are those that the serviceman leaves behind—his family.

I understand from Veterans' Administration officials that the cost of this legislation will be negligible since very few service families will qualify for benefits under this bill.

I hope that the Veterans' Affairs Committee, under the able leadership of Senator Vance Hartke, will act favorably and expeditiously on this legislation, because I know of one family from Rhode

Island in desperate need of the assistance which this bill would provide.

By Mr. ERVIN (for himself, Mr. Mathias, Mr. Kennedy, Mr. Mansfield, Mr. Brooke, Mr. Burdick, Mr. Hruska, Mr. Young, and Mr. Pastore):

S. 2697. A bill to protect the constitutional rights of the subjects of arrest records and to authorize the Federal Bureau of Investigation to disseminate conviction records to State and local government agencies, and for other purposes. Referred to the Committee on the Judiciary.

(The remarks of Mr. Ervin on the introduction of the above bill and the ensuing discussion appear later in the Record during the debate on the conference report on H.R. 8916, the State-Justice-Commerce and the Judiciary appropriation bill, 1974.)

By Mr. MUSKIE (for himself, Mr. Fulbright, and Mr. Metcalf):

S. 2699. A bill to amend section 315 of the Communications Act of 1934, in order to require the furnishing of equal opportunities in the use of a broadcasting station to the national committee of the major opposition political party in certain cases when the President uses such station. Referred to the Committee on Commerce.

PRESIDENTIAL RESPONSE TIME ACT

Mr. MUSKIE. Mr. President, the age of television has produced a potential for the perfection of democracy—the opportunity to present to the public at large, in their homes, the great political issues of the day, and the proposed responses of our political leaders.

In 1970, testifying before the Subcommittee on Communications in favor of a proposal to insure Congress some greater measure of national television exposure, I had occasion to observe that, used to its fullest, television could determine the outcome of every political issue and, in fact, every national issue. But television has not yet been successfully integrated into our political system. There is yet no mechanism to insure adequate access to television while protecting against unequal advantage. And the cost of television advertising has led to perversion and abuse of political campaigns.

The use of television in Presidential politics illustrates some of the most difficult of these problems. Different Presidents use television differently; but regardless of the individual who occupies the White House, or his party, by his access to television he exercises unmatched political power which threatens to create an imbalance between the President's and his opponent's ability to communicate with the electorate. Although there may be dispute about how to remedy this imbalance, a remedy surely must be found.

Today I introduce, as a basis for formulating a possible remedy, the Presidential Response Time Act, to give the opposition party access to television to respond to the President during Presidential and congressional election years. I am pleased that Senators Fulbright and Metcalf are cosponsoring this measure.

The tremendous impact a President's use of television can have on the opposition political party, Congress, and even the judiciary has been described in a newly published book entitled "Presidential Television"—Basic Books, New York, 1973—by former FCC Chairman Newton N. Minow, Writer John Bartlow Martin, and Washington Attorney Lee M. Mitchell. This book, produced with the support of the 20th Century Fund, is a welcome analysis of the critical relationship of politics and television.

Each succeeding President, this study reports, has made more effective use of the power the President alone holds to appear simultaneously on all national radio and television networks at prime, large-audience hours whenever and in whatever format he wishes. Today the President, and only the President, has this unique opportunity to present his image and his explanation of his policies and plans to the American voting public. The study suggests that this power of Presidential television can affect the continued ability of the opposition party and the Congress to perform the very important function which our political and constitutional traditions have led the public to expect of them—checking and balancing Presidential discretion.

To counterbalance a President's use of television, the authors of "Presidential Television" suggests that Congress periodically hold special prime-time sessions to debate the most important issues before us and that we allow the broadcast of these sessions by the networks. They further suggest that the major political parties and the networks agree upon the broadcast of periodic "National Debates." And they propose that the opposition party be given a right to respond to Presidential television appearances during important preelection periods. The legislation I introduce today is based on this latter suggestion contained in the book "Presidential Television."

The Presidential Response Time Act establishes a right of response to Presidential appearances for the opposition political party during the 90 days prior to a congressional election and during a period commencing January 1 before a Presidential election—if the opposition's own Presidential candidate, if any, would not already be entitled as a result of the President's appearance to broadcast time under present "equal time" provisions. During these periods, the major opposition party is given a right to "equal opportunities" when the President uses a radio or television station. "Equal opportunities" is defined to provide reasonably equal broadcast time in terms of length and audience potential of the time period. If the President has chosen the format of his appearance, the opposition party may choose its format; if the President's appearance has been carried simultaneously on more than one network, the opposition party response is to be carried simultaneously also. Exceptions to the opposition party response right are provided for Presidential appearances in newscasts or news documentaries and on-the-spot coverage of news events where the President's appearance is incidental. The bill also establishes an exemption from the "equal time" requirement for appearances of a candidate in an opposition party response to a Presidential broadcast.

The cosponsorship of this measure by Senators Fulbright and Metcalf is particularly welcome. Senator Fulbright, in 1970, introduced a similar measure, which I cosponsored, which would have required broadcasters to provide network television time to congressional representatives. And Senator Metcalf, as chairman of the Joint Committee on Congressional Operations, has displayed a consistent interest in the role of television in the work of Congress. I commend their continued concern with the problems of television and politics.

Mr. President, we must insure that Presidential television does not dangerously imbalance politics and Government. I hope the Presidential Response Time Act will be considered by Congress as a possible remedy to that imbalance.

I ask unanimous consent that the bill, and an article in the Washington Star-News by Messrs. Minow, Martin, and Mitchell, be inserted in the Record.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

S. 2699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 315 of the Communications Act of 1934 is amended—

(1) in subsection (a) by striking out "or" at the end of clause (3), by inserting "or" at the end of clause (4), and by inserting after clause (4) the following:

"(5) broadcast time made available pursuant to subsection (b) of this section,";

(2) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively, and by inserting after subsection (a) the following new subsection:

"(b) If the facilities of any broadcasting station are used by the President of the United States within a period of ninety days preceding a general election of members of the House and Senate of the United States or, in a year in which a presidential election is to be held, within a period commencing January 1 of such year and ending on the day of such election, and if subsection (a) of this section is not applicable to such use, then the licensee of such station shall afford equal opportunities to the national committee of the major opposition political party. Appearances by the President on any—

(1) bona fide newscast,

(2) bona fide news documentary (if the appearance is incidental to the presentation of the subject or subjects covered by the news documentary), or

(3) on-the-spot coverage of bona fide news events (if the appearance is incidental to the event), shall not be deemed to be use of broadcasting station with the meaning of this subsection.';

(3) in redesignated subsection (f) by striking out "subsection (c) or (d)" and inserting in lieu thereof "subsection (d) or (e)";

(4) in redesignated subsection (g)(2) by striking out "subsections (c) and (d)" and inserting in lieu thereof "subsections (d) and (e)"; and

(5) in redesignated subsection (g) by inserting at the end thereof the following:

"(3) For the purposes of subsection (b) of this section, 'major opposition political party' shall mean the political party whose nominees for President and Vice-President of the United States received the second greatest number of votes in the last presidential election; 'equal opportunities' shall mean a time period the length and scheduling of which is reasonably equal in audience potential to that used by the President and a choice of program format if the President's use consisted of a format chosen by him, and where the President's use of a broadcasting station occurs simultaneously with his use of other broadcasting stations, 'equal opportunities' shall also include the same simultaneous carriage."

THE OPPOSITION NEEDS A FAIR SHAKE

(By Newton N. Minow, John Barlow Martin and Lee M. Mitchell)

On the evening of July 15, 1971, a spokesman for the so-called western White House at San Clemente, Calif., told the three major television networks that President Nixon had an announcement he wanted to make on nationwide television. The networks quickly cleared time for the announcement, which would interrupt their regular shows at 10:30.

But even after agreeing to the presidential preemption, the networks did not know the subject of the President's address. Network newsmen with the President in California received neither advance copies of his statement nor pre-broadcast briefings.

Promptly at 10:30 p.m. EDT from studios in Burbank, the President's image appeared in 25 million homes across the country. "I have requested this television time tonight," he said, "to announce a major development in our efforts to build a lasting peace in the world." He then told the American people he had accepted an invitation from Premier Chou En-lai to visit mainland China. At the same time, he revealed that his chief foreign policy adviser, Henry Kissinger, had secretly spent three days in China already.

President Nixon's dramatic announcement of a major reversal of U.S. foreign policy took the news media, the American people, and the rest of the world completely by surprise. And its impact was greatly increased because he made it directly and personally to the American people.

One professional observer, calling this use of television a "bombshell approach to major new announcements," wrote that such an approach almost guaranteed that the first wave of news coverage would be extremely heavy and would be limited to straight reporting, thus giving the new policy powerful momentum—and momentum without critical appraisal: "Surprise makes for confusion and, at least initially, confusion does not make for valuable analysis."

Time and again, and in recent years with increasing frequency, presidents have appeared on television to explain their policies, to mobilize support, to go over the heads of the Congress and the political parties, and to speak directly to the people for their cause—and their reelection.

Recognizing the pervasiveness of television, its role as the electorate's main source of political information, and its ability to convey images, candidates for election have embraced the public airwaves with enthusiasm. By a television appearance, a politician may place his views before a potentially enormous audience; by appearing simultaneously on most major television channels, so that alternative viewing choices are sharply limited, he can assure that much of the potential will be realized. If a viewer is not sufficiently resistant to turn his set off, the political message generally gets through. As one analyst noted:

"When asked, they say that they dislike political broadcasts . . . but when there is no alternative, they watch. There is good reason to believe, moreover, that these are people who were not previously reached. . . . Television has activated them. They now have political opinions, and talk to others about them. It can be demonstrated that they have learned something—even when their viewing was due more to lack of alternatives than to choice."

But the power of political television is not limited to individual candidates or to election campaign periods. Sen. Edmund Muskie has even testified that "used to its fullest, television can determine the outcome not only of any political issue, but more importantly of each and every national issue." The success of candidates' use of television has given rise to presidential television—the use of television (and radio) by an already elected president to advance his legislative programs and his political objectives.

Evidence indicates that the televised presidential address can have an important effect on public opinion of national issues. Polls have disclosed, for example, that public support for a Kennedy tax proposal rose by 4 percent after his television address on the subject; that support for President Johnson's position on Vietnam issues rose by 30 percent after one of his television addresses; and that support for President Nixon's Vietnam policies rose by 18 percent after one of his television addresses. Louis Harris reports a definite "correlation between televised presidential speeches and increased public acceptance of the President's positions."

Effectively used, the presidential television address can undermine the ability of the party out of power to mount an effective electoral challenge.

The public and Congress have turned their attention to financial and fairness problems resulting from the use of television by candidates but have paid relatively little official attention to the rampant growth of presidential television. Yet presidential television may damage, or at least drastically restructure, democratic institutions even more than campaign television: Television's impact threatens to tilt the delicate system of checks and balances among our governmental institutions in the direction of the president.

Though a president has a wide choice of radio and television techniques the most direct form of presidential television is the formal address preempting regular television programs to announce an important event or policy decision.

The three networks usually carry the president's message simultaneously, with the result that in cities served only by network-affiliated stations, viewers have no choice of what to watch; in larger cities, viewing choices are diminished. Presidential television addresses usually are carried at the same time by all major radio networks. More and more, the televised presidential address has been delivered during prime time, the 7:00–11:00 P.M. period during which commercial broadcasting attracts the largest audience.

The opposition can never equal the president's ability to make news. When, in the campaign of 1972, George McGovern, Democratic candidate for President, requested television time to explain why he had asked Sen. Eagleton to resign as his vice-presidential candidate, the networks refused on the grounds that his appearance would not be news unless he were to name Eagleton's successor—something he was not then prepared to do. It is hard to believe the networks would not have given President Nixon television time had he decided to drop Vice President Agnew from his ticket and asked for time to explain why. This is not to suggest that the networks are biased against the Democrats. It is merely to suggest the newsworthiness of the President of the United States.

Because of who he is, newsmen and their editors allow the president to speak for himself. The remarks of an opposition spokesman may be summarized in television news reporting or analysis; the president's views usually are given in his own words. If a president asks for time, network executives can hardly decide that what he wishes to say is less important than what Marcus Welby has to say. Moreover, they are hard put to determine what part of his discourse is most important, especially if he insists that it is all important.

A President is further assured of broadcast time because broadcasters are eager to please him. They are after all, licensed by the federal government, by the Federal Communications Commission. And the president appoints the members of the FCC. Broadcasting is privilege, revocable by the FCC. Since television stations are enormously valuable, commonly worth many millions of dollars, broadcast executives admit to being sensitive about incurring the displeasure of the president and his FCC.

Occupants of the White House have not hesitated to capitalize on broadcaster fears of retaliation. Franklin Roosevelt let the industry know that FCC policies could begin at the White House. President Johnson was quick to let broadcasters know in no uncertain terms when they displeased him. Vice President Agnew has charged broadcasters with being unfair to the President, while reminding them that they operate under government licenses. Whether intentional or not, the incumbent exercises power over broadcast decision-making.

The only restriction upon a president's use of television is imposed not by the broadcasters but by the audience. Franklin Roosevelt once observed that "the public psychology . . . cannot, because of human weakness, be attuned for long periods of time to a constant repetition of the highest note in the scale." At some point too much presidential television exposure will bore the public.

If every appearance of the president on television has political significance, if the president can be regarded as campaigning throughout his term, then it is essential that the opposition—whether it be the opposing political party or some other group formed over a particular issue—somehow maintain the ability to compete. It is not only diffuseness, lack of structure, and lack of a preeminent leader or a single line on issues that have limited the opposition party's effectiveness in responding to presidential television. Lack of comparable access to television severely compounds the opposition's difficulty.

It has been suggested that, in combination, the president's political opponents may even have greater exposure than he. President Nixon's press secretary, Ronald Ziegler, believes that the opposition can "collectively—regularly—and with great impact—attack the president's policy . . . The collective weight of their opposition equals or outweighs the TV statements of the President. It balances without question."

The only way an opposition party spokesman can gain access to television time under his own control is to be given it by the networks or to buy it himself. Occasionally, one of the networks has offered time to the opposition to use as it sees fit. But the networks have never directly given the opposition party simultaneous three-network prime time to present its views and images at a time and in a format chosen by the party—the conditions in which the president operates.

From Jan. 20, 1969, through August 1, 1971, President Nixon made 14 television addresses and held 15 televised news conferences, all carried simultaneously and free by all three networks, while the opposition party as such made three appearances, *none of them broadcast on all networks simultaneously.*

Of course, the opposition party can buy time. But a half-hour of simultaneous prime time on all networks can cost more than $250,000, more than the opposition should reasonably be expected to spend to balance the President's free appearances. In 1972, it was also more than the Democratic party could afford. And even if it were not, the networks are not eager to disrupt program schedules, and they also fear complaints from sponsors whose commercial messages may happen to appear immediately before or after a controversial political program.

Our proposal is this: "Equal broadcast opportunities" should mean free time when the president's time has been free, at an equally desirable time of day and of a duration approximately equal to the length of the President's broadcast. The national committee should control format of the presentation if the president has had control of his format.

In exercising its "right of response," the party's national committee would not be limited to addressing only those issues raised by the president in his appearance. It could for example introduce its leaders or the party candidate or candidates in the coming election, or both.

When a presidential appearance has been carried simultaneously by the networks, the national committee response should also be carried simultaneously by the networks. Otherwise, the television exposure clearly could not be termed "equal."

Under this proposal, if the president delivered a prime-time, three-network broadcast address to propose an international agreement, for example, radio and television stations (and CATV systems) that carried the address would be obligated to provide the national committee of the major opposition party "equal opportunities."

The party response time should be put in the hands of the party's national committee because the committee is responsible for the party's election campaign. If party members are dissatisfied with their national committee's response, they should work to change it. The committee surely would be more responsive to pressures from party members than would the networks.

The purpose of response time in the periods prior to federal elections is to insure equality in the electoral use of television. Each presidential television appearance can help create a favorable image of the president or his party and may change votes. Even when the president is not a candidate for reelection, his appearance can affect the candidacies of other nominees of his party.

But there should be a limit on the period when response opportunities are required; this avoids the danger, on the one hand, of over-politicizing the presidency and, on the other hand, of boring the public. If the response period were unlimited, the president might have difficulty in maintaining a consensus with which to govern; and the public would have no respite from politics. The proposal establishes, at the least, the right of response during all of a presidential year before the election.

The opposition response should be exempt from the equal time law and the fairness and political party doctrines. This is necessary to prevent a continuing "response" to a "response"—an unnecessary and unfair burden on the broadcaster.

Between elections, the national committee of the opposition party, the national committee of the president's party, and the commercial and public television networks should together develop a plan to present live debates—perhaps titled "The National Debates"—between spokesmen for the two major parties with agreed topics and formats quarterly each year (only twice a year in federal election years). All debates should be scheduled during prime time and broadcast simultaneously by all networks. They should be widely advertised and promoted by the broadcasters and the parties. This proposal should be carried out voluntarily by the parties and networks rather than be required by legislation.

The debate format, including minor parties at times, might help overcome the public's lack of interest in political programs.

In addition to providing television access for the opposition party, "The National Debates" would prevent unfairness to the president's party. Ordinarily, any position that the party in power takes is consistent with the president's position. But important differences sometimes arise, as recent history indicates, between the president and a significant faction of his own party.

We also propose adopting reforms to ensure all significant presidential candidates a minimum amount of free, simultaneous television time. The voters' ability to watch and assess candidates for president and vice president is in danger of being limited by the high cost of television. Each presidential candidate and his running mate shall be given campaign "voters' time" without cost to them—broadcast time provided simultaneously by all television and radio stations. The two major party candidates would receive six 30-minute, prime-time program periods in the 35 days preceding a presidential election; candidates of minor parties of sufficient size would receive one or two half-hour periods depending on the party's relative strength. Candidates could use their voters' time only in formats that "promote rational political discussion and substantially involve live appearance by the candidate." The federal government would compensate broadcasters for voters' time at reduced commercial rates.

In combination, these reforms would do much to protect the traditional functions of the loyal opposition in an electronic era. Between elections, the opposition could develop and present through debate its positions on issues.

In each case, the opposition's television time would equal the president's—free, prime-time, and on all networks simultaneously. The proposals would not, and should not, guarantee successful opposition to the president. But they would provide the opposition party with what it requires to continue as a vital institution, a reasonable chance to take its case to today's marketplace of ideas—television.

Mr. FULBRIGHT. Mr. President, I am pleased to join the senior Senator from Maine (Mr. MUSKIE) in sponsoring legislation which would establish a right of response to Presidential appearances on radio and television. Under this bill, the national committee of the opposition party would be given an automatic right of response to Presidential radio-TV appearances during a Presidential election year or within 90 days preceding a congressional election in a non-Presidential year.

This legislation was recommended in the 20th Century Fund's report on "Presidential Television," coauthored by Newton N. Minow, John Bartlow Martin, and Lee M. Mitchell. Senator MUSKIE and I are introducing this legislation in order to draw attention to this significant report and to stimulate discussion on this highly important topic.

This bill would represent one step toward redressing the communications imbalance that has seriously distorted our constitutional and political systems.

Section 315 of the Communications Act of 1934 would be amended to require that every radio or television station or cable television system which carried an appearance of the President within the designated "response" period provide, upon request, equal broadcast opportunities to the national committee of the opposition political party. Those Presidential appearances in documentaries or spot news coverage in which the President's appearance is only incidental, and appearances that already give rise to "equal time" for an opposition candidate would be exempt from this requirement.

The opposition would receive free time if the President's time was free, and should be at an equally desirable time and of similar duration.

As the 20th Century Fund report states:

> The purpose of response time in the periods prior to federal elections is to insure equality in the electoral use of television. Each presidential television appearance can help create a favorable image of the president or his party and may change votes. Even when the president is not a candidate for reelection, his appearance can affect the candidacies of other nominees of his party.

This legislation is aimed primarily at assuring fair and balanced access to television during Federal election periods and deals with the political imbalance which results from the President having relatively unfettered access to TV, while the opposition currently has nothing approaching equal access. This bill would reduce the advantage that a President now enjoys in such a situation—an advantage that I believe is inconsistent with our political and constitutional system.

As I stated earlier, this would be one step toward redressing the communications imbalance which has developed in the television era, an imbalance which threatens serious damage to our democratic institutions.

The issue is stated very well in the report on "Presidential Television":

> The Constitution established a presidency with limitations upon its powers—the need to stand for reelection every four years, checks than can be exercised by the Congress and the Supreme Court. The evolution of political parties and a strong two-party system provided a rallying point for opponents on an incumbent administration, enhancing the importance of frequent reelection. An intricate set of constitutional balances limiting the powers of each of the three government branches added force to the separation of government functions. These political and constitutional relationships served the country well for many years. Television's impact, however, threatens to tilt the delicately balanced system in the direction of the president.

As Fred Friendly has written, the almost exclusive Presidential access to television "bestows on one politician a weapon denied to all others," and this device "permits the first amendment and the very heart of the Constitution to be breached."

The bill which Senator MUSKIE and I are introducing would help alleviate the political imbalance which results from Presidential television.

However, it would not really alleviate the imbalance among the coequal branches of Government which has resulted from the domination of television by the executive branch. It may be recalled that in 1970 I introduced legislation which would have required radio and television stations to provide a reasonable amount of public service time to authorized representatives of the Senate and House to comment upon and to explain issues of public importance. The broadcast time would be made available at least four times a year, consistent with the obligation of broadcast licensees to serve the public interest.

Hearings on "Public Service Time for the Legislative Branch" were held by the Communications Subcommittee of the Committee on Commerce under the chairmanship of the Senator from Rhode Island (Mr. PASTORE), although no final action was taken on the proposal.

That proposal was of an institutional, not partisan, nature. Its purpose was to help restore the constitutional balance between the executive and legislative branches and to guarantee the right of the people to hear diverse and opposing views, regardless of party.

I still feel that there is a strong need for such legislation. A variety of different suggestions have been made about presentations, and I am convinced that a suitable arrangement can be developed. One of the possibilities suggested in "Presidential Television," and one of the alternatives I have mentioned, would be the broadcast of special prime-time evening sessions of Congress. The report specifically proposes:

> Congress, in consultation with the television networks, should permit television cameras on the floor of the House and Senate for the broadcast of specially scheduled prime-time evening sessions at which the most important matters before it each term are discussed, debated and voted on. The sessions should be scheduled and broadcast at least four times per year and carried simultaneously by all three networks. These broadcasts should be exempt from the "equal time" law and the fairness and political party doctrines.

Mr. President, without specifically endorsing this proposal, I do commend to the Senate and to those interested in resolving this problem, the report on "Presidential Television." I think it deserves our serious consideration.

I understand that the Joint Committee on Congressional Operations, under the leadership of the Senator from Montana (Mr. METCALF) is also looking into this question and I am hopeful that the committee will come up with some positive recommendations.

As the majority leader, Mr. MANSFIELD, said earlier this year:

> It is time for Congress to determine who really should decide what is a fair input by a coequal branch of government into the perceptions of the American electorate.
>
> I believe that any sensible interpretation of a notion of fairness requires that the American people have the input of the Congress on an issue of great vital importance especially when that issue was drawn into question by the President in an attack upon the Congress.
>
> With the revolution of communications in this country, the whole notion of the separation of powers has been significantly diminished by the inordinate input the executive branch, through the President and the Cabinet officers, has on television.

I believe this is a matter of immense importance and that action must be taken to insure that the legislative branch does have access to television. There is certainly nothing in the Constitution which says that, of all elected officials, the President alone shall have the right to communicate with the American people. That privilege was a gift of modern technology, coming in an age when chronic war and crisis were already inflating the powers of the Presidency. The Congress has recently taken steps to reassert itself in the area of war powers and I am hopeful that in the future we can move to right the balance in other areas.

The legislation we have introduced today, in conjunction with action to provide congressional access to television on an institutional basis, would help reaffirm the constitutional principle of coequal branches of government and the democratic principle of fair elections, with equal access to the voter.

As I stated in testimony on behalf of my 1970 proposal, communication is power and exclusive access to it is a dangerous, unchecked power.

Mr. President, I ask unanimous consent to have printed in the RECORD articles by Herbert Brucker, from the Boston Globe of November 7, and by John O'Connor, from the New York Times of November 11.

There being no objection, the article were ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Nov. 7, 1973]

THE CHECKS AND BALANCES NO LONGER DO

(By Herbert Brucker)

The Twentieth Century Fund has issued a report saying in effect that television has twisted the Constitution out of shape. The checks and balances among the separate departments, says the report, no longer check and balance. Why? Because television has given Presidents one-way access to the American people, while by comparison Congress and the courts are muzzled.

The reception of this report has been as usual in a world too full of a number of things. Here and there there has been comment. But we may expect that the whole study, despite its significance to every citizen, will be filed and forgotten.

This is what the social scientists call technological lag. It takes a long time, maybe a generation, after a public need becomes glaringly obvious for society to get around to bringing itself up to date.

Other examples stare us in the face. If the political and constitutional turbulence now swirling through the nation has proved anything, it is that we are far behind in updating such fundamental political processes as choosing Vice Presidents, providing for presidential succession, and financing political campaigns. The entire national convulsion we are entering was made possible by television's astronomical escalation of the cost of presidential campaigning.

Then, too, there is another defect in our inherited political system that we have done nothing about but talk. This is the pressing need, under today's conditions, for scrapping the Electoral College and substituting the direct election of Presidents. Only luck has saved us, so far, from the disaster inherent in an electoral deadlock thrown into the House.

Well, one thing at a time. To correct the imbalance caused by TV, the Twentieth Century report suggests among other things:

That prime-time debates be arranged for television, including live debates between spokesmen for the two major parties four times a year.

A right of reply for the opposition national committee, any time a President addresses the nation during the 10 months before a national election.

Government purchase of network time, at half price, for presidential candidates.

Additional free television time for all significant presidential nominees in the 35 days before an election.

TV coverage of both houses of Congress for prime-time evening sessions at which important matters are debated and voted on.

One reason proposals along these lines need to be enacted into law is that broadcasters do not cover government and politics as news to anything like the extent newspapers do. Except for giving presidents prime-time TV coverage on all three networks, plus occasional fragmentary exposure of other political figures on the morning and evening news shows, or on the Sunday interview shows, broadcasters charge politicians for time on the air.

Newspapers, to be sure, also welcome political advertising. But with them it is a minor part of their coverage. Most newspapers simply report in their news columns what candidates do and say. There is no reason why broadcasters—who make millions by having free, exclusive use of a portion of the public air—should not give free time to government and politics just as the papers and news magazines do.

Then again we fail to turn advancing technology to our advantage. In our day-to-day following of the Watergate-induced political crisis it is silly that whenever some crucial event takes place in Judge Sirica's court or some other court, we have to put up with an artist's sketch of what it looks like, while an offstage voice tells us what is going on.

We bar cameras and microphones from our courts, and often from our legislatures, though there is no reason why they cannot be kept within bounds there, just as they are at royal coronations, Kennedy or Churchill funerals, or other public events in which dignity rather than staging an entertainment spectacular is the overriding concern.

Of course the Constitution, which has been adapted to changing times for the better part of two centuries, can be adapted to television. All it takes is that we bestir ourselves—and that we choose leaders who can lead.

[From the New York Times, Nov. 11, 1973]

NO BACK TALK FROM THE PRESS, PLEASE

(By John J. O'Connor)

When "Bill Moyers's Journal" returned recently to the public television schedule with "An Essay on Watergate," the occasion was reassuring on several levels, some perhaps not anticipated fully by Moyers himself. Most strikingly, the essay was excellent, succeeding forcefully as a "personal attempt" to get to the roots of the Watergate morality, to explore the premise that "Watergate is something everybody does, it's politics as usual."

The program offered broad and thoughtful perspective at a time when broadcast journalism generally is preoccupied with simply reporting the incredible cascade of news stories concerning the Nixon Administration over the last several months. The result was an object lesson on the potential role of a truly independent public TV system. And, of course, it is hardly coincidence that when, in pre-Watergate days, various Washington officials were demanding an end to news and public affairs programing on public TV, the name of Bill Moyers was prominent on the enemies list.

Those officials presented ingenious and ingeniously empty arguments. From Clay T.

Whitehead, director of the White House Office of Telecommunications Policy, to Patrick J. Buchanan, special assistant to the President, to Henry Loomis, president of the Corporation for Public Broadcasting, the well-orchestrated lament was for a return to "localism," where in effect most stations couldn't monetarily afford to be a threat to anyone.

The official dictum seemed to be "less is more," neatly wrapped in sanctimonious declarations of impartiality. Any detections of an Administrationwide conspiracy to silence, or at least better to control, portions of the press were dismissed with patronizing condescension.

Then, happening to be a day after the showing of "An Essay on Watergate," Senator Lowell P. Weicker Jr., Republican of Connecticut, made public a series of White House documents obtained by the Senate Watergate committee. The memorandums—involving such familiar names as H. R. Haldeman, Charles W. Colson and Jeb Stuart Magruder—were written over 12 months, beginning in February, 1970. At issue was nothing less than a series of efforts to "tear down the institution" of broadcast journalism.

One of the most revealing, both of the Administration and of broadcasting, was a Sept. 25, 1970, memorandum from Colson to Haldeman. Colson had been pressuring top executives of the three commercial networks to deny requests by the Democratic party for free air time to reply to televised Presidential statements. Colson wrote:

'These meetings had a very salutary effect in letting them know that we are determined to protect the President's position, that we know precisely what is going on from the standpoint of both law and policy, and that we are not going to permit them to get away with anything that interferes with the President's ability to communicate."

With the President as the only person in the nation having unlimited and virtually instant access to television, it is curious to find his aides so worried about an "ability to communicate." But, of course, the thrust of their efforts went much further. It concerned the ability of the President to monopolize communications, to eliminate altogether the possibility of questioning and criticism, whether from political opponents or TV commentators. That would be the ultimate victory in a crusade "to protect the President's position."

In his television essay, Moyers presented an especially apt sports context to define the name of the game, the cause reflecting the old American will to win, with a modern twist: "When the one great scorer comes to write against your name, he marks not that you won or lost, but how you played the game."

"The sports writer Grantland Rice formulated the ethic in 1923. In theory, at least, the name of the game was fair play.

"By the nineteen-sixties, football had a new ethic, articulated by Vince Lombardi of the Green Bay Packers and Washington Redskins: 'Winning isn't everything; it's the only thing.'

"In the situation room of the Committee to Re-elect the President, a windowless, well-guarded command post across from the committee's headquarters, the President's team hung a sign borrowed from Lombardi: 'Winning in politics isn't everything; it's the only thing.'

"The name of the game was victory."

If the consequences weren't so tragic for the nation, the playing of the game, the tactics employed, might be almost laughable for their ineptness and miscalculation. Consider another section of the same Colson memorandum:

"To my surprise CBS did not deny that the news had been slanted against us. [William S.] Paley merely said that every Administration has felt the same way and we have been slower in coming to them to complain than our predecessors. He, however, ordered [Dr. Frank] Stanton in my presence to review the analyses with me and if the news has not been balanced to see that the situation is immediately corrected. Paley [chairman of CBS] is in complete control of CBS—Stanton [former president of CBS] is almost obsequious in Paley's presence."

Since the Nixon Administration continues to complain strongly about TV news commentaries, it can only be concluded that CBS did not find any reason to have the situation "immediately corrected." And it was the "obsequious" Stanton who later stood up to the Administration and Congress in the fracas over 'The Selling of the Pentagon" documentary.

The self-deception is almost laughable, but not quite. As Moyers put it, commenting on the entire Watergate quagmire: "It was close. It almost worked. But not quite. Something basic in our traditions held . . . What is best about this country doesn't need exaggeration. It needs vigilance."

By Mr. MONDALE (for himself, Mr. Javits, Mr. Nelson, Mr. Stafford, Mr. Williams, Mr. Randolph, Mr. Kennedy, Mr. Cranston, Mr. Montoya, Mr. Hughes, Mr. Hathaway, Mr. Pell, Mr. Schweiker, Mr. Brooke, and Mr. Ribicoff):

S. 2700. A bill to postpone the implementation of the Headstart fee schedule. Referred to the Committee on Labor and Public Welfare.

HEADSTART FEE SCHEDULE

Mr. MONDALE. Mr. President, today I am introducing on behalf of myself, Senator Javits, Senator Nelson, Senator Stafford, Senator Williams, Senator Randolph, Senator Kennedy, Senator Cranston, Senator Montoya, Senator Hughes, Senator Hathaway, Senator Pell, Senator Schweiker, Senator Brooke, and Senator Ribicoff, a bill which would postpone implementation of the fee schedule for nonpoor children participating in Headstart until July 1, 1975. This same measure has been introduced in the House of Representatives by Congressmen Perkins, Quie, Hawkins, Steiger, Brademas, Bell and Meeds.

Mr. President, the fee schedule in question was originally developed as a compromise to gain administration support for the Comprehensive Child Development Act of 1971, which was vetoed by the President. Authority for the same fee schedule was then added to the Economic Opportunity Amendments of 1972, apparently in the belief that it would encourage participation of nonpoor children in Headstart programs. The Department of Health, Education, and Welfare, in exercising its discretion under this authority, set fees for nonpoor children at or very close to the maximum levels permitted by this legislation, and the fee schedule went into effect earlier this year.

The results have been very disturbing. The reports I receive from my own State of Minnesota and from numerous localities throughout the Nation indicate that this fee schedule is causing serious problems both for many families whose children have participated in Headstart or want to participate, and for the Headstart program itself.

Rather than encouraging the participation of nonpoor children in the Headstart program. this fee schedule appears to be decreasing nonpoor participation.

Rather than raising additional funds which could be used to expand Head Start programs, reports suggest that in some cases it is costing more to implement and administer the fee schedule than the fee schedule produces in additional funds.

In addition, in some localities I am told that the fee schedule is causing previously popular Headstart programs to lose community support: is producing a bitterness between poor and nonpoor participants; and is causing special problems for families with handicapped children at the very moment that increased involvement of handicapped children in Headstart programs is required by law.

Mr. President, for these reasons, I am introducing legislation today which postpones implementation of a Headstart fee schedule until July 1, 1975. This bill will provide the authorizing committees and the Congress as a whole an opportunity to review and reconsider the need for a fee schedule during our work next spring regarding the extension of Headstart and the Economic Opportunity Act.

I am hopeful that we can enact this bill in the very near future so that we can end the confusion and difficulties the fee schedule is now creating for families and Headstart programs across the country.

By Mr. PELL:

S. 2701. A bill to require the establishment of safety standards for snowmobiles, and for other purposes. Referred to the Committee on Commerce.

Mr. PELL. Mr. President, today I am introducing a bill that will provide for improved safety in the manufacture and operation of snowmobiles.

The use of the snowmobile in the northern tier of States has increased rapidly over the last few years. It is now estimated that more than 2½ million machines are in use. The sport has added millions of dollars to the economies of the States in the snow belt.

However, Mr. President, this growth has not been without a great price. In the winter of 1967–68, 54 persons lost their lives in snowmobile accidents. In 1968–69, this number increased to 84. By the winter of 1970–71, the number of deaths had risen to 104, including that of a close family friend. Last year, 1971–72, that figure rose to 164. We do not yet have the figures for 1971–73, but it is estimated that 50,000 persons will be injured seriously enough to require treatment at a medical facility. It appears the numbers of deaths will again increase.

Even though the figures on death and injury are sobering, there are other hidden injuries not reflected here. The noise levels of these machines is so great that many operators are sustaining permanent ear damage.

Further, this raucous invasion has created a serious noise problem for the other users of recreation lands. The hiker, the skier, the fisherman, and hunter who seek out the restful solitude of open spaces now find their recreational calm destroyed by these noisy and dangerous machines.

The speed and lack of control by many operators jeopardizes the safety of other users of recreation spaces.

These factors of noise, speed, and lack of control have a deleterious effect on other parts of the environment. The machines break off tops of young trees, thus permanently damaging or destroying them. Animals have been chased to the point of exhaustion and death. Some hunters have begun using the machines to invade areas which had provided sanctuary to wildlife. Lakes, once inaccessible, are now being depleted of fish.

The bill I introduce today would remedy some of the larger ills associated with the snowmobile. It would set an upper limit on the noise levels of the machines; it would require the manufacturer to provide more safeguards; and finally, it would restrict the operation of these machines on public lands so that the environment and the rights of other users are protected.

Mr. President, snowmobiles have a capacity to contribute to the work and recreational life of our country. But even the most ardent snowmobilers today recognize the desirability and indeed the necessity of reasonable restraints and regulations to protect snowmobile users, the general public and our environment from unnecessary injury and damage. That is the object of this legislation, and in this regard, I want to commend the International Snowmobile Industry Association and manufacturers for recognizing these concerns and undertaking programs to help achieve these goals.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

DEFINITIONS

SECTION 1. For the purposes of this Act the term—

(1) "snowmobile" means any device that is propelled by a motor and is designed for oversnow travel; and

(2) "Commission" means the Consumer Product Safety Commission established pursuant to section 4 of the Consumer Product Safety Act (15 U.S.C. 2053).

SAFETY STANDARDS

SEC. 2. The Commission shall establish consumer product safety standards for the snowmobiles pursuant to its authority under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056). Such standards shall include requirements that snowmobiles be equipped with—

(1) a forward-facing white headlight sufficient to distinguish objects at a distance of 200 feet, a red taillight which is visible from a distance of 500 feet, and a battery reserve sufficient to operate both the headlight and taillight for a period of one hour without operating the motor;

(2) not less than 250 square inches of reflective material applied to each side of the snowmobile;

(3) a throttle control which automatically returns to idle after release of the operator's hand;

(4) a windshield of transparent material which extends above the head of a seated operator and which is of sufficient strength to withstand impact and deflect objects encountered at cruising speeds; and

(5) a muffler system sufficient to reduce the operating noise level of the snowmobile to 73 dbA at 100 feet using measurement practices recommended by the Society of Automotive Engineers.

RESTRICTIONS ON USE OF SNOWMOBILES ON PUBLIC LANDS

SEC. 3. (a) (1) Any individual who operates or is a passenger in a snowmobile being operated on the public lands of the United States shall wear, whenever the snowmobile is in operation, a helmet, approved by the Secretary of the Interior pursuant to subsection (d), which provides crash protection.

(2) It shall be unlawful for any individual who operates or rides as a passenger in a snowmobile being operated on the public lands of the United States to carry any firearms on his person or on or attached to a snowmobile.

(b) It shall be unlawful for any individual—

(1) to operate any snowmobile at any speed in excess of ten miles per hour while such snowmobile is within a distance of 100 feet of any pedestrian, building, or any hiking or ski trail;

(2) to use any snowmobile to chase or in any other manner disturb wildlife; and

(3) to operate any snowmobile within any area which has been designated a wilderness area, or cultural or historical site.

(c) Nothing in this section shall be construed to limit the authority of the Secretary of the Interior or his delegate to control or otherwise limit the use of snowmobiles on the public lands of the United States whenever, in his judgment, such use would have a deleterious impact upon such lands.

(d) The Secretary of the Interior shall by regulation prescribe standards for crash helmets and shall cause notice of such standards to be made public within six months after the date of enactment of this Act.

PENALTY

SEC. 4. Violations of the provisions of section 3(a) or (b) of this Act is a misdemeanor punishable by imprisonment for not more than 15 days, a fine of not to exceed $100, or both, for each such violation.

EFFECTIVE DATE

SEC. 5. The provisions of section 3(a) (1) shall become effective 30 days after the date on which the Secretary of the Interior promulgates final regulations for crash helmet standards under section 3(d) of this Act. All other provisions of this Act shall become effective on the date of enactment.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 796

At the request of Mr. PELL, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 796, a bill to improve museum services.

S. 1260

At the request of Mr. PELL, the Senator from Nevada (Mr. BIBLE) and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1260, a bill to provide that daylight saving time shall be observed on a year-round basis.

S. 2661

At the request of Mr. BURDICK, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 2661, a bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas.

SENATE RESOLUTION 202—SUBMISSION OF A RESOLUTION ESTABLISHING A SENATE SPECIAL COMMITTEE ON ENERGY DEVELOPMENT

(Referred to the Committee on Interior and Insular Affairs.)

Mr. GOLDWATER. Mr. President, I am submitting today a Senate resolution establishing a Special Committee on Energy Development of the U.S. Senate.

On Wednesday, November 7, the President of the United States went on national television to announce certain actions he was taking or advocating to meet our energy crisis. I thought it was a fine address.

The President outlined measures to conserve our existing sources of energy. More important, over the long haul, he called for a "Project Independence" to meet our energy needs in the future without any foreign energy source. The President stated:

> We must have organizational structures to meet and administer our energy programs.

To meet this urgent goal, he advocated the creation of the Energy Research and Development Administration. I have no doubt that the Energy Research and Development Administration could be to energy what NASA has been to space.

Mr. President, it is a fact that a spate of bills has been introduced in both the House and Senate to tackle the energy problem. In the Senate, they have been variously referred to the Committees on Aeronautical and Space Sciences, Banking, Housing and Urban Affairs, Commerce, Interior, and Labor and Public Welfare. I hope I have not overlooked any.

What appears to be happening is that good intentions are being caught in a legislative snarl involving committee jurisdiction and perhaps inertia.

In the near future, Americans will face national speed limits. They will face appeals to reduce the consumption of fuel oil. There may even be rationing. Economic dislocations are inevitable.

Under these circumstances, it seems to me that the Senate of the United States must show it is willing to exercise leadership in order to come to grips with the energy crisis. It must make an effort parallel to that of the President.

In 1958, the Senate of the United States faced a similar situation. In the previous year, on October 4, 1957, the Soviet Union had been the first nation to launch an Earth satellite. There were reverberations throughout the free world. Fear, if not outright anguish, was the prevailing order of the day.

At that time numerous bills and resolutions were introduced in the Senate to spur American research and development in space. They were referred to every committee imaginable. The legislative situation was chaotic, and rigid jurisdictional lines seemed to prevent forward movement.

On February 6, 1958, the Senate passed Resolution 256 creating the Senate Special Committee on Space and Astronautics. Membership of the committee was composed of the chairmen and ranking minority members of the Committees on Appropriations, Foreign Relations, Armed Services, Interstate and Foreign Commerce, Government Operations, and the senior Senators on the Joint Committee on Atomic Energy.

Mr. President, the history surrounding the creation of the Senate Special Committee on Space and Astronautics is to be found on page 12 of Senate Document No. 116 of the 90th Congress, 2d session, entitled "Committee on Aeronautical and Space Sciences, United States Senate—Tenth Anniversary 1958–1968." I shall read a brief excerpt from that document, I quote:

> The Senate established the Special Committee on Space and Astronautics by passing Senate Resolution 256 on February 6, 1958, directing it to study and investigate all aspects of space exploration, including "the control, development, and facilities," and report its recommendations to the Senate by June 1, 1958, but not later than January 31, 1959.
>
> The resolution provided for 13 members, seven from the majority party and six from the minority, to be appointed by the Vice President from the Committees on Appropriations, Foreign Relations, Armed Services, Interstate and Foreign Commerce, Government Operations, and the Joint Committee on Atomic Energy. The selection of the membership revealed the fact that the subject of space exploration created some puzzling problems of committee organization and jurisdiction for the Congress. When the comprehensive nature of space activities was revealed in the hearings held by the Senate Preparedness Investigating Subcommittee, it became evident that the subject matter of component parts of a U.S. space program cut across the jurisdiction lines of several standing committees of the Senate. A different combination of the substantive committees could be involved with each piece of space legislation, in addition to the regular processes of the Committees on Appropriations.
>
> The complicated parliamentary situation which might arise in the referral of bills to the committees was recognized and became a factor in the selection of the Senators appointed to the Special Committee on Space and Astronautics. For the most part, the special committee was composed of the chairmen and ranking minority members of the standing committees which had a logical interest in space exploration.

By creating the special committee and having in its membership the chairmen and ranking minority members of the cognizant Senate committees, the Senate, at that time, clearly showed its determination to the world that America would become first in space.

In a similar fashion, I believe the creation of the Senate Special Committee on Energy Development could show the world that we mean to become self-sufficient in energy and ultimately net exporters of energy.

The special committee would have as its primary task to examine all bills that have been introduced in the Senate involving the energy crisis and report back to the Senate within the time limits stated. In this connection, I would like to quote Senator Lyndon B. Johnson as floor manager of the resolution creating the Special Committee on Astronautics and Space Exploration. He stated, and I quote:

> I have no hard and firm conclusions as to the policy that should be adopted. But I do know there is an urgent need to lodge specific responsibility somewhere, and that the decision must be faced up to, and should not be postponed.

End of quote.

I, too, have no hard and firm solutions, but I sense today the same urgency he sensed in 1958.

In addition, the special committee would probably want to examine the following questions arising from the energy crisis:

First. Do the existing jurisdictional lines of the standing committees of the Senate require change?

Second. Is there a need for a new standing committee?

Third. Should the President be authorized to create a new Department, Administration, or Agency?

The proposed Senate Special Committee on Energy Development would be composed of the chairmen and ranking minority members of the following committees:

Aeronautical and Space Sciences;
Appropriations;
Banking, Housing and Urban Affairs;
Commerce;
Interior; and
Labor and Public Welfare.

In addition, the senior Democratic Senator and the senior Republican Senator of the Joint Committee on Atomic Energy would be members. If either or both of these Senators were members of the special committee by virtue of qualifying as members of standing committees, the next senior Senator would take his place.

Following the precedent established in 1958, the chairman would be the majority leader. Accordingly, the total membership would be 15 Senators of which 8 would be from the majority and 7 from the minority.

My resolution closely parallels Senate Resolution 256 of the second session of the 85th Congress. The first section was changed to relate to energy rather than space exploration. Also, the reporting dates for the committee obviously had to be altered.

Section 2 was changed to reflect the committees involved with energy, and provides for 15 members rather than 13.

Section 3 is a verbatim copy from the old resolution. So is section 4.

Section 5 is the same except that the amount is $400,000 instead of $50,000. This larger amount reflects inflation. Also, it reflects the likelihood that a number of outside consultants and experts might have to be paid by the committee and the possibility of extensive travel.

I believe that the same kind of brains, guts, and determination that created and brought the Apollo program to a successful conclusion can do the same thing with energy.

I hope that Americans will not collectively wring their hands as fossil fuels grow scarcer. I hope we will not be content to have a second rate economy characterized by rationing and shortages. I hope we will not allow ourselves to slide down the chute to mediocrity.

Following the Apollo precedent, let us set for ourselves the goal to become self-sufficient in energy during the next decade. Let us set for ourselves the goal of becomming exporters of energy in the following decade.

We can achieve these goals. When we do, we Americans will have met the challenge of a fuller and better life for all mankind. Let us get going.

The resolution is as follows:

S. Res. 202

Resolved, That there is hereby established a special committee which is authorized and directed to conduct a thorough and complete study and investigation with respect to all aspects and problems relating to energy development and energy resource utilization, and the concomitant use of resources, personnel, equipment, and facilities of the Government of the United States of America. All bills and resolutions introduced in the Senate and all bills and resolutions from the House of Representatives proposing legislation in the field of energy development and utilization shall be referred, and if necessary rereferred, to the Special Committee. The committee will be known as the Special Committee on Energy Development of the United States Senate. The Special Committee is authorized and directed to report to the Senate by December 1, 1974, or the earliest practical date thereafter, but not later than June 30, 1975, by bill or otherwise, with recommendations upon any matter covered by this resolution.

Sec. 2. (a) The Special Committee shall consist of fifteen members, eight from the majority and seven from the minority Members of the Senate, to be appointed by the Vice President from the Committees on Aeronautical and Space Sciences, Appropriations, Banking, Housing and Urban Affairs, Commerce, Interior, Labor and Public Welfare, and the Joint Committee on Atomic Energy. At its first meeting, to be called by the Vice President, the special committee shall select a chairman.

(b) Any vacancies shall be filled in the same manner as the original appointments.

Sec. 3. For the purposes of this resolution the Special Committee is authorized, as it may deem necessary and appropriate, to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment period of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony, either orally or by deposition; (7) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (8) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and further, with the consent of other committees or subcommittees, to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the Special Committee.

Sec. 4. Upon the filing of its final report, the Special Committee shall cease to exist.

Sec. 5. The expenditures authorized by this resolution shall not exceed $400,000, and shall be paid upon vouchers signed by the chairman of the Special Committee.

NATIONAL ENERGY EMERGENCY ACT OF 1973—AMENDMENTS

AMENDMENT NO. 652

(Ordered to be printed and to lie on the table.)

Mr. McINTYRE submitted an amendment intended to be proposed by him to the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

AMENDMENT NO. 653

(Ordered to be printed and to lie on the table.)

Mr. JAVITS (for himself and Mr. HATFIELD) submitted an amendment intended to be proposed by them jointly to the bill (S. 2589), supra.

AMENDMENT NO. 654

(Ordered to be printed and to lie on the table.)

NEGOTIATIONS WITH THE GOVERNMENT OF CANADA

Mr. MONDALE. Mr. President, on behalf of myself and the Senator from Missouri (Mr. EAGLETON) I submit for printing an amendment to the National Energy Emergency Act of 1973, S. 2589.

With all the attention recently being given to our supply problems with the Middle East, far too little attention has been paid to our neighbors to the North. In fact, Canada exports more crude oil and refined products to this country than does any other single nation. In the second quarter of 1973, Government figures show that almost 24 percent of our total imports of crude oil and refined oil products came from Canada. This was 2½ times the amount we imported from the Middle East and 50 percent more than we imported from Venezuela.

And, in the area of crude oil alone, we imported almost 33 percent of our total foreign oil in the second quarter of this year from Canada.

Yet, in spite of our reliance on Canada in oil and oil products, we have too often regarded Canada as a steady source of high levels of these vitally needed commodities. We have seemed to assume—until very recently—that Canadian production would inevitably serve American refineries, making Canada our most secure source of foreign oil.

Recent events have indicated that these assumptions may no longer be true. The Mideast oil embargo is but the latest and most dramatic of a series of events which have brought about significant changes in Canadian oil policy, changes which have serious implications for our ability to meet domestic demand during this winter and beyond.

These changes may have profound implications on the energy supply situation in the United States, and in particular on the Middle Western and Eastern States.

And there can be little doubt that Canadian policy is changing.

This past March, the Canadian Government began a system of crude oil export controls and denied applications for increases in exports of Canadian crude oil.

This was the first of a number of actions taken in recent months.

In June, new Canadian controls halted the exports of heating oil and gasoline into the United States, under what was described as a "temporary" policy which could last up to 18 months.

And on September 13, the Canadian Government announced that it would impose immediately a 40 cents per barrel export tax on crude oil, to reflect rising prices on the world oil markets. In late October, that tax was suddenly raised from 40 cents to $1.90 per barrel, thereby adding an additional $2 million per day to the cost of the crude oil we import from Canada.

Early in September the Government announced that it would seek price readjustments before granting export licenses for the month of October.

Most recently, Canada announced that it would reduce shipments of crude oil from a level of slightly over 1.1 million barrels per day in October to 1 million barrels in November. In contrast, last April Canadian exports to the United States reached a peak of almost 1.3 million barrels per day. And, the outlook for months beyond November is cloudy.

In short, in the period since April, Canada has reduced her exports to the United States by 300,000 barrels per day, or about 15 percent of the estimated daily shortage of crude oil we now face in this country.

And with Canada now threatened with a possible cut off of her oil supplies from the Middle East, the Canadian Energy Minister has raised the possibility that Canadian refineries might be required to cut off their exports to the Northeastern United States to maintain a neutral Canadian status.

Perhaps most significantly, however, in early September the Government of Canada also indicated that it was pursuing the construction of a pipeline to run from Ontario to Montreal to carry oil from western Canadian oil fields into eastern Canada. At present, Canada exports over 700,000 barrels per day of oil from western fields into the Middle West and Eastern United States, and imports a significant amount into the eastern part of Canada through pipelines originating in the State of Maine.

If an addition to the present pipelines linking western Canada to Ontario were constructed, and if the supply of crude oil now being exported to the United States were stopped, it would come as a grave blow to the oil-poor regions in the Midwest and East which are now so heavily dependent on this Canadian oil.

The Canadian Government has gone through a difficult period in its own energy affairs, and many of the recent actions which she has taken have been in response to world events beyond her control.

Mr. President, the bill as reported from the Interior Committee does contain a provision granting the President general authority to undertake negotiations.

The amendment I am proposing will strengthen this provision. It directs the President, rather than simply giving him authority, to undertake emergency negotiations with Canada to arrive at an oil policy which will benefit both nations during this period of difficulty by seeking to maximize the trade in oil between the United States and Canada consistent with the national interests of both countries.

In addition, my amendment would require the President to report back to the Congress on an interim basis within 45 days, and on a final basis within 90 days, so that we can all know the progress which has been made in the course of these negotiations.

Within the past 2 months, the White House energy adviser, John Love, has traveled to Canada for informal conversations on energy matters. However, more is needed, and it is needed now. We desperately need high-level emergency negotiations between our two governments to assure that we work together in weathering the present emergency. If we do not, we could witness a continued deterioration in American-Canadian relations over energy, which could deprive us of the single largest source of oil we currently possess.

Mr. President, I believe that emergency negotiations between our Government and the Government of Canada are vitally needed at this time. We must make progress in achieving the type of energy relations with our neighbor to the north which recognizes the need for cooperation in a time of difficulty. And, we must do this now, before a lasting deterioration of American-Canadian energy relations sets in and imperils a major source of our ever-expanding need for petroleum and petroleum products.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 654

On page 16, between lines 2 and 3, insert the following new subsection (c) and renumber all succeeding subsections accordingly:

"(c) (1) The President is authorized and directed to convene negotiations with the Government of Canada, at the earliest possible date, to explore means to safeguard the national interests of the United States and Canada through agreements covering trade in petroleum and petroleum products between Canada and the United States, so as to encourage the maximum volume of such trade consistent with the interests of both nations.

(2) The President shall report to the Congress, on an interim basis, on the progress of such negotiations as may be undertaken pursuant to this subsection, within 45 days of passage of this Act.

(3) The President shall issue a final report to the Congress on the results of such negotiations as may be undertaken pursuant to this subsection, within 90 days of enactment of this Act. Such report shall include recommendations of such legislation as the President shall deem necessary to further the purposes of this Act."

AMENDMENT NO. 655

(Ordered to be printed and to lie on the table.)

CONTINUATION OF PRICE CONTROLS FOR DURATION OF NATIONAL ENERGY EMERGENCY

Mr. MONDALE. Mr. President, I introduce for printing an amendment to the National Energy Emergency Act of 1973, S. 2589.

Mr. President, the amendment which I am introducing to the National Energy Emergency Act of 1973 has a very simple purpose—to insure that in the next year, the petroleum industry does not reap windfall profits resulting from our current energy shortage.

Over the past 9 months, profit levels of the major oil companies have skyrocketed, while American consumers have been forced to pay ever higher prices for petroleum products. In the first 9 months of this year, oil industry profits soared by 47 percent from 1972 levels. And in the third quarter alone, profit levels were up 63 percent from 1972 levels.

All of this occurred at a time of severe dislocations for some consumers, and soaring prices for all consumers.

Current phase IV rules for the oil industry basically allow all phases of the industry to pass through increased costs to consumers, but not to pass through any increases in profit margins. For over a month, a running battle was fought by many of us in the Congress with the administration over an initial set of phase IV regulations which penalized the retailer, while allowing the big producers and refiners to pass through all increased costs.

In my opinion, this initial plan was designed to prove that phase IV would not work. The Nixon administration has repeatedly stated that it hopes to do away with economic controls as soon as possible. The Economic Stabilization Act of 1970 will expire at the end of April of 1974, and there is a good likelihood that the Cost of Living Council will not be in existence at that date.

In sum, there is a good possibility that within the next 2 or 3 months—at the very time of severe shortages of energy—all controls will be taken off the petroleum industry. Given this industry's dismal past record of performance, the consequences for consumers could be terrible.

Therefore, the amendment I am introducing states that when the President submits his plan for nationwide emergency energy rationing and conservation, he must also submit a system of price controls for any fuel which he deems it necessary to ration. This price control system would insure that prices for any fuel to be rationed would be stabilized at the levels in existence on the date of initiation of any such rationing plan, and that future price increases would be allowed in amounts no greater than the extent of cost increases actually incurred. In addition, this price control system must include administrative procedures to insure compliance.

These administrative mechanisms might include prolongation of the Cost of Living Council's existence for the oil industry only, or establishment of a new body to take over the functions of the Council and administer a price control system until the energy emergency passes.

Finally, the price control system must also include rules to insure that all segments of the petroleum industry are treated on a fair and equitable basis.

The intent of this amendment is to provide a means for continued price controls over the oil industry through the duration of the nationwide energy emergency period declared by this act. This period of 1 year will be difficult for all Americans. And we should not allow the oil companies to use this period of time in which to further increase their already high profits.

However, if the Nixon administration has its way, there may be no price controls over the oil industry in a very short period of time. This amendment would insure continuation of price controls throughout the next year, thereby providing some measure of stability to soaring petroleum prices.

If all Americans are going to be forced to suffer inconvenience during the next year, certainly the major oil companies who bear much of the responsibility for creating our present difficulties should share in the hardship. The amendment I am introducing today is a first step in this direction.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 655

On page 17, line 18, strike the period and insert in lieu thereof a semicolon, followed by the word "and".

On page 17, between lines, 18, and 19, (3):

"(3) a system of price controls for any fuel to be rationed which will insure that prices for any such fuel shall be stabilized at the level in existence upon the date of the initiation of any such rationing plan, and that future price increases shall be allowed for the duration of the nationwide energy emergency period declared by this Act in amounts no greater than the cost increases actually incurred. Such a price control system shall include administrative mechanisms to insure compliance, and shall include rules to insure that all segments of any industry for which such a price control system is invoked are treated on a fair and equitable basis, so as to avoid hardship to any sector of any such industry."

AMENDMENT NO. 656

(Ordered to be printed and to lie on the table.)

Mr. HELMS (for himself, Mr. THURMOND, and Mr. HARRY F. BYRD, JR.) submitted an amendment intended to be proposed by them jointly to the bill (S. 2589), supra.

Mr. HELMS. Mr. President, I submit an amendment to S. 2589, the emergency energy bill, which would authorize the President to include limitations on the busing of school children in implementing the national emergency energy rationing and conservation program, to bring about a 25-percent reduction of energy consumption in that area. This could be accomplished by permitting public school pupils to attend the appropriate school nearest their home. Under such circumstances pupils could either walk, in the time-honored American tradition, or in hardship situations, they would be bused no further than to the nearest school.

From time to time, note has been taken of the serious financial impact which the introduction of busing has had upon U.S. education. But the impact upon our energy supply has gone unnoticed. The implication has been always that energy was available in unlimited supply, and that we could be as extravagant in its use as we have been with the taxpayer's dollar. The courts, in fashioning their orders on pupil assignment, have been as heedless of the energy drain created by busing as of the other burdens which they have imposed upon American society.

As a result, children have been denied the right to walk to school in neighborhoods where thousands of children have walked to school in previous generations. From kindergarten age on up, they are now being conditioned to accept vehicular transportation as the normal and expected mode of getting from one point to another. They are being denied the experience of walking, and the opportunity of forming healthful habits which would persist throughout their lives. They are, on the contrary, forming an unhealthy attitude toward the prudent use of our energy resources in the future. These children are growing up in an age when they will be faced with chronic energy shortages at least over the next few decades. We should be educating them to live in the world of today and tomorrow, not the world of yesterday when we had all the gasoline we wanted. Instead, we are training them to accept the idea that it is normal for healthy individuals to have free transportation to their destinations, even when they could and should walk.

Much of the busing today is completely unneeded therefore, and detrimental to the formation of sound attitudes necessary to life in a democracy. We can no longer afford the luxury of training our children to waste our energy supplies.

Nor are the amounts of energy involved insignificant. Based upon a study of gasoline used for busing in the major metropolitan areas of the State of North Carolina, I would estimate that the use of gasoline for busing schoolchildren has at least tripled in the past 4 years wherever the wide-spread use of busing has been introduced under pressure from HEW guidelines or court orders.

Let me give some examples.

In 1969–70, my hometown, the city of Raleigh, had 25 buses which used 26,145 gallons of gasoline to travel 134,654 miles. In 1972–73, the city of Raleigh had 111 buses which used 197,344 gallons to go 750,670 miles.

Think of that, Mr. President. That is an increase of nearly eight times in only 4 years.

The city of Greensboro, in 1970–71 had 107 buses which used 131,817 gallons of gasoline. In 1972–73, the city of Greensboro had 212 buses which used 288,239 gallons of gasoline. That is more than double the use of gasoline in only 1 year.

The city of Winston-Salem, Forsyth County, school district used 307,168 gallons of gasoline in 1969–70, the last year before widespread busing was introduced. In 1972–73, the school district used 711,065 gallons. Again, that is more than double the usage of gasoline.

The city of Charlotte-Mecklenburg County system used 478,343 gallons of gasoline in 1968–69 to travel 1,908,842 miles. Then in April of 1971, the Supreme Court affirmed a busing plan in the famous case known as Swann versus Charlotte/Mecklenburg County Board of Education. In 1971–72, Charlotte used 865,733 gallons of gasoline to travel 3,914,215 miles. And that is not even the whole story. The Charlotte figures do not reflect the miles traveled or the gas used by the City Coach service which is chartered to bus a substantial number of students.

Only a few weeks ago, I discussed in this body a case in the Charlotte-Mecklenburg school system where a single bus is assigned to transport 1 student to West Charlotte High School. This student must arise at 5:30 in the morning, wait for his bus, be transported a distance of 22 miles to school, and then return a distance of 22 miles at night. He is the only student on the bus. The reason for this is that Federal Judge James B. McMillan ordered that 600 students selected for busing to West Charlottee High be chosen by lottery, and this student drew one of what might be called the lucky numbers. His lucky or unlucky number is costing the North Carolina taxpayer more than $3,700 a year to transport one student to school.

Nor is the cost in fuel or dollars the only cost.

In the long rides, children grow restless and boisterous. Last week a young black student leaned out of a bus window for a better look, and his head was struck off when the bus passed a power pole on the curb. Such accidents could happen anytime, but the more children are on buses, the more likely such incidents will take place. He was the second child to be killed on school buses in Charlotte this year.

Mr. President, we have a critical shortage of fuel which is affecting all phases of American life both public and private. The very bill which I am proposing to amend declares that we are in a situation of national emergency, with regard to the usage of fuel. In an emergency an adjustment must be made to accommodate those services which are most essential and which require the least consumption of fuel.

Indeed, the suggestion has been made by some Governors and mayors that it will be necessary to close down our public schools because of scarce energy supplies. This would certainly be a tragedy, especially in view of the fact that substantial amounts of fuel are now being diverted from essential use in connection with public education and used for the purpose of transporting students beyond the schools nearest to their residences.

In examining the figures on gasoline usage which I quoted above, I do not believe anyone could argue that this amazing jump in volume is essential to the operation of public education. This is not a natural growth, it is an unnatural growth. It is wasteful growth. The examples I have given all come from predominantly urbanized areas. They do not represent rural areas where the distances are naturally long and busing has long been accepted. The only reason why children in urban areas need busing is because they have been assigned to schools beyond their home neighborhoods.

My amendment simply says that in setting our priorities we must realize that it is more important to keep the schools open than it is to divert that fuel to a purpose which is frustrating the availability of public education at this time.

At the time when many of these busing plans were ordered put in effect, the availability of fuel was not a factor in their consideration. The Supreme Court said, given the available facts and circumstances at the time such rulings were being made, that busing was a tool available to the courts in shaping what each court considered an equitable remedy to guarantee the equal protection of the law. I submit that those circumstances have drastically changed since that time.

We have reached a point where the various uses of busing must be ranked on a priority scale. Busing is only needed where the distances are too long for a child to walk. But when these distances are artifically created, then such artifical busing can no longer be considered essential. In short, we do not have the fuel left to transport pupils beyond the nearest possible school. Massive busing is no longer available as a reasonable tool for courts to use in shaping their so-called remedies. It is certainly proper for the President to set up energy conservation guidelines to cut energy consumption by limiting unnecessary busing.

Mr. President, it would be foolish to insist upon using our scarce energy resources for nonessential busing when that waste of energy even threatens the continued operation of the schools themselves. I urge every Senator to support this amendment.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from South Carolina be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I have not sought cosponsors for this amendment, but needless to say I will welcome them.

I ask unanimous consent that the amendment, which I now submit, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

Mr. HELMS' amendment (No. 656) is as follows:

At the appropriate place at the end of section 203(b)(2) in title II, insert the following:

Limitations on the transportation of students enrolled in schools operated by local or state educational agencies, as defined in sections 801(f) and 801(k) of the Elementary and Secondary Education Act of 1965, in order that students may walk to school insofar as possible without public transportation, or be transported through public means of conveyance no further than to the appropriate school nearest their residence.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from North Carolina yield?

Mr. HELMS. I am delighted to yield to my good friend from Virginia.

Mr. HARRY F. BYRD, JR. I commend the distinguished Senator from North Carolina for offering this amendment today. As I understand the amendment, it would have the effect of reducing gasoline consumption.

Mr. HELMS. That is correct.

Mr. HARRY F. BYRD, JR. It would not affect essential school buses, such as those in rural areas where long distances are involved to get to the nearest school, but the amendment would affect the use of school buses which take a lot of gasoline to haul children to schools far from their own neighborhoods for the purpose of achieving an artificial racial balance in the schools.

Mr. HELMS. The Senator is entirely correct.

Mr. HARRY F. BYRD, JR. And the legislation which the Senate will be considering today and presumably tomorrow, the reason the Senate finds it necessary to consider this legislation is that we are faced with a very grave problem in regard to energy and in regard to gasoline?

Mr. HELMS. Exactly.

Mr. HARRY F. BYRD, JR. The executive branch of the Government is talking about rationing gasoline, so that the average citizen will not be able to get enough gasoline to operate his automobile to go to work; so what the Senator from North Carolina is seeking to do, as I understand it, is eliminate unnecessary public travel, and to eliminate unnecessary busing of schoolchildren for no good purpose at all, but just for the purpose of achieving artificial racial balance in the schools.

I find that the parents in my State greatly object to subjecting their children to this long travel by bus to a school a distance from their home; they want to go to their neighborhood schools. So the amendment offered by the able Senator from North Carolina would achieve, as I visualize it, two objectives: It would save fuel, and it would also do what I think most of the parents want, namely, make it possible for their children to go to the schools nearest their homes, thus protecting the neighborhood school, which I think is a very important concept in American life.

The Alexandria, Va., Committee for Quality Education has just called for a similar change in Alexandria for the same reasons.

I commend the able Senator from North Carolina, and I would be pleased if he would make me a cosponsor of his amendment.

Mr. HELMS. I am delighted to add the Senator's name, Mr. President, if there be no objection, as a cosponsor of the amendment, and I thank the Senator from Virginia for his eloquent comments.

The PRESIDING OFFICER. Without objection, the name of the Senator from Virginia will be added as a cosponsor of the amendment.

Which Senator from South Carolina

did the Senator from North Carolina refer to previously?

Mr. HELMS. Mr. Thurmond.

The PRESIDING OFFICER. Does the Senator from North Carolina wish his amendment to be printed and lie over until tomorrow?

Mr. HELMS. Yes.

Mr. HRUSKA. Mr. President, a point of information.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. For what purpose will the matter be printed and lie over?

The PRESIDING OFFICER. It will be printed and lie on the table.

Mr. HRUSKA. For what purpose?

The PRESIDING OFFICER. It is an amendment to S. 2589.

AMENDMENT NOS. 657 AND 658

(Ordered to be printed, and to lie on the table.)

Mr. HASKELL submitted two amendments, intended to be proposed by him, to Senate bill 2589, supra.

AMENDMENT NO. 659

(Ordered to be printed, and to lie on the table.)

Mr. NUNN (for himself, Mr. McIntyre, Mr. Javits, and Mr. Nelson) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2589, supra.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Lincoln C. Almond, of Rhode Island, to be U.S. attorney for the district of Rhode Island for the term of 4 years, reappointment.

Gaylord L. Campbell, of California, to be U.S. marshal for the central district of California for the term of 4 years, reappointment.

Elmer J. Reis, of Ohio, to be U.S. marshal for the southern district of Ohio for the term of 4 years, vice Donald M. Horn, resigned.

James W. Traeger, of Indiana, to be U.S. marshal for the northern district of Indiana for the term of 4 years, reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, November 21, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

THE PROPOSED RESIGNATION OF PRESIDENT NIXON

Mr. GOLDWATER. Mr. President, in the past few days, we have heard a growing demand on the part of some people and publications for the resignation of President Nixon.

And I suggest that many of these suggestions are coming from people who, while honestly concerned and sincere, obviously have not thought through the consequences of a sudden resignation by the President of the United States.

The Constitution, of course, requires that when there are simultaneous vacancies in the Presidency and the Vice Presidency, the office of President shall pass to the Speaker of the House. At the present time, the Speaker of the House is a member of the opposition party. His elevation to the top post in the land while the members of his party in the House and Senate are delaying the confirmation of Republican Vice President-designate Gerald Ford would create a partisan nightmare of unbelievable proportions. It could completely paralyze the Federal Government in a matter of hours and create such havoc that it might take the Nation years to recover.

Mr. President, recently, Mrs. Clare Boothe Luce, an accomplished writer; former Republican Congresswoman from Connecticut and Ambassador to Italy, has addressed herself to this problem in an exceptionally well-written article which appeared October 25 in the Honolulu Star Bulletin. Her thesis is one which I believe all Members of the Congress should read and consider in the light of what all this could mean to the Nation as a whole. I ask unanimous consent to have Mrs. Luce's article published in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

President Albert—A Democratic Coup D'Etat?

(By Clare Boothe Luce)

(Mrs. Luce is a playwright, former Republican Congresswoman from Connecticut and Ambassador to Italy, now residing in Honolulu.)

Orchestrated by powerful Democrats, the public outcry for the resignation, or impeachment, of President Nixon is growing louder.

What would happen, if Nixon, like Agnew, were to resign, or be impeached?

As matters stand today, if Nixon were to resign, or be impeached, his entire administration would go out of office with him, and a Democratic President and a Democratic administration would take over the White House and the entire U.S. government.

The Constitution requires that when there are simultaneous vacancies in the Presidency and the Vice-Presidency, the office of President shall pass to the Speaker of the House.

Today, the Speaker of the House is Carl Albert, a 65-year old Democrat from Oklahoma. And today, the Vice-Presidency is still vacant. The Democratic majority in Congress has refused to confirm the President's Vice-President-designate, 60-year old Minority Leader, Gerald Ford. The excuse given by the Democrats is that it is not in "the interests of the people" to confirm Ford until they have subjected him to a lengthy investigation of his worthiness to hold the office.

They are in no hurry to get on with the investigation. None of Ford's colleagues question his worthiness—he has been in the House for 25 years and is well liked and trusted. It is just not in the interests of the Democratic party to confirm a Republican. For if Nixon can be forced to resign, or if he can be impeached before Ford is confirmed, Democrat Albert would become President, and the Democarts could take over the White House, without the bother and expense of trying to win it in 1976, in a national election.

If this maneuver succeeds, it will mark the first political coup d'etat in American history.

As there is a good chance that it will succeed, it is useful to ask, what would happen if Carl Albert became President?

First, President Albert, the new Captain of the Ship of State (in which we are all somewhat sea-sick and frightened passengers) would find himself without a crew.

When a President leaves office, all his appointees depart with him. There is no tenure of office for presidential appointees, as there is for university faculty members. Their resignations are mandatory, where they are not customary.

This is, of course, logical. An elected official receives his office from the people, and exercises his political power during his term in office by their consent. An appointed official receives his authority directly from the President. When the President goes, his authority vanishes. He becomes not just a lame duck, but a dead duck.

If Nixon should resign, or be impeached, not only his personal staff, but the entire Cabinet, and all the members of all departments, boards, commissions, bureaus, and embassies, throughout America and abroad who had been appointed by him, *must also* relinquish their offices.

Consequently, the day after Nixon resigned. President Albert would suddenly find himself faced with the impossible task of governing without a government. He could, of course, reappoint such few Nixon appointees as might be willing to hang on until he got around (as he most certainly would, under party pressure) to firing them. But unless he were willing to staff his administration overnight with hundreds of political hacks, and ambitious mediocrities, it *would* take him weeks, and perhaps months, to put together a competent Cabinet, and man the government with able administrators.

The quadrennial American national election process gives a presidential aspirant several years, and a presidential candidate at least six months, to sound out and recruit the members of that large team which we call an "administration." By the time a victorious presidential candidate is inaugurated, all the key members of his government have been chosen and are set to move (with their families) to Washington, and go immediately to work on the people's business. But even then, more time must pass before a new President's appointees can get cracking. Most of his key figures must "go up to the Hill" to seek confirmation from the Senate.

We are now living (or so we are told) in an era of "Post-Watergate morality", in which the Congress insists that *all* presidential appointees—especially all Cabinet members, Supreme Court justices, and ambassadors—must be given a thorough going-over in "the public interest." (The confirmations of some of Nixon's key appointees took months.)

In order to provide President Albert overnight with a new Cabinet and a new administration, would the Congress abandon its newfound "Post-Watergate morality," and rubberstamp any and every "deserving Democrat" that Albert could pull out of the political grab-bag?

The answer depends, does it not, on whether the Democratic majority honestly cares about "the public interest", or is a bunch of hypocrites. But if we assume that they are honorable men, who would subject Albert's appointees to the same close scrutiny and candid criticism that they have meted out in the past to President Nixon's appointees, President Albert would be forced to govern for a very long time with a skeleton administration.

The elevation of Albert to the Presidency would face the American people with another unique situation. He would be the first President in our history who had not received the Presidency, or the Vice-Presidency, from the hands of the people. He would also be the first President whose personality, personal qualifications, programs and policies were completely unknown to the national electorate. President Carl Who, a stranger to the vast majority of the American people.

Albert would also enter the White House without a Vice-President. If he designated one, and if his choice were confirmed by the Congress, the second highest office in the land would also be occupied by a man who had not been elected by the people. Moreover, both these strangers to the nation's voters would be members of a political party that was soundly repudiated by the voters less than a year ago.

As matters stand, the Congress knows that Albert is as likely as Ford to become President. But it is highly doubtful that a Democratic Congress will now order an investigation of *his* worthiness, as they have of Ford's. There are after all, limits to the Democratic pursuit of "Post-Watergate morality." The senators who voted against an investigation of the Bobby Baker scandals in the Democratic Johnson administration (Ervin, Inouye, and Montoya, for example) are not likely to investigate a potential Democratic President. (After all, he would have thousands of jobs, and billions of dollars to spread among the Faithful.)

All that an honest reporter can say about Congressman Carl Albert is that no important leader of his party has ever sought to convince a convention that Albert would make a first-rate presidential candidate. He has the reputation in the Capitol of being an intelligent and honorable man, but an indifferent leader. He has had a heart attack and some highly placed sources on the Hill say that in the past he has had a drinking problem. (This writer notes the above, because the most respected journalists today insist that the public has the right to know the worst, as well as the best, that is being said by highly placed, informed sources, about the nation's leading political figures.)

For the rest, the elevation of Albert to the Presidency by a "constitutional" Democratic *coup d'etat* is a highly dangerous business, not only for the nation, but for the Democratic party. If Albert should prove to be an unsuccessful President—which is more than likely—considering the chaos and confusion that would follow the event, the nation would suffer greatly. But inescapably, by 1976, the blame would fall on the party who had engineered him into the White House.

The Watergate investigation has been a Pandora's box that has already unloosed a multitude of miseries on the people. Few are left who have confidence in the integrity of the White House. Far too many are also losing confidence in the integrity of the Congress. A cynical Democratic *coup d'etat* might give the *coup de grace* to the people's faith in our two-party system and our constitutional democracy.

THE POWER OF CONGRESS TO VEST IN A FEDERAL COURT THE AUTHORITY TO APPOINT A SPECIAL PROSECUTOR OF CRIMES ARISING OUT OF THE WATERGATE AFFAIR

Mr. ERVIN. Mr. President, Assistant Professor of Law Lee C. Bollinger, Jr., of the University of Michigan Law School, has prepared an illuminating memorandum on the power of the Congress to vest in a Federal court the authority to appoint a special prosecutor of crimes arising out of the Watergate affair. Since this question is now confronting the Congress, I ask unanimous consent that a copy of the memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CAN CONGRESS VEST THE APPOINTMENT OF A SPECIAL PROSECUTOR IN A FEDERAL COURT?

In the wake of President Nixon's decision to order the Attorney General to discharge Mr. Cox as the Watergate Special Prosecutor, many individuals and groups have called for legislation creating a new independent prosecutor who would be immune from presidential removal. Early last week, for example, the deans of 17 law schools signed a petition urging Congress to vest the power to appoint a special prosecutor in a federal court. The deans, along with many others of like mind, asserted that Congress was empowered to enact such a law by virtue of Article II, Section 2, of the Constitution. That Section reads in relevant part:

> . . . [The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: *but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Court of Law, or in the Heads of Departments.* (emphasis added)

The purpose of this short memorandum is to discuss whether the language, history and judicial interpretation of Article II, Section 2, support the position that Congress can, if it chooses to do so, vest the power to appoint a special prosecutor in a federal court.

I

Looking first at the language of Article II, Section 2, one is immediately struck by its clarity. Unlike the rather general phrasing found throughout much of the Constitution, this clause speaks with precision, without qualification or caveat. It says in plain terms that the Congress may, "as they think proper," vest the appointment of "inferior Officers" in "the President alone, in the Courts of Law, or in the Heads of Departments." By all appearances the individuals who penned this language intended to leave the delegation of the appointment power of lesser federal officials to the unfettered discretion of the legislative branch. If there be any limitation on this discretion, it must be implied, for it surely is not explicit.

We all recognize, of course, that language is an imperfect medium. What may appear clear on the surface, often becomes murky upon further study. Any inquiry into meaning, therefore, must wherever possible go beyond the literal text to an examination of the circumstances under which the words were written or spoken. In instances like this, that means looking at the available records of the Constitutional debates.

When the relevant debates are examined, one finds nothing to suggest that the framers intended to say anything different than they did. The clause was proposed without discussion by Governor Morris. James Madison raised the only recorded objection. His criticism, however, was not that the clause would vest too much power in Congress, but that it did "not go far enough if it be necessary at all." Documents of the Formation of the Union of the American States, House Doc. No. 398, 69th Cong., 1st Sess., (1927). Madison thought that "Superior officers below Heads of Departments ought in some cases to have the appointment of the lesser offices." Id. Governor Morris responded: "There is no necessity. Blank commissions can be sent." Id. After this brief exchange, the amendment was agreed to on the second vote.

When we next turn to the judicial decisions interpreting the pertinent clause in Article II, Section 2, we again find nothing to make us doubt Congress' authority to empower a federal court to appoint a special prosecutor. On the contrary, the one relevant Supreme Court decision strongly supports such an interpretation of congressional power. See *Ex parte Siebold,* 100 U.S. 371 (1879). At issue in *Siebold* was a congressional statute authorizing the judges of federal Circuit Courts to appoint supervisors of congressional elections and marshalls to assist those supervisors. Writing for the Court, Justice Bradley rejected the argument that "no power can be conferred upon the courts of the United States to appoint officers whose duties are not connected with the judicial department of the government." Id. at 397. Citing Article II, Section 2, the Court held that the "selection of the appointment power, as between the functionaries named, is a matter resting in the discretion of Congress." Id. at 397–98. This result seemed to make eminent good sense to the Court:

> "And, looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise."

Id. at 398.

The Court in Siebold was also unpersuaded by another line of constitutional argument: that the statute was inconsistent with Article III in that it delegated powers to the courts that were nonjudicial in nature. This is not a case, the Court said, where Congress had sought to impose duties on the judicial branch that were not authorized by the Constitution; on the contrary, here "the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts" by virtue of Article II, Section 2. Id. at 398.

The Siebold decision is not the only precedent on Article II, Section 2, though it certainly is the most authoritative. For example, Congress long ago enacted a provision now contained in 28 U.S.C. § 546, which provides:

> "The district court for a district in which the office of United States attorney is vacant, may appoint a United States attorney to serve until the vacancy is filled. The order of appointments by the court shall be filed with the clerk of the court."

This statute was upheld as constitutional in *United States* v. *Solomon,* 216 F. Supp. 835 (S.D.N.Y. 1963). The district court there relied on Article II, Section 2, in rejecting an argument that the provision violated the Doctrine of Separation of Powers.

Similarly, a three judge court relied on Article II, Section 2, in upholding a congressional statute under which judges of the United States District Court for the District of Columbia were authorized to appoint members of the District of Columbia Board of Education. See *Hobson* v. *Hansen,* 265 F. Supp. 902, 911–16 (D.C. 1967).

II

The foregoing review of the relevant legal authorities would seem to indicate that there is strong support for the proposition that Congress could under Article II, Section 2, place the power of appointment of a special prosecutor in the federal courts. Before accepting that conclusion as sound, however, we must consider the one major argument which can be anticipated in rebuttal: that it would be an impermissible usurpation of executive powers for Congress to delegate the appointment of executive officials to the judicial branch. Surely, it might be argued, the last clause of Article II, Section 2, should not be interpreted to mean that Congress may authorize a federal court to appoint the Under Secretary of State. Such a construction would give rise to a serious breach in the wall of separation of powers. And, if that is so, then a line must be drawn somewhere between "executive inferior officers" and other inferior officers. A special prosecutor, the argument would conclude, falls into the former category; his role would be to see that the laws are enforced, historically an executive function.

While this line of argument cannot be lightly dismissed, it contains several flaws which make it ultimately unpersuasive. First, insofar as the argument suggests that Congress may never vest courts with the power to appoint any official who will perform a nonjudicial, or an "executive," function, it is squarely refuted by the Supreme Court's decision in *Siebold*, as well as by the other lower federal court decisions mentioned previously. Congress itself, moreover, has rejected the suggestion; as we have seen, 28 U.S.C. § 546 provides for the interim appointment of United States attorneys by federal district courts. Second, even if it is conceded that a court could not appoint an inferior officer whose duties would be *exclusively* executive in nature, that concession would not necessarily preclude judicial appointment of a special prosecutor. It has long been recognized that a prosecutor is intimately involved in the judicial, as well as executive, functions of the government. As an officer of the court, subject to the supervisory power of the federal courts, the U.S. attorney performs a dual function within the overall scheme of government. He is, in short, markedly different for these purposes than the Under Secretary of State.

In order to sustain the power of Congress to provide for judicial appointment of a new Watergate special prosecutor, however, one need not go so far as to assert that judicial appointment of all United States attorneys would be proper. For the situation now facing the country is unique and clearly calls for extraordinary solutions. The highest officials in the executive branch are the subjects of criminal investigations. That hard fact means that if the executive branch is to control the investigation of alleged wrongdoing by its own members, the very integrity of the government will be called into question. It would seem entirely unreasonable in this instance, therefore, to give a crabbed interpretation of Congress' constitutional powers, especially when the constitutional language is so explicit and the judicial decisions so favorable to a broad reading of congressional authority.

I therefore conclude that it would be constitutionally permissible for Congress to designate a court of law to appoint a special prosecutor, having limited powers of investigation and prosecution and holding office only for a limited period of time.

LEE C. BOLLINGER, Jr.,
Assistant Professor of Law, University of Michigan Law School.

A NEW DIRECTION FOR INDIAN AFFAIRS

Mr. STEVENS. Mr. President, the nomination of Morris F. Thompson to be Commissioner of Indian Affairs signals a new direction for the relationships of American Indians and Alaskan Natives to our Federal Government.

Morris has been the regional director of the BIA for the Alaska region. His confirmation is overwhelmingly recommended by Alaskan Natives.

Morris Thompson is a close personal friend. He has demonstrated maturity and judgment far in excess of that which one might anticipate from a man of his age—31.

I ask unanimous consent that his statement before the Senate Interior and Insular Affairs Committee and his biographical sketch be included in the RECORD.

There being no objection, the statement and biographical sketch was ordered to be printed in the RECORD, as follows:

STATEMENT OF MORRIS THOMPSON BEFORE THE SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE'S NOVEMBER 14, 1973, HEARING ON THE PRESIDENT'S NOMINATION OF HIM TO BE COMMISSIONER OF INDIAN AFFAIRS

Mr. Chairman, members of the Committee, it is an honor to appear before you as the President's nominee to become Commissioner of Indian Affairs. I accept this nomination with the full knowledge of the tremendous responsibility entrusted in this position and this Bureau. I accept this responsibility because of the concern for American Indians demonstrated by this Administration, this Congress and the American public. Not only has concern been expressed but much needed action is now being taken that I am confident will lead to real progress in the next several years. I feel that I can contribute to this progress.

The biographical information you have been provided indicates the various positions I have held. What it doesn't provide is my personal philosophy on Indians Affairs. This statement and the exchange we will have in this hearing hopefully will provide you and the Indian people a better understanding of what to expect from the Bureau of Indian Affairs under my direction.

American Indians have a right to expect an effective and efficient Bureau of Indian Affairs. They have a right to expect that the money appropriated by Congress for Indians is spent wisely and that each dollar directly or indirectly benefits Indians at the local and individual level. Indian people have a right to determine what the Indian priorities will be and how they are to be met. In addition, if the Indians desire, and at their own initiative, Indians have a right to direct and administer programs developed for them. The President recognized these rights and therefore established a policy of self-determination for Indians, without the threat of termination of the trust responsibility. I believe in this policy, and as Commissioner will insure that meaningful Indian involvement is an integral part of all Bureau operations.

The right of Indians to expect an efficient and responsive Bureau is very important. It is unfortunate however that in recent months concern with reorganization and realignment appears to have been elevated to a high mission status. Even more unfortunate is that this high concern for organizational changes has somewhat diverted valuable resources and attention from what should be the Bureau's top priorities.

Under my leadership, the Bureau's top priorities will be meeting our trust responsibilities, the delivery of meaningful services, and the achievement of greater Indian self-determination. I hope to do this by providing strong leadership and applying sound management practices to the Bureau's operations.

Within the Department of the Interior, the Secretary establishes all major policies, including those involving Indian affairs. Secretary Morton has given me assurance that I will work closely with him in developing policies on Indian Affairs. He has also assured me that I will have the freedom to select my key staff. These assurances are essential to any new Commissioner. One distinct advantage today however is the fact that the Commissioner will report directly to the Secretary. The ability to select a key staff is also a distinct advantage. The Bureau has several key vacancies both at the Central Office and field levels which is an unusual opportunity to develop a well balanced staff. In my selection of key staff I will be seeking not only technical competence and proven ability but more importantly, I will be looking for people with a deep personal commitment and understanding of Indian problems. Hopefully, this process can be accomplished in a timely manner.

Although we have a tremendous responsibility, I recognize that the Bureau of Indian Affairs is not the total answer to all the problems facing Indians today. Other Federal agencies and State and local Governments also have Indian concerns and responsibilities. It is not only desirable but essential that we work together more closely to take advantage of each other's resources and thinking which hopefully will minimize duplication and maximize total delivery of services. I will make a concerted effort to establish and maintain this needed cooperation.

Of high importance is cooperation between the Congress and the Bureau. I have been following with great interest the progress being made with Indian legislation by this Congress. This progress is more than encouraging in that it demonstrates Congress' understanding of Indians and its sincere desire to provide much needed laws to meet today's needs.

I am extremely hopeful that you will be successful in enacting the Indian legislation before you in the near future. Once enacted, we will be able to more effectively deal with the Indian crises along with the many other foreign and domestic crises facing our country today.

I know that you will want my personal views on many issues facing the Bureau today. Rather than anticipating your specific concerns and attempting to expand on my views in this statement, I will reserve most of my comments for direct response to your questions. You and the Indian people, however, have a right to know what priorities I feel are important in Indian affairs.

If I left you with the impression earlier that I am unconcerned about the organizational structure of the Bureau, this was not my intent. My real intent was to place this concern in its proper perspective. Reorganizations and realignments are administrative problems rather than mission concerns. My primary objective is to insure that whatever form the organization happens to be in now, or whatever form it may take in the future, that it be as effective and responsive as possible. If major changes are warranted, these will be taken at my initiation and under my direction. No major changes will be implemented, however, without full Indian involvement. The most immediate concern is in filling our key positions and becoming fully operational again.

In addition to my concerns for the organization and developing cooperation between the Administration, this Congress and State and local governments, I feel very strongly that our efforts must be consistent with the expressed desires of Indian people. From my experience in Indian affairs I have developed a tremendous respect and confidence in the Indian leadership throughout this country. The quality of this leadership is demonstrated by numerous examples of outstanding tribal government management, a total commitment to the development of both human and natural resources, and the ability to maintain progress without sacrificing Indian culture. What is most impressive is the unwaivering faith Indians have in Indians, that given the opportunity Indians can and will solve Indian problems. Indian tribes must have the opportunity to develop their tribal governments. Resources must be made available to the tribes for this purpose. If assistance is desired, this must be provided without paternalism. Developing effective tribal governments will be a major step towards true Indian self-determination.

The threat of termination has been a major barrier to the development of Indian resources, enterprises and governments in recent years. Whether real or imagined, the feeling existed that any successes might be used as justification for terminating the Federal Government's trust relationship. One of my major priorities will be to overcome this fear.

Basic to the role of the BIA is assuring the fulfillment of the Federal Government's trust and treaty responsibilities to Indian people and their resources. I intend to work closely with Indian people and the Solicitor to better define these responsibilities and see to it that the BIA fully discharges its responsibilities.

Of the many programs developed and administered for the benefit of Indians today, none is more important than Indian education. The American taxpayers are investing millions of dollars in the education of Indian youth. Indian people and all Americans have a right to expect that the best education program possible is being provided to Indians.

It is not enough to say that we are meeting minimum standards of education, or that we are providing an adequate level of education, or that we are doing our best under the circumstances. We must establish the highest standards possible and insure that those standards are met. We must utilize the most modern education techniques available and also develop new ones. We must provide the best materials, equipment and facilities available. Finally, we must insure that our teachers are not only the highest caliber available technically but also that they be personally committed and sensitive to Indian needs. In short we must be sure that each dollar appropriated for Indian education is spent wisely, whether through Bureau-operated systems or through other systems.

I recognize and respect Congressional responsibility to establish Indian policy. I also recognize and respect the oversight responsibility of the Congress to insure that the Congressional intent is met. As Commissioner, I look forward to working very closely with the Congress, the Secretary, and the Indian people in establishing National Indian Policy. Once these policies are established, I pledge to carry them out to the best of my ability.

Mr. Chairman, this concludes my statement. I will be pleased to respond to any questions that the Committee may have.

Biographical Sketch of Morris Thompson

President Nixon submitted the nomination of Morris Thompson to be Commissioner of the Bureau of Indian Affairs to the United States Senate on October 30, 1973.

Thompson was instrumental in formulating and implementing Indian policy as Assistant to the Secretary of the Interior from 1969 to 1971. In this position he assisted in developing the President's Indian message of 1970; was involved in the return of Blue Lake to the Taos Pueblo Indians; the return of Mt. Adams to the Yakima Indians, and he helped formulate the administration's position on the Alaska Native Claims Settlement Act.

For the past two years Morris Thompson has been Juneau Area Director, top line official for the Bureau of Indian Affairs in Alaska. In this capacity he has had full responsibility for administering the total range of Bureau programs with an annual budget of 40 million dollars and approximately 1200 employees. Significant activities include accomplishing a Tribal enrollment of well over 80,000 Alaska Natives within a two year deadline and implementing other Departmental and Bureau authorities relative to the Alaska Native Claims Settlement Act. Regular on-going Bureau programs and facilities in Alaska include 53 day schools, two Boarding schools, 5 field offices and a 10 ton cargo ship.

Thompson, an Athabascan Indian, at age 31 was the youngest man in BIA history to be named an Area Director. Now, at 34 will be the youngest Commissioner when appointed.

From 1967 to 1969 he was Executive Secretary to the ten-man NORTH Commission. He was responsible for establishing policies and defining a comprehensive program to implement and promote the human and economic development of Northern Alaska. Additionally, he coordinated the activities for the Commission—economic research and evaluation of the work done by consulting firms—and acted as a liaison between State and Federal agencies.

Before accepting appointment to the NORTH Commission Thompson was Deputy Director of the Rural Development Agency for the State of Alaska. He assisted in the establishment of the Rural Affairs Commission which is a forum of Native leaders who advise the State administration on matters of policy regarding the Indian community. In his role as Deputy Director he also helped with the coordination of emergency relief programs created to alleviate disasters such as floods, fires, poor fishing seasons, etc.

Morris Thompson was born in 1939, in Tanana, Alaska, a community 150 miles west of Fairbanks on the Yukon River. Here he attended school through the eighth grade. During high school years he attended Mt. Edgecumbe BIA Boarding School, graduating as a member of the National Honor Society in 1959. For the next two years he attended the University of Alaska majoring in civil engineering with a minor in political science.

At this time BIA Employment Assistance was recruiting students interested in electronics technical training. Thompson took advantage of this opportunity and moved to Los Angeles, California, for training at RCA Institute. Here he met his future wife, Thelma Mayo from Fairbanks, Alaska, who was also in Los Angeles for a BIA training program.

Upon completing the Electronics course in 1963, he returned to Fairbanks, married Thelma, and worked as a technician at the RCA satellite tracking facility at Gilmore Creek near Fairbanks until 1967.

The Thompsons now have three daughters—Sheryl Lynn, age seven; Nicole Rae, three; and Allison May, 18 months.

Thompson has served on numerous boards and commissions during his career as a public servant including the Rural Affairs Commission, the Alaska Village Electrification Co-op and the Alaska Business Council. Currently he is President of the Juneau Federal Executive Association, a Board member of the Alaska Native Foundation, and a member of the National Congress of American Indians. He was formerly a Board member of the Fairbanks Native Association, and the Alaska Federation of Natives.

Morris Thompson Profile

BIRTHPLACE

Tanana, Alaska.

BIRTHDATE

September 11, 1939; one-half Athabascan Indian.

SCHOOLS ATTENDED

Tanana Day School—Grade 1–8.

BIA Mt. Edgecumbe Boarding High School—Grade 9–12; National Honor Society member; Graduated 1959.

HIGHER EDUCATION

University of Alaska—9/59 to 1/62. Major. Civil Engineering; Minor, Political Science.

RCA Institute, Los Angeles, California—1/62 to 8/63. Completed 18 month course in Industrial and Communications Electronics.

EMPLOYMENT

1963–1967—Electronic Technician at the National Aeronautics and Space Administration's Satellite Data Acquisition Facility at Gilmore Creek near Fairbanks, Alaska.

1967–1968—Deputy Director of Rural Development Agency for State of Alaska in Juneau, Alaska.

1968–1969—Executive Secretary of NORTH Commission for State of Alaska in Juneau, Alaska.

1969–1971—Assistant to the Commissioner (actually Assistant to the Secretary of Interior, Walter J. Hickel) in Washington, D.C.

1971–1973—Area Director of BIA Juneau Area Office in Juneau, Aalska.

SPECIAL QUALIFICATIONS

Public Speaking.

Extensive knowledge of Indian groups and Tribes. Knows many Indian leaders personally.

Extended travel throughout Indian country.

MEMEBERSHIPS AND ASSOCIATIONS PRESENT

Alaska Native Foundation.

National Congress of American Indians.

President of Juneau Federal Executive Association.

Governor's Labor Market Advisory Council.

Policy and Evaluation Council of the Center for Northern Education (University of Alaska).

State Manpower Planning Council.

Alaska Health Manpower Committee.

PAST

Rural Affairs Commission.

Alaska Village Electrification Cooperative.

Alaska Business Council.

Fairbanks Native Association.

Alaska Federation of Natives.

UNITED STATES, RHODESIA, AND A WORLD OF LAW

Mr. McGEE. Mr. President, later this week it is anticipated the Senate will begin debate on legislation which would place the United States back into compliance with United Nations sanctions against southern Rhodesia.

In this connection, the Los Angeles Times of October 17 featured an editorial which is an excellent analysis of the issues involved in this legislation. The editorial writer made a very poignant observation when he noted:

> If the United States wants a world of law, it must obey the laws we have. If the laws are mistaken, if they require improvement, then they should be changed or done away with, by means provided by law.

I was particularly impressed with this observation. In essence, the question of our violation of sanctions boils down to a law and order issue. To ignore this fact is to engage in hypocrisy, particularly if we in the Congress continue to advocate law and order on the domestic scene with our rhetoric and then apply a double standard to our conduct internationally. In clear conscience, I cannot apply this double standard and I would hope the Senate would agree with this assessment.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

United States, Rhodesia, and a World of Law

Secretary of State Henry A. Kissinger has put the full weight of the Nixon Administration behind efforts to make the nation obey international law on the question of U.N. sanctions against Rhodesia. The support is welcome, but the outcome remains uncertain.

There is an apparent shift in congressional thinking, and there are indications that the House and Senate are now prepared to undo the damage they did two years ago in forcing an American exemption to the sanctions to allow the import of Rhodesian chrome. It was an act as irresponsible as it was illegal, bringing aid and comfort only to some American mining interests, to the white minority that governs Rhodesia, and to their admirers. Now those same advocates of Rhodesian exemptions, faced with a turnabout in Congress, are working hard to postpone action and might resort to filibuster tactics.

Kissinger has reminded the nation that the importation of Rhodesian chrome is not essential to national security. He has emphasized that America's unilateral breach of international sanctions has embarrassed relations with a number of nations, notably the Africans. And for those not persuaded by rectitude, who say: "Who cares?", Kissinger has noted that this has touched major American investments and petroleum interests as well.

There is plenty of room for argument about the wisdom of what the United Nations did in this case, applying for the first time one of its ultimate weapons, mandatory sanctions. But the deed was done with American encouragement and support. The sanctions became binding by law on all members. If they are wrong, then that is a matter for the Security Council. To defy them is to debase the concept of a rule of law.

The sanctions have failed to bring down the white supremacy regime in Salisbury. But they have hurt. They have stood as a world protest against a white minority, constituting 5% of the population, ruling a largely black nation. They have helped assure that this degradation of the black minority is not exploited to the economic advantage of other states within the United Nations.

To argue national security, to tie chrome imports to the cold war and Soviet trade relations, to challenge the efficacy of this approach, all of this is to sow confusion. For there is a single point: If the United States wants a world of law, it must obey the laws we have. If the laws are mistaken, if they require improvement, then they should be changed or done away with, by means provided by law.

That is why it is important for Congress to restore American respect for the sanctions against Rhodesia. Because the overwhelming interest of the nation is a world of law.

REDUCED RATE TRANSPORTATION

Mr. PERCY. Mr. President, as a cosponsor of S. 2651, a bill to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older, or 21 years of age or younger, I am pleased the Senate acted so promptly in taking the bill from the calendar and passing it, but I regret being absent when final action took place.

As one who has long advocated making our transportation system more accessible in financial terms to the elderly, a group with both the time and the desire to travel, I want to commend the Senator from the State of Washington (Mr. MAGNUSON) for his leadership in bringing this more comprehensive piece of legislation to the floor.

I think we all know that in those instances in which airlines, for example, have instituted reduced fares on a standby basis for the elderly, they have been shown to have worked extremely well. Youth fares, although recently judged discriminatory by the CAB, have been successful, I believe, in promoting air travel by many persons who otherwise could not have afforded to travel.

I believe authorizing reduced fares for the young, the elderly, and the handicapped on both air carriers and surface carriers marks a significant step toward finally making a variety of transportation modes available to them.

If these fares become a reality I know it will result in higher income for the industry as well as in a richer and fuller life for many of America's youth, handicapped and elderly.

SONNETS IN MEMORY OF ROBERT KENNEDY

Mr. McGOVERN. Mr. President, the current issue of The Arts in Ireland carries three sonnets in memory of Robert Kennedy by Frank S. FitzGerald-Bush.

I found this poetic tribute to my cherished friend a moving description of what he meant and continues to mean to millions of people.

I therefore ask unanimous consent that these lines be printed in the RECORD.

There being no objection, the sonnets were ordered to be printed in the RECORD, as follows:

HECHOS SON AMOR—THREE SONNETS IN MEMORY OF ROBERT FRANCIS KENNEDY, 1925–1968

(By Frank S. FitzGerald-Bush)

I

They called him ruthless who had never known
his infinite capacity for love—
knew nothing of that suffering in his own
quite private agony, compounded of
pain and compassion for the pain of others,
accepted without question as a duty
which fell upon him from his fallen brothers.
His closest friends and kindred saw the beauty
that others could not see—the inner grace
derived from those dark hours of despair
from which he drew the strength required to face
that task to which he made himself the heir.
So long as those whose lives he touched still cherish
his memory, his work can never perish.

II

His deeds of love were for all men in chief
for the despised, the poor, both black and white,
the dispossessed; and it has been their grief
that rings the truest—wrings the heart. The sight
of their great numbers ranged along the tracks
on which he made his final journey burns
into the memory. Those whose attacks
on his integrity (though each now turns
to eulogy) urged violent men to rid
them of his troubling presence, are proved wrong:
such dreams as he had dreamed cannot be hid
in graves, nor guns still such a battle song.
The shining cities he envisioned must
rise like the living phoenix from his dust.

III

Above the city where that bright flame keeps
its solitary vigil, two now rest
while into darkened corners hatred creeps
to hide its ugliness from us. The best
of man, despite his frailities, yet survives;
by such example petty souls are raised
a little higher. Note how those two lives,
once sacrificed, are curiously praised
by those who cursed them till they had been felled.
The younger brother slain, now may achieve,
as did the elder, what had been withheld
in life. And those of us who truly grieve
will wear our mourning proudly as a mark
that we may light a flame from one small spark.

AMERICA'S EMERGING BLACK WOMEN

Mr. PERCY. Mr. President, the Chicago Tribune recently featured an excellent series of articles by Yla Eason on the black woman in modern American society.

Through a number of profiles of American black women who have achieved success in the fields of politics, business, education, and art, Ms. Eason shows that although black women have won professional positions of respect and dignity, they have only been able to do so because of extraordinary individual strength and perseverance. Black women, as members of two minority groups, blacks and women, have long faced double difficulty in achieving professional success.

I believe the Chicago Tribune's series provides excellent insights into the career problems, aspirations, and gradually increasing professional opportunities of America's black women and women in general. I ask unanimous consent that the series of articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

TODAY'S EMERGING BLACK WOMAN

(By Yla Eason)

(First in a series)

Addie Wyatt, ambitious and naive, trained as a typist in 1941 and went for her job interview expecting to be hired for the secretarial pool at a meat packing plant.

She was praised for her skills and sailed thru the placement tests, assured she would be hired. Being the only black female applying for the job was no cause for concern to her, for she knew she was qualified.

"What I didn't know at the time," she says from her executive office today, "was that they didn't hire black women as typists."

So she pulled together her survival techniques—making do with what she could—and accepted a job in the packing division.

Today Mrs. Wyatt is international director for women's affairs of the Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO.

But she is quick to say, "I represent the very limited number of women who have made progress in this area." They're the black women emerging today who learned to "get over" in the society and come out with a social conscience.

They've never allowed discriminatory practices to stop them. Black women in America have exhibited strength and perseverance.

Today's black women represent the double minority who feel the sting of racism and labor under the code of sexism in an attempt to overcome both.

And while it's long been said in the black community, "A black woman can always get a job," the unspoken understanding was that she usually had to get in thru the kitchen door.

Many times, as Mrs. Wyatt adds, "Black women took the undesirable jobs, ones they did not enjoy. But they took them for the survival of their families."

Survival for the black woman often has meant assimilation into the white society, a process requiring more than education or experience in the traditional sense. For black women workers, "being qualified" often has meant "being white," at least on the surface.

If she had to "sound white" on the telephone to get the interview, the black woman studied white speech patterns. By watching white people interact with each other on television, she knew how to "be qualified."

Skills and ambitions were parlayed into a wait at many reception desks until business and industry embraced the Civil Rights Bill, the Equal Opportunity Employment Act, affirmative action, and tokenism.

According to noted sociologist Dr. Joyce Ladner, who has done extensive research on black women in America and Africa and is the author of "Tomorrow's Tomorrow," a study of young black females living in a housing project, "The lives of black women have been shaped by the forces of oppression, but they also have exerted their influence so as to alter certain of these patterns."

One example of black women exerting their influence can be seen by turning to the television newscasts. Most networks today have at least one black woman in front of the camera.

For Carole Simpson of NBC, it took two years of work and two college degrees to become the first black newswoman on the air in Chicago. In 1970, she was the first black female television reporter here.

By 1965, the year she dates as "post-Watts," referring to the riots in Watts, Cal., "I was in a position to turn down job offers." Many black reporters were hired during that period to cover the racial conflicts.

Dr. Ladner explains some of the difficulties black women have had: "They were discriminated against because they were black and because they were females. At the same time, because of the economic conditions in which blacks had to live, black females were not given the same kinds of securities and privileges of being the weaker sex.

"The irony of this," she says, "is that altho she was discriminated against and thrown into that competitive man's world, she was able to operate as a woman and make it work in her behalf."

In 1971, only one in 10 black women had professional positions. By 1973, Money magazine reports, the graduate most in demand seemed to be the black woman with some kind of engineering or business degree.

The success of the black woman in the professional field, according to Cynthia Fuchs Epstein in Psychology Today, "is the combination of being highly motivated, egged on by supportive families, seen as less threatening than black men, and pushed by the feminist tide."

When the storm settled from the intense period of the black liberation movement, the employer was hit by the women's liberation movement and was pressured by government-imposed minority hiring quotas.

Black demands for equality coupled with equal rights for women were the impetus for labor to begin to acknowledge black women.

And now black women are beginning to trickle into the mainstream of society, Dr. Ladner says, "one by one, on society's terms."

While many contend the entry rate of black women into professional fields is accelerating, others share the view of Connie Seals, executive director of the Illinois Human Relations Commission.

"Sure there are about 40 to 50 black women making it professionally today, and they know the other 39 or 49," she says.

The Department of Labor reports black women workers are far more heavily concentrated than white women in the lower paid occupations. Maids, cooks, and household and service workers still account for 43 percent of all employed black women, the department says. Only 19 per cent of the white women workers fall into this category.

The Department of Labor also reports that, despite advances, differences persist in the employment patterns of black women and those of other groups.

Black women are more likely than white women to be in the labor force, to be working wives, and to be working mothers.

Black women workers generally have less formal education, higher rate of unemployment, and lower incomes than their white counterparts.

They also are more likely to be in low-skilled, low-wage occupations. In comparison with minority men, their rates of unemployment are higher and average earnings are lower.

When one examines income data, "one is immediately struck by the fact that black women have been had," says Dr. Jacquelyne J. Jackson, associate professor of medical sociology at Duke University Medical Center in Durham, N.C.

In 1969, she reports, the median income of black females was $2,078—$435 lower than the average white female made, $2,670 less than the average black earned, and $5,812 less than the average white male made.

Dr. Jackson says, "I am especially concerned about the myths which link a black woman's education, employment, and income to her family patterns.

"Such myths tend to reinforce erroneous beliefs directly affecting social policies, which in turn adversely affect many black females."

Labor statistics point to the fact that only three of every 10 black families were headed by women in 1971. Likewise, about half the black women workers were married and living with their husbands, 28 per cent were widowed, divorced, or separated from their husbands, and the remaining 23 per cent were single.

Nevertheless, black women are beginning to make their unique statements in politics, labor, education, business, and the arts.

At least their progress in many closed areas seems to say, "Altho I've got a long way to go before I see equal opportunity, I can look back realistically and see how far I've come and begin to project where I'm going."

One reason for this, Addie Wyatt says, is that "women are more educated. They are going into different fields and are more aware of and sensitive to their rights.

"And they are informing their employers that women work for the same reasons men do—they have something to offer and they need the money."

When the typing job was denied her, she said, "Women in the plant earned more money because they were more organized; so I lost interest in typing and stayed at the packing division.

"As a black worker and a woman," she reflects today, "I knew I could be the first fired and the last hired, and it was important to have union protection and benefits."

To Mrs. Wyatt, "making it" and settling for that is an acceptance of tokenism.

"We have to give recognition to those who have not and who ought to. And we must keep the door open for the development of black women."

In the Monday Tribune's Tempo section: Black women in politics.

THEY'VE OVERCOME A DUAL BIAS

(By Yla Eason)

(Second of five parts)

Led by a few superstars, the black women today are making long, swift, and determined political gains, emerging as a force not to be ignored.

Her stride into the electoral arena has been thru a circuitous route, marked by a slow procession to local officers followed with a quick jump to federal positions.

And in the game of politics where all pluses help, one whammy—black—is piled on another—female. To deal with the double blow, she's had to angle around and backslide until the people could be convinced she could do the job.

She proclaims her savvy with the fact that in just four years, the black female has more than doubled her presence among elected public officials. This represents a 160 per cent increase in the number of black female office holders since 1969.

But considering there are seven million black women of voting age in the United States, her share of the 520,000 elective offices is embarrassingly small.

Sticking fast to the "superstar" label early in the game was Shirley Chisholm, who captured national attention with her self-announced "un-bought, unbossed" manner.

She tagged a number of "firsts" to her name in the process: In 1968 she became the first black female to be elected to U.S. Congress. Again in 1972 she hopped into the Presidential contest as the first black female to run for that office.

Her entry into the latter campaign touched off a controversey among elected black male officials in particular who felt her move was premature and detrimental to black coalition politics.

Her shrewd, sophisticated style of taking care of "number one" showed that not all black women in politics are cut from the same cloth.

In fact, the thread which contributed to her prominence—being the only black female in Congres—can no longer be woven for others. Three black women joined the ranks of Congress this year.

And Mrs. Chisholm has said recently she is "moving in the direction of getting out of electoral politics." She believes Congress has no organized system of getting legislative work done.

But to the casual observer, her aggressive plunge into politics was seen as the green light for other black women with similar ambitions.

There were no major black female political officials in 1969; today there are three.

After serving two terms as city clerk, Doris Davis became mayor of Compton, Cal. The black woman has lengthened her numbers in elected offices from 131 in 1969 to 337 in 1973.

But she has had to fight, persist and struggle to make even a minimal impact on the electoral system. A case in point is Peggy Smith Martin.

"Unsuccessful challenger" and "perennial candidate" were once synonymous with the name Peggy Smith Martin, who was defeated four times for the office of state representative in Chicago.

Winning the right to represent the 26th district in November, 1972, Mrs. Martin took her seat as the only black female in the State House.

"Perseverance," she said, was the key to her victory.

"I always felt one day I would be in the State House. Just as one day I will be President. Then I will feel I have had it made."

But she will be dodging the statistics which show that only half of the black women elected to offices are still in those positions four years later.

The Joint Center for Political Studies in their research on "Black Women in Electoral Politics" found her lack of tenure in office is a significant drawback for the acquisition of power.

This could be attributed to her lack of campaign funds, an unwillingness to assume the responsibilities of winning and holding a position, or her despair in discovering how difficult it is to change the present system.

Often one elective office is a stepping stone to a higher office. However, the Joint Center reports, there was little mobility among black women elected officials between 1969 and 1973.

Among those who did move upward are State Sen. Barbara Jordan [D., Tex.] and State Assemblywoman Yvonne Braithwaite Burke [D., Calif.]. Both women advanced from the state legislature to the U.S. House of Representatives.

The styles of these two women sharply contrast.

When Barbara Jordan came to Congress in January the word spread that the late President Lyndon Johnson personally called top Congressmen to make sure she got the committee assignments she wanted.

Described as "calm, cold and calculating," Miss Jordan once said, "Politics is equated with power. And black women have always known what power was about."

But the entry of Yvonne Burke to Congress was for many an exciting event. Before her political skills are listed, her beauty, charm, and grace are often mentioned.

An effective force politically, being a female has seemed to be her winning trait. She will be adding another dimension in November when she is expecting a baby—the first member of Congress in history to have a baby while in office.

Approaching politics from a traditional view is Illinois Rep. Cardiss Collins [Dem..—7th Dist.]. She worked more than 20 years as a secretary and a public auditor before running for any political office. And her jump into the House of Representatives was seen as a giant step.

"I came to Congress as a woman whose major contribution is now considered old-fashioned: I came as a wife and a mother," she said recently.

To many she is seen as one who came to Congress, as a widow, filling the unexpired term of her late husband George, with loyalties first to the Democratic party.

She has recently become the target of criticism from the black community and had been charged with "letting black folks down."

Her critics point to the two young white males she chose recently for her top congressional staff positions.

The selection of John D'Arco Jr., son of the 1st Ward Democratic committeeman, as her administrative assistant and Rick Praeger as her legislative assistant has been viewed with suspicion.

Scoffing at the attacks, she remarks, "I realize that [no prior political experience] is a deficiency and that is the reason why you choose your staff carefully. You have enough common sense to know what you want them to do."

She adds, "If I do my job and do it well that will be all the satisfaction I'll need. I'm not out there on an ego trip.

"I'm out here to do the best I can, and I think I can do a lot because I'm dedicated to my people. The only image I'm trying to build is that of a Congresswoman."

At the local level, the most common elective office held by black females are those related to education, primarily school boards.

About 41 per cent of all black female elected officials are in that category, the Joint Center reports. Approximately 31 per cent are concentrated in municipal offices.

Of all black elected officials, black females represent only 12 per cent.

While they account for 25 per cent of all women in the House of Representatives, they represent only six per cent of the 466 women in state level positions.

Today, blacks account for less than one-half of one per cent of all elected officials. In addition to sexual discrimination, the Center concludes, a major explanation for the underrepresentation of black females in elective offices is racial discrimination.

The real measure of what new dimension black women bring to electorate politics will be reflected by the changes they bring about for the total black population, many feel.

(Third of five parts)

A Move To Make a Higher Grade

(By Yla Eason)

A black woman with an education could forget getting a job a few years ago unless she was a teacher or nurse.

Searching for a way to make a living and striving to achieve a degree of responsibility in the community, she sought these two areas of study. Even today, education continues to be the field where she faces the least amount of discrimination against her race and sex.

But her educational level has not been vastly improved. In 1970, the average educational level completed by black women was 10th grade with 58 per cent completing high school. Only 4.4 per cent of black women have completed or gone beyond a college degree.

"During the 1960s the greatest educational gains were not those made by blacks at all, but those made by white males," sociologist Jacquelyne Jackson reports.

Between 1960 and 1970, there was a 1.8 per cent increase in the number of black women who received a bachelor's degree.

That compares with a 1.9 per cent increase for black males, a 4.9 per cent increase for white females, and, highest of all, a 5.2 per cent increase for white males.

The black female's position at the lowest step of the educational level has been firmly dictated by society's constraints.

According to the 1960 census there were only 222 black female attorneys and 487 physicians and no black women architects. These numbers increased to 497, and 1,855 and 107 respectively in 1970.

One reason may be black females have had less access to the most prestigious institutions of higher education than have black males and white females and males.

Dr. Jackson adds that black females receiving higher education have studied largely at the traditional teacher-training institutions, which has greatly affected their occupational patterns.

How have the attitudes of black women toward education changed? In what ways are black females contributing to the education of other blacks?

Two unique black women show how they have been involved in dealing with those issues.

In her office at the Black Women's Community Development Foundation (BWCDF) in Washington, D.C., Inez Smith Reid, executive director, recalls an experience which occurred during the research of her book, "Together, Black Women."

It began as a study of militant black women but she discovered the word militant was not appropriate. "I ended up describing them (the women involved in the black liberation struggle) as 'together' black women."

Among blacks "together" means having made a commitment to being black. It carries with it the responsibility of identifying social injustices and working toward changing them and the willingness to be proud of the black heritage.

BWCDF functions as a funding institution which contributes to studies done by black women about black women.

"We have a fellowship program which is geared toward the noted black scholar who has gotten her formal education and is attempting to contribute something to the scholarly world," Mrs. Reid says.

The other form of fellowship is geared toward the "grass roots" woman who has not had a chance for formal education and wants to improve herself educationally so she can make some input into the black movement.

The foundation sponsored a historic symposium last year in Chicago which brought together more than 200 black women from across the country to discuss their attitudes and their role in America's future.

"One of the mandates that came out of Chicago was one to improve communications abong black women across the country," Mrs. Reid adds. This led to a news pamphlet issued by BWCDF as a medium through which black women can get their ideas out to others.

She makes it a point to emphasize the foundation is not involved in the feminist movement. "We are trying to do things for the total black community."

The foundation services the important purpose of using black women as a source for change and contributing to the amount of educational information about them.

Women are also a source for change on the campus of Howard University in Washington, D.C., where Dr. Lorraine Williams is a silent mover in rearranging the educational approach to history.

"Because there are a lot of misnomers, misconceptions and distortions concerning the history of blacks in America, it is the responsibility for the black historian to reinterpret and reassess history," says Dr. Williams, who is chairman of the history department at the 10,000-student school.

Her own educational pattern speaks of changes that have occurred in the black woman's attitude toward learning.

For her master's degree she studied Germany's imperialistic policies in the Pacific "The emphasis was on Europe and the Western world then," she recalls.

And altho her professors in 1955 "wondered why I had the nerve to study for a doctorate," Mrs. Williams switched her focus of interest to the issues of the Civil War for her Ph.D.

As an educator she is hoping to legitimize different methods of historical data. "I see some evidence of the development and appreciation of social history, where historians will look at society as a whole and take into account contributions from all social levels."

Altho this concept has not gained wide popularity it is incorporated into the traditional educational system at Howard. There the attitudes of the working classes, slave narratives, and deeds of various groups in American society share an importance with presidential papers and books written by professors.

"As we study black history we will become aware of what Benjamin Quarles calls "Black history's diversified clientele," she adds.

Dr. Williams is one of a growing number of educators preparing the historical groundwork for the future education of blacks. Her goal is to insure that blacks themselves contribute to the writing of their history.

(Fourth of five parts)

Persistence Pays Off for a Few

(By Yla Eason)

The black woman in business is a negligible statistic in the financial world. Lacking a history in America as an entrepreneur, her ventures into this area are without precedent.

If her sex is a deterrent to getting into the business world, then her race doubly excludes her full participation.

Received coldly by banks when applying for a business loan, she usually has to go the route of guaranteed federal financing. And often if there is no male—black or white—in the proposed business, she finds her chances for success even slimmer.

With luck, verve, and friends, she is just beginning to make a tiny dent in the money market. But still, in 1973, charm outweighs skill and persistence supersedes all.

As a black woman in business, Ida Lewis' *raison d'etre* is to bring the events and happenings of interest to black people "upfront." Her New York-based magazine, Encore, is the element thru which she accomplishes this.

The former editor of Essence, a black women's magazine, Miss Lewis, 37, worked as a feature writer for Life Magazine, freelanced for the British Broadcasting Co., and wrote for the Washington Post and various foreign publications.

A year ago when she began Encore, "people were saying, "Ida, black people don't read, you'll never get black people to read.' " Yet today the news monthly has a circulation of more than 100,000.

She adds the problems have been numerous, both on a personal level and from a business end. "But you cannot let these problems become obstacles," she says.

"Generally on a personal level you have problems with men who are very talented. Men are brought up in a society where they don't listen to women.

"However," she adds, "I would not be where I am today if men, some men, did not believe I could do what I am doing. It would have been impossible.

She feels that more blacks must help each other in the business world, "instead of thinking we have to cut the legs of this one and the arms of that one."

And she carries out this idea as a boss. "I don't believe in stifling people's ideas. I think you should give them room to express themselves. The only thing I tell them is to use good taste.

"I don't want to become a mother figure, where mommy makes all the decisions. They understand that I'm the publisher and editor and they respect that."

Making her contribution in an area opened recently to black women, she measures the progress of blacks in America "with how fair black people are with each other."

Sharing this attitude is Chicagoan Ann Rodgers, 41, owner of Village Maid Service, whose aim as a black business woman has been one of upgrading the status of maids.

She explains that a black woman maid has "arrived" in the industry when she's hired to clean office buildings. "This is still one area we haven't broken into," Mrs. Rodgers says, pointing out that virtually all black maids work in private homes.

Seeing the cash benefits of getting big office cleaning contracts, Mrs. Rodgers wanted to expand her business into that area. But unwilling to add that battle to her current one of trying to get a break in the catering business, she has lost interest.

"You have to learn to roll with the punches, be self-determined, and no matter what, you have to hang in there," is her personal philosophy. Since 1964, when she grabbed her $37 savings to start the business, Mrs. Rodgers has had to fight.

"It has not been easy. Capital has not been coming, and the minute people see you have a brain, they treat you as a sex symbol."

But she's reached her first goal of introducing dignity into the maid profession. The women who work for her have 9 to 5 jobs, five days a week, Social Security, vacation benefits and insurance.

"I see women who work for me as peers, and I seek their opinion because they do the work. We relate to each other on a level of respect.

"I can clean an apartment if the need arises," Mrs. Rodgers adds. "I consider myself a super maid, and I have no hangups about the word. It doesn't matter what you call a maid as long as you call her "Mrs."

Making profits for others and herself is the business of Victoria Sanders, 27, a Chicago stock broker who questions whether a black woman *really* makes it in business today.

Educated in business and economics, [she has three university degrees] she gave up her "afro" hairstyle and hip clothes in order to work as an account executive more than seven years ago.

In an article that appeared in The Tribune in 1971 Miss Sanders said, "I don't think of myself as a successful black woman, but as successful—if and when I think in those terms."

Today her salary is in the six figures. Last year she had 23 vacations, is one of four black women stock brokers in America, owns a condominium, drives a foreign sports car, and was recently named vice president of Daniels and Bell, the nation's only black-controlled securities firm.

But she also sees herself as a black woman wondering what way to measure success. While there are advantages ["When I go into an office I'm remembered and there is a lot of opportunity in this work."] she adds that discrimination still exists.

For instance, taxis pass her by. "They assume I'm going south." And often police stop her "just to find out what a prosperous looking black woman does for a living . . . I have had some truly embarrassing experiences.

"However," she says, "These little incidents of racial discrimination serve as a constant reminder that education, money and prominence don't do it for you—that is if you're black and female."

(Last of five parts)

FINDING ART THRU THE LOOKING GLASS

(By Yla Eason)

The role of the black woman in the arts has mirrored her real-life destiny. And only when that destiny improved—largely thru black consciousness and civil rights efforts—did her performing arts image reflect her true worth, dignity, and potential.

As an entertainer, her contact with racial discrimination has perhaps been sharpest, because in it she is pursuing a profession that has great moneymaking potential and where success is coveted.

Today, demands by blacks to see their lifestyle represented on the screen in a manner that reflects black pride has created a slot for the black woman as a movie star.

She is recognized as a new box office attraction; however many are concerned that blacks do not have enough control of the profits made from films about them. Economic discrimination has played a heavy part in reducing the scope of her success.

Success in the performing arts often had more to do with the black actress' ability to conform to contract agreements, agents, and audiences than with talent. And since the monied masses were white, she knew making it big would mean breaking color barriers—and that too meant she had to be better than her white counterpart.

According to Dr. Vada Butcher, dean of the college of Fine Arts at Howard University, Washington, D.C., "the black artist was allowed to perform and function in the world but not without harsh treatment and, often, low pay.

She didn't think in terms of getting a part in a movie unless she was in the role of a domestic. And only when there were plays written exclusively about blacks, such as "Porgy and Bess," could she think of getting a lead role, according to Dr. Butcher.

And since her contributions as a black woman had been systematically excluded from most literature, only a few respectable roles existed.

In 1968 Diahann Carroll was introduced to American television audiences, starring in the first series about a black woman. Miss Carroll was called "girl' 'in the media and referred to herself as "colored" on TV.

And tho her part as a registered nurse was introduced to "help improve race relations," blacks protested the image as one of bleached black.

With black audiences today expecting black movies to have a message for the total community, the image of the black female movie star should be contemporary.

Tamara Dobson emerged this year in such a role, that of Cleopatra Jones. She says today that the role has accomplished almost as much in message as it has in recognition for her as an actress. A former model, the 6-foot-2 Miss Dobson had played several roles before capturing the lead in "Cleo."

In the movie Cleopatra Jones is a special agent for the federal government who returns home to find that a drug rehabilitation center, operated by her boy friend, has been the target of a drug frameup.

She seeks out the woman dealer and the drug ring supplying the community, and with support from others, karate chops her ways to victory.

"Cleo's achievements are vast and varied," says Miss Dobson. "She has respect, she knows karate, she can be with one man and love one man, she loves her people and she fights drugs—which are a big problem—and she is respected by the government."

The image, she feels, is one black women can identify with—that Cleo is a successful woman with positive goals.

As a black woman she wants to act in movies which will make black girls want to emulate positive black women.

WHY I HAVE CONFIDENCE IN AMERICA'S FUTURE

Mr. ERVIN. Mr. President, one of the Nation's most worthwhile civic organizations is the Exchange Club which has among its prime interests the encouragement of the youth of our land to engage in worthwhile endeavors. In this connection, it makes a national award entitled "National Youth of the Year Award" each year to some young person for outstanding achievements in civic, religious and scholastic activities, and for a philosophy of life expressed in essay form.

As a Senator from North Carolina, I take great pride in the fact that one of my most brilliant young constituents, Miss Helen Meredith, of Burlington, N.C., was named the recipient of the Exchange Club's 1973 National Youth of the Year award on the basis of her outstanding achievements in civic, religious, and scholastic activities, and for her essay entitled "Why I Have Confidence in America's Future." I feel that our Nation stands in need of her optimistic outlook at this time, and for this reason, I ask unanimous consent that her essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

Why I Have Confidence in America's Future

(By Helen Meredith)

America, America, you took me as your child,
You nurtured me, and watched me grow,
And showed me things profound.
I learned the pride and joy of my heritage so sweet,
And a reverence for my country to be held from deep within.
No, America, I won't desert you in your hours of woe,
For you've given me all I know and love.
You've placed within my soul a confidence.
"A confidence?" you ask. Why yes,
A confidence in your future as well as mine.
Don't despair, dear friend, for I'll always be true.

What is confidence? To me, confidence is that intangible feeling which tells me that my America will not let me down, and I, in turn, will not forsake her. Every child experiences a period in his life known as an identity crisis, in which he must decide exactly in what he may place his trust and confidence. I decided at a very early age to place my confidence in America for extremely valid reasons. For me, America has never disgusted, disappointed or discouraged me in any way, and I sincerely doubt that it ever will.

Why should I not place my confidence in my America's future? She has withstood almost every test a country can face in its existence. America has lasted through numerous wars, both civil and world-wide; wars which seemed to leave the entire world in devastation. She has suffered several depressions in which many of her loved ones were left homeless and starving. She has faced times of embarrassment and harassment from those within her boundaries as well as those from without her shores. Yet, she still holds her head up high.

In times of trouble and strife, Americans unite. They bind together for the benefit of our nation in an attempt to protect its future. A classic example of this is the advent of World War II. Americans seemed to be unaware or apathetic about what was happening to the world by the aggressive acts of Hitler, Mussolini, and Emperor Hirohito until December 7, 1941. Immediately, an unprepared America became of one accord—right for those treated wrongly; freedom for those oppressed. In less than four years we became a fighting nation; one which remained unbeaten. Peace terms were "American terms." Reconstruction grants were American generosity. People had a common cause in which they could believe, and they stood by it. As one can plainly see, when Americans unite in the face of a common cause, nothing can stop them. Doesn't this immensely boost one's confidence in America's future?

Our ancestors united almost two centuries ago for a common purpose called freedom of religion. They did not comprehend what lay ahead of them. As well as succeeding in attaining their religious goals, they established a democracy.

The whole secret of America's past, present and future lies in this word: democracy. Democracy allows a freedom of thought, not a captivity of the mind. We are not indoctrinated to think and feel as we do. People have the right to make their own personal decisions. Their minds are not possessed by government or a dictator. For example, a person has the right to worship as he desires. He has the freedom to become a Christian, Hindu, Agnostic, Atheist, or a believer of any Creed or Sect. After he makes his decision, he is not beaten imprisoned or threatened by government officials.

I, personally, have chosen to be a Christian. God has placed within my soul a confidence in America's future. Each day I pray that God will bless my nation as well as the inhabitants and leaders. In John, Chapter 14, verses 13 and 14, Jesus states: "You can ask Him for anything, using my name, and I will do it, for this will bring praise to the Father because of what I, the Son, will do for you. Yes, ask anything, using My name and I will do it." This is one reason why I have confidence in America's future. I have faith that God will honor my humble prayer and bless my nation.

My America was also built on the hypothesis that pride in one's country, a sense of liberty, and equality for all men lead to a successful nation. Thus far this hypothesis has proven to be unmistakably accurate. In few countries is it possible for a man to raise the social status into which he is born, but in America a poor, struggling farmer can rise potentially to President of the United States, We have the right to set our goals as high as we desire. However, we must strive to attain these goals.

Many people tend to stereotype the youth of today. They say, "He has no goals or objectives." They tend to believe the teen-agers of today are shiftless and totally incompetent. These people feel that America has a very grim outlook when my generation assumes leadership. However, every generation of Americans in our two centuries of existence has produced some exceptional leaders. There is no doubt in my mind that my generation will do the same. For example, note our high schools and colleges. They are filled with students who are anxious to learn. These young people have a desire to accomplish great things with their lives and it is here that they will have a chance to realize their aspirations. Almost every young person I met has been blessed with one or another talent. If we can unite all these talents for the good of this nation, she shall surely have an unwaveringly bright future.

We must never be content to merely laud the virtues of America and overlook her faults. This apathy is a sign of weakness, but in every form of weakness there exists some degree of strength, and one of this country's greatest strengths has always been the sincere desire of her citizens to rectify whatever shortcomings they might find in the hopes that it might lead to an even better, stronger America. At the appropriate time, I am certain our young leaders will shine as brightly as did our great leaders of the past; all the youth of today lacks is the seasoning of maturity. Yes, I definitely do have confidence in America's future.

NATIONAL DIABETES WEEK

Mr. McGEE. Mr. President, this week has been designated as National Diabetes Week. Diabetes is a major health problem in our Nation, afflicting from 5 to 10 million Americans. Each year, 325,000 new cases are diagnosed.

Although 35,000 deaths are officially attributed annually to the disease, diabetes is the underlying cause of many thousands of deaths that are officially classified under heart disease, stroke, and kidney disease. It is the second leading cause of blindness, producing blindness nearly 20 years earlier than glaucoma, the leading cause.

During this year's observance of Diabetes Week, the prospect of discovering a cure for the disease in the foreseeable future is greater than ever before. The Congress can provide invaluable assistance in the success of our research efforts if it will act favorably on legislation proposed by the distinguished junior Senator from Pennsylvania (Mr. Schweiker) and me.

Senator Schweiker and I have been joined by 30 other Senators in our effort to launch a nationwide attack on diabetes. The Senate Labor and Public Welfare Committee has unanimously approved our bill, and we are now looking forward to positive floor action.

Our attack on diabetes, as proposed in the bill, would be launched on four fronts: research, professional education, patient education, and public education and detection.

Our bill focuses efforts more sharply on the problem of diabetes, not only with increased emphasis within the National Institutes of Health, but also with significantly upgraded funding for an effective assault on the disease. It provides for a prevention and control program to be funded at the level of $17.5 million over the next 3 years. Most importantly, it also provides for a system of national diabetes research and training centers to be funded at a level of $45 million over the next 3 years.

Senator Schweiker and I believe the key section of the bill is the one establishing a minimum of 15 national research and demonstration centers for diabetes. These centers would engage in basic and clinical research in the prevention, diagnosis, control, and treatment of the disease. Included in this effort would be the training of individuals to carry out such activities.

However, in spite of the critical need for mobilizing our resources to finding a cure for the disease, the administration has drastically slashed our medical research programs. This comes at a critical time, particularly since there are some very vital research projects which will be cut out completely due to lack of funds. The cutback in research will close down three projects which hold much hope and promise. One research project is concerned with the development of an artificial pancreas; another is related to the possible correlation of diabetes to viruses; and the third is the transplantation of healthy pancreatic cells into the diseased gland.

In this country today, we are only spending a maximum of $1.60 per diabetic per year on research. With the projected administration cutbacks in medical research, this sum will drop below $1 per diabetic per year.

With this background in mind, I would urge the Congress to take special note of this week and move favorably on our legislation. The significant research being done in this area is vital to discovering a cure for diabetes. The American Diabetes Association has recently prepared an explanation of these research projects which I think would be useful in assisting every Senator to making up his mind on this legislation.

I ask unanimous consent that it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Explanation of Research Projects

Diabetes Week is being observed throughout the United States November 11–17 by a concerned public, led by the affiliate components of the American Diabetes Association. The seriousness of the disease was emphasized by Mrs. Gail Patrick Jackson, Chairman of the Association's Board, who pointed out that diabetes is a major health problem in the United States; the disease afflicts from five to ten million Americans, with 325,000 new cases diagnosed each year.

Mrs. Jackson stressed that although 35,000 deaths are officially attributed annually to the disease, "diabetes is the real underlying cause of many thousands of deaths that are officially counted under the heading of heart disease, stroke and kidney disease. It is the second leading cause of new cases of blindness, and it produces blindness almost twenty years earlier than glaucoma, which is the leading cause."

During this year's observance of Diabetes Week, prospects are bright for the discovery of a cure for the disease in the foreseeable future. This hope is not based on a single research project, according to Dr. Addison B. Scoville, Jr., President of the American Diabetes Association, but on the work of a number of American investigators in California, Massachusetts, Minnesota, Missouri, New York, Pennsylvania and Texas.

Probably the most promising avenue of research that may lead to a cure for diabetes is the work on the transplantation of beta cells, the cells of the pancreas which produce insulin. Some diabetics seem to have too few beta cells to meet their bodies' insulin demand. Others may have a normal number, but the cells do not release enough insulin. Still others do not adequately utilize the insulin their beta cells produce. The goal of the transplants is to restore the body's ability to manufacture and release the hormone in sufficient amounts.

Diabetic rats have been cured by transplanting beta cells from nondiabetic newborn rats. The transplanted cells have spread through the rodents' bodies, establishing themselves in muscle, liver, fat, the abdominal wall and other tissues and, beyond doubt, have cured the animals' diabetes.

Just as a human may reject a transplanted heart or kidney, however, the rats' bodies eventually reject the transplanted beta cells unless the cells come from rats of the same, highly inbred strain. Nonetheless, it has been shown that tissue loses its susceptibility to rejection after it has been kept in a laboratory culturing medium for a time before transplantation. This culturing technique may solve the rejection problem and the last barrier to human trials will be removed.

Although much more work remains to be done, particularly in the area of rejection of the beta cell implants, the approach is expected to be ready for human trials within the next five years. The ultimate question is whether the transplanting method can prevent the complications of diabetes, which include blindness, kidney failure and blood vessel disorders. These complications are not controlled adequately by insulin injections and may be caused by factors not related to insulin output or high blood sugar.

The available forms of insulin only rarely produce normal blood sugar levels continuously, even when combined with an exact diet and exercise program. Therefore, research has been undertaken in several laboratories focusing upon new systems for treatment of diabetics that will insure normal blood sugar levels on a moment-to-moment basis. The goal is to produce an artificial pancreas or, more accurately, an artificial beta cell, the insulin-producing cell of the pancreas.

Two devices have been already developed which would be components of such an artificial beta cell that would regulate the blood sugar automatically in diabetics as it is done physiologically in nondiabetics.

One of these is a small implantable sensor capable of measuring the blood sugar continuously. Animal studies are underway now to determine the accuracy, sensitivity and longevity of this component. The other is a mini-computer that can be programmed to deliver insulin when the blood sugar rises, and glucose when the blood sugar falls. As soon as this phase is completed, hopefully by mid-1974, trials will be begun in human patients.

The computer and the sensor would be linked with a power supply, an insulin pump and a refillable insulin reservoir in a totally implantable system. It is conceivable that such an artificial beta cell would be available to diabetics by 1976.

Continuing research leads scientists to believe that insulin-taking diabetics may be relieved of the necessity for daily injections of the hormone sooner than many people thought possible. For example, significant progress has been made in the surgical procedures for transplanting pancreases.

The results of such organ transplants have been encouraging. A team of surgeons, using a new technique, has reported that one patient who has received a pancreatic transplant has survived for 22 months and another for 16 months. Both of these patients also had kidney damage due to diabetes, which necessitated kidney transplants.

In addition to providing insulin to handle sugar in the bloodstream, the pancreas secrets vital digestive enzymes into the duodenum, which is the section of the digestive tract just below the stomach. In the new procedure, the digestive role of the diabetic's own pancreas is preserved by leaving it in place. The donor pancreas is inserted in the body in such a way that its unneeded and powerful digestive juices can be drained into the ureter leading from the kidneys to the bladder and thus out of the body in the urine.

As with heart and kidney transplants, tissue rejection poses a problem, although one surgeon has suggested that the pancreas is the least susceptible.

Even though some obstacles to successful pancreas transplantation will doubtless be overcome, the problem of obtaining healthy organs will remain a formidable one. Only time can tell whether the functioning pancreas transplant will prevent or delay the appearance of long-term vascular complications. The operation must be performed in large numbers of insulin-dependent diabetics before the complications develop and the patients' progress studied for over 10 to 15 years.

Still, the hope exists. At some future time, it may be reasonable to offer the operation to individuals whose day-to-day regulation of diabetes is very difficult, even with the most careful adjustment of insulin dosage, and there may be a chance that the condition of their blood vessels will improve.

The word "infection" in connection with diabetes seldom appears outside medical journals and even there only infrequently. Yet there is evidence that it may be a factor in causing the disease.

Measles and mumps viruses are apparently the chief infection culprits. There are clear-cut data, for example, that infants with congenital measles become diabetic more often than can be explained on the basis of chance. It has been known for a long time that mumps virus localizes in the pancreas. Now it has been discovered that in at least one individual the inability to secrete insulin was very clearly related to mumps infection of the pancreas.

Linking this to the fact that diabetes tends to run in families, scientists have suggested the possibility that what some diabetics inherit is the tendency to, first, become infected with a specific virus and, second, to respond to that virus with a specific reaction, such as becoming diabetic.

This raises the possibility that as the genetics of diabetes are studied and the knowledge of its relationship to viral infection increased, it would be possible to prevent diabetes by immunizing the individual against certain viruses.

It has been found that it is entirely possible for one animal to contract diabetes on exposure to another diabetic animal. Research scientists studying a colony of diabetic guinea pigs found that approximately 90 per cent of the stock bred from the original animals became diabetic. In an attempt to breed out the trait, several groups of healthy animals were brought into the colony. In from six weeks to three months, approximately 60 per cent of the new guinea pigs became diabetic. Studies are now in progress to define the route of infection and the nature of the infectious agent.

"As each day goes by," Dr. Scoville continued, "more patients develop the disease and more complications occur which rob our nation of our most valuable resource—our young people, and older ones, too. When a cure is found, restricted diets, insulin injections, expensive oral medication will no longer be necessary. Those facing futures fearing blindness, renal disease and neuropathy will be permanently relieved."

Dr. Scoville stressed that although the volunteer sector of the American public was committed to obtaining contributions to speed the day when a cure and preventive for the disease could be found, this goal would only be achieved when the effort was joined by the Federal government.

"It's time," Dr. Scoville concluded, "for a cure."

WHY CONDEMN ISRAEL AND RHODESIA?

Mr. GOLDWATER. Mr. President, on October 24 an old and valued friend, Mr. C. C. Moseley, president and chairman of the board of the Grand Central Industrial Center, addressed a short letter to Secretary of State Henry A. Kissinger which he feels is of utmost importance. At his personal request, I ask unanimous consent that a copy of Mr. Moseley's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

October 19, 1973.

Hon. Henry A. Kissinger,
Secretary of State,
Washington, D.C.

My Dear Mr. Secretary: As Secretary of State you can now do a splendid service to mankind by convincing the United Nations that it should cease condemning little Israel and Rhodesia when absolutely nothing has been done to condemn Russia and China for not granting their people fundamental civil and human rights.

This is rank hypocritical nonsense—there can be no double moral standards when judging little Israel and Rhodesia against Russia and China. Moral integrity is demanded of the U.N. as well as of individuals.

Sincerely,

C. C. Moseley, *President.*

CARL McINTIRE, THE FAIRNESS DOCTRINE, AND THE FIRST AMENDMENT

Mr. ERVIN. Mr. President, I wish to bring to the attention of the Senate and the public an exercise of governmental power which I believe has transgressed the limits of constitutional propriety required by the first amendment. I am referring to the closing down by the Federal Communications Commission of radio station WXUR in Media, Pa.

To my knowledge, this represents the first time that the FCC has successfully invoked its so-called "fairness doctrine" to deny the renewal of a broadcasting license. After a prolonged battle, the courts have also now added their approval to the FCC action. In doing so, they have sanctioned the FCC's violation of the first amendment's guarantee of a free press.

The aggrieved licensee in this case was the Faith Theological Seminary headed by the Reverend Carl McIntire, an outspoken and controversial figure of very conservative persuasion. The seminary acquired the license to WXUR in 1964 when the station was offered for sale by a previous licensee. In accordance with FCC regulations, an application was filed by the seminary asking for approval of the license transfer. After the application was filed, the FCC received letters from many individuals who opposed the transfer of the license to the seminary on the grounds that, given McIntire's outspoken record on controversial issues, the seminary could not be expected to operate the station responsibly or present controversial issues fairly. In the face of such speculative criticism, the seminary filed an amended application which specifically provided that it intended to abide by the "fairness doctrine" and would otherwise present balanced programing. The amended application mentioned by name those programs which it intended to broadcast which would provide such balance.

On March 17, 1965, the FCC approved the license transfer.

When the license came up for regular renewal a little over a year later, however, the station came under renewed criticism. Hearings on the license renewal commenced in October 1967, and lasted through June 1968. At the conclusion of the hearings, the FCC examiner ruled that the license of WXUR should be renewed.

The decision was then taken to the FCC which reversed it on July 1, 1970. The FCC based its decision on the station's failure to fulfill its obligations under the "fairness doctrine"—in other words, it failed, in the Commission's estimation, to present both sides of controversial issues of public importance. The Commission further found that the station had failed to satisfy the promises it had made in the amended transfer application; namely, to abide by the "fairness doctrine" and to present certain specifically named programs designed to balance the station's religious and public affairs programing. The FCC considered this a separate ground for denying the license renewal.

This second rationale was crucial for the three-judge panel of the Second Circuit Court of Appeals, which heard the case on appeal from the FCC order. Judge Tamm, writing for the 2 to 1 majority, affirmed the FCC decision both on the grounds that the "fairness doctrine" had been violated, and that "misrepresentations" had been made regarding the station's programing plans. The concurrence of his colleague, Judge Wright, was based solely on the "misrepresentations" contained in the amended transfer application. Wright specifically rejected, in fact, the "fairness doctrine" as a ground for decision in this case.

After reading the decisions, it is unclear whether WXUR lost its license because of its "misrepresentations," or because it violated the "fairness doctrine." But whether the station lost for one or the other or both reasons, the consequence still is that a unique voice on radio was stilled because of an arbitrary and unique application of FCC rules. Of all the thousands of radio and TV licenses that have come before the FCC since the "fairness doctrine" was enunciated, this is the only station which lost its license for violating the rule. When we recall the extremely controversial nature of Reverend McIntire's opinions, and the fact that the criticism the FCC received came from those who vehemently opposed his views, the real reason for the termination is clear. Dr. McIntire lost his right to speak because of his controversial exercise of the first amendment. The FCC rationales are the formal justification, but not the true cause of the FCC rejection.

Most of the alleged "misrepresentations" made by the station involved its promise to satisfy its responsibilities under the "fairness doctrine" either by general commitments or specific programing. The other "misrepresentations" found by the FCC involved the promise of the station to present other specific programing to insure diversified entertainment for the community being served.

It was established in the case of *FCC v. WOKO*, 329 U.S. 223 (1946) that the FCC may deny a broadcast license to any station which consciously misrepresents its intentions in its application for approval. The FCC, however, has no power to require a station to present any specific sort of programing. The Communications Act of 1934 makes that clear. The fact, then, that the station promised specific programs was done on the station's own initiative but was not something the FCC could have legally required—at least in specific terms—from the potential licensee.

Thus, to the extent that it was because of "misrepresentations" that WXUR was put off the air, these were with respect to promises that the FCC had no right to require in the first place.

This is a prime example of the byzantine and devious way that agencies such as the FCC operate. The station was forced by the FCC to make commitments. These, the FCC would argue, were voluntary—it always denies that it ever presumes to dictate programing. That, of course, would violate the first amendment—which the FCC likes to assure us it never would do. Having forced these promises, the FCC then denies the renewal on the grounds that the station failed to keep promises it was not legally required to make in the first place.

When all the legal mumbo-jumbo is cleared away, the fact remains that the FCC chose to apply highly technical rules to this single station, having been forced by outside political pressure to do so. It does not matter that the station's audience was small. Those few people who chose to listen have as much right to hear what they wish—and what WXUR alone was broadcasting—as anyone else. Unfortunately, the FCC and the court chose to regard these technical rules and strained reasoning as more important than the first amendment rights of the station and its listeners.

Last May, the Supreme Court denied certiorari in this case. I would presume that the Court itself was satisfied to let the decision stand on the basis of the station's "misrepresentations" to the FCC rather than tackle the thorny issues involved in the "fairness doctrine." Perhaps if these "misrepresentations" had been based solely on the station's promises to abide by the fairness doctrine or if there had been no "misrepresentations," but only a violation of the "fairness doctrine," the case would have fared differently.

The case calls for a reexamination of the FCC's "fairness doctrine," at least as far as radio stations are concerned. The primary ground of the FCC's refusal to renew the station's license was its failure to present both sides of controversial issues of public importance. It found that WXUR, while presenting a steady diet of topical, controversial public affairs programing, failed to accord sufficient broadcast time to the presentation of contrary views by knowledgeable, articulate spokesmen. Presumably, even without the station's "misrepresentations" in the transfer application, the FCC would have denied the license on these grounds.

The "fairness doctrine" is a curious creature. It was conceived by its inventors as a vehicle to enhance rather than abridge the freedoms of speech and press. It is based on the theory that since broadcasting outlets are limited and available to only a few, the Government must assure that those who control them present more than simply one side of an issue to the public. The Supreme Court in the now famous Red Lion case defended the theory in plain terms:

> Where there are substantially more individuals who want to broadcast than there are frequencies to allocate, it is idle to posit an unbridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish . . . It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee . . . It is the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences which is crucial here. (395 U.S. 388–90)

I would agree with the Court that the paramount interest here is having an informed public. The question is whether the marketplace ideal is best achieved by requiring that each and every broadcast licensee present both sides of issues, or by "giving them their head." Under ordinary circumstances, I think it is clear that constraints on individual rights of expression can be justified—if ever—only when it is beyond question that the access of the public to the marketplace of ideas will be enhanced. If, as here, broadcasters can be silenced for failing to present both sides of controversial issues, this is tolerable only if the public's access to the marketplace of ideas is thereby promoted.

In the case of radio stations in general, and Dr. McIntire in particular, I am not willing to concede that such suppression can be tolerated, because the marketplace ideal has been frustrated. I think, in short, that it is time for a reevaluation of the "fairness doctrine" by both the Congress and the courts, in terms of the realities of modern-day broadcasting—particularly radio broadcasting—and the values preserved by the first amendment. As Chief Judge David Bazelon, dissenting from the Second Circuit's majority opinion, stated:

> I think the time is overripe to take our blinders off and look further toward First Amendment goals than the next regulatory step which the FCC urges us to take in the name of fairness . . . the constitutional validity of each and every application of the [fairness] doctrine must be tested on its own, on a case-by-case basis. We must not be guilty of pouring concrete around the foundation of a doctrine which enhances the public's right of access in some circumstances but abridges that right in others.

The underlying rationale of the fairness doctrine is that since broadcasting outlets are so scarce, they must be regulated to insure balanced presentations of controversial issues. This is one assumption which can no longer be accepted without challenge. As of March 1973, there were a total of 7,399 radio stations broadcasting in this country. This compares with a total of 1,761 daily newspapers in circulation, and of these, 1,455 were the sole competitive newspaper in the locale they were serving.[1] Radio stations, on the other hand, are typically in competition with one another, not only for listeners, but for advertisers. Most Americans, wherever they are situated, can receive numerous radio signals, and usually this means they can hear competing views. In Dr. McIntire's case, while WXUR was the sole radio station in Media, Pa., the town was located in the greater Philadelphia broadcasting area within the range of a myriad of radio signals. Given such a broadcasting climate, it is difficult to defend the FCC's right to silence WXUR on the grounds that the public is not being served by the station's failure to present controversial issues fairly. The public has a plethora of radio signals to choose from. It is safe to say that the public in the Philadelphia area had a great variety of "respectable" views to listen to, but only from WXUR could it hear challenges to those views.

What the closing down of WXUR means is the loss to the public of a unique and controversial point of view. In an area with access to many and varied radio signals, the silencing of WXUR represented a reduction in public access to controversial programing. However responsible or rational the quality of the programing may have been, it unquestionably stimulated debate and offered a viewpoint otherwise unheard on the air.

It has now been silenced. The FCC cited not its failure to present controversial programing but its failure to present both sides of controversial programing. In essence, the Commission foresees every licensee saying everything from every point of view. To do less places their license in jeopardy.

I fear that the practical result of this doctrine—at least as far as commercial radio stations are concerned—is that very few say anything about anything from any point of view. The fact that speaking out on any issue of controversy imposes a substantial but uncertain burden on the station to present opposing views makes many reluctant to stick their toes in the waters of controversy at all. The risks are great, and the return too small. Broadcasting outlets are, after all and above all, economic ventures. Anything but "safe" controversy irritates listeners and drives away advertisers.

One can turn in vain from station to station looking for controversial public affairs programing. Instead, most outlets have turned to bland diets of music and hip patter. In Washington, one is struck by the number of all-news stations, all-pop stations, oldies-but-goodies, hard rock, soft rock, and a few classical stations. Together, perhaps, they are a mix that satisfies the general listening audience. But no one could pretend that each meets the varied tastes of radio listeners any more than WXUR did. What the "fairness doctrine" should aim at is not sameness, but variety. The goal should be that every radio listener can find somewhere on the dial a station broadcasting programs that respect his interests. That goal is not met by a doctrine which pretends to have all stations satisfy all tastes, but which works out so that significant audiences are denied any outlet at all. It is very possible that the threat of the "fairness doctrine" has, at least in part, been the cause. I would hazard to say that the doctrine has served to stifle the presentation of controversy and variety more than it has served to promote them.

In any case, the WXUR case deserves further consideration both by the Congress and the courts. The automatic application of the fairness doctrine to all licensed broadcasting outlets of any type in any city or locality regardless of the availability of alternative outlets bears particularly close scrutiny. Certainly in this case its application limits, rather than enhances the access of the public to controversial information of importance. Under such circumstances, it runs afoul of the first amendment.

I should point out that the Federal Communications Commission has undertaken a comprehensive study into the question posed here: Do the fairness policies truly promote a marketplace of uninhibited, wide and robust debate?[2] The Commerce Subcommittee on Communications has also considered the issue in hearings, as has the Judiciary Subcommittee on Constitutional Rights. But despite its long history there is presently no statute which provides for the fairness doctrine. It is a creature of executive regulation and has received the sanction of the courts; the legislative branch has not had a hand in it. I, for one, think that if the fairness doctrine is to remain with us, Congress should take a hand and enact a more flexible standard less susceptible of being abused at the expense of the first amendment.

THE "FAIRNESS DOCTRINE" RECONSIDERED

What the WXUR case illustrates, above all, is that continued, uncritical application of the "fairness doctrine"—without assessing its effects or challenging its assumptions in a given set of facts—can lead to a result quite anomalous with the purposes of the first amendment.

The WXUR case demonstrates that both the FCC and the Congress must reconsider the "fairness doctrine."

I have already stated that the assumption which underlies the "fairness doctrine" is that since broadcast frequencies are limited and therefore available to relatively few, those who are given control have a public responsibility to make good use of the medium.

I do not have any quarrel with this assumption as it stands, but I do quarrel with where it has led us. It has led us, first of all, to require that every broadcast licensee present all sides of controversial issues which he chooses to air. It has also led us to look at each case in a vacuum, in terms of a particular station's isolated performance rather than in the context of the marketplace of ideas. It has, in short, blinded us to the purpose of the first amendment, while paradoxically purporting to enhance it.

It is worth noting that the fairness doctrine does not require licensees to present a specific quantity of controversial programing, although this would seem a natural corollary of the obligation imposed by scarcity of broadcasting outlets. What it requires, instead, is the presentation of opposing views on any issue which the station chooses to air. Implicit in this is the fear that broadcast licensees, operating without constraints, will exercise a powerful, and perhaps even oppressive, influence over public opinion.

In a locality which has very limited access to broadcast signals of any type, the fear might be well founded. But in today's world of modern communications, it is the rare home indeed which is not in range of many broadcast signals. To suppose that a station may become "oppressive" by virtue of its monopoly of the airwaves strikes me as a false and unfounded worry. On the one hand, no broadcasting station is going to stay in business for long without a listening public. To suppose that an "oppressor" station might be able to exist without the support of at least a large segment of the listening public ignores the economic realities of modern broadcasting. Furthermore, with the abundance of available signals in all but the most remote parts of the country, the listener is not forced to listen to what he does not want to. He has only to change the dial.

The requirement that all broadcasters must present both sides of any controversial issue in order that the public will not be misled or intellectually shortchanged does not seem founded in a realistic appraisal of today's media. Even more crucial, it works a positive harm to the content of broadcast journalism by inhibiting the presentation of controversial issues of public importance. Any licensee who presents controversial material on one side of an issue, at the same time must undertake to present contrary opinion on the same issue. If he fails to make what the FCC regards as a "reasonable" effort to do so, his license is denied. I think it matters very little whether the FCC is or is not prone to invoke the doctrine. It hangs there all the same as a threat to the station's very existence. When it strikes, as it did WXUR, it tells all the media to be careful lest they also fall victim.

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[1] Report of the Roper Organization, Inc., "What People Think of Television and Other Mass Media, 1959–72," May 1973, p. iii.

[2] FCC Report, Major Matters Before the Commission, December 1972, Docket No. 19260, p. 9.

Basically, it chills the station's inclination to advocate. And for those stations who are eager to demonstrate their "public consciousness," either to the public or the FCC, it acts to inhibit the presentation of all but "safe" issues, which are controversial but not too controversial, which are "sexy" but inconsequential. The station can air these without fear of public uproar or FCC attention. Unpopular or emotionally explosive issues, on the other hand, run the risk that people will complain and the FCC will find out. And furthermore, they present a more difficult problem in terms of programing balance because they stimulate greater reaction. More sides demand equal time, and the station is faced with the dilemma of which voice to air. Those disappointed may share their resentment with the FCC. If they are loud enough, the station may—like WXUR—fall victim to a suddenly rejuvenated "fairness doctrine."

However infrequently the fairness doctrine may be invoked to deny a broadcasting license, when it does occur we are presented with a prima facie violation of the first amendment. Here is the government silencing the voice of a broadcaster. I agree with Chief Judge David Bazelon, dissenting in the McIntire case, who stated that—

> [Such] abridgement of individual rights may be tolerated only when in the long run it enhances the right of the public to receive access to the marketplace of diverse views. Obviously, this requires a delicate balancing: any harm to private rights must be outweighed by benefit to the public.

This is a crucial point, because the "fairness doctrine" as presently applied, requires no such balancing. It requires no examination of the particular marketplace of ideas of which a particular station's performance is a part. The FCC may look and does look at its licensee's performance in a vacuum. Under the terms of the "fairness doctrine," it looks only to see if the particular station has made a reasonable effort to present both sides of controversial issues which it airs. It does not have to determine how many other broadcast signals serve the listening area of that particular licensee, nor does it have to determine whether views contrary to the point of view of the jeopardized licensee are being presented on these airwaves. In short, the FCC can ignore the rest of the marketplace. If its licensee is presenting unique, albeit one-sided, views to its listening public, closing it down means a loss and not a gain for the marketplace.

Under Judge Bazelon's formulation, if the public's access to ideas is not in the long run enhanced, silencing an individual station has no justification and constitutes a violation of the first amendment. I could not agree more. But since the FCC need not make such a determination to invoke the fairness doctrine, there is a good chance that first amendment values may be ignored.

If the fairness doctrine is to remain with us, I think it must be restructured to remedy this gaping and critical constitutional defect, and to reduce its chilling impact on broadcast journalism. I propose no bill here, but I do propose a possible approach such legislation might take.

I would begin with the proposition that the fairness doctrine is a justifiable abridgment of the first amendment only if—

First. There is such a scarcity of broadcast signals available to a particular listening area that it is reasonable to assume that competing views on controversial issues are not being presented; or

Second. There is a showing that, regardless of the availability of broadcast signals in the listening area, competing views on controversial issues are, in fact, not being aired.

The fairness doctrine should be revised to incorporate these principles. Before invoking the fairness doctrine to deny a broadcasting license, the FCC should be required to establish a rebuttable presumption of scarcity. This might be accomplished by showing that the particular listening area of the licensee is not served by a sufficient number of other broadcasting signals to assure that competing views of controversial issues are presented. I suggest that this presumption of scarcity would arise in any locality served by less than four broadcasting signals. Once such a presumption was established, it should be sufficient to invoke the provisions of the fairness doctrine, unless the challenged licensee can demonstrate that, despite the limited number of licensees serving its listening area, competing views on controversial issues are, in fact, being aired within the area.

This formulation, it seems to me, would limit the application of the fairness doctrine to those situations where it still has a legitimate role to play. Moreover, it would eliminate much of the uncertainty now felt by both radio and television broadcasters in their presentation of controversial issues.

For all practical purposes, I think the formulation set forth above would put an end to the application of the fairness doctrine to radio. Only those few stations serving remote areas of the country not reached by other signals would be bound. How many such areas there actually are is not readily or precisely ascertainable. The available statistics do indicate, however, that there must be very, very few indeed. As of November 30, 1972, there were a total of 7,351 AM and FM radio stations in operation.[3] This compares with 2,777 radio stations operating in 1949.[4] Out of 230 specified metropolitan areas designated by the FCC, there was a total of 1,750 AM signals received in 1972.[5] This is an average of seven or more AM signals alone received in metropolitan areas. The nonmetropolitan community average was less than two stations per community, but even these communities ordinarily had access to at least one of the designated metropolitan areas.[6] It should also be noted that these figures do not include FM stations which number 2,873 nationwide. These further enhance the already abundant access of the public to radio signals.

The number of radio outlets in this country is so large, in fact, that the FCC cannot and does not attempt to monitor their performance. If the strictures of the fairness doctrine are ever invoked against a radio station, such as WXUR, it is only because the station's performance has been brought to the special attention of the FCC by those who object to it. Violations have been haphazardly identified, and sanctions have been haphazardly applied. The proposed formulation would all but eliminate the present uncertainty and arbitrariness. Most radio stations could proceed with their public affairs programing without the menace of ultimate censure hanging over their heads.

For television, the results would be less clear. While the fairness doctrine, under the proposed formulation, would still have more limited applicability to television than it has at the present, there would probably be greater applicability than in the case of radio. The reason for this is that there is more scarcity.

There are only 927 television stations in operation in the United States as opposed to 7,351 radio stations.[7] But even this relative scarcity pales in view of the growth of television broadcasting and its growing accessibility to the public. In 1949, there existed only 69 television outlets in the United States.[8] Now there are 927.

In 1972, 98 percent of American households with a television could receive three or more television signals. Twenty percent could receive 10 or more. There is no place in America which did not have access to at least one television signal, and only 0.2 percent which did not receive at least two.[9]

Granted, there are these few areas of limited accessibility. The FCC, therefore, would find it easier, under the formulation I have proposed, to establish a presumption of scarcity with television than it would with radio. I suggested the cutoff point for determining scarcity might be reception of less than four broadcasting signals in a given viewing area. According to the A. C. Nielsen Rating Service, 10 percent of American television households in 1970 fell into this category.[10]

I would also suppose that a challenged television licensee would have a more difficult problem than the radio licensee in establishing actual diversity among those stations whose signals were received in the viewing area. Eighty-seven percent of all television stations are now affiliated with a major TV network.[11] This means, in practical terms, that there is likely to be less diversity available than even pure numbers would indicate.

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[3] FCC statistics quoted in Broadcasting Magazine, 1973 Yearbook.

[4] FCC, 38th Annual Report, Fiscal Year 1972, pp. 165–166.

[5] Id. at p. 199.

[6] Id.

[7] See footnote 1.

[8] See footnote 4 at p. 164.

[9] See footnote 1 at p. iv.

[10] A. C. Nielsen Rating Service, quoted in Broadcasting Magazine.

Still, television broadcasting would be under far less restriction than it is at present. For those stations serving areas with a high degree of programing diversity, the yoke of the "fairness doctrine" would be removed.

As Judge Bazelon suggested, it is high time for the FCC and the Congress to "take their blinders off" to the effects of the "fairness doctrine" as it is now being applied. At its best, it stifles controversy; at its worst, it silences it. In its present condition, it represents a fickle affront to the first amendment.

I have not advocated eliminating the fairness doctrine altogether, because I think it still retains a modicum of relevance. I do think we are tending toward its eventual elimination, but we have not arrived there yet. Perhaps as more stations gain access to the air and greater use is made of existing channels and the broadcast cable, we may be able to dispense with it entirely, leaving broadcasters to the same influences and pressures found elsewhere in the marketplace of ideas. For now, it is crucial that the fairness doctrine be modified in a manner less injurious to the freedom of expression.

I hope the Commerce Committee will take a close look at the WXUR case, and begin to consider how to move broadcasting out of the Government control that was justified in its infancy. It is high time broadcasting be afforded the benefits of the first amendment. More important, it is high time for the public to have the benefits of the first amendment.

DANGER OF PREOCCUPATION WITH WATERGATE

Mr. GOLDWATER. Mr. President, for many months, I have deplored the fact that many pressing national problems have gone unattended while the Nation, the media, and the Government itself were engulfed in developments and discussions regarding the Watergate scandal.

Now, it appears that the concern over this situation is beginning to be felt throughout the Nation. Many State Governors are upset over the fact that while we talk about Watergate other issues of great importance to the welfare and well-being of the American people go unattended.

Recently Gov. Jack Williams, of my own State of Arizona, addressed himself to this question. Because of their importance and timeliness, I ask unanimous consent that Governor Williams' remarks of October 23 to the National Association of Hospital Purchasing Management at Carefree, Ariz., be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF GOVERNOR WILLIAMS

Thanks to the Arizona Army National Guard, I have made it on time to your meeting. I arrived in a Huey, an assault helicopter, one of thirty such machines of the 997th Aviation Company, which is in training to move troops and supplies into combat zones whenever needed. Many of these helicopters were used in Vietnam, some bore bullet holes, and after thorough overhaul are now being employed on missions of preparedness and peace.

With the draft abolished, with voluntary enlistments below projections and with cutbacks being made in our regular armed forces, the national guard of the United States has assumed a vital role in our defense posture.

Today, the Guard is part of the total first-line forces available to meet the obligations of national defense and treaty commitments. This is a new role, for heretofore the guard was a backup force, albeit a distinguished one.

Today, the guard and other reserve components represent thirty percent of our national military forces, yet it operates on only five percent of the national defense budget.

Training for possible war is just part of its duties, for guard units serve their States and communities in a hundred different peacetime ways.

Last winter, when severe storms halted ground transportation, our helicopters on three occasions carried food, medicine, hay and other supplies to the Navajo Indian Reservation in Northeastern Arizona and to the Havasupai Indians at the bottom of the Grand Canyon.

When a butane explosion took human lives and created a crisis at Kingman in Northwestern Arizona, the guard was summoned to assist local law enforcement officers.

When floods devastated areas along the San Francisco and Gila Rivers in far Eastern Arizona, driving many families from their homes and causing great property damage, the guard carried doctors on mercy missions and evacuated men, women and children.

Gentlemen, I am saying that the National Guard is an integral part of our lives—I am sure that some of you are members—and as good Americans it behooves us to support our National Guard in every way. With your backing, we can be confident that when the guard is needed it will be ready.

The helicopter carried me swiftly and surely to this lovely desert oasis, surrounded by the eternal hills, blessed by a clean, blue sky, but however far I travel, wherever I may go, I cannot escape the travail through which America, and everyone of us as Americans, is suffering this very moment.

The republic has endured many crises, and I pray we will survive this one, but we continue to pay a terrible and unnecessary price for our shortcomings and our inadequacies as a united nation. Our prestige and influence on the international scene are deteriorating. We are wasting time and our energy and our concerns on issues which, it is becoming increasingly apparent to us all, are horrendously political. This when we should be giving the best of our time and our energy and our concerns to vital problems and matters that affect the nation most. We talk about Watergate and virtually ignore, as a startling example, the cold, hard facts that Communist Russia, bent just as strongly toward world domination as it ever has been, is increasing its military strength, building the world's most powerful Navy, surpassing us in air power and missile capabilities, while our great statesmen argue for major cutbacks in our defense budget. Why not televise the military budget hearings and let America know what's going on? That's really important.

My premise is simple, and it is this: There is in America a great and powerful movement to destroy Richard Nixon as President of these United States. The reason: He represents and stands for national policies and beliefs and convictions that are unbearable to the great liberal element in this country.

There has always been a hate-Nixon campaign, deep-rooted, world-wide. We shall never forget the effort to "get" him on the Vietnam war issue and the return of our prisoners of war.

And now the ugliness of Watergate. A shameful sequence of events, yes, and inexcusable, but no sorrier than some of the things that have happened in other administrations in years gone by.

How many remember the fund that Governor Adlai Stevenson of Illinois collected from people who won State contracts? It was conveniently swept under the rug.

Some of the very Senators who are so critical of the President in the Watergate sideshow are the very men who voted against any investigation of the Bobby Baker affair.

The whole Watergate affair, and everything associated with it has deteriorated into a political dogfight.

Now, those who hate the President are talking of impeachment in the name of things good and holy. Baloney.

It must be made apparent to every American that the President has a constitutional responsibility to preserve and protect the integrity of his high office, else he would become a prisoner in the White House, of the Congress and the judiciary. Of course, he is already to some degree a prisoner, his authority to direct military operations severely curtailed, his programs for a better America denied by the vengeful majorities in both the House and the Senate.

It was very unfortunate when someone suggested to the President that Archibald Cox be named head of a Department of Justice team to investigate Watergate.

Cox brought between 40 and 45 attorneys, most of them from Yale and Harvard Law Schools, to Washington to help him with his operation. These lawyers were predominately antiadministration. They were the demonstrators of the 60's, fulminating against the war in Vietnam and taking part in campus dissent.

Cox is reported to have advised his legal army to buy homes in Washington as they would be there three or four years to quote "clean up the government".

Lately, he went far beyond the task to which he was appointed by undertaking to investigate the personal finances of the President.

There isn't an executive in this room who could or would tolerate the insubordination of Archibald Cox.

From the day of his appointment he has taken an adversary position against the President. Archibald Cox has taken sides rather than trying to fulfill the historic duty of an investigator and that is to investigate and study, and impartially seek to uncover the facts concerning a particular case or problem.

I think it is good that the President has chosen a showdown with his tormentors on the constitutional grounds of executive privilege and integrity.

The tapes are no longer the issue, as the Phoenix morning paper, the Arizona Republic pointed out today. The way is clear for both the courts and the Congress to learn what's on them.

A few moments ago the President announced that he would make the "secret" tapes available to the courts. Why they were secret and not confidential is a matter of semantics. Secret sounds more sinister, I would presume. But again the tapes are no longer the issue. Richard Nixon is the issue himself.

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[11] FCC News Release, August 23, 1973, "TV Broadcast Financial Data," Table 7.

Can he survive?

Meanwhile, the country—you and I and the institutions we represent—are paying an awful price, it may be later than you think.

For myself, I support the President of the United States, and the ideals and national policies for which he stands.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, it has now been a quarter century since the General Assembly of the United Nations adopted the text of the Genocide Convention. On December 9, 1948, the United States voted for the adoption of this significant landmark in the development of international law.

It was the United States which took the lead in helping to draft this convention and we were among the first to sign it. Today, over 70 nations have ratified this treaty; we have not.

Mr. President, millions of Americans will feel that a historic achievement has been registered if this convention at long last becomes an accepted part of the law of nations. I am convinced that the time is right and that the Senate must not delay any longer.

It seems to me that the United States should take every opportunity to champion the rules of law in the conduct of nations. It is imperative that we now give fresh vitality to our leadership in the struggle for human rights.

SKYLAB

Mr. SPARKMAN. Mr. President, as we approach the launch date for the third manned Skylab mission, we stand amazed already at the abundance of data returned to Earth from the first two manned missions completed in Skylab. We now find ourselves on the threshold of the completion of what must appropriately be termed one of the most rewarding peaceful achievements in history.

Although America's space program is properly referred to as a collective Government-science-industry venture, a major portion of the success of Skylab should be credited to NASA's George C. Marshall Space Flight Center in Huntsville, Ala.

The Marshall Center provided the Saturn V and Saturn IB launch vehicles for the Skylab missions, just as it did for Project Apollo, in which man so brilliantly explored the Moon. For the 8-month Earth orbit Skylab program, however, the Marshall Center went much further than its traditional role of providing the launch vehicles. As you know, the orbital workshop—crew quarters and laboratory for the Skylab crew members—was made from the third stage of a Saturn V launch vehicle. This workshop was provided by the Marshall Center and its contractors. In addition, the Marshall Center team provided the airlock module, the multiple docking adapter, the Apollo telescope mount, the payload shroud, and many of the experiments aboard Skylab.

In the past the Marshall Center has been identified most often as NASA's launch vehicle development center. The Skylab program reflects the Marshall Center's new image. Today, Marshall's role in this Nation's space program can no longer be described by a single predominant launch vehicle project, such as Saturn. Instead, the center has become a multiproject management and engineering establishment, with a great deal more emphasis on science.

The Marshall Center has a total strength of about 5,000 civil service personnel, with a high percentage of scientists, engineers, skilled management people, and specialized technicians.

The dedication of these people to their tasks was overwhelmingly apparent last spring at the beginning of the Skylab program, when hundreds of employees worked around the clock day after day to help salvage the crippled Skylab during the first few days after the initial launch. The thermal and power problems caused by the loss of a meteoroid shield and solar panel during launch of the Saturn V were solved, and the performance of first and second crews to occupy Skylab far exceeded expectations.

Skylab accurately represents Marshall's new image of diversification, especially in the areas of scientific research. For example, the final Skylab mission will give man for the first time an opportunity to observe a comet from above earth's atmosphere.

The Comet Kohoutek has entered our solar system, and will reach its perihelion December 29. The Marshall Center has lead center responsibility for what might be called "Operation Kohoutek." The entire operation will involve ground observations, balloons, sounding rockets, aircraft, unmanned satellites and probes, with Marshall directing the Skylab portion. The eight telescopes and other instruments of the Apollo telescope mount, developed at the Marshall Center, will give the next Skylab crew wonderful tools for observing the comet's appearance.

Much information with direct benefits for mankind will continue to pour in to scientists throughout the final portion of the Skylab program. However, the total bulk of data that will be collected from the entire Skylab program will take months and, perhaps, even years to study.

Along with other valuable Earth resources experiments, the studies of the various aspects of the growing, harvest, and winter seasons will continue on the final Skylab mission. NASA, however, is not attempting to gather earth resources information from Skylab on a current real-time operational basis. Instead, the objective of Skylab's earth resources program is to test the feasibility of using remote sensing satellites for future work in studying the Earth's natural resources, and to study the usefulness of man in such a system.

In the area of solar astronomy, Skylab is also providing scientists with new and valuable information. For instance, we are learning more about the sun's corona, the hazy atmosphere which surrounds the Sun and bathes the Earth in the Sun's heat. New knowledge is also being gained about the 11-year sunspot cycles of the Sun.

Through studies of the Sun's large, hot volumes of gases, studies that would be impossible in an Earth laboratory, scientists are learning new information concerning plasma physics. This new knowledge of plasma physics is needed for building fusion reactors on Earth, the powerplants of the future.

Looking into the future, beyond the Skylab program, the Marshall Center has a strong role in the space shuttle program. The space shuttle will ferry men and equipment between Earth and low Earth orbit. One of Marshall's major contributions to the Shuttle program will be the development of the shuttle's main engines, which will be the first reuseable rocket engines ever built.

Personnel at the Marshall Center are also developing payloads for the shuttle.

Among the shuttle payloads that Marshall will be responsible for is the spacelab, formerly called sortie lab. The spacelab will be a cooperative venture between NASA and the European Space Research Organization and will provide a shirt-sleeve environment for up to four nonastronaut scientific experiments.

The Marshall Center is also the lead project management center for the large space telescope, another space shuttle payload. The large space telescope will be able to look at galaxies 100 times fainter than those seen by the most powerful ground-based optical telescope. Within the solar system, it will be able to provide long-term monitoring of atmospheric phenomena on Venus, Mars, Jupiter, and Saturn.

Personnel now at the Marshall Center have made outstanding contributions to the exploration of space since the launch of Explorer 1, on January 31, 1958, by a Jupiter C missile. The space age is now turning the corner from an era of exploration to one of exploitation—the use of space technology for the benefit of mankind. Just as the Marshall Center helped to meet the challenge of space exploration, it will help to reap the promises of its beneficial applications.

THE ARENA STAGE

Mr. PELL. Mr. President, the Arena Stage Co., located here in our Nation's Capital, has recently concluded a successful tour in the Soviet Union.

Two distinguished American plays, "Our Town" and "Inherit the Wind," were shown to audiences in Leningrad and Moscow. American musical productions have been presented to audiences in the Soviet Union in the past, but this is the first time—and an historic first time—that they have seen such classic American drama, works which so well relate to our own American scene and to universal values and aspirations.

Reports indicate that the Arena Stage productions were most enthusiastically received, and that the company was welcomed with high esteem.

As chairman of the Senate Special Subcommittee on Arts and Humanities, and as a former officer of the Department of State, I am delighted that the Department's Office of Cultural Presentations has taken the important initiative in sponsoring these plays. And I wish to commend all those responsible for the example they have set in advancing international relations and understanding.

Zelda Fichandler, the producing director of Arena Stage, is to be particularly commended for her talented leadership and for so helping to bring this international cultural event to a happy conclusion.

SAVINGS ON GASOLINE BY ELIMINATING FORCED BUSING OF SCHOOLCHILDREN

Mr. ALLEN. Mr. President, our people are face to face with the prospect of gasoline rationing. I am confident that the average citizen is willing to assume inconveniences and even hardships if necessity compels us to such drastic action. However, it will be a mistake to discount the commonsense of reasoning which governs their reactions to crises of this nature. They are going to insist that rationing of gasoline or other fuels must conform to standards of basic fairness and reasonableness.

Mr. President, fairness and reasonableness demand that gasoline supplies be conserved by the elimination of wasteful and unnecessary consumption. Each of us can identify separate prime targets of unnecessary consumption. However, no example of waste in the consumption of gasoline is more blatant than the artificial demand resulting from arbitrary, unreasonable, and irrational forced busing plans for racial balance which have been imposed by Federal court judges. This waste must stop.

Mr. President, in Alabama the annual consumption of gasoline for operating schoolbuses has increased tremendously in the last 5 years.

Mr. President, much of this increase is attributable to decrees of U.S. District Court judges based on what I am convinced is a mistaken conception of constitutional requirements. For example, some Alabama city school systems have been ordered to bus children for the sole purpose of achieving an arbitrary racial mix in the schools, even though such city school systems had never before operated buses to transport children.

To contend that the U.S. Constitution requires school systems to purchase buses, employ and train bus drivers, establish maintenance shops, and assume the cost of operating, maintenance and obsolescence of busing equipment for no other purpose than to achieve and maintain a racial ratio in public schools is a palpable absurdity. The American people will not buy it.

At a time when the American people are called upon to tighten their belts to make sacrifices in the interest of conserving energy resources, it is incomprehensible that Federal judges should persist in pursuing a course which can lead only to massive discontent, and increased hostility to the judicial oligarchy which has assumed power over the lives of the citizens to order busing of their children in accordance with revealed truth of a bankrupt social science.

Mr. President, commonsense and reasoning must prevail over the judicial oligarchy. Nothing would be more reasonable and rational than to restore the law of the Constitution which protects the right of every school child to attend the school closest to his place of residence, without regard to race, creed, color or national origin. The American people are not going to tolerate busing plans which deny children their inherent right to attend a neighborhood school. They will not tolerate judicial edicts that require children to be forcibly and needlessly transported to a school across town at the cost of millions of gallons of gasoline.

THE WATERGATE MAZE

Mr. HART. Mr. President, I think it not inaccurate to say that we are engaged in a national debate on selecting a path out of the Watergate maze.

At least four paths are available. The President can attempt to ride out the storm. The President can lift the cloud of public distrust by disclosing all his administration knows about Watergate and its many related events. The President can resign. And the Congress can go ahead with impeachment proceedings.

In the physical world, a maze offering a choice of just four paths would not be considered particularly difficult. The Watergate maze, of course, is political, which vastly complicates the choices and the debate. In a political maze, the choice is not among one correct and a host of incorrect paths, but to decide which would be the better path. Further, the wisdom of the choice depends not only on the path chosen, but how you proceed down that path.

For example, a bitter resignation might be more divisive than a fair impeachment and trial, but a highly partisan impeachment on questionable grounds would strain the system more than a graceful resignation.

Beyond those complications, of course, is the fact that in this particular maze, each of the possible paths is not open to each of the players. Only the President can resign. Only Congress can impeach.

The question for Congress, then, is not which path, but whether it should pursue the one path open to it. Also, remembering that the way we proceed is as important as the decision to proceed, Congress must be careful that proper grounds for impeachment are widely understood.

Any discussion of grounds for impeachment must start with the Constitution and be based on history.

In the Constitution, the power to impeach is limited by the language "treason, bribery, or other high crimes and misdemeanors." The nature of the first two offenses are relatively clear, but serious debates have ensued over the meaning of "high crimes and misdemeanors."

One extreme position is that an impeachable offense is whatever Congress considers it to be.

Congressman GERALD FORD took this position in 1970 in urging the impeachment of Supreme Court Justice William O. Douglas, but he was not the first.

A similar view was propounded by Senator Giles of Virginia during the impeachment of Justice Samuel Chase in 1803:

> The power of impeachment was given without limitation to the House of Representatives; and the power of trying impeachments was given equally without limitation to the Senate. . . . A trial and removal of a judge upon impeachment need not imply any criminality or corruption in him . . . (but) nothing more than a declaration of Congress to this effect: You hold dangerous opinions, and if you are suffered to carry them into effect, you will work the destruction of the nation. We want your offices, for the purpose of giving them to men who will fill them better. (J. Q. Adams, *Memoirs* (Philadelphia: 1874) 322.)

If such narrow partisan motives could form the basis for impeachment, impeachment proceedings could degenerate into partisan debates and disputes over policy. The history of English impeachments is replete with such uses of the power. Therefore, this view must be avoided. As deTocqueville observed in 1835:

> A decline of public morals in the United States will probably be marked by the abuse of power of impeachment as a means of crushing political adversaries, ejecting them from office.

A position at the other end of the spectrum holds that "high crimes and misdemeanors" refer only to the commission of indictable offenses.

This view has also received historical support. Justice Chase's defenders took this stance:

> ... no judge can be impeached and removed from office for any act of offense for which he could not be indicted. It must be by law an indictable offense ... (Joseph Hopkinson, XI *American State Trials*, 272)
>
> ... The offense for which a judge is liable to impeachment must not only be a crime or misdemeanor but a high crime or misdemeanor. (Luther Martin, Samuel Butler and George Keatinge: *Report of the Trial of the Hon. Samuel Chase*, Baltimore (1805) App., p. 176.)

In the only Presidential impeachment proceeding, of Andrew Johnson in 1867, the identical defense was adopted by Justice Curtis:

> My first position is, that when the Constitution speaks of "treason, bribery and other high crimes and misdemeanors" it refers to, and includes only, high criminal offenses against the United States, made so by some law of the United States existing when the acts complained of were done, and I say that this is plainly to be inferred from each and every provision of the Constitution on the subject of impeachment. (Trial of Andrew Johnson, President of the United States, on Impeachment, Washington, 1868, pp. 88, 147.)

Although this interpretation has some logical appeal and some historical support, it is too narrow when measured against what these terms relating to impeachment meant at the time the Constitution was written.

Study reveals neither extreme is correct. On the one hand it is clear that the phrase covers more than criminal activity; on the other that the phrase is not the Kafkaesque standard Congressman

FORD implied, but a technical legal phrase with specific historical content and therefore discernible guiding standards.

The Founding Fathers intended quite clearly to place some limit on the impeachment power. During the debate over the Constitution, the standard for impeachment originally was "malpractice or neglect of duty." The Committee of Detail proposed as an alternative, "Treason, or bribery or corruption," which was further reduced by the Committee of Eleven to "treason or bribery." On the floor of the Convention, this term was considered to be too limited, and Mason proposed "maladministration" as an additional ground. Madison felt that "so vague a term—as maladministration—will be equivalent to a tenure during the pleasure of the Senate." The Convention then adopted the traditional phrase of "high crimes and misdemeanors."

Important for our understanding of the purpose of the writers of the Constitution, we should be aware that the term "high crimes and misdemeanors" had a very specialized meaning in this period. It was used only in impeachment proceedings and had been in use for four centuries in England at the time of the Constitutional Convention. It was well understood by the framers of our Constitution to mean, as has been paraphrased by a contemporary scholar, Raoul Berger, that impeachment should lie "for a category of political crimes against the state for persons whose elevated station places them above the reach of complaint from private individuals." Berger categorizes the customary charges under English law as "misapplication of funds, abuse of political power, neglect of duty, encroachment on or contempt of Parliament's prerogative, corruption or betrayal of trust."

For example, in 1388, the Earl of Suffolk was charged with procuring offices for unfit and unworthy persons, and delaying justice by stopping writs of appeal. In 1621, Attorney General Ylverton was brought to task for commencing but not prosecuting suits; Chief Justice Scroggs in 1680 was impeached for discharging a grand jury before they made their presentments.

All were brought under the phrase "high crimes and misdemeanors." None of these were indictable offenses or crimes or misdemeanors. In fact, when the term was first used, "misdemeanor" did not mean crime as developed later in the common law. The phrase was thus restricted, and clearly, to political abuses of office.

During the various debates on these phrases, and in ratification conventions in the States, the Framers defined their understanding of the grounds for impeachment of the Chief Magistrate, or President.

Alexander Hamilton wrote in Federalist Paper No. 65:

> The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself.

James Madison demonstrated the need for impeachment by giving a number of examples of what he considered impeachable offenses:

> It is indispensable that some provision should be made for defending the community against the incapacity, negligence or perfidy of the Chief Magistrate . . . He might lose his capacity after his appointment. He might pervert his administration into a scheme of peculation or oppression. He might betray his trust to foreign powers. (*Ferrand*)
>
> If the President be connected, in any suspicious manner with any person, and there be grounds to believe that he will shelter him, he may be impeached. (J. Elliott, Debates in the Several State Conventions on Adoption of the Constitution (2d Ed. 1835) at 498.)

Madison also pointed out that the President should be held responsible for firing good men as well as for protecting bad men:

> Perhaps the greatest danger . . . of abuse in the executive power lies in the improper continuance of bad men in office. But . . . if an unworthy man be continued in office by an unworthy President, the House of Representatives can impeach him and the Senate can remove him whether the President chooses or not. The danger then consists merely in this: The President can displace from office a man whose merits require that he should continue in it. What will be the motives which the President can put for such abuse of his power, and the restraints that operate to prevent it? In the first place, he will be impeachment by the House before the Senate for such an act of maladministration; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust. (4 Elliott's Debates 373)

Some Founding Fathers also concluded that a President could be impeached for gross negligence in the appointment and supervision of his staff. In the first Congress after the Constitution was drafted, Madison stated during a debate on the President's power to remove his appointees from office without Senate consent:

> . . . it may, perhaps, on some occasion, be found necessary to impeach the President himself; surely, therefore, it may happen to a subordinate officer, whose bad actions may be connived at or overlooked by the President . . .
>
> I think it absolutely necessary that the President should have the power of removing from office; it will make him, in a peculiar manner, responsible for their conduct, and subject him to impeachment himself, if he suffers them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglects to superintend their conduct, so as to check their excesses. On the Constitutionality of the declaration I have no manner of doubt.
>
> (House Committee on the Judiciary, 93rd Congress, 1st Session, Impeachment: Selected Materials 10–11 (Comm. Print 1973)).

Of course, none of these bases of impeachment was to be invoked lightly. Certainly, any President will make mistakes of judgment about some of the many individuals he appoints. The question of impeachment would arise only where the misconduct of the President's staff and appointees is so pervasive and persistent that one is justified in concluding that the pattern of misconduct is either condoned by the President himself or demonstrates gross negligence in the appointment and supervision of his staff.

The Founding Fathers indicated in other ways that they felt the impeachment process was not a criminal one.

They granted the sole power of impeachment to the Congress, which naturally precluded a trial by jury. Yet the sixth amendment in the Bill of Rights guarantees the right of trial by jury "in all criminal prosecutions." They unequivocally described the impeachment as remedial, not punitive, by stating:

> Judgment in cases of Impeachment shall not extend further than to remove from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States. (U.S. Const. Article II, Section 3.)

They further separated the impeachment proceeding from the criminal law by adding that:

> The Party convicted (of impeachment) shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to law. (U.S. Const., Article I, Section 3)

This history indicates that, rather than referring to crimes as we might define them today, the Framers had in mind certain types of offenses, based on grave misconduct, whether civil or criminal in nature. Much more crucial than the categorization of "civil" or "criminal" is the gravity and nature of the suspected misdeed.

Standards have changed in the last 200 years. The issue presented at President Andrew Johnson's impeachment was whether a President who refused to obey a law which he considered unconstitutional, but which was passed by Congress over his veto could be impeached. Most constitutional scholars today believe that the remedy for such a difference of opinion would today lie with the judicial branch.

If the familiar boundaries of the criminal statutes are removed as the basis for impeachment proceedings—and the Founding Fathers intended no such boundaries—we are left with a sense of unease about the limits to be placed on such an inquiry. It is paramount that impeachment should not be used for partisan purposes or for resolution of differences in political philosophy. The Framers clearly intended that limits should be placed on offenses which could properly be considered impeachable.

Any definition of such offenses must take into account the seriousness of the offense, the intentions of the Framers, historical precedents, fundamental constitutional standards such as are contained in the Bill of Rights or embodied in the separation of powers, and deeply held ethical concepts of honesty, fairness, and justice.

In deciding whether to consider impeachment proceedings, we should measure the charges raised against the President, members of his administration and of his campaign committee against those standards.

The list of charges include obstruction of justice by failure to report felonies, by inducing persons to commit perjury, and by concealing, altering, or destroying evidence of alleged misdeeds by members of his administration.

Also, there have been charges concerning favors purchased through campaign contributions, of illegal wiretapping and of using public money for private and personal comfort.

To some, impeachment sounds more drastic than resignation. It is drastic, but it has a worse image than it deserves.

Impeachment, under the Constitution, is a bill of particulars comparable to an indictment. It is prepared after a full investigation by the House.

The Senate then sits in judgment on the charges. Therefore, to call for impeachment is to call for an investigation, looking to determination of the President's innocence or guilt once and for all.

It should be remembered that impeachment can have a purifying effect. A President who is regarded by many as unworthy of belief might recover his position and capability to govern if impeachment led to the finding of "no cause" or "not guilty."

Because resignation offers no similar opportunity, impeachment may indeed be the less drastic of the two. And for that reason, and because of the nature of the charges raised, I believe it is proper for the House of Representatives to continue its impeachment inquiry.

In the end, impeachment may not be necessary or the best path out of the Watergate maze, but Congress should not shrink from its possible use.

To those reluctant to investigate such a step, I offer the words of George Mason who, in defending the impeachment provisions of the Constitution, asked:

> Should any man be above justice? Above all, shall that man be above it, who (as President) can commit the most extensive injustice?

The proper answers are clear.

Further, the impeachment investigation should proceed whether or not Congress establishes an independent special prosecutor.

The office and person of an independent special prosecutor are needed to convince the public that criminal investigations will be conducted fully, fairly and without interference from persons who might be affected by the investigations.

However, such an investigation deals only with criminal offenses, and as I have suggested, there are noncriminal offenses which would be proper grounds for impeachment. And beyond that, the various investigations into Watergate and related activities already have raised enough charges, criminal and noncriminal, to justify continuation of an impeachment inquiry. Such an inquiry is the only form in which the entire range of charges can be considered together and measured against accepted definitions of offenses which justify impeachment.

THE COST OF LIVING COUNCIL AND SMALL CONSTRUCTION COMPANIES

Mr. SPARKMAN. Mr. President, a subject of continuing concern to all of us is the effectiveness of this administration's wage-price restrictions. It is especially important, it seems to me, that the regulations put forth by the Cost of Living Council not only insure a reasonable chance of controlling inflationary growth but that they not jeopardize the existence of small businesses.

A particular problem has been brought to my attention involving a number of small construction companies in Alabama. Because the problem may exist in other States, I am bringing this matter to the attention of all my colleagues here in the Senate.

The Cost of Living Council has issued a number of regulations that deal with incentive compensation plans. These plans or pay practices generally provide for additional compensation to employees above and beyond their basic salaries. Their purpose, in most instances, is to provide an incentive to employees for increased production. If there is one proposition upon which we can all agree, it is that any effort that effectively increases the productivity of American workers should be encouraged whenever and wherever possible. Increased productivity is a long-range tool against inflation and is the rationale for our establishing the National Commission on Productivity. In those instances where the incentive compensation plans are not geared to productivity, but rather are used as an alternative to unearned profit-sharing, then we have, in my judgment, a legitimate interest in controlling their distribution.

The construction industry, still under tight controls, is a highly competitive industry, as we all know. The use of incentive compensation plans seems to be the rule rather than the exception. In the Southern States in general, and Alabama in particular, where I am more familiar with construction activity, incentive pay geared to employee productivity is the backbone of that industry.

The Cost of Living Council has issued regulations controlling the amount of incentive compensation that companies can pay to their employees. The regulations, as I understand them, establish what is referred to as a base year amount. Once a base year amount is established for a company, then that company can increase the amount in their incentive compensation plan only by the 5.5 percent standard that applies to every other company. The problem, as it has been described to me, is that the base year amount for older, more established companies is set as a rule at the amount paid out in one of the previous 3 years. For example, if company X which has been in business for 20 years has paid out $100,000 in each of the previous 3 years, their base year amount will be $100,000. Next year, company X can increase the amount by 5.5 percent for a total of $105,000.

A new company, by way of contrast, has no previous experience with their plan and a base year amount must be set arbitrarily. In some instances, I am told, the Cost of Living Council has limited the base year amount for these new companies to whatever amounts they were able to pay out in the form of incentive compensation during their first year of operation. Since it is extremely unlikely that any new business can show sufficient profits in their first year of operation to adequately compensate key employees, let alone provide incentive compensation, these new firms will be effectively denied the use of any incentive compensation plan for so long as the economic controls remain on their industry. This approach is bound to work a hardship on these small businesses. In a highly competitive industry, where incentive compensation plans play a major role, these small companies will face hardship if not extinction.

We all want to see an effective curb of inflation. My concern is no less than others in seeing that unearned profits do not reflect themselves in higher and higher prices. Nevertheless, it seems important to me that in an area where pay is directly related to productivity, the Cost of Living Council should do all that it can to encourage productivity increases. Their rulings should show more flexibility, especially in the case of new firms. If the older, more established companies are permitted to enjoy an advantage predicated solely on the fact that they have been in business longer, fewer small companies will be able to continue in existence to compete with them.

I am hopeful that the Council will take a fresh look at this problem and devise a more suitable way to assist new companies in the construction industry. Where productivity is related to incentive compensation, rulings should not favor larger companies over smaller ones.

THE NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. RIBICOFF. Mr. President, as a cosponsor of S. 2589, the National Energy Emergency Act of 1973, I commend the distinguished chairman of the Interior Committee, Senator JACKSON, for his continued strong leadership in this area. I understand that debate on this measure will begin tomorrow.

Problems associated with energy shortages are not entirely new to people living in New England. For years the residents of Connecticut and other parts of New England have been paying premium prices for No. 2 fuel oil to heat their homes. Independent dealers, who supply 25 percent of all the gasoline and distribute about 75 percent of all the heating oil to Connecticut residents, have for the past year had their own share of problems trying to get a fair share of fuel from the major oil companies.

For almost a year now I have strongly advocated legislation to insure the continued flow of petroleum products to New England at the lowest possible prices to consumers.

In January I cosponsored the New England States Fuel Oil Act to permit unlimited imports of No. 2 home heating oil. Later I sought and received assurance from the administration that its new oil policy committee would establish a special subcommittee to deal with

Connecticut and New England's own particular problems.

In March I joined in introducing Senate Resolution 74, calling on President Nixon to begin negotiations with the other major oil consuming nations leading to bargaining on a government-to-government basis with the oil producing States and not leaving this up to the oil companies.

Had such negotiations started then, the nations of Europe and Japan would probably not be so vulnerable to oil blackmail as they are today.

In May I cosponsored legislation providing for continued sales by major oil companies of gasoline to independent gasoline retailers at the same percentage levels as in a previous base period, and to assure equitable distribution of petroleum products to all regions of the country.

Had this been done, most of the 2,000 independent fuel dealers forced out of business would have been saved.

On June 5 the Senate passed S. 1570, the Emergency Fuel Allocation Act of 1973. This bill included an amendment which I had offered to establish an Office of Emergency Fuel Allocation. The Senate will soon be voting on the conference report of this legislation.

The Senate passed another mandatory fuel allocation bill in an effort to spur the administration into action. But until very recently all we have gotten in the way of an allocation program was an almost incomprehensible system for distributing propane.

Now the administration has finally discovered that we are in an energy crunch. The basic solution offered is that the average citizen tighten his belt. But while individual cooperation in conserving energy is important, is this all that can be done? And can this alone do the job? I think not.

For years American industry burned up more and more energy as a means of increasing productivity. We have even made our automobile engines larger to support poorly engineered antipollution devices. The average American-made automobile today only gets 13.5 miles to the gallon, almost double the gasoline required by its European or Japanese counterpart. Industrial operations in other countries operate with an energy consumption of 10 to 20 percent or less than that required to do the same job as American industry.

This year only 13 percent of the energy used in the United States will be residential, and less than 14 percent used for transportation. Business and industry will account for 45 percent of our total consumption.

While everyone will have to bear his share of the burden, nothing would be more inequitable than putting a substantial tax on gasoline. This threatens to raise havoc with every family budget. There is now much talk about placing a 40 cent Federal tax on every gallon of gasoline. This tax is regressive and would place the burden of cutting back on fuel consumption squarely on the people who can afford it least. It is definitely not an acceptable solution to the current fuel shortages.

If the fuel situation worsens, we might have to give serious thought to gasoline rationing. But this way everyone gets a fair share according to need—not according to ability to pay. I will oppose any move by the administration to push an exorbitant gasoline tax hike through the Congress. We must be extremely watchful as the so-called energy crisis develops, to prevent any measures that spell hardship for people of modest means. Basic fairness is one principle we must certainly honor at a time when so many of our values are being challenged.

The most outstanding feature of our Nation's energy consumption pattern today is our growing reliance on oil.

I have pointed out before that since World War II, the United States has become hooked on oil—with oil companies acting as pushers. Today roughly 45 percent of the energy consumed in this country comes from oil, another 32 percent comes from natural gas, which is largely a byproduct of oil production. Of the remainder, 18 percent is from coal, 4 percent from hydroelectric power, and only 0.5 percent from nuclear plants.

Now, because of our growing dependence on foreign source oil, we are competing directly for this oil with Europe and Japan. This competition has raised serious questions about the value of the American dollar, its impact on our national security, and the role of the United States as a world power. It is clear we must begin confronting these dilemmas without delay.

The bill before us today, S. 2589, sets out a program of action that is needed to meet the problems we face right now. It is specific and it has teeth. This bill's declaration of an energy emergency is backed up by a series of practical, effective proposals. They include programs calling for rationing and conservation, providing clear priorities, describing methods of decreasing energy consumption and insisting upon timely contingency plans.

The purposes of the National Energy Emergency Act are set out as follows:

Declare by act of Congress an energy emergency;

Grant to the President of the United States, and direct him to exercise, specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products, and other fuels, or dislocations in their national distribution system;

Provide a national program to conserve scarce energy resources, through mandatory and voluntary rationing and conservation measures, implemented by Federal, State and local governments;

Protect the public health, safety, and welfare and the national security, and to assure the continuation of vital public services and maximum employment in the face of critical energy shortages;

Minimize the adverse effects of such shortages or dislocations on the economy and industrial capacity of the Nation;

Insure that measures taken to meet existing emergencies are consistent, as nearly as possible, with existing national commitments to protect and improve the environment in which we live; and

Direct the President and State and local governments to develop contingency plans which shall have the practical capability for reducing energy consumption by no less than 10 percent within 10 days and by no less than 25 percent within four weeks of any interruption of normal supply.

This legislation surely points the way to easing this country out of the current energy crunch. As the distinguished Senator from Washington has recently pointed out:

> This measure is not, of course, a substitute for proceeding as soon as possible on pending measures to establish a national energy conservation policy, to build the trans-Alaska pipeline, to undertake a massive energy research and development program, to equitably allocate available fuels to priority users, and to develop a system of national strategic reserves. S. 2589 is an emergency measure which recognizes and urges the executive agencies to take specific steps to deal with this situation.

A recent Treasury Department study outlined eight emergency conservation measures that would save 2 million barrels of oil a day. This figure represents 12 percent of present U.S. consumption. These are the measures outlined:

Reducing speed limits to 50 miles per hour for passenger cars—150,000 barrels a day would be saved;

Increasing load factors on commercial aircraft from 50 percent to 70 percent by consolidating and reducing flights—80,000 barrels a day saved;

Setting home thermostats two degrees lower than average—50,000 barrels a day saved;

Conservation measures in industry—50,000 barrels a day saved;

Limiting hot water laundering of clothes—300,000 barrels a day saved;

Mandatory car tune-ups every 6 months—200,000 barrels a day saved;

Conservation measures in commercial buildings—200,000 barrels a day saved;

Increasing car pools for job commuting—from 1.3 average to 2.3 average per car—200,000 barrels a day saved.

If by measures such as these we can keep the Nation's growth rate of energy consumption to around 3 percent instead of the current 4½ percent annual increase, we can begin to escape from the energy crunch.

In addition to this legislation, which is primarily designed to meet current shortages, we must look to the next decade. In doing so we should not feel helpless or inadequate. The United States has immense natural resources and technological skills at its disposal.

For example:

The United States has an estimated 385 billion barrels of oil that are not yet part of proven reserves or presently recoverable. The amount is almost equal to all the oil discovered in the country up to 1971.

The country has 1.8 trillion potential barrels of crude shale oil in oil shale deposits in the Western States.

The United States has 1,178 trillion cubic feet of ultimately discoverable natural gas in its overall energy resource base—a little less than double all the natural gas discovered until 1971.

The U.S. Geological Survey estimates the Nation's total coal resources at 3.2 trillion tons, with 150 billion tons presently recoverable, enough for almost 200 years.

The United States has 1.6 million tons of mineable uranium, 700,000 tons mineable at costs low enough to assure cumulative requirements through 1985.

The problem is that a good part of the above sources are not readily available now. The long-term solution lies in realizing the potential of these abundant resources—a challenge that is welcome to all of us who believe in this country.

Prompt action on another initiative by Senator Jackson, S. 1283, of which I am also a cosponsor, can point the way out of our dilemma. This bill calls for American self-sufficiency in energy in 10 years. By wisely funding research and development programs, we can begin to take advantage of the abundance of our resources. S. 1283 proposes the creation of five quasi-public development corporations to demonstrate energy technologies for shale oil, coal gasification, advanced power cycle development and coal liquefaction. These are the keys to solving our Nation's energy problems.

It should be emphasized. however, that before we start creating new Federal and State bureaucracies, and demanding new sacrifices from the American people, we have to know where we are going. We need a comprehensive energy policy. Then we can decide how much we are willing to spend to get there and how to proceed.

We have yet to come to grips with the built-in conflict between greater self-sufficiency in energy and preservation of the environment. The burning of higher surphur content coal, the development of off-shore soil, the building of deep water ports all raise serious environmental problems.

The realistic solution is to develop technology that can preserve and protect our environment while permitting steady progress toward energy self-sufficiency.

Such a program will truly be a monumental undertaking. It will be difficult from a technical standpoint and complicated in terms of the mix of private and public effort. It is a formidable task—even more imposing perhaps than the Manhattan or Apollo projects. But we must strive to succeed.

I am convinced that with realistic conservation measures, expanded use of coal, orderly development of nuclear power, and creation of a strategic oil reserve, our Nation can achieve both minimal dependence on overseas supplies, acceptable rises in energy costs, and greater efficiency in production.

How we organize ourselves to maximize our still plentiful natural resources against a backdrop of growing scarcity of oil and gas resources will be one of the most crucial problems our Nation will face in the next decade.

What we do in the next few weeks and months might well determine this Nation's rate of economic growth, the physical well-being of all of its citizens, and our future foreign policy direction.

If we are to avoid the nightmare of a permanent crisis, it will be up to the administration and the Congress to make the right decisions now—and it will be up to industry, labor, and the American people to plan and work together for the benefit of all the people of our country.

SURVEY OF CONSTRUCTION NEEDS OF PUBLIC SCHOOLS EDUCATING RESERVATION INDIAN CHILDREN

Mr. FANNIN. Mr. President, the Bureau of Indian Affairs commissioned the National Indian Training and Research Center of Tempe, Ariz., to survey the construction needs of those public schools serving reservation Indian children. This request for a survey came originally from the House Interior Appropriations Subcommittee after it had been besieged by numerous schools for line item appropriations to meet their construction projects. These requests occurred because appropriations for Public Law 815 had been inadequate to meet the needs of those schools which were eligible for support under Public Law 815. The House Committee, however, realized that meeting construction needs through special budget appropriations was a poor approach and thus asked the BIA to survey current needs and assess whether Public Law 815 was the proper vehicle for meeting the needs of reservation Indian children.

The report by the National Indian Training and Research Center has been completed and I have just received a copy. For the information of my colleagues I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT—PUBLIC SCHOOL SURVEY OF CONSTRUCTION AID NEEDS RELATED TO THE EDUCATION OF RESERVATION INDIAN CHILDREN

SYNOPSIS OF SURVEY REPORT

1. This survey results from the interest of a House Appropriation Sub-Committee in the acute need for adequate school facilities for reservation Indian children enrolled in public school districts.

2. The record shows a severe backlog of urgently needed construction aid requests under P.L. 81–815, exists.

3. Based on the cooperative and enthusiastic support given NITRC by public school, state and BIA personnel, it is believed that the study covers all eligible districts in need of construction aid. One hundred sixty-two (162) districts in 21 states responded to the survey questionnaires.

4. Enrollment of Indian children in the 162 districts increased by 16,811 students within the last 5 years. The school superintendents estimate that there will be an additional 19,428 Indian students to educate in these same districts within the next 5 years.

5. The immunity of Indian reservation lands from taxation is truly an important factor in the ability of school districts to finance needed facilities.

6. Based on the widely accepted ability measure, the amount of taxable evaluation behind each child, Indian related school districts are much "poorer" in comparison with similar type districts in the state where the district is located.

7. Unused bonding capacity is a vital factor in the ability of most school districts to share in the cost of constructing facilities related to the education of reservation based Indian children. The amount of unused bonding capacity that can be considered *realistically* as an available local resource in computing the construction aid needs of otherwise eligible districts, *is probably the most controversial item in the entire study.*

8. The public school districts in the State of Nevada differ in many ways from the districts in other states and should be considered on an attendance unit basis in comparison with other districts in other states.

9. The justifications for needed facilities are based on three (3) principal factors; (1) rapid increases in the enrollment of Indian children; (2) replacement of temporary, unsafe and inadequate structures; and (3) housing for new and innovative programs for Indian students.

Forty (40) of the 119 high school districts specifically identified housing for new or expanded vocational shops as a major district need. Sixteen (16) districts reported they could enroll a total of *1,637* Federal boarding school students if their construction aid requests were funded.

NITRC personnel visited all major Indian impact districts (those enrolling 50% or more Indian children). Needs and justifications were verified.

Typical of the narrative justifications submitted, is the summary of one quoted the Bark-Harris District, Harris, Michigan. This minor impact district (approximately 10% Indian students) is already bonded to the legal limit allowed by the State.

"At present we have one small gym for physical education classes for the entire school district K–12 (769 students). The gym is occupied every hour of the school day. We are unable to provide the required physical and health classes because of the limited space.

We need additional classroom space to expand our curriculum courses on Indian Culture, Handicraft, Indian Language and other courses of interest to all students.

We need office space for our counselors. (Indian and School office space for our consultants in remedial reading and special education, space for our community director, and conference rooms).

By having the additional facilities we would be able to provide for courses and other activities that Indians would become interested, also would participate in community functions".

10. The rationale for a "liberal" interpretation of what constitute minimum facilities to meet needs is reflected well in the Twentieth Annual Report of the Commissioner of Education pertaining to the Administration of Public Laws 81–874 and 81–815.

11. The survey shows that the urgency for construction aid is *now*.

12. In answer to the question, "If, P.L. 815, as presently operated, was adequately funded, do you believe your needed funds could be secured under this Federal aid program?" The responses were:

67—*Yes*, representing $141,266,215 or 72% of computed need total.

95—*No*, representing $45,453,340 or 28% of computed need total.

No responses resulted from: (1) some districts apparently not aware of recent "liberalization" of what constitutes "minimum school facilities" under P.L. 815 (2) some districts are so low on P.L. 815 priority scales that requests are futile; (3) some districts fail to meet percentage requirements, and (4) some districts are confused with the lack of uniformity between the U.S. Office of Education and the BIA in counting Indian children for program eligibility purposes.

A majority of public school superintendents favor a BIA authority to provide construction aid.

13. Summaries of the grand total of needs is shown in the following table:

Total cost estimate of the 162 reporting districts for all needed facilities is	$237,962,723
Total cost using all available local resources (principally unused bonding capacity)	163,949,044
Total cost using one-half of the unused bonding capacity as a resource	190,764,745

14. Seventy-five (75%) percent of the cost estimates submitted by the districts are considered to be valid.

15. Tribally operated schools under BIA contracts were not considered as a part of the public school survey except for one Indian high school which expects to become a public high school within five (5) years.

17. Our priority measurement was adapted from the method used by P.O. 815 and the district priorities range from 200 (the highest index) to 1 the lowest.

18. The recommendations include a suggested policy guide for the BIA; namely.

1. That, the Bureau of Indian Affairs, in its contact relationships with the higher echelons of the Administration and the Committees of Congress, recommend that the present program under P.L. 815, as amended, be continued as the most logical way to meet the acute construction aid needs of Indian and other Federally impacted public school districts with the important modification that the allocation of funds to Section 14 be increased to 50% of all available funds.

2. That, the Bureau of Indian Affairs seek legislative authority to construct elementary school facilities for the public schools with large Native impacts in the State of Alaska without impairment of the right of such schools to seek funds under P.L. 815, as amended; and

3. That, the Bureau of Indian Affairs seek broad legislative authority to provide grants to Indian impacted public schools for the construction of needed facilities in the event that P.L. 815 is not funded to a sufficient level to meet the acute backlog of needs identified in this study.

It is recommended that the amount of any grant to any individual district should be determined only after a sound engineering survey of needs and costs, and after consideration of the extent that local potentially available resources can be considered realistically in determining the local share of a total project.

INTRODUCTION

Federal interest and participation in the many facets of Indian affairs is apparent in the laws and programs affecting various agencies of the Federal Government. This survey and study results from the manifested interest of a House Appropriation Sub-Committee in the public school construction aid needs related to the education of reservation based Indian children. The Bureau of Indian Affairs was authorized to contract for the survey. The National Indian Training and Research Center (NITRC, a private Indian corporation) was awarded the contract on January 2, 1973.

Construction of needed facilities has not kept pace with the growing school enrollments in federally affected areas. A brief review of Federal construction aid to public schools reveals the pattern. Based on the 1970 U.S.O.E. Twentieth Annual Report of the Administrator of Public Laws 874 and 815, a total of $1,174,279,642 has been reserved or provided public school districts in Federally impacted areas. Of this total $61,741,107 has been reserved or provided under Section 14 which principally serves districts educating Indian children.

As late as 1970, reports of the U.S.O.E. showed 53 project applications on file under Section 14 of P.L. 815 with an estimated entitlement of $38,469,719 and only $1,504,865 allocated to meet this need. Many other districts report that they have not filed P.L. 815 applications because of the apparent futility. The construction aid needs have been compounded since 1970.

Intermittently, the Congress has provided construction aid funds to public school districts through the BIA construction budget (without formal Congressional authorization). This reached a climax (money wise) in the F.Y. budgets of 1972 and 1973 when $4,311,500 was designated for five (5) projects in the three states of Montana, North Dakota and South Dakota.

Referring apparently to this process, an appropriation subcommittee reports:

"Occasionally, the committee has approved funding for a few of these schools where the situation appeared to be critical. However, the problem has intensified each year and has now reached the point where the committees can no longer provide funds for construction of these schools in a hit-and-miss manner without increasing the appropriation far beyond all totals envisioned by those responsible for budgeting proposals."

OBJECTIVES OF THE STUDY

(1) To survey the construction aid needs in the school districts of the 23 states that participate in the Johnson-O'Malley Act program and to analyze and interpret the data with help of the computer. It is a further objective to evaluate additional breakdowns of closely related and concomitant information pertaining to enrollment growth, Indian impacts, resources ability factors and a priority basis to follow.

(2) To develop general policy and guidelines to be used by the Bureau of Indian Affairs in connection with the funding of public school construction in areas of high Indian enrollment. The guides are to establish a feasible methodology for meeting backlogs (on a priority basis) which along with the regularized program will provide a total federal policy to improve Federal interaction with Indian impacted public school districts.

DESIGN FOR THE SURVEY

A study of the Directory of Public Schools served by JOM funds reveals another basic category to better identify Indian impacted districts. Some 40 districts have over 33% Indian impact, many approaching 50%. Many of these are known to be "poor" districts. Hence, it was proposed to identify the districts in the following manner:

Major Impact—with 50% or more Indian enrollment.

Heavy Impact—with 33% to 50% impact.

Minor Impact—under 33% impact.

Unusual Impacts———.

Unusual district situations were to be identified in a special category. These are county-wide districts with major Indian impacts in certain attendance centers and districts that educate out-of-district Indian children. These and any others are to be analyzed as separate unusual situations.

THE WORKING PLAN

The working plan was to develop carefully devised survey questionnaires.[*] They were developed for easy completion by local school superintendents and for coordination with essential information required in P.L. 815 applications. They were designed also for equating priority schedules. The data collected was to be computerized for the development of various tallies reflecting Indian impact (based on enrollment data and growth rates), effort and ability to finance needed construction needs with full justifications. The questionnaires were designed to also solicit policy recommendations of both state and school district personnel. A separate report was requested from states and district personnel concerning eligible districts that do *not* request construction aid and *why*.

The plan called for the closest possible cooperation with State departments of education and BIA area personnel in arranging initial contacts. All levels of Indian education were to be utilized. Follow-through and follow-ups were to be made to all major impact districts by NITRC personnel.

In support of the methodology the Government through the U.S. Office of Education has granted (through 1970) $1,174,279,642 under P.L. 815, as amended, through essentially the same method herein proposed to determine school construction needs.

SURVEY CONTACTS

Some 458 school districts were contacted in 23 States. These districts were identified by the FY 1973 bulletin *Directory of Public Schools served by Johnson-O'Malley funds*. All states with Indian education personnel in the State Departments of Education were contacted and the survey forms were provided to the districts through their own State Department of Education. Districts in states without liaison personnel at the state level were initially contacted through BIA personnel. Follow-up contacts were made by letters and telephone and on-site visits (to major impact districts) by NITRC personnel.

RESPONDING DISTRICTS

One hundred sixty-two (162) public school districts in 21 states responded to the questionnaires. The districts in Florida and Mississippi did not respond (probably because of the relatively few Indian children in their schools). The two JOM participating districts in Colorado responded, but reported *no* construction aid needs. *Thus 162 in 20 states responded and reported construction aid needs.*

Eighty-six (86) districts in 17 states reported no needs.

Some districts operate coterminous but legally separate elementary and high school districts. Most of these reported as one district instead of two; hence they are reflected in the survey data as only one district.

Six (6) school districts (2 in Minnesota and 4 in New Mexico) responded to the questionnaires too late to be included in computer breakdowns of related data. However, essential information pertaining to these districts is shown only in the latter part of the report. This increases the total number of districts (showing need) from *162 to 168*.

From conversations with state education personnel it can be assumed that the districts which failed to report have little or no construction aid needs related to the education of reservation Indian children.

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[*] See Appendix for a copy of the questionnaire.

TYPE OF DISTRICTS RESPONDING

Most districts reporting needs (or a total of 114) have kindergarten through high school programs. Forty-three (43) districts teach only the elementary grades and five (5) districts have only high school programs. All elementary districts also have kindergarten programs with the exception of six (6) districts. One of these (Whiteriver, Arizona) had to abandon the kindergarten program because of the lack of facilities to house the youngsters. The table that follows shows grades taught in the three basic district types: (1) elementary, (2) bigh school, and (3) joint elementary and high school.

Type of grades taught	Number
Kindergarten, elementary, and high school	114
Kindergarten, elementary	43
Elementary	6
High school	5
Total	162

INDIAN IMPACT

State	Major	Heavy	Minor	Unusual	Total
Alaska	8	1	2	0	11
Arizona	12	0	4	0	16
California	0	1	5	0	6
Idaho	0	0	1	0	1
Iowa	0	0	1	0	1
Kansas	0	1	1	0	2
Michigan	0	0	4	0	4
Minnesota	2	0	1	0	3
Montana	13	1	5	1	20
Nebraska	2	0	1	0	3
Nevada	0	0	0	8	8
New Mexico	5	0	0	0	5
North Dakota	2	0	2	0	4
Oklahoma	13	11	11	0	35
Oregon	0	0	2	0	2
South Dakota	3	2	5	1	11
Utah	0	1	0	0	1
Washington	5	0	14	2	21
Wisconsin	0	0	4	0	4
Wyoming	3	0	1	0	4
Total	68	18	64	12	162

Note: The table reflects the number and category of Indian Impact by States in the 162 reporting districts.

GROWTH IN SCHOOL ENROLLMENT

The enrollment in the public schools (162 districts) educating reservation based Indian children has increased the past 5 years, a total of 23,502 students. Based on the number of children, Arizona and New Mexico show phenomenal increases in Indian students. The table below reflects both the number and the percentage of increase in the total school enrollment along with the Indian increase in the same districts. The table is ranked from the highest percentage of total school enrollment to the lowest by states.

PAST 5-YEAR GROWTH RATES

State	Total district growth (number)	5-year growth (percent)	Total Indian growth (number)	5-year growth (percent)
Arizona	10,562	56	4,330	47
New Mexico	4,358	24	6,807	86
Alaska	848	19	452	22
South Dakota	1,443	17	930	30
Utah	396	17	637	101
California	681	16	130	22
North Dakota	268	15	394	53
Minnesota	426	14	165	17
Wisconsin	436	14	114	46
Iowa	217	9	22	11
Michigan	220	7	171	63
Nebraska	49	6	0	0
Oklahoma	758	6	1,667	57
Washington	2,342	6	442	15
Kansas	32	3	110	94
Montana	295	2	0	0
Oregon	171	2	12	2
Idaho	0	0	30	10
Nevada	0	0	398	36
Wyoming	0	0	0	0
Total	23,502		16,811	

The school superintendents estimate there will be an *additional 19,428 Indian students* to educate in these same districts *within the next five (5) years.*

INDIAN LANDS

The land area of districts reporting vary from a few hundred acres to several thousand square miles. Indian reservation lands encompass only a portion of some districts. In others, the district is located entirely within the reservation boundaries. In the table below, districts are grouped in terms of the percent of Indian tax exempt lands that comprise their districts. The extent of other Federal lands known to exist in some districts was not included in the study.

Percent of Indian land within districts	Number of districts
0 to 10	62
11 to 50	56
51 to 89	19
90 to 100	25
Total	162

ABILITY FACTOR—TAXABLE VALUATIONS

Probably the most widely accepted measure of the ability of school districts to finance education operations is the amount of taxable valuation behind each child in the district. To be meaningful this has been computed in terms of the percent of state average taxable valuation behind each child in the particular state where the district is located. Only 24% of the Indian related districts exceed the state average per pupil taxable evaluation. This means that 76% of the reporting districts have computered per pupil taxable evaluations below their particular state average for similar type districts. There is a high relationship between "poor" districts (as measured by per pupil valuations) and their construction aid needs.

The table below shows the number of districts by groups in relation to the percent of state average per pupil valuation.

Percent of State average per pupil valuation	Number of districts
0 to 25	38
26 to 50	39
51 to 75	26
76 to 100	19
Over 100 (that is, exceeds State average)	40
Total	162

AVAILABLE LOCAL RESOURCES

All but eight of the 162 districts in need of construction aid assistance reported some available local resources. Some districts have cash accrual accounts for capital outlay purposes, principally buildings and equipment. Most districts have unused bonding capacities in sufficient amounts as to be practically considered as an available local resource. The extent to which the unused bonding capacity should be considered as a local resource in computing the construction aid needs of otherwise eligible districts is probably the most controversial item in the entire study.

Since unused bonding capacity is a potentially available local resource we have computed the construction aid needs in two ways: (1) by considering all the unused bonding capacity as an available local resource and (2) by considering only one-half of the unused bonding capacity as an available local resource.

This study shows that minor Indian impact districts would be particularly adversely affected if the total unused bonded capacity is considered as an available local resource in computing the amount of Federal participation for otherwise eligible districts. Those districts that already have bonded indebtedness that equals one-half or more of their total bonding capacity allowed by state law, report their inability to pass another bonding program.

The table that follows shows the ratio of unused bonding capacity to the total estimated cost of needed facilities by categories of districts. The ratio is expressed in the percent that total unused bonding capacity bears to total need cost. The table presents the number of districts in each percentage category.

RATIO OF UNUSED BONDING CAPACITY TO ESTIMATED COST OF CONSTRUCTION NEEDS

State	Less than 5 percent	6-25 percent	26-50 percent	51-75 percent	76-100 percent	Over 100 percent	Total
Alaska	2	4	1	1	2	1	11
Arizona	9	5	0	2	0	0	16
California	0	0	0	0	1	5	6
Idaho	0	0	0	1	0	0	1
Iowa	0	0	0	0	1	0	1
Kansas	1	0	1	0	0	0	2
Michigan	1	0	1	0	0	2	4
Minnesota	3	0	0	0	0	0	3
Montana	5	6	4	3	0	2	20
Nebraska	1	0	1	0	0	1	3
Nevada	0	0	1	1	1	5	8
New Mexico	2	1	0	1	1	0	5
North Dakota	2	0	1	1	0	0	4
Oklahoma	5	8	3	10	2	7	35
Oregon	1	0	0	0	0	1	2
South Dakota	0	2	4	2	1	2	11
Utah	0	0	0	1	0	0	1
Washington	1	1	3	2	2	12	21
Wisconsin	0	0	0	0	0	4	4
Wyoming	0	2	0	0	1	1	4
Total	33	29	20	25	12	43	162

NEVADA, AN "UNUSUAL" STATE

In comparison with the 22 other states surveyed, Nevada presents many different factors and situations to equate. Nevada differs from other states in the following ways:

(1) Nevada has county-wide school districts. This distorts comparative percentages with other states especially in counties with nearly all-Indian schools in the remote areas.

(2) Nevada has a $5.00 constitutional tax limitation for all purposes. Thus taxing for schools must compete with all other state and local taxing.

(3) Nevada allows 15% of taxable valuation to be bonded for school facilities. This results in the inability to compute realistically the *unused bonding capacities* for purposes of this study, due to the constitutional limitation.

(4) All county-wide school districts have other types of Federal trust lands in addition to Indian trust lands. Approximately 83% of the state is tax-exempt due to Federal lands or Federally imposed trust on Indian lands. The impacts of other Federal tax-exempt lands affect Indian impacts.

(5) Many of the schools on Indian lands were formerly BIA operated schools. The Indian patrons of these schools still feel the BIA has a responsibility in assisting them to meet their educational needs.

(6) The former "Indian" schools in the large county districts are located in isolated areas, usually great distances from the other schools in the system.

(7) Like other isolated schools attended by Indian children, there is the extra need for the facilities where good career training can be fostered.

EFFORT TO FINANCE EDUCATION

Information on local taxing efforts for all education operations was compiled from the past 5 year period. Attempts to show the relative tax effort of districts in comparison with similar type districts in the particular state was not meaningful due to yearly fluctuations and lack of uniform taxing programs within some states. It was not possible to establish any pertinent relationship between taxing for current school operations and the construction aid needs of the districts.

TYPES OF CONSTRUCTION AID NEEDS

Based on the survey reports the greatest need is for new buildings including totally new education complexes. Expansion of existing facilities, remodeling of existing school plants and other types of needs were tabulated also. The other facilities include such needs as the development of playground areas, teacherages and equipment. Some projects may include the need for a new building as well as additions to other buildings and the remodeling of still other structures. The table that follows shows the types of construction aid needs by states.

TYPES OF CONSTRUCTION AID NEEDS

State	New	Expansion	Remodeling	Other
Alaska	8	3	3	1
Arizona	11	9	3	0
California	5	3	2	0
Colorado	0	0	0	0
Florida				
Idaho	1	1	1	0
Iowa	0	1	0	0
Kansas	2	1	0	0
Michigan	3	2	0	0
Minnesota	2	1	2	0
Mississippi				
Montana	17	13	7	1
Nebraska	3	1	0	0
Nevada	6	5	3	0
New Mexico	5	4	2	0
North Dakota	2	2	0	0
Oklahoma	27	17	16	0
Oregon	2	2	0	0
South Dakota	10	4	5	2
Utah	1	1	0	0
Washington	15	14	10	2
Wisconsin	3	3	1	0
Wyoming	4	1	0	0
Total	127	88	55	6

JUSTIFICATION OF NEEDS

The principal justification of needs as reported by public school personnel, is to provide space for expanding school enrollments. Second to this is the need to replace temporary, worn-out, unsafe and inadequate structures. Superintendents were asked, along with their narrative justifications, to check all the reasons shown in the six (6) categories that best reflect their needs. The number responding in this manner are shown as follows:

1. To house expanded enrollment	97
2. To replace temporary buildings	63
3. To meet health and safety standards	87
4. To develop housing for new and innovative programs	95
5. Will enable district to enroll Indian children now in Federal boarding schools	16
6. Other reasons	27

District officials were asked *how many* Federal boarding school students the district could accommodate if their construction aid needs were adequately funded. The responses of the sixteen (16) districts are in the table below.

State and School District	*No. of Children*
Alaska, Craig City	20
St. Mary's Public Sch	50
Arizona, Chinle No. 24	250
Puerco No. 8	240
Tuba City	150
Montana, Hays & Lodge Pole No. 50	40
Lodge Grass	40
North Dakota, Dunseith No. 1	50
Oklahoma, Oaks Mission	10
Salina J-16	56
Wold Dependent No. 13	20
South Dakota, Smee Independent No. 4	20
Waubay	60
Utah, San Juan County	606
Washington, North Beach No. 64	20
Quinault No. 87	5
Total	1,637

Typical of the narrative justifications is the one quoted from the Bark River-Harris District at Harris, Michigan. This is a minor impact district and one that is already bonded to the legal limit allowed by the state.

"Approximately 10% (72 out of 769) of our students are Indians. We expect this total to exceed 95 students in a few years. All of the Indians are very poor achievers. They rank extremely low on the State Assessment Tests which are given annually to all 4th and 7th graders. Very few finish high school. The school considers attendance the major issue. If Indian students are absent 30%-50% of the time they naturally will be low achievers and will gradually 'drop out.'

"The Indians claim the problem is a lack of stimulation on part of the school. If we cannot stimulate the students, they will not come to school and perform to the best of their abilities. Probably we are both right.

"We believe we are moving in the right direction now. An Indian counselor has been employed this year. We have added three Indian women as aides to work primarily with Indian children, and an Indian man to teach Indian Culture and Language to any Indian or White child who wish to take the classes. Class size average 16-24 students per class.

"The major problem now is a place for them to 'set their feet down.' The Indian counselor uses the lunch serving area for an office. She has to leave while lunch is being prepared and served.

"The Indian aides bounce from room to room each period, wherever they can find a vacant room.

"The Indian Culture instructor does the same. They both use as many as six different areas during a six period day.

"We have a small physical education area that serves grades K-12. As many as 60-70 students use the gym and locker room area. One male teacher is responsible for all of the activities. He cannot do justice to such large groups. A female instructor will be employed for the female students. Both could have jointly running classes if the facilities were available.

"Indians, who are traditionally known as athletes, are holding back and are not even trying to participate in education or athletics. We have only one Indian boy on our high school basketball team and three on our football team.

"With added facilities more Indian students would become involved if they received more individual attention. Our main job, as I see it, is to re-instill pride in the Indians.

"We cover a land area in excess of 190 square miles. We are near the large Escanaba School system (170 square miles with over 5,000 students).

"There is no other direction for growth to expand but into the Bark River-Harris School System."

In Summary

"At present we have one small gym for physical education classes for the entire school district K–12 (769 students). The gym is occupied every hour of the school day. Many of the 7–12 grade students do not take gym because they are unable to schedule it. We are unable to provide the required physical and health classes because of the limited space. With additional facilities we would provide classes and other activities for all our school children and adults.

"We need additional classroom space to expand our curriculum courses on Indian Culture Handicraft, Indian Language and other courses of interest to all students.

"We need office space for our counselors (Indian and School). Office space for our consultants in remedial reading and special education, space for our community director, and conference rooms.

"By having the additional facilities we would be able to provide for courses and other activities that Indians would become interested, also would participate in community functions.

"The present facility is adequate for 600 students. The district has been growing steadily. We anticipate 900 or more students in the next five years, with approximately 10% Indians.

"Our present debt for building construction is $852,000; we are bonded to the maximum. Our district valuation is $4,800,000 and we levy a total of 20.2 mills for operation and debt retirement."

The need for a "liberal" interpretation of school construction aid requests is no better reflected than in the twentieth Annual Report of the Commissioner of Education pertaining to the Administration of Public Laws 81–874 and 81–815. In this report the Commissioner reviews recent congressional committee actions that support the changes in regulations affecting the Federal construction aid program operated under P.L. 81–815.

"As a result of changing educational needs, purposes and technology, and innovations occurring in elementary and secondary education, it is becoming common practice, particularly in larger school centers, to provide separate gymnasiums and separate auditoriums. During fiscal 1967, the definition of minimum school facilities in the Federal regulations was amended to permit the construction of such separate facilities with P.L. 81–815 funds where the size of pupil enrollment and curriculum requirements justify separate facilities. Further liberalization has resulted from the amendments enacted by P.L. 89–750, requiring applicants to consider excellence of architecture and design of any building constructed with the use of Federal funds by authorizing an amount not to exceed 1 percent of the project grant for incorporation of works of art in building plans, and by requiring that all facilities constructed with the use of Federal funds be made accesible to and usable by handicapped persons.

"When P.L. 90–247 was under consideration, the congressional committees included in the reports on the bill a statement giving the legislative history of the 'minimum school facilities' concept, and recommending the establishment of a more up-to-date concept of minimum school facilities than was included when the law was enacted in 1950 and amended in 1953. The report expressed the view that while the concept has served a useful purpose in the law and should be retained to prevent unnecessary or unwise expenditure of Federal funds, it needs to be modernized to fit the current trends in educational programs, techniques, and purposes; and that, with new devices for instruction becoming more widely used minimum school facilities should include, in addition to regular classrooms, special rooms for speech therapy, remedial reading, music appreciation, language laboratories, electronic data processing, and other facilities and equipment necessary for and useful in conducting special programs or activities for educationally deprived children. The report suggested further that the criterion to be used in approving features in buildings or other specialized facilities should be the need of them in the school program operated by the applicant school district; that is within the concept of minimum facilities to use Federal funds, particularly under subsections 14(a) and 14(b) in appropriate situations for construction of consolidated school facilities when small districts are merged, or to replace small isolated, inadequate buildings with modern facilities, even though the district may have enough classroom space to house all of the children. Also, considerable leeway may be exercised in determining what constitutes minimum school facilities in specific situations in consultation with the State education agency.

"A school district may have sufficient classroom space to accommodate the children in membership in its schools, but not have the minimum school facilities needed to conduct an adequate school program. In such cases, Federal funds under the Act may be approved as indicated above for the construction of the needed minimum facilities, such as library, administrative space, kitchen and cafeteria, or other noncapacity facilities."

It is of special interest to note that 40 of the 119 high school districts reporting, specifically identified the need for new or expanded vocational shop buildings as a major district need.

CONSTRUCTION AID NEEDED NOW

The survey forms provided the option of projecting construction aid needs for one to five years as against the facilities that are needed now.

Based on the reports the overwhelming need for Federal assistance is now. Only fourteen (14) of the 162 districts reported a portion of their needs projected within five (5) years. The cost estimate of projected needs is $6,839,652.

IS THE P.L. 815 PROGRAM ADEQUATE?

Each superintendent was asked "If P.L. 815, as presently operated, was adequately funded, do you believe your needed funds could be secured under this federal aid program?"

The responses were:

67—Yes—representing $141,266,215 or 72% of computed need total.

95—No—representing $45,453,340 or 28% of computed need total.

There are many reasons for the no responses. Many superintendents are not aware of the "liberalization" of what constitutes "minimum school facilities" provided under P.L. 815 as a result of the Congressional committee report accompanying P.L. 90–247. Other superintendents advised that while they might expect some funds under P.L. 815, they felt the amount would be insufficient to meet their needs.

Probably the main reason for the no responses is the fact that P.L. 815 counts only children whose parents actually live or work on the reservation trust land. This eliminates many Indian children who live "near" the reservation trust lands for P.L. 815 construction aid purposes. The BIA counts all Indian children living on or near the reservation trust land for Johnson-O'Malley Act purposes. Hence the minor impact districts where the "on or near" problem exists, much favor a BIA authority to provide construction aid.

THE COST OF NEEDED FACILITIES

The cost of needed repairs and facilities is based on estimates submitted by the reporting districts. The basis of the cost estimates by category for the number of districts responding are:

Recent construction experience or architectural estimates	68
P.L. 815 cost data	49
Overall square feet	5
Other	40

The category "other" represents the least objective basis for the estimates. In general, they are guesses or what is referred to as "horseback estimates." Seventy-five (75%) percent of all estimates are considered to be valid.

SUMMARIES

Total cost estimates of the 162 reporting districts for all needed facilities is	$237,962,723
Total cost using all available local resources (principally unused bonding capacity) is	168,949,044
Total cost using one-half of the unused bonding capacity as a resource is	190,764,745

Other survey data by states, districts and impacts are shown in the Appendix.

LATE REPORTING DISTRICTS

The survey data of six (6) school districts (2 in Minnesota and 4 in New Mexico) were received too late to be included in the computer totals on which the tables in this report are based. Notwithstanding basic information concerning the needs in these districts is shown in a table in the Appendix. Another school district (Red Lake, Minnesota) upgraded their original construction aid need estimate by $4,087,936 too late to be included in the computed total. The addition of these districts increases the computed need total by $12,933,515.

TRIBALLY OPERATED SCHOOLS

Some tribes operate schools under a BIA contract. The needs in these schools were not considered as a part of this public school survey. However, one such school, the Wyoming Indian High School, expects to become a public high school within 5 years. Needs data on this school are shown in the Appendix.

DISTRICTS NOT NEEDING FEDERAL CONSTRUCTION AID

Eighty-six (86) districts in seventeen states (17) reported no Federal construction aid is needed. Some have received prior Federal grants but most of the districts cited local bonding efforts as the primary reason for the adequacy of their school facilities. The identification of the districts and the reasons given for *no construction aid* needed is shown in the Appendix.

PRIORITIES

The most difficult part of the study is determining an objective priority measurement. The difficulty is trying to equate the needs between the schools when the problems and reasons for the problems are so different. Some schools need facilities due to rapid increases in enrollment; and others due to old, wornout, unsafe and already condemned structures. Still others may have adequate classroom space but desperately need a cafeteria, library, vocational shops, home economics laboratories, other auxiliary space and especially teacherages in the vast isolated areas that characterize much of Indian country.

The difficulty of equating needs between schools on a priority basis is multiplied when such variables as the following are considered:

(1) The ratio of Indian children to non-Indians in the total school enrollment;

(2) The ability of school districts to finance needed facilities based on unused bonding capacity or the taxable valuation behind each child (the latter varies greatly in comparison with state averages for similar type districts); and

(3) The unusual situations mostly affecting large county-wide districts with major Indian impacts centered in one or more of the schools operated by the district.

The paramount principle in the development of priorities is the extent of assumed Federal responsibility to meet or share in providing for the needs of Indian children. It is on a similar principle that the priority indexes have been developed and used in administering construction aid assistance to fderally-affected areas under P.L. 815 as amended.

The priority index under the P.L. 815 program is based on the sum of the ratio (%) of federally affected children to the total school membership and the ratio (%) of the number of unhoused children to the adequately housed children computed to the end of the four (4) year increase period. However, the ratio (%) of the unhoused to housed children cannot exceed the ratio (%) of the federally-affected children to the total school membership. The above procedure is applied to each school district except in those instances, like the situations in Nevada, where the attendance units have been determined to be a more practical base.

For purposes of this study the P.L. 815 priority index method has been adopted by substituting Indian children for federally affected children in the application of the priority index formula.

Based on the construction aid needs of the public schools reporting, the priority index for each district, beginning at the highest, is suggested and shown in the table on the following pages. The computed need totals (also shown) have not been adjusted to reflect a more realistic computed need for the unusual Indian impact districts such as the Nevada situation.

District	State	Priority index	Computed need
Santee C-5	Nebraska	200	$877, 251
Heart Butte No. 1	Montana	194	1, 987, 171
Frazer No. 2 and No. 2B	do	164	1, 000, 208
Hays and Lodge Pole	do	164	2, 772, 729
St. Mary's	Alaska	160	217, 750
Arapaho No. 38	Wyoming	155	80, 000
Indian Oasis No. 40	Arizona	149	4, 809, 606
Ganado No. 19	do	144	4, 174, 040
Kayenta No. 27	do	143	1, 715, 000
Chinle No. 24	do	142	11, 205, 494
Pelican	Alaska	140	526, 205
Brockton No. 55	Montana	140	1, 261, 588
Tuba City Elementary No. 15	Arizona	139	13, 605, 548
Nett Lake No. 707	Minnesota	138	147, 060
Red Lake No. 38	do	138	986, 910
Incheliem No. 7	Washington	138	99, 952
Taholah No. 77	do	137	790, 949
Lame Deer No. 6	Montana	135	462, 000
Mineral County	Nevada	135	0
Lodge Grass No. 27	Montana	134	2, 262, 652
Browning No. 9	do	133	14, 687, 681
Pryor	do	132	210, 485
Whiteriver Elementary No. 20	Arizona	132	3, 705, 408
Sacaton No. 18	do	130	1, 268, 301
Babb No. 8	Montana	130	150, 237
Alchesay High School No. 2	Arizona	128	2, 523, 924
Monument Valley High School	do	128	185, 000
Dulce Indept. No. 1	New Mexico	127	200, 000
Central Consolidated	do	125	506, 562
Window Rock No. 8	Arizona	120	750, 000
St. John No. 3	North Dakota	120	2, 502, 932
Ryal D3	Oklahoma	115	184, 600
Shannon County Independent No. 1	South Dakota	114	105, 300
Box Elder No. 36	Montana	111	34, 552
Ft. Washakie No. 21	Wyoming	109	46, 605
Stony Point	Oklahoma	109	13, 488
Hulbert No. 17	do	109	0
Puerco No. 18	Arizona	107	605, 000
Dahlonegah No. 29	Oklahoma	106	465
Magdalena No. 12	New Mexico	105	471, 600
Bernalillo No. 1	do	105	773, 000
Moccasin No. 10	Arizona	104	100, 764
Gallup-McKinley	New Mexico	104	33, 110, 714
Powhattan No. 150	Kansas	102	386, 135
Waubay	South Dakota	101	4, 419, 200
Jefferson County No. 509J	Oregon	100	231, 400
Edgar High School No. 4	Montana	100	828, 322
Tenkiller No. 66	Oklahoma	100	141, 000
Craig City	Alaska	98	1, 971, 294
Hardin	Montana	98	0
Elko County	Nevada	97	0
Wolf No. 13	Oklahoma	96	38, 433
Greasy School No. 72	do	95	24, 428
Bell No. 33	do	95	377, 385
Smee Independent No. 4	South Dakota	95	267, 837
Wellpinit No. 49	Washington	94	188, 852
Harlem No. 12	Montana	93	581, 554
Klawock City	Alaska	93	65, 000
Cape Flattery	Washington	93	0
Humboldt County	Nevada	90	0
Eight Mile No. 6	North Dakota	90	388, 000
Kenwood D-30	Oklahoma	90	31, 150
Justice D-54	do	90	0
Elmo No. 20	Montana	88	180, 385
San Juan	Utah	86	1, 200, 000
Hoonah	Alaska	85	60, 080
Dunseith No. 1	North Dakota	84	846, 000
Todd County Independent	South Dakota	84	361, 772
White River Independent No. 29	do	83	486, 463
Mt. Adams No. 209	Washington	82	1, 114, 138
Nespelem No. 14	do	81	0
Nome	Alaska	80	2, 233, 073
Winnebago	Nebraska	80	171, 065
Oaks Mission	Oklahoma	80	144, 000
Churchill County	Nevada	80	113, 500
Boone D-56	Oklahoma	80	40
Mill Creek Elementary No. 14	Wyoming	80	313, 000
Rocky Mountain D-24	Oklahoma	79	12, 746
Poplar No. 9	Montana	78	300, 000
Graham No. 32	Oklahoma	76	0
Castle No. 19	do	76	12, 655
Shady Grove	do	73	12, 200
Pleasant Grove	Oklahoma	71	$35, 000
Oakville	Washington	70	182, 593
Smithville	Oklahoma	70	165, 000
Kodiac Island Borough	Alaska	66	400, 000
Nome-Beltz Regional	do	65	3, 500, 000
Grand View No. 34	Oklahoma	65	14, 000
Kamsax I-3	do	64	237, 000
Maryetta No. 22	do	64	17, 654
Salina I-16	do	63	255, 796
Page No. 8	Arizona	63	0
New Town No. 1	North Dakota	61	63, 532
Mary Walker No. 207	Washington	61	336, 000
Wrangell	Alaska	59	1, 925, 000
Parker No. 27	Arizona	58	1, 156, 436
Wickliffe D-35	Oklahoma	57	18, 615
Spavinaw D-21	do	56	0
San Pasqual Valley Unified	California	54	0
Nenama City	Alaska	53	275, 418
Indiahoma No. 2	Oklahoma	53	30, 000
Cottonwood D-4	do	52	0
St. Ignatius	Montana	52	438, 204
Fillmore D-34	Oklahoma	50	100, 000
Andes Central Independent No. 103	South Dakota	50	0
Curlew No. 50	Washington	48	610, 000
Anadarko I-17	Oklahoma	46	122, 295
Stilwall I-25	do	44	452, 000
Haines Borough	Alaska	44	709, 557
Marysville No. 25	Washington	44	0
Bark River-Harris	Michigan	43	265, 000
Mayetta-Hoyt No. 337	Kansas	43	860, 000
Sisseton Independent	South Dakota	40	3, 331, 720
Baraga Township	Michigan	39	7
Gila Bend Elementary and High School	Arizona	38	258, 916
West River No. 18	South Dakota	38	0
Brimley 17-140	Michigan	37	224, 034
Hammon Independent	Oklahoma	37	0
Bayfield Junction No. 1	Wisconsin	36	0
Carnegie ISD 33	Oklahoma	35	391, 518
Browler Junction No. 1	Wisconsin	34	0
Port Angeles	Washington	34	0
Cusick No. 59	do	34	206, 867
Walthill No. 13	Nebraska	30	0
Wind River No. 6	Wyoming	30	0
Canton Public Schools	Oklahoma	29	290, 806
Round Valley Unified	California	28	0
Wolf Point No. 45	Montana	28	0
Grand Coulee Dam No. 301-J	Washington	26	0
North Beach No. 64	do	26	0
Indian Camp D-23	Oklahoma	25	0
Quinault No. 97	Washington	22	0
Hood Canal No. 404	do	20	0
Charlo No. 7	Montana	20	245, 000
Quillayute Valley No. 402	Washington	20	0
Lakeland Union High School	Wisconsin	20	0
Carson City	Nevada	20	1, 855, 548
Ronan	Montana	18	417, 023
Wilmot Independent	South Dakota	18	1, 720, 000
Summit No. 19	do	17	61, 315
Winner Independ. No. 110	do	16	21, 449
Princeton Junction Unified	California	16	0
Tama Community	Iowa	14	0
Park Rapids No. 309	Minnesota	14	0
Toppenish	Washington	12	0
Bishop Elementary	California	12	0
Lyon County	Nevada	12	6, 400, 000
L'amse Township	Michigan	11	0
Watonga Independent	Oklahoma	11	124, 585
Hot Springs No. 14J	Montana	10	262, 000
Valley Center Union	California	10	141, 247
Umatilla County No. 16R	Oregon	8	0
Wisconsin Dell Jr. No. 1	Wisconsin	8	0
Pocatello No. 25	Idaho	6	1, 496, 060
Mountain Empire Unified	California	6	0
Nye County	Nevada	5	0
Brewster No. 11	Washington	5	164, 000
Sunnyside No. 12	Arizona	4	1, 263, 682
Bellingham	Washington	3	0
Thurston No. 3	do	2	0
Clark County	Nevada	1	0
Total			163, 949, 044

RECOMMENDATIONS: DISCUSSION OF ALTERNATIVES

Using data assembled, various alternatives were evaluated in the search for procedures or policies that would best set forth and present for Congressional action, the problem of the construction needs surveyed by this study. These alternatives are listed and discussed under numerical headings for the purpose of identification only with no significance to be placed upon the order of presentation. Every method analyzed will be ineffective if Federal funding is inadequate; however, at any given level of appropriation, it is believed the comments pertain.

1. Continue the existing presentation of public school construction needs to the Department of H.E.W. under the present P.L. 81–815 authorizations and procedures.

This process would provide, in one request, all the public school construction estimates to meet Federal impacts as defined in the law. Information gathered indicates the authorization, generally, would cover the needs involving Indian children recognizing the Department of H.E.W. is empowered to meet special organizational, isolation, or financial anomalies by variations from general policy guidelines when deemed appropriate. Objections to this procedure are that Indian projects, under Section 14, have been assigned a lower priority compared with other Federal impacts. The lack of funding has prevented H.E.W. from making use of their discretionary authorities to give Indian needs under Section 14, special attention.

2. Rely, as in the past, on (a) Congressional interest to provide additions to the BIA budget, of construction projects advocated by public school districts, and on, (b) the insertion, by BIA in its annual budget, as has been undertaken for Alaska, of projects to be transferred to the public schools upon completion.

This process, in light of minimum P.L. 81–815 funding and expenditure limitations, has been effective in meeting Indian needs. Objections to this process are that it fragments the Government's evaluation of construction aid to public schools; that it is based more on expediency than reasoned priority allocation to needs; that it deviates from accepted Congressional legislative and appropriative processes and is, therefore, subject to a parliamentary "point of order". The construction and immediate transfer of BIA facilities to public schools, as in Alaska, although involving important and pressing Indian education problems, might be considered of questionable legislative authority.

3. Seek legislation authorizing the inclusion, in the BIA budget, of funds to construct facilities for public schools educating Indian children, said projects to be developed either as financial grants to the public schools for construction or by the erection of such facilities by BIA construction procedures with transfer of titles to the public schools immediately upon building completion.

This process would consolidate all Federal funding for Indian educational purposes under one budget item and allow for thorough Congressional evaluation and action. It would permit the exercise of judgment in selecting the means of construction to best meet factors such as isolation, size of project, land ownership, and BIA or local construction capabilities. Objections to this process are that it splinters Federal treatment of public school impact situations; that it injects public school needs into the BIA budget; that it requires some duplication of evaluation effort with that used by HEW for all other public school construction aid projects under P.L. 81–815; that the Indian right to a free public school education could be compromised by involving BIA in both advocating Indian rights to schooling and in providing school facilities; and that for the last ten (10) years, budget allocations to Indian school construction have been only 50% of that needed if known Federal school needs are to be met in the next ten (10) years.

4. Continue present P.L. 81–815 authorizations and procedures using the data contained in this study to secure Administration or Congressional committee support to increase the present informal allocation of P.L. 81–815 funds so that Section 14 projects could receive at least a 50% share of each annual appropriation.

This process would retain the established, and it is believed, effective procedures of H.E.W. in determining priorities, meeting exceptional situations, supervising design and construction of public school projects and would, according to the evaluations of this report, more nearly comply with the National policy toward our Indian citizens. It does not require legislative action. It can be developed by H.E.W. or through Congressional Committees on Education. This would retain Federal Assistance to public schools under one appropriation authority; would avoid duplication of staff supervising the allocation of funds, approval of projects and construction of buildings; and would utilize a process that is widely known and understood by public school administrators. It would centralize all public school requests at one agency for a more rational evaluation of priorities; would permit executive decisions on budgetary allowances for public school impacts; and would permit the channelling of all constituent requests to one Committee in each branch of the Congress. Objections to this procedure are that, while Indian program priorities have received much publicity, they have not been too vigorously supported under Section 14 of P.L. 81–815. Other schools and Federal agencies, benefiting by the other sections of P.L. 81–815, relating principally to non-Indians, will have to be convinced of the National determination to implement the stated policy for Indians.

One other dimension to P.L. 81–815 route for meeting all public school construction aid needs related to Federal impacts, is the fact that H.E.W. for P.L. 81–815 purposes counts only children whose parents live or work on Federal properties (as defined in the law) while the BIA counts Indian children who live "on or near" reservations for program eligibility purposes. In application of the "on or near" principle, the BIA, in most state plans, counts all Indian children residing in the districts encompassing reservation tax-free lands for JOM Act program purposes. The desirability of uniform eligibility requirements seems apparent. Whether or not the P.L. 81–815 regulations could be changed by administrative action to achieve uniform eligibility requirements between H.E.W. and the Interior Department is not known.

5. Seek legislative authority for the BIA to construct school facilities for elementary public schools in the State of Alaska without impairing the right of such schools to seek funds under P.L. 81–815.

This process would provide for the particular problems associated with Alaska as a new state; with the developing borough organization of their public school districts; with the problems of small schools in isolated locations; and with the lack of local construction capability. It would assist the State in its willingness to assume responsibility for educating Native citizens and, as a general rule, would involve relatively small installations. Objections to this procedure are the continued involvement of BIA in public school construction; the fragmentation of presenting public school impact needs to Congress; and the duplication of staff effort.

RECOMMENDATIONS—A SUGGESTED POLICY GUIDE

In fullest consideration of all factors compiled in this study that are inherent in the development of broad national policy, it is recommended;

1. That, the Bureau of Indian Affairs, in its contact relationships with the higher echelons of the Administration and the Committees of Congress, recommend that the present program under P. L. 815, as amended, be continued as the most logical way to meet the acute construction aid needs of Indian and other Federally impacted public school districts with the important modification that the allocation of funds to Section 14 be increased to 50% of all available funds;

Discussion: This can be done by Administrative or Committee action without a change in the law.

2. That, the Bureau of Indian Affairs seek legislative authority to construct elementary school facilities for the public schools with large Native impacts in the State of Alaska without impairment of the right of such schools to seek funds under P. L. 815 as amended.

Discussion: This would regularize a policy the Bureau of Indian Affairs has been following for years; namely, of constructing needed facilities in native villages and then turning them over to the public schools for operation.

3. That, the Bureau of Indian Affairs seek broad legislative authority to provide grants to Indian impacted public schools for the construction of needed facilities in the event that P. L. 815 is not funded to a sufficient level to meet the acute backlog of needs identified in this study.

Discussion: This would provide standby authority to the BIA in recognition of the difficulties there might be in securing increased appropriations for the P. L. 815 program. BIA construction aid authority could be sought through changes in the Johnson-O'Malley Act or by separate legislative authority similar to that proposed by the Jackson Bill (S. 1017), 93rd Congress, on which hearings are being held at the time of this report. The amount of the grant to any individual district should be determined only after a sound engineering survey of needs and costs and after consideration of the extent that local potentially available resources can be considered realistically in determining the local share of a total project. The priority procedures suggested in this report should assist in establishing order of consideration of requests.

It should be recognized that all plans hinge upon increased appropriations for construction aid purposes.

The National Indian Training and Research Center has the supporting exhibits on file of the basic survey data submitted by public school district personnel.

District	Grades	Enrollment		5 yr. growth		District land Percent Indian	Valuation PP percent to State average	Estimated cost of facilities	Less local resources	Computed need
		Current	Percent Indian	Number	Percent					
Alaska:										
Craig City	KEH	161	70	72	45	[1] NA	26	$2,000,000	$28,706	$1,971,294
Haines Borough	KEH	474	24	65	16	[1] NA	[1] NA	2,233,770	1,514,213	709,557
Hoonah	KEH	284	85	0	0	[1] NA	14	250,000	189,920	60,080
Klawock City	E	64	97	0	0	[1] NA	18	90,000	25,000	65,000
Kodiack Island Borough	KEH	2,361	33	444	23	[1] NA	28	400,000	0	400,000
Nenana City	KEH	230	52	16	7	[1] NA	34	350,000	74,582	275,418
Nome	KEH	555	80	0	0	[1] NA	33	2,500,000	266,927	2,233,073
Nome-Beltz Regional	H	366	80	212	13	[1] NA	[1] NA	3,500,000	0	3,500,000
Pelican	KEH	41	61	16	64	[1] NA	50	650,000	123,795	526,205
St. Marys	KEH	113	98	101	84	[1] NA	6	250,000	32,250	217,750
Wrangell	KEH	616	35	116	23	[1] NA	[1] NA	2,750,000	825,000	1,925,000
Total		5,265	47	848	19			14,963,770		11,883,377
Arizona:										
Alchesay High School No. 2	H	326	80	97	42	100	11	2,601,152	77,228	2,523,924
Chinle No. 24	KEH	3,418	86	1,533	81	99	35	12,000,000	794,506	11,205,494
Ganado No. 19	KEH	1,698	85	453	36	99	53	4,180,427	6,387	4,174,040
Gila Bend	KEH	816	13	64	9	2	58	1,000,000	741,084	258,916
Indian Oasis No. 40	KEH	1,022	95	423	71	100	5	4,834,100	24,494	4,809,606
Kayenta No. 27	KE	1,050	90	375	56	98	43	1,750,000	35,000	1,715,000
Moccasin No. 10	KE	18	55	0	0	36	82	120,000	19,236	100,764
Monument Valley	H	506	87	278	122	98	45	600,000	415,000	185,000
Page No. 8	KEH	2,036	25	1,233	153	98	90	1,500,000	1,800,000	0
Parker No. 27	KE	1,275	29	233	21	50	78	1,302,646	146,210	1,156,436
Puerco No. 18	KE	714	70	188	38	56	106	850,000	220,000	650,000
Sacaton No. 18	KE	868	99	520	149	96	18	1,400,000	131,699	1,268,301
Sunnyside No. 12	KEH	9,833	2	3,683	60	37	46	3,150,000	1,886,318	1,263,682
Tuba City No. 15	KE	1,711	90	817	91	99	15	13,678,170	72,622	13,605,548
Whiteriver Elementary No. 20	E	1,295	91	262	25	100	7	3,782,636	77,228	3,705,408
Window Rock No. 8	KEH	2,562	86	413	19	99	21	750,000	0	750,000
Total		29,148	46	10,562	56			53,499,131		47,372,119
California:										
Bishop Elementary	E	1,561	12	111	8	1	151	300,000	1,656,417	0
Mountain Empure Unified	KEH	1,015	3	164	19	6	190	1,600,000	2,000,000	0
Princeton Junction Unified	KEH	340	9	10	3	1	296	600,000	1,800,000	0
Round Valley Unified	KEH	394	28	43	12	4	160	409,073	879,351	0
San Pasqual Valley	KEH	662	47	43	7	8	87	200,000	492,411	0
Valley Center Union	KE	739	6	310	75	6	250	1,250,000	1,108,753	141,247
Total		4,711	15	681	16			4,359,073		141,247
Idaho: Pocatello No. 25	EH	11,966	3	0	0	47	64	6,000,000	4,503,940	1,496,060
Iowa: Tama	KEH	2,573	8	217	9	1	82	300,000	3,491,168	0
Kansas:										
Mayetta-Hoyt No. 337	KEH	752	16	2	1	12	45	860,000	0	860,000
Powhatton No. 510	KEH	245	43	30	14	30	202	—750,000	363,865	386,135
Total		997	22	32	3			1,610,000		1,246,135
Michigan:										
Bark River-Harris	KEH	769	9	126	20	3	35	265,000	0	265,000
Baraga Township	KEH	788	15	138	21	11	39	110,000	730,500	0
Brimley No. 17-140	KEH	542	25	46	9	2	53	399,500	175,466	224,034
L'Anse Township	KEH	1,107	11	0	0	11	70	364,000	1,825,000	0
Total		3,206	13	220	7			1,138,500		489,034
Minnesota:										
Nett Lake No. 707	KEH	91	98	0	0	100	1	150,000	2,940	147,060
Park Rapids No. 309	KEH	2,300	7	293	15	1	81	425,000	425,000	0
Red Lake No. 38	KEH	905	99	170	23	99	1	1,000,000	13,090	986,910
Total		3,296	34	426	14			5,662,936		5,221,906
Montana:										
Babb	KE	77	91	7	10	71	[1] NA	300,000	149,763	150,237
Box Elder	KEH	275	86	65	30	33	42	100,000	56,448	34,552
Brockton	KEH	215	98	46	27	49	42	1,297,000	35,412	1,261,588
Browning	KEH	2,165	80	307	17	69	26	14,687,681	0	14,687,681
Charlo	KEH	300	10	0	0	26	65	300,000	55,000	245,000
Edgar	KEH	69	43	5	8	0	80	1,000,000	171,678	828,322
Elmo	KE	48	88	19	65	50	109	200,000	19,615	180,385
Frazer	KEH	205	79	4	2	35	[1] NA	1,120,000	119,792	1,000,208
Hardin	KEH	1,255	36	0	0	43	125	750,000	1,147,843	0
Harlem	KEH	420	57	70	20	55	108	1,000,000	418,446	581,554
Hays and Lodge Pole	KEH	230	99	0	0	96	6	2,788,825	16,096	2,772,729
Heart Butte	KE	196	96	20	11	95	(1)	2,146,400	12,829	1,987,171
Hot Springs	KEH	372	10	8	2	0	87	262,000	0	262,000
Lame Deer	KE	350	85	41	13	98	29	500,000	38,000	462,000
Lodge Grass	KEH	525	69	0	0	48	50	3,200,000	937,348	2,262,652
Poplar	KE	705	62	0	0	49	96	800,000	500,000	300,000
Pryor	KE	70	100	18	36	48	142	300,000	89,515	210,485
Ronan	KEH	1,252	10	119	11	47	84	1,000,000	582,977	417,023
St. Ignacius	KEH	645	27	106	20	46	69	592,240	154,036	438,204
Wolf Point	KEH	1,203	23	0	0	49	101	350,000	754,437	0
Total		10,577	50	295	2			32,695,146		28,237,191
Nebraska:										
Santee No. c-5	KEH	48	100	32	200	16	9	900,000	22,749	877,251
Walthill	KEH	385	15	0	0	21	71	50,000	321,705	0
Winnebago	KEH	324	71	0	0	46	28	300,000	128,935	171,065
Total		757	44	49	6			1,250,000		1,048,316

Footnotes at end of table.

District	Grades	Enrollment		5 yr. growth		District land Percent Indian	Valuation PP percent to State average	Estimated cost of facilities	Less local resources	Computed need
		Current	Percent Indian	Number	Percent					
Nevada:										
Carson City	KEH	5,215	10	1,544	42	1	62	$4,000,000	$2,144,451	$1,855,548
Churchill County	KEH	3,014	6	590	24	2	68	4,500,000	4,386,500	113,500
Clark County	KEH	75,800	1	0	0	1	103	110,000	101,486,042	0
Elko County	KEH	4,052	8	43	1	2	131	400,000	7,463,119	0
Humboldt	KEH	1,756	10	26	2	5	115	243,000	2,955,571	0
Lyon County	KEH	2,574	6	485	23	4	140	12,149,183	5,749,183	6,400,000
Mineral County	KEH	1,783	13	375	27	12	32	412,500	1,500,000	0
Nye County	E	771	4	138	15	5	211	225,000	2,877,300	0
Total		94,965	2	0	0			22,039,683		8,369,048
New Mexico:										
Bernalillo No. 1	KEH	2,835	50	250	9	55	31	1,133,000	360,000	773,000
Central Consolidated	KEH	5,109	83	1,630	46	97	171	2,080,000	1,573,438	506,562
Dulce Independent No. 1	KEH	698	81	80	12	80	197	800,000	600,000	200,000
Gallup-McKinley No. 1	KEH	13,008	63	2,368	22	83	60	33,643,091	532,377	33,110,714
Magdalena No. 12	KEH	644	56	30	5	5	65	501,600	30,000	471,600
Total		22,294	66	4,358	24			38,157,691		35,061,876
North Dakota:										
Dunseith No. 1	KEH	761	65	88	13	13	10	875,000	29,000	846,000
Eight Mile School No. 6	KEH	178	44	38	27	3	52	750,000	362,000	388,000
New Town No. 1	KEH	803	46	129	18	5	30	114,532	51,000	63,532
St. Johns No. 3	KEH	300	50	18	6	62	10	2,538,500	35,568	2,502,932
Total		2,042	55	268	15			4,278,032		3,800,464
Oklahoma:										
Anadarko I-13	KEH	2,139	31	0	0	23	47	130,000	7,705	122,295
Bell No. 33	KE	267	75	29	12	70	6	355,000	17,615	377,385
Boone No. d-56	KE	71	75	1	2	70	133	40,000	39,960	40
Canton	KEH	472	29	64	16	12	146	750,000	459,194	290,806
Carnegie ISD-33	KEH	885	34	8	1	26	71	800,000	408,482	391,510
Castle No. 19	KE	91	40	17	23	11	54	22,000	9,345	12,658
Cottonwood D-4	E	78	27	28	56	1	10	10,000	49,337	5
Dahlonegah No. 29	KE	109	86	2	2	66	21	16,000	15,535	460
Fillmore D-34	KE	76	30	0	0	30	39	111,765	11,765	100,005
Graham I-32	KEH	212	47	22	12	16	40	48,000	58,616	0
Grand View No. 34	KE	314	34	148	89	7	38	40,000	26,000	14,000
Greasy No. 32	KE	254	74	67	36	50	17	50,000	25,572	24,428
Hammon Independent No. 66	KEH	297	38	0	0	4	170	125,000	316,950	0
Hulbert No. 17	KE	218	66	0	0	5	11	8,000	16,800	0
Indiahoma No. 2	KEH	259	32	2	1	16	69	103,000	73,000	30,000
Indian Camp D-23	KE	77	32	7	10	5	466	40,000	199,905	0
Justice D-54	KE	73	85	0	0	60	87	25,000	35,264	0
Kansas I-3	KE H	645	38	28	5	20	21	250,000	13,000	237,000
Kenwood D-30	KE	89	85	21	31	90	10	37,000	5,850	31,150
Marble City D-35	KE	210	54	46	28	3	48	80,000	45,000	35,000
Maryetta No. 22	KE	217	50	94	76	25	10	50,000	32,346	17,654
Oaks Mission	H	469	51	99	27	5	7	150,000	6,000	144,000
Pleasant Grove I-5	KEH	259	38	22	9	16	4	98,000	63,000	35,000
Ryal D-3	KE	71	59	0	0	50	33	200,000	15,400	184,600
Rocky Mountain D-24	KE	114	43	3	3	13	18	23,800	11,054	12,746
Salina I-16	KEH	775	35	76	11	36	20	258,796	3,000	255,796
Shady Grove No. 26	KE	85	30	1	1	6	28	30,000	17,800	12,200
Smithville	KEH	461	32	227	97	5	41	170,000	50,000	165,000
Spavinaw D-21	E	112	31	0	0	3	90	18,000	54,995	0
Stillwell I-25	KEH	1,367	32	115	9	5	28	655,000	203,000	452,000
Stony Point	KE	76	42	21	38	15	140	42,000	28,512	13,488
Tenkiller No. 66	KE	214	50	100	88	5	33	250,000	109,000	141,000
Watonga Independent	KEH	1,116	11	15	1	1	91	144,000	19,415	124,585
Wickliffe D-35	KE	57	50	0	0	64	50	30,000	11,385	18,615
Wolf Independent No. 13	KE	70	40	0	0	5	113	93,000	54,576	38,433
Total		12,299	37	758	6			5,255,361		3,241,859
Oregon:										
Jefferson City No. 509-J	KEH	2,213	30	105	5	10	280	231,400	0	231,400
Umatilla County	KEH	3,775	4	0	0	15	[1] NA	600,000	11,800,000	0
Total		5,988	13	171	2			831,400		231,400
South Dakota:										
Andes Central Independent No. 103	KEH	603	19	4	1	6	78	700,000	913,642	0
Todd County Independent	KEH	1,947	61	330	20	70	37	1,160,000	1,298,228	361,772
Shannon City Independent No. 1	KEH	1,397	91	362	35	83	24	725,000	619,700	105,300
Sisseton Independent No. 1	KEH	1,652	32	31	2	12	58	4,500,000	1,168,280	3,331,720
Smee Independent No. 5	KEH	201	95	0	0	79	3	347,000	79,168	267,837
Summit Independent No. 19	KEH	248	15	11	5	1	102	75,000	13,685	61,315
Waubay Independent No. 184	KEH	512	27	0	0	21	71	5,075,000	655,800	4,419,200
West River No. 18	KEH	631	21	19	8	33	140	300,000	1,491,786	0
White River Independent No. 29	KEH	448	44	31	7	36	116	1,500,000	1,014,537	486,463
Wilmot Independent No. 2	KEH	458	18	0	0	11	112	2,400,000	680,000	1,720,000
Winner Independent No. 110	KEH	1,745	8	352	25	8	133	35,000	13,551	21,449
Total		9,842	40	1,443	17			17,317,000		10,775,056
Utah: San Juan	KEH	2,713	46	398	17	25	285	3,000,000	1,810,000	1,200,000
Washington:										
Bellingham	KEH	8,694	3	0	0	2	75	2,875,000	9,075,000	0
Brewster	KEH	580	7	55	10	18	109	750,000	586,000	164,000
Cape Flattery No. 401	KEH	649	36	0	0	11	135	1,525,000	2,017,967	0
Curlew	KEH	186	22	16	9	17	75	900,000	290,000	610,000
Cusick	KEH	355	17	9	3	2	74	500,000	293,133	206,867
Grand Coulee	KEH	1,515	13	690	84	0	23	500,000	1,457,000	0
Hood Canal	KE	424	18	79	23	15	257	200,000	1,300,000	0
Inchelium No. 70	KEH	188	76	0	0	100	63	350,000	251,048	99,952
Marysville	KEH	5,632	5	977	21	17	67	800,000	1,565,000	0
Mary Walker	KEH	453	14	210	86	11	54	1,450,000	1,114,000	336,000
Mount Adams No. 209	KEH	977	51	0	0	100	55	2,052,000	937,862	1,114,138
Nespelem No. 14	KE	178	83	0	0	99	37	10,000	127,957	0
North Beach	KEH	720	12	11	2	9	357	240,000	5,322,000	0
Oaksville No. 400	KEH	373	28	42	12	13	85	840,000	647,407	182,593
Port Angeles	KEH	4,870	5	0	0	1	90	3,500,000	9,328,936	0
Ruillayute Valley	KEH	1,400	10	75	6	1	91	1,000,000	2,443,809	0

District	Grades	Enrollment		5 yr growth		District land Percent Indian	Valuation PP percent to State average	Estimated cost of facilities	Less local resources	Computed need
		Current	Percent Indian	Number	Percent					
Taholah No. 77	KE	159	96	6	4	72	136	$860, 000	$69, 051	$790, 949
Thurston	KEH	6, 874	1	774	13	6	50	150, 000	6, 300, 000	0
Toppenish	KEH	2, 891	12	56	2	80	44	1, 175, 000	1, 841, 044	0
Quinalt	KEH	420	7	20	5	11	116	900, 000	995, 000	0
Wellpinit No. 49	KEH	195	89	10	5	90	24	250, 000	61, 148	188, 852
Total		37, 734	8	2, 342	6			20, 827, 000		3, 693, 351
Wisconsin:										
Bayfield Joint No. 1	KEH	506	18	117	30	8	28	100, 000	101, 448	0
Bowler Joint No. 1	KEH	598	22	0	0	13	44	700, 000	837, 910	0
Lakeland Union High School	H	748	10	174	23	9	199	500, 000	9, 084, 000	0
Wisconsin Dells Joint No. 1	KEH	1, 660	4	152	10	1	92	2, 200, 000	7, 751, 429	0
Total		3, 512	10	436	14			3, 500, 000		0
Wyoming:										
Arapaho No. 38	KEH	240	80	2	1	100	20	100, 000	20, 000	80, 000
Fort Washakie No. 21	KEH	244	91	0	0	100	116	325, 000	278, 395	46, 605
Mill Creek Elementary No. 14	KE	370	80	3	1	100	41	355, 000	42, 000	313, 000
Wind River No. 6	KEH	430	20	30	8	50	188	500, 000	583, 393	0
Total		1, 284	61	1	0			1, 280, 000		439, 605
Grand total		265, 169	22	21, 884	9			237, 963, 723		163, 949, 044

[1] Not available.

District	Estimated cost of facilities	Less ½ local resources	Need (computed)
Alaska:			
Craig City	$2, 000, 000	$14, 353	$1, 985, 647
Haines Borough	2, 233, 770	757, 107	1, 476, 663
Hoonah	250, 000	94, 960	155, 040
Klawock City	90, 000	12, 500	77, 500
Kodiack Island Borough	400, 000		400, 000
Nenana City	350, 000	37, 291	312, 709
Nome	2, 500, 000	133, 464	2, 366, 536
**Nome-Beltz Regional	3, 500, 000	0	3, 500, 000
Pelican	650, 000	61, 898	588, 102
St. Marys	250, 000	16, 125	233, 875
Wrangell	2, 750, 000	412, 500	2, 337, 500
Total	14, 963, 770		13, 433, 572
Arizona:			
Alchesay H.S. No. 2	2, 601, 152	38, 614	2, 562, 538
Chinle No. 24	12, 000, 000	397, 253	11, 602, 747
Ganado No. 19	4, 180, 427	3, 194	4, 177, 233
Gila Bend	1, 000, 000	370, 542	629, 458
Indian Oasis No. 40	4, 834, 100	12, 247	4, 821, 853
Kayenta No. 27	1, 750, 000	17, 500	1, 732, 500
Moccasin No. 10	120, 000	9, 618	110, 382
Monument Valley	600, 000	207, 500	392, 500
Page No. 8	1, 500, 000	900, 000	600, 000
Parker No. 27	1, 302, 646	73, 105	1, 229, 541
Puerco No. 18	850, 000	110, 000	740, 000
Sacaton No. 18	1, 400, 000	65, 850	1, 334, 150
Sunnyside No. 12	3, 150, 000	943, 159	2, 206, 841
Tuba City No. 15	13, 678, 170	36, 311	13, 641, 859
Whiteriver Elem No. 20	3, 782, 636	38, 614	3, 744, 022
Window Rock No. 8	750, 000	0	750, 000
Total	53, 499, 131		50, 275, 624
California:			
Bishop Elementary	300, 000	828, 209	0
Mountain Empure Unified	1, 600, 000	1, 000, 000	600, 000
Princeton Junction Unified	600, 000	900, 000	0
Round Valley Unified	409, 073	439, 676	0
San Pasqual Valley	200, 000	246, 206	0
Valley Center Union	1, 250, 000	554, 377	695, 623
Total	4, 359, 073		1, 295, 623
Idaho: Pocatello No. 25 (total)	6, 000, 000	2, 251, 970	3, 748, 030
Iowa: Tama	300, 000	745, 584	0
Kansas:			
Mayetta-Hoyt No. 337	860, 000	0	860, 000
Powhatton No. 510	750, 000	181, 933	568, 067
Total	1, 610, 000		1, 428, 067
Michigan:			
Bark River-Harris	265, 000	0	265, 000
Baraga Township	110, 000	365, 250	0
Brimley No. 17-140	399, 500	877, 330	311, 767
L'Anse Township	364, 000	912, 500	0
Total	1, 138, 500		576, 767
Minnesota:			
Nett Lake No. 707	150, 000	1, 470	148, 530
Park Rapids No. 309	425, 000	212, 500	212, 500
Red Lake No. 38	1, 000, 000	6, 545	993, 455
Total	5, 662, 936		1, 354, 485

District	Estimated cost of facilities	Less ½ local resources	Need (computed)
Montana:			
Babb	$300, 000	$74, 882	$225, 118
Box Elder	100, 000	32, 724	67, 276
Brockton	1, 297, 000	17, 706	1, 279, 294
Browning	14, 687, 681	0	14, 687, 681
Charlo	300, 000	27, 500	272, 500
Edgar	1, 000, 000	85, 839	914, 161
Elmo	200, 000	9, 808	190, 192
Frazer	1, 120, 000	59, 896	1, 060, 104
Hardin	750, 000	573, 992	176, 078
Harlem	1, 000, 000	209, 223	790, 777
Hays and Lodge Pole	2, 788, 825	8, 048	2, 780, 777
Heart Butte	2, 146, 400	6, 415	2, 139, 985
Hot Springs	262, 000	0	262, 000
Lame Deer	500, 000	19, 000	481, 000
Lodge Grass	3, 200, 000	468, 674	2, 731, 326
Poplar	800, 000	250, 000	550, 000
Pryor	300, 000	44, 758	255, 242
Ronan	1, 000, 000	291, 489	708, 511
St. Ignacius	592, 240	77, 018	515, 222
Wolf Point	350, 000	377, 219	0
Total	32, 694, 146		30, 087, 244
Nebraska:			
Santee No. C-5	900, 000	11, 375	888, 625
Walthill	50, 000	160, 852	0
Winnebago	300, 000	64, 468	235, 532
Total	1, 250, 000		1, 124, 157
Nevada:			
Carson City	4, 000, 000	1, 072, 226	2, 927, 774
Churchill County	4, 500, 000	2, 193, 250	2, 306, 750
Clark County	110, 000	50, 743, 020	0
Elko County	400, 000	3, 731, 560	0
Humboldt	243, 000	1, 477, 786	0
Lyon County	12, 149, 183	2, 874, 592	9, 274, 591
Mineral County	412, 500	750, 000	0
Nye County	225, 000	1, 438, 650	0
Total	22, 039, 683		14, 509, 115
New Mexico:			
Bernalillo No. 1	1, 133, 000	180, 000	953, 000
Central Consolidated	2, 080, 000	786, 719	1, 293, 281
Dulce Independent No. 1	800, 000	300, 000	500, 000
Gallup-McKinley No. 1	33, 643, 091	266, 189	33, 376, 902
Magdalena No. 12	501, 600	15, 000	486, 600
Total	38, 157, 691		36, 609, 783
North Dakota:			
Dunseith No. 1	875, 000	14, 500	860, 500
Eight Mile School No. 6	750, 000	181, 000	569, 000
New Town No. 1	114, 532	25, 500	89, 032
St. Johns No. 3	2, 537, 500	17, 784	2, 520, 716
Total	4, 278, 032		4, 039, 248
Oklahoma:			
Anadarko I-13	130, 000	3, 853	126, 147
Bell No. 33	355, 000	8, 808	346, 192
Boone No. D-56	40, 000	19, 980	20, 020
Canton	750, 000	229, 597	520, 403
Carnegie ISD-33	800, 000	204, 241	595, 759
Castle No. 19	22, 000	4, 673	17, 327
Cottonwood D-4	10, 000	24, 669	0

District	Estimated cost of facilities	Less ⅙ local resources	Need (computed)
Oklahoma—Continued			
Dahlonegah No. 29	$16, 000	$7, 768	$8. 232
Fillmore D-34	111, 765	5, 883	105, 882
Graham I-32	48, 000	29, 308	18, 692
Grand View No. 34	40, 000	13, 000	27. 000
Greasy No. 32	50, 000	12, 786	37, 214
Harmon Independent No. 66	125, 000	158, 475	0
Hulbert No. 17	8, 000	8, 400	0
Indiahoma No. 2	103, 000	36, 500	66, 500
Indian Camp D-23	40, 000	99, 953	0
Justice D-54	25, 000	17, 632	7, 368
Kansas I-3	250, 000	6, 500	243, 500
Kenwood D-30	37, 000	2, 925	34, 075
Marble City D-35	80, 000	22, 500	57, 500
Maryetta No. 22	50, 000	16, 173	33, 827
Oaks Mission	150, 000	3, 000	147, 000
Pleasant Grove I-5	98, 000	31, 500	66, 500
Ryal D-3	200, 000	7, 700	192, 300
Rocky Mountain D-24	23, 800	5, 527	18, 273
Salina I-16	258, 796	1, 500	257, 296
Shady Grove No. 26	30, 000	8, 900	21, 100
Smithville	170, 000	25, 000	145, 000
Spavinaw D-21	18, 000	27, 498	0
Stillwell I-25	655, 000	101, 500	553, 500
Stony Point	42, 000	14, 256	27, 744
Tenkiller No. 66	250, 000	54, 500	195, 500
Watonga Independent	144, 000	9, 708	134, 292
Wickliffe D-35	30, 000	5, 693	24, 307
Wolf Independent No. 13	93, 000	27, 288	65, 712
Total	5, 255, 361		4, 114, 162
Oregon:			
Jefferson City No. 509-J	231, 400	0	231, 400
Umatilla County	600, 000	5, 900, 000	0
Total	831, 400		231, 400
South Dakota:			
Andes Central Independent No. 103	700, 000	456, 821	243, 179
Todd County Independent	1, 160, 000	649, 114	5, 108, 860
Shannon City Independent No. 1	725, 000	309, 850	415, 150
Sisseton Independent No. 1	4, 500, 000	584, 140	3, 915, 860
Smee Independent No. 5	347, 000	39, 584	307, 416
Summit Independent No. 19	75, 000	6, 843	68, 157
Waubay Independent No. 184	5, 075, 000	327, 900	4, 747, 100
West River No. 18	300, 000	745, 893	0
White River Independent No. 29	1, 500, 000	507, 269	992, 731
Wilmot Independent No. 2	$2, 400, 000	$340, 000	$2, 060, 000
Winner Independent No. 110	35, 000	6, 776	28, 224
Total	17, 317, 000		17, 886, 677
Utah: San Juan (total)	3, 000, 000	905, 000	2, 095, 000
Washington:			
Bellingham	2, 875, 000	4, 537, 500	0
Brewster	750, 000	293, 000	457, 000
Cape Flattery No. 401	1, 525, 000	1, 008, 984	516, 016
Curlew	900, 000	145, 000	755, 000
Cusick	500, 000	146, 567	353, 433
Grand Coulee	500, 000	728, 500	0
Hood Canal	200, 000	650, 000	0
Inchelium No. 70	350, 000	125, 524	224, 476
Marysville	800, 000	782, 500	17, 500
Mary Walker	1, 450, 000	557, 000	893, 000
Mount Adams No. 209	2, 052, 000	468, 931	1, 581, 069
Nespelem No. 14	10, 000	63, 979	0
North Beach	240, 000	2, 661, 000	0
Oaksville No. 400	840, 000	323, 704	516, 296
Port Angeles	3, 500, 000	4, 664, 648	0
Quillayute Valley	1, 000, 000	1, 221, 905	0
Taholah No. 77	860, 000	34, 526	825, 474
Thurston	150, 000	3, 150, 000	0
Toppenish	1, 175, 000	920, 522	254, 478
Quinalt	900, 000	497, 500	402, 500
Wellpinit No. 49	250, 000	30, 574	219, 426
Total	20, 827, 000		7, 015, 668
Wisconsin:			
Bayfield Jt. No. 1	100, 000	50, 724	49, 276
Bowler Jt. No. 1	700, 000	418, 955	281, 045
Lakeland Union H.S.	500, 000	4, 542, 000	0
Wisconsin Dells Jt. No. 1	2, 200, 000	3, 875, 715	0
Total	3, 500, 000		330, 321
Wyoming:			
Arspaho No. 38	100, 000	10, 000	90, 000
Fort Washakie No. 21	325, 000	139, 198	185, 802
Mill Creek Elem. No. 14	355, 000	21, 000	334, 000
Wind River No. 6	500, 000	583, 393	0
Total	1, 280, 000		609, 802
Grand total	237, 963, 723		190, 764, 745

COMPUTED NEEDS OF STATES BY IMPACT

State	Major	Heavy	Minor	Unusual
Alaska	$8, 848, 820	$1, 925, 000	$1, 109, 557	0
Arizona	44, 693, 085	0	2, 679, 034	0
California	0	0	141, 247	0
Idaho	0	0	1, 496, 060	0
Iowa	0	0	0	0
Kansas	0	386, 135	860, 000	0
Michigan	0	0	489, 034	0
Minnesota	5, 221, 906	0	0	0
Montana	26, 047, 642	828, 322	1, 362, 227	0
Nebraska	1, 048, 316	0	0	0
Nevada	0	0	0	$8, 369, 048
New Mexico	$35, 061, 876	0	0	0
North Dakota	3, 348, 932	$451, 532	0	0
Oklahoma	934, 337	1, 010, 636	$1, 296, 886	0
Oregon	0	0	231, 400	0
South Dakota	734, 909	3, 818, 183	1, 802, 764	$4, 419, 200
Utah	0	1, 200, 000	0	0
Washington	2, 193, 891	0	1, 316, 867	182, 593
Wisconsin	0	0	0	0
Wyoming	439, 605	0	0	0
Total	128, 573, 319	9, 619, 808	12, 785, 076	12, 970, 841

WYOMING INDIAN HIGH SCHOOL,
Ethete, Wyoming, January 18, 1973.

NATIONAL INDIAN TRAINING AND RESEARCH CENTER,
Tempe, Ariz.

Attention: Francis McKinley, Executive Director

Enclosed are estimates for our building needs. We are not a public school yet, but we are involved in redistricting Fremont County, Wyoming, under the State law.

The State committee have recommended that the Reservation have a district and we hope to start operating a Public High School within the next 4–5 years.

We are operating a high school funded by the Bureau of Indian Affairs on year to year basis, until a public high school can be created.

We have some buildings now, but are not adequate for us to gain accreditation and are still working for more facilities so we can offer our Indian Students Facilities needed to fulfull their educational needs to live in the modern society.

Sincerely,

AL REDMAN, *Project Director.*

Enclosures.

Table on the Wyoming Indian high school (Ethete, Wy.) Current enrollment data: 86 (100% Indian):

Total cost estimate	$1, 075, 000
Less available resources	0
Total computed need	1, 075, 000

PERTINENT DATA CONCERNING LATE REPORTING DISTRICTS

District	Enrollment		Estimated costs	Available resources	Computed need	Priority index
	Current	(percent Indian)				
Minnesota:						
Independence No. 115	935	36	$1, 272, 000	$53, 421	$1, 218, 579	70
Independence No. 576	775	5	2, 300, 000	1, 220, 000	1, 080, 000	10
Red Lake[1]					4, 087, 936	
New Mexico:						
Espanola No. 45	5, 927	6	2, 072, 000	850, 000	1, 222, 000	12
Grants No. 3	4, 929	21	2, 100, 000	225, 000	1, 825, 000	44
Los Lumas No. 1	3, 450	9	1, 750, 000	280, 000	1, 500, 000	20
Ruidosa	910	7	2, 500, 000	500, 000	3, 000, 000	28
Total			11, 994, 000		12, 933, 515	

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[1] Upgraded original need estimated.

	162 districts	Plus total needs of 7 late reporting districts
Cost—estimate	$237, 963, 723	$254, 045, 659
Computed need (less available resources)	163, 949, 044	276, 882, 559
Computed need (less ½ available resources)	190, 764, 745	296, 401, 892

Note: The survey data of the 6 late reporting districts and the 1 district upgrading its original need estimate affect the total construction aid needs as shown in the table.

DISTRICTS IN STATES REPORTING NO CONSTRUCTION AID NEEDED

State	Number of State districts reporting	Needs met by local taxpayers	Needs met by prior Public Law 815 grants
Alaska	8	8	2
Arizona	12	12	5
California	6	6	2
Colorado	2	2	2
Idaho	1	1	1
Michigan	1	1	0
Minnesota	13	13	0
Montana	3	3	0
Nebraska	1	1	0
Nevada	1	1	1
New Mexico	3	3	2
North Dakota	1	1	1
Oklahoma	8	8	5
South Dakota	5	5	1
Washington	10	10	2
Wisconsin	9	9	1
Wyoming	2	2	1
Total	86	86	26

NATIONAL INDIAN TRAINING AND RESEARCH CENTER,
Temple, Ariz., February 28, 1973.

DEAR SUPERINTENDENT OF SCHOOLS: The U.S. Congress, through the Bureau of Indian Affairs, has authorized a survey of the construction needs of public schools enrolling Indian children and which are eligible for certain Federal funding. We are pleased to advise you of our being chosen to make this survey.

Our survey design is developed primarily to present your needs and your recommendations in a comprehensive report along with other school superintendents in the 23-state area. If you have or expect to have (within 5 years), construction aid needs related to the education of Indian children, please complete the brief questionnaire schedules in the attached forms. If no construction aids are anticipated (within 5 years) in your district, we would appreciate very much your completing the last page of this questionnaire.

Please complete at your earliest convenience and return to your State Department of Education unless otherwise instructed by personnel from that office. Hopefully, we can receive your report of needs by April 1, 1973.

If the terminology used in these forms is different from that used in your state, please adapt our form to conform to your state terminology. We are thinking particularly of ADA vs. ADM or ANB, assessed valuation vs. taxable valuation in some states.

Please feel free to call us about any questions you may have concerning the survey. To better serve your interest, we solicit your timely assistance and cooperation.

Sincerely yours,

FRANCIS MCKINLEY, *Executive Director*.

Enclosures.

CONSTRUCTION AID SURVEY OF PUBLIC SCHOOLS ENROLLING INDIAN CHILDREN

Basic Data Schedule:

State:

School District: (Give legal name & number):

Mailing Address:

Telephone Number:

Grades taught. (circle) K 1 2 3 4 5 6 7 8 9 10 11 12.

Enrollment, current year (1972–73):

Total (all students).

Total (JOM Indians).

Percent Indian.

(Use total district enrollment. If unusual Indian impacts exist in certain attendance units of district explain on back of page).

Enrollment, projected for year 1977–78:

Total (all students).

Total (JOM Indians).

Percent Indian.

(Based on growth pattern or other known factors. If other factors explain on back of page).

Ability to finance needed construction:

Land area size of district (acres or sq. miles).

Indian-owned non-taxable land in district (acres or sq. miles).

Percent Indian land in district.

Total amount of assessed valuation in district.

Assessed valuation per child in ADA or ADM.

State average assessed valuation per child (ADA or ADM).

Percent above or below State average.

(For valuation data use prior year published data for similar type districts. If information not available, leave blank for State personnel to complete).

Bonding Capacity:

Amount allowed by State law (actual and 1 yr. anticipated).

Present bonded indebtedness (actual and 1 yr. anticipated).

Unused bonding capacity (actual and 1 yr. anticipated).

Does the State have a construction aid program? Yes; No.

If yes, what is expected for your district?

Effort to finance education:

Total district levy last year (1971–72) (mills or amount per $100 valuation).

Total levy current year (1972–73) (mills or amount per $100 valuation).

Name and Title of Person Completing Forms:

Name:

Title:

Date:

CONSTRUCTION AID NEEDS

Several construction units may be included in a single project. Use an additional page for each separate project.

Project: (Briefly describe each construction unit needed in Project).

Type of construction: (Check all that apply).

New facility.

Expansion of existing facility.

Remodeling.

Other (Specify):

When needed:

Now?

Within years?

Funding Requirement: $———.

Amounts available:

By cash on hand $———.

Bonds (authorized, not sold) $———.

Unused bonding capacity $———.

Other (list) $———.

Total available $———.

Justification of Construction Aid Needs (See Note below).

To house expanded enrollment.

To replace temporary buildings.

To meet health and safety standards.

To develop housing for new and innovative programs.

Will enable District to enroll ——— children now in Federal boarding schools.

Other (specify):

Note: If you already have a brochure of a plan that portrays your construction needs, we would greatly appreciate a copy.

Comments on Justification:

Note: To assist us in the development of priority tables, it is necessary to complete the following:

Total estimated membership of all children (as of end of increase period—1977–78):

(Less) Total normal capacity (of usable or available school facilities):

Total number of unhoused children:

FUNDING POSSIBILITIES AND RECOMMENDATIONS

If PL 815, as presently operated, was adequately funded, do you believe your needed funds could be secured under this Federal Aid program? Yes; No.

Comment:

If PL 815 was amended or altered, do you believe your construction aid need could be then met under PL 815?

Yes—How Amended:

No—Why not:

In addition to PL 815, some school districts, on occasion, have had their critical needs met by special requests to the Congress for inclusion of construction funds in the regular BIA budget. In other instances impact needs have been met by transfer of surplus BIA facilities to the school district under JOM Act authorities. In your opinion, do these latter methods (or a combination with PL 815) provide a better means of meeting your requirements?

Comment:

Or is there some new approach through new Federal legislation that you would recommend to meet justifiable Indian impact requirements.

Comment:

(If more space is needed, use back of page.)

TO BE COMPLETED ONLY BY THOSE SCHOOLS NOT NEEDING FEDERAL CONSTRUCTION AID

The school construction needs in our district have been met by: (Check all that apply)

Local taxpayers through bonding programs.

State construction aid.

Prior PL 815 grants.

The B.I.A. through transfer of surplus buildings; through construction grants designated by the Congress.

Other (specify):

CONSTRUCTION AID SURVEY OF PUBLIC SCHOOLS ENROLLING INDIAN CHILDREN

Supplemental basic data schedule (from State education records)
School district (name and number)

ENROLLMENT DATA (FOR PAST 5 YEARS)

School year	Total (all)	JOM Indians	Percent Indians	Growth rate (percent)
1967–68				
1968–69				
1969–70				
1970–71				
1971–72				

EFFORT TO FINANCE EDUCATION (USE STATE AVERAGE FOR SIMILAR TYPE DISTRICTS)

School year	Tota levy	State average	Above or below State average
1967–68			
1968–69			
1969–70			
1970–71			
1971–72			

Comments by State personnel (especially comments that would assist us in assigning priorities)

Person completing questionnaire:
(Name)
(Title)

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. Hughes). Is there further morning business? If not, morning business is concluded.

QUORUM CALL

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1974—CONFERENCE REPORT

Mr. PASTORE. Mr. President, while I am waiting for our counterpart on the Subcommittee on Appropriations for the Departments of State, Justice, Commerce, and the judiciary, I think that we can indulge in some preliminaries which I think will be agreed to by the other side without any objection.

Therefore at this time, Mr. President, I submit a report of the committee of conference on H.R. 8916, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Hughes). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies, for the fiscal year ending June 30, 1974, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in House proceedings of the Congressional Record of November 8, 1973, at page H9720.)

Mr. PASTORE. Mr. President, I would like to point out briefly the major changes from the Senate-passed bill, but before doing so, I ask unanimous consent that a tabulation of the fiscal year 1973 appropriations and the House, Senate, and conference committee allowances for fiscal year 1974 be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PASTORE. Mr. President, the act making appropriations for the Departments of State, Justice, Commerce, the judiciary, and related agencies, as it passed the Senate, provided a total of $4,459,478,250 in new obligational authority, which sum was a reduction of $63,422,750 below the revised budget estimates.

The conference committee's recommendation provides a total of $4,466,012,000 in new obligational authority. This is an increase of $6,533,750 to the Senate allowance and is $313,066,000 over the House allowance. The conference total represents a reduction—and this is important, Mr. President—of $56,889,000 under the revised budget estimates totalling $4,522,901,000, which sum included $267,821,000 in budget amendments which came directly to the Senate and were not considered by the House.

Mr. President, I would like to now briefly point out the major changes from the Senate-passed bill.

DEPARTMENT OF STATE

For the Department of State, the conferees agreed on a total of $618,599,000, which amount is $12,076,250 above the Senate bill, $22,988,000 above the House allowance, and $14,491,000 below the budget. The Senate considered $24,000,000 in budget amendments not presented to the House.

For salaries and expenses, the conferees recommend $302,800,000, which sum is the Senate allowance and is $1,597,000 below the budget estimate, but is $20,300,000 above the House. Of the total approved, $19,700,000 was contained in budget amendments not considered by the House to combat terrorist activities against American personnel abroad. Increases for the same purposes were also approved in the appropriation accounts for acquisition, operations, and maintenance of buildings abroad—foreign currency account, $100,000 and missions to international organizations, $200,000. This $300,000 was also contained in budget amendments not considered by the House.

For contributions to international organizations, the conference committee recommends $200,000,000, which sum is $14,642,250 above the Senate bill and is a reduction of $2,287,000 below the budget estimate and House allowance. The reduction is to be applied to the U.S. contribution to the International Labor Organization.

For international conferences and contingencies, the recommendation totals $4,500,000, which sum is $300,000 below the Senate allowance, is $686,000 below the budget estimate, and is the House allowance.

For the mutual educational and cultural exchange activities, the committee of the conference recommends $49,800,000 which is $2,000,000 below the Senate bill, $2,000,000 above the House allowance, and $4,250,000 below the budget estimate.

For the Center for Cultural and Technical Interchange, the conferees recommend $6,700,000, which sum is $160,000 below the Senate allowance and budget estimate, and is $200,000 above the House allowance.

The conferees agreed to delete, without prejudice, Senate amendment No. 15 expressing the sense of the Senate with regard to the treatment of minorities in the Soviet Union.

DEPARTMENT OF JUSTICE

For the Department of Justice, the committee on the conference agreed to a total of $1,842,262,000, which amount is $2,000,000 below the Senate bill, $18,562,000 below the revised budget estimate, and $34,150,000 above the House allowance. With regard to the Senate increase over the House, $24,475,000 was contained in budget amendments submitted directly to the Senate and not considered by the House.

The committee on the conference approved the funding for the new Drug Enforcement Administration and a new Narcotics Division as requested in the budget amendments and approved by the Senate.

For the Antitrust Division, the conferees recommend $13,019,000, the budget estimate and House allowance, and $1,000,000 below the Senate allowance,

For the Community Relations Service, the committee of conference recommends $2,818,000, the budget estimate and House allowance of $1,000,000 below the Senate allowance.

With regard to the Federal Bureau of Investigation, the conferees agreed to delete the language added by the Senate—amendment No. 21—regarding the exchange of identification records with officials of the federally chartered or insured banking institutions and officials of State and local governments for purposes of employment and licensing, where State law so requires.

The House conferees took the position that with the exception of the proviso governing the exchange of arrest records, to which they would not agree, the balance of the Senate language as contained in the fiscal 1973 Appropriation Act (Public Law 92–544) was permanent legislation. The conferees understand that this matter is before the Judiciary Committees of the House and Senate and urge expeditious consideration thereof.

For the Law Enforcement Assistance Administration, the committee of conference recommends a total of $870,675,000, the Senate allowance, an increase of $4,675,000 in the House allowance and $15,449,000 below the budget estimate.

Under general provisions, Department of Justice, the conferees agreed to delete a proviso—amendment No. 26—added by the Senate with regard to the anual reimbursement to the Treasury from funds available to the District of Columbia to cover a portion of the cost of U.S. attorneys and U.S. marshals performing services for the District.

DEPARTMENT OF COMMERCE

For the Department of Commerce, the committee of the conference recommends a total of $1,223,578,000, which amount is $4,274,000 below the Senate bill, $12,586,000 above the revised budget estimate, and $261,774,000 above the House allowance. With regard to the Senate increase over the House allowance, $217,446,000 in budget amendments were submitted to the Senate and not considered by the House.

For the programs of the Economic Development Administration, the committee of the conference recommends $203,000,000, the total of the Senate allowance and budget amendments, submitted to the Senate and not considered by the House. Also approved was the Senate proviso prohibiting the phaseout or discontinuance of EDA programs, including the regional action planning commissions.

For the regional action planning commissions, the conferees recommend $42,000,000, the sum contained in the Senate-passed bill. This item was not considered by the House.

For the Social and Economic Statistics Administration, the committee of conference recommends $17,800,000, which is the amount contained in the Senate bill, is an increase of $3,000,000 over the House allowance, and is a reduction of $9,340,000 in the revised budget estimate. The Senate increase provides $1,800,000 for a survey of the population requested by the Treasury Department in connection with the distribution of general revenue sharing and $1,200,000 in new obligational authority to initiate a census of agriculture.

For the Domestic and International Business Administration, the conference recommends $49,000,000, the Senate allowance, which is $848,000 under the budget estimate and $500,000 over the House.

For the National Oceanic and Atmospheric Administration, the committee of conference agreed on a total of $353,642,000 for this agency, or a reduction of $4,274,000 in the Senate bill of $357,916,000. The conference agreement is distributed as follows:

First. For operations, research, and facilities, $341,642,000, an increase over the House allowance of $1,274,000.

Second. For coastal zone management, the recommendation is $12,000,000, a reduction of $3,000,000 below the Senate recommendation of $15,000,000. The House did not consider this item.

THE JUDICIARY

For representation by court-appointed counsel and operation of defender organizations, the conferees recommend a total of $16,500,000, which sum is $1,000,000 below the Senate bill and $1,000,000 above the House allowance.

For court-appointed counsel in the District of Columbia, the conferees recommend $1,000,000, a reduction of $1,000,000 below the Senate amendment and an increase in the same amount over the House. The conferees agreed that further funding for this activity will be chargeable to the District of Columbia.

RELATED AGENCIES

For the Arms Control and Disarmament Agency, the conferees recommend $7,735,000, a decrease of $200,000 in the Senate bill, an increase of $800,000 over the House, and which sum is the budget estimate. The $800,000 was contained in a budget amendment not considered by the House.

For the Commission on Civil Rights, the conferees recommend a total of $5,700,000, a reduction of $114,000 below the Senate allowance, $134,000 above the House allowance, and $114,000 below the budget estimate.

For the Commission on the Organization of the Government for the Conduct of Foreign Policy, the committee of conference recommends $1,050,000, which sum is $50,000 below the Senate allowance and was contained in a budget amendment of $1,100,000 not considered by the House. In addition, the conferees approved the Senate language to continue this appropriation available until June 30, 1975.

For the Equal Employment Opportunity Commission, the conferees recommend $43,000,000. This sum is a reduction of $3,934,000 in the Senate allowance, is $3,000,000 over the House allowance, and is $3,934,000 below the budget estimate. The conferees approved a limitation of $1,700,000 that can be used to contract with State and local agencies.

For the Marine Mammal Commission, the committee of conference recommends a total of $412,000, which sum is $413,000 below the Senate allowance and budget estimate and is the House allowance.

For the Tariff Commission, the conferees recommend a total of $7,100,000, which sum is $200,000 below the Senate allowance, $100,000 above the House allowance, and $200,000 below the budget estimate.

For the U.S. Information Agency, the conferees recommend a total of $207,414,000 which sum is $6,714,500 above the Senate allowance, is $12,008,000 below the House allowance, and is $24,440,000 below the budget estimate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974

TITLE I—DEPARTMENT OF STATE

[Note: All amounts are in the form of "appropriations" unless otherwise indicated]

Item (1)	New budget (obligational) authority fiscal year 1973 (enacted to date) [1] (2)	Budget estimates of new (obligational) authority fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	Conference action (6)
Administration of Foreign Affairs:					
Salaries and expenses	$269, 168, 500	$304, 397, 000	$282, 500, 000	$302, 800, 000	$302, 800, 000
Representation allowances	993, 000	1, 263, 000	1, 125, 000	1, 263, 000	1, 200, 000
Acquisition, operation, and maintenance of buildings abroad	30, 000, 000	23, 169, 000	21, 173, 000	21, 173, 000	21, 173, 000
Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)	6, 920, 000	5, 498, 000	5, 038, 000	5, 138, 000	5, 138, 000
Emergencies in the diplomatic and consular service	2, 100, 000	2, 100, 000	2, 100, 000	2, 100, 000	2, 100, 000
Payment to Foreign Service retirement and disability fund	3, 808, 000	2, 972, 000	2, 972, 000	2, 972, 000	2, 972, 000
Total, administration of foreign affairs	312, 989, 500	339, 399, 000	314, 908, 000	335, 446, 000	335, 383, 000
International Organizations and Conferences:					
Contributions to international organizations	185, 357, 750	202, 287, 000	202, 287, 000	185, 357, 750	200, 000, 000
Missions to international organizations	5, 242, 400	5, 734, 000	5, 525, 000	5, 725, 000	5, 725, 000
International conferences and contingencies	3, 650, 000	5, 186, 000	4, 500, 000	4, 800, 000	4, 500, 000
International trade negotiations		1, 743, 000	1, 500, 000	1, 743, 000	1, 700, 000
Total, international organizations and conferences	194, 250, 150	214, 950, 000	213, 812, 000	197, 625, 750	211, 925, 000
International Commissions:					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	4, 210, 000	4, 284, 000	4, 284, 000	4, 284, 000	4, 284, 000
Construction	20, 246, 000	6, 800, 000	3, 800, 000	3, 800, 000	3, 800, 000
American sections, international commissions	748, 000	990, 000	950, 000	950, 000	950, 000
International fisheries commissions	3, 292, 000	3, 517, 000	3, 517, 000	3, 517, 000	3, 517, 000
Total, international commissions	28, 496, 000	15, 591, 000	12, 551, 000	12, 551, 000	12, 551, 000
Educational Exchange:					
Mutual educational and cultural exchange activities	45, 250, 000	54, 050, 000	47, 800, 000	51, 800, 000	49, 800, 000
Center for cultural and technical interchange between East and West	6, 200, 000	6, 860, 000	6, 500, 000	6, 860, 000	6, 700, 000
Total, educational exchange	51, 450, 000	60, 910, 000	54, 300, 000	58, 660, 000	56, 500, 000
Other: Payment to International Center		2, 200, 000		2, 200, 000	2, 200, 000
Total, title I, Department of State	587, 185, 650	[2] 633, 050, 000	595, 571, 000	606, 482, 750	618, 559, 000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

TITLE II—DEPARTMENT OF JUSTICE

[Note: All amounts are in the form of "appropriations" unless otherwise indicated]

Item (1)	New budget (obligational) authority fiscal year 1973 (enacted to date)[1] (2)	Budget estimates of new (obligational) authority fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	Conference action (6)
Legal Activities and General Administration:					
Salaries and expenses, general administration	$14, 200, 000	$16, 427, 000	$19, 100, 000	$15, 834, 000	$15, 834, 000
Salaries and expenses, general legal activities	46, 800, 000	50, 253, 000	47, 200, 000	50, 111, 000	50, 111, 000
Salaries and expenses, Antitrust Division	12, 836, 000	13, 019, 000	13, 019, 000	14, 019, 000	13, 019, 000
Salaries and expenses, U S attorneys and marshals	93, 660, 000	99, 528, 000	99, 300, 000	99, 300, 000	99, 300, 000
Fees and expenses of witnesses	11, 000, 000	13, 000, 000	12, 500, 000	12, 500, 000	12, 500, 000
Salaries and expenses, Community Relations Service	6, 700, 000	2, 818, 000	2, 818, 000	3, 818, 000	2, 818, 000
Total, legal activities and general administration	185, 196, 000	195, 045, 000	193, 937, 000	195, 582, 000	193, 582, 000
Federal Bureau of Investigation: Salaries and expenses	358, 915, 000	366, 506, 000	366, 506, 000	366, 506, 000	366, 506, 000
Immigration and Naturalization Service: Salaries and expenses	137, 484, 000	139, 698, 000	139, 698, 000	139, 698, 000	139, 698, 000
Federal Prison System:					
Salaries and expenses, Bureau of Prisons	118, 317, 000	129, 021, 000	128, 271, 000	128, 271, 000	128, 271, 000
Buildings and facilities	42, 616, 000	14, 800, 000	14, 800, 000	14, 800, 000	14, 800, 000
Support of U.S. prisoners	19, 500, 000	22, 400, 000	21, 500, 000	21, 500, 000	21, 500, 000
Total, Federal prison system	180, 433, 000	166, 221, 000	164, 571, 000	164, 571, 000	164, 571, 000
Law Enforcement Assistance Administration: Salaries and expenses	841, 397, 000	886, 124, 000	866, 000, 000	870, 675, 000	870, 675, 000
Drug Enforcement Administration: Salaries and expenses		107, 230, 000		107, 230, 000	107, 230, 000
Bureau of Narcotics and Dangerous Drugs: Salaries and expenses	74, 653, 000		77, 400, 000		
Total, title II, Department of Justice	1, 778, 078, 000	[3] 1, 860, 824, 000	1, 808, 112, 000	1, 844, 262, 000	1, 842, 262, 000

TITLE III—DEPARTMENT OF COMMERCE

Item (1)	New budget (obligational) authority fiscal year 1973 (enacted to date)[1] (2)	Budget estimates of new (obligational) authority fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	Conference action (6)
General Administration:					
Salaries and expenses	$8, 064, 543	$8, 000, 000	$8, 000, 000	$8, 000, 000	$8, 000, 000
Administration of economic development assistance programs		21, 000, 000		19, 000, 000	19, 000, 000
Special foreign currency program	1, 400, 000	2, 940, 000	2, 940, 000	2, 940, 000	2, 940, 000
Total, General Administration	9, 464, 543	31, 940, 000	10, 940, 000	29, 940, 000	29, 940, 000
Social and Economic Statistics Administration:					
Salaries and expenses	34, 205, 000	38, 800, 000	38, 300, 000	38, 300, 000	38, 300, 000
Periodic censuses and programs	14, 579, 500	27, 140, 000	14, 800, 000	17, 800, 000	17, 800, 000
Total, Social and Economic Statistics Administration	48, 784, 500	65, 940, 000	53, 100, 000	56, 100, 000	56, 100, 000
Economic Development Administration:					
Development facilities	220, 000, 000	159, 000, 000		159, 000, 000	159, 000, 000
Industrial development loans and guarantees	50, 000, 000	5, 000, 000		5, 000, 000	5, 000, 000
Planning, technical assistance, and research	31, 468, 000	20, 000, 000		20, 000, 000	20, 000, 000
Operations and administration	24, 263, 000				
Total, Economic Development Administration	325, 731, 000	184, 000, 000		184, 000, 000	184, 000, 000
Reional Action Planning Commissions: Regional development programs	41, 672, 000	20, 000, 000		42, 000, 000	42, 000, 000
Domestic and International Business Administration:					
Salaries and expenses	47, 088, 900	49, 848, 000	48, 500, 000	49, 000, 000	49, 000, 000
Participation in U.S. expositions	11, 500, 000				
Total, Domestic and International Business Administration	58, 588, 900	49, 848, 000	48, 500, 000	49, 000, 000	49, 000, 000
Foreign Direct Investment Regulation: Salaries and expenses	2, 600, 000	2, 600, 000	2, 600, 000	2, 600, 000	2, 600, 000
Minority Business Enterprise: Minority business development	63, 934, 000	35, 231, 000	35, 231, 000	35, 231, 000	35, 231, 000
U.S. Travel Service: Salaries and expenses	9, 000, 000	9, 279, 000	9, 000, 000	9, 000, 000	9, 000, 000
National Oceanic and Atmospheric Administration:					
Operations, research and facilities	385, 430, 457	343, 089, 000	340, 368, 000	342, 916, 000	341, 642, 000
Coastal zone management		5, 000, 000		15, 000, 000	12, 000, 000
Administration of Pribilof Islands	3, 232, 000	3, 113, 000	3, 113, 000	3, 113, 000	3, 113, 000
Fishermen's Guaranty Fund	61, 000	61, 000	61, 000	61, 000	61, 000
Total, National Oceanic and Atmospheric Administration	388, 723, 457	351, 263, 000	343, 542, 000	361, 090, 000	356, 816, 000
Science and Technology: Scientific and technical research and services	145, 042, 100	130, 864, 000	129, 864, 000	129, 864, 000	129, 864, 00
Maritime Administration:					
Ship construction	455, 000, 000	275, 000, 000	275, 000, 000	275, 000, 000	275, 000, 000
Op erating-differential subsidies (appropriation to liquidate contract authority)	(232, 000, 000)	(221, 515, 000)	(221, 515, 000)	(221, 515, 000)	(221, 515, 000
Research and development	29, 000, 000	20, 000, 000	19, 000, 000	19, 000, 000	19, 000, 000
Operations and training	34, 534, 000	35, 027, 000	35, 027, 000	35, 027, 000	35, 027, 000
Total, Maritime Administration	518, 534, 000	330, 027, 000	329, 027, 000	329, 027, 000	329, 027, 000
Total, title III, Department of Commerce	1, 612, 074, 500	[4] 1, 210, 992, 000	961, 804, 000	1, 227, 852, 000	1, 223, 578, 000

TITLE IV—THE JUDICIARY

Item (1)	New budget (obligational) authority fiscal year 1973 (enacted to date)[1] (2)	Budget estimates of new (obligational) authority fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	Conference action (6)
Supreme Court of the United States:					
Salaries	$3,784,000	$3,964,000	$3,964,000	$3,964,000	$3,964,000
Printing and binding Supreme Court reports	416,000	515,000	515,000	515,000	515,000
Miscellaneous expenses	423,000	560,000	560,000	560,000	560,000
Automobile for the Chief Justice	14,600	15,000	15,000	15,000	15,000
Books for the Supreme Court	55,000	63,000	63,000	63,000	63,000
Care of the building and grounds	1,014,000	1,169,000	1,100,000	1,100,000	1,100,000
Total, Supreme Court of the United States	5,706,600	6,286,000	6,217,000	6,217,000	6,217,000
Court of Customs and Patent Appeals: Salaries and expenses	684,000	692,000	677,000	677,000	677,000
Customs Court: Salaries and expenses	2,341,000	2,341,000	2,341,000	2,341,000	2,341,000
Court of Claims: Salaries and expenses	2,139,000	2,154,000	2,154,000	2,154,000	2,154,000
Courts of appeals, district courts, and other judicial services:					
Salaries of judges	27,000,000	27,300,000	27,300,000	27,300,000	27,300,000
Salaries of supporting personnel	77,208,000	85,326,000	83,372,000	83,522,000	83,450,000
Representation by court-appointed counsel and operation of defender organizations	17,472,000	16,000,000	15,500,000	17,500,000	16,500,000
Fees of jurors	18,218,000	18,500,000	18,500,000	18,500,000	18,500,000
Travel and miscellaneous expenses	10,626,000	13,013,000	12,909,000	12,909,000	12,909,000
Administrative Office of the U.S. Courts	3,682,000	4,247,000	3,906,000	3,906,000	3,906,000
Salaries and expenses of U.S. magistrates	6,690,000	7,837,000	7,837,000	7,837,000	7,837,000
Salaries of referees (special fund)	6,755,000	6,991,000	6,991,000	6,991,000	6,991,000
Expenses of referees (special fund)	12,895,000	12,780,000	12,660,000	12,660,000	12,660,000
Commission on Revision of Federal Court Appellate System of the United States	255,000				
Total, courts of appeals, district courts, and other judicial services	180,802,000	191,994,000	188,975,000	191,125,000	190,053,000
Federal Judicial Center Salaries and expenses	1,541,000	2,062,000	2,000,000	2,000,000	2,000,000
Commission on Bankruptcy Laws of the United States Salaries and expenses (special fund)	426,000				
Total, title IV, the judiciary	193,642,600	205,529,000	202,364,000	204,514,000	203,442,000

TITLE V—RELATED AGENCIES

Item (1)	(2)	(3)	(4)	(5)	(6)
American Battle Monuments Commission: Salaries and expenses	$3,711,000	$3,800,000	$3,800,000	$3,800,000	$3,800,000
Arms Control and Disarmament Agency: Arms control and disarmament activities	10,000,000	[5] 7,735,000	6,935,000	7,935,000	7,735,000
Commission on American Shipbuilding: Salaries and expenses	550,000	205,000	205,000	205,000	205,000
Commission on Civil Rights: Salaries and expenses	4,943,000	5,814,000	5,566,000	5,814,000	5,700,000
Commission on the Organization of the Government for the Conduct of Foreign Policy: Salaries and expenses	200,000	[6] 1,100,000		1,100,000	1,050,000
Department of the Treasury, Bureau of Accounts: Fishermen's Protective Fund	3,000,000				
Equal Employment Opportunity Commission: Salaries and expenses	32,000,000	46,934,000	40,000,000	46,934,000	43,000,000
Federal Maritime Commission: Salaries and expenses	5,679,000	6,040,000	6,000,000	6,000,000	6,000,000
Foreign Claims Settlement Commission:					
Salaries and expenses	743,000	810,000	800,000	800,000	800,000
Payment of Vietnam and U.S.S. Pueblo prisoner of war claims	16,200,000				
Total, Foreign Claims Settlement Commission	16,943,000	810,000	800,000	800,000	800,000
International Radio Broadcasting: International broadcasting activities	39,670,100	49,934,000	45,000,000	45,000,000	45,000,000
Marine Mammal Commission: Salaries and expenses		825,000	412,000	825,000	412,000
National Commission for the Review of Federal and State Laws Relating to Wire-Tapping and Electronic Surveillance: Salaries and expenses		332,000	332,000	332,000	332,000
National Commission on Fire Prevention and Control: Salaries and expenses	450,000				
National Tourism Resources Review Commission: Salaries and expenses	400,000				
Small Business Administration:					
Salaries and expenses	22,560,000	22,300,000	22,150,000	22,150,000	22,150,000
Payment of participation sales insufficiencies	970,000	973,000	973,000	973,000	973,000
Business loan and investment fund	395,000,000	225,000,000	225,000,000	225,000,000	225,000,000
Disaster loan fund	1,855,000,000				
Total, Small Business Administration	2,273,530,000	248,273,000	248,123,000	248,123,000	248,123,000
Special Representative for Trade Negotiations: Salaries and expenses	1,014,000	1,550,000	1,500,000	1,500,000	1,500,000
Subversive Activities Control Board: Salaries and expenses	350,000				
Tariff Commission: Salaries and expenses	6,000,000	7,300,000	7,000,000	7,300,000	7,100,000
U.S Information Agency:					
Salaries and expenses	190,750,000	203,432,000	202,000,000	190,077,500	196,000,000
Salaries and expenses (special foreign currency program)	12,500,000	7,008,000	7,008,000	5,208,000	6,000,000
Special international exhibitions	5,061,000	4,336,000	4,336,000	4,336,000	4,336,000
Special international exhibitions (special foreign currency program)	357,000	78,000	78,000	78,000	78,000
Acquisition and construction of radio facilities	1,000,000	17,000,000	6,000,000	1,000,000	1,000,000
Total U.S. Information Agency	209,668,000	231,854,000	219,422,000	200,699,500	207,414,000
Total, title V, related agencies	2,608,113,100	612,506,000	585,095,000	576,367,500	578,171,000
Total, title I, II, III, IV, and V, new budget (obligational) authority—appropriations	6,779,093,850	4,522,901,000	4,152,946,000	4,459,478,250	4,466,012,000
Memoranda: Appropriations to liquidate contract authorizations	(232,000,000)	(221,515,000)	(221,515,000)	(221,515,000)	(221,515,000)
Total appropriations, including appropriations to liquidate contract authorizations	(7,011,093,850)	(4,744,416,000)	(4,374,461,000)	(4,680,993,250)	(4,687,527,000)

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[1] Includes amounts in 2d Supplemental Appropriation bill, 1973, Public Law 93-50.

[2] Includes $21,800,000 contained in S. Doc. 93-26 and $2,200,000 contained in H. Doc. 93-106 not considered by House.

[3] Includes net increase of $24,475,000 contained in H. Doc. 93-123 not considered by House.

[4] Following items included but not considered by House:

H. Doc. 93-124	$205,000,00
S. Doc. 93-30	$6,140,000
S. Doc. 93-23	1,306,000
S. Doc. 93-35	5,000,000

[5] Includes $800,000 contained in S. Doc. 93-26 not considered by House.

[6] Contained in S. Doc. 93-24 not considered by House.

Mr. PASTORE. Mr. President, I want to say that I am awaiting the arrival of the Senator from Nebraska (Mr. HRUSKA) so that I would be perfectly willing to answer any questions on this matter in the meantime.

Mr. JAVITS. I should like to direct the attention of the Senator from Rhode Island to amendment No. 5 entitled "Contributions to International Organizations." This title appropriates $200 million instead of $202,287,000 as proposed by the House and $185,357,750 as proposed by the Senate, thereby making a reduction of $2,287,000 from the budget request which was the amount appropriated by the House. The manager's report states specifically that this contribution shall be taken away from the International Labor Organization.

The ILO has a budget request with us of $8,709,300. Therefore, this is a 25-percent cut. As this is an organization which we have been associated with for 50 years—I believe it is at least that figure—and it is a tripartite organization—management, labor, and government—doing extraordinarily fine work throughout the world in labor matters especially in terms of labor conventions, endeavoring to elevate the standards of minimum compensation and conditions of work for workers throughout the world, I wonder whether the manager of the bill would be kind enough to tell us what his rationale is for the cut.

Mr. PASTORE. Mr. President, the House was adamant on this. I do not agree with it. We are pursuing it further and have been assured by the State Department that they are working on a budget estimate to be submitted in the next supplemental. I would hope, at that time, that we can restore the $2,287,000. I think it is an obligation that is owed by the U.S. Government. This is a good project. It promotes international liaison with reference to labor relations. It would be rather unfortunate if we sustained such a drastic cut.

I might say to my colleague from New York that I hope we can remedy that situation the next time.

Mr. JAVITS. I thank the Senator very much. It is also characteristic of the Senator from Rhode Island, whose deep understanding of labor matters in the United States and throughout the world has characterized his most distinguished service in the Senate throughout the years he has served here.

I should like to point out, as adding to the record, that we had a considerable "flap" about this matter of the International Labor Organization, which resulted in some kind of dug-in position by President Meany of the AFL–CIO. We went into arrears for a number of years to the great embarrassment of this country and the organization as well as the management, labor, and governmental delegates whom we send annually to the ILO.

That was cleared up finally, and we are now pretty much in balance. But, here we go again. So that I welcome, and, as I said, it is quite characteristic of the distinguished Senator from Rhode Island that he should have the deep feeling he does about this matter. I appreciate his assurances and I know that they will be carried out. I would only offer in every way my full advocacy and cooperation to the Senator from Rhode Island at the proper time.

Mr. PASTORE. I thank the Senator from New York. Now I yield to the Senator from Nebraska (Mr. HRUSKA).

Mr. HRUSKA. Mr. President, on balance, this conference report is a well-considered product and worthy of prompt approval by the Senate.

Some points in the conference report recur from year to year. One of them has just been mentioned by the Senator from New York (Mr. JAVITS). There is no setback in that program, no abridgment of any of its activities pending the consideration of the supplemental. Of course, the Senator from Rhode Island has already given the Senator from New York part of the background on it.

We have canvassed that ground time and again in past years, and in the years when the Senator from New York himself was a member of the Appropriations Committee. But I can assure him that the sentiment for that program and for its activities is firmly fixed, with a great deal of support and cooperation. Therefore, I am confident that there will be no setback or slowing down of the program.

Mr. JAVITS. I thank my colleague from Nebraska very much.

Mr. HRUSKA. I would like to take this opportunity to applaud the leadership of the distinguished Senator from Rhode Island (Mr. PASTORE) who is the chairman of the subcommittee which considered this measure in the Senate.

I can assure my colleagues that Mr. PASTORE and the other Senate conferees worked diligently with our counterparts from the House in producing this document.

I am generally satisfied with most of the provisions contained in the conference report. However, there are certain matters with which I am disappointed. A few of these deserve particular mention.

The Senate-passed bill provided language to cover certain problems relating to the exchange of identification records by the FBI. Identical language was contained in the appropriations bill last year with the addition of the word "hereafter." It was the position of the House that the addition of this word made the entire language regarding the use of FBI records permanent legislation and, therefore, that there was no need for similar language in the bill this year. There has been some difference of opinion on this matter.

Although this report reflects a consensus, it does not appear that any prejudice has been exhibited in the choice and decision of the conference committee on this point.

It should, however, spur the deletion of any language enacted without prejudice to the efforts of the Judiciary Committees of the House and Senate in considering general legislation which would cover this point on a permanent basis. We need that. An appropriation bill is not a proper vehicle for general legislation. I do hope that we can solve this matter at an early date.

The distinguished Senator from North Carolina (Mr. ERVIN) has been working on this type of legislation. The Senator from Nebraska has worked on such proposals in past Congresses.

We now hope to have hearings on this matter and resolve the issue. It will be particularly important as we have more and more of the States developing their own system of crime statistics and determining what sort of information to transmit between the States.

Another point that we have difficulty with is the matter of the appropriation for defense-appointed counsel under the Criminal Justice Act. The history of that act has also been spread on the record; the debates here, our testimony, and in our committee reports.

Annually we have an exercise in the conference report where we go over this matter again and again. There is no question that the history clearly shows, and the law clearly indicates that this matter should be an activity funded through the judiciary. However, Congress in its wisdom, has decided to the contrary.

The main thing is that moneys will be going forward in sufficient degree to take care of the needs of all those to whom defense counsel should be appointed by the courts. There will be no degradation of that program. It will go forward. As time goes on, I hope that we can place it on a permanent basis rather than having to take it up in this rather unsatisfactory case by case basis each and every year.

Accordingly, I commend the leadership of the chairman of the subcommittee, and suggest that quick approval of this appropriation bill will be very much in order. I would be remissed if I failed to pay tribute at this point to the excellent work done by both the Majority and Minority staff during our consideration of this bill.

INTRODUCTION OF S. 2697

Mr. ERVIN. Mr. President, I should like to inform my good friend from Nebraska that I am today introducing a bill to accomplish that very objective for which he and I have been fighting for several years, with respect to FBI records. I am sorry that I have not had the opportunity to consult with him, but I am going to give him a copy of the bill and express the hope that he will join me and other Senators in coponsoring the bill.

Mr. HURSKA. Mr. President, I would be happy to be a cosponsor, sight unseen. I do not mean, however, that I subscribe to the verity of each one of the points and sections contained therein, but knowing the Senator from North Carolina for the great student he is, in any event, it will be a line vehicle for the hearings which I hope will result shortly, and we can pursue the subject in proper fashion.

Mr. YOUNG. Mr. President, I should also like to be a cosponsor of the bill, with the approval of the Senator from North Carolina.

Mr. ERVIN. Mr. President, on the basis of the statements made by the distinguished Senators from Nebraska and North Dakota (Mr. HRUSKA and Mr. YOUNG) I ask unanimous consent to have their names added as cosponsors of the bill which I introduced a few moments ago, to protect the constitutional rights of the subjects of arrest records, authorizing the FBI to disseminate conviction records to State and local government agencies, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I am sorry that the Senate conferees were unable to persuade the House conferees to sustain the Senate's position with respect to FBI records and with respect to making provision of funds to compensate for indigent defendants in the courts of the District of Columbia. For that reason, while I do not seek to defeat the conference report, I wish to vote against the conference report because of the omission of the conferees, which is understandable to me, so far as the Senate conferees are concerned, to include those provisions.

THE CONFERENCE REPORT ON H.R. 8916: LEGISLATIVE LEGERDEMAIN

Mr. President, for the second year in a row the Senate has suffered a serious defeat at the hands of House conferees on the appropriations bill for the Departments of State, Justice, and Commerce, the judiciary and related agencies. For the second year in a row the House has imposed its will upon the Senate in regard to two provisions which the Senate adopted unanimously—a ban on Justice Department dissemination of raw arrest records to nonlaw enforcement agencies and full year funding for the appointed counsel program in the District of Columbia.

ARREST RECORDS

In dropping completely Senate amendment No. 21 to H.R. 8916, the Bible-Ervin rider on arrest records, the conference report has trampled upon the constitutional rights of innocent individuals. The House conferees insistence upon dropping the Senate amendment is only the latest chapter in over 2 years of legislative legerdemain by the House Appropriations Committee.

For the past 2 years the Justice Dement, with the help of the House committee, has been attempting to reverse by an appropriations rider a decision by the U.S. District Court for the District of Columbia. That court found that Congress had never authorized the Justice Department to collect from all over the country arrest records on citizens who have never been convicted of a crime and to send that information to nonlaw enforcement agencies and private employers.

On June 15, 1971, the district court for the District of Columbia handed down the decision in the case of *Menard* v. *Mitchell*, 328 F. Supp. 718. The ruling prohibited the FBI's dissemination of arrest and fingerprinting records to nonlaw enforcement agencies. The court based its decision upon an interpretation of section 534 of title 28 of the United States Code, the provision which the Justice Department has relied upon as authority for its collection of fingerprint and arrest record information.

The petitioner, Menard, had argued that inasmuch as he was never convicted, the maintenance and use of his arrest record violated the presumption of innocence, due process, the right of privacy, and freedom from unreasonable search and seizure. Although the court refused to expunge the record on Menard on these constitutional grounds, it recognized that section 534 had to be interpreted narrowly to avoid constitutional infirmities. In the court's words—

> Viewed in this light, it is abundantly clear that Congress never intended to or in fact did authorize dissemination of arrest records to any state or local agency for purposes of employment or licensing checks.

The court is merely pointing out to the Justice Department and to the Congress what should have been obvious. When Congress passed section 534 almost 30 years ago it was only attempting to facilitate coordinated law enforcement activities between the Federal and local governments. In the court's words, Congress was only trying—

> To assist arresting agencies, courts and correctional institutions in the apprehension, conviction, and proper disposition of criminal offenders.

There is absolutely nothing in the statute or in the debate that even suggests that confidential or harmful information, such as the arrest record of a person whom the Government does not even bother to prosecute, should be collected by the Justice Department and disseminated to private employers to help them in job screening.

Obviously, the Federal Government has no business distributing arrest records to help private enterprise in its hiring practices. Private industry has its own means of checking on applicants, and whom they hire is none of the Government's business. The distribution by the Justice Department of arrest records is like a national "enemies list." It places an unbearable stigma on citizens who may be innocent of wrongdoing. The distribution of an applicant's arrest record almost invariably means that he will not get the job he seeks. The FBI Identification Division receives over 11,000 requests for record searches each day. We cannot know how many times Americans have been denied jobs even though they were found innocent of charges, or the case was dropped, or the original arrest was a mistake, or illegal, or even unconstitutional. Simple justice means that a man should not be denied employment because of an arrest record unless a complete trial record shows he was found guilty by a court of law.

The Menard decision had the effect of bringing the FBI's fingerprint operation to a standstill. However, within a few months Senator BIBLE succeeded in attaching a rider to a supplemental appropriations bill (H.R. 11955) suspending the order in the Menard case. Since this legislation was part of an appropriations bill, it could only be temporary in nature and when the fiscal year 1973 appropriations bill for the FBI was introduced in 1972, it also contained the Bible rider. When it came time to vote on the 1973 appropriations bill in the House, Congressman DON EDWARDS was sustained on a point of order striking the rider as violative of a House rule prohibiting substantive legislation in an appropriations bill.

Although the House bill came to the Senate containing no language authorizing the fingerprint distribution, the Senate Appropriations Committee reinserted the Bible language. When the appropriations bill came to a vote in the Senate, I suggested to the proponents that I planned to make the same point of order as Mr. EDWARDS had made on the House side since the Senate has a similar rule prohibiting substantive legislation in an appropriations bill.

In lieu of making that point of order Senator BIBLE and I agreed to additional language in the Bible rider. I proposed a proviso at the end of the Bible rider which allowed continued dissemination outside the Federal Government but limited such dissemination to arrest records which also indicated that the defendant had pleaded guilty or was convicted of the crime for which he was arrested. The Senate adopted unanimously the Bible-Ervin language.

There is a great deal of confusion as to what happened to the Bible-Ervin amendment in the House-Senate conference last year. According to Senator HRUSKA who did serve on the conference, the only change in the Bible-Ervin amendment was to be the addition of the word "hereafter" so that it would be clear that my proviso would only apply from the point of enactment of the appropriations bill to the end of the fiscal year when the appropriation expires. This was designed to protect the FBI from any civil liability for distribution of arrest records without convictions which had been taking place since the Bible rider was enacted in the fall of 1971.

However, the conference report suggested that the conference committee dropped the Ervin proviso leaving the Bible language. This of course left the FBI in the same position as it had been after the first Bible rider was enacted in the fall of 1971. The Menard order was again temporarily suspended and there was nothing that Congressman EDWARDS or I could do to strike the language because a point of order did not appear available on the conference report.

At the time the Senate considered the conference report, I expressed my dismay at what the conference had done but pointed out that the language was only temporary and promised next year to make the point of order I had been dissuaded from making in 1972. Congressman EDWARDS said essentially the same thing when the conference report was considered on the House side. Therefore, the only legislative history on the provision suggests that it has the effect of suspending the Menard order but only temporarily, that is, until the appropriations legislation expires at the end of the 1973 fiscal year.

However, when the administration presented its fiscal year 1974 budget it took the position that the word "hereafter" in the Bible amendment makes the amendment permanent legislation and that the Menard order has been permanently repealed by the conference's action. Of course, this is contrary to the legislative history. The case law interpreting appropriations riders suggests that the fingerprint operation would rest upon the infirm foundation at the end of the fiscal year if the Bible rider, or the Bible-Ervin rider is not again added to the FBI appropriation for fiscal year 1974.

As soon as I found out about the administration's position on this matter I wrote to the chairman of the Senate Appropriations Committee (Mr. McClellan). The letter sets out my concern on this matter and reflected my research on the effect of the addition of the word "hereafter." That research confirmed my conclusion that the conference committee's action last year did not permanently enact the Bible rider and that additional authority would be necessary this year if the fingerprint dissemination and national crime information system were to continue to operate this year. I ask unanimous consent that my letter to the chairman of the Appropriations Committee be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. The Senate committee agreed with the position set out in my letter to Senator McClellan. It placed the Bible-Ervin language in H.R. 8916 and no objection was raised on the floor. When the bill got to conference, the House adamantly refused to admit that it had made a mistake in not again proposing legislation similar to the Bible-Ervin rider. The House conferees insisted that the problem had been finally settled last year. They were confident that by simply slipping in the word "hereafter" without any explanation in the conference report or any legislative history, the Bible portion of the rider would be permanently enacted into law. Of course, this was contrary to the conclusion which the Senate committee had reached when it adopted the Bible-Ervin rider, and it was contrary to the understanding of last year's Senate conferees.

The result is not only an affront to the Senate's position and to the rights of innocent citizens. The House's obstinacy on this matter may have placed the whole FBI fingerprint operation in jeopardy again. I would not be surprised if a court case is brought in the near future in which a petitioner like Menard attempts to get a court to prohibit the dissemination of arrest records to nonlaw enforcement agencies. The petitioner could succeed by simply presenting the judge with a copy of the Menard order. I doubt that a judge would be willing to hold that order null and void simply because the conference committee had slipped the word "hereafter" into a conference report on a piece of temporary legislation without any explanation and without any supportive language on the floor of either House of Congress which approved it. It would be especially difficult for a court to rule for the Justice Department in such a case in the face of the Senate committee's and the Senate's conclusion that the Menard order would go back into effect if the Bible rider was not again added to the Justice Department's appropriation bill.

This year's conference report states that—

> The Conferees understand that this matter is before the Judiciary Committees of the House and the Senate and urge expeditious consideration thereof.

In other words, the conference committee is asking the Judiciary Committees of both Houses to move quickly to resolve this legal ambiguity so that the fingerprint operation is not again brought to a halt by a court order.

Therefore, I am today proposing legislation which will temporarily resolve the controversy raised by the Conference Committee's action. This legislation would in effect enact the Bible-Ervin rider into substantive law, but only for a temporary period, until the end of Congress. The legislation only gives temporary authority because I believe that much more comprehensive legislation is needed to deal with the question of law enforcement data banks and information systems. Indeed, the Justice Department is drafting such a comprehensive bill which I understand it will propose in the next few weeks. I am also planning to introduce a more complete bill in the near future. However, an effective temporary stopgap measure should be enacted as a prophylactic measure to make the fingerprint service less vulnerable to an adverse court decision and at the same time protect innocent individuals until such time as Congress enacts comprehensive legislation.

I ask unanimous consent that the bill, together with a memorandum, be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

APPOINTED COUNSEL IN THE DISTRICT OF COLUMBIA

Mr. ERVIN. The House conferees also got their "pound of flesh" from the Senate on Senate amendment No. 42 of H.R. 8916. In that amendment, the Senate had provided $2,000,000 for the program for appointed defense counsel in the District of Columbia.

In this controversy, the Administrative Office of the U.S. Courts, unable to carry out its responsibilities under the Criminal Justice Act to provide defense counsel services in the District and unable to convince the Comptroller General that the District government should carry this burden, came to the House Appropriations Committee as a court of final appeal.

The controversy goes back to 1970 when the Senate enacted several significant amendments to the Criminal Justice Act of 1964, which sought to improve the quality of criminal justice in America by improving and expanding the system of public support of defense legal assistance for individuals who are financially unable to obtain counsel in criminal cases. The 1970 amendments to the Criminal Justice Act resulted in expansion of the scope of defense services available to the indigent defendant, an increase in the rate of compensation paid to attorneys representing indigent defendants, and the establishment of Federal public defender organizations within certain Federal judicial districts.

At the same time Congress was focusing attention on the local courts of the District of Columbia. The Court Reform and Criminal Procedure Act was enacted in the same year. This legislation transformed the local trial court from a municipal court of very limited jurisdiction to the court of full general jurisdiction for the District of Columbia. One of the reasons for the enactment of this legislation was to eliminate the severe criminal case backlogs which were then in effect in the Federal District Court for the District of Columbia, which prior to court reorganization handled serious local criminal cases.

Congress addressed both pieces of legislation at the same time and both the Senate and House Judiciary Committees were fully aware of the need to conform the Criminal Justice Act to the reorganization plan. Therefore, when a question was raised as to whether the Criminal Justice Act would continue to apply in the reorganized District of Columbia courts, Congress decided that question in the affirmative, because it was understood that the Federal Government would continue to have a very real impact and an interest in the operations of the revised court system. Indeed, the U.S. attorney for the District of Columbia continues to prosecute serious crimes in the District of Columbia courts.

Furthermore, the Congress felt that all Criminal Justice Act payments should be administered by one agency, the Administrative Office of the U.S. Courts, so that the standards set out in the act would be applied uniformly nationwide. For these reasons the Criminal Justice Act was amended contemporaneous with court reform in the District to provide expressly that the act was to continue to apply to the local courts in Washington. Indeed, it was the Justice Department that urged both in the Constitutional Rights Subcommittee and in the House Judiciary Committee carefully drawn amendments specifically designed to insure that court reform would not impair the continued application of the federally administered Criminal Justice Act program in the District's new courts.

Despite the clear legislative intent expressed by the Congress in both the 1970 amendments to the Criminal Justice Act and the 1970 District of Columbia Court Reorganization Act, there has been considerable controversy involving the means of financing and administering defense services for indigents in the District of Columbia under the provisions of the Criminal Justice Act. The Administrative Office of the U.S. Courts is either reluctant or incapable of administering the Criminal Justice Act funds for the District of Columbia. Last year, in response to a decision by the Administrative Office of the U.S. Courts not to accept vouchers from attorneys providing services under the Criminal Justice Act of the District of Columbia, the Comptroller General of the United States issued a formal decision.

In this decision, the Comptroller General ruled that the legislative intent of Congress in both of these acts was that Criminal Justice Act funds for the District of Columbia should be administered and budgeted for by the Administrative Office of the U.S. Courts, as is the case with Criminal Justice Act defender funds for the other Federal judicial districts. This ruling is an authoritative interpretation of the law binding on the Administrative Office no less than on other agencies of the Federal Government. However, on October 26, 1972, the Judicial Conference of the United States voted not to include the budget estimates of needed District of Columbia Criminal Justice Act funds in their fiscal year 1974 appropriation request.

The House followed the conference's recommendation and included no appropriation for expenditure of Criminal Justice Act funds in the District of Columbia. Because the District government accepted the Comptroller General's decision as authoritative, it did not ask for funds for the Criminal Justice Act in its budget. We were then faced with the very real danger that the Criminal Justice Act would come to an end in the District of Columbia. Indeed, the appropriation bill enacted earlier this year for the District contains no funds and the only way to save the program is to include the appropriation in this bill.

H.R. 8916 was reported out of the Senate committee with an appropriation for $1.125 million for funding of legal counsel for indigent defendants in the District of Columbia as part of the total $16.623 million appropriation for Criminal Justice Act payments nationwide. This appropriation was less than one-half of the $2.250 million estimated to be necessary for the funding of indigent defendant counseling for the full fiscal year in the District of Columbia. Presumably, the Appropriations Committee intended to resolve this question in the supplemental appropriation for the Federal judiciary. This would simply postpone the crises until March or April of 1974. There is no possible way in which the District of Columbia court system, with its well over 12,500 indigent defendants annually, can operate for the remainder of the fiscal year with the sum provided for by H.R. 8916. It seemed to make little sense to me to build into this appropriation a crisis to be faced next spring.

Therefore, I proposed that the appropriation for the Criminal Justice Act in the District be increased to $2,000,000. My proposal was adopted, but the House conferees insisted that the appropriation be cut in half and that the remainder of the funds be sought out of the District's budget. In light of the Comptroller General's ruling and the absence of legislative authority, the District cannot request money for a Federal program. Therefore, the conference's action raises serious questions as to whether there will be a Criminal Justice Act program in the District of Columbia.

The ultimate effect of the House conferees' position may be that large numbers of indigent criminal defendants in the District of Columbia will not be represented by counsel. In light of recent Supreme Court decisions, especially in the case of *Argersinger* v. *Hamlin*, 407 U.S. 25 (1972), many of these cases may have to be dismissed. That case held that even in misdemeanor cases an indigent defendant had an absolute right to counsel.

CONCLUSION

I am voting against the conference report on H.R. 8916 because it concedes to the House conferees on these two important points. The deletion of the Bible-Ervin rider and the slashing of funds for the Criminal Justice Act in the District of Columbia is not only unjust, but it may end two valuable programs. It may well mean that a vulnerable FBI law enforcement service will have to be halted and that hundreds of criminal cases in the District of Columbia will have to be dismissed—all because House conferees would not compromise. Perhaps it will take such disasters before we take a resolute stand against this kind of clever legislative legerdemain. Perhaps, in the words of an old North Carolinian saying—

> You have to hit a mule with a 2 by 4 to get his attention.

EXHIBIT 1

MAY 15, 1973.

Hon. JOHN L. MCCLELLAN,
Chairman, Appropriations Committee,
U.S. Senate.

DEAR MR. CHAIRMAN: In recent years, the Administration has requested in its budget certain language regarding the distribution of criminal records by the Justice Department. This so-called "Bible rider" is language which has been added to the FBI's appropriation for the past few years as a temporary authorization for the Bureau to continue operation of the National Crime Information Center and the collection and dissemination of fingerprint records and "RAP sheets" by the Identification Division of the Bureau. The language is necessitated by the outstanding order in the case of *Menard* v. *Mitchell*, 328 F. Supp. 718 (1971). That order prohibits distribution by the FBI of such criminal records outside the Federal government until the Congress enacts legislative standards designed to protect the security and confidentiality of the information and to protect innocent people from being harmed by its collection and dissemination.

It has been generally recognized that, as Senator Bible described it, the rider is a "stopgap" measure which allowed the FBI to continue its dissemination on a temporary basis until the Congress has enacted the legislative standards required by the *Menard* case. Last year the Senate agreed to a modification I proposed which limited dissemination to records which indicated a conviction. Under the modification, the FBI could continue the dissemination of this information without harming innocent individuals while Congress prepared more precise legislative guidelines.

When H.R. 14989 came from conference the modified rider was dropped, and the original language was retained. When the conference report was before the Senate I announced my determination to object to such improper legislative provisions in any future appropriation bill. My determination has been strengthened by learning from Senator Hruska that the conference had indeed agreed to retain my modification but that this was somehow not reflected in the formal report. Senator Hruska has confirmed his recollection of this unfortunate discrepancy. If the Bible rider or any similar language is proposed again this year, I plan once again to raise a point of order to it as "legislating in an appropriations bill" and, therefore, violative of Senate Rule 16.

In its proposed budget for the coming year, the Administration has not renewed its request for the Bible rider. As a consequence, the temporary authority in P.L. 92–544 to distribute arrest records will expire at the end of the fiscal year since it is settled precedent that provisions such as this do not become general authority unless the clearest intent is expressed at the time.

The Justice Department takes the position that the conference committee's addition of the word "hereafter" makes the Bible language a permanent part of substantive law and that the rider is no longer necessary. However, the legislative history of the Bible rider does not suggest such an intent and the courts have required that Congress be explicit when it intends to amend substantive law with a rider to an appropriations bill. The debate surrounding the bill in committee or on the floor must clearly reflect an intent to permanently change existing substantive law. *United States* v. *Dickerson*, 310 U.S. 554 (1940), *National Labor Relations Board* v. *Thompson Products*, 141 F. 2d 794 (9th Cir. 1944). Aside from the actual debates the court will look to the legislative language itself which must manifest a clear intent to change statutory law and to the location of the rider—whether it appears in a separate provision, labeled in such a manner as to denote a change in substantive law—or whether it is simply a proviso of an appropriations item in which case the language is generally not given permanent effect. *Roccaforte* v. *Mulcahey*, 169 F. Supp. 360 (D. Mass. 1958), aff'd. 262 F. 2d 957 (1st Cir. 1958), *United States* v. *Vulte*, 233 U.S. 509 (1914), *National Labor Relations Board* v. *Thompson Products, supra*.

For the following reasons I believe that the simple addition of the word "hereafter" by the conference committee would not meet the above requirements for permanently amending statutory law via an appropriations rider:

First, the conference was never, in all the Congressional discussion of the appropriation bill (H.R. 14989), entrusted with the duty of considering the duration of the Bible rider; on the contrary, all that was ordered for the conference to study were the amendments as they stood. [118 Con. Rec. S 9477–9531 June 15, 1972)].

Second, the inclusion of language which may indicate permanence is not sufficient to establish the *Menard* rider as permanent legislation. The word "hereafter" is not clear on its face as to whether it denotes the rider's effect as extending until the end of the life of the appropriation bill or permanently. "Hereafter" is a minor terminology change and cannot be seen as indicating any change in the duration of the rider absent Congressional debate.

Third, Congressional discussion seems to lead one in the other direction as Senator Bible indicated that the *Menard* rider was "in the nature of a stopgap". 118 Cong. Rec. S 9522 (June 15, 1972). Indeed, Senator Bible noted that the Federal Bureau of Investigation was granted its power to disseminate records each year in Department of Justice appropriation bills and that the 1973 *Menard* rider would have to be approved as the 1972 rider reversing *Menard* would soon expire. 118 Cong. Rec. S 9522 (June 15, 1972).

Fourth, the location of the *Menard* rider in the provision for "Salaries and Expenses" of the FBI indicates the desire to have the rider's effect last only until the termination of the appropriation bill.

Fifth, the Conference reported no debate, no discussion of the added word "hereafter" or the permanency of the rider. *Conference Report*, House Report No. 92–1567, 92nd

Cong. 2nd Sess. (October 10, 1972). In light of the Senate rules, it would appear that "hereafter" if it constituted a major change in the rider would have to be noted in the report and would have subjected the report to a point of order.

Since the Bible rider must be viewed as temporary authority, it is therefore necessary for the Congress to move swiftly on arrest record legislation because the FBI's authority to operate the National Crime Information Center and the collection and dissemination of "RAP sheets" will end on June 30. I am preparing legislation on this question and I understand that the Justice Department is doing the same. Last year similar legislation was referred to the Subcommittee on Constitutional Rights and this year such legislation has been jointly referred to the Subcommittee and to your Subcommittee on Criminal Laws and Procedures. Since we chair these two Subcommittees, I suggest that the staffs of those two Subcommittees begin arrangements for swift joint action on this question so that the FBI does not have to shut down this valuable law enforcement service.

I respectfully request that this letter be made a part of the State, Justice and Commerce Subcommittee's record on the FBI appropriation.

With kindest wishes.

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman.

EXHIBIT 2

A bill to protect the constitutional rights of the subjects of arrest records and to authorize the Federal Bureau of Investigation to disseminate conviction records to State and local government agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 534 of title 28, United States Code, is amended to read as follows:

"§ 534. Acquisition, preservation, and exchange of identification records; appointment of officials

"(a) The Attorney General shall—

"(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records; and

"(2) exchange these records with, and for the official use of, the Federal Government, the States, cities, and penal and other institutions for law enforcement purposes.

"(b)(1) The Attorney General may exchange such records with the officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions; and if authorized by State statute, with officials of State and local governments for purposes of employment and licensing.

"(2) Any such exchange under this subsection shall be made only for the official use of any such official. The exchange of any identification or other record indicating that any person has been arrested on any criminal charge or charged with any criminal offense is hereby forbidden unless such record discloses that such person pleaded guilty or nolle contendere to or was convicted of such charge or offense in a court of justice.

"(c)(1) All copies of records of information filed as a result of an arrest that is legally terminated in favor of the arrested individual shall be returned to that individual within 60 days of final disposition and shall not be maintained in the files of any Federal agency, if a copy of the formal court order disposing of the case is presented, or upon formal notice from one criminal justice agency to another. Records of information include fingerprints, photographs or any records or files, except investigative files, relating to that arrest.

"(2) Records of such information may be retained if another criminal action or proceeding is pending against the arrested individual, or if he has previously been convicted in any jurisdiction in the United States of an offense.

"(d) The exchange of records authorized by this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

"(e) The Attorney General may appoint officials to perform the functions authorized by this section.

"(f) The Attorney General's authority to disseminate records indicating that an individual has been arrested or charged with any criminal offense to non-criminal justice agencies, pursuant to subsection (b), shall expire on December 31, 1974. After that date the Attorney General shall be forbidden from disseminating such information to non-criminal justice agencies."

MEMORANDUM

(November 12, 1973)

Re: Arrest Records Legislation

The attached draft legislation is designed as a temporary stopgap measure to resolve the controversy raised by the Conference Report on H.R. 8916, the State, Justice and Commerce Appropriations bill for Fiscal 1974. In essence, that controversy concerns the the viability of the outstanding court order against the FBI by the District Court for the District of Columbia in the case of *Menard* v. *Mitchell* 328 F. Supp. 718 (1971). In that case the District court so construed section 534 of title 28 as to prohibit the FBI from disseminating raw arrest records to non-law enforcement agencies. The House takes the position that it has permanently resolved this question; the Senate, of course, disagrees.

The attached legislation would amend § 534 so as to reestablish that authority in the following manner:

Subsection (a) simply restates the existing general language of § 534;

Subsection (b) addresses the issue raised by the *Menard* decision. It is almost identical to the language which Senators Bible and Ervin proposed to H.R. 8916 limiting non-law enforcement dissemination to conviction records.

Subsection (c) also addresses the question of dissemination of non-conviction records to both law enforcement and non-law enforcement agencies. It is almost identical to the recommendations of a recent Justice Department report.

Subsections (d) and (e) are identical to existing language in section 534.

Subsection (f) provides that the Attorney General's authority to disseminate information to non-law enforcement agencies expires at the end of this Congress. This assures that this legislation is only a temporary measure and that the Justice Department will have to return to the Congress for additional authority, hopefully in the form of a comprehensive arrest records bill.

Mr. MATHIAS. Mr. President, I am pleased to join today with the distinguished Senator from North Carolina (Mr. ERVIN) in introducing legislation which will give temporary authority to the FBI to continue its current program of disseminating arrest records for law enforcement and other purposes. That authority is currently in doubt as a result of an outstanding court order against the FBI by the District Court of the District of Columbia in the case of *Menard* v. *Mitchell*, 321 *Fed. Supp.* 718 (1971) and the Senate-House disagreement over the necessity for inclusion of such authority in the State-Justice-Commerce appropriations bill for fiscal 1974.

I join in cosponsoring legislation to give the FBI this temporary authority even though I have been critical of the manner in which criminal justice information has been disseminated in the past. I have been critical because the current FBI operated system for the sharing of this information between the Federal Government and the States has grown up without adequate standards and safeguards governing its use. The National Computerized Information Center established by the FBI and the Federal-State computerized networks for the sharing of criminal justice information which are funded under the Law Enforcement Assistance Administration are not funded on an adequate statutory base. Nor are we today providing the necessary statutory framework which I believe will be necessary to cope with the issues raised by this system when it becomes fully operational. Nevertheless, I am joining Senator ERVIN as a cosponsor of a temporary authority for the reasons set forth below.

The NCIC and participating State systems constitute a vast network for the exchange of information between the law enforcement agencies of the States and the Federal Government and among the States. This system has enormous potential for increasing the capability of law enforcement. When the system is fully operational, each individual police officer could instantaneously have information from all over the Nation concerning suspects at his finger-tips simply by contacting his local computer terminal. Such contact might even be made from a patrol car. This tool can be extremely valuable to police and other law enforcement officials faced with problems which do not respect jurisdictional lines or, in our modern society, distance.

But as with so many technological wonders of our age, this miracle for communicating information raises new problems which must be addressed. In this case, the problems concerning using this system in a way that protects constitutional liberties and civil rights, including the right of privacy.

For that reason, I have favored legislation that would, while authorizing the establishment of such a system, establish basic rules and guidelines governing the types of information that can be included in this system, the procedures for insuring the correctness of such information, and the circumstances of its dissemination. As a member of the Judiciary Committee, I have had called to my attention a number of problems created by the lack of such guidelines.

For instance, I have heard of at least one occasion where a local police officer sold information about individuals which he obtained through the national computer system because he had access to the local computer terminal to a credit union. The only sanction currently available in such a case is termination of the contract under which the information was made available to that local jurisdiction. Under current Federal law, dissemination of information in such a case is not even a crime.

I am pleased that former Attorney General Elliot Richardson was also aware of these types of problems and supported such legislation. During his tenure, the Department of Justice was readying a draft bill on this subject for presentation to the Congress. I hope that the new Attorney General will favor and support such legislation.

But, in the meantime, the Menard decision requires temporary authority in order that the FBI may lawfully continue to use the NCIC system. The bill we are introducing today would provide such temporary authority until the end of 1974 which will give ample time for the Congress to consider and enact a long-range solution in the form of permanent legislation.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. PASTORE. First I want to say that there is tremendous merit in the proposal of the Senator from North Carolina. We argued long and hard to convince the House conferees that they should accept the amendment as it was included in the bill.

The argument has been made that the FBI has taken the position that the amendment as written would be unworkable, which I question. Nothing is unworkable if we try. The important thing is the principle involved, and the principle is good. But the position they took—and I think there was some merit to it—was that this should become permanent law if it is worthy and that, because it falls within the exclusive jurisdiction of the Judiciary Committee, that is where it should originate. It was for that reason that, after we had debated it for some time, we insisted that it be deleted, but emphasized that it was being done without prejudice to the merit of the amendment itself.

At this juncture, I ask unanimous consent that my name also be added as a cosponsor of the bill proposed by the Senator from North Carolina. I do not subscribe to every particular word in the amendment, but I think the principle is good. I believe we ought to hold hearings on it, we ought to go into it extensively, and we ought to come up with a bill that makes some sense, because I think this is an area in which we do need some sense.

I do not think it is right for certain records to be proposed and to be batted around the country when a person applies for a job, especially in a case in which there is an arrest on a menial offense that never comes to trial, and yet it haunts that individual in seeking and obtaining legitimate employment for the rest of his life. That is not fair. I do not think our Founding Fathers ever intended that that be the case.

However, we all agreed that when a person is a criminal and his record is not good, in that case it ought to be told publicly. I think the Senator from North Carolina agrees to that.

What the Senator from North Carolina is talking about is the constitutional rights of an individual, and you just cannot toy with the Constitution without reaching in some instances things that will come back to haunt you. It was for that reason that we finally had to go along.

On the question of providing counsel in the district courts of the District of Columbia, we all understand that the Supreme Court has already ruled that even in the case of a misdemeanor, a defendant is entitled to counsel; and whether or not it is being done under this bill or under the District of Columbia bill, eventually it has to be done, and these people will have to be paid. We have been assured by Mayor Washington, of the District of Columbia, that he proposes to do it that way.

The Judicial Council feels that it should come under the District of Columbia and not under the judiciary aspects of this bill. For that reason, of course, we argued it before the conference, and finally we did have to recede, on the ground that the matter would be taken care of.

I assure the Senator from North Carolina that no matter what the case is, if this is not done on the District of Columbia bill, I will do it on the next supplemental bill.

Mr. ERVIN. I thank the distinguished Senator from Rhode Island, not only for his remarks on this occasion, but also for the fact that he has supported my efforts in respect to the Ervin amendment and also to making provision for counsel for indigents in the District of Columbia, when the bill was before the Senate.

I agree with the Senator that in the long run it is much better to have this question settled by a specific act rather than by an amendment to an appropriation bill or an authorization bill.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on the adoption of the conference report.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, before I ask that the conference report be agreed to, I take this occasion, first, to compliment my counterpart on the subcommittee, the distinguished Senator from Nebraska (Mr. HRUSKA), and also the ranking Republican member of the Committee on Appropriations (Mr. YOUNG) for the fine cooperation they gave us in the consideration of the bill. The bill contains 86 individual items. We have had 54 amendments to the conference report and more than 2,000 pages of hearings. It took us approximately 5 weeks to hear what the witnesses had to say.

For that reason, I want to pay my compliments to the members of the staff Joseph T. McDonnell, Harold E. Merrick, Gerald P. Salesses, and William Kennedy, of the minority—and to all others on the committee who played a part in the adoption of the report.

Unless there is anything else to be said, I suggest the absence of a quorum before the vote.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, at this time I wish to make part of the legislative record clear on the point that the Conference Committee agreed to the separate language of the Senate amendment to H.R. 8916 providing funds for the Coastal Zone Management Act of 1972—Public Law 92-583. The $15 million appropriation in the Senate amendment has, however, been reduced by the conferees to $12 million.

The House had provided no funds for the implementation of the Coastal Zone Management Act on grounds that the administration had not requested the funds necessary to begin this new land and water use program to assist States in the management of their coastal areas. Prior to the reporting of the Senate Appropriations Committee's action on H.R. 8916, however, the administration did decide that the signature of the Coastal Zone Act into law, a year ago, should be affirmed and, that, in fact, the States do need this assistance for their coastal areas.

The President sent an amendment to the fiscal year 1974 budget to the Senate on August 15, 1973. He included a letter from the director of the Office of Management and Budget reporting that funding of the act will "assure beneficial use, protection and development of our coastal waters and adjacent shorelands."

With unanimous consent, which I hereby request, this August 15 request will appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. Unlike other ongoing programs, the effect of the initial failure of the administration to budget funds for the Coastal Zone Act has caused at least a year's setback in fulfilling congressional intent. It delayed the tooling up of the Coastal Zone Act program at the Federal level and also caused delay at the State level. We, therefore, cannot suffer any withholding of the funds appropriated or other additional delay by the administration.

To deal with this special situation, the language of the Coastal Zone Act appropriation and my statement here today is intended by the Conferees to make it absolutely certain that the legislative history of this appropriation leaves no doubt as to its meaning.

First, we provide that the sums appropriated shall remain available until expended. This is consistent with the language of section 315 of the Coastal Zone Management Act.

Second, we appropriate the total sum of $12 million. It is the conferees' intent that it is to be used as follows: $4 million for grants to States under section 312 of the Coastal Zone Management Act to be used to match State funds on an equal basis to acquire, develop, and operate estuarine sanctuaries pursuant to that section of the Coastal Zone Management Act of 1972; $7,200,000 for grants to States under section 305 of the Coastal Zone Management Act to assist States in the development and administration of coastal zone management programs pursuant to those sections. The Conference Committee understands that the delays caused by the administration have now made it impossible for any State to perfect a management program so as to be able to qualify under section 306. We therefore decided that all of the $7.2 million should be utilized under section 305 which is for developing management programs. For some States, the money will be for a review and fine tuning of existing programs. For others, of course, it will be for the true beginning of the development of a program. The Conference Committee, however, has retained the language of the Senate amendment which also refers to section 306 for the reason that if any of these moneys should remain unobligated in the following fiscal year, the Secretary of Commerce, may wish to designate them, with the approval of both committees, as also available for section 306 grants; and $800,000 for the administrative expenses of the Secretary of Commerce, through NOAA, in carrying out the Coastal Zone Management Act of 1972.

Third, we provide that the expenditures of this appropriation shall not result in, or be used as, an excuse for the withholding of appropriated funds for other NOAA activities. This includes cutbacks in NOAA spending as well. Moreover, the conferees hope that prudence will be exercised and that this appropriation will not be reduced by the administration to repay funds transferred or borrowed from other areas to keep the coastal zone program alive within NOAA for periods during which the administration had failed to request funds unless such repayment is made following consultation with the two committees.

Fourth, we use language which recognizes and declares that the States are legally entitled to receive the moneys appropriated, notwithstanding any attempt to impound them or otherwise not make them available through methods such as jamming the administrative machinery, by not providing regulations or by not processing applications.

Fifth, we require that each coastal State shall receive its share of the coastal zone management funds. If there should be a failure to publish necessary regulations or other administrative failures, it is necessary to indicate each State's entitlement. The regulations, if available, should specify a formula for dividing the funds between the States including relevant considerations to determine the proportions. The extent and nature of the shoreline and area which will be managed, population pressures and the extent of coastal zone problems which the act is designed to assist the States in meeting are criteria that might be used. The provisions of this appropriation measure are not intended to interfere with a reasonable proportional allocation scheme but, instead, we mean to refer to it, if the formula is developed by the executive branch.

Lastly, we have included language to assure that the funds appropriated will not be designated by the administration, directly or indirectly, for use in areas outside a coastal State's coastal zone which that State has included in an application for assistance under a national land use law. This prevents duplication by keeping funds for both programs from being spent in the same geographical area. A coastal State with both programs will designate its coastal zone management act area and its separate land use act area.

EXHIBIT 1

BUDGET AMENDMENTS, 1974, DEPARTMENT OF COMMERCE

THE WHITE HOUSE,
Washington, August 15, 1973.

THE PRESIDENT OF THE SENATE.

SIR: I ask the Congress to consider amendments to the request for appropriations transmitted in the budget for the fiscal year 1974 in the amount of *$5,000,000* for the Department of Commerce.

The details of these proposals are set forth in the enclosed letter from the Director of the Office of Management and Budget, with whose comments and observations I concur.

Respectfully,

RICHARD NIXON.

[Estimate No. 27, 93d Cong., first sess.]

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., August 15, 1973.

The PRESIDENT,
The White House.

SIR: I have the honor to submit for your consideration an amendment to the request for appropriations transmitted in the budget * * *

Department of Commerce—National Oceanic and Atmospheric Administration

Operations, research, and facilities:

Request pending	$343,089,000
Proposed amendments	5,000,000
Revised request	348,089,000

The proposed budget amendment would initiate implementation of P.L. 92–583, the Coastal Zone Management Act of 1972. This Act authorizes the Secretary of Commerce to make grants to coastal states to assist them in the development of a management program for the land and water resources of their coastal zones. With needed broader land use legislation now under consideration by the Congress, "it is now timely to proceed with funding of the Coastal Zone Management Act so as to assure beneficial use, protection and development of our coastal waters and adjacent shorelands."

I have carefully reviewed the proposal for appropriation contained in this document and am satisfied that this request is necessary at this time. I recommend, therefore, that this proposal be transmitted to the Congress.

Respectfully,

ROY L. ASH,
Director.

Mr. HART. Mr. President, it was with deep regret that I learned our conferees on this bill were not able to prevail and keep the $1 million appropriation the Senate added for the Antitrust Division of the Department of Justice.

Frankly, I think Congress is being penny-wise and pound-foolish to keep the antitrust division handicapped by a shortage of funds.

For this is certainly one area of governmental spending which demonstrates a good return on the investment.

For example, antitrust action against five drug companies has directly reduced prices of the important antibiotic tetracycline to consumers by 95 percent. The antitrust action against a number of electrical equipment manufacturers led to treble damage settlements which resulted in more than $500 million being returned to consumers through reduced utility rates.

That settlement alone would finance the division's current budget for more than 40 years.

Surprisingly enough, despite such success, the budget for the division—when measured in 1958 dollars—has decreased since 1950, while the size of the economy has more than doubled. So, in the face of a well-documented trend toward economic concentration, the division employs fewer persons to enforce the antitrust laws than it did 23 years ago.

Mr. President, the additional funds were added to the appropriation for the Antitrust Division by the Appropriations Committee at the request of myself and four of my colleagues on the Judiciary Committee, Senators KENNEDY, BAYH, GURNEY, and TUNNEY. The Senate agreed. But unfortunately, apparently the House conferees did not.

We reluctantly accept the decision of the conference.

But we do not give up on the cause. Hopefully, we can yet this year convince the House of the wisdom of investing in the Antitrust Division.

Mr. TUNNEY. Mr. President, I rise to express my disappointment at the refusal of the House conferees to accept two provisions—one to increase funding for the Antitrust Division of the Justice Department and another to increase funding for the Community Relations Service division of the Justice Department. Both of these increases were of the upmost importance.

Senator HART, myself, and other members of the Judiciary Committee wrote to Senator PASTORE, chairman of the Subcommittee on State-Justice-Commerce appropriations on June 28 asking that the funding level for the Antitrust Division be increased by $3 million. Fortunately, the subcommittee partially acceded to our request and increased the budget request by $1 million. This increase subsequently passed the Senate.

On July 17, I wrote to Senator PASTORE again requesting that the $4 million in funds slashed by the administration from the Community Relations Service budget be restored. Again, the subcommittee attempted to meet this request and $1 million was added to the budget request for CRS and was passed by the Senate.

Although the funding level that I had requested for each division was much higher than what was approved by the Senate, I felt that the $1 million increase for the two functioning in an effective manner. The refusal of the House conferees to accept these modest, but necessary, increases is very distressing to me as it should be to all Americans who feel that we need a strong Antitrust Division to maintain the viability of our free enterprise system and a strong Community Relations Service to insure the continued operation of the only Federal agency charged with conciliating racial disputes.

Both of these issues are extremely important. I would hope that the Congress would reevaluate its position on the need for these increases at the earliest possible opportunity—hopefully in the supplemental appropriations bill this year.

I ask unanimous consent that the two letters written to Senator Pastore be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

July 17, 1973.

Hon. John O. Pastore,
Chairman, Senate Appropriations Subcommittee on State, Justice, Commerce, the Judiciary, Washington, D.C.

Dear John: It is my understanding that your subcommittee currently is marking-up appropriations that include funding for the Community Relations Service of the Justice Department. The service was set up under the Civil Rights Act of 1964 to help reduce racial tensions and conflicts, but it will all but be dismantled under the administration's 1974 budget, which slashes funds for the service from $6.8 to $2.8 million. This goes beyond cutting to the bone. It cuts through the bone in a meat-axe amputation of the one federal agency charged with conciliating racial disputes. The service, which has shunned publicity, has been spectacularly successful in behind-the-scenes negotiations in preventing violence and settling conflicts. It has worked in major cities in California and in troubled farm lands in the Central Valley. My state would be particularly hard hit by the drastic cut-back, and its two-man Los Angeles office would be closed. I'm sure other areas throughout the United States would be similarly affected and I would urge you and your subcommittee to restore funding to this vital service. Thank you for your consideration.

Sincerely,

John V. Tunney,
U.S. Senator.

U.S. Senate,
Washington, D.C., June 28, 1973.

Hon. John O. Pastore,
Chairman, Subcommittee for the Departments of State, Justice, Commerce, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This letter is to request an increase of $3 million in the budget for the Antitrust Division of the Department of Justice.

We make this request mindful of widespread concern about inflation and the effect of government spending on the economy.

Economists of various persuasions, including Dr. Arthur Burns, Chairman of the Federal Reserve Board, and Dr. Pierre Rinfret, formerly Special Economic Advisor to President Nixon, have stated that the most effective way to control prices is to increase competition in the marketplace.

The antitrust laws are designed to do just that, and effective enforcement of those laws remain the nation's best defense against unhealthy economic concentration. Certainly, we do not suggest that an additional $3 million for the Antitrust Division will solve the problem of inflation, but we do believe it could help. Equally important, potential savings to consumers from successful antitrust actions could more than offset the increase.

For example, antitrust action against five drug companies has directly reduced prices of the important antibiotic tetracycline to consumers by 95 percent. The antitrust action against a number of electrical equipment manufacturers led to treble damage settlements which resulted in more than $500 million being returned to consumers through reduced utility rates. The electrical equipment conspiracy settlements alone would meet the division's current budget for more than 40 years.

Surprisingly enough, despite such success, the budget for the division—when measured in 1958 dollars—has decreased since 1950, while the size of the economy has more than doubled. So in the face of a well-documented trend toward economic concentration, the division employs fewer persons to enforce the antitrust laws than it did 23 years ago.

As a result, cases which are brought drag on longer; and many actions are not filed because the division is reluctant to take on "big cases" which would tie up a large percentage of its resources. About ten percent of the division's manpower is now working full time on the IBM case. That case was filed over four years ago and has yet to come to trial. Even more striking, Control Data Corporation's private suit against IBM was settled in a pretrial stage with a $15 million payment from IBM to cover Control Data's legal expenses alone. This sum exceeds the division's entire budget.

Unhappily, the hard fact is that to a great extent the cases brought today must be made against giant defendants whose resources swamp those of the Antitrust Division. In 1950, there were only a dozen manufacturing corporations with assets in excess of $1 billion; as a group, they held 18 percent of all manufacturing assets. By 1972, 52 percent of all manufacturing assets were held by 115 "billion dollar" firms.

The Administration has requested about $13 million for the division for fiscal year 1974, a small and clearly inadequate increase over last year's total. An increase of $3 million would allow the division to hire 50 more lawyers and support personnel, including economists. It is our understanding that the division could usefully absorb such an increase.

It seems to us then that our request is consistent with congressional concern about inflation and federal spending. Further, our request should enjoy the support of all of us who believe competition in the marketplace is the best way to control prices and of those who recognize that successful antitrust actions can save consumers many times over the cost to the Federal Government.

With best wishes,

Sincerely,

Edward M. Kennedy,
Birch Bayh,
Edward J. Gurney,
Philip A. Hart,
John V. Tunney.

Mr. PASTORE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Utah (Mr. Moss), the Senator from Wisconsin (Mr. Nelson), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Nevada (Mr. Bible), the Senator from Kentucky (Mr. Huddleston), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Minnesota (Mr. Humphrey) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate on official business.

The Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Packwood), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Virginia (Mr. William L. Scott), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. Curtis), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 80, nays 2, as follows:

[No. 480 Leg.]

YEAS—80

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Dole
Domenici
Eagleton
Eastland
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Johnston
Long
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Scott, Hugh
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Tower
Tunney
Weicker
Williams
Young

NAYS—2

Ervin
Mathias

NOT VOTING—18

Bible
Curtis
Dominick
Goldwater
Hartke
Huddleston
Humphrey
Kennedy
Magnuson
Moss
Nelson
Packwood
Saxbe
Schweiker
Scott, William L.
Stennis
Talmadge
Thurmond

So the conference report was agreed to.

The PRESIDING OFFICER. The clerk will state the first amendment in disagreement.

Mr. PASTORE. Mr. President, I ask unanimous consent that the amendments in disagreement be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments in disagreement will be considered en bloc.

The amendments in disagreement are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted, insert:

"DEVELOPMENT FACILITIES

"For grants and loans for development facilities as authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 266; 83 Stat. 219; 84 Stat. 375; 85 Stat. 166), $159,000,000 of which not more than $25,000,000 shall be for grants and loans to Indian tribes, as authorized by title I, section 101(a) and title II, section 201(a) of such Act: *Provided*, That upon enactment of the Indian Tribal Government Grant Act the unobligated balances of the amounts appropriated for Indian tribes under title I, section 101(a) and title II, section 201(a) shall be transferred to carry out such purposes of the Indian Tribal Government Grant Act."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert:

"$12,000,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 46 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted, insert:

"COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

"SALARIES AND EXPENSES

"For necessary expenses of the Commission on the Organization of the Government for the Conduct of Foreign Policy, authorized by title VI of the Foreign Relations Authorization Act of 1972, $1,050,000 to remain available until June 30, 1975."

Mr. PASTORE. Mr. President, I move that the Senate agree to the House amendments to Senate amendments numbered 30, 37, and 46.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MANSFIELD. Mr. President, I think we ought to reiterate, as we stated at the time the original appropriation bill passed the Senate, that the distinguished Senator from Rhode Island (Mr. PASTORE), the distinguished Senator from Nebraska (Mr. HRUSKA), and the members of the subcommittee—and I am happy to include myself in that list—have done a remarkably effective and efficient job in economizing. The net result of what the Senate has done is a reduction of almost $60 million below the budget presented by the administration.

I think all too often some of our associates are not given the credit which I think is their due, and I think it ought to be brought out also that, as far as the distinguished Senator from Rhode Island is concerned, this is not by any means the first appropriation bill which he has handled in which a significant reduction has been reported.

So, just to make the record straight and to commend the distinguished Senator from Rhode Island personally for the great work he has done in the field of the economy and in the field of cutting expenditures, I want the record to show how I feel. I thank the Senator.

Mr. JACKSON. Mr. President, before I call up the conference report on S. 1570, I just want to join the majority leader in his comments regarding the able senior Senator from Rhode Island. I think, as usual, he has been extremely thoughtful and skillful in separating out the things that could be eliminated and keeping in the things that are essential. I want to join in commending him for the sensible economies he has made. He has handled them very well. He always handles his Appropriations Subcommittee in a manner which I think lends great credit to the Senate in its deliberations on expenditures. I want to join in these commendations.

ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on today, November 14, 1973, he presented to the President of the United States the enrolled bill (S. 1081) to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILLS

A message in writing from the President of the United States was communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on November 9, 1973, the President had approved and signed the act (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes; and on November 13, 1973, the President had approved and signed the act (S. 11) to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

EMERGENCY PETROLEUM ALLOCATION ACT OF 1973—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on S. 1570, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees on the part of both Houses.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of November 12, 1973 at p. 36660.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that William Van Ness, Lucille Langlois, Jim Barnes, Grenville Garside, Mike Harvey, and Jerry Verkler, members of the staff of the Senate Committee on Interior and Insular Affairs, be granted the privileges of the floor during the consideration of the conference report on S. 1570, the Emergency Petroleum Allocation Act of 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I yield for a similar request to the Senator from Arizona (Mr. FANNIN).

Mr. FANNIN. Mr. President, I ask unanimous consent that David Stang, Harrison Loesch, Fred Craft, Roma Skeen, and Maureen Finnerty, all of the minority staff, be given the privilege of the floor during the discussion of the conference report on S. 1570.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, the Committee on Interior and Insular Affairs on May 17 reported out S. 1570, the "Emergency Petroleum Allocation Act of 1973." This is an emergency measure to deal with an urgent problem to which Members of the Senate need no introduction.

The basic purpose of S. 1570 is to deal with the first peacetime fuel shortages in American history. And if this legislation was needed when the Senate first passed it 6 months ago, its final enactment has become a matter of the highest urgency.

It was already clear 6 months ago that we were not dealing with the isolated spot shortages predicted by some. It was obvious then that we were confronting the prospect of serious, prolonged and widespread shortages which would have a real impact on our economy, which would affect the nature and structure of the petroleum industry, and which would alter the standard of living enjoyed by many Americans.

Today, as a result of the Arab oil embargo, the outlook is grim. We are facing shortages equal to 20 percent or more of our petroleum needs. Rationing has become a necessity. Severe economic dislocations affecting individual jobs and factories and whole industries are inevitable. And there seems no easy way to avoid a degree of personal hardship which, a few months ago, seemed almost unthinkable. Against this background, the basic purpose of S. 1570 to "share the shortages" as fairly as possible seems more valid than ever.

Congress recognized the need to allocate scarce fuels when it authorized the President in the Economic Stabilization Act amendments adopted last April to establish priorities of use and provide for the allocation of crude oil and petroleum products to meet essential needs and prevent anticompetitive effects resulting from shortages. Under this authority, the President inaugurated a voluntary allocation system, which, as we all know, was woefully inadequate to deal with fuel shortages, even before our imported fuel supplies were curtailed.

The failure of the voluntary system was in effect recognized by the administration when it first adopted a mandatory allocation program for propane and then implemented a mandatory program for middle distillate fuels on November 1. I would emphasize, Mr. President, that these existing mandatory programs will not be disrupted by enactment of S. 1570. The legislation specifically provides that these programs implemented under the authority of the Economic Stabilization Act shall continue in effect until modified pursuant to S. 1570.

S. 1570 goes beyond discretionary authority and mandates action—both by the executive branch and by private industry—to assure the equitable distribution of fuels in short supply.

This act requires the President to prepare and publish priority schedules and plans for the allocation and distribution of fuels which are or may be in short supply. The President is to allocate or distribute such fuels pursuant to these schedules and plans if necessary to achieve the objectives of the act.

The President's authority is to be exercised generally to minimize the impact of fuel shortages or dislocations in the fuel distribution system. More specifically he is required, in implementing his authority under the act, to take such actions as are necessary to protect the public health, safety, and welfare; to maintain public services and essential agricultural operations; to preserve an economically sound and competitive petroleum industry; to provide for equitable distribution of fuels at equitable prices among all regions and areas of the United States and all classes of consumers; to achieve economic efficiency and minimize economic distortion, inflexibility, and unnecessary interference with market mechanisms.

This authority is essential if we are to assure continuation of vital services in the face of critical energy shortages.

The conference report differs from the original Senate bill in a number of respects.

The definition of independent refiner has been expanded, to include definition by percentage of market volume as well as by source of crude, and a category of "small refiner" has been added to the bill. A definition of the United States has been included to assure that possessions of the United States would be covered by this program.

The "dealer day in court" has been dropped from the Senate bill. A dollar-for-dollar passthrough provision has been added from the House bill for net increases in the cost of crude and products.

A provision has been added from the House bill to allow priority consideration for allocation for those users of natural gas who have been curtailed by the FPC. The conference report also accepts House language that, to the extent practicable and consistent with the objectives of the bill, users of liquified petroleum gas may be exempted from allocation if they have no alternative fuel.

And, finally, the conference report provides for a pro rata sharing of shortfalls in refined products and crude, to allow for equitable distribution and to permit new market entries. The bill reflects the conferees' concern that adequate provision be made for crude oil supplies for new or expanded refineries. The assurance of such supplies will make it possible to secure financing for refinery projects and the President is authorized to make adjustments in crude oil allocations for this purpose.

Mr. President, in spite of the differences between the Senate and House bills it is my opinion that the conference report satisfies the goals of the Senate set forth in S. 1570 and will achieve the purposes of requiring essential emergency allocation measures. I urge that the Senate adopt the conference report.

The PRESIDING OFFICER (Mr. HATHAWAY). The Senator from Arizona is recognized.

Mr. FANNIN. Mr. President, I join in the statements of the Senator from Washington, the floor manager of the legislation and chairman of the committee, and commend him for the work in which he was involved in getting this legislation to the committee and through the conference.

Mr. President, S. 1570, the Emergency Petroleum Act of 1973 is the first major congressional design for dealing with our worsening fuel crisis. Historical events have to some degree outrun the scope of the bill—and the Senator from Washington agrees with me that what has happened has caused that to come about—necessitating further steps which will soon be before this body in the shape of S. 2589, the Energy Emergency Act. We will recall that the Senate passed S. 1570 last June, and it was designed to meet the energy problems apparent to us at that time. The explosion in the Mideast and the consequent cutoff of Mideast oil supplies has changed and worsened our situation to a degree demanding further steps and more severe action both by the Congress and the administration. Nevertheless, S. 1570 is necessary and fully appropriate in its own right. S. 2589 is designed to carry forward, on the initial framework provided by S. 1570, the major changes in our circumstances and uses of energy which the national interest now demands. The conference committee of the House and the Senate could take these matters into consideration, since the bill did not go to conference until after the interruption of our Mideast supply.

The success of S. 1570 and its required Executive regulations, requires the wholehearted cooperation of and prompt action by all segments of our oil and gas industry, from the largest of the vertically integrated majors to the smallest of the independent refiners and marketers. In order to obtain this cooperation—which will be willingly given by the industry if it is allowed to do so—it will be necessary in our consideration of S. 2589 that certain accommodations be made with regard to rules and regulations to be established as pertinent to maximizing the cooperation of the industry in helping to effectuate and implement equitable fuels allocation. Since the House version contained no such provisions and it was beyond the authority of the conferees to enlarge the Senate language, and since the breadth and depth of the upcoming emergency was unknown at the time the Senate passed its bill last June, relevant provisions of S. 1570 are obviously insufficient.

For this reason it was the unanimous understanding of the conferees that the problem again would be addressed in S. 2589 on the Senate side and its counterpart or counterparts in the House, and further adjustments made as required to obtain the fullest and widest industrywide implementation.

I would just say that with regard to certain accommodations to be made with regard to rules and regulations to be established as pertinent to maximizing the cooperation of the industry in helping to effectuate and implement equitable fuels allocation, it is necessary, in order to accomplish this, that S. 2589 include those stipulations that we were not able to include in S. 1570, to obtain the fullest and widest industrywide cooperation.

Mr. JACKSON. Was the Senator referring to the problem of antitrust?

Mr. FANNIN. I am referring to the cooperation and assistance that would be necessary. That could involve some stipulations of antitrust.

Just to pose the question, is it not correct that what we are doing in S. 2589 is seeking to accomplish some of the objectives that would perhaps arise in connection with S. 1570? We were not able to do it in S. 1570; we did not have the emergency existing at that time. So in S. 2589 we have gone beyond that point.

Mr. JACKSON. Yes. The Senator is referring to the emergency bill that will come up after this one?

Mr. FANNIN. Yes.

Mr. JACKSON. It is our intention to cover several areas. As the Senator knows, one is to provide grants-in-aid to the States, which are not covered in this bill, to enable them to handle the costs of administration that the States will be obligated to carry out as, in effect, agents of the Federal Government. We are doing this in order to avoid a Federal bureaucracy.

Mr. FANNIN. Yes.

Mr. JACKSON. Then, in addition, we are preparing an amendment to S. 2589, which will relate to the antitrust problem.

Mr. FANNIN. Yes.

Mr. JACKSON. And I hope we will have that ready in time for action tomorrow.

Mr. FANNIN. Yes. I just wanted to bring out that we——

Mr. JACKSON. It is not in this bill.

Mr. FANNIN. Not in this bill.

Mr. JACKSON. I mean in this conference report.

Mr. FANNIN. In the S. 1570 conference report or bill, but we hope it will be covered either within the legislation, or that by the time the amendments are adopted it will be covered.

Mr. JACKSON. The Senator is correct.

Mr. FANNIN. And the Government can have the coordination and cooperation——

Mr. JACKSON. The point is, we did not have the opportunity to take care of it in this bill or in this conference report, but we intend to deal with that problem.

Mr. FANNIN. Yes.

Mr. JACKSON. In connection with S. 2589.

Mr. FANNIN. I thank the distinguished Senator from Washington for confirming my understanding in this matter.

Mr. President, these provisions will not constitute a precedent. What is proposed is primarily an expansion of section 708 of the Defense Production Act of 1950, now limited to the allocation of oil imports for national defense purposes only to cover the overall civil emergency with which we are faced. In other words, section 708 of the Defense Production Act of 1950 allows certain industry cooperation and joint actions which would otherwise be prohibited to occur in the case of oil importations only when required for national defense reasons. S. 1570 and S. 2589, which the Senate will also shortly have under consideration, should extend such exemptions to the allocatory process for all supplies of crude oil and refined products, whether foreign imports or domestically produced.

The report of the conferees also explains the understanding of the conference committee with respect to the authorities conferred on the President by the Economic Stabilization Act of 1970 vis-a-vis the authorities conferred by S. 1570. It was not and is not intended by the conferees that the authority to control prices of crude oil and refined products conferred by section 4(e) of the act should supplant Economic Stabilization Act authority in the realm of oil and gas. Only in cases in which the purposes of the current act cannot be carried out under the former pricing authorities need the President rely solely on the new authority conferred by S. 1570. In other cases he will be able to operate under the authorities conferred by both acts. For purposes of avoiding litigation and controversy, I recommend that both such authorities be cited in the rules and regulations which will be promulgated by the executive branch in carrying out S. 1570.

Mr. President, one other area of the manager's report should be specifically referred to in order that the Senate may have a full understanding of the overall plan and program proposed by S. 1570. Section 4 of the act sets out the requirements of the Mandatory Allocation plan and subsection b(1) of that section requires that the regulations provide for various priorities in such allocations. One of the overriding requirements of any allocation plan is to make full use of the entire refining capacity of the United States. In order to do so the act takes care of the small and independent refiners who do not have their own sources of crude oil supply.

But it should be noted that such allocations might not operate to the prejudice, percentagewise, of the refining capacities owned and operated by the major oil companies. So long as the inflow to U.S. refineries equals or exceeds the 1972 input, the small and independent refiners are to receive at least the amount of their 1972 allocations. If—as we anticipate will occur—the total countrywide input to our refiners falls below that of 1972, then it becomes necessary to "share shortages." If this occurs, the small and independent refiners will still receive their fair share of available supplies, but not to the percentage detriment of the large refiners. As my colleague Senator HANSEN put it, if our total input falls 15 percent below 1972 levels, then each refinery in the country should be operating at 85 percent of its capacity. As shown by section 4(c)(1)(B) of S. 1570, the reductions must be prorated. The intentions of the conference committee in this regard and indeed its intentions in how the allocation scheme, provided by the act, will generally be implemented by the administration are explained on pages 3 to 8 of the managers' report.

Mr. President, S. 1570, the Emergency Petroleum Allocation Act of 1973 presents a first step toward meeting our present dilemma. Its inadequacies can be partially rectified in S. 2589. But even that act fails to provide proper incentives to stimulate supply. Thus, in S. 1570 we are merely spreading shortages around.

Mr. HANSEN. Mr. President, who has the floor?

Mr. JACKSON. Mr. President, I have the floor. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank my distinguished colleague the chairman of the Committee on Interior and Insular Affairs, very much for his graciousness in yielding to me.

Mr. President, all of us are concerned and deeply disturbed over the growing energy crisis in the United States. There are some among us who have felt for some several years that the direction we were taking would lead to catastrophe. Earlier, a few years ago, these warnings were falling upon deaf ears, and instead of taking heed or even bothering to look into the situation, each person for himself, it was easy to brush aside the remarks that were being made as simply parroting the best interests of the oil companies in America.

I think that no one needs to recognize that some of the warnings made several years ago were, indeed, prophetic. The unfortunate thing is the situation is even more serious than some of us at that time had believed it might develop into being.

Japan is faced with a very critical situation today. No one needs to tell the Japanese how serious it is. They are making all sorts of predictions as to what the extreme impact of being denied the petroleum and oil supplies they have been able so far to acquire throughout the rest of the world will have on their economy.

So, in that general framework of a widening and growing international concern over the energy crisis, we are taking up this bill today.

Let me say that the Committee on Interior and Insular Affairs has been very active. We have actually dealt with six different pieces of legislation this year. They are S. 268, the Land Use Policy Planning and Assistance Act. S. 425, the Surface Mining Reclamation Act. S. 1570, the Emergency Petroleum Allocation Act—now before us. S. 1981, the Federal Land Right-of-Way Act—that is the Alaskan pipeline. S. 2176, the National Fuels and Energy Conservation Act. S. 2589, the National Energy Emergency Act.

Mr. President, what disturbs me is that all of us in this country know we are going to be faced with some very serious and critical problems this winter, problems that go beyond the closing of factories, the suspension of jobs, the drying up of income, problems that go right to the heart of life in America, that threaten there will not be enough fuel to keep homes in America warm this winter, that schools will undoubtedly have to be closed, that store hours and business activities generally will be curtailed in order to accommodate America's lifestyle in this time of emergency to a very greatly shortened supply of energy. These are some of the prospects that we are looking at today.

It is because of this fact that, with the exception of the Alaska pipeline bill, Mr. President, not one of the actions we have taken so far really addresses the problem of supply. I am disturbed because that is the case.

The distinguished Senator from Oklahoma (Mr. BARTLETT) was able to get an amendment to the Alaska pipeline bill which exempted from control by the Cost of Living Council, and from other impositions that otherwise would apply to production from the stripper wells in this country, that amount of petroleum that comes into the marketplace. As a consequence, because of his efforts, which were in the main opposed by many members of the Committee on Interior and Insular Affairs, we did do something about supply.

The fact is, Americans will be very grateful to the Senator from Oklahoma (Mr. BARTLETT) this winter that his stripper well amendment was tied into the bill, because it will mean simply that this will be oil that can be used this winter—now. We do not have to drill any more wells. We do not have to explore the Outer Continental Shelf in areas where we have not, so far, explored there.

All we have to do is to let the price rise so that it will continue to be economically feasible for stripper well operators to produce the oil that without the relief that comes from being freed from price controls they would be leaving in the ground.

It is just that simple.

Whenever it costs as much to bring the oil above ground as the oil sells for, at that point in time any intelligent operator in the oil business—and they are all intelligent—will close that well down.

So America had the hard choice to make. It really was not a hard choice, because we did not give the average American any chance to make that choice, but if we had, I am certain that there would have been no doubt at all in the minds of nearly everyone of the 210 million of us that we would rather have fuel at a higher price than to have frozen water pipes, to have cold homes, to have stores closed and factories closed and people out of jobs, and cars and trains and ships and planes unable to move. Yet that was the prospect. I was surprised that there were as many people as was the case in Congress who failed to understand and appreciate the seriousness of the issue they faced.

I am equally disturbed, because we do not yet, some of us, seem to understand the workings of the economy that we have in the United States of America.

When the Defense Production Act was passed a number of years ago, we recognized then that if we wanted to have enough of anything that might be in short supply and that was critical to this country, the best way to get it was to guarantee a price for it. It worked, because back in World War II, this idea was brought into being when, despite the fact that most farms and ranches in America were practically without help, we knew we had to have food.

What did we do at that time?

The Government of the United States guaranteed a price for wheat. When it guaranteed that price for wheat, it stimulated an effort such as this country has seldom made in its nearly 200 years of history, an outpouring from the farms of America which met the challenge of World War II. We were able to feed not only our own people, our troops at home and overseas, but other nations as well.

Now we are not going to solve the energy crisis by taking the narrow, myopic view that all we really want to deal with is simply to try to spread the misery around. Yet, so far, with the exception of the Alaskan pipeline legislation, that is about all we are doing. That is just about all we are doing, spreading the misery around.

I say that America has the brains, America has the initiative, and America will respond to the challenge to find more oil.

Why do I say that?

There are many reasons, Mr. President. One is that a lot of Dr. William Pecora's testimony, barely more than a year and a half ago, bore out that, in his judgment, being the distinguished geologist he is, head of the U.S. Geodetic Survey and later Under Secretary of the Interior, there was still to be found in America probably as much as 100 times the amount of oil and gas this Nation used in all of 1971.

I know the time is growing late, and I am fully aware of it, but I think it is important for people to understand what the issue is.

I am going to say this, because I do not want someone coming here this winter saying we have failed to understand the situation.

There will be plenty of people questioning Congress this winter when there is no oil to heat homes, when the water pipes become frozen, or when jobs dry up, because there is no energy to run the plants, or when schools close. There are going to be plenty of questions asked of this Congress, such as, "Why did you not do something about it?"

The fact is, we have not done very much about it. Certainly we can do a lot more about it.

What can we do?

If we had the good sense—and that is all that is required—to turn this industry loose and recognize the fact that it costs a lot more to drill a well now than it did a few years ago and that no one in his right mind will go out and try to discover a gas well when up until a few months ago the Federal Power Commission put a lid on the price of gas that resulted in its costing more to drill a well for natural gas than the natural gas would be worth at the price the Federal Power Commission permitted it to be sold. So that is going to be part of the reason why we can do something about it.

I know that our drilling activity for petroleum supplies generally has dropped off. If we compare 1956 with 1972, we are drilling about half the number of wells we drilled in 1956. Yet, our consumption of energy has been four times as much. So, really, if we had been interested in keeping up with the energy supply in the United States, we should have been drilling four times as many wells as we were drilling.

The way we can get interest back in that drilling is to make it more profitable for people to drill. Yet, we hear the statement that the oil companies are running in money, that profits are way up. What many people do not stop to realize is that there are all kinds of oil people. There are big, major companies, and they have had properties expropriated in the Middle East. In the continental United States, on the other hand, we have many people—mostly independents—who discover between 75 and 80 percent of all our wells here. They have not been all that prosperous, I know. We have many of them in Wyoming. I know how activity there has dropped off. It has dropped off simply because the average profit that the independent oilman made on his investment ranged from approximately 3.5 to 6.5 percent.

When that has been the fact, there has been little reason for people to put their money in that kind of activity, drilling these wildcat wells, to try to find them, when they could do better any other place. That is exactly what American businessmen have done. These independent oilmen depend upon others in their communities for drilling funds. They go to all kinds of people who may have some surplus money; and unless the oilmen are able to demonstrate that it is a good risk to put money into that kind of operation, the people are not going to invest. The fact is that it has not been a good risk, because the return on that sort of activity, as I say, has been between 3½ and 6½ percent.

One of the reasons why I am concerned about this bill is that we talk about trying to solve the energy crisis by exceeding the maximum efficient rate of production. Some people probably do not know what is meant by the maximum efficient rate. That is the rate of production at which an oil well can be produced so as to assure the recovery of most of the oil that is in the ground. We only get about a third of the oil that is in the ground now, with our present technology. That rate is fixed after consultation with engineers, with petroleum geologists, by State regulatory agencies, in cooperation and in consultation with the U.S. Department of the Interior people in most areas. So that it is not a rate that is made by the oilman. It is a rate of production that is arrived at, in the hope to set the figure at which a well may be produced and above which it should not be produced if you want to get as much of the oil out of the ground as you can.

When we talk about trying to solve an energy problem that all experts say will extend for a period of several years, it makes no sense at all to me to talk about and to make provision for exceeding the maximum efficient rate. Yet, in other legislation we have before us, that is what is done.

A second problem arises there, and that comes about, because a taking has been achieved when the Government orders that we exceed the maximum efficient rate. What it means is that the person who owns the oil lease or who, indeed, may own the oil, if he owns the land in fee simple, is not going to be getting as much of his oil above ground as could be gotten above ground. So this is important. It is important not only because we will not get all the oil we can otherwise get, but also because in exceeding the maximum efficient rate, we can actually be taking a person's property, because we are denying him the opportunity to get all or as much of the oil out of the ground as he should get out of the ground.

I will vote for this bill with reluctance, because I know that the public generally believes that many of the things that are called for in it will be good. I understand that when you face an emergency situation, as we do, it is inevitable that many innocent people are going to be hurt. I want to do what I can to help that situation. But I do deplore the fact that, for whatever reasons each of us may have in his own heart, we have not had the courage or the good judgment yet, outside of authorizing the Alaskan pipeline, to take any significant action that addresses the problem of supply.

If the Japanese had the options we have, if almost any other country in the world had the options we have, my guess is that they would respond differently from the way we are responding.

We will have to come around, sooner or later—mark my words—to doing some of the things I am talking about here today. We have oil prospects all over the continental United States, on the Outer Continental Shelf, that we are not trying to get into production in an aggressive fashion.

The other fact impinges upon this supply situation, and that is the impact of NEPA legislation. It has been agreed, I understand, by the committee managers and those on the Committee on Public Works that we will leave it up to the Committee on Commerce to write any suggested changes or exemptions that may apply to NEPA in order to shorten the time given those who may raise environmental questions that delay taking the actions I think the United States should take.

Mr. President, I hope that people throughout America will understand what the energy situation is and will respond in a fashion so as to call to the attention of Members of Congress in a way that cannot be misunderstood that, while they support those actions which will help spread the misery around, they would hope very much that we would have the courage and the foresight and the good commonsense to recognize that we will not correct the problem until we get at the basic issue of improving supply.

I thank the distinguished Senator from Washington.

Mr. JACKSON. Mr. President, I yield to the able Senator from North Carolina such time as he may require.

Mr. HELMS. Mr. President, I simply want to commend the distinguished Senator from Wyoming. He touched on a facet of this situation that very much needs to be discussed with the American people, so that they may understand the origin of the problem.

I think the Senator from Wyoming will agree that we are in this crisis today, because Government has been trying to improve on free enterprise.

What has happened in this fuel crisis is what will happen each time the Government meddles and interferes with the process of free enterprise. I, like the Senator from Wyoming, shall vote for the conference report. I shall do so reluctantly because of the same defects and the same situations he so eloquently discussed.

But I wish to call attention to one feature of the conference report which I briefly acknowledge as probably being helpful to the people of my State. I refer to the language found on page 4, in paragraph 3 of section 4. For the record, I wish to read it at this time so there will be no mistake about it:

> (3) The President in promulgating the regulation under subsection (a) shall give consideration to allocating crude oil, residual fuel oil, and refined pretroleum products in a manner which results in making available crude oil, residual fuel, or refined petroleum products to any person whose use of fuels other than crude oil, residual fuel oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with, a rule of water of a Federal or State agency, or where such person's supbly of such other fuels is unobtainable by reason of an abandonment of service permitted or ordered by a Federal or State agency.

I hope it is understood by the Senate that this is a message to the President, because of the situation that exists in my State and many other States with respect to natural gas customers operating on an interruptible contract.

Under a Federal Power Commission ruling that was to have taken effect on November 16, hundreds of factories in North Carolina would have been closed and thousands of wage earners thrown out of work because of lack of gas for heating and processing. The State of North Carolina has brought suit against the FPC and, after the entire North Carolina congressional delegation joined in as amicus curiae, a stay was obtained in the District of Columbia Court of Appeals. If we lose this suit, the situation will be grave. But even if the State of North Carolina wins this suit, it will require many millions of gallons of fuel oil to take up the slack if further curtailment is required. But under any curtailment ordered by a Federal or State agency, these customers would get high priority for other fuel allocations.

This is the way the measure provides relief for these people and businesses that otherwise would have to go out of business. I hope the record is clear that the President's opportunity and duty is to make certain that this particular section is implemented.

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the RECORD letters from Dr. John Dunlop, Director of the Cost of Living Council, and Gov. Daniel Evans of the State of Washington, Chairman of the National Governors' Conference, concerning S. 1570.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ECONOMIC STABILIZATION PROGRAM,
COST OF LIVING COUNCIL,
Washington, D.C., November 13, 1973.

Senator HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: The purpose of this letter is to confirm my understanding of the intentions of Congress in enacting various provisions of the Emergency Petroleum Allocation Act of 1973 (S. 1570) as they are affected by the Economic Stabilization Act of 1970, as amended and the amendments to Section 28 of the Mineral Leasing Act of 1920, authorizing the Trans-Alaska Pipeline (S. 1081).

I. STRIPPER WELL EXEMPTION

Both the Trans-Alaska Pipeline Bill (hereinafter referred to as "the pipeline bill") and the Emergency Petroleum Allocation Act (hereinafter referred to as "the allocation act") contain provisions for exempting from price controls so-called stripper wells—i.e., those wells producing 10 barrels a day or less. The language of the two bills, though similar in many respects, contains several important differences. Section 406(a) of the pipeline bill provides as follows:

"The first sale of crude oil and natural gas liquids produced from any lease whose average daily production of such substances for the preceding calendar month does not exceed ten barrels per well shall not be subject to price restraints established pursuant to the Economic Stabilization Act of 1970, as amended, or to any allocation program for fuels or petroleum established pursuant to that Act or to any Federal law for the allocation of fuels or petroleum."

The comparable provision in Section 4(e)(2)(A) of the allocation act provides as follows:

"The regulation promulgated under subsection (a) of this section shall not apply to the first sale of crude oil produced in the United States from any lease whose average daily production of crude oil for the preceding calendar year does not exceed ten barrels per well."

You will note that the pipeline bill refers to both "crude oil and natural gas liquids" whereas the allocation act refers only to "crude oil." In addition, you will note that the pipeline bill embodies a base period for determining eligibility for the exemption expressed as the average daily production "for the preceding calendar month" while the allocation act contains a base period expressed in terms of average daily production "for the preceding calendar year."

It is my understanding that in enacting a stripper well exemption as part of the allocation act which differs from a similar provision previously enacted as part of the pipeline bill, it is the intention of Congress to pre-empt the earlier provision by the later provision and that once the exemption established by the allocation act is implemented, the exemption previously enacted as part of the pipeline bill will no longer be of any force or effect.

Further, it is my understanding that the term "crude oil" as used in Section 4(e)(2) of the allocation act is intended to encompass all crude petroleum produced at the wellhead, including both crude oil and crude oil condensates including natural gas liquids such as propane, butane, and ethane. The term is clearly not intended to include natural gas, however. Natural gas production and pricing would continue to be regulated by the Federal or state agency having jurisdiction over such production.

In some cases, through adjustments in the production process it is possible to vary the proportion of crude oil and crude oil condensates that are ultimately produced at the wellhead. If the exemption were construed to apply only to crude oil itself and not crude oil condensates, there would be an incentive to modify the production process to gain advantage of the exemption. Some of the production process modifications that might result in an effort to maximize crude production and minimize condensate production could be counter productive in terms of maximizing total recovery from a reservoir.

It is my understanding that it is the intention of Congress not to permit this form of "gaming" of the exemption, but that rather it is the intention of Congress to embody within the term "crude oil" as used in Section 4(e)(2) of the allocation act both crude oil and crude oil condensates produced at the wellhead.

I also note that the language of the Conference Report accompanying the pipeline bill contains specific admonitions to the administering agency to construe strictly the language of the exemption to accomplish the supply-enhancement objectives of the exemption and to insure that the exemption is not in any way broadened. Specifically the Report states:

"Congress specifically intends that the regulations shall, among other things, prevent any 'gerrymandering' of eases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings. The sole purpose and objective of this Section 406 is to keep stripper wells—those producing less than ten barrels per day—in production and to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers. It is not intended to confer any benefit on the owners and operators of wells producing in excess of ten barrels per day."

I have attached the pertinent language from the Conference Report as Appendix A to this letter. It is my understanding that in enacting the stripper well exemption as part of the allocation act, that the Congress intends that the same considerations as those set out in the pipeline bill Conference Report shall be applied by the administering agency.

II. PRICING PROVISIONS

Section 4(a) of the allocation act contains authority to issue regulations specifying or prescribing prices for crude oil, residual fuel oil and each refined petroleum product. This authority is separate and apart from the authority to stabilize prices for these and other products contained in the Economic Stabilization Act of 1970, as amended.

It is my understanding that in enacting the authority to control prices in Section 4(a) of the allocation act, it is not the intention of Congress to pre-empt the field and extinguish the authority to control prices in the petroleum industry under the Economic Stabilization Act. Rather, it is my understanding that the two authorities are to have coincident applicability. I am mindful of the purpose expressed at page 26 of the Conference Report on the allocation act that "Congress intends to force the Administration to rationalize and harmonize the objectives of equitable allocation of fuel, with the objectives of the Economic Stabilization Act." But it is my understanding that in the language which follows that sentence, the Congress is expressing its intention to continue the applicability of price control authority in the petroleum industry pursuant to the Economic Stabilization Act. Thus, so long as the Economic Stabilization Act remains in effect and is invoked with respect to the petroleum industry, prices in that industry would be subject to control under the authority of both the Economic Stabilization Act and the allocation act and the administering agency which has been delegated price control authority under both statutes would be obligated to comply with the provisions of both. Of course, should the Economic Stabilization Act, which expires on April 30, 1974, not be extended, then the authority of the allocation act would constitute the exclusive basis for controlling prices in the petroleum industry.

In that connection, it is my understanding that, assuming the Phase IV price regulations in the petroleum industry are continued, the provisions of Section 150.354 of those regulations providing for release from crude petroleum ceiling price rules of new crude petroleum and base production control level crude petroleum would not be deemed inconsistent with or require modification because of the language of Section 4(a) of the allocation act which refers to "prices specified in (or determined in a manner prescribed by)" the regulation therein provided for.

III. PERSONNEL PROVISIONS

Section 5(a) of the allocation act as reported by the Conference Committee provides, among other things, that certain personnel authorities contained in the Economic Stabilization Act of 1970 shall apply to functions under the Emergency Petroleum Allocation Act of 1973 to the same extent such authorities apply to functions under the Economic Stabilization Act of 1970. It is my understanding that the intent of this provision is to establish personnel authorities in addition to those now used by the Economic Stabilization Program and not to require that these existing authorities be shared with whatever agency is designated to carry out the provisions of this bill. Specifically, it is my understanding that the Congress intends by this provision to authorize the placement of not to exceed twenty positions in GS–16, 17, and 18 in addition to the number of positions which may be placed in those grades under Section 5108 of title 5, United States Code, in order to carry out functions under the Emergency Petroleum Allocation Act of 1973, without requiring a reduction in the number of positions currently authorized pursuant to Section 212(d) of the Economic Stabilization Act of 1970 for carrying out functions under the Economic Stabilization Act.

We appreciate the opportunity to express our views on this subject and I urge you to contact me or my colleagues at the Cost of Living Council if we may furnish any further information.

Sincerely,

John T. Dunlop,
Director.

Excerpt From Conference Report Accompanying S. 1081 Amending Section 28 of the Mineral Leasing Act of 1920, and to Authorize the Trans-Alaska Pipeline

15. Section 406, relating to stripper oil wells, was a Senate floor amendment to S. 1081. The Conferees have adopted the general concept of the floor amendment, but have added new provisions to insure that the exemption is narrowly defined and prudently administered, and to insure that the incentive being granted is properly limited in accord with congressional intent.

The purpose of exempting small stripper wells—wells whose average daily production does not exceed ten barrels per well—from the price restraints of the Economic Stabilization Act (now in Phase IV) and from any system of mandatory fuel allocation is to insure that direct or indirect price ceilings do not have the effect of resulting in any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons.

As of January 1, 1973, there were 350,000 stripper wells producing ten barrels a day or less. Stripper wells account for 71 percent of all of the oil wells in this country, but produce an average of only 3.6 barrels per day, or only 13 percent of total U.S. domestic crude production.

Many stripper wells are of only marginal economic value. When the costs of their operation exceeded the value of their production, they are shut in, and a known and developed crude oil reserve is lost to U.S. production. Removing Phase IV price restraints from these marginal stripper wells has the effect of increasing the value of the crude oil they produce by about $1.30 per barrel (the difference between $4.02, the current per-barrel ceiling average under Phase IV, and $5.32, the per-barrel average price for "new" domestic crude oil production which is not subject to Phase IV). This price incentive will encourage owners and operators of stripper wells to maintain production and to keep these wells in operation for longer periods of time than would be possible if the value of their crude oil production were determined under Phase IV price ceilings. This increased incentive will, it is anticipated, permit stripper well operators to make new investments in the eligible wells and improve the gathering and other facilities for moving this oil to market.

The words "first sale" in Section 406(a) refer to the initial sale from the producer to a refiner, oil broker or other party. Thereafter, the exemption expires and any applicable provision of the Economic Stabilization Act or any mandatory allocation program may apply.

The exemption also runs only to "crude oil and natural gas liquids." It does not run to natural gas produced by these wells. Natural gas production and pricing continue to be regulated by the Federal or State agency having jurisdiction over the particular wells involved.

The Congress intends that the provisions of this section will be strictly enforced and regulated by the administering agency to insure that the limited exemption of this class of wells for the express purposes described above is not in any way broadened. To achieve this, Congress authorizes on-site inspections to insure compliance. Congress also directs that the administering agency shall promulgate regulations to implement the provisions of this section before it becomes operative. The Conferees expect the administering agency to utilize State data regarding production volumes, and to provide by regulation safeguards against the manipulation of gerrymandering of lease units in a manner that evades the price control and allocation programs.

These regulations shall be so designed as to provide safeguards against any abuse, overreaching or altering of normal patterns of operations to achieve a benefit under this section which would not otherwise be available. Congress specifically intends that the regulations shall, among other things, prevent any "gerrymandering" of leases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings. The *sole* purpose and objective of this Section 406 is to keep stripper wells—those producing less than ten barrels per day—in production and to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers. It is not intended to confer any benefit on the owners and operators of wells producing in excess of ten barrels per day.

The Congress also intends that the regulations provide appropriate limitations and provisions in the definition of "lease" to insure that an administratively workable system is established which does not permit abuse.

Office of the Governor,
Olympia, Wash., November 13, 1973.

Re S. 2589.

Hon. Henry M. Jackson,
Chairman, Senate Committee on Interior and Insular Affairs, Old Senate Office Building, Washington, D.C.

Dear Mr. Chairman: Thank you for the opportunity to discuss the above-captioned bill with you yesterday. As I mentioned, the States have a vital interest in the terms of this measure and the ways in which emergency procedures may be devised and implemented in the energy field.

Under the terms of the Regulations issued for Allocation of the Middle Distillates, every State has been asked to establish procedures for administering a hardship reserve. This has meant setting up machinery, recruiting personnel and making offices and special telephone lines available to carry out our responsibilities. At this point in time, it is impossible to estimate exactly how much will be required in each State to carry forth the responsibilities for Middle Distillates. I can only tell you that the costs are being borne out of emergency State funds and, in most cases, personnel and facilities dedicated to other purposes have been diverted to this task.

In addition to the burdens involved in the allocation program, most States have also become active in the quest to conserve energy. From Washington to Florida and from California to Connecticut, States have invested their funds and personnel resources to devise and implement programs of conservation. These have been innovative and effective. They have included prohibitions on outdoor lighting, lowering of speed limits, revisions of temperature settings in public buildings, encouragement of revisions of shopping hours in commercial establishments and provisions to make it easier for home owners to increase insulation and installation of storm doors and windows. Public awareness programs have been undertaken and research for new energy sources and wiser use of existing resources have been underwritten in whole, or in part, by dozens of States.

I have recited the foregoing record to illustrate the desirability of inclusion of provisions in the above-captioned bill for financial aid to the States so that they can play the most effective role in the effort to bring supply and demand into some rational balance. A spot check of the States indicates that in moderate sized States such as Maryland and Georgia, the total personnel complement committed directly to the allocation and conservation programs will total about 20 clericals and 10 professionals per year. This approximates $350,000 a year per State in direct salaries and at least 25 percent more in indirect costs for this complement—a total of more than $400,000 a year. This outlay comes in a period when State legislatures have not met and before any new responsibilities are entrusted to the States under the terms of the above-captioned bill and S. 1540 and the regulations which the Administration will issue pursuant to them.

I am in the process of canvassing the States to determine more closely the personnel complement each of them anticipates under existing programs and can only guess at the ancillary costs of such programs as reducing speed limits and enforcing other conservation measures. This is all over and above the research efforts at State academic institutions and those coordinated by science advisors to the Governors and the State legislatures. I would note that the Western Governors have not only not shrunk from the responsibilities this crisis has thrown on their shoulders but they have sought a voice in the program for allocation of propane.

It is also safe to assume that the President will delegate additional responsibilities and duties to the States under the terms of Section 5(b) of S. 1570 as reflected in the Conference Report for that bill (House Report 93–628). The States do not seek to avoid such new responsibilities—they readily accept them because the States have a unique capacity to identify vital needs and priorities in their own jurisdictions and to make the decisions which will carry forward the purposes of an allocation and imaginative conservation program.

Although there is broad authorization given to the President to draw up Regulations we would like some assurance that States could have a set-aside of Middle Distillate fuels to use for emergency assistance. The existing procedures preclude States from purchasing fuels for resale or arranging for suppliers to hold back some fuels to respond to emergencies. Informal cooperation of suppliers and distributors has been helpful. However we cannot rely on this base in the months ahead when supplies fall even further behind demand.

I am meeting with the Executive Committee of the National Governors' Conference and the New England Governors tomorrow and I have every confidence that I speak for them in the observations contained in this letter. Moreover, the National Governors' Conference has established an Energy Policy Project which is actively working not only with the States and federal government, but also with county and city governments. We are trying to make certain that each State is as effective as possible and that regional cooperation is facilitated. We are in the midst of a canvass of every State to determine the resources it will require to carry out its responsibilities. We should have the results within the next two days and will forward them to you.

On behalf of the National Governors' Conference and as Governor of our own State I look forward to working with the Congress and the Administration as well as other units of government and many private citizens and organizations as we go about the important work of refining a viable national policy and programs which are needed to implement such a policy for a problem that will be with us for years to come.

Sincerely,

Daniel J. Evans,
Chairman, National Governors' Conference.

Mr. JACKSON. Mr. President, Governor Evans is concerned over the need for a grant-in-aid program to assist the States in fulfilling their responsibilities under the act.

While the conference report does not so provide, a provision to achieve this purpose was adopted by the committee on Monday in connection with the consideration of S. 2589, the Energy Emergency Act of 1973.

Dr. Dunlop's letter concerns the interpretation of certain sections of the conference report. I concur and I believe it was the intent of the conference committee to concur in the interpretation Dr. Dunlop places on the language of the report.

Mr. STEVENS. Mr. President, I would like to clarify one point in the allocation provisions of this legislation. Does the term "public service" in section 4(b)(1)(b) include "the transportation and delivery of mail by the U.S. Postal Service, its lessors, rural carriers, contractors, and air carriers"?

I seek this clarification because it is essential that the transportation and delivery of mail have a high priority in the allocation of fuel. In my capacity as a member of the Post Office and Civil Service Committee, I have become aware of several factors which make it essential to the well-being of the Nation that Congress make it clear that the transportation and delivery of mail is to be included within the priority provisions of this legislation.

Prompt delivery of the mail depends upon the efforts of thousands of small businessmen who hold contracts with the Postal Service for highway and air taxi mail transportation. Without expression of congressional intent that the transportation and delivery of the U.S. mail is a priority item for the allocation of fuel during the coming winter, these thousands of key contractors may not be able to obtain sufficient fuel for their vehicles and the entire mail system may be seriously impaired. Many inhabitants of rural America who depend upon star route box delivery to bring them their mail may be literally cut off from the outside world.

Absent congressional intent that a priority fuel allocation status be given to the transportation and delivery of mail, postal contractors may find themselves forced to procure their fuel piecemeal—literally driving from pump to pump trying to get enough fuel to complete an important mail run. The resulting slowdown in the carriage of mail to and from processing centers would greatly increase the costs of mail processing by disrupting the steady volume of mail necessary for the efficient operation of Postal Service facilities. This situation could literally cripple mail service during the high volume Christmas season period.

The Postal Service supplements its own delivery fleet with up to 82,000 vehicles leased from commercial sources and from mail carriers themselves. Without specific mention of the priority fuel allocation status of mail delivery, the owners of these vehicles may not be able to obtain sufficient fuel to operate them. This will not only hamper mail delivery, but will also contribute to the deterioration of postal labor relations with those employees who lease their own vehicles to the Postal Service.

Under the previous voluntary system of fuel allocation, the Postal Service had increasing difficulty in finding dealers willing to enter long-term contracts to supply fuel for postal vehicles. The lack of specific mention of mail transportation in the list of activities enjoying priority status in the allocation of fuel was a great disadvantage in this regard. An expression of congressional intent that mail transportation be included within priority status in fuel allocation will prevent the recurrence of this problem.

As you know, Postmaster General Klassen recently publicized nationwide mail delivery standards and he has made a strong commitment to meet those standards. The Postal Service cannot meet these commitments it has made to the American public unless the fuel necessary to carry out its task is made available. Therefore, I should like to direct a question to the chairman of the committee. Am I correct in assuming that it is our intent to include delivery of mail by the U.S. Postal Service, its lessors, rural carriers, contractors, and air carriers within the priority fuel allocation provisions of this legislation?

Mr. JACKSON. The Senator is absolutely correct. It should be made clear that the Postal Service is one of the vital public services included in section 4(h)(i)(k) of the bill.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusets (Mr. Kennedy), the Senator from Utah (Mr. Moss), the Senator from Wisconsin (Mr. Nelson), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Nevada (Mr. Bible), the Senator from Kentucky (Mr. Huddleston), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate on official business.

The Senator from Colorado (Mr. Dominick), the Senator from Oregon (Mr. Packwood), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Schweiker) and the Senator from Virginia (Mr. William L. Scott) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. Curtis) and the Senator from Oregon (Mr. Packwood) would each vote "yea."

The result was announced—yeas 83, nays 3, as follows:

[No. 481 Leg.]

YEAS—83

Abourezk
Aiken
Allen
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brooke
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Dole
Domenici
Eagleton
Eastland
Ervin

Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee

McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Scott, Hugh
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—3

Bartlett
Brock
Buckley

NOT VOTING—14

Bible
Curtis
Dominick
Huddleston
Humphrey
Kennedy
Moss
Nelson
Packwood
Saxbe
Schweiker
Scott, William L.
Stennis
Talmadge

So the conference report was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. FANNIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 473, S. 2589. I do this so that the bill will be the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

Calendar No. 473, S. 2589, a bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Energy Emergency Act of 1973".

TITLE I—STATEMENT OF FINDINGS AND PURPOSES

Sec. 101. Findings.—The Congress hereby determines that—

(a) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist;

(b) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods;

(c) such shortages and disclocations jeopardize the normal flow of interstate and foreign commerce and constitute a nationwide energy emergency which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the executive branch of Government;

(d) disruptions in the availability of imported energy supplies, particularly crude oil and petroleum products, pose a serious risk to national security, economic well-being, and health and welfare of the American people;

(e) interruptions of energy supplies, both in the near term and in the future, will require emergency measures to reduce energy consumption, increase domestic production of energy resources, and provide for equitable distribution of available supplies to all Americans;

(f) the development of a comprehensive energy policy to serve all of the people of the United States necessitates the regulation of intrastate delivery and use of energy resources, other than natural gas, in order to insure the effective regulation of interstate and foreign commerce in energy;

(g) because of the diversity of conditions, climate, and available fuel mix in different areas of the Nation, a primary governmental responsibility for developing and enforcing emergency fuel shortage contingency plans lies with the States and with the local governments of major metropolitan areas acting in accord with the provisions of this Act.

Sec. 102. Purposes.—The purpose of this Act is to—

(a) declare by Act of Congress an energy emergency;

(b) grant to the President of the United States, and direct him to exercise, specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products, and other fuels, or dislocations in their national distribution system;

(c) provide a national program to conserve scarce energy resources, through mandatory and voluntary rationing and conservation measures, implemented by Federal, State, and local governments;

(d) protect the public health, safety, and welfare and the national security, and to assure the continuation of vital public services and maximum employment in the face of critical energy shortages;

(e) minimize the adverse effects of such shortages or dislocations on the economy and industrial capacity of the Nation;

(f) insure that measures taken to meet existing emergencies are consistent, as nearly as possible, with existing national commitments to protect and improve the environment in which we live; and

(g) direct the President and State and local governments to develop contingency plans which shall have the practical capability for reducing energy consumption by no less than 10 per centum within ten days and by no less than 25 per centum within four weeks of any interruption of normal supply.

TITLE II—EMERGENCY FUEL SHORTAGE CONTINGENCY PROGRAMS

Sec. 201. Declaration of Emergency.—The Congress hereby declares that current and imminent fuel shortages have created a nationwide energy emergency.

Sec. 202. Presidential Authorization.—(a) The President is hereby authorized and directed to implement emergency fuel shortage contingency programs as provided for in this title.

(b) For the duration of the energy emergency, the President is further authorized to enter into appropriate understandings, arrangements, or agreements with foreign states, or foreign nationals, or international organizations, to adjust and allocate imports of fossil fuels, or take such other action as he deems necessary, with respect to trade in fossil fuels, in order to achieve the purposes of this Act. Any such formal agreement shall be submitted to the Senate of the United States, and shall be operative, but shall not become final until the Senate has had fifteen days, no less than seven of which shall be legislative days, to disapprove of such agreement.

(c) The declared nationwide energy emergency and the authority granted by this Act shall terminate one year after the date of enactment of this Act. Six months after the date of enactment of this Act, the President shall submit to the Congress an interim report on the implementation of the Act, together with such recommendations for amending or extending the Act as he deems appropriate.

Sec. 203. Emergency Fuel Shortage Contingency Plans.—(a) Not later than fifteen days after the date of enactment of this Act, the President shall promulgate a plan for a nationwide emergency energy rationing and conservation program. Such program shall assure, insofar as is practicable, that all vital services will be maintained and that unnecessary energy consumption will be curtailed.

(b) The rationing and conservation program provided for in subsection (a) shall include the following:

"(1) an established priority system and plan, including a program to be implemented without delay, for rationing of scarce fuels quantitatively and qualitatively among distributors and consumers for the duration of the emergency. To the extent practicable such priority and rationing program shall include, but not be limited to, measures adequate to insure that available low sulfur fuel will be distributed on a priority basis to those areas of the country designated by the Environmental Protection Agency as requiring low sulfur fuel to avoid or minimize adverse impacts on public health; and

(2) measures capable of reducing energy consumption in the affected area by no less than 10 per centum within ten days, and by no less than 25 per centum within four weeks after implementation. Such measures shall include, but are not limited to: transportation control plans; restrictions against the use of fuel or energy for nonessential uses such as lighted advertising and recreational activities; a ban on all advertising encouraging increased energy consumption; limitations on operating hours of commercial establishments and public service, such as schools; temperature restrictions in office and public buildings, including wholesale and retail business establishments; and reductions in speed limits.

(c) Within two weeks of the date of enactment of this Act, the President shall also promulgate requirements for emergency energy conservation and contingency programs to be developed by each State and major metropolitan government, to implement the Federal program described in subsection (a) above. Such programs, which must be developed within eight weeks after the date of enactment of this Act and submitted for approval to the President, shall include at a minimum the provisions set forth in subsection (b) above. The President shall approve and direct the States to implement those State plans or portions thereof which he determines meet the requirements of this section for emergency energy conservation and contingency programs and which are necessary to deal with the energy shortage conditions facing the Nation.

(d) In the event that a State or major metropolitan government fails to design and implement a contingency program as provided for in subsection (c), the Federal program implemented pursuant to subsection (a) above, shall remain in effect for such State or metropolitan government.

(e) The President shall direct immediate implementation of those rationing and conservation measures contained in the plans in this section as needed to achieve the purposes of this Act.

(f) Nothing contained in this Act shall authorize the President to regulate or allocate natural gas not otherwise subject to the jurisdiction of the Federal Power Commission, except for the purpose of prohibiting the burning of gas for decorative purposes and except as provided in section 204(a) of this Act: Provided, however, That State regulatory bodies having jurisdiction over such natural gas shall cooperate with the President to achieve the conservation objectives of this Act.

Sec. 204. Federal Action for Fuel Conservation. — Notwithstanding any action taken on the part of State or local governments pursuant to the rationing and conservation programs required by section 203:

(a) the President may, in accordance with the rationing and conservation program required by section 203, require, after balancing on a plant-by-plant basis the environmental effects of such conversions against the need to fulfill the purposes of this Act, that any major fossil fuel burning installations, including existing electric generating plants, which now burn petroleum or natural gas and which have the ready capability and necessary plant equipment to burn coal or other fuels, to convert to burning coal or other fuels as their primary energy source. Any installation so converted will be permitted to continue to use such fuel for at least one year, subject to the variance procedure of the Clean Air Act, as amended, (42 U.S.C. 1857 et seq.). Insofar as practicable, conversions shall first be required for those plants where the use of coal or other fuels will have the least adverse environmental impact. Such conversions shall be carried out contingent upon availability of coal, and the maintenance of reliability of service in a given service area. The President shall require that fossil fuel fired electrical powerplants now in the planning process be designed and constructed so as to have the capability of rapid conversion to burn coal.

(b) (1) the Interstate Commerce Commission, with respect to carriers subject to regulation under sections 1(1) and 304(a) (1) of title 49, United States Code (49 U.S.C. 1(1), 304(1)(a)), the Civil Aeronautics Board, and the Federal Maritime Commission, with respect to carriers operating in the domestic trades of the United States including its territories and possessions, for the duration of the energy emergency, in addition to their existing powers, shall have the authority on their own motion or by motion of any interested party, to review and make reasonable and necessary adjustments to the operating authority of carriers within their respective jurisdictions in order to conserve fuel while providing for the public convenience and necessity. Such adjustments may include but need not be limited to adjusting and rationalizing the operations of such carriers with regard to frequency of service, points served, scheduling to prevent duplication of service and reviewing or adjusting rate schedules to reflect such adjustment and rationalization. Actions taken pursuant to this paragraph may be taken, notwithstanding any other provision of law after hearings in accordance with section 553 of title 5 of the United States Code. Any person adversely affected by an action shall be entitled to a judicial review of such action in accordance with chapter 7 of title 5 of the United States Code.

(2) within fifteen days after the date of enactment of this Act, the Civil Aeronautics Board, the Federal Maritime Commission and the Interstate Commerce Commission shall report separately to the appropriate committees of the Congress on the need for additional regulatory authority in order to conserve fuel during the energy emergency while continuing to provide for the public convenience and necessity. Each such report shall identify with specificity—

(1) the type of regulatory authority needed;

(2) the reasons why such authority is needed;

(3) the probable impact on fuel conservation of such authority;

(4) the probable effect on the public convenience and necessity of such authority; and

(5) the competitive impact, if any, of such authority.

Each such report shall further make recommendations with respect to changes in any existing fuel allocation programs which are deemed necessary to conserve fuel while providing for the public convenience and necessity.

(3) the regulatory agencies subject to this subsection (b) may, where appropriate, consult with departments or agencies of the Federal Government having expertise or jurisdiction over the modes of transportation involved.

(c) the President shall develop and implement federally sponsored incentives for the use of public transportation, including priority rationing of fuel for mass transit systems, and Federal subsidies for reduced fares and additional expenses incurred because of increased service, for the duration of the energy emergency. For the purposes of this section, paragraph (3) of subsection (e) of section 142 of title 23, United States Code, is amended as follows: strike the period at the end of the paragraph and add the following: "except that, with respect to the purchase of buses and rolling stock for fixed rail, the Federal share shall be 80 per centum."

(d) the President shall solicit recommendations from the Secretary of the Department of Transportation as to changes in Federal and State policies relating to motorized transport on the interstate highway system which would result in significant savings of fuel.

(e) all Federal departments and agencies, including the Federal regulatory agencies, are directed to undertake a survey of all activities over which they have special expertise or jurisdiction and identify and recommend to the Congress and to the President, within thirty days of enactment of this Act, specific proposals to significantly increase energy supply or to reduce energy demand through conservation programs.

SEC. 205. AIR QUALITY REQUIREMENTS.—Should a Presidential order to change fuels pursuant to subsection 204(a) result in a violation of an air quality implementation plan, a variance may be granted in accordance with the provisions of the Clean Air Act, as amended.

SEC. 206. ENVIRONMENTAL IMPACT STATEMENTS.—No major action taken under this Act shall, for a period of one year after initiation of such action, be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856). However, prior to taking any such major action that has a significant impact on the environment, if practicable, or in any event within sixty days of taking such action, an environmental evaluation, with analysis equivalent to that required under section 102(2)(C) of the National Environmental Policy Act of 1969, to the greatest extent practicable within this time constraint, shall be prepared and circulated to appropriate Federal, State, and local government agencies and to the public for a thirty-day comment period after which a public hearing shall be held upon request to review outstanding environmental issues. Such an evaluation shall not be required where the action in question has been preceded by compliance with the National Environmental Policy Act of 1969 by the appropriate Federal agency. Any action taken under this Act which will be in effect for more than a one-year period, or any action to extend an action taken under this Act to a total period of more than one year shall be subject to the full provisions of the National Environmental Policy Act of 1969 notwithstanding any other provision of this Act.

SEC. 207. FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES.—The President is authorized to initiate the following measures to supplement domestic energy supplies for the duration of the emergency:

(a) Require on a mandatory basis the production of designated existing domestic oilfields at their maximum efficient rate of production, which is the maximum rate at which production may be sustained without detriment to the ultimate recovery of oil and gas under sound engineering and economic principles. Such fields are to be designated by the Secretary of the Interior, after consultation with the appropriate State regulatory agency. Data to determine the maximum efficient rate of production shall be supplied to the Secretary of the Interior by the State regulatory agency which determines the maximum efficient rate of production and by the operators who have drilled wells in, or are producing oil and gas from such fields.

(b) Require, if necessary to meet essential energy needs, production of certain designated existing domestic oilfields at rates in excess of their currently assigned maximum efficient rates. Fields to be so designated, by the Secretary of the Interior or the Secretary of the Navy as to the Federal lands or as to Federal interests in lands, under their respective jurisdiction shall be those fields where the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned sustainable maximum efficient rate for periods of ninety days or more without excessive risk of losses in recovery.

(c) Require the adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the priorities established in accordance with section 203.

(d) (1) Require production of oil and gas from the currently developed resources of the naval petroleum reserves whenever the availability of petroleum products to the Armed Forces of the United States necessitates that the Department of Defense be accorded special priority for the purchase of petroleum products from United States suppliers under the terms of the Defense Production Act of 1950. Such production is the equivalent of production for "national defense" as used in section 7422 of title 10, United States Code, as amended, and related sections.

(2) Expedite the full exploration and development of Naval Petroleum Reserves Numbers One, Two, and Three, and expedite the full exploration of Naval Petroleum Reserve Number Four.

(e) Order the acceleration of lease sales of energy resources on public lands, subject to existing law, to include, but not limited to, oil and gas leasing onshore and offshore and geothermal energy leasing: *Provided*, That the exemptions provided for in section 206 shall not be applicable to this subsection 207(e).

SEC. 208. ADVERSE IMPACT ON EMPLOYMENT.—In carrying out his responsibilities under this Act, the President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of government shall cooperate fully under their existing statutory authority to minimize any such adverse impact.

TITLE III—ADMINISTRATION AND AUTHORIZATIONS

SEC. 301. CONGRESSIONAL APPROVAL.—Within two weeks after the date of enactment of this Act, the President shall submit to Congress his proposals for the emergency contingency programs provided for in title II of this Act, and proposals for implementing such programs. The Congress may, within fifteen days of such submission, five of which must have been in legislative session, by concurrent resolution specifically disapprove of all or part of the program or proposal.

SEC. 302. (a) LOCAL ADMINISTRATION.—The President may, in the implementation of any nationwide energy emergency rationing and conservation program, utilize a system of State and local offices as provided in this section.

(b) State Agencies.—The President is authorized to permit appropriate State agencies to operate the program within each State through local boards or other local agencies, including appeal agencies, as may be necessary to insure that the nationwide program is implemented within each State in a manner responsive to the immediate needs of the locality and consistent with the nationwide energy emergency rationing and conservation program. The State agencies are authorized and may be directed to consult with the elected officials of each locality when appointing the officials of such local agencies.

(c) Additional Functions.—The legislature of any State may in the development of any program of energy rationing or conservation, authorize the State agency to perform additional functions under State law: *Provided*, That the President may, by regulation, require such additional functions to be approved prior to their being implemented by the State agency.

Sec. 303. Economic Incentives.—The Secretary of the Treasury and the Director of the Cost of Living Council are hereby authorized and directed to study and recommend to the Congress specific incentives to increase energy supply, reduce demand, and to encourage private industry and individual persons to subscribe to the goals of this Act and to comply with the requirements of programs developed and implemented pursuant to this Act. The study and recommendations required by this section shall include an analysis of the actions required to implement the principle that the producers and users of energy should pay the full long-run incremental cost of obtaining incremental supplies of energy.

Sec. 304. State Laws.—No State law or program in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any program issued pursuant thereto except insofar as such State law or program is inconsistent with the provisions of this Act.

Sec. 305. Federal Facilities.—Whenever practicable, and for purposes of facilitating the transportation and storage of fuel during the effective period of this Act, agencies or departments of the Federal Government are authorized to enter into arrangements for use by domestic public entities and private industries of equipment or facilities which are in idle status or otherwise excess to the short-term needs of such agency: Provided, however, That such arrangements shall be made at fair market prices and only after a finding by the agency of nonavailability of suitable equipment or facilities within private industry in the region of need.

Sec. 306. Sanctions.—Any person who

(a) Willfully violates any order or regulation issued pursuant to this Act shall be fined not more than $5,000 for each violation.

(b) Violates any order or regulation issued pursuant to this Act shall be subject to a civil penalty of not more than $2,500 for each day he is in violation of this Act, for each violation.

Sec. 307. Loans to Homeowners and Small Businesses.—The Federal Housing Administration and the Small Business Administration are authorized to make low interest loans to homeowners and small businesses for the purpose of installing new and improved insulation, storm windows, and more efficient heating units.

Sec. 308. National Energy Emergency Advisory Committee.—(a) There is hereby created a National Energy Emergency Advisory Committee which shall advise the President with respect to all aspects of implementation of this Act. The chairman of the committee shall be the Director of the Office of Energy Policy. In addition to the chairman, the committee shall consist of fifteen members appointed by the President, who shall represent the following interests: energy industry, including producers, refiners, transporters, and marketers; transportation; industrial energy users; small business; labor; agriculture; environmental; State and local government; and consumers.

(b) The head of each of the following agencies shall designate a representative who shall serve as an observer at each meeting of the advisory committee and shall assist the committee to perform its advisory functions;

(1) the executive departments as defined in section 101 of title 5, United States Code;

(2) Interstate Commerce Commission;

(3) Atomic Energy Commission;

(4) Federal Power Commission;

(5) Federal Trade Commission;

(6) Civil Aeronautics Board; and the

(7) Federal Maritime Commission.

Sec. 309. Administrative Procedure.—(a) Except as expressly provided otherwise in this Act, the functions exercised under this Act are excluded from the operation of subchapter 11 of chapter 5, and chapter 7 of title 5, United States Code, except as to the requirements of sections 552, 553, 555(c), and 702 of title 5, United States Code.

(b) Any agency authorized by the President to issue rules, regulations, or orders under this Act shall, in regulations prescribed by it, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or recission of, or an exception to or exemption from, such rules, regulations, and orders. If such person is aggrieved by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the agency. The agency shall, in regulations prescribed by it, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this section.

(c) To the maximum extent possible, any agency authorized by the President to take any action under this Act shall conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on actions or proposed actions, other than procedures to which section 553 of title 5, United States Code would apply according to subsection (a) of this section, taken or to be taken under sections 203, 204, 205, 206, 207, and 312 of this Act.

Sec. 310. Judicial Review.—Judicial review of administrative rulemaking of general and national applicability done under this Act may be obtained only by filing a petition for review in the United States Court of Appeals for the District of Columbia within thirty days from the date of promulgation of any such rule or regulation, and judicial review of administrative rulemaking of general, but less than national, applicability done under this Act may be obtained only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within thirty days from the date of promulgation of any such rule or regulation, the appropriate circuit being defined as the circuit which contains the area or the greater part of the area within which the rule or regulation is to have effect.

Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases of controversies arising under this Act, or under regulations or orders issued thereunder, except any actions taken by the Civil Aeronautics Board, the Interstate Commerce Commission, Federal Power Commission, or the Federal Maritime Commission, except that nothing in this section affects the power of any court of competent jurisdiction to consider, hear, and determine in any proceeding before it any issue raised by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this Act). If in any such proceeding an issue by way of defense is raised based on the constitutionality of this Act or the validity of agency action under this Act, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code.

Sec. 311. Materials Allocations.—To achieve the purposes of this Act, the President is authorized to take such action as may be necessary to allocate supplies of materials associated with production of energy supplies, and equipment to the extent necessary to maintain and increase the production of coal, crude oil and other fuels.

Sec. 312. Grants to States.—The President is hereby authorized to make grants to any State or major metropolitan government, in accordance with, but not limited to, section 302 for the purpose of assisting such State or local government in developing, administering, and enforcing emergency fuel shortage contingency plans under this Act and fuel allocation programs authorized under the Emergency Petroleum Allocation Act of 1973 (Conf. Rept. No. 93-628, Nov. 10, 1973).

Sec. 313. Study of Health Effects of Sulfur Oxide Emission.—In order to determine the health effects of emissions of sulfur oxides to the air resulting from any conversions to burning coal pursuant to section 204 (a) the Department of Health, Education, and Welfare shall, in cooperation with the Environmental Protection Agency, conduct a study of acute and chronic effects among exposed populations. The sum of $5,000,000 is authorized to be appropriated for such a study.

Sec. 314. Authorizations.—There are hereby authorized to be appropriated such funds as are necessary for the purposes of this Act.

Sec. 315. Separability.—If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

Amend the title so as to read: "A bill to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, National, and international contingency plans; to assure the continuation of vital public services; and for other purposes."

Mr. MANSFIELD. Mr. President, the purpose of making the bill the pending business is to make it available when the Senate comes in tomorrow and completes the special orders and morning business.

The PRESIDING OFFICER. Under the order of yesterday the committee amendment in the nature of a substitute has been agreed to and the bill as thus amended is to be treated as original text for purpose of further amendment.

ORDER FOR ADJOURNMENT TO 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate adjourns today, it stand in adjournment until the hour of 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION—CONFERENCE REPORT

Mr. HRUSKA. Mr. President, I submit a report of the committee of conference on H.R. 7446, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. JOHNSTON). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 4, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 7. (a) (1) There are hereby authorized to be appropriated annually to carry out the provisions of this Act, except for the program of grants-in-aid established by section 9(b) of this Act, not to exceed $10,000,000, of which not to exceed $1,375,000 shall be for grants-in-aid pursuant to section 9 (a) of this Act.

(2) For the purpose of carrying out the program of grants-in-aid established by section 9(b) of this Act, there are hereby authorized to be appropriated such sums, not to exceed $20,000,000, as may be necessary, and any funds appropriated pursuant to this paragraph shall remain available until expended, but no later than December 31, 1976.

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 9. (a) The Administrator is authorized to carry out a program of grants-in-aid in accordance with and in furtherance of the purposes of this Act. The Administrator may, subject to such regulations as he may prescribe—

(1) make equal grants of appropriated funds in each fiscal year of not to exceed $25,000 to Bicentennial Commissions of each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor;

(2) make grants of nonappropriated funds to nonprofit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects, Such grants may be up to 50 per centum of the total cost of the program or project to be assisted.

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(b) For the purpose of further assisting each of the several States, the Territories, the District of Columbia, and the Commonwealth of Puerto Rico in developing and supporting bicentennial programs and projects, the Administrator is authorized, out of funds appropriated pursuant to section 7(a) (2) of this Act, to carry out a program of grants-in-aid in accordance with this subsection. Subject to such regulations as may be prescribed and approved by the Board, the Administrator may make grants to each of the several States, Territories, the District of Columbia, and the Commonwealth of Puerto Rico to assist them in developing and supporting bicentennial programs and projects. Each such recipient shall be entitled to not less than $200,000 under this subsection. In no event shall any such grant be made unless matched by the recipient.

And the Senate agree to the same.

JOHN L. MCCLELLAN,
EDWARD M. KENNEDY,
ROMAN HRUSKA,
Managers on the Part of the Senate.
HAROLD D. DONOHUE,
JAMES R. MANN,
M. CALDWELL BUTLER,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Conferees agreed to the language of Senate Amendment No. 1 amending Section 4 of H.R. 7446. This language is consistent with the basic principle of the legislation in encouraging State and local participation in the Bicentennial observance. The Senate language further implemented this purpose in providing that the Administrator is to coordinate his activities to the extent practicable with those being planned by State, local and private groups. He is further authorized to appoint special committees with members from among those groups to plan such activities as he deems appropriate.

The Senate amended Section 7(a) (1) of the House bill by placing a ceiling of $10,000,000 annually for the expenses of the Administration. Included in that amount was an authorization of not more than $2,475,000 for annual grants of $45,000 to each State, Territory, the District of Columbia and the Commonwealth of Puerto Rico. The provision for the $45,000 grants was contained in a parallel amendment to Section 9 of the bill which authorized the Administrator to make equal grants from appropriated funds of not more than $45,000 to each of the recipients.

The Conferees agreed to reduce the $45,000 figure to $25,000 per entity and the annual authorization for this grant program to $1,375,000.

Section 7(a) (2) as added by the Senate authorized an appropriation of not more than $20,000,000 for grants-in-aid on a matching basis to the several states to assist them in developing and supporting Bicentennial programs and projects as provided in the new Section 9(b) as added by the Senate, the amount to remain available until expended but no later than June 30, 1976.

The Conferees changed this date to December 31, 1976, because of the continuing celebrations and commemorations anticipated throughout the calendar year of 1976.

The language of Section 9(b) as contained in the Conference Report is the revised language agreed to by the Conferees. The Senate language provided that the amounts received under Section 9(b) by any State could not exceed $100,000 per state on a matching basis. In Conference, it was agreed to change this language so that each recipient would be entitled to not less than $200,000 in grants on a matching basis under the Subsection. In addition, the District of Columbia, the Territories and the Commonwealth of Puerto Rico were included as eligible recipients. The Conferees recognized that each jurisdiction would, therefore, be assured of the right to participate in this grant program up to the amount of $200,000. The language of the Subsection makes it clear that these grants are subject to regulations prescribed and approved by the Board. The $200,000 amount is available for grants to each jurisdiction and considered obligated for that purpose, which, if not used, would lapse. It is not intended that the unused portion of the $200,000 minimum earmarked for each jurisdiction will be available for distribution to any other jurisdiction or for any other purpose. The remaining funds under the $20,000,000 authorization are automatically available for grants to any eligible jurisdiction that presents a program found acceptable to the Administration.

The Conferees retained Senate Amendment No. 4. It is merely a conforming amendment made necessary by the renumbering changes in Subsection (a) of Section 9.

The Senate Conferees receded from Senate Amendment No. 6 which would have provided that the Administrator would serve as Chairman of the American Revolution Bicentennial Board and the Vice Chairman shall be elected by members of the Board from members of the Board. The Conferees agreed to retain the original House language providing that the Chairman and Vice Chairman shall be elected by members of the Board from members of the Board other than the Administrator.

The Conferees intend that the regulations provide a reasonable period for applications for grants by eligible entities.

JOHN L. MCCLELLAN,
EDWARD M. KENNEDY,
ROMAN HRUSKA,
Managers on the Part of the Senate.
HAROLD D. DONOHUE,
JAMES R. MANN,
M. CALDWELL BUTLER,
Managers on the Part of the House.

Mr. HRUSKA. Mr. President, I ask that the printing of the conference report and related papers as a Senate report be waived. That requirement will be complied with by the other body.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, this bill originated in the House of Representatives. On October 10 of this year the Senate approved a different version. There were very satisfactory conference meetings between the two bodies, and the result is the report which is at the desk.

At this point, I would like to take the opportunity to make some brief observations regarding the conference report.

The Senate conferees on this bill were

Senator McClellan, Senator Kennedy, and myself. Along with the House conferees, we worked diligently to resolve those differences which exist between the House and Senate version of H.R. 7446. For my part, I am generally pleased with the outcome of our conference; I believe that the Senate conferees brought back to this body a document which maintains many of the Senate amendments to the House-passed bill. On other matters, the conference report reflects a compromise struck in an atmosphere of differing views. The results of our conference were achieved through the efforts of bipartisan cooperation.

I would like to take a brief moment Mr. President, to comment on some of the most important aspects of the conference report.

The Senate version of H.R. 7446 made special note of the recognition and consideration which the new Bicentennial Administration should give to plans and programs developed by State, local, and private groups. The House conferees agreed to this amendment.

Another of the Senate amendments authorizes not to exceed $10,000,000 annually for the expenses of the new Bicentennial Administration and sets aside $2,475,000 for a continuation of $45,000 annual planning grants to each State. The House agreed to the $10,000,000 annual authorization and the conferees agreed to a reduction of the $45,000 grant to $25,000 annually per State, which comes to a total of $1,375,000 yearly.

The Senate had further amended the House version of H.R. 7446 by authorizing $20,000,000 for a new matching grant program to the States with a ceiling of $400,000 available to each State. The House agreed to the $20,000,000 figure but suggested that the basic approach of the grant program be restructured. The conferees, thus, agreed that under this grant program at least $200,000 would be available to each State or territory on a matching basis. The remaining portion of the $20,000,000 or roughly $9,000,000 would be made available to all such jurisdictions on a competitive basis through regulations established by the American Revolution Bicentennial Board.

Finally, the Senate conferees agreed to recede from the Senate amendment which would have required that the Administrator serve as Chairman of the Board. Thus, the original House language has been restored and provides that these positions shall not be held by the same person.

For my part, Mr. President, I have serious reservations regarding the restoration of the House language on this point. Our previous experiences and the pressing importance of bicentennial efforts seemed to dictate the importance of a streamlined and tightly structured organization. The Senate amendment contemplated that a fusing of these two positions would solve this problem. Nevertheless, the conferees expressed the view that the Administrator under the House provision will be able to operate effectively by virtue of a guarantee that he will have authority over day-to-day operations and be 1 of the 11 Board members.

Mr. President, as I indicated earlier, I am generally satisfied with the conference report on H.R. 7446.

I believe that it is imperative for the Congress to act upon this bill so that authority can be given for the creation of a new Bicentennial organization.

Time is moving quickly, and cannot be recaptured. Much work must be done throughout the country to assure that the celebration of our Nation's 200th anniversary in 1976 is a worthy and memorable occasion.

I recommend the report to my colleagues for their approval, and I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I only wish to recommend the approval of the report. The conferees met for about 2 hours yesterday and went over the bill thoroughly, and resolved their major differences in a manner which I think reasonably satisfactory to all parties, and I think the conference report should be adopted.

The PRESIDING OFFICER (Mr. Johnston). The question is on agreeing to the conference report.

The report was agreed to.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Johnston). Without objection, it is so ordered.

AUTHORIZATION FOR COMMERCE COMMITTEE TO HAVE UNTIL MIDNIGHT TO FILE REPORT ON DAYLIGHT SAVING BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Commerce Committee have until midnight tonight to file its report on the daylight saving bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 378—PROVIDING FOR ADJOURNMENT OF CONGRESS OVER THANKSGIVING HOLIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair lay before the Senate a message from the House on House Concurrent Resolution 378.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 378, which was read as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Thursday, November 15, 1973, it stand adjourned until 12 o'clock meridian, Monday, November 26, 1973.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, I offer an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 1, line 4, strike out "1973." and insert: 1973, and that when the Senate adjourns on Wednesday, November 21, 1973, it stand adjourned until 12 o'clock meridian, Monday, November 26, 1973.

The amendment was agreed to.

House Concurrent Resolution 378, as amended, was agreed to.

The title was appropriately amended so as to read:

> Concurrent resolution providing for an adjournment of the Congress over Thanksgiving Holiday.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the conclusion of routine morning business, the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 9 a.m. tomorrow. There will be two orders for the recognition of Senators—Mr. Griffin and Mr. Robert C. Byrd—in that order, and each for not to exceed 15 minutes. Morning business will follow, for not to exceed 15 minutes, with a 3-minute limitation on statements therein.

The Senate will then resume consideration of S. 2589—to deal with emergency fuel shortages. Amendments thereto will be in order, and yea-and-nay votes will occur during the day.

ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to and at 1:02 p.m., the Senate adjourned until tomorrow, Thursday, November 15, 1973, at 9 a.m.

EXTENSIONS OF REMARKS

TIME OF MEMORIES HERE FOR MAMIE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. GOODLING. Mr. Speaker, today, November 14, 1973, is the birthdate anniversary of Mamie Doud Eisenhower.

I have the high honor and privilege of claiming Mamie as a constituent for, as all of us know, she resides in historic Gettysburg, Pa.

Birthdays always seem to suggest age, because they are a measure of time. However, in Mamie's case an exception can be claimed, for it can be said that she is, in truth, 77 years young.

She is very active, both around her home and in community affairs. She receives a heavy stream of correspondence from all parts of the world, and much of her time is spent in answering this.

She is also active in club and social work, contributing a great deal of her time to drives designed to accomplish real social services. While she is not eager to accept speaking engagements, she never turns aside any worthwhile causes.

Mamie Doud Eisenhower is a remarkable and charming woman, and I join with the host of people from all over the world in extending her a happy birthday greeting. May the years before her reflect the happy and meaningful years of the past.

An article that appeared in the October 7, 1973, issue of the Sunday Patriot-News of Harrisburg provides some highly interesting background information on Mamie Doud Eisenhower. On this occasion of her birthday, I submit this article to the Congressional Record and commend it to the attention of my colleagues:

Remember Integrity, She Asks: Time of Memories Here for Mamie

(By Harry McLaughlin)

Gettysburg.—Mamie Doud Eisenhower, who four years and seven months ago was widowed by the death of President Dwight D. Eisenhower, hopes future generations will remember him for his "honesty, integrity and patriotism."

One week from today, world attention again will be focused on the anniversary salute to Ike's 83rd birthday. His friends and neighbors, however, will celebrate it on Thursday, Oct. 18, at Gettysburg College.

In a written reply to questions answered exclusively for the Sunday Patriot-News, Mrs. Eisenhower lists "the freedom to live in her own home—after the White House years" as one of her cherished moments.

Mrs. Eisenhower, who will celebrate her own 77th birthday on Nov. 14, especially noted two cherished moments:

"When Gen. Eisenhower received his first star; and at Columbia University, the satisfaction it gave my husband to deal with young folks."

The former First Lady never has a boring day. Just keeping up with her mail from friends, and answering letters with the assistance of her personal secretary, Mrs. Ethel M. Wetzel, could cover an eight-hour session. She has an office in the Gettysburg Post Office building.

Mrs. Eisenhower "rings for her breakfast at 8:30 a.m." at her farm home near here, although she often awakes an hour earlier.

"Do you like to maintain a busy schedule?" she was asked.

Mrs. Eisenhower, in reply, said that she likes a busy schedule, but does conserve her strength.

Gen. Eisenhower rested at noon after his luncheon, she recalled.

Does Mrs. Eisenhower have special hobbies? She answered in the negative. She does have a kitchen garden and a rose garden but she doesn't work in either one herself.

As for acceptance of invitations to participate in civic or related projects, Gettysburg's first citizen said she gets all kinds of requests, and "will accept anything that is a worthy project."

Mrs. Eisenhower is active in the Gettysburg Chapter of the Daughters of the Revolution. She is honorary chairman of hundreds of organizations throughout the country.

After reading and answering letters (she declines face-to-face personal news media interviews), Mrs. Eisenhower relaxes by playing cards with "old friends", reading or watching television.

One of her husband's closest military friends, Gen. Alfred M. Gruenther, former Supreme Allied Commander in Europe and an Ike bridge partner, will participate in a convocation marking the Eisenhower birthday anniversary at 11 a.m., Thursday, Oct. 18, at Gettysburg College Student Union building. (Gruenther was unable to be present, had the event been held Oct. 14.) The public is invited to the observance.

Friends close to the Eisenhowers remember Ike's standard procedure when touring the nation, or while abroad; he would introduce his wife this way: "Now I want you to meet my Mamie."

The late President and Mamie were extremely fond of their grandchildren, and he expressly enjoyed taking David along on the golf course. David is married to Julie Nixon, daughter of President Nixon, who was Eisenhower's vice-president.

Mrs. Eisenhower recalled that when young the grandchildren loved to put on plays and liked children's movies."

(David Eisenhower, who is presently a law school student, will be the featured speaker at the annual York-Adams County Scholastic Press Assn. conference at York's William Penn Senior High School on Tuesday afternoon, Oct. 16. He formerly attended Gettysburg High School, which is a long-time member of the school press association.)

The former First Lady said she doesn't envision any members of the Eisenhower family becoming actively engaged in politics or government.

David's name has been mentioned from time to time as a possible candidate for the U.S. House of Representative from the 19th District of York, Adams and Cumberland Counties, but he and his wife, Julie, both reject the idea—at least for the moment. They are both registered Adams County Republicans, and last Fall joined his grandmother in voting for her father for president.

"Yes," Mamie Eisenhower told The Sunday Patriot-News, she would urge "young people to enter politics."

Her late husband—Mrs. Eisenhower said assuredly—would be pleased with both the growth of Eisenhower College, in Seneca Falls, N.Y., and the success of the Eisenhower Society scholarship program at Gettysburg College.

The Eisenhower farm daily attracts many tourists, but only a few have ever seen the interior of the home, which is furnished with items the family has had for years.

All gifts from heads of state were sent to the Eisenhower Museum in Abilene, Kans.

The home and farm will become a public shrine—and operated by the National Parks Service of the U.S. Dept. of Interior—after Mrs. Eisenhower's death. She is entitled to continue to live there as long as she wishes to do so.

Mrs. Eisenhower said she will leave some of the furniture in the residence, but will give the remainder to her grandchildren, and son, John Eisenhower, who resides in Phoenixville.

PEACE FOREVER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. DERWINSKI. Mr. Speaker, in many parts of the country, Veterans Day is still being commemorated on the traditional date of November 11, and this was the case in many communities in the State of Illinois.

A weekly newspaper which serves several communities in my district, the Press Publications, carried an editorial on November 11 that emphasizes the considerations that should be made for the cause of peace. The article follows:

Peace Forever

There are a few strange individuals who profess to believe that by ignoring Veterans Day they are showing their disgust for warfare and killing.

But most of those who participate in such ceremonies know that of all persons, veterans are most in opposition to battle, killing and other acts of aggression.

The prisoners of war in Vietnam are fresh in our memory, and there were several from DuPage county who lived for years under strict Communist supervision. But there are many others who, in prior wars, were taken into custody and held as prisoners of war. Far too many others were killed in battle.

There are many slogans about patriotism such as "peace with honor" and "anything worth having is worth fighting for" and similar catch phrases which may sound pretty but don't have much meaning for a person being shot at.

Veterans Day is a fine time to exhibit patriotism and surely there is a great need for allegiance and support of the democratic principles that all men are created equal and endowed with certain rights which cannot be taken away from him.

This Veterans Day would be a wonderful time for every citizen to pause and take cognizance of two things.

Rights which can be conferred can almost as easily be denied. They can be denied by force of arms or in a court of law, by prejudice, fear or ignorance, by lack of concern or willingness to protect and insure them, and by many other ways.

Also, we should give serious thought not about war itself but the causes of armed conflict, the ideologies which tolerate force to impose a belief or a way of life upon unconcerned or unwilling citizens.

This Nov. 11 in the observance of Veterans Day let us think about what the veterans were fighting for, and vow that we will find peaceful methods of insuring that those goals will be met and maintained . . . peace on earth to all men . . . not just in our time but for all time.

GASOLINE MILEAGE

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ESCH. Mr. Speaker, the question of gasoline mileage in relation to environmental devices placed on new model automobiles has been increasingly discussed in recent weeks. The Department of Transportation reports that consumption of gasoline this year will top 115 billion gallons in the United States, up 6 percent over 1972 and equal to about 900 gallons for each registered motor vehicle. Nonhighway use, including farming, aviation, and recreation accounts for only 3.7 billion gallons.

Certainly all of us want a clean and healthy environment. But surely our goal must be to recognize that while we protect our environment, especially within our major population centers, we must also strive to develop a system that will minimize fuel consumption. For that reason, I call attention of the Members to the recent report issued by the Environmental Protection Agency.

The Environmental Protection Agency placed 1974 automobiles on a dynamometer at the Ann Arbor, Mich., laboratory located in my district and simulated urban driving with a top speed of 57 miles per hour. While not showing some of the mechanical factors which affect gasoline mileage such as automatic transmission, engine, and carburetor size and axle ratio, the preliminary studies did reveal some striking factors which should be called to the attention of my colleagues in Congress.

The most significant factor, I believe, is that the highly publicized Mazda rotary engine in a Toya Kogyo model achieved only 12.8 miles per gallon, which was significantly less than the Ford Comet, 19.9 miles per gallon; the Plymouth compact, 16.7 miles per gallon; the Ford Maverick, 15.6 miles per gallon; the American Motors Sportabout, 15.5 miles per gallon; and the Chevrolet Nova Hatchback, 15.7 miles per gallon.

These results were achieved despite the fact the Mazda vehicle was in the 3,000-pound class compared to the 3,500-pound class of the other cars.

While it may be too early to draw specific conclusions regarding the tests because of the preliminary nature of the analysis, it does point to the fact that size alone is not a determining factor in the consideration. Indeed, the Mazda RX3 wagon, RX3 coupe, and RX2 coupe in the 2,700-pound class was able to achieve a miles-per-gallon rate only comparable to the Ford Montego wagon, even though the latter car weighed almost twice as much.

The preliminary conclusion might well be that those engines that go "hmmmm" might well have a certain detrimental factor—especially for low gas mileage—that needs further attention before it is accepted on a widespread basis.

THE AGNEW CASE: EQUAL JUSTICE?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. RANGEL. Mr. Speaker, former Vice President Spiro Agnew was forced to resign because of his "nolo contendere" plea to income tax evasion, but his real crime is that he undermined the basic confidence of people in our democratic institutions, which form the bedrock of this country. How can anyone who believes in equally applied justice sleep at night knowing that there are young men who are in jail for stealing a $3,000 car, while Agnew cheated the American Government of over $100,000 and abused the trust placed in him by the American people?

Spiro Agnew will continue to play tennis and golf and live in his $200,000 house while others suffer.

Mr. Vernon E. Jordan, director of the Urban League, addressed this double standard of justice in his weekly syndicated column "To Be Equal" which appeared in the New York Voice on November 2, 1973. I place his column in the Record for the attention of my colleagues:

Double Standards and Double Talk

(By Vernon E. Jordan, Jr.)

> All the glitter and ceremony of the White House announcement of Gerald Ford's appointment to the Vice Presidency cannot cover the deep shame the Agnew case has brought to Washington, nor can it obscure the serious questions it raises about current political morality and the system of justice in America.
>
> Coming on top of the Watergate scandals and the continuing battle over the secret White House tapes, the Agnew case is a terrible blow to the country's self-confidence and to the average citizen's faith in his leaders.
>
> Black citizens can take no satisfaction from Mr. Agnew's removal from office. Although he was clearly one of the most unpopular national leaders in the view of black communities, there is no joy in a situation in which our national leadership, which should be strong and just, is instead shaken by corruption and greed.
>
> DIVISIVE FORCE
>
> From the time Mr. Agnew justified his refusal to visit and campaign in black neighborhoods by saying "once you've seen one slum you've seen them all," and continuing through his hard law and order stance and his position as a symbol of negativism on a national scale, the former Vice President has been a thorn in the side of people who hoped for policies of reconciliation instead of further divisiveness.
>
> Now, according to a meticulously detailed bill of particulars compiled by the Justice Department, it seems that this champion of law and order was taking bribes not only as Governor of Maryland, but while occupying the second highest office in the land, one breath away from the Presidency itself. In exchange for his resignation, the government decided not to press all of these charges, allowing him to plea bargain his way out of jail by accepting one count of tax evasion, a felony that would put less mortals behind bars.
>
> I can fully understand the government's position that it is better to allow Mr. Agnew to resign in humiliation rather than put the country through the long ordeal of a trial and the resultant verdict and sentencing, but very few black Americans can readily accept the two-tier system of criminal justice this reflects.
>
> High officials ought to be held to higher standards of behavior than the rest of us. Those who would lead must be worthy of that leadership. Opinion generally is that a public official on the take ought to have the book thrown at him rather than get off with a light tap on the wrists. Most people feel that when government office becomes a license to steal then the guilty ought to suffer the full penalties of the law, especially when they've hidden their own corruption behind a screen of charges of "permissiveness" and pleas to get tough with criminals.
>
> ON THE TAKE AND ON THE LOOSE
>
> Why, so many people are asking today, should a high official who has been on the take get off with a lesser sentence than some poor kid who took a joyride in someone else's automobile? How many thousands upon thousands of people are locked up in prison today whose crimes are so much less than those the former Vice President has been charged with?
>
> How many thousands upon thousands of people are today on parole or probation and are forced to inform correction officials of their every movement while the former Vice President was released on his own recognizance? And how many petty criminals are caged up for months just until their trial comes up and what is their reaction to a betrayer of the public's trust getting off without ever seeing the inside of a jailhouse?
>
> Just as the charges against Mr. Agnew corroded faith in the government, his light sentence has corroded faith in the system of criminal justice. I myself don't feel that anything would be served by locking the man up, but then justice is rarely served by locking anyone up, except perhaps for the most retrograde and violent criminals. If anything good at all is to come out of this shameful story, it is for the country to learn to extend the leniency given Mr. Agnew to the faceless thousands of accused persons whose crimes were less than his and whose fate has been far, far worse.

THE COUNTY COURIER: AN UNSELFISH COMMUNITY NEWSPAPER

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BYRON. Mr. Speaker, over the past several weeks the media has made us aware of energy conservation guidelines we can all take to save fuel. A community newspaper in my district, however, has done more than just report on the problem—it has gotten involved and is doing something about it by allowing its readers to place free "Ride Wanted" classified ads. A recent editorial said in part:

> If through a free ad, you find a ride to work, then the gallons of gas saved will benefit all of us.

Mr. Speaker, the media has been criticized for many things in the past, but here is unselfish example of the good that derives when an active community newspaper works with the citizens and for the citizens it serves. The County Courier deserves our commendation and the thanks of all Americans for doing its small part in conserving our Nation's fuel.

POPULATION CONTROL MEASURES IN COMMUNIST CHINA MORE EXTREME THAN PICTURED?

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HUBER. Mr. Speaker, on September 17 of this year I placed in the CONGRESSIONAL RECORD a story that appeared in the Washington Star-News by Henry Bradsher entitled: "China's Sweet Talk Yields to Tough Antibaby Policy." By way of response some 23 young people in Hong Kong, who state they escaped from Red China, wrote a letter to all the Members of Congress stating that things are even worse than pictured. I have today written to Mr. Bradsher asking him to consider a followup story, based upon the letter from Hong Kong. Therefore, I am calling the statement from these young refugees to the attention of my colleagues. A translation of the letter by the Library of Congress follows:

OCTOBER 15, 1973.

[TRANSLATION]

To: Members of the United States Senate and House of Representatives.

DEAR MEMBERS OF THE CONGRESS: We are a group of young people who were fortunate enough to have escaped from the Chinese Mainland to Hong Kong. As everyone knows, it is not an easy matter to escape from the iron curtain of the Mainland. In order for our group of Chinese refugees to succeed in fleeing the country, it was necessary for us to endure hunger and cold, and to travel on a journey fraught with great hardship; and it was necessary to surmount, at great risk to our lives, one obstacle after another, such as patrol guards, barbed-wire entanglements, fierce police hounds, machineguns, searchlights, patrol boats, and sharks in the open seas. Why did we make such a perilous choice? In a word, we could no longer tolerate living in the Mainland under Mao Tse-tung.

We have recently read a news dispatch in which a reporter of the Washington Star named (Henry) Bradsher, with superb effectiveness, has in the plainest language exposed one of the cruel measures of Mao Tse-tung's design, namely, to issue no food coupons for the third child in any family with more than two children. What has stirred us even more is the fact that the Honorable Representative Huber immediately requested that the entire text of this frightening news article be printed in the Congressional Record. This shows that the Members of the U.S. Congress, with their great concern for the common destiny of mankind, will not close their eyes to the dark and dismal state of the present-day world.

However, we also fervently hope that the correct stand taken by the Members of the Congress will find concrete positive expression, and that the powerful U.S. Congress, with regard to the problem of oppressed escapees, will cause the great American Government to take more positive action. In our thinking, to compare Mao Tse-tung to Hitler is to elevate Mao to too high a level. Hitler brutally carried out the genocide of the Jews; but the class enemies whom Mao Tse-tung would anihilate are countrymen of his own flesh and blood. As for using the excuse of population control to avoid issuing food coupons for the third child of a family, Bradsher's news article only reported the relatively civilized part of the story. From what we know, we can state that Mao Tse-tung is adopting the most atrocious measures of forced sterilization to deal with young parents with more than two children. This kind of method of forced abortion and sterilization, because it is being extensively and indiscriminately promoted, has damaged the lives of an untold number of men and women. But it is only in this way that Mainland food supplies can be saved and diverted to other uses prescribed by Mao Tse-tung.

As a group of displaced refugees, we greatly appreciate the sympathy and care which the beneficient American people have shown us over a long period of time; and at a time when the voice of appeasement to the powers of evil has been spreading among nations, the U.S. Congress has been properly aroused to a vigilant and serious consideration of the matter. This rekindles in us the bright flame of hope for the future. Thus we hasten to send you this message, hoping that it will intensify the interest which Members of the Congress now have in the matter, and that they will institute a deeper investigation into questions such as these. We are unconditionally willing to provide you with concrete source materials, and we believe our protestations will be able to testify to this epochal crime.

(Signed) A group of young people who escaped from Mainland China to Hong Kong:

P'an Ta-hua, Liu Ch'i-chün, Hsiang Hao-jan, Lin Ching-chang, Li Ch'i-ts'-ai, Lu Shih-lin, Li P'u-k'ao, Chiang Ts'ao, Ch'en Chen-tung, Yang Kuo-ch'üan, Kan Ling, Wei Hsiung-kuang, Ch'en Chün-ch'ü, Chi'iu Ch'eng-tsu, Ch'en K'ang-ta, Liang Ching Hua.

Ch'en Fu-p'ei, Ch'en Tien-yüan, Min Chih-chang, Ou-yang Ping-ch'un, Su Kan-feng, Liu Ching-ming, Liu Hsiang-lin.

FUEL FOR THE FUTURE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following Washington report:

FUEL FOR THE FUTURE

Recent Arab moves to slow the flow of oil to the U.S. focus attention on the development of alternative sources of energy that could free us from dependence on unreliable sources. Even without the Arab boycott, such development would be in the national interest because, no matter how efficiently the earth's remaining oil and gas deposits are used, the prospect is not encouraging that oil and gas, which now supply 75% of our current energy needs, will meet the anticipated demands of the future.

As a major part of a national energy policy, the federal government should take steps now to assure an adequate supply of energy for the future by developing new energy sources. The nation must make the same kind of commitment to this effort that put a man on the moon. The objective must be to provide the U.S., as soon as feasible, with self sufficiency in environmentally acceptable energy sources.

These are some of the more promising sources:

NUCLEAR POWER

Nuclear power, the best developed new source of energy, is at once the most promising and the most troublesome. At present, 39 nuclear-powered generating plants are in use, 55 are under construction, and 90 others are on order. Nuclear power plants already provide about 1% of the total national demand for energy, and by 1980 they will provide about 7%.

Nuclear power is gradually overcoming a succession of difficulties, including assurance of safe operation, economic feasibility, and environmental acceptability. But other difficulties lie ahead. The expansion of nuclear power may consume all U.S. uranium stocks in about 10 years, forcing the nation to develop a "breeder reactor", which uses a more plentiful form of uranium, but it will also require some technological refinements. A commercial demonstration plant by the mid-1980's is the target. Most scientists think the long-range answer to our energy needs is thermonuclear fusion, a process that could release inexhaustible amounts of clean energy through the combustion of hydrogen atoms to form heavier atoms of helium and without dangerous radioactivity. The technology of controlled fusion power is immensely complex, and scientific, economic and engineering barriers must be overcome.

Nuclear research should receive top priority by the federal government. It has developed at a slower pace than originally planned, and the rate of use should rise sharply in coming years.

SOLAR ENERGY

Long underrated as a source of energy, solar energy is attracting more attention. Utilization of this source is almost nonexistent. Since solar energy is thinly distributed and intermittent, with night and overcast skies often prevailing, its efficient collection and storage present difficult technological problems. Although costs are likely to be high, solar energy is clean, renewable and abundant, and these qualities provide a strong incentive to develop it, especially for heating and cooling buildings, which now consumes more than 20% of our total energy requirements. Present funding for solar energy is minimal and should be increased.

GEOTHERMAL ENERGY

Already geothermal energy is being tapped, accounting for about .1 percent of our present electric power capacity. The heat accumulated for ages in the earth's interior is probably limitless, and it comes as steam, hot water and hot rocks. Very little effort is now going into geothermal energy sources, but it is sufficiently promising that greater efforts are required.

COAL

Coal is the most abundant fossil fuel in the nation and supplies 18% of our total energy use today. The reserves are ample for the foreseeable future, but extracting it from the earth by strip-mining or deep mining can be unsafe and unhealthy, and burning it pollutes the air. Nevertheless, coal is a promising fuel for the future. Converting it to gas (coal gasification) or to liquid (coal liquification) is appealing because of declining natural gas and oil supplies. Pilot plants for coal gasification are in operation and commercial plants are expected by 1985. The government is appropriately stepping up its coal research programs. By 1990, coal could be supplying significant amounts of gas and oil if enough capital is forthcoming, ample water for the manufacturing process is available, and the safety and environmental problems of extracting the coal are solved.

Other sources of energy, like winds, tides and artificially produced hydrogen, may also help supply our energy needs in the future.

Until these alternative sources of energy fulfill their promise, the U.S. must rely on more conventional fuels and confront the problems they entail. The energy shortage today arises because we failed to plan adequately yesterday. Today we must plan to assure sufficient energy for tomorrow, and these far-out and far-off solutions demand attention and development.

HEADSTART FEE SCHEDULE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, in recent weeks considerable concern has been expressed by individuals throughout the country regarding the fee schedule required for Headstart programs. Questions have also been raised by Members of Congress as well as the Office of Child Development regarding its necessity and effectiveness. Since the Headstart program has always enjoyed bipartisan support and because there is insufficient evidence available at this time to determine the actual impact of the schedule, I, along with Congressmen Perkins, Quie, Hawkins, Bell, and Brademas, have introduced legislation today to defer its implementation until July 1, 1975. In this way I believe that the Congress, working with the administration, can carefully evaluate the entire situation and develop the most effective avenue to follow in resolving the matter. In addition to the legislation, a letter has been sent to Caspar Weinberger, Secretary of the Department of Health, Education, and Welfare, informing him of our actions. I am inserting at this point in the Record a copy of the letter so that my colleagues can better understand the problem:

Congress of the United States,
House of Representatives,
Washington, D.C., November 13, 1973.

The Honorable Caspar W. Weinbereg,
Secretary Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: In recent weeks, substantial questions have been raised concerning implementation of the Fee Schedule for the Head Start program. As you are aware, the concept of a fee schedule was originally developed as part of the Child Development bill in 1971, in order to open that legislation to children from all economic backgrounds.

That bill was added to the EOA legislation which was eventually vetoed by the President. After the veto, as the Congress was reconsidering the total bill, the Child Development section was deleted and the fee schedule was made part of the Head Start program.

Preliminary evidence indicates that the fee schedule is forcing the non-poor to drop out because they won't pay the fee. Inclusion of the non-poor in the program is now dependent on the willingness of parents to pay, not on the need of the child. This could destroy continuity for a child who starts the program but is forced to drop out because of family income increases. The focus of Head Start is thereby changed considerably from its original intent. There is an indication that there has also been an increase in administrative problems with the introduction of the fee schedule and it appears that some local Head Start programs are refusing to collect the fees at all. We understand that in other cases it has caused friction between the poor and the near poor and that the costs of collecting the fees are actually greater than the fees being collected. Furthermore, we have been advised that the Office of Management and Budget indicates that there is insufficient statistical evidence at present to determine what impact the imposition of the fees will have on existing Head Start programs and the participation in them.

Although we have not reached any specific conclusions on this matter, it is our feeling that an effective evaluation of this proposal's impact is necessary before a reasoned judgment on the merits of the fee schedule can be made. Today Members of the Education and Labor Committee will introduce legislation postponing the implementation of the Head Start fee schedule until a total evaluation can be made by the Congress, working with the Administration, to determine the actual impact.

Thank you for your serious consideration of this matter.

Sincerely,

Carl D. Perkins,
John Brademas,
Augustus F. Hawkins,
Albert H. Quie,
Alphonzo Bell,
William A. Steiger.

DEENERGIZED CHRISTMAS PLANNED FOR CONNECTICUT TOWN

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. SARASIN. Mr. Speaker, with the Christmas holiday season almost underway, we expect to see the usual array of glittering shop windows, evergreens laden with twinkling lights, city streets ablaze with neon signs flashing Noel and loud speakers blaring our contorted versions of "Jingle Bells" and "Silent Night" while eager shoppers scurry from store to store in preparation for the festivities.

All of us are familiar with this scene, and none of us wants to eliminate totally the artifacts of the Christmas season, despite our usual complaints about "commercialized Christmas." However, this season may not be quite as enticing as most, particularly as we discover that roasting chestnuts before an open fire is great sport once in awhile, but no way to prepare dinner every night, and that a one horse open sleigh is not the best means of travel on the New Jersey Turnpike, the price of hay being what it is these days.

What Americans termed the "energy challenge" this summer has now become the "energy crisis" and each and every one of us will be affected by it, if we have not already. At this time we need not conjure up visions of a paralyzed Nation, but we do need to look realistically at our energy needs in relation to our current supplies and readily available sources. The President recently outlined his proposals for coping with this situation, and I am hopeful Congress will act as soon as possible in putting much-needed controls into effect.

I would like to offer my praise to the Chamber of Commerce of Naugatuck, Conn., which has already taken steps to curb energy usage in that city, while at the same time encouraging others to follow suit. I would like to share a news release which presents the Christmas decorations policy of the Naugatuck Chamber of Commerce. It reads as follows:

James N. Greene, Jr., Executive Vice President of the Naugatuck Chamber of Commerce, Naugatuck, Connecticut, announced for the Board of Directors and the Retail Division of the Chamber, that because of the mounting, urgent energy crisis that has become severe to the New England area, the Christmas decorations usually displayed in Naugatuck, under the direction of the Naugatuck Chamber of Commerce, will be displayed; however, NOT energized.

Michael Julianelle, Advertising Manager for the Naugatuck Daily News and Chairman of this effort, stated that any Christmas decorations the Naugatuck Chamber of Commerce oversees will be day-time decorations only.

The Chamber Directors and the Retail Division believe that this action is one step in the right direction and in the best interests of all concerned and involved, concluded Julianelle.

I believe this decision warrants the approval and praise of all Americans as this is a demonstration of willingness to cooperate in utilizing our energy supplies most efficiently.

AN EFFICIENT CHARITY

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. VAN DEERLIN. Mr. Speaker, as some of our colleagues know, I am drafting legislation to require financial disclosure by charities and other organizations that use the mails to solicit funds.

I am prompted by evidence that 80 percent or more of the money collected in some charitable drives is siphoned off to pay various "overhead" costs.

Often, these extra expenses include the services of professional fund raisers whose commissions can deplete the proceeds of even the most successful drive.

I believe people should be able to donate to any cause, no matter how dubious or how badly run. But by the same token, prospective contributors should be given some inkling where their money would go, and that is the purpose of the bill I am preparing.

Basically, the legislation would require soliciting agencies to include on their letterhead or other appropriate location a breakdown of how the sums collected were being disbursed. In addition, charities would be required to make available their financial records on request.

There are of course many charities that do not have to be told to level with the public.

One fine example is in my home community—the San Diego Chapter of the Diabetes Association of Southern California.

Costs of the annual fund-raising effort by this group last year came to only 10.2 percent of receipts, and the books are open to anyone who wants to see them.

The secret of success is found in the adroit and extensive use of volunteers, plus a yearly bike-a-thon that is the principle fund-raising device. Bicyclists obtain pledges of support in advance of the ride, and are also responsible for making collections and mailing them to the association's headquarters.

The most recent bike-a-thon was held this past Sunday, over two courses in the San Diego area. Some 1,300 riders participated, and one young sailor from the guided-missile frigate *Halsey* raised an astonishing $381. All told, proceeds are expected to exceed $20,000, with nine-tenths of that going for actual help to diabetics and their families.

An account of the weekend ride, from Monday's San Diego Union, follows:

Diabetes Bike-a-Thon Draws 1,300 Cyclists

(By Gina Lubrano)

Guillermo Bejarano pulled off the road yesterday because the passenger strapped to his bike during the Diabetes Bike-A-Thon kept dropping off—to sleep.

His passenger was Guillermo Bejarano Jr., 1½, and when it was time for his nap, he took it. He could see the sights around Mission Bay when he wasn't so sleepy.

Bejarano, and another son, Steven, 8, waited a half hour for the toddler to drink his bottle and sleep before continuing on the 20-mile route.

The Bejaranos, of 4077 Marlborough Way in East San Diego, rode in the bike-a-thon because Steven is a diabetic, Bejarano said. The $50 they will collect from sponsors for the ride will go for research being conducted in San Diego by the Diabetes Association of Southern California, a spokesman said.

TWO SEPARATE ROUTES

About 1,300 persons participated in the ride over two routes, a spokesman said. The 20-mile Mission Bay route took riders from Point Loma to Mission Bay Drive. The 17-mile El Cajon University route took riders from El Cajon Boulevard to La Mesa.

Jeff Campbell of Pacific Beach and Joanne Leirich of La Mesa rode tandem for the bike-a thon. "This is a two-horsepower bike," Campbell joked.

"How much further do we have to go?" asked Janiece Hill, 10, of 2403 E. Ingersott St. Linda Vista. She groaned when she heard the answer, but said she was riding in the bike-a-thon " 'cause I want to."

Some of the riders went over the route more than once. One man spun his way along the El Cajon Boulevard route at least four times, a spokesman said.

AVERAGED $19 EACH

Each participant had obtained a sponsor or a number of sponsors prior to the ride. The Campbell-Leirich team had arranged to collect 50 cents a mile for their efforts.

Janiece said her sponsors were going to give her 35 cents a mile.

The first bike-a-thon for the Diabetes Association of Southern California was last year. The average earning of each rider during the first one was $19, a spokesman said.

Yesterday, Steven Bejarano attached a green flag to his bike that had been provided by the Diabetes Association.

A BILL TO PROVIDE FOR THE LICENSING BY THE DISTRICT OF COLUMBIA OF THE BUSINESS OF SELLING, ISSUING, OR DELIVERING CHECKS, DRAFTS, AND MONEY ORDERS AS A SERVICE OR FOR A FEE OR OTHER CONSIDERATIONS IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, I introduced a bill today which will provide consumer protection to those persons who purchase private checks or money orders in the District of Columbia. There is a very special need for this legislation in that the District of Columbia has no law whatsoever in this area. This has manifested itself by the many fly-by-night private check and money order companies now operating here. These same companies operate only in States and the District of Columbia where no law exists for licensing or bonding, accumulating a fast-growing clientele holding worthless checks and money orders which have bounced as the result of fraudulent operations or financial insolvency. Particularly hard hit are those people who use the private check or money order business as a primary means to pay household bills, and can least afford to find their payments due still outstanding when the check or money order bounces and their money gone. These people deserve the protection and security derived from a workable, fair, and inexpensive bonding and licensing arrangement.

Mr. Speaker, this bill will establish the requirement that any person issuing checks or money orders in the District of Columbia, post a bond of $50,000, with an additional principal sum of $5,000 for each location in excess of one. Licensing of each applicant under this bill will be made in writing and under oath to the Superintendent of Insurance of the District of Columbia in such form as he may prescribe. Upon filing of an application, the Superintendent shall ascertain whether the applicant satisfies the necessary qualifications prescribed by this bill, and if so found qualified, the Superintendent will issue to the applicant a license to engage in the business of selling checks and money orders in the District of Columbia. The Superintendent may invoke a license on any ground on which he may refuse to grant a license or for violation of any provision contained in this bill.

Mr. Speaker, the crucial factor here is to assure the value of a check or money order once the consumer has put up his hard-earned cash for it. To this end, the bill I have introduced today would provide a new measure of security and a long overdue protection of the financial resources of users of the private check and money order system. I believe this is an important bill and urge enactment at the earliest possible date.

A MIRACLE OF A RESCUE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. KARTH. Mr. Speaker. In this day of seemingly continual crisis it is a good idea to pause and reflect upon some of the good things about our country. This pause was suggested by a story I read recently of a young woman's great personal courage in saving a young man's life. While she did not think anything of it because it was simply a part of her job as a lifeguard, it is significant to note that the person saved was some five inches taller and 75 pounds heavier than the rescuer. With these thoughts in mind and with the hope that in a small measure we can honor her by this public recognition I place on the Record a story from the White Bear Advisor concerning "a miracle" brought about by Miss Karen Korfhage:

"A Miracle," Mother Says of Rescue

Mrs. Raymond Shields calls it a miracle. Karen Korfhage, 20, thinks of it as the most important part of her job.

Karen is credited with saving the life of Ken Shields, 16, of 130–6th St.

In spite of the fact that Kenneth outweighs her by 75 pounds and is five inches taller, the 110-pound Ramsey county beach lifeguard lifted him off the bottom of the lake. She and fellow lifeguards restored the boy's breathing in 45 seconds.

Ken was hospitalized for two days, but his mother said he was fit this week. The near-drowning took place several weeks ago.

Kenneth and a friend, John Kurkowski, Vadnais Heights, went to the beach one afternoon. Kenneth was dressed in jeans and had no intention of going into the water. But the lake looked inviting and he waded out. He was warned by Karen not to go in because beach regulations prohibit swimming without a swimming suit.

Ken, whose mother said he was "not a good swimmer," was nearly to the diving deck when he was told to go back to shore. As he started back, his jeans filled with water and dragged him down. Kurkowski came to his aid, attempting to hold him up but lost his grip and Ken slipped below the surface. John yelled for help. Karen made an attempt to find him, but could not. Then, according to Mrs. Shields, the "miracle happened when the sun came out." The clouds parted and the sun came out and this allowed Karen to see Ken. On her second attempt she was able to see Kenneth on the bottom.

She pulled him to the surface. Another lifeguard, Dave Reif, helped her get him to the deck where Reif administered mouth-to-mouth resusitation. Karen massaged his heart. Two Ramsey county sheriff's deputies arrived and rushed Ken to St. Paul-Ramsey hospital. He was in intensive care for two days.

Karen said she was not afraid until she saw how big Ken was when he was out of the water. She is a pre-medical student at the University of Minnesota and hopes to be a doctor. She was a lifeguard at Memorial Beach for two years before transferring to Ramsey county beach this year.

She is the daughter of Mr. and Mrs. M. C. (Bud) Korfhage.

Mrs. Shields said last week that she thinks it was a miracle, but she was grateful to everyone who helped save her boy's life. She included his friend, the lifeguards and the sheriff's deputies.

She warned against wearing jeans for swimming and recommended the buddy system for all swimmers.

LATVIAN INDEPENDENCE DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ADDABBO. Mr. Speaker, on November 18, the Latvian people, including Americans of Latvian origin, observe the 55th Anniversary of the Declaration of Independence. The importance of this occasion is that the hope of freedom of the people of Latvia remain strong despite years of oppression.

Latvia is truly a captive nation and the people of Latvia are dedicated to the restoration of the liberty that is rightfully theirs under any interpretation of basic international human rights. The victory of Stalin burns in their minds as a clear act of aggression, which will one day be avenged. The American people can understand that kind of hope and we must support and rekindle the hope for freedom wherever it exists under the yoke of tyranny.

In this era of détente, the United States must not forget the people of Latvia and the other captive nations. We will remember them, I am confident, because it is the right thing to do. The expression of concern by Members of the House on this issue is evident as we join in this observance of the 55th anniversary of the declaration of independence of Latvia.

CFR: NEW MEMBERSHIP 1973

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. RARICK. Mr. Speaker, the Council on Foreign Relations has voluntarily supplied me with its Annual Report for 1972–73.

The 141 men and women who became members of the council during the period of the report are as follows:

David M. Abshire, George H. Aldrich, Joe J. Allbritton, John B. Anderson, Les Aspin, *M. Genevieve Atwood, Josiah Lee Auspitz, Perry O. Barber, Jr., David O. Beim, Lloyd M. Bentsen, Jr.

Bernard R. Berelson, Marilyn Berger, Suzanne Berger, Eugene A. Birnbaum, *Andrew H. Blauvelt, Frederick M. Bohen, John Brademas, Lewis M. Branscomb, Alfred Brittain III, Edward W. Brooke.

José A. Cabranes, Joseph A. Califano, Jr., John Carey, Charles W. Carson, Jr., Frank T. Cary, William J. Casey, Henry E. Catto, Jr., John Chancellor, George A. Chandler, Robert G. Chollar.

Warren Christopher, Ray S. Cline, Barber B. Conable, Jr., Joseph F. Condon, John T. Connor, Jr., John C. Culver, William M. Dietel, Stephen H. DuBrul, Jr., Freeman J. Dyson, *Jessica P. Einhorn.

*Robert J. Einhorn, Donald H. Elliott, Dante B. Fascell, Clarence Clyde Ferguson, Jr., Frances FitzGerald, Murray H. Finley, Donald T. Fox, Donald M. Fraser, Alton Frye, Paul M. Fye.

Leslie H. Gelb, *Patrick A. Gerschel, Henry R. Geyelin, Philip L. Geyelin, Eli Goldston, Alexander M. Haig, Jr., *David R. Halperin, Robert L. Heilbroner, Richard M. Helms, *John A. Herfort.

Frank W. Hoch, Jerome H. Holland, Graham Hovey, John Hughes, Fred C. Iklé, Norman Jacobs, *Robbin S. Johnson, W. Thomas Johnson, Jr., Willard R. Johnson, Marvin L. Kalb.

Alfred Orr Kelly, *William J. Kilberg, Lane Kirkland, Curtis M. Klaerner, John H. Knowles, Edward A. Kolodziej, Lawrence B. Krause, Kermit I. Lansner, Ivo J. Lederer, Monroe Leigh.

*Hillel Levine, Charles Edwin Lord, Winston Lord, James T. Lynn, Laurence E. Lynn, Jr., Harry C. McPherson, Jr., William B. Macomber, Jr., Walter F. Mondale, Richard M. Moose, Thomas E. Morgan.

Edward L. Morse, *Kenneth P. Morse, Edmund S. Muskie, Andre W. G. Newburg, John Newhouse, Matthew Nimetz, Michel Oksenberg, James J. O'Leary, *Kathryn C. Pelgrift, Lionel I. Pincus.

Walter H. Pincus, Myer Rashish, Donald T. Regan, Nicholas Rey, John B. Rhinelander, John B. Rhodes, Jr., Emmett Rice, Richard W. Richardson.

Chalmers M. Roberts, Charles W. Robinson, James D. Robinson III, David E. Rogers, Frederick P. Rose, William V. Roth, Jr., Nadav Safran, John A. Scali, *Jan Schneider, Robert C. Seamans, Jr., Eli Shapiro.

Herbert M. Shayne, Eleanor Bernert Sheldon, George L. Sherry, Leonard S. Silk, Ann B. Sloane, Walter B. Slocombe, Gaddis Smith, Louis B. Sohn, Robert Solomon, Charles R. Stevens, Seth P. Tillman.

Russell E. Train, H. Anton Tucher, Edward Hallam Tuck, Stansfield Turner, Charles H. Weaver, Nils Y. Wessell, Marina von Neumann Whitman, Leonard Woodcock, Jerry Wurf, *Daniel Yergin, *Stephen B. Young.

As of August 31, 1973, the Council had 1,551 members, an increase of 75 over the number as of August 31, 1972. Of these members, 662 are resident members, 357 are in the Boston and Washington areas, and 532 are in other parts of the United States and overseas.

The professional distribution of the present membership is:

Profession	*Number of Members*
Scholars or academic administrators	373
Business executives	468
U.S. Government officials	195
Lawyers	127
Journalists, correspondents and communications executives	135
Administrators of non-profit institutions	187
Other	66

GOVERNMENT CONTROLS BRING SHORTAGES

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HUBER. Mr. Speaker, Industry Week succinctly portrays a principal reason for the current rash of shortages in our Nation—shortages which range from fertilizer to metals and paper—as the overabundance of Government controls.

I recommend for the attention of my colleagues Mr. Walter J. Campbell's short editorial of October 22 reprinted below:

TIGHTEN YOUR BELTS

We were more than a little surprised after four months in retirement to receive three telephone calls this week from friends in the metalworking business asking where they could obtain steel.

We didn't know. We figured the situation must be rather desperate when these steel-hungry manufacturers turned to us for information. All we could say was that the mills we knew were sold out for the year and that their order books had been closed for some weeks. That, of course, was neither news nor help.

Scarcities and shortages have become a way of life in this country.

We not only are short of steel, but we are also short of aluminum and copper. Paper is scarce. Plastics are in short supply. Brick, lumber, roofing, plumbing supplies, and other building materials often are unavailable, and builders and their home-building customers wait and wait and wait—and then pay through the nose.

Farmers have been advised that fertilizers will be in short supply next season—and that probably will aggravate the food shortages.

We have shortages in practically everything—except government controls.

Controls are a prime cause of the shortages and the lack of capacity expansion from which the shortages spring. That should surprise no one.

Price controls over the past several years have held profit margins down.

Meanwhile, the cost of expanding has shot upwards.

The cost of borrowing money rose to a point where manufacturers would be silly to finance new capacity on borrowed funds.

The securities market got sick and made the raising of new capital through new stock issues unfeasible.

So, we have failed to expand capacity to meet today's needs.

And, on top of that, a substantial number of production facilities have been abandoned, or will be abandoned, because they cannot be brought up to environmental standards economically.

Shortages inevitably raise prices—controls or no controls.

We have shortages of capacity.

We have shortages of materials.

We will continue to live with shortages until the control-minded bureaucrats take their cotton-pickin' fingers off the economic mechanism and permit market forces to regulate the supply and demand of goods.

PROGRESSIVE MAGAZINE CALLS FOR IMPEACHMENT OF THE PRESIDENT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. KASTENMEIER. Mr. Speaker, in its forthcoming December 1973 issue, the prestigious journal, the Progressive, whose offices are located in my congressional district, will present a 10-article bill of impeachment calling for the removal of the President.

The impeachment question is now before the House Judiciary Committee, and the Progressive is to be congratulated for reminding us of our obligation to move promptly to resolve this matter. I commend to all House Members and, in particular, to my colleagues on the Judiciary Committee, the editorial, "A Call to Action," by the Progressive editors:

A CALL TO ACTION

(By the Editors of the Progressive)

Crisis. The word has been overworked by all of us, and particularly by those engaged in reporting, analyzing, and interpreting the news. We have been recording monthly, weekly, daily crises for longer than we care to remember—foreign and domestic crises, military and political crises, economic, moral, and cultural crises. A headlined crisis no longer generates alarm, or even profound concern. Ho hum, another crisis. . . .

But the crisis that grips America today is of another, higher magnitude—one that deserves, perhaps, a new term that has not been eroded by abuse. It swirls, of course, around the person of the President of the United States, but it impinges on every facet of the national life and character. We are confronted, suddenly and dramatically, with fundamental questions about our national community—questions that demand swift and decisive answers.

Are we prepared, after almost 200 years, to abandon our experiment—intermittently successful but always hopeful—in enlightened self-government? Will we permit our highest and most powerful office—an office whose occupant can literally decide the future and even the survival of the nation and the world—to remain in the hands of a man who has, in the words of the American Civil Liberties Union, "made one thing perfectly clear: He will function above the law whenever he can get away with it"? Will we refrain, because of our timidity or sheer inertia, from availing ourselves of the remedies provided by the Constitution of the United States for precisely such an emergency?

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*Indicates Term Member.

Three years remain in Richard M. Nixon's second Presidential term—time enough for him to compound and render irreversible the catastrophic damage he has already done. It is understandable that the President may feel that if he can survive in office for those three years, he will have achieved a measure of vindication. But his vindication will be our indictment and conviction. If we, the American people, knowing what we now know about this President and his Administration, permit him to serve out his term, we will stand condemned in history for the grave offense of murdering the American dream.

These pages go to press amidst a chrous of demands for Mr. Nixon's resignation. The demands emanate not only from Mr. Nixon's long-standing critics—his "enemies," as he would doubtless style them—but from many who were, until recently, among his most enthusiastic supporters. The editors of *Time*, in the first editorial of the magazine's fifty-year history—at least the first so labeled—called on him to "give up the Presidency rather than do further damage to the country." The same suggestion has been advanced by newspapers which, only a little more than a year ago, were unreservedly advocating his re-election and which, only months ago, were minimizing the gravity of the Watergate disclosures; by Republican politicians who fear, not without justification, that the President is now an intolerable burden to their party; by businessmen who no longer can vest their confidence in Mr. Nixon as the chosen instrument of corporate prosperity.

Mr. Nixon would derive some obvious benefits if he were to heed this advice and relinquish his office. Unlike his recently departed Vice President, Spiro T. Agnew, he would not have to couple his resignation with a guilty plea to any crime. Like Mr. Agnew, he could continue to proclaim his innocence—and to denounce his "enemies"—in perpetuity. He has always relished the role of victim, and he could carry it to oblivion.

At the same time, the Congress would be spared from exercising a responsibility which it clearly does not welcome—the responsibility of impeaching the President of the United States. And the American people, the people who only a year ago gave the President an unprecedented mandate and whose disenchantment has now reached unprecedented depths, could breathe a deep sigh and go about the business of restoring a measure of order and hope to their national affairs.

But the decision to resign is, ultimately, the President's alone to make, and the word from the White House at this writing is that he will not be moved (or removed). He has "no intention whatever of walking away from the job I was elected to do," he told the nation on November 7.

It is our judgment, and we believe it is the American people's judgment, that the job he has done is enough.

Until and unless the President changes his mind about resigning, the decision to resolve the crisis that grips the nation will be ours to make—for only by exerting immense and unremitting pressure can we convince the Congress that it must discharge its constitutional responsibility. Public opinion, has already persuaded some legislators to abandon their customary vacillating stance. Public opinion, forcefully applied, can move the requisite number of Representatives to embark on the process of impeachment.

The first order of business confronting Congress is to fill the vacancy in the Vice Presidency. Mr. Nixon's designee, Representative Gerald R. Ford of Michigan, would hardly be our first (or thousandth) choice; he is, in our view, unsuited intellectually and politically to hold the nation's highest office. But given the choice—and it is the choice we are given—between mediocrity (Mr. Ford) and moral disgrace (Mr. Nixon), we have no difficulty choosing the former. America has muddled through with mediocre leadership before, but it cannot go on much longer with leadership that is morally bankrupt.

Once a Vice President has been installed, the "engine of impeachment"—James Madison's term—can be set in motion. It is an engine that the leaders of the House and Senate clearly would prefer not to start, but it can be ignited by any member of the House of Representatives who chooses to take the floor and declare: "Mr. Speaker, I rise to a question of constitutional privilege. . . . I impeach Richard M. Nixon, President of the United States, for high crimes and misdemeanors." Citing only the facts that have already come to light, that have for the most part been verified, this member of the House can invite his colleagues to do their constitutional duty by considering the charges against the President.

LATVIAN INDEPENDENCE DAY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HOGAN. Mr. Speaker, November 18 marks the 55th anniversary of Latvia's declaration of independence. The rights and joys of a free society in Latvia were brief, since in 1940, 22 years after the Latvian's fought to free their land from invading countries, Latvia fell to the Russian army. Latvia has been a captive nation since 1940 and its people have been deprived of their individual and collective rights and freedoms while under Soviet domination. As a supporter of freedom for the Baltic people and all other captive nations, I would like to ask that Congress take time to remember these people in their fight for freedom and human rights. The fate of these captive nations should not be forgotten because their future outlines the future of Europe and the world balance for years to come.

I am including a letter by Dr. Ilgvars Spilners, president of the American Latvian Association in the United States, Inc. which merits the attention of all Members:

LATVIAN INDEPENDENCE DAY

Latvia was estabilshed as an independent nation on November 18, 1918. It took almost two more years for the newly created Latvian Army to defeat the invading Russian and German troops and liberate the whole country. The hostilities ended with a Peace Treaty of 1920 between Latvia and Russia. With this treaty, Russia unreservedly recognized the independence, self-subsistency, and sovereignty of the Latvian State and voluntarily and forever renounced all sovereign rights over the Latvian people and territory, which formerly belonged to Russia. Republic of Latvia was recognized as a sovereign State by all major countries, and was a member of the League of Nations.

The end of Latvian independence came on June 17, 1940, when the Russian Red Army invaded the country and started annexation of Latvia to the Soviet Union.

Numerous world political and intellectual leaders have publically declared their support for Latvian, as well as Lithuanian and Estonian freedom, self-determination, and human rights. They admit, however, that Russians, governed by the present dictatorship, and practicing an expansionist policy, are not going to leave Latvia, or the other two Baltic States, voluntarily, and are militarily too powerful to be forced to leave. If there is to be more than just talk, the Baltic question should be raised in the broader context of equal rights and self-determination of people and the respect for human rights as fundamental freedom before the respective committees of the Conference on Security and Cooperation in Europe, now meeting in Geneva. This Baltic question should be discussed even if the Russians object. Hopefully, these discussions would be educational and would eventually change the Russian attitude toward the Baltic States.

OUR NATION SALUTES THE STEUBEN SOCIETY OF AMERICA, JOHANN VON KALB, NO. 46 OF HALEDON, N.J., ON ITS 50TH ANNIVERSARY CELEBRATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ROE. Mr. Speaker, on Saturday, October 13, 1973, it was my privilege and honor to join with members of my congressional district and State of New Jersey in celebrating the 50th golden anniversary of Johann Von Kalb Unit No. 46, the Steuben Society of America. The outstanding contributions of those of our citizens of German-American heritage in the fields of scientific innovation and cultural enrichment to our society were eloqeuntly presented by the following members of the Steuben Society of America with whom I was honored to share the dais:

Edward J. Sussmann, national chairman of the Steuben Society of America; Frank J. Krutzky, chairman, Johann Von Kalb Unit; George Hartleb, chairman of the New Jersey State Council; Frieda Scheidewig, banquet chairman, and Dick Ahlers, master of ceremonies.

The eloquence of the presentation by national chairman Edward J. Sussman most poignantly reminded all of those assembled of the extraordinary contribution to the fight for freedom in establishing our democracy of Gen. Friedrich Wilhelm von Steuben. As you and our colleagues here in the House know, the Steuben Society of America was organized in honor of this great American Revolutionary War hero of German ancestry. In promulgating and preserving the richness of the cultures of our German heritage, this distinguished organization has matured in the vanguard of our historic preservation societies in the communion of America's citizenry who cherish the freedom and independence on which our Nation was founded.

In celebrating this golden jubilee, the dedication and devotion of the patron statesman, Gen. Johann Von Kalb, whose service to our country in the Continental Army under Gen. George Washington in the early years of America's struggle for independence had inspired the founding a half-century ago of the Johann Von Kalb Unit No. 46, was indeed mirrored in the spirit of those in attendance. The program that evening manifested a quality of life here in America that has prospered because of the freedom and justice that has been available to all who came to the shores of our great country seeking a better world for themselves and their children with the pride that all Americans have of their heritage.

Mr. Speaker, I respectfully ask that you and our colleagues here in the Congress join with me now in extending our heartiest congratulations and best wishes to the members of the Steuben Society of America, Johann Von Kalb Unit No. 46, in commemorating this historic 50th anniversary with special commendation to the outstanding public service being rendered by its officers. The 1973 officers of the Johann Von Kalb Unit No. 46 are as follows:

Frank J. Krutzky, chairman; Kurt Heller, first vice chairman; Frieda Scheidewig, second vice chairman; Frank Reuter, third vice chairman; Ida Connolly, secretary; George Stromsdorfer, financial secretary; Fred Mayer, treasurer; Otto Ernst, first trustee; Gertrude Mayer, second trustee; Ida Connolly, delegate to State council, and Frieda Scheidewig, alternate delegate.

Mr. Speaker, the interest and involvement of our people is a most important integral part of our governmental process. Throughout the years the Steuben Society of America has addressed the Congress on the many issues confronting our Nation, which has proven to be a healthy exchange of views in the form of public opinion that is important to the promulgation of legislative proposals and action programs essential to meet the needs of our people.

To understand the present, we must understand the past. To meet the challenges of the future, we must ever maintain the communication arteries so important to the people's decisionmaking agencies of our Government. On the 50th anniversary observance of the Johann Von Kalb Unit No. 46, I believe it would be most appropriate to review, and I insert at this point in our historic journal of Congress, the aims and purposes upon which the Steuben Society of America was founded. Their official statement of purpose is as follows:

AIMS AND PURPOSES OF THE STEUBEN SOCIETY OF AMERICA

Loyally to support the Constitution of the United States of America by advocating the proper application of its provisions and inculcating the principles underlying true democratic government;

To quicken the spirit of sound Americanism; and to foster a patriotic American spirit among all citizens;

To aid in maintaining the independence and sovereignty of the United States of America and its freedom from all foreign influence;

To establish co-operation among its members in the exercise of their civic duties and to encourage them in active participation in every phase of our national life;

To promote the welfare and enhance the happiness of its members and their fellowmen;

To perpetuate itself as a patriotic and fraternal voluntary membership organization and to provide for its government;

To guard our political liberty by maintaining an honest equality of citizenship regardless of birth, origin or religion of any citizen;

To maintain the traditions of our country.

Mr. Speaker, our Nation has been nourished and secured by the cultural standards of excellence that all nationalities have contributed to the quality of our way of life here in America and we can indeed share the great pride of all of our citizens in the outstanding achievements and contributions that the people of German heritage have made to America's preeminence among all nations of the world. I know you will want to join with me today in saluting the Steuben Society of America, Johann Von Kalb No. 46 as it celebrates its golden anniversary of untiring dedication and devotion to the cause of freedom, justice and a good life for all in helping to preserve the endowment and traditions of our German heritage which have truly enriched our community, State, and Nation.

VETERANS' PENSIONS

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. FROEHLICH. Mr. Speaker, a sequence of events evolved this afternoon which is nothing short of mind-boggling. I am shocked, amazed, and annoyed by what I consider to be, at best, a prostitution of the legislative process and, at worst, a deliberate attempt to exclude legitimate discussion and debate from passage of veterans' pension legislation.

On July 30, 1973, the House of Representatives passed legislation increasing veterans' pensions. This bill, H.R. 9474, did not contain an increase in the limitation on the income a veteran can earn without losing his pension. This provision I considered vital to any pension increase bill and I had introduced a bill to accomplish this purpose in the House as one of my first bills of my first Congress. I was very pleased, therefore, when the Senate, in veterans' pension increase legislation passed by that body in August, included a $400 increase in the income limitation. While $200 short of the amount in my bill, it was a more preferable alternative than the House-passed version, and I was hopeful that sufficient support could be mustered for this provision to retain it in the bill as it would eventually be sent to the President.

Since both Houses of Congress had passed different forms of the bill, I waited patiently for the bill to be sent to conference, at which time it was my intention to urge the conferees to retain the $400 income limitation increase in the final bill. I was told, however, on a number of occasions, that the staffs of the House and Senate committees were trying to iron out the differences in the two bills themselves, thus eliminating the need for a time-consuming conference. I began to question which procedure was more time-consuming as the summer became fall and it appeared that we were in the last few months of the session, but still no announcement came.

As of this morning, the schedule for the House floor today was House Resolution 128, dealing with Members convicted of certain crimes and H.R. 11333, Social Security Act amendments. When the House went into session, I had not been notified in any way that the schedule had been changed. Shortly after 12, I left the House floor to meet with a group of constituents. When I returned, in less than an hour, veterans legislation on which a compromise had suddenly been reached, had been called up, discussed, and passed by voice vote. A bill that had lain dormant for 15 weeks had taken less than 15 minutes to clear the House. There were many questioning looks on the floor and my questions as to what the bill contained could not be answered by many of the people I approached. After much searching I found that the bill did not contain an increase in the income limitation, a fact which deeply disturbs me.

I am more deeply disturbed, however, by the procedure or, rather, the lack thereof, by which the bill was considered. If they can in any way be construed to typify the legislative process, then perhaps the prophets of doom who decry our system and our institutions are closer to the truth then any of us should ever want to believe.

THE A-7D AIRPLANE

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. MILFORD. Mr. Speaker, I have flown the A-7D airplane and know it is a proud and capable ship. The fighter craft is built in my district, and those people are proud of its ability. But today I received an article written by the men who have flown combat missions in the LTV plane, and would like to share their opinions with my colleagues.

The article follows:

THE A-7D IN SEA

Gentlemen: We were extremely proud to read Mr. John L. Frisbee's article, "How the A-7D Rewrote the Book in SEA," in your August '73 issue of Air Force Magazine. All of us, presently deployed, believe your account to be tremendously accurate and an excellent depiction of our operations over here, at Korat. It is most rewarding to read journalistic work of such high quality, especially when it concerns the Air Force A-7D.

Although the A-7D was only in combat for ten months, the unparalleled accuracy and versatility demonstrated in high, medium, and low threat environments have given tactical airpower a greatly expanded capability. As of 15 August 1973, the Hummer has flown over 10,000 combat sorties in SEA. AF A-7Ds flew from Hanoi and Thai Nguyen in North Vietnam to the Mekong Delta in the South and from Kampot on the Cambodia coast to the Plain of Jars in Laos. No other aircraft has proven itself capable of such tactical flexibility in such a short time frame.

There is one more chapter we desire to add to the short history of SLUF. That chapter deals with the deep satisfaction we sustained when it was learned the A-7D was the last combat strike sortie to depart the Cambodian airspace on 15 August 1973. "Slam" flight, composed of aircraft 70-930 and 70-345, piloted by Maj. John H. Hoskins and Capt. Lonnie O. Ratley, III, will go down in our unit history as marking the end of our involvement in America's longest war.

The Tactical Air Command personnel supporting the 354th TFW deployed are unanimous in their hope that our participation has aided in creating an atmosphere conducive to peace and stability in the decades to come. We stand ready to react any time, anywhere, to threats against the peace and security of the free world.

The Officers, NCOs, and Airmen of the 354th Tactical Fighter Wing; 355th Tactical Fighter Wing; 23d Tactical Fighter Wing; and 3d Tactical Fighter Squadron, 388th Tactical Fighter Wing APO San Franicsco.

EDUCATIONAL GRANTS FROM FOREIGN SOURCES

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. GUNTER. Mr. Speaker, recently I noticed several newspaper stories announcing grants from foreign sources to our Nation's leading educational institutions. I call these articles to my colleagues' attention and invite them to join me in inquiring as to what other foreign funds have been given to our colleges and universities and not reported.

I believe that this question must be answered and I will attempt to provide such an answer in the days ahead.

The articles follow:

[From the New York Times, June 21, 1973]

Japan's Sumitomo Group Gives $2 Million to Yale

(By Iver Peterson)

Japan's giant Sumitomo Group of banking, mining and manufacturing interests has given $2-million to Yale University and $1,-million to the Japan Society here to promote Japanese-American cultural understanding.

The gifts from the Japanese conglomerate follow the gift of $1-million to the Harvard University Law School from Mitsubishi Heavy Industries, one of the Sumitomo Group's rivals, last September.

The Sumitomo gift to Yale is the largest ever received by the university from a benefactor outside the country. Officials of universities and foundations are hoping that other Japanese corporations, including the Mitsui Company, Japan's largest business house, will join the trend established by the recent gifts.

Hosa Hyuga, president of Sumitomo Metal Industries, Ltd., presented the $1-million Japan Society gift to John D. Rockefeller 3d, chairman of the society's board of directors, at the organization's annual dinner last Monday.

The gift to Yale will be announced tomorrow in New Haven by Kingman Brewster Jr., the university's president, and Koji Asai, who recently retired as president of Sumitomo Bank.

Both gifts will be made in installments over five years. Yale will use its money to finance Japanese studies. The Japan Society will give all of its gift away as grants to colleges and universities, study groups and other bodies engaged in Japanese studies.

An official of the Japan Society who did not wish to be identified said yesterday that there was hope that the Sumitomo gift "could be, ah, refreshed, at the end five years, if the program is a success."

In an interview in his suite at the Carlyle Hotel yesterday, Mr. Asai said he hoped the gifts would promote friendly relations between the two countries, especially in light of recent friction over economic and trade issues.

Mr. Asai, who started with Sumitomo Bank as a disbursements ledger clerk 48 years ago—"and that was before we had computers," he laughed—dismissed a suggestion that his group was competing in a generosity contest with Mitsubishi.

"But perhaps our gift will stimulate other contributions," he added with a smile.

Japanese correspondents in New York were amused by Mr. Asai's reticence

"The Zaibatsu compete in all things," one correspondent said, using the Japanese term for the giant family-controlled corporations that ostensibly were broken up after World War II, but that have nonetheless reconstituted themselves as large families of companies. Mitsui Sumitomo and Mitsubishi are the largest.

Mitsubishi's $1-million gift to Harvard last September was widely reported with big headlines in Japan. The Japanese Ministry of Education said in a statement at the time that the gift represented a Japanese business effort to "change the [Japanese] image from that of an economic animal to that of a cultural animal" according to an unofficial translation.

The Japanese even coined a phrase for the Mitsubishi gift to Harvard. It translates as "Japanese version of the Fulbright grant."

POST-WORLD WAR II TREND

Before the recent gifts, Japanese corporations had no tradition of contributing to outside institutions, although Mr. Asai said the Sumitomo Group had aided the Japan Society before World War II. But with economic tensions growing between the two countries, and as Japanese officials complain that American policymakers fail to understand their country's position in world affairs, a new interest has arisen in promoting friendlier relations.

"The attitude there," Rodney Armstrong, executive director of the Japan Society, said yesterday, "is that in the wake of these misunderstandings, they thought, 'If the Americans don't understand us any better than that we ought to sponsor some studies so we can understand each other better!' "

For Mr. Hyuga, the Sumitomo Metal Industries president, the gift to the Japan Society was also a personal one. At the presentation, he told of studying in a library built by the Rockefellers at the University of Tokyo in the 1920's while the university lay in ruins after an earthquake.

He said he was pleased to present the gift "to the son of our benefactor."

[From the Washington Post, July 27, 1973]

Japan Plans Aid to U.S. Universities

(By Don Oberdorfer)

Washington Post Foreign Service

Tokyo, July 26.—Not so many years after his country was receiving handouts from the United States, a Japanese prime minister will fly to Washington with a pledge of $10 million in his kit bag for foreign assistance to American universities.

The Japanese government's plan, as reported by reliable sources here today, is to announce its largesse for the U.S. schools during Premier Kakuei Tanaka's visit to Washington next week for summit talks with President Nixon.

According to present planning—subject to final bureaucratic review in characteristic Tokyo fashion—the money will be funnelled through the government's Japan Foundation to help selected schools support and expand their Japanese studies programs.

The recently-announced gift to American universities by West Germany, another nation defeated by the United States in World War II, helped the Japanese to action. The German gift, $45 million over more than 10 years, is larger in sum but smaller in its immediate impact than Japan's planned one-year benefaction.

POSSIBLE RECIPIENTS

More than 100 American Universities are reported to be equipped with educational programs of some sort on Japan, but most of the money will probably go to a few schools which have been the leaders in the field. The prominent ones are said to include Harvard, Yale, Princeton, Columbia, Stanford and the Universities of Michigan, and Washington.

According to governmental sources here, no decision has yet been made on how the money will be apportioned. That delicate task will probably be left unfinished until Premier Tanaka has left the United States, lest an embarrassing and perhaps unseemly scramble for the funds complicate his visit.

In recent weeks, Harvard and Columbia have sent missions here to solicit money from the increasingly affluent Japanese. Former U.S. Ambassador Edwin O. Reischauer, who was seeking up to $15 million to finance Harvard's Japanese studies Institute, was reportedly equipped with detailed plans and glossy full-color brochures to lure government officials and industralists.

A few months ago, Japanese business firms gave $2 million to Yale and $1 million to Harvard Law School.

WHY AMERICA?

Some criticism has been voiced here at the idea of large gifts from Japan to rich universities of the richest country on earth. The critics says the money would be more appropriately spent to aid the educational processes of the poor nations of Southeast Asia and other areas where Japan has important interests.

Those who conceived the aid-to-America plan, however, argue that bridging the "communications gap" with the United States is a high-priority objective. They are backed up by Japanese financed studies, by U.S. research firms, which say the money to American schools will be a public relations asset as well as an aid to increased U.S. understanding of this country.

The government has also been preparing for the policy discussions scheduled early next week with Mr. Nixon. Today, Premier Tanaka and Foreign Minister Masayoshi Ohira met to discuss their Indochina economic aid programs. U.S. presidential aide Henry Kissinger's proposal for a new Atlantic charter, energy and food issues and U.S.-Japan economic relations.

Japanese diplomats began meeting yesterday with North Vietnamese diplomats in Paris to discuss normalization of relations. The Indochina aid program—which is expected to be an important topic in the Nixon-Tanaka talks—is reported to be in an advanced stage of planning here. Ohira told a news conference today that the government will complete an outline of the plan after hearing American views on the topic next week.

[From the Washington Post, Aug. 8, 1973]

Japan Lists U.S. Schools for Grants

Tokyo, August 7.—The government today selected 10 prominent American universities to receive $1 million each in public funds to further Japanese studies in the United States.

The decision carries forward the pledge of $10 million in educational aid announced by Premier Kakuei Tanaka during his trip to Washington last week.

The universities selected to receive the grants Harvard, Yale, Princeton, Columbia, Michigan, Chicago, Stanford, California, Washington in Seattle and Hawaii. The foreign ministry announcement said the traditions, past achievements and present scope of Japanese studies had been taken into account in making the choice. The 10 universities are all members of the Inter-university Center for Japanese Language Studies in Tokyo.

Officials here said each university will be expected to establish an endowment fund and to use the proceeds for stimulating Japanese studies, perhaps through a professorship. The funds allocated today will have to be appropriated by the legislature. The new studies program is expected to begin in September 1974.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 46

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HARRINGTON. Mr. Speaker, today 12 people will be killed by handguns in the United States. In Great Britain only one person is killed by a handgun every 7½ weeks. The reason for this cannot be stricter punishment for the crime. In Great Britain there is no capital punishment; in our country the death penalty has been reinstated in some States.

It seems to me that a more plausible reason for the lower handgun murder rate in Britain, would be the one offered by the British Home Secretary Robert Carr. He said:

> There is clear evidence that the ready availability of guns leads to their use in crime.

The State of Massachusetts, has twice as many legally certified handguns as do England and Wales. The homicide rate is understandably higher.

I am asking the people who represent the citizens of our country to look at the figures of handgun murders; and then decide whether or not they can oppose gun control legislation and ignore the more than 9,000 people who will die by handgun next year.

At this time I would like to include Nathan Cobb's article from the August 12, Boston Globe, and another report of a handgun murder from the November 4, New York Times.

[From the New York Times, Nov. 4, 1973]

METROPOLITAN BRIEFS FROM THE POLICE BLOTTER

One man was shot and killed and another wounded in the attempted holdup of Club 83, 151 Lenox Avenue, near 118th Street. The police said the dead man, James Thomas, 43 years old, of 559 West 158th Street, was in the restaurant when two men wearing ski masks and brandishing pistols entered and announced a holdup. Mr. Thomas struggled with the gunmen and several shots were fired, one of which struck him in the head, killing him instantly. Another shot wounded Alexander Brown, 30, of 987 Union Avenue the Bronx, in the abdomen. The police said Mr. Brown was holding a .45-caliber revolver. He was taken in custody to Harlem Hospital, where he was listed in critical condition.

[From the Boston Globe, Aug. 12, 1973]

BRITAIN'S HANDGUN CRIMES INFINITESIMAL COMPARED WITH UNITED STATES

(By Nathan Cobb)

LONDON.—The bobby straightened his dark cap and smiled easily at the American who had asked him the question.

"Handguns" he replied, trying to be polite. "Your government writes reports about them. Ours does something about them."

Indeed, while the National Advisory Commission on Criminal Justice Standards and Goals last week recommended a nationwide ban on handguns in the United States—at least the fourth such national crime commission to do so during the past six years—the British government is measuring public response to its laws in the world.

British officials are reluctant to claim they have solutions to American problems. But many shake their heads when comparing handgun statistics in the two countries:

In all of England and Wales, there are an estimated 57,000 legally certified handguns, less than one-half the number in Massachusetts alone.

There is estimated to be one handgun for every 114 British families. In the United States, there are between 30 and 40 million handguns—roughly one for every 1.4 families.

In 1971, the last year for which figures are available, seven persons were murdered with handguns in England and Wales, while 8991 were killed in the United States.

One person is murdered with a handgun in England and Wales every seven and one-half weeks; it happens in America every 58 minutes.

In London, with a population of nearly eight million people, there were only two handgun murders during all of last year. Boston, with a population one-twelfth as large, had 43 handgun slayings.

In England and Wales, there are 2500 registered firearms dealers, one for every 22,000 people. The United States has 150,000 federally licensed dealers, one for every 1350 persons.

"We haven't got a problem like America's because we don't have the number of guns you have," one Home Office spokesman explained last week.

"We have an occasional shotgun slaying, or a stabbing or two. We even have axe murders. But it's almost never pistols."

Nor are handguns frequently used in other types of crimes in Britain: only 203 of 7465 robberies in 1971, and 59 of 46,153 assaults. In the United States, annual figures in these categories run into the hundreds of thousands.

Quite simply, it is not nearly as easy to acquire a handgun in Britain—where even police are armed only in emergency situations—as it is in the United States.

Since 1920, it has been in Britain an offense to buy, possess, use or carry a pistol (or rifle) and its ammunition without a certificate from a police chief. If more than one gun is desired, a special variance must be approved by police. The certificate also specifies the amount of ammunition that may be purchased or owned.

There are currently 190,646 firearms certificates in England and Wales, the vast majority are held in rural areas. Government officials claim they do not know how many are for handguns, but an independent study by Colin Greenwood, chief inspector, West Yorkshire Constabulary, recently indicated that each certificate represents 1.34 firearms and that 22.4 percent of the certificates were for pistols. Using this formula, there are only about 57,000 legally held handguns in Great Britain.

Certain types of people such as (convicted persons or persons of unsound mind) are prohibited from acquiring certificates. But the police may also refuse to certify any person "unfitted to be entrusted with a firearm," which gives them enough leeway to refuse virtually anyone for any reason.

The United States has no such system of controls. The 1968 Federal Gun Control Act primarily bans mail order sales of firearms as well as over-the-counter sales of handguns to out-of-state residents. It requires only a drivers' license as proof of residence and does not control quantities of ammunition at all.

The British system is similar to the Massachusetts gun control statute, passed in 1968, which is among the strictest in the country. This law, however, has not prevented sizable numbers of illegal guns from entering the Commonwealth from states with lax gun laws.

In Great Britain, it is also illegal to regularly carry a firearm on the street. A certificate holder must keep his weapons and ammunition in a safe place when not using them, and can only legally transport them to a place where they can be properly used.

In the United States, several states do not regulate the carrying of handguns at all, while others, such as Massachusetts require a license.

Further, personal or household protection is not considered to be a valid cause for a private person to possess a handgun in Great Britain. Technically it is not illegal, but the Home Office has unofficially defined its "good reasons" for having a handgun as sporting purposes and target shooting only.

Not that Britons aren't worried about rising firearms crime rates, particularly in London. In May, the Home Office released a "green paper," compiled by a committee of police officers and government officials, proposing to stiffen firearms laws.

As the green paper points out, there is "a growth in the use of firearms in crime" in Britain, a trend that parallels a general crime increase that has been going on for some time. Most of the increase, the government says, is caused by the use of shotguns and air weapons. The certification process for shotguns is not as stringent as handguns and rifles, while air weapons are generally not certified at all.

These two types of guns accounted for three out of every four firearms offenses in 1971, while handguns were involved in only 14 percent. That, the government says, is why it wants to bring shotguns and air weapons under the same control as handguns.

After a current "consultation period"—during which citizens can voice their reactions to the proposals of the green paper—the government is expected to produce a "white paper," or actual bill.

Within this new legislation, the government does not intend to leave its stricter handgun regulations untouched. It proposes to specify exactly what should, or should not, count as good reasons for possessing a handgun or rifle, thus making its current unofficial policy statutory. It wants also to ban future certification of gun collectors and persons who keep guns as trophies or souvenirs.

Says British Home Secretary Robert Carr: "In my view, the question is not whether we should have stricter controls, but the kind of stricter controls which should be introduced."

Negative reaction to the new proposals has come primarily from shooting groups and trade organizations which do not want stringent certification of shotguns. But Britain's "gun lobby" is miniscule when compared to that in the United States: its National Rifle Assn. (NRA) has 15,000 members while the American NRA claims one million strong. Like its American counterpart, the British gun lobby takes the position that the answer to gun crime is a firmer line in the courts.

The government takes a somewhat different view, stating in its green paper that "two kinds of measures are required for the prevention of crime—measures to reduce the opportunities open to the criminal, as well as those which provide for his punishment."

Home Secretary Carr said: "There is clear evidence that the ready availability of guns leads to their use in crime. A considerable minority of law-abiding people must be asked to put up with some increased inconvenience."

The government's opponents on the question argue that controls do not keep guns out of the hands of criminals. They claim that the results of official "amnesties"—seven periods since 1933 during which persons could turn in guns to police with no questions asked—indicate there may be as many uncertified handguns as certified.

But the government feels that most of these are turned in by law-abiding citizens holding them as souvenirs from the war years. Indeed, the numbers turned in during amnesties have been dropping since 1946.

Besides, Britons seem to feel that even if there are as many illegal guns as legal ones, the total number is so small compared to the United States that they are thankful for strong controls.

"We must ask ourselves," the government states through its green paper, "what the situation would have been with no controls, or weaker controls."

Tony Judge, an executive of the Police Federation, Britain's police trade union, this week summed up the feelings of his countrymen: "We believe the only way to prevent expansion of the criminal use of firearms is to stop it when it's very small," he said.

"We admit that the number of incidents of armed crime is rising each year," he added, "but compared to the United States, it's infinitesimal, isn't it?"

	Handguns	Dealers	Murders
United States	35,000,000	150,000	8,991
Great Britain	57,000	2,500	7

Note: Chart compares the United States with England and Wales in 1971.

SHORTAGES ON OTHER MATERIALS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BIAGGI. Mr. Speaker, this country is experiencing shortages in basic materials the likes of which we have not seen since World War II. Oil and gas are receiving the greatest attention, but other industries are suffering from shortages as well.

Two firms in my district in New York City are responsible for most of the wire mesh and concrete reinforcing bars used in the construction industry. They have countless numbers of orders on hand, but cannot obtain sufficient supplies of steel for fabrication. The question is why?

This administration appears more concerned about keeping its friends abroad than providing for the needs of people here at home. We are exporting oil. We are exporting large supplies of food commodities. We are exporting scrap metal, the basic raw material for fabricated steel. This exportation has got to stop. America's needs must be met first.

Now there are those in the administration who allege there is no shortage in the fabricated steel industry. Of course, these are the same people who said there would be ample wheat, oil, and gas. The figures, though, prove the fact that there is a serious shortage.

A survey of New York users of steel reinforcing bars and wire mesh showed the following:

Ten major projects employing over 1,000 tradesmen were receiving between 25 and 50 percent of their requirements;

A combined school and apartment building project being constructed by the Board of Education suffered a 20 percent cutback in its workforce and expects to shut down shortly;

Several housing projects for the elderly and the poor are either sharply cutback or shut down as a result of a shortage in steel products.

The crisis in the steel fabrication industry is a result of two major problems: diminished supplies in the face of increased demand and price controls on the reinforcing bars.

The supply problem developed when demand for steel rose to unprecedented heights. Mills are now running at capacity and setting records for production. Backlogs of orders are mounting. At the same time, imports which had posed a threat to the American steel industry a few years ago have now fallen off considerably. Total imports in 1972 were 358,216 tons. For the first 7 months of this year, imports were less than 100,000 tons. Similarly, exports have increased. In 1971, 40,540 tons of steel reinforcing bars were exported. In 1972, 22,416 tons were exported. For the first 8 months of this year almost 70,000 tons of rebars were exported with records expected to be set in the remaining months of the year.

Moreover, concrete reinforcing bars are produced in mills after demands are met for carbon bars and bar shapes which bring substantially higher prices. The latter are used by the automotive industry which had a peak year in 1973 and expect big sales next year.

A better balance between production of these various bars would be possible if the Cost of Living Council would permit an increase in the price of reinforcing bars and if it would permit such increases to be passed on dollar for dollar to the ultimate consumer. Otherwise, no company will manufacture these reinforcing bars at a loss as they presently must do.

The fact is many very important construction projects are going undone or are moving at a snail's pace because of lack of supplies. The construction industry has suffered a marked downturn in activity throughout the Nation. Lack of the basic building materials is a major factor in this decline.

What can be done to solve the problem? First a ban on all exports of reinforcing bars and wire mesh as well as an embargo on the export of scrap metal must be implemented immediately by the President.

Second, the Cost of Living Council should approve price increases in the finished products representing the increased costs of raw materials. The head-in-the-sand approach of the Cost of Living Council ignores the realities of the current market situation.

Third, a temporary relaxation of pollution control standards should be authorized by the President to permit steel mills now idle as a result of these laws to start producing again.

Unfortunately, these three actions require a response from the President, who has been reluctant to do anything to upset his export plan, to deter his price program or to help the American consumer.

I will be circulating a letter for which I am seeking cosponsors asking the Cost of Living Council to approve price increases for steel reinforcing bars and similar products as soon as possible and to permit pass through of increased costs in raw materials in much the same way as such costs are permitted to be passed through in the petroleum industry.

In addition to the letter, I am urging my colleagues in the Senate on the Banking, Housing, and Urban Affairs Committee to approve legislation now being considered by them that would provide mandatory controls on the export of scrap metal and steel products.

I urge my colleagues in the House to join me in these two efforts so that we can save a vital industry from total disruption and possible destruction. We must act quickly.

PHYLLIS KILBY: FIGHTING FOR THE FARMER

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BAUMAN. Mr. Speaker, one of the most important segments of the economy in the First Congressional District of Maryland is agriculture. As in every profession or occupation, there are always people who stand out because of their talent and ability. Recently, the Maryland Farm News published by the Maryland Farm Bureau of which I am a member published an article about Phyllis Kilby, one of the real leaders in our State's agricultural community.

At 25, Mrs. Kilby is the chairman of the State's Young Farmer Committee, and I am proud to have her as resident of my district in Cecil County. I know her personally, and I commend to the Members this excellent article. The article follows:

CECIL COUNTY'S PHYLLIS KILBY—FIGHTING FOR THE FARMER

For the daughter of a Pennsylvania steelworker, it was quite an adjustment becoming the wife of a Maryland farmer.

"It took me a while to get used to the hours and to the seven-day work week," said Phyllis Kilby, "but now I'm deeply committed to fighting for this way of life."

It is this struggle for existence that Mrs. Kilby has been concerned with during the past year in her position as chairman of the State's Young Farmer Committee.

"Young farmers are definitely the future of the Maryland Farm Bureau," she said, "and we've tried this year to move toward more of an action-oriented approach."

This approach hopefully will pay dividends in the next few years, she explained, in terms of young farmers being elected to Farm Bureau positions and in terms of the young farmers acting as a pressure group on the more established Farm Bureau constituency.

"Once you see what the farmer is fighting for, it makes you want to start fighting for it too," she said, "and this is an industry that is heading for extinction unless we do something."

When she was 18 years old and living in Pennsylvania, Mrs. Kilby never dreamed of being involved in the farmer's struggles. Then she met Bill Kilby, got married, and the turn-about began.

The Kilbys farm 230 acres with Mr. Kilby's brother and father in Colora, Cecil County. Most of their operation is dairy, and they've been experiencing the problems facing all dairy farmers these days.

Some people felt Mrs. Kilby was too young at age 25 to handle the State Chairmanship. But she says "I'm pleased with what we've done this year; we've even made a bit of headway with the Board of Directors—at least they don't think Young Farmers is a token group anymore."

Four new YF groups have been organized this year. In addition the YF programs have taken on an action-type structure. Typical of this approach was the annual tour of the Legislature in Annapolis.

"In past years we went just to see how things operated, but this year we went to learn how we could become more effective and get things done in Annapolis," she explained.

"We're gearing up this year for real action efforts next year" she added. "These will come in the areas of reaching the consumer, new programs and legislative activities."

"Young farmers have to make themselves heard because they're the ones struggling to make farming work; they're the future."

DRINAN SUPPORTS PETROCHEMICAL INDUSTRY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. DRINAN. Mr. Speaker, yesterday I voted in favor of the mandatory allocation bill (S. 1570). This bill authorized the President to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety and welfare.

I recently had an opportunity to discuss the petrochemical crisis in my congressional district with leading businessmen in the New England plastics industry. These industries are in extremely difficult straits because of the shortage of petrochemicals, the harmful restraints of current phase IV price-control regulations upon petrochemicals and plastic feed stocks, and the excessive growth of petrochemical and plastic feedstock exports.

The legislative history contained in the joint explanatory statement of the committee of conference on this bill gives some support to the petrochemical industry. The statement of conferees, in discussing this legislation, states that:

> It is fully recognized that, in some instances, it may be impossible to satisfy one objective without sacrificing the accomplishment of another. For example, the President could not totally allocate propane to agricultural and rural heating needs and at the same time give consideration to the identified objective of preserving and fostering competition in the petrochemical industry. For this reason the direction to the President is qualified to permit the regulations to be constructive so as to accomplish the enumerated objective to the maximum extent practible."

I am hopeful that the President will act on the sense of this legislation, which is intended to give him administrative flexibility in marshaling short supplies and allocating them to particular needs.

Other evidence of the intent to help the petrochemical industry can be found in the conference report. In discussing the use of the term "distillate" in this legislation, the conferees state:

> It is the committee's intent, however, that this term also reach to include naphtha and benzine, so as to require the allocation of these products as may be necessary to accomplish the objective of restoring and fostering competition in the petrochemical sector of the industry. In this respect the Conference wishes to emphasize that, in expressing Congressional concern with fostering competition in the petrochemical industry, the Committee intends to also identify petrochemical feedstock needs as important end-uses for which allocations should be made.

Similarly, in discussing the allocation of propane, the conferees wish to make sure "that in allocating propane to farmers and others—the President—does not force petrochemical and glass plants across the country to close their doors." It is the express intent of the conferees that the President administer the allocation of fuels—including propane and other refined petroleum products—covered by this legislation in such a way as to avoid the closings of industry, significant unemployment or serious economic stress in specific areas or regions of the Nation.

Unfortunately, there is always the possibility that the President will not act to foster competition and maintain viability in the petrochemical industry. I am hopeful that the clearly enunciated objectives quoted above will give the President and his advisors the needed direction to maintain the viability of our petrochemical industry.

The worldwide energy shortage has seriously decreased our available supply of petrochemicals and plastic feedstocks. The petrochemicals, which uses about 5 percent of total petroleum products, has its very survival in severe jeopardy. I am hopeful that protection of this industry by these allocation provisions can be afforded to the petrochemical industry. It is unfortunate that no industry or segment of the society can expect to get through the present energy crisis with as much petroleum as they might want. With the burden of the shortages spread equitably, the situation is still not a good one, but is a vast improvement over the present one.

I am hopeful that this urgently needed legislation will overcome the pronounced shortcomings imposed on the petrochemical industry by export limitations and phase IV controls.

A BILL TO PROTECT THE CONSUMER AGAINST WORTHLESS MONEY ORDERS, AND FOR OTHER PURPOSES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, I introduced a bill today to protect the consumer against worthless money orders. This bill will assure those persons who choose money orders to satisfy financial obligations that they will not be cheated out of their money due to fraud or the financial insolvency of the company from which the money order was purchased. It is particularly applicable to poor people who use the private money order business as a primary means to pay rent, utility bills, car payments, insurance payments, medical expenses and who can least afford to find their payments forfeit and their money gone when the money order bounces. Thousands of poor people, as well as all users of money orders could rely on workable, fair and inexpensive bonding and licensing arrangements to protect them in this important matter with a new measure of security and protection.

Mr. Speaker, this bill provides for the Board of Governors of the Federal Reserve System to promulgate regulations to carry out the bill's intent, and provides criminal penalties for supplying false information or in other ways failing to comply with its provisions. Further, there is established a requirement that those persons engaged in the issuance of money orders be required to post a bond of $50,000 for each State in which he does business with additional amounts required depending upon the number of sales outlets he maintains. In addition, these persons must file an information statement with the Federal Reserve District Office for the State in which he is operating, the content of which would be a matter of public record. Based upon satisfactory performance of these procedures, the issuer would then be granted a certificate of compliance by the Board of Governors of the Federal Reserve System. No one could engage in the issuance of money orders without such a certificate.

Mr. Speaker, I should like to point out at this time that I am fully aware that many States have passed laws regulating the money order business. My bill recognizes this fact in that it permits the Federal Reserve Board to exempt from the operation of the Federal law those jurisdictions who laws in this area are as strong or stronger than those provided by my bill. Therefore, a State could choose to undertake the regulation itself merely by passing a strong law.

Mr. Speaker, I believe this to be a good bill and long overdue. I urge its enactment.

BAN THE HANDGUN—III

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BINGHAM. Mr. Speaker, the New York Post's November 12 article, printed below, describing the shooting of a 78-year-old man while he was walking his dog and other shooting homicides, illustrates again the horrible consequences of allowing private citizens easy access to handguns. So long as we fail to implement strict gun controls we can do little but offer our sympathies to the victims and families of these vicious attacks:

Man, 78, Shot as he Takes Dog for Walk

A 78-year-old Washington Heights man was shot early today while walking his dog near his home. He was in critical condition in Columbia-Presbyterian Medical Center.

Eugene Bunn, of 245 Bennett Av., was walking his dog near W. 192d St., a half-block from his home, about 1 a.m. when an unidentified person fired one shot, striking Bunn in the head, police said.

They said there apparently were no witnesses to the attack, in the hilly upper Manhattan neighborhood near Fort Tryon Park.

Police said no motive could be established. Bunn, who is retired, and his wife took turns several times each day walking the dog, a black and white mixed breed of medium size, according to neighbors.

The couple live on the second floor of a seven-story, 20-year-old building which overlooks rocks and shrubbery on the western side of Bennett Av.

BROOKLYN SHOOTING

Two hours later, in another shooting, a 27-year-old man was critically wounded in a dispute in a Brooklyn bar.

According to police, Earlitto Perez was shot by an unknown man shortly before 3 a.m. in the Scarlett Lounge at 738 Franklin Av.

In a weekend shootout, a man in his 20s was shot and killed by an accomplice early yesterday when confused gunfire erupted during an unsuccessful attempt to rob Benny's Bar and Grill, 753 Union Av., the Bronx.

The confusion began when a customer at the bar, identified by police as Angelo Caldron, 28, protested the stickup by throwing a bar stool at one of the four or five gunmen.

In the ensuing gunfire, Caldron was slightly wounded and one of the bandits fatally shot the accomplice in the head. The robbers fled empty handed.

In the West Bronx yesterday, a shootout left one man dead and another wounded after an altercation in a tenement hallway at 1910 Davidson Av.

In the ground-floor hallway, police found an unidentified man, about 22 years old, dead with a bullet in the chest. They also found Russell Bannister, 22, a resident of the building, who was wounded with a bullet in the left leg.

THE HONORING OF CHIEF GLENN ADAMS

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BURGENER. Mr. Speaker, tonight in La Mesa a dinner will be held to honor a man who has served our community as chief of police since 1946. During the years since the end of World War II, Chief Glenn Adams has rendered outstanding service in both his professional capacity as police chief and his private capacity as a generous and concerned citizen.

As the chief of police, Glenn has presided over the expansion of the force from five men to its present 50. He has been an innovative chief of an innovative police force. Under his direction the La Mesa Police Force has updated their facilities, modernized their operation, developed the police ambulance concept and led the way toward higher educational requirements for officers.

As a respected leader in his profession, Chief Adams has served on the California Commission on Criminal Justice, served on the Professionalism Committee of State Police, was named Policeman of the Year by the La Mesa Exchange Club, and is a life member of the California Police Officer's Association.

As a neighbor, Glenn has not restricted his activities to his profession. Among his most noteworthy activities has been his work in the youth for decency movement. He has been involved in many youth oriented activities in the community and in the schools. In addition, he has given many hours to the Edgemoor Hospital as has his charming wife, Ruth.

I am sure that the citizens of La Mesa wish Glenn and Ruth the best of luck in their future endeavors. We have benefited greatly from having them as our neighbors and we are most grateful for their years of devoted service.

MAN AT THE TOP

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HELSTOSKI. Mr. Speaker, this year, one of New Jersey's leading citizens, Alfred N. Sanzari, has been named "Man of the Year" by the Hackensack Chapter of UNICO International. This award, however, is just one of many given to my friend, Al Sanzari, during his career as one of our State's most respected businessmen and civic leaders.

In addition to having received wide acclaim as one of New Jersey's foremost builders, Mr. Sanzari serves on the board of one of our leading financial institutions, and has been a member of the Bergen County Housing Authority for 8 years.

Today, I salute Al Sanzari and thank him for his endless efforts to make Bergen County a better place for people to live. His neighbors have benefited from his vision, good sense, and integrity.

Mr. Speaker, I wish to share with my colleagues an article which appeared in the October issue of Bergen, the Bergen County Chamber of Commerce monthly magazine. The article, entitled "Al Sanzari/Man at the Top," provides us with additional insight into his successful and diversified career. The article follows:

Most successful men are content to excel in one field, but that is not the case with Alfred N. Sanzari of Hackensack, who has carved brilliant careers for himself in building, banking and public service. One of New Jersey's most honored builders, Mr. Sanzari is also a member of the board of one of the leading financial institutions in the state and is in his eighth year of service to Bergen County as a member of the Housing Authority.

Usually, when a man is that busy, his family life suffers, but Al Sanzari has proved exceptional here, too. He is a staunch family man who seldom misses a vacation with his wife, Mary, and is devoted to their three sons, two of whom are in business with their father.

Despite his success, Mr. Sanzari is essentially modest and he still lives in Hackensack, where he was born and educated. He left his hometown for service with the Office of Strategic Services in World War II, when he was under the famous Gen. William (Wild Bill) Donovan. Although he is reluctant to speak about his wartime exploits, Mr. Sanzari helped to pave the way for Allied landings on the continent of Europe by contacting partisans and members of the underground.

For a time after the war, it seemed that Al Sanzari would follow a career as a racing driver, for he was skillful at the wheel. He drove until the death of two close friends in racing crashes convinced him that he owed it to his wife and young son to follow a less risky occupation.

He had been involved in the building trades before the war and that experience, plus his foresight, led him into home building to satisfy the great demand for homes arising as the armed forces were demobilized. "I still did some racing," Mr. Sanzari recalled, "but when I started selling homes I knew I would never win the Indianapolis 500."

His interest in racing continues to this day and he owns several racers, including the ones used by his son, David, in amassing a cabinet full of trophies; and he never misses an Indianapolis race if he can help it. Because he knows the pit crews and drivers and appreciates the techniques of the racers, he enjoys the event vicariously, as if he were rolling into Victory Lane himself.

But Al Sanzari is no idle dreamer. He is a realist who knows that excellence in any field demands commitment, concentration and enthusism. Perhaps that is the key to his success: He never becomes bored, always looking for new challenges and new frontiers.

As an example of this, he has always been a forerunner among the builders in the country and the state. He was among the founders of the Home Builders Association of Northern New Jersey and he was among the first to advocate that the word "Home" be dropped from the title because he could see other facets of the construction field beckoning.

His Crest Haven Estates development in Wyckoff won an award from the National Association of Builders in 1957, but that did not prevent him from shifting to apartments because he felt that the one-family housing field was becoming saturated and there would be a need for apartments, too.

Consequently, he has built the Clinton Manor Apartments in Dover, the Madison Arms and Yorkview Arms in Hackensack, Nottingham Manor in Montvale, Georgian Arms in Woodbridge, Willow Gardens in Teaneck and at present is developing the Ivanhoe in Hackensack.

This is in addition to hundreds of homes built and sold in New Jersey, Florida and Massachusetts. Unlike some developers, Al Sanzari is a developer-owner so that all his tenants get the personal attention of the builder and are not dealing with a soulless corporation.

It was in the fifties, too, that Mr. Sanzari decided to diversify. He felt that the housing market was still strong, but he felt that there also would be a demand for industrial space by companies seeking to tap the vast labor pool that Bergen County represented. As a result, he was one of the first of the successful post-World War II home builders to shift to the commercial and industrial construction field.

"Land that wasn't suitable for homes or apartments could be used for light industry or warehouses, I thought," Mr. Sanzari said, "and I felt that it would be a natural step in the growth of the county. Many towns that were seeking tax ratables did not want apartments, but they would take an attractive industrial building, so I put on another hat and went into the industrial construction field."

At present, Mr. Sanzari owns three industrial parks, comprising more than 200 acres and approximately 47 buildings, representing a multi-million dollar investment. All but 60,000 square feet of that space is leased to top-rated tenants who have exercised renewal clauses in virtually every case because they like doing business with Al Sanzari.

When he began looking for industrial land, he evolved a standard that came to be known as Sanzari's Law. The axiom goes this way: "If you can stand on the property a real estate man is showing you and you can see the towers of the George Washington Bridge or the Empire State Building, buy it." The formula has proved remarkably successful.

His first industrial park was in Little Ferry and because he was broadening his horizons, he called it the Horizon Industrial Park. His next move was farther south to the meadowlands area of South Hackensack, where he created the Horizon South Industrial Park. The consistency of names is an indication of Mr. Sanzari's loyalty; he seldom changes subcontractors and has had the same advertising agency for the last 25 years.

Mildred Cantrella, the controller for the many-faceted organization that has become known as Sanzari Enterprises, has been in Mr. Sanzari's employ for 23 years. Of late, some of the tasks Miss Cantrella performed in the past have been taken over by Bruce Seiden, (a former employee of Touche-Ross, the leading accountants), who is director of finance.

Miss Cantrella is concerned with cash flow, billing and the like, while Mr. Seiden works on mortgage placement, subcontractor bids and leasing. His leasing on the industrial side at present consists of finding a tenant for the one remaining building in the Horizon North Industrial Park in Norwood. After the buildings are occupied, they come under the supervision of Dominick Mancini, another long-time employee, who is income property manager.

The Norwood industrial park, developed along the lines of a college campus and dotted with companies engaged in research, represented another aspect of Mr. Sanzari's ability to anticipate the market. With meadowlands sites skyrocketing in price and with title questions cloudy there, he decided to turn to the northern part of the county, which, at that time, had virtually no industrial parks.

The Borough of Norwood had some low land that nearby residents used for a disposal area and although it was just off Broadway, the town fathers were not hopeful about its future. They weren't looking at the land with the visionary eyes of Al Sanzari, though.

"Actually, the big problem was drainage," Mr. Sanzari said. "I thought the proper engineering could solve the problem and could turn the tract into an attractive and valuable piece of property."

This has proved the case, but a lot of ingenuity went into the creation of the Norwood showplace. For instance, living trees were moved to new locations on the site by bulldozer, a feat made possible by the wet conditions of the property. Such a stunt had never been attempted before, but the gamble paid off and only three of 14 trees so moved failed to bloom.

It was just about the time of the Horizon North development that Mr. Sanzari was getting more deeply involved with service on the Bergen County Housing Authority. The authority was becoming an active sponsor of development rather than just an administrative and advisory body and Mr. Sanzari's knowledge of building and construction was called on to save the county and its residents seeking shelter time and money.

Meanwhile, his career in banking was flourishing, too. He was induced to join the Board of Directors of what was then one of the smallest banks in Hackensack, City National Bank, by Harvey J. E. Milkon, an associate from the Builders Association. The bank grew and prospered and was taken over by First National State Bancorporation, New Jersey's first billion-dollar financial institution. Mr. Sanzari continued on the board of the First National State Bank of North Jersey, the designation for the multi-bank operation that grew out of City National.

Besides being a board member, Mr. Sanzari has been also one of First National State's best customers. He arranged through the bank the financing of the Ivanhoe, the $7-million apartment on Beech Street and Overlook Avenue in Hackensack. This 24-story building, at present Hackensack's highest, towers over other structures in the area for other reasons besides height. The Ivanhoe represents a breakthrough in construction, with a design-system evolved by Massachusetts Institute of Technology with a grant from U.S. Steel.

Again vision played a role in a Sanzari enterprise. When the design system was explained to him, Mr. Sanzari could see the savings in time and labor costs that would be possible. He knew the apartment market was highly competitive, but he felt the new design would enable him to pass on considerable savings to his tenants in the form of lower rentals.

Schrenko Steel of Upper Saddle River put the system into operation, adapting new techniques to make the most of the new design. Basically, the system involves the use of staggered steel trusses and precast concrete panels, with the staggered trusses allowing for wider open spaces and consequently larger rooms.

Only 11 months elapsed from the start of construction to the opening of model apartments, a record for even a fast builder like Mr. Sanzari. To pass on the savings in financing costs and labor, he evolved a "package rental plan that included all charges—costs of cooking fuel, heating, air-conditioning, wall-to-wall carpeting, membership in swim and health club and space in the security-operated underground parking garage. Comparison shopping shows that no competing apartment can touch the Ivanhoe, where rentals start at $260 for a studio unit.

"Bruce Seiden and David Sanzari deserve credit for expediting work on the Ivanhoe," Mr. Sanzari said. "I told them timing is important and that the key to a successful operation is turning a debit to a credit as soon as possible. They've done a fine job of carrying out orders, following instructions and taking the initiative."

Never content to be doing one thing at a time, Mr. Sanzari was preparing another venture even while the Ivanhoe was being erected. This involved the building of a hotel on the site of the Stagg farm, a holding dating back to the Dutch colonization of Bergen County. A farmhouse whose foundations are 275 years old stands on the property and Mr. Sanzari offered to donate the structure to any historical society that was willing to move it. To give the various interested parties time to make arrangements, he delayed groundbreaking at the site three times.

"I would like to see some remnant of Bergen Country's past preserved," Mr. Sanzari said. "I'm perfectly willing to give the structure away, but I don't think the past should stand in the way of progress."

Perhaps that is his whole philosophy: Never stand still, keep moving ahead. It's a code of action that has won him many honors, including a place in the Hall of Fame of the Builders Association of New Jersey, designation as "Builder of the Year" in 1965 by both the state and the regional builders' group and selection this year as "Man of the Year" by the Hackensack Chapter of UNICO. He has served the Builders Association of Northern New Jersey as president and is still on the board of directors of the regional group, the state organization and the National Association of Home Builders.

A unique personality, Al Sanzari enjoys the confidence of not only management—as represented by the builders—but also of labor—as represented by the trade unions. As a result, he is a trustee for the Bergen County Masons on both their pension fund and welfare fund and holds the same position with the Bergen County Laborers and carpenters. He is a great believer in apprentice programs and has fostered the training of new men in the crafts by serving on the apprenticeship committees of the three unions, also. Another tribute to his character is his recent appointment to the Hackensack Rent Control Board.

Despite his success, Al Sanzari never forgets his humble origins and his family. His brothers have been his business associates for years and a memorial plaque to John Sanzari, killed last year in a construction accident, hangs in his office on West Franklin Street. Another brother, Pat, has been a vice president and consultant to Sanzari Enterprises for 25 years, but more than that he has been a confidant who never fails to be encouraging in addition to David, another son, Ben, is part of Mr. Sanzari's business. His other son, Alfred Jr., is in business for himself.

Mr. and Mrs. Sanzari have a home in Hallandale, Fla., and are looking forward to moving into a penthouse atop the Ivanhoe, where they'll have a striking view of both the New York skyline and the Ramapo Mountains. Mrs. Sanzari, his high-school sweetheart, says her husband hasn't changed much over the years and is unlikely to be different living in a penthouse. It seems that although Al Sanzari might wear many hats, his head size hasn't changed any because of his many successes.

RESTORE TRADITIONAL DATES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. DULSKI. Mr. Speaker, as a sponsor of H.R. 5981, to restore the traditional dates of Memorial Day to May 20 and Veterans Day to November 11, I still hope to see action taken on the legislation by next May.

Changing the traditional observance date of Veterans Day has caused particular distress among the group most concerned with it. Our Nation's veterans have, in fact, continued to hold ceremonies on November 11 to honor their fallen comrades. This past Sunday such commemorations were conducted at Arlington Cemetery and all across the country.

In view of the strong feelings about the original Armistice Day and Memorial Day dates, I strongly urge Congress to exempt these days from the "Monday holiday" law.

The following is a newspaper article, describing this week's observances in Erie County, N.Y.:

VETERANS' GROUPS MARK THE ORIGINAL DAY TO HONOR THE NATION'S WAR DEAD

A number of services honoring veterans were held in respect to tradition Sunday, on the date which had been observed as Veterans Day for many years.

The American Legion is on record in opposing a "blatant disregard for historical fact" in changing the traditional Veterans Day observance date from Nov. 11, its county commander said in 9.30 a.m. ceremonies at Forest Lawn Cemetery.

Cmdr. Leroy L. Winkelsas spoke during a wreath-laying ceremony at the Legion Monument. The holding of the service at that time was, in itself, a protest against moving the observance of what originally was designated as Armistice Day from the date on which World War I ended to the fourth Sunday in October, for the expediency of a three-day weekend.

"Unfortunately for the world," Winkelsas said, "the name of Armistice Day proved all too fitting. According to the dictionary definition, the word armistice means a brief cessation of hostilities, and that is what America experienced."

GRAVES DECORATED

The talk was preceded by decoration of veterans' graves. Wreaths also were laid at the monument by Mrs. Annette Klubek, chairman of the ladies' auxiliary of the Legion, and Robert Trowbridge, chef de gare of the 40 & 8 Society.

Others participating were the Rev. Raymond J. Koslowski, county chaplain; Joseph S. Serba, Jr., county bugler; and the Minute Men Firing Squad of Troop I Post.

At the traditional Veterans Day dinner, held Sunday night at Niagara Frontier Post 1041, 533 Amherst St., Winkelsas received the official warrant of county commander. Joseph Paris, director of the Veterans Administration Hospital, was the speaker.

VFW DONATION

At Rich Stadium in Orchard Park, Erie County Executive Edward V. Regan and others participated in a ceremony before the start of the Bills-Bengals football game, dedicating a veterans' memorial. It is a bronze plaque which will be placed on a boulder at the Abbott Rd. entrance to the stadium.

The monument was provided by the posts of the Erie County Council, Veterans of Foreign Wars (VFW), on behalf of all veterans. Replicas were presented to officials of the Bills football club and the county.

County commanders of the American Legion, VFW and Amvets, as well as other representatives of the county and the Bills, also participated.

The United Veterans Committee of Buffalo and Erie County held a ceremony honoring the nation's veterans at 11 a.m. at the Doughboy Monument in front of the State Armory, 184 Connecticut St.

Hamburg Post 527, American Legion, held ceremonies in the post at 11 a.m., and a dinner at 6:30 p.m.

Members of Riverside Post 1010, American Legion, attended services at Forest Ave. Christian Church at 11 a.m., which was followed by a brunch at the post, 40 Hartman Pl. Members then conducted services at monuments in front of Riverside High School, in Riverside Park and at the park's casino.

MEMORIAL ON SPAN

The United Veterans' Council of the Tonawandas held an observance at the World War I Monument in the center of the Bascule Bridge between Tonawanda and North Tonawanda at 1 p.m. A wreath was cast into the Barge Canal by members of the Marine Corps League.

The council also sponsored a program at 2 p.m. in the council chambers at Tonawanda City Hall, including a band concert. A special plaque was presented to the Rev. Charles W. Hobbs, minister of the United Church of Christ of Pendleton, for his services to the council for the past 15 years.

At 4 p.m., a flagpole donated by the Boston Amvets Post to Post 26 Amvets, 600 Ward Rd., North Tonawanda, was dedicated at the latter location.

CONTINUING EDUCATION FOR WORKERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. FRASER. Mr. Speaker, continuing education is becoming an increasingly important aspect of the education process. It is a necessary process for professionals as evidenced by the many updating seminars and meetings held by professional organizations. Continuing education makes sense for senior citizens. Young people take advantage of continuous or continuing education. Why not continuing education for workers?

The following article appeared in the November 1973 issue of the Progressive. It tells about a program of continuing education for French workers. I commend it to my colleagues:

EDUCATING FRENCH WORKERS

Betty and Francoise are secretaries performing stultifying chores at insurance firms. Although Betty works in New York City and Francoise in Paris, their daily routines are surprisingly similar. Every workday morning, each is faced with stacks of boring letters and forms to type for her employer. They share the nine-to-five doldrums and the prospect of a daily round-trip on rush-hour subways. Each is entitled to three weeks of paid vacation a year, plus ten days of sick leave with pay. They spend unoccupied moments thinking about the vacation, which always seems remote.

The only major difference between them is that next year, while Betty attempts to get one extra week off and perhaps applies for a job as secretary to the assistant marketing manager, Francoise will be studying poetry, full-time, at the Sorbonne, at almost her full salary, with no loss of job seniority. In France, thanks to a recently introduced education program, Francoise's year of study is not a privilege extended by her employer; it is her right.

The program is called *"la Formation Permanente"* (Continuing Education). It became law in July 1971, and is credited to Jacques Delors, who served in the government under former Premier Chaban Delmas. Basically, the law entitles every French worker who has been employed by a firm for more than two years, and who has not received a degree in the last three years, to one year of full-time, or 1,200 hours of part-time, study or training, financed by the worker's employer and the government. The study or training program may, but need not necessarily, be work-related. Thus, theoretically, an auto mechanic may study philosophy, poetry, mathematics, or other equally "useless" subjects at his employer's expense. If the employe is less than eighteen years of age, he or she need have been employed by the firm for only six months. The program covers not only the nineteen million French agricultural and industrial workers, but the almost two million foreign workers in France as well. Only employes less than five years from retirement are ineligible. Although government workers, with the exception of school teachers, are not currently covered, a similar education program is being developed for them.

During the program's first year of operation, an estimated 300,000 workers were enrolled in full or part-time study or training. Officials estimate that half a million workers throughout the country will be participating this year.

Although many American vocational schools, community colleges, and university extension programs offer free or low-cost educational opportunities, neither the American employer nor the Government is legally bound to pay workers' salaries while they study. In France, Continuing Education is financed by the government and employers. Under the law, employers must now invest 0.8 per cent of their gross payroll in worker study. By 1976, the law calls for employers to spend two per cent of their total payrolls on the project, ensuring that workers can study and still earn almost their full salaries. During the study period the government contributes to the worker's social security account.

The program is unique. And it is especially remarkable since it was developed in France, a nation not known for progressive social legislation. There was opposition to the plan when it was proposed. Though many employers supported the concept of manpower training, they doubted that workers should have the "right" to study non-job-connected subjects. Gradually, however, France's major industrialists realized that Continuing Education was good for business, since most workers would probably choose to study job-related subjects. In addition, employers sensed that the program would migrate worker alienation and dissatisfaction, which had contributed substantially to the turmoil of May 1968, when French shops, factories, and universities were closed by anti-government strikes and street fighting.

Educators feared the program would place an insupportable strain on resources of the already overburdened and underfinanced university system. Thus, some worker education programs, it was argued, would be left to industrialists to estabilsh themselves and to *merchandes de soupe*—those "soup merchants" who would profit by setting up courses and collecting tuition fees. The government, however, anticipated the potential educational rip-off factor, and provided that a special division of the Ministry of Labor would be responsible for certifying all study and training centers. If a program does not have the government's approval, it cannot receive employers' francs. As it turns out, business seems to be booming in the Continuing Education field. Universities have strengthened extension programs; in areas without a university, several companies have joined together to set up job-connected training requested by their employes.

The major problem encountered so far is human inertia. The government has launched a broad campaign of educating the working population about the new program, but has encountered some difficulties in interesting its citizens in returning to school and taking advantage of their new right. French workers, moreover, are still suspicious, despite legal guarantees, that enrollment may result in forfeiture of a desired promotion or withholding of a salary increase. Thus, even though the program is being filled, retraining centers have not been deluged, as was predicted, by hordes of applicants.

Continuing Education, which gets such limited backing in the United States, has created quite a stir in Europe. Several Common Market nations—the Netherlands in particular—have been observing the program's progress with great interest. French officials predict the program will eventually spread throughout the Market countries.

French industry has come to view its monetary contribution to the program as a means of bringing the French working force into the Twentieth Century. French companies, above all, recognize that the labor force must be "industrialized" if France is to continue its rapid rate of economic expansion. An alienated work force, whose skills are antiquated and technologically unsophisticated, would inevitably limit economic growth. The government's commitment to the program is demonstrated by its willingness to permit up to two per cent of the labor force to be enrolled in the program in any single year, though France, with an unemployment rate of only 2.3 per cent (generally considered full employment by economists), imports foreign labor.

The program has also served to buy off the leftist sentiments of many French workers—in a country in which about forty per cent of the population voted Communist or Socialist in the last election. French unions, whose rhetoric, at least, is much more left-oriented than that of their American counterparts, originally objected to the education project on ideological grounds: they did not want to be "integrated" into the capitalist system. The program's creator, Delors, denies that unions have impeded the project, but government officials report that, even now, unions are reluctant to support it.

Nevertheless, by any measure, *la Formation Permanente* is a stroke of genius on the part of the French government. It provides French workers an opportunity to train for their own advancement or cultural enrichment, and it helps France to increase worker productivity and counter worker discontent.

CALL FOR ACTION AGAINST POLLUTION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. DERWINSKI. Mr. Speaker, special concern to the residents of the Chicago metropolitan area is a problem on pollution in Lake Michigan. Every effort must be taken to preserve this Great Lake from the pollutants from the Northern Shore suburbs and Wisconsin.

A very timely editorial was carried by Chicago radio station WIND which directs special attention to the complications involved.

[Broadcast Nov. 2–4, 1973]

POLLUTION

(By Philip E. Nolan)

On a recent Call for Action show on WIND, Dr. David Comey made a simple, but often overlooked, point about pollution and Lake Michigan.

Almost no pollution is caused by Chicago, primarily because Chicago pollutes the Chicago River and it flows Downstate. The culprits, in the case of Lake Michigan, are the North Shore suburbs and Wisconsin.

Dr. Comey is Director of Environmental Research for the Business and Professional People for the Public Interest and he says the chief battleground in the fight against pollution is no longer demonstrations and public events, but the courts.

Both of Dr. Comey's points were focused the other day in a major victory. A Federal Judge ruled that Illinois could sue Milwaukee in Federal Court on grounds it is polluting the lake.

We believe the Judge is right. Polluters should not be able to hide behind technicalities, nor use statelines as an escape.

Hopefully, the decision will speed the mutual concern of Wisconsin and Illinois for our environment.

A NATIONAL TRIBUTE TO THE CLERGY AND PARISHIONERS OF ST. MARY'S ROMAN CATHOLIC SLOVAK CHURCH OF PASSAIC, N.J., DURING ITS 80TH ANNIVERSARY CELEBRATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ROE. Mr. Speaker, earlier today I called your attention to the centennial celebration of the city of Passaic in my Eighth Congressional District, State of New Jersey. During 1973 our people are also celebrating the 80th anniversary of the founding of St. Mary's Roman Catholic Slovak Church located in the city of Passaic. I am honored and privileged to call this historic event to your attention also and request that you join with me in saluting our citizens of Slovak heritage who over these past 80 years have, by their example, engendered the esteem and respect of the residents of my congressional district and the State of New Jersey their steadfast faith, hope, and charity in promulgating the richness of their religious culture through the establishment of St. Mary's Roman Catholic Slovak Church.

Mr. Speaker, I know you and our colleagues here in the Congress will want to join with me in extending our heartiest congratulations and best wishes to the pastor of St. Mary's, Father John J. Demkovich; associate pastor, Father Augustine Sklenar, S.D.; and pastor-emeritus, Msgr. Andrew J. Romanak, P.A.; and all of the members of St. Mary's congregation on this historic occasion.

The quality of the leadership of members of the most reverend clergy and our citizens of Slovak heritage who settled in the city of Passaic, N.J., and founded St. Mary's Church is most eloquently intertwined in the history of the church which appeared in the city of Passaic's centennial journal under the authorship of the most distinguished editor of New Jersey's highly prestigious Slovak news publication, the Slovak Catholic Sokol. It gives me great pleasure to request your permission to place this statement on the history of St. Mary's Catholic Slovak Church at this point in our historic journal of Congress, as follows:

ST. MARY'S ROMAN CATHOLIC SLOVAK CHURCH OF PASSAIC, N.J.

For the priests and parishioners of St. Mary's Roman Catholic Slovak Church, located on Monroe and First Streets in Passaic, it is a three-fold celebration: The Centennial of our City, the 80th anniversary of the establishment of this beautiful church and the Golden Jubilee of its pastor-emeritus, Msgr. Andrew J. Romanak, P.A.

The Slovaks settled in Passaic permanently on December 19, 1879. They established their first Society of St. Stephen in 1882, and the Parish of St. Mary was established in 1893. Father Samuel Bejla of Bayonne, N.J., celebrated the mass for them, in the basement of St. Nicholas Church. In 1894, Father Bernard M. Skulik was appointed their pastor. He was followed by Father B. Kwiatkowski and Father Joseph L. Ligday, who started a Sunday School under the church, for the children. After his departure, Father John Sheppard of St. Nicholas Church was administrator. In April, 1896, Father John E. Polyakovics was appointed pastor. He started a regular school under the church, with an organist as teacher. He was followed by Father Ignatius J. Jaskovitz, who was the first Slovak parish priest in America. In late summer of 1898, Father Emery A. Haitinger was appointed pastor and remained in the parish for 24 years. A beautiful church was built during his pastorate in 1902 and dedicated by Bishop John O'Connor in 1903. In 1922 Father D. Salamon was appointed pastor and served until his death in November, 1945. He was followed as pastor, by Msgr. Andrew J. Romanak, A.P., who after reaching the mandatory age of 75 retired in December, 1971 and Bishop Lawrence B. Casey appointed the present pastor, Father John J. Demkovich.

The Sisters of St. Dominic from Mt. St. Mary on the Hudson, Newburgh, N.Y. were invited to teach in the Parochial School by Father Haitinger and have taught several generations for the glory of God and the benefit of mankind.

A new school was erected in 1929 and served as Pope Pius XII Diocesan High School until the new high school was erected. The Parish is blessed with many sons and daughters, who entered the service of God and their country. God Bless and protect our city and its inhabitants.

Mr. Speaker, we do, indeed, extend our congressional salute to the pastor, Father John J. Demkovich and to all of his associate priests, sisters, and parishioners of St. Mary's Roman Catholic Slovak Church of Passaic, N.J., in national tribute to the elegance of their faith and outstanding good works on behalf of our fellow man which has truly enriched our community, State, and Nation.

NIXON'S POLICY ON ENERGY: BLAME CONGRESS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. OBEY. Mr. Speaker, the column by Roland Evans and Robert Novak in Monday's Washington Post examines the administration's handling of the energy crisis and efforts by the President to blame Congress for causing the crisis. On the first score, Evans and Novak conclude:

> There is, therefore, a one-word answer to the question of who is running the government's energy policy: nobody. The consequence is a sloppy, sluggish performance by the Administration which scarcely supports Mr. Nixon's attempts to blame the crisis on Congress.

Indeed it does not. As for the rest of it, Evans and Novak point out that the President ignored Senator HENRY JACKSON's letter of June 1972, warning about U.S. dependence on Middle Eastern oil, and also did nothing about Senator JACKSON's call last December that he name an energy adviser.

Last week, Majority Leader THOMAS P. O'NEILL, JR., replied to the President's charge by declaring:

> If anything, this Congress has done more about energy than the Administration.

He noted that the President is only now using the standby authority to make mandatory fuel allocations that Congress gave him last April, and that the bill requiring him to allocate fuels has taken so long to pass because the administration deliberately stalled it through the summer and fall.

In terms of initiatives, consider the President's promise of June 29 to devote an extra $100 million to energy research in the current fiscal year. His promise was made 2 days after the House had voted an additional $23.6 million for coal resource development, geothermal energy research, and other energy research in the interior appropriation bill, over and above the President's request. The Appropriations Committee report had declared:

> The Committee believes that a vigorous energy research program in all areas of energy use, resource management, and conservation is vital if Government and industry are to provide the Nation with a sustained and reliable energy supply in the future. The 23% increase in energy research provided in this bill will help reach this objective.

Mr. Speaker, I include the Evans and Novak column at this point:

Mr. Nixon's Policy on Energy: Blame Congress

(By Rowland Evans and Robert Novak)

An elite group of 32 businessmen invited to the White House last Wednesday for an advance peek at the new energy program also became witnesses to a momentary clash between President Nixon and his domestic counselor, Melvin R. Laird, which reveals much about both the administration's handling of the energy crisis and its general strategy.

Laird was listing energy legislation now in the congressional pipeline when he was interrupted by an obviously irritated President. "But there's nothing on my desk now, is there?" Mr. Nixon asked his counselor. The impression given the businessmen: While Laird was trying to solve the fuel shortage in close cooperation with Congress, the President wanted to blame Congress for causing the crisis.

This contrast between the President and his counselor transcends the energy crisis. But in this case, the presidential attempt to lay blame on Congress particularly infuriates Democratic leaders on Capitol Hill who believe their early warnings about the energy crunch were ignored by the White House. In truth, key administration officials admit the President delayed until it was too late to prevent disaster. Even at this eleventh hour, the administration's handling of the crisis seems fuzzy and uncoordinated.

Sen. Henry M. Jackson (D-Wash.), chairman of the Senate Interior Committee, can claim to be the leading Cassandra. His June 13, 1972, letter to the President warning about U.S. dependence on Middle Eastern oil was ignored. So was Jackson's Dec. 10, 1972, call for Mr. Nixon to name an energy adviser.

One reason why Jackson's warnings went unheeded was that domestic policy chief John D. Ehrlichman then tightly controlled decisions on energy as on everything except foreign affairs. Besides being spread thin by trying to monopolize domestic policy, Ehrlichman was busy attempting to keep from going down with the Watergate wreck when energy decisions were needed.

When Ehrlichman finally fell last April, the dominant administration voice in the energy field became Deputy Secretary of the Treasury William Simon. A Wall Street investment expert, Simon at first opposed mandatory fuel allocations but later was convinced by Jackson and other congressional leaders of their necessity.

But on June 29 Gov. John Love of Colorado was appointed energy adviser and quickly ruled against mandatory allocations, delaying for weeks what Democrats in Congress long had been urging. Meanwhile, Simon disappeared from the energy picture along with his valuable expertise. As the crisis deepened last week, Simon was in Nassau attending a Time, Inc., seminar.

Love, popular and well regarded as governor, has been an almost totally unrelieved disappointment here. Even administration officials admit he lacks the background, temperament and governmental powers to be energy adviser. In fact, he does not want the power. One proposal to consolidate the government's scattered energy policymaking functions under him was killed by Iowa.

There is, therefore, a one-word answer to the question of who is running the government's energy policy: nobody. The consequence is a sloppy, sluggish performance by the administration which scarcely supports Mr. Nixon's attempts to blame the crisis on Congress.

When Jackson on Oct. 17 unveiled his legislation for fuel self-sufficiency, Love's office replied it would soon send up its own bill. But one week later, Laird informed Jackson that the many government departments involved had not agreed on anything. That same day, Love told the Senate Interior Committee the administration had no contingency plans in case of an Arab oil cut-off.

Mr. Nixon might not have avoided the crunch even had he heeded Jackson's first warnings. In any event, it is too late now to avoid terribly painful economic consequences resulting from the Arab cut-off. ("It's going to be wild in a few weeks," predicts one consultant who advises the administraton.)

Nevertheless, almost everybody concerned believes Mr. Nixon should belatedly put somebody in charge of the crisis to at least minimize the economic dislocation. In business circles, Secretary of the Treasury George Shultz is talked about as the best choice. But Shultz, overburdened now as Mr. Nixon's economic adviser, does not want the job and probably won't get it.

Besides, the White House seems more interested in goading Congress. Rep. Torbert Macdonald (D-Mass.), chairman of the House subcommittee handling energy legislation and a critic of the President's energy policies who was not invited to last Wednesday's briefing. Macdonald said nothing publicly but, in private, trumpeted his rage in unprintable language. Although the snub to Macdonald might well be the product of now familiar incompetency at the Nixon White House, it also coincided with Mr. Nixon's desire for a cold war with Congress while a fuel-short nation faces a freezing winter.

RESTRICTING USE OF GOVERNMENT LIMOUSINES

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HUDNUT. Mr. Speaker, today I am introducing on behalf of the distinguished gentleman from Texas (Mr. ECKHARDT) and myself a House concurrent resolution expressing the sense of Congress regarding the use of chauffeur driven limousines by the Federal Government.

Our resolution calls on all agencies of the Federal Government to issue regulations severely limiting the use of chauffeur driven limousines and to provide that the motors of such limousines must be turned off when such limousines are parked and occupied only by the drivers.

The basis of this resolution concerns three significant points. Namely, the need to conserve gasoline; the need to prevent air pollution, and the ever present need to curtail unnecessary spending.

On one day early this fall, a beautiful clear day when the temperature was 76 degrees in Washington, I noted several chauffeur occupied limousines in the Rayburn Building horseshoe after coming back from a subcommittee meeting with reference to the Clean Air Act. The motors of these limousines were running. This not only contributed to air pollution, but also wasted gasoline.

At this time, when our attention is turned to the great need to conserve fuels, I feel the Federal Government should set an example. Passage of this resolution would be a step in that direction.

NEW INCOME FLOOR FOR SOCIAL SECURITY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. STOKES. Mr. Speaker, I wish to draw attention to the little-known fact that some 27,000 Clevelanders and an estimated 2.8 million people nationwide, may miss out on a new Federal income supplement program, if they are not made aware of new, liberalized eligibility requirements.

The supplementary security income program—SSI—which will go into effect in January, can benefit thousands of people in my city who are either over 65, blind, or disabled. The AFL–CIO is to be commended for spearheading on national campaign to bring the news to the people who may not have heard, due to lack of publicity. AFL–CIO social security Director Bert Seidman has termed the program "a landmark in the history of American social legislation."

It sets a national income floor for persons in those categories of over 65, blind, or disabled, who live on $130 a month—individually—or $195—for a couple. Because of exclusions of portions of earnings and other income, many persons with income above those levels will still qualify for supplementary payments.

Starting in January, 1974, the Federal Government will take over both the financing and operation of the now jointly financed Ohio and Federal social security program at the $130 and $195 income guarantee level.

Those already under the Ohio State program as of November 5, 1973, will be automatically covered come January. They do not have to submit a new application.

But because of the generally liberalized eligibility standards set by the Federal law, an estimated 27,000 Clevelanders not now under the State program can qualify.

I quote from the AFL-CIO news article:

> The 65-year age requirement does not apply to persons who are either (1) blind, which is defined as having vision no greater than 20/200 with glasses in the better eye or (2) disabled, defined as unable to do any kind of substantial paid work because of a physical disability which can be expected to last at least 12 months or to end in death.
>
> They must have incomes of less than $130 a month for single persons or $195 for couples. But excluded from calculating income are:
>
> The first $65 a month of wages or self-employment income.
>
> The first $20 a month of other income, a category which would include social security or pension benefits. Thus a person receiving a $100-a-month social security payment could exclude $20 of it and receive the difference between $80 and the federal guarantee of $130, plus any additional supplement that might be provided by his state.
>
> While applicants may not have assets of more than $1,500, this limitation does not apply to a home and car of reasonable value, personal possessions and life insurance with a modest cash surrender value.

I have stocked my district office with two HEW pamphlets which further explain the new supplementary income: "Your Claim for Supplemental Income" and "Supplemental Income for Disabled, Blind and Aged."

It will still be possible to apply in January for January benefits, according to the Cleveland office of the Social Security Administration. But the sooner newly eligible people apply, the sooner they will benefit.

The Social Security Administration has 8 local offices in the Cleveland area: main office, 1240 East 9th Street, room 793; 50 Severence Circle—suite 300; 10645 Euclid Avenue; 1024 East 152d Street; 6405 Superior Avenue; 9333 Miles Avenue; 2012 West 25th Street—room 810; and 6315A Pearl Road, Parma Heights.

THERE MUST BE A BETTER WAY

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BAUMAN. Mr. Speaker, Thomas Jefferson had a healthy respect for the good commonsense of rural Americans, which I certainly share with him. An example of this commonsense is contained in a recent editorial from the Kent County News in my district which comments on the pitfalls of socialized medicine and Government interference in the medical profession. The editor of the News correctly concludes that a takeover from Washington of our health care is not the answer.

I insert, at this point, the editorial from the Kent County News:

A BETTER WAY

> Americans are a notably independent people. Oddly, in all the discussions of programs proposing compulsory government health insurance, very little is said about just how the nation's doctors, a highly individualistic group of citizens, are to be harnesed to the will of government. An inkling of what could happen has been revealed in a survey of almost 100,000 physicians by the American Medical Association.
>
> The survey finds, according to The New York Times, that, "A majority of American doctors are disgruntled at Federal health programs and one third would boycott a nationalized health system if it were set up. . ." The survey showed that more than 35 per cent of the doctors who responded said they would either refuse to practice in a nationalized health system or would leave the practice of medicine altogether if such a system were created.
>
> Medical men, by tradition and training, are a dedicated group of individuals. Within our voluntary, pluralistic health care system, their sense of duty leads them into working man-killing schedules. Their devotion to the highest standards of medical skills and to the cause of healing the ill is legendary, but the notion that they would accept compulsion is presumptuous, to say the least. Why should a doctor, who has spent a good portion of his life and a veritable fortune acquiring the knowledge and the skills of his profession, be expected to bow to the dictates of government bureaus and bureaucrats? It just doesn't make sense. And that is why the shadow of nationalized medicine that has been held over doctors for so many years has been called an "Insidious Threat" to the quality of medical care.
>
> There is a better way to assure continued medical progress and that is through programs, government or otherwise, that seek to build on the merits of the existing system—a system that has brought unparalleled advances in the medical arts.

THE REAL TRAGEDY OF WATERGATE

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ROONEY of Pennsylvania. Mr. Speaker, for more than a year a seemingly endless chain of disclosures of illegal acts, dirty tricks, efforts to obstruct justice, abuse and misuse of campaign contributions, and much more involving men at the very highest levels of our National Government has slowly but surely eroded the confidence of many Americans in their Government.

They question not only the competence and integrity of leadership but they question, too, the apparent total disregard for law, order, and justice by so many who wielded ominous power and authority in elective and appointive offices.

I sincerely hope, Mr. Speaker, that none of us in the Congress will grow complacent or apathetic toward the need for totally independent investigation and vigorous prosecution of illegal acts involved in this whole sordid affair. Each one of us should not only be deeply concerned, we should be earnestly alarmed by the terrible impact events of the past several years are having upon our citizens.

At no time has this been made more apparent to me than in a letter I received recently from an elderly, retired gentleman, living on his social security income, agonizing over demands upon his own limited resources as well as the current state of morality and integrity among leaders of his Nation.

He wrote, in part:

> I bought a used car about 1 year ago which the garage man told me the second time he worked on it, "get rid of it, it is a lemon." I had it out to (dealer's name omitted) who sold it to me and all they did was put a can of oil sealer in it while it was under guarantee.
>
> I spent over $200 on this car before I ever had 300 miles on it, now it is rusting away like hell. My garage man told me about 3 months after I bought it that it needed a motor overhaul, cost $225 more.
>
> (Dealer's name omitted) is in your district, Fogelsville, Pa. Now this is the stupid part of this letter. The way things are going on in this country, I feel like beating the hell out of him and then committing a lesser crime also. Could I get away with pleading guilty to the lesser crime and get the same sentence as Agnew?
>
> I know this sounds silly but the way the country is going now, I am losing all my faith in our government

He goes on to urge prompt impeachment of the President and then adds this postscript:

> I was honest all my life but now I am changing views. I know this is a stupid letter but bear with it and please answer it. I always had faith in you.

Mr. Speaker, we must be concerned about this very real crisis of confidence—a loss of confidence in our national leadership, a loss of confidence in the fair and impartial dispensing of justice in America, a loss of confidence in our political institutions.

In my view, we in Congress simply cannot afford to tolerate any longer the attitudes, the activities, and the actions which have brought our Nation to this sorry state.

COMPUTER PROGRAM UTILIZING TRAINING AND EDUCATION, INC.

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. KEMP. Mr. Speaker, I wish to bring to the attention of my colleagues the synopsis of a project which has been proposed for implementation in the Economic Development Administration's designated special impact area in Buffalo, N.Y. It is the brainchild of William Snyder, a well-known and respected Buffaloian, and the project would utilize the data processing industry to provide both training and employment to inner city residents.

If implemented, it would be a tremendous bolster to the tight job market which exists for unskilled and semi-skilled labor in the S.I.A. area. I therefore welcome the opportunity to share the following synopsis with my colleagues:

SYNOPSIS

Title: Computer Program Utilizing Training and Education, Inc., "Com-Pute." Location: In S.I.A., City of Buffalo. Cost Estimate: $700,000. Description: This multi-purpose business development/training program developed for and located within the Greater Minority Community of Buffalo, New York as designated by the boundaries of the Buffalo Model Cities Agency and the Erie County Special Impact Area, will have short range and long range goals to be accomplished in the following manner: Short Range Goals: Will provide immediate employment and training for 10–15 unskilled semiskilled and skilled persons who will form the nucleus of the joint venture staff. Long Range Goals: Will ultimately be developed into an Electronic Data Processing School providing continuing education for "disadvantaged" persons in data processing and related skill areas.

Another goal will be the establishment of a supportive service bureau to sustain the educational/training program, by developing and marketing data processing services and related skills in allied areas, on a multi-dimensional level in time-sharing to commercial accounts, governmental (city and county), and social service related agencies, i.e., hospitals, schools, CAP organizations, etc. Assistance is needed to accomplish the final program development, staff training, and organization of equipment and materials, etc. Status of Plans: Proposal has been developed in detail. Effect on Employment: (Initially) Ten to fifteen persons will staff the project, with additional persons being trained and employed each year. Federal Aid Requests: $200,000 in Technical Assistance Grants. $365,000 in Business Loan Authorization. (9/14/72).

The preliminary research to the development of "Com-Pute" was based upon the simple premise that what was obviously a vital ingredient in the daily function of various disciplines within a majority society, must be assumed critical in its absence from a minority society,

Initial investigation consisted of conferences with marketing personnel, sales management, and various technicians within the Data Processing Industry,

Conclusions were that the Data Processing represented a twenty-first century science, the potential of this science was unlimited, that the career and employment opportunities exceed the cadre of properly trained personnel, that the salary and wage scale in all categories are excellent, that advancement opportunities are limited only to individual motivation, that the minority employee representation is grossly disproportionate to the majority, and that the existing educational opportunities for direct job entry training are nearly non-existent outside the industry.

It was concluded that the dynamics of this industry must be brought into the Greater Minority Community of Buffalo, New York, on a level and scale beyond mere token introduction.

With the exception of a demonstration project conducted in Buffalo in 1968 by the International Business Machine Corp., in cooperation with the Buffalo Board of Human Relations, there lacked any major attempt to seriously address the needs of the Minority Community, with those of the Data Processing Industry.

The key factor in the success or failure of a project of this nature is in the degree of Community Cooperation necessary to insure the availability of all of the relative information needed to properly program the computer to render a complete finding.

Cooperation on this level demands a complete response from all segments and all public service and political sub-divisions, regardless of affiliations, bearing in mind that the proposed model development is addressed to the entire population, recognizing that even certain adverse effects on one segment can and usually does indirectly effect all segments of the populace.

"Com-Pute" believes that if all of the existing evidence of the decline and slow regression of the Buffalo Metropolitan area can be honestly dealt with, as already suggeted in the areas application for depressed area designation, then the project that "Com-Pute" hopes to render as a community service can not only succeed, but literally alter the course of the entire area.

In addition to the Market Feasibility study of the Metropolitan area to determine the immediate and long term business and labor Market demands in the area of data processing, computer program utilizing training and education inc., proposes to utilize our market research methodology, to conduct a program of broad research into the overall social/economic environments for the purpose of developing a computerized model city.

This computerized model would be constructed in three sub-divisions, comprised of those characteristics indigenous to a given sub-division where applicable, their respective inter-relationships, the characteristics common to the overall area, the common denominators and diagnosed effect on the area in both present and long term future.

The objective of this endeavor is two-fold. First its intention is to provide a supplement to the initial findings of the Greater Buffalo Development Foundations "Economic Prospects," attached to this proposal and secondly to hopefully provide a scientifically accurate prescription for the areas declining market that will be workable, and render an all out attack on the areas cronic unemployment, by properly identifying and focusing attention on those areas of the economy before they attain crisis status.

Aside from identifying future employment through computer projections, this project can serve as an ongoing strengthening factor to the entire metropolitan area. Additionally the model that is developed by "Com-Pute," can also be adjusted to meet the conditions of any other depressed area, once the basic model is determined and tested.

THE PRESERVATION OF PRIVACY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. RANGEL. Mr. Speaker, the highest governing body of the United Presbyterian Church, the General Assembly, met in May of this year for the 185th time. This body meets annually and is composed of representatives known as commissioners elected by the 166 presbyteries in all parts of the country. One half of the commissioners are ordained ministers and the other half are lay leaders of local churches known as ruling elders.

At the 185th General Assembly, the commissioners expressed their conviction that the right of privacy must be developed in American law at a pace commensurate with available technology and organizational practice. To help reach these ends they adopted guidelines for the preservation of privacy.

Privacy is a personal freedom that allows one to live without interference from others. With privacy one has the liberty to control what others may know about oneself. Privacy is the fundamental right to be left alone from harassment by others or to join with others without being watched. The possession of privacy is the ability to choose how and when information about oneself is collected and shared. Privacy is increasingly threatened by the great amount of computer stored information readily available on each individual in our society.

These guidelines of the 185th General Assembly of the United Presbyterian Church have no real meaning unless they are implemented. I now submit these guidelines for the attention of my colleagues with the hope that this legislative body will join with the United Presbyterian Church in seeking a way to safeguard this basic right:

GUIDELINES FOR THE PROTECTION OF PRIVACY

We call upon public and private agencies to provide for maximum protection of privacy in their dealings and transactions with each other and with individuals; and through self-regulation to meet at least these minimum guidelines for the collection, retention, and dissemination of personal data:

1. Determine beforehand whether the information to be gathered is necessary and relevant to the purpose for which it is sought, so as to minimize the amount of unduly personal, potentially injurious material that is collected and preserved.

2. Limit information systems to specific uses and justify the objectives, methods, and effects of any collection of personal data.

3. Give the subject prompt notice and ready access to such information. (We recognize that certain government agencies collect information on criminal activities where notice and access are controlled by established rules of law and procedure.)

4. Provide means for rapid correction of erroneous data, and the opportunity to expunge irrelevant or obsolete recorded data, such opportunity to be available to both the custodian and the subject of the data.

5. Provide effective safeguards to prevent accidental or unauthorized interception, input, or destruction of data.

6. Require effective safeguards for waiver of privacy and authorization of access to personal data executed by individuals and given to business, professional, and governmental bodies.

7. Limit the use and transfer of information in such systems, and monitor their expansion into enlarged data-sharing operations.

RECOMMENDED POLICIES AND PROCEDURES TO IMPLEMENT THE GUIDELINES FOR THE PROTECTION OF PRIVACY

1. In credit and insurance reports, we favor messages that provide for the subject to add new information, to expunge obsolete data, or to explain any item in the files, and review the pertinency on privacy grounds of all types of information collected.

2. In bank and credit records, we call for regulations that require access only by customer authorization, subpoena after customer notification and opportunity to challenge, or by search warrant with inventory of information taken.

3. In welfare reform, we emphasize the need to: (a) examine the privacy impact of proposals for using social security numbers of registrants or for disseminating information on recipients, and (b) restrict the re-

cording and storage of personal information which adversely affects the privacy of the welfare client while a person not on public assistance could refuse to make such information public.

4. In law enforcement, we call for procedures at all levels of government to: (a) routinely expunge records of arrest where there is no conviction, and of juvenile proceedings when the juvenile reaches the age of majority, except where the court is shown "probable cause" for preserving the record, and (b) require judicial approval and supervision of the use of informers who establish or maintain a relationship for the purpose of informing in civil or criminal investigations.

5. In educational institutions, we favor measures to: (a) provide the student access to his or her personal records kept by the school, which are routinely made accessible to others, (b) provide safeguards to ensure that only authorized persons who have legitimate justification shall have access to those records, and (c) where applicable provide for the requirements specified in 4 above.

6. Regarding domestic security, we favor action to: (a) prohibit any branch of the Department of Defense from engaging in surveillance of, or data collection on, domestic political activity and (b) require the destruction of all such political surveillance files accumulated by the military.

7. As regards domestic surveillance by civil law enforcement agencies, we commend the efforts of the Committee on Public Justice to stimulate legislation creating citizens' committees to oversee such activity; and we urge that legitimate surveillance be precisely defined by law, that surveillance be administered by personnel under court supervision, and that severe criminal penalties be established for illegal surveillance.

8. Regarding confidential relationships, we urge: (a) enactment of uniform state legislation and consistent federal legislation to establish guidelines that protect legitimate news professionals from being compelled to testify about their sources; (b) development of legal guidelines for limiting the use on privacy grounds of subpoenas and immunity provisions in the conduct of grand juries, and (c) review of current statutes.

9. For the violation of these rights, as defined in this section, we recommend provisions be made for recovery of actual and punitive damages and for injunctive relief for threatened violations.

RECOMMENDATION FOR A NATIONAL PRIVACY SERVICE OFFICE

We call for the formation of a National Privacy Service Office which will provide, in the manner of an *ombudsman*,[*] services to citizens whose privacy is threatened by activities of federal governmental, commercial, or research agencies, and who cannot otherwise obtain relief using the ordinary remedies available to them by law, business custom, or agency practice.

1. The ombudsman would be an adjunct of the United States Courts and be accountable to the independent administrative branch of the federal judiciary.

2. The ombudsman would receive and investigate complaints by citizens and associations whose privacy is alleged to be threatened by activities of governmental and nongovernmental entities identified above.

3. The ombudsman would, upon specific citizen or associational complaint and authorization to intercede, have power to compel disclosure of relevant records held by the agency or corporation, and in the case of a complaint directed against law enforcement officials conducting an ongoing criminal investigation, would be able to compel court examination of relevant documents.

4. When a complaint justifies intervention, the ombudsman would seek to resolve the dispute through mediation, public reporting, or recommendation of administrative or judicial action.

5. A Privacy Service Office (ombudsman) of a similar nature should be provided at the state level to investigate citizen or associational complaints of threat to privacy by state or local public agencies (including educational institutions) or by business enterprises that are not otherwise subject to federal supervision or regulation.

RECOMMENDATION TO CREATE AN INDEPENDENT REGULATORY BODY

We recommend the creation of an independent regulatory body with carefully defined authority to review, oversee, and approve the collection and dissemination of personal data by governmental bodies or agencies and by entities that collect and disseminate personal data for public and commercial purposes.

Despite the fears and deficiencies which seem inherent in regulatory administrative bodies, we feel that such a regulatory agency offers the hope of flexibility and expertise to meet the threat of dehumanization in an area of rapidly developing technology. Because existing regulatory bodies at the federal and most state levels could not objectively regulate themselves and other governmental agencies, we therefore recommend:

1. There be created at both the state and federal level autonomous regulatory bodies with the authority to supervise the collection, storage, and dissemination of personal data by governmental agencies or bodies and by entities that collect and disseminate personal data for public and commercial purposes.

2. The legislation creating the regulatory body should be so drawn as to ensure the autonomy of the agency from those it seeks to regulate, and to ensure the participation of groups sensitive to privacy needs.

3. The legislation creating the regulatory body should mandate the adoption of regulations that would require compliance with the applicable minimum guidelines for the right of privacy as set out in the guidelines on page 5.

4. The regulatory agency should not have access to data contained in the information systems, except by random selection of information not keyed to personal identity and then only when necessary to effectuate adequate controls and enforcement.

5. The regulatory agency, in protecting privacy, need not and must not impair the free exercise of religion, speech, press, assembly, or petition, and the legislation creating it should make clear that it has no powers of censorship, sponsorship, or influence over the activities of citizens or associations exercising those freedoms.

POLICY STATEMENT ON THE PRESERVATION OF PRIVACY

The ability to maintain one's own life space is basic to human existence in vital community. Lively private associations provide room for a process of maturation through personal risk, sheltered experiment, and free exploration of ideas and lifestyles.

From a Christian theological perspective, it is especially important to be reticent about demanding or exposing another's record, and to respect each person's unique context. Christian faith stresses the dignity of persons and groups living by grace in a fallen world. We rejoice in forgiving God who in his mercy can decide to forget the past and to open the future to his creatures. His liberating grace empowers us to care all the more for individual and social freedom.

Privacy is freedom from interference, opportunity to grow, liberty to control what others may know about oneself. Privacy is the right to be left alone or to join others without being watched, as well as the ability to choose how and when information about oneself is collected and shared.

Increasingly, personal and associational privacy is undermined by the indiscriminate use of electronic and large manual systems of information collection and interchange. This happens in the process of making credit checks, in some census procedures, and in the misuse of other personal questionnaires. We find also that government agencies, at their own discretion and in secret, are obtaining access to bank accounts and other commercial records. Furthermore, the United States Army has violated privacy in the name of internal security by developing millions of dossiers on the personal and political activities of innocent civilians, including public officials who have been doing nothing more than exercising their guaranteed constitutional rights.

Meanwhile individuals and organizations being searched or watched have no effective access to the files that profile their activities, opinions, and beliefs.

If, as the 1972 General Conference of The United Methodist Church warned, such developments "are signs that the society which is democratic in theory and structure is becoming increasingly repressive in policy and practice," then it is imperative for citizens to reassert their liberty. In the effort to protect our privacy we should be concerned not only with the behavior of government agencies. Comprehensive information on many citizens is also gathered by and available to private investigatory agencies, credit bureaus, and business organizations, which profit from the sale of personal data.

The right of privacy is implied, though not explicitly stated, in the Constitution of the United States. Its authors did not anticipate systems of microfilm, magnetic tape, data searches, centralized processing, time sharing, remote access, control programs, electronic eavesdropping. Apparently the Founding Fathers assumed privacy to be a natural foundation for other rights that were threatened in their time: freedom of expression and association, privilege against self-incrimination, due process of law, and freedom from unreasonable or warrantless search and seizure.

Today, in the light of our theological and legal heritage, privacy must be safeguarded more specifically. This right needs to be developed in American law at a pace commensurate with the potential invasions of privacy made possible by changing technology and organizational practice. Nothing less than the quality of freedom is at stake in the effort to preserve areas of personal and associational privacy.

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[*] *Ombudsman*: one who investigates reported complaints, reports findings, and helps to achieve equitable settlements.

EXPLANATION ON VOTE

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Ms. HOLTZMAN. Mr. Speaker, I would like to explain my absence for the vote on House Resolution 687, the rule providing for consideration of H.R. 11104, the public debt limit increase bill.

On November 7 when the vote on this rule was taken I was in a Judiciary Committee meeting reviewing materials in connection with that committee's confirmation of Gerald Ford. The bells do not ring in the committee room.

Had I been present for the vote, I would have voted "nay" since this rule did not permit consideration of a prompt social security increase or of tax reform. We should have considered these matters and approved them.

It is urgent that the Congress make our tax laws fairer and provide additional social security benefits for our senior citizens who are struggling desperately under our present inflation.

It is unfortunate that the attempt to defeat the rule lost by a substantial margin. Congress cannot bury its head in the sand on these problems much longer.

THE NEED TO EXAMINE ABORTION PROPOSALS

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BEARD. Mr. Speaker, for millions of Americans the aftermath of the January 22 Supreme Court decision on abortion has been a distressing and difficult fact. Many believe that the Court's nullication of virtually all State and Federal laws on abortion and guarantee of an absolute right to abortion for any woman during the first trimester of pregnancy is wrong. As with other controversial rulings, the abortion decision has left opponents of abortion with a total sense of helplessness to cope with something they feel tantamount to murder.

No issue generates more emotion than abortion. No subject is more volatile than the discussion of abortion. No major issue has received less attention in the way of congressional consideration than abortion. In the past, most Members have felt that abortion should be left to the discretion of the States themselves and until January 22, such a position was entirely viable. But, with the interpretation by the Supreme Court, antiabortionist now believe that the only remaining remedy available to correct the situation is the route of amending the constitution or possibly removing court jurisdiction over the issue.

Despite the furor that has been raised across the country, Congress has so far decided not to inquire into the various ramifications of this historic decision. The appropriate standing committee in the House, to hear bills seeking to modify the court ruling has demonstrated an obvious reluctance toward formal consideration of the several proposals now outstanding. In fact, the Subcommittee on Civil Rights and Constitutional Rights of the Committee on Judiciary has formally rejected a motion to conduct public hearings on abortion. It is true that the House Judiciary has several extremely pressing items which have absorbed the full attention of the committee.

An alternative to normal legislative procedure has been offered by my distinguished colleague, Mr. Hogan of Maryland—a discharge petition. Mr. Hogan has filed such a petition to relieve the Judiciary Committee from jurisdiction over his proposed constitutional amendment, House joint resolution (H.J. Res. 261). Mr. Hogan must be congratulated for the leadership he has shown in this matter. I, myself, have felt the need to resort to such an extreme measure when I filed discharge petition No. 1, to discharge the committee from consideration of an antibusing constitutional amendment. From time to time such extreme measures are necessary when a small group attempts to thwart the Congress from working its will through deliberate action. However, several factors must first be considered. First, as I can well attest a discharge petition is a long and arduous procedure. Also, because the process that would bring the constitutional amendment to the floor prevents consideration of other remedial approaches that have been suggested, this course should be used only as a last resort. Second, unlike proposed busing amendments, Mr. Hogan's proposal has not received an indepth examination of its long range implications by any body of the Congress. Under the rules debate time and opportunities for amendment are extremely limited when a bill is discharged. The fear then, is that unless adequate groundwork for an amendment is laid, Congress may overlook some of the problems that could develop from the language of the proposal, thus, opening a new avenue for opposition.

Moreover, many Members believe that the constitutional amendment is not necessary. It is reasonable to contend that Congress may and should correct the court's decision through simple legislation. Mr. Denholm of South Dakota, has proposed in his bill, H.R. 7752 that we define the word "person" to include "any animate combination of viable human cells capable of becoming or being an actual independent living human—singular or plural—entity."

Mr. Froehlich, of Wisconsin, has suggested another approach in his bill, H.R. 8682 wherein he states that Congress should exercise the power the Constitution has given in section 5 of the 14th amendment to limit the scope of that amendment in relation to abortion. His proposal provides: Nothing in the 14th article of the amendment to the Constitution of the United States shall be construed to bar any State from exercising power to regulate or prohibit practice of abortion except that no State may prohibit an abortion that is necessary to save the life of a pregnant woman.

Many Members are supporting constitutional amendments.

Mr. Hogan's amendment, House Joint Resolution 261 provides, in part:

> Neither the United States nor any State shall deprive any human being from the moment of conception of life without due process of law; nor deny to any human being, from the moment of conception, within its jurisdiction, the equal protection of the laws.

Senator Buckley, of New York, has proposed an amendment, Senate Joint Resolution 119, which follows in part:

> With respect to the right to life, the word person, as used in this article and in the 5th and 14th Articles of the amendment to the Constitution of the United States, applies to all human beings, including the unborn offspring at every stage of their biological development, irrespective of age, health, function, or condition of dependency.

Mr. Whitehurst, of Virginia, has introduced an amendment, House Joint Resolution 426, as follows:

> Nothing in this Constitution shall bar any state or territory or the District of Columbia, with regard to any area over which it has jurisdiction, from allowing, regulating, or prohibiting the practice of abortion.

Recently, yet another proposal has been offered to address the problem of Judiciary Committee inaction on abortion: the creation of a special committee. I believe that, if the standing committee gives no indication of ability or inclination to act on the various proposals referred to it, then, we should perhaps establish such a select committee. The approach has been jointly offered by my colleagues, Mr. Froehlich, Mr. Keating and Mr. Roncallo of New York. The resolution, House Resolution 585, would create a select committee to study the impact and ramifications of the Supreme Court's decision on abortion. Mr. Froehlich has introduced this resolution because of the imperative need for Congress to hold hearings on the transcendant issue of public policy that flow from the Supreme Court's unprecedented decision last January.

All these proposals deserve consideration. Yet, no action can occur until leadership of the appropriate House and Senate committees decide to take action.

Until hearings are held to examine the best way to handle the question, many people throughout the country will feel that they have no voice here in Washington; that their very legitimate concerns are not being heard, and worse, that for them, there is no representation. Of these, I feel that the latter is most devastating. Too many Americans have become resigned to the belief that their small voices will not be heard and that their views are not being represented. This body should be responsive. It should investigate the implications of the policy decisions established by its sister, the judicial branch, especially in the supercharged case of abortion. I hope and pray that Congress accepts this responsibility and will do so without further delay.

THE LATE HONORABLE ROBERT EWING THOMASON

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ROONEY of New York. Mr. Speaker, the recent passing of my good and longtime friend, Judge Robert Ewing Thomason of El Paso, Tex., is a great loss to me personally as well as to the other Members of this body who knew him during his long tenure in the House.

Ewing Thomason was an extraordinary man who applied his great and varied talents to the service of his city, State, and country in a variety of important and difficult posts. He served the city of El Paso as a State representative and later as its mayor. While in the State legislature he served as Speaker of the Texas House of Representatives and in 1930 he was elected to serve in this body as a Representative from Texas. He served eight terms here before President Truman in 1947 appointed him as a

Federal judge for the western district of Texas.

Mr. Speaker, it was my distinct pleasure and honor to have served with and to have learned much from Ewing when I first came to this distinguished body for I served under him on the former House Military Affairs Committee. His leadership as vice chairman during the war years was truly outstanding for he personally coauthored all of the major legislation necessary for the successful pursuit of the war and ultimate victory.

His contributions to his country continued after leaving the House as he became one of the most respected and revered judges in the Federal judicial system.

Mr. Speaker, I am sure that the memory of Judge Ewing Thomason will be cherished by all those who knew him and that my sense of personal loss is shared by many both in this Chamber and out.

To Mrs. Thomason and the Thomason family I extend the ROONEY's deepest sympathy and prayers in this time of great loss and bereavement.

BROWNSVILLE SOLDIERS RECEIVE ANOTHER PAYMENT TOWARD JUSTICE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HAWKINS. Mr. Speaker, the passage of H.R. 9474 today by the House brings near to completion the rendering of justice—after 67 long years—to those of the survivors of the Brownsville incident of August 13, 1906.

When this bill is accepted by the Senate and signed into law by the President, it will by no means do all that should be done to compensate the 167 black Brownsville soldiers who have been suffering so much along with their families, from the false charges that were brought against them and from the denial of their rights to due process to be heard in their own defense.

The bill provides $25,000 for any veteran who was dishonorably discharged from the U.S. Army as the result of the Brownsville incident, and $10,000 for any unremarried widow of any veteran upon application made to the Administrator of Veterans' Affairs.

When President Theodore Roosevelt decided without any pretense of a trial that they were guilty and when they were drummed out of the Army that they had so faithfully served in the Cuban and Philippines campaigns, their names were written in near indelible disgrace in the annals of our Nation. Our action today changes all that.

After having this matter called to my attention through John D. Weaver's book "The Brownsville Raid: The Story of America's Black Dreyfus Affair," W. W. Norton and Co.—hardback and paperback—1970, I began efforts to right this wrong. Fortunately, the Secretary of the Army, Mr. Robert Froehlke, soon issued an order changing the discharges of the 167 men from "without honor" to "honorable." Then, joined by Senator HUMPHREY and Congressman FRASER, with the invaluable aid of Senator HARTKE, I introduced legislation that was designed to provide relief. The fruition of that effort is the provisions of the present act.

I think that the passage of this legislation shows clearly that justice can be done—at least in substantial measure—in spite of the passage of time and changing of events. The correction of this historical wrong is strongly to the credit of the Congress and of the Government of the Nation. And if we have set a little precedent, it has been that justice might be done.

SIXTY YEARS OF THE INCOME TAX

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. GAYDOS. Mr. Speaker, certain national publications have taken note among their reports on the monumental news developments of recent weeks that this autumn season happens to mark the 60th birthday of the Federal income tax on American individuals.

In their anniversary stories, the publications dutifully record that the present levy is the third income tax in our history, that the previous two were withdrawn after congressional and court battles, and that the predictions made for the present one by its advocates back in 1913 were pitifully inaccurate.

The Wall Street Journal recalls, for example, the "outrage" of Senator William E. Borah, of Idaho, at suggestions that the tax rate might climb "as high as 20 percent," a caveat sounded by the tax foes of that era. The Journal adds:

> Who, he (Borah) asked, could impose such socialistic, confiscatory rates? Only Congress. And how could Congress—the representatives of the people—be so lacking in fairness, justice and patriotism?

Senator Borah, obviously, was a naive and trusting man. If around today, he would have his answer. Where the 1913 levy hit, in a very slight way, one out of every 271 Americans, today's levy is paid by approximately a third of our people. Collections in the first year of application amounted to about $35 million. Last year's total reached $94 billion.

Thus, on this anniversary, we can look back over the years and see how fooled were those original income taxers and, also, how this levy, so innocently imposed as a "soak the rich" measure, has become a matter affecting the lives of all of us, and a burden unprecedented in size and consequence.

But more significant, perhaps, is the realization now of what this tax has meant in the shaping of events of the last six decades. I might ask, Mr. Speaker, if our entrance into World War I, and the major role we came to play in its windup, would have been possible has our "jungoists" of that era been faced with the problem of finding the means of financing it? The new income tax was their ready instrument. And its rates were lifted to provide the money needed.

What, if we had kept out of that conflict and let the European powers, exhausted and their armies locked in their trenches, negotiate by necessity a mutually equitable peace? The chances are that Europe would have achieved a stable way of life instead of the subsequent turmoil, that World War II would not have occurred, and that we would have escaped the age of depression and wars which has been our lot.

The income tax—the easiest kind for Government to collect—can be largely blamed for our international misadventures and, indirectly, those of much of the world. Could we have done all the damaging things we did if it had been necessary to induce our people to accept special taxes to pay for them? Of course not. But the ready income tax, so easy to adjust upwards, allowed free rein to our adventures. Imagine, if you can, the American people willingly coming up with the money to be tossed away all over the world in the foreign aid programs? Or to finance that miserable war in Vietnam?

The income tax and the 1943 decision by Congress to withhold it at its source have been the underlying forces in much that we have done as a nation since 1913. They have created the big government evil which many now recognize and fear that nothing can be done about. They have wasted our people's resources and lessened their own freedoms and initiatives. They have threatened this country with the socialism which Senator Borah in 1913 thought too impossible to contemplate.

What, then, on this tax anniversary, should be our resolve? To get rid of it? This is an unreasonable thought now. It could not be done without collapsing both the Government and the economy generally. Reduce its rates? Commendable as may be the idea, even this would be dangerous without great care and adjustment to say nothing of a full willingness to cut Federal spending deeply. The fact is that we are the captives of the tax and no longer its masters, a situation which Senator Borah and his income levy associates of 1913 could not have foreseen, faithful as they were to a belief that future Congresses would be moderate.

But there is one thing, Mr. Speaker, on which we can make up our minds today. We can determine that, hard as is this tax now on our people, we will never agree to make it worse. We hear much talk these days of increasing taxes for one reason or another. The Nixon administration has become adept at running up trial balloons on the subject. Federal policymakers and bureaucrats discuss tax boosts as pancreas for most every problem they face. Well, on this 60th anniversary of the income levy, let us give them notice that the limit has been reached, that under no circumstances, save for the survival of the Nation itself, will we vote to take more from the earnings of Americans.

IN THANKSGIVING OUR NATION SALUTES THE PILGRIMAGE TO OUR NATION'S CAPITAL OF THE CATHOLIC DIOCESE OF PATERSON, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ROE. Mr. Speaker. As we prepare for this year's Thanksgiving holiday, it is my honor and privilege to call to the attention of your and our colleagues a recent pilgrimage to the National Shrine of the Immaculate Conception which, in my judgment, serves as an inspiration to all of us in recalling the historic pilgrimage that memorializes Thanksgiving Day as a national day of remembrance in America and leaves no doubt that the faith, courage, and perseverance inherent in the original settlers of our land is still infused in the hearts and minds of the families of today's society where man's religious beliefs and aspirations tend to seem obscured by the modern and so-called sophisticated world of time and space.

On Saturday, September 15, over 2,100 members of the Catholic Diocese of Paterson, N.J., participated in a pilgrimage to our Nation's Capital under the leadership of the Most Reverend Bishop Lawrence B. Casey, who was the principal celebrant of Mass at the National Shrine of the Immaculate Conception assisted by 26 prelates and priests as cocelebrants.

Prior to the celebration of this Mass, prayers and mass were offered in the many chapels of the National Shrine where people of all national heritages including the Irish, Germans, Polish, Lithuanian, Ukranian, Slovak, Croatian, Hungarian, Ruthenian, Czechoslavakian, and Italian, have contributed to the beauty and magnificence of this architecturally well-designed edifice of national and international renown. The Knights of Columbus look proudly to the great tower which was erected by their generosity.

The Most Reverend Bishop Casey appointed Father John J. Demkovich, pastor of St. Mary's Roman Catholic Slovak Church of Passaic, N.J., as coordinator of this pilgrimage and praised the young zealous priest for the "outstanding job" he performed.

The pilgrimage was reported in many publications throughout the diocese of Paterson and, Mr. Speaker, I respectfully request permission to insert at this point in our historic journal of Congress the following report published in the September 1973 issue of "Children's Friend" (Priatel Dietok), junior publication of New Jersey's highly prestigious Slovak news publication, Slovak Catholic Sokol (Falcon) of Passaic, N.J., by its most distinguished editor, the Honorable John C. Sciranka, who also participated in the pilgrimage:

NATIONAL SHRINE OF IMMACULATE CONCEPTION IN WASHINGTON, D.C., IS A PRIDE OF AMERICAN CATHOLICS

On Saturday, September 15, 1973 the Paterson, N.J., Diocese held its Pilgrimage to the National Shrine of the Immaculate Conception in Washington, D.C. The Most Rev. Lawrence B. Casey, Bishop of Paterson Diocese, who led the pilgrimage, appointed Father John J. Demkovich, pastor of St. Mary's Roman Catholic Slovak Church of Passaic, N.J., as coordinator of the pilgrimage. Many of our Sokols and Sokolky, including our Editor, took part in this large pilgrimage and paid a special tribute to the Mother of Sorrows, patroness of Slovakia in a beautiful Slovak Chapel, which was also visited by Bishop Casey and Msgr. John J. Murphy, new Director of the Shrine. Prayers were recited in unison in Slovak and a popular Marian Slovak hymn "Pred vekmi zvolená Pani Anjelská" was sung, led by our editor.

The Slovaks of Washington presented a beautiful basket of red roses before the statue of Pieta, which attracted many visitors and they paused—to say a prayer. It was the feast of the Sorrowful Mother, when the tenth anniversary of the dedication of the Slovak Institute of SS. Cyril and Methodius was celebrated in Rome, with some 50 American Slovak leaders in attendance, headed by the Most Rev. Andrew G. Grutka, Bishop of Gary, Indiana and Msgr. Joseph S. Altany, honorary President of the Slovak Catholic Federation of America.

The National Shrine of the Immaculate Conception is the largest Catholic church in the United States and the seventh largest church in the world. The Shrine is impressive chiefly because of its beauty. While massive and majestic, still with its slender Tower and perfectly poised Dome, it is graceful.

Built as were medieval cathedrals, without any steel skeleton, or framework, the Shrine is fashioned entirely of stone, brick, tile and concrete. Its construction was a blending of ancient technique and modern devices; a blending of Byzantine, Romanesque and contemporary styles. With its strong classical influence, the Shrine harmonizes perfectly with the other architectural landmarks of the city of Washington. The Shrine is built in the form of a Latin cross. Its peaked roof covers six of the seven interior domes.

On the outside walls of the Shrine there are many separate pieces of sculpture, a permanent museum of some of the best work of great American artists. A special committee of artists, theologians, and scripture scholars arranged the sculpture, symbols and quotations so that they are accurate and fixed in meaningful patterns.

One of the glorious facts about the Shrine is that it has been made possible by all the Catholic people of the United States. Under the inspiration and guidance of their bishops, the Catholic people in every diocese in the United States have contributed to the erection of the Shrine. The Shrine has been built through "small" donations. Every bishop, every diocese, all the priests, religious, faithful of the country, have made sacrifices for the Shrine. The Shrine is truly national. It truly speaks of the love of all the American Catholics for Mary.

Besides the beautiful Slovak Chapel of the Mother of Sorrows, patroness of Slovakia, donated by the Jednota Slovak fraternal organization, on the exterior of the Shrine among the many statues, are also statues of SS. Cyril and Methodius, next to St. Patrick and St. Boniface, donated by the Slovak Catholic Federation of America.

And in the crypt you will find on the wall the inscription of our Slovak Catholic Sokol organization.

Make, therefore, a special effort to visit this National Shrine and also the beautiful Slovak Chapel and you will have the most pleasant memories for the lifetime.

Mr. Speaker, I appreciate the opportunity to present this statement to you and know you will want to join with me now in extending our heartiest congratulations and best wishes to the Most Reverend Bishop Casey and all of the priests and members of the Diocese of Paterson who participated in this pilgrimage on their standards of excellence and the exemplary contribution they are making to the quality of the way of life in our community, State, and Nation. May we take a moment of silent prayer in thanksgiving to them and all of our people throughout America.

CRIME CONTROL NO. 9

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. LANDGREBE. Mr. Speaker, it is one of the paradoxes of liberalism that it simultaneously professes fear of governmental power and advocates the increase of governmental power. To give an example, many liberals are considering impeachment of the President and simultaneously urging that the President be granted extraordinary powers to deal with the most recent crisis.

One might be led to conclude that liberalism is schizophrenic, but such a conclusion would be inaccurate: Liberal opposition to the growth of government is pure rhetoric, as illustrated by the liberal position on gun control. What the liberals fear is privately owned guns—not guns owned by the Government. The liberal position on privately owned guns is entirely consistent with the liberal position on all private property: there shouldn't be any; all property should be controlled, regulated, or confiscated by the omnipotent state. The liberals have no objection to guns—only to guns they do not control. They are seeking a legal monopoly on guns—at this point handguns—in order to eliminate any final opposition to a socialist government. This is the purpose of the gun control lobby—not the reduction of crime, which could easily be achieved by harsher penalties for criminals—but the elimination of citizen opposition to their socialist plans.

When those citizens who own guns awaken to the fact that their guns are the target of the expropriators for the same reason that all their property is the target of the statists, then private gun ownership will be defended as it should be defended—as the right to private property. And when private gun owners understand that their guns have been singled out for confiscation because private ownership of guns constitutes the only remaining effective check against an unconstitutional and dictatorial usurpation of power, then they will understand the motive of the gun control lobbyists. It was Chairman Mao Tse-tung who said, "Power flows out of the barrel of a gun." The liberals, as much as I, accept that proposition as true.

It is because they wish to see a concentration of power in government that they advocate confiscation of guns; it is because I oppose concentration of power in government that I oppose the gun control lobby.

GET OFF HIS BACK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. DERWINSKI. Mr. Speaker, Mrs. Lyn Daunoras, one of my most outstanding constituents and the feature editor of the Brookfield-Summit Valley Times, has a regular widely read column, "Lyn's Lines," which has made her a well-respected columnist in the Chicago and suburban press.

In her column of November 7, Lyn discusses the public furor surrounding the President's actions. I think that the Members will benefit from Lyn's emphatic point of view.

The article follows:

GET OFF HIS BACK!

(By Lyn Daunoras)

The best part about being an independent voter is that you can view both sides of a controversy somewhat objectively and not get as heated and excited as a partisan follower.

As the great hue and cry arose to "impeach Nixon," we were reminded of the morbid crowd that gathers when a man stands precariously on a ledge in a suicide threat. There are some who callously egg him on to jump and some who shrug the tragic scene off as not concerning them.

Diehard Republicans took their stand behind the president and many independents and Democrats were out for his scalp, particularly those who had voted Republican for the first time and now felt frustrated by what they considered an outright betrayal of their trust.

In that weekend of firings and resignations, we felt for the first time some genuine anger and certainly disappointment and shock, but it all fell short of impeachment.

Take the arguments: "The president refused to give up the tapes." Not knowing what the tapes contained, outsiders could hardly judge whether or not they would indeed be a blow to national security as Nixon deemed. You don't impeach a man for using his judgment in such a decision.

"The president placed himself above the law by refusing to give up the tapes to Judge Sirica after it was ruled he must do so." Not really. He did not refuse to give them up, he proposed an alternative by asking that a senator go over them instead of the judge. You don't impeach a man for coming up with a substitute plan, particularly when he had five days in which to comply with the ruling.

Further, two Watergate commitee members, including the chairman, had approved the alternative. Archibald Cox did not. But was it up to Mr. Cox to disapprove? Wouldn't it be up to Judge Sirica to decide whether the alternative was acceptable to the court since it was his original compromise?

To top it off, Cox held a press conference in which he blasted the president's proposal, an action nobody has questioned, but we do. What executive, of country or company, would not fire a subordinate who openly criticized his boss without at least awaiting the official ruling of his idea? The most that can be said is that the president reneged on his promise to give Cox complete independence, but you don't impeach a man for breaking his promise (if we did, public officials would be impeached every day!)

His attitude about the press may be paranoiac but, in spite of his petulance, it is to some extent justifiable. He entered the room smiling and cordial and was greeted with frozen masks. Some of the questions were sarcastic and from unquestionably hostile, rather than objective, reporters.

But the measure of a man is how he withstands disapproval. While saying that "the tougher it gets, the cooler I get," he proceeded to blow that cool after uttering some statements that were unwise and unbecoming . . . but human. We never knew that the press was beyond reproach. Still, you don't impeach a man for his opinion of the news media.

It has gone out of control on every side with the newspapers and TV commentators, stung by the criticism, showing their "fairness and understanding" by now demanding resignation rather than impeachment (probably realizing that chances of impeachment are slim) and dragging public opinion with them.

A lame duck president in these turbulent times is not an attractive prospect, but it just might help if everyone got off his back and remembered that one year ago today he won the biggest mandate ever received by any man. Critics provide the pressure, then wonder if he "can take it."

What has happened is that the news media, not hysterical at the time he said but hysterical since then, and all the current multi-investigations have so affected the voters that they no longer trust any public official. America is in an ugly mood with the whole country a massive hanging jury, ready to pronounce guilt before all the facts and evidence are in.

It is this kind of atmosphere that allows a radical group to run for office under the guise of "reform," present programs that sound good to the beaten ears of the voter, weary of controversy, and take over the reins of a promised "new government."

Only there would be no room for impeachment . . . and no freedom to suggest resignation . . . under that new government.

CHILD ABUSE AND NEGLECT

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. MOAKLEY. Mr. Speaker, I am pleased that the Select Subcommittee on Education has recently held hearings on legislation that could have a significant impact on the well-being of our children. Although there have been efforts on the local level to deal with the problem of child abuse, a national commitment has been lacking. The legislation which the subcommittee is considering represents a concerted effort by Congress to coordinate programs to identify, prevent, and treat the problem.

I am a cosponsor of H.R. 6379, the Child Development and Abuse Prevention Act, one of the bills being considered. One of my colleagues from Massachusetts, Mike Harrington, is cosponsor of a comparable bill. He is recognized as a leader in the House in the area of children's legislation, and I would, therefore, like to insert into the Congressional Record a copy of his statement submitted to the subcommittee concerning child abuse.

Statement by the Honorable Michael J. Harrington Before the Select Subcommittee on Education of the House Committee on Education and Labor in Support of Child Abuse and Neglect Legislation

Mr. Chairman. Thank you for the opportunity to present my views on legislation to provide financial assistance for identification, prevention, and treatment relating to child abuse.

I think we all realize that our nation's future depends on the well-being of our children. Many of them, however, are faced with situations in their childhood restricting, or even precluding their development into what we usually regard as full maturity. Too many are poor, too many are malnourished, too many have physical and emotional problems, and too many cannot read. There are many factors which we recognize as contributing to these deficiencies. Although we usually cite economic and biological factors, there are others that must not be overlooked.

Child abuse is one such factor that has been with us a long time, but one which has received minimal effort to alleviate nationally. Although programs exist at state and local levels, most lack adequate funding and few provide followup and treatment once a case of child abuse has been reported. Further, HEW, which does not have even one employee working on the problem of child abuse full time, has admitted that it has no information about the effectiveness of state programs that receive funds under Title IV-B of the Social Security Act for such purposes.

I need not cite statistics, for they are either lacking or grossly inflated. Too often, we only hear about abuse when it has resulted in severe injury or death. One statistic I would like to cite, however, is that 90 percent of the parents involved can be rehabilitated, according to the American Academy of Pediatrics and others who recently testified before a Senate Subcommittee. Although much abuse is caused by psychotic or mentally ill adults, most cases are committed by frustrated parents who take their problems out on their children.

Mr. Chairman, it seems to me that our effort here must be to define the issues and prescribe remedial legislation which would fund programs to provide therapy to those parents who constitute this 90 percent. I am a cosponsor of H.R. 6483 (identical to H.R. 5914, the National Child Abuse Prevention Act), which seeks to accomplish this. The Subcommittee is considering several comparable bills and I wish to play no favorites. I only urge that this Subcommittee report a comprehensive bill that makes a realistic attempt to alleviate one of the many problems facing our future leaders.

COMMENDING YOUNG REPUBLICAN NATIONAL FEDERATION'S PLATFORM, 1973

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ROUSSELOT. Mr. Speaker, I should like to commend to all of our colleagues a forthright statement of political principles—the Young Republican National Federation platform for 1973.

These young men and women can be proud of this declaration of ideals and expression of faith in America. I hope that the elder leaders of our party have as much confidence in the basic principle of individual freedom as these young leaders have so amply demonstrated. I, for one, look forward to the time when some of the members of the executive committee of the Young Republican National Federation will assume their leadership rolls in our party, and in our National Government, because, on the basis of the pronouncements they have made in their 1973 platform, I feel that they have a valuable contribution to make.

I was especially happy, Mr. Speaker, to see that the Young Republicans believe, as I do, that we should maintain a strong national defense and that we should work to preserve a constitutional free-market economy. To that end, they recommend that—

First, the fiat money of today should be replaced by an inflation-free dollar backed by gold;

Second, taxes should be reduced through the abolition of the practice of withholding taxes;

Third, the personal graduated income tax should be abolished; and

Fourth, we must move toward reduction of our national debt. A first step should be the selling of those Government-owned businesses that are unconstitutionally run in direct competition with other free enterprise businesses. In itself this would net our Government $65 billion and mean a 14-percent decrease in that debt.

The above points were taken from the 1973 Young Republican National Federation platform.

If these steps were taken, Mr. Speaker, I sincerely believe that the United States would be a far stronger and freer Nation. A few years from now, under the leadership of these dedicated young men and women, I am sure this will come to pass.

TO SAVE FUEL WE MUST SAVE MASS TRANSIT FARES

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Ms. ABZUG. Mr. Speaker, today I have introduced the Emergency Mass Transportation Fuel Conservation Act (H.R. 11478). This legislation will place a ceiling on mass transit fares throughout the Nation for the duration of the fuel shortage.

Increased public use of mass transportation is essential to effective fuel conservation. However, as fuel costs increase it is likely that public and private mass transportation agencies will be hard pressed to maintain their current fares. We must take care to remember that as mass transportation fares increase public and private mass transit ridership decreases.

I find it ironic that President Nixon should appeal to the American people and Congress to take action on the fuel shortages we face without adequately addressing himself to the needs of mass transit. The two problem areas are intimately related. If we are to save fuel, we must take steps to prevent further decline in the use of mass transit facilities. If we allow fares to skyrocket, as is being threatened in New York City and elsewhere, additional people will use automobiles, defeating attempts to save fuel, and at the same time, increasing pollution levels.

In order to encourage people to make use of mass transportation and to prevent declines in mass transit ridership during the period of possible fuel shortages, the Emergency Mass Transportation Fuel Conservation Act will prohibit fare increases in the Nation's mass transit systems, both publicly and privately owned, because "increased public use of mass transportation is essential to effective fuel conservation."

The legislation requires the Federal Government to provide mass transit systems with enough funds to make up any operating deficits incurred because of the fare ceiling and increased costs. H.R. 11478 would also mandate an allocation system to insure that mass transit systems receive fuel on a priority basis.

I urge my colleagues to give this measure their most careful attention, and I particularly recommend it to members of the Committee on Interstate and Foreign Commerce as they consider emergency legislation regarding the fuel situation:

The text of the bill follows:

H.R. 11478

A bill to authorize and direct the President to develop and implement certain federally sponsored incentives relating to mass transportation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Mass Transportation Fuel Conservation Act".

SEC. 2. The Congress hereby determines that—

(1) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist;

(2) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods;

(3) such hardships and dislocations jeopardize the normal flow of commerce and constitute a critical national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the executive branch of Government;

(4) increased public use of mass transportation is essential to effective fuel conservation; and

(5) public and private mass transportation ridership decreases as mass transportation fares increase.

SEC. 3. Upon enactment of this Act the President shall develop and implement Federally sponsored incentives for the use of mass transportation, including—

(1) a prohibition on the increase of any fare for any public or private mass transportation system;

(2) Federal subsidies for additional expenses incurred due to increased services;

(3) priority rationing of fuel for mass transportation; and

(4) Federal subsidies for State and local public bodies and agencies and private mass transportation operating agencies to provide for the inability by any such body or agency to meet operating expenses incurred as a result of paragraphs (1), (2), and (3) of this section.

SEC. 4. For purposes of this Act, paragraph (3) of subsection (e) of section 142 of title 23, United States Code, is amended by striking out the period at the end of the paragraph and inserting in lieu thereof: "except that, with respect to the purchase of buses and rolling stock for fixed rail, the Federal share shall be 80 per centum."

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ROBERT THOMASON, 94, FORMER U.S. CONGRESSMAN, OF TEXAS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the November 11, 1973 Washington Star-News carried an article about the death of former U.S. Congressman Robert Thomason. Mr. Thomason finished out his years in Congress to become a Federal judge during my freshman year. I hope that each Member of Congress will take a moment to read the article in memory of a fine man who had an outstanding political career in various positions of government.

The article follows:

ROBERT THOMASON, 94, WAS FEDERAL JUDGE

Retired U.S. District Judge Robert Ewing Thomason, 94, who also was a former Texas congressman, died Friday in El Paso. He had been ill for three months.

During a political career that spanned 60 years, Judge Thomason served as a Texas legislator, mayor of El Paso, U.S. Congressman and judge.

He was elected to the House of Representatives in 1931 and became the ranking member of the Military Affairs Committee in 1935.

President Harry S. Truman appointed him U.S. District judge for the Western District of Texas in 1947. He retired as a full-time judge in 1963 but occasionally heard cases until a few years ago.

In 1955, Judge Thomason declared that segregation in Texas schools was unconstitutional. It was the first such decision by a federal judge after the 1954 Supreme Court decision outlawing racial segregation in schools.

He was born in Shelbyville, Tenn., and received a B.S. degree from Southwestern University in Georgetown, Tex., in 1898. He received a law degree from the University of Texas in 1920 and first practiced law in Gainesville, Tex., where he served as district attorney from 1902 to 1906.

He moved to El Paso in 1912. Four years later he was elected to the Texas House of Representatives, where he served as speaker from 1919 to 1920. In 1920, he lost a bid for the governor's office.

He was mayor of El Paso from 1927 until his election to the House in 1931.

A SALUTE TO THE LATE LOU WILKE

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. McSPADDEN. Mr. Speaker, on October 22, 1973, an event occurred in

Bartlesville, Okla., which I believe needs national recognition. One of twelve men who were inducted into the Oklahoma Athletic Hall of Fame was the late Lou Wilke. No one served amateur athletics in general and basketball in particular better than did the late Lou Wilke.

During the depression years Mr. Wilke coached basketball at Phillips University, Enid, Okla., and later became a marketing executive for Phillips Petroleum Co., Bartlesville, Okla. As coach of the legendary Phillips Oilers Basketball team, he chalked up an unbelievable won-lost record of 98 wins against only 8 losses.

In 1948, Lou Wilke was named chairman of the U.S. Basketball Committee. In addition to twice being president of the AAU, Lou Wilke was a champion for athletics, a leader and a molder of men.

I join his countless friends, both in Oklahoma and over the Nation who knew him and respected him, in this great tribute.

IN DEFENSE OF NIXON

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. DICKINSON. Mr. Speaker, if one makes the mistake of only reading Washington newspapers and listening to biased newscasters on the three major networks, he gets the impression that President Nixon has virtually no support and that most of the Nation favors his immediate impeachment and/or removal from office. I suppose it is natural for the national media to put the President in an unfavorable light at every opportunity since they so vigorously opposed his reelection last November.

Fortunately, Mr. Speaker, the American people have learned to see through biased reporting. I think this is the case today and that more and more Americans support their President than the national radio and television networks and newspapers care to admit.

A good friend of mine, Mr. Terry Everett, publishes two weekly newspapers—the Enterpriser and Daleville Today—in Enterprise and Daleville, Ala., respectively. On October 31, 1973, Mr. Everett ran front page editorials entitled "In Defense of Nixon" which I believe correctly expresses the sentiments of millions of Americans.

I am including that editorial and the letters in response to the editorial with my comments to help my colleagues in the Congress understand the thinking of "grass roots" America:

IN DEFENSE OF NIXON

(By Terry Everett)

Last week was somewhat of a disappointing week for me. The events of the last several weeks led me to take what may be an unpopular stand with many of my friends . . . that of defending the President of the United States.

Perhaps the firing of Archibald Cox was the straw that broke the camel's back for many of my friends. It was for my brother, who called me and angrily wished he didn't have to listen to any more Watergate, Cox, Richardson, etc.

Later in the evening a friend approached me with the same general feelings. "I stuck with Nixon until this thing with Cox," he said. I pointed out I had thought Cox a poor choice to begin with and wasn't sorry to see him go. My friend used my words to prove his point. "If you say Nixon made a mistake to hire Cox, it still works out that he made a mistake," he said.

Which makes him human like the rest of us, I thought to myself.

I have resented for some time the treatment of the President by the national news media. Television is such an over-powering medium and too many people accept for gospel whatever newscasters such as Dan Rather happens to be saying at the moment. That Mr. Rather should be accepted at face value disturbs me as much as the mistakes of the Nixon Administration.

I believe it was Howard K. Smith, who about five years ago, wrote a scorching indictment of the hatred held by many newscasters toward Richard Nixon. The article was lengthy and went into detail to describe how these national newscasters went out of their way to make Richard Nixon look bad. The article was, to say the least, eye-opening. And the feelings of the news media haven't changed.

To give a few small examples: Dan Rather several weeks ago in one of CBS' panel discussions went on for several minutes on why Nixon should turn over the Watergate tapes. Rather allowed as how no one in the United States would be allowed to withhold information wanted by a court and certainly the President shouldn't be allowed on the grounds of privileged information. One member of the panel corrected Rather and pointed out there was such a thing as privileged information and that it was common between a lawyer and his client, a priest and his parishioners, a wife and her husband and newsmen have been talking about privileged information ever since I can remember.

Not much damage done? That's hardly the point. Either Rather didn't know what any high school student knew, or, he had got carried away in his efforts to make the President look bad. If Rather truly didn't know . . . then he shouldn't be a newscaster. If he did indeed know (and I must suspect he did since CBS has raised such cane over protection of their news sources—privileged information), then how many other slight alterations of simple facts is Rather guilty of in an effort to make the President look bad. For that matter, how many alterations of facts is CBS, NBC and ABC guilty of?

Take if you will still another example which occurred Monday morning of this week. On the CBS morning news (if you want to call it a news show), Presidential speechwriter Patrick Buchanan allowed as how he felt that every effort should be made to break up the monopoly held by the three major networks. Now Buchanan, by my count, made it "perfectly clear" on two separate occasions that was HIS opinion and not that of the White House and/or the President. Later in the day on my car radio came the startling discovery by ABC . . ."White House Launches New Threats to The Media!"

Now I ask you . . . how in the world do you explain such things?

The examples are small, but the point remains: The national television networks will and do distort facts to fit their purposes. There are many other cases but space simply won't allow the room. As a matter of fact, there are several books either on the market or coming with just such a subject.

Often Nixon is made to look bad simply by who the networks choose to give air time to. Why in the world would a network give air time to kooks (one I can think of with the morals of an alley cat. Nope, most alley cats I've seen have better morals) who want to call the President of the United States a murderer? That bogs my mind. To give air time to someone calling President Nixon, who in case anyone has forgotten ended the Vietnam war, a murderer is ridiculous.

Here the President was . . . pressured on the one side by those who wanted to take a couple of A-bombs and just blow the place off the map . . . on the other side by those who wanted to completely give in at even the expense of our POW's . . . and in the middle by those of us who just wanted out the quickest way possible without losing too much face.

Well, the President got us out and as far as I can determine, did it in such a way that it is no longer a subject of national concern. Now to put some nut (or enemy) on television to call Nixon a murderer is impossible for me to understand. If Nixon is a murderer, then so are Washington, Lincoln, Grant, Hoover, Roosevelt, Truman, Eisenhower, Kennedy and Johnson. If Nixon is a murderer, then so is every American fighting man who ever fired a shot at an enemy in defense of America. The American fighting man has always been made up and will always be made of Middle America. Mainly, because there are so many of us. Now what you don't hear is the networks giving air time to someone calling Middle America murderers. That's because the networks are smart enough to realize that Middle America still runs the country (and also works for and spends most of the money that makes it possible for the networks to sell those $250,000 a minute television commercials). Oh, they'll let someone get a shot at Middle America every so often or at the so-called "establishment" (I have never understood that word). But, by and large the networks realize the only way to control Middle America is by proper programming . . . allowing us to hear and see what they want us to hear and see and when they want us to see and hear it.

Still another case of who gets air time. Senators Ted Kennedy and Edmund Muskie have had a good deal of criticism for the President and every time Mr. Kennedy and Mr. Muskie want to open their mouths to impart their latest anti-Nixon feelings, the networks are right there to gobble it up. Now that has got to be a laugh. Here's Mr. Muskie, who broke down during the primaries (not the ballgame, friend, the tryouts) and here is Mr. Kennedy, who disappeared for seven (or was it 12?) hours after a midnight drive across a bridge which ended in the tragic death of a young woman, criticizing the President for his mistakes.

Come on, Mr. Rather, where were you when we really needed you?

I don't bring up Mr. Muskie's or Mr. Kennedy's personal tragedies to belittle either of them . . . only to make a point. Can you imagine how long either of them would have been able to function as President of the United States under the pressure Richard Nixon has been under during the last year?

Many of us feel we have had our hands burned by sticking with Ted Agnew and now hesitate to give the same support to the President.

It was easy with Mr. Agnew . . . he was supposedly removed of any wrongdoings and clear of Watergate . . . that made the choice easy. We could have our cake and eat it. The choice is no longer easy and many of us are having to think twice about something we shouldn't have to even think once about. The networks realize this and that's the way they like it.

We know from past experiences we'll get more letters disagreeing with this editorial than supporting it. Such is nearly always the case as most people who agree won't write a letter to the editor while those who are upset by what we've had to say will let us know. That's as it should be . . . or is it? Is it instead time to not take the easy way out . . . time to take a stand . . . time to say if we're going to have honesty in government, let's also have it from the networks and other news media.

After all, there's been a standing committee in Congress for over three years wanting to impeach Nixon for one thing or the other. The only problem is that in this time, they still haven't found anything to impeach Nixon for.

It has been frustrating.

Another thing's frustrating, too. This morning I vowed not to turn on my television set for a full month. Then I happened to think . . . Monday night football. Oh, well. Given a choice, I'll take Howard Cosell's mouth to Dan Rather's any time.

LETTERS

ENTERPRISE, ALA.

Letter to the EDITOR:

I am happy to see that someone other than my wife and a few friends share my views regarding the obviously slanted and irresponsible news broadcasting being presented by the three major television networks. I read your editorial "In Defense of Nixon" and I would like to say that I am in complete agreement with you and would like to see you continue with a series of editorials on this subject.

I feel that the people need to be informed as to how they are being programmed by these irresponsible giants of the news media.

I applaud your courage and support your effort.

Respectfully yours,
GERALD W. WILCOX, A.I.A.

DALEVILLE, ALA.

Letter to the EDITOR:

Several days ago I saw something in the Enterpriser I appreciated very much. It was from an intelligent person who "Keeps Up". I wish more people would come out for our President publicly so that we people who don't read very much could better understand the situation. Several weeks ago I took a poll of downtown businessmen. Each one is backing our President. Then I had the nerve to write to the President. I told him about the poll and said in my letter we don't like you—we love you.

In less than two weeks I had a letter of thanks and appreciation. Of course his secretary typed it but it was the President's signature. One more thing. I dare Congressman Dickinson to go back on our President. If he does, I will never vote for him again.

CAROL THOMPSON.

ENTERPRISE, ALA.

Letter to the EDITOR:

As stated in your editorial of Oct. 13, 1973, "In Defense of Nixon" people usually do not respond unless they disagree or are angry. This response is in complete and total agreement with this article. I write to you in hopes that it will give you moral support to continue honest and objective reporting.

I am 71 years of age and have seen many trends in politics. Whether or not the news media is aware of the fact that their slanted, biased and deliberate dishonesty in reporting the news has done more to undermine our present system of Government than all the totalitarian governments have done during the entire history of this nation is very debatable. Surely the network's motives should be questioned.

It would be naive to expect any completely, totally honest and God-fearing person to ever achieve high public office. Therefore, I do not bestow any Sainthood upon Mr. Nixon, but if you compare him with the Muskies; the McGoverns; the Humphreys; the Philip Harts and two-thirds of the Watergate panel, you would have to put a halo upon his head. Also Mr. A. Cox and his staff of Kennedyites have shown their real true colors "leaking innuendos, half truths, and deliberate lies to the press". This deliberately being broadcast daily by the networks with full knowledge that a half truth is more deceitful than a whole lie.

I am aware that your efforts and mine toward changing the left-wing, liberal trend in this system (whatever their motive) is comparable to dipping the ocean dry with a two quart bucket. You have my complete support.

Your editorial was refreshing, please continue.

Yours truly,
RAYMOND HAYES.

DALEVILLE, ALA.

Letter to the EDITOR:

Your editorial in The Enterpriser needs to be read by everyone but I suspect that few will read it all—and carefully. I do agree with you, and further, I suggest that there is only one answer that will counteract the gross injustice of baised reporting.

There is no way to stop me and you, the reader and listener, from searching out several sources of information. Choose these from the full range of opinion from the ultra-liberal to the ultra-conservative. I read columnists and editorials daily from 3 to 5 newspapers, 2 weekly news magazines and several monthly publications. The T.V. screen is the least influence and least reliable for me of any—because I know most of the T.V. Newsmen's slanted opinions before they start to give it. I rely on the sum total of what I read, then form a solid, factual background for my analysis. Any American voter must dig everywhere he can to get the big picture—so that he or she will be well informed on the major issues—as well as the local school board and the local Town Council!

Let's put wings to our prayers for peace by supporting President Nixon (and Sec. of State, Kissinger) the rest of his term of office, tackle domestic problems—and see if we can do something constructive instead of destructive.

Sincerely,
CLYDE W. JONES.

P.S. I forgot to mention that the School, Church, and Public Libraries all get some of my reading time and we need to instill the inquiring mind—the desire for knowledge in our students and/or our children so that they too will be well informed. I am a life member of P.T.A., Member of the Clayhatchee Council, Tennis instructor, Shop Steward IAM Local 2003 and have a family of 7 children and 8 grandchildren.

DALEVILLE, ALA.

Letter to the EDITOR:

Thank you for your fine editorial "In Defense of Nixon," October 31, 1973, in The Enterpriser. I believe that there are a lot of people who voted for President Nixon who believe in him, but who have not come forward and voiced their beliefs. One of our freedoms in the United States is "Innocent until proven guilty." How ironic, the newscasters of television have helped, with their biased reporting, to slant people's views of the President. These newscasters, in fact, have judged and accused him. They have the powerful people of the United States "running scared."

I don't feel the people have suffered great humiliation as members of Congress, fellow Republicans calling for impeachment, are telling them. President Nixon has done an outstanding job in office, standing up under tremendous strain and extreme pressure. Have his accusers, particularly those who voted for him, thought how they would stand up to such ridicule, under extreme, adverse pressure if known friends suddenly turned against them?

A woman I talked to at the library tonight said, "Yes, I voted for Nixon. But he's gone too far. He knew those tapes were missing three months ago. He's been lying!" After talking further with her, she said, "Yes, I voted for him, but it was because I didn't want McGovern as President." She was never really a believer.

Julie Nixon Eisenhower was interviewed by Barbara Walters on NBC last Friday morning. She said words to this effect: Don't you think that Judge Sirica will get the best qualified people in the United States to go over the tapes to see if they have been tampered with and as to the missing tapes, don't you think that the Presidential log will be checked as to telephone calls, times, visitors, etc. Experts will be called in.

Believers of freedom, truth, and what's right in our United States know that freedom will prevail and truth will prevail. Should President Nixon be guilty, he will be proven so.

Do people sincerely feel that President Nixon has really hurt the United States since he has been in office? He stopped the Vietnam War; he brought back our prisoners of war; we're on speaking terms with Red China and, although that might not sound so good to some people, it could prevent or deter a possible war; and as President Nixon mentioned on TV last week, because he knows Russia's Brezhnev as well as he does and Brezhnev knows him equally well, possible confrontation between our two nations was averted over the Mid-East crisis. Nonbelievers should think many times before joining the cries for impeachment.

If people believe that President Nixon is innocent of any wrong-doing, they should write to him and write to their newspapers, and tell them so. They should give President Nixon their support. Let him know that the silent majority is no longer silent! Although it's late, it may not be too late! Give him more courage!

Thank you again, Terry, and if you don't mind, I plan to send your editorial, in fact the whole newspaper, to President Nixon along with a copy of my letter to you.

Sincerely,
ANNE GATLIN.

A DISPLAY OF CAPITAL ELITISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. CRANE. Mr. Speaker, there is a significant difference between what most Americans are thinking and what some of those who describe them say they are thinking. Often, attitudes which are frequently reported are simply those attitudes which a small number of people have decided are "acceptable."

Such individuals have appointed themselves to be spokesmen for the rest of us. How wrong they can be was shown in the results of the 1972 election. The majority of self-appointed interpreters of public opinion supported the candidacy of Senator GEORGE MCGOVERN. The people, of course, did something far different.

A recent example of such a self-appointed reporter of the attitudes of the American people was the performance of Washington hostess Barbara Howar on the Johnny Carson television show.

At that time, reports Chicago Tribune columnist Bob Wiedrich, a man well known for his fairness and objectivity, Mrs. Howar presumed to become a spokeswoman for all 200 million Americans, telling them exactly what they were feeling and thinking about the President of the United States with the authority of someone who had a firm grip on the pulse of the Nation.

Mr. Wiedrich concluded that:

> In her pseudo-sophisticated circles, it is highly doubtful that Barbara hears what the working stiffs of Washington are saying or what the better than 50 per cent black population of that town think about Nixon. Or, for that matter what people think in Chicago . . . Yet, Barbara presumes to speak for us all. And Carson furnishes her the forum. Sometimes, we think, President Nixon does have a point.

I wish to share with my colleagues the column by Bob Wiedrich, "Another Display of Capital Elitism," as it appeared in the Chicago Tribune of November 14, 1973, and insert it into the Record at this time:

Another Display of Capital Elitism

(By Bob Wiedrich)

There is a strange, sometimes incurable malaise that often infects folks who move to Washington.

It is called Potomac Fever and tends to restrict the victim's vision to that relatively small plot of real estate from whence are conducted the nation's affairs.

In several cases, sufferers have been known to freak out, completely losing their sense of proportion. They come to believe that the District of Columbia is, in fact, the whole of the United States and that that vast hinterland somewhere way out there is populated by faceless no-accounts to whom the inhabitants of their tiny enclave owe no allegiance.

In many ways, it is the ultimate in snobbery. Yet, it is a quite provincial view. According to diagnosticians, the disease is difficult to avoid. There is no immunization except common sense.

Once contracted, it quickly attacks any perspective of what goes on elsewhere in the land. For the germ that causes Potomac Fever breeds rapidly in close proximity to the base of national power, especially when permitted to rub shoulders daily with the great decision makers of our time.

The other night, approximately 500,000 American TV viewers received a clinical demonstration of the ravages of Potomac Fever on a 38-year-old blonde who has not only rubbed shoulders with the mighty, but publicly admits having shared a U.S. senator's sack during an idyllic Jamaican interlude in her youth.

Since you can't get much closer to the seat of power than that, those watching the Johnny Carson Tonight Show undoubtedly were willing to accept former Washington hostess Barbara Howar's credentials as a self-appointed spokeswoman for the Capital jet set.

But bouncy Barbara went a giant step farther than that. She presumed to become a spokeswoman for all 200 million Americans, telling them exactly what they were feeling and thinking about the President of the United States with the authority of someone who had a firm grip on the pulse of the nation.

For some 10 minutes, this neatly coiffed member of the Washington Over-the-Hill gang assailed Richard M. Nixon as tho he was some common criminal already indicted and convicted of high crimes of treason. With no restraints on her venom, she repeatedly demanded his impeachment or resignation.

That was what the American people wanted, she suggested, continually relying on unnamed "people" in Washington as her authority.

"There's a feeling in Washington . . ." Or "People in Washington feel . . ." Or "People in Washington are saying . . ." Or variations of that same labored anonymous litany.

To Mrs. Howar, it was obvious there was no place else in the United States but Washington. Surely, the nation would founder without the thought processes of the Washington cocktail set to guide it. No one else was capable of reaching an independent judgment. Only Washington could furnish a reasoned, dispassionate decision on the successes or failures of Richard M. Nixon. And that judgment, of course, had already been made.

However, had any of the estimated 500,000 people who watch the Tonight Show examined Mrs. Howar's credentials more closely they might have realized they were being victimized by a pint-sized put-on.

In the first place, this blond babe is trying to peddle her published memoirs as a one-time society hostess and senatorial helpmate. Secondly, her fading reputation as a swinging jet-setter is badly in need of refurbishing after earlier successes during the John F. Kennedy and Lyndon B. Johnson regimes.

Barbara doesn't get to scoot about town with Pat Nixon and Julie Eisenhower as she did with Lady Bird and Lucy Bird and Lynda Bird.

And further, the Georgetown society crowd with which she hangs around are the same professional Nixon haters who still can't forgive the President for accomplishing things Jack Kennedy couldn't do. They are virtually a government in exile and hardly speak for Washington, much less the rest of the land.

In her pseudo-sophisticated circles, it is highly doubtful Barbara hears what the working stiffs of Washington are saying or what the better than 50 per cent black population of that town think about Nixon. Or, for that matter, what people think in Chicago. For when she ventures into the hinterland, she doles out her interviews at the Ambassador East Hotel, hardly a spa of the common man.

Yet, Barbara presumes to speak for us all. And Carson furnishes her the forum. Sometimes, we think, President Nixon does have a point.

WHY THE PRESIDENT SHOULD RESIGN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. RANGEL. Mr. Speaker, last Tuesday, I introduced House Resolution 684 calling upon President Nixon to resign. At the time of the introduction of this resolution, and subsequently before this body I have explained my reasons for calling for this drastic act. I can put these reasons no more forcefully or eloquently than to quote Bayard Rustin, the great leader and philosopher in the movement for human rights:

> The President no longer has the ability to govern effectively, nor the moral legitimacy to guide the course of the nation.

Mr. Rustin's column in the New York Voice of November 9, 1973, sets forth in measured, reasoned terms the reasons why the President must resign to restore credibility to his high office. I place Mr. Rustin's column in the Record for the attention of my colleagues:

Nixon Should Resign

The most distressing thing about the governmental crisis which has engulfed America is that the President does not seem to recognize that a crisis in fact exists. Instead of facing the issues involved, he obscures them, projecting himself as the victim of a malicious press and questioning the motives of Special Prosecutor Cox. He persists in the policy of concealment and subterfuge that has marked the Administration's response ever since the time, many months ago, when Nixon supporters dismissed the Watergate break-in as a "caper." Neither the President's actions nor his words suggest an awareness that withholding potential evidence from a criminal prosecution represents a blatant disregard of basic democratic and constitutional principles.

The Constitution demands that the President "take care that the laws be faithfully executed." This is an absolute responsibility, but subject to individual whim. And yet the President has chosen to ignore this responsibility, submitting neither to its spirit or letter until forced to bend by the bipartisan outrage of the nation.

RULE OF LAW

This is particularly unsettling for blacks, since our civil liberties depend above all else on the President's determination to enforce the law, regardless of his political philosophy. Although opposed to the 1954 Brown decision, President Eisenhower ordered federal troops into Little Rock when Governor Faubus defied court desegregation directives. Had he placed his natural impulse above the obligation to ensure that the law is carried out, Eisenhower would have set back the civil rights movement for years to come, while destroying the federal system of government.

By surrendering the tapes to Judge Sirica, the President has done little to allay the worst fears of Americans. There are still unanswered questions, and the President has made it abundantly clear that, short of another judicial confrontation, he will not provide the answers. These questions suggest broad implications about the functioning of democracy. The ITT case, for example, calls to question whether national policy was being formulated on the basis of law, or was determined by the promises of campaign contributions. Then there are the questions about the President's land transactions and other personal financial dealings; whether the President was taking advantage of high office for personal enrichment.

To prejudge these cases before the proper officials have examined all the facts would do an unconscionable injustice to the President and to our system of law. The dilemma facing Americans is that the President will not cooperate with a full and impartial investigation, thus thwarting the only means of removing the cloud of suspicion which hovers over his office. As the AFL–CIO, said, in calling for the President's resignation: "When the President appears fearful of facing a Supreme Court composed in large measure of his own appointees, the public can scarcely resist the darkest speculations."

The crisis which the President has brought upon himself and the nation has multiplied and deepened our problems. Our domestic policy can be summed up in one word: "veto." Our foreign policy is suffering at a time it can least afford to suffer.

I do not contemplate the possibility of the President's resigning or his impeachment with any feeling of elation. Nor do I call for his removal from office because of political differences, profound as they may be.

CANNOT GOVERN EFFECTIVELY

The fact is, however, that the President no longer has the ability to govern effectively, nor the moral legitimacy to guide the course of the nation.

The only principled alternative left is for him to resign, and spare the country a protracted, agonizing period when we would be, I fear, without a leader. And if Nixon fails to resign. I feel it is incumbent on the Congress to initiate impeachment proceedings. Should the President ultimately leave office, Congress would be then well advised to consider the appointment of a bipartisan government, with the two major parties sharing the presidency and vice presidency, as has been proposed by Sen. Inouye of Hawaii.

I believe that the resignation of Richard Nixon would serve the genuine interest of the United States, for this country cannot absorb the almost daily crises which the President seems incapable of averting. As I write this, the White House has announced that the two most important tapes never existed; already there is speculation over whether this part of the President's efforts to cover-up wrong-doing. Because of the pattern he has established, every move the President makes evokes suspicion and cynicism. We cannot endure this for three more years.

Lyndon Johnson was elected President in 1964 with a mandate in all respects as decisive as that Nixon received in last year's election. Four years later, having compiled a record of unprecedented domestic accomplishment, Johnson declined to seek reelection, not because of any impropriety on his part, but because he was convinced that to do so was in the best interests of national unity and world peace. If Lyndon Johnson, under the attack of a small tough high vocal minority, was capable of an act of high statesmanship, it is not presumptuous to expect Richard Nixon, having lost the confidence of the overwhelming majority of Americans, to take the same difficult step.

HON. GERALD R. FORD ADDRESSES NATIONAL ASSOCIATION OF REALTORS

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. KING. Mr. Speaker, on Tuesday, November 13, 1973, the Honorable Gerald R. Ford, minority leader of the House and Vice-President-Designate, spoke at the opening session of the National Association of Realtors 66th annual convention at the Sheraton Park Hotel in Washington, D.C.

Because I sincerely believe the Vice-President-designate's address will be of interest to all my colleagues, I am inserting his remarks in the Congressional Record.

In these days of charges and accusations, of innuendos and hearsay, I fully agree with Representative Ford that it is time we look at the record. I think it is time the American people gave a little thought to the competency and leadership of the man who brought the Vietnam war to an honorable conclusion, who thawed and opened the diplomatic doors of peace to China and Russia, who brilliantly avoided a confrontation with Russia in the current Mideast crisis. It is time they began to judge the President objectively and honestly on the basis of his stewardship as Chief Executive of the United States.

In my opinion, Vice-President-Designate Ford has properly and articulately illustrated what a strong, able and courageous leader we have in President Nixon. Representative Ford has urged the National Association of Realtors to join with him in affirming their confidence and support for the President of the United States for the sake of a stronger and more unified Nation.

Vice-President-Designate Ford's remarks are as follows:

Remarks by Vice-President-Designate Gerald R. Ford Before the National Association of Realtors Convention, Sheraton Park Hotel, Washington, D.C., Tuesday, November 13, 1973

It is a pleasure for me to be here this morning taking part in the opening session of the NAR's 66th annual convention. I am not just here for myself, however. President Nixon has asked me to extend his greetings and best wishes to those of you who are here for this event today, and to all the 500,000 men and women who have made the NAR the largest American trade association representing a single industry.

As realtors you represent a vital part of our national economy, and I am proud to say that although it still has its share of problems, the American economy is in great shape today and growing stronger every minute.

So much has been happening lately—both good and bad—that some vital national statistics have been lost in the shuffle. During the month of October, while most eyes were understandably turned toward Watergate, the Middle East or the energy crisis, the American economy quietly achieved President Nixon's target figure for reduced unemployment. That overall figure is now down to 4.5 per cent and the unemployment rate for adult males is the lowest it has even been in America during peacetime. At the same time, last month we had the second consecutive monthly drop in wholesale prices.

This is not spectacular news because it isn't shocking or depressing. It is just plain good news. And it is persuasive evidence that, despite some very serious obstacles, the Nixon Administration is making solid progress in delivering what it promised the American people last November—an era of genuine prosperity—prosperity in peacetime.

Hard as it may be for us to realize it now, this may be the big story of the past few months when historians look back on them in the years to come—the story of how a beleaguered Administration, with the support of the people and the backing of responsible Democrats and Republicans in the Congress, succeeded in bringing new prosperity to America and new hope for peace in the world in spite of political turmoil at home.

Even without Watergate, that success story would be dramatic. With Watergate, it is little short of miraculous. But it has been achieved.

In spite of Watergate, the President's diplomatic initiatives have succeeded in making a fresh beginning for peace in the Middle East. For the first time in a generation, Arabs and Israelis have both expressed a willingness to sit down and discuss their differences. For the first time since the birth of the state of Israel, there is hope that the legacy of hatred and violence can be set aside—that reasonable negotiation can replace bloody confrontation in this troubled part of the world.

No other American President—no other world leader, for that matter—was ever able to achieve this. Richard Nixon, the man that some people have referred to as a crippled President, *has* achieved it.

That's quite a track record for a cripple. It reminds me of a speech that was made in the Canadian Senate and House of Commons in 1941 by a very distinguished visitor—a man named Winston Churchill. In his speech, Churchill described the situation in Europe after the fall of France, when England stood alone against the combined forces of the Axis powers.

When Churchill had warned the French that Britain would fight on alone whatever they did, the French generals had advised their government that, "In three weeks England will have her neck wrung like a chicken."

"Some chicken," Churchill reflected, "some neck."

Today we hear a lot of voices that sound very much like those defeated and defeatist French generals and politicians. We are told that President Nixon is a paralyzed prisoner, incapable of acting. Some suggest that he should resign or be impeached.

I see it a different way. I look at Richard Nixon's record on building a healthy peacetime economy; on working to achieve peace in Southeast Asia and the Middle East; on giving this Nation a comprehensive program for meeting the energy challenge—I look at all this and my answer to the critics is simple

Some prisoner; some paralysis.

If Richard Nixon can achieve all that he has for this country in the last few weeks as a "cripple" then he is the best argument this Nation ever had for hiring the handicapped.

That doesn't mean that we don't have a real problem of public confidence on our hands.

It is real, it is big and it isn't going to go away overnight if we simply ignore it.

But it is not invincible. There is no credibility problem in the world too big for the truth to overcome. And with the release to the court of the tapes, and with the testimony that will be heard in the days ahead, that is what we are going to get—the truth. I am convinced that once the full truth is known, President Nixon will be exonerated.

Unfortunately, there always some people so eager to reach a verdict that they don't bother to wait for evidence.

For some of them, nothing—not even the truth—will make any difference. They have made up their minds, and even the facts will not change them. But such people are only a small minority.

I believe that a majority of Americans, and a majority of the men and women on both sides of the aisle in the Congress, are going to come out of this Watergate ordeal with their confidence raised and their trust restored—not only in the President, but in the American political system as well.

As realtors, you have seen the same process take place in another sphere. You know how emotional speculation can drive the price of land or buildings up and down over the short term. But you also know that, in the long run, the real market value—the honest worth of the property—will make itself felt once the hysteria has ceased and people have the full facts at their disposal.

The same thing is true of government. There are and always will be periods of crisis when emotion, even hysteria, get the upper hand. But, in a free, informed society, good sense wins out in the end—good sense and fair play.

The difference between a politician and a statesman, according to an old saying, is that the politician thinks about the next election but the statesman thinks about the next generation.

Those who are looking to the next generation, and who have a sense of history, know that, given the facts and due deliberation, cooler, fairer heads will prevail. They know that what might seem like an easy shortcut today—a quick escape from temporary annoyances—could actually inflict deep, permanent scars on the American political system. And let us never forget that those scars would be borne by the next generation of Americans.

I have faith that the courts will get to the bottom of this case. I have faith that the President will act with honor and integrity in the performance of his duty, and above all, as one who has spent a quarter of a century as a Member of the United States Congress, I have faith in the Congress—faith that it, too, will not be panicked into unwise action or dominated by a few shrill, extreme voices.

But the biggest single factor in all of this is not any one of the three branches of government I have just mentioned. It is you, the people of this great country of ours.

Through the entire Watergate ordeal, most of the people have reacted with quiet patience, waiting for the full story to unfold Their aim has been to judge fairly from the facts.

Most, but not all. There are a number of pressure groups that have always been opposed to the Nixon Administration and to the programs that it has pursued, despite the fact that those programs were overwhelmingly endorsed by the American people last November.

These opponents have been very busy in the last few weeks. Newspaper ads calling for impeachment or resignation and urging letter-writing campaigns to the Congress have abounded and Congressional offices have been bombarded with letters and telegrams. One member of the Senate, Bill Scott of Virginia, recently ran a spot check of the mountain of mail he had received calling for the ouster of the President and he found that most of the people who were so loudly making this demand today had voted against Richard Nixon last November. They were trying to use Watergate as a weapon to reverse an election they didn't agree with and didn't win.

Meanwhile, the famous "silent majority" has been living up to its name.

I hope that each of you, when you return home from this great gathering, will take the time to express your personal view to your Senators and Congressmen. If you really believe that impeachment or resignation is the only answer, by all means say so. But if you are part of that much larger group that believes in fair play and in the important things that Richard Nixon has done and can do for America, don't wait for someone else to do it for you. Speak up and speak now. You deserve to be heard.

Not only that, but your representatives deserve to hear from you. They must hear from both sides on this vital national question.

While you are doing that, I promise you that I will be doing everything I can at my end to see that a spirit of candor, fair play and conciliation prevails between the Capitol, the courts and the White House.

Together, I am convinced that we can emerge from this painful experience as a strong, united people, with a renewed faith in our President and our political system.

OUR NATION SALUTES THE CITY OF PASSAIC, STATE OF NEW JERSEY, ON ITS CENTENNIAL CELEBRATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ROE. Mr. Speaker, during 1973 the city of Passaic of my Eighth Congressional District, State of New Jersey is observing the 100th centennial anniversary of its birth as a city incorporated under the laws of the New Jersey State legislature. It is indeed an historic event in our State and Nation's history and I ask you and my colleagues here in the Congress to join with me in observance of this centennial with a special salute to the Honorable Gerald Goldman, the distinguished mayor of Passaic, and to the honorable Emil Olszowy, an esteemed member of the governing body and the general chairman of the Passaic Centennial Committee, extending our best wishes to the citizens and governing officials of one of the most industrialized urban communities in America, which is my singular great honor to represent here in the Congress.

The city of Passaic is steeped in the history of the early settlers of our country and as we celebrate this 100-year milestone of its existence as a city incorporated under the laws of New Jersey, we can look back with awe and respect for the spirit and achievements of its people in meeting the great challenges of the 19th and 20th centuries in urban America. Comprised of 3.26 square miles, located 12 miles west of New York City along the Passaic River, in the heart of the northeastern metropolitan region of our country, it has experienced the enormous growing pains of the occupation of people and the massive development that has occurred since man first started harnessing its technology and scientific knowhow in industry for the production of goods and the building of America's leadership position and preeminence in international marketplaces throughout the world. Many historians relate the story of Passaic as the birthplace of television with its principal industries, in addition to televison, enumerated as rubber materials, cables, plastics, clothing, food, aircraft components, machinery, and research.

The city of Passaic has indeed flourished under the government of its people to achieve distinction in the laboratory of America's beginnings as a most attractive and good place to live. In 1873, Dr. Benjamin B. Aycrigg was appointed the first mayor of the city succeeding the former executive officer of the people of this area, the Honorable Richard A. Terhune, who was president of Passaic when it was organized as a village in our governmental structure. The governing officials of the first and succeeding administrations of the city of Passaic have unstintingly and assiduously served our people in promoting and providing essential public services in pursuit of the health, happiness, safety, and well-being of all of its citizens, and I know you will want to join with me in a hearty tribute to all of their good works as well as our most sincere commendation and best wishes to the present public officials who administer the affairs of Passaic. The current roster of Passaic's eminent administrators is as follows:

The Honorable—

Gerald Goldman, Mayor; Peter Bruce, Council President; Dr. Estelle F. Greenberg, Councilwoman; Robert Hare, Councilman; Fred J. Kuren, Councilman; Emil Olszowy, Councilman; Marge Semler, Councilwoman; and Herbert M. Sorkin, Councilman.

Edward Ancuacis, Tax Collector; Nat Baron, Department of Recreation; George Carter, Purchasing Agent; Elias Drazin, Department of Inspections; Peter Frungello, Director of Welfare; Judge Dominick Giordano, Municipal Judge; Charles Gregory, Acting Tax Assessor; Ken Hill, Chief of Police; Senator Joseph Hirkala, Deputy Clerk; Lewis Jaffe, Fire Chief; Joseph Kane, Health Department; Anthony Martini, Clerk; Anthony Porretta, Department of Public Works; Ralph Sandor, Engineer; and Albin T. Wolak, Treasurer.

Mr. Speaker, to understand the present, we must understand the past and in order to acquaint you with the historic beginnings of the city of Passaic, I respectfully request your permission to enter at this point in the Record some excerpts from a booklet entitled "Passaic, New Jersey" prepared in June 1966 by the Jerseymen of Passaic High School which will provide you with an insight of the way of life in the early days and comprehensive background information on the people who contributed to the building of the city of Passaic and the history of America. Excerpts from this booklet on Passaic's history are as follows:

> The land which Passaic occupies was originally a camping ground for the Lenni-Lenape Indians. New Jersey was claimed by the English as part of Virginia, but the Passaic area was settled by the Dutch.
>
> On April 4, 1678, Hartman Michaelse (or Vreeland) bought Dundee Island from the Indians for a bottle of rum, thereby becoming the first settler in the area. Michaelse started a fur trading post, and perfected his title to the land by receiving patents from the Dutch Lords Proprietors for "one fatt hen" as quitrent. The area was named Acquackanonk Landing until 1854, when the name Passaic (meaning peaceful) was adopted . . .
>
> The early settlers divided Acquackanonk into 28 farms, leaving 13 acres for a church. Religious services were begun in 1682, but no church building was constructed until 1693, when the Dutch Low Reformed Church was built. The church property was leased for the purpose of raising money to pay the minister's salary . . .
>
> Robert Drummond was the first merchant in Passaic, owning a general store. "Big business" came to Passaic in the form of Abraham "Brom" Ackerman, who believed that there is good money in real estate. Ackerman built an extensive line of docks on the Passaic River which he ultimately sold to John Ryerson and Aaron Van Houten . . .
>
> Many men whose names are familiar in Passaic were merchants—John Nutley, William Spear, Adolph Van Winkle, John Post, Cornelius Vreeland, Adrian Van Houten, and Samuel Van Saun . . .
>
> Acquackanonk existed for fifty years without a physician; the first one was Jacob Arents, who came from Germany in 1707. John DeVausne was the first resident doctor. Prices were low, a doctor's visit cost, at most, fifty cents.
>
> A free dispensary was begun in Passaic in 1891. Through the gifts of Miss Susan Palmer and Mrs. Joseph Hegeman in 1892, land comprising 70 city lots was secured for the purpose of building a hospital between Boulevard and Lafayette Avenue. The hospital, with endowments of $300,000, was built with a capacity of 47 patients.
>
> In August, 1895, St. Mary's Hospital was chartered. Reverend J. A. Sheppard purchased the building on Pennington Avenue, arousing the ire of the neighbors, who objected to a hospital in their vicinity. Nevertheless, the hospital opened on November 8, 1898. Beth Israel Hospital was opened on Madison Street in March, 1927. The hospital is now located on Parker Avenue in an up-todate building . . .
>
> The first official road in Passaic was the Paterson and Hamburgh Turnpike Road which led from Acquackanonk Landing to Deckertown. Constructed in 1809, the road had toll houses, and it was used by several stage coach lines. The Erie Railroad put the

highway out of business, and it became Main Avenue. Before the construction of the log-base Paterson and New York Plank Road in 1860, the only way to New York City was by boat via Newark. . .

In the middle of the nineteenth century, Passaic was a small town, filled with pre-Revolutionary War buildings, Streets, also, were different. Loveland (Passaic Street!) had only three buildings. Washington Place was a daisy field; East Main Avenue was called Cow Path; and Main Avenue was a muddy lane. There was only one public school, and no banks or sidewalks. . .

No history of the city would be complete without some mention of Passaic industries. In 1735, Stephen Basset established a tannery here, the first manufacturing industry in the state. Aside from a few mills, this tannery was the only Passaic industry until it ceased production in 1845. James Shepard opened a bleachery in 1813; it was located on the Weasel Brook, Acquackanonk, just outside the city limits.

Passaic became an industrial center for the following reasons: it had an ideal location, the railroads facilitated transportation, and the canal and river supplied water and aided navigation.

The largest industry was the textile industry. The early magnates of that industry were Peter Reid and Henry A. Barry. The Botany Worsted Mills began production in 1889. During the First World War, the Botany Company employed 6,850 people. In 1904, Julius Forstmann opened the Forstmann and Huffmann Company. The earliest textile mill in Passaic was the Passaic Print Works, founded by W. S. Locke in 1873. Unfortunately, all the Passaic textile industries have now left the city and population has decreased. . .

Outstanding companies were Okonite Mills established in 1888, (insulated wires), Pantasote Leather Company (artificial leather—"more beautiful and lasting than natural leather"), Paterson Parchment Paper Company, and Manhattan Rubber Manufacturing Company. . .

The growth of industry in Passaic called for banking institutions; and from 1869 to 1886 unsuccessful attempts were made to establish a bank. Passaic residents had to do their banking in New York or in Paterson. The Panic of 1873 helped check the movement for banking in town.

In 1886, Robert D. Kent organized the Passaic National Bank. The city's second bank, the State Trust and Safe Deposit Company opened in 1890. It later became the People's Bank and Trust Company. . . .

Mr. Speaker, the city of Passaic, as is typical of many of our highly industrialized communities born in America's cradle of industry, is presently being whiplashed by the wake of the catapult of development that accompanies the expansion and relocation of industry out of the city to seek larger quarters elsewhere. The people of Passaic are presently recuperating from the loss of two substantial national manufacturing companies who closed their doors and created a serious unemployment situation.

In reviewing Passaic's 100 years of urban experience, and contemplating the future of Passaic, the highly prestigious newspaper of Passaic-Clifton, the Herald News, provided capsule reports and statements of many leading citizens of Passaic in their Passaic centennial edition of July 30, 1973. The overwhelming enthusiasm and energetic efforts of all of the people of Passaic who have contributed and continue to contribute their lifetime endeavors towards the preservation and enhancement of their rich heritage are eloquently depicted in these statements. The following excerpt from the Herald News "Passaic Centennial Edition" of the statement made by the Passaic Centennial Committee is submitted herewith to be forever lastingly etched in our historic journal of Congress, as follows:

A City With a Proud Past—and a More Promising Future

One good century deserves another! On this occasion of the 100th Birthday celebration, Passaic looks forward to its Downtown Renewal Project.

With improved new public facilities, new housing, renewal of commercial and industrial areas, the future is indeed promising. Focusing on better community understanding, progressive educational techniques, we eagerly look ahead to a better tomorrow for the entire community.

The Passaic Centennial Committee is comprised of many highly reputable and leading citizens of our community who have been proudly and busily working with residents of the community in formulating patriotic, religious, and civic programs throughout the city in celebration of this historical event. The members of the committee are as follows:

Passaic Centennial

CHAIRMEN

Emil Olszowy, General Chairman.

Martin Fried, Arts and Sciences.

William Field, Contest.

Dr. Estelle Greenberg, History.

Dante Mecca, Carnival.

Joseph Bloomfield, Speakers Bureau.

Fr. Dan Noonan, Religious Affairs.

John Wojtowicz, Jr., Coordinator.

Carmen Russo, Antique Car Show.

William Coffey and George Coronato, Parade.

Edward M. Kudla, Special Events.

Dan Ryan, Junior Olympics.

Joan Scancarella, Publicity.

Richard O'Brien, Finance.

Joseph Giordano, Picnic.

COMMITTEE

Charles Andienszky, Angel Aponte, Jack Baker, Mrs. Albert Barowitz, Helen Billack, Mary Billack, Joseph Braunstein, Julius Bressolur, Peter Bruce, Frank Cannata, Mary Catena, Andrew Celmar, Alice Cerasia, Francis Cinnamon, Bertha Clark, Ralph A. Cone, Lorenzo Copeles, Comm. Wm. B. Cruise, James DeBiase, Walter Demarest, Pedro Diaz, Leon Ehrlich, Donald Farinella, Andrew Farmiga, Rene Feliciano, Tom Gamble, Peter Garbera, Georgia Gardner, Frank Giacomarro, Antoinette Giaconia, Rosemarie Giordano, Robert Goldberg, and Stanley Gradzki.

Harry Greenwald, Adrey Havriliak, Merlene Hayden, Ann Holster, Bob Holster, David Hotzman, Edward Jackson, Vinnie Jasper, Alan Juszcyk, Marie Knapp, Gregory Komeshok, Harold Kramer, Elizabeth Kuhlwilm, Phyllis Kuren, Jean Lazur, Arthur R. Lepow, Charles Locker, Gene LoPresti, Ken Lutzker, Jane Mandelbaum, Skippy Manney, Adeline Miller, Doris Miller, David Minsky, Mrs. Martin T. Moran, Samuel Nadel, Ivan Nelson, Charles Page, Mattie Mizenko, Ronald Olszowy, Katherine Peck, Bart Plescia, and M/M J. Pojanowski, Jr.

Marian Race, Luis Ramos, Jack Reynolds, Joanna Reynolds, Rolin Rodriguez, Col. John Roosma, Mrs. A. D. Rosenberg, Dr. M. H. Saffron, Thomas Schear, Mrs. A. E. Schefrin, Samuel Schultz, Mrs. John Sciranka, William Sruggs, Joseph Sefchik, Vincent Seminara, Dr. A. F. Senaldi, Dr. James Shenton, Marilyn Sniatkowski, Arthur Sparaga, Rev. Donald Steinle, Albin J. Stolarik, David Streit, Marjorie Swartz, Dary Tencza, Joyce Tencza, Walter Tencza, Mrs. Pat Trawinski, Rosemarie Trentacoste, Frances Vill'Neuve, Lee Wagner, Jerry Wallace, Arthur Walls, and Joseph Weiss.

Mr. Speaker, with the greatest admiration and respect I am pleased to commend to you and our colleagues these highly respected community leaders. A massive reconstruction and revitalization program is being fostered by the governing officials and citizens of Passaic with the undaunted spirit and determination indigenous to the people of America. I know you will want to join with me in extending the heartiest congratulations of the Congress and best wishes to the good people of the city of Passaic during the 1973 celebration of their 100th anniversary. We do indeed salute the city of Passaic and all of its citizens as we observe and commemorate this first century of progress and look ahead with them to the second century of opportunity which is indeed a great challenge not only for the people of Passaic, but all of urban America.

COX FIRING HELD ILLEGAL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. WALDIE. Mr. Speaker, 2 weeks ago, Senator Moss, Representative Abzug, and myself joined as plaintiffs in a suit asking that the dismissal of Special Prosecutor Archibald Cox be declared illegal. It was our contention that President Nixon's directive to Acting Attorney General Bork to fire Mr. Cox, and then Mr. Bork's carrying out of that directive, were actions contrary to Justice Department regulations that stated quite clearly that the special prosecutor could only be removed for "extraordinary improprieties."

No such contention of impropriety was ever made by the President or Mr. Bork and, therefore, we believed that the firing was illegal.

Our view was confirmed earlier today when U.S. District Judge Gerhard A. Gesell declared the Cox firing to be illegal.

It is my belief, Mr. Speaker, that this decision has quite important ramifications for the Congress as it debates the issue of impeachment. I have charged the President with obstruction of justice in the impeachment resolution which I introduced in the House of Representatives on October 23 for myself and 30 cosponsors. We now have a court decision holding that the dismissal of Mr. Cox was illegal—and, therefore, it is clear that my charges of obstruction of justice have been given added credence.

Mr. Speaker, because of the overriding importance of this court decision, I now insert its full text into the Record:

[In the U.S. District Court for the District of Columbia]

Memorandum

Ralph Nader, Senator Frank E. Moss, Representative Bella S. Abzug, and Representative Jerome R. Waldie, Plaintiffs, v. Robert H. Bork, Acting Attorney General of the United States, Defendant. Civil Action No. 1954–73.

This is a declaratory judgment and injunction action arising out of the discharge of Archibald Cox from the office of Watergate Special Prosecutor. Defendant Robert H. Bork was the Acting Attorney General who discharged Mr. Cox. Plaintiffs named in the Amended Complaint are as listed above.

Some issues have already been decided. The matter first came before the Court on plaintiff's motion for preliminary injunction and a request that the trial of the action on the merits be consolidated with the preliminary injunction pursuant to Rule 5(a) of the Federal Rules of Civil Procedure. Defendant filed opposition papers, and a hearing was held on the detailed affidavits and briefs filed by the parties. The Court determined that the case was in proper posture for a determination on the merits at that time.

All injunctive relief requested in the proposed preliminary injunction tendered at the hearing and in the Amended Complaint was denied from the bench. The effect of the injunctions sought would have been to reinstate Mr. Cox as Watergate Special Prosecutor and to halt the Watergate investigation until he had reassumed control. It appeared to the Court that Mr. Cox's participation in this case was required before such relief could be granted. *See* Rule 19(a) of the Federal Rules of Civil Procedure. Yet Mr. Cox has not entered into this litigation, nor has he otherwise sought to be reinstated as Special Prosecutor. On the contrary, his return to prior duties at Harvard has been publicly announced. Moreover, a new Watergate Special Prosecutor was sworn in on November 5, 1973, and the Court felt that the public interest would not be served by placing any restrictions upon his on-going investigation of Watergate-related matters.

Plaintiffs continue to press for a declaratory judgment on the only remaining issue to be resolved: the legality of the discharge of Mr. Cox and of the temporary abolition of the Office of Watergate Special Prosecutor. To this end, it must initially be determined whether plantiffs have standing and whether a justiciable controversy still exists.

Defendant Bork contends that the congressional plaintiffs lack standing[1] and that the controversy is moot. This position is without merit. The discharge of Mr. Cox precipitated a widespread concern, if not lack of confidence, in the administration of justice. Numerous bills are pending in the Senate and House of Representatives which attempt to insulate the Watergate inquiries and prosecutions from Executive interference, and impeachment of the President because of his alleged role in the Watergate matter—including the firing of Mr. Cox—is under active consideration.[2] Given these unusual circumstances, the standing of the three congressional plaintiffs to pursue their effort to obtain a judicial determination as to the legality of the Cox discharge falls squarely within the recent holding of the United States Court of Appeals for the District of Columbia Circuit in *Mitchell* v. *Laird*, No. 71–1510 (D.C. Cir. March 20, 1973). Faced with a challenge by a group of congressmen to the legality of the Indo-China War, the Court recognized standing in the following forceful terms:

"If we, for the moment, assume that defendants' actions in continuing the hostilities in Indo-China were or are beyond the authority conferred upon them by the Constitution, a declaration to that effect would bear upon the duties of plaintiffs to consider whether to impeach defendants, and upon plaintiffs' quite distinct and different duties to make appropriations to support the hostilities, such as raising an army or enacting other civil or criminal legislation. In our view, these considerations are sufficient to give plaintiffs a standing to make their complaint. . . ."

Id. at 4.

Unable to distinguish this holding, defendant Bork suggests that the instant case has been mooted by subsequent events and that the Court as a discretionary matter should refuse to rule on the legality of the Cox discharge. This view of the matter is more academic than realistic, and fails to recognize the insistent demand for some degree of certainty with regard to these distressing events which have engendered considerable public distrust of government. There is a pressing need to declare a rule of law that will give guidance for future conduct with regard to the Watergate inquiry.

While it is perfectly true that the importance of the question presented cannot alone save a case from mootness, *Marchand* v. *Director, United States Probation Office*, 421 F. 2d 331, 333 (1st Cir. 1970), the congressional plaintiffs before the Court have a substantial and continuing interest in this litigation. It is an undisputed fact that pending legislation may be affected by the outcome of this dispute and that the challenged conduct of the defendant could be repeated with regard to the new Watergate Special Prosecutor if he presses too hard,[3] an event which would undoubtedly prompt further congressional action. This situation not only saves the case from mootness, *see United States* v. *Concentrated Phosphate Export Assoc.*, 393 U.S. 199, 203–04 (1968); *Friend* v. *United States*, 388 F. 2d 579 (D.C. Cir. 1957), but forces decision. The Court has before it an issue that is far from speculative and a strong showing has been made that judicial determination of that issue is required by the public interest. Under these circumstances, it would be an abuse of discretion not to act.

Turning then to the merits, the facts are not in dispute and must be briefly stated to place the legal discussion in the proper context.

The duties and responsibilities of the Office of Watergate Special Prosecutor were set forth in a formal Department of Justice regulation,[4] as authorized by statute.[5] This regulation gave the Watergate Special Prosecutor very broad power to investigate and prosecute offenses arising out of the Watergate break-in, the 1972 Presidential election, and allegations involving the President, members of the White House staff or presidential appointees. Specifically, he was charged with responsibility to conduct court proceedings and to determine whether or not to contest assertions of Executive privilege. He was to remain in office until a date mutually agreed upon between the Attorney General and himself, and it was provided that "The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

On the same day that this regulation was promulgated, Archibald Cox was designated as Watergate Special Prosecutor.[6] Less than four months later, Mr. Cox was fired by defendant Bork. It is freely admitted that he was not discharged for an extraordinary impropriety.[7] Instead, Mr. Cox was discharged on the order of the President because he was insisting upon White House compliance with a Court Order which was no longer subject to further judicial review. After the Attorney General had resigned rather than fire Mr. Cox on this ground and the Deputy Attorney General had been discharged for refusing to do so, defendant Bork formally dismissed Mr. Cox on October 20, 1973, sending the following letter:[8]

"DEAR Mr. COX: As provided by Title 28, Section 508(b) of the United States Code and Title 28, Section 0.132(a) of the Code of Federal Regulations, I have today assumed the duties of Acting Attorney General.

"In that capacity I am, as instructed by the President, discharging you, effective at once, from your position as Special Prosecutor, Watergate Special Prosecution Force.

"Very truly yours,

"ROBERT H. BORK,
"Acting Attorney General."

Thereafter, on October 23, Mr. Bork rescinded the underlying Watergate Special Prosecutor regulation, retroactively, effective as of October 21.[9]

The issues presented for declaratory judgment are whether Mr. Cox was lawfully discharged by defendant on October 20, while the regulation was still in existence, and, if not, whether the subsequent cancellation of the regulation lawfully accomplished his discharge. Both suppositions will be considered.

It should first be noted that Mr. Cox was not nominated by the President and did not serve at the President's pleasure. As an appointee of the Attorney General,[10] Mr. Cox served subject to congressional rather than Presidential control. *See Myers* v. *United States*, 272 U.S. 52 (1926). The Attorney General derived his authority to hire Mr. Cox and to fix his term of service from various Acts of Congress.[11] Congress therefore had the power directly to limit the circumstances under which Mr. Cox could be discharged, *see United States* v. *Perkins*, 116 U.S. 483 (1886), and to delegate that power to the Attorney General, *see Service* v. *Dulles*, 354 U.S. 363 (1957). Had no such limitations been issued, the Attorney General would have had the authority to fire Mr. Cox at any time and for any reason. However, he chose to limit his own authority in this regard by promulgating the Watergate Special Prosecutor regulation previously described. It is settled beyond dispute that under such circumstances an agency regulation has the force and effect of law, and is binding upon the body that issues it. *Accardi* v. *Shaughnessy*, 347 U.S. 260 (1954) (*"Accardi I"*); *Bonita* v. *Wirtz* 369 F.2d 208 (D.C. Cir. 1966); *American Broadcasting Co.* v. *F.T.C.*, 179 F.2d 437 (D.C. Cir. 1949); *United States* v. *Chapman*, 179 F. Supp. 447 (E.D. N.Y. 1959). As the Ninth Circuit observed in *United States* v. *Short*, 240 F.2d 292, 298 (9th Cir. 1956):

"An administrative regulation promulgated within the authority granted by statute has the force of law and will be given full effect by the courts."

Even more directly on point, the Supreme Court has twice held that an Executive department may not discharge one of its officers in a manner inconsistent with its own regulations concerning such discharge. *See Vitarelli* v. *Seaton*, 359 U.S. 535 (1959); *Service* v. *Dulles*, *supra*. The firing of Archibald Cox in the absence of a finding of extraordinary impropriety was in clear violation of an existing Justice Department regulation having the force of law and was therefore illegal.

Defendant suggests that, even if Mr. Cox's discharge had been unlawful on October 20, the subsequent abolition of the Office of Watergate Special Prosecutor was legal and effectively discharged Mr. Cox at that time. This contention is also without merit. It is true that an agency has wide discretion in amending or revoking its regulations. *United States* v. *O'Brien*, 391 U.S. 367, 380 (1968). However, we are once again confronted with a situation in which the Attorney General voluntarily limited his otherwise broad authority. The instant regulation contains within its own terms a provision that the Watergate Special Prosecutor (as opposed to any particular occupant of that office) will continue to carry out his responsibilities until he consents to the termination of that assignment.[12] This clause can only be read as a bar to the total abolition of the Office of Watergate Special Prosecutor without the Special Prosecutor's consent, and the Court sees no reason why the Attorney General cannot by regulation impose such a limitation upon himself and his successors.

Even if the Court were to hold otherwise,

Footnotes at end of article.

however, it could not conclude that the defendant's Order of October 23 revoking the regulation was legal. An agency's power to revoke its regulations is not unlimited—such action must be neither arbitrary nor unreasonable. *Kelly* v. *United States Dept. of Interior*, 339 F. Supp. 1095, 1100 (E.D. Cal. 1972). *Cf. Grain Elevator, Flour and Feed Mill Workers* v. *N.L.R.B.*, 376 F.2d 774 (D.C. Cir.), *cert. denied*, 389 U.S. 932 (1967); *Morrison Mill Co.* v. *Freeman*, 365 F.2d 525 (D.C. Cir. 1966), *cert. denied*, 385 U.S. 1024 (1967.) In the instant case, the defendant abolished the Office of Watergate Special Prosecutor on October 23, and reinstated it less than three weeks later under a virtually identical regulation.[13] It is clear that this turnabout was simply a ruse to permit the discharge of Mr. Cox without otherwise affecting the Office of the Special Prosecutor—a result which could not legally have been accomplished while the regulation was in effect under the circumstances presented in this case. Defendant's Order revoking the original regulation was therefore arbitrary and unreasonable, and must be held to have been without force or effect.

These conclusions do not necessarily indicate that defendant's recent actions in appointing a new Watergate Special Prosecutor are themselves illegal, since Mr. Cox's evident decision not to seek reinstatement necessitated the prompt appointment of a successor to carry on the important work in which Mr. Cox had been engaged. But that fact does not cure past illegalities, for nothing in Mr. Cox's behavior as of October 23 amounted to an extraordinary impropriety, constituted consent to the abolition of his office, or provided defendant with a reasonable basis for such abolition.

Plaintiffs have emphasized that over and beyond these authorities the Acting Attorney General was prevented from firing Mr. Cox by the explicit and detailed commitments given to the Senate, at the time of Mr. Richardson's confirmation, when the precise terms of the regulation designed to assure Mr. Cox's independence were hammered out. Whatever may be the moral or political implications of the President's decision to disregard those commitments, they do not alter the fact that the commitments had no legal effect. Mr. Cox's position was not made subject to Senate confirmation, nor did Congress legislate to prevent illegal or arbitrary action affecting the independence of the Watergate Special Prosecutor.

The Court recognizes that this case emanates in part from congressional concern as to how best to prevent future Executive interference with the Watergate investigation. Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular Court. As Judge Learned Hand warned in *United States* v. *Marzano*, 149 F. 2d 923, 926 (1945):

"Prosecution and judgment are two quite separate functions in the administration of justice; they must not merge."

This Memorandum contains the Court's findings of fact and conclusions of law. The rulings made are set out in the attached Final Order and Declaratory Judgment.

Gerhard A. Gesell,
U.S. District Judge.

November 14, 1973.

FOOTNOTES

[1] At the injunction hearing, the Court dismissed Mr. Nader as a plaintiff from the bench, it being abundantly clear that he had no legal right to pursue these claims. *Flast* v. *Cohen*, 392 U.S. 83, 102 (1968).

[2] Referring to various bills pending in the Senate, Senator Moss stated, "I am severely hampered in my ability to discharge my duties because of uncertainty which exists with respect to the legality of Special Prosecutor Cox's dismissal and the abolition of his office." Affidavit of Senator Frank E. Moss, dated October 29, 1973. Congressman Waldie is a member of the House Judiciary Committee and both he and Congresswoman Abzug have introduced resolutions calling for the impeachment of the President because of the Cox dismissal and other matters.

[3] The regulation from which the present Watergate Special Prosecutor, Mr. Leon Jaworski, derives his authority and his independence from the Executive branch is virtually identical to the original regulation at issue in this case. *See* note 13 *infra*. It is therefore particularly desirable to enunciate the rule of law applicable if attempts are made to discharge him.

[4] 38 F.R. 14688 (June 4, 1973). The terms of this regulation were developed after negotiations with the Senate Judiciary Committee and were submitted to the Committee during its hearings on the nomination of Elliot Richardson for Attorney General. Hearings Before the Senate Comm. on the Judiciary, 93rd Cong., 1st Sess. 144–46 (1973).

[5] *See* 5 U.S.C. § 301.

[6] Justice Department Internal Order 518–73 (May 31, 1973).

[7] *See* Defendant's Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction, at 13.

[8] Exhibit 12 to the Affidavit of W. Thomas Jacks.

[9] 38 F.R. 29466 (Oct. 23, 1973).

[10] *See* 38 F.R. 14688 (June 4, 1973).

[11] 5 U.S.C. § 301; 28 U.S.C. §§ 509–10.

[12] *See* 38 F.R. 14688 (June 4, 1973): "The Special Prosecutor will carry out these responsibilities with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself."

[13] The two regulations are identical, except for a single addition to the new regulation which provides that the Special Prosecutor may not even be discharged for extraordinary improprieties unless the President determines that it is the "consensus" of certain specified congressional leaders that discharge is appropriate. *Compare* 38 F.R. 30738 (Nov. 9, 1973) *with* 38 F.R. 14688 (June 4, 1973).

[In the U.S. District Court for the District of Columbia]

Final Order and Declaratory Judgment

Ralph Nader, Senator Frank E. Moss, Representative Bella S. Abzug, and Representative Jerome R. Waldie, Plaintiffs, v. Robert H. Bork, Acting Attorney General of the United States, Defendant. Civil Action No. 1954–73.

On the basis of findings of fact and conclusions of law set forth in an accompanying Memorandum filed this day, it is hereby ordered and decreed that:

(1) Plaintiff's motion for leave to file an Amended Complaint and add additional plaintiffs is granted.

(2) Plaintiff's motion for preliminary injunction is denied, and the trial of the action on the merits is advanced and consolidated with the hearing on said motion.

(3) Mr. Ralph Nader is dismissed as plaintiff for lack of standing.

(4) All injunctions prayed for in the Amended Complaint are denied.

(5) The Court declares that Archibald Cox, appointed Watergate Special Prosecutor pursuant to 28 C.F.R. § 0.37 (1973), was illegally discharged from that office.

Leland A. Green,
U.S. District Judge.

November 14, 1973.

PRESIDENT DENT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ERLENBORN. Mr. Speaker, for many weeks now, I have been trying to get the attention of the chairman of the General Subcommittee on Labor (Mr. Dent) about a minimum wage bill, but he has turned a deaf ear on this subject.

If you will pardon my French, perhaps he'll get the message in song:

Président Dent, Président Dent,
Acoutez-vous? Acoutez-vous?
Nous desirons une seance,
Pour des salaries minimum,
Pourquoi pas maintenant?
Pourquoi pas maintenant?

Translated into English, very loosely, of course, the message is:

Are you listening, are you listening,
Chairman Dent, Chairman Dent?
We desire a meeting,
About minimum wages,
Why not now? Why not now?

THE METRIC SYSTEM

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. McCLORY. Mr. Speaker, with the advent of legislation to help coordinate the present drift of our Nation to the metric system of measurement, it is appropriate to inform the people of this country about some of the issues facing the passage of the legislation.

At the present time, in the House of Representatives the administration's metric bill (H.R. 11035) is locked up in the House Rules Committee.

Fortunately, while we have not officially, through Government sponsorship, started conversion, many sectors of the country have begun voluntarily to convert to the metric system. In fact, the optical, photographic, and pharmaceutical industries made the switch some years ago.

This country is going metric at an ever increasing rate with or without Federal legislation. The main argument for Federal legislation is that it will cost less to change to metric following a careful, coordinated plan than to continue our present drift. The Secretary of Commerce recommended 2 years ago that we change to the international metric system deliberately and carefully; the changeover to be a voluntary one to predominant metric usage; and that the changeover costs should "lie where they fall," which means that they will be borne by those benefiting from the changeover.

The trade posture of the United States suffers enough as it is without imposing such problems such as those associated with this country not using metric measurement, which is the language of measurement of most of the world.

The countries of the world that have not begun conversion to the metric system of measurement include: Barbados, Burma, Gambia, Jamaica, Liberia, Nauru, Sierra Leone, Tonga, Yemen Arab Republic, Yemen People's Republic, and the United States of America.

In this regard, an excellent point is made by J. Bryan Adair in his article "Texans and the Metric System," which was published recently—June 1973—in the Texas Business Review:

> Of the top six major free-world trading nations, only the four using the metric systems for the entire period [1962–1969] increased their world market shares, with the United States and Britain experiencing declines (p. 130).

He also noted that historically countries using the metric system have made "heavy inroads on the American share of free-world trade."

Mr. Adair notes:

> The loss of export trade experienced by Texas primary metals and machinery industries solely as a result of the presently used measurement system is estimated at over $15 million per year at the present rate. The entire cost of metrication to Texas industry could be covered in less than 30 years by the savings in those two industries alone. Further, metrication will give Texas industry as a whole vast opportunities in foreign trade. The disadvantage in foreign trade will increase in the future unless this country adopts the metric system, particularly since many of our primary trading partners are forming trade alliances with other metric countries (p. 133).

What kind of conversion is now underway in this country? The Secretary of Commerce reports that—

First, many corporations have announced plans to go metric, for example, IBM, General Motors, Xerox, Caterpillar Tractor, Honeywell, Ford, International Harvester, Timken Roller Bearing, and so forth;

Second, the Nation's schools are increasingly teaching the metric system of measurement. The States of California and Maryland have formally announced conversion plans for their schools;

Third, several States have metric legislation under consideration by their legislatures and several have formed metric commissions. The California State Division of Oil and Gas recently announced a change to sole use of metric. Road signs giving distances and/or speed limits in both metric and customary units are appearing in several States;

Fourth, many key trade associations have adopted prometric resolutions. These include the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Education Association, the American Home Economics Association, the National Grange, and the American Institute of Architects;

Fifth, the National Park Service recently announced plans to add metric designations to all of its signs bearing weights or measures as an aid to foreign visitors; and

Sixth, the military is now metric as are most of its suppliers.

Mr. Speaker, it is clear that the Nation and its more progressive segments are not waiting for our plodding governmental machinery to catch up. They have taken the initiative to act upon themselves, much to their credit.

I think that it is appropriate now to look at some of the reasons why metric legislation is now being held up in the House of Representatives and what groups are actively seeking to achieve special monetary provisions.

As evidenced by hearings held by the Senate Commerce Committee—November 2, 1973—two groups are out to gain special favor. These two groups are the American Federation of Labor and Congress of Industrial Organizations—AFL–CIO—and the National Federation of Independent Business.

The AFL–CIO is demanding that the Government provide compensation and adjustment assistance to workers for the cost of tools, the costs of educational retraining, and other conversion transition costs, including relocation, job loss, downgrading, and loss of income or promotion opportunities as a result of workers' lack of familiarity with the metric system.

The National Federation of Independent Business is seeking money and assistance from the taxpayer. The federation wants the Small Business Act to be amended so that it will "allow loans as the administration may determine to be necessary or appropriate to assist any small business concern to make changes in its equipment, facilities, methods of operations, or to retrain or educate its employees to conform to the national plan of metric conversion submitted under the Metric Conversion Act of 1973, if the administration determines that such concern is likely to suffer economic injury without assistance under this paragraph."

The AFL–CIO and the Federation of Independent Business are unnecessarily seeking aid. In fact, if they obtained the aid that they are seeking it may well destroy any Federal metric legislation. The fact that no other country in the world that has undergone conversion has found it necessary for such aid and let the costs fall where they may appears to have had little impact on the rather self-serving interests of these two groups. Any improvement in the economy of this great Nation brought about by metric conversion will only aid small business and giant labor, whereas the inability to convert in an orderly and deliberate manner with little or no costs will hurt both labor and small business. The reason for this is that without Federal legislation the undirected drift of metric conversion will almost certainly guarantee that conversion costs will be higher because of duplication of effort and other factors.

The Secretary of Commerce felt strongly enough about keeping Government cost factors low that he noted that the passage of the metric legislation without higher costs can only help the small businessman; that is, he will be able to make the necessary changes in a well-planned and thus more efficient way. In the U.S. Metric Study's report to Congress it was stated that small business is the segment of our business and industry that is in greatest need of a coordinated metrication plan. Big business and industry have the "technical, financial, and managerial resources for planning their own metric changeover and dealing with it over a long period. Small businesses do not possess such resources."

The impact upon small businesses by the voluntary conversion to the metric system now underway in the larger corporations is tremendous, especially when one considers that, for example, General Motors has approximately 40,000 supplying companies. As the larger companies voluntarily go metric, even without legislation, the small companies in order to survive will by necessity be compelled to go metric to meet competition and fill orders.

Why forfeit such beneficial legislation by asking for unreasonable handouts?

Information that we have from the Bureau of Standards indicates that among those companies that have already begun conversion to the metric system, the policy has been for the firms themselves to assume the costs of all tool and equipment replacement, even worker-owned tools. This is the policy of General Motors, Ford, Caterpillar Tractor, International Harvester, and Timken Roller Bearing to name a few. Therefore, the worker does not have to worry about replacement costs in the sense that it will cause him undue hardship. How many foreign car specialists do we have in the country today that already own and use metric tools?

The Bureau of Standards notes that the retraining of workers has not been a problem and it is not anticipated to be a problem in the future. For example, the pharmaceutical industry converted to the metric system 20 years ago and it reports that the retraining of its workers was easily accomplished, much easier than initially expected. Other firms that have already converted report similar experiences.

Moreover, the Bureau reports that workers will generally need to learn only a small part of the metric system and that that portion can be learned in a few hours. No special effort or formal training is necessary. For the most part, industry accepts the responsibility and costs of retraining their workers.

Mr. Speaker, in conclusion, conversion to the metric system of measurement can only help this country, its businesses, and its workers. It will in no way hinder our international trade posture or cause economic hardship to befall our tradesmen, small businessmen, and workers in our domestic sector. We want to make this country strong and viable in the international marketplace. Such strength abroad can only make us economically healthy at home. One way to assure ourselves of this prospect is to bring about conversion to the metric system. The United States cannot afford to go it alone with such partners as Yemen People's Republic, Nauru, and Tonga, good friends that they are. In order to even compete with such industrial nations as Japan and the Common Market countries, we have to use the same form of measurement they use. If we do not, they very simply will not buy our goods or trade with us. Exclusive metric markets are being formed now. Also, they will set the metric standards for the world and we will have little or nothing to say about it. We cannot afford to place ourselves in such a position.

NOVEMBER 19—DISCOVERY OF PUERTO RICO

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BADILLO. Mr. Speaker, on Monday, November 19, the people of Puerto Rico celebrate Discovery Day, the 480th anniversary of the discovery of the island by Columbus. History tells us that on his second voyage to the new world, Columbus spotted the island on November 19, 1493. The following day he and his companions went ashore at Cabo Rojo and spent 2 days there acquiring fresh water and other provisions and enjoying the beauty of the tropical climate, clear waters, and swaying palms. Among the members of the crew was Juan Ponce de León, who later became the island's first Governor and who is well known for his exploits in search of the legendary Fountain of Youth.

Puerto Rico has long taken deep pride in the celebration of this occasion, and those of us who reside on the mainland continue to share in the festivities. The date is widely observed in New York City schools and affords us an opportunity to reflect on our Spanish heritage and on the diversity of our culture. But although we do recall the many different traditions which came together to form the present Puerto Rican society, we also recognize the need for unity and a sense of common brotherhood.

While the occasion is a happy one, those of us who are looking toward the day when the Spanish speaking can take their place as full-fledged members of our society cannot help but remember that there is still a lot to be done. More than a decade of civil rights activities has still not solved the appalling statistics which show that Spanish-speaking Americans, along with other minority groups, continue to receive less than an equal share of opportunity in education, housing, economic progress, health, et cetera. The present administration points with pride to the 16-point program which has raised Federal employment of Spanish speaking two-tenths of 1 percent since its inception in 1969. The poverty program has gradually been dismantled, and our citizens have experienced an all-time high both in prices and in unemployment. When even the middle-class American is suffering, what, then, is happening to the poor in the barrios of the cities and in the rural areas of the Southwest, both of which are heavily populated by Spanish-speaking Americans? And what is happening on the island of Puerto Rico itself, where we find the greatest single concentration of Spanish-speaking Americans? According to the 1970 census, the median family income in Puerto Rico is $3,063; the median educational attainment is 6.9 years of schooling, compared to 12.1 years in the States, this in spite of the fact that the island devotes a greater portion of its total budget to education than any single State in the Union.

It is not my intention to detract from the spirit of this festivity by citing such discouraging figures. It is, rather, that I wish to stress the urgent nature of our problems and the need to act on them now. A lot has changed, both on the island and on the mainland, in the 480 years since that first recorded discovery. Columbus, if he were to come back to our shores today, would be amazed to find that we have built skyscrapers, designed airplanes, and extended our average life expectancy to beyond 70 years—more than double that of Europeans in the 15th century. But he might also be surprised to learn that we have not yet discovered a way to distribute these benefits equally to all segments of our population. Hopefully, we would explain that we are trying to approach our problems positively, that it is our firm intention to resolve the inequities we see around us.

On this date 20 years ago one of our greatest patriots, the then Gov. Luiz Muñoz Marín, delivered a moving speech over CBS radio describing the dramatic changes which have taken place on the island since its discovery by Columbus. Summing up the advances of a modern, technological society, he states:

> We think Columbus, if he were to return today, would understand what we are trying to do. We would explain it to him in the language of Queen Isabela, although we could also explain it in the language of Sir Francis Drake if Columbus had gotten around to learning it by this time. He would see, we believe, that we are explorers, too. Just as he was an explorer in geographic space, we are explorers in the ranges of improving man's stay on earth. We are trying to push ahead the frontiers of man's knowledge. We are trying to apply it not only to making a better living but, what is more important, to making a better life.
>
> We approach our multitudinous problems with courage born of the knowledge that we have traveled far on the rocky road. We face the future with the faith that man can and does rise above the pettiness of social position, racial differences, and local and personal economic interests to work for the common good.
>
> We believe that not only Columbus would understand. We believe that all Americans to the north and to the south of Puerto Rico, representing the two great cultures that meet and grow friendly in Puerto Rico—trail blazers both in their different ways—will also understand.

BUREAU OF RECLAMATION'S GARRISON DIVERSION PROJECT VIOLATES INTERNATIONAL LAW

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. VANIK. Mr. Speaker, yesterday, I commented on a North Dakota project of the Department of the Interior's Bureau of Reclamation known as the Garrison Diversion Unit.

This project is a financial and environmental nightmare. It is opposed by many of the farmers it is supposed to benefit—and now it is creating an international problem. The project is in clear violation of a 64-year-old international boundary water treaty as well as the world environmental agreement signed in Stockholm last year.

To explain in detail the type of damage this project is causing the Canadians, I would like to enter in the RECORD at this point the full text of a letter from the Canadian Government to the U.S. Government. In addition, I would like to include the letter of transmittal from the State Department to the Department of the Interior. As this letter indicates, the State Department views this as a very serious matter.

Mr. Speaker, we must not press ahead with this project in light of all the environmental and cost/benefit questions which have been raised. There is absolutely no justification for this project to proceed. The further we proceed, the more it will cost us to correct the damage and terminate the program—and it must be obvious to everyone now that we must and will terminate. I urge the Department of the Interior to order an immediate end to the Garrison Diversion Unit before any more good money is thrown away on this project. The letter follows:

DEPARTMENT OF STATE,
Washington, November 5, 1973.

HON. ROGERS C. B. MORTON,
Secretary of Interior.

DEAR ROG: The Canadian Embassy has delivered to the Department of State its enclosed Note, No. 432, dated October 23, 1973. This Note reiterates Canada's strong and consistent objection to any further development of the Garrison Diversion Unit in North Dakota which could result in degradation of waters flowing into Canada. This Note goes beyond Canada's prior expressions on the subject and urgently requests that the United States Government establish "a moratorium on all further construction of the Garrison Diversion Unit until such time as the United States and Canadian Governments can reach an understanding that Canadian rights and interests have been fully protected in accordance with the provisions of the Boundary Waters Treaty" between the United States and Canada.

Canada's position is consistent with that which the Department of State has taken in its communications and discussions of the Garrison project with the Bureau of Reclamation. We think that the obligation of the United States under the 1909 Boundary Waters Treaty should be very carefully weighed before further funds are expended on this project. The documentation delivered by Canada in support of its Note suggests that continuation of the Souris section of the project could result in pollution of waters crossing the boundary "to the injury of health and property" in Canada in contravention of our obligation under Article IV of the Boundary Waters Treaty.

I am aware that the Garrison Division Unit is a very large project and that substantial expenditures have already been made in connection with its construction. In view of Canada's protest, however, and the potential harm of continuation of the Souris portion of the project to our relations with Canada, we must give serious consideration to the Canadian request and to the circumstances and concerns which underlie it. To resolve this matter, I would like to suggest that officials of our departments meet, along with other interested U.S. agencies, as soon as possible in order to determine what action should be taken in response to the Canadian Note.

Sincerely,

KENNETH RUSH,
Acting Secretary.

NOTE No. 432

The Canadian Embassy presents its compliments to the Department of State and has the honour to refer its Notes No. 313 of October 19, 1971 and No. 35 of January 25, 1973, concerning the effect on water quality in the Souris River of the proposed Garrison Diversion Project in the State of North Dakota.

The Embassy reaffirms that the Government of Canada continues to be gravely concerned that return flows from the irrigation of land in the Souris Loop and areas adjacent to tributaries of the Red River will significantly and seriously degrade water quality in these two Rivers. The Government of Canada has concluded that based on studies conducted in both countries the proposal would run counter to the obligations assumed by the United States under Article IV of the Boundary Waters Treaty of 1909 that: ". . . waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other."

Studies have been undertaken in Canada that indicate that communities, such as Souris and Portage la Prairie, would be required either to seek alternative sources of water supply or undertake additional treatment of present water supplies drawn from the Souris and Assiniboine Rivers. The attachments to this Note contain more detailed explanations of the injury to property resulting from transboundary pollution likely to be incurred by these two Canadian municipalities. The Department of State will understand that the property damage values listed are indicative and minimum values and do not represent other injury to health or property that might be incurred. Such other injury by way of example would include: the unsuitability of the Souris return flows for irrigation purposes, and for various industrial uses including food processing; and adverse effects that may accrue to other downstream interests on both rivers from the Boundary to Lake Winnipeg. In short, options available to Canada for the use of the flows of these Rivers will be severely limited by the Garrison Division.

The Government of Canada is also mindful that on July 13, 1972 the Canadian Minister of Environment and the Chairman of the United States President's Council on Environmental Quality jointly reaffirmed their support for Principle 21 of the Declaration on Human Environment that:

"States have, in accordance with the charter of the United Nations and the principles of international law, responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond national jurisdiction."

The Department of State will recall that the group of Canadian and U.S. officials which was to consider alternatives to the present plans for the Garrison Diversion so as to protect Canadian interests, has met only once. No agreement could be reached as to the terms of reference for the group and thus no progress has been achieved through this mechanism.

The Government of Canada is confident the United States Government will recognize the need to avoid degradation of the water of the Souris River passing into Canada. Accordingly, the Government of Canada requests urgently that the Government of the United States establish a moratorium on all further construction of the Garrison Diversion Unit until such time as the United States and Canadian Governments can reach an understanding that Canadian rights and interests have been fully protected in accordance with the provisions of the Boundary Waters Treaty.

The Government of Canada looks forward to an early reply to this request. Further, the Government of Canada suggests that senior officials from both sides representing all interests meet quickly, following the establishment of a moratorium, to reach the understanding described above.

The Canadian Embassy avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

WASHINGTON, D.C., *October 23, 1973.*

ATTACHMENT 1

N.B.: It should be noted that the statement below is illustrative only. The figures quoted are preliminary engineering estimates and do not cover the entire range of possible injury to health and property.

The forecasted degradation in water quality of the Souris River would appear to be serious enough to force the town of Souris to seek an alternate supply source. The availability of an alternate source was investigated by the Manitoba Water Supply Board during 1970. Their investigations revealed a potential groundwater supply approximately 8 miles from the town. The capital costs of development of this source and providing treatment facilities for hardness reduction and iron removal was estimated to be 470,000 dollars. Current costs may well be in the order of 600,000 to 700,000 dollars.

Water suply for the city of Portage la Prairie will not be affected to the same extent as the town of Souris. The Souris River will be diluted by the Assiniboine River, which is the city's water supply source. The forecasted increases in hardness and total dissolved solids will increase water treatment costs. It currently costs Portage la Prairie approximately 25 cents per 1,000 gallons to treat its present water. Chemical costs for treatment make up the bulk of this figure. Poorer water quality in the Assiniboine River will require the use of larger quantities of chemicals to provide the current quality of finished water. An increased cost of 10–15 cents per 1,000 gallons would not appear to be unreasonable. Assuming a 15 cent per 1,000 gallon increase and a daily use of 1.5 million gallons the annual cost to the city would be: $82,125.

DEPARTMENT OF THE ENVIRONMENT.
OTTAWA.

GARRISON DIVERSION UNIT—SOURIS RIVER WATER DEGRADATION AS A RESULT OF IRRIGATION IN THE SOURIS LOOP

INTRODUCTION

On April 29, 1969 the Canadian Embassy in Washington, D.C. in a Note Verbale to the U.S. Department of State raised the matter of the Garrison Diversion, an irrigation project forming part of the Missouri River Basin Project, in order to determine if the possible effect on the quantity and quality of the Souris River waters flowing into Canada was being considered.

Since that time this matter has been the subject of several exchanges of notes between the Canadian Embassy and the U.S. State Department, and a matter of continuing concern to both the Canadian and U.S. governments.

The object of this paper is to outline the potential problems of water quality which the irrigation project will create, and give some assessment of the implications for Canada of a degradation of its water supply.

Adverse effects on water quality in the Souris River of irrigation return flow

(a) Increased Concentration of Total Dissolved Solids (TDS)

The Bureau of Reclamation Environmental Impact Statement indicated that there would be a substantial increase in TDS in Souris River flow as a result of the irrigation project. The applied irrigation water from the Missouri would contain approximately 540 mg/l of TDS, the waters of the Souris historically have a TDS concentration of 796 mg./l, the return flow from the irrigation project would have about 1522 mg/l of TDS, and the average TDS concentration of Souris River flow would jump to 1322 mg/l. The figures for Souris River quality are perhaps not completely indicative of the potential problems because quality varies considerably from season to season and from year to year.

The predicted TDS levels would undoubtedly affect municipal use of the Souris River. The study predicted major increases in calcium and magnesium concentrations. Since the town of Souris, Manitoba, treats river water with a process which replaces magnesium and calcium ions with sodium ions the total concentration of sodium in the town's drinking water would increase from 239 mg/l to 344 mg/l on the average. High sodium content is a potential health problem. Indeed, the water might even taste salty at times.

Such a dramatic alteration in the water supply would probably not be calmly accepted by the people in the area. The changes in the taste and laundering characteristics of the water would be too important to escape notice.

It should be noted too, that certain industries may be very sensitive to changes in water hardness. No surveys have been done which would indicate the immediate impact of water with a high TDS concentration, but such an increase could affect existing industrial users and would certainly be considered by industries planning to locate in the area.

(b) Soil Leaching During the Initial Phase

The Bureau of Reclamation proposes that during the initial stages of the project leaching water will be provided "to flush the soil profile." During the introduction of the irrigation project the report predicted TDS concentrations would be considerably higher than after equilibrium has been reached.

In the early years TDS concentrations in excess of 2000 mg/l can be expected in the return flows. This would result in extremely high TDS concentrations in the Souris unless the irrigation project was developed and expanded only gradually. The Bureau calculates that approximately 20 years would be required before equilibrium would be established. This problem serves to emphasize the concerns mentioned in (a) above.

(c) Increased Nutrient Levels

The Bureau apparently assumes 100% efficiency in the agricultural use of fertilizers. While it is true that farmers try to use fertilizers efficiently because of their high cost, studies indicate that 100% efficiency is not attained in practice. The Great Lake study found that 30–40% of nutrient pollution into the Great Lakes remained unaccounted for after the inclusion of all point sources. In Manitoba, a similar study of Lake Winnepeg found 70% of nutrient pollution was contributed by non-point sources; agricultural and urban run-off.

Nutrient loading of the Souris is already high, in part because of the many low dams and several duck reservations in North Dakota. Higher nutrient levels could result in increased plant and algae growth, thus complicating the task of municipal water treatment.

(d) Increased turbidity; increased temperatures

Canada expects that irrigation return flow will also have a higher concentration of suspended particulates than would be the natural flow, because of increased soil run-off. Because irrigation return waters are usually warmer than natural flows, algae and plant growth will be accelerated. Both of these conditions would add to problems of municipal water treatment and other uses.

(e) Possible Trace Metals

Some trace metals, if present, could make Souris River water useless for certain purposes. For example, the presence of boron would make the water unusable for irrigation.

The most critical use: Municipal water supply

The first use to be affected in the event of water quality degradation is the use of the water by municipalities for household and industrial purposes. For this reason alone, the water quality to be maintained in the Souris should be that quality which does not impose additional burdens on the municipality or its inhabitants. This means, in effect, that any degradation of water quality is unacceptable because TDS concentrations and nutrient levels are already high.

While the fact that municipal water supply is the most critical use is sufficient reason to insist that water quality not be lowered, other considerations are present as well. Should the town of Souris be required to find an alternative source for its municipal water supply, it would have to pipe in water from wells eight miles away. Other towns along the river such as Wawanesa are presently supplied by local wells but will want to resort to Souris River in the future if they grow and well water supplies become inadequate. In short, other sources of municipal water are prohibitively expensive and limited in volume.

It could be noted, too, that Article VIII of the Boundary Waters Treaty of 1909 explicitly gives domestic uses of water precedence over irrigation uses of water, a further indication that it would not be appropriate to have municipal water users suffer a decline in water quality on account of an irrigation project.

Restrictions on future use

While municipal use of water is undoubtedly most critical, there is a wide range of uses in industry, irrigation, and recreation (in Lake Winnipeg) which could be restricted, made more expensive or made impossible as a result of the proposed degradation of water quality.

This final consideration points up very clearly the broad basis for concern over this irrigation project.

Department of the Environment.
Ottawa.

VERMONT SETS AN EXAMPLE FOR NEW ENGLAND

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HARRINGTON. Mr. Speaker, unemployment and stagnation continue in many areas of New England, and in many of the industries on which New Englanders depend for jobs. This is in no way to imply that there is no growth in the area, or that every township is stagnant. In fact, many parts of the region are experiencing near-boom conditions. This prosperity, however, usually depends on the entry of new industry, or on the shift of old industries into new production areas.

One of the major challenges before us, however, besides the entry of new industry and the development of new technology, lies in finding the managerial or organization means to put the resources of the old industries back to work. Unemployed but relatively skilled workers, vacant plants, idle equipment, unused natural resources—these can all be put back to work if we have the imagination and energy to do the work. Quite clearly, one of the best ways to increase the prosperity of the Northeast is to begin utilizing these resources again.

An article by Bradford W. Ketchum, Jr., "Vermont's Maple Business: The Pale Years Are Past," appeared in the November issue of the New Englander magazine. It is the story of what Richard B. Adams is doing to reinvigorate the maple sirup industry in this one small State. Here is an industry that has almost died recently, but in which one man with foresight and imagination has combined the resources that are available with modern technology and management to create more promise than has existed for decades. It seems to me that this is the kind of effort I have been talking about, and exactly what we need in our older industries to make a significant contribution to growth and prosperity.

The article is of sufficient interest, and Dick Adams' efforts are of such importance by way of example, that I would like to insert it into the Record at this time for the information of my colleagues.

Vermont's Maple Business: the Pale Years Are Past

(Note.—New technology spells renaissance for maple industry. Key to its sweetest outlook in 40 years: Saltash, precedent-setting project to tap state forest for world's first automated sugarhouse.)

(By Bradford W. Ketchum, Jr.)

One of New England's oldest industries, it is also one of the few which puts environment first; it requires no land development, nor does it befoul air and water.

Its operations create jobs and revenues with minimal demand on town services.

There are no labor upheavals, no union contracts, and little potential for either.

The supply of raw materials is at record highs, and the resources are self-regenerative.

It is an industry in which young Turks are assuming leadership, where top management ranges in age from 35 to 42.

Its product, by tradition No. 1, corners at least one-third of the market; yet the industry is tapping only 5% of its total potential. Current demand far exceeds supply.

Capital requirements are modest and represent excellent investment opportunity. Through new technology, productivity and sales promise to soar 500% in the next five years; and, in at least one case, projected net profit over this period tops 19%.

The preceding are all illusions. No industry, particularly in New England, could have that much going for it. Wrong. Those are the realities of Vermont's maple industry, which, seemingly headed for extinction as late as 1971, now stands on the threshold of renaissance.

In the past 40 years, Vermont's maple syrup production has dwindled from more than 1 million gallons to 300,000 gallons annually—a relative trickle compared with 1935's peak of 1.58-million gallons. The industry has not enjoyed a million-gallon year since 1944, and last topped the half-a-million mark in 1961. Two years ago, it dipped to a record low of 240,000 gallons.

REDUCED TO A HOBBY?

The industry was evaporating—literally. Large bulk producers were unable to buy the syrup they needed, prices soared, and maple production appeared about to dissolve into nothing more than an alchemic country hobby.

By its nature, Vermont maple syrup is the product of a cottage industry comprised of about 900 small producers—dairy farmers, ranchers, and assorted entrepreneurs—most of whom have never relied on the end product as their sole source of income.

They venture out on snow-crusted February-March days, armed with pails and spouts, to tap standing sugar maples. They begin as weathermen and woodsmen, returning to rustic sugarhouses to become cooks and chemists. The largest sugar farmers, working full-time, manage 12,000 taps (about 1½ per tree); most producers, however, are in the 4–5,000-tap range. Each tree may yield up to 12 gallons of sap during the season, with 40 gallons required for one gallon of syrup. In short, it has always been a labor-intensive, rather than capital-intensive, industry. Until now.

The first production, scheduled for March, 1975, will involve 210 acres and about 15,000 taps, with a syrup goal of 3,500 gal. While Adams plans only a minor production increase the second season, giving him an opportunity to correct any bugs arising during the first effort, his goal for the fifth year is 15,000 gal. (60,000 taps). That does not include anticipated input from smaller producers who may deposit their sap or syrup with Adams to get in on the inaccessible bulk market.

"It's an exciting prospect," beams Adams. "Right now it takes one-and-a-half men to handle 4,000 taps. But soon we'll have one man handling 20,000 taps. And instead of averaging five gallons of syrup an hour, we'll be producing 100 gallons."

LOGGING'S IMPACT

The untapped potential of public maple stands becomes even more significant in light of recent developments in the state's logging industry. While Vermont is 75% forested (vs. 50% in 1900), there is a shortage of private trees.

Frequently, as sugarbushes went out of production in the 1950's and '60s, they were logged off, which, in effect, set the area back 40 years—the time required to generate a tapable sugar maple. In numerous cases, where logging was a prelude to a land developer's ambitions, the resource has been lost forever.

Also spurring the logging operations, perhaps more so than any other factor, has been the development of a bowling craze in Japan. Japanese interests seeking rock (sugar) maple for their alleys and pins, were signing deals at an astounding $700 per 1,000 board-feet last year.

"Maple syrup is the best income-producing woods industry in the state," asserts Adams. "It produces about double the income that logging does, yet it doesn't create unsightly development. We can tap for 250 years, and the trees and natural beauty of the area will remain."

BIGGEST PROBLEM: LOGGING IN CAPITAL

Lest it be assumed that all is as smooth in the Saltash project as the product it seeks to produce, Adams is quick to point out that there are a few hurdles, not the least of which is capitalization. Depending on the SBA, Proctor Trust Co., and several small investors as current capital sources, Adams is convinced that he must go outside the industry and state to attract larger investors.

Recent technological breakthroughs, coupled with new marketing expertise, are distilling revolution in the Green Mountain maple industry. Plastic tubing and vacuum pumps have become a boon to the sugar farmers, now feeding their sugarhouses intravenously from the maple forests; while in marketing, the monopolistic grip so tightly held by two or three giant, bulk-buying food blenders has been broken.

KEY TO REBIRTH: SALTASH PROJECT

The result can be seen in 1972–73 production increases (a 43% gain over 1971) and the bulk prices earned (70¢/lb. vs. bulk buyers' 45¢/lb. bid). This year, retail prices ran $10-12.50 per gallon.

But there's much more to the story of Vermont's resurgent maple business than the obsolescence of galvanized pails and dictatorial buyers. There is the pilot Saltash Mountain Project and its chief architect, Richard B. Adams, 38, of Cuttingsville, Vt.

Adams is constructing the world's first automated sugarhouse; not only will it become the largest maple operation in the U.S., it also sets a highly significant precedent: the trees which Adams will tap are located in Calvin Coolidge State Forest. It will be the first time that public lands have been tapped as a commercial sugarbush.

The idea is not original. Adams himself first tried to obtain permission through the forests and parks commissioner 12 years ago. Typical of most maple producers, he was at that point a dairy farmer working a sugarbush that had been in the family for four generations.

Sugaring since he was five, Adams attended the University of Vermont, where he earned a B.S. degree in agriculture via pre-forestry. It was there that Prof. James Marvin and Ray Foulds, forester, took him under their "maple wing" as he began experiments in tubing and evaporators.

After graduation and a three-year Marine stint, Adams returned to run the family farm and sugarbush, continue the maple experiments, and become an active leader in the State's industry (he is currently president of the 60-member Rutland County Maple Producers, one of three major groups in Vermont; a director of the Vermont Sugar Makers Assn.; and a member of the Vermont Maple Industry Council).

OUT OF THE DAIRY BUSINESS

Three years ago, he divested the dairy operation to concentrate on sugarbush management and technology. He had already perfected an oil-fired evaporator (he now has 15 operating) and had begun experiments in vacuum-pumping of sap. It was then that the seeds of Saltash were sown.

As Adams explains it, "I was bear hunting on Saltash Mountain one day and lost the dogs. As I was looking for them, I started counting maple trees and adding up the taps. It didn't take me long to see the huge potential there, and I decided to find out who owned the land."

It turned out to be the State of Vermont. Adams had been wandering through a 643-acre tract known at the Saltash Block, on the western border of Windsor County, in Plymouth, about 15 miles southeast of Rutland. It contains an estimated 50,000 sugar maples, "just standing there, waiting to be tapped."

It took time—for further experiments, official proposals, projected income statements, and bidding procedures—but on May 23, 1973, the Vermont Dept. of Forests and Parks notified Adams that he was the successful bidder for a 10-year, renewable lease on the Saltash sugarbush.

TAPPING ONLY 5 PERCENT OF RESOURCE

"There have been trees standing in state forests for generations, never contributing sap toward maple syrup production," stresses John D. Moore, area development director for Central Vermont Public Service Corp., Rutland. "The state has the resources to produce 6½-million gallons annually, yet we're only producing 5% of that. That is why the Saltash project is important."

At the recent dedication of a maple laboratory in South Burlington bearing his name, Sen. George D. Aiken (R-Vt.) put it another way: "Our maple trees have quit work and gone on welfare." Characterizing the majestic maples as "millions of beautiful loafers," the veteran Vermonter did have a serious point to make: only 12% of the state's standing maples are being tapped.

Adams is working under a land-use permit acquired by the Dept. of Forests and Parks and adhering to the provisions of Act 250, the state's land development and environmental control law which requires a permit for any activity above the 2,500-ft. level (elevation of the sugarbush: 2,300–3,000 ft.). The permit allows logging operations below 2,500 ft., thinning of trees above that level to improve the maple stand, and stipulates that no buildings will be constructed on state land.

The "improvement cutting" and logging, let by Forests and Parks, is scheduled to begin Nov. 1, and continue through early winter. Involving an estimated 178,000 board-feet, the thinning will create a stand that is 93% sugar maple.

Meanwhile, technological research will continue, led by Dr. Marvin at the University and coordinated by Lawrence D. Garrett at the Northeastern research station of the U.S. Dept. of Agriculture in Burlington.

EIGHTY MILES OF TUBING

Adams has drawn up blueprints for the sugarhouse and is working on the site and right-of-way. An experienced carpenter, licensed plumber and electrician, he will do much of the construction work himself. To be located in Shrewsbury, Vt., the 7,500-sq. ft., $60,000 plant will be connected to the Saltash bush via 400,000 feet (80 miles) of plastic tubing which will feed four oil-fired evaporators. Sap flow to four 16,000-gal. tanks will be automated.

Vacuum pumps will eliminate the need for power lines or gasoline motors and, hence, the possibility of noise pollution. Adams has also guaranteed that there will be no hardware attached to the trees. Initial investment in the woods system (tubing, conduit, clamps, pumps, etc.) is expected to be about $30,000. To preclude accidental release of oil onto the landscape, he will build a dike around the fuel storage tanks to be located beneath the sap tanks.

Estimated total need for start-up ranges from $75,000 to $100,000. While he anticipates losses in the first three seasons, Adams expects to tap black ink during the fourth and fifth years, generating a cumulative five-year net profit of 19.4%.

"I know we can strike an even balance between private and commercial investment, but the problem is who and how," muses Adams. "This operation would be excellent for an investment portfolio—it's ecology-oriented, in a well-established industry, with tremendous growth potential."

Another problem is expanding marketing expertise, distribution, and sales. Here, Adams is drawing on the resources of Central Vermont Public Service and the able counsel of Jack Moore, whose straight-pitch efforts have ranged from Pepperidge Farm and Howard Johnson, to Holiday Inns and Heublein.

EXPORTS AND AEROSOLS

Adams hopes to add a full-time salesman to cover select markets, such as quality food manufacturers, natural-food stores, food-gift firms, and corporate premium promoters.

Meanwhile, opportunity for exports is being explored. The latest development in this area is VM, a new liqueur which blends maple syrup and Scotch. The syrup is shipped by the Franklin County Maple Producers in St. Albans, Vt., to Scotland, where it is combined with the whiskey. (U.S. distribution to date has been limited.)

Packaging innovations—ceramic, aerosols, and portion servings—are other developments under study.

This January, the maple producers will meet with buyer representatives to work up prices for the coming season ("We'll be shooting for 68c to 72c a pound," notes Adams.) The fact that this will occur fully two months before the maple season is indicative of the edge the producers have gained.

Traditionally, buyers would wait until the crop was in, and then attempt to drive the price down. No longer. With some demand and larger economic units, the producers can control the prices their crops will bring before the season starts.

In short, there are few illusions about Vermont maple business in 1973. The renaissance is underway, spearheaded by new technology, and a pilot program that promises new life for a traditional product and economic growth from the environment while preserving that environment. It really is sweet; its future, sweeter.

TRIALS AGAINST SOVIET JEWS SEEKING TO EMIGRATE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. MOAKLEY. Mr. Speaker, on Friday Aleksandr Feldman will go on trial in the U.S.S.R. on trumped-up charges which mask the real cause of his persecution. His only crime, like that of so many of his countrymen, is that he yearns to be free and has applied to emigrate to Israel.

On the eve of his trial, I would like to take this opportunity to share with my colleagues the comments of the National Conference on Soviet Jewry:

TRIALS AGAINST SOVIET JEWS SEEKING TO EMIGRATE

New trials against Soviet Jews seeking to emigrate are again being prepared by Soviet authorities.

In the last few months there has been increased harassment of Soviet Jews who have applied to emigrate to Israel. Now, for the first time since cancellation in June of preparations for a major "show trial" against a large number of Jews in Minsk, Soviet authorities are again resorting to judicial repression and political trials against Jews actively trying to emigrate.

The trial against Aleksandr Feldman, a 26-year-old Jew from Kiev who applied to emigrate 2 years ago, is scheduled for November 16. He is being tried on trumped-up charges and is expected to be charged with "hooliganism", a catch-all category under the Soviet criminal code.

It is expected that trials are also imminent for at least two other well-known Soviet Jews who have applied to emigrate: Alla Myasoyedova of Moscow, whom Soviet authorities are attempting to coerce into implicating other Jewish activists; and Leonid Zabelishensky of Sverdlovsk.

The trial of Feldman and the possible trials of these other Soviet Jews, whose sole crime is that of seeking to emigrate, are a direct affront to, and a violation of, the spirit of U.S.-Soviet detente. Coming on the heels of the war against Israel, it is increasingly difficult for Americans to understand what Soviet leaders mean by detente.

The regime is apparently using the confusion following events in the Middle East and the Jewish communities' focus of attention on Israel in order to crack down on Soviet Jewish activists.

Attached is background material on the three Soviet Jews expected to be brought to trial.

Profile: Aleksandr Feldman.

Address: USSR, Ukrainian SSR, Kiev, Entuziastov 11/1/147.

Tel. # 447-871.

Born: 1947.

Status: Single.

Occupation: Did construction work in the army; presently unemployed.

Arrested: October, 1973.

Charges: "Hooliganism" (article #206 RSFSR Criminal Code).

On the eve of Simchat Torah, October 18, 1973, authorities searched the apartment of twenty-six year old Aleksandr Feldman, one of the Kiev "Four" (see OUTLOOK #7).* Among the items reportedly confiscated was a book by Jabotinsky and the receipt from a letter to Israel.

Feldman, who applied for emigration two years ago, "disappeared" soon after the search. The NCSJ later learned that he had been taken into custody by the Regional Directorate of Kiev and is expected to be charged with "hooliganism" under article #206 of the criminal code. It is alleged that Feldman assaulted an unidentified old woman. A Kiev newspaper, *Vechernyi Kiev*, ran an article on October 31st that accused Feldman of the attack and judged him "guilty" even before any formal accusation was made. While authorities "promised" not to transfer Feldman to the Pavlov psychiatric hospital, relatives have not been permitted to see him or to send him warm clothing (as other prisoners' relatives are permitted) and internment in the hospital has been repeatedly threatened. The investigation is to end November 8, 1973; thus far, no lawyer has agreed to defend Feldman.

Profile: "The Moscow Conspiracy."

Parties "Involved": Alla Myasoyedova, Abraham I. Gelikh.

On October 1, 1973, KGB workers searched the apartment of Alla Myasoyedova. Since her husband left for Israel, Alla has been staying at the apartment of her father-in-law, A. I. Gelikh. Gelikh is 72 years old, spent 13 years in camps and in exile within the U.S.S.R. and, since his retirement, has devoted his time to writing a treatise on comparative economics, based on data obtained from public sources. During the search, accounts of Gelikh's prison experiences were reportedly confiscated and Alla was then called in for interrogations.

Now both individuals have issued statements to the press. Gelikh explained his interest in studying both the socialist and capitalist systems and Myasayedova, subjected to intensive KGB (Security Police) interrogations, has denied any knowledge of the contents of the items confiscated. In addition, she reports, she is questioned for six to seven hours at a time, until she is exhausted. Authorities are attempting to coerce her to implicate other activists: David Azbel, Mark Nashpits, Boris Orlov. In particular, the authorities have sought to involve Tamara Galperina and Dina Beilina, both hard-core Jewish activists from Moscow.

Born in 1930, Tamara is a translator; she and her husband, Anatoly, a mathematician, applied for emigration in 1971. Dina Beilina and her husband, Josif, an engineer, have one child. They also applied in 1971.

According to Gelikh, "the interrogators are trying to intimidate Myasoyedova with the alleged espionage nature of my work only in order to wring out of her the confession required by the investigation." Myasoyedova admits she does not know how long she can withstand the pressure and wants everyone to know that if she implicates Galperina and Beilina in any trial, this "evidence" would be "untruthful and wrung out of me by threats and blackmail."

Addresses: USSR, RSFSR, Moscow B-61, Cherkibovskaya 6-3-53, Beilina, Dina Tel. No. 161-42-28; USSR, RSFSR, Moscow 105037, Pervomayskaya 14-33, Galperina, Tamara. Tel. No. 164-75-82.

Profile: Leonid Zabelishensky.

Address: USSR, RSFR, Sverdlovsk, Uralskaya 48/99.

Born: 1941.

Status: Married, with 1 young son.

Occupation: Electrical Engineer, taught at Ural Polytechnic Institute (Sverdlovsk); field: theory of computer calculating.

Arrested: October, 1973.

Charges: "Parasitism" (article No. 209-1 RSFSR Criminal Code).

Little is known about thirty-two year old Leonid Zabelishensky. An activist in the small Jewish community of Sverdlovsk, he and his family applied for exit visas in November, 1971. On October 25, 1973, Zabelishensky was taken to an undisclosed place after being arrested by local police. It was later learned that he is being accused of "parasitism," although his wife works and earns a substantial income. Zabelishensky is currently taking care of their sick son. In a search of the Zabelishensky apartment, police reportedly confiscated a voucher from Switzerland, notification from a bank of a money transfer, and a receipt for a letter to Israel. The investigation is due to end in two weeks.

Other activists from remote Sverdlovsk include Valery Kukui and Vladimir Markham, both now serving prison sentences.

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[*] Of Feldman's friends, Zinovy Melamed and Yuri Sorkoko have since received permission although Soroko's wife Basya has not, and the promise of a visa made to Yuli Tartakovsky has not materialized.

MOUNTIE BAND TO RECEIVE BICENTENNIAL FLAG SUNDAY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. McDADE. Mr. Speaker, the Mansfield State College Mountie Band has been honored by the National Revolutionary Bicentennial Commission as the first college band in the country to be presented with the official flag of the Bicentennial.

This fine and spirited band, representing Mansfield State College in Tioga County of northern Pennsylvania, was so honored because of the promotions for this celebration which they have made in many appearances.

All of us are keenly aware of the fact that we are approaching the 200th birthday of America. We will, in a few short years, be able to celebrate the founding of this most remarkable Nation. It is a celebration that will encompass all of our country, and the work of this Mountie Band is an outstanding contribution to the cause of reminding all Americans that this birthday will soon be upon us.

I know my colleagues will want to join me in offering our warmest congratulations to the Mansfield State College Mountie Band and to its director, Richard N. Talbot. I am very proud to represent all the people of Tioga County here in the Congress, and I know that these people and all Pennsylvanians share the pride I feel in witnessing this singular honor.

Mr. Speaker, I will append an article from the October 18 issue of the Flashlight, the Mansfield State College weekly newspaper:

MOUNTIE BAND TO RECEIVE BICENTENNIAL FLAG SUNDAY

The Mansfield State College Mountie Band has been chosen as the first college band in the country to be presented with the official flag of the bicentennial. They are being honored by the National Revolutionary Bicentennial Commission because of promotions for the celebration which they have made in their appearances. The band is currently displaying the bicentennial flags, but these are on loan and must be returned at the end of the season.

They will be presented with the official flag and give the halftime show at the Jets-Steelers game in Pittsburgh on Sunday, televised by NBC. The actual presentation of the flag to the band will be made by Thompson's Rifle Battalion, the first military unit to be raised during the American Revolutionary War.

The game was originally scheduled to be played at Shea Stadium in New York, but the New York Mets are still using the stadium for the World Series. The field could not be converted in time for a football game. The game, therefore, had to be changed to Three Rivers Stadium in Pittsburgh.

The Mountie Band is made up of 210 students eight students less than last year. According to Mr. Talbot, the rehearsals are easier this year than in the past. They practice two hours on Monday and Wednesday on their own practice field and on Friday an hour is spent practicing at Butler and another hour on Van Norman Field.

With Mr. Talbot, Mr. David Borshine also directs the band. On the field the Mountie Band depends on their student captains, Bruce Brindza, Colin Hughes, and Jim Farrell to lead them.

The halftime show which they will give at the Jets-Steelers game will be a shortened version of the program which they presented at the homecoming game.

The question most asked about the bicentennial is "Where is it going to be held?" The answer to that question came years ago when the drafters of the first bicentennial legislation said, "The bicentennial will be everywhere, in every city, town and village, all across the United States." This is the message that the Mountie Band will be trying to get across with their presentation and what better way to say it than to a captive audience of approximately 20 million people.

The bicentennial celebration will be national in scope providing opportunities for participation on the part of all Americans. It will be a time for review and reaffirmation of the basic principles on which our nation was founded.

The Mountie Band will also receive a certificate of recognition from the National Revolutionary Bicentennial Commission November 13 when they present a concert "A Night with the Mounties" at Straughn Auditorium.

During last season, the Mountie Band was exposed nationally for the first time with their televised halftime performance from Schaffer Stadium in Foxboro, Mass.

EMERGENCY OIL ALLOCATION CONFERENCE REPORT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. LEHMAN. Mr. Speaker, yesterday, I missed rollcall No. 581 on the emergency oil allocation conference report due to an important meeting which concerned south Florida's future economic development.

I voted for the emergency oil allocation bill when it first passed the House and had I been present, I would have voted "yea" on rollcall No. 581.

HOUSE OF REPRESENTATIVES—*Thursday, November 15, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O give thanks unto the Lord; call upon His Name; make known His deeds among the people.—Psalms 105: 1.

O God, who art the source of light, the sustainer of life and the giver of every good gift, we came to Thee with grateful hearts because Thy goodness has blessed us all our days and Thy spirit has attended us in all our ways. May we ever be mindful of Thy presence, ever eager to do Thy will, ever grateful for Thy goodness, and ever ready to serve our country with all our hearts.

We thank Thee for homes where dwells love and understanding, for churches where we can worship as we desire, for our Nation, where lives the spirit of freedom, and for the privilege of serving our people in these hallowed Halls of Congress.

Deepen in us and in all America an ardent desire to make our country great in spirit, good in purpose, and genuine in seeking peace in our world and peace in our land.

Accept our gratitude and make us worthy of Thy goodness to us and to all men.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on November 7, 1973, the President approved and signed bills of the House of the following titles:

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States; and

H.R. 9639. An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

ANNOUNCEMENT NOT TO SEEK REELECTION IN 1974 BY MINORITY WHIP LESLIE C. ARENDS

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, it has been my good fortune to serve a long tenure as a Representative in Congress from Illinois. Numerous colleagues in the Congress and many good friends in my district have been urging me to again seek reelection in 1974. I have decided, however, to yield to the urgings of my family and shall not be a candidate next year.

By the end of the next session, I will have completed 20 consecutive terms, or 40 years. For 38 of these years I represented the former 17th Congressional District. Through redistricting last year, my home county of Ford became a part of the newly realined 15th District, which I have also been proud to represent in this 93d Congress. I have been, and always will be, deeply grateful to the people of the 17th and 15th Districts of Illinois for their repeated expressions of confidence and the privilege of being their spokesman in the House of Representatives.

For 30 years, too, Republicans in the House have given me the honor of serving in their leadership organization as Republican whip. I have had the unique opportunity of participating in the legislative programs of the last six Presidents. As a ranking member of the Committee on Armed Services, one of my special interests has been our national security and a strong Defense Establishment.

The duties of all Members of Congress, and particularly those in leadership posts, have become more demanding and time consuming in recent years. Mrs. Arends and I have now decided the time has come to do as a family many of the things my official duties have forced us to postpone in the past.

No citizen, no matter what his or her calling, should ever cease to be concerned about good government and the welfare of our Nation. While I will be retiring from an active legislative role, I shall continue to serve my country in whatever way I can.

To be in the Congress is not solely an honor. It is both a responsibility and an opportunity as well. I have tried to merit the trust which the people of my respective districts, my State of Illinois, and my colleagues in the Congress have placed in me over the years. Like my constituents, I have always been proud to be an American. I hope this pride has been reflected in my service here.

Let me also express my deep appreciation to you, Mr. Speaker, and all of my colleagues on both sides of the aisle for the many courtesies which have been extended to me. I shall always cherish the friendship which I have enjoyed in these Halls for so many years. As long as our Nation continues to have the concerned and dedicated representation I have witnessed here throughout my service, I will have no fear for the future of our Republic.

[Applause, the Members rising.]

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, the round of heartfelt applause which has just filled the Chamber comes out of the admiration and love and respect which every Member of this House has for the distinguished gentleman from Illinois, and that applause would be substituted with tears if we were to express the emotions we feel about his departure.

No retirement in my time will be of greater loss to the House of Representatives than that of a wonderful and dedicated, and knowledgeable and decent, friendly and great human being, LES ARENDS.

LES, we hate to see you go. I did not know anything about this. The Parliamentarian would not even tell me why the gentleman wanted recognition, but I want to tell LES, and acknowledge to the House and the country, that I appreciate the cooperation and consideration he has given me ever since the day I was a freshman Member of this Chamber. LES ARENDS is one of God's noblemen.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, the announcement which we have just received with such shocking suddenness of the announced intention of our beloved colleague, the gentleman from Illinois (Mr. ARENDS), to retire from the Congress obviously renders it wholly impossible adequately to express the tribute that is in our heart. An appropriate occasion for that I am sure will come later.

However, let me say, speaking not only for the other Members of the Republican leadership on this side of the aisle who could not be here today, and not only for all the Members of the Illinois delegation, but also I think for every Member of this body on both sides of the aisle, that I express the very deep regret we feel at the gentleman's decision.

Ordinarily the post of minority whip, which the gentleman has performed so ably and in such a distinguished fashion for more than a decade and a half, is a highly partisan position, one that literally compels partisan activity in support of his party position. This the gentleman has done but it is a real measure of his accomplishment and of his service in this body that at the same time he has won for himself that kind of universal respect and admiration which reverberated through this Chamber when Members rose to their feet and joined in spontaneous applause for the gentleman from Illinois. Indeed the distinguished Speaker, in speaking of the love that is in all our hearts for the gentleman from Illinois, has said what all of us deeply feel that it is really a sad occasion on which we must record the fact that he has announced his intention to retire.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. HAYS asked and was given permission to address the House for 1 minute.)

Mr. HAYS. Mr. Speaker, it was with shock and surprise that I heard the announcement of the gentleman from Illinois, Leslie Arends. He has been a member of the delegation for the North Atlantic Assembly for some years. A couple of times he could not go at the last minute because of his duties here. I hope that he will be a member of the delegation next year. We need his advice and counsel. He knows a great deal about it.

I just want to tell the gentleman I have about 50 or 60 bills up in my desk drawer which would prevent anybody who announces his retirement from being on the delegation at that time and those bills are going to stay in that desk drawer and I hope the gentleman from Illinois will give us his wisdom and years of experience in his last year here and be a member of the delegation, God willing, if we are all alive and they have the meeting which is scheduled next November.

I found him not to be a bitter partisan. He fights for his party's opposition, but he never does it with any malice or bitterness. Although he and I have had some times when we have been in the opposite side of the question, there has never been a time we could not go out for dinner afterward and be the best of friends.

The only thing I will not do or have any part of is play golf with him, because he is too good for me.

I know we all regret his departure. He has served in the House distinctly and well in a long tenure.

TRIBUTE TO HON. LESLIE ARENDS

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, if it were possible within the rules of the House, I would be constrained at this moment to offer a motion compelling the gentleman from Illinois to reconsider his decision to retire from Congress.

[Applause.]

Mr. Speaker, the surprise announcement of the gentleman from Illinois has stunned me as I am sure it has his scores of friends in Congress for he has long been a stalwart among us.

I am sure that I can speak for all Members of the House of Representatives in wishing he and Mrs. Arends all the good things of life in their retirement.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, I want to express my surprise and disappointment at the news of my colleague, the minority whip, Les Arends, who is from an adjoining district, and with whom I share Kane County. It is a sad day in this Chamber when Les Arends announces that he has elected to discontinue his service here in the House.

I have said many times out in Illinois that he possesses the two great attributes for public service. Les Arends has both seniority and youth. He has had long experience in this body and his youth is evidenced as my Ohio colleague mentioned, by his stellar game of golf.

I recall a few years ago when Les Arends was challenged for the position of minority whip. He demonstrated that he was, indeed, a very popular Member of this Chamber. I have said many times that, in my opinion, Les Arends is the best liked Member of the House of Representatives. I have come to know him well, as well as his wife, Betty. I know they will enjoy a long and well-deserved retirement. I certainly extend on behalf of my wife, Doris, and myself, our best wishes for their good health and happiness together.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, the announcement of our beloved colleague, Mr. Arends, to retire at the end of this Congress is a very great personal loss to me.

Since my first campaign in the spring of 1960, he has been a valuable adviser. When I took office in 1961 he became my close friend. He helped me get the committee assignments I wanted.

A hundred times, at the very least, he counseled me wisely on different questions.

He symbolized integrity, diligence, hard work, high purpose.

Never was there the tiniest streak of meanness or vindictiveness in his character.

His service will always be an inspiration to me.

His announcement is also a great loss to the President and the Nation. No one could have supported more diligently and effectively the President's program.

Although more advanced in age that most who serve in Congress, he maintains a pace and spirit few younger Members can equal.

I have long maintained that he would win any popularity contest among House Members, regardless of party.

My fondest hope is that, when the time comes, I may be able to retire from this Chamber with one tiny fraction of the respect accorded to Mr. Arends.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I join my colleagues from Illinois, and other Members, who take the floor this afternoon to pay tribute to Les Arends. I wish Les had given us a little notice so we would have had an opportunity to try to convince him not to retire from the Congress. However, since Illinois has an abnormally early filing period, I can understand why Les made his announcement at this time.

Mr. Speaker, in my judgment, Les Arends should go down in history as one of the greatest legislators of all time. Certainly no one will ever surpass his record of 30 years as a party whip. He served in that key position under six Presidents and five speakers, and all respected his ability, objectivity, fairness, and above all his devotion to our country.

When one realizes that Les was elected Republican Party whip before you, Mr. Speaker, or any of the Democratic House leadership, or Jerry Ford and anyone in the Republican House leadership were first elected to Congress, one can begin to appreciate the truly historic scope of his service.

Les has fought hard for the principles of the Republican Party. On matters of gravest national importance, he has supported Presidents and policies regardless of party politics. But his strength lies in his tremendous effectiveness as a spokesman—as a man so respected by his Republican colleagues that they repeatedly rally to his side in the toughest legislative battles. The respect in which he is held by his colleagues on both sides of the aisle is a testimony to his legislative strength.

I realize that Les' decision is irrevocable. It has been a privilege for me to be associated with him during the period that I have served in Congress. His counsel, encouragement, and support have been invaluable.

At some point later in the next session of this 93d Congress we will more appropriately pay tribute to Les, but this afternoon I rise to express my respect and appreciation for the great service he has rendered to the country by his stalwart leadership in the Congress.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. DAVIS of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of South Carolina. Mr. Speaker, I would like to add my voice to those who have heard today of the retirement of our friend, Les Arends. Being one of the junior Members of the Armed Services Committee and on the other side, I have had a great opportunity to hear and witness the dedication of this man who has exhibited to us all and to the country his interest in national defense. I am sure the Committee on Armed Services will miss him. I know all of us as younger Members will miss his advice and wisdom, so we wish him well.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I wish today to pay tribute to Hon. Les Arends, an outstanding legislator who has served his constituents, his State of Illinois, and our great country with dedication, ability, and inspiring diligence.

Les Arends has announced that he will

retire from the Congress at the conclusion of the 93d Congress, and he will be missed by all of us for he has been a main stay of the Illinois delegation. On many projects and problems affecting Illinois, he has been in the forefront of efforts to implement meaningful solutions and effective action. He has been a loyal partisan leader in the Congress, having served as Republican Whip since 1943.

As the second ranking minority member of the Armed Services Committee, Les Arends has fought long and hard to maintain our military strength and to protect the best interests of the United States at home and abroad.

I shall always cherish his wise counsel, for when I first came to Congress nine years ago, although Les Arends was a member of the opposite party, he never hesitated to give me the benefit of his advice and his guidance.

Les Arends can retire with the assurance that through his efforts mankind has benefited. There is no tribute higher than this. Mrs. Annunzio and I extend to Les Arends, his wife, and daughter our best wishes for a healthy and happy retirement.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, the 1972 edition of the Almanac of American Politics makes this comment concerning our dear colleague, Les Arends:

> And while Arends has been party whip for nearly three decades, other members of the Republican leadership in the House have come and gone.

Leslie C. Arends' stability as House Republican whip for the past 30 years, and his dedication to his constituents and to his country for the past 40 years, represent the best of what our country and our Republican Party stand for.

Les was born in the rural area of central Illinois and entered the farming business, as so many middle Americans did during the 1920's.

When World War I erupted, Les served in the U.S. Navy and he has continued dedication to his Nation's cause by becoming a charter member of the Melvin Post No. 642, American Legion. Les rose through the American Legion ranks to become post commander, county commander and the 17th district commander.

Those of us who are relative newcomers to the House of Representatives will forever appreciate the time and counsel which Les Arends gave to make our job easier. We in Illinois, who have the benefit of knowing him and working with him in perhaps a more intimate manner, will never forget his sage advice and selfless assistance.

Illinois has had many great Republican leaders. Abraham Lincoln and Everett Dirksen were great men who will always be viewed as such in history books.

While Les Arends may not enjoy this recognition, he nevertheless will be held as dear in the hearts of Illinoisans and his contribution to our State, to this Congress and to our country will never be forgotten.

Les, my family, my staff, and my constituents will hate to see you leave.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. HÉBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HÉBERT. Mr. Speaker, the announcement of the retirement of Mr. Arends comes, of course, comes as a great shock and surprise to me. Although I know he has well earned and merits this retirement, he is going to be missed terribly on the House Armed Services Committee.

It has been our pride and boast on that committee that we have no partisanship. We have no Democrats or Republicans. We have only Americans. When I say only Americans, I put Les Arends at the top of the list. He has been most helpful to me during the days I have been chairman of the committee.

I will certainly miss him. I know the members of the committee will miss him. The House will miss him; but above all, America will miss him.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, as I walked into the Chamber and heard the news of the proposed retirement of our distinguished colleague from Illinois, Les Arends, I was shocked. I have been with Les on quite a few occasions during the past week. I had no idea that such an announcement was about to be made.

I served with Les on the old Military Affairs Committee and on the Committee on Armed Services, and also on the House Committee on Standards of Official Conduct. I served with him on committees since the first day I became a Member of this House.

I know of no more effective legislator than Les, and know of no finer gentleman than Les Arends. I know all of us will miss him; the House will miss him. I hope it will be possible for me to continue my personal friendship with him in the years to come.

Mr. Speaker, the State of Illinois loses a great advocate when Les Arends retires. There has never been a program or project in which the State was involved or interested in that Les Arends was not one of the prime movers and factors in trying to get some solution favorable to his home State.

Mr. Speaker, I extend to him and to his lovely wife sincere and best wishes. I hope that it will be possible for me to maintain close contact with Les in the years to come.

TRIBUTE TO THE HONORABLE LES ARENDS

(Mr. HANRAHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANRAHAN. Mr. Speaker, I am deeply saddened by the sudden and shocking announcement of the retirement of the Honorable Leslie C. Arends, dean of the Illinois delegation, distinguished minority whip of the U.S. Congress, and celebrated U.S. Representative of the 15th District of the great State of Illinois.

The people of Illinois and throughout the entire Nation are losing a popular leader and an influential statesman. We, in the Congress, are being deprived of an invaluable counselor and a dear friend; and I know my colleagues share my feelings of tremendous loss at the prospect of no longer sharing the Halls of Congress with that familiar figure.

I hope all Americans, and the residents of Illinois 15th District, in particular, appreciate the years of tireless efforts expended by Les in service to his country and his government. I ask my colleagues to join me in wishing Les and Mrs. Arends every happiness in their well-earned retirement.

TRIBUTE TO THE HONORABLE LES ARENDS

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, I join with my colleagues who preceded me in their tributes to Les Arends who has announced his retirement.

It is said about many people that they can do well for a short run, and that they make real contributions. That of course is true. There are fewer who contribute greatly over a long period of years. Les Arends has proven himself over and over. Never have I heard a single Member ever express anything but the highest regards, the greatest respect for Les Arends, his ability, his character, his soundness and his contributions to his district, State, and Nation.

It is with genuine regret that we see Les retire?

As I have said many times, the people that we can least afford to give up are those who voluntarily retire. Certainly, Les leaves his mark on the history of this country and the beneficial mark on all of us for having served with him.

To him and to his family, we wish the very best in the years ahead. Again, his high mark of service and accomplishments will not be attained by many persons in the history of our country.

TRIBUTE TO THE HONORABLE LES ARENDS

(Mr. FLYNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, just as I walked on the floor shortly after the hour of noon I heard with shock and dismay the announcement of the forthcoming retirement of our friend and colleague, the Honorable LESLIE C. ARENDS.

LES ARENDS will be missed in this body and by the membership of the House. He is as highly respected as any Member who has served in the 20 years of my own service. As a leader of his own party and as a Member of the combined leadership of the House, he has exemplified the qualities of genuine leadership.

A stanch defender of his party's principles and party's positions, he at the same time put principle and love of country ahead of party politics. He has served his district and the State of Illinois with great skill and ability and, of course, with distinction since he first took the oath of office as a Member of the House of Representatives on January 3, 1935. He was the dean of his party in the House and with the gentlemen from Texas (Mr. MAHON) is second in years of continuous service.

He is a beloved Representative of his district and State. He is a beloved colleague among those of us who serve with him, and it will not seem right when the roll of the Members-elect is called when the 94th Congress convenes if LES ARENDS name is not called. He will round out 20 consecutive terms—40 years of continuous service upon the sine die adjournment of the 93d Congress

It can truly be said of LESLIE ARENDS that he is a man's man and a Congressman's Congressman. He represents the highest traditions of service in the House of Representatives. As a legislator, parliamentarian, and leader his work and his service rank with the very highest.

While we regret his decision, we respect it. We wish him well. We wish him many more years of health and happiness and continued service to his State and Nation.

TRIBUTE TO THE HONORABLE LES ARENDS

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, the announcement that our distinguished colleague, the gentleman from Illinois, LES ARENDS, has decided to retire at the end of this Congress comes as a deep shock and renders me almost at a loss for words.

During his 40 consecutive years in Congress, LES has earned a reputation as a dedicated legislator and a great human being. He is a wonderful friend, and I will hate to see him leave. Truly, he was like a father to me when I first came to the Congress 15 years ago.

In my years in Congress, I admit I gave LES my share of problems. But he has always listened to my views and has taken pains to understand my position. His capacity for fairmindedness was greater than to let any disagreement come between us.

He has always been willing and able to assist me and others and has never placed any conditions on that help.

It was not only the younger Congressmen who held, and hold, deep respect and admiration for LES. I can remember the widely respected Bill Bates, a man almost without peer in this body, speaking with profound affection for him.

For 30 years, LES served as Republican whip in the House. No one, on either side of the aisle, has ever surpassed his record of service in that position. His leadership will be sorely missed.

I join with all of my colleagues in wishing LES and his lovely wife Betty decades of future success and happiness. They will be able to relax and enjoy the pleasures that his vigorous efforts on behalf of our country have precluded.

Mr. SYMMS. Mr. Speaker, it is with mixed emotions that we receive the announcement that the distinguished minority whip LES ARENDS is retiring at the end of the 93d Congress

I am happy for he and Mrs. Arends and wish them well, I am also happy that I was privileged to know him as my leader in this Congress, and to have served with him. I am sad to think LES will not be back.

My sincere best wishes and blessings go to this great American, in his new life.

Mr. BRAY. Mr. Speaker, the friend, counselor, and colleague of every Member of the House of Representatives—and many in the Senate, too, I might add—has today announced he will retire from Congress and not seek reelection in 1974. The senior Republican Member of the House of Representatives will, by this, close a long and distinguished career that began on January 3, 1935, giving him a total of 38 years' service to his country, his State, his district, and his party.

It has been my privilege and honor to have LES as a friend and wise, sympathetic adviser and confidant for the years I have spent in the House, and I know many others feel the same way. Never too busy to help out, never too busy to answer a question—and never too busy to help someone, who needed it, over a rough spot—that has been LES ARENDS' way of conducting himself.

Dr. Samuel Johnson wrote in the 18th century:

> Exert your talents and distinguish yourself and don't think of retiring from the world until the world will be sorry that you retire. I hate a fellow whom pride or laziness drives into a corner, and who does nothing when he is there but sit and growl. Let him come out as I do, and bark.

Well, I hope we hear LES ARENDS' bark in years to come, even though he will not be among us. And, as the first part of the above quote says:

> Exert your talents and distinguished yourself.

If any one is ever to ask me what LES did while in the House, that is what I would say. I cannot think of anything better to describe what he has done for us all, and for his country.

So, late in 1974, the last bells will sound in the Halls of the House and Capitol for our good friend, whom we will miss so much. I wish him well, I will miss him, and I hope he leaves with this thought, from Bunyan's "Pilgrim's Progress":

> My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battles who now will be my reward.

Mr. MICHEL. Mr. Speaker, I cannot tell you what a profound shock it is for me to hear from our dear friend, LES ARENDS, that he will not seek reelection.

We just received the word a few moments ago in LES' whip office and I just feel stunned. LES has practically been a father to me during my service here in the House. He has been my mentor and confident, and I was just sure he would run again to more or less wind up his career with the present administration in 1976. He surely would have won had be sought reelection and we were counting on his good name, popularity, and outstanding record of accomplishment to help us all in Illinois.

It was my honor in our organizing caucus this past January to nominate LES to serve as our whip for the "umteenth" time. He has as a matter of fact served as whip longer than any other in either party throughout our history.

Many changes have taken place around here during his tenure but he has been able to roll with the changes including a number in our leadership during all these years.

To be an effective whip you have to get the votes when they are needed LES knows the composition of each of our districts and our respective problems.

He knows when to speak and when to listen—a good father confers or so to speak as has been said by others he has been around long enough to have his views highly regarded by all our Presidents since Roosevelt.

When we have the Presidency, as we do now, it is important that the White House get our message from time to time, and he has done this most effectively.

We have had our differences in the party, among our own Members and with the White House, but when one is elected to a leadership position you have got to put it all together for a party stance or position and LES has had that capacity.

It requires swallowing hard sometimes, turning the other cheek more than you like, eating a good deal of crow, and biting the distasteful bullet.

LES has done it all during his long tenure.

He has put together a good whip organization that has served us well—and he is always open to suggestions on how it can be improved.

He has the experience and the gift for getting along not only with all of us, but with our friends on the other side of the aisle.

As Joe McCaffrey of WMAL once said:

> LES ARENDS of Illinois is as much a part of the House of Representatives as the statue of freedom atop the Capitol dome.

Mr. Speaker, I would simply add to that by saying, we consider him an institution of this House.

On the one hand I am grieved to see one who has served so long and faithfully leave our midst for he has been such a part of us, but on the other hand I am happy and glad for him if this is what he prefers to do. He certainly deserves the very best of everything in his retirement when it comes a year from now.

GENERAL LEAVE

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the pending retirement of the gentleman from Illinois (Mr. Arends).

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RESIGNATION FROM COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from the Committee on the District of Columbia:

November 15, 1973.

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: The purpose of this letter is to affirm my resignation as a Member of the House District of Columbia Committee effective Thursday, November 15th, 1973.

Thank you for your consideration in this matter.

Sincerely,

Steve Symms,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION FROM COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from the Committee on the District of Columbia:

November 15, 1973.

Hon. Carl Albert,
Speaker of the House,
Washington, D.C.

Dear Mr. Speaker: I hereby tender my resignation as a member of the District of Columbia Committee.

My service on the Committee was a very rewarding and challenging experience. Through the leadership of Chairman Diggs, I believe the Committee has acted in the best interests of the District of Columbia. The Home Rule Bill which will hopefully be enacted, is a testimony to the diligent efforts of my colleagues.

It is with deepest regrets that I resign, but with a sense of satisfaction at having had the opportunity to serve on the Committee.

Sincerely,

William M. Ketchum,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION AS MEMBERS TO STANDING COMMITTEES

Mr. ARENDS. Mr. Speaker, I offer a privileged resolution (H. Res. 704) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 704

Resolved, That the following-named Members be, and they are hereby elected members of the following standing committees of the House of Representatives:

Robin L. Beard of Tennessee: Committee on the District of Columbia;

William M. Ketchum of California: Committee on Science and Astronautics;

Steven D. Symms of Idaho: Committee on Interior and Insular Affairs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS AND THE CLERK TO RECEIVE MESSAGES FROM THE SENATE

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, November 26, 1973, the clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until November 26, 1973, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, NOVEMBER 28, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday, November 28, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING MEMBERS OF THE HOUSE TO REVISE AND EXTEND THEIR REMARKS IN THE CONGRESSIONAL RECORD

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until November 26, 1973, all Members of the House shall have the privilege to extend and revise their own remarks in the Congressional Record on more than one subject, if they so desire, and also to include therein such short quotations as may be necessary to explain or complete such extension of remarks, but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

November 15, 1973.

Hon. Carl Albert,
The Speaker,
House of Representatives.

Dear Sir: On this date, I have been served with a subpoena duces tecum by a United States Marshal, that was issued by the U.S. District Court for the District of Columbia. This subpoena is in connection with the case of Ralph Nader, et al., Earl Butz, et al., (Civil Action No. 148-72).

The subpoena commands me to appear on the 23rd day of November 1973 and requests certain House documents, reports, records, letters and other material filed with the Clerk of the House of Representatives pursuant to Sec. 305 of the Federal Corrupt Practices Act of 1925, as amended, by Trust for Agricultural Political Education (TAPE), Agriculture and Dairy Educational Political Trust (ADEPT) and Trust for Special Political Agricultural Community Education (SPACE).

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. Pat Jennings,
Clerk, House of Representatives.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

[In the U.S. District Court for the District of Columbia, Civil Action No. 148-72]

Ralph Nader, et al., Plaintiff v. Earl Butz, et al., Defendant

To: W. Pat Jennings, Clerk of the House of Representatives

You are hereby commanded to appear in the office of William A. Dobrovir, 2005 L Street, N.W., Washington, D.C. 20036 to give testimony in the above-entitled cause on the 23 day of November, 1973, at 10 o'clock a.m. (and bring with you) the documents specified in the attached notice of deposition unless such documents have been made available to William A. Dobrovir, attorney for plaintiffs, for inspection and copying on or before November 23, 1973.

James F. Davey,
Clerk.
By Ruby H. Kelly,
Deputy Clerk.

Date November 13, 1973.

William A. Dobrovir, Attorney for Plaintiff.

Notice of Deposition

In the U.S. District Court for the District of Columbia, Civil Action No. 148-72

Ralph Nader, et al., Plaintiffs, v. Earl Butz, et al., Defendants.

To: David J. Anderson, Esq., Department of Justice, Washington, D.C. 20530

1. Please take notice that plaintiffs will take the deposition of W. Pat Jennings, Clerk of the House of Representatives before a notary public or other officer qualified to administer oaths, at the office of plaintiff's attorney, William A. Debrovir, 2005 L Street, N.W., Washington, D.C. 20036, on November 23, 1973 at 10:00 a.m., unless before that date he causes to be delvered to plaintiff's attorney at said address the documents described in ¶ 2 hereof.

2. The deponent shall bring with him at

the taking of the deposition all documents, reports, records, letters and other material filed with the Clerk of the House of Representatives pursuant to § 305 of the Federal Corrupt Practices Act of 1925, as amended, by Trust for Agricultural Political Education (TAPE), Agriculture and Dairy Educational Political Trust (ADEPT) and Trust for Special Political Agricultural Community Education.

William A. Dobrovir,
Andra N. Oakes,
2005 L Street, N.W.
Washington, D.C. 20036
(202) 785-8919
Attorneys for Plaintiffs.

Certificate of Service

I hereby certify that I have served a copy of the foregoing Notice of Deposition on David J. Anderson, Department of Justice, by first class mail, this 13th day of November, 1973.

William A. Dobrovir.

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 705) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 705

Whereas in the case of Ralph Nader, et al. against Earl Butz, et al. (Civil Action No. 148-72) pending in the United States District Court for the District of Columbia, a subpena duces tecum and a notice of taking of deposition was issued by the said Court and served upon W. Pat Jennings, Clerk of the House of Representatives, directing him to appear at the office of counsel for plaintiffs at 10:00 antemeridian on the 23rd day of November, 1973 as a witness and to bring with him certain documents in the possession and under the control of the House of Representatives; Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the end of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the court in the subpenas duces tecum before-mentioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceedings and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpenas duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE REPORTS

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight on November 20, 1973, to file reports on the bills H.R. 6186, H.R. 6758, H.R. 7218, H.R. 10806, and H.R. 11238, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON H.R. 6768, U.S. PARTICIPATION IN UNITED NATIONS ENVIRONMENT PROGRAM

Mr. FRASER submitted the following conference report and statement on the bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program:

Conference Report (H. Rept. No. 93-642)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6768) to provide for participation by the United States in the United Nations Environment Program, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

Donald M. Fraser,
Thomas E. Morgan,
Dante B. Fascell,
Peter H. B. Frelinghuysen,
Managers on the Part of the House.

Claiborne Pell,
Edmund S. Muskie,
Clifford P. Case,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6768) to provide for participation by the United States in the United Nations Environment Program, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Section 4 of the House bill provided that no funds authorized by H.R. 6768 shall be expended to assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam). The Senate amendment struck out this section. The House recedes from its disagreement to the amendment by the Senate.

The reason that the House recedes is that the purpose of the United Nations Environment Fund, to which H.R. 6768 authorizes contributions by the United States, is to coordinate and support international environment activities under the United Nations Environment Program. Reconstruction of North Vietnam is not such an activity. Furthermore, North Vietnam is not a member of the United Nations or any of the specialized agencies engaged in international environment activities under the Environment Program. Therefore, such section 4 is not necessary to preclude funds authorized by H.R. 6768 from being expended for the reconstruction of the Democratic Republic of Vietnam.

Donald M. Fraser,
Thomas E. Morgan,
Dante B. Fascell,
Peter H. B. Frelinghuysen,
Managers on the Part of the House.

Claiborne Pell,
Edmund S. Muskie,
Clifford P. Case,
Managers on the Part of the Senate.

PROPOSED 50-MILE-PER-HOUR SPEED LIMIT

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, this morning the subcommittee which I am privileged to chair heard testimony concerning the imposition of an arbitrary 50-mile-an-hour speed limit, and an official of the Greyhound Bus Co., testified that last night they ran two trips from New York to Washington, the same bus, and the same number of stops, and everything, at 50 miles per hour one way and 60 miles per hour limit the other way. He said it took 19.6 percent more fuel to travel under a 50 miles per hour limit than it did to travel under a 60 miles per hour limit. In addition, it would require 10 percent more buses to carry the same load; therefore, it would require about 30 percent more fuel per passenger mile. Since additional buses are not available, more people would have to travel by auto and that would require even more fuel.

We had similar testimony concerning trucks which have 10 speeds forward, and were designed for optimim speeds of 62 to 65 miles per hour. It would cause them to shift to a lower gear to prevent running at too high an RPM and less efficiently.

I think it would be a mistake for the States across this Nation to start imposing a 50-mile-an-hour speed limit, upon the assumption that they will save significant amounts of fuel, when the opposite may be the case. We should be directing attention at ways to make significant savings and at significant solutions such as using more coal instead of depending heavily upon ideas which have not been appropriately analyzed.

ARABIAN OIL EMBARGO CAN WORK BOTH WAYS

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, the Christian Science Monitor reports today that the sale of U.S. grain and other farm products to Arab countries is expected this year to be $300 million in value, a jump of 50 percent over last year's figures. The Department of Agriculture has confirmed these figures.

I need not remind the Speaker or the House that this Nation is in the throes of a crippling energy crisis, because the Arab countries are cutting down on the flow of oil to the United States and to Western Europe, and the Western European countries are buying oil all over the world from sources that we normally rely on for imports to the United States. The United States is facing a heatless winter. The stock market has already gone down over 100 points on the Dow-Jones average, because industry is facing a shutdown.

The United States is the sole country in this world that produces the food the Arab countries need to feed themselves.

Is it not time that the Nixon administration uses the weapon that we have—food, to counter the weapon the Arabs have—oil?

CONGRESS NEEDS A BETTER ECONOMIC GUIDELINE

(Mr. HANNA asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, I think there should be a message sent to Messrs. Stein, Shultz, and Burns. Those around the President responsible for economic advice should recognize with appropriate humility their limitations. Not since the depression have economic theory and analysis given such an inadequate explanation of what is going on in the world. There is no such thing as a pure economic policy. Economists are at their best when they are giving us a rational explanation of an irrational past. They are acceptable when they are giving us an orderly explanation for a chaotic present. They are at their worst when they are giving us an assured projection for an uncertain future.

The world has been and is continuing to go through a very challenging, bewildering change. Most of these changes economists are unaware of, and those that they know of, they have not caught up with.

It puzzles me that historians are uncertain of their analyses of the past, and yet economists can be so certain about their forecasts for the future.

Mr. Speaker, the Congress needs better guidance than economics for a vision of the future, and I hope the President has better plans for that future than his present advisers have been preparing.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL WEDNESDAY, NOVEMBER 21, 1973, TO FILE A REPORT ON MANPOWER LEGISLATION

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until Wednesday to file a report on the so-called manpower legislation just reported out of the committee today.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL EXPLANATION BY MR. WHITE, OF TEXAS

(Mr. WHITE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHITE. Mr. Speaker, on October 2, 3, and 4, 1973, I was away from Washington and missed rollcall votes Nos. 488 to 500. Had I been present, I would have voted as follows:

On rollcall No. 488, conference report on arts and humanities, I would have voted "aye."

On rollcall No. 489, passage of Radio Free Europe, I would have voted "aye."

On rollcall No. 491, rule for urban mass transportation, I would have voted "aye."

On rollcall No. 493, amendment to strike Federal grants for operating expenses of urban mass transportation, I would have voted "aye."

On rollcall No. 494, motion to strike the enacting clause on urban mass transportation, I would have voted "no."

On rollcall No. 495, amendment to strike Federal grants for operating expenses of urban mass transportation, I would have voted "aye."

On rollcall No. 496, passage of urban mass transportation, I would have voted "aye."

On rollcall No. 497, passage of Big Cypress National Preserve, I would have voted "aye."

On rollcall No. 498, amendment to par value modification to reduce appropriation from $2.2 billion to $477 million, I would have voted "no."

On rollcall No. 500, passage of par value modification, I would have voted "aye."

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS PRESIDENT SEEKS TO CURRY FAVOR WITH HIS PROSPECTIVE GRAND JURORS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, it is deplorable that the President should invite Members of Congress to White House luncheons in order to curry favor with his prospective grand jurors.

When the President invites a Member to the White House, it is common courtesy for the Member to accept. He would be hard put to turn it down. So it is deplorable that the President should abuse the respect due his high office by using it to make Members an offer they cannot refuse.

Congress has already pledged that it will work with President Nixon on national matters. At the same time, the House has a grave responsibility to proceed with its impeachment inquiry—and to proceed with all dispatch. But any impeachment resolution will have to be fully supported by the facts—just as the grand jury in a criminal case will issue indictments only upon presentation of sufficient evidence.

I have introduced House Resolution 629 calling for an inquiry into the President's conduct. My bill has cosponsors. The Judiciary Committee has before it resolutions of impeachment with 39 cosponsors.

Chairman RODINO has pledged that the inquiry will be conducted in accord with the highest ethical and professional standards—with scrupulous regard for the rights of President Nixon. But throughout the progress of this inquiry, we preserve a cool impartiality on the part of the House Membership. Because, ultimately, the entire House may be called upon to sit as a grand jury on charges against the President.

It is unbecoming—if not improper—of the President that he should at this time attempt to influence votes. The House must ask of the President the same courtesy that the House extends to him: He must observe and respect the solemn constitutional obligation of the House to conduct its duties in this matter and to do so without the interference of the President.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT, NOVEMBER 24, 1973, TO FILE A REPORT ON S. 2641, TO CONFER JURISDICTION UPON DISTRICT COURT OF CERTAIN CIVIL ACTIONS BROUGHT BY THE SENATE SELECT COMMITTEE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary shall have until midnight, November 24, in which to file a report on S. 2641, a bill to confer jurisdiction upon the District Court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GASOLINE SUPPLIES

(Mr. HAYS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matters.)

Mr. HAYS. Mr. Speaker, if we read the daily newspapers, we will find that the various administration officials are recommending rationing, recommending higher prices for gasoline, recommending everything they can to hamstring the American people. If you take a look at that picture of Mr. Stein in the morning paper, and if you want him to tell all of our people what to do with their automobiles, the Members can go ahead and vote that way. But I am saying to the Members that any Member who votes for rationing of gasoline is asking to stay home after the next election, and I just challenge anybody to vote for it and see what happens to them. I know how I am going to vote.

I know what happened in 1946, and I am going to give a speech in a week or so when I get the statistics together, but I can tell the Members right now that Exxon Corp. sold less gasoline in the third quarter of this year than they did last year but their net profit went up 81 percent.

I say it is time to show the Arabs what we can do if we have to, and there is no reason why any American should go cold or why he should not have gasoline to go to his job.

MEMBERS OF HOUSE AS GRAND JURORS

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOGAN. Mr. Speaker, we have been accustomed to the blatant partisanship of the majority leader, but today I think he went beyond the bounds he has ever reached before. To say the President of the United States cannot invite the Members of the Congress to the White House I think is a ridiculous thing to say. I would like to talk further about the grand jury concept he alluded to.

The majority leader says the President's inviting men and women who might subsequently have an opportunity to vote on impeachment to the White House is like an accused trying to influence a grand juror. I wonder if the gentleman would be as willing to extend this grand jury concept so that all those who have publicly indicated that they think the President should be impeached before hearing the evidence should disqualify themselves as "grand jurors."

Before our Judiciary Committee today as we are considering the Ford nomination no less than three members—and we have not been through the whole committee for questions yet—have stated the President of the United States should be impeached before we even consider confirming GERALD FORD as Vice President.

I think if we are going to talk about the grand jury concept we ought to impose the whole grand jury system including the secrecy, fairness to the accused and all other safeguards. What would be the situation if a grand juror, before entering the grand jury room, when asked how he would vote on indictment of the accused, said, "I will vote to indict him." He would be disqualified. So we asked further, "But have you heard any of the evidence?" He would reply, "No, but I have read about it in the newspapers and I know all I need to know. My mind is made up. I have already decided he is guilty." That grand juror would be disqualified. I submit that this is the situation Members are in who have already announced they favor impeachment.

I say, if we want to extend this grand jury concept as the majority leader said we ought to disqualify those members from the grand jury who have said that the President ought to be impeached.

IN PRAISE OF U.S. POSTAL SERVICE

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, this week I, along with other members of the House Post Office and Civil Service Committee, was privileged to attend a breakfast hosted by Postmaster General E. T. Klassen.

I have in the past been critical of the Postal Service for some of their inefficiencies. But, today I praise Postmaster General Klassen and his employees for the efforts they are making in conserving energy.

Klassen has announced the formation of an "Energy Action Center" to coordinate an aggressive, nationwide energy conservation effort for the U.S. Postal Service. The new Energy Action Center will have the following purposes:

Identify, evaluate, set standards and measure energy consumption rates of specific activities at all postal installations;

Promote energy conservation throughout the Service; and

Set specific and attainable conservation goals for various organizations within the Postal Service.

In the event of rationing, the Postal Service would receive a "high priority" and allowed all necessary gasoline. For this reason I am especially proud of actions taken by the Service. Last May, prior to the announced Federal campaign in June, the Postal Service issued general instructions for conserving vehicle fuel.

The Postal Service has been able to reduce its energy consumption by an average of 6 percent per year over the past 3 years. Their savings has been financial as well as in the form of lower fuel consumption.

In August, Postal Service Headquarters in Washington, D.C. went on reduced energy levels, curtailing elevator and overnight building operations, resetting environmental controls and turning the lights off in the evening. Field managers were also ordered to implement similar energy saving programs throughout some 40,000 postal facilities.

When an organization as big as the Postal Service can accomplish a reduced goal of 7 percent, each and every American should stop to think and then begin to do his share.

PRESIDENT'S EFFORTS TO ACHIEVE PEACE SETTLEMENT IN MIDDLE EAST

(Mr. LANDGREBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANDGREBE. Mr. Speaker, today I am introducing a resolution expressing the sense of the House on the President's efforts to achieve a peace settlement in the Middle East. Last Sunday, November 11, Egypt and Israel signed a six-point cease-fire agreement sponsored by the United States and have already begun discussions on the manner in which the agreement is to be executed. This agreement and these discussions are the first serious and important negotiations conducted by representatives of Egypt and Israel since 1949, almost 25 years ago.

Of course we dare not and we cannot assume that any possibility of an outbreak in that area can be forever discounted. However, most certainly the severe crisis precipitated by open hostilities begun on Israel's most holy day was passed over without triggering a third world war, and for this I think the Nation, our country, Israel, and all sympathizers and free people in the free world ought to recognize the successful efforts of President Nixon in achieving a stable and equitable peace in that important part of the world.

This cease-fire agreement, which hopefully will mitigate hostilities in the Middle East, was successfully adopted due mainly to the efforts of President Nixon to achieve a stable and equitable peace in this important area of the world. For the success of his efforts I am asking this body to adopt a resolution commending the President and pledging its support to the President in his further efforts to establish a permanent peace in this troubled area of the world. It is my belief that such a resolution swiftly adopted will strengthen the United States in its international relations, and will bridge to some degree the breach between the President and the Congress. I urge my colleagues to act on this resolution with all due dispatch.

SAVING GASOLINE AND STRETCHING OUR SUPPLY

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, there is one relatively quick, sure way of saving hundreds of millions of barrels of gasoline and stretching our supply.

That is by simply eliminating or altering the so-called emission devices required on 1973 and subsequent models of every make of car produced and sold in this country.

Mr. Russell Train, EPA Administrator, testifying before our Appropriation Subcommittee this past week, said the difference in increased consumption of gasoline in 1973 models over 1972 models is approximately 8 percent. This represents something like 8 billion gallons of gas per year.

I can personally attest to this significant increase in gasoline consumption in our 1973 Oldsmobile over our comparable 1972 model. They are the same model sedans, differing only in color. When we have driven the two cars equally loaded with our family and luggage on long trips back to the district, the 1973 model invariably takes 4 more gallons than the 1972 model each time we have stopped to fill up the tanks.

Mr. Speaker, the news carries stories of how our big trucks on the interstate highways actually use more gas when limited to a 50-mile speed limit. A nationwide speed limit of 50 miles per hour will not save more than 1 percent of our total gas consumption, or nearly as much as elimination—for a temporary period—of the so-called emission devices required on 1973 and subsequent car models.

The gentleman from Iowa (Mr. SMITH) just made mention of the Greyhound buses and their experience last night. A nationwide speed limit of 50 miles per hour would not save more than 1 percent of our total gas consumption, while elimination of those emission devices could save us 8 percent.

PERSONAL EXPLANATION

Mr. ROBISON of New York. Mr. Speaker, on rollcall No. 538 I was not recorded as voting. I was in the Chamber and placed my card in the box. Had I been recorded I would have been shown as voting "aye."

PRESERVE COOL IMPARTIALITY

(Mr. FROEHLICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROEHLICH. Mr. Speaker and Members of the House, a few minutes ago the majority leader of this House indicated that we must "preserve cool impartiality" when it comes to this whole matter of impeachment. I agree with him.

I also associate myself with the remarks of the gentleman from Maryland (Mr. HOGAN).

For the type of remarks just given are a type that do not preserve cool impartiality. Cool impartiality is not preserved when the whole impeachment operation is run out of the majority leader's office and the Speaker's office and the chairman of the Judiciary Committee is running the errands.

Not once since these resolutions have been introduced has the Judiciary Committee met to discuss the breadth and depth of the total investigation that is to be conducted, not once, yet yesterday afternoon for the first time the Republicans as a whole met to question a staff member, we were told there were 14 full-time individuals working on impeachment. For the first time we had a chance to question the staff as a group and yet we are told to preserve cool impartiality. Then let us have bipartisanship. Let us make decisions jointly. Let us not have it run from the office of the majority leader or the office of the Speaker.

THE PRESIDENT SHOULD DISCLOSE THE FACTS

(Mr. JAMES V. STANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES V. STANTON. Mr. Speaker, the ultimate judges on the question that is being discussed here this afternoon—Watergate—will be the American people, but it seems every time that evidence is presented which might assist the President in clearing his name, he allows it to become missing. The evidence that is offered in terms of the tapes, that might clear his name of his position, suddenly is lost.

The problems that are created by the inquiry that is going on, problems that were created by the President. The difficulty that we face in being objective is the difficulty of dealing with a President who does not disclose to the American people the true facts. His inability to face the issue, his inability to face the issue with honesty and with some degree of integrity.

I support the majority leader in his judicious appraisal of the facts.

CLEAN ELECTIONS ACT OF 1973

(Mr. CLEVELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEVELAND. Mr. Speaker, I have introduced a bill today to impose strict limits on the use of cash in campaigns for Federal office.

Briefly, it would make it unlawful for a contributor to give—or for a candidate or other elected official to receive or spend—cash in amounts exceeding $25. Outlawed would be both direct and indirect contributions and expenditures.

I am a cosponsor of the Clean Elections Act of 1973 with my colleagues Mr. ANDERSON and Mr. UDALL and regard many of its far-reaching reforms essential. But I also recognize the opposition and delays it faces.

Therefore I urge prompt action on my bill to curb the dangers inherent in large amounts of loose cash floating around in a campaign. Too often large bundles of cash comes tied with strings.

Word for word, line for line or page for page. I believe my reform would accomplish more than any other single step to prevent the abuses that have corrupted our elective process. At the same time, the $25 limitation should prove no deterrent to the small contributor.

This bill also offers Congress, which stands none too high in public esteem, an opportunity to demonstrate its willingness to take prompt and positive action. I urge your support.

BIPARTISAN CONFIRMATION OF GERALD R. FORD

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO of Wyoming. Mr. Speaker, I hope we can remain calm, and I am an example of one who needs daily reminders to remain calm.

The Republican Members met after the Saturday massacre and our eminent and beloved minority leader, Mr. GERALD R. FORD, said, the following Monday:

> Mr. Speaker, we have conferred and the Republicans would like all impeachment resolutions referred to the Judiciary Committee and not to a select committee.

Considering the beginning that morning, there was bipartisan cooperation between the majority and the minority. And a charge that it is now otherwise is unreasonable. Let us proceed to get the confirmation of the minority leader to the Vice Presidency out of the way soon, and then we can proceed with our legislative duties on impeachment, and we will be able to face our own constituents accordingly.

FAIR TREATMENT FOR IMPEACHMENT

(Mr. RAILSBACK was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I share some of the concerns that have been expressed by the gentleman from Wisconsin. I want to say that I believe that some of us on our side would like very much to go ahead with the resolution of the gentleman from New Jersey, provided that we have some assurance there will be some kind of fair treatment as far as the staff.

I must say that many of us were concerned to learn that there are already 19 people working directly on the impeachment inquiry.

I asked one of the minority counsel last night whether there were any minority people represented among those 19. In fairness, he pointed out that five of the investigators were from the General Accounting Office, but even taking the 14, as far as I know there is not one minority member among those people.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, if the chairman calls up that resolution, I assure the gentleman that the assurances he seeks will be forthcoming.

Mr. RAILSBACK. Mr. Speaker, I thank the gentleman for his statement.

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Speaker, we are going to be considering a resolution today for $1 million, as I understand, that started out at $2 million for the purpose of investigating the question of these impeachment resolutions.

This is something that the House has never had to consider, to my knowledge, in this century, and even before that time.

If we want to make it a bipartisan or nonpartisan operation, then we have got to say that the Republican members of the Committee on the Judiciary get 50 percent, and the Democratic members get 50 percent. I will vote for the resolution under those kinds of ground rules, but under no other circumstance could I support a resolution of this kind unless it is truly bipartisan. The only way I know that it is bipartisan is to have 50 percent on each side.

HEARINGS ON FORD NOMINATION SHOULD NOT BE INTERRUPTED

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, I think it is extremely unfortunate that the highly controversial resolution, House Resolution 702 authorizing $1 million additional dollars for the Judiciary Committee is being brought up at this particular time, on the day when the Judiciary Committee's attention and resources are fully committed to the first day of hearings on the nomination of the Honorable Gerald R. Ford to the Office of the Vice-Presidency. It is really legally unfair and unnecessary to interrupt the testimony of Mr. Ford before our committee and devote several hours to a resolution for additional funds when such resolution could just as well be deferred to a time when the Committee on the Judiciary is not so heavily engaged in the Vice-Presidential hearings. For 5 long weeks ever since Mr. Ford was nominated on October 12 we of the minority on the Judiciary Committee have been imploring the chairman to get on with the matter of the confirmation hearings, which obviously should be given the very highest priority and we finally succeeded in persuading him to commence those hearings this morning for the first time.

Mr. Ford has been testifying all morning, and the committee should be returning promptly to the hearing room for the resumption of his testimony, at 2 o'clock. Obviously this will be long delayed if the gentleman from New Jersey (Mr. Thompson) insists on taking up the resolution today. Can we not at least wait until the Committee on the Judiciary shall have had an opportunity to consider such a resolution which I am advised thrusts an additional $1 million upon the committee. Mr. Speaker, it is neither fair nor appropriate to divert the committee from its constitutional responsibility to expedite consideration of the Ford nomination by forcing House consideration of the million-dollar resolution H.R. 702 at this time.

THIRD ANNUAL REPORT ON GOVERNMENT SERVICES TO RURAL AMERICA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–191)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Agriculture and ordered to be printed:

To the Congress of the United States:

Today I am transmitting the third annual report on government services to rural America, as required by Section 901(e) of the Agricultural Act of 1970.

Richard Nixon.

The White House, *November 15, 1973.*

THIRD ANNUAL REPORT ON HEALTH ACTIVITIES UNDER FEDERAL ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES COAL MINE HEALTH AND SAFETY

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

I am pleased to submit to you the third annual report on health activities under the Federal Coal Mine Health and Safety Act of 1969, Public Law 91–173.

This report covers the implementation of the health program carried out by the National Institute for Occupational Safety and Health of the Department of Health, Education, and Welfare. It represents a compendium of coal mine health research, medical examinations of coal miners, and other related activities of 1972.

It is encouraging to note that in 1972 the Department's coal mine research program moved significantly toward our goal of preventing the development and progression of coal workers' pneumoconiosis.

I commend this report to your attention.

Richard M. Nixon.

The White House, *November 15, 1973.*

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

Mr. HAYS. Mr. Speaker, I offer a privileged resolution (H. Res. 702) from the Committee on House Administration, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 702

Resolved, That the further expenses of the investigations and studies to be conducted pursuant to H. Res. 74, by the Committee on the Judiciary, acting as a whole or by subcommittee, not to exceed $1,500,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, and for the procurement of services of individual special consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $500,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the fund authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on the Judiciary shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 586]

Arends
Blackburn
Brotzman
Buchanan
Burke, Calif.
Chisholm
Clark
Collins, Ill.
Conlan
Conyers
Davis, Wis.
Erlenborn
Gubser
Harvey
Hinshaw
Jarman
Landgrebe
Leggett
Litton
Macdonald
Mailliard
Martin, Nebr.
Mills, Ark.
Moorhead, Pa.
Murphy, N.Y.
Rees
Reid
Rhodes
Rooney, N.Y.
Seiberling
Sisk
Stuckey
Symington
Teague, Tex.
Van Deerlin

The SPEAKER. On this rollcall 398 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this bill came from the House Administration Committee to give the Committee on the Judiciary $1 million. It was cut from $1½ million.

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: page 1, line 4, strike out "$1,500,000" and insert in lieu thereof "$1,000,000".

PARLIAMENTARY INQUIRY

Mr. WIGGINS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. Will the gentleman yield for a parliamentary inquiry?

Mr. HAYS. I yield to the gentleman.

Mr. WIGGINS. I thank the gentleman.

Mr. Speaker, was the committee amendment agreed to?

The SPEAKER. It was not.

Mr. WIGGINS. The issue under consideration is the committee amendment?

The SPEAKER. The gentleman is correct.

Mr. HAYS. Mr. Speaker, I am sorry. I thought the committee amendment was agreed to before I stood up.

The SPEAKER. The committee amendment was reported. It was not agreed to. The Chair had started to put the question.

Mr. HAYS. Mr. Speaker, the committee amendment cuts the amount from $1½ million to $1 million. We felt that was a compromise when the minority of the committee came in and said they wanted more money, and we hope that the minority will get some staff out of this. We believe it will. The chairman has given us assurances that we would hear later. We thought this was enough to get on with the job. We thought it ought to be done and disposed of one way or another.

Mr. Speaker, before I yield any time, does the Chair wish to put the question on the committee amendment?

The SPEAKER. Will the gentleman yield for an amendment to the committee amendment?

Mr. HAYS. No, Mr. Speaker, I will not yield for an amendment to the committee amendment.

The SPEAKER. Does the gentleman move the previous question on the committee amendment?

Mr. HAYS. Mr. Speaker, I move the previous question on the committee amendment.

PARLIAMENTARY INQUIRY

Mr. McCLORY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCLORY. Mr. Speaker, I want to speak on the amendment.

The SPEAKER. The gentleman from Ohio has control of the time under the privileged resolution which is before the House. The gentleman has moved the previous question.

Mr. McCLORY. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER. Will the gentleman yield for a parliamentary inquiry?

Mr. HAYS. Mr. Speaker, I move the previous question on the committee amendment.

PARLIAMENTARY INQUIRY

Mr. WIGGINS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. Will the gentleman yield for a parliamentary inquiry?

Mr. HAYS. No, I will not yield, Mr. Speaker. I intend to yield time to the gentlemen who asked for it.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CEDERBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 182, not voting 21, as follows:

[Roll No. 587]

YEAS—230

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashbrook
Ashley
Aspin
Badillo
Barrett
Bennett
Bergland
Bevill
Biaggi
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Chisholm
Clark
Clay
Conyers
Corman
Cotter
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gunter
Haley
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Long, La.
Long, Md.
McCormack
McFall
McKay
McSpadden
Madden
Mahon
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Randall
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
St Germain
Sandman
Sarbanes
Satterfield
Schroeder
Seiberling
Shipley
Sikes
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thornton
Tiernan
Udall
Ullman
Vanik
Vigorito
Waggonner
Waldie
White
Whitten
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NAYS—182

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Bafalis
Baker
Bauman
Beard
Bell
Biester
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Butler
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Robert W., Jr.
Dellenback
Dennis
Derwinski
Devine
Dickinson
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Guyer
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Hastings
Hébert
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
McClory
McCloskey
McCollister
McDade
McEwen
McKinney
Madigan
Mailliard
Mallary
Maraziti
Martin, N.C.
Mathias, Calif.
Mayne
Michel
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moorhead, Calif.
Mosher
Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Peyser
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Regula
Rinaldo
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Ryan
Sarasin
Schérle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Walsh
Wampler
Ware
Whalen
Whitehurst
Widnall
Wiggins
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOT VOTING—21

Blackburn
Buchanan
Burke, Calif.
Collins, Ill.
Davis, Ga.
Davis, Wis.
Duncan
Harvey
Hungate
Litton
Lujan
Macdonald
Martin, Nebr.
Mills, Ark.
Murphy, N.Y.
Railsback
Rhodes
Rooney, N.Y.
Sisk
Stuckey
Van Deerlin

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Rhodes against.

Mr. Sisk for, with Mr. Harvey against.

Mr. Macdonald for, with Mr. Lujan against.

Mrs. Burke of California for, with Mr. Martin of Nebraska against.

Mr. Van Deerlin for, with Mr. Davis of Wisconsin against.

Mr. Hungate for, with Mr. Buchanan against.

Mrs. Collins of Illinois for, with Mr. Duncan against.

Mr. Murphy of New York for, with Mr. Blackburn against.

Until further notice:

Mr. Mills of Arkansas with Mr. Stuckey.

Mr. Davis of Georgia with Mr. Litton.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

A motion to reconsider was laid on the table.

Mr. HAYS. Mr. Speaker, I yield 5 minutes, for the purposes of debate only, to the gentleman from New Jersey (Mr. THOMPSON), the chairman of the subcommittee.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 702 is intended to appropriate funds to the Committee on the Judiciary for the purpose of carrying out its responsibilities pursuant to the impeachment clause of the Constitution and for other committee matters.

As we know, the Constitution commands the impeachment of civil officers if there be evidence of treason, bribery, or high crimes and misdemeanors.

All of us who serve in this body are aware of the matters which have been aired in the hearings held by the select committee in the other body which, incidentally, had appropriated to it solely for their purpose—and they are virtually finished—$1,500,000.

Mr. Speaker, without going into detail, suffice it to say that testimony has been given which on its face would appear to implicate the President in impeachable conduct. Several resolutions alleging impeachable conduct lie before the Committee on the Judiciary. There is literally no way in which the committee can properly address itself to these resolutions and the charges obtained therein unless it has staff and counsel commensurate to the task. It was for that purpose that this resolution was introduced and the request for funds incorporated in this resolution to be appropriated to conduct a thorough investigation of the charges alleged in the resolution pending before the committee.

In no way does any Member who supported this in the committee prejudge the case. Certainly the President is entitled to due process, and the public demands that these charges be fully aired and disposed of so that, as the President has requested, faith can be restored in that office.

I would hope that in the course of the debate there will be the assurances sought by Members of the minority so that they are entitled—and I feel deeply that they are entitled—to get a reasonable share of this money for their staffing, because they need it as well as the majority needs it. I do not think it reasonable or rational to demand 50 percent, any more than I consider it reasonable or rational for the minority to demand 50 percent of the Justice Department's or the Special Prosecutor's staff.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I will yield for a question.

Mr. CLEVELAND. Mr. Speaker, may I ask, what percentage does the gentleman think is reasonable or rational?

Mr. THOMPSON of New Jersey. Well, I think that one-third might be about 5 percent in excess of what the caucus would allow me to say. I think that the history of the Subcommittee on Accounts is clear in each and every instance.

Mr. CLEVELAND. Will the gentleman yield further?

Mr. THOMPSON of New Jersey. I decline to yield any further. Let me answer your first question.

Mr. CLEVELAND. I think you have. You said you would not agree with one-third.

Mr. THOMPSON of New Jersey. Yes. I said I would not agree to one-third. I cannot.

Mr. HAYS. Will the gentleman yield?

Mr. THOMPSON of New Jersey. I am glad to yield to the gentleman.

Mr. HAYS. I would like to tell you a little experience I had. I happened to be the ranking member of the minority on a committee the last time the Republicans had control of the Congress. It was an investigative committee with an investigative staff.

I got very fine treatment from the Republican majority. They did not give me employee No. 1—nothing—zero—zilch.

Now, what we propose to do is to give you some employees, but I do not think the majority will let you set an arbitrary figure.

I heard Mr. RODINO saying here that if he thought it was necessary, we would give you half of the employees, but he will be the judge of that and there will not be any figure written into this bill, because there is no way that it can be. However, you will be treated a lot more fairly than we were a good many years ago when your party had control here.

Mr. CLEVELAND. Will the gentleman yield further?

Mr. THOMPSON of New Jersey. Just one moment.

The fact is that I honestly deplore the emergence of this great issue facing the Nation into a partisan squabble over staff. As I said before every ranking member on that side knows that the Subcommittee on Accounts has treated committees fairly.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield the gentleman 2 additional minutes for the purpose of debate.

Mr. THOMPSON of New Jersey. The committees have been treated eminently fairly, as the ranking member of the Committee on the Judiciary himself will attest. The fact of the matter is that it has been 100 years since there has been an impeachment process against a President. These are very painful, unpleasant, and complicated procedures, and prodigious amounts of investigation and paperwork and so on are required. I think the minority will need it. I think that to defeat this resolution or to amend it substantially would be an indication that you do not want, really, a full opportunity for the President to have the due process which I feel he deserves.

Mr. CLEVELAND. Will the gentleman yield further?

Mr. THOMPSON of New Jersey. I will yield briefly.

Mr. CLEVELAND. First of all, I would like to compliment the gentleman from Ohio (Mr. HAYS) because if he can remember the time when the Republicans had control of this House, he has got a darn good memory and it goes back a long, long time.

Mr. THOMPSON of New Jersey. And it is going to be a longer time in the future.

Mr. CLEVELAND. Will the gentleman yield further?

Mr. THOMPSON of New Jersey. I will yield to you all day.

Mr. CLEVELAND. Well, you drafted a bill and voted for that bill on the floor of the House that gave the minority one-third. Now why do you say you cannot let them have one-third of the staffing?

Mr. THOMPSON of New Jersey. I have the unhappy experience, which I learned to live with quite comfortably, of having my great party's caucus bind me not to exceed one third of the moneys.

Mr. CLEVELAND. In other words, you stand in the well enslaved by your caucus and say you cannot vote your conscience.

Mr. THOMPSON of New Jersey. Yes. I am enslaved, and I am proud to be; and I am not married to my party in such a way that I can never vote against it like you do not.

Mr. HAYS. Mr. Speaker, for purposes of debate only I yield five minutes to the gentleman from Alabama (Mr. DICKINSON), and I will yield him more time if he needs it.

Mr. DICKINSON. Mr. Speaker. I thank the gentleman for yielding me the 5 minutes.

I hope I can clear up the situation at least in the minds of some of those here. Let me put this thing in perspective if I may.

The normal and usual and customary way of a committee being funded is for them to come before the Committee on House Administration with their ranking member and chairman and present a budget to us with some testimony to show us what they have done or what they propose to do. The members of the committees are then interrogated both as to the minority and the majority with regard to the funds they are requesting.

We seek some justification for the amounts that they ask for, and then we either give them what they ask for or, in many instances perhaps, we cut them some.

But what has happened in this instance? Mr. Speaker, we were presented with a resolution 2 days ago calling for $2 million for the purpose of giving it to the Committee on the Judiciary to carry out their business, principally the impeachment investigation of the President.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. No, I will not yield to the gentleman.

But the point is, Mr. Speaker, no one came before us, there was not one word of testimony in support of anything, to say nothing of the $2 million. The ranking minority member did not come. The chairman of judiciary did not come. There was no request in writing. We were simply given a resolution calling for an arbitrary $2 million. And it was explained to us that the leadership on the Democratic side had decided this might be a good figure.

In committee it was cut, arbitrarily, a half million dollars. I do not know why. There was no way that we could tell what they needed or did not need.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. No, not at this time—yes, Mr. Speaker, I will yield to the chairman.

Mr. HAYS. Mr. Speaker, I appreciate the gentleman yielding to me, and I would like to point out to the gentleman in the well that the chairman of the committee is the one who took the lead in cutting the amount. And I had no control over who appeared before the subcommittee, or who did not come before the subcommittee.

Mr. DICKINSON. I am getting there, Mr. Chairman.

Yesterday in the full committee the chairman of the full committee suggested, well, maybe this was too much, and we ought to cut it to $1 million. Well, there was no testimony. We do not know what they are going to do. One of the members of the Committee on the Judiciary said it would probably be spring before they get to the point of deciding what is an impeachable offense, and they would not need any investigative money until then.

There has been nothing said, not one word presented in the committee in justification of the request.

Well, what did we decide on, and how did we make up our minds? We have no assurances there will be any equitable consideration in the committee between the allocation or apportioning of the moneys, and the staff. We do not know what they are going to do with it. We do not know for what length of time they will need it. There should be some basis of fact on which to base $1 million. It is a nice, round figure.

Let me say this: There has been a pushing and a shoving, trying to get some reasonable compromise as to what will be the allocation, if this money is given. Let me say that this money is really not the question. I would vote for $5 million if they could justify it, and show it was necessary. But it is not a question of the money. Those who have been before the committee know that we have been pretty free-hearted and open-handed, and that we quite often state that if that is not enough then come back for more.

So the only reason for denying any dollar figure to the minority is simply to deny them the right to do the job that they feel is necessary; not of saving money, but strictly a partisan situation, if they deny the minority their right to an equal portion of the funds.

So what is the parliamentary situation here? This is a privileged resolution that is not amendable unless the gentleman from Ohio, who has control of the time, will yield for that purpose, and there are some amendments that have been drafted that are intended to be offered. One of these will apportion the money. Another will say that the money shall not be used until at least the Committee on the Judiciary can determine what is an impeachable offense.

If the gentleman from Ohio (Mr. Hays), refuses to yield for an amendment, then the parliamentary situation is that there is only two things left to do. One is to vote down the previous question when it is next called, which will then open up for 60 minutes for debate and make it subject to amendment, and in order to spread a little of the sunshine of understanding in here so we can have a free and equal debate on both sides. If that fails, then a motion to recommit with instructions will follow.

So that is the parliamentary situation at the present time.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield 5 additional minutes to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman.

So if this is not to be a partisan squabble, if we are going to give the members of the Committee on the Judiciary the tools and the staff that some claim they so desperately need—and I am not quarreling with the amount, and I do not think that the members of the Committee on the Judiciary on my side of the aisle quarrel with the amount even though it has not been proven—the point is Mr. Speaker, to deny the minority members of the Committee on the Judiciary—what the majority says they need simply removes this from the arena of fair, nonpartisan investigation of an alleged criminal offense. It sort of makes it a lynch mob in effect.

So if we want to be fair, if we want to take it out of the arena of partisan politics, if we want to really be even-handed in the dispensation of justice, then there will be an amendment accepted when offered to apportion these funds, and we will vote it up or down, but to simply cut off debate I think is eminently unfair.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I believe that if this went over until Monday after the Thanksgiving recess, we would have an opportunity for substantial bipartisan support for such a resolution. We heard about this request for $1 million yesterday afternoon for the first time just on the eve of the Thanksgiving recess—and at a time when we have the confirmation hearings on Congressman Ford going on before our committee. This action deprives the minority of the benefit of a committee meeting and of a discussion with the majority with regard to what the plans are, what the investigation should include, and when it should be concluded.

I believe, and I think all of my Republican colleagues on the House Committee on the Judiciary believe, that we should have an investigation, that is, an inquiry to determine what are and what are not impeachable offenses—upon which the committee can consider whether or not to go forward with impeachment proceedings.

Mr. DICKINSON. I understand that. I agree with the gentleman that there is no urgency here why it cannot go over.

Mr. McCLORY. In addition, the committee probably has sufficient staff at the present time to conduct the kind of inquiry which is justified at this time.

Mr. DICKINSON. There has been no allocation of moneys. As a matter of fact, according to the last report, the Committee on the Judiciary has ample money to run until we get back. I can see no irreparable harm at the present time if it should go over, but it so happens we are not in control.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding. Can the gentleman indicate to the House how long this money is going to be used—3 weeks, 3 months, or 3 years?

Mr. DICKINSON. We have no idea in the world what it is going to be spent for, how long it is going to last, and for what purposes it will be spent.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, this money is appropriated for use for the remainder of this Congress. The question of whether $1 million will last is as yet unresolved. We might have to come back for more, but the intention is that it will last for this Congress.

Mr. DICKINSON. I should certainly hope it will last into January and considerably later.

Let me reiterate, if I may, the parliamentary situation, because this is what is so important. An attempt will be made to amend this by getting the gentleman from Ohio, who controls the time, to yield for that purpose. If he declines, the only way it can be amended to work equity is to vote down the previous question, which I will ask all of the Members here to do, so that we can have at least fair and impartial bipartisan proceedings here, and not what would appear as a witch hunt because one party is denied the money while the other party is given a million dollars to go and do anything they want to do.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman.

Is the gentleman aware of the fact that this Committee on the Judiciary already has an active impeachment investigation underway? That we have 19 people working full time on that subject? Is the gentleman aware that we have $200,000 left in our account for this session, and that, in the regular course of events, at the first of the year, we will get at least another $600,000, without getting a penny under this resolution?

Mr. DICKINSON. That is true.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I thank the gentleman for yielding.

Mr. Speaker, earlier in the day we heard the proposition that this should be approached in a nonpartisan way. We will find out very quickly whether or not that is going to be the situation. If amendments are not allowed, it will be an obvious indication that they do not want the minority to have an opportunity to express itself.

Secondly, if the previous question is not voted down, then it is a clear indication that we are going on a partisan operation and not a nonpartisan operation in a quiet manner. It will be interesting to see how the press reports it.

Mr. DICKINSON. I do not see how the gentleman could have put it more succinctly.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

The only partisanship I have seen has come from the minority. I do not see any reason why, with the minority not controlling 50 percent of the House, they should have 50 percent of the positions, but I would assume whoever is hired would go at this matter to find out if there is reason to report a bill of impeachment.

I am not going to stand up today and say I am going to vote to impeach the President. I am not going to vote to impeach him unless there is a bill of impeachment brought through that indicates there is some evidence to warrant it.

That is what we are going to find out: What is at issue?

Whoever is going to get the lawyers I would hope would hire people who are impartial, who would go in with the idea of finding the facts and making a determination on that basis.

All this baloney is about who is going to get what patronage. That is what it really amounts to.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey, the chairman of the Judiciary Committee (Mr. Rodino) for purposes of debate.

Mr. RODINO. Mr. Speaker, I regret sincerely that while our esteemed colleagues on the Republican side protest about partisanship, they have raised that very issue.

When the Speaker of the House referred the resolutions on impeachment to the Committee on the Judiciary, I made an initial statement and I stated that I had hoped this situation might never be necessary and I assumed that responsibility with a sense of sadness and felt that every responsible American would have viewed this as one of the most sobering influences in his life because he is concerned with the future of America. I meant those words then and I mean them now.

There have been a number of resolutions on impeachment before the House of Representatives referred to the Judiciary Committee. I might say that the question is whether we are to proceed with an inquiry impartially and in a bipartisan manner.

Only yesterday in addressing myself to a query from the press, who was trying to inquire as to what might happen if this were not a bipartisan effort, I said it would be disastrous for all of our country.

I believe that throughout my total tenure as chairman of the House Committee on the Judiciary—and I call upon each and any member of that committee to say otherwise—I have treated the members of that committee and especially the ranking Republican member with the utmost fairness, not because I just wanted to be fair but also because one must be fair, especially in this matter.

The Committee on the Judiciary has presently a staff of 26 attorneys. Of them 19 were selected by the Democrats and 7 were selected by the Republicans. That is better than a one-third ratio. I have never rejected or refused a request on the part of the ranking Republican member, the gentleman from Michigan (Mr. Hutchinson).

We hired mail clerks, seven or eight mail clerks, to open up the mail on this alone.

The five GAO investigators were not hired by the committee investigation funds. We requested them from GAO. We have one officer manager that we hired in order to be able to supervise the personnel.

The balance of the money left to the Committee on the Judiciary for the operation of the balance of the year is going to be less than $25,000 or $30,000 with the present complement that is there now to handle the matters before the committee—the question of the special prosecutor, the question of the Watergate grand jury, the question of the confirmation of Vice-President-designate Mr. Gerald R. Ford, whose confirmation proceedings are supposedly underway and they are being held up now because of this display here. I intend to go through the recess with the hearings. The money that is being requested today is money that we believe would be necessary to put together the most judicious, the most erudite, the most qualified legal experts who are constitutionally motivated, objective and who would do a fair job.

Mr. Speaker, to do that kind of job that I believe needs to be done in a situation which is as grave as this matter is that is now before the House of Representatives requires all this.

I am not at this moment, though I have explored and researched and inquired of constitutional experts, able to say that with the mass of evidence that is in the various committees, whether or not there are offenses which have been alleged which can be construed and interpreted under the Constitution to be impeachable offenses.

I am the first one to state that this is the very reason why it becomes necessary that his kind of staff be a staff that is going to be divided in a manner that I believe will be fair and do a proper and responsible job.

On October 23, 1973, I repeat I assured the House and the American people that the Committee on the Judiciary will approach the inquiry into the impeachment resolutions in a "fair, thorough, and responsible" manner.

It is certainly unnecessary to impress upon my colleagues the gravity of our investigation into the allegations that the President has committed impeachable offenses and there is general agreement that an exhaustive and impartial inquiry of these charges is needed. I urge the adoption of this resolution and sincerely believe that this increase in funds is imperative in order that the Committee on the Judiciary and the House of Representatives can satisfy its constitutional obligations in this serious matter.

The Judiciary Committee has already moved forward in assuming the awesome responsibility of investigating charges that the President of the United States should be impeached. I am pleased to advise the House that additional investigators and clerical staff have already been added to the committee and these individuals are presently reviewing the voluminous body of material which has already been developed respecting this matter as well as conducting preliminary investigations into other allegations contained in the resolutions of impeachment.

In addition to their other obligations the legal staff of the committee, including the general counsel and the associate general counsel, has been conducting extensive research on the legal and constitutional issues relating to the subject of impeachment.

In addition, a substantial portion of the staff's time has been devoted to reading, categorizing and responding to the massive amount of correspondence which has been received on impeachment. To date over 100,000 letters, telegrams, and other correspondence have been received—107,352 for impeachment and 3,418 against impeachment.

In other words preliminary work and inquiries are well underway but I emphasize that additional resources must be provided if we are to adequately respond to our constitutional mandate.

The conduct of an impeachment inquiry, particularly concerning the President of the United States, involves many unchartered and untested issues. Since we are denied firm precedents and extensive experience in these areas we must necessarily rely upon the best qualified minds in the academic and legal fields. It will be necessary to assemble a staff of the highest quality and rectitude, including persons with extensive judicial experience to assist us in carrying out a proper and complete investigation. In selecting these individuals, we will look to those who have demonstrated their objectivity and fair-mindedness and who will conduct themselves in a judicious manner at all times.

In order to accomplish this objective we must be provided with the necessary funds by the House of Representatives. I am confident that the funding level provided in House Resolution 702 will adequately meet the demands of the committee. In the event this resolution is adopted, I envision the appointment of a special counsel and several assistant counsels, each of whom will be assigned a separate subject to be reviewed and investigated. Moreover, the following supportive personnel will also be required: investigators; research assistants; clerks; secretaries; stenographers and other office assistants.

Although it is difficult to estimate the extent and direction of the investigation at the present time, I believe we can look to the experience of the Senate Select Committee on Presidential Activities to approximate our requirements. The original resolution establishing the Senate Select Committee authorized the expenditure of $500,000 for the conduct of its investigation and study. However, just 4 months after this resolution was adopted, it became apparent that this figure was totally unrealistic in light of the mandate given to that committee. As a result, the funding level was increased to $1 million shortly after the Select Committee commenced the formal hearing phase of its investigation.

I am hopeful that it will not be necessary to come before the House with an additional request for funding, as occurred in the case of the Senate Select Committee and I trust that this resolution will cover any contingencies that might arise.

I urge my colleagues to approve this resolution and I sincerely believe it will provide us with the necessary resources to go forward with a fair and comprehensive investigation of all allegations in order to determine if articles of impeachment are warranted.

Mr. HAYS. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from California (Mr. Wiggins) a member of both the Committee on the Judiciary and the Committee on House Administration.

Mr. WIGGINS. Mr. Speaker, I have just a brief time and I cannot yield to anyone else in order to reserve sufficient time make the few points I want to make and that should be made.

Chairman Rodino is an honorable man. I believe him when he states his intention that he will be fair to the minority; but gentlemen, the going is rough and it is going to get rougher. We, in the minority, would be more comfortable if the rules were amended to require the gentleman to do what he said he will do as a matter of grace.

We have some reason to be suspicious, because we had the representation of the chairman of the Committee on the Judiciary that he would be fair with respect to subpena power in this investigation. When the minority asked that the right which was promised, that the minority would have the right to subpena witnesses, be incorporated into the rules, the majority voted us down a strictly party vote.

So you see, gentlemen, we have some reason to be skittish on this issue. We would be much more comfortable if the gentleman would agree in writing to what he says he will do.

Let me make two quick points. The resolution is technically defective. It does not give power to the Committee on the Judiciary to conduct an impeachment investigation. I do not have time to develop this fact. I just ask the staff to look at the basic resolution No. 74 and look to rule 11 of the House and they will see that the Committee on the Judiciary has no power given by the House in the matter of impeachment. Accordingly, the resolution is well-intentioned, but defective.

Second, and perhaps more important, do the Members realize that the Committee on the Judiciary has not had its first meeting on the subject of impeachment? We have not yet decided what we are going to do, what is impeachable, what is not, and what instructions are to be given this staff which is to be available.

Would it not be more fair and judicious and prudent for the committee to decide itself what we are going to do before we run to the House administration for money? I think so.

In other words, gentlemen, the resolution is grossly premature.

All of us on the minority side of the Committee on the Judiciary are quite desirous of having a fair investigation of these matters. We are getting off on the wrong fact if that be our objective.

I would think it would be appropriate for the chairman to yield to me for the purpose of an amendment. I have been told that he will not; but if he were to yield to me for the purpose of an amendment, I would offer an amendment to insure that the minority is treated fairly with respect to staffing and to insure that the Committee on the Judiciary at least decides what it is going to do before this $1 million is spent.

I urge a no vote on the previous question in order to permit me to offer these amendments.

I will now yield to the chairman of the Committee on the Judiciary.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from New Jersey, the chairman of the committee.

Mr. RODINO. Mr. Speaker, I would merely like to make mention of the fact that the gentleman talked about the subpena authority. As the gentleman will recall, I stated it would be my policy as the chairman first to consult with the ranking minority member before I issued subpenas.

I would like the gentleman to know that there were a few subpenas that had been issued with regard to the Ford confirmation, and those matters were discussed with the ranking Republican member. I got his assurance of cooperation before I issued them.

Mr. WIGGINS. Mr. Speaker, I appreciate that, but the fact is the chairman resisted an amendment to the rule which would require that we have something besides his verbal assurance that he will be fair.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I want to concur with what the gentleman says. If we had a meeting on the subject to decide where we were going and staff we need, what professional staff we need, whether it be majority or minority, and lay out the guidelines for this kind of inquiry, I think there would be virtually unanimous support on the part of all the members of the committee for an impartial inquiry, which is what we all want.

Mr. WIGGINS. Mr. Speaker, do the Members realize that even as late as yesterday, after the Committee on House Administration had acted on this resolution, even then the majority had no thoughts as to how the money was to be spent.

I urge a vote against the previous question.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would just like to point out that I might be persuaded to yield for an amendment if the gentleman says this is so technically imperfect. Over in the other body, the Committee on Rules and Administration is handling this, and the rules seem fairly pervasive that it should have come to the House Administration Committee here, but the Republican leadership and the Democratic leadership said that they wanted it to go to the Judiciary Committee, and we made no fight about it.

Maybe it would be better if the gentleman would offer an amendment to send it to the House Administration Committee, where there are fewer lawyers and we might have less squabbling.

Mr. Speaker, at this point I would like to yield 4 minutes to the ranking minority member of the Judiciary Committee, the gentleman from Michigan (Mr. Hutchinson) for the purpose of debate only.

Mr. HUTCHINSON. Mr. Speaker, I can assure the House that in all of my dealings with the chairman of the Judiciary Committee since January and to date, he has been very fair with the minority in staffing matters. He has advised me with regards to those instances when he thought it necessary to issue subpenas in the Ford confirmation matter, as he states. Those subpenas, however, are not at all contentious, and they were friendly subpenas, so to speak.

I have no reason to doubt that the Chairman will continue his policy of fairness, but I wish that the chairman did not find himself bound by the actions of his own caucus to the extent that he cannot state on the floor and give some assurances on the floor as to staffing in this impeachment situation.

Mr. Speaker, the impeachment of a President is a very, very grave matter in our constitutional system. In fairness to all parties—I am not talking about political parties, but I am talking about people involved—there should be, shall we say, a high professionalism and an absolute impartiality in evaluating facts and evaluating the inferences that have been brought together.

Of course, if the minority is going to be assured in the end that we will get a third of the staffing, I think that is probably generous in light of history generally. However, that means that I have got to find an expert who is doubly able, twice as able, if you please, as the experts of the majority in order to have an equality of evaluation power.

Now, what I simply want to say is that I think I can work with the chairman of the Committee on the Judiciary in the future as in the past, and I am going to work, of course, toward getting as strong a quality of staff in this very grave matter, as I can possibly get. I do wish that the chairman could give me on this floor now such assurances.

I understand that he does not feel that he can give them publicly. I will work with him toward that end, but I regret exceedingly that this matter has had to come up today in the middle of the Ford hearings. My own desires were that we could put it over until after the Thanksgiving recess.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, it seems to me that everybody is assuming that the gentleman from Michigan (Mr. Hutchinson), as well as others, and their experts are going to find one thing and the experts of the gentleman from New Jersey

(Mr. RODINO), are going to find another, that the whole case is prejudged.

It may very well be that the experts of both sides will find the same thing, that there is no indictable reason to bring an impeachment indictment against the President, because that is what an impeachment is—an indictment.

I just do not think we ought to assume this is going to be a partisan matter. I would hope that the gentleman could get somebody who is above partisanship and find the facts

The SPEAKER. The time of the gentleman from Michigan (Mr. HUTCHINSON) has expired.

Mr. HAYS. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan (Mr. HUTCHINSON).

Will the gentleman yield further?

Mr. HUTCHINSON. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, this Committee on House Administration in the past has made certain that in the case of every committee that came in there, there was fairness before they got any more money.

Now, as far as I can figure out from this group of lawyers on the Committee on the Judiciary, this probably is not going to be decided before Mr. Nixon's term is over, and they are going to need some more money anyway, and when they come back, they had better come back and be able to say that there was fairness, because otherwise the committee might just close the investigation down.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Speaker, I wish to thank the gentleman for yielding.

I will say to the gentleman on the other side that I think some of us would be willing to support this resolution, some of us who do not necessarily want to obstruct the process, if the gentleman would simply be willing to give him the assurance he is asking.

Why can the gentleman not give him that assurance?

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Speaker, I do not know exactly what the gentleman meant when he stated I could not say publicly that I could give him assurance. I stated that the caucus has expressed itself.

However, I am not bound by that, because I believe the situation which has been presented here, as in any matter that has been before our committee, demands that I would treat it fairly as I have done in the past.

The gentleman has had my assurance, and I give him my assurance at this time that I will continue to treat this matter in the same manner.

If he needs half of staff, I can assure the gentleman that we can work with him—and I am not being carried away—because it is a matter that I believe is grave enough for us to consider it soberly and seriously.

I believe that the gentleman knows that I have also suggested that I would consult with him in the selection of a staff.

Mr. HAYS. Mr. Speaker, I yield 3 minutes, for the purposes of debate only, to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. I thank the gentleman for yielding. Mr. Speaker, on October 23, you referred all resolutions relating to impeachment to the Committee on the Judiciary of which I am a member. I fully support such referral and acknowledge our committee's responsibility to make a searching and painstaking inquiry into the matter of impeachment. But this is a solemn responsibility of the entire committee, not just of the chairman and not just of the majority members of the committee. And I submit for the consideration of the House that on a matter of such awesome importance as the impeachment of the President, we the minority members of the Judiciary Committee should be consulted and given an opportunity to express our views and to vote in the committee before matters affecting our constitutional responsibilities relative to impeachment are brought to the floor of the House. But except in one solitary instance that privilege has been denied us. We have not been given that opportunity. In the 23 days since the Judiciary Committee assumed jurisdiction, the chairman has convened only one meeting to consider any aspect of impeachment.

That was on October 30, when the sole question considered was the chairman's request for sweeping powers of subpena. Those sweeping subpena powers were granted him on that occasion by a straight party line vote of 21 to 17. But except for that one meeting on October 30 there has been no meeting of the committee or any of its subcommittees in which there has been any discussion or consideration of the ground rules or guidelines under which the impeachment inquiry should be conducted and no discussion of what existing staff should be assigned to the inquiry or what additional staff might be needed or how it should be organized or what funds might be required to carry out the committee's mission. Certainly there has never been any discussion in the committee or consultation with the minority members about the million dollar resolution which is before us today. In fact there has been no consideration of impeachment at all.

Shortly before noon yesterday, November 14, there was delivered to the offices, of minority members of the committee, a memorandum from the chairman dated November 13 telling us for the first time of activities of existing committee staff on the impeachment inquiry to date. The third paragraph reads as follows and I quote:

> Thus far, there are a total of 19 people working full time and directly on the Impeachment Inquiry. The above number includes: (1) Five investigators who have been assigned to the Judiciary Committee by the General Accounting Office to work exclusively on the Inquiry; (2) An investigator with prior Congressional experience; (3) An office manager; (4) A file clerk; (5) Secretarial and typing assistants; and (6) Mail clerks. The General Counsel, Associate General Counsel, and three staff counsels are devoting major portions of their time to matters relating directly to impeachment. Under their supervision three other staff counsels are working full time and exclusively on impeachment. In addition, staff counsel and investigators from other committees have been assigned to work with the Judiciary Committee on a day-to-day basis as needed.

I am advised that all 19 of these staffers who are working full time on impeachment, including 5 from the General Accounting Office, are working under the direction of the chairman and are assigned to the majority members of the committee. None of them are working, as a matter of fact, with the minority and they have not even communicated to minority members or minority staffers any information as to what sort of work they are doing on this project. In other words the minority has been kept in the dark while 19 majority staff members have been busily at work in a partisan effort to lay the basis for impeachment. We in the minority have been given no real opportunity to participate or be informed.

If it is really necessary to spend $1 million for staff work on impeachment in addition to the 19 staff members already working on it, then it should be a matter of sufficient importance to be considered by the Judiciary Committee which is going to spend it, at a meeting of the full committee. It should also be pointed out that our Judiciary Committee has already been authorized to spend more than $606,000 this year for investigations and still has a balance of more than $208,000 of that amount unexpended. In addition, since July 1, it has drawn around $449,000 more for permanent or standing staff. I will say frankly I would hope our committee could carry out its inquiry on impeachment in a sufficient and adequate manner with a much smaller expenditure than $1 million. But I am willing to listen to the evidence justifying such expenditure and to be persuaded if the actual need for a full $1 million in addition to the $606,000 we have already received for investigations can be shown. But I think this should be considered and approved by the Judiciary Committee before it comes to the House floor, and I also think there should be some assurance that at least some of the funds provided for in this resolution will be made available for the use of the Republican minority rather than being devoted exclusively to the Democratic majority of the committee as has been true up to the present time. The Democratic floor managers of the resolution have been unwilling to give such assurances. I am hopeful that the resolution can be improved today by amendment so that I can support it, as I am entirely willing to vote for reasonable funding to finance the impeachment inquiry. But no showing has yet been made here that $1 million is reasonable or necessary. I do not believe Members of the House should be asked to approve this resolution in the manner and under the circumstances in which it is being presented today.

I will, therefore, vote against the resolution unless it is substantially improved before final passage.

Mr. HAYS. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Wisconsin (Mr. Froehlich).

Mr. FROEHLICH. Mr. Speaker, I thank the gentleman for yielding me this time.

The chairman asked some time ago "What is at issue here." Ladies and gentlemen of this Chamber, what is at issue here is letting the minority participate.

This is a very fundamental investigation in the history of this Nation. To this point the minority has not, in all fairness, been able to participate.

I agree wholeheartedly with the words of the chairman of the Committee on the Judiciary, but in my opinion his actions do not coincide with his words. He told us on the floor today that there were seven or eight mail clerks hired. Last night the first information we got was his staff said there were 14 individuals working: 5 GAO, 3 committee lawyers part time, and 2 committee lawyers full time, and 1 office manager, 2 secretaries, and 1 messenger.

We do not even know what the true facts are, that is the problem.

The ranking Republican was not consulted on the $2 million, or the $1.5 million, or the $1 million, or the staffing schedule. They just assured us that we would get some part of the staff when it was hired.

So what are we asking you for? We are asking you not to make this partisan, not to take the lead without letting us know what is going on, but let us at least have an opportunity to express our opinion. But up to this point in the investigation that has not happened.

Let us make it bipartisan. Let us put aside the squabbles. Let us preserve cool impartiality, and then let us start talking, let us start meeting. Let us know what is what, and let us know what is going on.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. FROEHLICH. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like to address my remarks to the chairman of the Committee on the Judiciary, for whom I have high respect. In this Congress, the minority has a precedent on this issue before it. That precedent was established when the majority of the Members on the other side of the aisle voted for the Congressional Reorganization Act which provided that one-third of the money allocated to a committee would be usable for minority staffing. Nevertheless, at the very commencement of the next session of the Congress after the majority on that side of the aisle had voted to enact that legislation into public law, that same majority turned around and in its caucus bound its members to deny to the minority one-third of the staff, and violated the provisions of that public law. I suggest, Mr. Speaker, that, even though the chairman of the Judiciary Committee has agreed informally with the minority today, if his caucus says tomorrow that he cannot perform on his promise, he will not. And, in view of this precedent, the Members on the other side of the aisle should show their good faith by putting the allocation of staff funding in the resolution itself.

Mr. HAYS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Railsback) for the purpose of debate only.

Mr. RAILSBACK. Mr. Speaker, I want to thank the gentleman from Ohio for yielding to me. I want to address a question, if I may, to the chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. Rodino).

Mr. Chairman, did you—and forgive me if I am in error in what I understood you to say—but when you were engaging in a colloquy with the gentleman from Michigan (Mr. Hutchinson) did I understand the gentleman to say that he was willing to give him the assurances that he did privately? Or what, exactly, did the gentleman say?

Mr. RODINO. Mr. Speaker, if the gentleman will yield, I stated that. I stated so, and that is notwithstanding the action of the caucus.

Mr. RAILSBACK. Mr. Speaker, then I would say, for myself—and I can understand how people object to the $1 million figure, and so forth, but if you have given us those assurances, then I, for one, intend to vote for the resolution because I trust the gentleman.

Mr. CEDERBERG. Mr. Speaker, if the gentleman will yield, I am not so impressed on the question of staffing. I am more interested in supplying the dollars, and I read on page 2 of the resolution:

> Not to exceed $500,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services——

Mr. RAILSBACK. Mr. Speaker, if I may interrupt, if the gentleman will talk with the gentleman from Michigan (Mr. Hutchinson) he will find, as I am told, that it represents the money, rather than just staffing. In other words, what the gentleman is talking about is money.

Mr. CEDERBERG. Then the gentleman is talking about money, not staff, because it is money no matter whose staff it is.

Mr. RAILSBACK. I am not talking about the money, because these men will be staff.

Mr. McCLORY. Mr. Speaker, if the gentleman will yield, I would feel more confident if the chairman would meet with the Committee on the Judiciary so that we would know where we stood as to the $1 million. That is more important to me than voting $1 million for an expanded staff about which there has not been any testimony in the committee. We should have assurances as to where we are going with this inquiry and the subjects and scope of the inquiry as well as a time when the inquiry is to be concluded.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield, I would like to raise a question of concern on what the gentleman from Ohio stated earlier. The gentleman from Ohio made the statement a moment or so ago that this investigation might last until the end of President Nixon's term, and that does bother me. I am wondering if we are looking at a 3-year fishing expedition rather than an investigation on the part of the Committee on the Judiciary.

Mr. HAYS. Mr. Speaker, if the gentleman will yield, I was referring to the fact about the way you kept dragging your feet and filibustering, that if that continued it might turn out that way. I hope it does not.

In an effort to be fair, I will yield two-thirds of the time to the minority, and I will yield 4 minutes to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. I thank the gentleman from Ohio. I appreciate his generosity.

Mr. Speaker, I regret that we are proceeding today on an exceedingly important matter in the worst possible way. We are coming here and we are asking for $1 million for the Committee on the Judiciary to follow out its investigation on the possible impeachment of the President. One would think a matter of that importance and magnitude would be taken up by that committee in a meeting of the committee, but I regret to say, because I do have the highest regard and respect and friendship for the gentleman who is the chairman of that committee, that for some reason this exceedingly important matter has not been once discussed by the committee which is now seeking the $1 million. We have not only not discussed impeachment, except for the subpena power; we have not decided to do anything about it as a committee; but we have never talked about this request for money.

Mr. Speaker, I do not oppose an inquiry. A preliminary inquiry is going on actively, and I am in favor of it. If we need more money as time goes on and facts are developed, we can come here and get money, but this is premature. One million dollars is too much for openers. It is not the question of the money so much as it is the question of the effect. This House is not ready today by any means to vote an impeachment. The people are not ready for any such thing.

But when we start spending $1 million, although it is not intended, and I am sure of that, there is the danger that it begins to predetermine the result, because, Mr. Speaker, we have to justify spending $1 million. How are we going to do it unless we bring forth some kind of a tangible result? I do not oppose an inquiry, but I do not think my people at home, Democrat or Republican, want me to go home at this point and tell them that I voted $1 million of their money for the impeachment or the possible impeachment of the President of the United States.

This resolution is improvident; it is premature, it is too much too soon; and I regret to say, in view of some of the remarks made over here—not by our chairman, of course, but by the distinguished majority leader—that we have a reason to wonder about partisanship in this matter.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to our distinguished majority leader, the gentleman from Massachusetts.

Mr. O'NEILL. I thank the gentleman for yielding.

Mr. Speaker, if it were not for the scandalous action on the part of the administration, it would not cost anything.

Mr. DENNIS. Mr. Speaker, I am not defending everything the administration has done; I am talking about whether we ought to come in here and ask for $1 million at this time, on this resolution, without ever discussing it or considering it in the committee concerned.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from California.

Mr. WIGGINS. I thank the gentleman for yielding.

I address this question to the chairman of the full committee. Would the chairman yield to me at the conclusion of the gentleman's remarks for the purpose of offering an amendment?

Mr. HAYS. I will not yield for the purpose of offering an amendment. I know generally the substance of the amendment. The chairman of the committee has publicly gone beyond that.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have yielded now about 50 minutes. Thirty-three minutes have gone to the minority. I just want to make one comment and then I am going to move the previous question.

The gentleman who just spoke talked about this wasteful $1 million. That is just exactly the same amount that it cost to redecorate the interior of the President's plane when somebody did not like the way it was done the first time, so I think it is a rather minuscule amount of money. It is not being appropriated to convict the President. It may well be appropriated to clear the air.

I will go along with my colleague on the conference committee the other day, the Senator from Vermont, Mr. GEORGE AIKEN. He said, Let us either present a bill of impeachment or get off his back.

Mr. Speaker, I think the matter ought to be settled one way or the other, and I think it ought to be settled expeditiously. I think it ought to be settled on the evidence, whatever that may be.

Mr. FINDLEY. Mr. Speaker, my experience over the years with the gentleman from New Jersey (Mr. RODINO) convinces me that he will provide able, fair leadership in the investigation of Presidential conduct. I am confident he will cooperate in all vital questions by consulting the gentleman from Michigan (Mr. HUTCHINSON) and will proceed expeditiously to dispose of the investigation.

Mr. LEGGETT. Mr. Speaker, today we face the first test of whether the House of Representatives intends to live up to its responsibilities with respect to the power of impeachment.

The polls consistently show a majority of the American people feeling President Nixon should not continue in office. Whether he should be removed in the event he does not resign is something only the Congress can determine. And determine it we must. Mr. Nixon cannot govern effectively in his present state of limbo. His domestic and international credibility has been reduced to an intolerable degree. He must be either given a clean bill of health or removed.

We can neither exonerate nor impeach without a thorough investigation of the very long list of impeachable actions of which Mr. Nixon has been accused. And we cannot do either without a substantial staff of vigorous and capable investigators.

The Special Prosecutor's task force cannot do the job; their main thrust involves suspects other than Mr. Nixon. Moreover, they are confined to explicit indictable violations of Federal criminal law, whereas an impeachment investigation must also look into nonfelonious high misdemeanors.

Nor can the Judiciary Committee's existing staff do the job. These people have their hands full dealing with the normal business of the committee. In any case, they are not investigators or prosecutors by experience.

We must hire a full task force of energetic and competent professionals. The requested appropriation of $1 million, which presumably would be expended over a 6-month period, will hire a force roughly comparable to that now employed by Special Prosecutor Jaworski.

We can do no less.

Mr. HAYS. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. DICKINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 186, not voting 14, as follows:

[Roll No. 588]

YEAS—233

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Breaux
Breckinridge
Brooks
Brown, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Chisholm
Clark
Cohen
Conyers
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Gunter
Haley
Hamilton
Hanley
Hanna
Hansen, Wash.
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Long, La.
Long, Md.
Lujan
McCormack
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Rinaldo
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roy
Roybal
Runnels
Ryan
St Germain
Sandman
Sarbanes
Schroeder
Seiberling
Shipley
Sikes
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Vanik
Vigorito
Waggonner
Waldie
Whalen
White
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NAYS—186

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bell
Bowen
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Butler
Byron
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Dellenback
Dennis
Devine
Dickinson
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Gilman
Goldwater
Goodling
Grasso
Gross
Grover
Gubser
Guyer
Hammerschmidt
Hanrahan
Hansen, Idaho
Harrington
Harsha
Hastings
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
McClory
McCloskey
McCollister
McDade
McEwen
McKinney
Mailliard
Mallary
Maraziti
Martin, N.C.
Mathias, Calif.
Mayne
Michel
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Poage
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Regula
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Roush
Rousselot
Ruppe
Ruth
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.

Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Walsh
Wampler
Ware
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOT VOTING—14

Blackburn
Buchanan
Burke, Calif.
Clay
Collins, Ill.
Davis, Wis.
Harvey
Litton
Martin, Nebr.
Mills, Ark.
Rhodes
Rooney, N.Y.
Sisk
Van Deerlin

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Rhodes against.

Mr. Van Deerlin for, with Mr. Martin of Nebraska against.

Mr. Sisk for, with Mr. Buchanan against.

Mrs. Burke of California for, with Mr. Harvey against.

Mrs. Collins of Illinois for, with Mr. Blackburn against.

Mr. Clay for, with Mr. Davis of Wisconsin against.

Until further notice:

Mr. Litton with Mr. Mills of Arkansas.

The result of the vote was announced as above recorded.

MOTION TO RECOMMIT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. DICKINSON. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DICKINSON moves to recommit the Resolution, H. Res. 702, to the Committee on House Administration with instructions that the Committee report back forthwith the resolution with the following amendment: On page 2, line 21, add the following new sections:

SEC. 4. Not less than one-third of the funds authorized by this Resolution shall be available to the Minority for the purposes authorized by the first section.

SEC. 5. No part of the funds authorized by this resolution shall be available for expenditure hereunder until the Committee on the Judiciary shall have defined the nature and scope of such studies and investigations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. DICKINSON. Mr. Speaker, am I not entitled to 5 minutes as the Member offering this motion to recommit?

The SPEAKER. The Chair will advise the gentleman that that procedure is not applicable on a motion to recommit a simple resolution.

Mr. DICKINSON. Mr. Speaker, is that also true when there are instructions in the motion to recommit?

The SPEAKER. The Chair will advise the gentleman that the procedure permitting 10 minutes of debate on a motion to recommit with instructions only applies to bills and joint resolutions.

The question is on the motion to recommit offered by the gentleman from Alabama (Mr. DICKINSON).

RECORDED VOTE

Mr. McCLORY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 227, not voting 16, as follows:

[Roll No. 589]

AYES—190

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bowen
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Butler
Byron
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Dellenback
Dennis
Devine
Dickinson
Duncan
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Guyer
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Hastings
Hechler, W. Va.
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Keating
Kemp
Ketchum
King
Kuykendall
Latta
Lent
Lott
Lujan
McClory
McCloskey
McCollister
McEwen
McKinney
McSpadden
Madigan
Mailliard
Mallary
Maraziti
Martin, N.C.
Mathias, Calif.
Mayne
Michel
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Peyser
Poage
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Regula
Rinaldo
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Roush
Rousselot
Ruppe
Ruth
Sandman
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Walsh
Wampler
Ware
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOES—227

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Breaux
Breckinridge
Brooks
Brown, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Chisholm
Clark
Cohen
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Gunter
Haley
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hébert
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landgrebe
Landrum
Leggett
Lehman
Long, La.
Long, Md.
McCormack
McDade
McFall
McKay
Macdonald
Madden
Mahon
Mann
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pickle
Pike
Podell
Preyer
Price, Ill.
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Sikes
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Vanik
Vigorito
Waggonner
Waldie
Whalen
White
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—16

Blackburn
Buchanan
Burke, Calif.
Clay
Collins, Ill.
Davis, Wis.
Dent
Harvey
Litton
Martin, Nebr.
Mathis, Ga.
Mills, Ark.
Rhodes
Rooney, N.Y.
Sisk
Van Deerlin

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Rhodes against.

Mr. Van Deerlin for, with Mr. Martin of Nebraska, against.

Mr. Sisk for, with Mr. Blackburn against.

Mr. Dent for, with Mr. Buchanan against.

Mrs. Burke of California for, with Mr. Davis of Wisconsin against.

Mrs. Collins of Illinois for, with Mr. Harvey against.

Until further notice:

Mr. Mills of Arkansas with Mr. Litton.

Mr. Mathis of Georgia with Mr. Clay.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

RECORDED VOTE

Mr. McCLORY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 367, noes 51, not voting 15, as follows:

[Roll No. 590]

AYES—367

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Badillo
Bafalis
Barrett
Bauman
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Cleveland
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Holifield
Holt
Holtzman
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Long, La.
Long, Md.
Lujan
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NOES—51

Ashbrook
Baker
Beard
Bray
Camp
Carter
Cederberg
Clancy
Clawson, Del
Cochran
Dennis
Devine
Dickinson
Goodling
Gross
Hammerschmidt
Hansen, Idaho
Harsha
Hébert
Hinshaw
Hogan
Hosmer
Huber
Hudnut
Keating
Ketchum
Landgrebe
Lott
McClory
Mayne
Michel
Montgomery
Moorhead, Calif.
Myers
Nelsen
Quillen
Rarick
Scherle
Sebelius
Shuster
Snyder
Spence
Steiger, Ariz.
Symms
Taylor, Mo.
Treen
Waggonner
Wiggins
Wylie
Wyman
Young, S.C.

NOT VOTING—15

Blackburn
Buchanan
Burke, Calif.
Clay
Collins, Ill.
Davis, Wis.
Harvey
Litton
Martin, Nebr.
Mathis, Ga.
Mills, Ark.
Rhodes
Rooney, N.Y.
Sisk
Van Deerlin

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Rhodes.

Mr. Van Deerlin with Mr. Mathis of Georgia.

Mr. Sisk with Mr. Clay.

Mrs. Burke of California with Mr. Buchanan.

Mr. Mills of Arkansas with Mr. Martin of Nebraska.

Mrs. Collins of Illinois with Mr. Blackburn.

Mr. Litton with Mr. Davis of Wisconsin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERSONAL EXPLANATION

Mr. LATTA. Mr. Speaker, on rollcall 585, on yesterday, the vote on H.R. 11459, military construction appropriations for 1974, I am recorded as not being present.

I was present and voted "aye," and it is my wish that the permanent RECORD could be corrected accordingly.

The SPEAKER. The gentleman's statement showing his vote will appear. The Chair does not have authority to change an actual vote.

SOCIAL SECURITY BENEFITS INCREASE

Mr. ULLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Oregon (Mr. ULLMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11333, with Mr. DINGELL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, all time for general debate on the bill had expired. Under the rule, the bill is considered as having been read for amendment. No amendments are in order to the bill except as offered by direction of the Committee on Ways and Means, and an amendment proposing to strike out the provisions on page 11, lines 11 through 22, of the bill.

Are there any committee amendments to be offered at this time?

Mr. ULLMAN. Mr. Chairman, there are no committee amendments.

AMENDMENT OFFERED BY MRS. GRIFFITHS

Mrs. GRIFFITHS. Mr. Chairman, I offer an amendment.

Mr. Chairman, I ask for immediate consideration of the amendment. It is in order under the rule.

The CHAIRMAN. The Clerk will report the amendment offered under the rule.

The Clerk read as follows:

Amendment offered by Mrs. GRIFFITHS: On page 11, strike out line 11 through line 22.

The CHAIRMAN. The gentlewoman from Michigan is recognized for 5 minutes in support of her amendment.

Mrs. GRIFFITHS. Mr. Chairman, this amendment strikes out the hold-harmless part of this bill under SSI. I would like to explain to you what the hold-harmless provision would do.

The hold-harmless would add 175 million Federal dollars to six States, and those dollars would be divided: $66.5 million into the State of California next year, $56 million to New York, $21 million to Massachusetts, $15.8 million to Wisconsin, $12.2 million to New Jersey, and $3.5 million to Michigan, my own State. Pennsylvania, Hawaii, and Nevada would get $1 million among them, and Rhode Island would get nothing. No other State would get anything, either.

Last year we set up the new SSI program giving $195 a month for an elderly couple. We have now raised that amount to $205 before the program ever becomes effective. It will begin on January 1, 1974.

Now the State of California pays to that old couple $394. This amendment would permit them to increase their payment to $409 for that couple, subsidized by Federal funds, but 40 States will pay $210 only.

I would like to point out to you that the maximum social security in the United States payable to anyone would give to that same couple $399.15 as opposed to $409 under SSI.

The average social security in California is $243.20 for a couple. In New York they would be permitted to raise their SSI payment from $294.51 SSI payment to $309.51. Massachusetts from $340.30 to $355.30, Wisconsin from $329 to $344, New Jersey from $245 to $260, and Michigan from $240 to $255, all subsidized by Federal funds, above the $210 paid to all other couples.

Federal money would participate in making all of these payments, but in your States, if you are not from one of these States, your State, if it raises that payment one penny above $210 a month, your State's taxpayers will pay it alone. Your State's taxpayers will first contribute $175 million to insure that everybody in California, New York, Massachusetts, Wisconsin, New Jersey, and Michigan get higher payments than anybody else in the country. But if you pay anything more than $210, you will pay it alone.

In my judgment, this defeats the purpose of SSI. Federal taxpayers' money should be used to treat all people fairly. If we are going to spend $175 million of the taxpayers' money, then why do we not spend that money equally and equitably among the poorest in the United States, which theoretically would be the people in the other States drawing $210.

However, in fact, in most of these States the poorest people can be those people drawing social security who have a little money earned and cannot receive supplemental security income because they cannot pass the asset test. I received a letter from a woman in New York who was drawing $123 in social security. She could get no other funds. That woman would be far better off if she refused to take the social security and took SSI, which now pays in New York for a single person $159.

But that woman's mistake was that she had saved $2,000. She is not entitled to one additional thing because she has that money. She cannot have medicaid, she cannot get any SSI. She was too thrifty. That is the inequity of the whole system.

If the Members vote against my amendment they are voting to tax their taxpayers in their States to raise the payments in six States far above $210, and let the Federal taxpayers from every State pay for it.

I urge the Members to vote for my amendment; for equity and for fairness among all the people of the United States.

The CHAIRMAN. Under the rule, the opponents to the amendment are entitled to 5 minutes.

Mr. ULLMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mr. Chairman, I want to make it very clear that the committee was divided on this issue, and that the purpose of requesting a rule that would allow the gentlewoman from Michigan (Mrs. GRIFFITHS) to bring this amendment to the floor was to have the House work its will on this particular issue.

Let me very briefly read the official committee position from the report:

> The Congress, in developing the supplemental security income program, established a uniform benefit structure which was regarded as the Federal responsibility. It recognized that States might wish to add to the amount of the Federal benefit because of living arrangements, high living costs and other factors.

And I think this is crucial:

> However, its clear and unequivocal intention was that such payments would be a State responsibility and wholly State financed. A "hold harmless" provision was included—

This was in 1972, when we set up the program—

> because of the uncertainty of costs of trying to maintain benefit levels comparable to what the States have been paying. However, it was not intended that modification of total income be assured. Notwithstanding this general philosophy, at this late date, your committee does not believe that all States can shift their financial planning before January 1. The bill accordingly provides that during the calendar year 1974—

And only for 1 year—

> the "adjusted payment level" computed for purposes of the "hold harmless" provision may be raised by the amount of the January increase in SSI benefits ($10 for individuals and $15 for couples).

Mr. Chairman, I would now like to yield to our distinguished colleague, the gentleman from California (Mr. CORMAN) the balance of my time.

Mr. CORMAN. Mr. Chairman, I thank the gentleman for yielding me this time. I just want to point out that the committee very carefully sought to give to every aged, blind and disabled person who comes under the SSI program in January a $10 increase, no matter in what State they live. Without that, the aged, blind and disabled who live in the 40 smaller States will receive $10 of new Federal money, but those in the 10 most populous States will not.

Let me try to draw a quick comparison on what we are talking about.

In California under the existing adult assistance program, an aged person, a blind person, or a disabled person gets $7.36 a day to live on; in New York, $6.90; in Michigan, $6.66.

I would just like to say how much I live on. I live on $73.33 a day. If the Secretary of the Department of Health, Education, and Welfare pays the same rate of income tax as I do, he lives on $101 a day. If the President pays the same income tax rate—and that seems to be in doubt—he lives on $339.73 a day.

Now, there is not very much similarity among the groups I am talking about, but there is this: First of all, we are all getting our money from the U.S. Treasury; second, we all pay exactly the same amount of money for a quart of milk and a loaf of bread.

I urge the Members to think about this for a moment—think about those people who are trying to live on $6.90 a day, and give them this 33 cent per day increase. That is the only issue.

Mr. Chairman, I urge the Members to support the committee and to vote down the Griffiths amendment.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I rise in support of H.R. 11333, a bill to provide a two-step, 11-percent cost-of-living increase in social security benefits.

Mr. Chairman, when Public Law 93-66 was enacted in July, it provided a 5.9-percent cost-of-living increase applicable only to social security benefits payable for June 1974 through December 1974. This benefit increase was enacted as a sort of advance payment of the first automatic benefit which was scheduled under the bill to go into effect in January 1975.

Unfortunately, since July the cost of living has continued to soar in an uncontrolled fashion. For example, in July, August, and September the index rose at a seasonally adjusted rate of 10.3 percent. Even worse for the thousands of elderly persons in Hudson County, N.J., and other constituents living on fixed incomes, food prices have risen almost three times as fast.

Mr. Chairman, in my district we have people going hungry. I mean in the very literal sense of the word. A man from Kearny living on social security wrote me that he and his wife could not remember when they last had meat. He ended his letter with the plaintive words: "Help us, Mr. DANIELS, because we are hungry." Should this go on in rich fertile America? Should elderly people be forced to eat pet food and go without meals? God help us, Mr. Chairman, if this is the best we can do for our old people.

Mr. Chairman, I urge that this bill be passed and signed into law without delay. America's older citizens cannot wait. I ask all of my colleagues, Democrats and Republicans, who care about humanity, to join with me in passing this badly needed measure.

Mr. EDWARDS of California. Mr. Chairman, I wish to express my support for H.R. 11333, the two-step cost-of-living increase for social security recipients and an increase in the supplemental security program. I would like to urge my colleagues to vote in favor of this important legislation.

There are approximately 30 million individuals in this Nation who receive social security payments. These individuals, along with the rest of our Nation, have encountered a 28.8-percent increase in the food portion of the Consumer Price Index. But because of their fixed incomes, social security and supplemental security recipients will suffer greater hardships than the rest of us from the soaring increase in the cost of living. We must take action to alleviate this unfair situation. The 5.9-percent increase, which we passed last July, will not meet their needs adequately in June 1974 if the Consumer Price Index continues to rise.

We can take great pride in the social security and SSI programs. We must continue to upgrade the programs in order to provide the security we have promised our aged, disabled, and blind citizens. Modifications must be made to meet the economic situation of 1974.

I do realize the fiscal impact of this increase; however, for the reasons I have stated, I believe this legislation should be passed, and, I urge my colleagues to support this measure.

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the Griffiths amendment. Deletion of section 4c, as proposed, will severely damage this most important piece of legislation for older Americans.

In recent weeks I saw many elderly Americans in nursing homes and on the streets of New York. The one plea that came through loud and clear from these poor people was the need for more money with which to live. The meager income received from social security or small pension is just not sufficient to put a decent meal on the table, and live in a proper home.

Congress recognized this need and with this legislation will provide the increases necessary to help the older American at least keep pace with inflation. Now the gentlewoman from Michigan (Mrs. GRIFFITHS) wants to cut out any aid for these poorest of the poor by eliminating section 4c. While I understand her concern for perfection in this legislation, I do not think we can turn a cold heart to those elderly poor who will find this winter one of the hardest to get through.

Adoption of this amendment would have a particularly drastic effect on those progressive States, such as New York, which have consistently provided supplemental security income beneficiaries with reasonably adequate levels of income to keep them just above the poverty line.

Section 4c will permit a passthrough of 62.5 percent of the increase under the bill to the SSI recipient. But the gentlewoman from Michigan will have none of that. "Let the States pay," she says.

For New York it would mean additional State expenditures of almost $50 million to help the 270,000 blind and disabled citizens who depend so much on the SSI program. Such an expenditure would require a special session of the legislature to appropriate those funds even if they might be available. Rather than punishing those States who truly try to help their aged, we should be encouraging them to continue to provide adequate income levels.

Remember we are talking about people who worked hard all their lives and thought that their retirement would be adequately covered by the provisions they made. The policies of the Federal Government in the last 10 years, however, has created an inflationary bite the likes of which none of these people contemplated.

I do not see how we can push them aside now when they need our help. Voting for this proposal would be a vote to ignore the serious plight of hundreds of thousands of elderly poor. I do not intend to shy away from my responsibilities to these Americans. I hope my colleagues agree and will join with me in defeating this amendment.

Mrs. HOLT. Mr. Chairman, today we have enacted legislation which will provide needed increases in social security cash benefits and supplemental security income payments.

The enactment of these increased benefits will greatly aid our older Americans who are forced to subsist on fixed retirement incomes during this period of rapidly rising prices. However, there is one deserving group of people which will again be short changed—our veteran pensioners.

Under existing regulations, each increase in social security results in a reduction in pension benefits for many veterans. This classic example of the Government giving with one hand and extracting with the other, has been frequently discussed but the problem still exists. The Veterans" Affairs Committee must be commended for their efforts this session to increase monthly pension compensation.

However, this legislation, H.R. 11333, in my opinion provides only a temporary solution. This bill will restore practically all of the reductions in pensions which resulted from last year's social security increase, but the increase we have just voted will result in a recurrence of the problem. Once again, pensioners will witness a reduction in their pensions to reflect increases in social security payments.

Mr. Chairman, the only long run answer to this situation is the enactment of legislation which exempts social security income from the earnings limitation which regulates veterans' pensions. I strongly urge my colleagues to work for the passage of such legislation.

Mr. DELLUMS. Mr. Chairman, I rise in support of H.R. 11333.

The case against Nixonomics is well documented. This administration has wreaked incredible economic havoc and caused an era of unprecedented inflation. The cost-of-living has reached the highest level in this Nation's history.

No one is immune from the tragic effects of this amazing state of affairs. However, it is the low-and fixed-income citizen who is most traumatically affected. Senior citizens who have done their best to plan for retirement and the fixed income on which they must survive, now find their best plans destroyed.

The response from the White House is that we must hold the line against inflation. This is a fine response were it not that those being asked to "hold the line" are those least able to afford doing so. This is just the most recent example of the economic genocide being perpetrated on the poor and unpowerful in an attempt to cover administration mistakes in the handling of the economy.

This bill will not solve the problems of this neglected group of Americans. However, it will enable them to survive.

Mr. DONOHUE. Mr. Chairman, as one who has advocated and introduced legislation for more immediate social security cost-of-living increases, I very deeply oppose and regret the delay in such increases until next April, some 5 months from now, when it is my continuing and firm belief that these benefit increases are urgently needed right now by our senior citizens.

However, since our only practical choice here today is to accept or reject this compromise measure providing for a 7-percent benefit increase next March with an additional 4-percent benefit increase that will be reflected in the benefit checks received next July there is no alternative to the acceptance of this bill, especially under the closed rule that applies, without endangering the certainty of increased benefits to our older people next April. If there was any alternative I would vigorously support amendment provisions for inclusion in this bill to grant an immediate 7-percent, at least, increase in social security benefits.

Mr. Chairman, the plight of our Nation's older citizens is a national tragedy and disgrace. In 1972 the median income of families headed by an individual over the age of 55 was $5,968, half of the income of younger families. In that same year, 91,000 elderly families had yearly incomes below $1,000. Another 5 percent of our older families, 402,000 citizens, had incomes of less than $2,000 and 1.2 million elderly families had incomes below $3,000.

With reference to these statistics, let me emphasize that the Agriculture Department itself predicts food prices alone will rise at least 20 percent this year and wholesale prices have already reached their highest level in history.

Medical costs and prescription drug prices are constantly increasing and everyone knows that the high costs of these essentials for our senior citizens are nowhere near covered by medicare.

Let us realize and emphasize that those who experience the most extreme hardships from these distressing economic developments are the elderly and others who must try to live through and survive this extraordinary inflationary period on fixed meager incomes and who must spend some 30 percent of such income on food.

Since the authorities testify that practically every person who will receive these social security benefit increases will spend, immediately, every cent of them for the purchase of fundamental living necessities, it is extremely difficult, if not impossible, to try to attach any vestige of inflationary criticism whatever to this very limited benefit increase to these too long and too greatly neglected American citizens and families.

Mr. Chairman, it would be a dramatic contradiction of our boasted American system and tradition of fair play to permit even the appearance of our poor and elderly people being used as scapegoats, for the economic turmoil afflicting this country today, and more especially so when cost increases and "pass-ons" are almost daily being granted to so many industries, like steel and auto manufacturing and while no effective actions or efforts are being supported, by those opposed to social security increases, to accomplish sensible reductions in the enormous defense budget, and our overextended foreign-aid program nor to achieve an equitable revision of our discriminatory tax system.

Mr. Chairman, let us, therefore, intensify and concentrate all our energies toward reductions in those areas of Government spending that can best absorb them and to the establishment of an equitable tax system that will truly impose its burdens in strict accord with the ability to bear them. In the meantime, let us quickly and overwhelmingly attend to the urgent priority needs of all social security recipients by resoundingly approving this bill, however delayed, that will extend Cost of Living increase benefits to some 21 million senior American citizens who are justly entitled to them.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of H.R. 11333, the Social Security Act Amendments of 1973. This legislation provides for a much-needed increase in social security benefits and supplemental security income—SSI—payments to the aged, blind and disabled.

Recent rapid increases in the cost of living have made an increase in social security benefits for our older Americans a top priority for the Congress. In June of this year, the Congress voted to speed up the cost of living increase originally scheduled for January 1975 to July 1974. I felt that even this action did not provide enough relief, and therefore sponsored H.R. 11005, a bill calling for a 7-percent increase effective in January 1974.

The Social Security Act amendments which we are considering today represent an effort at compromise between the need of our senior citizens for an increase in benefits and the requirement for fiscal responsibility in the social security trust funds. H.R. 11333 provides a 7-percent increase in benefits effective in the April 1974 checks and an additional 4-percent increase to be given in the July 1974 checks, a grand total of 11 percent. This means that the average monthly payment for a single retired worker will rise from $162 to $181 in July of 1974; a retired couple now receiving $277 will have their income increased to $310 per month by July 1974.

The fiscal integrity of the trust funds will be insured by an increase in the taxable wage base and a slight increase in the tax rate itself. Workers will be taxed, starting in January 1974, on the first $13,200 of income at a rate for OASDI of 4.95 percent. Increasing social security taxes in January will provide the extra money for the $215 million in extra benefits to be paid in fiscal 1974 and the $250 million in extra benefits for fiscal 1975. Total social security payments now constitute over $55 billion, more than a fifth of our national budget, and it is therefore extremely important that the trust fund income and outgo remain properly balanced.

H.R. 11333 also provides a payment increase for recipients of supplemental security income—SSI. SSI is the new Federal program of income security for the aged, blind, and disabled which replaces the patchwork system of State welfare payments on January 1, 1974. As originally approved by the 92d Congress, SSI would have provided a guaranteed minimum payment of $130 per month for a single person or $195 for a couple with no other meaningful income sources. Because such aged, blind, and disabled poor are especially hard-hit by inflation, H.R. 11333 increases the January 1974 payment levels to $140 for a single person and $210 for a couple; in July 1974, these levels rise to $146 for a single person and $219 for a couple.

Clearly these social security amendments are of critical importance for our older Americans, and I sincerely hope that the Senate will act quickly to approve them and send them on to the President for signature. But I must add that I am disappointed in this legislation in two important respects.

First, by considering H.R. 11333 under a closed rule which prevents amendment by the House, we are kept from considering certain other important issues related to social security. I have introduced H.R. 2943, increasing the allowable outside earnings for social security recipients to $3,000. Many, many other Members have also introduced similar legislation to increase or remove the earnings limitation. These Members share my feeling that it is unfair to penalize those social security recipients who wish to continue working and making a contribution to our economy. Yet because of the closed rule, I am prevented from offering my bill as an amendment today, even though a majority of Members would favor its passage.

A second problem which is even more pressing to millions of Americans is the effect of next year's 11-percent increase on veterans' pensions. Once again the Congress is giving with one hand and taking away with the other hand. We have not even solved the problems caused by the last social security increases. H.R. 9474, a bill providing a 10-percent increase in veterans' pensions, is still bouncing back and forth between the House and Senate. The intent of this legislation was to restore the cuts caused by the last social security increase. With luck, it will receive final congressional approval before Christmas. Yet veterans who are also dependent on social security payments will have a "breather" of just a few short months before they are once again penalized by a social security increase.

On the first day of the 93d Congress this year, I reintroduced my bill to protect veterans' pensions against losses due to social security increases, and on June 12 I testified on behalf of this legislation before the House Veterans' Affairs Committee. In my testimony I pointed out the critical need to give relief to our veterans and cited a few of the many examples from the hundreds of letters which I have received on the pension cuts. I urged the committee to act quickly because inflation was having a cruel impact on the pensioners in my district and every single dollar could mean a difference between sickness and health, eating and not eating.

Mr. Chairman, it is now the middle of November and the necessary legislation has not been approved. Moreover, we are in the process of starting the vicious circle all over again next year. Therefore, as I cast my vote in support of the 11-percent social security increase, I would also express to my colleagues on the Veterans' Affairs Committee my deep concern for the veterans and dependents of veterans who await similar relief from the scourge of inflation.

Mr. DORN. Mr. Chairman, the 11-percent increase in social security now before the House has my full support. Our senior citizens, many of whom rely on annuities and other fixed income, are hit the hardest by the continuing increase in the cost of living. They are the victims of inflation. Many of our people have paid into social security since it was set up in 1937. They deserve the increase in benefits. This bill would provide for about 30 million of our people an additional $2.4 in benefits. Social security would be raised 7 percent in March and an additional 4 percent in June 1974. This social security increase is good government and good economics. I support it completely, and urge its passage by an overwhelming vote.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 11333, the Social Security Act amendments. This bill would amend the Social Security Act to provide benefit increases to social security recipients as well as increases in supplemental security income benefits. It would meet the pressing needs of approximately 30 million people in our Nation who depend on social security benefits for their major source of income, and merits immediate enactment.

H.R. 11333 provides a 7-percent increase in social security benefits as of March 1974 and an additional 4-percent increase beginning with June 1974.

It also provides an increase in supplementary security benefits, by speeding up the benefit increases provided in the recent enactment of Public Law 93-66. Under that law, a single individual's benefits were increased from $130 to $140 per month, and a couple's benefits were increased from $195 to $210, payable in July 1974. H.R. 11333 would make these increased benefits payable this coming January.

Moreover, further increases, $6 per month for a single individual and $9 for a couple, would be granted in July 1974.

Finally, H.R. 11333 would also bring the long-range actuarial deficit of the system under more control by increasing the annual amount of earnings subject to tax. It is a compromise measure designed to provide an urgently needed cost-of-living increase while at the same time maintaining the fiscal integrity of the system's financing.

The Social Security Act was envisioned to provide our older population with a floor of income protection. It has been amended 10 times to keep up with the increased costs of living in our society. But no one could have foreseen the rampant inflation that has taken our country by storm these past few years. Prices of essentials—food, and shelter, and medical care—have skyrocketed, and the people that are hurt the most by these spiraling prices are our retired and elderly; those on fixed incomes.

In 1972, most elderly families had incomes below $5,960, which was less than half the income of their younger counterparts. About 1 elderly couple in 10 had an annual income of less than $2,500, and approximately 22 percent of our older individuals were living in households wth icomes below the official poverty index.

I cannot imagine anything more disheartening than the situation which faces so many of our elderly—being "strapped in" by a fixed income that daily seems to dwindle, buying less of their needs and essentials. And this economic nightmare does not promise to get better. Surely a man who has labored long and devotedly his whole life for his family and for our Nation deserves more than this.

As critical as the situation was in 1972—even with the 20 percent increase at the beginning of this year—conditions promise to grow more critical without the assistance H.R. 11333 would provide.

Our elderly over 65 now comprise over 10 percent of our population. During their life span our society has changed dramatically, and inflation and the shrinking dollar have taken a heavy toll.

All of us know that the annual increase in the cost of living index has been fantastic—in excess of 6 percent since 1972; that farm price increases have been almost unbelievable—one need only to recall the giant 20 percent increase recorded from July 15 to August 15, 1973—which was the biggest 1-month rise on record; and total food prices have increased better than 16.3 percent annually. Additionally, rents and medical costs have soared, and our older people are hard put just trying to keep food on the table and a roof over their heads.

This appalling rate of inflation is difficult for everyone, but it is hardest of all for our senior citizens who are living on fixed incomes. We cannot permit our elderly to fall victim to these humiliating conditions without extending a helping hand. I urge the swift and final passage of H.R. 11333. We are in a position to provide relief to millions of our people. I do not see how we can do otherwise.

Mr. REID. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

This amendment will benefit no one. Rather, it will deprive the majority of the aged, blind, and disabled in this country a vitally needed increase in SSI benefits. This amendment will have the effect of rewarding those States that have traditionally had low benefit levels and will penalize the States which have been out in the forefront on assistance to these needy people.

What this amendment will achieve is a savings of dollars. States with low benefit levels will continue to have the Federal Government absorb the full cost of this increase while States such as New York will have to expend somewhere in the order of $50 million in order to pay for this SSI increase.

Most important, as always is the case, it is the most deprived individuals in our society who will suffer the most—our aged, blind, and disabled poor. We are the most affluent Nation in the world and yet we have millions of individuals who through no fault of their own are living in the most dire circumstances. How can we here in Congress, spending millions on defense, deny almost 70 percent of our aged, blind, and disabled population 30 cents a day for an individual and 50 cents a day for a couple? And yet, quite clearly, this will be the effect of the amendment offered here today.

The question is the Federal Treasury on the one hand, and our poorest aged, blind, and disabled Americans on the other.

For this reason, I strongly urge my colleagues to support the committee's recommendations and to defeat the Griffiths amendment.

Mr. GOLDWATER. Mr. Chairman, during the debate on H.R. 11333, I have listened to some very thoughtful arguments about the future course of the social security program. My distinguished colleague from New York (Mr. CONABLE) raised some very telling points during the debate yesterday concerning the economic future of social security as did many of our colleagues. I have also been impressed with the debate on the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS) regarding the new SSI financing arrangement.

However, one point missing in this debate that deserves the attention of every Member of this body is the growing use of the social security number as a standard universal identifier and the effect this has on a person's individual privacy. I realize that this point does not bear upon the specific bill before us today, but it should be mentioned during the debate.

Several of my colleagues have joined me in a bill pending before the Committee on Ways and Means, H.R. 11276, that would prohibit the use of the social security number without the consent of the individual holding the number for any purpose not directly related to the operation of the social security program.

Frankly, I wish that the rule on H.R. 11333 would have allowed me to introduce my bill as an amendment, especially in view of the fact that the social security program continues to expand and with that expansion the potential for abuses of the social security number also increases. I have received literally thousands of letters and telegrams in behalf of the bill, and in a great percentage of this correspondence, people related how their privacy had been violated as a result of indiscriminate use of the social security number. The specific examples are shocking, and they are certainly an indictment of our computerized society.

Mr. Chairman, when the social security program was initiated almost 40 years ago, America was a different country. Computers had not come of age, and the potential for privacy invasion was not too great. But the social security program has grown to a point never envisioned by its early supporters. It is now a cradle to grave program, and the social security number is a means to identify most Americans. So universal is the number that few documents relating to an individual fail to contain it.

It is only logical that if a person has a permanent number by which he can be identified, it becomes an efficient and expedient process to exchange information about him, from one data bank to another. In addition to such an exchange, it can also encourage the Federal Government and certain types of private organizations to develop dossiers on much of the Nation's citizenry. This kind of activity should not be tolerated. It must be avoided.

Again, I only wish that procedure would allow me to offer this bill as an amendment to the social security increase legislation now before us. In this connection, I hope that the Ways and Means Committee will take up the bill in the near future.

Briefly stated, my bill requires that the use of the social security number be limited by law to those purposes that are mandated by Federal statute. It requires that Federal agencies and departments not request or promote the use of the social security number except to the extent justified by Federal law.

Additionally, the bill would also permit any person to refuse to disclose his social security number unless he is required to do so by Federal law, and it would prohibit the exchange of the social security number by an unauthorized group.

Mr. Chairman, it would be a great tragedy and a blow to the Bill of Rights if we allowed an identifying number for an economic security program to become the means by which Americans lost their right to privacy and entered the horrible world envisioned by the late George Orwell in his frightening novel, "1984."

Mr. SARASIN. Mr. Chairman, in adopting this present increase in social security, we are at least taking a small step to alleviate the unreasonable burden placed on many of our elderly and handicapped citizens by the inflationary spiral which has gripped our country.

Persistent month-by-month increases in the cost of living, particularly in food and other necessities of life, have been extremely hard on those dependent upon a fixed income, notably social security recipients. The present level of payments is simply not sufficient to meet today's needs; regrettably, neither is today's level of income into the social security trust fund.

While a significant cause of this problem is the past inability of the Federal Government to responsibly control its own spending, thus adding fuel to the inflationary fires, it is unconscionable to make our elderly and dependent citizens pay the penalty for this failure.

The adoption of this bill will at least go some way toward rectifying this serious problem for those persons who must depend on social security for their sustenance, their shelter, their clothes, and other necessities. It will still be difficult for these people, but there will be at least a little more security, a fraction more ease, a degree less apprehension as the bills become due.

I would be remiss if I did not reiterate the need for fiscal responsibility on the part of this body, for the adoption of sound, reasonable and enforceable budgetmaking procedures. I would much prefer to be speaking for a bill which could really be described as allowing our senior citizens to get a little ahead, rather than just trying to keep them from falling too far behind.

If we start by adopting this bill to meet the real and desperate need of the moment, and continue by doing those things necessary to control the inflation that contributes so much to that need, then in the future we will be able to consider such legislation in terms of adding a little something to the lives of our richly deserving older citizens, not just making up for what is being so cruelly and inexorably taken away.

Mr. DON H. CLAUSEN. Mr. Chairman, I wish to take this time to express my support of H.R. 11333 and the 11 percent increase in social security benefits it provides.

The increase represents a cost-of-living raise based upon the rise in the Consumer Price Index since the last increase plus an estimate of the increase between now and July of next year.

Many of my constitutents who are beneficiaries of the social security system have contacted me personally and by letter to point out vividly their failing attempts to cope with the perils of inflation.

It is to restate the obvious to say that inflation hurts those most on fixed incomes and the Nation's senior citizens have been battered this year.

They recognize as I do that the true solution to their problem lies not so much with repeated increases in social security benefits as it does in controlling inflation. It is easier for the Congress, however, to raise social security payments periodically than to bite the bullet and come up with a controlled, balanced Federal budget.

We persist in maintaining deficit spending during periods of rapid inflation when we should be maintaining strict expenditure controls on the Federal budget. Cost-of-living increases only come after the damage has been done and the recipients' financial resources have already been eroded.

A second important point to consider and one related to the problem of inflation is the need to maintain the strong, fiscally secure financial integrity of the social security trust fund both to insure the ability of the fund to meet the future needs of beneficiaries and to minimize the impact any increase will have on inflation by adding to the Federal deficit.

If we blur in any way the distinction between the insurance concept of social security and the welfare concept of other assistance programs, we will do a grievous disservice to present and future social security recipients.

The gentleman from Illinois (Mr. COLLIER) has pointed out that an employee paying the maximum social security contribution each year from age 23 to age 65 could put that money in a savings account at 6 percent interest and have $221,863 at age 65.

I am quite certain that no social security recipient can expect to see benefits even approaching $221,863 and if he could he would not be worried much about keeping up with inflation.

Any individual should be able to get back from the social security system as much or more than he puts in since this is the basic concept behind insurance.

Finally, we must not forget the workingman who is paying into the social security trust fund and who is not yet receiving the benefits of the system.

Next year the workingman will be paying up to $772 to the trust fund which will be combined with his employer's contribution making a total of $1,544. For many workers this will mean that they will be paying more in social security taxes than in income taxes.

As I have stated, we must not find ourselves in a situation where the workingman does not get in benefits what he pays in contributions. If such a case arises we can find ourselves in the devastating situation where the worker will not support the social security program. Such a feeling would mark the end of social security as a viable program since it depends upon the support of the working man and woman for payments to the retired man and woman.

The social security program is a long-run continuing insurance program. Under no circumstances whatsoever should we take any short-term actions which will jeopardize its fiscal or political support over the long term.

Therefore, Mr. Chairman, I strongly urge the House Committee on Ways and Means to hold a full-scale public hearing into the issues and problems facing the system.

I recognize the questions that have brought the committee to approve this legislation without indepth hearings but I believe they could be resolved to some extent by holding an investigatory hearing in the near future.

I will be pleased when the automatic cost-of-living provision in the social security law goes into effect so increases can be routinely made in accordance with the dictates of the economy and without the need for the beneficiaries coming to the Congress and asking for a new law.

Mr. HORTON. Mr. Chairman, I rise in support of H.R. 11333, to increase social security benefits and supplemental security income benefits. At the same time, I wish to state my opposition to the Griffiths amendment, which would work a hardship on those States which have expended the most funds and effort in pursuit of progressive welfare policies.

For some months, I have called for a more adequate congressional response to enable the elderly at the earliest possible date to cope with the tremendous inflation which has occurred since the last increase in social security benefits. I have been especially concerned with the rapid rise over the past year in food, housing, and medical care costs, which together make up a substantial portion of the budget of elderly Americans.

Simultaneously, Mr. Chairman, and for more than three Congresses, I have sought to focus congressional attention on the need for major reforms in the system we use to finance social security payments. Especially in periods of inflation, which we have experienced over the past decade, it is not fair to fund social security payments solely from trust funds provided by regressive payroll taxes. I was deeply impressed by the minority views included in the Ways and Means report on this bill, signed by Congressman HERMAN SCHNEEBELI, JOEL BROYHILL, and BARBER B. CONABLE, Jr. They make the point that while it is essential to responsibly meet the needs of the elderly and other social security beneficiaries, it is not responsible to continue to do so by patching on to an outdated funding system, across-the-board increases paid for by spiraling increases in employer and employee payroll taxes. To a considerable extent, the social security system has changed from what it was originally intended to be—an individual insurance system. Today, much of what is paid out as benefits is more in the category of welfare and income maintenance payments than insurance benefits. For years, I have been urging the Congress to change funding procedures so that at least the "welfare" segments of the system would be paid for from the general fund—which, in the main, is raised through progressive taxes. This would considerably lighten the load on the wage earner who must now pay a sizable portion of his income in social security taxes, in addition to Federal income and excise taxes, and State and local taxes.

In short, Mr. Chairman, I support the 11-percent increase because I believe it is justified by the inflation we have experienced, but I wish to lend my support to those on the Ways and Means Committee who feel it is time for the Congress to reform the social security funding system in ways that will provide fairness to the wage earner as well as to the elderly.

Mr. VANIK. Mr. Chairman, I am pleased to support H.R. 11333, which provides a 7-percent increase in social security benefits beginning in March 1974, payable in April, and an additional 4-percent increase beginning with June 1974, payable in the July 1974 check.

It is only proper and right that the Ways and Means Committee and the House of Representatives have responded to the urgent need to recognize the economic plight of the elderly in this time of record inflation. This summer, during July, August, and September, the cost-of-living index rose at a seasonally adjusted annual rate of 10.8 percent. Food—which makes up an especially large percentage of the budget of the elderly—rose during the three summer months by an annual rate of 28.8 percent. Thankfully, some food costs now appear to be headed lower—but the total increase remains devastating.

Mr. Chairman, I hope that this 11-percent increase will be enough. I fear that because of the energy crisis, our economy will be in for a roller coaster ride. Prices are likely to be erratic. Because of the fuel shortages, food prices may head back up. Heating costs and home maintenance will certainly be up. If there are shortages and cold weather, the elderly, who may be more susceptible to winter colds, may face additional medical expenses.

In this period of chaotic behavior of the economy, we must stand ready to make necessary adjustments in the social security program. Failure to act and delay in acting can only destroy confidence in the "security" of the program; and I am sure that the Congress will never permit that to happen.

The benefit increases provided by this bill will provide some significant improvement in the monthly payout. The following table has been prepared to indicate the range of benefit levels and the dollar and cents meaning of the bill we are voting on today:

ESTIMATED EFFECT OF SPECIAL BENEFIT INCREASE OF 7 PERCENT, EFFECTIVE MARCH 1974 AND PERMANENT 11-PERCENT INCREASE EFFECTIVE JUNE 1974, ON AVERAGE MONTHLY BENEFIT AMOUNTS IN CURRENT-PAYMENT STATUS FOR SELECTED BENEFICIARY GROUPS

Beneficiary group	Average monthly amount		
	Before 7-percent increase	After 7-percent increase	After 11-percent increase
Average monthly family benefits:			
Retired worker alone (no dependents receiving benefits)	$162	$173	$181
Retired worker and aged wife, both receiving benefits	277	296	310
Disabled worker alone (no dependents receiving benefits)	179	191	199
Disabled worker, wife, and 1 or more children	363	388	403
Aged widow alone	158	169	177
Widowed mother and 2 children	390	417	433
Average monthly individual benefits:			
All retired workers (with or without dependents also receiving benefits)	167	178	186
All disabled workers (with or without dependents also receiving benefits)	184	197	206

The bill provides that the automatic cost-of-living provision, originally scheduled to begin in January 1975, will now begin in June 1975. The amount of that increase would be equal to the level of inflation between the middle of 1974 and the first 3 months of 1975.

Although I favored increased benefits as of January 1, the action of the Ways and Means Committee substantially responds to the pleas I made before the Rules Committee to make a social security increase a part of the debt ceiling bill, which will reach the President this month.

In our committee consideration of the social security increase, I was shocked by the testimony of administration officials who contended that they required a 5- or 6-month leadtime to adjust the computers to write the checks at the increased benefit level.

This testimony came as a complete surprise, since earlier social security adjustments were put through the computers in 60 to 90 days. The leadtime required to make the social security computer adjustments was a considerable factor in the committee decision to make the 7-percent increase effective on March 1 and payable in the April checks.

This deferred action will be difficult on our retired elderly who have already suffered a bitter, agonizing 12 months of inflationary explosion.

It was my hope that the annual exempt amount under the retirement income test could have been increased to recognize the impact of inflation and to recognize particularly the plight of those who are in the lower levels of social security, lack any other form of support, and must work to survive.

The social security actuaries estimate that under the present system of automatic cost-of-living adjustment, the annual income exempt under the retirement test will be as follows:

Exempt retirement income

1974	$2,400
1975	2,520
1976	2,640
1977	2,880
1978	2,880

This level of exempt income under the retirement test under present law completely disregards the rate of inflation and the widening gap between social security benefit payments and the cost of living for those with relatively lower levels of social security benefits.

It is my hope that the inflationary spiral will halt and make it possible for the American people to catch up with the price spiral which so seriously threatens our standard of living.

Because of the level of inflation during the past year, an actuarial shortage has developed in the trust funds. There has been some comment on this problem in the media recently and I have received several inquiries from concerned beneficiaries.

Let me stress here that the trust fund will never go bankrupt and the checks will always be mailed—as long as there is a Federal Government. Periodically, changes may have to be made in the tax base or tax rate to keep the fund self-financing. If social security tax changes are not desirable, then legislation would be passed so that funds would be provided from other sources.

But to keep the fund self-financing—that is, not dependent on general revenues from the income tax, and so forth—it will be necessary at this time to increase the taxable base from a planned $12,600 to $13,200. I regret the need for any tax increase at this time, but feel that an increase in base is much less regressive than an increase in tax rate. I would hope that in the future, as the committee considers trust fund financing, we will be able to develop a more progressive and equitable system of financing benefits.

Mr. ULLMAN. Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of Illinois. Mr. Chairman, the House failed to amend the rule to permit consideration of a social security increase as an amendment to the public debt limit bill. Today we are considering a social security increase on its own without procedural obstacles. I urge my colleagues to support it.

I have been aware that many of our senior citizens seem to feel that this Congress has done nothing for them. Of course, this is not true, but the situation is so bad that I feel we have not done as much as we could have.

The Congress previously agreed to a 5.9-percent increase, but delayed it a year so the President would not veto it. Today's legislation would replace this inadequate measure with a 7-percent increase effective in March and an additional 4-percent increase in June.

I know all of my colleagues are concerned with the plight of the elderly. The nature of my constituency is such that I am perhaps more involved with the welfare of our seniors than most. Today's economic realities continue to bombard our senior citizens. To repay these venerable citizens for their years of contribution to society is one of the noblest ideals and inherently fundamental services of government.

A large majority in favor of this measure will help protect against another Presidential veto, so I urge my colleagues to support this necessary measure.

Mr. LANDGREBE. Mr. Chairman, this bill places us in a situation where it is impossible to cast a fair and just vote. On the one hand we have the social security beneficiaries. Surely they deserve an increase. Retired workers have been forced to pay into the social security fund during their working years, but receive benefits far less than they would have received by investing the same amount in private insurance. The Social Security Administration estimates that the average worker starting at age 18 will "contribute" $24,273 over his lifetime and receive benefits totaling $94,904; whereas by paying the same amount, plus the employer's contribution which otherwise would have gone to the worker in the form of higher wages, to buy private insurance, the worker would receive a total of $282,362, or about three times the estimated social security benefits.

In addition, the high rate of inflation caused by the Government's deficit spending and manipulation of the money supply is constantly eroding the value of social security benefits. Thus a retired person is paid benefits in dollars worth far less than the dollars he has been "contributing" all his years. Certainly such a person is entitled to a raise in benefits to keep pace with inflation.

On the other hand, however, let us consider who pays the benefits. The social security program began as a Government retirement income fund, but has mushroomed to include such things as medical payments, disability insurance, and even direct welfare payments. What is worse, the program is no longer even a retirement program. The funds originally collected have not been held in trust; they were spent by the Government long, long ago. Only enough money is maintained in the trust fund to provide payments for 9 months.

Obviously, the only way social security can continue is through heavy taxation of those who are currently employed. And what do the working men and women pay, especially those of average or below-average means? H.R. 11333 will raise the wage base ceiling to $13,200, which means that everyone with an income of this amount or less will pay the full tax on 100 percent of his income. Those with incomes over $13,200 will continue to pay no more than the worker with an income of $13,200, no matter how high their earnings might be. It is interesting to note that Members of Congress, their staffs, and thousands of Government employees are exempt from the program.

The social security tax is not a progressive tax; nor is it fair or equitable. Those with low incomes actually pay a much greater percentage of their gross incomes than the more well-to-do. In fact, if this bill becomes law, over half the American workers will be paying more in social security taxes than they will be paying in Federal income taxes, all under the regressive social security tax system. In other words, social security is the method by which Congress forces low-paid workers to finance our major Federal relief program. Yet the very rich are eligible for the full benefits of the social security program.

At this point I would like to call the attention of my colleagues to an editorial which recently appeared in the Washington Star-News. The writer points out many things that Congress ought to keep in mind while considering this bill:

SOCIAL SECURITY TAXES

Some startling information on the impact of Social Security taxes was revealed the other day in hearings before the House Ways and Means Committee. It is that more than half of all American households pay more Social Security taxes than they do income taxes. To put it another way, the bite for Social Security is higher for them than it is for all the other multitudinous functions of the federal government.

Now, the Congress is considering yet another increase in the tax to finance further increases in Social Security payments. Somewhere along the line, a halt has to be called. It was never intended that the Social Security System enacted in 1936 would become such a drain on the wage-earner.

As Representative Karth of Minnesota, a member of the Ways and Means Committee, said "People already are beginning to rebel, and if we increase the rate substantially there will be an open rebellion."

Under existing law, the tax rate for a worker is 5.85 percent on income up to $10,800, which comes out to a maximum of $631.80 a year. Next year, the wage base on which the tax is levied was scheduled to go up to $12,600, which means the maximum tax would be $737.10 for the year. A new proposal in Congress would raise the base to $13,200 in January, meaning a maximum tax of $772.20.

The person hardest hit by the Social Security tax is the low-income worker. The 5.85 percent tax is extracted from his pay no matter how small.

A number of proposals have been made to reduce the burden on those least able to pay. The Nixon administration is reported to be considering eliminating the tax on workers with income below the poverty level. Some would have a graduated tax—small at the low-income levels and increasing at higher income levels. Some would keep a flat rate but impose a firm cutoff point and make up any deficits by appropriations from general tax funds.

It seems to be time for Congress and the administration to take a serious look at whether some basic changes need to be made in the method of financing. The Social Security System has been of such enormous benefit in alleviating poverty among the elderly that nothing should be done to endanger it. But the simple truth is that the point will come—if it is not already at hand—when the workers will rebel against the payroll taxes that finance the system.

Further, the big lie of the social security system is that the worker pays only half the tax while his employer pays the other half. It is elementary business economics that a worker must earn all of his benefits, whether they take the form of pensions or of the social security tax. The plain fact is that the worker does not pay 5.85 percent of his income in social security taxes. He pays 11.7 percent, for he pays not only his 5.85 percent tax, but also the 5.85 percent forwarded immediately by his employer to the Government. When this is taken into account, the total tax on a worker levied by this bill will not be $772, but twice that amount, over $1,500 per year. The Government is simply exploiting the workers and telling them that it is the employers who are being exploited.

Then, of course, there is the very real question of whether or not today's workers will be able to collect any benefits. Since the Government is spending their "contributions" to social security to pay off yesterday's workers, the Government will be able to pay today's workers when they retire only by more heavily taxing tomorrow's workers. But social security payments are rising at such a phenomenal rate that the whole system may collapse before today's workers will be able to collect anything. In 1950 the social security checks amounted to $1 billion. By 1964 they were $16 billion. By the end of this year, they will be more than $58 billion. And it has been estimated that by 1984 they will reach $250 billion, nearly equaling our total Federal budget for 1974.

Thus this bill presents us with the following dilemma: If we vote no, it is unfair to the social security beneficiaries who have been cheated out of an equitable return on their forced investment through the social security tax. If we vote yes, it is unfair to today's workers who pay a disproportionate share of the burden and who may never collect any benefits.

Under the circumstances the only proper action is to vote against blindly increasing social security benefits and to demand a thorough study of the present social security system. Once we know exactly what the effects of the increase will be and exactly what the result of continuing the program as presently constituted will be, then and only then will we be able to make a proper judgment on either raising benefits and taxes or revising the whole program making it actuarially sound, and if possible, guaranteeing its continuity.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BURTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 246, noes 163, not voting 24, as follows:

[Roll No. 591]

AYES—246

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bennett
Bevill
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
de la Garza
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Dorn
Downing
Duncan
du Pont
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Fisher
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Fountain
Frenzel
Frey
Fuqua
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Goodling
Gray
Green, Oreg.
Griffiths
Gross
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Hays
Hébert
Hechler, W. Va.
Henderson
Hicks
Hillis
Hogan
Holt
Huber
Hudnut
Hungate
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Kluczynski
Kuykendall
Landrum
Latta
Lehman
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McKay
McKinney
McSpadden
Madden
Mahon
Mallary
Mann
Martin, N.C.
Mayne
Mazzoli
Meeds
Michel
Milford
Miller
Mizell
Mollohan
Montgomery
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Brien
O'Hara
Owens
Parris
Passman
Patman
Pepper
Perkins
Pickle
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rarick
Regula
Riegle
Roberts
Robinson, Va.
Rogers
Roncalio, Wyo.
Rose
Rostenkowski
Roush
Roy
Runnels
Ruppe
Ruth
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sikes
Skubitz
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Sullivan
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Treen
Udall
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zablocki
Zion
Zwach

NOES—163

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Ashley
Aspin
Badillo
Barrett
Bell
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brasco
Brooks
Brown, Calif.
Burgener
Burke, Mass.
Burton
Carney, Ohio
Chisholm
Clausen, Don H.
Clawson, Del
Conte
Conyers
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Danielson
Delaney
Dellums
Dent
Donohue
Drinan
Dulski
Edwards, Calif.
Eilberg
Evans, Colo.

Findley
Fish
Flood
Foley
Forsythe
Fraser
Frelinghuysen
Froehlich
Gaydos
Gilman
Goldwater
Grasso
Green, Pa.
Grover
Gubser
Hanley
Hanna
Hansen, Wash.
Harrington
Hastings
Hawkins
Heckler, Mass.
Heinz
Helstoski
Hinshaw
Holifield
Holtzman
Horton
Hosmer
Howard
Hunt
Johnson, Calif.
Karth
Kastenmeier
Kemp
Ketchum
King
Koch
Kyros
Landgrebe
Leggett
Lent
McCormack
McEwen
McFall
Macdonald
Madigan
Mailliard
Maraziti
Mathias, Calif.
Matsunaga
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Calif.
Moorhead, Pa.
Moss
Murphy, N.Y.
Nix
Obey
O'Neill
Patten
Pettis
Peyser
Pike
Podell
Rangel
Rees
Reid
Reuss
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rousselot
Roybal
Ryan
St Germain
Sandman
Schroeder
Shipley
Slack
Smith, Iowa
Stanton, James V.
Stark
Steele
Steiger, Wis.
Stokes
Stratton
Studds
Talcott
Teague, Calif.
Thompson, N.J.
Tiernan
Towell, Nev.
Ullman
Veysey
Waldie
Walsh
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Wydler
Wyman
Yatron
Young, Ga.
Young, Tex.

NOT VOTING—24

Blackburn
Buchanan
Burke, Calif.
Carey, N.Y.
Clark
Clay
Collins, Ill.
Davis, Wis.
Dellenback
Fulton
Harvey
Keating
Litton
Long, Md.
Martin, Nebr.
Mathis, Ga.
Mills, Ark.
Minshall, Ohio
Morgan
Rhodes
Rooney, N.Y.
Sisk
Smith, N.Y.
Van Deerlin

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further committee amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes, pursuant to House Resolution 695, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

RECORDED VOTE

Mr. ULLMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 391, noes 20, not voting 22, as follows:

[Roll No. 592]

AYES—391

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NOES—20

Archer
Armstrong
Burleson, Tex.
Camp
Collier
Collins, Tex.
Crane
Dennis
Fisher
Goldwater
Goodling
Gross
Jarman
Landgrebe
Poage
Rousselot
Satterfield
Symms
Wiggins
Young, S.C.

NOT VOTING—22

Blackburn
Buchanan
Burke, Calif.
Carey, N.Y.
Clark
Clay
Collins, Ill.
Davis, Wis.
Dellenback
Dorn
Green, Oreg.
Harvey
Litton
Martin, Nebr.
Mathis, Ga.
Mills, Ark.
Minshall, Ohio
Morgan
Rhodes
Rooney, N.Y.
Sisk
Van Deerlin

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Dorn.

Mr. Sisk with Mr. Clay.

Mr. Van Deerlin with Mr. Rhodes.

Mrs. Burke of California with Mr. Minshall of Ohio.

Mr. Mills of Arkansas with Mr. Blackburn.

Mrs. Collins of Illinois with Mr. Dellenback.

Mr. Litton with Mr. Buchanan.

Mrs. Green of Oregon with Mr. Harvey.

Mr. Morgan with Mr. Davis of Wisconsin.

Mr. Clark with Mr. Martin of Nebraska.

Mr. Carey of New York with Mr. Mathis of Georgia.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE A REPORT ON H.R. 9437

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report on H.R. 9437.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXTENDING THE TEMPORARY SUSPENSION OF DUTY ON CERTAIN BICYCLE PARTS AND ACCESSORIES

Mr. **ULLMAN**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6642) to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1976.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Oregon?

Mr. **SCHNEEBELI**. Mr. Speaker, reserving the right to object, and I shall not object, I take this time to ask the committee chairman to explain the bill.

Mr. **DENT**. Mr. Speaker, will the gentleman yield?

Mr. **SCHNEEBELI**. I yield to the gentleman from Pennsylvania.

Mr. **DENT**. I thank the gentleman for yielding.

I was going to just take a minute to call the attention of the House to the fact that this legislation really has to pass now because in 1961 the former Member of this House and later Governor of the State of Pennsylvania, Mr. William Scranton, came before the Committee on the Impact of Imports and testified for 13 pages full of testimony, in which he said—and I am covering, if the Members do not mind, at this time both bills with this one short statement, because both are identical and both of them have the roots of this particular action contained in these hearings before our committee—that unless we gave tariff relief, rather, total relief by extending it to both the bicycle and bicycle parts industries, and the silk yarn industry in the United States, which was basically the silk textile industry in the northeastern region of the State of Pennsylvania, that in 1959 when this legislation was first put on the books, that by 1961 they had lost 80 percent of the silk textile industry. He said there will be a day when we will have this particular legislation become permanent. So I was just wondering why we are extending this legislation for a period of time when there is not one single manufacturer of either of these products in the United States of America today—why do we not make it permanent, because we might as well get a pattern, because within the next 5 years this legislation will cover almost every commodity. The committee has no other road to go. I would suggest the Members just pass the bill by a voice vote and forget it.

Mr. **ULLMAN**. Mr. Speaker, will the gentleman yield?

Mr. **SCHNEEBELI**. I yield to the gentleman from Oregon.

Mr. **ULLMAN**. I thank the gentleman for yielding.

Mr. Speaker, the purpose of H.R. 6642 as reported to the House by the Committee on Ways and Means is to extend, to the close of December 31, 1976, the existing suspension of duties on imports of certain bicycle parts and accessories. In the absence of legislation, the existing suspension of duties on such bicycle parts and accessories will expire on December 31, 1973.

The existing suspension of duty on these items was enacted in order to improve the competitive ability of domestic producers of bicycles by reducing the landed cost of certain imported bicycle parts and accessories which are not available from domestic sources. Domestic bicycle manufacturers have advised the Committee on Ways and Means that this duty suspension has helped domestic manufacturers to reduce their costs, and no objection to H.R. 6642 was raised by representatives of bicycle parts manufacturers. Favorable reports were received from the executive branch on the bill.

The Committee on Ways and Means is unanimous in recommending enactment of H.R. 6642, and I urge its favorable consideration by the House.

Mr. **SCHNEEBELI**. Mr. Speaker, in reply to the observation of the gentleman from Pennsylvania, I shall be very happy to tell of Governor Scranton's interest in this bill, because I think he is referring to Governor Scranton who originated this legislation back in the early 1960's.

Mr. Speaker, I support H.R. 6642, a bill to continue the existing suspension of duty on imports of certain bicycle parts and accessories for the 3-year period from December 31, 1973 through December 31, 1976.

The parts and accessories involved are generator lighting sets, derailleurs, caliper brakes, drum brakes, three-speed hubs incorporating coaster brakes, three-speed hubs not incorporating coaster brakes, click twist grips, click stick levers, and multiple free-wheel sprockets. These items normally are dutiable at rates ranging from 15 to 19 percent ad valorem.

Only one of these items is available domestically. The exception is the click stick lever, which is made by a single U.S. producer, and our committee was informed that this producer does not object to the temporary suspension of duty on that item.

The suspensions of duty were enacted initially in order to improve the competitive position of domestic bicycle producers by cutting the cost to them of parts and accessories which were not available from domestic sources. During our hearings on the Trade Reform Act of 1973, our committee heard testimony to the effect that the suspensions of duty are serving their purpose and should be continued. We heard no objection to the proposal before us.

After receiving favorable reports on the bill from interested departments and agencies, and determining that it would not result in any revenue loss, our committee unanimously approved the measure.

Mr. Speaker, I believe the 3-year continuation of duty suspensions on these bicycle parts and accessories will be beneficial to home industry and I, therefore, urge the enactment of H.R. 6642.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the appendix of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R. pt. II Aug. 17 1963; 77 A Stat.; 19 U.S.C. 1202) is amended as follows:

Immediately preceding item 915.25 insert the following new items:

"	912.05	Generator lighting sets for bicycles (provided for in item 653.39, part 3F, schedule 6)	Free	No change	On or before 12/31/76
	912.10	Derailleurs, caliper brakes, drum brakes, hubs incorporating coaster brakes, rear hubs not incorporating coaster brakes, click twist grips, click stick levers, multiple free-wheel sprockets (provided for in item 732.36, par 5C, schedule 7)	Free	No change	On or before 12/31/76 ."

SEC. 2. The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of enactment of this Act.

With the following committee amendment:

Committee amendment: Strike out all after the enacting clause and insert: That items 912.05 and 912.10 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "12/31/73" and inserting in lieu thereof "12/31/76".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after December 31, 1973.

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING TEMPORARY SUSPENSION OF DUTY ON CERTAIN CLASSIFICATIONS OF YARNS OF SILK

Mr. **ULLMAN**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7780), to extend for an additional temporary period the existing suspension of duties on certain classifications of yarns of silk, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7780

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) items 905.30 and 905.31 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "11/7/73" and inserting in lieu thereof "11/7/75"; and such item is further amended by striking out "and item".

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, after November 7, 1973.

With the following committee amendment:

Page 1, line 6, immediately before the period insert the following: "; and such item 905.31 is further amended by striking out 'and item 308.51' ".

The amendment was agreed to.

Mr. ULLMAN. Mr. Speaker, the purpose of the pending bill, H.R. 7780, as reported to the House by the Committee on Ways and Means, is to continue for 2 years the suspension of duties on certain classifications of spun silk yard. The present suspension of duties expires on November 7, 1973, and the bill would extend the suspension through November 7, 1975.

The original suspension of duties on spun silk yarns, enacted on September 8, 1959, was done in order to enable domestic producers of fine yarn fabrics to import fine silk yarns free of duty in order to make it more economical to produce fine yarn fabrics in competition with imported similar fabrics. The suspension of duties has been continued since the original enactment by means of various temporary extensions, and the Committee on Ways and Means is advised that the same reasons which justified the original suspension justify its continuation. Favorable reports on H.R. 7780 were received from the executive branch, and no objection to the bill was made known to the committee.

The Committee on Ways and Means is unanimous in recommending enactment of this legislation, and I urge its favorable consideration by the House.

Mr. SCHNEEBELI. Mr. Speaker, I support H.R. 7780, which would extend for 2 years, through November 7, 1975, the suspension of duties on certain classifications of spun silk yarns.

The yarns involved are used in making sewing thread, decorative stripings for fine worsteds, lacing cord for cartridge bags, and in combination with other fibers, a number of additional items such as upholstery and drapery materials.

These duty suspensions originally were approved in 1959. The aim was to help domestic producers of fine yarn fabrics remain competitive with imports of like items by enabling them to import, free of duty, the raw material they needed. Our committee was informed that the same reasons for suspension exist today.

No objection to this legislation was voiced to the committee, and favorable reports were received from interested Government agencies. It is estimated that the bill will not result in any additional revenue loss or administrative expenses.

The committee was unanimous in reporting H.R. 7780, and I urge the House to approve it.

Mr. SIKES. Mr. Speaker, the purpose of H.R. 7780 is to continue for 2 additional years, until the close of November 7, 1975, the suspension of duties on certain classifications of spun silk yarn.

The duties on spun silk yarns have been suspended by various public laws since the original duty suspension was enacted by Public Law 86–235, approved on September 8, 1959. The suspension of the duties on spun silk yarns was last extended by Public Law 92–161 for a 2 year period from November 7, 1971, to November 7, 1973.

The suspension of the duty has been made in order to enable domestic producers of fine yarn fabrics to import fine silk yarns free of duty in order to make it more economical to produce fine yarn fabrics in competition with imported similar fabrics. The situation which justified earlier suspensions of duty continues to exist. The justification, stated simply, is that the bill helps American industry to stay in business and to provide employment for American workmen.

Favorable reports were received by the Ways and Means Committee from interested Government agencies and, no objection to the continuation of the suspension of duty has been brought to my attention or to the attention of the committee. The Ways and Means Committee was unanimous in recommending enactment of H.R. 7780 and, I sincerely hope that the House will approve this legislation today.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AUTHORIZING PRINTING OF PROCEEDINGS UNVEILING PORTRAIT OF THE LATE HONORABLE PHILIP J. PHILBIN

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Report No. 93–644) on the resolution (H. Res. 680) authorizing the printing of proceedings unveiling the portrait of the late Hon. Philip J. Philbin, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 680

Resolved, That the transcript of the proceedings in the Committee on Armed Services of October 24, 1973, incident to the presentation of a portrait of the late Honorable Philip J. Philbin to the Committee on Armed Services be printed as a House document with illustrations and suitable binding.

Sec. 2. In addition to the usual number, there shall be printed eight hundred copies of such document for the use of the Committee on Armed Services.

With the following committee amendment:

On page 1, line 7, delete "one thousand" insert "eight hundred".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CERTAIN PRINTING FOR THE COMMITTEE ON VETERANS' AFFAIRS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–645) on the concurrent resolution (H. Con. Res. 88) authorizing certain printing for the Committee on Veterans' Affairs, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 88

Resolved by the House of Representatives (the Senate concurring), That after the conclusion of the first session of the Ninety-third Congress there shall be printed for the use of the Committee on Veterans' Affairs of the House of Representatives fifty-six thousand one hundred copies of a publication entitled "Summary of Veterans Legislation Reported, Ninety-third Congress, First Session", with an additional forty-four thousand copies for the use of Members of the House of Representatives.

With the following committee amendment:

Page 1, line 8, insert after "forty-four thousand" the following: "two hundred"

The committee amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING AS HOUSE DOCUMENT HOUSE COMMITTEE PRINT ON IMPEACHMENT, SELECTED MATERIALS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–646) on the concurrent resolution (H. Con. Res. 369) to print as a House document House committee print on Impeachment, Selected Materials, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 369

Resolved by the House of Representatives (the Senate concurring), That there is authorized to be printed as a House document the House committee print on Impeachment, Selected Materials, and that six thousand four hundred twenty copies be printed, of which one thousand shall be for the use of the House Committee on the Judiciary, one thousand for the House Document Room, and the balance prorated to the Members of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR PRINTING AS HOUSE DOCUMENT BOOKLET ENTITLED "THE SUPREME COURT OF THE UNITED STATES"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-647) on the concurrent resolution (H. Con. Res. 375) providing for the printing as a House document the booklet entitled "The Supreme Court of the United States," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 375

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document with illustrations, the booklet entitled "The Supreme Court of the United States"; and that ninety-eight thousand four hundred additional copies shall be printed of which eighty-eight thousand four hundred shall be for the use of the House of Representatives and ten thousand copies shall be for the use of the Joint Committee on Printing.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF REPORT OF SENATE SPECIAL COMMITTEE ON TERMINATION OF THE NATIONAL EMERGENCY

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-468) on the Senate concurrent resolution (S. Con. Res. 47) authorizing the printing and additional copies of a report to the Senate Special Committee on the Termination of the National Emergency, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 47

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Special Committee on the Termination of the National Emergency five thousand additional copies of its report to the Senate entitled "Emergency Powers Statutes: Provisions of Federal Law Now in Effect Delegating to the Executive Extraordinary Authority in Time of National Emergency".

Mr. GROSS. Mr. Speaker, will the gentleman from Indiana yield?

Mr. BRADEMAS. Mr. Speaker, I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, on the present resolution, how many copies of this publication are made available to the House?

Mr. BRADEMAS. Mr. Speaker, under the text of the resolution, no copies are specifically earmarked for the use of the House but, of course, if Members of the House would wish to avail themselves of copies of this report, they could do so by request of the Senate Special Committee on the Termination of the National Emergency.

Mr. GROSS. Does the gentleman think that the other body would be pleased to give a Member of the House a copy of this booklet on delegated powers by Congress to the executive branch of Government?

Mr. BRADEMAS. Mr. Speaker, I am sure that would be the case.

Mr. GROSS. Mr. Speaker, I would think this would be one that every Member of the House ought to read and profit by, if the booklet is headed in the right direction.

Mr. BRADEMAS. Mr. Speaker, I share the viewpoint of the gentleman from Iowa.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF PRAYERS OF CHAPLAIN OF THE SENATE DURING 92D CONGRESS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-649) on the Senate Concurrent Resolution (S. Con. Res. 49) authorizing the printing of the prayers of the Chaplain of the Senate during the 92d Congress as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That there be printed with an illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-second Congress, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed two thousand additional copies of such document, of which one thousand and thirty would be for the use of the Senate and nine hundred and seventy would be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute in order to ask the distinguished majority leader the program following our return.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I also want to make comment on the fact that we regret to see that the gentleman from Illinois has made the fateful decision to leave this Congress. We will be with bowed heads the day he leaves.

Mr. ARENDS. Mr. Speaker, I thank the gentleman.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives for the week of the 26th of November, 1973, is as follows:

Monday is District day. There are five pieces of legislation:

H.R. 6186, dividends received by a corporation from insurance companies;

H.R. 7218, Holding Company System Regulatory Act;

H.R. 9577, Yacht Club of the District of Columbia;

H.R. 10806, District of Columbia Minimum Wage Act amendment; and

H.R. 11238, adoption of children subsidy.

On Tuesday and the balance of the week, we have H.R. 9107, Federal retirement annuities, with an open rule and 1 hour of debate; H.R. 11324, year-round daylight saving, subject to a rule being granted; H.R. 11010, Comprehensive Manpower Act, subject to a rule being granted; H.R. 11401, special prosecutor appointment, subject to a rule being granted.

Then, we have the Defense appropriations for the fiscal year of 1974, and the supplemental appropriations for the fiscal year of 1974.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. Speaker, may I repeat that the Members will note that on the calendar it says—

Tuesday and balance of the week.

It is the anticipation that we will work Friday of the week that we come back, because it seems that we have that much important legislation that it will carry through at least Friday.

Mr. ARENDS. Mr. Speaker, I thank the gentleman for the information.

PROPOSED LEGISLATION TO LIMIT EXPENDITURES ON PRESIDENTIAL PROPERTIES

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, American taxpayers must not be subjected again to the possibility of spending millions of dollars on the private property of the President of the United States.

A recent investigation by the Subcommittee on Government Activities, of which I am chairman, has disclosed that more than $10 million has been spent in support of three private homes of President Nixon. Our investigation exposed numerous irregularities and excesses in the expenditure of public funds in the name of security. The absence of any management guidelines in the expenditure of these funds has virtually allowed the Secret Service to unload its budget on other Government agencies, particularly the GSA.

I am today, along with several other members of my subcommittee, introducing legislation to correct these abuses of public funds. My legislation, entitled the Presidential Protection Assistance Act of 1973, will limit such expenditures to one principal property designated by the President or other person entitled to Secret Service protection. In addition, it would require advance written requests by the Secret Service, payment by the Secret Service for such expenditures, and reports to Congress every 6 months. If the President changes the designation of his principal property, he would have to reimburse the Government for all expenditures made at the previously designated location not otherwise recoverable by the Government.

This legislation would further limit any permanent Secret Service guard detail to one location at a time, thereby saving the taxpayers approximately one-half million dollars a year at the present time. It would also prohibit the obligation of Government funds by non-Government personnel and would require that all improvements be removed if economically feasible to do so.

Mr. Speaker, the sponsors of this legislation fully recognize the tremendous responsibilities of the Secret Service and the problems they face. We have attempted to provide sufficient flexibility in this legislation to permit them to fulfill their function without being irresponsible in obligating funds from the public treasury. Our legislation would permit the Secret Service to request equipment, personnel, and facilities from other agencies on loan for not more than 2 weeks at a time without reimbursement and without written requests. It would also permit the Secret Service to spend up to $5,000 at locations other than the principal designated property of the person entitled to protection. Under these provisions, the Secret Service should in no way be hampered in fully carrying out its statutory responsibilities.

It is important that the Congress act upon this legislation so as to avoid further extravagant expenditures of taxpayers' money for improvements on private property that do not accrue to the benefit of the general public. Since no concern or self-restraint has been shown for obligating the American public to spend millions of dollars on private property owned by the President, the Congress must now take steps to define more specifically what expenditures can and cannot be made.

THE TRAGIC PLIGHT OF MOISE AND ADELE KERBEL

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, for the past several years the free world has witnessed the cruel and ceaseless campaigns of repression perpetrated against Jewish citizens of the Soviet Union by their government. We have been shocked and angered over the denial of basic human rights and personal dignity to these thousands of men, women, and children. Many of us have spoken out against these various ill-conceived actions undertaken by Soviet authorities and have expressed our revulsion over the callous denial of the right of free emigration to Soviet Jews and the economic, social, and cultural isolation forced upon those who seek to emigrate to other countries.

For over 2 years Moise and Adele Kerbel of Kharkov in the Ukraine have been attempting to secure official permission to leave the U.S.S.R. and join their family in Israel. During this period they have been subjected to various forms of harassment and intimidation and have been denied the necessary permission to leave.

What is especially tragic is the fact that Adele Kerbel is reportedly in very poor health, suffering from an incurable disease. I understand that emigration to Israel to be reunited with family and loved ones is, for Mrs. Kerbel, a matter of life or death because of her very serious physical condition. However, the Soviet authorities have the effrontery to declare that the Kerbels' emigration to Israel is not in conformity with government interests and that Adele Kerbel's departure—even in her state of complete physical helplessness and ill health—threatens the security of the Soviet Union. Denying Adele Kerbel the hope of emigration to Israel and to once again see and be with her family is to deny her any hope of improvement and condemns her to a very uncertain future. How can a woman who has been bedridden for some 4 years threaten the security of the U.S.S.R. or any other nation?

The tragic plight of the Kerbels is just another example of the Soviet Union's complete disregard for the basic rights of its own citizens and reinforces my very strong belief that the Congress must take affirmative action to make plain our position that we will simply not tolerate the tactics employed against Soviet Jews. The fate of the more than 100,000 Soviet Jews, such as Moise and Adele Kerbel, who seek to leave the Soviet Union is in our hands and we must insure that they not be denied their right to emigrate and that they will be free from further victimization.

AWARD TO SENATOR LLOYD M. BENTSEN, JR.

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, I recently enjoyed the privilege of participating in a ceremony in South Texas in which the distinguished Senator from Texas and my longtime friend, Senator LLOYD M. BENTSEN, JR., was presented with the Distinguished Eagle Scout Award of the Boy Scouts of America.

It was an eminently fitting award. LLOYD BENTSEN earned the rank of Eagle Scout in 1938. During the ensuing quarter of a century, as the citation accompanying the award noted, he has been an outstanding public servant, never swerving from the principles of that great organization, the Boy Scouts of America.

The ceremony accompanying the presentation of the award had special personal significance for me. From 1949 through 1953 Senator BENTSEN occupied the seat I now hold as Representative of the 15th Congressional District of Texas. His successor and my immediate predecessor, the Honorable Joe Kilgore, whom I am also proud to call my friend, presided over the meeting in McAllen, Tex.—a meeting held under the auspices of the Rio Grande Council of the Boy Scouts of America, of which my brother, Robert de la Garza, is an active member.

It was an inspiring occasion—a time when old friends got together to join in paying deserved honor to a man they have known and admired for many years.

I include the text of the citation accompanying the award of the rank of Distinguished Eagle Scout to Senator LLOYD M. BENTSEN, JR.

DISTINGUISHED EAGLE SCOUT CITATION

THE BOY SCOUTS OF AMERICA

Because Lloyd M. Bentsen, Jr. earned the rank of Eagle Scout as a member of the Boy Scouts of America more than twenty-five years ago, in 1938, and

Because as an Eagle Scout, he has continued to serve his God, Country and fellow man, following the principles of the Scout Oath and Law, and

Because he has achieved distinction through service to scouting as local council executive board member, and

Because he has given distinguished service to his nation and community as United States Senator, former member of the House of Representatives, member of several important committees in the Senate and House and subcommittee chairman; former County Judge of Hidalgo County, Texas; member of the governing bodies of the United Fund of Houston and Harris County, Houston Chamber of Commerce, Texas Presbyterian Foundation, University of Texas Development Board, Y.M.C.A. and Salvation Army; veteran of World War II service in the U.S. Army Corps and holder of the Distinguished Flying Cross and the Air Medal with three Oak Leaf clusters;

Because of these and other achievements and the desire of the Boy Scouts of America, upon the nomination of his local council and the recommendation by a committee of Distinguished Eagle Scouts to the National Court of Honor, acting on behalf of the Executive Board of the Boy Scouts of America, the Honor and Rank of Distinguished Eagle Scout are awarded to and conferred upon him.

In testimony whereof, The Boy Scouts of America has caused these presents to be signed by its Officers and its Corporate Seal to be hereto affixed.

THE DILEMMA OF "WATERGATE"

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 30 minutes.

Mr. ROBISON of New York. Mr. Speaker, while the broader implications of Watergate run back over a period of many months now, the disturbing events of Saturday, October 20, gave them new and alarming dimensions.

I have been searching, ever since that weekend, to find the responsible position to take—and hold—relative to the President's future.

By resisting, in the interim, the mounting pressure to join the chorus of those now shouting for the President's impeachment, I have disappointed those making that demand.

Conversely, as one who has viewed with concern and deep regret many of the President's actions—or nonactions—which have precipitated the current drive for impeachment, I have disappointed those all-out supporters of the President who, though fewer in number if measured only by my mail, have demanded comparable allegiance on my part.

Whatever future political problems these reactions from polarized public attitudes toward Mr. Nixon may pose for me is of little consequence.

For my sole personal concern has been —and remains—one of determining the most responsible course for me to take; one that would meet the dictates of my own conscience, and would measure up to what I perceive to be the serious duty borne by me, as a Member of this House, in this largely unprecedented situation.

Let me not be misunderstood.

As we face up to our present dilemma, I am fully aware of the "representative" nature of my duty no matter how often I have heretofore, and favorably, quoted this admonition from Edmund Burke:

> Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

Any conscientious legislator is well-advised to follow that guideline—as I have sought to do—but I have spent a good deal of time pondering of late whether or not the decision the House may be facing here is the exception that, traditionally, "proves" such a rule.

Those who write in support of impeachment seem to think so. They say they speak "for the people." They demand that I hear the "voice of the people"—and some even go so far as to declare that, if I do not, they will actively work against me should I seek reelection. A few, of course, go even further—questioning both my courage and my patriotism, much after the fashion of a recent Carl T. Rowan pro-impeachment column which he concluded with these words:

> The members of Congress who turn out to be gutless in this national hour of need ought to be consigned to infamy for as long as their names are uttered.

There is a further common thread running through much of my pro-impeachment mail, Mr. Speaker—this to the effect that, in the case of Presidential impeachment, the House does not really decide anything, anyway, being required only to determine if sufficient grounds for impeachment lie against the President, sufficient for his "indictment" that is, in effect, which charges will then be heard and decided upon by the Senate.

In essence, this may well be true—and I am as aware as anyone of the familiar litany of charges against the President which, supposedly, add up now to sufficient grounds for his "indictment" by the House, charges which one of my local editors neatly summed up this way:

> His highest crime (being) that, in tearing our government apart, he has brought a great nation into a time of doubt and confusion.

Well, surely, there is "doubt and confusion" aplenty, Mr. Speaker, not the least of which is the clear fact that "the people" do not presently speak with one voice when it comes to that question of impeachment, plus the doubt and confusion that exists over the salient question of what, exactly, is an "impeachable" offense by a President under our Constitution.

As to the former—public opinion—while all of us have surely heard from a surprisingly broad-based, articulate and, for the most part, obviously sincere segment of our constituencies who favor impeachment, it is by no means clear that it represents a majority of public opinion on the impeachment question at the moment. Despite the President's obvious fall from grace if one considers only the Gallup-Harris attempts to measure his "support" among the populace, there are strong signs indicating that the contrary is the case. For instance, the just-released Sindlinger survey on the twin question of impeachment-and-resignation demonstrates the uncertain, and volatile nature of public opinion on such question this way:

[In percent]

	For	Against
On impeachment:		
After Cox firing (Oct. 20)	47	30
After release of tapes (Act. 23)	35	54
After Nixon press conference (Oct. 26)	30	60
After disclosure of nonexistent tapes (Oct. 31)	31	54
On resignation:		
After Cox firing (Oct. 20)	54	29
After release of tapes (Oct. 23)	38	47
After Nixon press conference (Oct. 26)	32	
After disclosure of nonexistent tapes (Oct. 31)	33	54

In any event, as to the latter—that nagging question of what is sufficient ground for a majority vote in support of specific "Articles of Impeachment" of a President by the House—I think a decent regard for the designers of this ultimate, political weapon against a President would require something substantially more than mere congressional disagreement, however strong, with a President's policies, and certainly more than the suggestion that "* * * an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history," as once, in what I have to think was an unguarded idea, was advanced by the current Vice President-designate, the Honorable GERALD R. FORD.

The point here is, Mr. Speaker, that there is far more than the future of Richard Nixon at stake in our discussion of this question. Beyond whatever fate may eventually—and properly—befall the current incumbent of the White House, lies the future legitimacy, and stability, of the institution of the American Presidency, itself.

I suggest we ignore that aspect of our dilemma only at the future peril of our whole political system—and its survivability.

As Prof. Raoul Berger—perhaps the only acknowledged expert on the impeachment process—has noted:

> The design of the Founders should constrain the Senate to disclaim unlimited power, and to act within the confines contemplated by the Founders. When Congress impeaches and convicts in disregard of those bounds, it is guilty of an abuse of its power which posterity, if not the Court, will condemn. No member of Congress should lightly invite a judgment such as branded the impeachment of President Andrew Johnson as "one of the most disgraceful episodes in our history." Congress should have before it the admonition of Edmund Burke with respect to a mooted impeachment: "We stand in a position very honorable to ourselves and very useful to our country, if we do not abuse the trust that is placed in us." Let impeachment be (then), not a mere means of venting party spleen, but rather, as it was for Burke, "that great guardian of the purity of the Constitution".

Mr. Speaker, I would here and now—and most sincerely—wish to congratulate you, personally, and the Democratic majority in this House, for the obvious restraint you have both shown up to now in this most-difficult situation. Surely, the voters are in your possession—if you wished to use them—for "venting party spleen," to borrow Burke's phrase; but equally surely you have perceived the danger to the Nation in your rejection of that route, Mr. Speaker, as well as having recognized the potentially substantial benefits to that same Nation by holding, with respect to GERALD FORD's designation as Vice President, to the letter and spirit of the 25th amendment to its Constitution.

I am encouraged—and grateful—Mr. Speaker, for the statesmanship, and individual decency, that has prompted you, instead, to squelch every temptation to hold the Ford designation hostage, either to President Nixon's future performance, or in anticipation of his possible impeachment. As the Washington Post has said, editorially, in this regard:

> Settling the issue of succession (will) remove one source of public uncertainty . . . (and) demonstrate that the Congress can perform responsibly at a time when a sense of responsibility is a precious commodity in public life.

It would seem that an equal sense of responsibility is the motivating factor behind the deliberate pace of the House Committee on the Judiciary, as it embarks on its preliminary inquiry into the difficult question of whether or not constitutional grounds for the President's impeachment by the House presently lie against Mr. Nixon. While I have not joined in introducing one of the several resolutions that precipitated that inquiry, I do agree that the same should go forward promptly and, hopefully, in a nonpartisan environment.

At this point—and in this regard—I would like to suggest to all of my colleagues, Mr. Speaker, a rereading of chapter 6 of John F. Kennedy's "Profiles in Courage," wherein he recounts for us the background of, and issues involved in, the abortive impeachment attempt of President Andrew Johnson, in 1868.

The parallels—as between that situation and today's—are, of course, far from being four-square, but they are present in sufficient number as to encourage an objective consideration of them.

Then—as now—the Chief Executive was at odds with Congress; as Kennedy describes it:

> The two branches of government were . . . at each other's throats, snarling and bristling with anger . . . bill after bill was vetoed by the President . . . and for the first time in our nation's history, important public measures were passed over a President's veto and became law without his support.

This Congress and President Nixon have not exactly been "snarling" at one another, but they certainly have had their differences, and—to get back to the parallels—then, as now, it was the Presidential firing of a congressional favorite in the executive branch—the Secretary of War—that apparently served as the proverbial last straw causing, as Kennedy further puts it:

> Public opinion in the nation to run heavily against the President . . . (who) had intentionally broken the law and dictatorially thwarted the will of Congress!

After several prior such attempts had failed, the House then voted for impeachment under the lash of Pennsylvania's Thaddeus Stevens, quoted by Mr. Kennedy as having warned:

> Let me see the recreant who would vote to let such a criminal escape. Point me to one who will dare to do it and I will show you one who will dare the infamy of posterity.

The word, "infamy," seems to be one—for whatever curious reason—reserved for use in such occasions even as, today as noted, columnist Rowan resorted to it since, as Kennedy goes on, when six then-Senators indicated the evidence against Johnson was not in their opinion sufficient to convict, the Philadelphia Press cried, "Infamy!" and asserted that the Republic had been betrayed "in the house of its friends."

In any event, the same newspaper also reported—as Kennedy notes—"a fearful avalanche of telegrams from every section of the country—and a great surge of public opinion from the 'common people'." Moving on, Mr. Kennedy describes how, as the impeachment trial progressed:

> It became increasingly apparent that the impatient (Congress) did not intend to give the President a fair trial on the formal issues upon which the impeachment was drawn, but intended instead to depose him from the White House on any grounds, real or imagined, for refusing to accept their policies. Telling evidence in the President's favor was arbitrarily excluded. Prejudgment on the part of most Senators was brazenly announced. Attempted bribery and other forms of pressure were rampant. The chief interest was not in the trial or the evidence, but in the tallying of votes necessary for conviction.

The man who eventually cast the deciding vote against conviction—the man former President Kennedy "profiled"—was Senator Edmund G. Ross, of Kansas, whom the New York Tribune thereafter termed "a miserable poltroon and traitor," with the Phiadelphia Press weighing in, again, against Ross and those few others who voted for acquittal as men who had "plunged from a precipice of fame into the groveling depths of infamy and death."

It is true that neither Ross nor any other Senator who had voted for acquittal was ever reelected to the Senate—and none of them retained the support of their party's organization. But one of them, Senator Lyman Trumbull, of Illinois—as President Kennedy reports it—"filed for the record these enduring words":

> The question to be decided is not whether Andrew Johnson is a proper person to fill the Presidential office, nor whether it is fit that he should remain in it. . . . Once set, the example of impeaching a President for what, once the excitement of the House shall have subsided, will be regarded as insufficient cause, no future President will be safe who happens to differ with a majority of the House and two-thirds of the Senate on any measure deemed by them important . . . What then becomes of the checks and balances of the Constitution so carefully devised and so vital to its perpetuity? They are all gone . . .

Senator Ross, himself, in the Kennedy chapter on all this, is described as a man who, personally, disliked President Andrew Johnson but, in a magazine article some years later explained the motives behind his "Not Guilty" vote in these words:

> In a large sense, the independence of the executive office as a coordinate branch of the government was on trial . . . If the President must step down . . . a disgraced man and a political outcast . . . upon insufficient proofs and from partisan considerations, the office of the President would be degraded, cease to be a coordinate branch of the government, and ever after be subordinated to the legislative will. It would practically have revolutionized our splendid political fabric into a partisan Congressional autocracy.

Mr. Speaker, one has to conclude that the lessons of history—as drawn from this, our sole, prior experience with Presidential impeachment—weigh heavily upon your mind, and on the minds of those of our colleagues on the Committee on the Judiciary who now must endeavor to decide what possible, constitutionally-acceptable grounds for impeachment, if any, now lie against Richard Nixon.

This is a very difficult and delicate task—considering the absence of precedents to actually guide us, and the ultimate, political enormity of even an attempt at impeachment of the President; something which Time magazine, in its unprecedented editorial of last week calling for a Nixon resignation, described as a process which, even if Mr. Nixon were to be acquitted "would leave him and the country devastated." Fleshing out that thought, Time declared—and, I think, accurately—that any such impeachment trial "would take at least several months, during which the country would be virtually leaderless and the White House would be paralyzed while the United States and the world awaited the outcome."

Then Time stated:

> The Republic would doubtless survive. But the wise and patriotic course is for Richard Nixon to resign, sparing the country and himself this agony.

I will address myself to the question of resignation in a moment, Mr. Speaker, choosing to stay yet awhile with that alternative question—if it can accurately be described as an alternative—of impeachment.

As to that question—continuing to draw from "Time's" editorial—it is stated therein, in a manner that elaborates upon the lessons I have sought to draw from the 1868 impeachment trial, that:

> The right of free men to choose their leaders is precious and rare in a world ruled by authoritarian governments. It is the genius of the American Constitution that it combines stability with liberty; it does so in part by fixing a term for the Chief Executive and largely protecting him from the caprices of parliamentary governments. An American President must be given the widest freedom of action, the utmost tolerance, the most generous benefit of every doubt. It is a system that has served us well.
>
> A President's Gallup rating can fluctuate as much as the Dow Jones. He may push unpopular programs or oppose popular ones. Being a political as well as a national leader, he may dissemble within more or less accepted political limits. His Administration may be touched by corruption, provided that he does not condone it. He may make mistakes, many of them. He may fight the other branches of Government, for this is sometimes necessary to get things done. None of these matters—especially since they are always subject to partisan interpretation—are sufficient in themselves to justify the removal of a President.

What, then, Mr. Speaker, is "sufficient to justify the removal of a President"?

I confess I do not know; and I suggest, in all candor, that none of us knows, for certain—but I would urgently also suggest that it ought to mean, if we care at all about the institution that is the American Presidency, far more than ". . . whatever a majority of the House of Representatives considers it to be at a given moment in history."

This is the decision initially confronted by the distinguished gentleman from New Jersey (Mr. Rodino), and his colleagues on the Judiciary Committee. It is understandable if they have approached the challenge—and the enormity—thereof in a hesitant manner, up to now. Who would not—even if their mail was not running, as is mine, about 15 to 1 against the President, and the latest Gallup poll still showed that 54 percent of our citizens voted, despite grievous doubts about Mr. Nixon's noninvolvement in Watergate, against removing him from office?

Where, then, Mr. Speaker, do I—or we—go from here?

Our present situation—with both Mr. Nixon and the Nation left to dangle somewhere between the proverbial "hard-place" and the "rock" is well-nigh intolerable.

We simply cannot go on much longer—either the President, or the Nation—on the horns of such a dilemma.

My responsibility—our responsibility, Mr. Speaker, as members of the House is undoubtedly less than that of a member of the Senate who, in the end, votes "guilty" or "not guilty" on articles of impeachment.

And, yet, I no more think we should—at this point in time—prejudge the question of whether or not constitutionally-acceptable grounds for the impeachment of Richard Nixon now lie against him than a member of the other body should prejudge the sufficiency thereof for purposes of conviction. We, on the House side, do not act as "judges"—more nearly as grand-jurors—and yet, I have felt constrained to answer some of my more violent proimpeachment mail in the words of Senator William Pitt Fessenden, of Maine, who asked, in 1868.

> By what right can any man upon whom no responsibility rests, and who does not even hear the evidence, undertake to advise me as to what the judgment should be . . . ?

A large segment of the American public—perhaps urged in that direction by the news media, and perhaps not—has prejudged the impeachment case against the President. They—like some segments of the news media—are impatient over the slowness of the congressional pace towards such a judgment. A recent "New Yorker" magazine comment asks why:

> We go on searching for evidence—evidence that can only prove for the thousandth time what we already know. Hypnotized by investigations, we have not as a people, found the will to press for a resolution. Even in our extremity, we wait, it seems, for evidence that is more than evidence, as if some final memo or tape from the White House could free us of our obligations, and make for us the solemn decision we must now make for ourselves.

I understand the sense of frustration that lies behind such words, Mr. Speaker, for I share an equal sense of frustration.

And I appreciate the sincerity with which most of my constituent mail urging me to get on with the task of impeachment was written.

But, yet, as Stewart Alsop warns—in his Newsweek column for November 12—we, here in this House, must be wary of the "fever abroad in this city today, uncomfortably like the ferocious fever that seizes a fight crowd when the knees of a punch-drunk fighter begin to wobble."

It continues:

> (For) the danger is that, when the punch-drunk President is brought down, the Presidency itself will be brought down, its authority eroded, its defense damaged beyond repair.

Today, Mr. Speaker, after some unfortunate displays of partisan fireworks, we voted the Committee on the Judiciary $1 million to hire necessary staff, and pay the expenses involved in carrying out what its chairman (Mr. RODINO) called "the awesome responsibility of reviewing and investigating charges that the President of the United States should be impeached."

I voted for such funds, because I believe it essential that this preliminary inquiry be carried forward—and urge that it be completed at the earliest practicable date.

It is my understanding that word has come from the majority side of the committee to the effect that no resolution of its work can come before "late spring" next year.

I am not privy to all the problems involved in reaching such a resolution—even a tentative one—though I can well imagine what they must be.

I could not urge the committee to lose sight of the gravity of the task with which it is charged—but I would urge them to get on with it and, in all honesty, Mr. Speaker, it does seem to me that if it does a proper job, right now, of beginning to separate out the possible "constitutional wheat" from all the "political chaff," so to speak, contained in that familiar litany of current charges against Mr. Nixon, it could give us a resolution containing articles of impeachment for the House to vote "up" or "down" by early next year.

Mr. Speaker, I would strongly urge the committee to now set such a goal for itself—and announce the same publicly.

In doing so, the committee will have to reject the pleas of those who, for whatever motives, would want to drag the committee's inquiry on and on, until the broadest possible case against the President might be put.

It is necessary for the committee to do so for reasons well expressed in this excerpt from a recent "Wall Street Journal" editorial:

> (For) as it is Mr. Nixon is drowning in a sea of unproved charges. The moment he starts to address one of them, his answers are swept away by another. The farrago of charges includes the plausible and implausible, clear crime, disagreements on policy, differences on constitutional interpretation and no small measure of political malice. The result is to convince part of the public that the President is Satan himself, and to convince another part of the public that he is the victim of a campaign of baseless innuendo . . .
>
> Someone will have to seize the responsibility to frame a set of accusations that can be proved or disproved. The President must be given a bill of particulars against which he can defend himself, his critics must be given a feeling that at last the most serious of their fears was fully explored, and the public must be given a feeling that they are governed by serious and responsible men.

Mr. Speaker, there is a crisis of confidence—abroad in this sadly troubled Nation, today.

The author of the crisis may well be the present occupant of the White House.

But this House—this Congress, Mr. Speaker—shares with the President the larger responsibility of acting, now, to resolve that crisis, one way or another.

This brings me back, finally, to that question of Presidential resignation—which Time and many Americans view as an easier, and far quicker, way to resolve our dilemma.

Time declared—as we will recall—that the President has, with the Nation, passed ". . . a tragic point of no return—that the President has irredeemably lost his moral authority, the confidence of most of the country, and therefore his ability to govern effectively."

Again, while I respect the views of those who concur in this judgment, it remains my own judgment that it is too soon to come to any such conclusion.

Obviously, the President's moral authority has been grievously wounded—his effectiveness as our Chief Executive badly eroded.

I think he understands this—now—after months of seeming not to want to accept that prospect, and months of hoping, evidently, that his troubles would, somehow, all blow away.

Yet, I think he can—if he wants to badly enough—begin now to recapture some of that authority, perhaps not all, and some of that effectiveness, again perhaps not all, for I gravely doubt things will ever be quite the same again as they once were for Richard Nixon and the people he has worked so hard, and occasionally so successfully, to serve.

This is a matter that—like resignation—is out of my hands.

It is, instead, a matter between Richard Nixon and the American people.

I would not call upon him, as some in effect have, to now make "public penance," but surely right now a measure of humility would go down far better than further displays of bitterness—and, without intending to sound facetious, it might be a good time to replace "Hail to the Chief" with the National Anthem at White House functions.

What I suppose I am saying, Mr. Speaker, is that, even as Watergate has altered President Nixon's status—and, perhaps, eventually even his place in history—it has probably altered for all of us our concept of the Presidency, itself.

What I want—what I suspect we all now want is a far more open, more forthcoming, more down-to-earth Presidency than we have had in recent times.

We have had enough of confrontations—of internal divisions and strife; indeed, a decade full of both.

We want—and need instead, an era of reconciliation, and of cooperation; a national drawing together.

The saving grace in Watergate's whole shaking of our ideas and our ideals could be in the opportunity it now brings to us all—from Richard Nixon to the lowliest citizen—to move in such directions.

Mr. Speaker, we know, then, what we must do—so let us get on with it.

The President—in the interim—must decide what he can do, and what he will do.

But the only thing that really matters—as we contemplate our respective dilemmas—is the Republic, itself, which ought to be everyman's concern.

WATERGATE SPECIAL PROSECUTOR

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, the Subcommittee on Criminal Justice of the House Judiciary Committee on which I am privileged to serve has held hearings on legislation relating to a special prosecutor in the Watergate matters. The Judiciary Committee has reported out a bill calling for a court-appointed prosecutor.

More than two dozen bills have been introduced regarding this matter in the wake of the firing of Archibald Cox. Many of these bills reflect the haste with which they were put together. For example, the proposals by Congressman CULVER and Senator BAYH called for appointment of the special prosecutor by the chief judge of the U.S. District Court for the District of Columbia—Judge John Sirica. Although this legislation had many sponsors in the House and Senate, it is now conceded by most sponsors that this is not a desirable thing to do.

There is, however, substantial support

for the special prosecutor to be appointed by the judiciary rather than by the executive branch.

A great many Americans were shocked over the firing of Archibald Cox and the subsequent resignations of Attorney General Elliot Richardson and Deputy Attorney General William D. Ruckelshaus, and the confidence of the public was shaken that the prosecution of Watergate-related matters would go forward aggressively in an unfettered way.

There was unanimity on our subcommittee that everyone engaged in wrongdoing in connection with Watergate and its fallout extensions should be brought to justice. There was also agreement that there should be a special prosecutor to pursue these matters without interference. There was disagreement, however, as to how this special prosecutor should be appointed.

Mr. Speaker, I recommend that our colleagues in the House read the transcript of the hearings which our subcommittee held on the various proposals so they can assess the views of the witnesses about the merits and demerits of the various measures and the constitutional questions related to such legislation.

For purposes of simplification the various proposals can be divided into those which call for appointment of the special prosecutor by the judicial branch and those which call for his appointment by the executive branch.

This is the rock of the issue around which all of the constitutional controversy swirls.

The hearings evoked conflicting views from legal scholars as to whether or not it would be constitutional for the judicial branch to appoint a special prosecutor. Acting Attorney General Robert H. Bork, former Attorney General Elliot Richardson—who testified before the other body, Roger C. Cramton, dean of the Cornell Law School, and some members of the subcommittee itself believe the weight of authority is on the side of this being unconstitutional. Archibald Cox, former Watergate Special Prosecutor and Prof. Paul Bator, of the Harvard Law School, initially announced publicly that they felt it would be unconstitutional, but on further reflection both men changed their mind and concluded that they thought it would be constitutional.

Mr. Bork assured us during his testimony that there has been no interruption in the work of the former Watergate Special Prosecution Force. The group of lawyers assembled by Mr. Cox remains intact and has continued its work from the same quarters, with the same staff, and with the same investigative and administrative support from the Department of Justice. The Special Prosecution Force continues to have access to the full resources of the executive branch, including assistance from the Federal Bureau of Investigation and investigators from the Internal Revenue Service.

He said that the new special prosecutor, Mr. Leon Jaworski, has precisely the same charter that Mr. Richardson established for the former special prosecutor, with an additional safeguard of the special prosecutor's independence. That safeguard is the President's assurance that he will not exercise his constitutional power to discharge the special prosecutor or to limit his independence in any way without first consulting the majority and minority leaders and chairmen and ranking members of the Judiciary Committees of the Senate and the House, and ascertaining that their consensus is in accord with his proposed action.

Mr. Bork said it is anticipated that Mr. Jaworski will receive cooperation from the White House in getting any evidence he feels he needs to conduct investigations and prosecutions, but it is clear and understood on all sides that he has the power to use judicial processes to pursue evidence if a disagreement should develop in this regard.

I am sure I can speak for the entire subcommittee in stating that we were all satisfied that Mr. Jaworski will conduct the investigations and prosecutions with complete impartiality and diligence.

Mr. Bork testified that:

> The question is whether congressional legislation appointing a Special Prosecutor outside the Executive Branch or empowering courts to do so would be constitutionally valid and whether it would provide significant advantages that make it worth taking a constitutionally risky course." He said further, I am persuaded that such a course would almost certainly not be valid and would, in any event, pose more problems than it would solve.
>
> As I have said, the Special Prosecution Force is now and has been in uninterrupted pursuit of the cases under its jurisdiction. Should the Congress or the courts attempt to establish a new Special Prosecutor there is bound to be legal confusion, delay, and disruption of these investigations and prosecutions.

He added:

> There is also the danger—and this is the problem that concerns me most—that the establishment of a Special Prosecutor outside the Executive Branch would ultimately be held unconstitutional so that persons otherwise properly convicted would go free. A person "convicted" would, on a second trial, conceivably have a double jeopardy claim under the Fifth Amendment and, perhaps more plausibly, a claim that he had been denied the right to a speedy trial guaranteed by the Sixth Amendment and that the publicity generated by his first, invalid, trial denied him due process and an impartial jury as required by the Fifth and Sixth Amendments, respectively. There is, moreover, the real possibility that the delay would have let the statute of limitations run on some offenses and that witnesses and other evidence would be lost. These seem to me very substantial dangers that ought not to be courted unless there is no other way to proceed.

He went on to explain that the constitutional problem arises because the Constitution of the United States makes prosecution of criminal offenses an executive branch function. The Constitution distributes the powers of the three branches of Government and the only reference to prosecutorial powers is in article II, section 3, which states that the President "shall take care that the laws be faithfully executed." Article II, section 2 gives the President "power to grant reprieves and pardons for offenses against the United States." This power, too, indicates that the Constitution lodges in the executive branch complete control over criminal prosecutions.

The Acting Attorney General reminded us,

> Congress duty under the Constitution is not to enforce the laws but to make them. The Federal courts' duty under the Constitution is not to enforce the laws but to decide cases and controversies brought under the laws. The Executive alone has the duty and the power to enforce the laws by prosecutions brought before the courts. To suppose that Congress can take that duty from the Executive and lodge it either in itself or in the courts is to suppose that Congress may by mere legislation alter the fundamental distribution of powers dictated by the Constitution. Under such a theory, the Congress, should it deem it wise, could take the decision of criminal cases from the courts and assume that function itself or lodge it in the Criminal Division of the Department of Justice. That is simply not our system of government.

Some believe that the tradition which places prosecutorial power solely in the executive branch, may be evaded by powers expressly given the Congress in article II, section 2, and in article I, section 8.

Article II, section 2, grants wide powers to the President, including the nomination or appointment of various officers of the United States, and then states:

> But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

Mr. Bork reminded us that this provision was added with little or no debate toward the end of the Constitutional Convention almost as an afterthought. Would the framers of the Constitution so carelessly destroy the principle of separation of powers they had so painstakingly worked out in the course of their deliberations? I think not.

There is no doubt whatever that the powers delegated to Mr. Jaworski are not only those exclusively vested in the executive branch but also are broad and comprehensive. The special prosecutor has four heads of jurisdiction:

First. Offense arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

Second. Offenses arising out of the 1972 Presidential Election for which the special prosecutor deems it necessary and appropriate to assume responsibility;

Third. Allegations involving the President, members of the White House staff, or Presidential appointees; and

Fourth. Any other matters which he consents to have assigned to him by the Attorney General.

An Attorney General can delegate such functions to a special prosecutor but can Congress take them away from an Attorney General and give them either to itself or to the judiciary?

Acting Attorney General Bork concluded his formal statement before the subcommittee as stating:

> It is particularly important in times of crisis and deep-seated unease that we adhere to the constitutional system that has sustained us so long. It is all too easy to say that this is an emergency and we will violate

the Constitution this one time. But that kind of expediency is habit forming. Bad precedents, once established, are easily used in the future.

In sum, we now have a Special Prosecutor and a staff in operation. There is every reason to expect that they will carry out their investigations and prosecutions with the full rigor that the law requires. There is no reason to abandon a constitutional system of government that has served us so well for so long.

I agree with Mr. Bork's conclusion.

Professor Bator wrote in the May 5, 1973 New York Times:

> The Constitution vests executive power in the President and commands him to take care that the laws be faithfully executed. The enforcement of Federal criminal law is a central part of the function of executing the laws. For the Congress or anyone else to purport to create an agency wholly independent from the Executive Branch with power to enforce the criminal law would probably be unconstitutional.

The most serious doubts raised center on the fact that there are constitutional problems inherent in such a blend of the traditionally separate roles of the prosecutor and the judiciary. Some claim this violates the principle of separation of powers and appears to be at odds with the judicial function of the Federal courts as provided in article III. There has also been concern expressed that the creation of such a special prosecutor under the direction and supervision of the judiciary might well jeopardize the success of all future Watergate related prosecutors.

Everyone agrees that there is a serious question about the constitutionality which would inevitably be challenged in the courts. Obviously, any defense counsel for a defendant indicted by such a court-appointed prosecutor would certainly challenge the validity of the indictment and cause considerable delay while the question is resolved through the appellate process.

Mr. Speaker, this aspect of the legislation is so important that it warrants elaboration.

Article II, section 2 of the Constitution provides:

> (The President) shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

It is necessary to also read in this context, article III of the Constitution, which defines the judicial power of the United States, to determine if this places any limitation on the broad authority which article II appears to give.

The Supreme Court has implied, in vague language, that there is such a limitation, but has never had occasion to define it precisely or to hold that Congress has overstepped it. The Supreme Court and some lower courts have squarely held that under article II, section 2, Congress may vest in the courts the appointment of officers who do not perform functions connected with the judicial branch. The major pronouncement of the Supreme Court on the subject is Ex Parte Siebold (100 U.S. 371 (1879)). That case involved a petition for a writ of habeas corpus by certain individuals who had been convicted of offenses against the laws of the United States arising from the performance of their duties as supervisors of congressional elections. One of their defenses was that the Federal statute governing their appointment, which had vested the appointment power in the circuit courts of the United States, was unconstitutional. The Supreme Court implicitly assumed, arguendo that this claim would establish a defense and dealt with the question on the merits. The Court's entire discussion of this point is quoted below (100 U.S., at 397–398):

> Finally, it is objected that the act of Congress imposes upon the Circuit Court duties not judicial, in requiring them to appoint the supervisors of election, whose duties, it is alleged, are entirely executive in their character. It is contended that no power can be conferred upon the courts of the United States to appoint officers whose duties are not connected with the judicial department of the government.
>
> The Constitution declares that "the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments." It is no doubt usual and proper to vest the appointment of inferior officers in that department of the government, executive or judicial, or in that particular executive department to which the duties of such officers appertain. But there is no absolute requirement to this effect in the Constitution; and, if there were, it would be difficult in many cases to determine to which department an officer properly belonged. Take that of marshal, for instance. He is an executive officer, whose appointment, in ordinary cases, is left to the President and Senate. But if Congress should, as it might, vest the appointment elsewhere, it would be questionable whether it should be in the President alone, in the Department of Justice, or in the courts. The marshal is pre-eminently the officer of the courts; and, in case of a vacancy, Congress has in fact passed a law bestowing the temporary appointment of the marshal upon the justice of the circuit in which the district where the vacancy occurs is situated.
>
> But as the Constitution stands, the selection of the appointing power, as between the functionaries named, is a matter resting in the discretion of Congress. And, looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise. The observation in the case of Hennen, to which reference is made (13 Pet. 258), that the appointing power in the clause referred to "was no doubt intended to be exercised by the department of the government to which the official to be appointed most appropriately belong," was not intended to define the constitutional power of Congress in this regard, but rather to express the law or rule by which it should be governed. The cases in which the courts have declined to exercise certain duties imposed by Congress, stand upon a different consideration from that which applies in the present case. The law of 1792, which required the circuit courts to examine claims to revolutionary pensions, and the law of 1849, authorizing the district judge of Florida to examine and adjudicate upon claims for injuries suffered by the inhabitants of Florida from the American army in 1812, were rightfully held to impose upon the courts powers not judicial, and were, therefore, void. But the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts; and in the present case there is no such incongruity in the duty required as to excuse the courts from its performance, or to render their acts void. It cannot be affirmed that the appointment of the officers in question could, with any greater propriety, and certainly not with equal regard to convenience, have been assigned to any other depositary of official power capable of exercising it. Neither the President, nor any head of department, could have been equally competent to the task.
>
> In our judgment, Congress had the power to vest the appointment of the supervisors in question in the circuit courts.

It seems fair to conclude from the discussion in Siebold, that the Court did recognize the existence of a limitation on Congress article II, section 2 power to vest the appointment of an inferior officer in the courts, where it could be said that the duties to be exercised by that officer bore an "incongruity" with the judicial function. Furthermore, it could be argued from the final two sentences of the second from last paragraph in the quoted portion of the court's opinion above, that perhaps the courts, in determining the validity of any such statutes, are to consider the relative propriety and convenience of vesting the appointment in the President or the heads of departments, rather than in the courts of law.

The Constitution provides in article II, section 3 that the President is charged with the responsibility of insuring that the laws of the United States are faithfully executed. Thus it is argued that the function of conducting legal proceedings on behalf of the United States cannot be transferred to a prosecutor who is wholly independent of the executive branch.

In *Ponzi* v. *Fessenden* (258 U.S. 254, 262 (1922)) the Supreme Court ruled that the prosecution of offenses against the United States is an Executive function stemming from the power vested in the President by article II of the Constitution, the discharge of which is committed to the Attorney General:

> "The Attorney General is the head of the Department of Justice . . . He is the hand of the President in taking care that the laws of the United States in protection of the interests of the United States in legal proceedings and in the prosecution of offences, be faithfully executed.

Similarly, in *Springer* v. *Philippine Islands* (277 U.S. 189, 202 (1928)), the Supreme Court declared that "the authority to enforce laws or to appoint the agents charged with the duty of enforcing them" are Executive functions. (See also 2 Op. A G. 482, 487–493 1831).)

In *United States* v. *Cox,* (342 F. 2d 167 (5th Cir.) *cert. denied,* 85 S. Ct. 1767 (1965)), the Court of Appeals held that a U.S. Attorney could not be required by a court to sign an indictment initiating the prosecution of offenses against the United States. In addressing the constitutional authority of the executive branch in the enforcement of criminal laws, the court reiterated the principle of *Ponzi, supra,* that "the Attorney General is the hand of the President in taking care that the laws of the United States in legal proceedings and in the prosecution of offenses, be faithfully executed." (342 F. 2d at 171.) It then considered the role of the U.S. Attorney in discharging this Executive power:

> The U.S. Attorney is an Executive official of the Government, and it is as an officer of the Executive department that he exercises a discretion as to whether or not there shall be a prosecution in a particular case. It follows, as an incident of the constitutional separation of powers, that the courts are not to interfere with the free exercise of the discretionary powers of the attorneys of the United States in their control over criminal prosecutions.

Thus, the court ruled that to transfer the power which is committed to the Executive to determine whether to prosecute to another body—the grand jury—would be in derogation of article II which grants to the President all "executive power" and vests in him the responsibility to take care that the laws be faithfully executed.

Similarly in *Newman* v. *United States* (382 F. 2d 479 (D.C. Cir 1967)), the court held that the lower court had no authority to review decisions of the prosecutor and that "it is not the function of the judiciary to review the exercise of executive discretion" (382 F. 2d at 487). Rejecting the suggestion in a concurring opinion that "irrational" decisions might be reviewable, the court said:

> The Constitution places on the Executive the duty to see that the "laws are faithfully executed" and the responsibility must reside with that power. *Id.* n. 9.

The same principle applies with equal force to prohibit transfer of the power to prosecute offenses to an independent prosecutor or commission outside the executive branch.

Finally, it should also be noted that the resolution authorizing the appointment of a special prosecutor during the Teapot Dome scandal provides no precedent for the present bill. Prior to the introduction of the resolution in that instance, President Coolidge had suggested the appointment of special counsel, B. Naggel (*Teapot Dome*, p. 92), and the language of the resolution itself recognized the authority of the President to make the appointment. (S.J. Res. 54, February 8, 1924.)

The appointment of a special prosecutor is clearly proper but the appointment of such an officer outside the executive branch appears to always have been held improper.

There is only one reported case that considers the question of whether, under article II, section 2, Congress may authorize the appointment of a prosecutor by a court. In *United States* v. *Solomon*, (216 F. Supp. 835 (1963)) the court held that article II, section 2 permitted the appointment of a temporary prosecuting officer to fill a vacancy pursuant to Title 28 U.S.C. § 506. In that case, however, the statute did not confer, and the court did not assume, any authority over the U.S. Attorney appointed by the court. As with all other U.S. Attorneys, he remained in the executive branch, subject to direction by the Attorney General and removal by the President. The court was at pains to point out the uniquely limited character of the appointment power:

> The appointive power of the judiciary contemplated by Section 506 in no wise equates to the normal appointive power. First, the judiciary's power is only of a temporary nature. "[T]he appointment itself contemplates only a temporary mode of having the duties of the office performed until the President acts * * *." 16 Ops. Att'y Gen. 538, 540 (1880). Second, the exercise of the appointive power by the judiciary in no wise binds the executive. The statute clearly contemplates that the executive branch is free to choose another United States Attorney at any time, the judicial appointment notwithstanding. "It was not to enable the circuit justice to oust the power of the president to appoint, but to authorize him to fill the vacancy until the president should act, and no longer." In re Farrow, 3 F. 112 (C.C.N.D.Ga. 1880). "The authority given to fill the office of the circuit justice is an authority only to fill it until action is taken by the President" 16 Ops. Att'y Gen., supra at 540. (216 F. Supp at 842–843).

Other cases involving the application of article II, section 2 are somewhat unclear in their holdings and, in any event, not apposite here. *In the Matter of Hennen*, (38 U.S. (3 Pet.) 230 (1834)) held that under article II, section 2, courts might be permitted to appoint their own clerks. The court held that the appointment of power "was, no doubt, intended to be exercised by the department of the government to which the officer appointed most appropriately belonged," (*Hennen* at page 258) and that the clerks clearly belonged most appropriately to the judicial branch.

Finally, in *Hobson* v. *Hansen* (265 F. Supp. 902 (D. D.C. 1967)) a three-judge court held, over the vigorous dissent of Judge Skelly Wright, that the district court could appoint members of the District of Columbia Board of Education. The court relied in large measure upon the unique dual character of the District of Columbia courts, under article I, that permits them to exercise legislative or administrative power. However, the court also stressed that the power to appoint involved no supervisory responsibilities and conceded that if the court were authorized to administer the schools it would be " 'such incongruity in the duty required as to excuse the courts from its performance or to render their acts void.' *Ex parte Siebold*," (265 F. Supp. at 913).

The *Siebold* and *Hobson* cases involved appointments to positions that might arguably be considered "executive" in nature. But neither represented an encroachment upon one of the central responsibilities of the executive branch—the enforcement of the law. (*United States* v. *Cox*, 342 F. 2d 167 (5th Cir., 1965); *Newman* v. *United States*, 382 F. 2d 479 (D.C. Cir. 1967.))

It should also be pointed out, however, that the Hobson and Siebold cases both relate to the District of Columbia, over which the Congress has extraordinary powers. Article I, section 8 of the Constitution gives Congress the responsibility "to exercise exclusive legislation in all cases whatsoever" over the District of Columbia.

The advocates of the court-appointed prosecutor rely in part on this constitutional authority, citing the fact that many of the acts occurred in the District of Columbia.

Article I, section 8 has been said to give Congress greater powers in placing nonjudicial duties upon the judges of the courts within the District than it could impose on other Federal judges under article II, section 2. In *Hobson* v. *Hansen* (265 F. Supp. 902 (D.D.C. 1967).

The majority's opinion contains a lengthy exposition of the special status of the District of Columbia courts. But while the general proposition of greater congressional control over the District of Columbia courts with respect to nonjudicial functions seems unimpeachable, neither Hobson for any other case construing article I, section 8 provides a clear basis for believing that the District of Columbia courts can be vested with the authority to appoint, and remove a special prosecutor.

Whatever may be the case with respect to election supervisors or Boards of Education it is clearly incongruous for a court to assume any responsibility for the conduct of the prosecution. Indeed, the assumption of such responsibility would even seem to constitute a denial of due process to defendants. Any procedure which creates a nexus between the court and prosecutor may be violative of due process guarantees. *Tuney* v. *Ohio* (273 U.S. 510 (1926)). The legislative proposals advanced by various Members of Congress mandating judicial appointment of a special prosecutor creates, in my view, such a nexus. By entrusting ultimate control of the prosecution to the district court an unprecedented situation is created in which the court is forced to venture outside the powers entrusted to it by article III and attempt to assume the delicate—if not impossible—task of judging the conduct of the prosecution.

Support for such a bizarre prospect can be found nowhere in our Constitution. As the Court observed in Tunney—

> The requirement of due process of law in judicial procedure is not satisfied by the argument that men of the highest honor and the greatest self-sacrifice could carry it on without danger of injustice. Every procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance once, clear and true between the State and the accused, denies the latter due process of law.

In *United States v. Solomon*, (F. Supp. 835 (1963)), previously discussed, the court was able to conclude that the temporary appointment of the U.S. Attorney did not violate due process because the power of removal rested with the President. But here the removal lies with the court and provides "a nexus between court and prosecution too close to comport with due process of law." (216 F. Supp. at 843).

No one doubts that there will be judicial scrutiny of such legislation and, even if the legislation incorporates a provision for expeditious judicial review, it will not come until after evidence has been presented to the grand jury, indictments have been returned, defendants have been arrested and arraigned, and defense motions have been filed. A judicial determination that the bill is unconstitutional would have an immediate adverse impact on all prosecutions arising out of the new court-appointed special prosecutor's activities. Unnecessary delay would be incurred while evidence is re-presented to obtain new indictments. Convictions may be overturned and retrial prohibited because of the double jeopardy clause of the fifth amendment. If retrial is permitted, the Government's case may be weakened during the intervening time as evidence is lost, witnesses become unavailable and memories fade.

Because of these anticipated ramifications, it would seem to me that the wisest course for Congress to pursue would be the one which is fraught with the least danger of unconstitutionality, and yet a course which responds to the need to insure the independence of the special prosecutor and assures the public that all that should be done will be done to bring guilty parties to justice.

While rockets of controversy were exploding in the aftermath of the Cox firing, the President appointed a new Watergate Special Prosecutor, Leon Jaworski, a Democrat from Texas, a renowned attorney, and former president of the American Bar Association. Mr. Jaworski testified before our subcommittee that he was confident that he had all the power and independence he needed to pursue Watergate prosecutions vigorously.

Interestingly enough, he told the subcommittee that he had been previously offered the special prosecutor's job before Archibald Cox was appointed. He said he declined to take the special prosecutor appointment at that time because he did not have the assurance of independence and power which he thought were required to do the job. He said he now has the additional powers which were lacking in the initial offer. In other words, he told the committee his power is broader than Archibald Cox's power was.

He testified that he told Presidential Assistant Alexander M. Haig, Jr. that, unless he had assurance of his independence beyond those given to Cox—

> I would not be available.

He added:

> I think I have the right to go after things Cox may not have gone after.

He said he had the right to sue the President to get any Presidential tapes or documents he feels he needs.

It will be recalled that the President at the time of Mr. Jaworski's appointment said he would not fire Jaworski without the concurrence of congressional leaders—House and Senate majority and minority leaders and the chairman and ranking members of the House and Senate Judiciary Committee. Jaworski said that, if he encountered any efforts to dodge his requests or uncooperativeness, he would report the matter to congressional leaders. Mr. Jaworski told the subcommittee:

> I was pleased to learn that, despite the events of the last few weeks, the Special Prosecution Force continued to function and moved forward on a number of important fronts. My directions to each task force were to continue with all pending investigations as vigorously and promptly as possible.
>
> Because of my belief that the public is entitled to have all serious allegations explored and dealt with as promptly as is consistent with the sound administration of justice, I am uncertain whether it is necessary or desirable for Congress to proceed with legislation along the lines being considered by the Subcommittee. It seems to me that the various approaches raise some issues on which reasonable men could differ. There is, therefore, inevitably going to be a good deal of debate before either House settles on any version of legislation dealing with the appointment and tenure of a special prosecutor. Other necessary steps before the matter is finally resolved, taken in conjunction with possible judicial proceedings relating to constitutionality, could well stall the effective labors of the Special Prosecutor's office for an extended period of time. These considerations seem to me to be important because the uncertainties that they involve may have an impact on the ability of the Special Prosecution Force to proceed with the continuity that I believe has now been restored.

He also assured the subcommittee when he said:

> I would not have accepted appointment as Special Prosecutor after the firing of Professor Cox had I not received what I consider the most solemn and substantial assurances of my absolute independence. In this regard, I wish to emphasize that the Acting Attorney General has issued regulations defining my authority and jurisdiction in precisely the same terms as were used in defining those of Professor Cox—with the notable addition of a firm and formal assurance that the President has agreed not to exercise his constitutional power to effect my discharge except accordance with the consensus of the bi-partisan leadership of the House and the Senate and of the Judiciary Committees of both Houses. In particular, prior to acceptance, I was given unqualified assurance that there would be absolutely no constraints on my freedom to seek any and all evidence, wherever it may be, including the Presidential files, and invoke the judicial process should I consider it necessary.

He added:

> In my judgment, therefore, I have all of the freedom of action that could be expected of a special prosecutor appointed under any other procedure, and I am already actively involved in the continued conduct of the investigations initiated by the Special Prosecution Force.

This, plus the fact that many of the prosecutions might be invalidated if the special prosecutor legislation is found to be unconstitutional, led some members of the subcommittee to seek a more promising solution not encumbered by the constitutional impediments.

Everyone on the subcommittee agrees on the need for a special prosecutor to carry forward the Watergate investigations and prosecutions. Everyone further agrees that the special prosecutor must be able to operate independently and be insulated from unjustified firing to assure the American people that all should be done and all will be done to bring guilty parties to justice. Everyone further agrees that Mr. Jaworski is a man of uncommon ability and impeccable integrity. In fact Democrats on the subcommittee insisted on writing into their version of the legislation a provision which would clearly make Mr. Jaworski eligible to be appointed by the district court panel as the special prosecutor. Although there were witnesses who felt court-appointed prosecutor legislation would be constitutional and there were others who thought it would be unconstitutional, everyone agrees there is legitimate cause for doubt about its constitutionality.

After listening to all of the witnesses and studying all of the complex questions involved and reading all the relevant cases bearing on the issue, some members on the subcommittee have reached what we feel is the best solution. We feel that the ideal solution is to accept the reality of the situation facing us: We have a special prosecutor who is moving forward with the investigation and prosecution. So, we should enact legislation which would leave him in place, guarantee his independence and tenure of office without running the constitutional risks inherent in a court-appointed prosecutor.

The recent decision of Judge Gerhard A. Gessell in the case of *Ralph Nader, et al* v. *Robert H. Bork* (Civil Action No. 1954–73, November 14, 1973) also corroborates the contention of some of us on the committee as to the undesirability of enacting a court-appointed prosecutor bill.

Judge Gessell said:

> The Court recognizes that the case emanates in part from Congressional concern as to how best to prevent future Executive interference with the Watergate investigation. Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular court. As Judge Learned Hand warned in United States v. Marzano (149 F. 2d 923, 926 (1945)):
>
> "Prosecution and judgment are two quite separate functions in the administration of justice; they must not merge."

The Washington Post for November 15, 1973 reported that similar sentiments were expressed by Chief Judge John J. Sirica. He was quoted as saying:

> I think Judge Gessell is right. I do not know of any judge who thinks it is a good idea.

Mr. Speaker, I agree with both Judge Gessell and Judge Learned Hand. The substitute bill supported by a number of us on the committee does precisely what Judge Gessell suggests. It prevents Executive interference with the Office of Special Prosecutor as it now exists and insulates the special prosecutor from being fired by giving a fixed tenure of office of 3 years.

This substitute does not run the constitutional risks inherent in the bill reported by the Judiciary Committee. The substitute which failed to be approved in the Committee on the Judiciary, will be offered again on the floor when this bill is before us. I urge our colleagues to support it.

WARMAKING POWERS

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, in an historic vote November 7, the Congress overrode President Nixon's veto and put on the books a law which returns the warmaking power to the Congress.

The Constitution says that the President is the Commander in Chief of the Armed Forces, but it also says that the Congress shall declare war.

We have been through both the Korean and Vietnam wars without a declaration of war. While we did not start these wars, we became involved by action of the various Presidents who were in office during those times.

I concluded a long time ago that this should never be the case again, and I introduced a bill limiting the President—any President—from involving this country in a war without the approval of Congress. Such a bill passed the House and the Senate and was vetoed by the President. I voted to override the veto.

My vote on the veto had nothing whatsoever to do with support or nonsupport for President Nixon. This vote did not concern any particular President. Rather, it concerned the future of our Nation. It is unfortunate that the vote occurred at a time when the President's problems are at their peak, but the issue of going to war is too important to ignore or postpone.

It is unfortunate that some elements of the news media made it appear that the vote on the veto should be construed as being either for or against the President. I repeat, President Nixon just was not the issue on this particular vote.

The new law will allow the President and Congress to properly share the responsibility of maintaining the peace and security of the Nation.

The law provides that, in situations where hostilities may be imminent, the President may immediately commit our troops and then promptly make a formal report to Congress.

Congress would then have 60 days to pass a war declaration or the action would have to end. The 60-day time period can be extended for an additional 30 days if the President certifies that the extra time is needed to safely withdraw our forces.

Congress could order a halt at any time by passing a concurrent resolution, not subject to presidential veto.

I think the total 90-day period gives ample time for the President to respond to any emergency and at the same time it gives the Congress ample time to assess the President's action.

No President should put this Nation into another war without explicit congressional approval and Congress, in turn, should not shirk its responsibility by passing the buck to the President.

There just cannot be any more Vietnams where there is no intention to win and where there is no declaration of war.

During the Vietnam war the only votes we really ever had on the issue concerned the providing of funds to support our troops. Of course, we tried to provide our boys with everything they needed, but we never really got down to a vote as to whether we should be in Vietnam. I think the Congress must face up to this responsibility in the future.

None of this action should be interpreted as a weakening of our defense posture. On the contrary, by returning to the constitutional mandate making Congress an active party, I believe we have strengthened our Nation.

THE COMMITTEE ON THE JUDICIARY MUST CONDUCT A FULL, FAIR, AND EXPEDITIOUS INVESTIGATION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, I supported today final passage of the resolution to provide funds with which the Committee on the Judiciary is to conduct an investigation of allegations of impeachable offenses ascribed to the President. Prior to final passage, I supported the important and desirable positions sought by the minority members of the Committee on the Judiciary.

I want to make clear that my support was designed to help the President clear the air arising from the allegations being made.

I have repeatedly said that only a fair, full, and speedy investigation would restore the credibility of the President—a credibility essential to the effective conduct of both American foreign policy and domestic policy.

I believe that the President's effectiveness during the remainder of his elected term of office and the future viability of the Presidency as an institution demand a complete, expeditious, and final resolution of the impeachment issue.

I am convinced that anything less than such an investigation—to either refute or corroborate the charges being made—will leave the Presidency permanently scarred and impaired.

Additionally, as one who believes strongly in the principles embodied in the Constitution of the United States, I am bound by it to follow the process mandated by that document, and that process—hammered out in the wisdom of the Founding Fathers—is impeachment.

We did not, today, vote for impeachment, but we did support the investigatory steps which will decide if that process is to be exercised in the long-range best interests of the Republic.

It is not in the interest of the President to delay further that full, fair, and speedy resolution which I trust will come from the committee's investigation and subsequent deliberations. To delay would simply give otherwise unfounded assertions a color of "obstruction."

It was unfortunate that such a spirit of fairness and due process did not pervade the assertions of some majority Members today, as this body saw unfold before it an effort to deny the minority its legislative prerogatives—an effort of the most partisan nature. Members of the minority were deprived of the chance to amend this resolution to provide the essential legislative powers with which to hire minority counsel and staff, and to have really a full voice in these investigations. Those Members who acted in such a partisan manner would have been better advised to have followed the words of Speaker ALBERT.

The House must perform its constitutional function in an orderly and responsible manner under the Rules of the House, completely free of personal or political considerations.

The committee now has an opportunity to prove whether the results match the Speakers very sincere rhetoric.

ODE TO JOHN ERLENBORN

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker:

The minimum wage bill my colleague bemoans,
His sufferings replete with anquishing groans.

His cries of despair my ears do perceive
His grief, I surely do want to relieve.

To the RECORD I rush in a flurry of haste
To discern the villain who caused his distaste.

To inquire what manner of man it could be,
Who denied him the Law for which he now pleads.

Across the pages my fingers do fly,
Til I come to the answer and let out a cry!

"Alas, alack, and Holy Cow!"
It was my friend who did himself foul.

Oh, JOHHNY, my boy, are you so distraught
That your role in that battle you've so soon forgot?

'Twas you, my friend, who led the assault,
And placed the dagger that caused the result.

It appears that your limericks leave certain things out,
Reflecting your memory, about which I have doubt.

Permit my response then, in the same rhythmic tone.
Although I prefer to do business by phone;
"A friend of mine, JOHN ERLENBORN
Pleads loudly now for the 'poor forlorn'
His time is spent
Doing things he repents
Oh my, has John's memory went!"

CHICAGO "RIVER RATS" TO RECEIVE WELL-DESERVED NATIONAL HONOR

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I wish to bring to the attention of my colleagues that on December 6 Keep America Beautiful, Inc., will give its 1973 Organization Award to the River Rat Society, many of whose members reside in the 11th Congressional District of Illinois, which I am proud to represent, for their part in the clean-up of the North Branch of the Chicago River.

The "River Rats" include Boy Scouts working as part of their organization's national cleanup Project SOAR—Save

Our American Resources—Girl Scouts working in Chicago Scout Project SPAR—Services To Preserve American Resources—members of the 85th Support Battalion of the U.S. Army Reserves, and many Northwest Side Chicago residents, both young and old, who volunteered their services.

This community project involved 4,396 workers in the field from 220 Scout troops, packs and posts, for a total of 42,973.75 man-hours. Over a period of just 10 working days, they removed some 616 tons of debris from the river and its banks.

I have personally participated in these cleanup sessions and have witnessed first-hand the magnificent dedication and spirit of cooperation, as every individual joined together to make "our river" beautiful once again, and I am indeed proud of this significant accomplishment and of our community.

The award will be presented in New York on December 6 at the Biltmore Hotel at the 20th annual meeting of members of Keep America Beautiful at an awards banquet attended by over 1,000 representatives of government, industry, labor, citizens organizations, and other countries. In attendance to accept the society's award will be: Carol A. Miller and John Anderson, SOAR co-chairmen, accompanied by their spouses; Mrs. Jo Nierman, SPAR chairman for the Chicago Girl Scouts; and Warrant Officer Ray Prusinski, 85th Support Battalion, U.S. Army Reserves.

These dedicated citizens went as far as they were able to go, with limited equipment, to improve their community. I was proud to supplement their efforts by sponsoring the amendment authorizing the U.S. Army Corps of Engineers, with its technical expertise, to complete the job through annual maintenance of this vital waterway. This amendment has passed both Houses of Congress as part of the Water Resources Development Act of 1973.

We are well on our way toward restoring the scenic beauty that once existed along the North Branch of the Chicago River and I congratulate the members of the River Rat Society and their able leaders on this achievement. This outstanding program will serve as an example to all Americans of what cooperative effort can achieve in preserving the environment and improving the quality of life all over the world.

CPA AT EPA

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. Fuqua) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, we shall soon consider on the floor of this House proposals for the creation of a Consumer Protection Agency which will advocate the interests of consumers in Federal decisionmaking. When similar bills were considered in the last Congress there was much confusion concerning the powers and effects of the proposed CPA.

In order to avoid a recurrence of that confusion, I have asked those Federal agencies which would be subject to the CPA's advocacy rights to list, and to delineate by the several categories set forth in the bills, their 1972 proceedings and activities which would be subject to CPA action. And, in order to make their replies available to all the Members of the House, I have been inserting them in the Record as received.

A Government operations subcommittee, on which I serve, is now considering three CPA proposals. The bills are H.R. 14 introduced by Congressman Rosenthal, H.R. 21 introduced by Congressmen Holifield, Horton, and others, and H.R. 564 introduced by Congressman Brown of Ohio and myself.

The major difference among the bills is that H.R. 14 and H.R. 21 would both authorize the CPA to appeal the final decisions, including a decision to take no action, of other agencies to the courts. The Fuqua-Brown bill, H.R. 564, would not grant this extraordinary power to a nonregulatory agency.

Today, I wish to call attention to the reply from the Environmental Protection Agency. It has been suggested that a CPA would be so interested in opposing the activities of the Environmental Protection Agency that they should be located next to each other.

The material submitted by the EPA includes in addition to a listing of its activities throughout 1972, some activities engaged in, in 1973, and some from 1971. The list is so long, exceeding 100 pages and detailing hundreds of actions of the agency, that I shall not insert it in the Record, but shall submit it for retention in the subcommittee files where it will be available to any Member.

Many of the activities listed by the agency would be of substantial concern to a consumer advocate—for included are such matters as a proposed rule concerning motor vehicle certification procedures; notices of proposed exemptions from residue tolerance on agricultural products; and rules concerning permissible food additives. The list contains in excess of one thousand such activities.

In all of these proceedings, a CPA would be entitled under all three bills to participate in advocating the interests of consumers. Under all of the bills except the Fuqua-Brown bill, the CPA would be authorized to initiate court appeals of the decisions of the EPA.

In addition, I should like to call attention to an Associated Press news item carried in the Washington Post of October 28, 1973, showing that the EPA opposes broadening of citizens' rights to file environmental lawsuits. The agency opposes a proposal which would, in the view of EPA, "permit Federal courts to substitute their discretion for that of EPA under existing environmental control legislation." This same fear has been expressed by expert witnesses testifying on giving the Consumer Protection Agency appeal rights. Such witnesses have opposed placing the burden of the final administrative determination in Federal courts which are poorly equipped for such decisionmaking.

Mr. Speaker, I now include in the Record the letter response of the Environmental Protection Agency and the Associated Press item headlined "EPA Hits Citizens Suit Bill," and remind the Members that the voluminous appendix material referenced in EPA's letter will be on file in the Government Operations Subcommittee on Legislation and Military Operations.

U.S. Environmental
Protection Agency,
Washington, D.C., October 4, 1973.

Hon. Don Fuqua,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Fuqua: Your letter of September 7, 1973, addressed to Mr. Robert Fri, the former Acting Administrator of the Environmental Protection Agency, arrived at our offices September 12th. In a telephone conversation with Mrs. Lane Gentry of my office on September 21, your Legislative Assistant, Mr. Steve deMontmollin, agreed that response by October 4 would be acceptable to you.

As you can no doubt appreciate, various resources had to be utilized in order to reply in a responsible manner to your thought-provoking and, indeed, perceptive questions. For purposes of clarity, I am restating those questions and following them with answers.

Question 1. What regulations, rules, rates or policy interpretations subject to 5 USC 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Answer: I am enclosing a copy of our Federal Register Log (marked Attachment A) which lists—with specificity—the dates, register citations and the nature of Notices, Proposed Rules and Rules promulgated by our Agency from the present back through 1972. Because of the nature of the record keeping here, as well as for purposes of completeness, I have included 1973 figures. Citizen comment and/or participation was and is always invited when Proposed Rules are made. Mr. Lawrence Parker of our Agency may be contacted if you have further questions regarding this matter at 755–0830.

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer: Attachment A should provide you with the necessary information here. I am, however, including Attachment B which seeks to list EPA Regulations (and in some cases Rules) from 1971–1973. Here again, record keeping practices are such that I chose to provide you with this comprehensive listing instead of merely 1972 citations. In the event that you have additional questions on this point, please feel free to contact Mr. Joe Coutruvo at 755–0304 at EPA headquarters.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer: In consultation with our Administrative Judge here at the Agency, Herbert Perlman, I have learned that no such proceedings were conducted during calendar year 1972. The Judge did state that our Agency hearings under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) of 1947, most recently amended by the Federal Environmental Pesticide Control Act of 1972 (FEPCA), might possibly be considered as pertinent here. Since cancellations are not, however, generally regarded as forfeitures, this would exclude them from pertinent application to this question. Under the Federal Water Pollution Control Act, as amended in 1972, one proceeding for permission to dump pollutants into streams was held. See 38 F.R. 13528 and 13537. Judge Perlman may be contacted at 755–6279 should you have further questions on this matter as well as my answers to Questions 4 and 7. I should note also that a compilation is presently being undertaken which, when completed, will detail our Regional Offices' response to the very question that you have raised. Ms. Pam Duncan of our Agency may be contacted regarding this survey at 557–7470.

Question 4. What adjudications under any provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your Agency during calendar year 1972?

Answer: None.

Question 5. Excluding proceedings subject to 5 USC 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

Answer: A response to this question can be made more properly by considering the major EPA areas of responsibility:

Air and Noise: Although the Clean Air Act allows for such hearings under Section 110(f), none have been conducted. Interestingly, the recent auto emission hearings were not required by statute to be on the record. Mr. Robert Baum may be contacted in the event that you should have additional questions here at 755–2530.

Water: One such proceeding was initiated for vessel sewage regulation. Mr. Taylor Miller at 755–0753 should be your EPA contact in this area.

Pesticides: One such proceeding was initiated. Cancellations under FIFRA technically trigger APA proceedings since after notice to cancel a registration, a thirty day period of time is allowed for a hearing. If no such hearing is requested on the proposed cancellation, no further action or proceeding is instigated. Mr. George Robertson should be your EPA contact. He may be reached at 755–0726.

Question 6. Will you please furnish me a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Answer: Please see Attachments marked C. Mr. Ed Chase at 755–0855 will respond to any additional questions that you might have here.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer: Assuming an aggrieved party could show proper standing as a consequence of having sustained an injury or by a showing that Agency action was unreasonable because of its arbitrary or capricious nature, then such a person could possibly succeed in attacking Agency action—assuming, again, of course, that he first exhausted his administrative remedies and the doctrine of primary jurisdiction was not held to be a significant obstacle.

I do hope that my responses to your questions will be of some value and assistance to you. If I may be of additional service, please feel free to contact me.

Thank you.

Sincerely yours,

ROBERT G. RYAN,
Acting Director, Office of Legislation.

EPA HITS CITIZENS' SUIT BILL

The Environmental Protection Agency contends that bills designed to broaden a citizen's right to file environmental suits against the government would weaken the agency's regulatory powers.

"Inconsistent citizen litigation would hover over all enforcement agencies, and EPA's ability to require compliance with pollution control statutes and regulations would be seriously eroded," said Alan G. Kirk, II, the agency's general counsel.

He appeared as a witness before the House environmental subcommittee which is holding hearings on 10 bills that would strengthen the hand of the public in filing suits against such agencies as EPA and the Council on Environmental Quality.

Kirk said EPA supports the concept of a citizen being able to file a suit against the government to halt something he considers environmentally dangerous. But the bills pending in the House, he said, go too far.

He cited a bill which would require federal courts to defer to EPA standards only when they are more rigorous than those being sought in an environmental suit.

That provision, said Kirk, would "permit federal courts to substitute their discretion for that of EPA under existing environmental control legislation."

John A. Busterod, acting chairman of the Council on Enivronmental Quality, also opposed the pending legislation. He said the measures would "force the federal courts to go into environmental regulation beyond the areas where Congress has acted."

A number of environmental groups testified in favor of the legislation.

Brock Evans, the Sierra Club's Washington representative, said that "it is claimed that the agencies have the expertise but we can demonstrate that where the expertise exists, it is silenced all too often."

Evans said the legislation is needed because "the present administrative or executive process is not adequate to protect environmental quality."

FOREIGN BANK CONTROL LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 5 minutes.

Mr. PATMAN. Mr. Speaker, I have recently introduced the Foreign Bank Control Act, an updated version of efforts which I and others made in 1967 and 1969 to provide for Federal chartering and regulation of foreign banks in the United States. The bill is both complex and controversial and subsequently I will offer a more detailed analysis of its provisions. For the moment, I submit the following outline of the bill which provides a general summary of its provisions:

OUTLINE OF THE FOREIGN BANK CONTROL ACT

Generally speaking, the act provides for the following:

First, chartering of banking subsidiaries of foreign persons—by the Secretary of the Treasury and the Federal Reserve Board in the case of federally chartered subsidiaries conducting international banking and—by the Secretary and appropriate State banking authorities in the case of State chartered subsidiaries conducting banking—in the same manner as other national and State banks.

Second, requiring submission of certain materials and information by foreign persons seeking to establish banking subsidiaries in the United States to the Secretary and the Board or the Secretary and the appropriate State banking authority, as the case may be.

Third, directing the Secretary to publish guidelines concerning the optimal level of banking which should be conducted in the United States by banks owned or controlled by foreign persons and the degree of permissible concentration of such banks.

Fourth, establishing standards by law administered by the Secretary to insure that laws governing or restricting certain activities by American banks will apply to banks operating in the United States which are owned or controlled by foreign persons.

Fifth, specifying criteria for the Secretary and the Board in determining whether to grant or extend charters under the act.

Sixth, listing activities in which federally chartered subsidiaries may and may not engage—the activities in which State chartered subsidiaries may engage is primarily determined by appropriate State banking authorities.

Seventh, limiting the number and location of subsidiaries chartered under the act.

Eighth, requiring maintenance of reserves against liabilities by subsidiaries chartered under the act.

Ninth, prohibiting conversions, mergers, and consolidations of subsidiaries chartered under the act.

Tenth, a provision concerning revocation and suspension of charters.

Eleventh, nonownership by American companies of subsidiaries chartered under the act.

Twelfth, a general provision governing transferability of stock of subsidiaries chartered under the act.

Thirteenth, directing the Comptroller of the Currency to examine subsidiaries chartered under the act.

Fourteenth, limiting acquisitions of American banks and bank holding companies by foreign persons, including the requirement that acquisitions do not violate guidelines of the Secretary of the legislative standards of section 4.

Fifteenth, prohibiting the establishment of American bank holding companies by foreign persons whenever establishment would violate guidelines of the Secretary or legislative standards of section 4.

Sixteenth, deeming any American bank to be a subsidiary chartered under the act and subject to its provisions whenever any foreign person controls it.

Seventeenth, concerning present banking holdings in the United States of foreign persons, requiring compliance with the act within 2 years or 5 years—with petitions showing cause—including phasing out of branches and agencies of foreign persons engaged in banking.

Eighteenth, permitting representative offices of foreign banks in the United States.

Nineteenth, authorizing the President to negotiate international bank information agreements.

WHO IS IN CHARGE?

The SPEAKER. Under a previous order of the House, the gentleman from

Connecticut (Mr. Cotter) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, it would take a considerable effort to escape the conclusion that our Nation is facing a serious energy crisis. Those who have studied this issue—I among them—believe there is a crisis, yet I am amazed to find in my own district a high level of cynicism about the energy "crisis." The best reflection of this attitude is "Well, if there is such a shortage, how come it clears up every time gas goes up 3 to 5 cents a gallon?" "What about the oil company profits, they do not seem to be suffering from the crisis."

In spite of these serious concerns, which by the way have not been answered to my satisfaction, I am convinced we will experience a severe shortage this winter and next year.

"Rationing," "allocation," "taxes" and "conservation" fall from the lips of the President, Governor Love, Secretary of the Interior Morton, Secretary of the Treasury Shultz, and other administration officials in speeches and statements; but each of these people cannot seem to answer this question: "Who is in charge?"

Last spring when the Congress passed the Economic Stabilization Act, it added a provision giving the President authority to allocate fuel and gas because of actual and potential shortages. As a member of the Conference Committee which adopted this provision—which is the only legal authority for the President's allocation efforts to date—I was well aware of the vigorous opposition by the White House to this amendment.

Lately, I have found out that the mandatory allocation program is languishing on the vine because of lack of funds. A call to the Boston office which handles the fuel allocation program for the entire New England region said they were awaiting "Congressional action for funds" before undertaking the full allocation effort. It is important to remember, again, that the President had this power for almost 7 months; and the energy crisis was not a recent discovery by either the President, the Congress, or the American people. The clear implication from the comments of the Boston office was that Congress was to blame for not providing the necessary money. Well, as it is becoming absurdly commonplace in this town, a little research showed that the request for funds for the oil allocation program was being held up by—you guessed it—OMB. While the Nation faces a cold winter, OMB was involved in quibbling over how much money should be approved for this national program.

Two weeks ago, OMB finally sent Congress its recommended budget for these offices, $10,270,000. Yet under questioning last week by the House Appropriations Subcommittee, Eli T. Reich, new head of the Office of Petroleum Allocation, admitted he needed at least twice that amount to effectively run the allocation and possible rationing programs.

I understand OMB has not officially increased its request but is reluctantly talking about $18 million, which is still shy of what Adm. Reich says he needs. This unnecessary delay is impeding putting the allocation program into effect, and it is now the middle of November.

The lack of swift and effective action on energy matters underlies the most serious question being asked in the Nation today: "Can President Nixon lead effectively?"

At this time of crisis, great amounts of Presidential time are being expended on lobbying Congressmen and Senators to make up for years of neglect and racing around the Nation in energy-consuming flights to "show the flag." While it is important to attempt to restore public confidence in his Presidency, the chaos in the administration's energy fight is becoming clearer every day—increasing the prospects for a long, cold winter.

In sum, the question "Who is in charge here?" is still unanswered.

A SERVICE DESERVING OUR HIGHEST PRAISE AND SUPPORT

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. Davis) is recognized for 20 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I regrettably note that one of our colleagues—Representative Hosmer of California—has suggested an action concerning our defense posture that is so unsound, and so lacking in awareness, that it constitutes a serious potential danger to our national security. Since the Congressman purposely entered a speech which contains his suggestion into the Congressional Record on October 24, 1973, I must assume that his intentions are not frivolous—notwithstanding any appearances to that effect. Therefore, I am compelled to set the record straight on the matter.

Incredibly, what Representative Hosmer has done is suggest that the U.S. Air Force be "disestablished," and that its airpower functions be given to the Navy and the Army. Citing the costs of national defense—with which we are all very familiar—the Congressman bases his suggestion upon the totally inaccurate and illogical assertion that the "burden of defense necessities—fall heaviest on the Navy which must function worldwide, next on the Army, and last on the Air Force."

Now I will not attempt to set priorities of importance for the Army, Navy, and Air Force, as Representative Hosmer has done. This would be a wasteful exercise in the extreme, if for no other reason than that it is absolutely clear that all three services are of critical importance to our very existence. But I cannot let the statement that the burden of defense necessities falls "last on the Air Force" go unchallenged. This statement is wrong—dead wrong—and the Representative's suggestion should be discarded forthwith.

Let the record speak for itself.

Consider first the burden of strategic nuclear deterrence. Our primary national security objective in the nuclear era always has been the deterrence of strategic nuclear warfare. A capability to deter strategic attack is absolutely essential to the survival of the United States. This is our foremost defense burden—and it is eminently clear that the Air Force share of this burden is enormous.

Is not the Congressman from California aware that two of the three elements of our strategic retaliatory force—comprised of bombers, ICBM's, and submarine-launched missiles—are provided by the Air Force? Does he know that within that essential mix of weapon systems the Air Force provides 70 percent of the total delivery vehicles, more than 75 percent of the vehicles on day-to-day alert, and more than 90 percent of the total megatonnage? In the face of these facts, how in the world can the Congressman from California allege that the burden of defense falls "last on the Air Force?"

And there is much more to the strategic equation to be considered. For example, as has been repeatedly indicated by the President, we must have the means to respond in accordance with the nature and level of provocation, and without necessarily resorting to the mass destruction of tens of millions of people. This compelling need for an ability to respond flexibly is satisfied exceptionally well by the Air Force. It is the Air Force which provides the highly versatile bombers which are capable of delivering a wide range of weapons—large and small—under positive control, with precision accuracy, and with minimum collateral damage. And it is the Air Force which provides the ICBM's, which are at once both the most powerful and the most precise of the strategic missiles; which are missiles characterized by a very high degree of command and control responsiveness; and which are far and away the least expensive of the strategic missiles. Again I ask: In the face of these facts, how can the Congressman from California possibly deprecate the contribution of the Air Force to our national security posture?

Now let us consider the forces for deterrence of conflict below the level of strategic nuclear war. Deterrence at such a level is dependent on perceptions by potential aggressors of the capability of United States and allied forces to respond successfully to a wide spectrum of attacks while controlling the level of violence. The deterrence provided by our conventional forces is strengthened by the presence of theater nuclear forces and by the inevitable risk of strategic nuclear warfare. The strength of U.S. forces and the strength of the U.S. commitment to support its allies are fundamental to the credibility of deterrence. Does not the Representative from California realize that Air Force capabilities and deployments are an irreplaceable element of the force structure which underwrites deterrence throughout the world wherever our interests and commitments dictate?

Can the Congressman possibly doubt, for example, the imperatives of Air Force deployments in NATO Europe and elsewhere? Can he possibly deny the effectiveness of the Air Force in conflicts in far corners of the globe—such as in Korea, where heavy bombers were in action over North Korea shortly after conflict initiation?

Has the Congressman already forgotten the achievements of the Air Force in the recent conflict in Vietnam? Air Force accomplishments were remarkable. Consider the extraordinary success of the Linebacker II bombing operations, which I am fully convinced served as a catalyst for the negotiations which resulted in the cease-fire and the return of our POW's. Consider that ground commanders routinely requested B-52's to bomb enemy concentrations. Air Force fighters dominated enemy aircraft in air-to-air actions. Tactical fighter bombers flew over a million sorties under every conceivable condition performing close air support and interdiction missions. Air interdiction reduced the flow of enemy supplies and restricted his freedom to build up and concentrate his forces.

There were numerous instances when Air Force airpower—employed in close support of allied troops—turned the tide of specific battles at crucial times. Tactical fighters literally saved the day on many occasions, providing the soldier on the battlefield the most effective close air support he has ever had, and earning his lasting gratitude. If the Congressman from California has any questions on these matters, he need only review the testimony of the Chief of Staff of the Army, General Abrams, before the House Armed Services Committee on April 17 this year. Referring to close air support as provided by the Air Force, he said:

> . . . it is not only the airplane; it is the whole system the Air Force has. . . I am going to be defending that. It is great. And I don't think anyone else in the world has it.

Further, Air Force airlift operations brought a new dimension to our capabilities in conventional war. Air Force tactical airlift gave commanders a degree of battlefield flexibility previously unknown, and strategic airlift introduced a new era in logistics and fore mobility.

Now, considering additional facts such as these, I again must ask: By what logic can it be alleged that the Air Force share of the defense burden is not truly major?

In his speech, the Representative from California described many perils posed by the military threat to this Nation—yet he suggests that the Air Force be "disestablished." Can anyone honestly believe that this would strengthen deterrence? Any perceptive observed would quickly understand that such an action would cut into the core of our real strength, would seriously debilitate our deterrent, and would increase the probability of aggression against us and our friends. It would also substantially increase the costs of defense, by throwing out of the window the extensive efficiencies and effectiveness resulting from centralized control of airpower resources—efficiencies and effectiveness which have been meticulously developed and finely tuned over the years by the Air Force.

I could go on at length about the illogical nature of the Congressman's proposal. However, I believe I have already given it more time than it deserves, so let me close now with a few observations.

I fail to understand how Representative Hosmer—who has not only been exposed in this forum to extensive discussions concerning our true defense requirements, but who also holds high rank as a reserve military officer—could seriously make a suggestion to abolish the Air Force. I believe that such a suggestion does a disservice to our national security deliberations. It does a disservice to the thousands of dedicated Air Force airmen who have given so much for our country and who are continuing to serve this Nation so well. And it would not surprise me in the least if the Congressman's suggestion—which was first made at a gathering in October intended to honor our Navy's 198th birthday—was a source of embarrassment to the senior naval officers in attendance at his presentation.

The record should be set straight. We need the Air Force. There is no way we can do without it.

PANAMA CANAL PILOTS ASSOCIATION URGES MAJOR MODERNIZATION AS THE SOLUTION FOR THE CANAL PROBLEMS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, over a period of years, I have repeatedly endeavored in a series of addresses to this body to alert the Congress and the Nation at large to the major issues in the interoceanic canal problem. This effort has had two recent significant consequences.

The first was on July 19, 1973, when Senator Harry F. Byrd, Jr., of Virginia, led an illuminating colloquy in the U.S. Senate on "The Future of the Panama Canal." Other Members of that body participating in that colloquy were Senators Strom Thurmond, Ernest F. Hollings, James L. Buckley, Clifford P. Hansen, and Jesse A. Helms.

This was followed by a second colloquy on September 26, in the House of Representatives on the timely subject: "Overthrow of Chilean Marxist Regime Dramatizes Necessity for Firm Stand by United States Against Any Surrender at Panama," which was led by myself. Other Members who took part were Representatives John M. Murphy, M. G. Snyder, John M. Ashbrook, Philip M. Crane, and John R. Rarick.

The information developed in those colloquies emphasized two major points: First, the necessity for continued undiluted United States sovereign control over the Canal Zone and Panama Canal; and second, the urgency for action by the Congress on the long overdue major modernization of the existing Panama Canal, for which project legislation is now pending in both the Senate and House.

This vital subject has been before the Congress since the authorization in 1939 of a Third Locks project. Because of more urgent war needs, the project was suspended in May 1942, affording an opportunity for its study in the light of war experience. Those studies resulted in the development in the Panama Canal organization of what is known as the Terminal Lake-Third Locks plan for the future canal, which has won strong support among canal users as well as by highly respected canal experts and important navigation interests.

The Panama Canal is a vast industrial organization. The result of American genius in many fields, it has as its primary purpose the safe, convenient, and expeditious transit of vessels between the Atlantic and Pacific oceans. Maintained by engineers, it is operated by experienced navigators known as Panama Canal Pilots, who until October 1, 1973, had to be U.S. citizens with U.S. Coast Guard unlimited master's licenses. The members of this professional group, because of their vast command experience at sea and in charge of the navigation and movement of vessels in the canal, probably know more about its problems of marine operations than any other body in the world.

As shown by the sustained record of inaction on the part of the executive branch of our Government, important Panama Canal policy matters have been stalled for far too long through pusillanimous procrastination, unending negotiations on U.S. sovereignty over the Canal Zone that is not negotiable, and futile studies at large cost over the irrelevant and ancient idea of a canal of so-called sea level design. The time has clearly come for breaking the administrative inertia, as regards major canal policy.

A crisis as regards Panama Canal pilots, too involved for recital here, has at last forced higher authorities of our Government to look at the problem of the Panama Canal and to stimulate pilots to express their views concerning the major modernization of our strategic tropical waterway.

At a well attended general meeting on October 15, 1973, of the Panama Canal Pilots Association that body adopted a notable resolution. It summarizes the present situation, criticizes projected improvements as "nonbasic in character," condemns the sea level scheme, and urges prompt enactment of pending legislation for the major modernization of the Canal under the Terminal Lake-Third Locks solution. This plan, by the way, can be accomplished with every assurance of success for it has been tested for more than half a century at Gatun and found eminently satisfactory. Moreover, it does not require a new treaty with Panama.

In this connection, I would emphasize that the average size of vessels transiting the canal increased 16.1 percent from fiscal year 1966 to 1972 and that this trend toward larger vessels can be expected to continue. The program contemplated in the pending legislation will meet canal needs for many years to come. Not only that, it will revitalize the isthmus and enormously aid the people of Panama, who will be one of the prime beneficiaries of the modernization program.

Mr. Speaker, to make the indicated resolution of the Panama Canal Pilots Association available to the Congress, the executive agencies concerned, and the Nation at large, I quote it and the forwarding letter of Capt. Wilbur H. Vantine, president of the association, as parts of my remarks and commend them for careful reading:

Panama Canal Pilots Association,
Washington, D.C., October 25, 1973.

Re Panama Canal—Third Locks-Terminal Lake Plan.

Dear Congressman: The Panama Canal Pilots Association strongly supports the Thurmond-Flood bills regarding major modernization of the Panama Canal.

We have given much thought and study to this matter. Furthermore, in our work of transiting vessels through the Canal we constantly observe the operations and are, of course, thoroughly familiar with the physical features of the Canal.

The original engineering and construction were magnificent. The engineers involved were very farseeing and the Canal has essentially met the needs of world shipping for over 60 years. However, time and progress are fast catching up with and will soon overwhelm the Panama Canal as now structured.

Attached hereto, is a copy of a Resolution which was passed unanimously at a very well attended General Meeting of our Association held on October 15, 1973.

We hope that you will be able to support the Thurmond-Flood bills.

Sincerely yours,
Capt. W. H. Vantine,
President.

Panama Canal Major Modernization—October 15, 1973

Whereas, since 1914 the pilots of the Panama Canal have accumulated a vast knowledge concerning its marine operations through thousands of transits on all types of vessels; and

Whereas, during World War II extensive studies in the Canal organization of marine operations conclusively established the location of the bottleneck at Pedro Miguel Locks in the south end of Gaillard Cut as the fundamental operational error in constructing the Canal; and

Whereas, as a result of those World War II studies, there was developed in the Canal organization and approved by a committee of our most distinguished senior pilots what is now known as the Terminal Lake-Third Locks Plan; and

Whereas, this plan has been consistently recognized by various responsible independent navigation interests as providing the best operational canal practicable of achievement; and

Whereas, more than $171,000,000, has been expended toward the major modernization of the Canal, $76,357,405 on the suspended Third Locks Project and some $95,000,000 on the enlargement of Gaillard Cut; and

Whereas, the several items in the 1969 Improvement Program for the Panama Canal, though important, are non-basic in character and no solution for the Canal's major marine operational problems; and

Whereas, the Thurmond-Flood bills for the major modernization of the Canal now before the Congress will provide increased lock capacity for larger vessels, greater transit capacity, and eliminate the Pedro Miguel bottleneck locks; and

Whereas, the plan provided for in these bills would preserve the existing fresh water barrier between the oceans and thus continue to protect them from the biological hazards feared by respected scientists in any sea level undertaking; and

Whereas, responsible organizations and informed experts oppose the construction of any sea level canal as needlessly expensive, diplomatically hazardous, ecologically dangerous and less satisfactory operationally than the existing canal; now therefore, be it

Resolved, by the Panama Canal Pilots Association that it supports the Terminal Lake-Third Locks solution as provided in the Thurmond-Flood bills; and

Resolved, that the Panama Canal Pilots Association urges the Governor of the Canal Zone to use the full force of his office to support prompt enactment of the pending legislation for major canal modernization; and

Resolved, that the Panama Canal Pilot Association opposes the construction of a new canal of so-called sea level design; and

Resolved, that the Panama Canal Pilot Association directs that copies of this resolution be sent to the following:

President of the United States.
Vice President of the United States.
Secretary of State.
Secretary of Defense.
Secretary of the Army.
Secretary of the Navy.
All Members of the Congress.
Leading Marine Organizations and Periodicals.
American Society of Civil Engineers.
Society of American Military Engineers.
American Legion.
Veterans of Foreign Wars.

Capt. W. H. Vantine,
President, Panama Canal Pilots Association.

GUARANTEEING THE INDEPENDENCE OF THE SPECIAL WATERGATE PROSECUTOR

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. Culver) is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, I am sure all members share my interest in the U.S. district court's declaratory judgment on the legal validity of the firing of Special Prosecutor Cox. In the course of his opinion, Judge Gesell volunteered a warning that court appointment of a new special prosecutor might improperly merge the separate functions of prosecution and judgment. The judge of course had not had the opportunity to examine the bill I introduced on this subject, in the form in which it has now emerged from the Judiciary Committee. When that is done, I feel confident that any doubts on this score will be satisfactorily set to rest.

I am of course gratified that the Cox dismissal has been held illegal. But he is still out of office and is not going to be reinstated. Money damages would be the only available remedy for another illegal firing, and that will not answer to the national requirement of a prosecutor who is assured of staying on the job.

The practical reservations expressed by Judge Gesell in the advisory part of his opinion have already been taken care of by the Judiciary Committee. It is clear under the bill that the court will not itself exercise any prosecutorial functions. Any member of the panel who participates in the appointment of the special prosecutor will be expressly disqualified from sitting in judgment on his cases. In addition, the panel will be entirely free to appoint Mr. Jaworski, and I believe this would be a wise course.

Notably, Judge Gesell did not express any doubt about the constitutionality of my bill. Almost 100 years ago the U.S. Supreme Court, in the Siebold case, ruled unanimously that it is the constitutional duty of the courts to carry out appointment functions vested in them by the Congress. Therefore, I believe the Congress must press ahead for adoption of legislation guaranteeing the independence of the special prosecutor.

CHEMICAL WARFARE POLICIES NEED EXAMINATION

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. Owens) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, on November 1, I introduced House Resolution 679 in which I urged the support of the Congress in securing a thorough reevaluation of the Nation's policies on chemical warfare and urged that certain problems associated with ratification of treaties on chemical warfare be resolved so that action could be taken. Today, I am introducing another resolution with the same recommendations and with the support of a number of our fellow Members.

I have not been idle since I first introduced my resolution. I have been attempting to secure all additional information to which I can gain access in order that I can clarify my own thoughts on these problems and also be in a position to offer any assistance and information which I can to other Members who have the same interests in expediting these long overdue reevaluations and actions. I have had additional conferences with representatives of the Department of Defense and I have been in communication with individuals who have expert knowledge of this subject. I have learned, as have others before me, that information about chemical warfare programs is not readily obtained, and much of it is classified. I have been able to learn more about the planned implementation of the binary chemical weapons program and it appears that there is a high degree of certainty that the DOD is indeed planning on early incorporation of this system into our inventory, and consequent destruction of our existing stockpiles as this transformation of weapons systems occurs. This is particularly disturbing in light of Secretary of the Army Howard Calloway's statement in Salt Lake City last night that open air tests of nerve gas will be resumed. Although the Army today conceded that his statement was in error, that possibility, nonetheless, makes it all the more imperative that we in Congress reassess our national stance on chemical weapons.

I continue to be very troubled about the tenuous basis of our chemical warfare deterrence policies. I have interpreted the briefings I have received as indicating that our evaluation of the effectiveness of the deterrence value of chemical agents is predicated upon "guesstimates" of enemy interpretations of our intentions. There appears to be very little sound data indicating that a chemical response to enemy attack with chemicals would do little more than reduce the fighting effectiveness of both sides by forcing both sides to fight in chemical equipment. The advantages of such a stalemate, it seems to me, would accrue to the side which has the defensive equipment and training for fighting in a chemical environment. And the estimates seem to give a strong defensive capability to the other side. I am uncertain as to just how effective our own capability to fight in a chemical environment would be—and I consider a strong and effective defense capability to be even more important than the imponderables associated with estimates of deterrence value. Further, I have not been convinced of the rationale which suggests that a chemical warfare deterrent capability will prevent the use of chemical agents by an enemy or eliminate the necessity for escalating to the capability of nuclear warfare. In 1969, we reached a decision that a biological warfare stockpile had litte deterrent capability. This decision was reached without knowing that an enemy might have reached the same conclusion. What is our deterrence to biological attack? And in any event, what do we really know about biological warfare capabilities of other nations? In what way is our logic about the deterrence and value of chemical weapons different from our logic about the deterrence of biological warfare? And why is it that NATO nations seem to have less concern about the need for a deterrent stockpile of chemical weapons when it is within these nations that any application would probably take place? These and other questions need a public examination.

Such an examination can occur if action is taken upon the resolution which I have already introduced and which I am introducing with cosponsors today. I urge your support of this resolution, the text of which follows:

H. RES. 713

Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's national security and international policies regarding chemical warfare

Resolved, That it is the sense of the House of Representatives that the Geneva Protocol of 1925, banning the first-use of gas and bacteriological warfare, be ratified immediately; and be it further

Resolved, That it is the sense of the House of Representatives that both the President and the Congress should resolve the Position of the United States on the future status of herbicides and tear gas so that the Senate may move forward toward immediate ratification of the Geneva Protocol of 1925; and be it further

Resolved, That it is the sense of the House of Representatives that reconsideration of the Protocol would provide an opportunity for a comprehensive review of United States' policies in the field of chemical warfare.

Further, I believe that you will be interested in an analysis which was presented in the prestigious international journal, Nature, on October 25, 1973. This analysis indicates the very great interest which the international political and scientific world has in the developments which are taking place within our country with regard to current and proposed chemical warfare systems. I include the article at this point in the RECORD.

NERVE GAS—THE ARMY'S LATEST WEAPON

Although President Nixon announced, in November, 1969, that the United States would never be the first to use chemical weapons in a war, the Department of Defense has carried on an extensive research and development programme on nerve gases and other chemical agents. The latest fruit of the Army's endeavors, so-called binary nerve gas weapons, will be rolling off the production lines in about four years if Congress approves and—perhaps more important—if the Army gets its way with the rest of the armed services and the Administration. In any case, the Army has already begun to mobilise its public relations forces.

As usual in such matters, a pall of secrecy surrounds the details of binary weapons. But their chief feature is that they are made from two relatively harmless chemicals which form a lethal nerve agent only when they are mixed together. The idea is that the two components would be stored separately and they would be loaded into a shell on the battlefield. As the shell is fired, a diaphragm separating the components ruptures and the nerve agent is produced while the projectile is on its way.

The Army is enthusiastic about the possible addition to its chemical arsenal because binary weapons open up the possibility of getting rid of the stockpiles of lethal nerve gases that are now stored in army depots throughout the United States. These generate public alarm and opposition to the entire chemical weapons programme.

But the enthusiasm is not shared by everybody, for there is concern in some circles about the effects of a large new United States chemical weapons programme on international attempts to ban chemical and biological warfare agents. In particular, there is some alarm about the possibility that the development of binary weapons in particular will increase the chances of proliferation of nerve agents not only to countries that do not already possess them but even to terrorist groups.

Congress has been aware of the Pentagon's binary weapons programme for at least four years through testimony given to armed services and appropriations committees. But the hearings have been held behind closed doors and the "sanitised" transcripts of the proceedings have contained virtually no discussion of the possible implications of the programme. Last month, however, a few members of Congress received a note from the Secretary of the Army which gave a few details of the planned production of binary weapons. This was the Army's first pitch to get its programme accepted.

Among other things, the note indicates that the Army is hoping for nothing less than the total replacement of existing stocks of nerve gas by binaries—a programme several orders of magnitude greater than many observers were expecting. To give some indication of the scope of the programme, a report published by the Stockholm International Peace Research Institute (*The Problem of Chemical and Biological Weapons,* II, 1973) estimates that there are between 15,000 and 20,000 tons of nerve gases now stockpiled in the United States.

Specifically, the Army's note says that the Pine Bluff Arsenal—a chemical weapons facility in Arkansas—has been selected to produce one component of a binary munition. The component will be "similar to chemicals used by the pesticide industry [whose] characteristics closely resemble those of an insecticide for home use", and it will be placed in a special binary shell, also to be manufactured at Pine Bluff. The second component, which will be made by industry, will be loaded into the shell on the battleground.

What the note does not say is when the munition will be produced, how much it will cost, what type of nerve gas will be generated, or whether open air testing will be carried out. In short, apart from the designation of Pine Bluff, the note says little that is not already known.

According to an Army spokesman, however, production of binary weapons is set for 1977 if Congress comes up with sufficient money. If past records are anything to go by, that should not be much of a problem, for Congress has so far given the Army everything it has asked for to support the programme. In the past three years, for example, research and development on binary weapons has cost $12.4 million, increasing from $2.9 million in 1971 to $5.4 mililon last year. The nerve agent produced in the binary will, again according to the spokesman, be nonpersistent, and another Pentagon official confirmed that it would be very similar to GB, a nerve gas developed in Germany during the Second World War (but never used) and now heavily stockpiled in the United States. GB is lethal when inhaled or absorbed through the skin.

As far as testing is concerned, it should be remembered that the Army suffered an embarrassing setback to its nerve gas testing programme when, in 1968, a faulty tank on an aircraft sent a cloud of nerve agent outside the testing area in Dugway, Utah, and killed several thousand sheep. That incident led Congress to pass a bill requiring the Secretary of Defense to give at least 30 days' notice of impending tests of lethal agents. Some observers of the binary programme have thus been waiting for such a notice as a signal that procurement of binary weapons is imminent, particularly since General William Gribble, Chief of the Army's Research and Development programmes, told the House Armed Services Committee in 1972 that "open-air testing with lethal agents will be requested to confirm weapon efficiency of the binary 155 mm projectile priod to procurement".

The Army is attempting, however, to bypass the testing stage. Mr. Tom Dashiell, a Pentagon official concerned with the binary programme, said last week that there are no plans to conduct open-air tests with lethal agents. Considerable testing has taken place with non-toxic binary stimulants, he said, and such testing has already proved the reliability of the binary concept. It is also believed that the Army conducted at least one test with lethal binary weapons before Congress passed the 1969 restrictions.

As for the military implications of the production of binary nerve gas, it is perhaps worth noting that in references to the weapons during Congressional testimony so far, its military effectiveness has been scarcely mentioned Yet, binaries would be less effective than conventional nerve gas weapons because hydrogen chloride would be produced as a by-product in the binary reaction. Thus, not only would the nerve gas payload per weapon be reduced by about 30%, but the gas would also no longer be odourless. Moreover, since time would have to be given for the binary components to react, the weapons could not be used at short range or at low altitudes.

The Army is thus gearing up to sell Congress on the idea of binary weapons, and its public relations is likely to emphasise the safety features of the munitions, compared with conventional nerve gas weapons. An indication of the likely campaign comes in the note to Congress which said that "the binary munition offers a major advance in safety over current chemical munitions . . . their development is intended to obviate the hazards normally associated with the manufacture, transportation, storage, and disposal of the current family of lethal chemical munitions. An Army spokesman added last week that binaries "represent a quantum jump in safety".

The timing of the note to Congress is also worth noting. This week (on October 3 and 4), the House Armed Services Committee held two days of hearings on the storage and transportation of nerve gases. The reason for the hearings was essentially a public outcry that has arisen over the storage and possible relocation of nerve gas weapons at the Rocky Mountain Arsenal on the outskirts of Denver. The arsenal holds obsolete stocks of mustard gas, phosgene and GB in M-34 cluster bombs, which the Army has promised to destroy, together with a quantity of GB which forms part of the deterrent stockpile. Since the arsenal happens to be near to the North-South runway at Stapleton International Airport, Denver residents are understandably unhappy and want the stuff removed. Then, when word leaked out that the Army was considering shipping some of the nerve gas to Tooele Arsenal in Utah, an even louder outcry went up. The Army has the problem under study again, and its decision is likely to be announced at the hearings. It will not let a chance like that go by, however, for doing a little proselytising for its new, safe weapons.

So far, since there has been little public discussion of binary weapons, there has also been little public opposition to them. When it comes, however, it is likely to take two chief tacks. The first is whether or not the expense of making the stockpiles safer is justified. And the second is the effect of binary weapons on international agreements to limit the production and spread of chemical and biological weapons. The second argument is undoubtedly the more important.

As for the economic aspect, Dr. Matthew Meselson, Professor of Biochemistry at Harvard, estimated last week that the total cost of developing binary weapons and detoxifying existing stocks of nerve gas could be as much as $500 million. He pointed out that so far, in spite of widespread public alarm, the Army has a good safety record with its nerve gas stocks, and he suggested that the money could be better spent elsewhere. The Army is likely to argue, however, that the development of binaries will actually save money because there would no longer be large costs associated with the maintenance of stockpiles of highly corrosive nerve agents. It is estimated, for example, that weapons packed with conventional nerve gases have a shelf life of only about 10 or 15 years. But Meselson is skeptical of that argument, pointing out that the weapons that have given trouble—some M-55 rockets and M-34 cluster bombs—have been either destroyed or are about to be detoxified, and maintenance costs of the stockpiles will shrink in any case.

The international implications are more difficult to predict. Although the United States has never ratified the Geneva Protocol of 1925, outlawing the use in war of chemical and biological weapons (see following article "Hope for the Protocol"), President Nixon's 1969 announcement that the U.S. will relinquish first use of chemical weapons and abandon biological weapons entirely—including their production, storage and use—at least signifies that the United States is interested in international CBW control. The development of a new generation of nerve gas weapons could, however, damage that impression and make the UN Chemical Warfare disarmament talks, which have just completed their fifth fruitless session in Geneva, even more difficult.

Of great concern to some observers, is the effect that binary production could have on proliferation. Nerve gas weapons are costly to produce, chiefly because of the difficulty of building a plant to deal safely with the extremely toxic and corrosive chemicals. Production of the binary components for nerve agents does not, however, carry such a penalty—a country with an insecticide industry and some leaked American technology would probably be able to produce at least a binary G-agent, according to Julian Perry Robinson, chief author of the SIPRI study (see *New Scientist*, 58, 4; 1973). One step further, the development of binary weapons may even open up the frightening possibility that nerve agents would be within the reach of terrorist organizations.

Hope for the Protocol

Although the United States Army is pushing ahead with plans to develop a new generation of lethal nerve gas weapons (see accompanying article), some observers of the United States chemical and biological warfare posture believe that the time may now be ripe for the government to ratify the 1925 Geneva Protocol on chemical and biological warfare. The protocol, which was negotiated after the extensive use of poison gas during the First World War, outlaws the use of chemical and biological weapons in war. But the United States has never ratified it.

When it was first submitted to the Senate for approval in 1926 (all such treaties entered into by the US must be approved by a two-thirds vote of the Senate), the protocol ran into opposition from the chemical industry and the American Chemical Society—which has since reversed its stand—and it was never acted upon. In 1969, however, President Nixon made his historic announcement that the United States would renounce the first use of chemical weapons in war and abandon biological weapons completely; the following year, he again sent the Geneva Protocol to the Senate for ratification. But it then fell foul of the Vietnam war.

Largely because the United States forces in Vietnam were using herbicides and CS, the Administration insisted that such agents are not covered by the protocol. (The British government has taken a similar position over CS.) But the Senate Foreign Relations Committee, under the chairmanship of Senator J. William Fulbright, maintained that such agents do fall within the scope of the protocol—a viewpoint which was affirmed by the UN General Assembly in 1969 by 80 votes to 3—and refused to act on it until the Administration altered its position. Until the Geneva Protocol is ratified, however, the United States will not ratify a treaty on biological weapons which was signed last year.

Three factors were suggested last week by sources on Capitol Hill and in the Arms Control and Disarmament Agency which may lead to a compromise between the Administration and the Senate on the matter of herbicides and tear gases, however. The first is the ending of the Vietnam war, which no longer puts the US in the embarrassing position of supporting CBW control at the same time as it is using chemical agents in war. The second is two internal reports prepared for the Department of Defense which indicate that the agents are of only marginal value in any case. And the third is the change of leadership in the State Department. As one Congressional source put it, with Kissinger and Fulbright lunching together every other day, anything can happen.

SEATTLE'S MAGIC CARPET BUS SERVICE

The SPEAKER. Under a previous order of the House, the gentleman from Washington (Mr. Adams) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, I am pleased to be able to bring to the attention of my colleagues an experiment in free mass transit service that is taking place with great success in Seattle, Wash.

The municipality of Metropolitan Seattle, with the support and funding of the city of Seattle, has established "Magic Carpet Service"—a zone of free bus ridership that includes most of downtown Seattle. Since the advent of the service in September the number of downtown bus riders has increased by 56 percent.

In this time of energy crisis, air pollution and traffic clogged city streets the importance of this creative program cannot be overemphasized. National attention has been focused on Seattle's Magic Carpet Service by very favorable media exposure and already other municipalities have begun looking into the Seattle system to determine the feasibility of a similar project in their own community.

The concept of a free mass transit system is timely and innovative. Best of all, in Seattle, Wash., it is working. I want to offer my congratulations to the city of Seattle and Metro and wish them continued success.

THE TERROR IN CHILE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in today's Village Voice there appears an article describing what happened to Paul Heath Hoeffel, the writer, during the first days of terror initiated by the junta in Chile. At least one American, Charles Horman, was executed by the Chilean junta. Thousands of other Chileans and non-Chileans have been tortured and many executed. The terror continues. Our Government has failed to exercise any restraining influence on the junta so as to end its continuing program undertaken against the supporters of the Allende government.

The article authored by Paul Heath Hoeffel follows:

Chile's Jails: State of Shock

(By Paul Heath Hoeffel)

Buenos Aires.—Military raids on homes are commonplace in Chile. My story is benign compared with thousands of other people, innocent people, upon whom a lethal terror has been unleashed. All it takes is an anonymous phone call denouncing a foreigner or suspected leftist, to have a busload of soldiers or carabineros surround one's home and, often, methodically rip it apart and take what they wish, including prisoners.

I was asleep when someone entered my room. A jab in the back startled me and I turned to find the young face of a carabinero staring down from the other end of a machine gun. I slowly rose and dressed and watched as 10 of them searched the apartment. There were four of us and they kept us in separate rooms, the captain going over our documents carefully.

The house was clean. All leftist books, magazines, posters, records, and newspapers had been meticulously weeded out weeks before—another commonplace in Chile. I made a mental inventory and glanced over at the desk where three neat envelopes lay ready for mailing. I had just finished a 3000-word article on the Junta, three copies, and my stomach dropped to my knees. The searches are thorough. The captain picked up one of the envelopes and ripped it open.

"What's this?"

"A letter."

He opened the other two. "Why three copies?"

I didn't answer and he stared at the pages.

An hour later the article, along with a copy of the Economist, a movie poster in Hebrew (which the sergeant insisted was Russian), an Argentine newspaper, and some Yugoslav magazines, and three of us from the building (they raided the four apartments where there were foreigners) found ourselves in the bus. Curious neighbors, mostly middle-class opposition people, gawked and were dispersed by the unit of 30 carabineros.

There were no charges and we were confident we would be shortly released. A fat officer took down our names on a receipt pad which once belonged to the Monthly Review in Spanish. Another offered us Cuban cigarettes ("El Popular") and a third showed off a Russian Communist Party pin he had confiscated from someone and wore on his uniform. The atmosphere in the comisaria was that of any dull crumbling police station. Only the Brazilian, a high-strung poet who had been arrested in Brazil, was pessimistic. The Chilean and I went over our stories carefully, expecting interrogation at any moment.

Two hours later we were joined by a young Chilean worker whose every step made him wince in pain. Both his eyes were black and swollen, his nose broken and pushed to one side. The carabineros had almost broken his thigh bone and his rib cage was a mass of bruises—they had been interrogating him off and on for three days, in which time he had eaten nothing. "Why?" we asked with fright. "Por ser izquierdista" ("For being a leftist") was his simple reply. Four hours later, with no explanation, we were all placed in a closed police van with two armed guards who told us we were headed for the Estadio Nacional.

Under the Estadio are a series of locker rooms which are used as cells. They are for soccer teams of 15 men to shower and dress. In the first days after the "golpe" up to 150 men were packed into the cells 24 hours a day, the first five days without any food whatsoever. These were the days of the terror, as the prisoners who had lived through it called them. And it had been worse in the Estadio de Chile, where prisoners were being shot in front of the others, where beatings and torture were continual all day and night. Now, we were told, it was a "tasa de leche" in comparison. The women were being held outside the stadium where two swimming pools formed a small complex.

There was an average of 60 men in our cell and they greeted us warmly when we arrived. Almost all were workers, though there were two high school students and three campesinos readily identified by their tanned tranquil faces. Two or three men over 70 years old were given special treatment, usually consisting of one more blanket and an extra piece of bread. Despite the solidarity expressed by everyone, no one talked politics. It was tacitly understood that everyone was of the left but only in private groups did people discuss their individual cases. Toward the end of the week new arrivals were almost always union leaders who had been arrested at their work, either factories or offices, whereas as before prisoners were a very random lot.

The routine was fairly well set: up at dawn, cup of hot milk and piece of bread at 8 a.m.; then we were assigned to a section in the bleachers; in front of us were three soldiers with a heavy machine gun pointed at us; at 4 p.m. the single meal would arrive in army cookers, usually a plate of beans or lentils and occasionally another piece of bread; at sundown back to the cells, distribution of blankets and some foam rubber mattresses, 10 heads to each mattress; before going to sleep at 9 another cup of sugared milk. A doctor told me men were getting between 900 and 1300 calories a day. Those who had been in the Estadio longest were gaunt and weak, especially if they had been beaten or tortured.

The first night, shortly after we had been locked in, the soldiers came by and dumped in a seemingly lifeless body—a dark well-dressed man whose face was white, like paper, his eyes half open, spittle coming from his mouth. Later we learned he had come from the Air Force center in San Bernardo, a few miles south of Santiago, where he had been tortured with electric shock so badly his tongue had been burned. The next day another victim arrived, also half dead, and the two of them lay for days under piles of blankets, staring off blankly into space. We were separated from those who had been interrogated normally.

When it is not raining everyone sits in the bleachers and watches the three gardeners manicure the soccer field. There is constant activity on the periphery of the field, with prisoners, men and women, being marched out to freedom, to interrogation, or new arrivals. A thousand or so prisoners were freed in this week and the military put on shows for select newsmen. They neglected to inform the public that for every prisoner who left a new one arrived and the stadium maintained its level of around 3000 persons. When prisoners left, the bleacher crowds would whistle "Auld Lang Syne" or someone would sing the popular song "Libre."

October 8 the UN's National Committee for the Aid of Refugees was permitted to see the foreigners for the first time. We were assembled under the scoreboard, around 200 men and 60 women, mostly Brazilians, Uruguayans, Bolivians, with a smattering of Europeans, a dozen blacks from the Dominican Republic and Haiti, Centro-americanos, an old Cuban who had come to Chile to cure his asthma, Argentines, a Japanese, and me.

The uncertainty of their situation, the brutal treatment many had received during this period of hysterical xenophobia, had brought many to the brink of desperation. Many, particularly the Bolivians, Brazilians, and Uruguayans, were political exiles in Chile and were being told they would be repatriated. I spoke with one 40-year-old woman who had fled from the Junta in Brazil to Bolivia and upon the overthrow of Torres in Bolivia had to flee once more to Chile. The Committee explained that no one in Latin America wanted them and they had to think about going to Europe.

Though there was a major present, several of the prisoners stood up and denounced what was going on in the stadium: over half had been beaten during arrest or interrogation, and many of the women had been sexually abused. An Uruguayan woman claimed a Bolivian student had committed suicide the week before. The major, who wasn't certain how to handle this spontaneous outburst to the Committee, snapped back: "That's a lie. No one has committed suicide here." A Bolivian stood up: "It's true. He was in my cell. He hung himself last Wednesday night." The Committee members were shocked but diligently taking notes.

For the vast majority of foreigners interrogated, the sentence was expulsion (the possibilities being conditional liberty, expulsion; re-interrogation, or court martial) but nothing had been done. Dozens of them had families, jobs, homes in Santiago, and now were faced with arbitrary expulsion. The Committee promised they would get the bureaucracy moving and the major was forced to promise that all the foreigners who had not yet been interrogated would be called in the afternoon. They both disappeared for several days.

Life in the Estadio revolves around one's interrogation—the endless waiting before and after this crucial encounter is a blur of apprehension. There is nothing to do but think and talk. I found thinking very depressing and spent most of my time talking with people.

Angel Parra, eldest son of the famous family of folksingers, was in the section next to me and we spoke at length. He had not been treated badly: "They know I am a leftist but not an 'ultra.' I think they let me go into exile." He described the death of Victor Jara, another Chilean folk singer and a Communist: "He was arrested in the Technical University. Allende was going to address a rally there the 11th and Victor was going to sing. In the Estadio de Chile he sang for the prisoners. The solders took him in for interrogation and broke all his fingers and told him to play and sing. He sang 'Venceremos' and they beat him and broke out all his teeth. Back in the cell he kept singing so they took him out and shot him. I was lucky they didn't arrest me in the first days of the terror."

I found a friend, one of Allende's GAP (personal body guards), whom I had given up for dead. He had been arrested on his way to work the morning of the 11th. They had beaten and tortured him and had fractured his right leg. He told me that Allende had been murdered and that they had executed 10 of the GAP in the Moneda, machine-gunning them against a wall. He figured he was headed to prison for several years.

I saw Manuel Cabesias Donoso, editor of Mir-oriented Punto Final, but could not speak to him.

The Swedish correspondent, Bobi Sourander, arrived in my fifth day. He told me he had been picked up for lending his Citronetta to a poblacion because their ambulance had broken down. "I am probably the most privileged person here in the Estadio," he told me. "I am a personal friend of the Swedish ambassador who has been the most diligent in getting people out. I'll be out by tomorrow." After I got out I heard he was going to be court-martialed on charges of misusing rationed gasoline, but the Junta backed down, realizing it was stupid to intimidate the press so bluntly, and finally expelled him after two weeks.

That afternoon the Brazilian, the Chilean, and I were called for interrogation over the p. a. system. Our cellmates wished us good luck and gave us some hoarded bread to settle our stomachs. There are apparently 10 teams of interrogators, four men in each, including a psychologist. Whether one had his hands tied behind his back, or had a hood put over his head, or was beaten seemed to be arbitrary though occasionally related to one's "record," which the interrogators received from Investigaciones. The most feared are the interrogators of the air force, then the carabineros, where there are a number of sadists. The best were the army interrogators.

I had spoken to countless perosns who had been beaten during interrogation, one who had lost his hearing from being clapped over the ears and bursting his eardrums. Others had been struck up to 30 times with a rubber blackjack with a copper core. At least five people had been tortured electrically. But the general opinion was that the interrogators were not well-trained in the art and used electric shock so clumsily they scrambled people's brains instead of getting the information they wanted. The same was true for the use of sodium pentothal. One Brazilian told me: "The police in Brazil or Uruguay can beat you nearly to death and not leave a mark on your body. The way these guys mutilate people means they don't know what they're doing, or don't care." In the stadium, especially when the sun was out and people took their shirts off, bruised bodies could be seen everywhere. Dozens of men had faces battered to hell.

I had thought a great deal about my interrogation. I figure it was a 50–50 chance that they would have someone translate my article and therefore the same chance I would get a beating for the "lies" therein. I had reconstructed the article in my mind; the word was they wanted the truth so I worked out truthful-sounding answers for probable questions. My Spanish would be worse than it usually is, giving me more time to answer difficult questions. Fear makes one forget our great advantage: they don't have the vaguest idea what we know.

Waiting in the hallway with 11 bureaucrats from the bank of Osorno, all terrified, I asked one young teller if he knows why they have arrested him. "I have no idea," he shrugs. "I was a union candidate for MIR in the election but that was six months ago." Everyone bursts into nervous laughter except for the clerk. Horrible reverberating shrieks from the floor below stun us all into silence. My name is called and I am escorted inside, but my interrogator, a colonel of the carabineros, tells the guards to take me back: "Wait a little longer. I am reading."

Ten minutes later I am called again. As we walk down the hall, a volley of gunshots followed by machine gun fire explodes outside the stadium. I am getting shaky. The colonel is short, balding, middle-aged, his mouth rimmed with gold. He sits. I stand formally. He wastes no time: "Senor, you are one of the journalists responsible for the lies and distortions of what is going on in my country." I have nothing to offer. He goes through the newspapers and pulls the article from an envelope. "Who is this for?" "Friends." "Newspaper friends?" "Yes sir." He points to a paragraph and requests in slow, correct English: "I want you to translate some parts for me. Your writing gives me a headache." I read slowly but literally in Spanish: "In the first five days after the 'golpe' there were 11,000 deaths; 1,000 of them military personnel executed by the 'golpistas' themselves for being leftist . . . an average of 1,000 persons were killed or executed in each of the following three weeks. Now they are executing 500 people a week in all Chile. Fifteen thousand dead would be a conservative over-all estimate."

The colonel interrupts me with a bang of his fist on the desk: "Lies, you are lying." "I don't think so, sir." "We ought to have you shot right now. You know the official death toll is only 1000." "No sir. The official death toll is 284." He puzzles over this for a moment, arranging papers on the desk: "We haven't counted all the dead yet. So you can't publish those figures. But they're much more accurate than ours, I know that."

Just when I sensed the relief of communication, another volley of shots came from outside, suddenly erupting into a cacophony of gunfire, rifles, submachine guns, heavy belt-fed machine guns, everything. The colonel sunk his hands into his face and muttered: "When are they going to stop this bull———? It scares me. Close the goddamned blinds."

I was frozen in front of the window, able to see the soldiers crouching and firing yet knowing I should get down. A lackey came in and pulled the blinds and the shooting intensified still more.

The colonel came over to the window and we watched together. Crowds of families waiting for prisoners to be released were running for cover from the crossfire, women carrying three children at once, others tripping and falling in panic. "Poor ——— people," I muttered. The colonel looked at me: "Aren't you supposed to be a war correspondent?" and laughed good-naturedly. I laughed too.

The shooting, it turned out, was provoked by four teenagers who had fired on a military patrol nearby in celebration of the first month of fascist rule in Chile.

We returned to the interrogation. The colonel spoke English and I complimented him on its quality. He admitted proudly that he had studied at the Police Academy in Washington, D.C., in 1965. For this he was such a good interrogator. After 10 more minutes he announced that I was a civilized soul and typed out his report: "The subject is simply doing his job in Chile and should be allowed to remain; immediate liberty." I was astounded and actually happy when I shook his hand and left.

The three of us were then escorted to the area of those in conditional liberty and celebrated with a plate of beans (we had lost our appetities) only to discover there were prisoners who had received the same liberty two weeks before and were still waiting release. With luck it would be at least 48 hours.

Two days later I lay in the bleachers dozing like a lizard dreaming revenge when they announced over the p.a. system that a North American was being looked for. My stomach turned to jelly for the 10th time and men started shaking me and shouting at the podium that I was over here! Then a faltering, hoarse voice began addressing the stadium in English: "Charles Horman, I hope you are out there. This is your father speaking. If you hear me, please come forward. You have nothing to fear. Charles. . . ."

The stadium hushed at the alien words as the distant figure tried to communicate with what seemed to be a madman, or perhaps an amnesiac. I didn't know it and Edmund Horman was hoping against it but at that moment Charles Horman, 31-year-old journalist, film-maker, leftist, Harvard graduate, was dead, decomposing in a mass grave with a dozen executed Chileans. No crime, just a victim of the terror: such errors take place during a state of war, explain the Junta. Fifteen thousand errors, 15,000 families mourning their dead. "Of course Chile is in a state of shock," explains General Pinochet. "Chile is like a patient who has had both hands amputated."

I was in the stadium men's room rinsing out my sweater when I was called. A friend gave me his shirt and I gave him my sopping sweater and bade farewell. A nervous Chilean in civilian clothes approached me at the podium: "Your embassy has come to get you." While I signed the papers declaring I had not been mistreated physically or mentally, searched for messages (which were burned, and mug shotted for the record, the Chilean chattered his life history. Lived in California, three years in the U.S. Army, 11 months in Vietnam, 11 months in Hawaii, and hated niggers and thought JFK was a communist. "A word of advice: don't have anything more to do with communists or socialists. You come back here again and no embassy in the world will get you out."

One final note: they might evacuate the Estadio Nacional, because soccer is very popular in Chile. But this does not mean an end to the prisons and concentration camps in Santiago. There are at least four other major concentrations of prisoners in Santiago alone. The executions continue as well. It was not until my last day in Chile, in a bus headed for the Andes, that I witnessed my first corpse. Three bodies lay sprawled by the country road. The bus driver said there are usually more.

"BENIGN NEGLECT" AND THE CIVIL RIGHTS COMMISSION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in a column by James A. Wechsler of the New York Post dated November 14, the following Associated Press wire transmission was quoted:

> INDIANAPOLIS.—The Rev. Theodore M. Hesburgh said yesterday that President Nixon is letting the U.S. Civil Rights Commission "die on the vine" by not appointing a new chairman. Father Hesburgh, president of the University of Notre Dame, resigned as chairman nearly one year ago. He told a press conference that Nixon's failure to name a new chairman reflects a lack of concern by the White House for civil rights.

It is now 1 year since Father Hesburgh was forced by President Nixon to resign—November 17, 1972, was the actual date—and no successor has yet been appointed.

It is not entirely clear why the President has not nominated a new Chairman of the Civil Rights Commission, but based upon this administration's past record, certain speculation may be permitted. Given the administration's attitude toward civil rights problems as epitomized by the immortal phrase of Daniel Patrick Moynihan as "benign neglect," it may be surmised that the President and his advisers would just as well let the Civil Rights Commission die of atrophy, rather than risk the inevitable battle that would come from a call for the abolition of the Commission. The lack of a permanent Chairman stymies any long-range planning, destroys initiative, and saps morale. Concurrently, the proponents of the President's vaunted "Southern strategy" are reassured of his apparent intention of gutting the aims of the civil rights bill of 1965 by following the advice of former Attorney General John Mitchell to "watch what we do, not what we say."

Many of the dreams and hopes of civil rights supporters have turned to ashes. Many blacks have abandoned the ideals of an integrated society, as many Northern whites have resisted court-ordered busing as fiercely as Southerners did school integration 10 years ago. And so, it is the easy, expedient road for the President to ignore or minimize the plight of blacks and other minorities discriminated against in this country.

The failure to appoint a replacement for the ousted Father Hesburgh as Chairman of the U.S. Civil Rights Commission is symbolic as well as substantive. It indicates to all concerned the President's fundamental lack of interest in solving the deep-seated racial difficulties that exist in our country.

I believe the President should either act with alacrity in appointing a new Chairman, or at least display the courage to send a message to the Congress requesting the abolition of the Civil Rights Commission. The deleterious effect of the President's "benign neglect" is unfortunately loud and clear.

THE MOMENT OF DECISION IN AIR TRANSPORTATION

(Mr. FLYNT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FLYNT. Mr. Speaker, last Wednesday our distinguished colleague, Hon. JOHN E. MOSS of California, delivered an address in Atlanta to the Airline Finance and Accounting Conference of the Air Transport Association of America in which he comprehensively stated his views concerning the future of air transportation in this country. Mr. Moss has done a great deal of careful research into the problems of the air transportation industry and is eminently qualified to comment on the problems and practices of the air transportation industry.

Mr. Moss' comments follow:

THE MOMENT OF DECISION IN AIR TRANSPORTATION

"The time has come," the Walrus said,
"To talk of many things:
Of shoes—and ships—and sealing wax—
Of cabbages—and kings. . . ."[1]

Because this is the first opportunity that either I or any of my colleagues constituting the group more generally known to you as the "Members of Congress" have had to get together with a group of airline executives since we initiated our actions at the Civil Aeronautics Board some four and a half years ago, I thought the time had come for me to try to cover our views quite comprehensively.

First, however, I should probably explain how I originally became involved in air transportation problem and practices.

When I came to Congress twenty-one years

Footnotes at end of article.

ago, I asked to be placed on the Interstate and Foreign Commerce Committee. At that time, there was no one on the Committee representing the far West, and I thought there should be.

My predecessor, Clarence Lea of Santa Rosa, was Chairman of the Committee and urged that I seek a seat on this Committee.

Two years later when an opening occurred, I was elected by the Democratic Committee on Committees to a spot on the committee.

During my next 14 years on the committee, I became increasingly convinced that the Civil Aeronautics Board was becoming unduly oriented towards the apparent interests of the industry it was designated to regulate and assist in promoting, rather than the public it was designated to protect—after all, the basic finding underlying all regulation is the "public convenience and necessity".

Since 1938, our national policy has been the encouragement and development of a competitive air transportation system properly adapted to the public need—regulated in such a manner and extent necessary as to assure and foster sound development and economic conditions in such transportation.[2]

To carry out this policy, the Congress created—at your request—the Civil Aeronautics Board.

With respect to price and service, your two principal marketing tools, the national objective has been the promotion of adequate, economical and efficient service at reasonable charges without unjust discrimination.[3]

Under the Acts of 1938 and 1958, you retained the sole and exclusive right under the provision of your certificate to change your schedules, equipment, accommodations, and facilities as the development of your business and the demands of the public require.[4]

With regards to fares, you also retained the primary right and statutory duty to make rates, with the Board being granted the authority to set them aside only if, after notice and hearing, it finds such fares to be unlawful.[5]

To make sure the national policy is carried out, Congress specifically enumerated several factors in the statute, which taken together make up the public interest. Among these are the practical question of:

1. The effect of the proposed fares upon the movement of traffic, and

2. The amount of revenue needed by each carrier to enable it to furnish the public with such needed transportation at the lowest cost.[6]

Stated in simpler terms, rightly or wrongly, our national policy is to promote a non-discriminatory, low price, high traffic volume, quality air transportation system.

Functionally, however, as the court noted in a significant filing, the Board has dealt only with the carrier's revenue need and disregarded all the other statutory factors.[7] In recent years, the Board's policy has been to provide high fares and a low volume of service.

Indeed, in a recent order approving certain capacity agreements, the Board rejected a Department of Transportation proposal to require lower fares in certain markets because "A fare reduction would increase load factors in large part by attracting more traffic." [8]

II

By 1969, this situation was beginning to get completely out of hand. A combination of skyrocketing costs, falling traffic growth, excess capacity, and outmoded rate-making practices had begun to take their toll in revenue and earnings.

For this reason, a number of my colleagues and I came to the conclusion that immediate corrective action was necessary in the form of a general passenger fare investigation. Accordingly, on April 21, 1969, we formally petitioned the Board to hold such an investigation.[9]

Since some of our constituents are airline customers, airline suppliers, airline employees, stockholders and creditors, we made three important policy decisions at the outset.

One, we would try to insure a policy to enforce the statute as passed by our predecessors regardless of our own particular economic or political views;

Two, we would attempt to be totally objective—that is, if as the facts in the case developed we found we were in error, we would immediately correct our position; and

Three, we would consider nothing inviolable, but we would recognize and consider the feelings of those who did.

In addition, as you know, we undertook to support the so-called revenue-hour concept, not because we could prove that it was the correct or ideal theory, but rather because no one else would provide it an objective test. By the way, this is not a new rate-making theory. It was first suggested in 1929 by the Vice President—Traffic of Western Air Express.[10]

III

Transportation pricing was originally formulated in the United States in the 1890's around the linear operating characteristics of the railroad monopoly. Unfortunately, the development of this linear tariff system was almost immediately stagnated by the stringent regulations of the Interstate Commerce Commission.

The more time passed, the more inviolable this tariff system became.

By the time the airplane came on the scene some forty years later, these transportation tariffs and their rules, regulations and format had literally become sacrosanct. Since none of the people who set up the airline fare system had played any part in the development of the railroad tariffs, they naturally felt enjoined from changing any of its basic practices when applying the system to the new industry.

As a result, instead of having a fare structure slowly developing around the technical advances of the new aircraft as they came into service, the new, more sophisticated planes had to be operated in a manner which conformed to the linear pattern of service initiated by the railroads in the 1890's. This has naturally resulted in a number of wasteful uneconomic and sufficient routings and schedules.

IV

An equally big problem, however, has been the rapidly changing market situation.

The introduction of the jet put into motion a fundamental change in the American transportation system. Overnight, it almost completely obsoleted the piston airplane, the train, and the bus for long distance travel.

I am told that demand for transportation is a function of perceived travel time as well as price, population, and community interest,[11] and that since the jet reduced long haul trips to a matter of a few hours, many people who previously would not have considered taking a trip anywhere—even if it was free and only a few miles—now began perceiving air travel as a part of their life style.

Today, there are many people in New York City who have been to Miami, the Caribbean, and Europe, who have never seen Pennsylvania, Vermont, or even Connecticut.

Generally speaking, the marketing and social problem is simply this: There is a large and growing group of our citizens who now perceive low cost, quality air travel as an integral part of their life style. This is not a captive market, but it is a potential large market, and it is now your primary source for future growth, as well as your majority opportunity.

V

Although there is only one big traffic pool, it is nevertheless composed of several different sub-pools.

The business and official travelers who make up one of these sub-pools are primarily interested in fast, frequent, comfortable scheduled service, and are usually willing and able to pay a premium price for such convenient scheduled service.

These people do not travel when and where they want to go, but rather where their business dictates. Not infrequently, their travel plans are made by someone who does not travel at all. As a result, it is not the actual traveler, but someone else who determines his travel budget, and it is this person who is the key man in determining the level of business and official travel.

Since business and official travelers are usually going somewhere they do not want to go on someone else's money they are naturally very time and service oriented. These travelers place a high priority on the traditional characteristics of recent scheduled service such as flexible, convenient, reliable schedules, the possibility of last minute bookings and cancellations, comfort and speed, but particularly frequency and peaking.

According to a recent article in the New York Times "convenient departures and arrivals" are usually more important to this market "than fancy meals, in-flight movies or stewardesses dressed like entertainers." [12]

This is one of the principal reasons excess capacity has become a hallmark of the scheduled airlines' fare practices. From an industry viewpoint, the business and official travel market is a captive market. It does not have to be sold the product . . . only the "brand", hence your emphasis on market share.

The other major market, the private personal and pleasure travel market, on the other hand, is made up of a number of subpools depending upon income, social status, personal tastes, etc.

Other than for emergencies, the people in these subpools travel only when and where they want to go, and they travel on their own after-tax money. In other words, the private market is not a captive market. It has to be sold both the product and the "brand".

Since these people are traveling on their own money, only when and where they want to go, they are not especially interested in extra services. They mainly want low-cost quality air travel.

The private travel market places a lower priority on the traditional characteristics of scheduled services. In particular, this market is generally not interested in paying for the excess capacity associated with convenient frequencies and peaking. The people who make up the private market will often put up with all sorts of inconveniences, and arbitrary and absurd administrative restrictions unrelated to transportation if the fare is low enough.

In my own state, for example, I have observed people standing in line for hours every night to catch a short, one-hour flight between Los Angeles and San Francisco because the fare is very low.

In addition, many people who are willing to pay for the convenience of frequent service and its accompanying excess capacity when they are business or official travelers moving on someone else's money, will not do so when they are private travelers using their own money.

VI

Until recently, the business and official travel market has been the major source of the scheduled airlines revenue. In a sense, all other scheduled service—private travel, mail, freight, etc.—have been by-products of this one sub-pool.

This situation is now changing for two reasons in addition to the one I have just mentioned.

First, the market for fast, frequent convenient scheduled service is relatively small, and is now almost completely saturated.

A recent market study conducted by the Gallup Poll for the Air Transport Associa-

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tion indicated that in 1973, seventy-seven percent of all people interviewed with incomes over $15,000 per year, and seventy-five percent of all people with a professional or business occupation had flown by scheduled airlines.[13]

If you compare these figures with the reported 74 and 70 percent market penetration rates in 1971, and the 57 percent in 1962, you will quickly see that the future growth potential of these sub-pools is now very limited. In fact, for the $15,000 a year or over market, continued growth at the same rate as the last eleven years is mathematically impossible.

In other words, most of your future growth in the over $15,000 a year, and professional and business occupations markets will have to come from population increases, rather than greater penetration.

This means that you, the scheduled airlines, are now going to have to look to the non-profession, non-business, and under $15,000 a year markets for your future growth penetration-wise.

The first problem you face in developing these markets, as I noted previously, is to recognize and accept the fact that the people who make up the private travel market are not willing to pay the price for the excess capacity presently associated with convenient frequent service. It has little or no value of service to them.

The private travel market simply wants low cost, economical, courteous, comfortable, fast air transportation from point A to point B.

The other part of the problem is, of course, your current excess capacity.

Unfortunately, most airline marketing executives still do not believe that market demand studies can be applied to air travel, although I have noted some changes in this attitude. As a result, these marketing executives did not use these studies adequately in the past, and therefore were not in a position to anticipate the market saturation problem which I have just discussed. This is the reason why these executives did not adjust your equipment requirements accordingly.

Complicating the problem further is the fact that the higher income, professional and business markets tend to be highly "income" elastic, and hence will probably tend to become increasingly softer in the near future.[14]

VII

Thus we come to the heart of your current problem.

You have excess capacity which you want to sell. Your historic traffic markets are saturated. You have to find some new buyers if you want to grow.

In the short run, your immediate problem is primarily maintaining your current market penetration; your current traffic volume; your current revenue levels—in the face of a probable economic slowdown.

In the long run, if you want to become a growth industry again, you must increase your market penetration of the non-profession, non-business, and under $15,000 a year private travel markets.

This is where we believe our perseverance for market demand and revenue-hour data has paid off.

The market demand information tells us where the markets are. So far these studies have told us that there are at least two distinct groups of air travelers in certain markets with divergent price ranges. They have also told us what a reasonable fare is in these different buyer's opinion.

In addition, these studies tell us when to make fare changes, and how much to change them.

For example, I am told that you should not reduce fares now, when consumer confidence is low and falling because such reductions will not generate any new traffic. This is the reason why some of your promotional fares are proving unsatisfactory.[15]

People who do not have confidence simply do not purchase non-essential services, regardless of their price. That is what causes the slowdown in the first place, lack of consumer confidence.

Donald Lloyd-Jones, Executive Vice President—Operations, American Airlines, stated the princnple this way recently. "During periods when consumers feel doubt or insecurity about the future of the economy they tend to be more cautious in their spending habits and personal savings rates generally rise." [16]

Whether you realized it or not, since January 11 of this year, your primary marketing objective has been defensive—to maintain your present market penetration. Consumer confidence began taking a sharp decline on that date.

In this regard, I am informed that increasing prices on a declining demand is counter productive. Last week, The Wall Street Journal reported that, "There is strong evidence that the fare increases already imposed over the last year or so have caused some travelers to fly less." [17]

This is the reason why we keep repeatedly asking just one question: What will be the effect of a 5% fare increase upon the movement of your traffic and revenues?

I might add, the courts understand this problem. Accordingly, they held long ago that where your right to a fair return, and the public's right to a reasonable fare cannot stand together, then for pragmatic reasons, your rights must yield to the public's right. In other words, you cannot price yourselves out of business.

If for pragmatic marketing reasons you are not going to be able to raise your fares now, and then going to have to reduce some of them in the future to increase your market penetration—assuming you want to continue to grow—it is clear that you are going to somehow have to increase your productivity, given today's skyrocketing costs.

That, of course, brings us to the revenue-hour concept.

Until recently, it has been generally felt that your terminal costs were not a fixed expense, but rather a traffic related cost. In addition, it was believed that these costs were not affected by distance.

If true, there would be no way to reduce these unit costs by increasing productivity, since productivity would be the cost causative factor.

Our revenue-hour data, however, disclosed that these costs were affected by distance, as we had suspected. Further research explained the reason why: Terminal productivity declines with distance.

In the Domestic Passenger Fare Investigation, Trans World stated the economic principle this way: "(H)igher utilization of station facilities and personnel is obtained by virtue of more pattern oriented schedules in shorter haul markets than occur in longer haul markets. . . .[18]

In this regard, our staff has recently discovered that in terms of passengers enplaned per quarter, North Central's terminal personnel are about twice as productive as Trans World's.

This, of course, makes sense once you stop to think about it. The longer a plane is in the air, the less time you can service them on the ground.

Thus, from these and other findings we have finally been able to conclude that your terminal handling costs are essentially fixed, and do not vary with the volume of traffic handled. This determination has been recently substantiated by The Ralph M. Parsons Company of Los Angeles and New York in their $203,000 Air Cargo Terminal Handling Costs study for you and the Civil Aeronautics Board.[19]

This finding has proven to be extremely important, because it has now led us to three important economic principles: The existence of "economies of density," "diseconomies of peaking," and "diseconomies of distance" in air transportation.

Stated in layman's terms, what we have discovered is what your station managers have known all along: The utilization and productivity of your terminal personnel and facilities fail to vary with traffic volume because you normally staff these stations for the peak periods.

These findings are important for two reasons:

First, if our discoveries are true of airlines, then they may also be true for surface transportations; rail, truck and ship. And if they are true for all transportation, then they may also be applicable to communications.

Second, since the terminal costs comprise about one-third of your total costs, these findings mean that you have an opportunity to reduce your overall unit cost per passenger by possibly as much as fifty percent more than anyone previously thought feasible—particularly in your long-haul markets where your greatest potential for future growth lies according to the market studies.

VIII

I hope that by now you can begin to see some of the reasons why my colleagues and I have some different views of the current situation than you do. Our studies have led us to conclusions or facts which differ from your opinions.

The conclusions and facts so far made available to us indicate that your high fares, high service, high cost markets are saturated, but that there is a relatively large potential demand for a lower priced service.

As I see it, the problem is how do you fulfill this demand while continuing to meet the needs of your historic markets. In my view there is no one right solution, but rather several different alternative approaches which should be employed simultaneously.

For example, there is peak responsibility pricing based upon peak responsibility costing.

Peak load pricing is probably your best alternative to counteracting your various variations in demand, and thereby achieving the highest possible degree of productivity. Moreover, it is completely non-discriminatory since it ties the price of air service to both the cost and the value of such service without any other restrictions.

Indeed, in view of the Parsons study's finding that your terminal costs do not vary with traffic because you "staff for peak periods," I would think you would want to embrace this costing methodology as soon as possible.

Another alternative is to liberalize the charter rules. As you know, I have introduced a bill in the House, along with several of my colleagues, to permit one-stop inclusive tour charters.[20] This bill, HR 8570, is a companion to Senator Cannon's bill, S. 1739.

I recognize that most, if not all of you, oppose this legislation because you are afraid you might lose some business to the supplemental carriers. I also realize that millions of dollars in future revenues are at stake. However, in the vigor of your opposition, I think you may have overlooked some of your competitive advantages.

For example, in addition to being able to provide competitive one-stop inclusive tour charters (ITC), you can also institute one-stop inclusive tour service (ITX) on your scheduled services.

The supplementals cannot sell that product.

Second, when you adopt peak responsibility costing and pricing, you will probably be able to offer equally competitive off-peak fares in many markets on certain scheduled

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Footnotes at end of article.

flights several times a week—without the burdensome inclusive tour restrictions.

The supplementals cannot match this service either.

Third, since we now know that your terminal costs are fixed, and do not vary with the volume of traffic handled, we also know that you can provide one-stop inclusive tour charters between your on-line stations at little or no additional out-of-pocket cost, when you use these facilities and personnel during slack periods.

The supplementals cannot match this advantage either, since they must normally purchase their terminal services on an "as used" basis.

In addition, you usually have the "brand-name" advantage.

I could go on, but I think you have the picture. You have a very big competitive advantage in developing the low fare markets. In fact, you have such a great advantage that your efforts to husband all of the business may be costing you more in sales, and revenues, and jobs, and earnings than you could conceivably lose giving the supplementals a piece of the action.

Today, the scheduled carriers compete vigorously among themselves over only a small segment of the total potential market which travels regularly. Because this market is now becoming saturated, the competitive pressure is increasing and become more diversionary.

However, if the size of the current market could be expanded, and it could be enlarged by a greater amount than the added competition from the supplementals, then this competitive pressure would be reduced. Not the vigor of the competition, but the degree of competition.

This is what I believe our one-stop inclusive tour charter bill and peak load pricing proposal will do—increase the size of your market and decrease your competitive pressure without having to sacrifice any of the vigor of our competitive free enterprise system.

IX

There is of course another way to reduce competitive pressure: Capacity agreements.

This approach, however, is patently repugnant to the established anti-trust business principles of this country. Consequently, for this reason alone, this approach should not be used unless there is a clear showing that such repugnant action is required by a most serious transportation need, or to secure a most important public benefit.

Capacity agreements decrease competitive pressure by the simple process of decreasing the vigor of the competitive free enterprise system by a greater degree than it decreases the size of the market.

We have had capacity agreements in four transcontinental markets for several years now, as well as in Europe for many years. Have these capacity agreement markets had the same growth rate as the non-agreement markets?

No!

Have these markets produced as much business as similar markets?

No!

Have they had the same earnings, and earnings growth rate, as the non-agreement markets?

Again, the answer is no!

In other words, from an investor's viewpoint, these agreements have not been as successful as their alternative—lower fares.

The foregoing does not mean that I am unalterably opposed to capacity agreements *per se*. After all, the idea for such agreements may well have originated in my office.[21]

Rather, I recognize that the value of these agreements is extremely limited, and that they can be used by the Board and its staff to gain their objectives, not yours.

At best, these agreements are merely superficial band-aids, not cures. As a result, unless you accept that economic cure—however painful it may seem—you are going to become hooked on these agreements just like a drug addict. The repeated extension of the capacity agreements in the four transcontinental markets have demonstrated that point conclusively.

That is the reason why I introduced HR 9896 to prohibit the approval of such agreements except where there is a clear and present emergency. When enacted, this legislation will provide you with the needed 180 days that may be required to implement the real cure, whatever that may be; *e.g.*, lower fares, decertification, etc.

Equally important, this bill will provide you with additional protection from arbitrary Board action.

I have just reviewed C.A.B. Order 73–10–110, and I see that the Board is now attempting to restrict your statutory right to change schedules by conditioning its approval of such agreements on your surrendering that right to them.

The Board does not have this power under the Act, at your request, Congress specifically withheld this power from the Board. Nevertheless, if this illegal action is not stopped immediately—just like the Board's attempt to restrict your rights to file tariffs by rejecting them—you may lose another one of your precious statutory rights.

X

When we first initiated our actions more than four and a half years ago, the Civil Aeronautics Board was in the final process of completely taking over *your* decision-making authority with respect to passenger fares.

We won that fight and restored your statutory rights to you.

Next the Board was after *your* sole and exclusive decision-making authority with respect to the seating arrangements in your aircraft, and then *your* right to decide when and what to file in your tariffs.

Together, we won these two fights too.

When you have asked for our help, we have heard every reasonable request and will do so in the future.

Indeed, I can recall no time I, or any member of my staff, have been unwilling to explore our differences of opinion with you, or to examine constructive alternatives.

You may not yet agree with all of our economic concepts—even though you and the Board are adopting more and more of these proposals each year—but you should not fault our motives, nor our tactics which have always been aboveboard and forthright.

Our objective has been clearly known from the outset. Our goal has been to identify the cost and demand structure of the industry so that you could develop a profitable, economical and efficient fare structure and pattern of service unimpeded by the restrictions of the 1890 tariff system.

We have been successful in achieving our initial goals. We now know that most of your costs are fixed, and that market demand studies are feasible.

Now we only need to change the fare structure, the pattern of service, and the tariffs to conform to these findings. This way take time since some traffic people still consider these to be inviolable, but it can be done—indeed, it must be done if you are to go forward.

In this regard, we may get a little push from the current fuel crisis. The fuel shortage has put a premium on each revenue-hour flown. As a consequence, the revenue-hour approach may become a necessity.

XI

Under Article 1, Sec. 8 of the Constitution, Congress was vested with the responsibility to regulate interstate commerce in this country. While we can and do delegate the authority to regulate such commerce to the agencies, we cannot delegate that responsibility.

In 1938 and again in 1958, Congress decided that our national air transportation policy is the encouragement and development of a non-discriimnatory, low price, high traffic volume, quality air transportation system. That policy may be outmoded—I do not think so. In any case, the proper response to an outdated statutory policy is not Board action, but Congressional action.

My colleagues and I have always had the policy of placing the highest priority on the public interest as defined by the Act. We have always recognized that your industry is part of the public, with an interest in fair and equitable treatment. However, always bear in mind that the ultimate responsibility for the public interest in interstate and foreign commerce rests with the Congress, and we cannot delegate that responsibility to anyone.

FOOTNOTES

[1] Lewis Carroll, Through the Looking Glass; The Walrus and the Carpenter.

[2] Section 102(a) (d) (e) and (f).

[3] Sections 102(c), 404(a) and (b), and 1002(e) (2) and (5), (f), and(j) (5) (A) and (E).

[4] Section 401(e). Certification requirement section.

[5] Sections 404 and 1002(d).

[6] Section 1002(e) and (j) (5); see also Hearings before U.S. Congress, House, The Committee on Interstate and Foreign Commerce, 72nd Congress, First Session, Railroad Legislation (1931) p. 324; quoted Congressional Record, vol. II, pt. 1206, p. 1586, footnote 20.

[7] *Moss* v. *C.A.B.*, 430 F.2d 891 (D.C. Cir. 1970).

[8] C.A.B Order 73–7–147, Docket 22908 (July 27, 1973) p. 13.

[9] Current members of the group are: Hon. John E. Moss, Glenn M. Anderson, Thomas L. Ashley, George E. Brown, Jr., Phillip Burton, James C. Corman, John D. Dingell, Don Edwards, Richard T. Hanna, Augustus F. Hawkins, Chet Holifield, Harold T. Johnson, Robert L. Leggett, John McFall, Spark M. Matsunaga, Joseph G. Minish, Patsy T. Mink, Jerry L. Pettis, Thomas M. Rees, Peter W. Rodino, Jr., Edward R. Roybal, Bernie Sisk, Charles M. Teague, Lionel Van Deerlin, and Jerome R. Waldie, Members of Congress.

[10] James G. Wooley, Vice-President in Charge of Traffic, Western Air Express, and Earl W. Hill, Lecturer in Trade and Transportation, University of Southern California, Airplane Transportation, Harwell Publishing Corp., Hollywood, Calif. (1929) p. 317–318. (A copy of this book is available in the C.A.B. Library; the call number is TL521.W9.

[11] Aircraft Requirements for Low/Medium Density Markets, Flight Transportation Laboratory, Department of Aeronautics and Astronautics, Massachusetts Institute of Technology, Cambridge, Mass. (July 1973) Draft copy, p. 99.

[12] Travel Section, *New York Times* (October 28, 1973) p. 22.

[13] "Poll Shows 25% of Adult U.S. Population has Flown in Past Year," *Aviation Daily* (September 27, 1973) p. 141.

[14] "Airlines Attempt to See Silver Lining in Cloudy U.S. Economy," *Aviation Week & Space Technology* (October 29, 1973) p. 26.

[15] "Talks Expand Capacity Cutbacks," *Aviation Week & Space Technology* (October 29, 1973) p. 23.

[16] D. J. Lloyd-Jones, Executive Vice President—Operations, American Airlines, Inc., "What's Wrong With Airline Earnings?" 1973 Engineering & Maintenance Conference, Air Transport Association of America, Miami, Florida (October 10–12, 1973) p. 2.

[17] Todd E. Fandell, "Airlines Are Cutting Hundreds of Flights: Fuel-Saving Step May

Be Good For Profits, *The Wall Street Journal*, (Wednesday, October 31, 1973) p. 36.

[18] Exhibit TW 9024, C.A.B. Docket 21866-9, p. 2.

[19] Study Report, Air Cargo Terminal Handling Costs, The Ralph M. Parsons Company, Los Angeles, New York, Washington, Job No. 5042-1 (June 7, 1973) p. 4-17—4-18.

[20] Hon. John E. Moss, Ronald V. Dellums, Bob Eckhardt, Robert L. Leggett, Gillis W. Long, Lucien N. Nedzi, Claude Pepper, Benjamin S. Rosenthal, Fortney H. (Pete) Stark, Charles H. Wilson of California, Lionel Van Deerlin, and Jim Wright, Members of Congress.

[21] Letter addressed to Hon. Robert D. Timm, Chairman, Civil Aeronautics Board, from the Hon. John E. Moss, Member of Congress (July 2, 1973).

A BILL TO EXTEND PUBLIC HEALTH PROVISIONS

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, on June 30, 1973, 12 significant legislative authorities in the health field expired. They were extended for 1 more fiscal year through a bipartisan effort of members of the Subcommittee on Public Health and Environment. They were extended upon the assurance that the subcommittee would move as expeditiously as possible to afford each of the expiring authorities a thorough review and scrutiny.

On April 19, 1973, the subcommittee introduced the first in what will be a series of four bills to revise these programs. The first bill, H.R. 7274, entitled the Public Health Act of 1973, would revise and extend authorities for health services research and development, medical libraries, and restructure the Public Health Service Act. The provisions of H.R. 7274 have been approved by the subcommittee for full committee action. On July 17, 1973, we introduced the second bill in the series, H.R. 9341, the Allied and Public Health Training Act. Hearings have been concluded on these authorities and the bill will be considered early in the next session in conjunction with subcommittee consideration of the Comprehensive Health Manpower Act.

H.R. 11511, the bill I am introducing today—the third bill in the series—revises and extends the following authorities; block grants to the States in the health field, Community Mental Health Centers, Family Planning, Developmental Disabilities, Migrant Health, and Neighborhood Health Centers. I think it is important to introduce this bill today so that the public will have time to fully assess its provisions prior to hearings, which I expect will be conducted soon after the Thanksgiving recess. I will reintroduce this bill after the recess with the cosponsorship of the other members of the Subcommittee on Public Health and Environment.

Briefly, Mr. Speaker, the bill will do the following: First, provide a simple extension of section 314(d) of the Public Health Service Act; second, completely rewrite the Community Mental Health Centers Act to authorize 5 years of Federal assistance for initial operating costs of new centers—or 8 years in the case of centers in poverty areas—place strict requirements on the new centers, and authorize financial distress grants in cases where an old center would be forced to severely cut back services absent Federal staffing support; third, provide minor revisions in the Family Planning Act; fourth, substantially revise the Migrant Health Act, including a requirement that migrant centers provide environmental health services—including alleviation of unhealthful sanitation conditions associated with water supply, housing, and other factors—and an authorization for contracts between HEW and States to assist in the implementation and enforcement of acceptable environmental health standards; fifth, make the revisions requested by the administration in the Developmental Disabilities Act and add a significant new provision that mandates that every State plan include a plan to eliminate inappropriate placement of persons with developmental disabilities in institutions, and improve the quality of care and state of surroundings of persons for whom institutional care is appropriate, committing not less than 10 percent of the State allotment to this plan in fiscal year 1975 and not less than 30 per cent thereafter; and sixth, provide, for the first time, a definition of Neighborhood Health Centers instead of the broad language in section 314(e) of the Public Health Service Act.

Mr. Speaker, this legislation will affect the health of millions of Americans. I hope it will receive careful consideration by Members of the Congress, the Department of Health, Education, and Welfare, and the general public. I look forward to its consideration by the subcommittee within the next few weeks and by the House early in the next session of the Congress.

EMMETT DEDMON

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues the publication of China Journal by Emmett Dedmon. Mr. Dedmon is the distinguished vice president and editorial director of the Chicago Sun-Times and the Chicago Daily News.

He has an enviable reputation as an outstanding journalist, editor, and author, and China Journal reflects his expertise. I congratulate him on authoring a most valuable and instructive volume.

Emmett Dedmon was 1 of 20 directors of the American Society of Newspaper Editors especially invited to tour China. In order to prepare for the trip, he took an intensive course in the Chinese language, and in many areas he visited, his knowledge of the language permitted him to converse freely with individuals in all strata of Chinese society—from children and peasants, to professors and doctors, and even to Premier Chou En-lai himself in Peking.

Mr. Dedmon's China Journal is an account of his 4,000-mile travels last year in the Peoples Republic of China. It provides information on a nation still largely unknown to Americans. It also contains constructive observations on the changes which have taken place in this ancient land as well as insights as to the future potential of China in the world community.

Additionally, it contains an appendix with tips for tourists covering the special problems that Western travelers are likely to encounter during a visit to China.

This valuable book provided me with several hours of fascinating reading, and I know that my colleagues will be equally interested in Mr. Dedmon's perceptive and cogent analysis of changes, lifestyles, and trends in modern China.

Recently Pulitzer Prize-winning columnist Jack Anderson reviewed China Journal and I ask unanimous consent to include his review at this point in the Congressional Record. The review which appeared in the October 20-21 edition of the Chicago Daily News follows:

The Giant Awakens: Inside the New China—A Land Free of Want, But Living in Orwellian Lockstep

(By Jack Anderson)

"Let China sleep," Napoleon said, "for when she wakes, the whole world will tremble." Emmett Dedmon, editorial director of The Daily News and Sun-Times, has written an absorbing account of China Awakened, of its awesome rise from past degradation, and its vast but also horrifying potential for the future.

It is a travel book that moves the reader swiftly from farm communes and factory brigades to an evening with Chou En-lai in Peking's Summer Palace. But it is more—a social commentary that records staggering gains in the lives of 800 million Chinese, while speculating on the Orwellian price paid.

Dedmon confirms that Mao's China in 25 years has solved problems that seemed eternal to those of us who knew revolutionary China before the Communist take-over. Gone are the hallmarks of the old order—the ubiquitous beggars, homeless multitudes, periodic mass starvation, rampant disease, near-universal illiteracy, the subhuman status of women, the daily humiliation of the Chinese in his own country by foreigners. Gone, too, are former blights that today flourish in America: addiction, prostitution, venereal disease, street crime.

The gains are the more impressive against the scarcity of resources and machinery, which Dedmon records in fascinating detail. Crops are wrung out of hard soil by hand labor, corn fodder is burned for household fuel, cremation is in forced vogue because land is too scarce to be squandered on the dead. Yet the new China provides, for one-fourth of the human race, ample food, adequate clothing and heat, spare but tolerable shelter, universal literacy, free medical care, complete safety from crime, and full employment.

Apparently unimpeded conversations with many Chinese families enable Dedmon to describe in meticulous detail the average Chinese existence. The work week is 48 hours, with an additional 4½ hours of "instruction," some of it technical, most of it political. There are no vacations—only five days off a year on the national holidays.

The average couple has three children and is being exhorted to hold it to two. The city family lives in one room, sharing kitchen and bathroom with other families; a farm family's home is a bit roomier and includes a vegetable plot.

Infants are kept in free nursery schools six days a week so parents can work undisturbed. Years of hard work permit the painstaking accumulation of a few modest luxuries (bicycles, radios, wristwatches). Men retire at 60, women at 50, 70 per cent of their highest pay. There is no income tax; the state takes its cut right out of production.

In China work is work. "The Red Flag Canal . . . was almost literally torn from the mountains by hand with sledgehammers, iron spikes and dynamite . . . and with a labor force that on some days totaled 30,000 people, the peasants cut across 1,250 rocky peaks, drilled 134 tunnels and built 150 aqueducts of varying sizes until they had created a canal . . . 937 miles long. . . . All this was accomplished without the use of a single piece of machinery."

Thus on the material side, says Dedmon, theirs is a life "primitive by American standards, but it far exceeds the expectations of the world into which they were born."

What of things of the spirit? Morality in China is concerned mainly with "substituting group values for those of personal ambition and self-interest." The Chinese Communists seem to have made striking progress toward a goal that has eluded collectivists throughout history—"getting people to work without the thought of personal gain."

But lest our counterculture enthusiasts applaud too soon, other aspects of Chinese morality are more sobering. So far as can be seen, no one loafs in China. Music and art serve pragmatic purposes only, and no one is allowed to drop out.

Couples are successfully pressured against marriage before their mid-20s; yet premarital sex is a no-no and homosexuality is so unheard of that Chinese translators cannot be made to understand the term.

The idea of equality has been pushed further in today's China than anywhere else, and probably about as far as it can ever go. Women appear to have gained full equality. Doctors empty bedpans. Administrators must labor on the production lines 45 days a year. Professors are regularly sent to the countryside to handle manure and "learn from the masses."

Army officers bear no insignia of rank and there is no saluting. Skilled workers are often paid better than white-collar supervisors, and factory managers do not live differently from laborers. Promotions at work are made, not from above, but by vote of the workers.

Bureaucrats have no limousines and at the slightest sign of smugness are dispatched to a labor battalion. The elements that have established themselves as new privileged classes in Russia—executioners, scientists, party functionaries, factory managers—have not done so in China.

Will it last? Dedmon has doubts. The real test will come when the old revolutionaries die off and the first signs of affluence appear. "Historically," he says tartly, "total egalitarianism based on self-sacrifice has only been possible where there is nothing to distribute."

Impressed though he is with the progress and esprit of the new China, Dedmon finds the price "chilling." The price is the most total thought control and conformity ever achieved on a large scale.

"Has George Orwell's controlled society of 1984 actually arrived in China a decade earlier?" asks Dedmon, and he cites many signs that it has. Crowds automatically observe police lines, without the need of policemen. Loudspeakers in the home and at work continuously drum out the party line. Everyone does calisthenics every day at the appointed time. Entertainment provides no escape; at the movies, ballet, or on television, the content is remorselessly political. One works or studies at what is needed to serve the state.

Opponents of the government are branded criminals, not dissenters. But one need not actually protest to merit punishment. A mere lack of enthusiasm for Mao's ceaseless exhortations leads to corrective rap sessions, organized ridicule by peers, personal vilification on billboards and, if enthusiasm does not reappear, a term at a retraining school, combined of instruction and labor, to "learn from the masses."

"China Journal" is a valuable volume, fast-paced but reflective, instructional but entertaining. In an evening's reading, one gets not only a primer of the new China but a look through a mirror at our own strengths and weaknesses.

HOUSE RULES COMMITTEE WINS VICTORY ON SOCIAL SECURITY INCREASE

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, 2 weeks ago, the Ways and Means Committee appeared before the House Rules Committee and asked for a rule on the bill to raise the national debt by $13 billion.

Congressman Vanik of Ohio, a member of the Ways and Means Committee, tesified before the Rules Committee and made a request that a modified closed rule be granted with permission for him to offer an amendment to the debt extension legislation which amendment would increase social security payments by 11 percent annually. The Rules Committee, by a majority vote, granted the modified closed rule.

Over the 24 years which I have been a member of the House Rules Committee, the record does not reveal where the committee has ever granted an open rule, or even a modified open rule, on permission to offer an amendment to the debt limit legislation.

By reason of the terrific increase of cost of living and inflation during the last few years, the 60 million recipients of social security have been completely overlooked in aiding them to meet the rapid rise in the cost of living.

The debt limit bill was scheduled to be on the floor of the House on the following day after the modified open rule was granted by the Rules Committee. The majority of the Ways and Means Committee refused to present the debt limit legislation to the House floor under the modified closed rule because an amendment to increase social security payments was permitted as an appendage to the debt limit bill.

I want to commend the Ways and Means Committee for immediately calling its members together, for several days of hearings, and reporting out a separate bill to increase social security payments the following week.

This week, on Tuesday, November 13, the Ways and Means Committee presented the legislation before our committee and a rule was granted. The House of Representatives yesterday and today had debate and consideration of the increased social security bill, which passed by a landslide vote of 391 yeas to 20 nays.

This was indeed a great victory, initiated by the Rules Committee along with the cooperation of the Ways and Means Committee, benefitting multimillions of our social security recipient citizens who are handicapped in fighting the inflationary high cost of living from which we are suffering throughout the country.

"THE PROSECUTOR," AN ARTICLE BY THE HONORABLE BIRCH BAYH, OF INDIANA

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I believe that all Members of the House will read with great interest an article from the November 14, 1973, issue of the New York Times by the distinguished junior Senator from Indiana, the Honorable Birch Bayh, urging the passage by Congress of legislation providing for the appointment of a special prosecutor in connection with the Watergate and other cases.

In this connection I want to commend our distinguished colleague, the gentleman from Missouri (Mr. Hungate) for his outstanding work as chairman of the subcommittee of the House Judiciary Committee which on November 13 reported the bill, H.R. 11401, which provides for the appointment of a special prosecutor to replace Archibald Cox.

I believe that the essay by Senator Bayh, who is chairman of the Senate Subcommittee on Constitutional Amendments and is sponsor of the 25th amendment to the Constitution, explains in a most lucid and compelling way the reasons Congress should approve this legislation.

Senator Bayh's article follows:

The Prosecutor

(By Birch Bayh)

Washington.—The appointment of Mr. Jaworski as the new special prosecutor is not responsive to the valid, sustained public demand for an independent prosecution of Watergate and other cases that had been under investigation by Archibald Cox. The appointment of Mr. Jaworski within the executive branch to investigate the executive branch—a person who could be dismissed by the President as abruptly as was Mr. Cox—will, with good cause, fuel public concern that justice is not being pursued thoroughly and without constraint.

Also, the informal agreement that the new special prosecutor can be dismissed only with the agreement of Congressional leaders does not have the force of law. There is nothing that can be done legally to prevent the President from changing his mind, as he did in the case of Mr. Cox, and unilaterally dismissing Mr. Jaworski.

After an exhaustive study I am convinced that a statute giving the United States District Court authority to appoint an independent prosecutor would be upheld.

The first issue with which we must deal is whether the Congress has the power to delegate such an appointment. That power is specifically derived from Article II, Section 2 of the Constitution which states:

"The Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments." These clear words, and the judicial interpretation of them, leave no doubt that Congress is empowered to authorize judicial appointment of an independent prosecutor.

Moreover, there is a law on the books, the constitutionality of which has been sustained, that specifically gives U.S. District Courts authority to appoint U.S. Attorneys to fill vacancies.

The second issue is whether the creation of an officer, subject to dismissal only by the court, violates the separation of powers doctrine. On the contrary, court appointment of an independent prosecutor may be the only means of affirming the separation of powers, and is corollary doctrine of checks and balances.

The separation of powers is not a formal, rigid doctrine dividing our Government into watertight compartments. Rather, it is a functional doctrine to assure that checks and balances prevent one branch of Government from assuming unreasonable powers. In the situation now confronting us, it would do violence to this concept of checks and balances to leave within the executive branch the authority for an investigation of the executive branch.

The power to prosecute alleged wrongdoing in the executive branch clearly is among those powers vested by the Constitution in the Government. As Chief Justice Marshall wrote in his classic description of constitutional power: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are consitutional." (McCulloch v. Maryland).

In this context of Congressional power it is both "appropriate" and "plainly adapted" to the end of prosecuting wrongdoing in the executive branch for Congress to create an office of independent prosecutor.

Also, the "necessary and proper" clause has been held to give Congress certain responsibilities lodged in other branches of Government. While prosecutorial powers traditionally reside in the executive branch, the unusual circumstances created by the President's action necessitates that the Congress share in those responsibilities.

Mr. Jaworski's appointment as special prosecutor is totally inadequate, as any Presidential appointment would be. In light of recent events, the word "special" is meaningless. Independent authority, not special authority, is what the American people demand of a new prosecutor. Congress must respond if we are to restore the public faith and confidence from which a democratic government derives its strength and authority. There is no means left to us for the restoration of that faith and confidence other than the creation of a legal and constitutionally proper independent prosecutor to see that justice is administered fairly, fully and promptly.

WATERGATE, IMPEACHMENT, AND CONGRESSMAN FORD: A COMMENT FROM THE NEW YORKER MAGAZINE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD a most interesting essay from the current issue of the New Yorker magazine concerning Watergate, impeachment proceedings, and the nomination of the Honorable GERALD FORD of Michigan for Vice President of the United States.

The essay follows:

THE TALK OF THE TOWN

Sixteen months ago, five men (in case anyone hasn't heard) were caught in the headquarters of the Democratic National Committee carrying wiretapping equipment. Whom could they have been working for? The country awaited evidence. In one man's pocket were consecutively numbered hundred-dollar bills that were soon traced to the Committee to Re-elect the President. In another man's pocket was a notebook that contained the entry "W. House." One of the men turned out to be the chief of security for the Committee. It became known that a Committee counsel had planned their action. Could it have been the Committee to Re-elect the President that the men were working for? The President said he thought not. The F.B.I. thought not. The Criminal Division of the Justice Department thought not. And the public thought not. Six months passed. The men were indicted and convicted. As far as the public knew, they had committed their crime for no reason and had been paid by nobody. Then, four months later, in what has turned out to be one of the great understatements of world history, the President announced "major developments" in the case. Soon it became apparent that the men *had* been working for the Committee. And that the entire top echelon of the President's staff for domestic affairs as well as most of the top people in the Committee to Re-elect the President had been busy for most of a year trying to conceal this fact. But had the President known of the coverup? The public awaited further evidence. And soon it came. The President's former legal counsel reported that the President had known. The former acting director of the F.B.I. told of warning the President about the possible implication of White House aides.

The deputy director of the C.I.A. reported that he had been ordered in the President's name to call the F.B.I. off the evidentiary trail. The Preident's campaign director said that the President had never asked him what was going on. At the same time, a mountain of other dismaying information was piling up. The public learned of the sabotage of Presidential election campaigns, of the secret, Presidentially approved Tom Charles Huston plan for an illegal domestic espionage agency controlled by the White House, of the secret use of the United States Air Force in Cambodia, of public money poured into the Persident's private property, of extortion and influence-peddling on a grand scale, of politically inspired prosecutions and politically inspired reprieves. And while all this evidence about what the White House had done in the past was coming out, the White House went to pieces before the public's eyes. The White House staff was scattered to the four winds. The Cabinet was thrown into disarray as its members rushed from post to post. The Vice-President fell. And now the special prosecutor on whom the nation's last hopes for justice rested has been fired; the Justice Department has lost its Attorney General and its Deputy Attorney General; and millions of people at home and abroad believe that when the President called a nuclear alert he was toying with the survival of mankind in order to protect his own survival in office. Again, the public awaits more evidence. We find ourselves in an atmosphere that has no precedent. In broad outline and in fine detail, the portrait of misrule is complete. Yet, many of us still decline to "prejudge" the situation. The very fact that for sixteen months we have failed to judge the situation and to take corrective measures has come to seem like evidence that nothing is seriously wrong—that of the tapes—installs itself at the heart of our national affairs. It is as if, unwilling to take measures ourselves, we had turned our fate over to a tape recorder. Our tragedies repeat themselves to the point of absurdity. (The man now on his way to Capitol Hill for confirmation as Attorney General would be—if we count Acting Attorneys General—our sixth in two years.) But, even with talk of resignation in the air, many of us avert our eyes from this and go on searching for evidence—evidence that can only prove for the thousandth time what we already know. Hypnotized by investigations, we have not, as a people, found the will to press for a resolution. Even in our extremity, we wait, it seems, for evidence that is more than evidence, as if some final memo or tape from the White House could free us of our obligations, and make for us the solemn decision we must now make for ourselves.

Congress almost never does the right thing, and when it does the right thing it almost always does it at the wrong time or for the wrong reason. Although eight Vice-Presidents have succeeded to the Presidency, Congress continues to view the second-highest office in the nation as merely a ceremonial post—recently adding the requirement that its occupant not be indictable. And although it seems to be widely believed in Congress that Gerald R. Ford, the Minority Leader in the House of Representatives, is not qualified to serve as President, his nomination to be Vice-President under a severely, and perhaps mortally, weakened President was widely praised by members of both legislative bodies; indeed, despite advance reports that President Nixon had no intention of listening to the advice of Congress—any more than he had in the past—when he solicited suggestions from its Republican members about whom he should nominate to succeed Agnew, he may actually have listened this time, for Ford was the overwhelming choice in the House, where he is best known. At the same time, however, Congress determined to have a long, hard look at the nominee before confirming him, to make certain that he was "clean," and would not subject the nation to the humiliation of a scandal like the one that led Vice-President Agnew to resign. But then, after the "firestorm" of public demands for President Nixon's impeachment swept across Capitol Hill a few days after he submitted Ford's nomination there, Congress was suddenly overcome by an urgent desire to confirm at once as Vice-President the man who it felt was unqualified to be President, so that he could succeed to the Presidency.

In political terms, as opposed to the best interests of the nation—which are rarely the same—Mr. Nixon's choice of Ford was probably inevitable: Ford would be readily confirmed, without the kind of political warfare that would follow the nomination of John Connally or, for that matter, Nelson Rockefeller or Ronald Reagan; members of the President's party in the House, who resented his failure to support them either financially or politically in the 1972 campaign, when he had an endless supply of both political money and political clout, would be mollified by his turning to them for a recommendation and won over to his side if he took it; Ford would, as one member put it, "serve the White House like Agnew without the spleen;" Ford would be adequate to the Vice-Presidency but would not inspire Congress to consider putting him in Mr. Nixon's chair; if any impeachment move should arise, Ford would be sufficiently aware of his limitations and of his debt to the President to ward off such an attempt by appealing to the scores of members of the House who were beholden to Ford; and, finally, Ford would not be a threat to any of the multitude of Republican governors and senators who see a President whenever they look in a mirror.

All these advantages, of course, applied to Ford as nominee for Vice-President, not as successor to the President. But now that he has been nominated for the second-highest post and acclaimed by his colleagues, they are unwilling to admit by refusing to confirm him how little they think either of that post or of Ford as holder of the highest post, even though every day brings Mr. Nixon closer to resignation or impeachment. And, naturally, Mr. Nixon is not going to withdraw the nomination and present Congress with a nominee who would be highly qualified, and thus likely, to replace him. In short, we may be facing the gravest crisis in the history of the United States, but still everyone in Washington seems to be thinking more about politics as usual than about the good of the nation, and unless another firestorm—this one opposing Ford's nomination—arises, which is so remote a possibility that it is virtually nonexistent, Mr. Ford will probably be President of the United States within a matter of weeks or months.

If Ford becomes President, he will have a consituency not of two hundred million people but of five hundred and thirty-five people—the members of Congress who put him in office. And the failure of Congress to provide any guidance to the nation during the five years that President Nixon usurped *all* the power that he could usurp and corrupted *all* the public institutions that he could corrupt, or to try to stop hm as he obviously set out to destroy this nation's precious system of checks and balances, does not inspire much confidence in Congress as a safeguard against attempts by some ruthless future President to undermine the Republic. "My colleagues in the House are not representatives of the people, they are mail-weighers," a man who has served in Congress for fifteen years said the other day. "It has been clear for months now that Nixon shoud be impeached, or at least seriously threatened with impeachment, to stop him from pursuing his mad dictatorial course. But there was hardly any support here for impeachment until the *voters* forced us to consider the public interest." No one in Congress expects the public to similarly demand that it reject Ford's nomination and insist on a nominee who would have the confidence both of the members of Congress and of the voters. And no one in Congress or out expects Congress to act in the public interest without such a public demand. In other words, a new President is consciously being chosen by Congress, without any role in that choice being given to the people and without any attempt by Congress to devise a means of letting the people share in the decision about who is to be their leader. Instead, Congress will more or less automatically approve the choice that the most discredited President in the nation's history made after he was discredited.

And, finally, the standards by which that choice will be judged are the standards by which Congress assesses its own members—namely, Is he honest? Is he clean?—rather than the standards of character, strength, and philosophy that the voters test candidates by when they choose a President.

CONGRESSMAN FORD

Last week, we went down to Washington on the first day of the confirmation hearings on the nomination of Congressman Ford to be Vice-President, and talked with a number of people who have worked with him or have watched him at work over the years. Our first stop was at the Rayburn House Office Building, on Capitol Hill, where we had arranged to see Richard Bolling, who has served as a Democratic representative from Missouri since 1949, the year Ford arrived in the House as a Republican from Michigan. "Jerry Ford got into politics, and he became a congressman and has never wanted to be anything else," Bolling said. "His goal was the goal of most old-line Republican congressmen from the Midwest and Democrats from the South—simply to stay in the House. The liberals here have never had that simple a goal. They're always reaching out for something besides what they're supposed to be doing, and, as a result, they have never been as effective. In that context, I'm one of Ford's great admirers, and, despite our many differences in outlook, which are especially deep on all domestic matters. I have had a close professional relationship with him over the years. Jerry is not the standard political hack that some people here claim. He takes some risks, he has an adequate mind and he is able to grasp the nation's problems. Also, I think he's clean, which right now is the most important thing. While he hasn't the brilliance or the depth of a man like our Speaker, Carl Albert, he is steady, capable, able to see the other fellow's view, and willing to compromise. Maybe he is a plodder, as some people here say, but right now the advantages of having a plodder in the Presidency are enormous. God knows, we don't need another devious, devisive manipulator. Anyone who has studied Ford's job and seen his success at it could not conclude that he's a mediocrity. From where I sit, I'd say that Ford is a hell of a good public servant. I think that as President he would plow ahead and come up with reasonable compromises on our problems after wide consultation and careful thought."

Leaving the Rayburn Building, we made our way to the nearby office of a labor lobbyist who has worked on the Hill for many years. After he had elicited a promise from us that his identity would be concealed, so that he could continue to work at his trade, we mentioned Bolling's enthusiastic endorsement of Ford. The man smiled, and said, "Of course, Bolling is very, very close to Carl Albert, and wants to do his bidding. Albert is scared silly that the Presidency might land on him, so he wants to see Ford's nomination confirmed as soon as possible."

We asked the lobbyist what he thought about Ford, and he replied, "Jerry is quiet-spoken—he's rather a sweet person, actually—but he's a bumbler. He has very poor judgment, no grasp of the nation's problems, and not the faintest idea of where we are going. Also, his record is appalling. According to the A.F.L.-C.I.O.'s tabulation, he voted wrong—that is, against the workingman's interests—ninety-four per cent of the time through last year. Only two other members of the House had a more anti-labor record. He follows Nixon blindly, and mouths the same clichés. For instance, Ford will rant on about quality education, like Nixon, and then will quietly try to gut education bills on Nixon's orders."

We asked if it wasn't Ford's duty as Minority Leader to carry out his President's policies, and the lobbyist frowned and said, "Only up to a point. Everyone is fond of saying that Ford is a man of integrity. Well, a man of integrity can't be a mere water carrier for the team. Take Congressman John Anderson, of Illinois, who is the leader of the House Republican Conference, and who probably stands more squarely for true Republicanism than any other man in the House. Well, he stood up to the President on Cambodia, and was called a traitor to the Party. On the other hand, he led the fight for the Administration's proposal that the highway trust fund be opened up to let some of those billions be used for mass transit—which was one of the few decent positions this Administration has taken on domestic matters. He got no credit for that. And Ford, who opposed the Administration, for the first time, on the trust-fund issue—because he's from the automobile state—and led the fight against it, wasn't blamed at all. Apparently, it's all right to break with the Administration where your constituents are concerned, but if you break with it because your conscience is concerned, you're a traitor."

A couple of minutes later, we got on the subject of what might be expected of Ford if he succeeded to the Presidency, and the lobbyist said, "He will probably reverse Nixon's foreign policy and break off the move toward a détente. When Ford says, as he does, that he's a 'dyed-in-the-wool internationalist,' he means that he's a dedicated Cold Warrior. Last week, during the House Republican caucus, members were discussing the need for an independent special prosecutor and the need to make the tapes available not just to the court and the grand jury but to the public as well. Suddenly, Ford jumped up and charged in, talking about how vital it was to sustain President Nixon's veto of the war-powers-limitation bill.

That was pure stupid water-carrying because the Party is split one for one on that issue, so he antagonized half the members. It also hurt him with the Judiciary Committee, which will hold his confirmation hearings in the House, because it has become increasingly worried and sensitive about the rights and independence of Congress. All in all, he couldn't have shown worse judgment politically." Returning to what Ford might do as President, the man said, "On the domestic front, Ford would probably continue Nixon's policies, so in terms of economic's social programs, unemployment, and so on, we'd continue to flounder in the mess we have now."

In the course of the day, we visited a number of Republican congressmen, and they stated, for the record, that Ford was "decent," "never vindictive," "accessible," "a sort of gentle person," "honest," "calm," "not one to polarize people," "fair," "effective," "hard-working," and "a very nice, sometimes even warm, fellow." But some of the same people described him, off the record, as "unimaginative," "a doctrinaire conservative," "an unwavering partisan," and "essentially such a negative person that he is simply more comfortable voting no rather than yea." One of them, speaking off the record, said, "Jerry is basically a decent man. He tries to be a good, moderate human being—he exercises every day, he's nice to his wife and kids, he doesn't do anything extreme. But he is not an adventurous man. Within limits, a President should be intellectually adventurous. If he's not open to new ideas, new concepts, he may be unable to grasp the influences that are moving and shaping the country, and get left behind." Another member of Congress, also speaking off the record, observed, "I see no evidence that Ford really understands the damage that Nixon has done to the country. Nixon was determined to make the executive No. 1, and to suppress the two other branches, in a way that has never been attempted before in this country. I'm sure that Ford wouldn't consciously carry on that attempt, but I see no sign that he would try to make amends for what Nixon has done, or try to repair the damage. For instance, the best thing he could do as President would be to appoint a moderate Democrat—say, someone like Mike Mansfield—as Vice President, in order to create a coalition and bring the nation back together after the terrible time we've had. But Ford is too much a partisan and too shortsighted for that. He would probably listen to leaders of the Party, who would convince him that he had to build up a new candidate for 1976 through the Vice Presidency. In sum, I'm afraid that Ford simply is not a very thoughtful man."

One senior and leading member of the Republican Party in the House who spoke to us about whether Ford would be a suitable Vice-President said, "I think he would be very good at it—at attending rubber-chicken dinners, spouting clichés for the Party faithful, cutting ribbons at opening ceremonies, shaking hands in reception lines." We asked how he felt about Ford's being President, and he answered, "He does not have the stature." We pressed him for his reasons for this judgment, and, after a few moments' thought, he said, "Ford never became at all effective as a leader until he had someone to follow—that is, until Nixon became President. Before that, when Ford was Minority Leader and, as such, one of the Party's foremost spokesmen, he had nothing to offer except blind opposition, without focus or pattern. That is the best indicating of what he would be like as the nation's leader."

We arrived at the hearing room being used by the Senate Committee on Rules and Administration for Representative Ford's confirmation hearings just as he said, "President Eisenhower had a very simple rule—I have never heard of a better one for people in public office who have to make decisions:

Get all the facts and all the good counsel you can, and then do what's best for America." A middle-aged woman sitting behind us said to a companion, "But doesn't everyone think they're doing what's best for the country?" We listened to the rest of Ford's statement and to some of the senators' questions and his answers, and then went off to keep an appointment that we had with a Republican senator—Charles McC. Mathias, Jr., of Maryland—who had served in the House with Ford, to get his opinion of his colleague.

"One must appreciate the terribly limited arena provided by the Republican Party in the House," Senator Mathias told us. "Take the Party breakdown on a variety of votes, and you'll see how terribly conservative the Republican Party there is. There will be twenty-five liberals and moderates on one side, a handful of extreme right-wingers on the other side, and a hundred and fifty or sixty conservatives in the middle. To hold any position as leader you have to be within the parameters of the bulk of the membership. These parameters have limited Ford's ability to operate as freely as people often do when they come on the national scene and face the kinds of problems that exist beyond their narrow primary experience. Another limiting factor, Jerry once told me, was that in his home town he was viewed as too liberal. So he was restricted both by the members of the House and by his constituency. The question he faced was:

Do you live in the world or do you try to change it?"

A little later, we got onto the question of what Ford would be like as President, and Senator Mathias thought for a minute and then said, "The greatest thing to Jerry's advantage in that office would be that he has always been willing to work with associates and colleagues. This is a tremendous safety valve—as long as the people he gathered around him were sound. The greatest trouble we have now is that President Nixon is so isolated from reality, and I can't see Ford being like that. But the basic question, in my view, is whether Ford understands what has happened under Nixon. I don't know the answer to that. If he does, and if he is a good man, as I think he is, and if he is strong enough to make the troublemakers go lie down, he would do as President."

Joseph Rauh, the driving force behind Americans for Democratic Action and one of the heads of the Leadership Conference on Civil Rights, told us over lunch, "The worst thing about Gerald Ford is his record on civil rights. He is the perfect modern example of a 'doughface'—the word used before the Civil War to describe a Northerner with Southern sympathies. Here he is, a man who didn't have to fight blacks but fought them. What is a white man from Grand Rapids, Michigan, doing when he tries to stop a black man in Mississippi from voting?"

In the House, Rauh's question was answered by a senior Republican member, who explained to us, "Ford's life-long dream, as he has said, was to be Speaker of the House. He figured that if he could persuade enough Democrats from the South to come over to the Republican Party, he would create a majority and might become Speaker." Ford became Minority Leader in January, 1965, and since that time he has voted, in one way or another, to gut almost every civil-rights bill that has come before the House. According to another prominent Republican there, his anti-civil-rights voting record can also be attributed to a deal he made with the conservative coalition in the House in order to get the necessary votes to become Minority Leader.

Toward the end of the day, we stopped in to see Congressman Donald W. Riegle, Jr., a young man from Flint, Michigan, who was elected and three time reelected as a Republican, and who switched to the Democratic Party this year in part because of his feelings about President Nixon's policies on the war in Vietnam. "A couple of times, Jerry went out of his way as Party leader to defend me against charges that I was disloyal and a threat to the Party," he told us. "He said that what I was doing was within Republican bounds. I supported Pete McCloskey in his primary fight in New Hampshire against the President, and three weeks before the election there Jerry came to Flint and endorsed me and said a lot of nice things about me publicly. It was a very awkward position for him, and he could have got out of it, but he didn't. He was very decent. My opinion of him is probably higher than most people's, because I've had a close political relationship with him, and I've had a chance to see a part of Jerry Ford that others haven't had a chance to see. Underneath it all, he's really a human being. He has the kind of sensitivity that gives him a potential for growth. He can grow in terms of national leadership because he's a human being. That's very important at this particular time. Of course, to take him out of the narrow, conservative group of Republicans that he has been used to dealing with and drop him to a broad national constituency of various persuasions would be such a stunning change that none of us would know what to expect. The whole question of whether Jerry Ford can change from being a partisan battering ram to being a national conciliator can be answered only by his taking on the job. For myself, I know that if I could trade Nixon for Ford, I would do it in an instant."

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1973

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, today it gives me great pleasure to introduce on behalf of myself and Mrs. MINK and other Members, The Surface Mining Control and Reclamation Act of 1973, H.R. 11500.

This bill is the result of 6 months work of the Subcommittees on Mines and Mining, which is chaired by Mrs. MINK, and the Environment Subcommittee, which I chair. These subcommittees, in joint effort, conducted extensive hearings and toured mining areas of Appalachia and the West. After more than a dozen intensive joint markup sessions, the legislation being introduced today as a clean bill will be reported to the Full Committee on Interior and Insular Affairs.

The bill strikes a balance among:

First. The Nation's increased need of and dependency on coal-based energy and the protection of our land and water resources and the environment.

Two. Those who would abolish strip mining and those who desire to maintain the status quo and the continued uninhibited development of coal resources.

Three. An approach leaving virtually all the responsibility for enforcement and administration with the States and one which rests all mining control and enforcing authority with the Federal Government.

The underlying premise of the legislation is that coal strip mining is a controllable and regulatable activity and that all of the environmental and social abuses common to past and present strip mining can be in the future, avoided, fully regulated, corrected, and fully compensated for.

Key features of the bill include:

First, stringent environmental protection standards, some of which become immediately effective 90 days after the passage of the act;

Second, control of both coal strip mines as well as the surface effects of underground coal mines;

Third, an integral and basic role for citizen participation in the development and approval of State programs, individual mining permit approvals, bond releases, and enforcement of this act;

Fourth, a capability of designating areas unsuitable for surface coal mining;

Fifth, a backup Federal enforcement system supporting the State regulatory authority which can be quickly implemented either on a mine-by-mine or other basis by State or citizen action;

Sixth, the prevention of mining where reclamation is not feasible or are in national forests, national wilderness areas, national wildlife refuges, and similar places;

Seventh, creation of a program to rehabilitate past mining damages and putting those lands into productive use in the communities in which they are located;

Eighth, the imposition of a reclamation fee on all coal produced, and providing that such fee can be reduced, up to 90 percent, by costs incurred by the operator in meeting all of the provisions of this Act as well as the Coal Mine Health and Safety Act of 1969;

Ninth, the funding of mining research institutes in a number of States in order to develop the research and manpower capabilities necessary to meet current and future problems facing the Nation in mining and materials availability;

Tenth, the provision of authority to States and the Federal Government for designating areas unsuitable for mining for all minerals under limited circumstances.

We believe this legislation meets the needs of the nation now and in the foreseeable future in the critical areas of regulating surface coal mining. It provides the means for the regulation of coal surface mining operations as well as the opportunities for citizens, public officials, and industry to work out in advance, as well as during the mining process, their differences at the local, regional and State level so that the continued development of coal will not trigger additional environmental problems which brought this matter to national attention.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOLIFIELD, for today, November 15, on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Towell of Nevada) to revise and extend their remarks and include extraneous material:)

Mr. Young of Alaska, for 5 minutes, today.

Mr. Robison of New York, for 30 minutes, today.

Mr. Hogan, for 60 minutes, today.

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Kemp, for 10 minutes, today.

(The following Members (at the request of Mr. Jones of Oklahoma) to revise and extend their remarks and include extraneous material:)

Mr. Dent, for 10 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Patman, for 5 minutes, today.

Mr. Cotter, for 5 minutes, today.

Mr. Davis of South Carolina, for 20 minutes, today.

Ms. Holtzman, for 5 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Culver, for 5 minutes, today.

Mr. Owens, for 5 minutes, today.

Mr. Adams, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Biaggi, before the vote on the Griffiths amendment on H.R. 11333, social security benefits increase.

(The following Members (at the request of Mr. Towell of Nevada) and to include extraneous material:)

Mr. Hanrahan in two instances.

Mr. Landgrebe in 10 instances.

Mr. Erlenborn in two instances.

Mr. Esch in two instances.

Mr. Cleveland in two instances.

Mr. Veysey in four instances.

Mr. Horton in two instances.

Mr. Symms in two instances.

Mr. Kemp in two instances.

Mr. Bray in three instances.

Mr. Hogan.

Mr. Nelsen.

Mr. Steele.

Mr. Steiger of Wisconsin in two instances.

Mr. Miller in six instances.

Mr. Towell of Nevada.

Mr. Wyman in four instances.

Mr. Froehlich.

Mr. Conte.

Mr. Bob Wilson.

Mr. Heinz in four instances.

Mr. Baker in two instances.

Mr. Hinshaw.

Mr. Whalen.

Mr. Forsythe.

Mr. Broyhill of Virginia.

Mr. Vander Jagt.

Mr. Maraziti.

Mr. Huber.

Mr. Beard.

Mr. Sarasin in two instances.

Mr. Mizell in eight instances.

(The following Members (at the request of Mr. Jones of Oklahoma) and to include extraneous material:)

Mr. Flood in seven instances.

Mr. Brinkley.

Mr. Gonzalez in three instances.

Mr. Reid.

Mr. Gunter in three instances.

Mr. Rarick in three instances.

Mr. Biaggi in five instances.

Mr. Harrington in four instances.

Mrs. Chisholm.

Mr. Ashley in three instances.

Mr. Teague of Texas in six instances.

Mr. Duncan.

Mrs. Sullivan.

Miss Holtzman.

Mr. Stephens.

Mr. Long of Louisiana in two instances.

Mr. Murphy of Illinois.

Mr. Nichols.

Mr. Patten in two instances.

Mr. Pepper.

Mr. Waldie in two instances.

Mr. Litton.

Mr. Roe in three instances.

Mr. O'Neill.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9295. An act to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.R. 3801. An act to extend Civil Service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government;

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308;

H.R. 8219. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; and

H.R. 8916. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

ADJOURNMENT

Mr. JONES of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 378, 93d Congress, the Chair declares the House adjourned until 12 o'clock noon on Monday, November 26, 1973.

Thereupon (at 4 o'clock and 25 minutes p.m.), pursuant to House Concurrent Resolution 378, the House adjourned until Monday, November 26, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV executive communications were taken from the Speaker's table and referred as follows:

1556. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of marine facilities, merchandising, food and beverage services, and related facilities and services for the public at the Las Vegas Wash Site of Lake Mead National Recreation Area, Nev., for a term ending October 31, 1987, pursuant to 67 Stat. 271 and 70 Stat. 543 to the Committee on Interior and Insular Affairs.

1557. A letter from the President, National Railroad Passenger Corporation, transmitting the Corporation's operating and capital plans for fiscal years 1974 and 1975 and projections for fiscal years 1976 and 1977, pursuant to section 601(b) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1558. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a copy of the testimony of the Corporation before the Subcommittee on Buildings and Grounds of the Senate Committee on Public Works on November 13, 1973, pursuant to section 601(b) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1559. A letter from the Secretary of Commerce, transmitting the annual reports of the National Marine Fisheries Service for calendar years 1970 and 1971, pursuant to 16 U.S.C. 742h; to the Committee on Merchant Marine and Fisheries.

1560. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 10, 1972, submitting a report on Licking River Basin, Ky., authorized by the Flood Control Act approved June 22, 1936; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRASER: Committee of Conference. Conference report on H.R. 6768. (Rept. No. 93–642). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 11324. A bill to provide for daylight saving time on a year-round basis for a 2-year trial period; with amendment. (Rept. No. 93–643). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADEMAS: Committee on House Administration. House Resolution 680. Resolution authorizing the printing of proceedings unveiling the portrait of the late Honorable Philip J. Philbin; with amendment (Rept. No. 93–644). Ordered to be printed.

Mr. BRADEMAS: Commitee on House Administration. House Concurrent Resolution 88. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs; with amendment (Rept. No. 93–645). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 369. Concurrent resolution to print as a House document House Committee print on Impeachment, Selected Materials (Rept. No. 93–646). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 375. Concurrent resolution providing for the printing as a House document the booklet entitled "The Supreme Court of the United States" (Rept. No. 93–647). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 47. Concurrent resolution authorizing the printing of additional copies of a report of the Senate Special Committee on the Termination of the National Emergency (Rept. No. 93–648). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 49. Concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 92d Congress as a Senate document (Rept. No. 93–649). Ordered to be printed.

Mr. HUNGATE: Committee on the Judiciary. H.R. 5463. A bill to establish rules of evidence for certain courts and proceedings, with amendment (Rept. No. 93–650). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 9437. A bill to amend the International Travel Act of 1961 to authorize appropriations for fiscal years 1974, 1975, and 1976; with amendment (Rept. No. 93–651). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 11493. A bill to repeal the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. ASHLEY:

H.R. 11494. A bill to amend the Internal Revenue Code of 1954 to provide that section 265 of such code shall not apply with respect to certain interest paid by certain dealers in connection with the purchase of tax-exempt obligations; to the Committee on Ways and Means.

By Mr. ASHLEY (by request):

H.R. 11495. A bill to amend the Export Administration Act of 1969, to prevent the excessive drain of iron and steel scrap from the United States; to the Committee on Banking and Currency.

By Mr. ASPIN (for himself, Mr. Bingham, Mr. Carney of Ohio, Mrs. Collins of Illinois, Mr. Danielson, Mr. Davis of South Carolina, Mr. Dellums, Mr. Dulski, Mr. William D. Ford, Mr. Froehlich, Mr. Green of Pennsylvania, Mr. Gude, Mr. Helstoski, Ms. Holtzman, Mr. Lehman, Mr. Meeds, Mr. Michel, Mr. Minish, Mr. Moakley, Mr. Nichols, Mr. Pepper, Mr. Preyer, Mr. Rooney of Pennsylvania, and Mr. Rosenthal):

H.R. 11496. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

By Mr. ASPIN (for himself, Mr. Roush, Mr. Roybal, Mr. Sarbanes, Mr. Snyder, Mr. Stark, Mr. Studds, Mr. Vanik, Mr. Wolff, Mr. Yatron, Mr. Young of Florida, Mr. Breaux, Mr. Charles Wilson of Texas, and Mr. Dent):

H.R. 11497. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

By Mr. BELL (for himself, Mr. Anderson of California, Mr. Burton, Mr. Hawkins, Mr. Hosmer, Mr. McCloskey, Mr. Moss, Mr. Rees, Mr. Roybal, Mr. Stark, Mr. Charles H. Wilson of California, Mr. Moorhead of California, Mr. Goldwater, Mr. Corman, and Mrs. Burke of California):

H.R. 11498. A bill to authorize the Secretary of the Interior to designate the Mulholland National Scenic Parkway in the State of California, and for other purposes, to the Committee on Interior and Insular Affairs.

By Mr. BROOKS (for himself, Mr. Donohue, Mr. James V. Stanton, Mrs. Collins of Illinois, and Mr. Culver):

H.R. 11499. A bill to establish procedures and regulations for certain protective services provided by the U.S. Secret Service; to the Committee on the Judiciary.

By Mr. UDALL (for himself, Mrs. Mink, Mr. Ruppe, Mr. Bingham, Mrs. Burke of California, Mr. Burton, Mr. de Lugo, Mr. Kastenmeier, Mr. Martin of North Carolina, Mr. Meeds, Mr. Owens, Mr. Peyser, Mr. Roncalio of Wyoming, Mr. Seiberling, Mr. Vigorito, and Mr. McDade):

H.R. 11500. A bill to provide for the regulation of surface coal mining operations in the United States, to authorize the Secretary of Interior to make grants to States to encourage the State regulation of surface mining and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROTZMAN:

H.R. 11501. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. BROWN of California (for himself, Mr. Anderson of California, Mr. Bell, Mr. Cleveland, Mr. Cotter, Mr. Davis of Georgia, Mr. Eilberg, Mr. Froehlich, Mr. Gilman, Mrs. Grasso, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Leggett, Mr. Mazzoli, Mr. McDade, Mr. Mitchell of Maryland, Mr. Nix, Mr. Obey, Mr. Podell, Mr. Rees, Mr. Rhodes, Mr. Roe, Mr. Rooney of Pennsylvania, and Mr. Sisk):

H.R. 11502. A bill to amend the National Aeronautics and Space Act of 1958 to authorize and direct the National Aeronautics and Space Administration to conduct research and to develop ground propulsion systems which would serve to reduce the current level of energy consumption; to the Committee on Science and Astronautics.

By Mr. BROWN of California (for himself, Mr. Stark, Mr. Udall, Mr. Ware, Mr. Charles H. Wilson of California, Mr. Charles Wilson of Texas, Mr. Winn, Mr. Wyatt, and Mr. Yatron):

H.R. 11503. A bill to amend the National Aeronautics and Space Act of 1958 to authorize and direct the National Aeronautics and Space Administration to conduct research and to develop ground propulsion systems which would serve to reduce the current level of energy consumption; to the Committee on Science and Astronautics.

By Mr. BROYHILL of Virginia:

H.R. 11504. A bill to amend the Internal Revenue Code of 1954 with respect to the inclusion in gross income of, and the deduction allowed for, certain moving expenses of members of the Armed Forces; to the Committee on Ways and Means.

By Mr. CAREY of New York:

H.R. 11505. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CARNEY of Ohio:

H.R. 11506. A bill to provide for the tempore suspension of duty on polychloroprene (neoprene) rubber; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 11507. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes; to the Committee on Education and Labor.

H.R. 11508. A bill to prohibit the use of currency in amounts in excess of $25 with respect to the making of certain political contributions or expenditures; to the Committee on House Administration.

By Mr. BINGHAM:

H.R. 11509. A bill to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, national, and international contingency plans; to assure the continuation of vital public services; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD (for himself, Mr. Horton, Mr. Price of Illinois, and Mr. Hosmer):

H.R. 11510. A bill to reorganize and consolidate certain functions of the Federal Government in the new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions; to the Committee on Government Operations.

By Mr. ROGERS:

H.R. 11511. A bill to amend the Public Health Service Act and related laws to revise and extend programs of health revenue sharing and health delivery, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 11512. A bill to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations; and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11513. A bill to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY:

H.R. 11514. A bill to require that buses and trucks operated in commerce be equipped with instruments to provide a record of certain operating data, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 11515. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. GROVER:

H.R. 11516. A bill to establish the Department of Health; to the Committee on Government Operations.

By Mr. HANRAHAN:

H.R. 11517. A bill to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ (for himself and Mr. Rogers):

H.R. 11518. A bill to amend the Community Mental Health Centers Act to revise the various programs of assistance authorized by that act and to extend it to the fiscal year 1976; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ (for himself, Mr. Ashley, Ms. Burke of California, Ms. Grasso, Mr. Badillo, Ms. Chisholm, Mr. Conyers, Mr. de Lugo, Mr. Eilberg, Mr. Esch, Mr. Fraser, Mrs. Heckler of Massachusetts, Mr. Helstoski, Ms. Holtzman, Mr. Lehman, Mr. Long of Maryland, Mr. Mazzoli, Mr. McDade, Mr. Murphy of New York, Mr. Nix, Mr. Pepper, and Mr. Peyser):

H.R. 11519. A bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ (for himself, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rodino, Mr. Roncallo of New York, Mr. Ryan, Mr. Sarbanes, Ms. Schroeder, Mr. Seiberling, Mr. Stark, Mr. Ware, Mr. Charles H. Wilson of California, Mr. Winn, Mr. Wolff, Mr. Frenzel, and Mr. Moss):

H.R. 11520. A bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape; to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW:

H.R. 11521. A bill to amend the act of April 9, 1966, to provide for the acquisition of an existing structure to be used as the official residence of the Vice President of the United States; to the Committee on Public Works.

By Mrs. HOLT:

H.R. 11522. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. HUNT:

H.R. 11523. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mrs. MINK (for herself, Mr. Moss, Mr. Nix, Mr. Podell, and Mr. Ullman):

H.R. 11524. A bill to amend section 19 of title 3, United States Code, to provide for an election for the Office of President and the Office of Vice President in the case of vacancies in both the Office of President and the Office of Vice President; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 11525. A bill to confer pensionable status on veterans involved in the Brownsville, Tex., incident of August 13, 1906, and to require the Administrator of Veterans' Affairs to make certain compensatory payments to such veterans and their heirs; to the Committee on Armed Services.

H.R. 11526. A bill to direct the President to halt all exports of gasoline No. 2 fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

H.R. 11527. A bill to regulate commerce by assuring adequate supplies of energy resource products will be available at the lowest possible cost to the consumer, and for other purposes; to the Committee on the Judiciary.

H.R. 11528. A bill to amend the Internal Revenue Code of 1954 to provide that certain bond interest received by individuals 65 or over shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. MOORHEAD of California:

H.R. 11529. A bill to strengthen interstate reporting and interstate services for parents of runaway children, to provide for the development of a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical, and other counseling services for transient youth, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. McKinney, and Mr. Young of Illinois):

H.R. 11530. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. POAGE:

H.R. 11531. A bill to provide for the establishment of a national cemetery at or near Fort Hood, Tex.; to the Committee on Veterans' Affairs.

By Mr. RARICK (for himself and Mr. Robert W. Daniel, Jr.):

H.R. 11532. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. REID:

H.R. 11533. A bill to prohibit any increase in fares charged by mass transit systems for a 1-year period and to provide for grants to any mass transit system which may be adversely affected by such prohibition of fare increase; to the Committee on Banking and Currency.

By Mr. RIEGLE (for himself and Mr. Roy):

H.R. 11534. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that act with respect to small businesses; to the Committee on Education and Labor.

By Mr. ROGERS (for himself, Mr. Jones of Oklahoma, Mr. Roy, Mr. Symington, Mr. Hansen of Idaho, Mr. Preyer, Mrs. Green of Oregon, and Mr. Brown of Michigan):

H.R. 11535. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on the District of Columbia.

By Mr. SEBELIUS:

H.R. 11536. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES (for himself, Mr. Dingell, Mr. Biaggi, Mr. Forsythe, Mr. Breaux, Mr. Cohen, Mr. Studds, and Mr. Bowen):

H.R. 11537. A bill to extend and expand the authority for carrying out conservation and rehabilitation programs on miltiary reservations, and to authorize the implementation of such programs on certain public lands; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of Iowa (for himself, Mr. Carney of Ohio, Mr. Coughlin, Mr. Gaydos, Mr. Gonzalez, Mr. Harrington, Mr. Mazzoli, Mr. Moss, and Mr. Veysey):

H.R. 11538. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading to require public disclosure of certain information relating to sales of commodities, to bring all agricultural and other commodities traded on exchanges under regulation, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 11539. A bill to improve the Public Health and National Health Service Corps Scholarship training program; to the Committee on Interstate and Foreign Commerce.

By Mr. STIEGER of Wisconsin:

H.R. 11540. A bill to consolidate certain vocational education programs; to the Committee on Education and Labor.

By Mrs. SULLIVAN (for herself, Mr. Dingell, Mr. McCloskey, Mr. Karth, Mr. Biaggi, Mr. Conte, Mr. Forsythe, Mr. William D. Ford, Mr. Kyros, Mr. Breaux, Mr. Studds, Mr. Nedzi, Mr. Moss, and Mr. Bowen):

H.R. 11541. A bill to amend the National Wildlife Refuge System Administration Act of 1966 in order to strengthen the standards under which the Secretary of the Interior may permit certain uses to be made of areas within the system and to require payment of the fair market value of rights-of-way or other interests granted in such areas in connection with such uses; to the Committee on Merchant Marine and Fisheries.

By Mr. VANIK:

H.R. 11542. A bill to amend the Public Buildings Act of 1953, to encourage the use of solar energy in the heating and cooling systems of certain public buildings and to require the Administration of General Services to submit to the Congress an energy use statement with respect to certain public buildings; to the Committee on Public Works.

H.R. 11543. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for certain repairs or improvements of the residence of a taxpayer which improve the thermal design of such residence; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 11544. A bill providing for direct access to social workers' services under the Federal Employees' Health Benefits program; to the Committee on Post Office and Civil Service.

By Mr. WALSH (for himself, Mr. Helstoski, Ms. Heckler of Massachusetts, Mr. Gilman, Mr. Edwards of California, Mr. Maraziti, and Mr. Charles Wilson of Texas):

H.R. 11545. A bill to amend chapter 34 of title 38, United States Code, to authorize additional payments to eligible veterans to partially defray the cost of tuition; to the Committee on Veterans' Affairs.

By Mr. CHARLES WILSON of Texas (for himself, Mr. Taylor of North Carolina, Mr. Kazen, Mr. Steelman, Mr. Eckhardt, Mr. Skubitz, Mr. Johnson of California, Mr. Don H. Clausen, Mr. Mahon, Mr. Brooks, Mr. Patman, Mr. Poage, Mr. Archer, Mr. Burleson of Texas, Mr. Milford, Mr. Roberts, Mr. Gonzalez, Mr. Pickle, Mr. Wright, Mr. Casey of Texas, Mr. Fisher, Mr. White, Mr. Collins of Texas, Ms. Jordan, and Mr. Young of Texas):

H.R. 11546. A bill to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES WILSON of Texas (for himself, Mr. Udall, Mr. Ruppe, Mr. Burton, Mr. Dellenback, Mr. Kastenmeier, Mr. Sebelius, Mr. Meeds, Mr. Regula, Mr. Melcher, Mr. Towell of Nevada, Mr. Bingham, Mr. Cronin, Mr. Won Pat and Mr. de Lugo):

H.R. 11547. A bill to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of South Carolina:

H.R. 11548. A bill to repeal the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. YOUNG of South Carolina (for himself, Mr. Andrews of North Dakota, Mr. Cohen, Mrs. Collins of Illinois, Mr. Derwinski, Mr. Fish, Mr. Gettys, Mr. Guyer, Mr. Lott, Mr. Madigan, Mr. Martin of North Carolina, Mr. Rangel, Mr. Riegle, Mr. Rose, Mr. Sebelius, Mr. Sisk, Mr. Spence, Mr. Steiger of Wisconsin, Mr. Towell of Nevada, Mr. Charles Wilson of Texas, Mr. Won Pat, and Mr. Yatron):

H.R. 11549. A bill to provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician shortage areas; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 11550. A bill to promote tourism in the United States by establishing a National Tourism Administration in the Department of Commerce; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 11551. A bill to amend section 1(12) of the Interstate Commerce Act to provide that railroads shall not discriminate against the movement or interchange of railroad refrigerator cars not owned by a railroad, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ (for himself, Mr. Kazen, Mr. Gunter, Mr. Derwinski, and Mr. Fountain):

H.J. Res. 828. Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Moss, Mr. Nix, Mr. Podell, and Mr. Ullman):

H.J. Res. 829. Joint resolution proposing an amendment to the Constitution of the United States to provide for an election for the Office of President and the Office of Vice President in the case of a vacancy both in the Office of President and the Office of Vice President; to the Committee on the Judiciary.

By Mr. PICKLE (for himself, Mr. McCollister, Mr. Montgomery, Mr. Kemp, Mr. Spence, Mr. Burgener, Mr. Cochran, Mr. Don H. Clausen, Mr. Rangel, Mr. Huber, Mr. Scherle, Mr. Quie, Mr. Ketchum, Mr. Addabbo, Mr. McEwen, Mr. Bob Wilson, Mr. Robinson of Virginia, Mr. Won Pat, Mr. Eilberg, Mr. Roe, Mr. Treen, Mr. Rousselot, and Mr. Hudnut):

H.J. Res. 830. Joint resolution expressing the concern of the United States about American servicemen missing in action in Vietnam; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. Abdnor, Mr. Archer, Mr. Bafalis, Mr. Beard, Mr. Brown of Ohio, Mr. Buchanan, Mr. Burke of Florida, Mr. Camp, Mr. Carter, Mr. Clancy, Mr. Del Clawson, Mr. Cochran, Mr. Cohen, Mr. Collier, Mr. Conable, Mr. Davis of Georgia, Mr. Derwinski, Mr. Devine, Mr. Dickinson, Mr. Downing, Mr. Evins of Tennessee, Mr. Fish, Mr. Fisher, and Mr. Fulton):

H. Res. 706. Resolution commending the President of the United States for his actions in Middle East; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. Gilman, Mr. Goodling, Mr. Hicks, Mr. Hinshaw, Mr. Hosmer, Mr. Howard, Mr. Huber, Mr. Jones of Tennessee, Mr. Kemp, Mr. Kuykendall, Mr. Latta, Mr. Mathis of Georgia, Mr. McClory, Mr. McCloskey, Mr. McCollister, Mr. Michel, Mr. Montgomery, Mr. Moorhead of California, Mr. Passman, Mr. Pepper, Mr. Pickle, Mr. Pritchard, Mr. Quie, and Mr. Quillen):

H. Res. 707. Resolution commending the President of the United States for his actions in the Middle East; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. Regula, Mr. Rhodes, Mr. Robinson of Virginia, Mr. Scherle, Mr. Shoup, Mr. Skubitz, Mr. Steelman, Mr. Stephens, Mr. Taylor of Missouri, Mr. Thomson of Wisconsin, Mr. Thone, Mr. Veysey, Mr. Waggonner, Mr. Walsh, Mr. Wampler, Mr. Winn, Mr. Wydler, Mr. Wylie, Mr. Wyman, Mr. Young of Alaska, Mr. Young of South Carolina, Mr. Young of Illinois, and Mr. Young of Florida):

H. Res. 708. Resolution commending the President of the United States for his actions in the Middle East; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. Cleveland, Mr. Eshleman, Mr. Duncan, Mr. Lott, Mr. Bell, Mr. Pettis, Mr. Hammerschmidt, Mr. Spence, Mr. Frey, Mr. Powell of Ohio, and Mr. Bob Wilson):

H. Res. 709. Resolution commending the President of the United States for his actions in the Middle East; to the Committee on Foreign Affairs.

By Mr. DELLENBACK:

H. Res. 710. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's policies regarding chemical warfare; to the Committee on Foreign Affairs.

By Mr. LANDGREBE:

H. Res. 711. Resolution expressing the sense of the House of Representatives concerning President Nixon's handling of the Middle East crisis; to the Committee on Foreign Affairs.

By Mr. OWENS (for himself, Mr. Reuss, Ms. Abzug, Mr. Ashley, Mr. Bingham, Mr. Brown of California, Ms. Chisholm, Mr. Conyers, Mr. Dellums, Mr. de Lugo, Mr. Edwards of California, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Ms. Holtzman, Mr. Leggett, Mr. McCloskey, Mr. McDade, Mr. McKay, Mr. Mezvinsky, Mr. Moakley, Mr. Mosher, Mr. Moss, and Mr. Obey):

H. Res. 712. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's national security and international policies regarding chemical warfare; to the Committee on Foreign Affairs.

By Mr. OWENS (for himself, Mr. Reuss, Mr. Aspin, Mr. Podell, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Roybal, Mr. Seiberling, Mr. Stark, Mr. Studds, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Udall, and Mr. Ullman):

H. Res. 713. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of the Nation's national security and international policies regarding chemical warfare; to the Committee on Foreign Affairs.

By Mr. SHUSTER (for himself, Mr. Hunt, Mr. Huber, Mr. Hinshaw, Mr. Ketchum, and Mrs. Holt):

H. Res. 714. Resolution to investigate Archibald Cox and his staff; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. WHITE:

H.R. 11552. A bill for the relief of Leocadia H. Villafuerte; to the Committee on the Judiciary.

By Mr. CHARLES WILSON of Texas:

H.R. 11553. A bill for relief of Franklin R. Holt; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

354. The SPEAKER presented a petition of Col. Scott Albright, Washington, D.C., and others, relative to the 1,300 men who are prisoners of war or missing in action in Southeast Asia; to the Committee on Foreign Affairs.

355. Also, petition of Rev. and Mrs. A. G. Holtz, Duiwelskloof, N. Tvl., Republic of South Africa, opposing impeachment of the President; to the Committee on the Judiciary.

SENATE—*Thursday, November 15, 1973*

The Senate met at 9 a.m. and was called to order by Hon. William D. Hathaway, a Senator from the State of Maine.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, who in every age has called prophets, patriots, and statesmen to summon the people to high and holy endeavor, we beseech Thee now to raise up mighty men of wisdom and courage around whom the people may rally in our age. As we pray for forgiveness of our failures may we forgive others their failures. Hold us steadfast to the ancient, durable landmarks of faith and hope, of service and sacrifice. Keep us firmly to the proven strategies until better ones are devised. In the hard decisions of this day guide us by Thy word and spirit, assured that underneath all our striving are the everlasting arms.

We pray in the name of the Author and Finisher of our faith. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 15, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WILLIAM D. HATHAWAY, a Senator from the State of Maine, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HATHAWAY thereupon took the chair as Acting President pro tempore.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of November 14, 1973, Mr. MAGNUSON, from the Committee on Commerce, reported favorably, without amendment, on November 14, 1973, the bill (S. 2702) to provide that daylight saving time shall be observed on a year-round basis and submitted a report (No. 93–504) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 14, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2408) to authorize certain construction at military installations, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the resolution (H. Con. Res. 378) providing for an adjournment of the House from November 15 to November 26, 1973.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1570. An act to authorize and require the President of the United States to allocate crude oil, residual fuel oil, and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes;

H.R. 3801. An act to extend civil service Federal employees group life insurance and Federal employees Health Benefits coverage to U.S. nationals employed by the Federal Government;

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308;

H.R. 8219. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; and

H.R. 8916. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. HATHAWAY) subsequently signed the enrolled bills.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 472, 476, 477, and 478.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSFER OF TRUST FUNDS TO THE REPUBLIC OF THE PHILIPPINES

The bill (S. 1398) to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 6 of the Act of March 24, 1934, as amended (22 U.S.C. 1393(g)), (relating to the trust account for the payment of pre-1934 bonds of the Government of the Philippines) is repealed:

SEC. 2. In order to implement the executive agreement concluded between the Government of the United States and the Government of the Republic of the Philippines on November 26, 1969, under which the Government of the Republic of the Philippines agreed to assume from the Secretary of the Treasury sole responsibility for payments of the principal of and interest on all outstanding bonds of the Pihilippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of the Congress of the United States, the Secretary of the Treasury is authorized to transfer to the Government of the Republic of the Philippines whatever sums remain on the effective date of this Act in the special trust account with the Treasurer of the United States in the name of the Secretary set up by section 6(g)(4) of the said Act of March 24, 1934, as amended.

SEC. 3. As of the date of the transfer of sums to the Government of the Philippines, authorized by section 2 of this Act, the United States shall cease to be liable for the payment of principal or interest on all outstanding bonds of the Philippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of the Congress.

SEC. 4. This Act shall take effect sixty days after the date of its enactment.

GRANDPARENTS DAY

The joint resolution (S.J. Res. 126) to authorize and request the President to issue annually a proclamation designating the fourth Sunday in May of each year as "Grandparents Day" was announced as next in order.

Mr. HUGH SCOTT. Mr. President, on that measure, reserving the right to object—and I shall be the last one who would object—it is very nice to celebrate Grandparents Day especially because I have eight grandchildren.

However, on behalf of the distinguished senior Senator from Utah (Mr. BENNETT), who has just recently become a great-grandfather, I do not offer an amendment to the bill, but I am anxious that the legislative history show that in celebrating Grandparents Day we are also honoring great-grandparents. So that the Senator from Utah may know that I have been here very much alert to protect his interests. I have no objection to the bill.

The resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating the fourth Sunday of May of each year as "Grandparents Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

NATIONAL NURSE WEEK

The joint resolution (S.J. Res. 168) to authorize the President to designate the period from February 10, 1974, through February 16, 1974, as "National Nurse Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as a tribute to and in recognition of the dedicated service, sympathetic and self-sacrificing manner in performing their work, and the important part played in health care by nurses, the President is authorized and requested to issue a proclamation designating the period from February 10, 1974, through February 16, 1974, as "National Nurse Week".

HERBERT HOOVER MEMORIAL EDUCATIONAL BUILDING

The Senate proceeded to consider the bill (S. 1418) to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions of the Organization of the Executive Branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace which had been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That (a) in order to establish an appropriate memorial to the late President Herbert Hoover, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized to make grants, in accordance with the provisions of this Act, to the Hoover Institution on War, Revolution, and Peace, Stanford University, Stanford, California.

(b) No grant may be made under this Act for any fiscal year unless—

(1) the Secretary determines that the total of such grants for that year will not exceed the total amount of gifts, bequests, and devises of money, securities, and other property, made after the date of enactment of this Act, for that year for the benefit of the Hoover Institution on War, Revolution, and Peace; and

(2) the Hoover Institution on War, Revolution, and Peace furnishes to the Secretary such information at such times and in such manner as he may require.

(c) Grants made under this Act may be used for the construction of a new educational building to be used by the Hoover Institution on War, Revolution, and Peace, and for the equipment of such building.

Sec. 2. (a) The Congress finds that, if a facility constructed with the aid of any grant under this Act is used as an educational facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal in value the amount of such grant or grants. The period of twenty years after completion of such construction shall, therefore, be deemed to be the period of Federal interest in such facility for the purposes of this Act.

(b) If, within twenty years after completion of construction of an educational facility which has been constructed in part with a grant or grants under this Act—

(1) the Hoover Institution on War, Revolution, and Peace (or its succesor in title or possession) ceases or fails to be a nonprofit institution, or

(2) the facility ceases to be used as an educational facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation, the United States shall be entitled to recover from such Institution (or successor) an amount which bears to the then value of the facility the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility (as determined by the Secretary) financed with the aid of such grant or grants. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

(c) Notwithstanding the provisions of subsections (a) and (b), no facility constructed with assistance under this Act shall ever be used for religious worship or a sectarian activity or for a school or department of divinity.

Sec. 3. The Comptroller General of the United States, or any of his duly authorized representatives, shall have excess for the purpose of audit and examination to any books, documents, papers, and records of the Hoover Institution on War, Revolution, and Peace that are pertinent to the grant received.

Sec. 4. The Hoover Institution on War, Revolution, and Peace shall, annually, prepare and furnish to the President and the Congress a report on the expenditure of funds received by the Institution in the previous fiscal year during the period for which grants are made under this Act.

Sec. 5. There are authorized to be appropriated to the Secretary for making grants in accordance with this Act amounts not to exceed $5,000,000. Funds appropriated pursuant to this Act shall be available without fiscal year limitation, for the period beginning on the date of enactment of this Act and ending five years after such date.

Sec. 6. Grants made pursuant to this Act shall be the sole Federal memorial to the late President Herbert Hoover.

Mr. HUGH SCOTT. Mr. President, I wish to take a moment to say, in passing, with respect to S. 1418, introduced by the distinguished Senator from Oregon (Mr. Hatfield) and other Senators, that it ought to be noted that the Senator from Oregon is probably the leading authority in Congress on the life and times of Herbert Hoover, and that he is the author of literature on that subject and has devoted a good deal of his time to an examination of the achievements of that great man who was much maligned in his time, as most of our Presidents have been maligned in their time, but have gone on to reach their justification in history.

I am afraid that I have taken my part in the maligning of some Presidents by thoughtless or reckless words from time to time. I have made public apology in this Chamber, in the presence of the late President Truman, for any invidious or jejune statements I may have committed or may have perpetrated.

But I am sure that history will be kinder to our Presidents than we have been to them. Therefore, I hope that judgment will be balanced, will be fairer, will be just to this President, as history, I am sure, will be.

Mr. HATFIELD. Mr. President, I would like to commend my colleagues on passage of S. 1418, a bill that recognizes the 50 years of extraordinary and selfless public service of Herbert Hoover, the 31st President of the United States.

As we near the 100th anniversary of his birth, it is my belief that history has truly begun to acknowledge the greatness of this man. Herbert Hoover's legacy was found in his compassion for a world that had been beset by war. The tireless way in which he helped heal the wounds of a near-disastrous struggle on the European continent, his humanitarian efforts to help in alleviating the suffering throughout the world, his dedication to the education of our children and to the preservation of world peace, were his gifts to his age.

By building a memorial library to be added to the Hoover Institution for War and Peace and Stanford University in California, we honor these areas of his historical legacy. For the Hoover Institution is dedicated to research into the causes of war, and, therefore, to ultimate structuring of a stable world peace. It is a world-renowned center for scholars of all nations, for the enrichment of academic pursuits and the intermingling of a diversity of thoughts, ideas, and visions of the future.

The institution embodies the spirit of Herbert Hoover's life and so it is a fitting place for his memorial. It is out of a humbling admiration for the depth of his feeling for those who suffer, for those who strive against great odds toward a more perfect world, for those who view all of humanity with an eye toward the ultimate resolution of human conflict, that we honor this man of simple virtue and noble vision.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF INJUNCTION OF SECRECY ON CUSTOMS CONVENTION ON CONTAINERS, 1972, AND INTERNATIONAL CONVENTION FOR SAFE CONTAINERS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Customs Convention on Containers, 1972, and the International Convention for Safe Containers, both signed at Geneva on December 5, 1972 (Executive X, 93d Congress, first session), transmitted to the Senate yesterday by the President of the United States, and that the conventions with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message ordered to be printed in the Record is as follows:

To the Senate of the United States:

I transmit herewith for the advice and consent of the Senate to ratification (1) the Customs Convention on Containers, 1972, and (2) the International Convention for Safe Containers, both signed at Geneva on December 5, 1972. I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Conventions.

The Customs Convention on Containers, 1972, is designed to supersede and update the Customs Convention on Containers of 1956. The new Convention provides for the temporary importation of containers free of import duties and taxes and free of import prohibitions and restrictions. It also harmonizes and unifies technical provisions applicable to containers used for transport of merchandise under Customs seal and provides for the use of temporarily imported containers in internal transport operations under specified conditions. This Convention is important because it will insure United States-owned containers the same treatment in the territories of States parties to this Convention as that afforded in the United States to foreign-owned containers.

The International Convention for Safe Containers specifies structural requirements for certain transport containers to assure their safe operation. The need for an international convention on this topic became apparent with the threat of proliferation of individual State safety requirements which would be applicable to all containers transiting their respective borders. The safety record of the containerization movement has been excellent and the present Convention is based on existing safety standards.

The Customs Convention on Containers, 1972, and the International Convention for Safe Containers will make a significant contribution to efforts to establish uniform international regulations regarding containers.

RICHARD NIXON.

THE WHITE HOUSE, *November 14, 1973.*

NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. MANSFIELD. Mr. President, the pending business before the Senate, S. 2589, is a bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes. This bill is a matter of the highest importance. I am delighted that the Senate Committee on Interior and Insular Affairs has acted with such expedition.

I should like to note that the hearings were held in public; that the markup of the bill was held in public; and the representatives of the administration were present at the time of the markup. In view of the emergency nature of the situation, I think the bill is of the highest importance at this time, should be considered as expeditiously as possible, and that proper consideration should be given to all amendments offered.

But may I express the hope, also, that there will not be too much in the way of extraneous amendments to the pending measure because time is of the highest significance. I am not at all certain that even yet we understand the need for emergency legislation, nor am I sure that the legislation goes far enough. I point out that even without the war in the Mideast, this crisis would have been upon us, perhaps to a lesser degree; but even with Arab oil coming in, I believe that we would have been confronted with it this coming winter and next spring.

I point out, Mr. President, on the basis of remarks made by the distinguished Senator from Washington (Mr. JACKSON), the manager of the bill and the chairman of the Committee on Interior and Insular Affairs, that the last tanker has left the Middle East destined for this country. It will arrive sometime next week, and that will stop, for some months—in my opinion, at least—the inflow of Middle East oil to the United States as well as to other areas contiguous thereto.

What I am leading up to is the very great possibility that if something is not done, industry will be curtailed to a degree, unemployment will be increased from the rate of 4.5 percent at present—which is a decided drop, may I say, in the last year—and the result could well be that as prices rise, there will be increased demands on the part of labor for higher wages, and that out of that could come an increase in inflation, which at the present time, if my memory is correct, is hovering in the vicinity of 8 percent a year. That is overall.

Statements have been made by members of the administration, both pro and con, on the question of rationing and on the question of a gas tax. In the latter category, amounts in the area of 30 to 40 cents a gallon have been mentioned. May I say, Mr. President, that I would be opposed to a gas tax of any considerable proportion; because, when you get right down to it, once again it would be those least able to pay, the poor and middle-income group, who would be forced to assume the greater share of the burden. As a matter of fact, the Federal gas tax at the present time amounts to about 4 or 5 cents per gallon. That is a sales tax. If you up the ante to 30 or 40 cents, that would mean an additional Federal sales tax by six- or eight-fold. Again may I emphasize that it would hit hardest the people who can least afford to pay it.

Therefore, if there is to be a choice between an increase in gas taxes and rationing, I think rationing, equitably applied, is the best answer. In that way, I think we can avoid the burden sharing which the poor and the middle-income people of this country have carried for too long, at too great a price and, incidentally, may I say, with very little in the way of loopholes to help give them relief.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is to be recognized for not to exceed 15 minutes.

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the time allotted to the Senator from Michigan (Mr. GRIFFIN) be transferred to me, and I will yield back most of it later.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUGH SCOTT. Mr. President, I agree with the distinguished majority leader: Time is of the essence. It is essential that we move promptly and that we dispose of this bill—not that we should dispose of it without proper consideration of all its features, of course. It is a big bill and an important bill. It affects every person in America.

If Senators have in mind seriously controversial items perhaps some of those items can be included in a bill which I understand will be offered next week.

I recognize the importance of the crisis situation which prevails. This is an antifreeze bill, and it should be enacted in the interests of people who have every right to expect that their economy will keep them warm when it is cold and will keep them cool when it is warm, and that our energy will be conserved for the greater benefit of all our people.

I have been given to understand by one expert that in approximately 10 years, we are going to need at least one nuclear powerplant every 7 days, and possibly in a 10- or 12-year period we may need to build one nuclear powerplant in this country every 3 days. By that I mean that the energy shortage may well require the people in the southwestern United States to transfer all their forms of heating to electric heating. Other very drastic possibilities are looming.

It is essential, I think, that we increase our research activities in the field of gasification or liquefaction of coal as a fuel, in the use of shale oil, in the building of the Alaska pipeline, in the negotiations for a trans-Canada pipeline, and in every way we can properly support the growth of the increase of energy sources for our people. Therefore, time is not to be wasted.

May I conclude by noting that the distinguished majority leader, in a slip of the tongue, in referring to a fuel shortage, mentioned "fool shortage." There never has been a fool shortage in this country, Mr. President, and there is not now. Fuel is transitory and evanescent and may be burned away, but I know of no burning process which would eliminate the fools. Those we always have with us; and that tendency we have, to some extent, within each of us. Therefore, I intend to confine what I say to the fuel shortage and to leave for the present other kinds of shortages for further discussion.

I yield back the remainder of my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, with the consent of the Senator from West Virginia, I will undertake the control of that time. I will not use it up, but I will suggest the absence of a quorum at this time, with the time taken out of the Senator from West Virginia's allocation.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, out of my time, I yield as much time to the senior Senator from Rhode Island as he desires.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. PASTORE. Mr. President, I send to the desk an amendment on the pending business and ask that it remain at the desk until I call it up later today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At page 18, after line 18, insert a new subsection 203(f) as follows, and redesignate subsequent subsections:

"(f) In exercising the authority provided for in this Act, the Emergency Petroleum Allocation Act of 1973, the Economic Stabilization Act of 1970, as amended, and the Defense Production Act of 1950, as amended, the President shall insure that all regions and all States of the nation share available fuels in an equitable manner. The President shall give special consideration to those States and those regions of the country which are depressed economically, experiencing high unemployment, or which lack ready access to energy transportation facilities adequate to meet their essential requirements."

ORDER OF BUSINESS

Mr. **MANSFIELD**. Mr. President, I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **JACKSON**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that, on November 14, 1973, he presented to the President of the United States the enrolled bill (S. 2645) to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Secretary of the Senate also reported that on today, November 15, 1973, he presented to the President of the United States the enrolled bill (S. 1570) to authorize and require the President of the United States to allocate crude oil, residual fuel oil, and refined petroleum products to deal with existing or imminant shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **ACTING PRESIDENT** pro tempore (Mr. Hathaway) laid before the Senate the following letters, which were referred as indicated:

Report on Rural Environmental Assistance Program

A letter from the Assistant Secretary, Department of Agriculture, transmitting, pursuant to law, a report on the rural environmental assistance program for the fiscal year ended June 30, 1972 (with an accompanying report). Referred to the Committee on Agriculture and Forestry.

Report on an Overobligation of an Appropriation

A letter from the Secretary of Defense, reporting, pursuant to law, an overobligations of appropriations to the Department of Defense. Referred to the Committee on Appropriations.

Need for Increased Production of Petroleum From Elk Hills Naval Petroleum Reserve

A letter from the President of the United States, transmitting a letter from the Acting Secretary of the Navy on the need for increased production of petroleum from the Elk Hills Naval Petroleum Reserve for national defense purposes (with accompanying papers). Referred to the Committee on Armed Services.

Report on Property, Supplies and Commodities Provided by the Berlin Magistrate

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, the value of property, supplies, and commodities provided by the Berlin Magistrate, and under the German Offset Agreement for the quarter July 1, 1973 through September 30, 1973. Referred to the Committee on Appropriations.

Report of Export-Import Bank

A letter from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, reporting, pursuant to law, on approval of loans to Yugoslavia and Poland. Referred to the Committee on Banking, Housing and Urban Affairs.

Proposed Standards, Rules, and Regulations Promulgated by Cost Accounting Standards Board

A letter from the Chairman, Cost Accounting Standards Board, transmitting, pursuant to law, a copy of proposed standards, rules and regulations promulgated by the Board (with an accompanying paper). Referred to the Committee on Banking, Housing and Urban Affairs.

Report of National Marine Fisheries Service

A letter from the Secretary of Commerce, transmitting, pursuant to law, the report of the National Marine Fisheries Service for calendar years 1970 and 1971 (with an accompanying report). Referred to the Committee on Commerce.

Report of Secretary of Transportation

A letter from the Secretary of Transportation, reporting on contracts negotiated under certain statutes during period April 1, 1973 through September 30, 1973 (with an accompanying paper). Referred to the Committee on Commerce.

Report on Marine Mammal Protection Act of 1973

A letter from the Acting Secretary of State, transmitting, pursuant to law, a report on the Marine Mammal Protection Act of 1972 (with an accompanying report). Referred to the Committee on Commerce.

Report of National Railroad Passenger Corporation

A letter from the President, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on Amtrak operating and capital plans for fiscal years 1974 and 1975 and projections for fiscal years 1976 and 1977 (with an accompanying report). Referred to the Committee on Commerce.

Report of District of Columbia Redevelopment Land Agency

A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting, pursuant to law, a report for fiscal year 1972 (with an accompanying report). Referred to the Committee on the District of Columbia.

Reports of National Advisory Council on International Monetary and Financial Policies

A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, its special report recommending U.S. participation in the proposed Fourth Replenishment of the resources of the International Development Association (with an accompanying report). Referred to the Committee on Foreign Relations.

A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, a special report recommending the U.S. subscription to its share in an increase in the Asian Development Bank's capital stock and contribution to the establishment of a new Asian Development Fund. Referred to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the financial status of selected major weapon systems, Department of Defense, dated November 13, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the Export-Import Bank of the United States, fiscal year 1973, dated November 13, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the Federal Home Loan Mortgage Corporation for the years ended December 31, 1971 and 1973, dated November 13, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report that foreign visitor travel to the United States can be increased, U.S. Travel Service, Department of Commerce, dated November 12, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on limited success of federally financed minority businesses in three cities, Small Business Administration, Office of Minority Business Enterprise, Department of Commerce, dated November 8, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

Report on Little Miami River, Ohio

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the Little Miami River, Ohio (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

Proposed Concession Contract

A letter from the Acting Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which Las Vegas Boat Harbor, Inc., will continue to provide marine facilities, merchandising, food and beverage services for the public at the Las Vegas Wash Site of Lake Mead National Recreation Area, Nev. (with an accompanying paper). Referred to the Committee on Interior and Insular Affairs.

Finding of Fact in Court of Claims Case

A letter from the Chief Commissioner, U.S. Court of Claims, transmitting, pursuant to law, copies of the opinion and findings of fact in the case of Michael D. Manemann v. The United States (with an accompanying paper). Referred to the Committee on the Judiciary.

Report of Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped

A letter from the chairman, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, transmitting, pursuant to law, a report of the activities of the committee during the fiscal year ended June 30, 1973 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

Proposed Legislation by Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped

A letter from the chairman, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, transmitting a draft of proposed legislation to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped and for other purposes. Referred to the Committee on Labor and Public Welfare.

Proposed Legislation by Department of Health, Education, and Welfare

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to improve and expand the Public Health and National Health Service Corps Scholarship Training Program (with an accompanying paper). Referred to the Committee on Labor and Public Welfare.

Report on Federal Coal Mine Health and Safety Act of 1969

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the third annual report on the Federal Coal Mine Health and Safety Act of 1969 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

Report of Environmental Protection Agency

A letter from the Administrator, Environmental Protection Agency, transmitting a Report on a Revised Version of the Costs of Construction of Publicly-Owned Wastewater Treatment Works, 1973 "Needs" Survey which were initially submitted to the Congress on October 12, 1973 (with an accompanying report). Referred to the Committee on Public Works.

Federal Office Building at Carbondale, Ill.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus proposing construction of a Federal Office Building at Carbondale, Ill., (with an accompanying paper). Referred to the Committee on Public Works.

New York Federal Archives and Records Center

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposes alterations to Buildings 12 and 22, Military Ocean Terminal, Bayonne, N.J., for occupancy by the New York Federal Archives and Records Center (with an accompanying paper). Referred to the Committee on Public Works.

Post Office and Courthouse Building, Tyler, Tex.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposes an amendment to the extension project authorized for the Post Office and Courthouse Building at Tyler, Tex. (with an accompanying paper). Referred to the Committee on Public Works.

Alterations to Post Office Building, Washington, D.C.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a revised prospectus for proposed alterations to the Post Office Building (new), Washington, D.C. (with an accompanying paper). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred or ordered to lie on the table, as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Hathaway):

A resolution from the State Senate of the Commonwealth of Massachusetts, relative to memorializing the Congress of the United States to enact legislation permitting year-round daylight saving time. Ordered to lie on the table.

"Resolutions Memorializing the Congress of the United States To Enact Legislation Permitting Year-Round Daylight Saving Time

"Whereas, Daylight saving time, in effect for only half of the year in many states of the United States, including Massachusetts, is greeted with enthusiasm as a means of lengthening daylight hours; and

Whereas, In these critical days of fuel shortages and energy crisis, especially in New England, longer daylight hours could help alleviate the necessity for increased fuel consumption; and

Whereas, Oil, heat and fuel have become an open instrument of Arab and Soviet Military and foreign policy; the conservation of United States oil resources through the extension of daylight saving time will help relieve international pressures of the oil blackmail cartel; and

"Whereas, Additional daylight hours would provide several other advantages to the citizens of the Commonwealth, such as fewer traffic accidents, less incidence of crime, and the opportunity for increased outdoor leisure activities; now, therefore, be it

"Resolved, That the Massachusetts Senate memorializes the Congress of the United States to enact legislation amending the present daylight saving time statute to enable the Commonwealth of Massachusetts and other states to adopt year-round daylight saving time; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Senate Clerk and Parliamentarian to the presiding officer of each branch of the Congress of the United States and to each member thereof from the Commonwealth.

"Senate, adopted, October 30, 1973."

A resolution from the Republican Central Committee of San Diego County, Calif., relating to the nomination of Hon. Gerald Ford to fill the vacant office of Vice President of the United States. Referred to the Committee on Rules and Administration.

A resolution from the County of Sarasota, Fla., affirming its confidence in and support of the President of the United States. Ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERT C. BYRD (for Mr. Sparkman), from the Committee on Banking, Housing and Urban Affairs:

S. 2705. An original bill to provide for the disposition of abandoned money orders and traveler's checks (Rept. No. 93–505).

By Mr. MUSKIE, from the Committee on Government Operations, with amendments:

S. 2299. A bill to provide authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for operation of those projects and for other purposes (Rept. No. 93–506).

By Mr. McINTYRE, from the Committee on Armed Services, without amendment:

H.R. 7582. An act to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies (Rept. No. 93–507);

H.R. 10366. An act to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution (Rept. No. 93–508);

H.R. 10369. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port (Rept. No. 93–509); and

H.J. Res. 735. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran (Rept. No. 93–510).

By Mr. DOMINICK, from the Committee on Armed Services, without amendment:

S. 2551. A bill to authorize the disposal of molybdenum from the national stockpile, and for other purposes (Rept. No. 93–512).

By Mr. NUNN, from the Committee on Armed Services, without amendment:

H.R. 8187. An act to amend section 2031 (b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students (Rept. No. 93–515).

By Mr. TOWER, from the Committee on Armed Services, with an amendment:

H.R. 8528. An act to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' and Airmen's Home (Rept. No. 93–516).

By Mr. SYMINGTON, from the Committee on Armed Services:

S. 2714. An original bill to amend section 219(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, relating to cost-of-living increase, and to increase the pay and allowances of certain officers of the Armed Forces whose pay and allowances are not subject to adjustment to reflect changes in the Consumer Price Index (Rept. No. 93–517).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

H.R. 9256. An act to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes (Rept. No. 93–511).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 2267. A bill to amend section 303(b) of the Interstate Commerce Act to remove certain restrictions upon the application and scope of the exemption provided therein, and for other purposes (Rept. No. 93–513).

By Mr. BROOKE, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. Con. Res. 57. Concurrent resolution expressing the sense of the Congress that housing, housing assistance, and community development programs authorized by Congress should be carried out at levels at least equal to the levels prevailing in calendar year 1972, until such time as funds appropriated for such programs are exhausted or the Congress enacts legislation terminating or replacing such programs (Rept. No. 93–518).

By Mr. ROTH, from the Committee on Government Operations, without amendment:

S. 928. A bill to create a catalog of Federal assistance programs, and for other purposes (Rept. No. 93–519).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 2176. A bill to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes.

Mr. MAGNUSON. Mr. President, S. 2176, the National Fuels and Energy Conservation Act of 1973 was reported by the Committee on Interior and Insular Affairs on September 27, 1973, and referred to the Committees on Commerce and Public Works. The Committee on Commerce has completed action on the bill and reports it with an amendment in the hope that this far reaching and comprehensive program for energy conservation will be enacted quickly by the Senate.

S. 2176 is aimed at improving the efficiency of major energy consuming products and systems. The bill contains a program to improve the fuel economy of new automobiles, a requirement for disclosure of energy operating costs of household appliances, a federally funded research program aimed at the development of an efficient, low-polluting, safe automobile, and Federal funding for no-fare transit and car pooling demonstration projects.

Mr. President, I am convinced that bold measures must be taken now to reduce shamefully wasteful uses of energy. President Nixon's latest response to the energy crisis is inadequate and puts an excessive burden on the American consumer. Although major savings in energy can be achieved by shutting down shopping centers and schools or relaxing environmental safeguards, I am convinced that a better course is the simple, inexpensive way of insisting that products and systems which consume energy are manufactured and designed so that they utilize energy in the most efficient manner consistent with other design requirements. In addition, many Federal policies currently encourage energy waste. Changes in FHA building standards and transportation and public utility regulatory policies can lead to major energy savings. The burden of energy conservation should be placed on industry and government as well as on the consumer.

Also included in the bill is a plan to establish a Council on Energy Policy to coordinate Federal activities in energy. The administration's efforts in this area have been a total disaster. There has been no effective coordinating or planning effort and as a result the administration is totally unprepared to deal with the Arab oil cutoff.

Mr. President, I thank my colleagues on the Committee on Commerce for their unified support on this bill. I hope that the entire Senate will consider and approve this landmark legislation.

Mr. President, I ask unanimous consent that the text of the bill as reported be printed at this point in the RECORD.

There being no objection, the bill, as reported from the Committee on Commerce, was ordered to be printed in the RECORD, as follows:

S. 2176

FORMAL PROVISIONS

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Fuels and Energy Conservation Act of 1973".

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Sec. 612. Government procurement.
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Sec. 614. Relationship to antitrust laws.
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Sec. 15. Products imported and exported.
Sec. 16. Authorization of appropriations.

STATEMENT OF PURPOSES, FINDINGS AND POLICY

SEC. 2. (a) The purposes of this Act are: to declare a national policy of conserving fuels and energy resources through more efficient conversion and use; to make energy conservation an integral part of all ongoing programs and activities of the Federal Government; to establish a Council on Energy Policy in the Executive Office of the President and an Office of Energy Conservation in the Department of the Interior; to promote energy conservation efforts through specific directives to agencies of the Federal Government and sectors of private industry; to encourage greater private energy conservation efforts through purchasing policies of the various agencies of the Federal Government; to encourage the allocation of energy resources to their most efficient economic use; and to provide for the development of additional energy conservation programs pursuant to the policy set forth in this Act.

(b) The Congress recognizes that: (i) adequate supplies of energy at reasonable cost are essential to the growth of the United States economy and the maintenance of a high standard of living; (ii) the availability of low-cost energy has stimulated energy consumption and waste through inefficient use; (iii) expanding increases in energy consumption in the United States, which already uses almost one-third of the world's energy with only one-sixteenth of its population, raise serious policy issues; (iv) the finite nature of energy resources and diminishing reserves of fuels pose major questions of domestic and international policy; (v) increasing dependence on energy supplies imported from foreign sources has created serious economic and national security problems; (vi) a continuation of the present expansion of demand for energy in all forms will have serious adverse social, economic, political, and environmental impacts; (vii) the adoption at all levels of government of laws, policies, programs, and procedures to conserve energy and fuels could have an immediate and substantial effect in reducing the rate of growth of energy demand and minimizing such adverse impacts; and (viii) realistic pricing of energy in all forms will have a major effect in reducing energy consumption and waste.

(c) The Congress hereby declares that it is in the national interest for, and shall be the continuing policy of, the Federal Government to foster and promote comprehensive national fuels and energy conservation programs and practices in order to better assure adequate supplies of energy and fuels to consumers, reduce energy waste, conserve natural resources, and protect the environment.

(d) Every agency of the Federal Government shall have the continuing responsibility of implementing the policy and purposes set forth in this Act. Each such agency shall, where its proposed programs and policies will substantially affect energy consumption, consider and adopt practicable alternatives for conserving energy. Each agency shall review its statutory authority, regulations, policies, procedures, and programs in order to determine what changes may be required to assure conformity with the policy and purposes of this Act and shall report the results of its review, together with recommendations for necessary changes, to the President and the Congress within one year from the date of enactment of this Act.

COUNCIL OF ENERGY POLICY

SEC. 3. (a) The Congress finds and declares that—

(1) there are many Federal agencies, created at different times and for different purposes to handle specialized problems, all directly or indirectly involved in the establishment of energy policy;

(2) there is no comprehensive national energy policy but instead Federal energy activities consist of a myriad of laws, regulations, actions and inactions resulting in narrow, short range, and often conflicting decisionmaking by individual agencies without adequate consideration of the impact on the overall energy policy, nor future national energy needs; and

(3) as a consequence of not having a comprehensive national energy policy, the Nation faces mismanagement of energy resources, unacceptably high adverse environment impacts, inadequate incentives for efficient utilization and conservation of energy resources, shortages of supply, and soaring energy prices.

(b) Therefore, it is declared to be the purpose of the Congress to protect and promote the interest of the people of the United States as energy users by establishing a Council on Energy Policy to serve as a focal point for—

(1) the collection, analysis, and interpretation of energy statistics and data necessary to formulate policies for wise energy management and conservation and to anticipate social, environmental, and economic problems associated with existing and emerging energy technologies;

(2) the coordination of all energy activities of the Federal Government, and provision of leadership to State and local governments and other persons involved in energy activities; and

(3) the preparation, after consultation with other interested organizations and agencies, of a long-range comprehensive plan (hereinafter referred to as the 'Energy Plan') for energy development, utilization and conservation to foster improvement in the efficiency of energy production and utilization, reduction of the adverse environmental impacts of energy production and utilization, conservation of energy resources

for the use of future generations, reduction of excessive energy demands, and development of new technologies to produce clean energy.

(c) (1) The policies, regulations, and public laws of the United States shall be interpreted and administered to the fullest extent possible in accordance with the policies set forth in this section; and

(2) All agencies of the Federal Government shall to the fullest extent possible—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of both physical and social sciences in producing, conserving, and utilizing the Nation's energy resources:

(B) submit prior to the review process established pursuant to the Budget and Accounting Act of 1972, as amended, to the Council on Energy Policy established by this section for comment all legislative recommendations and reports, to the extent that such recommendations and reports deal with or have a bearing on energy matters;

(C) gather data and information pursuant to guidelines promulgated by the Council on Energy Policy; develop analytical techniques for the management, conservation, use, and development of energy resources, and make such data available to the Council on Energy Policy;

(D) recognize the worldwide and long-range character of energy concerns and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to foster international cooperation in anticipating and resolving energy-related problems;

(E) include in every recommendation or report to Congress on proposals for legislation and other major Federal actions having a significant effect on energy availability or use a detailed statement by the responsible official on whether such a proposal or action is consistent with the energy plan formulated by the Council on Energy Policy pursuant to this section. If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action; and

(F) prepare, if required by guidelines promulgated by the Council on Energy Policy, an energy resource statement by the responsible official on the effect of the proposed activity on the Nation's overall energy posture.

(d) There shall be established in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the Council). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure by and with the advice and consent of the Senate. The President shall at the time of nomination designate one of the members of the Council to serve as Chairman. Each member shall be a person, who as a result of his training, experience, and attainment, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in light of the energy needs of the Nation; to be conscious of and responsive to the environmental, social, cultural, economic, scientific, and esthetic needs and interests of the Nation; and to formulate a national energy plan and recommend national policies with respect to wise energy management.

(e) (1) The Council shall serve as the principal adviser to the President on energy policy and shall exercise leadership in the formulation of Government policy concerning domestic and international issues relating to energy.

(2) The Council shall make recommendations to the President and the Congress for resolving conflicts between the policies relating to energy of different Federal agencies.

(3) The Council shall develop within eighteen months after the date of enactment of this Act and thereafter shall annually update an Energy Plan for energy development, utilization, and conservation in the United States to carry out the purposes as stated in subsection (b) of this section. Copies of such plans shall be distributed on January 1 of each year to the President, to the Congress, and to all Federal and State agencies concerned with energy, and upon request to local agencies and nongovernmental entities.

(4) The Council shall promptly review all legislative recommendations and reports sent to Congress and the accompanying energy resource statements of Federal agencies, required by paragraph 7, to the extent that such recommendations and reports have a bearing on energy matters, and it shall send to the President and the involved Federal agency a statement in writing of its position and the reasons therefor.

(5) The Council shall keep Congress fully and currently informed of all of its activities. Neither the Council nor its employees may refuse to testify before or submit information to Congress or any duly authorized committee thereof.

(6) The Council shall conduct annual public hearings on the Energy Plan and may hold public hearings when there is substantial public interest in other pending matters.

(7) Within 6 months after the date of enactment of this Act and after published notice in the Federal Register and opportunity for comment, the Council shall promulgate guidelines for the preparation of energy resource statements by other Federal agencies. Such guidelines shall be implemented by all Federal agencies within 6 months after their promulgation by the Council. Such guidelines are to be designed to avoid duplication of effort, distinguish between regulatory and nonregulatory activities, contain criteria for determining when an activity is a major Federal activity that affects energy availability and specify the content and nature of the analysis to be required in the energy resource statements. The provisions of this paragraph and of paragraph (2) (F) of subsection (c) of this section shall be enforceable by the Council only. Nothing contained herein shall be construed as authorizing any court to grant injunctive or other relief to any person for failure to comply with its provisions.

(8) In carrying out its collection, analysis, and interpretation of energy statistics function, the Council shall, as quickly as possible and after appropriate study, promulgate guidelines for the collection and initial analysis of energy data by other Federal agencies, after published notice in the Federal Register and opportunity for comment. Such guidelines shall be designed to make such data compatible, useful, and comprehensive. Where relevant data is not now available or reliable and is beyond the authority of other agencies to collect, then the Council shall recommend to the Congress the enactment of appropriate legislation. Pending congressional consideration, the Council may gather such data directly. The Council shall have the power to require by special or general orders any person to submit in writing such energy data as the Council may prescribe. Such submission shall be made within such reasonable period and under oath or otherwise as the Council may direct.

(f) (1) In exercising its powers, functions, and duties, the Council shall—

(A) consult with representatives of science, industry, agriculture, labor, conservation organizations, State and local governments, and other groups, as it deems advisable; and

(B) employ a competent, independent staff which shall utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, to avoid duplication of effort and expense, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by other agencies.

(2) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

(3) The Council may employe such officers and employees as may be necessary to carry out its functions. The Council may also employ and fix the compensation of such experts, consultants, or contractors to conduct detailed studies as may be necessary for the carrying out of its functions to the same extent as is authorized under section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(g) The Council shall prepare and submit to the President and the Congress on or before January 1, 1974, and annually thereafter, an energy report to accompany the Energy Plan. This report shall include—

(1) an estimate of energy needs of the United States for the ensuing ten-year period to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation;

(2) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economic manner with due regard for the protection of the environment, the conservation of natural resources, and the implementation of foreign policy objectives;

(3) current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation;

(4) a catalog of research and development efforts funded by the Federal Government to develop new technologies, to forestall energy shortages, to reduce waste, to foster recycling, and to encourage conservation practices; and recommendations for developing technology capable of improving the quality of the environment, increasing efficiency, and protecting employee health and safety in energy industries;

(5) recommendations for improving the energy data and information available to the Federal agencies by improving monitoring systems, standardizing data, and securing additional needed information;

(6) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices), employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of this section; and

(7) recommendations concerning the level of funding for the development and application of new technologies, as well as new procedures and practices which the Council may determine to be required to achieve the purposes of this section and improve energy management and conservation together with recommendations for additional legislation.

(h) (1) Copies of any communications, documents, reports, or information received or sent by any member of the Council shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released under the terms of paragraph (2) of this subsection.

(2) The Council or any officer or employee of the Council shall not disclose information obtained under this section which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be dis-

closed in a manner designed to preserve its confidentiality—

(A) to other Federal Government departments, agencies and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) to a court in any judicial proceeding under court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(D) to the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to whom the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons be made public without their express written consent. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(i) (1) The Comptroller General of the United States shall continuously monitor and evaluate the operations of the Council including its reporting requirements. Upon his own initiative or upon the request of a committee of the Congress or, to the extent personnel are available, upon the request of a Member of the Congress, the Comptroller General shall (A) conduct studies of existing statutes and regulations governing Federal energy programs, (B) review the policies and practices of Federal agencies administering such programs, (C) review and evaluate the procedures followed by such agencies, in gathering, analyzing, and interpreting energy statistics, data, and information related to the management and conservation of energy, including but not limited to data related to energy costs, demand, industry structure, environmental impacts and research and development, and (D) evaluate particular projects or programs. The Comptroller General shall have access to such data from any public or private source whatever, notwithstanding the provisions of any other law, as is necessary to carry out his responsibilities under this section and shall report to the Congress at such times as he deems appropriate with respect to Federal energy programs, including his recommendations for such modifications in existing laws, regulations, procedures, and practices as will in his judgment, best serve the Congress in the formulation of a national energy policy.

(2) In carrying out his responsibilities as provided in paragraph (1) of this subsection, the Comptroller General shall give particular attention to the need for improved coordination of the work of the Federal Government related to energy policies and programs and the attendant need for a central source of energy statistics and information.

(3) The Comptroller General or any of his authorized representatives in carrying out his responsibilities under this section shall have access to any books, documents, papers, statistics, data, information, and records of any private organization relating to the management and conservation of energy, including but not limited to energy costs, demand, supply, reserves, industry structure, environmental impacts, and research and development. The Comptroller General may require any private organization to submit in writing such energy data as he may prescribe. Such submission shall be made within such reasonable period and under oath or otherwise as he may direct.

(4) To assist in carrying out his responsibilities, the Comptroller General may sign and issue subpoenas requiring the production of the books, documents, papers, statistics, data, information, and records referred to in paragraph (3) of this subsection.

(5) In the case of contumacy, or refusal to obey a subpoena of the Comptroller General issued under this section, by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such district court shall, upon the request of the Comptroller General, have jurisdiction to issue to such person an order requiring such person to comply forthwith. Failure to obey such an order is punishable by such court as a contempt of court.

(6) Reports submitted by the Comptroller General to the Congress shall be available to the public at reasonable cost and upon identifiable request, except that the Comptroller General may not disclose to the public any information which could not be disclosed to the public by the Council under the provisions of subsection (h) (2) if the information were held by the Council.

(j) (1) There are authorized to be appropriated to carry out the provisions of this section not to exceed $1,000,000 for fiscal year ending June 30, 1974, $2,000,000 for fiscal year ending June 30, 1975, and $4,000,000 for each fiscal year thereafter.

(2) All sums appropriated under this section shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

OFFICE OF ENERGY CONSERVATION

SEC. 4. (a) There is hereby established in the Department of the Interior the Office of Energy Conservation.

(b) The Office of Energy Conservation shall have a Director who shall be appointed by the President by and with the advice and consent of the Senate and such other officers and employees as may be required: *Provided*, That any incumbent Director occupying the office upon the date of enactment of this Act shall not be subject to the advice and consent of the Senate. The Director shall have such duties and responsibilities as the Secretary of the Interior may assign and shall be compensated at the rate provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5315).

(c) The Secretary of the Interior, acting through the Office of Energy Conservation, shall—

(1) work with the Council on Environmental Quality in developing new energy conservation initiatives for the Federal Government;

(2) cooperate with private industry in developing energy conservation programs in industry;

(3) provide assistance to State governments in the development of State energy conservation programs;

(4) conduct and promote educational programs to foster public awareness of energy conservation needs and opportunities;

(5) conduct a continuing study of, and maintain current statistics on, patterns of energy consumption; and

(6) prepare an annual report to the President and the Congress on his activities and the activities of other Federal agencies in implementing the policy and purposes of this Act. The report shall also review progress in energy conservation for major categories of energy use, and recommend additional energy conservation measures for each such category.

RESEARCH AND DEVELOPMENT

SEC. 5. (a) The Director of the National Science Foundation shall coordinate the energy conservation research and development programs of the Federal Government, identify energy conservation research and development opportunities and make recommendations to the President and the Congress for additional research and development programs necessary to achieve the policy and purposes of this Act.

(b) The Secretary of Commerce is authorized to establish within the National Bureau of Standards an energy conservation research and development program to stimulate, through process testing, field demonstrations, and other means, new or improved manufacturing and industrial processes, better building construction, materials, and techniques; as well as new or improved residential and nonresidential appliances and equipment; and to foster more efficient methods of managing energy use.

(c) The Secretary of the Interior is authorized to establish, using existing facilities of the Federal Government for the production and transmission of electrical energy, one or more electrical equipment testing and development centers for the purpose of developing and testing more efficient methods and equipment for the production and transmission of electric energy.

(d) The research programs authorized by this section shall be coordinated to the fullest extent possible with existing governmental and industrial research and development programs.

(e) For the purposes of subsections (b) and (c) of this section, there are authorized to be appropriated $8,000,000 and $4,000,000, respectively, for each of the first three fiscal years following the enactment of this Act.

FEDERAL BUILDING AND PROCUREMENT POLICIES

SEC. 6. (a) The Administrator of the General Services Administration is authorized and directed in the design, construction, and operation of all Federal buildings to utilize to the fullest extent practicable equipment, methods of construction, and management policies which make the maximum efficient use of energy. The factors to be considered by the Administrator in implementing this section shall include but are not limited to—

(1) design of buildings for life cycle cost rather than initial cost;

(2) design of buildings to be as self-contained as possible;

(3) possible use of exhaust air to precondition incoming air and use of waste heat from utility sources;

(4) reduced illumination levels;

(5) provision for sufficient zones of temperature control within buildings; and

(6) location of buildings near existing or planned mass transit facilities.

(b) The Administrator is authorized to carry out demonstration projects to test and demonstrate methods, policies, and techniques developed pursuant to this section.

(c) The Administrator shall appoint an advisory committee of experts, including architects, engineers, economists, and builders, to advise him in implementing the requirements of this section.

(d) The Administrator shall prepare and submit biennial reports to the President and Congress on the results of the program established pursuant to subsections (a) and (b) of this section. Such reports shall include a description of equipment, methods of construction, and operating practices used to achieve energy conservation, including comparisons of energy consumption and costs for buildings in which such equipment, methods, or policies are and are not used.

(e) The Administrator is authorized and directed to develop, publish, and implement energy conservation guidelines for all Federal procurement. These guidelines shall be designed to assure that efficient energy use becomes a major consideration in all Federal procurement and shall be followed by all Federal agencies.

(f) The provisions of subsection (a) and subsection (e) of this section shall apply, to the extent consistent with the requirements of national security, to all the construction and procurement policies of the Department of Defense.

BUILDING STANDARDS AND CODES

SEC. 7. (a) The Secretary of Housing and Urban Development is authorized and directed to develop, in cooperation with the National Bureau of Standards and the General Services Administration, improved general performance standards and specific design, lighting, and insulation standards to promote efficient energy use in residential, commercial, and industrial buildings.

(b) The Secretary is authorized and directed to prepare, in cooperation with the National Bureau of Standards and the General Services Administration, model building codes for different types and classes of buildings, incorporating the most practicable standards possible for efficient energy use in differing regional environments. Such codes shall, to the extent possible, specify the energy conservation which may be achieved by adopting the practices recommended therein.

(c) Within six months from the date of enactment of this Act, the Secretary shall review and revise the existing minimum property standards of the Federal Housing Administration to incorporate therein the most advanced practicable standards for efficient energy use, including the most advanced practicable space conditioning and major appliance standards. Such standards shall thereafter be reviewed and where necessary revised not less than once every three years to include new or improved techniques for more efficient energy use.

TRUTH IN ENERGY

SEC. 8. (a) The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by—

(1) striking out section 18 thereof in its entirety;

(2) amending section 1 thereof by inserting at the beginning of the first sentence thereof the following: "(b)";

(3) inserting a new section 1(a) thereof as follows:

"(a) This Act may be cited as the 'Federal Trade Commission Act'."; and

(4) adding at the end thereof the following new sections:

"SEC. 18. (a) The Congress finds and declares that—

"(1) The Nation is facing an energy shortage of acute proportions in the decade following the date of enactment of this section. The problem has already manifested itself in different geographical areas in the form of power blackouts and brownouts, school closings because of a scarcity of fuel, and shortages of gasoline for automobiles and fuel for farm equipment.

"(2) A significant easing of the energy problem can be achieved by elimination of wasteful uses of energy, promotion of more effective uses of energy, and education of consumers as to the importance of conserving energy.

"(3) Climate conditioning systems and household products such as water heaters, room air-conditioners, refrigerators, freezers, stoves, and clothes dryers use significant quantities of energy. Substantial reductions are possible in the energy consumption of many of these systems and products if more attention is paid to energy usage in their design and in their use by consumers.

"(4) Many owners of major energy-consuming products and climate conditioning systems do not know nor can they readily discover prior to purchase how much each such product or system will cost each year to operate (in terms of energy charges) nor are they able to compare, in terms of operating cost, competing products or systems using different energy sources.

"(b) Since informed consumers are essential to the fair working of the free enterprise system and to the maintenance of balance between the supply of and the demand for energy, it is hereby declared to be the intent of Congress to assure, through a uniform national system, noncompliance with which shall be an unfair or deceptive act or practice, meaningful disclosure of the annual operating cost of certain products and systems, so that consumers can readily compare them and thereby avoid purchasing those which unnecessarily waste energy.

"SEC. 19. As used in sections 18 through 24 of this Act—

"(1) 'Annual operating cost' means, with respect to a major energy-consuming household product or climate conditioning system, the estimated cost of electricity or fuel needed for normal usage during a calendar year as determined in accordance with the provisions of section 20 of this Act.

"(2) 'Climate conditioning system' means any system which is designed to be installed or is installed in a previously occupied building for the purpose of artificially controlling temperature or humidity levels within such building or portion thereof. Such a system is characterized as being composed of a number of components (such as piping, ducting, furnaces, boilers, fans, heaters, compressors, pumps, controls, and working fluids, such as air, other gases, water, steam, oils, and refrigerants) which are not designed for or are incapable of controlling temperature or humidity levels within such building until and unless they are connected or combined together.

"(3) 'Communications medium' means any printed or electronic means of communication which reaches significant numbers of people including, but not limited to, newspapers, journals, periodicals, publications, radios, televisions, films, or theaters.

"(4) 'Fuel' means butane, coal, diesel oil, fuel oil, gasoline, natural gas, propane, or steam obtained from a central source; or any other substance, which, when utilized, is capable of powering a major energy-consuming household product or climate conditioning system.

"(5) 'Major energy consuming household product' means a product which: (A) is sold or intended to be sold for use in a residence; (B) is utilized or intended to be utilized for a major residential end use of energy; (C) functions when connected to a readily available source of energy external to the product; and (D) requires, based on average patterns of usage as determined in accordance with section 20 of this Act, more than 200 kilowatt-hours per year or in the case of a product powered by fuel, more than 2,000,000 British thermal units per year.

"(6) 'Major residential end use of energy' means one of the following residential uses of energy: (A) space heating; (B) water heating; (C) cooking; (D) clothes drying; (E) refrigeration; (F) air-conditioning; and (G) any other residential use of energy that the Secretary determines, by a proceeding pursuant to section 20(i) of this Act, to be included to meet the purposes of this Act.

"(7) 'Supplier' means any manufacturer, importer, wholesaler, direct sale merchandiser, distributor, or retailer of any new major energy consuming household product, or any engineer or contractor who is designing a climate conditioning system for use in a previously occupied building.

"SEC. 20. (a) The Secretary of Commerce, within 6 months after the date of enactment of this section, in a proceeding pursuant to subsection (i) of this section, shall identify those products which are major energy consuming household products.

"(b) For each major energy consuming household product identified under subsection (a) of this section, the Secretary of Commerce, within 18 months after the date of enactment of this section, in a proceeding pursuant to subsection (i) of this section, shall define an average-use cycle, and devise a procedure for testing or for calculations based upon tests by which an average-use cycle of a product may be simulated and the energy utilized during such cycle measured. In developing such definition and procedures, the Secretary of Commerce shall consult with appropriate professional engineering societies, and organizations representing the manufacturers of major energy consuming household products in order to enable him to make the best possible utilization of appropriate existing testing procedures and professional expertise.

"(c) The Secretary of Commerce shall direct each manufacturer and importer of each major energy consuming household product identified under subsection (a) of this section to conduct tests on all applicable models of such products in accordance with the procedure established under subsection (b) of this section. Beginning 30 months after the date of enactment of this section, such manufacturers and importers shall furnish the results of such tests, in the form of energy utilized per average-use cycle, to the Commission and such Secretary and shall include such results as part of the information shipped with each such product to all the suppliers who carry such product.

"(d) The Secretary of Commerce, within 18 months after the date of enactment of this section, in a proceeding pursuant to subsection (i) of this section, shall develop and maintain, on a regional, national, or other basis which he finds appropriate in such proceeding, information on the estimated (1) number of average-use cycles performed annually by each major energy consuming household product identified under subsection (a) of this section; and (2) average unit cost of energy for those circumstances under which such products are expected to be utilized. Such costs shall be computed on the basis of energy cost figures which shall be supplied to such Secretary by the Federal Power Commission and the Secretary of the Interior.

"(e)(1) The Secretary of Commerce shall, beginning 18 months after the date of enactment of this section and on an annual basis thereafter, disseminate to all manufacturers and importers of major energy consuming household products the information developed under subsection (d) of this section. Such information shall be accompanied by instructions and computational aids for determining the annual operating cost of a given major energy consuming household product in accordance with the procedure established under subsection (f) of this section.

"(2) If, for any particular major energy consuming household product, the Secretary of Commerce develops such information on a national basis, the determination of the annual operating cost shall be made by the manufacturers or importers, and the annual operating cost figures shall be included by the manufacturers or importers as part of the material shipped with each such product to all the suppliers who carry such product.

"(3) For major energy consuming household products, other than those referred to in paragraph (2), the manufacturers and importers shall forward such information, instructions and computational aids to all the suppliers who carry such product. Suppliers engaged in the business of selling new major energy consuming household products for purposes other than resale shall make the determination of the annual operating costs.

"(4) Within 36 months after the date of enactment of this section, and periodically thereafter when a revision is deemed necessary or appropriate, a compilation of information provided to or developed by the Secretary of Commerce under subsections (c) and (d) of this section shall be published by the Commission in a public document to be placed on sale at the Government Printing Office. The Commission shall take steps to encourage the widest possible distribution of such document and any revision thereof.

"(f) The annual operating cost of any major energy consuming household product shall be determined by multiplying the energy utilized per average-use cycle, as determined under subsection (c) of this section, by the number of average-use cycles per annum multiplied by the average unit cost of energy, as determined under subsection (d) of this section.

"(g) The Secretary of Commerce, within 18 months after the date of enactment of this section, in a proceeding pursuant to subsection (i) of this section, shall establish model calculation procedures for use by suppliers in determining the annual operating costs of climate conditioning systems. In developing such procedures, he shall consult with appropriate professional engineering societies, and organizations representing the climate conditioning industry so as to allow the best possible utilization by him of appropriate existing calculation procedures and professional expertise. The model calculation procedures developed under this subsection shall be distributed or otherwise made available by the Secretary at reasonable cost to all applicable suppliers and other interested persons.

"(h) The annual operating cost shall be determined at the time the price is stated or advertised upon the basis of the most recent information provided the supplier in accordance with subsection (c) and (e) of this section.

"(i) Except as provided in this subsection, a proceeding shall be conducted in accordance with the provisions of section 553 of title 5, United States Code. Notice and a public hearing are required, and a record of the proceeding shall be maintained. The proceeding shall be structured to proceed as expeditiously as possible, while permitting all interested persons an opportunity to present their views. Participants shall be given a right to cross-examine on matters directly related to the proposed rule, and the Secretary or the Commission may set such conditions and limitations on cross-examination as are deemed necessary to assure fair and expeditious consideration of the contested issues. All testimony shall be presented by affidavit or orally under oath, pursuant to regulations issued by the Secretary or the Commission; where appropriate, persons with the same or similar interests may be required to appear together by a single representative. Each rule issued by the Secretary or the Commission shall be based on substantial evidence in the record taken as a whole and at the conclusion of a proceeding pursuant to this subsection shall be published forthwith in the Federal Register.

"Sec. 21. (a) Beginning 36 months after the date of enactment of this section, it shall be unlawful for any supplier to sell or offer for sale in commerce for purposes other than resale any new major energy consuming household product or climate conditioning system, unless the annual operating cost of such product or system is disclosed by the supplier prior to any such sale. Such disclosure shall appear on the same label, tag, shelf, display case, counter, contract, estimate, proposal, direct-mail statement or any other place on which the purchase price or acquisition cost of such product or system is stated, in accordance with rules established by the Commission: *Provided*, That if annual operating costs are significantly different in different sections of the country, communications covering more than one such section in the form of mail-order literature, catalogs, brochures, or other media which contain price data may, instead, disclose clearly and conspicuously that the annual operating costs of the products covered by this Act may be obtained from the supplier.

"(b) Beginning 36 months after the date of enactment of this section, it shall be unlawful for any supplier to advertise or cause to be advertised in commerce any new major energy consuming household product through any communications medium, if such advertisement states the purchase price or acquisition cost of such product, unless the advertisement includes a statement of the annual operating cost of such product in accordance with rules established by the Commission: *Provided*, That if annual operating costs as determined in accordance with section 20(f) of this Act are significantly different in different sections of the country, price advertising covering more than one such section may, indeed disclose clearly and conspicuously that the annual operating costs of the products covered by this Act may be obtained from the supplier.

"(c) It shall be unlawful for any supplier to knowingly give false or misleading information to the Commission, the Secretary of Commerce, or any prospective purchaser with respect to the annual operating cost of any new major energy consuming household product or climate conditioning system or, in the case of a manufacturer or importer, with respect to tests conducted in accordance with section 20(c) of this Act.

"(d) It shall be unlawful for any supplier to fail to comply with any requirement imposed by any rule or regulation issued under this section or section 20 of this Act.

"(e)(1) No requirement with respect to disclosure of the annual operating cost of a new major energy consuming household product shall be applicable to any such product which is shipped in commerce by a manufacturer or importer until 30 months after the date of enactment of this section.

"(2) The Commission may by rule prohibit a supplier from stockpiling any new major energy consuming household product prior to the date of applicability, under paragraph (1) of this subsection, of any requirement with respect to disclosure of the annual operating cost of such product. For the purposes of this paragraph, 'stockpiling' means shipping a new major energy consuming household product between the date of promulgation of a testing procedure for such product and 30 months after the date of enactment of this section at a rate which is significantly greater (as determined under the rule under this paragraph) than the rate at which such product was shipped during a base period (prescribed in the rule under this paragraph) ending before the date of promulgation of the testing procedure.

"(f) Nothing in this section shall be construed to give rise to a cause of action for rescission of any contract or for damages, unless the supplier fraudulently or knowingly gave the client or purchaser false information on annual operating costs, and such client or purchaser reasonably relied thereon to his detriment in entering upon such contract.

"(g) Nothing in this section shall be deemed to prohibit a supplier or an advertiser from representing orally or in writing that the annual operating costs required to be disclosed by this section are based on average patterns of usage and should not be construed as a precise calculation of annual operating costs to be experienced by an individual purchaser.

"Sec. 22. (a) Violation of any disclosure provision of section 20 or 21 of this Act shall constitute an unfair or deceptive act or practice under section 5 of this Act and shall be subject to proceedings thereunder.

"(b) The district court of the United States shall have jurisdiction without regard to the amount in controversy or the citizenship of the parties to restrain any violation of section 20 or 21 of this Act. Such actions may be brought by the Commission or, where applicable, the Secretary of Commerce in any district court of the United States for a judicial district in which the defendant resides, is found, or transacts business or in which the alleged violation occurred. In any such action, process may be served in any judicial district in which a defendant resides or is found.

"(c)(1) Any person may commence a civil action on his own behalf against (A) any supplier who is alleged to be in violation of any provision of section 20 or 21 of this Act or any regulation thereunder; or (B) the Secretary of Commerce or the Commission where there is an alleged failure of either to perform any act or duty under such sections which is not discretionary. The district courts of the United States shall have jurisdiction without regard to amount in controversy or citizenship of the parties to grant mandatory or prohibitive injunctive relief or interim equitable relief to enforce such provisions with respect to any supplier or to order the Secretary of Commerce or the Commission to perform any such act or duty. Such court, in issuing any final order in an action brought under this subsection, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such an award is appropriate. No action may be commenced under this subsection prior to 60 days after the plaintiff has given notice of the alleged violation to the appropriate supplier, the Secretary of Commerce, and the Commission.

"(2) In any action under this subsection, the Commission, if not a party, may intervene as a matter of right.

"(3) Nothing in this subsection shall restrict any right which any person or class of persons may have under any other statute or at common law to seek enforcement of any provision of this Act or regulation thereunder or any other relief.

"Sec. 23. (a) It is hereby declared to be the express intent of Congress to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for the disclosure of energy consumption, energy efficiency, efficiency ratio, or annual operating cost of any new major energy consuming household product or climate conditioning system if there is in effect and applicable a Federal disclosure requirement with respect to such product or system.

"(b) Upon petition by any State, or political subdivision thereof, the Commission may, by rule, after notice and opportunity for presentation of views, exempt from the provisions of this subsection, under such conditions as it may impose, any State or local requirement that (1) affords protection to consumers greater than that provided in the applicable Commission rule; (2) is required by compelling local conditions; and (3) does not unduly burden commerce. The Commission shall maintain continuing jurisdiction with respect to those States or political subdivisions thereof which are specifically exempted under this subsection. Any such exemption granted by the Commission may be withdrawn by it whenever it is determined that the State or political subdivision thereof is not efficiently enforcing its requirements or that such exemption is no longer in the public interest.

"Sec. 24. (a) On July 1 of the year following the year in which this Act is enacted and every year thereafter as part of their annual reports, the Secretary of Commerce and the Commission shall report to the Congress and to the President on the progress made in carrying out the purposes of sections 18 through 23 of this Act.

"(b) The provisions of sections 18 through 24 of this Act shall terminate upon the adoption of a concurrent resolution by the Congress with a determination that the findings set forth in section 18(a) of this Act are no longer applicable.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 18 through 24 of this Act, not to exceed $2,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976."

AUTOMOBILE FUEL ECONOMY STANDARDS

Sec. 9. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended by adding at the end thereof the following new title:

"TITLE V—FUEL ECONOMY

"SHORT TITLE

"SEC. 501. This title may be cited as the 'Automobile Fuel Economy Act'.

"DECLARATION OF POLICY

"SEC. 502. (a) FINDINGS.—The Congress finds and declares that—

"(1) A serious shortage of refined petroleum products is emerging in the United States.

"(2) The need to import petroleum from foreign nations is causing the Nation substantial international trade deficits in fuels.

"(3) This shortage and trade deficit necessitates reducing wasteful and unnecessary use of petroleum and petroleum products.

"(4) Automobiles are a major user of petroleum products.

"(5) The low fuel economy of many automobiles today is unnecessary since significant increases in fuel economy can be achieved without sacrificing environmental or safety standards and without restricting travel patterns.

"(b) PURPOSES.—Therefore, it is hereby declared to be the purpose of the Congress to—

"(1) encourage the development, manufacture, and sale of automobiles which are more economical to operate in terms of the amount of fuel consumed per mile traveled;

"(2) increase the industrywide average fuel economy for new automobiles by at least 50 per centum by 1984 in comparison to the industrywide average fuel economy for new automobiles in 1974, so that the contribution made by the automobile to the rate of growth of the total annual consumption of petroleum products in the United States will be minimized;

"(3) make the Nation self-sufficient in fuel supplies for automotive transportation; and

"(4) promote and encourage new technologies which may aid in further realization of the foregoing objectives.

"DEFINITIONS

"SEC. 503. As used in this title—

"(1) 'Automobile' means a four-wheeled vehicle propelled by fuel which is manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails; and which has as its primary intended function the transportation of not more than ten individuals, except that the term 'automobile' shall not mean a multipurpose passenger vehicle, including a motor home, constructed on a truck chassis, truck chassiscab, or special chassis, or constructed through utilizing a truck or similar van.

"(2) 'Commerce' means commerce among the several States or with foreign nations or in any State or between any State and foreign nation.

"(3) 'Dealer' means any person engaged in the business of selling new automobiles to purchasers who buy for purposes other than resale.

"(4) 'Fuel' means any material or substance capable of propelling an automobile, including, but not limited to, regular and high-octane gasoline, diesel oil, kerosene, natural gas, and propane.

"(5) 'Fuel economy' refers to the average number of miles (kilometers) traveled by an automobile per unit of fuel consumed, as determined in accordance with test procedures established by the Department of Transportation by rule pursuant to section 553 of title 5, United States Code.

"(6) 'Industrywide average fuel economy' means the average fuel economy of all new automobiles sold or expected to be sold in all States in a given model year, which may or may not be weighted in accordance with regulations of the Secretary.

"(7) 'Manufacturer' means any person engaged in manufacturing, importing, or assembling automobiles.

"(8) 'Model' means an automobile of particular brand name, body dimensions, style, engine, and drive train.

"(9) 'Model year' means the period that runs from the date a model is introduced in commerce or first offered for sale to purchasers for purposes other than resale, to no later than December 31 of the next calendar year.

"(10) 'Secretary' means the Secretary of Transportation.

"(11) 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"MINIMUM STANDARD AND LONG-RANGE PLAN

"SEC. 504. (a) ESTABLISHMENT.—The Secretary shall, within 18 months after the date of enactment of this title, establish by rule pursuant to section 553 of title 5, United States Code, a minimum fuel economy standard for new automobiles introduced into commerce during and after the 1978 model year.

"(b) FACTORS.—In establishing the standard under subsection (a) of this section, the Secretary shall take into consideration the results of the studies conducted pursuant to section 12 of the National Fuels and Energy Conservation Act of 1973. Such standard shall be set at a level, which in the judgment of the Secretary, represents, to the extent that is technologically and economically feasible, the first step in an orderly progression towards achievement of the National purpose stated in section 502(b) of this Act.

"(c) LONG-RANGE PLAN.—The Secretary shall submit to Congress, no later than 18 months after the date of enactment of this title, a plan (which may include proposed minimum fuel economy standards for new automobiles introduced into commerce during model years subsequent to 1978, and recommendations for new legislation) for a program for achieving the national purpose stated in section 502(b) of this Act. In the development of such plan, the Secretary shall consider the results of the studies conducted pursuant to section 12 of the National Fuels and Energy Conservation Act of 1973. Any proposed minimum standard for fuel economy included in such plan shall be technologically and economically feasible and shall be promulgated by the Secretary pursuant to section 553 of title 5, United States Code, unless either House of Congress passes a resolution between the date of transmittal of such plan and the end of a 60-day period stating in substance that it disapproves of such plan.

"(d) AMENDMENT.—The Secretary may from time to time, upon the basis of new information, amend, modify, or revise any standard or plan established under subsection (a) or (c) of this section. Any amended standard shall be technologically and economically feasible and shall be issued at least 18 months prior to the commencement of the model year for which such amendment is to be applicable.

"(e) EXCEPTION.—The standard established in subsection (a) or (c) of this section shall not apply to any automobile which is intended solely for export (and is so labeled or tagged on the vehicle itself and on the outside of the container, if any) and which is exported.

"(f) JUDICIAL REVIEW.—

"(1) GENERAL.—Any person who may be adversely affected by any rule promulgated under this section may at any time prior to 60 days after such rule is promulgated file a petition in the United States Court of Appeals for the District of Columbia, or any circuit wherein such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of such court to the Secretary. The Secretary shall thereupon cause to be filed in such court the record of the proceedings upon which the rule which is under review was based, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

"(2) ADDITIONAL EVIDENCE.—If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his rule, with the return of such additional evidence.

"(3) FURTHER REVIEW.—The judgment of the court affirming or setting aside, in whole or in part, any such rule of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(4) OTHER REMEDIES UNIMPAIRED.—The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by law.

"DUTIES AND POWERS OF THE SECRETARY

"SEC. 505. (a) GENERAL.—(1) For the purpose of carrying out the provisions of this title, the Secretary, or his duly designated agent, may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable. The Secretary, or his duly designated agent, shall at all reasonable times have access to, and for the purpose of examination, the right to copy any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title. The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as he may prescribe.

"(2) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary, or his duly designated agent, issued under paragraph (1) of this subsection, issue an order requiring compliance with such subpena or order. Any failure to obey such an order of the court may be punished by such court as a contempt thereof.

"(3) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(b) INSPECTION.—(1) Every manufacturer shall establish and maintain such records, make such reports, conduct such tests, and provide such items and information as the Secretary may reasonably require to enable the Secretary to carry out his duties under this title and under any rules or regulations promulgated pursuant to this title. A manufacturer shall, upon request of a duly designated agent of the Secretary, permit such agent to inspect finished automobiles and appropriate books, papers, records, and documents. A manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe.

"(2) Any of the district courts of the United States within the jurisdiction of which an inspection is carried out or requested may, in the case of contumacy or refusal by any manufacturer to accede to any reasonable requirement or request of the Secretary, or his duly designated agent, issued or made under paragraph (1) of this subsection, issue an order requiring compliance with such requirement or request. Any failure to obey such an order of the court may be punished by such court as a contempt thereof.

"(c) Public Disclosure of Information.—The Secretary is authorized and directed to disclose as much of any information obtained under this section to the public as he determines will assist in carrying out the purposes of this Act, except that any information reported to or otherwise obtained by him which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, which if disclosed would result in significant competitive damage shall not be disclosed to the public (other than officers or employees concerned with carrying out this title, unless such information is relevant to any proceeding under this title. Nothing in this subsection shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

"(d) Representation.—Notwithstanding any other provision of law, in any action under this section, the Secretary may direct attorneys employed by him to appear and represent him.

"LABELING AND ADVERTISING

"Sec. 506. (a) Sticker.—Beginning no later than one model year after the establishment of a test procedure for fuel economy pursuant to subsection (5) of section 503 of this title, each manufacturer shall cause to be affixed and each dealer shall cause to be maintained on each new automobile, in a prominent place, a sticker indicating the fuel economy which a prospective purchaser can expect from such automobile, and the estimated average annual fuel costs associated with the operation of such automobile. The form and content of such sticker shall be determined by the Federal Trade Commission, pursuant to section 553 of title 5, United States Code.

"(b) Disclaimer.—Nothing in this section shall be deemed to prohibit a manufacturer or dealer from representing orally or in writing that the fuel economy or estimated average annual fuel costs required to be disclosed by this section are based on representative driving cycles as determined pursuant to paragraph (5) of section 503 of this title and should not be construed as a precise calculation of fuel economy or estimated average annual fuel costs to be experienced by an individual purchaser.

"(c) Advertising.—The Federal Trade Commission shall by rule, pursuant to section 553 of title 5, United States Code, direct that the information regarding fuel economy and average annual fuel costs which is required under subsection (a) of this section be a conspicuous part of any advertisement for new automobiles which mentions purchase price or acquisition cost of such automobile.

"(d) Conforming Amendments.—Section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) is amended by striking out in the first paragraph 'disclosing the following information concerning' and inserting in lieu thereof 'disclosing the information required by the Automobile Fuel Economy Act together with the following information concerning'.

"PROHIBITED CONDUCT

"Sec. 507. The following conduct is prohibited—

"(a) the failure to comply with any provisions of this title or any standard, rule, regulation, or order issued by the Secretary or Commission pursuant to this title;

"(b) the failure to provide information as required in accordance with this title;

"(c) the failure to permit inspection pursuant to this title;

"(d) the manufacture, processing, sale, distribution, or importation into the United States of any automobile whenever such manufacture, assembly, sale, distribution, or importation is known to be or should have been to be for use in violation of this title or any standard, rule, regulation, or order issued under this title. Each such act constitutes a separate violation of this section.

"ENFORCEMENT

"Sec. 508. (a) Unfair Trade Practice.—It shall be unlawful and a violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any person subject to the provisions of section 506 of this Act to fail to comply with any requirement imposed on him by or pursuant to such section.

"(b) Equitable Remedy.—The district courts of the United States shall have jurisdiction over any action brought by the Secretary, by any of his attorneys designated by him for such purpose, for a mandatory or prohibitive injunction to enforce any provision of this title or any standard, rule, regulation, or order thereunder or for equitable relief to redress a violation by any person of any provision of section 507 of this Act. The courts shall have jurisdiction to grant such relief as the equities of the case may require. Upon a proper showing, and after notice to the defendant, a temporary restraining order or preliminary injunction shall be granted without bond: *Provided*, That if a complaint is not filed within such period as may be specified by the court after the issuance of the restraining order or preliminary injunction, the order or injunction may, upon notice, be dissolved. Whenever it appears to the court that the interests of justice require that other persons should be parties in the action, the court may cause them to be summoned whether or not they reside in the judicial district in which the court is held, and to that end process may be served in any district. Upon the request of the Secretary, the Attorney General is authorized and directed to bring and maintain an action under this subsection.

"(c) Criminal Violation.—Any person who wilfully violates any provision of section 507 of this Act shall, on conviction, be fined not more than $25,000 for each violation, or be imprisoned for not more than one year, or both.

"(d) Civil Violation.—(1) Any person who violates any provision of section 507 of this Act other than wilfully shall be liable to the United States for a civil penalty in an amount which is not greater than $25,000 for each violation: *Provided*, That the amount of such civil penalty shall not exceed such person's ability to pay. The amount of such civil penalty shall be assessed by the Secretary after notice and an opportunity for an adjudicative hearing conducted in accordance with section 554 of title 5, United States Code, and after he has considered the nature, circumstances, and extent of such violation, the practicability of compliance with the provisions violated, and any good-faith efforts to comply with the provision violated.

"(2) Upon the failure of the offending party to pay such civil penalty, the Secretary may commence an action in the appropriate district court of the United States for such relief as may be appropriate or he may request the Attorney General to commence such an action.

"(c) Impoundment.—In case of any prohibited conduct under subsection (d) of section 507 of this Act, any involved automobile shall be liable to be proceeded against by the Secretary or, upon his request, the Attorney General, upon libel of information and condemned by any district court of the United States within the jurisdiction of which such automobile is found. Such automobile shall be liable to seizure by process pursuant to the libel. In cases under this subsection, the procedure shall conform, as nearly as practicable, to the procedure in cases of libel in admiralty. Any automobile condemned under this subsection shall, after entry of the decree, be disposed of by destruction: *Provided*, That after entry of the decree and upon the payment of the costs of such proceedings and the exclusion of a good and sufficient bond conditioned that such automobile shall not be sold or disposed of contrary to the provisions of this title, the court may by order direct that such automobile be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this title under the supervision of an officer or employee duly designated by the Secretary. The expenses of such supervision shall be paid by the person obtaining release of the automobile under bond. When a decree of condemnation is entered against the automobile, court costs and fees together with storage and other property expenses, shall be awarded against the person, if any, intervening as a claimant of the automobile.

"RELATIONSHIP TO STATE LAW

"Sec. 509 After the effective date of any standard; regulation or requirement under this title relating to fuel economy or fuel economy labeling of automobiles, no State or political subdivision thereof may adopt or enforce any standard, regulation or requirement relating to such matters, except that a State or political subdivision may adopt and enforce controls and regulations governing the use or operation of automobiles such as speed limit controls designed to conserve the use of fuel.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 510. There is hereby authorized to be appropriated for the purposes of carrying out the provisions of this Act such sums as are necessary, not to exceed $1,000,000 for the fiscal year ending June 30, 1974, and not to exceed $3,000,000 for the fiscal years ending June 30, 1975, and June 30, 1976.".

UTILITY ENERGY CONSERVATION REPORTS

Sec. 10. (a) Within six months from the date of enactment of this Act, the Federal Power Commission shall by rule on the record after opportunity for a public hearing promulgate regulations requiring electric and gas public utilities to submit to the Commission annual reports on energy conservation policies. The Commission shall make such reports readily available for public inspection.

(b) Each such report shall include—

(1) indication of the problems the utility is encountering in implementing an energy conservation program, such as regulatory or rate restrictions or other disincentives for energy conservation.

(2) a description of the utility's research effort directed toward the conservation of energy;

(3) an evaluation of the role of the utility's wholesale and retail rate structures in achieving conservation of energy;

(4) disclosure of system inefficiencies, including energy loss during transmission; and

(5) such other relevant information as the Commission may require.

FEDERAL GOVERNMENT ENERGY RATE STUDIES

SEC. 11. (a) Each agency of the Federal Government which produces or sells electrical energy or which certificates or licenses any person to produce electrical energy for sale is authorized and directed to prepare and submit to the Congress within twelve months from the date of enactment of this Act a comprehensive study of the impact of the policies of such agency on the efficiency of generation and on the consumption and conservation of energy. Each such study shall evaluate all relevant factors, including, but not limited to—

"(1) an identification of subsidies and other incentives which promote inefficient generation and unnecessary and wasteful energy consumption;

"(2) an indication of how various rate structures, rate changes, and methods of pricing might affect the efficiency of generation and consumption within the regions studied. Such methods shall include fuel cost adjustments, marginal cost pricing, and other pricing measures which may encourage increased efficiency of generation or decreased consumption of electrical energy;

"(3) an exploration of the price elasticity of electrical energy consumption within each region studied;

"(4) an analysis of the rate structure within each region studied, including its effect on design and use of less efficient power generation equipment;

"(5) an indication of whether metering or other measures might be improved or instituted to inform purchasers of electrical energy of their cost and of peak demand responsibilities;

"(6) recommendations for legislative, executive, and administrative actions in furtherance of the national policy declared in Sec. 2 of this Act.

(b) The Council on Energy Policy, established pursuant to section 3 of this Act, upon reviewing reports prepared pursuant to section 10 and subsection (a) of this section and in consultation with Federal and State agencies which establish or regulate rates for electricity or other forms of energy, shall prepare and submit to the Congress within two years of the date of enactment of this Act a study of the impact of such rates and energy prices generally on the consumption and conservation of energy. Such study shall discuss the factors set forth in subsection (a) of this section and any other factors deemed appropriate by the Council, and shall contain such recommendations for legislative and administrative action as the Council deems necessary.

TRANSPORTATION STUDIES

SEC. 12. (a) The Secretary of Transportation is authorized and directed to prepare and submit to Congress within nine months from the date of enactment of this Act, a report evaluating the potential for energy conservation in the transportation sector. Such report shall include the results of—

(1) a comprehensive study of automobile relationships between fuel economy, safety, characteristics and their effects on and the reliability, damage resistance, noise levels, and cost to automoible purchasers. Such study aspects of the foregoing factors, both to the individual automobile owner and to the Nation and shall identify combinations of such factors which provide for optimum automobile characteristics.

(2) a study of automobile usage in the United States in relation to other transportation modes and systems. The study shall include, but not be limited to, consideration of travel patterns, utility, and ways to better integrate the automobile into urban and intercity transportation systems including the prospects for dual mode transportation systems, and the extent to which a need exists for public assistance for research and development with respect to transportation modes other than the automobile.

(3) an investigation of the advisability of limiting maximum achievable speeds of motor vehicles and of imposing lower maximum speed limits on various types of roads in various parts of the country.

(4) an evaluation of the impact on fuel consumption of national and regional systems of commercial passenger and freight transportation. Such study shall include—

(A) an evaluation of the relationship between existing patterns of commercial passenger and freight transportation and energy use;

(B) an evaluation of the role of Federal, State, and local government transportation policies in creating and maintaining existing patterns of commercial passenger and freight transportation;

(C) an evaluation of the role of Federal rate regulation in encouraging commercial passenger and freight transportation practices which are inefficient in terms of fuel use; and

(D) an evaluation of the technological and economic feasibility of achieving at least a 50 per centum improvement within ten years of the industrywide average fuel economy for transportation vehicles; including airplanes, automobiles, buses, motorcycles, recreational vehicles, trains, trucks, and vessels. At the time of submission of the plan required under section 504 of the Motor Vehicle Information and Cost Savings Act, the Secretary shall also submit to Congress a plan (including recommendations for new legislation) for achieving such improvement.

(b) The Secretary of Transportation shall solicit the views of the Secretary of the Interior, the Administrator of the Environmental Protection Agency and other officers and agencies of the Federal Government during the course of such studies; and his report shall include recommendations, if any, for legislation needed to establish the policies and programs identified in such report as having the energy requirements.

AUTOMOTIVE RESEARCH AND DEVELOPMENT

SEC. 13. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) as amended by section 9 of this Act, is further amended by adding at the end thereof the following new title:

"TITLE VI—RESEARCH AND DEVELOPMENT

"SHORT TITLE

"SEC. 601. This title may be cited as the "Automotive Transport Research and Development Act of 1973".

"FINDINGS AND PURPOSES

"SEC. 602. (a) FINDINGS.—The Congress finds that—

"(1) Existing automobiles are inadequate to meet all of the long-term goals of this Nation with respect to protecting the environment and conserving energy.

"(2) With additional research and development, several alternatives to existing automobiles have the potential to be mass produced at a reasonable cost with significantly less environmental degradation and fuel consumption than existing automobiles while remaining compatible with other requirements of Federal law including, but not limited to, safety, noise control, and damage resistance.

"(3) Insufficient resources are being devoted to research and development of alternative automobiles and automobile components both by the Federal Government and the private sector.

"(4) An expanded research and development effort into alternative automobiles by the Federal Government would increase such efforts by the private sector and encourage automobile manufacturers to seriously consider alternatives to existing automobiles and automobile components.

"(5) Because of the urgency of the energy, air pollution, and other environmental problems, such alternative automobiles should be developed, tested, and prepared for manufacture within four years from the date of enactment of this Act.

"(b) PURPOSES.—Therefore, it is declared to be the purpose of the Congress (1) to make grants for and support through loan guarantees research and development leading to production prototypes of an energy-efficient, low-polluting automobile or automobiles within four years from the date of enactment of this Act and to secure the certification after testing of those prototypes which are likely to meet the Nation's long-term goals with respect to fuel economy, environmental protection, and other objectives; (2) to interpret and carry out this title to preserve, enhance and facilitate competition in research, development, and production in existing and alternative automobile systems and components.

"DEFINITIONS

"SEC. 603. As used in this title—

"(1) 'Automobile' means a four-wheeled vehicle propelled by fuel which is manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails; and which has as its primary intended function the transportation of not more than ten individuals.

"(2) 'Damage resistance' refers to the susceptibility to physical damage of an automobile when involved in an accident.

"(3) 'Developer' means any person engaged in whole or in part in research or other efforts directed toward the development of production prototypes of an energy-efficient, low-polluting, automobile or automobiles.

"(4) 'Energy-efficient, low-polluting automobile' means an automobile which—

"(A) presents the least total amount of energy consumption and environmental degradation practicable with respect to the amount of fuel consumed, the type of fuel consumed, exhaust emissions, the production and disposal of such automobile, noise characteristics, or any other factor affecting environmental quality and represents a substantial improvement over existing automobiles with respect to such factors;

"(B) can be mass produced at the lowest possible cost consistent with the requirements of this title;

"(C) operates safely and with sufficient performance with respect to acceleration, cold weather starting, cruising speed, and other performance factors;

"(D) to the extent practicable, is capable of intermodal adaptability; and

"(E) at a minimum, can be produced, distributed, operated, and disposed of in compliance with any requirement of Federal law, including, but not limited to, requirements with respect to fuel economy, exhaust emissions, noise control, safety, and damage resistance.

"(5) 'Fuel' means any material of substance capable of propelling an automobile, including but not limited to, regular and high-octane gasoline, diesel oil, kerosene, natural gas, and propane.

"(6) 'Fuel economy' refers to the average number of miles (kilometers) traveled by an automobile per unit of fuel consumed, as determined in accordance with title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.).

"(7) 'Intermodal adaptability' refers to any characteristic of an automobile which enables it to be operated or carried, or which facilitates such operation or carriage, by or on an alternate mode or other system of transportation.

"(8) 'Low-Emission Vehicle Certification

Board' means the Low-Emission Vehicle Certification Board established pursuant to section 212 of the Clean Air Act (42 U.S.C. 1857f–6e).

"(9) 'Noise control' refers to protection of the public against harm or discomfort resulting from an excessively high average number of decibels of sound emitted by an automobile during normal operation.

"(10) 'Production prototype' means an automobile which is in its final stage of development and is capable of being placed into production for sale at retail in quantities exceeding ten thousand automobiles per year.

"(11) 'Reliability' refers to the ease of diagnosis and repair of an automobile and its systems and parts which fail during use or are damaged in an accident and the average time and distance that proper operation can be expected without repair or replacement.

"(12) 'Safety' refers to the performance of an automobile or automobile equipment in such a manner that the public is protected against unreasonable risk or accident and against unreasonable risk of death or bodily injury in case of accident.

"(13) 'Secretary' means the Secretary of Transportation.

"(14) 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

"DUTIES OF THE SECRETARY

"Sec. 604. The Secretary is authorized and directed to insure the development of one or more production prototypes of an energy-efficient, low-polluting automobile within four years after the date of enactment of this title. No department or agency of the Federal Government shall duplicate the duties of the Secretary under this title. In furtherance of that goal and to promote such development by private interests, the Secretary is further authorized and directed to—

"(a) make grants for research and development efforts likely to lead or contribute to the development of any energy-efficient, low-polluting automobile or automobiles, in accordance with the provisions of section 606 of this title;

"(b) make loan guarantees for research and development efforts which show promise of leading or contributing to the development of an energy-efficient, low-polluting automobile or automobiles, in accordance with the provisions of section 607 of this title;

"(c) conduct and accelerate research and development programs within the Department of Transportation for the purpose of contributing to the research and development of a production prototype of an energy-efficient, low-polluting automobile or automobiles;

"(d) test or direct the testing of production prototypes and secure certification as energy-efficient, low-polluting automobiles those which meet the applicable requirements, in accordance with section 608 of this title;

"(e) collect, analyze, and disseminate to developers information, data, and materials relevant to the development of an energy-efficient, low-polluting automobile or automobiles;

"(f) prepare and submit studies as required under section 611 of this title; and

"(g) receive and evaluate any reasonable new technology, a description of which is submitted to him in writing, which could lead to the development of an energy-efficient, low-polluting automobile.

"POWERS OF THE SECRETARY

"Sec. 605. In addition to the powers specifically enumerated in any provision of this title, the Secretary is authorized to—

"(a) appoint such attorneys, employees, agents, consultants, and other personnel as he deems necessary, define the duties of such personnel, determine the amount of compensation and other benefits for the services of such personnel and pay them accordingly;

"(b) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $150 a day for qualified experts;

"(c) obtain the assistance of any department, agency, or instrumentality of the executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise, identifying the assistance he deems necessary to carry out his duties under this title, including, but not limited to, transfer of personnel with their consent and without prejudice to their position and rating;

"(d) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his duties under this title, with any government agency or any person; and

"(e) purchase, lease, or otherwise acquire, improve, use, or deal in and with any property; sell, mortgage, lease, exchange, or otherwise dispose of any property or other assets; accept gifts or donations of any property or services in aid of any purpose of this title.

"GRANTS

"Sec. 606. (a) General.—(1) The Secretary shall provide funds by grant or contract to initiate, continue, supplement, and maintain research and development programs or activities which, in his judgment, appear likely to lead to the development, in production prototype form, of an energy-efficient, low-polluting automobile or automobiles.

"(2) The Secretary is authorized to make such grants, and contracts with any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

"(b) Consultation.—The Secretary, in the exercise of his duties and responsibilities under this section, shall establish procedures for periodic consultation with representatives of science, industry, and such other groups as may have special expertise in the areas of automobile research, development, and technology. The Secretary may establish an advisory panel or panels to review and make recommendations to him on applications for funding under this section.

"(c) Procedure.—Each grant under this section shall be made in accordance with such rules and regulations as the Secretary shall prescribe in accordance with the provisions of this section and of section 602 of this title. Each application for funding shall be made in writing in such form and with such content and other submissions as the Secretary shall require.

"LOAN GUARANTEES

"Sec. 607. (a) General.—(1) The Secretary is authorized, in accordance with the provisions of this section and such rules and regulations as he shall prescribe, to guarantee and to make commitments to guarantee the payment of interest on and the principal balance of, an obligation to initiate, continue, supplement, and maintain research and development programs or activities which, in his judgment, appear likely to lead to the development, in production prototype form of an energy-efficient, low-polluting automobile or automobiles. Each application for such a loan guarantee shall be made in writing to the Secretary in such form and with such content and other submissions as the Secretary shall prescribe to reasonably protect the interests of the United States. Each guarantee and commitment to guarantee shall be extended in such form, under such terms and conditions, and pursuant to such regulations as the Secretary deems appropriate. Each guarantee and commitment to guarantee shall inure to the benefit of the holder of the obligation to which such guarantee or commitment applies. The Secretary is authorized to approve any modification of any provision of a guarantee or a commitment to guarantee such an obligation, including the rate of interest, time of payment of interest or principal, security, or any other terms or conditions, upon a finding by the Secretary that such modification is equitable, not prejudicial to the interests of the United States, and has been consented to by the holder of such obligation.

"(2) The Secretary is authorized to so guarantee and to make such commitments to any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

"(b) Exception.—No obligation shall be guaranteed by the Secretary under subsection (a) of this section unless he finds that no other reasonable means of financing or refinancing is reasonably available to the applicant.

"(c) Charges.—(1) The Secretary shall charge and collect such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, or for the issuance of commitments.

"(2) The Secretary shall set a premium charge of not more than 1 per centum per annum for a loan or other obligation guaranteed under this section.

"(d) Validity.—No guarantee or commitment to guarantee an obligation entered into by the Secretary shall be terminated, canceled, or otherwise revoked, except in accordance with reasonable terms and conditions prescribed by the Secretary. Such a guarantee or commitment to guarantee shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this section and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder as of the date when the Secretary entered into the contract of guarantee or commitment to guarantee, except as to fraud, duress, mutual mistake of fact, or material misrepresentation by or involving such holder.

"(e) Default and Recovery.—(1) If there is a default in any payment by the obligor of interest or principal due under an obligation guaranteed by the Secretary under this section and such default has continued for sixty days, the holder of such obligation or his agents have the right to demand payment by the Secretary of such unpaid amount. Within such period as may be specified in the guarantee or related agreements, but not later than forty-five days from the date of such demand, the Secretary shall promptly pay to the obligee or his agent the unpaid interest on and unpaid principal of the obligation guaranteed by the Secretary as to which the obligor has defaulted, unless the Secretary finds that there was no default by the obligor in the payment of interest or principal or that such default has been remedied.

"(2) If the Secretary makes a payment under paragraph (1) of this subsection, he shall have all rights specified in the guarantee or related agreements with respect to any security which he held with respect to the guarantee of such obligation, including, but not limited to, the authority to complete, maintain, operate, lease, sell or otherwise dispose of any property acquired pursuant to such guarantee or related agreements.

"(3) If there is a default under any guarantee or commitment to guarantee an obligation, the Secretary shall notify the Attorney General who shall take such action against the obligor or any other parties liable thereunder as is, in his discretion, necessary to protect the interests of the United States. The holder of such obligation shall make available to the United States all records and evidence necessary to prosecute any such suit.

"(f) Authorization for Appropriations.—There are hereby authorized to be appropriated to the Secretary not to exceed $200,000,000 to pay the interest on, and the principal balance of, any obligation guaranteed by the Secretary as to which the obligor has defaulted.

"TESTING AND CERTIFICATION

"Sec. 608. (a) Administrator.—The Administrator of the Environmental Protection Agency shall test, or cause to be tested in a facility subject to his supervision, each production prototype of an automobile developed in whole or in part with Federal financial assistance under this Act, or referred to him for such purpose by the Secretary to determine whether such production prototype complies with any exhaust emission standards or any other requirements promulgated or reasonably expected to be promulgated under any provision of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901), or any other provision of Federal law administered by him. The Administrator shall submit all test data and the results of such tests to the Low-Emission Vehicle Certification Board.

"(b) Secretary.—The Secretary shall test, or cause to be tested in an independent facility subject to his supervision, all new production prototypes of automobiles which he or a developer may submit to the Low-Emission Vehicle Certification Board for certification under subsection (c) of this section. Such tests shall be conducted, according to testing procedures to be developed by the Secretary to determine whether each such automobile complies with any standards promulgated as of the date of such testing or reasonably expected to be promulgated prior to sale at retail of such automobile under any provision of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381), the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) as amended by section 9 of this Act, the Automobile Information Disclosure Act (15 U.S.C. 1232), and any other statute enacted by Congress and applicable to automobiles. The Secretary shall also refer any such automobile to the Administrator of the Environmental Protection Agency for testing pursuant to the provisions of subsection (a) of this section. All new automobiles may be submitted to the Secretary for testing under this subsection, including vehicles developed without any Federal financial assistance under this title. The Secretary shall submit all test data and the results of all tests conducted by him or subject to his supervision to the Low-Emission Vehicle Certification Board together with his conclusions and reasons therefor as to whether the automobile tested merits certification as an energy-efficient, low-polluting automobile. The Secretary, or the Administrator of the Environmental Protection Agency, if appropriate, shall conduct, or cause to be conducted, any additional tests which are requested by the Low-Emission Vehicle Certification Board and shall furnish to such Board any other information which it requests or which he deems necessary or appropriate.

"(c) Board.—The Low-Emission Vehicle Certification Board, shall, upon application by a developer or by the Secretary and the receipt of test data and test results submitted pursuant to subsections (a) and (b) of this section, issue or deny certification as an energy-efficient, low-polluting automobile. Each determination as to certification shall be made in accordance with such rules and regulations as such Board shall prescribe in accordance with this title. Each application for certification shall be made to such Board in writing in such form and with such content and other submissions as the Low-Emission Vehicle Certification Board shall require.

"PROPRIETARY INFORMATION AND PATENTS

"Sec. 609. (a) Availability.—Whenever, pursuant to this title, the Secretary enters into any agreement contracting for, sponsoring, or cosponsoring any research or development, he shall require as a condition of such Federal participation that all information—whether patented or unpatented, in the form of trade secrets, know-how, proprietary information, or otherwise—processes, or patents resulting in whole or in substantial part from such federally assisted research or development shall be available to the general public, pursuant to subsection (b) of this section.

"(b) Protection of Rights.—(1) Any such agreement must provide that all such information, processes or patents will be made available to any qualified applicant on reasonable and nondiscriminatory license terms approved by the Secretary consistent with the purposes of this title when the research or development project reaches the stage of commercial application as determined by the Secretary: *Provided*, That if such information, processes, or patents results in whole from financial assistance granted under this title, such agreement may require, at the discretion of the Secretary, that such information, processes, or patents become the property of the United States and be dedicated to the general public.

"(2) Whenever a participant in an energy research or development project holds background patents, trade secrets, know-how, proprietary information, or any other information, hereafter collectively referred to in this section as 'background', which will be employed in and are requisite to the proposed research or development project, the agreement shall further provide that all background will be made available to any qualified applicant on reasonable and nondiscriminatory license terms approved by the Secretary, consistent with the purposes of this title.

"(3) Any such license terms referred to under this subsection shall take into account the extent to which the commercial viability of the total process or system was achieved with assistance under this title (and whether such assistance was in the form of grants or obligation guarantees) and shall appropriately protect the interests of the participants.

"(c) Effects on Competition.—The Secretary shall, in approving license terms, duly consider the effects of such terms on competition within the United States.

"RECORDS, AUDIT, AND EXAMINATION

"Sec. 610. (a) Records.—Each recipient of financial assistance or guarantees under this title, whether in the form of grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements, shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) Audit and Examination.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of three years after completion of the project or undertaking referred to in subsection (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements referred to in such subsection.

"REPORTS

"Sec. 611. On or before August 1 of each year, the Secretary shall submit to Congress an annual report of activities under this title. Such report shall include an account of the state of automobile research and development in the United States, including the number of grants made, and number of loans or other obligations guaranteed, and the progress made in developing production prototypes of energy-efficient, low-polluting automobiles within four years after the date of enactment of this title; and suggestions for improvements in automobile research and development, including recommendations for legislation.

"GOVERNMENT PROCUREMENT

"Sec. 612. The Administrator of General Services shall consult with the Low-Emission Vehicle Certification Board periodically to determine the earliest date at which production prototypes of an energy-efficient, low-polluting automobile will be available. When the Low-Emission Vehicle Certification Board determines that an energy-efficient, low-polluting automobile may soon be available, it shall propose a system of guidelines recommending to any Federal agency using and procuring automobiles the procurement of such automobiles. After a production prototype has been certified by such Board as an energy-efficient, low-polluting automobile, the Board is authorized and directed to prescribe such regulations as are necessary requiring all Federal agencies to procure and to use such energy-efficient, low-polluting automobile to the maximum extent feasible.

"AUTHORIZATION FOR APPROPRIATION

"Sec. 613. (a) Authorization.—There is hereby authorized to be appropriated to carry out the purposes of this title other than section 607 of this title not to exceed $30,000,000 for the fiscal year ending June 30, 1974, not to exceed $50,000,000 for the fiscal year ending June 30, 1975, and not to exceed $60,000,000 for the fiscal year ending June 30, 1976.

"(b)(1) Ratio Not Reduced.—Funds expended for each fiscal year for the purposes of this title and funds expended for such fiscal year for all energy research, development, and demonstration activities shall be in the same ratio as the funds appropriated for such fiscal year pursuant to this title bear to funds appropriated for such fiscal year for all energy research, development, and demonstration activities of the Federal Government.

"(2) For the purposes of this subsection, the term 'energy research, devolpment, and demonstration activities of the Federal Government' includes, but is not limited to—

"(A) the planning, management, and coordination of the energy research, development, and demonstration activities of the Federal Government;

"(B) research, development, and demonstration of coal as an energy source including coal gasification, coal liquefaction, and improved mining techniques;

"(C) research, development, and demonstration of oil shale as an energy source;

"(D) research, development, and demonstration of unconventional energy sources including solar energy, geothermal energy, magneto hydrodynamics, fuel cells, low-lead hydroelectric power, the use of agricultural products for energy, tidal power, ocean current and thermal gradient power, wind power, electric energy storage methods, solvent refined coal, utilization of waste products for fuels, and direct conversion methods; and

"(E) research, development, and demonstration of new methods of converting fossil fuels into electrical energy.

"RELATIONSHIP TO ANTITRUST LAWS

"SEC. 614. (a) DISCLAIMER.—Nothing herein shall be deemed to convey to any individual, corporation, or other business organization immunity from civil or criminal liability or to create defenses to actions under the antitrust laws.

"(b) ANTITRUST LAWS DEFINED.—As used in this section, the term 'antitrust laws' includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730) as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended."

TRANSPORTATION ENERGY CONSERVATION DEMONSTRATIONS

SEC. 14. (a) GENERAL.—The Secretary of Transportation is authorized and directed to enter into such contracts or other arrangements as may be necessary or appropriate for research and the development, establishment, and operation of demonstration projects to determine the feasibility of programs to conserve energy utilized in the transportation of individuals, including fare-free urban mass transportation system; low-fare urban mass transportation systems; and car pools and other arrangements to increase the number of individuals transported per private passenger automobile through incentives such as access to special lanes on highways, reduced fees on toll highways, bridges, and tunnels, preferential access to parking facilities, and the establishment of car pool information offices utilizing computerized data processing to match individuals and automobiles.

(b) FEDERAL SHARE.—Federal grants or payments for the purpose of assisting projects pursuant to subsection (a) of this section shall cover not to exceed 80 per centum of the cost of the project involved, including operating costs and the amortization of capital costs, if any, for any fiscal year as to which such contract or other arrangement is in effect.

(c) CRITERIA.—The Secretary of Transportation shall select cities or metropolitan areas for projects assistance under this section upon the basis of applications in writing in such form and with such content as he shall require and in accordance with the following criteria:

(1) to the extent practicable, such cities or metropolitan areas shall have a failing or nonexistent transit system, a decaying central city, automobile-caused air pollution problems, or an immobile central city population;

(2) projects shall be selected from cities or metropolitan areas of differing size and characteristics, including population density and distribution;

(3) preference shall be given to projects that will introduce a high level of innovative transportation service to such cities or metropolitan areas consistent with the needs of residents for convenient access to employment, shopping, and recreation; and

(4) to the extent practicable, projects utilizing different techniques, methods, and modes of transportation energy conservation shall be approved.

Recipients of project assistance under this section shall make periodic reports and evaluations of each such project to the Secretary of Transportation in such form and with such content as the Secretary shall require.

(d) EVALUATION.—The Secretary of Transportation shall study transportation energy conservation methods and systems assisted under this section to determine—

(1) the effects of such method or system on energy and fuel conservation;

(2) the effects of such method or system on motor vehicle traffic and attendant air pollution, congestion, and noise; the mobility of urban residents; and the economic viability of central city business establishments;

(3) the techniques, methods, and modes of mass transportation that can best meet desired national objectives;

(4) in the case of fare-free or low-fare systems, the extent to which frivolous ridership increases; the extent to which such systems may reduce the need for urban highways; and the best means of financing such systems on a continuing basis; and

(5) in the case of car pools and other such arrangements, the extent to which individuals voluntarily join when political subdivisions of States, employers, or private groups or associations organize and make them easily available; and the best means of organizing and financing such systems on a continuing basis.

(e) ANNUAL REPORT.—The Secretary of Transportation shall make annual reports to the Congress on the information gathered pursuant to this section and shall make a final report, including recommendations for legislation, not later than June 30, 1976.

(f) ADVISORY COMMITTEES.—In carrying out the provisions of this section, the Secretary of Transportation may provide for advisory participation by interested State and local government authorities, mass transportation systems management personnel, computerized data processing experts, employee representatives, commuters, and such other persons as he deems necessary or appropriate.

(g) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to carry out the provisions of this section not to exceed $20,000,000 for fare-free demonstrations and $10,000,000 for low-fare demonstrations, car pools, and other arrangements for each of the fiscal years ending on June 30, 1974, June 30, 1975, and June 30, 1976, respectively.

PRODUCTS IMPORTED AND EXPORTED

SEC. 15. (a) Any product offered for import into the United States shall, as a condition of such importation, meet the applicable requirements of this Act.

(b) Any person importing into the United States any products to which the requirements of this Act are applicable shall be subject to the imposition of appropriate fees to defray expenses incurred in assuring compliance with such requirements.

(c) The requirements of section 8 of this Act shall not apply to any major energy consuming household product which is intended solely for export and which is exported.

AUTHORIZATION OF APPROPRIATIONS

SEC. 16. In addition to the sums authorized to be appropriated by specific sections of this Act to implement certain provisions of this Act, there are authorized to be appropriated each fiscal year such sums as may be necessary to carry out other provisions of this Act.

UNANIMOUS CONSENT FOR COMMITTEES ON COMMERCE AND PUBLIC WORKS TO FILE REPORTS ON S. 2176

Mr. ROBERT C. BYRD subsequently said: Mr. President, on behalf of the Senators from Washington (Mr. MAGNUSON and Mr. JACKSON) and West Virginia (Mr. RANDOLPH) I ask unanimous consent that the Committee on Public Works be discharged from further consideration of S. 2176, a bill to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes. I also ask unanimous consent that the Committees on Commerce and Public Works be allowed to file their amendments today, and their reports before midnight Sunday, November 18.

The PRESIDING OFFICER. Without objection it is so ordered.

UNITED NATIONS ENVIRONMENT PROGRAM — CONFERENCE REPORT—REPORT OF A COMMITTEE (S. REPT. NO. 93–514)

Mr. FULBRIGHT, from the committee of conference, on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program, submitted a report thereon, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Executive Q, 93d Congress, first session, Protocol, dated at Vienna July 7, 1971, relating to an amendment to Article 56 of the Convention on International Civil Aviation (Executive Report No. 93–25), together with individual views.

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the nomination of Vice Admiral Means Johnston, Jr., USN to the rank of admiral. I ask that his name be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. In addition there are 3,587 promotions in the Navy and the Air Force in the grade of colonel and captain and below. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's Desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. SYMINGTON, from the Committee on Armed Services:

Major Jack R. Lousma, U.S. Marine Corps, for permanent promotion to grade of lieutenant colonel.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, or reported, read the first time and, by unanimous consent, the second time, and referred or placed on the calendar, as indicated:

By Mr. HUGH SCOTT:

S. 2703. A bill to amend the Internal Revenue Code of 1954 to provide for a more equitable determination of the amount of an individual taxpayer's casualty loss deduction for personal use property. Referred to the Committee on Finance.

By Mr. BELLMON:

S. 2704. A bill to authorize loans to farmers and associations of farmers for storage facilities for agricultural commodities. Referred to the Committee on Agriculture and Forestry.

By Mr. ROBERT C. BYRD (for Mr. SPARKMAN):

S. 2705. An original bill to provide for the disposition of abandoned money orders and traveler's checks. Placed on the calendar.

By Mr. GURNEY:

S. 2706. A bill to revise the authorized boundary of the Biscayne National Monument in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BROOKE:

S. 2707. A bill to amend the Securities Exchange Act of 1934 to facilitate the regulation of banking institutions regularly engaged in the business of effecting transactions in securities for the accounts of others. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. GOLDWATER:

S. 2708. A bill to provide for compensation to the owners of residences when certain leases or permits issued by the Forest Service or Bureau of Land Management are terminated, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON:

S. 2709. A bill for the relief of Anand Admodardas Mundra. Referred to the Committee on the Judiciary.

By Mr. HARTKE (by request):

S. 2710. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. INOUYE (for himself and Mr. ABOUREZK, Mr. AIKEN, Mr. BROOKE, Mr. ERVIN, Mr. KENNEDY, Mr. MANSFIELD, Mr. MCGEE, Mr. MCINTYRE, Mr. PASTORE, Mr. RANDOLPH, and Mr. YOUNG:

S. 2711. A bill to allow an additional income exemption for a taxpayer or his spouse who is deaf or deaf-blind. Referred to the Committee on Finance.

By Mr. FULBRIGHT (by request):

S. 2712. A bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. McCLURE:

S. 2713. A bill to amend the National Labor Relations Act to strengthen and reform certain provisions thereof. Referred to to the Committee on Labor and Public Welfare.

By Mr. SYMINGTON:

S. 2714. An original bill to amend section 291(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, relating to cost-of-living increase, and to increase the pay and allowances of certain officers of the Armed Forces whose pay and allowances are not subject to adjustment to reflect changes in the Consumer Price Index. Placed on the calender.

By Mr. BEALL (for himself and Mr. MATHIAS):

S. 2715. A bill to amend chapter 313, title 18, United States Code, to provide for the commitment of certain individuals acquitted of offenses against the United States solely on the ground of insanity. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 2716. A bill to amend section 1662(c) of title 38, United States Code, to extend the delimiting period for certain veterans pursuing a course of farm cooperative training. Referred to the Committee on Veterans' Affairs.

By Mr. PASTORE:

S.J. Res. 172. Joint resolution proposing an amendment to the Constitution of the United States providing for a special election for the office of President and Vice President when an individual who has been appointed Vice President succeeds to the Presidency. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUGH SCOTT:

S. 2703. A bill to amend the Internal Revenue Code of 1954 to provide for a more equitable determination of the amount of an individual taxpayer's casualty loss deduction for personal use property. Referred to the Committee on Finance.

Mr. HUGH SCOTT. Mr. President, I am today introducing a bill to provide for a more equitable determination of the amount of an individual taxpayer's casualty loss deduction for personal use property. In the aftermath of the 1972 flooding in Pennsylvania, one of the most frequently heard complaints concerned the Internal Revenue Service's treatment of the $5,000 "forgiveness" feature of the disaster relief law. In essence, the IRS' ruling said that such forgiven portions of loans were subject to taxation as ordinary income. In response, I introduced a bill to exclude these grants from taxation. However, even this bill did not go far enough, either to correct the inequity or to clear up the confusion over the IRS' policy.

In testimony last spring to the Senate Public Works Subcommittee on Disaster Relief, I suggested a total revision of the tax law insofar as casualty losses are concerned in order to provide maximum tax advantage to persons faced with disaster damage and loss. I suggested an approach which takes into consideration the cost of a replacement item versus the original cost of the property. I felt that the IRS should consider the appreciation in value of property along with the actual cost of replacing it.

I regret very much that the Administration, in the year and a half since the floods, has not come forward with any legislation to improve casualty loss benefits.

Under existing law, a taxpayer may claim a deduction for personal use property destroyed or damaged by a casualty such as a flood. The amount of the deduction is the decline in the property's value caused by the casualty. That decline in value is determined for this purpose by taking the lesser of—

First, the property's adjusted basis before the casualty, or

Second, the difference in the property's fair market value after the casualty.

My bill provides an alternative means of determining the amount of the deduction. If property is replaced or repaired within a year after its damage or destruction, and the fair market value of the property before the casualty is lower than the taxpayer's out of pocket expenses to repair or place it, and lower than its adjusted basis before the casualty, the taxpayer can deduct the lessor of—

First, his out of pocket expenses, or

Second, the adjusted basis of the property before the casualty.

Both existing law and my bill provide for the deduction only to the extent that it exceeds $100. Under existing law, the amount of the deduction is reduced by any insurance or other compensation received. Under my bill, the cost of repair or replacement is reduced by the amount of any insurance or other compensation received, and, if the deduction is based on the adjusted basis, the amount of the deduction is reduced by such amount. Under existing law, the deduction is allowable without regard to whether the property is repaired or replaced. Under my bill, the alternative computation is available only where the property is repaired or replaced not later than the end of the second taxable year after the loss occurs, otherwise there is no cost of repair or replacement to use in the computation.

In short, Mr. President, my bill provides far more benefit to individuals suffering casualty loss than now available under present law. I am hopeful that the administration and the taxwriting committees in Congress will seriously and expeditiously review my proposal. Let us not wait for another flood before taking action.

By Mr. BELLMON:

S. 2704. A bill to authorize loans to farmers and associations of farmers for storage facilities for agricultural commodities. Referred to the Committee on Agriculture and Forestry.

Mr. BELLMON. Mr. President, during the current year, American citizens, for the first time in our Nation's history, have faced the prospect of food shortages. There have been times during the year when demands for meat, eggs, milk, and other commodities have exceeded the available supply. Many changes in attitudes have come from the realization an abundant food supply is not something American citizens can take for granted.

In addition to the reality of shortages, Americans have also come to appreciate the importance of exporting agricultural commodities. The result is that our Government, which for three decades has sponsored programs intended to limit production, is now in the process of encouraging all-out production of basic commodities, especially feed grains, soy beans, and wheat.

Accordingly to preliminary USDA estimates, the production of grain for next year will be substantially higher than was true for the 1973 crop year. It is estimated that farmers produced 8.3 billion bushels of feed grain in the current year 1973. The estimate is for 9.2 billion for 1974. This is an increase of almost 1 billion bushels. For wheat, the 1973 crop was 1.7 billion bushels. The crop estimate for 1974 is almost 1.9 billion bushels, an increase of 200 million bushels.

Mr. President, these figures indicate an abundant crop next year. They are undoubtedly comforting to American consumers and our customers abroad but they pose serious problems for American farmers and for the country's transportation system.

As most Members of the Senate know, there were serious transportation bottlenecks during the past crop season which have resulted in some spoilage of crops as well as considerable economic loss to farmers. The plain fact is that our country's transportation system is not and probably never can be fully adequate to move these huge quantities of grain as rapidly as it is harvested. It is simply impractical to expect American railroad and trucking industries to have a railroad car or a semitrailer sitting near every farm to haul the grain to terminals as fast as it comes from the fields. The answer is to provide grain storage on the farms or at country elevators. If these facilities are evailable, the crops can be stored safely until orderly marketing and transportation to terminals or to ports is accomplished.

It is unrealistic for farmers, associations of farmers, or commercial grain buyers to build additional storage in the face of the very real possibility that in 1975 and in subsequent years, government may again find it necessary to limit crop production. There is no assurance, for instance, that Russia will again purchase the huge quantities of grain it has bought from the 1973 crop. In fact, given a normal growing season, the U.S.S.R. will be competing, actively, and probably successfully for many customers who are now buying American grain. This will mean that American farmers will be cutting back on the acreage planted and that the amount of storage and the transportation system we now have will once again be adequate. Therefore, farmers and grain dealers will hesitate to build expensive storage, simply to handle 1 year's crop.

For these reasons, it is likely that unless immediate action is taken by the Congress, next summer will see huge quantities of valuable grain piled up in the streets and on the ground in the rural communities of this country. Much of it will be subject to loss from weather, rodents, and other causes. Should this happen, I can foresee a great deal of criticism from consumers who see their food cost rising as a result of this waste.

Mr. President, to help remedy this situation, I am today introducing legislation which is intended to make available funds farmers and grain dealers need to provide the needed grain storage, handling, and conditioning equipment. The passage of this legislation will make available, at a reasonable rate of interest, the capital that farmers and grain dealers need to make certain that the huge crop which our Government is urging farmers to produce can be stored, transported, and marketed in an orderly way and with a minimum of loss. The bill authorizes the Farmers Home Administration to guarantee up to 90 percent of loans made by private financial institutions to construct storage, handling, and conditioning facilities. These guarantees would be limited to the amount of storage necessary to handle 2 years' normal production of a farm.

I might state, Mr. President, that the Department of Agriculture currently has the authority to make such loans through the Commodity Credit Corporation. Unfortunately, recent regulation changes by USDA have limited loans to amounts necessary to construct storage facilities for only 1 year's crop, prohibited loans for the cost of constructing foundations for storage facilities, and increased the downpayment to the farmer to 30 percent of the cost of the facility.

Mr. President, since the Federal Government is urging American farmers to produce at maximum capacity, I believe the Federal Government has the responsibility to make financing available to assist farmers construct needed storage to prevent their crops from rotting on the ground.

WHAT'S BEHIND RISING FOOD COSTS?

Mr. President, anyone who has done any grocery shopping in recent months is keenly aware of the fact that the cost of food has been skyrocketing. Some tend to put the blame on the American farmer. The fact is that many farm prices, especially for meat animals and grain, are down sharply. This decline has not been reflected in grocery prices.

The truth of the matter is that food prices have been going up steadily since shortly after World War II. In recent years the climb has been steeper. But it was only in the 1970's that this rise in food prices has been shared by farmers. Only through rapid growth of his efficiency and productivity and by mortgaging his land has the farmer been able to stay in business in the face of sharp rises in production costs.

Even though food prices have increased steadily, Americans are spending a smaller percentage of their take-home pay for food than at any time in the country's history, and less than anywhere else in the world.

Americans remain the best fed people in the world. Food is still the best bargain in this country, and in all likelihood it will remain that way.

Unfortunately, emotionalism has obscured some of the basic questions related to rising food costs: Just how high are food prices? Do higher grocery bills mean higher food prices? Where does your food dollar go? What's being done to stabilize or reduce food prices?

These questions are answered in an article recently sent me by my daughter Mrs. Gail Wynne, a consumer consultant for the Public Service Company, Tulsa. The article is from the October, 1973 issue of Food and Nutrition magazine, titled "What's Behind Rising Food Costs?"

Mr. President, this is one of the best explanations I have seen on this subject, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

What's Behind Rising Food Costs?

Meat boycotts, price freezes, food shortages—after years of comparative quiet, food is in the news. Prices are indeed going up, and when food prices increase, most people react more strongly than they do to any other price increase. Many feel that they are being treated unfairly. After all, if the price of a car or a television goes up, they can do without a new one.

But everyone has to eat; people have no choice. Raising food prices seems like taking food out of their mouths.

JUST HOW ARE FOOD PRICES?

In a way, this is like asking, "How high is up?" It all depends on what you choose as your basis of comparison. Compared to 20 years ago, for instance, food is quite a bargain. Between 1952 and 1972, average wages rose by 140% while food prices rose only 47% (food eaten in restaurants increased by 90%; food eaten at home rose only 38%). If food prices had risen as much as wages, a quart of milk would have cost 55¢ in 1972 instead of 30¢, a dozen eggs would have been $1.61 instead of 52¢, a pound of round steak $2.67 instead of $1.48.

Food takes a smaller share of average income than it did 20 years ago. In 1952, food took 23% of average disposable income (after tax); in 1972 it took only 15.7%. Food eaten at home took only 12.3%. And we ate better in 1972 than in 1952. Money spent for food increased 71% but food prices increased only 47%. We simply ate more food in 1972, and we selected more expensive varieties, such as higher priced cuts of meat and more convenience foods.

We spend less of our income for food than any other country. In 1964–65 we spent 18½% of after-tax income for food (down to 15.7% in 1972). Consumers in England spent 29%, in France 31%, in Italy 45%, in Russia 53%.

Over a 50-year period, food stands out as an even bigger bargain. From 1920 to 1970, the Retail Food Price Index increased only 86.8%, while the Gross National Product increased 964.6% and Per Capita Personal Income increased 501.5% (see table in Figure 1 for individual figures by decade). From 1920 to 1940, food prices actually decreased. Then from 1940 to 1950, they more than doubled, with an increase of 111.7%. The biggest increase, 31.8%, came in 1946, with the removal of price controls after the war.

Prices increased moderately from 1950 to 1960. From 1960 to 1970, the increase was a more noticeable 30.6%. Even so, Per Capita Personal Income stayed well ahead with an increase of 76.5% during the same period. Food cost more, but people had much more money.

So have food prices *actually* gone up lately? Yes. As noted in Figure 1, the increase during the 1960s was considerably greater than in the 1950s. And from 1971 to 1972, the farm value of food products went up an estimated 10% (the highest increase in 25 years). The increase over the last few months is even more dramatic. In May alone, the wholesale price index for farm products increased 6.1%; since January it had risen 18.2%.

As many suspected, meat was the biggest contributor, accounting for about four-fifths of the increase in farm prices in 1972. At the wholesale level, meat went up 18.2% over November, December and January. At the retail level, meat prices rose 8.4%. Increases in meat prices are highly visible in the supermarket, since meat accounts for about 25% of all sales.

DO HIGHER GROCERY STORE BILLS MEAN HIGHER FOOD PRICES?

Three factors contribute to higher grocery store bills that have little to do with the price of food *per se*. In the first place, we have seen that with our increase in purchasing power, we are buying more food, and we are moving more toward more expensive items. This makes food bills higher, with or without price increases.

In the second place, shoppers are buying more and more non-food items in supermarkets. A trip to the "grocery store" now includes purchases that would have been spread over many merchants in 1920: grocer, butcher, fish dealer, greengrocer, baker, and such non-food merchants as the tobacconist, druggist, hardware dealer, newsstand operator, and in some states the local wine or liquor salesman. Figure 1 shows the number of items carried by grocery stores in each decade since 1920. From 1960 to 1970 the number increased 32%, from 5,900 to 7,800 items. In other words, there were 1,900 more things for you to buy, some food, some not. In 1920 your "grocery store" bill would have been much less because there were only 700 items from which to choose. But you would have spent more money at other stores.

About 20% of supermarket sales come from non-food items, and the percentage is rising. Cigarettes alone account for about 5% of total sales. Health and beauty aids had a food store sales volume of $540 million in 1954; today they account for over $3 billion, about 3% of all food store sales. Today's supermarket carries about 200 laundry and cleaning aids and 175 different paper products (compared to three in 1928). General merchandise is growing, now accounting for about 3% of total food store sales. This includes housewares, soft goods (in some supers, pantyhose alone are responsible for ½% of total sales volume), toys, magazines, photo supplies, sewing supplies, auto supplies, stationery and school supplies.

A third factor that tends to increase grocery store bills is that many food items carried are new to the store or include processing, packaging and marketing services that were not available before. Baby foods, almost non-existent in the twenties, have grown steadily; since the thirties they have become a $400 million business. Compared to a selection of 35 to 50 cracker and cookie items available in the twenties, today's supermarket carries from 120 to 150. The dairy case has swelled from around 40 items in the late twenties to 300 today. Beer accounts for about 1% of supermarket sales. Diet and low-calorie foods, once sold only in drug and specialty stores, now account for $330 million in soft drinks and another $250 million in food items. All soft drink sales are a $1 billion business today.

FIG. 1.—COMPARATIVE STATISTICS, 1920–70

	1920	1930	1940	1950	1960	1970
Number of items carried in grocery stores	700	1,000	1,800	3,750	5,900	7,800
Retail food price index	61.5	45.9	35.2	74.5	88.0	114.9
U.S. population (millions)	106.5	123.1	132.6	152.3	180.0	204.8
Gross national product (billion dollars)	91.5	90.4	99.7	284.8	503.8	974.1
Per capita personal income (dollars)	650	624	595	1,496	2,215	3,910

Source: Progressive Grocer, June 1972.

Snacks and nuts numbered about a dozen items in the grocery of the twenties. In 1970 a typical store carried 138 such items, for total sales of about $1.3 billion. The popularity of snacks has risen with increased affluence, mobility and leisure time. Not counting different packaging and novelty items sold for particular holidays, the typical store today carries over 400 candy and gum selections; total candy and gum sales in supermarkets have an annual volume of nearly $1.5 billion today.

From a tentative experiment in 1930 by a handful of grocers in Springfield, Massachusetts, frozen foods (at that time, "frosted" foods) have grown up to account for 5 to 7% of supermarket sales. In the last five years alone, overall sales have risen about 50%. These products have already been cleaned, shelled, husked, trimmed, perhaps seasoned, sauced, cooked, and maybe even packaged in their own cooking containers.

When a consumer buys fresh produce out of season at a premium price, he or she spends extra money for marketing services, for transportation and refrigeration, that would not have been paid years ago because the services didn't exist. When we pay extra for foods that are ready to eat or just need heating, we pay for kitchen help that we likely couldn't afford if provided by cooks and maids. The garbage can of 50 years ago was weighted down with pea pods, corn husks and chicken feathers. Today it is stuffed with waxed paper, cardboard, foil and plastic wrap. Both represent time and/or money spent in food preparation.

A counter-trend to supermarket growth is the growth of the "warehouse store," which dramatically reduces service, limits its offerings to the fastest moving items and displays its goods in crates and cases instead of unpacking them for shelf display. The resulting cost savings permit price reductions of 4 to 5% on most items, and up to 12% or more on some.

WHERE DOES YOUR FOOD DOLLAR GO?

A roadside vegetable stand may sell corn and tomatoes grown in its own fields, with no middlemen involved. A canned ham, on the other hand, may pass from farm to buying cooperative to feedlot to processor to wholesaler to retailer before it reaches the consumer. Advertising agencies and public relations firms may add to the cost of the ham—and to its value, in terms of product information and information about its availability. Trucks, railroads, equipment manufacturers and banks all contribute to the process—and cost—of putting the ham in the grocery store. Figure 2 shows the percentage of retail price received by the farmer for several kinds of products. What does not go to the farmer, of course, goes to manufacturing and marketing costs. Figure 3 represents the variety of costs involved in a 29¢ can of tomatoes. Total profit to the manufacturer, wholesaler and retailer comes to about 1.1¢ per can.

Are higher farm prices to blame for higher food prices? Over the long run, very little, but in recent months, much more so.

Fluctuations in farm prices may show up in the supermarket, but not so suddenly nor necessarily in the same direction. In 1953, for example, average farm prices dropped 12% for the year, but food prices dropped only 1.5%. Farm prices declined 4.8% in 1967, but food prices increased 1%. And in 1971, farm prices were up 1.8% with food prices increasing 3%. The price of a food such as bread—where processing costs are higher than the costs of farm products contained in the loaf—tends to rise more steadily.

The productivity of our nation's farms is outstanding. According to the Department of Agriculture, output per man hour on farms is 3.1 times higher than 20 years ago, compared to 1.7 times greater in manufacturing industries. In 1952, one farm worker supplied an average of 16 people with food. Now he produces enough for 51 people. In 1952, one person in seven lived on a farm; now, one in 22 does so.

WHAT MAKES FOOD PRICES CHANGE?

According to classical economic theory, price is determined by supply and demand. As demand for a product increases, price of the product increases. As supply increases, however, price decreases. If you have ever been to an auction, you have seen these forces at work. If several people are interested in an item, they will bid the price up higher than one or two apathetic bidders. And if the product is one of a kind, they will bid it up higher than if several more just like it were available.

But price itself affects supply and demand. As price increases, supply tends to increase—more producers get into the business and supply more of the product because they are encouraged by good prices and good returns. But as price increases, demand decreases—people who cannot afford the price stop buying the product, and even those who can afford it are tempted to spend their money for other products.

Now, put all of these factors together in our marketplace. If demand increases for some reason (such as more people having more money to spend), prices are bid up to higher levels. Then, as price increases, supply increases; at the same time, demand decreases. As supply increases and demand decreases, price goes down. Or suppose that some outside factor (such as crop failures) results in a reduced supply. This produces an increase in price, which encourages an increase in supply. Increased supply decreases demand, leading again to lower prices.

To a producer, an increase in costs has the same effect as a decrease in price—his return will be less, the item becomes unprofitable, and he will produce less, reducing supply until prices go up enough to make the item profitable to produce. To a consumer, an increase in spending power has the same effect as a decrease in price: he has more money left over after his purchase, and can consequently afford to buy more of the product.

What does all of this have to do with food prices? During the Depression, while farm productivity was still increasing, demand (in the form of spending power) dropped drastically, and food prices plummeted. Farm organizations tried, with limited success, to curtail production, and even destroyed some crops and livestock in an effort to reduce supply and raise prices. Then, during World War II, purchasing power (demand) recovered sharply at the same time that supply became limited: the nation was producing military supplies instead of butter. O.P.A. price controls were required to keep prices from skyrocketing and rationing was necessary to distribute the limited supply equitably. Such conditions produce a flourishing black market at exorbitant prices, unless loyalty and strong public approval of government policies stand against it. "Meatless Tuesdays" were encouraged to reduce demand and victory gardens to increase supply. But pressure on prices built up steadily. When controls were removed in 1946, prices exploded. As mentioned earlier, food prices rose 31.8% in twelve months. By 1950 they were more than double their 1940 levels.

WHY HAVE FOOD PRICES GONE UP LATELY?

Many factors contribute to recent increases.

Demand for food has gone up strongly. Wages have increased, and more people are working. Real disposable income for the first quarter of 1973 is an estimated 6.8% higher than for the first quarter of 1972.

Each year we have been eating more meat. Consumption increased from 136 pounds per person in 1920 (and a low of 117.4 pounds in 1935) to 191.8 pounds in 1971. In 1972, supply decreased by 750 million pounds, which means that three pounds less per person was available. But the increase in demand was so great that we would have had to produce 10 pounds more per person to keep prices at the 1971 level.

More of the meat we eat is beef. Beef consumption increased from 59.1 pounds per person in 1920 to 115.9 pounds in 1972. Reduced pork supplies in 1972 put added pressure on beef prices.

Demand for beef is shifting to higher, more expensive grades. Consequently, relatively less of the more economical lower grades is being produced.

Federal food programs under the Department of Agriculture have been expanded and now include about 15 million people, more than twice as many as three years ago. The government spent about $4 billion on these programs last year. Between fiscal 1972 and 1973, social security and Medicare benefits increased by $10 billion. Beneficiaries of these programs are now eating better and adding to the demand for food.

Worldwide demand for food increases as populations increase and people around the world become more affluent. This bids up prices on food we import and encourages more exports, reducing our own supplies.

Farm prices fluctuate widely due to natural forces such as weather, insects and disease. A severe freeze in Florida during the mid-sixties, for example, destroyed much of the citrus crop. A week later, anticipation of short supplies pushed the price of a six-ounce can of frozen orange juice up as much as 15¢. Bad weather this year severely affected the production of feed grains. The impact of the resulting shortage and consequent high prices on the meat supply will not be felt for several months.

Advancing technology has increased food supplies and kept prices down. Restrictions on its use have the opposite effect.

In the forties, DDT was hailed as a sort of wonder drug of agriculture, and it contributed materially to increased crop yields. Later we discovered harmful residual effects on marine and wildlife species, so our government has curtailed its use. Most people approve of this step when they think in terms of the environment, ecology and quality of life, but its effects are sure to show up in increased costs in the marketplace. The same may be said of recent developments in the use of chemical fertilizers, whose run-off contaminants promote algae growth and upset the ecological balance of ponds and lakes. We want to restore this balance, but when we restrict use of fertilizers, we pay for it.

The growth hormone diethylstilbesterol (DES) made it possible to bring beef cattle to market earlier, saving feed and other operating costs. When massive doses of the hormone were linked with cancer, the government was required, under the Delaney Clause, to ban its use in any amount. This action means it will cost cattlemen more to bring cattle to market weight and can be expected to reduce supplies.

FIGURE 2.—PERCENTAGE OF RETAIL PRICE RECEIVED BY FARMERS ON VARIOUS ITEMS

Food item	Marketing margins (percent)	Farmer's share (percent)
Meat	45	55
Dairy products	53	47
Butter	33	67
Ice cream	67	33
Bakery and cereal products	84	16
Bread	86	14
Cornflakes	93	7
Flour	65	35
Fruits and vegetables	75	25
Fresh	68	32
Processed	82	18

Source: USDA, August 1972.

We live in an age when we are acutely aware of the deleterious effects of some technological advances. And we should be. But we must also understand that our technology makes living easier and cheaper, and that to dispense with it, without devising substitutes, has its costs.

Total farm plantings affect the price of a given commodity by dictating supply at harvest time. Higher prices and changes in government programs have stimulated farmers to increase their planting and expand breeding herds in 1973. In the past it has been government policy to support prices by encouraging farmers to restrict their planting.

Energy supplies (shortages) have caused spoilage and damage to many farm products, thus shorting supplies and increasing costs. There is great concern today about the adequacy of currently available fuel supplies for harvesting and processing perishable crops this year.

Government policies, including restricting acreage given to specific crops, affect price. However, buying and storing surplus grains, granting subsidies to encourage exports and import quotas on meat have been discontinued to help ease the domestic situation.

The most direct form of government action is, of course, the imposition of price controls. Opponents of price controls argue that they defeat their own purpose by ignoring one of the prime causes of high prices: short supply. And price itself is the greatest incentive for producers to increase the supply. If prices are suppressed artificially, supplies remain low and the need for price controls continues. In the extreme, rationing is required to distribute the limited supply—or we will find people waiting for hours in long lines, waiting to buy the short supplies on a first-come, first-served basis. Some items find their way into the black market, where buyers are willing to pay exorbitant prices.

Price controls should thus be viewed as a temporary measure and accompanied by strong efforts to bring about an increase in supplies to bring down the free market price, so that controls can be removed. One reason for exempting farm prices from the 60-day price freeze announced this June is to encourage farmers to increase their production.

The devaluation of the dollar has increased the price of food imports, notably beef. At the same time, it makes our food products cheaper in foreign countries, which encourages exports, reduces home supplies and increases domestic prices.

Long range cost increases have been building up pressure on farm prices. Total farm production costs are more than double the level 20 years ago. Wages are up 140%, machinery prices are up 96%, and real estate taxes have increased 270%.

Profit margins of manufacturers and distributors are decreasing. Profits on operations after food leaves the farm are about 4% of sales before tax, and about half of that after tax. During the 1960s, after-tax profits of food chains decreased from a high of 1.4% to .84%. But gross margins (the difference between the price the retailer pays for an item and what he sells it for) have increased.

Changing lifestyles affect prices substantially. The increasing demand for convenience foods, partly because more women are working outside the home, has added to the cost of food. More between-meal snacking and changing styles in home entertaining have given rise to new, often expensive, snack food items.

Over 5,000 new food items may be introduced in a single year. Only 1,500 of these make it to the grocery shelves, and only 500 last for more than a year. All cost money for developing, manufacturing, advertising, and so on. Does the American homemaker really want this plethora of products? The success of warehouse markets, with limited products, brands and service, suggests she doesn't. The decline of the small grocery store and the rise of the large supermarket suggest she does. Grocery industry spokesmen expect the number of supermarket items to continue to grow, reaching 15,000 to 20,000 by 1980.

In general, the rise of the supermarket, aided by the habit of shopping by car, has helped keep prices down.

Overall food prices have increased because we are also eating out more often. The cost of personal food service has risen much more rapidly than the price of food itself. So have other overhead costs such as property and taxes.

Consumer shopping habits may add to food costs. The consumer may ask for special services, such as credit, delivery, telephone ordering or check cashing.

Consumers may damage fresh produce by squeezing and pinching it. Bruised produce may have to be reduced for quick sale or may lie unsold until it spoils. Other items must be priced higher to cover the loss.

Consumers may also break or puncture packaged goods. Some go so far as to open jars or packages, smell or taste the food, and replace it on the shelf.

Consumers may change their minds about a particular product and not replace it properly. This is especially critical with perishables such as frozen food or meat.

And, of course, a few consumers are simply dishonest. Shoplifting is often called the fastest growing form of larceny in the U.S. According to the National Retail Merchants Association, it amounts to $3.5 billion per year and costs the average consumer between $30 and $60 a year, some of it in the food market. Some shoppers switch the price labels from lower priced to higher priced items, or switch the cap, with its price stamp, from the small to the large size bottle. Self-service stores are easy prey for these people. Changing attitudes may also contribute. Some shoplifters feel that they're "getting back" at the system, not realizing that other consumers ultimately bear the cost of their actions.

Some shoppers write bad checks, which, even if redeemed, add to administrative expenses. "Cart-napping" is another problem. Shopping carts cost about $35 each, and some retailers claim they lose one out of every five they own.

WHAT'S BEING DONE TO STABILIZE PRICES?

Many factors are at work in all segments of the economy. We have already seen limits on wage increases, price freezes and price controls. Hopefully, these will be temporary measures.

With the quotas removed on meat imports, we can bid freely for the world's meat supplies. The Department of Agriculture has also released government-owned stocks of feed grain, which will eventually mean more meat, milk and eggs for the market. Changing farm policies mean that farmers are now able to plant more acreage. The government has discontinued export subsidies on agricultural products. Larger herds of cattle and more pigs are being raised.

We can also expect to see changes at the supermarket to make operations more efficient and economical. Among these will be increasing use of electronic aids, including the electronic, automatic checkout.

In general, however, the easiest way to ease prices is to increase supply and/or decrease demand. Consumer education will be very important in helping re-educate some of our buying and eating patterns to make more effective use of our personal resources.

FIGURE 3

	Cents
Raw tomatoes	3.4
Processing and container	12.8
Processor's distribution expense (shipping, warehousing, sales, advertising)	3.8
Processor's profit	.4
Wholesaler's costs	1.3
Wholesaler's profit	.3
Retailer's costs	6.6
Retailer's profit	.4
Production cost	16.2
Marketing cost	12.8
Total	29.0

SOURCE: Del Monte Corp., 1973.

By Mr. GURNEY:

S. 2706. A bill to revise the authorized boundary of the Biscayne National Monument in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. GURNEY. Mr. President, today, I am introducing a bill which would provide for Federal acquisition of Swan Key, thus clearing the way for the inclusion of this beautiful island into the Biscayne National Monument.

At present, Swan Key is a small privately owned island, consisting of 113.85 acres, which, while located within the established boundaries of the Biscayne National Monument, does not come under the jurisdiction of the National Park Service. Back in 1967, when the question of establishing the Biscayne National Monument area was being considered, the National Park Service recommended that Swan Key be included, but at that time it was not available for purchase.

Now it is available and I think that we should move to acquire it while we can.

By way of background, Swan Key is located just south of Miami, in southern Biscayne Bay, on a navigable deepwater channel 1 mile east of the intercoastal Waterway and just a few miles from the open waters of the Atlantic. The Key has almost 2½ miles of water frontage and is representative of an area that has been described as "furnishing a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great beauty."

I think that my colleagues who have had the good fortune to visit Biscayne Bay—perhaps to do a little boating or fishing—will agree with me that it is an area well worth preserving.

As a matter of fact, preservation of the area in its natural state was the very reason the Biscayne National Monument was created in 1968. But, it should be remembered that, included in the 1967 report that led to the national monument being established was a recommendation:

> That the extension of the west boundary of the national monument to near the mainland [would] protect the submerged lands of Biscayne bay from unwarranted channel development, commercial dredging and filling . . . [and] pollution . . . which might alter or upset the marine ecology . . .

Purchase of Swan Key would not only accomplish the desired extension but would enhance the entire monument area. That Swan Key should be included in Biscayne National Monument was recognized by the Park Service in 1967 and the Congress in 1968; now we have the chance to act accordingly.

A companion measure to this one has been introduced into the House and it is my hope that we can move forward on this matter as soon as possible. Therefore, I urge my colleagues to give this proposal favorable consideration and, for their benefit, ask that the text of the bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of October 18, 1968 (82 Stat. 1188), authorizing the establishment of the Biscayne National Monument, Florida, is amended by deleting the words "so much of" and "as lies north of the north boundary of the channel easement shown thereon" from the first sentence; by deleting the words "ninety-six thousand three hundred acres" from the third sentence and substituting the words "one hundred five thousand acres" in lieu thereof, and by inserting a period after the word "acres" in the third sentence and deleting the remainder of the sentence.

Sec. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. BROOKE:

S. 2707. A bill to amend the Securities Exchange Act of 1934 to facilitate the regulation of banking institutions regularly engaged in the business of effecting transactions in securities for the accounts of others. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BROOKE. Mr. President, the past several years have witnessed a marked increase in the number of new financial services offered by nearly all institutional investors. Moreover, this trend appears to have accelerated to the point where this Nation's securities markets are seeing an intensifying competition between investment advisers, banks, brokers, and insurance companies for the public's investment dollar.

Perhaps the most aggressive and innovative of all tyes of financial institutions in attempting to attract securities investors have been banks. A growing number of banks have diversified their traditional range of investment services to include those aimed primarily at the smallest public investor. A current example of such bank investment services is the checking account based automatic investment plan services being offered by several banks. Through this service, banks, by an automatic monthly charge to customer checking accounts, offer them an opportunity to purchase shares of certain designated companies. Such services are being aggressively marketed through newspaper and prime time radio and television advertisements.

With the proliferation of bank-sponsored investment plans, however, there exists the possibility that unless subject to some securities regulation, these bank programs could exacerbate serious structural imbalances in our securities markets, and possibly even work to the detriment of the small investor they are designed to service.

For one thing, automatic bank investment programs seem to be often concentrated in only a relatively small group of issues generally the favorites of large institutional investors. Thus it has been pointed out that this phenomenon could aggravate the so-called two tier market. Moreover, if such services contribute to an increase in investment concentration already present in our securities markets, the ability of many solid corporations, both large and small, to raise capital could be greatly impaired. Similarly, while pooling of orders by a bank sponsoring such plans may result in some cost savings to investors, they may also serve to increase the percentage of large securities transactions and decrease the number of individual small orders critical to the depth and liquidity of our securities markets.

Of equal, if not greater concern, is the status of those individual investors who choose to participate in these bank sponsored programs. Although banks sponsoring automatic investment plans are affecting transactions in securities for accounts of their customers, they are excluded from the statutory definition of the term broker as set forth in the Securities and Exchange Act of 1934. As a result, other than certain generally applicable provisions of Federal law, banks are not subject to regulatory requirements imposed on broker dealers by the Commission for the protection of investors. Moreover, unlike brokers and dealers registered with the Securities and Exchange Commission, banks have not been subjected, in all instances, to the prevailing requirement that recommendations be suitable for the potential securities investor, nor are they otherwise held accountable for inappropriate advertising material.

SEC Chairman Ray Garrett has recently pointed out even though issuers may be well established and have very substantial assets, it does not necessarily follow that such securities are suitable investments for all investors. Nor, he points out, should we lose sight of the fact that a voluntary determination by banks to offer the most highly capitalized securities to their customers is not in fact the same, either as a matter of law or practicality, as an explicit regulatory requirement to that effect.

There are still other possible problems posed for individual investors participating in many of these programs. Where unregulated entities engage in the business of affecting securities transactions, a question immediately arises as to whether the price charged to individual customers is as favorable as possible under the prevailing market conditions, or for that matter whether customers will receive adequate confirmation of their purchases and whether individuals leaving securities with a bank pursuant to an automatic investment program are fully protected in the event of any financial difficulties of the bank.

Accordingly, I am today introducing legislation to afford the SEC limited jurisdiction over the securities activities of banks offering automatic investment plan services. However, this bill allows the Commission broad exemptive powers to exclude from regulation traditional bank securities activities unrelated to the offering of these plans. It specifically exempts banks from the application of section 15(c)(3) of the Securities Exchange Act. This section contains the basic statutory requirements related to the financial responsibility and related practices of brokers, including the most basic one of all—the net capital rule. Such rules cannot and should not apply to banks. I would anticipate, therefore, that under this legislation the Commission would deal primarily with the questions of suitability of investment, most favorable execution of transactions and the economic impact of these programs upon our securities markets.

The purpose of this legislation is not to prohibit banks from expanding their services beyond their traditional trust and investment functions. This bill does not ban AIP accounts. They appear to be an innovative and worthwhile consumer service. Rather, its purpose is to insure that individual customers who participate in these programs are afforded all applicable and necessary protections now available to other types of investors.

Increased competition created between banks and brokers could well prove beneficial to the investing public. But I do not believe that it is either desirable or appropriate to encourage competition at the very heavy cost of sacrificing needed regulatory protection. Persons or entities engaged in comparable activities should be subject to comparable regulation, and it is my view that with respect to the automatic investment plan services I have described such regulation does not now exist.

These small account services seem to presage a change in the traditional methods by which securities are bought and sold in this country. Because of the overriding importance of such change to both our financial markets and their most effective regulation, Congress should have an opportunity to decide by whom and to what extent such activities should be regulated. The legislation I am offering today offers one means of insuring that all competitors in our securities markets play under the same rules and are treated in a similar regulatory fashion.

I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a)(4) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c(a)(4)), is amended to read as follows:

"(4) The term 'broker' means any person engaged in the business of effecting transactions in securities for the accounts of others: *Provided, however,* That a bank, as defined in section 3(a)(6) of this title, shall not be deemed to be a broker within the meaning of this title, unless it solicits transactions in securities to be effected by the bank as agent for the accounts of others. In no event shall a bank be deemed to be a broker for the purpose of section 15(c)(3) of this title. The Commission may, by rules and regulations, or by orders, either unconditionally or upon specified terms and conditions, or for specified periods, exempt from the definition of the term 'broker' any bank otherwise included within the definition of the term 'broker' contained in this subsection, if the granting of such exemptions is not inconsistent with the public interest or the protection of investors."

By Mr. HARTKE (by request):

S. 2710. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, today I introduce S. 2710 a bill which would amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans. At the request of the Disabled American Veterans, I am introducing this bill, which embodies Legislative Resolution 406, passed at the National Convention of the DAV this past August.

This request bill would provide for a 15-percent increase in the compensation rates for all service-connected disabled veterans. An increase in compensation rates for service-connected veterans is a subject which the Committee on Veterans' Affairs, which I am privileged to chair, will be looking into closely in the coming months. In this review by the committee we will consider the recommendations of the DAV as contained in this bill together with other measures affecting disabled veterans which I and others will introduce in the near future. Following hearings and thorough review of all proposals, I am hopeful that the committee will be able to quickly report an equitable measure for the consideration of the entire Senate.

Mr. President, an unrelenting inflationary economy continues to take its toll on veterans living on fixed incomes as I mentioned in my address to the National Convention of the Disabled American Veterans in August of this year. I told the delegates there that despite my bill providing a 10 percent compensation increase last year which was enacted by Congress into Public Law 92-328, it was obvious to me that it would soon be necessary in the 93d Congress to once again review the program and make necessary adjustments. That time is approaching more rapidly. In this connection, I want to emphasize that while the members of the Senate Veterans' Affairs Committee are mindful of budgetary realities, we are unanimous in our belief that any efforts to shortchange disabled veterans is false economy.

Mr. President, I ask unanimous consent that the text of the bill and the letter of transmittal of November 1, 1973 from Charles L. Huber, national director of legislation of the Disabled American Veterans, to me requesting the introduction of this bill together with the DAV Resolution No. 406 be printed in their entirety at this point in the Record.

There being no objection, the bill, letter and resolution were ordered printed in the Record as follows:

S. 2710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out "$28" in subsection (a) and inserting in lieu thereof "$32";

(2) by striking out "$51" in subsection (b) and inserting in lieu thereof "$59";

(3) by striking out "$77" in subsection (c) and inserting in lieu thereof "$89";

(4) by striking out "$106" in subsection (d) and inserting in lieu thereof "$122";

(5) by striking out "$149" in subsection (e) and inserting in lieu thereof "$171";

(6) by striking out "$179" in subsection (f) and inserting in lieu thereof "$206";

(7) by striking out "$212" in subsection (g) and inserting in lieu thereof "$244";

(8) by striking out "$245" in subsection (h) and inserting in lieu thereof "$282";

(9) by striking out "$275" in subsection (i) and inserting in lieu thereof "$311";

(10) by striking out "$495" in subsection (j) and inserting in lieu thereof "$569";

(11) by striking out "$47" and "$616" and "$862" in subsection (k) and inserting in lieu thereof "$60" and "$708" and "$991", respectively;

(12) by striking out "$616" in subsection (l) and inserting in lieu thereof "$708";

(13) by striking out "$678" in subsection (m) and inserting in lieu thereof "$780";

(14) by striking out "$770" in subsection (n) and inserting in lieu thereof "$886";

(15) by striking out "$862" in subsections (o) and (p) and inserting in lieu thereof "$991";

(16) by striking out "$370" in subsection (r) and inserting in lieu thereof "$426"; and

(17) by striking out "$554" in subsection (s) and inserting in lieu thereof "$637".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

Sec. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$31" in subparagraph (A) and inserting in lieu thereof "$36";

(2) by striking out "$53" in subparagraph (B) and inserting in lieu thereof "$61";

(3) by striking out "$67" in subparagraph (C) and inserting in lieu thereof "$77";

(4) by striking out "$83" and "$15" in subparagraph (D) and inserting in lieu thereof "$95" and "$17", respectively;

(5) by striking out "$21" in subparagraph (E) and inserting in lieu thereof "$24";

(6) by striking out "$36" in subparagraph (F) and inserting in lieu thereof "$41";

(7) by striking out "$53" and "$15" in subparagraph (C) and inserting in lieu thereof "$61" and "$17", respectively;

(8) by striking out "$25" in subparagraph (H) and inserting in lieu thereof "$29"; and

(9) by striking out "$48" in subparagraph (I) and inserting in lieu thereof "$55".

Sec. 3. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

Disabled American Veterans,
November 1, 1973.

Senator Vance Hartke,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, D.C.

Dear Senator Hartke: I am enclosing a draft bill to increase the rates of service-connected disability compensation which I respectfully request that you do us the honor of introducing in the United States Senate.

In accordance with the mandate of the attached resolution adopted by our most recent National Convention, the bill would increase by 15 percent all basic rates of disability compensation as well as the allowance for dependents of veterans who are 50 percent or more disabled.

Additionally, the bill would provide a long delayed and well deserved increase in the statutory award for the service-connected loss or loss of use of a single extremity or body organ. Although the basic rates of disability compensation have been increased at more or less regular intervals over the years, the monthly payments under Section 314(k) of Title 38, United States Code, have not been adjusted since July 1, 1952.

Because of the impairment in earning capacity resulting from diseases and injuries sustained during their military service and due to the steadily increasing cost of living, America's disabled veterans are in dire need of increased compensation to support themselves and their dependents.

In considering the increases proposed by the draft bill, it should be remembered that since August 1, 1972, when the rates were last adjusted, the Congress has enacted legislation to increase the monthly payments to Federal employees, military personnel and Social Security beneficiaries.

The pressures of inflation have had the same adverse effect on disability compensation as that of other Federal payments and if the Consumer Price Index continues to rise at the current rate, the gap between the purchasing power of the compensation dollar and the cost of living will fully justify a 15 percent increase by the time the bill could be enacted.

Thanking you in advance for any consideration you may give to introducing this legislation, and advising you of our deep and sincere appreciation for your past efforts in behalf of America's veterans, I am

Respectfully yours,

Charles L. Huber,
National Director of Legislation.

Legislative Resolution No. 406

DISABILITY COMPENSATION INCREASE

Be it resolved, by the Disabled American Veterans in National Convention assembled at Miami Beach, Florida, August 12–18, 1973, that the U.S. Congress be petitioned to enact legislation that will provide an increase of at least 15 percent in the rates of VA disability compensation payments to help bring the standard of living of disabled veterans more in line with that which they would have enjoyed had they not been disabled in the military service of their country.

By Mr. INOUYE (for himself, Mr. Abourezk, Mr. Aiken, Mr. Brooke, Mr. Ervin, Mr. Kennedy, Mr. Mansfield, Mr. McGee, Mr. McIntyre, Mr. Pastore, Mr. Randolph, and Mr. Young):

S. 2711. A bill to allow an additional income exemption for a taxpayer or his spouse who is deaf or deaf-blind. Referred to the Committee on Finance.

Mr. INOUYE. Mr. President, at the present time, the Internal Revenue Service provides an additional tax exemption for the legally blind people of the United States. Most of the States follow the lead of the IRS by providing an added exemption for the blind on State income tax as well.

Thus far, Hawaii is the only State that has provided a similar exemption for both the blind and the deaf residents of the State. I believe that it is time that the Internal Revenue Service follow the lead of the State of Hawaii by providing the same tax break for this severely handicapped portion of the citizenry of the United States.

The bill which I am introducing is not intended to provide a crutch for the deaf, nor to rob them of their pride. It is intended to encourage self-reliancy and to compensate for the extra expenses which the deaf encounter in their attempt to overcome their handicap. The costs of hearing aids, the extra cost of automobile insurance which some companies charge to their deaf customers, the higher cost of education are only a few of the expenses which make it much more costly to be deaf than to have normal hearing, especially since most deaf people are underemployed, given their education and abilities.

There are approximately 450,000 profoundly deaf Americans. While this is a small portion of the total population, it is not insignificant nor should it be ignored.

This is approximately equal to the number of legally blind who are granted an additional tax exemption. Of the 470,000 blind, only 145,000 claimed the exemption in 1971. It is reasonable to believe that roughly the same proportion of deaf would use this exemption, since both blindness and deafness have a higher incidence among the older citizens.

Mr. President, I urge early and favorable consideration of this measure by the Senate. The precedent exists and the merit has clearly been established.

By Mr. FULBRIGHT (by request):

S. 2712. A bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims by American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes.

The bill has been requested by the Chairman of the Foreign Claims Settlement Commission and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Chairman of the Commission to the President pro tempore of the Senate dated October 31, 1973, and the section-by-section analysis of the bill.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Claims Settlement Act of 1949, as amended, is further amended as follows:

(1) Section 302, title III, is amended by adding a new subsection (c) as follows:

"(c) The Secretary of the Treasury shall cover into the Hungarian Claims Fund, such sums as may be paid to the United States by the Government of Hungary pursuant to the terms of any claims settlement agreement between the Government of the United States and the Government of that country."

(2) Section 303, title III, is further amended by striking out the word "and" at the end of parargaph (3); by striking out the period at the end of paragraph (4); by inserting a semicolon in lieu thereof, and by immediately thereafter inserting the word "and".

(3) Section 303, title III, is further amended by adding a new subsection (5) as follows:

"(5) Pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Hungary, between August 9, 1955, and the effective date of the claims agreement between the Governments of Hungary and the United States."

(4) Section 306, title III, is further amended by adding a new paragraph (c) as follows:

"(c) Within thirty days after enactment of this paragraph, or thirty days after enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under subsection (5) of section 303, whichever date is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed with the Commission, which limit shall not be more than six months after such publication."

(5) Section 310, title III, is further amended by adding at the end of subsection (a) thereof, a new paragraph (7), as follows:

"(7) Whenever the Commission is authorized to settle claims by enactment of paragraph (5) of section 303 of this title with respect to Hungary, no further payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission pursuant to paragraphs (2) and (3) of section 303 out of the Hungarian Claims Fund until payments on account of awards certified pursuant to paragraph (5) of section 303 with respect to such Fund have been authorized in equal proportions to payments previously authorized on existing awards certified pursuant to paragraphs (2) and (3) of section 303."

"(a) With respect to awards previously certified pursuant to paragraph (1) of section 303, the Secretary of the Treasury shall not authorize any further payments until payments on account of awards certified under paragraphs (2), (3) and (5) have been authorized in equal proportions to payments previously authorized on existing awards certified pursuant to paragraph (1) of section 303."

"(b) The Secretary of the Treasury shall not authorize any further payments on account of awards certified under paragraph (3) of section 303 based on Kingdom of Hungary bonds expressed in United States dollars or upon awards to Standstill creditors of Hungary that were the subject matter of the agreement of December 5, 1969, between the Government of Hungary and the American Committee for Standstill creditors of Hungary."

"(c)" The Secretary of the Treasury is authorized and directed to deduct the sum of $125,000.00 from the Hungarian Claims Fund and cover such amount into the Treasury to the credit of miscellaneous receipts in satisfaction of the claim of the United States referred to in Article 2, paragraph 4 of the Agreement: *Provided,* That the said amount shall be deducted in annual installments over the period during which the Government of Hungary makes payments to the Government of the United States as provided in Article 4 of the Agreement.

(6) Section 316, Title III, is amended by adding a new subsection (c) as follows:

(c) The Commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (5) of section 303 of this title not later than two years following the deadline established under paragraph (g) of section 306 of this title.

Foreign Claims
Settlement Commission
of the United States,
Washington, D.C., October 31, 1973.

Hon. James O. Eastland,
President Pro Tempore of the Senate, Washington, D.C.

Dear Mr. President: Transmitted herewith in behalf of the Executive Branch for consideration of the 93rd Congress is a draft of a proposed bill entitled, "A Bill To Amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims by American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes."

On March 6, 1973, the Governments of the United States and the Hungarian People's Republic entered into an en bloc settlement of claims of nationals of the United States against the Government of Hungary arising out of the failure of that government to (1) pay compensation for certain war damage losses; (2) pay compensation for the nationalization or other taking of property; and (3) meet obligations expressed in United States dollars acquired by United States nationals prior to September 1, 1939, and which became due and payable prior to September 15, 1947.

Most of the claims referred to above were the subject of initial consideration under the provisions of Section 303 of Title III of the International Claims Settlement Act of 1949, as amended (Public Law 84–285, approved August 9, 1955). During the course of that program, which was completed on August 9, 1949, the Commission received a total of 2,725 claims. Of that number, 1,572 claims were denied for various reasons and awards totalling approximately $58,277,457.00 in principal amount were granted in 1,153 claims.

The funds used to make payments on those awards were derived from the liquidation of certain Hungarian assets in the United States that had been blocked during World War II under the provisions of the Trading With the Enemy Act. Title II of the International Claims Settlement Act specifically authorized the liquidation of those assets and the deposit of the proceeds into the Hungarian Claims Fund, a special fund set up in the Treasury Department. The funds that were realized from the liquidation of the Hungarian assets only permitted a small percentage to be paid on the principal amounts of the awards granted by the Commission.

In addition to providing funds to make additional payments on the awards granted by the Commission in the claims program authorized by Public Law 84–285 referred to above, the 1973 Agreement makes provisions for claims of nationals of the United States against the Government of Hungary which arose between August 9, 1955, the date that Public Law 84–285 was approved, and March 6, 1973, the effective date of the Agreement.

It should be noted that certain claims that were the subject of awards in the previous program are not covered by the Agreement and no further payments may be made on the awards granted thereon. These claims involve the claims of the Hungarian Standstill Creditors and those involving Kingdom of Hungary bonds expressed in United States dollars. With respect to Hungarian Standstill Creditors, an agreement was concluded on December 5, 1969, between the Government of Hungary and the American Committee for Standstill Creditors of Hungary under which such claims were settled. Any further payment on these claims from funds derived from the 1973 Agreement would constitute double payment. In the case of Kingdom of Hungary dollar bonds, there was an exchange of letters between the Secretary of State of the United States and the Deputy Prime Minister of Hungary confirming that it was the intention of the Government of Hungary to settle such claims by direct talks with the American bondholders or their representatives (Annex E of the Agreement). On the basis of this exchange, no additional payments will be made on the awards based on dollar bonds.

The Commission cannot commence with the new claims program until such time as it is granted legislative authority, and no further payments may be made on the awards previously granted until the new claims are finally decided.

Under the terms of the March 6, 1973 Agreement, the Government of Hungary agreed to pay and the Government of the United States agreed to accept the sum of $18.9 million in final settlement of these claims by nationals of the United States. In addition, the Government of Hungary agreed to relinquish claims of $3,318,614 on vested Hungarian assets in the United States. The latter sum was the source of the funds used to make payments on awards in the previous claims program. In effect, therefore, the settlement is in the amount of $22,218,614. The Government of Hungary agreed to pay the $18.9 million in annual installments of at least $945,000 over a period not to exceed twenty years. The first installment of $945,000 has been paid as required by the Agreement.

For the foregoing reasons the Commission and the Department of State respectfully urge early and favorable action on the proposed bill.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this draft legislation for the consideration of the Congress.

Accompanying the draft bill is a section-by-section analysis of its provisions.

Sincerely yours,
Lyle S. Garlock,
Chairman.

International Claims Settlement Act

Section-by-Section Analysis

Paragraph 1. (The enacting clause unnumbered.) Inasmuch as the statute now provides that the Hungarian Claims Fund shall be comprised only of sums blocked, vested and transferred by the Attorney General under the Trading With the Enemy Act, the additional sums paid by Hungary under the Agreement concluded on March 26, 1973 cannot be covered into the Funds. New subsection (b) provides the vehicle for accomplishing this purpose.

Paragraph 2 and 3. Paragraph 2 involves technical changes in the language of section 303, Title III of the Act to permit the addition of a new paragraph "(5)" as contained in the amendment under paragraph 3. The proposal under paragraph 3 makes provisions for the disposition of new claims against the Government of Hungary included within the agreement of March 6, 1973 which have arisen since August 9, 1955.

Paragraph 4. This proposal requires the normal publication of claims filing period in the Federal Register.

Paragraph 5. This paragraph revamps the award payment provisions with respect to claims against the Government of Hungary in order to insure that new awardees will not obtain a pecuniary advantage over previous awardees. It would limit the extent of payments on new awards to the extent of the percentage paid on previous awards, and then permit the residual balance to be distributed proportionately among all awardees. This paragraph also affects payments on war damage awards granted under paragraph (1) of section 303 of the Act and would prohibit any further payments on such awards until all other awards have been paid in equal proportions as have such awards. Hungarian war damage awardees have received payments out of the War Claims Fund as provided in Public Law 87–846, approved October 22, 1962 (Title II of the War Claims Act of 1948, as amended).

This paragraph further prohibits any further payments on awards under paragraph (3) of Section 303 of the Act based on Kingdom of Hungary bonds expressed in United States dollars and awards to Standstill creditors of Hungary. Claims based on Kingdom of Hungary bonds expressed in United States dollars will be the subject matter of future consideration by the Government of Hungary and were not settled by the March 6, 1973 Agreement. Claims by Standstill creditors of Hungary have been settled under a separate agreement concluded on December 5, 1969 between the Government of Hungary and the American Committee for Standstill creditors of Hungary. This paragraph will prevent double payment on such claims.

Finally, this paragraph makes provisions for the payment to the United States of the sum of $125,000.00 in settlement of a claim arising out of an aerial incident in 1951 involving a United States plane.

Paragraph 6. This proposal requires the Commission to complete its affairs with respect to the Hungarian Claims Program not later than two years following the deadline for filing of the new claims.

By Mr. MONDALE

S. 2716. A bill to amend section 1662(c) of title 38, United States Code, to extend the delimiting period for certain veterans pursuing a course of farm cooperative training. Referred to the Committee on Veterans' Affairs.

Mr. MONDALE. Mr. President, I am introducing a bill designed to extend through 1980 education benefits to veterans under the farm cooperative training program.

In the post-World War II, Korean, and Vietnam eras, the Congress has adopted programs to provide farm training benefits for qualified veterans.

The program in effect today was initially authorized on August 31, 1967, by Public Law 90–77. In order to receive benefits, a veteran must be concurrently engaged in agricultural employment which is considered to be related to the approved institutional courses. The program enables participants to receive benefits for a full 12 months when instruction for the year is prescheduled for 44 weeks. He is considered to be a full-time student when pursuing a minimum of 10 hours per week, three-quarter basis if 7 hours a week, or a half-time basis if a minimum of 5 hours per week. For a married man with two children and enrolled in a full-time program such benefits total $250 per month.

Under the 1967 law, veterans are given 8 years following the date of discharge or until 1975, whichever is later, to complete their education.

Over the past few years, hours requirements have been liberalized, and States have begun to develop and expand farm cooperative training programs. Participation in the program has shown a dramatic increase from 5,000 in the 1971–72 school year to 9,319 in the 1972–73 school year.

In Minnesota the first farm cooperative program began in 1969. The number of programs increased to 45 by January of this year, and by September to 80. These programs are operated in local communities utilizing high schools and area vocational technical institutes.

Just as the program is expanding to reach the large number of qualified veterans who would like to participate; however, many may lose eligibility because of the 1975 deadline for completion of their studies.

Thousands of men in Minnesota and throughout the country, who were discharged prior to 1967, will be cut out of the program unless action is taken to extend the deadline.

The loss of eligibility would be costly not only to individual veterans who deserve an opportunity for farm training, but also to our Nation. The farm cooperative program has demonstrated a very high rate of success in establishing people in farming. Early experience with the World War II and Korean GI bills demonstrates that in some areas as many as 80 percent or more of the participants have continued in farming for 10 years.

Often classes run from 8 until 12 at night. I believe the fact that farmers select to participate in such a rigorous program after working all day long testifies to the high value participants attach to these classes.

I therefore propose to extend eligibility under the program until 1980. This extension would provide an opportunity for veterans to participate in cases where approved programs are only now getting underway.

I am hopeful that the Senate will act favorably on this measure, and I ask unanimous consent that the full text of my bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 1662(c) of title 38, United States Code, is amended by striking out "farm cooperative training, apprenticeship or other training on the job, or flight training" and inserting in lieu thereof "apprenticeship or other training on the job (other than farm cooperative training) or flight training".

(b) Such section 1662(c) is further amended by adding at the end thereof a new sentence as follows: "In the case of any eligible veteran who was discharged or released from active duty before the date of enactment of this sentence and who pursues a course of farm cooperative training within the provisions of section 1677 of this chapter, the delimiting period shall be August 31, 1980."

By Mr. PASTORE:

S.J. Res. 172. A joint resolution proposing an amendment to the Constitution of the United States providing for a special election for the Office of President and Vice President when an individual who has been appointed Vice President succeeds to the Presidency. Referred to the Committee on the Judiciary.

Mr. PASTORE. Mr. President, I introduce a joint resolution proposing an amendment to the Constitution of the United States providing for a special election for the Office of President and Vice President when an individual who has been appointed Vice President succeeds to the Presidency.

Recent events have disclosed a dangerous flaw in the electoral process spelled out in the Constitution.

Today, here in the Senate, we are holding hearings on the nomination of Gerald Ford to become Vice President of the United States.

Once the Congress, under the 25th amendment, confirms the nomination of a new Vice President, a constitutional precedent will be established.

We will have our first appointed Vice President—a man not elected by the people, but a man holding the second highest office in the land.

As tragic events of the past have proved, we cannot foretell what lies ahead for this country.

The appointed Vice President may himself succeed to the Presidency and then appoint a new Vice President.

Should this set of circumstances evolve, a constitutional crisis will occur.

And, what will happen to us then?

For the first time in the history of this great Nation, the President and Vice President will both be appointed—not elected by the people, and not responsive to any mandate from the citizens. The Nation will no longer be democratically governed.

I am not at all satisfied that the bill introduced by the distinguished Senator from Maine, Mr. Hathaway, S. 2678, will withstand constitutional attack nor will it cure the defect in the 25th amendment.

S. 2678 provides for a special election when there is a simultaneous vacancy in the Presidency and Vice-Presidency, but the bill assumes the constitutionality of that special election based on the "necessary and proper" clause in article I of the Constitution. I think this is a strained interpretation of the clause.

Too much is at stake for us to assume that the special election is constitutional. In my view we must amend the Constitution to make certain that the special election is valid.

This is precisely why I am introducing this proposed amendment to the Constitution—to eliminate all ambiguity surrounding this question.

My amendment provides for a special election by the people for the offices of President and Vice President, if a Vice President while appointed under the provisions of the 25th amendment should thereafter become President.

I think that it is imperative that we protect our constitutional form of Government by enacting this joint resolution in order that the States of the Union might consider this essential amendment to the Constitution.

Mr. President, I ask unanimous consent to have printed in the Record the joint resolution and a legal memorandum prepared by my staff and the staff of the Library of Congress, which sets forth the arguments in support of this amendment.

There being no objection, the joint resolution and memorandum were ordered to be printed in the Record, as follows:

S.J. Res 172

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after the date of final passage of this joint resolution:

"ARTICLE

"Section 1. If an individual takes the office of Vice President under section 2 of the XXVth article of amendment and subsequently becomes President under section 1 of that article at a time when more than twelve months remain in the term of the President, then—

"(a) there shall be a special election for the offices of President and Vice President,

"(b) section 2 of the XXVth article of amendment shall not apply to the vacancy in the office of the Vice President caused by such individual's becoming President,

"(c) such individual shall serve as President only until a President elected in such special election takes the oath of office of President,

"(d) the Speaker of the House of Representatives, shall in addition to his duties as Speaker, act as Vice President, and perform the duties of that office, with the one exception that President pro tempore of the Senate shall serve as President of the Senate with voting privileges, until a Vice President elected in such special election takes the oath of office, and

"(e) in the event the Senate shall be equally divided, the Secretary of State may cast a vote to break the tie.

"Sec. 2. The provisions of this Constitution relating to the appointment of electors for President and Vice President shall apply in the case of special elections required by section 1 (a). The Congress shall by law prescribe the date for such elections and such other matters relating to such elections as may be necessary to effectuate the purposes of this article.

"Sec. 3. The individuals elected as President and Vice President in a special election required by section 1 (a) shall become President and Vice President upon taking their respective oaths of office. Nothing contained in this article shall affect the terms of the President and Vice President as prescribed by section 1 of the XXth article of amendment."

POPULAR ELECTIONS AND THE 25TH AMENDMENT: AN HISTORICAL AND LEGAL ANALYSIS

I. INTRODUCTION TO THE PROBLEM

An examination of our election machinery and the portions of the United States Constitution dealing with the office of the President and Vice President reveals a serious condition which is diametrically opposed to the American concept of popular elections.

Under the Constitution, as it stands today, it is possible that the Office of the President and the Office of the Vice President be occupied by appointment rather than by electoral process. Conceivably this situation could continue for almost four years before a national election was held.

By operation of the 25th Amendment to the Constitution, if the office of the Vice President becomes vacant, the President shall appoint a new Vice President.

During that term, if the office of President becomes vacant the "appointed" Vice President will become the President.

Again, by operation of the 25th Amendment, this new President appoints a Vice

President. We then have both offices filled by appointed individuals rather than by elected individuals. How many times this process could reoccur in the span of the original four-year term is left to conjecture.

The possibility of these events actually coming to pass was either overlooked by the framers of the 25th Amendment or considered too remote to warrant a separate clause in that Amendment. Perhaps the problem was not considered serious at that time. Times change.

As Richard P. Longaker, Professor of Political Science and Chairman of Department, University of California, Los Angeles, concluded in his article "Presidential Continuity: The Twenty-Fifth Amendment":

"When the twenty-fifth amendment is first applied, flaws now hidden will no doubt appear. Some of the inevitable imperfections are already evident, though their seriousness will depend on factors extrinsic to the wording of the amendment." (See, "Selected Materials on the Twenty-Fifth Amendment," Oct. 1973. Committee on the Judiciary, pg. 211, at 236).

Professor Longaker was indeed prophetic in his remarks in February of 1966. Today we are facing the appearance of one of these flaws, no longer hidden, but patently obvious. While the idea of repealing the 25th amendment need not be considered, some consideration must be given to an amendment which will improve the 25th amendment. President Harry S Truman, as indicated in the House documents of the 1st session of the 79th Congress (June 19, 1945, p. 6272), seemed genuinely concerned that it was undemocratic for a Vice President who had succeeded to the Presidency to be able to appoint his successor. He said in a letter to the Senate:

". . . it now lies within my power to nominate the person who would be my immediate successor in the event of my own death or inability to act.

"I do not believe that in a democracy this power should rest with the Chief Executive.

"Insofar as possible, the office of the President should be filled by an elective officer. There is no officer in our system of government, besides the President and Vice President, who has been elected by all the voters in the country."

How much more undemocratic would it be for the appointed successor to appoint his successor? This situation should not be tolerated in our democratic system.

At this juncture, the concept of electing the President should be analyzed from historical and legal viewpoints to remove any question as to the intent of the framers of the Constitution and the courts.

II. HISTORICAL BACKGROUND

From the creation of the presidency to the present, that office has been one that has been dominantly characterized as elected as opposed to appointed. The Constitutional Convention in 1787 had as one of its main objectives the development of the office of the President. One of the first provisions discussed at that Convention was the manner of electing the chief executive of the States. The first proposal was made by James Wilson, a lawyer, a chief architect of the Supreme Court and one of Washington's initial appointments as Associate Justice. Wilson's proposal was that the President be named by direct "election by the people". The proceedings of the Convention were secret, but according to James Madison's *Journal*, at least six delegates, including Madison himself and four other lawyers, endorsed Wilson's suggestion. No less than eight other methods of electing the President—among them the electoral college system—were proposed. Some of them were first adopted and then reconsidered and rejected. Not until the final weeks of the Convention was the electoral college method adopted. Thus, it was quite clear from the beginning of our constitutional form of government that the office of the presidency was to be an elected one and not an appointed one.

Moreover, at the Convention of 1787, Edmund Randolph submitted a plan of a national government in which he proposed "a national executive to be chosen by the national legislature for the term of — years . . . and to be ineligible a second time." Charles Pinckney, at the same time, proposed "that the executive power be vested in a President of the United States of America, which shall be his style; and his title shall be 'His Excellency.' He shall be elected for — years, and shall be reeligible." The first decision of the Convention was that the term of the Executive should be seven years. James Wilson proposed that there should be "certain districts in each State which should appoint electors to elect outside of their own body." In these three propositions were the essential elements of nearly all the features of the plan ultimately adopted. Again such propositions make it quite clear that the Convention's concept of the President was one that called for his election rather than appointment.

It should be noted that the Convention first adopted a resolution that the Executive should be chosen by Congress; it also adopted a resolution that the executive power should be vested in one person. Elbridge Gerry proposed that the Executive should be elected by the governors of the several States; this plan was defeated. Alexander Hamilton presented a draft of a constitution to the Convention according to which the choice of a single executive officer, a President, was to be made by electors chosen by the people similar to the way they are now actually chosen; and in case there was no choice by a majority of such electors, then an election from among the three highest candidates was to be made by a body of second electors two for each State, to be chosen by the first electors at the time of voting for a President who were to meet in one place and to be presided over by the Chief Justice.

The whole focus of the Convention of 1787 was in terms of electing the chief Executive and not appointing him. It was not until the final weeks of the Convention that the electoral college method of electing the President was adopted. It was not an ideal way or even the best way of choosing a President; rather it was a compromise device. The Convention refused to give the election of the President to the people; it also rejected amendments to give each State one vote for President; and it defeated a proposition to give a casting vote to the President of the Senate.

Alexander Hamilton in the *Federalist* No. 68 (March 12, 1788) asserted the following in emphasizing the need for having the President elected:

"The mode of appointment of the chief magistrate of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure, or which has received the slightest mark of approbation from its opponents. The most plausible of these, who has appeared in print, has even deigned to admit, that the election of the president is pretty well guarded. I venture somewhat further; and hesitate not to affirm, that if the manner of it be not perfect, it is at least excellent. It unites in an eminent degree all the advantages; the union of which was to be desired.

"It was desireable, that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any pre-established body, but to men, chosen by the people for the special purpose, and at the particular conjuncture.

* * * * *

"All these advantages will be happily combined in the plan devised by the convention; which is, that the people of each state shall choose a number of persons as electors, equal to the number of senators and representatives of such state in the national government, who shall assemble within the state and vote for some fit person as president. Their votes, thus given, are to be transmitted to the seat of the national government, and the person who may happen to have a majority of the whole number of votes will be the president. But as a majority of the votes might not always happen to centre on one man and as it might be unsafe to permit less than a majority to be conclusive, it is provided, that in such a contingency, the house of representatives shall select out of the candidates, who shall have the five highest numbers of votes, the man who in their opinion may be best qualified for the office."

III. LEGAL BACKGROUND

Article II, Section I of the Constitution explicitly states that the President and Vice President of the United States "be elected". The immediate source of Article II was the New York Constitution in which the governor was elected by the people and thus independent of the legislature. His term was three years and he was indefinitely eligible. However, the ultimate plan that was adopted by the Convention was not one that was based on the New York way of electing its governor. The adoption of the electoral college plan came late in the Convention which had previously adopted on four other occasions provisions for the election of the Executive by the Congress and had twice defeated proposals for the election by the people directly. The electoral college, however, probably did not work as any member of the Convention could have foreseen because the development of political parties and nomination of presidential candidates through them and the designation of electors by the parties soon reduced the concept of the elector as an independent force to the vanishing point in practice if not in theory. But the college remains despite numerous efforts to adopt another method.

Article II, Section I, Clause 2 of the Constitution provides:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector."

Although Clause 2 seemingly vests complete discretion in the States, certain older cases recognized a federal interest in protecting the integrity of the process. The Supreme Court has upheld the power of Congress to protect the right of all citizens who are entitled to vote to lend aid and support in any legal manner to the election of any qualified person as a presidential elector, *Ex Parte Yarbrough,* 110 U.S. 651 (1884). The *Yarbrough* Court found that it is the duty of the Government to see that citizens may exercise the right to vote freely and to protect them from violence while so doing and that the votes by which its members of Congress and its President are elected shall be the free votes of the electors, *Id.,* 662. That Court also found that the right to vote is based upon the Constitution and not upon State law and that Congress has the power to pass laws for the pure, free, and safe exercise of this right, *Id.,* 663–664. Its power to protect the choice of electors from fraud or corruption was sustained in *Burroughs and Cannon* v. *United States,* 290 U.S. 534 (1934).

More recently, substantial curbs on state discretion in regulating the selection of electors have been instituted by both the Supreme Court and Congress. In *Williams* v. *Rhodes,* 393 U.S. 23 (1968), the Court struck down a complex state scheme which effectively limited access to the ballot to the electors of the two major political parties. In the Court's view, the system violated the equal protection clause of the Fourteenth

Amendment because it favored some and disfavored others and burdened both the right of individuals to associate together to advance political beliefs and the right of qualified voters to cast ballots for electors of their choice. The Court denied that the language of Article II, Section I, Clause 2 immunized such state practices from judicial scrutiny, and the Court rejected the notion that Article II, Section I of the Constitution gives the States the power to impose burdens on the right to vote where such burdens are expressly prohibited in other constitutional provisions.

In *Oregon* v. *Mitchell,* 400 U.S. 112 (1970), the Court upheld the power of Congress to reduce the voting age in presidential elections and to set a thirty-day residency period as a qualification for voting in presidential elections; the rationale was that the Fourteenth Amendment limits state discretion in prescribing the manner of selecting electors and that Congress in enforcing the Fourteenth Amendment may override state practices which violate that Amendment and substitute standards of its own.

IV. SUMMARY AND ANALYSIS OF THE PROPOSED AMENDMENT

It seems quite clear, both from an historical analysis and a legal analysis, that the concept of the presidency was embodied with the understanding that the office was to be an elected one as opposed to being an appointed one. Moreover, the right to vote for the President has been upheld and safeguarded as the above cases have indicated. Congress has the power to protect that right to vote for the highest office of the land as well as the power to protect the election of the President and the Vice President from corruption, *Burroughs and Cannon* v. *United States, supra.*

It is now time for reflection to see if we have not strayed somewhat from our basic goal of rule by the people. If we have, we must take the necessary steps to return to our primal goals.

When the 25th Amendment was being considered, arguments were made as to whether or not we needed to have a Vice President appointed, should a vacancy in that office occur. Some felt that the Succession Act of 1947 was adequate assurance of continuity of leadership. However, at least two thirds of the Senate, two thirds of the House, and three quarters of the States decided that we should always have a Vice President. It is believed that this office is the best grooming one can have in case he be called on to succeed to the Presidency.

All this precaution is, indeed, prudent. The one vital ingredient missing is the choice of the people. The established machinery is admirable, but it should apply only to provide a suitable interim president—one who would serve only until the people choose a new President and Vice President by election.

In addition, a limit must be placed on the term of a president who neither faced an election nor received the mandate of the people. He should not be permitted to appoint his own successor. These choices must be returned to the people at the earliest practical time.

No alternative can suffice if we are to remain a democracy.

The American people are willing to forgo immediate choice in return for the assurance of capable leadership in a time of crisis accompanying a vacancy in the presidency.

However, it is doubtful that the American people want to give up this choice covering an indeterminable number of possible presidents for possibly four years.

To restore this choice to the American people the Pastore Amendment would provide for a special election for President and Vice President when an individual who has been appointed Vice President by operation of the 25th Amendment succeeds to the office of the President.

A section-by-section analysis of the Pastore Amendment follows:

"Section 1. If an individual takes the office of Vice President under section 2 of the XXVth article of amendment and subsequently becomes President under section 1 of that article at a time when more than twelve months remain in the term of the President, then—

"(a) there shall be a special election for the offices of President and Vice President,

"(b) section 2 of the XXVth article of amendment shall not apply to the vacancy in the office of the Vice President caused by such individual's becoming President,

"(c) such individual shall serve as President only until a President elected in such special election takes the oath of office of President,

"(d) the Speaker of the House of Representatives shall, in addition to his duties as Speaker, act as Vice President, and perform the duties of that office, with the one exception that the President pro tempore of the Senate shall serve as President of the Senate with voting privileges, until a Vice President elected in such special election takes the oath of office, and

"(e) in the event the Senate shall be equally divided, the Secretary of State may cast a vote to break the tie."

This section is designed to create a special election for the offices of President and Vice President when an appointed Vice President pursuant to section 2 of the 25th Amendment succeeds to the presidency pursuant to section 1 of that Amendment.

More than twelve months must remain in the term of the former President in order for the election process to be implemented. This was done to provide enough time for proper choice of candidates by all parties wishing to announce a candidate. Any time less than twelve months was not considered to constitute an abrogation of the electorate's constitutional right to choose the president by election.

The special election process was provided in order to avoid any possible unconstitutionality of a special election grounded on an interpretation of the "necessary and proper" clause of Article I.

Section 2 of the XXVth article of amendment shall not apply to the vacancy in the vice presidency because that vacancy will automatically be filled by an acting Vice President in the person of the Speaker of the House of Representatives. This avoids the necessity for repealing any portion of the 25th Amendment.

The Speaker of the House of Representatives would assume all duties of the Vice President with one exception, but would not give up his duties as Speaker in order that there be as little change as possible in the leadership during the transition period after a vacancy. This is also in keeping with the spirit of the current laws of succession. The one exception to the Speaker assuming all of the vice president's duties is that the President pro tempore of the Senate would become the President of the Senate. This was done in order that the leadership of both legislative bodies remain separate.

The President pro tempore would retain his voting privileges in order that no state be deprived of its two votes. In the event of a tie in the Senate, the Secretary of State may cast the tie-breaking vote. This was done because the Secretary of State is the next in line of succession in the Executive Branch behind the Vice President who would normally have that right under the Constitution.

The appointed Vice President who succeeds to the presidency would serve as President and not as "acting president". His term would end when the newly elected President (after the special election) takes his oath of office. The Speaker and the President pro tempore would return to their normal functions when the Vice President-elect takes his oath of office.

"Section 2. The provisions of this Constitution relating to the appointment of electors for President and Vice President shall apply in the case of special elections required by section 1(a). The Congress shall by law prescribe the date for such elections and such other matters relating to such elections as may be necessary to effectuate the purposes of this article".

This section is designed to afford the special election the same treatment as a regular election and to utilize the existing system for election. The only substantial change would be the date for such elections.

Under the Pastore Amendment, Congress is given the flexibility to establish the date of election as circumstances dictate.

"Section 3. The individuals elected as President and Vice President in a special election required by Section 1(a) shall become President and Vice President upon taking their respective oaths of office. Nothing contained in this article shall affect the terms of the President and Vice President as prescribed by section 1 of the XXth article of amendment".

The intent of this article is to insure that the individuals elected in a special election would serve only the remainder of the established term. This also precludes the necessity of repeal of the 20th Amendment.

The Pastore Amendment strives to work within the framework established by the Constitution from its inception to the present day. It begins and ends with the proposition that the people should elect their President and Vice President and to preserve this right this constitutional amendment is required.

ADDITIONAL COSPONSORS OF BILLS

S. 147

At the request of Mr. INOUYE, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 147, to extend the time limit within which veterans may be entitled to educational assistance.

S. 744

At the request of Mr. RANDOLPH, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 744, to provide a mechanism to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education, and Welfare and a National Council on Rural Health, and for other purposes.

S. 2347

At the request of Mr. BEALL, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 2347, the Historical Structures Tax Act of 1973.

S. 2365

At the request of Mr. TUNNEY, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 2365, a bill to regulate interstate and foreign commerce as it relates to the conduct of organized amateur athletic competition within the United States and the participation of American athletes in international amateur athletic competition.

S. 2388

At the request of Mr. STEVENS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S.

2388, a bill to amend subchapter E of chapter 36 of the Internal Revenue Code of 1954 to permit aircraft owners to choose, under certain conditions, the yearly period for application of the tax on use of civil aircraft.

S. 2445

At the request of Mr. McIntyre, the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 2445, a bill to amend the provisions of the Social Security Act to consolidate the reporting of wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes.

S. 2581

At the request of Mr. Randolph, the Senator from Nevada (Mr. Bible), the Senator from Missouri (Mr. Eagleton), the Senator from Illinois (Mr. Percy), the Senator from Arizona (Mr. Goldwater), the Senator from South Carolina (Mr. Thurmond), and the Senator from Massachusetts (Mr. Brooke), were added as cosponsors of S. 2581, to amend the Randolph-Sheppard Act for the Blind to provide for a strengthening of the program authorized thereunder, and for other purposes.

S. 2589

At the request of Mr. Jackson, the Senator from Connecticut (Mr. Ribicoff) and the Senator from Louisiana (Mr. Johnston) were added as cosponsors of S. 2589, the National Energy Emergency Act of 1973.

S. 2650

At the request of Mr. Cranston, the Senator from Nevada (Mr. Bible) and the Senator from Idaho (Mr. Church) were added as cosponsors of S. 2650, the Solar Home Heating and Cooling Demonstration Act of 1973.

SENATE RESOLUTION 203—SUBMISSION OF A RESOLUTION TO REFER A BILL TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. RIBICOFF submitted the following resolution:

Senate Resolution 203

Resolved, That S. 2698, entitled "A bill for the relief of John J. Egan", together with all accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

ADDITIONAL COSPONSOR OF A RESOLUTION

S. Res 173

At the request of Mr. McIntyre, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of Senate Resolution 173, directing the Securities and Exchange Commission to examine its rules and regulations and make such amendments as may be appropriate in order to reduce any unnecessary reporting burden on broker-dealers and help to assure the continued participation of small broker-dealers in the U.S. securities markets.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. Brooke, the Senator from Louisiana (Mr. Johnston), the Senator from Michigan (Mr. Hart), and the Senator from California (Mr. Tunney) were added as cosponsors of Senate Concurrent Resolution 57, expressing the sense of the Congress that housing, housing assistance, and community development programs authorized by Congress should be carried out at levels at least equal to the levels prevailing in calendar year 1972, until such time as funds appropriated for such programs are exhausted or the Congress enacts legislation terminating or replacing such programs.

NATIONAL ENERGY EMERGENCY ACT OF 1973—AMENDMENTS

AMENDMENTS NOS. 660 AND 661

(Ordered to be printed, and to lie on the table.)

Mr. STEVENSON submitted two amendments, intended to be proposed by him, to the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

AMENDMENT NO. 662

(Ordered to be printed, and to lie on the table.)

Mr. McCLELLAN (for himself, Mr. Long, Mr. Fannin, Mr. Bartlett, Mr. Hatfield, Mr. Domenici, Mr. Tunney, Mr. Bentsen, Mr. Hansen, Mr. Buckley, Mr. Stevens, and Mr. Fulbright) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2589, supra.

AMENDMENT NO. 663

(Ordered to be printed, and to lie on the table.)

Mr. TAFT submitted an amendment, intended to be proposed by him, to the amendment No. 659, intended to be proposed by Mr. Nunn, to Senate bill 2589, supra.

AMENDMENT NO. 665

(Ordered to be printed, and to lie on the table.)

Mr. MATHIAS (for himself and Mr. Ervin) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2589, supra.

AMENDMENT NO. 666

(Ordered to be printed, and to lie on the table.)

Mr. BARTLETT submitted an amendment, intended to be proposed by him, to Senate bill 2589, supra.

AMENDMENT NO. 667

(Ordered to be printed, and to lie on the table.)

Mr. BENTSEN submitted amendments, intended to be proposed by him, to Senate bill 2589, supra.

AMENDMENTS NOS. 668 THROUGH 671

(Ordered to lie on the table, and to be printed.)

Mr. FANNIN submitted four amendments, intended to be proposed by him, to Senate bill 2589, supra.

AMENDMENTS NOS. 672 THROUGH 676

(Ordered to be printed, and to lie on the table.)

Mr. BELLMON submitted five amendments, intended to be proposed by him, to Senate bill 2589, supra.

AMENDMENT NO. 677

(Ordered to be printed, and to lie on the table.)

Mr. HATFIELD submitted an amendment, intended to be proposed by him to Senate bill 2589, supra.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the text of an amendment to S. 2589 I am submitting today be reprinted at the appropriate place in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 677

At the end of the bill, add a new title as follows:

TITLE IV—NONRETURNABLE BEVERAGE CONTAINER PROHIBITION ACT

Sec. 401. This title may be cited as the "Nonreturnable Beverage Container Prohibition Act".

FINDINGS AND PURPOSE

Sec. 402. (a) The Congress finds that (1) utilization of returnable beverage containers would result in substantial energy savings, (2) litter composed of beverage containers is a major source of pollution in all areas of this Nation, (3) the collection and disposal of solid waste composed of such containers impose a great cost burden upon the States and their political subdivisions, (4) nonreturnable beverage containers on which no refundable money deposit is required from the consumer pose a threat to health, safety, and welfare of individuals and environment in the United States, and (5) such containers, representing as they do a high cost in the form of litter and solid waste management, should be banned from circulation within and among the several States.

(b) It is therefore the purpose of this Act to assist in solving this problem by preventing the use and circulation of the offending types of nonreturnable beverage containers by banning their shipment and sale in interstate commerce.

DEFINITIONS

Sec. 403. For the purpose of this Act the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "returnable beverage container" means a beverage container which—

(A) has a clear indication thereon, either by embossing or by a stamp, label, or other method securely affixed thereto, of the refund value of the container, or is a glass container designed for a beverage and having a brand name permanently marked thereon which on the date of enactment of this Act had a refund value of not less than 5 cents;

(B) has a refund value of not less than 5 cents or, if certified by the Administrator pursuant to section 4, has a refund value of not less than 2 cents; and

(C) is not a metal container so designed and constructed that a part of the container is detachable in opening the container without the aid of a can opener;

(3) "beverage" means beer or any other malt beverage, mineral water, or soda water or a carbonated soft drink of any variety in liquid form and intended for human consumption;

(4) "container" means a bottle, jar, can, or carton of glass, plastic, or metal, or any

combination thereof, for use in packaging or marketing any beverage;

(5) "interstate commerce" means (A) commerce between any State or territory and any place outside thereof, and (B) commerce within the District of Columbia or within any other territory not organized with a legislative body;

(6) "territory" means any territory or possession of the United States, including the District of Columbia and excluding the Canal Zone.

CERTIFICATION

SEC. 404. (a) (1) To promote the use of returnable beverage containers of uniform design, and to facilitate the return of containers to manufacturers for reuse as a beverage container, the Administrator may upon application in accordance with regulations established by the Administrator not later than ninety days after the date of enactment of this Act, certify beverage containers which satisfy the requirements of this section.

(2) A beverage container may be certified if—

(A) it is reusable as a beverage container by more than one beverage manufacturer or bottler in the ordinary course of business; and

(B) more than one beverage manufacturer or bottler will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container.

(3) The Administrator may by regulation establish appropriate liquid capacities and shapes for beverage containers to be certified or decertified in accordance with the purposes set forth in subsection (1) of this section.

(4) A beverage container shall not be certified under this section if by reason of its shape or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting, or other permanent method, it is reusable as a beverage container in the ordinary course of business only by a manufacturer or bottler of a beverage sold under a specific brand name.

(b) (1) Unless an application for certification under this section is denied by the Administrator within sixty days after the filing of the application in accordance with regulations of the Administrator, the beverage containers shall be deemed certified.

(2) The Administrator may review at any time certification of a beverage container. If after such review, with written notice and hearing afforded to the applicant for certification under this section, the Administrator determines the container is no longer qualified for certification, he shall withdraw certification.

(3) Withdrawal of certification shall be effective not less than thirty days after written notice to such applicant and to all known manufacturers and bottlers using such container.

PROHIBITION

SEC. 405. (a) No person shall manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce any beverage container other than a returnable beverage container.

(b) Whoever violates subsection (a) of this section shall be fined not more than $1,000, or imprisoned for not more than six months, or both.

REGULATIONS

SEC. 406. The Administrator shall establish such regulations as are necessary for the purpose of this Act.

EFFECTIVE DATE

SEC. 407. The provisions of this Act shall be effective on the date of enactment of this Act, except that section 5 shall be effective after one hundred and eighty days following such date of enactment.

SOCIAL SECURITY AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 664

(Ordered to be printed, and referred to the Committee on Finance.)

SUBMISSION OF AN AMENDMENT TO H.R. 3153, THE SOCIAL SECURITY AMENDMENTS OF 1973

Mr. CHURCH. Mr. President, I am today submitting an amendment which I intend to offer to H.R. 3153, the Social Security Amendments of 1973. My amendment would provide that medical personnel, who by participation in the medicare and medicaid programs are recipients of Federal funds, shall not be required, on the basis of this aid, to participate in the performance of sterilization or abortion procedures if such procedures are in violation of that individual's religious beliefs or moral convictions.

With only technical modifications, this is the same provision adopted overwhelmingly by Congress as title IV of S. 1136, the Omnibus Health bill, subsequently signed into law (P.L. 93-45). When I originally authored this "conscience clause," the language was such that it applied to recipients of aid under all Federal health programs. It was in this form that it originally passed the Senate last March. However, the germaneness rules in the House of Representatives dictated that this provision could only apply to those programs specifically authorized by S. 1136—the Public Health Service Act, the Developmental Disabilities Act, and the Community Mental Health Centers Act—and today these are the only programs which fall within the reach of the law.

I indicated at the time of final passage of the Omnibus Health bill my intentions to find an appropriate vehicle for the extension of similar protection to doctors and other medical personnel who receive Federal assistance through their participation in medicare and medicaid programs. Because of its technical nature, H.R. 3153 is the most appropriate vehicle to accomplish this purpose.

I ask the support of my colleagues to expand this protection for personal beliefs already granted to participants in many of our major health programs. I think it is the general consensus of the Members of Congress that this recent enactment of law was not intended to be discriminatory, and that this protection should be extended to providers of medicare and medicaid services. Already, this new provision of law has been tested by the courts. In my own State of Idaho, a U.S. district judge ruled, partially on the provisions of Public Law 93-45, 87 statute 91, section 401(b), that a hospital did not have to reinstate the staff privileges of a doctor who refused to comply with the medical code of a Catholic hospital which had in previous years received Federal aid. It was the consensus of the court that this statute prohibits any court from finding State action on the part of a hospital which receives Hill-Burton funds and using that finding as a basis for requiring the hospital to make its facilities available for the performance of sterilization procedures or abortions. I ask unanimous consent that the court memorandum on this case, Watkins versus Mercy Medical Center, be printed at this point in the RECORD, along with the text of my amendment to H.R. 3153.

[In the United States District Court for the District of Idaho, Civil No. 1-73-17]

WILFRED E. WATKINS, M.D., PLAINTIFF, VERSUS MERCY MEDICAL CENTER, ET AL., DEFENDANTS

MEMORANDUM DECISION AND ORDER

The plaintiff brought this action for injunctive and compensatory relief against the defendant hospital and its Board of Directors, contending that he had been denied medical staff privileges for failure to agree to, or abide by, the ethical or religious directives under the Code of Ethics for Catholic Hospitals as required by the application of any physician for staff privileges within the hospital, and that such a denial was a violation of his right to freedom of religion and due process of law. Recent congressional action concerning the subject matter of this suit and review of the evidence herein viewed in the light thereof convinces the Court that the plaintiff's claim is without merit.

Briefly, the facts as stipulated are that Dr. Watkins was denied reappointment to the medical staff at Mercy Hospital Center for failure to submit a proper application, reappointment to the staff coming on an annual basis. In his application of December 1, 1973, Dr. Watkins wrote an exclusion to his agreement to abide by the By-Laws of the Medical Staff of Mercy Medical Center so as to exclude the Ethical and Religious Directives for Catholic Health Care Facilities. Upon review by the Credentials Committee and the Executive Committee of the Medical Staff and the hospital Board of Directors, his application was rejected.

Dr. Watkins resubmitted an identical application which was also rejected for his refusal to comply with the Ethical and Religious Directives. His staff privileges thereafter expired on February 1, 1973. Dr. Watkins refused to comply with or agree to the Ethical and Religious Directives because they prohibit staff physicians from performing voluntary or involuntary vasectomies or other sterilization or abortion operations in a hospital setting. These procedures are prohibited solely for religious reasons as the hospital is financed and operated almost entirely by the Catholic Church. On the record it is admitted that Dr. Watkins is in all other respects, training, experience and ethically, qualified for staff privileges. It should be noted that there are approximately 5 hospitals within 50 miles of the Mercy Hospital which do permit all of the procedures under discussion here. Dr. Watkins, therefore, submits that his dismissal for failure to agree to or comply with the directives denies him of his own religious beliefs and his right to practice medicine without due process of law and he requests injunctive relief reinstating his staff privileges, as well as praying for general damages of $100,000.00.

The meagre evidence adduced by Dr. Watkins would not support any monetary relief against defendants.

Dr. Watkins has alleged jurisdiction in this Court to hear this matter on the basis of 28 U.S.C. § 1343(3),[1] contending defendants have deprived him of his constitutional rights in violation of 42 U.S.C. § 1983,[2] and also alleged jurisdiction under 28 U.S.C. § 1331[3] and 42 U.S.C. § 2000d.[4] For reasons more fully developed in this opinion, this Court feels Dr. Watkins is not entitled to the relief which he requests.

In order to state a claim for relief under 42 U.S.C. § 1983, it must be shown that Mercy Medical Center and its Board of Directors were acting under color of State law when they denied Dr. Watkins staff privileges. In other words, it must be determined that the enforcement of the hospital's rule requiring conformity by the medical staff to the directives which prohibit contraceptive procedures was an act done under color of State law. Since the hospital itself is otherwise a private hospital and not owned or operated by any arm of the state, the only means by which it could be said to act under color of law is if the hospital is sufficiently affected by state law and regulation and administration of federal funds by the state as to be considered acting under color of law.

Mercy Medical Center was constructed with the help of Federal Hill-Burton Act funds.[5] It has been held that hospitals which receive Hill-Burton funds are affected with state action. *Sams v. Ohio Valley General Hospital Association,* 413 F. 2d 826 (4th Cir. 1969); *Citta v. Delaware Valley Hospital,* 313 F. Supp. 301 (D.C. Penn. 1970); *Taylor v. St. Vincent's Hospital,* Civ. No. 1090, D.C. Mont., Oct. 31, 1972. However, recent congressional action has effectively revoked the ability of a court to find state action on the part of a hospital which receives Hill-Burton Act funds.

On June 18, 1973, the President signed into law the Health Programs Extension Act of 1973. Title IV, Sec. 401 of that Act, provides in part:

"(b) The receipt of any grant, contract, loan or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act by any individual or entity does not authorize any court or any public official or other public authority to require—

(2) such entity to—

(A) make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions . . ." P.L. 93–45; Stat. 91, § 401(b).

By its plain language this Act prohibits any court from finding state action on the part of a hospital which receives Hill-Burton funds and using that finding as a basis for requiring the hospital to make its facilities available for the performance of sterilization procedures or abortions. The above sections were specifically aimed at such a result as evidenced by the legislative history. See H.R. No. 93–277; 1973 U.S. Code Congressional and Administrative News, 1553 and 1557.[6]

In essence, what Dr. Watkins has asked this Court to do is require Mercy Medical Center to make its facilities available for the performance of sterilization procedures by way of requiring his reinstatement to the medical staff. The above language of the Health Programs Extension Act of 1973 clearly prohibits such a course of action.

Neither does the fact that Mercy Medical Center receives tax exempt status from the state, is licensed by the state and applies for and receives state and federal monies under the Medicare and Medicaid programs, support a finding that the hospital is sufficiently clothed with state control so as to be acting under color of state law. The state has executed no conditions upon the hospital concerning sterilization or abortion in order to receive tax benefits or state or federal money. The state regulations which the hospital must conform to in no way relate to its policy concerning sterilization or abortions. Since hospital policy is not and has not been affected by the benefits bestowed upon it by the state, defendants were not acting under color of state law when the policy was formulated or enforced. Doe v. Bellin, ——F. 2d—— (9th Cir. 1973); Ham v. Holy Rosary Hospital, U.S.D.C., Mont. Dec. 20, 1972, # 1103. Therefore, Dr. Watkins has not stated a claim for relief under 42 U.S.C. § 1983. Chism v. Price, 457 F. 2d 1037 (9th Cir. 1972).

However, despite supporting a finding that defendants were not acting under color of state law, the Health Programs Extension Act is not without the characteristics of a double-edged sword. Title IV of the Act further provides that:

"(c) No entity which receives a grant, contract, loan or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Services and Facilities Construction Act after the date of enactment of this Act may— . . .

"(2) discriminate in the extension of staff or other privileges to any physician or other health care personnel, because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions respecting sterilization procedures or abortions." P.L. 93–45; 87 Stat. 91, § 401(c).

Congress has taken the position that the fact a hospital receives Hill-Burton funds does not authorize a finding that the hospital acts under color of state law as a basis for requiring it to make its facilities available for the performance of sterilization procedures or abortions if the hospital declines for religious or moral reasons. But, at the same time, the hospital cannot discharge a staff member who religiously or morally believes that such services should be performed. The legislation is aimed at protecting the religious rights of both the hospital and the individual. The hospital can prohibit its staff from performing sterilization procedures or abortions in the hospital, but it cannot require its staff to adhere to the religious or moral beliefs which support the hospital's policy as a condition of employment or extension of privileges.

In this case Mercy Medical Center, by way of its application for staff privileges, was requiring Dr. Watkins to agree not to perform sterilization services in the hospital. The hospital was not trying to require Dr. Watkins to adopt their religious beliefs, for he is free to believe that sterilization services should be offered and performed, but the hospital also has the right to believe that such services should not be performed and the right to prohibit the use of its facilities for those purposes.

By similar analysis, Dr. Watkins' general constitutional claim that defendants have violated his First and Fourteenth Amendment rights is without merit. It is unquestioned that the prohibition against the establishment of, or prevention of, the free exercise of religion is wholly applicable to the states through the Fourteenth Amendment. *Cantwell v. Connecticut,* 310 U.S. 296, 84 L. Ed. 1213, 60 S. Ct. 900 (1940); *Cruz v. Beto,* 405 U.S. 319, 31 L. Ed. 2d 263, 92 S. Ct. 1079 (1972). But in order to support a claim that Dr. Watkins has been denied the right to freely exercise his religious beliefs or that he has been denied due process of law, he must show some significant state involvement in the activity that allegedly has violated his rights. *U.S. v. Price,* 383 U.S. 787, 16 L. Ed. 2d 267, 86 S. Ct. 1152 (1966); *Martin v. Pacific Northwest Bell Tel. Co.,* 441 F. 2d 1116 (9th Cir. 1971). For the reasons previously stated in this opinion, the Court is of the belief that there was not state action in this matter.

Plaintiff's claim under 42 U.S.C. § 2000d is without merit also. Assuming that Dr. Watkins was discriminated against on the basis of his religious beliefs, that section speaks only in terms of racial discrimination.

In conclusion, even assuming the requisite state action in this matter to support a claim for relief under 42 U.S.C. § 1983 or the Fourteenth Amendment, the Court feels it must emphasize that Mercy Medical Center has the right to adhere to its own religious beliefs and not be forced to make its facilities available for services which it finds repugnant to those beliefs. The hospital cannot discriminate against those who believe otherwise, but it can set up reasonable safeguards to insure that others do not use their facilities for services which the hospital does not religiously believe should be offered. Dr. Watkins is free to believe that sterilization services should be provided for the public and to perform them anywhere he is able. However, he cannot force Mercy Medical Center to allow him to perform them in its hospital. To hold otherwise would violate the religious rights of the hospital.

It is, therefore, ordered that the plaintiff's request for both preliminary and permanent injunction against defendants be, and the same is hereby, denied, and that the plaintiff take nothing by his complaint against the defendants. No costs are allowed.

If counsel so stipulate in writing filed with the Clerk, this Memorandum shall constitute the Findings of Fact and Conclusions of Law and defendants' counsel will submit an appropriate proposed judgment. If not so agreed, defendants' counsel will make the submissions required by Local Rule 18.

Dated this 30th day of July, 1973.

J. BLAINE ANDERSON,
U.S. District Judge.

FOOTNOTES

[1] "The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person.

"(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom of usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;"

[2] "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

[3] (a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of $10,000, exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States.

[4] No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

[5] Title IV of the Public Health Services Act; 42 U.S.C. § 291 et seq.

[6] The "Purpose of Proposed Legislation," p. 1553, dealing with the "conscience amendment" to the Health Programs Extension Act of 1973, speaks directly to the point:

"The background for subsection (b) of section 401 of the bill is an injunction issued in November 1972 by the United States District Court for the District of Montana in *Taylor* v. *St. Vincents Hospital.* The court enjoined St. Vincents Hospital, located in Billings, Montana, from prohibiting Mrs. Taylor's physician from performing in that hospital a sterilization procedure on her during the delivery of her baby by Caesarian section.

"The suit to enjoin the hospital was brought under 42 U.S.C. 1983 (which authorizes civil actions for redress of deprivation of civil rights by a person acting under color of law) and 28 U.S.C. 1343 (which grants United States district courts jurisdiction of actions (authorized by another law) to redress deprivation, under color of any State

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Footnotes at end of article.

law, of a Constitutional right). In ruling on a motion to dismiss for lack of jurisdiction, the court stated that 'the fact that the defendant [St. Vincents Hospital] is the beneficiary of the receipt of Hill-Burton Act [title VI of the Public Health Service Act] funds is alone sufficient to support an assumption of jurisdiction. . . .' The court also found two other factors (state licensing and tax immunity) that established a connection between the hospital and the State sufficient to support jurisdiction.

"Subsection (b) of 401 would prohibit a court or a public official, such as the Secretary of Health, Education, and Welfare, from using receipt of assistance under the three laws amended by the bill (the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act) as a basis for requiring an individual or institution to perform or assist in the performance of sterilization procedures or abortions, if such action would be contrary to religious beliefs or moral conviction.

"In recommending the enactment of this provision, the Committee expresses no opinion as to the validity of the *Taylor* decision."

The "Section-by-Section Analysis" under the item "Miscellaneous", pp. 1557–58, succinctly states congressional purpose as follows:

"In addition, section 401 of the bill provides that receipt of financial assistance under any of the aforementioned Acts does not constitute legal basis for a judicial or administrative order requiring an individual to aid in performing a sterilization or abortion, if such activity is contrary to the individual's religious or moral beliefs. Nor does receipt of financial assistance provide legal authority for a judicial or administrative order requiring the provision of personnel or facilities by any entity for the performance of sterilization or abortion, if such activity is contrary to the religious or moral beliefs of the personnel or prohibited by the entity for religious or moral reasons."

There being no objection, the amendment and memorandum were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 664

On page 9 add the following at the end thereof:

SEC. —— (a) Title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"SEC. 1880 (a) Nothing in this title shall be construed to require—

"(1) any individual to perform or assist in the performance of any sterilization procedure or abortion if his performance or assistance in the performance of such procedure or abortion would be contrary to his religious beliefs or moral convictions; or

"(2) any provider of services to—

"(A) make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions, or

"(B) provide any personnel for the performance of assistance in the performance of any sterilization procedure or abortion if the performance or assistance in the performance of such procedure or abortion by such personnel would be contrary to the religious beliefs or moral convictions of such personnel.

"(b) No provider of services which receives any payment under this title may—

"(1) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or

"(2) discriminate in the extension of staff or other privileges to any physician or other health care personnel, because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting sterilization procedures or abortions."

"(c) The amendments made by this section shall be effective on the first day of the month following the month in which this Act is enacted."

SEC. —— (b) Title XIX of the Social Security Act is amended by adding at the end thereof the following new section:

"SEC. 1911 (a) Nothing in this title shall be construed to require—

"(1) any individual to perform or assist in the performance of any sterilization procedure or abortion if his performance or assistance in the performance of such procedure or abortion would be contrary to his religious beliefs or moral convictions; or

"(2) any agency, institution, or facility to—

"(A) make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions, or

"(B) provide any personnel for the performance or assistance in the performance of any sterilization procedure or abortion if the performance or assistance in the performance of such procedure or abortion by such personnel would be contrary to the religious beliefs or moral convictions of such personnel.

"(b) No agency, institution, or facility which receives any payment under this title may—

"(1) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or

"(2) discriminate in the extension of staff or other privileges to any physician or other health care personnel, because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting sterilization procedures or abortions."

"(c) The amendments made by this section shall be effective on the first day of the month following the month in which this Act is enacted."

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 656

At the request of Mr. HELMS, the Senator from Alabama (Mr. ALLEN), the Senator from New York (Mr. BUCKLEY), the Senator from Florida (Mr. GURNEY), the Senator from Virginia (Mr. WILLIAM L. SCOTT), the Senator from Texas (Mr. TOWER), and the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) were 656, intended to be proposed by him to S. 2589 to authorize and direct the President and State a ndlocal governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

ADDITIONAL STATEMENTS

HEALTH PROGRAMS NEED SUPPORT

Mr. STEVENSON. Mr. President, in Chicago, today, we are celebrating the dedication of the new Rush Medical School building. We celebrate not only a building, but a partnership between people and Government for—as all the friends of that institution know—a great and expensive center for medical education does not build itself; it takes work and imagination—and dollars—from many sources.

Let us pay tribute to the law that was one source of those dollars—a law that deserves our support and concern and protection in the future. It is called, in the prosaic style of this body, "The Health Manpower Training Act of 1971." But there is nothing prosaic about what that law has done:

In 3 years, it has helped increase first-year medical school enrollments by almost 2,000;

It has helped increase the number and size and outreach of medical and nursing schools across the country: in 1971 there were three new medical schools; in 1972, three—and this year there are five.

By almost any yardstick, then, this Federal program has been a success. Yet today it is in danger. The Health Manpower Act expires next year—and today some ominous voices in Washington are being raised against it.

We are being told by the administration that there may soon be a surplus of doctors in America.

We are being told that because medical students will enjoy high incomes later in life, they and their institutions should be denied Federal assistance now.

We are being told, in short, that we can afford more dollars for bombs and missiles and submarines—but that we must cut back on dollars for doctors and nurses and hospitals and housing and help for our cities.

That, in my judgment, is foolishness—shortsighted, dangerous, even tragic foolishness.

Cut back? When in Illinois alone, four communities must rely on Health Service Corps doctors? And five more are on the waiting list?

Cut back? Close the door to poor and middle-class students when 1 year's costs for educating a medical student are between $16,000 and $26,000?

Cut back? When already the Nation's programs for health research and treatment and training are threatened as never before?

In a television speech last August, the President—urging us to stop "wallowing in Watergate" and turn to other matters—told the Nation that "Legislation vital to your health and well-being sits unattended on the congressional calendar."

In fact, the Congress has been busy and active on that legislation. I need mention only one or two facts about that legislation so vital to our health and well-being.

Congress passed an Emergency Medical Services Act—and the President vetoed it.

Congress voted some important advances in the Labor-HEW appropriations bill—and the President vetoed it.

And the Congress has been busy trying to restore funds gutted from the Federal budget by the administration:

Cut from cancer research: $60 million;

Cut from heart disease programs: $42 million;

Cut from medical research: $128 million;

Cut from manpower training: $300 million;

Cut from hospital and health facilities construction: $195 million.

I say all this, not to introduce a note of political controversy but to emphasize that if anyone is neglecting the health and well-being of our people—the responsibility lies not with Congress, but somewhere else.

And I say it to emphasize another fact: That programs to protect and enhance the lives of our people are not just fortunate accidents. They are not the offspring of Senators and Congressmen. And they do not lead easy, sheltered lives. If we are to save and protect and extend these worthwhile programs, we need to hear the public's voice in Washington against those who tell us that health programs are too expensive.

Almost two centuries ago, Thomas Jefferson wrote that—

> The care of human life and happiness is the first . . . objective of Government.

That may have been a revolutionary notion in his day. But in the years since then, it has become deeply embedded in our national life.

Deeply embedded—but not yet wholly secure.

So today, as a new medical school is dedicated in Chicago—let us also dedicate ourselves: To fight for that idea, so that tomorrow there can be other celebrations.

CRISIS IN LEADERSHIP

Mr. GRIFFIN. Mr. President, one of the ablest and most articulate Members of this body is Senator PETER H. DOMINICK, of Colorado. When he addressed the Denver Bar Association recently. his speech received widespread attention. I ask that the text of his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR PETER H. DOMINICK

I am deeply concerned about the serious crisis facing this country today. I refer not to the war in the Mid-East, to the economy, or to the energy situation, although those are indeed serious problems. I refer to the crisis of confidence in our leadership.

There can be no question that this crisis exists, nor that it has grave implications for the future of this country. The signs are everywhere. It is evident in the opinion polls. It is evident in the flood of direct communications from Americans in all walks of life and of all political affiliations to members of Congress and other public officials. I have read and listened carefully to the communications which began to come into my office last week after Special Prosecutor Cox was fired and Attorney General Richardson and Deputy Attorney General Ruckelshaus had resigned. I am not surprised by the angry reaction, because my reaction was the same. But I am disturbed by the deep sense of frustration and distrust toward the President and our entire government which pervades these communications. This troubles me more than anything I have encountered in public life.

It is tragic that the crisis of confidence envelopes the President of the United States, to whom the American people, and the entire free world look for leadership. It is equally tragic that it extends to the great institutions of our government, institutions which have long symbolized the strength and contunity of our democratic form of government. I hope the damage to the Justice Department, the F.B.I., and the C.I.A. is not irreparable.

The responsibility for this crisis rests ultimately with those who have abused their powers and misused our institutions. Although the President has borne much of the blame, I believe others are responsible for most of these abuses. But I think the American people should recognize that over a long period of time they have helped create an atmosphere in which it has become possible for such abuses to occur. Instead of viewing the President as one who has been elected to serve the people, too many of us have stood in awe. The Presidency is the highest office in the land, and accordingly is entitled to great respect. But the man in the street should begin to realize that the men who have held that office have been men who put their pants on one leg at a time, just like everyone else.

It is impossible to single out one action or event which has precipitated the crisis facing us now. Watergate and related matters which have dominated the news for more than a year now raise a host of complex legal and constitutional issues. But swirled up in all of this is one simple question which is of absolute paramount importance. That question is: Are we a nation of laws or a nation of men?

The answer is, and must be, that we are a nation of laws. That is the single most important principle underlying our democratic system of government. Adherence to that principle is what has enabled our system to endure as long as it has. No government can survive over the long run without the confidence and support of the people. Ours has survived because each American has believed that his or her rights and duties are spelled out in written documents which apply equally to everyone—without excepton. Yet recent events have raised doubts in the minds of many Americans that this principle is being adhered to. The resulting crisis of confidence in our leadership therefore goes to the very heart—the very survival—of our system of government.

That being the case, the present situation cannot be allowed to continue for another three years. Anyone who loves this country cannot stand by and watch it go adrift. We live in a dangerous and increasingly complex world, one in which no government can survive long, let alone achieve its goals, without strong and effective leadership. Secretary of State Kissinger acknowledged this in his press conference on the Mid-East war last week when he said, "One cannot have crises of authority in a society for a period of months without paying a price somewhere along the line."

For these reasons, I think the time has come to sweep all other issues aside and meet this crisis head-on. We must take whatever action is necessary to restore the confidence of the American people in the principle that our laws will be applied fairly and equally to everyone—without exception. The confidence of the American people in our government must be restored, whatever the cost.

To those ends, I think the following steps should be taken:

First, the vacancy in the Office of Vice President should be filled as quickly as possible. The Congress should proceed expeditiously to the consideration of Gerald Ford's nomination. I think the American people should demand that partisan politics be laid aside and that the constitutional procedure set out in the 25th amendment for filling vacancies in the Office of Vice President be implemented without delay. It should be pointed out that, aside from the question of succession if the President should die or be removed from office, so long as we have no Vice President there is no way under the Constitution to deal with presidential disability. The 25th amendment sets out the procedure for removing the President from office should he become disabled. But those provisions are not operative unless there is a Vice President. So, if the President suffered a stroke tomorrow, rendering him totally unable to make decisions, there would be no constitutional way to replace him.

The Democratic Party probably has the power, since it controls the Congress, to delay action on Mr. Ford's nomination in order to maximize the possibility of getting a member of their Party—namely, Speaker of the House Albert—into the Presidency. But this circumvention of the Constitution would in effect be "government by coup", and would do a disservice to the American people. While it is true that the President does not now have the confidence of the American people, it is for reasons aside from his *policies*. His policies were overwhelmingly supported at the polls just a year ago, and the electorate is entitled, both in fairness and under the Constitution, to have a Vice President who also supports those policies, as Gerald Ford would.

Second, the investigations begun by Special Prosecutor Cox should be pursued with vigor, unhindered by outside interference from any source. This must be done expeditiously and in a way which convinces the American people that our laws are going to be applied evenly to everyone.

Based on recent events, I am not sure any prosecutor who is responsible to the executive branch can have the independence necessary for him to carry out this difficult task. On the other hand, the proposal that the District Court appoint a new Special Prosecutor raises questions in my mind about the need to preserve the separation between the prosecutorial and judicial functions which has been fundamental to our legal system.

There are several ways this could be resolved. I don't think the form it takes is crucial—so long as the end result is a vigorous, unfettered, even application of our judicial process to the Watergate and related matters. I hope that whoever assumes this responsibility will confine his activities to the judicial process, and will observe the canons of ethics regarding confidentiality, rather than leaking information to political cronies and the press.

Third, I urge the President to make a complete disclosure of all information to which he has access regarding the Watergate and related investigations begun by Special Prosecutor Cox. I mean "disclosure" in the fullest sense. The President should divulge everything he has personal knowledge of, and should permit complete access to all tapes, papers, files, documents and memoranda which have been requested by the Senate Watergate Committee and the Special Prosecutor. Additionally, the President should make available *voluntarily* all other information within his control—whether in or out of the executive branch—which he feels will have a bearing on the issues that have been raised. The breadth of this disclosure should be limited only by constraints imposed by the national interest. He should direct his staff and all employees of the executive branch to cooperate fully in this regard.

As much of this disclosure as possible should be made directly to the American public. They are the ones whose confidence must be won back. Where the national interest would be jeopardized by such direct disclosure, the information should be made available promptly under appropriate safeguards such as in camera inspection by the District Court.

Nothing short of complete disclosure will be adequate to restore the confidence of the American people. There can be no more deals and no more technical arguments about evidence. I am convinced that the full truth about all of the issues that have been raised will eventually come out. Anyone who has the well-being of this country in mind will agree that it should come out now, rather than later. With the complete disclosure I am recommending the judicial process could run its course, and this crisis could be resolved in months. Without it, it could take years. Great Britain could never be subjected to a crisis of these dimensions over such a long period of time. Under their Constitution, Parliament would have been dissolved and the crisis of confidence would have been resolved by the people at the polls weeks or months ago.

I know it will be contended that the action I have suggested would do violence to the principle of separation of powers and the doctrine of executive privilege. I do not wish to treat those matters lightly. But they are insignificant in comparison with the absolutely critical need to restore the confidence of the American people in our government. Moreover, until confidence is restored, such principles will not be given the credence they would ordinarily be entitled to under our legal system. Under present circumstances, the further invocation of executive privilege, or national security arguments in connection with the issues under investigation would be viewed simply as another attempt to "cover up."

Only the President has the power to order the prompt and full disclosure I am calling for. Neither the courts nor the Congress can do it. And that is as it should be. This crisis is ultimately the President's responsibility, and I am sure he understands that he must bear the consequences if he fails to deal with it quickly.

Finally immediate steps should be taken in the House of Representatives to establish a procedure for determining quickly whether there are grounds to bring impeachment proceedings against the President. Given the urgent need for a quick resolution of the crisis facing this country, I think it is essential that this procedure be established on a strictly bipartisan basis. A bipartisan select committee in the House would be far preferable to the Judiciary Committee, which will inevitably be subject to accusations of political motivations, resulting in unnecessary delay. I hope everyone will recognize that there is too much at stake here to permit indulgence in partisan politics.

I am reluctant to talk about impeachment, as anyone who loves this country should be. But the genie is already out of the bottle, and it cannot be put back in. The confidence of the American people cannot be restored until the impeachment question is disposed of, and this must be done as quickly as possible.

For that reason, determination of whether grounds for impeachment exist cannot wait while the judicial process set in motion by the Special Prosecutor runs its course. Hopefully, the President will shorten that process by making a full disclosure which helps restore the confidence of the American people. If he does, that will have an impact on impeachment proceedings. "High crimes and misdemeanors" in the Constitution means essentially whatever the House of Representatives says it does. Since Congress will presumably reflect the thinking of the American people, the outcome of impeachment proceedings will depend on whether the President's disclosure is sufficient to restore confidence in him. Again, that is as it should be.

I want to make it clear that I am not suggesting there are grounds for impeachment at the present time. As a member of the body which would sit as a court of impeachment should the House act affirmatively on an impeachment resolution, it would be improper for me to reach a premature conclusion. Impeachment proceedings should be viewed as a method of clearing the President as much as a way to remove him from office. In any event, the crisis of confidence in our leadership cannot be resolved without dealing with this question. There can be no turning away from it at this point.

I suppose many members of my Party will ask why I, as a long-time Republican and supporter of many of the President's policies, feel compelled to speak out, rather than sit back and give him the benefit of the doubt. The answer is that while I am devoted to my Party, more importantly, I am devoted to my country. I can't sit back and watch the very foundation of our democracy—the confidence of the American people—disintegrate. I think everyone in public life has a duty to press for a resolution of this crisis at the earliest possible moment. The time has come to look this thing in the eye, call a spade a spade, and let the chips fall where they may.

The fact that I am devoted to my Party is sufficient reason to speak out. I think Republicans have more reason to be upset about the current state of affairs than anyone else. Frankly, I am damned mad about it. The Republican Party did not get us into this mess. As far as I'm concerned, the working relationship between the Republican Party and this Administration has been tenuous at best for some time. Going back to the Congressional elections of 1970, there has been little willingness on the part of the Administration to cooperate with Republican Party leaders, let alone seek their advice. The Administration has pursued its independent course to this juncture. Although our overall goals and policies will probably continue to coincide with those of the Administration, I believe the Republican Party would be well advised to follow a more independent course from here on. I think a good place to start would be for the Republican Party to take the leadership in resolving the crisis of confidence in our government.

CLEARCUTTING ON FEDERAL LANDS

Mr. McGEE. Mr. President, many of my colleagues undoubtedly saw the front page story in Monday's Washington Post regarding the recent decision of a Federal district judge in West Virginia, barring the practice of clearcutting on Federal lands. For those of my colleagues who share my concern about clearcutting and who might have missed the article, I ask unanimous consent that the article be printed in the Record at the conclusion of my brief remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGEE. Mr. President, it would be noted in the ruling of U.S. District Judge Robert Maxwell, that he not only found the practice in violation of law, but also recommended the practice be justified to Congress so that it might ". . . make a reasoned judgment in the matter." Clearly the groundwork for such reasoned jugment has never been established, despite my efforts during the past three Congresses to establish an impartial panel of experts to review the practice of clearcutting. Had we done this, we would be well on the way toward a sound and reasoned response to Judge Maxwell's mandate.

Should this ruling be applied by district courts throughout the Nation, it may be that the traditional foes of my bill, S. 2620, will come to realize that such legislation will provide the only hope for their point of view. I believe the need is becoming increasingly evident for Congress to act speedily upon my bill to establish an independent commission to review the practice of clearcutting.

EXHIBIT 1

CLEARCUTTING U.S. TIMBER HELD ILLEGAL

(By Laura A. Kiernan)

In a landmark ruling hailed by conservationists, a federal district judge in West Virginia has held that trees in federally owned woodlands must be dead or matured before they are cut down and sold as timber to private industry.

The ruling bars the timber industry from the controversial practice of clear-cutting—cutting down all the trees in a given area regardless of their age—in at least one national forest and, if upheld, could establish new guidelines for management of all federal timberlands.

The ruling orders the U.S. Forest Service in the Monongahela National Forest to mark and designate each tree to be cut, a departure from current practice in which trees are cut in groups.

The restrictions come at a time when the Nixon administration has been trying to increase the timber harvest to keep lumber prices down. Clear-cutting is generally quicker and cheaper than the individual harvesting of trees.

U.S. District Judge Robert Maxwell ruled in a suit brought by several conservationist organizations that cited violations of an 1897 statute in the management of the Monongahela forest, located in the Allegheny Highlands of West Virginia.

Maxwell said the language of the statute known as the Organic Act of 1897, "constitutes a clear directive from Congress to the persons charged with the administration of the national forests, that trees can be sold only if they are 'dead, matured or large growth' and then may be sold only when the sales serve the purpose of preserving and promoting the younger growth of timber on the national forest . . .

"Policies and practices of the U.S. Forest Service to the contrary are an unwarranted intrusion into an exclusive area of congressional province."

The Justice Department had argued that Congress "has been aware of what is happening on the national forests" and because it hasn't acted to stop those practices, it, in effect, sanctions them.

The plaintiffs—the Sierra Club, Natural Resources Defense Council and West Virginia Izaak Walton League—contended that 46.7 per cent of the total 39,922 acres cut in the Monongahela Forest from 1968 through 1972 was harvested through clear-cutting.

Although the government denied the charge, the judge said it was just such practices that prompted the Congress to draw up the Organic Act in 1897.

"Congress apparent distaste and antagonism toward certain exploitative practices which occurred in the lumber industry obviously set in motion a series of legislative efforts to avert, at that time, a national catastrophe with regard to publicly owned forests," the judge said in his 20-page opinion issued Nov. 6.

The policies and practices in the Monongahela forest that the conservationists complained about, the judge said, "do violence to the legislative language of the Organic Act of 1897."

In the 76 years since that statute was passed, the judge commented, "it becomes increasingly clear that as new theories in forest management were proclaimed, as new methods of harvesting practices became available from the fertile, inventive mind of man, and as new demands for wood products were pressed upon industry, there developed . . . a gradual accommodation to the outside pressures of industrial progress in productivity."

This may be the reason for current managerial practices such as marking boundary areas instead of individual trees and leaving unmarketable but cut down trees behind, the judge said. His ruling outlawed both practices in the West Virginia forest.

The judge said, "Compromises of expressed legislative goals happened in public forest harvest practices . . . which cannot be sanctioned under the law as this court finds the same to exist.

"If the reasons for the policies and practices of the Forest Service are valid . . . then such evidence should be presented to the Congress (which) can and will make a reasoned judgment in the matter," the judge said.

The government is expected to appeal Judge Maxwell's decision in January.

SENATOR BENNETT DISCUSSES PSRO

Mr. HANSEN. Mr. President, on Thursday, November 8, Senator WALLACE BENNETT addressed the Essex County Medical Society in East Orange, N.J., concerning the professional standards review law and the difficulties which have appeared in attempting to implement it.

The Senator examined three key issues which have arisen over the Bennett amendment since it became law: First, the failure of HEW to get the program off the ground; second, the attempt of certain groups and individuals to set up central PSRO control mechanisms in large States with subcontracts in local areas as opposed to the complete local area emphasis of the Bennett amendment, and third, the accusations leveled against PSRO by organizations such as the Council of Medical Staffs and the American Association of Physicians and Surgeons who challenge the law as it was passed.

I believe Senator BENNETT's comments will clarify for the Members of this body any confusion over the amendment that may have been created in the period since its passage. I would note particularly the Senator's defense of the local PSRO concept.

I ask unanimous consent that the Senator's remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PSRO ESSEX COUNTY MEDICAL SOCIETY

(By Senator WALLACE F. BENNETT)

I certainly appreciated receiving your kind invitation to visit with you this evening to discuss the PSRO law and its implementation.

Rather than go through a rehash of the legislative history leading to enactment of my PSRO amendment, I thought it might be interesting and useful to you if I should discuss some of the key issues which have arisen over the Bennett Amendment since it became the law. Basically, these boil down into three areas of concern: First is the failure of HEW to get the program off the ground promptly; second, there is the issue created by attempts to set up central PSRO control mechanisms in large states, with subcontractors in local areas, as opposed to direct contracts with local PSRO's; and, third, there are the accusations leveled against PSRO by organizations such as the Council of Medical Staffs and the American Association of Physicians and Surgeons challenging the legislation.

Let's begin with a look at the administration or, perhaps, lack of administration of the PSRO Amendment by HEW. During the year which has passed since President Nixon signed PSRO into law, HEW has not, in my opinion, acted to implement PSRO in timely fashion. Despite Secretary Weinberger's strong personal commitment to the PSRO concept, the segments of the Department charged with bringing PSRO into being have not moved expeditiously, to put it charitably. As a matter of fact, I believe that the other difficulties I will discuss with you, including the issue of the statewide vs. local control and the misinformation about PSRO that has sprung up are attributable in good part to the administrative vacuum which has existed since PSRO became law. This vacuum has virtually extended an invitation to things which go bump in the night.

Be that as it may, I am sure we are already seeing more positive administrative activity with respect to PSRO. Secretary Weinberger shares my concern over the need to get the show on the road. He has communicated that concern to the HEW officialdom, and this has resulted in a spate of activity within the past few weeks which has not only produced a firm statement of the policy to be followed in the designation of PSRO areas, but has also moved up the time at which we can expect the announcements to be made that actual PSRO areas have been selected. This could happen before December first.

Recently pressure has been brought on the Secretary to enter into one PSRO contract with a single organization in large states, which would permit such an organization in turn to subcontract with local organizations which would then undertake the actual review under its statewide control. To avoid mincing words, such contracts would be a complete repudiation of the intent of the Bennett Amendment. Its purpose was to establish PSRO's at every local medical service area of a size sufficient to support objective and comprehensive review.

Outside of the large urban areas experience has shown that the ideal size for a PSRO would be within the range of from 800 to 1500 physicians. Of course, it was anticipated that Statewide PSRO's would necessarily be established in some 20 or so smaller or more sparsely populated states. I thought that the issue of Statewide vs. local control of PSRO had been clearly settled when the law was passed, but it has never been accepted by some societies in a few large states or by the AMA. It is their contention that there is a need in larger states for a central mechanism to have prime responsibility to supervise and coordinate the activities of the local organizations. This I reject. I agree that there is a legitimate role a statewide entity can play in terms of providing service as a resource center as well as necessary technical and administrative assistance to a local area PSRO. However, I do not agree for one moment that the PSRO prime contract with the Secretary of HEW should be with one large statewide entity, leaving the local PSRO organizations in the status of subordinate satellites. Rather, the prime PSRO contracts should be with qualified local organizations which, on their own initiative, can enter into contractual arrangements for any supportive or technical assistance with any available resource, including a statewide medical organization.

There is a basic reason for this attitude on my part. Under the PSRO concept, physicians who practice medicine in local medical service areas are to be held accountable for the quality of their practice. If that is so, then they must be offered the first opportunity to accept the basic responsibility and authority for establishing and operating their own review mechanisms, and to me that means full responsibility. For example, if New Jersey had a Statewide PSRO contract and Essex County had a subcontract, who would be responsible for determining and negotiating the budget for the Essex County area? Who would be responsible in Essex County for determining how many employees were needed, what kinds of employees were needed, and how the physicians responsibility for carrying out the PSRO program would be assigned and supervised? Should a statewide entity in New Jersey have the right to tell the Essex County review organization that it cannot have additional budget or personnel unless it conforms to certain and, possibly, unrelated, requirements of the statewide organization unacceptable to it? It is my firm belief that the hiring and firing, the control of the budget, and the determination of the modus operandi should be the province of the local PSRO and should not be subject to the initiative and prior approval of a statewide umbrella entity. In other words, we are talking about full responsibility and authority upon which true accountability can be based, and this full responsibility must include full authority with respect to the operation, administration and funding of the review mechanism in the local area. Of course, I recognize that some local organizations will need assistance in these areas, at least in the beginning. Both the law and HEW policy recognize this and provide for state assistance for meeting such needs. But assistance is a far different matter than control.

Quite simply, the thrust of the PSRO legislation was to build from the ground up and not from the top down. It was to build PSRO's upon the practitioners of medicine and not its centrally organized bureaucracy, because what PSRO is involved with is the on-the-spot review of medical practice. That is why I believe it is absolutely vital that, whenever possible, PSRO's be locally based wherever organizations large enough to support objective review can be set up which, at the same time can be small enough so that the individual doctor can freely identify with and participate in the review process.

I addressed this issue a short time ago in a speech to the American College of Surgeons. I indicated that I support the concept of prime PSRO contracts with local organizations wherever possible. At this meeting I said:

"There is no question in my mind but that the larger the organization the more remote the relationship with the individual practitioner, the less capable he is of identifying with its goals and activities, and the weaker will be his motivation to participate. And, the individual practitioner's sense of identification with and participation in the PSRO activities goes to the heart of what PSRO is all about—an educational process resulting from the broadest possible participation by doctors in an area in the review experience on an ongoing basis. The educational effect occurs during the continuing development, application and exposure to parameters of care outside of his own practice. If we are truly concerned about the quality of medical care, we must see the PSRO's more as instruments of improvement for every physician rather than as traps for the failing few.

"As a layman, I can appreciate the sensitivity of having your day-to-day practice reviewed. I can also appreciate the need of the individual doctor to feel—and, in fact, have—a direct relationship with the review mechanism. That would be almost a one-to-one relationship in my mind, to an organization which is immediately responsive to his legitimate concerns and complaints—an organization in which, over time, he himself is reviewer as well as reviewee.—An organization which can be reached with a local phone call for a resolution of a problem.—An organization in which he can have a reasonable and direct say with respect to the standards of his practice and those of his peers in the area. It is not a distant organization which represents him, as a member, in terms of broad issues concerning medicine—it is an organization close at hand which is actually evaluating the care he provides to Mrs. Jones.

"Given those sensitivities—given the sad history of review in the past—given the apprehensions with respect to arbitrariness, insensitivity and red tape—it is extremely difficult for me to believe that we can enlist physicians generally as active participants in a review process supervised at a point remote from them and beyond their direct control."

There is another practical reason why the ultimate responsibility should rest in the local PSRO's. The PSRO statute provides for a statewide coordinating mechanism in the form of the Statewide Professional Standards Review Council in states with three or more local PSRO areas. The Council consists of one physician from each PSRO area, two physicians each from the State Hospital and Medical Associations and four public members knowledgeable in health care. Apart from the responsibility of assisting in the coordination and evaluation of local PSRO activities, the physician members of the Statewide Councils serve to hear and decide all appeals made by doctors or patients from an adverse decision of a local PSRO. The public members of the Statewide Council do not participate in the consideration of appeals. Those are handled only by the physician members of the Statewide Council.

I'm sure you can understand that, if a state-wide body were to hold the prime PSRO contract, a separate state-wide council which put review power in the hands of physicians chosen by satellite PSRO's just could not function.

In formulating the PSRO legislation, we realized that many physicians in a given local area might be well motivated in terms of wanting to undertake the responsibility for the review the law requires, but might not know how or where to start. There is, therefore, a section in the law, Section 1169, which authorizes the Secretary of HEW to provide all necessary assistance, technical and otherwise, to any organization which in his opinion seems likely to be able to ultimately qualify as a PSRO in any designated PSRO area, but the Department of HEW should not be the only resource. As I have noted, there are legitimate and important services which a statewide organization sponsored by a State Medical Society could supply. It could provide technical and supportive assistance to local PSRO's if it has the desire and capability to do so. This idea is not new on my part. I have repeatedly pointed out such a potential role ever since the law was passed, not only in my speeches around the country, but also in a letter I sent to Dr. Bert Howard of the AMA some months ago. The Department of HEW has taken the same position. It recently issued a policy statement on area designation which includes a section on the potential role of statewide medical organizations in the Professional Standards Review Program. I would like to read that statement to you because I fully subscribe to it as being consistent with what I intended with my amendment and I expect it to be implemented, now that it is firmly fixed in the law.

Let me quote—"Although the law contemplates the emergency of locally autonomous peer review organizations and includes provision for a Statewide PSR Council in a larger state, there is nothing in the legislative history or intent to preclude other capable statewide physician or medical organizations from providing advice and assistance on an appropriate basis to local PSRO's. Indeed, the statute clearly assumes that many local PSRO's will need technical and professional assistance and requires the Secretary, through whatever means he deems necessary and appropriate, '. . . to provide all necessary technical and other assistance . . .' to organizations to help them meet the responsibilities of a PSRO."

Thus, a capable Statewide organization, such as a State Medical Society or a State Medical Care Foundation, could serve as the technical, professional PSRO resource center for the several local PSRO's within the State and provide for the following types of services:

1. Advice and assistance in the development and evaluation of medical care criteria and professional norms.

2. Advice on the development, implementation and evaluation of peer review methods.

3. Advice and assistance in establishing the PSRO's organizational structure; e.g., designing by-laws, written membership policies, methods for involving physicians in the PSRO's review activities, accounting systems, reports management systems, etc.

4. Assistance in designing and implementing professional educational activities to be performed by PSRO's.

5. Consultation and advice on the organizational and management aspects of PSRO operations.

6. Other types of services mutually agreed upon.

In establishing such an arrangement between a PSRO and a State resource center, the relationship would be one under which the PSRO would retain autonomy with respect to its activities in connection with the review of services within its area, while relying upon the resource center for such advice and assistance as it requires. The Secretary would enter into an agreement with each local PSRO and assure satisfactory arrangements with those State organizations that will be providing technical and administrative support to the local PSRO's."

While I don't want to belabor this issue any longer, I think you would want me to mention two new PSRO's recently approved by the Finance Committee but not yet acted on by the Senate or the House. The first amendment was sponsored by Senator Bentsen of Texas and has two parts. First, it affirmatively states that the Secretary may designate a Statewide PSRO area and second, it says that he may not refuse to designate such a Statewide area *solely* on account of the number of physicians in the State.

The second amendment is mine. It would incorporate into the Statue the intent expressed in the 1972 Committee Report and its related legislative history, namely that in implementing the PSRO legislation the Secretary shall give priority to designating appropriate local areas and utilizing local organizations of practicing physicians whereever feasible. Enough said on that issue.

Now let's go on to some other bones of contention. Some of you may have heard of the Council of Medical Staffs and the American Association of Physicians and Surgeons. These two separate groups are actively and vigorously working to have the PSRO law repealed.

I don't know the extent to which you are familiar with the arguments used by these organizations, but I welcome this opportunity to comment on those allegations and hopefully lay them to rest in your minds. Let me preface this rebuttal by pointing out that the authority for Federal review of Federally funded medical services already existed under other laws prior to adoption of my bill. Only the method of review was changed. The entire thrust of the Bennett Amendment was to provide an opportunity for physicians themselves, on a voluntary basis and in an appropriate organization, to undertake the review of the quality of care and services provided under the Medicare and Medicaid programs. As I am sure you all know, review of sorts, using government employees and insurance company personnel, has been going on ever since these programs began. What I sought to do was to replace this existing unprofessional system with a publicly accountable mechanism by means of which only physicians could undertake the review of medical care on a case-by-case basis and do this without being second-guessed by lay bureaucrats. Now let's get on to the specified allegations I hope to put to rest.

The first one is that PSRO involves "computerization of illnesses through average length of stay programs and denial of necessity of hospitalization by government clerks and by Blue Cross and other government carriers substituting for the judgment of the attending physician . . ." These words are taken from the Council of Medical Staff's "fact sheet." They are completely wrong. The situation they describe is precisely what PSRO was intended to save you physicians from, namely, review by government clerks and insurance carriers clerical personnel, replacing that kind of doubtful laymen's judgement with a knowledgeable evaluation made by your peers among the practicing members of the community of medicine in your own medical service area. The phrase "computerization of illnesses through average length of stay programs" being highly over-simplified completely misses the point. Each PSRO would develop and apply its own regional parameters of care, usually related to age and diagnosis, and these would be used as checkpoints for quality and not as barriers to necessary care. The members of each PSRO would have the sole power to determine the acceptability of the parameters applicable in their area. Basically, those parameters would be used to indicate the points at which it would be reasonable for his peers to ask an attending physician to indicate why he thinks additional hospitalization or services were required, in a given case, or why certain services, usually related to this particular diagnosis, were not provided. And, to be most useful, the review would be concurrent, not ex post facto, so that agreed-upon changes could be made in time. Thus the chief value and function of the review process becomes educational.

It should never be punitive, except in case of blatant neglect or outright fraud. Again, may I repeat, these self-set parameters are not intended to be barriers to necessary medical care. They are simply local professionally-developed and accepted checkpoints which will be, to my mind, considerably better than some of the arbitrary indices we have used in the past. It is also important to realize that in no case can a PSRO recommendation force a physician to change his plans for his patient's care. Even in the event of disapproval by a PSRO of an extension of stay or a proposed admission procedure or service, the physician is still free to provide his patient with the care and services he chooses, and to appeal that determination to the Statewide council. The only immediate effect of such disapproval is that if the PSRO refuses to approve the care or services involved, payment will not be made by the government, unless the decision is reversed by the appeal procedures as provided in the law. But if PSRO approval is given, the government will pay for the care or service without question or without retroactive denial.

I think it is important to remember that once a PSRO is in operation, laymen will no longer be making decisions with respect to the practice of medicine in cases paid for by Medicare or Medicaid. PSRO membership is open only to doctors of medicine and osteopathy. They are the only ones who, in the name of the Federal government, will have the responsibility for final say as to whether: (1) the services provided are medically necessary; and (2) the care provided was in accordance with professional standards; and (3) where medically appropriate, the attending physician should be encouraged under PSRO to use less costly modes and sites of treatment. I repeat—the responsibility for that decision-making lies with the physician members of the PSRO and no one else.

An even more ridiculous allegation is that everyone—doctors and patients both—will be computerized with a central data bank in Washington as the repository of all this information. Also, completely false! East PSRO will be separately responsible for the maintenance of the profiles of patients and practitioners and providers *in its own area.* There is nothing in the law nor have I seen any suggestion from any source, other than from the CMS and AAPS, to the effect that all of these data will be maintained by Big Brother in Washington.

Another frantic accusation is that the patient will lose his right to choose his physician. Again, that is not true. The patient is completely free to select his physician and the physician, in turn, is completely free to provide care and services within the scope of his license to practice medicine. So long as his pattern of practice falls generally within the norms and parameters which he can help establish in his medical service area, he will rarely know that his work is being reviewed.

Another point is the question of access to medical records which it is alleged constitutes a violation of the doctor-patient relationship. Let me answer this one by stating that the Bennett Amendment contains a confiidentiality provision with strong penalties, including prison time, for breaches of that confidentiality by any reviewer or employee of the PSRO. Actually, experience has already demonstrated that this is a meaningless red herring. Blue Cross-Blue Shield and other insurers and third parties have reviewed medical records for many years—in fact, long before Medicare—for purposes of ascertaining appropriateness of payment without creating this problem. And practicing physicians should be much more sensitive to this than clerks. That is why, to my mind, it is far preferable to have medical records review undertaken under the control of practicing physicians as PSRO provides, than by insurance company or government personnel. On the other hand, if there is a satisfactory way of evaluating the reasonableness and necessity of medical care and services and the quality of that care, without consulting a patient's medical record, I am all for it.

I think I can understand and appreciate the concern and reservations of many honorable physicians with respect to PSRO. There is no question but that at first glance it must seem to be a complex and far-reaching piece of legislation. In time, however, I am sure that experience with the reality of the program will reassure them. What I regret are the activities of those who in panic and paranoia flail away at ghosts and illusions. I would be the last to contend that the PSRO statute is perfect or that it will not be improved ultimately. But, there is a vast difference between responsible and constructive criticism, and deliberate distortion undertaken in the hope that it will blur and confuse, and ultimately destroy the legislation.

To understand the promise and potential of PSRO with respect to physicians being responsible for evaluating the practices of their peers, it may be helpful to consider some of the alternative ideas now being offered to Congress. One of these is the "Quality Assurance Commission" embodied in HMO legislation already passed by the Senate and now in conference between the House and the Senate. That Commission would be established as an 11-member independent agency at the national level. Four of the members must be "consumers" with the other seven to be selected from the health services industry and private organizations engaged in standards development. Please note the absence of any requirement for any physician representation on this group which would be charged with responsibility for the development and promulgation of "norms for processes, utilization characteristics, and outcome." What is "outcome"? Does it give power to follow each patient after the service ends, and to measure the effects of physicians' work even years later? Compare this approach with that of Professional Standards Review as I have tried to spell it out for you.

May I close as I began, thanking you for your willingness to listen while I have tried to clear up some of the confusion and misapprehension that still shrouds the PSRO program. Maybe I shouldn't have said "shroud" because the program is actively at the birth stage, and will survive and grow. I hope you will want to set up your own local PSRO based on Essex County and each of you will plan to participate in it.

And now, if you have any questions I shall be glad to try to answer them.

ACTION LONG OVERDUE ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one of the significant issues pending is the Genocide Convention. The convention was favorably reported by the Foreign Relations Committee in March of 1973. It has been awaiting action much longer than that—the Genocide Convention was originally submitted for ratification in 1950, by President Truman, and for 21 years the convention was on the agenda of the Foreign Relations Committee.

Mr. President, action on the Genocide Convention is long overdue. It deserves consideration. Seventy-six nations have ratified it. Its merits have been debated exhaustively, and every objection to the convention has been considered and dismissed. There is no reason for the Senate to postpone action on this issue.

Mr. President, I urge that we proceed to consider this matter without further delay.

CONTINUATION OF SOVIET ARMS BUILDUP

Mr. THURMOND. Mr. President, for the past year it has been apparent that the Soviet Union is continuing an accelerated arms buildup despite the so-called détente. The latest evidence in support of this conclusion was the display of Soviet military hardware in Moscow November 7. At this time the Soviets displayed what military specialists believe to be a new intercontinental ballistic missile and also a new light tank which appears to be capable of air delivery.

The fact that the Soviet Union will continue to use its military arsenal in support of other nations was clearly demonstrated in the Middle East.

An article titled, "Soviet Union Displays What May Be a New ICBM" appeared in the New York Times November 8, 1973. In October several columnists warned that the Soviets were continuing their military buildup and were exporting these arms to their friends around the world These prophetic articles also took note of the fact that new U.S. economic policies were aiding the Soviet Union in this buildup.

These points were made in an article titled, "Soviet Arms Build-Ups Dims Détente Hopes" by Ernest Cueno in the October 29 issue of the San Diego Union and another commentary titled, "Soviet Seeks Arms Aid in U.S." by Ray Cromley in the October 16 issue of the Stars and Stripes.

Mr. President, I ask unanimous consent that the two articles mentioned above, as well as the recent New York Times article be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Soviet Union Displays What May Be a New ICBM

(By Christopher S. Wren)

Moscow, November 7.—The Soviet Union today displayed what Western military specialists believe to be a new intercontinental ballistic missile—the first major new military hardware to be shown off in a Soviet parade since 1967.

Observers were caught off guard by the sudden appearance of the missiles near the end of the military display celebrating the 56th anniversary of the Bolshevik Revolution. There was uncertainty about the identification and performance of the missiles, a pair of which were trucked through Red Square in long, cylindrical green jackets.

But the first estimate of Western specialists was that the new weapon did not appear to violate the interim argeement reached in 1972 between the United States and Soviet Union on offensive strategic missiles. The agreement limits the number of strategic missile launchers without restricting qualitative improvements in the missiles themselves.

A light tank for tactical use by the Soviet Union's seven airborne divisions also attracted Western attention at the parade.

"LATEST ACHIEVEMENTS"

At a Kremlin reception later, Leonid I. Brezhnev, the Soviet leader, commented that "the most advanced military equipment" had been displayed.

Tass, the official press agency, described the strategic missiles as reflecting "the latest achievements of Soviet science and technology"—possibly an allusion to the multiple warheads that the Soviet Union is known to have been testing.

The intercontinental missiles on display, Tass said, were of "unique power and accuracy." This supports the speculation of one Western military specialist that the new missile might have an improved guidance system.

Despite the weaponry, the parade's basic theme stressed accommodation with the West. It was underscored by the slogans on flapping red banners and the signs borne by civilian marchers, as well as by a speech by the Soviet Defense Minister, Marshal Andrei A. Grechko.

The parade, dampened by a chilly, sometimes biting rain, lasted only two hours, short for such an event.

THE MISSILE'S SIZE

The new missile was similar in size to the Soviet antiballistic missile called the Galosh, which is 67 feet long and nine feet in diameter.

But one Westerner knowledgable about missiles said: "We're quite certain it's an ICBM. We certainly don't think it's an ABM."

In drawing their conclusion, the Western military specialists said they had carefully considered the weapon's configuration, although only the tapered red nose was fully visible. The missiles had also been shrouded for the painstaking night rehearsals.

They also pointed out that the new missile had been placed with other ICBM's, directly in front of the SS–13 and the SS–9. The placements is usually significant in the Soviet parades of military equipment.

One specialist suggested that the weapon might be heavier than the Galosh because the trailer carrying the rear of the missile had three sets of wheels rather than the usual two.

However, the specialists would venture no further details, including what type of propellant the missile used, how many stages it had or whether it might carry multiple warheads.

The T–70 light tank, which bore a Soviet parachute insignia, combined agility with apparent speed. Western military observers noted that it offered Soviet paratroopers a capacity for sustained offensive and a mobility that airborne troops have usually not had. The low-silhouette vehicle carried a four-man crew and was armed with a low-velocity cannon and an antitank missile.

About 40 of the new light tanks clattered briskly in formation across the cobblestones of Red Square, each with six paratroopers sitting on the flat rear deck.

As the parade began, members of the Politburo hiked up to their appointed places atop Lenin's red marble tomb. After Soviet cameramen had taken the ritual photograph, some of the leaders donned rain capes to ward off the hard drizzle.

Soviet Arms Build-Up Dims Détente Hopes

(By Ernest Cuneo)

The basic factor cooling Russo-American relations is not the human rights issue, although this is not without effect.

The primary cause is that Moscow has embarked on a stepped-up military preparedness program which is brutally reminiscent of the build-up of the Nazi forces in the '30s.

Grave alarm is expressed in Washington that the new trade relationships are designed to fill the gap left in the Russian economy by the tremendous drain for the military program.

One feature which is quite disturbing is that the credits which Russia is requesting are due to be paid about the time Russia reaches her maximum military strength—1984.

Thus, pouring in American resources and know-how contains the same kind of moral gamble as our sending scrap iron to Japan in 1940; it might be used as armaments of war against us.

The Senate is almost totally divided on the issue. The split extends across party lines. The division in the Democrats is deep enough that it might well prove as divisive as the one that existed in the 1972 presidential election.

In any event, Moscow continues to play violins abroad while thumping the war drums at home, again chillingly recalling the brass of Joseph Goebbels, Hitler's propaganda chief.

Cooed Leonid Brezhnev via U.S. television: "Today . . . there are still many who prefer to shout about military preparations, about the arms race rather than discuss problems of detente and peaceful cooperation in a peaceful spirit."

But the Red Army would have none of this. Its official organ, Red Star, immediately thereafter, brass-lunged the following:

"The appearance of any weapon, including nuclear weapons, exerts a tremendous influence on the means and forms of warfare and armed conflict. But no weapon can change the political essence of war. It remains a continuation of the politics of states and classes by forceful means.

"A war is just if it is a continuation of the policy of defending revolutionary conquests, the freedom and independence of peoples, or the cause of socialism and communism . . . so long as the aggressive forces of imperialism and all sorts of adventurists exist and are active, the need will remain to be prepared to conduct warfare using any means of the armed conflict . . ."

In the face of these contradictory statements, the question arises of what to believe.

Here, the good old American maxim, that actions speak louder than words, appears to be helpful.

The action of the Soviet Union continues to be stepped-up artillery, tank, warplane, submarine and missile production.

Soviet Seeks Aid in United States

(By Ray Cromley)

Current research by analysts of the Soviet Union explains why Leonid Brezhnev is seeking vast amounts of economic and technical aid in the U.S.

Simply, the U.S.S.R. needs that assistance to enable its strategic military forces to forge ahead of ours.

Mammoth Soviet military outlays in the past few years have so drained Russia's resources of technical talent, scarce resources and capital funds that the Russian rulers are unable to build the modern plants, set up the computer systems, increase their industrial efficiency and their output of industrial goods and consumer products sufficiently to meet their needs.

The growth of the civilian economy is slowing markedly. Soviet rulers are worried because their military strength, in the end, depends on a strong industrial base. And there is a limit beyond which consumer demands cannot be ignored.

Specialists here say the three new major missile programs recently reported by U.S. intelligence must have cost in the neighborhood of $5 billion each to date. Finishing the job and bringing them into production will cost billions more.

Soviet military spending per dollar of total gross national product is roughly twice that of the United States. And USSR military research and development spending seems to be growing.

For a good many years, the opinion here in some influential sectors was that the Russians could have their cake and eat it too. It was believed that in a controlled economy, where butter could be held back and civilians neglected, that industrial and military production could rise steadily, independently of each other—almost.

But new research here demonstrates clearly that periods of rapid increase in Soviet military spending coincide with decelerations in the growth rate of total national output in the civilian sector, which includes the industrial base.

This means that the Kremlin is now desperately searching to find in technology the solution to its lagging growth. (In the advanced technology areas that count, West Germany, Japan and the United States are leaving the Soviet Union in the dust). Yet the Soviet rulers are not willing to slow their frenetic military growth to meet these basic national needs. Instead they are depending on the United States to hold back its own military growth sufficiently to provide the USSR the technical expertise, the financial assistance and the trade concessions Russia needs to build both a super military force and a strong industrial and agricultural base to support both the strategic forces and civilian economy.

EDUCATIONAL EXCHANGE PROGRAM

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to print in the Record a letter recently received from our Ambassador to Norway, the Honorable Thomas R. Byrne.

His letter, with the accompanying lists, should be gratifying to the Members of the Congress as persuasive evidence as to the usefulness of the educational exchange program. The program has now been in existence long enough for the participants in it to be influential in their respective countries, and I believe it is now evident that this program is one of the best investments of our resources that we have made in the field of international relations.

There being no objection, the letter and lists were ordered to be printed in the Record, as follows:

Embassy of the
United States of America,
Oslo, Norway, October 3, 1973.

Hon. J. William Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: Last week at my first official function in Norway, I had the pleasure of presenting a 3.8 billion year old lunar sample from the Apollo 17 Mission to the people of Norway. This stone was collected by Astronaut-Geologist Dr. Harrison Schmitt, who, as you may know, spent a year in Norway as a Fulbright student back in 1957–58.

The presentation ceremony turned out to be a convincing demonstration of the impact of the U.S. Educational Exchange program. In addition to Dr. Schmitt who spoke of his Fulbright grant as a "turning point in his life which started him on the path to the moon," two of the other main participants: Mr. T. P. Svennevig, State Secretary in the Ministry of Foreign Affairs, who received the stone on behalf of the Norwegian people, and Professor Otto Bastiansen, Rector of the University of Oslo, were former Fulbrighters. Mr. Svennevig went to the U.S. as a student grantee in 1952–53 and Rector Bastiansen was one of the first four Fulbright students to be selected for the initial Norwegian program in 1949–50.

I found the dates for the above grants significant as they give some indication that it takes on the average 15–20 years for a student grantee to rise to a position of national or international recognition. We are now beginning to see the results of the early student programs, but I suspect that we will learn much more about the impact of the Educational Exchange program in the years immediately ahead.

In connection with Dr. Schmitt's visit, my staff went through the entire list of former Norwegian Fulbrighters and came up with some impressive statistics. At least 180 Norwegian university professors are former Fulbrighters and as you will see from the attached list of some of the more prominent Fulbrighters, they include many of the most distinguished men in Norwegian politics, science, information media, culture and education. As one measure of the vitality of the program, I would note that Trygve Bratteli, who will become Prime Minister of Norway in mid-October, has a son currently studying in the U.S. under a Fulbright grant at New York University.

Names and positions are, of course, only a superficial indication of the success of the program. As Dr. Schmitt pointed out at a luncheon given in his honor by the Fulbright Committee, the friendships which he developed in Norway with geologists and other distinguished scientists whom he had met as a student many years ago illustrate the depth and impact of these exchanges. At this point in time, when Norway like the United States is seeking to redefine its place in the world, the program which you conceived takes on renewed importance in our international relations.

With best wishes and kind regards, I remain,

Sincerely,

THOMAS R. BYRNE,
American Ambassador.

Attach: As stated.

LEADING FORMER FULBRIGHTERS

POLITICS AND GOVERNMENT

Professor Ole Myrvoll (1958–59 Grantee), Newly elected Member of Parliament, Minister of Finance 1965–71, Mayor of Bergen 1972–73.

T. P. Svennevig (1952–53 Grantee), State Secretary in the Ministry of Foreign Affairs, 1972–73.

Olav Hove (1951–52 Grantee), Departmental Counselor and the highest civil servant in the Ministry of Church and Education.

George Krane (1949–50 Grantee), Bureau Chief in the Ministry of Foreign Affairs.

Arne Arnesen (1951–52 Grantee), Bureau Chief in the Ministry of Foreign Affairs, Political Secretary to the Foreign Minister during the 1971–72 Labor Government, and currently on leave of absence to serve as editorial writer for the Labor Party's official organ, ARBEIDERBLADET. Labor Government State Secretary.

Frode Nilsen (1950–51 Grantee), Bureau Chief in the Ministry of Foreign Affairs.

Kirsten Ohm (1956–57 Grantee), Counselor of the Norwegian Embassy in Paris and former Bureau Chief for North American Affairs.

Arve Johnsen (1959–60 Grantee), Director of the Norwegian State Oil Company.

Gunnar Randers (1951–52 Grantee), Former Director of the Atomic Energy Institute and for the last six years Assistant Secretary General for Scientific Affairs at NATO.

John Dale (1952–53 Grantee), Parliamentary Secretary to the Center Party Group in the Storting.

Olav Blichner (1956–57 Grantee), Director NATO's Advisory Group on Aerospace Research and Development (AGARD) in Paris.

Olav Kortner (1959–60 Grantee), Superintendent of Schools for the Province of Akershus, Minister of Church and Education 1963. Member of Parliament 1965–70.

Inge Seip (1952–53 Grantee), Under-Director of the Directorate of Labor.

Gunnar Germeten (1952–53 Grantee), Assistant Director, Ministry of Municipal Affairs and Labor.

Media

Trygve Ramberg (1953–54 Grantee), News Editor of Aftenposten (Oslo), Norway's largest newspaper.

Egil Helle (1958–59 Grantee), News Editor of Arbeiderbladet (Oslo), official organ of the Labor Party.

Harold Munthe Kaas (1958–59 Grantee), Foreign Affairs Commentator for Norwegian State and Radio and TV.

Frank Bjerkholt (1955–56 Grantee) Foreign Affairs Commentator for Norwegian State Radio and TV.

Gunnar Helge Carlsen (1960–61 Grantee), Editor of Bergens Tidende (Bergen). The largest paper in Western Norway.

Kjell Amdahl (1961–62 Grantee), Foreign Editor of Adresseavisen (Trondheim). The largest paper in the central region of Norway.

Steinar Brauteset (1961–62 Grantee), Foreign Correspondent for Norwegian State Radio and TV.

EDUCATION

Professor Otto Bastiansen (1949–50 Grantee), Rector of the University of Oslo.

Professor Peter Hjort (1957–58 Grantee), Rector of the University of Thomsø.

Professor Sigvald Refsum (1949–50 Grantee), World renowned neurologist and discoverer of Refsum's disease.

Professor Sigmund Skard (1957–58 Grantee), Founder of the American Institute at the University of Oslo and one of Western Europe's most prominent Americanists.

Professor Stein Rokkan (1954–55 Grantee), President of the International Political Science Association.

Professor Henry Valen (1955–56 Grantee), Professor of Political Science and Norway's top expert on election politics.

Dr. Johan Jørgen Holst (1958–59 Grantee), Research Director of the Norwegian Institute of International Affairs, Member of the Labor Party's Foreign Policy Committee, and Norway's leading expert on international security matters.

Finn Sollie (1953–54 Grantee), Director of the Fridjof Nansen Foundation, which specializes in research on international law.

FINANCIAL PROBLEMS OF AMERICAN UNIVERSITIES

Mr. BROCK. Mr. President, it sounds strange to say, but American colleges and universities are short of students—500,000 short. Indeed, in all sections of the country, our colleges and universities are facing severe financial problems, attributable to declining enrollments.

Interestingly, this situation is not worldwide in nature. In Europe, for example, universities are extremely overcrowded. Reports from West Germany alone indicate that some 50,000 qualified students there are being turned away each year because the facilities will not accommodate them.

When considered against our balance-of-payments deficit, this situation translates itself into a tremendous opportunity for the United States. My proposal is that we should move to take advantage of it.

In that regard, I am preparing legislative proposals which will be designed to encourage and support an extensive program for bringing students to this country for completion of their studies.

A pilot project in this area is currently being coordinated by Georgetown University, in which some 500 German students will enroll in this country next summer for a 2-year curriculum. This is an exciting experiment, which, if successful, could pave the way for a massive program that could bring benefits to colleges and universities in every State.

It would really amount to killing a whole flock of birds with one stone. First, financial benefits would accrue to the participating schools, who are badly in need of additional revenues. Second, the cultural relations benefits to the participating countries, and especially to this country, are obvious.

Third, a pressing problem in Europe, overcrowding of higher education facilities, would be alleviated, which is surely in our best interest as well as theirs. Too, full utilization of existing U.S. facilities would mean more efficient operation.

Finally, and in my view most importantly, an extensive program of this type could have an extremely beneficial effect on our balance-of-payments situation.

By some estimates, as many as 50,000 European students might become participants in the program, spending at least 2 years here. From a balance-of-payments standpoint, this is the equivalent of bringing home 50,000 of our troops in Europe.

At an estimated annual per student cost of $5,000 per year, a full-scale program could mean a $250 million plus for our side, which would be a most welcome contribution to international monetary stability.

Thus, a program of this type could become one of the most important aspects of a burden-sharing arrangement with the NATO countries. In our recent debate on European troop levels, much discussion was undertaken with regard to the finding of appropriate methods to more appropriately spreading the cost of our defense commitments.

It is morally right and economically imperative that our Atlantic allies begin to share the burden of their defense, which has been borne by the American people since the end of World War II. Their ever-increasing prosperity, coupled with the international weakness of the dollar, occasioned by persistent balance-of-payments deficits, is concrete evidence that a new arrangement is called for.

Some have argued from this that the United States should unilaterally pull back its troops stationed in Europe. I believe that such an approach is shortsighted, and an invitation to aggression.

It would be far better to devise creative methods of sharing the defense burden for the Atlantic community. In that regard, it has been suggested that Western European countries should be required to purchase American products, thereby returning to this country dollars which have been spent in their land on and by American troops.

There is a difficulty, however, in accurately determining which of such purchases would be genuinely attributable to burden sharing, that is, which purchases would not have been made anyway.

The training of students is, however, a burden-sharing device which could without question be applied, and it has the additional advantage of producing real benefits for the cooperating European nations, as well as for the United States. Thus, the program is one burden-sharing agreement which could have a real chance of being acceptable in Europe.

The costs of the program would properly be borne by the countries sending the students, because these costs represent savings to them for not having to undertake to build whole new campuses for their burgeoning student populations. In the Georgetown experiment, financial backing is being provided by the individual German States who are participating in the project.

There are, of course, many details which would have to be worked out before any large-scale program could be implemented. For example, proficiency in English would be an obvious requirement for students coming here.

Accordingly, I have written to Secretary of State Henry Kissinger, and to USIA Director James Keogh, suggesting that the very successful English language instruction program which has been carried out through the binational centers in Latin America, be adapted for European countries.

I have also suggested to the Secretary of State that our embassies in the NATO countries draw this program to the attention of the appropriate government officials in the countries in which they are stationed, in order to survey the likelihood of participation in the program.

Other details which will require attention include the question of establishing overall direction of the program, and of making certain that the American institutions are appropriately encouraged to participate.

I will offer legislation designed to address the latter problem, and will look closely at the Georgetown experiment and other sources to seek the best possible resolution of the former.

Additionally, it would be my hope that others in this body may come forward with ideas and suggestions of their own. For further reference, I would note two excellent articles on the Georgetown project, which appeared in the Washington Post and U.S. News & World Report, recently, and I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post]

GERMAN UNIVERSITY PLAN MAY INVOLVE GEORGETOWN

(By John M. Goshko)

Washington Post Foreign Service

BONN, September 15.—West Germany is weighing a bold proposal to help the thousands of students annually denied entry to Germany's overcrowded universities by sending them to college in the United States.

The plan is the brainchild of a provincial politician named Christian Schwarz-Schilling. He believes it is possible for as many as 30,000 young Germans to study at American campuses yearly.

With an assist from Georgetown University he may soon have the chance to see whether he is right.

Under the direction of the university's executive vice president for educational affairs, the Rev. Edmund G. Ryan, Georgetown is preparing an experimental pilot program to test the idea.

In early November, the Georgetown proposals will be presented to the conference of education ministers from the nine West German states. German universities are controlled by the states in which they are located. If the ministers agree, Georgetown is prepared to bring about 500 German students to the United States next summer and spread them among 25 colleges from coast to coast for a year's trial run.

If the idea proves workable, it could have enormous impact not only for West Germany but also for many other countries where hard-pressed governments are unable to provide sufficient room for everyone seeking the benefits of higher education.

FOUR D.C. UNIVERSITIES

The American colleges participating in the experiment are to be clustered in five sections of the country: Washington, D.C., Michigan, Texas, Missouri and Washington state. In addition to Georgetown, American, Catholic and George Washington Universities would take about 20 German students each in the first year.

Essentially, Schwarz-Schilling's plan is based on the law of supply and demand. The United States now has many schools unable to recruit enough students to fill all the available places and is therefore unable to make maximum use of its resources. There are estimated to be 300,000 such openings currently in American colleges and universities. Often these vacancies translate into severe financial hardship for the institutions.

Competition for the available openings in German universities is so intense that almost 500,000 qualified applicants must be turned away each year.

The results have been heartbreak for those who are rejected, the propogation of a system that tends to discourage the children of lower-income families from aspiring to a university education and an incalculable waste of brainpower. In addition, the strain on overtaxed West German university facilities has been a major cause of student unrest and radicalism in recent years.

Among those who have been concerned about these problems is Schwarz-Schilling, secretary-general of West Germany's conservative opposition party, the Christian Democratic Union, in the state of Hesse. Last spring, he visited Washington in search of possible solutions and, after lengthy consultation with U.S. educators, hit upon the idea of matching Germany's oversupply of students with America's excess of facilities.

OPPOSITION IN GERMANY

When he returned home to unveil his proposal, it kicked off considerable controversy in educational and political circles. The idea got an especially tepid response from the government of Chancellor Willy Brandt and the federal educational bureaucracy in Bonn.

Although the Brandt government is strongly committed to expanding the educational opportunities of German youth, it wants to do this by building more university facilities here. Federal officials have resisted Schwarz-Schilling's plan, fearing that it would abate pressures for more domestic spending on education.

The proposal won some enthusiastic and influential support, however, primarily from states with Christian Democratic governments. They were instrumental in inviting Father Ryan to visit Germany last month and launch plans for the pilot program.

Now, even some of those who originally opposed the idea have grudgingly come around, prompted by the realization that budgetary limitations preclude any sudden and dramatic expansion of existing German facilities.

So, the current expectation is that the Germans will give the green light for a trial of the Georgetown program. But, the controversy surrounding the idea persists, and everyone will be watching closely to see whether inherent pitfalls can be circumvented.

The most immediate and obvious problem is whether German students will have sufficient command of English to work at an American college level. The formidable obstacle was illustrated in reverse two years ago when the city of Hamburg, seeking to overcome a shortage of science teachers, recruited a number of instructors from the United States.

HAMBURG EXPERIMENT

The Hamburg experiment immediately bogged down in chaos because the language barrier prevented teachers and students from communicating with each other. It was subsequently salvaged, but only after a drastic restructuring that saw most of the original American teachers replaced by others who either spoke German fluently or demonstrated an aptitude to learn it quickly.

Schwarz-Schilling, however, doesn't think that the language barrier poses too big a problem for his plan. He points out that English is the most widely studied foreign language in German schools, that most students preparing for university entrance have studied it for several years and that they usually have a high level of fluency by the end of high school. For those whose English is still weak, he advocates a program of intensive language instruction before they are allowed to begin taking regular courses in American schools.

A less obvious, but potentially more difficult problem is that the German and American educational systems are different and, in some respects, not easily made compatible. The American system of high school, followed by four years of college and then possibly graduate school is not the route taken by German students.

Here, students aiming for the university go through a specialized kind of high school whose program runs two years longer than those in America. Germany does not have U.S.-style undergraduate colleges, but during their final two years of high school German students theortically get the same kind of broad liberal arts education pursued by American undergraduates.

Following successful completion of such a course, the German student is awarded the coveted *abitur*—a certification that he has met all the requirements for university admission. He then enters a university that is actually a collection of separate, largely autonomous faculties—similar to the graduate faculties of an American university—and immediately begins intensive concentration in a specialized field.

Although the comparison is not precise, a German high school graduate theoretically is at the same level as an American who has completed two years of college, and the assumption of Schwarz-Schilling's proposal is that German students going to American colleges would start in the junior year.

U.S. EDUCATOR'S DOUBTS

There are doubts among American educators, however, that the level in German high schools is really on a par with good American colleges. This raises questions about whether American schools would recognize the Germans' preparation as sufficient for them to begin at a third-year level and, if they did, whether the Germans could compete.

Finally, and most importantly, there is the question of whether the theoretical meshing of interests on which the exchange plan is based—a matching of unused American facilities with an oversupply of German students—might turn out to be more apparent than real.

An official of the U.S. embassy here who has helped with planning the program notes, "There's no question that many good American schools now have excess capacity During the 1960s, they drastically expanded faculty and physical plant to accommodate the war baby generation that was then hitting the colleges. But now that phenomenon has passed. You're now getting kids born in the 1950s, when the birth rate went down markedly, and there's been a noticeable falling off of applications for admission."

"But," he continues, "this excess capacity isn't uniform. It exists only in certain fields of study, and a lot of fields where the German universities don't have a space problem. Conversely, many of the areas where the Germans are interested in finding openings are precisely the ones that the American schools can still fill with our own kids. As a result, we may find that we're trying to match square pegs with round holes."

POPULAR SUBJECTS

In theory, the abitur is an automatic passport to university admission. However, many studies—chief among them architecture, biochemistry and chemistry, biology, medicine, pharmacy, psychology, vetinerary medicine and dentistry—have such wide appeal for young Germans that all the German universities combined cannot accommodate everyone who wants to study in these fields.

This has led to quota systems for these disciplines. According to the federal education ministry, this year will see some 65,000 recent abitur recipients apply for slightly more than 17,000 available spots.

The choices among these applicants are made according to a complex computerized formula that takes into account both academic factors and an apportioning of places among the individual states.

Those who fall below the computer-established median, have absolutely no chance of admission, despite their abiturs. Even ranking above the line is no guarantee of winning a place.

Schwartz-Schilling concedes that the costs of the program will be considerable. But, he adds, "to put from 10,000 to 30,000 German students through American schools each year would still cost considerably less than to create equivalent facilities for them here in Germany."

Schwartz-Schilling says his studies indicate that the annual outlay to create and maintain physical space for a student in West Germany comes to $7,000. Costs would vary at the U.S. schools. At Georgetown, tuition, room and board would run about $4,000 a year.

He also estimates that young Germans will be able to live at American campuses on a monthly stipend of about $150. By contrast, a recent survey at the University of Bonn indicated that students spend a monthly average of $180 on living expenses.

Washington Post reporters Bart Barnes and Barbara Bright also contributed to this story.

[From U.S. News & World Report, Nov. 12, 1973]

FLOOD OF STUDENTS TO UNITED STATES?

A program being developed in the U.S. and West Germany could bring a huge influx of foreign students to American colleges—perhaps eventually doubling or tripling the number here now.

STEP—for Student Exchange Program—aims to help fill the steadily mounting number of vacancies on U.S. campuses with qualified Germans unable to get into crowded universities at home.

A one-year pilot project—with 500 Germans studying at some 25 U.S. institutions—will get under way next August. In years ahead, 30,000 to 50,000 Germans are expected to be accommodated annually if the plan is a success.

Why not others? Program backers say that educators in other countries are already asking if the project can be broadened to include their students.

"I see no reason why it can't be," says the man who initiated the setup. He is the Rev. Edmund G. Ryan, an executive vice president at Georgetown University in Washington, D.C.

Expansion is a logical step, Father Ryan believes, since there are an estimated 500,000 vacancies in U.S. universities this term—a figure that will increase to "perhaps 1 million by 1983." He says he insisted, however, that the initial program be a small one.

German State and Federal Governments will pay the costs of the educations for the Germans.

More than 140,000 foreigners—representing most countries—are now studying in the U.S. The new thousands would be in addition to this total.

The Institute of International Education, which makes an annual student survey, says there were slightly more than 2,000 Germans enrolled here in 1972. Most case individually.

India well ahead. Last year, India led the list, with about 11,350 students in U.S. colleges. Canada was second, with 10,400. Other places with a sizable number: Hong Kong, Taiwan, Iran, Japan and England. Close to 8,000 Cubans—mostly refugees—were enrolled.

Some institutions listing large numbers of foreigners in their student bodies are New York University, the University of California and Wisconsin, and Miami-Dade Junior College in Florida.

Despite dollar-devaluation problems, many Americans of college age continue to study abroad—about 32,000 last year in France, Canada, Mexico, England, Germany, elsewhere. India has said it will sharply reduce the approximately 550 Americans studying there.

The STEP plan is being promoted in Germany by Dr. Schwarz-Schilling, a Christian Democratic Party official. He was working on plans to get Germans into schools abroad when he read of Father Ryan's idea. The two men brought their proposals together.

Father Ryan says Georgetown has no great need of additional students and will take only 20 of the first 500 Germans. Others will go to schools scattered over the nation. All types of colleges—religious, State, private—will join the program.

The universities of Texas and Michigan are among those expected to participate—but definite selections have not been made. Some 180 universities or school systems have expressed interest—ranging from Kansas and Kentucky to Kalamazoo College and Princeton.

How project will work. Germans interested in study abroad will be encouraged to apply for the program. This will relieve pressure on German universities, which turn away 50,000 qualified applicants yearly for lack of space. Selections will be on a competitive basis—with knowledge of English required. Georgetown will administer the program and hold an orientation session.

The Germans will be allowed to take only courses having vacancies. Subjects such as architecture, medicine and pharmacy—already overcrowded with American students—will not be available.

Generally, the foreign students will enter colleges as juniors, returning home after two years to taken an exam. If they pass, they will get degrees.

Visible benefits. Supporters of the program say it will help colleges financially, contribute to world harmony, and cut the U.S. balance-of-payments deficit.

Not all reaction has been favorable. A few critics fear the U.S. Government will eventually be involved in helping to pay for the plan; others say many of the foreigners may remain in the U.S. and try to slip into medicine or other crowded subjects.

Backers concede that the plan is not perfect, but feel advantages outweigh disadvantages. Says Father Ryan:

"In both the U.S. and Germany, young people are enthusiastic about the program's possibilities for bringing about international understanding and direct communication and experience of another culture. It is a genuine opportunity for the U.S. to use its educational facilities to aid the world."

NEED FOR EQUITY FOR PERSONNEL OF NONPROFIT HOSPITALS

Mr. CRANSTON. Mr. President, the Senate Subcommittee on Labor has recently concluded hearings on legislation to extend the protection of the National Labor Relations Act to the employees of nonprofit private hospitals.

I have received a letter from Mr. George Hardy, international president of the Service Employees International Union, which succinctly presents the case for S. 794, legislation introduced by myself and Senator JAVITS.

Mr. President, I ask unanimous consent that the letter I received from Mr. Hardy be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEIU COMMITTEE ON
POLITICAL EDUCATION,
October 9, 1973.

Hon. ALAN CRANSTON,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR ALAN: I want to thank you for the work you have been doing for the non-profit hospital employees bill. Now that the hearings are finished, your real work will begin.

I know that there was a trend of thought put forward by the opposition to this legislation which has attempted to picture employees of hospitals as completely disinterested in the welfare of patients. Service Employees members who work in hospitals, and indeed, all hospital workers, have the welfare of patients at heart. No one, even in a strike situation, would allow harm to come to a patient in a hospital. I have been very disturbed that there are those who think this is not the case and that union members would cause injury or death to patients by striking a hospital.

S. 794 will correct the inequity that despite the fact that the employees of almost every other non-profit institution are covered by the NLRA, including non-profit nursing homes and non-profit colleges, employees of non-profit hospitals cannot use the National Labor Relations Board procedures.

We mustn't lose any momentum in our

effort to extend the NLRA protections to these workers. The House has already demonstrated its overwhelming support for this bill when it voted 3-1 last year in favor of passage.

Again, thank you for the deep interest you have shown in our legislation and the great help that you have already given.

Sincerely,

GEORGE HARDY,
International President.

INTERVIEW WITH GEN. MARK CLARK

Mr. THURMOND. Mr. President, it was a great pleasure to read a recent interview with one of the greatest military leaders in history and a very close friend, Gen. Mark Clark.

General Clark has served his country and his State in the finest tradition. After retiring from the Army with 40 years of distinguished service, General Clark assumed the presidency of the Citadel. In the Army and at the Citadel, General Clark always strived for excellence and he passed along this desire to those with whom he worked.

Now that he has retired, he still maintains a demanding schedule for very worthy causes.

Mr. President, I would like to share a portion of General Clark's philosophy with my colleagues—a philosophy dedicated to the precepts which made this country great.

Accordingly, I ask unanimous consent that the article entitled "Mark Clark Talks," which appeared in the October-November issue of Modern Maturity Magazine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARK CLARK TALKS

(By Hubert Pryor)

(NOTE.—An interview on personal and public concerns with the noted military leader of the Korean War and of the Mediterranean Theater in World War II. This is another in a series of special articles bringing you the thoughts of distinguished older persons on matters of current interest.)

General Clark, how are you enjoying retirement?

Well, this is the second or third time I've retired. When I retired from the Army after 40 years of service, after signing the Korean armistice, I was asked to be the president of The Citadel, which is the military college of South Carolina. Before that, I had correspondence with Jimmy Burns, who was then governor of our state. I told him I wanted to have time to go fishing. He said, "You go fishing all you want. Charleston is a wonderful place to fish."

So, when I came here, I did fish. And now that I've retired as president of The Citadel, I don't have time to fish any more, so I really ought to go back into active duty if I want to have some fun. When you get really retired, people pile things onto you and they ask you to take on worthy causes and I'm sap enough, in most cases, to accept. So I find myself really, at the age of 77, doing more things than I should do.

My main occupation now is being chairman of the American Battle Monuments Commission, which has the responsibility of memorializing the men who have made the supreme sacrifice in all these wars in which we've fought. Over a quarter of a million of them are still buried on foreign soil in cemeteries all over the world. They are really shrines and have been built up with chapels and the names on the walls of the missing—gorgeous places for loved ones to come back and pay tribute to their relatives. They have an office in Washington and I find the work right down my alley and, though it doesn't fully occupy me, I do make trips. I've made some trips to various parts of the world. We're now charged with the responsibility of developing the plans for the monument to Pershing to go up on Pennsylvania Ave. I would say that's my main occupation at the present time and it is a very interesting and prideful one.

Then I'm president emeritus of The Citadel. I'm on one or two of their boards and I came from a meeting out there this morning. It's interesting because I know what The Citadel stands for and I know what product it turns out.

I'm a fella who has always been busy and I expect I'm better off for having things to do rather than to just sit on my hindside and fret.

Would you say you're as active now as you were during your active military career?

No, I wouldn't say that, because I can pretty much call my signals now as to when I undertake these chores, and in active military service I was at the beck and call of my superior and would have to go at the drop of a hat. I remember in 1942 I was in Washington as a young general officer and General Marshall sent for me and for Ike Eisenhower (we were both at West Point together and were friends). General Marshall told us he thought we ought to go to England on a mission and we left the next day and we came back a month later. When he told us we should go back, we left the next day.

Well, do you think this is the most satisfying time of your life?

I would say so. I have a chance to look back. I'm involved in history—historical writings, not necessarily my own, but I do make it a point to see any objective historian who wants to see me and is writing about some of the things I was involved in. I spend a lot of my time making recordings on people like Herbert Hoover, on Marshall, on Ike, on many people. Many libraries have certain people who specialize in this type thing and so I'm very busy in that respect.

You mention President Hoover . . .

Well, yes, he was a dear old friend of mine, Herbert Hoover was. We came in contact at the end of World War II, when I was the occupation commander in Austria. Hoover was a great one on Communism; he understood it and wanted to warn the people of its danger and so he visited me right after I went to Austria for me to help him get certain records for his Hoover Library at Stanford.

You mentioned General Eisenhower. How about General Bradley?

Well, I never served under Bradley—I served under Ike. Ike and Bradley were classmates in the class of 1915—I was in the class of 1917. Ike and I were in the same company. We started up our friendship, which lasted so many years, when we were cadets. I served directly under Ike and was his deputy commander in chief in England and then in North Africa; then I took my army into Italy and Ike was the overall commander at that time.

Do you still see General Bradley today?

I haven't seen Omar for, oh gosh, three years. It was up at West Point. I went up for a reunion. As a matter of fact, my reunion this year would be the 57th.

Are there other commanders of World War II whom you see from time to time?

Oh, yes. I had dinner in Washington the first of May, which happened to be my birthday, with Al Gruenther, who was my chief of staff all through the war, and with Robert Murphy, who was Undersecretary of State and our political adviser, Ike's political adviser, during North Africa and during the Italian campaign. And when I took over MacArthur's command during the Korean War, they sent Robert Murphy along as Ambassador to Japan, so we continued our close association. And General Lemnitzer was there. He went over with me to England in 1942—I had him on my staff and he was with me all through the Italian campaign. I saw Jimmy Doolittle not too long ago—he was on our staff in the early days of planning for North Africa and, gosh, who else do I see? Tooey Spaatz. I gave Spaatz a little award here recently. He was a classmate of Ike's at West Point. And I saw Tony McAuliffe a couple of days ago. Tony was the boy who had that parachute division (in Bastogne) and when they told him to surrender he said "Nuts!" He was a division commander, but my associates in Italy are all gone and the other army commanders have gone.

General, besides activity, what do you think makes for happiness in retirement?

Well, one thing I think is to be proud of what you're doing. I think that is most important.

What in your past life do you miss the most now?

Well, you know I was privileged to see a great deal of the world during my career. So now I miss getting about as much as I did.

If you were a young man starting out all over again, would you choose a different career from the one you followed?

All my family were military people. No, I wouldn't do anything differently.

How do you perceive the role of career military men in the world as it is today?

Military men today are caught up in politics. This trend started toward the end of World War II. In the Korean War, you remember, there was more politics. We couldn't strike at the Chinese armies across the Yalu River. So they'd mass their men and materiel there and we couldn't do a thing about it—just wait until they came over and hit us. In the Vietnam War, look at the bombing. It was started and stopped and started again for political reasons. It didn't make any sense at all.

Do you think we should have gone into Vietnam in the first place?

No. I mean that was not the place to make a stand. Let me add, though, that the only assurance of peace is for us to be strong. Today, our defenses are dangerously weak.

General, do you believe with all the progress that has been made during your lifetime that we are any happier today than when you were a boy?

No, I doubt it. I think we have too many sophisticated problems that worry us and we've got the means of transmitting them. I like to be kept informed and I turn on that miserable television there and I listen to the news. Sometimes I just want to kick the whole front of it out. But something happens around the world, we know about it right away. And there are so many headaches and I feel the moral fiber of America is bent very, very badly. I don't think there is the faith that we used to have and so I think there are some things to be unhappy about.

What accounts for the deterioration in our moral fiber?

Well, I just think that morals have broken down. I don't think that the word "honor" means what it did. I don't think honor is held in the sublime area that it used to be.

Do you think that we have too many material possessions and too many comforts laid on?

Well, that certainly will add to it. Certainly the standard of living in America is probably the highest in the world. But when the moral fiber of a country bends—the desertions we've had during the Vietnam War, people who didn't honor their obligation to serve their country, more and more pornographic literature being sent out, more filth in movies and on TV, more crookedness, more crime on the streets and getting away with it, lighter punishments being given out to many people by lax judges and magistrates, putting them on parole and they do it again—it must have something to do with those who are the leaders of our country.

The leaders of our country are elected public servants, isn't that correct? I believe that the man that we've attracted to be a politician, to go into public life, these last few years has not been, in every case, the high-principled man that we associate with our Founding Fathers. Those fellows who sired the Declaration of Independence—that was a very brave thing they did. It wasn't the unanimous choice of everybody and they risked their lives and their honor and their fortunes and everything else in taking that step.

It just seems to me that some people get elected more because they can play a ukulele or ride a mule and have some gadgetry in running for office. Now this doesn't apply to all candidates, of course, but it applies to too many, so that, in my opinion, when things begin to go wrong, it's because you've got people in there whose moral standards perhaps aren't as high as they used to be or who benefit in some way from this condition going on.

I'm not indicting all our public servants because a great majority of them are fine people, but there are too many who are vocal and able to put things over on a placid plurality.

Well, isn't there a great deal more government in one's life today than there was when you were a young man?

That's true, I don't like that either. But I think our trouble is some of these people feel that when they get into the job they can make it a more powerful one. We've seen examples of people in high places who have been accused of doing dishonorable things, but they get away with it. I know in schools cheating is rampant. And how many colleges now have an honor code? The Citadel does. I put it in and it works; it's run by the cadets. And church-going—look at the decision of the Supreme Court on prayers, look what they've just done to my alma mater, at West Point. The Supreme Court ruled that they couldn't make the cadets go to chapel. It's now a voluntary thing, voluntary at The Citadel out here, too. And you can't say a prayer? We still say a prayer.

When I was there—they'd have had to drop a parachute regiment on me to make me stop saying a prayer in the mess hall before every meal. But I suppose they'll make 'em stop pretty soon. Those are the things, you see, that have nibbled away at faith. When I went to The Citadel, I said that my job wasn't just teaching arithmetic and history and academics; my job was not only to give a boy a good education but to train the whole man as well. And I said that just as important a part of his education is education in honor, in duty, in love of God and country, in physical fitness and in all of those things that go to train the whole man. That's the kind of a fellow you want for a leader.

Do you have any thoughts about the role of religion in contributing to peoples happiness?

Oh, yes, there's no question about it—that a man who has faith and believes is a happier fellow than one who doesn't. No question in my mind.

Generally, have you gotten personal strength in particular situations from your faith?

Yes, yes. I can give you an example. This was on a certain day in September of '43. That day, Montgomery's 8th Army crossed the Straits of Messina. He and Patton had taken Sicily and began taking over the toe of the Italian boot without much opposition. I return to Mostagnum, my headquarters in North Africa, and on Sept. 5 went aboard the Ancon at Algiers, with 30 of my staff. Admiral Hewitt greeted me and gave me a cabin that I could also use as an office. The Ancon was the command ship to lead my army into Salerno.

I had had a tough day and I decided to turn in. According to a long-standing custom each day, I read from a little book called "Daily Word," a Unity publication. The prayer for Sept. 5, 1943, seemed to have been prepared especially for that occasion. It read in part as follows:

> Father in Thy name I pray.
> Let me know Thy will today.
> With Thee I am unafraid,
> For on Thee my mind is stayed.
> Though a thousand foes surround,
> Safe in Thee I shall be found.
> I have faith that Thou wilt be
> Always guarding and directing me.
> In the air, on the sea or land,
> Thy sure protection is at hand.
> Momently Thy love I share,
> Thy grace and Thy protecting care.
> Spirit, oh Lord, most high,
> Gracious spirit that is I,
> In Thy words my needs are filled,
> In Thy love my fears are stilled,
> In Thee I am staunch and strong.
> Thou are with me all day long,
> Helping me always to know
> Thou art justice; peace and life,
> Healer of the nations' strife.

I slept better that night.

CLARK ON LATE MARRIAGE

Sir, after you were widowed, you remarried "late in life," as the saying goes. Do you have any thoughts on the subject that you'd like to share with our readers?

Well, I think it is a tribute to your late wife to want to get married again. After I lost Reenie, I was very lonely. By coincidence, my present wife Mary lost her husband at just about the same time. Both of us couples had been old friends—since childhood. Mary and I today lead an active, happy life. We play a lot of golf together at our summer place in Michigan. She is quite a bit younger than I, you know, and she likes to go to more parties and such than I sometimes care to. But we always work that out.

THE URGENT NEED FOR FOOD RESERVES

Mr. CLARK. Mr. President, as a resident and a representative of Iowa in the Senate I have always deeply admired the capacity of the American farmers to continually improve production of food commodities to meet greater and greater demands year after year. But the sad truth is that, regardless of the successful efforts in expanding the acreage in production and increasing the productivity of each acre, the competing demands of rising population and rising affluence have left us still dependent on the whims of the weather and the economy. The farmers of Creston, Iowa, and farmers throughout the State know that, without grain reserves, the weather will continue to guarantee alternate conditions of surplus and famine, low food prices, and high food prices.

We do not have to look too far to confirm their feeling. The world's farmers produced a record crop in 1971. But a year later, droughts in the Soviet Union, the People's Republic of China, Australia, India, Bangladesh, Africa, and Latin America resulted not only in a 3-percent decline in the grain harvest, but serious dislocations in rice and other food products as well. One year of bad weather, combined with a world population growth of 75 million people and fluctuations in international monetary and trade policies, deplete world food stocks to their lowest level in 20 years.

Mr. President, as long as we are incapable of controlling the world's weather and the world's economy, we should take advantage of the good times to prepare for the bad. We should accumulate surpluses in the good years to feed people adequately in the bad ones. As Iowa's Nobel Peace Prize winner, Dr. Norman Borlaug recently observed:

> Weather is a major factor in causing short-term fluctuations in cereal grain production, but weather effects tend to average over a period of years. If the world is to avoid disaster, however, ways must be found to finance the stockpiling, at strategic locations, of sufficient quantities of food grains to provide reserves for emergency use in those years when weather is unfavorable and crop production drops.

That means we must have a policy of maintaining food reserves.

Secretary Butz, of course, has consistently opposed such a Federal program, arguing instead that individual farmers and grain dealers should assume this responsibility. The problem with that nonpolicy is that farmers and grain dealers simply are not going to undertake that kind of financial burden alone. Even if they would assume the burden, such a structure contains no safeguards against the flooding of the market that begins as soon as prices begin to rise—and the inevitable drain on food reserves.

Mr. President, at the very least, the absence of an adequate grain reserve is economically unwise—it helps generate wild fluctuations in food prices at the expense of farmers and consumers alike. At most, the absence of a reserve is an affront to basic human needs.

Secretary Butz seems to have a callous attitude, suggesting the possibility of food rationing as an "option" in times of need. I am most disturbed by such an attitude. It is one thing to discuss rationing of gasoline or paper, and the inconveniences those policies involve when there is unavoidable shortage, but food is more than a convenience, and we would not even need to discuss rationing if we establish a grain reserve.

The time has passed to take steps to prevent a food "crisis"—by developing long-range policies such as grain reserves. When it comes to food, we cannot afford to simply react to disasters after they occur. A food reserve is essential—to the American economy and the American people.

Mr. President, an article in yesterday's New York Times ably discusses the issue of food. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARMERS FEAR NEW FEDERAL CROP POLICY MAY LEAD TO SCARCITIES

(By William Robbins)

WASHINGTON, November 13.—The big combine clattered to a stop at the edge of a soybean field and Kenneth Cheers climbed down from its glass-walled cab to greet a waiting visitor. A friendly smile creased the dust smudges of the young Iowa farmer's face as he remarked:

"It's kinda hard to stop when you're taking in beans at the rate of $1,200 an hour."

Mr. Cheers is one of an army of farmers

sweeping the rolling hills and plains of the Midwest with their tank-sized harvesting machines. And most of them are smiling, because their crops are the biggest ever, and the prices are good.

The smiles start to sag, however, when they try to look beyond this year's harvests. Like many economists, in and out of the Government, they are concerned about a new direction in farm policy that now militates against any sizable accumulations of Federal grain reserves in years of plenty to guard against scarcity in bad years.

Those economists fear that the Government is gambling with food supplies, risking possible shortages and high prices here and the specter of increased hunger and death in some parts of the world.

CONCERN IS GENERAL

A sampling of farmer opinion in one community in the heart of the Midwestern grain country, around Creston, Iowa, found those interviewed all concerned that a policy against Government accumulation of grain reserves could lead to wide fluctuations—to cycles of boom and bust, surplus and scarcity, and sharp swings in farm and consumer prices.

The change in policy is largely one of degree. Under United States agricultural law, the Government accumulates grain stocks when farmers forfeit their grain rather than repay price-support loans. In the past, when the farmers were allowed loans that were generally very close to market prices, large accumulations occurred in periods of market declines.

RESISTED BY SECRETARY

Such accumulations are considered unlikely under the new law, enacted this year. When the law was under consideration in Congress, Secretary Butz successfully resisted demands to increase loan rates enough to reflect rising costs.

The old loan rate for wheat, for example, was $1.25 a bushel, which until mid-1972 was generally close to the market price. The new loan rate is $1.37 a bushel, which is less than one-third of current market prices.

The issue, which increasingly preoccupies experts and food agencies around the world, has divided Secretary of Agriculture Earl L. Butz and some of his top advisers.

Dr. Butz opposes Government holdings of grain stockpiles. His chief economist, Don Paarlberg, takes "a kind of different" view from the Secretary's, as do other top economic advisers interviewed, although Dr. Paarlberg is the only one who was willing to bring the conflict into the open.

The issue of grain reserves was the principal concern found in interviews over the last several weeks with farmers and Government and private economists, conducted as part of an unsuccessful search for a coherent concept of a national food policy.

The importance of the question has been underscored beçause grain is the basic element in the world's diets. Grain supplies directly help to determine the adequacy of bread, pastries and cereals, and they also indirectly govern supplies and costs of meats, which are the biggest items in family food budgets in the United States and other developed nations.

Grain has moved to the forefront of food economists' concerns because of a reversal that has occurred over the last two years in the world supply situation. In early 1973, the United States had large stockpiles of wheat and corn, farm prices had dropped, and the Government was urging growers to cut back their production.

PERUVIAN PHENOMENON

That situation changed radically amid developments dominated by massive grain sales to the Soviet Union. Those sales resulted from a severe winter accompanied by a light snow cover for winter wheat and subsequent drought. A drought in Australia and crop failures elsewhere reduced supplies at the same time that a mysterious phenomenon was occurring off the coast of Peru.

The Peruvian anchovy catch has normally been one of the world's major sources of protein for livestock feed. The other is the American soybean crop. But last year the cold Humboldt Current, in which the anchovies thrive, moved away from the Peruvian coast, as it does once about every seven years and that nation's fishing fleet was coming up with empty nets.

The diminishing world supplies drove food prices inexorably upward in the United States, but two devaluations of the dollar within a 14-month period made prices of American crops more attractive abroad and spurred export demand.

By the end of the summer of 1973, the Government had virtually no stockpile of grain and the total "carryover"—supplies still held on farms and in grain company warehouses—were the lowest in decades. Forecasts indicate that the carryover will be still smaller by the end of the 1973–74 crop year.

Economists note that those developments have merely unmasked a changing condition of world supply and demand, and some, such as Lester R. Brown of the Overseas Development Council, a private nonprofit research institution, see critical measures on limited world land resources.

Mr. Brown sums up the situation this way: Increasing population coupled with growing affluence here and abroad, has narrowed the margin between supply and demand to a critically thin ribbon.

He cites the fact of increasing meat consumption. In the United States, for example, beef consumption per capita has more than doubled since World War II.

MORE AND FOR MEAT

He noted that it takes about seven pounds of grain protein to produce one pound of protein in meat—and thus more land to support meat-eaters than people who depend more on direct consumption of grain. It takes nearly a ton of grain, for example, to support the average meat-eating American in comparison with the 400 pounds of grain, consumed directly, to support the average citizen of less developed countries.

And in a world that has less than one acre of arable land per person, it takes about two acres to support the average American in the style to which he has become accustomed.

Some economists believe that the current squeeze on supplies will eventually be relieved by rising production, but those interviewed generally agreed with Philip H. Trezise, a former Assistant Secretary of State for Economic Affairs, now with the Brookings Institution, who observed: "If one major producing nation should have a crop failure right now, we'd be in real trouble."

Mr. Trezise made the remark shortly after attending an international conference at Brookings, which was attended by economists from Europe, Japan and North America. The group called for a world agreement for cooperation in maintenance of grain reserves.

The disappearance of Government grain stockpiles has been welcomed by Secretary Butz, who is firmly opposed to Federal maintenance of reserves and determined to leave that role to grain companies and farmers.

COMMITTEE APPEARANCE

"Farmers and the private trade should keep the supply in their hands," Dr. Butz told the House Agriculture Committee at a hearing last March 20. "They should retain the marketing decision and market at the best prices for them. They should earn the profits for carrying the crop from periods of lower prices to periods of higher prices."

Recently Dr. Butz expressed satisfaction to a reporter that "we've gotten the Government out of the grain business."

As he explained it, the Secretary's view is that once foreign customers are convinced that they cannot depend on stored surpluses in the United States, they will keep their own emergency stockpiles, and thus the United States will be spared heavy storage costs.

"We've been the residual suppliers," Dr. Butz told an interviewer. "The Japanese have depended on us, international [cotton] spinners have depended on us. Now we have changed that. The Japanese, for example, are buying further ahead."

Asked what might have happened in 1972, the year of widespread crop failure, without a United States carryover of grain stocks, Dr. Butz said the answer would have been rationing of supplies.

"After all, you ration things with prices," he said, adding that, for example, higher prices caused by short supplies might have led the Russians to reduce their livestock herds rather than buy United States grain.

As for the Government-maintained reserves, he said: "I think the Government should not do this. It won't work. A year ago we had substantial reserves completely under Government control. Then when prices went up consumer pressures forced us to release them, and the result was chaos."

In a speech today at the biennial governing conference of the United Nations Food and Agriculture Organization, Dr. Butz expressed continued United States willingness to contribute food aid to distressed nations as well as to consider problems of food security in cooperation with other countries.

But there was no evidence, in text of his speech released in Washington, of any relenting in his opposition to a "centrally controlled inventory system."

Disagreement with the Secretary ranged from mild to harsh. Other economists interviewed, including high economic aides in the Agriculture Department, contended that reserves of food supplies were too vital under present world conditions to leave decisions on maintenance to the business sense of the grain industry or the marketing judgment of farmers.

The Agriculture Department's chief economist, Dr. Paarlberg, observed: "My view is kind of different from the Secretary's. I think it is risky [not to keep Government reserves] Dr. Paarlberg cited the danger of crop failure and resulting "gyrations in prices that can occur."

"For some people in the world, it's a matter of life or death," said Mr. Brown, at the Overseas Development Council.

At a round-table discussion among economists held at Brookings recently, none believed that private grain companies would foot the bill for long-term storage of substantial reserves.

In Creston, Iowa, Charles Ehm, a banker-farmer who deals daily with other producer, remarked to a visitor:

"The farmers around here are doing great now, but they are worried. You've got to have some reserves. You know the private interests are not going to do it. What if we have a blight again; what do you do with your livestock?"

ONE MAN'S ANSWER

Nearby, Joseph Weisshaar, a substantial hog producer, offered this answer: "I'll tell you what we'd do. We'd just have to go out of the hog business. So would a lot of others. You know what would happen to meat prices then."

A neighbor, Eugene McCann, supplied this further observation: "You'd see consumer prices go right through the roof. That's what we have for a national food policy."

Questions about a national food policy brought this answer from one of the Agriculture Department's top economists:

"We've had a farm policy that indirectly produced a food policy, but I don't think the Department of Agriculture has really had a food policy."

Both Dr. Butz and Dr. Paarlberg disagreed, in virtually the same words.

"We have a food policy, and it's one of plenty," said Dr. Butz. "We're going for all-out production."

PUBLIC FINANCING FOR ELECTIONS

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the testimony presented today by the distinguished senior Senator from Massachusetts (Mr. KENNEDY) to the Committee on Finance, together with exhibits, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR EDWARD M. KENNEDY

Mr. Chairman, it is an honor to join the group of Senators appearing this morning to urge the Committee to act now on public financing of elections. And it is a special honor to be here with Hugh Scott, the distinguished Senate Minority Leader. In the decade I have served in the Senate, Hugh Scott has been a consistent and outstanding leader on election reform, and it is a privilege to work with him on public financing, which is now the over-riding election reform issue of our time.

With Senators Cranston, Hart, Mathias, Mondale, Schweiker, Stafford, and Stevenson, who have also been outstanding leaders on this issue, Senator Scott and I are sponsoring a joint bipartisan amendment to the Debt Ceiling Act to provide public financing for Senate and House general elections and for Presidential primaries. We believe that the time is ripe to take such action, and we hope that the Committee will give our joint amendment its strong consideration.

At the outset, in offering the amendment, we pay well-deserved tribute to Senator Russell Long, the distinguished chairman of this committee. Theodore Roosevelt may be the grandfather of public financing in the American political system, but Senator Long is the father, the guiding force. Without his continuing efforts over the past decade, especially the enactment of the dollar check-off seven years ago, public financing today would still be where Theodore Roosevelt left it in 1907, an idea ahead of its time, instead of the solid Federal law on which Congress can now build.

Democrat and Republican, we are here today because we share the strong feeling that the time has come to end the unconscionable power of private money in public life.

Among the lessons of Watergate and the resignation of the Vice President, perhaps the most obvious is the unanimous, bipartisan recognition that the string has run out on the role of private money in campaign financing.

For centuries, money and public service have been a corrosive combination in political life. And the more things change, the more they remain the same. In "The Prince," Machiavelli put the problem clearly almost five hundred years ago:

> "As a general rule, those who wish to win favor with a prince offer him the things they most value and in which they see that he will take most pleasure; so it is often seen that rulers receive presents of horses, arms, pieces of cloth of gold, precious stones, and similar ornaments worthy of their station."

The only real change today, when the favors available from the modern Federal government may boggle the mind of any medieval price, is that the most valued presents are not horses and arms, but contributions to political campaigns.

The Ervin Committee has barely begun the campaign financing phase of its hearings. Yet, the year-long Watergate revelations already demonstrate beyond any doubt the insidious influence of private money in American politics. When some of the most distinguished corporations in the nation—familiar names like American Airlines, Goodyear Tire, Gulf Oil, and Minnesota Mining and Manufacturing—confess to crimes involving blatant violations of the existing Federal election laws, we begin to understand the irrestible pressures that are infecting our national life. If 1972 was unique at all in campaign financing, it was unique only in the unscrupulous intensity and efficiency with which the contributions were so successfully solicited.

I am convinced that most, and probably all, of the very serious problems facing this country today have their roots in the way we finance political campaigns for high Federal office. Watergate may lead the list, but Congress shares the guilt as well. On issue after issue of absolutely vital importance to the ordinary citizens of this country, it is often easier to predict how the Administration and Congress will respond by studying the records of campaign contributions than by studying the merits of the issue.

We would have a different America today in the political power of campaign contributors were measured by their votes and voices instead of by their pocketbooks. Across the board, on virtually every issue before us, we know the dimensions of the problem. And if 1973 means anything, it means we cannot let the problem go unsolved.

To me, the solution is public financing. The best way to heal the system is to eliminate the corrosive power of private money in public life by establishing a comprehensive program of public financing for all elections to Federal office. In line with that goal, and as a result of many discussions over the past weeks, the nine Senators who are the principal sponsors of public financing legislation in this session of the Congress have agreed to propose a joint amendment to the Debt Ceiling Act.

Our amendment draws heavily on the approach of each of the Senators, including the Mondale-Schweiker bill for Presidential primaries and general elections, the Hart bill for public financing of Congressional elections and primaries; the Stevenson-Mathias bill for public financing of Presidential and Congressional elections, the Cranston bill for comprehensive public fiinancing of primaries and the Kennedy-Scott bill for Senate and House general elections. Our joint amendment contains the following principal provisions:

First, the existing Presidential Election Campaign Fund Act is expanded to include Presidential primaries and Senate and House general elections, and the amount of the dollar check-off is increased to $2 for each taxpayer, or $4 on a joint return.

Second, for Presidential primaries, matching grants of public funds will be available for each private contribution up to $100. A threshold of $100,000 in private contributions is required before matching payments begin, and there are ceilings of $7 million on matching payments and $15 million on overall spending in such primaries.

Third, for Senate general elections, the provisions of the existing dollar check-off are carried over essentially intact. The amount of 15¢ per voter will be available for major party candidates; proportional amounts will be available for minor party candidates, based on their showing in the preceding election or the current election. Indeed, it is extraordinary testimony to the wisdom of Senator Long's dollar check-off in existing law that its provisions can be so easily applied to Senate elections.

Fourth, for House general elections, the sum of $90,000 is provided for major party candidates. This figure is the spending limit for House elections contained in S. 372, already passed by the Senate earlier this year.

Fifth, the existing tax credit and tax deduction for political contributions are doubled, raising the credit to one-half of the contributions up to $50 ($100 on a joint return), and raising the deduction to $100 ($200 on a joint return).

Sixth, a modest role for major political parties is provided in Presidential and Congressional general elections, by allowing their national committees and state committees to receive private contributions and to spend 2¢ a voter on Federal elections in their jurisdiction. In other respects, private financing of candidates in general elections for Federal office is prohibited, thereby removing the option in existing law by which one Presidential candidate could run his campaign on public funds, while the other chose private financing.

Seventh, the $3,000 and other private contribution limits already voted by the Senate in S. 372 are included as ceilings on large donations where private financing still operates, such as Presidential primaries.

Finally, Mr. Chairman, in concluding these remarks, I urge the Committee to use the occasion of the Debt Ceiling Act to take this major and positive step toward restoring the integrity of our political system. A year ago, the Debt Ceiling Act was the vehicle for a major increase in Social Security benefits. Last June, the Act was the vehicle for a number of significant changes on the Senate floor in the operation of the dollar check-off. The Debt Ceiling Act in June was also a major vehicle in the final Senate drive to enact the Cambodia bombing halt.

The precedents for similar action now are obvious. The Debt Ceiling Act has frequently been a vehicle in the past for amendments of over-riding public importance, and it is entirely appropriate that it should now become the vehicle for public financing of elections.

We are legislating today, not just for 1974 or 1976, but for the future of the country. The people are watching us on Watergate, and we should not let this moment pass to put the nation's house in order.

Mr. Chairman, I submit for the record of these hearings and for the committee's consideration the following exhibits: (1) a letter from Common Cause, strongly supporting the amendment; (2) a detailed summary of our proposed amendment (Amendment 651 to the Debt Ceiling Act); (3) a State-by-State table showing the public funds available to major party candidates in Senate elections; (4) the text of the amendment; (5) the text of the dollar checkoff in existing law; (6) some quotations on public financing that Senator SCOTT and I have compiled; (7) some illustrative examples of the application of public financing to Senate elections; (8) the official vote returns for Senate elections, 1968–1972; and (9) the 1973 tax forms proposed by the IRS, illustrating the adaptability of the dollar on the tax form to cover all Federal elections [these tax forms not printed in the CONGRESSIONAL RECORD].

EXHIBIT 1

COMMON CAUSE,
Washington, D.C., November 14, 1973.

HON. EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Common Cause enthusiastically supports the public financing amendment to the Debt Ceiling Act which you and eight of your colleagues introduced yesterday. The amendment assumes special significance in that it represents a coming together of principal Senate sponsors of major public financing proposals to produce a single comprehensive legislative approach. The measure is given further strength by its impressive bi-partisan sponsorship.

The election reform bill passed by the

Senate in July (S. 372) contains many laudable features, e. g. establishing an independent elections commission, restricting the use of cash in campaigns, and setting limits on contributions and expenditures. But the root problem of campaign financing cannot be eliminated until the candidate can be assured of funds to run a creditable and competitive campaign without having to rely on big-money contributors. We do not believe this can be accomplished until a comprehensive system of public financing is adopted. The consensus reached by the nine sponsors of the public financing amendment has produced a vehicle for achieving fundamental reform of campaign financing.

In this year of Watergate, it is clear that the American people are deeply disturbed about the evils stemming from the present system of financing political campaigns. They want meaningful action now on this crictical issue. Senate passage of the public financing amendment would represent a major step toward preventing future Watergates and restoring public confidence in our electoral process.

Sincerely,

JACK T. CONWAY,
President.

EXHIBIT 2

OUTLINE OF PUBLIC FINANCING AMENDMENT TO THE DEBT CEILING ACT

PRESIDENTIAL PRIMARIES; SENATE AND HOUSE GENERAL ELECTIONS

Purpose

1. The amendment builds on existing law, which provides public financing for Presidential general elections, by extending its provisions to include public financing for Presidential primaries and the Senate and House general elections.

Existing law

2. The existing law is Senator Russell Long's "Presidential Election Campaign Fund Act," known as the dollar check-off. The Act, as passed by Congress in 1971 and amended in 1973, establishes public financing for Presidential general elections. Except as provided in this summary, the provisions of the proposed amendment are essentially identical to the provisions of the dollar check-off now applicable to Presidential general elections.*

General provisions on public financing

3. The amendment establishes a Federal Election Campaign Fund on the books of the Treasury as an expanded version of the existing Presidential Election Campaign Fund, to be funded through the dollar check-off and general appropriations acts of Congress. Payments from the Fund will be made to eligible major and minor party candidates, according to specified entitlements. Amendments to the check-off on the Debt Ceiling Act of July 1, 1973, have now eliminated the so-called "Special Accounts" in the existing Fund, and have left only a "General Account," to be allocated by formula among Presidential candidates. Under the proposed amendment, the General Account would be broadened to provide funds for Presidential primaries and for Senate and House general elections.

4. The amendment increases the amount of the dollar check-off from the existing level of $1 ($2 on a joint return) to $2 ($4 on a joint return).

5. It modifies the check-off to require taxpayers to indicate that they do *not* want their tax dollars paid into the Federal Election Campaign Fund.

6. It authorizes Congress to appropriate funds to make up deficits left in the General Account after the operation of the dollar check-off.

7. Like the dollar check-off, the program will be administered by the Comptroller General. The Comptroller General certifies a candidate's eligibility for payments, and is responsible for conducting a detailed post-election audit and obtaining repayments when necessary.

8. There are heavy criminal penalties for exceeding the spending limits, and for unlawful use of payments, false statements to the Comptroller General, and kickbacks and illegal payments.

9. The provisions of the amendment will go into effect for the 1974 Congressional elections and the 1976 Presidential primaries.

10. The cost of the public financing provisions of the amendment is estimated at $200 million in a President election year and $100 million in the off-year Congressional elections. Thus, the total cost of the program over the four-year election cycle is $300 million, yielding an average cost of about $75 million a year.

Presidential general elections

11. Apart from increasing the amounts available to be checked off on tax returns, the principal change made by the amendment in the case of public financing for Presidential general elections is that the bill bars the option of private financing for such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below). Under the existing dollar check-off, public financing is available as an alternative to private financing for such elections, and candidates electing public financing may not also use private financing, except in cases where the available public funds are insufficient to meet the candidate's full entitlement. Thus, the amendment will prevent a situation in which one candidate for President runs on public funds in the general election, while the other runs on private funds. Under existing law, the level of spending is 15¢ per voter, or approximately $21 million for each Presidential candidate of a major party.

Presidential primaries

12. Each candidate in the Presidential primaries is entitled to matching payments of public funds for the first $100 received from each individual contributor.

13. Payments begin 14 months prior to the date of the general election for President.

14. Any contribution made in connection with the candidate's campaign for nomination, in whatever year it occurs, is eligible for matching. However, all such contributions are aggregated, and no more than $100 from any contributor may be matched.

15. Candidates must accumulate $100,000 in matchable contributions before matching payments of public funds begin. To meet this requirement, a candidate may accumulate 1,000 contributions of $100 each, or 2,000 contributions of $50 each, etc. Once this threshold requirement is met, the first $100,000 in contributions will also be eligible for matching payments.

16. No candidate may receive total matching payments in excess of 5¢ for each person over the age of 18 in the United States (approximately $7 million). The 5¢ figure will be adjusted for future increases in the cost of living.

17. No candidate may spend more than $15 million in his campaign for the Presidential nomination.

18. Matching payments may be used only for legitimate campaign expenses during the pre-nomination period, and unspent payments must be returned to the Treasury.

Senate and House general elections

19. The amendment provides public funds for general and special elections for the Senate and the House, but not for primaries or run-off elections.

20. As in the case of Presidential general elections, the amendment makes public financing mandatory for Senate and House elections. Thus, it bars the option of private financing by major party candidates in such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below).

21. The amendment follows the basic formula in the existing dollar check-off for allocating public funds among candidates of major, minor and new parties. An independent candidate is entitled to public funds on the same basis as a candidate of a party.

22. A "major party" is a party that received 25 percent or more of the total number of popular votes received by all candidates for the office in the preceding election, or the party with the next highest share of the votes in a case where only one party qualifies as a major party on the basis of the preceding election.

23. A "minor party" is a party that received more than 5% but less than 25% of the popular vote in the preceding election. A "new party" is a party that is not a major party or a minor party.

24. In Senate elections and Statewide Congressional elections, a candidate of a major party is entitled to receive public funds in the amount of 15¢ per eligible voter or $175,000, whichever is greater. The 15¢ figure, which will be adjusted for future increases in the cost of living, coincides both with the entitlement of Presidential candidates in the existing dollar check-off and with the spending ceiling in the Senate-passed version of S. 372. The $175,000 figure coincides with the spending floor in S. 372 for candidates in Senate and Statewide Congressional elections.

25. In House elections in States with more than one Representative, the entitlement of a major party candidate is $90,000. This figure coincides with the spending floor in S. 372 for such candidates.

26. A candidate of a minor party is entitled to receive public funds in proportion to his share of the vote in the preceding election. A candidate of a minor party may increase his entitlement on the basis of his performance in the current election.

27. A candidate of a new party is entitled to receive public funds in proportion to his share of the popular vote in the current election, if he receives more than 5% of the vote in the election.

28. Public funds will be available for expenditures made by a candidate of a major party during the period beginning with the date on which the party nominates its candidate and ending 30 days after the election. Public funds will be available for candidates of other parties during the longest period in which they are available to a candidate of a major party.

OTHERS PROVISIONS

29. As an incentive to small contributions, the amendment doubles the existing tax credit and tax deduction for such contributions. The tax credit would be increased to one-half of any contribution up to $50 ($100 on a joint return), and the tax deduction would be increased to $100 ($200 on a joint return). The cost of this provision, based on figures for the 1972 Presidential election year, is $18 million.

30. Individuals or committees not authorized by a candidate may not spend more than $1,000 during the campaign on behalf of the candidate, if he is eligible for public funds.

31. In order to assure the continuity of normal functions of political parties, to provide a role for the parties in the general election, and to preserve a limited opportunity for small private contributions, the national committees of major political parties are entitled to spend a total of 2¢ per voter of their own funds collected from private contributions on behalf of Presidential, Senate, and House general election candidates,

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*See the "Presidential Election Campaign Fund Act," P.L. 92-178, 85 Stat. 497, 562-575 (December 10, 1971), as amended by the Debt Ceiling Act, P.L. 93-53, 87 Stat. 134, 138-139 (July 1, 1973) and the state committees of such parties are entitled to spend a total of 2¢ per voter of such funds on behalf of Presidential, Senate, and House general election candidates within their States.

32. As noted, the public financing provisions of the amendment prohibited direct private financing of Presidential, Senate, and House general elections, although indirect and limited private financing is permitted through the major parties. To limit the undue influence of large contributions in primaries, and to limit the size of private contributions channeled through the parties in the general election, the amendment incorporates the $3,000 and other contribution limits already approved by the Senate in S. 372—see the proposed new 18 U.S.C. 615 in Section 20 of S. 372 as passed by the Senate.

EXHIBIT 3.—PUBLIC FINANCING FOR SENATE GENERAL ELECTIONS, STATE BY STATE SPENDING

[15 cents per voter/$175,000 floor]

State	Voting age population (18 years and over)[1]	Amount of public funds
Alabama	2, 294, 000	$344, 100
Alaska	194, 000	175, 000
Arizona	1, 262, 000	189, 300
Arkansas	1, 326, 000	198, 900
California	13, 910, 000	2, 086, 500
Colorado	1, 560, 000	234, 000
Connecticut	2, 083, 000	312, 450
Delaware	369, 000	175, 000
District of Columbia	527, 000	175, 000
Florida	5, 087, 000	763, 050
Georgia	3, 067, 000	460, 050
Hawaii	526, 000	175, 000
Idaho	487, 000	175, 000
Illinois	7, 508, 000	1, 126, 200
Indiana	3, 477, 000	521, 550
Iowa	1, 924, 000	288, 600
Kansas	1, 538, 000	230, 700
Kentucky	2, 191, 000	328, 650
Louisiana	2, 348, 000	352, 200
Maine	683, 000	175, 000
Maryland	2, 679, 000	401, 850
Massachusetts	3, 937, 000	590, 550
Michigan	5, 876, 000	881, 400
Minnesota	2, 542, 000	381, 300
Mississippi	1, 426, 000	213, 900
Missouri	3, 223, 000	483, 450
Montana	468, 000	175, 000
Nebraska	1, 021, 000	153, 150
Nevada	347, 000	175, 000
New Hampshire	513, 000	175, 000
New Jersey	4, 986, 000	747, 900
New Mexico	657, 000	175, 000
New York	12, 626, 000	1, 893, 900
North Carolina	3, 468, 000	520, 200
North Dakota	411, 000	175, 000
Ohio	7, 130, 000	1, 069, 500
Oklahoma	1, 797, 000	269, 550
Oregon	1, 487, 000	223, 050
Pennsylvania	8, 174, 000	1, 226, 100
Rhode Island	668, 000	175, 000
South Carolina	1, 719, 000	257, 850
South Dakota	444, 000	175, 000
Tennessee	2, 710, 000	406, 500
Texas	7, 614, 000	1, 142, 100
Utah	690, 000	175, 000
Vermont	304, 000	175, 000
Virginia	3, 182, 000	477, 300
Washington	2, 310, 000	346, 500
West Virginia	1, 209, 000	181, 350
Wisconsin	2, 965, 000	444, 750
Wyoming	226, 000	175, 000
Total, United States	139, 172, 000	20, 875, 800

[1] Department of Census estimate, voting age population, July 1, 1972, pursuant to the Federal Election Campaign Act of 1971 Public Law 92–225.

EXHIBIT 4

H.R. 11104

Amendment intended to be proposed by Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. HART, Mr. MATHIAS, Mr. MONDALE, Mr. SCHWEIKER, Mr. HUGH SCOTT, Mr. STAFFORD, and Mr. STEVENSON) to H.R. 11004, an Act to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974, viz: At the end of the Act, add the following new sections:

PUBLIC FINANCING OF FEDERAL ELECTIONS

SEC. 2. (a) Subtitle H of the Internal Revenue Code of 1954 is amended to read as follows:

"SUBTITLE H—FINANCING OF FEDERAL ELECTION CAMPAIGNS

"Chapter 95. Federal Election Campaign Fund.
"Chapter 96. Federal Election Campaign Fund Advisory Board.
"Chapter 97. Presidential Primary Matching Payment Fund.

"CHAPTER 95—FEDERAL ELECTION CAMPAIGN FUND

"Sec. 9001. Short title.
"Sec. 9002. Definitions.
"Sec. 9003. Conditions for eligibility for payments.
"Sec. 9004. Entitlement of eligible candidates to payments.
"Sec. 9005. Certifications by Comptroller General.
"Sec. 9006. Payments to eligible candidates.
"Sec. 9007. Contributions and expenditures by National and State committees of political parties.
"Sec. 9008. Examinations and audits; repayments.
"Sec. 9009. Information on proposed expenses.
"Sec. 9010. Reports to Congress; regulations.
"Sec. 9011. Participation by Comptroller General in judicial proceedings.
"Sec. 9012. Judicial review.
"Sec. 9013. Criminal penalties.

"SEC. 9001. SHORT TITLE.

"This chapter may be cited as the 'Federal Election Campaign Fund Act'.

"SEC. 9002. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'Federal office' means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

"(2) The term 'Federal election' means a general or special election for Federal office.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'authorized committee' means, with respect to a candidate of a political party for Federal office, any political committee which is authorized in writing by such candidate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(5) The term 'candidate' means, with respect to any Federal election, an individual who (A) has been nominated for election to Federal office by a major party, or (B) has qualified to have his name on the election ballot in the geographical area in which the election is to be held, or (C) in the case of a Presidential election, has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to the office of President or Vice President of the United States in 10 or more States. For purposes of this chapter, an independent candidate shall be considered a candidate of a political party. For purposes of paragraphs (8) and (9) of this section and purposes of section 9004(a)(2), the term 'candidate', means, with respect to any preceding Federal election, an individual who received popular votes for Federal office in such election.

"(6) The term 'eligible candidate' means a candidate of a political party for Federal office who has met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

"(7) The term 'fund' means the Federal Election Campaign Fund established by section 9006(a).

"(8) The term 'major party' means, with respect to any Federal election, (A) a political party whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office, or (B) if only one party qualifies as a major party on such basis, the party with the next highest percent of such votes in such election.

"(9) The term, 'minor party' means, with respect to any Federal election, a political party whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(10) The term 'new party' means, with respect to any Federal election, a political party which is neither a major party nor a minor party.

"(11) The term 'political committee' means any individual, committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal office.

"(12) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office, (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, (iii) by the candidate of a political party for other Federal office to further his election to such office, or (iv) by an authorized committee of a candidate of a political party for Federal office to further the election of one or more such candidates to such office.

"(B) incurred within the expenditure report period (as defined in paragraph (13)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of a candidate of a political party for Federal office also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidate for Federal office in such proportion as the Comptroller General prescibes by rules or regulations.

"(13) The term 'expenditure report period' with respect to any Federal election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or, if earlier, with the date on which such major party nominated its candidate for election to Federal office, and ending 30 days after the date of the election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the longest expenditure report period for such election under subparagraph (A).

"SEC. 9003. CONDITIONS FOR ELIGIBILITY FOR PAYMENTS.

"(a) IN GENERAL.—In order to be eligible to receive any payments under section 9006, a candidate of a political party in a Federal election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought;

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request;

"(3) agree to an audit and examination by the Comptorller General under section 9007 and to pay any amounts required to be paid under such section; and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) MAJOR PARTIES.—In order to be eligible to receive any payments under section 9006, a candidate of a major party in a Federal election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of those incurred under section 9007 and the aggregate payments to which he will be entitled under section 9004; and

"(2) no contributions to defray qualified campaign expenses (other than those received under section 9007) have been or will be accepted by such candidate or any of his authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on acount of the application of section 9006(d), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(12) have been or will be accepted by such candidate or any of his authorized committees.

Since certification shall be made within such time prior to the day of the Federal election as the Comptroller General shall prescribe by rules or regulations.

"(c) MINOR AND NEW PARTIES.—In order to be eligible to receive any payments under section 9006, a candidate of a minor or new party in a Federal election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidate of a major party is entitled under section 9004; and

"(2) such candidate and his authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidate and his authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidate out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the Federal election as the Comptroller General shall prescribe by rules or regulations.

"(d) Except as provided in subsections (b)(2) and (c)(2) of this section and in section 9007 of this chapter, no candidate of a major party, minor party, or new party, or any of the authorized committees of such candidate shall accept contributions to defray qualified campaign expenses.

"SEC. 9004. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS.

"(a) IN GENERAL.—Subject to the provisions of this chapter—

"(1) An eligible candidate of a major party in a Federal election shall be entitled to payments under section 9006 equal in the aggregate to the greater of—

"(A) 15 cents multiplied by the voting age population of the geographical area in which the election for such office is held, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971;

"(B) $175,000, if the Federal office sought is that of Senator; or

"(C) $90,000, if the office sought is that of Representative.

"(2)(A) An eligible candidate of a minor party in a Federal election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for such office of the minor party, as such candidate, in the preceding election for such office bears to the average number of popular votes received by the candidates for such office of the major parties in the preceding election for such office.

"(B) If the candidate of one or more political parties (not including a major party) for Federal office was a candidate for such office in the preceding election for such office and received 5 percent or more of the total number of popular votes received by all candidates for such office, such candidate, upon compliance with the provisions of section 9003 (a) and (c), shall be treated as an eligible candidate entitled to payments under section 9006 in an amount computed as provided in paragraph (1) or in subparagraph (A), as the case may be, by taking into account all the popular votes received by such candidate for such office in the preceding election for such office. If an eligible candidate of a minor party is entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) An eligible candidate of a minor party or a new party in a Federal election whose candidate in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for such office in such election shall be entitled to payments under section 9006 in an amount computed as provided in paragraph (1) or (2), as the case may be, on the basis of the numbers of votes cast in such election. In the case of an eligible candidate entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under this paragraph exceeds the amount of the entitlement under paragraph (2).

"(b) LIMITATIONS.—The aggregate payments to which an eligible candidate of a political party shall be entitled under subsections (a) (2) and (3) with respect to a Federal election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidate and his authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidate and such committees, or

"(2) the aggregate payments to which the eligible candidate of a major party is entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.

"(c) RESTRICTIONS.—An eligible candidate of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidate or his authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or such committees) used to defray such qualified campaign expenses.

"(d) COST OF LIVING ADJUSTMENT.—

"(1) For purpose of paragraph (2);

"(A) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(B) The term 'base period' means the calendar year 1973.

"(2) At the beginning of each calendar year (commencing in 1975), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Federal Election Commission and publish in the Federal Register the per centum difference between the price index for the twelve months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under subsection (a)(1) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

"SEC. 9005. CERTIFICATION BY COMPTROLLER GENERAL

"(a) INITIAL CERTIFICATIONS.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9008, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which such candidates are entitled under section 9004.

"(b) FINALITY OF CERTIFICATIONS AND DETERMINATIONS.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9008 and judicial review under section 9012.

"SEC. 9006. PAYMENTS TO ELIGIBLE CANDIDATES

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—There is hereby established on the books of the Treasury of the Untied States a special fund to be known as the Federal Election Campaign Fund. The Secretary shall, as provided by appropriation Acts, transfer to the fund an amount not in excess of the sum of the amounts designated to the fund by individuals under section 6096 and such additional sums as Congress may appropriate to insure that moneys in the fund will be adequate to meet the entitlements of eligible candidates under this chapter and chapter 97 of this subtitle.

"(b) TRANSFERS TO THE GENERAL FUND.—The Secretary is authorized to transfer to the general fund of the Treasury such amounts of moneys in the fund as he determines from time to time are in excess of the amounts which eligible candidates are, or will be, entitled to receive.

"(c) PAYMENTS FROM THE FUND.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Comptroller General. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) INSUFFICIENT AMOUNTS IN FUND.—If, at the time of a certification by the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary or his delegate determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary or his delegate determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement.

"Sec. 9007. Contributions and Expenditures by National and State Committees of Political Parties.

"(a) Notwithstanding any other provisions of this chapter, the national committee of a major party may receive contributions and make expenditures in connection with a Federal election; and a State committee of a major party, including subordinate local committees of such committee, may accept contributions and make expenditures in connection with a Federal election in such State. Contributions received by such National or State committee under this section shall be subject to the limitations provided in section 9037 of chapter 97 of this subtitle and any other limitations provided by law.

"(b) Expenditures made under this section by a national committee, or by a State committee, including subordinate local committees of such committee, shall not exceed for each National or State committee a total of 2 cents multiplied by the voting age population of the geographical area in which the committee is authorized to make expenditures, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971.

"Sec. 9008. Examination and Audits; Repayments.

"(a) Examinations and Audits.—After each Federal election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for Federal office.

"(b) Repayments.—

"(1) If the Comptroller General determines that any portion of the payments made to an eligible candidate of a political party under section 9006 was in excess of the aggregate payments to which the candidate was entitled under section 9004, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that an eligible candidate of a political party and his authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which an eligible candidate of a major party was entitled under section 9004, he shall notify such candidate of the amount of such excess and such candidate shall pay to the Secretary an amount equal to such amount.

"(3) If the Commission determines that an eligible candidate of a major party or any authorized committee of such candidate accepted contributions (other than contributions under section 9007, or contributions to make up deficiencies in payments out of the fund on account of the application of section 9006d)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidate of the amount of the contributions so accepted, and such candidate shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to an eligible candidate of a political party under section 6096 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

he shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(5) No payment shall be required from an eligible candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 9006.

"(c) Notification.—No notification shall be made by the Comptroller General under subsection (b) with respect to a Federal election more than 3 years after the day of such election.

"(d) Deposit of Repayments.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"Sec. 9009. Information on Proposed Expenses.

"(a) Reports by Candidates.—A candidate of a political party for Federal office in a Federal election shall, from time to time, as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by him and his authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

"(2) the qualified campaign expenses which he and his authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the Federal election and at least twice during the week preceding such day.

"(b) Publication.—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"Sec. 9010. Reports to Congress; Regulations.

"(a) Reports.—The Comptroller General shall, as soon as practicable after each Federal election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) Regulations, Etc.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9008 (a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"Sec 9011. Participation by Comptroller General in Judicial Proceedings.

"(a) Appearance by Counsel.—The Comptroller General is authorized to appear in and defend against any action filed under section 9012, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) Recovery of Certain Payments.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9008.

"(c) Declaration and Injunctive Relief.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) Appeal.—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"Sec. 9012. Judicial Review.

"(a) Review of Certification, Determination, or Other Action by the Comptroller General.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within 30 days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) Suits To Implement Chapter.—

"(1) The Comptroller General, the national committee of any political party, and individuals eligible to vote in an election for Federal office, are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"SEC. 9013. CRIMINAL PENALTIES.

"(a) EXCESS CAMPAIGN EXPENSES.—

"(1) It shall be unlawful for an eligible candidate of a political party for Federal office in a Federal election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of those incurred under section 9007 and the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than 1 year, or both.

"(B) CONTRIBUTIONS.—

"(1) It shall be unlawful for an eligible candidate of a major party in a Federal election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses (other than those received under section 9007), except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(d), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(12).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a Federal election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than 1 year, or both.

"(C) UNLAWFUL USE OF PAYMENTS.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion of any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d) FALSE STATEMENTS, ETC.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this subtitle; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e) KICKBACKS AND ILLEGAL PAYMENTS.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

"(f) UNAUTHORIZED EXPENDITURES.—

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party for Federal office in a Federal election knowingly and willfully to incur expenditures to further the election of such candidate, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, in an aggregate amount exceeding $1,000.

"(2) This subjsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(e), which is exempt from tax under section 501(a) in communicating to its members the views of the organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

"(b) UNAUTHORIZED DISCLOSURE OF INFORMATION.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both.

"CHAPTER 96—FEDERAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"SEC. 9021. ESTABLISHMENT OF ADVISORY BOARD.

"(a) ESTABLISHMENT OF BOARD.—There is hereby established an advisory board to be known as the Federal Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Federal Election Campaign Fund Act.

"(b) COMPOSITION OF BOARD.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leaders of the House of Representatives, who shall serve ex officio;

"(2) 2 members representing each political party which is a major party (as defined in section 9002(8)), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) 3 members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the 60th day after the date of the first Presidential election following January 1, 1976, and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the 61st day after the date of a Presidential election and expire on the 60th day following the date of the subsequent Presidential election. The Board shall elect a Chairman from its members.

"(c) COMPENSATION.—Members of the Board (other than members described in subsection (b)(1)) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including traveltime, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) STATUS.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States, be considered as service as an officer or employee of the United States.

"CHAPTER 97—PRESIDENTIAL PRIMARY MATCHING PAYMENT FUND

"Sec. 9031. Short title.
"Sec. 9032. Definitions.
"Sec. 9033. Creation of fund.
"Sec. 9034. Entitlements.
"Sec. 9035. Limitations.
"Sec. 9036. Examinations and audits; repayments.
"Sec. 9037. Limitations on contributions by individuals and on expenditures by certain other persons.
"Sec. 9038. Criminal penalties.

"SEC. 9031. SHORT TITLE.

"This chapter may be cited as the 'Presidential Primary Matching Payment Fund Act'.

"SEC. 9032. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'qualified campaign expense' means an expense—

"(A) incurred by a candidate for nomination for election to the office of President to further his nomination for such office, or by an authorized committee of such candidate to further his nomination to such office,

"(B) incurred within the matching payment period (as defined in paragraph (2)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or the State in which such exercise is incurred or paid. An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee.

"(2) The term 'matching payment period' means the period beginning 14 months prior to the date of the general election for President and ending on the date on which the national convention of the party for whose nomination the candidate is campaigning nominates its candidate for President.

"(3) The term 'authorized committee' means, with respect to a candidate for nomination for election to the office of President, any political committee which is authorized in writing by such candidate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidate with the

Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"Sec. 9033. Creation of Fund.

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the United States, as part of the Federal Election Campaign Fund established by Chapter 95 of this subtitle, a special account to be known as the Presidential Primary Matching Payment Fund (hereinafter referred to in this chapter as the 'fund'). The Secretary shall transfer to the fund such amounts in the Federal Election Campaign Fund as may be necessary to meet the entitlements of candidates under this chapter.

"(b) Report to Congress.—The Secretary of the Treasury shall be the trustee of the fund and shall report to the Congress not later than March 1 of each year on the operation and status of the fund and of the Federal Election Campaign Fund during the preceding year.

"Sec. 9034. Entitlements.

"(a) Matching Payment for Contributions of $100 or Less.—Any candidate for nomination for President, or his authorized committee, is entitled, upon certification by the Comptroller General, to payments from the fund for qualified campaign expenses beginning 14 months prior to the date of the general election for President in an amount equal to the amount of each contribution received by such candidate or committee (disregarding any amount of contributions from any person to the extent that such amount exceeds $100).

"(b) Voucher.—To be eligible for the entitlement established by subsection (a), such candidate shall submit to the Comptroller, General, at such times and in such form and manner as the Comptroller General may require, a matching payment entitlement voucher. Such voucher shall include the full name of any person making a contribution together with the date, the exact amount of the contribution, the complete address of the contributor and the occupation and principal place of business, if any, for contributors of more than $100.

"(c) Determination and Certification by Comptroller General.—The Comptroller General shall—

"(1) make a determination, according to such procedures as he may establish, as to whether each contribution enumerated on such voucher is consistent with the provisions of section 9034(a) and 9035 of this chapter; and

"(2) certify for payment by the Secretary to such candidate an amount equal to the sum of the contributions enumerated on such voucher which meet the requirements of subsection (c) (1).

"(d) Payment by Secretary.—Promptly upon certification, the Secretary shall make a payment from the fund to such candidate in the amount certified by the Comptroller General.

"(e) Authorized Committee.—For the purposes of this section, the authorized committee of any candidate for nomination for President may submit an entitlement voucher pursuant to subsection (b) in behalf of such candidate, listing contributions received by such committee eligible for payment under this chapter.

"Sec. 9035. Limitations.

"(a) Certification by the Comptroller General.—The Comptroller General shall not certify pursuant to section 9034(c) (2) any portion of any contribution made by any person to a candidate or committee entitled to payments under this chapter—

"(1) which, when added to other contributions made by such person to such candidate or committee in connection with the nomination of such candidate for President, exceeds $100; or

"(2) if payment from the fund of an amount equal to the amount of such contribution, or portion thereof, when added to any other payment from the fund to such candidate or committee during the matching payment period, is in excess of 5 cents multiplied by the voting age population of the United States (as certified to the Comptroller General by the Secretary of Commerce pursuant to section 104(a) (5) of the Federal Election Campaign Act of 1971).

"(b) Payment by the Secretary.—The Secretary shall make no payment to a candidate or committee entitled to payments from the fund—

"(1) until the Comptroller General has certified contributions submitted by such candidate or committee, pursuant to section 9034(b), in an aggregate amount of $100,000; and

"(2) earlier than 14 months prior to the date of the general election for President.

"(3) Qualified Campaign Expenses.—A candidate shall be eligible for payments from the funds only—

"(1) to defray qualified campaign expenses incurred by such candidate or his authorized commtitee, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or committee) used to defray such qualified campaign expenses.

"(4) Return of Unused Funds.—Amounts received by a candidate from the fund may be retained for liquidation of all obligations to pay qualified campaign expenses incurred during the matching payment period for a period not exceeding 6 months after the end of the matching payment period; and all obligations having been liquidated, that portion of any unexpended balance remaining in the candidate's accounts which bears the same ratio to the total unexpended balance as the total amount received from the funds bears to the total of all deposits made into the candidate's accounts shall be promptly repaid to the fund.

"(e) Rules and Procedures.—The Comptroller General shall make such rules and establish such procedures as may be necessary to carry out the purposes of this chapter. All such rules and procedures shall be published in the Federal Register not less than 30 days prior to their effective date, and shall be available to the general public. The Comptroller General shall publish and make available forms for the making of such reports and statements as may be required, and a manual setting forth uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter.

"Sec. 9036. Examination and Audits; Repayments.

"(a) Examination and Audits.—After each matching payment period, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates receiving payments from the fund.

"(b) Repayments.—

"(1) If the Comptroller General determines that any portion of the payments made to a candidate from the fund was in excess of the aggregate payments to which such candidate was entitled under sections 9034 and 9035, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that any amount of any payment made to a candidate from the fund was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses, he shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(c) Notification.—No notification shall be made by the Comptroller General under subsection (b) with respect to a matching payment period more than 3 years after the end of such period.

"(d) Deposit of Repayment.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"Sec. 9037. Limitations on Contributions by Individuals and on Expenditures by Certain Other Persons.

"(a) No individual shall make any contributions during any calendar year to or for the benefit of any candidate which is in excess of the amount which, when added to the total amount of all other contributions made by that individual during that calendar year to or for the benefit of a particular candidate, would equal $3,000.

"(b) No individual shall during any calendar year make, and no person shall accept, (1) any contribution to a political committee, or (2) any contribution to or for the benefit of any candidate, which, when added to all the other contributions enumerated in (1) and (2) of this subsection which were made in that calendar year, exceeds $25,000.

"(c) (1) No person (other than an individual) shall make any expenditure, during any calendar year for or on behalf of a particular candidate which is in excess of the amount which, when added to the total amount of all other expenditures made by that person for or on behalf of that candidate during that calendar year, would equal $3,000.

"(2) This subsection shall not apply to the central campaign committee or the State campaign committee of a candidate, to the national committee of a political party, to the State committee of a major political party, or to the Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee.

"(d) The limitations imposed by subsection (a) (1) and by subsection (c) shall apply separately to each primary, primary runoff, general, and special election in which a candidate participates.

"(e) (1) Any contribution made in connection with a campaign in a year other than the calendar year in which the election to which that campaign relates is held shall, for purposes of this section, be taken into consideration and counted toward the limitations imposed by this section for the calendar year in which that election is held.

"(2) Contributions made to or for the benefit of a candidate nominated by a political party for election to the office of Vice President shall be held and considered, for purposes of this section, to have been made to or for the benefit of the candidate nominated by that party for election to the office of President.

"(f) For purposes of this section—

"(1) the term 'political party' means a political party which in the next preceding Presidential election, nominated candidates for election to the offices of President and Vice President, and the electors of which party received in such election, in any or all of the States, an aggregate number of votes equal in number to at least 10 percent of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in such election; and

"(2) the definitions in section 591 of title 18 shall be applicable.

"(g) For purposes of the limitations contained in this section, all contributions made by any person directly or indirectly on behalf of a particular candidate, including contributions which are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate, shall be treated as contributions from that person to that candidate.

"(h) Violation of the provisions of this section is punishable by a fine of not to exceed $25,000, imprisonment for not to exceed 5 years, or both.

"Sec. 9038. Criminal Penalties.

"(a) Excess Campaign Expenses.—

"(1) It shall be unlawful for any candidate for nomination for election to the office of President or any of his authorized committees knowingly and willfully to incur any expenses in connection with such nomination in excess in the aggregate of $15,000,000.

"(2) Any person who violates paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(3) At the beginning of each calendar year (commencing in 1975), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. The limit on campaign expenses in paragraph (1) shall be increased by such percent difference. The limit so increased shall be the amount in effect for such calendar year.

"(A) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items United States city average) published monthly by the Bureau of Labor Statistics.

"(B) The term 'base period' means the calendar year 1973.

"(b) Unlawful Use of Payments.—

"(1) It shall be unlawful for any person who receives any payment from the fund, or to whom any portion of any payment received from the fund is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(c) False Statements, Etc.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

"(d) Kickbacks and Illegal Payments.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of a candidate receiving payment from the fund or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of a candidate or his authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.".

(b) The amendments made by subsection (a) of this section shall take effect on January 1, 1974.

Sec. 3. Designation of Income Tax Payments to Federal Election Campaign Fund.

(a) Effective with respect to taxable years ending on or after December 31, 1973, section 6096(a) (relating to designation of income tax payments to the Federal Election Campaign Fund) is amended to read as follows:

"Sec. 6096. Designation by Individual.

"(a) In General.—For every individual (other than a nonresident alien) whose income tax liability for the taxable year is $2 or more, the amount of $2 shall be paid over to the Federal Election Campaign Fund in accordance with the provisions of section 9006(a), unless the individual designates that $2 shall not be paid over to the fund. In the case of a joint return of husband and wife having an income tax liability of $4 or more, the amount of $4 shall be paid to the fund, unless they designate that $4 shall not be paid over to the fund.

(b) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1972. Any designation made under section 6096 of the Internal Revenue Code of 1954 (as in effect for taxable years beginning before January 1, 1973) for the account of the candidates of any specified political party shall, for purposes of section 9006(a) of such Code, as amended, be treated solely as a designation to the Federal Election Campaign Fund.

Sec. 4. Increase in Tax Credit and Tax Deduction for Political Contributions.

(a) Section 41(b)(1) of the Internal Revenue Code of 1954 (relating to maximum credit for contributions to candidates for public office) is amended to read as follows:

"(1) Maximum credit.—The credit allowed by subsection (a) for a taxable year shall not exceed $25 ($50 in the case of a joint return under 6013).".

(b) Section 218(b)(1) of the Internal Revenue Code of 1954 (relating to amount of deduction for contributions to candidates for public office) is amended to read as follows:

"(1) Amount.—The deduction under subsection (a) shall not exceed $100 ($200 in the case of a joint return under section 6013).".

(c) The amendments made by subsections (a) and (b) shall apply with respect to any political contribution the payment of which is made after December 31, 1973.

Exhibit 5

Checkoff—Current Law

TITLE VIII OF PUBLIC LAW 92-178, AS AMENDED BY PUBLIC LAW 93-53—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Sec. 801. Presidential Election Campaign Fund Act

The Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subtitle:

"Subtitle H—Financing of Presidential Election Campaigns

"Chapter 95. Presidential election campaign fund.
"Chapter 96. Presidential election campaign fund advisory board.

"CHAPTER 95—PRESIDENTIAL ELECTION CAMPAIGN FUND

"Sec. 9001. Short title.
"Sec. 9002. Definitions.
"Sec. 9003. Condition for eligibility for payments.
"Sec. 9004. Entitlement of eligible candidates to payments.
"Sec. 9005. Certification by Comptroller General.
"Sec. 9006. Payments to eligible candidates.
"Sec. 9007. Examinations and audits; repayments.
"Sec. 9008. Information on proposed expenses.
"Sec. 9009. Reports to Congress; regulations.
"Sec. 9010. Participation by Comptroller General in judicial proceedings.
"Sec. 9011. Judicial review.
"Sec. 9012. Criminal penalties.
"Sec. 9013. Effective date of chapter.

"Sec. 9001. Short Title

"This chapter may be cited as the 'Presidential Election Campaign Fund Act'.

"Sec. 9002. Definitions

"For purposes of this chapter—

"(1) The term 'authorized committee' means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(2) The term 'candidate' means, with respect to any presidential election, an individual who (A) has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States. For purposes of paragraphs (6) and (7) of this section and purposes of section 9004(a)(2), the term 'candidate' means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'eligible candidates' means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

"(5) The term 'fund' means the Presidential Election Campaign Fund established by section 9006(a).

"(6) The term 'major party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

"(7) The term 'minor party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(8) The term 'new party' means, with respect to any presidential election, a political party which is neither a major party nor a minor party.

"(9) The term 'political committee' means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

"(10) The term 'presidential election' means the elections of presidential and vice-presidential electors.

"(11) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further election of the candidate of such political party for the office of Vice President, or both (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices.

"(B) incurred within the expenditure report period (as defined in paragraph (12)), or incurred before the beginninng of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the candidates of a political party for President and Vice President of the United States also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidates for President and Vice President in such proportion as the Comptroller General prescribes by rules or regulations.

"(12) The term 'expenditure report period' with respect to any presidential election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or, if earlier, with the date on which such major party at its national convention nominated its candidate for election to the office of President of the United States, and ending 30 days after the date of the presidential election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the shortest expenditure report period for such presidential election under subparagraph (A).

"SEC. 9003. CONDITION FOR ELIGIBILITY FOR PAYMENTS.

"(a) IN GENERAL.—In order to be eligible to receive any payments under section 9006, the candidates of a political party in a presidential election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought,

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request,

"(3) agree to an audit and examination by the Comptroller General under section 9007 and to pay any amounts required to be paid under such section, and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) MAJOR PARTIES.—In order to be eligible to receive any payments under section 9006, the candidates of a major party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004, and

"(2) no contributions to defray qualified campaign expenses have been or will be accepted by such candidates or any of their authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(d), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11) have been or will be accepted by such candidates or any of their authorized committees.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

"(c) MINOR AND NEW PARTIES.—In order to be eligible to receive any payments under section 9006, the candidates of a minor or new party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004, and

"(2) such candidates and their authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidates and their authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidates out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

"SEC. 9004. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS.

"(a) IN GENERAL.—Subject to the provisions of this chapter—

"(1) The eligible candidates of a major party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to 15 cents multiplied by the total number of residents within the United States who have attained the age of 18, as determined by the Bureau of the Census, as of the first day of June of the year preceding the year of the presidential election.

"(2)(A) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the major parties in the preceding presidential election.

"(B) If the candidate of one or more political parties (not including a major party) for the office of President was a candidate for such office in the preceding presidential election and received 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office, such candidate and his running mate for the office of Vice President, upon compliance with the provisions of section 9003 (a) and (c), shall be treated as eligible candidates entitled to payments under section 9006 in an amount computed as provided in subparagraph (A) by taking into account all the popular votes received by such candidate for the office of President in the preceding presidential election. If eligible candidates of a minor party are entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) The eligible candidates of a minor party or a new party in a presidential election whose candidate for President in such election receives as such candidate, 5 percent or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates for President of the major parties. In the case of eligible candidates entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under the preceding sentence exceeds the amount of the entitlement under paragraph (2).

"(b) LIMITATIONS.—The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a presidential election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidates and their authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidates and such committees, or

"(2) the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.

"(c) RESTRICTIONS.—The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

"SEC. 9005. CERTIFICATION BY COMPTROLLER GENERAL.

"(a) INITIAL CERTIFICATIONS.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9007, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which such candidates are entitled under section 9004.

"(b) Finality of Certifications and Determinations.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9007 and judicial review under section 9011.

"Sec. 9006. Payments to Eligible Candidates.

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. The Secretary shall, as provided by appropriation Acts, transfer to the fund an amount not in excess of the sum of the amounts designated (subsequent to the previous Presidential election) to the fund by individuals under section 6096.

"(b) Transfer to the General Fund.—If, after a Presidential election and after all eligible candidates have been paid the amount which they are entitled to receive under this chapter, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

"(c) Payments From the Fund.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Comptroller General. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) Insufficient Amounts in Fund.—If at the time of a certification by the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary or his delegate determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary or his delegate determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement."

"Sec. 9007. Examination and Audits; Repayments.

"(a) Examination and Audits.—After each presidential election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for President and Vice President.

"(b) Repayments.—

"(1) If the Comptroller General determines that any portion of the payments made to the eligible candidates of a political party under section 9006 was in excess of the aggregate payments to which candidates were entitled under section 9004, he shall so notify such candidates, and such candidates shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that the eligible candidates of a political party and their authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party were entitled under section 9004, he shall notify such candidates of the amount of such excess and such candidates shall pay to the Secretary an amount equal to such amount.

"(3) If the Comptroller General determines that the eligible candidates of a major party or any authorized committee of such candidates accepted contributions (other than contributions to make up deficiencies in payments out of the fund on account of the application of section 9006(d) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidates of the amount of the contributions so accepted, and such candidates shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to the eligible candidates of a political party under section 9006 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

he shall notify such candidates of the amount so used, and such candidates shall pay to the Secretary an amount equal to such amount.

"(5) No payment shall be required from the eligible candidates of a political party under this subsection to the extent that such payment, when added to other payments required from such candidates under this subsection, exceeds the amount of payments received by such candidates under section 9006.

"(c) Notification.—No notification shall be made by the Comptroller General under subsection (b) with respect to a presidential election more than 3 years after the day of such election.

"(d) Deposit of Repayments.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"Sec. 9008. Information on Proposed Expenses.

"(a) Reports by Candidates.—The candidates of a political party for President and Vice President in a presidential election shall, from time to time as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

"(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the presidential election and at least twice during the week preceding such day.

"(b) Publication.—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"Sec. 9009. Reports To Congress; Regulations.

"(a) Reports.—The Comptroller General shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown) in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) Regulation, Etc.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9007(a), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"Sec. 9010. Participation by Comptroller General in Judicial Proceedings.

"(a) Appearance by Counsel.—The Comptroller General is authorized to appear in and defend against any action filed under section 9011, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

(b) Recovery of Certain Payments.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9007.

"(c) Declaratory and Injunctive Relief.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) Appeal.—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"Sec. 9011. Judicial Review.

"(a) Review of Certification, Determination, or Other Action by the Comptroller General.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such Court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) Suits To Implement Chapter.—

"(1) The Comptroller General, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"Sec. 9012. Criminal Penalties.

"(a) Excess Campaign Expenses.—

"(1) It shall be unlawful for an eligible candidate of a political party for President and Vice President in a presidential election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(b) Contributions.—

"(1) It shall be unlawful for an eligible candidate of a major party in a presidential election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(d), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a presidential election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(c) Unlawful Use of Payments.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment of such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(d) False Statements, Etc.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(c) Kickbacks and Illegal Payments.—

"(1) It shall be unlawful for any person knowingly and willingfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

"(f) Unauthorized Expenditures and Contributions.—

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, in an aggregate amount exceeding $1,000.

"(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c) which is exempt from tax under section 501(a) in communicating to its members the views of that organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"(g) Unauthorized Disclosure of Information.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"Sec. 9013. Effective Date of Chapter.

"The provisions of this chapter shall take effect on January 1, 1973.

"CHAPTER 96. PRESIDENTIAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"Sec. 9021. Establishment of Advisory Board.

"(a) Establishment of Board.—There is hereby established an advisory board to be known as the Presidential Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Presidential Election Campaign Fund Act.

"(b) Composition of Board.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives, who shall serve ex officio;

"(2) two members representing each political party which is a major party (as defined in section 9002(6)), which member shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the sixtieth day after the date of the first presidential election following January 1, 1973, and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the sixty-first day after the date of a presidential election and expire on the sixtieth day following the date of the subsequent presidential election. The Board shall elect a Chairman from its members.

"(c) Compensation.—Members of the Board (other than members described in subsection (b)(1) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including traveltime, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) Status.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States be considered as service as an officer or employee of the United States."

Sec. 802. Miscellaneous Amendments.

Section 6096 of the Internal Revenue Code of 1954 (relating to designation by individuals of income tax payments to Presidential Election Campaign Fund) is amended to read as follows:

"Sec. 6096. Designation by Individuals.

"(a) In General.—Every individual (other than a nonresident alien) whose income tax liability for the taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a). In the case of a joint return of husband and wife having an income tax liability of $2 or more, each spouse may designate that $1 shall be paid to the fund.

"(b) Income Tax Liability.—For purposes of subsection (a), the income tax liability of an individual for any taxable year is the amount of the tax imposed by chapter 1 on such individual for such taxable year (as shown on his return), reduced by the sum of the credits (as shown in his return) allowable under sections 33, 37, 38, 40, and 41.

"(c) Manner and Time of Designation.—A designation under subsection (a) may be made with respect to any taxable year—

"(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, or

"(2) at any other time (after the time of filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary or his delegate.

Such designation shall be made in such manner as the Secretary or his delegate prescribes by regulations except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year, such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature."

Exhibit 6

Quotations on Public Financing

As a general rule, those who wish to win favor with a Prince offer him the things they most value and in which they see that he will take most pleasure; so it is often seen that rulers receive presents of horses, arms, pieces of cloth of gold, precious stones, and similar ornaments worthy of their station.

Niccolo Machiavelli, *The Prince*, 1532.

Judges and Senates have been bought with gold. Alexander Pope, *Essay on Man*, 1733.

Corrupt influence is itself the principal spring of all prodigality and of all disorder; it loads us more than millions of debt; takes away vigor from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our Constitution.

Edmund Burke, Speech on Economic Reform, 1780.

The need for collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties.

President Theodore Roosevelt, State of the Union Message to Congress, December 3, 1907.

I believe that our ultimate goal should be to finance the total expense for this vital function of our democracy with public funds, and to prohibit the use or acceptance of money from private sources. . . We are ready to make a beginning. We should proceed with all prudent speed to enact those parts of such a program which appear to be feasible at this time.

President Lyndon Johnson, Message to Congress on "Public Participation in the Processes of Government," May 25, 1967.

We have put a dollar sign on public service, and today many capable men who would like to run for office simply can't afford to do so. Many believe that politics in our country is already a game exclusively for the affluent. This is not strictly true; yet, the fact that we may be approaching that state of affairs is a sad reflection on our election system.

President Dwight D. Eisenhower, 1968.

The talk of an "office market" and of putting high executive and diplomatic missions on the auction block—all this breeding of suspicion and cynicism—would disappear overnight if the primary cause of the evil were obliterated at its roots. If there are no bidders, there can be no auction.

Henry Cabot Lodge, *The Storm Has Many Eyes*, 1973.

Under the existing laws, a large part of the money raised from the business community for political purposes is given in fear of what would happen if it were not given. A fair and honest law is one that would remove the need of any candidate to exert such pressures, as well as the need for any businessman to respond. . . . I urge the business community to get behind campaign financing legislation that will really work, and that will put a stop to pressures to which officers of companies are subject when solicited for campaign contributions.

George Spater, Chairman of the Board, American Airlines, July 6, 1973.

The U.S. public for two decades has favored placing a top limit on campaign spending for presidential and congressional elections. Now, following disclosures from the Senate Watergate hearings, a substantial majority of the public is prepared to have the federal government provide a fixed amount of money for campaigns, prohibiting all contributions from private sources.

In fact, a growing number of American citizens would favor such a plan, with 65 percent in the latest nationwide survey expressing support, compared to 53 percent in a survey taken in early June shortly after the Watergate hearings got underway.

The big change since June has come about among Republicans, with 64 percent in the current survey favoring federal financing of campaigns compared to 44 percent in June, a change of 20 percentage points. Republicans now hold views closely comparable to those of Democrats.

George Gallup, September 29, 1973.

The time has come to establish public financing of election campaigns for Federal office on a direct, systematic and substantial basis. Such a program would impose no great drain on the treasury. . . . I am afraid that nothing short of a significant degree of public financing will get at the root of the problem.

Henry Ford, II, Chairman of the Board, Ford Motor Company, October 18, 1973.

Exhibit 7

Illustrative Examples of Public Financing for Senate Elections Under the Proposed Amendment to the Debt Ceiling Act

(Note.—Some of the following 14 examples are adapted from actual Senate elections in recent years. Most of the examples are designed to illustrate the application of the dollar check-off to Senate elections involving relatively unusual situations. The dollar check-off, already applicable to Presidential general elections under existing law, was enacted in 1971 with close attention to its impact on the potential third-party presidential candidacy of Governor George Wallace. As the examples demonstrate, the formula worked out for Presidential elections can be easily applied to Senate elections.)

Typically, however, minor party candidacies have not been a significant factor in the vast majority of recent Senate elections. The official results of Senate elections in 1968, 1970, and 1972 are tabulated at the end of the examples.

In these past three Congressional election years, there have been a total of 102 Senate elections. In 14 of the 33 races in 1972, in 12 of the 35 races in 1970, and in 16 of the 34 races in 1968, only two candidates were entered—Democratic and Republican. In the other 60 races, additional candidates representing some 30 other parties were also on the ballot in those years in various states. In those 60 races, there were only seven races in which the third candidate received more than 5% of the vote—Louisiana in 1972; Connecticut and New York in 1970; and Alabama, Alaska, Maryland and New York in 1968. In those seven races—seven out of 102 races in all—the third candidate would have qualified for partial public funding as a "minor" party candidate in the following election. In none of those seven races did the third party candidate receive more than 25% of the vote; therefore, no third party candidate would have qualified as a "major" party candidate entitled to full public funding in the following election.

The 14 examples follow:

1. In the 1968 Senate election, Candidate A of the Democratic Party defeated Candidate B of the Republican Party by 50% to 48%, and Candidate C of Party X received 2% of the vote.

When the Senate seat is up again in 1974, the Democratic Party and the Republican Party are "major" parties. Their candidates are each entitled to public funds in the amount of 15¢ per vote, based on the voting age population of the State. Since Candidate C failed to reach the 5% cut-off in 1968, Party X does not qualify for public funds in 1974.

2. Same as example (1) for 1968. In the 1974 election, Candidate A of the Democratic Party defeats Candidate B of the Republican Party by 46% to 44%, and Candidate C of Party X receives 10% of the vote.

Candidate C qualifies as a "minor" party candidate on the basis of his showing in the current election (1974), since he received more than 5% of the vote. He is therefore entitled to public funds on a retroactive reimbursement basis, even though he did not qualify for public funds in advance of the election because of the low showing of Party X in 1968. Candidate C would be entitled to 10/45, or 22%, of the amount of public funds given to each major party candidate, A and B. The amount is based on Candidate C's proportional share of the average vote of the two major party candidates, and is calculated as follows: $10\% \div (46\% + 44\%)/2 = 10/45 = 22\%$. Candidate C may use these public funds to make a partial reimbursement to the private contributors to his campaign in 1974.

3. In 1968, Candidate A of the Republican Party defeated Candidate B of the Democratic Party by 46% to 44%, and Candidate C of Party X won 10% of the vote.

In 1974, the candidates of the Democratic Party and the Republican Party are "major" party candidates and qualify for full public funds (15¢ per vote). The candidate of Party C is a "minor" party candidate and qualifies for partial public funds in 1974, in the amount of 22% of the entitlement of each major party candidate.

4. Same as examples (1) and (2), but Party X did not run a candidate in 1968.

Candidate C of Party X qualifies retroactively for public funds in 1974 as a "new" party candidate, on the basis of his 1974 showing. He is entitled to receive 22% of the amount of public funds given to each major party candidate.

5. Same as examples (1) and (2), but Candidate C of Party X in 1968 runs as an Independent in 1974 and receives 10% of the vote.

Candidate C qualifies retroactively for public funds on the same basis as if he were the candidate of a party. He receives 22% of the amount of public funds given to each major party candidate.

6. In the 1962 election, Candidate A of the Democratic Party defeated Candidate B of the Republican Party by 53% to 37%. Independent C won 8% of the vote, and Independent Candidate D won 1% of the vote. In the 1968 election, Senator A ran as an Independent and won the election with 54% of the vote. The candidate of the Democratic Party won 31% of the vote and the candidate of the Republican Party won 15% of the vote. (Based on recent Virginia Senate elections).

If Senator A runs again as an Independent in 1974, he is entitled to full public funds (15¢ per vote), based on his 1968 showing as an Independent. The candidate of the Democratic Party in 1974 is also entitled to full public funds, because Party A qualifies as a "major" party on the basis of its 1968 showing. However, the candidate of the Republican Party in 1974 will qualify only for partial public funds, since it is a "minor" party based on its 1968 showing, even though it was a "major" party based on the 1962 election. In 1974, the Republican candidate is entitled to 15/(54+31)/2, or 35% of the amount given to Senator A and to the Democratic candidate.

If the Republican candidate receives more than 25% of the vote in 1974, he qualifies retroactively as a "major" party candidate and is entitled to full public funds.

7. In 1968. Candidate A of the Republican Party defeated Independent Candidate B by 50.7% to 49.3%, and there was no candidate of the Democratic Party. (Adapted from the Virginia Governor's election in 1973.)

If Candidate B runs again as an Independent in 1974, he is entitled to full public funds. Senator A of the Republican Party will also be entitled to full public funds. If there is a candidate of the Democratic Party, he will not qualify for public funds unless he does so retroactively on the basis of his showing in the 1974 election. If Candidate B runs as the candidate of the Democratic Party in 1974, he qualifies for full public funds—not as a Democrat, but on the basis of his 1968 showing as an independent.

8. In 1968, Candidate A of the Democratic Party defeated Candidate B of the Republican Party by 78% to 22% (Based on a recent West Virginia Senate election).

In 1974, since the Democratic Party is the only "major" party on the basis of the 1968 results, the Republican Party will also qualify as a "major" party under a special provision of the amendment—it is the party with the next highest showing in the preceding election, even though its candidate in 1968 won less than 25% of the vote and would not ordinarily qualify as a "major" party.

9. In 1968, Candidate A defeated Candidate B by 60–40%. Candidate A received 45% of his vote as the candidate of the Democratic Party, and 15% of his vote as the candidate of the Liberal Party. Candidate B received 24% of his vote as the candidate of the Republican Party, and 16% of his vote as the candidate of the Conservative Party.

In 1974, the Democratic candidate qualifies as a "major" party candidate, and the Republican candidate also qualifies as a "major" party candidate under the special provision noted in example (8). The candidates of the Liberal and Conservative Parties qualify as "minor" party candidates. If B runs as the Conservative Party candidate, but not as the Republican Party candidate, he qualifies as a "major" party candidate, because he is entitled to accumulate his 1968 votes on an individual basis.

10. In 1968, Candidate A of the Democratic Party won the election with 55% of the vote. Candidate B of the Republican Party won 19% of the vote and Independent Candidate C won 23% of the vote. (Based on a recent Louisiana Senate election.)

In 1974, since the Democratic Party is the only "major" party on the basis of the 1968 results, the special provision of the amendment noted in example (8) allows the Republican party to qualify as a "major" party, even though it received less than 25% of the vote in 1968, and even though the Independent candidate made a better showing in 1968. If Candidate C runs again as an Independent in 1974, he qualifies for partial public funds as if he was a "minor" party candidate; the special provision does not benefit an Independent by allowing him to receive full public funding as if he were a "major" party candidate. On the other hand, as example (6) makes clear, if both an Independent candidate and the Democratic Party candidate qualify for full public funds on the basis of the preceding election, the special provision does not operate to allow the Republican candidate to qualify for full public funds. In other words, the special provision does not operate to create full public funding for a third candidate, where two candidates already qualify for full public funds on the basis of their showing in the preceding election.

11. In 1968, Candidate A of the Democratic Party run unopposed.

In 1974, Senator A qualifies for full public funds, and no other candidate qualifies for any public funds. The special provision does not operate to allow a Republican candidate to qualify for full public funds, since the Party did not run a candidate in the preceding election. Depending on his showing in 1974, however, the Republican candidate may qualify retroactively for public funds.

12. In 1962, Candidate A of the Democratic Party defeated Candidate B of the Republican Party by 54% to 43%. In 1968, the candidate of the Democratic Party received 37% of the vote; the candidate of the Republican Party received 24% of the vote; and Candidate C of the Conservative Party won the election with 39% of the vote. (Based on recent New York Senate elections.)

In 1974, the candidates of the Conservative Party and the Democratic Party each qualify for full public funding as "major" party candidates, but the candidate of the Republican Party qualifies only for partial public funding as a "minor" party candidate.

13. In 1968, Candidate A of the Republican Party defeated Candidate B of the Democratic Party by 60% to 38% and the candidate of the Conservative Party received 2% of the vote. In 1970, in the election for the other Senate seat in the State, the candidate of the Conservative Party won the election with 39% of the vote.

In 1974, when the seat of Senator A is up again, the candidates of the Democratic Party and Republican Party qualify for full public funds as "major" party candidates. If the Conservative Party runs a candidate in 1974, he does not qualify for public funds. The Party failed to qualify as a "major" or "minor" party in the preceding election for the seat in 1968, and its strong showing in the election for the State's other Senate seat in 1970 is irrelevant to the question of its entitlement to public funds in the election for the seat that is up in 1974.

14. In 1968, Candidate A of the Republican Party defeated Candidate B of the Democratic Party by 42% to 34%, and Candidate C of the Conservative Party received 26% of the vote. (Adapted from the Connecticut Senate election in 1970).

In 1974, the Republican, Democratic and Conservative Parties are each "major" parties, and their candidates are entitled to full public funding (15¢ per vote).

EXHIBIT 8

RECENT SENATE ELECTIONS—OFFICIAL VOTE RETURNS AS COMPILED BY CONGRESSIONAL QUARTERLY

ABBREVIATIONS FOR PARTY DESIGNATIONS

A—American.
AI—American Independent.
B—Buffalo.
C—Conservative.
CP—Consumer.
COM—Communist.
CST—Constitutional.
CVV—Concerned Voters Voice.
D—Democratic.
DFL—Democratic-Farmer-Labor.
DI—Dodd Independent.
FP—Freedom and Peace.
HR—Human Rights.
IA—Independent American.
IAL—Independent Alliance.
IG—Industrial Government.
Ind.—Independent.
LRU—La Raza Unida.
LU—Liberty Union.
N—New.
NC—National Conservative.
ND—National Democratic.
NDPA—National Democratic Party of Alabama.
P—Prohibition.
PC—People's Constitutional.
PF—Peace and Freedom.
PP—People's.
R—Republican.
RL—Right to Life.
SL—Socialist Labor.
SW—Socialist Worker.
TRT—Taxpayers Ticket.

	Votes	Percent
34 SENATE ELECTIONS IN 1972		
Alabama:		
John Sparkman (D)	654, 491	62. 3
Winton M. Blount (R)	347, 523	33. 1
Herbert W. Stone (C)	6, 838	. 6
John L. LeFlore (ND)	31, 421	3. 0
Jerome B. Couch (P)	10, 826	1. 0
Alaska:		
Gene Guess (D)	21, 791	22. 7
Ted Stevens (R)	74, 216	77. 3
Arkansas:		
John L. McClellan (D)	386, 398	60. 9
Wayne H. Babbitt (R)	248, 238	39. 1
Colorado:		
Floyd K. Haskell (D)	457, 545	49. 4
Gordon Allott (R)	447, 957	48. 4
Henry John Olshaw (IA)	7, 353	. 8
Secundo (Sal) Salazar (LRU)	13, 228	1. 4
Delaware:		
Joseph R. Biden, Jr. (D)	116, 006	50. 5
J. Caleb Boggs (R)	112, 844	49. 1
Henry M. Majka (A)	803	. 3
Herbert B. Wood (P)	175	. 1
Georgia:		
Sam Nunn (D)	635, 970	54. 0
Fletcher Thompson (R)	542, 331	46. 0
Idaho:		
William E. (Bud) Davis (D)	140, 913	45. 5
James A. McClure (R)	161, 804	52. 3
Jean Stoddard (A)	6, 885	2. 2
Illinois:		
Roman C. Pucinski (D)	1, 721, 901	37. 3
Charles H. Percy (R)	2, 867, 078	62. 2
Edward C. Gross (SL)	13, 384	. 3
Arnold F. Becchetti (COM)	6, 103	. 2
Dakin Williams (write-in)	396	0
Iowa:		
Dick Clark (D)	662, 637	55. 1
Jack Miller (R)	530, 525	44. 1
William Rocap (AI)	8, 954	. 7
Fred Richard Benton (IAL)	1, 203	. 1
Kansas:		
Arch O. Tetzlaff (D)	200, 764	23. 0
James B. Pearson (R)	622, 591	71. 4
Gene F. Miller (C)	35, 510	4. 1
Howard Hadin (P)	12, 857	1. 5
Kentucky:		
Walter (Dee) Huddleston (D)	528, 550	50. 9
Louis B. Nunn (R)	494, 337	47. 6
Helen Breeden (A)	8, 707	. 9
William E. Bartley, Jr. (PP)	6, 267	. 6
Louisiana:		
J. Bennett Johnston, Jr. (D)	598, 987	55. 2
Ben C. Toledano (R)	206, 846	19. 1
John J. McKeithen (Ind.)	250, 161	23. 0
Hall M. Lyons (A)	28, 910	2. 7
Maine:		
William D. Hathaway (D)	224, 270	53. 2
Margaret Clase Smith (R)	197, 040	46. 8
Massachusetts:		
John J. Droney (D)	823, 278	34. 7
Edward W. Brooke (R)	1, 505, 932	53. 5
Donald Gurewitz (SW)	41, 369	1. 8
Michigan:		
Frank J. Kelley (D)	1, 577, 178	46. 3
Robert P. Griffin (R)	1, 781, 065	52. 3
Patrick V. Dillinger (AI)	23, 121	. 7
Thomas D. Dennis, Jr. (COM)	1, 908	0
Barbara Halpert (HR)	19, 118	. 5
James Sim (SL)	2, 127	. 1
Linda Nordquist (SW)	2, 389	. 1
Minnesota:		
Walter F. Mondale (D)	981, 320	56. 7
Philip Hansen (R)	742, 121	42. 8
Karl H. Heck (IG)	8, 192	. 5
Mississippi:		
James O. Eastland (D)	375, 102	58. 1
Gil Carmichael (R)	249, 799	38. 7
Prentiss Walker (Ind.)	14, 662	2. 3
C. L. McKinley (Ind.)	6, 203	. 9
Montana:		
Lee Metcalf (D)	163, 609	52. 0
Henry S. Hibbard (R)	151, 316	48. 0
Nebraska:		
Terry M. Carpenter (D)	265, 922	46. 8
Carl T. Curtis (R)	301, 841	53. 2
New Hampshire:		
Thomas J. McIntyre (D)	184, 495	56. 9
Wesley Powell (R)	139, 852	43. 1
New Jersey:		
Paul J. Krebs (D)	963, 573	34. 4
Clifford P. Case (R)	1, 743, 854	62. 5
A. Howard Freund (A)	40, 980	1. 5
Julius Levin (SL)	10, 058	. 4
Charles W. Wiley (CVV)	33, 442	1. 2

	Votes	Percent
New Mexico:		
Jack Daniels (D)	173, 815	46.0
Pete V. Dominici (R)	204, 353	54.0
North Carolina:		
Nick Galifianakis (D)	677, 293	46.0
Jesse A. Helms (R)	795, 248	54.0
Oklahoma:		
Ed Edmondson (D)	478, 212	47.6
Dewey F. Bartlett (R)	516, 934	51.4
William G. Roach (A)	5, 769	.6
Joe C. Phillips (Ind.)	2, 264	.2
Paul E. Trent (Ind.)	1, 699	.2
Oregon:		
Wayne L. Morse (D)	425, 036	46.2
Mark O. Hatfield (R)	494, 671	53.7
Rhode Island:		
Claiborne Pell (D)	221, 942	53.7
John H. Chafee (R)	188, 990	45.7
Patrick M. DeTemple (SW)	458	.1
John Quattrocchi (Ind.)	2, 041	.5
South Carolina:		
Eugene N. Zeigler (D)	241, 056	36.7
Strom Thurmond (R)	415, 806	66.3
South Dakota:		
James Abourezk (D)	174, 773	57.0
Robert Hirsch (R)	131, 613	43.0
Tennessee:		
Ray Blanton (D)	440, 599	37.8
Howard H. Baker, Jr. (R)	716, 539	61.5
Dan East (Ind.)	7, 026	.6
Texas:		
Barefoot Sanders (D)	1, 511, 985	44.3
John G. Tower (R)	1, 822, 877	53.4
Flores Amaya (LRU)	63, 543	1.9
Tom Leonard (SW)	14, 464	.4
Vermont (special election, Jan. 7, 1972):		
Robert T. Stafford (R)	45, 646	65.7
Randolph T. Major (D)	23, 787	34.3
Virginia:		
William B. Spong, Jr. (D)	643, 963	46.1
William Lloyd Scott (R)	718, 337	51.5
Horace E. Henderson (Ind.)	33, 912	2.4
West Virginia:		
Jennings Randolph (D)	486, 310	66.5
Louise Leonard (R)	245, 531	33.5
Wyoming:		
Mike M. Vinich (D)	40, 753	28.7
Clifford P. Hansen (R)	101, 314	71.3

35 SENATE ELECTIONS IN 1970

	Votes	Percent
Alaska:		
Stevens, Ted (R)	47, 908	59.6
Kay, Wendell P. (D)	32, 456	40.4
Arizona:		
Fannin, Paul (R)	228, 284	56.0
Grossman, Sam (D)	179, 512	44.0
California:		
Murphy, George (R)	2, 877, 617	44.3
Tunney, John V. (D)	3, 496, 558	53.9
Ripley, Charles C. (AI)	61, 251	.9
Sch er, Robert (PF)	56, 731	.9
Connecticut:		
Weicker, Lowell P. (R)	454, 721	41.7
Duffey, Joseph D. (D)	368, 111	33.8
Dodd, Thomas J. (DI)	266, 497	24.5
Delaware:		
Roth, William V. (R)	-4, 979	58.8
Zimmerman, Jacob (D)	64, 740	40.1
Gies, Donald (A)	1, 720	1.1
Florida:		
Cramer, William C (R)	772, 817	46.1
Chiles, Lawton (D)	902, 438	53.9
Hawaii:		
Fong, Hiram L. (R)	124, 163	51.6
Heftel, Cecil (D)	116, 597	48.4
Illinois (special election):		
Smith, Ralph T. (R)	1, 519, 718	42.2
Stevenson, Adlai E. III (D)	2, 065, 054	57.4
Henderson, Lynn (SW)	8, 859	.2
Fisher, Louis (SL)	5, 564	.2
Indiana:		
Roudebush, Richard L. (R)	866, 707	49.9
Hartke, Vance (D)	870, 990	50.1
Maine:		
Bishop, Neil S. (R)	123, 906	38.3
Muskie, Edmund S. (D)	199, 954	61.7
Maryland:		
Beall, J. Glenn, Jr. (R)	484, 960	50.7
Tydings, Joseph D. (D)	460, 422	48.1
Wilder, Harvey (AI)	10, 988	1.1
Massachusetts:		
Spaulding, Josiah A. (R)	715, 978	37.0
Kennedy, Edward M. (D)	1, 202, 857	62.2
Gilfedder, Lawrence (SL)	10, 378	.5
Shaw, Mark R. (P)	5, 944	.3
Michigan:		
Romney, Leonore (R)	858, 438	32.9
Hart, Philip A. (D)	1, 744, 672	66.8
Lodico, Paul (SW)	3, 861	.1
Sim, James (SL)	3, 254	.1
Minnesota:		
MacGregor, Clark (R)	568, 025	41.6
Humphrey, Hubert H. (DFL)	788, 256	57.8
Strebe, Nancy (SW)	6, 122	.4
Braatz, William (IG)	2, 484	.2
Mississippi:		
Stennis, John C. (D)	286, 622	88.4
Thompson, William R. (Ind)	37, 593	11.6
Missouri:		
Danforth, John C. (R)	617, 903	48.1
Symington, Stuart (D)	655, 431	51.0
Chapman, Gene (A)	10, 065	.8
DiGirolamo, E. J. (Ind)	513	--------
Montana:		
Wallace, Harold E. (R)	97, 809	39.5
Mansfield, Mike (D)	150, 060	60.5
Nebraska:		
Hruska, Roman L. (R)	240, 894	52.5
Morrison, Frank B. (D)	217, 681	47.5
Nevada:		
Raggio, William J. (R)	60, 838	41.2
Cannon, Howard W. (D)	85, 187	57.6
DeSellem, Harold G. (IA)	1, 743	1.2
New Jersey:		
Gross, Nelson G. (R)	903, 026	42.2
Williams, Harrison A. (D)	1, 157, 074	54.0
Job, Joseph F. (Ind)	58, 992	2.8
O'Grady, William J. (NC)	12, 938	.6
Mans, Joseph S. (Ind)	6, 066	.3
Levin, Julius (SL)	4, 009	.2
New Mexico:		
Carter, Anderson (R)	135, 004	46.6
Montoya, Joseph M. (D)	151, 486	52.3
Higgs, William L. (PC)	3, 382	1.2
New York:		
Goodell, Charles (R-L)	1, 434, 472	24.3
Ottinger, Richard L. (D)	2, 171, 232	36.8
Buckley, James L. (C-IAL)	2, 288, 190	38.8
Johnson, Arnold (COM)	4, 097	--------
Dawson, Kipp (SW)	3, 549	--------
Emanuel, John (SL)	3, 204	--------
North Dakota:		
Kleppe, Thomas S. (R)	82, 996	37.8
Burdick, Quentin N. (D)	134, 519	61.3
Kleppe, Russell (Ind)	2, 045	.9
Ohio:		
Taft, Robert A., Jr. (R)	1, 565, 682	49.7
Metzenbaum, Howard M. (D)	1, 495, 262	47.4
Kay, Richard B. (AI)	61, 261	1.9
O'Neill, John (SL)	29, 069	.9
Pennsylvania:		
Scott, Hugh (R)	1, 874, 106	51.4
Sesler, William G. (D)	1, 653, 774	45.4
Gaydosh, Frank W. (CST)	85, 813	2.4
MacFarland, W. Henry (AI)	18, 275	.5
Johansen, Herman A. (SL)	4, 375	.1
Maisel, Robin (SW)	3, 970	.1
Mimms, William R. (CP)	3, 932	.1
Rhode Island:		
McLaughlin, John J. (R)	107, 351	31.5
Pastore, John O. (D)	230, 469	67.5
Fenton, David N. (PF)	2, 046	.7
Fein, Daniel B. (SW)	996	.3
Tennessee:		
Brock, William E. (R)	562, 645	51.3
Gore, Albert (D)	519, 858	47.4
Pitard, Cecil R. (A)	8, 691	.8
East, Dan R. (Ind)	5, 845	.5
Texas:		
Bush, George (R)	1, 035, 794	46.5
Bentsen, Lloyd (D)	1, 194, 069	53.5
Utah:		
Burton, Lawrence J. (R)	159, 004	42.5
Moss, Frank E. (D)	210, 207	56.2
Freeman, Clyde B. (AI)	5, 092	1.4
Vermont:		
Prouty, Winston L. (R)	91, 198	58.9
Hoff, Philip H. (D)	62, 271	40.2
Meyer, William H. (LU)	1, 416	.9
Virginia:		
Garland, Ray (R)	145, 031	15.3
Rawlings, George C. (D)	295, 057	31.2
Byrd, Harry F., Jr. (Ind)	506, 633	53.5
Washington:		
Elicker, Charles W. (R)	170, 790	16.0
Jackson, Henry M. (D)	879, 385	82.4
Massey, William (SW)	9, 255	.9
Fisk, Edison S. (B)	7, 377	.7
West Virginia:		
Dodson, Elmer H. (R)	99, 658	22.4
Byrd, Robert C. (D)	345, 965	77.6
Wisconsin:		
Erickson, John E. (R)	381, 297	28.5
Proxmire, William (D)	948, 445	70.8
Hou-Seye, Edmond E. (A)	6, 137	.5
Boardman, Elizabeth (Ind)	2, 022	.2
Quinn, Martha (SW)	580	0
Wiggert, Adolf (SL)	428	0
Wyoming:		
Wold, John S. (R)	53, 279	44.2
McGee, Gale, W. (D)	67, 207	55.8

34 SENATE ELECTIONS IN 1968

	Votes	Percent
Alabama:		
Hooper, Perry (R)	201, 227	22.0
Allen, James B. (D)	638, 774	70.0
Schwenn, Robert P. (NDPA)	72, 669	8.0
Alaska:		
Rasmuson, Elmer (R)	30, 286	37.4
Gravel, Mike (D)	36, 527	45.1
Gruening, Ernest (write-in)	14, 118	17.4
Arizona:		
Goldwater, Barry (R)	274, 607	57.2
Elson, Roy (D)	205, 338	42.8
Arkansas:		
Bernard, Charles T. (R)	241, 739	40.9
Fulbright, J. W. (D)	349, 965	59.1
California:		
Rafferty, Max (R)	3, 329, 148	46.9
Cranston, Alan (D)	3, 680, 352	51.8
Jacobs, Paul (PF)	92, 965	1.3
Colorado:		
Dominick, Peter H. (R)	459, 952	58.6
McNichols, Stephen L. R. (D)	325, 584	41.4
Connecticut:		
May, Edwin H., Jr. (R)	551, 455	45.7
Ribicoff, Abraham A. (D)	655, 043	54.3
Florida:		
Gurney, Edward J. (R)	1, 131, 499	55.9
Collins, LeRoy (D)	892, 637	44.1
Georgia:		
Patton, E. Earl, Jr. (R)	256, 796	22.5
Talmadge, Herman (D)	885, 093	77.5
Hawaii:		
Thiessen, Wayne C. (R)	34, 008	15.0
Inouye, Daniel K. (D)	189, 248	83.4
Lee Oliver M. (PF)	3, 671	1.6
Idaho:		
Hansen, George V. (R)	114, 394	39.7
Church, Frank (D)	173, 482	60.3
Illinois:		
Dirksen, Everett McKinley (R)	2, 358, 947	53.0
Clark, William G. (D)	2, 073, 242	46.6
Fisher, Louis (SL)	17, 542	.4
Indiana:		
Ruckelshaus, William (R)	988, 571	48.1
Bayh, Birch (D)	1, 060, 456	51.7
Malcolm, L. Earl (P)	2, 844	.1
Levitt, Ralph (SW)	1, 247	.1
Iowa:		
Stanley, David M. (R)	568, 469	49.7
Hughes, Harold E. (D)	574, 884	50.2
Higens, Verne M. (P)	727	.1
Kansas:		
Dole, Robert (R)	490, 911	60.1
Robinson, William I. (D)	315, 911	38.7
Hyskell, Joseph E. (P)	10, 262	1.3
Kentucky:		
Cook, Marlow W. (R)	484, 260	51.4
Peden, Katherine (D)	448, 960	47.6
Olson, Duane F. (Ind.)	9, 645	1.0
Louisiana: Long, Russell B. (D)	518, 586	(1)
Maryland:		
Mathias, Charles McC., Jr. (R)	541, 893	47.8
Brewster, Daniel B. (D)	443, 367	39.1
Mahoney, George P. (Ind.)	148, 467	13.1
Missouri:		
Curtis, Thomas B. (R)	850, 544	48.9
Eagleton, Thomas F. (D)	887, 414	51.1
Nevada:		
Fike, Ed (R)	69, 068	45.2
Bible, Alan (D)	83, 622	54.8
New Hampshire:		
Cotton, Norris (R)	170, 163	59.3
King, John W. (D)	116, 816	40.7
New York:		
Javits, Jacob (R-L)	3, 269, 772	49.7
O'Dwyer, Paul (D)	2, 150, 695	32.7
Buckley, James L. (C)	1, 139, 402	17.3
Ferguson, Homer (FP)	8, 775	.1
Emanuel, John (SL)	7, 964	.1
Garza, Hedda (SW)	4, 979	.1
North Carolina:		
Somers, Robert V. (R)	566, 934	39.4
Ervin, Sam J., Jr. (D)	870, 406	60.6
North Dakota:		
Young, Milton R. (R)	154, 968	64.8
Lashkowitz, Hershcel (D)	80, 815	33.8
Mutch, Duane (TRT)	3, 393	1.4
Ohio:		
Saxbe, William B. (R)	1, 928, 964	51.5
Gilligan, John J. (D)	1, 814, 152	48.5
Oklahoma:		
Bellmon, Henry (R)	470, 120	51.7
Monroney, A. S. Mike (D)	419, 658	46.2
Washington, George (A)	19, 341	2.1
Oregon:		
Packwood, Robert W. (R)	408, 646	50.2
Morse, Wayne (D)	405, 353	49.8
Pennsylvania:		
Schweiker, Richard S. (R)	2, 399, 762	51.9
Clark, Joseph S. (D)	2, 117, 662	45.8
Gaydash, Frank W. (CST)	96, 742	2.1
Perry, Benson (SL)	7, 198	.2
Chertov, Pearl (SW)	2, 743	.1
South Carolina:		
Parker, Marshall (R)	248, 780	38.1
Hollings, Ernest F. (D)	404, 060	61.9
South Dakota:		
Gubbrud, Archie (R)	120, 951	43.2
McGovern, George (D)	158, 961	56.8
Utah:		
Bennett, Wallace F. (R)	225, 075	53.7
Weilenmann, Milton L. (D)	192, 168	45.8
Philips, Bruce D. (PF)	2, 019	.5
Vermont: Aiken, George D. (R-D)	157, 154	(1)
Washington:		
Metcalf, Jack (R)	435, 894	35.3
Magnuson, Warren G. (D)	796, 183	64.4
Hogenauer, Irwin R. (N)	2, 762	.2
Leonard, Debbie (SW)	1, 224	.1
Wisconsin:		
Leonard, Jerris (R)	633, 910	38.3
Nelson, Gaylord (D)	1, 020, 931	61.7

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[1] Unopposed.

Exhibit 9

1973 Tax Forms Proposed By the IRS

Note.—The 1973 versions of Form 1040 and the Short Form 1040A proposed by the Internal Revenue Service, as published in Section 2 of the Tax Guide, Research Institute of America (October 18, 1973) contain the dollar check-off for 1973 on page one of the tax return, and both forms also make provision for taxpayers to use the check-off retroactively for 1972 as well, if they failed to do so on their 1972 returns.

Under the terms of Amendment 651, the public financing amendment, only four changes, easily made, would be required in each form:

Change "Presidential" to "Federal".

Change "if you wish to designate $1 of your taxes" to "if you do not wish $1 of your taxes to be designated".

Change "if spouse wishes to designate $1" to "if spouse does not wish $1 to be designated".

Change "$1" to "$2".

UTAH REPERTORY DANCE COMPANY

Mr. MOSS. Mr. President, we Utahans are justifiably proud of our contributions to the arts. For several years the people of Utah, and indeed the Nation, have enjoyed the artistry of the nationally recognized Utah Symphony. For the past 7 years the people of Utah have also been participating and taking pleasure in the development of a new and major modern dance company—the Utah Repertory Co.

I was pleased to note in the November 12 issue of Newsweek that the Utah Repertory Dance Theater is accruing some well-deserved national recognition. RDT's third and most recent tour of the east coast pleased and surprised many by the ensemble's inventiveness and style.

The Repertory Dance Theater brings modern dance to areas in the West where such entertainment is not usually available. It obtains approximately 60 percent of its budget from its own activities, concerts, lessons, and the like. The remainder of the budget is received from grants, gifts, and donations from private individuals and foundations, and also grants from the National Endowment for the Arts.

Mr. President, I ask unanimous consent that the Newsweek article be printed in the Record. Again may I congratulate the Utah Repertory Dance Theater.

There being no objection, the article was ordered to be printed in the Record, as follows:

No Tenderfeet, These

A recurrent American myth (as in Gary Cooper movies) has a naive and idealistic country boy coming to the big city and, by virtue of innocence, grit and more than a little native talent, winning out over jaded sophistication. The myth was re-enacted by the Utah Repertory Dance Theatre, whose current tour of the East astonished New York, among other cities, with a wide-eyed home-grown company, a style distinctly Western, a ruggedly individual repertory and a singular organization like no other in American dance.

To judge from the audiences in New York's Hunter College Playhouse, the Repertory Dance Theatre from Salt Lake City is the fastest draw in the West. The troupe is composed of just ten dancers, most of them from Utah or the Far West. The style is definitely country-and-Western, the bodies lean and rawboned, the attitudes generally cheerful, the movement expansive and open. These kids can't help but evoke images of pioneers crossing the prairies in covered wagons, and in fact they have staked out and homesteaded their own fertile dance country.

JOYFUL

In seven years of existence, the repertory has grown to 42 works by 21 choreographers and includes works done specifically for the company by John Butler, Anna Sokolow and Glen Tetley. On the current tour the company showed off its new "'Opus' Jazz Loves Bach" by Matt Mattox, a joyful exercise in swinging baroque for a footloose quartet.

Bach is a rarity. The Utah dancers may come from the hinterlands but they come with the contemporary music of Terry Riley, Lou Harrison, George Crumb and Morton Feldman. And the dances are equally modern, most of them inventions by the company members. Ruth Jean Post's "Spotlight" is a daring and imaginative solo for beautiful Kay Clark, who is physically and emotionally manipulated like a puppet by John Cage's slippery music. Ms. Clark choreographed "Women Waiting," a touching quartet elaborating on different degrees of need and patience. Linda C. Smith's "Snack Pack" is a hilarious spoof of pop art, commercials and modern dance itself.

Bill Evans is probably the most talented of the company's choreographers. His "Tin-Tal" is a perceptively observed religious ritual. "Within Bounds" is brilliant in concept, multiple in its levels of suggestion, as two beings, one rigidly righteous, the other a sniveling victim, end up exchanging places and personalities. In Evans's "Five Songs in August," to an original score by Stanley Sussman, each dance *is* the song—in turn jubilant, meditative, agitated, lyrical and cheerful.

The idea of the pioneering West is no better illustrated than in the organization of the company. It's a cooperative, with each member having an equal say in artistic direction. The Utah group is the living argument that modern dancers can get along cooperatively in spite of clashing egos. The goal is to maximize freedom and individuality, in choreography for example. Says Linda C. Smith, who with Kay Clark is a founding member of the company, "Dancers often want to choreograph, but economics dictate otherwise. Not here." Once an idea for a dance has been approved, the work is tried out before the entire company and voted on for acceptability.

"It's difficult to tell a choreographer that it doesn't work," says the quiet, intense Ms. Clark. "But you don't perform very well if you let disagreement get in the way. We're like brothers and sisters except that we have a common goal and understand the necessity for getting along."

STABLE

That necessity, along with the advantages of a cooperative, keeps the company complement fairly stable, so much so that when one girl, Joan Moon, got pregnant, they tried to choreograph a piece for a pregnant dancer, so the company would remain intact. (It didn't work.) Stability is important also because it's not easy to find dancers, as Evans says, "who develop a feeling for self-government. You have to learn not to water down good ideas with multiple contributions, and to sacrifice your own needs."

They are all aware of the dangers to individuality inherent in the system. "We used to try to make everyone look alike," says Evans. "Now we try to get together on just the essence of things." "But, oh," admitted Linda Smith, "sometimes we say, 'If only there was one person to lay it on the line'."

INDEPENDENT OFFICE OF SPECIAL PROSECUTOR

Mr. TAFT. Mr. President, many of my colleagues in the Congress have expressed considerable interest in various legislative proposals to create an independent office of special prosecutor for Watergate and related offenses. In fact, 55 Senators and numerous Members of the other body have introduced and cosponsored legislation to vest the appointive power for such special prosecutor in the judiciary. This approach has been suggested by many of its sponsors, including Senators Bayh and Hart, as the only solution to this issue. I have questioned this premise from the beginning as I thought it unwise from both a practical and constitutional viewpoint.

I testified before the Senate Judiciary Committee earlier this month, emphasizing the constitutional and practical deficiencies of the court appointed proposal, and introduced legislation, S. 2642, to provide an alternative approach to this issue by vesting appointive power for a special prosecutor in the Attorney General. My approach was challenged by certain members of the Judiciary Committee as not going far enough. I can understand the great concern that these Senators have with regard to this issue. Such concern, however, must remain within the bounds of the Constitution, notwithstanding how outraged or concerned individuals may be by the unfortunate events pertaining to the Cox dismissal. Emotional and partisan considerations cannot control the fate of this country. If there ever was a time and need for statesmanship, this certainly is it. This point was very well underlined in an opinion handed down yesterday by the U.S. district court in the case of Nader, Moss, Abzug, and Waldie versus Bork. Judge Gerhard Gesell, in considering the legality of the Cox dismissal by Acting Attorney General Bork, spoke to the issue of legislatively creating the office of an independent special prosecutor and I believe his thoughts certainly merit consideration in this Chamber. Judge Gesell states on pages 10 and 11 of his opinion, and I quote:

> The court recognizes that this case emanates in part from congressional concern as to how best prevent future executive interference with the Watergate investigation. Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate special prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent executive interference with the Watergate special prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular court. As Judge Learned Hand warned in *United States* v. *Marzano,* 149 F.2d 923, 926 (1945):
>
> > Prosecution and judgment are two quite separate functions in the Administration of justice: they must not merge.

I believe Judge Gesell is absolutely correct on this point and I understand the Chief Judge of the U.S. District Court for the District of Columbia, Judge Sirica, also has stated agreement with this position.

The question remains, however, as to what direction this body will proceed with regard to this issue. The Senate Judiciary Committee wisely decided to deliberate further and move to mark-up Wednesday next. I am extremely hopeful that statesmanship, not partisanship, will prevail in the committee and legislation will be reported that I can, in good conscience, support. If this is not the case I am inclined to think, at this time, that those of us who oppose judicial appointment should use every means at our disposal as U.S. Senators to prevent adoption of such legislation. Another constitutional crisis must be avoided.

HEADSTART

Mr. MONTOYA. Mr. President, yesterday Senator MONDALE introduced a bill which I was pleased to cosponsor. This bill, S. 2700, will postpone the implementation of the Headstart fee schedule until July 1, 1975, at which time this matter can be discussed in the context of an extension of the Headstart and the Economic Opportunity Act.

The implementation of a fee schedule has caused concern in New Mexico among all Headstart programs and especially among Indian Headstart programs.

Speaking for all the Indian groups in New Mexico, the All Indian Pueblo Council has written to me recently expressing a concern about the fee schedule which is unique to the Indian community.

In the past, it was not difficult for Indians to put into practice the philosophy of collective effort required for the implementation of a Headstart program, for cooperation was already a practice within Indian communities. In creating their programs, many tribes made their land available, produced their own building materials, built their own buildings and playgrounds. These efforts enlisted the support of many tribal council members, parents, teachers, teacher aides, and community members. Now, however, the Indians are concerned. The Indian community does not separate its members poor or nonpoor, educated or uneducated, yet the introduction of variable fee schedules would also introduce economic and social distinctions into the Indian community. The All Indian Pueblo Council is extremely disturbed and concerned that the application of the fee schedule requirement will destroy the cooperation needed to provide these vital services to their young. It should be noted that many Indian parents have already taken their children out of the Headstart program in order to avoid this problem of the creation of distinctions between different members of the tribe.

In the non-Indian Headstart programs in New Mexico, some administrators have developed the policy of not including above-poverty-level children in their programs. In many rural areas of our State, the Headstart program is the only opportunity that young children have to attend a kindergarten or pre-first-grade school. There are no educational alternatives. And in the more urban areas, the fee schedule is so expensive that the nonpoor are enrolling in other private educational programs. As Ms. Margaret M. Aragon, director of the East Las Vegas Headstart program states—

> The fee schedule is prohibiting the socio-economic mix that has long been established as desirable in Headstart. Many parents see a form of discrimination in charging above-income families for a service that is free to other children. This is a program that they support through taxation and they pay twice.

Mr. President, the statement and correspondence which I ask unanimous consent to be printed following my remarks in the RECORD, clearly indicate the predicament which the Headstart program in New Mexico and around the country will face if the fee schedule is not postponed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEADSTART

The imposition of the headstart fee schedule as it would apply to Indian tribes, brings to point several concerns which we would like to share with you in your consideration of our request for the repeal of that schedule.

Prior to the inception of the Headstart program under the auspices of the Economic Opportunity program the Indian child's only hope was to stay healthy on the reservation until they reached the legal age to be enrolled in the local BIA day school or the public school. Time and again research on vital statistics have shown that even this was a losing battle due to conditions on the reservation and the lack of adequate health facilities.

Mortality rates among Indian infants were such that many hopes of the Potential Indian Resource Development ended at this stage. For these children statistics on Indian life ended here, but for many other Indian children it was only the beginning of a very long list of deplorable statistics. Statistics which having only made the shelves of research offices, libraries, Congressional Records Offices, Federal and State Educational Institutions, remain unchanged. Statistics which, even after so many years of knowledge of them, were of no more use than as quotable quotes in times of remembering or acknowledging the Indians' plight.

We are sad to repeat that 1) approximately 90 per cent of Indian students in certain areas enter the first grade with little or no Engish language facility and are ill-equipped to confront a foreign culture on which schools are designed. 2) Standardized tests reveal Indian student achievement levels far below all other ethnic groups in most areas. 3) Dropout rates for Indians are twice the national average. 4) Unemployment among Indians has been higher than among other Americans. 5) Indian life expectancy is lesser than other Americans.

These statistics only point to the progressive deterioration of the Indian people. Because of these facts we see nowhere in this nation a more immediate need for an even chance of survival than among Indians.

We are grateful for the many other Congressional Acts of educational, economic and health supports we have been afforded, but we do see them as patch work or jigsaw puzzle approach to solving our problems. We are concerned that the cracks are still there and that like every other puzzle can break apart. We are concerned that it is only a strong and solid foundation that is the basis for firm and confident building.

The most important resource to us and in fact the only resource that we Indian people have are ourselves. The building of that solid foundation has to occur at the very youngest of members among us. After overcoming all the threats of early childhood among our Indian children there is the task of preparing them for entrance into the common school and aiding these children with adaptation to the American educational system until they can successfully progress from one grade to another; for it is said that "each grade itself is preparatory to a higher grade, affording entrances into schools of technology, agriculture, and colleges in which a vital phase of human resource development occurs."

The new hope and aspiration for the Indians to achieve this end came at the inception of the "Headstart" program. Even though this truly meant a headstart for many students, it really was and continues to be the fundamental chance for a real start for Indian children.

INDIAN HEADSTART: HISTORIC EVIDENCE OF ITS SUCCESS

At the onset of the Headstart program there was much skepticism throughout the Indian country for several reasons: (1) It did not come under the Bureau of Indian Affairs, (2) it was a new idea, (3) different application and reporting procedures had to be understood, (4) they were direct grants, etc.

Once these problems were understood and coped with Headstart programs on Indian reservations began in a positive direction and continued to build. Other aspects of the program philosophy were not foreign to the Indian community. The requirement of collective effort and cooperation was not a difficult task as this was already a practice within Indian communities.

One important ingredient in the success was that of parent as well as total community involvement. This type of involvement provides many answers to other requirements not provided for under the federal grant but which were essential for the total successful operation of this program.

As has already been stated, these total community efforts have instilled new hope and inspiration for achieving education, economic, social and political heights which are necessary prerequisites to acquiring the all important status of self-sufficiency and self-determination.

The availability of grants for a Headstart program did not totally answer the need for pre-school education. There were other needs such as land and/or buildings in which to house these programs; the isolation of Indian reservations made it especially difficult to attract teachers; playground equipment, transportation and many necessary supplies were not all inclusive in these Headstart grants and thus had to be obtained through other sources. Unlike the urban community and even some rural communities these sources were very, very scarce. The Indian community does not separate, intentionally or otherwise, its members poor or non-poor, educated or uneducated.

As pointed out time and again, the Indian community is but one whole community with its "extended family" as opposed to the Anglo, isolated, single family. In the urban setting you find different sectors of the community, the rich district, the poor district, there are social and religious isolations, there are business districts, and city, county and State governmental agencies throughout.

Each of these sectors of society has the reputation of supporting or looking after its own. These are sources from which an urban program can derive its other necessary resources. Buildings, utilities, playgrounds, transportation, equipment and other items are furnished by these sectors so that no real community effort occurs. The harder you campaign or the more people you know, the more services were made available. This approach to meeting needs also had its bad results. This spirit of competiveness meant that if you got to that religious group, that city or county agency, or that businessman first it meant the next group would probably not have what you've obtained and as a result, the most aggressive or the ones in the richer district probably have more and better opportunities for their children. The end result being that for some children in this type of a setting it meant "unequal economic opportunity." We firmly believe this was one basic reason for the consideration and imposition of the new Headstart fee schedule. We feel that the fee schedule was adopted without consideration for conditions on the reservation as we are pointing out here today.

Real community effort, we feel, is what we had to do to provide our students with the pre-school opportunities. Many of our tribes made our own land available, made our own building materials, built our own buildings and playgrounds, set up our own classrooms and provided our own additional equipment and supplies needed for the continual operation of our program.

These efforts enlisted the support of many tribal councils (including inter-tribal councils), parents, teachers, teacher aides, and other community residents. This cooperation assisted to strengthen, supplement and coordinate all efforts in furtherance of the principal objectives of Indian self-determination and self-preservation.

We are very disturbed that the application of the fee schedule requirement to Indian Headstart grants threatens to destroy the cooperation vitally important to our achieving our stated goals.

Many programs have already lost students because of this requirement. Along with this a negative attitude was developed by parents and other citizens affected. For these programs, reestablishing collective efforts is going to be a very hard task.

Pueblo of Isleta,
Isleta, N. Mex., September 19, 1973.

Hon. Joseph M. Montoya,
U.S. Senator, New Senate Office Building, Washington, D.C.

Dear Senator Montoya: As you doubtless know, the Head Start fee schedule as it would apply to our Head Start Program at Isleta Pueblo is apparently going to be implemented. We at Isleta, together with virtually every Tribe in New Mexico, object strenuously to this fee schedule, particularly on two bases. First, the fees involved are absurd; for example, a family making a relatively modest income would be obliged to pay $135.00 for one child in Head Start, the schedule being based on *gross* income with essentially no deductions allowed. Secondly, Head Start has become an integral part of Indian education. Language presents a peculiar problem to Indian children; Head Start has successfully addressed itself to this problem. There is no doubt that the implementation of this fee schedule will destroy the Head Start Program, among other reasons, because parents would withdraw their children from the Program. The Pueblo of Isleta finds no recourse except to take a firm stand on this matter which is set out in the copy of the Resolution enclosed.

You have demonstrated your willingness to help the Indian people in the past and we again solicit your aid in supporting either remedial legislation or supporting some other steps to save the Indian Head Start Programs. We would be pleased to visit with you on this matter if you require any further information and would appreciate hearing from you at your earliest convenience.

Yours very truly,
Alvino Lucero, *Governor.*

The Pueblo of Zuni,
Zuni Tribal Council,
Zuni, N. Mex., October 19, 1973.

Hon. Joseph M. Montoya,
U.S. Senate,
Washington, D.C.

Dear Senator Montoya: We are writing to express to you the concern that the Pueblo of Zuni feels over P.L. 92–424, which removed Indian exemption from the Head Start Fee Schedule.

To charge for an Indian child to attend Head Start seems unjust for several reasons. The justification for a fee is based solely on income. In our opinion, there are other factors which must be identified as disadvantages which affect Indian children. For instance, 96% of the children who attend the Zuni Head Start speak only the Zuni language. Head Start on our Pueblo represents the first opportunity that our children have for language development, a skill which is necessary for successful entry into public school. Another, and perhaps the most important reason for Head Start for all Indian children, is the medical, dental, and nutritional services that they receive. As you know, Indian health conditions are poor. If we can start three and four year olds with medical and dental help and a good nutritional program, we feel that it will make a noticeable improvement in the future health picture of the Indian people.

Presently there is a movement headed by Phillip Martin, Tribal Chairman of the Mississippi Band of Choctaws, to secure an amendment to P.L. 92–424. There will be an Ad Hoc Committee meeting in Washington, D.C., on October 24–26 to discuss an amendment and other Head Start issues. We would appreciate any consideration and support that you could give to an amendment which would continue the right of all Indian children to attend Head Start without payment of fees.

Sincerely,
Robert E. Lewis,
Governor, Pueblo of Zuni.

Resolution

At a duly called meeting of the Sandia Pueblo Parent Teacher Organization and concerned parents, the following resolution was adopted:

Whereas, this Organization is composed of Pueblo Indian Parents of the tribe of Sandia Pueblo under which the Head Start Program for this tribe is administered; and

Whereas, the Head Start Fee Schedule recently implemented would be detrimental and completely destroy the trust relationship and understanding between the Indian people of this Organization which would be contrary to the Civil Rights of the Indian Equal Education Opportunities Act; and

Whereas, Head Start is serving the needs of Indian Education by furnishing continuity in preparation to public schools; that without such preschool training the goals and objectives for the children would not be successful; and

Whereas, the failure to provide this education at no cost is a violation of the trust relationship between the United States Government and the Indian People; and

Whereas, based on the present cost of living the fee schedule is unrealistic in its use of gross family income as a determining factor for Head Start eligibility.

Now, therefore, be it resolved that the Sandia Pueblo Parent Teachers Organization and concerned parents does hereby urge that immediate action be taken to eliminate the Head Start Fee Schedule as it would apply to Indian Head Start Programs, and that enforcement of the Head Start Fee Schedule, as it applies to Indian Head Start Programs, be held in abeyance until the proper remedial action has been taken.

Office of Navajo
Economic Opportunity,
Fort Defiance, Ariz., October 18, 1973.

Hon. Joseph M. Montoya,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Senator Montoya: The Office of Navajo Economic Opportunity strongly opposes the imposition of the Head Start Fee Schedule on our Reservation. Such an action will result in many families not enrolling their children in the Navajo Child Development Program, which has been quite successful in preparing our Navajo Children for later schooling. As such it will mean that many children who could greatly benefit from this educational program will not be allowed to participate. This will be a loss not only for these individuals, but for the Tribe as a whole, for the hope of the Navajo Nation in escaping widespread poverty condition lies in the education of its youth. It is our contention that the imposition of fees violates the spirit of the treaty of 1868 between our Nation and the US Government regarding the education of our people.

Education is a one-time opportunity. Our Navajo people do not have stable incomes—our Reservation's unemployment approximates 65%. While a family's income may be greater than the poverty level for the years its children may be otherwise eligible for the Head Start Program, the fee scale clearly discourages a certain segment of our population from enrolling their children. The Fee Schedule could mean that a certain percentage of children will lose their opportunity for education.

We urge that the Head Start Fee Schedule be abandoned so that all our children may receive the benefit of this education program.

Sincerely,
Charles Henderson
(For Eugene Gorman),
Director, Navajo Child Development Program.
James D. Atcitty,
Executive Director, Office of Navajo Economic Opportunity.

Resolution

At a duly called meeting of the Governing Board of Six Sandoval Indian Pueblos, Inc., the following resolution was passed:

Whereas, this organization is composed of the Pueblos of Sandia, Santa Ana, Zia, Cochiti, San Felipe and Jemez, the Governors of each Pueblo being on the Governing Board, and that one of the purposes of the organization is to operate Headstart programs for the benefit of the children on the named Pueblos, and

Whereas it has recently come to the attention of the organization that a fee schedule has been instituted which would apply to the Headstart programs and require the parents making even modest incomes to pay outrageous fees with the apparent design by the Administration to punish the poor and undermine and eventually destroy Headstart programs on our reservations by forcing parents to withdraw their children from Headstart programs.

Now, therefore, be it resolved that Six Sandoval Indian Pueblos, Inc., does hereby condemn the Headstart fee schedule as it applies to its programs, on the grounds that this is an obvious attempt by the Administration to undermine and destroy the Headstart programs on Indian reservations by imposing outrageous and unreasonable fees.

Now, therefore, be it further resolved that this organization urges that either remedial legislation be passed forthwith or that whatever action is necessary be taken to remedy the fee schedule as set out in the Code of Federal Regulations.

Certification

This is to certify that the foregoing resolution was passed at a duly called meeting of the Governing Board of Six Sandoval Indian Pueblos, Inc., at which a quorum was present; all voting for and none opposing the said resolution, on the 27th day of August, 1973.

SANDOVAL COUNTY ECONOMIC
OPPORTUNITY CORPORATION,
Bernalillo N. Mex., October 23, 1973.
Hon. JOSEPH M. MONTOYA,
U.S. Senator, New Senate Office Building, Washington, D.C.

DEAR SENATOR MONTOYA: In response to your request of October 12, 1973 I am detailing the following information regarding the effect of the fee schedule on our Head Start program.

Our enrollment quota is sixty (60) children. None of the children enrolled are affected by the fee schedule. The fee schedule system, if we should implement it, may cause some problems. We anticipate expensive bookkeeping and auditing procedures would need to be implemented, with little monetary gain for the program. It would also pose community relations problems, because families only slightly above the poverty level (who are given priority in the above-the-poverty level selection) would be required to pay a fee. Restrictions placed on the type of expenditure allowable and the procedures required for approval of the expenditures would make the utilization of funds from the fee schedule a cumbersome process.

We thank you for your interest in the problems of the implementation of the Head Start fee schedule. If we can provide any further information, we will be happy to cooperate with your request.

Sincerely,

(MRS.) JANIS LOOMIS,
Headstart Director.

TAOS-RIO ARRIBA
HEADSTART PROGRAM,
Taos, N. Mex., November 6, 1973.
Hon. JOSEPH M. MONTOYA,
U.S. Senator,
Washington, D.C.

DEAR SIR: This is in response to your letter of October 12, 1973 in which you requested information about the fee schedule for Headstart which became effective this fall.

1. The number of students enrolled in Headstart classes is four hundred sixty nine (469) in a two county area. The counties being Taos and Rio-Arriba service two hundred eighty (280) students in Taos County and one hundred eighty nine (189) students in Rio-Arriba. Six children out of four hundred sixty nine are affected by the fee schedule.

2. The program is allowed ten per cent high income children, but at this time we can not service them because of our funding which is limited. We have a waiting list of children that qualify plus many others in the high income list. Title one funds in our area was badly affected in the fall and Headstart is trying to pick up as many five year olds as possible. A few centers service a small number of four year olds.

3. The fee schedule seems very unfair, especially for our geographical areas where there are few private schools and children that are high income even if they could afford are unable to attend.

4. The fee schedule has not affected our program in terms of being expensive.

The program would very much like to be funded more so that we would be able to accommodate the children in our waiting list.

Sincerely,

LUCIANO ROMERO,
Executive Director.

ARTESIA HEAD START,
Artesia, N. Mex., November 6, 1973.
Senator JOSEPH M. MONTOYA,
U.S. Senate, Committee on Appropriations, Washington, D.C.

DEAR SIR: In reference to your letter dated October 12, regarding the fee schedule for Head Start, I do not feel that the fee schedule is feasible for this area. The schedule is not compatible to fees for day care services in the area.

The children that are affected by fee schedule are above the guidelines. The children that applied did not return, because of the rate.

I do not believe we will have any children attending on fee schedule because the rates are too high.

Sincerely,

VIRDIE DANSBY,
Project Director,
Artesia Head Start.

LAS VEGAS CITY SCHOOLS,
Las Vegas, N. Mex., October 18, 1973.
Hon. JOSEPH M. MONTOYA,
U.S. Senator,
Committee on Appropriations, Washington, D.C.

DEAR SIR: The East Las Vegas Head Start Program has enrolled only one above-income child this year due to the inability of parents to pay the tuition set by the high fee schedule. In response to your questions:

1. One student would be affected by the fee scale but doesn't pay due to high medical bills in the family.

2. Many children were enrolled in local kindergarten for less money than the fee schedule requires.

3. The fee schedule is prohibiting the socio-economic mix that has long been established as desirable in Head Start. In addition, many parents see a form of discrimination in charging above income families for a service that is free to other children. This is a program that they support through taxation and they pay twice.

4. If we had paying children, there would be an additional cost in collecting and record-keeping; I can only estimate that it would require about 10 hours per week.

Sincerely yours,

MARGARET M. ARAGON, *Director.*

LEGAL SERVICES

Mr. BROCK. Mr. President, many times in these hallowed halls, we have passed legislation. We have made laws. Many times, we felt that those laws were good ones, ones designed and aimed at attempting to solve problems, or perhaps make life easier for man, or to correct an injustice. Most of these laws are passed in good faith, not without study and careful consideration, and in some instances, deep soul searching.

But occasionally, we find that we have passed a law that somehow, someway, ends up with the spirit of the law completely twisted into something entirely different. Such a case is the Legal Services program. When that legislation was approved during the 1960's, it was intended to correct what the Congress felt was an injustice. Its intention was to provide the Nation's poor, as the Bill of Rights impelled us to do so, with a right to a speedy and fair trial before a jury of his peers. The spirit of that law was intended to do just that, to provide the Nation's poor with at least their right of legal counsel, and a speedy trial.

What has become of that far-reaching, idealistic plan which was to have helped the Nation's poor? What has become of the law passed to help the poor with legal aid, that they might otherwise be denied?

It is really very simple. The program of Legal Services has become one that in no sense represents the poor. Legal Service is being financed through the tax dollars of the citizens of the United States. So, what is done with those tax dollars? They are used for the purposes of lobbying, they are used to support class actions for sociological change, they are used to support radical activists groups, and they are used to thwart the desires of the majority of the very people who are paying those tax dollars. There are numerous cases to be cited: in Jackson, Miss., New Orleans, La., Detroit, Mich., San Francisco, Calif., and many other cities.

What it really comes down to is that under the present usage of Legal Services funds, the people of the United States are financing a group that time and time again has not offered legal aid to the poor, but has attacked the government itself. It has gotten to the point where it is without question out of hand, and now is the time to do something about it.

I could take the entire day detailing the inadequacies of the current legal services program, and perhaps it might be worthwhile. But, the problem does exist. It is very evident that the people who were intended to receive help from the program when it was originally passed have been left out in the cold again, and this time by some of the people who cry loudest and longest that the poor of this country are being ignored.

Earlier, I introduced a bill to establish a Federal Legal Aid Corporation, which was designed specifically to encourage the provision of legal assistance to individual citizens who lack adequate financial resources to provide legal assistance for themselves. It would allow attorneys to practice according to the highest professional standards while providing safeguards against the recognized abuses present in the current OEO funded legal services program. That measure would have set up a Federal Legal Aid Corporation chartered by the Congress. Additionally, it would:

First: Empower an existing State instrumentality to administer a program for the provision of legal assistance in the State;

Second. Empower the State Bar Association to administer the program;

Third. Establish a method of direct payment or voucher system, to pay attorneys assisting those eligible for legal services in the State.

In addition, my bill would provide strong and adequate safeguards to protect against perpetuation of the abuses present in the current program. It would provide prohibitions on legal service employee involvement in strikes, demonstrations, and protest marches. It also states that funds may not be used to support or oppose candidates, legislative proposals, ballot-measures, or similar enactments or proposals.

In essence, my measure could be summed up in one phrase—Freedom of Choice. I do not think that a single, rigid scheme, imposed out of Washington, is capable of meeting the needs of this Nation. The legal services program that will work best is not one which tries to force all projects into a single restrictive mold. The program that will work best is the one that helps the people in each community meet their own needs in the way they think best.

What we need to do is quite clear. We must bring responsibility back to the legal services concept. We have to return to the spirit of the law, to provide legal assistance for those who are unable to afford their own legal representation. Originally, the legal services concept was one of merit, but it has turned into a monster, one that turns on the hand that feeds it. It has grown into a massive legal attack on the Government, and for the most part, it has ignored the people it was to have helped.

Now, we must reverse that process, and create a program whereby we can truly follow what our Founding Fathers proposed for us to do, to protect the rights of every citizen to legal counsel and a speedy trial. I would ask that we again remember one of our most precious responsibilities, that of enhancing free choice, and thus signal an end of the separate system of access to the courts now imposed upon the poor.

TRIBUTE TO REPRESENTATIVE JOHN P. SAYLOR

Mr. HARTKE. Mr. President, as chairman of the Senate Committee on Veterans' Affairs, I had the pleasure of working closely with a senior minority member of the House Veterans' Committee and ranking minority member of the House Veterans' Subcommittee on Health, Representative John P. Saylor of Pennsylvania. Although we were in disagreement at times as reasonable men can disagree, I was greatly impressed with Mr. Saylor's clear concern for the men and women who served our Nation in uniform, and I am saddened by his passing on Sunday, October 28, 1973.

During almost two and a half decades of service in the other body, Mr. Saylor became especially known and respected as a leading conservationist. It is appropriate on this occasion to note his particular interest in a unique matter of concern to both those who would protect our Nation's physical heritage and those who seek to meet the needs of our veterans. I refer to Representative Saylor's legislative efforts in behalf of the restoration of the Congressional Cemetery just blocks away from where I now stand.

Earlier this year, the President signed S. 49, the National Cemeteries Act of 1973, my bill to establish a new National Cemetery System under the jurisdiction of the Veterans' Administration. This included the transfer on September 1, 1973 of most veterans cemeteries formerly under the jurisdiction of the Department of the Army. The measure, now Public Law 93-43, also requires the Veterans' Administration to conduct a comprehensive study of national burial policy for submission to Congress by January 3, 1974. The Senate committee's report on S. 49, in describing the purpose of the planned study, proposes a solution to the plight of the Congressional Cemetery:

> As part of the study, the Committee also desires that the Administrator give close consideration to acquiring as part of the National Cemetery System the Congressional Cemetery consisting of approximately 30 acres at 1801 E Street, S.E. in the District of Columbia. The recent burial there last year of J. Edgar Hoover, former Director of the Federal Bureau of Investigation, brought public attention to the degree of neglect and vandalism that has befallen the Congressional Cemetery. The Congressional Cemetery is now owned by Christ's Church, Washington Parish. As a historical property it is listed on the National Register of Historic Places and although it is eligible for assistance under the Grants In Aid Program authorized by the National Historical Preservation Act of 1966 (80 Stat. 915) the funding level of the Grants In Aid Program has been shockingly low. Further information received by the Committee indicates that because of numerous high priority projects and limited grant funds, it appears unlikely that funds can be provided for the rehabilitation of the Congressional Cemetery within the foreseeable future. Accordingly, the Committee believes that acquisition of this cemetery within the National Cemetery System would appear to be quite appropriate.

Congressman Saylor and I share a common interest in the restoration and preservation of this unique part of our Nation's heritage, and I believe that favorable Veterans' Administration consideration of the proposed transfer, restoration, and preservation of the Congressional Cemetery would be a fitting tribute to the memory of this American lawmaker who served with distinction for almost a quarter century. My distinguished colleagues may be assured that I stand ready to introduce whatever legislation may be necessary to implement such a recommendation if it is contained in the forthcoming report and recommendations by the Veterans' Administration.

I hope those of us who worked with him in the Congress of the United States will see to it that his farsighted efforts on behalf of future generations of Americans continue in his absence.

ADDRESS BY THE SECRETARY OF COMMERCE

Mr. THURMOND. Mr. President, on November 8, 1973, the Secretary of Commerce, Frederick B. Dent, delivered a very timely address before the annual meeting of the Alabama State Chamber of Commerce. Lowell Thomas, on his news program for November 12, noted that portions of Secretary Dent's remarks had been picked up by the Soviet press and broadcast throughout the Soviet Union.

I bring this address to the attention of my colleagues in the Senate because I believe it is an extremely astute perspective on problems facing our country today.

Mr. President, I ask unanimous consent that this address be printed in the RECORD, and I urge all of my colleagues to give it their most careful consideration.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SECRETARY OF COMMERCE FREDERICK B. DENT

It is indeed an honor to address this 36th Annual Meeting of the Alabama Chamber of Commerce. As a South Carolinian, I feel especially at home here in Montgomery and am pleased to have this opportunity to discuss some of the major issues of the day with you.

While there are several pressing issues, especially related to our economy, which I shall talk about later, the overriding topic today is clearly whether or not President Nixon should remain in Office and it is this subject which I shall address first this evening.

The reasons that I went to Washington in January to join this Administration after 25 years in the private sector in South Carolina, were my belief in President Nixon as a man and in his capacity for leadership, his broad experience in domestic and foreign affairs, and because of my belief that here was a man whose first term indicated that he could live up to the potential of being the greatest leader on the world scene today. His momentous initiatives towards peace, his policy of detente highlighted by his visits to Peking and to Moscow were clear evidence to me that under President Nixon's leadership, the United States was leading the world into a new era of peace.

The events during the past few weeks in the Middle East, and the President's brilliant initiatives in working towards a peaceful settlement of a dangerous conflict have confirmed once again that my confidence in President Nixon and his leadership is well placed.

On the domestic side, figures released in the last few weeks indicate that unemployment has declined to 4.5 percent, the lowest rate since March 1970; that real GNP for the third quarter increased at an annual rate of 3.6 percent, within the range generally expected to provide the "soft landing" to a sustainable growth rate without recession; and that a dramatic turn around in our trade account occurred with a September surplus of $873 million, giving us a $153 million surplus for the first nine months of 1973, compared to a $6.4 billion deficit in 1972.

Today, we have just three more years available for our Nation to take advantage of President Nixon's great abilities. It is a tragedy to consider what our Nation is losing by our failure to unite behind him and by the vicious and sustained attacks which daily destroy public trust in the President and his leadership.

The vindictive and irresponsible cult which has taken the lead in seeking the removal of the President from office is doing great damage to our Nation and has failed to perceive the dangers inherent if they should succeed.

Their irresponsibility is compounded by the vacancy in the Vice Presidency.

In addition to depriving our Nation of three years of leadership of a popularly-elected Chief Executive, their success would set a precedent that a well-orchestrated attack on the occupant of the White House can drive a President from office in mid-term, a precedent neither contemplated by the founders of this Republic nor achieved throughout our 197 years of history.

The American people today are faced with a proposition that is dangerous and disruptive in the extreme, that proposition being that an embattled President should resign in the interest of national unity. These efforts are designed to undo the will of the people expressed in a national election just one year ago. The fact is few voices in the Congress are calling for the President's impeachment. The reason is simple: there are no grounds for impeachment.

The cry today is for the President to resign on the grounds he has lost the confidence of the people. This argument is pressed most vigorously by those who have done their utmost to destroy that confidence.

We have had embattled Presidents before, men so buffetted by the events of the day that they suffered the dislike of great majorities of the population. Such men as President Andrew Johnson, who was despised because he sought to bind the wounds of a Nation devastated by war, rather than exploit those wounds for partisan advantage. Such men as Harry Truman who was perceived as an insignificant man that chance had allowed to succeed the giant figure of Franklin D. Roosevelt. Such men as Lyndon B. Johnson who in the latter part of his term of office found it virtually impossible to make scheduled public appearances because of the bitter antagonism of those who opposed his policies in Viet Nam. In retrospect, President Johnson was rendered impotent as a leader by attacks from some of the same people who are now trying to derail President Nixon.

Our Constitution does not provide for a parliamentary system in which governments fall if they become unpopular. Rather, our forefathers chose a system of four-year terms because they felt the stability inherent in such a system was necessary to proper executive leadership, particularly during times of crisis when unpopular actions by the Chief Executive might be called for.

Today, we are hearing a chorus of voices who urge that the very premise upon which our presidency is established, that of a popularly-elected President to serve a term of four years, should be abandoned because the President's enemies have fostered a climate of hatred and distrust.

The recriminations which would result if his critics succeed would be far more damaging to the American public than the prospects of a temporarily unpopular Chief Executive. If the precedent is set that partisan opposition, coupled with powerful dislike in the news media, can drive a man from office, then no President, no Administration, in the future will be safe from the prospects of removal from office in mid-term.

Each of us must recognize that we will have to bear the burden and endure the consequences in our own lives if the President's enemies succeed. Have you stopped to think of the turmoil in this Country and the turmoil in our foreign relations which would undoubtedly result? The upheaval would come home to affect each of you, perhaps in your business, in your home, and in your personal expectation of the Nation's stability. I ask each of you would these results be justified? Are there grounds to cause such a wrenching adjustment across this land?

The solution to the erosion of confidence in the Administration is not in the drastic action being promulgated in the media. The solution is for the American people to recognize that the best interests of our Nation lie in maintaining a strong and stable Presidency, and restoring to President Nixon that support his record in office clearly deserves, and to communicate their feelings to the Congress, which in the final analysis will be responsive to the public will.

So much of the media is concentrating on sensationalism, much of the public is not aware of the continuing activities in Washington that show that government is working and is moving ahead. The President's activities with regard to the Middle East crisis are proof positive that this Administration continues to move effectively in foreign affairs.

In spite of the steady barrage of criticism aimed at the President, it is noteworthy that President Nixon has vetoed nine bills this year and that Congress has sustained eight of these.

President Nixon has met with 12 heads of state, including Brezhnev, since January.

He has instituted the Phase IV Program to smooth out the Nation's economic adjustment to the price bulges which had built up in the economy.

The President and the entire Administration are moving on a united front to meet the challenge of the energy crisis. Nor are we new to this problem. Already this year, the Department of Commerce has sent out 45 thousand letters to businessmen across the Country urging energy conservation; we have established an energy panel of three Assistant Secretaries to coordinate the Department's Energy Program and we are presently urging all companies to establish their own energy management program.

The American people deserve to know that the momentum of government in Washington is continuing and that in spite of the harsh invective that is aimed at the President, he and his Administration are moving forward to accomplish what the American people elected him to do last November.

As an example, President Nixon initiated a dynamic reorganization of governmental power in this County. In words that are particularly meaningful to those of us in the South, President Nixon said:

"After a third of a century of power flowing from the States to Washington, it is time for a New Federalism in which power, funds and responsibility will flow from Washington to the States and to the people."

The general philosophy behind the new Federalism is that the Federal Government had become too large and too powerful to represent effectively the American people with their diverse interests and ideas. This philosophy is rooted in the concept that the American people should be given greater opportunity to make their own choices about what is best for them rather than leave these decisions to what one Alabamian has called, "the pointy heads in Washington."

New Federalism is based further on the belief that where it is essential for government to take action, that level of government closest to the people, where possible, will be more responsive to the will of the people.

New Federalism is a program in action which is effectively changing the map of political power in this Country, with the flow, for a change, being away from Washington rather than into Washington. One important expression of this policy, the General Revenue-Sharing Act, will return about $6 billion for use by the states and local governments in the coming year.

The Administration is also taking a firm stand for a balanced budget without a tax increase which means holding down Federal spending, both because such a policy is in line with the New Federalism philosophy of lessening the concentration of power in Washington and because of the necessity to bring inflation under control. In 1974, it is estimated that the budget will be relatively in balance and the credit for this must go to President Nixon. Congress has already added $2.5 billion to the '74 budget and $3.8 billion to the '75 budget. Bills are currently pending before the Congress which would add $8.5 billion in '74 and another $9.5 billion in '75.

If it were not for the President's strong stand for fiscal responsibility, the government would be like a large family where each person had his own checkbook and was writing checks without regard to the balance.

Another impressive trend taking place in this Nation is the strong increase this year in American exports with the result that so far this year, our trade account shows a slight surplus compared to a $6.4 billion deficit in '72. As a result of the two devaluations made by the Nixon Administration, American products are selling abroad in record numbers creating new jobs for American citizens and contributing to the stability of the American dollar.

Our recent progress, while noteworthy, must serve to spur us on even further, rather than to satisfy us. We will need a surplus in our trade account of $7.5 billion by the middle of this decade in order to achieve a balance in our balance-of-payments position. This can only be accomplished by increasing our exports more rapidly than our imports.

The Administration's long-run goal, to which it has allocated $10 billion in research and development over the next five years, is to achieve energy self-efficiency for this Nation. In the short run, however, the need for the American people to cut down on energy consumption drastically cannot be overstressed. The only immediate response to this need available to us is a voluntary restraint on the part of each of us.

The private business sector in this Country consumes 70 percent of the energy used in this Nation. It is essential, therefore, that the American business community actively pursue an effective program of energy conservation. This means an energy-management program involving a commitment of executive leadership, an energy audit to determine the amount and location of consumption and the setting of tough goals. The cooperation of the business community and of the public at large in finding new ways to cut down on energy consumption is essential if we are to avoid closed schools and factories, cold homes and stalled transportation systems.

For the business community, this challenge can not only contribute to the well-being of the Nation, but if properly met, can result in more efficient ways of production, thus decreasing costs and increasing profits.

Another challenge facing the American economy is that of inflation. While recent trends appear to indicate that we have passed the worst of inflationary pressures, the battle is far from over. In addition to the Administration's policy of fiscal responsibility, the Phase IV Program has been instituted to help smooth out the effect of the inflationary pressures in our economy.

There is no question that wage and price controls have become unpopular in the business community. Let me urge you, however, to consider that the important thing is that we get out from under controls in such a manner that our return to the free market is permanent. If we were to relinquish controls prematurely and unusually high price increases appeared immediately, the subsequent public outcry could well result in Congressionally mandated price roll-backs and renewed controls which might never come off. Such a course of events is not in the interest of the American economy and must be avoided at all costs.

In closing, thank you again for this opportunity to be with you. The American people are presently undergoing a great challenge. The President is besieged with the most virulent and irresponsible criticism in modern history. Some of the basic tenents of our republican form of government are being challenged. Yet, the message I leave with you tonight is that this Administration is continuing to work diligently in solving the problems facing this Nation at home and abroad and these efforts are paying off. Your support for these efforts and for the leadership of President Nixon can go a long way towards helping our Nation achieve the unity and confidence essential to move forward.

Thank you.

DICK EARDLEY

Mr. CHURCH. Mr. President, Idaho has just completed its elections to determine the new mayors and city councils of our cities and communities.

In Boise, our capital city, a television newsman and member of the city council, Dick Eardley, was elected mayor. In a field of six candidates, Mr. Eardley won with an impressive 58 percent of the vote, garnering 11,700 votes.

I am pleased to say that Dick Eardley, a longtime personal friend, should make the kind of mayor that Boise needs, offering progressive and dedicated leadership to the challenge of guiding Idaho's largest city through a critical period of new growth.

It was for these reasons that the Idaho Statesman of Boise endorsed Mr. Eardley. I ask unanimous consent, Mr. President, that the Statesman's editorial of endorsement be printed in the Record.

There being no objection, the editorial

was ordered to be printed in the Record, as follows:

[From the Idaho Statesman, Nov. 4, 1973]

Eardley for Mayor

What kind of community do the people of Boise want? That is the basic issue in next Tuesday's city election. An important issue—directly related—is holding down property taxes.

Our choice for mayor is Dick Eardley. Among the six candidates for that office we believe Mr. Eardley is best qualified to lead the city in the challenging years ahead.

Our view is this: We are growing. That growth imposes added tax costs for schools, streets, sewers and other services.

The community's basic challenge is to guide the growth so that we (1) retain the good living qualities that Boise stands for and (2) hold down the level of property taxes.

If we have both rapid growth and "leapfrog" development (urban sprawl) it will cost added dollars for streets, parks, police and fire protection, sewers, water, power and phones.

Our growth should be guided through fair planning and zoning, representing the interests of Boise's citizens in good living qualities and good residential neighborhoods, and limited taxes.

Instead of the city of Boise, we could become a sprawling carbon copy of numerous California communities—with excessive increases in taxes.

Aside from leapfrog, high-cost growth, another priority is the rebuilding of downtown. Most Boiseans apparently prefer a downtown shopping center.

A proposed West Boise regional shopping center would stimulate further "sprawl." It would reduce living qualities in what is basically a residential area, with increased traffic around schools and other problems. It would leave downtown to develop as an office complex only, or possibly leave it largely undeveloped.

We have not lost much from the tax base in the demolition of old, run-down buildings. But the community can lose if the area is not redeveloped. It has the potential for many times the old tax revenue. All of the developing will be financed with private money—except for the parking structures (which would be paid for with parking revenue).

Penney's is a key to downtown development. A J. C. Penney spokesman says the company will consider the community's sentiments. If the people prefer a vibrant downtown, with both retail shopping and offices, there is no reason we can't have it.

As basic policies we believe city government should:

(1) Work for good living qualities, including transportation, parks and pleasant residential neighborhoods.

(2) Work with Ada County and other cities in the county to plan for the kind of growth that will protect living qualities, and hold down taxes and utility costs.

(3) Support the rebuilding of downtown.

Eardley, a long-time resident, understands the concern of our citizens about good living qualities. He supports cooperative city-county planning to guide growth and hold down costs. He favors the rebuilding of downtown.

His experience on the City Council gives him an advantage. He would not require a learning period of several months to familiarize himself with the nuts and bolts of city government.

Eardley is fair, the kind of person who listens to both sides of an argument. He has proven ability, and he has no self-interest that would conflict with service as mayor.

Louis Keefer has conducted an impressive campaign and spoken out strongly on the issues. He does not have Eardley's experience in city government. While that kind of experience is not so important on the city council with carryover members, it would be very helpful in the mayor's office.

Eardley's record and experience, in our view, also put him ahead of Roger McGinnis.

Frank Batten has strongly supported the Daum center. He discounts the 4–1 majority citizen sentiment at a public hearing opposing it. This is inconsistent for a candidate who says city government should listen to the people.

His criticism of the cooperative planning effort of elected officials in the Ada Council of Government, and of urban renewal, has been based in part on statements that are not factual.

We see planning and zoning as a means of carrying out the wishes of citizens about the development of the community. He seems to see it as undesirable. He seems to speak more for certain developers on this issue than for the people in general.

With five candidates on the ballot, plus a write-in entry, it is possible for a person to win with no more than 30 per cent of the votes. There is no run-off. Every Boise resident of voting age should exercise his right to vote.

THE MIDDLE EAST

Mr. BROCK. Mr. President, it is time to seriously contemplate whether the world, as well as the United States, has learned a valuable lesson.

In the past month, there was another war in the Middle East. That war in itself is bad enough, but, the consequences of it proved to be even further reaching than we perhaps feared in our wildest dreams. For, as that war grew and grew, we, the United States, found ourself in a predicament that could have proved very, very dangerous. The Soviet Union, recognizing how the balance of power has swung around in the Middle East, particularly with the heavy armament that had been supplied the Arab nations by the Soviet Union, decided to play one of its trump cards. And so, we found ourself in a direct diplomatic confrontation with the Soviet Union. Fortunately, President Nixon was quick to act, and that confrontation never progressed.

But, now, we must face the true facts of the entire Middle East situation. We must face the future of war, energy, and the ambitions of the Soviet Union.

Recently, Vermont Royster, writing in the Wall Street Journal, painted a very good picture of the lesson we should learn from this latest war, and the direction in which we should be looking for solutions. I would ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal]

The Middle East

(By Vermont Royster)

The confused fighting in the Middle East, and the tenuous cease-fire have left many things uncertain. No one knows whether the cease-fire will hold, and even if it does, the problem of disentangling the interlocked battle lines would tax the ingenuity of a Solomon.

But there are two things, it seems to me, that are clear enough. One is that the strategic balance in the Middle East has been radically altered. The other is that, as matters now stand, the only potential winner discernible is the Soviet Union.

Certainly the Arabs have no victory; the Syrians are pushed back to the outskirts of Damascus and the Egyptians find a conclave of Israelis on their side of the Suez Canal. Nor have the Israelis won, except in the narrowest tactical sense; they gained only burdens, military and political, which they will have difficulty either carrying or shaking off.

The United States gained nothing. The Soviet Union, however, emerged as potentially the dominant influence over Arabian oil. So long as the Arab countries cling to a policy of "pushing the Israelis into the sea" the Soviet Union can, if it chooses to do so, push the Arabs into closing off the oil because it has the power to turn on or off the supply of arms necessary for that Arab purpose.

That, no doubt, was the Soviet strategic objective all along. At any rate, it was forecast as such as long ago as 1947 by Loy Henderson, then chief of the State Department's Middle Eastern Affairs. Mr. Henderson warned then of the dangers of Soviet penetration which might ultimately give it control of the oil reserves, and in a memo (endorsed by Secretary of Defense Forrestal) raised the possibility that the U.S. "could be forced to convert to four-cylinder cars."

The alteration to the strategic balance from this is global. In peacetime the cutting off of Arabian oil, even if complete, would be no more than an inconvenience to this country. Some gas rationing and fuel oil allocating would make it bearable. Any military action anywhere, however, would bring serious trouble since that would multiply our fuel needs many fold.

Apart from this, though related to it, is the alteration in the military and political balance in the Middle East itself revealed by the latest fighting.

From 1948 until 1973 the assumption of Israel—and most of the rest of the world for that matter—was that Israel was the unrivaled military power among the Middle Eastern nations. There was the feeling that on the battlefield one Israeli was a match for a dozen Arabs, who didn't know how to fight and didn't want to fight anyway.

The record bore this out. In 1948–49 the embryonic nation won its first war against disorganized and inefficient Arab neighbors, repeating in 1956 when Israel won access to the Red Sea through the Strait of Tiran. The Six Day war of 1967 confirmed the assumption when Israel easily crushed Egypt, Syria and Jordan.

That assumption is now blown sky-high. True, the Israelis won victories on the battlefield. But not easily. And at high cost. The Arabs proved that they have learned much about modern war and that the Arab soldier is a respectable fighting man. The Israelis learned there are no more cheap victories.

All this should give the Israeli government pause. Israel is like a city under siege—those behind the ramparts can win battles without winning, the attackers outside can lose many times without losing. The defenders can lose only once.

Thus it is impossible for Israel, a tiny nation, to conquer its neighbors, Egypt, Jordan, Syria and Lebanon. It has neither the resources nor the manpower. No matter how many wars it wins, the enemy will still be there. But for Israel, one defeat spells disaster.

If all this sounds gloomy for Israel, it is not all cheer for the Arab countries either. There is the incontrovertible fact that once more they have joined arms to regain their lost territory and lost even more. Syria has been pushed back from the Golan Heights. Egypt not only failed to regain the Sinai but finds Israeli troops in Egypt proper.

And if the Arab countries are in a position to nurse their wounds and prepare to fight again—and again and again if need be—they are also in a position where they can do so only with the permission of the Soviet Union. Their future actions are governed not by Cairo, Damascus or Amman but by Moscow.

Here, then, a paradox, or at least let us hope so. That is, out of the changed strategic situation there may come, paradoxically, the best hope yet for a settlement in the Middle East—provided that the new situation is clearly recognized.

The Arab choice now is to come to some sort of settlement with Israel, at least recognizing its existence, or to see their countries become nothing more than serfs and pawns of the Soviet Union. In no other way can they continue their policy of trying to drive the Israelis into the sea.

There are signs that Soviet fiefdom is not a welcome choice. Some of the Arab countries stood aloof from this war, others were at best reluctant dragons. While all have been happy with Soviet arms, all are fiercely independent and none—from Sadat to Hussein—wants to be swallowed up by the Russians.

The Israelis, for their part, must also be less intransigent or face a very gloomy future indeed. Not merely another generation of war, but the prospect that one day they will lose one of those wars. The pressure is on them now to deal seriously with the Palestinian problem and be more flexible in settling their borders.

Even the Russians, who have gained more than anybody, have learned that war in the Middle East could bring them to confrontation with the U.S., from which they have nothing more to gain. And the U.S., now more than ever, has a vital interest in intervening for some kind of a viable political settlement.

The big question, of course, is whether the new situation will be recognized. It won't be easy, given the bitterness and emotionalism of the past. But it is imperative that it should be if there is to be any hope at all for peace in the Middle East.

CIGARETTE SMOKING

Mr. MOSS. Mr. President, there are still a number of people in our country—including, I fear, some of my colleagues in the Senate—who refuse to accept the message of the Surgeon General that cigarette smoking is injurious to health, despite his several reports on this matter and those of medical researchers elsewhere in the world. Many still claim there is no causal connection between smoking and health.

A UPI story from Boston appeared in the Washington Post this week reporting a direct causative link between cigarette smoking and arterial thrombosis. The article appeared in the journal Circulation. Because of this added information on the medical results of cigarette smoking, I ask that the news article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Thrombosis Linked to Smoking

BOSTON, November 10.—A Doctor at the Tufts-New England Medical Center has described what he says is a direct causative link between cigarette smoking and arterial thrombosis.

The condition is a primary contributor to heart attack, stroke and peripheral vascular disease.

In an article in the journal Circulation, released Friday, Dr. Peter H. Levine said his research showed that smoking just a single standard filter-tipped cigarette had a "striking effect" on the reactivity of the blood platelets.

Levine said it was the "first plausible mechanism that will allow us to link the inhaling of cigarette smoke with resultant clot formation."

"People have looked for sometime for something that would explain why smokers have so much trouble statistically with clotting," Levine said in an interview. "This is the first good possibility."

Levine, assistant professor of medicine at Tufts University's school of medicine and director of the center hospital's blood coagulation laboratory, conducted a study with the aid of 27 volunteers.

Through a series of tests, Levine established base-line criteria to enable him to identify changes in blood pressure of each donor. Levine's data show changes in blood platelets causing thrombosis after smoking a standard commercial filter cigarette. There was no significant change in those smoking a lettuce leaf tobacco cigarette.

RECENT ARAB CUTBACKS IN OIL PRODUCTION

Mr. FANNIN. Mr. President, I commend to my colleagues an analysis of the implications of the recent Arab cutbacks in oil production which appeared in this month's issue of Petroleum Press Service. It attributes the recent Arab tough-guy tactics to mushrooming energy demands which have made it a sellers' market. In turn the article credits escalation of U.S. demands for energy to "ill-conceived government pricing policies, inadequate incentives to search for fresh natural gas reserves, lagging nuclear power programs and environmentalist legislation of various kinds which had the effect of putting up consumption of oil." Which of those factors stand to be remedied by the provisions of S. 2589? Not a single one.

I ask unanimous consent that this thoughtful and well reasoned analysis be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

October Revolution

The tragic renewal of hostilities in the Middle East has brought extremely serious consequences for oil consumers the world over. The Arab governments implemented their threat to use oil as a political weapon and have started cutting production. Abandoning all pretense at negotiation with oil companies, they have torn up the five-year Teheran and Tripoli agreements and have imposed unprecedented increases in oil prices and taxes. They thus ensure that lower exports will bring greater revenues than ever before. The importing countries now know that they effectively face a cartel of exporters which has the power to restrict supplies of the world's most important source of energy and to hold the consumer to ransom. A complete and urgent reappraisal of energy policies must surely follow this October revolution.

The decision to cut supplies was taken, with some show of reluctance, at a meeting of the Organisation of Arab Petroleum Exporting Countries (OAPEC) in Kuwait on 17th October. It applies to ten Arab countries, of which the most important in the world context are Saudi Arabia, Iraq, Kuwait, Abu Dhabi, Qatar, Libya and Algeria. It does not, of course, directly affect supplies from Venezuela, Iran, Nigeria or Indonesia. Each Arab exporting country has undertaken to cut production from its September level by a minimum of 5 per cent in October and by a further 5 per cent in each subsequent month "until Israeli withdrawal is completed from the whole Arab territories occupied in June 1967 and the legal rights of the Palestinian people are restored". (Five per cent of September's total is over 1 million barrels a day.) Following the lead of Saudi Arabia, several states subsequently announced immediate production cuts of 10 per cent, while the majority banned all oil exports to the United States—some to the Netherlands as well.

CRUDE OIL PRODUCTION

[Thousand barrels per day]

	Jan–June 1972	July–Dec 1972	Jan–June 1973	Sept 1973
Main Arab exporters:				
Saudi Arabia [1]	5, 682	6, 344	7, 456	8, 550
Kuwait [1]	3, 242	3, 331	3, 033	3, 500
Libya	2, 289	2, 113	2, 287	2, 286
Iraq [2]	1, 480	1, 420	1, 880	2, 110
Abu Dhabi	984	1, 124	1, 332	1, 368
Algeria	1, 028	1, 067	1, 093	[2] 1, 100
Qatar	435	529	589	608
Total	15, 140	15, 928	17, 670	19, 522
Other major exporters:				
Iran	4, 858	5, 243	5, 852	5, 828
Venezuela	3, 166	3, 273	3, 351	3, 387
Nigeria	1, 759	1, 875	1, 957	[3] 2, 172
Indonesia	1, 049	1, 107	[2] 1, 250	[2] 1, 400
Total	10, 832	11, 498	12, 410	12, 787

[1] Including the output from the appropriate share of the Saudi Arabia-Kuwait Neutral Zone, partly estimated.

[2] Estimated.

[3] August.

AMBIGUITIES

Since the Kuwait resolutions are ambiguous at certain points there is some uncertainty about the working of the new policy. There is, for example, a vague promise of preferential treatment for "any friendly state which assisted or will assist the Arabs actively and materially", but it is by no means clear who will qualify for this preferential status. What is certainly clear, as explained in a Note on page 410, is that the reduction in output is considerably more serious than was at first thought likely.

Before the OAPEC decisions were taken, roughly one million barrels a day of short-haul exports from the East Mediterranean pipeline terminals had already been lost to the world trade as a result of the fighting (see page 407). Presumably this enforced reduction in supplies from Iraq and Saudi Arabia (as well as from Syria) will be taken into account when the permissible production levels are fixed for the ensuing months—but this again cannot be taken for granted.

Obviously the revolutionary new policy will bite more deeply each month that it remains in force. However, despite the Arabs' avowed intention of using the oil weapon to influence the USA in its policy towards Israel, the main sufferers will not be the Americans. The USA still covers almost two thirds of its oil requirements from domestic production and less than a tenth (including imports of products as well as crude) from Arab countries. Europe on the other hand, has insignificant domestic oil production while 70 to 80 per cent of its imports consist of "Arab" oil. For Japan, the corresponding percentage is 43, though it takes 82 per cent of its imports from the Middle East as a whole.

Of course, the main importing countries have built up their stocks of oil as an insurance against just such a contingency as this, generally to the equivalent of between two and three months' normal requirements. Nevertheless, some of the governments are already taking steps to limit consumption. The desirability of such economy measures is doubly underlined by the realisation of what oil is going to cost from now on.

ESCALATING COSTS

Perhaps more serious from the long-term point of view than the cut-back in supplies is last month's staggering increase in the cost of oil. Negotiations between oil companies and the six Persian Gulf states for a revision of the five-year Teheran agreement had been held in Vienna in early October.

(The agreement, which provided for annual increases in posted prices, was due to run until 1975, but the governments were demanding a revision in view of recent increases in market prices.) Faced with unexpectedly high demands, the companies asked for a fortnight's adjournment, to give them time to work out the detailed implications. The next thing they heard was that the six governments had decided, at a meeting in Kuwait immediately preceding the OAPEC meeting, to scrap the Teheran agreement, abandon negotiations and impose their own ideas on the industry. The governments apparently intend in future to fix posted (tax-reference) prices unilaterally, as Venezuela now does.

POSTED PRICES AND GOVERNMENT TAKE

[Dollars a barrel]

	Posted price		Government take	
	Oct. 1	Oct. 16	Oct. 1	Oct. 16
Arabian light (34°)	3.011	5.119	1.77	3.05
Iranian Light (34°)	2.995	5.091	1.75	3.02
Iraq, Basrah (35°)	2.977	5.061	1.74	3.00
Kuwait (31°)	2.884	4.903	1.71	2.94
Abu Dhabi, Murban (39°)	3.084	6.045	1.82	3.58
Qatar, Dukham (40°)	3.143	5.343	1.81	3.15
Libya (40°)	4.604	8.925	2.83	5.45

The increases decreed, effective 16th October, were unprecedented in size—of the order of 70 per cent or more. Typical examples are shown in the accompanying table, though this does not in all cases take account of sulphur premiums, which are left to individual governments. Thus the posted price of Arabian light crude goes up from $3.011 to $5.119 a barrel, Kuwait from $2.884 to $4.903 and Abu Dhabi Murban (which now includes a low-sulphur premium of no less than 70 cents) from $3.084 to as much as $6.045 a barrel. The resulting increases in government take (12½ per cent expensed royalty plus 55 per cent so-called profits tax) are of the order of 70 to 95 per cent, bringing the per-barrel revenue to around $3 for most of the Gulf exporters and to more than $3.50 for Abu Dhabi.

It was not long before the Libyans followed the example of the Gulf states, and in their case the increases are even more startling since the freight advantage enjoyed by Libyan crude over Gulf crudes in European markets has been greatly widened by the boom in tanker freight rates. The Libyan posting goes up from $4.604 to no less than $8.925 a barrel, including a low-sulphur premium of $1.336, a "Suez Canal" element of $0.152 and a freight premium of $0.458. In consequence, the government's take almost doubles, from about $2.83 to $5.45 a barrel. Algeria immediately followed this lead, while Venezuela, according to its recent practice, raised tax reference prices 56 per cent from 1st November. Before long, Indonesia must be expected to announce correspondingly higher prices for its much-sought-after crudes.

It goes without saying that these huge increases of host government revenues will impose heavy financial burdens on the importing countries. The latest increases in the cost of Persian Gulf crudes ($1.25 to $1.80 a barrel) are equivalent to an extra £3.75–£4.75 a ton—and for short-haul crudes it is much greater. Taking the UK as an example, the higher cost of oil imports (over 100 million tons a year) will impose an additional burden of over £400 million annually on the country's hard-pressed balance of payments. The other industrialised countries will be similarly affected, and the rise in oil prices will make it more difficult for them to control inflation. But they may at least hope to see some countervailing improvement in their export earnings in so far as the OPEC countries spend their extra revenues on manufactured goods. The unfortunate under-developed countries which import the bulk of their oil will have no such consolation. This level of energy prices will strike a cruel blow at their standard of living and their economic prospects.

JUSTIFICATION

The Gulf states justified their preemptory demand for a revision of the Teheran agreement on the grounds that the traditional margin between posted prices and market prices had been eroded in recent months—to the point at which it disappeared altogether in some cases. The rise in the market price is partly accounted for by the disruption of normal trading relations following the participation agreements; and it was the high prices obtainable by state companies for participation crude—equivalent to only about 2½ per cent of Middle East production—that whetted the appetites of host governments. At the Kuwait meeting they apparently decided, quite arbitrarily, that the going price for (*e.g.*) Arabian light crude ought now to be $3.65 a barrel or 17 per cent above the highest price recently paid; and that the posted price ought to be 40 per cent above the market price, as they claim it was at the time of the Teheran agreement in February 1971. Hence the new posting of $5.119 for Arabian light crude.

This argument has alarming implications for buyers of oil. Most of the free world's crude oil is still refined and marketed through integrated companies and is valued on the basis of tax-paid cost—*i.e.* cost of production plus total government take. The free market in crude oil is a narrow one, so that the so-called market price relates only to marginal transactions. It is true that boom conditions have prevailed on the free market for much of this year, partly because there has been a rush of buyers seeking to safeguard their supply position in face of Arab threats to use the oil weapon. The very fact that governments of the exporting countries are now grabbing a much larger revenue per barrel will itself tend to put up the market price, since it is obvious that no commercial supplier can afford to offer oil for less than tax-paid cost plus a reasonable margin of profit. If posted prices are now to be maintained at a level 40 per cent above the highest market price paid for marginal quantities of crude—a price dictated in all probability by a government seller—buyers would seem to face the prospect of endless escalation.

There is, moreover, a disturbing prospect of "leapfrogging" claims by host governments. Venezuela and Indonesia have, it is true, lately been fixing prices for their oils without consultation with oil companies. But they have, broadly speaking, valued their crudes on the basis of Persian Gulf postings plus freight—and the Teheran agreement had introduced a strong element of stability into Persian Gulf prices. With the scrapping of that agreement, this element of stability has disappeared. Unless the power of the OPEC cartel is weakened by action from the importers' side, it is difficult to foresee where the process of price escalation will end.

IMPLICATIONS FOR IMPORTERS

However temporary the production cuts may turn out to be, the October revolution will surely convince the importing countries that something must be done to loosen OPEC's stranglehold on oil supplies and prices. Perhaps a preliminary step is to realize that there is a sense in which the importing countries are themselves partly responsible for their present predicament.

The fact is that all the substantial concessions won by OPEC in the last few years—the Teheran and Tripoli price agreements of 1971, the first and second Geneva agreements of 1972 and 1973, and the far-reaching and costly participation deals—were made possible because oil had become a seller's market. It had become a seller's market because demand in the main consuming countries was expanding rapidly, not only because booming economies consumed ever-increasing quantities of energy, but because of ill-conceived government pricing policies, especially in the USA, inadequate incentives to search for fresh natural gas reserves, lagging nuclear power programmes and environmentalist legislation of various kinds which had the effect of putting up the consumption of oil. This was the very time when crude oil production in the USA began to flatten out and decline.

In the past year or so, exaggerated talk of an energy crisis—in effect, anticipating problems that may not become pressing for another decade or so—has greatly strengthened the bargaining power of the Arab states. It looks so though many buyers of oil, at various levels, took fright this summer and decided to build up their stocks in anticipation of winter shortages and possible interruptions in supplies. By acting on this decision they have, in a strictly short-term sense, created the very shortage they feared. Oil prices soared and the tanker markets boomed.

In the immediate situation in which the importing countries now find themselves, their only defence against OPEC demands—apart from joint political action, which they seem reluctant to undertake—is strict economy in consumption. Of course the rise in prices, when it has its full impact on the consumer, will itself provide a powerful incentive to economize. But it may not act quickly enough, especially in some sectors—e.g. private motoring. Some European governments are already in consultation with industrialists about direct economies and a number are apparently preparing to introduce gasoline rationing. They should press on with these plans, even if there is an expectation that the *production* cuts will be short-lived.

In this connection a heavy responsibility rests on the American people, first because they account for almost two-fifths of free world oil consumption, secondly because they are reckoning on becoming much more heavily dependent on Middle East oil in the next few years, and thirdly because they have such an abundance of alternative sources of energy at their disposal. As was pointed out in a recent study by the Oil Policy Committee, there is a very considerable scope for saving fuel in that country by such comparatively painless methods as slightly reducing room temperatures in houses and offices, cutting out unnecessary motoring, driving at slower speeds, and eliminating little-used aircraft services. Similar, though much smaller, savings could be effected in Europe and to a lesser extent in Japan, if there were sufficient will to do so.

In the longer term, the events of the past month will give yet another fillip to the search for oil and gas in areas outside the OPEC sphere, and to the speedier development of resources already located. The production of alternative liquid and gaseous fuels from coal, shales, tar-sands, etc., will also be stimulated by the steep rise in the cost of oil and the overhanging threat of renewed export bans by Arab governments. All these developments, together with the speeding up of nuclear power programmes and of research into new forms of energy, will of course require large-scale capital investment. But the investment will be directed towards objectives that are both urgent and vital.

The OPEC governments did more last month than tear up contractual agreements, line their own pockets and indulge in political blackmail. They forced upon the rest of the free world the urgent question whether it is tolerable that the energy supplies which are indispensable to modern ways of life should in the future be subject to the will of a small group of exporting countries.

NOW MORE THAN EVER

Mr. HARTKE. Mr. President, it was my great honor to be invited to speak last August to the Veterans of Foreign Wars of the United States in New Orleans on the occasion of their Diamond Anniversary Year National Convention. In its past 75 years, the VFW has always been in the vanguard of efforts to aid our Nation's veterans and their dependents and to fight for adequate compensation for their service to America.

The VFW is presently alerting all veterans and the Congress of what appears to be invidious attempts by certain individuals in the executive branch to emasculate and eventually destroy the Veterans' Administration, especially the hospital system.

The newly elected commander in chief of the VFW, Ray R. Soden in his speech to the VFW delegates resoundingly emphasized the reality of this threat and the necessity for a united stance by all veterans to block any moves to carry out this effort.

Mr. President, Ray Soden is the first commander in chief of the VFW from Illinois, which borders on the west a State for which I have a most special affection. During World War II, he served in the Navy and was awarded seven battle stars and two Presidential Unit Citations. Since his discharge, Ray Soden has contributed tirelessly and unselfishly to his community and to the VFW. Dedicated men and women like Ray Soden have made the VFW the great organization it is today. Its membership continues to soar upward each year, nearly 2 million strong.

Commander Soden has called on all veterans to support the Veterans' Administration Accountability Act of 1973, S. 1076, which I introduced this session. This bill would insure that important decisions affecting America's veterans will not be made without the knowledge and approval of the elected Representatives of the public. This includes such important decisions such as changes in the rating schedule for disabled veterans or the closing of any hospital or regional office. Notice of any such action must first be submitted to the Congress before any implementation. If either House within 90 days resolves that such an action is unwise or unwarranted, the proposed changes must be abandoned.

I am pleased that the VFW and its distinguished new commander in chief are vigorously fighting for enactment of this measure.

Mr. President, I ask unanimous consent that excerpts of Commander Soden's speech before the National Convention of the VFW be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NOW MORE THAN EVER

Following are excerpts from the acceptance speech of Ray R. Soden who was elected and installed as Commander-in-Chief of the Veterans of Foreign Wars of the United States on Friday, Aug. 24, at its 74th annual National Convention in New Orleans, La.

Thank you, my comrades, from the bottom of my heart, for the great honor you have bestowed on me in this convention hall today . . .

I am both proud and humble at the opportunity to serve this great organization, America's veterans and the nation we all love and cherish . . .

I confess that I am overcome with emotion, but I do not exaggerate the importance of the V.F.W. There has never been another organization which has contributed so much to the security of a nation or the welfare of its people over such a long period of time—anywhere in the world.

As you know, I have selected the theme, "Now More Than Ever" to be our standard during the coming year. It is my sincere opinion, in choosing that motto, that our organization, its members, our Ladies Auxiliary and its members, are needed by the America we love now more than ever before in the long history of this nation.

Our active participation in the long drawn-out war in Southeast Asia finally ended. We no longer send our young men to die in a war they were not permitted to win. But we have just begun to reap the whirlwind of costs and recrimination engendered by the adverse factions which grew out of that unpopular conflict.

Today there are more veterans in the nation than at any time in our history—over 29 million. Together with their families veterans total approximately 100 million persons—or about one-half of our national population. More than 6 million of these veterans are young men from the Vietnam era.

We in the V.F.W. are dedicated to the service of all these veterans, and to their families, according to their own individual needs. This is an obligation we assume gladly when we take the oath of membership. It is a continuing obligation which is reflected again and again in the national mandates which come out of our National Conventions. I assure you that I, as your Commander-in-Chief, will be bound by those mandates, and work always to achieve their purpose. There can be no doubt as to the course we must follow.

The cornerstone of all service to veterans is hospitalization, competent medical care, adequate compensation for the wounded and disabled while on active duty and our aging veterans.

Dependency and indemnity compensation for the widows and orphans of veterans killed in action, or while on active duty, rests squarely upon this cornerstone.

Education, job training, home and business loans, job preference and effective assistance in finding worthwhile employment complete the foundation of our obligation.

Going up and spreading out in all directions from the foundation are all of the other services we render to ourselves, our local communities and to the nation.

It will be my principle goal this year to see that Congress favorably considers and enacts legislation which assures the Vietnam veteran of receiving readjustment assistance comparable in every way to the assistance authorized for our Korean and World War II comrades.

We shall renew our efforts to improve the lot of World War I veterans through special emphasis on legislation in their behalf.

We shall persist in our efforts to restore Veterans Day to its traditional date of Nov. 11.

I propose to take an immediate look at what has been done to determine the fate of our Vietnam veterans who are still missing in action—to do everything within my power to correct any deficiency of effort that may be apparent in this inquiry.

We shall continue to oppose any and all efforts to induce the Administration or Congress to grant a general amnesty to draft dodgers and deserters.

We must all go to work immediately in the halls of Congress and with our Congressional representatives in every state if we are to be successful in stopping the growing campaign to destroy veterans programs and benefits as we know them. Now, as never before, veterans benefits are in jeopardy.

Pensions for all veterans are under serious attack. The Veterans Administration has sent to Congress a proposal which the VA has characterized as a "reform" of the Veterans pension program. A close inspection of this "reform" reveals that if it is approved by Congress it will just about end the VA pension program as we know it.

In fact, if this "reform" pension proposal were applied to current veterans, almost three-fourths of them would lose their VA pensions. Nor is this just a vague possibility. It is before Congress, under active consideration, this very day.

An even more serious threat is directed at the 168 VA hospitals and its nation-wide system of medical care which provides health care to hundreds of thousands of wounded, disabled and sick veterans. If and when a national health insurance program is adopted there is already a definite plan to divert these hospitals and their care to that program.

This you may be certain of: I, as your Commander-in-Chief, and all of us in responsible positions of leadership in the V.F.W. will fight to the last ditch any and all attempts to wreck the VA hospital system.

VA hospitals were authorized and built for the exclusive care of America's veterans. Congress appropriates the money each year to operate those hospitals—and it is Congress which has the power to mandate quality care for veterans in those hospitals. Now, as never before, each of us must flood Congress with letters demanding the retention and continued support of those hospitals as veterans hospitals in the VA.

It is not always easy to ascertain when and by whom secret attacks are being made on veterans benefits. The strategy of anti-veteran leaders and planners takes many devious forms. They admit nothing and publicly disclaim their efforts to dismantle the VA hospital system, but they continue their efforts to destroy it.

There can be no doubt that the biggest enemy of the VA hospital system and of veterans benefits in general is the Office of Management and Budget (OMB). For many years that soulless Administration entity and its predecessor Bureau of the Budget have been cutting VA hospital budgets by prohibiting the VA from taking care of many veterans who seek and need hospital care.

To keep within a reduced budget, the VA has resorted to arbitrarily denying veterans admission to VA hospitals, misrepresenting statistics to Congress and our V.F.W. representatives in Washington and permissively watching the quality of care deteriorate without once asking Congress for the money it knows it must have to provide the quality care to which veterans are entitled.

OMB has even stooped to having money specifically authorized by Congress—over $100 million last year—withheld or impounded.

But this is not the only threat we must be alert to. In addition to pending national health insurance bills, the Administration is presently considering its own national health plan. This plan, if adopted, would end care in VA hospitals for all veterans with non-service connected conditions. This plan also recommends that all so-called surplus VA hospitals be sold—and it is this very minute before the Secretary of Health, Education and Welfare for approval. That gentleman is Mr. Caspar Weinberger, the former head of OMB.

Another threat to the VA hospital system lies in several bills before Congress which propose a Department of Health. This too would take over the extensive and successful VA hospital system.

Now, my comrades, now more than ever, we must go to work in earnest to defeat this campaign against the American veteran. Tomorrow will be too late.

Fortunately some bills are pending in Congress which we call the VA Accountability Act. If passed, these bills will require prior approval of Congress before the VA can close a VA regional office, a VA hospital or reduce a veteran's service-connected disability compensation payment.

Two bills which would carry out a V.F.W. mandate in this regard are H.R. 5498, by Rep. William Jennings Bryan Dorn, Chairman, House Committee on Veterans Affairs, and S. 1076, by Senator Vance Hartke, Chairman, Senate Committee on Veterans Affairs.

I call upon each of you in this Convention hall, and on every member of the V.F.W. everywhere, to support these bills now—now more than ever, we need your all-out active support. The real fight for veterans rights and benefits and for the survival of the VA is here—Now.

JOBS FOR VETERANS PROGRAM

Mr. THURMOND. Mr. President, on Wednesday, October 24, the National Committee, Jobs for Veterans, in cooperation with other government and private committees and agencies concerned with veterans, sponsored an Information Day in the Capitol for the benefit of Congress. Over 200 Members of the House and Senate, or a staff representative, visited the event in the course of the day. Those who attended received up-to-date information on how the laws passed by Congress benefit the veteran at the local level.

Mr. James F. Oates, Jr., chairman of Jobs for Veterans, was on hand to thank Senators and Congressmen for their efforts on behalf of our exservicemen. A former head of the Equitable Life Assurance Society of the United States, Mr. Oates has compiled a distinguished record of civic involvement and community service, particularly in the area of minority group employment.

Also present to meet the Members of Congress were two former POW's—Navy Lt. Cmdrs. Bill Metzger and Charlie Plumb. Representing active duty personnel of the Armed Forces were S/Sgt. Lillian Callaghan, U.S. Army; CPO Mindy L. Lane, U.S. Navy; Capt. Rosalynn R. Knapp, U.S.A.F.; Sgt. Betty Sarahan, U.S.M.C.

Government agencies involved were represented by Dr. Theodore C. Marrs, Deputy Assistant Secretary of Defense for Reserve Affairs; Assistant Secretary of Commerce for Domestic and International Business Tilton H. Dobbin; Administrator Donald E. Johnson of the Veterans' Administration; and Secretary of Labor Peter J. Brennan.

The event was coordinated by former Congressman Bill Ayres, currently special assistant to Chairman Oates.

Since late 1970, the National Committee, Jobs for Veterans has been actively seeking to improve employment and training opportunities for all former servicemen—most particularly Vietnam veterans. Through the support of an advisory committee made up of 120 leaders from both the public and private sectors, this organization has spearheaded a nationwide campaign to emphasize the marketable skills and assets which veterans offer to employers.

A small National Committee staff was organized to conduct the daily business and develop and promote programs in support of Jobs for Veterans. It is composed primarily of representatives of the four major government agencies charged with the President's veterans program: Departments of Labor, Defense, Commerce and the Veterans' Administration. Through daily contact, the representatives of these departments insure that programs and problems receive top level consideration. This staff, with the support of state and local task forces, employment service offices, National Alliance of Businessmen offices, and veterans organizations, has encouraged public and private employers across the country to seek out and hire veterans.

Mr. President, I believe the National Committee, Jobs for Veterans, has done an outstanding job. Over 31 States and more than 490 communities have established Jobs for Veterans task forces composed of government, business, civic, and veteran organization leaders who provide an important linkage between jobs, training programs, and veterans.

More than 500 job fairs, where veterans and employers are brought together for mutual discussion of common problems and interests, have been held throughout the Nation in the course of the last 3 years. Thousands of veterans have been hired by this means alone.

Today there are over 6,500,000 Vietnam era veterans who have been discharged from the Armed Forces since August 4, 1964. More than 3,000,000 of these have received educational or skills training under the current GI bill. However, Mr. President, the unfortunate fact remains that almost a quarter of a million young veterans between ages 20 to 34 are still unemployed.

As the military services continue releasing men and women from active duty at a rate of 45,000 per month, we must make a concerted effort to see that our young veterans are able to take their rightful place in the mainstream of our economic system.

Mr. President, I am pleased to call to the attention of the Senate the good work being done by the National Committee, Jobs for Veterans, on behalf of our veterans.

CRISIS IN AGRICULTURE

Mr. BENTSEN. Mr. President, it seems that recently this country has moved from crisis to crisis, with few solutions in sight. However, there is currently an administrative crisis facing American agriculture that can and must be corrected immediately for the benefit of both the American farmer and the American consumer.

The operation of the mandatory fuel allocation program for diesel fuel published in the Federal Register on October 24 of this year, has resulted in a critical, artificial shortage of fuel for agriculture use. For that reason, I strongly urge that agriculture be granted a 90-day exemption from the program.

The program as now written contains strong penalties for the violation of its procedures and because of poor administration and vague guidelines, these penalties are effectively preventing the oil companies from supplying available diesel fuel to the farmers in Texas. The oil companies, on strong advice from their attorneys, are afraid to act for fear of violating the October 24 guidelines. I have many documented examples of diesel suppliers who have diesel in their storage tanks and are afraid to sell even to their oldest customers. This is a ridiculous situation which has gone far beyond humor, because a great majority of our farm tractors depend on diesel fuel.

An example of how this program is being poorly administered is the fact that the allocation provisions of the program are based on the equivalent month's consumption in 1972. This is a completely unworkable provision when applied to agriculture in my State. In Texas, as in many of the farm States, heavy rains substantially reduced the consumption of diesel fuel during the months of November and December of last year. This results in farmers having little or no history of diesel purchases in what is considered the base months for the purposes of allocation.

In an attempt to meet this problem of no history, the Office of Oil and Gas has issued statements since the October 24 regulations stating that diesel suppliers can adjust their monthly allocations within their total year's supplies. However, Adm. Riech, whom the President has now placed in charge of the allocation program, could not guarantee that these statements would start diesel flowing to our farmers. Nor was he able to give any assurances that the statements would serve as a legal defense against a claim of violation of the program.

Yesterday, when Admiral Riech met with the House Committee on Agriculture he and other members of his staff refused to modify the present program in any way. They also testified that agricultural use of middle distillant fuels, of which diesel is included, is only 3 percent of the total U.S. consumption of these fuels. Since agricultural use is such a small percentage of total consumption, agriculture can certainly be exempted for 90-days without doing harm to the allocation program. This exemption is the only solution to this crisis if these administrators continue to refuse to correct the inequities of their program and issue regulations upon which suppliers can rely.

The 90-day exemption which I am calling for will also give the Office of Oil and Gas badly needed time to better refine the administration of this program. Testimony yesterday revealed that the Office of Oil and Gas has only one-third the personnel necessary to properly run the allocation program. This situation is clearly reflected by the fact that the allocation office in Denton, Tex., has communicated to me that they had been ordered by Washington to accept no further complaints of fuel shortages; yet yesterday's testimony placed great emphasis on the fact that the Denton office has full authority to accept and process complaints.

The Denton office is now refusing to help and is telling those farmers who call to get in touch with the Office of Oil and Gas in Houston. Yet I know of one farmer who stood in a phone booth for over 3 hours before he could get someone to answer his call to Houston. When the call was finally answered, the farmer was advised that he could not be assisted until he filled out certain forms which were not yet available. Clearly this is administrative mismanagement which perhaps time can correct, but the farmers who are facing the dramatic deadlines of a rapidly approaching winter cannot wait for this time to pass. Mr. President, this is basic—we are talking about this Nation's food supply. A 90-day exemption for agriculture is the necessary, immediate answer.

Mr. President, the American consumer, worried by the recent dramatic rise in food prices, must not be forced to accept a delay or reduction in this country's agricultural production. However, without a 90-day exemption from the middle distillant allocation program, our farmers will continue to go without the fuel necessary to accomplish the production effort they have been called on to make.

The situation is critical and immediate action is dramatically necessary. I have communicated this request to Gov. John Love. I hope that my colleagues will join me in this effort.

EXCESS FEDERAL SPENDING AND INFLATION

Mr. BROCK. Mr. President, perhaps the greatest problem facing the Congress and the people of this great Nation at this moment is the cancerous inflation that continues to go unchecked. We have tried controls, and more controls, and they are not working. In fact, it seems with every control, inflation continues more rampant.

A large portion of that problem can be attributed directly to one item, excess Federal spending.

We must have reform, reform that is meaningful if we are to solve this huge budget undertaking that we face each year.

At this moment, action has been taken to at least initiate a beginning in solving these problems. The Senate Government Operations Committee has just voted out a budget reform measure. It passed out of the committee by unanimous consent. It is a good bill and I am excited about the possibility of its quick passage.

But, we must remember that at this moment, we still have no way to determine how much we are spending, and on what, with accuracy. We still have no way to set priorities on our budget. We still have no watchdog committees to control waste. We still have absolutely no structure that will give the Congress a firm grasp on the budget. And we still have inflation.

There is an answer, and I think we have it in the budget reform measure. But, we are fast approaching the end of the session, and we must have action before it is over on this measure.

Two excellent illustrations of this dilemma were prepared by Paul Hope of the Washington Star-News, and by David S. Broder of the Washington Post.

I would ask unanimous consent that the articles by Mr. Hope and Mr. Broder be printed in the RECORD, to again call to our attention the duties that we must perform, and perform now.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BUDGET CONTROL LEGISLATION BOGS DOWN

(By Paul Hope)

Budget control legislation that was high on the congressional priority list in January is slogging along to an uncertain fate.

Prompted by recent complaints that no one seems to be giving the matter much serious consideration, there have been some stirrings the past several days in the House and Senate.

But unless a good deal of speed is developed, Congress might go home for the holidays with the legislation still bogged down.

Budget control legislation grew out of the hassle between Congress and the White House over which has final control over the nation's pursestrings. It was fueled by presidential money impoundments, vetoes and threats of vetoes of spending bills, and differences over spending priorities.

There was a good deal of self-blame in the halls of Congress for the state or affairs seemingly gave the White House the upper hand. Senators and House members thought they would be in a better position to take on the President if they put their own budgetary procedures in order.

Things seemed to be moving along well at first but then got bogged down. Sen. Lee Metcalf, D-Mont., complained on the floor of the Senate the other day that "congressional budget control—which was at the top of everyone's list at the beginning of the session—seemed to have been forgotten."

"The challenge to Congress to get control of the nation's budget and its fiscal policy is even more critical today than it was eight months ago," he said. "Have we become so preoccupied with Watergate and wheat deals that we have gotten off the track in promoting our constitutional role over the financial priorities of the nation?"

Congress took a major step toward getting its haphazard appropriation procedures together by authorizing in late 1972 formation of a joint study committee on budget control. The committee issued its final report last April and bills were introduced in the House and the Senate to implement its recommendations.

Public hearings were held in April and May by a subcommittee of the Senate Committee on Government Operations. It presented a bill to the full committee, but its chairman, Sam Ervin, D-N.C., had his hands full with the Watergate investigation.

Following complaints that time is running out for this year's session, Ervin scheduled meetings of the Government Operations Committee for Oct. 1, 5 and 8 to work on a bill to send to the Senate floor.

The House Rules Committee completed its hearings last week but there is no indication yet when it might have a bill completed for House action.

There are predictions that bills will reach the floor of both the House and the Senate before adjournment. But few observers believe there will be a determination this year on final legislation.

What congressional leaders want to do is set up a mechanism for taking an over-all look at spending. As things now stand, appropriation bills get spread out all over the lot.

Hearings have shown what a complex business it is in Congress to set budget limits and then find some way to meet them when each of the 535 House and Senate members has his own idea of what programs deserve to be funded.

Legislation proposed by the study committee set up last year has drawn much criticism, particularly from liberal congressmen.

The legislation would set up budget committees in the House and Senate and establish a joint staff to operate for Congress in the manner of the executive branch's Office of Budget and Management.

It would require the committee to recommend budget ceilings early in the year and map out priorities for spending. A final budget ceiling would be set later and spending bills would be required to fit within the limits set.

Two major objections to this developed. First, the liberals argued that the makeup of the budget committees, as recommended by the joint study group, would be overloaded with conservative members from the appropriations committees of the two houses, the Senate Finance Committee and the House Ways and Means Committee.

As recommended by the study group, two-thirds of the budget committee memberships would have come from those committees while one-third would come from other legislative committees.

There was some give on this in the Senate bill, and sponsors of the House bill also have agreed to changes. The Senate bill provides for the selection of the budget committees from the entire membership of the Senate and House, in the manner that each body selects members of other committees.

The second major objection is that setting budget ceilings early in the year is too inflexible an arrangement, even though it is not finalized until later.

The Senate bill would require the president to submit his budget on Nov. 15 instead of Jan. 20. It would require the budget committees to recommend spending ceilings by March 1, to be followed by a concurrent resolution of the Senate and House fixing the preliminary ceilings by April 15. Final action would come in September, when both houses presumably would be in a position to take an over-all look at the spending picture.

Rep. David Obey, D-Wis., chairman of a Democratic Study Group budget task force, contends that it won't work and that adoption of such a procedure would "set budget reform work back 10 years."

He contended that the requirement to set a ceiling early in the year means that Congress will go along with the ceiling recommended by the president or even try to underbid him.

"It would set ceilings before anyone knows what's going to happen to the economy. It would lock things in before anyone had a chance to decide what the priorities should be," he said.

Obey and a good many other members of the Democratic Study Group, which is a coalition of Democratic moderates and liberals, also would object to setting up a "super committee"—the budget committee—on top of the existing committee structure.

"Frankly, I don't think there is a need for a bill this year," Obey said. "We should wait until next year."

Some reform-minded House members argue that revamping the budget process should be part of an over-all reform of the way Congress does business.

But Rep. John B. Anderson, R-Ill., chairman of the House Republican Conference, who is one of those pressing for budget reform, said there is a "reasonable chance" for getting a bill through the House this year.

Anderson extracted a promise from the Democratic leadership to press for legislation before adjournment, which is expected to be sometime in November.

At the same time, he acknowledged the fears of liberals that conservatives might get the upper hand on the budget committees and the fears about early establishment of spending priorities.

"It's going to be tough. It's going to be a race down to the wire," he said.

Trouble also is brewing in the Senate. Several members of the subcommittee that sent the proposed bill to the full committee on government operations object to some of its features.

Sen. Edmund Muskie, D-Maine, was among those complaining that the measure is too complex and rigid and would not give Congress time enough to weigh priorities before budget ceilings are set.

"Do we just freeze that in concrete before the appropriate committees of Congress have had a chance to take a look at it?" he asked.

But most members of Congress seem to think that something should be done, and Sen. Metcalf said on the floor that it ought to be done before the 1974 congressional elections.

"People will continue to be mystified and annoyed by the antics of the Nixon administration—as well they should be—but it is not the executive branch which will be running for office in 1974," he said. "Members of Congress will be asked: What have you done to put your own house in order to assure a national budgetary policy and a healthy economy?

"We deplore executive impoundments and other fiscal manipulations, but thus far in this session we have done nothing . . . to solve the basic problems which the President claims justify his actions. Indeed, we put the cart before the horse by pushing as a priority matter an anti-impoundment measure without a modest attempt at a realistic budget ceiling on expenditures."

Budget Battle, Revisited

(By David S. Broder)

On both sides of Capitol Hill last week, men were struggling with a problem as important in its consequences as any the Congress will face this year. It is the problem of equipping the Congress with a mechanism for handling the federal budget.

Let it be said, at the outset, that it is a terribly difficult task. There is no quick, easy answer to the question of how Congress can evaluate and balance the claims of thousands of ongoing agencies and programs against the needs of the country and the requirements of sound economic policy, in a fashion that protects the rights of 535 individual representatives and senators, and yet permits them to make an intelligent collective judgment.

Nor is this simply a challenging intellectual problem. It is, at heart, a question of power—the power of the purse. The process of negotiating the sharing of that power by those who now enjoy disproportionate influence over money matters in Congress involves exquisitely intricate politics.

But solving the problem is important to the national interest. At present, members of Congress deal piecemeal with the appropriations bills (which control a declining fraction of federal spending) and never have an opportunity to assess the overall impact of their fiscal decisions. The result has been a history of deficits, a habit of delayed decisions which cause administrative chaos, and, of course, a transfer of real budgetary decision-making power from Congress to an already powerful President.

It was the dramatic evidence of that shift of power, symbolized by Mr. Nixon's bold use of impoundments to halt congressionally-mandated programs, that last winter spurred Congress' sudden interest in reform of the budgetary process. Since then, some 40 to 50 of the ablest members of the House and Senate in both parties have been struggling with the problem. They have not yet resolved their own differences on substantive procedural issues, but they have managed to bring the problem close to the point of decision. The House Rules Committee and the Senate Government Operations Committee are actively trying to draft legislation for floor consideration.

Yet, the leaders of the budget-reform battle talk with varying degrees of discouragement about the prospects for action this year. Estimates of its chances range from 50–50 downward.

Interestingly, many of the legislators say their cause has been damaged by Watergate. Public attention has been diverted from the Battle of the Budget, which was Topic A in Washington for the first three months of the year, to the more compelling dramas of Nixon, Agnew, Haldeman, Ehrlichman and Mitchell.

At the same time, the weakening of the President's position since March has reduced the pressure on Congress to put its own fiscal house in order. Whatever the constitutionality of those impoundments of last winter, they provided a powerful catalyst for congressional budgetary reform. Now, with members thinking Mr. Nixon has been cut down to size, there's a natural tendency for Congress to revert to the status quo, which allows members to wangle what they want for their own districts without having to take responsibility for adding up the cost to the country.

Finally, Watergate has interfered with reform of the budget process by diverting the time and energy of certain key members of Congress. For example the Government Operations Committee can meet on the bill only on Mondays and Fridays this month, because it's chairman, Sen. Sam Ervin (D-N.C.), must preside at the Watergate hearings Tuesday through Thursday. Keeping enough senators on the premises to make a committee quorum on Monday and Friday is very tough.

In a real sense, then, the budget reform bills may provide the best test of the President's contention that Watergate has diverted Congress from "the people's business." As a generalization, that argument is suspect. But budget reform is an important item of the people's business, and it remains to be seen whether Congress will act on it this year.

The senators and representatives who have been grappling with the problem have given the effort their dead level best. There has been ample time for consideration of the merits and demerits of various solutions. Now, as the session draws to a close, it is a fair test of the democratic leadership—of Speaker Carl Albert and Sen. Mike Mansfield—to see to it that the opportunity for this essential reform is not lost.

FEDERAL REGULATION OF TRANSPORTATION

Mr. HARTKE. Mr. President, in recent months there has been extensive discussion of the appropriate role for the Federal Government in regulation of transportation. There is growing interest within the administration and the Department of Transportation for total deregulation of all transportation modes. It is important that all of us in Congress give serious thought to the future of a U.S. national transportation system. The transportation industry is crucial to the national welfare and poses some of the most difficult and complex economic issues of our day. As Congress sets about deciding the future course of Federal transportation policy, it is important that we weigh seriously and thoughtfully all proposals for changes in Federal transportation law. Mr. President, for this reason, I ask unanimous consent that the comments of Mr. John Creedy, president, Water Transport Association, be printed in the Record for the benefit of all Members.

There being no objection, the comments were ordered to be printed in the Record, as follows:

The Curve at the Horizon

(Remarks of John A. Creedy)

We've been on this deregulation debate for so long now that we urgently need to explore why the minds don't meet. Perfectly intelligent people in the DOT are urging one approach and almost the entire transportation industry—truckers, water carriers and railroads—either don't want it, don't think they need it or think it would create chaos. Shippers, on the whole, are not very excited about it, except for some few very large shippers.

It is a big jump to expect anyone to deal rationally with a problem, particularly an economic problem, but we know each other well enough, after so many years of these panels, at least to try.

Where there is a basic failure to mesh the views of people of good will, one looks for clues. I've noticed one thing. When we get into a real discussion on this subject and get as far as questioning first principles, those arguing for deregulation get excited. The eyes fill, the voices get louder and one begins to hear statements such as "it is self-evident" or "the fact is" on issues which are not at all evident and on which the facts are not at all clear.

Aristotle got the same sort of reaction when he suggested that the world was round and not flat. Other people probably noticed that the curve of the horizon was hard to reconcile with the flatness dogma. But not until the 15th century did the whole structure of thinking on the flatness of the earth come apart.

I think we're up against something like that in this argument. Established wisdom seems to be saying that the world is flat and those of us in the water carrier and trucking industries who say it is round are being denounced. In ancient times, people were burned at the stake for less.

The basic proposition is that railroads should be allowed to reduce their rates to variable cost at will without any meaningful interference by government because, it is argued, this leads to the most efficient allocation of resources. This proposition is said to be blessed by leading economic theorists.

It is fully conceded that this type of pricing means that some rates will be far higher than variable cost, indeed well above full cost, to make up for the rates at or slightly above variable cost.

This means that there will be discriminatory pricing even on the same commodity and we know that discriminatory pricing is used to achieve monopoly and that discrimination flies in the face of any theory of healthy competition. Faced with that dilemma, proponents of deregulation begin saying that perhaps the nation's anti-monopoly policy prohibiting price discrimination must be wrong.

Does economic theory necessarily lead to forsaking anything so well established as the anti-monopoly policy on discrimination in pricing? Can vigorous competition—which no one can object to—be achieved without undermining our policy on discrimination? I think so.

What does economic theory say? It says that when price is forced down to marginal cost, under conditions of perfect competition, resources are most efficiently allocated.

That's the theoretical model and, like all models, it involves certain assumptions. When these assumptions are fulfilled, we have a neat circle and the theory proves itself. When they are not fulfilled, the theory doesn't work at all.

That should be no surpise to anyone.

There are three main assumptions. The first is that there must be complete mobility of capital—anyone can liquidate his capital and move in and out of the business without any restraint. We know that isn't true of transportation. Those who most want to get out, can't.

The second is that the output must be uniformly priced, there is no discrimination, one part of the output is not priced less than another part. We all know that isn't true of transportation.

The third is that the cost of adding more business must be either equal to or more than the full or average cost. Well, we certainly know that that isn't always true of transportation. In fact, they claim the opposite for railroads, namely that their marginal costs decline with increased business.

The high priest of economics, Paul Samuelson, emphasizes that under decreasing marginal cost, the first firm to get a head start will end up either as a single monopolist or one of a few large sellers dominating the market or with some other sort of imperfection which represents a departure from the "perfect" model where no one firm controls industry pricing.

Our DOT friends take the view that marginal cost and variable cost in transportation are approximately the same thing and therefore, when the railroads price at variable cost they are pricing in a manner which will produce the most efficient resource allocation. Hence, the deregulation proposals would forbid government intervention at any rate above variable cost.

The railroad people tell them something which is quite true of railroads or of any other enterprise. When out-of-pocket cost is less than full cost, it pays to make a price a little above out-of-pocket on some part of the output, if you can get the other customers to stand still for the discrimination. But this necessarily means that other prices have to be above out-of-pocket. Everybody is quick to say that all rates cannot be reduced to variable cost. Some must be above variable cost and even far above full cost in order for the constant costs to be met.

This is no surprise. But situations in which prices are not uniform and in which out-of-pocket is less than full cost represent major departures from our "perfect" model. These departures will result not in efficient resource allocation but in monopoly. The very reason discrimination is prohibited in the economy is because it leads to monopoly.

So a price that advantages the seller, indeed is very good business for it, could be very adverse to the public interest.

The deregulation people try to have it both ways, naturally. Variable cost—equals marginal cost—equals efficient resource allocation. Therefore, discrimination equals efficient resource allocation, too. This is a logical absurdity.

When faced with the fact that there is a major non-sequitur in their reasoning, they find the whole thing so hair-raising that they won't face it. That's why they try to deny the obvious—that discrimination does lead to monopoly. What they are proposing isn't an attempt to make transportation conform to the perfect competition model at all. It is an attempt to make competition conform to what Paul Samuelson unequivocally says leads inescapably to a condition of monopoly or dominance by the few.

Let's take a simple example. A very large corporation makes steel plate. It sells its plate in 100 markets. It covets the business of a small competitor in a distant market. The national steel producer reduces its price so far below the price of the local mill that it seizes all the business. It keeps its prices to its other markets at normal levels. Is there any doubt that the large operator can put the small local operator out of business regardless of the latter's efficiency? Is there any doubt that he can do the same thing vis a vis his smaller competitors, one by one, in each of his 100 markets?

It is for that very reason that we have a price discrimination law and it is why Congress made it perfectly clear that discrimination cannot be justified on the basis of incremental or variable cost.

Of course, if the big manufacturer priced at his variable cost uniformly in all markets it would be highly uneconomic but there would not be the same objection. Clearly, discriminatory price is a powerful monopoly weapon. The policy of the country is against monopoly, so it follows that unless the discrimination issue is taken into account, economic muscle would be permitted to prevail in transportation and the public could lose the services of the more efficient producers.

The water carrier objection to deregulation is based on the logical discontinuity which exists between the "ideal" model and the use of it to justify a discriminatory rate on the basis that it represents "efficient allocation of resources." It does not.

Do we therefore advocate a rule that every rail rate should be based on full cost. We do not. Do we even advocate a rule that there must be uniformity in the rate-cost relationship on every rail rate. We do not. We *do* say that discriminatory pricing can defeat the competitive process just as readily in transportation as in the economy generally. We *do* say that discrimination which takes the form of "sharp shooting" at water traffic while rates are held up on the same or similar traffic elsewhere is anti-competitive and should be condemned.

We do say it is counter-productive for advocates of deregulation to argue that they are for freeing up competition and unshackling transportation from the crushing abuse of the Interstate Commerce Act, when in fact what they are advocating goes far and away beyond anything that would be considered sound policy in the unexpected segment of the economy.

One day the curve at the horizon will have significance. One day, the whole structure of deregulation thinking will fall apart. It was more than 1,500 years between Aristotle and Columbus. I am hopeful that the carriers and their customers can agree—perhaps without the ICC or the DOT or anyone—on what constitute sensible rules that will free up what should be freed up and restrain those tactics which, in fact, defeat the competitive process—a process so important in assuring efficiency and its benefits to the public.

MISSILE WARFARE IN MIDDLE EAST WAR

Mr. THURMOND. Mr. President, a great deal of comment is underway in the American newspapers and magazines with reference to the military lessons to be learned from the Middle East War.

One viewpoint to the effect that missiles have provided a new muscle to infantry forces is expressed by John W. Finney in the November 2, 1973 issues of the New York Times.

Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Missiles Giving New Muscle to Infantry

(By John W. Finney)

Washington, Nov. 1—A principal conclusion being drawn from the Middle East war by United States military analysts is that relatively simple mobile weapons used by ground troops can blunt the effectiveness of fighter-bombers and tanks, which for three decades have dominated the battlefield.

Military officers, particularly those in the Air Force are not prepared to concede that the battlefield balance may be shifting back in favor of the infantry. But there is general agreement among the services that armored-warfare tactics will have to be modified to offset the new capacities of ground troops and that new aircraft missiles will have to be produced to counter the mobile antiaircraft protection the infantry has.

Studying the Middle East war which in effect has been a proving ground for armaments developed recently by the United States and the Soviet Union, the Defense Department, according to officials, is beginning to draw some still-preliminary conclusions, among them these:

In general, American weapons proved more effective than those of the Soviet Union. The new Soviet T–62 tank, for example, proved no match for the United States Army's M–60 tank either in firepower or in armor protection.

On both sides tanks proved to be highly vulnerable to the new antitank missiles. In the opening days nearly 200 Israeli tanks were destroyed on the Suez front by Soviet-produced missiles that are optically sighted and electrically guided along wires that trail them, and by a one-man mortar. Similarly, according to the Jordanian military, American wire-guided missiles were described as devastating when used by the Israelis against Syrian, Iraqi and Jordanian tanks.

The one area in which Soviet equipment proved superior was in mobile antiaircraft. On both the Egyptian and Syrian fronts such weapons took a heavy toll of Israeli aircraft trying to provide close support for ground troops.

Protection for aircraft in so-called revetments on the ground as in the concrete-reinforced parking places used by the Egyptians, has improved greatly, Israel, which destroyed much of Arab air power on the ground in the 1967 war, made a couple of attempts to knock out Egyptian military airfields this time and then abandoned the effort.

MOBILE DEFENSES

For the moment much of the military attention in the United States is focusing on the mobile antiaircraft defenses developed by the Soviet Union.

The Israeli Air Force, by using electronic countermeasures that disrupt the radar controlling antiaircraft missiles and by using the World War II technique of dropping metal strips to interfere with it, was able to neutralize fixed antiaircraft missiles such as the SAM–2 and SAM–3, which have been the backbone of Soviet air defense against bombers. It was when the Israelis encountered mobile antiaircraft that they ran into trouble.

One mobile weapon in its first appearance in the war was the SAM–6, a low-altitude missile that apparently has multiple means of guidance, making it more difficult to counteract.

United States officials believe that the Soviet Union imposed certain restrictions on Egyptian and Syrian use of the SAM–6, so that full countermeasures could not be developed by the United States. But officials report that a set of SAM–6 launcher and guidance vehicles was captured intact by the Israelis when they thrust onto the west bank of the Suez Canal and that it has been sent to the United States.

HEAT-SEEKING MISSILE

One method reportedly attempted by Israeli pilots confronted with SAM-6's was to come in low with evasive tactics designed to confuse the supersonic missile as it tried to pick up its target. An effect of this was to bring the Israeli planes within range of two other mobile antiaircraft weapons that, in the end, reportedly caused more losses than the SAM-6.

One was the SAM-7, a heat-seeking missile that can be fired by an infantryman or discharged in volleys of four to eight from an armored personnel carrier that made its first appearance in the war.

The other weapon, reportedly used with devastating effect, was a radar-directed four barrel, 23-mm. machine-gun battery that is not much different from the multiple machine guns used for antiaircraft defense in World War II and largely abandoned in favor of missiles.

THE FAMILY FARM AND FARM WIVES

Mr. CHURCH. Mr. President, more than 42,000 family farms dotted the Idaho landscape in 1920. By 1972, the number of farms had decreased to fewer than 28,000 while the total acreage farmed grew much larger. Like other agricultural States, Idaho is experiencing a rapid trend toward larger farming units and diminishing numbers of family sized farms.

However, a recent study by Department of Agriculture economists concludes that the family farm, which is well equipped and large enough to make use of a full line of machinery is unmatched as an efficient production unit.

Those of us who have advocated preservation of the family farm are not unrealistic; longing simply for bygone days. While family farms may be dwindling in America, they are representative of all those values of the very best life which this country has to offer. The Congress recently reconfirmed that notion with enactment of the Agriculture Act of 1973, which included an amendment, which I supported, declaring it to be national policy to promote and encourage family farming operations.

The Blackfoot, Idaho, News recently carried a special section devoted to agriculture in and around southeastern Idaho. Of particular interest was an article by Emily Hone describing life on the Ted Edwards dairy farm at Springfield. Mr. Edwards and his family typify the finest aspects and provide the best evidence for preserving the family farm. I ask unanimous consent that the News article be printed in the RECORD at the end of my comments.

Also, the month of November 1973 has been designated "National Farm Wife Month." I whole-heartedly support this recognition of the American farm wife. She, like her farmer-husband, remains the backbone of Idaho's economy. The Blackfoot, Idaho, News carried a story describing the creation of "National Farm Wife Month." I join the News in applauding farm wives and ask unanimous consent that the News story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Blackfoot (Idaho) News, Nov. 6, 1973]

DEMISE OF FAMILY FARM BRINGS SADNESS IN NATION

(By Emily Hone)

"The demise of the family farm in rural America" has been a subject lamented loudly and at length by individuals who view its disappearance as the end of an integral part of the American way of life.

Family farms, the stories go, have been squeezed out of existence by high operating costs and low prices. Young people whose sole ambition would once have been to take over the family farm are leaving in droves for greener pastures where they feel the monetary rewards are greater. Meanwhile the old homestead gets gobbled up by the corporate farm.

But a check around Bingham County will show many of these family farms are alive and well.

One of these is the Ted Edwards dairy farm at Springfield, where close to 100 head of Holstein cows provide a livelihood for the family. The farm, now totaling 420 acres, has been home to three generations of the Edwards family.

Ted, who left the farm to find some of those greener pastures after he was graduated from high school and stayed away for 10 years, returned eventually and went into partnership with his father, Theron. Five years ago he purchased his father's interest, although the senior family members make their home on the place and assist with the chores when the spirit moves them or when their help is required.

Two years ago Ted married Jackie Twitchell of Blackfoot, and with his two oldest children, Susan and Kyle, and Jackie's four, Kenny, Tommy, Wendy and George, the farm is operated without outside help.

Although at one time he did employ a hired man, Ted said, "we found the kids would work better and harder because they have a direct interest in the results of the work."

He feels one of the reasons his operations survive in good health is that almost everything needed by the family is grown on the farm. Hay, corn and grain are grown on the 350 irrigable acres, leaving a special dairy feed made of rolled barley and supplements as the only major feed purchase necessary.

The boys in the family have learned all facets of the operation and with the exception of George, the youngest, can capably plow, sow grain and hay, and operate a swather, baler or combine. They also take a turn at the chore of milking as well as perform any of the myriad tasks necessary in a farming and dairy operation.

Wendy and Susan take over most of the household chores, freeing Jackie for outside work where she also is a capable hand.

The youngsters, who range in age from 10 to 17, receive a monthly allowance of $20 each, in addition to which they are paid extra for some jobs like moving irrigation pipe. Each one also owns a dairy cow from which the offspring can be disposed of as he or she pleases.

As on any farm, the day begins early at the Edwards place, with some member of the family, usually Ted, beginning the milking of cows at 5 a.m. sharp. Occasionally, Jackie says, she lets him sleep on and starts the milking herself. "I know how good it feels to get out to the milking shed and find only 18 or 20 cows left to do," she added.

If everything goes smoothly, the 75 head in steady production can be run through and relieved of their burden of milk in one hour and 45 minutes. The milk is sold to Gossner Cheese Co. in Logan, Utah, with a tanker picking up a 6,000 pound load every other day.

Each cow averages 14,000 pounds of milk and 525 pounds of butterfat annually.

Quartered in a corral built on a slope to take advantage of natural drainage and keep them as dry as possible during bad weather, the cows have access to a new free stall loafing shed which Ted recently completed. They are fed hay three times a day, silage once, and the special grain mixture twice, consuming 25 pounds of hay, 35 pounds of silage and 14 pounds of grain apiece each day.

Breeding is done mostly by artificial insemination, although the farm does boast its own bull. Ted uses a staggered breeding program which results in year around calving, providing a steady supply of freshening cows to replace those going dry, and keeping the number being milked at an even 75.

Activities at the Edwards farm are not confined to growing feed and milking cows, however.

Also resident are five registered Quarter Horses, four dogs, four varieties of pheasant, ducks, rabbits, quail, Chukkar partridge, four peafowl, pigs, sheep, a number of pigeons and a bunch of chickens. Ted describes all this as "some to look at and some to eat—but mostly to look at I think."

The game birds Jackie raises in an incubator, having obtained her start from Alton Hegstead of Aberdeen who has an entire backyard full. "They're just a hobby," she says. "We haven't decided what we'll do with them yet."

The 40 head of ewes have their purpose in life cut out, though. Jackie plans to raise and sell lambs to pay for a family vacation trip to Alaska.

In addition to her regular farm chores and caring for the hobby animals, Jackie raises and freezes her own vegetables. She says with satisfaction, "The farm is so self sufficient it's rare if I get to the grocery store more than once a month."

Her spare time is spent in landscaping the heretofore barren yard, putting in rock gardens and planting lawn and flowers.

He never considered getting out of the dairy business as many farmers did when the going was rough, Ted said.

"We've got too much invested here to give it up and besides, it's a good life for both us and the kids."

[From the Blackfoot (Idaho) News, Nov. 6, 1973]

FARM WIVES RECEIVE OVERDUE RECOGNITION

Farm wives are in the national limelight this month, receiving overdue recognition for their contribution to agriculture.

The month of November, 1973, has been designated "National Farm Wife Month." Secretary of Agriculture Earl Butz recently signed a proclamation making the occasion official.

The aim of the special "month," according to its backers, is to "raise public awareness of the farm wife's role in today's society and as a partner to her husband in the industry that feeds the world."

The whole idea originated in the offices of Farm Wife News. "Since women in all roles of our society are striving for and achieving recognition today, we felt that, as publishers of the only magazine exclusively for rural women, it would be fitting if we struck a chord for the farm wives of America," says Ann Kaiser, FWN's editor. "From the reaction so far, the chord was obviously music to their ears.

"Basically, we want to spread the word that today's farm women are alive and alert ... are working hard for their farms and their communities ... are aware of what is going on in the world and are ready to lend a hand to make it better."

Some elaborate plans were put into motion to achieve this goal. Farm Wife News staffers first distributed 200,000 bumper stickers, boldly displaying the theme for the month: "We salute Farm Wives ... Proud Partners in Agriculture!"

The bright yellow stickers are showing up on car and pickup bumpers across rural America, and there's a lot of honking going on along rural roads, due to a little "extra" FWN staffers threw in. The promotion piece accompanying each sticker tells farm wives:

"Be sure to display this sticker on your car or pickup and join in the fun: When you spot the sticker displayed by others, honk twice and wave at your counterpart. By honking the horn and joining in our "Two Toots for Farm Wives' campaign, you'll be showing that you, too, are proud to be a farm wife!"

(Farm women who would like a free copy of the bumper sticker can order it from the magazine's home office at 733 N. Van Buren, Milwaukee, WI 53202.)

Next the staff worked at getting the Secretary of Agriculture to "make it official," and found him more than cooperative. He not only signed a lengthy proclamation, but lauded farm women in a special meeting set for the occasion.

Farm broadcasters and farm magazine editors have been contacted, too, and have been encouraged to interview farm women during November.

Thinking even bigger, FWN staffers contacted the producers of Johnny Carson's "Tonight" show, NBC's "Today" show and NBC's "Dinah Shore Show," all of which have appeared receptive to interviewing a selected farm wife during November.

Finally, Farm Wife News staff put together an entire program for rural women's clubs to use during their November meeting, from the opening prayer to an appropriate closing.

"We're elated with the response we've received to this 'National Farm Wife Month' campaign," says Mrs. Kaiser, "and basically, we have the farm wives of America to thank for it. It's obvious that nearly everyone connected with agriculture feels exactly the same way we do about farm wives and their contribution to agriculture.

"We at Farm Wife News have learned that farm wives are often an inspiration to urban wives . . . and are envied a great deal for their way of life and reputation as mothers and homemakers," Mrs. Kaiser says.

"Many times we have wished that the farm wife's story could reach beyond our magazine's audience to the general public to increase understanding and open better lines of communication between rural and urban people. 'National Farm Wife Month' is providing us with that opportunity."

SPACE SHUTTLE AND ENERGY

Mr. GOLDWATER. Mr. President, during the last week in October, the Committee on Aeronautical and Space Sciences received testimony on types of missions that the space shuttle will fly in the 1980's.

Two "candidate missions" were offered designed to meet our energy needs 10 to 20 years in the future.

First, Dr. Krafft Ehricke, of Rockwell International, testified on a method of transmitting energy via a satellite in geosynchronous orbit. Essentially it is a microwave reflector that would take energy generated at one point on Earth, receive it in the form of microwaves, and then relay it to any desired point on Earth.

Dr. Ehricke's proposal permits the locating of energy generating plants far away from population centers. Solar arrays could collect energy in the desert, and the resulting energy could be transmitted where needed. If we had such a system today, we could convert oil from Prudhoe Bay to electrical energy and beam it to the United States, thereby doing away with the proposed Alaskan pipeline.

Assuming there are no technological breakthroughs on pollution-free energy, Dr. Ehricke's proposal is attractive in that it would enable us to locate polluting sources of energy in areas of least ecological harm. Assuming technological breakthroughs on pollution-free energy, it would offer the opportunity to transmit such sources of energy over long distances and with great flexibility.

Second, Dr. Peter Glaser of the Arthur D. Little Co., testified on his proposal some call Sunsat.

It is a satellite, consisting mainly of large arrays of solar cells, placed in geosynchronous orbit. It would collect energy from the Sun through the solar arrays, convert it into microwaves, then transmit them to Earth. A large collector would receive the microwaves and convert them into direct current for industrial and home purposes. Sunsat would require a long period of research and development amounting to as much as 20 years.

It is a possible long-term solution to our energy needs, although at present the cost of solar cells is too high and their efficiency too low, to make Sunsat economically attractive. Existing solar cells have an efficiency of about 16 percent, but, according to the National Science Foundation this can be increased to 20 percent.

In addition, Sunsat would require a means of space transportation that would enable us to move 1 pound of cargo into orbit at a cost of about $100. We do not have such a system.

The history of technology is, in part, one of reduced costs and increased efficiencies.

Looking to the future, it is possible to see that improvement in the efficiency of solar cells, improvement in microwave technology, and finally, improved space transportation systems would make Sunsat a reality.

Sunsat has obvious advantages:

First. It holds the promise of pollution-free energy, and is, therefore, socially acceptable.

Second. It would permit capturing the sun's energy 365 days a year without regard to problems of night and day and atmospherics.

Third. Once on station, it would require no maintenance and have great longevity.

Sunsat could not only solve our Nation's energy needs, but it could also provide the means for the United States to become an exporter of energy. And, by the way, our energy imports in 1972 amounted to $4.7 billion; they are on the increase.

Both the Ehricke and Glaser proposals would require the space shuttle to move them efficiently into orbit.

In the near term, it may well be that we will have to cut back on energy consumption. Homes may have to settle for lower thermostat settings. There may be less gasoline for automobiles. And industry may have to work shorter hours.

Over the long haul, cutting back is not an acceptable solution. I believe we must develop new sources of energy or face drastically reduced standards of living.

As part of our quest for new sources of energy, I submit we must look at all solutions that hold promise from a technical and economic point of view. We cannot afford to overlook any plan that holds definite promise.

Our Government must adequately fund new ideas in the energy field short of all-out development. Ideas such as those of Dr. Krafft Ehricke and Peter Glaser should be subjected to technology verification and thorough economic studies. But other modes of generating energy must also be examined so that nothing is overlooked.

Our national objective should be the development of large new uses of pollution-free energy to provide a better way of life for all mankind. Recent events in the Middle East underscore the urgency.

TESTIMONY OF BERL I. BERNHARD ON POLITICAL SABOTAGE AGAINST THE 1972 MUSKIE CAMPAIGN

Mr. HUGHES. Mr. President, as one who was closely involved with Senator MUSKIE's campaign for the Presidency in 1972, I read with great interest the testimony of Mr. Berl I. Bernhard, Senator MUSKIE's campaign manager in 1972, before the Senate Select Committee on Presidential Campaign Activities. Mr. Bernhard describes the incidents of dirty tricks against the Muskie campaign and their effect on campaign planning and staff morale.

This is the most thorough statement yet made on political sabotage against Senator MUSKIE's 1972 campaign, and it is also a careful and judicious evaluation of the effect of such sabotage on Senator MUSKIE's overall campaign effort. Because so many people have been asking questions in this area, I thought it might be useful to print Mr. Bernhard's testimony in the RECORD, and I ask unanimous consent to do so at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF BERL BERNHARD, FORMER CAMPAIGN MANAGER FOR SENATOR EDMUND S. MUSKIE

OCTOBER 31, 1973.

During this past year, I have had many occasions to reflect on the course of Senator Muskie's campaign for the Democratic nomination in 1972. I would like to share some of my conclusions with the Committee today. Although I was deeply involved in the Muskie effort, first as an advisor and later as Campaign Manager, I will try to speak with some objectivity about it.

Living with the memory of having been a key operative in the conduct of a losing Presidential primary effort on behalf of a front-runner is not heart-warming. So at the start, I must confess that I bear a few scars. I ask you to please understand that nothing that I say is intended to rationalize our defeat in any way whatsoever. We made mistakes and those mistakes were costly.

I am going to talk principally about two aspects of the campaign; the problems of financing it, and the problems that came from being the Number One target of dirty tricks. They are to some extent interrelated, since the damage that was done to us by dirty tricks had an impact on our ability to raise funds. That impact cannot be precisely measured, but I think there is no question of its existence.

BACKGROUND OF THE CAMPAIGN

Let me try to put into perspective the nature of the Muskie campaign. Interest in Senator Muskie as a national leader began during the mid-1960's and reached an early peak during his campaign for the Vice Presidency in 1968, where he emerged as an articulate, candid and attractive public figure—one capable of reconciling some of the bitter animosity that had divided the Democratic Party in the wake of Chicago and that infected the country as a result of Vietnam, disorders on the campuses and riots in the cities.

During 1969 and 1970, a number of people drawn to him by the character of his 1968 campaign, urged him to make a try for the 1972 nomination. He was interested, but he was also aware that as a Senator from Maine with no built-in organizational or institutional base of support and with little access to financial resources, the road to the Convention would be very long and very difficult—and it was.

Subsequently, Senator Muskie spoke on nationwide television in response to a speech by President Nixon immediately prior to the 1970 Congressional elections. The quality and forcefulness of that address gave new impetus to a possible Muskie candidacy. So did an early Harris poll of January, 1971 which showed Senator Muskie beating President Nixon 43 percent to 40 percent.[1]

1971 EFFORTS

During early 1971, he began to travel throughout the country to test whether there was genuine interest in him as a candidate. The results of those travels were sufficiently encouraging to cause Senator Muskie to begin organizing a small campaign staff which had three principal responsibilities: policy guidance, political organization and fundraising. During the following months, a number of capable people joined the staff or otherwise committed themselves to work in one or another of these areas. By the summer of 1971, he had become the clear front-runner for the 1972 nomination. During the fall of 1971, many of his Democratic colleagues in the Senate publicly pledged their support to him, as did several Governors and Mayors.

What happened between the spring of 1971 when this effort began in earnest and the late spring of 1972 when Senator Muskie withdrew as an active primary candidate is well known, so far as the vote count in the primaries is concerned. The reason *why* the Muskie effort failed to succeed are much more complicated.

To understand what was done and why, let me turn to September, 1971. We had decided during the summer of 1971 that we should come out of the corner fast. The strategy was to maintain that impetus because Senator Muskie was ahead, and we saw our job as that of keeping him there. We planned a four months' schedule, commencing in September and leading into the primaries as a single unit of the campaign.[2]

Our heavy schedule was designed to reflect what we once referred to as an Ohio State "four yards and a cloud of dust" campaign. But the fact was that our appetite exceeded our digestive abilities. A lack of financial resources all the way through the primaries undercut our strategy. Media and advertising budgets were slashed, staff reduced in number and pay, no funds were made available to a few key primary states.[3]

FUNDRAISING PROBLEMS AND PRACTICES

Senator Muskie, as you know, represents a state whose small population and limited resources had neither produced nor required great financial commitments in his political campaigns. It was, therefore, necessary to seek funds from people throughout the country. It may be difficult for anyone who has not campaigned for national office or who has not been intimately associated with such a campaign to understand the staggering financial requirements involved. Money is needed for a central staff; for communicating with potential supporters and advisors; for organizations in each state; for polling; for television, radio and newspaper promotion; and for travel not only by the candidate but by his staff and his supporters. Unless a candidate is personally wealthy, and Senator Muskie is not, or unless he has an already developed corps of wealthy supporters willing to back his campaign—and Senator Muskie did not—he must devote an outrageous part of his time to appealing to people for money.

The concern about fundraising, having to do with the susceptibility of a candidate to the special interests of donors, is legitimate. There is always the danger of a quid-pro-quo relationship, involving favoritism for money. In the Muskie campaign no promises or commitments were ever made in return for contributions.

Senator Muskie's integrity was proof against such pressures. Yet all his integrity could not protect him from the demands on his time, interest and concentration which fundraising represented. Let me be specific. When he might have been working out policy positions on the issues before the country or developing contacts with political leaders or addressing opinion-making audiences, his advisors often found it necessary to schedule him at functions whose primary purpose was to persuade well-to-do people that they should contribute to his campaign.

Other people—staff members like me or outside supporters—raised some of the money required. But much of it—and I emphasize that—was simply unavailable until there was eyeball-to-eyeball contact with the candidate—until there was what President Johnson used to call a "pressing of the flesh."

CAMPAIGN FINANCING

On an overall basis, we raised approximately $2.2 million in 1971 and expended virtually all of it. We raised just under $3 million from January 1, 1972 to the effective date of the new law on April 7, 1972 and again expended virtually all of that. Except for the initial few months of the campaign, we were always in the hole. We never had enough money to pay our obligations on a current basis.

I have attached as Exhibit 3 a month-by-month breakdown which shows receipts and expenditures supplemented by an analysis of accounts receivable and payable. This shows our deficit position month-by-month. We were always in the hole and faced with the problem of reducing payroll, media and/or other campaign expenses.

During the campaign, much publicity was given to the fact that we were required by lack of funds, to slash our staff and to impose pay cuts on the staff. In mid-1971, for example, we experienced an economic crunch. I was forced to lay off 10 of our staff people and impose salary cuts on between 10–15 others. Later in the Fall of 1971, our operation geared up again and reached a peak around February, 1972, when we had approximately 125 salaried employees, paid consultants or weekly wage employees.

At the end of February, 1972, we cut 14 people from the staff and made pay cuts to 5 people. On March 15, we cut 29 people from the staff and made other pay cuts. On March 31, 1972, we simply did not pay most of the people except for 33 of the lower paid staff. As to the 33 who were paid at all, 23 received pay cuts. More detailed information describing these actions is attached as Exhibit 4. After the first few primaries, our finances were in such poor shape that we had virtually no money to expend in a number of critical primaries. We put no money from the national campaign into the Illinois primary—and in the critical Massachusetts and Pennsylvania primaries, which were the last before the Senator withdrew from active campaigning in the primaries, we put about $18,000 into Massachusetts and less than $20,000 into Pennsylvania from the national headquarters.

Let me address myself to certain questions which have been raised in staff interviews or prior testimony.

FINANCE ORGANIZATION

First, our fundraising campaign had no rigid structure. There was no Finance Committee to Elect Muskie President. We operated on an informal, *ad hoc* basis, welcoming the fundraising assistance of anyone who indicated a desire to perform that chore. If I had to single out the one individual who did more to help us both with contributions and with enlisting the support of others, that person would be Arnold Picker, for which effort he earned the number one spot on the White House "Enemies" list. However, he was not a finance chairman in any formal sense. Our fundraising effort involved many techniques—from a direct mail compaign which proved relatively successful to direct appeals at dinners, receptions and so on.[4]

We maintained records of all contributions coming into the campaign headquarters from January 1, 1971 through a daily ledger and those ledgers have been available to the Committee since June of 1973.

PRACTICES

In an effort to assure that our fundraising efforts complied with the existing law, we disseminated a number of memos setting guidelines for fundraisers. These memos are attached as Exhibit 6. Because I wanted my own view of the law to be reviewed by an outside source, I sent to Mr. Mortimer Caplin, former Commissioner of the IRS, a memo setting forth guidelines and asked for his opinion, which I received, approving the fundraising guidelines. See Exhibit 7.

COMMITTEES

We had many committees. I don't know the exact number, but there were well over 200. Some of these committees were created exclusively for gift tax purposes. Many others were operating committees, raising funds and providing funds in primaries or convention states. We have made available to the staff of the Committee a list of our committees.

CONFIDENTIALITY

The question of the acceptance of anonymous or confidential contributions has come up in the course of these hearings. Prior to April 7, 1972, when the new campaign financing disclosure act became effective, it was entirely lawful to maintain the anonymity of those who did not wish to have their names identified with our campaign. A number of people who contributed funds to us requested and were given a pledge of anonymity and confidentiality for understandable, largely personal, reasons.

I would point out that these contributions were all logged in the books as "anonymous." We count $343,000 of such gifts from January, 1971 to April 6, 1972.

One other fact which you should know: because of the constant leaking of information and the disappearance of materials from our campaign, I became concerned that we could not, in good faith, promise confidentiality if we could not keep that promise. I therefore set up a system whereby checks or cash received under promises of confidentiality would only be received in sealed envelopes, put in my office, and then given, still unopened, to an individual who would deposit them in the bank. This assured that the depositor would not know the names of the cash contributors, and that I would not know exactly how much specific individuals who asked for confidentiality had given. I am

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Footnotes at end of article.

reasonably satisfied that this method worked. There was no illegality involved and the motives explained to us for the request for anonymity suggested no impropriety. We tried to be careful not to accept contributions from people who might have a special interest or axe to grind. We had no power to coerce contributions and we did not try to invent such a power.

CASH

Let me comment on the question of cash contributions. We received cash contributions. I do not know the total amount of those contributions, since cash and checks were all listed as part of contributions received under the same account column. My best estimate is that during the year and a half of our campaign, we may have received in the neighborhood of $150,000 in cash. I cannot prove that figure.

Quite frankly, cash contributions were discouraged. But when people gave us cash, routine practice was to immediately deposit cash in our checking accounts the day received, or if after banking hours, the following day. As a result, your investigators can follow the trail of expenditures of cash receipts, as well as of others, by examining our books, and I understand that this has been done.

We maintained two safes at our campaign headquarters and kept a small amount of cash in at least one of them. One safe, which was in an office next to mine, was secured primarily because of the continuing leaks of campaign materials and the appearance of such information in the press as well as the apparent theft and photocopying of documents which, although never surfacing in the press, we had to assume were in the hands of people who wished us ill. Small amounts of cash, probably no more than $2,000 at a time, were kept in that safe. The purpose was to handle emergency and petty cash needs. All other expenditures were made by check.

Let me make some very short observations in addition. I assure you there were no funds expended for dirty tricks or espionage or any like activity. The campaign was reflective of the candidate and we knew that he would not tolerate such activity.

STOCK

We did receive some stock contributions. These contributions were all recorded at the appreciated value of the stock. Stock contributions were promptly sold and converted to income, and the entry on our books, in each case, is the net proceeds to our committee—that is to say, the selling price of the stock less commissions and transfer taxes. One of our supporters obtained an opinion for himself on the proper treatment of stock contributions. We followed it. See Exhibit 8.

SOURCES

To the best of my information and belief, subject always to surprise, we did accept money from corporations, national banks or labor unions. Our instructions to our fundraisers made it clear that no such contributions were to be received. We did return certain monies, which when they arrived, appeared to be drawn on the treasury of a corporation, and some of those letters of return are attached as Exhibit 9.

REFORM

I hope that many recommendations for reform of campaign financing will emerge from these hearings. If I had to choose the one reform which is most urgently needed, it would be the public financing of campaigns, not because Ed Muskie ran out of money, but because he, and Senator Humphrey, and Senator Jackson and Senator McGovern, and all the rest had to devote so much of their time and energy to passing the hat. America deserves candidates who have enough time to consider the issues, enough funds to present their views to the voters and to compete equally on the merits—not men who make the best fundraisers, because they appear to particular interest groups, or because they are in a position to put pressure on people with money.

BASIC INFLUENCES ON CAMPAIGN

Lest I be misunderstood, I know there were factors other than money which had to do with the decline of the Muskie campaign. Let me very briefly address some of these factors.

First, there was the proliferation of Democratic primaries. Senator Muskie was ahead in the polls in 1971, but he was still regarded as essentially a New Englander. We had to establish him as the choice of Democrats in every region. We had hoped he would not have to share the broad middle of the Party with any other candidate. We hoped his victories in the early primaries would discourage such competition from entering the race. We also saw the possibility of taking a commanding lead in the first few primaries. Perhaps it would have been better to have taken another strategy more attuned to our financial ability. But that is hindsight, and I'm not sure another tack would have really served us better.

Second, was the polarization within the Democratic Party. The so-called New Politics wing of the Party was embittered by the bloody struggles of 1968 in the Chicago streets, was frustrated by Senator Humphrey's nomination in 1968, and by what they regarded as the continuing control of the party by the old guard. Traditional Democrats, on the other hand, thought they had been betrayed or abandoned by the New Politics people in the fall of 1968, and that President Nixon's election had resulted therefrom.

So the prevailing temper, as primary time arrived, was not accommodation but vindication, and these primaries became message laden. Many Democrats were prepared to give no quarter. George Wallace's slogan, "Send . . . a message" accurately reflected the mood. Many Democrats saw the primaries as their moment to vent individual grievances which they could best do by finding a single champion for their greatest concern—to end the war, for strong defense, for civil rights, busing (pro and con), jobs, inflation, personal security, the unresponsiveness of government, etc A centrist candidate was caught in the cross-fire of these passions. Our coalition strategy with the essential message "Send them a President" was engulfed. What we learned in state after state was that the vast majority of Democrats who had other champions for specific grievances nonetheless would name Senator Muskie as their second choice, but we needed first place, not second place, votes. This phenomena was shown no more vividly than in the poll taken by Daniel Yankelovich Associates as voters were leaving the election booths in Florida. It showed Florida voters believed Senator Muskie was the only candidate for President who could beat Richard Nixon.

As I will point out later, some of the dirty tricks increased the polarization and exacerbated our efforts at accommodation. The same can be said of a third problem of the Muskie campaign, and that was the squeeze in which we found ourselves, and the lack of base which could help Senator Muskie survive that squeeze. When Senator Humphrey entered the race beginning in Florida, it meant that Senator Muskie would contest for the Democratic center with a man who had developed intense loyalties within that center over 24 years in national politics. Blacks, Jews, labor, farmers, the elderly, and many elected official had long felt Senator Humphrey to be their spokesman. They had seen him almost close the gap in the final weeks of the 1968 campaign and when he called on them once more in 1972, they responded.

While it is my belief that Senator Muskie was making inroads into the Humphrey strength, some of the dirty tricks which were practiced, particularly in Florida, went to undermine that support for Senator Muskie.

UNION LEADER INCIDENT

Let me not by-pass the event that occurred in New Hampshire. William Loeb, publisher of the Manchester Union Leader, whose stock and trade is to personally attack people he dislikes, had printed the famous Canuck letter, and he published some loathsome distortions about Senator Muskie's wife.[5] Senator Muskie made an emotional speech outside the Union Leader offices in Manchester. After discussing the Canuck letter, the Senator turned to what some members of this Committee have quite accurately described as the hatchet job on Mrs. Muskie. Now perhaps there are some men who would not become outraged when their wives are maligned, but our candidate was not one of them. He is a compassionate and feeling human being, not a cold-blooded, insensate political animal. That's exactly what attracted many of us to him and convinced us that he would be a great President.

IMPACT

I doubt that I will be accused of hyperbole to observe that it would have been politically better had he not shown his feeling so openly. But he did, and the incident was seized upon and magnified by the press. From that point on, it took on a life of its own.

That was so because Senator Muskie was the front-runner, which is a risky status because the natural instinct in the press and among politicians and other people generally is to examine a front-runner under a microscope. Faults and virtues are sometimes magnified. Because he is a favorite, he is supposed to win big. So a mere victory, as Muskie won in New Hampshire, was insufficient; he had to swamp the opposition to be seen as winning at all. And if he comes in fourth as he did in Florida, it is not simply a redeemable setback, as it should have been by his subsequent significant showing in Illinois; it is a collapse, and a win in Illinois only postponed the funeral. Consistent victory is demanded and where financial resources are thin, and when you have to spread them over many primaries, and when a half a dozen serious candidates are competing for that vote, consistent victories are hard to come by.

DIRTY TRICKS—THEIR PURPOSE

And so we get to the role of dirty tricks. There is one point, and it may be the only point where I am in full agreement with the Committee to Re-elect the President, with the White House and probably with the Republican National Committee. That point is that Senator Muskie posed by far the most serious threat to the President's re-election of any of the Democratic candidates. I believed that then, and I believe it now. So did Jeb Magruder. In a memo to Attorney General Mitchell on July 28, 1971, he said:

"The clear and present political danger is that Senator Muskie, the favorite in the early primaries, will promenade through the primaries, come into the convention with a clear majority and enormous momentum for November. That would be bad news for us."

So it would appear to have been natural that he attracted the majority of the Republican "dirty tricks." I say "natural" with some hesitation because I'm in full agreement with Frank Mankiewicz that there was nothing natural, customary or even precedented about CREP's 1972 sabotage and espionage efforts. I remember Senator Muskie saying to me at a fairly early stage—and I think this is a pretty accurate quote—"I don't want you or anybody connected with our campaign to do anything in the primaries which is inconsistent with winning

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Footnotes at end of article.

in the general election and with reconciling the Democratic Party." We interpreted that as a clear mandate that there would be nothing of an underhanded, duplicitous or scurrilous nature directed against any of our competitors. I think it a fundamental political truth that the campaign reflects the candidate and those of us working for the Senator knew he would never tolerate such activities. Senator Baker has stated on more than one occasion during these hearings that if he had heard reports of unethical conduct in his campaign, he would be on the phone immediately, demanding to know what the devil was going on. Senator Muskie would have done the same—and the prospect of having to respond to an outraged candidate is a powerful deterrent.

I don't know an iota of evidence, one speck of evidence, that Senator Muskie or his campaign operation engaged in anything that comes in the category of dirty tricks, in any sense, in any manner. I might also observe that we've been accused of not engaging even in clean tricks.

I don't mean to suggest that Senator Muskie didn't campaign hard. He did. He attacked his opponents' positions on the issues, and he tried to win over their supporters to his side. Ed Muskie is a successful and experienced political man and knows that politics is a body-contact sport. What he did not expect was that it would be a sport where he and his Democratic competitors would play by certain elementary rules, while outsiders to the primaries would behave like cunning barbarians. Their lack of political ethics was matched only by their fear of a fair contest, and by the money at their disposal.

The term "dirty tricks" doesn't do justice to the slimy deceptions that characterized the CREP campaign. "Dirty tricks" suggests that sort of cleverness we associate with Halloween pranks; in fact, there was nothing very clever about it. Anybody could come up with a Canuck letter, or the villification of Senators Jackson and Humphrey and Governor Wallace which was made to appear the work of the Muskie campaign. It didn't take political genius to accomplish those things. It took, as I have suggested, a certain low cunning and a lot of money.

BASIC GROUND RULES

Let me turn now to specific dirty tricks and try to describe the effect on our campaign. A few of these have been extensively documented before this Committee. Several Republican operatives have acknowledged their complicity in them. A few have been repentant; others have not. I am not so much concerned about their repentance as I am about what they did to pervert and distort the 1972 campaign, and about the long-term consequences for America if their attitude toward politics prevails—that winning justifies anything. When it leads our children to cheat to win in the soap-box derby, that is bad enough. But when it leads ostensibly mature citizens to cheat an entire citizenry in choosing its chief executive, that is frightening.

It is not always a simple matter, as the Committee has discovered, to make precise philosophic distinctions between rough but fair politics and rough unfair politics. Sometimes the differences are matters of degree. Heckling a speaker is a traditional part of British politics, and it is occasionally practiced here in a way I would not condemn. But systematic heckling—intended either to drown out the speaker altogether or to make it impossible for him to convey his thoughts and opinions to an audience—is profoundly undemocratic. I would always have liked to know what the opposition was doing (and I would be less than honest if I didn't say that I would have listened to a defector from another campaign if he appeared before me to tell me what he knew of that campaign's strategy), but I wouldn't have planted an agent in that campaign whose job it was to steal documents and make them available to me and to the press.

It is fair to tell voters that your opponent's record is proof that he would not do much for them if elected.

It is fair to circulate bona fide documentation of your opponent's record in an effort to turn the voters against him.

It is not fair to deceive those voters with signs and bumper stickers that appear to be but are not sponsored by your opponent, and which carry messages that are certain to turn the voters against him.

It is not fair to harass the voters with after-midnight canvassing calls which are alleged to be made in your opponent's behalf.

It is not fair to plant a lying letter in the local papers, reporting that your opponent has uttered racist epithets.

It is not fair to publish a scurrilous "fact sheet" that shockingly misrepresents a candidate's career, family, and beliefs.

It is not fair to put a telephone tap on your opponent's advisors.

It is fair to try to place your opponent in a position that makes him most vulnerable to defeat, but not through techniques I have just described.

It is fair to play up your own virtues, and ventilate your opponent's defects. But it is not fair to try to win an election by the kind of fraud and deception that was the hallmark of the 1972 campaign.

I've used the word "opponent" in these remarks in a special sense. The object of the frauds and deceptions which occurred in the 1972 primaries was usually Senator Muskie. The common perpetrators of the frauds and deceptions were not his opponents in the primaries, but people in the Republican Party who so feared his nomination by the Democrats that they intervened to prevent that event by foul means as well as fair. It was their purpose to hold him up to ridicule; to estrange him, not only from his supporters, but from other Democratic candidates and their supporters; to create suspicion and turmoil in his staff; to establish that his ability to manage a national operation was suspect; to divert his energies, and those of his staff, from the task of pursuing the nomination to the desperate work of limiting the damage they had caused. They feared his name on the ballot in November, 1972 and so they went after him a year before. As far back as March 24, 1971, Pat Buchanan wrote to President Nixon as follows:

"And if Mr. Muskie is not cut and bleeding before he goes into New Hampshire, he will very likely do massively well there, building up irresistible momentum for the nomination. This scenario is not in our interest—as Muskie today is a figure ideally situated to unite the warring factions of his party, and if they are united that is bad news for us."

I would point out that this was a period in time when Senator Muskie was leading President Nixon in the national Harris Poll 47% to 39% with Gov. George Wallace included in the poll. With Gov. Wallace excluded, Senator Muskie was leading President Nixon head-on-head, 48 percent to 42 percent in February and 50 percent to 44 percent in April, 1971.

WHITTIER COLLEGE INCIDENT

I will describe some of the attempts to leave Senator Muskie "cut and bleeding." Let's begin with an early Sergretti effort on November 8, 1971, at Whittier College, California—the President's alma mater.

When I arrived at Whittier College, everything was tranquil. Just short of an hour before the Senator arrived to speak, great numbers of individuals, mostly black and Mexican-American, arrived armed with placards. The pickets took their positions along the entire walk leading from the street to the auditorium. There were such signs as "would you take a Chicano as a running mate?" Also, "Muskie is a racist pig." There were some inconsistent signs, one reading "Muskie supports draft dodgers" and another, "Muskie is against amnesty." Then there were many signs dealing with gay liberation. The Senator's speech was well received. Then the questions came. Individuals kept interrupting the Senator when he tried to answer questions and all the questions seemed to deal with gay liberation, a Chicano or black running mate, or abortion.[6] Senator Muskie handled all of this with equanimity, which apparently was an irritant to Mr. Dwight Chapin, who subsequently sent Mr. Segretti a news report stating that "Big Ed proved he could keep his cool", to which Mr. Chapin penned "let's prove he can't."[7]

That same weekend, I believe on November 7, Senator Muskie went to speak at a Mexican-American restaurant in Los Angeles. When he went in, there were neither pickets nor other disruption. When he came out, there were organized pickets, and in addition, television cameras which were not a part of the traveling media. The pickets were boisterous, shouting at the Senator and then, in an orchestrated move, they started throwing eggs at Senator Muskie and at the cars which were being used to take him to his next stop.

The question might be asked, what effect did this variety of planned chaos have on the campaign and its strategy? The effect on his immediate audience was to prevent them from exchanging views. Beyond that it disrupted our strategy. We had determined previously that the Senator was best at confrontation situations and at questions and answers. But if we were going to get into a situation where questions on abortion, amnesty, legalization of marijuana and gay liberation were clearly planted, and the questioners were organized to drown out all other questions, that strategy would have to be abandoned. Egg-throwing and the like would also create the image of a tumultuous, disorganized campaign, possibly leading to violence.

THE PURLOINED PAPERS

Testimony has already been given to this Committee regarding the stealing of documents going between me and Senator Muskie on the Hill during the period August, 1971 through April, 1972. Those involved were "Fat Jack" Buckley, Elmer Wyatt and Thomas Gregory. They had been planted in our campaign by the Committee to Re-Elect the President.

There are specific instances where inside jobs, whether performed by Buckley, Wyatt Gregory or some other Republican plant, disrupted staff planning and hurt the Senator's position among groups whose support he needed.

SUGGESTED PROPERTY TAX HEARING

Stolen letters went into a report of Evans and Novak dealing with a staff-suggested property tax hearing in California. Some of the staff had recommended to me that the Senator participate in hearings on the problem, on the theory that it would be helpful in the campaign. Since he would be in California on December 20 and 21, 1971, the suggestion was that it could be worked out simultaneously. Robert Novak printed a critical article on using property tax hearings as part of the campaign.[8] This article came as a surprise to Senator Muskie, who called me and asked me what it was all about. *He had never seen the memos,* and I had not made a personal recommendation. I called Mr. Novak. He said a memo on the

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Footnotes at end of article.

subject was sent to him in a plain brown envelope. Again, this undermined the character of the campaign. It made Senator Muskie appear unscrupulously opportunistic. I received many calls criticizing this purported misuse of government funds as part of a political campaign. I heard about it not only immediately after the article came out, but sequently in New Hampshire and in Florida.

PRE-PRIMARY SABOTAGE

These may seem rather isolated acts of disruption. In fact, they were part of a long train of sabotage commencing in December, 1970 when the first break-in occurred.

I was still in private practice, but I was doing a good deal of work with the Muskie Election Committee. I had a number of files in my office relating to the effort being undertaken to assist the Senator in deciding whether to seek the nomination. My law office was broken into, and my files ransacked. A number of Muskie-related files were found in the xerox room and there were a substantial number of unrecorded xerox charges on our machine. This matter was reported to the Metropolitan Police. It was reported to your Committee's staff several months ago—and you may have uncovered information to which I am not privy.

In addition to what you know about the work of "Fat Jack" Buckley, Thomas Gregory and Elmer Wyatt, there were other specific instances of surveillance or infiltration. One involved a young woman named Diane Moore, a 24-year-old researcher for the Republican National Committee who contributed $25 to our campaign and indicated she would contribute more after Christmas. She appended a note to her contribution offering advice on tactics to turn President Nixon out of office. Fortunately, the press learned of this attempt at infiltration before we did. Had they not done so and revealed it, we might very well have taken up her offer as a volunteer. Her superior at the Republican National Committee, Robert Chase, when confronted by a phone call from us, replied, "I just don't want to talk about it." [9]

Another employee of the Republican National Committee, John Lofton, Editor of Monday, was caught snooping around at a private weekend meeting of Muskie supporters in Kennebunkport, Maine. This caused turmoil at the weekend meeting. It raised questions as to why the Republicans had involved themselves directly in a Muskie meeting. Although John Lofton worked for the Republican National Committee rather than CREP, a very few days after the meeting, Mr. Strachan sent Mr. Dean a list of the "fat cats" in attendance for use in "the political enemies project." [10]

Of far greater significance and deep consternation was the lifting and photocopying of the major campaign advance and scheduling proposals for the fall and winter of 1971 and 1972. This material had been completed in August, 1971 and because it was the most vital document we had put together, only two copies were made. Within a few days after its production, a copy disappeared from the desk of Eliot Cutler, the Senator's chief scheduler.[11] It was later found on our campaign's xerox machine, the staples having been removed, apparently for copying. We advised your staff of this a few months ago, and they may have more information about it. It takes little expertise to realize the importance of this document. It reflected our entire political strategy. It stated where the Senator was going, for what purposes; what states or conventions we might choose to consider lightly. It made possible the focus of disruptive attention on the planned activities.

It created suspicion as to whether we had a spy among our own staff and a number of days were dissipated in trying to ascertain what happened. Beyond all that, it left me with the following questions:

Who had it?

Which of our Democratic opponents had it or might have use of it.

How could it be used?

How could we change some of our strategy to avoid being undercut by our competitors?

Would they use it to go to convention states where we weren't going or to enter the primary states we were not entering?

They were tough questions and we tried to make some adjustment as a result of these questions, but could not deviate too far from a basic strategy.

That wasn't the only major theft. On at least two occasions, raw polling data disappeared from the desk of Anna Navarro, our polling expert. In the summer of 1971, the entire New Jersey poll was taken during the night. In the winter of 1971, the entire New Hampshire poll was stolen during a period of five minutes when Anna had come up to my office to tell me it was ready. When she went to get it, it was gone. That was not simply a poll of where we stood, but reflected specific strengths and weaknesses in New Hampshire, which issues should be emphasized and which not. It was a document of real value to any opponent, and it would certainly have been of value to the CREP if they were pursuing a program, as they appeared to have been, of embarrassing Senator Muskie.

One immediate result of the New Hampshire polling disappearance was that we no longer held general staff meetings of a coordinated nature to discuss polling results. If one wanted to see a poll, they had to come to my office or Anna Navarro's office to see it. Again, I asked the same questions:

Who had it?

Who on my staff was the thief?

How deep was staff disloyalty?

What use could be made of the information?

Could we do anything to counter it?

So much for stolen documents.

On to fraud, forgery and political conniving.

You have in your files a memo to President Nixon from Patrick Buchanan, dated June 9, 1971 which reads as follows:

"Buchanan's View: Kennedy is keeping his options open—against the possibility that RN may be so strong by summer '72 that the nomination will not be worth anything. In which event, he can stay out. However, *at this point, he and his people have obviously concluded RN can be beaten—and they are not about to sit this one out—risking spending eight years outside the inner circle* of power of a President Humphrey or a President Muskie. If Kennedy believes the Democrats can win—as he quite apparently does now—he will go after the nomination."

We had no desire to alienate Senator Ted Kennedy and the many Democrats who supported him. We believed many would support us. Some seven weeks after Patrick Buchanan's memo, the following occurred on July 28, 1971. A Harris poll entitled "51% Say Ted Is Unfit for White House" was distributed widely in an envelope which was an offset facsimile of Senator Muskie's stationery, bearing his name in the upper left hand corner. See Exhibit 17. This fraud was distributed to Democratic members of the House and Senate, Democratic Governors and leading Democrats around the country. See partial list of recipients, Exhibit 18. The response was immediate. Phone calls went to the Senator's office and my office criticizing us for a "low blow"—an attempt to elevate ourselves at Senator Kennedy's expense.

Great effort went into contacting Senators, Representatives, and leading citizens alerting them that this was a fraud.[12] But this matter was covered in the press. How were we to know that suspicion did not linger, to surface when other reprehensible matters were distributed under our name? Senator Kennedy was gracious and understanding. Senator Muskie wrote to the Postmaster General. The Postmaster General wrote back. The matter was investigated, but the culprit was never found. See Exhibit 20.

NEW HAMPSHIRE

Let me point out two additional factors affecting New Hampshire. First, during the week before the New Hampshire primary, Dick Stewart, our press secretary, came in to see me about a call he had received from the AP in Boston to confirm the following: AP had received a phoned-in statement from someone who asserted he was Mr. Stewart's assistant, who gave the Muskie Washington headquarters telephone number as a contact number, and who then read AP the following statement: "Ted Kennedy has become an obstacle and an issue in the New Hampshire primary. I challenge him to come to New Hampshire and once and for all tell the people whether or not he is a candidate for President." Dick was upset because he thought that perhaps someone in our campaign had determined to do that without clearing the matter with him. I told him that it was preposterous and everything should be done to kill that story. He made a number of calls and with herculean effort was able to squelch the story. I cite as the kind of disruption of staff activity which is harmful. It diverted our senior staffs' attention from the primary at a crucial time.

Second, of far greater significance were the literally hundreds, perhaps thousands, of phone calls which were made in the Manchester area of New Hampshire during the week-to-week-and-a-half prior to the primary. Callers identifying themselves as canvassers from the "Harlem for Muskie Committee" urged the citizens to vote for Muskie because he would be "so good for the black man." These calls were being made between 12:00 at night and 3:00 a.m. in the morning. This did not strike me as advantageous. The black vote in New Hampshire may amount to one or two percent. But if it had amounted to 50%, it would still have hurt us. No one is favorably disposed toward any candidate who has people calling or appears to have people calling between 12:00 midnight and 3:00 a.m. in the morning. These calls resulted in many calls to me from individuals complaining about our campaign tactics, and they also resulted in calls from our campaign coordinator in New Hampshire, to see if there was any action I could take to stop them. The only thing I could think of doing was to call McGovern headquarters to tell them to cut it out. My recollection is that I spoke to Frank Mankiewicz, the McGovern political director since I assumed that the calls were McGovern inspired. They denied that they had anything to do with this and the calls continued.

The second part of the disruptive telephone strategy involved post-midnight calls from people alleging that they were canvassers for Muskie and asking how the people intended to vote. These calls apparently went beyond Manchester. I was informed that the recipients of these calls would sometimes receive three or four calls in rapid succession on the same evening. The source of all of these phone calls has never been uncovered, but I think it soured many people toward our campaign.

IMPACT IN NEW HAMPSHIRE

I have been asked by the Committee to evaluate whether or not any of this activity can be quantified in terms of harm. It is not easy, but let me try. One measure is the comparison of the results of the primary vote in the city of Nashua with those in the city of Manchester. Nashua is in the southern part of New Hampshire, and has a relatively liberal city newspaper and a liberal voting

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Footnotes at end of article.

background. McCarthy, for example, had run neck and neck with Johnson in 1968 in Nashua and McGovern had expected to do well there. Nashua was also the home of his campaign manager, Joe Grandmaison. What happened? Muskie won in Nashua with a total vote percentage of 58 percent. Thirty miles to the north of Nashua is the city of Manchester, slightly more working class, a little more conservative. We expected a larger margin for Muskie in Manchester than in Nashua. In 1968, Johnson had beat McCarthy soundly in Manchester and surrounding towns. Yet, Muskie received only 38 percent of the vote in Manchester, a full 20 points lower than his showing in Nashua.

Another tool of evaluation is the impact in comparable working class French-Canadian neighborhoods in the state of New Hampshire. Let me be precise. McGovern won Ward 14 in Manchester with 35 percent of the vote with Muskie running 13 points lower than his statewide total. That result startled the press, for Ward 14 is a French-Canadian blue-collar ward which had gone heavily for Johnson in 1968.

Compare that with Ward 7 in Nashua, composed of similar French-Canadian working class Democrats as in Manchester's Ward 14. In the Nashua Ward, Muskie swamped McGovern by a margin of well over two-to-one, winning 66 percent of the vote to McGovern's 28 percent, a staggering 32 points higher than he had received in the same kind of neighborhood in Manchester.[13]

Had Manchester returned the vote we had reasonably expected and which we received throughout the rest of the state, it is certain that Senator Muskie would have received more than 50 percent of the vote in New Hampshire. And since the press has set a public standard of 50 percent, New Hampshire would have represented a major win rather than what was written-off as at best a marginal victory and at worst, a set back since it was his neighbor state.

FLORIDA

The Florida primary was held on March 14, just a week after the New Hampshire primary. Despite the fact that we had won in New Hampshire and had won in the Arizona convention, our financial situation was bleak. I had already cut the Florida budget by 50% from its first projection and with the issue of busing on the ballot, we knew we were in for a hard time. George Wallace was campaigning hard against busing, the space industries were in trouble and there was the proliferation of candidates.

You have heard about many of the disruptive activities in Florida. You have heard about the February 8, 1972 ad reading, "Muskie, Why Won't You Consider a Jew as a Vice President?".[14] This was run in a Miami Beach Jewish newspaper and flyers with a similar message were distributed. One you may not have heard about is a scurvy little flyer which was shown to me in Miami Beach by a Rabbi after we had been discussing an individual member of his congregation who said he would never vote for a Polish-Catholic. The flyer read, "Remember the Warsaw Ghetto." At the bottom in small letters was written, "Vote Right on March 14."

The busing issue was critical in Florida. Posters were distributed starting late in February intended to establish Muskie as a proponent of massive busing. The posters read, "Help Muskie Support Busing More Children Now," put out by the "Mothers Backing Muskie Committee." We received immediate reports of concern, mostly from our Tampa office. After we received the calls and I talked with our people in Florida, it was agreed that wherever we could, we would try to remove such posters, and I understand that some of the people in the office did so. I also contacted other district managers seeking to ascertain the extent of distribution. I was informed that pictures of these ads appeared in newspapers, particularly in northern and central Florida. My information is that these pro-busing statements appeared in Jacksonville, Daytona, Orlando, Tampa, St. Petersburg, and the Clearwater area. The extent to which the Senator's position was incorrectly stated made it difficult to try to clarify and to explain his true position, which would have allowed local school boards to retain options to achieve desegregation—rather than being denied that right through federal legislation then proposed. I talked with our media people about cutting new TV spots, but the time was as short as the money.

You have also heard a good deal of testimony about the March 1 Segretti letter sent out on Citizens for Muskie stationery accusing Senator Jackson and Senator Humphrey of sexual and drinking misconduct.[15] The calculated effect of that letter was to antagonize admirers of Senator Humphrey and Jackson and fairminded Floridians in general. We did seek to inform the press immediately that it was a fraud. Mr. Segretti has conceded he was responsible for it, and that it was a damnable malicious lie. Its circulation received wide coverage in the press, and, once again, our indignant denials never caught up with the lie—and were perhaps even doubted by some who heard them.

I gather you also are aware of the early March advertisement placed by Mr. Segretti in a Florida newspaper implying that Senator Muskie supported Communist Cuba.[16] There were also fraudulent radio and newspaper ads put out in Miami on Spanish-language stations and in the Spanish language press—again allegedly by the Muskie campaign—purporting to have the Senator come out four-square for the Castro government. Others inferred that native-born Americans are more loyal than immigrants which was certainly not calculated to endear him to the Cuban-American community.

Some of the incidents that happened, such as the pickets in front of the Manger Hotel in Tampa in January of 1972, did have impact, both in undermining Muskie support among blacks and creating further division among the candidates.[17] The signs were of a racial nature depicting Muskie as anti-black. The inference we gathered from these signs was that they came from Humphrey Headquarters. This made sense to me at the time because Senator Humphrey was strong with the blacks and we were making inroads among this constituency. Many of our people thought that this incident was an inspiration of Jackson Headquarters. But it appeared in the paper and was galling to me because it came shortly after we had had a good meeting with black leaders, even receiving pledges of support.

Let me focus your attention on one activity which was of an unusual destructiveness. Upon two occasions before the March 14 primary, when rallies were being held for Governor Wallace in Tampa and St. Petersburg, cards were placed on automobiles in a parking lot and distributed widely to hundreds of people stating on one side, "If you like Hitler, you'll just love Wallace." On the other side, it read, "A vote for Wallace is a wasted vote, on March 14 cast your ballot for Senator Edmund Muskie." [18] These particular cards caused a flurry of phone calls to me protesting my stupidity in authorizing their issuance. We explicitly disavowed these cards and I told the office to talk to the local papers in St. Petersburg and Tampa to assure them that we were not responsible for them. These disavowals received little, if any, attention. I recommended that we get in touch with the local headquarters of both Humphrey and Jackson to state our concern as to their possible culpability. Knowing the depth of support George Wallace enjoyed in Florida, we continued to be concerned with the impact of this activity.

Lest you assume that my comments are totally partisan, I should bring up a matter which hounded us in at least New Hampshire and Florida and that is the scurrilous and totally unjustified attacks upon Senator Muskie by one Stewart Mott.

Mr. Mott financed a project early in 1972 consisting of various printed documents, with hand scrawled headlines written in red or black ink.[19] To say they constituted bad taste would enable me to exaggerate for the rest of my life and come out even. It accused Muskie's father of being a draft dodger. It included blatant falsehoods about Muskie's record and it was sent throughout the primary states beginning in New Hampshire. Segments of the larger pamphlets were run as full page newspaper ads which Mott financed. He even had the poor taste to send his diatribe to Mrs. Stephen Muskie, the Senator's daughter-in-law. There was similar outrageous material dealing with disclosure of campaign finances which he mailed to Senator Muskie's contributors—contributors whose addresses he was able to secure only because of the Senator's voluntary disclosure.

I think it useless to refute each and every allegation because I would be here an even longer time. This material angered me toward the staff of Senator McGovern, because it was our belief that Mr. Mott was a heavy contributor to McGovern. Therefore, we assumed that this was either being done at the behest of Senator McGovern or with his or their knowledge. As the campaign progressed, I called Frank Mankiewicz who swore he had nothing to do with this material.

I should also note that the CREP dirty tricks department picked up on Mr. Mott's game. A Mott newspaper ad berating Senator Muskie on the financial disclosure issue was reprinted and distributed to those entering a Los Angeles Muskie fundraising affair. At the bottom of the reprint were typed the words:

"The Committee *will look for* your names as part of Muskie's Fat Cats. They better be there!"

We drew the natural conclusion that Mr. Mott was responsible for this harassment, although we have since learned that this was a Segretti ploy.[20]

ELECTRONIC SURVEILLANCE

During the course of the primaries, an overriding issue was that of Vietnam. As you know, Senator Muskie had become convinced that the war had to be brought to a swift conclusion, but he was attacked for having altered his position on the war. I am not concerned with the responsible attacks on his change in position. What did become of concern were the consistent leaks that were coming out regarding positions which were being discussed within the staff and among advisors on the war issue. We were never able to understand how it was that there was so much conjecture in the press which seemed to relate to staff discussions on the issue of Vietnam. It is only now that some of it makes sense. I have learned that our chief foreign policy staffman in the campaign, Anthony Lake, who had once worked for Mr. Kissinger at the White House, had had his phone tapped. It was doubly disconcerting to learn that Morton Halperin, who was a former national security aide and was on our foreign policy task force, had had his phone tapped as well. Both men were under such electronic surveillance after they left the White House and were active in varying degrees with our campaign.

The extent to which information thus obtained was used to muddy Senator Muskie's position on Vietnam is uncertain. But I can remember discussing with the Senator the question of how it was that people seemed to know what he was going to say before he said it. We now know as a consequence of

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Footnotes at end of article.

Mr. Halperin's civil suit that the FBI made available summaries of the taps of H. R. Haldeman.[21] Only an examination of the fruits of these taps might disclose the extent to which information involving Senator Muskie was available, and/or used for political purposes by the White House.

I would be remiss not to mention an incident which has long been known in our campaign as "funny phones." It occurred on November 9 and 10, 1971 about the time the Senate Subcommittee on Air and Water Pollution, of which Senator Muskie is Chairman, was completing action on its bill. The key question was how the House would handle the bill. Would the House bill be as strong as the Senate bill which the White House vigorously opposed? Would the House act in time enough for the bill to be finished in 1971 so that a conference committee could meet prior to the time Senator Muskie might have to be campaigning in the primaries? This is what happened.

The phone in the Subcommittee office would ring; it would be picked up, but no one was there—only the sound of another phone ringing. Then someone would come on the phone, identify the office and say that he or she didn't call us. In a two-hour period, some of the offices which answered and identified themselves were: The White House; the Vice President's office; Senator Cooper, who was ranking Republican member of the Public Works Committee; Senator Buckley, who was a member of the Senate Public Works Committee (several times); Congressman Blatnik, Chairman of the House Public Works Committee; the Zambian Embassy, the Latvian Embassy and the Embassy of Kuwait—plus others.

Exhibit 29 contains two memos which were done contemporaneously with the events. Leon Billings, Staff Director of the Subcommittee on Air and Water Pollution, after being alerted to the peculiar performance of the telephones in his office, had the telephone company into the office attempting to ascertain what might have occurred. The telephone company answered that they were certain there had been no tampering with the phones and equally adamant that there was no way in which the incidents could have occurred. Mr. Billings has informed me that at the time the speculation, in jest, was that the White House would go to any lengths to find out what Senator Muskie was doing.[22] But there is one certain fact. Immediately after the phone company came in and claimed not to have found anything, no further incident occurred.

I hesitate to bore you with more incidents, but I feel impelled to mention one only because it reflected such gross insensitivity to the national interest and to the individual victims. We had been working for many months on the largest fundraising of the campaign in Washington on April 17, 1972, at the Washington Hilton Hotel. We were in dire financial need. I know you have already heard testimony from Mr. Segretti and his cohorts about the hundreds of pizzas and flowers which they arranged to arrive collect at the dinner, and the anti-Muskie signs outside. But more important was one nationally destructive act. Mr. Segretti invited a number, perhaps a half dozen or more, Ambassadors from the African states with their wives, in formal atire, to the dinner. It had been my intention to introduce the Senator to a number of the significant contributors who had come from various parts of the country to that dinner. Instead, during the reception, I spent my time personally apologizing to each of the Ambassadors who had been invited and to their wives, seeking to make them comfortable and seeking to indicate that, while it had been a mistake, they were certainly welcome. It was an unsettling experience and I think showed no concern for the individuals embarrassed, to say nothing of United States foreign policy.

SUMMARY

At the beginning of this long statement, I said that I did not want to have anything I say interpreted as a rationalization for our defeat. The primaries were hard fought and there were tough competitors. Nonetheless, I find Mr. Buchanan's quoting Thoedore White's appraisal that the sabotage of forged letters and dirty tricks had the "weight of a feather" no more than a glib and self-serving conclusion, particularly since Theodore Whites book was written before these hearings got underway and prior to the testimony of Mr. Segretti, Mr. Benz, Mr. Hunt and others.

You will have to appraise the impact. I have tried to give my view of that impact on our campaign. In my judgment, the unceasing events to unhorse Senator Muskie took a toll. They took a toll in the form of diverting our resources, changing our schedules, altering our political approaches, and being thrown on the defensive.

They generated suspicion and animosity between the staffs of Democratic contenders. Internally, the resulted in demoralizing distrust, in erroneous accusations by me of my own staff members for what I believed were their indiscretions and even their treachery. This impeded a coordinated effort because, not knowing whom one could trust, fewer and fewer people were taken into the councils when it came to making decisions. These events certainly helped to undermine the image of Senator Muskie by making him appear unable to adequately manage a staff which had been made to appear as sieve-like amateurs who couldn't keep a confidence. It also made him appear as a man who at times would not hesitate to take unfair advantage of his opponents.

Lastly, these events did not advance our ability to survive financially. Contributors raised questions about the loyalty of the staff and its apparent indiscretions and fumbling. No contributor wanted to see his money frittered away. So time and energy were consumed not only in securing funds to campaign, but also in explaining defensively our efforts to maintain security and efficiency.

There is a momentum in politics, and when it is with you, nothing is wrong. When it begins to ebb, everything goes wrong. If things were going wrong for perfectly legitimate political reasons, our problems were magnified by the efforts not of other Democrats but of members of the Republican Party who had no place in the Democratic primaries at all.

I would point out that there is nothing in the resolution establishing your Committee that says this conduct is reprehensible only if it has decisive significance. It speaks rather of whether the object was "to disrupt, hinder, impede or sabotage" the campaign. Does anyone here doubt that this was the objective of the dirty tricks? If they were not successful, that's a comment on the ineptitude of the perpetrators, not their moral fibre. I am troubled by the moral viewpoint implicit in offering that line of reasoning as a defense. The doctrine that the end justifies the means is pernicious enough. The doctrine that the failure to attain the end justifies—or at least excuses—the means is terrifying. The means was best expressed in a memo of March 24, 1971 from Patrick Buchanan to the President wherein he stated:

"It is in our interest—and in the interest of the liberal Democratic challengers for the nomination—to prevent Mr. Muskie's uninterrupted march to the nomination."

You may recall Mr. Buchanan also said:

"There is a danger in going after Muskie, making him the martyr and spokesman of the Democratic Party, and thus ensuring his nomination, and even enhancing his chances of election. But the risk should be taken. If we don't do it now, we shall have to play hurry up football in the two months before election—and people tend to disbelieve political charges made in that kind of partisan environment.

"Who should we get to poke the sharp stick into his cage to bring Muskie howling forth? More important, what kind of stick to more effective?"

Those were the words of Mr. Buchanan to the President on April 19, 1971.[23]

The fact of the matter is that these disruptive activities continued to be directed against our campaign for months on end. If the instigators did not believe they were accomplishing their objective, it is difficult to understand why they persevered. They stopped only when they concluded that Senator Muskie was beaten.

In a memorandum to John Mitchell and to H.R. Haldeman dated April 12, 1972, from Patrick Buchanan and Ken Khachigian, there is the following self-congratulatory note, which, if so much had not been done to sustain it, I would have written off as no more than an act of self-satisfied puffing. He said:

"Our primary objective, to prevent Senator Muskie from sweeping the early primaries, locking up the convention in April and uniting the Democratic party behind him for the fall, has been achieved. The likelihood—great three months ago—that the Democratic Convention could become a dignified coronation ceremony for a centrist candidate who could lead a united party into the election—is now remote.

FOOTNOTES

[1] A copy of this poll is contained in Exhibit 1. Also shown in that exhibit are poll results for the entire pre-primary and primary campaign period.

[2] This schedule, I have reason to believe, was lifted, copied, and made available to agents of the Republican campaign in August of 1971. I will discuss this more fully later on.

[3] Various memoranda reflecting our payroll and budget difficulties and the measures adopted to limit and control spending are included in Exhibit 2. In addition, all budget documents and financial reports remaining in our files have been submitted to your staff at their request, but have not been reproduced here because of their volume.

[4] A report on the results of the direct mail campaign, a list of proposed fund-raising affairs and the results of some are included in Exhibit 5.

[5] A copy of the Canuck letter, as well as a related "letter" surfacing during the general election campaign and an explanatory news item are contained in * * *

[6] A copy of the list of questions distributed by Mr. Segretti's operative is contained in Exhibit 11.

[7] A copy of the President's news summary with Mr. Chapin's complaint that Sergetti had "missed the boat" is contained in Exhibit 12.

[8] A copy of Mr. Novak's article is attached as Exhibit 13.

[9] A copy of a New York Times article recounting the Diana Moore affair more fully is Exhibit 14.

[10] A copy of Mr. Strachan's memo and the attached "Fat Cat" list is attached as Exhibit 15.

[11] A copy of this purloined document is contained in Exhibit 16.

[12] A copy of a disclaimer letter sent out widely by Senator Muskie as part of this effort may be found in Exhibit 19.

[13] I am grateful to Mr. Lanny Davis, who served as the Campaign's National Youth Coordinator, for preparing this vote analysis to assist me in my testimony.

[14] Samples of the copy used in this and other ads are reproduced in Exhibit 21. (It has been retyped for legibility.)

[15] A copy of this forged letter is attached as Exhibit 22.

[16] A copy of one such ad, and a translation, is attached as Exhibit 23.

[17] Attached as Exhibit 24 is a memorandum from Chapin ordering the use of such signs at Muskie rallies.

[18] A copy of this card was sent to Senator Muskie and is attached as Exhibit 25.

[19] A copy of one of the Mott documents which had been sent to the national office of the League of Women Voters and then forwarded to us, is attached as Exhibit 26.

[20] A copy of this handout, showing the additions of Mr. Segretti's agents, is attached as Exhibit 27.

[21] Exhibit 28 contains copies of news stories concerning these tapes.

[22] Mr. Billings' memorandum is in Exhibit 30.

[23] A copy of one "sharp stick" for which Mr. Buchanan has admitted personal responsibility is attached as Exhibit 31. * * *

NIXON'S "VENDETTA"

Mr. THURMOND. Mr. President, in a recent editorial by the News and Courier of Charleston, S.C., a very astute analysis was made of the clamor which has recently besieged the President. It was pointed out that some of the hue and cry which have demanded his resignation or impeachment are like a mob yelling "jump" to a person on a precipice.

Mr. President, in my travels in my home State and around the country I have found tremendous grassroots support for President Nixon and for the preservation of due process of the law. The orchestrated voices against the President are not serving the interests of our country. The News and Courier editorial of November 6, 1973, entitled, "Nixon's 'Vendetta,'" makes that point very well and I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Nixon's "Vendetta"

The chorus of voices—including some well known newspapers and magazines—calling for the resignation of President Nixon swells by the day. The News and Courier herewith records its dissent.

Who is to decide whether the President—elected one year ago today by an overwhelming vote of the people—should desert his post? Not the press, assuredly—nor anybody else but the President himself.

The laws of the United States provide, to our knowledge, only one course for removing a President. It is the process of impeachment by the House of Representatives and trial by the Senate. Only once has impeachment been tried. President Andrew Johnson was acquitted by a margin of one vote—slender, but enough. History has vindicated his position.

No President has resigned. We do not presume, nor do we support those who do presume, to try, convict and sentence this man without due process of law. The yelping of his enemies, and his former friends who now despair of his ability to govern, reminds us of a pack of hounds after their prey. Changing the analogy, they also behave like a heartless crowd of onlookers yelling "Jump!" to a lone figure at the brink of a precipice.

All the sins of Watergate are and many more are being heaped on the head of Richard M. Nixon. Distressful as these political shenanigans appear, and distasteful as are suspicions about Mr. Nixon's personal finances being hinted by probes into his business dealings, they do not add up—even if proven—to the importance of the leadership Mr. Nixon has provided in the past and is capable of continuing during the term of office to which he has been elected.

The federal government provides no machinery for recall of a public official such as exists in some states. The clamor now being heard throughout the land is confusing and disruptive.

In an address at Oklahoma City before an audience of 1,200 persons, Sen. Strom Thurmond received "a standing ovation," The Associated Press has reported, when he called on the people harassing the President to "stop their vendetta against him."

As we read the mood of the people, they are puzzled and saddened, but not disposed to cast down their President. History will be his judge. Today's enemies are not necessarily qualified historians. As we see them they are taking on the cruel emotions of a mob.

NATHAN SHAPELL COMMENDED FOR LAND DEVELOPMENT

Mr. CRANSTON. Mr. President, at a time when local governments across the country are giving more scrutiny to land-use decisions than ever before, and, in some cases, are taking steps to discourage further growth, it is noteworthy when cities take the time to praise the integrity and environmental consciousness of developers who have made great contributions to the betterment of community life.

One recipient of such praise is Mr. Nathan Shapell, chairman of the board of Shapell Industries, Inc., of Beverly Hills, Calif. Within the past 2 months, Nate Shapell has received certificates of commendation from two California mayors: Edwin W. Wade, mayor of Long Beach, and Arthur F. Gerdes, mayor of Norwalk.

Their praise of Nate Shapell is well deserved. Whether it is a single family home or a shopping center, Nate Shapell cares for details that assure quality construction. His developments contain amenities that provide long term user satisfactions.

Nate Shapell is a builder and developer who dedicates himself to excellence. That dedication has made California communities more livable. I feel sure that he will continue to strive for excellence, and for that reason, I am confident that these commendations will not be the last for Nate Shapell.

Mr. President, I ask unanimous consent that the commendations from the city of Long Beach and the city of Norwalk be printed in the Record.

There being no objection, the commendations were ordered to be printed in the Record, as follows:

Resolution of Commendation: Shapell Industries, Inc.

Whereas, the City of Long Beach prides itself on high standards for land use and residential development; and

Whereas, the City of Long Beach is known for its beautiful communities; and

Whereas, it has come to the attention of the City Council that our high standards are reflected in El Dorado Park Estates, one of our most beautiful communities of homes; and

Whereas, it is worthy of note that Shapell Industries, Incorporated, the developer and builder of all the homes in El Dorado Park Estates, has announced that the last new home in that community of more than fourteen hundred homes has just been sold;

Now, therefore, be it resolved: That the City Council of the City of Long Beach wishes to commend Shapell Industries, Inc., for its high usage of the land on which El Dorado Park Estates has been built; and

That the City Council of the City of Long Beach wishes to commend Shapell for the pioneer usage of all underground utilities in El Dorado Park Estates which presaged by nine years current environmental requirements and demonstrated extreme foresight by Shapell; and

That the City Council of the City of Long Beach wishes to commend and express appreciation to Shapell for the design and quality of the homes in El Dorado Park Estates which has enhanced the quality of life in our community.

Let the Great Seal of the City of Long Beach be affixed hereto.

Adopted this 28th day of August, 1973.

Commendation

Whereas, S & S Construction Company was founded in 1955, with the Company's first development located in the city of Norwalk; and

Whereas, between 1955–1962, S & S Construction Company built 1,346 homes, 136 apartment units, and several major *shopping* centers in the City of Norwalk; and

Whereas, all of these homes, apartments and shopping centers have contributed significantly to a high quality of life for the people of the City of Norwalk; and

Whereas, S & S Construction Company and its parent company, Shapell Industries, Inc., have recently returned to the City of Norwalk where the company first put its roots down; and

Whereas, the City of Norwalk anticipates a further contribution to this community by the Company through residential construction in the traditional quality and high standards of S & S Construction Company;

Now, therefore, I, Arthur F. Gerdes, Mayor of the City of Norwalk, on behalf of the 95,000 residents of our community, do hereby commend Nathan Shapell, Chairman of the Board; David Shapell, Excutive Vice President and Director; and Max Webb, Vice President and Director of Shapell Industries who as founders of S & S Construction Company, have performed an outstanding role in the development of the City of Norwalk.

Dated this 17th day of October, 1973.

EDITOR NIXON AND THE TIMES-POST ADMINISTRATION

Mr. BELLMON. Mr. President, while the world is more nearly at peace than at any time in recent years, a bitter war still rages on the home front—the war between President Nixon's administration and national news media.

Since most conflicts arise from a lack of understanding by one side of the other, perhaps the way to achieve peace between the press and the President would be to have the combatants reverse roles for a week.

Suppose, for example, President Nixon became editor of the enemy New York Times, and the Times editor became President. The editor of the Washington Post could become the Vice President.

Carrying this fantasy a bit farther, imagine CBS reporter Marvin Kalb as Secretary of State, columnist Jack Anderson as Director of the FBI, and anchor man Walter Cronkite as Chief Justice of the Supreme Court, or Administrator of NASA.

By assuming the responsibilities of Government leaders, perhaps representatives of the news media could more readily understand why the President must concentrate on major decisions and rely on staff members to make many of the minor decisions. In this kind of trade-out, the new editor-turned-President also might find it difficult to understand the justice of heaping high praise by newsmen upon one staff member—Kissinger's Nobel Prize—for the administration's successes, while much of the press is attempting to force the President from office because of acts and mistakes of other staff members.

By the same token, maybe Editor Nixon would understand why news reporters have the duty to constantly dig for the facts. As a result perhaps as President he would become more accessible and not so guarded in making information available to the public.

This example is admittedly farfetched, but it illustrates an old Indian saying: "Never judge another man until you have walked a mile in his moccasins."

Perhaps a better appreciation of the jobs and problems of others could produce a brief armistice on the home front which the Nation sorely needs.

Mr. President, recently I had the opportunity to hear some remarks on the subject of the freedom of the press by a well-known former Oklahoman, Frank McGee, who is host for the "Today" show on NBC. McGee was in Oklahoma City to receive an award at the annual brotherhood banquet of the Oklahoma City chapter of the National Conference of Christians and Jews. While I do not agree with everything Frank McGee had to say, I believe his address made some points that are worthy of the attention of the Senate. I ask unanimous consent that an excerpt from his remarks be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Excerpts From Remarks by Frank McGee

Stripped to its essentials, the audacious idea on which this nation was founded was the historically preposterous notion that ordinary men and women could govern themselves.

Century had followed century with men believing that only God could choose one from among them to govern all the rest. Other ages followed when birth into class determined who would govern, with ultimate power in the hands of one before whom all of lesser blood trembled. Charity, common sense and history tells us that not all those close to the Kings believed what they helped impose on the lowly. Yet, regardless of reign or realm, even the more compassionate held back.

Why did they view the people so poorly?

It is my belief that they had two great fears that convinced them ordinary men and women could never govern themselves; could never manage their common affairs; that it was in the nature of things for the few to control the destinies of the many.

First, they feared the people could never learn enough; were innately incapable of grasping even the most rudimentary processes of government. More than this, I believe, they feared the people could never control their passions; could never rise above superstition, put aside prejudice to recognize their commonly shared condition. The people were, and seemed destined to remain, a selfish, ignorant, brutish mob.

That remarkably talented assembly that gathered in Philadelphia in 1787 quaked before the vividly imagined nightmare of an inflamed and illiterate citizenry rampaging across the new land. What fears, what doubts, what misgivings were weighed, even by the best of them, against what hopes, what faith, what prayers? In the end, they defied the centuries, listened to the thrumming in their own blood, came down on the side of people and established a Republic.

They dared to believe that people could learn and control their passions.

In a way, both of those affirmations of faith came to be embodied in one provision of the organic law they established—the Constitutional guarantee of a free press. They knew it was central to the survival of the Republic they had established that the people know as much as possible about their common affairs in order to recognize their common interests and determine a course to be followed. Otherwise, government again, would fall into the hands of the few. They new that a free press was no guarantee of a truthful press. They knew that a free press was no guarantee of a responsible press. Their greatest act of faith was in chartering the only condition under which the press could ever become truthful or responsible—by making it free.

To my mind, any person in this society who undertakes to tell the people about their common affairs has a compact with those men who met nearly two hundred years ago in Philadelphia. We must not lie, by relating more or less than what we firmly believe to be the truth. And we must never seek to inflame the passions. A reporter who knowingly lies or inflames does not, at bottom, have faith that the people can govern themselves.

Our experiment in self-government is nearly two centuries old. And, in our lifetime, it has come perilously close to failing. In those two hundred years we have had many wars, ever larger, and economic upheavals, ever more severe. We have experienced industrial revolution and technological revolution and a swirling, bewildering, accelerating series of changes in our society that can only be termed a revolution. All of these have contributed to a loss of belief on the part of people that they can govern and a concomitant surrender of power by the people to ever smaller units of government until the smallest, single unit, one man, has become the most powerful. We Americans have been brought close to the belief that only one among us can govern, that only one has the knowledge to govern, that only the President can know what is best.

And then came Watergate.

And we learned again about the arbitrary or despotic exercise of power, which is a definition of the tyranny from which we were freed by our forebears those two centuries ago. And, as if echoing through the centuries, we have heard the philosophical descendants of those who feared the people could never learn enough to manage their common affairs. They argue that the truth is better left untold; that ignorance serves the public interest. For themselves, of course, they would want to know the truth because they do not believe themselves ignorant.

They are reflecting a pernicious belief that puzzled me when I first became a reporter twenty years ago. I was more appalled than amused by the instant conceit which seems to afflict some people: the precise moment they comprehend something a bit difficult to understand, they become convinced that ordinary people cannot do the same. Their near cousin is the person who convinces himself that I have attempted to distort the news. He's outraged. He sees through it, of course, he's too clever to be fooled. But the ordinary person is not. On a few occasions I've permitted myself the satisfaction of pointing out this conceit to those who think I'm being so devilishly clever in deceiving people. If I'm not slick enough to fool him, what makes him think I'm slick enough to fool everybody else?

The truth, of course, is that I am trying to honor my compact with those who established a free press, not for the benefit of the press, but for the survival of a free people; in the belief that they must know about their common affairs to recognize common interests and determine a course to follow—if they are to remain self-governing.

It is said we are destroying a President. That is not true. If a President is destroyed, it will be of his own doing. The press played no part in any actions he has taken or condoned. We have reported the actions, after they were taken, and when they came to light. If a President is destroyed, the Presidency will remain. I will assert that no man has greater respect for the Presidency than I. In the next breath I will assert that neither you, nor I, nor any other citizen is required to stand in awe of the holder of the office our forebears created and gave us the right to fill.

For twenty tumultuous years I have heard the arguments that have grown so thunderous over Watergate. They were essentially the same in Montgomery, Alabama when I was told if I did not "publicize"—their word, not mine—Martin Luther King's Bus Boycott, all the trouble would end. Even those, and there were a few, who recognized that King and those who supported him were trying to correct a dehumanizing social injustice feared that passions on either side would be so aroused that no good could come.

But, I did not "publicize" or report to Martin Luther King anything he did not know, or that was not known to his people. The evil was there. They knew it. It was the existence of the evil, not the accounts of their efforts to eradicate it, that caused the "trouble." The evil existed because the American promise had gone so long unfulfilled it had become hollow.

Into the Sixties it was the same, with Detroit, Watts and Newark. The arguments hardly varied with the deepening war in Vietnam and the outbursts on hundreds of college campuses; the invasion of Cambodia and the killings at Kent State. Always there was the litany, we were telling the people too much, inflaming their passions, causing "trouble." But, again, the trouble was the war in Vietnam. Too many people came to perceive that America was not doing what it proclaimed itself to be doing—defending the right of a small nation to determine its own destiny. Too many military dictators had been installed, too many elections had been thwarted or stolen, too many lies had been told. In time I believe it will come to be recognized that many of those who opposed the war did so not because they didn't believe in America, but because they did.

I find my work rewarding. I enjoy it enormously. I believe the people can be informed without being inflamed. I believe people can manage their collective affairs. I subscribe to the preposterous notion that ordinary men and women can govern themselves. I believe no one is born with inherited limitations.

As I have said, growing up where I did—in Oklahoma—when I did—during the Depression—I've had to believe it.

THE CONFERENCE REPORT ON FOREIGN AID AUTHORIZATION LEGISLATION

Mr. FULBRIGHT. Mr. President, the conferees have reached agreement on foreign aid legislation. From the standpoint of failing to uphold the Senate position, this is probably the worst agreement I have seen in all the many years I have participated in conferences on foreign aid bills. I did not sign the conference report for this and other reasons which I will explain in more detail when the conference report comes before the Senate, if it survives in the House.

For the present, however, I wish to alert the Senate and readers of the RECORD to the fact that total foreign aid available under the conference agreement is almost $1 billion more than was allowed in the economic and military aid bills passed by the Senate. The two Senate bills authorized a total of $1,988,222,000. The conference agreement, which was signed by a bare minimum of the Senate conferees, authorizes a total of $2,953,734,000, or $965,512,000 more than the Senate allowed.

Senators should not be deceived by the smaller numbers that will appear in the official table in the conference report. This table will not include in the total the $161,500,000 in repayments on outstanding foreign aid loans that will be available for making more loans, the $250,000,000 in arms and ammunition that can be taken out of Defense Department stocks and given to foreign countries, and the $150,000,000 in excess defense articles, valued at one-third of cost, that can be given away. This additional $561,500,000 does not appear in the total because to do so would make it plain for all to see that the conference agreement is for a $2,953,756,000 foreign aid bill, not $2,392,256,000 as will be alleged by the sponsors of this legislation.

This is but one of the practices used to pull the wool over Congress and the public's eyes about the size of the U.S. foreign aid program.

I ask unanimous consent to have printed in the RECORD a comparative table on the conference agreement.

There being no objection the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE DATA ON FISCAL YEAR 1974 FOREIGN AID AUTHORIZATION LEGISLATION

[In millions of dollars]

	Executive branch authorization request	Continuing resolution	House bill	Senate bill	Conference agreement	Difference from Senate amounts
I. ECONOMIC ASSISTANCE						
Indochina pos twar reconstruction for South Vietnam, Laos, and Cambodia	632.0	431.0	632.0	376.0	504.0	+128.0
International organizations	124.8	94.1	127.8	127.822	127.8	−.022
Indus Basin grants	15.0	9.0	15.0	14.0	14.5	+.5
Old development loan/grant categories:						
Loans (including Alliance for Progress)	351.4	310.2				
Grants (including Alliance for Progress)	251.8	210.5				
Population	(116.0)	89.8	(125.0)	(125.0)	(125.0)	
New development assistance categories:						
Food and nutrition			300.0	282.0	291.0	+9.0
Population planning and health			150.0	141.0	145.0	+4.0
Education and human resources			90.0	94.0	90.0	−4.0
Selected development problems			60.0	47.0	53.0	+6.0
Selected countries and organizations			50.0	28.0	39.0	+11.0
Miscellaneous categories:						
American schools and hospitals	10.0	9.0	20.6	19.0	19.0	
International narcotics control program	42.5		50.0	40.0	42.5	+2.5
Contingency	30.0	22.4	30.0	23.5	30.0	+6.5
Partners of the Alliance			.968	.9	.934	+.034
Administrative expenses (AID)	53.1	45.9	53.1	24.0	45.0	+21.0
Refuge relief assistance (Bangladesh)						
Arab refugees			2.0		2.0	+2.0
African famine relief			30.0		25.0	+25.0
Albert Schweitzer Hospital				1.0	1.0	
Total economic assistance	1,510.6	1,221.9	1,610.868	1,218.222	1,429.734	+211.512
II. MILITARY ASSISTANCE						
Grant military assistance	652.0	493.9	550.0	420.0	512.5	+92.5
Regional naval training						
Security supporting assistance (outside Indochina)	100.0	107.8	125.0	125.0	125.0	
Military credit sales	525.0	358.6	450.0	200.0	325.0	+125.0
Military training			30.0	25.0		−25.0
Total military assistance	1,277.0	960.3	1,155.0	770.0	962.5	+192.5
Total economic and military assistance	2,787.5	2,182.2	2,765.868	1,988.222	2,392.234	+404.012
Other items:						
Loan reflows	323.0	251.0	323.0		161.5	+161.5
Drawdown authority for military aid	300.0		300.0		250.0	+250.0
Excess defense articles	185.0	185.0	185.0		150.0	+150.0
Total	808.0	436.0	808.0		561.5	+561.5
Grand total	3,595.5	2,618.2	3,573.868	1,988.222	2,953.734	+965.512

WHAT'S WRONG IN OUR JUDICIAL SYSTEM

Mr. McCLURE. Mr. President, it has become fashionable lately to discuss what's wrong with the American system. The Natalia Semler murder is the latest in a series of cases which make it plain what is wrong with the system. We are obviously living in a society in which perverse judges are more interested in providing "a warm human atmosphere" like the one in the psychiatric institute to which alleged murderer John Gilreath was sent, than providing a safe human atmosphere for children like Natalia Semler.

It is hard to see who benefits from these "liberal" decisions. Surely not the police who, no matter how efficient, have hours of work undone in a few moments by a "liberal" judge; not the man on the street who is tempted to form vigilante groups or carry a gun in order to prevent murder or attack on himself or his family; not the pathetic specimens who commit these crimes who would be much better helped by detention instead of being encouraged to recidivism by release; least and most obviously not their battered victims.

One policeman said of Gilreath:

> He was a suspect from 10 minutes after the crime was committed.

The child he had attacked at the same place on the same school grounds a little more than a year ago, and the school itself, had been promised that they would be advised when Gilreath was released. In fact, no one was advised.

Perhaps it is time action is taken to assure the country's students, their parents and law enforcement officials that the safety of the innocent is more important than experimenting with so-called progressive approaches to handling the criminally insane. Mr. President, I ask unanimous consent that these shocking stories be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star-News]

$37,000 PRICE TAG: TREATMENT FOR GILREATH

(By David Braaten)

It cost more than $37,000 to keep the man charged as Natasha Semler's killer out of prison after an earlier criminal episode with a young girl at the Madeira School.

It is not clear who paid the money—John Stephan Gilreath's family or, more likely, an insurance company—but that would have been the basic bill for the 14 months of intensive psychiatric treatment that was a requirement of his suspended 20-year sentence for abduction in the 1971 case.

Gilreath pleaded guilty to an abduction charge. He was accused of seizing a Madeira student and dragging her to a large rock in the Potomac River, where he allegedly tried unsuccessfully to rape her. He had swum the river clad in a loincloth and armed with a screwdriver.

Unlike the Semler girl, who was left to die after being tortured and tied to a tree in a heavily wooded area of the 380-acre school campus, the 1971 victim was released unharmed.

When Fairfax County Circuit Court Judge William G. Plummer sentenced Gilreath to 20 years on the abduction charge, he ordered the sentence held in abeyance provided the young man received intensive psychiatric care.

Gilreath got his treatment at the Psychiatric Institute, a 131-bed mental hospital at 2141 K St. NW., where in-patient costs are $91 a day and outpatient care costs $36.50.

The institute's administrator, Horace W. Gaines, said he could not legally discuss a particular patient's treatment, but he was able to say Gilreath was an inpatient from June 2, 1972, to June 20 of this year, and then received outpatient care during the day until Aug. 22. He was then placed under what Gaines termed "court-approved medical supervision," a phrase the administrator said he could not elaborate on.

It is not know if Gilreath's parents picked up the huge tab for the young man's extended treatment. But he said at his arraignment yesterday that he was destitute and in need of court-appointed counsel.

Assuming that Blue Cross or some other medical insurance plan provided coverage for Gilreath, it is also not known whether his coverage ran out after a year's hospitalization—a fairly standard proviso of medical insurance policies.

Judge Plummer, presumably acting on the expert advice of the Psychiatric Institute's staff, approved Gilreath's release from 24-hour confinement at the hospital in June and to the community at large two months later under "medical supervision."

Gilreath's prosecutors were not consulted at either of these stages, according to an assistant commonwealth's attorney.

Had Gilreath been found not guilty by reason of insanity for the 1971 abduction—a possible alternative to his guilty plea and suspended sentence—he would have been sent to a Virginia state mental hospital, instead of the "warm human atmosphere" mentioned in a Psychiatric Institute brochure.

[From the Washington Star-News]

ESCAPEE SEIZED IN KILLING

(By Toni House)

Metropolitan police have arrested a 28-year-old St. Elizabeths Hospital escapee and charged him with murder in the shooting Wednesday of a teller during an afternoon bank robbery.

Police identified the man as Morris L. Judd, whose last known address was in the 600 block of Orleans Place, NE. He was arrested yesterday morning at the John Howard Pavillion of St. Elizabeths.

He is accused in the fatal shooting of Diana B. Davis, 28, a teller at the National Bank of Washington, Northeast branch, 800 H street.

Judd had been absent without leave from St. Elizabeths since he left a movie for the restroom and never returned Oct. 24, A hospital spokesman said Judd had readmitted himself three times before when he was on conditional release or convalescent leave and living in the community.

When Judd returned about 2:30 p.m. Wednesday, the spokesman said, "The staff didn't think anything about it."

Judd originally was committed to St. Elizabeths March 18, 1966 after being found not guilty of bank robbery by reason of insanity. When he went absent without leave, Judd was assigned to minimum security status at the Howard Pavillion.

Police declined to say what led them to Judd's arrest. They said it followed an all-night investigation.

Mrs. Davis was killed by a ski-masked robber who vaulted her counter and shot her at least once at close range with a small caliber pistol when she began calling for help.

Police refused to say whether Judd was the man who pulled the trigger. They are seeking the other man in the case.

Mrs. Davis, a bank spokesman said yesterday, at first may have thought that the man with the ski mask might have been part of a Halloween affair, because, he said, many people were wandering around that day with the traditional masks.

She said to the bandit at one point, "Oh, cut it out. Take off that mask."

Then, he said, Mrs. Davis apparently realizing what was happening, said, "I'm not going to give you any money."

After one of the bandits then snarled, "Shoot the bitch," the gunman fired one shot that slammed into a wall. Mrs. Davis had ducked under the counter and the gunman then leaped over and shot her as she huddled there, screaming as the bullet tore into her.

Judd was the second St. Elizabeth escapee to be charged with murder yesterday. Earlier, Baltimore police arrested Russell B. Gross Jr., 25, whose last known address was in the 1000 block of Irving Street, NW, on a lookout from metropolitan police.

Gross, missing from Howard Pavillion since he jumped from a hospital car Monday while being taken to the infirmary, is charged in the slaying of his former girlfriend, Betty J. Harvey, 25, of 3630 10th street, NW. Miss Harvey was shot twce in the back of the head as she left for work about 7:45 am. Tuesday.

[From the Washington Post, Nov. 1, 1973]

DISTRICT MAN CHARGED WITH MADEIRA SLAYING

(By Donnel Nunes)

Police charged a 23-year-old District man late last night with the murder of a 14-year-old Arlington girl whose partially clad body was found Tuesday bound to a tree on the grounds of the exclusive Madeira School for girls near McLean, where she was a student.

Charged with murder with intent to defile was John Stephan Gilreath, a laborer, who only two months ago was released from the Psychiatric Institute in Washington after having been convicted and sentenced in August, 1972, to a suspended 20 years for the abduction and attempted rape of another 14-year-old girl at the school two years ago this month.

That girl escaped unharmed, unlike Natalia Parker Semler who was found gagged and bound to a tree trunk by her father early Tuesday morning after she had failed to return home from the school by 6 p.m. the previous day.

Miss Semler, police said yesterday, had apparently died of exposure to cold that eventually reached 36 degrees early Tuesday morning.

In both instances at the school, the victim was apparently accosted near the school's auditorium that backs up against thick woods that surround the 400-acre campus. In both cases the victim was forced back into the woods and then forced to disrobe, though in the Semler case the victim was found naked from the waist down.

And in both cases the girl was never actually raped, as police confirmed yesterday.

But where the two cases differ was that the first victim who escaped unharmed apparently was too frightened of her assailant, who brandished a screw driver as a weapon, to resist, according to sources. Commonwealth's Attorney Robert F. Horan has said that Miss Semler apparently put up "a furious resistance." So much so, he said, that police thought her assailant might very well be marked with scratches.

The body of Miss Semler was found by her father, Peter Semler, a foreign affairs specialist with the State Department's Arms Control and Disarmament Agency, shortly before 8:30 a.m. Tuesday, tied to a tree about 300 feet from the auditorium, where she was last seen alive Monday at noon.

But in a bizarre turn, the father refused to disclose the location of the body to police for more than an hour until they finally agreed not to provide any information on the case to the news media, police said yesterday.

When police found the body, it was bruised and scored with dozens of tiny cuts. Her riding breeches and underclothing lay nearby, police said.

Horan said last night in announcing the arrest that Gilreath "was a suspect from 10 minutes after the body was found."

Gilreath, who lives at 1414 21st St. NW, voluntarily went to the Fairfax police station Tuesday night, after he was contacted by police at his home that evening, Horan said.

According to sources close to the investigation, Gilreath made a statement, but details of it were not immediately available.

Gilreath, who stands more than 6'8" tall and weighs about 200 pounds, wore a plaid lumber jacket and had dirty blond hair when he was seen by newsmen at Fairfax County police headquarters late last night.

Gilreath was given the 20-year suspended sentence by Fairfax County Circuit Court Judge William G. Plummer in 1972 on the condition that he undergo psychiatric treatment. He was not to be released from the facility without Judge Plummer's permission, The Post has learned.

Judge Plumber gave that permission, on the recommendation of Gilreath's doctors, in June, according to Paul Folliard, Gilreath's probation officer at the time. For the next two months Gilreath was required to report to the Psychiatric Institute every day for treatment before being allowed to return home in the evening, Folliard said yesterday.

In late August, he was given out-patient status, requiring him only to visit the facility twice a week, Folliard said.

Gilreath was being held last night in lieu of $100,000 bond, Horan said, and a preliminary hearing in Fairfax County court was scheduled for this morning.

In the 1971 abduction, Gilreath told investigators he swam from the Maryland side of the river to the Virginia bank at the point where the Madeira School property fronts on the river.

MORRIS THOMPSON NOMINATION TO BE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

Mr. GRAVEL. Mr. President, the Senate Interior and Insular Affairs Committee yesterday heard testimony regarding the nomination of Mr. Morris Thompson as new Commissioner of the Bureau of Indian Affairs.

Inasmuch as this body will likely be passing on the nomination shortly, I ask unanimous consent that biographical information on the nominee, and my testimony in support of his confirmation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF MORRIS THOMPSON

President Nixon submitted the nomination of Morris Thompson to be Commissioner of the Bureau of Indian Affairs to the United States Senate on October 30, 1973.

Thompson was instrumental in formulating and implementing Indian policy as Assistant to the Secretary of the Interior from 1969 to 1971. In this position he assisted in developing the President's Indian message of 1970; was involved in the return of Blue Lake to the Taos Pueblo Indians; the return of Mt. Adams to the Yakima Indians, and he helped formulate the administration's position on the Alaska Native Claims Settlement Act.

For the past two years Morris Thompson has been Juneau Area Director, top line official for the Bureau of Indian Affairs in Alaska. In this capacity he has had full responsibility for administering the total range of Bureau programs with an annual budget of 40 million dollars and approximately 1200 employees. Significant activities include accomplishing a Tribal enrollment of well over 80,000 Alaska Natives within a two year deadline and implementing other Departmental and Bureau authorities relatives to the Alaska Native Claims Settlement Act. Regular on-going Bureau programs and facilities in Alaska include 53 day schools, two Boarding schools, 5 field offices and a 10 ton cargo ship.

Thompson, an Athabascan Indian, at age 31 was the youngest man in BIA history to be named an Area Director. Now, at 34 will be the youngest Commissioner when appointed.

From 1967 to 1969 he was Executive Secretary to the ten-man North Commission. He was responsible for establishing policies and defining a comprehensive program to implement and promote the human and economic development of Northern Alaska. Additionally, he coordinated the activities for the Commission—economic research and evaluation of the work done by consulting firms—and acted as a liaison between State and Federal agencies.

Before accepting appointment to the North Commission Thompson was Deputy Director of the Rural Development Agency for the State of Alaska. He assisted in the establishment of the Rural Affairs Commission which is a forum of Native leaders who advise the State administration on matters of policy regarding the Indian community. In his role as Deputy Director he also helped with the coordination of emergency relief programs created to alleviate disasters such as floods, fires, poor fishing seasons, etc.

Morris Thompson was born in 1939, in Tanana, Alaska, a community 150 miles west of Fairbanks on the Yukon River. Here he attended school through the eighth grade. During high school years he attended Mt. Edgecumbe BIA Boarding School, graduating as a member of the National Honor Society in 1959. For the next two years he attended the University of Alaska majoring in civil engineering with a minor in political science.

At this time BIA Employment Assistance was recruiting students interested in electronics technical training. Thompson took advantage of this opportunity and moved to Los Angeles, California, for training at RCA Institute. Here he met his future wife, Thelma Mayo from Fairbanks, Alaska, who was also in Los Angeles for a BIA training program.

Upon completing the Electronics course in 1963, he returned to Fairbanks, married Thelma, and worked as a technician at the RCA satellite tracking facility at Gilmore Creek near Fairbanks until 1967.

The Thompsons now have three daughters—Sheryl Lynn, age seven; Nicole Rae, three; and Allison May, 18 months.

Thompson has served on numerous boards and commissions during his career as a public servant including the Rural Affairs Commission, the Alaska Village Electrification Co-op and the Alaska Business Council. Currently he is President of the Juneau Federal Executive Association, a Board member of the Alaska Native Foundation, and a member of the National Congress of American Indians. He was formerly a Board member of the Fairbanks Native Association, and the Alaska Federation of Natives.

REMARKS OF SENATOR MIKE GRAVEL AT THE CONFIRMATION HEARING FOR MORRIS THOMPSON AS BIA COMMISSIONER, NOV. 14, 1973

I wish to urge the committee here today to make a speedy approval of the nomination of Morris Thompson as commissioner of the Bureau of Indian Affairs. There is no other individual that I could name who will be quite as effective as Morris Thompson in this role. I speak in Morris's behalf not just as a fellow Alaskan, but as a good friend and personal admirer. Over the past years, I have had the opportunity to observe Morris administer the Alaska area of the BIA in a fair and effective manner, with vision and with diligence.

Morris assumed the Alaska position as a young man with lots of promise. Now two years later, he has demonstrated that youth combined with talent is a potent combination for a task that is so often excessive in its demands. The submission of Morris Thompson's name for commissioner is fortunate in that it comes at a time when the Bureau of Indian Affairs so desperately needs capable leadership.

The BIA has been without a commissioner for nearly a year—since the widely publicized building takeover by members of the American Indian Movement. Many of the other top positions are also vacant. Numerous programs cannot be fully implemented. As one former bureau official put it "things are in a helluva shape." Those of us who represent large native American constituencies know the problems this has presented.

This legacy as well as the takeover and the subsequent tragic actions at Wounded Knee have been unnecessary events in our country's history. Unnecessary, I say, because we know better . . . and our intentions are better. The record will show that Congress desires Indian needs and rights to be recognized. The historic Alaska Native Land Claims Settlement Act is a singular example of those intentions. Others are the Indian Self-Determination and Education Reform Act, National Indian Goals and Progress Act, the Economic Development of Indians and Indian Organizations Act. When enacted, these programs and others will witness our sincere concern for a better life for the "first" Americans.

Our duty today then lies in the wise selection of an administrator. Morris Thompson in his innate diplomacy, his calm, collected approach is a wise choice. During his term in Alaska, Morris administered programs affecting from than 70,000 Indians, Eskimos, and Aleuts—almost a fourth of the total federal responsibility. This has required management and oversight of some 200 contract operations covering a variety of services from providing community utilities to running child care programs. He has managed a sizeable day school system scattered over a half million square miles of tundra and forestlands.

Morris's leadership expressed itself in much valuable input to the Alaska Native Land Claims Settlement and its complex implementation. His ideas laid the foundation for extensive efforts aimed at enrolling eligible persons to share in the settlement and to obtain their rightful title to Native lands. Through these efforts, the Alaskan Native looks to a future of dignity and economic progress.

He is respected equally by employees and co-workers. He has received the almost unanimous support of scores of Indian groups, in Alaska and elsewhere.

Morris Thompson emerges from a brave new generation of Indian leaders who are sensitive to the need for preserving the traditional while being hip to the challenges of today. He offers the potential for restoring order to the BIA, reshaping its programs into meaningful, directed efforts toward fulfilling the federal responsibility to American Indians.

I urge your full support of this uniquely qualified individual—Morris Thompson.

A SURVEY ON PRESIDENT NIXON IN LAURENS COUNTY, S.C.

Mr. THURMOND. Mr. President, in recent days much has been said and written about the sentiment of people around this country who favor impeachment of the President. The number of the people who want such action, in my judgment, has been grossly exaggerated. The mail which has come to my office in large quantities has been about 10 to 1 in favor of the President.

Just recently, for example, the Laurens County Advertiser in Laurens, S.C., a typical small American city, made a random check of 36 local citizens. Not one of those people favored impeachment. The results of that survey and the remarks of the respondents are included in an article published October 24, 1973, in the Laurens County Advertiser of Laurens, S.C.

Mr. President, I ask unanimous consent that this article, entitled, "Majority of Laurens Citizens Side With President" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAJORITY OF LAURENS CITIZENS SIDE WITH PRESIDENT

(By Don Babb)

President Nixon has always been popular in Laurens County. He still is.

Yesterday, the Laurens County Advertiser polled 36 county residents at random.

They were asked, "Do you favor the impeachment of President Nixon? Why or why not?

Not one person interviewed favored impeachment. Some expressed concern about the Watergate incident as a whole, but no one seemed to believe that the President should be removed from office.

The following comments are typical of those received:

T. H. Bramlett, Laurens policeman: "I favor getting it straightened out one way or another. But I don't know about impeachment. I don't like to see anybody out of a job—even if it's the President of the United States."

Francis Dean, businessman: "No, I don't favor impeachment at all. I think the President had every right to fire Cox."

Hubert Graydon, businessman and chairman of the Laurens County Democratic Party: "The President was correct in firing Cox. The courts had requested a compromise with the Watergate Committee. The President agreed to a compromise. Senator Stennis was to hear the tapes in their entirety. That's all the courts had asked for—a compromise. But Cox wasn't satisfied with that. He wanted to do things his way. If I had been in the President's position, I would have fired him, too."

"I think this whole thing has been blown up by the liberal press and national Democratic leaders who have been out to get the President from the start. What is it that Jesus said as he drew in the sand, 'Let him who is without sin cast the first stone.'? I guarantee you that if they followed that principle today, there wouldn't be a single rock picked up in Washington."

Mrs. Dale Spears, housewife: "Before we get on to impeachment, I think we should hear what those tapes say."

George D. Evatt, manager for New South Insurance Agency: "I couldn't say that I would be for impeachment. This is a serious situation and he should be cautioned as to just how serious it is. But I think he has done a lot of good for this country. All he has done far outweighs any involvement he may have had in Watergate."

T. D. Todd, businessman: "I don't see how anybody right now can give an answer. We haven't gotten all the facts, and without the facts you can't form an intelligent opinion. As far as his firing Cox is concerned, he had every right to. He hired him. He can fire him."

J. G. Bailes, businessman: (no picture) "I don't think anybody knows at this point. But until we definitely know that he's guilty, I don't think any action should be taken."

John F. Sullivan, Advertiser employee: "They don't have any evidence. They haven't found him guilty of anything. Until they do or know for a fact that he's done something wrong, I can't understand why they ought to even think about removing him from office."

Allen Wade, businessman: "At this point, I just don't know. It is a very serious matter, but I haven't been able to form an opinion. There's not enough evidence."

EULOGY TO JOHN BRICK

Mr. McCLELLAN. Mr. President, it is with deep sadness and a profound sense of personal loss that I note at this time the passing of a man who was not only a highly valued staff assistant and cherished friend but also a man of recognized distinction and achievement. This man—John Brick—was an outstanding scholar, educator, lecturer, and novelist.

Until his untimely death on October 15 of this year, John had served for over 10 years as a member of the professional staff of the Senate Permanent Subcommittee on Investigations of the Government Operations Committee. To my regret I was out of the country at the time and could not return for the services held in his memory. In my absence, former Congressman Clyde T. Ellis, of my staff, spoke on my behalf; Paul Kamerick, former assistant counsel with the subcommittee, represented the staff who had worked with John; and Dr. Zigmond L. Lebensohn, for whom John's wife Mary has served as assistant for the past 10 years, commented as a friend of the family. In view of their participation in the ceremony, I consider it fitting that excerpts from their remarks be made a part of this tribute to one whom we shall always remember with heartfelt affection and lasting appreciation.

John's standing as an author of international reputation had already been established when we met. His work with me demonstrated his tremendous proficiency and versatility as a writer; his close association with me disclosed his rare character and impeccable integrity as a person.

Born in Newburgh, N.Y., John Brick was the son of an Army man. Perhaps this heritage, coupled with the fact that he worked at West Point for a number of years, explained his steadfast devotion to his country, and, also, his consuming interest in American history—especially the Civil War, in which he was an acknowledged authority. This spirit of patriotism is reflected in his historical novels, as well as in his often-expressed anxiety regarding the preservation of our form of government and the protection of the inherent rights secured to us by our Founding Fathers.

Former Congressman Ellis spoke in high praise of these special attributes.

> He was an able, loyal public servant, a man of unshakeable integrity; courage in the face of adversity and tireless energy; investigator, author, lover of God's nature, lone fisherman. His dignity and serenity with which he confronted death reflected the inner resources whose dimensions gave wisdom and prudence to his words.

In his daily personal contacts, John kept his priorities in proper perspective. His wife Mary and their children, Martha, Janice, and John, took precedence over all else. Dr. Lebensohn, in emphasizing this characteristic, said:

> Family meant so much to John. He reveled in his children and grandchildren. He loved his wife.

And, with reference to John's reverence for God and his creations, Dr. Lebensohn added:

> John loved nature. If love of nature were to count as religion, then I would say I have never known so religious a man.

John's family knew him for his thoughtfulness, his manliness, and his complete devotion to them and their well-being. His coworkers admired him for his tremendous talents and accomplishments as a writer, for his unassuming manner, and for his generosity in sharing his time and knowledge with those who sought his assistance. His deep loyalty to me and his total dedication to the principles for which I have stood will always be held in cherished remembrance by me. How applicable to John Brick is a quotation attributed to Alfred Lord Tennyson—"I am part of all that I have met." In this context, how greatly our stature has been enhanced by this noblehearted man; how drastically our lives have been diminished by his death.

Paul Kamerick, in his tribute, made reference to the poignant loss sustained by each of us who knew and loved John Brick. He also spoke of John's empathy in his dealings with others:

> His outstanding trait was his sympathetic understanding of human nature and love for his fellowman. He seemed instinctively to appreciate the feelings and problems of others. I never knew him to be bitter or vindictive. He had a true sense of values and an abiding faith in his Creator—who must have been well pleased with John.

From Mary Brick I have received a copy of a testament which John dedicated to her some years ago. Because it expresses so positively the creed by which he lived, I add it here:

TESTAMENT

These are great things:
To have been born in America, and to love it for what it was, is, and will be.
To have a high mountain to climb, the peak beckoning and ever receding.
For no man can reach the summit of his mountain, but if it be his own and no other's, never will he rest and say:
I have climbed as high as I can.
That is a thing of wonder, that mountain peak dimly seen.

These are great things:
To see a boy at play, and two golden girls beside him, and say:
They are my flesh, and I am here for them, and they for me.
To see them grow, and to know that never will they be nurtured by despair.

These are great things:
To have known hatred, and conquered it,
To have known stupidity, and overcome it,
To have known cruelty, and recognized it,
All in oneself.

But in the midst of these, is another.
Therefore these lines:
Surely, this is the greatest of all:
I have had one tender love, and no other.

This, then, is John Brick. His own words are his most eloquent witness. What greater legacy could a man leave his family—what more enduring monument erect to his memory—than the life he lived.

THE WELLHEAD PRICING OF NATURAL GAS

Mr. TOWER. Mr. President, on October 10 five of my colleagues and I representing a cross section of the United States testified on the issue of the wellhead pricing of natural gas. As we pointed out this issue is not a partisan Republican versus Democrat problem.

It is not a gas-producing versus gas-using State issue.

It is not a gas-supplier versus gas-user issue.

It is not a big gas-producer versus little gas-producer issue.

It is an issue which affects the consumers of natural gas throughout the United States. For years the consumers of gas throughout America have been betrayed by policies which have resulted in the rapid increase in demand for natural gas, while at the same time resulting in the decline of efforts to find and produce it. I am referring to the Federal

Power Commission regulation of the wellhead price of natural gas sold in the interstate market.

As was pointed out, supporters of the bankrupt policy of regulation have now placed many consumers of natural gas throughout the country in a position of not having any natural gas to burn.

Factories have been closed down and employees laid off. Schools have been closed. Crops have rotted for want of natural gas. Because of this policy of regulation companies have been forced to turn to insecure foreign sources of oil to fill the gap in supply of natural gas. This very day OPEC-sponsored negotiations are taking place in which they are demanding that the price of Middle Eastern crude oil be doubled. Should these negotiations succeed from an Arab point of view, on a British thermal unit basis, Americans will be paying four to seven times as much for imported oil as the present regulated wellhead price of natural gas.

Companies have also been forced to import high-cost liquefied natural gas at prices 5 to 7 times the regulated wellhead price of natural gas. My colleagues Senators Buckley and Fannin spoke on behalf of consumer States whose natural gas production is nearly nonexistent. Their testimony revealed that deregulation of natural gas at the wellhead is the cheapest of all other feasible alternatives insofar as assuring adequate supplies of natural gas to the American consumer is concerned.

Nearly all of my colleagues who testified have spent 2 years of hard work as participants in the Senate's national fuels and energy study analyzing the natural gas issue. Thus they speak with no small expertise. Their testimony reflects the careful attention and thorough study they have given the issue of insuring adequate supplies of natural gas for the American consumer. Accordingly, I call to the attention of my colleagues this well-reasoned testimony in the hope that this unnecessarily controversial issue may be more clearly understood. I urge each of my colleagues to study their testimony.

Mr. President, I ask unanimous consent that the testimony of Senators Tower, Fannin, Hansen, Bellmon, Buckley, and Bartlett be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of John Tower

Mr. Chairman and Members of the Committee: I appreciate the opportunity to appear before this committee to discuss proposed legislation concerning natural gas. The American people have become increasingly aware that adequate supplies of energy at points of consumption are becoming less available. Natural gas currently supplies approximately one-third of our nation's energy needs, and is, therefore, a most vital resource. In as much as we are currently experiencing natural gas shortages which will increase dramatically in both severity and breadth, it is of utmost importance that legislation be considered which could alleviate this dangerous situation. In order to better understand the present shortage situation, it would be helpful to examine briefly the history of natural gas price regulation.

The Natural Gas Act of 1938 was enacted to regulate monopolistic tendencies of interstate gas transmission companies which purchased gas from producers for resale to distributors. In the 1954 *Phillips* case, the Supreme Court interpreted this Act to include producers of natural gas who sold gas into interstate commerce for resale. It is interesting to note that the Federal Power Commission argued in *Phillips* that the Natural Gas Act was *not* intended to cover these producers.

Induced FPC control of natural gas wellhead prices has brought about 19 years of chaotic regulation. The result has been a substantial decline of gas exploration activities and gas reserve additions while increased demand for natural gas has reached artificially high levels. The Federal Power Commission was charged with the duty of protecting the consumer by allowing only "just and reasonable" rates for this gas. But because low rates have diminished exploratory activity for new gas reserves, there has been a general decline since 1954 of our productive capacity, reaching the shortage stage during 1970. The FPC has itself admitted that the historic Commission pattern of setting rates area by area has not demonstrated sufficient flexibility to maintain a workable relationship between supply and demand. While the FPC is acutely aware of the disequilibrium in supply and demand, any attempts by the Commission to increase the supply of gas without the support of appropriate Congressional action will be challenged by "consumer oriented" parties and the pendancy of judicial review. Ironically, therefore, rather than benefiting the consumer, regulated prices have forced certain classes of consumers to curtail their use of natural gas, with yet increased numbers being affected in the immediate future.

Even though the resource base of available natural gas appears to be adequate for several decades to come, for the 1973–1974 season it has been estimated that there will be a deficit of approximately one trillion cubic feet of natural gas at a time when demand could reach 22 trillion cubic feet of gas per year. A one trillion cubic foot deficit for the coming season is quite substantial and most alarming. Moreover, under existing economic conditions, this deficit is projected to increase by approximately 17 trillion cubic feet of gas per year by 1985. Even consumers in gas producing states are being affected by these shortages. In Texas, for example, currently there are towns and cities such as Austin and San Antonio where supply has not kept pace with demand. Just last winter the University of Texas at Austin was forced to close for a number of days due to a lack of natural gas supply used for heating campus buildings and for power generation. It becomes obvious, therefore, that the country faces the prospect of critical natural gas shortages unless something is done immediately.

Shortages will, however, continue to plague this country in the near future regardless of whatever actions are taken by the federal government. They will result from the unavoidable lag which stems from the time spent in performing the necessary geological, geophysical, leasing, drilling, developing, processing and transporting activities which must precede the consumption of significant new supplies of natural gas. The very existence of this time-lag should encourage Congress and the Federal government to take immediate action designed to stimulate exploration.

The most realistic and effective course of action would be the passage of legislation removing from the Federal Power Commission its duty of setting and reviewing the price at which a producer may sell his gas into interstate commerce. I have introduced and strongly supported legislation in both the 92nd and 93rd Congresses which would provide for complete and immediate deregulation of natural gas prices at the wellhead. I reaffirm today my conviction that the only solution to the nation's natural gas shortage is to allow the price of natural gas to respond to the pressures of the free market whereby economic incentives will stimulate supply in order that the demand for the least costly and cleanest burning fuel will be satisfied at the earliest possible date.

My bill, S. 371, would completely remove from the Federal Power Commission the job of regulating prices of natural gas sold in interstate commerce. Proposed legislative measures which call for partial deregulation or reform of the regulatory structure will not adequately correct the gas shortage situation. The cause of our current shortage results from regulated pricing. While the Federal Power Commission has held prices for gas at an unrealistically low level, there have occurred increased demands for natural gas to artificially high levels because it has been underpriced relative to alternative fuels. We must increase supply. Continued regulation of certain segments of interstate sales will disallow financial incentives necessary to encourage increased exploration and production. Supply must be increased.

The proposed extension of federal jurisdiction to *intrastate* gas operations *would* be highly undesirable. Approximately one-third of the nation's gas production is consumed in the states where produced. If regulations were extended to intrastate sales we would again experience the same depressing effect on exploratory efforts we have witnessed as a result of interstate regulation. In many instances industrial users of gas have invested heavily to locate their plants adjacent to sources of energy. These producer state industrial users are generally located in an area of a single fuel economy based upon natural gas. Therefore, regulation of intrastate sales would penalize doubly—there would be a reduction in the financial incentive requisite for exploration, and an increased unemployment resulting from operational shut-downs due to the lack of gas for industrial use.

Continued partial regulation of interstate sales or expansion of federal jurisdiction to the intrastate market are not the answers. Positive steps must be taken which will provide additional supplies of natural gas for the consumer in both intrastate and interstate markets.

I am confident that complete and immediate price deregulation will stimulate urgently needed exploration and production. Because the domestic exploration industry has responded to adequate economic stimulus in the past, I feel certain that they have the ability, determination and resources to do so now.

The natural gas exploration industry has recently demonstrated that it will respond to price deregulation. For instance, in the Panhandle of Texas, the rate of gas well exploration increased 67 percent in one year when price restraints were removed from the small producer pursuant to an FPC order. However, this administratively ordered expedient to free the small producer from cumbersome FPC regulations was recently placed in question by the courts. Thus, these same producers who reacted positively to this order now stand in jeopardy should it be determined by the courts that the FPC did not have the authority to initiate the expedient. But whatever the outcome of this case, two things are clear. The uncertainty and confusion inherent in FPC regulation and court review of these regulations which reduce the willingness of producers to explore must be eliminated so that producers can get on with the job of finding and developing our vast undiscovered reserves. And, as we have seen recently when the free market was given an opportunity to react, producers in appropriate areas have responded with a significant increase in exploration activity.

I am further confident that increased exploration activity will produce results. There has been a correlation between exploration activity and proven reserves. Since it is estimated that we possess more than 1100 trillion cubic feet of gas within our borders, that increased exploration activity will, in all likelihood, bring forth substantial new supplies of gas which will result in definite benefits for our nation.

It is true that in the short term we can expect a nominal increase in the price for natural gas at the burner tip. However, even with complete and immediate deregulation there will be no abrupt increase in cost to the ultimate consumer. Gas is sold under long-term contracts—usually 20 years. Thus, for the most part, prices at the burner tip would rise only for newly discovered gas and in cases where existing contracts expire or contain redetermination clauses. Furthermore, in the free market, gas prices paid by the consumer would rise only to the point where they compete with prices of other fuels. However, if we continue present and proposed regulatory policies we will only worsen the situation to the point where consumers and other users will have no gas to buy notwithstanding what they might be willing to pay.

It is imperative to understand that price increases which would result from the deregulation of natural gas will create increased producer incentive without proportionate increments in consumer costs. The bulk of the gas price paid by the ultimate consumer covers transportation and distribution costs. Only between 15 and 20 percent of the cost at the burner tip is attributable to the purchase of gas at the wellhead. Except for inflationary reasons, transportation and distribution costs will remain constant. Higher prices for gas supplies to be contracted in the future will increase the economic attractiveness of potential new gas prospects. Thus, for several years the proportion of gas supplies coming onto the market at higher prices would be relatively small. And, to keep gas in perspective, it must be remembered that even if domestic prices at the wellhead were to triple, they would still be much less than the price of foreign gas upon which we are becoming increasingly dependent.

It has been suggested that wind-fall profits will result if deregulation occurs and that such action would not be consistent with our efforts toward consumer protection. A free market price for natural gas will not cause wind-fall profits for the gas industry. To price a commodity at its cost of replacement does not involve a wind-fall profit. Rather, it will allow industry to obtain a price which will encourage exploration whereby we can resolve our shortages domestically at a significantly lower cost.

It is imperative that Congress take immediate action to remedy our present energy shortages. Complete deregulation of prices paid for natural gas in the interstate market is the most realistic and expeditious means whereby the supply of natural gas can meet the demand. Increased domestic supplies of natural gas will mean that consumers and users will be able to acquire satisfactory amounts of the least polluting and cleanest burning fossil fuel. Increasing natural gas production will also assist this country in reducing its balance of payments problem. The deficit of each cubic foot of gas must be met in the short term by increased imports of LNG, and rising importation already is causing serious balance of payments problems. Finally, our national security posture would be enhanced by the increased reliance on domestic energy resources rather than insecure foreign sources.

Mr. Chairman, this is action the public demands and deserves. Unless we act, and act now, it will be the consumer who will suffer. It is as simple as this: we must create an attractive climate which will immediately stimulate additional domestic supplies of natural gas, otherwise, there will not be the natural gas required to heat our homes, to run our industries, and to provide our jobs.

STATEMENT OF SENATOR PAUL FANNIN

I want to thank the Committee for the opportunity to testify with my colleagues Senators Hansen and Bartlett on the matters which are so vital to our consumers of America.

We are dealing with an issue affecting millions of American consumers of natural gas. These consumers have been betrayed by policies which have caused a substantial and frightening decline of the amount of natural gas available to them. Some of the architects of this policy of failure are feeling the heat resulting from their ineptitude and have begun to search for scapegoats.

Let us not be confused by their rhetoric. We are dealing with a consumer issue. Our goal is to ensure that U.S. consumers have abundant supplies of gas.

We are not dealing with a partisan issue which pits Democrats against Republicans. We are not dealing with an issue which pits suppliers of gas against users of gas.

We are dealing with a problem of how to rescue the American consumer of natural gas from ill-conceived policies which have resulted in substantial shortfalls of gas. We are dealing with a problem of how to keep America from devastating shortages this winter and the years ahead.

As a member of the Senate Committee on Interior and Insular Affairs, I have had the opportunity to participate in nearly fifty days of hearings pursuant to S. Res. 45, on at least twenty-five different energy related topics. As part of these hearings we investigated the natural gas situation on a nationwide basis and we investigated our growing reliance on oil and gas imports. Also, as a member of the Senate Finance Committee, I have become acutely aware of the enormous balance of payments burden which the United States now faces as a result of our growing dependence on imported oil.

In addition to commenting on the specifics of natural gas legislation, I want to emphasize my concern about the dangers posed to the security of this nation by the continued dependence on imports because of our domestic shortage of natural gas.

I regard it as absolutely essential that we initiate as soon as possible a realistic and comprehensive national energy policy—one designed to ensure energy self-sufficiency at the earliest possible moment. We must have a maximum effort to develop all our sources of energy—particularly natural gas—if we are to avert the possibility of a petroleum Pearl Harbor in the near future. During World War II, we went all out to develop successfully such things as synthetic rubber when we could no longer import it. There are great parallels between that wartime situation and the one which faces us now.

Over the weekend, war again flared up in the Middle East. Should it widen to the point of the destruction of key petroleum facilities, we might not have any oil to import—even if the Arabs were willing to sell it to us.

It is imperative that we begin at once to stop the trend of growing dependence on imported crude oil. The recently intensifying economic saber rattling by Libya and Saudi Arabia and other Arab countries makes it clear that unless we are prepared to give in to a political blackmail, our supplies of Arab oil may be severely curtailed or even terminated.

The National Petroleum Council in its recent report, "U.S. Energy Outlook" estimated that if current policy trends continue, by 1975 we will be importing over half our oil. By 1980 this would increase to 66 percent. The NPC added that most of this will by necessity be coming from the unstable Middle Eastern area.

On September 1, the Libyan Government announced the nationalization of 51 percent of the Libyan holdings of Exxon Corporation, Texaco, Inc., Standard Oil Company of California, Mobil Oil Corporation, Atlantic-Richfield Company and others. This action followed the takeover of a similar percentage of the Libyan operations of Occidental Petroleum, Continental Oil, Marathon Oil, and Amerada-Hess.

Immediately on the heels of this nationalization action came the September 2 announcement by Libya that it wants to boost its price of crude from $4.90 to $6.00 per barrel. If it was not clear before, it is now obvious that the days of "cheap" foreign oil are over.

The organization of petroleum exporting countries has announced a demand for a renegotiation of the 1971 Tehran Agreement, which dealt with terms and conditions including tax rates and price for the purchase of Middle Eastern Oil. The agreement stated that it would apply through 1976. Now we are told the Tehran Agreement is not worth the paper it was written on.

Thus, the Arabs have again invoked their favorite legal theory, the so-called "doctrine of changing circumstances." What the Arabs mean by the "doctrine of changing circumstances" is what we agreed upon yesterday is subject to renegotiation today. The upshot of this is that we can expect an upward adjustment in the price of Arab crude to $7.50 a barrel by the end of 1975. That is approximately double what we are paying now—and please note this—approximately 4 to 5 times as much as we are paying for the undervalued natural gas that is in such scarce supply in this country. The Arab nations are now in the driver's seat and they know it. Arab unity on oil is unnecessary when each Arab ruler is striving to impress his countrymen with his firmness and strength in dealing with the Americans.

There are some authorities who have predicted our growing dependence upon Arab oil, and their growing tendency to use it as a lever against us. The escalation of such political trends could lead to economic war, and an economic war could all too easily convert to total war. Or a political war could take place in the Middle East which could stop the flow of oil. This past weekend's events are a frightening case in point.

Turning to another dimension of the Middle Eastern Oil problem, let us make the assumption—unrealistic though it may be—that neither economic nor political forces will limit the outflow of Arab oil. What then? Let us now consider the awesome burden on the U.S. balance of payments situation which would result if we purchase Middle East oil in the quantities which we will need.

Economists have predicted that the annual dollar outflow for energy fuels may reach $24 billion by 1985. These predictions generally assume that the world price of oil will not exceed the prices already agreed upon for 1975.

We simply can't afford it. There is no way we can match this deficit with exports. A close look at the balance of payments relationship with the five major Arab oil producing countries—Libya, Algeria, Saudi Arabia, Iraq, and Kuwait—highlights the imbalance problem.

In addition to the importation of oil, we are relying upon imports of liquified natural gas to supplement our dwindling production of natural gas. Because of the economic disincentives to search for new gas supplies domestically, American utilities have been forced to turn to foreign sources for new gas supplies. They have been negotiating with Algeria, a country with which we have no diplomatic relations. U.S. gas company negotiators have been involved in seeking an arrangement to purchase huge quantities of gas from the Soviet Union. Consider here the national security implications, not to mention the balance of payments problems, presented by foreign dependency for a growing part of our gas supplies. Adding to the difficulty is the fact that imported gas, which has to be liquefied in order to transport, will cost U.S. consumers about three times the amount of domestically produced gas.

It seems incredibly short-sighted to me to purchase vast quantities of natural gas from potentially hostile foreign nations at extremely high prices while we may have sufficient quantities of natural gas in our own country or under the Outer Continental Shelf which would last us well into the next century.

What it comes down to is that deregulation of wellhead prices of domestic gas will be necessary to thwart the rising tide of oil and gas imports which have begun to fill the gap caused by domestic gas shortages. Thus, a vote against deregulation of U.S. wellhead gas prices invites producer nation blackmail.

The true dimensions of the international problem become more apparent when one considers that these five Arab nations can also expect large foreign exchange earnings from sale of oil to Western Europe and Japan in 1980. Surpluses of such magnitude would most likely cause great competition among oil importing nations to export in order to protect the value of their currencies and could cause critical strains in world monetary and trade relations. Our options are clear:

First: We can become overwhelmingly dependent upon imported oil and be willing to pay whatever economic or political tribute is demanded.

Second: We can become overwhelmingly dependent upon imported oil and be willing to fight for it.

Third: We can forego this source of oil and, failing to develop our own resources, suffer the consequences of a declining standard of living and second rate status as a world power.

Fourth: We can go to work developing our own energy resources, free to trade with other oil-producing nations only on a no-strings-attached basis.

It seems clear to me that the last alternative I mentioned is the only one which can possibly be acceptable.

Unless we are willing to move forward in our domestic resources development, we will have no choice but to pay tribute—tribute which will be much more costly, in more than an economic sense alone—than anything we have ever imagined.

This country has been faced with adversity in the past and on every occasion perseverance and ingenuity has saved the day. I know it can happen again, but we must understand that the hour is late.

The question is not whether the price of energy will rise—it has risen and will rise more—but whether we will develop our own energy industry with higher prices or only strengthen the energy industries of Mideast nations and increase our dependency on them. The latter course would be disastrous.

Now is the time to act to solve energy problems, not just to make "political hay" out of blaming the oil industry or the Administration.

Valid constructive criticism is needed and helpful, but making a scapegoat of the oil and gas industry for political reasons hurts rather than helps solve the energy shortages. And it hurts the consumer the most. Placing the consumer in a position in which there is no gas for him to consume is no protection at all.

Gentleman, we are in the throes of a global economic struggle revolving around the mainstay of our existence and we know it. That anchor point is energy. Today, and for years to come, by far the major portion of our energy source, and that of the world, is petroleum. Basic to the continuation of our national economic well-being is an increased domestic supply of natural gas to alleviate the demand for increased imports of other petroleum. Depressed prices and ill-advised regulation have throttled the development of our natural gas resources which in turn has retarded development of all other energy substitutes.

We can help ourselves and our country and we can grow economically, but not if we capitulate to the exhortations of those who oppose freedom of competition and private enterprise.

Turning specifically to natural gas legislation, my position has been and still remains strongly behind decontrol of all producer sales immediately. In fact, I have cosponsored S. 371 providing for total deregulation and urge the Committee to report out this proposal.

The Interior Committee has been working on a report dealing with natural gas. Senators Hansen and Bartlett and I have set out our position on these matters and I ask our views to be copied into the record. Please note that Senator Bartlett joined at a later date in views I am asking be made part of the record and personally hope that you take the time to read it. I am confident that it will be helpful to you.

The reasons why total deregulation is desirable can be summarized as follows:

(1) The natural gas shortage is primarily caused by the artificial depression of prices at the wellhead by the FPC, which has created an "economic disequilibrium", resulting in reduction of supplies through lessening drilling efforts, and increase in demand, primarily in the industrial area.

(2) Because the gas producing industry is effectively competitive, removal of regulation will permit prices in the field to rise to their "market clearing" or competitive level, to compete with other alternative fuel supplies available to the consumers, and will remove the price uncertainty and administrative burden and delay occasioned by regulation.

(3) Removal of regulation will induce additional exploratory effort, resulting in increased domestic natural gas supplies. All experts who have studied the question believe that the potential for expanded domestic production exists, but will not be developed at present price levels.

(4) The impact on the gas bill paid by the residential consumer of deregulation will not be significant. This is true because: (A) The portion of the residential consumer's gas bill represented by the price paid the producer is relatively small (about 17% of the national average). The rest of his bill is represented by transportation and distribution costs. (B) Producer prices for existing sales will continue to be controlled by existing long term contracts, which will still cover over half the volumes now being sold in 1980. New sales, and gas which is resold after contracts expire, will be "rolled in" at the pipeline and distribution level with these existing sales, resulting in minimal and gradual impact on the consumer.

(5) If regulation continues in its present form, or is extended to cover intrastate sales, the residential consumer will still face price increases in his gas bill, which may be more severe than under deregulation.

Under this assumption, domestic drilling will continue to decline, intensifying the shortage. This will necessitate "end-use controls" or rationing of gas between customers. As pipeline and distribution companies are unable to fully utilize their facilities, their unit costs increase, resulting in increasing prices to the consumer. As before noted, pipeline and distribution costs already make up more than 80% of the average residential consumer's bill, so an increase in their cost has a greater price impact on the residential consumer.

(6) In order to attempt to maintain service in the face of declining domestic natural gas supplies, the pipelines and distributors have been forced to turn to "supplemental" sources, synthetic natural gas made from liquid hydrocarbons or coal, and liquified natural gas imported from overseas. Not only are these supplies vastly more expensive ($1.00 to $1.50 per Mcf) compared to domestic gas (20¢ to 45¢ per Mcf) they also involve serious national security risks, and adversely affect our balance of payments, increasing the pressure on the value of the dollar overseas.

(7) Removal of regulation will have its greatest price impact on the industrial and electric utility consumers of gas, particularly in the producing states, which are now able to purchase gas on the intrastate market. Because the transportation and distribution costs here form a much smaller component of the burner tip price paid by these industrials, and increase in the price paid the producer will represent not the 10%–15% increase expected for the residential consumer, but inceases in the range of 40%–50%. This will cause these industrials, in many instances, to seek alternative fuels, thus releasing additional gas supplies for the residential consumer.

(8) Even though a change in the regulatory standard from the utility-type cost of service approach which has failed so badly in producer regulation would be beneficial, as long as regulation continues, it will depend on human judgments as to rapidly changing market factors, not all of which are capable of measurement. The delay and controversy attendant upon regulatory procedures, and subsequent court appeals, make it virtually impossible for a regulatory agency to approximate the price levels required to accomplish the results set out above. A competitive free market is unusually qualified to do this with the greatest economic efficiency.

(9) Charges that the gas producing industry is monopolistic, and a competitive free market price is impossible, are not borne out by the facts. Rather regulation, through artificial price suppression, has tended to make the industry less competitive, by forcing the small, high-cost operator out of the producing business. If unfair competition does exist, the proper forum for policing this is the Justice Department, through enforcement of the anti-trust laws.

(10) In order to properly effectuate the foregoing results, deregulation must extend to existing sales of gas, as well as new sales. The concern expressed in the Staff Report that such a proposal will result in "windfall profits" to the producers is not correct, for the reasons we set out in the full statement of our position.

Total deregulation has the support of many independent academic experts, who view this solution as the most effective way to balance supply and demand.

I note that on last Monday, October 1, 1973, Senater Stevenson and others introduced S. 2506 which would extend dramatically the FPC's jurisdiction. Since it is a very complex bill which has concepts which are novel and untested, I would like to present my full comments on it at a later time.

As a general observation, I must say preliminarily, however, I believe the concept would magnify and accelerate our present shortage of natural gas, which in turn will create shortages of other energy sources. Finally, if the FPC doesn't have enough problems, a suggestion that it be given jurisdiction over oil pipelines just is not practical.

In summary, we are dealing with issues which vitally affect all the nation's consumers—residential, commercial and industrial. Our proposal calling for deregulation will give the consumers more supplies which are cheaper than the supplemental alternatives and will be more secure. Continued, or more extensive, jurisdiction would not be in the interest of consumers or the public interest. Regulation has led to shortages—more regulation will lead to greater shortages.

STATEMENT OF SENATOR CLIFFORD P. HANSEN

Mr. Chairman, the controversy of Federal regulation of the producer or wellhead price of natural gas has, as you know, been going on now for almost 20 years. Since the veto of the last bill to decontrol the price of gas for reasons that had nothing to do with the merits of the legislation, there has been no serious effort by Congress to unburden the Federal Power Commission of the burden imposed upon it by the U.S. Supreme Court in 1954—a burden it did not want and certainly had not contemplated under the Natural Gas Act.

After a 16 year effort of attempting to regulate wellhead prices on a company-by-company basis, FPC found itself in an administrative nightmare and turned to the now discredited concept of setting rates by areas.

More recently, the FPC has shown more resourcefulness in a new policy of "optional" pricing which permits prices above ceilings if found to be in the public interest and is moving toward a nationwide rather than the area pricing concept.

I mention this background to emphasize the public interest aspects of the new FPC pricing proposals and the emphasis on supply as well as price.

FPC Chairman, John Nassikas, said the Commission was considering a premium for new gas discoveries to compensate for the greater risk of exploratory drilling and the higher marginal cost of new gas supplies.

In its optional pricing order, the Commission noted that after some 18 years of regulation, the producer does not know how much it can lawfully charge for the sales of natural gas in interstate commerce nor how much it will get if it develops and sells new gas to the interstate market. The producer knows for sure only that once it sells in interstate commerce, it cannot stop deliveries.

If nothing else can be agreed on in these hearings, I would hope that some assurance such as the sanctity of contract bill on which hearings were held last year can be reported out by the Committee.

Both this Committee and the House Commerce Committee held hearings but no legislation was reported.

Also, I would hope that the Committee might take note of what the new FPC pricing concept has already done in encouraging exploration for and development of new gas supplies.

Rising wellhead prices allowed by the Federal Power Commission have already brought on a 30 percent increase in gas well completions this year.

Under new FPC policies, contract prices for new interstate sales have climbed to the 50¢ Mcf range, about twice the average level allowed under the area-rate and cost-of-service concept of regulation.

However, new contract prices in the uncontrolled intrastate market have gone as high as 78¢ Mcf compared with the average price of all gas sold in the interstate market of about 22¢.

Actually, the producer receives only 17 percent of the ultimate price the residential consumer pays for gas. The pipeline transporters and utility distributors get the rest. So even doubling the wellhead price of new gas would amount to less than a 5 percent increase per year to the consumer on a rolled-in incremental basis.

The Washington Post estimated that unregulated gas prices would level off at about 55¢ Mcf, as new supplies stimulated by price increases came on the market.

I would think that those who are so concerned about windfall profits to producers and exorbitant consumer prices would be more concerned over the predicted prices of imported liquefied natural gas and synthetic gas. An FPC administrative judge recently recommended denial of a proposed synthetic gas plant in Louisiana and said there was every indication that such gas would cost $1.75 to $2.00 Mcf by the time a plant was finished.

Imported liquified natural gas already contracted for from such sources as Algeria is costing $1.25 to $1.50 Mcf and if oil prices from the Eastern hemisphere are any indication, gas prices will also continue to escalate if such gas is available at all.

No one really knows how much a given price increase will add to domestic reserves. Specialists are guessing, however, that doubling the price of oil and gas will increase the domestic producible supply by 50 percent.

So why not give the market place a chance? I can think of nothing better than extending the inequities that have so grossly distorted the interstate energy market to gas sold intrastate and regulated by the various states if we want to further compound the energy shortage.

An adequate and dependable supply is a factor equal in importance to price. Price is irrelevant if it's not available, and while my state of Wyoming would be called a producing rather than a consuming state as compared with New York or Washington, I believe all of us should be just as concerned that the consumer has a dependable and adequate supply of gas as we are that he gets it at a fair price.

In my opinion it's going to be a lot harder to explain to a constituent why he can't have gas in his new house or why his plant has to shut down during a cold spell than it is to explain why he has to pay a few dollars more a year for gas.

Mr. Chairman, I have expressed my support of total deregulation as the best possible legislative response to the gas shortage in comments Senator Fannin has asked be made a part of the record of these hearings.

STATEMENT BY SENATOR HENRY BELLMON

In a very real way this story describes the root cause of the natural gas and to a large extent the total energy problem this country faces. The difficulty is that those deciding the issues over the years haven't fully understood the problem. Therefore, I would like to use the brief time available to me this morning discussing the problem of gas price regulation as I see it and attempting to explain why further regulation only means a compounding of the problem.

Let me say at the outset that even though I am an Oklahoman I own no oil or gas stocks; and while I do have one oil well on my farm, it makes 1 bbl of oil, 40,000 cu ft of gas and 40 bbls of salt water a day, I expect it to be plugged any day.

My personal experience with natural gas began when I started riding a school bus through the Three Sands oil fields of Northern Oklahoma. This was a prolific oil discovery—drilled with three oil wells on each 5-acre tract. Along with huge quantities of oil which was readily marketable at profitable prices, the field produced great quantities of natural gas which no one wanted at any price. The gas posed a fire hazard, so for safety's sake, it was burned at the well site—flared, as the oil men say.

Along the mid 30's, Oklahoma's Governor Alfalfa Bill Murray got fed up with the wasting of Oklahoma's abundant petroleum resources and used the National Guard to shut down the oil fields until sensible conservation laws could be enacted by the legislature. One of these laws put an end to wasting natural gas. Oil could no longer be produced unless the gas could be marketed.

At that point, oil companies began a mad scramble to find some market—any market—at any price—for their gas, so they could sell their oil at a profit. Anyone who would take gas could have it at almost any price.

There were no gas pipelines, no great demand for gas, since most cities, industries, and utilities burned coal. Even right in the oil fields, where gas was being flared, homes were heated with coal.

Plans were soon made to build the "big Inch" lines to carry natural gas to the population centers in the East, and here is where the Federal Power Commission very properly got into the act. Concern was felt that once the pipelines and distribution systems were built and customers were irrevocably hooked onto the gas lines, they would be at the mercy of the gas producers and the pipeline companies. Human nature being what it is, price gouging was certain to follow.

So the FPC began to regulate gas prices. Since gas was cheap and no one drilled for gas intentionally, the oil producers, to whom gas was a nuisance, wanted to get rid of the gas so they could produce oil. The prices set were low—very low—down to 3 cents per thousand cu. ft. at the wellhead. At such prices, gas, a clean, convenient fuel, soon took over much of the market from coal, thus demoralizing the coal industry.

In the forty years since the flaring of gas was stopped in Oklahoma and its marketing was begun, many changes have occurred. The big oil fields have begun to run dry: Our refineries are short of crude oil; there is no surplus of gas from oil wells; and anyone who wants gas must explore and drill for it, specifically, at great expense.

Over the years, it has been determined that the richest deposits of natural gas lie at great depths—down to 6 miles under ground and under immense pressure. To drill and equip such wells is costly—some wells costing up to $5 million. No sane person makes such expenditures and takes such risks unless a reasonable possibility of a good return on investments exists.

In Oklahoma at the present time every electric utility is burning natural gas. Many industries are using gas for boiler fuel and, even though coal is abundant, very little is being produced for instate heating purposes. When a new gas discovery is made intrastate, buyers compete vigorously for the new supply, bidding gas prices up to 60 cents per thousand cubic feet and higher. Interstate buyers, hampered by FPC low-price regulations are literally left out in the cold.

Because of sensible intrastate gas prices, a vigorous exploration and drilling program is under way in the state. It now takes 6 months to get a drilling contractor to start a new well. All drilling rigs are busy and delivery of new rigs requires at least 9 months. Because of a 10-year depression of the industry, a serious shortage of drilling crews and drilling supplies exists, though it will improve as conditions improve.

New discoveries of gas are common, showing that greater production is possible if attractive economic incentives exist.

The higher prices of gas are causing a reexamination of the uses to which natural gas is put. The two most recent announcements of new electrical generating plants show that neither plant will burn gas. One is to be cool fired—the other is being designed to use atomic energy. A large refinery is spending $40 million to replace its present gas-fired boilers with new coal burners, thus making available 200 million cubic feet of natural gas per day for higher priority uses. These changes are being dictated by higher gas prices and similar changes to other fuels will come rapidly if market forces are allowed to operate.

To thrust the Federal Power Commission into the regulation of intra-state gas prices at low levels will simply prolong the wasteful overutilization of natural gas and delay the development of new supplies. Should the FPC set prices at a high level, it would be unneeded, since it would simply serve as a bureaucratic irritant to impede gas producers from the orderly conduct of their business.

Market forces can and quickly will allocate fuels to the needs they serve best. No fuel has a monopoly any longer. Population centers can be served by imported liquid natural gas or by synthetic gas. Industries can freely select between fuel oil, coal, or gas. Electric utilities are able to design their plants to use gas, coal, fuel oil or atomic power whichever is most advantageous.

The monopoly which the Federal Power Commission properly guarded against 20 or 30 years ago no longer exists. Rather than expand its authority to combat a threat which is now ended, Congress should end the regulation of gas prices so producers can develop adequate supplies of energy and so that consumers can select the fuel which best serves their individual needs.

This Nation is blessed with abundant natural reserves of energy. The industry has available the technology to develop these reserves for the market. All that is lacking is the economic incentive to produce and the time needed to gear up and do the job. Given the prices intra-state gas is now bringing and 5 to 8 years to expand production and switch fuels, I am convinced that this nation's energy shortage will be solved.

More controls simply means more delay and more dependence upon insecure, more costly sources of supply.

Statement of Senator James L. Buckley Before the U.S. Senate Commerce Committee October 10, 1973

I want to thank the Committee for allowing me a few minutes to discuss with you my views of these important natural gas matters. I represent an energy consuming State with a population of more than eighteen million. In area after area of New York State, natural gas pipeline companies are refusing to connect new homes. This past year, service has been interrupted to long-term industrial customers. Yet geologists tell us we have vast reserves of natural gas remaining to be discovered within the United States.

The focus of Congressional action, therefore, should be to determine why it is that we have shortages amidst this potential plenty. Once we have identified the causes, we can prescribe the proper remedies.

As a participant in the Senate's national fuels and energy study, it has been my privilege to attend a series of hearings and briefings which has served to sharpen my own understanding of the scope and long-term implications of what has come to be called our "energy crisis."

The facts now publicly available ought to speak for themselves. We are faced with a chronic and growing shortage of environmentally compatible domestic fuels which for the next 10 to 15 years will make us uncomfortably dependent on foreign sources in order to meet up to 25 percent and more of our projected energy needs by the year 1985.

The economic and security implications of these facts are serious enough. But I fear that if the full dimensions of the energy crisis are not understood by the public, we may find ourselves making the wrong policy decisions, particularly as concerns natural gas. Only a fully informed public will assure full support for the measures best designed to meet the energy crisis and assure our country of continuing supplies of reasonably priced fuels on a basis that will not place a catastrophic strain on our balances of payments or jeopardize our national security.

It is not my purpose today, however, to discuss the security aspects of the energy crisis, although they are clear enough given the new disturbance in the Middle East. Rather, I wish to address myself to an examination of the interests of my constitutents as consumers of enrgy. In recent years New Yorkers have had more than their share of brownouts and shortages. Today there are areas of New York State where for the first time natural gas is now being rationed among pipeline customers. It is clear that New Yorkers and all other American consumers of energy have an interest in the outcome of the hearings you have commenced today. Their concern is every bit as immediate and every bit as urgent as that of the energy-producing States.

One thing which I hope will emerge from these hearings is a better understanding of where the consumer's interest really lies; for it seems clear from the evidence to date that we are witnessing a classic example of the harm done to the ultimate interests of the consumer by an excessive zeal in attempting to protect him, through government intervention, from the workings of the marketplace.

Perhaps the most objective summary of the U.S. energy problem I have read was published in a recent issue of the very scholarly British Petroleum Press Service. From their vantage point 3,500 miles from our East Coast, this is what the authors had to say:

"Natural gas is in many ways the key to the U.S. energy problem, creating an imbalance because of the interchangeability of fuels in four of the major energy markets and the ease by which they could convert to gas. Its rapid growth over the last twenty years or so has been stimulated by artificially low prices, controlled by the Federal Power Commission on behalf of Congress. This might have been justified at a time when natural gas was virtually a by-product of oil exploration and production but hardly when demand had risen so high that gas was supplying about one-third of the total energy market, second only to oil. The result of low prices has been to discourage exploration for new reserves, which have shrunk to only twelve years' supply at current production rates . . ."

The article concludes that: "Because of apparently unlimited supplies of indigenous fuels, energy in the U.S.A. has always been cheap: indeed, a major factor in the nation's economic growth and prosperity. More recently however it is apparent that energy has been too cheap, leading to a certain degree of waste but more importantly to a lack of incentive in developing new resources to meet the very demand that low prices have created."

Clearly, an important contributor to our present energy crisis was the decision of the Federal Power Commission a decade or so ago to regulate the wellhead price of gas delivered to interstate pipelines. This interference with market forces resulted in a diversion of risk capital from exploration to other investment opportunities, and of newly discovered gas into intrastate uses. At the same time, it created a rapidly expanding market for gas which resulted in the displacement of a substantial part of the market for oil and coal. Oil and coal could not compete with the lower cost of regulated gas. On a B.t.u. basis, gas has been selling for about one-half the price of oil, despite its superiority as a fuel. Thus the regulation of the wellhead price of gas has not only resulted in the rapid depletion of existing reserves, it has diverted too much of our natural gas away from its best use, and has destroyed the incentive to develop new gas for delivery into interstate pipelines.

This contention is amply supported by the statistics. In 1971, for example, there were 437 exploratory wells completed as gas discoveries in the United States as against 822 such discoveries in 1956, the year the FPC first proposed to control wellhead prices for gas. In 1972, 9.4 trillion cubic feet of gas were added to our national reserves as against 24.7 trillion cubic feet of gas in 1956.

The experience in the Permian Basin after 1965, when the FPC first moved to impose area controls on gas producers, offers a classic example of how FPC policies have served to channel new gas into intrastate markets with a consequent loss to interstate markets. Mr. Chairman, I ask that the table of figures appearing at this point in my prepared statement be incorporated at this point in the printed record of these hearings.

NEW GAS COMMITMENTS IN THE PERMIAN BASIN, 1966–7

Year	Percent committed to intrastate market	Percent committed to interstate market	Total commitments (BCF)
1966	16.3	83.7	178.0
1967	21.8	78.2	77.2
1968	87.2	12.8	156.1
1969	83.3	16.7	175.8
1970 (6 mo.)	90.9	9.1	113.4

Source: From FPC data.

What the figures tell us is that while, in 1966, 83.7 percent of new Permian Basin gas was sold to interstate pipelines, by the end of the first 6 months of 1970 the proportion of new gas being committed to interstate as opposed to intrastate markets had been reversed. In the first six months of 1970, 90.9 percent of new Permian Basin gas was being sold to intrastate consumers while only 9.1 percent was connected to interstate pipelines. Interestingly enough, the most dramatic change in the pattern of gas commitment took place in 1968 following a Supreme Court decision affirming the FPC's Permian Basin area rate decision.

In plain English, what all these statistics add up to is that when gas producers compare their increasing costs of exploring for and producing new gas to the regulated price at which they are allowed by the FPC to sell it, they tend to conclude that the possible rewards simply do not justify the investment of risk funds to find new gas for commitment to the interstate market. One does not have to be a Ph.D. in economics to understand why, under existing policy, the domestic oil and gas industry has not been moving mountains for the privilege of providing East Coast consumers with a premium fuel at regulated prices.

Let us examine some of the realities of present and future supply which have resulted from Federal regulation.

Since the FPC began regulating the wellhead price of gas in a widespread basis, we have witnessed a rapid depletion of existing reserves from a 20-year supply in 1963 to less than an 11-year supply in 1971. Since 1968, our Nation has consumed approximately twice as much natural gas as it has discovered and added to present reserves.

According to testimony given at the energy study hearings last January by Chairman John N. Nassikas of the Federal Power Commission, the FPC's Bureau of Natural Gas has projected, on the basis of current rates of discovery:

We can work to limit demand through intelligent energy conservation measures, but even the most optimistic must agree that we are left with a substantial deficit that will have to be met from five principal supplemental sources of gas. These are, first, pipeline imports—largely from Canada, including Alaskan gas transported by pipeline through Canada; second, liquified natural gas imports; third, gas derived from coal; fourth, synthetic natural gas derived from liquid hydrocarbons; and fifth, natural gas discovered in the United States above and beyond the rates of discovery projected on the basis of current policy. According to Mr. Nassikas, the first three supplementary sources "could reduce the annual projected gas deficit to about 10 Tcf in 1980 and 18 Tcf by 1990." These deficits, it should be noted, amount to approximately 27 percent of the 1980 demand and 37 percent of the 1990 demand.

This brings us to the question as to which of these supplementary sources offers the consumer the best hope of meeting his projected needs at the lowest cost? Let us examine each in turn; but, first, by way of a bench mark, let us recall the current costs of regulated natural gas. In 1970, the average wellhead price of gas subject to FPC regulation was about 18 cents per Mcf, and it is in the vicinity of 24 cents now. The transported city gate price of that gas at New York City is an average of 80 cents. By the time the gas reaches the individual household, about another $1.20 for distribution costs, and so forth, will have been added.

First. Pipeline imports: the quantity of Canadian gas which will be available for importation into the United States is, of course, highly dependent on Canada's own energy policies and on the rate at which Canada's exportable reserves can be increased. These are not factors over which American policymakers have any direct control. With respect to Alaskan gas, even if huge reserves are discovered on the Arctic Slope, it will take years before a pipeline can be completed from the fields to the border between Canada and "the lower forty-eight"; and because of the enormous projected cost of such a pipeline—between $3 and $5 billion—it is estimated that the cost of delivering pipeline gas from the Alaskan Arctic to the U.S. border would range upwards from 90 cents to $1.40 per Mcf. Thus there is little reason to believe that we can improve on the FPC's admittedly optimistic estimate that by 1985, net pipeline imports could satisfy as much as 4.8 percent of projected demand; and to the extent that these imports consist of Alaskan gas, the price will be several times higher than the current city gate price for U.S. pipeline gas in New York City.

Second. LNG imports: the cost of delivering Algerian LNG to the East Coast has been estimated at from 84 to 91 cents per Mcf. The estimated cost to produce and deliver a thousand cubic feet of gas under the proposals now being explored with the U.S.S.R. range from $1.25 to $1.50 or two-and-a-half to three times the delivered price of domestic gas at New York City.

Third. Gas from coal: based on an application filed with the FPC, the estimated cost of a commercial project to produce gas from coal mined in the four corners region of New Mexico, is $1.21 per Mcf.—a "wellhead" price over twice the delivered price of natural gas at New York City.

Fourth. Synthetic natural gas produced from liquid hydrocarbons: based on applications filed with the FPC, the cost of synthetic gas is estimated to range from $1.10 to $1.80 per Mcf—two to more than three times the delivered price of natural gas at New York City.

Fifth. Natural gas discovered in the United States above and beyond current rates of discovery; there is no doubt that the gas is there to be discovered. The U.S. Geological Survey estimates that 2,100 trillion cubic feet of natural gas, recoverable under present technology, remain to be discovered within the United States, including the Outer Continental Shelf. This represents almost a hundred year supply at the 1971 rate of consumption. Estimates may vary as to how much of this potential may be available at costs comparable to those of alternative fuels, but it is safe to conclude that much domestic gas remains to be discovered if the industry is allowed the incentives to go out and find it.

The question to be asked, therefore, is what action is best designed to stimulate a resumption of large scale exploration for new gas for interstate markets, and what will be the probable effect of this action on the consumer? Only when we have the answers can we make a judgment as to which of the supplemental sources of gas offers the consumer the best prospect for meeting his future demands at a reasonable price.

Economists have concluded that if the wellhead price of new domestic gas is deregulated, domestic exploration and development will experience a substantial surge. The extent to which new gas supplies, free from continued price regulation, would be elastic to price is subject to debate as is any economic assessment of the future. I am nevertheless confident that supply would be responsive to price. This problem is supported by the experience of state, such as Oklahoma, in which a substantial market has been developed for locally produced gas that can be sold at unregulated prices. Oklahoma is experiencing an exploration boom, but only because any gas discovered can be sold within the state at prices more than twice the amount allowed by the FPC for interstate sales. I am also confident that so long as new gas remains regulated at the wellhead, as it is today, we may expect the supply-demand gap for interstate gas dealers to continue to expand.

For the reasons cited, I believe that our basic near—and intermediate-term efforts to provide gas for American consumers should be centered around stepped-up domestic production. It is the least costly of the alternatives.

These conclusions are supported by the testimony of many witnesses who have appeared at the S. Res. 45 Energy Study hearings. The conclusion is that potential U.S. gas reserves were sufficiently high to warrant stepped up production under economic conditions conducive to development. A growing host of academic economists, and the press also support this thesis. The Washington Post, Fortune, Barron's, the Wall Street Journal, bank studies and other analyses, not to mention the industry's own calculations, all point to the need to stimulate domestic gas production by freeing the wellhead prices of new gas.

Such a policy will serve an additional purpose, and that is to provide a disincentive to waste. It will favor residential and commercial over uses which may be less related to human needs. In other words, some industries now relying on low-cost natural gas will probably switch to other fuels, thereby conserving gas, once the price of natural gas raises to a level at which other fuels such as oil and coal can compete with it.

But even though gas prices would rise under such a policy of deregulation, they would not rise as quickly as they would under a policy which discouraged conventional natural gas production and encouraged the development of the more costly supplemental sources.

Further, even with the freeing-up of new gas at the wellhead, the burden on consumers would not constitute a shock effect. Residential and commercial consumers in particular would be paying perhaps as little as 5 percent a year more for their gas. This is because the higher priced new gas would be rolled-in with the cheaper old gas that consumers are now burning, and which would continue to be produced under existing long-term contracts.

Based on all the facts, Mr. Chairman, I think the conclusion is inescapable that the interests of the energy consuming citizens of this country will best be served by freeing newly discovered gas to find its own level. I believe the evidence compels the conclusion that the most effective single contribution the Congress can make toward relieving near-term energy shortages is to free natural gas sales at the wellhead from government controls.

The bill under consideration, S. 2506 appears to be a step backward in that the effect would be likely to inhibit the development of additional natural gas supplies rather than enhance them. Extending regulation to intrastate sales hardly could be described as helpful when the basic cause of the problem is regulation. Moreover, establishing differing criteria for deciding upon which firm's output is controlled and which are uncontrolled, can only duplicate the confusion we have witnessed in the differential controls over agriculture in the Economic Stabilization program.

We have paid a very high price for our overzealous attempt to protect the consumer against the operations of the marketplace. I hope we will learn from this experience the ancient lesson that the one sure way to create a shortage in a given commodity is to try to hold its price below the level which justifies its production. There are certain economic laws which even the U.S. Congress cannot legislate out of existence.

REMARKS BEFORE SENATE COMMERCE HEARINGS ON NATURAL GAS DEREGULATION

(By Senator DEWEY F. BARTLETT)

The energy shortage is real—not imagined—not a hoax—not a conspiracy—and what's more important, it will get worse before its gets better. The demand for energy in the United States is rapidly outstripping available supplies.

In this first half of 1973, we imported 34% of our crude oil consumption. Over 60% of the increase in these imports since the first half of 1972 came from the Middle East and Africa.

A shortage of energy was inevitable, and it has been no surprise. Michel T. Halbouty, past president of the American Association of Petroleum Geologists, was one of many who could see the writing on the wall. He said in 1960, "I can safely predict that between now and 1975 we will have an energy crisis in this country. Then people will say 'The industry is to blame, why weren't we told?' Well, I'm telling them now." That was in 1960 and I could recite numerous similar warnings over the years.

Between 1960 and 1970, the use of natural gas almost doubled. While the nation's demand for natural gas was doubling, exploration and development activities were declining sharply because the same artificially low prices that stimulated demand, have also discouraged investments to increase supplies. In 1956 a high of 16,173 exploratory wells were drilled—in 1972 only 7,587 exploratory wells were drilled—less than half the 1956 amount. (Refer to plot of wells drilled and R/P vs. years). Also the exploratory geophysical crew activity dropped to half as much in 1970 as it was in 1960.

The suddenness with which the energy gap has occurred can be traced to the natural gas shortage because the lack of sufficient supplies of natural gas has caused a strain on all other available fuels to make up the shortfall. Now it is time we did something about it.

I would like to comment on the remarks made by Senator Stevenson when he introduced S. 2506, on October 1, 1973, then discuss some of the provisions of S. 2506.

Mr. Chairman, you have me confused. You said, and I quote, "I believe in a free market. But there simply is no free market in the Nation's gas and oil business." I beg to differ. There certainly is a free market in the Nation's gas business—the intrastate natural gas market. And I might add, that it has been functioning very well. Interstate free market prices at two to three times the interstate rates have been successful in providing additional new reserves for intrastate use. This is the one bright spot in a dismal picture of domestic natural gas.

Drilling in response to recent increases in intrastate gas prices has been phenomenal. In a period of time when intrastate prices have increased 2.3 times on the average, the number of gas wells drilled increased 15.3 times. Exploration and development activities and the resulting increases in supply are price elastic.

You also said when you introduced S. 2506, "I am not enthusiastic about Government regulation, and would not presume to defend the present system for regulation of natural gas prices." But then you proceed to show such enthusiasm and defense for the present system by supporting legislation that would extend Government regulation into areas which, under State regulation operate in the free market. Am I right in assuming that you intend to impose a system of regulation, which you say you cannot defend, upon the only remaining free market aspect of natural gas? Yet you say you "believe in a free market"? This seems to me a direct contradiction.

Mr. Chairman, I contend that S. 2506 will do exactly the opposite of what you would intend, i.e., as you have said, "Substantially increase the amount of natural gas available to the consumers . . .", "Save the public billions of dollars . . .", and "Improve the competitive structure of the oil industry . . .".

Extending Federal regulation to intrastate sales of natural gas at the wellhead will only act to decrease the gas available to those consumers. This is the discouraging and undeniable record of the supply of natural gas under FPC regulation. The total amount of natural gas available in the United States would decrease at an even faster rate than it already is. You might be able to increase the amount of gas available in interstate sales by taking away the gas from the intrastate consumer, but there will be no incentive to increase the overall supply of natural gas. Federal regulation of natural gas at the wellhead has stimulated the demand for and at the same time reduced the prices and supplies of oil and coal.

In terms of cost to the consumer in New York City, for example, the price paid to the producer of natural gas is only a small fraction of the total cost he pays. In 1970 figures, a consumer's cost for a thousand cubic feet (mcf) of gas in New York City included $1.41 to the local utility company for distribution charges, 25.1c for pipeline transportation charges and 17.1c on the average for the natural gas itself. That 17.1c is only a little over 9 percent of the total cost of $1.84 per mcf. Even if the price of the natural gas were tripled, the total gas bill increase for a New York City consumer would be only 19 percent.

In the long run, rather than saving the public billions of dollars, S. 2506 would force the importation of alternative sources of energy whose costs, such as liquefied natural gas (LNG) and synthetic natural gas (SNG), both at approximately $1.50/mcf—over seven times the current price for interstate gas sold at the wellhead.

The shortage of oil and coal and the slow development of alternative resources of energy can partially be attributed to the fact that the artificially low prices for natural gas have caused the clean burning natural gas to displace and restrict alternate fuels in the market place and to generate a reduced rate of drilling for natural gas and oil.

You said, ". . . oil has never been regulated—and it is in short supply." Oil is in short supply because it has been called upon to assume the burden of natural gas shortages. The price of oil has been low because it has been competing with artificially low priced natural gas, and has also been held down, until recently, by the constant increasing of imports of foreign crude under the mandatory quota system. Now, as you know, "old" domestic crude is regulated.

The petroleum industry is highly competitive in exploration, development and production of natural gas. Extending Federal regulation can only make the industry less competitive. The proof of this is in the last 15 years the number of independents have been reduced in half from approximately 20,000 to 10,000.

S. 2506 was introduced with the unequivocal statement "The four largest producers control 70 percent of the nation's uncommitted reserves of natural gas." This statement is in error on several counts.

First of all, the "70 percent" figure is not only inaccurate but even the correct figure (48 percent) would be misleading because the amount of uncommitted reserves amounts to a very small percent of total proved domestic reserves.

Chairman Nassikas, of the Federal Power Commission, testified before the Senate Subcommittee on Anti-Trust and Monopoly on June 26, 1973, that as of June 30, 1972, uncommitted reserves available for sale in the lower 48 states totaled 3.4 trillion cubic feet. This represents only about 1½ percent of the total domestic proved reserves for the lower 48 states.

The largest four holders of uncommitted reserves controlled only 48 percent, not 70 percent of this small amount of uncommitted reserves. In fact, the largest 8 holders of uncommitted reserves controlled less than 70 percent—68 percent to be exact.

Another point I would like to make is that the four companies holding the largest amounts of uncommitted reserves are not the four largest producers in terms of annual sales.

Uncommitted reserves, when used as a basis for determining competition, cause an unfortunate but serious misunderstanding. Gas exploration and marketing cannot be meaningfully analyzed at a single point in time because they are ongoing activities. After discovery, and prior to commitment, a gas field must be developed to the extent that the pipeline purchaser is assured of a sufficient quantity to justify investment in pipelines and facilities. Uncommitted reserves are similar, therefore, to a manufacturers inventory of "goods and process." Drawing specific conclusions based only on this data would be analogous to clipping one frame out of a moving picture film and judging the whole film on that basis.

Data submitted by Chairman Nassikas, before the Subcommittee on Anti-Trust and Monopoly, provided for a more reliable basis than uncommitted reserves for drawing conclusions on the competitive structure of the gas producing industry. This data shows that the four largest sellers of gas sell only 25 percent of the total, not 70 percent or even 48 percent. In addition, the percent of total annual new sales by the four largest companies each year (not necessarily the four largest in total sales) has declined from 49.5 percent in 1964—66 to 29.4 percent in 1967–69. This strongly suggests a trend of decreasing market concentration, i.e., more competition for the large gas producers.

It is interesting to compare the concentration of the petroleum industry with a few other manufacturing industries. The 1967 Bureau of Census Report on the concentration of manufacturing industries show on the basis of value of shipments the petroleum industry is less concentrated than many, as the following table shows:

1967 BUREAU OF CENSUS STUDY

	Percent of total value of shipments	
	4 largest companies	8 largest companies
Petroleum	33	57
Auto	91	98
Raw steel	67	83
Aluminum	(1)	(1)
Rubber tires	70	88
Computers	66	83
Copper	77	98
Aircraft	69	89
Glass	60	75

Each year, new producer contracts to sell gas are filed with the FPC. The gas reserves under these contracts, prior to contracting, represent uncommitted reserves. Theoretically, the four largest total sellers have the opportunity to be among the top four new sellers each year in each area. If one observed three areas, the permian-basin area, the Texas-Gulf Coast area, and the southern Louisiana area, for six years to see the top full rankings and new sales, the four largest total sellers could appear within the top four largest new sellers a total of 72 times. In fact, these four largest total sellers appeared among the four largest new sellers only 16 times out of 72 opportunities.

It has been purported that S. 2506 would "exempt all small producers for regulation, thus concentrating on the 30 largest producers . . ." Even the drafters of this bill apparently are unaware that it provides only qualified exemption for small producers, and would continue to regulate more than a hundred producers. In 1971 there were 105 producers who sold in excess of the 10,000,000 mcf limit set out in the bill in interstate commerce and an unknown additional number of producers sold more than this amount in intrastate commerce. The contention that only 30 producers would be regulated under this bill is false.

S. 2506 was touted to be a "consumer-oriented alternative to the Administration's proposal for deregulation." There is nothing consumer-oriented about S. 2506. It would ultimately lead to diminishing the available supplies of natural gas available for consumer use, which is certainly not in the consumer interest.

Deregulation of natural gas, as proposed by Senator Tower in S. 371, which I co-sponsor, would be in the consumers interest. The free market would allow the price mechanism to provide the incentive for new energy supplies for the consumers without importing high priced energy needlessly.

In short, domestic natural gas is the cheapest alternative available to the consumer, it is the most secure and dependable source of energy and it strengthens, rather than weakens, our country's balance of payments deficit.

SPEECH BY SECRETARY OF COMMERCE FREDERICK B. DENT

Mr. THURMOND. Mr. President, I was privileged to introduce Secretary of Commerce Frederick B. Dent last night at the Silver Elephant's Dinner in Columbia, S.C.

I found his remarks regarding President Nixon to be refreshing and certainly welcomed. There is no doubt in my mind that his thoughts reflect the feelings of a majority of Americans.

Accordingly, Mr. President, I ask unanimous consent that Secretary Dent's speech, delivered at the Republican Silver Elephant's Dinner in Columbia, S.C., November 14, 1973, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SECRETARY OF COMMERCE FREDERICK B. DENT

In contemplating my remarks this evening, I reflected back to our Silver Elephant's Dinner Last December. At that time, we were all still basking in the great victory we had just won a month earlier. Here in South Carolina, Senator Strom Thurmond had won an overwhelming victory, Floyd Spence had been re-elected unopposed, and Ed Young had just become the first Republican Congressman in modern times from the Sixth District.

Nationally, President Nixon had just been re-elected in one of the greatest landslides in history and all of us were looking forward to four more years of achievement in the second Nixon Administration.

At that time, few of us would have predicted that we would meet again less than a year later amidst the cries of the President's enemies for his resignation. Because of the attention which has been focused on the Watergate affair and because of the manner in which it has dominated both the headlines and the television screens, many Americans have lost sight of the achievements of the past year and the ill-considered consequences which would result should the President's enemies succeed.

Under President Nixon's leadership, this Nation ended a long and tragic war in Viet Nam with honor. Our prisoners of war are home and no young Americans are being drafted for the first time in 25 years.

In recent weeks, the President has demonstrated his great ability in foreign affairs once again in his skillful handling of the Middle East conflict which has lead to a ceasefire in this volatile area.

These results, in themselves a great achievement, result from President Nixon's brilliant and courageous foreign policy initiatives. Unlike those who would negotiate from weakness, leaving appeasement as the only alternative to war, President Nixon has forged a new relationship with Moscow and Peking based on our strength.

In this regard, let me quote to you from a toast to the President by Prime Minister Bhutto of Pakistan:

"We have admired, Mr. President, your own contribution to a new world order; and when the history of this Country is written, and when the history of the great Presidents of the United States is penned, what will they say of President Nixon?

"As far as we are concerned, not only as a Pakistani, but as an Asian coming from Asia, I can tell you that at least my history books, the history books of my country will say here was a great and a lofty President who broke the barriers of prejudice and who chalked out a bold, new policy according to the finest traditions of American history and brought peace to a tormented part of the world.

"This is how we see your role, as the leader of the free world—as the leader of Western civilization and as a man of peace."

Under President Nixon's leadership, the United States has not retreated from its rightful place in world affairs as the defender of human freedom and the peacemaker. The President has also taken a strong position with respect to the essentiality of remaining strong militarily—in fact number one so that we can preserve the peace. Without such a position, I can assure you that the Mideast would be aflame tonight with war.

In domestic matters, the past year has seen a trade deficit of $6.4 billion become a trade surplus of $153 million, as the export of the products of the working men and women of American have increased 37 percent. Just in the last few weeks, we have seen decreases in the wholesale and consumer price indexes and a moderate growth in the GNP, pointing to a readjustment of our economy to a less inflationary level without a recession. Unemployment is down to 4.5 percent, from 5.5 percent a year ago. In South Carolina, unemployment is down to 3.6 percent.

Our President who is supposed to have been rendered powerless, has this year vetoed nine bills—Congress has sustained eight of these. Charged with being hindered in his conduct of foreign policy, he has met with 12 heads of state including General Secretary Brezhnev in the last few months.

He has moved decisively to lead this Nation effectively to meet the energy crisis which has been severely aggravated by events in the Middle East. The Congress currently is considering his proposal for the creation of an Energy Research and Development Administration to lead the Nation's Project Independence between now and 1980.

These achievements of the last year follow a first term marked by similar outstanding progress at home and abroad. The riots and disorders that had become common place in American cities have abated.

The soaring crime rates which characterized the '60s have begun to taper off.

President Nixon appointed men devoted to the law to the Supreme Court, and those who were so enamoured of social experimentation no longer dominate the Court's opinions, particularly in the fields of criminal procedure and pornography.

In his first term in office, the President handled with men and women of good will throughout the Nation the difficult transition to a fully-integrated school system with skill, diplomacy, and even-handedness. He demonstrated a sense of fairness toward all regions and all races and his Administration is the first in modern history that has not used the South as a political whipping post.

He fulfilled his pledge to Senator Thurmond and to the people of South Carolina to bring relief to the textile industry in the face of a flood of imports from the Asian countries. The layoffs and short work weeks which had become common in textile areas have been replaced by full employment and prosperity.

At the present time, negotiations for a new Multi-Fiber International Textile Agreement are proceeding in Geneva on schedule. By GATT decision, these negotiations should be completed by the end of this year. The final negotiating session is scheduled to begin on December 3 and we are optimistic that an agreement acceptable to us can be negotiated in the time allotted.

President Nixon has also initiated a dynamic reorganization of governmental power in this Country. In words that are particularly meaningful to those of us in the South, President Nixon said,

"After a third of a century of power flowing from the States to Washington, it is time for a New Federalism in which power, funds and responsibility will flow from Washington to the States and to the people."

New Federalism is a program in action which is effectively changing the map of political power in this Country, with the flow, for a change, being away from Washington rather than into Washington. One important expression of this policy, the General Revenue-Sharing Act, will return about $6 billion for use by the states and local governments in the coming year.

With regard to our Party's political fortunes, last week's election results showed clearly that the Republican Party is not going to roll over and play dead. The much criticized southern strategy resulted in a Republican Governor and Lt. Governor in the State of Virginia. Here in South Carolina, Republican victories in Myrtle Beach and Aiken, as well as earlier success in Greenville and Columbia, effectively demonstrate that the Republican Party is continuing its role of providing leadership on both the local and national levels.

We in South Carolina can take particular pride in the role our State Party has played and continues to play in the Nixon Administration. Nor have we run for cover in the face of adversity. Senator Thurmond has once again shown the remarkable courage of his convictions by speaking out forcefully in the Senate and on national television in strong support of the President and his Administration. We are not a Party of sunshine Republicans.

Let us examine for a moment the proposition that is being suggested to the American people by some of the President's critics. *The New York Times, The Washington Post, Time Magazine* and ABC News have all urged that President Nixon's ability to continue in office has been so impaired by the Watergate matter and related events that he should resign from office. Some in Congress have joined this chorus. The AFL-CIO is beginning a drive to impeach the President.

Last week, I delivered a speech before the Alabama Chamber of Commerce in Montgomery strongly supporting the President, his record in office, and his great potential for achievement in the remaining three years of his term. No sooner had copies of the speech gone out to the press than three wire services called our Public Relations Office at the Department of Commerce wanting to know if the speech had been written in the White House. *The New York Times*, ignored it, *The Washington Post* printed a small story on page A-19 but in Moscow, *Pravda* saw fit to run a story on the speech. I will leave it to others to draw appropriate conclusions.

When one separates the wheat from the chaff in the charges of the President's critics, it becomes clear that grounds for impeachment simply do not exist. The House will not impeach and the Senate will not convict on the compromised evidence of one accuser named John Dean.

It is interesting to note that former Attorney General Richardson, since his resignation from office, has stated publicly that he believes President Nixon has told the whole truth in denying any involvement in the Watergate matter or the cover up. Mr. Richardson stated, "Everything I know supports the conclusion that he has [told the truth]. I've found him personally convincing on this."

The very people and institutions that have moved heaven and earth in the last few months to destroy public trust in the President, even to the extent of charging that his ordering an alert in response to Soviets actions in the Middle East crisis was politically motivated, are now claiming that because they have succeeded in underminding the President's popularity, he should resign in the interest of national unity.

They are proposing no less than an abandonment of our Republican form of government with an elected President for a four-year term of office. Should they succeed, the form of government which has guided this Nation to a position of unprecedented leadership in the world in 197 years will be compromised.

This is not the Fourth Republic of France. Our forefathers purposely established a form of government which prevents the removal from office of an Administration in mid-term merely because political opposition has rendered a President temporarily unpopular.

The strength of our system lies in the fact that the American people and the leaders of the nations of the world know that our President is secure in his office and that the American people cannot be temporarily manipulated to bring down an Administration.

In spite of the most vitriolic headlines and broadcasts which have gone on day after day after day with no let up, the vast majority of the American people believe the President should remain in office. In spite of the crescendo of criticism which has been presented to the American people virtually unchallenged by the media, President Nixon has shown in both the Middle East and the energy crisis that he is governing this Nation effectively, skillfully, and with the high calibre of leadership which has characterized his Presidency and from which the United States and indeed the world have derived such great benefit.

The people of South Carolina have a heritage from our early history that continues on to the present day, a heritage of courage to stand up and be counted for our beliefs and our convictions regardless of what the rest of the Country may be doing. We have not been known for accommodating ourselves to the opinions of the moment; but rather South Carolina has been characterized by its willingness to assume leadership and to create rather than react to the events of the day. Perhaps we have not always been successful, but we have never been afraid to try.

Today is a time when our Nation needs that quality of leadership which our State has always provided. By strongly uniting behind the President, behind our Party and behind the principles which are so important to this Nation, we can influence the entire South, and in turn the Nation, as we have done before. Members of Congress need to be informed of our views.

This President, in my judgment, is the most qualified man in the world to be leading this Nation—in fact, leading the world. He has the capacity with our support to bring to reality his goal of a generation of peace with all its implications for everyone on this planet.

Three years more is a woefully short time for us as a Nation to be able to take advantage of Richard Nixon's vision, skill, experience and leadership as President.

When this man tells me as he did in his energy telecast a week ago tonight:

"In the months ahead, I shall do everything that I can to see that any doubts as to the integrity of the man who occupies the highest office in this land—to remove those doubts where they exist.

"And I am confident that in those months ahead, the American people will come to realize that I have not violated the trust that they placed in me when they elected me as President of the United States in the past."

This statement gives me confidence that our trust has not been misplaced and that Richard Nixon will be recorded as one of our great Presidents—possibly the one who successfully set the stage for our Country's third century to begin in 1976.

I urge you to share my confidence and I also hope that you and your family will have a meaningful, enjoyable Thanksgiving.

Thank you.

YOUTHS HELP THE ELDERLY

Mr. WILLIAMS. Mr. President, in recent years there has been a lot of talk about the so-called "generation gap" between adults and young people in our country. Personally, I have never been convinced that this gap was either anything new, or that it was particularly acute. Nevertheless, I was encouraged to read a short article in a recent edition of the New York Times which seemed to show that any such gap that may exist can easily be bridged.

The article related how 35 high school students from New Jersey had volunteered their time and effort to visit a number of elderly residents of Brooklyn, N.Y. The visits were apparently most beneficial to the elderly, from both a psychological and a practical viewpoint. While this may have been only a small occurrence in the overall scheme of things, it was nevertheless an encouraging one, and I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Jersey Students Visit Aged Here

Thirty-five New Jersey students from Teaneck High School, Englewood High School, Bergenfield High School and the Rogosin Yeshiva of Jersey City visited aged, indigent and lonely Jews in the Brownsville section of Brooklyn yesterday afternoon.

The students washed floors and windows, ran errands or just sat and talked with dozens of the aged Jews who are part of what was once a 100 per cent Jewish area.

"These kids have a greater sense of responsibility in these matters than many of us," said Irving Litt of Tenafly, a parent of one of the students. Mr. Litt's family came from Brownsville.

"There are so many poor Jews who are neglected by the rest of the Jewish population," he said. "The kids want to draw attention to their plight by making people aware they are committed to doing something about it."

TWO YEARS OF PROGRAM

The students were a contingent of the Englewood Massada youth organization who volunteered for the work under the sponsorship of the Council for the Jewish Poor of the Association of Jewish Anti-Poverty Workers. Last April, before Passover, the organization carried out a similar activity on the Lower East Side.

Today they chose the Van Dyke Houses, a Housing Authority low-income development at Dumont Avenue and Powell Street. They were greeted warmly by the people they came to help.

"They're such nice children. I appreciate them coming to me," said Harry Lieberman of 430 Dumont Avenue, who could not recall his age but said he was more than 80 years old. He lives in a seventh-floor apartment with his wife, Lena, who likewise could not recall her age, but said she was more than 70.

"We have nobody, we're alone, both our families died and our health is poor," he said. "We need this kind of help."

ADDRESS BY FORMER SENATOR LEN B. JORDAN, OF IDAHO

Mr. McCLURE. Mr. President, Len Jordan is a man highly revered by his former colleagues in the Senate, and I am happy to inform his many friends here that upon retirement, Len did not fade completely out of the limelight. His first love always was the State of Idaho, and during the past year, he has traveled around the State extolling its virtues and suggesting solutions to our problems there. Retirement has not diminished his wisdom one bit.

One of the amazing things about Senator Jordan's career has been the respect tendered him by otherwise politically hostile sources. I recall that the Lewiston Tribune once said that when Jordan speaks about water, the people of Idaho listen. Its editor, Bill Hall, wrote that—

> Jordan has become one of the most respected members of the most respected legislative body in the world.

Another longtime adversary, Sam Day, commented on Jordan's preoccupation with the public lands and water on which Idaho depends for survival, saying:

> It was in this area that he had acquired his greatest expertise.

And former columnist, Chris Carlson, now Governor Andrus' press secretary, wrote:

> His knowledge of water controversies and the history of the Snake (River) is unmatched in the Senate.

I mention this because Senator Jordan recently delivered a thought-provoking address to the Pacific Northwest Waterways Association concerning water resources and energy. Again, Len Jordan has forced all of us to face the difficult questions, to think the unthinkable. I am sure that Mr. Hall and his friends in the media, referred to above, will find one passage of particular interest. It is during that portion of the speech in which Senator Jordan discusses the Snake as a working river:

> For more than fifty years I have actively supported a sound program of water resource development. I think such a program is consistent and entirely compatible with conservation. I cannot understand the philosophical inconsistency of those who want all dams below where they happen to live and no dams above.

Mr. President, I commend Senator Jordan's interesting speech to my colleagues in the Senate and to the people of Idaho. All of us may find thoughts here and there with which we disagree, but as the Idaho press has noted time and again, when Jordan speaks about water, the rest of us listen. Therefore, I ask unanimous consent that his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Len B. Jordan

I am pleased to be invited to speak to

the meeting of the Pacific Northwest Waterways Association. I know that you who attend these meetings are concerned with the long range, as well as the immediate problems, of water resource planning and development. For a number of years—longer than I care to remember—I have been interested in the proper balance in land and water use and conservation. As State Legislator, Governor, Chairman of the International Joint Commission, and more recently, as United States Senator, I have been involved in the same problems that bring you together for this meeting.

These are uneasy times for those of us who attach great importance to proper water resource use and conservation. The vast problems of meeting the long range needs of our nation for domestic, municipal, agricultural and industrial water are a continuing challenge. The ominous projections of water needs are valid, but the solutions, as you well know, are complex and costly, and will involve careful planning and cooperation of both public and private interests.

The fact that we are now going through one of the most critical water years in Northwest history, should stimulate interest and support for water research that is going on at various levels of government and in the private sector, too.

Federal funds have never been sufficient to meet all the unmet needs of society and perhaps it is well that there is strong competition for available funds. At the present time, especially, inflation and years of deficit spending are sound reasons to exercise restraint in public spending.

Water resource programs suffer greatly in the present fiscal situation for two reasons. The most easily definable reason is that there are relatively few items in the federal budget which can be cut back on short notice. Large construction contracts, particularly for new starts, are always the most vulnerable items in the budget.

The second reason is more obscure. Perhaps it is because such programs serve a smaller constituency than some of the social welfare programs. Then too, public opposition to certain project proposals is growing in intensity. All these factors are reflected in the low priority generally assigned to water projects in the budgetary process.

The greatest impact has been on construction. Water resource planning is continuing—indeed some of the most comprehensive and sophisticated planning in any area are the thorough planning studies now going forward, especially in the Pacific Northwest.

It is sometimes said that planning has become a substitute for action. I reject that contention. Planning is *preparation* for action. The action will come—the growing demands for water will not be put off. Ultimately, a crisis situation will occur and demands for action will be made. The trouble is, the considerable lead time required will not yield to instant demands.

We all know that this year the Columbia basin watersheds have provided far less than average river flows. It brings home to us that the bounties of nature are unpredictable and that reliance cannot be placed on average flows. From this predicament of shortage, we must accelerate our planning. The benefits of head water storage are so evident, now. The years I spent bargaining with the Canadians for upstream storage seem more fruitful under these conditions of acute energy shortages.

I hope that we shall soon have detailed plans for the management of our resources in order to meet the economic, social and environmental aspirations of our people. It is my personal belief that planning to meet such broad objectives is entirely compatible and possible of achievement.

We in the Northwest are aware of the time frame within which we must complete our work. We are aware, too, of the critical water situation that has been building up in the Pacific Southwest. Water supply problems in the Southwest are of long standing. Allow me to refresh your memories.

The year 1956 marked a bold attempt by a consortium of Southwest Governors to arouse interest in a proposal to divert 1.5 million acre feet of water from the Upper Snake River into the Colorado River basin via Green River. Their effort failed, but it did serve notice of the continuing interest in such diversion if and when the political climate might be favorable. Various other diversion schemes have been studied, a few have been actively promoted. We in the Northwest must live with the constant threat of diversion to the thirsty Southwest. Plans once set aside because of excessive cost may come back for another look as water values change.

Because the threat cannot be brushed aside perhaps we should examine briefly the water situation in the Colorado Basin. Prior to 1928 the historic flows of the Colorado River had averaged between 17 and 18 million acre feet annually. A treaty with Mexico called for the delivery of 1.5 million acre feet annually at the Mexican border. Based on record flows, water supply seemed adequate to provide a compact for the diversion of water as follows: 75 million acre feet annually to the upper basin states and a like amount to the lower basin states as recorded at Lees Ferry which was accepted as the midpoint between the upper and lower basins.

The upper basin states thought they were taking care of their own interests by insisting that the obligation to the lower basin be met by delivery of 75 million acre feet in the latest ten year period in order to average the flow between years of drought and years of abundance. This seemed like a safe precaution and would have been except that the annual flows in the Colorado basin fell to an average of about 14 million acre feet which, of course, presented the acute problem of over-commitment of the river's flow.

Water planners in the Southwest were certain that imports to the Colorado from other river basins was the best solution. Hence their interest in the Snake and in the Columbia—but less so in the latter because the economics of interbasin transfer are much less favorable from the Columbia River.

This was the water climate in 1968 when the Central Arizona Project Act was passed in the Senate, and in quite a different version passed the House, also. The House-passed bill was especially tough. It provided, among other things, that the Colorado River be relieved of the burden of the Mexican Treaty water by making it a national obligation and furthermore that studies be started forthwith to find supplemental water to bring Colorado basin supplies up to Compact requirements.

The conference between the Senate and House was deadlocked for about 10 days. Except for the diversion language there was much in the bill that had merit. Each of the conferees except one was a Westerner and we knew—deep down in our hearts—if we could not resolve our differences and go back to our respective bodies with an acceptable conference report the whole program would be in jeopardy. A stalled conference might signal the end of federal participation in water resource development in the West.

As one of the conferees, I felt that the deadlock must be broken. Accordingly, on the 10th day, I suggested a compromise that would get the heat off the Northwest for a time at least. I proposed that a ten year moratorium on diversion studies to transfer water from the Northwest to the Southwest be written into law as a part of the legislation.

I bolstered my argument with data showing the Columbia basin states were busily engaged in conducting a thorough inventory of our own water needs—further, that the Northwest was at least a generation behind the Southwest in such resource evaluation—that we would try to compress our work to a ten year period but that we insisted those ten years be free from diversion harassment from the Southwest water planners.

The Jordan Compromise, with the 10 year moratorium, was adopted; the legislation became law. Time passes. It is hard to realize that last August one half of our time had expired.

The act of 1968 did provide for unofficial reconnaissance studies looking toward a solution of water problems of the eleven western states pending completion of the Northwest water studies by 1978.

It comes as no surprise to some of us that the Westwide reconnaissance study has been pressed vigorously by Southwest interests. Despite the 1968 legislation which provided the Northwest states a ten-year period free from harassment by the Southwest planners for official transbasin diversion studies, the Westwide studies have proceeded with some degree of Administration support, but without Northwest states' involvement. The Pacific Northwest states have objected formally to the Assistant Commissioner of the Bureau of Reclamation, the Secretary of the Interior and the Director of the Office of Management and Budget about the conduct of the study.

Here in the Northwest we are proceeding on schedule with our coordinated regional water resources program. We must insist that completion of the Westwide water plan be deferred until our own comprehensive studies are completed.

At this stage we cannot provide Northwest input that will be so essential to an authentic and official Western states water study. Moreover, the moratorium provision in the 1968 act gives us that right.

The Pacific Northwest is very fortunate indeed to enjoy the bounties of nature in the annually renewable flows of our mighty rivers. Most of the low cost energy of this great renewable resource has been harnessed effectively. Abundant energy has been a basic factor in the sound economy of this region. Since my graduation from the University of Oregon half a century ago, I have worked for sound multi-purpose development of our water resources.

The Northwest is not rich in fossil fuels—most of the economically feasible hydro has been developed. The Northwest is in the transition stage from hydro to other alternative sources of energy. Twenty years ago we were told that within a few years, nuclear fission would provide us with power both abundant and cheap—I recall one high government official saying that within a decade nuclear fission would provide all our energy needs at a cost "too cheap to meter." That prediction has not been fulfilled. Nuclear research has had the lion's share of federal research and development funds but still is plagued with high cost, environmental resistance in plant siting, and problems in the disposition of nuclear wastes.

Let us check the reliability of fossil fuel alternatives:

1. Coal reserves are abundant but environment problems of strip mining and emission pollutants present problems as yet unsolved.

2. Gas reserves are lowest of all fossil fuels. Because natural gas is clean burning it has replaced oil and coal as an industrial and electricity fuel. Government regulated low gas prices have encouraged gas use for many purposes that could use coal.

3. Oil. The U.S. Department of Interior predicts that by 1985, our country will be importing approximately half of its petroleum supplies. Our balance of payments deficit for

petroleum imports alone could be $30 billion by 1985.

Moreover, most of these imports will have to come from the Middle East—a region known for its political instability. Supplies of oil from this area have been seriously disrupted several times just since World War II. The current heated hostilities, which have already resulted in a 5% cutback on exports from middle-eastern oil producing countries, should be a warning to us.

Dependence on the Middle East for oil could be disastrous for two reasons:

1. Our balance of payments, just emerging from many years of deficit, could not tolerate the additional deficit burden of that dimension.

2. More important—from a national security standpoint—if and when the time comes that we must rely on such an unstable source as the Middle East for fifty per cent of our oil, then America will have been reduced to a second or third rate world power.

One goal we must achieve: the United States does have the potential to be self-sufficient in energy if we are willing to make the dedicated effort that will be required to achieve it.

So what do we do about it? It goes without saying that we must conserve energy, reduce waste, recycle non-renewable resources, accelerate programs of research and development for alternate sources such as nuclear fusion, solar, geothermal, oil shale, etc. The list of exotic new sources is impressive but the common denominator to all is *leadtime* and money—plenty of both plus full cooperation between the public and private sectors.

In the meantime, it might be well to re-examine some of our potential hydro sites that have been passed by for one reason or another. For example:

My own state of Idaho has already consigned 250 miles (which is 44% of the total) of free flowing rivers to the national system of wild and scenic rivers. The hydro potential forever foregone in this set-aside is approximately [illegible] billion average annual kilowatt hours. This, I do not regret. I voted for it, and gladly, because I believe in preserving a proper segment of our rivers for this purpose. But how much is enough? With some people the demand for wild rivers is insatiable. Arthur Godfrey has called for the removal of all dams in all rivers.

My own state of Idaho has another 550 miles of free flowing rivers under investigation for inclusion in the national system. The hydro potential of these rivers now being studied is approximately 11 billion average annual kilowatt hours. But that is not all.

Since I left the Senate last January, legislation has been introduced in the Senate to establish the Hells Canyon National Recreation area in the states of Idaho, Oregon, and Washington. The hydro potential of Wild and Scenic segments of the Snake River from Hells Canyon Dam to Asotin, as proposed in this bill, is approximately 9 billion average annual kilowatt hours. In order to better comprehend the magnitude of energy involved in the middle Snake, the total energy sales from the entire Idaho Power Co. system for the year 1972 amounted to 9.8 billion kilowatt hours.

Like the Columbia, the Snake is a working river. More than a score of major man-made impoundments and countless diversions upstream regulate the river to supply the water needs of Idaho and Eastern Oregon and supplement the hydro production downstream.

One segment of the Snake River from the head of navigation at Sheep Creek to the Hells Canyon Dam should not be developed. This is Hells Canyon proper—the deepest canyon in the world. This is truly wild country and should not be disturbed by the hand of man.

The navigable part of the Middle Snake, however, is in a wholly different category. The Snake River Canyon from Sheep Creek on the Idaho side (the head of navigation) to Lewiston is a developed agrarian livestock range area very similar to that of many other western rivers such as the Imnaha, Grand Ronde, John Day, and Deschutes. This part of the Middle Snake is no more wild—no more scenic than many other rivers. And it does possess unusual economic potential.

The appropriation called for in the bill is $86 million. That sum figures out to about $1 million per mile—presumably to try to make a working river wild. But that is only the first cost. If this bill becomes law, power users of the Northwest will pay about $86 million each year for imported oil or its equivalent, for the Middle Snake energy development lost for all time.

For more than fifty years I have actively supported a sound program of water resource development. I think such a program is consistent and entirely compatible with conservation. I cannot understand the philosophical inconsistency of those who want all dams below where they happen to live and no dams above.

I would be the first to agree that not all of the hydro potential of the rivers now under study could or should be developed. But the trade-off for hydro development forever foregone in our own area may be the equivalent of millions of barrels of oil from the Middle East or elsewhere, and I do not know where that might be. I think we should re-examine our own uncommitted resources, so that our people may be informed as to just what the trade-off is. The people have never been told where the energy will come from to replace development foregone.

The energy crisis is real. It is not likely to be solved in the short range. The long range prospects are no better. Faced with these facts, I think we should request sponsors of the proposed legislation to provide the public with an economic impact study of their proposal, including forest products, minerals, grazing, and energy resources foreclosed.

Now let's place this energy picture in its proper perspective. Oil and natural gas furnish about 78% of our energy; coal about 17%; hydro electric power 4% and nuclear power 1%. About 40% of the electric power is generated by oil and gas.

In this country, we have 6% of the world's population and use 33% of the world's energy. There is no cosmic law that guarantees us such a disproportionate share in the future. Growth in demand has been staggering, and it is expected to double by 1985. We are using about 17 million barrels of oil a day, and at least a third of that has to be imported.

Ominous headlines have been in the news since the Labor Day weekend regarding Middle East oil producing countries. That's the area of the world we have to look to more and more for foreign imports. Supplies from Canada and Venezuela have peaked out, and now we face what one writer in the July Reader's Digest called "excruciating international blackmail."

The writer was a prophet, because just two months ago, Libya completed its nationalization of western oil companies by seizing 51% ownership of the firms. Libya's premier announced that the price of crude oil will be nearly doubled—and get this, he also said Libya would no longer accept American dollars as payment for its oil.

Other Arab nations backed Libya 100%. Saudi Arabia advised American oil company officials that if the United States does not adjust its Middle East pro-Israel policy in the near future, it will reduce its oil production by one million barrels a day, which would add to the growing crisis. Since that time, a conference of Arab nations has done just that—cut back production, adding pressure to the oil-consuming nations.

The day of cheap energy is gone—forever. The public must be willing to pay the cost for whatever energy is required—and the requirements are massive, indeed. A free market is historically a better mechanism for allocating resources than mandatory rationing.

Common sense tells us that we have to restore balance between environmental and energy goals. The two should be compatible, because without energy, we cannot continue to clean up the environment. There has to be a meeting of the minds just for the sake of the people of this country.

Let me leave you with this final thought. We don't have to make a choice between a clean environment and enough energy to provide for our individual and national needs. We can have both—but shoudn't have one at the expense of the other.

Let a clean environment and ample energy resources be our National goal. Water power is both clean and renewable. As we search for alternate sources, why not take another look at our remaining hydro potential?

WOMEN'S EDUCATIONAL EQUITY ACT

Mr. MONDALE. Mr. President, in recent years those of us concerned with American education have become increasingly aware of widespread sex discrimination in our schools and colleges and the curriculum they teach.

On October 2 I introduced S. 2518, the "Women's Educational Equity Act," which was previously introduced by Representative Patsy Mink in the House.

Geri Joseph, a columnist for the Minneapolis Tribune, has written several informative articles on the questions of sex discrimination in education, which I have previously inserted in the Congressional Record. I am pleased to see that in a recent editorial, the Tribune gave recognition to this problem and endorsed S. 2518. I ask unanimous consent that a copy of this editorial be printed at the end of my remarks.

I also ask that a recent story in the Washington Post, "Women Players Make Their Point," be entered in the Record following my remarks. This story dramatized the inequities in the support of men and women's sports on the college and university level. It describes the tryout of two women for the University of Maryland men's basketball team. One of the women explained:

> I don't want to play with men. I just wanted to say that we should get equal facilities and money.

I have chaired two hearings on this bill before the Subcommittee on Education. At the second hearing, held on November 9, tennis champion Billie Jean King testified on the subject of sex discrimination in physical education. I ask unanimous consent to print her testimony in the Record at this time, along with that of other witnesses who appeared at the same hearing.

There being no objection, the material was ordered to be printed in the Record, as follows:

Fighting Sex Bias in Education

The existence of sexism in the nation's schools has been recognized by an increasing number of Americans in recent years. As was noted at a League of Women Voters meeting on the subject earlier this month, sex bias in the schools is often unconscious, but nonetheless common—in textbooks that always cast boys in active roles and keep girls passively in the background, in attitudes that lead teachers and counselors to think of some occupations as suitable for men and others as suitable for women, in athletic programs that make no provisions for girls, in hiring and promotion practices that keep down the number of women in administrative positions.

More evidence of sexism in education was presented recently by Sen. Walter Mondale of Minnesota. A U.S. Office of Education study has shown that women on college and university faculties are paid, on the average, $2,500 less a year than their male counterparts, Mondale noted. Further, he pointed out, only 1.4 percent of high school principals are women—despite the large number of women teachers.

Mondale presented that evidence of sexual discrimination to the Senate earlier this month, and at the same time he introduced legislation designed to do something about it. Mondale's bill would set up a program of grants and contracts, available to a wide variety of educational institutions, which would be used to reduce sexism through the development of new curriculum materials, including textbooks, texts and materials for vocational education and career counseling. The measure would also establish a Council on Women's Educational Programs to oversee the programs funded under the bill and to advise the secretary of Health, Education and Welfare on women's education.

Mondale's proposal seems to us a practical, positive way to do something about a problem that has existed too long at all levels of America's educational system. We hope his bill (and a companion measure introduced in the House by Rep. Patsy Mink of Hawaii) is passed.

Women Players Make Their Point

(By Nancy Scannell)

The 42-year-old Prienkert Field House, which contains the gym for University of Maryland women, is a dead ringer for a dilapidated aircraft hangar with its dangling beams and olive-drab cinder block walls on the inside.

It is not exactly the kind of facility that attracts sellout crowds and in fact cannot seat more than 100 persons around the 136-by-79-foot gym. But then, women's sports were not taken seriously when it was built and apparently some people still are not too serious on the subject.

With this in mind, Laurie Donnelly and Monica Rogers, two members of the women's basketball team, trooped over to the 19-year-old Cole Field House last week and tried out for the men's team.

Donnelly, a 6-foot-1 center, and Rogers, a 5-and-6 forward, said yesterday they did it just for fun and to make some long overdue points about women's athletics. Neither expected to—nor wanted to—make the team.

Neither did.

"I don't want to play with men," said Rogers, a 20-year-old junior from Rockville. "I just wanted to say that we should get equal facilities and money. I wanted to show that women have talent and aren't Amazons, the stereotyped image people have of women athletes who don't know anything about women athletes."

Donnelly, a 21-year-old senior from Catonsville, Md., said, "I wanted to show that women could play sports on an interscholastic level and deserve better consideration on facilities and money."

The men's basketball coach, Lefty Driesell, was amused, but invited the two women back for the tryouts for walk-ons, remarking that the two looked pretty good, they said.

The men trying out were cordial and some joked about adding glamour to the team. But most of the cordiality ended on the court as the two became the focus of controversy on campus, they said. They started to get some nasty feedback from students they have never met.

Some people were not enthralled with the idea of women trying out for men's teams and others were afraid men would start trying out for women's teams, eventually squeezing women out in sports, based on physical strength.

The two women said they would not have tried out had they known that Dorothy McKnight, coordinator of women's intercollegiate athletics and their coach, had already arranged to have home games played at Cole and Ritchie Coliseum.

The first McKnight heard about women at men's tryouts was at a meeting when she was asked if she had sent them. "I told them, 'Don't be ridiculous. If it's one of our good players, I'd never send her over,' I'm sure they had to be better than some of the guys," she said.

When Driesell asked if the women's teams would like to play their games as preliminaries for the men's games, McKnight said she told him, "No, because we are the main event."

She refused to say how much money the women's teams get from the university's department of intercollegiate athletics, but said it was a lot less than that given the men's teams.

Still, the money is a big boost compared to three years ago when the women got none from the university and had to pay for uniforms, transportation, entry and officials' fees with the proceeds of bakery sales and wine raffles.

"The players drove their own cars and made their own uniforms out of maternity smock patterns—and they (the uniforms) looked it, too. I couldn't believe it," said McKnight, who has been at Maryland 10 years.

One of the reasons she was able to persuade the university to let the women's team play at the Coliseum or Cole when the men are not playing was the safety risks at Preinkert.

Players were constantly crashing into the walls, which are only a few feet from the edge of the court. On big games, 200 to 300 people show up and jam the gym and its hallways, blocking exits that would have to be used in emergencies.

The women's basketball team, which was 12-3 in its first season last year, begins its 11-game season Tuesday. The team will have a lot of strong defenses going for it, McKnight said. It will also have Monica Rogers and Laurie Donnelly.

Statement of Billie Jean King on S. 2518, The "Women's Educational Equity Act," November 9, 1973

In 1969 in the Syracuse public schools $90,000 was budgeted for boys' sports and $200 for girls' sports. In 1970, they cut back to $87,000 for boys and nothing for girls.

In 1972–73 in Fairfield, Pennsylvania, where there are 800 students in grades kindergarten through 12, $19,880 was spent on interscholastic sports for boys and $460 for girls.

In New Brunswick N.J. Senior High, ten sports are offered for boys; only three for girls, $25,575 is spent on boys' sports and $2,250 on girls'.

At the University of Washington 41% of 26,000 undergraduates are women. Yet women get only .9 of one per cent of the $2 million spent on sports annually—that is, $18,000 a year.

At Vassar, which was a women's school until 1968, there are 1400 women and 700 men. There are 5 sports for men and 3 for women. $4,750 is spent on the men and $2,060 on the women.

In the five major collegiate athletic conferences, there are 5,000 students on football scholarships worth about $10 million. As many of 50,000 men per year earn a college education on athletic scholarship. Less than 50 women in the nation have any kind of athletic scholarship.

These examples, which appeared recently in a national magazine story, show that physical education is one of the most discriminatory areas in the American educational system.

The National Education Association policy statement on sports states: "Participation in sound athletic programs contributes to health, happiness, physical skill, emotional maturity, social competence and moral values." It is also believed that sports teach the nature of competition and the need for cooperation as well as contribute to the development of self-confidence and self-understanding. The discipline and pursuit of excellence developed in athletic competition carry over to all walks of life.

If this is true, then why is it that such benefits are only extended to 49% of the population, except in rare cases? Why is it that women's sports programs in the public schools receive only about one per cent of what men's programs receive? The effects of such discrimination are further magnified by the availability of fewer and poorer sports facilities for women students and the almost total non-existence of scholarship funds for women. This disparity increases on the college and university level.

As the women's athletic director at the University of New Mexico points out: "if athletics can be justified as an educational experience, then this concept should apply to women's athletics as well as men's athletics. If the main value of intercollegiate athletics is public relations for the university, as some seem to believe, then women's athletics can be just as effective at public relations as men's athletics."

Possibly more so. Our experience in tennis has found women every bit as promotable as men. Sports programs for boys start as early as the fourth grade in some areas, and don't begin, even in a limited form, for the girls until the seventh through tenth grades. By the time a girl reaches high school or college she is often well programmed to think of sports as extraneous. She doesn't take pride in active and strenuous use of her body. Boys, in the meantime, are encouraged to keep in condition both to maintain their health and to enjoy their athletic abilities.

Perhaps the best way to define equality for women in sports is in terms of money. That is, per capita expenditure by sex. Women students are increasingly questioning such standard or commonplace practices as routinely using the doctors and facilities in the campus infirmary for men's but not women's teams. And, for example, at one state college in Utah, the sports for women are funded through the student government while the boys receive financial support directly from the institution's budget. There is now serious talk on some campuses of encouraging female students to withhold part of their student activity fee to protest these inequities in athletics.

The Women's Equity Action League (WEAL) statement on women in sports says:

"While outstanding female athletes should not be excluded from competition because their schools provide teams only for males, separate but equal programs should also be provided for female students who cannot compete equally in athletics with male students."

I feel that the potential developed by our educational system can be greatly enhanced now and in the future by increasing the amount of money spent on physical education, especially of women.

I believe that S. 2518 is an important step toward providing the opportunities that women deserve and have been denied in physical education.

TESTIMONY OF BARBARA GREENE KILBERG, VICE CHAIRPERSON OF THE NATIONAL WOMEN'S POLITICAL CAUCUS, BEFORE THE SUBCOMMITTEE ON CHILDREN AND YOUTH OF THE SENATE LABOR AND PUBLIC WELFARE COMMITTEE, NOVEMBER 9, 1973

Mr. Chairman, Members of the Subcommittee: I am Barbara Greene Kilberg, Vice Chairperson of the National Women's Political Caucus and Vice President for Academic Affairs at Mount Vernon College in the District of Columbia.

I appreciate this opportunity to testify on behalf of the Caucus in support of S. 2518, the Women's Educational Equity Act, introduced in the Senate by Senator Mondale. This bill is identical to H.R. 208, which has been introduced in the House of Representatives by Congresswoman Mink. We commend and thank Sen. Mondale and Congresswoman Mink for their leadership in directing Congressional attention to the pervasive problems caused by discrimination against women in the educational systems of America.

We believe that there is a sexual track system in our schools that directs women from the outset to anticipate second-class status in the economic and sociopolitical mainstreams of our country. The myth of sexual stereotypes is perpetuated in many ways. It starts in the educational "play programs" of the preschool years. It continues in the most basic primers and texts which reinforce the traditional and female roles along with the three R's, teaching our children, both directly and subtly, that there are personality traits, behavioral patterns, and levels of ambition and ability that are distinctly "male" or "female".

In most all school textbooks, be they readers, math books, or spellers, and especially those on the elementary level, the female is still displayed as the dependent mother, capable only of solving minor problems and performing menial tasks. Her activities are basically those of combing hair, helping the children make cookies and searching for the dog. Any major decision or activity is the sole province of the father—who is strong, intelligent and dependable. He is always greeted with a tremendous outburst of enthusiasm because he is the one who can do the job. And if the female should be assigned a professional role, you can count on it being a teacher or perhaps a nurse. Only once did I notice in a textbook an aggressive role for a female; that was a grandmother who flew around in a small Cessna. The clear implication was that she could engage in such activity only because she was a grandmother who happened to have no responsibilities and thus could be irresponsible and eccentric. I would recommend to this Subcommittee a study of spelling primers used by 80% of the grammar school students in this country. The study was done by Dr. Lenore Weitzman, a sociologist at the University of California at Davis. In addition to the "normal" sex stereotyping, she found a very subtle discriminatory pattern in the use of consonants and vowels. The consonants were boy figures continuously pushing, ignoring or ordering about the vowels who were girl figures.

Student counseling all through the school years continues the reinforcement of stereotyping rather than focusing on individual interests and potentials. The role-models that are visible to young people within the structure of the school itself are cues—particularly the overrepresentation of men in key administrative and policy positions within the educational system. Only 1.4% of all high school principals and 19.6% of the elementary school principals are women. On the college level, women comprise 20% of all academic personnel: 43.5% of the instructors and only 9.4% of the higher level professors. These statistics bear out the fact that the higher one progresses through the academic hierarchy, the more male-oriented and male-dominated becomes the rarefied atmosphere.

The sexual track system has been outlawed by Title IX of the 1972 education amendments. I believe that the research and demonstration funding incentives of S. 2518 will be valuable catalysts in bringing about voluntary compliance in a number of ways. New curricula and other educational tools are needed that explore women's roles in our society and that explode the traditional myths of a "woman's place". The publishing industry as well as the educational systems need incentives to make badly needed changes in texts and curricula. A more balanced approach to the motivational development and direction of young people is needed. Specialized training of educational personnel should stress the importance of counseling and other forms of teacher-student contact in influencing the life goals and ambitions of youth. Schools must examine their own role-model potential: what are the opportunities for female participation, advancement and leadership in the faculty? Colleges, universities and vocational and technical training institutions must be encouraged to provide incentives, programs and new approaches that increase female student enrollment, and that provide a broad range of career opportunities for women in all fields, including those areas that have been male-dominated and exclusionary to date. Particularly important is examination of recruitment and admittance practices that discourage women from seeking many kinds of professional training and education. Also important for women are programs and services that permit class attendance during the years of motherhood, such as day-care facilities. The older woman who wishes to resume an education interrupted by child-rearing and family responsibilities should be encouraged to do so. The possibilities are endless.

I would like to say a word here about women's colleges. Most women's colleges are small, private and liberal arts. Our numbers have declined by half in the last decade, from approximately 300 to 145 institutions. Mount Vernon College has made an affirmative commitment, as recently as this past August, to remain a women's institution. We are glad we made that decision and believe it was the right one. We feel that the education of women is of special importance and that it can be done with distinction in the educational environment of a women's college. But I must also share with you that many of our friends warned us about the potentially serious financial and enrollment consequences of remaining a women's institution. As the latest Carnegie Commission report and numerous other analyses have indicated, private liberal arts colleges are in trouble and whatever difficulties coed colleges are having are doubled for women's colleges. The Women's Educational Equity Act would help us in curriculum, in career-orientation and training, in enrollment and in the pre-college preparation of the students who enroll at Mount Vernon, who would learn from the earliest age those things which would help them develop a sense of self, a sense of pride in the potential and achievements of women—of themselves.

As the drafters of the legislation have wisely acknowledged, educational opportunities exist in many forms of human experience outside of the highly structured academic setting. Too often we forget that our educational institutions are not always the reformers, but often are the perpetuators and trustees of prevailing social values and mores. It is in a chauvinistic society that the sexual track system exists, not independent of that society. S. 2518 authorizes community-based and community-oriented education and action programs aimed at attitudinal change among those outside of the academic "catchment area." In the broadest sense, we hope that this means bringing new consciousness into the all-male boardrooms, hiring halls and legislative cloakrooms, as well as into the women's coffee klatches.

The National Women's Political Caucus exists to increase women's participation in American political life. Nowhere are women more lacking than among the ranks of elected public officials. Women constitute only 6% of state legislators. There have been only three women governors in the history of the country. Women have never constituted more than 3.7% of the U.S. Congress, nor more than 4.2% of mayors in the largest 1,000 U.S. cities.

Politics is one of those aspects of American life in which sexual stereotyping remains rampant. The cover picture of the October 15 New Yorker magazine illustrates all too well the prevailing role of women in politics: they stuff envelopes for male candidates.

The National Women's Political Caucus rejects the stereotype. Our country is undergoing a political crisis that has shaken us to our very roots. We cannot afford now, nor could we ever, the costs of ignoring the leadership potential of our women. The need for competent, qualified candidates at all levels of participatory politics is too great. We believe that the educational objectives of S. 2518 can do a great deal to increase public awareness of America's greatest wasted political resource—its women. And we hope that projects funded under this legislation, if enacted, will be focused on the added richness women can bring to American public life, as well as to the economic and educational mainstreams of our country.

STATEMENT OF DR. HELEN WISE, PRESIDENT OF THE NATIONAL EDUCATION ASSOCIATION, ON S. 2518, THE WOMEN'S EDUCATIONAL EQUITY ACT OF 1973, BEFORE THE SUBCOMMITTEE ON EDUCATION OF THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, NOVEMBER 9, 1973

I am Margaret Stevenson, Assistant Executive Secretary for Programs of the National Education Association. I am here today representing NEA President Helen D. Wise.

The National Education Association is pleased to present this statement in support of the principles contained in S. 2518, the Women's Educational Equity Act of 1973.

S. 2518 addresses many of the inequities which have been present in the education of women and girls in the United States. It recognizes realistically that sex discrimination has indeed existed but recognizes also that now, in a time of increased awareness of women's capabilities, aspirations, and prerogatives as human beings, at least some of the continuing discrimination can be attributed to simple—and correctable—ignorance rather than to deliberate bad faith.

More important, though, than the acknowledgment of past ills and of current progress is S. 2518's attempt to provide simple, workable procedures to alleviate many of the problems which confront those people, both women and men, who are trying in their own lives and careers to end sex discrimination.

S. 2518 can assist educational institutions in developing programs to eradicate discrimination in school practices and policies and in making all concerned aware of subtle forms of discrimination. It will significantly help those school governing bodies which genuinely desire to provide equality of educational opportunity for women and girls, particularly since it provides some additional financial assistance to develop anti-discrimination programs without cutting into the regular school budget. It will also provide a remedy which concerned individuals or groups can suggest to help eliminate discriminatory practices and policies perpetuated by those school governing bodies which are unwilling to begin developing programs without legal prodding.

Obviously, a first line of attack must be against sex discrimination rooted in and perpetuated by traditional sex stereotyping, the practice of viewing certain roles, activities, and qualities as proper only for boys and men—aggressve, decisive, wage earner—while regarding others as proper only for girls and women—submissive, supportive, homemaker. S. 2518 will encourage and assist schools and teachers in developing programs, practices, and materials to overcome the stereotypes which persist.

A second line of attack might well be against sexism—the unquestioned, unchallenged, unexamined belief that one sex is superior to the other. Sexism has operated effectively to deny more than 51 percent of our population the opportunity to develop to their full potential. This attitude has permeated all institutions of our society. The schools, as the primary socialization tool preparing children for adult roles, have served to reinforce this attitude.

If the schools are to provide for the needs of girls, they must move to open educational opportunities beyond those that have traditionally existed. Growing up equal is not growing up the same way, but rather is growing up with opportunities that permit each person to develop and grow in ways that are consistent with personal and individual values, culture, and potential. Specifically, we are talking about the kind of equity which will, for the first time, permit and encourage women to move into areas which have traditionally been the exclusive domain of men. S. 2518 will help to provide such equity.

The Council on Women's Educational Programs established by S. 2518 will assist in coordinating national efforts to eliminate discrimination and assure consistency of effort on a national basis. Its dissemination of reports on programs developed under the Act can assist others in instituting tested programs and will serve to eliminate duplication of effort.

There is no question that education associations, women's organizations, and individual women will be increasingly pressuring educational institutions for change. Many of these groups are already challenging educational programs. As they become more and more aware of the legal tools to fight discrimination, more and more challenges will result. S. 2518 will do much to eliminate the agony of disputes over whether or not a program can or will be developed under the regular school budget. It will also assist women's groups, education associations, and school administrations to institute programs, and will make available advice on program design and implementation. There is little question that program and policy changes will be instituted, and S. 2518 will be of great value in implementing change with a minimum of antagonism.

An NEA policy, reaffirmed at our annual convention just last summer in Portland, Oregon, calls for a guarantee that women teachers will have equal opportunity for advancement to administrative positions. Clearly this means more than the trite phrase, "equal pay for equal work." Clearly also, such truly equal advancement opportunities would be in the best interests of not just the individual woman who is promoted, but of the entire education system. It would open up a previously overlooked pool of talent, resources, and commitment. We are pleased to note that S. 2518 would encourage such opportunity for advancement.

Another goal sought by NEA policy is maternity leave taken at the discretion of the woman teacher and her doctor and taken without loss of job, tenure, status, or pay—in other words, maternity leave that is administratively treated just like some other prolonged disability such as a broken leg. S. 2518 clearly would encourage such leave policies to be incorporated into teacher contracts.

School programs in sports and physical education have long distinguished between boys and girls. Consider what happens to school coaches of such sports as basketball, golf, tennis, and swimming—all sports in which both boys and girls actively participate. The men coaches of the boys' teams generally are paid for their extracurricular duties and/or are relieved of lunchroom or busloading supervision. On the other hand, the women coaches of the girls' teams donate their time for coaching—usually having to fight the administration for money for incidental expenses—and are still required to perform their busloading and lunchroom duties. We feel that S. 2518 would do a great deal to dispel the atmosphere which has historically made this distinction a fact of life, and could result in increased attention being paid—and resources being allocated—to girls' sports.

Women clearly have many legal tools to fight discriminatory programs and policies under the 14th Amendment to the U.S. Constitution, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Equal Pay Act of 1963, and the Executive Orders which require affirmative action programs by government contractors. All of these provide a means of recourse for past discriminatory practices. S. 2518 will, of course, supplement existing legislation and orders. It provides mechanisms and resources designed to solve problems early in the otherwise-lengthy legal processes. Hopefully such mechanisms could lessen the antagonisms which can so often occur when legal actions are long, drawn out, and abrasive.

But S. 2518 has a more positive value—it encourages and funds efforts to end sex stereotyping and discrimination before such situations become entangled in complicated legal proceedings.

We do not view S. 2518 as a panacea. However, we do see it as a good first step which may begin to really equalize opportunities for boys and girls, men and women. We commend its sponsors, and stand ready to do whatever possible to ensure its adoption.

STATEMENT ON BEHALF OF THE AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION

(By Dr. Janet C. Heddesheimer, Assistant Professor of Education, Department of Education, the George Washington University, Washington, D.C., on the Women's Educational Equality Act of 1973, S. 2518, before the U.S. Senate Subcommittee on Education, November 9, 1973)

Mr. Chairman and Members of the Committee: I am Dr. Janet Heddesheimer, Assistant Professor of Education at The George Washington University. As a counselor educator and as a member of the American Personnel and Guidance Association's Government Relations Committee, I am pleased to be here to discuss the reasons for the Association's support of the Women's Educational Equity Act.

Before discussing the Bill, I would like to spend a few minutes describing the purpose of our organization and some of the work we have done in the area of counseling with girls and women.

The American Personnel and Guidance Association has a membership of 33,000 members. We have ten divisions and 52 state branches to service the professional needs of counseling and guidance work at all educational levels and in community agencies, government, business and industry.

On our membership form, the survey item on sex and race is optional. As a result, it is impossible to give a precise number of female members, but we do know that of 20,776 members completing the item last year, 9,899 or nearly half were women.

Our concern for facilitating the development of women extends far beyond a consideration of our membership base. As a professional organization composed of counselors and guidance personnel who work in diverse settings, we have a deep commitment to helping the people with whom we work to be knowledgeable of alternatives and options open to them for leading useful and satisfying lives. We serve an important role in assisting them to learn to take advantage of these personal options.

In order to facilitate this development process in girls and women, APGA has tried to do as much as possible to sensitize its members to the unique concerns of girls and women and to provide professional counselors with materials that will improve their competency and help them communicate effectively with consumers of their services.

At the present time, we have a Commission on Women directly affiliated with APGA. Three of our ten divisions have task forces and commissions on women. The oldest, a part of the National Vocational Guidance Association, has been in existence since 1968. Among other activities, they sponsored two major conferences structured to identify career counseling needs of girls and women and to generate concrete suggestions for meeting these needs. I have furnished each of you with a copy of their monograph, *Counseling Girls and Women Over the Life Span*, which summarizes the results of the first conference. The most recent one was held in July at Appalachia State University in Boone, North Carolina, and in joint sponsorship with the North Carolina Department of Public Instruction and the North Carolina Commission on the Education and Employment of Women.

Our major journal, *The Personnel and Guidance Journal*, frequently includes articles about counseling girls and women. In October 1972, we devoted an entire issue to this area, and I have provided your Committee with several copies of this publication.

I hope that these two publications will help you understand the critical need for more effective counseling with girls and women.

At our national conventions, many of the workshops and papers presented focus on new techniques being developed for counseling with girls and women. The research reports in such areas as girls' vocational aspirations and the effect of sex role stereotyping on males and females are disseminated to thousands of our colleagues at sessions and in subsequent publications. Indeed, we were honored by the presence and presentation of the Honorable Congresswoman Mink at one of our conventions last year, and we are hoping that Senator Mondale will accept our invitation to be present at our New Orleans Convention this spring, 1974.

We have recently developed two films entitled "Assertive Training for Women." These films present simulated situations of problems women frequently encounter such as job discrimination, the difficulties of combining managing a household and working outside of the home, and pressure to respond to situations when faced with sexual stereotyping. These are available for the use of counselors and others at a nominal rental charge for group counseling and guidance with women.

Another service offered to our members is the National Career Information Center which provides a monthly newsletter, *Inform*, dealing with information on career opportunities and vocational guidance activities. Several issues of *Inform* have been devoted exclusively to the concerns of girls and women in career exploration. I have included samples of these for your use. Bibliographies of informal and service resources for vocational guidance are also provided for users of the service. Recently, the National Career Information Center undertook a project to emphasize Career Awareness in conjunction with the Business and Professional Women's Foundation. This will soon provide materials for schools and community groups to cooperate in fostering the career exploration of individual students, male and female, across the country. The aim is to have school counselors and community workers join together to assist young people with career exploration. With this particular sponsor, it is obvious we are assuming improved attention to the developmental needs of *both* sexes.

In addition to these practical services giving impetus to improved counseling with girls and women, our national governing body has taken a stand on professional and societal issues that directly affect women. For example, our Senate in March 1972 passed a resolution indicating that separate male and female forms of the Strong Vocational Interest Blank(s) (SVIB), the two most frequently used instruments to assess personal interests, were discriminatory and of limited use in helping females reach sound career decisions. It also authorized members to petition and negotiate with the SVIB publishers to revise their instruments, manuals and normative groups to eliminate sexual discrimination.

In February 1973, our Senate again passed several resolutions calling for affirmative action against discrimination based on race, color, creed, sex, sexual orientation, life style, or age within our Association and all of its state divisions and branches. They also voted to refrain from using sexually discriminatory language and sexually derogatory references in all Association publications. We have additionally consistently recorded our support of the ratification of the equal rights amendment.

While we believe that as an Association we have worked to improve counselors' awareness of the unique needs of girls and women, we realize that the time has come for a commitment by the Federal Government to assist counselors in raising women's aspirations and in helping them to gain the self-confidence they need to take advantage of a greater range of opportunities.

Job discrimination against women has been well documented by previous testimony heard by this subcommittee. Salary inequities, difficulties in obtaining positions commensurate with level of training, the dilemmas of combining raising a family with a career, and closed educational opportunities have been clearly demonstrated. Reports such as the recent one published by the Carnegie Commission on Women in Higher Education leave little doubt that women are facing enormous hurdles.

Efforts to further increase the job opportunities available to women are essential and to facilitate women's movement in and out of the labor field during different periods in their lives are necessary. Indeed, federal legislation which mandates affirmative action programs and provides for channels of legal redress for women who are discriminated against has been of invaluable assistance in opening up the labor market.

But as counselors, our focus is directed toward enabling women to take advantage of the options available to them. Unfortunately, even if all sex discrimination were to end tomorrow, nothing would drastically change. The majority of women are still electing to train in a small number of occupations.

Sandra and Daryl Bem from the Department of Psychology at Stanford University noted in a recent report entitled "Training the Woman to Know Her Place" that one third of all working women are concentrated in only seven jobs. Secretary, retail sales clerk, household worker, elementary school teacher, bookkeeper, waitress and nurse. They further note that fewer than 5 percent of all professional women—fewer than 1 percent of all women workers—fill those positions which to most Americans connote "professions": Physician, lawyer, judge, engineer, scientist, editor, reporter, college president or professor. The majority of the others are either noncollege teachers or nurses. In order to place women in male dominated occupations, there must be a bank of trained females to draw upon. For too many professions that pool is limited or nonexistent.

Women wishing to enter non-traditional positions are severely handicapped by doubts as to whether they could be successful. Some of the problems handicapping women as they strive to move into these occupations are lack of training, resistance from family, conflict of values, geographic immobility, and sex-role stereotyping.

The most disturbing aspect of these handicaps is that many of them are emotional problems of women such as lack of motivation, fear of failure, and limited self-confidence. What is even more disturbing is that this self-defeating behavior is developed in girls at a young age. Our research suggests that by kindergarten girls are accepting for themselves sexually stereotyped occupations with limited vocational aspirations.

Bettina Weary noted in a recent article that women have been conspicuously absent in the "revolution of rising aspirations." She stated that "Every travel sign within the value-laden dimensions of our culture reads: 'Do not try to climb the mountain, it is steep, rocky, hazardous. And at the topmost peak, the climate is chill, penetrating. And it is lonely. Take the parkway, it is smooth, even and clear. And you will have lots of company.'" The Bem report echoes this idea with its conclusions that:

"It is frequently argued that a 21-year-old woman is perfectly free to choose a career if she cares to do so. No one is standing in her way. But this argument conveniently overlooks the fact that our society has spent twenty long years carefully marking the woman's ballot for her, and so it has nothing to lose in that twenty-first year by pretending to let her cast it for the alternative of her choice. Society has controlled not her alternatives, but her motivation to choose any but one of those alternatives. The so-called freedom-to-choose is illusory, and it cannot be invoked to justify the society which controls the motivation to choose."

In addition to assisting children and young women whether in school, at work, or at home, we need to offer support to middle-aged and older women who are attempting to enter the labor market after raising a family. They face many of the difficulties previously discussed, as well as age discrimination. If they fail to find satisfactory work, they may spend many years of enforced idleness despite their abilities. For these women retraining programs, information services on job opportunities open to them, and counseling to help them deal with the personal and educational concerns they have as they move toward a new life style are essential.

In order for educational efforts aimed at widening girls' and women's horizons to be successful, a counseling component is necessary. Counselors can assist in helping women to see their potential and to make full use of their talent. They can also furnish them with information on increasing opportunities that do exist in the work world for women.

In addition to increased and improved counseling services, upgraded counselor education programs are necessary.

So that counselors can work successfully with girls and women over the life span, they must first be well informed and reexamine their own biases and concepts of the occupational role of women. Dr. William Bingham, Associate Professor of Educational Psychology in the Graduate School of Education, Rutgers University, studied the extent to which counselors are accurately informed about women and work and examined counselors' attitudes toward working women. The data indicated that some counselors are misinformed and that there are notable sex differences in information. Generally, the counselors in the study expressed more positive than negative attitudes toward women and work. Dr. Bingham said, "In some respects, their attitudes were less clearly defined than was expected. Such lack of definition may leave some clients, especially girls, with feelings of uncertainty about where they stand with their counselors."

In a recent conversation with Dr. Lynn Hahn, Chairperson of the APGA Commission on Women and Chairperson of the Department of Counselor Education, California State University, Sacramento, California, she strongly emphasized this need to expand counselor education programs to include information on counseling girls and women. University courses and in-service programs for counselors in the field designed to assist counselors in keeping abreast of the rapid changes in the labor market and the increased opportunities for women are essential. Another important element in such training programs are activities that focus on value and attitude change in counselors who have an outmoded view of the role of women in our society.

Unfortunately, this is an area too long neglected by counselor educators. Dr. Nancy Schlossberg who spoke to you earlier outlined the need in this area.

Suggesting that there is a necessity to improve the training of counselors in order to make them more responsive to the needs of girls and women does not imply inactivity of the counseling profession in raising the vocational aspirations of women and in assisting men as well as women in dealing with the changing life styles of women.

I would like to discuss briefly several activities as examples of what is happening.

Dr. Ellyn Geller at Trenton State College in Trenton, New Jersey, is developing curriculum and resource materials on occupational information that is specifically designed to break down sex role stereotypes. The project is aimed at maximizing the potential of all students to make career choices congruent with interest and aptitudes. She is also training teachers in the use of the material. At present she has developed packets for 4th and 10th graders and is working on information for grades 8 and 12. Eventually, everything will be translated into Spanish.

At the university level, Dr. Ruth Osborne, Assistant Dean of the College of General Studies, the George Washington University, has for ten years successfully headed a continuing education program for women which assists those who want to move back into the world of work after spending several years at home. The program includes courses in women's studies, group and individual counseling, and assistance with enrolling in other university courses needed to help the women train for the occupation they select or to update their knowledge of fields they were in a number of years ago. This program has been expanded to include an M.A. degree in women's studies which prepares women in counseling, administration and research.

The State of California Education Committee has published a small booklet on information for counselors on counseling California girls. It contains information on the labor market, simulation games which illustrate how time and circumstances influence women, a discussion of methods to improve the self-concept of girls and provides ideas for helping girls establish priorities in their lives.

A number of workshops for practicing counselors are also available. For example, Mills College, Oakland, California, is sponsoring a workshop under a Ford Grant entitled "Beyond Sexism: Educating Women for the Future." APGA has engaged in a number of in-service workshops to upgrade counselor skills in counseling women. In October at our Atlanta workshop, Dr. Jeanne E. Werner and Dr. Gail Bell chaired a workshop on "Humanizing Opportunities for Girls and Women." They focused on methods for humanizing educational and vocational opportunities for girls and women by utilizing existing programs and legislation. Yet another workshop will be held in Chicago this month entitled "Strategies for Attacking Institutional Sexism: Raising Counselor Consciousness." Dr. Gloria J. Lewis and Dr. Judith Lewis will work to raise the awareness of the myths that stand in the way of sexual equality.

Several specific aspects of H.R. 208, the "Women's Educational Equity Act of 1973," particularly encourage me as I view the possibility for the Federal Government's assuming a more affirmative stance in revising the educational programs that affect women and upgrading the training of professionals in education who work with women.

The comprehensiveness of the bill is one of the strengths of the legislation. While the focus of the bill is specific, it can be implemented in many ways. Innovative approaches are possible and indeed encouraged. In order to improve the inadequate educational programs as they relate to women of all cultural and ethnic groups, a comprehensive approach that allows all segments of the educational community to try out new ideas is essential. This broad approach must include research as well as demonstration and pilot activities. While we are beginning to see where specific projects can be effective in improving educational programs for girls and women there are also critical areas in which more research is needed before moving into program implementation. This is where the Council on Women's Educational Programs can be effective in advising the Secretary of HEW on funding priorities.

I am pleased to note the explicit mention of dissemination of an annual independent report of programs and activities under this act by the Council on Women's Educational Programs. This section should be strengthened in the legislation and final guidelines. To benefit from the work of people in women's programs, there must be an information dissemination network that allows counselors to use successful aspects of previous programs and learn from the mistakes of these programs. The same holds for research activities.

As counselors, we would also like to emphasize the importance of in-service work for counselors, along with other educational professionals. Before counselors, both male and female, can begin to help girls and women learn to break out of sexual stereotypes and make full use of the opportunities open to them, counselors must examine their own sexual stereotypes that may hinder the students and clients they are trying to assist.

I am certain you have heard from other witnesses that the money authorized under this bill, $15 million for Fiscal Year 1974, $25 million for Fiscal Year 1976, and $30 million for Fiscal Year 1977, is not enough to accomplish the many tasks that remain to be done in improving educational programs for women. While I cannot disagree with this position, I do feel that our first concern is the passage of this legislation at whatever funding level we are able to effect.

At a time when the administration is calling for a cutback in categorical programs, S. 2518 can be viewed as broad-based legislation that crosscuts educational activities. Since women represent over half of the population of the United States, a program such as S. 2518 seems the least that the Government can do to help women reach their potential.

I would also suggest that in writing and revising other pieces of education and social legislation, you consider incorporating language that would specifically provide for educational and counseling services for girls and women. Here I am thinking specifically of the Elementary and Secondary Education Act which your subcommittee is currently rewriting.

In closing, I would like to quote Congresswoman Shirley Chisholm, writing on "Sexism and Racism: One Battle to Fight" in the *Personnel and Guidance Journal* (October 1972): "We must work to create a climate in which it will not be unusual or novel for a black or an Indian or a woman to run for a national office or advance to a high executive position. We must work to create a climate in which Americans are allowed to move up in the system solely on the basis of their intellect, perseverance and physical ability." This bill, if passed, will help those of us in counseling and guidance to create the climate Congresswoman Chisholm seeks.

On behalf of the American Personnel and Guidance Association, I express my appreciation for the opportunity of testifying before you today. Both Dr. McDonough and I would be happy to answer any questions you may have.

AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION—SENATE RESOLUTIONS FOR 1972 AND 1973 REGARDING WOMEN'S CONCERNS, APGA SENATE, MARCH 26–29, 1972

Strong vocational interest blanks

Whereas, the Strong Vocational Interest Blanks (SVIB) provide different occupational scores for men and women: that is, women cannot be scored on occupations like Certified Public Accountant, purchasing agent, public administrator, and men cannot be scored on occupations such as medical technologist, recreation leader, physical education teacher; and

Whereas, when the same person takes both forms of the SVIB, the profiles turn out differently: for example, one woman scored high as a dental assistant, physical therapist, occupational therapist on the woman's profile, and physician, psychiatrist, and psychologist on the man's form; and

Whereas, the SVIB manual states, "Many young women do not appear to have strong occupational interests, and they may score high only in certain 'Pre-marital' occupations; elementary school teacher, office worker, stenographer-secretary. Such a finding is disappointing to many college women, since they are likely to consider themselves career-oriented. In such cases, the selection of an area of training or an occupation should probably be based upon practical considerations, fields providing backgrounds that might be helpful to a wife and mother, occupations that can be pursued part time, are easily resumed after periods of nonemployment, and are readily available in different locales."
(Campbell, revised, p. 13, 1966);

Therefore, be it resolved, that APGA commission duly authorized members to petition and negotiate with the SVIB publishers to revise their instruments, manuals and norm groups so as to eliminate discrimination; and

Be it further resolved, that this duly authorized commission develop with the test publishers an explanatory paper to circulate among all purchasers of SVIB materials including answer sheets a statement which outlines the possible limitations inherent in the current SVIB with suggestions for ways to minimize the harm;

Be it further resolved, that the commission in cooperation with the test publisher set a deadline for the new forms to be published and distributed.

American Personnel and Guidance Association Commission on Women

Whereas, there is clear and undeniable evidence that girls and women suffer from personal and institutional discrimination, that they are, by sociological definition an oppressed minority; that they are denied equality in educational opportunities, occupations, advancement, salary, prestige, and representation in decision and policy making areas; and

Whereas, concern for the welfare of all human beings is an integral part of counseling and guidance; and

Whereas, the American Personnel and Guidance Association is the major professional organization in counseling and guidance;

Therefore, be it resolved, that APGA support all efforts to seek, as a minimum, full and uniform compliance with Executive Order 11246 as amended by Order 11375, which prohibits discrimination on the basis of sex by any agency holding Federal contracts; and

Be it further resolved, that APGA establish and fund as a regular part of the budget, a permanent Commission on Women, composed of a majority of women, including at least one representative of the Women's Caucus of APGA and one from the Women's Commission of any APGA division which has established such a commission, i.e., ACES and NVGA (Commission on the Occupational Status of Women); and

Be it further resolved, that the initial year be budgeted up to $2,500.00; and

Be it further resolved, that the Commission be charged with: (a) Investigating and reporting the status of women in the American Personnel and Guidance Association; (b) formulating recommendations for further action based on findings; and (c) contributing to the leadership and development of affirmative action programs within the American Personnel and Guidance Association and its Divisions and State Branches.

APGA SENATE, FEBRUARY 9–12, 1973

Discrimination on the basis of race, color, creed, sex, sexual orientation, life style, or age

Whereas, equal rights for all is a basic value in our culture; and

Whereas, discrimination has been proved to have adverse effects upon the self-concepts of individuals which affects their total functioning; and

Whereas, counselors strive to build self-concepts in the regular course of their work:

Therefore, be it resolved, that the American Personnel and Guidance Association membership actively resist any discrimination against any individual on the basis of race, color, creed, sex, sexual orientation, life style, or age; and

Be it further resolved, that the American Personnel and Guidance Association membership actively support affirmative action against such discrimination and urge each Division and State Branch to make known this stand in its newsletter or other media and include information on this position in materials going to legislative workshops.

Sexist terminology in APGA publications

Whereas, language is an important symbolic indicator of attitudes; and

Whereas, the APGA publications of its Branches and Divisions are the major professional journals in the field of guidance, counseling and personnel work;

Therefore, be it resolved, that the APGA refrain from using sexually discriminatory language and sexually derogatory references in the publications sponsored by the Association and its Branches and Divisions.

Support for ratification of equal rights amendment

Whereas, concern for the welfare of all human beings is an integral part of counseling and guidance; and

Whereas, the American Personnel and Guidance Association is the major professional organization in counseling and guidance;

Therefore, be it resolved, that the American Personnel and Guidance Association go on record as supporting the Equal rights Amendment and that this official position be made known immediately to all state coordinators and to the legislatures of their particular states.

A NEW IDEA FOR A CREATIVE BICENTENNIAL

Mr. MATHIAS. Mr. President, Dr. Peter C. Goldmark, one of the most creative and innovative spirits of our time, is responsible for many revolutionary departures in the field of communications technology. Recently, he has focused his talents on helping establish a cultural network for the Bicentennial celebration. Now, in a long range, visionary project called The New Rural Society, Dr. Goldmark proposes to apply communications techniques to accommodate projected trends in American society, freeing Americans from the tether of urban congestion and permitting them to live in the country or in the city as they choose. The New York Times on October 28, 1973, carried an excellent article by Michael Knight summarizing these proposals and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOLDMARK IS TESTING NEW RURAL SOCIETY BASED ON ELECTRONICS

(By Michael Knight)

STAMFORD, CONN., Oct. 27.—The man who invented the long-playing record, the first practical color television system, the video tape casette and other revolutionary communications devices is now at work trying to engineer a society of the future.

To Dr. Peter C. Goldmark, that means a society that could take full advantage of recent advances in communications technology to free people from the economic necessity of living near large cities, thus eventually solving the urban crisis, the rural crisis and the energy crisis.

Dr. Goldmark, who was president of the Columbia Broadcasting System's laboratory division here for 35 years until his retirement last year, has convinced the Federal Department of Housing and Urban Development to underwrite his "New Rural Societies" experiment with two $362,000 research grants.

"The New Rural Society is not something we will create, it will form itself automatically," Dr. Goldmark explained, once people see that existing technology imaginatively used can allow them to move to small country towns linked electronically to entertainment, business, medical and government centers.

"The technology is already there, almost nothing needs to be invented," said the 67-year-old, Hungarian-born Dr. Goldmark, who speaks quietly with traces of a Continental accent. "It's the system engineering and the economic viability of it that we're working on now. We have to show business that it is economically viable to work this way."

TESTS ARE UNDERWAY

Already, tests on communication systems and people's attitudes toward them are underway in a 10-town rural section of northeastern Connecticut centering on the city of Willimantic. The city, an older mill town known for the manufacture of thread, and the largely agricultural region around it, were chosen because it was felt they were somewhat typical of rural regions across the country.

A research team of engineers, social scientists, psychologists and urban planners drawn from the Goldmark Communications Corporation's engineering staff here, the Windham Regional Development Agency in Willimantic and the staff of Fairfield University have been surveying the area's needs and planning electronic ways of meeting them.

Although work is still in the research stage, the suggestions include electronic classrooms and cable television systems to answer the region's educational and cultural needs, facsimile transmission of medical records and X-rays, and convincing employers to locate electronically linked remote operations there to meet the region's most pressing need—employment.

The problem, as Dr. Goldmark sees it, is that vast numbers of the nation's city dwellers—would rather live in the countryside than in the city.

But, forced by economic necessity, 30-million Americans have left the countryside since 1940, leaving the country in decline and the cities in crisis.

Commuting to work consumes about 50 per cent of the nation's gasoline production every year, he says, as urban areas get bigger and people commute longer distances.

The solution, he says, is simple. If work, health care and entertainment could be as close as the living room television set or a "village green community communications center," the people who want to live in the country could live in the country, the people who really want to live in the city could live in the city and virtually everyone could walk to work.

TELECONFERENCES HELD

Businessmen, government officials, officers of the Salvation Army, a librarian association and a community service group have already conducted regular business meetings between Willimantic and Hartford by "teleconference."

"In general, they've been very successful," said Dr. James A. Barone, provost of Fairfield University and contract director for the HUD program. "It's merely a question of the block many non-technical people have about technical things."

Unlike the work Dr. Goldmark did for C.B.S., which often required great technical leaps, the hardware part of his new "Rural Societies" program is, by modern standards, relatively simple.

The conferees in Willimantic sat before a television camera and watched their counterparts in Hartford on a television screen.

The lack of a sense of presence that some conferees felt while looking at the television screen was met, at least somewhat by installing stereo speakers so that each participant had an audible "place" on the screen. The complaint that documents could not be exchanged was met by installing a telefacsimile machine.

"I LIKED IT"

"I thought it worked quite well," said Robert Young, director of the Windham Regional Development Agency, who participated last year in a telecommunications conference with state development officials in Hartford.

"It was one of a series of staff level conferences they were having with all the planning regions and it wasn't a make-believe thing," he recalled. "It wasn't as good as face to face, but I liked it and the others did, too."

"It was a little stilted, there was a feeling of being on stage and all the technicians were tripping over wires and things like that, but they wouldn't be there when this kind of thing becomes routine, and anyway, you get so caught up in what you're doing that you don't notice them after a while anyway."

Dr. Goldmark does not expect the full flowering of his new Rural Society much before the year 2000, 27 years from now.

Sometime before then he hopes to see community communications centers where large, projected television images in a central hall will serve as mass entertainment and educational theaters and with small "teleconference" or "telelibrary" rooms.

A CULTURAL NETWORK

Still closer he has dreams of a nationwide cultural network set up as part of the bicentennial celebration in 1976, and using the commercial relay satellite to be orbited next year. "It would be better than a lot of rockets and firecrackers that no one will remember in a month," he said.

"Cultural events would be available in all the middlesize towns, or where there are cable TV systems, in the home. The communities that will be targets of the satellites will have the kind of offerings people migrate to the big cities for and then don't get to see anyway. Instead of having 4,000 people at the opening of the Metropolitan Opera, you could have four million people. It would make money."

There are those who say that the whole new Rural Society idea seems too good to be true, Dr. Goldmark says, but then, there were those who said that about the long-playing record.

MILITARY CONSUMPTION OF ENERGY

Mr. PROXMIRE. Mr. President, in view of the fact that the Department of Defense uses 85 percent of all the energy consumed by the Federal Government, Pentagon actions to conserve energy should be closely monitored.

The Pentagon is the largest single consumer of petroleum in the United States. Any reduction by DOD, therefore, could have a significant impact during the long winter months ahead.

According to defense officials, Pentagon consumption of energy is equal to 2.4 percent of the national total and 4 percent worldwide. Most of the petroleum used by the military overseas is purchased from foreign sources although there are strong indications that U.S. oil now is being shipped abroad for the U.S. fleet.

Overall, the Department of Defense uses 60 percent of its energy for mobile systems, 44.7 percent for aircraft operations, 39 percent for installations, and 11.4 percent for ship operations.

To meet the Presidential directive, the Pentagon claims it has cut back on total consumption by 11 percent as a result of slower ship and aircraft speeds, reduced aircraft training, lower consumption levels for bases and installations, and improved efficiency.

There are many other areas in which improvements can be made, however. For example, the Thunderbird flying demonstration team has seven aerial shows planned for the month of November alone. Surely this kind of nonessential activity should be curbed.

There is evidence that one Air Force general is about to take a Christmas inspection tour of the South Pacific by jet, visiting Guam, the Philippines, Taiwan, Bangkok, Singapore, Australia, and New Zealand.

And then there are the 45 chauffeured limousines waiting at the Pentagon for the high-ranking officers and civilians. This modest ground fleet is assisted by 62 helicopters on standby for flights in the Washington area. It costs $5.1 million for the operation and maintenance of these helicopters alone exclusive of the energy waste.

Some 178 aircraft are assigned to various high-ranking U.S. military officials worldwide. Most of these planes are used as personal aircraft and are on standby for the local base commander. In my opinion these planes should be grounded except for emergency use.

Mr. President, just how expensive such flights are in terms of energy consumption has been investigated by Richard L. Strout of the Christian Science Monitor. Although he focuses on the question of the excessive energy consumption by the White House, the main point is that leadership must be by example. If the Pentagon and the White House show the way, it will be easier for the American people to understand the problem and assist in its correction.

Mr. President, I ask unanimous consent that the Christian Science Monitor article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Energy Crunch Challenges White House, Armed Forces—Pressure Grows for Nixon To Set Example, Ground Planes, Copters, Stay in Washington

(By Richard L. Strout)

Washington.—President Nixon faces a personal energy crunch with a fleet of five Boeing 707 jetliners, 16 helicopters, 11 Lockheed Jetstars, a yacht, and a garage full of limousines.

He has undertaken to set an example by lowering the thermostat to 65–68 degrees at the White House and at the mountain retreat of Camp David.

Key Biscayne and San Clemente are bathed in tropical breezes but already questions are being raised on how much fuel the President should use in flying to them in Air Force One, and in transporting his staff there, too.

HOW MUCH FUEL?

Already a New York congressman has asked the General Accounting Office to find out just how much fuel the President does use in his trips to Key Biscayne, and San Clemente.

"A president who calls upon the American people to sacrifice for the good of the nation should show his own willingness to sacrifice," said Rep. Charles B. Rangel.

"The question is whether it is any longer responsible for the President to fly off to Florida and California every time he has a whim to do so," the congressman said.

"The fleet of jetliners, helicopters, limousines, and yacht is entirely too wasteful of our precious fuel resources."

GALLONS ESTIMATED

A Boeing 707 jetliner—the type the President uses—consumes 6,000 gallons of jet fuel per hour. The flying time for a 707, according to commercial airline sources, is one hour and 40 minutes from Washington to Miami, and 5½ hours from Washington to the San Clemente area.

On these figures, Mr. Nixon's jet would burn 10,000 gallons to Key Biscayne (20,000 gallons for a round trip) and would use 33,000 gallons to get to San Clemente (66,000 gallons per round trip). The press plane accompanying each flight would use the same amount. So would a presidential backup plane.

Presidential press secretary Ronald L. Ziegler has said that the speed of presidential aircraft and helicopters will be reduced in light of the energy shortages. He made no mention of eliminating any presidential visits to his homes.

Chief executives lead the nation by example, and Mr. Nixon is already pledged to this in fuel curtailments.

Speaking from the White House, Nov. 7, he told America to cut back temperatures and added "and that means in this room, too." Half a million vehicles owned by the government, he said, had been limited to 50 m.p.h., and he appealed to governors, mayors, and the public to follow suit. Some officials here hint there will be gasoline rationing by spring.

President Nixon faces a major test in guiding the nation in a peculiarly intimate domestic emergency, in which his own style of living will be observed.

He is under a raking fire from Watergate. The situation recalls the sharp criticism of the unfortunate Herbert Hoover in the 1929 depression with millions unemployed. Some attacked Mr. Hoover's relaxing fishing vacations at his camp on the Rapidan, in 1932. He ultimately gave the site to the government.

* * * * *

SUPPORT FOR PRESIDENT NIXON

Mr. THURMOND. Mr. President, I have noted with great interest several recent news reports proclaiming that the "mountain" of so-called "anti-Nixon" mail sent to Capitol Hill indicates that the "majority" of Americans favor impeachment or resignation. These analyses appear to be based on a loose compilation of random surveys in congressional and senatorial offices. For the most part, they are unscientific and lend themselves to overstatement and exaggeration.

From my standpoint, I can truthfully say that I have not detected this vast public outcry, as interpreted by some of my colleagues in Congress and some segments of the news media. In fact, I have found a groundswell of public support for the President.

Two weeks ago, for example, I spoke at a fund raising dinner in Orange County, Calif., to several hundred people. I also spoke to an estimated 1,200 persons who attended a "Support the President Rally" in Oklahoma City, Okla. I have also appeared in South Carolina on several occasions recently. My heart was warmed by the tremendous response my words in behalf of the President received.

These people are behind President Nixon and they deeply resent the smear tactics being employed to bludgeon him from the White House. They are sick and tired of partisans playing their political games with the future of this country. While they want to know the facts surrounding Watergate and want justice served, they also want their President to stay in the White House and finish the job he was elected last year to do.

Over the last 2 weeks, my mail has been running overwhelmingly in support of the President. I have received 1,864 telegrams and letters. Of these, 1,707 supported the President and only 157 were against him. Time and time again, the same message came through loud and clear: "We love the President, we support him and we resent the cheap politics used against him."

Mr. President, I reject the contention that a majority which gave Richard Nixon a huge mandate just a year ago has suddenly turned against him. Although they may be confused and perplexed by recent events, Richard Nixon is still their President and they will believe him innocent until it is proven otherwise.

MARIO MIRABELLI—AN OUTSTANDING AMERICAN

Mr. WILLIAMS. Mr. President, I would like to take a moment today to express my admiration for an old friend, and a leading member of New Jersey's Italian-American community, Mr. Mario Mirabelli.

I have known Mr. Mirabelli ever since I first became active in community affairs in the area where I grew up, Union County, N.J. Like virtually everyone else who has had the privilege of knowing him, I have developed a deep appreciation for Mario's great commitment to charitable causes, for his tireless efforts in behalf of the Italian-American community, and for his unwavering support for the cause of good government in his community.

Mr. President, Mario Mirabelli, who is now 77-years-old, came to this country from Italy in 1912. He pursued a most successful career in clothing manufacturing until his retirement in 1954, but he always found time to devote to a wide range of activities outside his business.

One of Mario's greatest passions has been his work in behalf of Boys Town of Italy, with which he has been associated for some 22 years—10 of them as chairman of the Union County chapter. One of the things I know he is most proud of is the part he played in establishing an orphanage in his hometown of Calabria, Italy.

Mario has over the years also devoted a great deal of time and energy to St. Anthony's Church in Elizabeth, to the Salesian Seminary in Newton, N.J., and to St. Joseph's Home for the Blind in Jersey City. He has long been active in the Sierra Club of the Archdiocese of Newark, which helps young men to enter the Priesthood.

His interest in his community led Mario to serve on the Elizabeth Redevelopment Commission for 12 years. In addition, he served as a delegate to the Democratic National Conventions of 1956, 1960, 1964, and 1968. Some of the honors Mario has received include his selection as "Man of the Year" by the Eastern Union County chapter of Unico in 1969, and by the Roselle Civic Club in 1967.

Mr. President, I count it an honor and a real privilege to have known and worked with Mario Mirabelli over the years; he is truly an outstanding American.

CHRISTMAS TREES ON THE ELLIPSE AND THE WASHINGTON POST

Mr. McCLURE. Mr. President, in a recent series of editorials, the Washington Post said "bah humbug" to the idea of cutting and transporting the 101 Christmas trees that traditionally adorned the Ellipse fronting the White House.

"Last year," wrote a Post editorialist, "about a million people from around town and all over the world trundled to Washington's Ellipse for a look at the national Christmas tree, centerpiece of the annual Pageant of Peace." Many of those folks, said the Post, "didn't like what they saw—because they felt it should not be necessary to cut down a huge, beautiful tree every year for 2 weeks decoration." The newspaper further lauded the Park Service for its proposal to plant a national Christmas tree as an example for those who find the chopping down of a 75-foot spruce wasteful.

For the information of those same people who might consider the cutting of a national Christmas tree a waste, the Post might have mentioned a few statistics on its own tree cutting.

Consider this:

According to figures supplied by national timber and paper associations, the Post's half million daily press run of editions that individually weigh about a pound, adds up to about 108 acres of trees. The huge Sunday edition, which weighs up to four pounds, uses paper from 424 acres of timber. The experts further estimate that, on the average, we are talking about 150 pulp trees per acre, and that adds up to a mere 16,200 trees per weekday, or 45,892 trees for a Sunday.

So during the recent 3-day wildcat strike, the Post gave a reprieve for about 90,000 trees. Not bad. Hats off to the Post.

EMERGENCY MILITARY ASSISTANCE TO ISRAEL

Mr. MONDALE. Mr. President, I would like to call to the attention of my colleagues the excellent statement made by Mr. I. L. Kenen, chairman of the American Israel Public Affairs Committee, before the Subcommittee on Foreign Operations of the Appropriations Committee last week.

Mr. Kenen urged the swift approval of the administration's request for emergency military assistance to Israel. Although this request gives the President authority to determine what percentage will be grant assistance and what percentage will be in the form of military sales credits, Mr. Kenen convincingly argues that Israel should be provided as much as possible of the $2.2 billion in the form of grant aid.

He stated:

> If Israel must borrow for the additional weapons she is acquiring this year, her debt service would rise to $940 million (assuming a concessionary interest rate of two percent) or $1.1 billion (if the interest rate is six percent). This is an astronomical burden beyond the capacity of an already super-taxed and super-indebted economy.

I know that my colleagues fully share Mr. Kenen's concern that we cannot allow a small country to be bankrupted, because of the aggression of others.

Mr. President, I ask unanimous consent that Mr. Kenen's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MILITARY AID TO ISRAEL

(By I. L. Kenen)

I thank you for the privilege of appearing here on behalf of the American Israel Public Affairs Committee to urge approval of the Administration's request for emergency military assistance to Israel.

I have been informed by Mr. Jacob Stein, Chairman of the Conference of Presidents of Major American Jewish Organizations, which represents 30 major national Jewish organizations (see Appendix for list), that this body associates itself with the purpose of my statement today. I am similarly advised by Mr. Hyman Bookbinder, the Washington representative of the American Jewish Committee.

We are gratified that President Nixon, Secretary of State Kissinger, Secretary of Defense Schlesinger and the United States Congress responded swiftly and generously in declaration and action to assist Israel to defend herself against the eleven Arab states which sought to destroy her in the deplorable and unprovoked attack just 30 years ago.

If the United States had faltered and delayed and if the people of Israel had not received the needed equipment in time we might have witnessed a catastrophe. Many more people would have died, for the war would have been needlessly prolonged.

We are convinced that this war—actually the fifth since Israel was established in 1948—was not a war for territory, much of which the Arabs could have recovered by negotiation with Israel. It was not a war for the Palestinian Arabs, who were the victims of Arab leadership in 1948, when six Arab states invaded Palestine in the attempt to seize all of it for themselves. The Palestinian refugees could have been resettled by oil-rich Arab states long ago. This was a war for the liquidation of the Jewish state. And if the Arab armies had reached the old pre-June 1967 armistice lines, or if they had been able to start their offensive from those lines, the people of Israel would have been overwhelmed.

We strongly support the President's request for a $2.2 billion appropriation to strengthen Israel. This is essential, not only to ensure Israel's survival but also to preserve the balance of strength in the Middle East—in the national interest of the United States as well as in the interest of our NATO allies.

And we look forward to a genuine peace, which, we believe, can be achieved if the United States and the Soviet Union encourage the Arabs to sit together with the Israelis and work out their own future coexistence and cooperation as sovereign peoples. We do not believe that purpose will be served if the great powers, in competition rather than cooperation, seek to impose a settlement.

It is an astonishing fact that ever since Israel was established in 1948, all the major powers have at one time or another provided weapons to her hostile Arab neighbors. And in these last fateful 30 days, the Israel armed forces had to face the most sophisticated Soviet planes and missiles—MIG–21s, SA–3s, SA–6s and SA–7s, the Frog surface-to-surface missiles, French Mirage planes, British Hunter jets and Centurion tanks, and even some tanks furnished by the United States. And some of the Arab states and Arab guerrillas have received military aid from Communist China.

THE ROLE OF THE SOVIET UNION

But the "peace-loving" Soviet Union was the extravagant and benevolent provider. Despite its professed desire for detente with the United States, the Soviet Union has persisted in Russia's age-long ambition to dominate the Middle East. It expanded the supply of the most sophisticated weapons to the Arab states during the last year; while aware of the impending conflict, it took no steps to avert it—neither unilaterally nor in cooperation with the United States; it summoned all Arab states to the Arab colors; it operated a huge airlift to replace weapons which Arabs lost in the fighting; it did nothing to halt the fighting until it realized that the Arabs faced disaster—and it is still sending weapons to resupply the Arabs.

It should be recalled that the United States sent some $11.1 billion in lend-lease aid to the Russians in World War II. Our Government recently agreed to wipe out that debt and to accept a nominal settlement of $722 million.

That $722 million which the Russians will gradually pay the United States is a tiny fraction of what this terrible war, subsidized and sustained by the Soviet Union, will cost Israel, the Arab states, the United States and the people of many other countries whose economies have been disrupted.

Ever since Egypt opened the Middle East to Soviet penetration by its 1955 arms deal with Czechoslovakia, the Communist countries have paced the arms race in the Middle East. But for many years, our country abstained from providing Israel with the weapons she needed, despite the fact that her neighbors were receiving arms from both East and West.

U.S. AID

The United States was willing to supply Israel economic assistance to enable her to resettle more than 1.5 million refugees and immigrants and to develop her economy. This aid was prudently and effectively used. Most of it was in the form of loans rather than grants—much of which the Israelis have repaid, with interest. But in the 1950s our Government was reluctant to furnish Israel with any arms, although it was sending them to Iraq and Saudi Arabia, and it acknowledged the need to maintain an arms balance. It was always argued that Israel's qualitative superiority—the skill and dedication of her soldiers—could compensate for the huge quantitative superiority of her foes, an argument demolished in the pushbutton warfare of the last month.

The United States referred the Israelis to France and to other European suppliers. It was not until 1962 that the United States finally agreed that Israel might buy the Hawk anti-aircraft missile. It was not until 1966 that the United States approved the sale of A–4 Skyhawks and tanks, and it was not until 1968 that the Administration finally agreed that Israel might be allowed to purchase Phantom jets.

But—and this must be emphasized—Israel had to pay for these weapons.

Between 1946 and 1972, according to AID, the United States provided grant military assistance totaling approximately $55 billion, throughout the world.

None of this grant military assistance went to Israel, even though in this same period we provided grant military assistance and training totaling about $324 million to nine Arab states, to which should be added $34 million for Jordan in 1973.

The record also shows that our grant economic assistance to the Arab states far exceeds that given to Israel during this period. Jordan is a case in point.

In the meantime, Russia and other Communist countries have poured huge quantities of weapons—much of it at cut-rate prices—into Egypt, Iraq, Syria and six other Arab states, conservatively estimated at more than $6 billion. No one knows how much Russia sent to the Arab states in the last year, and particularly in the last few weeks. But we have seen estimates ranging as high as $3 billion. We may assume that the oil revenues of Egypt's allies collected by major international oil companies, including American corporations, will help to finance this enormous expenditure.

Israel's defense expenditures have been extremely high. They were 26 percent of her Gross National Product in 1972. While total costs of the current conflict are still not determined, it is estimated that military expenditures will approximate 40 percent of Israel's GNP this year. Most of this burden has to be carried by the Israel taxpayer, who is already taxed at the highest rate in the world, and who was forced to pay an additional seven to twelve percent compulsory defense loan last week.

Israelis had to go deeply into debt to finance defense and refugee resettlement. The figures show this rise in external debt.

External debt—as of January 1—In billions

1970	$2.1
1971	2.6
1972	3.4
1973	4.1

As of the time of the outbreak of the war, the debt was estimated at $4.5 billion. This means that for many years Israel has had the highest per capita foreign currency debt in the world. At the beginning of 1973 it stood at about $1,300 per person. This huge debt has imposed a massive burden on the Israelis. Israel's external debt service cost $532 million in 1971; $687 million in 1972; for the current year it is estimated at $705 million and it is expected to rise to $790 million in 1974.

But if Israel must borrow for the additional weapons she is acquiring this year, her debt service would rise to $940 million (assuming a concessionary interest rate of two percent) or $1.1 billion (if the interest rate is six percent). This is an astronomical burden beyond the capacity of an already super-taxed and super-indebted economy.

We strongly believe that Israel should be allowed grant assistance.

When President Nixon sent his message, on Oct. 19, it was then reported that the cost of the equipment already sent to Israel totaled $825 million. Israel estimates that the cost of the weapons she must have to regain and maintain her defense capability will approximate the $2.2 billion figure the President has requested.

This is only part of the tremendous overall cost of the war. Israel was compelled to mobilize 30 percent of her labor force. As a result, only industry serving the war effort was able to continue. Building activity stopped. Almost all transportation had to be diverted to the war. Tourism, a major earner of foreign exchange, fell off sharply. Exports were curtailed (which will make it still more difficult for Israel to meet her debt service). Israel's annual growth rate, which has averaged 9.9 percent over the years, will be drastically reduced. On top of this, there will be heavy expenditures for war damages—for new housing and new equipment of all kinds. War damage to civilian facilities is estimated at $100 million.

Israel's foreign currency reserves will be adversely affected by the new fighting. In a memorandum which we submitted to your Committee in August of this year in connection with the current foreign assistance programs, we wrote that Israel's reserves are low for a country "which is so dependent on imports for essentials and is in an exposed geopolitical situation. If the war were to break out again, reserves would go down sharply because of the need to buy additional materiel, because tourism would decline and also because Israel would have to mobilize people from factories and fields, sharply reducing production and the capacity to export."

Deplorably, this prediction turned out to be true. In addition to all this, there have been steep increases in the prices of many imported commodities, such as soybeans and other foodstuffs, fuel and raw materials. And Israel is now under an Arab blockade which cuts off her access to the Indian Ocean and the Orient.

The U.S. arms supply must continue because the Russians continue to pour weapons into the Arab states to enable them to threaten Israel with a resumption of the war in order to impose surrender. The experience of five wars has shown that Arabs will not make peace with an Israel they think they can destroy.

It must be kept in mind that the Israel government, unlike other governments which receive our weapons, has never asked for American manpower. While American forces helped to ship weapons to Israel, they were far removed from the scene of combat.

Arab capacity to make war has been heightened by the contributions of the oil-producing countries, as well as the willingness of the Soviet Union and some Western countries to sell arms to them.

Simultaneously, the Arabs are using the oil weapon to blackmail NATO countries, to alienate Israel's friends in Europe and Africa and to isolate her.

We believe that a civilized world cannot permit the Soviet Union and the Arab countries to accomplish the destruction of Israel. We believe that the support given to Israel by our Government in the recent fighting was entirely justified on moral grounds. At the same time, we submit that our Government's action has been entirely consistent with America's overall interest.

While the Soviet Union has called on Israel to withdraw to the pre-1967 lines, it has taken an entirely different position in Eastern Europe, where it has consolidated the territorial gains won by the Communist bloc in World War II. In the Middle East it maintains an aggressive posture. In brazen violation of the 1970 cease-fire standstill when it rushed missiles into the Suez area, it has transformed the region into a shooting gallery and it has used the Jewish people and their state as a target for the testing of the most sophisticated weapons. It has exploited the Arab war against Israel in a never-ending campaign to undermine the influence and interests of the United States in the area—diplomatic, economic and military.

Surely, it is in the interest of the United States to provide Israel with the means to maintain the balance and thus check the Soviet Union's war by proxy against the West. The young Israeli soldiers who died in this most costly of Arab-Israel wars were fighting not only to defend their own country but also a crucial frontier of freedom.

APPENDIX A

(Text of the telegram from Jacob Stein, Chairman of the Conference of Presidents of Major American Jewish Organizations.)

It is my understanding that you are submitting testimony to the appropriate Congressional Committees considering the Administration's Emergency Security Assistance Act of 1973 ensuring military assistance for Israel to help her carry the burden of defense and to maintain her deterrent military capacity.

As Chairman of the Conference of Presidents of Major American Jewish Organizations, embracing some 31 affiliated organizations, including your own, and representing almost the totality of the American Jewish community, I would like to inform you that the purpose of your presentation has the full support of the Conference of Presidents and we earnestly hope that the Committees before which you will testify will take favorable action.

The organiaztions affiliated with the Conference are:

American Israel Public Affairs Committee; American Jewish Congress; American Trade Union Council for Histadrut; American Zionist Federation; B'nai B'rith; B'nai B'rith Women; Bnai Zion; Central Conference of American Rabbis; Council of Jewish Federations and Welfare Funds (observer); Hadassah; Jewish Labor Committee; Jewish Reconstructionist Foundation; Jewish War Veterans of the U.S.A.; Labor Zionist Alliance; Mizrachi-Hapoel Hamizrachi; Mizrachi Womens Organization of America; National Council of Jewish Women; National Council of Young Israel; National Federation of Temple Sisterhoods; National Jewish Community Relations Advisory Council; National Jewish Welfare Board; North American Jewish Youth Council; Pioneer Women; Rabbinical Assembly; Rabbinical Council of America; Union of American Hebrew Congregations, Union of Orthodox Congregations of America; United Synagogue of America; Women's League for Conservative Judaism; World Zionist Organization-American Section, Inc.; Zionist Organization of America.

Text of the letter from the American Jewish Committee

This is to advise you and the Congress that the American Jewish Committee associates itself with the testimony you will be giving in support of the President's request for $2.2 billion in military grants or credits for the State of Israel.

HYMAN BOOKBINDER,
Washington Representative.

IT'S TIME WE DEMAND IMPROVED JAPANESE CONDUCT IN NORTH PACIFIC FISHERIES

Mr. STEVENS. Mr. President, last week the International North Pacific Fisheries Commission—INPFC—met in Tokyo to formulate measures to regulate the 1974 fisheries harvests of the United States, Canada, and Japan in the North Pacific Ocean and Bering Sea. Of deep concern to the United States is the unrelenting Japanese toll of salmon on the high seas in disregard of evidence that the return of salmon to North American spawning streams is insufficient to perpetuate their kind. Japanese actions with regard to halibut are equally disturbing.

This body last June passed Senate Concurrent Resolution 11, expressing a policy of support of the U.S. fishing industry. Other legislation in committee would enable emergency interim action when necessary to prevent annihilation of our fish stocks prior to implementation of effective international agreements. We have so far restrained congressional action, because we were advised not to trigger drastic independent action by our Nation while there is a possibility that solutions can be attained in next year's Law of the Sea Conference. But we cannot afford to lose species through inaction. Surely those who are participants in these conferences must be losing hope.

It would seem that the least of our high seas fisheries problems would arise from nations with whom we have arrangements, such as the International Convention for High Seas Fisheries of the North Pacific. Yet the most persistent troublemaker in the subject waters is one of the three signatories—Japan. Last week's INPFC sessions in Tokyo should have provided some indication as to whether or not we can expect improved Japanese cooperation under the convention. The answer to that question will have a direct bearing on my position on whatever future action the Senate considers affecting Japan, whether it is in the field of high-seas fishing, Japanese investment in U.S. enterprises, U.S. exports of energy resources or other critical resources to Japan. Somehow, we must get the message to Japan that we mean business.

On September 6 and 7, 1973, a group of fisheries authorities met with Alaska's Gov. William A. Egan, his international fisheries director, Harold Z. Hansen, and INPFC commissioner, Elmer Rasmussen, in Juneau, to develop an Alaskan position and recommendations for INPFC. The presentation formulated by this group forcibly depicts why we must insist on strong improvements in Japanese performance under the convention. Mr. President, I ask unanimous consent that those portions of the Alaskan position paper concerning Japanese fisheries be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

ALASKAN POSITION ON NORTH PACIFIC OCEAN AND BERING SEA FISHERY PROBLEMS OF CONCERN TO INPFC

Alaskan INPFC Advisors, scientists of the Alaska Department of Fish and Game and a number of other state and federal observers met with Governor Egan, INPFC Commissioner Elmer Rasmuson and International Fisheries Director Harold Z. Hansen in Juneau on September 6 and 7 to review in detail pertinent background material on Japanese high seas fisheries and to develop a strong and unified Alaskan position for use at both the United States Section meeting in Seattle and the 1973 annual meeting of INPFC in Tokyo, Japan.

Major items considered at the meeting included Alaska's great concern for the future of Bristol Bay sockeye salmon runs which are presently at their lowest levels on record; the rapidly expanding Japanese harvest of chinook and chum salmon in Bering Sea areas through which Alaska salmon stocks are known to migrate; and the need for more effective mechanisms, such as those proposed in U.S. Senate Bill 1988, for protecting U.S. coastal and anadromous stocks of fishes. A number of other important resource conservation items were also discussed.

The following recommendations, positions and actions were approved by the delegates to the special Alaskan meeting:

I. SECURE POSITIVE ASSURANCE FROM JAPAN THAT THE FISHERY AGENCY WILL REGULATE THE HIGH SEAS SALMON FISHERIES IN 1974 IN A MANNER THAT WILL PROVIDE MAXIMUM PROTECTION FOR BRISTOL BAY SOCKEYE

The seriousness of the problems facing the Bristol Bay sockeye salmon is discussed in detail in the attached Alaska Department of Fish and Game document "Bristol Bay 1974 Sockeye Salmon Forecast and Current Production Trends". (Attachment No. 1) Thus, only a brief summary will be given here.

In 1973, the actual inshore run of 2.4 million Bristol Bay sockeye salmon fell well below the forecast level and despite imposition of extremely restrictive regulations by the Alaska Board of Fish and Game and the department, escapement levels were substantially below the desired minimums in all but one smaller system. Despite assurances from Japan in 1972 that "we understand fully the fact that these resources are in bad condition"[1] and "we will keep the Japanese fishing industry concerned well informed of the grave condition of the North American sockeye salmon resources" * *; the 1973 Japanese high seas effort in the areas of Bristol Bay sockeye salmon interceptions was about the same level as in the previous two years and 372,000 mature Bristol Bay sockeye were taken. The inevitable drop out mortality, while always a factor to be considered, assumes even more significance in a year of low runs such as 1973.

The outlook for 1974 is equally bleak and projections for 1975 also provide reason for concern.

It is not necessary to review in detail all of the arguments against high seas salmon gillnetting at this time. However, two factors are especially pertinent to the 1974 problem. First, these fisheries operate on unsegregated stocks and thus cannot be regulated in a manner to provide protection for specific stocks that may require special protection. Second, the fishery takes place so early in the year that there is absolutely no way to adequately assess the actual numbers of fish in the total run so that adjustments can be made to prevent overharvest.

As the widely divergent positions of Japan on one hand, and the United States and Canada on the other, regarding high seas salmon fisheries are well known there is no need to review these positions in detail. However, the United States Section should be aware of and be ready to exploit the long standing contention by Japan that the Japanese salmon fishery in high seas areas does not adversely affect reproduction of Bristol Bay sockeye. It is evident that the Japanese high seas harvest of Bristol Bay sockeye from the 1973 run will, without question, have an adverse affect on future Bristol Bay salmon and the same situation will prevail in 1974 unless positive corrective action is taken. For the first time we have clear and positive evidence that the Japanese high seas fishery has had a direct and adverse affect on the conservation of Bristol Bay Sockeye salmon. The United States Section should be prepared to insure that this long standing Japanese agreement will be untenable with regard to the 1974 fishery.

One of the most fundamental principles of INPFC is recognition of the desirability, and in fact the need, to conserve fisheries resources and to manage these renewable resources for maximum sustained yield. In 1974 the signatory countries will have the opportunity to demonstrate to the rest of the world that this is not just a philosophical principle but a working principle.

The predicted 5.3 million return of sockeye salmon to Bristol Bay in 1974 will only provide about one half the number of fish required for reproduction and perpetuation of this valuable salmon resource. This is illustrated in the following table. (Numbers of fish in thousands.)

District	Forecast	Spawning requirements	Expected harvest
Naknek/Kvichak	4, 222	6, 985	0
Egegik	104	600	0
Ugashik	102	500	0
Nushagak/Igushik	630	1, 270	0
Togiak	276	100	176
Total Bristol Bay	5, 334	9, 455	176

While a total run of 5.3 million sockeye is predicted, spawning requirements total 9.4 million or nearly twice the expected return. The predicted 5.3 million return has already been adjusted for an estimated 160,000 immature sockeye salmon originally destined to return to Bristol Bay in 1974 but harvested by the Japanese high seas fishery in 1973, and any additional high seas harvest in 1974 would further reduce the expected return.

Two of the countries signatory to INPFC participate in the harvest of Bristol Bay sockeye. Japan harvests these salmon on the high seas in both the North Pacific Ocean and the Bering Sea while the United States harvests them in inshore domestic fisheries in Western Alaska.

The reproductive potential of the Bristol Bay sockeye runs must be given maximum protection in 1974 if this valuable fishery resource is to be perpetuated. In the inshore domestic fishery, no fishing is expected in five of the six districts during the sockeye run as all of the returning sockeye salmon will be needed to meet spawning requirements.

It is essential that the Japanese high seas fishery normally operating on these stocks also take strong conservation measures in 1974.

It is urgently recommended that high seas salmon fishing in 1974 be licensed by the Japan fisheries agency only for areas west of 170° E longitude.

If the high seas salmon fishery is regulated in the manner recommended *above, protection* will also be afforded immature Bristol Bay Sockeye salmon destined to return in 1975. This is necessary as the preliminary 1975 forecast indicates a return substantially lower than minimum escapement requirements. Protection of the important 1975 Kvichak River cycle year is especially crucial.

Achievement of this recommendation will not require action on Protocol interpretation and movement of the Abstention Line by the Commission. We recognize that attainment of these long standing goals is not possible in 1973 for technical reasons. Our proposal should be advocated for adoption by INPFC as a recommendation to the Japan Fisheries Agency to use its authority to license, regulate and police the mothership and land based salmon fleets in an appropriate fashion in view of the overriding conservation concerns for 1974.

Japan will thus be able to recognize and act on the 1974 conservation problem without sacrificing its long standing principles on high seas salmon fishing. Those principles should be permanently reconciled with those of the United States through the political process involved in Protocol interpretation and adjustment of the Abstention Line.

II. RECOMMEND STRONG U.S. SECTION SUPPORT FOR THE CONCEPTS OF SENATE BILL 1988

On June 13, 1973 Senators Magnuson, Jackson, Stevens and others introduced S. 1988, a Bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes (Attachment No. 2). Identical bills

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[1] INPFS Document 1542; Japanese Statement on Agenda Item 8—Consideration of Salmon Problems in High Seas Areas of Intermingling. INPFC 1972 Annual Meeting, Vancouver, Canada.

(H.R. 9136 and 9137) were immediately introduced in the House by Representative Studds (Mass.) and at least 36 others. The key provisions of these bills are:

1. Extends the United States Contiguous Fishery Zone 197 miles beyond the three-mile U.S. territorial sea (200 mile limit) and,

2. Extends United States jurisdiction of its anadromous fish wherever they may range.

Such actions would be interim measures to protect the domestic fishing industry until general agreement is reached in international negotiations of law of the sea on the size of fishery zones and authority over anadromous species. The passage of this act would not abrogate existing treaties or conventions but would require changes in treaties, conventions and agreements to make them consistent with its provisions.

Alaska is strongly in accord with these and other concepts embodied in S. 1988 and recommends that the United States Section support the passage of this legislation. Extended United States fisheries jurisdiction, together with the interim nature of the act and the provision that existing treaties, conventions and agreements would not automatically be abrogated will immeasurably strengthen the negotiating position of the United States with regard to INPFC problems with Japan. The United States should also gain strength in bilateral negotiations with Canada, Japan, USSR, the Republic of Korea, and perhaps others regarding North Pacific Ocean and Bering Sea fishery matters.

There has been expressed concern over the inability of INPFC to:

1. Successfully resolve, despite 20 years of effort, the Japanese high seas salmon fishing problem in areas of intermingled North American and Asian stocks;

2. Prevent the continued deterioration of the halibut stocks of the Bering Sea and Gulf of Alaska; and

3. Convince Japan of the necessity to adopt fishing practices and regulations to conserve groundfish, sablefish, Pacific Ocean perch, hake, pollock, herring, shrimp and other species in the U.S. coastal zone.

It is obvious that these are extremely difficult problems that are not easy to resolve through either INPFC or by means of bilateral fishery agreements. Nor should this statement be considered to be critical of past and present efforts of federal and state officials, fishermen and industry representatives to successfully solve them. Progress was made difficult by an INPFC Convention that virtually makes it impossible to produce results in the face of determined opposition on the part of one of the signatories and frequent lack of support on the part of another.

Clearly, what is now needed is something new which will measurably strengthen the U.S. negotiating position in INPFC and the various bilaterals. On balance, Alaska believes that the concept of S. 1988 will provide the additional leaverage needed to break the present impasse—an impasse that must be broken before all major U.S. Pacific stocks of fishes suffer the fate of the halibut.

III. INCREASING CONCERN AND APPREHENSION BY ALASKA REGARDING THE EXPANDED RATE OF HARVEST OF CHINOOK AND CHUM SALMON BY JAPAN IN THE CENTRAL BERING SEA

For a number of years Alaska and the United States Section have been increasingly uneasy about the rising Japanese harvest of chinook and chum salmon by the mothership fleet in the Central Bering Sea west of the Abstention Line. It is our contention that a significant proportion of the chum salmon harvest and the majority of recent chinook salmon harvests are from North American stocks. Unfortunately, little research effort has been expended by Japan and the United States on the racial identification and ocean distribution of chinook and chum salmon in the Bering Sea.

The Alaska Department of Fish and Game has prepared a document entitled "Recent Developments in Bering Sea Chinook Salmon Fisheries", a copy of which is attached (Attachment No. 3). Our case for concern for western Alaska chinook salmon is presented in this document. Thus far the primary attention of International North Pacific Fisheries Commission with regard to the Protocol to the Convention and the problems of intermingling North American and Asian salmon on the high seas has been devoted to Bristol Bay sockeye salmon. Alaska contends that the interceptions by Japan of western Alaska chinook salmon may have an equally adverse impact. Indeed it may well turn out that the proportion of western Alaska chinook salmon runs harvested on the high seas even exceeds the proportion of Bristol Bay sockeye harvested on the high seas.

Our concern regarding western Alaska chum salmon interceptions is not as well substantiated by scientific evidence. However, intensified efforts and increasing catches of chum salmon by the mothership fishery in the central Bering Sea adjacent to the Abstention Line in conjunction with some limited tag recovery data provides a sufficient circumstantial basis for demanding further research to identify the continent of origin of these stocks. Catches in these areas are so large that if even a small percentage are of western Alaska origin there would be a significant impact on inshore runs. In 1970 a catch of 4.5 million chum salmon was taken within 10 degrees of the Abstention Line; a 10 percent interception rate would have resulted in some 450,000 chum salmon of western Alaska origin being taken.

In part IV of this Alaska statement the need for additional research on the problem of ocean distribution and racial identification of Asian and North American chinook and chum salmon is stressed. It is further recommended that the United States Section present a detailed assessment of our concern for the conservation of western Alaska chinook and chum salmon during the INFFC plenary discussion on Agenda Item 8 "Consideration of Salmon Problems in High Seas Areas of Intermingling". In addition, the United States Section should strenuously work toward a satisfactory resolution of the problem of Protocol interpretation in 1973 and 1974 so that recommendations can be considered regarding the relocation of the Abstention Line to assure that the interception by Japan of western Alaska chinook and chum salmon will be eliminated.

IV. RECOMMENDATION FOR INPFC SUPPORT AND U.S. FUNDING FOR RESEARCH ON OCEAN DISTRIBUTION OF WESTERN ALASKA CHINOOK AND CHUM SALMON

Alaska's concern for the Japanese high seas harvest of chinook and chum salmon originating in western Alaska has already been expressed in Statement III. The staff of the Department of Fish and Game has built a strong circumstantial case on the level of Japanese interceptions of western Alaska chinook and chum salmon but scientific data are needed for substantiation. Such data can only be provided by an intensive research program similar to that which so effectively outlined ocean distribution of Bristol Bay sockeye salmon and other stocks of salmon of more southern North American origin. Therefore, Alaska recommends support by the United States Section for appropriate action by INPFC for multi-national high seas research on the racial identification of salmon in the Bering Sea. In addition, it is recommended that the National Marine Fisheries Service receive funding necessary to promptly initiate and participate in this research.

V. RESOLVE INTERPRETATION OF PHRASES "BEST DIVIDE" AND "EQUITABLY DIVIDE" AS USED IN THE PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

In 1952 it was specified in the Protocol to the Convention that the Absention Line for Japanese high seas salmon fishing on North American stocks would basically be 175° West Longitude. It further specified that INPFC "shall, as expeditiously as practical" investigate Convention waters to determine areas of intermingling of North America and Asian salmon, and based on these investigations determine a line or lines which "best divide" salmon of Asian and North American origin.

INPFC and the scientists of Japan, Canada and the United States can be justifiably proud of their research investigations which have substantially increased the knowledge of ocean distribution of the various species of salmon. However, as the 20th anniversary of INPFC nears, the three nation sections still have been unable to agree on an interpretation of "best divide" and "equitably divide" as used in the Protocol. This, in turn, is a major factor in preventing action by INPFC on the major problem of the revision of the provisional Absention Line in light of our increased knowledge of ocean distribution of salmon and in accord with the principles of the Convention. Thus, it is hardly surprising that many people are disenchanted with both the United States Section efforts to resolve the Protocol interpretation conflict, and Japan's evident circumvention of the principles of INPFC.

Alaska therefore recommends that the U.S. Section should forcefully prepare the way so that the current impasse can be resolved during the 1974 annual meeting. In this regard, Alaska wants to remind the United States Section that it is United States policy to prevent high seas exploitation of all stocks of United States salmon, not just those presently protected by the status quo situation involving the Absention Line at 175° West Longitude.

VI. ALASKA'S CONCERN FOR THE CONDITION OF BERING SEA AND NORTH PACIFIC HALIBUT STOCKS

There has been increasing concern on the part of the United States and Canada with the rapid deterioration in recent years of Bering Sea and North Pacific halibut stocks resulting from incidental catches of halibut in the large foreign bottom trawl fisheries. In spite of this concern, effective recommendations for the conservation of this resource have not been forthcoming from the International North Pacific Fisheries Commission. Furthermore, Japan and other foreign governments have failed to take necessary unilateral actions to protect these halibut stocks.

The fishery has now deteriorated to the point where it was considered necessary by the International Pacific Halibut Commission staff to recommend in 1973 an early closure in Area 3. The recommendation was not adopted by the Halibut Commission. The staff is further proposing to the Halibut Commission a total closure of the Bering Sea in 1974 and 1975 and is proposing recommendations to the International North Pacific Fisheries Commission regarding the regulation of trawling in the Bering Sea. (Attachment No. 4.)

Alaska fully supports the intent and purpose of the Halibut Commission staff proposals insofar as they relate to the conservation of the Bering Sea and North Pacific halibut stocks. Alaska also urges a concerted effort by the United States Section to achieve recognition of the above problem by INPFC and to encourage INPFC to develop recommendations designed to protect the rapidly dwindling halibut resources.

VII. COMMENDATION FOR U.S. COAST GUARD AND NATIONAL MARINE FISHERIES SERVICE FOREIGN FISHERY SURVEILLANCE AND SUPPORT FOR ADDITIONAL SURVEILLANCE CAPABILITY IN THE GULF OF ALASKA AND BERING SEA

Despite the limited number of surface vessels, aircraft and helicopters at their disposal the United States Coast Guard and National Marine Fisheries Service are to be commended for their fine work in patrolling the Gulf of Alaska and the Bering Sea. Their coordinated efforts this year have resulted in an increased number of arrests of foreign fishermen and detention of vessels for violating the provisions of the International North Pacific Fisheries Commission and the Bilateral Fishing Agreements with other countries. Their increased surveillance efforts have detected major violations of the 175° West longitude Abstention Line by Japanese land based gillnet salmon fishing vessels. Numerous other cases have been made against foreign fishermen for violations of various provisions of our bilateral fishing agreements.

The strong suspicion exists that only a small part of the actual violations are being detected at the present time. This is so because of the extremely widespread distribution of North American salmon on the high seas of the North Pacific Ocean and the Bering Sea, and the extensive coastline of Alaska which covers 57 degrees of longitude and 20 degrees of latitude.

Without question the acquisition of additional high endurance type cutters and aircraft by the Coast Guard for North Pacific and Bering Sea fisheries patrol work and expanded funding for National Marine Fisheries Service to provide personnel needed to adequately staff the enforcement and surveillance program would bring to light numerous additional violations. This would further demonstrate the seriousness of the threat to United States stocks of coastal and anadromous fish.

In addition, the United States has recently been successful in obtaining approval from Japan for an observer program on the Japanese bottom fish and crab fleets. This program, while long overdue and of vital importance to the United States, has suffered from lack of adequate funding to National Marine Fisheries Service. The data being obtained by the limited observer program now in effect will without question immeasurably improve our understanding of the inter-action of the trawl fisheries on other species and on conduct of king and tanner crab operations in the Bering Sea. In view of these circumstances it seems obvious that the United States Government should provide the funding needed to take full advantage of the concessions granted by Japan.

Therefore, Alaska recommends that the United States Section, by appropriate action, indicate to Congress and the Administration its strong support for providing the Coast Guard and National Marine Fisheries Service with sufficient funds and equipment to thoroughly police our international fishery agreements, and to take full advantage of the current Japanese observer program. It is further recommended that action be taken by the United States Section to assure that Japan will adequately participate in the surveillance of its own fishing operations.

VIII. REAFFIRMATION OF UNITED STATES SECTION OPPOSITION TO THE PROVISIONAL CHARTS ISSUED BY THE STATE DEPARTMENT

The United States Section has already gone on record as being opposed to the provisional United States baselines delimiting the United States territorial sea utilizing the principles of intersecting arcs rather than the straight baseline principle. This action was taken by the United States advisors and the United States Section in 1971. Attachment No. 5 consists of copies of letters from Advisory Committee Chairman Tillion, Commissioner Brooding, and Ambassador McKernan on this subject.

Alaska wishes to reaffirm its opposition to the provisional United States baselines and urges the Advisory Committee and the baseline and urges the Advisory Committee and the United States Section to again reaffirm their opposition.

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VIII. APPREHENSION OVER THE CONDUCT OF THE JAPANESE LAND BASED SALMON GILLNET AND LONGLINE FLEET AND THE NEED FOR MORE STRINGENT SURVEILLANCE OF THIS FISHERY AND ACQUISITION AND DISSEMINATION OF BETTER CATCH DATA BY JAPAN

During the summers of both 1972 and 1973, United States Coast Guard and National Marine Fisheries Service surveillance flights in the North Pacific Ocean have apprehended land based Japanese salmon gillnet vessels operating as far east of the Abstention Line as the Shumagin Islands and Kodiak Island. It is well understood that the Japanese mothership salmon fleets, because of the nature of their operations are relatively easy to police and regulate. However, the land based salmon vessels are capable of independent operation almost anywhere they please. That they do so has now been demonstrated. The United States Section should require better surveillance and regulation of the land based salmon fleet by Japan and should also strongly urge Japan to provide more precise and accurate data on both the timing and locations of catches of salmon by these vessels.

IX. BRISTOL BAY SALMON RESEARCH ACTIVITIES OF THE UNIVERSITY OF HOKKAIDO RESEARCH VESSEL OSHORO MARU

For many years the Japanese high seas Research Vessel OSHORO MARU has conducted salmon gillnet operations in the North Pacific Ocean and Bering Sea. The proposed research has been cleared by the University of Hokkaido through appropriate INPFC channels. However, very little detailed information on the location of stations to be fished and the nature of fishing operations has been officially provided to the United States through INPFC. In 1973 a research vessel of the Alaska Department of Fish and Game encountered the OSHORO MARU 50 miles north of Port Moller in Bristol Bay. The Japanese vessel was fishing at least three miles of gillnet gear for 12-hour sets in the path of the approaching Bristol Bay sockeye salmon.

Alaska questions the need for Japan to continue such extensive salmon gillnet operations so close to the home streams of Bristol Bay and further is skeptical of the need to operate such extreme lengths of net for 12 hours at a time for research purposes. Alaska therefore recommends that the United States Section arrange with Japan through the Salmon Subcommittee of the Committee on Biological Research a more reasonable research program for the OSHORO MARU in the eastern Bering Sea.

DEVASTATION OF OUR NORTHWEST FORESTS

Mr. McCLURE. Mr. President, devastation to Northwest forests from the tussock moth infestation has reached nearly a million acres, and now sketchy preliminary figures place a price on the damage—$48 million. But that Forest Service estimate is just the tip of the iceberg. When we consider the loss of younger timber, of watershed, recreation and game habitat values—the final inventory will be staggering. Tragic.

There are vast losses now unmeasurable. The killing of young trees assures that there will be no timber harvest of these hundreds of thousands of acres for the next half century. And no harvest means no industry, no jobs, no taxes. It spells a complete loss of any production on those forest lands for 50 years, and that is a tragedy for a nation in need of its forest resources.

Early last spring, at precisely the time when an all-out assault to stop this insect plague should have been mounted, a bureaucratic argument was opened instead, over the use of DDT—then and now, the only known effective agent against the epidemic. That argument, unfortunately, still continues.

In March 1973, the Environmental Protection Agency, which has absolute executive power over variance in the national ban on the use of DDT, sent a team of experts to the Northwest to study the problem. They returned to Washington, D.C., with a "cost-benefit analysis."

They claimed:

> The benefits did not outweigh the risks in the proposed DDT control program.

What risks? What benefits?

In a seminar in Coeur d'Alene, Idaho last month, an EPA spokesman quoted a statement released at the time when DDT was banned. Quasi-scientific jargon aside, he said the pesticide is "cause for concern, given the unknown and possibly forever undeterminable long-range effects of DDT in man and the environment."

Unknown and possibly forever undeterminable long-range effects? Those are the risks?

But what of the benefits in the particular balance at hand? There was, at the time of the EPA spring cost-benefit study, more than ample evidence that DDT worked, and there was a good deal of concern that it was, indeed, the only known effective weapon against the tussock moth.

But now, even more clearly—after a spring and summer of failures of EPA predictions of a natural collapse of the Tussock moth hordes, and of an early failure of any alternative chemical agents to even slow the defoliation of forests by the insect epidemic—we see the benefits.

In the spring, when the study was begun, the total acreage touched by the infestation was around 200,000, mostly in Oregon and Washington. Today, there are close to a million acres infested and the damage has spread to Idaho and Montana.

Some risk. Some benefit.

In terms of the cost of halting the epidemic, the Forest Service has estimated a total of $1.25-million to apply DDT to the 300,000 acres where it was requested.

And in a cost-benefit study today, that would amount to a ridiculous ratio—when compared to the $49 million loss of only marketable timber, fire damage, and cost of reforestation—nearly 40 to 1.

Some ratio—$48.7-million to $1.25-million. Some cost benefit.

But in terms of what the final damage tally may be in terms of dollars and in terms of irrepairable damage to the environment the ratio will be overwhelming.

The argument this spring, and the debate over DDT that continues even now is like an argument against using water on a house afire to avoid getting the furniture wet. The furniture stays dry, but is consumed when the house burns down.

Mr. President, I ask unanimous consent that a recent letter spelling out details of the Tussock Moth damage be printed in the Record with my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of Agriculture,
Forest Service,
Portland, Oreg., October 18, 1973.

Hon. James A. McClure,
U.S. Senate,
Washington, D.C.

Dear Senator McClure: Chief John McGuire has asked us to furnish additional data in reply to your September 17 letter requesting information on the Douglas-fir tussock moth situation. Some of the information is not yet available but we have pulled together all we have at this time. The answers to most of your questions in the same order as listed in your letter are as follows:

1. Some 70,496 acres were treated during 1973 with a double application of Zectran. An additional 1,500 acres were treated with a single application of Zectran. Each application cost about $3.75 per acre. The total cost of the Zectran project was about $550,000. Approximately one-half of the acreage treated is private land on which the owner paid 50 percent of the cost under a Forest Pest Control Act cooperative agreement. Neither the single nor the double treatments were effective. Large numbers of insects were killed (70 to 90 percent in some cases) but this was not enough to prevent heavy defoliation and serious tree damage by the residual population. A total of .15 pounds of Zectran in one gallon of fuel oil was applied on each application. There is no indication that either higher dosage rates or additional applications would have been more effective.

2. The cost of applying DDT would have been about $4.20 per acre. Close to 300,000 acres would have required treatment for a total cost of about $1,250,000.

3. The natural virus could not have been used during 1973 for control as it is not available in large quantities. This production and supply problem also prevents it from being considered for use in 1974 on much more than 10 to 20 thousand acres if control is determined to be necessary. The cost of our small-scale testing to date, using virus, is about $14 per acre. This includes $8.50 per acre for the virus.

4. The answer to this question is included with the answer to number 5.

5. Our preliminary cost estimates of not using DDT are as follows:

Extra costs of salvage sale preparation	$500,000
Loss in timber stumpage value	3,650,000
Loss of timber value that cannot be salvaged	10,000,000
Reforestation costs—73,040 acres at $100/acre	7,304,000
Costs of reducing fire hazard to normal and extra fire protection over the next 5-year period	25,712,000
Costs of extra fire protection, 1973	904,000
Costs of fire losses, 1973	700,000
Total	48,770,000

These figures include estimates for the State and private lands that are affected. All of the figures are preliminary estimates only and are subject to revision as soon as the present surveys and rehabilitation plans are completed.

We are currently determining the precise number of affected acres by degree of damage and so cannot answer your question on future production effects (Question No. 6). This information will be provided to you as soon as it becomes available. We will also furnish final "cost" estimates on what we believe to be the result of our not being able to use DDT to you, as soon as we complete our current surveys.

We hope this satisfactorily answers your questions for now. Please let us know if you need additional information at this time.

Sincerely,

T. A. Schlapfer,
Regional Forester.

RESERVATIONS REGARDING ADMINISTRATION OF BARBITURATE CONTROL

Mr. BAYH. Mr. President, during my 3 years as chairman of the Juvenile Delinquency Subcommittee, I have conducted an intensive investigation into the diversion, traffic and abuse of legitimately produced narcotic and nonnarcotic drugs.

Not drugs illicitly grown in Turkey and refined in France. Not drugs grown and refined in Asia's Golden Triangle. But dangerous drugs produced legitimately within our own borders.

Additional efforts are necessary to deal with the problems of international drug traffic. But even if the war on heroin should result in total victory, the epidemic of drug abuse which plagues American society would not be vanquished; for the source of supply for growing legions of addicts is a domestic one.

We are experiencing a pandemic of polydrug abuse among young and old alike. Conservative estimates indicate that at least 14 million Americans have abused methamphetamines, amphetamines, barbiturates, and other prescription drugs.

We have found that far too many people hold to the traditional, but archaic "hard" drug—heroin cocaine—"soft" drug—produced for legitimate medical purposes—rationale. This unfortunate distinction has served to perpetuate the belief that so-called soft drugs, such as amphetamines, barbiturates, and methaqualone, involve little risk to the abuser. As many subcommittee witnesses, particularly the former abusers, made abundantly clear, nothing could be further from the truth.

Casual attitudes, the failure of all concerned to put polydrug abuse in proper perspective—they outnumber heroin abusers 17 to 1—and a readily available supply are intimately linked with the current abuse and extent to which persons, particularly our youth, are becoming dependent on these drugs.

Much of this drug abuse begins with the overproduction and diversion of legitimately produced drugs to illicit markets.

Diversion from legitimate channels occurs at all levels of distribution. This includes thefts, employee pilferage, unauthorized sales and in some instances excessive and even unlawful prescribing and dispensing. Quite often the feared and despised "pusher" is a family's own medicine cabinet.

The Subcommittee on Juvenile Delinquency began its investigation of the adequacy of Federal controls on the widely abused barbiturates 2 years ago. The subcommittee conducted a total of 7 days of hearings in December 1971. and May and June 1972. In order to obtain firsthand knowledge of the problems of barbiturate abuse and illicit diversion, I visited a number of barbiturate treatment programs as well as several major barbiturate production plants. In order to obtain additional information on the extent of barbiturate abuse and diversion throughout the country, the subcommittee submitted detailed questionnaires to the attorneys general of every State and territory, to 148 police departments, to 197 district attorneys, and to 160 forensic toxicologists. We found that, as with the amphetamines, barbiturates are all too easily diverted from legitimate channels of distribution and abused in every strata of society. The extent of barbiturate abuse, the high incidence of barbiturate diversion, and the clear potential for even greater abuse have been documented in the subcommittee report, "Barbiturate Abuse in the United States—1972," and the many hundreds of pages of testimony and supplemental materials in our recently published volume "Barbiturate Abuse 1971–72."

The investigation and the hearings conducted by the subcommittee reveal barbiturate abuse to be both a substantial public health problem and an ever-increasing concern of law enforcement officials. We have found that current Federal controls on the production and distribution of shorter-acting barbiturates are not adequate to curb the diversion and abuse of these drugs which are highly dangerous when taken without proper medical supervision.

The actual number of barbiturate abusers in this country is not known, although various estimates have been made. The National Commission on Marihuana and Drug Abuse reported that between 500,000 and 1 million Americans are barbiturate addicts. Surveys of secondary and college students from 1966 to 1971 found that 8 to 15 percent—2 to 4 million young people—have used barbiturates for nonmedical purposes.

Barbiturates have a long history of medical usefulness, but when used improperly are capable of producing psychological dependence, tolerance, and physical dependence. Misuse of barbiturates has led many individuals, both nondependent and dependent, to an overdose or death. Both heroin and barbiturates are strongly addictive. Barbiturate withdrawal is a serious medical emergency and requires hospitalization. It is more dangerous than heroin withdrawal and can be deadly.

Barbiturates are a favorite of polydrug users and are used by abusers of many other dangerous drugs. The particularly dangerous combination of alcohol and barbiturates is, unfortunately, a popular mode of abuse. Abusers of amphetamines—diet pills—often rely on barbiturates to deaden the effect of the stimulants. Too many of these abusers, young and old alike, find themselves in the vicious addictive cycle of the uppers and downers. Barbiturates are used by heroin addicts to modify the euphoria of heroin and as a substitute when heroin is not readily available.

Violent behavior may accompany barbiturate abuse. Unlike opiates, which frequently serve to contain aggressive urges, barbiturates paradoxically often permit the ventilation of aggressive feelings. The heavy abuser is confused, agitated, aggressive, and prone to hostile activities. While the actual number of crimes committed by individuals who abuse barbiturates is unknown, several recent surveys indicate that the number is substantial. One study found that secobarbital was overwhelmingly selected by delinquent youths as the drug most likely to enhance aggression.

Recently, NBC news aired a chilling television documentary entitled "Thou Shalt Not Kill." For nearly 35 minutes the viewer witnessed two inmates, incarcerated on death row in the Utah State Prison, excitedly describe the macabre details of their half dozen brutal murders. What may have escaped the typical viewer were the many references to the beer and pills taken by these men during their murderous binge. During a 3-day period they reportedly ingested pentobarbital capsules by the handful approximately every 3 hours. They were described as edgy, grimy, laughing, walking zombies, all consistent with chronic barbiturate intoxication.

Whether the criminal conduct associated with barbiturates is fostered by the drugs themselves or by the need to obtain these drugs, it is clear that increasing barbitburate abuse is intimately related to the growing numbers of violent and nonviolent crimes committed each year.

How do these legitimately manufactured drugs find their way to the illicit market and the abusers?

During the course of the subcommittee investigation of barbiturate abuse, a number of sources for illicit barbiturates were reported. Witnesses at subcommittee hearings, including former barbiturate addicts and law enforcement officials, testified that illicit barbiturates are obtained from friends, street dealers, and unethical physicians and pharmacists; by forged prescriptions; and by pilfering abundantly supplied family medicine cabinets. Thefts from drug manufacturers, wholesalers, pharmacies, and doctors' offices are also a significant source of supply. Additionally, a substantial percentage of barbiturate abusers obtain their drugs legitimately for a recognized medical need and then gradually resort to self-medication for nonmedical reasons or to illicit traffic.

Two factors relating to the availability of barbiturates are widely recognized. First, barbiturates are readily available in most communities in this country. As one 16-year-old boy remarked at subcommittee hearings in December 1971:

> It is less of a hassle to obtain downers (barbiturates) than it is to purchase cigarettes.

Second, although specific estimates differ, there is a consensus among drug abuse experts and law enforcement authorities that a significant proportion of legitimately produced barbiturates find their way into the illicit market.

All available evidence indicates that to date, most illegal barbiturate traffic has involved the diversion and illicit distribution of legitimately produced barbiturates, both in bulk and dosage unit forms. As John Ingersoll, former Director of the U.S. Bureau of Narcotics and Dangerous Drugs, informed the subcommittee in May 1972:

> Unlike the case of all other major drugs of abuse, it appears that *barbiturates are supplied exclusively from what begins as legitimate production.* (italic added.)

In fact, the Bureau has not found a single working clandestine barbiturate laboratory in the United States. This contrasts sharply with illicit amphetamine and hallucinogen traffic, which in recent years has been supplied at least in part from clandestine laboratories.

In the 92d Congress I introduced legislation to transfer commonly abused short-acting barbiturates from schedule III to schedule II of the Controlled Substances Act of 1970. This measure received strong support in the Senate, as did an identical measure, S. 983 or the Barbiturate Control Act, which I introduced early this year with 29 cosponsors.

Tighter controls over barbiturates would have been imposed administratively, some time ago, by an administration truly committed to a war against diversion and abuse of legitimately produced domestic drugs.

It has been 1½ years since representatives of the Food and Drug Administration first assured the subcommittee that their recommendation on the rescheduling of barbiturates would be forthcoming.

One year ago the U.S. Bureau of Narcotics and Dangerous Drugs released a report recommending the rescheduling of barbiturates, including those covered by my bill. This action was acknowledged by the Bureau to be based in part on testimony before the subcommittee which focused nationwide attention on the escalating problem of barbiturate abuse. The corroboration of the subcommittee's findings by the Bureau was significant, particularly in light of the Bureau's previous position, in May 1972, that adequate information was not available to support barbiturate rescheduling. Yet, there was still no action on the rescheduling of barbiturates.

Six months ago, after what some observers have characterized as a "heated but productive hearing," the Department of Health, Education, and Welfare announced its support for my long-standing proposal to reschedule these barbiturates.

Finally, today the administration announced that the widely abused short-acting barbiturates—secobarbital, amobarbital, and pentobarbital—have been transferred to schedule II. I welcome this long delayed action. I have never, however, been able to understand why such an urgently needed judgment on this question took so long.

Unfortunately, this type of administrative delay is not atypical.

It was only after a 3-year struggle that the proponents of stricter controls on the production and distribution of amphetamines could claim a victory of sorts, at least for the many youngsters and others who because of the recently imposed production quotas will perhaps not be exposed to an overabundance of "speed" in the family medicine chest, at school, or on the street.

What happened to the hundreds of million amphetamines and barbiturates in the interim? Mr. President, I can tell you what happened to some of them. I have learned of those whose lives were destroyed by overdose or crippled by chronic dependence on these pills and families that have been devastated by such tragedies.

These and many others were the victims of a policy that chose to put the burden—the risk of abuse—on the public rather than on the manufacturers of these dangerous drugs.

The number of individuals introduced to these dangerous substances and often to the long road of addiction, because of this gross overproduction is immeasurable, but it is clear that the impact on our society, particularly its youth, has been devastating, if not catastrophic.

The transfer of the short-acting barbiturates to schedule II will have a direct impact in reducing diversion by establishing production quotas, stricter, more secure distribution controls, and more stringent import and export regulations. The urgent need for applying schedule II controls to the shorter-acting barbiturates has been clearly established by the subcommittee investigation.

It is well documented that the overproduction of barbiturates leads to diversion from legitimate channels to the illicit barbiturate market. On behalf of the American Medical Association, Dr. Henry Brill, testifying before the subcommittee in December 1971, reiterated a 1965 statement of the AMA Committee on Alcoholism and Addiction which concluded that—

> Current production of all sedative drugs doubtless exceeds legitimate medical need by a considerable margin.

Moving these barbiturates to schedule II would require the Attorney General to establish production quotas based on legitimate medical, scientific, research, and industrial needs.

Many witnesses have described how easy it is to obtain barbiturates through forged prescriptions, legitimate prescriptions from careless doctors, and numerous refills of old prescriptions. The transfer of the popular, shorter-acting barbiturates to schedule II would tighten prescription practices and thereby reduce the chances for careless overprescription without affecting the legitimate use of these drugs when prescribed under careful medical supervision. Rescheduling would also require approved orders forms for all transfers of these drugs, separate and segregated recordkeeping, and more detailed reports on production and inventory. These measures would permit more effective monitoring of barbiturate distribution and detection of diversion.

In addition, schedule II would subject the shorter-acting barbiturates to more rigid security requirements throughout the legitimate chain of distribution which would reduce the chance for employee pilferage and thefts by burglary. More rigorous import and export controls would also be imposed. Specifically, schedule II requires documentation by the exporter that the drugs will be used for legitimate, necessary medical purposes, and that the drugs will not be reexported from the destination country. Under schedule II, imports are limited to situations where there is a domestic shortage or where domestic competition is inadequate. Current schedule III control permits importation of barbiturates for "legitimate purposes." Thus, rescheduling would appreciably reduce that legal flow of barbiturates across our borders and provide substantially fewer opportunities for illicit diversion.

I believe that widespread abuse of these drugs, with a high potential for abuse, can be significantly curtailed by limiting the supply of the drug to recognized legitimate needs; of course, this is the purpose of transferring them to schedule II.

As I mentioned I welcome the long overdue decision to transfer secobarbital, pentobarbital and amobarbital to schedule II. I do question, however, the failure to transfer the six other barbiturates with similar abuse potential: butabarbital, cyclobarbital, heptabarbital, probarbital, talbutal, and vinbarbital.

On November 16, 1972, The Bureau of Narcotics and Dangerous Drugs, released, "A Study of Current Abuse and Abuse Potential of the Sedative-Hypnotic Derivatives of Barbiturate Acid with Control Recommendations." This study recommended that nine barbiturates, whose characteristics are particularly attractive to abusers, be transferred from schedule III to schedule II of the Controlled Substances Act. The following is the introductory text of this report, including the BNDD rationale for transfer of all nine barbiturates:

INTRODUCTION

The Bureau of Narcotics and Dangerous Drugs has undertaken a study of barbiturates as a class in order to evaluate the adequacy of existing controls and to determine whether additional restrictions are needed. This action was prompted by several events:

(1) Thousands of dosage units of sodium secobarbital (called "Mexican Reds") are flooding Southern California and adjoining areas.

(2) Investigations by BNDD agents show a rise in the theft, diversion, and illicit sales of barbiturates.

(3) It appears that heroin addicts are turning to use of barbiturates in growing numbers, either with heroin or in lieu of it.

(4) Accidental deaths and suicides caused by overdose of barbiturates are increasing.

(5) Testimony before the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee and before the National Commission on Marihuana and Drug Abuse have focused nationwide attention on the spreading problem of abuse of barbiturates.

In 1903 Fischer and von Mering introduced barbital, the diethyl derivative of barbituric acid, into medical practice. This drug, the first "barbiturate", was the forerunner of a class of drugs that is now indispensable to medical practice and yet is one of the most widely abused classes of drugs. In 1904, the first case of psychic dependence on barbital was reported, long before the term "psychic dependence" was invented. In England, the first lethal barbiturate poisonings were reported in 1906–1907. In 1931, the British Medical Journal attached the term "drug habit", previously reserved for opium and cocaine, to barbiturate abuse.

In the 70 years since the introduction of barbital to medical practice, over 2,500 active derivatives of barbituric acid have been synthesized, many have been tried in human subjects and some 25 are marketed. Out of those years of experience the following facts have emerged.

1. The central nervous system depressant effects of the barbiturates make these drugs extremely useful and to date indispensable to medical practice.

2. A psychic dependence on the barbiturates can develop in certain individuals.

3. A physical dependence on barbiturates can be produced in any individual by administering a sufficient quantity of a barbiturate over a certain minimum length of time.

4. Certain barbiturates are being abused in the United States and this abuse is a significant problem.

The chemical derivatives of barbituric acid may have one of three activities in man. They may be inactive; they may be central nervous system stimulants (i.e., convulsants); or they may be central nervous system depressants. The medically usable and abusable barbiturates are central depressants. The many central depressant barbiturates differ only quantitatively and not qualitatively in their properties. If one knows that certain barbiturates are abused, it is possible to determine their particular quantitative similarities and on the basis of a very few properties determine if other barbiturates have such similar activity as to give them equal abuse potential.

We have compiled sufficient information on the abuse of amobarbital, pentobarbital and secobarbital to justify recommending their transfer to Schedule II. There exists in the medical literature sufficient information to justify recommending the transfer of cyclobarbital to Schedule II although this drug has little or no availability in this country.

These four barbiturates are all sedative-hypnotic. Their hypnotic doses in man are similar and overlapping (0.1 to 0.3 gm) and their onset of action (15–30 minutes) and duration of action (2–12 hours) are also similar and overlapping. The variations in the numbers presented are within the range that can be expected by the biological variation of response among different individuals to any one drug. In addition, their chemistry is so similar as to produce a highly similar oil-water partition coefficient, a relationship which historically has been seen to correlate closely with hypnotic potency. Complete knowledge of each of these properties of any one barbiturate under consideration is not necessary for comparing their potential effects, although complete knowledge of any one property alone is sufficient. They are each measures of a single physical-chemical property of the depressant barbiturates which is responsible for their intrinsic pharmacological activity and its quantitative expression in human beings and animals.

With this in mind, we have examined other sedative-hypnotic barbiturates and conclude that five are of such similarity to the four stated above that they can be considered equally abusable. It can be expected that control of the abuse leaders will lead directly to abuse of these additional five. The five drugs are butabarbital, heptabarabital, probarbital, talbutal and vinbarbital. On the basis of their chemicl structure alone, they can be expected to have essentially the same quantitative activity as the four abused barbiturates. (However, in the case of butabarbital there also exists an increasing amount of abuse information.) The information, as available on their hypnotic dose, onset of action and duration of action support this conclusion.

This information is sufficient to justify concluding that amobarbital, butabarbital, cyclobarbital, heptabarbital, pentobarbital, probarbital, secobarbital, talbutal and vinbarbital have essentially the same abuse potential and it is recommended that they be transferred to Schedule II where additional

controls to attack this segment of drug abuse may be brought to bear.

The report which follows is divided into seven sections discussing factors to be considered by the Secretary of Health, Education, and Welfare, and by the Director of the Bureau of Narcotics and Dangerous Drugs in reaching a decision on the scheduling of controlled substances. Those seven sections cover the chemistry of barbiturates, their pharmacology, toxicity, and dependence liability, as well as an examination of the current patterns of abuse, the risk of barbiturates to the public health when abused, and the sources of abused barbiturates.

The review of the remaining barbiturates as well as other depressant drugs, both controlled and noncontrolled, is continuing, and information and evidence necessary for other control decisions is being gathered. In this regard, the Bureau is particularly concerned that if the nine subject barbiturates are transferred into Schedule II, other depressant substances will take their place as drugs of abuse. Consequently, a major objective of the ongoing review is to identify the lesser-known drugs which have pharmacological properties similar to the sedative-hypnotic barbiturates, or which are likely to be abused if they become more widely available, or which are manifesting increased abuse activity. When this study demonstrates that there is sufficient data to make additional drug control decisions, the Bureau will act promptly.

Five months later the Secretary of Health, Education, and Welfare, Caspar Weinberger, provided my office with the text of the Food and Drug Administration concurrence with the BNDD recommendation that all nine barbiturates should be transferred to schedule II. The Food and Drug Administration after studying the question for more than 1 year said in part, "We find there is a substantial risk to the public health due to the potential for abuse of these drugs as they are currently controlled." The text of the Weinberger letter and the FDA recommendation follow:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 17, 1973.

Hon. BIRCH BAYH,
Chairman, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: Thank you for your letter of April 26 inquiring about the status of the Department's recommendation to the Bureau of Narcotics and Dangerous Drugs (BNDD) relative to the transfer of certain barbiturates from Schedule III to Schedule II of the Controlled Substances Act.

As you no doubt are aware by now, the Food and Drug Administration (FDA) sent its recommendation to the Department about a week after the April 5 hearing and a formal letter of recommendation was forwarded to BNDD on April 27. I understand FDA personnel notified Mr. John Rector, Deputy Counsel of the Subcommittee, by telephone when the recommendation was made. However, a copy of our letter to the Justice Department is enclosed for your information.

Sincerely.

CASPAR W. WEINBERGER,
Secretary.

FOOD AND DRUG ADMINISTRATION,
Rockville, Md., April 27, 1973.

Mr. JOHN INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C.

DEAR MR. INGERSOLL: The Food and Drug Administration has evaluated your recommendation of November 16, 1972 to transfer nine barbiturate sedative-hypnotic drugs from Schedule III to Schedule II of the Controlled Substances Act. We find there is a substantial risk to the public health due to the potential for abuse of these drugs as they are currently controlled. We recommend the following nine drugs be transferred from Schedule III to Schedule II of the Controlled Substances Act: amobarbital, butabarbital, cyclobarbital, heptabarbital, pentobarbital, probarbital, secobarbital, talbutal, vinbarbital.

Since these drugs have important medical uses, we anticipate working closely with the Bureau of Narcotics and Dangerous Drugs to insure adequate supplies are maintained to satisfy medical and scientific requirements.

It is possible that strict control of these drugs may lead to an increased demand for illicit use of other central nervous system depressant substances. We are preparing a recommendation for additional controls on glutethimide (Doriden) and we expect to forward this recommendation shortly.

Sincerely yours,

CHARLES C. EDWARDS, M.D.,
Assistant Secretary for Health.

On May 31, 1973, BNDD published its proposed rule rescheduling the nine barbiturates. The text of that rule (38 F.R. 14289) follows:

[21 CFR Part 308]

PROPOSED RULES

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Transfer of Nine Derivatives of Barbituric Acid and Their Salts From Schedule III to Schedule II

Based upon the investigations of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that amobarbital, butabarbital, cyclobarbital, heptabarbital, pentobarbital, probarbital, secobarbital, talbutal, and vinbarbital, and the salts of each:

(1) Have a high potential for abuse;

(2) Have a currently accepted medical use in treatment in the United States; and

(3) May, when abused, lead to severe physical and psychological dependence.

Consequently, the Director has determined that the nine subject barbituric acid derivaties and their salts should be transferred to schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970. The Director has also determined that compounds, mixtures, and preparations containing one of the nine subject barbituric acid derivatives and one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, should not be transferred to schedule II at this time. As proposed, all such combination products would remain in schedule III, and the combination products currently excepted under §308.32 of title 21 of the Code of Federal Regulations would remain excepted. The Bureau believes that at the present time the overwhelming majority of abused barbituric drugs are in the form of single entity preparations or combinations of two derivatives of barbituric acid with no other active ingredients. This is the problem, therefore, that demands an immediate response. The Bureau recognizes, however, that the numerous barbiturate combination products do present potential abuse problems which require the establishment of effective criteria for the implementation of appropriate controls, by proper placement in schedule II, schedule III, or exception from certain controls.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that:

1. Section 308.02 of title 21 of the Code of Federal Regulations be amended by adding new paragraphs (b) (10), (11), (12), (13), (14), (15), (16), (17), and (18) to read:

§308.02 Definitions.

(b) * * *

(10) Amobarbital.
(11) Butabarbital.
(12) Cyclobarbital.
(13) Heptabarbital.
(14) Pentobarbital.
(15) Probarbital.
(16) Secobarbital.
(17) Talbutal.
(18) Vinbarbital.

* * * * *

2. Section 308.12 of title 21 of the Code of Federal Regulations be amended by the addition of a new subparagraph to read:

§ 308.12 Schedule II.

* * * * *

(e) *Depressants.*—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Amobarbital and its salts	2125
(2) Butabarbital and its salts	2175
(3) Cyclobarbital and its salts	2190
(4) Heptabarbital and its salts	2225
(5) Pentobarbital and its salts	2270
(6) Probarbital and its salts	2305
(7) Secobarbital and its salts	2315
(8) Talbutal and its salts	2324
(9) Vinbarbital and its salts	2335

* * * * *

3. Section 308.13(c) of title 21 of the Code of Federal Regulations be amended to read as follows:

§ 308.13 Schedule III.

* * * * *

(c) *Depressants.*—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing amobarbital, butabarbital, cyclobarbital, heptabarbital, phenobarbital, probarbital, secobarbital, talbutal, or vinbarbital or any salt thereof and one or more other active medicinal ingredients which other such ingredients are not listed in any schedule	2351
(2) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof	2100
(3) Chlorhexadol	2510
(4) Glutethimide	2550
(5) Lysergic acid	7300
(6) Lysergic acid amide	7310
(7) Methyprylon	2575
(8) Phencyclidine	7471
(9) Sulfondiethylmethane	2600
(10) Sulfonethylmethane	2605
(11) Sulfonmethane	2610

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may comment on or object to the application of this proposal to any one or more of the nine derivatives named without filing comments on the remaining derivatives. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 I Street NW., Washington, D.C. 20537, and must be received no later than June 29, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m., on July 16, 1973, in room 1210, 1405 I Street NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will so be advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 308.48 without a hearing.

A petition dated March 8, 1972, was submitted to the Director by Robert M. Brandon and Steven T. Wax, co-Directors of the task force on Drug Abuse, and four other persons under the provisions of section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)) requesting that the Director initiate proceedings to place amobarbital, secobarbital, pentobarbital and two other substances in schedule II. On April 4, 1972, the Bureau received a letter from the American Public Health Association requesting to join in the foregoing petition (37 FR 9500). In light of the investigation of the Bureau and the recommendation of the Department of Health, Education, and Welfare referred to earlier, it is not necessary to determine whether the grounds upon which the petitioners relied in the petition are sufficient in themselves to justify the initiation of the requested proceedings. The question of whether any one of the petitioners has standing as an "interested party" is also academic and a decision in this regard is hereby reserved.

Dated May 25, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc. 73–10858 Filed 5–30–73; 8:45 am]

These proposed rules represented a finding by the Department of Justice and the Department of Health, Education, and Welfare that the nine barbiturates and the salts of each:

First. Have a high potential for abuse;

Second. Have a currently accepted medical use in treatment in the United States; and

Third. May, when abused, lead to severe physical and psychological dependence.

These findings are more than adequate to support a transfer to schedule II of the Controlled Substances Act. In fact, the third criterion of schedule II does not require that abuse of the substance lead to severe psychological and physical dependence, but only that "abuse of the drug or other substances may lead to severe psychological or physical dependence." (21 USC 202(b)(2)(c)).

The limited scope of the decision on barbiturates appears to be strikingly similar to the initial decision on stricter controls over the production and distribution of amphetamine and amphetamine-like drugs with similar abuse potential.

In October 1970, after several years of hearings by the Juvenile Delinquency Subcommittee and, CLAUDE PEPPER'S House committee, this body passed an amendment to the Controlled Substances Act which placed amphetamine and amphetamine-like substances under schedule II. Following intensive lobbying, however, by representatives of the drug industry and bolstered by White House opposition to controls on the production of amphetamines, the Senate-passed amendment was deleted in the conference.

In the summer of 1971, the Juvenile Delinquency Subcommittee held hearings on amphetamine traffic, abuse, and regulation. In spite of conclusive documentation of epidemic Ritalin (methylphenidate) and Preludin (phenmetrazine) abuse and dependence in Sweden and Japan, as well as evidence of increasing abuse and diversion to illicit markets in this country, a spokesperson for the Attorney General told the members of the subcommittee that they did not have sufficient evidence of abuse potential to justify tighter controls. One must recall that the important criterion is that "abuse may lead to severe psychological or physical dependence."

I, like others concerned about the overproduction, diversion, and abuse of drugs was amazed at the insensitivity or naivete of the Government agencies in this matter. If Ritalin and Preludin remained in schedule III, while the similar plain amphetamines and methamphetamines were shifted to schedule II, it was clear that these two stimulants, with equal potential for abuse, would become the subject of increasing abuse and might in fact become abusers drugs of choice. The track record and abuse potential of these drugs was no mystery to students of stimulant abuse. The administration chose once again to overlook the lesson learned abroad, the studies indicating a probable shift of abuse to these stimulants, as well as the evidence of the growing incidence of actual abuse in this country adduced by the subcommittee. I took strong exception to this "body count" approach.

I took strong exception to this "wait-and-see approach" or body count then, and I have reiterated this position most emphatically with regard to methaqualone and the barbiturates.

Barely 2 months later, the administration took an about face and accepted my long held belief that the public health and safety demanded that the drugs with abuse potential similar to the plain amphetamines and methamphetamines be subject to the same strict production and distribution controls of schedule II.

Of particular interest, in view of the decision on barbiturates, was the announced basis for the rescheduling of Ritalin® and Preludin®. The BNDD relied almost exclusively on our contention that persons disposed to abuse amphetamines were likely to switch to abuse of these drugs with similar abuse potential. The September 17, 1971, order placing the drugs under schedule II explained the action in part as follows:

> Phenmetrazine and Its Salts and Methylphenidate—Based upon the investigations of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Director of the Bureau of Narcotics and Dangerous Drugs. *in view of the order transferring amphetamines and methamphetamine to Schedule II published in the Federal Register of July 7, 1971 (36 F.R. 12734), and the resulting strict production and distribution controls imposed upon amphetamines and methamphetamine by this transfer, finds that persons disposed to abuse amphetamines and methamphetamine now may direct their attention to methylphenidate and phenmetrazine, drugs which presently are not known to be the subject of substantial abuse in the United States.* Further, there is no evidence to indicate that there is any abuse of methylphenidate and phenmetrazine when administered with proper medical supervision. [italic added]

I hope that the decision to transfer only the three barbiturates, rather than the nine thought to have, as the BNDD study last year stated, "essentially the same abuse potential," is based on new evidence that stands in contradiction of the early findings by the Departments of Justice and HEW. If this is not the case, it appears that once again this administration has decided on a policy that chooses to put the burden—the risk—potential—of abuse—on the public rather than on the manufacturers of these drugs; namely; those who market the six barbiturates not transferred to schedule II.

As chairman of the Juvenile Delinquency Subcommittee, I intend to pursue vigorously our efforts to curb the illicit traffic and abuse of pharmaceutical drugs with a high potential for abuse. Our earlier success with the amphetamines, reducing production by 90 percent, the recent decision on methaqualone and action on the short-acting barbiturates are important steps in limiting the diversion of legitimately manufactured drugs to illicit purposes. I intend to obtain a full explanation of the administration's failure to control similarly, barbiturates with an equally dangerous abuse potential. Likewise, I will continue to conduct a vigilant review of the procedures followed in establishing quotas and other regulatory controls under schedule II of the Controlled Substances Act, particularly with regard to the short-acting barbiturates.

We must recognize that the awful specter of drug abuse reaches from the heroin addict shooting up in an urban jungle to the middle-aged matron popping pills in a prosperous suburb; that a couple of "downers" taken by a tense businessman before a cocktail party can be as deadly as a heroin overdose, and, that the child who steals a couple of amphetamines from his middle-class medicine cabinet can end up in as much trouble as a ghetto child who gets an early introduction to snorting cocaine.

We need a national awareness of the complexity of drug abuse and the many forms it can take. Before we truly "turn the corner on drug abuse" we must enlist the support of all concerned, from

Federal officials to schoolteachers, from doctors to prosecutors, from drug companies to former addicts, to do their part to combat a major health and criminal problem reaching its tragic tentacles into all corners of American life.

A SALUTE TO AMERICA'S CIVIL SERVANTS

Mr. DOMENICI. Mr. President, I consider America's civil servants, who devote their lives and energies to making Government work for all our citizens, an outstanding asset of our country.

I know some people resent them and have even turned the word "bureaucrat" into a pejorative term. For that reason, I rise today to cite an instance which may counter the arguments of those who have mistaken notions about the employees of our Government.

Recently, a friend of mine, Simon Goldman, suffered a disastrous fire in his department store in Albuquerque. From that store, he had supplied uniforms for Fish and Wildlife Service personnel for many years.

Among the items lost in the fire were many of the store's records, including most of those concerned with purchases made by service personnel.

All this could easily have been looked upon as Mr. Goldman's problem. Bureaucrats who did not care might even have seen the loss as a chance to avoid payments still due the company.

But that is not what happened.

Instead. William A. White, acting regional director of the Fish and Wildlife Service, immediately notified all supervisors in region 2 of the fire and prepared a memorandum for distribution nationwide.

The memorandum suggests that every member of the service involved in a purchase from Simon's act on his or her honor, notify the store of the amount still due and continue to make payments, even though the bookkeeping records have, in fact, been destroyed and no indebtedness can be proved.

When Mr. Goldman told me of the experience, he said—

> I will never forget this act of kindness and concern by one human being for another.

I recount the story because I believe it demonstrates, at a time when many cynics are most critical of our Government, that decency and honor are at least as prevalent there as in any other human endeavor.

I salute all those in the service involved in a truly helpful act to a man who, at that moment, desperately needed and much appreciated their friendship.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 2589, which the clerk will report.

The legislative clerk read the bill by title, as follows:

> A bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. JACKSON. Mr. President, I ask unanimous consent that the following staff members of the Committee on Interior and Insular Affairs be permitted the privilege of the floor in connection with the business that has been laid before the Senate: William J. Van Ness, Richard Grundy, Lucille Langlois, F. James Barnes, Grenville Garside, Lorrainne Maesteas, and Jerry Verkler.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HASKELL. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. HASKELL. Mr. President, I ask unanimous consent that Betsy Moler of my staff be allowed the privilege of the floor during the debate on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. FANNIN. Mr. President, I ask unanimous consent that the following members of the minority staff of the Committee on Interior and Insular Affairs be allowed the privilege of the floor: David Stang, Harrison Loesch, Fred Craft, Roma Skeen, and Maureen Finnerty.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from New Hampshire (Mr. MCINTYRE), I ask unanimous consent that Mr. T. J. Odin, of the Senator's staff, may be accorded the privilege of the floor during the consideration of S. 2589. This request, of course, does not include rollcalls.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, we are about to consider a vital piece of emergency legislation, the National Energy Emergency Act of 1973. This bill is a measure to reduce in an orderly and planned manner nonessential energy consumption, to increase domestic production of needed fuels, and to insure continuation of vital services during the crisis now facing the Nation.

Mr. President, the energy emergency now upon us is unprecedented. Although many of us have been anticipating and predicting severe fuel shortages for some time, the conflict in the Middle East and the embargo imposed by Arab nations have escalated these shortfalls to major crisis proportions. Estimates of the shortages we can now anticipate run as high as 3 million barrels a day, up from earlier estimates of 1.2 million barrels. By January, we may have a 20-percent disparity between demand and available petroleum supplies.

These shortages will surely wreak havoc with our economy and with employment, particularly if we take no immediate action to distribute fuels equitably and ease the burden of need. Unless we now develop contingency plans for directing and reducing consumption, we will find hospitals and factories running out of fuel unexpectedly. It is essential that we take steps to prepare ourselves for winter fuel shortages.

Already we have been deluged with letters and phone calls concerning our rapidly deteriorating energy situation. Utilities like Consolidated Edison and the New England Power Exchange anticipate shortages of up to 30 percent of their fuel requirements. In California alone, utilities will be short 19 million barrels of distillates this winter. Schools in Oregon will be closed for a month this winter for lack of heating oil. The Department of Defense is more than 10 percent short of daily fuel needs and has requested priority allocation of energy supplies, as provided for in the Defense Production Act of 1950.

This is a time for some national "belt tightening," as we turn from heavy dependence on foreign oil to national energy self-sufficiency. It is a time for all Americans to share the burden of fuel shortages. I am confident that, with proper contingency plans, we can minimize the adverse impact of the current emergency.

And yet, as we are moving this emergency legislation, we are also being inundated by calls and requests from special interest groups wanting to be exempt from sharing the burden of fuel shortages. In a time of nationwide emergency, we cannot countenance those who advocate rationing and conservation for everyone, but want special exceptions for themselves. There will be no exemptions from the fuel shortages, and there should be none from the national effort to cope with these shortages. The burden must be shared equitably by all regions and interests.

We are facing a critical period for the Nation's economy. With inflation still rampant, we now find ourselves faced with the prospect of factories and businesses closing for lack of fuel. Estimates for unemployment by January run as high as 8 percent. These are problems which require emergency measures. A major purpose of this legislation is to minimize the adverse impact of the energy shortage on the economy. This emergency situation should not be used to occasion windfall profits or special benefits to any one sector of the economy, while the rest of the Nation is forced to endure inconvenience and hardship.

George Meany stated the problem very well in a letter to me, for which I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

> A program to meet this crisis that is built on the foundation of equity will enjoy broad public support, but there can be no public support for a program which would force

some to sacrifice while allowing others to profit.

Mr. President, the committee has worked hard on this legislation. The administration has had substantial input in the reported bill.

Mr. President, I strongly urge that S. 2589 be adopted by the Senate, so that steps can be taken to prepare the Nation for the energy emergency now upon the country.

EXHIBIT 1

AMERICAN FEDERATION OF
LABOR AND CONGRESS OF
INDUSTRIAL ORGANIZATIONS,
Washington, D.C., November 9, 1973.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee, Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The AFL–CIO wants the record to show quite clearly that in the present energy emergency—as in every emergency facing this nation—the labor movement is prepared to sacrifice as much as everyone else for as long as everyone else, provided the sacrifice is equal for all segments of society.

Workers and their families should not be forced to sacrifice while others are allowed to profit because of an emergency situation. Corporations which receive windfall profits out of this emergency should be subject to an excess profits tax.

So, we approach this emergency, as we always have, on the clear basis of equality of sacrifice.

We are prepared to support conservation, allocation and, if necessary, rationing to minimize economic dislocation and hardships in this emergency provided that the program and its administration is evenhanded.

While all Americans face inconvenience, discomfort and some hardship, workers face even worse. Workers, especially in industrial plants, transportation and retail stores, face a clear threat of loss of jobs and income.

It is incumbent upon this Congress to insure that these losses are held to a minimum; that they be necessary and provable, and not the result of unilateral employer action; that steps be taken to compensate workers for their losses.

We do not think the test of equality is met when housewives are urged to keep their thermostats at 68 degrees and oil companies are reaping 1973 profits that are 60 percent higher than a year ago.

Certainly, there would be no equality in permitting corporations to unilaterally determine whether they shut down or curtail operations, using the self-serving claim of aiding in the emergency when, in fact, they are only promoting their profits.

Above all, we do not believe that the President should be given blank check authority to meet the energy emergency as he sees fit. Regretfully, but firmly, we must say that we have no confidence that the President would take fair and equitable actions in this situation.

On the basis of his past record, we believe the President would permit big business and industry to use this emergency to increase profits while the American people sacrifice their comfort, convenience, jobs, health and environmental safeguards.

Thus, we say to the Congress: you must meet this crisis, but you must meet it with hard-boiled, practical, even-handed statutory standards.

In his television broadcast to the nation last Wednesday, the President contended he had long foreseen this crisis and urged the Congress to act. He attempted to shift blame for governmental short-sightedness from his Administration to the Congress.

The truth is that the Congress, and particularly your committee, Mr. Chairman, has been acting diligently in the field for a long time. Among its other actions, this Congress appropriated funds for energy research and it was this Administration which impounded and refused to spend $20 million of that appropriation.

We urge the Congress to establish the machinery necessary to meet the emergency and insure that this machinery operates in an equitable manner.

We insist that those who are placed in charge of this machinery have no conflict of interest or hint of conflict of interest. By that we mean specifically that they have no connection, direct or indirect, with the gas, oil, coal or utility industries.

Let me now turn to some specific points of grave concern to us and, we believe, to the Congress:

In any legislation that is adopted there must be spelled out in clear statutory language procedures for the review of complaints from workers and their representatives about adverse employment effects.

There should be specific aids, including extended and improved unemployment compensation, for workers and communities adversely affected by the emergency.

We believe that authority for relaxation of environmental standards must be kept to the minimum necessary to meet this particular emergency. Long-range environmental goals and standards must not be unnecessarily sacrificed in the name of "crisis". Any easing of environmental standards must be spelled out within specific limits. Exemptions and variances should be considered on a case-by-case basis, and only for specified periods of time.

In a time of energy emergency, we believe that procedures for setting aside rules governing Maximum Efficiency Rates of Production must include prudent requirements for environmental protection and worker safety.

In authorizing increased production of oil and gas from the Naval Petroleum Reserves, the Congress must guarantee that these reserves, which are the property of the American people, shall be used under a definite system of priorities. This would insure that the nation's supply of petroleum for its military defenses is not endangered, and that the reserves could be used to ease the people's plight in this emergency and not as an excuse for exploitation.

Export controls must be established that limit and require the licensing of all exports of energy fuels, specifically including coal.

Congress must require that the staffing of emergency machinery include adequate worker and consumer representation, with safeguards against industry domination.

Proposals to deregulate natural gas at the wellhead must be defeated. Deregulation is a proposal to raise prices and profits. It has nothing to do with equal sacrifices and very little to do with the energy crisis.

The Congress must take contingency actions to insure that in the event the energy emergency increases to the point where the rationing of fuel oil and gas becomes necessary, supplies are divided equally on the basis of need. The Congress must never succumb to rationing by taxation which would allow those who can afford it to purchase scarce supplies while those who need it and are less affluent would be deprived.

We believe the Congress should eliminate tax credits and depletion allowances on all foreign operations of U.S. oil companies. We see no need for American taxpayers to subsidize those Middle East countries that plunged this nation into the present crisis. Neither do we see a need for American taxpayers to provide tax breaks to American oil companies based upon oil they produce in the Middle East and transport to nations other than the United States.

Today, America is directing its attention to the immediate emergency, but America has long-term energy problems. Last month, at its 10th Constitutional Convention, the AFL–CIO focused attention on these long-term problems as we have often in the past. I am enclosing a copy of the comprehensive energy resolution adopted by the convention and urge it, too, be made part of the record.

Let me conclude by reiterating our belief that the Congress has not been derelict in its duty as the President implied in his telecast. Rather, we believe that it was the President who acted dangerously late.

Two major pieces of legislation dealing with the energy crisis—the Alaskan Pipeline Bill and the Emergency Fuels and Energy Allocation Act—have almost completed the legislative process. Shortly these bills will be sent to the President. Some Administration spokesmen have publicly hinted the President may veto one or both because they do not precisely meet his views. We urge the President to sign both as an indication he means business.

Let me reemphasize that the men and women of the AFL–CIO are prepared to join their fellow Americans in equal sacrifice in this time of emergency. But they insist upon equality of sacrifice.

A program to meet this crisis that is built on the foundation of equity will enjoy broad public support, but there can be no public support for a program which would force some to sacrifice while allowing others to profit.

Sincerely,

GEORGE MEANY,
President.

Following is the text of a resolution on energy adopted by the 10th Constitutional Convention of the AFL–CIO on October 19, 1973

RESOLUTION

America must develop a comprehensive national energy policy to foster and sustain full employment, protect and preserve the environment, benefit the consumer, prevent and reduce monopoly, and eliminate wasteful and duplicative activities among existing federal agencies.

We once again propose the creation of a statutory Council on National Energy Policy.

There should be created a single national federal energy agency which would combine various scattered federal program functions.

We support legislation, passed by the Senate, requiring a mandatory nationwide oil and gas allocation plan, and requiring oil companies to provide data on reserves and distribution systems.

We oppose all efforts in the Congress to deregulate natural gas pipeline companies.

We urge swift implementation of the Alaska oil pipeline act, with full recognition of the need to safeguard environmental interests as well as to speed the vital additions to America's petroleum supplies

We again urge creation of TVA-type energy fuel development agencies, including oil shale, to bring forth new and expand existing supplies, overcome technological and environmental problems and provide a cost yardstick for the benefit of consumers.

We reiterate our call for legislation to create a large-scale bulk-electric national electric power supply grid system for the nation, open to all utilities, regulated by the federal government, and operated with proper environmental safeguards.

We urge Congress to enact legislation which would repeal the present 22 percent depletion allowance from taxable income on oil extracted from foreign sources, and eliminate the credit from U.S. taxes paid to foreign governments by U.S. companies on income from foreign operations.

The long-range energy needs of America and the stability of the national economy require immediate measures to secure America's self-sufficiency through development of varied and alternative energy resources and technologies. That is why we most strongly recommend enactment by Congress of legislation that would mobilize the nation's scientific and technological resources through a 10-year, $20 billion crash program to expand existing and develop alternative energy resources—including advanced nuclear power technology, oil shale development, improved utilization of coal resources, electric power technology, conservation of fuels and energy and modes of transportation.

The performance of the oil industry in meeting its obligation to supply the energy needs of the American people should be reviewed by Congress to determine whether the oil industry is a public utility and should be subject to interstate regulation by the federal government.

We also call for congressional review of national policy with regard to the foreign operations of the oil industry. The investigation of natural gas prices and the role of the gas pipeline industry by the Senate Anti-Trust and Monopoly Subcommittee has begun to show the outlines of deception on the extent of natural gas reserves, to escalate rates, and we endorse the continuance of these hearings and their expansion into the oil industry. The Federal Trade Commission investigations should be continued and the commission should support its staff recommendation for the Justice Department to undertake anti-trust action against the major oil companies, concerning their combination of crude oil functions with wholesale and retail marketing of petroleum products.

To conserve existing supplies of vital energy fuels, we again urge national efforts to expand the uses of mass transportation, to produce automobiles with lower horsepower and to develop lower fuel-using alternatives to the internal combustion engine which would also produce less pollution.

At the persent time, there are no U.S.-flag tankers regularly engaged in carrying imported oil from foreign sources to the United States. To end this dependence on both foreign sources and foreign transportation for U.S. consumption of oil and petroleum products, Congress must legislate a guarantee that a fair share of all imported petroleum cargoes be carried in U.S.-flag ships. Such legislation would provide the development of an American tanker capability that would be in the best interests of national security, the economy, and a more favorable balance of payments position, and would result in creating thousands of jobs in the construction and operation of such a fleet.

If America does not solve its immediate and long-range energy needs, the effects upon its economy, social and political institutions and national security could be disastrous. Congressional action is needed now to create a solid foundation for meeting America's growing energy needs.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. JACKSON. Certainly.

Mr. AIKEN. The thing that concerns me is, What provision is made in this bill for those people who live, say 15 to 30 miles from the place where they work? I have in mind my own community, as I suppose we all have, where two young ladies in the community have to go 15 miles a day to work in nearby hospitals, which are rather short handed at this time. Other young men travel up to 35 miles a day to machine tool plants, where they have been short handed and need labor for export business as well as for supplying the domestic demand. Then, of course, we have people who have moved into the suburbs and have to go into their offices. I suppose in the suburbs they may have public transportation, but they certainly do not have it where people live in my own area. They have to get themselves to work.

I am just wondering what provision is made for situations of that kind, because otherwise the plants might have to close, not because of lack of oil but because of lack of personnel.

Mr. JACKSON. We do not address ourselves specifically to the point raised by the senior Senator from Vermont. We do provide in this legislation for local rationing boards. It is the sort of role whose function the Senator describes that local rationing board must play. I think if we tried in the statute to establish all of the specific regulations, it would be unmanageable. I trust my colleagues will agree that our best course of action is to follow the experience of World War II, where we utilized local rationing boards patterned somewhat after the draft boards.

Mr. AIKEN. Yes. We have been encouraging people to live in the country through the Rural Development Act and other acts. Now, I am just concerned about what would happen to them. But I think we will have to leave that in the hands of the local people, but local areas will have to be assured of their proper supply of fuel and gasoline.

Mr. JACKSON. May I point out to my friend that one of the optimum means of fuels savings, of course—in fact, will be carpools. We hope that the people in the country as well as the people in the city areas will be utilizing carpools.

Mr. AIKEN. As far as possible.

Mr. JACKSON. The Senator is correct. In some cases it is impossible. We understand that.

Mr. AIKEN. And these same people require fuel to keep their homes warm. In my own community heating oil was about 18 cents a gallon a year ago. It is now 29 cents a gallon.

Mr. JACKSON. I would be surprised if it is not double that. Maybe it will be next week.

Mr. AIKEN. I am advising some of them to stay home and cut wood.

Mr. JACKSON. I believe we have provided the proper machinery to deal with the specific problems that are so difficult. The last place in which we want to make the decision for the community is Washington, D.C. That is why we would have local boards.

Mr. AIKEN. The responsibility will be largely local.

Mr. JACKSON. The Senator is correct.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. FANNIN. Mr. President, several days ago the Washington Post referred to this week as "energy week in the Senate." Might I add that, for the Interior Committee, this past session has been "energy year." In 1973 we have reported six major bills on energy: The Land Use Policy and Planning Assistance Act; the Surface Mining Reclamation Act; the Emergency Petroleum Allocation Act; the National Fuels and Energy Conservation Act the Federal Lands Right-of-Way Act, which I fully expect the President to sign shortly; and the National Energy Emergency Act which we are discussing today.

May I point out that, regrettably, of those six bills only the trans-Alaska pipeline bill and the legislation dealing with our current energy emergency address in any way the problem of increasing energy supplies. It is my firm belief that the major flaw in both of these bills lies in their failure to leave to the workings of the marketplace the stimulation of increased energy supplies. If we are to persuade industry to make the high risk investments necessary to meet our energy problems, and if we are to encourage the consumer to curb his wasteful use of excess energy, we must face up to the bitter necessity of freeing up the price structure.

What these six major bills do have in common—also regrettably—is a philosophical bent toward expanding the scope of Federal regulation of both energy production and energy consumption. It would seem to me that a lesson should have been learned from the mistakes of Federal regulation of natural gas production. The elaborate regulatory procedures and formulas contained in these bills bode ill for producer and consumer alike.

It was in light of these considerations that several of my colleagues and I urgently requested public hearings on this bill. Although such hearings were in fact held, they came with scarcely 24-hours' notice to the witnesses called upon to testify. In a letter to the distinguished chairman of the Interior Committee, five other Senators and myself recommended allowing a reasonable period of time, consistent with the emergency nature of the problem, for thoughtful analysis and consideration of S. 2589. I would like to share that letter with my colleagues at this time. It reads:

WASHINGTON, D.C., *November 5, 1973.*

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SCOOP: We have reviewed your bill, S. 2589, "The National Emergency Petroleum Act" and the draft Administration "Emergency Energy Act". While we share your genuine concern about the gravity of the domestic and international energy supply situation and your sincere desire for speedy legislative action in a continuing nonpartisan manner, we nevertheless have serious reservations about the content of parts of both bills.

Regardless of intention, any such emergency legislation can profoundly affect the state of the Nation's economy as a whole. Regardless of intention, any such legislation can affect the health, well being, and lawful rights of the people of the United States. Regardless of intention, any such legislation can result in the imposition of controls of a sweeping, omnipresent and potentially crippling nature.

While recognizing that any such legislation must, by its nature, to some degree affect the economy, the rights and well being of U.S. citizens, and also must require some level of temporary and unusual control, it is our firm conviction and belief that as senators we have a constitutional duty to preserve democratic values and prevent abuses of congressional and executive power inconsistent with such values.

As you know, we are indeed committed to move forward with you in molding appropriate legislation in a responsive, timely and nonpartisan manner. We fear, however, that excessively hasty action could result in horrendous and unintended calamity for the people and institutions of this country. Accordingly, we feel that it is incumbent upon us to tailor the emergency authority to the fuels shortage problem in order to avoid both delegation of excessively sweeping emergency authority and delegation of inadequate emergency authority.

Toward this end we concur in your suggestion that Administration and Senate staff personnel begin to work diligently in a cooperative effort to prepare draft emergency legislation for our urgent consideration. Following the completion of such a draft we would then expect to have the lawfully required hearings during which we may hear testimony from expert witnesses as to the likely impact of the application of contemplated provisions of the draft bill on the fuels shortage (including production, refining, transportation, and distribution of petroleum and associated matters affecting coal production, transportation, and use), the economy, the rights of U.S. citizens, and the preservation of our democratic institutions.

Sincerely yours,

Clifford P. Hansen.
Dewey F. Bartlett.
Edmund S. Muskie.
Paul Fannin.
Mark O. Hatfield.
James L. Buckley.

In general terms, although those of us signing that letter recognize the need for some type of emergency legislation to address this problem, we felt that many of the provisions of S. 2589 could do violence to the economy, the rights of U.S. citizens, and the preservation of our democratic institutions.

To return to the issue of energy supplies, I point out that the proposed National Energy Emergency Act embodies precious little in the way of measures tailored to increase the supply of energy. The preambulatory sections might wax eloquent on the need for significant changes in our energy situation, but the substance of operative sections does not reflect concern for achievement of such goals.

During the committee's discussion of this legislation, the other minority members and I made every possible effort to correct these shortcomings, and will continue to do so until a final version of the bill is agreed upon by this body.

I call my colleagues' attention to section 204(e) which requires Federal departments and agencies including regulatory agencies to survey the activities over which they have jurisdiction in order to identify and recommend to the Congress additional measures related to specific savings of energy.

It was my understanding during the discussions at the executive session that committee members intended this to apply to the Federal Communications Commission inasmuch as all members recognized that keeping television sets and radios operating 18 to 20 hours a day consumes enormous amounts of electricity.

Accordingly, it is the hope of members of the committee that the FCC will thoroughly investigate and within 30 days report back to the Congress the amount of electricity now being utilized by the industry in addition to recommending action that can be taken in time of an emergency to conserve energy.

In considering this bill, the committee realized that in some cases the President should have the authority to require certain electric generating plants to burn coal. A key point in the discussion of the possible impacts on the environment of requiring switching to coal is the lack of a sufficient supply of low-sulfur fuels. The committee recognized that in many areas where low-sulfur fuels would be required to maintain air quality standards, such fuels are not readily available—for example, the State of Illinois possesses extensive deposits of high-sulfur fuels, which cannot by law be burned. Transporting low-sulfur coal from Wyoming, which would be necessary to maintain air quality standards, would involve not only expending additional amounts of our precious fuel but might require a time period too long for an emergency situation.

While recognizing the necessity for an arrangement to address such problems, we arrived at an agreement to include in section 205 provision for granting a variance of air quality standards in such cases, pursuant to amendments to be made to the Clean Air Act. This understanding was based upon a clear commitment from members of the Senate Public Works Committee that they would proceed expeditiously to report out those necessary amendments. I look forward to the assistance of that committee in supplying the provisions which will assist industries subject to emergency conversion requirements under this legislation.

I should call my colleague's attention to the provision of section 207(b) which authorizes the President to require certain oilfields, on lands in which there is a Federal interest, to produce in excess of their maximum efficient rate. The committee recognized that in the exercise of that authority a "taking of private property" could occur, which would under the Constitution be compensable. This is an area which will require more explicit attention at a later time during this debate.

Regarding 207(c), there was an understanding reached in committee which unfortunately was not included in the report. Accordingly, I would like to make the record clear on this point, as I am certain the distinguished floor leader would agree. The intent of this section is to authorize the President to adjust processing operations of domestic refineries within the limits of their existing engineering capability to produce refined products in proportions commensurate with national needs.

This section is not intended to authorize the President to impose new design and construction modifications within existing refineries of any permanent nature. It would be inequitable to do otherwise because the refineries would accordingly be required to invest major sums of their capital needed for energy production to make permanent structural changes in their refineries in order to comply with emergency requirements.

Following termination of the emergency the refineries would therefore be forced to expend additional capital to tear down and rebuild the previously modified parts of their refineries in order to adjust to normal operations. Such a requirement additionally could be considered a "taking of private property" and therefore compensable by virtue of the protection afforded by the Constitution.

The record is clear that existing refineries have sufficient existing flexibility to meet the requirements contemplated by this act and therefore, to summarize, this section is not intended to authorize the President to require major structural changes in U.S. refineries. I will have other remarks to make concerning other provisions of this bill at a later time during the debate.

Returning now to the thrust of the bill as a whole, I leave my colleagues with this prediction: Many Americans will needlessly suffer from the cold this winter because of the failings of this bill. Many of our people will be needlessly unemployed because we failed to seize the opportunity to increase our supply of energy. While I am fully aware that our energy problem has reached emergency proportions, I cannot ignore the knowledge that hasty actions often yield wasteful and disastrous results.

Accordingly, I encourage each of you to give S. 2589 your most careful consideration with a view toward offering appropriate amendments. The potential consequences of inadequate legislation on this matter are irreparable damage to the health, liberty, and property rights of the citizens of the United States, and to the economic strength of the Nation as a whole.

Mr. President, I previously have asked unanimous consent for certain members of the minority staff and of my staff to be given the privilege of the floor. I would like to list now the names of those on behalf of whom I intended to make the request.

Mr. President, I ask unanimous consent that David Stang, Harrison Loesch, Fred Craft, Roma Skeen, and Maureen Finnerty, all of the Interior Committee minority staff, be given the privilege of the floor during the discussion and voting on S. 2589.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, is the bill open to amendment?

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

Mr. PASTORE. I call up my amendment at the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

At page 18, after line 18, insert a new subsection 203(f) as follows, and redesignate subsequent subsections:

"(f) In exercising the authority provided for in this Act, the Emergency Petroleum Allocation Act of 1973, the Economic Stabilization Act of 1970, as amended, and the Defense Production Act of 1950, as amended, the President shall insure that all regions and all States of the nation share available fuels in an equitable manner. The President shall give special consideration to those States and those regions of the country which are depressed economically, experiencing high unemployment, or which lack ready access to energy transportation facilities adequate to meet their essential requirements."

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. FANNIN. Does the Senator have copies of his amendment?

Mr. PASTORE. Yes, I do. I thought the Senator had a copy.

Mr. FANNIN. I thank the Senator.

Mr. PASTORE. Mr. President, I shall be very brief. I think this amendment is easy to understand.

We in the New England part of the country have been faced for a long, long time with a shortage of oil and a high cost of the fuels that we have had to buy. Going back three or four administrations, under different Presidents, we have tried time and time again, when conditions could be considered almost normal, to persuade them that they should have removed the quotas that were imposed upon the importation of residual oil or crude oil, either from Venezuela or from the Middle East.

The administrations never saw fit to do that, and as a result we were always in short supply. We were always faced with a high cost because of the shortage of supply, and now we have reached the critical point. Now we are actually in a crisis, and we find ourselves in a position where insult is being added to injury. We are told that the thrust of the administration's policy is to urge all public utilities which have a dual capacity, whereby they were using coal and went to oil, that now they should go back to coal.

I am not particularly against that. As a matter of fact, I go along with the idea, because of the shortage. But the fact still remains that we do not have the transportation to bring us the coal, and for that reason we are going to find ourselves in a shortfall situation of 48 percent beginning with the month of March.

That was the assertion that was made at the White House when we met with the President only a short while ago, and that has been reiterated by the Senator from Washington (Mr. Jackson), who is manager of the bill.

What would my amendment do? Very simply, it says this: That in order to insure that all regions and all States of the Nation shall share available fuel in an equitable manner, the President shall give special consideration to those States and those regions of the country which are depressed economically, experiencing high unemployment, or which lack ready access to energy transportation facilities adequate to meet their essential requirements.

When we considered the allocation bill, I ask that an amendment be inserted in that bill, which was agreed to by the Senate and incorporated as title 4, entitled "Equitable Allocation of Crude Oil and Petroleum Products Between Regions of the Country and the Several States." I ask unanimous consent that that provision be printed in the Record at this point.

There being no objection, the provision was ordered to be printed in the Record, as follows:

5. Equitable Allocation

TITLE IV—EQUITABLE ALLOCATION OF CRUDE OIL AND PETROLEUM PRODUCTS BETWEEN REGIONS OF THE COUNTRY AND THE SEVERAL STATES

Sec. 401. (a) The President is authorized and directed to monitor the availability of crude oil and petroleum products to satisfy the fuel requirement of all regions of the country and of all of the several States. If the President determines that any region or any States is experiencing a shortage of crude oil or petroleum products while at the same time other regions or States are enjoying a surplus, the President is authorized and directed to take any action necessary to insure an equitable allocation of available crude oil and petroleum products among all regions and all of the several States.

(b) In implementing subsection (a) the President shall consider all current and prospective sources of crude oil and petroleum product supply, including but not limited to production from Alaska, the Outer Continental Shelf, the contiguous States, synthetic fuels, opportunities for fuel substitution and conservation, as well as imports of crude oil or petroleum products from foreign sources.

(c) Whenever the President determines pursuant to subsection (a) that an imbalance in the availability of crude oil or petroleum products exists between regions of the country or between any of the States, he is authorized to take any action necessary to insure an equitable allocation of available crude oil and petroleum products. Such action may include, but is not limited to, direct mandatory allocations of available crude oil and petroleum product supplies; adding additional capacity to existing pipelines; requiring that the flow of existing pipelines be reversed; and directing tankers on the high seas to specified ports of entry.

(d) The President shall furnish the Congress with a report every three months on the availability of sufficient fuel supplies to meet the requirements of all regions and all States. This report shall also contain a summary of any actions that the President has taken under this section, recommendations for any legislation which may be needed to achieve the purposes of this section, and a statement of actions taken by the executive branch to increase the supply of and to reduce the demand for crude oil and petroleum products. This statement on supply and demand shall include actions taken and projected plans concerning energy research and development, adequacy of refinery capacity and transportation systems, the development of synthetic fuel plants, leasing on the Federal lands including the Outer Continental Shelf, the establishment of strategic reserves, and agreements with other nations on the security and expansion of fuel supply.

(e) The President is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this section.

(f) The President may delegate all or any portion of the authority granted under this Act to the head of any Federal agency he deems appropriate.

(g) There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

Mr. PASTORE. All I am doing is pursuing the same idea in this bill. This is no deviation from what the Senate has already agreed to, and I think it is merely a question of our insisting, not that we want more than our share, but that we want our share, and we want the administration to take into account the fact that we do have an inadequacy of transportation, which is, of course, a very serious and vital matter.

For that reason, Mr. President, I would hope that both the manager and the ranking Republican member of the committee will accept the amendment.

My amendment is cosponsored by Senators Jackson, Ribicoff, Inouye, and Kennedy, and I ask that their names be shown as cosponsors of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I commend the distinguished Senator for wanting to see that we do have equitable distribution of products throughout the country. I think that is the desire of everyone, and would be the desire of the administration. Would the Senator agree, on line 4 of his amendment, where it says, "The President shall insure," if the Senator will permit, to inserting the additional language there "to the extent practicable"? In other words, he cannot insure it unless it is practicable; so would the Senator agree to that addition?

Mr. PASTORE. Well, of course, equity is a matter of justice, and I do not think you can shred it, shrink it, or contract it. I mean all we are saying here is that the President shall insure that all regions of the State and Nation shall share available fuel supplies in an equitable manner. That leaves it up to him to determine what is equitable.

Mr. FANNIN. That is right. That is why I say "to the extent practicable" would be in order, because he does not have the power or the ability to just wave a wand and say, "This is going to be done." He can do it to the greatest extent practicable.

I would certainly support the Senator's amendment on that basis. I do feel he has a good and equitable amendment, but I feel those words would give the President the thoughts of Congress——

Mr. PASTORE. I will tell you how I would amend it: "Shall strive to insure."

Mr. FANNIN. Shall strive to insure.

Mr. PASTORE. I will buy that.

Mr. FANNIN. That will take care of it.

Mr. PASTORE. All right.

Mr. President, I so modify my amendment.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The Senator has the right to modify his amendment. The amendment is so modified.

Mr. JACKSON. Mr. President, being a cosponsor of the amendment, I want to commend the Senator from Rhode Island for bringing the amendment to the attention of the Senate. We are dealing with a complicated problem here. There is a unique and special problem in New England. Likewise, in areas of the Middle West, we face some situations in which there are special problems by reason of logistics, transportation, and other considerations. I believe that this will be a helpful policy directive to the President, and I join the Senator in sponsoring the amendment and hope that the Senate will agree to it.

Mr. BELLMON. Mr. President, will the Senator from Rhode Island yield for a question?

Mr. PASTORE. I yield.

Mr. BELLMON. I was surprised, in the

Senator's opening remarks when he called attention to the fact that over the years New England has been trying to get oil imports ended. I wonder whether the Senator realizes that without the oil import program, the domestic petroleum industry would probably have been in an extremely sick condition. It is already sick enough. Without the oil import program, present production of 11 million barrels of oil a day from domestic sources, which is now all we have, would be far less than that.

Mr. PASTORE. I do not see why we cannot have the best of two worlds. We did not conserve our oil. We expended it in Vietnam. We expended it all over Europe. We gave it to the Japanese. We exported our oil. We took it from our reserves. There has been neglect. I repeat, there has been neglect. We should have taken care of this problem a long, long, long time ago. I have always maintained that to justify it on the ground it was being done for military security purposes was no argument, that there was no concept more fallacious than that. If we had left it in the ground 10 years age, it would be there today. But, we pumped it out and pumped it out and pumped it out and gave it to everyone all over the world. Especially did we do that at the time of the Suez crisis when we became responsible to make sure that Europe got our oil because of the policy adopted and promulgated by John Foster Dulles. That is one of the things I said over 10 years ago would come back to haunt us. We are being haunted today by it. Here I am, being told by the President—and it is irrefutable—that Rhode Island will have a shortfall of 48 percent. They have taken out naval installations in my State. They have thrown more than 19,000 people out of work.

Now what are we doing?

We will suffocate and smother factories because of the 48-percent deficiency in oil. Our factories may close and workers put out in the street.

Surely, I want to explore for oil. That is why we gave them the 22½-percent oil depletion allowance to explore. But that was not enough. That was never enough.

Mr. BELLMON. That is the truth.

Mr. PASTORE. Mr. President, you tell me one big oil producer in this country that went broke in the past 10 years and I will give you the proper answer to the question.

Mr. BELLMON. I can give the Senator from Rhode Island a list as long as his arm of the independent producers who have gone broke in this country because of bad economics in the petroleum industry. But the point I want to make is that this country still has enough fossil fuel in the ground to last us for hundreds of years. It is not any good if we are not in the position of being able to produce it in this emergency. We must have it if we depend on Middle East oil. That is the problem. That is why New England is getting hurt, because it has been depending on these secure sources. In my State, we are not in so bad a shape as other parts of the country because we have secure supplies.

The lesson to learn from this present crisis is that no part of the country should ever get itself into this position ever again.

Mr. PASTORE. We consume 18 million barrels of oil a day. Insofar as the Middle East is concerned, directly or indirectly, the outlook is 3 million barrels. The fact I am raising here is 3 million against 18 million. Somehow, if we had conserved oil, we would not be talking about rationing today.

I am not being critical of Presidents Nixon or Johnson, or anyone else before them. I am merely saying that it has been a sorrowful policy that this country has indulged in over the past 10 to 15 years and today it has come back to haunt us. It is here haunting us now because we did not bring in the oil from other parts of the world when we could have done so.

That is the reason why some of the big oil boys were throwing all those millions and millions of dollars into the last campaign.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The question is on agreeing to the amendment of the Senator from Rhode Island (Mr. PASTORE) as modified.

Mr. BELLMON. Mr. President, may I have 3 minutes on my own time?

The ACTING PRESIDENT pro tempore. There is no time limitation. The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, I sympathize with the problem of the Senator from Rhode Island. I do not want any part of the country to go without its share of petroleum, but I could not disagree more with his conclusion. The problem is not that the country does not have plenty of resources in the ground. The problem is that the economics have been so bad because of the competition from the cheap oil coming in from the Middle East up until the last few months. That oil is much less expensive than from domestic sources, which is about $7.50 a barrel, whereas oil from the Middle East is $4.20. But the problem is, because of bad economics, the energy industry simply could not afford to drill for new and expensive wells, or build new coal mines, or produce energy from other resources because of the competition from oil from abroad.

If we allow ourselves to get back into that same position, not just New England but the whole country will suffer.

To me, the valuable lesson to be learned here from the present crisis—and Congress will be making a very serious mistake if it does not learn from it—is that we have available in the country plenty of supplies of fossil fuel. What we have to do is not just to take emergency measures such as the one now contemplated but to look at the basic cause of this Nation's energy insufficiencies.

The basic cause is that we have not had proper economic incentives to go ahead and further develop our natural resources. I was a member of the Committee on Interior and Insular Affairs up until my colleague was put on that committee and I heard the Secretary of the Interior testify that we had available enough coal, oil shale, crude oil, and gas in the ground to last us as much as 500 years.

The whole problem is to work out a system of economics to make it available for us to use now.

To me, the present crisis is a great opportunity for Congress to work out ways to solve the problem permanently. Congress will make a great mistake if it starts now with these emergency and temporary measures.

Mr. BARTLETT. Mr. President, I should like to commend my colleague from Oklahoma. It certainly is a very apparent fact that conservation of energy by not developing it insures it cannot be used except far in the future when development takes place.

I should like to ask the Senator from Rhode Island a question about his amendment. As I understood the language, the key phrase in it is equitable distribution for everyone in the country. Is that correct?

Mr. PASTORE. That is correct, also taking into account certain circumstances where the policy is promulgated that because of lack of transportation a certain inequity will be worked on the New England States, so that we are asking the President to give that special consideration. There is no penalty. It is a sensible step.

Mr. BELLMON. If the Senator from Rhode Island will yield for one more question——

Mr. PASTORE. Yes.

Mr. BELLMON. I hesitate to dwell on it, but I wonder whether the Senator realizes how long it takes to find and develop a new oil field?

Mr. PASTORE. It takes a long time. I am not questioning that. I want to encourage the oil industry to explore and explore and explore. All I am saying is that there was a time in our history when we could have bought a lot of oil from the Middle East and we did not do so because of our policy. Now we are suffering, because we cannot buy that oil. It seems that when we could buy it, we did not want it, and when we cannot buy it, we want it.

That is what I am saying is wrong about our policy, and that is all I have said.

I am not blaming one administration or another. I had been working on this subject long before the Senator from Oklahoma even came to the Senate. It has been a constant struggle, and we could never get a receptive ear. Here it is. I said on the floor of the Senate 15 years ago that it was going to happen. Now it has happened.

Mr. BELLMON. Mr. President, the point I should like to make is that there is no way to get these oil fields, these reserves, these coal mines developed until there is a market for them. Now that the market is here, it is going to take us years to do the job that should have been done years ago and would have been done if the economic incentive had been there. We are going to make a mistake if we try to solve our problem by some rationing or emergency distribution system and do not get to the root problem, which is that we have to get greater production from our domestic resources.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Rhode Island, as modified.

The amendment, as modified, was agreed to.

Mr. HASKELL. Mr. President, I ask the distinguished Senator from Washington to have my name added as a cosponsor of the bill.

Mr. JACKSON. Mr. President, I ask unanimous consent that the name of the junior Senator from Colorado be added as a cosponsor of the pending measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 658

Mr. HASKELL. Mr. President, I call up my amendment No. 658, offered for myself and the Senator from Florida (Mr. CHILES). The amendment is printed.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HASKELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 18, strike lines 15 through 18 and insert the following:

(e) The President will direct implementation of:

(1) gasoline and fuel oil rationing and energy conservation measures related thereto not later than January 15, 1974; and

(2) those rationing and energy conservation measures related thereto contained in the plans formulated according to subsection (b)(1) of this section as needed to achieve the purposes of this Act.

Mr. HASKELL. Mr. President, I ask that the amendment be modified on line 2 by striking the words——

Mr. FANNIN. Mr. President, will the Senator suspend until we can get copies of the amendment?

Mr. HASKELL. Yes.

The ACTING PRESIDENT pro tempore. Will the Senator send his modification to the desk?

Mr. HASKELL. The Senator will now send his modification to the desk.

The ACTING PRESIDENT pro tempore. The clerk will state the modification. The Senator has a right to modify his amendment.

The assistant legislative clerk read as follows:

On line 2, after the word "gasoline", strike the words "and fuel oil".

Mr. HASKELL. Mr. President, the purpose of my modification is to eliminate fuel oil from the amendment. Fuel oil is covered under the mandatory allocation bill, the conference report having been agreed to yesterday.

The thrust of my amendment, as modified, is to require the executive branch of our Government to have gasoline rationing in effect not later than January 15, 1974. Unless this amendment is adopted, it is my opinion that the bill as reported from the Interior Committee merely grants discretion as to whether rationing will be implemented. I admit that it is ambiguous, but I read the bill as simply requiring the President to implement a program of rationing of scarce fuels. It does not say when the program should take effect, and it does not specify what scarce fuels should be included.

Mr. President, I realize that the concept of rationing is repugnant to all the American people, and it certainly is to me, but we must simply face the facts. For some time now, our so-called energy experts have predicted short falls of between 100,000 and 300,000 barrels per day during the coming winter.

A number of factors must be taken into account when postulating and estimating how devastating these shortages will be. What will the temperature range be? What is the nature of voluntary energy conservation measures? What is the output of domestic and foreign refineries? But from the jumble of statistics, all have concluded that we will have shortages; the shortages will be extreme in certain regions of our country. The distinguished Senator from Rhode Island has pointed out the New England problem, and I would point out that in Colorado last winter we had shortages of fuel oil, and this summer we had shortages of gasoline.

We must do something about the situation. The Mideast crisis and subsequent Arab refusal to export oil and refined products to the United States have made the situation even more grim. Again, we can take our pick among the various calculations as to how serious the consequences will be.

Some public estimates indicate that the shortage as a result of the cutoff of Arab oil will amount to 2 to 3 million barrels a day, or from 11 to 18 percent of our consumption. Realistic calculations are much worse.

The Department of the Interior had previously anticipated import requirements would rise from our current level of 6.5 million barrels a day to 8.4 million barrels a day in the first quarter of 1974. Virtually all of that increase was expected to be supplied by the Mideast. This increased import demand means that we can expect an additional shortage of 10 or 11 percent, raising the total short fall to somewhere between 20 to 30 percent of our estimated consumption. These figures dictate the necessity of rationing. It is that simple.

I hope that my colleagues will agree that the Senate has no other responsible course of action. Executive inaction has led us this far, and we cannot allow that inaction to continue.

One example of Executive inaction in this area was the President's refusal to accept a report of his own Cabinet Task Force on Oil Import Controls. If he had accepted it, we might not be in the situation we are in today. That task force sent its report to the President in mid-January 1970. It recommended the substitution of a tariff system for the existing quota plan and free access of Canadian oil into the United States. The major integrated oil companies and the independent domestic producers of crude oil strongly opposed the task force recommendations. The President ducked the issue and postponed a decision.

Let me cite another example of Executive inaction. The Senate adopted an amendment to the Economic Stabilization Act, authorizing the President to allocate petroleum products. The amendment was adopted on March 19 of this year. The bill was signed April 30 of this year. The Executive did nothing. Therefore, we in the Senate and House of Representatives were forced to pass a mandatory oil allocation program to direct the Executive to do something. The conference report on that particular measure was adopted yesterday.

These are just two examples of the past history of complete inaction by the Executive. I shall not further belabor the point.

But we must not delude ourselves into believing that by giving the President discretionary authority, we are coping with the problem. The only way in which we can provide the American people with anything resembling equitable treatment in connection with the shortage is by my amendment.

This is a time for decision. I know that the Senate intends to do what it can to provide a long-range solution of the problem. I call attention to the distinguished chairman's bill in the Committee on Interior and Insular Affairs, S. 1283, that would create a massive research and development program for new energy sources. The bill was introduced at the beginning of this session. I also call attention to the fact that the distinguished chairman of the Interior Committee created a Special Subcommittee on Integrated Oil Operations, of which I am fortunate to be the chairman.

The subcommittee plans to begin hearings later this month to determine whether the industry which produces the fuel which runs our country is truly competitive and acting in a manner which best serves the interests of the American people. Until some of the long-range solutions are reached, however, we must face reality. Unfortunately, gas rationing is inevitable. Chief administration spokesmen have indicated they believe it is inevitable by spring.

If we do not implement rationing by a date certain, the inevitable will happen, the decision will be delayed, shortages will worsen, people will be out of work, schools and hospitals will be forced to shut down, and our Nation will be crippled.

I urge my colleagues to support the amendment.

Mr. President, I request the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is not a sufficient second.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. HASKELL. I yield.

Mr. FANNIN. In the report the committee did provide that we were in favor of some stipulation in accordance with what the Senator has offered. But I think the Senator recalls that we did want flexibility. We wanted the President to be able to act at the time that would be most advantageous. I think the Senator realizes that there is a problem when we say "by a certain date," and so the public realizes this is going into effect. I bring that to the attention of the Senator because many people would take advantage of the situation to store gasoline, sometimes in a very hazardous manner. I have had calls from people who say, "If you think rationing is going into effect, I want to store gasoline." The Senator realizes that, if gasoline is stored in the back of a car, it is hazardous, and it is hazardous if it is stored in a can or in a bottle.

I am concerned about the words "by a certain date." I am sure the President will take action at the proper time, but it is unwise to stipulate such a date in the bill.

I agree it should be done from the standpoint of alerting Members of Congress. It is in the report language. Does the Senator feel it is necessary to set a date certain? Of course, he used the words "by that time," but then we do face the possibility of hoarding and perhaps the dangerous handling of a commodity that we know is in short supply. We could create problems rather than solve problems.

Mr. HASKELL. I would respond to my distinguished colleague from Arizona by saying that we must face up to the facts and we must set a definite time for implementation of rationing.

Mr. JACKSON. Mr. President, will the Senator yield for the purpose of getting the yeas and nays?

Mr. HASKELL. Certainly.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered on the Haskell amendment.

Mr. HANSEN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HASKELL. I yield.

Mr. HANSEN. I thank the distinguished Senator.

Mr. President, I ask unanimous consent that Nolan McKean of my staff be granted the privilege of the floor during the entire debate on this bill and during rollcall votes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOSS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HASKELL. I yield.

Mr. MOSS. Mr. President, I ask unanimous consent that my administrative assistant, Mary Jane Due be permitted on the floor during the debate and votes on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HASKELL. I yield.

Mr. BARTLETT. Mr. President, I ask unanimous consent that during the debate and votes on this bill, the privilege of the floor be granted to Ron Frank, David Russell, and Bud Scoggins.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HASKELL. I yield.

Mr. BELLMON. Mr. President, I ask unanimous consent that Carl Kettler of my staff be granted the privilege of the floor during the debate on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HASKELL. Mr. President, I would like to respond to the Senator from Arizona. The Senator will recall that at the end of the markup session on this bill, this Senator posed the question whether this made mandatory the rationing of gasoline which is inevitably going to come. The Senator probably will recall that the chairman felt it was the intent of the bill, that rationing will be mandatory. The chairman stated the President will be forced to ration gas. The chief counsel of the Interior Committee said he thought the language could be read either way.

I read the language and I believe as the bill now stands that whether to ration would be left to the President's discretion.

I do not like to have people storing dangerous substances. I agree with the Senator on that. But it is a matter of balancing interests, and I find the Executive seems to be unable to grab hold of this entire energy problem and to do something. For that reason I feel we would be doing a futile act in the Senate today should we not state that action will take place not later than a date certain.

To answer my distinguished colleague further, this problem has been discussed for many months. I would hope that plans are already available on the desks in the executive branch and that they would not have to wait until January 15 to be able to impose rationing. But if they have not been doing any planning this gives them plenty of time.

Mr. FANNIN. I agree with the Senator's intentions and I know they are very sincere. I am talking about the practicality of announcing that by a certain date this is going to take place. I question whether we have all the facts to make that decision today. As the Senator eloquently illustrated, we have some problems in that regard. We do not know what is going to happen in the Middle East. We do not know what the weather will be. We have been very fortunate this winter as far as degree days are concerned. In the month of October the degree days were over by 30 or 40 percent on a national average. This is something we cannot ascertain, although we can make predictions.

I am not in disagreement with the wishes of the Senator in this regard, but I question whether it is wise for us to provide this in the legislation. It is covered adequately in the report and I am just afraid that if we publicize that on a certain date this program must take effect, we will create a greater problem than we avert.

Mr. HASKELL. I would further respond to my friend from Arizona that to be sure we do not have the exact figures on shortages and, indeed, we have conflicting figures on shortages; but all the figures we do have are overwhelming. They seem to escalate each day.

For example, Mr. Charles DiBona in the Office of Energy Policy predicated on October 12 a shortage of no more than 1.2 million barrels a day. On October 20 he raised that figure to 1.6 million barrels a day. Mr. Duke Ligon who is Director of the Office of Oil and Gas, made an estimate of 2 million barrels a day and on October 30 raised his own figure to between 2 and 2.5 million barrels a day. Dr. Kissinger has estimated to the House Foreign Affairs Committee and to the Senate Foreign Relations Committee that we will have a total shortage of 3 million barrels a day.

Basically even if, as hoped, the Middle East crisis is solved, we will still have a shortfall.

We still have a shortfall of at least 10 to 15 percent. It is hard to be precise.

As far as setting a date certain goes, I am afraid that is the only way to do it. We must say "not later than January 15." Hopefully the Executive will do it far earlier than January 15, but that date gives adequate planning time.

Mr. FANNIN. I am sure the Senator is aware that studies are going forward; that Secretary of the Treasury Shultz has made a statement within the last couple of days as to his feeling in this matter, advising us to move with caution. William Simon, of the Treasury Department, has also advised that we should not hurriedly adopt a position. Herbert Stein has also made a statement in that regard.

All I am saying is I hope that we will consider the facts; and not take unnecessary action that may result in the hoarding of the product.

As the Senator well knows, in our part of the country, in Arizona, Colorado, New Mexico, and the West, many ranchers can store thousands upon thousands of gallons of gasoline, which could result in a further shortage, because it would not be for immediate utilization but would be for utilization perhaps 6 months from now. That is the problem we face in this legislation.

Mr. HASKELL. Before I respond, may I say that some of this hoarding has already taken place. My daughter, who drove here from Colorado, put two 5-gallon gasoline cans in the back of her car even against my best advice. So I would say it has started already.

To get to the substance of the Senator's question, the statements of the spokesmen he mentioned bother me. Some in the administration say we are going to have gas rationing. Others in the administration suggest that we raise the price of gas, by taxation, to $1 per gallon. This to me would be abhorrent. There is no question that if the price of gas were raised high enough, we would have rationing. There is no question about that, but those who would be most drastically affected would be not only the low income groups, but the middle income groups. This is inequitable, in my humble opinion, in the extreme.

It is for that reason that I would hate to see an inequitable form of taxation. Beyond that, I would hate to see what appears to be continuous indecision carried on.

It is for those reasons that, regrettably, I feel it is necessary to set a date "not later than."

Mr. FANNIN. I do not want to continue discussing the same subject over and over again. I do not want to be repetitious, but I do want to advise the Senator that, from what I have read, none of the members of the administration I have mentioned have said that we are not going to have rationing. They just advise us to proceed with caution and not jump to conclusions; that everything will be done to assure that we do not need rationing before a certain time. They do not have a date in mind, but when the time comes, we would go into that. However, until that time comes, we should not have the extra burden on the economy and the extra dislocations that would be necessitated by the rationing program.

If I thought this would assist in solving the energy problem, I would be with him 100 percent. It may be that we will need to put rationing into effect soon, as is provided in the amendment. As the Senator knows, it could be done tomorrow or in a month. I just question the advisability of providing a date certain as is mentioned in his amendment.

Mr. HASKELL. I think the Senator from Arizona and the Senator from Colorado have articulated their differences probably long enough. I do want to stress, however, that my amendment says "not later than."

I yield for a question to the Senator from Oklahoma, if he wants to ask a question.

Mr. BARTLETT. Mr. President, I would like to make an observation and then ask a question.

Mr. HASKELL. Certainly.

Mr. BARTLETT. First, my observation is that this administration has faced up to the problem. The Senator seems to contend that they have been lackadaisical, that they were not facing up to it, that they do not have a hold on the shortage problem.

I point out that last summer in our State and other States there was a voluntary allocation program for various fuels in agriculture. We had a record wheat crop. I am not familiar with any losses, although there were delays in harvesting that record crop, from this voluntary allocation program of diesel fuel and gasoline in the areas of agriculture, particularly wheat.

Also, we did not have a rationing program last summer in gasoline, and although there were some inconveniences, the American public was able to drive around the country freely and, to my knowledge, make trips across the country.

More recently, the administration has taken on a mandatory allocation program or rationing program in propane and fuel oil. I am advised by those in my State who are in the distributing business of propane and other products related thereto that there will be adequate supplies this winter, giving every indication that their programs have been working.

I believe I am correct that the Senator from Colorado favored a mandatory allocation program of energy for last summer and this fall. In other words, he wanted it to go into effect earlier. So my question, now that we have gotten up to this point—I recognize the shortages in the future will be much greater than they have been for the past summer—does the Senator now still wish, if my supposition is correct, that we had adopted mandatory allocation programs and forced them on the President for this past summer?

Mr. HASKELL. Well, that is history, Senator. In all probability, we would have been wise—this is 20-20 hindsight—to have done so. Retail gasoline establishments closed in my State for lack of gas. People were unable to get it. If we had had the proper figures, I think we might have avoided it.

For example, the Department of the Interior has estimated that the increased demand for imports in the first quarter of the coming year will go from 6.5 million barrels to 8.4 million barrels a day. We are not going to get that increased demand, even if the Middle East settles. From the way the Middle East countries are now setting up their exports, we are going to have an additional shortfall of approximately 2 to 3 million additional barrels a day.

In the light of 20-20 hindsight, I would probably say that we would have been very well advised in this country to have started the allocation of fuel and made it mandatory—I am referring to fuel oil—and that we probably would have been well advised to go into some form of a rationing system in the midsummer.

Mr. BARTLETT. Will the Senator yield further?

Mr. HASKELL. I yield.

Mr. BARTLETT. I was referring, in the history the Senator referred to, to diesel fuels as well as propane and fuel oils. I would be surprised that the Senator would want to look on that history, which is certainly a glimpse into the future also, and would want to have prepared for his citizens of Colorado and other citizens of this country a rationing program which would have reduced the supplies to a much further extent than the few dislocations that occurred because of a voluntary system of allocation.

The point I am trying to make is that I think in mandating the President and tying his hands on a program that Congress has not detailed at all, it is unfair to him by reason of removing this discretion.

I would like to state one further point, if I may, and then ask the Senator a question.

Is Congress facing up to its responsibility when it will not write a detailed bill for allocation and rationing which the President would be required to put into effect, rather than doing what we are doing, mandating him to put on a program to which we are not really a party and denying him any discretion in starting, stopping, implementing, increasing, or lessening the rationing program on the people?

I think the people deserve more than that. Why should we want to deny this responsibility that clearly proved its usefulness last year?

Mr. HASKELL. Mr. President, the Senator asks why we do not write a detailed rationing program into law. Then the Senator asks why we do not give the President discretion. We are doing that under my amendment. We cannot write a detailed rationing program into law that would tie the hands of a regulatory agency and allow no discretion whatever to the regulatory agency.

In the second place, my amendment says that a program will be adopted at a certain time. We know that we have at least a 10 to 18 percent shortfall. We may have a 20 to 30 percent shortfall. I would suggest that unless we say that something must be done about it now, we will be doing the country a tremendous disservice because the administration is not addressing itself to the problem.

On the Senate floor the other day the Senator from South Carolina (Mr. HOLLINGS) ticked off the number of energy czars that we had under the present administration. He totaled up eight in about 8 months, I believe.

I feel the administration is not addressing the energy problem or cannot face up to it. We in Congress must do so.

Mr. JACKSON. Mr. President, will the Senator yield for an observation?

Mr. HASKELL. I yield.

Mr. JACKSON. Mr. President, I think we can come to the heart of this problem. We simply did not expect, in all candor, a division in the administration on the question of rationing. There is one group that wants to put a heavy tax on fuel oil, whether heating oil or gasoline.

I am personally opposed to that course of action. I do not think that we ought to be able to buy our way. We should have an equitable gas rationing system. I believe that the administration sincerely wants to move forward on rationing. However, Dr. Stein, I believe, indicated yesterday in Europe, that the answer is to put on a big tax. I believe that Secretary Morton and Governor Love have said that we will have gas rationing.

I believe that Congress ought to be responsive in the matter. And we will be able to give a signal by this vote today to the administration that we are going forward with gas rationing.

I hope that after this vote the White House will issue an order—they have this authority now under the Defense Production Act—to start printing the rationing tickets or to get the plan moving.

Every day that we lose, every day that is lost in failing to move to implement the gas rationing program and to go ahead with the 50-miles-an-hour speed limit, we lose 1 million barrels of petroleum products a day that could be saved. That is one-third of the total shortage we are talking about.

It seems to me that on every ground we ought to approve the Haskell amendment.

I would point out that in the committee report, the third paragraph on page 18 reads:

> It is the commitee's belief and finding rationing of gasoline, immediately and without delay, is essential to a nationwide energy conservation program, and to the national interest.

I believe the Haskell amendment will be helpful to the President. I believe that Congress will then be sharing its responsibility. I think that we all have that responsibility to share with the President. Now, the January 15 date is one by which we get some urgency and priority behind the effort. Obviously if there is some emergency that they cannot implement by that date, the roof is not going to fall down and there is no violation of the law.

This is the date that we are trying to say should be the date for the program to start. This merely corroborates what Governor Love has said, in effect. And I believe that Secretary Morton has said the same thing.

I believe, further, that in the light of the controversy that has started now over putting a heavy tax on gasoline, Congress ought to speak out. And I say that if we vote for the Haskell amendment, we are making it clear that we urge in an unequivocal and rational way that this be done rather than urge that a heavy tax approach should be used.

Second, we are saying that they should get busy and set up a procedure and get the machinery going and not waste any further time. Nothing has been done, Mr. President.

I must say that we have been approaching this problem on a bipartisan basis. The Senator from Oklahoma and his colleagues have been extremely helpful. We had a hearing in executive session. And I believe on the second day I asked about a contingency plan. There is not any. The committee worked it out on a bipartisan basis. We are together here. We are ready to share responsibility with the President. I believe that we should do it in this way.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HASKELL. I yield.

Mr. AIKEN. Mr. President, I was just reading section 203 more carefully. I would like to ask whether recreation is considered a "vital service" and whether the use of energy by our ski areas, of which we have so many in New England, would be considered an "unnecessary energy consumption" in the event of shortage. Would recreation be considered a "vital service" and would the use of energy by our ski areas be considered an "unnecessary energy consumption" in the event of a shortage?

This must have been given some consideration because I am already getting protests from people who never had skis on their feet. They are protesting and writing about the use of energy for the manufacture of artificial snow where there does not happen to be enough on the ski slope.

Mr. JACKSON. Mr. President, I will try to respond the best I can in a short period of time.

On page 17 of the bill we will find the directives that we have issued, starting on line 6. It reads:

> (2) measures capable of reducing energy consumption in the affected area by no less than 10 per centum within ten days, and by no less than 25 per centum within four weeks after implementation. Such measures shall include, but are not limited to: transportation control plans; restrictions against the use of fuel or energy for nonessential uses such as lighted advertising and recreational activities; . . .

Mr. AIKEN. Mr. President, that is a directive, is it not?

Mr. JACKSON. I understand. However, the point is that we leave the discretion as to how they reach that goal of 25-percent saving to the States. This is set out as areas to which attention should be paid.

It does not mean that if a State reaches the goal, here, of a 25-percent saving in 4 weeks, it must mean a restriction of supply to specific areas. The goal is to save 25 percent, and obviously we have listed areas where we feel there could be savings in a State. I would say this, as the author of the bill, to try to give my intent: for a State that is primarily recreational, obviously, there must be consideration given to the economic impact of that contribution to the State should there be a drastic cutback.

Mr. AIKEN. There is a tremendous winter recreation business in the Northeast.

Mr. JACKSON. I understand that.

Mr. AIKEN. That was built up largely during and following World War II, when it was found that it required so much energy to get to the Sierras, for instance, and they could come to New England and New York, and even Pennsylvania and Virginia, so much more easily, taking so much less energy to get to these Eastern areas.

I was wondering, if this is applied, whether it would apply to all equally, even the distant recreation areas where they have to drive their cars 600 or 800 miles to get there, or the ones where they can get there in half an hour or, at the most, 3 or 4 hours.

Mr. JACKSON. I think Senators will find that people who had planned to drive to recreational areas will have to get there by other means, by buses, trains, and planes if such transportation is available.

We cannot legislate in that area, because we are trying to delegate to the ration boards the authority to deal with the local situations.

Obviously, people are going to curtail some of their previously arranged plans for recreation by reason of the shortages. They will have to work out their own system of priorities.

Let me just finish my statement in connection with what I read into the record from the bill, on page 17.

In section 203, starting on line 14, when we talk about a nationwide emergency energy rationing and conservation program in the Nation, we continue by saying:

> Such program shall assure, insofar as is practicable, that all vital services will be maintained and that unnecessary energy consumption will be curtailed.

This is the preamble to what I read at the outset. So there is an area of discretion here that can properly be exercised, I would say, where it is a vital part of the economy of the area.

If the Senator asks: "are we going to arrange for such rationing tickets so people can drive 400 miles to go skiing or for any other such activity," my answer would be that obviously that is not possible or feasible or equitable.

Mr. AIKEN. But that is how the ski industry got built up to such tremendous proportions in the East, because it took too much energy, to get to Sun Valley. Of course, Sun Valley has recouped since then, I believe, but for a while they were losing their business to the nearby areas of the East.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. AIKEN. I do not have the floor.

I think the needs of recreation is something that should concern us very much. I suppose this bill also applies to motorboats and snowmobiles

Mr. JACKSON. In responding to the Senator, I can only say that what will happen here is that individuals—and we have a lot of skiing in the State of Washington—individuals who want to ski in the winter or individuals who want to go to Florida in the winter and set up plans for driving to a lot of these places are going to be using buses or other means. I do not know how else we can handle this. We have vested discretion in the local authorities.

Let me read from the report again. In our effort to try to be——

Mr. HASKELL. If I might comment at that point——

Mr. JACKSON. Let me read these three or four lines here. On page 18 of the committee report, reading from the top of the page:

> Section 203 confers broad authority and wide discretion upon the Government to order actions with potentially enormous social and economic impact. In the long run, the program envisioned by section 203 will be publicly acceptable only to the extent that the programs are designed and carried out in a way that is fair and creates a reasonable distribution of burdens. In these circumstances, there must be some flexibility to permit adjustments to deal wtih individual circumstances and some form of procedure by which those adjustments can be made.

And it goes on. I think we have made very clear here that we have not undertaken, in this proposed statute, to provide in statutory detail how we are going to do this and that in an economy and a way of life as complex as ours.

Mr. AIKEN. But the Haskell amendment requires the President to come up with rather strict rules for implementing the legislation, does it not?

Mr. JACKSON. It directs the President——

Mr. AIKEN. It requires it whether we need it or not.

Mr. JACKSON. There is not any dispute that we need it. The administration has two positions on it: We know that we have to curtail it; do we do it by taxing or by rationing? That is what we are talking about.

Mr. HANSEN. Will the Senator yield on that point?

Mr. JACKSON. Yes, but let me complete my thought. Governor Love and Secretary Morton made it clear that it should be done by rationing, and said it is inevitable and must be done. Dr. Stein, the Chairman of the Council on Economic Advisers, I believe in Europe yesterday, announced that he wanted to propose the tax route; that is, a heavy tax on gasoline.

Mr. AIKEN. That soaks the poor fellow most, the one who has to drive many miles to work.

Mr. JACKSON. Yes; I am opposed to the tax approach. That means if you have the money, you can buy your ticket.

Mr. AIKEN. If you are rich enough, you can have all you want.

Mr. JACKSON. Each person ought to be treated equitably, in my judgment, rich and poor alike, and that is why I support the rationing approach. That is the basic question before the Senate here. It does not change at all, I will say to the Senator from Vermont, what we have been talking about in this colloquy. It does not change that at all, because rationing is contemplated. It is a question of when they are really going to move on it. As I have pointed out, we lose 750,000 barrels every day that rationing is not in effect; that is what we are talking about.

Mr. HASKELL. I would like to add to the statement of the Senator from Vermont that in Colorado we have an identical problem with that in Vermont. We have ski areas and a large ski industry, and an identical problem, but I would hate to try to spell out in the statute how we handle problems all over the country. This is my only thought.

Mr. HANSEN. Mr. President, will the Senator from Colorado yield for an observation?

Mr. HASKELL. I yield.

Mr. HANSEN. Mr. President, I know that only because the distinguished chairman of the committee (Mr. JACKSON) probably did not get the opportunity to read the full story would he have made the statement he did. I know how accurate he normally is.

I would just call attention to the Washington Post front page story entitled "Administration Split on Energy Crisis." I would hope that I might have the attention of the Senator from Washington on this one particular story, because he spoke about Mr. Stein, and I believe the headline and the first paragraph or two are rather deceptive, in that I got the same impression he did when I first started to read the story, that Stein was for increasing taxes. Mr. Stein is not. The story goes on to say:

> Stein came down on the side of letting prices rise, both as an incentive for greater production of fuels and as a way to discourage consumption.
>
> He thus joined the anti-rationing ranks within the administration, which now include Treasury Secretary George P. Shultz, Deputy Treasury Secretary William E. Simon and Commerce Secretary Dent, all of whom regard coupon rationing as an administrative nightmare which should be resisted.
>
> Ranged against this group of "free-market" men . . .

And I emphasize those words "free market men" because these people all believe the one thing we have not done that we should do is to do something about supply. They argue, and I think persuasively, that we will not cure any problem until we do something about supply.

The story goes on to say:

> . . . are the President's energy adviser, John A. Love, Interior Secretary Rogers C. B. Morton and many technicians working within the government, who believe that rationing is inevitable and that work to get it going shoud begin as soon as possible.
>
> This division within the Nixon administration will have to be settled by the President himself. For the moment, he is said to uphold the Shultz view that rationing should not be ruled out, but should be relied on only "as a last resort."

Mr. JACKSON. I appreciate having the Senator's comments. I think it does point up, however, the need for some signal from Congress one way or the other. We can vote it up or down on that point. I did say that the administration was divided. I think that the administration should say specifically what it will do.

My point is simple: Every day we delay, we lose valuable time on saving fuel. That is the point.

All I want to say is that if they are opposed to rationing, we recall that when we had the administration people in on the mark-up, there was no indication they were opposed to rationing at all, to my knowledge. The clear implication has been that none of us likes it and we want to find a way to avoid it; but by procrastinating, Mr. President, we are losing millions of barrels of oil that could be saved. That is my point.

Mr. HANSEN. What the Senator from Washington has just said is right, but I wanted to point out specifically that Mr. Stein did not say what the Senator from Washington had thought he said. He came down hard on the side of letting price do two jobs for America in this time of crisis. One is to let increased costs of fuel and energy be a deterrent to overuse and waste. We can all agree that however we accomplish that objective, it would be worthwhile.

There are those who say to do it by rationing, and there are others who also say to do it by price. Add to that the point Mr. Stein gave, that if it is done by price we will have the incentive that, so far, has been denied the oil industry, that segment of it that has accounted for 80 percent of the discoveries within the continental United States in the lower 48—the independents and the wildcatters who go out and make the discoveries—they have not benefited, despite the widely-held impression that many people have that they have profited along with everyone else.

As a matter of fact, the record is that the independents, the people who have found 80 percent of the wells discovered in the United States in the past 10 to 15 years in recent times have been recovering on their total investment—and I would hope Senators might take note of this fact I am about to give them—that this segment of the industry has been realizing a net profit of about 3.5 percent to 6.5 percent.

It is little wonder then that we would find a decline in drilling activities at the same time that we were observing an equally abrupt incline in use of the product. So we wind up, if we compare 1972 with 1956, in finding that drilling activity has dropped off about half in the continental United States while consumption has doubled.

Had we kept even, trying to pace our drilling activity with increased use of fuel and petroleum products and natural gas, we would have been required to make 4 times the effort we are making now.

So I would say to my distinguished colleague from Washington and my very good friend from Colorado that while there has been broad bipartisan support in trying to come up with the best kind of bill we can device, there has not been equally unanimous bipartisan support on this issue.

I think it is fair to say that the Republicans, to a man, recognize the merit in letting the free market turn loose and operate, as indeed it will one day. Whether we do it now, next week, next month, or next year, it will operate because we find ourselves today in the anomalous position of importing oil into the United States, selling for twice as much as the domestic producer receives for his oil.

Little wonder then that the domestic industry finds greater opportunity for profitable return on investments in other areas of activity than to continue drilling deeper and more costly wells.

I thank my good friend from Colorado for yielding me this time.

Mr. CHILES. Mr. President, will the Senator from Colorado yield so that I may ask a question of the Senator from Wyoming?

Mr. HASKELL. I yield.

Mr. CHILES. I was trying to understand the proposition my good friend from Wyoming was making, about the "Republicans to a man." Is the Senator saying that the Republicans to a man are opposed to gas rationing at this time?

Mr. HANSEN. I did not say that and did not intend to say it. If the RECORD shows it, then I misspoke myself.

What I tried to say is that there was bipartisan support on the part of the Committee on Interior and Insular Affairs to try to draft the most workable bill it could come up with.

There certainly is bipartisan conviction that rationing indeed will be resisted. I do not say it is unanimous. There is strong bipartisan conviction, as indicated by the report in the full committee. But I said on the issue of supply that there was no bipartisan unanimity, that this bill addresses itself to all the factors that should be considered as we seek to find better answers for the crisis and the dilemma that now engulfs our entire country.

On this point, I would say it is my conviction and belief there is unanimous opinion on the Republican side, and I would make the prediction that it is shared by some members on the Democratic side of the Committee on Interior and Insular Affairs, that we should address the problem of supply in the context of what price can do to stimulate greater production.

Mr. CHILES. That is what I was trying to get clear. I did not think the Senator from Wyoming would say in the present crisis that we should just let price solve it. We have a shortage of approximately 3 million barrels a day. Certainly price could take care of that shortage, if we said that whoever could best afford to heat their homes by gas would be able to do it, and those who could not would not be able to do it. That would be one way of taking care of it, but that was not the proposition they were raising, was it?

Mr. HANSEN. I hope that what I said explained the feeling I had. I would say this, that rationing is one way, admittedly a successful way, but a tough way, and can result in injury, damage, and great inconvenience to many people—and I have no doubt, when I make that observation, that it will be adopted—but I say the better way to get the active cooperation of all Americans as we seek to reduce unnecessary use of energy, as we seek to eliminate waste of energy, I suggest that a better way would be to let price play the important role that it could in helping in that effort.

I repeat that I do not think there is any question about whether we are going to have rationing. I am sure we will. But I think it is unfortunate that we do not turn the marketplace forces loose to accomplish two things.

Rationing is not going to help increase supply one bit. Until it becomes profitable for an oil man to drill deeper, more costly wells and to anticipate that he will make a fair return on that effort, on venturing that much capital, he is not going to do it; and the record is very clear that that has been the response of the energy industry.

So I say that we should turn the market forces loose, as was contemplated in the Defense Production Act. What did we do back in World War II days, when most of the young men were out fighting America's battles on foreign battlefields and few helpers were left on the farms and ranches in America? Yet, we knew that we had to have the greatest outpouring of wheat and other agricultural products in our history. The Defense Production Act said, "We will turn America loose by stimulating the inherent desire in people everywhere to make a profit"; so we guaranteed a price for wheat. What happened? We had the greatest wheat crops we have ever had, and we licked the challenge.

I say that with the same basic logic and with reliance upon the laws of supply and demand—we can try to alter them, but do so at our risks—we can achieve our purpose.

Mr. CHILES. As another example of logic in World War II, we rationed gasoline. So we did not turn loose supply and demand and say that price could affect shortages that we had. We had to ration fuel at that time, and that worked effectively during World War II.

Mr. HANSEN. I agree completely with the Senator from Florida. There was also at that time a very compelling and overriding conviction on the part of Americans that not only was it the role of good citizenship to cooperate in this effort, but also that it was a person's patriotic duty. That condition, to some extent, is not in existence today, to the degree it was then.

I am not arguing against rationing. I recognize the facts of life. I am saying that if we want to get to a permanent solution of the crisis, it occurs to me that until we do something about supply, all we are going to be doing is to spread the misery around.

Mr. CHILES. I thank the Senator.

I thank the Senator from Colorado for yielding to me. I join him in supporting his amendment.

I think that in the present crisis, the only way we can assure that people at all levels will be able to have heat this winter, that hospitals will have fuel, and that we will be able to take care of the immediate necessities is to go forward with rationing. Every day we wait now—the picture is on the wall—we see that we are adding to the crisis.

I do not see how we in Congress, if we are going to be responsible, can stick our heads in the sand and say we are going to let the President do it when he wants to; we are going to give him this authority. I heard that about price controls and all kinds of things. We are saying that we are putting the monkey on the President's back, that we want him to take the heat, and that we want to sit back and say that we gave him the authority to do this a long time ago, and we did. We did it in rationing.

I think that now, once we face up to the crisis and the emergency, we should be willing to act. That is exactly what the Senator from Colorado spells out very clearly in his amendment, and I join him in that.

Mr. HASKELL. I thank the Senator from Florida.

Mr. BARTLETT. Mr. President, will the Senator from Colorado yield?

Mr. HASKELL. I yield.

Mr. BARTLETT. Referring to our colloquy about the flexibility in this bill, I agree with the Senator from Colorado, who said that it would not be propitious for Congress to spell out the details of a rationing program because it would deny flexibility to that program. I concur with that very strongly.

Some flexibility is written into this bill, such as on page 18, subparagraph (e):

> The President shall direct immediate implementation of those rationing and conservation measures contained in the plans in this section as needed to achieve the purposes of this Act.

This was the will of the committee, and I think it is important. But I think it is restrictive on the whole rationing program to bind the President with a particular date and the other provisions of the Senator's amendment.

I believe it would be consistent with the flexibility that is required in rationing—which is a very hard and difficult program at best—that this amendment should be rejected.

Mr. HASKELL. Mr. President, I think the differences as to my amendment have been well articulated, and I would hope——

Mr. FANNIN. Mr. President, will the Senator from Colorado yield a moment for a question?

Mr. HASKELL. I yield.

Mr. FANNIN. We have discussed thoroughly the feelings of the Senator from Colorado. I do not agree that it is advantageous. Nevertheless, I should like to ask this question.

As I understand the Senator's amendment, it would not allow the President to end rationing under any circumstances, other than upon the expiration of the legislation in 1 year. Is that correct?

Mr. HASKELL. Would the Senator mind repeating his question?

Mr. FANNIN. Does the Senator's amendment provide that the President can end rationing, other than when the bill runs out after the 1-year period?

Mr. HASKELL. The bill is merely a 1-year bill.

Mr. FANNIN. I am referring to sometime within the 1-year period. In other words, we cannot look into a crystal ball. We are all very hopeful that the Middle East situation will be settled and that there will come a time when rationing will not be needed, within this 1-year period.

I agree with the Senator that, from all indications—although we do not have all the facts available—rationing is inevitable. But we should provide that if, by some good stroke of luck or genius, we can provide sufficient fuel—rationing can be terminated. After all, in rationing we cannot save so much that we can store the product that is not utilized, because we do not have the storage capacity. What we have is almost a run-through.

Mr. HASKELL. The President could end the rationing before 1-year runs out. I yield to the Senator from Washington, the author of the bill. I believe the flexibility is there.

Mr. JACKSON. Mr. President, I think it s fair to observe that although the bill's authority is of 1-year's duration there is no specific provision in the bill requiring the ending of any one emergency action.

I would further observe, however, that all the emergency steps that are contemplated by the act are predicated upon a situation involving short supply. When short supply no longer exists, there will be no need for rationing; the President can terminate it.

If Senators will look at line 15, page 18, of the bill, the general thrust of it is contained in the following sentence:

> The President shall direct immediate implementation of those rationing and conservation measures contained in the plans in this section as needed to achieve the purposes of this Act.

I will make this a part of the legislative history, and I want it so construed: When there is no longer a need for the particular action taken pursuant to this act, then it can be terminated by the President.

Again, on page 16, section 203, subsection (b)(1), we provide:

> (b) The rationing and conservation program provided for in subsection (a) shall include the following:
>
> (1) an established priority system and plan, including a program to be implemented without delay, for rationing of scarce fuels quantitatively and qualitatively among distributors and consumers for the duration of the emergency.

The point is that if fuels were no longer scarce they could terminate the action taken.

Mr. HASKELL. I wish to add this point. I would concur with my friend from Washington. I think the thrust of the amendment is to be sure we have gasoline rationing. The reason we have not spelled out a plan, and I think the chairman will agree, is there has to be flexibility. Maybe gasoline will be scarce as we think or maybe it will be less scarce than we think. So we have to have flexibility as far as terminating a program. There is a provision that by concurrent resolution we can terminate the emergency. Am I correct in that?

Mr. FANNIN. If the Senator will yield, I would like to comment further on that point. The distinguished chairman read from the language on page 16 under section 203(b)(1). Then on page 19, it is provided that the rationing and conservation program shall include "rationing for the duration of the emergency."

All I am trying to do is to clarify that the President does have flexibility. We can have shortages in certain types of fuels, certain oils, but still have gasoline available. That is possible. I do not think we are going to have the good fortune to alleviate this problem in a very short time, but looking ahead 6 or 8 months, maybe we will have a time when rationing of gasoline will not be necessary.

My question is: If that time comes about, is it the Senator's desire in the amendment he has offered that rationing could be ended?

Mr. HASKELL. Certainly. If by some fortuitous unseen series of events we have more than enough petroleum products——

Mr. FANNIN. Not more than enough, but enough.

Mr. HASKELL. Yes. Then, certainly, it would be in the spirit of the legislation that there would no longer be rationing.

Mr. MATHIAS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. JACKSON. I yield.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Stewart Janney and Quincy Rogers of my staff be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I yield to the Senator from Vermont for a question.

Mr. AIKEN. Mr. President, the distinguished chairman of the committee has referred to section 203, subsection (b) which states that: "the rationing and conservation program shall include the following." I wish to call attention to the fact that, then, on page 17, in line 6 the legislation states:

> Moreover capable of reducing energy consumption in the affected area by no less than 10 per centum within ten days, and by no less than 25 per centum within four weeks after implementation.

I assume that does not mean that reduction is required, but there shall be measures capable of reducing consumption that much. Am I correct in that assumption?

Mr. JACKSON. I do not understand the question. But first let me say that the Federal Government sets up a plan to try to achieve these goals of 10 percent and 25 percent.

The provision on page 18, line 10, is, of course, to permit the States to carry out the program, to work out their own programs within the context of this plan. If a State failed to implement the plan, the Federal Government then would act.

Mr. AIKEN. As I understand the wording, the Federal Government shall set up a program with measures capable of reducing energy consumption in an affected area by no less than 10 percent within 10 days, and by no less than 25 percent within 4 weeks after implementation. But that does not mean that consumption actually has to be reduced by 10 percent within 10 days or by no less than 25 percent within 4 weeks. The language reads: "Measures capable of reducing energy consumption." But do they have to do it?

Mr. JACKSON. The problem is to set target dates. It is hoped that they can do that by 10 percent within 10 days, and 25 percent within 4 weeks. The problem is that we cannot by legislative fiat achieve something that we do not yet know for sure can be achieved at all. This is a goal, a target.

Mr. AIKEN. We are not sure that it is necessary. It might be that a reduction of 15 percent in 4 weeks would be all that was necessary. Then the States would not be required to reduce it by 25 percent.

Mr. JACKSON. No, it would not be necessary. Everything is predicated on the assumption that we are dealing with a critical shortage. We face a leadtime. If we do not start to act now—we should have acted yesterday—we are going to have bigger and bigger shortfalls which could lead to all kinds of calamities.

Mr. AIKEN. It means that the program shall have measures capable of reducing energy consumption within 4 weeks. But if that is found to be not necessary, it would not be required, would it?

Mr. JACKSON. No, it would not be required. It is a contingency plan. If the Federal Government finds that a State is not making a good-faith effort, is really not doing what it could do to achieve a greater saving, then the Federal Government would move in and take over.

Mr. HASKELL. Mr. President, I think the discussion on the amendment has been full and complete. I sugest that we might proceed to a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado (Mr. Haskell). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Carolina (Mr. Hollings), the Senator from Wisconsin (Mr. Nelson), the Senator from Alabama (Mr. Sparkman), and the Senator from Massachusetts (Mr. Kennedy) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. Huddleston), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. Baker), the Senator from Illinois (Mr. Percy) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. Curtis), and the Senator from Illinois (Mr. Percy) would each vote "nay."

The result was announced—yeas 40, nays 48, as follows:

[No. 482 Leg.]

YEAS—40

Abourezk
Bentsen
Burdick
Byrd, Robert C.
Case
Chiles
Clark
Cranston
Eagleton
Eastland
Fulbright
Gravel
Hart
Haskell
Hathaway
Hughes
Inouye
Jackson
Johnston
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nunn
Pastore
Pell
Proxmire
Randolph
Ribicoff
Stennis
Stevenson
Symington
Weicker
Williams

NAYS—48

Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bible
Biden
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Cannon
Church
Cook
Cotton
Dole
Domenici
Dominick
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hartke
Hatfield
Helms
Hruska
Javits
Long
Mathias
McClure
Montoya
Packwood
Pearson
Roth
Schweiker
Scott, Hugh
Scott, William L.
Stafford
Stevens
Taft
Thurmond
Tower
Tunney
Young

NOT VOTING—12

Baker
Curtis
Goldwater
Hollings
Huddleston
Humphrey
Kennedy
Nelson
Percy
Saxbe
Sparkman
Talmadge

So Mr. Haskell's amendment was rejected.

Mr. HANSEN. Mr. President, I move to reconsider the vote by which amendment No. 658 was rejected.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the text of an amendment to S. 2589 I am submitting today be printed at the appropriate place in the Record.

The PRESIDING OFFICER. The amendment will be printed in the Record.

The amendment is as follows:

At the end of the bill, add a new title as follows:

TITLE IV—NONRETURNABLE BEVERAGE CONTAINER PROHIBITION ACT

Sec. 401. This title may be cited as the "Nonreturnable Beverage Container Prohibition Act".

FINDINGS AND PURPOSE

Sec. 402. (a) The Congress finds that (1) utilization of returnable beverage containers would result in substantial energy savings,

(2) litter composed of beverage containers is a major source of pollution in all areas of this Nation, (3) the collection and disposal of solid waste composed of such containers impose a great cost burden upon the States and their political subdivisions, (4) nonreturnable beverage containers on which no refundable money deposit is required from the consumer pose a threat to health, safety, and welfare of individuals and environment in the United States, and (5) such containers, representing as they do a high cost in the form of litter and solid waste management, should be banned from circulation within and among the several States.

(b) It is therefore the purpose of this Act to assist in solving this problem by preventing the use and circulation of the offending types of nonreturnable beverage containers by banning their shipment and sale in interstate commerce.

DEFINITIONS

SEC. 403. For the purpose of this Act the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "returnable beverage container" means a beverage container which—

(A) has a clear indication thereon, either by embossing or by a stamp, label, or other method securely affixed thereto, of the refund value of the container, or is a glass container designed for a beverage and having a brand name permanently marked thereon which on the date of enactment of this Act has a refund value of not less than 5 cents;

(B) has a refund value of not less than 5 cents or, if certified by the Administrator pursuant to section 4, has a refund value of not less than 2 cents; and

(C) is not a metal container so designed and constructed that a part of the container is detachable in opening the container without the aid of a can opener;

(3) "beverage" means beer or any other malt beverage, mineral water, or soda water or a carbonated soft drink of any variety in liquid form and intended for human consumption;

(4) "container" means a bottle, jar, can, or carton of glass, plastic, or metal, or any combination thereof, for use in packaging or marketing any beverage;

(5) "interstate commerce" means (A) commerce between any State or territory and any place outside thereof, and (B) commerce within the District of Columbia or within any other territory not organized with a legislative body;

(6) "territory" means any territory or possession of the United States, including the District of Columbia and excluding the Canal Zone.

CERTIFICATION

SEC. 404. (a) (1) To promote the use of returnable beverage containers of uniform design, and to facilitate the return of containers to manufacturers for reuse as a beverage container, the Administrator may, upon application in accordance with regulations established by the Administrator not later than ninety days after the date of enactment of this Act, certify beverage containers which satisfy the requirements of this section.

(2) A beverage container may be certified if—

(A) it is reusable as a beverage container by more than one beverage manufacturer or bottler in the ordinary course of business; and

(B) more than one beverage manufacturer or bottler will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container.

(3) The Administrator may by regulation establish appropriate liquid capacities and shapes for beverage containers to be certified or decertified in accordance with the purposes set forth in subsection (1) of this section.

(4) A beverage container shall not be certified under this section if by reason of its shape or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting, or other permanent method, it is reusable as a beverage container in the ordinary course of business only by a manufacturer or bottler of a beverage sold under a specific brand name.

(b) (1) Unless an application for certification under this section is denied by the Administrator within sixty days after the filing of the application in accordance with regulations of the Administrator, the beverage container shall be deemed certified.

(2) The Administrator may review at any time certification of a beverage container. If after such review, with written notice and hearing afforded to the applicant for certification under this section, the Administrator determines the container is no longer qualified for certifictaion, he shall withdraw certification.

(3) Withdrawal of certification shall be effective not less than thirty days after written notice to such applicant and to all known manufacturers and bottlers using such containers.

PROHIBITION

SEC. 405. (a) No person shall manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce any beverage container other than a returnable beverage container.

(b) Whoever violates subsection (a) of this section shall be fined not more than $1,000, or imprisoned for not more than six months, or both.

REGULATIONS

SEC. 406. The Administrator shall establish such regulations as are necessary for the purpose of this Act.

EFFECTIVE DATE

SEC. 407. The provisions of this Act shall be effective on the date of enactment of this Act, except that section 5 shall be effective after one hundred and eighty days following such date of enactment.

Mr. JAVITS. Mr. President, I ask unanimous consent that Gerry Klein and Charles Warren be granted the privilege of the floor during the debate and votes on the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. If Senators will please take their seats.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that a member of my staff, Emon Mahoney, may be present during the debate on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that Barry Meyer, Bailey Guard, Leon Billings, and Phil Cummings of the staff of the Public Works Committee be granted the privilege of the floor during the debate and vote on the pending bill, S. 2589.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR RANDOLPH URGES REASONED REGULATION AND EQUITABLE LEGISLATION IN SOLVING SENATE ENERGY PROBLEMS

Mr. RANDOLPH. Mr. President, the United States is faced with a serious energy crisis. The situation is on us now, and it is likely to remain with us for several years.

Discord and divisiveness, as we attempt to meet the energy crisis, must be cast aside. Polarization and partisanship must be subordinated as we attempt the passage of legislation which will call for personal discipline and national decision in the months and possibly the years ahead.

We must work together in every segment of our society and at every level of our Government during the increasingly short supply of fuels.

The Congress and the administration are being vested with extraordinary responsibility and power. The people of our country will hold us accountable for reasoned regulation and equitable legislation.

The hour of luxury is over. The hour of necessity is here.

The shortage of fuels we are experiencing will cause hardship this winter and they will not suddenly evaporate with the first ray of spring sunshine. We must now begin making the adjustments necessary to bring our way of life and our economy into harmony with the new realities of scarcity. The United States is a strong nation. It is populated with citizens who are self-reliant and resourceful. I am, therefore, confident that the vicissitudes of the present circumstances can be overcome.

The ability of our country to react quickly and affirmatively in a crisis is demonstrated in the legislation before the Senate. This bill, the National Energy Emergency Act of 1973, S. 2589, is our response to the immediate need to conserve and wisely utilize the limited fuel resources that will be at our disposal in the months ahead.

The bill was developed with dispatch, but it was not hastily conceived. Its provisions were not pulled out of thin air, but are based on studies and deliberations, that in some cases, started years ago. So, the reactions to the current crisis that are contained in this bill are reasoned responses to a situation that has been developing for some years.

That we are able to act on this bill today is a tribute to the seriousness with which Members of the Senate view the fuel shortage. It also reflects the leadership of our able and distinguished colleague from the State of Washington, Senator HENRY M. JACKSON, the chairman of the Committee on Interior and Insular Affairs. He has mobilized the resources needed to bring this measure to the Senate in only 7 days. The Senator has provided realistic judgment in this time of national need.

His committee received 11 hours of testimony last Thursday from Government, industry, and environmental groups. On the very next day, the Interior Committee met in open executive session for 6 hours. Action was completed by the committee on Monday after another 5 hours of intensive work.

The fact that we are to consider proposals on such a far-reaching subject as the nationwide energy supply problem shows that the Congress can act and act decisively.

Like every other American, however, I

regret that we are forced to take the steps proposed in this bill. While a rapidly changing international situation brought the immediate crisis to a head, an energy shortage has been developing for years. Senator JACKSON and others who recognized the undesirability of our growing dependence on foreign fuel sources and the rapid depletion of our domestic resources, repeatedly called attention to the need for a rational national fuel and energy policy.

Over 3 years ago, I expressed deep concern for the need for a national energy policy. On September 2, 1970, I stated:

> Energy industries and this Nation, and the world, are embarked on a gigantic gamble that we can continue to supply this energy requirement with known and unproven sources of crude oil, natural gas, and coal or other sources of energy such as the breeder reactor, fuel cells, or even the fusion reactor. To lose this gamble would be a catastrophe. * * * The security of the United States is entwined by this issue. The principal issue confronting us is how to create an integrated policy for the development of energy and the maintenance and enhancement of environmental quality while minimizing our dependence on uncertain foreign sources of bulk energy.

We could spend many hours debating how we got into such a situation? But one factor overshadows all others. Our present ad hoc national policy relies on the use of imported premium fuels—crude oil and refined products—to meet shortfalls in domestic energy supplies.

Our country's present hodge-podge of energy policies is somewhat synonymous with an imported oil policy. If projections made before the Arab-Israeli war were to materialize by 1980, almost half of our oil supplies would be coming from the Middle East.

As more recent and continuing events have been demonstrating, this proposed dependence on the Middle East is thoroughly unrealistic, even for the short term. But, we have not taken any substantial and necessary steps to assure alternate domestic supplies.

Japan and Western Europe have no other choice than a significant reliance on imported energy supplies. However, the United States, like Russia, has the potential to achieve energy self-sufficiency through reliance on domestic resources.

For the past quarter-century one administration and one Congress after another have failed to create or even consider the need for a national energy policy. We have been content with a hodgepodge of policies, or lack of policies.

Now we are paying for this neglect—and for the negligence of many Congresses over the span of years.

Our present national administration, however, suffers an additional handicap, it is characterized by indecision, delay, lack of candor, and an understatement of domestic problems.

Almost 8 months ago President Nixon transmitted to the Congress the particulars on proposed Federal energy policy initiatives.

Although considerably more ambitious than was his June 1971 energy message, the President's April 18 proposal failed to define the elements of a fuels and energy policy in the Nation's interest. It was more appropriately classified as a declaration of intent rather than a clear and meaningful description of national policy.

Since receipt of the Chief Executive's April 1973 message, the Congress has aggressively worked on the elements of a national energy policy—with little, if any, support from the administration.

For example, the mandatory petroleum allocation program was opposed for months although there was a gasoline shortage. A mandatory program then was announced for November 1, 1973. But it has not taken effect. Moreover, the administration has not yet informed the public of the delay. The program reportedly is now to go into effect next month.

During the interim period the United States will experience the first effects of the cutoff of oil imports from the Middle East. In short, the administration is content to react after the fact rather than taking the obvious steps beforehand.

Although the President's April 1973 message provided recognition of anticipated shortages of basic energy resources and their conversion products, it did not include a proposal for assuring that essential uses are satisfied during periods of curtailment of energy supplies such as gasoline, diesel fuel, heating oils, or low-sulfur fossil fuels.

In fact, the Economic Stabilization Act Amendments of 1973 were opposed by the administration. The Eagleton amendment, which I cosponsored, now is the President's principal mechanism for dealing with emergency energy problems.

Yesterday the Senate passed and sent to the President the conference report on the Emergency Petroleum Allocation Act of 1973. That measure provided expanded authority for the same purpose. Yet the measure also has been opposed by the administration.

Last week, however, the President finally realized there is an energy crisis brought on in part by our unrealistic and biased foreign policy toward Middle East countries.

Mr. President, over 3 years ago, I stood in this Chamber and presented to my colleagues the reasons for the establishment of a national energy policy—a concern I have voiced since 1959, with legislative proposals.

On many occasions I questioned the feasibility of the United States maintaining its enormous consumption of nonrenewable energy resources—the fuels that drive our economy.

Now we find ourselves in the throes of trying to resolve disruptions in our energy supplies that threaten the very foundations of our economy. Repeatedly the administration has understated the seriousness of the problem.

Only last week President Nixon, in his address to the Nation, talked in terms of a shortfall in petroleum supplies of 2 million barrels a day. In the same week his energy policy adviser, John Love, in private, told the Interior Committee that the shortage would be 3 million barrels per day. Now former Interior Secretary Udall estimates that the shortfall will be as much as 6 million barrels per day. This is a far cry from the administration's optimistic projections.

Positive actions are now needed. Both the President and the Congress must face present realities and the end result must soon be workable short-term fuels policies which also will serve the foundation for a long-term national energy policy. Aggressive and vigorous policies are necessary if there is to be a rebirth of America's domestic energy resources.

Yet, the Congress as yet has not received a legislative proposal to cope with our current energy problem. Nevertheless, today the Senate is considering emergency energy legislation.

While the bill we consider today was worked out concurrently with administration spokesmen at the executive sessions, the Congress has yet to receive a specific legislative proposal from the President or the administration. The only indication of support was the President's statement last week, when the Chief Executive took credit for this legislation which was initiated in the Senate by Senators JACKSON, MAGNUSON, and myself. Until last Wednesday the Nixon administration had actually opposed this very legislation.

Mr. President, today the Senate is being called on to consider an extraordinary piece of legislation. This measure places in the President's hands control over every aspect of our economy—for control over energy supplies is synonymous with control over the economy itself.

This is more than energy legislation—it is economic legislation. In controlling energy supplies the economy of our country is actually controlled—the people who are employed or, alternatively, unemployed are controlled—and those sectors of the economy that are going to be allowed to grow are controlled. The economic impacts from energy controls are so pervasive as to touch the very fiber of our society and the American way of life.

Consequently, there must be changes in our traditional institutions and in the American way of life, itself. The issues are much broader than the frequently debated issues arising from between the standard of living for the affluent and those people who are on welfare. In this instance, the manner in which we all live our daily lives is going to be directly affected.

To minimize the impact of present shortages on our society as a whole we must reduce waste. Unnecessary consumption of energy in one sector of our economy, in fact, may mean unemployment in other areas.

One use of energy where there is substantial room for improvement is in transportation—the uses of energy for the movement of goods and people within our society.

How can we, with this legislation, encourage the curtailment and limiting of energy consumption within almost every sector of our economy, without emphasizing the automobile's often inefficient use of energy?

Mr. President, in the course of the Senate's debate on S. 1570, the Emergency Petroleum Allocation Act, last June 4, it was my responsibility to propose an amendment for a significant reduction of speed limits on all Federal-aid highways as one quickly effective means of conserving the Nation's gasoline supply. This amendment was deleted in conference from the final bill.

Since my proposal was only a nonmandatory "sense of the Senate" expression I recognized that—regardless of what final action taken by the Congress on it—it would have served only as a recommendation and that it was to be implemented and enforced at the State level.

Thus, the real test of the worth and the potential effectiveness of my proposal depended on the degree of its acceptance by the States.

Consequently, on June 7, I sent letters to the 50 Governors, citing the need for the amendment and the scope of its provisions.

Eighteen of the 28 Governors who responded did so in a positive way, indicating their awareness of the gasoline shortage situation and recognition that specific measures such as the type proposed might be needed to cope with it.

Several of them indicated that steps are already being undertaken to implement such measures at an early date through administrative or legislative procedures.

Replies from 5 of the other 10 expressed a willingness to take a close look at the solution my amendment proposed as one possible alternative.

Only two of the responses indicated specific opposition to the amendment or serious misgivings about its provisions.

The expressions of support came from all parts of the country. The list included big States and small ones, urban and rural-oriented, industrial and agricultural.

These responses provide clear evidence that a growing number of State leaders are ready to accept the harsh realities of the current situation and to make the hard decisions which will be required of them if our present energy supply problems are to be resolved.

In the interim, Mr. President, the situation has become progressively worse. This has resulted from recent developments in the oil-producing area of the Middle East. It is obvious that more needs to be done to conserve the gasoline supply we now have available.

Mr. President, I fully support the intent of section 202(b)(2) which empowers the President to reduce speed limits as an energy conservation measure. The potential savings of such actions are significant.

When driving slower the loss is time—not necessarily money. In fact, the increased economy results in economic savings. In short, money is exchanged for time. An additional savings, however, will be in lives and lower accident rates and injury. The gasoline savings will facilitate other savings within our economy without any loss in the mobility of the consumer. The inconvenience is a matter of more time for the motorist but possibly loss of jobs for others:

On November 7, 1973, the Department of Transportation released a report of the Federal Highway Administration that estimates that a late-model automobile driven at 70 miles per hour consumes 30.5 percent more gasoline than a car traveling at 50 miles per hour. If this improved economy from driving slower could be achieved it could amount to a savings of about 5 percent of the total fuel consumption on our highways.

However, it also was shown that speeds below 50 miles per hour could perhaps waste as much fuel as would be saved from reducing speeds from 70 to 50 miles per hour. In other words, there is a point of diminishing returns.

The greatest savings are realized in dropping driving speeds from 70 to 60 miles per hour—an improvement of 2.58 miles per gallon, from 14.98 miles per gallon at 70 to 17.51 miles per gallon at 60 miles per hour.

In dropping from 60 to 50 miles per hour, the savings is only 1.98 miles per hour—or some 19.49 miles per gallon.

From this data it is reasonable to conclude that speed limits should be reduced not to 50 miles per hour but to somewhere between 50 and 55 miles per hour.

For this reason I support those provisions of S. 2589 that empower the President to reduce speed limits. This reduction should be to somewhere between 50 and 55 miles per hour. The actual reduction would be determined on the basis of criteria in S. 2589.

The challenge is there; the question is one of acceptance and a solid commitment to meeting our country's energy needs in ways consistent with our national environmental policies.

On April 18, 1973, I addressed the First Government Affairs Seminar of the Air Pollution Control Association. At the time, I stated:

> After long deliberation in 1967, and again in 1970, the Congress enacted a Federal air pollution control policy that distinguishes between concerns for public health *and* concerns for welfare. Twice the Congress rejected the concept of national emission standards. Yet, as so frequently has occurred in recent years, the Administration ignored flexibility contained in the 1970 Clean Air Amendments and encouraged the States to adopt, in effect, national emission standards which bear no relationship to ambient air quality standards.
>
> Nevertheless, don't look to the Congress for "wholesale" variance from existing regulations. Judicial remedies were provided, in 1970, for this purpose. A realistic distinction is needed between potential and actual problem areas. Then let's talk. For the issue is not repeal, but whether there has been a "good-faith" attempt to incorporate environmental and social concerns into management decisions by government and industry, alike.

The legislation under consideration today concerns itself with the specific interrelationship between available environmentally acceptable energy supplies and air pollution controls stemming from the Clean Air Amendments of 1970.

To date we have not done well in finding a suitable and equitable balance between energy and the requirements under this act. Rather, it seems that we have adopted a national posture of energy versus clean air.

In the President's April 18 message to the Congress concerning energy resources, he proposed "To carry out the provisions of the Clean Air Act in a judicious manner, carefully meeting the primary health related standards, but not moving in a precipitous way toward meeting the secondary standards."

The President proposed:

> Delay of the secondary air quality standards that are non-health related by the States beyond 1975 in order to allow fuller utilization of our coal resources until the new technologies have been demonstrated.

However, I have never been sure how this extension of deadlines by the States is to be accomplished. The 1970 Clean Air Amendments did not provide Federal authority applicable to implementation of this suggested extension.

On May 1, 1972, during hearings of the Senate's national fuels and energy policy study, I asked Secretary Rogers C. B. Morton how the administration intended to accomplish this extension of deadlines by the States. In response Secretary Morton stated:

> Senator Randolph, the only way of course that we could do it under the present authority is to work within the States themselves through cooperative negotiations with the States. If this fails, we will have to come back to the Congress and obviously seek amending legislation of the Clean Air Act to provide ways and means of doing it.

What was unclear to me was whether this extension by the States was to be undertaken with Federal guidance or by Federal coercion.

Mr. President, now the Congress finds itself in the difficult situation in S. 2589 of proposing variances from the plans of implementation established by States pursuant to the Clean Air Act, as amended.

The President is directed to require the major electric generating plants and industrial facilities that have the capability to convert to the use of coal where available. Such conversions may very well result in violation of applicable sulfur oxide emission standards. Therefore, such conversions may require the issuance of a temporary variance, subject to the procedures of the Clean Air Act, as amended.

Mr. President, the Senate Committee on Public Works on Monday of this week held hearings on amendments to the Clean Air Act that could be activated in response to actions taken pursuant to the National Energy Emergency Act of 1973.

Under an agreement between the Committee on Public Works and Senator JACKSON, chairman of the Interior Committee, this amendment was considered by the Public Works Committee. It was ordered reported yesterday following extensive discussion.

Upon final action by the Senate, both S. 2589 and this amendment to the Clean Air Act can be joined together.

Mr. President, the National Energy Emergency Act of 1973 represents an extreme response by the Congress. Exercising our constitutional role, the Congress has provided the President in this legislation with almost unlimited power—control over our economy.

While I recognize the need for such authority at this time, I believe this is a bad precedent. Nevertheless, we face today a challenge of monumental proportion. The legislation before the Senate is designed to help America come to grips with and overcome one of the most serious situations it has ever faced. With its provisions, and with the determination of the American people, I know that the energy crisis will be survived and that we will emerge from this winter well along the road to resolving our long-term energy problems.

SAVING ENERGY IN OREGON

Mr. HATFIELD. Mr. President, I would like to call the attention of our distinguished chairman, Mr. Jackson, to one small error in the committee report accompanying S. 2589. Considering the time pressures under which the staff has been operating, it is easy to see how such a small error might be made.

I refer to a statement on page 18 of the report, where it states:

> For example, the Governor of Oregon has already ordered the schools in that State to be closed for a month this winter.

Actually, the Governor suggested such a step as one alternative for energy savings. The resulting opposition, however, convinced him that such a move would be unwise. I understand that there is planned some sort of "Energy Education Week," so that students in Oregon will have a "crash course" in ways they and their parents can save energy.

BUSING

Mr. BROCK. Mr. President, 6 months ago it became very apparent that this country would face a serious fuel oil shortage. Little did we know at the time that we would be facing a major crisis, a complete energy crisis, due in part to a cut off of oil from the Arab nations to other countries, which has had a very critical effect on this country's ability to supply energy needs. Two months ago, I noted that we would indeed have an energy problem this winter, a situation that no doubt did not escape my fellow colleagues.

However, I must point out that this crisis has been in the making for 30 years, and we have either turned our heads, or chosen to ignore it until we had to do something about it. Obviously, the time to do something about it is now. I also noted 2 months ago that we faced the prospect of controls on our energy. I cannot repeat too many times my opposition to controls on any type of product in the market place, but as usual controls beget controls, and now we may have no choice.

We have, obviously, an obligation to act, and act quickly upon the measure before us at this time. But, I would like to make one other point. We are facing a fuel crisis. We are now facing certain measures to help see the country through a very trying time, to indeed, help us survive in this period of problems. However, I cannot understand why we face the prospect of cold homes and closed plants, but yet we continue to use this precious fuel to bus children away from their homes and families all the way across their town to attend another school in the name of racial balance. I could find it much easier at this point to do what we must do in helping find a solution to our fuel shortage and energy shortage if it were not for this one matter, using fuel to bus our schoolchildren.

I would certainly hope that we would take into consideration this factor as we debate this very important measure. I cannot for the life of me see the wisdom of telling families that they face the prospect of not being able to heat their homes this winter, and even more families that they might lose their jobs, when they see hundreds of thousands of dollars a day spent on gasoline for school buses as they watch their children boarding one of those buses to be taken across and out of their neighborhoods to attend schools.

This is a serious matter, one that the average parent will find hard to understand. He is being told to lower his thermostat in his home to save fuel. He is being told that there may not be enough fuel available for him to have a job. He is being told he must slow down on the highways. He is being told that we may have to pollute our environment again just to stay warm. Then, where is the logic of his spending his tax dollars to send his child out of his home area, in a fashion which consumes tremendous amounts of this item which we now find so precious? It simply does not make sense. It is not logical. It is not economically sound. It is time Congress acted in dealing with this situation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House has passed the bill (S. 2681) to authorize appropriations for the U.S. Information Agency, with an amendment, in which it requested the concurrence of the Senate; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Hays, Mr. Morgan, Mr. Zablocki, Mr. Mailliard, and Mr. Thomson of Wisconsin were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to a bill (H.R. 9474) to amend title 38 of the United States Code to increase the monthly rates of disability and death pensions, and dependency and indemnity compensation, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The following bill was read twice by its title and referred as indicated:

> H.R. 11459. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes. Referred to the Committee on Appropriations.

ORDER FOR LIMITATION OF TIME ON MILITARY CONSTRUCTION AUTHORIZATION ACT CONFERENCE REPORT, S. 2408

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation on the conference report on the Military Construction Authorization Act, S. 2408. This is a privileged matter. I ask unanimous consent that there be a 10-minute limitation, the time to be equally divided. I do this with the approval of the distinguished Senator from Texas (Mr. Tower) and the distinguished manager on this side, the Senator from Missouri (Mr. Symington).

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION AUTHORIZATION ACT—CONFERENCE REPORT

Mr. SYMINGTON. Mr. President, I submit a report of the committee of conference on S. 2408, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. McIntyre). The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of November 13, 1973, at p. 36848.

Mr. STENNIS. Mr. President, will the Chair please ask for order?

The PRESIDING OFFICER. The Chair will ask for order. Senators will please take their seats, and if they wish to converse they will please do so in the cloakroom.

The Senator from Missouri may proceed.

Mr. SYMINGTON. Mr. President, the report was signed by all conferees of the House and Senate, and has been agreed to by the House.

The bill, as agreed to, will provide a total new authority of $2 billion, 750 million, 661 thousand, and an increase in prior years' authority of $22 million, 923 thousand, for a total authority of $2 billion, 773 million, 584 thousand.

The amount of new authority approved is $220 million, 120 thousand below the amount requested by the Department of Defense. A further reduction of $22.1 million was made in the amount of new funding authorized. This was made possible by applying unobligated balances against new authority granted to the Army, Navy, and Defense Agencies.

Mr. President, there were around 140 differences between the Senate and the House that had to be reconciled by the conference committee.

I am pleased to state that, insofar as the monetary differences between the two Houses were concerned, there was about an even split.

The total authority granted is approximately $57.7 million above that granted by the House, and about $61.8 million below the Senate figure.

Now, I should like to mention a few points that I believe to be of special interest.

In the area of family housing for the military, there were several very significant differences in dispute.

For example, the House authorized some 12,451 units of housing, which was 725 units above the Departmental request, at an average cost of $1,000 per unit above the amount requested. Yet, the House funded only 9,000 of the units authorized, and denied a badly needed increase in living space primarily for noncommissioned and junior officers.

I am pleased to report that the Senate position prevailed for the most part. Ten thousand six hundred and seventy-nine new units were authorized, which is 353 units below the Senate figure, but all were funded at an average unit cost of $27,500, the amount requested by the Department, which includes the requested increase of space.

Another matter of considerable interest to the military in developing a volunteer force is the question of housing for bachelor personnel. In this regard the House included a provision to require the housing of four enlisted men to a room in the lower enlisted grades, and two men per room in the intermediate grades through E-7. This, in effect, would have created less privacy for the lower grades, now housed three men to a room by the Army and the Navy, and two men to a room by the Air Force. It would further deprive those in grade E-7 of a private room, which they have traditionally been entitled to. If the provision were carried out, it would cause an increase of several million dollars in the fiscal year 1974 program for redesign and resulting construction delays. Again, the Senate provision prevailed, and present criteria will be continued. It was agreed by the conferees that the Department would be requested to make a study of the four-man room concept prior to the introduction of the fiscal year 1975 construction program.

As we are all well aware, the Navy's use of portions of the Island of Culebra, some surrounding rocks and cays, as a part of the Atlantic Fleet Weapons Range, has been a festering sore for several years.

This matter has been studied at great length by the Department of Defense, and the current Secretary of Defense, as well as his predecessor, agreed that this range should be moved.

The Senate this year authorized $12 million for this purpose, in hopes of settling the issue once and for all. I am glad to advise that the conferees were able to come to an agreement on the matter, and it is believed the provision, as set forth in section 204 of the conference report, will permit the accomplishment of this move to the satisfaction of all parties concerned.

Finally, I call attention to section 610 of the conference report, which relates to the future use of the Bolling/Anacostia complex in the District of Columbia. This, too, has been a matter of contention for several years.

In effect, this provision does two things. It extends from January 1, 1975, to January 1, 1980, the "hold" under which no part of the property may be used for other than military purposes, and authorizes the Secretary of Defense, in consultation with the National Capital Planning Commission, but without being subject to the approval of the Commission, to proceed with further planning, development, and construction of the complex. This provision was not a part of the bill as approved by the Senate, and the Senate conferees reluctantly agreed to it in conference, but only with the understanding that both the Armed Services Committees of the House and Senate would hold hearings on the matter to allow all interested parties to express their views. Remedial legislation can, of course, be proposed at that time if deemed advisable.

It is believed that the bill, as agreed to by the conference committee, adequately provides for the construction needs of the Department of Defense for this fiscal year.

Mr. President, I express my appreciation to the Senate conferees for their diligent effort, cooperation, and assistance, and I specifically thank the distinguished senior Senator from Texas, the ranking minority member of the committee in the conference.

Mr. TOWER. Mr. President, I yield myself such time as I may require. Let me first thank my distinguished friend from Missouri for his very generous remarks, and join him in urging the adoption of this conference report, which does reflect our increasing emphasis on personnel support systems designed to make all-volunteer armed services more effective.

Mr. President, I yield such time as he may require to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the conference report on the Military Construction Authorization bill for fiscal year 1974.

This bill authorizes new construction in fiscal year 1974 in the amount of $2,729,561,000 and represents, in my judgment, a fair compromise with the House conferees.

The House approved a measure totalling approximately $2.6 billion and the Senate a measure of approximately $2.8 billion.

Mr. President, there are several significant items in this bill. First, it authorizes $1.1 billion for all costs of military housing. Second, it increases the allowance for the average cost of military housing units in the United States from $24,000 to $27,500 per unit. Third, it extends from January 1, 1975 to January 1, 1980 the "hold" under which no part of the Bolling-Anacostia base complex, in Washington, D.C., is to be declared excess and transferred to other interests.

However, this bill requires the Secretary of Defense to consult with the National Capital Planning Commission and other interested parties on plans for development of the properties but the Commission's approval is not required. It was agreed that both the Senate and House Armed Services Committees would hold hearings to allow all interested parties to express their views.

Mr. President, the distinguished senior Senator from Missouri (Mr. SYMINGTON) served as chairman of the conference and dealt with all problems in his usual fair and thorough manner. The ranking Republican of the Military Construction Subcommittee, the senior Senator from Texas (Mr. TOWER), contributed a great deal to the deliberations of the conferees as did all of the conferees.

Mr. President, in closing, as the ranking member of the Senate Armed Services, I urge the Senate to give its approval to this conference report.

Mr. TOWER. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, may I have a half-minute?

Mr. SYMINGTON. First, Mr. President, I would like to thank the distinguished senior Senator from South Carolina for his kind remarks. Together with his colleagues, he was of great assistance, and was eminently fair as we discussed the various matters.

I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I want to take a half-minute here to thank the Senator from Missouri, the Senator from Texas, the Senator from South Carolina, and all the other members of the subcommittee that handled this bill. This is no ordinary bill at all, Mr. President. A world of work goes into it. It represents the forerunner of some of our new weapons programs, and has much to do with the various personnel considerations which are now up front.

I think that the way the bill approaches those considerations involving personnel is very timely, and as a member of the committee and former chairman, I want especially to thank the members of the committee for what they have done.

Mr. SYMINGTON. Mr. President, I want to say that all of us felt, in effect, that we were working for the distinguished Senator from Mississippi, and we are pleased and gratified that he is back with us. During the months of his absence, we all felt we were trying to do the job the way he would approve, and that was a great stimulus to our efforts.

I would also like to thank the staff, and particularly Mr. Gordon Nease, for the superb work he did, not only for the conference but in behalf of the full committee.

Mr. TOWER. Mr. President, I associate myself with the remarks of the Senator from Missouri and I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to join the Senator from Missouri in complimenting Gordon Nease. I think he is one of the most capable employees we have on the Hill.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Texas yield me 1 minute.

Mr. TOWER. I yield the Senator from Virginia 1 minute.

Mr. HARRY F. BYRD, JR. I ask unanimous consent that John I. Brooks of my staff be granted access to the floor during the consideration of S. 2589.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. I yield back the remainder of my time.

Mr. SYMINGTON. I yield back the remainder of my time.

Mr. TOWER. I withdraw that, Mr. President, and yield to the Senator from Hawaii.

Mr. FONG. Mr. President, I ask unanimous consent that Mr. Larry Nakatsuka, of my staff, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that Mr. Roger Colloff be accorded the privilege of the floor during the consideration of the bill, though this does not mean the privilege of the floor during rollcall votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. McINTYRE). All remaining time having been yielded back, the question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. BAKER), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 87, nays 0, as follows:

[No. 483 Leg.]

YEAS—87

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hruska
Hughes
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—13

Baker
Curtis
Goldwater
Hollings
Huddleston
Humphrey
Kennedy
Metcalf
Nelson
Percy
Saxbe
Sparkman
Talmadge

So the conference report was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate resumed the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

Mr. EAGLETON. Mr. President, I send to the desk two amendments to S. 2589.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Briefly, these amendments would do the following:

First. Require the President to develop a plan for regional or area allocation of fuel to take account of emergency situations and geographical disparities in fuel supplies.

Second. Provide criminal as well as civil penalties for repeated violations of regulations promulgated under authority of this act—in short to come down hard on potential black-marketers.

The purpose of the first amendment is to assure that fuel rationing and conservation programs are accompanied by measures to equalize as nearly as possible the fuel available to the various regions of this country and to meet emergency situations.

The uneven distribution of supplies is at the very heart of our present energy crisis. Far more critical than the prospect of a 10- or 15-percent nationwide shortage this winter, as uncomfortable as that may be, is the fact that some regions could fall 50 to 60 percent short of what they require. The difference, I submit, is between manageable sacrifices and unmitigated disaster.

Unfortunately, the focus of attention as expressed in the President's statement last week and reflected in this bill is on the national dimensions of the problem with virtually no regard to the sharp disparities that exist within the Nation.

We are told by the President, for example, that in order to meet the estimated 17-percent deficiency in national heating oil supplies, we must all cut back our use of oil by 15 percent. But what will that mean to the Midwest family if it is only able to obtain 75 percent of what it needs to begin with? How would their sacrifice weigh out against a family living in Florida or the Gulf States?

We are in real danger, I am afraid, of following in the footsteps of Professor Galbraith's legendary 6-foot economist who drowned in the stream which had an average depth of 3 feet. National energy programs are necessary but they must come to grips with substantial differences among regions and areas of this country if they are to achieve their objectives.

We know that the heating oil and natural gas shortages of last winter hit hardest in the Midwest and New England States. That was true to a large extent also of the gasoline shortages this summer. There is a reason for that. These areas are furthest removed from the large refineries that produce those products and from the ports of entry for imported fuel. In a literal sense, they are at the end of the pipeline and they are the first to feel any cutback.

The National Oceanic and Atmospheric Administration predicts an abnormally cold winter for much of the Great Plains area and a good part of the Midwest. Almost certainly, we will encounter weather emergencies in some sections of the country this winter and the availability of fuel could become a life and death matter. It is absolutely essential that we have a program in being for responding to such situations and my amendment requires it.

This spring when the fuel shortages became particularly severe in Missouri and other Western States, I introduced an amendment to the Economic Stabilization Act which is the basic authority behind the administration's present fuel allocation programs. The purpose of that amendment was twofold: First, to assure that all areas of the country had sufficient fuel supplies to meet vital needs; and second, to authorize some setting of priorities for fuel use within any given region.

Unfortunately, the administration delayed implementation of my amendment until 6 months after its date of enactment on April 30, 1973. Only in the last 2 or 3 weeks has it imposed a mandatory allocation of propane gas and heating oil.

Despite the clear intent of the amendment to bring about some equalization of fuel supplies among regions of the country, the administration's program ignored that aspect to focus entirely on priorities of use.

The result has been that in Missouri and other Midwestern States, farmers, homeowners and other priority users of propane and heating oil are unable to obtain adequate supplies although the law says they are entitled to 100 percent of their needs.

Let me cite one example of the problem as it has developed with regard to propane.

The largest propane distributor in Missouri provides about 25 percent of the State's needs and operates in 28 other States.

That company has been advised by two of its principal suppliers—both major oil companies—that they can provide only 70 percent and 95 percent respectively of priority needs and nothing for nonpriority industrial and business uses because they simply do not have it. I might add that these companies supply roughly the same percentages in several other Midwestern States.

This same distributor purchasing from the same two companies in its Gulf States operation is able to obtain 100 percent for priority customers and 60 to 80 percent for nonpriority users.

I have had a similar report from a propane distributor who serves 2,000 residences in Portsmouth, Va., many of them military families. He has been notified by his major oil company that his supply for priority customers will be cut next month from 80 percent to 44 percent of need.

It does no good to point to a Federal regulation or to quote national supply and demand figures when businesses and whole industries within a region are shutting down, as they are in my state, because their situation doesn't comport with the national average. That argument will not reopen the schools and churches or heat the trailers and farm houses of the dozens of constituents who have written or called me in just the last few weeks.

I recognize that propane is a unique product and presents some special transportation problems, but I am convinced that with an effort on the part of the administration the worst of the disparities that now exist could have been avoided.

I know from my own mail and phone calls that the same kind of problems prevail in the distribution of other fuels. In an effort to obtain some solid statistical data on distribution patterns, I have been in touch with the economists of the Office of Oil and Gas and the Bureau of Mines.

What I found, frankly, appalled me. The truth is that we have no data which gives more than a glimmer of the supply-and-demand situation within the various regions of this country. The most definitive thing that I could come up with was the report on primary inventories in refinery districts, defined in a way that does not even break out New England from the rest of the East Coast. It was suggested to my staff that perhaps the best index now available is a tabulation of complaints which is where we began.

One purpose of my amendment is to require the systematic collection of data which would provide a clear picture at all times of the needs and supply available to various regions. We can hardly deal with the problem until we have a reporting system that identifies the problem and its magnitude.

Beyond that requirement, the amendment directs the President to submit to the Congress within 15 days of enactment of this bill a contingency plan for meeting any imbalance in distribution of available fuel supplies and geographic regions or areas throughout the United States based upon their respective relative needs including, I might add, the respective relative needs of each of the several States within any such region. This plan must include provisions for whatever special transport facilities are necessary to implement the action.

Mr. President, the Senate yesterday cleared the conference report on S. 1570, the Emergency Petroleum Allocation Act of 1973. Among many other allocation objectives, that bill contains a provision for equitable distribution of fuel among the regions of this country. Unfortunately that objective has been heavily compromised by a number of other competing goals including minimization of economic distortions and unnecessary interference with supply mechanisms. At one point, the conference report notes that "it is expected that the President's regulation will in those cases merely confirm existing supply relationships." While it may represent a beginning, S. 1570 is woefully inadequate to meet the serious problems we now face.

It is absolutely essential that a much stronger regional allocation provision be added to the bill now before us, S. 2589. It is essential just to carry out the objectives which this bill seeks to achieve, namely, providing adequate fuel for all American citizens and correcting dislocations in the national distribution chain. More than that, however, it is essential if we are to avoid catastrophic energy shortages in major areas of this country.

The second amendment, Mr. President, is designed to subject those who engage in black-market sales of fuel to criminal penalties. This is already a problem in my State with regard to propane and diesel oil and I think we can anticipate in a period of national shortage that some individuals and companies will attempt to exploit the situation for profit.

My amendment would subject any person who willfully and knowingly commits repeated violations of fuel conservation rationing regulations to a fine of $50,000 and/or imprisonment for not more than 6 months.

Mr. President, I regret that the emergency nature of our energy problems prevents greater deliberation on this bill. That cannot be helped. We can only try to make the final measure as effective as possible.

I believe my amendments will contribute to that and I urge the Senate to adopt them.

Mr. President, I call up the first amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 17, between lines 18 and 19, insert the following:

"(c) Not later than fifteen days after the date of enactment of this Act, the President shall take such action as may be necessary to determine the fuel needs among the major geographic regions of the United States and shall promlugate a plan which will assure an equitable distribution of available fuel supplies among such major geographic regions of the United States based upon their respective relative needs, including the respective relative needs of each of the several States within any such region. Such plan shall include such allocation of available transport facilities as may be necessary to assure the equitable distribution which is required under such plan. Plans prepared pursuant to this subsection shall be implemented within 30 days of their promulgation."

Mr. EAGLETON. Mr. President, this amendment is a follow-on to the Pastore amendment, which was adopted earlier today by voice vote. It stems from the same dilemma, and I will not repeat the cogent arguments set forth by the distinguished Senator from Rhode Island (Mr. PASTORE), but will summarize them briefly.

Certain regions of the country have a particular dilemma insofar as fuel shortages are concerned. Those regions are primarily the New England area and the

Midwest. They are removed from the principal lines of fuel transport including ports of entry for imported stocks. Even in good times, even in so-called normal times, there are problems insofar as those two areas are concerned.

As we all know, we are no longer in good times; we are no longer in normal times. We are in a time of energy adversity. Hence, the thrust of the Pastore amendment, as it is with the pending Eagleton amendment, is to insure that such adversity as we may have this winter will be shared equally across the board and there will be no one area of abundance of affluence in the country and no area of total deprivation. Whatever shortage there may be should be borne equally from Maine to Hawaii.

My amendment would require the President to have in place and ready to become operable if needed a plan to redistribute energy resources to areas, such as New England and the Midwest, that might fall into short supply.

This plan would be subject to Congressional review and approval under section 301 of the bill once it is promulgated by the President of the United States.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. FANNIN. I commend the Senator for what he would like to do, although I feel that he is complicating the overall procedures that would be followed by the administration, acting in accordance with the requirements of this bill.

The bill, as he knows, is "to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes."

I say that because the amendment of the Senator from Rhode Island (Mr. PASTORE) did have reference to exactly the same fears that the Senator from Missouri has expressed, and I realize why he has those fears.

But the amendment of the Senator from Rhode Island was changed: "the President shall strive to insure that all regions and all States of the Nation share available fuels in an equitable manner."

I think this is an indication to the President of the desire of Congress to see that what the Senator from Missouri has provided in his amendment is accomplished. But if we are going to set up every phase of this work that is required by the administration, it is going to be so confusing that it will result in turmoil.

I realize that we all want equitable distribution, and that we want the transportation facilities to be made available. But also we must realize that this is a very complex situation, and if we do not give the flexibility to the President, we will reduce his ability to act on the general needs that the Senator from Missouri is approaching. I feel it is covered in the legislation sufficiently and that this amendment would be a barrier rather than assistance to carry out the mandate we give the President.

Mr. EAGLETON. Mr. President, in response to the statement by the Senator from Arizona, I must say that I respectfully disagree. He makes three principal points to which I would like to respond.

The Senator states, first, that it is all right for Congress to express the desire that a contingency regional allocation plan be set up but not to do anything more. We already have expressed that desire. We did so 6 long months ago. The Eagleton amendment to the Economic Stabilization Act gave the President discretionary authority to redistribute fuels in short supply among geographical areas of the country. We expressed our desire 6 months ago and nothing has been done.

Mr. FANNIN. Mr. President, if the Senator will yield.

Mr. EAGLETON. I would like to discuss the three points and then yield.

Mr. FANNIN. Very well.

Mr. EAGLETON. We are not mandating any specific plan. All we are saying is that under this bill we want the President to have ready to go on an "if need—if come" basis a plan for relocation and redistribution of energy to areas of short supply.

The Senator said we will make this program too burdensome if we require such a plan. This amendment does not presume to write the plan, but rather to require the President and his advisers to develop it and to submit it and other appropriate plans to Congress under the catch-all section 301 already in the bill.

Finally, the Senator said we have to give the President a good deal of flexibility. Indeed, we do, and this amendment does. We do not say we are going to take oil from New Orleans and ship it to St. Louis or from Los Angeles and ship it to Vermont. We do not encumber this at all in detail. All we mandate is that the President and his advisers, in light of their dismal past history in dealing with the energy crisis, have a plan ready to go when needed this winter. Should an emergency arise where certain areas are hard hit by shortages, we will need to act quickly. This is more than a possibility. It is predicted by NOAA. I never remember what all the initials stand for, but it is the agency that predicts the weather.

According to these weather predictors, there will be a particularly severe winter in the Midwest and Great Plains States this year. I hope the prediction is wrong, but if it is correct there will be a particular dilemma in the Midwest because (a) we are short of fuel even under normal circumstances and (b) we truly will be in trouble if we have this unusually cold winter that the predictors forecast for us.

All we do in my amendment is to tell the President in light of what we now know or can anticipate to have available a plan that will be of assistance to areas that will be particularly hard hit in the forthcoming winter.

Mr. FANNIN. Mr. President, I commend the Senator for what he did provide in connection with the Economic Stabilization Act. That has afforded the administration the opportunity to go forward with planning. I am not at all concerned that they have not been doing exactly what the Senator is talking about. They have been operating under a procedure that is outlined in the Economic Stabilization Act, and I think it is sufficient.

If we start trying to develop every detail of the program I do not feel that it will have flexibility. We would be telling them what to do without having all the facts.

The Senator is familiar with the transportation industry. That is an industry I was associated with and I know the complexities of trying to switch fuel from one area to another or switch from one type fuel to another. We must depend on the administrators and the departments in charge of these responsibilities to carry through, and I think they will.

I do not think the amendment is necessary to accomplish the objectives that the Senator has in mind. I think it will be handled properly and the President will have greater flexibility than if we have the stipulations provided in the amendment.

As I have stated, this would create problems rather than solve problems.

Mr. EAGLETON. Mr. President, in response to the Senator's response, I wish I could be a bit more sanguine about his view of the ability of the administration to cope with this problem. Had it not been for the administration's experience under the Eagleton amendment I might be. But, nothing has been done with that amendment. It has been on the books for 6 months but so modestly implemented as to be almost useless. Against that track record, I cannot be confident that the administration will be prepared for what is going to be not just a possibility but an eventuality this winter, to wit, one or more regions of this country will be severely, almost oppressively hard hit this winter by energy shortages. Like the Boy Scouts, let us be prepared. All this amendment says is we know what is going to happen, let us be prepared. Draw up a plan now because you are going to need it soon.

Mr. FANNIN. Mr. President, to reiterate, I feel the plan the Senator is discussing is certainly being prepared and has been considered as part of an overall program. I think to further confuse the issue would be unwise.

Mr. FONG. Mr. President, will the Senator yield to me for 3 minutes?

Mr. EAGLETON. I am pleased to yield to the Senator from Hawaii.

Mr. FONG. Mr. President, I wish to propound a question to the distinguished chairman of the committee and the ranking minority member of the Interior Committee for clarification regarding section 203, entitled "Emergency Fuel Shortage Contingency Plans."

Under paragraph (b)(2) of this section, restrictions are to be placed against the use of fuel or energy for nonessential uses. I am concerned, Mr. President, that the interpretation of the term "nonessential uses" may become troublesome.

In my State of Hawaii, the visitor industry is, by far, the largest income producer for our local economy, outside of defense spending. In 1972, for instance, visitor expenditures in Hawaii totaled $755 million. This is more than twice the combined sales of Hawaiian sugar and pineapple. It is expected that Hawaii's visitor industry expenditures will surpass defense expenditures this year for the first time.

An estimated 40,000 persons in Hawaii are employed by hotels and other businesses directly related to the visitor industry.

So, obviously, Hawaii's economy is heavily dependent upon the visitor industry, which in turn is heavily dependent upon fuel to move people to and throughout the State.

I would also like to point out that 10 percent of Hawaii's tourist business is dependent upon visitors from Japan. Last year 235,000 Japanese visitors came to Hawaii and this year that number will increase to 300,000. The expenditures of these foreign visitors help considerably to lessen our balance-of-trade deficit.

I would welcome your comment, Mr. President, on whether an industry as vital to Hawaii as the visitor industry and which helps to improve our trade balance, can expect to receive equitable and fair treatment under the rationing and conservation program contemplated in this legislation?

Mr. JACKSON. The answer is "Yes." We certainly contemplated there would be fair and equitable treatment in recognizing that the economies of each State are different. May I say the economy of Hawaii, as the Senator has pointed out, is heavily dependent on tourism. The bill contemplates a vital and healthy economy. This is not a luxury as far as Hawaii is concerned; it is a business. The people who come there, of course, may have problems getting there, depending on where they live and depending on the availability of jet fuel for commercial aircraft primarily, I would assume. But the bill itself, as far as Hawaii is concerned, does not single it out as a State which is in the luxury business, because while it may be a luxury for the person who goes there, it is an essential part of the business of the State of Hawaii.

The answer to the Senator's question is "Yes."

Mr. FONG. I thank the Senator.

Mr. JACKSON. Mr. President, I yield to my colleague.

Mr. FANNIN. Mr. President, I merely wish to state to the distinguished Senator from Hawaii that I, too, agree with the answer "Yes." As stated in the bill, on page 14, section 102, "Purposes," under subsection (e), the intent is to "minimize the adverse effects of such shortages or dislocations on the economy and industrial capacity of the Nation."

Tourism is a vital part of the Hawaiian economy. The employment of people, and their ability to carry their load from the standpoint of taxation and otherwise, is vital. So I do not have any hesitancy in saying to the Senator from Hawaii that this is an important factor, and I am sure the intent of the committee members was to that effect in providing this language.

Mr. FONG. Mr. President, I wish to thank the distinguished chairman and the ranking minority member of the committee for their clarification of this section and holding that the tourist business in Hawaii is an essential business.

I ask unanimous consent that a letter from the Hawaii Visitors Bureau be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Hawaii Visitors Bureau,
Honolulu, Hawaii, November 13, 1973.

Hon. Hiram L. Fong,
U.S. Senate, 1313 Dirksen Building, Washington, D.C.

Dear Senator Fong: The Visitor Industry is a key factor in the economy of the State of Hawaii. The economic departments of both major banks in the State rank the Visitor Industry second following Federal Expenditures and considerably ahead of Sugar and Pineapple.

The following are figures of the major components of the Hawaiian economy:

[In millions]

	1962	1972
Defense expenditure	$375.8	$765.5
Visitor expenditures	154.0	755.0
Sugar & pineapple sales	274.4	343.5

The figures demonstrate the meteoric rise in the importance to the State economy of the visitor industry. Mr. Wes Hillendahl, Vice President and Director of Business Research at the Bank of Hawaii, has estimated that Visitor Industry expenditures will surpass Defense Expenditures in 1973. Hence, the State economy is heavily dependent upon the Visitor Industry, which in turn is heavily dependent upon fuel to move people to and throughout the State.

A further example is the growth of hotel room inventory and visitors to the State:

	1962	1972
Total visitors	352,145	2,244,377
Total state room inventory	10,915	36,608

As of October 1973, the hotel room inventory was 37,819 and of this amount 12,650 were on Neighbor Islands which can only be reached by air transportation.

The State Department of Labor and Industrial Relations show that in 1972 there were 17,830 people in the labor force employed by hotels. There are many others in wholesale and retail trade and also in other service businesses which relate directly to the visitor industry. Unfortunately there is no breakdown available, but estimates place it about 40,000.

Hotels in the State are geographically situated many miles away from airports, requiring transportation from the airport to the hotel. The airports in the State are not serviced by municipal transport between the airport and the hotels and the visitor requires private transportation. This is predominately handled by tour buses. In the last year the number of visitors who came to Hawaii as a member of a tour group from the mainland U.S. had increased to 48 percent of the total, and we see this further increasing. This occasioned an increase in the number of tour buses to handle larger group movements. The change from independent traveler to group is consistent with what is happening world wide.

Research has shown that one of the key factors to our success is the many visitor attractions throughout the State. The visitor does not spend a great deal of his day on the beach. The intensity of the sun's rays has a bearing on this, but more important is the desire on the part of the visitor for a new experience. Therefore, they travel by tour bus, boat and U-drive to the visitor attraction they wish to see.

The 1973 State Data Book shows that the 1972 attendance at the USS Arizona Memorial was 880,460. In addition great numbers also visited Pearl Harbor on the boat cruises. The Polynesian Cultural Center received 498,000 people, Sea Life Park 450,000, and Iolani Palace State Monument received 656,000. These represent just a few of the attractions and do not take into consideration the many around-the-island and other tours which are not to a specific location which keep a count, therefore, figures are not available.

In considering transportation and fuel requirements, we must also take into account the vast growth in the tour bus and other ground transportation vehicles since 1972. For example, there were some 264 tour buses operating in 1972.

This has increased to approximately 343 thus far in 1973—a growth factor of 30 percent. It is estimated by the Hawaii Sightseeing Association that by the end of 1974, based on new buses on order at this time, that this figure could easily rise to about 400 vehicles, or an increase over 1972 of 51 percent.

An area of prime consideration from the standpoint of the current U.S. balance of trade deficit is the visitor from Japan. Last year we had 235,000 Japanese visitors, or about 10 percent of our total. This year we estimate that we will have approximately 300,000 Japanese visitors. These visitors contribute greatly to the invisible export tourism not only through their hotels, meals and hard goods purchases, but in the many tours for which they contract.

It is imperative that the Japanese move in groups by tour buses. There is a language factor which precludes the use of U-drives or other forms of transportation. We would confidently say that without adequate transportation, Hawaii, and therefore the U.S., would lose this vital market. It is an integral part of all Japanese travel that they go in groups and that their trips are well structured containing many tours. Unlike the visitor from the U.S. and other foreign countries, i.e., Canada, Australia, New Zealand, etc., the Japanese seldom travels other than with his groups.

This is just a quick picture of the dominant role the visitor industry plays in the economy of the State of Hawaii. Due to the multiplication factor of tourism expenditures, the effect of any major change in its role would be felt in almost every sector of the State. Our special geographic situation dictates that people fly here and then in addition fly between the islands. The high word-of-mouth factors in conveying visitor satisfaction would be irreparably damaged for some time to come if the visitor was not able to travel within the State to see the places which he has come here for as a part of his total experience.

With the current phasing out of a number of sugar and pineapple operations we are left with only tourism to replace them. For the foreseeable future we will have to economically depend upon the visitor industry to absorb people displaced from agricultural pursuits. Therefore, the economy of the State must continue to have a viable visitor industry and as such it depends directly upon the ability to move visitors to and throughout the State.

Sincerely,

JOHN G. SIMPSON,
President.

Mr. JACKSON. Mr. President, I am hopeful that we could accept the amendment, so we could dispose of it.

Mr. AIKEN. Mr. President, will the Senator yield for one more question?

Mr. EAGLETON. Mr. President, will the Senator address his question to me?

Mr. AIKEN. Yes. On page 14, line 6, the committee grants to the President of the United States, and directs him to exercise, specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products, and other fuels.

Would the chairman advise us whether that "other fuels" applies to stove wood, fireplace wood, and wood used for industrial purposes, such as the manufacture of maple sirup?

I think it should be understood that millions of people in the United States depend upon wood not only for heating their homes but for other purposes as well.

I know they would feel better if the chairman of the committee would advise us that this wording is not intended to apply to stove wood or fireplace wood or wood used for boiling maple sap, and that amounts to thousands and thousands of cords of wood every year.

It does not apply to wood, does it?

Mr. JACKSON. To be very candid about it—my colleagues can corroborate what I am about to say—we never discussed wood as a fuel—stove wood or fireplace wood. Frankly, what we are really talking about in "other fuels" here relates primarily to coal. We were not talking at any time during our deliberations of the movement of fuel such as wood.

I take it that in a particular sense, conceivably, if we reached a total disaster situation, wood could be included. But it is not in the context of this emergency.

Mr. AIKEN. It would not apply to buffalo chips?

Mr. JACKSON. That is a most searching question. I come from wood country, too, I will say to the Senator, but it never ran through my mind that we would be talking about allocating wood in the national fuel sense. So I think it is fair to say that it is not contemplated in this kind of emergency. Let us not have anything worse than this.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the distinguished Senator from Connecticut (Mr. WEICKER) may be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I take it that the Senator from Missouri has asked for the approval of his amendment.

Mr. EAGLETON. Mr. President, I move the adoption of my amendment.

Mr. FANNIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, I have a question to ask of the distinguished Senator from Missouri. First of all, is it not the intent of the amendment to regulate only those fuels that the subject to regulation already in S. 2589? I respectfully refer to the fact that in subsection (f) of section 203 intrastate gas is not subject to regulation, and therefore the Government would not add the regulation of intrastate gas.

Mr. EAGLETON. That is correct.

Mr. JOHNSTON. The second question relates to the relationship of the section of the amendment, about mandatory allocation. The section having to do with mandatory allocation provides that some fuels subject to regulations in S. 2589 are subject to regulation but not allocation. But according to the schedule that sets up provisions for public health, safety, and welfare, in the first category; public service in the second; and agriculture in the third category; and so forth, I wonder whether the amendment would simply refer to an equitable distribution among the major geographic regions of the United States and to an equitable distribution among the States within that region. I wonder whether that may not be regarded as an allocation according to States rather than an allocation according to needs, based on the allocation of needs as set forth in the mandatory allocation bill.

Mr. EAGLETON. I believe this is working in harmony with other portions of the bill and previous legislation. At the risk of oversimplification, the amendment provides that if region X has 90 percent and region Y has 50 percent of basic needs there should be some balancing of supply between them. The Midwest and New England might not think it is quite fair to have 50 percent of what they need while other regions have a surplus. If shortages are to be incurred, they should be borne equally from Maine to Hawaii.

Mr. JOHNSTON. Why would not that result from the mandatory allocation bill, in section 4?

Mr. EAGLETON. Because as I read the mandatory allocation bill and the Economic Stabilization Act, that is discretionary only. This amendment mandates that we have a plan in place. It does not try to spell out parameters but it provides that if there is to be a horrendous shortage of oil in the Midwest and New England, there had better be a plan in place to take care of fuel distribution to that part of the country.

Mr. JOHNSTON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri. On this question the yeas and nays have been ordered.

Mr. EAGLETON. Mr. President, I yield to the Senator from Vermont.

The PRESIDING OFFICER (Mr. HASKELL). The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, a sentence in the Senator's amendment—and I agree with his purpose—reads:

> Such plan shall include such allocation of available transport facilities as may be necessary to assure the equitable distribution which is required under such plan.

Mr. President, am I correct in interpreting "available transport facilities" to mean not only railroad facilities, boxcars, tank cars, coal cars, but also barges and trucking services?

Mr. EAGLETON. That would be correct.

Mr. AIKEN. All of them?

Mr. EAGLETON. The Senator is correct, yes, sir.

EQUITABLE DISTRIBUTION OF AVAILABLE FUEL SUPPLIES

Mr. SYMINGTON. Mr. President, current estimates indicate that we will only have available approximately 83 percent of our fuel needs this winter. Predicted shortages in some regions, particularly New England and the Midwest, range as high as 25 percent.

This situation clearly threatens the health, safety, and welfare of the American people and demands immediate, constructive action. It is for this reason that I support passage of S. 2589, the proposed National Energy Emergency Act of 1973.

In Missouri, fuel shortages have already caused economic disruption with industries laying off employees. Many workers in Missouri and throughout the Midwest now face the grim reality of a winter without a paycheck, being forced to try to buy food, fuel, and clothing with unemployment insurance. It is for this reason that I cosponsored the amendment offered by Senator EAGLETON.

This amendment would direct the President to establish and implement a plan assuring an equitable distribution of fuels among the geographic regions of the United States. It also provides authority for allocation of transport facilities to assure this distribution.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Georgia (Mr. TALMADGE), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Kentucky (Mr. HUDDLESTON) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. Baker), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from New Mexico (Mr. Domenici) are detained on official business.

On this vote, the Senator from Nebraska (Mr. Curtis) is paired with the Senator from Illinois (Mr. Percy). If present and voting, the Senator from Nebraska would vote "nay" and the Senator from Illinois would vote "yea."

The result was announced—yeas 49, nays 37, as follows:

[No. 484 Leg.]

YEAS—49

Abourezk
Bayh
Biden
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cotton
Cranston
Dole
Eagleton
Fulbright
Gurney
Hart
Hartke
Haskell
Hathaway
Hughes
Inouye
Jackson
Javits
Magnuson
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Stevenson
Symington
Taft
Tunney
Weicker
Williams
Young

NAYS—37

Aiken
Allen
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Cook
Dominick
Eastland
Ervin
Fannin
Fong
Gravel
Griffin
Hansen
Hatfield
Helms
Hruska
Johnston
Long
Mathias
McClellan
McClure
Nunn
Pearson
Scott, Hugh
Scott, William L.
Stafford
Stevens
Thurmond
Tower

NOT VOTING—14

Baker
Curtis
Domenici
Goldwater
Hollings
Huddleston
Humphrey
Kennedy
Nelson
Percy
Saxbe
Sparkman
Stennis
Talmadge

So Mr. Eagleton's amendment was agreed to.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EAGLETON. Mr. President, I have one final amendment, which I now call up.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 29, between lines 15 and 16, insert the following:

(c) It shall be unlawful for any person to offer for sale, distribute in commerce, or import into the United States, any product or commodity in violation of an applicable order or regulation issued pursuant to this Act. Any person who knowingly and willfully violates this subsection after having previously been subjected to a civil penalty for a prior violation of any order or regulation issued pursuant to this Act shall be fined not more than $50,000 or imprisoned not more than six months, or both.

Mr. EAGLETON. Mr. President, this is an anti-black-marketing amendment. Already in the committee bill, Mr. President, there are various civil penalties to be imposed upon individuals or corporations who violate the regulations or provisions of law. What this amendment seeks to do is as follows: If an individual or a corporation sees fit to violate the law and a second time, and after being caught once and paying a civil penalty, he sees fit to continue in the black-market business, he would be subject to a criminal penalty for the second offense.

The problem of black-marketeering, Mr. President, is quite real. During the summer difficulties, when gasoline was in short supply in many sections of the country, repeated complaints were filed with our office, and I dare say the office of every Senator, about situations wherein a dealer could find some gasoline, but would have to pay the black-market price.

Now, as the drama of the winter becomes all the more severe, we are receiving daily complaints with respect to black-marketeering of propane, which is in inordinately short supply, and black-marketeering of diesel fuel.

I do not think, Mr. President, that it is enough to have just a civil penalty for repeated violators. Admittedly, anyone might make a mistake once, and perhaps a civil penalty for that unintentional, absent-minded, negligent offender would be sufficient. But if a person does it twice, knowingly, willfully, as the law requires, then I think a civil penalty under the circumstances is necessary and warranted.

Mr. President, I am prepared to yield back my time.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Clark). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I misspoke myself——

Mr. LONG. I object, Mr. President.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

Mr. EAGLETON. Mr. President, I misspoke myself and I want to correct a part of what I said——

The PRESIDING OFFICER. The Chair ruled that there was no objection——

Mr. LONG. Mr. President, a point of order. Does not the Chair owe the Senate time enough for someone to object when a unanimous-consent request is made?

Mr. EAGLETON. Mr. President, I am going to call for a quorum in 30 seconds if the Senator from Louisiana will——

The PRESIDING OFFICER. The Chair would state, that would ordinarily be the case. The Chair has no objection and so rules.

Mr. EAGLETON. Mr. President, I wanted to clarify one statement I made. I indicated that the first offense for which there would be a civil penalty might be negligence or inadvertence. I am wrong on that, and I want to clarify the record on that point.

For a person to be found in violation and subject to a civil penalty, which is the first offense, it must be shown he had willful knowledge in advance of the illegal act. The criminal penalty I am proposing is for the second willful offense, the second time in which a person or corporation knowingly and willfully violates the regulations or the laws, and goes ahead and does it the second time. Under my amendment, he would be subject to a criminal penalty.

Mr. President, before asking for a quorum call, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. COTTON. Mr. President, will the Senator from Misouri yield for a question?

Mr. EAGLETON. I am pleased to yield to the Senator from New Hampshire.

Mr. COTTON. That means, if this amendment is adopted, that those of us who live in States contiguous to Canada, if some individual crossed the border and filled up his gas tank in Canada before he returned to the United States, he could be, had he been in a pervious violation, subject to a criminal penalty. Is that correct?

Mr. EAGLETON. That would not be the case, because as I take it under the committee bill, that would not be a violation. Am I correct in that?

Mr. COTTON. Then it would be an importation——

Mr. EAGLETON. All my amendment would apply to would be some act that would be in violation of the bill as written. If there is a willful violation the first time, and then there is a willfull violation the second time, there would be a criminal penalty imposed on the second willful offense.

Mr. COTTON. That I understand. Then if the first time——

Mr. EAGLETON. I did not understand the committee bill to prohibit or to make a person subject to a civil penalty if as a resident of the State of New Hampshire or other northern State he went into Canada and got a full tank of gas.

Mr. COTTON. That is the very query I am raising. I do not know.

Mr. EAGLETON. That is my understanding. I would like to ask the Senator from Washington (Mr. Jackson), and I join in the query of the Senator from New Hampshire, whether, under the committee bill as written, an individual in the northernmost New England States who crossed over into Canada and filled up his tank with gasoline in Canada, assuming rationing by that time had gone into effect, would be guilty of a civil violation?

Mr. JACKSON. Mr. President, my counsel advises me that the interpretation of the bill would be that there would be no violation, that we have no export-import limitations in the legislation, so it would not be a violation of law. The Senator from Missouri is correct.

Mr. COTTON. But the amendment offered by the Senator from Missouri uses the word "importation."

Mr. JACKSON. Let me add that there are mandatory export-import limitations in the mandatory allocation act and in the Alaskan pipeline bills, but not in this bill.

Mr. EAGLETON. The kind of importation referred to is commercial importation, not to an individual crossing the Canadian border to get gas for personal use.

Mr. AIKEN. If the Senator from Missouri will yield, does not this amendment give them the right to issue regulations?

It says:

> For a prior violation of any order or regulation issued pursuant to this Act, . . .

Can they issue any order under this act that are not already in the law?

Mr. EAGLETON. The rulemaking authority under the act is delegated in certain regards. That is a standard legislative delegation. Any violation of those rules in certain instances can invoke a civil penalty. If done the second time, it becomes subject to a criminal penalty.

Mr. AIKEN. It says in the amendment—

> Any person who knowingly and willfully violates this subsection after having previously been subjected to a civil penalty for a prior violation of any order or regulation issued pursuant to this act shall be fined not more than $50,000 or imprisoned not more than 6 months, or both.

In order words, they can violate the law once? Is that correct?

Mr. EAGLETON. They can have one intentional violation which is subject to a civil fine. If it is done the second time, then it is subject to a criminal penalty.

Mr. AIKEN. What I was wondering was, could the language of this amendment be construed to permit rules or regulations to be issued which could be in conflict with the Tariff Act or customs laws?

Mr. EAGLETON. No; I do not think so, not unless the Tariff Act is repealed or amended by implication and I doubt that it is.

Mr. COTTON. I am sure that I quite understand the intent of the Senator's amendment and that it is a completely laudatory intent. It does not, however, insofar as I have been able to ascertain, draw any distinction between the importation of fuel or energy for commercial purposes for distribution, such as would be the case with the proprietor of a gasoline station and wholesale station and the mere act of an individual from my State who happened to be in Canada and got a chance to fill up his gas tank with gasoline for his own use at a time when stringent limits are applied to individuals. It seems to me that in order to have the amendment safe, a distinction should be drawn between a criminal penalty for a seller or a dealer by importing fuel illegally and an individual simply being across the line and filling up his own tank. That can well happen many times in a State such as mine. It seems to me that it is a little stringent unless that distinction is drawn.

Mr. EAGLETON. Mr. President, I think the Senator from New Hampshire is making a valid point. Therefore, I ask unanimous consent to modify my amendment as follows, in order to satisfy the legitimate objection of the Senator from New Hampshire: On line 2 of my amendment, I ask unanimous consent to substitute the word "or" in lieu of the comma and to strike the remainder of line 2—"or import into the United States." So that the amendment would read:

> To offer for sale or distribute in commerce any product or commodity.

All references to imports would be stricken.

The PRESIDING OFFICER. Is there objection to the modification? The Chair hears none, and the amendment is so modified.

Mr. COTTON. I thank the Senator.

Mr. LONG. Mr. President, I should like to ask a question of the distinguished manager of the bill. I ask the Senator from Washington whether this matter was considered by the committee and what the committee's view was of this measure.

Mr. JACKSON. We have, of course, sanctions in the bill. We did not discuss specifically a criminal penalty such as is included in the Eagleton amendment. It was not discussed. I think that the way it has been modified now, it is a reasonable amendment.

Mr. LONG. Then, I take it that the manager of the bill favors the amendment.

Mr. JACKSON. Yes; I will support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from Alabama (Mr. SPARKMAN), the Senator from Montana (Mr. METCALF), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. BAKER), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Nebraska would vote "nay" and the Senator from Illinois would vote "yea."

The result was announced—yeas 72, nays 15, as follows:

[No. 485 Leg.]

YEAS—72

Abourezk
Allen
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Dole
Dominick
Eagleton
Eastland
Ervin
Fulbright
Gravel
Griffin
Gurney
Hart
Hartke
Haskell
Hathaway
Helms
Hughes
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Symington
Taft
Thurmond
Tunney
Weicker
Williams
Young

NAYS—15

Aiken
Bennett
Brock
Buckley
Cook
Cotton
Domenici
Fannin
Fong
Goldwater
Hansen
Hatfield
Hruska
Scott, William L.
Tower

NOT VOTING—13

Baker
Curtis
Hollings
Huddleston
Humphrey
Kennedy
Metcalf
Nelson
Percy
Saxbe
Sparkman
Stennis
Talmadge

So Mr. EAGLETON's amendment was agreed to.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

REPORT ON GOVERNMENT SERVICES TO RURAL AMERICA—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HATHAWAY) laid before the Senate a message from the President, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry. The message is as follows:

To the Congress of the United States:

Today I am transmitting the third annual report on government services to rural America, as required by Section 901(e) of the Agricultural Act of 1970.

RICHARD NIXON.

THE WHITE HOUSE, *November 15, 1973.*

REPORT ON HEALTH ACTIVITIES UNDER THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HATHAWAY) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare. The message is as follows:

To the Congress of the United States:

I am pleased to submit to you the third annual report on health activities under the Federal Coal Mine Health and Safety Act of 1969, Public Law 91-173.

This report covers the implementation of the health program carried out by the National Institute for Occupational Safety and Health of the Department of Health, Education, and Welfare. It represents a compendium of coal mine health research, medical examinations of coal miners, and other related activities of 1972.

It is encouraging to note that in 1972 the Department's coal mine research program moved significantly toward our goal of preventing the development and progression of coal workers' pneumoconiosis.

I commend this report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *November 15, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. HASKELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. BUCKLEY. Mr. President, today we are engaged in a debate on a bill that is of the utmost importance to the Nation. We are asked to delegate to the the Executive extraordinary emergency powers in order to help us tide ourselves over the present energy crisis until such time as we are able to bring domestic demand and supplies into closer balance. During this period, enormous sacrifices will be asked of the American people and equally enormous authority will be vested in a few men and women over the rest of us. We will be told who is to receive which petroleum products, how many hours we will work, how fast we will drive, how we will schedule our airlines and buses and trains, and the temperatures at which we will keep our homes and places of employment.

Much, if not all, of these measures are without any doubt essential to meeting our short-term needs. They are, however, half measures that fall alarmingly short of meeting our real, most urgent needs in stimulating the most rapid feasible increase in energy supplies while unleashing forces that in the longer run will most effectively allocate scarce energy supplies while encouraging a maximum of voluntary conservation.

Neither the President's November 7 address to the Nation, nor the emergency energy bill comes to grips with our most urgent need; including the need to free up the economy so that high risk investment will once again flow into the business of finding and developing new sources of energy, and so that the magic of the marketplace will see to it that scarce resources find their way to their highest economic uses.

For some incredible reason, the whole discussion of the energy crisis has tended to ignore the fact that we find ourselves in our current predicament largely because of past governmental interference in the workings of a free economy. The direct cause-and-effect relationship between natural gas shortages and FPC price controls is too well documented to need elaboration here. Nor can it be doubted that we suffer from a serious deficiency in domestic refining capacity largely because of the disincentives to new refinery construction that resulted from the oil import quota program.

These self-inflicted shortages are now being compounded by the effects of the wage and price controls that have been imposed on the American economy during the past 2 years. These have had, among other effects, that of depriving domestic exploration companies the added incentives to find new oil that would have been provided had domestic prices been allowed to rise in response to normal maket forces.

They have caused innumerable independent distributors of gasoline and fuel oil to go out of business, often leaving entire communities stranded without adequate alternatives; and now that the FPC and the Cost of Living Council have belatedly allowed some increases, in the price for new oil and gas, those responding to these price incentives find themselves restrained by shortages in such essential items of drilling equipment as bits and casing that, in turn, have been caused by the effects of price regulation on the pattern of products produced by the steel industry.

Given these facts, it is difficult to understand how we can move towards emergency measures of a work authoritarian nature, however essential in the short run, without at the same time liberating our economy and energy-producing industries from the contra-productive effects of wage and price controls.

The disastrous impact of these interferences in the workings of the marketplace are not limited to the energy crisis. Our fuel shortages, and the problems we face in overcoming them, are symptomatic of what can be expected in almost every sector of our economy as a result of the ill-considered attempt to cope with inflation by trying to apply band-aids to patch over the symptoms rather than to find cures for the underlying causes. While I would hope that the fact of our critical energy shortages would bring the basic facts home to the Congress, my fear is that the effect of these and other shortages will only be to reinforce the ranks of those who cannot see any solution to any problems other than the establishment of still tighter controls over the American economy and over the freedoms of the American people.

Mr. President, I believe we are approaching a watershed between a return to economic freedom and the extraordinary productivity and widespread material benefits that historically have been associated with that freedom, and an institutionalizing of layer upon layer of regulation, directives, and controls that can only remove the elasticity of our economy and create greater shortages at higher prices for the American people.

Do I exaggerate? I think not, but perhaps it might be informative at this point to quote the words of C. Jackson Grayson, who served as head of the Price Commission in phase II of President Nixon's economic stabilization program. In the November–December 1973 issue of the Harvard Business Review, Mr. Grayson said:

> . . . I am personally convinced that our economic system is steadily shifting from a private enterprise, free-market economy to one that is centrally directed and under public control . . .
>
> . . . I am not saying that there is and will continue to be public regulation of the private enterprise system. Since 1930, we have had that—a mixed public-private system. But, in the 1970's, the pendulum of the mix has been swinging further, and faster, toward central control.
>
> Call it what you will—managed capitalism, socialism, a planned economy, a post industrial state—the end result will be the virtual elimination of the free-market system as we now know it. There will be no signposts or traffic lights. We will simply shift over to another kind of system. . . .
>
> Impetus for this trend has not come from a group of revolutionists, and only partly from leftists, liberals, youth, intellectuals, and socialists. Instead, it has come from the public at large, from the Congress, and, perhaps most surprisingly, from the actions of many labor and business leaders . . .
>
> I view this trend with alarm because I favor retaining the very powerful features of the market system. I hold this position, not out of blind faith in an ideology, but for these reasons:
>
> *Demonstrated economic superiority*—The economic record clearly reads that the U.S. free-market, private enterprise system has produced the highest standard of living in

> history and has demonstrated a remarkable ability to adapt to changing conditions.
>
> *Political freedom.*—The principles of democracy and personal freedom are most compatible with a decentralized market system.
>
> *Personal experience.*—I have witnessed the difficulties of trying to allocate resources by centrally directed price controls. These difficulties have convinced me that it is impossible to improve on the system in which billions of daily market decisions by the public determine our resource allocations.
>
> Capitalism is more than a system of economic voting by buying a can of peas. It is also a system of values and attitudes, a way of life that permits individual motivation, excitement, personal freedom, variety and excellence. I do not see these attributes flourishing in centrally planned and controlled systems. . . .

Mr. President, there is not very much I can add to Mr. Grayson's incisive and compelling analysis of the benefits of the free market system. But I do think that it is useful to remind ourselves of some of the effects of the kind of thinking that has led to wage and price controls.

Let me begin by asking a basic question. Why do we have wage-price controls in the first place? The desire to check inflationary forces or maintain consumer price stability for certain classes of consumers would seem to me to be the two most important reasons usually given by those who urge controls.

Yet, the universal experience here and abroad demonstrates that these measures will not relieve inflationary pressures. In fact, to the extent that they divert us from attending to the causes of inflation—namely, an excessive expansion of the supply of money—we build up pressures that in time burst out just as they have in this country during the past year.

Since the Nixon administration took office in 1969 we have had an opportunity to test the efficacy of controls. Between December 1970 and August 1971 when controls took effect the consumer price index grew at a 3.8 percent annual rate. After August 1971, the Nation has undergone the trauma of four phases of controls in various forms in a futile attempt to control prices. Since August 1971, prices have increased at a 10.9 percent rate with extraordinary dislocations imposed on an already strained economy.

The explanation is not difficult to find. In the 3-month period before controls, the Federal Reserve increased the money supply at our annual rate of only 5 percent. Since controls were imposed in August 1971, the money supply has increased at an average annual rate of 9.1 percent swamping efforts to impose controls on an economy which was overheated by a monetary policy fueled by over $100 billion in Federal deficits in 5 years.

The effects of controls may be beyond calculation, but the symptoms of such dislocations is painfully evident in press reports every day. I have collected a compendium of articles from newspapers and magazines in only the last 6 months to illustrate the harm done to virtually every sector of the economy by the imposition and retention of wage and price controls.

I ask unanimous consent that these articles be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, the shortages recited in the articles I have submitted—shortages in foods, in news print, fuels, furniture, bottle gas, bricks, baling wire, food freezers, and a host of other products did not just happen. They were caused. They were caused by the imposition of controls in a free market. When the market ceases to be free, when producers are not allowed to command fair return on the sale of their goods, they will stop producing the items they are not allowed to sell at prices commensurate with their costs and risks.

Nor is this merely a matter of devising a more effective regulatory machinery. Economic interrelationships are so subtle, so sensitive, that it is impossible for any body of regulators, however large, however wise, to anticipate how and where to mobilize the resources and set the prices so that our infinitely complex economy can work at maximum efficiency. Adam Smith's "invisible hand" is still the most reliable economic regulator known to man.

A axiom which has been raised to the status of a cliché among professional economists is that the one task economists can perform if given the power to do so, is to create a surplus or a shortage. In the 1950's and 1960's, economists were able, by raising the price of wheat through Government price supports above the price which the market would pay, to create the famous agricultural surplus of the period. Later, by simply attempting to set the price of agricultural commodities below the price consumers were willing to pay, they created the food shortage of 1973. The tragic frequency with which the consequences of attempts to control prices and wages by Government edict in recent years provides persuasive evidence that there is no administrative or procedural reform which can improve them. Wage and price controls by substituting the bureaucratic judgment of producers and consumers will create surpluses or shortages under any circumstances with the best of intentions on the part of all participants.

The time has come for the Congress to recognize that wage and price controls not only do not work—they cannot be made to work in a free society. The legislative authority the Congress conferred on the President has resulted in grave injury to our productive capability and the equity of its distribution without any significant offsetting social benefit. In short, wage and price controls have been an unmitigated disaster for the economy of the United States, and should be abolished forthwith.

Wage and price controls have not worked. The evidence is everywhere. Let us curb our pell mell race to multiply the controls already burdening our economy. Let us stop deceiving the American public by promising that we can regulate our economy into prosperity and abundance at stable prices. Let us instead face reality. Let us bite the bullet and restore to the American people the kind of free, competitive economy that has in the past and will in the future provide us with an abundance of goods at a price fair to all.

Mr. President, almost 200 years ago, Edmund Burke said that—

> The people never give up their liberties but under some delusion.

In the face of our recent experience with the most authoritarian peacetime controls over our economy it is time that the Congress stop deluding itself and the American people that we can regulate an end to our shortages and inflationary pressures. The most constructive single action this Congress can take to help meet the energy crisis and to avert other shortages in other sectors of the economy is to vote the immediate abolition of the Economic Stabilization Act of 1970.

Mr. President, as my contribution to a truly effective emergency energy bill and as a contribution to a return to sanity in the management of our economic affairs, I herewith send to the desk an amendment that will have the effect of terminating wage and price controls.

The PRESIDING OFFICER. Does the Senator intend to call up his amendment at this time?

Mr. BUCKLEY. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

> At the end of the bill, add the following:
>
> "TITLE IV—MISCELLANEOUS
>
> "SEC. 401. EXPIRATION OF ECONOMIC STABILIZATION ACT OF 1970.—Section 218 of the Economic Stabilization Act of 1970 is amended—
>
> "(1) by striking out 'April 30, 1974' and inserting in lieu thereof 'on the date of enactment of the National Energy Emergency Act of 1973'; and
>
> "(2) by striking out 'May 1, 1974' and inserting in lieu thereof 'on or prior to such date of enactment'."

Mr. BUCKLEY. Mr. President, I ask the yeas and nays.

The yeas and nays were ordered.

Mr. BUCKLEY. Mr. President, I have stated the reasons for submitting the current amendment. I believe that we should not proceed with what, at best, will be half measures. This would delude the American public into thinking that by spreading controls and regulators across the land we will speed the time when we will move out of a state of emergency.

Yes, I agree that many of the provisions of the energy bill under consideration today are essential, so that there be authority next week, next month, the months immediately ahead, to see to it that we conserve, to the extent possible, our scarce resources and that we leave no community stranded without adequate supplies, without a share of the shortage.

But, Mr. President, that is just one side of the coin. We need at the same time to unleash those economic forces that can get this out of an energy crisis. This will require the investment of hundreds of millions of dollars, billions of dollars, of high-risk money in the search for new oil and new gas. It will require the mobilization of research and development resources far broader than those that can be mobilized by the Federal Government in an attack on the other problems—that is, new ways of gasifying coal, liquefying coal, and all the other sources of our other indigenous resources, so that as soon as possible we may become self-sufficient and free from the threat of blackmail from overseas.

But I submit that this cannot be done in a controlled economy. As I pointed out in my remarks, those who now find the incentive, because of some relaxations in the gas and oil prices, to drill are running short of equipment with which to drill.

The pending bill recognizes that the shortages exist. And the answer given to this matter is to authorize the President to determine who is going to get which drill bit or which casing.

But we do nothing to enable the marketplace, namely the demand for drill bits and casing, to be translated into the kind of prices that will cause United States Steel, Bethlehem Steel, or Republic Steel to change the mix of what they are producing. If we do not understand this elementary fact, then what we are passing today as a one-year emergency measure will need to be extended and expanded year after year until we have internationalized controls of a truly frightening nature.

EXHIBIT 1

[From the Harvard Business Review, November-December 1973]

LET'S GET BACK TO THE COMPETITIVE MARKET SYSTEM

(By C. Jackson Grayson, Jr.)

For years, some economists and historians have been predicting the eventual collapse of capitalism in the United States, and the emergence of a perfectly planned government-regulated economy. We have already reached the stage where private enterprise has surrendered much of its freedoms to public authority. And, with the aid of inflation and price controls, we are quickly approaching the point where it will be too difficult either to give up the controls or to manage the economy that has been created. This is a problem not only for businessmen and labor leaders but also for each individual who is concerned to preserve a way of life that is worth caring about.

(Mr. Grayson writes about his beliefs in the private enterprise system, having observed our economy from a unique point of view. He served as Head of the Price Commission in Phase II of President Nixon's Economic Stabilization Program, and is now Dean of the School of Business Administration of Southern Methodist University in Dallas, Texas.)

For almost 15 months during Phase II of the Economic Stabilization Program, I served as the chairman of the Price Commission. Exercising control over most of the nation's price system, I saw this complex, capitalist economy from a most unusual observation post.

From this experience, and from what has happened since, I am personally convinced that our economic system is steadily shifting from a private enterprise, free-market economy to one that is centrally directed and under public control.

Price and wage controls such as we have experienced in Phases I through IV have helped to extend the degree of public control and to accelerate the rate of change. At some point—and I predict that, at the present rate, this point may be reached in about 15 to 20 years—the essential characteristics of a competitive, private enterprise system (nonregulated prices, profit motive, risk taking, collective bargaining) will no longer make up the economic engine that drives our system.

I am not saying that there is and will continue to be public regulation of the private enterprise system. Since 1930, we have had that—a mixed public-private system. But, in the 1970's, the pendulum of the mix has been swinging further, and faster, toward central control.

Call it what you will—managed capitalism, socialism, a planned economy, a post-industrial state—the end result will be the virtual elimination of the free-market system as we now know it. There will be no signposts or traffic lights. We will simply shift over to another kind of system.

The resulting system will probably not have widespread public ownership of production and distribution; but it will have public control. General Motors will not die; but neither will it remain a capitalistically motivated and directed enterprise. Rather, it will operate as an organization designed to implement public economic, political, and social policy.

Impetus for this trend has not come from a group of revolutionists, and only partly from leftists, liberals, youth, intellectuals, and socialists. Instead, it has come from the public at large, from the Congress, and, perhaps most surprisingly, from the actions of many labor and business leaders.

I feel that this current threat to our free, competitive economy should seriously concern us, not only because I strongly believe in that system, but also because of the effect its loss would have on the social character of the United States.

In this article I attempt to identify what the current shifts away from freedom are and why they are a cause for alarm, and to suggest courses of action that businessmen, labor leaders, and legislators could take to help reverse the clear and present trend.

WARNING SIGNS

The trends I see can be summarized as follows:

Business and labor are too often seeking to reduce rather than to encourage competition in their markets.

Continuing price and wage controls are leading the public to believe that central planning and control are superior, mandatory, and desirable.

Americans, in distrusting the market system, are demanding more economic benefits from the federal government and are seeking ways to insulate themselves from the impact of economic change.

In addition, international economic interdependencies are complicating our privately controlled market system. As recent balance-of-payments and exchange-rate problems demonstrate, closed economies are a thing of the past. Inflation can be exported and imported, increasing the call for more centrally coordinated economic policies between and inside nations.

BUSINESS SEEKS PROTECTION

Consciously and unconsciously, businessmen themselves are adding to the probability of greater centralization of economic control by seeking ways to reduce market competition—the very keystone on which the capitalist system rests.

Normally, competition is curtailed either by private monopoly power or by government protection. It is still unclear whether large corporations have sufficient power to control markets, reduce competition, and "administer" prices. Our internal studies at the Price Commission did not provide any evidence that prices were being administered by corporations. But, clearly, we did not have sufficient time to make a full study of this issue

We did have time, however, to observe innumerable instances in which business turned to government to seek forms of assistance which, in effect, would reduce competition—for example, asking for imposition of subsidies and tariffs, occupational licensing, fair trade laws, and import quotas.

Excerpts from letters written to me at the Price Commission by businessmen serve as illustrations:

"I do not advocate any program of isolation, but I do think it is good business for us to protect our national economic situation in the face of stiff and competitive foreign trade." (A steel company)

"We need government protection because we can't compete against the big companies." (A consumer goods company)

"If you break our fair trade laws, the market will be chaotic." (A cosmetics company)

"We can't survive if you let cheap products in from foreign countries." (A shoe manufacturer)

"We must have minimum milk prices if we are to have an orderly market." (A dairy products company)

"If we allow liquor prices to fluctuate freely, competition will be ruinous and the Mafia might move in." (An alcoholic beverages company)

Another way some businesses are hampering the free-market system is by not using the age-old competitive tool of reducing prices as a way to increase their sales.

Again, to quote from my 1972 mail:

"In all my years in business, I have never reduced prices to hurt a competitor." (A retail food supplier)

"Why did I raise my prices? My competitor did. I always go up when he does." (A chemical company)

Of course, this attitude is not shared by all businessmen. After the Price Commission authorized a cost-justified price increase, one businessman told me, "You gave us a price increase. I wish the market would."

My point, however, is that far too few companies are exploring market flexibility by reducing prices. And yet, when we ordered some companies to reduce prices because they had violated regulations, several reported that they experienced increased volume and a higher total profit.

But the reluctance to reduce prices is also understandable. Several heavy-industry companies reported that they feared competing too aggressively on price because they would capture a larger market share, drive out smaller companies, and be subject to Justice Department or competitor antitrust suits. Efficient stevedoring companies argued they would drive out smaller businesses if they held prices down. And after the Russian wheat sale drove flour prices up, small bakeries urged us to force large bakeries to raise their bread prices.

The threat of continuing price controls has compounded the price-reduction problem. Many companies report hesitancy to reduce prices for fear of being caught with a low "base price" in future freezes and phases. This was clearly demonstrated in Phase III, when freeze "talk" actually accelerated price increases.

Finally, I was surprised to find that the majority of businessmen with whom I talked wanted Phase II controls continued. The most commonly stated reason was fear of union power. The argument was that the balance of power has swung so far toward the unions that businessmen feel they can no longer negotiate successfully. Accordingly, they choose price controls over wage disputes; they prefer regulation to the problems freedom poses.

SO DOES LABOR

In the model of the free market, it is axiomatic that competitive behavior is required not only of business but also of labor. There must be competition in wages as well as in prices. More and more, however, it's not turning out that way.

Like big business, big labor tries to use government or private power to protect itself against such natural effects of competition as layoffs, dislocations, wage reductions, and advancement by competition.

Whether labor has too much power was not an issue we studied at the Price Commission during the control period. But many instances in which noncompetitive labor practices were driving costs up were reported to us as justifications for price increases—featherbedding in railroads and docks, restrictive work rules in construction and shipping, and rules barring more efficient methods in construction and printing.

An October 1971 staff report of the Bureau of Domestic Commerce estimates such extra costs in construction at $1 billion to $3 billion annually, in railroads at $700 million to $1.2 billion, in printing at $400 million to $600 million, in supermarkets at $250 million to $400 million, and in trucking at $275 million to $400 million.

These restrictive, noncompetitive work practices are usually defended by labor on humanitarian grounds. Without judging the merit of that position, I can definitely say that these practices drive costs up and usually result in higher unit labor costs, higher domestic prices, and reduced competitive abilities abroad.

Just as business often does not see price reductions as necessary and competitive, so labor does not see wage levels as connected so successful or unsuccessful competition in the free-market system. Nor does labor see the natural relationship between productivity and the wages that a company can afford to pay. Companies report mounting pressure from labor for increased compensation, regardless of the productivity of individual workers or of the nation as a whole. Labor's typical demands include increased minimum wage levels, "catch-up" wage increases, fixed productivity rates, tandem wage agreements, and annual pay increments.

For example, in late 1971, workers in the coal industry, which has had productivity decreases in recent years, received nearly a 14% wage increase settlement. The Price Commission, in one of its most important decisions, rule that this practice would lead to further cost-push inflation and, despite the 14% wage settlement, allowed the coal industry to submit only a 5.5% wage cost as justification for price increases. This practice was then followed for all companies throughout Phase II.

As a result of this "5.5 rule," two things happened. Some companies suffered reduced profits. But other companies bargained harder at the table because they knew they could not "pass on" more than 5.5%. In fact, some companies reported privately that they were pleased with the rule because it gave them a bargaining weapon greatly needed to withstand labor's pressures.

There is little question that if labor settlements, on the average, rise faster than overall productivity, the result will be inflation, unemployment, or both. Our 5.5% limitation was an attempt to crack into the wage-productivity imbalance by forcing price increases to reflect no more than the long-term national productivity gain of 3%, plus a 2.5% inflation goal. The 5.5% was a national procrustean bed that served a crunching purpose in the short run.

We've also heard arguments by labor that economic justice demands wages be increased—a growing egalitarian ethic that wages be based on need rather than on competitive reality.

But those who argue this line sometimes end up taking contradictory positions, as was illustrated during the debate over the minimum wage. At the same time that many labor leaders and members of Congress were loudly protesting price increases in Phase II, they were also fighting equally hard for increased minimum wage levels and extended coverage. Without entering into the merits of the economic justice argument, the commission computed that the various proposed bills on the minimum wage before Congress in 1972 would have increased the Consumer Price Index anywhere from 0.3% to 0.8%. Since no productivity gains would have ensued, the increased costs would have either come out of profits or been passed on in prices.

In summary, I can only point out to labor and to business that any time they seek, through private market power or government help, to reduce the effects of competition, they invite the danger of permanent central control over the economic system. Without competition, public controls may become, not an option, but a necessity.

WAGE-PRICE CONTROLS DISTORT

True, wage-price controls help attack inflation in the short run by (a) reducing inflationary expectations, (b) intruding on discretionary market power of business and labor, and (c) influencing the timing of price and wage decisions.

But, by their very design, such controls interfere with the market system and hasten its move toward a permanent central one. I can spot seven ways this occurs;

First, wage-price controls lead to distortions in the economic system, which can be minimized only in the short run. The longer controls are in, the harder it is to discern real from artificial signals. No matter how cleverly any group designs a control system, distortions and inequities will begin to appear. It happened in European control programs; it was beginning to happen in Phase II.

For instance, lumber controls were beginning to lead to artificial middlemen, black markets, and sawmill shutdowns. Companies trapped with low base-period profit margins were beginning to consider selling out to those with higher base periods, sending their capital overseas, or reducing their efforts. Instances of false job upgrading—which were actually "raises" in disguise—were reported on a scattered but increasing basis. To keep away from profit-margin controls, companies were considering dropping products where costs, and thus prices, had increased. And shortages of certain products (e.g., molasses and fertilizer) were appearing because artificially suppressed domestic prices had allowed higher world prices to pull domestic supplies abroad.

Exceptions and special regulations can handle some of these distortions, but the task grows more difficult as each correction breeds the need for another.

Second, during controls, the public forgets that not all wage-price increases are inflationary. In a changing, competitive economy, wage and price increases occur because of real consumer demand shifts and supply shortages. The resulting wage and price increases signal to business, "Make more"; or to labor, "Move here"; or to the public, "Use less."

Controls interfere with the signaling mechanism. A good example of how an artificially suppressed price-signal leads to eventual shortages is natural gas. Similar examples cn be found in labor where suppressed wages do not attract labor to areas in which there are shortages of skills or of workers.

But with wage-price controls in place, the public believes that all increases are inflationary—almost antisocial—and the clamor is for no, or very small, increases.

The sense of the statement, "You can eliminate the middleman, but not his function," applies equally to our economic system. We live in a world of scarce resources, and, as much as some would like to repeal the laws of supply and demand, it can't be done. Some system must allocate resources, we hope to the most efficient use for society. If wage-price controls, other government regulatory rules, or business-labor monopolies prohibit the price system from performing its natural function, then another rationing system (central planning and control) must be used. You can eliminate the price system, but not its function.

Third, during a control period, the public forgets what profits are all about. Even before wage-price controls, the public believed profits were "too high," even though they have actually declined in the past few years, from 6.2% of GNP in 1966 to 3.6% in 1970, and increasing only to 4.3% in 1972. And, with profit increases raised to the top of the news during the recovery of 1972 and early 1973, the negative public sentiment against profits increased. Why? The control system itself heightened the public's negative attitude toward profits at a time when capital regeneration, the fuel of the capitalist engine, was already alarmingly low.

Fourth, wage-price controls provide a convenient stone for those having economic or political axes to grind, particularly those interested in promoting a centralized economic system. For example, in 1972, Ralph Nader argued that automobile companies should not be allowed to raise their prices to reflect style changes. Others argued that price increases should not be given to companies that employ insufficient numbers of minorities or pollute. Nor should wage increases go to uncooperative unions.

Fifth, wage-price controls can easily become a security blanket against the cold winds of free-market uncertainties. They tell people what the limits are; they help employers fight unions, and union leaders to placate demands for "more" from their rank and file. The controlled tend to become dependent on the controllers and want regulations continued in preference to the competition of a dynamic market. At the same time, the controllers themselves can become so enamored with their task that they also don't want to let go. The public begins to fear what will happen when controls are ended, and seeks continuance. Witness the recent fears of moving from Phase II to Phase III, and the public (and Congressional) pressure for the freeze to replace Phase III. Even

Wall Street seems terrified at the thought of returning to supply and demand in the market. All of this proves that it is much easier to get into controls than to get out.

Sixth, under controls, business and labor leaders begin to pay more attention to the regulatory body than to the dynamics of the marketplace. They inevitably come to the same conclusion, summed up by one executive: "We know that all of our sophisticated analysis and planning can be wiped out in the blink of a Washington controller's eye."

Seventh, and most dangerous, wage-price controls misguide the public. They draw attention away from the fundamental factors that affect inflation—fiscal and monetary policies, tax rates, import-export policies, productivity, competitive restrictions, and so on. The danger is that attention will become permanently focused on the symptom-treating control mechanism rather than on the underlying problems.

THE PUBLIC VOICE

The public is also adding to the probability of more central control of our economic system. I can cite several basic attitudes at work to explain this phenomenon:

Increasing loss of faith in the ability of both business and labor leaders to operate our economic system.

Increasing expectation of greater economic benefits.

Intensified search for stability and egalitarianism.

In recent years poll after poll has quantified the growth of these trends in public opinion. For instance, over the last seven years, Louis Harris and Associates has been asking the public about its degree of confidence in the leadership of our institutions, and has made these discoveries:

Corporate executives share with bankers and educators the largest loss in public respect, declining from 55% in 1966 to 27% in 1973.

Confidence in labor leaders shrank from 22% to 15% in the same time period.[1]

And a 1971 Opinion Research Corporation study revealed that 62% of the public favored governmental controls over prices, 60% of all stockholders believed competition could not be counted to keep prices "fair," and fully one third of the public believed that Washington should set ceilings on profits.[2]

In general, my personal mail and my experience in numerous interviews with newspaper editorial boards and others confirmed that the public feels there should be more, not less, control of business and labor. And Congress reflects this mood in asking for more controls, tighter regulations, and more public agencies. Time and again, when I was told that we had to have more controls because the private enterprise system "didn't work." Such a sentiment does not make me optimistic about continued public support for our free enterprise economy.

Nevertheless, the growth in the public's disenchantment with the private enterprise system has been matched by an increase in the public's demands on that system. The public wants, for instance, higher pay for teachers, policemen, and women; a clean environment; better schools and medical care—and all without increases in prices or taxes.

At various Price Commission public hearings and in meetings with public groups and congressmen, I heard demands for increased pollution controls but, at the same time, for lower transportation prices, increased health benefits but lower hospital costs, increased mine safety but lower coal prices, decreased insecticide usage but lower food prices, protected forests but lower lumber prices, and so on. The demands are outrunning what we, as a society, can afford.

We cannot have it all ways without increased productivity. And, more and more, the public is not willing to wait for the market to provide remedies but is seeking centralized solutions to obtain the desired benefits now.

Finally, the move toward a central system is being aided by the public's desire to make people the same, both in ability and in susceptibility to economic change. The market system is conceived on the concepts of competition, monetary reward, excellence, and change. The current attitude stress stability, cooperation, elagitarianism, and income equality enforced by a central authority.

"Can we be equal and excellent too?" queries John Gardner in the subtitle to his book *Excellence*—a question which he discusses extensively but does not answer.[3] Everyone might like both, but the competitive system is built on the notion that those individuals and institutions outperforming others are not and should not be rewarded equally. But now, more people are seeking and getting protection, through tax reform, income redistribution plans, promotion by seniority, and so on, against "differences" generated by the operation of the competitive system.

And society's insistent cry for economic stability poses two dilemmas for our capitalistic system.

First, if the business cycle can be sufficiently dampened by government policies to avoid the unpleasant by-products, we might also run the risk of removing some of the essential features of capitalism, principally the ability of the capitalist system to adapt to changing circumstances and to encourage risk taking. That is, if we remove the valleys, do we not also remove the "mountains of incentive" for risk and change?

Second, the goal of "maximum employment" has been interpreted to mean low unemployment, and the arguments have centered on definitions of "low" (3%, 4%, 5%) and "unemployment." But stimulating demand to achieve low unemployment risks inflation. And moderating demand to reduce inflation risks high unemployment.

This unemployment-inflation trade-off is becoming more difficult to manage centrally. If low unemployment is government's primary goal, as it has been in recent years, inflationary pressures are created and fixed incomes become vulnerable. In turn, there are more cries for wage-price controls and greater planning.

Central economic planning holds a great deal of logical appeal for many economists, intellectuals, and businessmen. They conclude that, if businesses plan, governments should—or that somebody should be in charge of the economy.

While their arguments are appealing, to date no one in any society has been able to come up with a central planning model that is more efficient and effective than the seemingly uncoordinated actions of the marketplace. I do not believe it is possible to construct one. In the Price Commission, almost every time we tried to adjust our economic system to correct one problem, two or three more were created, and the more we felt the temptation to "control."

In the end, I believe that any extended control system would disrupt the free-market system. At worst, the market would break down; at best, it would be highly ineffective and subject to bottlenecks, quotas, and black markets. The trade-offs in our extremely large and highly interdependent economy are too complex to be done efficiently on a centralized basis. And then there is the question of who would supply the value judgments for the operations of such a system. Why not return to the one planning system we have that *works*—the price system.

POINT OF NO RETURN?

What does this all add up to? Where are we headed? Is our private enterprise system actually doomed?

There are many who have said *yes.* Karl Marx predicted that capitalism would destroy itself; Joseph A. Schumpeter flatly stated that capitalism cannot survive;[4] and Robert L. Heilbroner concluded: "The change [away from capitalism] may require several decades, perhaps even generations, before becoming crystal clear. But I suggest that the direction of change is already established beyond peradventure of doubt."[5] Even 'Adam Smith' observed in *Supermoney* that "the consensus is moving away from the market as decision maker and from the business society."[6]

Clearly, the factors I have cited *are* carrying us further and further away from the market system and toward a central economic one. I cannot prove we have gone or will go "too far," but I can point to figures substantiating the trend: our national income accounts show a shift in governmentally directed expenditures from 15% in 1930 to about 40% today. And the federal proportion has risen from 5% to 26% in the same period.

I am *not* saying, however, that the private enterprise system is doomed, nor that continuance of the trend toward central control is inevitable and irreversible. Nor do I feel that government has no role in the economic-allocation system. It clearly does and should. I believe, rather, that we are very near the point where further centralization will change our present system into one that can no longer perform its function efficiently.

I view this trend with alarm because I favor retaining the very powerful features of the market system. I hold this position, not out of blind faith in an ideology, but for these reasons:

Demonstrated economic superiority—The economic record clearly reads that the U.S. freemarket, private enterprise system has produced the highest standard of living in history and has demonstrated a remarkable ability to adapt to changing conditions.

Political freedom—The principles of democracy and personal freedom are most compatible with a decentralized market system.

Personal experience—I have witnessed the difficulties of trying to allocate resources by centrally directed price controls. These difficulties have convinced me that it is impossible to improve on the system in which billions of daily market decisions by the public determine our resource allocations.

Before some brand me a chauvinistic throwback to Social Darwinism, let me quickly add these points.

I am aware that our present system has competitive imperfections on both the price and the wage sides. It has never been, and never will be, as theoretically competitive as Adam Smith's description. Government vigilance and action are required to prevent the natural monopolistic tendencies of the system.

I am also aware that there are social problems and inequities in our present system which need correction, and that the central government should play a role in this task.

The difference between the centralists and myself is that I do not think the best solution is always to increase the size of the central system. *Rather, it is in a better functioning of our private competitive system and a better quality, not quantity, of public con-*

Footnotes at end of article.

trol. The question remains: How can this be accomplished?

BACKING UP

It is obvious from the foregoing that I strongly believe the trends toward a centralized, or government-controlled, economy should be halted. I believe the survival of almost our total economy is at stake.

Businessmen, labor leaders, government legislators, and administrators have the power to slow or alter the trends I've cited. By doing so, we may be falsely labeled rightwingers or reactionaries, but we should not be daunted. If a goodly number of us do not try to stop the present trends, we may, even within this decade, end up with an economy we cannot manage.

Recommendations on how to halt the present trends are discussed below. I do have one comment that applies to all of them. I do not believe, as some free-enterprisers do, that any of the suggestions I make should do away with the social achievements of the past 40 years. I believe that much, if not most, of the social legislation passed by the U.S. Congress protects the unprotected and provides social equity in economic terms that are consonant with the spirit of our political life and the protection of the individual by law. I deeply believe in equity.

I do not believe, however, in inequity. It is the inequities, rigidities, bureaucratic stiflings, and actual absurdities that we must attack. But again it is a question of how.

Selective deregulation: Obviously, not all regulation in the public interest should cease—for example, in the areas of safety, product quality, pollution, and health. But many economists can make a good list of those regulations that are interfering excessively with the competitive model, such as subsidies, quotas, tariffs, and competition-limiting labor and business practices referred to earlier in the article.

Monopolistic vigilance: Both business and labor have innate tendencies to seek monopolistic positions, and therefore they must be restrained. The same message also goes for professions (e.g., medicine and law) and trades (e.g., accounting and investment) that build up anticompetitive practices in the name of "professionalism."

The Sherman, the Robinson-Patman, and the Clayton acts, all designed to bring about these goals, were written many years ago. Each needs continued enforcement and should be examined for revisions and oversights in its application.

Three-branch overhauls: Just as physical systems need periodic checks and overhauls, so do our social institutions. Government is no exception. Many of our procedures and institutions at the local, state, and federal level were designed for an agrarian society with slow communications and an isolated domestic economy.

At a minimum, I suggest a regularized public review, say, every three years, of the organizational and administrative procedures of government.

Political involvement: We live not just in an economy but in a *political* economy. Our economic system does not operate according to the classical laws of supply and demand but through the interaction of power and politics with economics. If business and labor leaders wish to steer the system in the direction they believe best, they cannot simply deplore, fume, curse, and hire a Washington lawyer or lobbyist. They must get directly involved by holding public office, personally visiting regulatory bodies and Congress, participating in citizens' affairs groups, and allocating time for employees to participate in local, state, and national politics.

Public advocacy: Related to the need for political involvement is the need for public advocacy of all views about our economic system. Those supporting increases in government's role are currently more vocal than are the advocates of the private enterprise system. The reason, I suspect, is that advocacy of private enterprise is often ridiculed as mossback in viewpoint, anti-intellectual, socially insensitive, and on the side of vested interests and "fat cats."

Nevertheless, those believing in the private enterprise system must speak out, not bombastically but intelligently. Every avenue should be utilized—speeches, articles, participation in local affairs, appearances at schools, employer-employee discussions, and so forth.

Economic education: If people are to make intelligent choices about the nature of our economic system, they must understand more economics. My experience at the commission has convinced me that economic understanding in this nation is low, much lower than it should be for people to make wise choices.

Education to promote understanding should begin with our young people and extend through adult life, emphasizing not a partisan view but a clear presentation of various economic fundamentals and systems.

Better economic tools: The economic policy tools of taxation, budget, and monetary supply, by which government manages the overall economy, are very crude and require overhauling. The econometric models are weak, the implementation process rigid, and the needed data often not available. For instance, decisions were made in Phase II with a frightening paucity of economic information. At the very least, this situation could be corrected by funding the many excellent economic research organizations to enable them to come forward with recommendations for the Congress and the President.

Business schools: Business schools should turn out students who understand both the strengths *and* the weaknesses of the private enterprise system, as well as its responsibilities to society. Too often, technicians are being graduated who are narrow professionals and blind ideologists.

One particular recommendation is that more schools encourage entrepreneurs. The entrepreneur is the lifeblood—the innovator, creator, pusher—of the private enterprise system, without him, the system will tend to become change-resistant and bureaucratic.

Department of Economic Affairs: Part of President Nixon's proposed departmental reorganization program is the creation of a new Department of Economic Affairs. In the Price Commission, we saw numerous instances in which the dispersal of economic policy matters in various parts of government inhibited the formulation of an integrated and consistent program.

I support the proposed new department, which would gather together under one head the economic branches of various departments and agencies, e.g., Transportation, Commerce, Labor, the Small Business Administration, and others.

Productivity: A strong, increasing productivity is one of the best preventives against inflation and one of the strongest assets of a private enterprise system. Therefore, business and labor must work together to shore up our lagging productivity, particularly as we shift to a more service-oriented, and hence lower-productivity, economy. Government can also help in this area through policies that stimulate capital investment and R&D.

In addition to the National Commission on Productivity in Washington, there should be a private sector productivity institute, like those in Japan, Germany, and Israel, which would be a clearinghouse of information and source of help and education.

A DIFFERENT KIND OF ROAD

My recommendations advocate continuation of a private enterprise, free-market system with these essential features:

The price system.
Private ownership.
Collective bargaining.
The profit motive.
Freedom of entry.

Capitalism is more than a system for economic voting by buying a can of peas. It is also a system of values and attitudes, a way of life that permits individual motivation, excitement, personal freedom, variety, and excellence. I do not see these attributes flourishing in centrally planned and controlled systems.

Yet I am not denying a role to central government. Government can help to ease transitions caused by change through stimulating or contracting the economy and informing the public of the cost and benefits of various alternatives, e.g., pollution control versus higher prices, caribou protection versus energy supply, unemployment versus inflation. Government also has the extremely important function of setting and monitoring the rules of the economic game through antitrust laws, product-quality standards, pollution controls, and so on. These restrictions are set principally to keep competition alive and to protect the general public.

The key issue is at what point do such activities and restrictions on the private enterprise system inhibit it to the *point* of rendering it effectively inoperative?

The tug between laissez-faire and state regulation has been going on for centuries. They are contradictory, but both are valid approaches and applicable under appropriate conditions. Yet neither is of universal application for all purposes.

We seem to advance by overaccentuation of one principle at a time, like a sailing vessel that is first on one tack and then on another, but is making to windward on both. It is important, therefore, not to hold too long on the same tack, not to believe too strongly that either principle is absolute and universal.

For the real danger is that people will strive for the triumph of a particular philosophy and will refuse to consider the limits of proper application of their particular point of view. In the heat of debate, the advocate often asserts extreme opinions and demands action more drastic than he would call for if he reflected more calmly.

I submit that what we must do is seek the balance between these opposing principles, realizing that it is almost as impossible to frame a comprehensive and universally applicable economic system as it is a political one. In making our Constitution subject to amendment, our forefathers showed they were aware that the best solution will not be found in one principle but in a set of ideas determined by experiment and observation of practical results. And it is extremely likely that the chosen path will not be the same forever, but will shift from time to time.

Phase IV could be a return trip to the relatively free-market system and, I hope, a reversal of the trend I have observed. It could be an opportunity for labor and business to demonstrate that the private sector can manage the market and fight inflation without further government intervention. If not—then I don't think that either labor, business, or the public will like the controls that will be imposed on our freedom in the future. And we will have helped to build our own cages.

This is not a pessimistic view, for, as Schumpeter stated, a report that a ship is sinking is not defeatist. It is only defeatist if the crew sits and drinks. They can also rush to man the pumps.

In every sense it's up to each of us.

FOOTNOTES

[1] Louis Harris, "The Public Credibility of American Business," *The Conference Board Record*, March 1973, p. 33.

[2] Thomas W. Benham, "Trends in Public Attitudes Toward Business and the Free Enterprise System," *White House Conference on the Industrial World Ahead* (Washington, Government Printing Office, February 1973).

[3] New York, Harper & Row, 1961.

[4] *Capitalism, Socialism and Democracy*, 3rd edition (New York, Harper & Row, 1962), p. 61.

[5] *Between Capitalism and Socialism* (New York, Vintage Books, 1970), p. 31.

[6] New York, Random House, 1972, p. 266.

PHASE IV FOLLIES—NAM, WITH ITS ROAD-SHOW, HAS A HIT ON ITS HANDS

(By Shirley Scheibla)

WASHINGTON.—The National Association of Manufacturers has a hit on its hands. Some time ago, along with the National Industrial Council, NAM planned to sponsor meetings in half a dozen cities in which perhaps a few hundred interested members could learn from Cost of Living Council officials—right from the horse's mouth, so to speak—how to comply with Phase IV wage-price regulations.

However, both organizations quickly found out that they had greatly underestimated industry's need to know. To date, a dozen meetings—in Charlotte, Cleveland, Detroit, Grand Rapids, Indianapolis, Los Angeles, Louisville, Philadelphia, Phoenix, Pittsburgh, San Diego, and Toledo—have attracted over 2,000 businessmen, a figure which is expected to swell to over 4,000 by the year-end. Additional roadshows will take place today at Greensboro, tomorrow at Richmond, and at perhaps half a dozen or more locations, tentatively including Atlanta, Boston, Chicago, Dallas, Denver and Houston.

DON'T HAVE ANSWERS

Those attending represent virtually all phases of manufacturing and many service industries, Unfortunately, however, the conferences so far has generated less clarification than confusion. To many key questions, official spokesmen either have supplied unintelligible responses or have admitted that they don't have the answers. As a result, some exasperated businessmen have blown their cool. In Pittsburgh, one executive told them to "go back to Washington. . . . You are wrecking my company, my industry and the economy."

One of the questions asked at Detroit was what should be done about long-term contracts. Responding for CLC, Robert Woodland replied, "That question has been under review for two years, but we haven't done a damn thing with them."

Every price increase must be cost-justified, but a Detroit manufacturer said his company has a multitude of prices and doesn't do its cost accounting to provide a breakdown for each one. Mr. Woodland's solution: "Don't raise prices."

To determine allowable price increases, calculations of productivity are required. A questioner at Detroit asked how he should calculate that in a service industry. Paul Nelson, from the office of CLC's general counsel, said that question had come up before. "I gave a panicked check with CLC rules and regulations, and I can't tell. The regulations say compute it in accordance with the forms, and the forms say nothing."

On October 9–10, the Senate Separation of Power Subcommittee also tackled wage-price controls, and hearings may resume next month. Senator Sam Ervin (D., N.C.) heads the group. But since he is tied up with the Watergate hearings, he took the unusual step of asking a Republican, Senator Charles McC. Mathias of Maryland, to chair the hearings.

WHAT IS "TEMPORARY"?

In his opening statement, Senator Mathias said, "From the outset, the wage-price program has been characterized as temporary. As we enter its third year, however, I believe we must re-examine what is meant by 'temporary.'" He said Phase IV grants enormous power to a small group of men whose decisions can make or break any business in America. The purpose of the hearings is "to examine the vast and largely unchecked authority of the CLC and the fairness of its decision-making procedures."

The NAM-NIC conferences are furnishing excruciating chapter-and-verse to supplement the generalized complaints about the wage-price program presented so far to the Senate Subcommittee. At the Pittsburgh conference, a manufacturer of plastic products told what controls are doing to her. She is having so much trouble getting supplies of plastics that her only option is to go out of business. CLC experts were unable to offer an alternative, other than suggesting the possible decontrol of plastics.

In the face of a nationwide paper shortage, an executive of a Pennsylvania paper company said he is weighing the shutdown of three mills which make paper for phone books, catalogs and corrugated cardboard boxes. The reason: his company can't increase product prices enough to make the three mills profitable. (CLC considers profits as a whole, not plant-by-plant.)

CAN'T PASS ON INCREASES

A Pennsylvania manufacturer of plumbing fixtures said that last year he closed a large cast-iron foundry which had been operating at a loss and turned to fiber glass. Since this put profits above the firm's base period rate, it can't pass on any cost increases. As a result, it has removed from sale practically all product lines with mounting costs, and is selling only high profit items.

Most businessmen insist upon anonymity in criticizing controls, but Simon Strauss, executive vice president of American Smelting & Refining Co., spoke freely to Barron's about problems outlined to the NAM. He said his company is cutting its domestic sales by 12 percent this month in favor of selling abroad at unrestricted prices. If Phase IV continues, Asarco, despite high U.S. demand for zinc for galvanized steel, used chiefly in die casting in autos and in electrical appliances, might be forced to export as much as 40% of its output.

To continue operations at present levels, American Smelting needs to import raw zinc, and foreign prices range from seven to 28 cents above domestic levels. But the company may not legally pass along the higher costs to its domestic customers. "We had two options: Re-export, or not import and cut operations," according to Mr. Strauss.

Of course, a businessman with a "gross inequity" or "serious hardship" theoretically may apply to the Council for an exception to controls. According to Senator Mathias, however, "the terms are not defined in regulations or explained by CLC." (American Smelting, by the way, was denied an exception.)

NO EXCEPTIONS

After studying CLC's exceptions procedures, Professor Ernest Gellhorn of the University of Virginia testified that exceptions are granted without explanation and thus offer no basis on which other companies can decide if they're eligible. Subsequently, he said in an interview, "Here's a government agency running our economy, and we don't know what it's doing. The exceptions are just a naked exercise of government power."

CLC's requirement of 30 days pre-notification of price increases by large companies came in for a great deal of criticism at both the Senate hearings and the Detroit conference. Laurence H. Silberman, former Under Secretary of Labor, told the Subcommittee that wage-price standards are vague and encourage judgment on a case-by-case basis. "I have come to question, with the benefit of hindsight, some of the policies which I was partially responsible for formulating," he admitted.

One of the headaches of pre-notification, according to a Detroit industrialist, is that a company can't make a move until it incurs the higher cost. Then it can get no relief for 30 days.

RETURNED UNOPENED

Several Detroit businessmen didn't know how to handle pre-notification. "To whom is it submitted?" one asked. Mr. Bennington replied, "Regulations were published in the Federal Register August 31 and gave a post office box number. Use that." However, according to Senate testimony by Charles Binsted, president of the National Congress of Petroleum Retailers, when some gasoline dealers sent notices to a post office box number, they came back unopened and stamped "Post Office Box closed."

Mr. Bennington urged care in sending the notices so that the 30 days will start running. The NAM's Mr. Eves pointed out that many firms found their notices rejected for minor reasons and that written notice of this and a new filing led to additional delay.

Participants at the Detroit meeting made it clear that they don't know what is lawful. Everyone was given a so-called CLC Blue Book with explanations of Phase IV. But Mr. Nelson explained that it was published last August and is not up to date.

"Where can we get the latest official data on CLC requirements?" a businessman asked. Mr. Nelson replied, "It should be available through the Internal Revenue Service (charged with administering price controls for CLC), but I'm not sure how up to date they are."

DIFFERENT IRS ANSWERS

On this score, another executive commented that firms get different answers from different Internal Revenue Service offices. At that point, Tony Wycikowski of IRS, who was in the audience, stood up and identified himself and said that was true of CLC, too. A businessman added, "Our lawyers gave different interpretations than those given today, but then some of the lawyers within our company disagree."

In Detroit, a manufacturer of automotive parts and assemblies asked how his firm could get a formal ruling on whether it is a manufacturer of custom products and can increase prices without pre-notification. In the past, it assumed it came within the custom products exemption and has increased prices without pre-notification to CLC. But now the Big Three auto manufacturers are insisting that it must not increase prices further without notifying the Council.

Mr. Woodland advised the questioner not to identify his company and offered to obtain an informal ruling. Reminded by Mr. Eves that the request was for a formal ruling, Mr. Woodland said, "Yeah, but I'm not sure they want a formal ruling because if we say no, they've got a lot of problems. . . . Custom product is pretty tough to support . . . It's not comparable to any other product manufactured. We've had an awful lot of problems with custom products. I'd say the odds are three to one it's not a custom product."

Mr. Eves persisted, however. He explained the company needed a formal ruling in battling the Big Three. "The informal ruling is something that's fluid and changeable and not to be fully relied on. A formal ruling takes the form of a solid document." In the end Mr. Woodland promised a formal one.

Whether it will be forthcoming before the end of Phase IV, however, remains to be seen. There is talk of liquidating Phase IV by the end of this year. What will take its place is anybody's guess. Federal Reserve Board Chairman Arthur F. Burns urges a wage-price review panel. But the NAM and the U.S. Chamber of Commerce, which once went along with wage-price controls, now have jointly called for complete decontrol.

Authority for the controls expires April 30, 1974. Mr. Eves told the Detroiters. "Many think controls will end, not because of accomplishment of their objective but because they will collapse of their own weight. This depends upon the degree of pressure put on by labor and the business community."

SHULTZ SEES PUBLIC FED UP WITH CONTROLS

(By Lee M. Cohn)

Treasury Secretary George P. Shultz believes the Nixon administration can end price and wage controls only when the public becomes fed up with them. He is happy to see that mood emerging.

Shultz, who never has liked controls, observed in an interview that opinion polls indicate the nation is turning against the program. The public seemed to want to freeze everything in sight last spring, but now less than half the people support controls, he said.

This shift may alarm some administration officials, Shultz said, but he considers the growing hostility to controls a great development, even though he is in charge of the program.

Shultz said he was very unhappy about President Nixon's action freezing prices in June. He now thinks the freeze was one of the best things that has happened in economic policy—not because he has changed his mind about the freeze being a mistake, but because it dramatized the problems of controls.

The public was educated to the fact that there are adverse repercussions, including shortages and other distortions of the economy, when the government tries to suppress prices, he said.

Before the administration can end controls, he said, a favorable conjunction of political and economic forces must develop.

Economically, fundamental inflationary pressures must subside to the point where decontrol will not result in intolerable price and wage increases, he said. The administration is counting on increased supplies of goods and a slowdown of the economy to create this condition.

Politically, Shultz said, the public must come to a sophisticated understanding that the limitations and costs of controls offset the presumed benefits.

When the public sees only the benefits of controls, it is practically impossible to get rid of them, he said. But as the people become disillusioned with controls, he said, they will be willing to tolerate some inevitable price rises to get back to an uncontrolled economy.

Shultz refused to estimate when economic and political conditions will be ripe for ending controls. He left the impression that, largely becase the public is becoming fed up, controls could be abolished by early next year.

Despite his admitted opposition to controls, he insisted that the administration is doing its best to make them work. Some critics contend that the hostility of Schultz and other administration officials to controls has weakened the program.

While awaiting the right time to end controls completely, Schultz said, the administration intends to phase them out industry by industry. Lumber and a few other industries have been exempt from the start of Phase 4. The Cost of Living Council last week took an important step in the decontrol process by exempting fertilizer.

In some cases, an industry may be decontrolled if price pressures subside. In other cases, controls may be removed even if substantial price rises are expected, in order to relieve an industry's special problems.

That was the administration's reasoning in the fertilizer case. Foreign prices have been much higher than domestic prices, and the Cost of Living Council concluded that U.S. prices must be allowed to rise to prevent severe domestic shortages.

Shultz said the handling of the fertilizer industry illustrated an important part of the strategy for using the decontrol process to help overcome inflation. To win its exemption, the industry had to agree to expand production. Increased fertilizer supplies are expected to moderate price increases.

At some stage, all the remaining controls will be removed, Shultz said. The abruptness of this final step will depend on how far the process of gradual, selective decontrol has proceeded in the meantime, he said.

Decontrol industry by industry is difficult because each sector of the economy connects with other sectors, he said, but the administration still intends to follow this strategy.

Shultz made it clear that he wants as little government interference with prices and wages as posible after Phase 4 ends. While not ruling out such ideas as a permanent review board to monitor key industries, he held open the possibility of the government's complete withdrawal from direct participation in price and wage decisions.

Asked about recurring reports that he will resign within the next few months, Shultz said he has no plans to leave.

Referring to the Watergate crisis as well as the economy's troubles, he said the country is in the midst of major problems, which to a degree are unprecedented.

Instead of resigning, he said, his reaction is that when the country has problems one should stay at his post and work.

Despite all the recent shocks, he said, financial markets here and abroad have remained essentially strong and stable.

Shultz disclosed that he had requested and received a few hours advance notice of Vice President Spiro T. Agnew's resignation. If Agnew was going to resign, Shultz said, he wanted to be prepared to counteract any major financial repercussions.

As it turned out, he said, no defensive measures were needed.

Financial stability in the face of the Agnew affair and the Watergate crisis demonstrates the country's sense of balance, Shultz said. He attributed this largely to the independent power of the private sector, which helps insulate the nation from upheavals in the government.

A congressional investigation of the Internal Revenue Service is proceeding with the full cooperation of the IRS and the Treasury, Shultz said. The investigation has resulted from charges that the administration has used the IRS to harass enemies and protect friends.

Shultz said he is confident that the investigation will show that the IRS basically has done a good job. While declining to speculate about what the congressional investigators will report, he said he knows of no improper activities by the IRS.

Discussing taxes, Shultz indicated some support for a proposal by Rep. Wilbur D. Mills, D-Ark., to grant selective tax incentives to industries, such as oil and steel, plagued by scarcities. Mills, chairman of the House Ways and Means Committee, contends tax incentives for these industries to expand productive capacity would curb inflation and also help prevent or cushion a recession.

Shultz said he sees no possibility that Congress would grant the President discretion to raise or lower taxes to restrain inflation or stimulate the economy. At the most, he said, Congress might agree to vote proposals for such tax changes up or down promptly.

Economists are always trying to take the taxing power away from Congress, Shultz said. On the basis of the demonstrated sagacity of economists, he said, Congress is right to resist.

[From the Christian Science Monitor, Oct. 27 1973]

NIXON'S EX-TOP ECONOMIST WOULD SCRAP PHASE IV

(By Martin Skala)

NEW YORK.—To eliminate "serious distortions" in the economy, President Nixon's former chief economic adviser favors the scrapping of Phase 4 price and wage controls "at the earliest possible date."

The Cost of Living Council, the agency that sorts through hundreds of price-increase requests each week, "has a bear by the tail," says Prof. Paul W. McCracken, chairman of the Council of Economic Advisers from 1969 through 1971. "It would be better to let him go, than try to hang on."

A key policymaker involved in planning the price freeze in August, 1971, and the more flexible Phase 2 program, Dr. McCracken now believes that subsequent efforts to clamp a lid on an overheated economy have probably done more harm than good.

DISTORTIONS GROW

"The accumulating distortions of the controls program and its diminishing effectiveness in countering inflation are increasingly apparent," he noted in an interview.

Phases 1 and 2 had a "favorable, if transitory" effect in reducing inflationary expectations, Dr. McCracken noted.

For the first year and a half, controls were structured to deal with cost-push inflation, he says, and worked reasonably well in an economy with considerable slack. Once the economy neared full employment, however, direct controls began to interfere with market forces.

Some price increases were suppressed during Phases 3 and 4, but only at the cost of aggravating shortages of beef, foodstuffs, and industrial products. The "price explosion" that inevitably follows lifting controls, Dr. McCracken says, makes it "highly questionable whether you really gain very much by the whole exercise."

SERIOUS PROBLEMS ARISE

"Capacity shortages" in key industries such as paper, aluminum, steel, and chemicals, are one of the most serious problems arising from the controls program, according to Dr. McCracken. When industry is denied an adequate return on new investment there is little incentive to add new plant and equipment.

If it were not for controls, Dr. McCracken argues, a larger share of the national output would go to capital formation. In the past three years, capital formation has averaged only $39,000 for each new addition to the labor force. This is sharply lower than the $49,000 average for the 1963–68 period, and means that some members of the labor force are "stranded" because they can't be productively employed.

Corporate profitability, a key determinant of capital spending trends, remains low by historical standards. In 1973, Dr. McCracken estimates, corporate profits will equal about 10.5 percent of national income. "This is below normal for a business boom," Dr. McCracken says, and not high enough to encourage a sustained rise in the rate of capital formation.

So far, many businessmen have been willing to look beyond controls in making new capital spending commitments. But if Phase

4 is not ended soon, Dr. McCracken is concerned that a squeeze on corporate profits may dampen capital-spending plans.

A higher rate of capital investment, the red-haired professor contends, would accelerate economic growth, alleviate production bottlenecks, and make the United States more competitive in international markets.

Outlays for anti-pollution equipment now comprise a growing portion of U.S. capital expenditures. These may be socially desirable, but the buyers of this equipment, Dr. McCracken points out, "don't gain plant capacity or a more efficient operation."

LESS VISIBLE BUT STILL HEARD

Since returning to his teaching post at the University of Michigan's Graduate School of Business Administration a year and a half ago, Dr. McCracken is less publicly visible. But his economic forecasts continue to be of interest to the financial community, the half dozen companies on whose board of directors he sits, and members of Congress.

At a recent session of the Joint Economic Committee Dr. McCracken predicted that the economy was headed for a slowdown in 1974, but not a serious one.

Dr. McCracken doubts there will be a 1974 recession because business inventories are relatively low, capital spending is on the upswing, and the U.S. foreign-trade picture is rapidly improving.

Although he has a healthy respect for the potent impact of monetary policy, Dr. McCracken doubts that the Federal Reserve Board is "brewing a recession" as some economists fear. "I'd be worried if the Fed didn't allow the monetary aggregates to grow during the fourth quarter, as happened during the past three months. But I don't think it's going to happen," he said.

REAL GROWTH "REASSURING"

The quiet-spoken economist calls the economy's 3.6 percent real growth rate during the third quarter "reassuring." Deceleration in economic growth, to less than half of the torrid pace of the first quarter, suggests that inflationary pressures are easing. However, rising food and other raw-material prices are expected to continue to be a problem.

Although his 1974 economic outlook fits in neatly with the prevailing "soft landing" consensus, Dr. McCracken doesn't feel too comfortable with it. Fuel shortages, stiff wage demands by organized labor, or an unexpectedly sharp drop in consumer outlays may mar the relatively sanguine business outlook.

"A sense of modesty" should accompany all economic projections these days, he declares. A review of 19 prominent economic forecasts made earlier in the year indicates that most were very wide of the mark.

Economists grossly underestimated the intensity of inflationary pressures, the impact of devaluation on the U.S. price levels, and the degree to which industrial capacity was utilized.

[From the Los Angeles Times, Oct. 25, 1973]

NO FUTURE FOR WAGE-PRICE CONTROLS

Wage and price controls have outlived their usefulness. They should not be extended at the latest beyond next April 30, when the Economic Stabilization Act is due to expire.

Controls can work for a while. But then the inevitable inequities, distortions and disincentives begin to pile up. Underlying economic pressures assert themselves, and prices go up anyway. Wage and salary earners find that the purchasing power of their paychecks is going down, pay increases notwithstanding. As the government tries to keep the lid on prices of items that are of special concern to consumers, the effect is less to hold down prices than to create shortages.

This is what has happened.

The evidence is all around us. As AFL-CIO President George Meany put it the other day, "After two freezes and four phases, the annual inflation rate, which President Nixon found unacceptable at 4.8% in 1968, was 8% in the first half of 1973." Among the growing list of products in scarce supply are furniture, fertilizer, bottled gas, paper, newsprint, food freezers and baling wire.

It would be unfair to blame all this entirely on wage and price controls. Worldwide shortages of certain foodstuffs and raw materials are a major factor. What is clear, however, is that controls are an inadequate solution and, in the long run, can actually do more harm than good.

As a result, more and more people have come to agree with William J. Fellner, the newest member of the President's Council of Economic Advisers, who recently warned that "any large-scale interference with the price structure beyond a very limited period" is a mistake.

There is now a widespread disenchantment with controls, even among people who originally helped pressure Mr. Nixon into adopting them.

Meany is demanding a quick end to the wage-and-price-control system. Similar demands have come from the National Assn. of Manufacturers, the Business Council and the government itself.

Arthur F. Burns, chairman of the Federal Reserve Board and an early champion of controls, made a speech a few days ago concluding that, "A control system can help for a time—and it did. But it is time to return to free markets." The President apparently is getting the same kind of advice from one or more members of his Council of Economic Advisers.

It is advice that we believe the Administration should take. In dealing with the type of inflation the country now has, the great need is for intelligent fiscal and monetary policy. If wage-price controls are extended at all, they should be restricted, as suggested by Burns, to industries dominated by a small handful of companies and unions.

It can be predicted with certainty that, if controls are removed, prices will rise. On the basis of experience in the last two years, however, it can also be predicted with certainty that prices will also rise if controls are left on. In the long run, the only way to curb inflation is to bring supply into a better balance with demand, and that will happen more quickly without controls.

[From Review and Outlook, Oct. 28, 1973]

RETROSPECTIVE ON CONTROLS

We suppose that anyone who still believes price controls can stop inflation is beyond help, but it won't hurt to glance at the accompanying chart for a visual confirmation of our experience. Since the imposition of controls, inflation has turned not better but worse.

The six-month moving average of the consumer price index turned down in early 1970, and continued down until controls were imposed in August 1971. It turned back up in mid-1972, in the midst of "tough" Phase 2 controls. Since then it has ascended to heights far above those reached in any recent non-controls atmosphere. Little wonder that the U.S. Chamber of Commerce and the National Association of Manufacturers have —somewhat belatedly it seems to us—joined the AFL-CIO in calling for prompt and complete termination of controls.

Purely on the basis of the record, one would have to conclude that far from extinguishing inflation, price controls fuel it. That conclusion is overly simple, of course, because since mid-1972 many other powerful inflationary pressures have been at work. The money supply has been expanding rapidly, 7.4% between the fourth quarters of 1971 and 1972. The government budget has been in deficit, and economic growth has been straining the economy's capacity.

Even at that, though, the inflation has been more rapid than any usual economic view would predict. In trying to explain it, economists are looking toward international economic developments. Perhaps the impact of the dollar's devaluation was more inflationary than most theories predict. Or perhaps as First National City Bank and Argus Research Corp. argue, attempts by European central banks to maintain fixed exchange rates by buying dollars swelled European banking reserves and money supplies, leading to a world-wide inflation that spills back into the U.S. economy.

Price controls presumably were intended to stop the increase in prices in the face of these powerful domestic and international forces. This was a pipe dream, as nearly everyone now recognizes. We would go a bit further, to argue that in a couple of respects controls did indeed cause higher prices.

For one thing, there is the effect on the psychology of the Federal Reserve Board. Even those skeptical about the real effect of controls—and it is by no means clear that this description applies to everyone at the Fed—would probably feel some influence from the announcement that some other part of government was going to take over the inflation problem. So if there had been no controls the money supply probably would not have expanded as rapidly, and prices would not have risen quite so sharply.

Beyond that is the problem of shortages. The diehard supporters of controls ignore this problem when they contend that their policies have not failed but were never tried. It is of course quite true that the biggest price jumps have occurred during the more relaxed phases of the controls program. Usually these apologists blame the relaxation on George Shultz' association with the University of Chicago, but those who look not at personalities but events will find the following cycle:

Tight controls are imposed. Shortages and dislocations start to develop. Because of the shortages and dislocations, controls have to be relaxed. Then you get all the price increases you would have had during the tight-controls period, plus those caused by the controls-induced shortages, and probably some more by businesses trying to get ahead of the next period of tight controls.

No group of controllers will be able to avoid this cycle, for none of them can possibly be smart enough to foresee the secondary and tertiary effects of their actions, especially in an increasingly integrated global economy. They learn too late that if they fiddle with gasoline prices and supplies they may end up with a fuel oil shortage. After setting U.S. prices for fertilizer or cotton they suddenly learn that world prices are higher and foreigners are buying so much of the supply there isn't enough left for Americans. And if they achieve really efficient enforcement with an army of bureaucrats, they will drive down investment and plant expansion and end up with shortages of everything.

So we very much doubt that the dismal record of controls have much to do with any particular set of men or philosophy of controls. The problem is something far more basic, the limits of human intelligence. And the sooner we recognize that controls are doomed by facts of simple psychology the sooner we will be able to start rebuilding a healthy economy.

[From the Los Angeles Times, Oct. 14, 1973]

BURNS CALLS FOR END TO BLANKET PRICE CONTROLS

(By Paul E. Steiger)

HOT SPRINGS, VIRGINIA.—The Economic Stabilization Act, which authorizes federal wage and price controls, should not be extended past its April 30 expiration date, Chairman Arthur F. Burns of the Federal Reserve Board said here Saturday.

Burns, here to address a meeting of the Business Council, a group of top corporate executives, told a press conference that the act should be replaced by a wage and price review board.

The board would have power to suspend or overturn price and wage boosts only in industries dominated by a few firms or unions, Burns said. The Administration would no longer have power to freeze prices or wages across the board.

Burns, an early advocate of controls, echoed recent statements by business executives that the shortages, disruptions of supply and other costs of the present comprehensive controls were beginning to outweigh the benefits.

"A control system can help for a time—and it did," Burns said. But, he said, "it is time to return to free markets."

Nixon Administration officials have said they, too, want controls to end as soon as possible but have put off until year's end a decision on whether to seek an extension of the Stabilization Act.

Burns' opposition to an extension could be important, because in the past he has backed wage-price controls more enthusiastically than most of Mr. Nixon's other economic advisers.

In remarks to the Business Council, Burns and William J. Casey, undersecretary of state for economic affairs, pronounced the dollar healthier than it had been in the recent past and predicted that the U.S. balance of trade would move into surplus next year for the first time since 1971.

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Casey predicted that the dollar would be revalued upward in coming months, thereby reducing costs of imports.

He told reporters that the value of the dollar could be expected to float upward against that of other currencies in coming months.

And, he said, when a new international monetary system is agreed on, presumably in about 18 months, there could be a formal revaluation, reversing part of the effect of the devaluations of December, 1971, and early this year.

Casey said the U.S. trade deficit—at an annual rate of about $3.5 billion compared with last year's record $7 billion—had been reduced in part by a rise in exports to the Soviet Union and China.

By the end of 1973, U.S. trade with Communist countries will approach $3.5 billion, nearly three times last year's $1.2 billion, Casey said.

Exports to China will reach about $800 million this year, instead of the $250 million to $300 million predicted in January, he said.

[From the Los Angeles Times, Oct. 13, 1973]

Businessmen Want Controls Scrapped

(By Paul E. Steiger)

Hot Springs, Va.—In condemning what they called the inequities and distortions of Phase 4 economic controls, members of the Business Council—a group of top U.S. corporate executives—told Nixon Administration officials here Friday that they wanted price and wage controls scrapped before they wrecked the economy.

The business leaders, in a two-day semi-annual meeting with Administration officials at this mountain resort, said they preferred the risk of higher wage demands to the continued bureaucratic constriction of prices and profits under Phase 4.

Some of the businessmen complained that the controls were actually spurring inflation in some parts of the economy, particularly by encouraging foreign interests to buy up and stockpile scarce commodities such as cotton.

The businessmen's sharp criticism of the controls contrasted to the general acceptance expressed in this same forum in late 1971 and 1972.

The head of one major California-based corporation said he was so disillusioned with controls that he now looked to a recession as the only way to knock out inflation.

In responding to the business complaints, Treasury Secretary George P. Shultz repeated previous Administration statements that President Nixon would like to see controls ended before next year, too, but that it was foolish to set a date for their removal now.

Shultz disclosed that the Administration was having difficulty devising criteria by which it could gradually exempt from controls industries in which inflationary pressures are abating.

The problem, Shultz said, is that the economy is not made up of separate industries—"it's one big thing." Relations between industries are so tight, he said, that if one industry is exempted, a related industry remaining under controls is likely to be squeezed.

Shultz said, however, that the Administration still favored ending controls on a step-by-step, industry-by-industry basis, rather than all at once.

When asked whether the Administration would seek extension of controls past the April 30 expiration date, Shultz said that decision probably would be made around the first of the year, in conjunction with the President's budget and other major domestic policy messages.

Shultz said he did not know how much prices might rise if controls were removed now.

But he said that when he asked the Business Council members how many would boost prices within three weeks of the lifting of restraints, "a substantial number of hands went up."

Although they were harshly critical of controls, the businessmen were more optimistic about overall prospects for the economy.

[From the Wall Street Journal, Oct. 11, 1973]

Wage-Price Curbs Are Called Disruptive, Uneven in Impact by Cost Council Aide

Washington.—A Senate subcommittee was told that the government's wage and price controls bring "inevitable hardships" and produce "dislocation, distortion and delay."

The witness, however, was hardly assailing the Nixon administration's wage-price controllers, being one himself: William Walker, general counsel of the Cost of Living Council.

Mr. Walker was appearing before a Senate Judiciary subcommittee that's looking into complaints that the economic-controls machinery pushes businessmen around unfairly, His testimony reflected the administration's ambivalence toward its own controls program, with the controllers barking wage-price orders while claiming to hate it.

Mr. Walker told the subcommittee that as long as Congress and the Executive stick to a policy of fighting inflation with controls, a price must be paid. "Wage and price controls are, by definition, disruptive and uneven in their impact," he stated. He said the subcommittee "must bear in mind the fact that controls are deliberately designed to interfere directly with people's economic behavior and that dislocation, distortion and delay are inevitable results of that process."

Mr. Walker cited President Nixon's June promise to drop the controls as soon as possible, and said the Cost of Living Council's high command agrees with that.

The subcommittee's hearings were chaired by a Republican, Charles Mathias of Maryland, acting at the behest of its regular Democratic chief, Watergate-busy Sam Ervin of North Carolina. Sen. Mathias said the testimony might help Congress write more procedural safeguards into the controls law when it's up for renewal next spring.

Business and consumer witnesses testified that it's hard to get timely information out of the Cost of Living Council, and complained that the controllers take procedural shortcuts not permitted for other government regulatory agencies. Mr. Walker said that the council tries to be as open and informal as possible, but that the "temporary duration" of the controls program makes procedural ritual unsuitable. "A controls program, unlike other regulatory efforts, places a premium on broadly applicable rules, flexibility in the system and prompt decision-making," he said.

[From the Washington Post, Oct. 10, 1973]

Wage-Price Controls

(By Charles McC. Mathias, Jr.)

The Senate Judiciary Committee's subcommittee on the Separation of Powers is holding its second day of hearings today on the power and procedures of the Cost of Living Council. It is not the purpose of these hearings to look into questions of economic policy. If the wage-price program is to be with us for a prolonged period of time, as it now appears, it is vitally important to examine the machinery of that program, with an eye to reaffirming accepted standards of fairness and legal rights which may be permitted to slide in time of emergency.

A cursory look merely at the paperwork involved in the wage-price machinery leads one to suspect that Lewis Carroll is alive and well and working as a staff writer for the Cost of Living Council. For example:

Lawyers sent on forays into the wonderland of economic stabilization report rumors of new standards and guidelines, but are unable to find out what is being considered, much less how it may affect businesses.

The Council issues rulings and exemptions without explanation or rationale, leaving the regulated to puzzle out for themselves the precedents or applicability for other petitioners. For lack of precedent, local and regional offices of the IRS, charged with making many decisions, may take contradictory actions.

Retailers in one major industry were told unofficially that they would not be allowed a full pass-through for wholesale price increases, despite the hardship, so that "back-pressure" would be felt by the manufacturers.

One sizable company covered by CLC guidelines reports that it took over 3,500 man hours, a high percentage of them involving top company officers, to fill out a quarterly reporting form. Next quarter they must do it again. Firms with the resources available do what they can; smaller firms simply can't.

Nursing homes, seeking Medicare reimbursement for their patients, have been denied it because of council rulings, and are now trying to win their money in court suits against the CLC.

Although the CLC may have been a necessary interim response to economic emergency, I am concerned about the lack of specific safeguards and precise limits on its powers. We, in Congress, handed Dr. John Dunlop a vague mandate and left him to carry on as best he could. We may be thankful that there have not been more abuses and confusion than have, in fact, occurred. For the future, however, I fear that a continued lack of specific guidelines and closely defined procedures may undermine both the current work of the council and long range efforts by government to deal responsibly and equitably with problems facing business and the consumer in the years to come. Already, the council's strongest defenders must concede that its vitality is sapped by procedures and practices which appear to run afoul of traditional notions of equity and due process.

From the outset, the wage-price program has been characterized as temporary. As we enter its third year, however, I believe we must re-examine what is meant by temporary. The authority which the Congress has given the President and through him the Cost of Living Council as administrator of the program is vast and largely unchecked. The result is a grant of enormous power to a small group of men whose decisions can make or break any business in America.

These men can have this impact even by their failure to decide. They are subject to only the most vague statutory standards. For instance, exceptions to their rulings can be granted upon showing of "economic hardship" or "gross inequity," terms still undefined by council rules or by a consistent body of decisions. Standards for procedures they must follow are few and uncertain. Hence, they can wield their enormous power without effective hearings, without explanations and with only a limited right of appeal. This is executive discretion in the extreme.

As chairman of the hearings at the request of the subcommittee chairman, Sen. Sam J. Ervin, I have focused the first two days of the hearings upon the impact of the program on those it regulates. The subcommittee is concentrating on the exception procedure and the procedures, such as they are, for clarifying rulings issued under the program.

I can appreciate that under emergency circumstances and on a temporary basis, the Congress has traditionally been willing to forego limitations on executive authority. Over the long haul, however, we must take care that private rights are not permanently abridged. In this case, the ability of individuals and corporations to learn the nature and extent of their obligations under the law must be guaranteed. Equally necessary is the ability to effectively state one's case both before rules are put into effect and afterwards in an orderly appeals procedure.

A cautionary note—in undertaking this investigation, we are aware of the awesome problems that such a program presents to anyone brave enough to assume the role of administrator. A central question facing these hearings and the nation is whether it is even possible to administer a fair and effective wage-price program at the levels of personnel now available.

It may be that we will conclude the Cost of Living Council would suffer a breakdown under procedures that required full procedural rights and complete record keeping. If this is the case, it is an issue which should be squarely faced with no further delay.

These hearings are limited to operational mechanics of administration, but they take place within a larger context of growing doubt about this nation's ability, first to conceive the solutions to its social problems, and then to implement those solutions without damaging the framework of the Constitution and the Bill of Rights.

I believe that the United States is now entering a watershed period of decision, during which we will once again determine for generations to come the answers to many of the questions which faced the founders of our nation nearly two centuries ago. There is no guarantee that our answers with regard to individual liberty and the structure of our government will be the same as their answers. In that event, I think we should be aware of what we are giving up, and whether we do it because of historical necessity or simply because we lack the will to persevere toward our ideals.

These hearings on the Cost of Living Council are only one tiny scene in a preliminary act of the coming drama, but this much seems clear—no program can long retain, or deserve, popular support if its decisions are not arrived at by a process which is known to be open, fair, consistent, thorough, rational, enforceable and necessary. If we are to continue to set this standard for our government, we must not let it be lowered now on the assumption that once lowered, it may be resurrected in more difficult times ahead.

CONTROLS: COMING APART AT SEAMS?

Sharp and growing opposition to the Phase 4 controls program is beginning to show up at top levels of the Administration.

From the Cabinet on down to Government economists, the criticism is coming into the open. Says one official: "The whole thing is coming apart at the seams. It's just not working."

This "in-house" opposition comes about on top of a build-up of complaints from housewives, businessmen and labor leaders.

Suggestions range all the way from lifting controls for a few key industries to dismantling the entire setup.

RANGE OF COMMENT

Just in the past few days—

Agriculture Secretary Earl L. Butz said of the price ceilings on meat: "The results have been disastrous."

Assistant Secretary of the Treasury Edgar R. Fiedler declared that officials "are vexed by the difficulties of administering the controls, especially in the face of a strong economy." He added that "rarely has there been a more unpopular program."

Gary L. Seevers, a member of President Nixon's Council of Economic Advisers, told Congress on September 25, "We cannot mandate a solution to inflation." He added:

"Many of the forces that influence the rate of inflation now are outside the direct and immediate control of Government."

William J. Fellner, newest member of the economic council, predicted failure for the Phase 4 program, charging it with being both bad economics and bad politics. He warned, in a newly released study, against "any large-scale interference with the price structure beyond a very limited period."

President Nixon himself gave an indication of the problems facing the Phase 4 program when he yielded to pressure from thousands of small gasoline dealers—many of whom shut down their stations temporarily—and ordered the Cost of Living Council to raise retail gasoline prices promptly.

MOUNTING CRITICISM

Meanwhile, businessmen and economists across the U.S. were taking an increasingly critical view of Phase 4.

A survey of professional business analysts, disclosed in mid-September by the National Association of Business Economists, showed that 70 per cent would recommend an end to all wage-price controls in 1974.

A growing number of firms—and many entire industries—were asking the Council to be let out from under provisions of Phase 4 controls. As one example, Director John Dunlop reported on September 26 that he had been petitioned to exempt the whole fertilizer industry, in view of pending shortages.

Manufacturers were starting to grumble openly. Said Burt F. Raynes, chairman of the National Association of Manufacturers, in mid-September:

"Wage and price controls have failed to check inflation, have caused shortages of consumer goods and services, and should be completely terminated."

BIGGEST CONCERN: PRICES

The feeling of frustration about the Government's inability to turn around the steady rise in inflation since controls began two years ago appears to be shared by most Americans.

For instance, a nationwide Gallup Poll, released on September 27, showed that the public's concern over rising prices far outshadows all other worries.

The survey indicated, moreover, that 46 per cent of the public blamed the Federal Government for today's inflation, while only 25 per cent placed the blame on labor and 19 per cent blamed business.

Just why current controls are turning out to be so unpopular is spelled out by Treasury Assistant Secretary Fiedler in this way:

"The public is unhappy because Phase 4 fails to suppress the numerous price increases, particularly for food, that are working their way through the system.

"Businessmen and labor leaders are disgruntled because controls limit their freedom, create inefficiencies in production and marketing, and generate a new layer of Government paper work with which they must wrestle.

"Economists are troubled by the potential distortions and disincentives that controls can produce."

Prices, meanwhile, are continuing to rise. By September 23, the Cost of Living Council had received more than 1,900 notifications of pending price increases by major U.S. firms. These price boosts are to take effect within 30 days if not vetoed, postponed or reduced by Council action. That total covers the period since Phase 4 regulations took effect on August 13—and the daily average of notifications is still rising.

Council Director Dunlop, reporting these further price increases, had one bit of optimism by late September: a major decline in the wholesale prices of meat since their August peaks.

Beef cattle on the hoof, he said, are down in price from $56.76 a hundred pounds on August 14 to $38.50 on September 26—a 32 per cent decline. Hogs have dropped in price from $61.88 to $41.38, or by 33 per cent. And broilers are down by an even greater percentage—from 74 cents a pound at peak to 41 cents—a drop of 45 per cent.

These declines are expected to work their way through the system and result in lower retail prices later—but not to the full extent of the wholesale decline, Mr. Dunlop explained.

BLAMED FOR SCARCITY

Shortages of many kinds, meantime, are being blamed on present restrictive controls, some of them as the long-time result of the recent price freeze.

What happened is explained by the official who ran the freeze, Deputy Council Director James W. McLane, in these words:

"You can eliminate the peaks and valleys and spread increases over time, but not halt all price increases if you want supply growth in the future. A good example of this was the recent freeze.

"The back pressure of this very inflexible price-controls mechanism led to actual production cutbacks—in broilers, eggs, hogs, soybean oil, margarine, potato chips and many other of our basic needs. And it only took two to three weeks for this result to show after Freeze 2 started."

Among the growing list of products now in scarce supply: furniture, bottled gas, bricks, paper, newsprint, farmers' baling wire, food freezers, with other items expected to be added soon.

THE FUTURE FOR PHASE 4

How much longer the Phase 4 controls will go on is still anybody's guess. The authorizing law expires next April, and a number of high Administration officials now talk openly about ending most—or all—controls by the end of this year, with or without a caretaking agency to continue a residual program.

C. Jackson Grayson, Jr., who headed the Price Commission for the 15 months of its existence, appeared to reflect a spreading official view when he told "U.S. News & World Report" in an interview earlier this year:

"The operation of our price system—the free-market system—is the best possible allocator of resources. It is far better than any control system ever could be. Controls can work—and they did work—over the short run. But in the long run, they never can substitute for the price mechanism as a way to get goods and services where they are needed."

TWO YEARS OF CONTROLS—AND THEIR IMPACT ON INFLATION

Phase 1: Started Aug. 15, 1971, with a freeze on most prices, wages, rents. Lasted 90 days.

In this period—at an annual rate—prices rose 2.0%.

Phase 2: Started Nov. 14, 1971, with price and rent ceilings, a 5.5 per cent guideline on wage increases, restrictions on profit margins. Lasted 14 months.

In this period—at an annual rate—prices rose 3.6%.

Phase 3: Started Jan. 11, 1973, removing mandatory controls on prices, decontrolling rents. Special regulations kept on food, health services, construction. Ceilings reimposed on March 29 on beef, pork, lamb. Lasted 5 months.

In this period—at an annual rate—prices rose 8.3%.

Freeze: Imposed June 13 on nearly all prices, except those of raw farm products and rents. On July 19, freeze lifted for most foods; on August 12, for other items except gasoline, oil, beef; on September 12, for beef.

In July and August—at an annual rate—prices rose 13.7%.

Phase 4: Started August 13. Prices permitted to rise only to cover increases in basic costs. Price hikes by major firms subject to rejection or postponement.

The question: Will Phase 4 be more successful than recent stages in slowing inflation to the Administration's target of 3 to 4 per cent?

SINCE PRICE CURBS WERE IMPOSED

Change in average retail prices across U.S. since August, 1971—

ITEMS THAT HAVE CLIMBED SHARPLY

[In percent]

Chicken, fryer, up 119.
Bacon, up 103.
Potatoes, up 98.
Pork roast, up 91.
Eggs, up 81.
Frankfurters, up 56.
Lettuce, up 49.
Hamburger, up 49.
Onions, up 48.
Sirloin steak, up 28.
Fish, up 25.
Legal fee for a will, up 22.

ITEMS THAT HAVE CLIMBED MODERATELY

[In percent]

Property taxes, up 15.
Woman's handbag, up 15.
Woman's skirt, up 14.
Fuel oil, up 13.
Margarine, up 13.
Men's shoes, up 12.
Bread, up 11.
Hospital room, up 10.
Gasoline, up 10.
Baby-sitter, up 10.
Milk, up 9.
Gas for home use, up 9.
Shoe repair, up 9.
Cigarettes, up 8.
Rents, up 8.
Used car, up 8.
Woman's dress, up 8.
Diapers, up 6.
Wrist watch, up 6.
Cigars, up 6.
Man's slacks, up 5.

ITEMS THAT HAVE RISEN SLIGHTLY—OR HAVE FALLEN

[In percent]

Aspirin, up 3.
Phonograph records, up 2.
Whisky, up 2.
Shaving cream, up 2.
Tooth paste, up 2.
Man's shirt, up 1.
Washing machine, up 1.
Movie camera, up 1.
Tape recorder, —.
Woman's slip, —.
Vacuum cleaner, —.
Corn flakes, —.
Film, down 1.
Deodorant, down 1.
Golf balls, down 1.
Prescription drugs, down 1.
Bank service fees, down 4.

Source: U.S. Dept. of Labor.

[From the U.S. News & World Report, Oct. 1, 1973]

WHY RESISTANCE TO CONTROLS IS RISING

Indignant boycotts by small gas-station operators around the U.S. are starting to touch off open resistance by some mammoth industries against unpopular Phase 4 controls.

Service stations by the thousands shut down temporarily in recent days, in protest against special regulations for the oil industry which rolled back gasoline prices 1 to 3 cents a gallon.

In Massachusetts alone, an auto-club survey showed nearly 50 per cent of that State's 4,000 stations closed in protest in mid-September. Most of Oregon's 2,800 stations shut down for one day September 16. Other dealers were closing in Oklahoma, California, New York and the Midwest, many for three days at a time, to protest Phase 4.

The rash of strikes and boycotts by gasoline dealers could be short-lived, with periodic raises in retail price ceilings for gasoline now planned by Director John Dunlop of the Cost of Living Council. The first will take effect "in a short time frame."

But signs of open resistance to the Council's Phase 4 policies were starting to appear by late September in a number of other industries most affected by the current controls.

The reason: In its enthusiasm to creaae a "tough" Phase 4, the Council now has clamped the tightest controls yet on a handful of inflation-prone industries—food, health services, construction, insurance, petroleum.

Special control regulations, often highly complex and confining, have been drawn up for these businesses, creating a price squeeze in many cases and blocking or postponing price increases that are allowed by the rule applicable to other companies. For example—

Health services. Hospitals and nursing homes now come under an especially tight set of controls, to be augmented by October 1 by additional specific regulations to clamp a lid on prices.

As one result, a suit was filed on September 18 on behalf of 7,000 nursing homes by the American Nursing Home Association, protesting Phase 4 controls.

This suit, entered in U.S. district court, says relief from current special controls "is imperative" if patients are to continue to get adequate care.

Some nursing homes may have to close, the association charges, if they are not granted the same dollar-for-dollar pass-through of their cost increases that other businesses are allowed.

Private nurses also complain that, under the special rules, their fee increases often are limited to half the 5.5 per cent permitted for most pay raises.

Construction. Builders, both large and small, also come under special rules, which limit prices on construction contracts, restrict profit margins for all builders, and eliminate the "small business exemption" for construction firms.

With housing starts and total construction now slowing up, builders' profits are off, and grumbling over controls is growing audibly.

Insurance. Under Phase 4, insurance firms are told to hold down increases in their premiums by limiting the elements of their "rate-making process." Administrative expenses, for one thing, are to be held to a maximum increase of 5 per cent yearly. A lid is placed on anticipated cost increases. And profits of an insurance company are not permitted to rise more than 2.5 per cent.

Some insurance firms are *threatening suit*, as a result. Thus far, their complaints are directed at State regulatory agencies, which are assigned to review all rate increases for the Council.

Food. Three separate sets of special regulations were put into effect on September 10, to control prices for food processors, food distributors and restaurants. All of them restrict price increases to actual dollar-for-dollar rises in cost, eliminating overhead. Major firms must report all planned price increases, and in some cases delay them for 30 days.

Food processors, particularly, are objecting to this arrangement, with canners claiming that while farm products, processed foods and feeds rose last month by 17.6 per cent, the rise in wholesale prices of canned foods was held to 1.4 per cent in an unfair price squeeze.

Other industries, without special control rules, also are coming under the gun because their size or importance makes them a special target for the Council's efforts to spread the price bulge.

The steel industry, for example, still hasn't gotten a cost-justified price increase, for which it applied last June. The hike, of about $9 a ton, was held up by the price freeze until mid-August, then delayed for another 30 days by Phase 4 regulations. Now it is postponed again—half until October 1 and the rest until January 1. All of this delay, the council calculates, is costing that industry at least 180 million dollars in lost income.

The auto industry, too, finds its price increases postponed and delayed time after time under tighter Phase 4 strategy, even where there is no dispute over the companies' claims of higher costs. On September 19, Council Director Dunlop temporarily froze a proposed price increase by Chrysler of $73 a car and said he would not allow any further auto-industry price hikes until current labor bargaining is completed.

It is in these big, sprawling industries, where Phase 4 controls hit hardest, that open resistance to Council policies is expected to spread next—particularly if the revolt of the nation's gasoline dealers gets results.

[From the Journal of Commerce, Sept. 14, 1973]

GRAYSON FEELS CONTROLS WERE A BIG MISTAKE

(By Robert M. Lewin)

CHICAGO, September 13.—The Nixon Administration made a mistake in imposing price and wage controls, according to Dr.

C. Jackson Grayson, chairman of the defunct Price Commission.

Dr. Grayson, now dean of Southern Methodist University's Graduate School of Business, Dallas, Tex., acknowledged that he was for controls in late 1971.

But he said that in December 1972 he had recommended that "we get rid of Phase Two" of the economic stabilization program.

He added that he had made his recommendation to Treasury Secretary George P. Shultz, who also is chairman of the Cost of Living Council, which administers the controls program.

WAS CHAIRMAN AT THE TIME

At the time he made the recommendation, Dr. Grayson was chairman of the Price Commission under the mandatory controls of Phase Two.

Phase Two was replaced by the voluntary controls of Phase Three, which now has been replaced by the "confused" controls of Phase Four—and Phase Four-A and Phase Four-B.

Dr. Grayson stressed that he did not believe that the administration now "can let go of Phase Four," but he hopes all controls can be dropped before April 30, 1974, when the extended stabilization law expires.

Dr. Grayson emphasized that food prices would continue to go up so long as demand outruns supply, as it now is doing.

He said that he was for controls at first because he had thought they would reduce the rate of inflation.

Now, he also said, he believes that controls can be effective only in the short run.

The controls program started with a 90-day price-wage-rent freeze President Nixon imposed Aug. 15, 1971.

From August 1971 through July 1973, living costs have soared 8.7 per cent, according to the U.S. Labor Department's Bureau of Labor Statistics.

In the same period, food prices in stores have jumped 19.3 per cent, the bureau also said.

Dr. Grayson spoke at a seminar for reporters on "food prices, shortages and economic controls," sponsored by the Grocery Manufacturers of America, Inc., in the Drake Hotel.

U.S. FOOD PRICES "LOWEST"

He said that the United States has the "lowest food prices in the world," adding that, despite food price increases. Americans still spend less for food than people of other countries.

The average American consumer is reported to spend about 22.5 per cent of his income for food.

"We still have a very low inflation rate in comparison with other countries," said Dr. Grayson.

"But in food we've about caught up with other countries in the rate of (price) increase."

In another talk, Bernard Paroly, New York, senior vice president, Pathmark Division of Super Markets General Corp., said that the rate of profit is so low at supermarkets that it is so difficult for them to raise money through the sale of stock:

"There will be many supermarket chains that will go out of business or be bought out in the next two or three years because they can't raise capital."

C. W. (Tex.) Cook, chairman of General Foods Corp., White Plains, N.Y., said he agreed with Mr. Paroly.

Mr. Paroly said that it was the "mix" of the stock of supermarkets, with many nonfood products, that helped them to keep in business.

Mr. Paroly added that the supermarket industry is on the "threshold" of many developments that will enable it to reduce the costs to the customer.

They include the innovation of unit trains to haul fresh fruits and vegtables from the West to the East Coast cities.

"It now takes 11 days from the West to the East Coast, with all of the improvement of railroad technology," said Mr. Paroly.

Another innovation will be electronic checkout systems in the stores, he said.

[From the Chicago Tribune, Aug. 27, 1973]

HOSPITALS BLAST CURBS ON CARE FEES

(By Brenda Stone)

Chicago hospitals have been put at an unfair financial disadvantage by the continued health care price controls of the national Economic Stabilization Program, the director of the Chicago Hospital Council, has charged.

While hospital price increases remain limited to 2.7 per cent for nonwage related items, a new survey of area hospitals shows they have paid from 23 to 128 per cent more for meat and produce items that no longer are under price regulations.

The survey, completed by the council last week, covers 23 meat and produce items purchased by 90 area hospitals between January and Aug. 6.

"Since the inception of Phase II, the government has guarded the consumer by controlling health care rates but in the same process has allowed the prices hospitals must pay to serve the consumer go unchecked," said Howard F. Cook, the council's executive director.

A room-rate survey of the hospitals shows that the charges have increased by an overall average of 4.4 per cent from June, 1972, to June, 1973, Cook said.

The top food price increases were noted for lettuce at 128 per cent and for baking potatoes, 100 per cent. Other items checked were beef rounds, 23 per cent; top sirloin butt, 36; brisket of beef, 39; Polish ham, 48; pork loin, 37; and veal leg, 30.

Poultry price rises ranged from stewing hens, 50 per cent; broilers, 68; roasters, 76; chicken legs, 33; chicken breasts, 66; and turkey, 58. Pascal celery prices increased by 70 per cent, while onions rose 25 per cent.

[From the Washington Post, Aug. 20, 1973]

"HORROR FILE" BARES CONTROLS FAILURES

(By Jack Anderson and Les Whitten)

With the end of most price controls, the administration is heaping praise on itself for its few paltry victories on behalf of an inflation-weary public. But the Cost of Living Council's secret files are bulging with tales of unpublished failures.

Many of the folders are stuffed with outraged (and often unanswered) letters from Americans who find their food or footwear going up astronomically. But in one drawer is the "Horror File" of cases where strict controls backfired.

These are cases where letter-of-the-law controls drove small companies into near-bankruptcy, killed competition that might have forced down prices, or sweep willing workers out of their jobs.

The "Horror File," as it is called among council executives, has come into our possession. The council has used code-names like "Strongman Detective Agency" or "Eagletonbutton Manufacturing" to hide the names of the 35 companies involved, and spokesmen refused flatly to identify the companies to us by name.

"Eagletonbutton," for example, is "an unprofitable manufacturer controlled by 'Thousandpercent, Inc.' " whose overall profits were near the federal ceiling. Thus, under law, "Eagletonbutton" could not increase its prices and get out of the red.

"Strongarm Detective Agency" took the law into its own hands. Faced with low profits, it decided "to ignore the . . . regulations," says a Horror File memo. "The chances it will be audited are small, it reasons, and its accounting system and pricing policies are such that any violation would be difficult to unearth, even in an audit."

"Sierra Motors," apparently Chrysler or American Motors, was "an automobile manufacturer facing serious losses. It had hoped for some relief when the big two increased their '73 prices. It would be eligible for price increases . . . but cannot now improve its position because of competition from the big two . . ."

The toll of controls on humanitarian business programs was evidenced at "Garner Computers," which had trained 10 disadvantaged apprentices for three years. "When they graduated from the training program," the memo notes, "the company was able to give them no more than a 5.5 per cent wage increase and the workers left for new employment."

"Moe Microdynamics" was an electronics firm pouring money into research "in order to meet emerging Japanese capability." Because it could not raise prices, research plans shuddered to a halt.

"Bareshelf" canned goods needed a price increase to keep up its inventory between harvests. But the increase was illegal, and "without these increases, it is almost certain to run out of inventory and lose shelf position and, with it, customer loyalty."

At "Peter Rabbit Dairies," the company decided to give workers a profit-sharing pension plan instead of a wage hike. But because this would mean an increase in real wages of 20 per cent the first year, "the company had to drop the plan."

The controls also led to ingenious evasions.

"Tablebottoms and Son" buys lumber products, but its supplier could not provide them at controlled prices. So "Tablebottoms" gave the supplier kick-backs by paying higher transportation costs.

"Allchiefs Company" got around the controls by changing job titles but not jobs. "Freedom Fashions" changed its clothing line slightly and jacked up prices. And "Micromeasure Mills" altered cuts of lumber microscopically, claimed to have a "new product," and raised prices.

All in all, the system was hampered by efforts of the council "bureaucracy to seek to perpetuate itself," rules that "impeded" and "inhibited" recovery and expansion, and sloppy enforcement.

Footnote: Despite its tongue-in-cheek company "names," a council official assured our reporter Mark Frazier that the Horror File was a serious effort by council executive secretary Hank Parritt to record some dangers of controls. Based on Phase II flaws, the memos disguised the company names so there would be no violation of anti-disclosure statutes if the summary was ever discussed outside the council, the spokesman said.

[From the Journal of Commerce, Aug. 9, 1973]

STEIN WARNS CONTROLS MAY NOT DO JOB

WASHINGTON, August 8.—Presidential Economic Adviser Herbert Stein today warned that current economic conditions "are not likely to be well-handled by controls."

The chairman of the Council of Economic Advisers told a meeting of the American Bar Association today that circumstances today are much less favorable to a solution by price controls than they were two years ago when the first Nixon control program was initiated.

"We are trying to deal with conditions which are not likely to be well handled by controls, as would be admitted even by those who think that certain structural features of the American economy require controls. Or to put the matter another way, if there are aspects of the American economy which logically require continuing controls, those were not the aspects of the economy that came to a boil in 1973."

Mr. Stein told the bar association that in spite of inflation "our present position, in my opinion, is not evidence of a continuing need for controls aside from a public attitude which greatly underestimates their costs."

He warned that the American consumer is going to be continually confronted with a choice between higher prices and shortages. But he expressed optimism that this difficult period "need not be too long if we persist with the policy of fiscal and monetary restraint and with measures to increase supply, especially of food."

The economist noted that the United States is going to have to work its way out of controls by creating conditions favorable to free market stability and by decontrolling those sectors of the economy where this is safe or necessary.

"I would add that we must also learn our way out of controls. We must learn to distinguish between those conditions in which controls are appropriate and those in which they are not.

"If we fail to learn this we will spend a large part of the next decade or two under controls, whatever may be the nature of the passing of Phase Four."

[From the Wall Street Journal, Aug. 6, 1973]

Adult Education, the Hard Way

Hours before the Senate voted last Thursday by 84 to 5 to end the freeze on beef prices, Sen. Charles Percy spent a few minutes at a hearing of the Joint Economic Committee trying to get Treasury Secretary Shultz to give his "personal opinion" about the freeze. While reminding one and all that he's never kept it a secret that he has never thought much of wage and price controls, Mr. Shultz cheerfully defended the administration's decision to keep the freeze until Sept. 12. But he added, with a smile, that "We listen to Congress."

Members of the committee seemed momentarily pleased to hear that, but Mr. Shultz quickly followed with a needle: "Perhaps we listen too much to Congress," he said, reminding them that shortly before the limited 60-day freeze was announced on June 13 a group of 33 Democratic Senators voted in caucus to support "a 90-day freeze on everything."

In other words, Congress has come quite a distance these past months in learning about the law of supply and demand the hard way. In June, the tiny group still advocating an uncontrolled marketplace had dwindled to Mr. Shultz, Herbert Stein, The Wall Street Journal, Citibank, a few consulting firms like Argus Research and Townsend-Greenspan, and of course the economics faculty at the University of Chicago. To all others who were demanding a tough program of price controls, even the President's capitulation was greeted with cries of "Too little, too late!"

Now, at least insofar as beef is concerned, the inevitable consequences of the freeze are so plain for all to see—the shortages in the supermarkets, the developing black markets, the bidding up of pork and chicken prices—that there's hardly anyone around who isn't pleading for a return to the free market. Says Senator Percy, "It's been the greatest adult education course in economics the nation's ever had."

We not only have the AFL–CIO executive council recommending that wage and price controls be "phased out as soon as possible," but George Meany is now acidly suggesting that Mr. Nixon get rid of all his economic advisors with the exception of George Shultz.

These are heartwarming developments, but we're not prepared to rejoice that the nation has gotten over its mad love affair with controls and government intervention in the marketplace. Everyone now seems to have learned the lesson that controls don't work too well when it comes to farm and food prices, but there are still plenty of people who think we can't get along without them for the rest of the economy. Senator Javits pounded on the White House for months trying to get food prices controlled, yet while he's now washed his hands of this notion, he wants the administration to stop talking about ending the Phase 4 controls by the end of the year.

And at the same time the Senate decided to let the price-mechanism allocate the scarcities in beef, it voted to require Mr. Nixon to set up a mandatory system to allocate the scarcities in crude oil and refined petroleum products. Mr. Shultz is "skeptical" about the idea, which we're sure will prove as messy as the beef freeze. But if Congress insists on learning about the law of supply and demand inch by inch, industry by industry, we'll all have to go along for the ride.

The ride will be especially bumpy if Congress wants to go through this inch-by-inch learning process until it finally understands international economics. The idea has been taking hold on Capitol Hill that the surest way to hold down a commodity price at home is to restrict the export of that commodity, thus increasing the domestic supply. Mr. Shultz patiently tries to explain that this inevitably results in devaluation of the dollar and higher prices for the things the United States has to import, especially fuel, but many in Congress either can't grasp this phenomena or are prepared to trade one problem for another.

Rep. Henry Reuss, who reputedly has one of the sharpest economic minds in Congress, offered yet another solution: Raise the minimum tax for rich people enough to collect an extra $5 billion and use this to create public service employment. "It makes sense domestically and it would help to relax some of the depreciation of the dollar." He didn't say how inflation would be helped by penalizing investment to create marginally productive jobs, but did add that "This just takes money from the gold bricks and fat cats who aren't going to spend it on anything useful anyway."

Assuming this represents some of the best economic thinking on Capitol Hill, it's apparent we have some distance to go before diplomas are handed out in the adult education course that Senator Percy discovered. Although the pace of learning is still agonizingly slow, we are delighted that it is at least underway.

[From the Wall Street Journal, Aug. 2, 1973]

Phase IV Fazes a Lot of People Who Wrote Cost Panel About It—Dire Predictions Abound in 616 Comments, But Controls on Fuel Spark the Most Heat

Washington.—Phase 4 is rubbing the makers of Brillo soap pads—and many other people—the wrong way.

If the Nixon administration doesn't rub out at least part of its Phase 4 wage-and-price controls program, here's what people predict: 300 to 500 New England heating-oil distributors will go out of business; shortages of spare parts will occur and F. A. Spies of Leawood, Kans., will take his money out of Oklahoma oil-drilling ventures.

Those are a few of the 616 comments the government has received on its proposed Phase 4 regulations. The administration unveiled its Phase 4 rules July 18 and gave persons and companies until late Tuesday to comment. The government says final Phase 4 rules will be decided by Monday.

Not surprisingly, almost all of the comments the Cost of Living Council received this week were hostile to the Phase 4 rules. However, accountants can take heart: Their business is expected to boom because of the rules.

FUEL RULES GENERATE HEAT

The cost council's proposed fuel regulations generated the most heat. The New England Fuel Institute, which represents 1,143 independent oil distributors, contends a stipulation that only the cost of the oil product itself can be used in computing a ceiling price will "insure the demise" of at least 300 to 500 New England distributors "before the coming winter is over."

Exxon Corp. USA, the big Houston-based subsidiary of Exxon Corp., said the council's ceiling-price system "could tend to aggravate (oil) shortages," and Mrs. Elizabeth Perkins, a Duncan, Okla., oil-concern operator, said the oil rules will reduce funds needed to drill new wells. Mr. Spies, the Kansas investor, says a proposed two-tier pricing system won't stimulate oil production, and he won't invest in drilling ventures until the price of oil provides an incentive "for risking my money."

On another avenue of attack, Purex Corp., the Lakewood, Calif., maker of soap pads, said the requirement that promotional "cents off" coupons be included in computing base price hurts companies such as Purex that don't have big advertising budgets.

And the National Soft Drink Association urged the council to expand its small business exemption to include concerns with 100 employes or less. The present rule would only exempt those with less than 61 employes.

IBM HAS COMPLAINT

In addition, International Business Machines Corp. termed "impractical" a proposal requiring major companies to notify the council before marketing any *new items*. IBM noted that it introduces thousands of new products each year.

Several companies — including Kraftco Corp., Magnavox Co., Kaiser Steel Co. (58%-owned by Kaiser Industries Corp.), and Republic Steel Corp.—criticized the council's proposed base period for justifying price increases on the basis of costs. Under Phase 4, companies would have to use the latest fiscal quarter ended before last Jan. 11 to compute its base price, rather than the much earlier date used in prior phases.

Several companies asked the council to expand the list of goods and services exempted from Phase 4 controls. Westinghouse Electric Corp. wants spare parts exempted to stave off shortages, while Kennecott Copper Corp. asked that domestic copper be removed from controls. McGraw-Hill Inc. and Hearst Corp. urged exemption for the book publishing and newspaper industries, and the National Association of Stevedores said it wants an exemption for loading and unloading ocean vessels.

However, Ronald M. Mottle, an Ohio state senator, and Norman Redlich, New York City corporation counsel, demanded that the council revoke its exemption of public utilities.

[From the Washington Post, July 20, 1973]

Phase IV Controls: Good Politics, Bad Economics

(By Rowland Evans and Robert Novak)

Partly because of the political ravages of Watergate, President Nixon overruled the pleas of top economic advisers for a tax increase and personally drafted the tough Phase IV antiinflation controls program to court the immediate good will of voters at the impossible long-range cost of losing the antiinflation war.

Just as he ordered the June 13 across-the-board freeze over the advice of those same advisers, Mr. Nixon has now constructed a Phase IV antiinflation program streamlined for quick political approval and flying a bold "made by Nixon" pennant.

Even when he was riding high earlier this year after his record landslide and before the Watergate scandal broke, his loose-controls Phase III program grew politically intolerable, geared for high profits and hence expanding production, Phase III did not prevent prices from going up. The result: his much-delayed order of June that put the economy in the strait jacket of a freeze.

Now fighting for his political life, Mr. Nixon understandably dare not risk a repeat of that baleful Phase III. More than any decision he has recently made, the President has proved his choice of Phase IV weapons that approval of the voting public, not the opinion of business or economists, is now his first concern.

This alone explains the President's decision not to push for any tax increase. Dr. Arthur Burns, chairman of the Federal Reserve Board, strongly urged a tax increase. Only marginally less insistent was economic czar George Shultz, Secretary of the Treasury. These advisers were urging a choice of 12 different tax options on the President, including across-the-board personal and corporate income tax hikes between 2 per cent and 6 per cent.

The no-tax decision, made early last week in a three-hour meeting of his economic high command, was the President's own. Only Dr. Herbert Stein, chairman of the President's Council of Economic Advisers, backed Mr. Nixon. Burns pleaded for at least a temporary tax hike to sop up purchasing power.

Rejection of such advice may give Mr Nixon more economic trouble tomorrow than political profit today. It puts the entire burden of the antiinflation battle on Burns' Federal Reserve System and the extremely tough new Phase IV price controls.

This threatens the program's credibility in the world of business and industry, menacing the expanding production base essential for long-term control of inflation by creating more goods for sale.

Besides his tax decision, the President showed his need for immediate political gain by turning down Shultz and Burns on the politically dangerous question of the price "bulge"—that is, the immediate rise in prices—following the end of the freeze. Most economic advisers preferred a sharp, immediate bulge, no matter how high. Instead, Mr. Nixon will produce a long drawn-out price rise—a flattened bulge—by severely limiting the percentage of higher costs that businessmen may pass through in higher prices.

With prices sure to go up anyway, Mr. Nixon's unsuccessful advisers argued that from a purely economic standpoint it is better to risk short-run political anger with a sudden bulge, to be followed by expanding production. Now, they fear, producers will be squeezed between rigid controls and spiraling raw materials prices, holding production down.

In both the "bulge" and tax-rise debates, a Watergate-weakened Mr. Nixon lacks the political freedom to wheel and deal. He dares not risk further loss of voter support by adopting either higher taxes or looser controls. So, the President resurrected the old Phase II program, tailored to the slack, slow-moving economy of late 1971, and imposed it on the tight, full-employment economy of 1973.

The only appeal from the President's decision is in Congress. Chairman Wilbur Mills of the House Ways and Means Committee is studying a novel scheme to "impound" receipts of higher income taxes, returning them to taxpayers in the next recession. Such a plan has been informally discussed by Mills and Burns.

But for Congress to increase taxes over a President's wish defies tradition and political common sense. The President almost surely will have to live with a Phase IV that, while acclaimed by the voters today, may prove disastrous to long-run control of inflation and to Mr. Nixon himself.

[From the Washington Star-News, June 21, 1973]

Retreating From Free Economy

(By James J. Kilpatrick)

Among the devices of rhetoric is the figure of speech known as an oxymoron, an apparent contradiction in terms. A whole clutch of them might be applied to the President's 60-day freeze. His action was the right wrongness; it merits sad applause; it may well prove a temporary permanence.

Given the awful array of economic factors that had to be taken into account, Nixon could have done no less than he did. It is entirely probable that by mid-August, when Phase IV is imposed upon us, he will have to do more.

The unhappiest consideration of them all is simply this: Phase III had not worked. Phase III, if you recall, came into being in January. It was to be the voluntary time, when the American economy was to demonstrate that the mechanisms of a free marketplace would keep inflation in check. For all practical purposes, mandatory controls were lifted. We were to be restrained largely by our own sense of self-restraint.

What happened? The ink had barely dried on the January executive order before prices went soaring. During Phase I, the increase in retail prices had been held to an annual rate of 3.6 percent. In the three months from February through April, the annual rate leaped to 9.2 percent. The wholesale price index, according to the May announcement, climbed to a disastrous 23.4 percent. On foreign money markets, the dollar slumped badly. Nixon, who finds economic controls abhorrent, had no choice but to crack down again.

A part of the problem, to be sure, can be attributed to bad luck, to bad judgment, and to political misfortune. The spring floods were bad luck; the wheat deal with the Soviet Union was a piece of bad judgment; the Watergate scandals have shaken confidence abroad and weakened the President's rein on Capitol Hill.

Other factors have contributed also. The successsive "Nixon deficits" of course have played a part, by increasing the money supply, yet it is patently unfair to blame Nixon alone for these inflationary pressures: Successive Congresses, after all, have floated along on the red-ink tide.

Toss into the equation the continuing imbalance in our trade. Give account to rising personal incomes at home, exerting inexorable pressure on limited supplies of meat. Consider the effect on prices of new laws to reduce pollution and to increase industrial safety. And somewhere in this complex equation, write in a symbol for avarice, a symbol for greed.

Nixon therefore was right, it seems to me, in imposing the 60-day freeze. His partisan critics may also be right in complaining that he should have acted much sooner, indeed that he never should have taken an chance on Phase III at all. But if all this is right, it is the right wrongness. We are once again retreating from the concept of a free economy, and the ground that is lost this summer may never be reclaimed.

Granted, such a retreat is nothing new. For the past hundred years the concept of a pure free-enterprise system slowly has been reduced to little more than a totem word. A thousand subsidies, tax breaks, trade quotas and regulatory laws have given us a kind of masked-ball economy: private faces on public controls. Even so, the concept remains, and the forms of a free marketplace remain, and large elements of our commerce still obey the old good laws of fair competition. We must cling to this.

"Let there be no mistake," Nixon said. "If our economy is to remain dynamic, we must never slip into the temptation of imagining that in the long run controls can substitute for a free economy or permit us to escape the need for discipline in fiscal and monetary policy. We must not let controls become a narcotic, and we must not become addicted."

With Phase IV, that temptation will become much stronger and the narcotic will seem more alluring. The demonstrable failure of Phase III will make it that much harder to put an end to the tighter Phase IV. If ever there were a time for self-restraint, in profits, wages, dividends, interest, prices, rents and governmental spending, that time is now.

[From the Wall Street Journal, June 15, 1973]

One More Plunge of the Needle

(By George Melloan)

In his Wednesday night address, President Nixon declared: "We must not let controls become a narcotic. We must not become addicted."

Since the President was in the process of succumbing once more to the addiction with another price freeze fix, it was an apt parallel. Any junkie knows how hard it is to fight the temptation of a brief period of euphoria once the habit has become engrained.

The parallel can be carried a step further. Will it be just as hard for the U.S. to kick the habit of resorting to controls as an escape from economic realities as it is for an addict to abandon the heroin route for escaping other realities?

The record of the last two years is, of course, not promising. After plunging headlong into its New Economic Policy in August 1971, at the behest of activists like John Connally and probably unnecessarily, the administration has since been trying to extricate itself. Its efforts have been complicated by the tendency of the controls themselves to create anomalies that generate demands for additional economic intervention, rather than less. The latest clampdown attests to the political effectiveness of those demands.

But there are factors in the latest Nixon package that could rub some of the sheen off of the allure that controls have had for some of their supporters. The negative and confused reception the latest package has gotten from some businessmen could signal that a healthy disillusionment is beginning to establish itself.

THE BUSINESS REACTION

The business reaction had at least one specific cause. The President chose to freeze prices, but not wages. The reasons may have been political—to get more support from organized labor for administration policies on trade and other issues—or largely technical, to avoid the risk of disrupting important wage contract negotiations that are pending, in the auto and trucking industries, for example. The President no doubt also felt, as he indicated, that unions deserve some credit for helping keep recent wage settlements "responsible and non-inflationary."

But for whatever reasons the latest freeze could transfer a heavier burden of the controls program to businessmen. For at least 60 days they will be able to get price relief only in exceptional cases, and little help from the controls mechanism in resisting wage increase demands.

Although it may be too early to say how this will affect business profits, it could pinch. The impact on profits of controls up to now would seem to have been positive, if anything. Corporate profits in the first quarter this year were up some 26% from the third quarter of 1971, when controls were first applied.

This rise in profits may have been only partly related to controls. It must be partly attributed to the economic expansion that has resulted from the stimulative policies of the federal government since 1971. But it is fairly safe to say that the remarkable lack of objection from businessmen to the increasing amount of federal intervention in markets and the general economy is partly a result of a conception that anything that permits profits to climb can't be all bad. The stock market's tendency to bounce upward when new intervention measures are in the wind could no doubt be attributed to the same causes.

If the "prices-yes, wages-no" approach in the new package stimulates more serious business opposition to the principle of contols, it might produce some movement towards kicking the habit. Labor has had a healthier skepticism all along, although George Meany, reflecting the general concern over rising food prices, has come perilously close to sounding like a controls advocate in recent months.

The package may also bring forth some latent opposition from the farm sector to federal intervention. It is hard to believe that the President's request for congressional authority to control grain exports will go down well in the Midwest and Plains states. Agricultural exports are, after all, a huge business for those areas and it may be hard for grain farmers to understand why they should be restricted from exporting merely to save housewives in New York and Boston from worries over food costs.

Of course, it is conceivable that export restrictions would bring higher prices in world grain markets that would offset any reductions that might occur in the domestic market, and that the farmers would lose little, if anything. Past experience has shown that it is very difficult to predict the results of federal intervention in any market. It is, however, fairly easy to predict that if this new form of intervention cuts into farm prices and incomes, there will be anti-interventionist pressures from farm-state Congressmen.

It is doubtful that the President's package was consciously designed to discredit controls but the President, by using the drug addict metaphor, made it clear that he has little real faith in them. He no doubt hopes to buy some time with the 60-day freeze. But he also may be sorry now that he ever got into the controls thicket in the first place.

Events certainly have conspired to make controls look better as an inflation remedy than they really were or ever could be. A strong case can be made that the decline in inflationary pressure that occurred in late 1971 was well underway even before the New Economic Policy. And although some release of pent-up inflationary pressures should have been expected when Phase 3 discarded rigid controls in January, other factors contributed heavily to the inflationary outburst that actually occurred.

For one thing, the economy had built up a great head of steam. Production in many industries was reaching capacity levels in the face of heavy consumer demand. In certain specific industries, oil products for example, capital expansion had been retarded by the impact of new environmental laws. Food prices were being affected by a combination of heavy grain shipments abroad, adverse weather and such abstruse matters as the arrival of the low point in the hog production cycle. An ill-timed and probably unnecessary further devaluation of the dollar in February immediately boosted the price of most foreign goods, which are factored into the cost-of-living index along with everything else. The federal government still was making its contribution to demand and money creation pressures by continuing to run a substantial deficit even when further economic stimulation was no longer desirable.

All those events conspired to give the appearance that controls had worked and that disaster arrived, right on time, as soon as the government's guiding grasp was relaxed. Elsewhere on this page today Mr. Miller quotes Secretary Shultz as admiting that the new package came about because of the widespread feeling that Phase 3 had failed. In other words, the administration was put in a position where it had to cope with appearances as well as realities.

A NEVER-NEVER LAND

The realities demand, of course, other remedies. And while the President made it clear in his speech that he is aware of that, there has been a distressing lack of support for those perceptions from Congress, business and other sources of power. The concentration on the alleged failures of Phase 3 has turned economic discussion in government and business circles into a never-never land.

There was a time, not long ago, for example, when even the proponents of deficit spending by government as a means to economic stimulation cautioned that to avoid inflation the federal budget should be brought into balance when the economy reaches capacity production levels. Signals that we are at or close to capacity have been flashing for months but the budget is not in balance and there is no prospect of getting it in balance. The onetime advocates of this "full-employment budget" principle, whose one caveat is being so blandly ignored, have now become so enamored of federal economic intervention and other frontiers of the new economics that they seemingly have forgotten they ever issued a caveat.

One frightening thought that occurs is that the chance coincidence of controls clampdowns and economic improvement may not yet be ended. Some economists had predicted, even before the freeze, that food price rises had about run their course. There have been portents of slackening demand in some other sectors. If the free marketers in the administration had held out longer the political pressure might have eased.

If in fact it appears that rigid controls have "worked" once more, it will be little cause for rejoicing. Rather, the addiction could become that much harder to shake. So if the President really wants to kick the habit, he perhaps should be hoping that Phase 4 will prove to be a bad trip.

[From the Wall Street Journal, June 15, 1973]

HERE WE GO AGAIN

We can't help wondering if President Nixon timed his latest economic moves to make Leonid Brezhnev feel right at home when he arrives here this weekend. In all, the package Mr. Nixon presented the other night strikes us as one that could well have been designed by Gosplan, except that after almost 60 years of trial and error, Soviet economic planners no longer use a dart board. In that sense, Mr. Brezhnev may have some useful advice for the President on how to design Phase 4.

On the other hand, we're reminded of remarks made a year ago by Harvard's Hendrik Houthakker before the Joint Economic Committee of Congress. "Most people believe in controls," he said, "and in a democracy this is a factor which no one would want to ignore. To some extent the government has to give the people what they want." There's no doubt the public, the business community, Congress and the press are enchanted with the idea that Phases 1 and 2 were responsible for price moderation and Mr. Nixon was a doctrinaire clod for not returning to those golden days.

In this light, we can't be critical of the President for folding under this intense pressure. On the bright side of things, there is now an opportunity for the public to learn a thing or two about the dark side of controls. And in the process, Mr. Nixon may be able to rebuilt a constituency that will enable him to lead the nation back to the free market. Those who most loudly demanded what he has now presented are already backtracking, well aware that things could get messy. They'll say it's "too little, too late," and position themselves to argue that it's a good idea, but poorly administered.

The nicest part of the President's package is that while he has frozen prices for 60 days he hasn't frozen wages. As Mr. Melloan points out elsewhere on this page, that sizeable segment of the business community which has viewed controls as a pleasant way of avoiding nasty labor confrontations now must ponder the profit implications of the one-sided freeze. The President's directive to Internal Revenue to audit the books of those companies that raised prices by more than 1.5% during Phase 3 will cause a little more anguish when the Cost of Living Council orders price rollbacks. Labor's momentary glee at escaping the freeze may well dissipate when it realizes how difficult it is to bargain with an industry whose prices are frozen.

One control leads to another, which is why the President had to ask for export controls on farm commodities. At a time of surging world demand for food and feed grains, he couldn't very well freeze the retail prices of foodstuffs at home without doing something to prevent foreign purchasers from carting off more and more U.S. grains at bargain rates. We only wonder why he limited his request to grains. If the world price of crude oil rises during the freeze, the nation may find itself exporting crude. Rep. Henry Reuss of Wisconsin objects to the export controls, while approving of the domestic freeze. But how a nation can freeze domestic prices without insulating itself from world markets is beyond us, a brand of economic logic only taught on Capitol Hill.

What this demonstration of U.S. willingness to insulate its prices from world markets means, of course, is that the dollar is not only not convertible to gold, but now has limited convertibility to goods. Why all this should mean a strengthening of the dollar in overseas markets, as the control zealots have been asserting, is another bit of economic magic we're anxious to see performed. So far, though, the dollar continues its slide.

As we have been suggesting with monotonous regularity these past months, the current inflation can be laid in large part to the successive dollar devaluations, an inflation that will not abate until international prices adjust to the new exchange rates. At a time of global economic boom, with peak demands for commodities in most industrial countries, the February devaluation merely transferred purchasing power for global goods from the United States to its trading partners, U.S. purchasers having to bid higher for both domestic and foreign goods to meet its needs. By denying its trading partners the right to purchase goods of certain types, the U.S. will weaken the dollar further, forcing bidding up on uncontrolled categories of U.S. goods. The kind of price controls we now have can only work if the United States seals itself off completely from world markets.

We trust it won't come to that. The 60-day freeze should teach the American people some painful lessons about controls that could not be observed during the slack economy of 1971. Of course, we expect there will be fanatics pressing for a redoubling of effort as they move further away from their goals. But if enough businessmen, farmers and workers will in the process break from their infatuation with controls, the pain will be well worth bearing.

[From the Wall Street Journal, June 15, 1973]

RAW DEAL: FARMERS AND FOOD MEN BELIEVE NEW CONTROLS COULD BRING SHORTAGES

The agriculture and food industries don't like Phase 3½.

That is the general reaction emerging from a Wall Street Journal survey yesterday of farmers, agricultural economists, food-processing executives, retailers and others in the politically-sensitive business of supplying food to the nation's consumers.

Some of them think the price freeze could result in lower production of some foods—meat and eggs for example—and, in some places, bring shortages of such items as flour for bakeries and fresh vegetables in supermarkets.

In his speech Wednesday night, President Nixon went further than he said he ever would in extending price ceilings to raw farm products. Under the new rules, wholesale and retail prices can't go higher than their highest point in the June 1–8 base period, and prices of such raw products as eggs, lettuce and other foods that are edible in their unprocessed states would be controlled after the first sale by farmers.

In addition, the President asked Congress for authority to curtail exports of commodities and foodstuffs if necessary to hold down prices of domestic supplies.

WILL ONLY AGGRAVATE PROBLEM

George Doup, president of the Indiana Farm Bureau, part of the giant American Farm Bureau Federation, calls the new program "a stopgap measure" that, in the long run, "will only aggravate the problem and certainly not solve it."

President Nixon, Mr. Doup says, "proposed things that he knows won't work."

One effect of the new rules "may be the disappearance of eggs from the grocery shelf," predicts Dale F. Butz, director of the commodities division of the Illinois Farm Bureau and a brother of Agriculture Secretary Earl Butz. Dale Butz says farmers were counting on egg prices rising to $1 dozen this year. The ceiling price is about 60 cents a dozen, he says, "and egg producers can't make a profit at that price."

Neil Boomsma, a partner in a family-owned egg concern in Pella, Iowa, agrees. Depending on the ceiling price for livestock feed that is finally settled on, he says his operation could possibly lose two cents a dozen or maybe make only a small profit in the next 60 days. Mr. Boomsma thinks that flocks past their prime could be culled sooner as a result of the new controls, which "could create a shorter supply situation at the end of the 60-day period."

FARM-LEVEL IMPACT

Clarence Adamy, president of the National Association of Food Chains, says that supermarkets forced to pay profit-eroding prices for fresh fruits and vegetables during the freeze period simply won't stock many of these items. He says that from 25 to 50 meat items have been dropped from supermarkets since price ceilings on beef, pork, lamb and veal were instituted in April. Those ceilings remain in effect under the new controls.

Charles J. Carey, president of the National Canners Association, says the controls may reduce supplies of manned food products. "The 1973 packing season for major food products is just starting," he says, "but there is imminent danger that canners may not be able to afford to purchase the raw agricultural products for which they haven't already contracted. This would be exactly contrary to the President's twin goals of increasing food supplies and curbing inflation."

In his speech, President Nixon made a point of saying that food prices weren't to be controlled at the farm level, but the food industry isn't buying that line.

"Who does the government think it's kidding?" asks Roy Keppy, a hog farmer in Davenport, Iowa. "A freeze from the end product back to just short of the farm driveway effectively freezes prices on the farm, too."

"There's simply no way a food processor for very long can pay a price to a farmer that's higher than what he can recover in the marketplace,' 'says John Butterbrodt, president of Associated Milk Producers Inc., which represents some 40,000 Midwest dairy farmers. "When such situations occur, either one or both of two things will happen and neither is good for the consumer in the long run. There'll be shortages at the ceiling price and black-market conditions."

HAD SCHEDULED INCREASE

Earlier this week, Associated Milk Producers announced price increases of four cents to six cents a gallon, effective July 1. The new rules prevent the higher prices from being imposed and also require prices that have moved higher in recent days to be rolled back to their June 1–8 levels. Several supermarkets were doing just that yesterday on some 200 items.

"We're going to get clobbered," one supermarket executive says. Adds Mr. Adamy of the food-chain trade group, "We've already suffered a sharp decline in profits, and now we'll face bankruptcies."

Most food-industry executives complain that the 60-day freeze will be costly. "It is clear that one result will be continued pressure on our earnings—and those of the food industry generally—since the freeze applies to prices but not to many of our costs," says C. W. Cook, chairman and chief executive officer of General Foods Corp. Chief among the unregulated costs are wages and interest rates, both of which are important considerations throughout the agriculture and food industries.

Leonard Voss, an agricultural economist of the University of Missouri, says processors may squeeze their profits by paying farmers as much as they can if supplies are short, just to keep their production lines rolling and thereby help offset fixed costs. * * *

[From the Wall Street Journal, June 15, 1973]

Bad Medicine: Economists View Freeze as Unnecessary, Say It May Actually Hamper Control of Inflation

(By Lindley H. Clark, Jr.)

New York.—Even before President Nixon refroze prices, business economists were finding it hard to appraise the outlook for the next year or so. Forecasts ranged from a gentle slowdown, which would disturb hardly anyone, to a sharp recession, which would shake up almost everyone.

For some time, analysts generally have been agreeing that the business boom has passed its peak. As signs of a slowdown, they cite the housing decline, a modest cutback in businesses' spending plans for plants and equipment, a continuing caution among businessmen on inventory-building and an evident slackening of the consumer-spending pace. But now there's a whole new dimension for the forecasters to ponder.

"What disturbs me most about the freeze is that the sensitivity of the system could be upset," says Alan Greenspan, president of the economic consulting firm of Townsend-Greenspan Inc. "With the economy moving toward ease, the freeze may prolong the inflationary pressures."

Norman Robertson, senior vice president and chief economist of Pittsburgh's Mellon Bank, fears that the freeze may actually push up demand pressures. "Businessmen and consumers," he suggests, "may try to buy now because they expect another bubble effect when the freeze ends."

Most economists cite the slowdown in the rise of consumer spending as the most dramatic evidence that, before the freeze, the inflationary pressures had begun to seep out of the economy.

RETAIL SALES

"We have been expecting consumer spending to rise by $15 billion in the current quarter, at the seasonally adjusted annual rate, compared with the $28 billion rise in the first quarter," says Albert H. Cox, Jr., executive vice president and chief economist of Lionel D. Edie & Co. "Now it looks like $15 billion may be an overestimate."

"Take autos out, and retail sales don't look so impressive," says Paul Markowski, chief economist of Laidlaw-Coggeshall Inc. "And now auto sales may be flattening out."

On a seasonally adjusted basis, retail sales declined 2% in April, the first month-to-month decrease this year. Although sales rose 1% last month, the gain was largely explained by record new-car sales; autos account for more than 20% of the dollar volume of retail sales.

In the final 10 days of May, however, new-car sales slipped below the pace of the comparable 1972 period, and they fell again in the first 10 days of June.

CONSUMER SPENDING

William J. Fitzgerald, a Potomac, Md., management consultant, goes even further: he thinks that most of the upward momentum vanished months ago. In cooperation with Trendex Inc., a New York statistical research firm, he breaks down consumer spending by age and income groups. And his figures show that most age-income classifications actually began slowing their spending in late 1972.

So how could consumer buying still have been so super-brisk in the first quarter? Mr. Fitzgerald thinks that much of the explanation was stepped-up spending by young people. His analysis shows that every income class in the under-25 age group significantly increased its spending on durable goods in this year's first quarter.

He reasons that the ending of the war not only brought many servicemen back into the civilian economy but freed other young people from concern about the draft. "These young people," he says, "spend heavily to build inventories of consumer goods."

Mr. Fitzgerald thinks this buildup, and thus the sharp rise in consumer durables sales, now is about over. A freeze-induced spending bulge, of course, could change this prospect.

Michael Evans, president of Chase Econometrics Associates, says purchases of consumer durables and nondurables in constant dollars will rise at a 1% annual rate the rest of this year, compared with 8% during 1972 and with 14% in the first quarter of this year. He expects the rapid growth in consumer after-tax income, in constant dollars, to end this quarter, as higher Social Security taxes and income-tax overwithholdings occur in the second half of 1973.

GROSS NATIONAL PRODUCT

Since the boom has been fueled largely by consumer spending, a slowdown in such outlays obviously would tend to slow the economy. The Conference Board, a nonprofit business research group, has announced that its Economic Forum expects U.S. economic growth to slow "significantly" in the second half of this year. Forum members generally hold that the current boom is "unsustainable."

Earlier this week, the University of Pennsylvania's Wharton School of Finance and Commerce forecast that the gross national product, in terms of constant dollars, would rise at an annual rate of 5.8% in the current quarter, compared with 8% in this year's first three months. The Wharton economists look for a further decline, to a real growth rate of 3.3%, in the third quarter.

Some economists think the slowdown is coming even more abruptly. Mr. Cox of Lionel Edie, for example, expects the real GNP to rise by only 4% in the current quarter.

Nearly everyone, of course, recognizes that the economy couldn't continue to grow at recent rates without sharply increasing the upward pressure on prices. The Commerce Department figures that the economy's capacity grows at about a 4.3% annual rate, but the economy for some time has been growing considerably faster than that.

So the economists see a slowdown as very good economic news. A moderate decline in demand could help lead the economy back toward more stable prices—stability brought about by market conditions rather than presidential dictum. "Once a slowdown gets started, though, it can be awfully hard to stop," one analyst says.

RECESSION IN 1974?

Most economists nonetheless think that it can be stopped short of a full-fledged recession, either later this year or in 1974. In general, a recession is considered to occur when real GNP declines for two consecutive quarters, although the National Bureau of Economic Research, the recognized authority on the subject, uses more complex criteria.

The Conference Board's Economic Forum thinks that a recession is a possibility next year, though only four of the 11 members expect a "significant recession" a term they did not define. Even those members who saw a chance of a recession thought it would at worst be of the 1969–70 variety instead of the more severe 1957–58 type. The Wharton economists flatly rule out recession.

What can keep the slowing economy from sagging into a recession in 1974? Although businessmen recently cut their capital spending plans slightly, many economists still look for these outlays to help sustain the economy later this year and in 1974. The Commerce Department says businesses now expect to spend 13.2% more on new plants and equipment this year than in 1972; earlier, they had forecast a 13.8% rise.

Although fear of a recession could bring some further cutbacks, many of the projects are difficult to stop, once they're begun. Orders for machinery and the like often must be placed months or even years in advance of delivery. Most of the analysts thus look for a continuing rise in capital outlays in 1974.

ROLE OF EXPORTS

Economists also had seen the improving U.S. trade position as a possible cushion for the business slowdown. In April, exports exceeded imports for the first time in 19 months, and many analysts think the trend is continuing. Export controls on feed grain, which President Nixon requested on Wednesday night, could change that outlook, though.

Working the freeze and Phase 4 into economic predictions is especially difficult since no one, presumably not even Mr. Nixon, knows exactly what Phase 4 will involve. So far, few economists are making any changes in their forecasts.

Mr. Robertson of Mellon Bank expresses the common view that the freeze is more political than economic. "It does nothing to ease the underlying demand pressures. It's like trying to put a lid on a pot of boiling water," he says.

The demand pressures have been built up over the past two years by highly stimulative monetary and fiscal policies. Policies in both areas have been somewhat less stimulative lately. Most analysts think that the outlook depends much more on the monetary-fiscal future than it does on the freeze or on the Phase 4 that is to follow it.

[From the Washington Star-News, June 14, 1973]

LABOR, BUSINESS CRITICIZE FREEZE

President Nixon's 60-day price freeze was criticized today by both business and labor for failing to come to grips with the nation's economic problems.

"A step in the opposite direction," declared United Auto Workers President Leonard Woodcock. "A price freeze on food at the wholesale and retail level will only create artificial shortage and blackmarket prices. We need an economy of abundance, not one of government-created shortages," said Woodcock, a member of the President's Labor-Management Advisory Committee.

The National Association of Manufacturers also expressed displeasure, saying price restraint may create chaotic conditions in the production and distribution of essential commodities."

A Prince Georges housewife took a grim view of the price freeze.

"Oh goody," she said with sarcasm unconcealed, "this means that lettuce will stay at 69 cents a pound."

The U.S. Chamber of Commerce said the action "raises the question of whether the free market system is not being made the scapegoat for the failure of government control policies."

Democrats' reactions to Nixon's announcement ranged from doubtful to "damaging."

Sen. Henry Jackson, D-Wash., described the President's anti-inflation prescriptions as having the same format, with each phase representing "just a small dose of control" and "never enough economic medicine to cure the patient."

He called Nixon's export quota policy a concession of "mishandling the Russian grain deal last year."

"This is an interesting admission," Jackson said, "as Brezhnev arrives here Monday looking for more of the same."

Senate Democratic Leader Mike Mansfield said the President's action was "better late than never, a move in the right direction, and I'm sure he will have the support of Congress."

But Republicans, who were pushing for some tightening of Phase 3 controls, came out strongly in support of the President.

"Right on target," said House Minority Leader Gerald Ford of Michigan. On the Senate side, Minority Leader Hugh Scott of Pennsylvania said the action should stabilize prices and cool inflation.

Chairman Wright Patman of the House Banking Committee said the White House embraced proposals similar to those advanced by Democrats on his committee three months ago. The White House opposed those proposals at that time.

"The fact that interest rates and rent are left untouched is more evidence that the President still does not fully grasp the economic realities facing the American consumer—or at least the less affluent consumer," Patman said.

Lawrence R. Klein, a University of Pennsylvania economist, said the action "took us in the right direction."

Washington area merchants tended to be cautious in their reactions.

Joseph Danzansky, president of Giant Foods, said, "I don't think there's going to be a tremendous difference in the cost of food. Food prices, particularly meat, have almost literally remained under the Phase II levels."

One of the first firms forced to react to the freeze was The Washington Post, which had just raised the newsstand price of weekday newspapers from 10 to 15 cents a copy, as had The Star-News.

The first edition of The Post was on its way to the presses when Nixon spoke and a quick fix of the first page was made, changing the price back to a dime.

The Star-News, which raised its newsstand price Monday, two days after The Post increase, also has gone back to the 10-cent price, pending review with federal officials.

Both newspapers were frantically readjusting the mechanism on street-sale boxes early today to make them accept dimes again.

[From the Commercial and Financial Chronicle, June 7, 1973]

REBUTS MILLS ON CONTROLS—PRICE CONTROLS WON'T WORK!

(By Jules Backman)

Last week, Representative Wilbur D. Mills, Chairman of the House Ways and Means Committee, called on the Administration to put an immediate "hard hold" on wages and prices, not only for economic reasons, but to demonstrate that the President still is capable of action despite the Watergate flurry.

Contrary to Mr. Mills and other proponents of wage and price controls, Dr. Backman calls such measures a "cosmetic approach, which, during a period of high level business activity, will aggravate rather than solve the problem." When economic capacity starts pressing upon capacity, he says, price controls result in hidden price inflation in the form of quality deterioration, disappearance of low price lines, fewer special sales, and black markets.

In recent months, there has been a confluence of special forces which, on top of the shortages and rapidly expanding demand in our economy, have resulted in a sharp acceleration in the rate of price inflation.

(1) A sharp rise in food prices reflecting a reduction in available supplies, sharp increases in consumer incomes, and a large demand from overseas.

(2) The shift from Phase II to Phase III of the wage-price control program.

(3) Further depreciation in the foreign value of the dollar.

Each of these three factors appears to be a special development which will not be repeated in the near future. Future prices for many food products are much below curent prices, thus indicating the anticipation of larger supplies in the fall. The result would be a leveling off or even a modest decline in food prices. Here, the final result rests with Mother Nature.

With the shift to Phase III, a number of companies which had applications pending for price increases, put them into effect immediately. In addition, some companies probably raised prices because of the uncertainty which quickly developed as to whether comprehensive controls would again be imposed.

The depreciation in the value of the dollar has added to the cost of imports. Imports account for less than 5 per cent of our total output and hence, the most recent depreciation should add somewhat less than ½ of 1 per cent to the price level. Nevertheless, these increases came at a time when other increases also were taking place.

It is probable, therefore, that the rate of price inflation in the spring is at its high for the year and that the rate of increase will be significantly lower in the second half of the year. Accordingly, we should not be stampeded into adopting tighter wage and price controls, which all history demonstrates to be unworkable.

Moreover, it is erroneous to conclude that a continuation of Phase II would have avoided the sharp rise in prices in 1973. Under Phase III, food prices are under the same type of control as under Phase II and prices of imported goods were not covered under either program. During 1972, the economy was operating with substantial amounts of excess capacity. Thus, price controls did not contribute significantly to the reported price record in that year.

PRICE INFLATION IS WORLDWIDE

Price inflation has been a worldwide phenomenon during the past three decades. The rate of price inflation was more rapid in the U.S. than abroad in 1969–1970 while the U.S. performance was relatively better in 1971 and 1972.

Several factors have contributed to the worldwide trend of price inflation. Large increases in money and credit have been taking place throughout the world.

A significant role also has been played by the growing aspirations and expectations of workers implemented by labor union monopolies. The result has been sharp increases in labor compensation, far in excess of the gains in output per man-hour. In 1971, unit labor costs (ULC) in manufacturing increased 0.8 per cent in the U.S., 10.6 per cent in Japan, 8.9 per cent in West Germany, and 7.3 per cent in the United Kingdom. Preliminary data for 1972 indicate a continuing of the relatively favorable record for the United States.

NATURE OF PRICE INFLATION

The major identifiable causes of price inflation are large federal budget deficits and excessive increases in money and credit. It is the elimination of these causes which must constitute the main source of attack. Wage and price controls and incomes policy deal largely with the effects of price inflation rather than its causes. However, they can help to inhibit to a minor degree, large labor cost inflation and act to dampen temporarily inflation psychology. The assumptions that price inflation results from large profits or arbitrary actions to raise prices by large corporations are myths and illusions.

FISCAL INFLATION

With federal budgetary deficits averaging about $23 billion annually in the past three years, the only thing surprising about the continuing price inflation is that so many persons are surprised by it. During the 1960's, the federal budget was in the black in only one-year fiscal 1969. Between fiscal 1965 and fiscal 1972, the accumulated deficit was $85.1 billion and the increase in the federal debt was $104.1 billion of which $41.9 billion was bought by various federal trust funds.

Unbalanced federal budgets and how they are financed contribute significantly to price inflation. The data for the period from December 1965 to December 1972 show these trends. See table below:

FEDERAL BORROWING AND MONEY SUPPLY, DECEMBER 1965 TO DECEMBER 1972

[In billions of dollars]

	December 1965	December 1972	Increase
Federal debt (excluding Government holdings)	$261.3	$332.4	$71.1
Federal Reserve, holding of Government securities	40.9	71.1	30.2
Member bank reserve balances	22.7	31.4	8.7
Currency in circulation	36.3	56.9	20.6
Commercial banks demand deposits	131.7	190.0	58.3
Time deposits (excluding large deposit certificates)	130.1	267.5	137.4
Total	261.8	457.5	195.7

Source: Economic Report of the President, January 1973 (Washington: 1973), pp. 254, 259, 273.

The increase of $30.2 billion in government security holdings by the Fed was accompanied by a major rise in member bank reserve balances and in currency in circulation and supported an increase of $58.3 billion in demand deposits and $137.4 billion in time deposits.

We have been trying to do too much, too fast. These figures underline the importance of making every effort to get federal spending under control if we are to win the battle against price inflation. They provide the basic rationale for President Nixon's efforts to place a ceiling on federal spending.

MONETARY INFLATION

Excessive increases in money supply contribute significantly to price inflation. With two exceptions (1966 and 1969), M-1 and M-2 have been increasing more rapidly than the long term rate of growth in real GNP. For the 1965–72 period, M-1 increased at an annual rate of 5.7 per cent and M-2 at an annual rate of 8.1 per cent as compared with the annual rate of increase of 3.6 per cent for real GNP. Was it a coincidence that the CPI increased at an annual rate of 4.1 per cent and the WPI at an annual rate of 3.0 percent during the 1965–72 period? The jury is still out. The relationships are not automatic because allowance must be made for changes in the velocity of money. Nevertheless, there is a significant amount of evidence that large rates of increase in money supply tend to be accompanied by higher prices.

Despite its independent status, no Federal Reserve Board could fail to assist the Treasury to meet its financing needs. As a result, the large budgetary deficits have been accompanied by excessive increases in money supply. Wage and price controls cannot act as a corrective for poor monetary management, monetary inflation, or for fiscal inflation.

LABOR COST INFLATION

Labor cost inflation contributed significant pressure for higher prices in the 1965–72 period. The rate of labor cost inflation slowed down after 1970 largely because of the greater gains in output per man-hour (OPM). The result was less pressure on costs and prices from this source.

To the extent that wage-price control policy can be effective, it can contribute to somewhat less cost-push inflation. The problem, however, is the lack of effectiveness of such controls, particularly when the economy approaches or reaches full employment.

PSYCHOLOGICAL FACTORS

We tend to project our most recent economic experience into the future. An accelerating rate of increase in prices breeds the anticipation of further acceleration. This latter situation undoubtedly played a role in the 1970 collective bargaining and contributed to the large settlements agreed upon in the automobile and other industries.

At best, efforts to break inflation psychology can make only a temporary contribution to an anti-inflation program because such psychology is generated by the basic causes outlined earlier and cannot exist long in their absence nor contribute much to higher prices unless price inflation becomes a way of life.

THE PROFITS ILLUSION

Many consumers believe that retailers and producers earn exorbitant profits and that this is the cause of higher prices. This is an illusion. The facts concerning pre-tax profit margins provide no support for this belief.

Pre-Tax profit margins, 1972

Manufacturing	*Percent*
Meat Packing	1.5
Banking	5.6
Dairy products	6.0
All manufacturing	9.6
Retailing	
Food chains	1.9
Variety chains	4.6
Dept. & Specialty	5.2

Source: Derived from First National City Bank, Monthly Economic Letter, April 1973 by assuming a tax rate of 48 per cent and applying that to the FNCB after tax profit margins.

Even if pre-tax profits were completely eliminated the total impact on the price level would be very small—particularly for food products, the area of major concern in early 1973. But there is no mechanical relationship between pre-tax margins and price levels because if the pre-tax margin were cut sharply:

1. Government tax collections, which take almost half of the pre-tax profits, would be reduced, thus increasing the federal government's budgetary deficit and adding to the fiscal inflation.

2. Some companies would be driven out of business. The result would be less competition and poorer services with accompanying higher costs to buyers.

3. As consumers sought to buy the available products at the lower prices, shortages would develop. The result would be higher prices and/or the need to institute rationing.

THE ADMINISTERED PRICE ILLUSION

Another illusion is the belief that price inflation results from an alleged power of Big Business, particularly oligopolies, to raise prices without regard to market forces. It would be difficult to convince the oligopolistic chemical industry that this proposition has any merit in light of the price declines for organics and fertilizers during the past decade. Nor could one find supporting evidence in the oligopolistic aluminum industry where actual prices often are below list prices.

In the price inflation since 1965, pre-tax profit margins have been squeezed. Between 1965 and 1969, profits before taxes for durable goods industries declined from 10.2 per cent to 8.6 per cent and then fell to 6.3 per cent in 1970. Since oligopoly is found in many durable goods industries, it seems clear that these companies did not have the power to raise prices at will and thus to maintain or increase pre-tax profit margins.

Significant areas of price increase early in 1973 included meats, livestock, and lumber. These are industries which are characterized by large numbers of producers rather than oligopoly and in which pressures of demand were of primary importance.

Rising prices perform a two-fold function: diversion of resources to the industry with the consequent increase in supply (stimulating function) and the curtailment of demands of the least urgent bidders (rationing function). The rationing function of price is fully as important as the stimulating function. Because price controls prevent prices from performing these functions, they result in serious imbalances in the flow of resources; they are counterproductive.

Lumber provides an excellent illustration. Because of the sharp rise in prices as a result of the building boom and large export, price control was advocated in 1973. It is virtually impossible to control the price of lumber effectively, as we have seen in the past, because of the wide variety of species and qualities that are available. Price increases play an important role by making it too costly for some builders to use lumber. They are forced to shift to substitute materials. Here is an outstanding illustration of a major weakness of price control, namely, it aborts the rationing function of price by holding prices down. Moreover, it limits the incentive to add to supply, thus aggravating the shortage.

The profit standard is the most important general restriction. Pre-tax profits as a percent of sales are not to be greater than the average in two of the five years ending in 1972.

On the basis of the SEC-FTC figures, the pre-tax margin for all manufacturing averaged 8.6 per cent for 1968–69. This was lower than in the years 1964 through 1966 although higher than in many of the preceding years. For some industries this meant that pre-tax profit rates were frozen at levels which were abnormally low-cement and steel provide an illustration.

The profit limitation approach encourages some companies to become careless about their costs. Illustrations include business spending for entertainment, advertising, hoarding of labor, etc.

In other words, the profit limitations may act either as a barrier to efficiency in some companies or as a barrier to profitability by companies and industries whose pre-tax profits were abnormally low in the base years.

MODIFICATION OF PRICE RAISING PROGRAMS

One beneficial byproduct of the 1972–73 price inflation is the opportunity it has created to eliminate some governemnt programs which have outlived their usefulness or which were adding unnecessarily to consumer costs. The farm programs to limit production, import quotas for oil, non-fat dry milk and meat, and export subsidies for some farm products are important illustrations. Political pressures prevented the elimination of these programs earlier. The fact that they were eliminated or modified to help hold down price inflation provides ample vindication for those who have been criticizing many of these programs over the years because they raised prices.

A price control program gives the appearance of action by the government to hold down the rate of price inflation and hence meets the demands of the public including many legislators.

However, when economic activity begins to press upon capacity, price control results in hidden price inflation in the form of quality deterioration, disappearance of low price lnes, fewer special sales, and black markets. As the pressures expand, the hidden price inflation becomes an increasingly serious problem. The results are distortions and imbalances in the economy and slower rates of economic growth. Ultimately, the inflation bubble bursts, the hidden inflation comes into the open, and widespread unemployment develops.

This has been the experience throughout history. It is interesting to recall that each new episode produces soothsayers who assure us that we are now in a "new era," or we have developed "new economics" or that "this time it will be different because we know how to control price inflation."

Unfortunately, the general public and legislators would like to beleive that the price inflation euphoria will not end and that they can have the best of all worlds by price fixing, expanding incomes resulting from fiscal monetary inflation and the ability to buy more goods at modest prices. But we can only buy what is produced and price control acts to hold total output below the levels otherwise attainable. It is, therefore, self-defeating.

We are usually told the choice is between some price inflation and unemployment. These are not the real alternatives. What we face is a modest increase in unemployment or a slowdown in the rate of increase in employment early in the inflation process or a major increase in unemployment at a later date. If price inflation is permitted to accelerate, the imbalances and distortions in the economy grow larger and larger as ever greater injections of money and credit are required to sustain it. When we come to the end of the line—as we must—the result must be a recession with intolerably large scale unemployment. It is much sounder public policy to pay the price for our past indulgences early in the process and thus to limit the magnitude of the unavoidable increase in unemployment. Of course, such a course almost always proves to be unpalatable to politiciains and to the public who are always hoping for the miracle cure which never is available.

If we take the painful route prescribed, every effort must be made to cushion the hardship attending unemplomyent by liberal benefit payments, public service jobs, inducements for earlier retirement, financial assistance for those who are willing to continue their education, payment of moving expenses and related programs. A modest increase in unemployment can be cushioned more readily by such actions than can large increases in unemployment.

Once we embark upon an inflationary course, there are no easy or painless methods to reverse it. Price fixing is a cosmetic approach which during a period of high level activity will aggravate rather than solve the problem.

[From the New York Times, Apr. 23, 1973]

BEWARE OF PIP

(By William Safire)

In Herman Melville's work of fiction, "Moby Dick," there is a character named Pip—a lunatic cabin boy with prophetic powers who lives in fear of cowardice.

In Richard Nixon's world of economics, there is the threat of another PIP to haunt the men who try to see into the mists ahead.

PIP stands for a phrase used off-handedly, cavalierly a few weeks ago on the Op-Ed page (formerly the Editorial Page) of The New York Times: "Permanent Incomes Policy," the euphemism for the Government-managed economy and the end of the free market system.

The pill of wage and price controls, Gallup tells us, needs no euphemistic sugarcoating: a majority of Americans want stricter controls. Housewives beefing about the price of meat want controls, politicians fishing for votes want controls, businessmen chickening out of competitive pressures want controls.

Under the pressure of popular opinion, and with the cost of living index finger pointed skyward, only an elitist would refuse some obeisance to stiffer controls. On May Day, a stick will probably be brought out of the White House closet and brandished to strike fear in the hearts of price-gougers and other villains.

But why not go all the way to PIP? Why carry on the charade of phase the nation when the road to permanent stability is so alluring? PIP is a quick fix; it is action now; it is leadership and drama and charisma.

And it is wrong. Here are some reasons why:

Permanent controls would give too much power to the President.

All the furor about executive privilege, budgetary power-grabs, even Presidential war powers does not add up to a hill of high priced soybeans compared with the mountain of authority that various henny-penny Congressmen are pressing on the President. His refusal to acquiesce in becoming an economic dictator is an example of power refused that is unmatched since George Washington's refusal of a crown. (Sometimes I exaggerate.)

Controls are not fair.

When Government is managing the economy, a moment bureaucrats call the decision crunch arrives regularly; the hour is late, the pressure is enormous, the workload is impossible, and in hurries a 24-year-old hotshot fresh out of business school with the departmental study that can make or break an industry, its component businesses and thouands of workers. Who is he to decide? With economics in such a primitive state, how can anyone substitute his judgment for decisions made in the infinitely complex marketplace?

Controls take away our freedom.

(A gale of derisive laughter: "Freedom to pay $10 a pound for steak? You call that freedom?") But consider the danger. Suppose you're a bureaucrat and don't like some newspapers. You don't have to intimidate them. With the power of economic control their editorial writers have thrust into your hands, you raise everybody's pay (Yea!), hold the line on newsstand prices (Hooray!), and riding a tide of popularity, you watch the offensive publications sink happily into bankruptcy. The epitaph for press freedom would be "We were too worried about a 'chilling effect' to think about a 'freezing effect.'"

What's to keep us from following the primrose path to a permanent incomes policy?

There is the natural inclination of the men in the economic saddle today to use the threat of controls rather than the fact of controls, because they are convinced nobody is ever going to repeal the law of supply and demand.

Next, there is the use of "classical" monetary and fiscal levers (any economic theory tried last year is called "classical") following the advice of the Keynesmanites. This combines the money-supply steadiness of the Friedmanites with the countercyclical deficits of the Keynesians, and if the reader is still with me I'm grateful.

Third, there is the forthcoming "growth reduction" that is likely to dampen inflation psychology. For the last half year, the economy has been growing at a real rate of 8 per cent—a genuine boom that, if sustained, would take us beyond "potential growth," or right over the cliff. The most ardently photocopied page in Washington today is page 61 of the Business Conditions Digest, which causes the cognoscenti to infer that the rate of real growth should be reduced to 4 per cent in order to sustain a not-too-inflationary prosperity. (Most economic pontifications can currently be one-upped with "Oh, I've read page 61, too.") With real growth perking along near our 4 per cent annual potential growth, we will have much less inflationary pressure and a little less pressure for PIP.

Finally, labor leaders, who give Nixon men the back of their hands, also give Nixon men their confidence in the future: If controls last too long and threaten the vitality of the free market, the labor movement will bust controls the way it has before. Labor's power, which so often interferes with the free market, is depended upon to be its last line of defense.

As for the permanent income policymakers, in Melville's words: "Let 'em go down like Pip, that jumped from a whale-boat. Shame! Shame!

[From the Wall Street Journal, Apr. 19, 1973]

THE CASE AGAINST RIGID CONTROLS

(By Edgar R. Fiedler)

WASHINGTON.—Why not impose more rigid controls on prices and wages? Prices are surging upward in a number of economic sectors; doesn't that call for more stringent controls? The changeover to the "self-administered" Phase 3 has been widely regarded as a failure; doesn't that call for a new system of tighter controls? Certainly there is a great demand for tougher controls—from consumer groups, from organized labor, and from other sources. And although Congress decisively rejected proposals to reinstitute a freeze and to broaden it to encompass other sectors of the economy, there is a sizable minority of Congressmen who are demanding more comprehensive, more rigid and more permanent controls over prices and wages.

Well, why not?

There are, I think, two fundamental reasons for resisting the call for tighter controls. One reason is liberty—the old-fashioned principle that the individual is the important unit in our society, that his freedom is something to be cherished, and that the government's power over him should be limited. To me this principle is a persuasive reason for opposing a move to inflexible, permanent controls. The second fundamental reason is economic efficiency. Our economy is so complex and changes so rapidly that the presence of controls over a long period of time would damage it seriously. History tells us that a comprehensive system of controls would require a gigantic bureaucracy here in Washington and would produce endless ribbons of red tape throughout the economy. History also tells us that the major economic impact of controls would be inefficiency and inequity.

REMEMBERING WORLD WAR II

Those of us who remember World War II know what the comprehensive wage and price controls of that era produced. We remember the restrictions against changing jobs and the shortages and rationing of meat, sugar, gasoline and many, other products. We remember also the black markets and other illegal efforts to circumvent the controls. Those World War II controls produced great waste in the economy and great inconvenience for the public. But we put up with them for patriotic reasons; we were willing to make the sacrifice to help the war effort.

I think it is obvious that today the public would not accept the problems that rigid controls inevitably create. There are no patriotic or other reasons that would lead people to put up with, for example, shortages of basic consumer goods.

But the World War II experience may not be completely applicable to 1972 and 1973. What, then, can we say about the present controls? Have they done any damage during the year and a half that they've been in effect? Have they hurt productive efficiency and created other problems?

The answer to that is, in the broad general sweep of things, no, but in many specific cases, yes, very definitely. When we look at the economy as a whole, we do not find that productivity growth has been slowed, or any other substantial evidence that the controls have done widespread damage. There are two reasons for this: First, the control system in Phase 2 was designed wherever possible to be flexible and, second, the economy was operating with considerable slack. These conditions minimized the trouble effects of the program.

But while the stabilization program did not produce widespread economic distortions during 1972, it did produce many individual instances of inequity and inefficiency. And the economy was growing so fast that more and more of these difficulties were beginning to show up. Had we continued Phase 2 through the current year, with its rapid growth pushing many industries close to full utilization of capacity, these dislocations would have become numerous and serious enough to injure the economy as a whole. To demonstrate that this is not just a bogeyman in the closet, let me cite a few examples of what happened during 1972.

The most disturbing and most wasteful difficulties created by the controls program were in the lumber and plywood industry, which was under heavy demand pressure from the boom in homebuilding. There were numerous reports that production was held 5% to 10% below maximum, primarily to avoid violating the Price Commission's profit margin rule. Sawmills were performing minor operations on standard cuts of lumber to create "new products" that were exempt from price control. Phony export and re-import transactions were recorded, without any lumber even leaving the country. Tricks like these kept the Internal Revenue Service working overtime tracking down violators. And in another effort to circumvent the controls, railroad cars full of lumber were being shipped around the country from one middleman to another, accumulating markups, which were individually legal, but not getting the lumber to the final user.

Despite the fairly high levels of unemployment that prevailed during 1972, we heard a number of complaints from businessmen that their employes were being lured away by higher wages to a competitor's plant down the road, and that they were prevented by the controls from raising wages to meet the competition in order to stop the pirating of their work force. When businessmen complain that the wages they pay are too low, well, that's a pretty sure sign that the controls are interfering with the efficient operation of the labor market.

Another inefficiency that was becoming more significant as the program progressed was the red tape that both labor and business found themselves tangled up in. By the end of 1972, for any pay or price request that was at all more than routine, the waiting lines at the Pay Board and Price Commission were getting longer and longer.

The controls had a perverse impact on petroleum refining, creating an incentive to distill less fuel oil than necessary and more of some other products. This helped make the fuel oil shortage last winter a little worse than it otherwise would have been.

The controls also produced serious difficulties for commodities that are traded in international markets. When the world price rises above the ceiling price of domestic producers, a powerful incentive is created to ship all domestic production out of the country, irrespective of the need for it at home. This situation developed for soybean meal and phosphate fertilizer late in 1972 and threatened to create severe shortages of those commodities here in the United States.

The Phase 2 profit margin limitation created a special kind of problem in some industries. One company, for reasons unrelated to its major product line, would be up against its profit margin limit and would be unable to raise prices on any product. The pressure of competition would, then, prevent other firms in the industry from raising their prices, despite the fact that their costs had increased sharply. The classic example of this problem is the wine industry, where the Gallo Concord recently developed a very profitable new line of fruit-based wines. Because Gallo was up against its profit margin ceiling, it could not raise prices on its grape wines, despite the fact that a poor crop had sent the price of grapes up some 50%. This increase in costs was not too hard on Gallo, but it did hurt other vintners badly. These other vintners generally produce only grape wines and thus would have been justified in raising prices because of the increased costs, but they could not do so because of competition from Gallo. These other vintners, then, saw their profits disappear very quickly and turn to losses. This same situation developed in a number of other industries, including baking, brewer's yeast, linens, pool tables and others.

ENDLESS COMPLAINTS

The six examples described above are only a few of the many economic distortions and wasteful changes in normal business practices that the controls produced during 1972. We heard endless complaints from labor, business and consumers about their troubles, and complaints were growing in frequency and intensity as the year progressed. Moreover, these difficulties mounted despite our best efforts to maintain a flexible and equitable program, and despite the fact that farm products, interest rates, most rents, wages of low-income workers, and many other sectors of the economy were exempt altogether from the regulations.

The storm of protest over Phase 3 and the great demand that exists to move toward across-the-board price controls indicates that the freeze and Phase 2 have had a profound effect on the attitudes of the American people. It tells us that what the entire stabilization effort has done, more than anything else, is to miseducate the public to believe that controls are the way to solve the problem of inflation. That is a distressing result. To me, it is clear that a comprehensive system of rigid price and wage controls applied over an extended period would wreak havoc on the basic structure of our economy.

[From the Wall Street Journal, Nov. 7, 1973]

OIL-PIPE PINCH—OIL DRILLING CONTRACTORS SAY SHORTAGES OF TUBING, OTHER SUPPLIES ARE WORST EVER

(By D'Arcy O'Connor)

In Laurel, Miss., an oil-well contractor recently paid $13.10 a foot for 11,000 feet of used drill pipe. New, the same pipe would have cost him about $10 a foot. But then, his chances of finding new pipe today are probably less than his chances of striking oil.

Small drilling contractors and big oil companies alike find themselves in the tightest pinch ever when it comes to obtaining much of the basic equipment needed to sink an oil or gas well, especially the steel tubing used to drill a well and encase the hole. There's also a shortage of drilling rigs, tool joints connecting the 30-foot lengths of drill pipe, and even crews and fuel to operate the rigs.

But it's the extreme scarcity of well pipe and casing that is most alarming U.S. petroleum producers. "We've actually had some wells we've had to delay because the operator couldn't find the pipe to drill the hole," says W. E. Bullington, vice president of Parker Drilling Co., a large Tulsa, Okla., drilling contractor. "Up until recently, 30 to 90 days was the longest we'd expect to wait to get hold of pipe. Now, we're looking for up to a year on some deliveries," he adds.

And the fact that the shortages are expected to get even worse in the months ahead—at a time when a potential oil shortage is a matter of national concern—has prompted a Department of Interior study of the situation. "We didn't anticipate this equipment would go from a shelf item to a scarcity" in just the past couple of months, says a department official.

SURGING EXPLORATION

Oil-industry sources cite two major factors creating the current shortage: a surge in exploration activity in the U.S. and abroad (there are about 1,300 oil rigs operating in the U.S. today, up about 15% from a year ago), and lagging production of steel tubing by the nation's steel mills.

Some oil producers accuse the steelmakers of sacrificing tubing production for that of sheet steel because of the recent price increases cleared by the Cost of Living Council on the latter product. But steel concerns say they are maintaining their ratios of tubular product output to that of sheet.

An official of one of the largest suppliers of drill-rig tubular equipment, the Continental-Emsco division of Youngstown Sheet & Tube Co., a unit of Lykes-Youngstown Corp., asserts that "Youngstown is still allotting the same amount of capacity for oil-country steel as it did a year ago." This, he adds, is about 20% of the company's total steel output. He blames the current situation on "a basic shortage of steel all over the world," and adds, "ironically, a lot of that problem is directly tied to the energy crisis."

But oil and gas well operators say that because of domestic price restrictions steel mills often can get higher prices for tubular steel from exploration companies outside the U.S. This is one factor the Interior Department is examining in its study. "We'd certainly look to see what options are available to us to restrict such exports" if they are found to be significantly contributing to domestic shortages of oil-drilling equipment, says the agency official.

INDEPENDENTS HARDEST HIT

Meantime, a spokesman for the Dallas-based International Association of Drilling Contractors says the import of well casing from Japan and Europe has virtually dried up. He says this is due to increased foreign oil and gas exploration and "simply because they can get money for it over there than in the U.S."

The small independent operators and contractors, who account for about three quarters of all wildcat oil and gas strikes in the U.S., are those most severely affected by the equipment supply squeeze. Some of these operators report they are scrambling against time in many instances to obtain pipe to start a well before their leases on particular acreage expire.

One such operator, Ernie Brooks of Oklahoma City, says he has "eight wells ready to drill now, but I just can't find pipe anywhere." He adds that he has "been trying to buy some old wells just so I can pull out the pipe," but even these are "almost impossible to get."

"It's getting pretty bad," says an executive of Rowan Cos., a Houston drilling contractor. "Pipe we ordered a good three months ago is now scheduled to be delivered in October 1974."

The major petroleum producers are less affected, as most of them had previously built up equipment inventories in anticipation of the increased drilling activity this winter. Also, because they are large volume customers, they are able to buy most of the new tubing available.

AN HISTORICAL BASE

Nevertheless, steel suppliers have put these producers on an allocation basis for most tubular products, with the allocation usually based on a customer's quarter-to-quarter purchasing history.

A spokesman for Mobil Oil Corp. says that despite the allocations, "we've been able to handle all our crises so far." But, he adds, "the outlook is poor," and "we're now working against our allocation for the first quarter" of next year.

The most ironic shortage that has recently cropped up in the oil fields is that of diesel fuel and propane, both commonly used to run the oil-rig engines.

"There are going to be a number of rigs shutting down because they can't get enough fuel to keep operating," warns Bill Murphy, president of Murco Drilling Co., Shreveport, La. He says Murco has received notice from its diesel fuel supplier that future deliveries will be curtailed as a result of the nationwide tight supply of that fuel. Other drilling contractors say they've had to seek fuel-provision assurances from the oil companies they're drilling for before beginning new wells.

Drill crews, too, are getting harder to find in many areas, though operators concede that a labor shortage often accompanies the onset of winter. But the current situation is "worse than ever," says Mr. Murphy. "Crews are leaving the fields in droves because with cost controls we can't pay as much as they'll get in other jobs."

Most oil-industry sources believe the shortages of drilling material will continue for at least another six months. But some expect the tubular-steel shortage to last several years.

With the resulting rise in value of used drilling equipment, a recent increase in "pipe rustling" is reported by the Texas Rangers. An officer at the force's station in Midland, in the heart of West Texas oil country, says drill-pipe sections left unguarded at well sites "often get loaded on a truck in the middle of the night and sold to dealers the next morning a couple of hundred miles away."

Consequently, he adds, "a lot of companies around here are starting to brand their equipment" with serial numbers or other identifying marks.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I am very happy to join with the Senator from New York (Mr. BUCKLEY) in this attempt to attach an amendment to the energy bill which would repeal the Economic Stabilization Act.

I think that two Members of the Senate voted against the Economic Stabilization Act when it was passed by the Senate.

Mr. BUCKLEY. Mr. President, I might point out that was passed before I entered the Senate.

Mr. HATFIELD. Mr. President, I am glad that the record is made clear by the Senator from New York.

When Congress first passed the Economic Stabilization Act, we told the President, in effect, "You solve the economic problems of the country." That legislation give us phases I through IV, with Pay Boards, Price Commissions, and Cost of Living Councils, prescribing controls, freezes and complex formulas, resulting in severe economic dislocations that have worked hardships on nearly every segment of American society—all without addressing the fundamental causes of our economic ills.

It is a simple truth that wage and price controls, in all their phases, have not worked. In approving that grant of power, Congress challenged the President to take such steps. This push from Congress, coupled with a favorable attitude of the public, combined to produce an Executive policy that has failed miserably.

But Congress has begun to grasp the magnitude of its abdication to the executive branch. We struggle to reassert ourselves in the budgetary process, in confirmation powers and as initiators of—not just reactors to—policy and programs. Why then, in one sweeping gesture, by giving the President the authority to impose vast new controls, is Congress again willing to give away its responsibility and power over more of Federal Government policy which affects so much of American life? An examination of this bill shows we are ready to abdicate great responsibility for the manner in which the country will deal with another critical problem, our immediate energy situation.

As I said to my fellow Interior Committee members, if you liked the Economic Stabilization Act, you will love this emergency energy bill. I cannot think of a single sector of our economic life that will not be under the direct control of the President or his agents. Drastic alterations of people's personal and business lives can be implemented at the stroke of a pen.

No one denies the seriousness of our energy problems, nor the need for creative solutions. I cannot understand, however, why Congress is so eager to throw away the leadership role it has established in finding solutions to our energy problems.

I will not enumerate here the positive steps the Congress and the Interior Committee have taken, in spite of a reluctant administration, on energy issues. As the ranking Republican on the Appropriations Subcommittee on the Public Works and AEC budgets, I have cited impoundment after impoundment of energy-related funds.

The administration should suggest specific programs, rather than seek a blank check. Congress should consider specific measures, not grant carte blanche authority.

In seeking solutions to our energy problems, Congress should continue to exercise its constitutional role in the Federal system. We can expect that after this bill is signed into law and soon after the first exercise of the enormous powers granted under this legislation, our legislative hoppers will be filled with bills to correct the new problems that the Executive's energy regulations are sure to bring. They will be sponsored by Members who will cite "congressional responsibility."

The preference of Congress to centralize power further in the Executive is a factor that has brought this country to its present political crisis. This is the very psychology Congress should reject. The distribution of powers between Congress and the Executive is well summarized in this quotation from Justice Brandeis:

> Separation of powers was adopted by the convention in 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but by means of inevitable friction incident to the distribution of governmental powers among three departments, to save the country from autocracy.

Approval of this legislation transforms the phrase "energy czar" from a simple cliche to a chilling reality. Heating our homes through this winter need not be done at the cost of further entrenching Executive autocracy.

In granting such sweeping powers in S. 2589 to the President, Congress ignores an energy record of which it can be proud. One myth that should be set aside is that Congress is unable to deal with such issues as the energy shortage. We have had before us recently two examples that show just the opposite. I refer to the Alaska pipeline bill, technically the Federal right-of-way, and the mandatory fuel allocation bill, S. 1570. The pipeline bill is on its way to the White House, and the mandatory allocation bill was passed yesterday by the Senate and it, too, is on its way to the White House. As a Senate conferee on both these bills, I believe they offer evidence that Congress is acting in a responsible manner to solve the energy crisis. The bills provide answers to both long-term and short-range problems. The pipeline bill deals with long-range problems of meeting energy needs, while the emergency fuel allocation bill addresses the current crisis. These represent legislated solutions that are constructive and forward-looking. Members of this body may disagree with certain provisions of one bill or the other, yet I think we should recognize that actions such as this provide evidence that we can buckle down and provide some solutions to energy problems. We should not be on the defensive about what some claim to be inaction or unresponsiveness of Congress. That just is not the case.

Other Senate committees have worked on energy legislation, but I would repeat here what significant measures our Interior Committee has taken, in addition to the two mentioned above. During 1973, the Senate Interior Committee has reported four other major bills affecting energy. They are: S. 268, the land use bill; S. 245, the surface mining bill; S. 2176, the energy conservation bill, and S. 2589, the bill before us now. In addition, the energy research and development bill is at the markup stage. Hearings have been held and progress made on the deepwater ports bill, the strategic reserves bill, and the new geothermal bill.

As I mentioned earlier in these remarks, I know of energy-related funds approved by Congress and currently under the thumb of OMB and unspent to meet energy needs. An examination of this list offers further evidence that Congress has been moving ahead in providing funding for projects already authorized, only to see the funds impounded. On our Appropriations Subcommittee where I serve as ranking Republican—on Public Works and the AEC—our acting chairman, Mr. BIBLE, provided leadership in helping shape a bill that beefed up energy aspects of it, while cutting other segments of the administration budget request. The appropriations bill signed into law was below the administration's own budget request. This removes the charge from OMB that our subcommittee was in some way "budget busting."

When the list is examined, it shows OMB is sitting on some $20 million in energy-related funds. One portion already has been put in "budgetary reserve"—OMB jargon for impoundment. Other funds have been scheduled for "tentative fourth quarter apportionment." Money in this class has a habit of dropping through the cracks into the next fiscal year, and represents funds that could be spent now.

The list shows we have been acting on energy issues. The impounded funds include:

	Millions
Geothermal research	$4.7
Solar research	.6
Gas stimulation (plowshare)	.8
Molton salt reactor	2.0
Fusion research	4.5
Los Alamos resources study center	.35
Prefinancing of above three AEC projects	4.3

The list of tentative spending raises special hackles for me for it includes $3 million in funds desperately needed to begin construction of a second powerhouse at Bonneville Dam, on the Columbia River. A group of 13 other western Senators joined me in a strong letter to Roy Ash, of OMB, urging immediate release of these funds, but they have not been spent. Funding of $900,000 for added power units at Little Goose and Lower Granite Dams on the lower Snake River also have not been released. I also know from service on the Interior Appropriations Subcommittee that OMB is holding up $1.5 million for a pilot plant for hydrogenation—turning wood waste into low-sulphur oil. Even if we recovered only 10 percent of the waste left in the woods in logging or at the mills, studies show we could produce enough oil to equal the amount of heating oil sold in my State of Oregon.

At the time of eroding trust of all Government, I also question the wisdom of providing such carte blanche powers as are in this bill to one person, and providing for no citizen input in formulation of these far-reaching policies. The President, or his agents, will determine if certain steps are to be taken, how the steps should be taken, what priorities should be given—and the results could affect drastically the way we work and live. Under this legislation, these decisions are likely to be made behind closed doors, without public participation. Congressional review of specific energy proposals, however, allows such citizen input. The public would know it was their elected officials, and not some bureaucrats, that were shaping the legislation. I would add I am not suggesting that Congress should turn into an administrative agency handling the daily problems. In setting basic policies, we should give direction to those policies and shape the programs. These then could be administered by the various agencies and departments.

This lack of citizen input and the resulting isolation from the decision-making process touches upon another aspect of the problems between the Congress and the Executive. I need not belabor the obvious: The administration is operating under a cloud resulting from Watergate-related incidents. I respectfully raise the question of whether it is wise to add this additional burden on the executive branch at this time. When public acceptance of what may be severe alterations in their life styles is so critical, I do not believe this burden should be borne by the executive branch, which is suffering so deeply from a crisis of public confidence and trust.

In conclusion, I believe the thrust of this bill to be in error. We are abdicating our responsibility. Congress should consider legislation in these various areas; we should review past and new administration energy proposals; we should listen to citizen views. We—the Congress—should shoulder the responsibility for formulating short-term solutions to the energy crisis and continue our leadership role in devising long-range answers. I will repeat that a result of passage of this bill provides further entrenchment of Executive autocracy.

So I am very pleased to join with Senator BUCKLEY in offering this amendment to get us out of another morass and another mess where we abdicated so much power to the President, by repealing the Economic Stabilization Act.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, in today's Wall Street Journal there appears an editorial that I think is very relevant and timely in connection with the amendment now before the Senate. Therefore I would like to read, for the interest and edification of Senators, what the editorial says. Under the column headed "Review and Outlook," it is entitled "Rationing is Irrational," and reads as follows:

> John Love, the President's energy chief, and Rogers Morton, the Interior Secretary, are already predicting that the voluntary conservation program is doomed to failure and that there's no avoiding a full-blown rationing program by early 1974, perhaps New Year's Day. Mr. Nixon insists rationing will only be a last resort, but he doesn't sound very confident.
>
> We certainly hope it doesn't come to that. Rationing is absolutely the worst way to deal with fuel shortages. Any system that can be devised by Washington bureaucrats would have to be based on equal treatment for Americans, within broad priority pigeonholes. And while Americans may be born equal, we doubt there are any two of them with precisely the same legitimate energy requirements. Rationing would impose the grossest kinds of inequities on people and the crudest kinds of inefficiencies on the economy.
>
> Consider: Jones earns $50,000 a year, commutes to work by train, and owns a Lincoln, a Buick station wagon and a Volkswagen. Smith earns $8,000 a year, owns a Ford and drives 12 miles to work. Brown makes $15,000 a year when you add together his earnings, his wife's and his son's each of whom drives a separate car to work. Miller lives in Brooklyn, rides a subway to work and owns no cars.
>
> So how do you divvy up the rationing coupons: Do you give them out per auto, meaning Jones get three allotments while Smith gets one? Or do you divvy them up by auto-owning households, which may be fair to Jones but leaves two of the Brown family's wage-earners stranded?
>
> And what about Miller, who after all is the most deserving of all, in terms of patriotically conserving gasoline? Should he not be given gasoline coupons, which after all are worth money? A black market in coupons will evolve slowly at first, but within a minute or two after coupons are first placed in the public's hands it will be going full blast. In fact, one of the options the government is considering is giving out the coupons on a per capita basis, regardless of need, precisely to protect Miller's interests.
>
> If you don't want to hand out the coupons per-car, per-household or per-capita, you can try to distinguish between "essential" and "nonessential" driving. This would require an army of enforcers and also provide further national incentives to lie and cheat. And even without that, Tom, Dick and Harry, executives who live in the suburbs and drive 15 miles to the city, could form a car pool and divvy up two "essential" allotments for pleasure driving. Or sell their excess coupons to Jones, who wants to drive his Lincoln to Florida.
>
> Insofar as industry is concerned, rationing would also have to be "fair and equitable," as the bureaucrats say. Consider American Widget, which now uses 1,000 units of gasoline, fuel oil and electricity per day. It has to make do with 900 units. The same is true for National Widget. It's all fair and square, except that in the last year American Widget has been scrupulously and patriotically paring energy consumption, turning out the lights, running cold water in the rest rooms, installing more energy-efficient machinery, and rerouting delivery schedules. National Widget, on the other hand, has been squandering British Thermal Units with abandon, as it always has. With rationing, American Widget has no choice but to cut production. National simply trots around doing those things that American already accomplished.
>
> To avoid this and other problems, the government could not make rationing work unless it conducted a national energy audit. Each of several million enterprises would have to come before Mr. Love and his people with several volumes of documents to justify their respective hard-luck stories and win an extra dollop of fuel from the czar.
>
> Rationing worked after a fashion during World War II, but produced no economic distortions to speak of; the economy was wholly geared to the war effort.
>
> Peacetime rationing is quite another matter, and if we're to have it, we had best import several battalions of Soviet bureaucrats who have 56 years experience in allocating material and only foul up half the time. While rationing seems the fair and equitable thing to the cherubs in Washington who have shown their stuff on wage and price controls, in practice we foresee a monumental snafu.
>
> Treasury Secretary Shultz, at least, says rationing will be a "last resort." The first resort, which we recommend begin as of last week if at all possible, is for the government to permit energy suppliers to raise prices until demand meets supply.

Mr. President, that concludes the editorial from the Wall Street Journal. I hope that Senators will take the time to read it, because I think the logic is incontrovertible.

As the distinguished Senator from New York proposes in his amendment, let us take advantage of the economic facts of life to do something about supply. That is going to be the problem. It was the problem last week. It was the problem even before the Arabs shut off the oil flow to the United States.

In the opinion of every knowledgeable person who has studied the matter of energy supply for the United States, there is no denying that we all agree, even though the trouble in the Middle East were to be resolved tomorrow, this Nation because of its growing energy consumption and because of a parallel growth in energy consumption worldwide, will not have adequate supplies to meet all necessary needs.

I said early today that Dr. William Pecora, the late head of the U.S. Geological Survey, and following that assignment, Under Secretary of the Interior more than a year and a half ago said that, in his judgment, there was enough oil and gas within the Continental United States and on the Continental Shelf surrounding this country to see to the needs of America for possibly as long as 100 years, based on the consumption of oil and gas in this country in 1971.

I am disturbed, as I have indicated on previous occasions, by the fact that, with the exception of the Alaska pipeline, we have not yet, this year, done one thing specifically directed toward the increasing of supplies, with the exception of the passage of the stripper well amendment as proposed by the distinguished Senator from Oklahoma (Mr. BARTLETT), which was made an amendment to the Alaska pipeline bill, and the research and development bill still in committee.

I do admit that if we pass a research and development program, the long-range effect will undoubtedly shore up the dwindling supplies of energy in this country, but for the short term, the most knowledgeable experts agree there is no way we can convert our energy needs from petroleum, which supplies more than three-quarters of all the energy we now use in the United States, from that source to coal.

Coal gasification, coal liquefaction, oil shale, geothermal energy, the breeder reactor are all further down the road.

This country is geared to a petroleum and natural gas economy. There is no way we can escape that fact.

It seems particularly unfortunate because of that fact that we do not seize this moment, now, to do something about supply, to take the steps that are called for in the editorial I just read from in the Wall Street Journal. We would be assured if we adopted—as I hope indeed we shall—the Buckley amendment, that this is good sense, that it will start the process of going in a new direction so that Americans can look forward confidently to the expectation that our energy situation will become less severe and less acute than it is now.

I hope that Senators, when they are called upon to vote on the Buckley amendment, will remember—if we need to be reminded, and I hope that we would not—that there is no way this legislative body or any other legislative body in the world, except in a completely controlled economy such as we find in Soviet Russia, can invalidate the laws of supply and demand. They are there. They are immutable. They will work as long as free people have the opportunity to express themselves freely and without coercion.

I would hope that we recognize, in voting for and supporting the Buckley amendment, what we are really doing, that is, to take the steps which will help to assure that America, indeed, will continue to be the land of the free. It is just that simple, Mr. President.

There is no way we can make rationing work in a peacetime economy without compounding our difficulties.

The story is this: We start without enough supplies of anything. We then decide we are going to divvy up among eligible and necessary users. Pretty quickly one segment, one individual after another, finds that he is hurt, that his home is cold, that he loses his job, because there was not enough energy to go around. So, any administrative authority starts making exceptions. It starts recognizing the fairness and the equity in an appeal made by some man or some group without enough energy to get the necessary job done.

It is not too long, during peacetime, until this situation magnifies itself more and more until we get to the point where there is not enough fuel to go around to take care of all the necessary uses that have been recognized by the rationing authority.

At that point in time, the whole system breaks down. That is the bleak future to which Americans can look forward with reasonable expectation, if it occurs, if all we try to do is to spread the misery around and try to distribute insufficient supplies to begin with.

The Buckley amendment is a good amendment. It deserves our support. It makes sense. It will help to shorten the time when Americans may know without any doubt at all, despite what foreign countries may do, that there will be enough energy in this country to take care of America's necessary and essential requirements.

The Buckley amendment deserves the support of the Senate.

Mr. BUCKLEY. Mr. President, I thank the distinguished Senator from Wyoming for his comments and appreciate his calling our attention to the editorial in the Wall Street Journal.

Mr. President, I now yield to the distinguished Senator from Tennessee (Mr. BROCK) who has been patiently standing by.

Mr. BROCK. Mr. President, I am a cosponsor of the amendment of the Senator from New York (Mr. BUCKLEY) for any number of reasons, but I guess the most fundamental of all is that I have finally come to understand how easy it would be to feel sorry for the people of the Soviet Union with the inept bureaucracy that they must face every day of their lives and in every facet of their lives.

I have never in my life seen such confusion, compounded by incompetence, as exists in this particular area these days.

Two years and three months ago, the President sought the necessary imposition of wage and price controls on the American people. A lot of us rationalized that step by saying that we might accept it if the time used were used to address the fundamental problems of this country and not as an excuse for the continuation of governmental irresponsibility.

But no, that time was not used productively. We have gone from phase I to phase II to phase III to phase IV, compounding our problems as we go, making the situation worse and creating enormous hardships for the people of this country in the process, without dwelling on the fundamental, root causes of our difficulties.

Now we are being asked to continue wage and price controls and come up with an emergency fuel measure.

Let me illustrate the condition we are in today with a couple of examples on how you can get into a mess by trying to substitute the wisdom of 5 or 10 or 500 or 5,000 people in Washington for the collective judgment of the American marketplace.

We are short of propane and heating oil at the moment. We are short of natural gas. In other words, we are short of those ingredients which not only heat the home or drive the tractor, but also provide the feed stock for our petrochemical industries, as well as the feed stock for synthetic fibers in our textile industries.

We have a situation right now in this country in the textile industry in which a great deal of scrap is produced when they produce synthetic yarn. This scrap can be reprocessed into good synthetic yarn and used right back to produce shirts, clothes, sheets, and handkerchiefs. But we are exporting all our synthetic yarn scrap right now. Why? Because wage and price controls prohibit American manufacturers from buying that scrap on the marketplace. All of it is going to export and we are going to be short of shirts and sheets and socks this winter, as well as heating oil.

This summer, we announced a proposed list of priorities for distribution of heating oil and propane, and everybody thought it was a pretty nice list. We were going to take care of the households, the schools, and the farmers. But some of us asked Governor Love, when he came on the job, "What about industry? What about the place where people work for a living, where they get the income to buy the heating oil?"

He said, "We hope to lengthen the list." They did not. Today, plants are closing in the State of Tennessee, because they cannot get these commodities.

I wonder what comfort it is to the workingman in one of those plants to be told, "We are going to ration heating oil so that you can heat your home," when he knows that he does not have a job, because he has been thrown out of work, because the priority did not go to the plant. So, not only does he not have the paycheck with which to buy heating oil, but also, he cannot even buy food for his children.

It is insane. It is insane to think that this Government is substituting its wisdom for that of 200 million people. We publish these regulations. We said here to the farmer, "You are going to be on the priority list, because we have to get these crops to the market; we have to feed the American people." What is happening? In Tennessee right now, farmers cannot get diesel oil. Why? Well, nobody knows why.

They call my office, and we tell them that there is an office in Nashville that they are supposed to call. We give them the number and the name of the man. They call, and he says, "I can't do anything but answer the telephone. We don't have time. But you can call Atlanta."

They call Atlanta, and Atlanta says, "We don't have any people down here; and if we did, we don't have any forms to send to you to fill out so that you can get an emergency allocation." So they come back to my office and say, "What do we do?"

Well, we have been trying to help. We got one form out of the office up here. It is incredible—one form. We took it to my office and put it on the telecopier to my offices in Tennessee, and we mimeographed it; and I am distributing forms for emergency distribution of fuel to farmers and wholesale fuel dealers, because the U.S. Government cannot do it. They send the forms in, and nobody is there to evaluate the forms, because they cannot hire anybody, because Congress has not given an appropriation to hire people.

I called the Administrator of the allocation program and said, "I can go to businesses, to the State government in the State of Tennessee, and get you some volunteers who will be more competent than anybody you can hire to put in this office. At least, let us process these forms." That was 10 days ago, and I do not yet have a response to my offer to provide them with help.

I have never in my life seen this degree of ineptitude exceeded at any level of Government. I think it is time we started to take an honest look at the proposal of the U.S. Government for controls every time we get in trouble—controls on the American people. There have not been any controls on Congress in the last 10 years, when we have been spending money as though it were going out of style.

Now we say, "Let's blame the American people, because they are using all this energy." I cannot accept that. I cannot accept the fact that the American people cannot compete with anybody in this world, given an opportunity to do so. How do you compete with somebody when you have wage and price controls on you which inhibit your ability to reinvest your capital in new plants and equipment to increase your efficiency? How do you compete when you have people in this country who are forced to suffer a loss in the day-to-day operation of their businesses, because we do not have the capacity to respond fast enough up here to lift the ceiling so that they can make a return on the time and investment they put into their efforts?

I simply cannot continue to tolerate these controls which so inhibit not only the free market, but also the free processes of the people of this country.

Why do we continually underestimate the American people? Why do we say, "You have to let us think for you; you are not capable of making your own decisions?" Why do we not turn them loose and let them have an opportunity to be productive again? The farmer proved that he can do it. The oil people will prove that they can do it, if they are given the opportunity. They will start building refineries if you get off their back. You will start getting some natural gas in the Northeast if you will take the ceiling off and let it be pumped up there.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. BARTLETT. Talking about the problems of controls and causing problems that face an industry—particularly the little guy—I ask the Senator from Tennessee if the example of yesterday, in the passage of the allocation bill, which provides that refineries shall have a certain amount of crude oil, does not work to the disadvantage of those aggressive, small refineries which were faced with shutdowns earlier in the year and which did, through their own initiative of paying a higher price, when they could, increase their runs and their throughput, some to the point of a hundred percent, and now, with the passage of this bill in the Senate, if it became law, could be threatened with losing that amount of throughput and additional crude oil, because of a control passed by Congress.

Mr. BROCK. Absolutely. Apparently, there is something wrong with being aggressive these days and trying to make your way in the marketplace. Apparently, there is something wrong with guys who are working their hearts out to supply oil.

The trouble is that you penalize the person who has been doing a good job in the past, and you placate and in effect support the guy who has been fat and sloppy in his operation, because you put them on the same standard.

Please do not misunderstand what I am saying. There are some very fine people in this Government who are trying to do the best they can—on the Cost of Living Council, in the Department of the Interior, in the oil and gas and energy offices. I am not talking about the man. I am talking about concepts. There are not any men in this world who are smarter than 200 million Americans. There are not any men in this world who can substitute their judgment for the marketplace.

What happens is that you look at each of these little price control situations as if it were unrelated to anything else. We say that we are going to put a ceiling on this item, without realizing that, in this world today, we are interdependent on each other.

Everything that is done in one little company affects somebody else and it ripples throughout the country causing hardship and personal agony.

I thank the Senator from New York for offering an amendment of this sort. It may help focus attention on an unconscionable condition, the erosion of the free processes of this Republic, an unconscionable ineptitude in the application of the law, and inequity in the application of the law. I think it is important to try as best we can, even though we may fail today, to call to the attention of the people the problem that is going to be with us for a long time to come if we do not do something about it.

Mr. BUCKLEY. I thank the Senator for his contribution to the issue involved in this amendment.

Mr. President, I take this opportunity to ask unanimous consent that the names of the following Senators be listed as cosponsors of the amendment: Senators HATFIELD, BARTLETT, HANSEN, BROCK, and HELMS.

The PRESIDING OFFICER (Mr. MCCLURE). Without objection, it is so ordered.

Mr. BUCKLEY. I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I have been listening to this debate.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for 30 seconds?

Mr. PROXMIRE. I yield.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2681.

The PRESIDING OFFICER (Mr. MCCLURE) laid before the Senate the amendment of the House of Representatives to the bill from the Senate (S. 2681) "to authorize appropriations for the U.S. Information Agency," which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "United States Information Agency Appropriations Authorization Act of 1973".

SEC. 2. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1974, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $194,839,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $5,125,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", of which not to exceed $1,000,000 shall be available solely for the Eighth Series of Traveling Exhibitions in the Union of Soviet Socialist Republics; and

(3) $1,000,000 for "Acquisition and construction of radio facilities".

Amounts appropriated under paragraphs (2) and (3) of this subsection are authorized to remain available until expended.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated without fiscal year limitation for the United States Information Agency for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $7,200,000 for increases in salary, pay, retirement, or other employee benefits authorized by law; and

(2) not exceed $7,450,000 for additional overseas costs resulting from the devaluation of the dollar.

SEC. 3. Section 701 of the United States

Information and Educational Exchange Act of 1948 is amended to read as follows:

"PRIOR AUTHORIZATION BY CONGRESS

"SEC. 701. (a) Notwithstanding any provision of law enacted before the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, no money appropriated to carry out this Act shall be available for obligation or expenditure—

"(1) unless the appropriation thereof has been previously authorized by law; or

"(2) in excess of an amount previously prescribed by law.

"(b) To the extent that legislation enacted after the making of an appropriation to carry out this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

"(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.".

SEC. 4. The United States Information Agency shall, upon request by Little League Baseball, Incorporated, authorize the purchase by such corporation of copies of the film "Summer Fever", produced by such agency in 1972 depicting events in Little League Baseball in the United States Except as otherwise provided by section 501 of the United States Information and Educational Exchange Act of 1948, Little League Baseball, Incorporated, shall have exclusive rights to distribute such film for viewing within the United States in furtherance of the object and purposes of such corporation as set forth in section 3 of the Act entitled "An Act to incorporate the Little League Baseball, Incorporated" approved July 16, 1964 (78 Stat. 325).

Mr. FULBRIGHT. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate resumed the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

Mr. PROXMIRE. Mr. President, there has been a great deal of dissatisfaction with wage and price controls. Many people recognize they work a hardship on the economy. I voted against wage and price controls when we were first asked to renew them by the administration in late 1971 or early 1972 because at that time I thought it would be hard to make them workable, and extremely hard to justify them. But it seems to me this Buckley amendment is not a responsible or wise way to proceed.

Let us consider what the Buckley amendment would do if it passes. It would wipe out all the provisions we now have to hold down prices in the construction industry, which have plagued us so seriously. Regardless of any criticism one wishes to make of wage and price controls, here is one industry where they have worked well. Before wage price controls there were 15 and 20 percent increases in construction wages which had a high inflationary effect throughout the economy.

In the health industry we have a special task force and we have peculiar problems of shortages that have to be handled carefully and responsibly. The administration has worked hard to define and develop controls in the health industry, and they have pinched but worked reasonably well.

Those who vote for the Buckley amendment should be aware of what happens if it goes into effect. We experienced a similar price explosion in going from phase II to phase III. We found that moving from a mandatory to a voluntary system developed into an explosion of prices. This is not to say we should not take controls away as rapidly as possible. We should do everything we can to reduce controls by the end of the year and work hard to eliminate them if possible by April 30 next year; but it should be done in an orderly and constructive way and as Dr. Dunlop is proceeding.

In the fertilizer industry a very strong argument was made that this industry was greatly inhibited by controls and unable to expand and unable to meet the demand. One reason for high food prices was that; we could not produce fertilizer. Dr. Dunlop agreed they would be exempt from controls but only if they expanded facilities and production. That seems to be working and those familiar with that situation agree Dr. Dunlop has done well in this respect.

The Senator from New York quoted at length from Dr. Jackson Grayson and with enthusiastic approval. He is the former Price Commissioner and it is true that I was one of his critics. But he is an able man. He understands how controls operate. The Senator from New York quoted very approvingly of an article Dr. Grayson wrote recently in the Harvard Business Review, an article in which he raised profound questions about controls, and said we should eliminate them as soon as possible. But I wish to call attention to the fact that in a more recent speech the same Dr. Grayson said that we should eliminate controls not now but only when the present excessive demand situation lessens in the economy; that the timing is extraordinarily important; that to take them off when demand is exploding, would be a serious error.

Let us take a look at the current situation in the economy. We have had a reduction in unemployment, which is now at the lowest level in 3 years, at 4.5 percent. We are moving into a situation where we have a surging demand-pull pressure on prices.

Mr. HANSEN. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I shall be glad to yield in a moment.

For us to abolish controls across the board without giving consideration to the peculiar problems in construction, health, and other areas, and without giving the administration authority to negotiate so that as controls are eliminated production is increased, would be irresponsible.

Mr. President, I think I did get the floor. I was recognized by the Presiding Officer. I yield to the Senator from Wyoming for a question.

Mr. HANSEN. I thank my distinguished colleague.

The PRESIDING OFFICER. It is the understanding of the Chair that the Senator from New York yielded to the Senator from Wisconsin.

Mr. PROXMIRE. I misunderstood. I thought I had been recognized in my own right.

Mr. BUCKLEY. Mr. President, I interrupt what is an important element of this debate, out of deference to the Senator from Maine (Mr. MUSKIE) who has to catch an airplane. I would like to extend the debate long enough for him to introduce on behalf of the Committee on Public Works an amendment affecting the Clean Air Act, which is acceptable to the Committee on Interior and Insular Affairs, I believe.

Mr. PROXMIRE. Mr. President, would the Senator from New York agree that when the Senator from Maine completes his remarks I be allowed to complete my remarks?

Mr. BUCKLEY. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? Without objection, it is so ordered.

Is there objection to the amendment of the Senator from Maine being in order at this time? Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I send to the desk an amendment on behalf of myself and 14 members of the Committee on Public Works.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 34, line 9, insert the following new title:

"TITLE IV—CLEAN AIR ACT AMENDMENTS

"SEC. 401. Section 110 of the Clean Air Act, as amended (84 Stat. 1683), is amended by adding the following new subsection:

"(g)(1) During the period commencing November 15, 1973, and ending August 15, 1974, the Administrator is authorized to temporarily suspend any emission limitation related to control of pollutants resulting from fuel burning, or schedule or timetable for compliance with such emission limitation contained in any Federal, State, or local law, regulation, or requirement adopted under this Act as to any presently operating fuel burning stationary sources which is or would be in violation of such requirement due to actions ordered by the President under the National Energy Emergency Act of 1973, unless the Administrator determines that such suspension will present an imminent and substantial endangerment to the health of persons: *Provided*, That no such requirement may be suspended by the Administrator, unless the Administrator determines, (i) that such suspension is essential to enable redistribution of fuels to avoid or minimize violations of primary ambient air quality standards in another locality, or (ii) that the source does not or is not likely to have available, after implementation of all practicable measures in sections 203 and 204 of the National Energy Emergency Act of 1973, fuel which can be burned in compliance with such requirement. No suspension granted under this subsection shall extend beyond the period of unavailability of complying fuel and in no event beyond November 1, 1974.

"(2) To obtain a suspension pursuant to this subsection, the owner or operator of such a source shall submit to the Administrator an application for a suspension of the applicable requirement which demonstrates the need for the suspension, and which establishes that the applicant will maintain where practicable during the period of the suspension an emergency supply of fuel which complies with applicable requirements, in order to avoid presenting an imminent and substantial endangerment to the health of persons during periods of air stagnation. The Administrator on his own motion or at the request of the Governor of an affected State may initiate such a suspension for area sources.

"(3) In granting suspensions pursuant to this subsection the Administrator is authorized to reduce to ten days any Federal, State, or local time limits required for hearing procedures. In case of extreme emergency and with the concurrence of the Governor, such hearings may be waived. In all instances, he shall notify the Governor of the State, and the chief executive officer of the local government entity in which the affected source or sources are located and, to the extent practicable, the public.

"(4) Except as specified herein, any suspensions given under this subsection shall be exempted from any procedural requirements set forth in this Act or any other provision of local, State or Federal law, and the granting of such suspension shall not be subject to judicial review under section 307 nor to any proceeding under section 304 of this Act. Nothing in this subsection shall affect the power of the Administrator to deal with sources presenting an imminent and substantial endangerment to the health of persons under section 303 of this Act."

"Sec. 402. Subsection (a) of section 110 of the Clean Air Act, as amended (84 Stat. 1681) is amended by adding the following new paragraphs:

"(5) (A) The Administrator shall review each applicable implementation plan and no later than May 1, 1974, determine for each State whether its plan must be revised in order to achieve the national primary or secondary standard within the deadlines established pursuant in this Act. In making such determination the Administrator shall consider any current or anticipated suspensions under subsection (g) and any projected shortages of fuels or emission reduction systems. Upon making a determination the Administrator shall notify the State and require revisions of the applicable plan or portion thereof. Plan revisions for any State for which the Administrator determines its plan is inadequate shall be submitted not later than July 1, 1974, and shall be approved or disapproved by the Administrator, after public notice and opportunity for hearing, but not later than September 1, 1974. If a plan revision is disapproved the Administrator shall, after public notice and opportunity for a hearing, promulgate a revised plan not later than November 1, 1974.

"(B) The owner or operator of any fuel burning stationary source may request a revision of the implementation plan with respect to such source. The Administrator shall approve such revised plan, after public notice and opportunity for hearing, but within 60 days of such request, if he determines (i) that the owner or operator of such source is able to enter into a contractual obligation to obtain a continuous emission reduction system which the Administrator determines has been adequately demonstrated, or into a long term contract to acquire fuel of sufficiently low sulfur content to implement applicable air quality standards, and (ii) that modifications with respect to such source are consistent with the implementation plan for the attainment of ambient air quality standards and are in accordance with the provisions of subparagraph (D) of this paragraph; *Provided*, That, the approval of the Administrator shall be contingent upon the owner or operator of such source entering into such a contractual obligation or long-term contract. Any such revision shall be incorporated into any plan revised pursuant to subparagraph (A) of this paragraph.

"(C) Notwithstanding subparagraph (a) (2) (11) of this section, a State may initiate a revision of its implementation plan consistent with the provisions of subparagraph (D) of this paragraph. The Administrator shall approve or disapprove such a revised plan within 120 days after submission.

"(D) Such revised plans shall include legally enforceable compliance schedules for such fuel burning stationary source or sources, which schedules shall specify continuous emission reduction measures to be used to achieve compliance, interim steps of progress, and alternate interim control measures to minimize the emissions of pollutants pending final compliance with applicable emission limitations. Actions taken under this paragraph shall be taken in accordance with procedures prescribed in this Act and shall be subject to judicial review in accordance with the Act; *Provided*, however, that the final date for compliance for sources regulated under this section may not extend beyond July 1, 1977, except in the case of extensions granted pursuant to subsection (f) of this section.

"(E) The Administrator shall report to the Congress by May 1, 1974, on the extent to which any applicable State or local air pollution requirement or deadline may adversely affect the implementation of the National Energy Emergency Act or of this paragraph.

"(6) In order to minimize the need for suspensions under subsection (g) of this section and to provide for interim compliance under paragraph (5) (D) of this subsection, the Administrator is authorized and directed to redistribute within an area designated pursuant to section 203(b) (1) of the National Energy Emergency Act, after consultation with the Secretary of the Interior, allocated fuels on a sulfur content basis to insure, to the maximum extent practicable, that such fuels are utilized in a manner that will minimize adverse effects on health.

"(7) The Administrator may take such actions as are necessary to assure that emission reduction systems are first provided to users in air quality control regions with the most severe air pollution except that no such action shall affect existing contracts."

Mr. MUSKIE. Mr. President, last Friday I introduced legislation on behalf of myself and other Members of the Committee on Public Works to facilitate the capability of the Environmental Protection Agency to do its share to deal with the energy crisis. At the time the bill was introduced, the Committee on Public Works agreed to hold early hearings on the proposal and to complete consideration of the legislation at an early date.

On Monday, November 12, the Subcommittee on Air and Water Pollution, which I chair, took nearly 8 hours of testimony from the Administrator of the Environmental Protection Agency, Russell Train; the president of the Sierra Club, Laurence I. Moss; two representatives of the National Resources Defense Council, Mr. Richard Ayres, and Mr. David Hawkins; the vice president of the National Coal Association, Mr. Robert Price; and the Commissioner of the Department of Air Resources for New York City's Environmental Protection Administration, Mr. Fred Hart. While the record of that hearing is not printed, a transcript is available. That transcript will reveal an in-depth analysis of the implications of proposed amendments to the Clean Air Act, both in terms of the energy emergency and protection of the public health.

Today I am proposing an amendment jointly sponsored by all Members of the Committee on Public Works which reflects the deliberations of the committee.

Witnesses proposed a number of important improvements in the legislation to assure minimum disruption of air quality programs while assuring adequate authority to deal with the energy crisis.

Witnesses proposed that emergency authority provisions retain, except in extreme cases, the requirement that a public hearing be held before an emergency suspension was granted. The amendment which we report today adopts that recommendation.

Witnesses proposed that the amendment waive only procedural requirements set forth in the Clean Air Act. The amendment before the Senate includes that recommendation.

Witnesses proposed that the time limit on emergency suspension be extended from 6 months to 1 year. The amendment before the Senate accommodates that proposal by extending the period for application for a suspension to 9 months and allows an emergency suspension to continue until clean fuels are available or November 1, 1974, whichever comes first.

Witnesses proposed that there be a positive burden on the Administrator to review State implementation plans to determine the extent to which existing emission requirements and compliance schedules need revision in light of the fuel shortage. The amendment before the Senate would require the Administrator to complete a review and initiate plan revisions by May 1, 1974.

Witnesses proposed that implementation plan revision occur on a precise time schedule with an adequate opportunity for States to initiate and complete the process themselves. The amendment provides the States with an opportunity to act first but requires completion of the revision process by November 1, 1974.

Witnesses expressed great concern for the possibility that air quality standards would be violated on a regular basis during the time needed to comply with new regulations. The amendment before the Senate specifically requires the Administrator to set forth, in revised implementation plans, specific interim measures including alternate control strategies to minimize "the emission of pollutants pending final compliance with applicable emission limitations."

Witnesses stressed the importance of providing the Environmental Protection Agency Administrator with authority to require redistribution of low sulfur fuels to assure minimum adverse effect on air quality during any suspension period and to assure that plants located in metropolitan areas receive available supplies of low sulfur fuels. The amendment before the Senate includes authorization for the Administrator to redistribute low sulfur fuels which have been allocated to areas of the country by the President.

Mr. President, if there was one theme in the hearings held by the Subcommittee on Air and Water Pollution, it was that conservation should precede degradation. All of our witnesses concurred in the need to place a high order of priority on protection of public health. All witnesses concurred that all practicable measures to conserve energy as required by the National Energy Emergency Act should be taken before air quality is sacrificed.

The amendment before the Senate today provides specifically and I quote that—

> No such requirement—referring to emission limitations and compliance schedules under the Clean Air Act—may be suspended by the Administrator unless the Administrator determines—that the source does not or is not likely to have available, after implementation of all practicable measures in section 203 and 204 of the National Energy Emergency Act of 1973, fuel which can be burned in compliance with such requirement.

This is a clear statement of the commitment of the Committee on Public Works that clean air to protect public health must take precedence over temporary inconvenience associated with conservation requirements.

Mr. President, the amendment that is offered unanimously by the members of the Committee on Public Works recognizes the limitations the fuel crisis imposes on our ability to meet the deadlines adopted as a result of the 1970 amendments to the Clean Air Act. The amendment recognizes that in the near term, this winter, an all-out effort must be made to overcome our shortage in the last disruptive fashion, providing maximum protection for all citizens in their homes and on their jobs—while accepting short term disruption in clean air efforts. In the long term, these amendments are designed to eliminate our reliance on the vagarities of foreign fuel supply as the basis for pollution control.

The amendment sets forth a procedure to move fuel burning stationary sources of pollution from emission control programs based on imported low sulfur oil to continuous emission control programs based either on stack gas control technology or long term contractual commitments to domestic low sulfur coal supplies.

The strategies required by this amendment may in some instances delay the achievement of the emission reduction goals of the Clean Air Act by 2 years. In return for that delay, the Committee on Public Works is asking the Senate and the Congress to support the imposition of requirements that will assure the American people a technological or contractual commitment to clean air on the part of utilities and industries.

This amendment is intended to increase national energy self-sufficiency. It should provide the basis for our domestic coal industry to begin to make long term investments for new, safe, deep coal mines, and environmentally acceptable surface mines.

Mr. President, the amendment attempts to deal with the situation created under the emergency legislation when an owner or operator of a fuel burning stationary source is directed by the President to convert a facility to a higher sulfur fuel, where that conversion will cause a violation of air quality requirements. Under the amendment, immediate relief is provided through the emergency variance procedure. The owner of a converted source will have until November 1, 1974, to obtain a revision of the clean air implementation plan which sets forth the manner in which that converted source will comply with air quality requirements.

The provision permits an owner to initiate a plan revision before the procedural requirements of the act take effect. The amendment provides the Administrator with authority to approve plan revisions for owners of converted sources contingent upon that owner's contract obligation either to obtain a continuous emission reduction system or a long term contract for low sulfur fuel. This provision should assure sources required by the President to convert fuels sufficient time to meet their air quality requirements.

Mr. President, I would like to spend a moment discussing continuous emission reduction systems. Under this proposal there are only two ways to proceed to comply with the revised plan—through the application of stack gas scrubbers or through a long term contract for supply of low sulfur fuels.

So-called supplementary control system and intermittent control strategies are not substitutes for these requirements. They may be useful as interim strategies before the final date for compliance with revised plans but they are not to be considered permanent measures for compliance with those plans.

Mr. President, there are other features of this amendment which I have not discussed in detail. We have attempted to preserve, to the extent that we could, the role of the States in the development of air quality programs.

We have provided, at the request of Gov. Daniel Evans, chairman of the National Governors Conference, authority for the States to initiate variances for area sources of pollutants, that is, sources to which implementation plans apply generally rather than specifically.

We have provided that hearings on emergency variances can only be waived with concurrence of the Governor of the affected State.

We have provided authority for the States to initiate immediate revision of implementation plans to establish new compliance schedules for primary and secondary standards implementation. We have, in effect, attempted to preserve the intergovernmental fabric of the Clean Air Act to the extent that this emergency will permit us.

As I have said before, this amendment is sponsored jointly by all 14 members of the Committee on Public Works. Most of the members participated yesterday in morning and afternoon mark-up sessions. It is our collective judgment of the best mechanism to facilitate the Environmental Protection Agency Administrator's capability to modify air pollution requirements to get over the immediate problems posed by the energy crisis.

As I said at the time I introduced my bill last Friday, this legislation would be "an undesirable but apparently necessary setback for our environment." This is still true. But with the assurance that energy conservation must necessarily precede environmental degradation, I ask my colleagues to support its adoption.

I ask unanimous consent that a description of the amendment as well as a section-by-section analysis be printed in the Record.

There being no objection, the statement and analysis were ordered to be printed in the Record, as follows:

Discussion of Intent

The intent of Section 1 of the Committee's amendment is to provide the Administrator of the Environmental Protection Agency with the flexibility needed to meet the immediate energy problems likely to accompany changes in kinds of fuel used by stationary sources. Our aim is to allow the the authority necessary to provide temporary variances under circumscribed conditions. The Administrator may accomplish this by adjusting emission limitations, compliance, timetables, or a mixture of the two. It is the intent of the Committee that such variances be carefully limited to cases where variances are absolutely necessary. Specific conditions are necessary before the Administrator's authority can be triggered.

Primary among these is the requirement that low sulfur fuels must be distributed in a way that minimizes the pollution problems of that area. Until this is accomplished, the authority to grant variances cannot be exercised. This is an essential part of any strategy to minimize the pollutions effects of this winter's energy adjustments.

In any case, no variances may be allowed if granting them would present an imminent and substantial endangerment to health.

By allowing the granting of variances until August 15, 1974, the Committee intends to establish a logical target for a Congressional review of the issues involved in this legislation. To wait longer would push Congress up against the fall Congressional elections and too close to the winter of 1974–75. The Committee intends variances granted to be effective until November 1, 1974.

In subsection (g)(2) the Committee has attempted to establish a procedure that will allow individual operators, Governors, or the Administrator to initiate the action leading to the granting of a variance. Where practicable, the source to receive the variance will be required to maintain an emergency supply of clean fuel. The purpose of this is to protect against air pollution episodes caused by periods of air stagnation that would endanger health.

The Committee also proposes authorizing flexibility in the application of procedural requirements under the Clean Air Act. Hearings are required generally but they can be called on ten days notice. In emergencies and with the Governor's concurrence hearings may be waived. But in no case may action be taken without notification to State and local officials.

The intent of the amendment before us is to preserve the procedures of the Clean Air Act as much as is possible. Where the emergency dictates otherwise, basic minimum procedures must still be followed.

The purpose of Section 402 is to fold the variances granted into a new State implementation plan process as smoothly and rapidly as possible. This will allow necessary planning to proceed quickly and will provide certainty to the parties involved as soon as possible.

It is imperative that the deadlines for review and submission of revisions be met so that proposed revisions, hearings and promulgation of final changes be completed by November 1, 1974.

The Committee wants to provide an assurance that investments in new emission control devices will be protected. It also wants to insure that commitments to install these devices will be realized within a certain time period after the variances are allowed so that efforts to clean up the air will not receive a permanent long-run setback. In order to accomplish this purpose, Section 402 calls upon the Administrator to make an assessment of the adequacy of the emission control device or the availability of low sulfur fuel, whichever is proposed to bring the source in question into compliance with the State's implementation plan. If these are determined to be sufficient, the Administrator must approve the revision, contingent upon a contractual obligation for such devices or fuel.

The Committee wants to insure that efforts to achieve air quality standards continue forward with as little disruption as possible. In order to accomplish this purpose, Section 402 requires that plans revised as a result of this amendment must maintain the requirement of continuous reductions in emissions from stationary sources during the interim period before final compliance is achieved on July 1, 1977.

The Committee believes that variances can be greatly minimized this winter, and that interim progress toward final compliance can be maximized by a wise allocation of low sulfur fuels to sources presenting the most acute emission problems. The Secretary of Interior is required to consult very closely with EPA on the matter, and rely heavily on its expertise in this area.

Allocation will follow a two-step process, and EPA must be consulted closely at both steps. Under the first step the President allocates fuel to general areas of the country as provided in Section 203 of the pending bill. The second step permits redistribution of fuel to sources within these regions by the Administrator. The Committee envisions careful intraregional distribution of low sulfur fuel based on the detailed information presently available to EPA. Such distribution can substantially minimize the adverse health effects of the adjustments necessary.

An essential aspect of implementing the changes required by the present energy will be responsible action by all of the States in reviewing the requirements of their clean air implementation plans. The structure of the Clean Air Act is built upon a cooperative program of Federal-State-local action. The pressures of the present crisis, however, have the possibility of creating inequitable actions among states that may indicate the need for Federal preemption. Because of this possibilitiy the Committee's amendment requires EPA to report to the Congress by May 1, 1974 on the possible need for further Congressional action on this matter.

Should the demand for pollution control devices outstrip the available supply during the present energy emergency, the amendment provides EPA with authority to encourage, and if necessary, allocate the distribution of such devices on a priority basis to sources contributing to the most imminent health hazards. It is not expected, however, that the authority to establish an actual allocation system will need to be set in motion.

SECTION-BY-SECTION ANALYSIS, AMENDMENT OF COMMITTEE ON PUBLIC WORKS

This amendment adds a new title IV to S. 2589. The new title contains two amendments to section 110 of the Clean Air Act, which requires the development of implementation plans to achieve and maintain ambient air quality standards within deadlines specified in that section.

Section 401 adds a new subsection (g) to section 110 of the Clean Air Act. This new subsection authorizes the Administrator of the Environmental Protection Agency to temporarily suspend emission limitations related to the burning of fuel for any fuel burning stationary source which is or would be in violation of such emission limitations due to action under the National Energy Emergency Act. Suspension may be granted between November 15, 1973, and August 15, 1974, with any suspension terminating when complying fuel becomes available, or no later than November 1, 1974. A suspension cannot be granted if the Administrator determines that it would present an imminent and substantial endangerment to the health of persons. Suspensions may be granted only where the suspension is essential to enable redistribution of fuels to minimize violations of air quality standards protective of public health, or where complying fuels are not likely to be available even after full implementation of the energy conservation measures authorized in S. 2589.

Subsection (g)(2) requires an owner or operator of a source applying for a suspension to demonstrate the need for the suspension, and, where practicable, the applicant is required to maintain an emergency supply of clean fuel for use in air pollution alerts during the period of the suspension. The Administrator may grant a suspension for area sources (e.g. commercial and domestic heating units) on his own motion or at the request of a Governor.

Subsection (g)(3) provides for expedited hearing procedures of 10 days or less, and for the waiver of any hearing requirement in extreme emergencies where the Governor concurs. Notice to affected government officials and, to the extent practicable, the public is required.

Subsection (g)(4) exempts such suspensions from any other procedural requirements of Federal, State or local law. The granting of suspensions is exempted from the judicial review and citizen suit provisions of the Clean Air Act. The emergency powers of the Administrator under the Clean Air Act are specifically preserved.

Section 402 amends section 11(a) of the Clean Air Act by adding three new paragraphs. Paragraph (5) provides for revisions to implementation plans to take account of inadequate supplies of clean fuels. Subparagraph (A) requires the Administrator to review each State's implementation plan by May 1, 1974, and notify the State of any required revisions. States must submit plan revisions by July 1, 1974, and the Administrator must approve or disapprove the submitted revisions by September 1, 1974. Where he disapproves the State-submitted revision, the Administrator must promulgate a revised plan by November 1, 1974. The Administrator's actions must follow public notice and opportunity for hearing.

Subparagraph (B) provides that the owner or operator of a fuel burning stationary source may request a plan revision for such source. Within 60 days of such a request, the Administrator must approve the plan revision if the owner or operator is able to enter into a contractual obligation to install a continuous emission reduction system or a long term contract for low sulfur fuel, and the modifications are consistent with attaining ambient air quality standards. Approval of the plan revision is contingent on the owner or operator actually entering into the contract.

Under subparagraph (C), a State may initiate a plan revision on its own, regardless of any limitations on considering revisions now in the Clean Air Act. Action on such revised plans must be taken by the Administrator within 120 days after submission.

Subparagraph (D) requires revised plans to include compliance schedules specifying continuous emission reduction measures to achieve compliance, interim steps of progress, and alternate interim control measures pending final compliance. Actions under this paragraph are made subject to the procedural requirements of the Clean Air Act. The final date for compliance by any source converted by this section would be July 1, 1977. This represents an extension from presently required compliance dates of mid-1975 in many cases, under section 110(a)(2)(A)(1) of the Clean Air Act and retains the single extension of one year which may be granted in accordance with section 110(f) of the Clean Air Act.

Subparagraph (E) requires the Administrator to report to the Congress by May 1, 1974 on the extent to which more stringent State or local air pollution laws may adversely affect the implementation of the National Energy Emergency Act or the implementation plan revision procedure of this amendment.

Paragraphs (6) and (7) provide authority to the Administrator to assure the distribution of allocated low sulfur fuels and emission reduction systems to users so as to minimize adverse effects on health. Existing contracts for the purchase of emission reduction systems are preserved.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. JACKSON. I would like to take this opportunity—I know I speak for all members of the Interior and Insular Affairs Committee, which held hearings on this problem, in a brief sort of way—to express our appreciation to the able Senator from Maine, the chairman of the subcommittee, who has been a pioneer in this field, and to the chairman of the full committee, the distinguished Senator from West Virginia.

Mr. MUSKIE. Mr. President, will the Senator yield for a moment?

Mr. JACKSON. I yield.

Mr. MUSKIE. I wonder if we could have the yeas and nays ordered while we have enough Senators in the Chamber.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JACKSON. Mr. President, I also want to express my appreciation, in behalf of the committee, to the ranking minority member of the committee, the Senator from Tennessee (Mr. BAKER), and to the Senator from New York (Mr. BUCKLEY), not just for helping on the bill so effectively, but for permitting the parliamentary situation to be revised so that we could move expeditiously on the amendment unanimously presented to the Senate by all members of the Public Works Committee.

Mr. FANNIN. Mr. President, if the Senator will yield, I know time is short, but I wanted to also commend the distinguished Senator from Maine for his expeditious handling of this very important segment of the legislation. I concur in the statement of the distinguished chairman of the committee. I know the people of the country will appreciate what the Senator from Maine has accomplished in making it possible for people who may not have had the opportunity without this amendment, to have warmth this winter.

Mr. MUSKIE. I thank the distinguished Senators from Arizona and Washington for their assistance in helping expedite consideration of the amendment.

I yield to the distinguished Chairman of the Public Works Committee, the Senator from West Virginia (Mr. Randolph), who has been on top of this problem for many years and has taken the leadership in alerting the people of the country to the energy crisis and who has helped so greatly in developing this amendment.

Mr. RANDOLPH. Mr. President, I wish to commend my colleague from Maine (Mr. Muskie) and to call once more to the attention of the Members of the Senate the knowledge, the expertise and the commitment of the Senator from Maine in the field of environmental considerations. These certainly are important parts of our determination of how best to meet in legislation the energy needs of our Nation and our people.

As he has indicated, there has been complete cooperation on the part of the 14 members of the Public Works Committee, both Democrats and Republicans, in working with the Senator from Washington (Mr. Jackson) and the Senator from Arizona (Mr. Fannin) in bringing to the floor, with conferences prior to actual introduction, this amendment. In other words, there was an understanding, not a backdoor agreement, but a realization that we were all working in the interest of this Nation, as the distinguished occupant of the chair (Mr. McClure), who serves on both the Public Works Committee and the Interior and Insular Affairs Committee, knows, the distinguished Senator from New York (Mr. Buckley) also serves on both committees and is the able ranking minority member of our Subcommittee on Air and Water Pollution.

In the amendment offered by the Senator from Maine, I think we have achieved a consensus and have conceived an approach by our committee which is in complete agreement with the legislation. In a sense, it backs up what we are attempting to do in reference to the solution of the severe fuel shortages which face us now and will increasingly be upon us as a people in the months ahead. Again I commend the Senator from Maine.

This amendment represents the concern and involvement of every Member of the Public Works Committee on this important issue. Evidence of their concern is demonstrated in the attendance of hearings and committee meetings. Senator Muskie has provided leadership to the Subcommittee on Air and Water Pollution fully exploring this question. Senator Howard Baker and Senator James Buckley, as ranking minority members of the committee and subcommittee respectively, made major contributions to our understanding of the impact of the fuel shortage on our efforts to end air pollution. We could not have brought this measure to the Senate in its present form and in a relatively short time period without the positive involvement of our other committee members, Senator Joseph Montoya, Senator Mike Gravel, Senator Lloyd Bentsen, Senator Quentin Burdick, Senator Dick Clark, Senator Joseph Biden, Senator Robert Stafford, Senator William L. Scott, Senator James McClure, and Senator Pete Domenici. All of them have my thanks and my appreciation for their active participation in developing this legislation.

Mr. President, the energy shortage faced by our country has many ramifications beyond the need to keep warm and to maintain economic viability. The bill reported from the Interior Committee, S. 2589, is a response to the country's immediate needs for coping with the energy shortage in its present manifestations. It provides a number of approaches to conserving anticipated fuel resources and channeling them to areas where they can be most beneficially used.

In meeting this challenge imposed by diminishing fuel supplies, we must also consider the impact on other Government programs. Three years ago the Committee on Public Works developed, and the Congress passed, the Clean Air Act. This was significant legislation and established this country's commitment to ending the pollution of the air we breathe. Substantial progress has been made since that time in implementing the programs authorized by that Act. The result has been a general improvement in the quality of air.

In responding to the energy crisis, however, we must realistically recognize that temporary modifications in the air pollution abatement program are needed.

Under agreement with Senator Jackson, chairman of the Committee on Interior and Insular Affairs, the Committee on Public Works has developed legislation to provide variances under the Clean Air Act to assist in ameliorating the immediate energy shortage. Legislation to accomplish this purpose was introduced last Friday as S. 2680. This measure was introduced by Senator Muskie, and has the cosponsorship of the other 13 members of the Committee on Public Works.

A hearing on S. 2680 was conducted Monday of this week. Testimony was received from the Environmental Protection Agency and other concerned groups.

The measure was discussed thoroughly in a lengthy meeting of the committee yesterday which was attended by 12 of our 14 members. The measure was ordered reported to the Senate and is offered today as an amendment to S. 2589.

Mr. President, this amendment will provide the necessary authority to grant certain variances in the Clean Air Act. Primarily, and most immediately, it permits under certain conditions, the temporary suspension of emission limits relating to the burning of fuel in stationary sources if necessary because of the existing fuel shortage. An expedited administrative procedure also is provided so that these variances can be put into effect expeditiously. This authority is granted from November 15, today, until next August 15.

In addition, procedures are provided for reevaluating air pollution abatement implementing plans and possible modifications on a longer range basis, through mid-1977, with an optional extension for an additional year.

The exceptions to the Clean Air Act provide what the Committee believes to be the necessary authority to cope with this winter's energy crisis. I emphasize, however, that they in no way undermine the basic integrity of the Clean Air Act or the programs carried out under its authority. The Committee on Public Works is committed to the achievement of clean air as a vital goal in this country. In this regard, I do not believe that there is any basic conflict between environmental enhancement and the important questions of long range energy supplies.

The Committee on Public Works will continue to examine this issue and work for further refinements in the air pollution program to assure that it does not unnecessarily inhibit the achievement of adequate and environmentally sound air standards.

Mr. President, this amendment is an essential part of the total legislative package needed at once and I urge its adoption by the Senate.

Mr. MUSKIE. May I say to the Senator from West Virginia that it has been a pleasure to work with the distinguished Senator from Washington on this legislation, which involves the jurisdiction of both committees.

I understand members of the Public Works Committee would be represented in any conference which may be necessary on this measure to be sure the committee is represented in this particular phase of the legislation.

At this time I would like to yield to my good friend, the Senator from New York.

Mr. JACKSON. Mr. President, first may I respond? We will, of course, when we get around to the appointment of conferees, be delighted to arrange for the Public Works Committee to designate its members, both majority and minority, as it relates to this title.

Mr. MUSKIE. I thank the distinguished Senator.

Mr. President, I would like to add my commendation to the Senator from New York (Mr. Buckley). As the ranking minority member on the subcommittee, he has been of valuable assistance in the work of the committee. I appreciate his cooperation.

I yield now to the Senator from New York.

Mr. BUCKLEY. I thank my colleagues from Maine and West Virginia. I do want to say it has been an extraordinary pleasure to work on this particular item with them. I believe that we have been able to come up with legislation that recognizes the fact of an emergency and the need to shorten some of the procedural safeguards, but from the standpoint only of the requirement to move immediately, so we could proceed with this legislation. To make sure that, in no event, will health been dangered, care was taken that, to the extent that we had to eliminate some of the procedural processes, that was only for a limited period, so that long-range procedures must not be curtailed in accordance with the act itself. So, I believe that this is responsible legislation and effective legislation.

Mr. President, I ask unanimous consent on behalf of the Senator from Tennessee (Mr. BAKER), who is necessarily absent today, that his statement on this matter be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BAKER

I am pleased to join in supporting these amendments which the Committee on Public Works has just reported.

We are facing severe shortages of energy both this winter and, I fear, for the longer term as well. These are not shortages caused by the demands for clean air nor can amendments to the Clean Air Act do much to alleviate the situation. But to the extent that shortages of fuel and particularly clean fuels—or the inability to allocate fuels as precisely as we would wish—require temporary changes from our course toward improved air quality, the Clean Air Act must be adjusted. The amendments which we propose today make such adjustments, but they in no way signal an abandonment of our national commitment to clean air.

These amendments provide for the limited and temporary suspensions of emission limitations which likely will be needed this winter due to Presidential orders under the National Emergency Petroleum Act. However in no case will a suspension be allowed that would present an imminent and substantial danger to human health. The administrator will also have to determine either that the suspension is essential to allow redistribution of fuels to meet health related air quality standards in another locality or that a source, after all practicable fuel conservation measures have been taken, cannot obtain clean fuel. This is a very careful and prudent provision which will ensure that all essential suspensions can be granted but that the air we breathe will not be polluted needlessly in any instance. The bill preserves a full measure of coordination with state and local officials and a careful regard for due process of law in the granting of suspensions, albeit with short deadlines that recognize the urgency with which the Administrator may have to act.

To provide for adjustments required by longer term shortages of energy and the need to convert to such dirtier domestic fuels as coal, the bill requires the administrator of EPA, by May 1, 1974, to review all state implementation plans under the Clean Air Act, in the light of clean air standards, current or anticipated suspensions, and expected shortages of fuels and of emission reduction systems. EPA then is required to notify the states of any needed changes, and, in cases where a State does not submit an adequate revised plan, to promulgate a revised plan for the State by Nov. 1, 1974. Owners or operators may request revisions of plans on their own motion. Such revisions may be approved by EPA after notice and hearing if the Administrator determines that the source is able to enter into a contract for a demonstrated continuous emission reduction system (for example a stack gas scrubbing system for sulfur dioxide) or a long term contract for clean fuel that meets the standards and that the requested revision is consistent with the implementation plan under the Act.

These requirements will help prevent a full scale switch to high sulfur coal without adequate provision for installation of emission control equipment. It also provides some incentive to mine and use the large existing supplies of Eastern and Western low sulfur coal where industry so chooses.

There is also limited new authority for EPA to redistribute clean fuels within an area and to assure that in case of conflicting priorities, emission reduction systems go to users in the air quality control regions with the most severe air pollution.

These provisions clearly represent not a retreat from clean air but an advance toward achievement of clean air with due recognition of our growing energy problems.

In this respect they are a signal achievement of the legislative process at its finest and a particular credit to the distinguished Chairman of the Committee on Public Works, (Sen. Randolph), the most able Chairman of the Subcommittee on Air and Water Pollution (Senator Muskie) and the distinguished ranking minority member on the Subcommittee (Sen. Buckley). These and a number of other Senators on the Committee worked carefully but quickly through a full day of hearings and two markup sessions to achieve these amendments. I am most proud to be associated with their efforts and to urge the prompt adaption of these amendments by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOMENICI. Mr. President, if the Senator will yield for a moment, I do not want to take the time unnecessarily because the concern for this legislation has been expressed far better than I could do. I would like, however, to indicate as the junior member of the committee my appreciation to the Senator from New York (Mr. BUCKLEY), the Senator from Tennessee (Mr. BAKER), the Senator from West Virginia (Mr. RANDOLPH), and all other Senators who worked so hard to prepare this matter that we are not retreating. I would say that we are holding the line. Since we achieved such historic legislation as the Clean Air Act, we know how difficult it was to get to this point. When I say that we are holding the line, it is a compliment to those who are truly concerned about a proper balance and not overequating one against the other. We are going to relax, but it is not a retreat.

We are taking every precaution to make sure that those must all balance on the scale here.

We have heard much evidence and have boiled it down into a very good emergency measure, temporary in nature and as protective as we could be under the circumstances.

I was pleased to be part of this effort.

Mr. President, the amendment now being considered, an amendment which I cosponsored, represents a step that the members of the Public Works Committee have taken very reluctantly. We have been reluctant to take this step because we fully realize that it could be seen as a step backward in our efforts to reduce air pollution.

The Public Works Committee, Mr. President, has worked too long, too hard in setting this Nation's course for achieving clean and healthy air to take lightly any diversion from that course. I can take little credit for this diligence, perseverance and far-sightedness, having only joined the Public Works Committee at the beginning of this session. The diligence of the Committee is no more vividly illustrated than by the rapid action taken on this amendment and I applaud the leadership of our chairman (Mr. RANDOLPH), our ranking minority Member (Mr. BAKER) and the leaders of the Air and Water Pollution Subcommittee (Mr. MUSKIE and Mr. BUCKLEY). I have been on board long enough now and I have worked and agonized enough with the committee on the monumental problems of regaining a healthy human environment to associate myself with its past efforts and join ranks with the other members in their determination that not even an energy crisis as grave as the one we now face will open the floodgates of pollution.

The point I would emphasize, Mr. President, is that the step we are taking through this amendment is more of a holding action than a retreat and more importantly, it is for a fixed and limited duration. It is also important to note that before any relaxation of standards may be permitted, there must be proof that fuels which would meet the standards are not available and that all conservations measures required by S. 289 have been taken. In other words, deviation from established standards will be conditioned on a genuine shortage of cleaner fuels, not on any of the other many reasons that could be found. To me this is both a reasonable requirement on the source of pollution and a safeguard against pollution increases unrelated to the shortage of clean fuels.

In the longer term, Mr. President, this amendment provides the means to modify State implementation plans to permit the use of coal so long as the source commits to a timetable for installation of stack-gas cleaning equipment or some other effective device by mid-1977. This flexibility, this option, is essential to facilitate the shift of our emphasis from using cleaner fuels to cleaning up coal burning plants. The debate on whose fault it is that has brought us to this point and which now requires this modification, is one I will pass today. I will simply say that we now have an opportunity to concentrate on the more effective long-term approach—to use our abundant fuels and clean them up as required—and get on with it, all of us. To my mind, this amendment provides that opportunity and I urge prompt adoption of this amendment.

Mr. MUSKIE. Mr. President, I appreciate the comments made by the distinguished Senator from New Mexico who is indeed a valued member of the subcommittee and the full committee. He makes a point that I think is important, which emphasizes that in many ways pressures of the present time are running against those who are concerned about the environment and some of the actions proposed for easing the pressure of the energy crisis, but we are not beginning to retreat from the gains we have made through many years.

I think the Senator from New Mexico has accurately described the legislation. I think it responds to those areas of the country where the pressures have developed. This legislation will enable us, insofar as legislation ever can, to meet the exigencies of the current crisis without abandoning the long-term goals represented in the Clean Air Act.

Mr. President, I appreciate the comments of the Senator, and I yield now to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the Senator from Maine for yielding to me. I rise to make one observation.

I think the thrust of his remarks, taken with the energy crisis now before us, is to the effect that there has been some turning away by some of those who were advocates and still are of the Clean Air Act and the other measures which seek to protect the importance of our environment.

Do I correctly understand that the Senator essentially implied that?

Mr. MUSKIE. Mr. President, the Senator is correct. That implication is very real.

Mr. HANSEN. Mr. President, I would like to observe that basically all of us are environmentalists. I yield to no one in my concern and deep conviction that we must and indeed will clean up the air and the water and beautify the landscapes, remove litter, and see that if we damage or scar the land, we repair those scars.

The point I want to make is that despite my strong belief in the continuing wisdom of this crusade that has sometimes been referred to as an expression of ecological concern or environmental concern, I think what really is in focus today and before us today is our trying to achieve these long-term objectives on the one hand and on the other trying to address a very critical situation.

I would say to the extent I have participated in trying to get some accommodation so as to take note of the fact and deal with the harsh realities of today's life and recognize that there is not enough gas to go around, that indeed we will have to make some accommodation, as has been so eloquently stated by the Senator from Maine.

Mr. President, I would like to point out that I will not interpret the actions some of us have taken who believe in the deep philosophical commitment, and I will not interpret our present objectives and solutions as a retreat at all from our dedication to these long-term goals.

I have five grandchildren, as the Senator knows. I would hope very much, as I know the Senator hopes very much, that we may have a better world tomorrow.

In the meantime, I want to help, as I am sure the Senator does, to see that we have warm houses today and jobs today, because without those nothing else is too meaningful.

For those of us who live in the colder parts of the United States, in the wintertime when one gets up, if he finds that the fire has gone out or that someone has left the door open, that is where the environment starts, right in one's own home. And it will start there for many Americans if we run out of fuel or if we do not take some steps that will prevent the shortage of fuel from becoming a reality. I hope it will not be a reality.

I thank the Senator from Maine for his recognition of the fact that we do have to take notice of these situations and pass laws to support our long-term goals for America. And those efforts deserve the support of all of us.

I thank the Senator.

Mr. MUSKIE. Mr. President, I thank the Senator from Wyoming. I accept that statement as a statement of a deeply committed and concerned Senator.

We sometimes have apparent differences in objectives and we sometimes disagree. However, disagreements on questions such as these often relate to differences in perspective rather than differences with respect to goals.

Let me make this very brief statement. There are many who are now saying that they saw this energy crisis coming months, years, and even decades ago. They say that everyone else now sees it as clearly as they did.

Let me point out that there are four essential resources with which we are involved in this legislation: energy, air, water, and land. The four are limited. They are finite. We happen to face a crisis with respect to energy. Those limitations are the first to hit us in a traumatic way. However, to the extent that the others also are taxed beyond their capability, we will come upon similar crises when their supply runs out. And the fact is that in many places in this country, water now is no longer in sufficient supply. In many parts of the country, air is not in sufficient supply for those who need to breathe healthy air. So, this energy crisis is really a forewarning not only of the limitation in our energy resources, but is also evidence of potential further similar crises regarding other resources. We must be alert to these threats as we try to dispose of this legislation.

It is in that sense that I accept the Senator's statement. Of course I do. I would seek to communicate to the Senator and to the other Senators whatever insights and observations I happen to have with respect to those matters which fall within my jurisdiction. I hope that all Senators will recognize that these four are one, and that we must learn to balance all of them.

Mr. HANSEN. Mr. President, I would like to say that the Senator from Maine has always stood for uniformity in the solution of the problems facing America and has been a very knowledgeable person insofar as our earth is concerned.

I would observe only that one of the shortcomings I find in the bill that disturbs me is the fact that while it is true that most of the things we know about are indeed finite—I would say that they are finite at least to this extent: when we talk about petroleum resources, when we talk about fossil fuels, which of course includes petroleum, when we talk about uranium, or when we talk about oil shale, we are talking about finite things, just as we undoubtedly are when we talk about geothermal steam; I would say the one exception might be solar energy. At least it is a continuing thing, and whether or how quickly we may be able to turn it to our use will depend upon our dedication and our ingenuity—in the short term, though, I would hope the Senator might share my sentiments that it makes good sense for us as Americans and citizens of this world, bound in large measure by finite resources, that we extract every drop of oil out of those known reserves we now have, that we leave none in the ground because for economic reasons it seems imprudent to bring it above the ground.

In this one area, the area of supply, there are those of us on the Interior Committee who find the bill before us and others deficient in that respect. We think it makes good sense for Americans, as citizens of this country and as world citizens, to see that we waste no single source of this most important commodity. I would hope the Senator might share that feeling.

Mr. MUSKIE. Mr. President, I think the Senator will find that there is a great disposition on the part of the Senate, including the Senator from Maine, to get behind the new kinds of perspectives and programs we must have.

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I am voting against this amendment because we are dealing with a bill that is limited to one year and specifically addressed to the immediate emergency now facing our Nation. In this emergency, I do not believe those entities ordered to utilize alternative sources of fuel should be required to comply with the normal procedures of the Clean Air Act. I supported the Clean Air Act, and I still would support it in normal times. Furthermore, in the years ahead, it may be necessary to require major energy users to be able to utilize more than one type of fuel. To do so would, in my opinion, require longer than 1 year and would be such a drastic step that the normal processes of administrative procedure should be complied with.

The original committee bill contained protections necessary for the emergency period of 1 year—that, in my opinion, is the approach that should have been maintained by the Senate. This amendment in and of itself contemplates that permanent changes may be ordered involving a permanent shift from one fuel to another because of a temporary emergency. Therefore, I cannot support the Public Works Committee amendment, for I believe a short-term, limited exemption from the Clean Air Act without burdensome administrative procedures is all that is required in this act.

Mr. HART. Mr. President, I intend to vote against this amendment not because I am convinced it is a bad amendment but rather because I am not convinced it is a good one. The step advocated by it is an extensive one. It carries us nearly 5 years beyond the termination of the emergency declared by the bill before us. All other features of the legislation save those dealing with coal conversion and the clear air provisions now before us expire with the expiration of the emergency. With respect to these expiring provisions, I believe our rush to judgment on this bill to be justified. But with respect to the extension provisions of the Clean Air Act contained in this amendment, I believe prudence dictates more thorough examination.

Mr. President, the amendment under consideration became available only this morning. I would venture to say that many of us will not be familiar with its provisions or even with the fact that it applies years beyond the emergency. To roll back a landmark piece of environmental legislation under these circumstances strikes me as unfortunate.

True, the emergency we are confronted with demands quick action. Some argue that we cannot deal with that emergency in the coal-conversion area without taking the far-reaching steps proposed. Yet I do not think the record is clear on this point. I am not persuaded that the risks to clean air implicit in the amendment can be justified. Until we have greater assurance on these questions, I would oppose the amendment.

The PRESIDING OFFICER (Mr. McClure). The question is on agreeing to the amendment of the Senator from Maine (Mr. Muskie). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wisconson (Mr. Nelson), the Senator from Alabama (Mr. Sparkman), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. Huddleston), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. Baker), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from New Hampshire (Mr. Cotton) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. Curtis) and the Senator from Illinois (Mr. Percy) would each vote "yea".

The result was announced—yeas 83, nays 2, as follows:

[No. 486 Leg.]

YEAS—83

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hruska
Hughes
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Stafford
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—2

Hart
Stevens

NOT VOTING—15

Baker
Cotton
Curtis
Eagleton
Fulbright
Hollings
Huddleston
Humphrey
Kennedy
Nelson
Percy
Saxbe
Sparkman
Stennis
Talmadge

So Mr. Muskie's amendment was agreed to.

The PRESIDING OFFICER (Mr. McClure). Under the previous order, the distinguished Senator from New York (Mr. Buckley) is now recognized.

Mr. BUCKLEY. Mr. President, I take this opportunity to ask unanimous consent that the names of the two Senators from Arizona (Mr. Fannin and Mr. Goldwater) be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I yield at this time to the Senator from Ohio (Mr. Taft).

Mr. TAFT. Mr. President, I ask unanimous consent that Jane Porteous of my staff be allowed the privilege of the floor during debate on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I ask unanimous consent once again to suspend the continuing debate on my amendment so as to permit the Senator from Utah (Mr. Moss) to present an amendment which I understand is acceptable to the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, the Senator from Utah (Mr. Moss) is on his way to the Chamber. I therefore suggest that the Senator from Wisconsin (Mr. Proxmire) continue his comments until the Senator from Utah arrives in the Chamber, if that is agreeable to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Buckley amendment would repeal the Wage-Price Stabilization Act. It would repeal it, wipe it out. Many of us are opposed to wage and price controls. I voted against wage and price controls when they were first put into effect, but we should be careful and responsible and consider what the far-reaching effect would be. It could have an immediate and substantial inflationary effect.

The fact is that the administration can end controls today, right now. Why have they not done so? Because they recognize what will happen. The administration is not irresponsible. Their memory goes back at least to last January, when we, in effect, did forego mandatory controls and moved, in effect, to optional or voluntary controls. What happened? We had an immediate, serious inflation, and we are still paying the price of that inflation.

I think we have to recognize that we still have inflationary conditions. In fact inflationary conditions are probably worse now than they have been at any time in the past 3 years. We not only have shortages in the fuel area but also in the food area, in paper, in chemicals, in many skilled labor areas. The unemployment level is the lowest it has been in some 3 years. It is almost at a historic low for married men.

If the Buckley amendment is agreed to, it will have an adverse effect—no question about it—a serious effect, a punishing effect, on the bill; because one of the most inflationary parts of our society has been the health services, the cost of medical services. That has been effectively regulated under wage-price controls and almost everybody agrees with that.

I would agree that we could go a long way toward decontrol—perhaps 80 percent, perhaps 90 percent; but to do it this way, and go right across the board in cutting out controls on construction, on health, and on these other areas that are so serious, could be a grave mistake. At the very least, we ought to permit time for an orderly transition.

Should we have guidelines after these controls are eliminated? A number of economists have argued, and argued persuasively, that we should have.

I think most Members of Congress respect greatly Dr. Arthur Burns, the Chairman of the Federal Reserve Board. He has argued that we ought to have a permanent wage-price review board, not with any mandatory power, but with the right at least to make findings and recommendations, so that we will be in a much better position to monitor inflation in the future and to act promptly.

But this amendment would not permit even consideration of any of that.

The real argument against this amendment is that it is unprinted; it is an unprinted amendment on a very profound subject. What does that mean? It means we have not had a chance to think about it, to study it. I was informed about it only about an hour ago, and I am sure that other Members were only informed about it recently. There have been no hearings, no report, no record, no evidence of any administration position on it, although it probably is the most serious economic proposal that has come before this body in some time. Certainly, it would have a more immediate effect and a more serious effect on 200 million Americans than any action we have taken in a long time.

Under the circumstances, I hope that when the leadership moves to table the amendment, Senators will see fit to support the tabling motion.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HANSEN. Mr. President, I understand and appreciate the concern of the distinguished Senator from Wisconsin in saying that while there are good, strong philosophical arguments to bring about the freeing of our economy, as would be accomplished in this bill, he questions it. I think he referred earlier to how our economy had been responding to the low level of unemployment in the United

States. I believe those were some of the references he made.

I share those precise concerns with the distinguished Senator from Wisconsin, and I point out that nothing is more critical to our employment picture in the United States than energy. That is the No. 1 thing.

Japan is deeply disturbed about the fact that they will probably have to cut back, close factories, lay people off, because Japan took a fairly neutral stand in the Middle East and, as a consequence, has suffered some embargo by the Arab countries in the shipments of oil that normally would go from the Arab countries to Japan.

I think that makes all the more sound the reason that we ought to turn this economy loose now, in order that it can respond.

I have before me a letter written by a Chicago lawyer who says:

> In March of this year in a U.S. Department of the Interior drawing, I was awarded certain oil and gas leases in Eddy County, New Mexico. Acquiring certain other acreage by purchase I have recently taken steps to undertake to drill a well on one of these properties in the expectation of producing natural gas, a fuel now desperately needed throughout our country.
>
> Would you believe, however, that although we have located drilling contractors to drill the well, we cannot begin to do so because of a drastic scarcity of pipe and oil field steel casing essential to the drilling and completion of any oil or gas well? As far away as Houston and Fort Worth, all of the oil field supply companies are simply out of stock, with none of them giving an assurance of when or how much they will receive in the future! At an auction in Houston last week, details of which I would be pleased to provide you, 27,000 feet of used 5½" steel casing were purchased by the highest bidder, Texaco, Inc., at a price of $4.40 per foot. The normal price, new, for such pipe, has been $2.80.
>
> All of the oil field supply companies we have contacted have given as a reason for this shortage—

I hope we will all pay attention to the next statement—

> the fact that the price of the pipe and casing has been so limited by the Cost of Living Council that none of the steel companies is willing to produce it.
>
> It seems to me that this critical situation is one of national importance.

He concludes by asking, "Do you agree?" I do agree.

Mr. President, I ask unanimous consent that the entire letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> Chicago, Ill.,
> *November 9, 1973.*
>
> Hon. Clifford P. Hansen,
> *Dirksen Senate Office Building,*
> *Washington, D.C.*
>
> Dear Senator Hansen: In the midst of what promises shortly to be an unprecedented national scarcity of fuels of all kinds, a situation has recently emerged which you will no doubt want to be aware of, and perhaps to attempt to remedy it at the earliest moment.
>
> In March of this year in a U.S. Department of the Interior drawing, I was awarded certain oil and gas leases in Eddy County, New Mexico. Acquiring certain other acreage by purchase I have recently taken steps to undertake to drill a well on one of these properties in the expectation of producing natural gas, a fuel now desperately needed throughout our country.
>
> Would you believe, however, that although we have located drilling contractors to drill the well, we cannot begin to do so because of a drastic scarcity of pipe and oil field steel casing essential to the drilling and completion of any oil or gas well? As far away as Houston and Fort Worth, all of the oil field supply companies are simply out of stock, with none of them giving an assurance of when or how much they will receive in the future. At an auction in Houston last week, details of which I would be pleased to provide you, 27,000 feet of used 5½" steel casing were purchased by the highest bidder, Texaco, Inc., at a price of $4.40 per foot. The normal price, new, for such pipe, has been $2.80.
>
> All of the oil field supply companies we have contacted have given as a reason for this shortage, the fact that the price of the pipe and casing has been so limited by the Cost of Living Council that none of the steel companies is willing to produce it.
>
> It seems to me that this critical situation is one of national importance. Do you agree?
>
> Yours sincerely,
> Andrew W. Brainerd.

Mr. PROXMIRE. I think the Senator makes a very strong case, but I believe we should have hearings on it, a record on it, and know what the facts are.

The testimony of Dr. Arnold Weber, the first head of the Cost of Living Council, appointed by President Nixon, is that in the short run, in all these areas, you do not increase supply by abandoning controls. It takes a substantial amount of time. Meanwhile prices soar.

Let me say one other thing in that connection. The effect of this amendment on the economy was explained by Dr. Weber in hearings before our comittee, when he said this:

> It seems to me—you know, if you do away with controls, does that mean that we are going to have a 12 percent interest rate on short-term money, and a reduction in money supply of two percent? Does it mean that we must have a budget surplus of $10 billion in order to bring about stability? What I am saying is that the fact of incomes policy creates a situation where the mix of fiscal and monetary policy can be different, because there is a notion that some of the burden is being borne by controls.

Dr. Weber may be completely wrong. He is a very able economist. He has had a good deal of experience in the Government and on the outside. He may be wrong. But I am saying that before we act on an unprinted amendment, brought in at the last minute, on which the administration has had no opportunity to take a position or give us their views, we ought to have some kind of record, at least a day or two of hearings, and know what we are doing. This is a very profound, far-reaching action on our part.

Mr. HANSEN. I agree that it is. I say to the Senator from Wisconsin that I am sure he and I do not disagree on what we think the objectives of Congress should be as we direct our attention to addressing national problems. I must say that the chairman of the Committee on Finance, the Senator from Louisiana (Mr. Long), is here, and we have had hearings on issues similar to this for a long time.

We can have bigger hearings, and they will be well attended. They will be filled by people out of work, wondering when we are going to get enough energy so that they can get their jobs back. The hearings probably will have to be held during daylight hours, because there may not be enough lights on at night. This is the prospect. If we want to delay it, we can do so.

All I can say is that when you are in a bad situation, the time to start getting yourself out of it is now. I think that now is the time to start. If we want to delay, we certainly will generate interest in this subject, because we will have all kinds of people who are wondering what happened to their jobs. Energy is the essential ingredient of jobs in America.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. JACKSON. We do have a previous unanimous consent agreement.

Mr. HANSEN. I know.

Mr. JACKSON. The Senator from Utah is here. I wonder if the unanimous consent agreement could now be put into effect, so that the Senator from Utah could be recognized in order to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized, to present his amendment.

Mr. MOSS. Mr. President, I call up my amendment No. 649.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 19, Committee Print 4, beginning at line 3: Delete section 306 in its entirety and substitute therefor the following new section 306:
>
> "Sec. 306. (a) Part VII of subchapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is hereby amended by redesignating section 219 as section 220 and by inserting after section 218 the following new section:
>
> "'Sec. 219. Repair or Improvement of Taxpayer's Residence
>
> "'(a) Allowance of Deduction.—There shall be allowed as a deduction the ordinary and necessary expenses paid during the taxable year for repairs or improvements, which will reduce heat loss in winter and heat gain in summer, to property used by the taxpayer as his principal residence. Such repairs or improvements may include, but not by way of limitation, the addition of insulation, storm windows, caulking, humidifiers, and other efforts designed for energy conservation.
>
> "'(b) Limitations.—The deduction allowed a taxpayer under this section shall not exceed $1,000 for any taxable years. No deduction may be allowed under this section with respect to any capital expenditure.'
>
> "(b) The table of sections for such part VII is amended by striking out
>
> "'Sec. 219. Cross references.'
>
> and inserting in lieu thereof
>
> "'Sec. 219. Repair or improvement of taxpayer's residence.
>
> "'Sec. 220. Cross references.'.
>
> "(c) Section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (8) the following paragraph:
>
> "'(9) Repair or improvement of taxpayer's residence.—The deduction allowed by section 219.'."
>
> Sec. 2. The amendments made by this Act shall apply to the 1973 taxable year and every

taxable year thereafter until otherwise provided.

Mr. MOSS. Mr. President, I modify my amendment by adding the language which appears in the mimeographed copy of the amendment which is on the desk of each Senator. I ask unanimous consent that my amendment be so modified.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

On Page 26, after line 9 insert after section 208 the following new section:

SEC. 209. (a) Amendment of Internal Revenue Code to Allow Deductions for Energy-Conserving Alternations of Taxpayers' Residences. Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 219 as 220, and by inserting after section 218 the following new section:

"SEC. 219. ENERGY-CONSERVING IMPROVEMENTS OF TAXPAYER'S RESIDENCE.

"(a) IN GENERAL.—A taxpayer may elect to treat energy-conserving residential improvement expenses paid or incurred by him during the taxable year as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction for that taxable year. An election under this subsection shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulation.

"(b) LIMITATION.—The deduction allowed a taxpayer under this section for any taxable year shall not exceed $1,000.

"(c) DEFINITION.—For purposes of this section, the term 'energy-conserving residential improvement expense' means any ordinary or necessary expense paid or incurred during the taxable year for repairs or improvements, designed to reduce heat loss in winter and heat gain in summer, to property used by the taxpayer as his principal residence, and includes, without being limited to, the installation of insulation, storm windows, caulking, humidifiers, other efforts designed for energy conseravtion, and any device or system designed to utilize solar energy to provide heating or cooling which meets performance criteria established by the National Bureau of Standards."

(b) The table of sections for such part VII is amended by striking out

"Sec. 219. Energy-conserving improvements of taxpayer's residence.

"Sec. 220. Cross references.

(c) Section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (9) the following paragraph:

"(10) Energy-conserving improvements of taxpayer's residence.—The deduction allowed by section 219."

SEC. 2. The amendments made by this Act shall apply with respect to taxable years ending after the date of the enactment of this Act.

Mr. MOSS. Mr. President, this modification was proposed by the Senator from California (Mr. CRANSTON). I ask unanimous consent that his name may appear as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, this is a simple amendment to add a new section 209 in title II of S. 2589 to provide assistance to the taxpayers who are being asked to conserve energy.

In addition to the low interest rates to homeowners provided by section 307 of title III, my amendment would provide a tax deduction of not more than $1,000 for the ordinary and necessary expenses paid during the taxable year for repairs or improvements which will reduce heat loss in winter and heat gain in summer to property used by taxpayer as his principal residence.

I introduced this measure as S. 861 in February of this year and at that time Senators HART and McGEE joined in that bill.

At Senator CRANSTON's suggestion, I have added to the amendment a provision to allow any device or system designed to utilize solar energy to provide heating and cooling as a deductible expense also.

At the suggestion of the Senator from California I have added to the amendment the provision which has been accepted as a modification. The thrust of the Cranston amendment is to provide that any householder who modifies his dwelling so as to use solar energy either for heat addition or cooling could make the same claim as one who applied insulation in accordance with the provisions of my amendment. This has to be in accordance with regulations that are approved by the National Science Foundation, so it could not be an experimental sort of addition. It would have to be one effective and recognized as an energy-saving device.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from California (Mr. CRANSTON) explaining that addition.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR CRANSTON

I am pleased to join with the distinguished Senator from Utah in sponsoring this amendment to S. 2589. It is consistent with the purposes of S. 2589, for not only must we provide authority, impetus and direction to the President as he formulates plans to cope with the energy emergency, we must also provide incentives to our citizens to comply fully with the national effort to conserve our scarce fuels. One major step that can be taken for immediate savings by individual homeowners is the installation of storm windows, improved insulation and other easily accomplished structural improvements.

In addition, the amendment we offer would extend the tax deduction to include the installation of equipment designed to use solar energy for heating and cooling. I would like to speak briefly to this point, as I have been working hard to move this technology toward wider utilization. Potentially, the energy savings that can be accomplished by supplementing conventional heating with solar heating is substantial.

Approximately, 25 percent of the energy now consumed in the United States, according to recent testimony of the National Science Foundation, is used to heat and cool buildings and to heat hot water—at an annual cost of some $18 billion. And the use of energy for these purposes is growing rapidly, with air conditioning being incorporated into 40 percent of all new building construction. Studies have indicated that solar energy could provide at least half of the energy needed for heating single-family dwellings in most regions of the United States. The potential savings through the use of solar energy for heating and cooling could amount to as much as 35 percent of our annual consumption of fossil fuels and an annual dollar saving of some $12 billion by the turn of the century. These savings, instituted now, could be exceedingly important in our over-all energy budget.

And in the immediate future, even a small saving could be a substantial help during this winter's fuel emergency. A one percent saving in home energy consumption, for example, would be the equivalent to some 100 million barrels of oil a year, according to a recent Congressional Research Study.

The major obstacle to the use of solar energy for heating buildings is the high initial cost of installation. Combined solar heating and cooling systems face no major technological barriers, but have yet to be fully perfected for small scale use. Nevertheless I believe the language should be broad enough to cover combined systems since the technology is so near to perfection. And with respect to the cost of solar heating, when averaged out over a life-cycle basis, such systems can save the homeowner substantial amounts on his annual fuel bills, in addition to saving the nation its scarce fuels.

As a concrete example of fuel and dollar savings, there is a solar home right here in the Washington, D.C. area which serves as an excellent example. Harry Thomason, a local resident and builder of several solar heated homes has designed and installed a solar heating system for about $2500. While this is about $1500 more than the cost of a conventional heating system, he is able to keep his house at a comfortable 70 to 72° during Washington, D.C., winters using only 40 to 50 gallons of supplemental oil per winter. This compares to 700 or 800 gallons of oil per winter for a conventional house. By saving 80 to 90 percent on his oil bill each year, it is only a matter of time before the solar heating system pays for itself.

Mr. President, I believe the energy emergency we now face is a serious one. I also believe that we must anticipate inconveniences and sacrifices on the part of individual citizens that may extend for several years. Consequently, as the Congress grapples with measures to allocate and ration scarce fuels and to step up our research and development of domestic fossil fuel reserves as well as new sources of energy, I believe it is also essential that the Congress extend to the individual homeowner the means to improve the energy efficiency of his home. That is the purpose of this amendment. I hope the Senate approves it.

Mr. MOSS. Mr. President, the consumer is faced with an avalanche of difficulties as a result of the energy crisis. He is being asked to conserve and faces increased costs all along the line in every facet of the energy field.

It seems to me that the encouragement we give him in saving the wasted energy in his house is one of the greatest things we could do to help us get through this crisis.

There is no doubt that present national waste of energy is a disgrace. And there is also plenty of evidence available to show that energy can be saved in this area of heating and cooling by more than half. The Nation could save 15,300 trillion Btu's of energy in the next 10 years by improved thermal insulation of homes and apartments. This step alone could make a major contribution in solving the national energy shortage.

I think this is a good amendment and one that is very helpful. In this bill, we are talking about conserving uses of energy, and that is what this is about.

We have to go on in connection with research and development measures to find out how we can add energy to our energy supply, but as a conservation measure I think this could be a great contributor at this time.

Therefore, I urge the adoption of the amendment.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. BROCK. I understand the amendment would allow every homeowner a $1,000-a-year reduction for energy-conserving residential improvement expense.

Mr. MOSS. That is correct.

Mr. BROCK. And really there is virtually no limit to the kind of improvements that could be made. This is a very broad definition which includes insulation, storm windows, calking, humidifiers. What is the relation of humidifiers?

Mr. MOSS. That is the effective means of controlling the energy loss in a building by treating and it is a contributing factor and is useful in that regard if it makes a contribution which applies along with storm windows, insulation, weather stripping, and whatever else.

Mr. BROCK. I am sympathetic to what the Senator is trying to do, but it looks to me as if it would create a loophole that one could drive a truck through. It looks as if every homeowner would qualify. This goes on and on.

Mr. MOSS. This is tied into the appropriate sections of the Internal Revenue Code.

Mr. BROCK. This is not for 1 year.

Mr. MOSS. It is for 1 year, for the life of the bill.

Mr. BROCK. No. The way it is written it would be an amendment to the Internal Revenue Code, and that is a permanent amendment.

Mr. MOSS. It is the intention that it would expire when this bill expires. It is an energy conservation measure.

Mr. BROCK. I am not sure it does that.

Mr. MOSS. I would be glad to accept language to make that clear, that it does expire with the bill.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. JACKSON. It would be my understanding that this is only for the life of the bill. I think that language could be added at the end of the amendment, that it will expire on that date. The amendment could be perfected or amended to provide that the provisions of this section or sections shall terminate upon the termination of the act that we are amending, the pending bill.

Mr. MOSS. Mr. President, I ask unanimous consent that I may modify my amendment by adding the words at the end of section 2: "and shall expire upon the termination of this act."

The PRESIDING OFFICER. The Senator has the right to modify his own amendment. The amendment is so modified.

Mr. JACKSON. May I say that there are some questions with the House because of the constitutional provision, but I would hope we could accept this amendment and take it to conference and then decide the best course of action.

Mr. FANNIN. Mr. President, I concur with the chairman of the committee. I commend the Senator from Utah. I understand there are some problems as far as the amendment is concerned, technical problems, but the intent, I know, is proper and would assist the general goal we have in this legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOSS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUCKLEY. Mr. President, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank the Senator.

I wish to say to the Senator from Wyoming in respect to his point, as follows. He pointed out the shortage of steel and the fact it is hard to get pipe and other material for increased production of oil. The steel industry has been operating close to capacity and they said there is little they can do in the next 3 or 4 years to provide much increase. It is hard for us to import more steel. Of course, that is not covered by the wage and price controls for us. So in this way it is hard to see how the Buckley amendment would help provide us more steel or other fundamental materials that they need for the oil industry.

What this amendment does, however—and it seems to me as we debate this question it is becoming clearer and clearer—is to indicate that the only way we could possibly justify taking the price controls off oil is to take them off all the rest of the industries.

Mr. HANSEN. I think that would be a good idea.

Mr. PROXMIRE. When we do that, we are in the position that our committee has evidence that it is going to take a long time to get an increase in the production of oil. We could have a large increase in the price of a barrel of oil, but it would take 3 or 4 years to be in a position where we would have more explorations and more reserves flowing and greater production.

For those reasons, it would seem to me this is no time to put this legislation on the fundamentals on a short-term approach. There are going to have to be a great number of research and technological projects before we get to a solution of the problem.

Mr. HANSEN. I say to the Senator from Wisconsin, the fact is that while it is true that the steel companies may in some instances be producing fairly closely to their capacity, they are not producing enough oil well casings. The reason why they are not producing enough oil-well casings is that other kinds of steel, because of the activities of the Cost of Living Council, have been put at different price levels, which has made it more profitable for the steel companies to produce.

If we took the price controls off, I would say to the Senator from Wisconsin I think it would be one of the greatest things we could do. It would be to take them off everything. I am for that. I will support legislation to take them off completely. The program has been a dismal failure. We are finding that out every day. Right today, the oil well pipe suppliers of this country are exporting used pipe. Why are they doing that? They are doing it because it is resold for more profit abroad, in foreign countries, than it brings right here in the United States.

The oil well pipe suppliers who handle scrap iron, and that sort of thing, are going to sell their product where they can get the most profit. The fact is that some of his material will bring more profit from abroad than here, and that come about because of the Cost of Living Council's controls on prices.

I think if we were to take price controls off completely, we would have the force of the market bring about an adjustment in the products the steel companies are making, so that we would make it possible for the oil producers to get the casings they so badly need.

Mr. PROXMIRE. The reason Dr. Grayson, who made a plea for the free market, said we should wait until the present boom market eases, is that if we ease off price controls, the oil industry will be in there, with higher prices, but so will other companies compete for the availability of the steel.

I hesitate to bring this up at this time, but the Banking and Currency Committee is now marking up export control legislation, which will give the President, to the extent he needs, the authority to do exactly what the Senator from Wyoming points out, so that we do not lose our scarce materials to foreign countries when we need them here at home.

It is a mare's nest, and I agree we would be happier if we did not have it; but in the short run, with the economic situation we have, for us to knock off all controls at the present time, without the record the Senate should have, without the courtesy to at least give the administration an opportunity to tell us what effect it would have, seems to me to be unwise and irresponsible.

Mr. HANSEN. I appreciate what my friend from Wisconsin has said. I would point out that what we are doing is the response of Congress or of any legislative body in trying to legislate against the immutable facts of supply and demand.

In times of war and in times of a great national emergency—and this may develop into that before we are through, but in times of war, such as in World War II—people went along and cooperated, grudgingly and oftentimes painfully, but nevertheless we made a poor system work, because there was the compelling realization that, in addition to all other reasons, it became the patriotic duty of everyone to do that.

There is not now that conviction or unanimity in America. That has been dramatically illustrated. As a consequence, we have the automobile industry making 10 million cars—I am not sure of the number—this year. It is going to be ironic indeed if the industry makes more cars than there is gasoline to run them. That is about where we are.

So it is not a question of the steel industry not having the raw materials to make the steel pipe to drill oil wells; it is the ineptitude that invariably results when we try to do legislatively what can better be done by letting the free marketplace operate and letting people, by putting their dollars where their wants are, express those wants.

Mr. PROXMIRE. May I say one more thing, Senator?

Mr. HANSEN. May I make one further observation? Then I shall be happy to yield.

Mr. PROXMIRE. Yes.

Mr. HANSEN. I will say this. Despite any other considerations, before this winter is over, it is going to be my prediction that, if jobs are able to be filled, there are warm homes, schools are able to operate because heat is available, this will be the overriding issue, and we are going to look silly if we think that we can correct a bad situation by compounding it and making it worse.

I will say, with due respect to the Banking Committee and the Interior Committee, if we keep sticking our noses in there, trying to dictate decrees that run counter to the law of supply and demand, we will indeed make a bad situation. I hope we will not do that which is not in the public interest. It is in the public interest to see that there are jobs, that we keep America going, that we have essential tasks to do. Without energy, without oil and gas, we can do none of those things.

I would hope that we would recognize the facts of life and adopt the Buckley amendment, so that we can go on with the job of finding oil and gas in this country, so that we can find it this fall, so that we can take a new direction and a new course and do what we all agree we want to do.

Mr. PROXMIRE. But of all the times to deprive the administration of the enormous discretion it has in the price control bill—they can abandon it at any time; they can modify it in any way—I would not think it would be at a time when we have a 15- to 25-percent shortage of oil, when we have the economy going more strongly than it has been going for a long time, when unemployment is so low and when we have high interest rates, without a record, with an unprinted amendment. That does not seem to be responsible.

Mr. HANSEN. We can leave it on with a 15-to 25-percent shortage or we can leave it on for the shortage to get to a greater magnitude.

Mr. PROXMIRE. We have to have controls when we get to the shortage we have now.

Mr. HANSEN. I am not arguing the point. I have supported with reluctance the draft of the bill trying to make a bad situation better, but our first concern must address itself to supplies. So far we have not done that. I think the Buckley amendment will be a step forward in doing something about the supply. It is high time to do it. We can, of course, stay here until the lights go out and then hold hearings, or until we have more free time, if jobs are not available. I have no doubt then that the administration witnesses from the Cost of Living Council will not want to speak very loudly.

I thank my colleague.

Mr. PROXMIRE. Mr. President, I thank the Senator from New York very much.

Mr. BUCKLEY. Mr. President, I thank the Senator from Wisconsin for bringing out additional arguments in support of this amendment. I appreciate his concern that there have been no hearings on the proposal. However, it seems to me that in this body we are in the habit of voting on unprinted amendments that have less consequence than this one.

There are a number of truly important features in this legislation as to which there have been no hearings. For example, we instruct the President and State and local governments to develop plans which will have the practical capability to reduce energy consumption. I submit that there are communities and industries across this country that depend 100 percent upon recreational uses.

It is proposed in this legislation that the President shall develop and implement federally sponsored incentives for the use of public transportation, including priority rationing of fuel for mass transit systems, and Federal subsidies for reduced fares and additional expenses incured because of increased service, for the duration of the energy emergency.

I confess that no example was given of the alternative where prices would reach the normal market level, thereby creating incentives without a system of subsidy that we will never get away from.

Mr. PROXMIRE. Mr. President, if the Senator will yield, the Senator is discussing what is already in the bill.

Mr. BUCKLEY. The Senator is correct.

Mr. PROXMIRE. That was considered by the members of the committee. It was debated. It has been before the Senate for a couple of days. We have had the chance to consider amendments.

The Senator from New York came in this afternoon with an amendment that no one had seen before. It would wipe out the most far reaching control system we have had for a number of years.

Mr. BUCKLEY. Mr. President, I know that a number of Senators want to leave soon and have other commitments. However, I would like to make one comment.

This legislation has been through the committee process. It is known to the dozen or so members of the committee.

I would suggest that the merits or demerits of wage and price control are far better known to every Member of this body by virtue of our historical experience and by virtue of the shortages in our economy than the impact of mass transit subsidies. Those experiences will enter into a determination of whether my amendment is sound or unsound.

Mr. JOHNSTON. Mr. President, if the Senator from New York will yield, as chance would have it, when the amendment was offered I was in the anteroom having a conversation with Dr. Dunlop. Dr. Dunlop was inquiring of me as to when we might have hearings, how long they would extend, and to what extent we would extend the Wage and Price Control and the Economic Stabilization Act.

Dr. Dunlop believes, as he told me this afternoon, that we ought to phase out the control procedure. However, he told me of his tremendous concern that this energy crisis brings in concerning a new dimension in the area of shortages. It is a matter for which we have absolutely no precedent in our economic history. There is no way to determine what the effect of the energy shortages are going to be.

It is therefore not only desirable but actually essential that we maintain our standby control authority contained in the Economic Stabilization Act of 1970.

Mr. BROCK. Mr. President, if the Senator will yield, does the Senator know how long we have been hearing this talk about stopping controls and doing it industry by industry? We have not seen one iota of movement.

The Senator from Louisiana represents a fine State, a very good oil-producing State. It is a major contributor to the solution of our energy problems.

Today we cannot buy used casings. Why can we not do so? It is because they are being exported. Why are they being exported? They are being exported because we do not allow our American businessmen to compete in the marketplace. We say to them, "You shall not do this." They are sold overseas. We are absolutely prohibiting the ability of the American free enterprise system to compete.

The same thing is happening in the synthetic fibers industry. The materials are being exported. We are not allowing anyone to compete.

I really understand what the Senator is saying. However, I do not believe it any more. I have heard it too often. I think that it is time that the Senate faces up to its responsibility with respect to this problem. Let us get back into the marketplace.

Mr. JOHNSTON. The Senator from Tennessee makes a good point. However, we went from phase II to phase III which was a rapid decontrol. Prices rose so rapidly that Senators and all the people around the country pointed out that phase III was a total failure and that the timing was absolutely wrong.

Whatever may be the merits of the Economic Stabilization Act of 1970, whether advertently or inadvertently, we have it now. And we are not starting off from zero. We have it now. We are not starting from a point of no control. We have it now, and superimposed on that we have the worst energy crisis that the Nation has ever known, for which there is no precedent in our economic history.

For that reason I feel very strongly that we must have this standby authority to cope with shortages, such as aluminum where we have shortages caused by the lack of electricity to manufacture it. We have shortages in steel, in the petrochemical industry, and in every industry.

Mr. BROCK. Is there something absolutely unique about 1973 that everything in our economy coincidentally goes wrong in one year? Let me ask the Senator how it has managed to do so thoroughly throughout our economy. Is it so strange to find the shortages we are experiencing after all of these years of affluence and excess production? We walk into a situation in this country where we have not enough shirts, steel, casings, petroleum. We have shortages in a broad range of areas. I wonder if we should not take an honest look at the way the shortages came about in 1973 after 3 years of price control which inhibited the right of American business to produce. If we have shortages, is that not the best argument to let the marketplace start producing again?

Mr. JOHNSTON. Mr. President, I will resist the temptation to point out that other things also coincide with these shortages.

Mr. BROCK. Mr. President, I have already made that point. I understand it.

Mr. JOHNSTON. Mr. President, the point that the Senator from Wisconsin made so well is that we need to have hearings on the bill. I told Dr. Dunlop we would have these hearings hopefully in December so that we can look at the whole field of wage and price control and enter the transition period in an orderly manner and not do it in an emergency bill that must be passed within the next few hours. Every day that goes by we notice that the situation gets worse, particularly in the Northeast.

I believe that this amendment should be considered in committee and that it has no place in this bill. I therefore move to table and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wisconsin (Mr. Nelson), the Senator from Albama (Mr. Sparkman), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. Huddleston), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. Baker), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from New Hampshire (Mr. Cotton) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. Curtis) and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 60, nays 26, as follows:

[No. 487 Leg.]

YEAS—60

Abourezk
Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Eastland
Ervin
Fong
Gravel
Hart
Haskell
Hathaway
Hollings
Hruska
Hughes
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nunn
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Symington
Tunney
Williams
Young

NAYS—26

Bartlett
Brock
Buckley
Byrd,
 Harry F., Jr.
Cook
Dole
Domenici
Dominick
Fannin
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hartke
Hatfield
Helms
Mathias
McClure
Metcalf
Packwood
Scott,
 William L.
Taft
Thurmond
Tower
Weicker

NOT VOTING—14

Baker
Cotton
Curtis
Eagleton
Huddleston
Humphrey
Inouye
Kennedy
Nelson
Percy
Saxbe
Sparkman
Stennis
Talmadge

So the motion to lay on the table was agreed to.

Mr. McINTYRE. I yield a half minute to the Senator from New Jersey.

Mr. CASE. Mr. President, I wish to propound an inquiry to the acting floor manager of the bill in regard to an interpretation of the provisions of section 202(b). In section 202(b) is a provision that during the energy emergency the President may enter into appropriate understandings, agreements, or understandings with foreign nationals or organizations.

Mr. ROBERT C. BYRD. Mr. President, I beg the Senator's pardon for interrupting him.

Will the Chair enforce the rule of the Senate and get order?

The PRESIDING OFFICER (Mr. Montoya). The Senate will be in order. Only one Senator has the floor—the Senator from New Jersey. He is entitled to be heard.

The Senator may proceed.

Mr. CASE. I thank the Chair and I thank the assistant majority leader for their courtesy. This proviso in the bill "shall be submitted to the Senate of the United States, and shall be operative, but shall not become final until the Senate has 15 days," and so forth, to consider it.

I understand the question has been addressed informally to the Parliamentarian already, and he has said, as a matter of first impression, that agreements and similar understandings would come before the Committee on Foreign Relations of the Senate.

I have discussed that statement with the chairman of the subcommittee, and he has told me, informally, that that is his view. I ask now as a matter of legislative record, whether the acting floor manager of the bill will confirm this statement?

Mr. JOHNSTON. The answer, to the distinguished Senator from New Jersey, is that this provision will be considered by the Committee on Foreign Relations.

Mr. CASE. I thank the Senator.

Mr. MONDALE. Mr. President, will the Senator yield briefly?

Mr. McINTYRE. I yield to the Senator from Minnesota.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Minnesota yield briefly to me?

Mr. MONDALE. I yield.

Mr. ROBERT C. BYRD. Mr. President, is the amendment offered by the distinguished Senator from New Hampshire (Mr. McIntyre) pending?

The PRESIDING OFFICER. It has not been placed before the Senate.

Mr. McINTYRE. Mr. President, I call up my amendment No. 652.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

(f) Notwithstanding any other provision of law, require the immediate termination of the export of gasoline, number 2 fuel oil, residual fuel oil, or any other petroleum product whose export is having an adverse impact on domestic supplies.

ORDER FOR ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today. Senators may discuss the pending amendment as long today as they like.

The Senate will convene tomorrow at 9 a.m. After a brief period for the transaction of routine morning business and the disposition of any orders that may have been entered to recognize Senators tomorrow, the Senate will continue to consider amendments to the energy bill with yea-and-nay votes occurring.

If the energy bill is not completed tomorrow, the Senate will then go over until Monday, at which time action on the energy bill will be resumed, with yea-and-nay votes to continue thereon.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ENERGY RECORD: CONGRESS AND THE EXECUTIVE BRANCH

Mr. JACKSON. Mr. President, as a result of the President's remarks last week on the performance of Congress in the energy field, I have received a number of inquiries from Senators and others asking for the facts on this subject. I am making this statement today to clarify the record of Congress and the administration on energy issues.

Let me say at the outset that I regret very much the President's remarks on this subject. Not only have those remarks created an erroneous impression, they have also injected an element of partisanship in an area where, at least as far as Congress is concerned, bipartisan cooperation has been the order of the day.

The record is clear that, with the support of Members of both parties, this Congress is in the process of compiling an exceptional record on energy issues.

This is the Congress that gave the President discretionary authority last April to allocate scarce fuels. This is the Congress that has cleared for the President's signature the trans-Alaska pipeline bill and the Emergency Petroleum Allocation Act. And this is the Congress that has taken the initiative, in the National Energy Emergency Act, to direct executive branch action to deal with unprecedented fuel shortages.

ORIGINS OF THE ENERGY STUDY

Legislative interest in critical energy issues has not developed overnight. Senators may recall that on July 16, 1970, Senator JENNINGS RANDOLPH introduced legislation cosponsored by Senators of both parties to establish a National Commission on Fuels and Energy. This was to be a joint executive-legislative body to make a comprehensive study of the Nation's energy needs and how best to meet them.

The administration opposed creation of this Commission on the ground that its work would overlap with studies by the Domestic Council—studies that were announced after Senator RANDOLPH'S bill was introduced. If such studies were in fact made by the Domestic Council, they have never seen the light of day. But it is significant that the administration was on notice, more than 3 years ago, of deep congressional concern about emerging energy problems.

Because a serious study was obviously needed, Senator RANDOLPH and I sought to authorize a unique cooperative effort in the Senate in early 1971. On February 4, 1971, he introduced Senate Resolution 45, cosponsored by 50 Senators, authorizing the national fuels and energy policy study by the Senate Interior Committee, with participation by the Committees on Commerce and Public Works and the Joint Committee on Atomic Energy. This has not been idle participation either. Under the leadership of Senators MAGNUSON, PASTORE, and RANDOLPH, these committees have played a major role as the study has progressed.

The study authorized by the Senate on May 3, 1971—when Senate Resolution 45 was approved—was broad in scope, involving a comprehensive investigation of the Nation's energy needs and energy resources; of the alternatives available for meeting those needs; and of the effect of Federal laws and policies on the fuels and energy industries. Beginning in late 1971 and continuing into mid-1973, the committee held extensive hearings on a wide range of issues including deep water port policy, energy conservation, oil import policy, Federal leasing programs, fuel shortages, and energy research programs. These hearings have laid the groundwork for the legislative program now moving through Congress.

As the energy study progressed, it became increasingly obvious to many of us that the Nation's energy problems were serious, that we were entering a period of dangerous dependency on foreign oil, that alternatives to such dependency were not being exploited and that critical energy issues were not being considered at the highest levels of Government.

WARNINGS ABOUT IMPORTS

My concerns were expressed in a letter to the President in June 1972 in which I asked for a full-scale "in-depth study and assessment of national security, foreign policy, and domestic energy policy implications of our growing dependence on imported crude oil and petroleum products from the Middle East and elsewhere." Had that study been undertaken with a sense of urgency and purpose some 17 months ago, we might be better prepared to deal with the international energy problems we face today. Unfortunately, it was not.

On my return from a trip to the Mideast in the fall of 1972, I again warned of the dangers of increasing dependence on Mideast oil. In a speech on December 7, 1972, in Pittsburgh. I set forth some conclusions about this problem which bear repeating:

> First, despite official assurances to the contrary, I believe there are major dangers of political instability in the Mid-East. This region's history of political turmoil, internal dissention and abrupt changes in government policy provide a shaky foundation for long-term commercial enterprise, for permanent foreign policy arrangements, and for increased dependence on vital energy supplies.
>
> Second, I believe that the optimism of many government officials and U.S. oil company representatives as to the security of future supplies from this region is unwarranted. The desire of these nations to manage their own resources, and to own and control both production, transport, refining and marketing facilities has, I believe, been greatly underestimated.
>
> Third, even if we assume political stability and rational decision-making on the part of the major oil producing nations—an assumption I consider reasonable after my meeting with leaders in Iran and Saudi Arabia—the sheer magnitude of the revenues to be derived from oil production raises serious questions. Where will revenues not needed for internal development be invested by these countries? Will economic considerations dictate production controls and a shutting-off of supplies even if political or bargaining considerations do not?"

REACTION TO FUEL SHORTAGES

As 1972 progressed, there was increasing doubt about the ability of our existing energy system to meet the country's fuel needs. But the administration's oil experts assured us that the needs could and would be met. What happened in the winter of 1972–73 is now history. One would have thought, however, that the fuel shortages which occurred then would have provided some warning to Administration policymakers.

The disarray in the administration on energy issues during this period was reflected in the fact that it took 4 months to produce a Presidential energy message for Congress. The message that was first promised for January finally came in April. It then proved necessary to bolster this message with a second message in June.

Meanwhile, the efforts to provide top-level energy policy leadership in the White House continued. In December 1972, citing the large number of Federal agencies in the energy field, many of them working at cross purposes, I had urged the appointment of an energy "Czar" to provide overall leadership and coordination; 1973 began with the designation of an energy troika of Messrs. Ehrlichman, Kissinger, and Shultz, which never really functioned. Then came the appointment of Mr. Charles DiBona as the President's energy aide. Thereafter Deputy Treasury Secretary Simon, as chairman of the Oil Policy Committee, played a major role in energy matters until Governor Love was appointed as head of the Energy Policy Office in June.

FUELS ALLOCATION SYSTEM

While these administrative changes were taking place, those of us involved in energy matters were concentrating on measures to allocate scarce fuels and otherwise deal with impending shortages. Administration officials, under questioning, had testified before the Interior Committee as early as January that they lacked adequate authority to allocate fuels in times of shortages and I had announced in February that I would introduce legislation to remedy this.

From the outset the administration took the position that no allocation system was necessary. At the hearing on my proposed mandatory allocation bill on May 1, 1973, Secretary Simon testified that:

> We do not believe that direct government control of fuel distribution is desirable and we hope that we will never have to implement an allocation or formal consumer rationing system.

It was a matter of days, however, before the administration announced a limited voluntary allocation program under the authority provided by Senator EAGLETON's amendment to the Economic Stabilization Act.

After the voluntary program had been in effect several weeks, Secretary Simon conceded that it was not working effectively and said a mandatory program would be instituted. Then Governor Love was appointed and he took the issue under advisement. In August, he issued proposed regulations for a mandatory program, but said in effect that they would not work and he hoped not to use them.

Specifically, Governor Love said of his proposed mandatory program:

> In spite of our best efforts, this program, as all other mandatory programs has, I be-

lieve, significant flaws both philosophically and practically. I believe that this or any other mandatory program runs the very great risk of reducing, not increasing, the available supplies of fuels.

Finally, the administration was forced, even before the Arab embargo, to start mandatory allocation programs for propane, jet fuel, and heating oil. Precious time has been lost in formulating the policy directives, recruiting the personnel, and establishing the organizational framework to make these allocation programs function properly.

THE ADMINISTRATION PROGRAM

The administration's long delay in focusing on energy issues is reflected not only in the fact that its legislative program was sent to Congress 3 months after Congress convened, but also in the make-up of the program itself. While including long term measures like legislation authorizing deepwater ports and deregulation of natural gas prices, it failed to include short-term measures like fuels allocation authority and it neglected entirely such major issues as energy conservation and research and development.

Sometimes, it is not entirely clear just what the administration's program is. Only this week, administration officials appeared before the Interior Committee and withdrew support for legislation proposed by the administration to terminate certain leases in the Santa Barbara channel and place the area covered by these leases in a national energy reserve. Yet this is legislation that the President urged Congress to enact even as late as last spring.

THE CONGRESSIONAL PROGRAM

The energy program being developed by Congress is, on the other hand, more comprehensive and more balanced between long-term and short-term considerations.

This week, Congress has already completed action on two major energy bills, the legislation to authorize the construction of the trans-Alaska pipeline and to authorize the implementation of a mandatory allocation program for crude oil and petroleum products.

I might point out, Mr. President, that both these bills represent initiatives by the Congress. The trans-Alaska pipeline bill was developed by the Interior Committee, working with the executive branch, after the court of appeals held that the Secretary of the Interior had exceeded his authority in granting a right-of-way for the pipeline. The fuels allocation bill, which I introduced last April, was opposed by the administration from the outset.

The Senate's first energy bill was passed on May 10, 1973. This was Senator Hollings' proposal to create a Council on Energy Policy in the Executive Office of the President.

The Senate has also passed two important bills which provide the standards and institutional mechanisms for reconciling our energy and environmental needs. I refer to the National Land Use Policy Act—passed on June 21, 1973—and the National Surface Mining and Reclamation Act—passed on October 9, 1973.

RESEARCH AND DEVELOPMENT

Another congressional initiative has been in the critical field of energy research and development. When I introduced legislation authorizing a massive 10-year, $20 billion energy R. & D. program on March 19, 1973—with the cosponsorship of 27 Senators—the administration turned a deaf ear. But as the serious nature of our energy situation became more apparent the administration's attitude has changed. The President is now publicly committed to the kind of program we proposed last spring. But the question still remains whether the administration will commit the funds to make a real R. & D. effort. At this moment, the Office of Management and Budget has impounded more than $20 million in funds for energy research and development.

The administration's record on development of our geothermal steam resource is cause for concern about the strength of its commitment to energy research and development. The fact is that Congress in 1970 authorized leasing of the public lands for development of geothermal steam. As of today, the administration has yet to promulgate the regulations that would permit public lands to be leased for this purpose. Under the determined leadership of Senators Bible and Church, the Interior Committee has been pushing hard to accelerate geothermal development. But the administration has opposed legislation pending before the Interior Committee to speed commercial development of geothermal energy through a program of loan guarantees. And it has impounded the additional $7 million appropriated by Congress earlier this year for geothermal development.

Another research area where Congress has consistently taken the leadership is coal research. As a member of the Appropriations Committee, Senator Byrd of West Virginia has long worked for funds to expand our coal research programs. In this year alone, he succeeded in adding almost $40 million to the administration's budget to accelerate research on coal gasification, coal liquefaction and improvements in mining technology.

ENERGY CONSERVATION LEGISLATION

It is worth noting, Mr. President, that the administration has also opposed the National Fuels and Energy Conservation Act, introduced on July 13, 1973, reported by the committee and now pending on the Senate Calendar with action planned in the immediate future. This legislation, which lays the foundation for a serious energy conservation effort, is cosponsored by 35 Senators.

Despite the critical importance of efforts to reduce energy demand, the administration has never submitted any legislation on this subject to the Congress. It has not only opposed my bill, but also opposed major bils on this subject developed by the Commerce Committee. In a letter dated July 31, 1973, Assistant Secretary of the Interior Wakefield opposed my bill on the ground that adequate authority for a conservation program already exists. He also argued that the bill "calls for a fractionated and less well organized approach to the vital matter of energy conservation than the current Federal program."

The effectiveness of the Federal program is, quite frankly, still very much in doubt as the need for serious conservation efforts grows greater than ever.

STRATEGIC RESERVE

The administration has also opposed legislation which I introduced on April 16, 1973 to establish a national strategic petroleum reserve in order to minimize the impact of disruption of our oil imports. Although the administration supports the concept of such a reserve and agrees that legislation is necessary, it opposed my bill and has yet to submit its own legislation on this subject.

In a letter dated October 26, 1973, the Office of Management and Budget endorsed the Interior Department's opposition to the bill on the grounds that creation of the reserves system called for in the bill "would be extremely costly and is considered unnecessary."

EMERGENCY LEGISLATION

Finally, Mr. President, the record should be clear as to legislation dealing with the present energy emergency. I introduced the National Emergency Petroleum Act, to provide the President with adequate authority to deal with this crisis, on October 18. At that time, it was obvious that a critical energy situation was developing as a result of the Arab oil embargo. Yet it was 2 weeks after that before the administration was able to respond with tentative emergency proposals of its own. Again, congressional initiative was required to stimulate administration action.

I want to emphasize that the administration had discretionary authority under the Defense Production Act, the Economic Stabilization Act, and other statutes to make contingency plans, to prepare for rationing, and to allocate scarce fuels. But it has never been willing to face up to the realities of the situation. Congress, at every turn, has had to force the administration to act, either by proposing, enacting, or threatening to enact appropriate legislation.

Let me repeat, Mr. President, that the unprecedented efforts of this Congress on energy matters have been on a bipartisan basis. I wish to acknowledge, in particular, the great contribution of Senator Fannin and his Republican colleagues on the Interior Committee. Senators of both parties have worked long and hard on these issues. I am confident that we are developing a legislative program that will enable the Federal Government to deal with our critical energy problems and serve as a basis for long-term national energy policy.

Mr. President, I ask unanimous consent that there be included in the Record at this point a list of the energy related bills acted upon or pending before the Interior Committee in the present session of Congress.

I also ask unanimous consent that the full text of my letter to the President of June 13, 1972, and my speech to the Coal Mining Institute of December 7, 1972, be included in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Energy Related Bills Pending or Acted Upon by the Senate Interior and Insular Affairs Committee in the 93d Congress

INTRODUCED

January 9, 1973: S. 268, National Land Use Policy and Planning Assistance Act. Reported to the Senate June 7, 1973 and passed by the Senate June 21, 1973.

January 18, 1973: S. 425, Surface Mining Reclamation Act of 1973. Reported to the Senate September 21, 1973 and passed by the Senate October 9, 1973.

March 1, 1973: S. 1081, Rights of Way Through Federal Lands Act. Reported to the Senate June 12, 1973 and passed by the Senate and House. Conference Report to be filed this week.

March 19, 1973: S. 1283, National Energy Research and Development Policy Act of 1973. Hearings held June 21, 22 and July 11, 12, 1973. Legislation in final stages of Executive Mark-up.

April 13, 1973: S. 1570, Emergency Petroleum Allocation Act of 1973. Reported to the Senate May 17, 1973 and passed by the Senate and House. Conference Report to be filed this week.

April 16, 1973: S. 1586, Petroleum Reserves and Import Policy Act of 1973. Hearings held May 30 and July 25, 26, 1973. Legislation now being revised.

July 13, 1973: S. 2176, National Fuels and Energy Conservation Act of 1973. Hearing held August 1, 1973. Reported to the Senate and referred to Commerce and Public Works Committees for further consideration. Now pending on Senate Calendar.

October 18, 1973: S. 2589, National Emergency Petroleum Act of 1973. Hearing held November 8, 1973 and Executive Mark-up began November 9, 1973.

November 2, 1973: S. 2652, Coal Conversion Act.

The Committee has held joint hearings with the Commerce and Public Works Committees on the question of authorizing the construction of deepwater ports and is developing draft legislation on this subject.

JUNE 13, 1972.

THE PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I have become increasingly concerned about the national security and foreign policy implications of growing American dependence on Middle East oil. My concern is directly related to the fact that since 1948 the Nation has moved from being a net exporter of petroleum products to a position where our current dependence on foreign oil is over 22 percent of domestic consumption, or about 1.3 billion barrels per year. Knowledgeable experts now predict that if present trends continue the U.S. will be importing 40 to 60 percent of our total domestic oil requirements by early in the 1980's—a short eight years away; and most of this new oil will come from the Middle East.

My concern has deepened in recent weeks in view of the action taken by Iraq to nationalize the Iraq Petroleum Company and the subsequent signing of a Soviet-Iraq economic and trade accord. These actions preface, in my view, a conscious trend by at least some of the Middle East oil producing nations away from a long-term strategy of gaining "participation" in ownership by the producing countries to a strategy of gaining early, total and strategic control of all production facilities. When this trend is viewed together with the growing Soviet involvement in all facets of Middle East oil relationships—technical assistance, exploration and development, purchase of crude stocks and strategic—it becomes apparent that new political and economic alignments are being forged which will pose definite dangers to the long-range interests of the U.S., Western Europe and Japan.

I am not satisfied that this general situation, and in particular, the recent developments in Iraq, have been accorded the significance which they deserve. Neither have we fully recognized the immediate and long-term dangers that they portend. In part, this may be attributable to the fact that responsibility for international energy policy issues is not clearly the assigned responsibility of any specific Federal agency. Our government's consideration of the problem is currently fragmented among the Departments of Defense, State, and Interior as well as the Federal Power Commission, the Office of Emergency Preparedness, and the Energy Policy Subcommittee of the Domestic Council. Similarly, the Committees of Congress share fragmented responsibilities. This is a situation in which direct and forthright assessment and evaluation of a U.S. position which fully reflects all relevant national interests cannot be routinely or confidently assumed.

It is my view that the National Security Council should be directed to undertake an in-depth study and assessment of the national security, foreign policy and domestic energy policy implications of our growing dependence on imported crude oil and petroleum products from the Middle East and elsewhere.

Certain specific areas should receive especially close scrutiny and analysis. These include the relative political stability of the producing countries; the nature and growing extent of Soviet influence in the producing nations; alternative markets for the producing nations' petroleum; probable trends in world petroleum prices; implications of further nationalization of the international petroleum industry; an assessment of U.S. contingency planning; the role and influence of the international petroleum industry on the conduct of American foreign policy; possible future structures of the world petroleum industry; and alternative energy sources available to the U.S. from abroad, from domestic sources and from new sources made available by gains in technology, and the timetable for each.

In addition to my own longstanding and deep interest in this matter from the standpoint of national security, the Senate Interior and Insular Affairs Committee is, as you know, conducting an in-depth Congressional review of National Fuels and Energy Policy. It is clear that the Committee's findings and recommendations will be greatly influenced in many areas—research and development, levels of domestic production, growth policy, among others—by the security, the magnitude and the source of imported crude oil and petroleum products for both the near-term and long-term futures. Within a few days I shall announce a schedule of hearings on issues of international oil policy. At that time a list of questions and policy issues in this area will be circulated to the responsible Executive Branch agencies as a guide to preparation of testimony and supporting materials. I would appreciate the assistance of the Administration in assuring that these hearings provide a deep and comprehensive examination of the issues.

I look forward to meeting with members of your staff and your Administration on this critical problem. You may rest assured of my cooperation in the development of a framework for a U.S. international energy policy which protects vital U.S. interests and which is responsive to the uncertain and fast breaking events in the Middle East.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

Toward a National Fuels and Energy Policy

(Remarks by Senator HENRY M. JACKSON, Chairman, Senate Interior and Insular Affairs Committee, before the Coal Mining Institute of America, Pittsburgh, Pa., December 7, 1972)

As many of you are aware, I have just recently returned from an extensive trip throughout Western Europe, the major oil producing nations in the Mid-East, and a number of Communist countries in Eastern Europe. A major purpose of my trip was to investigate first-hand the international energy situation and its relationship to our country's national security, our social and environmental goals, and our continued economic well-being.

I met with representatives of U.S. energy industries; with spokesmen for OPLC (the Organization of Petroleum Exporting Countries); with the heads of both oil producing and oil consuming governments; and with the top energy officials of the European Economic Commission.

Let me give you some general impressions from my trip and my views on their relationship to the formulation of a national fuels and energy policy for this country.

First, it is obvious that the center of gravity for the Free World's petroleum supplies has shifted to the Persian Gulf. The reason is quite clear. The oil and gas reserves of this area are simply tremendous in magnitude.

Saudi Arabia alone has known reserves which are very conservatively estimated at over 150 billion barrels of oil; some experts say 300 billion barrels is more realistic. Together, Saudi Arabia and Iran possess something on the order of 50 percent of the non-communist world's known petroleum reserves—about eight times the total U.S. domestic known reserves, including Alaska.

Production from these two countries together with Kuwait presently equals the total U.S. production of 12 million barrels a day. Knowledgeable observers anticipate that by 1980–85 production from Saudi Arabia and Iran alone could go as high as 30 million barrels per day.

This shift in the center of gravity for petroleum resources means that in terms of political power and economic strength, a major realignment in international relations is taking place.

This can be seen in the economics of what is happening.

The revenues likely to accrue to Mid-East producing countries by 1980 are projected to be about $30 to $40 billion annually, with one nation—Saudi Arabia—accounting for about one-half of this total.

The control and the purposes—whether political or simply conservative business investments—for which this tremendous wealth will be used pose serious questions for the future of the U.S. and the Free World economies.

Unfortunately, these questions—and the stakes involved—are not receiving the high level consideration they warrant within the U.S. government.

Europe and Japan, however, understand what is at stake.

They should, because Western Europe and Japan now obtain almost 90 percent of their petroleum supplies from North Africa and the Middle East.

The United States is comparatively in a far better position than other countries with respect to both domestic petroleum supplies and alternative opportunities to develop synthetic fuels from our tremendous coal and oil shale reserves. Our domestic situation is, however, still a cause for grave concern, because we have not made plans and we have not developed policies which will enable us to utilize our domestic resources.

Currently, we import 26 percent of our domestic petroleum supplies. Most of this comes from Western Hemisphere sources. Only a little more than 3 percent comes from the Middle East.

But this is rapidly changing.

Present imports total about 4 and ½ million barrels of oil per day. Conservative projections all agree that our dependence upon imports will increase to at least 11 million barrels per day by 1980. And most of this increase will have to be satisfied by Mid-East sources.

By 1980 we will still be in better shape than Europe and Japan. How much better though is not at all clear. Any major disruption in supply—under present policies and present conditions—could be devastating for the major population centers of the East Coast and other import dependent areas in the U.S.

My visit to Europe and the Mid-East and the discussions I had with leaders in government, finance and the energy industries do not, I must in all candor report, inspire too much optimism.

Let me share with you some of my tentative conclusions.

First, despite official assurances to the contrary, I believe there are major dangers of political instability in the Mid-East. This region's history of political turmoil, internal dissension and abrupt changes in government policy provide a shaky foundation for long-term commercial enterprise, for permanent foreign policy arrangements, and for increased dependence on vital energy supplies.

Second, I believe that the optimism of many government officials and U.S. oil company representatives as to the security of future supplies from this region is unwarranted. The desire of these nations to manage their own resources, and to own and control both production, transport, refining and marketing facilities has, I believe, been greatly underestimated.

Third, even if we assume political stability and rational decision-making on the part of the major oil producing nations—an assumption I consider reasonable after my meeting with leaders in Iran and Saudi Arabia—the sheer magnitude of the revenues to be derived from oil production raises serious questions. Where will revenues not needed for internal development be invested by these countries? Will economic consideratingoff of supplies even if political or bargaining considerations do not?

I don't want to paint too bleak a picture; I do, however, want to be realistic.

I am hopeful that my pessimism about the security of Mid-East oil supplies proves unwarranted. And there are some reasons for guarded optimism.

First, both Iran and Saudi Arabia—the major Mid-East producing countries—have a Western orientation.

Second, both of these nations have ambitious programs under way to improve the quality of life and the well-being of their people. To the extent they are successful, the long-term political stability of their countries—and of the Free World's major source of oil supply—will be enhanced.

Third, there is a genuine desire on the part of Iran and Saudi Arabia to bring about stability in the Mid-East. Both nations have common interests in promoting peace, in deterring internal disorder; and in limiting Russian ambitions to gain economic, ideological or territorial footholds.

In some respects the uncertainties associated with Mid-East oil policy may be a blessing in disguise for the United States. Mid-East developments and domestic energy supply shortages could force a new realism and a new sense of urgency in the development of an integrated, coherent, and rational energy policy for the U.S.

As Chairman of the only Congressional study of energy policy, I am convinced that development of a national energy policy is the most critical problem—domestic or international—facing the nation today.

Yet, the response of the Executive Branch to the critical energy problems has been to put forth a few timid proposals amid an overall affirmation of the status quo.

Well, let me tell you something: This is not an adequate response. The energy problems we face are real, they are serious, and they effect vital national interests.

What can be said of the adequacy of existing policies to improve this emerging and, in my view, very depressing domestic energy picture.

Unfortunately, very little that is reassuring: In fact, for all practical purposes the U.S. at present *does not have* an energy policy capable of dealing with the problems we face.

What we do have are the left-over, outmoded and largely irrelevant policy remains of a series of past Federal decisions that have little relevance to the critical conditions we face today.

This inadequacy can be seen by looking at only one of a number of major energy issues now facing the country. You are all, I believe, familiar to some extent with the pending proposals to deal with our emerging shortage of domestic fuels by importing billions of dollars worth of LNG—liquified natural gas—from Algeria and the Soviet Union. These projects involve the commitment of tens of billions of dollars. They involve in some cases major Federal subsidies for tanker construction and financing. In my view, they represent perfect examples of major decisions that should be taken only in the context of a national energy policy that considers consumer costs, environmental quality and national security.

Since 1959 the United States has restricted imports of foreign crude oil because domestic resources—though more expensive—were more secure. The new LNG proposals are remarkable in that this imported fuel may be less secure and, at the same time, several times more costly than other available energy supplies, both foreign and domestic. Gas to be imported from Russia, for example, is projected to cost at least $1.25 per million BTU, exclusive of any possible ship building and interest subsidies. This is equal to $7.50 per barrel of oil or $30 to $35 per ton of coal.

A major question of national policy is whether we need such a costly fuel at all.

Have we done enough in the way of conserving and rationally allocating the fuels that we have? Today, about two-thirds of the natural gas now consumed in the United States is being burned under boilers. A legitimate question is whether it makes sense to import gas for more than a dollar per million BTU when a substitute such as coal or oil is available at 40, 50, or 60 cents? Isn't there something wrong with our pricing policies if this substitution isn't made?

The cheapest source of new gas for households and other priority uses may be the natural gas now being used wastefully as boiler fuel. But there are other alternatives. For example, by how much could we increase domestic natural gas supplies by letting gas prices increase to more nearly their true market value? In testimony before the Interior Committee, responsible geologists have differed about the size of our domestic gas resource, and responsible engineers and economists disagreed about how effectively higher gas prices would stimulate greater production. But it is hard to believe that an increase in the field price of natural gas from its current average of 20 cents per million BTU, to 30, 40, or 50 cents, would not have some effect on domestic gas exploration and production. Shouldn't we find out before we commit ourselves to buy billions of dollars worth of gas from the Russians at a dollar or more?

Let's assume domestic gas production and fuel substitution in domestic boilers could not alone eliminate the gas shortage. The question then becomes whether there are other gas supplements that are cheaper or more secure than Eastern Hemisphere LNG? If we have to import, what about making gas from imported oil, by a proven technology and at a fraction of the capital cost of LNG?

Do we need to import gas supplements at all? Coal is our most abundant primary fuel. Coal can be used directly as a boiler fuel in place of gas at a fraction of the cost of imported LNG or of any other supplemental gas supply. And it could be converted to gas at a cost comparable with that of imported LNG.

Today, most of our coal cannot be used as boiler fuel because we cannot get enough of the sulfur out of the stack gas. And, the technology of making pipeline quality gas from coal is not completely proved. Federal subsidy commitments for LNG tankers have already exceeded $76 million, and there are reports that one of the Russian LNG deals would require shipbuilding and interest subsidies many times greater. While I have no factual information on accuracy of these reports, I do think this prospect raises serious policy questions about alternative investment opportunities for the Federal energy dollar.

For example, how much of a contribution would one-third of this proposed Federal outlay make toward resolving our energy problems if it were devoted to developing an effective technology for cleaning high sulfur coals or their stack gases, or to economic methods of manufacturing pipeline quality gas from coal? What might be the payoff from a few tens-of-millions of dollars additional, spent on an economically and environmentally acceptable way of producing fuel from oil shale, or developing a fuel cell that could convert gas into electricity directly and efficiently without a boiler or turbine?

Today there is no single forum or decision-making body in which alternative means for meeting our energy needs can be weighed against the nation's economic, environmental and security objectives.

The Federal institutions affecting energy matters reflect an uncoordinated and fragmented governmental evolution. For purposes of the Senate National Fuels and Energy Policy Study, a staff study has identified some 44 Federal agencies which directly administer energy programs and 20 more which indirectly influence energy matters. These 64 agencies are scattered throughout nine cabinet departments, fourteen independent agencies, and the Executive Office of the President.

We have depended upon the energy industries themselves to perform the coordinating functions. Industry has identified many of the policy issues, and it has provided the basic information for policy decisions.

In recent years, however industry's ability to meet our growing energy needs seems to have faltered. Under the relentless pressure of exponential growth in energy demands and in view of the new constraints of environmental requirements, industry is no longer able to provide cheap, reliable, plentiful energy.

If energy shortages or excessive energy costs are going to limit some of our most compelling social purposes—purposes such as equality of opportunity, environmental quality, and national security—the policy decisions cannot be delegated to industry.

These must be responsible governmental decisions carried out by agencies which are politically accountable to the people and based upon reliable and credible information. We must establish organizations with the authority and the capacity both to make and to implement decisions on a rational basis.

The Federal responsibility for oversight and overall surveillance of the nation's energy system must be formally recognized.

The capability to carry out such surveillance on a continuing basis and from a comprehensive viewpoint must be established at a very high level in the Executive Branch.

The more specific energy resource management activities of Federal agencies must be consolidated to insure coordination and to facilitate the objective consideration of research, development, and management priorities.

Similarly, the Federal regulatory functions involving energy must be related to economic reality and must be more rationally coordinated.

Finally, an independent organization for the collection, analysis, and dissemination of energy information and statistics must be established to insure adequate, valid, and credible information as a basis for Federal policymaking.

In the months ahead I intend to propose legislation to deal with Federal organizational and policy-making shortcomings.

I also intend to propose legislation to replace the present jerry-built oil import program with clear statutory authority, a clearly mandated responsible entity, and with clear policy guidelines for the regulation of all energy imports. The objectives and standards for import administration will be spelled out broadly enough to provide flexibility in meeting new circumstances, but they would also be specific enough and permanent enough to provide a stable climate of expectations for investment in all of the energy industries—coal, natural gas, nuclear power, and other sources—both in the United States and abroad.

I also intend to propose amendments to the Natural Gas Act that would reduce the extent and complexity of gas price regulation, and allow the prices of gas to reflect its true economic value—from the wellhead to the burner tip. I do not believe that deregulation of gas prices is a panacea. I do, however, believe that prices can and should play a larger role in allocating both gas supplies and uses. To this end new policies and criteria will be proposed for the rate structures of pipelines and distributors as well as to liberalize and simplify the pricing of gas in the field.

This amendment will also give the Federal Power Commission new authority with which to encourage industrial users to switch from gas to other clean fuels, and to assure that adequate gas is available for homes and essential business uses.

On the basis of recent events and hearings before the Interior Committee, I believe new legislation is needed to provide the authority and funds to develop a long-term strategy for the leasing of all energy resources on the Public Lands and the Outer Continental Shelf. This strategy should be based upon an overall assessment of the nation's energy needs and environmental goals, and should go far beyond the current practice of alternately responding to industry proposals or environmentalist protests, or, as has happened in the past, trying to maximize short-term returns to the Treasury.

There are other major issues of energy policy for which I expect to offer legislation later in the next Session of Congress. One of the most important involves Federal support for energy research and development.

Federal R & D outlays in the energy field are now channelled heavily into a single technology, the Liquid Metal Fast Breeder Reactor. I have been an enthusiastic supporter of nuclear power. I have consistently supported research on the breeder reactor. There is, however, a clear imbalance in our current priorities for energy R and D. Frankly, we have all our eggs in one basket. The payoff on our breeder investment would be in the distant future. And even in the long-run, we are in danger of locking the electric power industry and the nation's economy as a whole into dependence upon a single technology that conceivably might not work, that might not be economic, or that might prove ultimately to be unacceptable from a safety or environmental standpoint.

I am gravely concerned by the relative lack of Executive Branch attention to near- and mid-term problems that must be solved and that can be solved, such as stack gas cleaning, coal gasification, the use of oil shale and tar sands, and development of a fuel cell. I also fear that almost exclusive concentration on the breeder reactor will set back the day we can have almost totally clean, safe and cheap energy from nuclear fusion or solar power.

I am also concerned by the lack of attention which has been given to alternatives not involving technology. These include the potential of Arctic gas and oil and our relations with Canada.

Another major area requiring careful consideration involves tax policies related to energy resource production. The depletion allowances, the expensing of intangible drilling costs and dry holes for oil and gas, and the foreign tax credit are viewed with deep suspicion by many Americans. These provisions do contain departures from tax uniformity, and it is not at all clear that they are the most efficient incentives for encouraging energy resource development and production. Any new review of energy tax policy must take account of the need for incentives to domestic energy production industries, and the public's growing insistence tries, and the public's growing insistence upon equity in our tax system.

As many of you know, I have been a strong advocate for the establishment of a national land-use policy. In September the Senate passed general legislation I had proposed to establish a process of statewide planning which recognizes all legitimate land use requirements. These include requirements for energy production, transmission and industrial growth as well as recreational, environmental and wilderness requirements. Unfortunately, this measure was not acted upon in the House of Representatives in the last Congress. It will, however, be given priority consideration early next year when the 93d Congress convenes.

In addition to establishing a general statutory framework and a source of Federal funding to assist State government in developing a balanced land use planning process, there is a need for special land use legislation to deal with a number of important energy problems.

I intend in the next session of Congress to introduce legislation specifically designed to deal with the land-use problems involved in the siting of major energy facilities. Among other things, the legislation would establish a forum in which major energy siting and developmental decisions are open to public analysis, review and debate. Equally important, "yes," "no," or "conditioned" decision should be forthcoming within a time-frame that is responsive to national energy requirements.

In my view, it does not make sense to have virtually all decision-making authority about the location and the economic and environmental impact of major energy facilities such as port facilities, refineries, power plants, pipelines, and large electrical transmission grids delegated to the lowest level of local government or to the courts. Yet, this is what is happening today.

These are national decisions that affect a much broader public interest. These decisions involve national security, the health of the economy, regional growth patterns, and, often, major environmental questions. These issues require a broader and more representative public forum in which all social, economic and environmental costs and competing public values and viewpoints may be properly considered.

A major area of land use legislative activity early in the next session of the Congress will, of course, involve consideration of Federal Surface Mining legislation.

Surface mining has become a national issue and its regulation a matter of urgent national priority. There is no question that some surface mining activities have imposed large social and environmental costs on the general public which can no longer be tolerated.

Scarred and eroded land, polluted water, loss of fish and wildlife, and a stark and unjustifiable degradation in the quality of life in many local communities are among the issues and the costs which must be addressed in Federal legislation.

While there is a strong and growing consensus on the need for Federal surface mining legislation, there is less consensus on the content of the legislation.

The bill passed by the House of Representatives late in the last session of Congress represented a point of view that the social and environmental cost of surface mining required strong, and in many circumstances even prohibitory regulations. It is my view that the House passed bill was adopted without a full and realistic appreciation of all of its consequences and the serious policy questions it poses.

One example makes this point clear.

In a management sense, the House passed bill vests the authority for regulating surface mining exclusively in the Federal government. While I agree with the need for a strong Federal role to insure coordinated and adequate regulations and enforcement, I believe the States properly have the primary responsibility and should be encouraged to retain the lead role.

This is the approach I have taken in the bill I introduced late in the last Session of the Congress.

To gain a better understanding of the impact of regulatory approaches proposed in the House passed bill and other measures, I have requested the Council on Environmental Quality to establish an interagency task force to prepare a report on the impact of legislatively imposing blanket prohibitions and slope degree limitations which operate as bans and prohibitions. I have specifically asked the Federal agencies to determine the following:

1. The total available domestic supply of coal resources which could not be mined under the proposed prohibitions limitations;
2. The impact various regulatory proposals would have on electrical power reliability and fuel sources for specific plants now using surface mined coal;
3. The impact on other major sectors of the economy such as the metallurgical industry; and
4. The impact on employment, local tax base, and levels of local government service in the regions affected.

I have also directed that this report identify the environmental and other benefits which would be derived from imposing a regulatory system of prohibitions and slope limitations.

In my view, it is essential that legislators at both the national and state levels have a clear understanding of all of the costs, all of the benefits, and all of the consequences of specific regulatory proposals. It is clear that coal must play an increasingly important role in meeting further energy needs. Because of this it does not make sense to impose a regulatory system which arbitrarily denies the use of this resource unless the denial is warranted by the facts and by the environmental benefits.

The role of coal in supplying the future energy requirements of the United States will be of great significance to the Congress in developing a balanced policy that is rational, realistic and in accord with other national goals.

If we are to be successful in developing an effective national energy policy we must avoid thinking about contemporary problems in the framework of the past. Today's energy problems call for responses that are not rooted in the conventional wisdom of another age. A new perspective is needed that considers *all* interests and *all* values in a rational and balanced manner.

Thank you.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to an enrolled bill (H.R. 9295) to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University.

PUBLIC FINANCING OF PRESIDENTIAL AND CONGRESSIONAL CAMPAIGNS

Mr. MONDALE. Mr. President, a few days ago a so-called coalition bill, to provide for public financing of Presidential and congressional campaigns, was introduced and referred to the Committee on Finance. The bill is cosponsored by the Senator from Massachusetts (Mr. KENNEDY), the Senator from Pennsylvania (Mr. HUGH SCOTT), and seven other Senators who particiapted with Common Cause in the preparation of the proposed legislation.

I am pleased to ask unanimous consent that the names of the following Senators be added as cosponsors of amendment 651 to the Debt Ceiling Act: Senators MANSFIELD, YOUNG, MCGEE, GRAVEL, ABOUREZK, MOSS, BIDEN, RANDOLPH, TUNNEY, HARTKE, and CLARK.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield.

Mr. LONG. In order that Senators might better understand that proposal, I ask unanimous consent that the statement this morning by the Senator from Massachusetts before the committee be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR EDWARD M. KENNEDY

Mr. Chairman, it is an honor to join the group of Senators appearing this morning to urge the Committee to act now on public financing of elections. And it is a special honor to be here with Hugh Scott, the distinguished Senate Minority Leader. In the decade I have served in the Senate, Hugh Scott has been a consistent and outstanding leader on election reform, and it is a privilege to work with him on public financing, which is now the over-riding election reform issue of our time.

With Senators Cranston, Hart, Mathias, Mondale, Schweiker, Stafford and Stevenson, who have also been outstanding leaders on this issue, Senator Scott and I are sponsoring a joint bipartisan amendment to the Debt Ceiling Act to provide public financing for Senate and House general elections and for Presidential primaries. We believe that the time is ripe to take such action, and we hope that the Committee will give our joint amendment its strong consideration.

At the outset, in offering the amendment, we pay well-deserved tribute to Senator Russell Long, the distinguished chairman of this committee. Theodore Roosevelt may be the grandfather of public financing in the American political system, but Senator Long is the father, the guiding force. Without his continuing efforts over the past decade, especially the enactment of the dollar check-off seven years ago, public financing today would still be where Theodore Roosevelt left it in 1907, an idea ahead of its time, instead of the solid Federal law on which Congress can now build.

Democrat and Republican, we are here today because we share the strong feeling that the time has come to end the unconscionable power of private money in public life.

Among the lessons of Watergate and the resignation of the Vice President, perhaps the most obvious is the unanimous, bipartisan recognition that the string has run out on the role of private money in campaign financing.

For centuries, money and public service have been a corrosive combination in political life. And the more things change, the more they remain the same. In "The Prince," Machiavelli put the problem clearly almost five hundred years ago:

"As a general rule, those who wish to win favor with a prince offer him the things they most value and in which they see that he will take most pleasure; so it is often seen that rulers receive presents of horses, arms, pieces of cloth of gold, precious stones, and similar ornaments worthy of their station."

The only real change today, when the favors available from the modern Federal government would boggle the mind of any medieval prince, is that the most valued presents are not horses and arms, but contributions to political campaigns.

The Ervin Committee has barely begun the campaign financing phase of its hearings. Yet, the year-long Watergate revelations already demonstrate beyond any doubt the insidious influence of private money in American politics. When some of the most distinguished corporations in the nation—familiar names like American Airlines, Goodyear Tire, Gulf Oil, and Minnesota Mining and Manufacturing—confess to crimes involving blatant violations of the existing Federal election laws, we begin to understand the irresistible pressures that are infecting our national life. If 1972 was unique at all in campaign financing, it was unique only in the unscrupulous intensity and efficiency with which the contributions were so successfully solicited.

I am convinced that most, and probably all, of the very serious problems facing this country today have their roots in the way we finance political campaigns for high Federal office. Watergate may lead the list, but Congress shares the guilt as well. On issue after issue of absolutely vital importance to the ordinary citizens of this country, it is often easier to predict how the Administration and Congress will respond by studying the records of campaign contributions than by studying the merits of the issue.

We would have a different America today if the political power of campaign contributors were measured by their votes and voices instead of by their pocketbooks. Across the board, on virtually every issue before us, we know the dimensions of the problem. And if 1973 means anything, it means we cannot let the problem go unsolved.

To me, the solution is public financing. The best way to heal the system is to eliminate the corrosive power of private money in public life by establishing a comprehensive program of public financing for all elections to Federal office. In line with that goal, and as a result of many discussions over past weeks, the nine Senators who are the principal sponsors of public financing legislation in this session of the Congress have agreed to propose a joint amendment to the Debt Ceiling Act.

Our amendment draws heavily on the approach of each of the Senators, including the Mondale-Schweiker bill for Presidential primaries and general elections, the Hart bill for public financing of Congressional elections and primaries; the Stevenson-Mathias bill for public financing of Presidential and Congressional elections, the Cranston bill for comprehensive public financing of primaries and the Kennedy-Scott bill for Senate and House general elections. Our joint amendment contains the following principal provisions:

First, the existing Presidential Election Campaign Fund Act is expanded to include Presidential primaries and Senate and House general elections, and the amount of the dollar check-off is increased to $2 for each taxpayer, or $4 on a joint return.

Second, for Presidential primaries, matching grants of public funds will be available for each private contribution up to $100. A threshold of $100,000 in private contributions is required before matching payments begin, and there are ceilings of $7 million on matching payments and $15 million on overall spending in such primaries.

Third, for Senate general elections, the provisions of the existing dollar check-off are carried over essentially intact. The amount of 15¢ per voter will be available for major party candidates; proportional amounts will be available for minor party candidates, based on their showing in the preceding election or the current election. Indeed, it is extraordinary testimony to the wisdom of Senator Long's dollar check-off in existing law that its provisions can be so easily applied to Senate elections.

Fourth, for House general elections, the sum of $90,000 is provided for major party candidates. This figure is the spending limit for House elections contained in S. 372, already passed by the Senate earlier this year.

Fifth, the existing tax credit and tax deduction for political contributions are doubled, raising the credit to one-half of the contributions up to $50 ($100 on a joint return), and raising the deduction to $100 ($200 on a joint return).

Sixth, a modest role for major political parties is provided in Presidential and Congressional general elections, by allowing their national committees and state committees to receive private contributions and to spend 2¢ a voter on Federal elections in their jurisdiction. In other respects, private financing of candidates in general elections for Federal office is prohibited, thereby removing the option in existing law by which one Presidential candidate could run his campaign on public funds, while the other chose private financing.

Seventh, the $3,000 and other private contribution limits already voted by the Senate in S. 372 are included as ceilings on large donations where private financing still operates, such as Presidential primaries.

Finally, Mr. Chairman, in concluding these remarks, I urge the Committee to use the occasion of the Debt Ceiling Act to take this major and positive step forward restoring the integrity of our political system. A year ago, the Debt Ceiling Act was the vehicle for a major increase in Social Security benefits. Last June, the Act was the vehicle for a number of significant changes on the Senate floor in the operation of the dollar check-off. The Debt Ceiling Act in June was also a major vehicle in the final Senate drive to enact the Cambodia bombing halt.

The precedents for similar action now are obvious. The Debt Ceiling Act has frequently been a vehicle in the past for amendments of over-riding public importance, and it is entirely appropriate that it should now become the vehicle for public financing of elections.

We are legislating today, not just for 1974 or 1976, but for the future of the country.

The people are watching us on Watergate, and we should not let this moment pass to put the nation's house in order.

Attached is a state-by-state table showing the public funds available for Senate elections under the proposed public financing amendment, a detailed summary of the amendment, and a collection of quotations that Senator Scott and I have collected on the issue.

PUBLIC FINANCING FOR SENATE GENERAL ELECTIONS, STATE BY STATE SPENDING

[15 cents per voter/$175,000 floor]

State	Voting age population (18 years and over) [1]	Amount of public funds
Alabama	2, 294, 000	$344, 100
Alaska	194, 000	175, 000
Arizona	1, 262, 000	189, 300
Arkansas	1, 326, 000	198, 900
California	13, 910, 000	2, 086, 500
Colorado	1, 560, 000	234, 000
Connecticut	2, 083, 000	312, 450
Delaware	369, 000	175, 000
District of Columbia	527, 000	175, 000
Florida	5, 087, 000	763, 050
Georgia	3, 067, 000	460, 050
Hawaii	526, 000	175, 000
Idaho	487, 000	175, 000
Illinois	7, 508, 000	1, 126, 200
Indiana	3, 477, 000	521, 550
Iowa	1, 924, 000	288, 600
Kansas	1, 538, 000	230, 700
Kentucky	2, 191, 000	328, 650
Louisiana	2, 348, 000	352, 200
Maine	683, 000	175, 000
Maryland	2, 679, 000	401, 850
Massachusetts	3, 937, 000	590, 550
Michigan	5, 876, 000	881, 400
Minnesota	2, 542, 000	381, 300
Mississippi	1, 426, 000	213, 900
Missouri	3, 223, 000	483, 450
Montana	468, 000	175, 000
Nebraska	1, 021, 000	153, 150
Nevada	347, 000	175, 000
New Hampshire	513, 000	175, 000
New Jersey	4, 986, 000	747, 900
New Mexico	657, 000	175, 000
New York	12, 626, 000	1, 893, 900
North Carolina	3, 468, 000	520, 200
North Dakota	411, 000	175, 000
Ohio	7, 130, 000	1, 069, 500
Oklahlma	1, 797, 000	269, 550
Oregon	1, 487, 000	223, 050
Pennsylvania	8, 174, 000	1, 226, 100
Rhode Island	668, 000	175, 000
South Carolina	1, 719, 000	257, 850
South Dakota	444, 000	175, 000
Tennessee	2, 710, 000	406, 500
Texas	7, 614, 000	1, 142, 100
Utah	690, 000	175, 000
Vermont	304, 000	175, 000
Virginia	3, 182, 000	477, 300
Washington	2, 310, 000	346, 500
West Virginia	1, 209, 000	181, 350
Wisconsin	2, 965, 000	444, 750
Wyoming	226, 000	175, 000
United States	139, 172, 000	20, 875, 800

[1] Department of Census estimate, voting age population, July 1, 1972, pursuant to the Federal Election Campaign Act of 1971, Public Law 92-225.

QUOTATIONS ON PUBLIC FINANCING

As a general rule, those who wish to win favor with a Prince offer him the things they most value and in which they see that he will take most pleasure; so it is often seen that rulers receive presents of horses, arms, pieces of cloth of gold, precious stones, and similar ornaments worthy of their station.—Niccolo Machiavelli, *The Prince*, 1532.

Judges and Senates have been bought with gold.—Alexander Pope, *Essay on Man*, 1733.

Corrupt influence is itself the principal spring of all prodigality and of all disorder; it loads us more than millions of debt; takes away vigor from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our Constitution.—Edmund Burke, Speech on Economic Reform, 1780.

The need for collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties.—President Theodore Roosevelt, State of the Union Message to Congress, December 3, 1907.

I believe that our ultimate goal should be to finance the total expense for this vital function of our democracy with public funds, and to prohibit the use or acceptance of money from private sources. . . . We are ready to make a beginning. We should proceed with all prudent speed to enact those parts of such a program which appear to be feasible at this time.—President Lyndon Johnson, Message to Congress on "Public Participation in the Processes of Government," May 25, 1967.

We have put a dollar sign on public service, and today many capable men who would like to run for office simply can't afford to do so. Many believe that politics in our country is already a game exclusively for the affluent. This is not strictly true; yet, the fact that we may be approaching that state of affairs is a sad reflection on our election system.—President Dwight D. Eisenhower, 1968.

The talk of an "office market" and of putting high executive and diplomatic missions on the auction block—all this breeding of suspicion and cynicism—would disappear overnight if the primary cause of the evil were obliterated at its roots. If there are no bidders, there can be no auction.—Henry Cabot Lodge, *The Storm Has Many Eyes*, 1973.

Under the existing laws, a large part of the money raised from the business community for political purposes is given in fear of what would happen if it were not given. A fair and honest law is one that would remove the need of any candidate to exert such pressures, as well as the need for any businessman to respond . . . I urge the business community to get behind campaign financing legislation that will really work, and that will put a stop to pressures to which officers of companies are subject when solicited for campaign contributions.—George Spater, Chairman of the Board, American Airlines, July 6, 1973.

The U.S. public for two decades has favored placing a top limit on campaign spending for presidential and congressional elections. Now, following disclosures from the Senate Watergate hearings, a substantial majority of the public is prepared to have the federal government provide a fixed amount of money for campaigns, prohibiting all contributions from private sources.

In fact, a growing number of American citizens would favor such a plan, with 65 percent in the latest nationwide survey expressing support, compared to 53 percent in a survey taken in early June shortly after the Watergate hearings got underway.

The big change since June has come about among Republicans, with 64 percent in the current survey favoring federal financing of campaigns compared to 44 percent in June, a change of 20 percentage points. Republicans now hold views closely comparable to those of Democrats.—George Gallup, September 29, 1973.

The time has come to establish public financing of election campaigns for Federal office on a direct, systematic and substantial basis. Such a program would impose no great drain on the treasury . . . I am afraid that nothing short of a significant degree of public financing will get at the root of the problem.—Henry Ford, II, Chairman of the Board, Ford Motor Company, October 18, 1973.

OUTLINE OF PUBLIC FINANCING AMENDMENT TO THE DEBT CEILING ACT

PRESIDENTIAL PRIMARIES; SENATE AND HOUSE GENERAL ELECTIONS

Purpose

1. The amendment builds on existing law, which provides public financing for Presidential general elections, by extending its provisions to include public financing for Presidential primaries and the Senate and House general elections.

Existing law

2. The existing law is Senator Russell Long's "Presidential Election Campaign Fund Act," known as the dollar check-off. The Act, as passed by Congress in 1971 and amended in 1973, establishes public financing for Presidential general elections. Except as provided in this summary, the provisions of the proposed amendment are essentially identical to the provisions of the dollar check-off now applicable to Presidential general elections.*

General provisions on public financig

3. The amendment establishes a Federal Election Campaign Fund on the books of the Treasury as an expanded version of the existing Presidential Election Campaign Fund, to be funded through the dollar check-off and general appropriations acts of Congress. Payments from the Fund will be made to eligible major and minor party candidates, according to specified entitlements. Amendments to the check-off on the Debt Ceiling Act of July 1, 1973, have now eliminated the so-called "Special Accounts" in the existing Fund, and have left only a "General Account," to be allocated by formula among Presidential candidates. Under the proposed amendment, the General Account would be broadened to provide funds for Presidential primaries and for Senate and House general elections.

4. The amendment increases the amount of the dollar check-off from the existing level of $1 ($2 on a joint return) to $2 ($4 on a joint return).

5. It modifies the check-off to require taxpayers to indicate that they do *not* want their tax dollars paid into the Federal Election Campaign Fund.

6. It authorizes Congress to appropriate funds to make up deficits left in the General Account after the operation of the dollar check-off.

7. Like the dollar check-off, the program will be administered by the Comptroller General. The Comptroller General certifies a candidate's eligibility for payments, and is responsible for conducting a detailed post-election audit and obtaining repayments when necessary.

8. There are heavy criminal penalties for exceeding the spending limits, and for unlawful use of payments, false statements to the Comptroller General, and kickbacks and illegal payments.

9. The provisions of the amendment will go into effect for the 1974 Congressional elections and the 1976 Presidential primaries.

10. The cost of the public financing provisions of the amendment is estimated at $200 million in a Presidential election year and $100 million in the off-year Congressional elections. Thus, the total cost of the program over the four-year election cycle is $300 million, yielding an average cost of about $75 million a year.

Presidential general elections

11. Apart from increasing the amounts available to be checked off on tax returns, the principal change made by the amendment in the case of public financing for Presidential general elections is that the bill bars the option of private financing for such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below). Under the existing dollar check-off, public financing is available as an alternative to private financing for such elections, and candidates electing public financ-

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* See the "Presidential Election Campaign Fund Act," P.L. 92-178, 85 Stat. 497, 562-575 (December 10, 1971), as amended by the Debt Ceiling Act, P.L. 93-53, 87 Stat. 134, 138-139 (July 1, 1973)

ing may not also use private financing, except in cases where the available public funds are insufficient to meet the candidate's full entitlement. Thus, the amendment will prevent a situation in which one candidate for President runs on public funds in the general election, while the other runs on private funds. Under existing law, the level of spending is 15 cents per voter, or approximately $21 million for each Presidential candidate of a major party.

Presidential primaries

12. Each candidate in the Presidential primaries is entitled to matching payments of public funds for the first $100 received from each individual contributor.

13. Payments begin 14 months prior to the date of the general election for President.

14. Any contribution made in connection with the candidate's campaign for nomination, in whatever year it occurs, is eligible for matching. However, all such contributions are aggregated, and no more than $100 from any contributor may be matched.

15. Candidates must accumulate $100,000 in matchable contributions before matching payments of public funds begin. To meet this requirement, a candidate may accumulate 1,000 contributions of $100 each, or 2,000 contributions of $50 each, etc. Once this threshold requirement is met, the first $100,000 in contributions will also be eligible for matching payments.

16. No candidate may receive total matching payments in excess of 5 cents for each person over the age of 18 in the United States (approximately $7 million). The 5 cent figure will be adjusted for future increases in the cost of living.

17. No candidate may spend more than $15 million in his campaign for the Presidential nomination.

18. Matching payments may be used only for legitimate campaign expenses during the pre-nomination period, and unspent payments must be returned to the Treasury.

Senate and House general elections

19. The amendment provides public funds for general and special elections for the Senate and the House, but not for primaries or run-off elections.

20. As in the case of Presidential general elections, the amendment makes public financing mandatory for Senate and House elections. Thus, it bars the option of private financing by major party candidates in such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below).

21. The amendment follows the basic formula in the existing dollar check-off for allocating public funds among candidates of major, minor and new parties. An independent candidate is entitled to public funds on the same basis as a candidate of a party.

22. A "major party" is a party that received 25% or more of the total number of popular votes received by all candidates for the office in the preceding election, or the party with the next highest share of the votes in a case where only one party qualifies as a major party on the basis of the preceding election.

23. A "minor party" is a party that received more than 5% but less than 25% of the popular vote in the preceding election. A "new party" is a party that is not a major party or a minor party.

24. In Senate elections and Statewide Congressional elections, a candidate of a major party is entitled to receive public funds in the amount of 15¢ per eligible voter or $175,000, whichever is greater. The 15¢ figure, which will be adjusted for future increases in the cost of living, coinsides both with the entitlement of Presidential candidates in the existing dollar check-off and with the spending ceiling in the Senate-passed version of S. 372. The $175,000 figure coincides with the spending floor in S. 372 for candidates in Senate and Statewide Congressional elections.

25. In House elections in States with more than one Representative, the entitlement of a major party candidate is $90,000. This figure coincides with the spending floor in S. 372 for such candidates.

26. A candidate of a minor party is entitled to receive public funds in proportion to his share of the vote in the preceding election. A candidate of a minor party may increase his entitlement on the basis of his performance in the current election.

27. A candidate of a new party is entitled to receive public funds in proportion to his share of the popular vote in the current election, if he receives more than 5% of the vote in the election.

28. Public funds will be available for expenditures made by a candidate of a major party during the period beginning with the date on which the party nominates its candidate and ending 30 days after the election. Public funds will be available for candidates of other parties during the longest period in which they are available to a candidate of a major party.

OTHER PROVISIONS

29. As an incentive to small contributions, the amendment doubles the existing tax credit and tax deduction for such contributions. The tax credit would be increased to one-half of any contribution up to $50 ($100 on a joint return), and the tax deduction would be increased to $100 ($200 on a joint return). The cost of this provision, based on figures for the 1972 Presidential election year, is $18 million.

30. Individuals or committees not authorized by a candidate may not spend more than $1,000 during the campaign on behalf of the candidate, if he is eligible for public funds.

31. In order to assure the continuity of normal functions of political parties, to provide a role for the parties in the general election, and to preserve a limited opportunity for small private contributions, the national committees of major political parties are entitled to spend a total of 2c per voter of their own funds collected from private contributions on behalf of Presidential, Senate, and House general election candidates, and the state committees of such parties are entitled to spend a total of 2c per voter of such funds on behalf of Presidential, Senate, and House general election candidates within their states.

32. As noted, the public financing provisions of the amendment prohibit direct private financing of Presidential, Senate, and House general elections, although indirect and limited private financing is permitted through the major parties. To limit the undue influence of large contributions in primaries, and to limit the size of private contributions channeled through the parties in the general election, the amendment incorporates the $3,000 and other contribution limits already approved by the Senate in S. 372—see the proposed new 18 U.S.C. 615 in Section 20 of S. 372 as passed by the Senate.

Mr. MONDALE. Mr. President, I wish to add at this point that the leader in the Senate, in the country, long before others saw the seriousness of this matter, was the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. Long), who led the fight for the dollar checkoff years ago, long before Watergate. We hope that the rest of the Senate now can catch up to his leadership and that we can proceed to cleanse American elections of the compromise and sometimes corruption of private financing.

THE INTEREST ON THE NATIONAL DEBT

Mr. HARRY F. BYRD, JR. Mr. President, I invite the attention of the Senate to the testimony today by the Secretary of the Treasury, Mr. George Shultz. Secretary Shultz testified that the interest on the national debt for the current fiscal year will be $29 billion. This is an increase of $3 billion over the estimate which was submitted to Congress this past January.

Mr. President, to put this $29 billion in interest charges in perspective, it means that 18 cents of every personal and corporate income tax dollar paid into the Federal Treasury by the American wage earners goes for one purpose; namely, to pay the interest on the debt.

ADMINISTRATION OF FEDERAL EMPLOYEES LEAVE SYSTEM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1284.

The PRESIDING OFFICER (Mr. Domenici). The bill will be stated by title.

The second assistant legislative clerk read as follows:

A bill (H.R. 1284) to amend title 5, United States Code, to improve the administration of the leave system for Federal employees.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with amendments on page 2, in line 23, strike out "subsections (b) and (d)," and insert "subsections (b), (d), and (e)"; on page 3, in line 2, after the word "new" strike out "subsection;" and insert "subsections:"; in line 5, after the word "when", strike out "such" and insert "the"; in line 8, after the word "when", strike out "such" and insert "the"; in line 10, after the word "when", strike out "such" and insert "the"; in line 23, after the word "this", strike out "title."." and insert "title."; after line 23 insert:

"(e) Annual leave otherwise accruable after June 30, 1960, which is lost by operation of this section because of administrative error and which is not credited under subsection (d)(2) of this section because the employee is separated before the error is discovered, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within 3 years immediately following the date of discovery of the error. Payment shall be made by the agency of employment when the lump-sum payment provisions of section 5551 of this title last became applicable to the employee at the salary rate in effect on the date of the lump-sum provisions became applicable.".

On page 6, in line 12, after the word "Notwithstanding", strike out "any other provision of law," and insert "other statutes,"; in line 16, after the word "was", strike out "forefeited" and insert "forfeited"; and in line 18, after the word "status.", strike out "Such payment" and insert "Payment".

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Wyoming.

Mr. McGEE. Mr. President, this bill

was reported unanimously by the Committee on Post Office and Civil Service. We have discussed it on both sides of the aisle, and it has been cleared; but the distinguished Senator from Illinois has an amendment which we think is meritorious, and the committee is unanimously willing to accept it in order to expedite matters.

Mr. STEVENSON. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. McGEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 6, strike out lines 10 through 19 and insert in lieu thereof the following:

Sec. 7. (a) Section 5562(a) of title 5, United States Code, is amended by adding at the end thereof the following new sentences: "Notwithstanding other statutes, an employee in a missing status on or after January 1, 1965, is entitled—

"(1) to payment for annual leave which accrued to his account on or after January 1, 1965, but which was forfeited under section 6304 of this title because he was unable to use that leave by virtue of his missing status; or

"(2) to have all of that accrued leave credited to his account for use. An employee shall make an election in writing, within 90 days, after the date of enactment of this sentence or 90 days immediately following the termination of that missing status, whichever is later, whether he desires that payment or credit. Payment under clause (1) of this subsction shall be at the employee's rate of basic pay in effect on the first day the employee could have made the election.

(b) The amendment made by subsection (a) shall apply to former employees or their beneficiaries.

The PRESIDING OFFICER. This amendment is not in order until the committee amendments have been agreed to, except by unanimous consent.

Mr. McGEE. I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The question is now on the amendment proposed by the Senator from Illinois.

Mr. STEVENSON. Mr. President, I am today offering with Senator Bible an amendment to H.R. 1284, the Administration of Annual Leave for Federal Employees Act, affecting the administration of the leave system for individuals in the employ of the U.S. Government who at any time have been in a missing status on or after January 1, 1965. This amendment is designed to be prospective as well. My amendment would broaden section 7 of H.R. 1284 by allowing those employees who remain in the employ of the United States an option of crediting the annual leave time that accrued while they were in a missing status to a separate leave account until used.

These individuals have served their Government well, even as victims held captive in hostile prison camps. The House of Representatives, in passing H.R. 1284, and the Senate Committee on Post Office and Civil Service have recognized the importance of amending existing law to make certain that these employees are able to take advantage of their annual leave at the termination of their missing status through a lump-sum payment for the accrued time, based on the rate of basic pay at the time of forfeiture. It is my belief, however, that we should broaden the scope of this provision by, first, allowing for a lump-sum payment, based on the rate of basic pay at the time of the election of payment, or second, permitting these individuals the option of using the leave time that has accrued and thereby crediting the time to the employee's separate leave account. My amendment seeks to guarantee these employees this choice.

As the distinguished manager of the bill has mentioned, we have discussed this matter. I have also discussed it with the ranking member, the Senator from Hawaii. I am very hopeful that they will both accept this amendment.

Mr. McGEE. Mr. President, the amendment offered by my colleague has the effect, in practical terms, of giving civilian employees who were in missing status during the recent warfare in Southeast Asia an option to elect either payment or restoration of the annual leave which was lost to them because of the statutes limiting leave accumulation.

As chairman of the Committee on Post Office and Civil Service, I certainly have no objection to giving these employees who have made great sacrifices in our service such an option. The bill as reported by the committee provided only for payment for the leave lost by these employes, but the Senator from Illinois (Mr. Stevenson) advises me that there are individuals who desire the option to have their leave credited for use. There are not many employees affected, Mr. President. The Department of State has advised us that it knows of 15 Federal civilian employees who would receive compensation under the proposed statute. This election of alternative benefits surely will not add much if anything to the estimated $75,000 cost of the provision according these employees payment for their lost leave. However, the amendment before us does make it clear that former employees or their survivors will be entitled to the benefits.

Mr. President, I appreciate my colleague's willingness to coordinate this amendment with me and trust that the cooperative effort has been beneficial. While I am aware that some administrators in the executive branch might see a bit of difficulty in recrediting employees with substantial periods of annual leave, I am not persuaded that these administrative details amount to much. I have no objection to the Senator's amendment. The committee managers accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendent. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. McGEE. Mr. President. I move to reconsider the vote by which the bill was passed.

Mr. STEVENSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate resumed the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or servere dislocations in the Nation's fuel distribution system, and for other purposes.

Mr. McINTYRE. Mr. President, the amendment that I am offering is short and simply stated, that is, notwithstanding any other provision of law the President would have clear authority to require the termination of any petroleum product export which is having an adverse impact on domestic supplies.

This language amends section 207 of the bill to give the President the authority to take this action. It should be noted that the amendment is phrased so that it is not mandatory in form.

Mr. President, several newspapers this summer first carried stories showing that sizable quantities of refined petroleum products and particularly home heating oil were being exported overseas. More recently, the Cost of Living Council has issued a report predicting that 53.5 million gallons of heating fuel oil will be exported from the United States during 1973. This represents a 284-percent increase in fuel oil exports over last year. This situation is tolerable and is grossly unfair to the heating oil consumers of this country who are being called upon to conserve this product because of its short supply.

The purpose in offering this amendment is to give the President clear authority over the next year to terminate those exports of petroleum products adversely affecting domestic supplies. The basic legislation governing the control of exports, the Export Administration Act, can be extremely cumbersome and delay considerably the implementation of export controls even after a clear showing of need has been made.

Because of the difficulty in effectively controlling exports under this act, the President earlier this year sent legislation to Congress revising the standards under the act to make it more easily useable. Of course, the Export Administration Act concerns itself with all commodies being shipped overseas. The act that the Senate is addressing itself to today, the National Emergency Energy Act of 1973, concerns itself primarily with fossil fuels.

The very nature of this emergency act calls for the inclusion in it of clear authority to the President to be able to immediately suspend the export of any petroleum product adversely affecting our supplies.

Make no mistake about it. The shortages that we will be experiencing in the next few months will be unlike those ever witnessed before during peace-time in this country. With substantial price increases in various petroleum products and the difficulty the consumer will have in obtaining adequate supplies, there can be no rational basis for allowing 1 gallon of heating oil to be exported if some citizen is thereby deprived.

As I said earlier, Mr. President, the realization that certain oil companies were exporting domestically refined oil products prompted me in September of this year to introduce S. 2442 which, in effect, prohibited the export of crude oil or petroleum products during any period when the petroleum industry was subject to economic controls under the authority granted under the Economic Stabilization Act of 1970.

While the amendment I am offering today does not prohibit exports of finished petroleum products, it does give the President the clear authority to do so to protect our own domestic supply. With the action taken several weeks ago by the Organization of Arab Petroleum Countries—OAPEC—it is clear that our domestic supply situation would deteriorate even further then was anticipated in the early fall. Recognizing the fact that the OAPEC has not only placed an embargo on all crude oil shipments to the United States, but has also implemented a policy cutting off supplies to any country supplying us with refined petroleum products, I have purposely drafted the amendment to give the President substantial leeway in placing export restrictions on finished petroleum products.

In our present international situation, circumstances may call upon us to come to the aid of some of our friends who are retaliated against by the Arabs because of their support.

The purpose of this amendment is not to place any restrictions on the President, but is just the contrary.

This amendment will give the President maximum flexibility in dealing with the export of finished petroleum products.

I would also like to touch briefly on one other point. The conference report recently adopted on the trans-Alaskan pipeline bill contained a section placing certain limitations on the export of crude oil. As I am sure the floor manager of the bill presently before us, Senator Jackson, recalls, I, along with several of my colleagues were concerned with the export of domestically produced crude oil.

Senator Jackson recognized this concern and included in the pipeline bill a provision requiring a Presidential finding that any exports would not diminish the total quality or quantity of petroleum available in the United States, and I compliment the Senator from Washington for including that provision in the pipeline bill.

The amendment that I am presently offering does not deal with crude oil; it deals with finished petroleum products and enumerates specifically gasoline, No. 2 fuel oil, and residual oil as these are the petroleum products that are presently in short supply. The amendment does, however, include any other petroleum product also having an adverse impact on domestic supplies.

Mr. President, I should also point out for the benefit of the Senate that the Emergency Petroleum Allocation Act of 1973, S. 1570, also touches on the point but does not directly address itself to exports. Section 4(d) provides that all crude oil, residual fuel oil, and refined petroleum products shall be totally allocated for use by consumers within the United States to the extent practicable and necessary. It does not, however, address itself to exports. While that subsection may be inferred to deal with the question of exports, I believe that the President should have that clear authority.

As I stated earlier, the basic authority the President has is the Export Administration Act. However, the basic purpose of that act when passed by Congress was to deal with commodity shortages caused by foreign demand. In fact, the act talks in terms of protecting the domestic ecoomy from an excessive drain of scarce materials and the inflationary impact of abnormal foreign demand. Our present energy situation is much different.

The oil shortage is not being caused by excessive foreign demand; just the opposite is the case here. The shortages are being caused primarily by an insufficient domestic refining capability and by the inability to secure sufficient quantities of foreign crude oil and refined petroleum products. This is a different type of shortage and must be handled differently.

I think it is extremely important that the Congress include such an amendment in any energy emergency legislation, and simple facts arrive at this conclusion.

This country is presently consuming approximately 17 million barrels a day of various petroleum products while at the same time our domestic refining capacity can only provide us with around 12.5 million barrels a day of finished petroleum products. It simply escapes reason in our present situation to allow the export of any of these petroleum products if such export means that American citizens must do without.

Mr. President, I feel that there is one other important point that should be made with regard to petroleum product exports. The Department of the Interior on November 9 issued a press release entitled "Distillate Exports Minute, Office of Oil and Gas Reports." The press release quotes the Director of the Office of Oil and Gas that the export of distillate is "a drop in the proverbial bucket" and the release goes on to state that between January 1 and September 30 of this year 1½ million barrels of distillate were exported. The Department of the Interior's own figuers clearly show that the Cost of Living Council's study is considerably lower than actual export levels. If exports of distillate, which is home heating oil, continue for the remainder of this year at a level equal to the first 9 months, this will mean that we have exported over 2 million barrels of that product in 1973.

This figure might, in the Department of the Interior's opinion, be a "drop in the proverbial bucket" but this drop represents close to 25 percent, or one-fourth, of the total demand for this product in the State of New Hampshire, and it this same product that heats over 80 percent of the homes in my State. Quite frankly, what seems like a small quantity when looking at the whole picture will seem like an enormous amount to the citizens of this country when they run out, and I think it is the duty of Congress to assure the American people that we will not tolerate a situation in which our homes are going cold, our schools are closed, and our people out of work because the fuel that is so essential to them has been sold overseas.

Mr. President, in closing, I request that the Cost of Living Council's report and the Department of the Interior's news release I referred to appear in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

DISTILLATE EXPORTS MINUTE, OFFICE OF OIL AND GAS REPORTS

"Rumors that the United States is exporting large quantities of fuel oil are unfounded," said Duke R. Ligon, Director of Interior's Office of Oil and Gas. "According to Bureau of Census figures, we have exported a quantity of distillates equal approximately to two-tenths of one percent of U.S. total demand. This is a drop in the proverbial bucket, and this level does not constitute a threat to the supplies of the country."

Demand for distillates in the United States will be approximately 1.1 billion barrels during 1973. Between January 1, 1973 and September 30, 1973, 1.5 million barrels of distillate were exported. To date, shipments of distillate fuel overseas includes:

	Barrels
United Kingdom	421, 834
Mexico	323, 345
Netherlands Antilles	195, 812
Denmark	154, 160
Netherlands	148, 688
Venezuela	112, 236
Japan	61, 299

Since 1968, exports of distillate fuels have averaged about 1 million barrels, except in 1972 when approximately 450,000 barrels exported.

HEATING OIL EXPORTS

(1) This report is based upon research of Industry Associations and available U.S. Statistics.

The statistics compiled for this report do not specifically identify No. 2 heating oil exports since none of the available statistics segregate that item. The available statistics also do not segregate exports which return to the U.S. after foreign processing. Additionally, Federal Regulations do not allow the U.S. Census Bureau to divulge the identity of firms involved in transactions. For the purposes of this report, the available statistics are a combination relative to No. 2 heating oil, No. 4 heating oil and light diesel fuel, all of which are categorized together in the U.S. Government Schedule "B" of classifications. This Report consists of a comparative analysis of total domestic distillate production, volume of distillate exports, sales value of exports, the average price per bbl of the exports, and the port of export and destination of substantial 1973 exports.

(2) An analysis of the available data reveals that although the export figures indicate that 1973 totals will drastically surpass 1972, comparison of these figures with the totals for 1969, 1970, and 1971 reveals that in volume of bbls, 1972 was a depressed year, and the rise in 1973 appears to be a return to a historical export level. In terms of percentages the 1973 projected volume of bbls is only 69% of the 1969 total. In contrast, the total value of the 1973 projection is 113% of the 1969 total value, while the average price per bbl in 1973 is 164% of the 1969 average price per bbl. The monthly export figures for the period January–August 1973 do not indicate any consistent pattern in regard to volume. It is also considered significant from an impact point of view that when compared with total distillates produced the export volume ranges from .04% to .2%. This is given further significance when it is realized that distillates account for only slightly over 22% of refinery production. Additional research developed that the majority of exports originated from Galveston and Port Arthur, Texas, with one shipment originating at Seattle, Washington. The destinations of the majority of the 1973 volume were Mexico, Netherlands Antilles, Denmark and Japan.

(3) This portion of the report concerns the volume of exports and dollar value of sales for 1969, 1970, 1971, 1972, and the first eight months of 1973; and a projection of total exports for the full year 1973.

Year	Volume, barrels	Total value	Average per barrel
1969	1, 859, 825	$6, 567, 645	$3. 53
1970	1, 444, 525	4, 329, 902	3. 00
1971	1, 858, 471	7, 909, 468	4. 25
1972	448, 433	1, 797, 960	4. 01
January to August, 1973	850, 067	4, 934, 185	5. 80
Projection, 1973	1, 275, 101	7, 401, 278	5. 80

When the 1973 projections are compared on a percentage basis to the actual figures for 1969, 1970, 1971 and 1972, the result is the following tabulation which depicts the percentage relationship of the 1973 projection to the indicated year:

[In percent]

Year	Volume barrels	Total value	Dollar, average per barrel
1973/1969	69	113	164
1973/1970	88	171	193
1973/1971	69	94	336
1973/1972	284	412	145

(4) This portion of the report is a monthly tabulation of exports for January-August 1973 depicting volume and average price per bbl.

Month	Volume barrels	Average price per barrel
January	256, 618	$5. 01
February	22, 495	6. 66
March	4, 429	3. 95
April	123, 012	6. 05
May	5, 586	4. 43
June	196, 928	5. 80
July	40, 926	5. 44
August	200, 073	6. 73

(5) This portion depicts the export figures for 1971, 1972, and the first six months of 1973 in comparison to both the total domestic distillates produced and the average percentage breakdown for total distillates of total U.S. refinery production per bbl.

Year	Export volume, barrels	Percent of total distillates produced	Average percent, refiners
1971	1, 858, 471	0. 2	22. 05
1972	448, 433	. 04	22. 21
January to June 1973	609, 068	. 1	22. 30

(6) This portion of the report depicts the destination, volume, and port of shipment for the majority of shipments during the months of January, April, June and August 1973:

Month and destination	Port	Volume (barrels)
January:		
Mexico	Galveston, Tex	60, 346
Netherlands-Antilles	do	195, 812
April:		
Mexico	do	113, 647
Denmark	Port Arthur, Tex	
June:		
Mexico	Galveston, Tex	128, 695
Japan	Seattle, Wash	60, 000
August:		
Panama	Port Arthur, Tex	49, 228
Denmark	do	148, 221

Mr. FANNIN. Mr. President, I realize the sincerity of the distinguished Senator, but I think what was said by the distinguished Senator from North Carolina applies to what he is saying. The Senator from North Carolina said:

> Forgive us, O Lord, for we know not what we do.

I feel sure the Senator does not know the consequences of what we would be doing if we were to pass this amendment.

It would be interpreted by Canada and Mexico as hostile and a cutting off of U.S. supplies rather than assisting in giving additional supplies.

I call to the attention of the Senator what Canada exports to the United States. Canada exports to the United States 1.168 million barrels a day of distillates and 7,400 barrels a day of residual oil. That comes here each day from Canada. Then, there are 95,300 barrels a day of gasoline jet fuel and kerosene and 17,900 barrels a day of naphtha, feed stocks.

I will furnish additional figures for the RECORD with respect to the detrimental effect of what happens. I will provide additional information so it will be available in the morning.

We would be considering taking action when we have not considered the consequences.

"Rumors that the United States is exporting large quantities of fuel oil are unfounded," according to Mr. Ligone. We have exported .2 of 1 percent of U.S. total demand.

We would starve these countries like Mexico, and specifically Mexico, where they depend on fuel to heat their hospitals, to warm their schools, to take care of the children, to heat their homes. They have been doing this for years and years. We would rob them of that opportunity.

I would go along with the Senator if he cut to the same percentage we would cut, but when the Senator says we are going to take away the means to cook their meals, that is something else. The United States is a great country because it is a good country. I do not think we would want to take action now as the Senator proposes here.

Let us look at what the retaliation would be. If we cut off Mexico, what would Venezuela do to us? They are a South American country and Mexico and Venezuela are closely associated. It would be a great mistake to alienate our allies.

It would interfere with the Middle East negotiations being conducted by Dr. Kissinger at this time.

It was received in the committee, and after long deliberation and consideration, it was rejected.

I think this is something that is just as wrong as wrong can be. I have read the amendment thoroughly. It is not long. It states that—

> Notwithstanding any other provision of law, require the immediate termination of the export of gasoline, number 2 fuel oil, residual fuel oil, or any other petroleum product whose export is having an adverse impact on domestic supplies.

Is that not a fine way to treat our neighbor? Is that not a fine way to conduct our relationships with other countries? I do not understand how we can be crueler or more——

Mr. LONG. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. LONG. One of the countries that would lose our exports is Venezuela. That is where we expect to get most of our offshore oil during this period—Venezuela and, hopefully, Nigeria. Take the 100,000 barrels to Nigeria or Venezuela. How much is she shipping to us? Probably 100 times that much.

Mr. FANNIN. They are exactly the kinds of facts I wanted to get. The Senator from Louisiana is so right. This is cutting off our nose to spite our face. The transshipments from European countries are tremendous. The shipments from The Netherlands are astounding.

I just cannot understand how we could even risk the publicity that would go forth here by the selfish act such as would be instituted if this amendment were passed in the Senate. I think it is really devastating even that we consider it.

I thank the distinguished Senator from Louisiana, because here we are talking about a very, very small percentage, but if the Senator from New Hampshire could just make a trip down into some of these countries and realize the dependency they have on this fuel—and I have been there many times, so I know what I am talking about—he would know exactly what is happening. I realize the consequences of cutting off their supplies overnight. It would just be catastrophic. The people would be going to their presidents and to their public officials. The President of Mexico would be up in arms. He would be on the hot phone to the President of the United States.

I do not think the Senator from New Hampshire realizes the consequences of this amendment. I would hope he would withdraw it.

Mr. McINTYRE. Mr. President, it has always amazed me how my distinguished friend from the Southwest is astounded by some of the amendments that we in the consuming States offer.

It will be noticed that the amendment I have offered here is drawn so that the President has the discretionary authority to allow these exports to occur, just so long as the domestic supplies are not adversely affected.

If the President sees it the way the Senator from Arizona does, I suspect we will get no imposition, because he will see it is much more important that we take care of those Mexican friends of ours—and certainly they are our friends—than it is to make sure that New Hampshire and Minnesota——

Mr. FANNIN. The Senator knows I did not say that. I said share and share alike.

Let us make one thing clear. Arizona does not produce petroleum products, unfortunately. On the Navaho Indian reservations, we have a few wells that New Mexico was kind enough to let flow a little underneath the border. It is a very little amount. We are not what we call an oil-producing State. We produce over 50 percent of the copper of this country, and we are proud of that, but we are not an oil-producing State. So do not think we are not exactly in the same position that the Senator from New Hampshire is. So do not refer to us as a petroleum-producing State, because we are not. If we were, I would feel exactly the same way.

Mr. McINTYRE. Arizona is not a producing State, but how does the mean temperature there compare with New Hampshire?

Mr. FANNIN. It depends. If one goes into the southern part of Arizona, it is higher. In northern Arizona it is a little colder than New Hampshire.

Mr. McINTYRE. It seems to me the Senator is missing the real heart of the amendment. I think it is important, when we move into a time when shortages are going to abound, that every corner, every leak of domestic oil, be curbed unless there is good reason for it to depart from this country.

The Senator is telling me it is important to preserve our friendship with Mexico—and I agree with him—and that it is important for the Mexicans to get that oil, and if they do not, our friends from Venezuela will be upset.

Mr. FANNIN. Should they not be?

Mr. McINTYRE. We have been a good customer of theirs for some time. I had thought, before talking of it, that if we provided oil along the border of Mexico, in the Rio Grande area, then Mexico, which I believe, although I am not sure, is self-sufficient, could provide an equivalent amount of oil to other areas——

Mr. FANNIN. No.

Mr. McINTYRE. That is not correct?

Mr. FANNIN. No, that is not true. Unfortunately, along the border there is no production, so they could not do so. For 30 years or more we have been shipping petroleum products into that country. I know it has been for that period of time, and it is probably longer than that. They have become dependent on us, not only towns, but states, in fact all the way down to Mexico City. So we are talking about something that is very, very serious to the American people. In fact, as far as heating is concerned, in many areas of Mexico, they are dependent on us.

Mr. McINTYRE. I would like, if I may, to express again the viewpoint of the Senator from New Hampshire on this question. I would point out to the distinguished Senator from Arizona and to others here on the floor that while the Interior Committee referred to these 2 million barrels of heating oil which are exported as a drop in the bucket, it represents about 25 percent of the heating oil supply that would be consumed and used by the residents of New Hampshire. So, as I said in my opening statement, it is not a drop in the bucket to us.

We are not saying that these 2 million barrels cannot be exported if this amendment is adopted. We say you ought to take another hard look at it before you export any of it.

Mr. FANNIN. May I read back to the Senator from his amendment?

> Notwithstanding any other provision of law, require the immediate termination of the export of gasoline, number 2 fuel oil, residual fuel oil, or any other petroleum product whose export is having an adverse impact on domestic supplies.

Any export of petroleum product, it could be said, has an adverse effect, but let us look at it from the standpoint of the 1 billion barrels of oil we will be importing from abroad over the years.

So we are not talking about fair play and we are not talking about quid pro quo. We are talking about the selfish, coldblooded act of saying, "We will cut you off, but you keep supplying us." That is what the Senator is talking about when he talks about Venezuela reshipping oil from the Mideast or furnishing us with tremendous amounts of oil. In fact, we are very dependent on Venezuela. If Venezuela cut us off as a result of this action, New Hampshire will probably suffer many times what it would as a result of the export of this minuscule amount of oil being sent into Mexico.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. McINTYRE. I would like to point out to the good Senator that my amendment, if adopted, must be read in conjunction with what is contained in section 207. It would come at the end of the section. So if the Senator will go to page 24, section 207 starts out by saying:

> The President is authorized to initiate the following measures to supplement domestic energy supplies for the duration of the emergency.

Then my amendment would go in. So it does not seem to be so cold-blooded.

Mr. FANNIN. It is cold-blooded. I think I can understand the English language. It says "require," even when we take it in context with the other provisions.

I would suggest the Senator permit us to get the figures for him, so he would realize just how devastating this amendment would be. We can have in the morning figures as to the amount of the product we receive from the different countries referred to in this bulletin.

I think it is very important to realize that we should not take an action that is going to result in these other countries reacting. It certainly could be disastrous to us.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. COTTON. Mr. President, if the domestic supply of oil, heating oil, is reduced by, say, 15 percent because of scarcity, or 20 percent or 10 percent, is it not fair and proper, and could anyone complain if we were to reduce our export oil by exactly the same percentage so that our Mexican friends would be asked to bear the same hardship that we do?

Mr. FANNIN. Yes. I said a quid pro quo. However, we must consider that we cannot possibly think of cutting off exports to countries that we are dependent upon for imports. I cannot see how this amendment would be beneficial when we have had favorable balances of trade with Mexico for years and years.

We have to look at this from the standpoint of equity and fairness. We could cut off Mexico and probably gain a little as far as Mexico alone is concerned. However, we would suffer the consequences.

Mr. COTTON. The Senator did not quite answer my question.

Mr. FANNIN. I understand. The Senator is saying that if we are cut back 20 percent, we should do the same thing with respect to them. I would point out that if we cut them 20 percent, we might get cut 50 percent by Venezuela. If we treat Mexico in that fashion, they will perhaps cut us by 50 percent.

I do not see how we could gain by an amendment of this nature. We are too dependent upon the other countries of the world. We import approximately 35 percent of our petroleum needs. Are we not being very narrow if we say that we will cut our exports by 35 percent?

Mr. COTTON. If we get a certain percentage of oil from Venezuela, Venezuela could still take care of Mexico's needs.

Mr. FANNIN. Mr. President, they happen not to be in a position to take care of Mexico's needs in the product we are talking about, propane and similar products that require refining.

Mr. COTTON. We have to refine it.

Mr. FANNIN. We get it in different ways. Some of it is refined. Some of it is from the natural gas wells. It is a trade-off. We are the beneficiary. We get 5 percent of our total supplies from Canada. Are we acting intelligently if we pass an amendment that could raise havoc and show how selfish we are in cutting off the small country of Mexico? We would have them retaliate. Mexico would not retaliate per se, but other countries would retaliate. Venezuela is very friendly with Mexico. Mexico is one of the top leaders in Latin American affairs. It would be very detrimental for us to think that we could gain by selecting Mexico and saying that we will cut Mexico by a certain percentage.

If we had a system that was fair and equitable and would mean that we would not have retaliation, it would be different. However, I am concerned about retaliation. I am very much concerned.

Mr. COTTON. Will the Senator explain to me why the oil products that go to Mexico have to come via the United States?

Mr. FANNIN. Let me explain. They are not necessarily coming via the United States. We have tried to build up a market in Mexico for many years. If we want to go back into history, we would see a little unfavorable relationship at the time of the expropriations. However, in the last 30 years we have had very favorable relations with Mexico. We have been selling them surplus products. It assisted us greatly. Now we have a chance to tell them that they did not need to get the product from us but could have gotten it from someone else and we are not going to let them have it. However, we have had very favorable balances of trade with Meixco. Would that be a way in which we should treat a country like Mexico?

Mr. COTTON. Mr. President, I was not suggesting that. I was suggesting that if our supply was reduced.

Mr. FANNIN. Are we willing to tell Venezuela that because they cut us back, say, 10 percent on what they shipped us, that we would cut back 10 percent on what we ship to Mexico? Would that not be foolish?

Mr. COTTON. Why not?

Mr. FANNIN. We would be the ones to suffer many times over. That is the reason that I want figures on what we get from Venezuela so that I can illustrate the sacrifice we are making foolishly and selfishly.

Mr. COTTON. Mr. President, a moment ago the Senator was talking about our imports that Mexico sends to us of other products.

Mr. FANNIN. The Senator is correct.

Mr. COTTON. If we are to face a situation in the northern part of our country where our people will be suffering under hardships and suffering from cold, it is hard for me to understand why it is so unreasonable and why it would antagonize Mexico or anyone else if we do this proportionately.

Mr. FANNIN. That is why I wanted time to see what should be done so that we would not lose by our action.

It might be possible to do this. However, I would want to know what we would gain or lose. If we cut back Mexico 10 percent and the other countries cut us back 10 percent, we would lose 100 times over, or 50 times over.

Mr. COTTON. Presumably we are being cut back by the countries of the Near East. We pay Venezuela for every penny's worth of oil we get.

Mr. FANNIN. The Senator is correct. We are their customers. However, they have many places in which they can sell their products. We want to remain their customer. We do not want to get them mad at us for some other action that we take against another country.

If the Senator would agree, since it is now 10 minutes to 5 and I did not know that the Senator was going to discuss this matter tonight, I would like to have an opportunity to properly present information that I think is valuable in the consideration of this subject.

Mr. McINTYRE. Mr. President, we have previously agreed that a vote would occur tomorrow. We have gone a little overtime.

Mr. FANNIN. Mr. President, I want to correct the Senator on that. We did not agree that we would vote on tomorrow. We agreed that the vote would occur later.

Mr. McINTYRE. Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, I am greatly concerned about potential infringements of first amendment rights of free speech and press threatened by the language in section 203(b)(2) which bans all advertising encouraging increased energy consumption. The language to which I refer is on page 17 at lines 13 and 14.

This is a sweeping prohibition and coupled with the criminal penalties provided in the bill may violate the Constitution, in my opinion.

I am aware that advertisements fall into the so-called "commercial speech" category and, therefore, do not necessarily enjoy the same constitutional protections that a policy speech enjoys. Limitations on advertising have been upheld by the courts, but all of the cases suggest that broad, vague and sweeping prohibitions accompanied by criminal penalties would amount to a prior restraint on publications.

According to the committee report, the purpose of S. 2589 is to provide authority, impetus, and direction to the administration in devising a program to deal effectively with the energy emergency we now face. I therefore direct some specific questions to the distinguished chairman regarding the types of advertising which the committee intends would be banned by this provision.

I have discussed those questions with the Senator from Washington and together we have developed a colloquy to provide further clarification about the scope and intent of this provision.

First, I would like to ask the chairman to express his understanding of the committee's intent—specifically, what type or types of advertising does the committee seek to direct the administration to prohibit?

Mr. JACKSON. Mr. President, I thank the Senator from California for raising this important issue and for giving me an opportunity to explain the committee's intended meaning of the phrase to which he refers.

I agree with the Senator that it is important to be specific. At the same time, it is important to remember that we are indeed faced with a serious emergency and are attempting in S. 2589 to provide the President with the authority needed to issue more precisely drawn programs, accompanied by carefully and narrowly drawn regulations and guidelines, aimed at curtailing wasteful and nonessential uses of fuel and energy. The committee intends that the burdens of curtailing energy use be equitably distributed among all sectors of the economy and the population. This means that plans called for in S. 2589 must embody as many possible remedies for our energy and fuel shortage as possible.

A factor in the development of this emergency has been advertisements promoting wasteful and nonessential energy consumption. The committee has heard testimony and received direct evidence that some utilities and other energy producers have in the recent past engaged in widespread advertising designed for no other purpose than to increase consumption of energy and fuel. This is the type of advertising the committee thinks should cease.

I might add—in fact I am pleased to observe—that many public utilities and other energy producers no longer engage in such advertising. Many are now performing a valuable public service by explaining energy-conserving techniques in paid advertisements.

But other types of advertising promoting consumption of energy on a wasteful scale remain. When we are asking people to use only limited amounts of gasoline and to live in homes not as well heated as last winter, I believe it is only fair that we ban advertising which flagrantly runs counter to everything we must do to meet the present emergency and which would present a clear and present danger to our limited fuel and energy supplies.

Since I believe this provision is essential to the overall balance we seek to attain in this legislation, I welcome this opportunity to clarify committee intent.

Mr. CRANSTON. Does the provision prohibit the expression of opinion in paid political advertisements opposing the purposes of the Emergency Energy Act and related policies?

Mr. JACKSON. Such an interpretation clearly would violate the first amendment. Free speech and free debate over important public policy is what America is all about. No energy crisis—no crisis of any other kind that I can conceive of—would justify such a direct abridgement of the freedoms of speech and press.

Mr. CRANSTON. I would like to ask another question along this line. Would this ban authorize regulations which prohibit or limit advertising in which a utility would tell consumers that it is OK to have lights on Christmas trees this year because a string of 50 lights would burn only the same amount of energy as a 100-watt electric light bulb?

Mr. JACKSON. The ban would not authorize regulations which limit in any way factual statements made by an advertiser stating the amount of energy consumed by products or appliances. This type of educational information is useful to people in making judgments about purchases or uses of appliances and products.

Mr. CRANSTON. Would this provision empower the President to issue regulations prohibiting the advertising of items and goods for sale which require the consumption of energy in their manufacture?

Mr. JACKSON. Manufacturing consumes large amounts of energy. However, in our opinion the proper method to deal with this is through first, a program of priority fuel allocation, and second, a program of rationing and strict energy conservation measures.

S. 2589 authorizes the latter to be exercised by the President. We do not contemplate a "ban" on the advertising of manufactured items even though the manufacture of such items in and of itself may consume substantial quantities of energy. I would hope that this distinction is clear. We are concerned here with advertising which promotes consumption of energy and fuel on a wasteful scale by the consumer; not with advertising of items which require large amounts of energy and fuel to manufacture. As I said earlier, the bill provides ample authority for the President to reduce wasteful expenditures of energy and fuel in manufacturing processes. The ban on advertising is not intended to reach that problem.

We must recognize that many products which are manufactured require substantial energy inputs. Some of these are essential products to maintaining the basic health of the economy, national security, vital public services, and our energy producing industries. The committee is in agreement on a rule of common sense and reasonableness in the construction of this language.

Mr. CRANSTON. When advertisements appear, at least two parties bear some responsibility for it: the media and the advertiser. As you know, the Supreme Court recently upheld regulations of the Equal Employment Opportunity Commission requiring newspapers to stop printing help wanted ads under separate columns specifying male or female. Does this provision impose sanctions in any way upon the media which prints or carries an advertisement deemed in violation of the intent of this provision?

Mr. JACKSON. We intend that the ban be directed to the advertiser, the person who paid for the advertisement, not the newspaper or television station carrying the advertisement. I do want to make it clear that this provision is not directed at the media. It is aimed solely at prohibiting advertising which irresponsibly promotes and encourages increased consumption of energy.

Mr. CRANSTON. I have a copy of an advertisement here, which I have shown the distinguished chairman, promoting the sale of electric shavers. Would this advertisement fall within the type of prohibitions the committee seeks to have imposed through the authorization to ban all advertising encouraging increased energy consumption?

Mr. JACKSON. No, it does not. This advertisement is not directed toward an effort to create in the consumer a desire to waste energy. It is a legitimate sales effort by a merchant to move inventory. Again, I feel that this advertisement comes within the right of the merchant to communicate in a responsible way with his customers and potential customers. I see nothing in this advertisement to incite wasteful consumption of energy.

Mr. CRANSTON. I think the Senator shares my concern that the ban on advertising not be administered in a way to limit the economic freedom of a business person to conduct his business at a profit rather than at a loss. We are approaching a time of the business year when the majority of retail businesses in the country either make a profit or merely break-even or possibly suffer a loss. Advertising plays a large part in helping a merchant move inventory. I hope that nothing in this broad grant of authority to the Executive is intended to authorize restrictions on mercantile advertising.

Mr. JACKSON. I would agree generally with the sentiments of the Senator.

But we do not know all of the contingencies which we face. It may be that advertising of individual products which consume inordinately wasteful amounts of energy and fuel must be limited. I would be misleading the Senator if I did not make that possibility clear to him.

It may be that promotional advertising of such products on a massive scale may present such a clear danger to the overall fuel and energy situation and to the integrity and balance of the plan that such advertising campaigns should be banned.

I would hope that bans on advertising generally will permit the business person freedom to operate without undue interference with his right to communicate to his clientele and potential customers.

THE FUEL SHORTAGE

Mr. TUNNEY. Mr. President, the American people always have been able to pull together in times of crisis, and this dismal winter of an unprecedented fuel shortage will be no exception. Americans will, I am confident, face the shortage with their usual solidarity. They will drive less and more slowly. They will take public transit where possible and pool their cars. They will turn out lights and turn down thermostats. And, while not liking it one bit, they will comply with the regulations and the rationing authorized under the Emergency Energy Act.

The act grants sweeping powers that will affect our lives in ways our Government never has except during the Civil War of a century ago or of the world wars in our century. The act, necessarily, will put the broad boot of bureaucracy into our neighborhoods, our shopping areas, and our places of work.

All of us today, I imagine, regret that we have no alternative but to vote for such legislation as an unavoidable imperative. Because, most immediately, of the cutoff of Middle East oil and because of the lack of administrative initiatives earlier at less critical times, we must now accord enormous new powers to the Presidency.

The Presidency, as an institution, al- that acutely tips the balance of powers that acutely tips the balance of powers institutionalized in our Constitution. I direct these remarks not at the man now in the White House, but rather at the concentric gathering of more and more power in the hands of one person, no matter his party or the status of his public credibility.

Nonetheless, I believe Senator JACKSON and the other authors of the Energy Act tried to impose some checks on unrestrained power and wisely tried to localize day-to-day decisions on allocations and implementation.

Inasmuch as this is temporary legislation to meet an immediate crisis, it overlooks customary appellate processes and other lengthy proceedings that might delay needed action. But, as a counterbalance, it provides for local administration so that public pressure will remain intense and direct on those whose decisions will so crucially affect our daily routine. Thus, it strives to let the winds of freedom into the decision making where it can be most keenly felt—namely in our hometowns with persons whom we know well and can speak to first-hand.

Despite the fine efforts of Senator JACKSON and his colleagues, many ambiguities may arise from this emergency legislation. Among them, whether rationing, with the coupons and the little window stickers of World War II, or sharply increased taxes on fuels will be used to curtail demand? Whether independent producers will be protected? Already, 3,000 have gone out of business. Whether power plants in California will be forced to use coal, which would have to be shipped into the State and the smoke from which could further befoul our atmosphere?

Beyond these questions, is a larger one about the vigor and health of our democracy in times of such crisis. By temporarily allowing Big Brother Government to intrude more forcefully into our lives, do we permanently surrender some further measure of our freedoms and our liberties?

I do not believe this necessarily has to be so. Clearly, there are great risks involved, for power usually generates pressures for more power.

The only assurance that it will not be so is the vigilance and determination of the American people themselves. With regulation and rationing and all the other governmental impositions, they still will retain the ultimate authority—their votes.

But all this will necessitate new burdens, certainly for those of us in Congress, who, in many ways, must become, as seldom before in our history, guardians over the administration of a major grant of power to a President.

It will be our responsibility to maintain a close and constant oversight into the application of the emergency act with its many implications for our economy, for the environment and for the future welfare of our country.

In the face of fuel shortage, the American people, I am sure, will accept needed sacrifice, but they will not bestow—nor should they—blind obedience or trust in this or any administration.

They do not want this or any other emergency act to go one step further than the absolute necessities in meeting a particular crisis.

They will want to see that this act keeps public transit moving, police cars on the streets, hospitals warm and well lighted and food moving from farm to table.

But they will resist—and we, as their representatives—will be their principal instruments—any efforts to broaden this act into an assault on our antitrust, environmental and other laws that protect this country against being ground under the heel of industrial and government giantism.

They do not—nor do we—want this emergency act to become a license for monopoly power.

They do not—nor do we—want big oil companies to abrogate antitrust laws to eliminate the independent producers and suppliers.

They do not—nor do we—want the urgent need for fuel to crush efforts to clean our air and save our environment.

They do not—nor do we—want our present needs to panic us to resume drilling in the Santa Barbara channel and other scenic areas.

They do not—nor do we—want the grim urgencies of this legislation to be used to divert National effort from vital programs to educate our children and adequately feed and house all Americans and to protect them from crime, illness and discrimination.

They do not—nor do we—want the need for conservation to be used surgically by any White House operative to discriminate or retaliate against any legitimate consumer interest.

They—and so do those of us in Congress—want the law to be administered fairly and equitably, with utmost reason and consumate restraint by those to whom these vast powers have been delegated.

The paralytic potential in the current crisis is enormous. Already, California agriculture faces a drastic curtailment in planting for next year because its fuel allocation was based on a period when much of our farm area was flooded. Similarly, mass transit systems in Los Angeles and neighboring counties, in San Diego and Sacramento face sharp reductions in services.

Four major public utilities in the State—Pacific Gas and Electric in northern California, the Los Angeles Department of Water and Power, Southern California Edison and San Diego Power and Electricity are short some 57 million barrels for next year.

Additionally, three cities expect to run out of fuel soon—Glendale by this December; and Burbank and Pasadena by next February.

Even if the emergency act and the companion Fuel Allocation Bill go into effect in the optimum period possible, it will be at least 60 days before inadequacies under the present voluntary allocation program can be corrected and needed supplies become available to such hard-pressed sectors of our economy as California farmers.

These local problems give direct meaning to the current shortage and, obviously, will have grave implications on food and other prices and on jobs and on the economy generally in the year ahead. And they give driving urgency to the need for our Nation, as some of us have long urged, to seek substitutes to our present dependence on oil and gas. Clearly, we may have to continue that reliance for some years to come, but we should resolve, at long last, to launch a massive National effort to harness and cultivate new sources of energy which abound in the seas, in the atmosphere and underground.

The U.S. Geological Survey has estimated that there are almost 500 billion barrels of oil in potential reserves, and almost 2,400 trillion cubic feet of proven and undiscovered natural gas reserves on and offshore in the United States. It is estimated that 50 percent to 80 percent of these resources are under Federal lands.

We have, furthermore, the largest coal reserves of any country in the world. The U.S. Bureau of Mines estimates domestic coal reserves down to more than a mile below ground in excess of three trillion tons, sufficient to provide for much of our energy needs for the next 500 years.

In all this, we must think not only of how to assuage the crisis of this winter, but to think in affirmative and imaginative terms for keeping our homes warm, our families fed and our economy moving in future winters.

In the present situation, all of us recognize, of course, there will be hardship and suffering, disruption and dislocation. But we can weather these conditions if we are but assured that the emergency act is being well and equitably administered.

Herman Melville, in "Moby Dick," talked of the dark November of the soul. This may be another such November in our National history.

We will get through this latest crisis in an avalanche of crises, but only if each of us work together in conserving energy and is on guard together in conserving our Constitution.

MESSAGE FROM HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 47. Concurrent resolution authorizing the printing of additional copies of a report of the Senate Special Committee on the Termination of the National Emergency; and

S. Con. Res. 49. Concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 92d Congress as a Senate document.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW, AND DESIGNATION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished majority leader (Mr. MANSFIELD) be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, after which the Senate resume the consideration of unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 9 o'clock a.m. tomorrow.

After the two leaders or their designees have been recognized under the standing order, the distinguished majority leader (Mr. MANSFIELD) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will resume the consideration of the unfinished business.

The pending question at that time will be on agreeing to the amendment (No. 652) of the distinguished Senator from New Hampshire (Mr. McINTYRE).

Yea-and-nay votes will occur on amendments to the energy bill tomorrow. Hopefully, the Senate will complete action on that bill tomorrow, but I would offer no promise to that effect.

ADJOURNMENT UNTIL 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate now stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and at 4:52 p.m. the Senate adjourned until tomorrow, Friday, November 16, 1973, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 15, 1973:

DEPARTMENT OF STATE

Stuart Nash Scott, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Portugal.

NATIONAL TRANSPORTATION SAFETY BOARD

Louis M. Thayer, of Florida, to be a member of the National Transportation Safety Board for the term expiring December 31, 1978. (Reappointment)

THE JUDICIARY

Richard Owen, of New York, to be U.S. district judge for the southern district of New York vice Edward C. McLean, deceased.

DEPARTMENT OF JUSTICE

William A. Quick, Jr., of Virginia, to be U.S. marshal for the western district of Virginia for the term of 4 years. (Reappointment)

Donald E. Walter, of Louisiana, to be U.S. attorney for the western district of Louisiana for the term of 4 years. (Reappointment)

Ira De Ment, of Alabama, to be U.S. attorney for the middle district of Alabama for the term of 4 years. (Reappointment)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be lieutenant commanders

Kenneth E. Lilly, Jr.
Richard S. Moody, Jr.
Lloyd K. Thomas
Joseph A. Sowers
Ludvik Pfeifer
James C. Bishop, Jr.

To be lieutenants

Bradford B. Meyers
Christopher B. Lawrence
James E. Newcomer
Robert B. Zider
Larry L. Minter
Frank B. Arbusto, Jr.
Stephen D. Whitaker
Stephen A. Young
Bruce L. Crumley
Richard P. Moore
Robert C. Hoge
Richard A. Zachariason
James A. Wexler
Charles L. Kureth, Jr.
Joseph D. Wilson
Patrick L. Wehling, Jr.
Kent P. Dolan
Steven R. Birkey

To be lieutenants (junior grade)

Robert J. Schmidl
Brent G. Harris
Michael C. Meyer
Alan J. Potok
Richard D. Black
George W. Jamerson
James D. Servais
Richard H. Daly, Jr.
Jeffrey P. Calebaugh
David L. Stockwell
Michael R. McCaslin
Burl L. Wescott
James L. Warner
James H. Hartzell
Theodore C. Kaiser
Nelson K. H. Lau
Richard W. Permenter
Sydney R. Withers
Keith F. Freese
Alton W. Payne, Jr.
James W. Davis

To be ensigns

Fred L. Kleinschmidt
Evelyn J. Fields
James D. Sarb
Richard W. Ellis
Edward D. Gullekson
Michael E. Ziolko
Cheryl A. Cavin
James H. Bennett, Jr.
Christine S. Carty
Deborah A. Astle
Terrance D. Jackson
Karen L. O'Donnell
Gary M. Albertson
Mary M. Zoeller
Howard T. Langeveld
Benjamin M. Root, Jr.
David H. Peterson
Constantine E. Mericas

EXTENSIONS OF REMARKS

THE POTENTIAL OF SOLAR ENERGY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, November 15, 1973

Mr. HARRY F. BYRD, JR. Mr. President, as the Senate considers emergency legislation to deal with critical shortages of fuel supplies, I think it is important that we bear in mind that these are only short term solutions at best.

In the long run, the only hope for maintaining a strong economy is for the United States to develop its own resources in order to achieve independence of unreliable foreign governments.

This point was made eloquently in an editorial by Paul Miller in The Times-Union of Albany, N.Y. Mr. Miller emphasizes the need for research programs, and cites in particular the potential of solar energy.

I feel that Mr. Miller's views should be considered by the Senate. Paul Miller, chairman of the Gannett newspapers, is one of the Nation's ablest newspapermen.

I ask unanimous consent that the editorial, "Develop More U.S. Energy Sources And Solar Power To Meet Demand," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEVELOP MORE U.S. ENERGY SOURCES AND SOLAR POWER TO MEET DEMAND

[From the Albany (N.Y.) Times-Union, Nov. 3, 1973]

(By Paul Miller)

It's hard to believe that America is no longer the land of easy natural plenty, but across the country from Florida to Oregon and Washington a traveler now finds rising awareness and alarm at the energy crisis.

All sorts of local measures are being tried or planned to save fuel, light and power. Unfortunately, all these temporary measures together will not be enough.

Short-term, year-round Daylight Saving Time should be adopted.

Short and long-term, there must be (1) development of more energy from available U.S. sources—and more about that later: and (2) a program comparable to that in space to take greater advantage of the sun for more energy on earth, just as man obtained many earthly benefits by going to the moon.

As for DST, even before the energy shortage many motorists, public safety officials and others deplored Standard Time's shortened daylight hours in the afternoon. On a gloomy winter day in the Northeast, lights must be turned on as early as 4 p.m. Renewed emphasis is being given it now.

A Rand Corporation study estimates that "daylight saving time could conserve anywhere from 0.5 to 1.5 per cent of the nation's total winter energy needs."

Insignificant? Not when the overall energy shortage this winter is estimated at 3 per cent. So DST could make the difference between cold and warmth in some homes and buildings, or the difference between ample power and cutbacks in some communities.

There are objections—for example, nobody likes to go to work or school in the dark. But year-round DST deserves at least a trial. This is proposed in a bill by Sen. Adlai Stevenson 3rd (D-Ill.), among others. It also is being urged by the White House.

Well, it worked during World War II and is still being used in parts of Europe. Besides, DST would make a good start on other, even more productive energy conservation measures that also will be needed.

. . . BALANCE NEEDS

Current shortages arose because the development of additional sources has lagged behind rising demand.

Government price and tax policies have discouraged development of new petroleum and natural gas sources. Environmental objections have slowed or halted construction of new nuclear power plants and development of new U.S. oil and gas resources—in Alaska, for example, or off-shore in the oceans. Similarly, environmentalists have blocked full usage of America's most abundant energy resource—coal.

On top of that came the Middle East war and the Arab nations' shut-off of up to 10 per cent of America's oil supplies because of U.S. policy supporting Israel.

It all hit at once while U.S. energy consumption was increasing by more than 4 per cent a year. The immediate, inevitable result is higher prices and cutbacks in supplies, perhaps to the point of rationing some fuel.

America now must develop more energy from more domestic sources Although conservation measures are necessary, there's no substitute for an abundant U.S. supply of energy for U.S. needs.

Most experts agree that adequate U.S. sources are available IF the nation adopts policies needed to exploit them. But that will require much money, both private and public. And a better balance must be struck between the need to protect the environment and the need to obtain more oil and gas from sea, shale and Alaskan sources, more coal, more nuclear power.

. . . A 'CRASH' PROGRAM

Beyond that, potential energy sources that once appeared "far out" no longer seems so bizzare. They include nuclear fusion—and solar energy.

Scientists have the know-how to use the sun for electric power, fuel production, heating, cooling, de-salting of sea water and other energy purposes. Solar batteries have already provided power for Skylab and other space vehicles.

The big problem, say the experts, is to produce and store enough solar power or heat to compete with conventional energy sources in quantity and cost.

Overcoming that problem seems even more important to America than exploring the moon. So wouldn't it be in order to get going on a "crash" program to develop solar energy, like the mighty effort of the 1960s that sent a man to the moon?

James E. Webb, who directed NASA during the years the moon flight program hit its peak, has some reservations. Just pouring a lot more money into research wouldn't necessarily solve the problem, he explains

Even so, Webb supports stepped-up efforts to develop solar energy, as contemplated in a bill sponsored by Rep. Mike McCormack, D-Wash., chairman of the House Science and Astronautics Energy subcommittee.

McCormack's bill, which has more than 100 co-sponsors, calls for a $50-million, five-year program to find practical ways of harnessing solar energy to heat and cool buildings. Included would be demonstration units in several thousand residences on military property and elsewhere.

Within a decade, McCormack predicts, one in 10 homes could be built with primary heating and cooling energy provided by the sun.

Other experts envision even faster and broader progress than that.

One is A. J. Eggers of the National Science Foundation, who says use of solar energy as a "practical option" to other types of fuel is "in sight."

Another is Aden B. Meinel, professor of astronomy and optical sciences at the University of Arizona who participated in one of the University of Rochester's Joseph C. Wilson Day panel discussions this week.

Dr. Meinel believes solar energy can be commercially available in three years for heating and cooling and can provide electricity on a large scale in 10 to 15 years

He agreed that will be costly. But he added: "With the way the cost of all energy is going up, solar energy might become economically feasible faster than any of us realize!"

A TIME FOR POSITIVE THOUGHTS

HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. LITTON. Mr. Speaker, upon the conclusion of our deliberations and debate today when your gavel signals the end of our first 10½ months of the 93d Congress' first session, we will have several days to reflect upon what we have accomplished, or failed to accomplish, here in the House. Of equal importance, we will have an opportunity, if we seize it, to reassess not only where we stand but the direction we will take when we reconvene later this month.

The Reverend John H. Moore once said:

> The real test in golf, and in life, is not in keeping out of the rough, but in getting out after we are in.

This is the test facing the Congress in the weeks and months ahead.

As we approach Thanksgiving, one of the most meaningful American holidays, some would have us believe that we live in a climate where everything is doubtful. Strongly imprinted in the minds of many people are recent events which, on the surface, seem to predict a dismal future for our Nation.

We must face the fact that unfortunate recent events have depressed countless citizens who now take a negative view toward almost everything. But, on the other hand, we must realize that we have the alternative to "accentuate the positive" if we will but do so.

Mr. Speaker, as a freshman Congressman, I do not pretend to have all the answers to our Nation's problems. Under no circumstances must my remarks here today be construed as criticism of my peers, or anyone's reactions to our so-called crisis. In truth, I am only marshaling the long, long thoughts of my lifetime relative to the power of thought culminating in attitudes which build or destroy. There are already too many people prone to "nitpick" and drag us down to negative levels of thought. I refuse to compound that injury. I also refuse to concede that our country is going to hell, and that all politicians are crooks, as some people seem to think.

When we look upon the positive side, a different picture emerges.

We realize adversity is not without hopes. I am sure that many of my colleagues would concur that adversity has the effect of eliciting our best talents which otherwise might have lain dormant. As a body of 435 human beings, invested with the power given to us by the people whom we represent, we possess the capability of surmounting any problems confronting our Nation.

To think otherwise, is to ignore history.

To countless Americans, the word "Watergate" is synonymous with "cesspool." This connotation has come out of the depths of that deep trough we call "public opinion." Public opinion has given it life and duration. Public opinion can also give it death and cessation.

I would like to advance the thought that out of the shock of Watergate there could arise a resurgence of integrity in Government such as we have never before witnessed. This is a positive attitude toward past events which we cannot change. True, Watergate has brought with it tribulations which have drained our emotions, and cast doubts upon the integrity of our Government. But I believe, Mr. Speaker, that out of Watergate there will emerge a stronger and more unified nation.

Thus, during our recess, I think we, as representatives of the people, should dwell upon what future effects Watergate might have on our Government, and the American way of life.

Mr. Speaker, I think Watergate can bring about a renewal in the political life our our country. Who among us can deny that Watergate has dispelled apathy across the Nation—most particularly at the grassroots level. We have every reason to believe, despite the cynics, that in the future people who have never before been actively involved in political elections, voted, or cared about the outcome, will let their presence be felt. They will realize that citizens who refuse to take an interest in their Government take the chance of living under oppression. They will recognize that oppression can be just another name for irresponsible power.

I also believe the people will exercise greater prudence and selectivity in their choice of candidates for public office. The first question in the minds of many of the electorate in the past has been: "Can he be elected?" In the future, they will ask: "Should he be elected?" They will ask themselves: "Are we giving the reins of power to a politician who will only think of the next election—or are we giving the reins of power to a potential statesman who will look to the next generation?" "Is he a politician who looks only to the success of his party, no matter what—or is he a statesman who will represent all of his constituency and work for their best interest, and the best interest of our country?"

Mr. Speaker, I truly think that because of Watergate the image of what a candidate should be may undergo sweeping revisions. In the future, he is not going to be the "wheeler-dealer" who serves private interests. He, or she, is going to be one who can bring the most integrity to government—one whose philosophy is rooted in the traditional belief of government "of, for, and by the people." The degenerating process of instability will be checked, and government will again become a government of laws and not of men.

I earnestly hope the experience of Watergate will attract, rather than repel such entries into the political arena of our country. I hope those who, heretofore, would never have given serious consideration to advancing themselves as candidates will appear upon the political scene. I would further hope people will come to realize that the profession of political life is essential to the welfare of the Republic, and many who have not had previous experience in politics, but have the desire and ability to serve their fellow man, will come forth and receive the endorsement and support of the electorate.

It is my hope that the attitudes of the American people, so vividly displayed during the months surrounding discussion of the Watergate affair, are such so as to make it clear to all in public office that anything less than total and complete honesty will not be tolerated.

On the other hand, I would sincerely hope that the disturbing attitude—unfortunately on the increase in America—that a public official is guilty until proven innocent, and most likely guilty even if proven innocent, will not cause the mothers of America to abandon the dream that their son might some day be President of the United States. Likewise, I would hope that this same disturbing and increasingly suspicious attitude toward public officials will not cause a wife to discourage her husband from entering public life, or dissuade from political life the very kind of public servants the events of recent date indicate we so badly need.

Mr. Speaker, as we go into recess, it is my Thanksgiving prayer that when we reconvene we do so with renewed spirit to work wholeheartedly together in a positive manner to correct those inadequacies in our system which have permitted the events that have brought so much embarrassment to America, and take the necessary steps to cause Americans to again have confidence and pride in their country, their Government, and those who govern—and that we do it in such a way so as to build and not tear down.

THE PRACTICALITY OF WIND POWER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, November 15, 1973

Mr. METCALF. Mr. President, many Westerners have long been aware of the practicality of wind power. Since the energy crisis is upon us, wind power is beginning to receive the attention it has long deserved.

An excellent article on the subject by Wilson Clark appeared in the November issue of the Smithsonian Magazine. I ask unanimous consent to insert the article, "Interest In Wind Is Picking Up As Fuels Dwindle," at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTEREST IN WIND IS PICKING UP AS FUELS DWINDLE

(By Wilson Clark)

Windmills may seem spindly, even silly things to suggest when the engines of civilization appear to be running out of fuel. But when you compare the wind to a pile of dead plants, which seems more reliable? For the moving force of our modern, "high-energy" civilization is the massive—but finite—numbers of plants that decayed several hundred million years ago into great organic storage pools in certain regions of the earth.

Ninety-six percent of the energy of the United States is now provided by the fossil fuels—oil, coal and natural gas—and each year we are using up what took nature one million years to produce. The real energy crisis for our civilization is one of survival: We cannot begin to replenish the stored energy of the earth quickly enough to meet future energy use levels.

High-technology alternatives, such as nuclear fusion, are far from proved and, even if they were available today, they would only extend the dependence of civilization on *nonrenewable* energy stocks.

A growing number of scientists seek to harness the constant, dependable renewable energy of the sun, to heat and cool buildings as well as to produce electricity. And one concentrated by-product of solar energy is the wind.

A committee appointed jointly by the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA) has suggested that by the year 2000, less than three decades away, a major American development program in wind power could result in an annual yield of 1.5 trillion kilowatt-hours of electricity. That is equal to the total electricity consumed in the United States in 1970.

There is nothing new about tapping this great supply of energy. The oldest and most widespread application of wind power was to drive sailing vessels. With the advent of cheap and abundant fossil fuels in the 19th century, however, the great sailing ships were soon replaced by faster, more dependable coal- and oil-burning vessels. But Basil Greenhill, the director of Great Britain's National Maritime Museum, believes that a bold new era is now in store for sail. At the School for Naval Architecture at the University of Hamburg in West Germany, a fleet of "Dyna-Ships"—modernized four-masted clipper ships—is on the drawing board. Credit for the design belongs to 72-year-old Naval engineer and former Shell Oil Company designer Wilhelm Prölss. The sail on the square-rigger extend from the center of the 200-foot masts on curved steel yardarms; they are to be trimmed by remote control from the bridge.

Tests at the University have shown that winds in the North Atlantic would propel the ship at speeds up to 20 knots 72 percent of the time. Auxiliary engines would be used for windless stretches of ocean and for maneuvering in harbors: A fully automated 17,000 ton Dyna-Ship would consume only five percent of the fuel required by the standard contemporary freighter. Rudolf Zirn, wealthy Bavarian lawyer and environmental activist, has recently commissioned the construction of the first Dyna-Ship.

WHAT TO DO WHEN THE WIND STOPS

On land, the interception of wind energy by the blades of a windmill has served as a basic source of mechanical power for centuries. By 1850, the use of windmills in America represented about 1.4 billion horsepower-hours of work, the equivalent energy produced by burning 11.8 million tons of coal. But by 1870 the amount of power produced by the windmills had been cut in half. The steam engine, driven by fossil fuels, had come to stay in America.

The American windmill industry remained a thriving business, however, into the early 20th century. In the 1920s companies began to develop wind-powered electric generators, but in the 1930s the death knell was sounded for wind machines of both the water-pumping and the electricity-generating variety when the Rural Electrification Administration was established by President Franklin D. Roosevelt. The picturesque prairie windmills began to fall into disuse.

A question about wind power asked by Depression-ridden farmers in the Thirties is the same one asked now on TV commercials by a large oil company: What do you do when the wind stops blowing? How do you store the wind? Today's wind generator enthusiasts have several answers.

In a home-sized wind power plant producing direct current (DC) power, storage is accomplished by charging batteries. In a large system designed to feed electricity into the power lines of an electric utility, energy can be stored mechanically (or hydraulically) by pumping water or air into a reservoir, then releasing it at a later time to drive an engine operating an electric generator.

Another storage device is a flywheel, similar in principle to the familiar spinning top or toy gyroscope. Like a gyroscope, the flywheel can be spun by the input of energy (in this case, wind-generated electrical power) and storage is in kinetic energy—that is, motion. In a system designed by Florida engineer John Roesel jr., the blades of a wind generator turning a shaft at 120 revolutions per minute might be stepped up to 24,000 rpm to spin a flywheel. While spinning, the flywheel stores energy that could later be tapped as it "runs down" after the wind stops.

A properly designed flywheel, made perhaps of pressed bamboo and enclosed in a vacuum chamber to minimize friction (the main energy loss in the system) is not only much more efficient than battery storage, but is potentially cheaper. Compared with lead-acid batteries which store only 8–10 watt-hours of electricity per pound of material, the envisioned bamboo flywheel would store more than 20 watt-hours per pound. Such a wind-power system for a home would be capable of storing enough energy to provide electrical power for a week of windless days.

Yet another "storage" technique is the production of a synthetic fuel—hydrogen. Hydrogen has many of the fuel properties of natural gas (see SMITHSONIAN, August 1972) and can be produced by the electrolysis of ordinary water. A wind generator could furnish the electrolyzr with electricity to break the water molecules down into their constituent parts—hydrogen and oxygen. The hydrogen would then be compressed and stored for later use as high-grade fuel.

This "modernistic" approach to the energy storage problem was first applied in connection with wind power before the turn of the 20th century. In the 1890s Danish professor and wind-power pioneer Poul La Cour produced hydrogen and oxygen fuel by using wind-generated electricity to electrolyze an aqueous solution of sodium hydroxide. The local high school at Askov, Denmark, where La Cour taught, was illuminated by "Drummond Light," which was an oxygen-hydrogen flame directed on a zirconium element, causing it to emit a brilliant light.

In addition to these proposals and methods for various forms of wind-energy storage, a number of researchers have suggested the direct coupling of wind plants into a regional utilities grid to avoid the necessity of storage altogether. Ernst Cohn, manager of Solar Chemical Power Systems for NASA has summarized the arguments for this approach:

"Pick the areas in the U.S. where they have the right kind of wind velocity, and the right kind of wind durability, and put your windmills up and feed their power into a grid. You use them as base power, with no storage. . . . On a day when you have no wind—which will probably not happen for all windmills anyway . . . you use conventional fossil fuel power if you need to." Such a system, Cohn predicted, "would prove competitive today."

There have been schemes for large-scale use of wind power in the past. During World War II, a massive 1,250-kilowatt wind electrical station was operated at "Grandpa's Knob" in the mountains of central Vermont. Things went smoothly for about 16 months, until a main bearing in the generator failed in February 1943. Because of wartime shortages, the company was unable to replace the bearings for more than two years, during which time the blades were locked in place and subjected to continuous buffeting of the wind, with accompanying stress on the machinery and blades. After the bearing was finally replaced, the wind station operated for less than a month. On the morning of March 26, 1945, cracks widened in the spars of one of the machine's eight-ton blades which suddenly gave way and was hurled 750 feet through the air, landing on its tip. It was never repaired, and the nation's first experiment with wind-generated commercial electricity was ended.

Interest in the large-scale production of wind power in America was renewed in 1970 by William E. Heronemus, professor of civil engineering at the University of Massachusetts. Over the past three years, he has proposed wide-ranging networks of huge wind generators in numerous U.S. locations to provide virtually all the nation's electricity.

For example, Heronemus proposed a wind system as a substitute for the nuclear power plant now scheduled for construction in Shoreham, New York (and a similar system for New England; see drawing, p. 73). The first of two networks of floating wind-power stations would be emplaced off Long Island, beginning in 1975. The wind stations would be mounted either on towers planted in the relatively shallow shoal waters, or on 500-foot by 200-foot semisubmersible platforms. Each station would support three wind towers, each of which would in turn house two 200-foot diameter wind turbines. The two-blade turbines are based on the Grandpa's Knob model, as refined by a study performed after World War II by New York University. Six hundred and forty of these wind stations would be linked together along 16 north-south lines. The wind generators would produce electric current for powering electrolyzers, machines which convert water to hydrogen and oxygen. The oxygen might be released to the atmosphere, while the hydrogen gas would be pumped into underwater tanks and stored for later use.

Heronemus believes that power from the offshore system would be economically competitive with future conventional electric power costs in New England. He also points out that due to the decentralized nature of wind technology, the loss of a single wind turbine would not cripple the electric service area with a huge blackout. For example, the April 1973 blackout affecting 150 miles of Florida's "Gold Coast"—from Fort Pierce down into the Florida Keys—was caused by a single nuclear plant failure. "One wind station disabled would mean one-thirteen thousandths of the system capacity would be lost," Heronemus says, as opposed to the complete system loss that can be precipitated by a nuclear station failure.

There are other efforts under way. Scientists at the NASA Lewis Research Center in Cleveland, Ohio, hope to build a 100-kilowatt wind machine there in 1975. A later version of the generator may be emplaced on the Island of Culebra off Puerto Rico under a contract with the National Science Foundation.

NASA officials believe that with mass production, electricity generated by wind power will be available at capital costs which a decade from now will be competitive with nuclear plants. Dr. Joseph Savino, technical director of the NASA Lewis Wind Energy Program, contends that "there's enough energy in the winds to supply all our electrical needs. If the Danes could get 200,000 kilowatts of electricity from the winds back in 1908, we should be able to get the power we need right now".

Another way to get power we need from the wind may be to think small. Availability of wind power in local areas has historically been a factor in the location of homes and buildings because architecture was based to a large degree on the relationship of buildings to the winds. Only the last few decades of massive exploitation of fossil fuels have caused the window to become essentially a repository for air conditioners rather than a device for opening the interior of structures to the cooling winds. As the availability of cheap fossil fuels decease, perhaps windows will once more assume a functional meaning.

An important asset of wind energy is its free distribution over the seas and continents. The energy which currently powers our country is transmitted as liquid fuel or as electricity in pipelines and power lines, which are costly transport systems. The small-scale use of wind power would eliminate the costs of transmitting electricity from central facilities.

Scientists at the Brace Research Institiute at McGill University in Montreal, a leading international center for research into natural energy sources, have worked with wind generators for small-scale use in agicultrual areas and low-energy societies. The Brace windmills have a variety of uses, from water pumping to electricity production. One unique design is the Savonius rotor, named after Finnish engineer S. J. Savonius, who designed wind plants in the 1920s. The Brace version calls for cutting two 45-gallon oil drums in half lengthwise and welding them to form troughs that scoop up the wind and keep the rotor turning.

An enterprising group of young communards in Wisconsin, calling themselves "Windworks," have built a number of small electric wind generators, including a unit designed for Buckminster Fuller, who has provided some financial support for their Spartan efforts. Led by graduate aeronautical engineer Hans Meyer, the group has designed several innovative wind plants which can be built cheaply with easily attainable materials. One can be built for less than $200.

Near Albuquerque, New Mexico, Robert Reines and the Integrated Life Support Systems Laboratories built the world's first dome structure powered totally by wind and solar power.

Their first wind generator was installed in February 1972. The remainder of the year was spent rebuilding two other used wind generators and making a solar heat collector for use in heating the dome and for domestic hot water. In all, it cost them more than $12,000 over a ten-month period to plan and build the home, which they named "Prototype I" in anticipation of more sophisticated designs (see pp. 74–75).

A FULL RANGE OF APPLIANCES

Electricity for the dome is supplied by one reconditioned wind generator, the equivalent of more than five kilowatts of installed electrical capacity. (The other two generators supply other equipment.) A bank of 16 heavy-duty batteries store 22,000 watt-hours of current which supplies a full range of appliances, including a hi-fi set, tape recorder, television set, refrigerator, electric fan, pumps, mixers and an electrically operated chemical toilet. Reines is convinced that solar-heated, wind-powered domes can be produced for $15,000-$20,000 each.

The only commercial distributor of home-sized electric wind generators in the United States is the Solar Wind Company of East Holden, Maine, which sells Swiss and Australian wind generators. Henry Clews founded the company when he attempted to purchase a wind generator for his home in Maine but found that he had to import a machine all the way from Australia.

Yet another apprach is the use of medium-sized wind generators of 15 to 20 kilowatt capacity (perhaps as high as 100 kilowatts). These would produce electrical power in favorable locations for small communities. As the needed generating units increase in size, costs decline somewhat, so that the projected investment per person in such a scheme might drop to 20–50 percent less than the costs of individual house generating units. The central drawback is the nature of the wind's energy.

Smaller generators would be more expensive per person, but due to the variations in available wind power in most locations, a community network of wind generators might extract more overall power than one large machine.

Such wind stations might operate in combination with solar-energy equipment to fulfill total energy requirements, but the solar equipment in most places would remain on rooftops, not in central facilities. Only in sunny areas with high solar values could solar collecting equipment be centralized for redistribution to individuals in the system.

The technical aspects of building wind generators are remarkably will understood. French engineer Louis Vadot, who chaired the sessions on wind-power generation at the United Nations' 1961 Rome conference on new energy sources, noted that: ". . . It is now generally agreed that the design of wind-power plants with capacities ranging from the lowest levels to far beyond 100 kilowatts no longer presents any fundamental problems . . . our knowledge is sufficient to be usable in a more or less routine way and without need to be on guard against surprises." Given the potential of wind power as a renewable future energy source with minimum pollution, it is surprising that the federal government and private industry show so little interest in its development. The National Science Foundation intends to spend $1.25 million in 1973–74 to assess the development of wind power. The funds will come out of the administration's request to Congress for $872 million for energy research and development. While the director of the program, Louis Divone, is enthusiastic about the merits of wind power, the sum hardly seems a serious commitment.

On the other hand, Basil Greenhill of Britain's National Maritime Museum, has described the pitfalls of *not* developing wind power for shipping, and his analysis may well hold true for power plants as well.

Suppose the energy crisis forces a shortage of conventional fuels necessary to build modern wind-powered ships. "Such a situation," Greenhill says, "would mean virtually a return to a man- and animal-powered wood-fired industry. There would not be the resources ashore to build a sophisticated vessel of the type I have described. . . . Perhaps the design and experimental work on the development of modern merchant sailing vessels should be begun soon, before the crisis is actually upon us."

As is the case with wind-driven ships, the penalties for delay in developing wind power and all other natural energy sources are great. The technologically rich nations are right to be alarmed about fuel shortages but the answer may not lie underground. It may be, as the song says, blown' in the wind.

STATEMENT OF REPRESENTATIVE JOEL T. BROYHILL OF VIRGINIA ON A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1954 WITH RESPECT TO THE DEDUCTION FOR MOVING EXPENSES OF MEMBERS OF THE ARMED FORCES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, I am today introducing legislation to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses of members of the Armed Forces. The main thrust of this legislation would eliminate five significant areas of inequity as they relate to the Armed Forces. Specifically, I make reference to the tax treatment of "in-kind" reimbursement of moving expenses under section 82, title 26, United States Code; the application of the so-called 39-week rule; the application of the 50-mile rule; the tax treatment of expenses of moving household goods to a place to which dependents may be moved when dependents are not authorized to accompany the member on a tour of duty outside the Continental United States or in Alaska; and tax treatment of expenses incurred for meals and lodging at the old and new permanent duty station when the member and his dependents are temporarily required to reside at hotel or hotel-like accommodations due to unavailability of Government quarters.

"In-kind" reimbursements require that there shall be included in gross income any amount received or accrued, directly or indirectly by an individual as a payment for or reimbursement of expenses of moving from one residence to another residence which is attributable to employment or self-employment. Where members of the Armed Forces are concerned, the exact amount allocable to an individual move is not always ascertainable, particularly where transportation of the member, his dependents, household goods and automobile is provided by Government-owned or Government-procured facilities, such as Military Airlift or Military Sealift Command. In addition, the cost of nontemporary storage of household goods in a Government or Government-procured facility also presents a problem in allocating and accounting for exact cost of individual shipment. To further compound this problem is the fact that there is not now a system in existence within the Department of Defense for collecting this data which must be reported to the Internal Revenue Service, with the costs of installing such a system not only considerable but prohibitive when consideration is given to the fact that virtually no tax revenue to the U.S. Treasury will be realized through implementation of this system.

Under the so-called 39-week requirement, no deduction is allowed for moving expenses unless during the 12 months immediately following the taxpayer's arrival in the general location of his new principal place of work, he is a full-time employee in such general location during at least 39 weeks. This situation is directly applicable to a member of the Armed Forces who knows in advance that he will not be at his duty station for at least 39 weeks due to interim orders assigning him to a school which is a normal procedure in many instances prior to reporting to a new permanent duty station. Under certain circumstances, the expenses of making such moves are not deductible as moving expenses although the income, including any reimbursement or transportation provided in kind, or otherwise, is reportable as income in the member's tax return.

Under existing law where the 50-mile rule applies, no deduction for moving expenses will be allowed unless the member's new principal place of work is at lease 50 miles farther from his former residence than was his former principal place of work or he had no former principal place of work, is at least 50 miles from his former residence. Application of this so-called 50-mile rule is particularly severe upon enlistees who undergo basic training within 50 miles of their homes and would be required to report any income incident to reporting for basic training, including "in-kind" items, but would not be entitled to any deduction on their income tax returns for such expenses. In addition, this situation would apply to members with a permanent change of station who must live on the local economy close to their new duty station. When public quarters become available they are ordered to move on base. Any expenses incident to such moves are at Government expense, but the member involved must report these expenses as income but is not permitted under existing law to deduct these expenses incident to such move.

With respect to members of the Armed Forces who are assigned to "short" tour areas outside the continental United States or Alaska, normally for 12 to 24 months, dependents are not normally authorized to accompany the member. However, in these instances, the member's dependents and household goods may be moved at Government expense to a place approved by the Secretary of the service concerned and, upon reassignment of the member, from his "short" tour, the dependents may be moved from that place to his new permanent duty station. However, any payment or reimbursement received incident to the move of the dependents to the place approved by the Secretary concerned as well as payment or reimbursement incident to the move from that place to the member's new duty station are included as income, but these expenses are not deductible.

Current law defines "moving expenses" to include meals and lodging while occupying temporary quarters in the general location of the new principal place of work during any period of 30 consecutive days after obtaining employment. However, current law does not recognize that members of the Armed Forces are often required to vacate public quarters prior to actual departure from their old permanent duty station, often not of their own choosing but at the convenience of the Government. Thus, members and their dependents must depend upon hotel or hotel-type accommodations for short periods of time, accumulating "moving expenses" at both new as well as the old permanent duty station.

Mr. Speaker, the legislation I introduced today will resolve the foregoing areas of inequity to members of the Armed Forces as follows:

Eliminates the requirement of the service reporting to the Internal Revenue Service, or the member including as income, amounts paid by the service directly to carriers, warehouses, et cetera, incident to a permanent change of station; exempts members of the Armed Forces from the 39-week requirement and the 50-mile rule; permits members to deduct otherwise proper moving expenses where the member serves an unaccompanied tour outside the continental United States or in Alaska and his dependents move to a location approved by the Secretary of the service concerned; and it extends existing provisions of law relating to expenses of meals and lodging while occupying temporary quarters at the new duty station to also apply to such similar expenses incurred prior to departure from the old duty station.

Mr. Speaker, the changes which my bill would make were, in part, necessitated by the Tax Reform Act of 1969 and the administration has sought to obtain these changes since the enactment of that law. In the interim, the Internal Revenue Service has extended a moratorium on the implementation of some of the 1969 act provisions pending congressional action on the necessary amendments. The Commissioner of the Internal Revenue has indicated that the moratorium will not be continued after this year. Therefore, legislation to accomplish this purpose is urgent and long overdue. I strongly urge enactment of this measure which I have proposed today.

UNIVERSITY PROFESSORS FOR ACADEMIC ORDER INVITE SAKHAROV TO UNITED STATES

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HUBER. Mr. Speaker, one of the real yardsticks of freedom in any society is the freedom to travel, both within one's country and outside it. We are all too familiar with the fact that various prominent Soviet citizens are usually unable to travel abroad to receive recognition of their achievements and that those who openly oppose the policies of their government are never allowed to travel without being subject to losing their citizenship. Therefore, it will be interesting to see their reaction to the invitation of the University Professors For Academic Order to Sakharov to address their national convention in San Diego next January. The annoucement follows:

University Professors for Academic Order Invites Sakharov To Address Convention

University Professors for Academic Order, a group of university professors dedicated to preserving the traditional ideal of the university as a place of learning, research, and instruction, has cabled an invitation to noted Soviet dissident Andrei Sakarov to address its fourth national convention in San Diego on January 5–6, 1974. UPAO Executive Director Charles A. Moser announced today that he had suggested the topic "Academic Freedom in the Soviet Union" to Academician Sakharov, but added that "we would be pleased to have him speak on any topic he chooses so long as it has something to do with higher education." Professor Moser, whose own field of specialization is Russian language and literature, went on to say that "Academician Sakharov could make a distinguished contribution to our convention program if it proves possible for him to come. We have within our own universities, unhappily, some of the same problems which Soviet universities must face, and we would certainly benefit from Sakharov's insight and especially his intellectual courage, which is all too frequently lacking in American academic circles."

Whether or not Acadamician Sakharov is able to attend, the fourth national convention of UPAO will discuss several of the most pressing problems facing American higher education from the perspective of the traditional idea of the university.

HONORABLE ROBERT EWING THOMASON

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. POAGE. Mr. Speaker, 55 years ago, I was a student at the University of Texas. I ate my meals at a boarding house near the capitol on Congress Avenue. At that boarding house, one of the patrons was the Speaker of the Texas House of Representatives, a young man named Robert Ewing Thomason. I greatly admired him. The next year, he ran for Governor. At that time I was a sophomore at Baylor University. I supported him and kept his picture on the bulletin board in the University Library. I had numerous altercations with my friends as the president of the board of trustees of Baylor University, Honorable Pat M. Neff, was also a candidate, the successful candidate, incidentally. I later practiced law with Pat Neff, Jr. and came to know Governor Neff well. I respected him very highly, but I never thought the less of Ewing Thomason.

I went to the Texas Legislature in 1925. A few years later Mr. Thomason was elected Congressman from the El Paso district. When I came to Congress in 1937, Mr. Thomason was a senior member of the Military Affairs Committee. He received me with every courtesy. Indeed, he selected an office for me on the fourth floor of the old, now Cannon Building. I was next door to Albert Thomas of Houston and, some months later, Lyndon Johnson of Austin was assigned an office across the hall from us. Mr. Thomason was most helpful to all of us young Congressmen. He was a distinguished, honorable and friendly Member.

In 1947, he was appointed Federal Judge of the western district of Texas. He served in this capacity for the rest of his life and was quite active until very recent years. Of course, I never appeared in Judge Thomason's court, but he built a great reputation as a fine and fair judge. He served his State ably and long. Texas was fortunate to have his services.

Although the Judge is no longer with us, his influence will continue. His wife, Abbie, was a devoted and effective helpmate and I join in extending to her, and to the other members of his family, my heartfelt sympathy.

TRIBUTE TO JOSEPH H. SEYMOUR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ANDERSON of California. Mr. Speaker, Ralph Waldo Emerson, the noted 19th-century essayist, said:

> The only reward of virtue is virtue.

Most often, those who undertake projects for the benefit of humanity do so fully realizing that personal aspirations, sacrifice, and long hours—with little recognition—are in store. Instead of striving toward personal gains, they work for the ideals of relieving human suffering, pain, and ignorance and for improving the quality of life of our fellow human beings.

One such individual, who has dedicated his life to helping others, is Joe Seymour, the business manager of Operating Engineers Local Union No. 12.

MAN OF THE YEAR

On December 1, Mr. Seymour will be recognized by the City of Hope for his distinguished service to the community as the "Man of the Year."

A native Californian, he first became a member of the International Union of Operating Engineers in 1946, following his service in the Navy during World War II.

Less than 4 years later, after serving as a steward and becoming known as a leading advocate and spokesman for union ideals, Joe Seymour became a business representative for Local No. 12 in 1950. In this capacity, he served the membership in the Imperial Valley and the San Gabriel Valley.

Recognizing his leadership abilities and potential, the union selected Mr. Seymour to attend the Harvard University trade union program where he was graduated as class president with the highest honors in 1952. Later he was elected trustee of Local 12 for two 3-year terms.

In 1961, he was elected the local union's business manager and has since been reelected for four additional 3-year terms—a record unprecedented in the history of Local 12, the second largest in the IUOE.

In addition, Joe Seymour has served as an executive board member of the Western States Conference of Engineers since November 1961, and as vice president of the California Labor Federation, AFL–CIO, since April 1965. He is also a trustee of the general pension fund of the IUOE, a member of the executive board of the California State Building and Construction Trades Council, and a vice president of the California Conference of Operating Engineers.

In 1967, Mr. Seymour was the recipient of a gold lifetime membership card—the only such card ever isseud an active member—presented by Local 12's executive board and membership.

GENERAL VICE PRESIDENT OF THE INTERNATIONAL

Another honor came to Local 12 and Joe Seymour in November 1969, when he was elected general vice president of the International Union of Operating Engineers, and he was reelected to that post in April 1972.

Among his civic activities are membership in the district attorney's advisory council, the attorney general's advisory council, the American Arbitration Association, Town Hall, the Harvard Club, the American Legion, the National Rifle Association, the Civil Defense and Rescue Group, the Footprinters, and the Aircraft Owners and Pilots Association.

Mr. Speaker, Joe Seymour has led a full and beneficial life, and in addition to his own abilities, he has had the good fortune of having an understanding and inspiring partner, his wife of 32 years, Laura.

The proceeds from the testimonial dinner which will honor Joe Seymour as "Man of the Year" will help establish the Joseph H. Seymour research fellowship at the City of Hope—a medical center specializing in patient care, medical research and education in the diseases of cancer, leukemia, and other catastrophic diseases of our time.

I think it is entirely appropriate that Mr. Seymour receive this signal honor from such an outstanding organization. Indeed, his ideals and efforts on behalf of humanity are closely related to the goals and aspirations of the City of Hope.

It is with great honor that I pay tribute to Joe Seymour and applaud him for the contributions he has made to our society.

REPRESENTATIVE WALDIE INTRODUCES A BILL TO ASSIST FEDERAL EMPLOYEES TO GET BETTER HEALTH CARE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. WALDIE. Mr. Speaker, I am introducing legislation today which would appreciably assist Federal employees in obtaining and paying for needed health care.

At the present time, Federal employees who are covered under the Federal employees health benefits program are able to receive payment for covered services provided by licensed or duly certified social workers only if such services are provided as part of a mental health team which must include a physician, or upon referral by the physician.

Under the bill I am introducing today, payment would be made for services of qualified social workers which are now covered under any of the program's health plans, but without the necessity of these requirements. As a result, this bill would not increase the scope of services covered under the Federal employees health benefits program.

Direct access to needed and proven health care serves two purposes: one, it saves money in that the cost of a physical examination as a prerequesite to the covered care is avoided where the examination is not medically necessary; second, it encourages necessary competition in the health care market—something we desperately need in these times of skyrocketing health care.

Mr. Speaker, social workers in the United States are a growing, necessary, and absolutely competent portion of this country's providers of health care. The services they render range from counseling to the use of applied psychotherapy and are absolutely essential in today's modern society.

The full text of the bill is as follows:

H.R. 11544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8902 of title 5, United States Code, is amended by adding at the end thereof the following:

"(J) If the contract benefits include payment or reimbursement for a service which may be provided by a social worker who has a master's degree in social work, and two or more years of supervised experience in a clinical or hospital setting, and is licensed and/or certified as such under applicable state or Federal statutes, then the Federal employee beneficiary, annuitant, or family member covered by such social worker of his or her choice, shall have direct access to same, without supervision or referral by another health practitioner and shall be entitled under such contract to have benefits paid to him or her on his or her behalf for such services. The provisions of this subsection shall not apply to group practice prepayment plans.".

OVERWHELMING RESPONSE TO CONSTITUENT QUESTIONNAIRE ON WATERGATE CRISIS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HEINZ. Mr. Speaker, immediately following the dismissal of Special Watergate Prosecutor Cox and the subsequent resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus, I prepared and mailed to each of the 174,000 households in the 18th District I represent, a questionnaire to gauge the depth of their mood and reaction to these events.

I felt that these actions had plunged our Nation into an extremely serious confrontation and was convinced that difficult decisions faced me and my colleagues in the House of Representatives in the near future.

The response was swift and overwhelming. Almost immediately, the completed questionnaires began to be returned. To date, nearly 36,000, representing nearly 70,000 responses, since both "his" and "hers" opinions were asked for, have been tabulated by my staff.

Additionally, nearly 2,500 letters, telegrams and phone calls were also received by both my district office in Pittsburgh and here.

I find it particularly significant that 54 percent of those responding to the questionnaire were Republicans, as opposed to 42 percent Democrats and 3 percent "other," this in a district which has a registration edge of 50,000 Democrats and independents.

But what is more significant is what the responses revealed to me, and I would like to share these responses with my colleagues. I was particularly impressed by the fact that 99 percent said they would vote in the 1974 general election, and that figure must include the 14 percent who admitted having no trust in any elected official and the 63 percent who said they trusted "some."

What this tells me is that our constituents will indeed go out to the polls next November, and they will be watching incumbents very closely. In light of this, the choice of candidates by both parties will be crucial in order to bring out our citizens.

The tabulations of all 10 questions posed in the questionnaire will be released to my constituents by way of my December newsletter, but in the hopes that my colleagues will find this information of value, I am here with reprinting these results now:

[Answers in percent]

1. Did you vote in the 1972 Presidential election?

Yes	93
No	7

2. Would you vote if a national election were held right now?

Yes	96
No	4

3. Do you intend to vote in the 1974 General Election for a governor, U.S. Senator, and U. S. Representative?

Yes	99
No	1

4. What is your political registration? (Republican, Democrat, Not Registered, Other).

Republican	54
Democrat	42
Other	3

5. Which of the following best describes your political views? (Check one)

Conservative	36
Moderate	56
Liberal	8

6. Do you feel that the office of the President is above the law under any circumstances?

Yes	10
No	90

7. With the abolition of the office of the Special Prosecutor, would you favor action by Congress to establish a Special Prosecutor's Office to pursue the Watergate grand jury investigation?

Yes	74
No	26

8. Which of the following best expresses your feelings about the President's actions to dismiss Special Watergate Prosecutor Cox and force the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus? Check one)

Strongly approve	18
Mostly approve	13
Mostly disapprove	10
Strongly disapprove	56
No opinion	3

9. How would you feel about impeachment proceedings if the President refuses to obey a court order to turn over Watergate tapes, telephone logs and other relevant documents?

Strongly favor	42
Mostly favor	17
Mostly opposed	10
Strongly opposed	26
No opinion	5

10. How would you describe your attitude toward elected public officials? (Check one)

Trust all	1
Trust most	22
Trust some	63
Trust none	14

UNITED NATIONS PRACTICES DOUBLE STANDARDS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. SYMMS. Mr. Speaker, it comes to my attention that attempts are once again being made to repeal the Byrd amendment which permits U.S. imports of chrome ore from Rhodesia. I cannot understand the double standard that exists over trade with the murderous regimes in Soviet Russia and Red China as opposed to the sanctions against the anti-Communist nation of Rhodesia. It is even more appalling to me that the arguments being advanced against trade with Rhodesia are centered around their alleged discrimination against blacks. I would like to ask, Mr. Speaker, what do these people think is going on in Russia? Are the stories about Sakharov and Solzhenitsen and the problems encountered by Russian Jewish people desiring to emigrate falling on deaf ears? I simply cannot understand this kind of raw hypocrisy. It seems to me that Henry Kissinger has put us in a trap "détente-at-any-price." The administration is certainly not going to have my support in their efforts on behalf of the liberal Democrat move to repeal the Byrd amendment.

Mr. Bill Hewes of Gonzaga University in Spokane, Wash., sent me an article he wrote on this very subject. I would like for my colleagues in Congress to have the benefit of Mr. Hewes comments. The article reads as follows:

"PEACEFUL" U.N. PICKS ON RHODESIA

(By Bill Hewes)

The Senate Foreign Relations Committee last month approved Senator Humphrey's bill to repeal the Byrd Amendment. The Amendment, adopted in 1971, allows the U.S. to import goods from Rhodesia if the same items are also being imported from Communist countries.

Thus the U.S. sensibly imports chrome from Rhodesia, despite the United Nations' boycott of the Ian Smith regime.

Chrome, used in steel production, is a stategic material for which the United States relies on imports.

Senator Humphrey charged that by violating U.N. sanctions we have violated basic principles of U.S. foreign policy, namely "the defense of human rights and self-determination," and our "commitment to the non-violent resolution of conflict" (May 22, 1973 Congressional Record, p. 16397).

SCEPTICISM NOTED

One should avoid a whitewash of the Rhodesian government, of course, but one must also be skeptical of the dark, bleak picture of Rhodesia given by Senator Humphrey. The Senator says the situation is almost one of no freedom, only government-imposed order.

Susan L. M. Huck, however, reported in 1972 that although the 750,000 whites were allocated half the land, as many as half of the 4 million blacks were living ". . . on farms in the European-owned area, or in African areas in and near all Rhodesian cities. . . .

". . . these Africans can support their families and send money to relatives in the tribal lands of Malawi" ("Accepting Rhodesia's Independence," Jan. 12, 1972 Review of the News, p. 46).

Senator Humphrey claims that the United Nations has imposed sanctions on Rhodesia to "let Ian Smith know that his nation would not be recognized as a member of the world community until these people (the black Africans) had a share in determining how they were governed."

RUSSIA SPEAKS

Here we have a classic example of the pot calling the kettle black. For example, in November, 1971, the Soviet delegate to the United Nations urged the U.N. to reaffirm the need to take steps to insure that Rhodesia adopted a "democratic system, in accordance with the wishes of the majority of the population" (Dec. 1971 UN Monthly Chronicle, p. 54).

That's right.

Russia, that land of the free, wants Rhodesia to be democratic.

Rhodesia's neighbor Zambia got in to the act, too, by asserting that Rhodesia should become independent of Britain only after "majority rule" had been established (Dec. 1971 UN Monthly Chronicle, p. 51).

That's right. Zambia, now a one-party Communist state, has chastised Rhodesia for being undemocratic.

BLOODY SERIOUS

If the situation were not so bloody serious, I'd choke from laughter. The United Nations is supposedly opposing Rhodesia because the latter is not democratic. Yet many or most of the U.N.'s member states are dictatorships, and the worst of them lead the pack against Rhodesia.

Rhodesia has difficulties with the United Nations, not because it is undemocratic or racist, but because it is anti-Communist. The U.N. record bears this out.

The best example is that if Katanga, which tried to secede from the Congo in the summer of 1960. Earlier that year the Congo had become independent of Belgium.

A Congolese central government was set up under Patrice Lumumba, who on Sept. 15 issued to the heads of the Congolese provinces the directive that his government would have total power.

Measures to be taken were to include the establishment of "an absolute dictatorship" and "Terrorism, essential to subdue the population" (Situation in the Republic of the Congo, report of the U.N. Conciliation Commission for the Congo; quoted in G. Edward Griffin, The Fearful Master, A Second Look at the United Nations, Western Islands, Boston, 1964, p. 20).

Katanga, led by anti-Communist Moise Tshombe, seceded from the Congo. The pro-democratic United Nations, which never intervenes in any nation's internal affairs, backed Lumumba and invaded Katanga.

The U.N. forces in Katanga engaged in a number of peaceful activities. According to the 46 doctors of Elizabethville, U.N. forces bombed clearly marked hospitals, murdered unarmed civilians, fired on ambulances, and in general made a shambles of a previously peaceful state.

This is the organization which Senator Humphrey thinks should take care of Rhodesia.

U.N. OPPOSES PORTUGAL

Since Katanga, the United Nations has maintained its commitment to peace, through its backing of the terrorists working to undermine Portugal's affiliates, Angola, Mozambique, and Portuguese Guinea. Last year the U.N. gave prestige and international status to the terrorists by inviting them to send observers to its session.

Communist-led, African terrorists have long worked for peace. In their 1961 invasion of Angola they smashed babies against trees in M'Bridge and then used the dying infants as soccer balls. They tied the white people of Luvo to logs and sawed them to pieces in a sawmill.

Non-whites got a piece of the action, too, as blacks and mulattos were massacred along with whites, according to Thomas J. Haas, who as of early 1972 was the only American to have visited the former terror zones in Angola (Haas, "Inside The African 'Terror Zones,'" Feb. 2, 1972 Review of the News, 31–48).

Thus the United Nations has sided with the terrorists against the black and white Portuguese citizens in Africa.

That is the organization which Senator Humphrey says should work out a peaceful, just settlement for Rhodesia.

We must realize the existence of different definitions for the word "peace." Most Americans probably think of peace as meaning good will or a state of friendly relations.

But there is also the typical dictator's definition of peace: absence of opposition to the dictator. The United Nations, judging from its record, follows this latter definition with respect to Communist dictatorships.

Former U.N. Secretary-General U Thant admitted as much in 1970 when he declared that Lenin's "ideals of peace and peaceful co-existence . . . are in line with the aims of the U.N. Charter. . . ."

BASIC QUESTION

The basic question in the controversy over Rhodesian imports is whether the United States should obey the United Nations.

If we obey the U.N., regarding it as the arbiter, we cannot remain a free and independent nation. There is no way around it.

I propose that we remain free and independent.

The United Nations, with its Leninist concept of "peace," hardly deserves our support. The Byrd Amendment does deserve our support.

REPRESENTATIVE MARAZITI SUPPORTS SOCIAL SECURITY INCREASE FOR RECIPIENTS

HON. JOSEPH J. MARAZITI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MARAZITI. Mr. Speaker, I rise in support of the bill providing a two step, 11 percent increase for social security recipients to become effective in March and June of 1974.

Older Americans living on modest fixed incomes simply cannot cope with the fast rise in the cost of living to meet the most basic essentials of food, housing, medical care, and transportation.

The Ways and Means Committee has reported that the seasonally adjusted annual index for the cost of living over the 3 months of July, August, and September for food alone has risen at a rate of 28.8 percent.

This is particularly tragic for older Americans because the funds from their food budget is usually the only place they have from which to pay increased housing and medical care costs. It is a documented fact that the Nation's elderly suffer from malnutrition, and we have over 20 million elderly in this Nation.

When you compute the rise in the cost-of-living from December 1972 through September 1973, it comes to an overall 6.8 percent increase. When you break it out in four basic areas affecting retired Americans, it comes to a 3.6-percent increase in rent, a 17.7-percent increase in food costs, a 2.9-percent increase in medical care costs, a 4.1-percent increase in housing costs, and a 0.7-percent increase in public transportation costs over the same 10 month period.

It concerns me that our Nation's elderly must suffer the greatest impact of inflation. It concerns me that too many proud older Americans in New Jersey are going hungry in order to try and keep a roof over their head. It also concerns me that we obviously have not found the needed keys to holding inflation down, despite the efforts of the Congress and the administration to do so.

For these reasons I am supporting this benefit increase for 29 million social security recipients which would provide a flat 7 percent social security benefit increase for March 1974 which would be a partial advance payment of a permanent 11 percent benefit increase effective for June 1974.

It is needed, Mr. Speaker.

TERMINATE ALL EXPORTS OF PETROLEUM

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. NICHOLS. Mr. Speaker, I have today introduced a bill cosponsored by many Members of this body, which would in effect terminate all exports of gasoline, distillate fuel oil, and propane gas until the President has determined that the present energy crisis no longer exists in the United States.

I am advised by my colleagues that in excess of 50 million gallons of fuel oil is expected to be exported during the current calendar year, and that this volume is almost three-fold the quantity of distillates exported during 1972.

In response to this legislation the Department of Interior is disclaiming these figures, but by their own admission indicate that some 1.5 million barrels of distillates have indeed been exported during this calendar year to the following countries:

	Barrels
United Kingdom	421, 834
Mexico	323, 345
Netherlands Antilles	195, 812
Denmark	154, 160
Netherlands	148, 688
Venezuela	112, 236
Japan	61, 299

The Department of the Interior further indicates that the above quantities have already been shipped, and of course, there is no mandate of any sort indicating that this quantity or even a larger quantity of precious fuel supplies might not leave this country again in the forthcoming 1974 year.

Mr. Speaker, I recognize that when you compare the above shipments against domestic consumption in the United States approximating 1 billion barrels, that we are really talking about something less than 1 percent of the total U.S. demand. Be that as it may, however, I do not see how the Congress, nor the administration, can in good conscience suggest gasoline rationing and even additional taxation on the average gasoline buyer at service stations throughout the length and breadth of this country without plugging up the above overseas shipments.

To me it is totally ridiculous that in a time of national crises that we should permit any quantity whatsoever of heating oil, kerosene, diesel fuel, or any other distillate fuel to leave the continental United States. Charity indeed begins at home, and I hope that this above legislation can be considered by the Congress within the earliest possible time frame.

OFFICE OF PETROLEUM ALLOCATIONS LAUDED

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. LONG of Louisiana. Mr. Speaker, I wish to call attention to an excellent record of service being compiled by the newly formed Office of Petroleum Allocations—formerly the Office of Oil and Gas.

My contacts, as well as those of my staff, with the Office of Petroleum Allocations—OPA—here in Washington and in the field have been most rewarding. Never have we been faced with less than a superb effort. It is readily apparent that the OPA staff is faced with a most difficult task, a task that often goes without the simple "thank you" it so richly deserves.

I am fully aware that this staff is made up of professions whose reward is the knowledge of a job well done. Yet, as I offer this praise, I must also call attention to a tremendous shortage of staff personnel, facilities and office accommodations.

There are 12 regional OPA offices set up throughout the Nation, and the staff at each numbers only 6 to 10. These offices on peak days receive as many as 500 cases. The normal load is 200 to 250. This is truly an impossible assignment under present conditions.

Here in Washington, the Congressional Liaison Office of OPA has but two telephone lines, making it impossible for this staff—despite its sincere efforts—to adequately serve the 435 House offices and the 100 Senate offices.

I have been advised that OPA staff workers here in the Capital begin their days early and work into the late night hours. I sincerely commend them for their hard work despite the many hurdles they face in performing their jobs.

Since the "energy crunch" is going to be uppermost in the minds of all Americans in the weeks and months ahead, it is my deepest hope that the administration provides the Office of Petroleum Allocations with the personnel, the equipment and the facilities it needs to adequately perform its assigned task of serving the Nation in this time of need.

MOBILE HOMES SAFETY BILL

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. STEPHENS. Mr. Speaker, over 7 million Americans are presently living in mobile homes and their number is increasing at the rate of 1.5 million people annually.

Concurrent with the dramatic increase in the market for economical mobile homes, there has been rising concern over the need to establish Federal safety standards to reduce insurance costs, property damages, personal injury, and death resulting from mobile home accidents. Consequently, I have introduced a bill, H.R. 10901, which provides for the establishment of practical Federal safety standards for mobile homes in interstate commerce; authorizes mobile home safety research and development; and encourages and provides financial assistance for the development of State mobile home safety programs.

I believe that H.R. 10901 is a reasonable and practical bill which will be acceptable to advocates of Federal standards and mobile home manufacturers. I urge my colleagues to acquaint themselves with the provisions of my bill and the position which manufacturers of mobile homes have taken on this legislation. I would like to insert in the RECORD the statement which Mr. John M. Martin, president of the Mobile Homes Manufacturers Association, will present before the Housing Subcommittee of the Banking and Currency Committee when hearings are held on mobile home safety bills:

STATEMENT SUPPORTING H.R. 10901 BY JOHN M. MARTIN, PRESIDENT, REPRESENTING MOBILE HOMES MANUFACTURERS ASSOCIATION, TRAILER COACH ASSOCIATION, AND SOUTHEASTERN MANUFACTURED HOUSING INSTITUTE

Mr. Chairman and Members of the Subcommittee, my name is John M. Martin, President of the Mobile Homes Manufacturers Association, P.O. Box 201, 14650 Lee Road, Chantilly, Virginia. I am also presenting this statement on behalf of the Trailer Coach Association, 3855 East LaPalma Avenue, Anaheim, California, and the Southeastern Manufactured Housing Institute, 348 E. Paces Ferry Road, Atlanta, Georgia. Together, our Members produce approximately 75 percent of all the mobile homes manufactured in the United States each year. In addition, we represent approximately 3,000 dealers from coast to coast.

We support the principles embodied in H.R. 10901 by Congressman Stephens. While our industry is not totally convinced of the need for Federal control of the mobile home construction, we find ourselves in a position which the majority of American industries find themselves today; that is, faced with an ever-increasing burden of Federal involvement. While several mobile home "safety" bills have been introduced in the last year and a half, we feel very strongly that none of the proponents of that legislation had made a particularly compelling case establishing the need for Federal mobile home safety standards. Nevertheless, if Federal regulation is to be mandated by the Congress, we feel certain minimal requisites should be included. This bill does that job.

One of the strongest points in this legislation is that it would achieve reciprocity among states for our homes and would also create uniformity of inspections to a degree far beyond that which we have been able to develop through individual state by state legislation. At the current time, 42 states have adopted the American National Standards Institute Mobile Home Standard A 119.1. We have actively sought enforcement legislation in each state and have consistently offered the technical experts in our Standards Division as a resource to the states to assist them in training and developing inspection capabilities. This has apparently not been sufficient for Congress in view of the number of mobile home safety bills which have been introduced recently.

Mr. Chairman, you have before you a good bill, and it merits your recommendation for passage. We encourage your affirmative vote for the following reasons:

The bill's definition of a "mobile home" is the new uniform description which separates our dwellings from recreational vehicles and it covers all mobile home product-types, including "double wides".

The bill does not ignore current progress toward uniform standards that are already developed, as it recommends that the new Federal standards be reasonably consistent with existing standards of American National Standards Institute. The ANSI mobile home construction standard, A 119.1, has been enacted into law in 42 states.

It also recommends consideration of the experience in mobile home standards of National Fire Protection Association and various state and governmental agencies—thus assuring that a great reservoir of know-how is not overlooked.

The requirement for broad membership on the proposed National Mobile Home Safety Advisory Council is good, because all interests are represented: government, technicians, the public, and the industry.

It is wise that this bill gives full authority to the Department of Housing and Urban Development, since HUD is the *housing* department and mobile homes are a part of the *housing* industry.

The bill protects the consumer and at the same time is not punitive to the manufacturers and dealers.

H.R. 10901 would accomplish the long-time goal of a single national uniform performance standard under which all mobile homes will be built.

It will bring reciprocity between states which will facilitate production and retailing by removing the varying state provisions. At the same time, though, the bill enables states to do the inspections. Many states already have strong enforcement systems in operation.

In conclusion, may I say a few words about mobile homes and the great new industry that they have spawned.

The mobile home is the greatest innovation in the history of human shelter since the invention of the saw and the trowel. Using American ingenuity and assembly line techniques, we build a house in a factory, then tow it to the buyer's lot. It is the most economical way to provide a decent, modern residence ever devised. Compare our prices, about $7,000 for the average mobile home versus around $29,000 and up for traditional site-built houses. And mobile homes come equipped with most of the essential appliances and furnishings! That is why over seven million Americans now live in mobile homes and around 1½ million people are choosing this form of shelter annually. Our industry houses the poor, the low and middle-income people, military and construction personnel, and a growing number of resort dwellers and second home owners.

The mobile home industry can be a partial solution to America's housing shortage if current economies of production are allowed to continue and if the efficiencies of our factories are not curtailed by needless regulations. While the Stephens' bill may increase our costs of manufacturing somewhat, it provides the advantages of nation-wide uniformity and reciprocity, and is, therefore, beneficial.

For years, the Mobile Homes Manufacturers Association, along with the Trailer Coach Association and the Southeastern Manufactured Housing Institute, have tried to improve our product by encouraging the states to enact tie down laws and the ANSI construction standards.

Since H.R. 10901 is in line with our long-time policies, we urge your Committee to recommend its passage.

JEWISH CITIZENRY AND IMMIGRATION

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. REID. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the case of the Galperin family, Jewish citizens of the U.S.S.R. Tamara and Anatoly Galperin and their teenage daughter, Eugenia, who reside in Moscow, applied in November 1971 to emigrate to Israel; their applications have repeatedly been denied. Anatoly Galperin worked as a mathematician, but when he applied for an exit permit was forced to leave his job and now works in a bank. Tamara Galperin works as a translator. Her brother was allowed to go to Israel, and her elderly parents also received permission to leave but declined to depart without Tamara and her family. Tamara's father recently died and her mother now suffers from a serious illness. The plight of the Galperin family and of many others like them who must suffer continued harassment and persecution is very much in my mind at this time and I appeal to the Government of the Soviet Union, in the interests of equity and humanity, to extend the spirit of detente within its own borders.

As a Member of Congress and as a concerned citizen I continue to be dismayed by reports from the Soviet Union of the persecution of its Jewish citizenery, whose only crime is that they desire to emigrate to the country of their choice. Even as we see Arab-Israeli repatriation of prisoners of war, a state of affairs for which the spirit of detente between the U.S.S.R. and the United States is largely responsible, the continued Soviet denial of the right to emigrate does little to further detente. I sincerely hope that the Soviet Government will relax its harsh line with regard to its Jewish people, and will allow such families as the Galperins to rejoin those relatives who have received permission to go to Israel.

RISING PENSION EXPECTATIONS—WILL PLAN TERMINATION INSURANCE BE A BUST?

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ERLENBORN. Mr. Speaker, private pension plans are a huge success. They have proved their worth by providing adequate supplements to social security for the 6 million retirees now drawing pension benefits. Persons covered by private pension plans have increased greatly over the past 20 years. Today, private pension plans cover nearly 50 percent of the full-time work force in private industry. Private pensions can increase their role only if the proposed Federal pension legislation encourages, rather than deters, the incentive for growth of present plans and birth of new pension programs.

The fiduciary, vesting, and funding provisions of H.R. 2, the pension bill approved by the Education and Labor Committee, will strengthen the system by assuring that a larger proportion of persons now covered will in fact receive a private pension.

NEW DISINCENTIVES FOR DEFINED BENEFIT PENSIONS

Proponents of the controversial pension bill feature which would establish a plan termination insurance program insist this is the key to pension reform. There can be little dispute, however, that this imposing scheme cannot possibly bring about great expansion in the number of pensions paid to plan participants. The opposite result is virtually certain: a new shrinkage in the number of people covered by defined benefit pension plans. The reasons for this unintended reduction in pension coverage are several.

Plan termination insurance is the most complex feature of the impending legislation. It is too bad that this provision has not been well thought out—has not been given the study it deserves.

A recent joint Treasury and Labor Department study showed that about 8,500 vested participants were in pension plans which terminated in 1972. These workers suffered an average loss of $4,100. The study also showed that most employers terminating their plans were financially unstable.

This gives rise to a serious question: Would employers facing financial difficulties elect to continue their defined benefit plans in the face of the new obligations imposed by Federal legislation? There are indications that they would not, that they would cut short their pension programs before the start of a termination insurance program, and that many workers would lose their benefits as a result.

Termination insurance as proposed in H.R. 2 and in the Senate-passed bill, H.R. 4200, would change the legal structure of pension plans by making the employer liable for benefits—even though not funded—when the plan is terminated. This raises a constitutional question: In setting up a pension plan, an employer promises to make contributions to the plan. Can Congress, by law, change this promise to a pledge of the employer's assets to pay pensions?

If termination insurance as now proposed were to pass, and if this part of it were ruled to be constitutional, large balance sheet liabilities would be created for employers who grant past service credits and retroactive benefit increases.

Defined benefit pension plans have been adopted by employers (and encouraged by employees) because of their efficiency in meeting the inflationary pressures facing today's workers. That efficiency is likely to be hampered if new burdens were placed upon it by law. If we in Congress weigh carefully the advantages and disadvantages of plan termination insurance, we may find that as many workers will be harmed as helped by it.

The nature and positive direction of the private pension system might be drastically changed.

Termination insurance would tend to make employers abandon defined benefit programs in favor of money-purchase arrangements. These are, essentially, savings accounts; and they provide generally smaller pensions.

This feature would serve as a deterrent—perhaps a stiff deterrent—to the establishment of new defined benefit pension plans and the improvement of plans already in being. The probable losers would be older workers, the very workers this legislation is supposed to help.

MORE NEW PROBLEMS, PLUS OLD ONES

The plan termination insurance provisions now contained in major legislative proposals may create more problems than they may reasonably be expected to solve. Besides the disruptive influence on employers who must pay the pension bill, there would be another consideration, namely, the level of the premium or tax required to finance the insurance. The premium may prove to be burdensome, especially to new plans.

Here is a sample of this burden:

A new plan generally will take into consideration a worker's past service to the employer. In doing so, it creates unfunded vested liabilities. If the vested liabilities are about 10 times the annual contribution to the plan, the termination insurance premium may be 30 to 40 percent of the fund's income from investments in the early years of operation.

Surely, this burden—a front end load, of sorts—would discourage employers from starting new pension plans. They would see the insurance premium as an added cost which would not benefit their employees.

Some, and perhaps many of them, would look for other kinds of retirement benefits which are unfettered by plan termination insurance complications. As a result, the insurance losses would be levied against a diminishing group of plans, which would foster higher premiums, which would further discourage new pension plans.

By forcing pension plans into this downward spiral, Congress may one day be called upon to bail out the residue of a system which, until now, has been an increasingly successful voluntary arrangement to provide pensions to retiring workers.

A dilemma has always faced those who have tried to solve the problems of pension plan terminations. Unless significant safeguards are written into the law, the plan termination insurance scheme will encourage unduly liberal pension benefits, more speculative investments by pension fund trustees, and weaker funding levels.

Can these abuses be prevented without suffocating pension plans by overregulation? The Treasury and Labor Department study found no workable solution, and recommended more study.

For years, management and labor have been evolving a variety of private pension plans. There have been few legal controls, a condition which has encouraged the rapid growth of pensions.

Now, however, there is a consensus that some legal restraints can be added to this voluntary system without discouraging their continued growth—restraints having to do with disclosure, reporting, funding, vesting, and the like. If we are careful, these will increase the cost only a little for most plans.

Add plan termination insurance, however, and we lose the flexibility that has been one of the delights of our private pension system.

Item: A maximum would have to be set, by law, on insured benefits. Otherwise, owner-employees could milk their pension funds and line their own pockets at the expense of other well-managed plans.

Item: Unless limits are placed, by law, on benefit increases, management of a company facing imminent insolvency could grant themselves a pre-bankruptcy windfall at the expense of the termination insurance fund.

Item: Distributions from a pension plan's assets would have to be controlled, by law, in order to prevent a drain in payment of uninsured benefits—a drain which would mean greater terminal losses. Those losses, in turn, would be a drain on the insurance reserves.

Item: Actuarial assumptions would have to be controlled, by law, in order to avoid underfunding.

Item: A plan's investment policy would have to be regulated, by law, in order to minimize investment losses.

Item: Employer liability would have to continue after termination, else a plan could be started, could promise—and pay—handsome benefits, and then be closed out at the expense of the termination insurance fund.

Finally: The plan termination insurance agency would have to be given legal authority to terminate any plan which appeared to the agency to be risky.

These controls—Federal legal controls—can only be termed excessive and burdensome. They would have to apply to all defined benefit pension plans, those which are well run as well as those on the ragged edge of solvency. The controls would limit the insurance coverage to only 60 or 70 percent of all vested and nonvested benefit losses. The regulatory and other costs imposed by the termination insurance program might well exceed the benefit payments themselves.

AN ALTERNATIVE

The risk of creating an unworkable and disruptive program of plan termination insurance is so great that Congress ought to consider an alternative. In H.R. 2, there are provisions, apart from the termination insurance title, which reduce markedly the problems and abuses implicit in plan insurance proposals. These provisions would not confront employers with liabilities and overregulation which could only discourage creation of new pension plans and limit the expansion of existing plans.

A company with a pension plan would be faced with added responsibility, but would not be required to pay premiums which would not benefit its own employees.

H.R. 2, apart from its insurance title, approaches this problem as follows:

First. It recognizes that the minimum funding standard ought to assure progress each year in reducing the unfunded liability for vested benefits. The funding standard contains a simplified calculation which would automatically take care of the remaining unfunded vested liabilities over a period of years.

Second. Increases in pension benefits would be prohibited until all minimum funding contributions to the plan have been made.

Third. Preferential treatment of employees who resign would be precluded by a requirement that lump-sum distributions be made only to the extent they have been funded.

Fourth. The merger of two plans—as in the consolidation of two companies—could not result in a reduction of benefit security to any plan participant.

Fifth. In the event of termination, a pension plan would have to allocate its assets in an equitable manner with these priorities defined in the bill:

(a) Contributions by employees would be returned;

(b) Retired persons receiving benefits and those who could voluntarily elect to receive benefits;

(c) Those other than in (b), to the extent of their vested benefits; and

(d) All others, including the nonvested benefits of those in (c).

Benefit increases within 5 years prior to termination would trigger an allocation based on the prior benefit formula; and any remaining assets would be distributed on a basis of increases in more recent benefit formulas.

(e) Investment income attributable to employee contributions would be distributed pro rata to the employees' accounts,

(f) Those benefit liabilities incurred solely as a result of the plan termination would get last priority, and

(g) Any remaining assets could be returned to the employer, if the plan provided for that.

This approach would not prevent all of the benefit losses that might be covered by termination insurance, but it would prevent most of them. More to the point, the costs of this approach would not be borne by companies with stable, well-funded pension programs. This approach would not, therefore, cause employers to restrict coverage or forego improvements.

CONCLUSION

The beneficiaries of our private pension plans, present and future, have every right to expect Congress to act wisely in safeguarding their retirement years. Plan termination insurance is held out by some as the ultimate in pension reform. Care and further study should be encouraged before the full effect of this proposed strong medicine is prescribed for a relatively healthy patient.

Our constituents are filled with rising pension expectations. Let us keep in mind, however, that an ill-conceived termination insurance program might limit improvements in retirement benefits, might restrict pension coverage, and might precipitate employer bankruptcies.

We can avoid these pitfalls, and we should.

PRICE CONTROLS

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. FROEHLICH. Mr. Speaker, the evidence is piling up that wage and price controls have outlived their usefulness.

I doubt that there is a single Member of Congress who is not now personally familiar with the terrible burdens that price controls have created for various industries.

One of the most serious of current problems is the pulp shortage facing large consumers of paper.

The Cost of Living Council has imposed a domestic ceiling price on pulp. This ceiling comes at a time when there are no export restrictions on pulp. In a period of tremendous demand for pulp, domestic producers are holding their supplies or exporting them to other countries, while foreign producers are declining to export their supplies to the United States. Large consumers of paper who do not have their own supplies of pulp are caught in the middle and are feeling the pinch.

An example of the problem can be found close to home. The Joint Committee on Printing, through its able and distinguished chairman, Senator Howard Cannon of Nevada, has complained to the Cost of Living Council that the Federal Government finds itself unable to purchase the paper it needs.

In an October 4, 1973, letter to Dr. John Dunlop, director of the Cost of Living Council, Senator Cannon wrote:

> Today we find ourselves in the untenable position of having several paper properties, critically important to the Government Printing Office capability to fulfill vital Congressional printing requirements, at the seriously low inventory level of three to five weeks supply.

In a second letter, dated October 24, Senator Cannon wrote:

> One of our serious immediate problems involves our inability to get the necessary paper tonnage to publish the next edition of The Congressional Directory.

Senator Cannon concluded:

> Very bluntly, you should be aware of the fact that failure of the Cost of Living Council to take immediate steps to relieve the paper making pulp price impasse will contribute significantly to an ultimate serious impact on internal printing services for the Federal Government, as well as having a very damaging effect on our nationwide program of competitive commercial procurement of Federal printing and binding needs.

I associate myself with the Senator from Nevada in strongly urging the Cost of Living Council to lift the ceiling price on domestic pulp in order to relieve the current shortage.

The complete Cannon-Dunlop correspondence follows:

Joint Committee on Printing,
October 4, 1973.

Mr. John Dunlop,
Director, Cost of Living Council,
Washington, D.C.

Dear Mr. Dunlop: The Joint Committee on Printing, United States Congress, is charged by law with the responsibility to establish standards of paper for the different descriptions of public printing and binding and to procure, in concert with the Public Printer, the quality and quantities required for the public printing.

For at least six months, we have been experiencing increasing difficulty in being able to purchase the necessary tonnage to fulfill important Federal printing needs. For example, in our regular April, 1973 quarterly paper bid opening we received only 68.725 percent coverage on the quantity solicited, the first time in almost a quarter century that we did not get one hundred percent coverage.

In our July, 1973 quarterly opening the response was significantly worse with only 51.576 percent coverage. Since then, efforts to obtain lacking tonnage via repetitive open market procurement invitations have been consistently characterized by very minimal results.

All of this has happened despite many steps which we have taken, e.g. relaxed specification standards, relaxed delivery time schedules, consideration of bids based on a combination of items and/or foreign sources, etc., to encourage paper industry response to our needs.

Nevertheless, today we find ourselves in the untenable position of having several paper properties, critically important to the Government Printing Office capability to fulfill vital Congressional printing requirements, at the seriously low inventory level of three to five weeks supply.

Based on a careful, comprehensive analysis of the overall paper market situation, it is our view that the single most critical factor impeding our ability to get paper is the current domestic ceiling price on paper making pulp, as contrasted to the non-controlled ability of pulp producers to export pulp.

Consequently, in the light of the factors outlined herein, you are urged to give immediate, serious consideration to amending the domestic ceiling price on paper making pulp to the degree that internal American printing requirements, including those of the Congress, may be fulfilled. The Joint Committee will be pleased to hear from you on this matter at your earliest convenience.

Very sincerely yours,
Howard W. Cannon,
Chairman.

Cost of Living Council,
Washington, D.C., October 19, 1973.
Hon. Howard W. Cannon,
Joint Committee on Printing, U.S. Senate, Washington, D.C.

Dear Senator Cannon: I appreciate your recent letter of concern on behalf of the Joint Committee on Printing, and the decreasing availability of paper to supply the needs of the Public Printer.

The Cost of Living Council is aware of the critical shortages in the paper industry. The greatly increasing demand for all paper products has created a worldwide shortage of paper-making wood pulp, and prices have been bid up to an extremely high level on the world market. In addition, paper mills domestically are working at peak capacity to fill U.S. needs. However, even at full capacity the demand is far outstripping the supply.

To ensure the needs of paper mills to increase capacity, but at the same time bearing in mind the Administration's anti-inflation goals, the Cost of Living Council recently granted a number of prenotified price increases to the paper industry, based on hearings held during the week of September 17. This action should help relieve the shortages we are experiencing, but they will not alleviate all problems associated with the strong worldwide demand.

You may rest assured that we will continue to closely monitor the wood pulp situation and the entire paper industry, and to work with the Department of Commerce Exports Division to stabilize the domestic supply.

Thank you for your interest in this major area of the economy.

Sincerely,

John T. Dunlop,
Director.

Joint Committee on Printing,
October 24, 1973.
Mr. John T. Dunlop,
Director, Economic Stabilization Program, Cost of Living Council, Washington, D.C.

Dear Mr. Dunlop: I regret to advise that your letter of October 19, 1973, received on October 23, 1973, replying to my letter of October 4, 1973, includes nothing in the way of a practicable solution to the steadily worsening situation with respect to adequate supplies of writing and printing papers for important Federal printing needs.

Your belief that the prenotified price increases granted to the paper industry "should help relieve the shortages we are experiencing" is simply not a fact in the light of the paper procurement experiences we are having. Their only result to date is to assure that we continue to pay higher prices for the insufficient quantities we are able to buy.

It would be interesting to know how higher domestic prices on finished paper products could alleviate a shortage of paper making pulp brought about in significant part, at least, by the fact that the subject pulp is afflicted with a domestic price control, but can be exported with no other controls than world market prices for a world commodity.

Graphic proof that the cited price increases have not helped is the fact that, since your October 2, 1973 announcement, we have tried four times for an aggregate quantity of 32,758,623 pounds, with an aggregate response of only 16,442,000 pounds, approximately one half.

Repetitively we are being advised by several of our long-time paper suppliers that they would gladly respond to our invitations if they could obtain the necessary pulp. Being non-integrated mills they must rely on the domestic market availability of paper making pulp and that has not been forthcoming. One of our serious immediate problems involves our inability to get the necessary paper tonnage to publish the next edition of The Congressional Directory.

Very bluntly, you should be aware of the fact that failure of the Cost of Living Council to take immediate steps to relieve the paper making pulp price impasse will contribute significantly to an ultimate serious impact on internal printing services for the Federal Government, as well as having a very damaging effect on our nationwide program of competitive commercial procurement of Federal printing and binding needs.

Very sincerely yours,

Howard W. Cannon,
Chairman.

WILKES COLLEGE TO DISPLAY CATLIN WORKS BEGINNING NOVEMBER 25

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. FLOOD. Mr. Speaker, beginning on November 25 and continuing for a 6-week period, the new Sordoni Art Gallery at Wilkes College in Wilkes-Barre will place on public display 36 paintings of the works of George Catlin from the Smithsonian Institution's National Collection of Fine Arts and the National Gallery.

George Catlin was born in Wilkes-Barre in 1796, was educated in the law, but gained international fame and recognition as a portrait painter and a miniaturist and is especially known for his great paintings of the American Indian and Indian culture.

I fully intend to visit Wilkes College and view these outstanding works of art and I hope that many of my constituents will do the same during the 6-week period that it will be on display.

George Catlin will always remain through his art one of Wyoming Valley's most famous sons and is most deserving of the recognition that he will receive through this upcoming period when his works will be on display in the city in which he was born and reared.

The Beacon, the Wilkes College newspaper, in its edition of November 1, 1973, had two articles on George Catlin, both of which I wish to insert at this point in my remarks.

The article follows:

Wilkes To Display Catlin Works

NEW SORDONI ART GALLERY PLANS APPROPRIATE EXHIBIT

Thirty-six paintings from the seldom-circulated national collection of works by George Catlin will be placed on public display by Wilkes College for a six-week period beginning November 25 at the Sordoni Art Gallery, which is included in the new $6-million Stark Learning Center on the campus.

The collection will be brought to Wilkes College on loan from the Smithsonian Institution's National Collection of Fine Arts and the National Gallery.

Catlin, who was born in Wilkes-Barre in 1796, gained international acclaim as a portrait painter and a miniaturist, but is best known for his paintings of the American Indian. His works date back to almost a century and a half, and represent his work with both North and South American subject matter.

Wilkes College President Francis J. Michelini called the planned presentation of Catlin paintings "a most appropriate selection as the opening exhibit in the new Sordoni Art Gallery, which marks one of the greatest contributions ever made to the cultural wealth of not only the college, but the people of Wyoming Valley and Northeastern Pennsylvania."

Commenting on the origin of the new gallery, A. J. Sordoni III, president of Sordoni Enterprises, issued the following statement:

"The Sordoni Art Gallery was given to Wilkes College by The Andrew J. Sordoni Foundation, Inc., to encourage the appreciation of art. The Gallery is dedicated to displaying and preserving works of art and to serve as a teaching aid.

"In the future, the Gallery will be the home of a substantial portion of the Sordoni family's collection. Shows and exhibits will be featured at the Gallery for the benefit of students and the general public. The donors hope that the Gallery will be a source of pleasure and inspiration to everyone interested in fine arts."

A private showing of the Catlin paintings will be held on Saturday, November 24, at 8 p.m. At this time there will be a formal dedication of The Sordoni Art Gallery and a reception opening the exhibition of the works by George Catlin.

The exhibit will be open to the public from Sunday, November 25, through Saturday, January 5. Hours for viewing will be Sunday from noon to 5, Monday through Friday from 10 a.m. to 9 p.m., and Saturday from 10 a.m. to 5 p.m.

The new gallery, which is under the direction of Vivian Varney Guyler, is expected to become one of the major educational and cultural points of visitation for school groups of all levels and the public in general.

It was deemed extremely fortunate that the first exhibition is that of locally born George Catlin, who has become familiar to regional people of all ages and particularly to young people during the study of American history.

Catlin remained in the Wilkes-Barre area from the time of his birth until 1823, when he gave up the practice of law and moved to Philadelphia to devote his full time to painting. Catlin set up as a miniaturist in that city, where he worked until 1825.

In the year 1830, a painter of miniature portraits named George Catlin left his comfortable Philadelphia home and set out on a hazardous journey through the West. His goal: to paint the portraits of every Indian tribe in North America.

His friends warned him that it was an impossible task. He would never come back alive. The "savages" would butcher him before he could set up his easel. But after eight hard and dangerous years, George Catlin returned with a pictorial record of Indian life that has never been equaled.

The story of Catlin's travels is fascinating—his first trip with William Clark (who 25 years earlier had helped Meriwether Lewis open the West)—his journey with the French-Canadian fur traders—and his later adventures alone. He visited the treaty councils of the Sioux and Iowas. He met the Sacs, the Kansas and the Blackfeet, the Otes and the Mandans. Wherever he went, he painted the chiefs and talked with tribal members. The Indians of the Far West, he wrote home enthusiastically, "are undoubtedly the finest looking, best equipped, and the most beautifully costumed of any of the Continent. Amongst and in the midst of them am I, with my paint pots and canvas."

The more he traveled among the Indian peoples, the deeper grew Catlin's admiration, and the greater his sense of urgency to capture their way of life on canvas. For as the rush of settlers, miners and ranchers forced the Indians off their lands, Catlin saw that the red man's final destruction was not far off. He wanted at least to preserve them in his paintings, so future generations could see what had been lost.

When he returned East, crowds of people flocked to see "Catlin's Indian Gallery," and to hear the artist tell of his adventures. Kings, princes and great men of many nations admired the handsome paintings, but few paid attention to Catlin's words of warning about the fate of the Indian. In England as well, people were eager to hear his tales of exciting adventure, but greeted Catlin's somber predictions with the same indifference as the Americans.

Congress debated the purchase of the Gallery. Daniel Webster and Jefferson Davis also spoke on behalf of a bill to buy it for the American people, but the bill was defeated. Catlin, however, continued throughout his life to display his Gallery, and to plead for understanding of the red man.

The story of Catlin's life and his work is one of adventure and hardship—his days among the Indians—the years he spent pleading on their behalf—his later travels in the Amazon jungle, painting the South American Indians. It is an exciting tale. And it is a sobering story, too, for it was more than a century until Americans finally acknowledged his paintings as the magnificent documents they are, and recognized the rightness of his words.

THE LIFE OF GEORGE CATLIN

George Catlin was born in Wilkes-Barre, Pennsylvania, July 26, 1796. His interest in Indians began as a young boy listening to his mother tell of her experiences as a captive of the Indians in the Wyoming Massacre of 1778. Catlin practiced law three years in Luzerne, Pa., but a stronger passion, that of painting, called him, and he abandoned his law books for a paintbrush.

In 1823 he went to Philadelphia determined to make painting his life's profession. Entirely self taught, Catlin developed skill as both a miniature painter in watercolors and as a portrait painter in oils. In 1824 he was elected as an academician of the Pennsylvania Academy of Fine Arts, a select group of artists of the day.

In 1830 Catlin arrived in St. Louis where he gained the friendship of William Clark who with Meriwether Lewis had made the famous expedition to the Pacific Ocean from 1804 to 1806. Clark was Superintendent of Indian Affairs at St. Louis from 1813 to 1838. Catlin's introduction to painting the Indians of the plains came as a result of arrangements Clark made for him.

Catlin spent from 1830 to 1836 among the Indians of the West, travelling many times at the danger of his life in order to paint their portraits, their villages, their ceremonies. What he saw he recorded, visually and in writing. He was upset by the plight of the Indians and knew that the days of the red man were numbered. In addition to an "Indian Gallery" of his paintings, he conceived for himself a social and political mission—to become a spokesman for the redman whom he held in deep respect. He proposed a National Park west of the Mississippi where the Indians and buffalo would be left alone to roam, where there would be no white fur traders to exploit them, no missionaries, no smallpox and other white man's diseases, no whiskey and no cheap trinkets the white men used in exchange for skins.

Catlin set up his "Indian Gallery" of 494 paintings and numerous types of Indian clothing and artifacts in New York City in 1838. Later, he travelled with his Gallery to Washington, Baltimore and Boston. Catlin later took his Gallery to England and to France, where it was enthusiastically received.

His dream, however, was to have the U.S. Government purchase his paintings. He was never to see this realized in his lifetime despite a number of strong spokesmen such as Daniel Webster and Henry Clay. His original collection was given to Joseph Harrison, a wealthy American, head of the Harrison Boiler Works in Philadelphia who paid off Catlin's European debts. After Catlin's and Harrison's deaths, the collection which included 445 paintings was given by Harrison's widow to the Smithsonian Institution, (twenty of this group are part of the Sordoni Art Gallery's opening show.)

In his late fifties, Catlin spent part of his time in the reading room of the Bibliotheque Imperial in Paris. There he met another frequenter of the library who had delved into old Spanish volumes describing lost gold mines in the Crystal Mountains of Brazil. Catlin decided to go in search of the lost gold. When the search proved futile and his miner's tools were lost and broken, he began to paint Indians. Although the South American Indians were less friendly to him, he did succeed in painting 30 different tribes and numerous landscapes. (A number of this South American series, on loan from the National Gallery of Art, Paul Mellon Collection, is also to be seen at the Sordoni Art Gallery.)

THE NIXON NETWORK NEUROSIS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. O'NEILL. Mr. Speaker, I would like to call the attention of my colleagues to the remarks Congressman TORBERT H. MACDONALD delivered earlier today at the National Press Club. Congressman MACDONALD's remarks, entitled "The Nixon Network Neurosis," were made in response to the attack on the press made by Mr. Nixon at his last news conference, and they focus on this administration's efforts to use Government agencies to bring pressure to bear on the major television networks to influence the reporting of news.

As chairman of the House Subcommittee on Communications, Mr. MACDONALD provides an important perspective on this serious problem. I commend him for speaking out at this time:

THE NIXON NETWORK NEUROSIS

(By the Honorable TORBERT H. MACDONALD)

Any of you who has covered the Congress, or even sat in the Visitors Gallery, knows the traditional question, "For what purpose does the gentleman rise?"

Today, I rise in support of a free press.

But you will not get from me quotes from Thomas Jefferson or an impassioned history of John Peter Zenger. I'm sure you could deliver those remarks from memory yourselves.

I have a more specific subject today, that segment of the free press called TV network news. This new journalistic giant seems to be the President's favorite lightning rod. To my knowledge, I believe that both bodies of the Congress have been remiss in not coming to the defense of this sometimes beleaguered medium. I feel it fitting and proper that the man who occupies the Chair of the House Communications Subcommittee should do so. My committee is charged with responsibility for the television and radio broadcasters of the nation, and I know that I speak for that committee when I pledge to you that so long as we occupy the position we do, there will always be defenders of the free press to check and balance any attempted government interference in electronic journalism.

I am not appearing here as an apologist for the television industry, for even though I approve so highly of the way TV news does its job, it doesn't mean that my approbation stretches over the whole spectrum of television programming. The medium's proclivity for exaggerated sex and violence is a source of concern to me, and I am certainly not alone in this feeling.

The title of my talk, as you saw in your publication, is "The Nixon Network Neurosis". I plead guilty to quoting myself; I used that phrase in a speech to the California Broadcasters last January, when the pattern of hostility and calculated intimidation toward the television networks was only a sketchy outline. By now, thanks to the revelations produced by a group of investigators who refused to give up, that outline has been fleshed out to a point where its significance and its ruthless purpose are obvious to all citizens of our country.

(In passing, I must point out that only a small portion of that dogged investigative reporting has been done by television, and I hope that things will improve on that score.)

Is "neurosis" too tough a word? Certainly I have no intention of playing amateur psychologist here. The dictionary defines neurosis as "any of various functional disorders of the mind or emotions, involving anxiety, phobia, or other behavioral symptoms." Well, we all know about anxiety from time to time, and we sympathize with it. But "phobia" is defined as "a persistent, abnormal, or illogical fear of a specific thing or situation". And here we have a shoe that fits.

The "thing" that Mr. Nixon and his associates seem to fear is an institution known as the television network, with its unprecedented and unparalleled ability to speak to millions of Americans every night. The "situation" that provokes their fear is precisely the situation that the TV networks have brought about: a lot of people getting a lot of truth.

Let's back up a bit here and look at the pattern of this Administration's neurosis.

The date of the Magruder memo to Haldeman is probably a good starting point. That was October 17, 1969, less than a year into Mr. Nixon's first term. You all know that memo, revealingly titled "The Shotgun versus the Rifle". It listed 21 specific instances where the President was annoyed at his press treatment, and it recommended how each one should be taken care of. Specific approaches to individual commentators and columnists are recommended—"counter Dan Rather", "demand equal time to counter John Chancellor", "contact Howard K. Smith", and so on.

It may surprise you to learn that I have no particular objection to this. Even when the operator says, "It's the White House calling", I would think that the network newsmen don't dissolve. They're experienced, they're professional, and they know the name of the game. There *are* twosides, at least, to every story; and if one side wants to press its case and be heard, that comes under the heading of normal adversary proceedings. There has always been an adversary relationship between government and the press, especially between Administrations and the media; and as far as I'm concerned, there always should be. But to go back to the dictionary and look at the word "adversary": it has two meanings—opponent, and enemy. An opponent is defined as "one that opposes another in a battle, contest, controversy, or debate". Fine. That's what sports and politics and business competition are all about. We all want to win, and we all like to give it our best shot.

But the other definition—"enemy"—means "one who manifests malice or hostility toward, or opposes the purposes or interests of, another". That gets to be something quite different. I'm afraid the evidence has piled up overwhelmingly to indicate that this Administration considers its adversaries enemies, not opponents. And that is evidence to me of an unhealthy atmosphere.

It's the kind of atmosphere that leads an over-eager man like Jeb Magruder to step over the line of adversary proceedings and suggest that mechanisms of government be brought into the game—parade the FCC power before them, shake them up with an antitrust suit through the Justice Department, go through their income tax returns, and "they" will come around.

Well, this Administration tried it all, and I for one am satisfied that they didn't bring "them" into line.

Take all the memorandums that have surfaced in the past few weeks and lay them aside—Magruder's ridiculous suggestions, Haldeman's instructions to him to "concentrate on NBC and give some real thought as to how to handle the problem they have created in their almost totally negative approach to everything the Administration does", Colson's self-serving and self-deluding report on how he left the three network presidents trembling with fear, and all the rest—and consider along with me a memorandum that hasn't surfaced, may never surface, in fact may not even exist.

Picture a meeting of those White House aides who are agitated about the treatment they imagine they're getting on the network news. All the pressure they've been hinting at hasn't produced the results they want. How then to bring the networks into line?

Well, one of them might have said, "Why not set up a White House office that will have some clout with the FCC and really get those boys shaped up? After all, that's where the pressure point is: if the FCC makes noises about those money machines those fellows operate in the major markets, those owned-and-operated stations, we're liable to see some different results. We can't say we're going to do that, of course, we'd have to fuzz it over with a high-sounding name and a mission that can't be attacked—but wouldn't it be helpful to us?"

Maybe such a meeting never took place, and maybe no eyes-only, confidential memos were exchanged—but I give you the following circumstantial chronology:

On February 29, 1970, three weeks after Haldeman told Magruder to concentrate on NBC, four months after Magruder's shotgun and rifle memo went up to Haldeman, three months after the Vice President's attack on the media, the Congress received a message from the President of the United States, transmitting Reorganization Plan Number One of 1970, proposing the establishment of the Office of Telecommunications Policy in the White House.

Sure enough, it did seem to fulfill a need. It would "help formulate policies and coordinate operations for the Federal Government's own vast communications systems". It would help "formulate government policies concerning a wide range of domestic and international telecommunications issues". It would help to "meet the security needs of the nation".

But then came the innocent-sounding sentence that started all the trouble: "The new Office would enable the executive branch to speak with a clearer voice and to act as a more effective partner in discussions of communications policy with both the Congress and the Federal Communications Commission."

Looking back on the events that have transpired since the OTP was established in 1970, this Chairman of the House Communications Subcommittee can testify to two things: one, there was never any discussion of communications policy with the Congress, and two, the new office certainly did enable the Executive Branch to speak with a harsher voice.

You all hear the voice, in varying degrees of volume, from the OTP's director, Clay Whitehead. It was raised to divide and conquer the public broadcasting system, it was heard on such topics as network re-runs and prime-time access, and it brought to our vocabulary those electrifying phrases "elitist gossip" and "ideological plugola". From those same friendly folks who brought you "nattering nabobs of negativism", and that marvelous word "inoperative".

The sound of Mr. Whitehead's voice brought forth a number of other voices, including my own. I fought him on public television, I fought him on meddling in the private contracts of broadcasters, I fought him on attempts to influence the FCC, and I fought him on his own peculiar version of broadcast station license renewal policies.

I don't like to say I beat him, but some combination of voices and circumstances brought him back to reality. He was a different, more conciliatory man when he appeared before our committee this year. He will be a different man when the fiscal 1974 budget goes into effect, for approximately half the amount of money he'd asked for from the Congress was granted. And last Friday we saw two Senators introduce a bill calling for the abolishment of the Office of Telecommunications Policy in its entirety. If such a bill should become law, the Nixon Administration may have learned one more lesson: the instruments of government are not to be used for political purposes.

I won't take up your time reciting the litany of how, where, and when the Administration mounted its attack on the press in general and the TV networks in particular. The activities of Whitehead and Haldeman and Buchanan and Colson and Magruder are common knowledge by now. Even the most reasonable member of the White House hierarchy made advances to television news directors, encouraging them to substitute hundreds of local judgments on national and international news for the networks. To me it was a very clear pattern.

Is there a missing master memo spelling out this coordinated plan of attack? I don't think it really matters, because the plan obviously existed in the minds of its planners. And I'm convinced that while they were trying to pull the teeth of all unfriendly press, or what they considered unfriendly—which I guess includes everyone who doesn't give total approval of everything they do—the White House group had their Public Enemy Number One, the television networks.

It's incredible to me how they never give up, facts notwithstanding. We see survey after survey, year after year, showing how more and more people get their news from the TV networks, and how they believe them more each year. Yet Mr. Buchanan can write, as he did in last week's New York Times, about "the massive decline in public confidence in America's communications cartels". It would seem that alliterations are more important to him than facts.

In that same article, Mr. Buchanan pulls out the so-called "evidence" that led Mr. Nixon to use the words "vicious, outrageous, distorted, frantic, hysterical pounding" in his press conference.

He says the networks ran 19 separate attacks on the President on the Monday after he fired Mr. Cox and lost two good men from the Justice Department, balanced by only two unvarnished defenses. The fact is that no official would appear to defend the incredible action, although each anchorman for the networks personally assured me that their production people invited and solicited some responsible spokesmen to appear.

Exhibit B of Mr. Buchanan's "evidence" suggests that the networks should set the firing of Archibald Cox in some sort of perspective. What can "perspective" do to the bald, unvarnished fact that the President of the United States broke his word to the Congress and fired the man he had pledged would have complete freedom to accomplish his mission? I'm not a journalist, but certainly there can be no doubt of the unique and compelling newsworthiness of that story.

Exhibit C takes to task one of the venerable enemies, NBC, for using certain questions and answers of Secretary Kissinger instead of others. To me, that's a professional news judgment, open to question as hundreds are on each newscast, but surely a judgment that belongs to professional newsmen and not to government flacks and sycophants.

Exhibit D refers to a "worshipful Walter Cronkite"—that old alliteration routine again. Mr. Cronkite didn't appear worshipful to me in that interview with Mr. Cox, but I can understand how he may have appeared that way to Mr. Buchanan.

Exhibit E complains about the CBS three-part story on Mr. Rebozo. All I can say is that the story interested me. We don't get too many hard facts about the President's closest friend.

And the final clincher in Mr. Buchanan's mind is the five-day coverage of Mr. Dean versus less of Haldeman, Ehrlichman, and Mitchell. The simple answer to that alleged anti-Administration decision by the networks is that Mr. Dean is the only one of the four to have been on the stand five days.

Is that all there is? Where are points G through Z? Is this weak group of exhibits enough to make the President lose his cool in front of nationwide TV coverage? Or did he have a master plan even for that? People thought I was too suspicious when I questioned the spontaneity of that blowup, but I have heard that a CBS producer heard the President say, "Cronkite's not going to like this tonight . . . I hope."

After this kind of a recital of what the Nixon Administration has tried to do to the TV networks, the question that begs to be answered is, "Did they succeed?"

The answer in my mind is loud and clear—hell, no.

I've taken testimony on the record from the heads of all three networks and of the Public Broadcasting Corporation, and I've talked on the phone during the past week with the anchormen for each of the three nightly network news programs. The only instance that could possibly be interpreted as a concession to Administration pressure was the decision five months ago on the part of CBS to do away with instant analysis of Presidential addresses on television. But as you all know, on Monday CBS rescinded that experiment, and we will now get the benefit of their thinking when the President again chooses to preempt our public airwaves.

In my mind, the most important assurance I got in my investigation of the TV networks' response to Mr. Nixon's threats and bluster was John Chancellor's flat-out statement, "Our product has not been altered in a single instance by the Presidential attack." Howard K. Smith said the same thing in different words, and Walter Cronkite repeated to me what he said on the air: no pressure of any kind ever reached his desk.

There's another element in this equation that must be added if the people are to have a real understanding of what's at stake here. It's not only the White House versus the networks versus the FCC. It's not threats and bluster that will lead to inhibition of network news. It's not speeches by the OTP that will threaten television station licenses, and it's not FCC raised eyebrows that will get broadcasters into line.

It's the Congress that makes the laws. It's the Congress that calls the FCC up to explain its decisions. It's the Congress that stands between the broadcaster and the heavy hand of government.

What are they all so worried about? If I have a single message to send to the bosses of all the television and radio newsmen in the country, network and stations alike, it's this: there's nothing the Executive Branch can do to or for you. Your job is to see to it that the news is reported accurately and fairly, by professional journalists, period.

And to the newsmen themselves, I say keep on calling it as you see it. No matter how much people in public life may dislike hearing the unpleasant things you have to report, we know in our hearts that they must be reported. And I, for one, will fight for your right to report them.

I'm not being so naive as to believe that the attacks from the White House will stop. I'm afraid that Mr. Nixon's network neurosis is too far advanced for that. I was particularly amused to read that Mr. Clawson at the White House says that the attacks are therapeutic for the President—I guess that means they make him feel good, and these days he can use a little of that. I'm glad they make somebody feel good.

What makes *me* feel good is my confidence in the integrity and the courage of the press. I think they know that their troubles go with the territory.

I'll close with a quote from one of those network newsmen who are not to be found on the invitation-to-dinner list at the White House, Bill Small of CBS. He said in a speech to the Radio-Television News Directors recently, "When a single reporter hesitates because his next sentence might offend a powerful source or a single broadcaster pauses to listen for the footsteps of government behind him, then free speech has already been seriously compromised."

I'm confident that it hasn't been seriously compromised yet, and I'm even confident that if you in the media stand fast, and are joined by us of the Congress, it never will.

Thank you.

TO THE LAST MAN

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. PATTEN. Mr. Speaker, last Sunday, November 11, the real Armistice Day in my heart, I attended an affair in my home city of Perth Amboy.

Many years ago a Last Man's Club of Post 87 was formed with 100 members. There are 12 World War I veterans still living from this wonderful club.

I thought others would enjoy a poem presented by Dr. Charles Calvin, of Edison, N.J. The poem follows:

TOAST

Are we keeping faith with those Comrades
Who sat in these empty chairs?
Can we say we are doing all we can
And not expect unbelieving stares?

Can we dare to believe we could meet these men
On the streets of tomorrow and say
We are leaving no single stone unturned
To guarantee our American Way?

I believe we can, and believe we will
In the future continue to give
Just a little bit more than we've given before
For the right of free men to live.

So let's drink to those gone before us
Who even as you and I
Had a share in the grand occupation
Of keeping Old Glory on high.

Somehow I cannot help thinking
That the boys who no longer are here
Are somewhere around on the side lines
All set to let go with a cheer.
We will keep the faith with these Comrades
And as men we will always be free
For Legionnaires are the rightful heirs
And guardians of Liberty.

"To the Last Man."

C.H.C., 1970.

NATIONAL FAMILY WEEK—1973

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MYERS. Mr. Speaker, next week marks the second anniversary of the observance of National Family Week. Planned to coincide with Thanksgiving, that traditional time in America when families are rejoined to give thanks for the blessings which have come to us as individuals and as a nation, National Family Week has drawn support from every section of the country.

It has been 4 years now since Mr. Sam Wiley, highschool guidance counselor at Whiteland High School, first discussed with me his idea for a special observance honoring the family. We found we share a mutual feeling of respect for the family institution and a concern about its role in today's society. We worked together for 3 years building support for the idea and last November Congress approved my resolution establishing the observance and President Nixon declared the first National Family Week.

In the past 2 years at least 39 States have declared their support of National Family Week, including Indiana where Governor Otis Bowen issued a proclamation establishing Family Week in Indiana. More than 70 Members of Congress, more than for any previous special observance, joined as cosponsors of National Family Week. Organizations such as the American Legion, the Veterans of Foreign Wars, the Boy Scouts of America, the Jewish Right, Family Service Association of America and the General Federation of Women's Clubs have helped promote the nationwide observance.

Our goal is to restore the family to its rightful place in society by enlisting the millions of American parents and children in an effort to understand the significance of the family in the development of this Nation.

Our Nation's freedom was born in the families that formed the 13 colonies.

Our systems of justice, government, education, and worship are all grounded in the family.

Unity without uniformity, courage without recklessness, faith without blindness and hope without dependence are all products of the American family. We did not create them. We discovered and applied them.

In the American family lie the seeds of greatness. In the present tide of attacks upon the sanctity of the family and home lie the roots of our destruction.

If wars are ever to become past history and peace the light of day, the families of this Nation will have seen to it. If poverty is truly abolished, it will be because families cared about others. If illiteracy finally is banished, it will be by families who fear ignorance. If harmony is to return to our land, it will come only because families have practiced tolerance, patience, understanding, and affection to their own and to others. If prosperity is ever to be a natural part of our daily living, it will emerge first from homes where the spirit flourishes and where materialism is of second importance.

National Family Week is a positive response to those who have rendered the verdict that the family is no longer of any value; has no purpose; and is useless in today's society.

The President's proclamation said it well:

> No institution can ever take the family's place in giving meaning to human life and a stable structure to society; indeed, as a wise philosopher observed thousands of years ago, "the root of the state is in the family." The pressures of our modern age make this a time of challenge for families in America, but every community has its inspiring examples of families which have risen to the demand and made the time of challenge a time of glory.

We have no illusions that the promotion of National Family Week each year will in itself strengthen the family institution. It does serve as a focal point which we hope will lead to sustained action on the part of Americans throughout the year.

I urge you to join with us next week in honoring the American family.

THE 110TH ANNIVERSARY OF LINCOLN'S GETTYSBURG ADDRESS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. KEMP. Mr. Speaker, I would like to bring to the attention of my colleagues the announcement of a public reading of President Abraham Lincoln's "Gettysburg Address" on the 110th anniversary of its delivery:

PUBLIC READING OF LINCOLN'S "GETTYSBURG ADDRESS"

Chaplain P. G. Cook Camp No. 223, Sons of Union Veterans of the Civil War, and Co. D 100th Eagle Regt. N.Y. Vol. Inf. cordially invites you to A Public Reading of President Abraham Lincoln's "Gettysburg Address" on the 110th Anniversary of its first delivery November 19, 1863, dedicating Gettysburg Battlefield as a National Cemetery to the Civil War Soldiers slain in the battle of Gettysburg—Monday Morning, November 19, 1973, 10:30 A.M.—By Lincoln's Statue, Buffalo & Erie Co. Historical Society Museum, 25 Nottingham Court—Buffalo, N.Y., and 12:00 Noon—By World's Largest Granite Monument to a Speech, Elmlawn Cemetery, Delaware Ave. at Brighton Rd.—Town of Tonawanda, N.Y.

IMPEACHMENT TIME: NOW—IT'S UP TO CONGRESS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. DRINAN. Mr. Speaker, I attach herewith a significant article written by the distinguished historian and author Mrs. Barbara Tuchman.

This article entitled "Impeachment Time: Now—It's Up to Congress" is reprinted from the Boston Sunday Globe of November 4, 1973.

Mrs. Tuchman is the author of several books including "The Guns of August." Her characteristically perceptive style is reflected in the following article on impeachment:

IMPEACHMENT TIME: NOW—IT'S UP TO CONGRESS

(By Barbara Tuchman)

"Those who expect to reap the blessings of freedom," wrote Tom Paine, "must undergo like men the fatigue of supporting it."

In the affairs of a nation founded on the premise that its citizens possess certain "inalienable" rights, there comes a time when those rights must be defended against creeping authoritarianism. Liberty and authority exist in eternal stress like the seashore and the sea. Executive authority is forever hungry; it is its nature to expand and usurp.

To protect against that tendency, which is as old as history, the framers of our Constitution established three co-equal branches of government. In October 1973, we have come to the hour when that arrangement must be called upon to perform its function. Unless the Executive is brought into balance, the other two branches will dwindle into useless appendages. The judiciary has done its part; by defying it the President brought on the crisis. The fact that he reversed himself does not alter the fact that he tried, just as the fact that he reneged on the domestic surveillance plan of 1970—a fundamental invasion of the Bill of Rights—does not cancel the fact that he earlier authorized it, nor does withdrawing from Cambodia cancel the fact of lying to the public about American intervention.

The cause for impeachment remains, because President Nixon cannot change—and the American people cannot afford—the habit of illegality and abuse of executive power which has been normal to him. Responsibility for the outcome now rests upon the House of Representatives which the framers entrusted with the duty of initiating the corrective process. If it does not bring the abuse of executive power to account, it will have laid a precedent of acquiesence—what the lawyers call constructive condonement—that will end by destroying the political system whose two hundredth birthday we are about to celebrate.

No group ever faced a more difficult task at a more delicate moment. We are in the midst of international crisis; we have no Vice President; his nominated successor is suddenly seen, in the shadow of an empty presidency, as hardly qualified to move up; the administration is beleaguered by scandal and criminal charges; public confidence is at low tide; partisan politics for 1976 are in everyone's mind; and the impeachment process is feared as likely to be long and divisive and possibly paralyzing. Under the circumstances, hesitancy and ambivalence are natural.

Yet the House must not evade the issue, for now as never before it is the hinge of our political fate. The combined forces of Congress and the judiciary are needed to curb the Executive because the Executive has the advantage of controlling all the agencies of government—including the military. The last should not be an unthinkable thought. The habit of authoritarianism, which the President has found so suitable, will slowly but surely draw a ruler, if cornered, to final dependence on the Army. That instinct already moved Mr. Nixon to call out the FBI to impound the evidence.

I do not believe the dangers and difficulties of the situation should keep Congress from the test. Certainly the situation in the Middle East is full of perils, including some probably unforeseen. But I doubt if the Russians would seize the opportunity to jump us, should we become embroiled in impeachment. Not that I have much faith in nations learning from history; what they do learn is the lesson of the last war. To a would-be aggressor, the lesson of both world wars is not to count on the theory held by the Germans and Japanese that the United States, as a great lumbering mush-minded degenerate democracy, would be unable to mobilize itself in time to prevent their victory. I am sure this lesson is studiously taught in Russian General Staff courses.

Nor should we be paralyzed by fear of exacerbating divisions within this country. We are divided anyway and always have been as any independently minded people should be. Talk of unity is a pious fraud and a politician's cliche. No people worth its salt is politically united. A nation in consensus is a nation ready for the grave.

Moreover, I think we can forego a long and malignant trial by the Senate. Once the House votes to impeach, that will be enough. Mr. Nixon, I believe, will resign rather than face an investigation and trial that he cannot stop. If the House can accomplish this, it will have vindicated the trust of the founders and made plain to every potential President that there are limits he may not exceed.

JAMES LANIER RECEIVES AWARD

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. JONES of Tennessee. Mr. Speaker, recently, Tennessee State Representative James Lanier from Crockett and Dyer counties, Tenn., was presented an award resulting from his sponsorship of the "Local Property Stabilization Act of 1973." Passage of this act provides for the greatest financial assistance legislation for a single year ever provided to local government by the State of Tennessee.

Jim Lanier was honored with this award by the Tennessee County Services Association for his assistance toward relief of local property taxes.

A framed certificate was presented to Representative Lanier by Maury County Judge John Stanton for his understanding, dedication, and devotion to local government in the State of Tennessee.

In 1973, the State returned to local governments, a portion of State moneys to be used for roads, streets, and welfare totaling over $23,000,000. In my view, this is a step in the right direction for allocation of State funds into the hands of local authorities to be used for local projects.

Jim Lanier is a conscientious and hardworking legislator and it is indeed a pleasure to know and work with this fine representative in Tennessee State government.

FISCAL RESPONSIBILITY—NOW!

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ANNUNZIO. Mr. Speaker, the current effort in Congress to increase the debt ceiling is the fifth time in the last 2 years we have been asked by the administration to permit a greater level of public debt. A year and half ago, the debt limit stood at $430 billion; we were asked this fall to raise that ceiling to $480 billion. In June of 1972, our public debt stood at about $428 billion. After a year and a half of economic prosperity, we are now in hock to the tune of $463 billion. There is no end in sight to this escalation of public indebtedness.

What is going on here? Should the Congress not abide by the same standards of financial responsibility which it expects of its citizens? Is the credibility of our Federal Government at stake?

To these two questions, I say "Yes." The Government should be expected to be financially responsible. It is time that we in Government recognize these facts and that we take to heart their importance. We must devote ourselves to finding and implementing measures which will assure that fiscal responsibility will once again be a national hallmark. It is time that we restored the public's trust in its Government.

Fiscal responsibility can be established or destroyed, recaptured or further banished from our public ethic, by two institutions: The President and the Congress. To this point in time, both institutions have contributed to our budgetary quagmire. However, it is too late for charges of fault. We must take positive steps to correct current inadequacies. We in Congress have a heavy responsibility to bear in our authority to approve the spending of public funds. In order to exercise this authority with integrity and a real sensitivity to national needs, we need to consider more adequately the overall impacts of each of our financial moves. We need to have a more complete vision of where we are, and where we are going. We must be seriously willing to recognize that we simply can no longer afford to do whatever we want in the way of spending. And we must be willing to compromise the desires of special groups or constituencies when the national interest will be more beneficially served through such denial.

I believe that Congress has begun to take steps in these directions. Many bills and resolutions calling for reform of the budget process have been introduced during this session of Congress. Much committee time has been spent in trying to fashion a measure which will assure that Congress maintains a perspective on overall budget conditions while working on individual budget matters. These proposals are long overdue. It is my hope that we will redouble our efforts in the next month to adopt some effective reforms so that we may begin next year with an effective system of budget control. My support and best efforts shall certainly go toward gaining approval of the best possible budget control program.

I would be falsely optimistic if I were to expect that changes in the budget process will come easily. Almost as quickly as reform proposals have emerged this year, opposition has crystallized to the proposals. I say to my fellow Congressmen, "We can no longer afford to deny reform out of petty political preferences. We are beyond the point of necessary change." I believe that we, and the country, will be better off if we in Congress determine that we will work together to make the best possible changes, and that we will commit ourselves to making these changes work.

The public has a right to expect a government which will go into debt only when absolutely necessary, and which will repay its debts during periods of national prosperity. To this end, I say, "Fiscal Responsibility—Now."

BOLLING-ANACOSTIA PROVISIONS IN CONFERENCE REPORT DISAPPOINTING

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. FAUNTROY. Mr. Speaker, I want to just offer a few comments on the conference report on S. 2048, the military construction authorization bill. I am very disappointed that section 609 was retained by the conferees. That section operates to permit the construction of military facilities at the Bolling-Anacostia Complex contrary to the decision of the National Capital Planning Commission and contrary to the National Environmental Policy Act. Additionally, the new date inserted by the House allows the Department of Defense to retain the ban on a land transfer in excess of the original 1975 date which was imposed by Public Law 89–188, as amended.

The District of Columbia is in desperate need of an engine of economic growth and development in the Anacostia section. Had the conferees sought to respect the agreement made at the May 31, 1973 meeting of the National Capital Planning Commission, both the city and the military would have had adequate resources for their essential needs. The military could have constructed what it needed and the city could have provided jobs, housing, and community facilities. Except for the fact that the conferees have adopted some impliedly prohibitive language, the military could now move to construct facilities which will prove detrimental to the economic well-being of the Nation's Capital if it had funds.

Additionally, let me point out the fact that while Congress can amend any decision of the National Capital Planning Commission, the recommendations ought to come to the floor from a committee which has jurisdiction—in this case, the District Committee. This action is unprecedented and if it should become a precedent, it will result in a "mishmash" of Government sponsored construction projects done without reference to any kind of plan. One of the reasons that Americans love to visit in Washington, D.C., is to observe the generally thoughtfully laid out city and its monuments. These exist because the residents and the Nation's representatives have tried to assure that each project is adequately served with roads, water, schools, employment, housing, and public transportation. To disrupt the planning process—however faulty it is at times—is to destroy the hope that this city can be maintained as the "city beautiful."

Finally, let me just comment on one other facet of the report. There is a suit against the Department of Defense to prevent the Navy from proceeding to construct certain facilities because of the failure to file a proper environmental impact statement. I am not certain what effect this legislation has upon this or other similarly situated suits; but, I can assure you that it represents an unwarranted intrusion into the judicial process. I am sure that the Members did not intend it to be that way. Yet, I cannot conceive that the parties will ignore the actions taken. I had hoped that the committee would have at least left the matter in the same position—perhaps with just an extension of time—until the suits were resolved.

Fortunately, the conferees did agree in their report to hold hearings early next year. I hope that these will commence in January and that, in the meantime, the department attempt to take no action which would be contrary to the expressions of the conferees.

I appreciate the thoughtfulness of the distinguished gentleman from New York for obtaining the general leave by which I have made these comments.

A RESOLUTION TO COMMEND THE PRESIDENT ON THE CEASE-FIRE AGREEMENT IN THE MIDDLE EAST

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BAKER. Mr. Speaker, there have been many of us in this chamber during the past few months who have been quite critical of the President's actions on the domestic scene. Though I have been disappointed about the turn of events in some instances, I feel that many of our questions will soon be answered.

And again, many of us have supported the President's foreign policy actions. The new détente with Russia and China have already provided us with real dividends in the current crisis in the Middle East. For this the President certainly deserves credit.

Therefore, Mr. Speaker, today I am introducing a resolution for myself and many of my colleagues which commends the President for his efforts toward obtaining a cease-fire in the Arab-Israeli conflict. In this specific instance I am particularly pleased about the reaction I have obtained from my colleagues. I invite more of my colleagues to join with me in sponsoring this resolution. The text of the resolution follows:

> *Resolved*, That the House of Representatives hereby commends the President of the United States for his successful efforts toward the stabilization of the ceasefire agreement in the Middle East, especially his efforts through the United Nations to create the atmosphere in which the negotiations could take place and his dialogue with the Union of Soviet Socialist Republics to seek to reduce tensions, all of which have produced conditions which can lead to the achievement of a just and lasting peace in the Middle East.

TRIBUTE TO BILL HUNT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ANDERSON of California. Mr. Speaker, Robert Whittinton, in describing the nature of Sir Thomas More, said:

> More is a man of angel's wit and singular learning; I know not his fellow. For where is the man of that gentleness, lowliness, and affability? And as time requireth, a man of marvelous mirth and pastimes; and sometimes of as sad a gravity; a man for all seasons.

That description of a man, who was later canonized by Pope Pius XI, could apply to very few individuals, as few individuals can combine intellect, wit, and genuine compassion, and humility.

Mr. Speaker, throughout my years, I have been very fortunate to meet and know many admirable and great people—people who are supremely intelligent; people with a keen wit; with a sincere love and empathy for their fellow human beings; and people who are humble despite their public acclaim. But none have exceeded my friend, Bill Hunt, in combining these attributes; none have been able to unite these ingredients as has Bill Hunt.

A newspaperman for practically his entire life, he began delivering papers for the Santa Monica Outlook when he was 10. Later, at age 19, he was the circulation manager for the Venice Evening Outlook; and then, in succession, he worked for the San Mateo Times, the San Francisco Call-Bulletin, and the Hanford Journal.

During the depression years, Bill Hunt worked for newspapers ranging from Santa Ana, Calif., to Fairbanks, Calif., with stops in Texas, Oregon, and Washington in between.

THE GARDENA VALLEY NEWS

After returning to California around the mid-century, Bill joined the Gardena Valley News where he has been ever since.

As publisher of this outstanding newspaper, Bill Hunt has been the leader of many fights to correct inequities and eliminate injustice. Perhaps the best known of these crusades for which he gained national prominence was his battle to keep narcotics and drugs out of the hands of children.

Recognized as a leader and expert on drug problems, Mr. Hunt became the first chairman of the Los Angeles County Narcotics and Dangerous Drugs Commission. And he served on several White House conferences called by the President of the United States to help solve this problem.

OPERATION HUMANITY

In addition, Bill established "Operation Humanity" in order to eliminate the jurisdictional boundaries that prevented ambulances from taking seriously injured persons to the closest hospital.

Always available to help a person in need, Bill Hunt's office in the Gardena Valley News could well be termed the "Chaplain's Office," because it is always open to those who need a friend.

Of course, Bill Hunt has been blessed with a steady and consistent partner in life who has given him support and inspiration throughout his career. He and his lovely and gracious wife Martha were married in 1933 and they are the proud parents of Bill, Jr.

A member of St. Anthony of Padua Catholic Church in Gardena, Bill Hunt has been active in civic and social affairs, as well as a crusading and vigilant newspaper publisher and humanitarian.

On November 29, Bill will receive another signal honor as the recipient of the Outstanding Citizen of the Year Award selected by the Gardena Outstanding Citizen's Committee.

Mr. Speaker, it is indeed a privilege to honor and pay tribute to my friend, Bill Hunt, and to join with his many friends in saluting him for his host of outstanding contributions to our society.

Bill Hunt is, indeed, a man for all seasons.

BRYANT COMMUNITY ELEMENTARY SCHOOL

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ESCH. Mr. Speaker, too often in the crush of national events and the current atmosphere of crisis we fail to notice the contributions of individuals whose dedication to moral values and idealism have made America a great country. The American creed has had an immense effect upon American life and nowhere is that effect more evident than in the Nation's school system.

I know a man in Ann Arbor, Mich., who has been a friend to thousands of schoolchildren—my own included—who cares a great deal about the public good. For his dedication, Ann Arbor has saluted Clifford Bryant by naming its newest elementary school in his honor. The new school is the first among Ann Arbor's public school buildings to be named in honor of a former custodian.

The Bryant Community Elementary School boasts all the latest equipment for use in the "open plan" concept. Carpeting and a special ceiling keep the noise level down. The $1.7 million facility includes classes separated by brightly colored partial partitions rather than permanent walls, a theater stage, amphitheater, and play space in the kindergarten area.

It is indeed fitting that this wonderful facility carries the name of a man so highly respected by his fellow citizens. Clifford Bryant grew up in Perry, Kans. and was born in Nowata, Okla. After World War II he came to Ann Arbor and served as custodian for the old Ann Arbor High School from 1946 to 1956 and at Pioneer High School from 1956 to 1960.

He served at Dicken Elementary School from 1960 until 1971 when it was my honor to take part in the ceremonies marking his retirement. Now Clifford Bryant can dedicate more time to his gardening hobby and the pleasures of being a grandfather.

Mr. Speaker, there is no greater tribute for a citizen than to have the respect of his community. Clifford Bryant is respected and loved by those who have been enriched by the gift of his friendship.

I. W. ABEL WARNS THE AMERICAN PEOPLE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. GAYDOS. Mr. Speaker, the news media has made much in recent days of the "uniqueness" of a situation in which U.S. Steelworkers President I. W. Abel appeared with a message addressed to the American people in advertisements of United States Steel Corp. in six nationally circulated magazines.

The ad, the media points out, is a "first"—in the words of the Pittsburgh Post Gazette:

> It is believed the first time in the history of the American labor movement that the president of a major international union has appeared in a corporate ad for a big company.

Be this as it may, the Abel message, in my estimation, is far more important to the people of this Nation than any innovation in the advertising business or the published evidence, fine as it may be, of a new spirit of union and management cooperation.

Mr. Abel is concerned over lagging productivity in this country and, in the advertisement, calls upon every one of us to do what we can to improve it. He says:

> Nothing less is at stake than our jobs, the prices we pay, the very quality of our lives.

He points out that, between 1960 and 1972, the annual average productivity rise in the United States was 3.1 percent while that of a number of foreign countries was double or more. He also cites the fact that 18 percent of the steel used here last year was made abroad at a high cost in American jobs and lowered living standards.

"What happened?" he asks and then answers the question himself in this way:

> Things have been so good for so long that we've become wasteful and inefficient. So wasteful that, incredibly enough, many firms nowadays actually expect to scrap 20 percent of what they produce!
>
> Let me be blunt: I believe we are standing at a pivotal point in our history. If we adopt a don't-give-a-damn attitude, we risk becoming a second-class economic power.

What can be done? Mr. Abel wants the efficiency of each worker stepped up by the cutting down on excessive absenteeism, tardiness, turnover, and overtime. He says the morale of the workers must be improved too by more effective work incentives—"and really listening to the man at the work-bench." All the brains in our economy, he stresses, are not in the executive suites.

I quote further from Mr. Abel's prescription:

> By improving our technology and really using the technology we already possess. Let's put our brainpower to work to create more efficient manufacturing processes and better equipment. But then let's use them.

Important steps are being taken in other ways, Mr. Abel points out, and the public, I know, is well aware of one of them—the new "no-strike" contract which his union signed with the major steel producers. Also, the joint advisory committees on productivity, which the union and industry have set up at each plant, can contribute mightily toward solving the problem.

Mr. Abel ends his advertised message in this way:

> Like Oliver Twist, labor has always sought "more"—more wages and benefits. But labor also knows that to obtain more, we must produce more. Together we face a great challenge. Together, I am certain we will succeed.

I might add to this that I, too, am certain that, in due time, our workmen and industries will resolve this matter and get our country out front again in productivity so it can resume its historic role as the world's most progressive manufacturer. And the solution will come, because we do have men of vision like Mr. Abel and corporations of concern such as United States Steel that realize the problem is a common one demanding united action.

Mr. Abel's appearance in a United States Steel Corp. advertisement not only constitutes a "first." It shows the kind of new thinking we badly need in all sections of American business and industry.

COMMUNITY OF FROSTBURG, MD., RALLIES TO HELP FIRE VICTIMS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HOGAN. Mr. Speaker, at 5:30 p.m. on Saturday, January 13, 1973, a fire erupted in the business district of Frostburg, Maryland. Despite a valiant effort by area volunteer firemen, five businesses and four apartments were completely gutted.

The fire left the four families who occupied the apartments homeless. Trying to alleviate the plight of these victims, the local radio station WFRB broadcasted an appeal for funds to help replace the families' losses.

Within 3 hours of the first broadcast over $3,000 had been pledged. By 5:15 p.m. the listeners had pledged $6,900. By sign-off time, 11 p.m., the total amount of money pledged by the WFRB listeners for the fire victims was an amazing $11,570. On January 22, 1973, at ceremonies at the Frostburg National Bank, over $16,000 in cash was presented to the families.

I want to take this opportunity, Mr. Speaker, to congratulate the community of Frostburg for its humanitarian efforts on behalf of these families who lost their personal fortunes in that damaging and destructive fire. It is heartening to know that in this day and age the communal spirit of helping one's neighbor has not been extinguished. The empathy shown by the listeners of WFRB, exemplifies the true spirit of generosity this Nation has been noted for.

In closing, Mr. Speaker, I cite a passage written by a newspaper reporter who was covering the incident, "The human kindness well can never be empty."

I enclose for the Record an article written by The Evening Sun on this incident:

Human Kindness Well Can Never be Empty

(By John Schulian)

Frostburg, Md.—The burned-out buildings on Main street keep reminding Carl Loughry of the happy story he wishes he had never had a chance to tell.

It took the fire that left four families homeless Saturday to prove that people still care about each other, the stocky, bespectacled radio station owner was saying yesterday.

That's the sad thing about the $15,000 he hopes to divide among the fire victims Monday.

TOO BUSY PEOPLE

"People used to be a lot more neighborly than they are now," Mr. Loughry said. "Even in a small town like this (population 7,500), they're too busy running and doing all the time to be much bothered with each other.

"But when they saw the trouble these folks were in, they did respond. I have to think that makes them the greatest people in the world."

Mr. Loughry put out the call for help Monday between the generous helpings of Merle Haggard and Waylon Jennings that come from his countrified station, WFRB.

FIRST TO KICK IN $100

"I said I was kicking in with the first $100," he recalled, "and it wasn't five minutes before a man walked through the door and said he'd give $100."

Mr. Loughry had almost $10,000 in hand by yesterday afternoon. It was far more than Mrs. Mabel McKenzie Fisher or the Gilbert Hostetlers or the Raymond Shumakes or the Michael Shumakes ever thought possible.

"All I could think about during the fire was that I had nothing to show for 20 years' work," said Gilbert Hostetler, who lost his bakery as well as the home he and his wife had made over it.

"A lot of people we don't even know are giving money," said Mike Shumake, who grew up in one of the apartments the fire ravaged and was living with his wife and 2-year-old daughter in another of the unfortunate ones.

The good neighbors have been big companies, such as the Kelly-Springfield Tire Company, of Cumberland, which contributed $200 from its emergency fund, and little people, such as Mrs. E. Oldeker, of Wiley Ford, W. Va., who sent the last $5 from her January Social Security check.

Two of the littlest people to send the fire victims money were Sue and Jeanette Watkins, of Eckhart, Md., who sent this neatly printed note along with their $2:

"This is part of our allowance. We want to give it to the people burned out in the fire. We are 7 and 9 years old."

FIRES IN THE FARMS

That means the Watkins sisters probably aren't old enough to remember what used to happen when the farms scattered among the tree-covered hills around Frostburg lost their barns to fire.

"Folks would get together and we'd have an old-fashioned barn-raising," said Ralph M. Race, the president of the Fidelity bank and a farmer who has been to more than one barn-raising. "That's what this gathering money for the fire victims is like."

Even with the apparent decline in neighborliness, people suffering hard times aren't forgotten in this Allegany county town. Everyone's favorite example is a high-school boy named Eddie Eichhorn who underwent a kidney transplant a few years back with money raised by a waitress and a housewife.

FIVE STORES SHUT

Though the families put out on the street by the fire have gained the most attention, the five stores that they lived above and that now stand shuttered tight aren't going to be forgotten either.

Mr. Loughry has promised the store owners a free remote broadcast and 200 free advertising spots apiece once they reopen their doors.

There is a very legitimate question about how soon they will be able to do that, said John O. Durst, the town fire chief, who estimated the damage to them "in excess of $100,000."

GRIM REMINDER

So Wehler's Paint Store and the Kiddie Town toy shop and Super Shoes and Hobing Men's Store and the Frostburg Bakery stand as a grim reminder of the fire that took 180 men, 20 pieces of equipment and 5 hours to control.

"Oh, Gil, it's so hard to watch them taking the debris down," Martha Hostetler told her husband as she looked out the window of the two-room apartment they have taken temporarily.

It is directly across from the bakery they ran. Mr. Hostetler, looking gray and tired, admitted that he isn't sure he wants to face the job of bringing it back to life.

FACING THE FUTURE

The good neighbors' contributions may make him feel more like facing the future. At least he and his wife will be at the Frostburg National Bank to accept them.

Most of the fire victims don't really know what they are going to do with whatever money they get. The Hostetlers, for instance, have already been given furniture, and one day after the fire, Mrs. Fisher, the retired manager of Super Shoes, had a closet full of friends' clothes.

The Michael Shumakes are an exception. "We've always wanted a trailer." Mike's wife Carolyn said. "I guess we'll just use the money for a down payment on one."

CHRISTMASTIME CONSERVATION

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MURPHY of Illinois. Mr. Speaker, while we in Congress are grappling with the many problems of energy conservation and searching for ways to adequately conserve our resources, the holiday season in fast approaching with all its glitter of lights and displays greeting us at each shopping center and street corner.

It has long been a tradition to decorate our homes with lights and pageantry as we join in the Christmas spirit. This year, however, each citizen is being asked to make sacrifices in whatever way possible to make energy conservation programs successful. One Chicagoan has come up with an idea which I would like to share with my colleagues. It is a worthwhile suggestion and one which deserves our attention. The text of the letter follows:

Chicago, Ill.

Representative Morgan F. Murphy,
Longworth House Office Building, Washington, D.C.

Dear Sir: For more years than I care to remember it has been the custom, in Chicago, to decorate the outside of a private home and a good portion of the landscape with electric lights during the Christmas Season. This originated in the Beverly Hills area and during the years has spread to less affluent neighborhoods. At the present time, at least in my immediate vicinity, there is a nightly display for a three or four week period.

Down through the centuries, man has tried to appease, honor, and offer thanks to his particular gods in many strange ways. Celebrating the birth of Jesus Christ in a lowly stable by entering into a contest with your next door neighbor or the fellow across the street to outdo him in total lights and illuminated plastic figures must belong in this strange category.

I believe that it is the patriotic duty of every American homeowner to forego these garish displays during the current Energy Crisis. If he can find it in his heart to use the substantial amount of money saved to bring joy to the hearts of poor children with gifts of food and toys, or to donate this money to his favorite charity, they will truly commemorate the birth of the Infant Jesus.

I bring this to your attention because I do not know if this outside lighting is a nation-wide custom. In any event, a man in your position can give my idea wider publicity.

Our Lord, Jesus Christ, is a God of infinite understanding, compassion and generosity and He is never outdone by man. I am certain that anyone who brightens the heart of a child instead of the outside of his home will have a better Christmas than ever before.

Thank you,

Walter E. Schmitz.

KENT STATE: TOWARD JUSTICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. RANGEL. Mr. Speaker, the struggle to achieve some form of justice in the Kent State killings has now reached its crisis stage: its point of no return.

Those of us who have consistently called for a Federal grand jury investigation into the shooting of 13 Kent students have had to go up against and put up with those who would stifle and squelch such a search for the truth—John Mitchell and Richard Kleindienst and behind them, Richard Nixon.

Our hopes rose last August, however, when Attorney General Elliot Richardson announced the reopening of the Justice Department investigation into Kent. The convening of a Federal grand jury seemed imminent.

But now, it is possible that the potential for Kent State justice lies ruined in the rubble of the Saturday night massacre, when Mr. Richardson found that he could no longer serve under President Nixon. If we sit back complacently, Richardson's resignation and William Saxbe's nomination might also have been the surrendering of a commitment to a Kent State investigation.

If the nomination of a former Ohio National Guardsman, Senator Saxbe, is confirmed, it must come only after he has given his solemn promise to pursue a Federal investigation of the Kent State killings. We have fought too hard and come too far to let anyone or anything disrupt the progress that has been made. I fervently hope that the Senators who sit in judgment of Senator Saxbe's nomination will seek that promise. We owe the victims of Kent State that much.

I respectfully submit into the Record a New York Times editorial of November 15, entitled "Saxbe and Kent State" for the attention of my colleagues.

Saxbe and Kent State

The still-tentative promise by Assistant Attorney General J. Stanley Pottinger that the Justice Department may convene a Federal grand jury to hear evidence on the 1970 tragedy at Kent State University should swiftly be turned into a full commitment. The killing of four students and wounding of nine others by gunfire of Ohio National Guardsmen must not remain unfinished legal business.

Even though the Federal Bureau of Investigation raised serious questions about the Guard's action and John N. Mitchell, then the Attorney General, declared in 1971 that he found the gunfire "unnecessary, unwarranted and inexcusable," the Justice Department at that time decided inexplicably against further Federal investigation. The exoneration of the Guard was thus left to the same Ohio grand jury that indicted twenty-five of the demonstrators.

It was not until June, when Elliot Richardson, then the Attorney General, ordered the Justice Department to take "a fresh look" at the Kent State case that hope was revived in the Government's interest to get at the truth. What makes Mr. Pottinger's latest statement about plans to convene a Federal grand jury particularly pertinent now is that William B. Saxbe, Senator from Ohio and President Nixon's nominee to succeed Mr. Richardson as Attorney General, is reported to have expressed doubts about re-opening the investigation.

As a former colonel in the Ohio National Guard, it is especially incumbent on Mr. Saxbe not only to give full support to the convening of a Federal grand jury but to pledge that he would in no way interfere with the investigation. Indeed, a full statement by Mr. Saxbe on the matter ought to be considered an important element in the confirmation hearings. Beyond the tragic issue of Kent State itself, the case remains a test of the Justice Department's determination to accommodations, cover-ups and potential make a clean break with a past of politics, conflicts of interest.

THE IMPACT OF STRIKING THE HOLD-HARMLESS ON SSI

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Ms. CHISHOLM. Mr. Speaker, I have asked permission to insert this Extension of Remarks today because I am deeply disturbed at the action of the House in voting 246 to 163 in favor of the Griffiths amendment to strike the hold-harmless provision of H.R. 11333.

On many occasions Representative Griffiths and I have been in agreement, as I hope and expect to be in the future, but in this instance I just cannot concur with the gentlewoman from Michigan.

In his speech before the Chamber yesterday, Congressman Ullman noted that the cost of living has skyrocketed out of sight in the last few months. While this means a hardship for all of our citizens, for our elderly it is catastrophic. As the rest of us worry if we will be able to have turkey for Thanksgiving because of the shortage of birds, our elderly are being reduced to eating dog food.

In the months of July, August, and September, the seasonally adjusted cost-of-living index for food rose 28.8 percent. That increase affects all our elderly, including those residing in the 10 States which were protected by the hold-harmless. But the effect of the vote this afternoon will be to deny these recipients the extra income they need to get through these hard times.

In spite of protests to the contrary the 10 States affected by this amendment are not so well-to-do that they can come up with the $40 million and $70 million it will cost States such as New York and California to cover the loss of Federal funds. The alternative is to deny the anticipated social security increase to residents of those States.

Now I recognize that many in this Chamber will retort that the recipients in New York, California, Hawaii, Massachusetts, Michigan, Nevada, New Jersey, Pennsylvania, Wisconsin, and Rhode Island do not need the increase as badly as those in the rest of the Nation. Thankfully the elderly in my home State of New York do receive a larger income than those of the same age in Mississippi, but this by no means can be equated with living in the lap of luxury. Our elderly are still poor, they are hardly less poor than their counterparts in some of our other States.

It should also be noted that although the hold-harmless was designed to protect only 10 States, they happen to be some of our most densely populated. About one-third of the 30 million beneficiaries of the social security system reside in the States which have lost revenues through this amendment.

The move to strike the hold-harmless is disturbing for another reason. I believe that it will have an adverse impact on the willingness of the States to put up their own money to supplement social security benefits in the future. For what we have done this afternoon is to say to the States "do not try to improve social services and social welfare programs in your States. If you do we shall penalize rather than reward you for your efforts." That is the antithesis of what we have alleged to be the policy of both the Congress and the administration, but actions speak louder than words and the message to the States has been very clear this afternoon.

KNOW YOUR TOWN

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mrs. GRASSO. Mr. Speaker, the League of Women Voters in the towns of Suffield and Torrington have performed a great service to the community through their publication of the "Know Your Town" booklets.

Counterparts exist in other Connecticut communities where there are League of Women Voters chapters. These publications have been compiled by the league to acquaint the residents of their towns with the structure of their government, and the available community services and facilities.

Included in the publication is information about the history of the town, governmental organization, public protection, municipal services and health, educational, and recreational facilities. Also, part of the booklet focuses on the resident as a citizen and voter in the community. In the booklet, there is information on parties, registration, and voting qualification, absentee voting, the "who, when, and where" of elections, and voting machine procedure.

The need for such a publication as a reference for the residents of a community is clear, and the towns of Torrington and Suffield are fortunate in having chapter members of the League of Women Voters who have used their time and talent in composing "Know Your Town" booklets.

The League of Women Voters has traditionally been a strong force in fostering political responsibility and informed participation of citizens in their community. The Torrington and Suffield chapters carry on this excellent tradition by publishing these booklets. They are truly valuable tools which inform residents of the resources in their community, and help citizens develop political awareness and a sense of responsibility toward the community.

COMPLIANCE WITH EQUAL OPPORTUNITY PROVISIONS OF THE NEW VOCATIONAL REHABILITATION LAW

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. VANIK. Mr. Speaker, H.R. 8070, a bill to "authorize grants for vocational rehabilitation services and for other purposes" has passed both Houses and subsequently been approved by conference. Enacted on September 26 as Public Law 93–112, the law was the result of several years of hard work by the Select Committee on Education and its distinguished chairman from Indiana (Mr. BRADEMAS).

Included in title V of the new law are several sections relating to the employment of the handicapped and the participation of the handicapped in Federal programs.

Section 501 describes the action to be taken by Federal agencies to ensure nondiscriminatory, fair consideration of employment for the handicapped. Section 503 requires an "affirmative action" in the employment of the handicapped by all Government contractors. Section 504 requires that "no otherwise qualified handicapped individual" shall "solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

As a supporter of all these provisions of the bill, I have requested that 35 Federal agencies, from the Social Security Administration to the Interstate Commerce Commission, advise me of their progress in complying with these new provisions of the law. It is important that all Government agencies realize the importance and immediacy of the provisions, and never again permit the Federal Government to make the type of stupid and costly mistake that marred the District of Columbia's subway project. A substantial amount of work was permitted on this $3 billion federally aided project before the courts ordered installation of the special accesses to the subways for handicapped persons—persons who, after all, are helping to build the subway with their tax dollars.

At this point, I would like to include a copy of the letter which I am sending to the agencies in the RECORD:

CONGRESS OF THE UNITED STATES,
House of Representatives,
Washington, D.C., October 30, 1973.

DEAR ———: As you know, the Vocational Rehabilitation Act of 1973 was enacted on September 26th as Public Law 93–112. The new legislation requires, among other things, fair consideration in employment and participation of the handicapped in Federal jobs, in the employment practices of Federal contractors, and in the conduct of Federal Programs.

Section 501 of P.L. 93–112 describes the action to be taken by Federal agencies to ensure non-discriminatory consideration of employment for the handicapped. Section 503 requires affirmative action in the employment of the handicapped by government contractors. Section 504 requires that "no otherwise qualified handicapped individual shall be excluded from the participation under any program or activity receiving Federal financial assistance."

As a supporter of the inclusion of these provisions in the new law, I would appreciate it if your Department could keep me advised on actions you will be taking to ensure fair and improved employment consideration of the handicapped, both by your office and by the contractors funded through your office.

Thank you for your consideration in this matter.

Sincerely yours,
CHARLES A. VANIK,
Member of Congress.

FREEDOM OF CHOICE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. PEPPER. Mr. Speaker, it was my privilege to express to the Public Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee my strong belief that the Food and Drug Administration's regulations on food supplements should not bar millions of Americans across the country from obtaining, without prescription, the vitamin and food supplements they feel are essential for their health.

No one wishes to permit the distribution of unclean or dangerous substances. But it seems to me that the people of this country are sufficiently well educated and informed to choose for themselves from among the supplements commercially available and that the proper role of Government is to assure the purity and proper labeling of these substances, as long as there is no evidence that they are poisonous or otherwise detrimental to the average user.

I include the text of my statement to the Subcommittee at this point:

Mr. Chairman, I am pleased to have this opportunity to submit to this distinguished Subcommittee of the House Interstate and Foreign Commerce Committee my view concerning the FDA restrictions on vitamin and food supplements.

After more than a decade of dispute, the Food and Drug Administration has issued Recommended Daily Allowance for each vitamin and mineral products. The consumer reaction to these regulations is unprecedented; thousands of letters have been received by the FDA protesting the new policy and insisting that this time the FDA has overstepped its authority.

I am very much inclined to agree that the FDA is meddling in areas of control for which it has no legislative mandate. The Federal Food, Drug and Cosmetic Act, as amended, prohibits interstate commerce in foods and drugs which are adulterated or misbranded; much of the substance of the vitamin-mineral product regulation seems to be of a purely economic nature. Basically, these regulations:

Specify which vitamins and minerals may be included in a supplement and in what combinations

Set forth upper and lower limits for dosage levels of each vitamin and mineral allowed in a supplement

Require certain labeling (i.e., % of the Recommended Daily Allowance for each vitamin and mineral, the expiration date, etc.)

Restrict to prescription sale vitamin-mineral preparations containing more than a specified dosage level of the vitamins A & D.

Granted, it is clearly in the interest of the consumer and the responsibility of the FDA to impose limits on dosages of vitamins and minerals where there is a question of toxicity. Such may be the case for limiting the amount of the vitamins A and D available in one dosage unit. I believe it is generally conceded in the scientific community that these vitamins are toxic at high levels; if so, restrictions are justified. However, little or no evidence exists to suggest that any other of the vitamin or minerals subject to the new regulation are hazardous at high levels. Much to the contrary, new discoveries are being made every day regarding the therapeutic advantages of high vitamin intake.

I certainly do not pretend to be a dietary expert and neither am I advocating the use of dietary supplements. However, I do feel the public does have the right to purchase vitamins and minerals in dosage forms which are the most convenient when there is no issue of safety at stake. As long as the products are adequately labeled and unadulterated, the FDA's job is done.

For this reason I have introduced a bill to limit the authority of the FDA regarding the regulation of food supplements. In order to issue any regulation which would limit the potency, number, combination, amount, or variety of any vitamin and/or mineral product, the FDA would have to prove that the supplement is intrinsically injurious to health. Thus, if certain vitamins or minerals are dangerous at the levels above the maximum levels proposed by the FDA, precautions would be taken to limit their use by consumers. Otherwise, consumers will be free to purchase the product in a form which meets their needs.

DAY OF NATIONAL CONCERN DECLARED IN UTAH

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. OWENS. Mr. Speaker, today, November 16, has been declared a "day of national concern" in Utah—a day of concern over the deepening crisis facing our Nation and an occasion to dedicate ourselves to restoring integrity to our Government.

The Committee of National Concern has realized the frustration and confusion of many Utah citizens over recent events that have resulted in a House inquiry into impeachment proceedings against the President. It is the committee's belief, and my own, that confidence in the American system of government can be strengthened by constructive action rather than idle preoccupation with our country's problems. There will be a silent noon vigil held today at the Federal Building Plaza in

Salt Lake City. Public hearings are also scheduled for concerned citizens to discuss current issues and offer possible solutions that may be forwarded to Congress.

Mr. Speaker, I would ask that we here in Washington also take a moment to direct our thoughts, prayers, and reflections toward resolution of the critical problems that face us in our national Government. These problems must be dealt with by an active Congress, moving vigorously, yet judiciously to restore in our system. I want to state clearly the confidence of the American people and my own strong faith in our ability to regain national self confidence.

WATERGATE: THE TIP OF THE ICEBERG

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Ms. ABZUG. Mr. Speaker, in the midst of complicated legal and constitutional questions surrounding the two highest officers in the land, we must not lose sight of the fact that the various Watergate investigations have thus far revealed only small pieces of the whole story and have yet to put them together in very convincing frameworks. As Timothy Ingram puts it in the article to follow, we do not even have a plausible explanation for the famous burglary.

It is not enough to impeach the President and remove him from office. The diseases that plague our body politic involve many people in the Government, in the business world, and in the political and criminal underworlds. A single coherent plot is doubtful, but there is already on the public record much evidence to suggest myriad and sometimes conflicting plots in pursuit of economic, political, and ideological goals.

Congress and the public should not sit back and placidly wait for a special prosecutor or a Watergate committee to do the whole job. For the job is too big and requires too much intellectual perception, doggedness, and courage for any one group or individual, even the Washington Post. We must all work to push the public dialog onward. In that spirit I urge to the attention of my colleagues the following article from the November 1973 Washington Monthly which suggests only a few of the many unexplored avenues in the evidence already at hand. The article follows:

ITT AND WATERGATE: THE COLSON CONNECTION

(By Timothy H. Ingram)

The Colson memorandum was introduced to the Watergate Committee on August 1, 1973, without fanfare, almost as a throwaway. Sam Dash, the Committee's chief counsel, had obtained it the night before from a secretary who worked at the White House, and he wanted to slip it in somehow during the third day of H. R. Haldeman's testimony.

Dash was asking Haldeman whether he always informed the President of potentially embarrassing developments—and he offhandedly cited the Colson memo as an example. It was a truly astonishing document. Dated March 30, 1972, the same day Jeb Magruder said that final plans for the Watergate break-in were approved, it warned of existence of other internal memoranda that "directly involve" President Nixon in arranging the favorable settlement of the government's antitrust suit against the International Telephone and Telegraph Corporation (ITT). The evidence "would lay this case on the President's doorstep," warned White House Special Counsel Charles Colson.

Thanks to Senator Edward Gurney, the Committee's attention was deflected from the Colson memorandum before anyone had a chance to gauge its importance. Overshadowed by the Haldeman testimony, it was soon forgotten by both the Committee and the press.

Failing to pursue the logic of the Colson memo, both the Watergate Committee and the press lost a golden opportunity to try to answer that often-forgotten, but fundamental question: Why, on June 17, 1972, did seven men burglarize and bug the offices of the Democratic National Committee? What was it that was worth the high risk, the $250,000 cost, and the amount of planning and energy that went into the Watergate operation? What, in God's name were Howard Hunt and his faithful Cubans looking for?

Like so many other elements of the hearings, the Colson memo was introduced without a framework and without any real effort by the Committee to fit it into the larger picture. The task of sorting out the importance of the Colson memo—as with other items introduced and then forgotten during the hearings—was left to the press, already overextended by the sheer bulk of the Watergate hearings.

One reason for the neglect of the Colson memo was that it dealt with ITT and therefore appeared non-germane in the midst of the Wategate hearings. Scandals, like metaphors, do not mix. ITT also raised the complicated jurisdictional question involved in defining congressional turf. The Senate Judiciary Committee had already spent two months looking into the ITT affair, and as a result the Ervin Committee tended to shy away from the issue.

Amid the Committee's preoccupation with "who-knew-what-when" and "is-he-repentent," the hearings lost their focus. At the end of the first phase, television viewers knew about the discrepancies between the Dean and Mitchell testimony, but had little more understanding of the rationale for the break-in than they did a year earlier.

The problem is one that would seem obvious to any fictional detective. Neither the Watergate Committee nor the press has ever developed a coherent theory of the case. At no point during the entire proceedings has any hypothesis been advanced that could be tested against the statements of various witnesses. Instead, most of those involved in the Watergate hearings have proceeded with a detachment worthy of the most pedantic of scholars. "We won't form any opinions until all the facts are in" sounds judicious, but it certainly doesn't equip the Committee to ask relevant questions along the way.

Lacking their own hypotheses, the Committee investigators have been left with the theories generously offered by the burglars themselves. Howard Hunt, for example, gave an explanation which met all the criteria except plausibility. Perfectly contrite, looking prison pale in his wash-and-wear suit, Hunt asserted that his men had hoped to find evidence at the DNC connecting the Democrats to tainted money from Cuba.

Many found it hard to take this explanation seriously. As Senator Daniel Inouye asked incredulously. "Did you expect the photographer to find somewhere in a ledger: 'Received from Fidel Castro, x number of dollars'?" Hunt's explanation also seems to rest on a flimsy factual basis. Michael Richardson, the one outsider in a position to know what the burglars were photographing, has contradicted Hunt's claims. Richardson works at Rich Photos in Miami and developed the film shot inside the DNC headquarters during the burglars' first successful break-in. Richardson told me that the pictures showed surgical gloves holding memos and letters, some of which bore the DNC letterhead and were signed "Larry." There were no photographs of financial records or account books.

If members of the Committee did not press Hunt and the others harder for an explanation, it may be because they suspected that ultimately there was only a "why not?" motivation for the burglary. In other words, with so much money, so few scruples, and such a finely developed sense of paranoia, the Committee to Re-elect the President (CRP) should almost have been expected to have bugged the Democratic Party headquarters. If the men surrounding the President could tolerate the bumbling of a Donald Segretti, why wouldn't they spend $250,000 to keep Gordon Liddy and his ubiquitous flow charts out of their hair?

The problem with this hypothesis is that the Watergate burglary seems to have been far more than a simple make-work expedition. Jeb Magruder explained that the White House regarded O'Brien as the Democrat's "most professional political operator" and feared that if O'Brien remained as DNC chairman he could be "very difficult in the coming campaign." O'Brien's importance is underlined by Magruder's testimony that Charles Colson had telephoned him "sometime in February" to urge that Magruder "get on the stick and get the budget approved for Liddy's plans; that we need information, particularly on Larry O'Brien."

Why was Larry O'Brien so important? Given the ferocity of the Democratic Party's fratricidal struggles, it is hard to believe that even the "most professional" Democratic political operator could intimidate such a hardnose as Colson. But something else could—and did—scare Colson, who probably was the prime motivating force behind the break-in. That something was ITT.

This hypothesis does not purport to explain every detail in the case, but it does offer a way of fitting a number of unexplained facts together. Admittedly, the Watergate burglars might, through serendipity, find other useful evidence at the DNC. But the burglars' main purpose was to find out whether Larry O'Brien had the missing ITT memoranda. If the documents were as damning as Colson feared, they might provide the issue that could allow even George McGovern to defeat Richard Nixon.

A bit of scene-setting may be useful. In March, 1972, when the final go-aheads were being given for Gordon Liddy's plans, the White House was in near hysteria over the ITT affair. On February 29 Jack Anderson had blown the scandal open by publishing the "Dita Beard memorandum." This document indicated that the Justice Department had let ITT off the hook on a major antitrust charge after the company had pledged $400,000 for the Republican Convention.

In the months preceding the Watergate burglary, as Attorney General nominee Richard Kleindienst went through a protracted inquisition before the Senate Judiciary Committee, the White House grew increasingly suspicious that Larry O'Brien had inside information on the whole ITT affair. In December, 1971, three months before Jack Anderson's Dita Beard story, O'Brien had sent a letter to John Mitchell asking whether there might be a connection between "ITT's sudden largesse to the Republican Party and the nearly simultaneous out-of-court settlement of one of the biggest merger cases in corporate history."

Even after the confusing ITT story faded from the headlines, O'Brien and the DNC refused to drop the issue. The statements and publications that came from O'Brien's office during this period were remarkably prescient. In one DNC publication, *Fact*, a box entitled "Watch This Man" itemized the wheelings and dealings of the President's personal attorney, Herbert Kalmbach, a man at that time virtually unknown.

To those close to the President, O'Brien looked like a dangerous man. He had the dope on ITT, and ITT was what frightened the Administration the most.

Another indication of the White House concern over ITT was John Dean's conversation with General Vernon Walters, deputy director of the CIA, in February, 1973. Referring to a burglary of the Chilean embassy in Washington nearly a year earlier—in which the intruders took documents rather than property—Dean told Walters he believed that Frank Sturgis, a Watergate burglar and former CIA employee, was involved. In April of this year Dean told James Schlesinger, then director of the CIA, that several CIA veterans who had been involved in Watergate had taken part in the Chilean embassy incident. The apparent motive for the burglary was to search for documents exposing ITT's plans to subvert the Allende government in Chile.

Meanwhile, a special group made up of Colson, John Ehrlichman, and Fred Fielding of Dean's staff was on plumbing duty at the White House, examining the ITT documents that had not yet hit print. To their horror they realized that copies of some of the most potent evidence were still unaccounted for. This was the fear that led Colson to compose his memorandum of March 30, 1972, outlining the evidence that could implicate the President and Mitchell:

"A memo sent to the Vice President addressed 'Dear Ted' from Ned Gerrity [or ITT] tends to contradict John Mitchell's testimony because it outlines Mitchell's agreement to talk to McLaren [head of the Justice Department's antitrust division, the man who had pushed the case against ITT] following Mitchell's meeting with [ITT President Harold] Geneen."

"It would carry some weight in that the memo was written contemporaneous with the meeting. Both Mitchell and Geneen have testified that they discussed policy only, not this case, and that Mitchell talked to no one else. The memo further states that Ehrlichman assured Geneen that the President had "instructed" the Justice Department with respect to the bigness policy. (It is, of course, appropriate for the President to instruct the Justice Department on policy, but in the context of these hearings, that revelation would lay this case on the President's doorstep.) . . .

"There is a [Herb] Klein to Haldeman memo, dated June 30, 1971, which of course precedes the date of the ITT settlement, setting forth the $400,000 arrangement with ITT. Copies were addressed to Magruder, Mitchell, and Timmons. This memo put the A. G. [Mitchell] on constructive notice at least of the ITT commitment at that time and before the settlement, facts which he has denied under oath. We don't know whether we have recovered all the copies. . . . In short, despite a search, this memo could be lying around anywhere at 1701 [Pennsylvania Avenue, CRP headquarters.]"

The memo implicating Mitchell was still at large; the even more explosive evidence concerning Nixon was in the files of the Security and Exchange Commission, and thus, far from invulnerable. To Colson the danger was clear: "Kleindienst is not the target, the President is. . . . Make no mistake, the Democrats want to keep this case alive, whatever happens to Kleindienst."

O'Brien had been the most effective adversary on ITT. The consequences of his obtaining the missing memos could be disastrous. Finding out how much he knew—and, if necessary, preventing him from using what he did have—might easily have justified an operation like the Watergate burglary.

One reason why the ITT-Watergate connection has not been explained is that John Dean, who appeared to expose every other White House intrigue, did not mention ITT in his testimony. Dean's silence may have been based on self-interest, since Dean had been intimately involved in the original ITT settlement.

The limited mind set which saw the Watergate scandal in one category and the ITT scandal as a separate entity has also blocked a thorough investigation of both episodes and their cover-ups. What no one seemed to realize is that events build on themselves and that scandal does not respect jurisdictional boundaries. The special prosecutor, Archibald Cox, now has the wayward memos that Colson panicked about in his letter to Haldeman. Perhaps the memos will help Cox develop the theoretical framework the Watergate Committee has found so elusive.

LIFTING WAGE-PRICE CONTROLS COULD SOLVE ENERGY CRISIS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. SYMMS. Mr. Speaker, commonsense tell us that freedom and liberty have been proven as the best way to allocate resources. I enclose the following article by Henry Hazlitt which makes so much commonsense.

I would urge Mr. Hazlitt's solution to the energy crisis as better than any that the Government can come up with.

The article follows:

LIFTING WAGE-PRICE CONTROLS COULD SOLVE ENERGY CRISIS

(By Henry Hazlitt)

The President's broadcast proposals for dealing with the energy crisis left out the most important step of all. This would be to remove immediately, at every level, all price controls on gasoline and other petroleum products.

No other measure proposed by the President compares in urgency with this. Look at the effect on demand. A rise in the price of fuel oil and gasoline, as a result of the shortage, will put immediate pressure on practically every consumer to conserve its use and reduce his consumption. This applies to profit-seeking and loss-avoiding corporations as well as to the overwhelming majority of private car drivers. There could be a prodigal here and there who will not change his habits; but this will be of minor quantitative importance. There is no other form of rationing as quick and efficacious as rationing by the market or by the purse.

Now let us look at the effect on supply. It is being generally assumed that in the present oil and gasoline crisis an increase in prices (and so in profit margins) cannot increase the supply. This is quite wrong. It can speed up transportation and deliveries. It can lead to the re-opening and working of marginal wells that did not pay out at lower prices. It can stimulate exploration. It can also stimulate and help to provide the funds for new refining capacity.

Above all, it can enable Americans to compete on at least equal terms with the nationals of other countries in bidding for the available supplies of oil from abroad. The higher the price they can get, the more oil the producing countries will be tempted to explore for, pump and export. This applies even to the Arab countries that are threatening to shut us off. If they carry out their threats in full, they will be cutting off their own noses. The higher world prices go, moreover, the more the Arab lands will be tempted to double-cross each other.

Let's say countries A, B, C, D and E together produce 40 per cent of the world's annual petroleum supply. They can raise world prices only by reducing their annual output. They can do this by entering into a pact in which each agrees to reduce his production by a uniform percentage. They can get the higher world price, but each country has less oil to sell. Meanwhile, oil producers in countries outside the area of the pact also have the advantage of the higher price rise, but can in addition sell at that price all the oil they are capable of producing.

It occurs to nation A, a member of the pact, that if it secretly fails to cut its production by the amount it agreed to, it can sell more oil at the higher price brought about by the restricted output of countries B, C, D and E. But this idea may occur to any one of the five. In any case, Americans ought to be allowed to bid for foreign oil without restriction, and not merely to pass on the higher cost, but to make whatever profit a free competitive market will allow.

If oil and gas prices continue to be held down by arbitrary controls, however, most of the "voluntary" measures that the President recommends—driving cars less, reducing speeds, forming car pools, lowering temperatures in the homes by six degrees—may meet with negligible compliance. Excellent advice for the other fellow, nearly everyone will agree; I hope he follows it.

Some of the President's advice itself is needlessly confused. "We must ask everyone to lower the thermostats in your home by at least six degrees." Taken literally, this would mean that if you previously kept your home at 78, you should lower it to 72, but if you previously kept it at 68 you should lower it to 62.

Again, the advice to drive less and form car pools may not carry as much weight as otherwise to listeners who have followed Mr. Nixon's flights every few days to one or another of his homes in California, Maryland and Florida.

(The weekend before his oil conservation talk, Mr. Nixon suddenly, according to the New York Times account, "rushed from the White House (with only a minimum support staff of about a dozen Secret Service agents and other personnel) and got on the helicopter which took him to Andrews Air Force Base to board his Boeing 707 jet before the press office could assemble the pool . . . the press plane—a chartered commercial jet—left two and a half hours later." It has been calculated that the President's official plane burns 2,000 gallons of jet fuel each hour of flight.

The President has proposed heating oil rationing and contingency plans for gasoline rationing. Some temporary allocation system may prove unavoidable. But compulsory rationing can tend to have the opposite effect from that intended. It merely shifts competition from the market to the political arena. Every pressure group frames plausible arguments for special teratment. Everybody buys up to his quota for fear he may later be cut off.

What is most disheartening about some of Mr. Nixon's new proposals is that once more they call for the solving of a problem by throwing more money at it—more government spending, more government intervention, the creation of still another army of bureaucrats. Do we really need a new government department or agency to tell us that we ought to increase our refining capacity, use more coal, develop more nuclear power, and all the rest? Would it immediately decrease or increase our energy supplies to force electric utilities to convert from oil to coal?

The best part of Mr. Nixon's proposals are those that call for less rather than more government intervention—such as relaxing environmental standards, allowing the Alaska pipeline to be built, ending government regulation of natural gas prices, and the like.

Past experience suggests that government intervention can be counted on to do precisely the wrong thing. In 1959, when it was argued that American-produced oil was selling too low because too much oil was being produced internationally, President Eisenhower imposed a restrictive quota on oil imports by sea. That quota remained in effect until a year or two ago.

When we should have been conserving our domestic oil supplies, increasing our shortage capacity and refinery capacity, and importing, refining, storing and burning foreign oil (which we could have gotten much cheaper) we did the exact opposite. Let's be careful that we do not act with equal folly now.

OUR NATION SALUTES LOCAL 250, URW, AFL–CIO ON ITS 30TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ROE. Mr. Speaker, the day-by-day task—most times, regrettably, unheralded—in the constant quest for improving the quality of life for all of our fellow-Americans is carried out laboriously by those men and women who truly do the work of our country and produce all of the goods and services that contribute to and truly make our Nation the promised land for all those who would share in the American dream and good life. The success and happiness of the workingmen, workingwomen and their families depend in large measure upon the harmony and effectiveness of management-employee relations in the industry where they earn their living. In my hometown of Wayne, the Mack-Wayne Plastic Co. has achieved outstanding success in the marketplace and is a source of great pride to the residents of our community. In maintaining its economic vitality and viability as a corporate entity we are indeed proud of its workmanship and business enterprise in our Nation's industry.

The employee relations at Mack-Wayne is spearheaded by Local 250, URW, AFL–CIO which has achieved a bond of understanding and communion among the administrative officers and employees that has over the years earned the prestige and respect of our community as a good place to work. This year marks the 30th anniversary of the charter establishing Local 250, URW, AFL–CIO as the employees' collective bargaining unit of Mack-Wayne. In celebrating the commemoration of this 30th anniversary of the employees' union at Mack-Wayne, I wish to bring to your attention and commend to you and our other colleagues here in the House the outstanding accomplishments and good works of all of the members and officers of Local 250 of the United Rubber, Cork, Linoleum and Plastic Workers of America, AFL–CIO. The current officers are as follows:

Executive Officers: The Honorable Gordon Beck, President; Herb Jennings, Vice-President; Stephen Kopach, Secretary; John H. Kooken, Treasurer; Andy Milarck, Sentinel.

Executive Board: The Honorable Frank Potanka, Fred Hoffman, Charles Robbins, John Mogielnicki, Foster Thompson, Earl Decker and Bob Reitz.

Trustees: Hon. James Vandermeyden, chairman; Hon. Jeff Jacobus; and Hon. Elaine Rydzik.

A 30th anniversary observance honoring the officers and members of Local 250 was recently held in New Jersey. The honored guests were: Hon. Joseph Ugrovitch, international representative; Hon. Peter Bommarito, international president; Hon. John H. Kooken, Local 250 treasurer; Hon. John Baldante, international representative; Hon. Edward Neilly, international representative; and Hon. James McIntosh, president of Mack-Wayne.

Members of the program committee were: Hon. Herb Jennings, cochairman; Hon. Earl Decker, cochairman; Hon. Gordon Beck; Hon. Alice Losey; Hon. Foster Thompson; Hon. Ann Marion; Hon. Bob Reitz; Hon. Ethel Slawson; and Hon. Steve Kopach.

I know you will be most interested in the following historic chronicle of the cooperative efforts of this union's accomplishments, both for the success of management and the success of the employees, as prepared and presented by their membership at this celebration:

HISTORY OF LOCAL 250, URW, AFL–CIO

On September 1, 1943 a charter was granted to Mack Molding employees and our old Plastic Workers, Inc., became Local 250 United Rubber Workers of America.

The following names appear on the charter: Charles Dulanto, Pasquale Ruggiero, Ellen Sisco, M. Tollonitsch, Irene Bankos, Tim O'Keefe, Charles Herman, Jo Brinster, William Bowersox Myron Boyce, Tony Conti, Ann Harvie, John Pelak, Al Heroski, Ray White, Jo Jackson, Irv Jacobus, John Lynch and Anny Rydzik. Of these nineteen—six are still Mack employees but only one is still a union member.

John Baldate was assigned to help us organize and was our first Field Representative from our International Union. The officers of the old union were unanimously elected as officials of the new Local. Charles Dulanto, President; A. Rydzik, Vice President; T. O'Keefe, Treasurer; Kay Breitenbach, Secretary; Ellen Sisco, Chairman of the Executive Board. It was the custom for years for the Executive Board to elect its own chairman at its first meeting. The International By-Laws a few years ago made the President automatically the chairman. Kay, our secretary, resigned shortly after we organized and Pat Ruggiero took her place.

Our first Negotiating Committee was C. Dulanto, A. Rydzik, P. Ruggiero, T. O'Keefe and E. Sisco with John Baldante guiding and teaching us along the way. On January 24, 1944 our first contract was finally signed. The Company gave us check-off of dues for those members who would sign authorization cards. Many of us did, but a great many preferred to pay their own dues, making the first few Treasurers' job much more difficult than it is today. Our Union recognition was only a maintenance of membership for the life of the agreement (one year) then a fifteen day withdrawal period. Believe us we made sure we didn't arrange a meeting to accept the contract during that period. Most people kept their membership during negotiations so they could hear what went on and so they could vote and by that time the fifteen days were gone and the Union was safe for another year. We had a very few withdrawals but most of the members stuck with the new Local. Finally in 1950 six years later we won a Union Shop with a very few exceptions, which supposedly had a religious reason. This gave the Union not only financial security but also the security of knowing that if a certain group disagreed about something they could no longer withdraw or try to organize with a rival union. It also put us in a much better bargaining position.

In 1950 we started a building fund. The members were assessed fifty cents per month for this fund. In 1954 we purchased our present headquarters complete with mortgage. The building is now completely ours. Many improvements have been made through the years.

In 1954 we went from a one-year contract to a two-year contract. We also started to have our officers elected to serve a two-year term instead of the one year they had previously served. Year after year since its inception, the Union has been responsible for many changes in the contract that benefitted the employees, both with regard to pay increases and the addition of many fringe benefits. The two things we had to fight the hardest and the longest for was for the Union Shop in 1950 and Pension Plan that we finally received in our contract.

In this our Thirtieth Anniversary, we look back on thirty years of service and association, that any Union would be proud to acknowledge.

Mr. Speaker, it is indeed my privilege and honor to seek national recognition of the good works of Local 250 and respectfully request that you join with me in saluting and extending our best wishes and congratulations to their officers and members in commenoration of the 30th anniversary of their charter and organization as a leading union of employees who truly enrich the quality of life in our community, State, and Nation.

SIMAS KUDIRKA

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HANRAHAN. Mr. Speaker, on this date, I would like to ask my colleagues to pause for a moment and reflect with me on the unjust imprisonment of a Soviet Lituanian seaman whose crime was to seek asylum in our country. Simas Kudirka was imprisoned 3 years ago on November 23, in Soviet Russia, after he jumped from his fishing trawler onto the USS *Vigilant*, a U.S. Coast Guard cutter. He was returned to his ship by the American authorities, and has been neither seen nor heard from since. We were informed, however, that his attempts gained him a prison sentence in Russia.

Since that date 3 years ago, regulations have been issued to the effect that should a similar incident arise in the future, the United States will immediately grant asylum. But that does not help Simas Kudirka.

I have written to Kurt Waldheim, Secretary-General of the United Nations, and to Ambassador Dobrynin. I have met with Kenneth Rush, Marshall Wright, and John Armitage of the State Department. And still I have received no satisfactory response concerning either the welfare or the release of Simas Kudirka.

This week, I applied for a visa to visit Simas Kudirka in the Soviet Union. I have not yet received word as to whether or not my request will be granted, but I plan to pursue the matter until I do get satisfaction.

As I said in my letter to Dobrynin, I hope and pray that the Soviet Union and the United States can bring peace and understanding to our troubled world. Such an achievement is only possible, I believe, if we can alleviate human suffering and misunderstanding. For this reason, I have asked for the Soviet Government's assistance in this noble quest by demonstrating their basic human compassion for Simas Kudirka and his family.

I hope my colleagues will offer whatever assistance they are able to achieve this end.

CALDWELL HIGH: OHIO'S TOP CLASS "A" CROSS-COUNTRY SQUAD

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MILLER. Mr. Speaker, it is with a great deal of pride that I take this opportunity to salute Caldwell, Ohio, High School's outstanding cross-country team—Ohio's State champions in class "A" cross-country competition for 1973.

Under the expert leadership of Coach Rod O'Donnell, the Redskin Harriers established themselves as the premier class "A" cross-country team in the State as they bested 10 other schools and outpaced their nearest rival by 11 points in the final standings.

In 3 short years of competing in the cross-country title meet, Caldwell High School has inched steadily upward; 2 years ago, turned in a respectable showing, while last season the Redskins finished second. To the delight of the student body of Caldwell High and all the citizens of Caldwell, the team won it all in 1973. Already, they are talking about an encore.

The class "A" cross-country title Coach O'Donnell's long distance men brought home was the first State championship ever won by a Noble County team, competing in a major sport.

In addition, the victory marked the first time in the history of State cross-country competition that three members of the same team finished in the top 10—a fact all the more impressive when considering that 70 runners started the race.

Dugan Hill, senior cocaptain of the Redskins, finished fourth in a time of 10:23 setting the pace for the Caldwell State champs.

Brian Jonard, a freshman, finished sixth in 10:26 and Chuck Schoeppner, senior cocaptain, finished seventh in the same time of 10:26.

Bill Jonard, a sophomore, Don Snodgrass, Jack Cox, and junior Kevin Watson, all contributed to the team victory.

Mr. Speaker, in addition to citing the historic State title run of Caldwell's team, I would also like to comment on the reception these young men received upon returning home from Columbus. It is obvious from the Journal and Noble County Leader account of their triumphant return that the entire community of Caldwell rallied to welcome the team home. They were greeted by a large crowd, honored by school officials and classmates and given a hero's ride through town.

The tributes paid the team are certainly appropriate. The members of the squad have set a positive example to all who have witnessed their campaign for the State crown.

Congratulations, Dugan, Brian, Chuck, Bill, Don, Jack, Kevin, Coach O'Donnell, and Caldwell High, for a job well done.

FINDINGS OF FACT

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ASHLEY. Mr. Speaker, in the October 18 CONGRESSIONAL RECORD I recounted my experiences in being denied a reserved seat on a flight to Chicago, because American Airlines had oversold the flight. Coincidentally, on the same day, Ralph Nader recovered $25,010 from Allegheny Airlines for bumping him off a flight on which he, too, had a confirmed reservation, thus causing him to miss a speaking engagement in Connecticut.

Because this reprehensible practice of the airlines deserves to be fully aired, I am including here the text of the decision by the U.S. District Court for the District of Columbia in Nader against Allegheny Airlines:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case came on to be heard before the Court, sitting without a jury, and the Court, having considered the evidence introduced at the trial, the stipulations entered into by the parties, and upon consideration thereof including the arguments of counsel as well as the trial briefs, hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Plaintiff Ralph Nader is a citizen of the United States and resides in the District of Columbia.

2. Plaintiff Connecticut Citizens Action Group (hereinafter CCAG), is a non-profit corporation, organized, and existing under the laws of the District of Columbia and has its principal place of business in Hartford, Connecticut. It is a public interest advocate for environmental and consumer issues arising in the State of Connecticut.

3. Defendant, Allegheny Airlines, Inc., is a corporation having a principal place of business at the Washington National Airport near Alexandria, Virginia. It is an air carrier and holds a certificate of public convenience and necessity issued by the Civil Aeronautics Board and is regulated by the laws of the United States relating to such carriers and by the rules, regulations and orders promulgated by the CAB in accordance with the Federal Aviation Act of 1958.

4. In the early spring of 1972, CCAG became involved in a controversy over proposed public utility rate increases in Connecticut. CCAG had planned to hold a rate-payers rally on April 28 to raise public support in the Hartford area for CCAG's efforts to oppose pending electric utility rate increases in particular and for the group's consumer rights activities in general. Mr. Nader, who assisted in the organization of CCAG in April 1971 was scheduled to appear in Storrs, Conn. on April 28, 1972. The director of CCAG ascertained that Mr. Nader would be available and willing to appear as the keynote speaker for the rally, which was then planned to be held over the luncheon hour in downtown Hartford and adequately in advance of Mr. Nader's later appearance that day at Storrs.

5. On Tuesday, April 25, 1972 Plaintiff Nader made a confirmed reservation for Allegheny Flight 864, scheduled to depart Washington National Airport at 10:15 a.m. on April 28, 1972 with arrival at Hartford, Connecticut's Bradley International Airport at 11:15 a.m.

6. In reliance upon Mr. Nader's confirmed reservation on Allegheny's Flight 864 on April 28, 1972, CCAG's representatives began on Wednesday, April 26, 1972 to distribute flyers for the 12:15 p.m. rally on April 28, 1972. CCAG had also planned to use the noontime rally to take advantage of Mr. Nader's great popularity and influence in the State of Connecticut to generate "spill over" contributions in CCAG's 1972 fund drive. Also based on Mr. Nader's commitment the CCAG was able to enlist the appearance of the Mayor of Hartford and President of the City Counsel at the rally to endorse CCAG's efforts to be allowed to intervene as full parties in the State's utility rate proceedings. As a result of these efforts at least 1,000 people arrived for the rally just before the scheduled stated time.

7. Plaintiff Nader's ticket was picked up from a travel agent in downtown Washington, D.C. on the morning of April 28, 1972. On the same morning he arrived at approximately 10:05 a.m. at the main terminal building of Washington National Airport. He was advised to proceed to Gate 17 on the lower level. There, upon presentation of his confirmed reservation and ticket he was denied boarding on Flight 864 because it had been oversold by the Defendant Allegheny Airlines, Inc.

8. The Plaintiff Nader then inquired of Allegheny Agent at Gate 17, John McDonald, as to whether there were any stand-bys already on board the plane or whether there were any passengers who would volunteer to give him his seat. Mr. McDonald refused to make either inquiry.

9. The Plaintiff Nader informed Mr. McDonald at the departure gate of the likely harm that would occur to him and Plaintiff CCAG if the Defendant refused to honor his confirmed reservation, but all Mr. McDonald did was to offer the Plaintiff Nader another flight to Hartford via Philadelphia on a fifteen-passenger plane which was scheduled to arrive in Hartford at 12:10 p.m., some 55 minutes after the scheduled arrival of Flight 864 in Hartford on April 28, 1972. As a result of Allegheny's conduct, Mr. Nader incurred $7.00 in long distance telephone expenses and $3.00 in the additional cost of a ticket to Boston. (From Boston Mr. Nader travelled by car to Storrs.)

10. CCAG's director informed the crowd at the rally that Mr. Nader could not appear as scheduled. The crowd of 1,000 dwindled to about 200 persons who remained to hear the Mayor, the Council President and CCAG's Director, Mr. Moffett, speak. CCAG lost the contributions expected to be generated both at the rally and by canvassing and direct mail solicitations of persons whose names were to be obtained at the rally or as a result thereof. Furthermore, CCAG suffered extreme and very real embarrassment, loss of professional esteem and prestige throughout the State of Connecticut as a result of Mr. Nader's failure to appear as advertised. CCAG also incurred $50 to send a car to Boston to pick up Mr. Nader and transport him to Storrs.

11. Allegheny Airlines has a practice of sys-

tematically overbooking its flights by accepting more confirmed reesrvations and selling more tickets for a flight than the number of seats which are actually available on its aircraft.

12. Over-booking by Allegheny is substantial. In April, 1972, according to the record herein the company bumped 945 persons, and during the period from January 1969 through August 1972 some 15,929 persons were not accommodated on Allegheny flights for which they had confirmed reservations. During April, 1972, 18 Allegheny flights between Washington and Hartford were over-sold or overbooked with the result that some 48 confirmed reservation-passengers were left stranded.

13. Allegheny is and was at all times pertinent herein aware of the fact that its overbooking practice inevitably resulted in denials of boarding to some persons on some flights who held confirmed reservations, and it is further aware that this practice does in fact cause severe distress and financial loss to persons who rely upon confirmed reservations.

14. Through advertising and other means Allegheny holds itself out and represents itself to the public that it offers reliable reservation policies which, if available and confirmed, will assure any prospective passenger of a seat on the flight designated in the confirmed reservation.

15. There is nothing in the advertising of the defendant which makes the public aware of the Defendant's practice of intentional over-booking of its flights or the fact that this over-booking practice does in fact create a substantial risk that confirmed reservations will be dishonored. Nor is the public advised in detail of the over-booking practice in the tariffs filed with the CAB or of the fact that all members of the Air Transport Association, of which the Defendant is a member, intentionally sell more tickets than they have seats for their particular flights. In fact, the Court finds that the Defendant and its agents conceal their overbooking practice from the public and furthermore did so in this case, which intentional over-booking resulted in financial harm and damages to each of the Plaintiffs herein.

16. Prior to April 28, 1972 neither Plaintiff was made aware of Allegheny's intentional over-booking policy or of the fact that Flight 864 between Washington and Hartford in particular was intentionally overbooked. The fact that Plaintiff knew from previous experience that other airlines such as American and Eastern over-booked flights, did not make either Plaintiff aware of the fact that the Defendant in the case at bar did this or that it also engaged in such practices.

17. Each Plaintiff relied on the Defendant's confirmation of the Plaintiff Nader's reservation as an assurance that he would be accommodated and allowed to board flight 864 and as a result of such reliance each of the Plaintiffs were injured by virtue of Mr. Nader's inability to arrive in Hartford, Connecticut as scheduled.

18. The Civil Aeronautics Board has not attempted to directly regulate the reservations practices of Allegheny or any other airline, but it does require all airlines to tender certain compensation to passengers who are denied boarding on a flight. Such compensation represents liquidated damages for "bumping" claims against the carrier, if accepted. CAB regulations specifically contemplate full judicial redress as an alternative means for the vindication of the aggrieved party's rights, at his sole option. 14 C.F.R. §250.8. (Tr. 160–61).

19. Forthwith upon denying boarding to Mr. Nader, Allegheny conveyed to him a written instrument containing an offer of settlement, acceptable within 60 days, of his claims arising from the incident, thereby acknowledging its actual notice thereof and waiving any requirement for further action on his part within any shorter period.

20. Allegheny's tariff rule requiring written notice of claims within 45 days, if not waived, was literally complied with, since (a) the company's own employee delivered to its offices on the day of the denial of boarding a writing describing the incident and setting forth the amount to be offered to Mr. Nader as liquidated damages, and (b) the tariff does not specify how or by whom the required writing must be given; and (c) a denied boarding transaction is not completed before the tendered compensation is either accepted or rejected by the recipient, and written notice was given to Allegheny by Mr. Nader's representative contemporaneously with the rejection of its settlement offer. Moreover, by its own terms, the rule is inapplicable to the instant case, which involves a claim for damages arising out of Defendant's discrimination, fraudulent misrepresentation and intentional tortious conduct.

21. The Defendant Allegheny Airlines is a common carrier which is licensed or authorized to do business by the Civil Aeronautics Board, as hereinbefore stated, and is the holder of a certificate of public convenience and necessity. As such it has a public duty and an especially large and high fiduciary obligation to make its policies known to all of its customers with regard to its intentional over-booking. The fact that it conceals such practices in its advertising and otherwise, and, by virtue of its failure and refusal to take reasonable steps to avoid harm to the Plaintiffs herein is tantamount to willful and wanton misconduct which gives rise to and provides a proper basis for each of the Plaintiffs' claims for damages.

CONCLUSIONS OF LAW

1. This Court has jurisdiction over the subject matter (28 U.S.C. 1331, 1332, 1337), *Fitzgerald* v. *Pan American World Airways*, 229 F.2d 499, 502 (2nd Cir., 1956); moreover, the amount in controversy, exclusive of interest and costs, exceeds $10,000.00. The Court also has pendant jurisdiction over any non-federal claims, *United Mine Workers* v. *Gibbs*, 383 U.S. 715 (1966).

2. The Plaintiff, Mr. Nader, is entitled to both compensatory and punitive damages under the antidiscrimination provisions of the Federal Aviation Act of 1958, Section 404(b), 49 U.S.C. § 1374(b). Mr. Nader has established a *prima facie* case of unreasonable discrimination: He possessed a confirmed reservation and ticket, and the resultant right to a seat. The Defendant, who intentionally over-sold the seats, did not honor that priority. The Defendant has failed to sustain its burden of proof that the discrimination was reasonable by demonstrating company policy and why, in this particular case, its policy did not work an "undue or unreasonable prejudice or disadvantage in any respect whatsoever" to Mr. Nader, where the Defendant permitted passengers with subsequent or no reservations to have priority over a passenger with a confirmed reservation who had not been informed of the risks attendant to the Defendant's concealed policy of over-booking. *Archibald* v. *Pan American World Airways*, 460 F.2d 14, 16–17 (9th Cir. 1972); *Kaplan* v. *Lufthansa German Airlines*, 12 CCH Avi. Law Rep. 17, 933 (E.D. Pa., Civil No. 68–2611, decided 4/9/73); *Mortimer* v. *Delta Air Lines*, 302 F. Supp. 276, 278 (N.D. Ill. 1969); *Wills* v. *Trans World Air Lines, Inc.*, 200 F. Supp. 360 (S.D. Cal., 1961).

3. The Defendant, through its agents, servants and employees, knowingly and intentionally misrepresented a material fact, namely that Mr. Nader had a guaranteed reservation for a seat, upon which each of the Plaintiffs relied. *Accord, Isen* v. *Calvert Corp.*, 379 F.2d 126 (D.C. Cir. 1967); *see Sankin* v. *5410 Connecticut Avenue Corp.*, 281 F. Supp. 524 (D.G.D.C. 1968), *aff'd sub nom Benn* v. *Sankin*, 133 U.S. App. D.C. 361, 410 F.2d 1060 (1969), *cert. denied*, 396 U.S. 1041 (1970). In light of all the evidence in this case, the Plaintiffs' reliance was reasonable and resulted in the injuries and damages which they incurred. It was foreseeable that the Defendant's intentional misrepresentation would be relayed to other members of the public and they would rely upon the Defendant's representation since the Defendant's legal duty is to provide the public with reliable air transportation under its certificate of public convenience and necessity.

4. CCAG is eligible and entitled to recover herein for damages it has incurred due to the Defendant's intentional misrepresentation even though they were not direct parties to the transaction in issue because (1) the misrepresentation was knowingly and intentionally made; privity of contract is not required here; (2) CCAG was within the class of foreseeable plaintiffs (the class is determined by the Defendant's legal duty to the public at large both under its license and by its better position to prevent injury to the public by full disclosure of its practices affecting the public); (3) CCAG made a reasonable reliance on the misrepresentation and was thereby damaged. *See* Prosser, "Misrepresentation and Third Persons," 19 Vand. L. Rev. 231, 246, 250 (1966); 37 C.J.S., Fraud § 61; 37 Am. Jur. 2d, Fraud and Deceit § 298; *Cf. Rush Factors, Inc.* v. *Levin*, 284 F. Supp. 85, 90 (1968).

5. Other than $50 CCAG has not proven its claim for actual damages with sufficient legal precision to permit a specific award of compensatory damages. Even though CCAG probably was less successful in their fund drive due to the loss of prestige and dampening of the drive's momentum when Mr. Nader failed to appear at the rally, their actual loss in fund solicitation is too speculative to provide a basis for an award of compensatory damage. However, the Defendant's intentional misrepresentation did constistitute an invasion of CCAG's legal rights, and, therefore, CCAG is entitled to nominal damages. *Chesapeake & Potomac Tel. Co.* v. *Clay*, 90 U.S. App. D.C. 206, 194 F.2d 888, 890 (1952). *See, Cook Industries, Inc.* v. *Carlson*, 334 F. Supp. 809 (D.C. Miss 1971); *Oklahoma Natural Gas Corp.* v. *Municipal Gas Co. of Muskogee*, 113 F.2d 308 (10th Cir. 1940).

6. Punitive damages are awarded against a tortfeasor to punish him for the good of the community for his outrageous conduct and to deter others from such conduct. *Chesapeake & Potomac Tel. Co.* v. *Clay*, 90 U.S. App. D.C. 206, 194 F.2d 888, 891 (1952). Since the Defendant herein intentionally engaged in substantial overselling, and intentionally did not inform the public of this practice and the attendant risks, and intentionally sought to conceal such information from all its passengers and particularly from the victims of this practice, it is clear that the Defendants acted not only wantonly but with malice. They are, therefore, liable to both plaintiffs for punitive damages for their misrepresentation.

7. Under the Federal Rule and the rule of this district, compensatory damages need not be shown to establish a basis for the assessment of punitive damages. E.g., *Wardman-Justice Motors, Inc.* v. *Petrie*, 59 U.S. App. D.C. 262, 39 F.2d 512, 516 (1930). Therefore, although the proven damages of the plaintiffs are a nominal sum, the plaintiffs may recover punitive damages.

8. The forty-five (45) day time within which actions may be maintained against the Defendant as set forth in its tariff on file with the CAB is no bar to maintaining this action because of the following:

(a) Shortly after dishonoring Mr. Nader's reservation on Flight 864, the Defendant sent him a written instrument, giving him sixty (60) days within which to accept in complete settlement of all claims against the Defendant; and

(b) The aforesaid sixty (60) day offer of settlement and tender of liquidated damages was a written acknowledgement of the Defendant's actual notice of Plaintiff's claims and thereby waived any further action on Plaintiff's part within a lesser period of time; and

(c) The rule is inapplicable to claims for damages for personal injuries arising out of the Defendant's discriminatory, deceitful and intentional tortious conduct; and

(d) The CAB consumer's guide states that passengers have at least 90 days to file a claim, coterminous with the three-month period carriers are required to maintain their ticket records.

CONCLUSION

By virtue of the foregoing, an order will be entered of even date herewith awarding the Plaintiff Nader $10.00 in compensatory damages and $25,000 as punitive damages of and from the Defendant. The Plaintiff CCAG is awarded $51.00 in nominal damages and $25,000 in punitive damages, of and from the Defendant.

CHARLES R. RITCHEY,
U.S. District Judge.

Dated: October 18, 1973.

SUPPORT THE PRESIDENCY

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BAKER. Mr. Speaker, many of the citizens of my congressional district have been quite concerned about the flow of events regarding the Watergate situation. And many of them feel that the office of the Presidency—the executive branch of our Government—is being undermined by actions of both the legislative and judicial branches.

I have recently received a letter signed by a number of my constituents on this issue. I commend to my colleagues their comments on the separation of powers:

Members of the U.S. House and the U.S. Senate:

We a segment of the people dare to state that the issue which now faces this Nation is not Watergate but the destruction of the Presidency, the Executive branch of government.

The Presidency is the only elective office where all the issues are brought before the people—conservative, liberal or moderate—for majority approval.

To lessen the powers of the President in any degree would be a treasonable act of a magnitude that reduces Watergate to insignificance.

The pertinent question is not what the President actually should or should not have done pertaining to the tapes and documents, but the fact is that the Judiciary actually issued a decree to force the office of the Presidency into subjection. This is as unconstitutional as the President subjecting the Legislative or Judicial to the Executive branch.

The President is not subject to the Judiciary processes of the court and to submit to such action is to reduce the power of the Executive office.

For the Presidency to obey a court order that would force the office of the Presidency into a submissive position before the legislative or judicial branches would be a violation of his oath of office to uphold the Presidency and the separate balance of power of the Executive, Judicial and Legislative branches.

For the members of the House and Senate to allow such usurpation by the Judiciary to go unchallenged would be a violation of your oath of office.

If the President is guilty of high treason or crimes that warrant punishment, then let it be done under the Constitutional provision of impeachment in the House and trial in the Senate on presentation of evidence.

We feel the future of this government under the Constitution rests in your hands and your ability as members of this body to maintain the balance of power between the Judicial, Legislative and Executive regardless of your personal feelings pertaining to the President.

At stake is not Mr. Nixon, but the office of the Presidency and should be clearly so stated.

May God help you in your deliberation.

Stephen Lee Adams, William A. Edwards, Samuel Adams, Obie Cook, Samuel Gary Adams, Lyle Mays, Jo Ann Adams,
Bobbie Mays, Sam Acuff, Mrs. W. B. Willingham, Winborn Willingham, Coy Riddle, Phillis Edwards, Rachel Hudson.

PRESIDENT NIXON RECEIVES HIGH PRAISE FOR COURAGEOUS LEADERSHIP FOR PEACE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. KEMP. Mr. Speaker, to those critics who have punctuated their cries for President Nixon's resignation by claiming that he has already lost the capacity to govern, the administration's assertion of leadership in the Middle East crisis seems to prove otherwise.

Israel's Premier, Golda Meir went out of her way on Tuesday to praise what she described as President Nixon's courageous stand in the face of the "Soviet threat" at the end of October. Mrs. Meir said:

> We are convinced that thanks to the alert declared by the President of the United States in the American Armed Forces undesirable developments were averted. The result was that the Soviet Union preferred to cooperate with the United States in order to prevent a deterioration of the situation which would surely have been brought about by the unilateral Soviet measures.

Moreover, the President's initiatives to mobilize the Nation to voluntarily conserve fuel have been well-received by the American people.

The Buffalo Evening News in their November 13 editorial recognized the President's continuing ability to lead:

NO "INCAPACITY" EVIDENCE HERE

To those critics who have punctuated their cries for President Nixon's resignation by claiming that he has already lost the capacity to govern, the administration's assertion of leadership in two crucial areas last week is a telling reply. Neither the world response to Mr. Nixon's Middle Eastern diplomacy nor the domestic response to his initiatives in mobilizing a nationwide effort to voluntarily conserve fuel seems to have suffered any great impairment as a result of his Watergate problem.

On the contrary, presidential initiatives in the Middle East, exercised through his fast-moving secretary of state, Henry Kissinger, have been instrumental in producing a ceasefire, thereby greatly improving prospects for the difficult negotiations that lie ahead.

As for the energy shortage, the President spoke candidly to the nation, and the plans he outlined are winning public acceptance as well as follow-up support from Congress and state and local officials. All of which suggests that this nation is quite well able to compartmentalize a problem like the Watergate scandal and, even while voicing dismay at the administration's handling of that, still rally to support its needed initiatives in other areas.

None of this is to discount Mr. Nixon's protracted difficulties related to Watergate, or to minimize the severe erosion of confidence his administration has suffered there. As to that, though, the President seems in recent days to be calling for a real change of signals. Whether it was the recent wave of resignation demands from formerly strong supporters that stung him, or GOP reactions to last week's adverse election returns, he has evidently been persuaded to treat his Watergate crisis more seriously and deal with it more openly.

Thus, the White House plans to disclose to the public the content of the secret tapes, as well as other presidential papers, after they have gone to the Watergate grand jury, and the President promises to answer all questions about Watergate in small-group meetings with Republican members of the House and Senate. These moves recognize the seriousness of the President's Watergate credibility problem and face in the right direction of more openness than had been visible in many prior responses.

Admittedly, such steps are coming late in the game. The President, as we've said before, has been too grudging, too insulated. His changes of fully recovering public confidence would have been better a few weeks ago, before any of his erstwhile supporters had taken the drastic, one-way jump of advocating his resignation. But there is still a tremendous reservoir of public fair-mindedness, of men and women still withholding judgment, and certainly the President's best hope of winning their support is with a show of all the forthright candor and openness he can muster.

LATVIAN INDEPENDENCE

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. FORSYTHE. Mr. Speaker, 55 years ago, the Latvian nation proclaimed its independence. After centuries of foreign domination, the Latvian people took their rightful place among the free and sovereign nations of the world.

After World War II, the Latvian nation lost its freedom to Russian domination. For the Latvian people, an era of freedom and sovereignty was brought to an abrupt and final end.

Yet, 30 years of Russian domination has not dimmed the Latvian peoples devotion to the cause of freedom. Their desire for freedom cannot be stifled by their Russian captors. The desire for freedom, once created, cannot be destroyed.

On November 18, Latvians throughout the world will celebrate the 55th anniversary of Latvian Independence Day. This day stands as a reminder to free people everywhere, of the freedom the people of Latvia once possessed and the arrogant way in which this freedom was taken from them.

In view of the shameless events surrounding Latvian domination, I share most deeply and sincerely the sentiment that they hold for this day.

RAPE VICTIM BILL REINTRODUCED WITH 37 COSPONSORS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HEINZ. Mr. Speaker, today I am reintroducing, along with 37 of my distinguished colleagues, an important proposal to combat one of our fastest growing, least understood and least reported crimes—the crime of rape. This proposal would establish, within the National Institute of Mental Health, the National Center for the Control and Prevention of Rape. This Center would be responsible for financing and conducting research and demonstration programs into the causes, consequences, prevention, treatment and control of rape. The Center would both expand and intensify research into the causes of the crime and the motivations of the offenders. Perhaps most importantly, though, it would work with the Justice Department to study the rape laws themselves as well as the procedures surrounding the enforcement of those laws with the goals of determining the reasons for the low rate of rape convictions and drafting a model rape law.

This legislation will help this Nation move toward a more responsive, more humane system for dealing with rape victims and a more effective law for dealing with the perpetrators of this crime. It should help us move toward adequately protecting women's rights to physical security, to peace of mind, and to move about as freely as men.

I call upon my House colleagues to join us in this effort, and to swiftly enact this important first step in freeing American women from the threat of rape, and allowing them to move about more freely in our society.

So that my colleagues may closely examine this legislation, the text of the Rape Control and Prevention Act follows:

THE RAPE CONTROL AND PREVENTION ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rape Prevention and Control Act".

NATIONAL CENTER FOR CONTROL AND PREVENTION OF RAPE

SEC. 2. Section 11 of the National Mental Health Act (63 Stat. 421) is amended by inserting the subsection designation "(a)" immediately before the first sentence and by adding at the end thereof the following new subsections:

"(b)(1) The Secretary of Health, Education, and Welfare (hereinafter referred to as the 'Secretary') shall establish within the National Institute of Mental Health a center to be known as the National Center for the Control and Prevention of Rape (hereinafter referred to as the 'Center').

"(2) The Secretary, acting through the Center, shall conduct a continuing study and investigation of—

"(A) the effectiveness of existing Federal, State, and local laws dealing with rape;

"(B) the relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of rape, and the formulation of laws dealing with rape;

"(C) the treatment of the victims of rape by law enforcement agencies, hospitals, or other medical institutions, prosecutors, and the courts;

"(D) the causes of rape, identifying to the degree possible—

"(i) social conditions which encourage sexual attacks;

"(ii) motivations of offenders, and

"(iii) the impact of the offense on the victim and the families of the victim;

"(E) sexual assaults in correctional institutions;

"(F) the actual incidence of forcible rape as compared to the reported cases and the reasons therefor; and

"(G) the effectiveness of existing private, and local and State government, education and counseling programs designed to prevent and control rape.

"(c) It shall be the duty of the Center to—

"(1) compile, analyze and publish and annually submit, through the Secretary, to Congress a summary of the continuing study conducted under subsection (b) and the research and demonstration projects conducted under Sec. 3 with recommendations where appropriate;

"(2) develop and maintain an information clearinghouse with regard to—

"(A) the prevention and control of rape;

"(B) the treatment and counseling of the victims of rape and their families; and

"(C) the rehabilitation of offenders;

"(3) compile and publish training materials for personnel who are engaged or intend to engage in programs designed to prevent and control rape.

"(d) For the purposes of carrying out the provisions of subsections (b) and (c) of this section there are authorized to be appropriated such sums as may be necessary.

"(e) Funds available to any department or agency of the Government for research and development for the prevention and control of rape shall be available for transfer with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent for the purposes for which such funds were provided, and funds so transferred shall be expendable by the Center for the purposes for which the transfer was made."

"(f) For the purpose of this section and section 281 of the Community Mental Health Centers Act 'rape' shall include forcible, statutory and attempted rape, homosexual assaults, and other criminal sexual assaults."

RESEARCH AND DEMONSTRATION PROJECTS

SEC. 3. The Community Mental Health Centers Act (42 U.S.C. 2681) is amended by adding at the end thereof the following new part:

"Part G—Rape Prevention

"SEC. 281. (a) The Secretary, through the National Center for the Control and Prevention of Rape, shall make grants to community mental health centers, non-profit private organizations, and public agencies (determined by the Secretary to be qualified), for the purpose of conducting research and demonstration projects concerning the control and prevention of rape.

"(b) Projects funded under subsection (a) shall include but not be limited to—

"(1) alternative methods of planning, developing, implementing, and evaluating programs used in the prevention and control of rape, the treatment and counseling of victims of rape and their families, and the rehabilitation of offenders;

"(2) application of methods developed under paragraph (1).

"(c) There are authorized to be appropriated for carrying out the purposes of this part such sums as may be necessary.

"ADVISORY COMMITTEE

"SEC. 202. (a) The Secretary shall establish an advisory committee to advise, consult with and make recommendations to him on matters relating to rape prevention and control.

"(b) The provisions relating to the composition, terms of office, and reappointment of members of the advisory councils under section 432(a) of the Public Service Act shall be applicable to the committee established under this section, except that the Secretary may include on such committee such additional ex officio members as he deems necessary.

A VICE-PRESIDENTIAL RESIDENCE

HON. ANDREW J. HINSHAW

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HINSHAW. Mr. Speaker, I am today introducing legislation to provide for an official residence in the District of Columbia for the Vice President of the United States.

The establishment of an official residence for the Vice President and his family would be, in a very real sense, a national monument which would belong to all of the people of the United States. The need for such a residence has, in my mind as well as in the minds of a number of my colleagues, become a very real one.

This need was apparent at least as far back as 1965–66 when the 89th Congress authorized the construction of just such a residence on the grounds of the Naval Observatory. On October 20, 1965, the Senate Committee on Public Works pointed out in its report number 914 to accompany S. 2394 that:

> It is unrealistic to expect a Vice President in today's world to fulfill his many responsibilities without the aid of an official residence. This may not have been the case in the past, when the Vice-Presidential Office was regarded as something in the nature of an honorary office. This no longer holds true. The Vice President of today is deeply involved in the administration of government and as such deserves a residence befitting the new status of his Office. The social functions in which he is expected to serve as host are matters of no small concern to the Government. They also require so much space, so large a staff and so much expense, that it is altogether unreasonable to expect the Vice President to take care of matters of this kind on his own in his own home.

The then Vice President, Senator HUBERT H. HUMPHREY, declined the opportunity providing for a Vice Presidential home, thus leaving Public Law 89–386 in effect but dormant.

I feel compelled to introduce this legislation as a result of observations and conclusions I reached during the hearings recently completed by my Government Activities Subcommittee of the Government Operations Committee, concerning Federal expenditures for security purposes at the LBJ Ranch, Hyannisport, San Clemente, and Key Biscayne.

The Senate Public Works Committee Report Number 914 from which I already quoted expressed its concern for the security of the Vice President when it stated:

> The committee believes it is fitting and proper that an official residence be provided for the Vice President. In today's atmosphere of turmoil and trouble throughout the world which requires stability and continuity in our two highest public offices and with the need for security so dramatically brought out by President Kennedy's assassination. We impose upon the Secret Service the duty of protecting the Vice President, but permit the occupant of the Office to reside at indefensible locations dictated by personal income or wishes. Protecting the Vice President, would be made much less difficult in an official residence whose location could be chosen partly with security precautions in mind.

We in the Government Activities Subcommittee have had testimony as to the large amounts of money expended to protect the past and present holders of the office of the President and Vice President of the United States. While that committee has not yet completed its report, the conclusion is fairly obvious that increasingly significant expenditures of Federal monies are required for the protection of our Vice President as well as our President.

It will be recalled that the security expenditures for the former Vice President Agnew at the home that he had recently purchased in Chevy Chase, Md., amounted to approximately $125,000. I believe when we recognize that the office of the Vice-Presidency will continue to be a changing one with respect to its occupant, the Federal Government will in the long run save money if it provides for a permanent residence. If such a permanent residence is provided then the question of the propriety of security expenditures and the recoverability of such expenditures will cease to be a question of major concern for the Congress.

The bill which I am introducing today provides for the purchase of an existing property in the District of Columbia as opposed to the authorization to construct a new house as contained in Public Law 89–386.

I believe this distinction is important because—at the present time—we do not have a Vice President. However, contemplating that we will have a confirmation by the Congress of a new Vice President in the near future, it seems apparent that it would be financially prudent to acquire such a residence now. Such action would obviate the need for the expenditures of large sums of money for security purposes at a private residence of our next Vice President as well as all of our future Vice Presidents.

MINNESOTAN WINS TOP RAILROAD PRIZE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. NELSEN. Mr. Speaker, a few days ago here in Washington, a young man living in my congressional district, David Schauer of Arlington, Minn., won the first-place $1,500 scholarship prize from the Railway Progress Institute for his essay on how to prevent nationalization of the Nation's railways.

David, the son of Mr. and Mrs. Alfred J. Schauer of Arlington, is a Life Scout and active in numerous school and community activities. All of us in Minnesota are proud of his accomplishment. Beyond that, however, David's thoughtful commentary touches on a subject of growing concern here in the Congress, and I wish to call attention to his analysis by inserting his essay in the Record at this point in my remarks:

Why and How Should We Avoid Government Takeover of the Railroads?

The purpose of this paper is an attempt to explain the "why" and "how" of avoiding government takeover of the nation's railroads.

One reason for preventing government takeover of the railroads was stated by James J. Hill, the famous businessman who built the Great Northern Railway. He wrote: "The experience of state-owned railroads in Europe, in Mexico, and elsewhere, unable to sustain themselves without rates much higher then ours, although labour is far cheaper, our own experience in the conduct of all large undertakings by the government, proves that the work would cost from 50 per cent more to several times as much as now. This added cost, together with the disadvantages of an inferior service, would fall on the people." [1]

Many railroads in Europe suffer great losses as a result of nationalization. According to U.S. News and World Report, the British and Italian railroads lose between 300 and 600 million dollars a year and the French railroads lose around 900 million dollars annually.[2]

Another reason for preventing government takeover is the effect of constant pork barreling by the members of Congress, the probable controlling body of the nationalized railroads. This constant congressional pork barreling for unnecessary lines would lead to further monetary losses.

To prevent government takeover, the railroads of America must be allowed to do two things. First, Congress must remove several anti-trust and monopoly laws so the railroads can consolidate into several big systems. The reason for this removal of laws was given by James J. Hill. He stated: "A railroad is a natural monopoly. There is room for only so many in a given territory. If there are two lines where one would suffice, the added burden falls on the public. A railroad must either earn money to operate it, or borrow. In either case the people foot the bill." [3]

James J. Hill's response to having railroads consolidate was this: "The final product must be a number of strong systems, each competent to give to the people of the territory served by it the best service; all competing against one another for the better development of the areas served by them respectively and the sale of their products in the common market." [4]

Second, the railroads must become intermodal, or diversified. The railroads must invest in the other forms of transportation, such as trucking firms, airlines, hotels, ships, telecommunications, and pipelines. They may also invest in such material resources as forests or minerals and haul these same resources.

The Canadian Pacific Railroad is an example of what an intermodal transportation corporation can do. This corporation can move any product to its destination without the product ever leaving the possession of the corporation or having to be transferred to another firm's transportation service. The Canadian Pacific Railroad also earned $96.1 million in 1972 proving that an intermodal corporation is very profitable.

We have seen that government takeover would result in poor service and public debt. The only way government takeover can be prevented is by having the rail lines consolidate and let the lines compete in providing better service to the customers of its area instead of competing against one another in the same area. The railroads may also become intermodal.

BAN THE HANDGUN—IV

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BINGHAM. Mr. Speaker, the article printed below tells the tragic story of a young man slain by a friend while inspecting a pistol they had found. The death of 16-year-old Stanley Williams is grievous evidence that handguns should not be extensively available. The establishment of strict gun controls pertaining to both the acquisition and disposal of these weapons is essential if we are to stop the carnage. The article which appeared in the New York Times follows:

A Bronx Youth, 16, Is Slain by Friend Showing Off a Gun

Stanley Williams, 16 years old, met with some friends yesterday morning on the roof of a Bronx building to inspect a pistol one of them had said he had found.

One of the youths pointed the pistol at him and pressed the trigger twice. It clicked both times. The third time the pistol, a .38-caliber Smith & Wesson, fired, hitting Stanley in the chest. He was pronounced dead on arrival at Fordham Hospital.

That was the account the dead boy's friends gave the police at the Ninth Detective Division offices after having previously told them that an unidentified youth had shot young Williams in the hallway of the building at 2101 Morris Avenue in which they all lived.

Three youths, whose names were not given by the police because they are juveniles, were brought into the 46th Precinct headquarters for questioning by Ronald Degan, an assistant district attorney.

There, one of the youths told the police that he had found the pistol in the backyard of the building on Thursday and did not know that it was loaded. He said it was passed around among the four boys. The weapon was later found by the police in an air shaft. They said it could not be traced to its original owner.

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[1] James J. Hill, *Highways of Progress* (New York: Doubleday, Page & Company, May, 1910), p. 134.

[2] "Future of Passenger Trains," *U.S. News and World Report* (January 3, 1972), p. 46.

[3] James J. Hill, *Highways of Progress* (New York: Doubleday, Page & Company; May, 1910), pp. 126–127.

[4] James J. Hill, *Highways of Progress* (New York: Doubleday, Page & Company; May, 1910), p. 237.

After further questioning, two youths, both 15-year olds, were booked. One was held on a juvenile delinquency-homicide charge. The other, who had found the gun, was charged with juvenile delinquency and possession of a firearm, and released on his parents' recognizance. Both youths will be brought to Juvenile Court on Monday morning.

WAR POWERS RESOLUTION

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ROYBAL. Mr. Speaker, my vote on the motion to override the veto to House Joint Resolution 542 has been reached after many long hours of thought and consultation. These efforts have only strengthened my conviction that this resolution is an abdication of congressional responsibility and a cover-up for its failure to use its constitutional power to restrain presidential warmaking.

The Constitution clearly provides in article I that:

> The Congress shall have power . . .: To declare War . . . and make Rules concerning Captures on Land and Water. To raise and support Armies, but no Appropriation of Money to that use shall be for a longer Term than two years. To provide and maintain a Navy. To make Rules for the Government and Regulation of the land and naval Forces.

A reading of U.S. history shows that the Framers of the Constitution vested the warmaking power in Congress as a curb against the excesses in authority experienced under the British monarchy. The Founders had rightly observed that the Executive had a "propensity" for warmaking, as James Madison had pointed out. For this reason, the power to initiate war was entrusted to Congress. House Joint Resolution 542 violates that constitutional trust by allowing a President to wage war without congressional approval and without effective legal restraints.

Until recently Congress acted responsibly in keeping this trust intact. Even when Pearl Harbor was bombed without warning, it was Congress that declared war on the Axis Powers and not the Executive. This resolution, however, would sanction more recent abuses of power as witnessed in Vietnam and Cambodia and move us closer toward one-man military rule.

In carrying out its constitutional duties Congress has already created the necessary structure to review U.S. defense policy and determine by legislation our future commitments. For example, the Armed Services and Appropriations Committees have the responsibility to judge what circumstances require troop deployment and military assistance abroad. This existing structure provides much stronger procedures and safeguards than have been established under this resolution.

House Joint Resolution 542 is nothing more than a codification of Congress refusal to act decisively in time of war. It grants the President carte blanche authority to commit our troops anywhere in the world for up to 90 days. We have heard many pious statements that the troops would be withdrawn if Congress disapproved within 60 days.

Unfortunately, these statements completely overlook the reality of the situation. Our experience shows that once a President has committed U.S. forces abroad, it becomes virtually impossible to reverse the momentum of that decision even though it may be totally unwise. We would be drawn inevitably into supporting the President or else be accused of abandoning our troops in the field of battle. There is little doubt that under the 60- to 90-day allowance Congress would have readily approved the deployment of troops to Vietnam, and found itself even today deeply involved in the quagmire of that conflict.

Even if initial support for war should wane, the President would still retain the upperhand by manipulating the POW and MIA issue to his benefit. Is there anyone in this body who would vote to leave our POW's and MIA's behind in a withdrawal. I think not. I find it difficult to believe that we have so quickly lost sight of the meaning of Vietnam—that once a President has unilaterally committed troops overseas, it is virtually impossible for Congress to bring them home. The time for decision is before the fait accompli and not afterwards.

House Joint Resolution 542 contains another serious loophole; it appears to direct the President to consult with Congress "in every possible instance." This language is so loose that the Executive would have the exclusive right to decide whether he had time to consult with anyone before engaging in war. I must strongly disagree with those who argue that Congress has already lost much of its war powers and can only regain them through this resolution. What Congress must do is not surrender its constitutional authority, but use its power of the purse to cut off warmaking funds. I recognize that the supporters of this resolution were motivated by the best of intentions. But I fear that in their zeal to act and to reach what they consider an acceptable compromise, they have sown the seeds of a continuing Gulf of Tonkin resolution.

INDIANA SCHOOLS SET NATIONAL ENERGY EXAMPLE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MYERS. Mr. Speaker, I am proud to call to the attention of my colleagues and the American public the energy-savings campaign undertaken by Indiana University in Bloomington and Purdue University in West Lafayette more than a year ago, long before the current energy crisis.

The farsighted leaders of these two excellent Hoosier educational institutions, President John W. Ryan of Indiana and President Arthur G. Hansen of Purdue, initiated a cost savings program which saved the Indiana taxpayers a combined total of more than $364,000 in electricity and water bills.

At this point, I would like to share with you separate reports on the cost savings program prepared for me by both universities:

INDIANA UNIVERSITY

BLOOMINGTON, IND.—Indiana University is flipping—light switches and water faucets, that is. And many little flips are paying off in big savings.

The Bloomington campus spent $151,683 less for electricity and water in six months of a Conservation Campaign launched by students, faculty, and staff than it spent in the comparable six months in the previous year, Roger L. Grossnickle, superintendent of utilities and electrical engineering, has reported.

Grossnickle gave a large measure of the credit for the savings to the conservation efforts of the campus community. In the spring semester, posters and stickers for light switch plates and water faucets were distributed over the campus urging users to conserve energy and reminding them that "every drip counts."

Grossnickel compared the second six months of fiscal 1972–73 with the same period in 1971–72, which was before the Conservation Campaign began.

"Though there may be other factors involved that have not been considered, this comparison indicated a saving of $79,500 in electrical energy alone to say nothing of the lamps, ballasts, bearings, labor, etc., that this amount of electrical energy represents," he said. "The comparison of water bills for the same peirods shows that we saved 107,744,000 gallons of water amounting to $72,188 savings."

Grossnickle also pointed out that the "electrical energy which we did not use also represents the following pollutants that the utility companies did not dump into the Air: sulphur dioxide, 362,000 pounds or 181 tons; nitrous oxides, 120,700 pounds or more than 60 tons, and particulate, 6,106 pounds or more than 3 tons."

PURDUE UNIVERSITY

WEST LAFAYETTE, IND.—Purdue's year-long program to economize through utilities savings paid off in 1972–1973, Vice President and Treasurer Lytle J. Freehafer revealed this week in a letter to all university staff members.

"Take a bow! The combined savings in our utilities budget exceeded 5 per cent, actually totaling $212,689!" Freehafer said in his letter. "What does that mean individually? At a time when the university's operating funds are critically short, it means that many employees who received pay increases would not have gotten them because these funds otherwise would have literally gone up the stack."

University officials had originally calculated that individual economies—turning off that unneeded light, closing doors to humidity-controlled rooms, using minimal air-conditioning, closing down water usage in laboratories when not needed—would save up to $180,000.

Water saving alone was an economic and ecological victory in the 1972–1973 fiscal year. The drive resulted in the university pumping 207,000,000 gallons less water than in the previous year, a 10 per cent reduction in a period in which the Physical Plant Department expected a sharp increase, Freehafer said.

Power usage in the year increased by only 20,000 kilowatt hours, "a drop in the bucket" since the university used 129,400,000 KWH and traditionally has experienced a 6 to 7 per cent annual increase in its purchased and Purdue-generated power requirements.

Freehafer also thanked the student body for its cooperation in the year-long drive to cut down on utility usage to save precious university funds.

SPECIAL PROSECUTOR

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. YOUNG of Georgia. Mr. Speaker, during the course of the past 3 weeks the U.S. Congress has received what has been reported as a record response from the American people concerning the scandal that has become known internationally as Watergate. I am certain that it was this unprecedented response from thousands of citizens that is responsible for Mr. Nixon's decision to back down on the tapes issue, and fostering the jesture of leveling with Republican Members of Congress. However, his dismissal of Special Prosecutor Cox and the seizure of his files gives the public no sense of security that the same will not happen if Mr. Jaworski also decides to take his appointment seriously—a decision to uphold justice at all cost.

The distinguished Senator from the State of Indiana (Mr. BAYH) contributed an article to the November 14 issue of the New York Times concerning the restoration of faith and confidence by congressional appointment of a special prosecutor. I commend it to my colleagues for their reading:

THE PROSECUTOR

(By Birch Bayh)

WASHINGTON.—The appointment of Mr. Jaworski as the new special prosecutor is not responsive to the valid, sustained public demand for an independent prosecution of Watergate and other cases that had been under investigation by Archibald Cox. The appointment of Mr. Jaworski within the executive branch to investigate the executive branch—a person who could be dismissed by the President as abruptly as was Mr. Cox—will, with good cause, fuel public concern that justice is not being pursued thoroughly and without constraint.

Also, the informal agreement that the new special prosecutor can be dismissed only with the agreement of Congressional leaders does not have the force of law. There is nothing that can be done legally to prevent the President from changing his mind, as he did in the case of Mr. Cox, and unilaterally dismissing Mr. Jaworski.

After an exhaustive study I am convinced that a statute giving the United States District Court authority to appoint an independent prosecutor would be upheld.

The first issue with which we must deal is whether the Congress has the power to delegate such an appointment. That power is specifically derived from Article II, Section 2 of the Constitution which states:

"The Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments." These clear words, and the judicial interpretation of them, leave no doubt that Congress is empowered to authorize judicial appointment of an independent prosecutor.

Moreover, there is a law on the books, the constitutionality of which has been sustained, that specifically gives U.S. District Courts authority to appoint U.S. Attorneys to fill vacancies.

The second issue is whether the creation of an officer, subject to dismissal only by the court, violates the separation of powers doctrine. On the contrary, court appointment of an independent prosecutor may be the only means of affirming the separation of powers, and is corollary doctrine of checks and balances.

The separation of powers is not a formal rigid doctrine dividing our Government into watertight compartments. Rather, it is a functional doctrine to assure that checks and balances prevent one branch of Government from assuming unreasonable powers. In the situation now confronting us, it would do violence to this concept of checks and balances to leave within the executive branch the authority for an investigation of the executive branch.

The power to prosecute alleged wrongdoing in the executive branch clearly is among those powers vested by the Constitution in the Government. As Chief Justice Marshall wrote in his classic description of constitutional power: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." (McCulloch v. Maryland).

In this context of Congressional power it is both "appropriate" and "plainly adapted" to the end of prosecuting wrongdoing in the executive branch for Congress to create an office of independent prosecutor.

Also, the "necessary and proper" clause has been held to give Congress certain responsibilities lodged in other branches of Government. While prosecutorial powers traditionally reside in the executive branch, the unusual circumstances created by the President's action necessitates that the Congress share in those responsibilities.

Mr. Jaworski's appointment as special prosecutor is totally inadequate, as any Presidential appointment would be. In light of recent events, the word "special" is meaningless. Independent authority, not special authority, is what the American people demand of a new prosecutor. Congress must respond if we are to restore the public faith and confidence from which a democratic government derives its strength and authority. There is no means left to us for the restoration of that faith and confidence other than the creation of a legal and constitutionally proper independent prosecutor to see that justice is administered fairly, fully and promptly.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HARRINGTON. Mr. Speaker, 5 days ago Catherine Hammer was killed by a handgun during an argument with a friend.

On October 31, my esteemed colleague, the Honorable EARL LANDGREBE, said in an insert in the CONGRESSIONAL RECORD:

> Guns owned by private citizens are not the same guns used in crimes by criminals.

But Catherine Hammer's death was not premeditated. The person who killed her probably never committed a crime before.

The article on the murder of Catherine Hammer is from the November 11 Washington Post, and is included below:

WOMAN KILLED, MAN CHARGED

A 43-year-old Prince Georges County woman was shot to death Saturday evening during an argument, county police reported yesterday.

Police said Catherine C. Hammer, 5311 29th Ave., Hillcrest Heights, fell into a dispute with James Hubbard, 56, 3201 E St., SE, about 6:15 p.m. During the argument, police said, she was shot three times with a .32 caliber revolver.

She was pronounced dead on arrival at Prince Georges County Hospital. Police said Hubbard later called county detectives and turned himself in. He has been charged with homicide, according to police.

H.R. 9474 CONTINUED

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BRINKLEY. Mr. Speaker, I would like to take this opportunity to continue my remarks with reference to the Senate amendment to H.R. 9474 which we approved yesterday and returned to the other body for final action.

As you know, Mr. Speaker, H.R. 9474 will benefit more than 2.3 million World War I, World War II, Korean, and Vietnam veterans, their widows, and dependent parents by increasing monthly nonservice-connected disability and death pension rates and dependency and indemnity payments by a minimum of 10 percent.

Of particular significance is the amendment approved yesterday providing a lump-sum payment to the surviving veteran and the unremarried widows of those veterans who were so wrongfully victimized in the "Brownsville Incident" of 1906. This provision was originally contained in a separate bill (H.R. 4382), considered by the Veterans' Affairs Subcommittee on Compensation and Pension, of which I am a member, during June of this year. The objective of the amendment is substantially the same as contained in the separate House bill in that its purpose is to confer a pensionable status on veterans and the survivors of the veterans involved in the Brownsville incident.

To briefly, recount, the Brownsville incident stemmed from a shooting in the border town of Brownsville, Tex., on the night of August 13, 1906. Around midnight on this date, between 5 and 20 people shot up the town, killed one person, injured another, and discharged between 150 and 300 rounds of ammunition in a space of some 10 minutes. The alleged culprits were members of the Army's all black 25th Infantry Regiment who were stationed just outside the town at Fort Brown.

Without according them a hearing President Theodore Roosevelt ordered all 167 men in the regiment "discharged without honor" and also ordered them "forever debarred from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government." In other words, these men were punished for a crime for which they were never formally charged, tried, or convicted.

It is significant to point out that the 25th Regiment had been the first unit called up for service in Cuba during the Spanish-American War. The unit's capture of El Caney in dawn to dusk fighting enabled Theodore Roosevelt to take San Juan Hill the following day.

On April 6, 1910, a military court of inquiry allowed 14 of the men to reenlist, the remainder were forced to live out their lives under the shadow of their "no honor" discharge.

Today, only one man, 87-year-old Dorsey Willis of Minneapolis, Minn., is still alive out of the original 167 men of the 25th Regiment. For the past 56 years he has spent his life shining shoes in a Minneapolis bank building.

On September 22, 1972—66 years after the Brownsville incident—Secretary of the Army Froehlke cleared the soldiers' records and termed their discharges "a gross injustice."

Enactment of H.R. 9474 as amended provides much needed increased benefits to more than 2 million veterans, their wives, and dependent parents; it will help to correct an injustice committed years ago; and, finally, it will enable Dorsey Willis and his wife to live out their remaining years in some degree of financial security.

In conclusion, Mr. Speaker, I again urge our colleagues in the Senate to give final approval to H.R. 9474 at the earliest possible date.

TWO CONNECTICUT RESIDENTS WIN ROBERTO CLEMENTE AWARDS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. STEELE. Mr. Speaker, we in Connecticut are extremely proud that two of the nine winners of the first Roberto Clemente Humanitarian Awards are Connecticut residents. They are State Commissioner of Community Affairs Ruben Figueroa and Hartford Newspaper Publisher Juan Fuentes.

The awards were presented by the Roberto Clemente Humanitarian Institute, an organization founded by the family of the late Pittsburgh Pirates baseball star.

Figueroa was recognized for being the first Puerto Rican to serve as head of a State Department and for his "many tireless evenings trying to help the Puerto Rican community in Connecticut," according to Clemente's widow, Mrs. Carmen Rodriquez-Clemente.

Fuentes, publisher of the Hartford Spanish-language newspaper La Prensa Grafica, was cited for his newspaper work.

Mrs. Clemente said:

> He has gone through hurricane and storm to get news from the Island and the mainland to the Spanish community in Connecticut that does not read English.

I would also like to take this opportunity to add my hearty personal congratulations to the many already received by these two distinguished Connecticut citizens.

STATEMENT IN SUPPORT OF A BILL TO ALLOW, FOR FEDERAL INCOME TAX PURPOSES, A DEDUCTION FOR CERTAIN INTEREST COSTS INCURRED BY CERTAIN INVESTMENT DEALERS

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ASHLEY. Mr. Speaker, today I have introduced a bill which provides that certain interest costs incurred by dealers in connection with the purchase of tax-exempt obligations will not be disallowed as a deduction for Federal income tax purposes. The bill is designed to correct an inequity that has prevailed in our tax laws far too long.

Under present law, section 265(2) of the Internal Revenue Code of 1954 disallows a deduction for interest on indebtedness incurred to purchase or carry Government obligations whose interest is tax exempt. It is quite rational to expect that ordinarily a taxpayer who borrows to purchase tax-exempt bonds should not be allowed a deduction for the interest paid on the loan and then also be exempt on the interest earned on the bond. However, rationality further demands that under certain conditions, modifications of this general principle must be provided. I will explain the justification for such a modification, as provided in my bill, in the case of the security dealer.

A significant part of the business of investment dealers is to underwrite municipal bonds, the interest on which is exempt from Federal income taxes. The dealer performs a service that is analogous to the function the retailer performs in marketing the goods of a manufacturer. The security dealer carries bonds—as inventory—the same as the retailer must maintain an inventory of goods. Furthermore, since much of today's business transactions require operating through the credit market, it is not uncommon for businesses to obtain funds from external sources to maintain their inventories. Similarly, the investment dealers must borrow funds in order to purchase and hold their bonds for sale.

If a security dealer pays a greater interest cost on the loan used to carry the tax-exempt bonds than he receives as a return on the bonds, he incurs a net interest cost. Yet this net cost is not recognized as a legitimate business cost for tax purposes. This is clearly inequitable. No one would doubt that an inequity would exist if a retailer were disallowed a deduction for part of an expense representing a legitimate interest cost of carrying his inventory. So why should it be equitable in one case and not in another? There is no sound reason for this. Thus, my bill asks for an allowable deduction for the interest cost on the loan to the extent it exceeds the interest earned on the bonds. It does not ask for any discriminatory favors. It asks only for fair treatment.

In past years, various dealers in the business of buying and selling municipal bonds have challenged the disallowance of a deduction when the interest costs exceeded the interest income from the bonds. One point that was made by the court in the case of Paul P. Prudden and others—2 B.T.A. 14—was that the statute on the disallowances is clear, and the duty of the court to follow the statute is clear. I agree that the courts had no choice except to follow the law. That is the very reason I appeal to the Congress to modify existing tax laws according to the provision of my bill. In recent years, the Congress has been keenly concerned about correcting inequities that have unfairly burdened certain sections of our business-taxpaying community. Although we have come a long way toward removing discriminations, we should not relax now. Therefore, my suggested correction of the inequity that I have described today should be adopted quickly. It would be another significant step in our march against inequitable tax laws.

An exception to the disallowance of an interest deduction provided in section 265(2) is granted banks by Revenue Ruling 61-222—1961, 2 C.B. 58. This ruling states that section 265(2) does not apply to interest paid on indebtedness represented by deposits in banks engaged in general banking business since such indebtedness is not considered to be indebtedness incurred or continued to purchase or carry obligations within the meaning of section 265.

Another somewhat related exception, which was provided in the Revenue Act of 1964, applies to certain nonbanking financial institutions that deal in "face amount certificates" and are subject to State banking laws. The face amount certificates are issued to investors who make periodic payments to the institution for a specified period of time as a means of investing their savings. The holders of the certificates are repaid the payments plus interest as specified in the certificate. The Revenue Act of 1964 provided that these financial institutions can deduct, under certain conditions, the interest on these certificates even though the payments received from the investors are partially reinvested by the institutions in tax-exempt bonds.

Thus, the tax laws have recognized in recent years that some exceptions to the strict rule of disallowance are justifiable. Now is the time for Congress to provide further recognition to this fact by enacting the long overdue modification provided in my bill. This will remove a serious inequity created by section 265(2) of the Internal Revenue Code of 1954 and will strengthen our general tax structure by making it a fairer tax structure.

THE ELDERLY: THEY STRUGGLE FOR THEIR DAILY BREAD

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. PRITCHARD. Mr. Speaker, last year, when Congress enacted automatic cost-of-living adjustments in social security benefits beginning in 1975, the economic picture was brighter than it had been for many months. Consumer prices were rising at an annual rate of less than 3 percent, and it looked like we were having some success in slowing down the inflationary momentum that had plagued us the past few years. It did not appear that catch-up increases in social security would be necessary until January 1975, as provided in the legislation.

Since that time, however, prices have zoomed skyward. Food costs have jumped a phenomenal 20 percent and the cost-of-living generally has soared 8 percent. Inflation is public enemy No. 1, and no group is suffering more than the elderly and others struggling to get by on a fixed monthly check.

The 5.9 boost in benefits we approved earlier this year for mid-1974 will be of some help. But in the months that have gone by, the financial problems of our older citizens have become even more acute. Their income situation has reached a crisis point.

Each day I receive poignant letters from senior citizens in my district vividly illustrating the personal hardships they endure because the small amount of money coming in each month simply does not keep pace with skyrocketing inflation.

Nutrition is affected most severely. Food constitutes about 27 percent of the aged's budget, in contrast with 16 percent for all Americans. Locked into fixed incomes, the elderly have no recourse but to cut back on the quantity and quality of their food consumption, even though they may be jeopardizing their health by doing so.

The social security boost we are considering today would give some sorely needed relief. The bill provides a two-stage boost in benefits next year—7 percent coming in April's checks and another 4 percent in July's checks.

Our elderly, blind and disabled cannot be asked to wait any longer to catch up with last year's inflation. This measure seems to be the best way to ease their financial burdens in the quickest fashion. While I have some reservations about the possible effects of expanding the payroll tax wage base indefinitely to cover social security benefit increases, I believe this bill is fiscally responsible and I can see no other way to finance a raise at this time.

I am hopeful that the legislation will be approved by Congress and signed by the President at the earliest opportunity.

Mr. Speaker, an article appeared recently in the Seattle Post-Intelligencer which paints a gloomy but accurate picture of the unmistakable link between inadequate income and the poor nutrition, loss of homes and related problems that can make old age so terribly frustrating. I am inserting this graphic story by P–I reporter Joel Connelly as part of my remarks, and commend it to the attention of my colleagues:

THEY STRUGGLE FOR THEIR DAILY BREAD

(By Joel Connelly)

An old man collapsed in a Ballard apartment house last Sunday. He had not eaten enough. And he hadn't been eating the right kinds of food.

Coping with rising food prices—a serious problem for many families—is a life-or-death crisis for many senior citizens.

Other senior citizens from the Ballard area talked with The P–I yesterday about the struggle for their daily bread.

"I'm limited in how much I can eat, and what I can eat. You see—after rent—I have $130 a month to live on," a neatly dressed elderly gentleman—one of 70,000 residents of Seattle who are over 65—explained.

The man—who asked not to be named—was visiting the Northwest Senior Center in Ballard.

"I spend about 50 cents on my breakfast, eat a sandwich here for lunch, and budget about 90 cents for my dinner," the man said.

"I cannot afford any kinds of meat, of course. Even a small package of salami now costs 69 cents, for six slices. I can't afford that, and there's a lot of fruits and vegetables I can't buy either. I can still get milk, but it's up to 35 cents a quart, and so it's always got to be the cheapest kind."

With hamburger costing more than a dollar a pound—and a half-gallon of milk now priced around 65 cents—the elderly are eating fewer foods.

Why? Fixed incomes and rising prices are a recipe for hunger.

"Even the Social Security increase in January won't help things very much," said Al Strum, interrupting his bridge game at the center.

"You see, when the federal government raises our Social Security payments, the state will cut down on our public assistance. That means our incomes will remain exactly the same."

Senior citizens must also face rising medical and drug costs, compounding the squeeze as food costs eat up more of their budgets, reported Ruth Baker, another outspoken bridge player at the Center.

Many elderly residents said the fact that they live alone also places strains on the food budget.

"It is very difficult to go down to the market and buy food for one person," observed Mrs. Agnes Lau, president of the Northwest Center's board of managers.

"I buy a head of lettuce, but have to throw half of it out two days later. I buy lunch meat, and it spoils if I don't use all of it at once. And you also find—as everyone knows—that if you buy smaller quantities of food you pay more."

Some elderly residents said they are resorting to group meals and other tactics to cope with the high cost of eating.

"Several of us have been getting together to cook meals—both for companionship and for economy," said Mrs. Emma Cowardin, who greets visitors to the Center.

"It's easier to cook for several people, and we've found that we can eat better, and buy things like roasts, if we pool our resources."

The elderly are dining out less frequently.

"Some of us go down to Manning's which is pretty reasonable, but things still add up. We can't afford to pay $2.50 for a meal, and what can you get for a dollar anymore? asked Mrs. Lau.

Other elderly residents claimed that the 10 per cent senior citizen discount offered by some eating establishments is illusory.

"A group of us went to a restaurant, and ordered their senior citizen dinner," Mrs. Baker, recalled, "but we were told that it doesn't apply on Friday, Saturday, and Sunday nights."

In addition to eating less, senior citizens say they are eating less well.

"We of course don't eat steaks anymore," reported Mrs. Goldie Chapman, a soft-spoken woman. "We have a lot of casseroles now, and eat a lot more starches. We just don't have the balanced meals that we had before . . ."

". . . And fruits and fresh vegetables have simply gone out of our reach," added Mrs. Baker her bridge partner.

Mrs. Baker said she could afford only two boxes of strawberries this season.

"It's even getting terribly expensive to keep pets," she added. "It now costs 21 to 22 cents for a can of cat food. And you know, when you've got a little pet and you live alone, you hate to give it up."

The rising cost of food has contributed to a loss of homes, senior citizens at the center also reported.

"When you're squeezed by food and taxes, it means that you can no longer afford to keep up your home," said Mrs. Carrie Geary.

The problem of rising food prices has such an adverse effect on the lives of senior citizens that the Northwest Senior Center hopes to begin serving hot noonday meals by mid-December.

"People aren't getting enough to eat, it's as simple as that," answered Leo Desclos, director of the Northwest Center and an assistant director of the citywide Senior Centers program.

"They don't have much money to start with. They don't have means of transportation to shop for what bargains are available. Many of them—7 out of 10 in the area we serve—live alone, where they can't find decent food available for a single person, and are so lonely that they sometimes don't have the motivation to prepare it."

"Everthing ties in, and conspires against elderly people on this," Desclos said.

A FRIEND IN NEED IS A FRIEND INDEED

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HANNA. Mr. Speaker, with all the recent attention focused on petroleum shortages arising from the Middle East conflict, it is comforting to acknowledge the efforts of our friends in Indonesia for increasing their oil production at a time of national and international crisis.

It was my pleasure and relief to hear General Sutowo, the president of Indonesian State Oil and Gas Mining Enterprises announce in my presence last week, the continuation of supply of 160,000 barrels of oil to the west coast of the United States.

I take delight in bringing excerpts of this most significant address to your attention as an illuminating shaft of light in an otherwise dark and forbidding energy landscape:

The Future of American-Indonesian Economic Relations

Mr. Ambassador, all of our many distinguished guests, ladies and gentlemen, . . . Under Pertamina's management, Indonesian oil production has nearly tripled since 1966, reaching 1,300,000 barrels daily this year.

We have become the eighth largest oil exporting country in this world.

We supply among others 160,000 barrels of crude oil a day to the West Coast of the United States.

Oil now accounts for not thirty percent of Indonesia's total export earnings, as it did in 1966, but almost 50%; and it is expected to contribute over 50% of this year's government revenues.

We at Pertamina have signed 50 innovative and harmonious production-sharing agreements with foreign contractors covering one quarter of Indonesia. Since 1966, 58 new oil and gas fields have been discovered, offshore and onshore, by these foreign oil companies and Pertamina.

We at Pertamina are also producing liquefied propane and butane gases and carbon black for the domestic and world markets; and, of major significance, we are now developing large natural gas fields in North Sumatra and East Kalimantan into important sources of liquefied natural gas, LNG, for the United States, for Japan and for other markets.

We have recently signed a contract with Pacific Lighting International Inc. to deliver North Sumatran natural gas to the West Coast of the United States in the form of LNG beginning in 1978.

Finally, Pertamina now owns and operates refining facilities with an aggregate capacity of approximately 400,000 barrels per stream day. In addition, a new refinery of 100,000 barrels daily capacity is under construction at Cilacap on the South Coast of Central Java, and is expected to be in operation in early 1976.

I could go on and on, for we are very proud of this record. We are grateful for the part many of you have played in building this record. But tonight the times are too critical to dwell on the past, as I have done on previous occasions. Tonight we must look to the future. It is not enough to tell you what we have done. This is a time for us to talk about what we are going to do together.

For we meet in a time too serious for reminiscing and boasting about what we have accomplished, too serious for the usual words of self-congratulation and comfortable reassurance. We meet in a time of world economic crisis—not one crisis but many—a world energy crisis, a world monetary crisis, a world food and commodity crisis, to name only those most prominently before us. This we must realize above all: no nation on its own, not Indonesia and not even the United States, can hope to either solve or escape these crises. Tonight, this week, this year, therefore, is a time not for words but for action—cooperative, reciprocal actions that benefit all mankind.

It is in that spirit that I address you tonight. It is in that spirit that I have the honor and duty to set forth tonight for you and for all Americans, in Government, in industry, in finance and all other walks of life, the principles which characterize American-Indonesian economic relations.

Let me make our position perfectly clear at the outset. My statement speaks only of Indonesia's own policy and performance, seeking to set the record straight on those matters where we believe our policy may not have been clearly understood by all.

Our approach can be summarized in six basic principles:

First: In this time of shortage, I want you to know that Indonesia is endeavoring to increase its petroleum production and exports.

Second: Whatever concern or adverse report American investors may have had about Indonesia in years gone by, I want to make it clear that we now welcome American businessmen with genuine respect and friendship.

Third: I do not come tonight to plead Indonesia's poverty. I come to tell you of Indonesia's wealth—a wealth of natural resources, raw materials, and willing workers that await your capital investments.

Fourth: We in Indonesia are not sitting back dependent on foreign investment. Under government incentives for savings, we have already surpassed foreign investment in Indonesia, as extensive as it has been, with our own domestic investment.

Fifth: Our policy in Indonesia today is clearly one of collaboration, not expropriation.

Sixth, and finally: We do not ask foreign investors to come to Indonesia to make a gift. We expect you to come to Indonesia to make a profit.

Ladies and Gentlemen: In your newspapers and other publications, general, governmental and professional, I have read many anxious analyses of the American energy crisis. They speak of political developments in one part of the world, and they speak of the production situation in another part of the world, and they speak of economic conditions in still another. But rarely if ever do they speak of Indonesia.

Indonesia, the eighth largest oil exporting country in the world, one of the oldest oil producing countries in the world, is largely overlooked. Indonesia crude, with the particular low sulphur content that is so urgently sought in our country today for environmental reasons, is largely forgotten. Indonesia's capacity to more than double its production and exports of petroleum in the next several years, and its capacity to send you and other countries LNG, and its capacity to supply your petrochemical producers and consumers with critically short products, are all largely ignored. For reasons I cannot comprehend, almost no one in all these studies, speeches and reports ever thinks of Indonesia.

Tonight I ask you, your government, your press, your business colleagues, to think of Indonesia, in your interest as well as ours, not merely with respect to petroleum but regarding business investments and opportunities of every kind.

Think of Indonesia—not a far away, out-of-the-way little country, but a nation of more than 120 million people, one of the 5 largest in the world, located strategically in the international crossroads of one of the busiest shipping routes in the world; and the coming of the ultra-large crude carriers will make your East Coast and every other place on earth within economical range of our ports.

Think of Indonesia—not merely the land of Bali and lovely tourist attractions, but also a nation of bustling and building industrial development, with highly motivated low-cost labor, and a rapidly expanding infrastructure in communication, transportation, power, housing recreation, medical facilities and other basic needs for foreign investors.

Think of Indonesia—not merely in the traditional terms of oil and rubber and tin, but also in terms of steel pipe, cement, paper and textiles, in terms of the vast mineral, agricultural and timber resources waiting to be tapped, in terms of the abundance of our other raw materials, and the wide range of potential manufacturing and agricultural enterprises so likely to be successful when undertaken.

Think of Indonesia—not an unstable, unpredictable, inhospitable economy, as you may have heard long ago, but a nation which has, under the new leadership of President Suharto, eased the inflation that was raging in 1966, increased the Gross National Product by an average rate of 7 percent a year, achieved a surplus in its balance of payments, increased its ability to absorb foreign capital, established a widely respected Central Bank, and offered to investors from all over the world several investment incentives, joint ventures, flexible foreign investment statutes, political guarantees, a high degree of worker productivity, successful employee training programs, a modern telecommunications system, an efficient sea transportation network, a belief in the free market system, and above all genuine hospitality to foreign businessmen and investors.

So I ask you—think of Indonesia—and then come to Indonesia. We can help you; and we need your help, both private and governmental. We need your capital, your managerial skills and your industrial organization. We offer you in return virtually unprecedented and virtually unlimited business opportunities:

An opportunity to participate through production-sharing contracts in the expanded exploration and production of our known oil and gas potential;

An opportunity to help build the additional refinery capacity that we will need to meet our domestic as well as foreign demand by 1978;

An opportunity to help build a multimillion dollar integrated petrochemical complex that will start producing in 1978 a wide variety of materials needed to meet the shortage of plastics;

An opportunity to participate in the unique $400 million project for the development of Batam Island into a major industrial, urban and seaport complex that will generate net foreign exchange earnings, according to plan, of some $90 million a year;

Mining opportunities in the 53 huge blocks of potentially mineral-bearing land which the government has opened up for applications from foreign and domestic investors.

Timber, paper and pulp opportunities in a country that has multiplied its timber exports more than 50 times in six years and still has under concession only about half of the great forest lands suitable for continuous timber production;

Agriculture-related opportunities to achieve our Government's major goal of self-sufficiency in food, giving high priority to projects for foreign investment in agricultural estates, husbandry, fishing, fertilizer plants, rice mills, agricultural equipment, and fishery cold storage and canning factories;

And finally, opportunities in tourism, in transportation, in manufacturing, in a long list of other industries and areas; for I have cited only a few leading examples, and because Indonesia intends more and more to process its raw materials at home by adding value before export, and because we intend also to diversify the productive base of our economy, we are moving toward more new industries and investment opportunities than ever before.

Pertamina plays a leading role in all this because Pertamina is more than an oil company. We are a fully rounded development company, a development company for the entire nation; and we are also, let me stress, undertaking community activities and civic construction and cultural preservation projects throughout our country as well. We invite foreign investors to join us in any or all of these other efforts, for experience has shown that they make possible the kind of human and public relations that can cement a long-term partnership.

So I repeat: come to Indonesia. You will not be turned away; and you will not be disappointed. We can help each other; and in a world economy beset by crises, that is what friends should do.

I do not pretend that all is easy or rosy, that our country is free from problems or imperfections, or that there will be no struggle, no risk and no effort required in the months and years of collaboration that lie ahead. But Indonesians have been struggling for their political and economic independence and development, and for a decent life for themselves and their children, for hundreds of years.

We are not discouraged. We are not afraid. We will not give up. With your help, and with God's help, we will make our nation a land of opportunity for all, for those of you from abroad who join hands with us, for those of us at home who have struggled so long, and for our children and their children who make this struggle worthwhile.

THE RAPE PREVENTION CONTROL ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mrs. SCHROEDER. Mr. Speaker, in a recent article in the Progressive, Michelle Wasserman quotes a woman from Philadelphia:

> Women live according to a rape schedule, whether they realize it or not. Where they live, how they work out their jobs, their transportation, the way they relate to men on the street—everything a woman does conforms to that schedule.

According to the FBI uniform crime report released last August 1972, U.S. crime in general, declined 3 percent while forcible rape rose by 11 percent. Even more shocking is that reported rapes have increased 70 percent since 1967. This means that in 1972, 43 out of every 100,000 females in America were reported rape victims.

But the horror increases with the realization that most rapes are not reported. Estimates vary, but it is generally believed that only one in every five rapes is reported. In the District there were 714 reported rapes in 1972. Using the above estimate, that means there were over 3,500 rapes last year in the District alone. My own district of Denver has the unfortunate distinction of having the third highest per capita rape rate in the United States.

Denver also has a very low conviction rate. Out of 126 cases which went to trial last year in Denver there were only 42 convictions—a rate of 33 percent compared to a national average of 55 percent. The low conviction rate reflects the fact that rape is the only crime in which the victim is presumed guilty until proven innocent.

As Nancy Gager Clinch and Cathleen Schurr point out in their article on rape in the June Washingtonian, the burden is on the victim to prove: The identity of the rapist, corroborative evidence of the crime itself, and that she did not "consent" by word or action. For other major crimes—robbery, assault, fraud, the victim's word is sufficient to take the case to the jury, but in a rape a woman's word is not enough. Corroborative proof, which is very difficult to attain, is legally required. Ms. Clinch and Ms. Schurr conclude that:

> Originally corroborative evidence was included in the law to protect men against women who might bring false charges of rape . . . But the chief reason corroboration is still required is, as New York attorney and legal scholar Morris Ploscove, says, "because ladies lie." Men and rapists, in the eyes of this judicial expert, presumably do not.

The psychic impact of the rape is very difficult for a woman, but it is magnified tremendously as she begins to face the ordeal of convincing a skeptical world that she is telling the truth. First, the rape victim must face the police officer who often has the belief that she somehow "asked for it." He will interrogate her, asking many embarassing questions, but he will not generally have the courtesy to explain why he needs the information so she could answer more easily.

Next the victim must face the hospital where she is quite likely to receive callous treatment. Doctors dislike making rape examinations because of the time it takes in court later, so the woman is often forced to wait a long time for minimal attention. Many hospitals are careless in giving out information on necessary tests for venereal disease or pregnancy and often will give out the "morning-after" pill without warning of its serious potential harm. Even more outrageous is that many women have to pay for the hospital examination and future tests. Thus women have to pay for their own rape.

The next phase of the ordeal is the courtroom. Although the alleged rapist has the right to an attorney, with whom he can meet regularly and whom he can fire if necessary, the victim's case is assigned to a prosecutor and she has no control over how her case is handled. In most instances the rape victim does not even meet the prosecutor before the preliminary hearing and, therefore, has no idea what to expect or what will be expected of her. For obvious reasons, most of the cases do not make it past the preliminary hearing.

If her case progresses, the victim must continue to prove she did not consent. The police, the courts, the media tell women not to resist because she might get killed. But juries are often convinced that the woman did not resist enough, as happened to the George Washington University women who were raped last year. Moreover, no evidence is permissible as to the rapist's sexual history, even of a previous rape conviction. The woman's sexual history however, will be thoroughly explored with the implication that a "loose" woman cannot be raped.

Women's groups are joining together to fight against the treatment of rape victims. The first rape crisis center was started in Washington, D.C., in June 1972 and many more have since been started. Providing numerous services they: go with the victim to the police and hospital, if she wishes to go; provide information on self-defense; act as a referral service to other services, such as mental health clinics and venereal disease clinics; review police and hospital policies toward victims and suggest changes where necessary; and many make efforts to hire experienced lawyers to counsel the victim and to encourage prosecutors to be more responsive to the victim's needs. These groups are doing a commendable job and it is important for women to be involved in changing that which affects them so directly. However, the Government is shirking its own duty to rectify the blatant injustice caused by our present system.

It is in response to this desperate need for change that I join with my colleagues Representative ASHLEY, BURKE of California, GRASSO, and HEINZ to cosponsor the Rape Prevention Control Act. It will establish a national center for control and prevention of rape within the National Institute of Mental Health and provide for a comprehensive study to be conducted on all the various aspects of rape and rape laws. Additionally, an information clearinghouse would be established which could provide helpful information as to where most rapes occur, under what conditions, what tactics are most successful in fending off the potential rapist, et cetera. Thus, through this bill, we could join with the many women's groups to work toward the elimination of the grim indignities faced by the rape victim, and eventually of the crime itself.

WHAT STRIKES DO TO THE INNOCENT BYSTANDER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. CRANE. Mr. Speaker, last year I had the pleasure of appearing on the television program, "The Advocates," with Mr. Alan Reynolds. During this television show Mr. Reynolds, who is the resident economist of National Review, and I discussed some of the problems surrounding strikes and what could be done if Congress brought itself to tackle labor reform.

Mr. Speaker, Mr. Reynolds wrote an article based on the television program and I would like to take this opportunity to recommend it to my colleagues.

The article follows:

WHAT STRIKES DO TO THE INNOCENT BYSTANDER

(By Alan Reynolds)

When a union closes down all the suppliers of a good or service in a community, costs are imposed on people who are not involved in the labor contract. If this neighborhood effect of strikes only created a consumer "inconvenience" there would be ample reason for government intervention—just as there is in the analogous case of air polluters. Areawide strikes, however, do much more than deprive consumers: Serious financial losses are absorbed by wholesalers, retailers, manufacturers and shippers (and their laid-off employees) who are critically dependent on the struck materials or services for their livelihood. No measure of, say idle man-days due to strikes has any bearing on this vital social cost. In this year's West Coast dock strike, for example, farmers lost a billion dollars in export revenues, and many importers, retailers and freight forwarders lost much or all of their income. Many innocent people were thus forced to pay—in lost revenues and jobs—for someone else's decision to close every port on the

West Coast. Moreover, even when such strike-induced "inconvenience" amounts to thousands of lost dollars, the injured parties are not allowed to sue the union for damages.

Why should a union wish to strike all competing businesses stimultaneously? Such a strategy obviously creates less—not more—pressure on each employer, since each firm would surely prefer to have his competitors struck too, rather than lose customers to unstruck rivals. Many business representatives have, in fact, openly advocated the "stabilization" of industrywide bargaining.

If unions nonetheless choose to strike all competing employers in a community, it must be because 1) it creates public pressure for a quick settlement at any cost, and 2) it makes it easier for the employers to pass on exorbitant wage costs in the form of higher prices. The first effect we'll call "blackmail," since the public is held for ransom; the second effect is "cartelization," because hitherto competing firms are transformed into a shared monopoly (with the monopoly rent going to labor) by having the principal element of their costs dictated equally and simultaneously. If each company negotiated separately, it would still have to keep wage-benefit offers competitive, but each firm could not be *sure* of not having its price undercut by a rival employer who drove a harder bargain.

Though third-party blackmail is sometimes nationwide in its impact—as in the transportation industries—the most pervasive effect is the sum of all the shutdowns in all the metropolitan centers. Here are only a few examples of areawide strikes in Greater New York in the past two years:

Gravediggers struck eight weeks. They left fifteen thousand unburied bodies, and got an 18 per cent pay raise.

Tugboat workers struck for two months, and got wage and benefit increases of 58.5 per cent over three years.

Printers struck the three largest newspapers and got a pay boost of almost 42 per cent over three years. (Previous strikes and slowdowns had caused three New York newspapers to go out of business, thus aggravating the cartel effect.)

Parking attendants struck 650 garages and left a hundred thousand cars stranded behind locked doors.

Gasoline truck drivers struck six oil companies which handle about 85 per cent of New York's gas. Commuters, taxis, school buses, police cars and ambulances ran short of gas.

A teamsters local struck thirteen dairy plants which normally supplied four million quarts a day.

Fuel oil truck drivers in December struck three hundred independent companies, shouting "no heat, no heat!" So, hundreds of thousands of people had no heat in their homes in mid-winter.

WAGE COLLUSION

This sampler purposely lists only small local unions to show that the "nuisance" of multi-firm bargaining is not by any means confined to big unions, nor to public utilities and services, and especially not to manufacturing (of 43 major strikes in New York in the past decade, only five were in manufacturing). Of course the case against industrywide wage collusion is even stronger: This is no different in its effects from colluding to set prices, except that wage collusion raises prices *further*, because wages are so much larger a component of costs than profits.

The blackmail-cartel strategy encompasses hundreds of unionized fields. The basic story remains the same in all communities—only the actors change.

To be sure, none of the above strikes was a "national emergency," but that's little consolation to a New York dock worker unemployed by the tugboat strike, sitting in a cold house with his car locked up and out of gas, his dead wife unburied, and his children left without milk. Multiply this picture by all the cities in the country and you get some idea of the scope of the problem.

We may safely assume that the reason strikes are directed against whole communities, rather than against employers, is that this strategy yields the highest wage gains. Why else would unions pursue a strategy that is clearly less injurious to employers than the single company strike? Where large inventories prevent strikes from hurting the public, e.g., the automobile industry, the alternative technique of striking a single employer is usually used—and the wage gains are rarely as large as in third-party strikes. Moreover, many union mergers and pacts, as well as Jimmy Hoffa's pre-jail efforts to get all unions in each area to have their contracts expire on the same date, can only be understood as efforts to increase wage leverage by blackmailing larger segments of the public.

JOBS AND PRICES

The conclusion is obvious: Unions that threaten strikes against the public (and the threat alone often suffices) are able to extract unusually high wage gains by holding innocent bystanders for ransom. The first side-effect of this extortion is to increase unemployment among the union's own members. If the companies can pass on the wage costs in higher prices, fewer units will be sold and less labor will be required. If the wage gains are at the expense of profits (which they clearly can't be year after year), surviving firms must restore profitability by using less labor. If featherbedding succeeds in keeping profits low, many firms will not survive in the economy-wide competition for investment funds, so they will be driven out of business—again creating massive unemployment. The unemployment effect of wage increases that are higher than productivity increases (adjusted for inflation) is inescapable: By pursuing apparently suicidal wage demands, a majority of union members, through seniority protection, are able to vote newcomers out of a job.

The unions themselves have often complained of the decline of jobs in unionized trades. If such employment declines were all caused by "automation," why has automation singled out union trades while employment for the economy as a whole continues to grow? From 1900 to 1960, employment in predominantly non-union sectors increased substantially: Wholesale and retail trades employed 5.3 million more persons; non-domestic services added 4.69 million; salaried employment in manufacturing increased by 3.13 million. In the same sixty years, strongly unionized fields did not generate any new jobs at all: Mining employment fell by 270,000; construction employment remained the same; transportation and utilities used 1,620 fewer people; and non-salaried manufacturing added only 120,000 jobs. The astonishing thing is not that we have about 6 per cent unemployed, but that the non-union fields have been able to absorb so many persons who were displaced or excluded from better opportunities by union activities.

Eventually, those unemployed by reason of union tactics will seek work in non-union jobs—thereby driving non-union wages down by increasing the supply of labor in those job markets. Professor H. Gregg Lewis has calculated that the 10 to 15 per cent relative wage advantage of union members as a whole was the result of a 3 to 4 per cent reduction in non-union wages (relative to what those wages would have otherwise been). The average worker's real take-home pay actually *fell* from 1965 to 1970—despite a 53 per cent nominal increase in total employee compensation—partly because an ever-larger *share* of national income was going to employees in the strongest unions (including government unions). The average first-year increases in major collective bargaining agreements were 8.9 per cent from 1965 to 1970, and the percentage rose steadily, while non-union manufacturing wage increases averaged only 5.2 per cent over the same period, and never exceeded 6 per cent. By increasing the share going to relatively skilled employees (who were the highest paid even before unionization), unions have contributed substantially to income inequality.

Non-union workers (almost 78 per cent of the labor force) and members of relatively non-collusive unions (another 12 to 16 per cent) pay three times for the extortion of elitist unions: first, by paying higher prices for union-made goods; second, by having their wages depressed by the flood of workers who are forcibly excluded from union jobs; and third, by paying higher taxes to provide $329 million a year in welfare and food stamps for strikers.

THE OPTIONS

Government officials typically react to short-run unemployment as though it were caused by anything but union policies. Construction unemployment, for example, declined every year from the 1961 to 1965 average of 12.8 per cent to a 1969 figure of 6 per cent. In 1970, though, when third-party strikes resulted in an average national increase of 14.7 per cent in construction wages, unemployment rose from 6 to 9.7 per cent. Government leaders operate under the delusion that inflation cures unemployment—which it can for only so long as job applicants can be fooled into mistaking an inflated wage offer for a high real wage. The existence of short-run unemployment in union trades therefore creates pressure on the Federal Reserve to restore the balance between labor costs and prices through monetary inflation.

The high wages achieved by the blackmail-cartel technique attract many more workers while ensuring many fewer jobs. These desirable jobs must then be rationed by lengthy apprenticeship, strict seniority, hiring-hall favoritism, high dues, nepotism and discrimination. The inequitable waste of manpower implied by this posting of "no trespassing" signs in many crucial job markets clearly distorts and reduces the economy's total production, and lowers our capacity to grow. Without single-union monopoly of entire trades, such rationing devices could not be so tyrannical, Though some unions of limited scope might still be able to extract unemployment-producing wages (e.g., through local licensing and building codes), no *single* union could prevent a man or woman from practicing the trade of his or her choice. Alternatives would exist.

The public is not likely to continue to permit labor disputes to inconvenience consumers, cause losses to innocent parties, and create scarcities of needed jobs. No other organizations can do any one of these things without facing criminal or civil prosecution. Either we must *limit* strike power in some way, or we must allow Congress to stop more and more strikes, on an ad hoc basis, and impose compulsory arbitration. Strike intervention by Congress have been unfair because they have singled out certain industries, unwise because they involved the dangerous principle of government control of incomes, and unsuccessful because they were extremely imposed.

If we opt for limiting strikes, rather than eliminatinng them, there are two general options: Either we set up a regulatory agency with broad powers to restrict the scope of labor-management conflict, or Congress establishes a broad rule which achieves the same result without relying too heavily on the good sense and good will of administrators. In view of the notoriously poor performance of existing regulatory and antitrust agencies, some specific congressional goals are clearly preferable. That is, it is better to set up specific rules and let the courts make exceptions, than to be intimidated by the exceptions into letting the courts grope for specific rules.

SOME ILLUSTRATIONS

In the ideal case, unions should be limited to organizing and/or striking single companies. In this way, a large employer would face a large union, and each employer would be more intimidated by a companywide strike than by today's collusive industrywide agreements. Most important no single union could threaten to close down a whole regional or national industry, which, as we have seen, is a purely antisocial act unrelated to legitimate bargaining.

Objections to such single-firm negotiations include: 1) the blatantly anticonsumer argument that such arrangements would introduce "unstabilizing competitive factors" into the cozy union-manufacturer collusion to keep new entrants out of certain industries; 2) unsupported charges that pension and insurance benefits without industrywide contracts (it seems more likely that a little variety and rivalry in wage-benefit offers would have desirable net effects); and 3) generalization from exceptions where the rule would appear hard to apply.

Construction—with almost a million employers—is an unusual case. Indeed the Nixon Administration has even suggested that the incredible wage gains in the building trades were *caused* by excessively fragmented bargaining. Where several trades have bargained with an organization of contractors, however (as in the 196-day construction strike in Kansas City in 1970), the gains have been at least as large as in single-employer strikes, and the third-party costs have been greater.

Construction workers are uniquely protected by law against competition through union control of licensing, apprenticeship and building inspection and through building codes that perpetuate time-wasting techniques. The Davis-Bacon Act, which requires contractors on federally aided projects to pay prevailing union wages, has put a federal floor under the highest wages and has caused local gains to spread to surrounding areas. It is true that switching to single-firm organization would not eliminate government power to punish people for practicing a trade without union permission. Cases of this sort require supplemental legislation (or, rather, de-legislation).

The atypical case of very small employers, as in construction, could be easily dealt with by a provision that a single union could represent, say, no more than two hundred workers *or* all of the employees of a single company.

A related difficulty is illustrated by the case of longshoremen—veteran practitioners of extreme third-party extortion since, at least, the London dock strike in 1889. The problem is that dockworkers now work for many different employers who draw from a hiring hall when their ships are in port. In view of the potential abuses of hiring halls as instruments of favoritism and discrimination we should consider establishing competing halls, or abolishing hiring halls altogether. If shippers could not rely on hiring halls, they would be compelled to offer some contractual guarantee of work to a basic crew, thereby greatly increasing employment security. Then most employees would work for specific employers, and the single-firm principle could be applied. If a group of shippers got together to share employees, the association would be treated by law as a single employer and could be organized as such (the same is true of contractors' associations). Alternatively, a separate limitation on union scope—for example, that no single union would be allowed to organize more than half of any one port's employees—could be established for dockworkers. Even simply restricting unions to single ports would at least prevent Harry Bridges from threatening to close West, East and Gulf Coast ports simultaneously. Again, such exceptional cases in no way justify the status quo, nor do they necessitate compulsory arbitration, nor do they require abandoning the general rule of single-company organization. Even labor problems can be solved; we are not at the mercy of blind forces.

WHO'S TO BLAME?

Finally, it may be said that big unions are needed to balance the economic power of big corporations. This is simply incorrect. The private sector unions that are most powerful in terms of third-party or cartel effects are in industries which are typically run by small employers: trucking, shipping, garment, construction, coal, printing, entertainment etc. The manufacturing sector, where most "big" corporations are found, accounts for little more than a quarter of total employment, and wage and price increases in manufacturing have generally been below those of any other sector. Now, the six largest unions represent almost 40 per cent of all union membership. If the six largest corporations employed anything approaching 40 per cent of all union members, then we might have some sort of relevant comparison of labor market concentration, though its significance would remain unclear.

A second point: a company's monopoly power over the sale of its product has nothing to do with the monopoly power in the purchase of labor. A firm that dominates a product market and is thereby able to sell its product at somewhat higher prices cannot therefore purchase labor at a lower wage. Indeed, the exact opposite may be closer to the truth, since unions tap any excess profits. A union's monopoly power in the sale of labor could only be said to "balance" an employer's power of exclusive employment—a power that simply does not exist.

Actually, the whole idea of "bargaining power" is misleading at best. Size has very little to do with the ability of firms or unions to affect prices and wages. What matters is the ability to eliminate, or to control the price of, substitutes for labor and/or products. Large firms and unions may have more financial resources which enable them to endure long strikes, but the strike is not thus rendered less painful. Small firms and unions can, moreover, achieve the same result by borrowing or combining contributions to a strike-insurance pool, as is now done among trucking firms, to provide financial aid to struck members.

Employers, no matter how big, have no labor market power remotely comparable to that of unions. They are simply intermediaries between labor costs and the prices charged to consumers. Employers certainly can't pay less than the going rate for comparable labor without losing all their best workers to competing firms. A power in product markets comparable to union power in labor markets could only be said to exist if all of the producers in an industry got together and said: "We are going to stop production as long as necessary until we get a 20 per cent price increase, and we will picket and boycott anyone who tries to hire our laid-off workers."

Most criticism of unions has been misdirected at the alleged inflationary impact of big unions, and at the impact of nationwide strikes. This traditional view neglects the social cost of striking all competing firms in a community, and the resulting effect on employment opportunities and income distribution. Moreover, the crude "solution" of compulsory arbitration is only a patchwork treatment of the most conspicuous symptoms, and is an approach which threatens the freedom of contract. By establishing, instead, a paradigmatic goal of single-company unionization, enforced through the Justice Department, we could preserve the right of employees to strike against their own employer, while preventing certain unions from using injury to the public as a bargaining device.

ARAB AND AMERICAN EXPORTS—A GROWING CONFRONTATION?

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BINGHAM. Mr. Speaker, on two previous occasions I have inserted in the RECORD statistics revealing the extent of the Arab dependence on American agricultural products. The irresponsible actions of the Arab leaders who are participating in the oil boycott reveal a lack of understanding of the extent to which the Western world and the Middle East are dependent upon each other for the basic commodities of life.

It is my belief that all concerned with these matters, including those states embargoing oil should be fully informed about the extent and nature of U.S. exports destined to the Middle East. With that purpose in mind, I include herewith data on U.S. exports of chemicals, manufactured goods (classified by their chief material), and machinery and transport equipment.

The statistics follow:

U.S. EXPORTS OF CHEMICALS, MANUFACTURED GOODS BY CHIEF MATERIAL, AND MACHINERY AND TRANSPORT EQUIPMENT TO THE ARAB STATES PARTICIPATING IN THE OIL EMBARGO AGAINST THE UNITED STATES—CALENDAR YEAR 1972

Item	Value (dollars)	Shipping weight (1,000 lbs.)
1. IRAQ		
Chemical elements and compounds	108, 100	--------
Dyeing, tanning, and coloring materials	6, 140	--------
Medicinal and pharmaceutical products	1, 668, 762	--------
Essent oils, perfume mtrls., soaps etc	6, 927	--------
Synthetic resins and plastic materials	13, 013	--------
Chemical products and materials n.e.c	209, 676	--------
Total chemicals	2, 012, 618	2, 006
Rubber mfrs.—semifin. and fin. n.e.c	49, 918	--------
Wood and cork manufactures, n.e.c	121, 266	--------
Paper, paperboard, and manufactures	74, 239	--------
Yarn, fabric, and articles, textile	18, 331	--------
Nonmetallic mineral manufactures, n.e.c	160, 906	--------
Iron and steel	843, 576	--------
Nonferrous metals	12, 047	--------
Manufactures of metal, n.e.c	173, 983	--------
Total manufactured goods by chief material	1, 454, 266	3, 630
Machinery, nonelectric	9, 647, 858	--------
Electrical machinery, appr. and appl	1, 385, 183	--------
Transport equipment	2, 596, 075	--------
Total machinery and transport equipment	13, 629, 116	7, 934
2. KUWAIT		
Chemical elements and compounds	228, 420	--------
Min tar and oils and crude chems., etc	526	--
Dyeing, tanning, and coloring materials	342, 617	--------
Medicinal and pharmaceutical products	877, 497	--------
Essent oils, perfume mtrls, soaps, etc	798, 185	--------
Fertlzrs—Mfrd. and fertlzr mrtls, n.e.c	1, 400	--------
Explosives and pyrotechnic products	13, 616	--------
Synthetic resins and plastic materials	102, 111	--------
Chemical products and materials n.e.c	1, 891, 965	--------
Total, chemicals	4, 265, 337	8, 137

Item	Value (dollars)	Shipping weight (1,000 lbs.)
Leather, mfrs, n.e.c., and dressed furskins	41, 480	--------
Rubber mfrs—semifin and fin, n.e.c	738, 792	--------
Wood and cork manufacturers, n.e.c	24, 746	--------
Paper, paperboard, and manufacturers	301, 114	--------
Yarn, fabric, and articles, taxtile	957, 368	--------
Nonmetallic mineral manufactures, n.e.c	712, 455	--------
Iron and steel	791, 633	--------
Nonferrous metals	338, 740	--------
Manufactures of metal, n.e.c	1, 759, 369	--------
Total, manufactured goods by chief material	5, 665, 697	12, 506
Machinery, nonelectric	23, 611, 669	--------
Electrical machinery, appr, and appl	6, 612, 054	--------
Transport equipment	46, 932, 586	--------
Total, machinery and transport equipment	77, 156, 309	52, 577
3. SAUDI ARABIA		
Chemical elements and compounds	1, 268, 139	--------
Min tar and oils and crude chems etc	3, 037	--------
Dyeing, tanning, and coloring materials	1, 698, 100	--------
Medicinal and pharmaceutical products	2, 885, 241	--------
Essent oils, perfume mtrls, soaps etc	2, 094, 409	--------
Fertlzrs—MFRD and fertlzr mtrls, NEC	1, 673	--------
Explosives and pyrotechnic products	197, 780	--------
Synthetic resins and plastic materials	480, 140	--------
Chemical products and materials NEC	2, 937, 243	--------
Total chemicals	11, 565, 762	30, 367
Leather, mfrs, NEC, and dressed furskins	703	--------
Rubber mfrs—semifin and fin, NEC	2, 398, 249	--------
Wood and cork manufactures, NEC	343, 744	--------
Paper, paperboard, and manufactures	1, 371, 919	--------
Yarn, fabric, and articles, textile	1, 808, 308	--------
Nonmetallic mineral manufactures, NEC	1, 553, 779	--------
Iron and steel	5, 282, 416	--------
Nonferrous metals	481, 453	--------
Manufactures of metal, NEC	7, 588, 819	--------
Total manufactured goods by Chief material	20, 829, 390	59, 811
Machinery, nonelectric	95, 751, 640	--------
Electrical machinery, appr, and appl	22, 447, 273	--------
transport equipment	75, 469, 049	--------
Total machinery and transport equipment	193, 667, 962	115, 041
4. QATAR		
Chemical elements and compounds	33, 130	--------
Dyeing, tanning, and coloring materials	50, 588	--------
Medicinal and pharmaceutical products	118, 862	--------
Essent oils, perfume mtrls, soaps, etc	70, 516	--------
Explosives and pyrotechnic products	1, 134	--------
Synthetic resins and plastic materials	1, 600	--------
Chemical products and materials n.e.c	155, 667	--------
Total, chemicals	431, 497	1, 808
Rubber mfrs—semifin and fin, n.e.c	149, 421	--------
Wood and cork manufactures, n.e.c	3, 554	--------
Paper, paperboard, and manufactures	36, 811	--------
Yarn, fabric, and articles, textile	47, 332	--------
Nonmetallic mineral manufactures, n.e.c	25, 894	--------
Iron and steel	391, 160	--------
Nonferrous metals	14, 224	--------
Manufactures of metal, n.e.c	316, 304	--------
Total, manufactured goods by chief material	984, 700	2, 352
Machinery, nonelectric	3, 835, 190	--------
Electrical machinery, appr, and appl	390, 019	--------
Transport equipment	5, 741, 612	--------
Total, machinery and transport equipment	9, 966, 821	7, 608
5. BAHRAIN		
Chemical elements and compounds	1, 863, 217	--------
Dyeing, tanning, and coloring materials	142, 851	--------
Medicinal and pharmaceutical products	98, 388	--------
Essent oils, perfume mtrls. soaps etc	320, 131	--------
Explosives and pyrotechnic products	16, 886	--------
Synthetic resins and plastic materials	47, 492	--------
Chemical products and materials nec	267, 471	--------
Total chemicals	2, 756, 436	15, 612
Leather, mfrs, nec. and dressed furskins	2, 785	--------
Rubber mfrs—semifin and fin. nec	100, 337	--------
Wood and cork manufactures, nec	11, 406	--------
Paper, paperboard, and manufactures	236, 146	--------
Yarn, fabric, and articles, textile	126, 335	--------
Nonmetallic mineral manufactures, nec	113, 433	--------
Iron and steel	1, 178, 708	--------
Nonferrous metals	139, 602	--------
Manufactures of metal, nec	939, 558	--------
Total manufactured goods by chief material	2, 848, 310	7, 506
Machinery, nonelectric	10, 664, 899	--------
Electrical machinery, appr, and appl	1, 325, 564	--------
Transport equipment	1, 946, 863	--------
Total machinery and transport equipment	13, 937, 326	21, 854
6. ALGERIA		
Chemical elements and compounds	467, 106	--------
Dyeing, tanning, and coloring materials	48, 906	--------
Medicinal and pharmaceutical products	21, 925	--------
Essent oils, perfume mtrls, soaps, etc	108, 635	--------
Fertlzrs—MFRD and fertlzer mtrls, n.e.c	1, 336, 295	--------
Explosives and pyrotechnic products	3, 992	--------
Synthetic resins and plastic materials	108, 563	--------
Chemical products and materials n.e.c	726, 169	--------
Total, chemicals	2, 821, 591	65, 362
Leather, MFRS, n.e.c., and dressed furskins	4, 768	--------
Rubber MFRS—Semifin and fin, n.e.c	75, 320	--------
Wood and cork manufactures, n.e.c	1, 459	--------
Paper, paperboard, and manufactures	256, 541	--------
Yarn, fabric, and articles, textile	108, 140	--------
Nonmetallic mineral manufactures, n.e.c	70, 198	--------
Iron and steel	847, 787	--------
Nonferrous metals	9, 165	--------
Manufactures of metal, n.e.c	1, 146, 567	--------
Total, manufactured goods by chief material	2,519,945	8,052
Machinery, nonelectric	26, 761, 740	--------
Electrical machinery, appr, and appl	1, 868, 849	--------
Transport equipment	21, 130, 510	--------
Total, machinery and transport equipment	49, 761, 099	25, 996
7. LIBYA		
Chemical elements and compounds	473, 418	--------
Dyeing, tanning, and coloring materials	151, 080	--------
Medicinal and pharmaceutical products	1, 063, 917	--------
Essent oils, perfume matrls, soaps etc	460, 878	--------
Explosives and pyrotechnic products	62, 824	--------
Synthetic resins and plastic materials	174, 072	--------
Chemical products and materials n.e.c	1, 332, 082	--------
Total, chemicals	3, 718, 271	11, 409
Leather, mfrs, n.e.c., and dressed furskins	3, 742	--------
Rubber mfrs—semifin & fin, n.e.c	955, 793	--------
Wood and cork manufactures, n.e.c	23, 106	--------
Paper, paperboard, and manufactures	389, 917	--------
Yarn, fabric, and articles, textile	244, 375	--------
Nonmetallic mineral manufactures; n.e.c	177, 011	--------
Iron and steel	3, 271, 032	--------
Nonferrous metals	131, 944	--------
Manufactures of metal, n.e.c	2, 926, 542	--------
Total, manufactured goods by chief material	8, 123, 462	20, 089
Machinery, nonelectric	41, 525, 566	--------
Electrical machinery, appr, and appl	8, 034, 914	--------
Transport equipment	9, 860, 015	--------
Total, machinery and transport equipment	59, 420, 495	26, 997
8. TOTALS—ALL COUNTRIES		
Chemicals	27, 562, 512	134, 701
Manufactured goods by ohief material	42, 425, 770	113, 946
Machinery and transport equipment	417, 539, 128	258, 007
Total	487, 527, 410	506, 654

Note: Figures concerning agricultural exports to Abu Dhabi a member of the United Arab Emirates and a participant in the oil embargo, are not separately available and thus are not included.

Source: U.S. Department of Commerce.

THE NEW ENGLAND FISHING INDUSTRY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HARRINGTON. Mr. Speaker, fishing was quite literally this Nation's first industry. The early immigrants to New England and Virginia discovered they could not feed themselves with agriculture alone, and turned to the seas for basic and necessary food supplements.

Our fishing industry not only prospered, but led the world. We remained the largest or second largest fishing Nation until the Korean war.

Since that time, however, we have failed to keep pace. Our catches have declined dramatically as a proportion of the world catch; we have seen our fish stocks depleted; we import increasing proportions of our domestic fish consumption; our fishing communities are depressed; the size of our fleet is dwindling; and the sons of fishermen are leaving their hometowns and their families for more promising employment.

To a large degree, this situation is the combined fault of official neglect and a lack of foresight. If we are going to correct it, we will have to offer the fishing industry the same support we offer other industries, and which other countries offer their own fishermen with whom ours must compete.

There are no final solutions now available, but we must begin now. An article by Frederick J. Pratson, "Fisheries Anchor All Hope on 200-Mile Limit," appeared in the November issue of the New Englander magazine. Although the policy proscriptions are necessarily incomplete, Mr. Pratson accurately describes the plight of this vital American industry. Because in the end the Congress will be responsible for considering, authorizing, and funding programs to address the critical problems reviewed by Mr. Pratson, I insert that article in the RECORD at this time for the information of my colleagues.

The article follows:

FISHERIES ANCHOR ALL HOPE ON 200-MILE LIMIT

About 80% of the fish Americans annually consume is imported. Canada, for example, exports about 75% of its fisheries' production to the United States.

If you ride one of the Scandinavian tourist ferries from Yarmouth, Nova Scotia to Portland, Maine, there's a good chance your car will be in the ship's hold with a truck trailer full of Canadian fish for U.S. markets. Even that venerable American sandwich, McDonald's "filet-o-fish," is made from imported fish, processed into tasty cubes by such companies as Gorton of Gloucester. And even more hurting to our national pride is the fact that a good portion of the imported fish is caught off New England.

Thanks to governmental indifference, the New England fisheries have had such a bad time of it that the "Sacred Cod", hanging in the Massachusetts State House, should most likely have "Imported from Poland" printed under its right fin. And that famous fisherman statue in Gloucester should no longer be that of a Yankee seafarer but a salesman for a Bulgarian herring conglomerate.

Though much fewer in number, traditional seafarers still exist in New England. But many of the Yankee names have been replaced by those that are Canadian, Italian, Portuguese, Greek, and Scandinavian. The Provincetown fishing fleet, for example, is almost all Portuguese.

The New England seafarers of 1973 love the sea and fishing; they want to serve the food needs of the American consumer, and they want to contribute their talents and energies to strengthening New England economically. But the New England fisheries have been shoved aside, almost as an archaic relic of the past, in the heady pursuit of space exploration, East-West détente, and a multitude of other interests.

TWENTY COUNTRIES OFF NE COAST

It comes as a shock when one realizes that there are close to 20 nations fishing within a few miles of the New England coastline. Several years ago, a movie called "The Russians Are Coming! The Russians Are Coming!", offered a comedy about a Russian submarine grounding itself off a fictitious Massachusetts island. In reality, however, the facts are not so comical; the Russians have not only arrived, but they have been here in droves for quite some time.

Hugh F. O'Rourke, executive secretary of the Boston Fisheries Assn. and an officer of numerous other national and international fishing groups, offers a good reason why the Russians are off the New England coast.

"In the 1950's, the Russian agricultural plan failed, and they had to do something about providing food for their people," explains O'Rourke. "One of their solutions was fish protein. They sent scientists over to Georges Bank to estimate the fish there, and their vessels soon followed. The only way they could make an efficient operation was to use factory ships, which would stay on the fishing grounds from six to nine months at a time."

Besides the Russians, New England's fishing grounds are being harvested by the Poles, Scandinavians, West Germans, Bulgarians, and others. Russia uses most of the fish it catches itself for within the Eastern Bloc countries. However, Poland, which is not known as a seafaring nation, is one of America's largest suppliers of fish. The Polish fleet is a modern factory-type operation, growing rapidly in number of vessels.

O'Rourke, who visited a Polish ship in Massachusetts waters, tells of comfortable, modern quarters and other amenities which help alleviate the tedium of long periods at sea. The U.S. experimented with two factory ships of its own, designed for long voyages. The multi-million-dollar experiment failed because of the difficulty of attracting crews.

COMPETE WITH GOVERNMENTS

Except for the U.S., Great Britain, and Canada, all the nations fishing in northeast North American waters are government owned and controlled. About the only thing the U.S. government has done for the U.S. fisheries is to provide a 50% subsidy to finance the building of a new vessel. In Canada, a fishery can build a vessel and rely on the government to subsidize most of it.

What does all this activity in New England waters have to do with the supply and price of fish? Greater world demand for certain kinds of food, particularly meat and fish proteins, exceeds the ability of nations to supply them. While the U.S. can exist without fish (the average American consumes 167 lb. of meat annually and only 11 lb. of fish), many countries depend on fish as the staple diet.

The average person in Iceland, for example, eats 82 lb. of fish per year. And the Japanese consume 67 lb. per capita. In Europe, one third of the diet is fish. Europeans consume a greater range of species, such as herring and dogfish, in contrast to Americans who prefer the so-called "high-class" fish, such as lobster, shrimp, salmon, scallops, haddock and halibut.

Differences in taste mean that New England vessels must be selective in what they bring back to home port. For the American fishermen, it only makes sense to land those species which will attract the highest price and greatest profit. On the other hand, the European factory ship can haul-up and use just about everything caught in the net.

KEY DILEMMA: DEPLETION

The result of trying to fill the increasing needs of both national and international markets, through continuous, high-intensity fishing, is a rapid depletion of marine life. This is the main reason for the high price of fish in U.S. markets and the scarcity of certain favorite species, such as haddock. Add to this the continuing pollution of the ocean from oil spills and waste from urban areas, and the problem becomes even more serious.

However, the most immediate need for the New England fisheries is a solution to the problem of foreign competition and the decreasing supply of fish. The high retail price for fish should mean high profits for the individual fisherman and private fishing company. But the fishermen's profits remain low, because they cannot supply enough of the product to make a higher profit.

The future—or lack of it—for the New England fisheries, therefore, hinges on the availability of the product. However, as long as there is no control over the foreign exploitation of New England waters, the only destiny for the region's fisheries is downhill and, quite possibly, into oblivion. Through international conferences, the U.S. fisheries have attempted to form agreements which would give everyone a fair share of the take. But the Americans have been ignored by the European nations.

At a recent ICNAF (International Convention for the Northwest Atlantic Fisheries) meeting in Copenhagen, Denmark, the American delegation felt so put-off by the indifference of the other nations to their problems in their own waters that they walked out of the meeting. But such a rebuke is mild compared with what has happened at sea.

WEATHERING HARASSMENT

New England vessels, crews and operations have been harassed by the Russians and others. Lines have been cut and equipment has been lost. The foreigners also act like a pack of wolves waiting for the kill. American vessels find the fish, and, as is the custom, the information is passed from one vessel to another by radio. The Russians and others tap the conversations, fixing the location of the Americans and the schools of fish they have found. Before the New England fishermen know what is happening, the foreign ships are down their backs hauling in the fish. And the New Englanders are no match in a confrontation: the large foreign vessels could easily slice through the American boats.

With imports now accounting for 80% of domestic consumption and with problems mounting for American fishermen, how important are New England's fisheries and why salvage them? First, local fisheries help exert control over the price of imported fish. Without this alternative source of supply, foreign suppliers could dictate both amount and price to American markets. Witness the kind of arm-twisting being applied by oil-rich Arab nations in the petroleum market.

Second, the high rate of inflation, dollar devaluation, and the rising demand for fish protein worldwide create more profitable opportunities for foreign suppliers in markets other than the U.S.

PITCH 200-MILE LIMIT

While we ponder the question of survival, the American fisheries, particularly those in New England, have decided to act. Their solution is to extend the limits of American territorial waters out to 200 miles. Gov. Francis Sargent of Massachusetts was a strong advocate of the 200-mile limit, and the Bay State legislature made it official. Unfortunately, however, this became a symbolic gesture since there is no way that the state can enforce its act. The fishermen must prevail upon the federal government to make the 200-mile limit legal and police it.

Sen. Edward Kennedy has backed the requests of the fishermen in the Senate, and U.S. Representative Gerry Studds (D-Mass.) and U.S. Sen. Warren G. Magnuson (D-Washington) have introduced a bill that would create a 200-mile limit and manage the fisheries in a way that would give preference to the U.S. industry.

A 200-mile limit would allow certain depleted species to replenish themselves, and it would give the U.S. fisheries first preference and protection in their catches. New England fishermen do not want to totally exclude foreign fishing in U.S. waters. They advocate a system which would give each nation a quota of certain species. Such a system would increase the productivity and profitability of the New England fisheries.

The fishermen claim that if they can increase their profitability, it, in turn, would attract private capital back to the fisheries. The new capital would finance new vessels, equipment and techniques that would revitalize the entire industry. But reversal of the industry's downward trend is dependent on the passage and enforcement of the 200-mile limit. Some feel that the 200-mile limit is the last chance to make something out of the fisheries.

JEOPARDIZE "RIGHT OF PASSAGE"?

The federal government has not been enthusiastic about imposing such a limit. Among the reasons: a 200-mile limit in U.S. waters could result in denial of the "right of free passage" for American vessels and military ships in foreign waters. In short, by allowing foreign ships the "right of free passage" in U.S. waters, the U.S. feels free to take that "right" in waters throughout the world. American fishermen stress that the 200-mile limit can be flexible, protecting their interests against foreign competition while allowing passage for other types of vessels.

One of the ironies of the entire debate is that while U.S. fleets are sailing around the world in a defensive shield, the Russians and other Eastern Bloc nations are already in position a few miles off American shores. According to one estimate, there are 343 Russian ships, containing about 8,000 people, cruising off the Eastern coast of the U.S.

It appears that the 200-mile limit is inevitable. Both the pressures of the fisheries and growing public opinion are winning an increasing number of advocates in Washington, D.C. and the state capitals.

Thriving fisheries could pump new life into the New England economy and rekindle that spirit of determination and adventure for which the region was once world famous. If the 200-mile limit is the answer to the problems of New England's fisheries, then the talk should turn to action.

FREDERICK J. PRATSON.

BILL STEIGER TALKS ABOUT OSHA

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ERLENBORN. Mr. Speaker, in 1970, performing a rare feat for a second-term Member, our colleague from Wisconsin (Mr. STEIGER), coauthored a landmark law: The Occupational Safety and Health Act. Not one to rest on his laurels, Bill's concern about on-the-job safety and health did not stop with that accomplishment. Much like a proud father, he played an active role in guiding the infant law.

"OSHA has not reached the stage of adolescence," Bill said, through an able surrogate, in a recent speech delivered to the National Safety Congress; an adolescence, as we all know, is a time for developing maturity, a time for molding future direction.

Because of Bill's deep involvement in OSHA from its conception, I believe his observations and his concerns about its future will be meaningful to our colleagues and others who hope this adolescent will mature into the effective, fair law Congress had in mind. His address to the NSC, therefore, follows:

Address of Hon. William A. Steiger to National Safety Congress, Chicago, November 1, 1973

I want at the outset to apologize for not being able to be present personally for this National Safety Congress. I am grateful to Howard Pyle and to Assistant Secretary John Stender for their willingness to allow Chuck Hurley to read my speech.

Last year, you may recall, was an election year, and the House of Representatives wasn't in session during the Safety Congress. This year it is—and, regretfully, the Education and Labor Committee is attempting to reach a final agreement today on the Elementary and Secondary Education Act Amendments.

Next April OSHA will celebrate its third birthday. Despite all of the controversy, it is my conviction that the great attention paid to occupational safety and health itself has laid a solid foundation for the goal OSHA seeks to achieve, namely, a significant reduction in the number and severity of accidents and deaths in the workplace. The Act and its implementation are working, thanks in large part to the kind of people in this room this morning—Secretary Stender, and his able staff both in Washington and the field, and all of you, the men and women who in the end have the greatest responsibility for enhancing the workplace environment.

The question then is how do we make the Act and its administration even more effective. Obviously, reasonable people can, and should, disagree about complex issues. That is the strength of our democracy as we seek solutions to very difficult problems.

The House of Representatives' Select Subcommittee on Labor chaired by my colleague, Dominick Daniels of New Jersey, will shortly begin extensive oversight hearings on the Occupational Safety and Health Act. These hearings are important for all of us because during the course of them, legislators, business and industrial leaders, labor leaders and safety professionals will, I know, raise some of the important issues and concerns about the policy direction of OSHA.

Together, everyone involved with the Act has come a long way in the last several years. There is much for which each of us can be proud. Moreover, in the midst of periodic crises and growing pains of a law the size, scope and complexity of OSHA, the ever present OSHA cowboy has helped me maintain a perspective and sense of humor. That marvelous creature is framed in my office and you may remember it became known in Wisconsin as "Steiger's Steed."

I have the feeling that the cowboy is about to be superseded by a recently uncovered contraband document from somewhere deep within the bowels of OSHA itself. It is called the "Goshpel According to Steiger" and it goes something like this:

In the beginning there were no coathooks on the toilet stalls and there was ice in the drinking water.

And on the first day Steiger looked down from the 6th District and saw that the workplaces were of danger.

And Steiger said, "Let us make a task force in our own image, after our likeness and let it have dominion over the land of OSHA. Be fruitful and multiply and replenish the bureaucracy."

From the task force came a man called Guenther and Guenther begat Scannell, who begat Seymore, who begat Ronk, who begat O'Neill, who begat Proctor, who begat Lunnie and they were called OSHACRATS.

And Steiger called Scannell up to the Hill of the Capitol and Steiger gave unto Scannell three tablets of granite, each of which carried the weight of two oxen. And Steiger said, "These are the 1910 commandments for Industry in General."

But Scannell replies. "Surely you do not expect the people of OSHA to carry these tablets to their place of business. Their weight presses upon my shoulders like unto my mother-in-law upon my back." But Steiger was unfeeling and said the stones represent the consensus of the wisemen of the country of ANSI and wise men always bring forth heavy proclamations. And Scannell took the stones to the people.

But there came forth from every tavern and construction site, from every auto repair and grocery, the cry that these standards are like unto the Tower of Babel—they are composed of 14 tongues (no reference to carcinogens) and only the wisdom of Solomon and the expertise of Howard Pyle can comprehend them. But Steiger was not moved by the cries of the multitude because it was 5 o'clock on the first day (and we all know what happens in a bureaucracy at 5 o'clock).

On the second day did Steiger create the Office of State Programs. And off in the distance from the left wing of the valley came the sound of the war drums of the tribe of the AFL–CIO.

On the third day, Steiger said unto OSHA, "Whatever you do, stay out of the garden of the pesticides because the Department of Agriculture owns the fruit of the trees there and you will surely enrage the farmers of the garden. But OSHA entered the garden temporarily, on an emergency basis, saying 800 farmworkers died in the garden last year. But this outraged the farmers of the garden who cried, "Surely thou knowest 800 farmworkers did not die here." And Steiger said, "You would not heed my warning about the garden of the pesticides and now I will lay a pestilence upon the land of OSHA and I will cause court injunctions to rain upon the land for 40 fiscal years."

On the 4th day there came into the land of OSHA, a tribe from the right wing of the valley. And they were known as the Birchites and their leader was a giant called Stang. And Stang said to Steiger, "We will put the Nix on OSHA and we challenge you!" And Steiger was sorely pressed. "We will debate you in every tavern and women's club, in every convention hall and trade association in the land. We will talk from day unto night and we will inundate the land with press releases, and the rivers shall turn white from memos." And Steiger smote the tongue of the Giant Stang with his dictaphone machine and the Birchites troubled the land of OSHA no longer.

And on the fifth day, Steiger went into the land of OSHA and was distraught with what he saw. And Steiger said, "Let us reorganize." And they did.

And at the end of the fifth day, Steiger looked down upon the land of OSHA and said, "This is a mess, but then so was the land of Social Security when it first started." And then he rested because in the Bureaucracy there is no 6th or 7th day.

Since I have been labeled the "Father to the Lie" by some misguided souls, this gospel though exceedingly funny, is not entirely accurate or complete.

One year ago the theme of the Labor Department's presentation to this Congress depicted the implementation of the law as a progression from birth to early childhood. It is my best judgment that, in the long range development of the law's implementation, OSHA has now reached the stage of adolescence.

Thus, this morning let me briefly raise with you some of the issues I believe must be considered as you direct your attention to the policy direction OSHA is taking.

First, from the standpoint of legislation, I do not believe Congress will to any extent gut the basic Act. There are two areas in which changes can and, I believe, should be made. One is the area of consultation about which I have spoken in the past. The Act should be amended to authorize on-site consultation for small employers. The reasons are well known and I believe well understood. My hope is that the Nixon Administration will join with the small business associations and the AFL–CIO which in its convention last week endorsed the concept of on-site consultation if separately financed.

The second area concerns coverage for government employees who today are not covered directly by the Act, but are covered to some extent in those States who have adopted state plans. An amendment to the Act to provide for local and state employees is not easily written. But it is essential if we are to allay the concern expressed by those in the private sector who say, "I am required to do certain things. Why doesn't the Government have to do the same?"

There continues to be within Congress, as you would expect, a dichotomy between those who want to repeal or substantially modify the Act's basic provisions as contrasted to those who seek to put even more power in the hands of the Department of Labor. Because a fundamental power balance exists, I foresee the Act being sustained essentially as is.

That raises the second point I would like to make: the administration of the Act. The primary thrust of the Williams-Steiger Act is not toward punishing employers and employees but rather toward securing the broadest possible compliance. Given the relatively small number of compliance officers, virtually everyone agrees that our success in reducing the toll of accidents nationwide, in large measure, will depend on voluntary compliance. The foundation of voluntary compliance is not unlike a three-legged stool.

The first leg is due process, guaranteeing a fundamental respect for the rights of both employers and employees.

The second leg is a clear and precise understanding of the standards and how they apply to employers and employees in the workplace. Each must have a conviction that the standards have a direct and positive impact on workplace safety and health, and each must have complete confidence that compliance with these standards is in their own best interest.

The third leg, of course, is enforcement. Employers and employees must know that if they choose to ignore the standards and the requirements of the Act, OSHA will enforce the law with a fair and firm hand. First instance citations—though highly controversial and a significant departure from previous efforts—are absolutely basic to the progress which has been made up to now.

Too much or too little emphasis on any one of the legs makes the foundation of OSHA unstable. A balanced approach is the only appropriate response to bring OSHA the broad public support and increased appropriations it needs to accomplish its monumental task.

This leads to my third point. I am concerned that the Occupational Safety and Health Administration, in part because of pressure by the courts and in part because of the forces that surround the Act, has become entangled in a web of enforcement and standards setting procedures that could, if not handled well, weaken the very underpinnings of the Act. For example, in FY 73 there were estimated to be an annual number of inspections of 47,000, while for FY 74 OSHA has targeted an annual level of inspections of 80,000—almost a 100% increase.

This rapid increase in the number of inspections and the obvious need to keep the time between inspections and citations as short as possible can present problems for all of us—problems stemming from a lack of precision in citations issued, from the pressure on the compliance officer to forsake quality inspection to increase quantity, and from pressure on the Labor Department as the number of appeals to the Safety and Health Review Commission accelerate rapidly. While inspections are crucial, overall compliance, I believe, must be firmly grounded in the certain knowledge of both employers and employees that each will get a full and fair shake both in due process and in the enforcement procedures.

Another area of concern deals with the recent rulings of the second, third, and fifth Circuit Courts of Appeal, which have overruled parts of the sanitation, carcinogen and pesticides standards. Each of these decisions—which, I understand, will not be appealed—takes issue with the lack of due process and with OSHA's standards setting procedures. I do not have time to go into this in detail, but in each of the cases—two involving emergency temporary standards—the Labor Department failed to establish sufficient justification for its action. This can have a crippling effect on compliance.. Employers knowing they will face new OSHA standards in the near future may well ask: "Should we expend the capital and comply with this standard now, when there is a possibility the standard will be overturned next month? Should we wait or perhaps even take the issue to court?" Vacated and/or modified standards written under the pressure of time do not protect employees and are a disincentive for immediate compliance.

My final point: It would be my hope that after congressional hearings on behalf of on-site consultation, the Labor Department will undertake to expand and make more effective its own efforts in the field. Coupled with that is my hope that the Labor Department will make as a priority a complete review of the standards in order to make them more precise and understandable and therefore lead to more complete compliance.

All of this is by way of saying that this balance between enforcement, precise understanding of the standards and due process can strengthen and indeed sustain the ability of the Act to work. My concerns are not directed to any individual or group. The issues are raised this morning to stimulate, from you—the safety professionals, your concern and criticism, as together the legislative and executive branches and all of you seek the best way of insuring and enhancing the workplace environment for the men and women of the United States.

OSHA is a tough law and yes it is fraught with peril. It is complex and yet, in its own way, quite simple. While the standards may be difficult now to understand, the basic concept of employers and employees working together with a fundamental respect for precision and due process can work.

I do not expect unanmity on these or other policy debates, but it is my commitment to you, to my colleagues in Congress, and to those on whose behalf the Act was passed, to be a full partner in our consideration of policy direction and implementation of the law. We need your help, your understanding and your willingness to give of your talents and time.

DEDICATION OF THE NIMITZ LIBRARY, U.S. NAVAL ACADEMY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HORTON. Mr. Speaker, it was my recent privilege to attend as a member of the Board of Visitors the dedication of the Nimitz Library at the U.S. Naval Academy at Annapolis.

Because I was deeply moved by the ceremony and by this fine educational facility, I felt it would be appropriate to share the highlights of the occasion with my colleagues, and with the American taxpayers who have made possible the construction of this beautiful library:

PROGRAM

Arrival Honors.

Master of Ceremonies: PROFESSOR RICHARD A. EVANS, Librarian, U. S. Naval Academy.

National Anthem.

Invocation: CHAPLAIN JOHN J. O'CONNOR, U. S. Navy.

Remarks and delivery of building: ADMIRAL ISAAC C. KIDD, JR., U. S. Navy, Chief of Naval Material.

Acceptance of building and remarks: VICE ADMIRAL WILLIAM P. MACK, U. S. Navy, Superintendent, U. S. Naval Academy.

Dedication address: REVEREND JAMES J. KORTENDICK, S.S., PH.D., Professor of Library Science, Catholic University of America.

Remarks: PROFESSOR ELMER B. POTTER, History Department, U. S. Naval Academy.

Unveiling of Bust of Fleet Admiral Chester W. Nimitz: MRS. CHESTER W. NIMITZ, assisted by Rear Admiral Chester W. Nimitz, Jr., Midshipman Rodney W. Savage, Brigade Commander, and Midshipman Stephen C. Nimitz, Class of '76.

Benediction: CHAPLAIN MURRAY H. VOTH, U. S. Navy.

PRESENTATION OF THE NIMITZ LIBRARY BY ADM. ISAAC C. KIDD, CHIEF OF NAVAL MATERIAL

Mrs. Nimitz, Admiral Chester, Katherine, Ms. Nancy and Mary (in absentia), distinguished members of the clergy, Admiral Mack, distinguished guest and young gentlemen of the Brigade of Midshipmen, you for whom this magnificent library was brought into being.

At this time Admiral Mack, I formally tender to you sir, this building and the wealth that it contains. The transfer comes from our Navy's material establishment responsible for construction to the United States Naval Academy for use.

Fortunately, for this great nation of ours, we as a country have been vouchsafed through heritage and tradition a limited number of heroic giants, thus far, adequate in numbers to our nation's needs in times of great stress or national disaster. History has so favored but a few nations, from time to time. Others less fortunate enjoy but a footnote in the Quartermaster's notebook of world history.

Present today are a few such leaders of that stature. Admiral Mack himself, Admiral George Anderson, Admiral Arleigh Burke and, of course, Admiral Nimitz whom we honor with this great building.

The brief bridge watch stood by Fleet Admiral Nimitz in this great Navy of ours was a model for all privileged to serve our country at sea. The lessons he learned, the judgments he made, the inspiration he passed along, the leadership he practiced daily through precept and example, deserve attentive study and scrupulous emulation.

My father knew him well and had unbounded affection for this great man. I too, knew well this giant among men, as well as a youngster could . . . but well enough to give credit to him and his inspiration for our Navy's unblemished record of smashing successes following the near mortal blow of December 7, 1941.

We have done Admiral Nimitz honor by naming *Nimitz*, our newst nuclear powered carrier soon to join the fleet. But here today with the transfer of custody of this library we do even more for you Midshipmen of the Brigade; because we thereby insure availability to naval generations yet to come full measure of knowledge as to how best to use to our national advantage the experiences of the past.

"Men who ignore the past are doomed to relive it," said Santayana. Admiral Nimitz never ignored the past. He studied it, learned from it, used it as a basis to build for success in the future. You young gentlemen can afford to do no less, you to whom these remarks are particularly addressed.

Mrs. Nimitz, who honors us so greatly with her presence here today, has a small calling card of the Admiral's tucked away in his wallet. Frequently she carries that with her. I'm sure she has it in her treasured possessions. On the back of this card, gentlemen, Admiral Nimitz had noted for himself those minimum measures which he considered essential to victory at sea, and not necessarily confined to victory at sea in time of war; but also to the proper application of seapower that could lead to assured peaceful pursuits at sea at all times. To me, those one word reminders to himself synthesize those thousands of volumes in this library recording maritime experience. Admiral Nimitz evaluated decisions, he made against these fundamentals. He acknowledged that it was impossible to fulfill them all under every set of conditions. Yet he had little patience with any proposition that could not fulfill most. His points of reference have served me well. I commend them to your study and memory.

On the back of that card are noted the following eighteen words: Objective, Offense, Surprise, Superiority of Force at Point of Contact, Simplicity, Security, Movement, Economy of Force, and finally, Cooperation."

Truly, only a genius could so succinctly summarize the seeds of success.

Gentlemen, its all there . . . on two short inches of paper. I would challenge any to find more wisdom in such a small space. And I would hope, Mrs. Nimitz, that someday you might find it in your heart to permit that bit of paper to be suitably encased in this great library.

ACCEPTANCE BY VICE ADM. WILLIAM P. MACK, SUPERINTENDENT, U.S. NAVAL ACADEMY

Admiral Kidd, Mrs. Nimitz, members of the Nimitz family, distinguished platform guests Father Kortendick and those distinguished guests whom Admiral Kidd has already recognized and I would like to add two to this list—Admiral Calvert who returns to us as a former Superintendent and then Captain and now Rear Admiral Max Morris, who is with us this morning as an ex-commandant. These two wonderful officers have contributed so much to the building and foundation and establishment of this library and we are very happy they could be here this morning.

After having accepted the Nimitz Library on behalf of the Naval Academy, I want next to present this key in turn to the one who has done so much to bring this building to life and who will do so much in the future to make it stay that way and to be always the beautiful building, the usable building as you now see it. Professor Evans.

The dedication of this beautiful building which as you can see dominates now the skyline of the Severn River is the culmination of ten years of study, planning and now construction.

When the need for a modern library at Annapolis was analyzed in 1963, a prime consideration was to build a library that would support best the Academy's mission to prepare young men morally, mentally and physically to be professional officers in the Naval Service, and a library that would, in addition, serve the research and general educational needs of both the midshipmen and the faculty.

Another purpose, perhaps more basic, was to construct a library that would be used fully by the students and that would become an integral part of the educational program.

Now I think if you will examine your printed program you will notice the fact that this library contains not just books but the ability to be used by some 1200 midshipmen at any one time in any of several ways and the uses to be made of this building are just fabulous.

I think we have succeeded in these basic purposes very admirably.

In addition to the familiar library functions, the Nimitz Library here includes spaces for a major academic department, the Division of U.S. and International Studies and also a photographic laboratory which is one of the latest in the country. It also houses an educational resources center, again, one of the best and one of the latest, most modern in the country, where we can use and store and issue audio and visual aids used for instruction. A professor who would want to select library materials and a midshipman studying the same materials will be able to find them under one roof and he would find the full instructional resources of this academy—whether these were books, tapes, films, maps, musical tapes, video tape and all the other resources of the Naval Academy. We have a beautiful television control center which distributes closed circuit programs throughout the Academy, some of which we make and do very well.

Significantly, as anything I think that Admiral Nimitz would have anything to do with, this library has been so planned that the resources can be expanded in the future—perhaps twenty years ahead. We know that this is a dynamic educational institution. We propose to keep it that way. And we think the Academy's programs and teaching methods will continue to change in response to the needs of the fleet and new developments which we find in the educational world.

First of all, I would like to thank the Congress which made this remarkable structure a reality. I would also like to extend my thanks and admiration to Mr. John Carl Warnecke and Associates and to the George M. Ewing Co., for the superb architectural design of this building. As you can see it is somewhat similar to Chauvenet and Michelson Halls yet sufficiently distinct and varied to provide its own unique contribution to the Academy landscape. And I think you will find some of the beautiful pictures in the program are indicative of that and I hope you will take these away with you as mementos of this beautiful building.

Rising next to us is, of course, Rickover Hall which will complete the four major new construction buildings and will, I am sure you will agree, form a most beautiful section of this campus.

I thank also the contractor, J. W. Bateson Sons who constructed the building and Eleanor LeMaire Associates who coordinated the interior decor and if you think it is easy to find something which will be masculine for midshipmen and yet beautiful you will, I think, agree they have succeeded when you see the decor of this beautiful building.

Also deserving of special recognition are the Chesapeake Division of the Naval Facilities Engineering Command and the Navy's own Public Work Department. Both of these organizations played major roles in the planning and constructing of this magnificent library.

REMARKS BY PROF. E. B. POTTER, DIVISION OF ENGLISH AND HISTORY

It is obvious that the chief reason for Admiral Nimitz's name being commemorated here is his record of leadership in the Second World War. The main reason why the name "Nimitz Library" has met with universal approval was stated by Admiral Kidd. I think another reason is that Fleet Admiral Nimitz was widely known as an eminent intellectual as well as a man of action, a man of books as well as a man of ships and guns. If he had not been a naval officer, this man of many talents might have made a career as an author, which he was; or as an editor, which he was; or even as a professor, which he was.

Author Nimitz at the age of 27 published in the *U.S. Naval Institute Proceedings* a widely discussed and much esteemed essay on submarines. This was only the first of a score of articles published by him.

These articles, assembled and bound together, as well they may be some day, would make a valuable and authoritative book.

Editor Nimitz twice served as president of the Naval Institute, in which capacity he read and made recommendations concerning materials submitted for publication. This task he carried out swiftly and effectively because he was a rapid and discriminating reader. Even in the midst of World War II, after a brain cracking day of directing the strategy against Japan, he usually ended his evening reading history, often while listening to recorded classical music.

Editor Nimitz's most extensive effort was with the book *Sea Power*, which is used as a text in naval history here at the Naval Academy. Through his influence, *Sea Power* was kept so fair and so rigidly objective that a Japanese translation became a best seller in Japan, and a German translation is used as a textbook in the West German naval academy.

Professor Nimitz taught as a member of the faculty of the University of California at Berkeley where he was sent in 1926 to establish one of the original NROTC units. Coming in at the comparatively youthful age of 41 as a full professor and Dean, he aroused some resentment among the greybeard teachers who had earned their Doctorates and struggled up the academic ladder to attain full professorship late in life. But Nimitz soon won the friendship and respect of his colleagues by his unfailing good humor and his wide-ranging knowledge based on years of selective reading. In recognition of his demonstrated ability at judging people, the faculty invited him to join one of the University's committees on promotions and also one of its finding committees for selecting new faculty.

Professor Nimitz, always adaptable, never thought of himself as a naval officer thrust into an unfamiliar, somewhat hostile environment but only as a member of the faculty. He made lifelong friends of colleagues and students, and never lost his interest in education or in the University of California. That is where he sent his eldest daughter, now Mrs. Lay, to earn her degree, and when he went into semi-retirement it was not entirely by coincidence that he made his home near the Berkeley campus. And the University of California never forgot Nimitz. When his services became available, the university lost no time in offering him, through Governor Earl Warren, the post of regent, a position he held eight years.

The many-sided genius of Chester Nimitz has richly earned him a monument on this historic campus, but the overflowing approval of this dedication among those who knew him best, reflects reverence above all for his shining character. Surely no man in public life has been motivated by loftier ideals of service to his country and to all mankind.

Mr. Speaker, in conjunction with the dedication ceremonies of the Nimitz Library, the Naval Academy Class of 1955 presented a bronzed bust of Fleet Admiral Nimitz which has been permanently placed on the terrace to the library. The sculptor of this bust was Mr. Felix DeWeldon and his impelling remarks concluded the ceremonies. A portion of Mr. DeWeldon's remarks follow:

> It was very important to know the man well—his inner self—his character—even before one started to work on the clay model. Once I had the honor of having lunch with Admiral Nimitz, Admiral King and Admiral Carney at the Navy Department. The second time I saw him was at the ceremony when Secretary of the Navy Forrestal gave awards to aircraft carrier groups in front of the Iwo Jima monument. And the third time was at a dinner in Washington in honor of Admiral Nimitz and General Eisenhower.
>
> The sculptor's interpretation is limited to the portrayal of the spirit and character of his subject and light and shadow are his principal tools.
>
> When Admiral Nimitz sat for me I keenly felt his brilliance and lucidity of mind as well as his simplicity and charm of manner. He was a man of scrupulous impartiality with a great gift of logic. His deeply penetrating mind and outstanding leadership left his mark on our Navy for all times. Admiral Nimitz was loved and respected by all who knew him and I sincerely hope that these attributes will be apparent to all who see this portrait bust of him.
>
> Our Navy's successful campaign across the Pacific with its great battles fought and won are a tribute to his leadership. I hope that this memorial which honors Admiral Nimitz will also honor and remind us all of the gallantry of the men of the Navy and Marine Corps who have served under him and of whom Admiral Nimitz has said "Uncommon valor was a common virtue."

HOSPITAL CORPSMAN AWARDED NAVY COMMENDATION MEDAL

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. FLOOD. Mr. Speaker, a few days ago Rear Adm. Freeman H. Cary, the attending physician for the U.S. Congress, made an award of the Navy Commendation Medal to Senior Chief Hospital Corpsman Millard J. Gomez.

Senior Chief Gomez was recognized by the U.S. Navy for exceptionally meritorious conduct in the performance of his duties while serving on the staff of the attending physician to the U.S. Congress during the period of August 1966 to August 1973.

I am especially interested in this award, because Chief Gomez is a resident of my congressional district from the city of Nanticoke. I, too, wish to extend my congratulations to Senior Chief Corpsman Gomez upon receiving this award from the U.S. Navy. It is full recognition of a job well done and must be a source of great personal satisfaction to Chief Gomez and his family and friends.

At this point, Mr. Speaker, I would like to include as part of my remarks the citation that was presented on November 8, 1973, by Admiral Cary to Senior Chief Hospital Corpsman Gomez:

Citation

In ceremonies held at the U.S. Capitol on November 2, 1973, Rear Admiral Freeman H. Cary presented the Navy Commendation Medal to Senior Chief Hospital Corpsman Millard J. Gomez for exceptionally meritorious conduct while serving on the staff of the Attending Physician to the U.S. Congress. Gomez was cited as follows:

"For exceptionally meritorious conduct in the performance of outstanding service while attached to the staff of the Attending Physician to the U.S. Congress from 1 August 1966 to 31 August 1973. During this period, Senior Chief Gomez consistently demonstrated unusual initiative, industriousness, vigor, enthusiasm and medical expertise. His performance was particularly commendable in light of his daily necessity for working closely and smoothly with Members of Congress and other high ranking government officials. In these contacts, Senior Chief Gomez elicited only laudatory comments from those whom he served. His knowledge and technical skill contributed importantly to the excellent medical coverage for Joint Sessions of Congress, State Funerals and for two Presidential Inaugurations. In all areas, Senior Chief Gomez' performance of duty was in keeping with the highest traditions of the United States Naval Service."

HMCS Gomez is the son of Mrs. Nettie Gomez, 924 South Market Street, Nanticoke, Pennsylvania. He enlisted in the U.S. Navy August 21, 1957.

AT LAST, A BETTER WAY TO PICK THE VEEP

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ESCH. Mr. Speaker, as part of my continuing effort to draw attention to the need to review the current process for nominating vice presidential candidates, I am today providing for the Record a very fine article on the subject by James M. Perry of the National Observer:

At Last, A Better Way To Pick the Veep

(By James M. Perry)

It was more than 20 years ago that Herbert Brownell and Thomas Dewey agreed that Dwight D. Eisenhower's running mate would be the junior senator from California, Richard M. Nixon.

They passed the word to the general, who said he was "surprised" to learn "that the Presidential candidate could choose the Vice President as a matter of long-standing custom."

Right up to the final moment, Nixon wasn't so sure he should accept, and his wife, Pat, was even less sure. Dick and Pat stayed up until 4 a.m. talking it out, finally waking up Murray Chotiner to ask for advice. You can't lose anything, the wily Chotiner told them.

Eisenhower didn't pick Nixon; in fact, he hardly knew him. Nixon was picked for the ticket by party leaders because (according to Brownell) he was "young, geographically right, had experience both in the House and the Senate with a good voting record, and was an excellent speaker."

Nixon was also supposed to be a "bridge" between the feuding Eisenhower and Taft factions in the party. Kennedy picked Johnson for a similar reason, he would be a bridge to the Old South, Johnson picked Humphrey because Hubert always had been his bridge to the liberals; and, when Nixon's time finally came, he picked Agnew because . . . because he was an ethnic, because he was a governor with some thoughts about city problems, because, maybe, he didn't seem to offend (or threaten) anybody.

And McGovern picked Eagleton because . . . well, why did he pick Eagleton? Because, maybe, there was no one else.

It is a lousy system, and it is no better now than it was when the naive old general was told what to do 21 years ago. Soon, though, the system will be changed—by the Democrats at least. They have something called the Commission on Vice Presidential Selection whose 70 members will vote before the end of the year on a reform package.

AGNEW FALLOUT

Nobody thought the commission would do anything or that anyone would pay attention to its deliberations, because the Democrats didn't want to hold highly publicized meetings to explore why their nominee in 1972 picked a running mate who'd been hospitalized for mental problems on three separate occasions, especially when that running mate was seeking re-election to the Senate from Missouri in 1974.

But the Agnew resignation, with the resulting vacancy in the Vice Presidency, has changed all that. Now, the question of selecting a fit Vice President isn't just a Democratic problem; it's a Republican problem too. And that's why the Democrats are going to institute meaningful reform this year.

I think I know what's going to be in the package—because the commission chairman, Hubert Humphrey, and the chairman of the Democratic National Committee, Robert S. Strauss, seemed to be in perfect agreement last week on what the reforms ought to be. It's in the bag.

But it's fun to listen to the witnesses and leaf through the mail from party leaders, labor skates, and political scientists to learn what they think ought to be done. This commission has inspired some interesting proposals. Thus:

State Sen. Burnett C. Bauer, of South Bend, Ind., would amend the Constitution to "replace the office of the President and the Vice President by an elected three-man commission." The job, he thinks, is too big for one man.

Robert M. Curtis, past chairman of the Broward County (Fla.) Democratic Executive Committee, wants "the person receiving the second highest number of delegate votes . . . be automatically declared the Vice Presidential nominee."

NUTS TO GEORGE

Donald O. Peterson, national commiteeman from Wisconsin, thinks there's wisdom "in encouraging candidates to actively campaign for the nomination of Vice President and not permit the decision to be made by one man."

Charles S. Harnetty, chairman of the Perry County (Ohio) Democratic Party, has two thoughts: "(A) First, do away with every damn McGovern guideline; (B) anyone except Senator George McGovern could of picked a great Vice Presidential candidate."

Rep. J. Robin Harris of the Georgia House of Representatives doesn't want any change in the system because if the delegates to the last convention had been allowed to make the selection, "the result would have been more disastrous than it was." Harris says it gets more difficult all the time being a Democrat.

Sen. John Sparkman, Adlai Stevenson's running mate in 1952, thinks it's just about "impossible to arrive at a good solution. . . . Frankly, I see little escape from the prevailing custom. . . ."

REALLY BIG REFORMS

Finally, though, it's the political scientists who demonstrate the most inspiration. Simple reforms aren't enough for them; the reforms must be *really* big—and original. Thus:

William J. Crotty, associate professor, Northwestern University, suggests "the office of Vice President should be abolished by Constitutional amendment." In case the President dies, resigns, etc., "the Congress by majority vote should select a person to serve as a caretaker or provisional President until the next election." But if the next election is more than two years away, then "the parties should nominate candidates for a two-year term and the voters select among them in the off-year elections." Crotty also suggests an amendment providing for a vote of confidence on a President. If the Congress voted "no confidence" twice within 30 days, the President would be forced to resign and an election would be held to replace him within 60 days.

David R. Mayhew, associate professor at Yale University, proposes what he calls "a simple, off-beat idea." He would change the Constitution to "1.) delete anything to do with the Vice Presidential duties . . . and 2.) delete anything barring a Vice President from simultaneously holding any other office."

Notes Professor Mayhew: "The logic of all this is to allow a party to nominate a man for Vice President without his having to abandon (or refrain from assuming) another office even if he wins the Vice Presidency." And why not? "The official and unofficial duties of Vice Presidents can be abolished at small cost; they don't amount to much anyway." Under Mayhew's proposal, Nelson Rockefeller could be Vice President and governor of New York. Or Honest Ted Britt could be Vice President and still sell used cars.

NOT WHAT, BUT WHO

"The only important thing a Vice President does is take over if a President dies," Mayhew points out. "It makes little difference what a Vice President does while he waits. It makes a great deal of difference what kind of man is doing the waiting."

I like Mayhew's idea. That is *original* thinking, and he is well on his way to becoming a truly big-time political scientist.

But the mandate of the Democrats' Commission on Vice Presidential Selection doesn't allow quite that much latitude.

So what the commission will recommend is this:

That the nominee chosen at the national convention recommend a running mate to the Democratic National Committee, which would be called into session after the convention is over. "That," says chairman Humphrey, "is what I find most engaging." Members of the committee, he added, would cast their votes in proportion to the number of votes their states were alloted at the national convention.

A MINI-CONVENTION

"Right," says Chairman Strauss. "The problem has been haste and confusion," and this proposal, he said, would solve it. It would, in fact, be very much like the mini-convention that picked Sargent Shriver as Eagleton's replacement.

Strauss also suggested that "a special committee or commission, appointed by the Democratic National Committee, be involved in the screening of potential candidates for Vice President, so that when our Presidential candidate is selected, the candidate can benefit from the research of such a commission."

So that, too, will probably be a recommendation.

Liz Carpenter, one of the witnesses last week, said that a Presidential nominee picking a running mate is a little like Moses, when he finally saw the promised land. "He leaned on his staff and he died."

It seems the Democrats will approve meaningful reform, including better staff work. Wonderful.

OUR NATION SALUTES THE HONORABLE PAUL CAVALIERE, NEW JERSEY'S CHAMPION SPORTSMAN AND A LEADING CITIZEN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ROE. Mr. Speaker, last month my Eighth Congressional District, State of New Jersey was the setting for a testimonial to a great champ and sportsman, proud family man, good friend and neighbor, the Honorable Paul Cavaliere, who attained excellence and national prominence in the sports world of boxing. A lifetime ever devoted to good works, compassion and fair play, always with dignity and universal respect, has earned him the title of "Champion" in our State and Nation.

Mr. Speaker, Paul Cavaliere was born in Paterson, N.J. 68 years ago and has achieved in his lifetime the respect and esteem of all who had the good fortune to know him. It is to his modesty in his achievements, his outstanding expertise in his field of endeavor, the warmth of his friendship and his standards of excellence in the American way of life that I seek this national recognition of his service to his community and his fellowman.

A recent news article that appeared in the Paterson News, one of New Jersey's most prestigious newspapers, most eloquently sets forth a brief sketch of the "Champ," Paul Cavalier, intertwined with the style and grace that depicts an era in our country's history filled with nostalgia but, equally as important, a factual historic chronicle of Paul Cavaliere, the man. Paul's story is truly an epic in our American heritage where success is within the promise of men like Paul who have the zest for pursuing what is within one's heart, matched with the determination and sincerity of purpose to always do the best in everything one sets out to do. Mr. Speaker, at this point in our historic journal of Congress I would like to enter this Paterson News story, written by a most distinguished sports writer, Bob Curley, as follows:

BOB CURLEY'S CURLEY CUES: YOU'RE PAUL CAVALIERE—A CHAMP

You're Paul Cavaliere, the world's uncrowned world's heavyweight champion. Sure, you won the light heavyweight and heavyweight championships of New Jersey, but they never did give you a crack at the world's title because you were too clever for some of the top names.

The record books reveal that you had 115 bouts during your career, lost but three and reversed decisions on two of the defeats.

You're the only man to ever spar with five world heavyweight champions (Gene Tunney, Jack Sharkey, Primo Carnera, Max Baer, Joe Louis). You traveled more rounds with Louis (115) than any other human. You were a real challenge to the Brown Bomber, who during his eary training days enjoyed knocking down spar mates. Only once did Louis hurt you. That was the first time you stepped into the ring with him at Doc Bier's old camp in Pompton Lakes. Perhaps you didn't believe all the things newspapermen had been saying about Joe's left hook and when he caught you with one on the head you said: "I thought I was going to go through the floor."

But you never did hit the deck. You used your ring skill and thereafter more than held your own with Louis. Through the years only an Englishman named Charlie Smith dropped you with a punch. That was in old Madison Square Garden when he caught you with a right to the Adam's apple. You got off the floor and boxed him silly.

You're Paul Cavaliere, who was born on June 16, 1905 in Paterson where you were reared and worked. You were born 50 years too soon, for today you'd be No. 1 on the Leather Pushing Parade. The current crop of boxers would be right up your alley as you would stab and box them silly. Although they termed you a "boxer" you could punch, too, for you had a 25 per cent knockout record.

You're Paul Cavaliere, who emerged after more than two decades of boxing, with no scars of cauliflower ears or punchiness. The only real loss was an "e." Newspapermen frequently dropped the last "e" from Cavaliere and you were Cavalier.

A man with the Patent Leather Kid type of look, one of your greatest victories was over Two Ton Tony Galento in Madison Square Garden. This one was for the New Jersey heavyweight title and there was a platinum blonde named Jean Harlow who sat directly behind your corner rooting for you. The movie queen of the 30s loved your looks and you made a great impression on her as you jabbed and belted Galento, who had 13 straight kayoes to his credit, at will for 10 rounds.

That was one of your biggest pay nights, too. You walked out of the Garden with a check for $8,000. But that was a lot of money in those depression days when taxes were nil. You didn't earn as much money a couple of years prior when you outpointed Jimmy Braddock for the state's lightweight crown at old Arcola Park. However, you did go home with a title and a victory over the Cinderella Man who later beat Max Baer for the world's heavyweight crown.

You're Paul Cavaliere, a proud grandfather and a Wayne country squire, who has put in over 30 years as an attendance officer for the Paterson Board of Education. You've said the toughest man you ever fought was a lad named Harold Maize, out of Bayonne. Meanwhile Gene Tunney once told News' Diamond Gloves fans at the Paterson Armory: "Cavaliere is one of the cleverest heavyweights of all time in boxing."

You were a dancer with the grace of Astaire and Bolger rolled into one with the fastest pair of hands in the business. You never held back a punch . . . unless it was to avoid seriously hurting a gritty but defenseless opponent . .. and you never held back your feelings about Cassius Clay. You thought he did his country a disservice and have expressed that opinion for a long time.

You're Paul Cavaliere, who started in the boxing business as a 173 pounder at the age of 19. Your best fighting weight was 187 and today you're only 13 pounds above that mark.

You're Paul Cavaliere, who in 1941 became the third man in the ring, officiating countless title bouts including those involving Zale-Graziano, Cerdan-Zale, Giardello-Tiger, Fusari-Robinson. During your spare time you conducted boxing classes at high schools such as Pompton Lakes, Butler, Midland Park and Clifton and devoted 20 years to operating a boxing gym in Paterson where Mickey Polo was your No. 1 aide.

You're Paul Cavaliere, who has helped many a kid out of difficulty, taught others how to defend themselves and have been a blessing to mankind.

You're Paul Cavaliere, whose great love is boxing, but who has an even greater love for your wife, Florence, son, Paul Jr. and your grandchildren. Those whom you have helped and those whom you have loved are going to honor you at a testimonial dinner a week from Friday night at the Wayne Manor.

You're Paul Cavaliere, a six-foot, 200-pound man with a devastating left hook and a heart of gold. You're Paul Cavaliere . . . a champion who is out of this world.

Mr. Speaker. I know that you and our colleagues will join with me in saluting and extending the appreciation of the Congress to Paul Cavaliere for the example he has established for our youth of America in his sportsmanship and sense of fair play that has truly established him as New Jersey's champion sportsman and a leading citizen.

REPRESENTATIVE VANDER JAGT ADDRESSES THE ADVISORY COUNCIL OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. WHALEN. Mr. Speaker, the Overseas Private Investment Corporation held its third annual meeting of the Advisory Council on Monday, October 29, in Washington. On this occasion, the speaker of honor was Hon. GUY VANDER JAGT, my esteemed colleague and friend from the State of Michigan.

At the luncheon meeting Representative VANDER JAGT, a member of the Foreign Economic Policy Subcommittee of the Committee on Foreign Affairs, and a member of the House Task Force on International Economic Policy, spoke on what he saw as the challenge for OPIC.

I trust my colleagues will find his remarks timely, given not only the present public hearings by the appropriate committees in both Houses of Congress on OPIC itself, but also given the growing importance to the Nation of sound international economic policy planning and goals.

The address of Representative VANDER JAGT follows:

ADDRESS BY CONGRESSMAN GUY A. VANDER JAGT BEFORE THE THIRD ANNUAL MEETING OF THE ADVISORY COUNCIL OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION

It has been a rather eventful two weeks for OPIC. Ten days ago, after a lengthy and thorough investigation, the Senate issued a report, the gist of which said: OPIC has got to go. Seven days ago, the House issued its long-awaited report, the gist of which was: OPIC has to stay. How do you like that for a clear-cut Congressional mandate? On the one hand, you are told to close up shop, on the other to keep doing business, not necessarily business as usual in every respect, but performing a vital and a necessary function.

But how could two reports reach such widely divergent conclusions? I think one of the reasons that the Senate report reached the conclusion which it did was that it was based on two case histories. ITT and Jamaica. And quite apart from the objectivity of the analysis of those two case histories, I submit that two case histories is not a valid foundation on which to draw generalized conclusions about a program which is as wide as rich in variety as is the OPIC program.

Not taken into account in the Senate report, in my opinion, were the hundreds of cases about OPIC which do not get into the newspapers. Not taken into account was that 80% of the OPIC portfolio deals with investments of $2 million or less. Not taken into account in the Senate report, in my opinion, were all those instances where OPIC enters the act after the event, and skillfully, and patiently, and quietly, negotiates an acceptable settlement.

The Senate report was very, very concerned about the theoretical possibility of OPIC's dragging the U.S. Government into a direct confrontation with a foreign government. Not taken into account in the Senate report, were scores of instances where OPIC has been a buffer, in actual practice, to prevent the very kind of confrontation about which the Senate report was concerned. But in my opinion, the basic reason for the widely differing conclusions was the different underlying assumption of each committee. And in an over-simplified fashion, I think this was the assumption underlying the Senate report; there are so many problems, there are so many difficulties, there is such a wave of nationalism sweeping the world, that probably it is not desirable to have U.S. private business investment in less developed countries. Certainly not desirable enough for the U.S. Government to do anything about encouraging it.

The House assumption, in my opinion, was that: in spite of the problems, in spite of the difficulties, U.S. private business investment in underdeveloped countries can be desirable. I, myself, will go a step further and say that in most instances private U.S. business investment in a less developed country is the best thing that could possibly happen to that country, and probably best thing that could happen in carrying out the objectives of U.S. foreign policy.

Even though we are operating now under the umbrella of detente, detente itself acknowledges the fact that we have two diametrically opposed economic systems competing with each other, and competing for the allegiance and the loyalty and the support of the people of the world, three quarters of which live in the less developed countries. And with a dramatic paring back in our aid program, it seems to me that one of the crucial tools which we have left in this competition is the potential for achievements and performance by U.S. business in the less developed countries of the world. I really believe that our economic system—what it has been able to achieve—has something to offer the needs and desires of such countries.

You see this reflected in varying ways, in varying sections of the world. In the Far East, in Korea and in Taiwan, where OPIC has encouraged investment, you find in the capital city of South Korea—in Seoul—an example, a witness, I think, not of the words but of the demonstration of what free enterprise can indeed accomplish. This city, just 20 years ago, was flat on its back, war-devastated, totally destroyed. Today, when you walk amidst the brimming, bustling traffic of its busy streets, you realize that an economic miracle did indeed take place; a modern construction, sprouting out everywhere is visible evidence that the dynamic, free enterprise economy of South Korea is the fastest growing economy in the entire world.

Or go a thousand miles south to its tiny neighbor, Taiwan. There, you see a nation—equipped really with nothing but the dynamism of its free enterprise system—which in spite of diplomatic set-back after diplomatic set-back last year, increased its exports an incredible 40 percent to the markets of the world. And you see there a nation, which with the dynamism of its free economy, with the outside investment which has helped it, is generating a per capita income for its people one hundred times greater than the per capita income of the controlled economy of mainland China.

I believe that in this enterprise system of ours, we do have a story to tell the nations. A story that can be told by example, by performance and by achievement. I think that story reaches behind the Iron Curtain.

Last August, I went to Zagreb, to open the U.S. exhibit at the International Trade Fair. Afterward I had to visit each of the six republics in Yugoslavia. I was meeting with the president of Macedonia, and we got into a conversation in which he said that unemployment in Macedonia was 22%. This was in August, when I was heading into an election campaign, and when 6% unemployment was a catastrophe for America. On top of that, I had just voted for the Emergency Unemployment Act, in the Congress, which set up jobs in the public sector for those who couldn't find jobs in the private sector. President Nixon vetoed it. I voted to override his veto.

I said to the communist president of Macedonia: "what are you doing about the 22 percent unemployment?" Well, he said, "we are trying to lure foreign capital, we are trying to get it to invest here. In fact, we are trying to get your U.S. business to come, and we are offering them 50 percent of the action—50–50 in the new business." I said, "well it's great for the long run, but what are you doing immediately to address this problem of 22 percent unemployment. Don't you have anything like our Emergency Unemployment Act program?"

He said, "you don't understand. You don't solve the problems of unemployment by putting people to work at make-work jobs. The only way you really get at the roots of unemployment, is to put a man to work at a job where he is productive, and where there is a profit to be made."

And I thought, "my goodness, either this world has gone crazy or I have. Here's a communist president lecturing a Republican capitalist about the essentiality of the profit motive."

I think you can see the great opportunity we have in the countries of Africa. There is a continent where the countries, in some cases, are so rich in resources, and pools of manpower, and yet so woefully inadequate in terms of economic development. I think these small, ten-year old countries are valiantly trying to develop and pull themselves up by their own boot straps; but the going is very, very hard and very, very difficult. For their development, they need and desire all of the private investment that they can get.

And they do, indeed, very much desire it. I remember a case in Sudan, where I was in February as the personal representative of the President to encourage U.S. private investment in, and trade with Africa. Sudan is the largest country in Africa, and is about one-third the size of the United States.

It is rich in natural resources, rich in fertile agricultural land, but only one-sixth of the tillable land in the Sudan has been cultivated, and the natural resources lie untouched underneath the rich soil. Why? They don't have any transportation, and they don't have the money to build the roads, the railroads, or even to dredge out the river channels. They can't get their products to viable markets.

In fact, about the only paved road in Sudan is that leading out of Khartoum, going 80 miles back into the interior. The Sudanese call this road the "American Way", not just because it was built with U.S. money, but because all along this road and for hundred of yards back are clustered the majority of private businesses and commercial enterprises that you will find anywhere in Sudan. They think of that kind of business as the American way, and the American way looks awfully good to the Sudanese right now.

It wasn't always that way. In 1967 they were enamored with Russian claims of what a controlled economy could do. They were convinced that the capitalists were milking off the rich profits and sending them back home. They were also upset with our stand in the 1967 Mid-East war, and so they decided that they would kick the U.S. out, invite the Russians in and that they would nationalize all of their businesses, which they proceeded to do. But when the people inexperienced in the ways of business began to run business down, down, and down—not only were there no huge profits to milk, but there were also larger and larger deficits which had to be made up with bigger and bigger subsidies from out of the general treasury.

By June of 1972, the president of Sudan recognized that he had made a mistake. Not only recognized it, but he went on nationwide radio to announce that he had made a mistake when he turned the U.S. out and invited the Russians in. He announced that he was going to de-nationalize the businesses as rapidly as he could.

When Jamie McClelland, my assistant, and I arrived in Sudan, our ambassador scheduled a Friday morning meeting with, they said, a few Sudanese businessmen, put on by the Sudanese Chamber of Commerce. Our ambasador was astounded when 50 Sudanese businessmen showed up, because Friday is their Sunday, and it is very, very important to a Sudanese to be with his family on Sunday. But there was one thing more important for the Sudanese businssman, and that was to use that opportunity to talk with a representative of the U.S.; to urge him, to (yes) plead with him to do any thing he could possibly do to get U.S. business to invest in the future development of Sudan. They very much desire and need U.S. business investment, and are doing everything they can to encourage it. I think in many ways they are a parable of many of the countries with which I am familiar.

In fact, I think for the Senate subcommittee to decide on its own what is desirable or not desirable for the less developed countries smacks a little bit of the arrogance of power and judgment of which the Senate has previously been so critical. It would seem to me that we should do as OPIC does—let the nations decide for themselves whether they need and desire that kind of U.S. business investment.

And if we let them decide, there is no question in my mind but that they will say their need is overwhelming, their desire is equally overwhelming, and that the opportunity is there. Their arms are open wide, the doors are open wide. It is the role and the task of OPIC to try and help to lead business through that door. The mandate of OPIC is one that in this juncture in history, I think, rings out—and that is, to mobilize and facilitate participation by U.S. private capital in the economic progress in less developed nations. And that is precisely what less developed nations need today, and what they want.

Let me, before I close, touch very quickly upon two other points making private the role of OPIC and the flexibility that is needed by OPIC. In terms of privatization the Senate committee wanted the OPIC insurance portfolio turned over to the private sector immediately. Well, there's a problem there, and that is that the private insurance industry in the U.S. isn't ready now, won't take it now; it can't take it now. The Senate recommendation also does not take into account that under the very able leadership of Marshall Mays, OPIC has been moving in that direction, but moving carefully and thoughtfully, because the whole experience of U.S. insurance has been domestic. It has not been foreign. We don't have a Lloyd's. Certainly therefore, we want to go very carefully.

I personally would not like to see the role of OPIC removed entirely. It seems to me vitally important that the U.S. Government have a handle or a lever or an input into the shaping of the nature of the investment so that it can maximize its acceptability to the host country, and minimize the risk of expropriation. And so that we can, to the highest degree possible, make the nature of investment consistent with the objectives of U.S. foreign policy.

You know, multinationals are here to stay. We know that we don't know a great deal about multinationals. We know they are new. We know we are on uncharted waters, but we do know that under the pressure of business, internationalization is essential if business is to remain prosperous and able to produce not only goods at competitive prices for the individual American but also revenue, taxes and jobs for the betterment of the U.S. economy at large.

The Senate report would have the Government, through OPIC, just walk away from all of that. The House report believes that it is vital that the Government participate with business in formulating the kind of business policies that will contribute to a wise and sound foreign policy, and in moving toward the goals and objectives of that foreign policy.

Now, on the problem of flexibility. We live in such rapidly changing times—what was sound policy two years ago is not necessarily sound policy today. You have to run fast just to stand still. And you have to adapt to changing times and circumstances and challenges. I commend OPIC for its innovative and imaginative spirit, and its attempts to try to keep pace with changing times, and for the way in which the House report which encouraged innovative and imaginative actions by OPIC was received.

I personally saw the imagination, the innovation of OPIC, in terms of a technical training center which I am interested in developing in Abidjan in Ivory Coast. When I came to the end of that tour for the President, at one last meeting with 40 representatives of top U.S. corporations there, I asked them what can the U.S. Government do to help them invest in and expand their trade with Francophone West Africa. They were unanimous that the most important thing of all would be some mechanism by which we could transfer American know-how and training skills to the Africans so that the manpower skills would be there to realize the market potential which is already there and growing. Without the manpower skills, it couldn't be done. They also believed it essential that U.S. business have an input into the mechanism, so that students would be trained not for theoretical needs, but for actual needs—and in the immediate future.

When I mentioned this concept to the Minister of Planning, Minister Diawara of the Ivory Coast, he agreed thoroughly and said, "if you ever get anything like that going at all, we will provide all of the land and all of the buildings that are needed. We think that it is right on."

I came back to Washington, and knew that such a concept would need the total cooperation of the Department of State, the Department of Commerce, A.I.D., OPIC, and other governmental agencies, and certainly the total cooperation of the private U.S. sector. And it was OPIC alone that was so mandated by its charter to encourage U.S. investment in less developed countries in ways such as this, that are so welcomed by the host nations. It was OPIC alone that had the flexibility and the personnel with skill enough and imagination enough to take that ball and run with it. We have now reached the point, under the tremendous leadership of Sheldon Gitelman of OPIC, of being ready to proceed with the feasibility study in which five top U.S. corporations are participating and which will examine, first of all, the market opportunities for those companies in that area.

Second, and far more important is what manpower skills are needed in order to realize those opportunities. And, three, perhaps most important of all, what should be the mechanism and the nature of it for the meshing of those economic opportunities of the manpower needs. Sheldon has done a good job, not only in getting business to match OPIC's grant, but also in getting business to commit the top leadership of their companies to serve on our working committee to make sure that this will be something with sound and thoughtful business input.

So, I think this is an example of the kind of innovative and imaginative leadership which OPIC has been providing, and continues to provide in bringing together the cooperation of governmental agencies, U.S. business, and countries that need and desire our help so much. I commend OPIC for its willingness to adapt and change to meet changing times and circumstances, and for remembering the advice which was given to us long ago by James Russell Lowell when he said,

"We cannot make their creed our jailer, they must forever onward sweep and upward who would keep abreast of truth. New occasions teach new duties, and we should not try to open the future's portal with the past's blood-rusted key."

We know that there is, indeed, great opportunity in the underdeveloped nations of the world. We know that that blood-rusted and worn-out key will not open the door to a more prosperous tomorrow. The needs and the desires as well as the opportunities in those nations are evident. In part those needs can be met by the genius that is American free enterprise—both in terms of what it can achieve, and in terms of what its performance has been to date. I think OPIC stands at a unique juncture in history, with a tremendous opportunity. I compliment all of you for your efforts to try to work together to find the key that can unlock that door to a developing tomorrow which will inure to the great benefit of the objectives of the foreign policy of the United States.

RECLAMATION—1973 AND IN THE FUTURE

HON. DAVID TOWELL

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. TOWELL of Nevada. Mr. Speaker, I would like to call to the attention of my colleagues the remarks made by the Commissioner of Reclamation, Mr. Gilbert Stamm, at the 27th Annual Nevada Water Conference held in Carson City:

RECLAMATION—1973 AND IN THE FUTURE

It is always a good tonic for any Commissioner of Reclamation to speak here in Nevada, to Nevadans about Water Resource Management.

The State, in addition to being the birthplace of Reclamation, has a way of bringing into extraordinarily sharp focus just what Reclamation is really all about. For more than 130 years, you Nevadans have battled an essentially continuous drought through reclamation of your arid lands for irrigation.

In spite of having the lowest average rainfall of any State in the Nation, Nevada has managed *so far* to supply water to her growing cities, develop and sustain a large mining and milling industry, develop hydroelectric power and perhaps most important of all, irrigate as much as one million acres. Although Reclamation as an agency is a relative newcomer to Nevada water resource and management—having been here only about 70 years—we are proud of the contributions we have been able to make to the development of the State.

With all the progress that has been made over the years in the development and utilization of Nevada's limited water supplies, many of the basic problems remain. Nevada still has a scanty average rainfall. You still have vast stretches of land that could be made productive with an assured water supply. Your cities continue to grow, demanding not only greater quantities of scarce water but higher qualities as well. There are the inevitable disputes over available water supply, so common in water-short areas.

As I am sure virtually everyone here is well aware, one such dispute involves the division of the Truckee River waters between Pyramid Lake and the Newlands Reclamation Project. That controversy is widely known and of long standing. I suspect there are few informed people in Nevada who are not aware of the essential elements of the problem.

The latest move in that struggle has been official notice from the Secretary of the Interior to Truckee-Carson Irrigation District that the operating contract between the U.S. and the District will be terminated as of October 31, 1974. The termination grows out of violations by the District of Departmental Operating Criteria and Procedures for the Newlands Projects. I am personally saddened by the turn this dispute has taken.

Under the termination procedure, TCID will continue to operate the project facilities during the coming year, including Derby Diversion Dam. However, should the District divert more than 288,000 acre-feet, the quantity allocated by Judge Gessell and adopted by Secretary Morton's rules and regulations, the overages will be deducted from subsequnt year water supplies. The Department will take physical control of the project on October 31, 1974. I personally am hopeful that some solution to the issue, interim or long-term, will be found prior to the takeover date and that actual takeover will not take place.

There is no doubt in my mind that litigation of the various rights of the parties involved in this situation will be initiated during the coming year. There is, after all, a great deal at stake. The litigation undoubtedly will be troublesome, costly, and lengthy. It will not add a single gallon of water to the supply of the Truckee and Carson River Basins. Nevertheless, the issues are such that probably they can be resolved only through the litigation process.

Ambiguities of Orr Ditch decree and the Alpin temporary restraining order must be clarified. Rights to the short water supply must be established. Otherwise the situation can only worsen as this area continues to grow, as it undoubtedly will, and the competition for water intensifies.

There is no getting around the immense water supply problems Nevada faces here and in virtually every other area of the State as well. But they are not insoluable. Nevada has had such problems for a long time and history shows that Nevadans are capable of the dedicated, practical efforts needed for solutions.

The Bureau of Reclamation is continuing to contribute to the efforts you are making toward solutions of these problems.

For example, the Bureau's Project Skywater program here in the Truckee River Basin appears promising. The Desert Research Institute is conducting the weather modification research program, and will begin a fourth season of cloud seeding this winter. The next step in this phase of the program will be a year of data analysis.

If the project is successful, and preliminary analysis of the data is encouraging, it could go a long way toward alleviating the gross water supply deficiencies in the Truckee River Basin.

Although funding has been very short, the Bureau has been able to do some field explorations, mostly in cooperation with the U.S. Geological Survey and some oil companies, to learn more about the water supply potential of geothermal resource areas in Nevada. Attention was given especially to the Stillwater and Soda Lake areas near Fallon.

Reclamation provided leadership for a Nevada Westwide Study Team composed of Federal, State and local agency representatives. The team developed input for the Western U.S. Water Plan study, a principal part of which was in the form of assistance to the State of Nevada on the State Water Plan. During the past year, this effort has been focused primarily on identifying alternatives to meet the present and future needs for water and related land resources in the State, and on preparing reports to explain those alternatives.

The team approach to Nevada's water planning has proved very effective. However, the enabling Westwide program was terminated, except for wrap-up work, last June 30, while the team was still in full stride on State Water Plan work. At the request of your State Engineer, the team will continue as a Nevada study team at least until the regional reports are completed. The reports will continue Nevada data to the Westwide wrap-up, as well as material for the State Water Plan.

The Bureau assisted the California Fish and Game Department in setting up a project for trash fish eradication at Boca Reservoir. With the cooperation of water user agencies that have Truckee River storage interests, the Bureau arranged for nearly complete drawdown of Boca Reservoir to provide a small pool to accommodate game fish removal and trash fish kill.

While Boca Reservoir was being drawn down, Prosser Creek Reservoir was kept practically full through the summer and Stampede Reservoir was kept near the maximum level to which it has been allowed to fill since construction.

At the request of the Bureau of Indian Affairs, Reclamation did the field and design engineering work needed to prepare for rehabilitation and betterment of the Pyramid Lake Indian Reservation irrigation system. A contract has been awarded, and Reclamation will administer construction. The Bureau of Indian Affairs and Bureau of Reclamation are discussing similar assistance on several other Indian irrigation systems.

The completion of Stampede Dam access road recently marked the windup of current Bureau construction in the California portion of the Truckee River Basin. However, we issued specifications during October for construction of Marble Bluff Dam and Pyramid Lake Fishway on the Lower Truckee.

In southern Nevada, the Clark County Sewage and Wastewater Advisory Committee has recommended development of a plan, emphasizing advanced waste treatment, to handle pollution problems in Las Vegas Wash and the Las Vegas Bay arm of Lake Mead. Maximum beneficial use of the treated wastewater for in-valley irrigation, power, and industrial uses, and future groundwater recharge is considered to be of major importance.

Southern Nevada water share benefits, along with other areas along the Colorado River, in the Colorado River Water Quality Improvement Program now before the U.S. Congress. The Nevada Congressional delegation has introduced bills in the Senate and House which would authorize the Secretary of the Interior to execute a program of salinity control for the Colorado River.

The bill, titled the "Colorado River Basin Salinity Control Act of 1973," would authorize construction works to control saline flows from LaVerkin Springs in the lower basin, and Paradox and Grand Valleys in the upper basin.

Generally, the program provides for investigation of feasibility of constructing point and diffuse source control projects; initiating nonstructural control measures related to irrigation scheduling and management; conducting basinwide desalting activities; and determining the effect of these activities on the economics, ecology, and esthetics of the area. A provision is included covering a feasibility study of Las Vegas Wash facilities.

The Southern Nevada Water Project, which diverts Colorado River water from Lake Mead, delivers treated municipal and industrial water to the Las Vegas metropolitan area. Operations of the system began in June of 1971 upon completion of the first stage of the project.

The first stage, which includes the facilities constructed by the Bureau of Reclamation and the treatment plant built by the Colorado River Commission of Nevada, was completed at a cost of $50 million and provides the capacity to deliver 132,000 acre-feet per year to the project area.

During the planning of the project, Reclamation studies indicated that this capacity would serve the needs of the area until the year 1990. However, data compiled from the first 27 months of operation show that deliveries to some entities are running ahead of projections, and the timetable for constructing the second stage may have to be moved ahead, possibly as early as 1980. Deliveries through the first 8 months of 1973 are running about 22 percent more than for the same period of 1972. For calendar year 1972, deliveries were 46,400 acre-feet and in 1973, we expect this to increase to 56,600 acre-feet. The peak daily use, reached in August of this year, was 104 million gallons which is 52 percent of the 200 million gallon per day capacity of the treatment plant.

The Amargosa Project in southern Nevada, extending into California, offers a potential water supply. Reclamation's study of this project is limited to an appraisal of land and ground-water resources in the Amargosa Valley. A special report will be issued sometime next year.

A deep well was drilled recently to help determine the hydraulic characteristics and lithographic makeup of the ground-water basin. Data from this well, substantiated by gravity surveys conducted by the U.S. Geological Survey and Reclamation, indicated that the ground-water basin contains a large body of good quality water. We have deferred further feasibility studies until a supplemental water supply for southern Nevada becomes essential.

In October 1972, a small population of the endangered Devil's Hole pupfish consisting of 27 adult fish was transferred from its natural habitat in Ash Meadows, Nevada, to a manmade refugium on the Colorado River just below Hoover Dam. This sanctuary, constructed jointly by the Bureau of Reclamation, the Bureau of Sport Fisheries and Wildlife, and the Nevada Department of Fish and Game, was designed to simulate as nearly as possible the original habitat which was threatening the tiny fish with extinction due to ground-water pumping in the Ash Meadows area.

Twenty-four of the 27 transplants survived and in only 10 days, biologists observed the first young in the facility. Spawning has continued, and the last count in April 1973 revealed an estimated 160 fish—nearly twice the count in the January estimate. Breeding has continued and additional young fish have been observed throughout the summer months. Although water temperature and algae growth continue to be threatening variables, the conditions in the refugium appear to be stable at this time.

In March 1973, the Bureau of Reclamation, in conjunction with National Park Service and the Nevada and Arizona fish and game departments, began an intensive investigation of large-mouth bass in Lake Mead. Under the leadership of the Nevada Department of Fish and Game, the participating agencies spent numerous hours studying parameters affecting the breeding and spawning of the bass. Most of the observations were made underwater, using SCUBA diving apparatus. At times during the peak of the spawning activity, up to four days per week were spent making underwater observations.

With the study continuing into the fall months, the earlier data are being analyzed and later this year, plans will be formulated for next year's study. Identifying the limiting parameters on largemouth bass reproduction in Lake Mead should enable all agencies concerned to manage more effectively that segment of the fishery.

Late last month a "Conference on Population and Development: The Great Basin" was convened in Reno by the Desert Research Institute. Representatives from Idaho, California, Utah, Oregon, Nevada, Arizona, and elements of the Federal Government participated. The purpose of the conference was to assess some of the problems as well as the potentials of the Great Lahontan Basin and begin the difficult task of organizing on a basinwide basis to deal with the problems and realize the area's potential.

I was impressed at the forward thinking tenor of the conference presentations. A number of the subjects discussed were items of continuing interest to the Bureau of Reclamation and certainly they will be of great interest to those of you attending this conference. I was especially pleased to learn the time and emphasis accorded to such items as geothermal resources which could be tapped for minerals, water, and steam to run generator turbines; the possibilities for using remote sensing; the Bureau's Project Skywater studies being done by the Desert Research Institute; recreational resources; and water law and development policies, all of which can have a significant effect on whatever use you decide to make of these great open spaces in the Lahontan Basin.

It is important, I believe, that the conference did not simply stop at a recitation of the area's problems and its potential for growth.

Instead, a call for coordinated planning for the future of the basin was made. And initial steps were taken toward organization of a consortium of government, business, education, and research elements from the several States involved in the conference. An organizational meeting is scheduled for next spring, which I believe shows that the people involved are headed in the right direction and they mean business.

I sincerely hope those of you in the water business here in Nevada, as well as the other states involved, will take a deep interest in the activities of this forming group. There is no doubt in my mind that the future of this great area rests in large measure on the wise use of its limited water supplies. Your knowledge and experience could well make vital contributions to ultimate success.

I assure you Reclamation stands ready to assist where possible.

I mentioned earlier Project Skywater, the Bureau's research program, to develop cloud seeding as a safe and acceptable water management tool. I'm sure you are watching the Desert Research Institute's work for Skywater at Pyramid Lake and are interested in the Colorado River Basin Pilot Project. Both efforts have been encouraging, and we are convinced they have great potential.

The technology coming from DRI and Skywater's other studies can be a source of new water—but if the technology is environmentally sound and acceptable. So far, I can assure you that the detailed ecological studies—by the Bureau and others—have found no surprises. Potential increases in moisture are well within Nature's natural variance, and the tiny amounts of seeding agents appear innocuous.

The Pyramid Lake Pilot Project—now approaching its fourth winter—seeds about half of the suitable storms moving over the Sierra crest into the Truckee River watershed. Professor Joe Warburton and his DRI associates compares the seeded storms with similar, untreated storms. They report they're finding a measurable increase from seeded systems, but it may be several years before there is enough data to confirm their initial fiindings. There are indications from another Skywater study that—under optimum conditions—cloud seeding could add up to 129,000 acre-feet of new water to the Truckee annually. This would be a sizable contribution to the water demands of Pyramid Lake and the Reno-Fallon area.

The Colorado River Basin Pilot Project covers 1,300 square miles of the San Juan Mountains in southwestern Colorado. It, too, is entering its fourth winter season, but the geographic and climatic conditions there differ from the Sierras. Another 2 years of data will be needed before we have firm evidence. At the moment, however, it appears that the technology could add up to 1.3 million acre-feet of flow to the Colorado River.

Within these possibilities, and perhaps others yet to be recommended, I am confident that Nevada's future is bright and am convinced, however, that water resource development must play a major and continuing role in Nevada's growth plans. Water resource development is Reclamation's business, so I expect that we will work closely with Nevada interests and thus will share in maximizing the State's potential.

A HEARTWARMING PHONE CALL TO RUSSIA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. LENT. Mr. Speaker, I recently had the good fortune to be able to assist one of my constituents, Mrs. Yolanda Herskovitz of Oceanside, N.Y., in reaching her sister in the Soviet Union. Mrs. Herskovitz and her sister, both Jews, have been separated for 28 years after surviving the horrors of Nazi concentration camps during World War II. This was a heartwarming experience for me, Mr. Speaker, and one of the small things that make our jobs so rewarding.

The Long Island Press has chronicled that phone call and the circumstances that have kept Mrs. Herskovitz and her sister apart for these many years, and I would like to insert the Press article herein:

HOLY DAY SORROW—CALL TO RUSSIA BRINGS GUARDED REPLY, LITTLE HOPE

(By William Barber)

She never cried.

Even when her sister began sobbing into the telephone, Yolanda Herskovitz fought the impulse, closed her eyes, breathed deeply and continued the conversation.

"Hello. Hello Marguerite," the Oceanside woman sighed, continuing in her native Hungarian. Their talk became animated, but the tension lines on Mrs. Herskovitz' face underscored the urgency of the call.

"Why are they holding you back? Why won't they let you come to America?" Mrs. Herskovitz implored.

From a telephone inside a tiny post office in Uzhgorod, Russia, came the guarded reply, "I don't know. I just don't know."

The reply echoed in the Baldwin office of Rep. Norman Lent, who had placed the call to Mrs. Marguerite Winkler early Friday morning.

With the help of Lent, Mrs. Herskovitz was able to speak with her sister for the first time since they were separated 28 years ago after surviving horrors of Nazi concentration camps.

Lent, an East Rockaway Republican, is now working with Mrs. Herskovitz to break down another barrier—the repeated refusals of the Soviet Union to grant emigration visas to America for Mrs. Winkler and her family.

"Applications for emigration visas have been submitted four times since 1967. All requests for reunions have been denied by the Soviet authorities," Mrs. Herskovitz said following the telephone call.

The woman said her sister's husband, Morris, 59, is a tailor, and that her 58-year-old sister suffers a serious heart condition.

"They have two sons, Tibor, 27 years old, and Michael, age 33, who have both completed their Soviet Army service and are neither university graduates nor security risks. We have guaranteed their employment and travel expenses to the United States," Mrs. Herskovitz said.

She said she asked her sister several times about letters and packages the Herskovitz family sent to Russia.

"Every time, she said 'I don't know.' " But know she did. Their mail has been censored, and a package of clothing we sent has not been received.

"I asked her, too, how many more people there are who want to emigrate but cannot. I know she knows who they are but she would not say over the phone."

Mrs. Herskovitz, who was 17 years old when she and her sister were separated, said she was thrilled to have spoken with her sister again.

"I still just don't believe it. I will never forget this," she added, saying her sister finally ended the conservation to attend services marking the holiest of Jewish religious holidays, Yom Kippur.

"The time zone where she lives is different than in New York and we reached my sister about 4 p.m. She said she would go to services in a home, because the temple has been closed."

Although saddened by repeated failures to secure emigration visas, Mrs. Herskovitz said she was optimistic that the Soviet Union would relent and allow the family to emigrate.

"I have two brothers in America and another in Israel. Marguerite has no other blood relatives overseas. Perhaps next year we will all be together," the woman said.

SPACE IMPORTANCE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the Daily News of McKeesport, Pa. in a succinct editorial describes well the significant contributions of Skylab 3 and the importance of the National Space program as a whole to the United States and to the world. As the next and final flight to Skylab is prepared, it is worth considering the words of this editorial:

SPACE IMPORTANCE

Space flights have become so successful and routine for American scientists that many persons are questioning what value there is in further manned missions in view of the high costs incurred.

It has been proven beyond a doubt that this nation can carry out successfully virtually any space exploration it sets as its goal—and such ability in itself is enough to give the people reason for pride.

But beyond the accomplishment of physically carrying out the flights is a wealth of knowledge amassed that in future years may affect the entire manner in which man lives on Earth. The Skylab 2 flight, just concluded could be the most productive for scientists of all manned launches insofar as it affects our daily existence.

No one, of course, can predict all of the benefits. But the thousands of photos and miles of tape could lead to an endless source of pollution—free energy, a catalog of the world's resources and new metals and materials.

The spacemen, Alan L. Bean, Owen K. Garriott and Jack R. Lousma, proved in their record 59½-day orbit of the Earth that man can adapt to the weightless environment of space. Doctors were elated over the physical condition of the men upon their return. Except for a brief spell of dizziness which was expected as part of the process of readapting to Earth's gravity, the men suffered no apparent ill effects.

NASA Administrator James B. Fletcher, summing up the importance of Skylab 3, said that it makes "the transition of the space program dominated by exploration to a period comminated by exploitation of the space around us as a global resource." He added that "space is a place, a very unique place and a new important resource that can be used for the benefit of people everywhere on earth . . . ."

Scientists will study the photos and sensor data brought back to determine if a space science can be developed for locating hidden oil and mineral reserves; assessing agricultural potential, arable land and diseased and healthy crops; estimating timber volume; mapping snow cover and assessing water runoff: charting air and water pollution and their sources: forecasting weather and determining fishing grounds.

Experts also are hopeful that data gathered from filming solar flare eruptions will help unlock the secret of controlled thermonuclear fusion, which is the source of the sun's energy. This would aid in the search for an unlimited and pollution-free power source on Earth.

All of these benefits may not be reaped from the Skylab flight, certainly not in the immediate future. But the knowledge gained, used in conjunction with that obtained from other space explorations, undoubtedly will someday have a heavy influence on our living habits.

The benefits of science usually are not limited to a particular period of time, but instead are accumulative for the good of people over the years.

That is one of the principal reasons for continued space exploration—that the good may not only help us now, but make the world a better place for future generations in which to live.

CONGRESS CAN HELP INCREASE OUR FUEL SUPPLY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. FISHER. Mr. Speaker, it is now generally recognized that our domestic production of oil and gas is inadequate to meet our needs, that our imports are seriously curtailed, and that every feasible action should be taken which would tend to increase our own domestic production.

Under leave to extend my remarks I am including a letter from Mr. Gerald D. James, a highly knowledgeable authority on this subject. His observations and recommendations are sound and should be favorably considered by the Congress. The letter follows:

Kerrville, Tex., November 6, 1973.

Congressman O. C. FISHER,
Capitol Building,
Washington, D.C.

DEAR SIR: Why should the price of crude oil produced in the United States be federally controlled at an artificial level substantially below the price of imported foreign oil? Is it not true that we now need to increase domestic oil production? Is it not true that we now need to effectively encourage conservation of oil? Does an artificially low price for domestic crude promote discovery of additional domestic reserves and encourage conservation of present supplies? Is control of domestic crude oil prices at an artificially low level truly in the national interest, required by the facts and equitable to all concerned; or is this policy dictated by an engrained prejudice on the national level of government against the oil and gas industry? Is this prejudice of such emotional strength as to obscure the facts, the equities and the national interest involved? I propose to present you with some fundamental facts bearing on these questions and offer a few observations relative thereto.

I, along with a group of associates, am involved on a small scale in the independent phase of the oil and gas exploration and producing business. We have worked hard for many years to accumulate a small inventory of producing leases as well as some non-producing leases which require further exploration and development. We must utilize our income from producing leases to maintain these properties and finance additional lease acquisitions, drilling, work-over operations, etc. Contrary to the commonly accepted Washington, D.C., view, an existing oil well does not operate itself and does not automatically relegate its owner or owners to some mystical society of financially secure and super privileged people-eaters. We work hard, pay taxes, raise children, make mortgage payments and frequent trips to the bank for business loans, just like many other people.

Our principal oil production is shallow; about 2500 feet deep. The wells produce anywhere from 5 to 30 barrels of low gravity oil per day. On a field wide basis we produce 97% salt water and 3% oil; that is to say that for every 100 barrels of fluid removed from the earth 97 barrels are salt water and 3 barrels are oil. This oil and water must be artificially lifted to the surface because of insufficient reservoir pressure. This is accomplished by gas jetting which requires a central gas compressor and high pressure gas lines to each well and low pressure gas lines returning from each well. Then all of the salt water must be re-injected under pressure into the producing sand. This requires salt water pipelines, tanks for collection and settlement stations, electric pumps and injection wells. These injection wells must be periodically acidized to clean the formation so it will accept the salt water. The salt water pumps are powered by electricity. All of the oil must be treated with chemicals before it leaves the field. Because of the high volume of salt water produced we must periodically work-over our wells and replace the tubing.

This operation requires a full time field crew, field vehicles, office staff, accounting services, insurance, telephone expense, electrical power, chemicals, field tools and many other items, services and expenses too numerous to mention. Occasionally we will even lose one of these wells and have to drill and completely equip a replacement well with no increase in production. All of these activities and expenses related to "old" oil, the price of which is frozen.

The operation outlined above costs money; more and more money each day for less and less production. Costs of labor and services increase constantly, electricity rates are up, vehicle costs are increasing, costs of replacement pipe are out of sight; we must even pay more for fuel to operate our field vehicles—everywhere you turn, each activity you undertake involves added and ever increasing costs; costs that are not regulated or controlled. Social security goes up, unemployment taxes, ad valorem taxes, excise taxes go up.

The costs and expenses required to comply with an ever increasing maze of federal regulations and completing federal questionnaires and dealing with federal agencies go up and up and up. Yet the price of oil, the commodity which must support all these costs and expenses, is frozen. The obvious result is lower profit, less income tax paid to the federal government, premature abandonment of producing wells, reduced exploratory and development activities, an artificially low price for oil and gas products to the consumer which encourages greater consumption, a reduced supply of domestic crude, more fuel shortages, eventual higher prices to the consumer, greater dependence on foreign governments and greater deficits in our balance of payments. All of this for prejudice and temporary political expediency? All of this because of ignorance and an insatiable lust for bureaucratic power through controls, controls and more controls?

Bear in mind that the greater portion of all oil and gas reserves discovered to date in the United States have been discovered by independent entrepreneurs and operators. They will perform likewise in the future if the federal government does not strangle them all to death.

I submit that if emotionalism, petty politics and the needs of a growing bureaucracy could be set aside, and rational decisions could be made solely on the facts and in the national interest, the following steps would be taken:

Controls would be removed on the price of domestic crude and the well-head price of natural gas. Controls would be removed on the price of steel tubular goods used in the oil industry. (Would you believe that we cannot now find or buy at any price new or used casing that we need for two wells that should be drilled right now?). The price of domestic crude would seek its market level. This would reduce consumption much more effectively than any rationing system or new set of conservation controls devised in Washington. This also would inject more money into the producing end of the business which would be used to (1) pay more federal income taxes and (2) search and drill to find more oil and gas.

The depletion allowance would be restored to its previous level. This would help the independent attract outside investors to his exploration ventures and thereby increase drilling activities and increase discoveries and supplies of oil and gas.

The exemption from income tax on production payments carved out in connection with purchases of producing leases (eliminated in 1969) would be restored. This would encourage small operators and independents to purchase stripper production from major oil companies and squeeze out more oil. (Major oil companies usually abandon producing properties at a much higher production level than most independents because their higher overhead and operating costs cause them to reach an economic limit sooner.)

The steps set forth above will decrease consumption, increase present supplies and future reserves. These steps may not be immediately attractive politically and certainly would not be to the liking of many "staffers" and "heads" who feel like free enterprise is a bunch of junk anyway. But how do you think people, yes—the voters, are going to react to the controls, to the liberal, anti-business bureaucrat-politician establishment, when their homes and schools are cold and there is no gasoline for their car and their job is shut down because of the lack of fuel and power, and the country is at the mercy of the Arabs and the Russians. Do you think it will then be sufficient to say to the American people, "Well, at least we broke the back of those greedy, money hungry, blood sucking oil and gas producers"????

Yours very truly,

GERALD D. JAMES.

UNMASKING CANADA'S ANTI-UNITED STATES POLICIES

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BRASCO. Mr. Speaker, numbers of people are finding out these days just who is on which side in a number of imbroglios. The Israelis have found out, to practically no one's surprise, that oil means more than morality to Western Europe, and that honor, national pride, and elemental decency apparently no longer count in international trade equations, at least insofar as England and France see matters. We have long known that this is true, but now the evidence is overwhelming.

The United States is also finding out some harsh facts of economic life as a result of her support of democracy in the Middle East. A number of nations, which have sat at America's table in America's house, are taking advantage of our vulnerability in terms of foreign trade to administer sharp blows to our interests. I am not speaking of France, for example, because she has always been our enemy. I address my remarks to one nation in particular, which, when named, will no doubt shock a number of Americans.

Canada has been taking a violently anti-American trade posture—in the process delivering solid blows to our economy, and adding to the Nation's difficulties. Very few Americans have been taking notice of this series of events.

Foremost among her choice of weapons against the United States has been use of tax increases on Canadian crude oil to American cities in the northern tier of States. It is worth noting that these sections of the Nation are notoriously short of oil and gas, and are most dependent on Canada for oil imports.

Not content with one such increase, Canada has imposed a second increase, raking in mammoth profits in foreign exchange from the United States at a time when we are in great need of reliable sources of foreign oil.

Recently, Canadian Energy Minister MacDonald stated that east coast refineries might be required to cut off their exports to the Northeastern United States this winter to maintain Canada's "neutral" status in the Arab States' use of oil as a weapon against the United States.

Trial balloons have been floated indicating that Canada might cut off all of its 1 million barrels daily of oil exports to the United States. MacDonald has been quoted as saying that Arab countries might object to operations in Nova Scotia and Newfoundland which refine oil imported from abroad and then ship refined products to New England.

Exports to the United States from Canada's east coast refining facilities have averaged about 1 million barrels daily, mostly heavy fuel and some jet aircraft fuel. MacDonald said the Arabs have voiced doubts about a pipeline that carries oil from Portland, Maine, to Montreal. Attempts are being made to explain that the oil comes in bond for direct transfer to Montreal and none is used in the United States, MacDonald stated.

These are the words of the Energy Minister of the so-called most special ally and friend the United States has in the world. Can one believe one's eyes and ears, as this minister publicly and unashamedly crawls to the Arabs, begging them to accept the explanation that Canada is not favoring the United States. I remember a different Canada, proud of its closeness to the United States, allied with us in two world wars and united in a search for justice in the world. Today's Canada and her policies are a far cry and a sad one from that memory.

What it boils down to is the regrettable conclusion that Canada is energetically following an anti-American foreign policy in the economic area, aimed at appeasing the Arab dictatorships. Such policies are being orchestrated by the new left-leaning Premier of Canada.

His dislike of President Nixon is certainly obvious, but I see no reason for him to use his personal dislike for our elected head of State as a lever or a rationale for these policies. However, I refuse to believe that this is in itself the reason. Rather, it is only a contributing factor. Here is, in fact, a new left, proto-Socialist national leader, using Socialist slogans and catering to nationalism to adhere to third world attitudes and policies. A similar policy has characterized Australia in recent months, adding to the list of neutralist poseurs who are neutral on the side of the Russians, the Arabs, and the United Nations.

For example, for years now, under Trudeau, Canada has forbidden any trade or exports to Israel that could even remotely be considered military related. This policy has been adhered to even as the Soviet Union has poured arms into the Arab world. Meanwhile, Canada would not even sell Israel primer cord for commercial dynamite.

Now, because we insist on defense of democratic ideals, which on paper Canada subscribes to also, we, along with Israel, are confronted with an energy boycott which does no credit to those western democracies who go along with it. To see some nations, such as France, England, and Canada, eagerly serving as economic lackey to the Arabs, is as embarrassing to the beholder as it is unbecoming to the participant. When it directly harms the United States, then it ceases to become an exercise in degradation and becomes an offensive weapon against every American citizen this winter.

The time has come for two steps to be taken. First, the American public must be made aware that Canada has become an economic foe of the United States. Second, with regret, the United States must make it clear to Canada's Government, with apologies to Canada's people, that we must retaliate in self-defense. If we allow Canada to take the United States over the hurdles and get away with it, every other nation seeking such a chance will take their cue and act similarly. We cannot allow such economic hostility to be vented against our Nation.

The President, with assent of Congress, can and should retaliate forthwith against Canada, using our leverage in the auto market as a starter. Canada has access to our automobile market on favorable terms, and needs the economic gains from such favored treatment now more than ever before. Taking away such a benefit would bring home to the people of Canada how we feel over Trudeau's policies.

With friends like Trudeau, America needs no enemies. It hurts me to take such a stand, knowing how the overwhelming majority of Canada's people feel toward our country. Too many Canadians have shed their blood in common cause with America for the hurt not to go deep. It is my fervent hope that they will understand that their Government's unfair and uncalled for policies have brought this situation to pass. Nonetheless, the time has come for revealing the true state of affairs.

NEEDED SOCIAL SECURITY INCREASE VOTED BY CONGRESS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HEINZ. Mr. Speaker, I was pleased to support H.R. 11333, the Social Security Benefit Increase Act, which passed the House so overwhelmingly today. To many of the 20 million elderly, who live totally on their fixed incomes, the 20 percent increase—effective September 1972—barely gave them sufficient funds to manage their lives. Since then, their budgets have been ravaged by a 7 percent increase in the cost of living, with food prices leading the list on the consumer price index, jumping at an annual rate of close to 30 percent. As one of the 113 members of the House who urged consideration of an immediate 7 percent increase, it is disappointing that we are delaying the benefit's increase. However, I am pleased with the rapid consideration we have given to cost of living adjustments for the aged, and I am satisfied that this two-phased, 11 percent increase will provide a strong hedge against the forces of inflation.

It is unfortunate that the increase could not have been scheduled for December. However, testimony from Social Security officials before the Ways and Means Committee suggested that such a change was not feasible since it would take them 6 months to program the percentage increase to the 25 million old age and survivors, disability and health benefits recipients. Because I would like to eliminate bureaucratic delays as the reason for denying the aged cost of living increases, when needed, I have asked the General Accounting Office to audit the procedures of the Social Security Administration to determine what steps would have to be taken to improve the response time of their system.

In a larger sense, today's vote attests to the concern Members of the House of Representatives feel toward the problems of the elderly. However, I believe that during the debate a number of significant statements were made concerning the impact increases have on the actuarial soundness of the fund, as well as the growing regressiveness of the social security payroll tax as it takes a larger and larger bite out of the pockets of the low- and middle-income wage earners. Although H.R. 11333 enlarges the financial base, perhaps the time has come to take a longer look at the financing of social security and to look for more equitable ways of funding an actuarially sound system.

Should we experience a downturn in the economy, the actuarial soundness of the social security fund could be jeopardized in the future.

Moreover, the prospect of fuel shortages leading to an economic dislocation could seriously jar many of the presumptions on which the fund now operates. In other words, current defense of the soundness of the fund is based on the presumption that our economy will continue to grow and wages will continue to rise bringing ever rising social security contributions from payroll taxes.

I think it is important for us to examine this problem now in order to provide this generation of aged and the future generations with full protection of an adequately funded social security system.

HIGH WATER LEVEL IN LAKE SUPERIOR CREATES PROBLEMS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. OBEY. Mr. Speaker, the Milwaukee Journal last Sunday had a short but perceptive article about the problems being caused by high water levels in Lake Superior.

For many months now the Corps of Engineers have been using Lake Superior as a reservoir, holding back waters which would normally flow into the lower Great Lakes, in order to ease serious erosion damage which has occurred along Lakes Michigan, Huron and Erie.

The predictable effect of the corps action has been serious damage to the red clay shoreline of Lake Superior itself.

Mr. Speaker, it is hard to comprehend the problems that high water levels cause in a red clay area until you see what has happened along Northern Wisconsin. A few weeks ago when I was traveling along the Lake Superior shore, that lake was red, and I do not just mean it had a slight red hue. That water was red, a result of the huge volume of new red clay being dumped into the lake daily and the churning up of red clay already there.

Damage to Lake Superior itself is only part of the problem. Homes are being washed away. Grain silos in Duluth-Superior are being flooded. Docks for pleasure boats and ore carriers alike are being uprooted all along the lake.

What must be realized is the very basic difference between the damage along the lower lakes and that along Lake Superior. The first has been caused by natural causes. The damage to the Superior shoreline has been caused by very deliberate action—in this case, to alleviate damages to citizens living along the lower lakes.

Mr. Speaker, while I stand ready to debate the advisability of using Lake

Superior as a reservoir, it has been done. The problem is that no efforts were really made to minimize the damages from doing so. People in the area were not consulted, and neither, in fact, was the Congress. Nor is compensation being paid to those who have suffered property damages from the manipulated high water levels.

The United States-Canadian International Joint Commission, which regulates the lake levels, has recommended that such compensation be made, and I agree. Congressman JOHN BLATNIK—whose district also borders on the Lake Superior shore—has introduced legislation to provide compensation where damages are directly attributable to action taken by the Federal Government. That is a fair and equitable bill, and I am hopeful that the Congress will act favorably on it as soon as possible.

The article from the Milwaukee Journal follows:

On, Wisconsin—Opposition To Raising Superior's Level Justified

A potentially useful legal attack is being planned on the federal government's practice of manipulating the water level of Lake Superior to ease shoreline erosion in the other Great Lakes. As severe as the damage is along such shorelines as southeastern Wisconsin's, for example, it is most unfair to seek relief here by making damage somewhere else even worse.

The Northern Environmental Council, supported by some Wisconsin and Minnesota representatives in Congress, is challenging the Army Corps of Engineers, which manages the water level under directives of the US-Canadian International Joint Commission. Pushing Lake Superior to its legal maximum of 602 feet above sea level keeps erosion damage there constant, especially along its red clay shoreline, and makes even more severe damage certain when a northeast storm rolls waves up to 603 or 604 feet.

The environmental council charges that corps of engineers manipulation of gates at Sault Ste. Marie, Mich., to keep Lake Superior high, is in response to the greater political power around the other lakes. It also charges that the corps has not fully calculated the economic and environmental effects of this on Superior's shoreline. Whether politics has anything to do with it, there does need to be a clearer picture of the effects.

Not the least economic effect might eventually be on the American taxpayers. Public subsidy of repairs or erosion control is not warranted when damage to private property results from purely natural forces. But Lake Superior shoreline erosion results largely from overt action of the government. The consequences of this, in any damage claim against the government, could turn out unexpectedly costly.

THE ENERGY CRISIS DOES NOT AFFECT TRAVELING BUREAUCRATS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. RARICK. Mr. Speaker, the energy crunch continues to dominate the news and conversation. In my State of great oil production, unrealistic and poor planning in oil and gas regulations, we find farmers without diesel fuel to run their tractors, fishermen without diesel fuel to run their boats, and even reports of oil drillers who are unable to get gas to run their oil drilling rigs.

The bureaucratic panic and overreaction to make certain that northern city dwellers maintain their lifestyle may find them warm this winter but with little food next year unless our food-producing sector of the economy is given top priority over such necessary morale functions as theatrical productions and athletic events.

While the people are being made aware of energy shortages and the Pentagon even announces that for matters of emergency defense it is now dipping into our domestic power supply, there appears little leadership from higher places.

The presidential plane continues its trips to California and Florida. Secretary Kissinger, who has just returned from Moscow and Israel, junketeers to Peking for highballs. Secretary Butz addressed the United Nations Food and Agricultural Organization in Rome, Italy, and indicated U.S. participation in an international food reserve. Assistant Secretary Brunthaver, with nine USDA officials and representatives of private industry, is in Moscow working out agricultural cooperation programs with the Soviets. Also this week a U.S. oil and gas expedition in the Soviet Union, costing 189 American oil companies $11.5 million, is reported to have been attended by 1,700 Americans.

During the Christmas recess many of our colleagues are waiting to jump in their airplanes to tour around the world to "solve the needs and wants of those emerging nations."

And in Washington, D.C., where the nativity scene has now been declared unconstitutional for the Christmas pageant, we are advised that the national Christmas tree will be dimmed by 99.93 percent.

Yet, children continue to be bused for the sole purpose of achieving proper racial proportions according to some judge's theories of equality, but pollution control devices on the 1973 and 1974 model automobiles have not even been authorized to be suspended to conserve fuel.

The prevailing question on the mind of every American Socialist must be, "How long will it take to whip the American people in line by the use of rationing and allocations so they will willingly surrender their freedoms and lifestyles to live and operate within the regimentation of an energy-regulated and controlled environment?" Cliches such as "Arab oil blackmail" may soon wear thin with Americans. We are looking for answers, not scapegoats.

Is the situation so critical that the American people do not even have the energy resources to adequately defend our country from enemy attack?

I include several related newsclippings:

U.S.-U.S.S.R. Joint Committee Meets November 14–16

WASHINGTON, November 9. The first meeting of the U.S.-U.S.S.R. Joint Committee on Cooperation in Agriculture will be held in Moscow Nov. 14–16.

Assistant Secretary of Agriculture Carroll G. Brunthaver will lead a nine-member U.S. delegation, including USDA officials and representatives of private industry. The Soviet Committee will be made up of comparable officials and institution representatives.

The meeting will be the first under the Agreement on Cooperation in the Field of Agriculture, signed in Washington on June 19, 1973. The Joint Committee on Cooperation in Agriculture, authorized under the Agreement, will work toward implementing provisions for cooperation (1) in agricultural economic research and information and (2) agricultural research and technological development. Working parties have been appointed and will meet together with the Joint Committee in Moscow.

Members of the U.S. delegation are Carroll G. Brunthaver, Assistant Secretary for International Affairs and Commodity Programs, Chairman; T. W. Edminster, Administrator of USDA's Agricultural Research Service (ARS); Quentin M. West, Administrator of the Economic Research Service (ERS); Roy L. Lovvorn, Administrator, Cooperative State Research Service (CSRS); Gordon O. Fraser, Assistant Administrator for International Trade, Foreign Agricultural Service (FAS); Billy E. Caldwell, Staff Scientist, ARS; John A. Knebel, General Counsel, U.S. Department of Agriculture; Darwin E. Stolte, Chairman, Cooperator Committee for Agricultural Market Development, U.S. Feedgrains Council; and Emmett Barker, Farm and Industrial Equipment Institute.

Members of the Working Group on Agricultural Economic Research and Information are: Quentin M. West, Acting Chairman; Wayne Sharp, Deputy Assistant Administrator for Commodity Programs, FAS; Gordon Fraser, William Horbaly, Assistant Administrator for Attaches, FAS; Darwin Stolte, Roger Euler, ERS, and Richard Haidacher, ERS.

Members of the Working Group on Agricultural Research and Development are: T. W. Edminster, Acting Chairman; Roy L. Lovvorn, Billy Caldwell, Emmett Barker, Harlow Hodgson, CSRS; Roger Gerrits, ARS, and Harroll Barrows, ARS.

World Food Security

One of the items that has come up for considerable discussion at the Food and Agriculture Organization (FAO) conference in Rome has been the question of world food security. There has been a lot of worry in recent months about the ability to supply food to the developing nations; about the ability of the nations of the world to take care of distress areas as currently occur in Western Europe or in Bangladesh or South Vietnam or places like that.

There are two kinds of world food security that we need to consider. The first is supplies relieve hunger and even starvation in most places of the world where that occurs. The second is some system of food production and distribution that will iron out these periods of great surpluses and seeming shortages of food that we seem to have right now.

I think the basic problem here is some way of food and ability to deliver them that will to get more price stability in foods than now exists. We have talked in the FAO conference about an international food reserve. The United States' position is that we will participate in that kind of reserve so long as it remains under national sovereignty. We need a better system of information collection and dissemination about food needs and food supplies. We need some international items about the level of reserves that should be maintained. And I think we need better coordination of our food relief efforts around the world. Presently there are too many nations involved in unilateral food aid.

We need somehow to coordinate this and to extend this aid on a multinational basis. I think that will come out at the FAO conference in Rome.

[From the Washington Star-News, Nov. 12, 1973]

Oil Firms' Show in Soviet Union Appears Success

Moscow.—If interest is an indication of success, the first U.S. oil and gas exposition in the Soviet Union has done well.

The exposition, known as Nefta-Gaz '73, attracted more than 30,000 petroleum technicians, engineers and specialists during its nine-day run at Moscow's Sokolniki Park, organizers said.

How much of that interest will be translated into sales remains to be seen, but American exhibitors are optimistic—for good reasons. Some estimates indicate the Soviet Union will drill at least 10,000 oil and gas wells annually during the next five-year plan, and it is expected to go into foreign markets for much of that drilling and engineering equipment.

"It's definitely been worth the effort," said Tommy Wall of Houston as the show closed. Wall represents the oil field division of Houston's C. Jim Stewart & Stevenson, Inc., makers of air compression systems and hydraulic closing units. He said his company has firm indications of new orders from the Soviets.

A year in the making, Nefta-Gaz attracted 189 American companies, which invested $11.5 million in the exhibit, spokesmen said. On display was $13 million in U.S.-produced equipment, including a 112-foot, self-propelled oil drilling rig.

"We gave out buttons promoting the 1975 joint Soyuz-Apollo spaceflight and have been overwhelmed by the response," said Jerry Emblem, sales manager of Rockwell International for the Benelux nations and Scandinavia.

Rockwell, which produces valves, meters and regulators for the petroleum industry, is building the docking module for the flight.

Hans W. Lange, of Meriden, Conn., president of AMF-Cuno, manufacturers of oil field service equipment, was impressed with the number of persons from nonpetroleum industries who asked about application of products in their fields.

"They have shown particular interest in one of our filters which can radically improve the quality of their paint," Lange said.

Even businessmen not reporting sales were pleased with the exhibit. A. J. Petersen, manager of export sales for the Armco Steel Corp., Houston, was typical.

"It will take time for the fruits of our efforts to show," he said. "It does, however, look encouraging."

While almost unanimous in their praise of the show, exhibitors were more critical of things outside the exhibit hall. Lodging was a frequent complaint.

"We had to have four or five persons share a room at the start because the Russians didn't have enough hotel rooms," said Ben Kemperman, marketing manager of Rockwell International. "We even had one of our men bed down one night in a sleeping bag in an American office here."

About 700 Americans were expected for the exhibition, but children and wives swelled that number to more than 1,000, according to one participant.

[From the Washington Star-News, Nov. 11, 1972]

Yule Tree Lights Pared

(By John Sherwood)

If you really want to see the glorious National Christmas Tree next month, better bring along a flashlight. It's beginning to look not much like Christmas.

As a seasonal example for the rest of the decorations-happy, but energy-poor country, the National Park Service will short-circuit the great Santa symbol by 99.93 percent.

Last year's tree was illuminated by 9,000 lights, but this year there will be just five floodlights doing the work of many little twinkling soldiers.

And, to make the scene even less traditional, the Nativity setting has been banned by the courts because of separation of church and state.

The decision may lessen the impact of the new "permanent" Colorado blue spruce. The live 38-foot-high tree from Hunlock Creek, Pa., recently was replanted successfully on the Ellipse as a conservation example for the rest of us. In years past, cut trees were used.

The entire "Pageant of Peace" sparkled with a total of 23,270 lights in better times, but that number is being cut to a few thousand for 1973, the year of the Great Dim-Out.

The National Park Service expects the total watts to be reduced by 81.9 percent, from 75,000 to 7,000. There still will be a double-row of evergreens flanking a path to Big Green One, but they might be hard to find.

The traditional lighting ceremony will be held Dec. 14 anyway.

No decision has been reached on Christmas lighting at the White House.

THE PRESIDENT, THE CONGRESS, AND WATERGATE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. OBEY. Mr. Speaker, I have received a request from a constituent of mine that I place in the RECORD, a statement by him concerning the President, the Congress, and Watergate. That is an unusual request, but because these are unusual times, I do ask unanimous consent to insert his statement in the RECORD at this point for the benefit of my colleagues.

The statement follows:

CHIPPEWA FALLS, WIS.,
October 31, 1973.

Representative DAVID OBEY,
House Office Building,
Washington, D.C.

DAVID OBEY: In light of the recent and most extraordinary events connected with the Watergate case, culminating in the "disappearance" of two key tapes, the decimation of the Justice Department's investigating staff, and Richard Kleindeinst's ITT revelations, I should like to request something I would not have thought to have done under other circumstances—to have a statement of my own read into the Congressional Record. The statement follows:

The Executive Branch of this nation's government has fallen to its lowest, to its worst point in the history of our nation. Never before have we seen in the White House such contempt for the laws and the people of the United States. And, although presidents have sometimes forgotten that they were the chiefest *public servants,* not merely the Chief, none has ever before so flagrantly ignored the will of the House, the Senate, the Courts, and the People.

Our Constitution remains the Supreme Law of the Land, and in swearing to uphold it and faithfully discharge his duties of office, Mr. Nixon has perjured himself.

Nowhere does the Constitution authorize the President to wage an exhaustive war without consent of Congress.

Nowhere does the Constitution authorize the waging of a secret war, using undisclosed funds, appropriated for other use. It forbids it.

Nowhere does the Constitution authorize the President to impound funds duly appropriated through legislation. In making the President an executor rather than a legislator, the Constitution forbids it.

Nowhere does the Constitution authorize the President to use public funds to furnish and improve his own estates.

Nowhere does the Constitution permit the President to use Federal Regulatory Agencies to "pressure" news agencies which disagree with him.

Nowhere does the Constitution allow the President to use his office and authority to extort campaign funds, nor to buy those funds with anti-trust settlements.

Nowhere does the Constitution allow the President to use his authority to order illegal entry into private citizens' homes or offices, nor into the offices of political opponents, nor to spy on political opponents. The Bill of Rights forbids those acts.

Nor does the Constitution allow the President to withhold evidence in a criminal case where a felony has been charged, nor may he legally destroy such evidence.

Nor does the Constitution put the President above all law and morality. The presidency is a sacred trust, but not a sacred shrine.

Honor would require that a president who has lost all public trust, and whose continuance in office threatens to erode public belief in the government and respect for law, should resign his office as gracefully as he could. We have recently been given an example of such behavior by the Vice President, under considerably less provocation.

Since the President has rejected the honorable path open to him, he has left only two alternatives. Congress may choose to do nothing, thus assuring the decay of respect for law, of respect for the government, of national morale. Or it may act to impeach the President.

Members of the House, the choice is yours. I, and other citizens who still have a faith in the Constitution and in our laws, pray that you make a wise decision.

I recognize that the language of the foregoing is strong. This is hardly a time to mince words, or to wait cautiously, or to let bygones be bygones. I believe that there is much more at stake here than the honor of one man—or two, or five, or a hundred. We face a test of the very strength of our democracy: Will the Law endure, or will political power and influence be given sovereignty over our nation?

I do not ask you to necessarily present this statement as your own belief, but merely wish it to indicate that a portion of the citizenry feels this crisis to be of the utmost gravity, and that impeachment is now in order, and we are past the point of delay.

If you will consent to place it in the Congressional Record, I would appreciate a copy of that day's Record, or an extract therefrom.

Thank you very much.

Sincerely,

LAURENCE GOLD.

DRUG ABUSE PREVENTION WEEK

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HORTON. Mr. Speaker, the week of October 21 through 27, 1973, was Drug Abuse Prevention Week. I was pleased to introduce the resolution commemorating this week, and was even more pleased with the continuing positive response which the promotion of this week has elicited.

As conceived by the Special Action Office for Drug Abuse Prevention, Drug Abuse Prevention Week 1973 was a totally new approach to an old problem. The Special Action Office and others who work in the drug abuse field have learned from experience that the old messages simply do not work very well. Scare tactics have not proved effective in preventing our young people from abusing drugs. Straight informational programs have all too often led to increased experimentation, as young people have learned more about the variety of drugs available, and have been tempted to try them.

This year, based on some recent evaluations of new types of prevention programs, the Special Action Office has designed a totally new campaign which sees drug abuse for what it is: A form of rebellion, or a symptom of a larger personal problem. The message of this year's Drug Abuse Prevention Week is that the problem is not drugs, the problem is people. The problem is loneliness; peer group pressures; difficulty communicating with parents or friends.

Drug Abuse Prevention Week 1973 talked about "a brand new language"—a language of caring and sharing, of trying to understand one another. It is a message that calls for breaking down the barriers that exist between the races, the generations, the organizations in our society. It is a message that calls for families and communities to work together to eliminate not just drug abuse, as insidious as that problem may be, but to eliminate the problems and situations which tempt young people to abuse drugs.

I believe this is a fine message, and one which must be heeded by all Americans—not just during "Drug Abuse Prevention Week" but throughout every week of the year.

Mr. Speaker, in preparing for this year's program, the Special Action Office for Drug Abuse Prevention issued several publications, including "Right Next Door: An Ideabook for Community Leaders." The publication suggests what local leadership might do to accelerate effective drug abuse prevention, and I include excerpts of this important document at this point in the RECORD:

How About Your Community?

Drug abuse prevention is a matter of bringing together people, programs and resources. Community leaders interested in working on a new agenda for prevention ought to consider looking at their blocks, towns, counties, as a collection of all three. A good way to begin planning related to Drug Abuse Prevention Week 1973 would be a "positive inventory" of things going on and people with skills and interests. The emphasis of this year's campaign is on people, and how they interrelate, regardless of the kind of pattern of living or family grouping we find. What we're interested in—and what should interest local leadership—is the variety of ways people come together and accomplish things, make things happen.

The search of community resources and activities shouldn't be construed as a search for "trouble." It's not just drug programs, or examples of people involved with drug treatment, we're looking for. Instead the inventory ought to include all kinds of activities and organizations that bring people into working, sharing and supporting relationships with each other. Drug programs and crisis-oriented projects are one kind of interaction, but there are many others. (By the way, does your area have an organized drug abuse prevention agency, coordinating council or its equivalent? If not, a campaign to develop one ought to be high on the list of priorities. Most localities, major city governments, states and counties have officials with the responsibility for dealing with drug abuse: talk to them about coordination and program planning, if they haven't already pooled their resources and approaches.)

Churches, schools, civic associations, fraternal social organizations, law enforcement agencies, unions, business and trade groups—all of these exert leadership, and share in the future of a city or town. Then, too, community leadership also includes those people who through their charisma, clout, or obvious and demonstrated concern, have earned the people's respect and cooperation. ("Accidental" leadership is just as influential as the official kind, in many instances.)

Use this network of leadership to identify programs and activities in your area. And think of these projects as resources to be tapped in fostering improved interpersonal relations:

Multi-purpose hotlines offering family counseling, tutorial assistance, information or public services and more

Volunteer projects bringing young people into helpful contact with the elderly

Foster Parent and Big Brother programs

Block clubs, neighborhood associations and culturally-oriented social clubs

Neighborhood youth centers, halfway houses and storefronts

Community boards working with public services like police and schools

Social and civil projects based at churches, colleges, service clubs

Drug prevention and treatment projects housed in community facilities, church basements, storefronts

How, specifically, can communities use these programs—and the hundreds of other examples you'll find—to help people strengthen their relationships with each other? Here are just a few examples:

In several cities, neighborhood groups with different ethnic backgrounds take over a public facility for a week (a pier, a local tourist attraction) and present a "festival" of dances, foods, songs, history and cultural highlights. Community leaders work with representatives of the ethnic community, to showcase that group's ethnicity. And the evidence strongly suggests that festivals and fairs like these help to break down the walls of unfamiliarity and suspicion that so often divide people along ethnic lines. Communications and contacts improve, and people become a little less like strangers and a little more like neighbors.

A lot of cities are finding that the people who work in drug abuse treatment, prevention and rehabilitation programs can be of real help in other community projects—as family counselors, liaison with business and industry to help bridge the gap between the world of work and the "street."

It's not surprising to find young people from a drug program working hand in hand with the police department to set up counseling and referral procedures, or identify potential trouble spots in drug-affected neighborhoods.

The hotline concept has matured from the early days, when it was not much more (in most cases) than an emergency phone line to someone who could talk a drug-taker down from a bad trip. Now, many hotlines are staffed by professionals and trained volunteers, who are able to deal with a variety of personal, family and community problems, and who often find themselves simply being asked to talk—just provide companionship and another human voice—to help someone make it through another lonely day.

These are a few of the many approaches to identifying and utilizing community resources for drug abuse prevention. More help is available from some of the organizations listed in the Appendix of this booklet, or by obtaining copies of:

"Community Action for Drug Abuse Prevention," Special Action Office for Drug Abuse Prevention, Washington, DC 20500.

"Effective Coordination of Drug Abuse Programs: A Guide to Community Action," National Clearinghouse for Drug Abuse Information, 5600 Fishers Lane, Rockville, Maryland 20852

"Common Sense Lives Here," National Coordinating Council for Drug Education, 1211 Connecticut Avenue, NW, Washington, DC 20036

PLANS AND PROJECTS FOR DRUG ABUSE PREVENTION

From short-term events geared specifically to Drug Abuse Prevention Week 1973, through long-range planning, there are a number of things that can be done to tap the strengths built into a city, town or community where people really work with each other, help each other out. All of these ideas have a common goal: creating and sustaining effective, supportive personal relationships and involvement within the community, for the sake of every person there who might be actually or potentially caught up with drugs.

A "YES!" FESTIVAL

Positive and affirmative images can emerge by staging a "Yes!" festival in your neighborhood block, city or village. It would be a time set aside for reminding yourselves of the good and helpful things that people are capable of doing for each other.

Arrange for local theatres to open up some screening time for a locally-produced film festival. Arrange hours and special sessions at recreation centers, parks, playgrounds—and earmark the sessions for people who participate in families or groups. Find a block in the city where residents really want to clean up their alleys and curbs, then match up that block with a youth group and set them to it, with city-supplied materials. Lots of communities have staged "anti-drug" rock concerts—maybe you can incorporate a big musical event as part of a "Yes!" celebration.

In this brief booklet, it's not possible to offer all of the details for conducting this kind of festival. Consult some of the organizations listed in the Appendix for specific suggestions on how to get this kind of activity off the ground, or talk to your local service club or recreation department. Help *does* exist where you are.

OPEN SCHOOLS

In large cities and small towns, schools have been identified as prime resources for all kinds of community events, meetings, off-hours education, recreation, counseling, "raps" between distant groups and more.

One of the pioneer projects involving open schools was the Flint, Michigan, program. The "community schools" movement got a start there when the Mott Foundation made it possible for Flint public schools to offer a wide range of services—far beyond what had been traditionally asked of the school system.

Flint's program depends on successful identification of needs and human resources available within the community and the city. Using that kind of awareness as a base, Flint school programs reach out in areas like juvenile delinquency, adult education, neighborhood improvement, personal enrichment courses, programs for the elderly, retraining for job upgrading, intergroup relations and more.

Perhaps you can work with your schools to develop some of the things done in Flint. There are other ways, too, to open up the school process and use it to strengthen the bonds between people: home-teaching programs, led by local faculty members and conducted in the neighborhood themselves; including parents and children in lesson-planning, so that what is done at school is not a surprise to the family (and so that what happens at home is more closely tied to school work); bring community people into the classroom as resources.

INVOLVEMENT BY LAW ENFORCEMENT

There are many opportunities for law enforcement people to interact with prevention and treatment projects, and many of these opportunities center on the role of families and neighborhoods, groups and peer circles, within the community.

Families, block clubs, even youth gangs can be persuaded to help with the planning of anti-narcotics drives, so that the reasons for the campaign are understood, along with the methodology. Police-community relations teams have been formed to build bridges between law enforcement professionals and youth leaders, parents, school officials, street leaders. Police officers have become excellent "surrogate big brothers" in a number of school and out-of-school projects. Law enforcement, too, has helped community organizations—like churches, service clubs, social and fraternal organizations, ethnically-oriented groups—develop and sustain effective membership activities and enthusiasm.

In the end, our greatest asset in this struggle will be the energy and spirit of the American people. One of the most important lessons we have learned in the fight against drug abuse is the immense value of the one-to-one relationship—the bond of trust between the drug victim and someone who cares enough to help that individual.

The deep personal involvement of countless individual Americans is the key to success to drug abuse prevention. Government programs can provide a means for encouraging such involvement and for providing other necessary resources, but without the concern and commitment of our people in their communities the problems of drug abuse cannot be alleviated.

There are clear limits to what governments can do about drug abuse and still preserve the essential values of a free society. It is unlikely that the problems associated with non-medical use of drugs will ever be wholly eliminated or that we will reach consensus on the most effective ways to reduce the costs of such behavior. Serious problems remain, but even as we adjust our priorities to meet the new realities, we can take pride in having made contribution to the progress to date.

FAMILY ACTION PLANNING

Communities might want to organize family action centers, which would develop and implement unique family-oriented programs (counseling, parent education, provision for temporary alternate families for troubled youth, a family ombudsman to work directly on critical problems, etc.). Such a center might be financed through a combination of private and public funds, and staffed by professionals in the appropriate disciplines—drug abuse treatment, psychology, family therapists, marriage specialists and others.

Day-care centers, neighborhood service centers, vital information on city services, resident counselors in apartment units and multi-family dwellings, reduced rates for public events and facilities—these and more can also be planned as a part of community support for the family process.

Many organizations listed in the Appendix have experience in helping communities plan for these programs, and they are ready to help you with your specific local initiatives. Use local data and locally-derived priorities as your baseline before making any detailed plans for these programs. The experience and insight of local leadership must be the starting point for community action.

These are just some of the things that can be done to strengthen the environment in your town and make it supportive for the people who live there. There is a proper and productive role for families and groups of people, both in the lives of the members of the family and in the life of the community-at-large. Sometimes, things get out of balance, and people forget how to live effectively as brothers and sisters. Restoring the process, putting things back in perspective, is not an overnight task, nor is it simply a matter of telling people that things ought to be better. Community leaders who want to help people re-discover the value of inter-personal communication and community interaction should expect to make a commitment that will last over time.

The results ought to be worth the effort. Drug abuse is a manifestation of deeper problems that run through the lives of those who suffer it. By turning attention back to the process of living and relating, the family-oriented feelings and energies that bring people together, it is possible that we will be able to turn the corner in real and long-lasting ways, and begin to put drug abuse behind us.

RESOURCES FOR COMMUNITY LEADERS

Materials

Common Sense Lives Here, handbook for initial coordination of total community effort for drug abuse prevention. Information about attitudes, resources and organizational techniques. Available from National Coordinating Council on Drug Education, 1211 Connecticut Avenue, NW., Suite 212, Washington, D.C. 20036. (202) 466–8150

Horatio Alger's Children, by Richard Blum, Ph.D. (Jersey-Bass, Inc., San Francisco, 1972) The first book to focus attention on the family as an important influence on drug taking behavior. A primer for community leaders developing family-oriented drug abuse prevention programs.

"You, Your Child and Drugs," information and advice to concerned parents. The emphasis is on discussion and parent/child dialogue. Available from Child Study Association of America, 9 E. 89th Street, New York, New York 10028

Effective Coordination of Drug Abuse Problems: A Guide to Community Action, culls suggestions from surveys or existing community drug abuse prevention efforts, contains suggestions for initial community efforts at program coordination and advice on improving less-than-successful efforts. Published by the National Institute of Mental Health, 1724–00288. Available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

"Community as the Doctor," 29 min. sound/color 16mm. film depicts a small California community organizing a comprehensive drug program—community leaders discuss necessary elements in a successful effort. Available from Dick Ham Productions, 352 Waverly Street, Palo Alto, Cal. 94301.

Doing It: Community Action on Drug Concerns guide containing criteria for local action, community models, and bibliography of both print and audiovisual materials. Available from Service Department, Board of Christian Social Concerns, 100 Maryland Avenue, N.E., Washington, D.C. 20002.

"Any Drug Education Program That Talks Only About Drugs Is, At Best—A Waste," 45 min. taped/slide presentation, introduction to drug-related issues. Focus is placed on people problems rather than drug problems. Available from Do-It-Now Foundation, P.O. Box 5115, Phoenix, Arizona 85010.

National Institute of Mental Health (NIMH) Social Seminar Series, 15 films, guidelines and discussion guides designed originally by teachers explore the institutions, experiences and culture in which drug use takes place. Specific individual films of special merit are: "Brian At Seventeen," "Changing," "Community in Quest," and "The Family." Good discussion leaders are necessary with these films. Available from National Institute of Mental Health, Drug Abuse Film Collection, National Audiovisual Center (GSA), Washington, D.C. 10409.

Organizations

National Coordinating Council on Drug Education, 1211 Connecticut Avenue, NW, Washington, D.C. 20036 (202) 466–8150

In addition to developing *Common Sense Lives Here,* NCCDE offers broad spectrum consulting services on community organization, publishes bi-weekly newsletter, *National Drug Reporter,* for entire drug-concerned community.

Special Action Office for Drug Abuse Prevention, 726 Jackson Place, NW., Washington, D.C. 20506. (202) 456–6633.

Office of Communications coordinates all federal government media efforts in the drug abuse prevention field; provides information on overall governmental activities, programs and funding priorities.

Council on Family Health 201 East 42nd Street, New York, New York 10017 (212) 421–1070. Contact: J. Alan Bergman, Staff Director.

Sponsored by the manufacturers of non-prescription advertised medicines, the CFH functions are to promote the safe, effective use of medicines and other family health care. CFH focuses primarily on that segment of the drug abuse problem related to the misuse of proprietary products and directs its message to mothers and housewives.

American Social Health Association 1740 Broadway, New York, New York 10019 (212) 582–3553. Contact: Donald R. Clough, Ph.D., Assoc. Dir. for Programs.

Sponsored by the nation's United Community Campaigns, the Association sponsors an information center on drug abuse, the publication of educational materials, the conduct of research, and offers guidance to communities and organizations.

Boy Scouts of America North Brunswick, New Jersey 08902. Contact: Gerald A. Speedy, Director Program Development.

The Boy Scouts run a special drug abuse prevention plan entitled "Operation Reach," which promulgates the idea of parent/son communication as a key to drug abuse prevention. Programs involve participation of both parents and children in groups process.

Boys Clubs of America 771 First Avenue, New York, New York 10017 (212) 684–4400. Contact: Arthur L. Williams, Jr., Assistant Director, National Program and Training Services.

Local Boys Club programs strive to involve both parents and child in each program. In addition, parent education programs that include parent encounter groups, parent-child programs, and family therapy sessions are encouraged. The total program of the Boys Club strives to meet needs, interests, and excitement necessary to avoid apathy, boredom, and negative social relationships.

National Congress of Parents and Teachers 700 North Rush Street, Chicago, Illinois 60611 (312) 787–0977. Contact: Mrs. William C. Baisinger (202) 537–0811.

A first priority of the current national Action Program relates to drug abuse with the philosophy that "drug abuse among the young, with its frequently tragic consequences, demands immediate and informed action. Direct steps include education about drugs for both children and adults, legislation, counseling, and therapy for young abusers . . ."

United States Jaycees Post Office Box 7, Tulsa, Oklahoma 74102 (918) 584–2481. Contact: James A. Nielsen, Programming, Research & Development Director.

The Jaycees are involved in two major programs which relate to the family and building family structures. Operation Threshold is a project which seeks to foster good habits in coping with the alcohol problem. The Jaycees are the first major organization to try to develop patterns to build family structures with long-range plans.

THE CUYAHOGA VALLEY NATIONAL PARK: THE NEED FOR ADDITIONAL URBAN AREA PARKS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. VANIK. Mr. Speaker, earlier this year, Congressman SEIBERLING, Congressman REGULA, and myself, as well as the chairman of the House Interior Committee and over 40 other Members of the House joined in cosponsoring legislation to create a National Historical Park and Recreation Area in the Cuyahoga River Valley between Akron and Cleveland.

The development of a park in this area

and the preservation of this beautiful open space in the midst of one of the most populated sections of the Nation would be a major step in the administration's stated goal of bringing "Parks to the People."

The concept of a national park along this scenic and historic river valley has been under discussion for several years and has earned the widespread support of communities throughout Northern Ohio. As an example of the type of continually growing support, I would like to enter in the RECORD at this point a resolution adopted by the city council of Lakewood, Ohio in support of the expedited passage of legislation creating this park and recreation area.

In addition, Mr. Speaker, I would like to point out that as a result of the energy crisis it is increasingly important to create parks in the more populated portions of the country. I would like to enter in the RECORD at this point an article from the New York Times of August 15, 1973, entitled "Drop in Park Visitors Laid to Fear of 'Gas' Shortage." As the article indicates—

> Visits to most of the country's major national parks have declined this summer, in what park official see as the first strong evidence that many Americans have changed their 1973 vacation plans because of threats of a gasoline shortage.

Since it is likely that the gasoline shortage will be with us for several years and since the cost of fuel is likely to increase dramatically over time, it will become more and more difficult for easterners to travel out to Yellowstone or the Grand Canyon. Yet the need—and time—for recreation continues to increase. It is imperative that our citizens in the densely populated Eastern States have beautiful and interesting park sites close by.

Certainly the Cuyahoga Valley Park proposal is one of the very best candidates for an urban area park. It is my hope, Mr. Speaker, that this park legislation can be considered favorably in the very near future.

RESOLUTION No. 4963

An emergency resolution urging the appropriate elected representatives to the Congress of the United States to support the pending legislation to establish the Cuyahoga Valley National Historical Park and Recreation Area.

Whereas, a Bill has been introduced in the House of Representatives to establish the Cuyahoga Valley National Historical Park and Recreation Area, the primary purpose of which is to preserve the Cuyahoga Valley—the only major open space remaining between the highly industrialized cities of Cleveland and Akron, and

Whereas, the State of Ohio has no National parks or recreational areas and there is a pressing and critical shortage of Federal and State recreation facilities in this specific area, and

Whereas, the Cuyahoga Valley is one of the most strategically located resources in reach of urban America, and represents a unique natural resource that can be programed and preserved as a recreational mecca for the American public, and

Whereas, this Council desires to express to the appropriate elected representatives to the Congress of the United States its deep concern for the preservation of this magnificent Valley and the relief of the critical shortage of open space and outdoor recreational resources for the millions of people in the area, and

Whereas, this resolution constitutes an emergency measure in that it is imperative that this Cuyahoga Valley recreation area be preserved as soon as possible before development destroys the beauty of the Valley.

Now, therefore, be it resolved by the Council of the City of Lakewood, State of Ohio:

Section 1. That the Council of the City of Lakewood for and on behalf of the citizens of the City of Lakewood strongly urges the representatives to the Congress of the United States to support and expedite the pending legislation to establish the Cuyahoga Valley National Historical Park and Recreation Area.

Section 2. That the Clerk of Council be and she is hereby authorized and directed to forward a certified copy of this resolution to United States Senators William B. Saxbe and Robert Taft, Jr., and to United States Representatives James V. Stanton, Louis Stokes, Charles A. Vanik and William E. Minshall.

Section 3. That this resolution is hereby declared to be an emergency measure for the reasons stated in the preamble hereof and provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor.

DROP IN PARK VISITORS LAID TO FEAR OF "GAS" SHORTAGE

(By Robert Lindsey)

Visits to most of the country's major national parks have declined this summer, in what park officials see as the first strong evidence that many Americans have changed their 1973 vacation plans because of threats of a gasoline shortage.

At 17 national parks checked by The New York Times, 14 had fewer visitors last month than in July, 1972. National Park Service officials said such a widespread decrease in summer was rare and that historically park use has risen at an average annual rate of more than 5 per cent.

"It's not so much that there's a shortage of gasoline, but that people have heard there is; it's the psychological effect," said Donald Dayton, superintendent of Carlsbad Caverns National Park in New Mexico. The park had 7 per cent fewer tourists this July than last.

Some park administrators also cited other factors in the decline: inflation, public doubts about where the nation's economy is headed and the extensive publicity in recent years that national parks were congested and spilling over with people.

"The bottom fell out July 1," said Jack Anderson, superintendent of Yellowstone National Park, which spans parts of Wyoming, Montana and Idaho.

"July is usually our peak people season," he said in an interview. "Normally, we get 24,000 to 26,000 new visitors a day, but this year it was closer to 20,000." For the month, visits were off 10.2 per cent from July, 1972.

Mr. Anderson said he suspected that the nation's "total economic picture," along with fears of a gasoline shortage, were the major reasons. "Have you checked the price of eggs lately?" he said with amazement, adding that egg prices had increased more than 40 per cent in recent days at stores in the park.

AREAS LEAST AFFECTED

Park officials said that recreation areas in the Northeast and mid-Atlantic states were least affected by the slump, apparently because of the shorter driving distances from urban areas and thus less need for gasoline.

And, they emphasized, despite the lull, many outdoor recreation areas throughout the country are still suffering from severe midsummer overcrowding.

"I think a lot of people are going to parks closer to metropolitan areas and not going as much to places farther away, where they aren't certain about the supply of gas," a park ranger said in an interview at Grand Canyon National Park in Arizona. The park showed a 21 per cent decline in visitors in June and a 26 per cent decline in July, but still has serious road congestion problems much of the time.

The decline at Grand Canyon was from 1,561,000 in July, 1972 to 1,156,200 this July.

The three parks checked by The Times where the number of vacationers continued to increase this year are Everglades Park in Florida, Yosemite in California and Zion in Utah.

Apparently reflecting an unabated boom in tourism to Florida Everglades park use this summer was up 20 per cent, officials reported.

At Yosemite, where summer visits are up 10 per cent, park officials theorized that many Californias who ordinarily might journey to more distant outdoor parks were sticking closer to home because of the threats of a gasoline shortage, which have not materialized as severely as predicted in much of the country.

Essentially the same reason—proximity to populous southern California, a day's drive away—was given by officials at Zion National Park, where visits were up 5 per cent in July.

These gains, however, run counter to the over-all trend.

Officials at several parks said their admissions had increased each month this year until about mid-June, when they began to slump. Several said they thought park admissions might pick up this month as word spread that gasoline shortages were not so bad as forecast.

"Our April, May and June were higher than normal because, I think, a lot of people wanted to miss the gasoline shortage," said a park official at Mammoth Cave National Park in Kentucky. Admission at the park were off 3.5 per cent in July.

Park Service officials reported other examples of the summer pattern so far, as follows:

Through the first six months of the year, visits at Grand Teton National Park in Wyoming, were up 5.3 per cent from 1972. But by the end of July, there had been a small decrease in the cumulative total for the year. July visits were off 6.4 per cent.

Crater Lake National Park in Oregon admitted 130,000 visitors in July, 21 per cent fewer than in the previous July.

At Big Bend National Park in Texas, park visits increased 22 per cent in the first five months of the year but only 4.8 per cent in June. In July there was a 1 per cent decline.

The other parks checked by The Times where visits declined during July were the following:

Hot Springs National Park in Arkansas, a 14 per cent decline; Rocky Mountain National Park in Colorado, 8.5 per cent; Glacier National Park in Montana, 6 per cent; Olympic National Park in Washington, 5 per cent; Great Smoky Mountains National Park in Tennessee, 2 per cent; Bryce Canyon National Park in Utah, 1.1 per cent, and Acadia National Park in Maine, 1 per cent.

VISITS "SPREADING OUT"

Gary Everhart, superintendent of Grand Teton National Park, said he thought "all the publicity about over-crowding in the national parks" had been a factor in keeping some people away. One reason for the sharp decline in visits in July, he added, could be that more and more Americans were trying to beat the summer rush.

"Our visits are spreading out," he said. "We find we're getting more people early or late in the season than we used to."

Park Service administrators accustomed to the problems of dealing with ever-growing pressures on their facilities, generally regard the slump as a temporary respite. Merle E. Stitt, the superintendent of Grand Canyon National Park, said in an interview:

"We don't know what's behind the decline—probably many factors, including the gasoline shortage. But as long as it's happening, it has one benefit: it makes it somewhat more pleasant for the people who do come."